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## PROCEEDINGS AND DEBATES OF THE 92^d CONGRESS
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## HOUSE OF REPRESENTATIVES—*Wednesday, January 26, 1972*

The House met at 12 o'clock noon.

Bishop Basil H. Losten, Immaculate Conception Ukrainian Catholic Cathedral, Philadelphia, Pa., offered the following prayer:

Almighty and Eternal God, in whose dominion are the authority and the rights of all humanity, look with favor upon those who are in authority over us, that throughout the world, religion and national security may have a firm and lasting foundation.

We beseech You, O God, to assist with Your holy spirit of counsel and fortitude, the President of the United States.

Let the light of Your divine wisdom direct the deliberations of our esteemed Congress, in their laws and enactments, so that they tend to the strengthening of peace, perpetuation of equal liberty, and the promotion of the national welfare. We recommend to Your unbounded mercy, O Lord, the welfare of the Ukrainian nation, so that it may enjoy the freedoms that are so abundantly evident here in the United States of America. We pray that the blessings of democracy may be shared by Ukraine, joining the great family of free nations of the world in the advancement of national harmony and world peace.

We ask Your indulgence, O Lord, for all those who have passed into eternity, especially for those whose sacrifice of life and all human aspirations emphasized the fervent desire of all mankind to achieve peace among all nations. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

### TRIBUTE TO THE LATE HONORABLE CARL HAYDEN, FORMER SENATOR FROM ARIZONA

(Mr. UDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. UDALL. Mr. Speaker, Carl Trumbull Hayden is dead. The account of this grand gentleman's career offered here is lengthy. And with his passion for economy—including the need to keep down the length of the Congressional Record—Carl Hayden would have bridled at the Congress for devoting this space to him. But from his life are very important lessons to be learned by the country, its scholars, and people in every walk of life.

When Carl Hayden announced his retirement from public service in May 1968 he quoted the book of Ecclesiastes, "There is a time to stand and a time to step aside." And so he voluntarily ended his congressional career after serving the State of Arizona on Capitol Hill for over 57 years. Once again, today we sadly recall the wisdom of the Preacher. Today is a time to mourn. Those who mourn him include officers in the Federal Government, State government officials, numerous leaders in private life and countless citizens in Arizona and elsewhere who, through the years, have been influenced, guided, and inspired by him. My association with Senator Hayden has been one of the most valuable and memorable experiences of my life. My distinguished colleague in the Senate, Barry Goldwater, once remarked:

> There are no words or any eloquence which I could use to express my respect for this lifelong friend—both words and eloquence have been exhausted. Let me put it this way; whenever my service in Congress is terminated I hope that my service to my country and my state equals a small fraction of what Carl Hayden has provided in both areas.

To these thoughts I extend my full agreement.

Carl Hayden bridges the history of our country when the present became our past and the future became our reality. In no small measure, the story of the senior Senator's life is the story of America in the past century. His life reflects the transformation of the West from frontier territory to modern society. Born in 1877, he was a man who knew fresh memories of the Civil War and Custer's last stand. He lived when the population of the United States was one-fourth of its present size, when the first airplane had not yet flown, the first gas engine had not yet turned, the electric streetcar and the automobile had not moved, at a time when movies and radios had yet to be experienced, and when penicillin and atomic energy were generations away. His life spanned the Appaloosa to Apollo 11. His deeds are his monuments to history and to the prosperity of this Nation. Senator Hayden's primary concern lay in improving the internal conditions of the country, especially the West. Efficient roads, numerous dams, military bases, and his triumph, the central Arizona project, serve to remind us of Carl Hayden's stamp on the American landscape. He was instrumental in acquiring new railroads, securing a Federal Highway System, and in constructing Coolidge Dam and the Grand Canyon National Park. As the late John Kennedy said:

> Every Federal program which has contributed to western irrigation, power, and reclamation bears Carl Hayden's mark.

A laconic man, a man who believed that "when you have the votes, don't talk," Carl Hayden was not noted for bombastic speeches on the Senate floor. He preferred to keep words to a minimum and let his actions speak for him. Perhaps today it would be fitting to let Carl Hayden tell his own story. Perhaps we can recall some of the most significant aspects of his long and fruitful life by using Carl as his own biographer.

Hayden was born on October 2, 1877, at Hayden's Ferry, Ariz. Hayden's Ferry later became Tempe, home of Arizona State University. His first and only childhood hero was his father, Charles, a Yankee trader from Connecticut. Throughout his life, Carl spoke fondly about his father and in 1967 wrote this recollection about the man:

> If you want to know about a real Westerner, let me tell you about my father, Charles Trumbull Hayden, a Connecticut Yankee, who, as a young man, became a trader at Independence, Missouri. He bought goods in the East which were shipped by steamboats down the Ohio and up the Mississippi and Missouri Rivers to Independence. There was no Kansas City at that time.
>
> He left Independence in 1848, with ox teams loaded with a stock of goods and established a store in Santa Fe. The next year he brought out a larger stock of goods which he sold at a handsome profit to the 49'ers who came there after gold was discovered in California.
>
> For the next fifteen years he traded from Santa Fe down the Rio Grande and on to the City of Chihuahua in Mexico. On one trip he had to wait until a battle between two rival governors was over when he brought a number of the wounded into the City in his wagons.
>
> In 1860 gold was discovered at Pinos Altos in what is now Southwestern New Mexico. I will read statements from an article in the Panhandle-Plains Review for 1928, entitled, "Memoirs of Hank Smith."
>
> "The Apaches had followed up back and made a raid on the Mexican settlers on the head of the Rio Membres, who had a number of irrigated farms and a big crop of corn. The Mexicans sent for help to the Pinos Altos mines to help save their crop from the Indians, but help came too late. The Indians had gotten all the corn and run the Mexicans off to the Santa Rita copper mines, where we found them.
>
> "Charles Hayden had just arrived from the Rio Grande with a train load of mining material. The Mexicans employed him to take

> them back to the Rio Grande. He loaded them up and pulled out for White Water, twelve miles below the copper mines, making camp about three o'clock in the evening.
>
> "About day break the next morning the Apaches attacked the train and Charles Hayden had just time to get his mules into the corral, and saved them. The Indians killed two young white men that had worked at the copper mines. The Indians made spread eagles of the men in sight of Hayden's camp and tortured them to death, shooting and lancing them and taking the whole scalp.
>
> "The men at camp could not help them on account of a ravine where the Indians done the killing—the wagons being on a flat, so that their fire would not reach the Indians under the hill. We arrived after the killing of the two boys. We buried them where they lay and made Hayden hitch up his teams, and started with the outfit to the Hot Springs where the whole outfit would be safe from attack from the Indians, as Indians are very superstitious about Hot Springs."
>
> Not long afterwards, my father was again in Southwestern New Mexico, when he detached a trail wagon and six mules from his train to deliver some supplies to a nearby mining camp. He sent two men along with the driver. On returning with the empty wagon, they found their way blocked by a large pile of brush that had been set afire by the Apaches at a place where the road went through a narrow pass between two hills.
>
> The driver saw that he would have difficulty in getting the mules to haul the wagon through the fire, so he unhitched them. Each man mounted one mule and led the other. They rode around the fire and went through the pass as quickly as they could. Many shots were fired at them by the Indians who were evidently not good marksmen. The only injury they incurred was the loss of a finger that was hit by a bullet when one of the men held his hand up above his head.
>
> None of the mules, which the Indians wanted more than anything else, since they enjoyed eating mule meat was seriously hurt. Mr. Hayden learned that the Apaches had set fire to the wagon so made no attempt to recover it.
>
> It was probably during this same period that my father killed an Apache under the following circumstances: After delivering a trainload of supplies, he obtained a return cargo of shorn wool in long sacks. His wagons, as usual, had been parked in a circle for the night with the mule teams and the bell mare inside. Instead of sleeping on the ground, he made his bed on top of a load of wool, taking with him his rifle and a fine shepherd dog.
>
> After dark an Apache crawled in the grass from the west and apparently was waiting for the moon to rise so that he could take good aim at my father on the skyline. The dog suddenly jumped from the wagon, the Apache fired at the dog, revealing his hiding place so that my father could shoot him.
>
> On another occasion a group of Apaches appeared on the top of a hill not far from where his wagon was parked. From what they thought was a safe distance, the Indians cursed the men and dared them to come out and fight. My father had recently returned from the East where he had been presented with a new Sharps rifle. Becoming tired of their abuse, he decided to see if a bullet would drive them off. Resting his rifle on the rear wheel of a freight wagon, he took careful aim and fired. All of the Apaches promptly disappeared except one who limped as he went away.
>
> Not long afterwards, on a return trip from Chihuahua, when his long train of wagons had been parked in a circle, a large band of mounted Apaches appeared. A group of them tied up their horses, approached the wagons on foot, and said that they wanted to talk. They were permitted to come in. They told the drivers, all of whom were New Mexicans, that my father had wounded one of their Chiefs and that if he were given to them, they would let the train go without an attack. They then left, saying that they would return later for an answer.
>
> Some of the drivers favored turning my father over to the Indians, but the wagon master would not agree. He ordered all of them to conceal their weapons under their blankets, where they were sleeping on the ground, and to fire on the Apaches when he did.
>
> What finally happened that night is indicated by a statement in a report on Indian depredations and military operations in New Mexico in 1863, made by Captain Ben C. Cutler, Assistant Adjutant General:
>
> "In May, Charles T. Hayden, citizen, reports that Indians attacked his train near the line of Chihuahua; they were defeated with a loss of eleven killed, including the renowned Copiggan. Three horses were captured in this fight."
>
> In a letter addressed to Brigadier General Joseph R. West, on May 30, 1863, Brigadier General James H. Carleton stated:
>
> "Mr. C. Trumbull Hayden seems to have done well in helping punish these savages who delight in roasting their victims." (From the Congressional Record, vol. 113, pt. 13, pp. 17422–17423.)

Most of young Carl's life was spent around the Hayden farm which was located on a bluff over the Salt River in Tempe. It was rural, good farmland and the boy developed an appreciation for the soil which rarely happens when one is a son of the desert. Carl went to the Tempe public schools and graduated from Arizona Territorial Normal School in 1896. Of his college years, he later wrote:

> My father, who was a well educated man, decided that I should go to Stanford University. In September, when I presented my Normal School records to the Registrar, he informed me that I had only eight entrance credits and twelve were required for admission to the University. He then softened the blow by saying that I would be permitted to register as a special student and that I could remain as long as I made a passing grade in all my classes, every hour, every semester.
>
> It is needless to say that I did not take Latin, Greek, or mathematics. I devoted my time to courses in economics, history and English. The only exception was a course in elementary geology under Doctor John Casper Branner.
>
> I came to the University wearing a cowboy hat and corduroy trousers. I lived in Encina Hall and nobody paid any attention to me. After some time, I wrote to my mother saying that if she wanted her boy to look like other boys she would send me some money. When it came, I went to San Francisco, where I obtained skin-tight pants, high roll-down collars, and all the other things that a young man then should wear. Immediately afterwards, I received invitations to visit fraternity houses, all of which were declined. I remained a "barbarian" so long as I was a member of the student body.
>
> When I came to the University, I weighed about 130 pounds, so I went to the "gym" to build up my weight, where Tom Storey put me to pulling up chest weights. I tried the track, but my legs were too short to be a sprinter or a hurdler. I later got on the football second team where I played center. In time, I weighed 180 pounds.
>
> In my junior year, I played in a practice game against the Olympic Athletic Club in San Francisco. The opposing center was a big, bull-necked man. When I had my head down as I passed the ball to the quarterback, he placed his big hands on my head and twisted my neck. So, when his head was down, I hit it with my knee and knocked him groggy. I then reflected on his ancestry and told him that he must play like a gentleman.
>
> After that, we got along very well and at the end of the game, when I went to the showers, I asked who was that fellow who played against me. To my surprise, I then learned that he was Jack Monroe, who had fought in Butte, Montana, with Jim Jeffries, who soon afterwards became the heavyweight world champion prize fighter.
>
> I did not take part in another practice game in San Francisco, when the mistake was made of bringing along the first Stanford axe. When the game was over and we were leaving the grandstand, the axe was handed to me to take back to the campus. I only had a few companions with me and we had not walked very far when we were surprised and surrounded by a mob of students from Berkeley. We put up a good fight. I knocked one man down with my fist, but they overpowered us and got away with the axe.
>
> Based upon information that the axe could be found in a fraternity house, I went over to Berkeley one night with some others and raided the place, but our search disclosed that it was not there. After a lapse of years, I was pleased to learn that, as a token of good will, the axe was returned to Stanford.
>
> Antony Henry Suzzalo, who afterwards became President of the Washington State University, was for a time my roommate in Encina. We were members of a Debating Society, and were chosen to represent Stanford in both the Intercollegiate and Carnot Debates. He was a natural orator and I doubt if I could have made either of them without his help.
>
> In 1899 I came home for Christmas. My father became ill and passed away in February, 1900. I had to take charge of his flour mill, general merchandise store, and some farm properties so I could not return to Stanford. Later, I had an opportunity to turn over the mill at a good rental which made it possible for my mother to go to Palo Alto with my two sisters who became students at the University. (Stanford address, Congressional Record, vol. 113, pt. 8, p. 10607.)

Stanford remembered its famous Arizona alumnus in 1967 by presenting him with the Herbert Hoover Medal for Distinguished Service in 1967. During his lifetime Carl Hayden was awarded an honorary doctorate of laws from both of Arizona's great universities—University of Arizona at Tucson and Arizona State University at Tempe.

After returning home from school in 1900, Carl got interested in Arizona affairs. Instead of money, Carl's father left him a valuable political legacy. Charles Hayden had been a very popular man in Phoenix, sought after by both political parties. In leaving his son, Carl, the Hayden name, Carl's future in local politics was assured to be promising. "Hayden went into politics because his dad died broke," says his one-time administrative assistant, Paul Roca. "In those days you could make a good living as a public official." Carl Hayden was easily elected to the Tempe Town Council in 1902, as treasurer of Maricopa County in 1904, and to sheriff of that county in 1906. Around the same time, Carl got interested in the Democratic Party. In Arizona, Republicans were considered carpetbaggers, even in those days Arizonans had a slight southern drawl. The Haydens, both father and son, knew that if one wanted to get ahead in politics, he had to be a Democrat in Arizona. Nowadays that is not quite as true. Over 60 years later, Carl recalled his first Democratic Convention:

> In 1904, I was selected at a Territorial Convention in Tucson to be a delegate to the Democratic National Convention held in St. Louis, Missouri, to nominate a candidate for President. I was made the Chairman of the delegation and performed my duty by standing on a chair and saying in a loud tone of voice, "Arizona casts four votes for William Randolph Hearst." (Stanford address.)

On the job, Hayden admitted that he did not quite fit the stereotype of the frontier sheriff:

> I never shot at anyone and nobody ever shot at me. About the nearest I ever came to shooting was the day I identified a horse thief who was supposed to be badly wanted in Utah, Colorado, and Wyoming.
>
> I found him standing at a bar. I stuck my gun in his back, took his pistol away from him. To give me time to notify law officers in the other states the justice of the peace put him in jail for ten days on a concealed weapons charge. They weren't interested enough to come and get him, so I turned him loose at the end of ten days. I told him that as long as he didn't steal any horses in Arizona it was all right with me.
>
> (From an interview with Senator Hayden published in the Los Angeles Times, Jan. 5, 1967, pp. 34, 35, by Nick Thimmesch.)

His sheriff's position afforded him the opportunity of meeting other influential Arizonans. He joined the National Guard and soon rose to the rank of captain:

> I was elected to be the Captain of Company C, National Guard of Arizona, at Tempe. We cleared off the sagebrush from a thousand-yard rifle range and, by target practice, in the course of time about half of the Arizona Rifle Team at the National Rifle Matches at Camp Perry, Ohio, consisted of members of my Company. With them, I became a fairly good rifleman—good enough to shoot a possible at 900 yards. (Stanford address.)

While training at Camp Perry for the third time in the fall of 1911, Hayden read in a newspaper that President Taft declared that as soon as Arizona adopted a constittuion, it could become a State. Hayden sought Arizona's only congressional seat:

> I left for home, and with the support of only one weekly newspaper, I won the Democratic nomination for Member of Congress over two very able opponents. (Ibid.)

Hayden campaigned in the old style. He visited all his guard friends across the State, as well as all the county courthouses and sheriff offices, and concluded his campaign with a rally in Phoenix. On December 9, 1911, 3 days before the election, the Arizona Gazette told how—

> 600 persons, all the airdome would hold, turned out for that popular townsman Carl Hayden. (Thimmesch interview, p. 35.)

In an editorial printed in support of Hayden's candidacy in 1911, the Arizona Gazette showed prophetic wisdom:

> Carl Hayden will make the best Congressman that Arizona will ever send to Washington. A man of sterling character, sound convictions and dominating personality, Hayden will make himself known in the halls of Congress. He will accomplish a vast amount of good for Arizona. Hayden is a born fighter and he will not allow the interest of the new state to be overlooked.
>
> Hayden is young in years and in full perfection of sturdy manhood. He is a native son of Arizona. His father was an Arizona pioneer. Pulsating through Hayden's blood is the innate love for his mother state, that ranks second only to the holy tie that binds between offspring and parent.
>
> Hayden has tramped over Arizona from the Grand Canyon to the tropic land of Santa Cruz. To Hayden, there is not a spot in all the state that does not teem with a thousand pregnant possibilities. He knows the mineral wealth; the timber wealth. He knows the ranges over which browse the lazy herds of sheep and cattle. Hayden knows the needs of every county and knows them well. (From the Congressional Record, vol. 114, pt. 9, p. 11984.)

When the final votes were tallied, Hayden got 11,556 votes and Jack Williams, his Republican opponent from Tombstone received 8,485. Women and Indians did not vote then and this accounts for the relatively small turnout. Hayden came to Washington in February of 1912; 60 years later, Hayden recounted the first piece of political advice he ever heard on Capitol Hill:

> Without any legislative experience, I became a Member of the House of Representatives on February 19, 1912. When Congress was about to adjourn, Dorsey W. Shackelford, a Member from Missouri, gave me some good advice by saying, "When you go home you will be a Congressman; but you have not yet learned how to be one. Shake hands as you go along the streets, but if anyone stops to ask you about some piece of legislation, say that you must go on to keep an appointment. If you stop and talk to him, he will soon find out that you do not know any more than he does." (Stanford address.)

Carl Hayden made his first speech in Congress on March 11, 1912. In a simple, yet eloquent style, Hayden argued in favor of more Federal expenditures for national forest fighting—one of the positions he maintained throughout his life:

> Mr. Hayden. Mr. Chairman, owing to the long and unnecessary delay in the admission of the State of Arizona, I was not a Member of this House at the time this bill was reported, and I had not an opportunity to appear before the Committee on Agriculture when this item was under discussion. I want to read from a letter which I received recently from Mr. Graves, the Forester, concerning this item in the bill. He says:
>
> "The appropriation bill for the current year carries $500,000 for improvement work. This fund is for the construction of trails, fire lines, telephone lines, ranger cabins, bridges, roads, and other permanent improvements. The money is being mainly expended for the construction of such improvements as are needed for the prevention of forest fires. The national forests are still without adequate means of transportation and communication, and this is the greatest difficulty in fire prevention. At the present rate of expenditures it will take fully 15 years to complete the primary system of roads, trails, and other improvements necessary for fire prevention. A curtailment of this work is therefore exceedingly serious in the development of the national forests."
>
> Let me also read from the hearings:
>
> "The Chairman. The next item is:
>
> " 'For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other permanent improvements necessary for the proper and economical administration, protection, and development of the national forests, $500,000.'
>
> "What do you say, inasmuch as that was increased so much last year, to giving you $300,000 this year?
>
> "Mr. Graves. That will be a question of consideration of public policy, of how rapidly it is desired to extend the work of the permanent improvements which are necessary to put the forests in shape for protection. In this connection I would like to call the attention of the committee to the fact that the forests are still very inaccessible; that there are vast areas we can not get into for proper patrol or to transport men; and until we do make them accessible there is always going to be the chance for fires starting at a remote point and getting such a start that before we get to them they are almost beyond control."
>
> I ask you to note that the present amount carried in the bill is $275,000, being $25,000 less than the amount suggested by the chairman at the hearings.
>
> As I understand it, Mr. Chairman, the primary purpose of the Forest Service is fire protection. If the forests burn, there will be no timber to sell, the regular flow of the streams will be diminished, and the value of the reserves for grazing purposes will also be cut down. The secondary purpose of the Forest Service is to make the resources of the forest available for use, such as the sale of timber, the granting of grazing permits, and the disposal of water power, and a great variety of other special uses. We may honestly disagree about the methods used by the Forest Service in carrying out its secondary purpose. We have heard on the floor of this House in the discussion of this bill complaints about the manner in which contracts are let for the sale of timber, complaints of favoritism in the granting of grazing permits, and we have also heard the complaints made by gentlemen that the development of the West is being retarded by unnecessary restrictions on the use of water power, and many of us perhaps have been provoked by the petty acts of some department official who seems to think that the regulations of the Forest Service are superior to the acts of Congress, and who, swollen by a little brief authority, attempts to make a record by harassing the settler. But I do believe that here is one thing upon which the whole American people are agreed, and that is that the remaining forests of the United States should be protected from the needless and preventable waste caused by the ravages of fire. I insist that it is false economy to make any reduction in the present appropriation. It is in the nature of an insurance of a great national asset, the value of which runs into millions of dollars, and aside from that in many places it means the protection of human life. When you reduce this appropriation you are cutting at the very heart of the conservation idea. I sincerely hope that this amendment will prevail. [Applause.] (From the Congressional Record, Mar. 11, 1912. p. 3154.)

In Washington, Hayden became known as a service Congressman, diligently answering constituents' mail, sending out all kinds of Government publications. In 1912, he introduced his first bill as a Congressman. It authorized the construction of a railroad to Fort Huachuca, Ariz., a historic frontier cavalry post. Today, Fort Huachuca is headquarters of the worldwide U.S. Army Strategic Communications Command and the site of other important Army organizations including the Intelligence School, Combat Surveillance and Electronic Warfare School, Electronic Proving Ground, Combat Developments Command Intelligence Agency, and the Security Agency Test and Evaluation Center.

Mr. Hayden fondly remembered the first President he served under.

> I have served in the Congress during the administrations of ten Presidents, the first

> of whom was William Howard Taft. He was a kindly man, and put me at ease when I went to the White House to see him. I have often thought that if his son, Senator Robert Taft, had been fortunate enough to inherit his father's friendly manner, he might have become the Presidential candidate that he so much wanted to be. (Stanford address.)

Although Hayden supported Champ Clark for the Democratic National Convention's presidential nomination in 1912, he greatly admired the party's and the Nation's choice in 1912—Woodrow Wilson. Hayden was a trusted supporter of Wilsonian domestic policies and he also went to bat for the President over the League of Nations.

> During his eight years in the White House, President Wilson secured the enactment of the Federal Reserve Act, the Clayton Antitrust Act, and tariff reform legislation—all of which was of benefit to our Nation. He not only had to bear the burden imposed upon him by the first World War, but also to suffer the failure of the Senate to ratify the Peace Treaty which he had negotiated in Paris. (Stanford address.)

Always an advocate of national preparedness, when the First World War broke, Congressman Hayden joined with three of his colleagues to defy an Executive order forbidding Members of Congress to volunteer for military service, and was sent to Camp Lewis, Wash., as a commander of a battalion. Armistice came, however, before his unit completed training and he did not go overseas. In a speech before Congress, at the end of the war, he said:

> I pray that the result of this war will be a peace so just and so profound that the American people will not be called upon to endure even the most democratic form of conscription. (Congressional Record, vol. 113, pt. 13, p. 17421.)

Returning to domestic matters in 1919, Hayden sponsored the 19th amendment to the Constitution extending the right of sufferage for women. He was the author of the language which stipulated that rights enjoyed by women at the time of adoption would not be nullified or abridged as a result of sufferage. In the same year, he was the sponsor and floor manager of the bill which established the Grand Canyon National Park. Hayden was learning much in Congress. He learned that politics is quite accurately the "art of the possible." He learned that legislation is a compromise; that there must be give and take to accomplish anything. He also learned from his elders that there were two types of Congressmen and Senators, the workhorses and the showhorses. He elected to be a workhorse. And how fortunate for this country that he did so.

One of the projects that Carl Hayden worked hardest for was the central Arizona project, a dream he had had during the 1920's. Hayden was convinced that for Arizona to prosper, for her growth to be unlimited, she had to have the waters of the Colorado River for irrigation purposes. Other States laid claim to those waters, and in an effort to compromise the situation, Hayden proposed that the States in question—Arizona, California, Utah, Wyoming, Colorado, Nevada, and New Mexico—gather together to discuss the use of the Colorado's waters. And so the story began in June 1921:

> My first impression was that no action by Congress was necessary, but that the irrigation development along the Colorado River might proceed as had been done on other streams, and inasmuch as the principal use of its waters must of necessity be along the lower reaches of the river in Arizona and California I could see no particular need for an agreement with the upstream States. But the more I studied the question the more certain I became that this legislation should be passed. I found that there had been serious controversies between other States similarly situated; for instance, the famous case between Kansas and Colorado, which went to the Supreme Court of the United States, to settle a dispute over the waters of the Arkansas River, and a like disagreement between the States of Wyoming and Nebraska over the waters of the North Platte.
>
> If the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming can agree upon an equitable division of the waters of the Colorado River, and that agreement is ratified by Congress, it is certain that much litigation will be obviated. There will be no cause for an appeal to the courts because the matter will be determined in advance in a way that will avoid great expense and loss of time.
>
> In conclusion, let me express the hope that none of the States mentioned in this bill will adopt a dog-in the-manger attitude, but that broad-minded men, experienced in irrigation development, will be appointed as commissioners and that they will promptly reach a fair and just agreement. When fully conserved there is water enough in the Colorado River to fully reclaim at least 6,000,000 acres of the most fertile land on this continent, located in a region blessed with more sunshine and a longer growing season that can be found anywhere. We are taking a legislative step today toward the creation of an irrigated empire which will yield untold agricultural wealth to the American people. (From the Congressional Record, June 20, 1921, pp. H5771–2.)

All of my colleagues are familar with the story of the central Arizona project, the crowning achievement of Carl Hayden's life. They know how these States devised a plan to divide the waters of the Colorado River and signed what is known as the Colorado River Compact in 1922. They know that the only State legislature that refused to ratify the compact was Arizona's. This occurred as a result of Governor Hunt's campaign in 1922 on a pledge to block ratification. Hayden was a slow man to anger but he was angry over this one. He went before the legislature himself and pleaded that the compact be ratified. It was not until 1944 that Arizona finally ratified the compact. And after a Supreme Court decision which gave Arizona title to an amount of the river's waters, the central Arizona project, Carl Hayden's dream of 1921 became a reality on September 30, 1968. Carl Hayden had stuck with it. As I wrote in 1967:

> Senator Hayden has practically made a career of trying to pass the central Arizona project, a reclamation undertaking which would enable Arizona to utilize its legal share of the waters of the Colorado River. After many years of effort and passage twice by the Senate this project was delayed in 1951 with a demand in the House that Arizona go to the Supreme Court to prove its right to certain waters of the Colorado. For 12 years Arizona fought that case, and in 1963 Arizona won.
>
> Mr. Speaker, for an octogenerian, now turned nongenerian, Senator Hayden has shown amazing energy in advancing Arizona's cause in the 4 years since the Supreme Court handed down its decision. He has devoted long hours to negotiations, hearings, writing, and rewriting sections of the bill, entertaining new approaches, conferring with the administration and leaders of the various Western States. He has displayed a capacity for work that a man half his age could be proud of. (From the Congressional Record, vol. 113, pt. 20, p 27519.)

During the intervening years, between the suggestion of a central Arizona project and the passage of the bill, Carl Hayden continued to make congressional history. By 1926, Carl's name was so sure a shot in politics that he easily won the senatorial primary. He was elected to the U.S. Senate for the term commencing March 4, 1927, and reeelected in 1932, 1938, 1944, 1950, 1956, and again in 1962 for the term ending January 2, 1969. In 1927–28, he successfully filibustered Boulder Canyon Project Act to protect Arizona's Colorado River water rights and to obtain power from Hoover Dam. The filibuster was carried on by Senator Hayden and Senator Henry Ashurst and lasted for 1 month in 1927 and about 2 weeks in 1928. It is interesting to note that, during his congressional career, Carl Hayden never voted for cloture.

In the realm of foreign affairs, Carl Hayden was a strict internationalist. In 1934, he travelled to the Philippine Islands and Asia and reported to the U.S. Senate on Philippine independence and Japanese war buildup. This report paved the way for a 1935 amendment to the Latin American military assistance bill, sponsored by Hayden. This amendment permitted the President to send U.S. Armed Forces to the Philippine Islands. Concerning Philippine independence, Hayden in a letter to his colleague, Senator Tydings, recorded these thoughts:

> "All that I have to say is based upon the idea that the Filipino people are to have a government of their own. . . ." He continued, "Any serious study of the facts compels one to conclude that an independent Philippine government cannot obtain the revenue to maintain itself either nationally or in its local branches, without continued access to American markets. . . ."
>
> "Complete application of U.S. tariff laws to the Philippines means that this experiment in self-government will fail."
>
> "A way can be found to advance the Philippines welfare without injury to our own country. I hope that what I have written will be helpful in that respect." (From Congressional Record, vol. 113, pt. 13, p. 17422.)

Hayden's role in the New Deal was considerable. As he himself described in a later memoir:

> I was then the Chairman of a Senate Committee which authorized appropriations for Federal aid to the States for the Construction of highways, which the States were required to match. At the White House, I suggested to the President that a great way to provide the much-needed employment would be to make highway construction funds available without requiring the States' to match the money. He wanted to know what it would cost and I said 400 million dollars. He then asked how I had arrived at that figure and I said that I had telegraphed to all of the State Highway Departments, asking how much they could spend. President Roosevelt then said, "Go tell Bob Wagner to put it in the relief bill," which the Senator from New York did. Four hundred million dollars at that time was equal to

> twice that much money today. (Stanford address.)

In 1939, he sponsored legislation authorizing Government insured loans to farmers—Farmers Home Administration. Of President Roosevelt, he remarked:

> When Franklin Delano Roosevelt became President on March 4, 1933, the Nation was at the bottom of what was called the "Great Depression." Business was stagnant and thousands of men were out of work. President Roosevelt used the radio to bring hope that ways could be found to restore prosperity. (Stanford address.)

In the years preceding World War II, Hayden played an active role in alerting Americans to the threat of nazism. In March 1935 he could be heard on the floor of the Senate arguing against military appropriations cuts and arguing for new military installations and new warships and increasing the size of the regular Army. "We sadly needed a Regular Army nucleus when World War I broke out," he said. He supported lend-lease and helped make it possible for Gen. George C. Marshall to hold maneuvers in Louisiana so he could train his troops and select his field commander. When the war was finally drawing to a close, he successfully sponsored and helped secure passage of the World War II Veterans Readjustment Act—the GI bill of rights.

During the fifties and sixties Senator Hayden relentlessly pursued the passage of the central Arizona project. In the months immediately proceeding final passage, Hayden was still displaying shrewd congressional footwork in relation to this controversial bill. In a feature article about his activities on Capitol Hill after 57 years, Hayden seemed to be as cunning and as canny as ever.

> Sen. Hayden disclaims any formula for longevity, but he does find spiritual, if not therapeutic, value in a day's work. He is still a formidable power in the Senate, and his influence is as much a product of his indefatigable labor as it is of his seniority.
>
> For all his apparent indifference to what happens on the floor of the Senate, he is as canny a cloakroom operator as any in Congress today. An example of how he has maintained his reputation as a fox is his recent footwork over the $1 billion Central Arizona project.
>
> In August Sen. Hayden managed (for the third time) to win Senate passage of the huge water diversion project. But prospects for its passage in the House were dim. Chairman Wayne N. Aspinall (D., Colo.), of the House Interior Committee said he wouldn't take up the bill this year.
>
> OLD FOX
>
> But the Senate's Old Fox (who looks more like a gaunt, ancient owl) does not abandon pet projects that easily. Quietly he let it be known that he intended to take the Arizona Project as a rider on the public works bill soon to be taken up in the Senate. If, as seems likely, the Senate passes it again, the House will have to act on it—or jeopardize a public works bill that is as dear to a congressman's heart as mother love and the salute to the flag. From the Washington Daily News, article by Richard Staines, date unknown.

He still could be counted on to make some insightful comment on the functioning of Government. For example, in June 1967 when interviewed by the Arizona Republic's Ben Cole on the problems of a growing Federal budget, Hayden had some interesting things to say:

[From the Arizona Republic, June 19, 1967]

### THE FEDERAL BUDGET IS GETTING SMALLER

(By Ben Cole)

The first words Carl Hayden spoke when he went to Washington as a member of the House of Representatives were in support of an amendment to increase an appropriation for fire-fighting in national forests.

"When I finished my five minutes, I sat down beside Bob Talbot, who was one of the two surviving Confederate veterans.

"Uncle Bob said, 'You just had to talk. That reporter took down every word you said and you can never get it out of the Congressional Record, so be careful about what you have to say.'"

Hayden took the old-timer's advice and became one of the least heard members of Congress. He wryly suggests that his silence may have been the secret of his political longevity.

But when the veteran Arizona senator does say something it is with authority: For example, when he speaks to those who consistently voice concern over increased federal spending and who appeal to him as chairman of the powerful Senate Appropriations Committee.

Sen. Hayden is undismayed by the growth of the federal budget. There are more people, he says, and people demand services and create problems. They cost money.

Therefore, looking ahead from his 55 years as a lawmaker, Hayden says the total figure on yearly appropriation measures will be bigger.

This does not necessarily, he cautions, indicate that the per capita expenditure is higher, or that the federal government is spending more and more of what the people produce.

On the contrary, as a percentage of the Gross National Product—the total production of the economy each year—the federal budget might be said to be getting smaller, the senator suggests.

Hayden's career in Congress has been closely involved with the appropriation of funds, a function he considers the basic duty of lawmakers.

Since Hayden went to Congress in 1912 more than $2.3 trillion has been appropriated to run the nation.

As chairman of the Senate Appropriations Committee, the 89-year-old is probably the highest authority on the federal spending process.

He measures appropriations in two ways:

Are they productive capital expenditures like public roads, flood control projects or other types of tangible things needed and wanted by the people? If so, he is for them.

Are they valuable programs which benefit the whole nation? He cites the postwar "GI Bill of Rights" with its educational aid for veterans as an example, since it provided the country with skilled and scientifically trained manpower not otherwise available.

Congress, Hayden contends, was never supposed to function as a rubber stamp for the executive branch in money matters. He can cite notable skirmishes he fought to preserve the congressional prerogative.

At the conclusion of each Congress, he places in the Congressional Record a table showing how much the President asked Congress to appropriate, and how much the two houses were able to cut from that figure.

It is, of course, the House of Representatives that always or nearly always can cite the largest reductions.

By tradition, the House acts first on all appropriations measures. This means the Senate can, if it sees fit, restore the reductions and work out compromises in conference committees with House managers.

Hayden notes with considerable satisfaction that the Senate very often agrees with the House and has, on many occasions, found even further reductions were possible.

The Senate is derisively called the "upper body" by members of the House of Representatives who argue that "the Senate always 'ups' the appropriations bill after we cut them."

Sen. Hayden also chuckles at the criticism. He has observed, without complaint, that in some years a majority of the members of the House Appropriations Committee have been before him to seek restoration of funds cut by the House from projects affecting their districts.

Sen. Hayden is aware that members of the House have vastly different problems from senators. For one thing, they are elected every two years; and, for another, they represent limited local interests.

Thus, for example, Rep. Morris K. Udall may concentrate at times on matters of interest only to his own constituents, but Sen. Hayden must consider the needs of the entire state. The same applies to every senator and every representative.

In a sense, the appropriations committees of the Senate and House of Representatives are the bill-payers for all the other committees.

Contrary to popular belief, Sen. Hayden and his House counterpart, Rep. George Mahon, D-Tex., cannot wave their great powers as chairmen and make the federal establishment vanish. Neither can they pare the federal budget to a nubbin and bring back the drowsy days of the 1920's.

Congress, first of all, authorizes the spending programs for which appropriations are made. Some authorizations may wait years before appropriations are provided to carry out the projects they specify.

But the important thing to remember is that the appropriations committee passes on appropriations bills only. These bills, under congressional rules, may not contain any legislation.

When, in 1912, Hayden arrived in Washington to start his unique congressional career, the federal budget was just over $1 billion and the gross national product $46 billion.

World War I sent the budget soaring, and appropriations in 1918 and 1919 were $18 billion and $27 billion, respectively.

Then came the tranquil '20s, with appropriations of $3 billion, $4 billion, $5 billion—up until the New Deal pump priming days of 1935 when they began to climb to $9 billion and $10 billion levels.

The first year of American participation in World War II saw appropriations of $34 billion, the gross national product $139 billion. Uncle Sam was taking 24.4 per cent of what the economy produced.

The war crest year of fiscal 1945 appropriations reached $98 billion—47.1 per cent of a gross national product of $216.8 billion.

Subsequently, while yearly appropriations have climbed, so has the level of the economy. The 1967 spending estimate is $126.7 billion against a gross national product of $762.5 billion—16.6 per cent.

The national debt was $269.9 billion in 1946 and represented 133.9 per cent of a gross national product of $201.6 billion. This year the national debt is $327.3 billion, representing 42.9 per cent of the current gross national product of $762.5 billion.

According to this method of figuring, the public debt expressed as a percentage of the gross national product is decreasing, the same way the federal budget is decreasing in relation to the gross national product.

The Bureau of the Budget, in its booklet called, "The Budget in Brief," lists some of the reasons why Congress is called on for increasing funds.

"The growing workloads of federal agencies," the booklet says, "stem directly from these steadily increasing requirements for more and better public services. For example, between 1958 and 1968:

"The number of active urban renewal projects will have risen by over 250 per cent.

"Visitors to our National Parks will have increased 150 per cent.

"The number of occupied federally assisted public housing units will have grown by nearly 70 per cent.

"Enrollees in vocational education programs will have increased by almost 80 per cent.

"The volume of mail delivered will have risen by nearly 40 per cent.

"The number of passports issued will have increased 175 per cent.

"The number of federal grants and loans to college students will increase more than four-fold, to 2.2 million.

Then, there are programs that did not exist 10 years ago. For instance in 1968:

Medicare will cover more than 40 per cent of the medical costs incurred by 20 million older citizens.

The education of 8.5 million disadvantaged school children will be strengthened.

The number of medical schools improved or constructed with federal support will total 71.

Federal funds will have assisted in making about 117,000 low and moderate income housing units available under private sponsorship.

Anybody, Sen. Hayden notes, can go down the list and pick out programs or items he would throw. The trouble is that every program has its supporters, and budget-making is never merely an accounting exercise for the U.S. Senate. It is a political undertaking, and it requires getting compromises every step of the way.

"I doubt if there ever was an appropriations bill that pleased every senator, or even one senator altogether," Sen. Hayden has observed.

Currently, of course, the Vietnam war is adding to the demands for federal appropriations. Yet, without considering the demands of war, the trend of the federal budget is, and has been for a long time, upward.

The mystery of the appropriation process at times overwhelms even the Congress itself which manifests its bafflement by proposing ostensible innovations which often are old methods long rejected as unsuited to the need.

The new Congressional Reorganization Act, currently nearing final action in the House of Representatives, contains at least one such deference to the lawmakers' general belief that somehow the appropriations committees might function more rigidly.

The bill calls for the committees to hear the Director of the Budget each year explain the federal spending proposals of the coming fiscal year.

For decades this had been the custom: The Director of the Budget would come to Capitol Hill with his thick book and his reams of supporting papers. The meetings were singularly dull, and before long Sen. Hayden found himself sitting dutifully and alone. He continued each year to conduct the meeting, usually the only member of the committee to sit it out. Then, at last, he quietly suspended the obviously unwanted ceremony.

The new reorganization act would require Hayden to reinstitute these annual conversations with the director. When the provision was called to Sen. Hayden's attention with the suggestion he might want it amended out of the reorganization measure, he only shrugged.

"It won't make any difference. Let it be," was his decision. There were other more restrictive items he preferred to eliminate.

President John F. Kennedy, as a young senator from Massachusetts, undertook to reform the federal budget-making procedure in what many colleagues believed was a sound economy move.

He proposed the frequently recommended adoption of an accrued accounting system instead of the annual administrative budgeting system used by the executive agency.

Sen. Hayden notes that the system looks good on the surface because it appears to tighten down the lid on spending. In actuality, in his opinion, it would shift the control of the appropriation process away from Congress and put it in the hands of the federal bureaus.

The subtlety of this is best explained in an over-simplification: instead of telling the Fish and Wildlife Service, for example, how much it may spend in a fiscal year under the present system, Congress would be told by the agency what it planned to spend in the next 12 months.

Sen. Hayden interposed an objection when the Kennedy accrued account bill reached the calendar. It was, therefore, not called up. Finally, it was agreed as a compromise to send the bill, which came out of the government operations committee, to the appropriations committee then under the chairmanship of the late Sen. Style Bridges, R-N.H.

The appropriations committee considered it and reported it again. The Senate passed it. It went through the House and President Eisenhower signed it into law.

But it was unworkable, as Sen. Hayden foresaw. So it was never implemented, and it died a natural death on the day set for its expiration.

"The appropriations procedures of the Senate are the result of 100 years of experience—sometimes very hard experience," Sen. Hayden warns. He is disinclined to rush into any improvisations for that reason.

The late Sen. Harry F. Byrd, D-Va., the leader of the economy bloc in the Senate for a quarter of a century, urged all appropriations be considered in a single bill.

Byrd succeeded in selling his idea to Congress, and it was tried once in 1950. The late Rep. Clarence Cannon, D-Mo., who prided himself on slashing presidential budgets without mercy, angrily denounced the procedure.

The bill itself looked like a fat, coverless phone book. It was physically unwieldly and nearly incomprehensible even to committee members. It was never tried again.

In an analysis of the failures of the one-package system, Sen. Hayden set down, also, five arguments for and against the "item veto," frequently advanced as a tool a President might use to eliminate from spending bills any items of which he might disapprove.

As Sen. Hayden noted, the proponents of the item veto declare:

"It would permit the elimination of legislative riders.

"It would reduce extravagance in public expenditures.

"It has worked successfully in 39 states, where the governors have been given that power.

"The constitution of the Confederate States of America, adopted in 1861, permitted the President to 'veto any appropriation or appropriations, and approve any other appropriation of appropriations.'

"President Grant, Hayes, Arthur and Franklin D. Roosevelt have recommended the item veto."

On the other side Sen. Hayden set down these arguments:

"It would lessen the responsibility of the Congress.

"It would increase the influence of the executive whose powers have already been expanded.

"It would be an uncertain grant of power.

"It would impair the system of checks and balances established by the Constitution.

"It would defeat the legislative intent of the Congress."

Thus far, Congress has withheld the item veto. Presidents Eisenhower, Kennedy and Johnson have subsequently improvised a modest kind of substitute: They have, on occasion, simply not spent funds Congress voted for which they had not asked.

From the outset, Congress has guarded jealously its right to control the federal purse. President Washington, in 1791, sent the Senate a message indicating he intended to ransom some Americans held captive by Algiers and urging an appropriations "on your earliest attention" for the recognition of a new treaty with the emperor of Morocco.

The Senate quickly advised President Washington by resolution to suspend his operations for the ransom of the captives until funds were provided. It then voted to appropriate $20,000 for recognizing the emperor of Morocco, the funds to be derived from duties on distilled spirits.

The Senate Appropriations Committee which Sen. Hayden has directed since 1955 is only 11 years older than its chairman.

The Senate created the appropriations panel in 1867, following the Civil War. President Lincoln's wartime regime is considered by congressional historians to be the "high water mark of the exercise of Executive power in the United States."

Francis S. Hewitt, writing the history of the committee, notes of that period, "Millions in federal funds were spent without appropriations having been made for such. The exigencies of the moment had in many instances pre-empted other considerations so that congressional attempts to control the purse were frustrated by an executive who wrote: 'I feel that measures, otherwise unconstitutional, might become lawful by becoming indispensable to the preservation of the nation.'

"Once the national danger subsided, the Congress reasserted its constitutional rights. Appropriations control was one area to which attention was directed."

The Senate, March 7, 1867, adopted a resolution by Sen. Henry B. Anthony, R-R.I., creating a seven-member committee on appropriations.

Today's Senate Appropriations Committee, far from being Sen. Hayden's one-man show, is an organization of 26 senators and a professional staff of 35 men and women, including three Arizonans, Thomas J. Scott, of Douglas, chief clerk; Paul Eaton of Yuma, for many years Hayden's administrative assistant, and Joe E. Gonzales of Superior.

Although there was no deterioration of his mental facilities, Hayden suffered some major reverses regarding his physical health. His wife's death in 1961 after 53 years of marriage came as a tremendous blow to the Senator. Nan and Carl Hayden had no children, were devoted to each other, and lived for many years in apartment 504 in the Methodist Building opposite the Supreme Court. Following her death, Hayden contracted a stubborn flu, and then a debilitating intestinal condition. For a while in early 1962, it appeared that he would not be able to run for his Senate seat again. He recovered almost completely, ran the race, and won by 30,000 votes. In his later years, Carl was quite visible on Capitol Hill. As Nick Thimmesch reported in his feature article on Hayden, printed in the Los Angeles Times in 1967:

> He insisted on eating in the Senate cafeteria, favoring a lunch of a hot dog, bean soup, a glass of milk and then a cup of half cream, half coffee. He usually had a cigar in his mouth and used his cane to wave people onto elevators. His aides report that the senator, as a pedestrian, experienced a number of near misses from speeding cars on

Capitol Hill in the past couple of years. In 1965 he had another succession of illnesses which nearly finished him. Antibiotics produced what was described as the worst case of hives ever seen in Bethesda Naval Hospital. He also suffered from a severe loss of hearing. Yet he survived, called for his favorite bourbon, and greeted senators way past social security age, with "All right, Sonny." He could boast that he had all his teeth, save two, and though he was stooped, his legs, heavily muscled from many miles of walking as a boy in Arizona, remained strong.

On his 86th birthday, Hayden wrote to an old friend that shared his October 2 birthday, then retired Francis Green who was 96 that day. The letter read: "To Ted Green, my warmest wishes, tendered with the natural respect that one has for his elders. Although your birthday added to mine make us jointly only five years younger than the United States of America, friendship observes no such measure of time. Like the ancient sun dial, we have counted none but fair hours. Carl Hayden." Green lived until 1966, when he was 98 years old.

On his 90th birthday, Hayden was still setting a torrid pace. Aides used to complain that the Senator worked from 9 a.m. to 6 p.m. 7 days a week. "It's hard on his staff." However, in the spring of 1968 after much soul searching, Carl Hayden felt that he could not serve another term. He wanted to return to Arizona for the remainder of his life and he felt that he would be unable to perform his duties as Senator as effectively as he would want to. These were his own words:

Among the other things that fifty-six years in the House and Senate have taught me, is that contemporary events need contemporary men. Time actually makes specialists of us all. When a house is built, there is a moment for the foundation, another for the walls, the roof and so on.

Arizona's foundation includes fast highways, adequate electric power, and abundant water, and these foundations have been laid. It is time now for a new building crew to report, so I have decided to retire from office at the close of my term this year.

I would now like to tell the people of Arizona how deeply grateful I am for a lifetime of rewarding service. You have elected me to represent you for over a half-century in the Congress. You have given me the opportunity to serve with ten Presidents; take a front row seat at the most important events in mankind's greatest century; and to vote on and help fashion the legislation that helped build a state and nation.

To my Senatorial and Congressional colleagues here today, may I say it has been my privilege and honor to serve with you and work with you in this great legislative body. I deeply appreciate your cooperation of the past and assure you I will cooperate with you in the remaining months of my term.

To my friends and supporters, I can only say, "Thank you." Your trust in me and your help is the highest tribute a man can have. To the memory of friends no longer with us, I can only say that "I remember" in the fullest of my heart.

Well, the Old Testament has said it best, so I will use it in modified form to close: there is a time of war, and a time of peace, a time to keep, and a time to cast away, a time to weep, and a time to laugh, a time to stand, and a time to step aside.

I thank you. (From the CONGRESSIONAL RECORD, vol. 114, pt. 9, p. 11984.)

In one of his last interviews, after Carl Hayden had left Washington, it was still very clear that Arizona's greatest statesman, and the Nation's most trusted servant intended to keep abreast with all the issues and events that shape this Nation:

[From the Arizona Gazette, May 9, 1969]

### "IT'S GOOD TO BE HOME": SENATOR HAYDEN BUSY IN RETIREMENT

TEMPE.—Sen. Carl Hayden leaned back in his well-padded executive chair and grinned broadly. "It's good to be home," he said.

The veteran lawmaker, who spent 57 years as one of the nation's most powerful men, "retired" from his senatorial duties last fall. He admitted that the attractive three-room office suite he now occupies on the top floor of the Arizona State University Library fits his need perfectly.

The Senator, now 91, is battling back from a bout with the flu which sidelined him for six weeks at the beginning of the year.

"I'd like to get out and run a foot race," he quipped. "But, when you're cooped up that long, your legs don't quite track back the way you like them to."

Although the illness weakened him physically, it failed to dim his keen intelligence, wit, and zest for life.

As a matter of fact, he expressed eagerness to get on with the task of correlating information he gathered over the years on Arizona pioneers.

The Senator consider the passage of the Central Arizona Project bill by the last Congress as the crowning achievement of his career. When it was fully attained, he felt free at last to come home to the Arizona he loves.

"I wouldn't have stayed in Washington two weeks except for the fact that I had a job to do," he said.

His efforts as "the quiet workhorse of the Senate" are recalled in a scroll presented him in 1961 by his colleagues, and signed by Lyndon B. Johnson, Mike Mansfield, George A. Smathers, and Robert G. Baker.

Senator Hayden worked tirelessly for Arizona's water which he describes as the state's greatest challenge and opportunity.

"Without it, Arizona's growth is predictably limited. With it, growth is almost unlimited," he commented.

The veteran lawmaker said he agreed with a statement he heard recently that the saddest commentary that can be made on the current American scene is the demise of Horatio Alger and the Rover Boys.

"We need a resurgence of that old spirit that imbues the individual with the conviction that he can accomplish anything," he stated.

It is this same spirit that has carried not only the nation, but Arizona this far. He is particularly impressed with the manner in which Arizonans have learned to develop natural resources in the face of great difficulties.

"While great strides have been made in our exploitation of soil, water, and climate for the development of agricultural forestry, tourism, and manufacturing, the copper industry is perhaps the greatest example of perseverance," he said. "They've stuck with it until today they're using amazingly low grades of ore and are still expanding."

Though the senator avows any expertise in the field of international relations, he is convinced that it is impossible to deal with the Communists. He believes Russia could stop the Vietnam conflict today by cutting off its supplies of arms to North Vietnam.

"Settlement of the Vietnam fighting is the first priority of the United States," he observed. "Until that is resolved, it will be difficult, if not impossible, for the United States to turn its attention constructively to other matters."

During the Eisenhower administration, Senator Hayden worked closely wtih Richard M. Nixon who had ascended to the vice presidency from the Senate where they first met.

"If the Republicans had to win in 1968, Nixon is the best man they could have possibly picked," he admitted. Then, after a thoughtful pause, added: "But what he can do about the Vietnam conflict remains to be seen."

The Senator considers the Cuban crisis, which occurred shortly after President John F. Kennedy took office, as the tensest situation he encountered during his long tenure on Capitol Hill.

"Now, we are faced with strange and perplexing problems of another type," he emphasized. "I don't understand what's happening on our college campuses and I don't understand the widespread use of marijuana, LSD, and other drugs."

He contends that no serious student would engage in these demonstrations since such foment interferes with education.

"As I see it, the first challenge is up to the college administration," he said. "I believe the head man at Notre Dame did the right thing. Give 'em the boot. This nation can't afford to tolerate such things."

In spite of the current social, ethnic, and economic problems. Senator Hayden is convinced that the United States will be here for a great many tomorrows. He has an abiding faith in the American citizen's ability to make sound judgments and ultimately to make the right decisions.

"As a people, we will do what we have to do to survive as leaders of the free world," he concluded. (From Arizona Gazette, May 9, 1969, p. 38.)

And now Carl Hayden is no longer with us. We shall all miss him terribly. No words can attempt to express our debt to Carl Hayden. No tribute can do him justice. Perhaps he himself should have the last word. If I were to choose the words to form Carl Hayden's epitaph, I would recall his own statement concerning the quest for peace in our time:

I talk less about peace and appropriate more in the hope of achieving it.

Carl, I know that you have achieved the peace you so richly deserved.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I would like to join in the tribute the gentleman from Arizona is paying to one of the great statesmen of this country. Senator Hayden in his lifetime saw our country develop from what was, even at the time of his birth, still a frontier nation to a great international power. He played a very large part in that growth and development.

He came to Congress from a State newly admitted to the Union but he had a very broad grasp not only of the problems of his emerging State but also of this Nation of ours.

I think the contribution he made will live for many years to come.

To me Senator Hayden was a very remarkable man. I remember when he became President pro tem of the Senate and he attended the White House leadership meetings. At these meetings Senator Hayden was as alert and active as any man there, although in many cases he was twice as old as some of the others in attendance.

The State of Arizona has lost one of its very great leaders.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I, too, felt the loss of one of the truly great men ever to serve in the Congress. Carl Hayden was elected to the 62d Congress in 1912 as one of the first two Representatives from the new State of Arizona and served continuously in either the House or the Senate until he voluntarily retired about 3 years ago, having broken all records for continuous congressional service.

Nevertheless, Carl Hayden will be remembered less for the tenure of his service than for the impact of his service. He was a workhorse. He came to Washington as the leader and spokesman of the great West at a time when the West was just beginning to expand. He was a son of the West, one of the very few men of Anglo-Saxon origin old enough or young enough to have been born in the State that he represented since 1912. He was of pioneer stock, born in the Old West, who gave his life to building the New West. A sheriff and local politician, he became its prime spokesman as well as a great national legislator.

His brand was on all the legislation that had to do with the growth and the development of the West, almost from the time he came to the Congress, until he retired.

Carl Hayden was a great believer in the development of the resources of the Nation. He placed the mark of the builder reflective of his personality, his ability and his dedication, on every project and program which helped to develop the Nation.

He served as chairman of the Senate Committee on Appropriations on a continuous basis longer than any other man in the history of the U.S. Senate.

He was respected by every Member of the Congress.

He was not only an institution in the Congress; he was an institution in the Nation. He was one of the great figures of our generation and also of the generation that went before us.

He will be long remembered as one of the most remarkable men in the history of the Congress of the United States.

Mr. UDALL. I thank the distinguished Speaker.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Michigan, the minority leader.

Mr. GERALD R. FORD. I thank the gentleman from Arizona.

Carl Hayden came to the Congress before I was born and served until a relatively few years ago, either as a Member of the House of Representatives or of the Senate.

I never served with him in the House of Representatives, but I was fortunate to have had a number of experiences when he was in the Senate and chairman of the Senate Committee on Appropriations, at a time when I was also a member of the House Committee on Appropriations. During this period of 14 years we were House-Senate conferees on many appropriation bills. There were many, many instances I know of firsthand when Carl Hayden as the chairman of a House-Senate conference on an appropriation bill brought about a compromise which was in the best interests of the country. He was a master at the art of constructive compromise.

Although he was dedicated to expanding the role of Arizona in many, many ways as a part of the Union, my distinct impression was that Carl Hayden was really more interested in doing what was right for the country.

His wisdom, his counsel, his patience paid off in those very difficult decisions which had to be made where House and Senate conferees on appropriation bills had differing points of view to represent and satisfy.

I consider my experiences as a relatively younger Member at the time will be indelible on my mind as to how a Member of the Congress should carry on and do his duty and his responsibility to his State and to his country.

I share the views expressed by the distinguished Speaker and by the gentleman from Louisiana, the majority leader. The country, as well as Arizona, has lost one of its great and legendary statesmen in the history of the country.

Mr. UDALL. I thank the gentleman.

Mr. RHODES. Mr. Speaker, January 25, 1972, is a sad day for the State of Arizona for it marks the passing of one of her greatest men—the former Senator Carl Hayden.

It is difficult to think of Carl in any way except as a leader, statesman, and devoted Arizonan, all of which he was for all of his 94 years. One addition to be made, however, to these qualities is the one of warm and loyal friendship which he exhibited to his friends and associates over the years of his life.

Carl Hayden began his career as one of Arizona's finest public servants as a member of the Tempe Town Council—the town in which he was born—then served in Maricopa County as treasurer and, later, sheriff. When Arizona was admitted to statehood in 1912, Carl came to Washington where he served as a Member of the House of Representatives from 1912 to 1927, and as a Member of the U.S. Senate from 1927 to 1969. The span of years that Carl Hayden served is the longest in the history of the Congress—and every one of those nearly 57 years was a year of dedicated service to his State and country.

It was my privilege and pleasure to be one of Carl's friends. I had the opportunity to work closely with him on the central Arizona project, which caused his longtime dream of bringing water to his beloved Arizona to come true. Through my membership on the House Appropriations Committee, I had occasion to be associated with him in his role as chairman of the Senate Appropriations Committee. He was a man of wisdom, knowledge, vision, and integrity. He possessed the qualities of sound judgment and clear understanding to a remarkable degree.

Carl Hayden was a gentleman, a patriot—he was wise, he was honest, he had integrity. Arizona and our Nation are the richer for his life among us, and now the poorer for his death. I will miss Carl, but always will treasure my friendship and association with him. Mrs. Rhodes joins me in extending our heartfelt sympathy to his beloved family in their bereavement.

Mr. UDALL. Mr. Speaker, I yield now to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. Mr. Speaker, I thank the gentleman for yielding.

I think that the Speaker and the minority leader have put their finger on it. Carl Hayden was fairly a unique man at a unique time in history. His contributions, simply because of the passage of time, will be unable to be equaled again.

I think that perhaps one of his most unique strengths was the fact that he was aware of the awesome power he held as chairman of the Senate Committee on Appropriations. Yet he always, without exception, wielded that power in an equitable manner. He did not make use of the muscle that must have been so tempting to make use of on so many occasions. He always tempered power with reason. I suspect in that sense he may be the last of his kind, also.

Mr. Speaker, I join with my colleague, and perhaps my colleague in the well knows better than anybody else in this body now of the strengths of Carl Hayden and the manner in which he moved in an unheralded fashion. It is entirely appropriate that we render these eulogies now to this great man.

Mr. UDALL. Mr. Speaker, I now yield to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Speaker, there are some things we do in this body that are especially memorable to us as individuals.

Not too many years ago the gentleman in the well introduced a bill to establish a historic site in his State. This historic site was significant because in its restoration we would memorialize the establishment of a military base the purpose of which was to protect the wagon trains as they moved across the desert in the Southwest United States.

Those things which are now well known because of television and motion picture presentations, such as Apache Pass and the springs located there and such characters as Cochise and Geronimo and so on, were all a part of this story.

I derived a special pleasure from this particular piece of legislation, because when I testified in the other body I testified before Senator Carl Hayden, of Arizona, who happened to be a member of the first cavalry troop to occupy that fort in its beginning.

I think this kind of a story indicates the type of an institution this individual represented. He was among the first of the territorial representatives, and he stayed in that capacity throughout his entire life.

Mr. Speaker, I thank the gentleman for yielding.

Mr. JOHNSON of California. Mr. Speaker, it was with great sadness that I learned this morning of the passing of an old friend, Carl Hayden. All of us know that Carl Hayden served in the Congress of the United States for 56 distinguished years. In fact, from the time that Arizona was admitted to the Union as a State in 1912 until his retirement in 1968, Senator Hayden served his native State in either the House of Representatives or the U.S. Senate. His record of longevity is unequaled but I also want to emphasis that his record of dedicated service to our Nation also is unequaled.

Many of the enlightened and far-sighted programs which this Nation now enjoys for all people were implemented as a result of his leadership over the years as chairman of the Senate Appropriations Committee and also President pro tem of the Senate.

Carl Hayden represented a neighboring State, which on many occasions disagreed with my own native California State on many issues and yet during all of those debates and discussions and disagreements Carl Hayden never once used his power in the Congress of the United States to bring embarrassment, shame, or disgrace to any individual or group of individuals. Yet, with his seniority, great power, and influence he could have done so—but this was not the nature of the man.

Carl Hayden was a dedicated public servant, fair to all people and one who worked diligently for the development, conservation and wise utilization of the natural resources, and especially those which related to water development.

Many of our California water development programs are operative today yielding the monetary and other benefits to our people, our State, and our Nation because of the wisdom of Carl Hayden.

I am proud to have known Senator Hayden. I am proud that he did have a close association with our State not only as a neighbor representing Arizona but also I am proud that he is an alumnus of Stanford University in California. But most of all I am proud that I could consider Carl Hayden a colleague and a friend.

On behalf of myself, my wife, and people from the State of California may I express to my colleagues here and to Carl Hayden's family the sorrow over his passing. His good works will stand as a national monument to the vision, energy, and dedication of this great man.

Mr. UDALL. Mr. Speaker, at a later time the Arizona delegation will seek a special order so that other Members of the House may be entitled to express their feelings on the passing of this great man.

### GENERAL LEAVE

Pending that, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

## THE PRESIDENT'S FOREIGN POLICY SPEECH

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, in commenting on President Nixon's remarkable report to the Nation last night of his long and lonely search for peace in Vietnam, I hope that all of us will choose our words with the utmost care.

Negotiations with the Communists are still in progress, and it has been our experience since World War II that such negotiations are subject to sudden turns in the midst of seeming stalemate. That the President chose this moment to reveal the impressive record of secret negotiations can only mean that in his judgment it would help move the negotiations forward for the world to know what has gone before, and the lengths to which this Government and the South Vietnamese Government are willing to go to obtain an honorable end to the fighting.

In my view, there is hardly anything more President Nixon could do, short of conniving with our enemy to destroy our ally, than the honorable and generous terms he has offered privately and now publicly. I commend him for his persistence and patience in the face of what now appears to have been unfortunate criticism, and now I hope we will all exercise a little more patience and persistence ourselves.

The time has come for all Americans to support the comprehensive and realistic U.S. peace offer which has been laid face up on the negotiating table. Uniting behind our President in times of momentous international decision has always been one of the finest features of our political tradition. Practiced now, it just might bring about the peace for which all Americans pray.

I am including the text of the Presidents' speech to the American people and an editorial from this morning's New York Times at a later point in the RECORD today.

## APPOINTMENT OF CONFEREES ON S. 602, DISPOSITION OF JUDGMENTS RECOVERED BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 602) to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket numbered 50233, U.S. Court of Claims, and for other purposes, with a Senate amendment thereto disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, HALEY, MELCHER, STEIGER of Arizona, and TERRY.

## HEARINGS SCHEDULED ON PROPOSED "BUSING" AMENDMENTS

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CELLER. Mr. Speaker, in the closing days of the first session of the Congress, I announced that the Committee on the Judiciary would schedule public hearings to begin early in the second session on proposed amendments to the Constitution, and other legislative proposals, respecting the transportation and assignment of public school students.

Interested parties wishing to testify or present statements to the committee were invited to contact the committee.

The committee is now in the process of compiling its witness list. Over 80 Members of the House have sponsored proposed amendments to the Constitution on this subject. In addition, the committee has received requests to testify from a number of civic and professional organizations in many parts of the Nation.

The committee plans to begin its hearings on this important issue on March 1, at which time we expect to receive the testimony of Congressman LENT, sponsor of House Joint Resolution 620, and Father Theodore Hesburgh, Chairman of the Commission on Civil Rights. The committee will endeavor to afford all who desire to present testimony an opportunity to do so so far as may be consistent with the needs to reach a prompt conclusion.

Mr. Speaker, it is hoped that the committee will strive to promulgate an appropriate resolution that might have the effect of stilling in the minds of the Members their desire to sign the discharge petition.

## PRESIDENT NIXON'S SPEECH ON VIETNAM

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker and Members of the House, the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), has previously made reference to the President's address to the people of this Nation last night with respect to what he has been doing and is going to do, both in public and private, with regard to achieving a settlement of the Vietnamese conflict.

Mr. Speaker, I consider the President's message to be very effective and very forthright. He should have quieted for all time the doubt that surrounds what he has been doing, but I suppose this would be too much to hope for.

It is true as well, I suppose, that we would have to have extreme optimism to believe that the North Vietnamese would be receptive to his proposal. I fail to see how anyone can expect the President to propose more. Total surrender is all there is left. To have gained the concurrence of the Thieu regime in South Vietnam to step aside is in my opinion something that very few of us could have hoped for. It was a magnificent stroke, in my personal opinion. Today the world knows that the United States will walk the last mile to achieve a just peace whether they admit it or not.

What he has done and is doing deserves, and I believe will in large part receive, bipartisan support here in this Congress. This House has given him bipartisan support in the past. Inadvertently the Washington Post this morning used the right word to describe dissenters and headlined a column on page 1 with these words and said that "talk fails to convert politicians," and, regrettably, we still have a few of that breed around.

### THE PRESIDENT'S PEACE PROPOSAL

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, the Communist Party's rejection of the President's proposal to end the war should remind us all that the enemy's leaders do not need to worry about public opinion, legislative pressures from a two-party system, nor even elections. At most, the President's public proposal accomplished nothing except telling the American people what he and Henry Kissinger have been trying to do in secret over the past 30 months. Again, until last night, the Communists have known more about what was going on in Washington than the American people—including Congress. Not even Jack Anderson knew.

I wonder when the President will realize that our country is too big and our liberties too precious to be entrusted to the minds of two men—his and Dr. Kissinger's.

Had the American people known the truth over the past 30 months, certainly there would not have been the division and polarization of our people that now threatens to divide our country.

What the President actually proposed was, in effect, surrender—acceptance of the Communist Party in a new coalition government in South Vietnam—and the commitment to rehabilitate Indochina, including rebuilding North Vietnam with foreign aid paid for by U.S. taxpayers' dollars. Why should the Communists accept the President's latest proposal when their "dear American friends" have promised them that by patient waiting, total victory will be theirs?

The mighty elephant has pleaded with the flea to leave him in peace. The flea has rejected the elephant's offer awaiting complete surrender.

Our President has exposed his hole card and come up short. What else can he use to call a bluff? What other indignities must the American people suffer for the benefit of world public opinion—Moscow Pravda, Peking Times, and the U.N. Vista?

### THE PRESIDENT'S PROPOSAL TO END THE WAR

(Mr. STRATTON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, I want to commend the President for his talk last night.

I do not know how many hours we have spent in this Chamber, and even more in the other body, discussing what was supposed to be the pertinent proposition of whether we were going to set a date, and then get our prisoners of war back in return.

A number of us, when this so-called Mansfield amendment has come up, have pointed out that it was never a deal, and that the Communists would never agree to return our prisoners of war simply by our setting a withdrawal date. The President did demonstrate last night that that is eminently the case. The Communists do not want merely our withdrawal; they want us to turn South Vietnam over to them, and that is the real condition on which they will agree to return the prisoners.

So I think we have no alternative but to continue the Vietnamization. And I was just a little amazed last night that on all of the channels that I flicked the television to after the President had finished his speech, I could not find a single professional commentator who had anything really good to say about the President's remarks.

### PRESIDENT NIXON'S PEACE OFFER IS FAIR AND GENEROUS

(Mr. PELLY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, I want to join with the distinguished minority leader, and other Members of this House, in applauding President Nixon's eight-point peace overture to the Communists for the release of American prisoners of war and the end of our involvement in Vietnam. His offer is fair and generous.

Additionally, Mr. Speaker, the President has offered a new hope to the families of these prisoners, and despite the early public denunciation of the President's offer by the Communists, I hope and pray that private negotiations can continue and that they will be successful.

The offer has been made. It is now up to our negotiators to try to gain acceptance from the Communists. And, above all, we need unanimous support of this bold offer by all Americans so that there can be no doubt in the Communists' minds that they have nothing to gain by delay.

The President has proved that he indeed had a plan for ending this long and tragic war and that he has been pursuing this plan for the past 30 months.

The conclusion of this war now is up to the Communists.

### PRESIDENT'S PLAN FOR PEACE IN VIETNAM

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, today I would like to introduce this resolution into the House:

H. Res. 778

*Resolved*, That the House of Representatives commends the President of the United States for his efforts to bring about a fair and honorable end to the war in Southeast Asia, and

That the House endorses and stands behind the President's most recent proposals for peace in Southeast Asia as stated on January 25, 1972.

Finally, I want to say I think it is time for the American people to believe in our President and to believe in the integrity of the United States in its efforts to end this conflict.

### A PROPOSED CONSTITUTIONAL AMENDMENT TO PROHIBIT BUSING OF SCHOOLCHILDREN

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, the minority leader of the House of Representatives has now signed a discharge petition to bring before this House a proposed amendment to the Constitution which would prohibit the forced assignment of children to schools based upon race, creed, or color.

In his statement, Mr. Speaker, the minority leader points out there is a sense of urgency involved. In fact, in his words, and I quote—"an extreme urgency."

I should like to urge each and every Member of the House who has not signed this discharge petition to sign it because there is a sense of extreme urgency. I commend the chairman of the Committee on the Judiciary for having stated he is scheduling hearings on this.

However, we all know that hearings can be long and drawn out and we also know that another school year is approaching. I would hope we can resolve this issue before the beginning of the next school year and, certainly, before the elections to be held this fall. We can do no less for the schoolchildren of America.

### AMERICAN POLICY IN VIETNAM

(Mr. DENNIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DENNIS. Mr. Speaker, the President of the United States has just made a definitive statement on American policy in Vietnam and Southeast Asia, which should serve to answer any reasonable critic, and which deserves the united support of the American people.

The President has demonstrated—not for the first time—that, as an international statesman, he stands in the very first rank in the contemporary world.

### PRESIDENT NIXON'S PLAN FOR PEACE

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I think it would be difficult to overstate the importance of the address that President Nixon made to the American people last night. In revealing the record of his long, secret, and continuing search for a peace that would be fair and acceptable to both the North and South Vietnamese, he has clearly vindicated the trust which he asked the American people to place in him when he began this search for peace so many months ago.

I hope now that the private record has been made public, that our adversaries will cease their public posturing and join with us in the serious business of negotiating an end to the war. No one pretends that some sticky problems do not remain, particularly with respect to the way in which South Vietnam's political future is to be decided.

The President's eight-point offer is broad and generous, and represents an important and substantive change in the American negotiating position—a change that should make it easier for the North Vietnamese to see that we are serious about peace, that we are ready to undertake negotiations toward an honorable compromise that recognizes their integrity and interests as well as those of South Vietnam.

Predictable criticisms of the President's proposal are already surfacing. Some already say that it is bound to be rejected, because it does not address the cultural and political considerations that will govern Hanoi's response. I say the President has shown himself to be willing to meet the other side half-way, and we should not cry "doomed" until this proposal has been carefully studied by the other side. The kids used to have a saying, and it is worth repeating it here: Let us give peace a chance.

## NEEDED: WEIGHTED VOTING IN THE U.N.

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, year after year the United States has carried a disportionate share of the burden of maintaining the United Nations.

Today in the United Nations certain changes must be made if it is to remain to the advantage of the United States, or any other major world power, to continue as a member. One of these is that voting in the U.N. should be weighted in recognition of the realities of population and economic product. It should be measured by a formula weighted half by population and half by gross national product.

U.N. voting is no place for the principle of one nation—one vote lest we be blind to reality. In a world in which the population exceeds 3 billion people, of which the United States has less than 220 million but a substantial portion of the world's wealth and the largest of the world's gross national products, it is contrary to our national interest to continue to be bound by the votes of an international organization in which tiny islands and virtual protectorates have a vote equal to that of the United States or the Soviet Union. If such a voting structure is continued, we will be stolen blind.

It should also be made clear that the contribution of member nations to the financial affairs of the U.N. shall be in the percentage of each member nation's gross national product. With the respective GNP's determining a nation's contribution, the richer countries will, of course, bear the brunt of the financial cost which is as it should and must be.

I am, therefore, today introducing a concurrent resolution expressing the sense of the Congress that the President, through the U.S. delegation to the United Nations, seek to amend the U.N. Charter to weight each member's vote, one-half to be based on population, one-half on gross national product. In addition, I am introducing a bill to limit by statute the contribution of the United States to the U.N. in accordance with the ratio of our gross national product to the aggregate GNP of U.N. member nations.

## THE PRESIDENT'S ADDRESS TO THE NATION LAST NIGHT

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, in his address to the Nation last night, the President has made one thing perfectly clear. The responsibility for the failure to reach a negotiated settlement to the conflict in Vietnam and Southeast Asia lies squarely on the shoulders of Hanoi.

Everyone who knows the facts has reason to be grateful for the success of the Vietnamization program and the steady reduction in our forces and casualties which have resulted from this phase of the President's plan for an honorable and lasting peace.

The efforts revealed by Mr. Nixon last night which have taken place over many months and the reasonable and flexible proposals offered by the United States and the Government of the Republic of Vietnam make plain the falsity of the charges by the Communists and by the proponents of surrender at any price here at home that the United States has not shown willingness to negotiate a settlement.

The shoe, Mr. Speaker, is precisely on the other foot.

In the spirit of the American tradition of a bipartisan policy, the time has come for all men of reason and good will to stand behind their President in his effort to lay the foundation for a generation of peace.

The time has also come for the Communist leaders in Hanoi to take off the false face behind which they have hidden and begin an honest dialog toward the establishment of a just peace in Southeast Asia.

## THE PRESIDENT'S ADDRESS

(Mr. MINSHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, President Nixon is a master statesman determined to bring peace to Southeast Asia. His eight-point peace offer is both reasonable and realistic. By opening the record to world opinion the President has presented compelling evidence of this country's good faith and strong desire for a fair settlement. It is now up to North Vietnam. The decision of peace or continued hostilities rests clearly with them. But even so, if they continue to resist negotiating a settlement, our Vietnamization program will go on, and our troops will continue to be brought home.

I hope that the Communists will now change their recalcitrant and unyielding position and agree to a peace in Indochina.

## CHATTANOOGA MANUFACTURERS' WEEK

(Mr. BAKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BAKER. Mr. Speaker, I take a great deal of pride and pleasure in noting that the week of January 30, 1972, has been proclaimed "Chattanooga Manufacturers' Week" by Mayor Robert Kirk Walker, Judge Chester Frost of Hamilton County and Tennessee Governor Winfield Dunn.

This observance, sponsored by the Chattanooga Manufacturers Association, is designed to illustrate the significance of Chattanooga as an international manufacturing center. Products made in Chattanooga are used all over the world.

Chattanooga, the largest city in the Third District of Tennessee which I represent, is regarded the most diversified manufacturing center in the Southeastern United States. It ranks 11th among major metropolitan areas in the entire United States in manufacturing employment as a percent of nonagricultural employment.

Every day the manufacturers of Chattanooga pay $1,300,000 into our local economy, according to the joint proclamation.

More than 590 different manufacturers, employing some 53,000 persons, make more than 1,500 products in the Chattanooga area. Almost 20,000 area residents are employed in the textile industry alone. Chattanooga is one of the leading textile centers of the Nation. But Chattanooga is certainly not a "one industry" city.

Principal industries include: fabricated and primary metals, chemicals, food products, leather goods, all types of machinery, apparel, paper products, nuclear boilers, nylon, golf equipment, bathtubs, stoves, and furniture, to name a few. Chattanooga is also the birthplace of the Coca-Cola bottling industry.

I am proud to represent the internationally important industrial city of Chattanooga as part of the scenic Third District of Tennessee.

## THE PRESIDENT'S ADDRESS

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, I rise to add my support to President Nixon's dramatic proposal for ending the war in Vietnam. He has boldly grabbed the bull by the horns and, for his efforts, should receive the unqualified praise of the entire free world.

While it remains for the Hanoi regime to determine the outcome of the President's extremely fair and compromising bid for a cessation of hostilities, the effective impact of the entire proposal has been revealed publicly for all the world.

In broadest terms, the President has done what his critics have been harping on for so long. And he has been doing it for the last 30 months. He has told the enemy that we will withdraw our forces within 6 months of an agreement in return for the release of our prisoners of war. This is what his critics have wanted him to do and this is exactly what he has done.

Mr. Speaker, there should be no doubt in anyone's mind that President Nixon has labored long and energetically over the peace proposal he has drawn up. It is a reflection of the dedication and tireless effort he has continually pursued, since taking office, of finding a logical and reasonable plan for ending a war that was not of his making. He has provided an unforgettable service to free men everywhere.

## PRESIDENT NIXON'S PLAN FOR PEACE

(Mr. HAGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HAGAN. Mr. Speaker, at this time, I believe we should support the President in his plan for peace efforts for there is no doubt but that much has gone into the working of this strategy. Naturally, it is earnestly hoped that the negotiations undertaken by the President and others will bring peace and our POW's home.

Until any action is taken or results are made known, we should be unified in backing our Chief Executive in striving for what every citizen of this land wants—an honorable and orderly ending of the war in Vietnam and our prisoners of war released and returned home to their loved ones.

I commend the President on his statements last night.

## PRESIDENT'S FOREIGN POLICY

(Mr. TALCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, I take this time to simply thank the President for the new peace initiate which he enunciated last evening. All Americans, who so fervently want peace for ourselves and for all mankind, should be grateful for the deescalation of the war, the reduction of troops and casualties, and the extraordinary, persistent, "day and night," secret and public, total efforts the President is making to achieve a true peace for the peoples of Southeast Asia.

The commendations, of some, may be in order. The exhortations, of some, to the Vietcong and the Government of North Vietnam to accept the President's offer may be in order. The political back filling, of some, is understandable. The "wait and see" attitude, of some, is expected.

However, I, for one, simply express my gratitude to the President for his efforts, for his dedication to the cause of a permanent peace with freedoms.

If all of us would work as continuously and as conscientiously for peace and freedom as the President does, that wondrous day that we all anticipate when all mankind can live in permanent peace and freedom with each other would arrive sooner.

## THE PRESIDENT'S TIRELESS EFFORTS FOR PEACE

(Mr. ARENDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ARENDS. Mr. Speaker, it was with a great deal of pride and gratification that I listened to the President's televised address last evening with respect to the war in Vietnam and his tireless efforts to bring it to an acceptable conclusion. I am sure my feeling of pride and gratification was shared by the vast majority of the American people across the country.

It was quite clear from what the President told us the United States has gone the extra mile in efforts to settle this long and costly war. Indeed, we have gone three-quarters of the way and even farther to bring about a fair settlement.

The President explained to us much of which many did not know. Many of us did not realize the extent to which the President had been conducting secret negotiations in the hope that through secrecy he would be better able to bring about a settlement. Contrary to what some have thought, it has not been our Government but the Government of North Vietnam which has held up ending this war. It is they who have insisted that the political situation in South Vietnam be settled before a mutual withdrawal and a return of POW's can be arranged. We are willing to withdraw our troops—all of them—for a return of the prisoners of war. The President has laid before the North Vietnamese a fair proposal. If the North Vietnamese reject it, it will mean they want nothing short of our complete surrender and their being able to impose their will on the people of South Vietnam.

Having heard in detail what the President has already endeavored to do and the proposal he has now made, I most sincerely hope that the American people will unite as one in giving President Nixon, who is the President of all of us, our full support in his mission. He, no less than any one of us, wants to end this war and to end it in such a manner as to insure permanent peace.

## THE REACTION TO THE PRESIDENT'S ADDRESS LAST NIGHT

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the networks are at it again. I noticed last night just as soon as the President had concluded his address to the Nation—and it was an outstanding address—the network commentators immediately analyzed and reanalyzed and, in almost an incestuous relationship, began to analyze each other's interpretation of the President's remarks. Then they came back at 11:30 to do it again, and included selected comments from some of the guys in a bar somewhere on Capitol Hill.

It was interesting, if not nauseating, to hear one of the newsmen ask an interviewee: "Do you believe the President?" I consider this presumptive, arrogant, and in extremely bad taste.

I think it is unfortunate the people of this country are not permitted to make their own judgment on what the President says before it is analyzed for them. They are perfectly capable of doing this.

Then we have some in-House experts and, if Members will pardon the expression, some "out-house" experts, who are apologists for Hanoi, who have nothing good to say about the efforts of the President. Those junketeers from this body, and presidential candidates from the other body are being used by the North Vietnamese in Paris and Hanoi for propaganda purposes. The Reds are masters at exploiting reckless and thoughtless remarks by U.S. officeholders to accomplish their own ends. They do not really want a negotiation. What they want is South Vietnam.

I think we should all, both as Members of Congress, and the people of this Nation, unite behind the President in the honorable, decent and reasonable peace proposal which he introduced to the American people by way of making public what was going on in private for many, many months. I think we should all commend the President for his effort.

## PRESIDENT'S POLICY IN VIETNAM

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, I commend the President for his peace proposal last night to the North Vietnamese and the Vietcong.

I certainly think the President has done everything in his power to bring about peace in the Far East and to give us more hope for the release of the American POW's and some information on our missing in action.

The responsibility of ending the war now rests with the North Vietnamese.

President Nixon and also President Thieu have certainly gone the extra mile to bring about peace and the release of all prisoners. I would hope the North Vietnamese will agree to these proposals but I am concerned if this enemy ever wants peace or will ever agree to anything.

## PROVIDING FOR CONSIDERATION OF H.R. 6957, ESTABLISHING SAWTOOTH NATIONAL RECREATION AREA

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 774 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 774

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6957) to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the United States mining laws, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against sections 3 and 13 of said substitute for failure to comply with the provisions of clause 4, rule XXI, are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 774 provides an open rule with 1 hour of general debate for consideration of H.R. 6957 to establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes. The resolution provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment and because there are appropriations in a legislative bill in sections 3 and 13 of the substitute, all points of order are waived against those sections for failure to comply with the provisions of clause 4, rule XXI.

The bill H.R. 6957 would establish a National Recreation Area in the Sawtooth Mountain region of Idaho and the existing Sawtooth Primitive Area would be designated as wilderness. The Secretary of the Interior would be required to develop a specific proposal to create a national park in the area and must submit his recommendations to Congress no later than December 31, 1973.

The area, which is predominantly owned by the Federal Government, totals approximately 755,000 acres of rugged, scenic country which is relatively undeveloped and sparsely populated, with approximately 1½ million people living within 250 miles of the area.

Provision is made for the creation of two units—the national recreation area and a separate wilderness area within the national forest areas which cover much of the region.

The legislation provides for administration of the areas by the Secretary of Agriculture.

There is a large molybdenum deposit in the White Cloud Peaks vicinity which might justify a substantial investment. This is a mineral similar to tungsten which can be used to harden steel. Existing mineral rights would be unaffected by the legislation but no new rights could be established for 5 years.

Authorizations are limited to $19.8 million for land acquisition and $26.2 million for development, and the moneys may be appropriated from the land and water conservation. An additional $50,000 is authorized for the study and formulation of recommendations by the Secretary of the Interior.

Mr. Speaker, I urge the adoption of House Resolution 774 in order that the legislation may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 774 will permit consideration of H.R. 6957 under an open rule with 1 hour of general debate. In addition, the rule waives points of order against sections 3 and 13 of the bill for failure to comply with clause 4, rule XXI, which prohibits appropriations in a legislative bill. This limited waiver is necessary because sections 3 and 13 both include indirect appropriations.

Finally, the rule makes the language substituted by the Committee on Interior and Insular Affairs in order as an original bill for the purpose of amendment.

The basic purposes of the bill are to establish a national recreation area in the Sawtooth Mountain region of the State of Idaho, to designate as wilderness the existing Sawtooth Primitive Area, to recognize the outdoor recreation values of these areas as their dominant value, and to require the Secretary of the Interior to develop a specific proposal for the creation of a national park in this area and submit his recommendations to the Congress no later than December 31, 1973.

Of the approximately 750,000 acres included in this area there are approximately 10,400 acres of unreserved public domain lands, 2,100 acres of State owned lands, and 25,200 acres of privately owned lands. The remaining 711,000 acres is presently national forest land. The proposed area would include the 216,400 acre Sawtooth Primitive Area, which would be designated as wilderness by the bill.

Extensive preliminary explorations have apparently confirmed the existence of a major ore body which might justify a substantial investment. This, of course, threatens to undermine the recreation objective of the legislation. Therefore, the bill includes several provisions bearing on the issue: first it withdraws all Federal lands within the recreation area from all forms of location and entry under the Federal mining laws for a period of 5 years, so that no new claims can be established, second, it excuses a claimholder from doing the assessment work generally required by law without losing whatever right he has established if he files a declaration of intent to hold the claim, third, it authorizes the Secretaries of Interior and Agriculture to establish regulations to control the use of motorized or mechanical equipment on any Federal lands within the recreation area, and fourth, it precludes the issuance of patents on claims, but does not prohibit the claimant from prospecting mining or developing his claim.

Estimated cost for the acquisition of lands is $19,802,000. Development of roads, trails and visitor facilities is expected to cost $26,241,000. An additional $50,000 is authorized to be appropriated to conduct a study and formulate a specific plan for the creation of a national park.

The administration supports this legislation. There are no dissenting views.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, this is the third rule which has been brought before the House in this new session. The first was a totally unnecessary rule making in order a resolution providing for the taking of a picture of the Members of the House assembled in the House Chamber. The resolution could have been approved easily without a rule. Yesterday we were confronted with a rule waiving points of order to certain clauses of rules, but nevertheless waiving points of order. Now we have another rule waiving points of order. Is there never to be an end to rules that waive points of order? Is there never to be the requirement that bills be brought to the House floor so they can be considered under normal, regular procedure?

Are we going on and on, ad infinitum, with rules waiving points of order?

Mr. QUILLEN. I would say to the distinguished gentleman from Iowa, I share his view and opinion. I should like to see these waivers eliminated from the rules. But I am one of 15 Members. In this case the waiver is absolutely necessary for the consideration of the measure.

Mr. GROSS. If the rule were defeated we would still get the legislation, but it would be under normal and regular procedures and in conformance with the rules of the House. Does the gentleman not believe that would be what would happen under those circumstances?

Mr. QUILLEN. I would agree with the gentleman. The gentleman has made a very fine point.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am glad to yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, the two points of order which have been waived here are, of course, a part of the regular order of our congressional procedure. The Rules Committee has a perfect right to make this recommendation as it grants a rule.

Mr. Speaker, I should like to give the reason for the waiver of points of order.

First. Subsection 3(a) permits the Secretary of Agriculture to purchase land within the recreation area by using either donated or appropriated funds. This is language customarily used when authorizing land acquisition within the National Parks System. The reference to donated funds permits the Secretary not only to accept the donation, but also to spend the donated money to acquire land without further specific appropriation. Although donations are not expected to be large, the money should be available for the purpose of the donation.

With respect to the reference to appropriated funds, the language is intended to refer only to funds appropriated to carry out the provisions of the act, and not to any other appropriations. This statement will provide a legislative history to that effect.

Second. Section 13 authorizes the appropriation of $19-plus million to acquire land within the recreation area. The section further provides that money appropriated from the Land and Water Conservation Fund can be used for this purpose.

The waiver of points of order against this section is due to the fact that the language of the section is not as tightly drafted as it might have been. The intention of the section is to permit not more than $19-plus million to be appropriated to acquire land for the project, and to permit the money to be appropriated from the Land and Water Conservation Fund. By making this statement I intend to make a legislative history to that effect.

Mr. QUILLEN. Mr. Speaker, I thank the distinguished chairman of the Committee on Interior and Insular Affairs for his fine explanation.

Mr. Speaker, I have no further requests for time.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Rules, the gentleman from Mississippi (Mr. COLMER).

Mr. COLMER. Mr. Speaker, I was very much interested in the statement of the distinguished and lovable dean of this House, the gentleman from New York (Mr. CELLER), about the hearing that he proposed to hold on the busing amendment.

Mr. Speaker, I have great affection for the gentleman from New York, the chairman of the powerful Committee on the Judiciary.

This joint resolution for a constitutional amendment to prohibit widespread, all-encompassing busing of children from one neighborhood to the other for purely the purpose of bringing about so-called racial balance is threatening our whole public school system.

This constitutional amendment had been reposing in the Committee on the Judiciary, of which the distinguished gentleman is chairman, for many months. As one of the great friends of integration, he has possibly done more toward bringing about forced integration in the hands of an all-powerful Federal Government than anybody else. He is wedded to that concept. I think he is honest and conscientious in trying to do that very thing.

Now, it is true that at the conclusion of the first session of this Congress, my good friend made a statement here to the House that he proposed to have hearings on that matter this year. This afternoon he has announced that, beginning not tomorrow but March 1, he is going to have hearings. I assume those hearings will be very lengthy.

Now, without any suspicion or castigation or casting aspersions upon my friend, I am also conscious of and call the attention of the House to the fact that there is a petition here to discharge his committee, as well as my committee, from the further consideration of that joint resolution.

The rules of the House prevent the disclosure of who has and who has not signed that discharge petition, and I cannot violate them. I have not personally signed it, as much as I would like to have signed it, because I did not want to be put in the position of signing a discharge petition to discharge my committee from a bill that has never been before it. Otherwise I would have gladly signed it.

Now, that petition is growing, so I am advised. The press says it is. The thing that bothers me is that these hearings could and likely would continue indefinitely. We have seen and experienced other such hearings that did extend for a long time only to come up toward the end of the session with a report from the Committee on the Judiciary that the legislation was not justified. And, of course, then it was too late to seek other remedies.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I shall be happy to yield to the gentleman from New York in just 1 minute if the gentleman will permit me to complete my statement. Of course, I am going to yield to my friend.

Now, I would again call attention to the fact that under the rules of the House the Committee on Rules has the power to report out a resolution bringing to the floor that bill or resolution that has been bogged down in another committee. It is a drastic procedure, but it is one that has been used in the past, and used successfully.

As one who occupies the position of chairman of the Committee on Rules, I dislike the idea of using that drastic procedure in except the most compelling circumstances.

There is pending before the Committee on Rules now a resolution in which a substantial number of Members of this House have contacted us that would do that very thing if adopted by my Committee on Rules.

I repeat, I do not like for my committee to be forced to exercise that power that it has. But on the other hand, Mr. Speaker, this is such a serious matter. This is something that affects every child in the United States. This is something that has divided our people not only in my great section of this country but in all sections of this country. It is a live issue in many States of the so-called North, and it is going to grow and grow and grow unless something is done about it.

Now, according to the press, a judge—in his wisdom or lack of wisdom as the case might be—down here in our neighboring State of Virginia went further than any court has ever gone or any legislative enactment has ever gone, has issued a decree, if I understand its contents correctly, that would not only permit, but authorize, not only authorize but order that children would be bused from two counties in order to bring about the objective of racial balance.

This is a very serious matter. According to the press reports it would require as much as 2 hours, under that decree, to transfer a student from one geographical section to the other. One does have to wonder why mothers and fathers are concerned about their children and this is not confined to the black or the white races. The parents of small black children are concerned, and have a right to be concerned about taking their child of tender age, as well as the white parents, and transferring them back and forth for as much as 2 hours a day. The people of this country are concerned about this, and something should be done about it.

I want to emphasize, not only to this House, but particularly to my friend, the gentleman from New York who sits in this seat of the mighty, to take appropriate action so that the Members of the House may pass upon this question and discharge their obligation to these anguished parents.

This matter affects the welfare of all children now and the children who are to be educated in the future. And the parents are rightly concerned about this situation. Efforts have been made here in the House by adding riders to appropriation bills, and other authorization legislation, to do something about this, but nothing has been done yet. It is apparent that a constitutional amendment such as the one now pending in the House Judiciary Committee is the answer.

This threatens your neighborhood schools. The President of the United States himself speaking in this Chamber only last week called for the preservation of our neighborhood schools. It is obvious that forced busing for racial purposes and the neighborhood schools are incompatible.

You cannot preserve the neighborhood schools and bus children across our great urban centers from one end to the other and from one county to the other—and no doubt the next step will be from one State to the other. All under the false concept of trying to bring about a social gain of integration.

Now I am pleased to yield to my distinguished friend from New York (Mr. CELLER).

Mr. CELLER. Mr. Speaker, I want to say, I understand the perturbation and anxiety of the gentleman from Mississippi for whom I have the most high regard. I must say that I assumed the responsibility of conducting these hearings fully recognizing that so much impends.

I want to emphasize to the gentleman from Mississippi that the resolutions before us propose not mere statutes—rather they propose amendments to the Constitution. Constitutional amendments cannot be cavalierly considered. They must be most carefully examined.

The Committee on the Judiciary is not just EMANUEL CELLER. There are 38 members on the committee—all lawyers, wise and skilled in law and with considerable expertise, men who are able and dedicated. They will focus their attention upon this very vexatious problem and after receiving testimony from Members of Congress, and members of civic and professional organizations. It is hoped that after a distillation of these views, we will be able to come up with something that might obviate the need for a constitutional amendment and, that might respond to the difficulties that are presented to many people in various communities, not only in the South but also in the North.

I am one of those who recognizes completely the complexities and the difficulties of this situation. But we must be very chary about putting a matter into a constitutional form.

We cannot make of our Constitution merely a code of ordinances. That is quite contrary and foreign to the wishes and purposes of our constitutional fathers. If something can be done by statute rather than by the constitutional amendment method, I am sure you will all agree that we should choose the former.

We are going to wrestle with the problem, difficult as it may be, and converge upon that difficulty all the ingenuity, dedication, and knowledge that 38 members of the Committee on the Judiciary have, with the hope of coming up with some solution. So I am going to ask the gentleman from Mississippi and all others interested to be a little patient. You know, patience is bitter but there is rich fruit. I hope that we can partake of that fruit.

As I indicated a little while ago, these hearings will commence on March 1. We are gathering together the many witnesses who have expressed a desire to testify, and we are arranging a program. That takes time, but we are very hopeful of the results.

Mr. COLMER. Mr. Speaker, will the gentleman permit me to say a word at that point?

Mr. CELLER. Yes, surely.

Mr. COLMER. Again with all due deference to my friend and dean, as one senior Member to another——

Mr. CELLER. If the gentleman will yield further for only a moment, may I suggest that he and I are mindful of what Robert Frost said:

> The woods are lonely, dark and deep,
> But I have promises to keep;
> And miles to go before I sleep,
> And miles to go before I sleep.

That is your position and mine.

Mr. COLMER. Let me say to the gentleman that I find it very difficult to compete with him in matters of legislation. His mind is so much sharper than mine. He is so much more able to operate his committee than am I, and I certainly would never undertake to compete with him in poetry.

I should like to recall one of Aesop's Fables. I believe it was Aesop. A little shepherd boy was supposed to watch the herd of sheep and to cry "wolf" whenever the herd might be in danger. But he overplayed his hand. He wanted to have some fun. He would sound the bugle when there was no wolf. He kept that up until nobody paid any attention to his cry. When the wolf finally appeared, he blew the bugle and no one came to the rescue.

I hate to have to spell it out, but in my crude way let me say to my good friend, with all loving kindness, that he has blown the bugle on so many previous occasions about having hearings when things got tight that some people may be a bit constrained not to hear the bugle at this time.

Let me wind it up with this if I may. Could the gentleman—and I think I know what his answer is—say to us now that within a certain period of time he is going to make a report on this matter from his committee? Could he give us some idea?

Mr. CELLER. I cannot give the gentleman a yardstick, I cannot give him a certain date, but I said it would not be interminable and that we would act expeditiously. We are having, I believe more than 80 Members of Congress wish to testify as well as others, but we are not going to unduly prolong the hearings, I can assure the gentleman of that.

And as to playing music, it may be a pipe I was playing, but now it is a real blast I am giving, and that blast will be meaningful.

Mr. COLMER. Let me in reply to that call to the attention of the gentleman the fact that we have a resolution here to investigate a certain jurist. That was before my committee. The gentleman announced that he was going to hold hearings on that, and after a time he did. What I am trying to say to my friend is: This thing is of such encompassing importance and the time is of such essence that we would like to see some action on this resolution—and action soon, rather than to have the report of some nature, either good or bad, approving or disapproving, come up here in the latter part of this session when it is too late for other appropriate action to be taken.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## CALL OF THE HOUSE

Mr. WAGGONNER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 7]

Alexander
Annunzio
Ashbrook
Aspin
Baring
Barrett
Bell
Blackburn
Blanton
Blatnik
Bow
Cederberg
Clark
Clay
Conyers
Corman
Coughlin
Dellums
Diggs
Downing
Dwyer
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Flynt
Foley
Frelinghuysen
Fuqua
Galifianakis
Gallagher
Gray
Green, Oreg.
Griffiths
Harvey
Hawkins
Hébert
Heckler, Mass.
Hull
Ichord
Kee
Lennon
Long, La.
McClory
McKinney
Madden
Mailliard
Martin
Mills, Ark.
Mitchell
Moorhead
Morse
Nelsen
O'Hara
O'Konski
Pryor, Ark.
Rees
Rhodes
St Germain
Scheuer
Shipley
Sisk
Smith, Calif.
Stanton,
  J. William
Stephens
Thompson, N.J.
Tiernan
Waldie
Wampler
Widnall
Wolff

The SPEAKER. On this rollcall 360 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## SAWTOOTH NATIONAL RECREATION AREA, IDAHO

Mr. TAYLOR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6957, to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6957, with Mr. MATSUNAGA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina (Mr. TAYLOR) will be recognized for 30 minutes, and the gentleman from Kansas (Mr. SKUBITZ) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. TAYLOR. Mr. Chairman, I yield 10 minutes to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, I am pleased to rise in support of the enactment of H.R. 6957, as reported by the Committee on Interior and Insular Affairs. At the beginning of my remarks in this particular instance, as in many other instances, I wish to commend the chairman of the subcommittee having jurisdiction over this legislation, the gentleman from North Carolina (Mr. TAYLOR) and his counterpart, the gentleman from Kansas (Mr. SKUBITZ) and the members of the subcommittee for the fine work they have done on this particular legislation.

I would be the first one to say to the Members that this has been a controversial piece of legislation, and I would be the first one to say to the Members that the legislative process, properly and effectively handled, as in this instance, has brought to the Committee of the Whole what I consider to be one of the finest products that has come out of our committee for a long time.

This kind of legislation is most difficult, because there are people sincerely oriented to their positions who desire to be heard on this and that point. They press their positions. It makes no difference whether they are representative of the mining interests on public lands, whether they are representatives of the grazing interests on public lands, whether they are representatives of the forestry interests on public lands, or, whether they are representatives of the recreational groups on public lands—preservationists, general recreationists, conservationists all.

To take a piece of legislation such as this and to bring into harmony the differing issues which are involved takes real work and dedication.

Now, this legislation, more than likely, is not going to please everybody in all particulars. And it is going to displease many people in some particulars.

It is rather difficult when people become so interested in their points of view that they become zealots. There is nothing wrong with being a zealot, but they make it difficult for any compromise operation to take place. It is rather difficult for us here in the Congress to understand, with the expertise we have, the position of some of those outside who consider themselevs to be the super experts in all these particulars.

To bring into focus legislation such as we have prepared in this particular instance takes, in my opinion, a real understanding of the legislative process.

We have not tried to hurt anybody; we have tried to help our people, all of them. This has been our endeavor.

Members will find that those who have not been able to get 75 or 85 or even 90 percent of their desires and their views ofttimes immediately form a phalanx of opposition. Now life is not built upon this sort of proposition and upon this kind of procedure. We have to live together.

When we create a wilderness and a recreational area, perhaps leading to a national park sometime in the future, of this area, of course we have to be mindful of the interests of all. That is what this committee has tried to do.

As everyone knows, this legislation was introduced by our colleagues from Idaho—Representatives HANSEN and McCLURE. As reported, the bill represents many hours of deliberations, including hearings both in Washington and in the field and markup session both in subcommittee and in the full committee.

### SIZE AND DESCRIPTION

In its amended form the bill provides for the creation of two distinct areas—a national recreation area and a wilderness area. Together the two units comprise more than 750,000 acres of some of the most spectacular mountain country in the Nation.

Both units are to be administered by the Forest Service under the purview of the Secretary of Agriculture. The wilderness area—which comprises some 216,000 acres—will be governed by the terms of the Wilderness Act just as all other wilderness areas are administered. But the recreation area—which comprises about 537,500 acres—will be administered in accordance with the special provisions of this legislation, if enacted.

Now it should be noted that there are many values in this area—there are proven mineral values, there are some timber and grazing values, there are water resource values, and there are significant recreational values. H.R. 6957 would create a national recreation area which would not foreclose forever the utilization of these resources, but it would make the recreational value of the area predominant.

### LAND OWNERSHIP

Most of the lands involved are already federally owned. Nearly 500,000 acres of the proposed recreation area and all of the lands in the proposed wilderness area are already within the national forest system. In addition, about 10,500 acres of land are public domain lands administered by the Bureau of Land Management. Only slightly more than 25,000 acres of private lands are involved.

For the most part, the privately owned lands are ranchlands which are totally compatible with the recreation area as long as they continue in their present use. There are, however, some lands that have been subdivided and it was estimated in 1970 that there were approximately 1,700 lots ranging in size from ⅛ to ½ of an acre. In order to attempt to prevent the proliferation of these subdivisions, the legislation provides that the Secretary shall establish standards for the use of private lands located within the boundaries of the recreation area. Owners complying with these standards are to be free of any threat of condemnation of their lands, but owners whose activities make it apparent that they do not intend to comply may be subjected to condemnation proceedings.

Except for the authority to acquire nonconforming lands by condemnation, the power to acquire lands is limited. Not more than 5 percent of the privately owned lands are authorized to be purchased for access to public property or for the development of public facilities. the rationale for this provision is that the Federal holdings in the area are so extensive that lands need not be purchased just to satisfy development needs.

### COST

Hopefully, most of the landowners will comply with the standards when they are established so that land acquisition costs can be minimized. In all likelihood, however, some lands will have to be acquired. For this purpose, the bill authorizes $19.8 million, if needed, for land acquisition and provides that these moneys are to be appropriated from the Land and Water Conservation Fund.

Development plans for the area contemplate the installation of various visitor facilities—campgrounds, picnic areas, sanitation facilities, visitor information centers, and interpretive facilities—and administrative facilities and the construction or reconstruction of numerous roads and trails in the area. To carry out this program, the bill authorizes the appropriation of $26.2 million.

Mr. Chairman, in general, the present public policy encourages the exploration for and development of the mineral estate of the public domain. To this end, the mining laws enable individuals to locate mineralized areas and to establish mining claims. A valid claim is a property interest which is protected as long as the claimholder completes the annual assessment work required by law. Any person having a valid claim is entitled by law to proceed to patent.

It is an acknowledged fact that some valid mining claims exist within the recreation area and that many other claims may or may not be valid. It is also recognized that extensive surface disruption could adversely affect the values which the Congress seeks to protect by the terms of H.R. 6957. For this reason, the committee has developed innovative language to deal with this complex situation.

### PROVISIONS OF H.R. 6957

Under section 10, all Federal lands within the recreation area are withdrawn from all forms of location and entry under the mining laws so that, for a period of 5 years, no new claims can be established after the enactment of the bill. Existing claims, however, are not affected by this withdrawal so that a claimholder would still be required to do annual assessment work in order to protect his interest. This assessment work can result in some unnecessary disruption of surface values which would be avoided under the 5-year moratorium established by the bill. Under this provision, the claimholder may continue to prospect or develop his claim, but he is not required to work it actively. Instead, he may merely file notice that he wishes to retain his claim in order to protect his interest.

The Forest Service does not presently have authority to prohibit ingress or egress to or from a valid mining claim. This legislation does not grant such authority, but section 11 provides for the promulgation of appropriate regulations to protect the surface values of Federal lands including regulations to control the use of motorized or mechanical equipment for transportation over, or alteration of, the surface of the Federal lands.

As I have pointed out, any person holding a valid claim is entitled to proceed to patent and thereby acquire fee title to the lands involved. Section 12, in effect, extinguishes that right with respect to lands located within the recreation area. While this probably creates a right to some compensation, its value may not be too significant since the right to prospect, develop, and mine the claim is protected by the terms of the bill.

In short, Mr. Chairman, the committee has attempted to protect this area without unjustly or unlawfully depriving any person of an established property right. The provisions of H.R. 6957 are unique and untried, but we feel that they offer a strong measure of protection for the recreation area which would not exist in the absence of this legislation.

Without this bill the vast area involved could not be withdrawn from future location and entry under the mining laws so that the establishment of new claims would undoubtedly continue; existing claims would continue to be subject to the annual assessment work requirement so that surface disruption would continue; the authority to regulate the use of motorized equipment for access to patented and unpatented claims would be questionable; and the right to proceed to patent on a valid claim would be totally unimpaired.

It is my firm belief that anyone who says that this bill does not provide any additional protection for this area either has not read the bill or does not understand its provision vis-a-vis the present law.

Mr. Chairman, the bill, as introduced, contained some restrictions on the authority of the Secretary to acquire privately owned lands. Since the Federal holdings in the State of Idaho are so extensive—particularly in this area—the members of the authorizing committee agreed that some limitations on the acquisition authority were warranted.

In this case, out of approximately 750,000 acres, some 723,000 acres are federally owned. There are 25,214 acres of privately owned lands—approximately 700 parcels, including about 600 subdivision lots—and 2,170 acres of land owned by the State and its political subdivisions.

Under the terms of the bill, section 3, the Secretary is authorized to acquire any private lands within the boundaries of the recreation area, by negotiation, in carrying out the purposes of the legislation, but he may not, under any circumstances, acquire more than 5 percent of the privately owned lands—1,260 acres—for:

First, access to or utilization of public property, or

Second, for recreation or other public facilities.

The thrust of this provision is to require the Secretary to utilize existing Federal holdings for these purposes rather than acquiring the private lands.

A substantial portion of the privately owned lands are presently being used for ranching purposes. Such activities do not interfere with the objective of the legislation; on the contrary, they are picturesque additions to the setting which are characteristic of the West. No one wants to preclude their continuation, but we have been confronted with some rather unpleasant results where we have assumed that such lands would remain agricultural after giving the locale national recognition.

In order to avoid repeating those unpleasant results, section 4 of the bill authorizes the Secretary to establish standards for the use and development of privately owned lands within the recreation area. Owners complying with these standards shall be free of any threat of condemnation of their lands, but owners who do not comply or whose activities strongly suggest that they do not intend to comply with such standards may be subjected to condemnation proceedings. Of course, the owner of any lands acquired by eminent domain proceedings will be entitled to just compensation as determined by law.

Mr. Chairman, there has been a long standing controversy concerning fish and game management on Federal lands. The States have contended, generally, that this function falls within their jurisdiction; the Federal Government—particularly, the Interior Department—insisted that it had authority to restrict hunting and fishing on Federal lands.

As a result of this dispute, practically all enactments authorizing national recreation areas, national seashores, and national lakeshores, and other comparable units have included provisions on this subject. Most of them allow these activities to continue, but provide that zones may be designated where, and periods when, no hunting and fishing shall be permitted. In making such determinations, the administering authority is required to consult with the State Game and Fish agencies.

In almost every case, the Secretary has been given specific authority to restrict hunting and fishing where that is necessary for public safety, administration, or public use and enjoyment, but in several others, he has also been given authority to prohibit such activities if he determines that such action is required for fish and game management.

If the bill is enacted as recommended, then the Secretary could prohibit hunting and fishing only for the reasons of:

First, public safety;

Second, administration;

Third, public use and enjoyment; and

Fourth, fish and wildlife management.

In effect, the committee recommendation represents the belief that the Secretary should be able to close this area to fishing and hunting if he thinks that is necessary in order to accomplish the purpose of this legislation.

Mr. Chairman, in recommending H.R. 6957, the Committee on Interior and Insular Affairs has attempted to resolve some of the basic problems involved in the Sawtooth country. It is difficult to satisfy all groups when decisions must be made, but we feel that the bill is a reasonable approach at this point in time. Undoubtedly, a later Congress will be confronted with a proposal to establish a national park in this area. At that time, I hope that all of the pertinent information will be available so that the decision can be made on the basis of a sound, constructive, and persuasive case.

I feel that a case has been made for a recreation-wilderness area complex at the present time and I commend H.R. 6957, as amended, to my colleagues and urge its adoption by the House.

Mr. Chairman, I wish all of the members of the Committee of the Whole House on the State of the Union to understand in making your decision that here is a large wilderness area which presently is a primitive area. It will be covered under the terms of the Wilderness Act, immediately into the Wilderness Act, and there is another area twice as large that will be used for recreational purposes.

Mr. Chairman, this is a good bill and it deserves the approval of the House.

Mr. SKUBITZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the ranking minority member on the Subcommittee on National Parks and Recreation, I rise in support of H.R. 6957, a bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the United States mining laws, and for other purposes.

The purposes of the bill are:

First. To establish a national recreation area in the Sawtooth Mountain region of the State of Idaho to be administered by the Secretary of Agriculture;

Second. To designate as wilderness the existing Sawtooth Primitive Area to be administered in accordance with the provisions of the Wilderness Act;

Third. To recognize the outdoor recreation values of the areas as their dominant values; and

Fourth. To require the Secretary of the Interior to develop a specific proposal for the creation of a national park in the area and to submit his recommendations to Congress no later than December 31, 1973.

About 755,000 acres of some of the Nation's most scenic mountain area located in south-central Idaho are involved in this proposal and are expected to serve the recreational needs of about a million and a half people living within 250 miles of the area.

The Sawtooth National Recreation Area will comprise approximately 537,500 acres and be administered by the Secretary of Agriculture.

Section 2 of the bill specifies that management of the area is to be in a manner which will protect and conserve the fisheries in the area; conserve and develop various inherent outdoor values contributing to recreation and that management of the resources on other Federal lands is to be accomplished so as not to interfere with the recreation area.

Private property in the area, of which there are 25,200 acres, mostly in ranch use that lends itself scenically to national recreation area objectives, will be protected so long as that use remains consistent with the national recreation area objectives.

Hunting and fishing will be allowed in accordance with Federal and State laws and the status quo is preserved regarding Federal-State water rights.

The existence of molybdenum in the White Clouds region of the National Recreation Area, the existence of some valid claims, and the possibility that more will be filed, presents the potential development of an incompatible use within the National Recreation Area, although the value of these claims has not yet been and probably cannot be determined. The Committee on Interior and Insular Affairs was faced with the choice of excluding the White Clouds area from the National Recreation Area or limiting future mining within the area. Since the committee determined that the area's chief value was for recreation, although acquisition of existing mining claims at this time was not justified, it included provisions in this legislation which limit future mining for 5 years, preserve claimholders' rights, authorize regulatory control of mechanical equipment within the area, and preclude the issuance of patents, while permitting development of existing claims.

Also included are provisions requiring a study of the area for potential wilderness designation and a directive that the Secretary of the Interior develops a specific national park proposal within the National Recreation Area for submission to Congress by December 31, 1973.

This bill will also designate about 216,400 acres of land, formerly designated primitive, as the Sawtooth Wilderness Area. That area will be administered in accordance with the Wilderness Act.

About 216,400 acres of the area qualify for designation as wilderness.

The U.S. Department of Agriculture, which presently administers most of the area under consideration, recommended enactment of the legislation and the Department of the Interior indicated that no objection to enactment if amended. The Committee on Interior and Insular Affairs carefully considered the recommendations of both Departments, and numerous amendments, and accordingly revised the text of the bill. As is the committee's usual practice, it placed ceilings on amounts authorized to be appropriated for land acquisition and development. Amounts authorized to be appropriated for land acquisition are limited to $19.8 million and development to $26.2 million. Amounts for land acquisition are authorized to be appropriated from the land and water conservation fund.

This is a good bill for a very good purpose. I urge the support of my colleagues for its passage.

At this time, Mr. Chairman, I would like to yield 5 minutes to my colleague, the gentleman from Idaho (Mr. McClure) who is also a member of the Subcommittee on National Parks and is perhaps more familiar with the bill than any other member of the committee.

Mr. McCLURE. Mr. Chairman and my colleagues, I thank the gentleman for yielding this time to me and appreciate the opportunity of making a brief statement concerning the nature of this legislation.

Mr. Chairman, this legislation is important not only to the State of Idaho but to the Nation.

I think the gentleman from Colorado, the chairman of the full committee, has made a very good statement concerning the nature of the area and the import of this legislation.

I want to emphasize just a few points, however, that may not be apparent from the face of the record and from the bill itself.

Mr. Chairman, this bill represents another step in the long process of making a final determination of resource use of this section of Idaho. It is not the final step, but it is an important step that must not be omitted if we are to come to a solution of some of the controversy that rages over the allocation and use of this section of this very beautiful and very important land resource of this country.

This bill has the unanimous support of both the Members of Congress and both Members of the other body serving the State of Idaho. It is the result of many, many meetings on our behalf with many people in Idaho, as well as the official hearings and meetings among the Idaho delegation to determine what should be our course of action and it was as a result of these efforts that we introduced identical legislation both in the House and in the Senate.

Mr. Chairman, the Sawtooths have been a matter of considerable local and national discussion since 1911 when it was first proposed that the Sawtooths be included as a national park, but the matter has gone from crisis to crisis and from controversy to controversy during all of this long history with no resolution.

We think now that this important step we are taking in this legislation is vitally necessary if we are going to protect this beautiful area of the country. It is important to understand that there are public and private lands. There are various interests involved. There are two or three separate mountain ranges involved. The Sawtooths have been discussed for the last 60 years. The White Clouds and Boulders were injected into the discussion only very recently in national perspective. So I think it is necessary that we remember the distinction between the two areas because they are at varying stages of readiness for final solution.

But the real import is to find a way in which we can provide a protection for all of the area while we are trying to resolve some of the remaining controversies for portions of the area.

It can be said that no bill is necessary, that the majority of the land is in public ownership, and nothing would change if we do not pass this bill, but even those portions of the public lands that are involved here, which is the great majority, are provided greater protection by the passage of this bill either under the Wilderness Act, or under the regulations and restrictions that are involved in this legislation. It needs no explanation at all to know that beautiful valleys that are threatened with subdivisions which would destroy the character which gives them their uniqueness must have some kind of a structure for governmental intervention in private decisions that will provide the greatest protection for the public good with justice to the private property owners.

So this bill is not worse than nothing. This bill may be less than some desire, but it is a very vital and important step forward in protecting the area.

I think the criticisms that have been leveled at the mining that has been done in the area, or that is projected, again underscore the necessity, the absolute necessity, for revision and updating of the mining law, the major body of which was formulated in 1872.

I have introduced a measure which would be a complete rewrite of the basic mining law of this country to deal with the problems, but we cannot wait until that comprehensive legislation is completed to move to provide protection here.

I want to point out that we have in this legislation created one of the changes that is necessary or desirable in this respect in providing that there shall be during the next 5 years no requirement for doing annual assessment work on mining claims. This is done to protect the surface value, rather than requiring a disruption of the surface in order to maintain the validity of those claims as the law now requires. If we did not pass this law we would not make that basic change.

It is charged that this bill is for the miners. It is not. It is to provide a protection for the land, and for the scenic and recreational values of land. This bill does impose new regulations and gives the Secretary new authority to regulate the surface uses and operations. It contains a prohibition for the next 5 years against any new mining claims in the area, which is not the case if this bill is not passed.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. SKUBITZ. Mr. Chairman, I yield 3 additional minutes to the gentleman from Idaho (Mr. McClure).

Mr. McCLURE. Mr. Chairman, I thank the gentleman for yielding me the additional time.

Mr. Chairman, the bill also contains the provision, which I suggested, that we prohibit any even valid claims from ripening into patents. I find no reason at all that we should grant a fee simple title to lands within the area, and then have to purchase those titles back, when we can by this means hold it in status quo and only recognize the rights of the mining claimants to the minerals in place in this land.

It is charged that the language in the bill that grants special use permits in conjunction with valid mining claims enlarges the rights of the mining claim holders. It is the intention of the authors of this legislation that this not be true.

We are not trying to enlarge their rights. We are trying to guarantee that those rights are not diminished by the passage of this legislation.

If anyone can point out to me a different kind of wording which accomplishes that in a more precise way than the language in the bill, I would welcome that advice. But this, in our opinion, is the way to guarantee to these people that they are not being robbed of their private property rights as a result of the passage of this legislation—but certainly not to enlarge or increase those rights.

Yes, this bill is not perfect. The committee adopted some amendments with which I do not agree, on the exclusion of the wilderness area from the boundaries of the recreation areas and the transfer of the fish and wildlife management functions from the State to the Federal agencies with which I personally disagree. But again in our legislative perfection, there are some areas of compromise and difference of opinion and in spite of my criticism of those two particular provisions, I support this legislation. I think on balance, it is good and I am supporting it even with those things in it.

I want to point out a matter which has not been very widely understood and that should be made very clear. The Wilderness Act directed that all primitive areas be studied. The wilderness study directed by the Wilderness Act for the Sawtooth primitive area has been completed. Hearings were held and data was developed with respect to the mineral surveys and relative resources uses. A report was filed.

We acted in pursuance to that wilderness report. At my suggestion the committee enlarged the primitive area boundaries to include every area of suggested inclusion and to refuse to exclude every area save one small one that was suggested in the report be excluded from the permanent wilderness area boundaries.

So the wilderness area outlined in the official report, was preserved and extended. That was done by the committee at my suggestion as we were marking up the bill.

I think it is important to recognize the distinction between the Sawtooth area and the White Clouds-Boulders area because the studies on the Sawtooth have been completed. The land use study instituted in the White Clouds and Boulders by the Forest Service has another year to run. The minerals study under their direction has 2 more years to run. The National Park Service is directed to present a specific proposal to be completed, but no later than the end of 1973.

The studies within the White Clouds and Boulders areas are only now underway and we need time that is granted by this bill to gain additional facts.

I do not think it is fair to say that this legislation does not affect old mining claims—of course, it does, in several very significant ways.

Last year I included this topic in my annual questionnaire to people in my district. A little over 10 percent favored a National Park, about 12 percent favored a National Recreation Area, while over 25 percent favored a combination Park-Recreation Area complex. At the same time, however, over 40 percent said no new legislation should be passed. A statewide poll in October gave almost exactly the same results. Thus, while slightly more than half of those giving an opinion wanted something done, they did not agree upon what, and nearly as many said "leave it as is."

At this time I would like to read into the RECORD my statement which appears in the Record of the Committee on Interior and Insular Affairs on H.R. 6957, Serial No. 92–13 as follows:

STATEMENT PRESENTED BY HON. JAMES A. MCCLURE, FIRST CONGRESSIONAL DISTRICT, IDAHO

Mr. Chairman, it is said that confession is good for the soul, and while the condition of my soul is not my primary concern in this hearing, and is of very little concern to this Committee, nevertheless, I must confess that before you sits a somewhat uncertain member of this Committee. Before I have completed my remarks you will see this, I am sure, and my confession will have been unnecessary.

My uncertainty is composed of two main elements, the first less important, and the second very important.

The measures before this subcommittee are H.R. 5999 by my distinguished colleague Mr. Hansen of Idaho's Second Congressional District, and S. 853 by my very good friends, and able representatives of the people of my State, Senators Len B. Jordan and Frank Church. You have already heard from them, and they have very capably presented to you a very general picture of what is encompassed in the proposed legislation. Since the major areas of this proposal lie in Idaho's Second Congressional District, I will leave the discussion of the technical details of the legislation to my very able friend, Congressman Orval Hansen, the author of the House bill before us. I should note in passing, that this legislation has the same objectives as that proposed by his predecessor in the Congress, the Honorable George Hansen, a former member of this House Committee on Interior and Insular Affairs. Administration witnesses will, of course, also provide detailed explanation.

You have heard the description of the beauties of this unique area of my State and our Country in the remarks of my colleagues from the other body, and you have before you some pictures and other materials which graphically portray the unique splendor of this mountain paradise. And this leads me to the first of my uncertainties. I have seen several of our National Parks and some areas which have been proposed for Park status. Last year I had the privilege of visiting the North Cascades in my neighboring State of Washington and participated in the field hearings on the Park and Recreation Area proposals, and, with all due respects to that very beautiful mountain country, I must assert that the Sawtooths are their superior (or at least their equal) in beauty and very much their superior in the potential for visitor enjoyment and recreation.

I am, however, persuaded that time is of the essence if the setting is to be preserved as the overwhelming public sentiment in Idaho favors. Some years ago, Senator Church proposed that the entire area be designated as a National Park. The local reaction was instantaneous and adverse. Later the Recreation Area concept was advanced and Senate field hearings held on bills on each concept. It quickly became apparent that the Recreation Area bill has strong support while the National Park concept will immediately raise strong local opposition.

The proposed Sawtooth National Recreation Area has long been a favorite playground for many Americans. As its popularity and reputation has grown, however, the problems of efficient and appropriate land management have correspondingly increased.

I appear before you to outline a proposed designation of the area as a National Recreation Area. My thoughts and the proposal are a product of intensive and cooperative study on the part of the Idaho Congressional delegation. We have tried to incorporate into this proposal the suggestions of the Forest Service, the mineralogists, the conservationists, and the many hundreds of outdoorsmen who have contacted the delegation over the past few months to offer their opinions on the future of the Sawtooths. We have tried to cement these views to a sound, economic approach which will benefit the surrounding counties, the State of Idaho, and the Nation as a whole.

While I recognize that the earlier Park proposal was overwhelmingly rejected in favor of the Recreation Area concept, I still believe that a properly formulated Park and Recreation Area bill could gain acceptance and approval. This, I believe, should place the Sawtooth Primitive Area and the adjoining public lands on the East in a National Park, protected and supplemented by a National Recreation Area covering the approaches and valley floor. I believe this to be a superior proposal, but I am nevertheless prepared to, and do, give the proposed bill my unqualified present support, because I believe that it is absolutely imperative to move *now*—and this bill is not surrounded by that controversy which will delay its acceptance.

The Senate amendment including the White Cloud area, however, presents an entirely new dimension to the discussion. The Senate adopted this amendment since this hearing was scheduled (and this hearing was originally scheduled only on H.R. 5999) and on the day the House recessed for the 4th of July weekend. I first knew of it when I read it in the newspapers in Idaho. Only one week has elapsed, which is not sufficient time to give notice to the people affected and to afford them an opportunity to analyze its consequences and to prepare testimony and appear here today. No hearings, either in Washington or in the field have been held by either this body or our counterpart in the other body, concerning the effects of the legislation on the lands included by the Senate amendment.

The pressing for a management proposal affecting this area came to light when the word spread of plans for an open pit mining operation at a molybdenum claim at the base of Castle Peak in the White Clouds. For some time prior to this, others had been considering the management needs of the adjacent Sawtooths.

Like the Sawtooths, the Clouds are beautiful, imposing peaks. Understandably, those who have camped and hunted in this area for years sprang to the defense of the natural scenic beauty of an area which can be considered classic among Idaho's many mountains. There was widespread feeling that any mining operations in the general vicinity would despoil the natural beauty.

On the other hand, many people took the position that Idaho desperately needs to develop commercial use of her natural resources. In addition the economy in the communities surrounding the Sawtooths and the White Clouds is particularly depressed, and it was felt that the mining operation—in which many millions of dollars would be involved in both expenditures and profit—would provide an overwhelming boost to the local economy. Obviously, the State of Idaho would realize a goodly share of individual corporate taxes.

I think it is generally conceded that the timber resource is not a large one, but its exact potential is not known. I believe that we should have better information than I now have.

According to information contained in the debate in the other body, grazing in the areas affected by the Senate amendment consists of 700 cattle and 2,500 sheep for two and one half months. This, it is true, is not a large use, but can be compared to private land animal support values approximating $150,000 in market value. This is a small figure when judged in national scope, but may be staggering to the individuals involved. This I think we should know.

I hasten to add that I know that these uses may not be totally eliminated, and may not be even marginally effected by the restrictions of a National Recreation Area. Again, I think we need to know.

The question of mineral values, however, becomes one that may stagger the imagination. Reference should be made to the Sawtooth Mountain Study Area report and the number of claims found to be in existence—but I should caution that this covers more area than is covered by even the Senate bill as amended. Just as one indication, however, let me point to the prospective development of the molybdenum deposit which is in such current controversy. I am told that the present exploration indicates the existence of an ore body of at least 70,000,000 tons, with the reasonable expectation that it is twice that size and may be three times that size. At the expected rate of recovery of the metal and at present market prices this shows total values of at least ½ billion dollars and may be as much as 1½ billion dollars. At projected rates of operation it would sustain operations for at least ten years and maybe as much as thirty years. The Forest Service now has considerable authority over the operations in the development of this deposit, should it prove out, but does not have the authority to prohibit the operations. I am sure, however, that the tendency would be to be much more restrictive if the area is now put into a recreation classification by the

Congress. In my opinion, this additional authority is not now needed nor desirable for this purpose alone.

This legislation would, however, give the Forest Service the authority to restrict future exploration activities to an extent that they do not now have. Some such restriction may be highly desirable. I do want to point out, however, that the pictures which you have been shown and which have been identified as being on Railroad Ridge are not within the heart of the area as you might have been led to believe, nor are they above the timber line, if my information is at all correct.

I would like to call your attention to U.S. Geological Survey Bulletin 877 and point out that it points up the highly mineralized nature of the area. It clearly points to the existence of the molybdenum deposit which is now being explored in any detail—and it was published in 1937. I mention this only to point out that we do not have any idea of the extent of mineral values in the area, but are on notice that this is an area of uncommon mineralization, as well as uncommon beauty. At this point, I would like to insert a letter from Dr. Rolland R. Reid, Dean of the College of Mines at the University of Idaho.

The question, then, is whether the State of Idaho can afford to lock up the abundant natural resources of the area, or whether we should rely on the proven theories of multiple-use, which dictate that under proper supervision, activities such as mining, grazing, lumbering, and recreation can be compatible.

It is important to note, too, that a few companies have already established valid claims. The Public Land Law Review Commission is now in the middle of an examination of all our land laws, including mining. Recommendations will come from that Commission, but it must be understood that at the present time there is no way in which a simple moratorium can be ordered or enacted by Congress or that mining claims could be voided without full compensation to the mining companies involved.

While the Forest Service now has the authority to regulate the construction of roads, water pollution, and the dumping of tailings, etc., there is no authority to compel any of these valid claims to give up any active or intended mining operations.

A chief concern, however, is future development of mining claims in the area. It has been established by reputable mineralogists that potentially abundant mineral lodes are present throughout the White Clouds. I feel that we cannot ignore the economic benefits should some of these lodes prove to the particularly attractive. However, a few incidents of unsupervised prospecting in the White Clouds have resulted in irreparable scarring of the countryside—scars which cannot be closed and which have offered no compensation in terms of successful location of a profitable claim. Under the management proposal being considered today, the Forest Service will have complete authority to supervise closely or eliminate completely such irresponsible prospecting. This authority also extends to the supervision of activities at existing and operating claims.

Taking all of these factors into consideration, and with due consideration to the emotional appeal of preserving the beauties of the area, I have concluded that designation of the Sawtooths at this time as a National Recreation Area is our most logical course of action. The inclusion of the White Clouds may well prove to be the best means to accomplish what we want—balanced multiple use with the minimum disruption of its present features consistent with desirable economic development. I do think some further information is desirable as well as affording the opportunity to those to express their views who have not been able to be present at this short notice.

I have given some thought to creating a National Park in this area. However, we must obtain proper management of the area immediately if it is to be at all effective. The changing climate of use in that part of Idaho dictates that we do not have time to waste in gathering support for National Park status. Also, the Recreation Area approach offers the two-pronged benefits of regulated mineral development in conjunction with continuing recreational benefits. The Idaho Congressional delegation is striving to obtain proper multiple use in the area while at the same time achieving immediate results without a damaging period of delay.

I urge the Committee to act upon this legislation, in order to protect and define one of America's most appealing recreation areas.

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AUGUST 12, 1969.

Mr. RICHARD P. HRONEK,
*Managing Editor, The Idaho Statesman,*
*Boise, Idaho.*

DEAR DICK: First let me apologize for the delay in answering your letter of July 17 in regard to the Senate passed Sawtooth Recreation Bill. That there has been some confusion concerning my position is all too evident. I did not intend that there be any doubt as to what I meant in my statement to the National Parks and Recreation Subcommittee.

I am a member of the National Parks and Recreation Subcommittee of the House Interior and Insular Affairs Committee, and this subcommittee heard testimony on the Sawtooth Recreation Bills HR 5999 and S 853, July 10, 1969. I was present and personally gave my statement to the subcommittee (as well as participating in the entire hearing), and that statement is the only statement I have made. The copies that were mailed out to the Press and other interested parties were copies of the statement I delivered before the subcommittee. Other Idahoans, including Second District Congressman Orval Hansen were also present.

I am sure the main reason for the uncertainty as to the meaning of my statement must be attributed to the fact that we were considering two separate issues. When scheduled, the hearing covered only Congressman Hansen's bill (H.R. 5999) authorizing the Sawtooth National Recreation Area. Between the time of scheduling the hearing and holding the hearing, the Senate passed a similar bill—but with amendments that included the area encompassing the White Clouds. This presented an entirely new and distinct problem and gave the hearing an entirely new dimension. All this occurred in a little over one week and with little or no advance notice.

I will attempt to answer your questions as specifically as possible as follows:

1. *Are you in favor of the Senate-passed bill in its present form?*

As I said in my original statement, I think the people who are affected by the decision on the inclusion of the White Clouds, whatever their viewpoint or interest, are entitled to be heard. The accident of timing which injected this question into the House hearings without adequate notice was unfortunate. I could not in good conscience support the Senate passed bill without hearings on the White Clouds or at least the passage of enough time to allow interested parties on all sides of the issue the opportunity to make their views known. Some people want more restrictive legislation—others want none. I think both sides should have their "day in court". In my original statement before the subcommittee I said, ". . . The inclusion of the White Clouds may well prove to be the best means to accomplish what we want—balanced multiple use with the minimum disruption of its present features consistent with desirable economic development." This statement still holds true. We are now at the position of holding hearings, gathering facts, etc., to determine the best course of action in the White Clouds. As these facts are developed I am hopeful that a clear picture will emerge on what should be done in the White Clouds and greater agreement can be achieved. I support the original proposed Sawtooth Recreation Area as found in HR 5999 without reservation or qualification. Over the past several years full and complete data has been gathered on this proposal, including hearings which gave all interested parties the opportunity to express their views. However, the inclusion of the White Cloud amendment to S. 853 presents an entirely new dimension to the discussion. I am not prepared to give a flat yes or no on this bill until I have more information and there has been sufficient opportunity for people to express their views.

2. *If not, what specific objections do you have to the bill?*

My first objection to S 853 was that there was not sufficient time for proper hearings and the development of the facts on the White Cloud amendment. The bill also does not really address itself to the problems of restrictions on prospecting other than turning it over to the discretion of the Forest Service. It does not even touch on the very real problem of patent rights of locators of valid mining claims and I think it should. There is some fear in the mining community that the Forest Service would use its arbitrary discretion to create conditions on future operations, both as to prospecting and presently held valid mining claims, which would make them uneconomic, thus affecting a de facto ban on all mining within the area. Until the mineral potential is more clearly defined I would be opposed to any such decision.

3. *If your objections to the bill relate to the regulation of mining within the NRA region, what alternatives would you suggest to the Senate passed bill?*

I am trying to develop language directed toward solution to these problems but I am not yet in position to state it exactly. I have, also, been pressing for hearings on the White Clouds so that our citizens can have the full opportunity to express themselves. To this date, I have not been successful in transmitting my sense of urgency to the committee leadership that schedules hearings and it has had to fall into line behind other pending matters (each of which has its own sponsors and urgency). I am determined that this matter move forward but equally determined that we do so only in conjunction with the right of the people to be heard. It *may* be that I will have to settle for a period of time for statements to be filed in lieu of hearings. I have not yet given up on hearings, however.

4. *Do you feel that the mineral potential of the White Clouds area would override any justification for withdrawing the area for all but recreational use?*

If the mineral values are as high as they have been portrayed. I would be very reluctant to exclude the possibility of their development. Idaho has a limited economic base now and we should be slow in locking the door against utilization of our resources. If mineral values are low and recreation values high, then I agree that we should look to the higher use. If, however, mineral values are high as well as having high recreation potential, I think we should look to a more balanced development. I take no pride in Idaho having a per capita income among the lowest in the nation. I don't think we can really relish having an economy which drives many of our brightest young people out of the State. Neither do I believe we should destroy those things which make Idaho unique nor do I believe we should sacrifice nature's glories on the altar of economic progress.

Let's give some thought to how we can develop some resources without totally destroying others.

You also ask the source of the figure I used in my statement to estimate the values of mineral deposits. The figure is my own. Published reports indicate a metal content of .2 of 1% (.002) which means a recovery of 4 pounds per ton of ore. Average prices for molybdenum have been slightly in excess of $1.70 per pound. At this rate values would be approximately $6.80 per ton. In my statement I said . . . "I am told that the present exploration indicates the existence of an ore body of at least 70,000,000 tons, with the reasonable expectation that it is twice that size and maybe three times that size. At the expected rate of recovery of the metal and at present market prices this shows total values of at least ½ billion dollars and maybe as much as 1 and 1½ billion dollars . . ." 70,000,000 tons times $6.80 per ton equals $476,000,000 or nearly ½ billion dollars. Three times that, obviously, is 1 and ½ billion dollars. I might point out that this is not, as you stated "the mineral value of the White Clouds area," but the prospective value of *one* development. The values of other minerals is not so well known, but I will again refer to U.S. Geological Survey bulletin 877 which, as I said in my original statement, points up the highly mineralized nature of the area.

I will conclude by again reaffirming my support of the original legislation affecting the Sawtooths, Sawtooth Valley and Stanley Basin as proposed in HR 5999, Congressman Hansen's bill. I withhold my final judgment on S. 853 as amended in the Senate to include the White Clouds because of the lack of full information at this time and because interested parties have not had the opportunity nor the time to express themselves on this vital subject.

I hope the controversy over the White Clouds will not delay the passage and adoption of the original Sawtooth National Recreation Area. I want also to restate that I urge the Committee to act on the entire proposal, including the White Clouds amendment so that a final decision can be made.

I realize that none of the proposals are completely acceptable to everyone. If I had my absolute choice, it would be different. In conclusion I will repeat the final paragraph of my statement before the subcommittee which I thought summed up my thoughts very well.

"I have given some thoughts to creating a National Park in this area. However, we must obtain proper management of the area immediately if it is to be at all effective. The changing climate of use in that part of Idaho dictates that we don't have time to waste in gathering support for National Park status. Also, the Recreation Area approach offers the two-pronged benefits of regulated mineral development in conjunction with continuing recreational benefits. The Idaho Congressional delegation is striving to obtain proper multiple use in the area while at the same time achieving immediate results without a damaging period of delay. I urge the Committee to act upon this legislation in order to protect and define one of America's most appealing recreation areas."

Thank you for this opportunity to clear the record. I hope it has.

Sincerely yours,

JAMES A. MCCLURE, M.C.

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From: The offices of Senator Frank Church, Senator Len B. Jordan, Representatives James McClure, and Representative Orval Hansen.

WASHINGTON, August 11.—The four members of Idaho's Congressional delegation—Senators Frank Church and Len B. Jordan and Representatives James McClure and Orval Hansen—announced that they will introduce legislation today to create a combined Sawtooth National Park and Recreation Area.

The park would encompass the Sawtooth, White Clouds and Boulder Mountain ranges. The recreation area would cover the Sawtooth Valley and adjoining areas.

In announcing their intention to introduce the legislation today (Tuesday), the members of the delegation issued this joint statement:

"For the past several months, we four members of the Idaho Congressional delegation have met periodically to discuss an adequate management program for the Sawtooth region of south central Idaho. We have concluded that the controversy over open-pit mining in the White Clouds must not be permitted to pre-empt the enactment of legislation needed now to protect the scenic attractions of this superb mountain area. We therefore propose the following phased approach:

"1. The prompt enactment of legislation creating a Sawtooth National Recreation Area based upon an amended version of the bill already approved by the Senate. This would furnish the Sawtooth Valley with zoning regulations administered by the Forest Service, to protect against unsightly commercialization which now threatens to deface this beautiful valley. Timely action during this session of Congress could still preserve most of these private ranchlands as an unspoiled remnant of the Old West.

"2. We recommend that the Senate-passed bill, on which extensive hearings were held in Sun Valley four years ago, be updated by the House of Representatives to provide interim protection, not presently available, to the mountains which surround the Sawtooth Valley, consisting of the White Cloud, Boulder and Sawtooth ranges. This interim protection, which we are introducing in the form of a jointly-sponsored bill, would confer authority on the Forest Service to prevent injurious disturbance of fragile surface lands through the reasonable regulation of road-building and prospecting activities. The bill would also impose a fixed-term moratorium on the location of new mining claims within the protected area, pending a final decision on a permanent management plan.

"3. Concurrently, in order to give full scope to the options that are open to the people of Idaho, we are jointly introducing a separate bill to create a national park in the uplands surrounding the Sawtooth Valley. We believe that this spectacular alpine region fully qualifies for national park status and would benefit from the special supervision that such a designation brings. The Sawtooth Mountains—jagged monoliths of granite piercing the sky like the teeth of a gigantic saw—offer summits of unblemished wilderness. The White Cloud range, an eight-by-ten mile area of breath-taking grandeur, is bedecked with chains of crystalline lakes. The lofty Boulders, to the south of the White Clouds, round out the complex.

"Under our Constitutional system, even a national park could not extinguish vested rights stemming from prior claims. Accordingly, the bill we introduce would establish the park 'subject to valid existing rights' and such special use permits as may be reasonably necessary for the exercise of such rights. However, if mining operations occur, they would be subject to regulation by the National Park Service, which would assure the largest feasible measure of protection to the soil, water and scenic values of the area concerned.

"We believe that a combined Sawtooth National Park and Recreation Area would best meet the needs of this remarkable region. It would prove a perpetual asset to Idaho, and make possible the proper facilities for accommodating the burgeoning number of vacationists now converging on the area.

"For these reasons, we feel the time is at hand for Idaho people to be heard on all aspects of a management program suitable for the Sawtooth Basin. To this end, we shall make available to every interested citizen, on request, copies of our own legislative proposals, together with schematic maps and other materials. Public hearings have been scheduled by the House Interior Committee at Sun Valley on August 26th, where all who wish to give testimony are invited to attend."

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### SUMMARY OF STATEMENT OF HON. JAMES A. MCCLURE

Since the House Committee on Interior and Insular Affairs first announced hearings on legislation to give park and/or recreation status to the Sawtooth and surrounding mountain ranges, I have received more than 300 letters from the citizens of Idaho. I would venture to say that no two of those who wrote feel exactly the same way about these proposals, but nearly all spoke with one voice on the need to find the solution which will, in the long run, be of most benefit to our State.

As a member of the Committee, as a sponsor of two of the bills pending before the Committee and as a citizen of Idaho, I have had a continuing interest in, and sense of responsibility for, finding a solution that will bring the greatest good to the largest number of our people both now and in the future.

The Committee's tour of central Idaho in August, its overnight campout near Toxaway Lake and the somewhat turbulent hearings in Sun Valley focused national attention on our State. It also served to point up again the great challenge which seems to characterize nearly every problem in the environmental field—deciding how to adapt our natural resources to man's benefit without destroying the resources themselves.

I think it is imperative that we face up to these decisions, and I welcome the Interior Committee's trip to Idaho as evidence that we are moving in that direction. At the same time, I have said repeatedly that our stakes in the decisions are so enormous that we must proceed with great caution, and only after all alternatives have been fully explored.

But we are not just relying upon a congressional committee to make these decisions for us. The entire Idaho delegation has been meeting on the problem for many months. The end result was a new approach for the Sawtooths. It is not merely a compromise; rather, it is an alternative plan which seeks to protect the basic interests of all parties involved.

As the first part of our approach, the Idaho delegation suggests that Congress pass the basic Sawtooth National Recreation Area bill, minus the White Clouds amendment which was added in the Senate, and without any changes in the legislation except minor boundary changes in the South and West.

As a companion measure, we urge the passage of a bill to withdraw the mountains which surround the Sawtooth Valley—the White Clouds, the Boulders and the Sawtooths—from mining entry for a period of five years. This bill would also provide for regulation of surface activities and bar patents on mining claims in the areas under discussion. It *must* be made clear, however, that mining is not prohibited, but is restricted and controlled. We all agree that this is the only reasonably available choice. This would have the effect of providing reasonable regulation of road-building and prospecting activities for those claims already in existence. At the same time, it would impose a temporary moratorium on new mining claims pending a final decision on a permanent management plan.

Finally, when the above has been completed, we should then consider what is to be done with the area on a permanent basis. In order to give full scope to the options open to the people of Idaho, the delegation has introduced a separate bill creating a national park in the uplands surrounding the Sawtooth Valley. The resulting joint park-recreation complex would be subject to valid, existing rights and such special use permits as may be necessary to exercise those rights.

These bills are proposals upon which the delegation representing Idaho has agreed. It certainly does not mean that we can't make any changes if it appears desirable to do so after we have heard from all parties and studied suggestions they have made. Governor Samuleson has urged such studies, and Senator Jordan recently stated that the proposals are "subject to change". I agree.

Perhaps all of this is better understood in light of the background on the Sawtooth legislation. Early in 1969, bills were introduced in both the House and the Senate to create a 351,000 acre national recreation area in the Sawtooth mountains. When this bill passed the Senate in June of 1969, an amendment was adopted adding approximately 150,000 acres in the White Clouds. There had been no hearings on the White Clouds by a Senate committee.

By coincidence, the House Committee on Interior and Insular Affairs had scheduled hearings only ten days later on the Sawtooth bill introduced by Congressman Hansen. Since the Senate-passed bill had just been referred to this Committee, it was automatically under consideration as well. However, I want to emphasize the fact that when the House hearing were first scheduled, the Senate had not yet acted and, therefore, the only testimony scheduled was on the Sawtooths, not on the White Clouds.

It needs to be understood that the House Committee on Interior and Insular Affairs does not take action on any proposal affecting large tracts of land until hearings have been held. Invariably, hearings are held in Washington and usually field hearings are scheduled in the affected area as well.

Too many people have not known this and have charged that delays were arbitrary or that the hearing in Sun Valley on August 26th was contrived. The Committee has literally dozens of proposals awaiting action, and I feel fortunate to have gotten them to come to Idaho for hearings. I had been working for a year to get the field hearings scheduled—ever since the White Clouds were added to the original bill by the Senate, as a matter of fact. I'm enclosing a press release concerning a visit that was cancelled because of the weather in October of 1969.

It should also be understood that the Committee does not act upon legislation until departmental reports are received—in this case, from the Departments of Interior, Agriculture and the Bureau of the Budget. Occasionally there are exceptions, but these are very unusual cases. The reports have been requested, but have not yet been received on the legislation affecting the White Clouds. I am going to keep pushing for action, as I have for over a year now.

Anyone who believes that development of needed natural resources can be forestalled forever believes what never was and never will be. Likewise, those who feel that the scenic heritage of our State is there to be explored, plundered and pillaged at will also dwell in fantasy.

Those who view Idaho—her beauty and her benefits—as exclusively their own will be disappointed when the problem is finally resolved. However, I am confident that an acceptable solution will be enacted into law and am certain it must not be delayed.

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From: The offices of Congressman James A. McClure and Congressman Orval Hansen.

WASHINGTON.—Idaho Congressman Orval and James A. McClure today introduced legislation in the U.S. House of Representatives to create a Sawtooth National Recreation Area.

The proposed recreation area encompasses the Sawtooth, White Clouds and Boulder Mountain ranges, as well as the Sawtooth Valley and adjoining areas. Included in the National Recreation Area would be 725,000 acres of National Forest and Public Domain lands, 25,000 acres of private lands, and 2,000 acres of Statelands.

Hansen and McClure said an identical bill is being introduced today in the Senate by Idaho Senators Frank Church and Len B. Jordan. The four members of Idaho's Congressional delegation have been working closely together for the past several months to present the best possible management program for protecting the Sawtooth Region of south-central Idaho.

The Congressman noted that in addition to creating a Sawtooth National Recreation Area, the bill would:

(1) Impose a five-year moratorium on the location of new mining claims.

(2) Designate the Sawtooth Primitive Area as the Sawtooth Wilderness Area; and

(3) Direct the National Park Service to develop a proposal for a unit or units of the National Park System within the Recreation Area.

In a joint statement, Hansen and McClure said: "In drafting the new bill this year, the entire delegation has given very serious thought to all previous legislative recommendations and the many expressions of opinion from hearings on the Sawtooth legislation both in Washington and at Sun Valley last summer.

"We believe the package we have introduced today, which has been compressed into one bill following many hours of discussion with Senators Church and Jordan, is a significant improvement over the assortment of Sawtooth bills introduced in the past, and stands an excellent chance of favorable consideration by both the House and Senate.

"Prompt enactment of legislation creating a Sawtooth National Recreation Area would furnish the area with regulations administered by the Secretary of Agriculture and the Secretary of the Interior to protect against unsightly commercialization now threatening to deface this beautiful land. Action during the current session of Congress could make possible the preservation of most of the private ranchlands as unspoiled remnants of the Old West.

"The bill would also provide interim protection to the mountains surrounding the Sawtooth Valley—the White Cloud, Boulder and Sawtooth ranges—by conferring authority on the Secretaries of Agriculture and Interior to prevent injurious disturbance of fragile surface lands through the reasonable regulation of road-building and prospecting activities.

"Vested rights stemming from prior mining claims would not be extinguished by creation of a Sawtooth National Recreational Area. The bill would establish the National Recreation Area 'subject to valid existing rights' and such special use permits as may be reasonably necessary for the exercise of such rights. However, if mining operations occur, they would be subject to regulation by the Department of Agriculture and Interior, which would assure the largest feasible measure of protection to the soil, water and scenic values of the area concerned."

Detailed maps of the proposed Sawtooth National Recreation Area are available upon request from the offices of the Idaho delegation.

Mr. TAYLOR. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the legislation now before the House has three principal objectives:

First, it establishes the Sawtooth National Recreation Area;

Second, it establishes the Sawtooth Wilderness Area; and

Third, it provides for a park study to be made by the Secretary of the Interior and requires him to report his recommendations concerning a national park in this area to the Congress no later than December 31, 1973.

### THE AREA

It is difficult to comprehend the magnitude of the area involved in H.R. 6957. The recreation area alone totals almost 537,500 acres. The wilderness area adds another 216,000 acres. Together this outdoor complex, with its magnificent mountains and beautiful valleys constitutes an area larger than the State of Rhode Island. Within this region, crystal clear lakes that dot the landscape, hundreds of miles of ice cold streams from the tributaries of five important water sources of the Columbia River Basin.

Naturally, with these characteristics, the area offers great outdoor recreational potential. Hiking, camping, fishing, hunting, horseback riding and sightseeing will undoubtedly continue to increase in popularity among the visiting public. But the area has significant cultural historic and scientific values worthy of national recognition as well.

The members of the Committee on Interior and Insular Affairs have agreed that recreation should be recognized as the dominant use in this vast area, but we realize that other values are also present and must be acknowledged.

Timber values are a relatively important element in the local economy; however, timber harvests are presently precluded within the existing primitive area and are limited in the recreation area primarily to the lower slopes.

Grazing has been practiced in the area since the turn of the century. Continued use of the rangelands is considered essential to the ranching operations in the region. This activity can be reasonably regulated and is not considered harmful to the general purposes of the legislation.

This area has long been known to be highly mineralized. Mining activities, probably more than anything else, brought the area its first permanent residents of European ancestry. Since the initial gold rush days, in the 1860's, men have been prospecting in the region and there are an unknown number of mining claims and patented lands within the area at the present time. Some of these are said to contain minerals of commercial value. These interests, if valid, cannot legally be extinguished except by voluntary relinquishment or by payment of just compensation. At this time, H.R. 6957 does not contemplate the acquisition of these interests, but it does attempt to protect the area from mining activities which would frustrate the recreation objectives and mar the scenic values of the area.

It does this:

First, by withdrawing all Federal lands within the recreation area from all forms of location and entry under the mining laws for a period of 5 years, so that no new claims can be established.

Second, by excusing existing claimholders from doing the required annual assessment work on their claims for the next 5 years so that the disruption of surface values can be minimized;

Third, by authorizing the Secretaries of Agriculture and Interior to promulgate regulations to control the use of motorized vehicles across or on Federal lands so that surface values and related values on Federal lands will be protected; and

Fourth, by extinguishing the right of a claimholder to proceed to patent on any claims within the recreation area.

These are strong provisions which are designed to protect this area, to the extent legally possible, until it can be thoroughly reviewed and a sound proposal formulated for the creation of a national park. In the absence of the enactment of H.R. 6957—

Nothing closes the area to new claims;

Annual assesment work must be done if a claimholder is to protect his interest—regardless of what effect it may have on the lands involved;

Neither Secretary can legally deny reasonable access to a valid claim; and

Persons holding valid claims may proceed to patent and secure fee title to the lands involved.

### CONGRESSIONAL CONSIDERATION

Mr. Chairman, the Members of the Committee on Interior and Insular Affairs have given H.R. 6957 careful consideration. Shortly after the Senate passed its original bill in 1969, the Subcommittee on National Parks and Recreation conducted public hearings on the legislation. Later during the August recess in 1970 several Members went to the area to see it firsthand and to conduct field hearings, 300 witnesses were heard. Again last year, hearings were held on the bill as reintroduced by our colleagues from Idaho—Messrs. HANSEN and McCLURE. Only after that lengthy process did the committee mark up the bill and report it to the House in amended form.

### CONCLUSION

We feel that the bill is sound and that it represents the most reasonable course of action at this time. We recommend it without further amendment.

Let me say a word with regard to costs. Private lands would amount to 25,214 acres. One thousand and seven hundred lots have been created in subdivisions, but most of the area is in a pastoral state. According to the provisions of this legislation, the Government can take only 5 percent of the total private land for development. That is about 1,250 acres. As to the rest, if it is maintained according to the standards set by the Secretary, the Government has no power to acquire it. It can be condemned if the standards are not complied with.

The acquisition limitation set in the bill is $19.8 million, but that is the maximum cost, and if the property owners comply with the standards the acquisition costs should be greatly reduced.

Most of the private land in this beautiful Sawtooth Valley—and that is where the private land is located—is now owned by farmers. They use it for irrigated pasture. The area is made lush and beautiful because of this irrigation. We hope to continue the ownership of that land and the use of the land, most of it, as it now is.

In most parks the desire of the Government is to acquire all the land and to return it to a natural state as quickly as possible but in this particular area we do not have the desire. We do not think that that is the best approach. We think it is desirable for those ranchers and sheepherders to continue to own that land and operate it subject to Government standards, and to continue making the valley beautiful.

Mr. Chairman, some may ask, "Why not a national park now?" My response must be, "Because it is not yet time."

I like to think that no one in this House is more friendly to the establishment of new national parks than I am. I know what a national park can be for the people—at home and around the country—now and in the future. And I can honestly say that I want a national park in this area—it is truly a place with park quality. But I do not want to help create a park without knowing all the facts and certainly not without having some reasonable information concerning the costs involved. The spokesman for the Department of the Interior, the Assistant Secretary in charge of national parks, Nathaniel Reed, testified that the Department was in no position to recommend the creation of a park at this time because the necessary studies had not been completed. The bill calls for the completion of the studies and requires the submission of a report to the Congress no later than December 31, 1973. At that time the Congress can review those recommendations and decide what action would be appropriate. That is the logical way to handle the national park question. In the meantime, let us give this area every protection we can by enacting H.R. 6957.

Mr. SKUBITZ. Mr. Chairman, I yield 10 minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. KLUCZYNSKI. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from Illinois.

(Mr. KLUCZYNSKI asked and was given permission to speak out of order.)

### ANNOUNCEMENT OF UNVEILING OF A MEMORIAL PORTRAIT TO A POLISH PATRIOT

Mr. KLUCZYNSKI. Mr. Chairman, I would like to invite the Speaker and Members of the House to be in the private dining room at 2:30 this afternoon for the presentation of a portrait and to participate in a memorial to the Polish patriot who played such an important part in aiding the Americans in their fight for independence.

I assure the Members the memorial will not last more than 5 minutes, and I would appreciate it if Members of the House will be downstairs for that service in the Members' private dining room.

Regrettably, the contributions made by the Polish people to this cause are not as well known as they should be. In the hope that the Polish people will be better remembered, I am giving this painting to you, my colleagues. It signifies to me a conflict between storm waves and the breaking up of rocks.

In this symbolic way, the rocks could be tyranny and lack of freedom. The waves could be the Polish patriots as the force of freedom who wore down and broke the rock of tyranny.

I know you will enjoy this picture and see more in it the longer you view it.

Thank you.

Mr. HANSEN of Idaho. Mr. Chairman, I will not repeat the things that have been said and the areas already covered, but I want to associate myself with the remarks previously made by my colleagues on this legislation. I would particularly like to acknowledge my personal appreciation and indeed acknowledge the indebtedness of the people of this country to those who have done so much to help shape this legislation and bring it to the floor today. These include the chairman of the full committee, the gentleman from Colorado (Mr. ASPINALL) as well as the chairman of the subcommittee, the gentleman from North Carolina (Mr. TAYLOR) and the ranking minority member of the committee, the gentleman from Pennsylvania (Mr. SAYLOR) and the gentleman from Kansas (Mr. SKUBITZ) as well as my colleague from Idaho, Congressman McCLURE, and our colleagues in the Senate, Senators FRANK CHURCH and LEN B. JORDAN, all of whom have contributed greatly to the development of this legislation.

I would also express our appreciation to the members of the subcommittee who traveled to Idaho under rather difficult circumstances a year ago last summer to see this area on the ground and to talk to the people who are most interested in and directly affected by the passage of this bill.

Let me say also this is controversial legislation. There are honest differences of opinion on what it should contain and the time table that it should incorporate for further steps that will be taken beyond the passage of the bill before us. I respect those who have expressed different views on what the shape of this legislation should be. I think it can be said among all of those who hold different views that there is, nevertheless, a common love of this country and a common desire to make certain that its unique values are preserved for the enjoyment of our own and future generations.

I know the gentleman from Pennsylvania (Mr. SAYLOR) has some different views on the time table toward the development of a national park, but I would say also that there are few Members of Congress who are better acquainted with that area based on frequent personal visits or who have a greater desire to preserve and protect its unique values than the gentleman from Pennsylvania (Mr. SAYLOR) I respect his views on this legislation.

This bill meets two high priority needs. That is why time is of the essence. That is why we need to act now. We cannot deliberate for more months and years on some ultimate plan.

The highest priority need is to protect the Sawtooth Valley, which is mostly in private ownership. Unless we act and vest the Forest Service with the authority now to develop and implement the regulations that will protect that area, within a few months it will deteriorate very rapidly and the values that are there, the priceless irreplaceable values, will be permanently lost. So we need to act now to protect the Sawtooth Valley.

The second priority is the White Cloud Peaks, a very fragile and very delicate but highly scenic area to the east of the

Sawtooth Valley, a place that is threatened with damage resulting from unregulated mining and prospecting activity. This bill vests the Forest Service with additional authority to regulate the kinds of surface disturbing activities that could permanently destroy the values in that area. That is why we need to act now.

The bill also contains, as the chairman of the subcommittee noted, a direction to the Secretary of the Interior not to just study the feasibility of a park but to develop an affirmative, specific, detailed park plan and to present it to Congress. The Congress can then consider and take appropriate action on the proposal and give all interested parties an opportunity to be heard and to make a judgment on that plan.

Mr. Chairman, I have the honor to represent the district in which the proposed Sawtooth National Recreation Area is located. I am happy to be a cosponsor of H.R. 6957 along with my distinguished colleague from Idaho, the Honorable JAMES McCLURE. A companion Senate bill, S. 1407, was introduced by Senators FRANK CHURCH and LEN JORDAN of Idaho.

This legislation is the product of the efforts of the Idaho delegation extending over several years to develop a management plan that can gain broad acceptance and is best suited to one of America's greatest scenic treasures.

The Sawtooth country in south-central Idaho is a priceless national asset. Because of its unique scenic beauty and because of the imminent threat of deterioration of its many and diverse values, the need for prompt and effective congressional action is attracting increasing national attention. I am certain that most Members here today have received correpondence concerning the urgency of affording protection for the Sawtooth country.

The threat to the area comes from several directions. The most serious and immediate threat is to the Sawtooth Valley with its unobstructed panoramic views of the jagged Sawtooth Mountains on the west and the delicate and beautiful White Cloud Peaks and rugged Boulder Mountains on the east.

In the Sawtooth Valley we already see the evidence of unplanned and unsightly subdivision development that, if not controlled, will rapidly transform the area from its western ranching character to commercial development that will forever mar its unique scenic beauty.

In this bill, therefore, top priority has been given to saving the Sawtooth Valley.

High priority has also been given to the White Cloud Peaks, a very fragile area of incredible scenic beauty, which is threatened with serious permanent damage as a result of inadequately regulated prospecting and mining activities. Further delay in providing adequate protection for the White Cloud Peaks area will surely result in the permanent loss of many of the unique scenic and recreational values in this priceless national resource.

The legislation before us is responsive to these most urgent needs. It will create immediately the proposed Sawtooth National Recreation Area, vesting in the Secretary of Agriculture the authority to publish regulations and set standards governing the use of privately owned property, to acquire scenic easements and to take other actions necessary to assure the highest and best use of the area.

The bill also imposes on the area a 5-year moratorium on all forms of location, entry, and operation under the mining laws of the United States. It further directs the Secretary of Agriculture and the Secretary of Interior to jointly promulgate and issue regulations to protect the surface values of the Federal lands in the area, including but not limited to activities related to mineral prospecting, exploration or development, and mining operations.

The bill further prohibits the issuance of a patent for locations and claims heretofore or hereafter made in the area. This provision represents a major step forward in the reform of our archaic and inadequate mining laws and will hopefully serve as a model for long overdue revision of these laws.

Although some would prefer more restrictive language on mining and other activities, we must remember that in addition to the protection and management tools provided by this bill, the Federal Government already has extensive authority to prohibit activities that degrade water quality. The use of all of these tools will have a direct impact on the economics of mining in the area and will likely have the effect of significantly reducing or eliminating those activities which are causing the despoliation of the area. All of these tools can and will be used to protect the White Clouds while studies go forward to provide the basis for decisions on a more permanent management plan for the area.

Also included in this bill, Mr. Chairman, is a provision whereby 201,000 acres of the Sawtooth Primitive Area will be designated wilderness and added to the Nation's wilderness system.

The bill directs the Secretary of the Interior to undertake an evaluation of parts of the area for designation as a national park and to prepare a detailed plan for such a park together with proposed legislation that would implement his recommendations.

There are many honest differences of opinion over the best ultimate management plan that should be established for the area, and over the timetable that should be followed. At the hearings in Washington last June, the witnesses represented a great variety of interest and points of view. Virtually all had disagreements with some aspects of this bill. But, almost without exception, however, all took the position that there was an urgent need for passage of this legislation. Among those who advocate different courses of action, there is a common love for this magnificent part of our country and a common determination to make sure that its unique and irreplaceable values are protected and preserved for the use and enjoyment of our own and future generations.

The bill before us today represents the best judgment of members of Idaho's congressional delegation on the first step leading to the ultimate development of a plan that will best serve the public interest.

Additionally, I wish to call attention to the fact that the Idaho Legislature has memorialized the Congress to establish a Sawtooth National Recreation Area and to declare a 5-year moratorium on mining entry in that area.

I sincerely hope that my colleagues will vote approval of this long-considered piece of legislation so that 1972 can witness the establishment of America's most superb national recreation area.

Mr. TAYLOR. Mr. Chairman, I have no further requests for time, but I ask unanimous consent to include in the RECORD at this point a schedule of estimated expenditures for the first 5 years of the proposed Sawtooth National Recreation Area and a schedule showing estimated additional man-years of civilian employment for the first 5 years for the proposed Sawtooth National Recreation Area.

The CHAIRMAN pro tempore (Mr. HAMILTON). Is that the gentleman's own statement?

Mr. TAYLOR. It is the statement which normally is attached to the departmental report. For some reason it was not attached to this report, and we feel it should be made a part of the RECORD.

The CHAIRMAN pro tempore. The gentleman will have to get that permission in the House.

The schedules referred to follow:

ESTIMATED EXPENDITURES FOR 1ST 5 YEARS FOR PROPOSED SAWTOOTH NATIONAL RECREATION AREA

| | Current year | Current year plus 1 | Current year plus 2 | Current year plus 3 | Current year plus 4 |
|---|---|---|---|---|---|
| Operation and maintenance: | | | | | |
| Personnel | 341,000 | 464,000 | 587,000 | 724,000 | 811,000 |
| Other | 102,000 | 130,000 | 176,000 | 217,000 | 243,000 |
| Capital investment | 2,294,800 | 2,194,800 | 1,724,800 | 1,714,800 | 1,894,800 |
| Acquisition | 1,000,000 | 1,230,000 | 1,247,000 | 1,500,000 | 1,500,000 |
| Total | 3,737,800 | 4,018,800 | 3,734,800 | 4,155,800 | 4,448,800 |

ESTIMATED ADDITIONAL MAN-YEARS OF CIVILIAN EMPLOYMENT FOR 1ST 5 YEARS FOR PROPOSED SAWTOOTH NATIONAL RECREATION AREA

| | Current year | Current year plus 1 | Current year plus 2 | Current year plus 3 | Current year plus 4 |
|---|---|---|---|---|---|
| Full time | 24 | 32 | 40 | 48 | 54 |
| Seasonal | 11 | 16 | 21 | 26 | 31 |
| Total | 35 | 48 | 61 | 74 | 85 |

Mr. SKUBITZ. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Chairman, I rise in opposition to this legislation.

My colleagues know that I would be the first on my feet to praise this bill if it were indeed a bill to protect the magnificent Sawtooth-White Clouds area. But this bill is a sham. It provides the form of protection, but not the substance. Instead of designating this area as a national park, as it should be, this bill provides a confusing, weak, and inherently ineffectual package of provisions, some of which work at direct odds with the goal of protecting the natural character of this area.

In the first place, there is simply no real question that the Sawtooths should be designated as a new national park, not a national recreation area. Since 1911 proposals have been put forward to create such a national park, to embrace and protect not only the Sawtooths, but the endangered White Cloud mountains, the Boulders and the Pioneers. Here is one of the very few large expanses of true national park caliber left unprotected in the continental United States.

What we have in this bill is a poor second best proposition, and one which is fatally flawed by special loophole provisions that will bring mining and other forms of wholly incompatible use into the very heart of this area.

Now, Mr. Chairman, we do have an alternative. A sound plan has been presented for a special national park-national recreation area complex. Under this Greater Sawtooths plan, the national park would extend through the higher alpine portions of the area, while a national recreation area in the valley will provide for sound protection of the historic and public recreational values there.

When the House Interior Committee conducted field hearings on this issue in Sun Valley, Idaho, in August of 1970, the testimony was overwhelming in support of this Great Sawtooth National Park proposal, rather than the straight national recreation proposal the committee has chosen to report here. At hearings held here in Washington last June, Idaho's new Governor Cecil D. Andrus, a nationally recognized environmentalist, had this to say in comparing the two proposals:

> The present proposal greatly ignores the National Park-National Recreation Area complex which received two-thirds of the favorable testimony at Sun Valley last summer. The proposal before this committee creates the image of protection for Idaho's scenic treasures while at the same time allows exploitative uses to continue . . . Idaho deserves the recognition and protection offered by a National Park for portions of the Sawtooth area . . . Total mining withdrawal in and around the high peaks is necessary if we are to maintain the valued beauty of the mountains.

Mr. Chairman, Governor Andrus was right: The bill before us today creates the image of protection for the Sawtooths, but it is image only. Behind the facade of high-sounding language, this bill is riddled with weaknesses and loopholes.

Of all the problems with this bill, the best example is the open invitation it provides for mining in the areas it pretends to protect. This bill provides a 5-year moratorium on new mineral entry within the area, when what is needed is a permanent withdrawal of the entire area from mineral entry, for good. Together with the provisions of section 12, which allows mineral exploitation under special use permits from the Forest Service, this provision provides a loophole big enough for the largest mining equipment to drive right through. And that is just what will happen, if we permit this legislation to pass into law in its present form.

Mr. Chairman, the conservation-minded people of Idaho want the Sawtooths and White Clouds protected against mining. The Governor of Idaho knows this and has supported true national park status for this area. My colleagues will remember that Governor Andrus' election was nationally noted as a victory for the environmental issue, inasmuch as he campaigned vigorously against mining in the White Clouds. When our committee went to Idaho, we found overwhelming support for the national park concept, as opposed to this weak-kneed national recreation area. Just recently, a poll in the Second Congressional District found the respondents favoring the Greater Sawtooth national park-national recreation area plan 2 to 1 over the national recreation area alone. A full 50 percent of the respondents favored the park plan, with only 24 percent favoring the plan embodied in the bill now before this body.

This, too, has been the position of conservationists and environmental groups, both in Idaho and nationally. Among the groups who believe this pending bill is hopelessly too weak, and who want to see full national park status for this area instead, are:

Greater Sawtooth Preservation Council.

Idaho Environmental Council.

Idaho Alpine Club.

Sierra Club.

Friends of the Earth.

The Wilderness Society.

Federation of Western Outdoor Clubs.

Mr. Chairman, I insert in the RECORD at this point an analysis of the weaknesses of this bill prepared by the Greater Sawtooth Preservation Council. I can only agree with their conclusion that this bill represents "A Step Backward for Conservation."

The analysis follows:

### A STEP BACKWARD FOR CONSERVATION

The Sawtooth National Recreation Area (NRA) bill, unless amended constructively, is an environmental outrage. It offers NRA classification for an area which should be a national park. It claims to provide desperately needed protection for the region while actually establishing special and unique rights for the mining industry to despoil it. It is in direct contradiction to the overwhelming support given to a National Park-NRA complex by Idaho citizens at the 1970 field hearing and in a recent poll conducted by Representative Orval Hansen. The bill is so bad that it is actively supported by the mining, logging and grazing industries. Conservation organizations of Idaho and the nation oppose this bill, which has been described as worse than no bill at all.

### WHAT DOES H.R. 6957 OFFER?

The new NRA bill represents a step backward from the less-than-ideal Park and NRA bills of the 91st Congress. Instead of the desired Park-NRA complex and stronger protection, the new bill calls for:

An NRA administered by the Forest Service, with continued multi-use management, applying the NRA concept of high-volume, easy-access recreational development to an area whose dominant characteristics and values are those of alpine wilderness.

A five-year moratorium on new mining claims. The old claims, such as those 300 or more that blanket the Little Boulder Creek area of the White Clouds, would not be affected. The development of the planned ASARCO open-pit mine would not be impeded by the moratorium; just by coincidence, their plans for mining are about five years in the future.

A National Park Service study, to be completed by the end of 1973, which would be required to justify in great detail the need for and the impact of a Park. Such a study could long since have been done without legislation. Governor Cecil Andrus of Idaho has asked for such a study.

Special use permits for the development of existing mining claims. Section 12 of the bill (formerly Section 14) includes language which would provide a legislative guarantee for the miners to build roads and to claim and use additional lands and waterways for ore-processing, waste disposal dumps, and tailing ponds. Any pretense of protection for the White Clouds disappears when the special use permits are considered.

If the intent of the presently proposed NRA bill were protection of the greater Sawtooth area, it would be a tragic failure. By promising, but not delivering the badly-needed protection for the area, H.R. 6957 might effectively kill any chance of ever achieving first-class protection and recognition for Idaho's superb wilderness Alps.

### WHAT IS WRONG WITH THE BILL?

***The lack of Park status*** **for the alpine areas of the Sawtooths, White Clouds, Boulders, and Pioneers is the major omission in the present bill. The Sawtooths have been proposed as a National Park since 1911 and are one of a very few areas of National Park caliber left in the United States. The**

broad support for the Park–NRA formula proposed by the Greater Sawtooth Preservation Council has been demonstrated in several ways:

Testimony at the August 1970 Hearing of the House Interior Committee in Sun Valley.

The testimony of Idaho Governor Cecil D. Andrus at the June 1971 hearing in Washington, which stated, "The present proposal greatly ignores the National Park-National Recreation Area complex which received two-thirds of the favorable testimony at Sun Valley last summer. The proposal before this committee creates the image of protection for Idaho's scenic treasures while at the same time allows exploitative uses to continue . . . Idaho deserves the recognition and protection offered by a National Park for portions of the Sawtooth area . . . Total mining withdrawal in and around the high peaks is necessary if we are to maintain the valued beauty of the mountains."

The results of a poll conducted by Representative Orval Hansen of Idaho which showed "that a combination National Recreation Area and National Park for protection of the Sawtooth Mountains-White Cloud Peaks area in south central Idaho was favored by respondents 2 to 1 over a National Recreation Area only."

*The lack of permanent withdrawal from mineral entry* is totally inconsistent with the purpose of preserving the region for future generations. All other NRA's, not to mention the National Parks, are permanently withdrawn. The five-year moratorium proposed in Section 10 of H.R. 6957 would end at precisely the time that development of the open-pit mine in the White Clouds is anticipated to begin. In fact, the moratorium has no effect on the more than 300 claims which have been made in that area.

*The special use permits clause* in Section 12 (Sec. 14 of the original H.R. 6957) actually broadens the rights of the miners to operate in an area that is supposedly classified for preservation. A joint press release by Representatives McClure and Hansen stated that "The bill would establish the NRA subject to valid existing rights and such special use permits as may be necessary for the exercise of such rights." The second sentence of Section 12 (originally Section 14) of the bill reads, "This shall not be construed as preventing or interfering with the full exercise of the rights of the holder of a valid claim to prospect, develop, and mine any such claim. . . ." This language would establish a unique and unprecedented legislative guarantee for the miners to claim additional land (and bodies of water) for access roads, ore-processing mills, waste-dumping areas, and tailing ponds. All other values and uses would thus be subordinated to the need of the mining operations.

The alpine valley at the foot of Castle Peak in the White Clouds could become a wasteland: two to five miles of Little Boulder Creek in the headwaters of the East Fork of the Salmon River would become polluted and totally submerged by the proposed tailings ponds from the 20,000 ton per day mine.

More than anything else in the bill, the special use permits clause makes a mockery of any hope of significant protection for the White Clouds and Boulders. It would degrade the consistently high standards of protection which have been set in our National Parks and NRA's. The bill enacting the North Cascades National Park-National Recreation area was the model for the GSPS proposal; it contains no such language.

### HOW IS THE COMBINED PARK-NRA PROPOSAL BETTER?

A common and quite paradoxical argument has been used by supporters (including the mining industry) of the H.R. 6957. They state that nothing can stop mining, not even National Park status with mineral entry withdrawal. The contradiction in the argument was illustrated beautifully by the Secretary of the Idaho Mining Association on May 1, 1971, when he stated that, "He (the miner) would surely become extinct, however, were a national park created there." Those who protest most loudly against the Park protection seem to be those who fear it the most. Mineral entry withdrawal, such as Congress provided in the bill establishing the North Cascades National Park and NRA, will protect the White Clouds from destruction and preserve its beauty for future generations.

Park protection would be effective in the following ways:

1. *Mineral Entry:* All parks and monuments are withdrawn from mineral entry except as expressly provided otherwise by the statutes or executive orders which established them.

2. *Existing Valid Claims:* There are four significant factors relating to the rights vested in a mineral entryman:

a. A mineral claim is valid only if it is based on an actual discovery of a valuable mineral in sufficient quantity to meet the test of the prudent operator's rule, that is, it can be marketed profitably. A general pattern of mineralization based on "sample" core drilling will not suffice to meet the test. *Each claim must be based on actual discovery.*

b. The validity of claims in a withdrawn area is determined on the basis of actual discoveries made *before* the area was withdrawn. Discoveries made after the date of withdrawal are irrelevant in testing the claim's validity. The ASARCO claims in the White Clouds have not yet gone through the final validation process that must be performed by the Department of the Interior. If the land were withdrawn from mineral entry prior to that validation, future discoveries could not be made.

3. *Mill Site Entry:* Where lands are withdrawn from mineral entry, an entryman could have a mill site only if he had made a valid mill site entry before the date of withdrawal. Even if the entryman has valid mineral claims, he may not make a valid mill site entry until he has made a definite decision and plan for protection. If the area is withdrawn prior to such a time and the entryman later needs additional lands to develop his valid existing claim, he has no right to any additional lands and *must face the necessity of removing all excavated materials for processing outside of the withdrawn area.* The economic burden of transportation and processing of low-grade ore (99.8% waste) would be enough to make the proposed White Clouds operation uneconomical. The particular danger of Section 12 of the NRA bill is that it would require that special use permits be given for on-site processing facilities.

4. *Access to Claims:* The National Park Service indicates that there is no general statutory right of access across national parks and monuments to a pre-existing claim. There being no such right at common law and none granted by statute, it is possible that there is no right of access except such as is actually established or used at the time an area is withdrawn in a park or monument. At present, there is no established road or right of access in the White Clouds.

Withdrawal of an area from mineral entry has a significant effect not only on the location of future claims but also on the future use of existing claims. In essence, when an area is withdrawn, the right to the use of land is frozen as of that date. Any future use of mining claims is determined by such rights, including future interests, as existed on the date of withdrawal. The power of the proposed Park-NRA legislation lies in its capability to protect Park values, even if a particular area within the Park contains valid claims. While the law guarantees the holder of the claim the right to the minerals in the claimed area, there is no guarantee that he must be able to extract or process those minerals in the most economical (but potentially destructive) way. The net effect is protection. The mining company would retain the right to the minerals and would not have to be "bought out". (Compensation *for expenses incurred* during the exploration of such an area could be made to the mining company if they decided to relinquish the claims.)

The greater Sawtooth area is one of only a few areas left in the continental United States of Park quality. The 1.4 million acre complex proposed by the Greater Sawtooth Preservation Council would add a premier Park to the National Park system. The area deserves no less than the first-class protection and recognition that Park status would provide. There are now 37 parks in the National Park system. These and the few additional parks which may be created during the next decade are all that we will ever have. The combined pressures of increasing population and increasing interest in Park travel compel us to plan now and to create now our legacy to the future.

### TABLE H.R. 6957

Amendment of the present bill to meet some minimum standard of protection is the most desirable course of action. At the very least, such amendments would:

Establish a wilderness National Park in the Sawtooth Mountains. The joint Park Service-Forest Service study of the Area completed and published in August 1965, could be the basic for such action.

Replace the 5-year moratorium on new mineral entry with permanent mineral entry withdrawal.

Delete the second sentence of Section 12 (formerly Section 14) to eliminate the special use permits.

If H.R. 6957 cannot be amended, its flaws of omission would make it an environmental failure and its flaws of commission would make it a tragically low standard for future legislation. The organizations listed below urge the House to amend or table the bill. Passage in its present form would be a disservice to the cause of conservation, to the state of Idaho, and to the Nation.

Mr. Chairman, I have asked a number of the country's leading environmental organizations to give me their appraisal of this bill. Like myself, these groups are opposed to H.R. 6957 in its present form, and favor the Greater Sawtooths preservation council plan as a sounder alternative. I place in the RECORD the letters I have received from these groups in response to my request for their appraisal:

THE WILDERNESS SOCIETY,
*Washington, D.C., January 10, 1972.*

Hon. JOHN P. SAYLOR,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR MR. SAYLOR: We appreciate your request for our views on H.R. 6957 as reported out by the Committee on Interior and Insular Affairs. We have reviewed this bill and the Committee report and find that it represents an unacceptably weak compromise where strong and forthright conservation action is what is so badly needed.

The proposed Sawtooths National Recreation Area as embodied in this bill does not do justice to this nationally significant alpine region of Idaho. This superb natural area deserves the highest status as a national park, and the highest, strongest form of protection which national park status confers. Rather than this, the present bill embodies a whole range of weaknesses and loopholes which will, in fact, severely endanger this magnificent natural area. The bill fails utterly to deal with the immediate and pressing exploitative threats which have motivated nationwide concern for the proper preservation of this area.

We do not believe H.R. 6957 meets the test as sound, progressive conservation legislation. We do not believe it merits your support.

Alternatively, we join many other national and Idaho groups in again commending to your attention the national park-national recreation area proposal put forward by the Greater Sawtooth Preservation Council. This is a sound proposal, dedicated to the assured protection of this area against mining and other wholly inappropriate development. It comes as no surprise, therefore, that H.R. 6957, and not this better, stronger plan, enjoys such support from exploitative interests.

In short, Mr. Saylor, we do not believe H.R. 6957 in its present form deserves your support, nor the support of those of your colleagues who have joined so often in supporting the broad national interest in protecting the most superlative of this Nation's natural areas, among which the Sawtooths of Idaho rank high indeed.

Sincerely,

STEWART M. BRANDBORG,
*Executive Director.*

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SIERRA CLUB,
*Washington, D.C., January 24, 1972.*

The Honorable JOHN P. SAYLOR,
*Rayburn House Office Building,*
*Washington, D.C.*

DEAR MR. SAYLOR: The Sierra Club Board of Directors, more than a year ago, went on record in support of a proposed Sawtooth National Park and Recreation Area as the preferred means of protecting this unique and scenic section of Idaho. The Sierra Club believes that H.R. 6957, the Sawtooth Recreation Area bill reported by the House Interior and Insular Affairs Committee, falls far short of needed protection.

As you know, a number of mining claims checkerboard the area at present and without the restraints provided by National Park status unique and fragile scenic areas such as the White Clouds Mountains could become irreversibly altered. Mining activity is the greatest existing threat to the Sawtooth-White Clouds area and the provisions of H.R. 6957 do not, in our opinion, adequately deal with this potential problem. The pending bill provides a five-year moratorium on new mining claims, but this is not a moratorium on development of existing claims.

At public hearings held in Idaho an overwhelming number of witnesses expressed support for establishment of a National Park comprising units of the Sawtooth Mountains, White Clouds-Boulder Mountains, and Pioneer Mountains, with adjacent national recreation area. This is the concept adopted by the Congress in establishment of the North Cascades National Park and Recreation Area, and the Idaho area provides similar elements of national significance. H.R. 6957 provides for completion of studies of the Sawtooths potential for inclusion in the National Park System by the end of 1973, less than two years away. Much is already known of the area's park values, and it seems reasonable that Congress could make a judgment on park status this year, without further delay, if legislation were processed for establishment of a Sawtooth National Park.

I would like to call your attention to an editorial which appeared in The Idaho Statesman, Boise, Idaho, on January 4, 1972, entitled "Sawtooth Bill Needs Amendment". As you will note, this editorial in Idaho's largest nwespaper also emphasizes that H.R. 6957 "is too heavily weighted in favor of mining". I appreciate this opportunity to convey views of the Sierra Club to you. With best wishes, I am

Sincerely,

W. LLOYD TUPLING,
*Washington Representative.*

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[From the Idaho Statesman, Jan. 4, 1972]

SAWTOOTH BILL NEEDS AMENDMENT

Critics of the Sawtooth Recreation Area bill passed by the House have pointed out flaws which should be corrected. As it stands, the bill is too heavily weighted in favor of mining.

Sen. Frank Church is supporting amendments which would strengthen the bill. Mining would remain a possibility, but the odds would be a little better.

A large open pit mine as proposed for the White Clouds area is incompatible either with the recreation area favored by some Idahoans, or the national park management favored by others.

Language in the House-approved bill suggests a positive guarantee to permit mining of existing claims. While rights under existing claims can't be eliminated by legislation, the bill should not encourage mining.

This is the central issue. Various indications of public opinion suggest that most Idahoans don't want mining in the White Clouds. A governor who advocated it was defeated.

At best, Recreation Area status will leave the question of mining existing claims in doubt—dependent largely on administrative decisions of the Forest Service. Language which might tie the agency's hands should be removed.

Senator Church has not proposed to amend the bill to give any of the area park status. But he does propose to eliminate the language concerning existing claims. He also proposes to make the proposed five-year moratorium on new mining claims permanent.

Those changes would take much of the ambiguity out of the bill, putting the emphasis on recreation values. If those values are worth protecting—and they are—the ban on new mining claims should be more than temporary.

A recreation area bill which increases the likelihood of mining in the White Clouds would be worse than a bill which maintains the status quo on that question.

Much of the discussion of the merits of recreation area versus park status has obscured the central issue. That issue is mining or no mining. Witnesses who favored either a park or recreation area at House hearings on Sawtooth legislation were overwhelmingly against mining.

At best, a recreation area bill will leave the question of mining in the hands of the Forest Service. It should be granted as much latitude as possible in dealing with existing claims.

The bill, as approved, calls for a study of park status for the high mountain country. There is strong support for park legislation, which would offer better odds against mining.

A recreation area bill is a compromise at best. That compromise should not include language which improves the odds for the conversion of the Little Boulder Creek valley or other areas into huge open pit operations.

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THREAT TO WHITE CLOUD PEAKS

The White Cloud Peaks, about 250 in all, are a spectacular range of mountains about thirty miles northwest of Sun Valley in Idaho. Averaging close to 10,000 feet in height, these snow-capped peaks are dotted with pure lakes, alpine meadows and clear, fast-running streams. Virtually unpopulated, this rugged region has become the scene of intense political controversy because the American Smelting and Refining Company has staked out mining claims and would like to develop a huge open pit mine to extract molybdenum. Conservation-minded voters defeated the Republican Governor of Idaho in 1970 because of his aggressive support of this mining venture.

Today, the House of Representatives is scheduled to consider a bill to establish the Sawtooth National Recreation Area which would encompass the White Cloud Peaks. The bill has some good features. It directs the Secretary of the Interior to study the area as a possible park and it establishes the Sawtooth "primitive area" as protected wilderness.

The bill also imposes a five-year moratorium on new mining claims, but it specifically permits the development of existing claims. This grave defect in the bill is due to the pro-mining bias of Representative Aspinall of Colorado, the long-time chairman of the House Interior Committee. Not only should there be a permanent ban on new mining claims, but all existing claims should be quashed. Marginal economic benefits do not justify despoiling White Cloud Peaks.

Mr. SKUBITZ. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, there are individuals in this Nation who would like a larger area preserved as a result of this legislation. There are others who want no area preserved for any purpose. There are some who want a larger or a smaller area with a different kind of designation.

Indeed, as is so frequent in these instances, there are hard advocates diametrically opposed. You experienced lawmakers recognize the fact the peacemaker is not always blessed. You recognize that one who tries to compromise to produce legislation is not always thanked.

In reality, the compromise satisfies neither of these extremes. In this case a fine piece of legislation has been presented. For those who have sought compromise I have much gratitude.

I think it worthy of mention, also, that a man who is, as all of you know, a hard advocate of conservation, as the gentleman from Pennsylvania certainly is, should be commended for the position that he has taken on this legislation.

I want to pledge to him and to the rest of the Members of this body that this is not the last day for the consideration of Sawtooth. If the area is not properly protected, the lach will not be because this is a bad piece of legislation, but rather because we will fail in our task in the future.

This is an excellent piece of legislation deserving the support of all Members of this body. I urge its passage.

Mr. RONCALIO. Mr. Chairman, I rise in support of H.R. 6957 which would establish two separate areas within the Sawtooth Mountains of Idaho—the Sawtooth National Recreation Area, approximately 537,000 acres of the loveliest mountain country in this Nation, and the Sawtooth Wilderness Area of about 216,400 acres for that sector of the million and a half people residing near the area who desire a more complete "wilderness experience."

Interest in the Sawtooth Mountains as a unique scenic area dates back to 1911 when the first bills were introduced to designate acreage as a national park. However, discovery of gold had brought intensive mining activity to the White Clouds area, and mining activity has continued to the present time. In fact, five of the six low grade roads into White Clouds provided access to mining operations.

With the mounting of environmental concerns in the 1960's, Sawtooth has enjoyed a resurgence of public interest. During the first session of this Congress the House Committee on Interior and Insular Affairs took up the matter of Sawtooth. Public attention, and the attention of Interior Committee members, focused on the White Clouds area, and the reconciliation of the conflicting interests of those who wanted to mine the ore in this region and those who did not want to mar the landscape with either surface mining or the structures associated with underground mining.

After long hours of deliberation, the House Committee on Interior and Insular Affairs, the Department of the Interior, and the Department of Agriculture have concurred to a piece of legislation which takes into account these conflicting interests—interests that have generally been viewed as incompatible.

First of all, H.R. 6957 provides that no new mining claims can be established within the recreation area for a period of 5 years.

Second, the Secretaries of the Interior and of Agriculture are authorized to establish regulations to control the use of motorized or mechanical equipment on any Federal land within the recreation area.

Third, existing claimholders are excused from doing the normally required assessment work without losing the right to claims, so long as a declaration of intent to hold claims is filed.

Fourth, H.R. 6957 does not prohibit those now holding valid claims from prospecting or developing these already existing claims.

Mr. Chairman, I commend this meeting of the minds, and I congratulate all parties involved with the shaping of this legislation for a job well done. The Sawtooth bill sets a precedent of significant importance.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) in order to assure the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreational values associated therewith, the Sawtooth National Recreation Area and the Sawtooth Wilderness Area are hereby established.

(b) The Sawtooth National Recreation Area (hereafter referred to as the "recreation area") and the Sawtooth Wilderness Area (hereafter referred to as the "wilderness area") shall comprise the lands generally depicted on the map entitled "Sawtooth Wilderness Area and Sawtooth National Recreation Area" dated October 20, 1971, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture (hereafter called the Secretary) shall, as soon as practicable after the date of enactment of this Act, publish a detailed description and map showing the boundaries of such areas in the Federal Register.

SEC. 2. (a) The Secretary shall administer the Sawtooth National Recreation Area in accordance with the laws, rules, and regulations applicable to the national forests in such manner as will best provide (1) the protection and conservation of the salmon and other fisheries; (2) the conservation and development of scenic, natural, historic, pastoral, wildlife, and other values, contributing to and available for public recreation and enjoyment, including the preservation of sites associated with and typifying the economic and social history of the American West; and (3) the management, utilization, and disposal of natural resources on federally owned lands such as timber, grazing, and mineral resources insofar as their utilization will not substantially impair the purposes for which the recreation area is established.

(b) The lands designated as the Sawtooth Wilderness Area, which supersedes the Sawtooth Primitive Area, shall be administered in accordance with the provisions of the Wilderness Act (78 Stat. 890), except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 3. (a) Except as provided in section 4, the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands, or lesser interests therein, including scenic easements, which he determines are needed for the purposes of this Act: *Provided,* That acquisitions of lands or interests therein for access to and utilization of public property, and for recreation and other facilities, shall not exceed 5 per centum of the total acreage of all private property within the recreation area as of the effective date of this Act.

As used in this Act the term "scenic easement" means the right to control the use of land in order to protect the esthetic values for the purposes of this Act, but shall not preclude the continuation of any use exercised by the owner as of the date of this Act.

(b) In exercising this authority to acquire lands, the Secretary shall give prompt and careful consideration to any offer made by an individual owning any land, or interest in and, within the boundaries described in subsection 1(b) of this Act. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring his property.

(c) The Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to accomplish the objectives of this Act.

(d) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property, or interests therein, located within the recreation area and, notwithstanding any other provision of law, he may convey in exchange therefor any federally owned property within the State of Idaho which he classifies as suitable for exchange and which is under his administrative jurisdiction. The values of the properties so exchanged shall be approximately equal or, if they are not approximately equal, they shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. In the exercise of his exchange authority, the Secretary may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(e) Any land or interest in land owned by the State of Idaho or any of its political subdivisions may be acquired only by donation or exchange.

(f) Notwithstanding any other provision of law, any federally owned lands located within the boundaries of the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the recreation area.

(g) Except as otherwise provided, the Secretary shall have the authority to use condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

SEC. 4. (a) The Secretary shall make and publish regulations setting standards for the use, subdivision, and development of privately owned property within the boundaries of the recreation area. Such regulations shall be generally in furtherance of the purposes of this Act and shall have the object of assuring that the highest and best private use, subdivision, and development of such privately owned property is consistent with the purposes of this Act and with the overall general plan of the recreation area. Such regulations shall be as detailed and specific as is reasonably required to accomplish such objective and purpose. Such regulations may differ amongst the several parcels of private land in the boundaries and many from time to time be amended by the Secretary. All regulations adopted under this section shall be promulgated in conformity with the provisions of the Administrative Procedure Act.

(b) After publication of such regulations, no privately owned lands shall be acquired by the Secretary by condemnation unless he determines, in his judgment, that such lands are being used, or are in imminent danger of being used, in a manner incompatible with the regulations established pursuant to this section or unless such lands are determined to be necessary for access or development, in which case such acquisitions shall be subject to the 5 per centum limitation established in subsection 3(a).

SEC. 5. The Secretary shall, as soon as practicable after the enactment of this Act, review the underdeveloped and unimproved portion or portions of the recreation area as to suitability or nonsuitability for preservation as a part of the National Wilderness Preservation System. In conducting his review, the Secretary shall comply with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892), relating to public notice, public hearings, and review by State and other agencies, and shall advise the Senate and House of Representatives of his recommendations with respect to the designation as wilderness of the area or areas reviewed.

SEC. 6. The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this Act, including, but not limited to, the restoration and maintenance of the historic setting and background of the frontier ranch-type town of Stanley.

SEC. 7. Nothing in this Act shall diminish, enlarge, or modify any right of the State of Idaho, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area, except as provided in section 8.

SEC. 8. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the State of Idaho, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

SEC. 9. The jurisdiction of the State and the United States over waters of any stream included in the recreation and wilderness areas shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time of enactment of this Act shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

SEC. 10. (a) Subject to valid existing rights, all Federal lands located in the recreation area are hereby withdrawn from all forms of location, enrty, and operation under the mining laws of the United States for a period of five years from the date of this Act.

(b) The provisions of section 5 of the Act of May 10, 1872 (30 U.S.C. 28), which require that on each mining claim located after May 10, 1872, not less than $100 worth of labor shall be performed or improvements made during each year until patent has been issued therefor, shall not apply until six months after the expiration of this withdrawal, to claims or interests in claims located within said area. No mining claim or any interest in a claim within said area shall be subject to forfeiture by nonperformance of annual assessment work during the period ending six months after the expiration of this withdrawal: *Provided, however,* That the claimant of any mining location shall, before the expiration of each assessment year during the withdrawal, file or cause to be filed in the office where the location notice or certificate is recorded a notice that he desires to hold his mining claim or interest therein.

SEC. 11. The Congress hereby recognizes and declares the need to take action to regulate the use, and protect the surface values of the Federal lands in the recreation area, and directs that necessary rules and regulations shall be jointly promulgated and issued by the Secretary of Agriculture and the Secretary of the Interior. Such regulations shall include, when deemed necessary, provisions for control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of such Federal land in connection with any authorized activities on such land, including but not limited to mineral prospecting, exploration, or development and mining operations.

SEC. 12. Patents shall not hereafter be issued for locations and claims heretofore or hereafter made in the recreation area under the mining laws of the United States. This shall not be construed as preventing or interfering with the full exercise of the rights of the holder of a valid claim to further prospect, develop, and mine any such claim subject to compliance with the rules and regulations covering the Federal land on which any such claim is located.

SEC. 13. There are authorized to be appropriated for the purposes of this Act not more than $19,802,000 for the acquisition of lands and interests in lands and not more than $26,241,000 for development. Money appropriated from the land and water conservation fund shall be available for the acquisition of lands, waters, and interests therein within the recreation area.

SEC. 14. (a) The Secretary of the Interior, in consultation with appropriate Federal, State, and local agencies, shall make a comprehensive analysis of the natural, economic, and cultural values of the recreation and wilderness areas for the purpose of evaluating the potentiality of establishing therein a national park or other unit of the national park system. He shall submit a report of the results of the analysis along with his recommendations to the Congress by December 31, 1973.

(b) His report shall show that in making the aforesaid recommendations he took into consideration, among other things—

(1) the feasible alternative uses of the land and the long- and short-term effect of such alternative uses upon, but not limited to, the following—

(A) the State and local economy,

(B) the natural and cultural environment,

(C) the management and use of water resources,

(D) the management of grazing, timber, mineral, and other commercial activities,

(E) the management of fish and wildlife resources,

(F) the continued occupancy of existing homesites, campsites, commercial and public recreation enterprises, and other privately owned properties and the future development of the same,

(G) the interrelation between recreation areas, wilderness areas and park lands, and

(2) the establishment of a national park in the mountain peaks and upland areas together with such portions of the national recreation area as may be necessary and appropriate for the proper administration and public use of and access to such park lands, leaving the valleys and low-lying lands available for multiple-use purposes.

(c) Any recommendation for the establishment of a unit of the national park system shall be accompanied by (1) a master plan for the development and administration of such unit, indicating proposed boundaries, access or other roads, visitor facilities, and proposed management concepts applicable to such unit; (2) a statement of the estimated Federal cost for acquisition, development, and operation of such unit; and (3) proposed legislation for establishment of such park administrative unit.

(d) There are authorized to be appropriated not more than $50,000 to carry out the provisions of this section.

SEC. 15. If any provision of this Act is declared to be invalid, such declaration shall not affect the validity of any other provision hereof.

Mr. TAYLOR (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the committee amendment in the nature of a substitute be dispensed with and it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Are there any amendments to the substitute committee amendment? If not, the question occurs on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HAMILTON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 6957) to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes, pursuant to House Resolution 774, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. ASPINALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 369, nays 9, not voting 53, as follows:

[Roll No. 8]

YEAS—369

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews
Archer
Arends
Ashley
Aspinall
Badillo
Baker
Baring
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Dickinson
Dingell
Donohue
Dorn
Dow
Dowdy
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Mahon
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher

Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid
Reuss
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarbanes
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

### NAYS—9

Collier
Devine
Goodling
Gross
Hall
Price, Tex.
Saylor
Schmitz
Zwach

### NOT VOTING—53

Alexander
Anderson, Tenn.
Annunzio
Ashbrook
Aspin
Barrett
Bell
Blackburn
Blanton
Carey, N.Y.
Chisholm
Clay
Corman
Diggs
Downing
Dwyer
Edwards, La.
Eshleman
Evins, Tenn.
Fuqua
Galifianakis
Green, Oreg.
Hawkins
Hays
Ichord
Kee
Lennon
Long, La.
Macdonald, Mass.
Madden
Mailliard
Martin
Mills, Ark.
Mitchell
Nelsen
O'Konski
Pryor, Ark.
Purcell
Rangel
Rhodes
St Germain
Satterfield
Shipley
Sisk
Stanton, J. William
Stephens
Stokes
Tiernan
Ullman
Waldie
Wampler
Wilson, Bob
Wolff

So the bill was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Rhodes.
Mr. Hays with Mr. J. William Stanton.
Mr. Macdonald of Massachusetts with Mrs. Dwyer.
Mr. Purcell with Mr. Ashbrook.
Mr. St Germain with Mr. Bell.
Mr. Tiernan with Mr. Mailliard.
Mr. Stephens with Mr. Blackburn.
Mr. Shipley with Mr. Martin.
Mr. Wolff with Mr. O'Konski.
Mr. Barrett with Mr. Eshleman.
Mr. Aspin with Mr. Nelsen.
Mr. Diggs with Mr. Galifianakis.
Mr. Stokes with Mr. Waldie.
Mr. Carey of New York with Mr. Clay.
Mrs. Green of Oregon with Mr. Hawkins.
Mr. Lennon with Mr. Wampler.
Mr. Blanton with Mr. Bob Wilson.
Mr. Corman with Mrs. Chisholm.
Mr. Evins of Tennessee with Mr. Pryor of Arkansas.
Mr. Ullman with Mr. Mitchell.
Mr. Downing with Mr. Fuqua.
Mr. Satterfield with Mr. Mills of Arkansas.
Mr. Kee with Mr. Rangel.
Mr. Madden with Mr. Ichord.
Mr. Alexander with Mr. Anderson of Tennessee.
Mr. Sisk with Mr. Long of Louisiana.

Mr. COLLIER changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER—OFFICIAL PICTURE OF THE HOUSE OF REPRESENTATIVES

The SPEAKER. May the Chair have the attention of the Members for a moment?

Members will all be seated and look at the camera during the next 10 minutes while pictures are being taken. The Chair would appreciate Members being quiet and still and sitting while the picture-taking process is underway.

(Thereupon, official pictures were taken while the House was in session.)

## ANNOUNCEMENT OF AVAILABILITY OF PICTURES

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute.)

Mr. SCHWENGEL. Mr. Speaker, speaking on behalf of the Historical Society, one of whose activities you have just encountered, I want to say thank you to all of you for having made this possible and for your cooperation, and I would say thank you to the leadership that gave us the authority and inspiration.

I would like to announce that, as before—and this is the second time that this has happened in this manner in the history of this country—the Historical Society will make one four-color print, suitable for framing, available at cost to each Member. There will be some black and white copies available later.

As soon as possible we will have a display of the pictures available, at least those among the best taken today, in the Speaker's lobby, and I shall be available to answer any questions on this or on any matter in relation to the work of the Historical Society and its program.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I am glad to yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding.

I merely wish to express my appreciation to Congressman SCHWENGEL and the leadership he has given in the United States Capitol Historical Society, not only in making this picture available to us but also for his indefatigable work every day and every year for this society. I commend you for it.

Mr. SCHWENGEL. I thank the gentleman.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from South Carolina.

Mr. DORN. I, too, wish to join the distinguished gentleman from Texas in thanking the gentleman from Iowa for the wonderful job he is doing.

Mr. SCHWENGEL. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to my colleague from Iowa.

Mr. GROSS. Did the gentleman say that the pictures would be available in black and white?

Mr. SCHWENGEL. In color and in black and white.

Mr. GROSS. The pictures, then, have been taken in color, too.

Mr. SCHWENGEL. The gentleman is correct.

Mr. Speaker, I should like to momentarily comment very briefly on the Capitol and its meaning to me and hopefully it can be of some value to my colleagues as they have opportunities to speak to people about this magnificent and impressive public building.

### OUR CAPITOL—AN ENDURING SYMBOL

Our Capitol is "A Place of Resounding Deeds." In no other place can one find the ideals, the patriotism, the sentiments, the purposes and the honored traditions of our country so nobly enshrined as in our Capitol.

It is the majestic symbol of the majesty of a grand and a great land. It is the heart of the Nation and the fountainhead of our Government.

Our Capitol is the center from which radiates the people's authority, their power, and their goodness—"We, the People" with the inspiration, the power and the promises of "our holy of Holies", "the Constitution", are here enabled to achieve goals that prompt the respect and admiration of the world.

This place holds out hope for the less fortunate, give assurance to the successful and promise to the ambitious. It is the forum for representative government. It is the citadel of the basic freedoms—within its historic walls the voice of the Republic has been heard. A voice that is still heard in the country and increasingly now throughout the world.

## PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO HAVE UNTIL MIDNIGHT, THURSDAY, TO FILE REPORT ON H.R. 7987

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency have until midnight Thursday, January 27, 1972, to file a report on H.R. 7987, to provide for the striking of medals in commemoration of the bicentennial of the American Revolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## THE YORK COLLEGE CRISIS

(Mr. ADDABBO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, the cause of higher education has received a most severe blow as the result of a veto by New York State Governor Rockefeller of funds needed to construct York College in Jamaica, N.Y. This forward looking community project was endorsed and actively supported by every segment of our city's population.

Because the York College crisis has national significance I am placing in the Record at this point the text of a telegram which I have sent to HEW Secretary Richardson in the hope of resolving the financial plight of this project:

> Dear Mr. Secretary: The recent veto of funds by Governor Rockefeller for proposals for the York College complex in Jamaica, New York was a senseless blow against a community project with broad support from every corner of the Jamaica and greater New York area. The York project is one of national significance and I hope you will use the influence of your office to save this important community education project. New York City has been a leader in developing educational opportunities for its citizens, and if New York fails in its efforts, the entire nation will suffer the consequences. For that reason I urge the Department of Health, Education and Welfare to use its resources to bring the York College project to fruition, to impress upon our Governor the high priority which must be assigned to this project, to mobilize federal, state and local interests and if necessary to provide federal financial assistance. Specifically I ask that you determine whether emergency funds can be made available to continue the York College plans.

The New York Times, in an editorial which appeared in its January 19th edition, discusses the disappointment which we all feel as the result of the Governor's action in this situation. I would ask that the text of that editorial be placed in the Record for the information of my colleagues.

### A Sad Plan for Colleges

> Recession and austerity confront the state's public and private colleges and universities with the same critical fiscal problems. The threat of disaster may technically take different shape—budget cuts for public institutions and deficits for private ones—but the ultimate consequence for both is a decline in quality, restricted educational opportunities and even the specter of bankruptcy.
>
> It is therefore unfortunate that Governor Rockefeller, in his budget message, has suggested that the remedy be sought in a dramatic increase of tuitions at the low-cost or free public campuses as a means of making the high-cost private ones appear more competitive. Such protective tariffs would add prohibitively to the cost of higher education for the great mass of students from middle-income families. Even with added scholarships for the poor, the end effect would be to restrict opportunities and seriously inflate the educational portion of the cost of living.
>
> Even if this maneuver were to boost the private institutions' sagging enrollment, which is doubtful, it would do nothing to strengthen their long-term financial position and would instead lead to further tuition increases.
>
> Such a policy of deliberately phasing out low-cost higher education presages a closing of opportunities for needy students and mounting costs for middle-income ones. This is precisely why the Governor's suggestion for merging the City University with the state system raises doubts about what would otherwise be a decidedly rational course.
>
> Far more productive, particularly in a situation that requires quick aid, could be Mr. Rockefeller's appeal for statewide and regional cooperation between the public and private sectors. The logical immediate step would be to contract out the public universities' excess students to fill the 14,000 vacancies on the private campuses, with the state contributing the tuition differential. This would provide instant aid to private higher education, while relieving overcrowding and reducing expenditures at the city and state universities.
>
> Such action should be viewed as the beginning of a rational, long-range realignment of the state's higher education system. It is clearly preferable to a panicky effort to protect the private colleges at the expense of the public ones.

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## REQUIRING THAT THE CONGRESS BE NOTIFIED ON IMPOUNDMENT OF FUNDS BY THE PRESIDENT

(Mr. ANDERSON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Tennessee. Mr. Speaker, I submit to the House for appropriate reference a bill to require that Congress be notified by the President whenever he impounds or authorizes the impoundment, withholding, or deferring of appropriated funds.

This legislation would provide that the President cease the withholding of funds if the Congress does not approve his actions during a 60-day period.

My statement to the House on January 19 concerning the withholding and impoundment of appropriated moneys by the current administration has prompted me to introduce this measure.

The bill is based on one introduced by the distinguished Senator from North Carolina, the Honorable Sam Ervin, on September 27, 1971, and is similar with one exception. The definition of impoundment has been changed to coincide with the definition used by the "Glossary of Terms Relating to the Budget and Fiscal Provisions of the Legislative Reorganization Act of 1970" issued by the U.S. General Accounting Office in December 1971. The glossary defines impoundment as "any type of executive action which effectively precludes the obligation or expenditure of the appropriated funds."

In extensive hearings held last March, Senator Irvin's Subcommittee on the Separation of Powers brought out the fact that the Executive Office of Management and Budget had impounded over $12 billion in areas where great need exists. As a result of these hearings, and subsequent information received by the various departments, I instructed my staff to research the 10 major grant programs within the Department of Housing and Urban Development, and Agriculture. We discovered that, from fiscal year 1971, OMB impounded over $1 billion in model cities, water and sewer, Urban Renewal, FHA, and REAP. In addition, we learned that the administration plans to impound over $500 million in the basic water and sewer program and over $300 million in model cities at the end of this fiscal year.

Mr. Speaker, I know of no one who is doing more to preserve our Constitution and the constitutional prerogatives and obligations of the Congress than is the distinguished Senator from North Carolina. I think that all of us serving in Congress, every citizen, indeed every future citizen, owes him a deep debt of gratitude.

My statement of January 19 referred to executive impoundment but concentrated on what I believe is the President's manipulation of this year's appropriations for the purposes of enhancing his chances at the polls in November.

I pointed out that from the 10 areas we research within the Departments of Housing and Urban Development, and Agriculture, the administration is planning to obligate 80 percent of those moneys for programs during the closing months of fiscal year 1972 so that its impact will be maximum by election day.

It is presently the duty of both Houses of Congress to appropriate funds for various programs administered by the executive. We can, by our legislative process, reduce or increase funding when we feel the need arises. There has been a growing tendency over the years for the executive to, at will, exercise what amounts to an item veto over appropriations passed by Congress simply by deferring, withholding, or impounding funds for programs the Congress deemed necessary, but the executive did not.

Mr. Speaker, I believe that a serious constitutional question exists here. Is it constitutional for the executive to impound funds appropriated to it by Congress, and is it constitutional for the executive to manipulate the flow of funds into the communities of this Nation for obvious political purposes?

The Constitution of the United States explicitly gives the legislative branch of Government the power to investigate the problems of this Nation and to move to appropriate funds for the alleviation of these problems. The Constitution does not give the President an item veto over our actions and does not give him authority to defer, withhold, or impound any funds appropriated by Congress.

The bills which Senator Ervin introduced and which I introduce here today would give the legislative branch a real check on the impoundment practices of the executive.

This bill is simple in content but potent in the effect it will have in reestablishing Congress' power over the purse.

In addition to requiring the President to notify, by special message, his intention to impound and the necessity of congressional approval within 60 days, the bill provides that the approving concurrent resolution shall be privileged business, and it specifies rules of procedure which will provide for ease of consideration and a reasonable period of debate.

Mr. Speaker, I ask unanimous consent to have printed in the Record at this point the text of the bill.

### H.R. 12641

A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action

*Be it enacted by the Senate and House of Representatives of the United States of*

*America in Congress assembled,* That (a) whenever the President impounds any funds appropriated by law out of the Treasury for a specific purpose or project, or approves the impounding of such funds by an officer or employee of the United States, he shall, within ten days thereafter, transmit to the House of Representatives and the Senate a special message specifying—

(1) the amount of funds impounded,

(2) the specific projects or governmental functions affected thereby, and

(3) the reasons for the impounding of such funds.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message shall be printed as a document for each House.

Sec. 2. The President shall cease the impounding of funds set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by passage of a resolution in accordance with the procedure set out in section 4 of this Act.

Sec. 3. For purposes of this Act, the impounding of funds includes—

(1) withholding or delaying the expenditure or obligation of funds (whether by establishing reserves or otherwise), appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(2) any type of executive action which effectively precludes the obligation or expenditure of the appropriated funds.

Sec. 4. (a) The following subsections of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b) (1) For purposes of this section and section 2 the term "resolution" means only a concurrent resolution of the House of Representatives or the Senate, as the case may be, which is introduced in and acted upon by both Houses before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by that House.

(2) The matter after the resolving clause of each resolution shall read as follows: "That the House of Representatives (Senate) approves the impounding of funds as set forth in the special message of the President dated —, House (Senate) Document numbered —."

(3) For purposes of this subsection and section 2, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c) (1) A resolution introduced with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration. It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution shall not be in order. It shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to, and it shall not be in order to move to consider any other resolution introduced with respect to the same special message.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives or the Senate, as the case may be, to the procedure relating to a resolution shall be decided without debate.

## PRESIDENT NIXON'S PEACE OFFER DESERVES UNITED SUPPORT

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, last night in another dramatic announcement to the American people, the President of the United States disclosed that a series of secret negotiations have been carried on between the Government of the United States and the Government of North Vietnam since August 1969.

On May 25, 1971, a number of my colleagues joined me in a concurrent resolution calling upon the President to withdraw all American forces from Vietnam by November 30, 1971, contingent upon the release of all American prisoners of war, the establishment of a cease fire, and the mutual withdrawal of all foreign forces from South Vietnam by that date.

This morning I reviewed many of the bills and resolutions which were introduced in the first session of the 92d Congress calling upon the President to set a deadline for the withdrawal of American forces from Vietnam. I also reviewed several newspaper clippings which were highly critical of the President for refusing to set a deadline and for failing to respond to the seven-point program offered by the Vietcong in July of last year.

As we learned last night, the President has offered to set a definite time for withdrawal of American forces. He has responded to the seven-point program of the Vietcong, and he has negotiated diligently and in good faith with the Government of North Vietnam—both publicly and privately.

Like so many other Members of Congress I was surprised and indeed astounded that the President has offered almost every proposal which we in Congress were attempting to urge upon him by legislation. For example, in my House Concurrent Resolution 321, which was introduced on May 25, 1971, the President was urged to set a deadline in exchange for the return of all American prisoners of war and a cease fire in Indochina. We know now that on May 31, 1971, Dr. Kissenger made such a proposal to the North Vietnamese on behalf of the President and the American people.

This is only one example of the way in which the President has exhausted every possible avenue for bringing the conflict to an end.

Mr. Speaker, I believe it is time for Congress and the American people to make public their support of the President in his efforts to secure peace in Southeast Asia. Therefore, I am today introducing a House concurrent resolution to commend the President on his peace efforts and to encourage him to continue to seek peace in Vietnam, and I seek unanimous consent that the text of this resolution be inserted in the Congressional Record at this point.

### Concurrent Resolution

Whereas, the President of the United States, in August, 1969, began a series of secret negotiations with the government of North Vietnam endeavoring to bring peace to Indochina;

Whereas, on May 31, 1971, the President offered to set a deadline for the withdrawal of all American forces in exchange for the release of all prisoners of war and a ceasefire;

Whereas, the government of North Vietnam rejected this peace offer;

Whereas, the President continued, despite that rejection, to negotiate in good faith with the government of North Vietnam both in public and in private, and

Whereas, the government of North Vietnam has rejected or failed to respond to all peace offers, both public and private, and instead intensified the war in Indochina: Now, therefore, be it

Resolved by the House of Representatives (The Senate concurring), That it is the sense of Congress that the President of the United States be commended for his diligent efforts to achieve peace in Indochina.

Sec. 2. It is further the sense of Congress that the President be encouraged to continue to seek a peaceful solution to the war in Indochina according to the plan made public to the American people on January 25, 1972.

Sec. 3. It is further the sense of Congress that the President be urged to give the highest priority to securing the release of all American prisoners of war and to withdrawing all American forces from South Vietnam.

Sec. 4. It is further the sense of Congress that the President be encouraged to seek the assistance of other nations including particularly the People's Republic of China in obtaining the cooperation of the government of North Vietnam in arriving at a peaceful solution to the war in Indochina.

Sec. 5. It is further the sense of Congress that the President of the United States is, and has been, pursuing a course of action dedicated to achieving peace in Indochina which deserves the support and encouragement of Congress and the American people.

## HEARINGS ON CONSTITUTIONAL OATH SUPPORT ACT AND REPEAL OF SUBVERSIVE ACTIVITIES CONTROL ACT

(Mr. PREYER of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PREYER of North Carolina. Mr. Speaker, a subcommittee on Internal Security which I chair has this day opened hearings on bills which would either repeal or amend the Subversive Activities Control Act of 1950 and would reform the Federal Civilian Employee Loyalty and Security program. In the consideration of these bills the subcommittee is confronted with a number of diverse but related issues. These are briefed in my opening statement which I include in my remarks for the information of interested Members.

The statement follows:

OPENING STATEMENT BY THE HONORABLE RICHARDSON PREYER, CHAIRMAN, SUBCOMMITTEE ON LOYALTY AND SECURITY, HOUSE COMMITTEE ON INTERNAL SECURITY, JANUARY 25, 1972

This subcommittee, consisting of myself as Chairman, together with Mr. Ichord who is Chairman of the full Committee, Mr. Pepper, Mr. Ashbrook, and Mr. Zion, continues its oversight inquiry into the operation and administration of the Subversive Activities Control Act of 1950 and of the Federal Civilian Employee Loyalty-Security Program.[1] At the same time we meet today and hereafter to consider bills relevant to this inquiry which have been referred to this subcommittee for consideration and report. These include H.R. 11120, introduced on October 6, 1971 by Mr. Ichord and myself, a bill to repeal the Subversive Activities Control Act of 1950, to establish procedures assuring that the constitutional oath of office shall be taken in good faith, and for other purposes; and two bills introduced by Mr. Ashbrook which would amend the Subversive Activities Control Act of 1950, namely, H.R. 9669, a bill drafted and requested by the Attorney General, introduced on July 8, 1971, and the bill H.R. 574, introduced on January 22, 1971.

The subcommittee's extensive inquiry has revealed a number of failures in the administration of the Subversive Activities Control Act and of the loyalty and security program. Undoubtedly, the bills we consider, although of varying scope, represent an effort to repair some of these deficiencies. It is evident, however, that the programs will require extensive remedial action by the executive branch, perhaps even more so than by the enactment of basic legislation. Moreover, it may be necessary to alter our approach to some of these problems, both from the standpoint of authorizing legislation and executive branch action.

In enacting the Subversive Activities Control Act, we should recall that the Congress sought to cope with Communist techniques of deceit and concealment. They pose a serious threat to the "effective, free functioning of our national institutions."[2] To that end the Congress established a system of public disclosure—or exposure, if you will—of Communist organizations characterized by the Act as "action," "front," and "infiltrated." Adopted at a time when the world Communist movement was largely unified under the leadership of the Communist Party of the Soviet Union, the provisions of the Act were formulated so as to embrace only those organizations which were Moscow-controlled. The Subversive Activities Control Board, established by the Act, was given the quasi-judicial function of making determinations, on motion of the Attorney General, of the character of organizations as Communist.

In addition to the bare disclosure purposes of the Act, the Board's determinations with respect to the character of organizations have certain collateral consequences related to the Federal employee loyalty and security program. The Act contains a provision making it unlawful (under penal sanction) for any member of a Communist-action or Communist-front organization to hold non-elective office or employment under the United States. It is to be noted, however, that the Department of Justice has never instituted any prosecution under this provision.

While the Attorney General has the responsibility of initiating all cases before the Subversive Activities Control Board, he has also assumed responsibility under Executive Order 10450 for designating "totalitarian, Fascist, Communist, and subversive" organizations in furtherance of the employee loyalty-security program. There is thus some overlapping of activity. It is to be observed, however, that the executive order is not limited to Moscow-controlled organizations, but embraces all varieties of groups commonly known as Communist as well as others which are non-Communist. Moreover, under the Act the determination of Communist organizations was made by the Board, but under the executive order determinations were made by the Attorney General. That was the situation until July 2, 1971, when, on promulgation of E. O. 11605, amending E. O. 10450, the Subversive Activities Control Board was assigned the additional non-statutory function of making determinations, on petition of the Attorney General, of organizations described in the executive order.

Both under the Act and the executive orders the function of designating organizations has met with obstacles which, at least to date, have never been wholly overcome. That the failures may be attributed to a variety of causes is no doubt true. One difficulty has been that, with the exception of the Act's administration by Herbert Brownell, who served as Attorney General for the period 1953–57, the Justice Department's enforcement efforts have not been particularly aggressive. Herbert Brownell instituted proceedings against 23 Communist organizations. He was followed by William P. Rogers who instituted no cases against Communist organizations. Thereafter, Robert F. Kennedy initiated but one front case; Nicholas Katzenbach instituted but one front case; Ramsey Clark instituted no cases; and John N. Mitchell initiated two front cases. This is the record, although we have reason to believe that a larger number of Communist organizations have been in existence since the Subversive Activities Control Act was enacted in 1950. Designations under the executive order demonstrate similar inaction. Prior to 1955, not less than 283 organizations had been designated under executive orders (including not only E. O. 10450, promulgated by President Eisenhower in 1953, but also a prior order, E. O. 9835, promulgated by President Truman in 1947). None has been designated since that time.

Moreover, the President's basic directive—E. O. 10450, first promulgated in 1953—has been applied by the agencies, I should say, with varying degrees of confusion. Much of this confusion may be ascribed to the fact that a simple "loyalty" program initiated by President Truman in 1947 on the promulgation of E. O. 9835, was replaced by a program which endeavored to combine "loyalty," "security," and "suitability" under a security standard of "clearly consistent with the interests of the national security." Following the adoption of E. O. 10450, the United States Supreme Court, construing the application of the order to the dismissal of a Federal employee under the Act of August 26, 1950, had occasion to describe this inartistically phrased order as both awkward in form and ambiguous. *Cole* v. *Young*, 351 U.S. 536, 556 (1956). The 1950 Act, which authorizes certain summary procedures in connection with dismissals from employment "in the interests of the national security," was held to be applicable to "sensitive" positions only. Our investigation has indicated that the ambiguities in the order have indeed affected the administration of the loyalty-security program, and that some agencies have applied the reasoning of this case so as to limit the application of the program under E. O. 10450 to sensitive positions only. In the years since *Cole* v. *Young* the Department has failed to clarify the language of the order.

On the other hand, an explicit statutory authorization—those provisions of law commonly referred to as the Hatch Act, now 5 U.S.C. 3333 and 7311—denying employment to persons maintaining subversive organizational membership, was struck down by a 1969 decision of the Federal District Court for the District of Columbia in *Stewart* v. *Washington*, 301 F. Supp. 601. Provisions of that Act requiring that an individual be denied office or employment in the Government of the United States or of the District of Columbia, unless he executed an affidavit that (1) he does not advocate "the overthrow of our constitutional form of Government," and (2) is not "a member of an organization that he knows advocates the overthrow of our constitutional form of Government," were invalidated on the alleged ground that clause (1) was not limited to "violent" overthrow, and that clause (2) applied to "passive and inert membership" and members "who may not share" the views of the group on this advocacy. The Department of Justice took no appeal from this lower court decision, although the decision voided an Act of Congress and established or asserted principles adversely affecting programs intended to preserve the integrity of the Government itself.

In saying what I have, it is of course not my intention at this time to review, or even to summarize, all of the facts and issues touched upon in the course of the subcommittees inquiry. It is my purpose to reserve a more detailed exposition for inclusion in the report of the subcommittee. I have scratched the surface of this vast and complicated subject only to place the measures before us in some perspective. Suffice for present purposes to say that the bills before us address themselves to one or more aspects of the principal issues to which I have referred; namely, the question of the repeal or retention of the Subversive Activities Control Act of 1950; the question of the relationship of the Attorney General's list to the administration of the loyalty-security program; the question of an appropriate employment standard to assure the maintenance of a loyalty program for access to positions now commonly called "non-sensitive"; and the question of remedial legislation in light of *Stewart* v. *Washington*.

The bill, H. R. 11120, would repeal the Subversive Activities Control Act of 1950 (under which the Subversive Activities Control Board has functioned) and would establish a Federal Employee Security and Appeals Commission. This Commission would have the function of making determinations of the character of certain (subversive) organizations and also serve as an appeal board for Federal employees dismissed on loyalty or security grounds. Its functions would be performed only in connection with the administration of an executive branch civilian employee screening program established by the bill, and not for general disclosure purposes. This program would require in general pre-appointment investigations and the exclusion of persons as to whom there is reasonable doubt that they will in good faith support the Constitution of the United States.

Only such organizations as are clearly relevant to the employment standard are the subject of determination by the Commission. These include (1) organizations which have as a purpose the overthrow of the Government of the United States or of any State by force, violence, or any unlawful means, (2) organizations which advocate, teach, or urge, as a principle to be translated into action, the propriety or necessity of armed resistance or resistance by force to the execution of laws of the United States or the propriety or necessity of assisting or engaging in any rebellion or insurrection against the authority of the United States, and (3) organizations controlled by the foregoing and which operate in support of their purposes. The Commission will proceed to make these determinations only upon application made by the Attorney General, by the head of any Department or Agency of the executive branch in cases in which the character of particular organizations is a controverted fact in issue before the agency, and such other persons as the President may authorize.

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[1] Hearings (to date) on this subject have been printed and published in three parts or volumes titled, "Hearings Regarding the Administration of the Subversive Activities Control Act of 1950 and the Federal Civilian Employee Loyalty-Security Program."

[2] A phrase borrowed from Mr. Justice Frankfurter, in *Communist Party* v. *Subversive Activities Control Board*, 367 U.S. 1, at 97 (1961).

Determinations of the character of such organizations are for the purpose of assisting the employing agencies in the investigation of individuals so that "only such persons as are loyal to the Constitution, disposed to defend and maintain it against all enemies, foreign and domestic, and committed to the efficient execution of their duties thereunder, are employed by the Government of the United States." For this purpose likewise, and as an alternative to the requirements of the provisions of the Hatch Act invalidated in *Stewart* v. *Washington*, the bill requires the completion of a written questionnaire by an applicant for federal employment relating to his membership in organizations advocating or teaching that the Government of the United States or of any State should be overturned by force, and organizations determined by the Commission to be of the type previously noted. Unlike the Hatch Act "Loyalty Oath," there is in this provision no denial of employment conditioned on a disclaimer of membership in relevant organizations. The questionnaire is for investigative purposes only, to assist the agency concerned in arriving at its ultimate determination with respect to the question whether there is any reasonable doubt that the applicant will in good faith support the Constitution of the United States.

On the other hand, the bill, H.R. 9669, would retain the Subversive Activities Control Act of 1950 in its present form with the exception that it would change the name of the Subversive Activities Control Board by re-naming it the "Federal Internal Security Board." The bill is an Administration proposal and is intended to give support to the President's July 2, 1971 amendment (E. O. 11605) to E. O. 10450. The bill in no way alters the Act. Its provisions would make applicable to proceedings conducted pursuant to E. O. 10450, as amended, those provisions of sections 13 and 14 of the Subversive Activities Control Act of 1950 which accord subpoena power to the Board, require public hearings with the assistance of counsel and the right to cross-examination, require the Board to take evidence and proceed to a determination of the issues when an organization fails to appear at a hearing, make punishable misbehavior in the presence of the Board or so near thereto as to obstruct the hearings, and accord judicial review.

This amendment to E. O. 10450 authorizes the SACB upon petition of the Attorney General to make determination of the character of certain organizations described in the order as totalitarian, fascist, communist, subversive, or whether adopting a policy of unlawfully advocating commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seek to overthrow the Government of the United States or any State or subdivision thereof by unlawful means. These determinations are in aid of the administration of the screening program established by E. O. 10450 which has a purpose "to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security."

I should note that several organizations, including some identified as Communist, have already brought action to enjoin the execution of E.O. 11605. This action, commenced in the U.S. District Court for the District of Columbia,[3] was dismissed this January 10, 1972 by Judge Gesell on the ground that it was prematurely brought. In his opinion, however, Judge Gesell indicated that there were some "disturbing implications" in what he described as an effort "to revitalize a loyalty program that has found little favor." "There is, for example," he said, "no precedent for a President delegating to an independent, quasijudicial body far-reaching responsibilities different in form and effect from those specifically given that body when created by the Congress." Moreover, wholly apart from the question of delegation, Judge Gesell declared that "the Order contains definitions governing listing that appear on their face to raise constitutional problems by reason of their vagueness and overbreadth and the resulting effect on the rights of many Government workers, present or future." The Court indicated that it would act if the President's order is later implemented by an "informative petition" of the Attorney General which will establish "a basis for whatever organization is challenged and those similarly situated to test the delegation and the alleged overbreadth of the Order before hearings are held."

The bill, H.R. 574, would amend the Subversive Activities Control Act of 1950 by conferring on the Attorneys General of each State the power to initiate cases and to continue proceedings before the Board to the same extent and manner as conferred upon the Attorney General of the United States by the terms of the Act. This appears to be an effort to expand the work of the Board, particularly in view of the fact that over the years, following the administration of Attorney General Brownell, the Department of Justice has not given the Board an appreciable amount of work to do.

It is our hope and purpose to resolve the issues disclosed by our inquiry. Perhaps we can, after consideration, reach a consensus of opinion which may be reflected in a clean bill and that it may find support within the subcommittee, the Committee, and ultimately the Congress. I say now, as I have said before, that at this stage in our history it should be clear to all that the systematic efforts to undermine our free institutions requires some kind of internal security system. In saying this, I call for the cooperation and assistance of all thinking and dedicated members of our society, of liberals and of conservatives alike.

On the one hand, liberals by now must surely appreciate the great stakes they have in the survival of the democratic system, whose defects they can freely criticize under the ground rules of the Bill of Rights. They have thus a great stake in seeing that those ground rules are not abused by subversives. It is proper that liberals should attack abuses in security programs, but they must also recognize the unpleasant necessity of such programs. On the other hand, conservatives for their part must recognize that absolute security is impossible and that we can pay too high a price in straining to achieve an impossible ideal. The problem is to achieve more security in particular areas of risks and do so in such a way that we do not lose more by the methods we use than by the disasters we prevent. We must use creative intelligence to protect our free society from its hidden enemies without making less free those who are not its hidden enemies. I believe this result can be accomplished within the framework of reasonably effective legislation.

## PUBLIC SERVICE HOSPITALS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, in the near future Congress must face an issue over which there has been much concern: the continuation of the Public Health Service hospitals that have served this Nation since our independence.

There have been repeated threats to the existence of the public health service hospital system, and each time Congress has demonstrated its commitment to keep these facilities open. When the administration let it be known, through the Department of Health, Education, and Welfare, that it intended to close the last of the eight remaining Public Health Service hospitals, the disclosure was met by an overwhelming response from the communities affected and from the Congress.

More than 250 Congressmen joined in a resolution expressing their desire to see that the hospitals remain open and funded. After holding extensive hearings on this matter, and after seeking the opinion of the Comptroller General—which was that the Department of HEW had no power to close the eight hospitals—Congress was assured that the facilities were not in jeopardy and that vital and much needed health-care services would not be terminated.

Only last month Congress again learned that HEW fully intended to move ahead with their plans, without informing the legislative branch of their intentions, in violation of express congressional action.

At a time when this Nation is facing a severe health-care problem, it seems incongruous that we are considering the closing of existing hospitals rather than restoring, revitalizing, and renovating these facilities so that they can dispense better care to more people.

The Brighton Marine Hospital is an excellent example. We who live in Boston are extremely fortunate to have a Public Health Service hospital. During fiscal year 1970, this hospital treated 17,000 people and cared for more than 58,000 in need of outpatient care. Among those treated were American seamen, members of the Coast Guard, and other military personnel and their dependents. But, thousands more received benefits from this Boston hospital.

Like other Public Health Service facilities, the Boston facility works closely with the community in all facets of health care. Each week the Boston Public Health Service hospital conducts three family planning clinics with special services for low-income citizens. It provides a college mental health infirmary. Coast Guardsmen receive intensive care in a rehabilitation program fostered by the hospital. Research by its pharmacists has resulted in a new program of drug distribution and a modification of the unit-dose system that is serving as a prototype for all Public Health Service hospitals.

The hospital works closely with several universities and technical schools in the area in the training of medical laboratory assistants, dental assistants, physical therapists, medical-record technicians, and medical students. On-the-job training programs are conducted for a vast array of skills—skills that are in strong demand across the Nation.

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[3] Civil Action No. 1776–71, *American Servicemen's Union, et al* v. *Mitchell*.

I am not alone in my support for this Boston Public Health Service Hospital. In the report of the consultant sight visit team to Boston, conducted as part of the Public Health Service hospital conversion study, statements clearly support maintenance of this facility. The report reads in part:

> Considering the diversity of responsibilities which have been assigned to this facility, closing the facility and transferring responsibility for all service activities to civilian institutions would present many difficult problems. . . .

The report further states:

> A strong case could be made for the continued operation of the facility which, with minor alterations, could discharge its current responsibilities for many years. The physical plant is not obsolete and seems well adapted for the purpose it serves. Many specialized services would have to be continued and could probably be operated with greatest efficiency from a facility such as this which has in reserve a reservoir of trained personnel. . . .

The facts lead to only one conclusion, the Boston Public Health Service hospital should be modernized and expanded to better meet the needs of the community and beneficiaries which it has served so well.

The Public Health Service hospitals serve an important function in the health delivery system of this Nation. There are millions of Americans who depend partially or wholly on the care and services which the hospitals provide, services which they have provided since the first Congress established the Marine hospitals.

I will continue to take every step to insure that these facilities are kept open, and that the administration is not allowed to clandestinely shut down Public Health Service hospitals without the express consent of the elected representatives of the people.

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## THE 54TH ANNIVERSARY OF THE INDEPENDENCE OF UKRAINE

The SPEAKER pro tempore (Mr. PUCINSKI). Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 60 minutes.

Mr. FLOOD. Mr. Speaker, this observance of the 54th anniversary of Ukraine is for a number of reasons a most significant occasion. One reason is that Ukraine, the largest non-Russian nation both in Eastern Europe and in the U.S.S.R., has again attracted unusual world attention these past few months. As pointed out in a recent letter sent to us by Dr. Lev E. Dobriansky of Georgetown University and president of the Ukrainian Congress Committee of America, Ukraine was drawn in as an analogy in the two-China's issue in the United Nations. But the letter, which I append to my remarks, could not include the world coverage given to Josef Cardinal Slipyj's condemnation of Soviet Russian genocide of both the Ukrainian Catholic and Orthodox Churches in Ukraine. The Cardinal's address at the recent synod in the Vatican gained the sympathy of all for the victims of this physical genocide.

The second important reason for this anniversary occasion is the widespread police-state action being taken against intellectual and other national dissidents in Ukraine. As reported in our media, scores of Ukrainians are being arrested, including such persons as Yevgen Sverstyak, Ivan Svitlychuy, Ivan Dzuba, Viktor Nekrasiw, and Vyacheslav Chornovil. Moscow's cultural repression of Ukraine is a long-standing blight on civilized standards, going as far back as the 1920's. In the past few years it has been waged with ever-increasing intensity.

A third reason for us to note the importance of this event is the forthcoming trip of our President to the Soviet Union. The plans for the President's trip to Red China call for more than a working session in Peking; he will be visiting other cities in that area. On a people-to-people basis, it is all the more important that forthcoming plans for the trip to the U.S.S.R., include a visit to the historic capital city of Ukraine. The conspicuous difference between the two trips is that the latter would be one of visiting different nations within the U.S.S.R., and this would be entirely in conformity with the spirit and substance of our policy toward all nations in Eastern Europe. The occasion for this observance provides us the opportunity to express the hope shared by millions of Americans that that like De Gaulle, Trudeau and others in the recent past, the President will plan to visit Ukraine, too, come next May.

Another salient reason for us to specially observe this 54th anniversary is the number of congressional resolutions and measures dealing with Ukraine and which deserve our most careful attention and consideration. These include Senate Joint Resolution 10 and House Resolution 70, designating January 22 as Ukrainian Independence Day, House Resolution 293, establishing a Special Committee on the Captive Nations, and House Joint Resolution 994, seeking U.S. diplomatic relations with the largest non-Russian nation in Eastern Europe.

### THE RESURRECTION OF THE UKRAINIAN ORTHODOX AND CATHOLIC CHURCHES

Mr. Speaker, in the light of my foregoing remarks and because of the urgency of the matter, I should like to take this occasion to apprise all of my colleagues of the concurrent resolution I plan to submit in seeking the resurrection of both the Ukrainian Orthodox and Catholic Churches in Ukraine. I earnestly hope that our moral consciences will provide the broadest cosponsorship of this vital resolution, and that it will also be moved shortly in the Senate. I am hopeful, too, of the widest possible support for this proposed resolution from our concerned religious groups and organizations in this country.

To seek the resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine, the resolution states the following:

> Whereas the Charter of the United Nations, as well as its Declaration of Human Rights, sets forth the objective of international cooperation "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. . ."; and
>
> Whereas in the Constitution of the Union of Soviet Socialist Republics article 124 unequivocally provides that "In order to ensure to citizens freedom of conscience, freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens"; and
>
> Whereas not just religious or civil repression but the genocide—the absolute physical extermination—of both the Ukrainian Orthodox and Catholic Churches in a nation of over 45 million brutally violates the basic civilized rights enunciated above: Now, therefore, be it
>
> Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President of the United States of America shall take immediate and determined steps to—
>
> (1) call upon the Government of the USSR to permit the concrete resurrection of both the Ukrainian Orthodox and Catholic Churches in the largest non-Russian nation both within the USSR and in Eastern Europe; and
>
> (2) utilize formal and informal contacts with USSR officials in an effort to secure the freedom of religious worship in places of both churches that their own Constitution provides for; and
>
> (3) raise in the General Assembly of the United Nations the issue of Stalin's liquidation of the two churches and its perpetuated effect on the posture of the USSR in the light of the U.N. Charter and the Declaration of Human Rights.

Mr. Speaker, as concerns the currency of problems relating to Ukraine and the Soviet Union, I should like to append to my remarks the illuminating letter sent to Members of Congress by Dr. Lev E. Dobriansky of Georgetown University and also the section on "Ucrainica in American and Foreign periodicals" appearing in the current winter issue of the Ukrainian Quarterly:

> UKRAINIAN CONGRESS,
> COMMITTEE OF AMERICA, INC.,
> *New York, N.Y., January 18, 1972.*
>
> In the past few months the term "Ukraine" has figured prominently in the news. For example, in the U.N., Secretary of State Rogers and others injected it into the China debate, while one of our delegates, Congressman Derwinski of Illinois, referred to it in his outstanding condemnation of Russian imperio-colonialism in the USSR.
>
> As the largest captive non-Russian nation both in the USSR and Eastern Europe, Ukraine and its 47 million people must be faced and dealt with realistically if we are to forge a people-to-people interdependence to advance the goal of world peace for the last quarter of this century. There are many knowledgeable ways by which this can be accomplished, including a visit by the President next May to this historic nation in the USSR, but a more immediate occasion presents itself in the 54th Anniversary of the Independence of Ukraine this January 22.
>
> You and the Congress can play a vital role in our foreign policy by focusing attention on Ukraine and the other captive non-Russian nations in the USSR. Your statement during the week of January 23 will reach the hearts and minds of the Ukrainian people and also enlighten our own as to the imperial-colonialist nature of the USSR. Both in the Senate and in the House, where time is being reserved by Congressman Daniel J. Flood for Wednesday, January 26, this "54th" will be observed. We urge you to support also

(1) the new Flood resolution seeking the resurrection of the Ukrainian Catholic and Orthodox Churches in the USSR (2) S.J. Res. 10 and H. Res. 70, designating January 22 as Ukrainian Independence Day (3) H. Res. 293, establishing a Special Committee on the Captive Nations and (4) hearings on the Zablocki resolution (H.J. Res. 994) and the Burke resolution, respectively seeking U.S. diplomatic relations with Ukraine and Byelorussia and ousting their representatives in the U.N. At the rate Moscow is developing militarily, we had better start showing a deep interest in the colonial non-Russian areas of the USSR—just as Peking has been doing for years.

With grateful thanks for your forward-looking participation and best personal regards,

Sincerely,
LEV E. DOBRIANSKY,
*Georgetown University.*

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### UCRAINICA IN AMERICAN AND FOREIGN PERIODICALS

"A Chronicle of Resistance," an article by Valentyn Moroz, *V.F.W.*, Veterans of Foreign Wars Magazine, Kansas City, Mo., February 1971.

The editor's note introducing this fascinating article by the imprisoned 35 year old Ukrainian intellectual rightly compares him with American prisoners in North Vietnam in that they are men willing to sacrifice everything for the ideal of freedom. Moroz was incarcerated by the Russians in 1966 to serve five years of hard labor. His crime? Simply writings that have displeased Moscow.

Along with other works, this piece has found its way to the West from a Russian prison. It was translated by Zirka Hayuk, a language librarian at the University of Wisconsin. The piece deals with Russian genocide of the church in Ukraine and the suppression of religious freedom. It also treats of book-burning by the authorities in Kiev, Tartu, Samarkand, but nowhere in Russia itself.

As the writer puts it, "The people who defend the church are ready for sacrifices for the sake of an ideal. They are few but then fighters are always few." He goes on to say, "It is impossible to break people, to make slaves out of them until you steal from them their holidays, until you destroy their traditions and trample over their temples." He minces few words about "the insanities of Stalin and Khrushchev."

"Ukrainian Prelate Attacks Papacy," a report by Alexander Chancellor. *The Washington Post*, Washington, D.C., October 30, 1971.

Highly significant on the international level of religious and political affairs is this report of Cardinal Joseph Slipyj's address at the Vatican Synod, bitterly attacking the Vatican for its refusal to help persecuted Ukrainians in the USSR. The attack is also an indirect one against Moscow and its puppets. In doing this for the first time, the 79 year old cardinal broke an eight-year silence since his release by Moscow in 1963.

The prelate is reported as saying "Because of diplomatic negotiations, the Ukrainian Catholics who have suffered so much as martyrs and confessors are pushed aside as inconvenient witnesses of past evils." He also pointed out, "We have become an obstacle for church diplomacy . . . Cardinal Slipyj does nothing for his church—what can he do? The Vatican has interceded for Latin Catholics but has kept silent about six million Ukrainian faithful who are suffering persecution for their faith."

The report also cites the appeal, titled "Defense of the 'Silent Church,' " signed by five Ukrainian Catholic bishops of the U.S., led by Metropolitan Ambrose Senyshyn. It calls for the intercession of church hierarchies and international leaders "on behalf of 'persecuted' Christians and Jews in the Ukraine." Both of these statements now significantly serve as a basis for united and common action among the bishops of the Ukrainian Catholic Church. There can be no question about the Vatican's silence and devious diplomacy concerning the six million Ukrainian Catholics in Eastern Europe.

"63 Form a Group To Guard Morals," a report. *The New York Times*, New York, February 14, 1971.

With the objective to end the erosion of U.S. standards, the formation of the Committee to Unite America is described in this report. The president of the new committee is Lady Malcolm Douglas-Hamilton, who is the former Natalie Wales who in 1939 founded the Bundles for Britain organization and in 1947 the original Common Cause group. The former sent six million dollars in relief aid during World War II and the latter was formed to resist international communism.

The view explaining the objective of the committee appears in its announcement that "a destructive nihilism, compounded of the worst elements of totalitarianism has been unleashed on the United States and has taken an awesome toll in mortality, patriotism, religion, education, community responsibility, social stability and the national will and confidence to serve as a free nation." One of the 63 founders signing the pronouncement was Dr. Lev E. Dobriansky, president of the Ukrainian Congress Committee of America. UCCA was an active participant in the original Common Cause.

"Congress Hails Brezhnev, Policies," a report. *The Washington Post*, Washington, D.C., April 6, 1971.

Important in this report on the 24th congress of the Communist Party of the Soviet Union is the emphasis placed on the non-Russian nations in the USSR. As one example, "Many observers have recorded resentment of domination by Great Russians, sometimes assisted by Ukrainians and Byelorussians. The latter resent Russian domination in their own right, too." It is also pointed out that the trend has become more explosive as "Soviet peoples have become aware of national liberation movements around the world."

Another interesting item cited as concerns this trend is "the fact that the Great Russians are thought to be a minority in the Soviet Union for the first time." Actually, nationality breakdowns of the census taken in January 1970 remained unpublished by the time of the congress in March-April 1971.

There are numerous quotations in this report from speeches bearing on Russian/non-Russian relations in the USSR. It is sufficient to take Brezhnev's, which runs in the standard and typical vein: "All the nations and nationalities of our country, above all the great Russian people, played their role in the formation, consolidation and development of this mighty union of equal nations that have taken the road to socialism. The revolutionary energy, dedication, diligence and profound internationalism of the Russian people have quite legitimately won them the sincere respect of all the other peoples of our Socialist motherland." Like Khrushchev, Brezhnev is reported in the West as being "a Ukrainian." Both Russians have been misidentified. However, any analyst familiar with the long trend of fiction and disparity between the Russians and non-Russians in the USSR senses the ultimacy of this determinant for the collapse of the USSR.

"American Security Council Devotes Time To Captive Nations Week," an introduction. *Congressional Record*, U.S. Congress, Washington, D.C., July 22, 1971.

Introduced by Representative Kemp of New York, several texts of interviews and statements on the 1971 Captive Nations Week observance appear in this issue of the nation's history. As the Congressman points out at the beginning of his remarks, "Mr. Speaker, the American Security Council devoted 6 days of its program 'Washington Report,' broadcast nationwide on the Mutual Broadcasting System—just before and during Captive Nations Week—to the plight of those nations still living under Communist subjugation." This was a notable one of countless programs and rallies in the United States and abroad devoted to the annual observance.

The texts cover interviews with Congressmen Derwinski, Gerald Ford, Crane, Hogan and Pucinski, and also Dr. Lev E. Dobriansky, chairman of the National Captive Nations Committee. As many know, Moscow has long sought the abolition of Captive Nations Week, which Congress provided for in 1959. Particularly it is fearful of any official concentration in this country on the non-Russian nations in the USSR, a subject which receives prominence in these interviews.

Congressman Derwinski, for example, emphasizes, "The many non-Russian nations within the U.S.S.R., Lithuanians, Latvians, Estonians, Ukrainians, Armenians, and others have as much right to self-determination as any peoples served by independent governments." Comparing Vietnam with the early independent non-Russian republics, Dr. Dobriansky declares, "The so-called civil war there had been repeated time and time again, going all the way back to 1917–1918 in areas that are now within the Soviet Union, such as Byelorussia, Ukraine, Georgia and elsewhere." Such constant emphasis on the non-Russian nations in the USSR cannot but bear productive fruit for freedom everywhere.

"He Translates Favorite Poem So Canadian Children Can Enjoy It," an article by Joan Phillips. *The St. Catharine's Standard*, Canada, January 9, 1971.

This well-written article is about Ukrainian-born Bohdan Melnyk who resides in St. Catharine and has translated the long narrative poem Lys Mykyta, or The Sly Fox, for the benefit of Canadian children. He is quoted as saying, "I could read the book hundreds of times. It's always fresh." He knows much of it by heart in the original Ukrainian.

The translator used the edition published in 1953 and written by the famed Ukrainian author Ivan Franko in 1890. The translation produced by Mr. Melnyk into English amounts to 147 pages. The book was favorably received in Canada. It also consists of illustrations which the translator copied by hand from the 1953 edition.

"Soviet Census Shows Russians Hold Majority, Jews Decrease," an article by Anthony Astrachan. *The Washington Post*, Washington, D.C., April 17, 1971.

Significantly, it was after the 24th Congress of the CPSU that Moscow finally released the nations census breakdown in the USSR. The Russian element, according to it, still makes up the majority despite the well-known fact that the Russians have a birth rate that lags behind the other nations in the USSR. For two decades now, it can be said that an internal analysis of Moscow's demographic figures has established a minority status for the Russians.

The writer points out accurately that the delay in publishing the latest breakdown reinforced suspicions that the Russians were in the minority and did not want to admit it—suspicions that flourished on the lavish praise for Soviet success in officially resolving all nationalities problems at the recent party congress. The so-called nationalities problem is of long and insoluble standing in the USSR.

According to the released figures, the Russians number 129 million of the 241.7 million population in the USSR. This is 53.4 percent of the total, slightly down from 54.5 percent of the 1959 census. Aside from other adjustments, one need only recognize the Cossack nationality of 10 million, deduct it from the Russian, and the so-called Great Russians dwindle into a minority. According to the padded figures, the Ukrainians are supposed to make up 40.8 million, the Byelorussians 9.1 million, and the Jews 2.1 million, though in each of these cases reliable estimates upgrade them to 45, 10 and 3 million respectively.

"America as Liberator of Man," an introduction by Senator Fulbright. *Congressional Record,* U.S. Congress, Washington, D.C., April 5, 1971.

It is no source of wonderment why Senator Fulbright would introduce into the nation's annals this article written by the eccentric columnist in *The Washington Post,* Nicholas von Hoffman. The columnist presents a cynical piece on American liberating efforts and asks "Whom Do You Choose?" Jews, Ukrainians, Latvians and others are mentioned. In his words, "The Ukrainians, the Latvians, the Tartars, the writers, the scientists, the dozens of other groups who may not want to leave but who certainly want liberation"—whom do you choose?

The choicest paragraph in the piece is this one: "Yet for 30 years there have been a succession of American groups that have clamored for our intervention in other countries' internal affairs. Nothing is sadder than Captive Nations Day, and nothing has been more despicable than politicians who've exploited the anguish behind it, by suggesting we could 'free' Poland or Estonia if we really wanted to." The writer then adds, "No single issue has given more impetus to the idea that there are secret Russian collaborationists in our government than this one."

Given to factual distortions, the writer doesn't know that there is no such thing as Captive Nations Day, nor have any politicians suggested on record what he purports. As for the Captive Nations Week issue giving impetus to the idea of Russian collaborators in our government, this is obviously another credit for the Captive Nations Week resolution. One must be blindly naive to suppose that they aren't there.

"Slavery—Nations or Individuals?," an article by Walter Trohan. *Chicago Tribune,* Chicago, Illinois, February 17, 1971.

The distinguished writer of the Washington Report column in this leading mid-West organ devotes his long column to the captive nations and relates the subject to slavery. At the very outset, he states, "Slavery was abolished in the United States more than a century ago, but it still exists in the Soviet Union and no American should forget it."

He points out, "Russia has held peoples in slavery under the czars and under communism." Referring to Captive Nations Week, he recalls that "the Captive Nations Committee has issued its own commemorative stamps to remind Americans of the many peoples under Communist domination by conquest rather than inclination." He then asks, "How many of us can name the captive nations?" His detailed answer to the question includes Azerbaijan, Slovakia, Ukraine and practically all of them.

Bearing on the infamous Kudirka case of last year, the writer expresses surprise that the State Department failed to suggest a trade for the communist black Angela Davis. Actually, the idea was broached, but the feeling was that Angela didn't relish the idea of living in the Soviet Union. She preferred to stay here and parade about as a dissenting "communist" in an environment of freedom.

"Genocide in the Ukraine," a report. *Our Sunday Visitor,* Catholic periodical, Washington, D.C., March 28, 1971.

This account is introduced by a quote from Patrick Cardinal O'Boyle, Archbishop of Washington, that "The Ukrainian Catholic Church must be protected." It was addressed to the inauguration of the Roman Smal-Stocki Lecture Series at St. Josaphat's Seminary in Washington. It is a matter of record that numerous bishops of the Latin Rite of the Catholic Church have taken a similar stand regarding the Church both in the Free World and in Ukraine and elsewhere in the Red Empire.

Most of the report is devoted to the lecture delivered by Metropolitan Ambrose Senyshyn of Philadelphia. The highlights of the lecture are given in this lengthy report. As it points out, "In his lecture the Archbishop stated that the Soviet Union systematically planned the complete destruction of the Byzantine-Ukrainian Catholic and Ukrainian Autocephalous Orthodox Churches in Soviet Ukraine, notwithstanding its so-called constitutional guarantees of religious freedom . . ."

"Jews Hated But Useful To Russian Regime," an article by Roscoe Drummond, *The Philadelphia Inquirer,* March 10, 1971.

The author of this article has consistently been short, acutely at that, on knowledge of Ukraine. In fact, his articles over the years have shown marks of disdain for things Ukrainian. In this one, dealing with the persecution of Jews in the USSR, he displays his feelings again.

His thesis concerning the Jews is that their cause is hopeless because of a regime flouting world opinion, persecution is indigenous to a dictatorship, and the talents of the Jews are useful in many programs. In developing this thesis the writer then states, "It is not surprising that the Nazi invaders of Soviet territory in World War II soon found faithful followers in the occupied areas, especially among the Ukranians, who helped them carry out their crimes against the Jews." Of course, the well-documented facts are that scum of every nationality, including Russian, collaborated with the Nazis in this respect and that recorded cases of Ukrainians, both lay and religious, asylumning Jews from the Nazis by far exceeded the crimes of the collaborators. To confuse the national aspect of the opportunity afforded by the German invasion for liberation from Russian domination with individual anti-Semitism is the height of folly. And this writer has been capable of such folly on more than one occasion.

"The Path Chosen Forever," an article by L. Tupchiyenko. *Radyanska Ukraina,* Kiev, USSR, December 25, 1970.

The work being currently undertaken at Columbia University on the subjugated non-Russian nations in the USSR appears to be a source of fright for some Ukrainian communists. This article starts with the usual cliches about the country being "subjected to the attack of inveterate ideological champions of the world of capital." In stereotyped language, it continues, "Ukrainian bourgeois nationalists who have been ejected onto the garbage heap of history execute the orders of the forces of anti-communism with particular fervor."

After all this and more is said in characteristic fashion, the object bugging the writer is finally considered. Namely the aforementioned project itself. He raises the question, "What problems in the life of Ukraine, Georgia, Azerbaijan, Uzbekistan and other Soviet republics will these 'researchers' study'?" It is implied that they have no problems, foremost that of independence from the ever-sacrificing overseers in Moscow?

"Assembly of Captive European Nations Convene in New York City," an address by the Honorable Ray J. Madden. *Congressional Record,* U.S. Congress, Washington, D.C., September 22, 1971.

In the third week of September the Assembly of Captive European Nations held its annual meeting in the Carnegie Endowment International Center in New York City. It is an open secret that the delegates of the Assembly themselves are aware of the fact that not all of the captive European nations are represented, as, for example, Ukraine, Byelorussia and, in a special sense Russia, but this has been the result of misdirected policy action for which the delegates themselves are not responsible. The Assembly has been an active supporter of Captive Nations Week, which refers to many more captive nations than can be found represented in the Assembly.

The address delivered by Congressman Madden at this meeting is significant in several aspects. Almost at the beginning he declares, "The Congress of the United States must also be commended for its proclamation in authorizing the Captive Nations Resolution twelve years ago." He goes on to say, "The unanimous enactment by the Congress of the Captive Nations Resolution was one of the most devastating diplomatic acts that the free nations have taken against the communist conspirators since World War II." Regrettably, what the distinguished Congressman failed to state is that the resolution has yet to be concretely implemented, particularly in the area of political warfare. The measure, for example, calling for a Special House Committee on the Captive Nations has still not been acted upon. There can be no doubt that in time it will have to be realized.

"Pro and Con the Columnists," letters-to-the-editor. *The Evening Bulletin,* Philadelphia, Pa., February 6, 1971.

In a special column devoted to readers' comments on the columnists a letter written by Irene and Bohdan Hasiuk commends a piece by Edith Kermit Roosevelt on Ukraine. The editor's caption placed over the letter reads "Miss Roosevelt's column about Ukraine is lauded." Miss Roosevelt has for years written accurately and understandingly about Ukraine and the captive nations.

The concerned writers state in part, "One would hope that in this modern era of the disintegration of Western imperialisms, the days of the Russian Empire (or, as it calls itself, the Soviet Union) are numbered." Of course the Russian Empire extends beyond the borders of the USSR and the captive nations concept is not grasped by the writers, but it is laudable that citizens take the time to express themselves on this crucial subject. If thousands upon thousands were to do this, there can be no doubt that public enlightenment concerning the Soviet Russian Empire would be considerably advanced. Unfortunately, this is not the case.

"The 1971 Captive Nations Week And a Special Committee On The Captive Nations," an address by the Honorable Daniel J. Flood. *Congressional Record,* U.S. Congress, Washington, D.C., October 14, 1971.

From the time of the Week's observance in July 1971 through October, reports, addresses and other items have been introduced into the *Congressional Record,* showing the variety and scope of the latest Week's observance. The address by Congressman Flood begins with this pungent truth, "Mr. Speaker, as every one with an objective sense well knows, the captive nations—27 of them—still are very much captive. This reality is not to be brushed under the rug unless, of course, some choose to live in a fool's world."

As in dozens of other insertions and introductions this year, this one presents proclamations by the Governor of Florida and the Mayor of Kansas City and a diversity of material concerning the 1971 Captive Nations Week. Featured are the address by the Honorable Samuel S. Stratton at the Week's rally in Taipei, China, the remarks of Ambassador McConaughy at the same observance, and newspaper reports on the observance in Buffalo, as given in the Ukrainian Catholic daily *America.* The October *Reader's Digest* listing of the numerous captive nations, reproduced from that issued regularly by the National Captive Nations Committee, also appears. In addition, three long reviews during the period of the current work dealing with the captive nations in the USSR, titled *U.S.A. and The Soviet Myth* also is given prominence in this insertion.

All of this material, which could run into volumes in book form, is eventually sent to the library of Syracuse University, which is the archive for the National Captive Nations Committee in Washington. Accumulated papers, reprints, books and other material have been entrusted to the Syracuse library. They cover the period from July 1959 to the present.

L. E. D.

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. STRATTON. Mr. Speaker, I am proud to join today in this annual observance here in the House of Representatives of Ukrainian Independence Day. As we approach the 200th anniversary of our own independence here in America and commemorate the sacrifices and struggles of our own forefathers in their fight for liberty, we are reminded of those still struggling for independence in other parts of the world under present day tyrannies.

It was on January 22, 1918, and after 2½ centuries of Polish and Russian domination, that the people of the Ukraine threw off the shackles of oppression and declared themselves at last a free and independent nation. That date marked the fulfillment of the dreams of 10 generations of Ukrainians who had never relinquished their desire for freedom in all that long time.

They, after less than 3 years of independence, during which the people of the Ukraine put up a valiant struggle for the protection of their homeland, the new Communist regime in the Soviet Union overran the Ukraine and once again established totalitarian rule over that troubled land.

Fifty-four years have passed now, and although the Communist regime continues its oppressiveness, the spirit of freedom still continues to flourish unabated in the hearts of the Ukrainians just as it flourished in the hearts of their ancestors prior to 1918. And just as that ancestral spirit culminated in independence on January 22, 1918, so the Ukrainians trapped today under this latter-day Soviet brand of tyranny will once again, we deeply believe, see their dreams of independence fulfilled.

For us that hope is symbolized by Ukrainian Independence Day, observed in this country by Americans who join those in the Ukraine who are forced to observe this date in secret. An official national recognition of Ukrainian Independence Day in this country would certainly be appropriate to honor those men and women who maintain their continuing struggle for freedom; I have joined in introducing legislation providing for just such an official proclamation. Enactment of this legislation, House Resolution 137, would not only recognize the efforts of those in the Ukraine struggling for freedom, but would also honor all those thousands of Ukrainians who have come to America and who have contributed so greatly and brilliantly to the advancement of our domestic ideals, while continuing their own efforts to free their homeland.

I am proud of the fact that in 1969 I was honored to receive the Schevchenko Freedom Award from the 10th Annual Congress of Americans of Ukrainian Descent in recognition of my efforts in the cause of Ukraine's freedom. Today I reaffirm my dedication to that cause, and call upon my colleagues in the House, and on all Americans, also to reaffirm their commitments to hasten the day when the Ukraine will once again be a free nation.

Mr. GERALD R. FORD. Mr. Speaker, January 22 marked the 54th anniversary of the proclamation of independence of the Ukrainian National Republic. Today I am pleased to join with my colleagues in the House in observing that anniversary.

Ukrainians on January 22 also celebrated the 53d anniversary of their act of union, whereby all Ukrainian ethnic lands were united into one independent and sovereign state of the Ukrainian nation.

Although the Soviet Union recognized the young Ukrainian democratic republic, the Soviets almost simultaneously declared war on the infant nation and began a large-scale invasion of the Ukraine.

The Ukrainian people courageously sought to repel the invader over a period of 3 years but in 1920 the superior forces of the Soviet Union prevailed. Thus the Ukraine became a part of the Russian Communist empire.

Mr. Speaker, the Ukrainian people have never accepted Soviet rule and have never lost their desire for new independence and freedom. All Americans who believe in self-determination share with the Ukrainians the hope that they will one day live in liberty.

So now do we join with Ukrainians in America and throughout the world in celebrating the 54th anniversary of the Ukrainian Declaration of Independence. I am proud to join with my colleagues in saluting a valiant people.

Mr. DERWINSKI. Mr. Speaker, today in the House we commemorate Ukrainian Independence Day. Saturday was the 54th anniversary of Ukraine's short-lived freedom. It was on January 22, 1918, that the Ukrainians declared their independence from Communist Russia. In 1920, the infant nation was once again taken over by its huge neighbor. The Bolsheviks did not take the Marxist doctrine about the state's withering away very seriously and became imperialists soon after they seized power in their bloody revolution. As a result, the ancient land of Ukraine has been part of the Soviet Empire for over half a century.

No fewer than 74 nations have become independent since the close of World War II. Fifty-five of them are smaller in size than Ukraine, which is 232,046 square miles in area. Only five of the 74 new countries have more inhabitants than Ukraine's 47,136,000.

If Nauru, with only 8 square miles of territory and but 7,000 people, merits independence, surely Ukraine's vast size and huge population entitle it to an existence outside the Soviet Union. A land possessing tremendous agricultural and industrial resources and boasting a cultural background that is centuries old, Ukraine deserves something better than exploitation by Communist oppressors. There is room in the family of nations for both Nauru and Ukraine.

Mr. Speaker, our liberal colleagues, who belatedly have come to recognize that the Soviet Union is, in fact, the world's greatest colonial practitioner, ought to be joining those of us who advocate independence for Ukraine.

It is appropriate that so many Members of the House join in emphasizing the right of the Ukrainian people to self-determination and freedom. I note, Mr. Speaker, that there is a so-called Ukrainian S.S.R. holding membership in the U.N. as a controlled vote of the Soviet Union. Legitimate membership of the Ukraine in the U.N. will come only when its people are served by a government of their choice, one of the great traditions in the history of the Ukrainian people.

Mr. PUCINSKI. Mr. Speaker, I join my colleagues today in commemorating the 54th anniversary of the independence of Ukraine.

When the Russian Czar was overthrown, the Ukrainian leaders proclaimed their independence on January 22, 1918, bringing into existence the Ukrainian National Republic.

Since the outset of its independence, the new Republic was faced with serious threats and difficulties, the most severe of these being the Communist government in the Kremlin. Freedom for the millions of Ukrainians was shortlived, and a few years later they were taken over by the Soviet Union.

Since that time the Ukrainian Republic has suffered armed aggression, political subjugation and persecution, religious persecution, genocide, political murders, cultural persecution and Russification, and economic exploitation.

In spite of all this incredible suffering, the Ukrainian struggle against Communist tyranny and her spirit for independence, freedom, and liberty has not died and is, in fact, stronger today than ever before. And so long as this spirit is alive, the Ukrainians will never give up their resistance to the Communist totalitarians.

I am indeed honored to take part in the observance of the 54th anniversary of Ukrainian Independence Day, and it is my cherished hope that the oppressed Ukrainians will soon regain their freedom.

Mr. STEIGER of Arizona. Mr. Speaker, January 22 marked the 54th anniversary of the proclamation of the Ukrainian National Republic and the 53d anniversary of the proclamation of the act of union whereby western Ukraine united with the Ukrainian National Republic of the Ukrainian people. To the Ukrainian people these proclamations meant freedom of the individual and independence as a nation.

But the freedom and independence to which they had aspired for two and a half centuries lasted only a few years; it was soon extinguished by the Communist Russian takeover.

During the five decades since that time the Ukrainian people have not given up hope of once more regaining their freedom and independence. This week we salute the Ukrainian people who have steadfastly served the cause of freedom by their refusal to resign themselves to enslavement by giving up the struggle despite overwhelming odds.

This week Members of Congress and serious-minded people everywhere are paying tribute to the struggle of these proud people by focusing attention on Ukraine and the other captive non-Russian nations in the Soviet Union.

Mrs. GRIFFITHS. Mr. Speaker, on

January 22, 1918, the Ukrainian nation declared itself a free and independent state. Shortly thereafter, in 1920, this large and beautiful area bordering the Black Sea became victim to the Soviet Russian march toward world conquest. These gallant people, although overrun with communism within 3 years of their independence, today serve continuously as an inspiration and guiding light to all men of peace, freedom, and independence. The Soviet Union has incorporated the Ukraine within the geographical boundaries of the Soviet Union, as though to obliterate from history the previous existence of the Ukraine as a nation. The Soviet Union denies national identity to the Ukrainian people, claiming they form an integral part of Russia. Yet the Soviet Union will never succeed in erasing the memory of national existence from the hearts of the Ukrainian people. Today, these national feelings are a source of concern to the Soviet leadership for they can be exploited by foreign and Soviet Ukrainian elements that seek either the establishment of an independent Ukraine or greater political and cultural freedom from Moscow.

It is a privilege to be able to join my colleagues, my countrymen, and freedom-loving people throughout the world in commemorating this—the 54th anniversary of the independence of Ukraine. Certainly, it is our continued hope that they will again regain their freedom and live in peace in their homeland.

Mr. LINK. Mr. Speaker, January 22, 1972, marked the 54th anniversary of Ukrainian Independence Day. At this time I wish to reaffirm my support to the peoples of Ukraine who are denied not only a self-determined government, but spiritual, cultural and social freedoms. I believe this denial of basic human rights to be an affront to human dignity.

The Ukraine is the largest Slavic country in Eastern Europe, its population numbering 50 million. The Ukrainian peoples obtained freedom for only a fleeting moment. This came as a result of the Russian Revolution and the defeat of the autocratic forces of Austria which had been ruling the Ukrainians. The opportunity for the assertion of freedom came on January 2, 1918, the day they proclaimed their independence. The democratic government instituted in the new Ukrainian National Republic did its utmost to cope with the new state's multiple problems, but it had neither the manpower nor the resources to cope with these effectively. Before the Republic could master sufficient force to establish itself, the country was attacked by the Red army in the fall of 1920 and overrun. In late November of that year the Ukraine became part of the Soviet Union. Thus ended the brief 2-year period of independent existence for the Ukrainian peoples.

In commemoration of this just but short-lived freedom, I insert a proclamation issued by North Dakota Gov. William L. Guy on behalf of the approximately 25,000 Americans of Ukrainian descent now living in North Dakota:

### PROCLAMATION

On January 22, 1972 Ukrainians in North Dakota and throughout the free world will solemnly observe the 54th anniversary of the proclamation of a free Ukrainian state.

After a defensive war lasting 4 years, the Ukrainian state was destroyed in 1920 and a puppet regime of the Ukrainian Soviet Socialist Republic was installed, later becoming a member state of the Soviet Union.

The once free Ukraine is now no more than a colony of Communist Russia and its vast human and economic resources are being exploited for the purpose of spreading communism.

The United States Congress and the President of the United States of America have recognized the legitimate right of the Ukrainian people to freedom and national independence by respectively enacting and signing the Captive Nations Week Resolutions in July, 1959, which enumerated Ukraine as one of the captive nations enslaved and dominated by Communist Russia.

Some 25,000 Americans of Ukrainian descent now living in North Dakota have made significant contributions to both state and nation.

Now, therefore, I, William L. Guy, Governor of the State of North Dakota, do hereby proclaim Saturday, January 22, 1972, as "Ukrainian Independence Day" in North Dakota and urge all citizens to demonstrate their sympathy with and understanding of the aspirations of the Ukrainian nation to again achieve its rightful inheritance of freedom and independence.

In witness whereof, I have set my hand and caused the Seal of the Great State of North Dakota to be affixed this 17th day of January, 1972.

Mr. RODINO. Mr. Speaker, less than 2 months ago, on the occasion of the 25th Anniversary Convention of the Organization for the Defense of Four Freedoms for the Ukraine, I emphasized the need to continually voice our support and our desire for the restoration of freedom and national independence to the Ukrainian nation. I wish to reinsert these remarks today, as the expression of my feelings upon the 54th anniversary of the independence of the Ukraine are equally as applicable and most assuredly as strong:

### THE NEED TO REMEMBER THE UKRAINE

Mr. Speaker, Ivan Dzyuba stands as a symbol for the new Ukrainian intellectual. In early September 1965, he was detained in Kiev under the pretext that he had sent to the West a diary of the deceased young poet, Vasyl Symonenka, where it had been published together with several poems banned in the Soviet Union. Over 100 individuals were said to have been arrested in Kiev and L'vov at this time; secret trials, not reported in the Soviet press, were stated to have taken place. Many of those tried with Dzyuba were sentenced to 7 years hard labor and sent to Siberia as punishment for their "struggle against the Soviet state system." They were proven to be "morally unstable persons" who had fallen under the influence of hostile nationalities' propaganda and who had read books not passed by Soviet censorship. Suffering from acute tuberculosis, Dzyuba was later released. The words of Dzyuba call for a thorough revision of the principles of socialist realism—"We should judge each society by the position and meaning it gives to man, by the value it puts on human dignity and human conscience." For these ideas and for these feelings he was brought to trial.

According to Soviet law, all trials must be held in public. The basic denial of justice experienced in these secret trials was criticized by a young Ukranian journalist and critic, V. M. Chornovil. When summoned during procedures to appear as a witness for the prosecution, he refused to testify on the grounds that the trial was not open and was therefore, illegal. Chornovil himself was soon brought to trial for his subversive actions:

"My innocence seemed much too obvious to me. But as the trial proceeded, my rosy optimism gradually began to change into black pessimism. I saw clear prejudice and understood that I would not succeed in stopping the operation. My request that witnesses be called and documents be included was rejected without any reasoned explanation; the evidence I gave at the beginning of the trial was not discussed."

Thus, Ukrainian individuals are strongly speaking out against Soviet attempts to break up the Ukrainian nation, the largest, most concentrated national minority in the Soviet Union, both physically and morally. Traditional resentment of rule from Moscow has been strengthened by the repressive actions of present and past times. In his campaign against "bourgeois nationalism," Stalin virtually wiped out the Ukrainian intelligentsia during the 1930's. Millions of Ukrainian peasants starved to death and were deported to Siberia during collectivization. In the postwar years, the country was hard hit by famine and mass reprisals against whole villages accused of aiding anti-Soviet guerrillas. It will take generations before these things are forgotten.

What exactly are the Chornovils and the Dzyubas demanding for their people? They ask that the Ukrainians have the opportunity to know their history, culture, and language and to feel proud of their heritage. They ask for a return to the principles of self-determination of nations and the fostering of every nation's free and unimpeded development. They note the existence in Eastern Europe of Communist countries independent in carrying degrees, but incomparably more independent than a Soviet Union Republic in the position of the Ukraine. They desire to see the Soviet Ukraine as truly existing and genuinely equal among the socialist family of nations, to see it as a national reality and not simply as an administrative geographic term. The Ukrainian demands aim at the practical implementation of rights guaranteed in article 17 of the Soviet Constitution, converting a Union Republic's right to secede without impediment from empty fiction into reality.

It is noteworthy that most of the spokesmen of this movement are young people who have been educated and nurtured in the teachings of Soviet patriotism. This new generation lacks the direct experience of the paralyzing fear which blanketed their country during Stalin's great terror. It is better equipped as a whole, to think for itself and less prepared to take things for granted. This form of opposition is striking both for its moderation and for its high intellectual level. Yet, the situation and its people are typical of the present ferment as a whole which seems to be enveloping a great many of the captive nations; it is for this reason that this form of opposition commands such evident respect.

The test of the validity of any social structure is the extent to which it is able to come to terms with internal opposition. Moscow has continued to respond to this challenge by extending police repression and by strengthening its utilization of prison camps. According to Michael Browne in his "Ferment in the Ukraine."

"The extent of the ferment and discontent in the Ukraine and the degree to which the central regime in Moscow regards ferment as a danger to the integrity of its empire, is seen from the scale of repressive acts against the dissidents. It is estimated that Ukrainians comprise 60–70 percent of all political prisoners in Mordovia."

The 25th Anniversary Convention of the Organization for the Defense of Four Freedoms for the Ukraine, Inc., was held at the Commodore Hotel in New York City this past weekend, November 27 and 28, 1971. The four freedoms they seek, freedom of speech, freedom of conscience, freedom from fear and freedom from want, are vital to the preservation of peace, justice and security throughout the world. According to John Wynnyk, president of the ODEFFU, his movement and similar Ukrainian organizations of this nature constitute a powerful Ukrainian Liberation Front dedicated to the restoration of freedom and national statehood to the Ukraine and to all captive nations. Perhaps, the attainment of this dream seems nearly impossible in our eyes. How will it be possible for the captive Ukrainian people to regain their rightful freedom and their national independence? Can our words of support and encouragement have any real effect on this situation? On September 29, 1966, Ivan Dzyuba publicly addressed his people with the following words:

"There are events, tragedies, the enormity of which make all words futile and of which silence tells incomparably more—the awesome silence of thousands of people. Perhaps we, too, should keep silent and only mediate. But silence says a lot when everything that could have been said has already been said. If three is still much to say, or if nothing has yet been said, then silence becomes a partner to falsehood and enslavement. We must, therefore, speak and continue to speak whenever we can, taking advantage of all opportunities, for they come so infrequently."

Mr. PATTEN. Mr. Speaker, this past Saturday, January 22, marked the 54th anniversary of independence for the Ukraine. For many years I have gathered here with my colleagues to mark this occasion. We have not done so, however, in the usual fashion of sending greetings and best wishes to the Ukrainian Government. The free and independent Ukraine was overrun by the Russians shortly after establishing itself as a nation in 1918. Since then the Soviet Union had tried every means possible to destroy the Ukraine by trying to wipe out its language, its culture, and its people.

So on these occasions we have tried to send to the Ukrainian people a message of hope. We have not forgotten them. Their descendants in our various districts know this. We have continually urged our Government to convey to other countries the wrong that has been done to the Ukraine.

Now this spring our President is going to make an official visit to the Soviet Union. During his discussions with the Soviet leaders, I hope that he will seize upon the opportunity to speak for the Ukraine.

Mr. Speaker, we are not talking about a small handful of individuals. There are 47 million people in the Ukraine, and they must live each day under Soviet oppression. We have legislation in the Congress to aid the Ukrainians in their struggle for freedom. I am hopeful that we will soon see action on these measures.

I am happy to have this opportunity today to join my colleagues. Ukrainians everywhere can rest assured of my continued support for their fight to be free.

Mr. ROBISON of New York. Mr. Speaker, during today's special prayer for the Ukraine, I shared with my colleagues in Congress the mixed emotions which must accompany any consideration of the plight of the Ukrainian National Republic. The proclamation of independence of the Ukrainian National Republic 54 years ago was an uplifting event—a moment when a country and its people could share in the movement for national independence and autonomy that was occurring throughout Europe. Yet, as the history of the past 50 years has so frequently displayed, the desire of a people to be free and to build its own future is of little concern to those who wish to build ideological empires.

Despite the sadness of those days which followed the Ukrainian proclamation of independence, as the world watched the repression of a free and proud people, we must be thankful for the energetic spirit of freedom and the priceless cultural heritage which citizens of Ukrainian descent brought to our country. The observance of Ukrainian Independence Day is, then, both a remembrance of the valor of the Ukrainian National Republic and a day of gratitude and appreciation for the contributions of Americans of Ukrainian descent.

Mr. MINISH. Mr. Speaker, I am proud to take part today in the House observance of the 54th anniversary of Ukrainian independence.

On January 22, 1918, the Ukrainian National Republic was proclaimed a free and sovereign nation. Thousands of Ukrainians gathered in Kiev's St. Sophia Square as the act of union was read:

> From today on, there shall be united in one great Ukraine the long separated parts of Ukraine-Galicia, Bukovina, Hungarian and Dneiper Ukraine. The eternal dreams, for which the finest sons of Ukraine lived and died, have been fulfilled. From today on the Ukrainian people, freed by the mighty upsurge of their own strength, have the opportunity to unite all the endeavors of their sons for the creation of an indivisible, independent Ukrainian State for the good and the welfare of the working people.

Unfortunately, the freedom of Ukrainia was short lived. Just 3 years later, the brave Ukrainian people saw their new nation brutally crushed by the totalitarian forces of the Soviet Union. For the past 54 years, the Communist regime in Russia has tried to force the assimilation of Ukrainians and to destroy their culture and tradition.

Today, Ukrainians in the mother country and throughout the world still long for a return to freedom and democracy. We must all hope and pray that their day of liberation will not be delayed much longer.

Mr. BYRNE of Pennsylvania. Mr. Speaker, I join my colleagues today in marking the 54th anniversary of the short-lived Ukrainian Republic—and I must repeat the hope and prayer that some day this nation will again be free.

I would hope that when the President journeys to Moscow the question of Ukrainian independence will be on his agenda. I would hope so, but I am not assured. Unfortunately, there has been little leadership from the administration toward freeing the Captive Nations of Eastern Europe; too few nations directly concerned seem interested in the fact that hundreds of millions of people remain under the Soviet yoke, unable to practice their national religion and mores.

Ukrainia is a prime example of these in captivity; indeed, it is the largest of the Captive Nations. More than 47 million people live there without liberty and without freedom of choice under their Soviet masters.

It is rare that I find myself in agreement with the Soviet Union, but I find myself in this position when the Soviets speak against colonization. But I also ask myself, "When are the Soviets going to begin practicing what they preach?" When are they going to grant liberty to the Captive Nations? When are they going to allow freedom of choice and freedom of speech, and stop imprisoning anyone who dares speak out against their tyranny?

To me, Mr. Speaker, no man anywhere is free as long as others are enslaved. I consider freedom as important in Eastern Europe as I do in Africa and Asia.

I hope we can make a free Ukrainia part of our goals.

Mr. BIAGGI. Mr. Speaker, I am proud to join with my colleagues and the many thousands of Americans throughout this land in commemorating the 54th anniversary of the independence of the Ukraine.

On January 22, 1918, in the old Ukrainian city of Kiev, the Ukrainian people, after a long and bitter struggle, were able to realize their cherished dream—freedom.

Not only were these people able to successfully declare their country a republic, but exactly 1 year later in the proclamation of the act of union, it was declared that all Ukrainian lands were united into one sovereign Ukrainian Republic.

Before the Ukrainian Government had any chance to bring some order out of the existing chaos, the country was attacked by the Red army and overrun in early 1920. The Ukrainian National Republic was brutally extinguished and the country was absorbed into the Soviet Union.

The Ukraine while under the yoke of Soviet communism was forcibly integrated into the Soviet Union. This act on the part of the Communists was calculated to reduce the Ukrainians to total submission, but to this day the Ukrainians have never, and will never submit to Soviet force.

What the Soviets are ultimately seeking in their nationality policy is a fusion of all nationalities on a basis that would deny any separate national feeling and replace this feeling with a larger sense of loyalty to the Socialist fatherland, that is, the U.S.S.R.

But these courageous people refuse to submit to the ruling powers in Moscow.

Prof. Yaroslav Bilinsky, an American specialist in Soviet studies, came to the following conclusions concerning the durability of Ukrainian nationalism:

> Despite terror, population exchange, and ethnic inter-marriage; despite the difference between East and West Ukraine and the gulf between the political elite and the common people, the Ukrainians show a rather strong cohesiveness. A degree of national consciousness shared by the people as a whole, however latent, has forced the regime to manipulate Ukrainian national symbols instead of suppressing them altogether. This, for all the distortions, may keep Ukrainian national sentiment alive, even in the absence of alternative channels of communication. The people do not consider open resistance possible, but wittingly or unwittingly prepare themselves for a struggle by occupying strategic positions in the administrative apparatus.

I sincerely hope that their efforts are successful and that in the near future we will be celebrating a second and this time everlasting independence of the Ukrainian peoples.

For we know as surely as the Soviets know it is not a question of "if," but a question of "when" independence will be regained for the Ukrainian peoples.

Mr. COUGHLIN. Mr. Speaker, January 22, 1918, marked the first day of a short-lived independence of the Ukrainian National Republic. This independence came after a long fight and a well-deserved victory which was proclaimed at the end of the first World War.

For years, the Ukrainian people were suppressed by czarist rule in Russia. During the Revolution of 1917, the Russian czar was finally, overthrown, thus giving the Ukrainians their opportunity to act. After they proclaimed themselves a "free and sovereign" Ukrainian Republic, the Ukrainian patriots realized that, although they lived in a state of freedom, their weak, ravaged country was still vulnerable to the new Communist government.

In spite of all efforts extended by the Ukrainian Government to salvage and reorganize the "new born" country, the republic was not strong enough to defend itself against threatening nations.

The Ukrainians fought a brutal, devastating war in order to save themselves. In 1920, the Communist Government ripped the cherished freedom away from the young Ukrainian National Republic. The country became subservient to Communist rule.

The people were slaughtered, deprived of all outside aid and were alienated from the rest of the world, an existence that was a nightmare for all Ukrainians. Determined to prove their desire to live, although no longer as a free republic, the Ukrainians survived the inhumane treatment of the Red Government.

Today, Ukraine is a member republic of the Soviet Union. While the republic technically has its own government, its operating energy comes directly and solely from the Communist Party of the U.S.S.R. The republic is completely dependent on Red aid for existence, as Ukraine has no economic or foreign policy, nor does it have its own army.

The people of Ukraine still have a strong hope that some day they will once again experience the feeling of freedom. They revere and cherish their traditions and proud heritage.

Remembering that the Thirteen Colonies were once striving for the same independence from England and ever reminded what a great nation we have become as a result of persistent belief in a future of freedom, I join with many officials and citizens to acknowledge the 54th anniversary of the Ukrainian National Republic.

I know that all freedom-loving peoples recognize the desire of Ukrainians, many of whom have immigrated to the United States, to live in liberty and peace as an independent republic in the truest sense of the word.

Mr. ZABLOCKI. Mr. Speaker, I am happy to join with my distinguished and esteemed colleague from Pennsylvania, the Honorable DANIEL J. FLOOD, in commemorating the 54th anniversary of the independence of Ukraine.

Unfortunately, this independence was short lived. In 1920, only 2 years after Ukraine's independence, the Soviet Government had embarked on a policy of imperio-colonialism absorbing this newly independent country and reducing it to a constituent state of the U.S.S.R.

This flagrant denial of the right to self-determination shocked the world. Although more than a half century has passed, the memory of this tragic subjugation of a sovereign state still causes sorrow and indignation in the minds of all freedom-loving peoples, especially the loyal sons of the Ukraine.

Unfortunately, the Soviet policy of imperial colonialism did not end with the fall of the Ukraine. The presence of Soviet tanks in Hungary during 1956 and more recently the invasion of Czechoslovakia in 1968 should impress upon us the realization of the many basic differences which democratic governments have with the Soviet Government. The fact that the Soviet Union is still unwilling and incapable to grant the basic personal freedoms is dramatically evidenced by the current demands of its writers and artists for the basic academic freedoms.

It is understandably discouraging for the loyal sons of the Ukraine to see the Soviet Union continue the totalitarian control of its subject peoples. But, they, like us, must hold firm in their courage and not let loose of their vision of a homeland independent and free to chart its own national course. On our part, we must assure the Ukrainian people that our real concern is for the people of the Ukraine, for their welfare and their individual freedom and progress.

It was this belief upon which the Johnson administration operated. This was the basis for its policy of "building bridges" to the people of Eastern Europe and the Soviet Union. It is the same belief, I believe, that has encouraged the current administration to continue this policy.

This policy recognizes the principle, Mr. Speaker, that we can truly assist these people by showing them that the world does present successful alternatives to the bleak existence which has been forced upon them. Since I firmly believe that this is a much more constructive foreign policy than that which totally isolates nations and is continually belligerent in attitude, I have supported President Nixon's upcoming trip to the U.S.S.R. and mainland China.

The principle of individual respect and dignity as exemplified in our country represents a real sign of hope to the oppressed people of the Ukraine.

To further this principle, we must nurture the channels of dialog which we have already opened, and we must continually work to develop new ones. That is, Mr. Speaker, why I have introduced House Joint Resolution 994, which calls for the establishment of direct diplomatic relations with the Government of the Ukrainian Soviet Socialist Republic. It is necessary to further our understanding of and relations with all aspiring peoples and nations which includes the 45 million Ukrainian nation.

As members of a free and open society, it is our responsibility to continue our efforts to develop and expand our points of contact with the oppressed Ukrainian people.

Our goal is more freedom for the people of the Ukraine as well as for other oppressed peoples of Eastern Europe. This is the very purpose to which the 54th anniversary of the independence of Ukraine must be dedicated.

Mr. O'HARA. Mr. Speaker, today in the House of Representatives, the Members are making special note of the fact that this week marks the 54th anniversary of the independence of Ukraine from czarist rule. Ukraine today finds itself the largest non-Russian nation in the Union of Soviet Socialist Republics. Yet, the people of this brave land, both the captives behind the Iron Curtain and their brothers and sisters in this country, strongly maintain their faith that someday their homeland will again be swept by the winds of freedom.

On January 23, I had the honor of addressing the Ukrainian Congress of America's Ukrainian Independence Day celebration in Warren, Mich. It was a great privilege to join with these courageous people in their celebration of their heritage.

I include my remarks at this point in the RECORD:

### REMARKS AT UKRAINIAN INDEPENDENCE DAY CELEBRATION

I am honored that you have invited me to participate in this, your fifty-fourth annual observance of Ukrainian Independence.

I salute you for the fierce flame of national pride which still burns within you.

I honor you for your faith that, one day, Ukrainians will again be free—and breathe the air of freedom that you breathe here in your adopted land.

It is particularly fitting for me to be here with you today—for I have only just returned from behind the Iron Curtain, myself.

Little more than two weeks ago, I was traveling across some of that enormous land mass which comprises the Soviet Union—the land mass made up, not only of Russia itself, but also of the nations it holds in captivity.

I was not privileged to visit Ukraine—the land of your fathers.

But I did have the opportunity to see parts of the Soviet Union on both the European and the Asian continents.

Let me share with you some of my observations:

I had hoped to be able to talk with the *people* of the Soviet Union—because the best way to understand a nation is to understand its people. But I found it difficult to do so.

The Soviet authorities took great pains to keep their own people at arm's length from us.

The Soviet authorities discourage their own people from contacts with visitors—particularly visitors from the Free World.

By their actions, the Soviet authorities demonstrated that all of the peoples of the USSR are every bit as much a captive people as are the Ukrainians.

Yet, even from a distance, I was able to reach certain conclusions:

That these are a hard-working people.

An industrious people.

People who really are not very different from you and me.

I found a people proud of their achievements.

A people just as proud of their own heritage as you are proud of your Ukrainian ancestry—and as I am of my Irish descent.

I found a people who raise their children with a respect for the sanctity of the family.

With a respect for social institutions.

With a respect for their fellow man.

With a respect for God, however they might conceive Him to be.

I think I would have found a people proud of their past.

Dedicated to improving the present.

Concerned about the future.

People—as I said—very much like you and me.

And yet the Soviet authorities would not permit the kind of exchange—the kind of free and open discussion—that would have emphasized our similarities.

That would have narrowed the areas in which we might disagree.

I'm sure the Soviet authorities couldn't have cared less about what *I* discovered about the Soviet people.

I think they were afraid of what *their* people would have learned.

Afraid that the people of the Soviet Union would have discovered that we Americans do not have horns or a tail.

That we are just as anxious to live in harmony with the rest of the world as the Soviet people, themselves.

It's no surprise to me that the people of the USSR and the people of the United States are very much alike.

But it might have come as a shock to the average Soviet citizen.

So the differences that exist between the Soviet Union and the United States are not differences among people—they are differences between the systems of government under which people live.

It's important that all Americans recognize the distinction between the people of the Soviet Union—and the government.

Ukrainian citizens of the United States understand this distinction.

So do your brothers and sisters—in the land of your ancestry.

I have great respect for the people in your homeland—and particularly for the young intellectuals—who have boldly confronted the Soviet system and challenged a totalitarian system.

It took a special kind of courage to do what many of you did in the early days of Ukraine's struggle to resist Soviet tyranny.

It takes just as much courage for the people in Ukraine to challenge the system today—and, more importantly, to challenge it in the context of existing institutions.

To challenge the Soviets in the courts—instead of in the streets.

I know you are proud of them—and you should be.

I know you are proud of your Ukrainian ancestry—and you should be.

I share the view of the late President Kennedy, who said that people who retain their ties to the land of their fathers are, in the last analysis, better Americans because of it.

You have kept your Ukrainian culture—and by so doing you enrich the culture of the United States.

You have kept the Ukrainian devotion to the rights of all human beings—and by so doing you add a needed dimension to the continuing struggle for human rights in America.

Most of all, you have kept the Ukrainian's underlying belief in the freedom of mankind—and that faith is necessary if we hope to keep alive the American traditions of freedom.

In short, because of your heritage—and because of your pride in that heritage—you are better citizens of the United States, and better citizens of the world.

For half a century, Ukraine has existed in a dark night of oppression.

I join you in the prayer that the time may not be far off when the day of freedom will dawn again for your brothers and sisters in your beloved homeland.

Mr. BROOMFIELD. Mr. Speaker, the quest for freedom has driven men to endure the greatest hardships, to risk all against fantastic odds, even to lay down their lives. For those enslaved in oppression, who have been denied their God-given rights, the desire for freedom burns deep, always ready to erupt.

Mr. Speaker, nothing short of complete freedom will extinguish that flame. There is no better proof of that than the brave, silent endurance of the Ukrainian people. This country, 47 million strong, has kept the torch of freedom alive for some 54 years since their homeland was brutally overrun by a foreign aggressor.

This week, we pause to remember that short-lived but rewarding moment in history, 54 years ago, when the Ukraine declared its independence. It was fitting that at the twilight of the First World War, the war to end all wars, which was dedicated to the concept of self-determination, that the Ukrainian people should finally rise to overturn the tyranny which had gripped their nation.

However, on that day in January in 1918, the Republic of Ukraine faced a monumental task. The fledgling Republic had suffered the ravages of war, her economy was in shambles, and her fertile farmlands were a wasteland. The Ukraine was in dire need of help and there was no one to extend it.

It was under these circumstances, then, that the Bolsheviks in 1920 entered the Ukraine to snuff out any semblance of democracy. And, so it remains today. The Ukraine has been absorbed into the Soviet Socialist Republic; it is a nation in name only, it is only as free as the determination and resolve of its people to persevere in the face of tyranny.

While they were robbed of their basic rights and denied the privilege of self-determination, the Ukrainian people still have the memories of that day 54 years ago when freedom crystallized into reality. It is this memory, a brief moment when their nation lived, which prevents them from ever knuckling under to the forces of dictatorship. Communism may have absorbed this country and others of Eastern Europe, but it will never assimilate them.

Therefore, Mr. Speaker, it is appropriate that we of the United States should join with Ukrainians from all over the world in commemorating the anniversary of their independence. For there was a time, a time not long ago if measured by the length of history, that our country struggled for its own independence. Let us serve notice to the Ukraine, as well as all the nations of the world who yearn for freedom, that their struggle is not in vain nor without hope.

Mr. KEMP. Mr. Speaker, it is an honor to join my colleagues in observing the 54th anniversary of the independence of the Ukrainian Republic and to pay tribute to the gallant Ukrainian people.

There are thousands of persons in my district in New York State who were either born in the Ukraine or are Americans of Ukrainian heritage. These freedom-loving individuals have made numerous important contributions to western New York and I am proud that they have chosen to reside in our area.

On January 22, 1918, the Ukrainians united to form an independent state. This newly won independence was cut short by the ruthless invasion of the Red army in the spring of 1920 and in 1923 the Ukraine became an unwilling captive of the Soviet Union. Today the Ukrainians constitute the largest non-Russian population both in the Soviet Union and in Eastern Europe—approximately 45 million people.

The freedom gained by the Ukrainian Republic was short lived, but countless Ukrainian Americans commemorate this anniversary as an expression of their faith that freedom will one day be restored to the land of their forefathers. As the Ukrainian Congress Committee of America has stated:

> Although the true Ukrainian state has been destroyed, the Ukrainian National Revolution lives on in the hearts and minds of the Ukrainian people.

Taras Shevchenko was the poet laureate of the Ukraine and became the symbol of Ukrainian nationalism. In his poem, "The Legacy," he expressed the unconquerable spirit of independence which is so much a part of the character of this brave people:

When I shall die, pray let my bones
  High on a mound remain
Amid the steppeland's vast expanse
  In my beloved Ukraine:
That I may gaze on mighty fields,
  On Dnieper and his shore,
And echoed by his craggy banks
  May hear the Great One roar.
When from Ukraine that stream shall bear
  Over the sea's blue sills
Our Foemen's blood, at last shall I
  Forsake the fields and hills
And soar up to commune with God
  In his eternal hall.
But till that Day of Liberty—
  I know no God at all.

Dr. Lev E. Dobriansky and the Ukrainian Congress Committee are to be highly commended for bringing to the attention of the American people the plight of the more than 45 million Ukrainians held captive by Communist imperialism. It is difficult for those of us who have always lived in freedom to imagine its loss. We should use our precious heritage of liberty to continue to support in every way possible the Ukrainian people's struggle for freedom and self-determination.

Mr. DON H. CLAUSEN. Mr. Speaker, it is, indeed, proper that we in America and in the U.S. Congress take this time to pay tribute to and observe the 54th anniversary of the independence of Ukraine.

However, it is tragically ironic that an "Independence Day" must be celebrated on foreign soil and that the peoples for whom the day should hold the most meaning are denied participation because independence and freedom are now a hope, instead of a reality.

The Ukrainian people fought gallantly to win their independence from czarist Russia, only to be invaded again by the new Bolshevik regime. Since that time, Ukrainians have continued to struggle against an oppressive, colonial government whose pronounced policy is "cultural genocide," to preserve their traditions and ethnic heritage.

Our observance here today is not only a recognition of that plight, but also an overt demonstration of our empathy with their desire for freedom and our condemnation of the hypothetical policies that have enslaved their country.

Hopefully, adding our voices to the cry for freedom will help, and then, perhaps, a future Ukraine Independence Day will be celebrated on homeland soil.

Mr. RARICK. Mr. Speaker, it is fitting that this House should pause today to commemorate the 54th anniversary of Ukrainian independence and to remember that this country and its people lie enslaved by the Soviet Union, a captive nation where basic human rights are denied, where men are forbidden to speak freely, where dissent is still punished by prompt arrest and swift imprisonment.

The Ukraine won its independence on January 22, 1918, in a revolution not unlike that which brought America its freedom from the British. Like the Americans, the Ukrainian people sought a free and independent state. Unfortunately, this was not the case as the Bolshevik Revolution, dominated by the Russians, contrary to its high-sounding slogans and objectives was a fraud, and the Communists extended their domination over other non-Russian nations including the Ukraine.

The Ukraine is the largest, most densely populated, and, economically, the most important of the non-Russian nations now held captive and enslaved by the U.S.S.R. What has occurred in the Ukraine, now threatens to take place in all of Indochina. Just last night, the President of the United States virtually offered the people of this area to the Communist powers when he proposed that the Communist Party be included in a new coalition government of South Vietnam; furthermore, he promised the Communists that the United States would rehabilitate Indochina, including rebuilding North Vietnam, with foreign aid financed by U.S. taxpayer dollars, pending, of course, acceptance of his proposals to end the Vietnam war and release American POW's.

It is fitting then to look closely at what has happened in the Ukraine. Certainly this fate, or worse, awaits the people of Indochina as the President continues to press for Communist appeasement.

This country has never demanded coalition government in Communist colonies including democratic parties, or even elections like we force on our free world allies.

The incidents of the week prior to Ukrainian Independence Day are certainly indicative of the situation in that captive nation. Newspapers of January 14 and 15 carried stories dealing with the sudden arrest of 13 Ukrainian intellectuals for "deliberately false fabrications defaming the Soviet State."

These articles indicate the true nature of life under communism—repression, fear, terror. The true facts stand out starkly in contrast to the public "face" of the Soviet Union, a mask that hides Communist brutality behind what appears to be a mellowing attitude toward the West and a constant cry of peace. The Soviet Bear is still vicious and self-possessing. It has never granted self-determination to any of its colonies.

I urge the Members of this House to take stock of the world situation and recognize the true meaning of life under communism and take the necessary action to call the attention of the world to the atrocities committed by the Soviets and their allies to maintain and further the cause of world Communist domination.

I include certain related articles dealing with repression in the Ukraine following my remarks, along with a copy of my bill calling on the President to take such steps as may be necessary to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations Organization:

[From the New York Times, Jan. 15, 1972]

### Soviet Arrest of 11 In Ukraine Reported for Anti-State Acts

Moscow, January 14.—The Soviet secret police have arrested 11 Ukrainians apparently on suspicion of nationalist activity, reliable sources said today.

All were held under an article of the Ukrainian criminal code that prohibits dissemination of "deliberately false fabrications defaming the Soviet state," the sources said. The article carries a maximum sentence of three years' imprisonment.

Four of the persons were arrested Thursday in Kiev, the Ukrainian capital, the sources said. Among them, they added, was Ivan Svitlichny, a literary critic.

A Ukrainian underground publication, Ukrainsky Visny (Ukrainian Herald), says that Mr. Svitlichny is one of several intellectuals whom the security police have tried to discredit.

The sources said that the seven other arrests were made Wednesday in Lvov, the main city in the western Ukraine and generally considered one of the strongest centers of Ukrainian nationalism.

The seven arrested were reported to have included a former television journalist, Vyacheslav Chornovil. Mr. Chornovil, in his early 30's, was sentenced in November, 1967, to 18 months in a labor camp for compiling an underground account of secret police methods used in rounding up about 100 Ukrainian intellectuals in 1965 and 1966.

About 20 of those arrested then were eventually tried in secret in 1966 on charges of anti-Soviet agitation and propaganda.

They were sentenced to labor-camp terms ranging from six months to six years.

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[From the Sun, Jan. 15, 1972]

### Chornovil, Svitlichny and 11 Other Ukrainian Intellectuals Arrested—Ukrainian Dissidents Reported Held

Moscow.—In a sweeping action against Ukrainian "nationalists," Soviet secret police have arrested 11 leading dissident intellectuals in the Ukraine, reliable sources said yesterday.

Among those held by police is Vyacheslav Chornovil, author of the "Chornovil Papers," an account of the trial and prison camp experiences of 20 Ukrainian intellectuals convicted in 1966 for nationalist agitation.

After the account was written, Mr. Chornovil was sent to prison in 1967 for three years. It was published later in the west.

#### ARRESTED IN LVOV

He was one of seven persons arrested Wednesday in Lvov, a city in the Western Ukraine where nationalist feeling against Russians is reported to be especially strong.

Four people were taken into custody in the Ukrainian Republic capital, Kiev, Thursday. They include Ivan Svitlychny, a former literary critic who has been particularly active in the nationalist movement.

The sources said the arrests were preceded by a series of raids by Soviet secret police on the homes of intellectuals in Kiev and Lvov.

Those held are all charged with dissemination of "deliberately false fabrications defaming the Soviet state." Conviction on the charge carries a maximum three-year sentence.

Despite the round-up of dissidents that led to the 1966 trials, the Ukraine has continued to be a source of trouble for Moscow. Like the dissidents centered in Moscow, the Ukrainians have their own underground newspaper, the Ukrainian Herald, to chronicle their battles with the authorities.

Some of them, disturbed by what they consider to be the Russification of the Ukraine, **have called for** secession from the Soviet Union—a right technically guaranteed in the Constitution.

In the most famous recent case, Valentin Moroy, a teacher, was sentenced in 1970 to nine years in prison and five years in exile on a charge of anti-Soviet agitation.

Mr. Chornovil was called as a witness at that trial, but refused to testify on the grounds that it was being held secretly, in violation of Soviet law.

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### H. Con. Res. 64

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations Organization.

## GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's pioneers of progress and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

In 1929 American William Green created the automatic pilot system used in aircraft flight control.

## THE NIXON PEACE INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 10 minutes.

Mr. ROBISON of New York. Mr. Speaker, probably never, at one time and place, have there been so many "Sunday-morning quarterbacks" as here in Washington last night, and again this morning. **Hardly had President Nixon ended** his convincing presentation before the American people last night when critics—many of whom are now running for his job— mounted a contrasting barage of pessimism, doubt, and gloom about the new peace proposal. In my opinion, such criticism is, at best, premature; and at worst, an example of abject politicking at a time when we should be encouraging the President in his renewed efforts to find a way to end this war.

For my part, I find the Nixon proposal both constructive and encouraging. As a matter of fact, it embodies in large measure the negotiating position I have been trying to help shepherd the President toward, with both my influence and my votes, over these past 3 years.

I see two possible "sticking points" on which I would like to comment.

First—though he did not emphasize this in his remarks—one of the nine points in the Nixon proposal calls for the Communists to withdraw their forces from the Southeast Asia countries as we withdraw the balance of ours. Although the north has always insisted it had no troops in those countries, it may well prove unwilling to give up the territorial gains it has made therein at such great cost to itself. But there may be a way around this impasse—if one develops. I was in South Vietnam in June of 1970, and drove through large parts of it and also flew over nearly every other portion of it, as well as over portions of Cambodia. In my view, much of the upland and inland areas of South Vietnam—especially near the "DMZ" and along the Cambodian border—are hardly worth anyone fighting over. These areas are also, now, largely those still held by the Communists.

It has been little noticed, but the South Vietnam Government has successfully been carrying out a resettlement program involving its citizens in these same general areas for about a year now. Thus, I think it possible that—if we get to the negotiating stage on this point, and, remember, the President indicated last night he was flexible on the details of his plan as long as the principles were accepted—some of these areas could be ceded to the north, and new boundary lines drawn up. This would enable the north to hold some of its hard-won gains and also save face at the same time. This is an idea at least worth bearing in mind as we await future developments.

The second trouble spot would seem to be that involving the future government in Saigon. All along the North has insisted that we either "dump" Thieu or, alternatively apparently, participate clandestinely in his overthrow. This is an unacceptable proposition. Perhaps Thieu was not reelected in the most democratic manner, but he is the "chosen" head of his nation according to the ground rules then pertaining therein. And his willingness, now, to accept the uncertainty of a new presidential election—and to resign a month before the same is held—is really the one new element in the current initiative toward negotiations. One has to assume he did not come to such an agreement easily. All along he has been telling his people that he would never accept any arrangement heading toward a possible coalition government.

But such would clearly seem to be the North's opportunity, now, if it elects to go this route, with all political elements in South Vietnam voting in such an election, including the indigenous Communists, under some sort of international supervision.

Why would it take this chance?

The critics say it will not, because it has no faith in the democratic process—and no experience with it, either, which may be beside the point.

**But this war has cost the North dearly,** too. Its people must be as tired of fighting as are the people in the South and as are we. The alternative would seem to be a long war of attrition against the forces of South Vietnam, Cambodia, and Laos—and, if the American people allow it, continued punishment under U.S. aerial bombardments which, while admittedly not very effective militarily, remain Mr. Nixon's sole, surviving way of keeping military pressure on the North to induce negotiations.

However, even if Hanoi is reluctant to again try to achieve its ambitions through the ballot box, there is the possible chance that either or both China and Russia could now encourage the North to overcome that reluctance. Of course, this is highly speculative but, clearly, President Nixon looks for some help in this regard in both Peking and Moscow.

Perhaps neither Peking nor Moscow has any great, direct political influence in Hanoi. But let us remember that China now provides Hanoi with a large part of its basic food needs, while Russia provides it with almost all of its war materiel. It obviously could not carry on the war for long against the South Vietnam, Cambodian and even the ineffective Laotian forces without such help—and, without such help, could clearly have little hope of eventually winning such a war of attrition.

Why would China help us in this regard?

That is a good question, and I doubt if anyone has any clear idea of the Chinese leaders' intentions or motivations. All we do know is that China, for whatever reason, does seem ready to reach some sort of an accommodation with us—and at a price yet to be determined. So I think we have to accept the fact that this specific possibility will be very much on the Nixon agenda at Peking, and we will have to wait until after that visit to see if such a hope bears fruit.

As for Russia, all along it has supposedly taken no interest in a negotiated settlement of this tragic war because it has served the Russian purpose to have us bogged down in a ground war in Vietnam, and bitterly divided over that war at home. This incentive, if it ever existed, is no longer so strong now. Thanks to Mr. Nixon, our involvement in the ground war is virtually ended and—though Vietnam will probably be an issue in the elections here this fall—much of our division over that war has been narrowed. Thus, again, I think it very much within the realm of possibility that Moscow may now, finally, be willing to use its offices to encourage a political settlement of this long dispute—particularly if it can have a hand, direct or indirect, in trying to assure some form of a coalition government in Saigon.

Thus, all in all, I believe Mr. Nixon has finally gotten us around to a basis upon which this war can really be ended. And I further believe that, despite the sniping of the President's political critics and despite the gloomy forecasts of some commentators, this plan has a clear chance.

Finally, I believe that the vast majority of the American people will support the President in this initiative. I say this because I believe that, all along, they have generally understood that our mere withdrawal from the conflict would not end this war for anyone but ourselves, and that they have instinctively felt that, after having so mistakenly gotten nearly all of Southeast Asia so deeply involved in this conflict, we owed—even at some additional cost to ourselves—those people our best efforts at truly ending it in the only way it can be ended, which is through a broad, political settlement.

That is what President Nixon is reaching for, and it is what the United States ought to be reaching for—so I, for one, hope and pray that this plan will be supported here at home and thus given every possible chance to succeed abroad.

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## IMPLEMENTATION OF PRESIDENT'S BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Bow) is recognized for 10 minutes.

Mr. BOW. Mr. Speaker, the implementation of the President's 1973 budget is dependent upon the passage by Congress of authorizing legislation for budget items totaling $52 billion. This includes $42 billion in expiring legislation which is proposed for extension and requires renewal, and $10 billion in new legislation proposed for later transmittal.

At my request, the administration has provided me with the following detailed lists of all budget items which are dependent upon additional authorizing legislation:

*Recommended 1973 amounts requiring additional authorizing legislation*

(NOTE.—These amounts are recommended in the 1973 Budget, but the Congress does not generally act on these appropriation requests until after enactment of the authorizing legislation.)

[In thousands of dollars]

| | |
|---|---|
| FUNDS APPROPRIATED TO THE PRESIDENT | |
| Foreign assistance: | |
| International security assistance: | |
| Military assistance | 780,000 |
| Foreign military credit sales | 527,000 |
| Economic supporting assistance | 807,400 |
| International development assistance: | |
| Multilateral assistance: International organizations and programs | 175,335 |
| Bilateral assistance: | |
| Grants and other programs | 539,358 |
| Development loans | 634,500 |
| Contingencies | 100,000 |
| Office of Economic Opportunity: | |
| Economic opportunity program | 757,876 |
| Total, funds appropriated to the President | 4,321,469 |
| COMMERCE | |
| Maritime Administration: Salaries and expenses | 3,900 |
| Total, Commerce | 3,900 |
| DEFENSE—MILITARY | |
| Aircraft procurement, Army | 134,500 |
| Missile procurement, Army | 1,153,400 |
| Procurement of weapons and tracked combat vehicles, Army | 259,500 |
| Procurement of aircraft and missiles, Navy | 3,871,200 |
| Shipbuilding and conversion, Navy | 3,564,300 |

| | |
|---|---|
| Other procurement, Navy | 219,900 |
| Procurement, Marine Corps | 85,200 |
| Aircraft procurement, Air Force | 2,612,700 |
| Missile procurement, Air Force | 1,772,300 |
| Research, development, test and evaluation: | |
| Army | 2,051,100 |
| Navy | 2,710,900 |
| Air Force | 3,178,600 |
| Defense agencies | 507,200 |
| Emergency fund, Defense | 50,000 |
| Military construction: | |
| Army | 969,323 |
| Navy | 490,490 |
| Air Force | 291,285 |
| Defense agencies | 46,400 |
| Army National Guard | 40,000 |
| Air National Guard | 10,600 |
| Army Reserve | 38,200 |
| Naval Reserve | 16,000 |
| Air Force Reserve | 7,000 |
| Family Housing, Defense | 977,200 |
| Operation and maintenance, civil defense | 29,041 |
| Special foreign currency program | 3,000 |
| Total, Defense—Military | 25,089,339 |
| DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE | |
| Health Services and Mental Health Administration: | |
| Health services delivery | 19,000 |
| Preventive health services | 8,500 |
| Office of Education: | |
| School assistance in federally affected areas | 430,910 |
| Library resources | 14,000 |
| Higher education facilities loan and insurance fund: current | 3,352 |
| Social and Rehabilitation Services | 836,243 |
| Total, Health, Education, and Welfare | 1,312,005 |
| INTERIOR | |
| Water and Power Resources: | |
| Bureau of Reclamation: | |
| Construction and Rehabilitation | 8,840 |
| Upper Colorado River storage project | 38,185 |
| Water Quality and Research: | |
| Office of Saline Water: Saline water conversion | 26,871 |
| Total, Interior | 73,896 |
| LABOR | |
| Manpower Administration: | |
| Salaries and expenses | 61,890 |
| Manpower training services | 1,633,336 |
| Total, Labor | 1,695,256 |
| TRANSPORTATION | |
| Coast Guard: | |
| Operating expenses | 297,693 |
| Acquisition, construction, and improvements | 135,660 |
| Reserve training | 23,529 |
| Research, development, test, and evaluation | 1,348 |
| Federal Highway Administration: | |
| Highway Beautification | 60,000 |
| Highway trust fund: Federal-aid highways | 1,550,000 |
| Forest highways | 33,000 |
| Public lands highways | 16,000 |
| Trust fund share of other highway programs | 20,000 |
| National Highway Traffic Safety Administration: | |
| Traffic and highway safety | 36,900 |
| State and community highway safety | 33,333 |
| Highway trust fund: trust fund share of highway safety programs | 66,667 |
| Total, Transportation | 2,274,130 |
| ATOMIC ENERGY COMMISSION | |
| Operating expenses | 2,072,830 |
| Plant and capital equipment | 366,860 |
| Total, Atomic Energy Commission | 2,439,690 |
| NATIONAL AERONAUTICS AND SPACE ADMINISTRATION | |
| Research and development | 2,600,900 |
| Construction of facilities | 77,300 |
| Research and program management | 700,800 |
| Total, National Aeronautics and Space Administration | 3,379,000 |
| OTHER INDEPENDENT AGENCIES | |
| Action: Total operating expenses | 184,127 |
| Arms Control and Disarmament Agency | 10,000 |
| Commission on Civil Rights | 4,646 |
| Corporation for Public Broadcasting | 45,000 |
| National Science Foundation | 653,000 |
| Small Business Administration | 475,970 |
| Total, Other independent agencies | 1,372,743 |
| Grand total: Budget authority | 41,961,428 |

1973 BUDGET, ITEMS PROPOSED FOR LATER TRANSMITTAL UNDER PROPOSED LEGISLATION

[In thousands of dollars]

| | 1972 | | 1973 | |
|---|---|---|---|---|
| | BA | Out | BA | Out |
| Executive Office of the President: Council on International Economic Policy | 1,130 | 980 | 1,341 | 1,316 |
| Funds appropriated to the President: International financial institutions | 380,000 | 10,000 | 910,000 | 103,000 |
| Department of Agriculture: | | | | |
| Federal Crop Insurance Corp: | | | | |
| Administrative and operating expenses | | | −1,000 | −1,053 |
| FCIC fund | | | | 1,452 |
| Farmers Home Administration: | | | | |
| Direct loan account | | −20,158 | | 3,977 |
| Agricultural credit insurance fund | −163,094 | 20,158 | −136,503 | −593,816 |
| Total, Agriculture | −163,094 | | −137,503 | −589,440 |
| Department of Commerce, Maritime Administration: Operating differential subsidies | 15,000 | 15,000 | | |
| Department of Defense: | | | | |
| All-volunteer armed force | | | 400,000 | 390,000 |
| Military retirement systems reform | | | 296,000 | 290,000 |
| Total, Defense | | | 696,000 | 680,000 |
| Department of Health, Education, and Welfare: | | | | |
| Food and Drug Administration: Food, drug, and product safety | | | 38,845 | 29,743 |
| Health Services and Mental Health Administration: Health services planning and development | 57,000 | 9,000 | 60,000 | 36,000 |
| Office of Education: | | | | |
| Education revenue sharing | | | 223,911 | 110,000 |
| Emergency school assistance | 500,000 | 80,665 | 1,000,000 | 381,000 |
| Higher education | 259,500 | | −288,000 | −28,500 |
| National Foundation for Higher Education | 3,000 | 1,000 | 100,000 | 30,000 |
| National Institute of Education | 3,000 | 2,500 | 125,000 | 50,000 |
| Social and Rehabilitation Service: | | | | |
| Grants to States for public assistance | | | −859,220 | −859,220 |
| Social and rehabilitation services | | | 10,000 | 2,348 |
| Social Security Administration: Payments to social security trust funds | 200,000 | 15,000 | 1,478,000 | 4,195,000 |
| Welfare reform | | | 450,000 | 350,000 |
| Total, HEW | 1,022,050 | 108,165 | 2,338,536 | 4,296,371 |
| Department of Housing and Urban Development: Urban community development revenue sharing | | | 490,000 | 490,00 |
| Department of the Interior: | | | | |
| Bureau of Land Management: | | | | |
| Management of land and resources | | | 20,000 | 10,000 |
| Bureau of Indian Affairs: | | | | |
| Resources management | | | 4,000 | 4,000 |
| Revolving fund for loans | 5,000 | 1,000 | 5,000 | 1,000 |
| Territorial Affairs: Trust Territory of the Pacific Islands | 1,000 | | 1,000 | 1,000 |
| Geological Survey: Surveys, investigations, and research | | | 5,000 | 4,000 |
| Bureau of Mines: Conservation and development of mineral resources | | | 7,000 | 7,000 |
| Total, Interior | 6,000 | 1,000 | 42,000 | 27,000 |
| Department of State: International Boundary and Water Commission: Construction | 12,881 | 503 | | 4,345 |
| Department of Transportation: Federal Railroad Administration: Federal grants to the National Railroad Passenger Corp. | 170,000 | 105,000 | | 65,000 |
| Department of the Treasury: General revenue sharing | 2,500,000 | 2,250,000 | 5,300,000 | 5,000,000 |
| Environmental Protection Agency: Operations, research, and facilities | | | 35,000 | 22,000 |
| Veterans' Administration: | | | | |
| Compensation and pensions | 25,000 | 25,000 | 151,700 | 151,700 |
| Readjustment benefits | 54,100 | 143,100 | 163,300 | 167,300 |
| Medical care | | | 15,945 | 15,945 |
| Medical administration and miscellaneous operating expenses | | | 155 | 155 |
| General operating expenses | | | −1,000 | −1,000 |
| Grants for construction of State extended care facilities | | | 2,700 | |
| Total, VA | 79,100 | 168,100 | 332,800 | 334,100 |
| Other independent agencies: | | | | |
| Federal payment to the District of Columbia | 1,000 | 1,000 | 22,000 | 12,000 |
| Federal contribution to the Washington Metropolitan Area Transit Authority | | | 8,481 | 8,481 |
| Payment to the John F. Kennedy Center for the Performing Arts | 1,500 | 1,500 | 1,500 | 1,500 |
| Water Resources Council | | | 1,000 | 800 |
| Total, other independent | 2,500 | 2,500 | 32,981 | 22,781 |
| Total, items proposed for later transmittal under proposed legislation | 4,026,017 | 2,661,248 | 10,041,155 | 10,456,473 |

We are all aware of the considerable delays in the passage of authorizing legislation during the last session, in both the House and in the other body, which impeded timely consideration of several appropriations bills by the House and constituted the major cause of the late adjournment of the congressional session last December. I believe it is essential that Congress take action on this necessary authorizing legislation much earlier than last year so that this session of Congress can achieve an early adjournment.

I support the suggestion of the Speaker and the minority leader that a midyear deadline be set for the passage of all budget authorizing legislation. I have suggested to the House Rules Committee that a new rule be adopted in 1973 which would waive all points of order against appropriations bills based on lack of authorization after this deadline has passed. The Appropriations Committee would thus be allowed to proceed with its work regardless of delays caused by the legislative committees or by the other body, and one important roadblock to an early adjournment would be eliminated.

Improvement of our procedures for reviewing the budget is also imperative for other significant reasons. We must put an end to the practice of approving many of our most important appropriations bills 6 months or more after the start of the fiscal year they are supposed to cover. We must eliminate the necessity for a succession of stopgap continuing resolutions which admit the inability of Congress to act on a timely basis.

Delays in the passage of the appropriations bills have once again forced the executive branch to formulate budget proposals for the year ahead without knowing what the Congress would provide in its action on the prior year's budget. And this is now the second year in succession that the President has submitted his budget message to Congress with action still pending on one prior year appropriation bill. It is essential to the orderly fiscal management of the Federal Government that Congress put its house in order.

## PUBLIC SERVICE EMPLOYMENT FOR VIETNAM ERA VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I rise in support of H.R. 9104, to amend title 38 of the United States Code to provide public service employment for Vietnam era veterans.

This body was quick to support a provision in the recently enacted Emergency Employment Act, which required that an application for financial assistance for a public service employment program include provisions setting forth such assurances as the following:

First, special consideration in filling public service jobs must be given to unemployed and underemployed persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964;

Second, the applicant shall make a special effort to acquaint such individuals with the program and coordinate efforts on their behalf with requirements relating to job counseling and employment services for veterans authorized by chapter 41 of title 38 of the United States Code, or with such efforts carried out by other public or private organizations or agencies.

I believe that these assurances required by the Emergency Employment Act made a good beginning toward solving the problem of the outrageously high rates of unemployment among the men who have represented us on the battlefields. To carry out these provisions, the administrative regulations provide that the Employment Service first refer "special veterans" for these public service employment jobs—a special veteran is one who served in the Armed Forces in Indochina or Korea, including the waters adjacent thereto, on or after August 5, 1964, and who received other than a dishonorable discharge—and second, refer other veterans of the Vietnam era; and that a list of such job openings be made available to any other public or private organizations or agencies including veterans organizations.

No requirements are made, and no special incentives are given, to assure that actual preference in choosing participants be given to veterans. Rather, the regulations merely state that each program agent shall be responsible for assuring that preference for selecting participants under the Emergency Employment Act be given to unemployed from groups included on a list of eight separate categories.

On this list are included, besides special veterans, such all-encompassing categories as young persons 18 years of age or older who are entering the labor force, individuals 45 years of age or older, persons who have become unemployed or underemployed as a result of technological change, and others who come from socioeconomic backgrounds generally associated with substantial unemployment and underemployment. Nevertheless, it appears as if the goal of filling one-third of all public service jobs with veterans is being met and even exceeded.

I believe, however, that the mountain of problems facing the newly discharged veteran returning to civilian life and the mainstream of the economic world merits even greater attention being paid to helping these young men find jobs. And in view of the fact that the usual problems faced by newly discharged servicemen have, as a result of the economic slowdown, been intensified during the past year, to the extent that the unemployment rate for veterans age 20 to 29 increased from 6.4 percent in the third quarter of 1970 to 8.3 percent in the third quarter of 1971, I think that much more comprehensive legislation is drastically needed. For during those same periods, the unemployment rate for nonveterans in that age group was 6.2 and 6.9, respectively. But these figures do not accurately reflect the whole picture. For the younger veterans, age 20 to 24, the unemployment rate is greater by almost a full percent, and for minority veterans the unemployment rate is almost double these percentages. Altogether, approximately 320,000 of our veterans are currently unemployed.

These statistics clearly point to the employment crisis among our exsoldiers. These young men have sacrificed much, both physically and emotionally, for this great Nation. At the same time, they have given up precious years that are normally crucial in the process of career development.

Now it is time for this Nation to do something for these brave men in return; and it is plainly obvious that the Emergency Employment Act, while moving in the right direction, has not gone far enough. Therefore, I urge unanimous support for quick passage of H.R. 9104, which would amend title 38 of the United States Code to specifically provide public service employment for Vietnam era veterans.

This bill would authorize $100 million for the 1972 fiscal year and $500 million for the 1973 fiscal year, to be released through a trigger mechanism tied to the unemployment rate.

Accordingly, $75 million would be released when the seasonally adjusted rate of unemployment among Vietnam era veterans equals or exceeds 3 percent for three consecutive months; and $10 million for each increment of one-half of 1 percent in the average rate of unemployment sustained for 3 consecutive months.

Such funds shall be available to eligible applicants who shall be States, cities, counties and other units of general local government; Indian tribes; and public and private nonprofit agencies and institutions. They shall be apportioned on an equitable basis among States and within each State among local areas, to the extent practicable, in proportion to unemployment in each such area.

This bill also provides that in addition to employment in public service jobs, participants may receive training and manpower services to boost their long-range employability.

Mr. Speaker, I urge immediate passage of this public service employment bill for Vietnam era veterans. For its enactment would be the very least we could do to show the 5½ million veterans of the tragic Vietnam era how much we as Congressmen appreciate their service to our country and their efforts to keep this Nation strong.

## BUDGET, STATE OF THE UNION, AND ECONOMIC DISARRAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, it is no secret that the economic problems facing this country rank today as probably the No. 1 preoccupation of the citizens of this land—certainly the No. 1 domestic preoccupation. The news during the recess, in my opinion, while each of us was back home in his district furnished us with further evidence of two more aspects of this phenomenon: The bad news got worse and we were able to measure the reaction of our constituents firsthand to this news. In other words, we now know firsthand that what the polls have been saying for some time is true. The Nation is concerned about the State and well-being of its economy. In all my years in Congress, I cannot remember when more people saw me during my visits around the district with one thing uppermost on their minds: Either they were out of work and looking for work or they were worried about just how long their present job would last. So it is not surprising to me to read that the unemployment statistics seem to be locked in at a national rate in excess of 6 percent. And I know my own State's average this past year has been higher. No one giving a year-end review of the State of the Nation in the past few weeks could fail but notice this. In New England, unemployment totals were higher in 1971 than they were in 1970. As a matter of fact, unemployment in the manufacturing sector of the economy today stands at the highest level since 1947 when the Bureau of Labor Statistics first started compiling such figures. On December 27 the Department of Commerce released figures to confirm what everyone had been expecting for some time, that it was virtually impossible that this Nation would not wind up with its first trading defict in 100 years. As a matter of fact, the trading deficit for the first 11 months of 1971 stood at $1.7 billion. Whatever good news might be contained in the December trade figures when they are released, it is clear they cannot completely reverse or wipe out this staggering deficit. A few weeks before the Commerce Department also had the unpleasant task of announcing that the balance-of-payments deficit for the third quarter stood at the incredible figure of $12.1 billion in the red. While the Secretary of Treasury officially continues to maintain a stiff upper lip in the face of such an overwhelming convergence of dismal statistics, it is clear that even an inveterate optimist has reason to be concerned about just how long even the world's most prosperous economy can withstand such bad news. As a matter of fact, the third quarter deficit exceeded what was the full year record deficit of $9.82 billion scored in 1970. It is time we stopped kidding ourselves and taking false comfort in official excuses about temporary aberrations and statistical flukes to explain away these figures. As if we needed anything to confirm this trend of disastrous balance of trade figures, disastrous balance-of-payment figures, and depressing unemployment figures, we have only to look at what they are predicting the budget deficit for fiscal year 1972 will be. Current estimates are that it may well reach $40 billion. This on the heels of a record $23 billion for 1971. Already the Treasury Department has announced its plans to petition the Ways and Means Committee for a further increase in the debt ceiling of the Nation from the $430 billion "temporary" ceiling to another "temporary" ceiling higher up in the stratosphere of deficit spending. So much for the self-fulfilling budget which was announced with such fanfare a year ago. If you will remember then, the administration argued that it was a new concept in budget-making, a budget that was literally going to spend itself into balance within 12 months. Yet, because of the poor performance of the economy, the sluggish increase in the gross national product's rate of growth of no more than 2½ percent, the continued avalanche of foreign imports, our total income—the very foundation of Treasury's revenue—failed to reach expected heights.

But what are we treated to with the new budget? A repeat performance. If last year's budget, which was supposed to result in an $11 billion plus deficit is resulting in a $38 billion deficit, what are we to expect from one designed to result in a $25.5 billion deficit? Perhaps our concern might be offset somewhat if the budget's priorities were directed to where the needs are greatest. But again we see little redirection and more of the same. Whatever else might be said of this budget, it is hardly innovative.

While we are on the subject of dismal news, which seems to have come to a head during the past 4 weeks, who can fail to mention the fact that the U.S. dollar is going to have to be devalued and because our position, vis-a-vis, other economies in the world, is so weak, apparently there is going to be a delay in coming to Congress for authorization for the devaluation until our negotiators can get some convincing concessions from our foreign trading partners. In other words, so weakened has our bargaining position become, because of economic problems at home and abroad, a major concession such as the devaluation of the dollar, virtually unthinkable a few short months ago, still leaves our negotiators in a very tough position as far as negotiations are concerned. Naturally, much has been claimed for such a bitter pill to swallow as the devaluation of the once-mighty dollar, but there is a danger in this. Whatever short run temporary trading advantages are gained from dollar devaluation will be ultimately and inevitably offset unless something more basic is done to tackle the roots of this Nation's economic problems, Otherwise, the economy will be like a cancer patient in the absence of an underlying recovery. The question is, will the cutting this time be a once-and-for-all operation or will further surgery be necessary?

So, it is no wonder that Congressmen and Senators alike returned last week particularly interested in hearing what the President would have to say and propose as far as our serious economic problems were concerned. Unfortunately, I regret having to report listening to the relevant sections of the State of the Union address as well as to the budget he has proposed I find little comfort in the fact that he has chosen to continue more of the same economic policies, placing what I feel to be an excessive degree of trust and confidence in the ability of a few men on a few boards to administer wage and price controls in such a way as to cure our economic ills. Something else, however, seems to be needed in the way of cure than controls which amount to nothing more than attempts to keep the lid on. Unfortunately, the questions the President himself admitted he had not solved remain to haunt us. What steps are being taken to stimulate employment and curb unemployment? What steps are being taken to end the avalanche of imports into this country, costing as they do the jobs of American workers? What trade barriers are being dismantled at the borders of our foreign trading partners in order to allow American exports to have a fighting chance overseas? What steps are being taken to make investment at home more attractive than investment overseas at a time when we are losing technological advantages because of failure to keep up with the necessary investment in modern plants and machinery at home? As I said, Mr. Speaker, most of us expressed a keen sense of disappointment after reading the President's messages these past few days, but the last word has not been spoken, the last question has not been asked on this subject. In the coming weeks, Congress will have opportunities to question most conscientiously and in the greatest possible detail administration witnesses as they testify before the various committees on permission to raise the debt ceiling still further, congressional approval and the devaluation of the dollar, the various proposals of the budget itself, and certainly any administration proposals in the area of foreign trade. I am convinced upon returning to Washington that the people at home feel that we are their last hope in court. We cannot let them down where their very livelihood is concerned.

NOTE

Events move so quickly that even while I was preparing these remarks, two of the missing figures referred to above have been kindly furnished us by the administration. This morning's papers indicate that the administration is requesting a $50 billion increase in the Nation's debt ceiling. Based on past experience, I think it is safe to assume we can ignore the word "temporary" in their application. The second impressive statistic supplied yesterday by the Commerce Department is that the 1971 trade deficit stands at $2.05 billion, now that the December figures have been tabulated. When compared to the 1970 surplus of $2.7 billion, we are in effect dealing with a deterioration of the magnitude of close to $5 billion in the space of 12 months in this country's trade with foreign countries. Stopping just short of applying the world 'crisis' to the situation, I think it is safe to conclude that this is a most serious situation.

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## THE PRESIDENT'S FOREIGN POLICY SPEECH

Mr. GERALD R. FORD. Mr. Speaker, I include at this point the speech of the President delivered last night and also an editorial from this morning's New York Times, which I have previously referred to:

TEXT OF A FOREIGN POLICY STATEMENT BY THE PRESIDENT TO BE DELIVERED ON NATIONWIDE RADIO AND TELEVISION—THE OVAL OFFICE

I have asked for this television time tonight to make public a plan for peace which can bring to an end the war in Vietnam.

The offer that I shall now present, on behalf of the Government of the United States and the Government of South Vietnam, with the full knowledge and approval of President Thieu, is both generous and far reaching.

It is a plan to end the war now; it includes an offer to withdraw all American forces within six months of an agreement; its acceptance would mean the speedy return of all the prisoners of war to their homes.

Three years ago when I took office, there were 550,000 American fighting men in Vietnam; the number killed in action was running as high as 300 a week; there were no plans to bring any Americans home; the only thing that had been settled in Paris was the shape of the conference table.

I immediately moved to fulfill a pledge I had made to the American people: to bring about a peace that could last, not only for the United States, but for the long-suffering people of Southeast Asia.

There were two honorable paths open to us.

The path of negotiation was, and is, that path we prefer. But it takes two to negotiate; there had to be another way in case the other side refused to negotiate.

That path was called Vietnamization. This meant training and equipping the South Vietnamese to defend themselves, and steadily withdrawing Americans as they developed the capacity to do so.

The path of Vietnamization has been successful. Two weeks ago, I announced that by May 1st, American forces in Vietnam would be down to 69,000. That means almost one-half million Americans will have been withdrawn from Vietnam over the past three years. In terms of American lives, the losses of 300 a week have been reduced by over 95%—now less than ten a week.

But the path of Vietnamization has been the long voyage home, straining the patience and testing the perseverance of the American people. What of the shortcut—the path of negotiation?

Progress there has been disappointing. The American people deserve an accounting of why it has been disappointing. Tonight I intend to give you that accounting, and in so doing, to try to break the deadlock in the negotiations.

We have made a series of public proposals designed to bring an end to the conflict. But early in this Administration, after ten months of no progress in the public Paris talks, I became convinced that it was necessary to explore the possibility of negotiating in private channels, to see whether it would be possible to end the public deadlock.

After consultation with Secretary of State Rogers, our Ambassador in Saigon and our chief negotiator in Paris, and with the full knowledge and approval of President Thieu, I sent Dr. Kissinger to Paris as my personal representative on August 4, 1969, to begin these secret peace negotiations.

Since that time, Dr. Kissinger has traveled to Paris twelve times on these secret missions. He has met seven times with Le Duc Tho, one of Hanoi's top political leaders, and Minister Xuan Thuy, head of the North Vietnamese delegation to the Paris talks. He has met with Minister Xuan Thuy alone five times. I would like to take this opportunity to thank President Pompidou for his personal assistance in helping to make arrangements for these talks.

This is why I initiated these private negotiations: Privately, both sides can be more flexible in offering new approaches. Also private discussions allow both sides to talk frankly, and to take positions free from the pressures of public debate.

In seeking peace in Vietnam, with so many lives at stake, I felt we could not afford to let any opportunity go by—private or public—to negotiate a settlement. As I have stated on a number of occasions, I was prepared and remain prepared to explore any avenue, public or private, to speed negotiations to end the war.

For thirty months, whenever Secretary Rogers, Dr. Kissinger or I were asked about secret negotiations we would only say we were pursuing every possible channel in our search for peace. There was never a leak, because we were determined not to jeopardize the secret negotiations. Until recently, this course showed signs of yielding some progress.

Now, however, it is my judgment that the purposes of peace will best be served by bringing out publicly the proposals we have been making in private.

Nothing is served by silence when the other side exploits our good faith to divide America and to avoid the conference table. Nothing is served by silence when it misleads some Americans into accusing their government of failing to do what it has already done. Nothing is served by silence when it enables the other side to imply possible solutions publicly that it has already rejected privately.

The time has come to lay the record of our secret negotiations on the table. Just as secret negotiations can sometimes break a public deadlock, public disclosure may help to break a secret deadlock.

Some Americans, who believed what the North Vietnamese led them to believe, have charged that the United States has not pursued negotiations intensively. As the record will show, just the opposite is true.

Questions have been raised as to why we have not proposed a deadline for the withdrawal of all American forces in exchange for a ceasefire and the return of our prisoners of war; why we have not discussed the 7-point proposal made by the Vietcong last July in Paris; why we have not submitted a new plan of our own to move the negotiations off dead center.

As the private record will show, we have taken all these steps and more—and have been flatly rejected or ignored by the other side.

On May 31, 1971, eight months ago, at one of the secret meetings in Paris, we offered specifically to agree to a deadline for the withdrawal of all American forces in exchange for the release of all prisoners of war and a ceasefire.

At the next private meeting, on June 26, the North Vietnamese rejected our offer. They privately proposed instead their own 9-point plan which insisted that we overthrow the Government of South Vietnam.

Five days later, on July 1, the enemy publicly presented a different package of proposals—the 7-point Vietcong plan.

That posed a dilemma: Which package should we respond to, the public plan or the secret plan?

On July 12, at another private meeting in Paris, Dr. Kissinger put that question to the North Vietnamese directly. They said we should deal with their 9-point secret plan, because it covered all of Indochina including Laos and Cambodia, while the Vietcong 7-point public proposal was limited to Vietnam.

That's what we did. We even went beyond that, dealing with some of the points in the public plan that were not covered in the secret plan.

On August 16, at another private meeting, we went further and offered the complete withdrawal of U.S. and allied forces within nine months after an agreement on an overall settlement. On September 13, the North Vietnamese rejected this proposal. They continued to insist that we overthrow the South Vietnamese Government.

What has been the result of these private efforts? For months, the North Vietnamese have been berating us at the public sessions for not responding to their side's publicly-presented 7-point plan.

The truth is that we did respond to the enemy's plan, in the manner they wanted us to respond—secretly. In full possession of our complete response, the North Vietnamese publicly denounced us for not having responded at all. They induced many Americans in the press and the Congress into echoing their propaganda—Americans who could not know they were being falsely used by the enemy to stir up divisiveness in this country.

I decided in October that we should make another attempt to break the deadlock. I consulted with President Thieu, who concurred fully in a new plan. On October 11, I sent a private communication to the North Vietnamese that contained new elements that could move negotiations forward, and urged a meeting on November 1 between Dr. Kissinger and Special Advisor Le Duc Tho or some other appropriate official from Hanoi.

On October 25, the North Vietnamese agreed to meet and suggested November 20. On November 17, just three days before the scheduled meeting they said Le Duc Tho was ill. We offered to meet as soon as Le Duc Tho recovered, with him, or immediately with any other authorized leader who could come from Hanoi.

Two months have passed since they called off that meeting. The only reply to our plan has been an increase in troop infiltration from North Vietnam and communist military offensives in Laos and Cambodia. Our proposal for peace was answered by a stepup in the war.

That is where matters stand today.

We are being asked publicly to respond to proposals that we answered, and in some respects accepted, months ago in private.

We are being asked publicly to set a terminal date for our withdrawals when we have already offered one in private.

And the most comprehensive peace plan of this conflict lies ignored in a secret channel, while the enemy tries again for military victory.

That is why I have instructed Ambassador Porter to present our plan publicly at this Thursday's session of the Paris Peace Talks, along with alternatives to make it even more flexible.

We are publishing the full details of our plan tonight. It will prove beyond doubt which side has made every effort to make these negotiations succeed. It will show unmistakably that Hanoi—not Washington or Saigon—has made the war go on.

Here is the essence of our peace plan; public disclosure may gain it the attention it deserves in Hanoi.

Within six months of an agreement:

We shall withdraw all U.S. and allied forces from South Vietnam.

We shall exchange all prisoners.

There shall be a ceasefire throughout Indochina.

There shall be a new Presidential election in South Vietnam.

President Thieu will announce the elements of this election. These include international supervision; and an independent body to organize and run the election, representing all political forces in South Vietnam, including the National Liberation Front.

Furthermore President Thieu has informed me that within the framework of the agreement outlined above, he makes the following offer: He and Vice President Huong would be ready to resign one month before the new election. The Chairman of the Senate, as caretaker head of the government, would assume administrative responsibilities, but the election would be the sole responsibility of the independent election body.

There are several other proposals in our new peace plan; for example, as we offered privately on July 26 of last year, we remain prepared to undertake a major reconstruction program throughout Indochina, including North Vietnam, to help all those peoples to recover from the ravages of a generation of war.

We will pursue any approach that will speed negotiations.

We are ready to negotiate the plan I have outlined tonight and conclude a comprehensive agreement on all military and political issues. Because some parts of this agreement could prove more difficult to negotiate than others, we would be willing to begin implementing certain military aspects while negotiations continue on the implementation of other issues, just as we suggested in our private proposal in October.

Or, as we proposed privately last May, we remain willing to settle only the military issues and leave the political issues to the Vietnamese alone. Under this approach, we would withdraw all U.S. and allied forces within six months in exchange for an Indochina ceasefire and the release of all prisoners.

The choice is up to the enemy.

This is a settlement offer which is fair to North Vietnam and fair to South Vietnam. It deserves the light of public scrutiny by other nations and by other nations as well. And it deserves the united support of the American people.

We made the substance of this generous offer privately over three months ago. It has not been rejected, but it has been ignored. I reiterate that peace offer tonight. It can no longer be ignored.

The only thing this plan does not do is to join our enemy to overthrow our ally, which the United States of America shall never do. If the enemy wants peace, it will have to recognize the important difference between settlement and surrender.

This has been a long and agonizing struggle. But it is difficult to see how anyone, regardless of his past position on the war, could now say that we have not gone the extra mile in offering a settlement that is fair to everybody concerned.

By the steadiness of our withdrawal of troops, America has proven its resolution to end its involvement in the war; by our readiness to act in the spirit of conciliation, America has proven its desire to be involved in the building of a permanent peace throughout Indochina.

We are ready to negotiate peace immediately.

If the enemy rejects our offer to negotiate, we shall continue our program of ending American involvement in the war by withdrawing our remaining forces as the South Vietnamese develop the capability of defending themselves.

If the enemy's answer to our peace offer is to step up their attacks, I shall fully meet my responsibility as Commander-in-Chief of our Armed Forces to protect our remaining troops.

We do not prefer this course of action.

We want to end the war not only for America but for all the people of Indochina. The plan I have proposed tonight can accomplish that goal.

Some of our citizens have become accustomed to thinking that whatever our government says must be false, and whatever our enemies say must be true. The record I have revealed tonight proves the contrary. We can now demonstrate publicly what we have long been demonstrating privately—that America has taken the initiative not only to end our participation in this war, but to end the war itself.

This has been the longest and most difficult war in our history.

Honest and patriotic Americans have disagreed as to whether we should have been involved at all nine years ago; and there has been disagreement on the conduct of the war. The proposal I have made tonight is one on which we can all agree.

Let us unite now in our search for peace—a peace that is fair to both sides—a peace that can last.

### President's Peace Proposals

The Vietnam peace proposals which President Nixon made public last night represent a major advance over the Administration's previous public positions on ending the war. They merit support from all shades of American opinion and a positive response from the other side.

By agreeing to set a fixed date for the withdrawal of American forces from South Vietnam in exchange for the return of prisoners of war, the President has moved dramatically in the direction long advocated by many members of Congress. But like the Vietcong, Mr. Nixon has linked withdrawal to conditions for a political settlement that the other side may find difficult to accept.

Even in its political components, however, the President's peace plan offers marked advances over earlier positions—notably the resignation of President Thieu and Vice President Huong one month before new internationally supervised presidential elections and the establishment of an independent body representing all political forces in South Vietnam to organize and run the election. These are significant concessions by the President.

This is not a foolproof peace plan. But at first look, the President's new proposals do appear to offer a basis for serious negotiations in Paris. The Vietnamese Communists owe the world and their long-suffering people a forthright response.

## HIGHWAY TRUST FUND MONEYS FOR MASS TRANSIT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, there have been some encouraging breaks this year in the automotive industry's long resistance to the use of revenues from gasoline taxes for mass transit. This is significant because the Congress will soon be considering legislation to amend and extend the Highway Trust Fund.

Yesterday, the heads of four major automobile companies announced their support of a plan to divert a portion of Michigan's highway trust fund revenues to public mass transportation operations. The Michigan State Legislature is presently considering legislation that would allocate some $10.4 million annually to mass transit from the State's taxes on gasoline.

This is a change in position for the auto industry, and it represents a recognition on their part that the revitalization of many central cities requires adequate mass transit and that there are some situations in which mass transit can better serve the public than highways.

A similar acknowledgment has come from one of our country's major oil companies, Mobil. Last week Mobil Oil Corp. ran an advertisement in the New York Times that called for the enactment by Congress of a national master transportation program. Such a program would tie all forms of transportation together, treating each as a part of an overall transportation system. In its ad, Mobil also stated:

> We must have new and vastly better mass transit systems.

Another step forward came on January 6 when Henry Ford suggested in a news conference that some Federal Highway Trust Fund moneys be used for mass transit research and demonstration programs.

Mr. Speaker, I have introduced a bill, H.R. 4571, that would provide for the unification of our transportation programs through the establishment of a single National Transportation Trust Fund. This trust fund would combine the highway, mass transit and airport programs and their revenues. It would provide for a coordinated administration of these programs with Federal funds being allocated to those transportation projects most critically needed.

Today, I am writing to Governor Nelson Rockefeller of New York urging that he recommend legislation allocating some of the revenue from New York's gasoline taxes to the State's public mass transit systems. The need for such new revenues is great; New York City's transit system alone will run up a deficit of over $400 million in the next 2 years.

I hope that our colleagues might urge similar action in their States and that this year the Federal Highway Trust Fund will be replaced by a unified National Transportation Trust Fund providing a balanced transportation program in this country.

Mr. Speaker, at this time I insert in the Congressional Record the commendable statement of policy set forth by Mobil in its advertisement of January 20:

### Let's Get Moving With a National Master Transportation Program

Anyone in America who rides trains or buses or subways, or uses public transportation to get in and out of airports, knows our mass transit is pitiable.

More and better mass transit could ease traffic jams, reduce air pollution, and conserve energy fuel. And make moving around a lot more civilized.

To achieve this, as we suggested in this space on October 19, 1970 ("America has the world's best highways and the world's worst mass transit"), we must have new and vastly better mass transit systems.

Instead of dealing with highway construction, railway needs, urban transit, airport improvement, and maritime requirements in separate pieces of legislation, we should approach them as part of an overall transportation plan. This would tie all forms of transportation together to move people and goods fast, safely, comfortably, on time, and at reasonable cost.

To carry out that plan, Congress should enact a National Master Transportation Program. The money should come from direct Congressional appropriation, based on clear and rational priorities. In the process, the Congress should review all special earmarked funds, including the Highway Trust Fund.

Mobil supported the Highway Trust Fund when it was enacted in 1956, as a logical way to raise and husband the money needed to build the Interstate Highway system. Now we believe a new look is needed at the whole question of transportation and transportation funding. Such a review may show that special earmarked funds are no longer the best possible approach.

Indefinite continuation of the Highway Trust Fund could deter construction of more-urgently needed non-highway transportation facilities. Indefinite continuation also would encourage expansion of the fund's goals at a time when they ought to be cut back.

Completion of the Interstate Highway System should be reviewed. It now is apparent that some sections of urban areas (lower Manhattan, for instance, and South Philadelphia) would cost $20 million per mile to complete. It is not at all certain that the benefits from these sections would justify the outlay.

Highways are important to us, obviously. Highway travel builds sales for Mobil. But traffic jams, and a glut of cars using too much gasoline to haul too few passengers, waste many resources, including oil.

We want our products to help more people get where they want to go, with greater ease and less waste than is now possible.

In our view, that requires the establishment of a National Master Transportation Program as soon as possible.

## BEST INVESTIGATIVE AWARD TO NEIL SHEEHAN

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on December 13 upon the occasion when the Drew Pearson Foundation made the award to Neil Sheehan of the New York Times of the best investigative reporting of the year, Mrs. Drew Pearson was graciously present and received a warm ovation from the large audience in attendance. Mrs. Pearson made a touching speech, movingly appropriate for the occasion and remindful of the great investigative career of her devoted husband, Drew. I know my colleagues and those who will read this Record will be pleased to read Mrs. Pearson's very touching remarks. I include the remarks in the Record at this point:

### Mrs. Drew Pearson's Speech at First Annual Drew Pearson Award Lunch

Mr. Louviere, honored guests, ladies and gentlemen.

First I want to thank you all for coming here today. I really appreciate your taking time from your busy schedules at this busiest of seasons to join us of The Drew Pearson Foundation in honoring the first winner of our annual award for investigative reporting.

In more than half a century as a working newspaperman, Drew broke countless stories of national and even international importance. As Arthur Krock once said to me: "I don't always agree with Drew, but he sure helps keep the government honest." I can imagine how much Drew would have liked to break the "Pentagon Papers" story so I am proud, as a representative of The Drew Pearson Foundation, to give its first award to Neil Sheehan, who at great personal risk has, in the judgment of the Trustees, best carried on the Drew Pearson tradition by bringing to public attention the existence of the Pentagon's secret history of the Viet Nam war.

Congratulations, Mr. Sheehan. You have set a high standard, which we hope will be equalled by other award winners in years to come.

## PERSONAL EXPLANATION

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, after voting for the adoption of the rule providing for bringing to the floor the conference report on the foreign aid bill yesterday, I was called to a conference with White House officials on important drug legislation. Unfortunately, I was delayed in getting back until after the vote was taken. If I had been present I would have voted aye for the adoption of the conference report. Previously, I had voted in the Rules Committee to report this conference report to the House.

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, in early December a most meaningful National Conference on Corrections was held at Williamsburg, Va., under the auspices of the honorable John Mitchell, Attorney General of the United States. This conference brought together many distinguished leaders of America from the executive, judicial, and legislative branches of our Government and at the State as well as the Federal level to discuss the critical question of the correctional institutions of our country and the correctional procedures being employed in such institutions in the United States today. It is generally agreed that about 95 percent of the inmates of our correctional institutions in the United States at some time in their lives are released from confinement and go back into society as free individuals. Some estimate that as many as 75 percent of those released from such institutions subsequently—and often in a matter of a very few years—commit other crimes and are again adjudicated guilty and again incarcerated in a penal institution. I know of instances where inmates currently confined have as many as five times previously been adjudged guilty of crime and confined in penal institutions. Hence, one of the most critical aspects of the problem of crime in the United States today, as the House Select Committee on Crime has had dramatically confirmed, is the correctional system in the Nation today. The National Conference on Corrections at Williamsburg was concerned with this, one of the most vital aspects of the criminal problem in the Nation today.

So important did he consider this conference that the Chief Justice of the United States, the Honorable Warren E. Burger, attended the conference and addressed it at Williamsburg the evening of December 7, 1971. The Chief Justice delivered a magnificent address exhibiting his deep concern about this problem of corrections and presenting a penetrating and thorough analysis of the problem, enlightening those who were fortunate enough to hear him not only with his analysis of the correctional problem but with a comprehensive and most significant series of recommendations as to how the problem should be met in the country. This subject has given the Chief Justice the most grave concern and, therefore, he spoke in addressing the conference not only with great knowledge but with deep conviction about the challenge of the correctional system today to the country. The address of Chief Justice Burger will be of particular interest to Members of Congress who are so much concerned with the problem of crime and all aspects of it.

Therefore, Mr. Speaker, I am grateful for the permission of the Chief Justice to present his able address for inclusion in the body of the Congressional Record for the benefit of my colleagues in the Congress and all who read this Record. The address of the Chief Justice follows:

### Remarks of Chief Justice Warren E. Burger

I am sure that everyone concerned about problems of corrections and prisons was heartened by the action of the President in convening this Conference. It is time for a massive coordinated effort by the state and federal governments.

It is also highly appropriate that these sessions are held in this historic place for it was a distinguished Virginian, George Keith Taylor, brother-in-law of Chief Justice Marshall, who, as a member of Virginia's House of Delegates, spoke here almost exactly 175 years ago—on December 1, 1796, to be precise—on behalf of legislation to improve the penal system of the Commonwealth.

Taylor is remembered as one of the first leaders on this continent to advocate the enlightened views of the great Italian reformer and legal philosopher, Beccaria. Thus, Virginia is a familiar forum for the problems this Conference is considering.

For as long as I have been a judge, I have tried to see the administration of criminal justice in terms of three major entities, or parts, all constituting interrelated parts of a single problem.

The first, obviously, is the police and enforcement function; the second is the judicial function; and the third is the correctional and confinement aspect, and, closely related, the vital release programs of probation, parole, and work parole.

This Conference is concerned with that third and final, and very crucial, aspect of justice. On other occasions I have said, and I strongly believe, that this third phase is perhaps the most neglected of all three of the aspects of justice, although each of the other two has strong claims, unfortunately, for first place in that respect.

The problem of what should be done with criminal offenders after they have been found guilty has baffled societies for thousands of years. Therefore, none of us would be so brash as to assume that this Conference can even discuss, let alone solve, all the enormous problems that have been with us for several thousands of years. Because of this terrifying magnitude of the problem, I hope the Conference will find a way to identify just a few of the most urgent but soluble problems and address ourselves to them at once. If we try to solve all the problems, we will solve none. We must be content with modest progress and small victories.

Ideals, hopes and long-range planning must have a place, but much can be accomplished without further research or studies in the essentially "nuts and bolts" side of corrections.

I hesitate to suggest, even in a tentative way, my own views of those solutions to an audience that includes so many genuine experts and authorities in this field. Since the recent events at Attica, New York, and in California, the country has been recalling the warnings that many of you have uttered on the need to reexamine both the basic attitudes and the tools and techniques of correctional systems and prisons. (I need hardly add, to this audience, that there is a vast difference even though for shorthand we use the two terms interchangeably.)

Even to reach some solutions on the urgent, the acute, the immediate problems, will take large outlays of money, and this cannot be produced except with a high order of public leadership to develop a public commitment and, in turn, a legislative commitment at state and national levels.

As I see it, the urgent needs include these:

1. Institutions that provide decent living conditions, in terms of an environment in which hope can be kept alive.

2. Personnel at every level who are carefully selected, properly trained, with an attitude of understanding and motivation such

as we seek in teachers; and with compensation related to the high responsibility.

3. Improved classification procedures to insure separation of incorrigibles from others.

4. A balanced program of productive work, intensive basic education, vocational education, and recreation.

5. Communication with inmates.

6. A system of justice in which judges, prosecutors and defense counsel recognize that prompt disposition of cases is imperative to any hope of success in the improvement of those convicted.

### INSTITUTIONS AND FACILITIES

I will not dwell on the subject of institutional housing since most of you are better informed on the facts and more knowledgeable as to the needs than I am. I fear that if we took a realistic national inventory and determined how many states meet minimum standards that most of us would agree on, the result would be a melancholy commentary on a 20th century society. The rise in crime has crowded most prisons beyond any reasonable bounds and new structures are needed. We know, however, that many of our problems flow from having institutions that are too large, that are poorly located and inaccessible to the family of the inmates, too far away from facilities for work release programs, and located in areas that do not provide adequate housing for personnel of the institution.

As you well know, bricks and mortar do not make a sound correctional institution any more than bricks and mortar make a university, a newspaper, or a hospital. People and programs are crucial. The recent events in two of the largest and most affluent states are evidence that more than good "plant and equipment" are needed. With all that has been said and written about the problems in New York and California, there has been almost nothing communicated to the public about the fact that the particular institutions in question are among the more modern penal institutions in a physical sense. Attica and San Quentin serve to remind us that even the best of buildings have not provided solutions.

So even when we finally eliminate the 19th century dungeons and terrible overcrowding that prevails in so many places, we will still have enormous problems left to solve. It will take millions of dollars to accomplish the changes needed, but it must be done and we must have new thinking about what constitutes a correctional institution in a purely physical sense, where it should be located and how large it should be.

### PERSONNEL

You are well aware, but the public is not, that well-trained personnel is far more important than the bricks and mortar. "Just anybody" cannot make a sound correctional institution any more than "just anybody" can make a good parent or a good teacher. We have yet to understand that the people who operate prisons, from the lowest guard to the highest administrator, are as important in the whole scheme of an organized society as the people who teach in the schools, colleges and universities.

I suspect some experts would say that is an understatement in the sense that the reasonably normal people who go to schools can overcome the handicap of poor teaching. We know that most prison inmates are not mentally and emotionally healthy and therefore need something more than normal people require. Guards and guns are not enough.

As we are now slowly awakening to the need for more intensive training for policemen on the beat and in the patrol cars, we must sense that the guards, the attendants, the teachers, and the management of prisons must be specially selected for their temperament and attitude and then specially trained for their crucial part in the task of helping prisoners to help themselves.

I am sure that every person here must be elated over the Attorney General's proposal to establish a National Corrections Academy patterned after the great training program of the FBI Police Academy. The management and operation of penal institutions has desperately needed such a nationally coordinated program to train every level of prison personnel from guards to wardens, as the Department of Justice has done with police administrators.

This decision on the part of the President and the Attorney General could be one of the milestones in correctional history.

### IMPROVED CLASSIFICATION PROCEDURES

In many institutions we know that overcrowding and understaffing have led to a breakdown of classification procedures and practices. In some institutions there are no such procedures. One of the high prices we pay for that lack is a mingling of youthful offenders and first offenders with recidivists, incorrigibles, drug addicts and others who are seriously mentally disturbed. A very high priority must be given to separating inmates, and this is particularly important today with respect to the riot-prone inmates. Those who would disrupt and destroy a penal institution must be separated to protect those who are trying to learn and to prepare themselves for the future. Every inmate has a right to be insulated from those who are bent on lawless acts.

### A BALANCED PROGRAM

We need look only at the median age of inmates to see at once the need for athletic and other recreational facilities so that these young men can burn off the surplus energies of youth as many of them would be doing if they were free. The corrosive impact of enforced idleness at any age is bad enough, but on young men it is devastating. Playing cards, watching television or an occasional movie, with nothing more, is building up to an expensive accounting when these men are released—if not before. Such crude recreation may keep men quiet for the time, but it is a quiet that is ominous for the society they will try to reenter.

Some states have recognized these needs and provided for them, but many have not. If anyone is tempted to regard this as "coddling of criminals" let him visit a prison and talk with inmates and staffs. I have visited some of the best and some of the worst prisons and I have never seen any signs of "coddling" but I have seen the terrible effects of the boredom and frustration of empty hours and a pointless existence.

### RECREATION AND EDUCATION

Recreation and education programs really go hand in hand in prisons as they do in schools and in life.

When society places a person in confinement, it deprives him of most normal opportunities and much of the motivation for self-improvement. When society does this, it has a moral obligation to try to change that person—to make a reasonably successful human being out of him. Common sense and the self-interest of society dictate this even if we lay aside all considerations of human decency and our religious beliefs as to redemption.

Here perhaps our failure is the greatest. The percentage of inmates in all institutions who cannot read or write is staggering. Another, and largely overlapping category, is made up of those who have no marketable skills on which to base even a minimally successful life.

The figures of literacy alone are enough to make one wish that every sentence imposed could include a provision that would grant release when the prisoner had learned to read and write, to do simple arithmetic, and then to develop some basic skill that is salable in the market place of the outside world to which he must some day return and in which he must compete. Since the best of human beings need motivation and hope, why have we thought prisoners can do without both? We should develop sentencing techniques to impose a sentence so that an inmate can literally "learn his way" out of prison as we now try to let him earn his way out with "good behavior."

We know that today the programs of education range from non-existent to inadequate, with all too few exceptions. However we do it, the illiterate and the unskilled who are sentenced for substantial terms must be given the opportunity, the means and the motivation to learn his way to freedom.

Meanwhile, we should make certain that every inmate works and works hard. With countless thousands of law-abiding citizens "moon-lighting" on second jobs to make both ends meet, there is no reason why every healthy prison inmate should not be required to work to earn at least a part of his "keep." Moreover, every consideration of rehabilitation demands that inmates be kept busy with productive work, with learning and self-improvement. With this must come an expansion of psychological and religious conuseling to instill motivation and maintain hope.

### COMMUNICATION

We know that one of the deepest hungers of the human being is communication with others on his hopes, his fears, his problems. Inside the walls of a prison this basic need of Man does not vanish and indeed we know it is greater than ever. A means of regular communication should be established between inmates and those who run the institution. We cannot turn the management of a prison over to the inmates, but society, as represented by the "keepers," can listen to what the inmates have to say.

To that extent it is feasible and consistent with orderly administration, therefore, the inmates need to have a chance to regulate some limited part of their lives, however small, by the processes of deliberation and choice. If we tie a person in a chair for a long time, we can hardly be surprised if he can't walk when we let him loose. Within limiting regulations necessary for basic order, inmates should be allowed to think and walk and talk as we will demand that they do when they are released. What can be wrong with allowing prisoners to practice, on a small scale, the very things we will insist they do when they are again free?

### SPEED IN ADMINISTRATION AND JUSTICE

Finally, a few words need be said about the functioning of the courts in relation to the correctional system. Time does not permit discussion of standards for sentencing and related matters that you are dealing with in "work shops" and seminars, but I am confident we would all agree the judicial system has a responsibility to see to it that every criminal charge is tried as promptly as possible and that the appeal is swiftly heard and decided. In some places the time lag between arrest and trial is hardly less than a public disgrace. Some of this is due to the maneuvering of lawyers who misconceive their function and seek to postpone the trial date as long as possible; some is due to overworked defender legal aid staffs, overworked prosecution staffs, and overloaded courts—and some to poor management of the courts.

Whatever the cause, the impact of the delay in disposing of criminal cases covers a range of consequences:

(a) For any person, guilty or innocent, a long pretrial confinement is a corrosive experience; it is an enforced idleness in an environment often worse than the poorest correctional institution.

(b) Prolonged confinement after sentence and before commitment to a conventional corrections institution is likely to erode whatever may be the prospects of making a useful and law-abiding citizen out of the convicted person.

(c) We have all seen examples of defendants who have exploited procedural devices to postpone the final verdict of guilt for years with the result that their warfare with society has embedded and intensified their hostilities and rendered prospects for future improvement virtually zero.

(d) Delay in final disposition also exposes the public to added dangers when the accused is in fact an incorrigible criminal whose release on bail is exploited to commit new crimes. Sometimes this rests on a belief, widely shared by sophisticated criminals, that when finally brought to justice he will receive concurrent sentences for multiple crimes. The measure of these risks can be found in the increasing percentage of recidivists on the criminal dockets of every court in the country.

We in the legal profession and the judiciary have an obligation to put our own house in order, and to this end the Judicial Conference of the United States in October approved programs to expedite trials and appeals in federal courts and to establish means of identifying the cases in which there is a likelihood that delays will occur. Other programs have been instituted and yet others are to come, all directed to insure the speedy justice to which every accused is entitled and which the society has a right to demand for the protection of all its members.

The statistics of the federal courts are only a small fraction of the total picture and they show nearly 42,000 new criminal cases annually, an increase of 45% in 10 years.

### PRISON VISITATION

Two and one-half years ago, in discussing corrections problems at the ABA meeting in Dallas, Texas, I urged that lawyers and judges—and indeed citizens generally—visit prisons and form their own judgments. The Young Lawyer's Section of the ABA took on the burden of promoting a Prison visitation Program.

I am not currently informed on all the details but I do know that in some states a very large number of such visits have been organized and that more and more judges and lawyers are finding out about prisons. Few things would help more than having the public fully informed on the problems of prisons and the burdens of those who administer them. Most administrators know a great deal of what ought to be done and none of my cursory observations at this Conference present anything new to you. What is desperately needed is that you have the resources and the authority that only public support and legislative action can provide. The people of this country can bring that about if they will see firsthand how their institutions are being run and what support they receive. We know that not all offenders can be salvaged, as we know that not all lives can be saved from disease, but like the physician, we must try.

It is most fortunate that one of the great organizations in the country saw, two years ago, that a national effort was called for to improve our correctional processes. The ABA created not one of the usual committees of lawyers, but a Commission that includes leaders of Labor, Industry, Judges, lawyers, penologists, and other specialists, including some of the most distinguished correctional administrators in the country, and a professional staff to carry on their work. All of the members of that Commission are invited members of this Conference and I know that Governor Richard J. Hughes, its Chairman, will cooperate in every way with you.

What I have been trying to express is my deep conviction that when society places a person behind walls we assume a collective moral responsibility to try to change and help that person. The law will define legal duties but I confess I have more faith in what a moral commitment of the American people can accomplish than I have in what can be done by the compulsion of judicial decrees.

The great tradition of America comes to us from the people who came here and by work, faith and moral fortitude turned a wilderness into a nation. Most of them were the poor and the oppressed of Europe. All of them wanted something better than the life they had abandoned.

Part of the American tradition has been to give of our bountiful treasure to others to restore them from the ravages of wars and natural disasters. We have not always shared our resources wisely but we have shared them generously.

Now we must try to give leadership and guidance to see that this generous spirit and this American tradition are applied to one of the large unsolved problems of Mankind and surely one of the unsolved problems of our society.

You accept this as your obligation by being here and I accept it as part of mine. Together we must let the people and the lawmakers know what needs to be done.

## CUBAN DECLARATION OF FREEDOM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, last Sunday was the sixth anniversary of the adoption by 1,500 Cubans in exile of a statement of principles of liberty, freedom, and democracy.

These are the principles embodied in our own Declaration of Independence, and I set them forth in a House Joint Resolution 294, which I introduced on January 23, 1969. In this Congress I reintroduced these principles in House Joint Resolution 138, commending the Cuban Declaration of Freedom and expressing the hope that a government embodying these principles will soon be established in Cuba.

I commend these eternal principles to all those who seek restoration of a free Cuba. I urge our own Government to take special note of these aspirations of the Cuban people, as represented in our country by these exiles from the Castro Communist regime.

Let us as Americans pledge our determination to secure for the great people of Cuba the liberty and independence we cherish for ourselves.

## THE YEAR 1972 WILL BE DIFFICULT AND CHALLENGING FOR WORKERS AND UNIONS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I am including in the Record today a challenging statement made by AFL–CIO President George Meany on January 1, 1972:

> For the workers and unions of the United States, 1972 will be a difficult and challenging year. The economic roadsigns are not encouraging; the social problems grave; leadership of America has shown no competence for dealing with these problems which spell suffering and hardship to millions of our citizens.
>
> To itemize America's problems is to demonstrate the magnitude of the tasks ahead:
>
> Unemployment remains unchecked with five million jobless, millions more underemployed and uncounted thousands too discouraged to even seek gainful employment. Throughout America, the fear of losing their job haunts workers.
>
> The prices workers must pay for everything they buy continue to mount while the much publicized price control program, with no effective enforcement mechanism, promises much and delivers little.
>
> Workers' wages are rigidly controlled by a governmental mechanism which provides no elasticity to meet inequitable situations and which is undermining collective bargaining. As a result, wages are not even catching up with past increases in the cost of living.
>
> The ranks of the poverty stricken continue to swell at an alarming rate. Welfare rolls are at the highest level in history, sapping the financial strength of the already overburdened states and cities who continue to underpay their employees.
>
> School systems stagger under the burden of trying to meet the equally vital needs for quality education, equal opportunity for children without regard to any barrier of race, creed or color and the rights of teachers and other school personnel to decent salaries and proper status.
>
> The aged in America have little financial security in their twilight years as Social Security benefits fail to match the economic needs of the time.
>
> The children of the poor face the prospect of dim years ahead because the nation fails to provide jobs for mothers who would work and day care centers for their young while their mothers are working.
>
> Everyone in America fears illness of any sort for the cost of medical care in the nation has grown astronomically while the delivery system for medical care has virtually collapsed.
>
> Crime in America has reached epidemic proportions despite the hollow campaign promises of the current Administration. In the year just passed, fatal assaults on peace officers hit a record high, demonstrating the crying need for law, order and justice in the nation.
>
> The Administration's abrupt, unexplained shifts in foreign policy confuse the people of America who no longer know what, if any, principles govern the international policies of the United States.
>
> And, most serious of all, the public's confidence in its government has been seriously corroded as a result of sudden and disconcerting changes in policies, abandonment of principles for monetary political gain and the reliance on gimmickry, government by surprise and the wholesale destruction of candor by an Administration that cannot resist politicizing even its statistical-gathering agencies.
>
> Yet American workers and their unions face the uncertain year ahead with a marked degree of confidence born from the knowledge that self-delivery is available through the most precious possession of free people—the ballot.
>
> That is why the organized labor movement of the United States will make political action our most important undertaking of the coming year.
>
> Through our votes, we are firmly convinced we can achieve a fully-employed nation, dedicated to improving the life of her ordinary citizens, protected against the virus of inflation, secure in the knowledge that both the young and the old will be governed with compassion, understanding and concern.
>
> We are convinced we can achieve a government whose policies will be based on equity, dedicated to peace, determined to end the misery, privation and suffering of her people.
>
> All this we are confident we can do with our votes in November. And to assure that result, we dedicate ourselves to a year of decisive, effective hard work.

The victory which we are certain we will achieve will be a victory for all America. And that is the goal of organized labor for 1972.

## ALLOWANCE FOR RENTAL OF DISTRICT OFFICES

(Mr. THOMPSON of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 457, adopted by the House of Representatives on July 21, 1971, provided the Committee on House Administration the authority to fix and adjust from time to time various allowances by order of the committee. Pursuant to this authority, the committee has revised Order No. 1 which was effective August 1, 1971.

As revised by the Committee on House Administration, Order No. 1 allows greater flexibility to Members in renting district offices by removing the limitation on the number of offices which can be rented while at the same time retaining the present rental allowance monetary limitations. Thus, revised Order No. 1 will not increase the cost to the House of Representatives of the district office rental program.

Order No. 1, as revised, reads as follows:

### 92D CONGRESS—REVISED ORDER NO. 1: ALLOWANCE FOR RENTAL OF DISTRICT OFFICES

Resolved, That effective January 25, 1972, each Member of the House of Representatives shall be entitled to office space suitable for his use in the district he represents at such places designated by him in such district. The Sergeant at Arms shall secure office space satisfactory to the Member in post offices or Federal buildings at not more than two (2) locations if such space is available. Office space to which a Member is entitled under this resolution which is not secured by the Sergeant at Arms may be secured by the Member, and the Clerk shall approve for payment from the contingent fund of the House of Representatives vouchers covering bona fide statements of amounts due for office space not exceeding a total allowance to each Member of $200 per month; but if a Member certifies to the Committee on House Administration that he is unable to obtain suitable space in his district for $200 per month due to high rental rates or other factors, the Committee on House Administration may, as the Committee considers appropriate, direct the Clerk to approve for payment from the contingent fund of the House of Representatives vouchers covering bona fide statements of amounts due for suitable office space not exceeding a total allowance to each Member of $350 per month. Members shall be entitled to have no more than three (3) district offices outfitted with office equipment, carpeting, and draperies at the expense of the General Services Administration.

As used in this resolution the term "Member" means any Member of the House of Representatives, the Resident Commissioner of Puerto Rico, and the Delegate of the District of Columbia.

## SUBSIDIZED HOUSING IN CITIES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, because of the unprecedented interest being expressed in the recent activities of the Subcommittee on Legal and Monetary Affairs of the House Committee on Government Operations, I have been calling to the attention of my colleagues a series of articles that began to appear shortly after the field hearings conducted by the subcommittee in Detroit in early December.

It is apparent that the problems of Detroit are the problems of virtually every major city in our country. While it is entirely too soon for the subcommittee to even attempt to evaluate the ultimate costs likely to be involved, it is becoming increasingly clear that the underlying causes are indeed complex and that the task of achieving permanent and lasting solutions or even steps toward permanent and lasting solutions is going to be far more difficult than any of us could have ever envisioned as we began our oversight hearings of the operations of the Department of Housing and Urban Development last May.

Investigative reporters in many cities have been exposing, for the past year, a wide variety of unscrupulous practices that have clearly profited a few while compounding the misery of those we sought to help by providing a "decent home" for every American family.

For many years, John Herbers of the New York Times has closely followed and monitored efforts by all of us to achieve the purposes articulated by the Housing Act of 1949 of insuring "a decent home and a suitable living environment for every American family." He is, therefore, and perhaps uniquely, in a position to place the current difficulties being experienced in our cities today into the perspective we shall need to make a new beginning to bring to reality our national housing goal. His most recent article, appearing in the New York Times of January 24, 1972, is earnestly called to the attention of the House because a deep understanding of what we have attempted to do and its cost will be required of us all.

The article follows:

### SUBSIDIZED HOUSING RISE IN SUBURBS ALARMS CITIES

(By John Herbers)

WASHINGTON, January 23.—Investors and builders in the growing subsidized housing field are increasingly sponsoring projects in the suburbs and avoiding the troubled inner cities, according to a broad range of authorities on the subject.

This development, along with the Government's newly tightened policy against building in areas of the poor and minority groups, points up an accelerating trend away from building in central city neighborhoods, many of which are experiencing extensive housing failures and abandonment.

There are two distinct views of the trend, one hopeful and the other alarmed.

Those involved say that the extensive construction of subsidized suburban housing may at long last provide an escape to stable neighborhoods and job opportunities for families of marginal means who have been confined to areas of social and physical decay.

But mayors and other urban officials with jurisdiction over the central cities are expressing alarm at what is happening. They say they are left holding vast areas of cleared land for planned housing that may not materialize. The National Association of Housing and Redevelopment Officials has charged that guidelines promulgated by the Department of Housing and Urban Development show "a definite bias toward assisted housing in suburban and rural areas."

A recent statement by the association said that the final version of the guidelines, published Jan. 6 in the Federal Register, go even further than earlier versions against building new housing in urban renewal and model cities areas.

The guidelines are in the form of a grading system that local H.U.D. offices apply to applications for authority to build or rehabilitate subsidized units. A project could fail to meet the test if it tended to increase substantially the number of minority poor in an area of great minority concentration.

High ratings are provided for projects that would meet an acute housing need, would be in areas offering good job opportunities and a favorable environment.

However, the decision of many investors to build outside the central cities whenever possible may be as important as Government policy in the matter.

These findings are based on interviews in recent weeks with Federal and local officials, private experts and investors in the housing field. Some officials interpret the trend to mean an even faster migration from the central cities during the next few years than was experienced in the nineteen-sixties.

At the same time, these developments have raised new questions about the controversial housing programs that have mushroomed in the last three years. Not only are investors awarded enormous tax writeoffs to provide low and moderate income housing, the critics say, but also their decisions are having an enormous impact on the structure of urban areas.

#### HIGHER FIGURE EXPECTED

Last year, more than 500,000 units of subsidized housing—about 25 per cent of the total production—were built, and the figure is expected to be higher this year. The Government subsidizes interest on mortgages, provides rent supplements and other benefits, and maintains one of the most lucrative tax shelters in the Federal law for high income groups in order to attract investments.

The housing programs were enacted during the sixties with the understanding that they would provide housing opportunities throughout a metropolitan area and be a big factor in renewing the decaying central cities. This was to be particularly so in model city and urban renewal areas, where the authorities were making an effort to raise both the physical and social environment.

One of the largest components, the home ownership program known as Section 235, which provides interest subsidies and guaranteed mortgages, has gone largely to the suburban ring in single family homes because of land availability outside the cities and has done little to change traditional racial patterns. Blue-collar whites have been the chief beneficiaries.

However, a substantial percentage of subsidized apartments, both new and rehabilitated, has gone into the central city as nonprofit groups and local public bodies have sought to improve housing conditions in the urban slums.

A large proportion of these are now in trouble, in default of their mortgage payments because of a combination of factors: The subsidized system frequently produced a poorly constructed, poorly managed property in areas where little had been done to halt spreading crime, vandalism, poverty and abandonment.

#### APPLICATION BACKLOG

As a result, investors and developers are staying away from such areas and the new Federal guidelines give them an advantage in doing so. In almost every city, there is a backlog of applications for subsidized housing, and the grading system set out in the guidelines favors suburban construction.

What is involved can be seen through American Housing Partners, a real estate operation set up last August under Kaufman & Broad, Inc. The operation, based in Washington, invests money provided by high-income persons seeking tax shelters in subsidized housing.

William B. Dockser, the president, is a 34-year-old graduate of Harvard College and Yale Law School who has held several positions in the Department of Housing and Urban Development in the Nixon Administration, most recently Assistant Commissioner for Subsidized Housing. In other words, he ran the subsidized housing programs.

Now Mr. Dockser is making his expertise available to investors who want the tax shelter—generally people with incomes of $50,000 or more—but who also want some assurance that their investment is sound.

The attractiveness of the tax shelter is indicated by a statement by Henry B. Schecter, senior specialist in housing for the Library of Congress.

For a person in the 50 per cent income tax bracket, he said, it has been estimated that the return on equity investment in Section 236 housing would range for 30 per cent in the first year down to 26 per cent in the fourth year, 15 per cent in the eighth year, and so on, because of rapid depreciation and other deductions permitted in the law.

Mr. Dockser said that in the first year or so the tax shelter was so appealing that many investors put their money in projects where the risks were great. But now, after the high incidence of failures, they are more cautious.

His own company has projects under way across the country, mostly in the suburbs and none in the central cities, except under unusual conditions such as a stable neighborhood or where an entire section is being upgraded.

Essentially, the money is going where the growth is, he said.

There is still great oposition to subsidized projects in the suburbs. Mr. Dockser said, but this is being overcome by better construction and lower rents.

For example, a typical project is in a stable neighborhood of Las Vegas, a city where a high percentage of working people is eligible for housing subsidies because many work for tips and do not report their full income.

"The whites don't want to live in a development with blacks," Mr. Dockser said, "but they will live with a few if they can rent an apartment for $110 that would cost over $200 otherwise."

Subsidized housing increasingly is going for families earning between $6,000 and $10,000 a year.

"Look what is happening in Baltimore," said M. Jay Brodie, Deputy Commissioner of the Baltimore Department of Community Development.

"A builder looking around for land does not buy here in the central city. He goes out in the suburbs where his investment is more secure and puts up housing that will be mostly for whites."

Most subsidized housing in the suburbs is going for service workers and others on marginal salaries, and many authorities question whether it will ever be open to the central city poor.

Some subsidized housing is being built within the boundaries of the major cities, but usually it is in outlying neighborhoods or in still stable areas in the core of the city. Cities across the country vary widely in the degree and location of decay.

#### A SOCIAL MISSION

The National Housing Partnership, a private corporation established by Congress to attract new money into subsidized housing, has a social mission and thus is promoting some inner city projects. But an examination of its projects shows that only a small percentage is in troubled inner city neighborhoods.

Typical of central city projects now being approved by the partnership is one called Battery Park, to be built on filled land on the Lower East Side of Manhattan to serve the financial district, where thousands of workers are demanding moderate-priced housing.

The Government, in approving applications, is now stressing quality over quantity—another factor that will favor the suburbs because that is where the best builders are active.

The new Government guidelines on site selection were drawn up after a series of court rulings against the continued concentrations of the poor and minority groups in the central city. The guidelines give only slight consideration to projects such as city neighborhoods, where concerted efforts at renewal are supposedly under way but where in many cases decay is still rampant.

"What worries us," said a spokesman for the United States Conference of Mayors, "is that in many cities urban renewal is at last beginning to work. Land is cleared for housing and the residents have been promised that it is coming. What are we going to tell them when it doesn't?"

### PRESIDENT'S PEACE PLAN

(Mr. FISH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FISH. Mr. Speaker, today I speak in praise of President Nixon's powerful peace initiative announced to the Nation last night.

The terms spelled out in the President's eight-point proposal clearly move us far down the road toward a reasonable base from which to reach a negotiated end to our Vietnam involvement. The announcement of the withdrawal of all American troops, at a date certain dependent only upon reaching an agreement regarding the release of prisoners, should satisfy the North Vietnamese.

The announced plan of the resignation of the Thieu regime 30 days prior to open and free elections, participated in by all parties, indicates a shift in policy from which meaningful negotiations about the political future of South Vietnam could fruitfully spring.

The President's disclosure of our persistent efforts, through secret negotiations, to achieve peace and the release of the POW's is an example of responsible, traditional diplomacy by the executive branch. For those of us who have argued that under the Constitution the primary responsibility for ending this war must rest with the President, our confidence has been confirmed.

I think we should all pray that this good faith proposal is accepted by the other side so that we will soon see an end to this long drawn out and tragic war. Toward this end, I feel the President deserves the full backing of the Congress as he moves to implement the new plan he has annunciated.

### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. FUQUA (at the request of Mr. BOGGS) for today, on account of death in the family.

### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WHITEHURST) and to revise and extend their remarks and include extraneous matter:)

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. ROBISON of New York, for 10 minutes, today.

Mr. BOW, for 10 minutes, today.

Mr. HALPERN, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) to address the House and to revise and extend their remarks:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. BURKE of Massachusetts, for 15 minutes, today.

### EXTENSION OF REMARKS

By unaniomus consent, permission to revise and extend remarks was granted to:

Mr. TAYLOR and to include extraneous matter during debate on H.R. 6957.

(The following Members (at the request of Mr. WHITEHURST) and to include extraneous matter:)

Mr. ROBISON of New York in two instances.
Mr. PELLY in two instances.
Mr. WHITEHURST.
Mr. DERWINSKI in three instances.
Mr. BAKER.
Mr. TERRY.
Mr. GERALD R. FORD in two instances.
Mr. HUNT in two instances.
Mr. ROUSSELOT in two instances.
Mr. SHRIVER.
Mr. STEIGER of Arizona in two instances.
Mr. ZWACH.
Mr. COLLINS of Texas in three instances.
Mr. HOSMER in two instances.
Mr. ARCHER.
Mr. MALLARY.
Mr. DEVINE.
Mr. THOMPSON of Georgia.
Mr. McKEVITT.
Mr. SCHMITZ in two instances.
Mr. HALPERN.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. DINGELL.
Mrs. GRIFFITHS.
Mr. RARICK in three instances.
Mr. HAGAN in three instances.
Mr. ROGERS in five instances.
Mr. KLUCZYNSKI in two instances.
Mr. PUCINSKI in six instances.
Mr. GIAIMO in two instances.
Mr. HAMILTON.
Mr. HULL.
Mr. FLOOD.
Mr. ALEXANDER in six instances.
Mr. O'NEILL in two instances.
Mr. O'HARA.
Mr. BEVILL.
Mr. HÉBERT.
Mr. DRINAN.
Mr. GONZALEZ in three instances.
Mr. KARTH.

Mr. BINGHAM in three instances.
Mr. HARRINGTON.
Mr. BRADEMAS in six instances.
Mr. EDMONDSON in two instances.
Mr. JAMES V. STANTON in two instances.
Mr. CASEY of Texas.
Mr. DANIELSON.

## ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Thursday, January 27, 1972, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1486. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend sections 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas; to the Committee on Armed Services.

1487. A letter from the Attorney General, transmitting a report on Department of Justice enforcement of the Truth in Lending Act, covering calendar year 1971, pursuant to section 114 of Public Law 90-321; to the Committee on Banking and Currency.

1488. A letter from the Chairman, National Advisory Council on Education Professions Development, transmitting a report entitled, "Windows to the Bureaucracy," pursuant to Public Law 90-35; to the Committee on Education and Labor.

1489. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the amount of Export-Import Bank loans, insurance, and guarantees, issued in May through October 1971, in connection with U.S. exports to Yugoslavia, pursuant to the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

1490. A letter from the Secretary of Defense, transmitting the eighth annual report on the Federal voting assistance program, pursuant to the Federal Voting Assistance Act of 1955, as amended; to the Committee on House Administration.

1491. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed amendment to a concession contract authorizing the continued provision of accommodations, facilities, and services for the public within Mount Rainier National Park, Washington, for 1 year ending December 31, 1972, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1492. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 294, *The Skagit Tribe of Indians, also known as The Lower Skagit Tribe of Indians, also known as Whidbey Island Skagits, Plaintiff* v. *The United States of America*, Defendant, pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

1493. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a draft of proposed legislation to extend the Commission on Civil Rights for 5 years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes; to the Committee on the Judiciary.

1494. A letter from the Assistant Attorney General for Administration, transmitting a report on positions in grades GS-16, GS-17, and GS-18 in the Department of Justice during 1971, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

1495. A letter from the Librarian of Congress, transmitting a report on positions in grades GS-16, GS-17, and GS-18 in the Congressional Research Service during 1971, pursuant to 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

1496. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on certain civilian positions established in the Administration under 5 U.S.C. 3104(a)(8), pursuant to section 3104(c); to the Committee on Post Office and Civil Service.

1497. A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation to authorize appropriations for the National Science Foundation for the fiscal year 1973; to the Committee on Science and Astronautics.

1498. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 12089. A bill to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse; with amendments (Rept. No. 92-775). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 12640. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Tennessee:

H.R. 12641. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. ANNUNZIO:

H.R. 12642. A bill to amend the Vocational Rehabilitation Act in order to extend and improve rehabilitation services for severely handicapped individuals, and for other purposes; to the Committee on Education and Labor.

By Mr. BARING:

H.R 12643. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for transportation expenses of certain individuals employed at remote Federal installations; to the Committee on Ways and Means.

By Mr. BELL:

H.R. 12644. A bill to amend the Vocational Rehabilitation Act to provide special services, artificial kidneys, and supplies necessary for the treatment of individuals suffering from end stage renal disease; to the Committee on Education and Labor.

By Mr. BINGHAM:

H.R. 12645. A bill governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Mr. BINGHAM (for himself, Mr. BRADEMAS, and Mr. ROONEY of Pennsylvania):

H.R. 12646. A bill directing the Federal Communications Commission to investigate the rate base and structure of the American Telephone & Telegraph Co. and its subsidiaries; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRON:

H.R. 12647. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licences; to the Committee on Interstate and Foreign Commerce.

H.R. 12648. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of imitations of such glassware; to the Committee on Interstate and Foreign Commerce.

H.R. 12649. A bill to provide for the establishment of a national cemetery in the State of Maryland; to the Committee on Veterans' Affairs.

By Mr. CASEY of Texas:

H.R. 12650. A bill to amend section 451 of the Tariff Act of 1930 so as to exempt certain private aircraft arriving or departing on flights between the United States and Canada or the United States and Mexico at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees and to treat snowmobiles as highway vehicles for the purposes of such section; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 12651. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER (for himself and Mr. MCCULLOCH):

H.R. 12652. A bill to extend the Commission on Civil Rights for 5 years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. COLLINS of Texas:

H.R. 12653. A bill to provide that Federal expenditures shall not exceed Federal revenues except in time of war or grave national emergency declared by the Congress; to the Committee on Government and Operations.

By Mr. COTTER:

H.R. 12654. A bill to amend the Federal-Aid Highway Act of 1956, as amended; to the Committee on Public Works.

By Mr. DOW:

H.R. 12655. A bill to establish a commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands; to the Committee on Interior and Insular Affairs.

H.R. 12656. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 12657. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY:

H.R. 12658. A bill to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid-waste disposal, general pollution, and degradation of the environment, and other related problems; to the Committee on Science and Astronautics.

By Mr. HEINZ:

H.R. 12659. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

By Mrs. HICKS of Massachusetts:

H.R. 12660. A bill to amend the Internal Revenue Code of 1954 to provide that the retirement benefits available to self-employed individuals shall be available to women who are able to put part of their household allowances into savings; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 12661. A bill to amend the Lead-Based Paint Poisoning Prevention Act; to the Committee on Banking and Currency.

By Mr. HUTCHINSON:

H.R. 12662. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of North Carolina (for himself, Mr. Fountain, Mr. Taylor, Mr. Preyer of North Carolina, Mr. Galifianakis, Mr. Henderson, Mr. Lennon, Mr. Ruth, Mr. Jonas, Mr. Mizell, and Mr. Broyhill of North Carolina):

H.R. 12663. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 12664. A bill to approve and authorize amnesty or mitigation of punishment for certain persons who have illegally manifested their disapproval of U.S. participation in the Southeast Asia war; and to provide for restoration of civil and political rights that have been lost or impaired by reason of such illegal acts, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 12665. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.R. 12666. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 12667. A bill to provide for a 15-percent increase in the rates of pension paid to veterans of the Civil, Indian, and Spanish-American Wars, to the widows and children of such veterans, and to "old law" pensioners; to the Committee on Veterans' Affairs.

By Mr. PEYSER:

H.R. 12668. A bill to amend title 28 of the United States Code to exempt volunteer firemen from Federal jury duty; to the Committee on the Judiciary.

H.R. 12669. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

By Mr. PURCELL:

H.R. 12670. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. RIEGLE (for himself, Mr. Rosenthal, Mr. Sarbanes, Mr. Steiger of Wisconsin, Mr. Stokes, and Mr. Whalen):

H.R. 12671. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

By Mr. SCOTT:

H.R. 12672. A bill to amend title 38, United States Code, in order to permit certain veterans up to 9 months of educational assistance for the purpose of pursuing retraining or refresher courses; to the Committee on Veterans' Affairs.

By Mr. JAMES V. STANTON (for himself and Mr. Collier):

H.R. 12673. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas (for himself, Mr. Baring, Mr. Carney, Mr. Danielson, Mr. Dorn, Mr. Dulski, Mr. Edwards of California, Mrs. Grasso, Mr. Haley, Mr. Hammerschmidt, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Hillis, Mr. Montgomery, Mr. Pucinski, Mr. Roberts, Mr. Satterfield, Mr. Saylor, Mr. Scott, Mr. Teague of California, Mr. Winn, Mr. Wolff, Mr. Wylie, and Mr. Zwach):

H.R. 12674. A bill to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Georgia:

H.R. 12675. A bill to amend the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

H.R. 12676. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. THONE (for himself, Mr. Alexander, Mr. Anderson of Illinois, Mr. Andrews, Mr. Archer, Mr. Baker, Mr. Blackburn, Mr. Brinkley, Mr. Broyhill of North Carolina, Mr. Buchanan, Mr. Burke of Florida, Mr. Cederberg, Mr. Del Clawson, Mr. Cleveland, Mr. Collier, Mr. Daniel of Virginia, Mr. Davis of Georgia, Mr. Davis of South Carolina, Mr. Devine, Mr. Dorn, Mr. Edwards of Alabama, Mr. Eshleman, Mr. Findley, Mr. Fisher, and Mr. Flowers):

H.R. 12677. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. THONE (for himself, Mr. Flynt, Mr. Forsythe, Mr. Fuqua, Mr. Gonzalez, Mr. Goodling, Mr. Gubser, Mr. Halpern, Mr. Hammerschmidt, Mr. Hastings, Mr. Helstoski, Mr. Hicks of Washington, Mrs. Hicks of Massachusetts, Mr. Hillis, Mr. Hunt, Mr. Ichord, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Kemp, Mr. King, Mr. Landgrebe, Mr. McCollister, Mr. Mallary, Mr. Mann, and Mr. Mathis of Georgia):

H.R. 12678. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. THONE (for himself, Mr. Melcher, Mr. Michel, Mr. Morse, Mr. Nichols, Mr. Preyer of North Carolina, Mr. Railsback, Mr. Rarick, Mr. Rhodes, Mr. Robinson of Virgina, Mr. Roe, Mr. Sandman, Mr. Satterfield, Mr. Scherle, Mr. Schmitz, Mr. Sebelius, Mr. Shriver, Mr. Sikes, Mr. Snyder, Mr. Spence, Mr. Waggonner, Mr. Ware, Mr. Williams, Mr. Bob Wilson, and Mr. Winn):

H.R. 12679. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. THONE (for himself, Mr. McClure, Mr. Wydler, and Mr. Terry):

H.R. 12680. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. THONE:

H.R. 12681. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALEN (for himself. Mrs. Dwyer, Mr. Kastenmeier, and Mr. Kyros):

H.R. 12682. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. WYMAN:

H.R. 12683. A bill to limit contributions by the United States to the annual budget of the United Nations; to the Committee on Foreign Affairs.

By Mr. PEYSER:

H.J. Res. 1028. Joint resolution authorizing the President to proclaim the period April 17 through April 22, 1972, as "School Bus Safety Week"; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas:

H.J. Res. 1029. Joint resolution to authorize the President to issue annually a proclamation designating the monthly of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. ULLMAN (for himself, Mr. Foley, Mr. Hansen of Idaho, Mr. McClure, and Mr. McCormack):

H.J. Res. 1030. Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees; to the Committee on Education and Labor.

By Mr. FINDLEY:

H. Con. Res. 506. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. KING:

H. Con. Res. 507. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

H. Con. Res. 508. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. McCLORY:

H. Con. Res. 509. Concurrent resolution commending the President of the United States on his diligent efforts to achieve peace in Indochina and declaring it the sense of Congress that the President be supported and encouraged by Congress and the American people to continue withdrawing American forces from Indochina and to continue his efforts to bring peace to that part of the world; to the Committee on Foreign Affairs.

By Mr. SCHWENGEL:

H. Con. Res. 510. Concurrent resolution providing that the Chief Justice of the United States be invited to address a joint session of Congress on the state of the judiciary; to the Committee on Rules.

By Mr. WIDNALL:

H. Con. Res. 511. Concurrent resolution urging the review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. WYMAN:

H. Con. Res. 512. Concurrent resolution expressing the sense of the Congress with respect to a method of determining the liability of each member state of the United Nations for contributions to the annual budget of the United Nations and the manner in which the vote of each member state in the General Assembly of the United Nations should be weighted; to the Committee on Foreign Affairs.

By Mr. JACOBS:

H. Res. 776. Resolution printing in red ink of any U.S. Government budget submitted to the Congress which on a Federal funds basis is in deficit; to the Committee on House Administration.

By Mr. LONG of Maryland:

H. Res. 777. Resolution designating January 22 of each year as "Ukrainian Independence Day"; to the Committee on the Judiciary.

By Mr. PEYSER:

H. Res. 778. Resolution commending the President for his efforts to bring about a fair and honorable end to the war in Southeast Asia, and endorsing his most recent proposals for peace as stated on January 25, 1972; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 12684. A bill for the relief of the Brown Co.; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 12685. A bill for the relief of Luther V. Winstead; to the Committee on the Judiciary.

By Mr. POAGE:

H.R. 12686. A bill for the relief of Sam Goldenberg, Jr.; to the Committee on the Judiciary.

# SENATE—*Wednesday, January 26, 1972*

The Senate met at 9:45 a.m. and was called to order by Hon. FRANK E. MOSS, a Senator from the State of Utah.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we lift our hearts to Thee this day in reverent thanksgiving for Thy servant Carl Trumbull Hayden. We thank Thee for his steadfast devotion to the welfare of his State and Nation, for his quiet strength, his unfailing courtesy, his integrity, his wisdom, and his faith in Thee. Make us to rejoice that he walked with us and we with him in paths of service. May his gentle but strong qualities of faithfulness and goodness abide in us and we abide in Thee forever. Amen.

## DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., January 26, 1972.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. FRANK E. MOSS, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
*President pro tempore.*

Mr. MOSS thereupon took the chair as Acting President pro tempore.

## ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. Moss) announced that, pursuant to the order of the Senate of January 25, 1972, the Vice President, on January 25, 1972, signed the enrolled bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, January 25, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 2819) to amend the Foreign Assistance Act of 1961, and for other purposes.

The Vice President subsequently signed the enrolled bill.

## ATTENDANCE OF SENATORS

Hon. VANCE HARTKE, a Senator from the State of Indiana, Hon. THOMAS J. McINTYRE, a Senator from the State of New Hampshire, Hon. CHARLES H. PERCY, a Senator from the State of Illinois, and Hon. JOHN SPARKMAN, a Senator from the State of Alabama, attended the session of the Senate today.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, on the time allotted to the joint leadership, I yield at this time to the distinguished Senator from Arizona (Mr. GOLDWATER).

## DEATH OF FORMER SENATOR CARL T. HAYDEN

Mr. GOLDWATER. Mr. President, this morning I wish to join with my senior colleague, Senator FANNIN, in announcing the death last evening of former U.S. Senator Carl Hayden of Arizona.

At a future date, I will place in the RECORD an extended eulogy of this unusual man. At this time, I merely want to say that we have lost a public servant who served his State and his Nation longer than any other man in history. For more than half a century Carl Hayden served in the Halls of Congress representing the great State of Arizona in a fitting and proud fashion. The passing of Carl Hayden is also a personal loss to me. His family and mine have been friends since before Arizona was a territory, and it is with heavy heart that I travel today to attend his funeral in Arizona.

Mr. President, I send to the desk in behalf of Senator FANNIN and myself, two resolutions prepared in tribute to Carl Hayden. One would provide for the renaming of the central Arizona project as the Carl Hayden project, and the other would provide for the placing of a bust of the late Senator Hayden in a proper place within the Capitol or within either of the Senate Office Buildings.

The ACTING PRESIDENT pro tempore. The resolutions will be received and appropriately referred.

### LEAVE OF ABSENCE

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may be absent from the Senate after this morning until Monday next, for the purpose of attending the funeral of Carl Hayden and, on a happier note, attending the marriage of my older daughter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SAXBE. Mr. President, I yield my time as acting minority leader to the Senator from Arizona (Mr. FANNIN).

Mr. FANNIN. Mr. President, it was with great sadness that I received the report of the death of our former colleague and Senate President pro tempore, Carl Trumbull Hayden.

Carl Hayden was a son of the frontier who helped lead his Territory, State, and Nation through times of great change and progress. The Hayden name is synonymous with much of the history of Arizona.

He was a dedicated public servant who held the offices of town councilman, county treasurer, and sheriff in Arizona's territorial days. In 1912 he became Arizona's first Member of the House of Representatives. From 1927 until his retirement in 1968, Senator Hayden served in this body—and he served well, as chairman of the Appropriations Committee and as President pro tempore for 12 years.

Carl Hayden was beloved and respected by those of us who were privileged to know him. He was a fine gentleman of matchless integrity and total devotion to his duty.

I ask unanimous consent that at the close of business today, the Senate adjourn in honor of this great American, who served in Congress for 56 years.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FANNIN. At a later time, Mr. President, I shall extend my remarks concerning this great man.

Mr. President, I know that many Senators would like to pay tribute to former Senator Hayden and express their deep grief over his death. I ask unanimous consent that the Record be kept open for 15 days and that the tributes expressed be collected and printed as a Senate document.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished Senators from Arizona (Mr. Goldwater and Mr. Fannin) in expressing the deep sorrow of the Senate on the passing of one of its oldtime, outstanding, former Members.

As Senator Fannin has indicated, Carl Hayden was an elected official in the Territory of Arizona before it became a State in 1912. In 1912, he was elected to the House of Representatives as Arizona's first Member of that body, and some years later he was elected to the Senate, where I believe he served longer than any other Member in the history of the Republic.

He was a man of kindness. He was a gentle man. He was a man who treated all alike, and those of us who had problems could always go to Carl Hayden. He would listen. He would give us sound advice.

As Carl, himself, said on many occasions, he was not a show horse; he was a work horse. I think that typified Carl Hayden's dedication to duty. It was a mark of the man who represented all that is best in a Senator and whose years of service to his Territory, to his State, and to his Nation have been marked with integrity, dedication, dignity, and understanding.

Even though Carl Hayden left us a few years ago, he never really left us, because all Members on both sides of the aisle kept in touch with him and always remembered him with affection and respect.

Mr. President, I ask unanimous consent to have printed in the Record an obituary published in this morning's Washington Post.

There being no objection, the obituary was ordered to be printed in the Record, as follows:

### Carl Hayden, a Quiet Power in Congress

(By Martin Weil)

Former Sen. Carl Hayden (D-Ariz.), a onetime frontier sheriff who said little but wielded great power while serving in Congress for 57 years—longer than anyone else in history—died last night in a Mesa, Ariz., hospital. He was 94.

Sen. Hayden entered the hospital for observation Dec. 30. He lapsed into a coma Sunday. His nephew, Larry Hayden, said then. "He has no particular ailment other than old age."

When he retired in 1969, Sen. Hayden had served seven full six-year terms in the Senate, and eight two-year terms in the House, which he entered a few days after Arizona became a state in 1912.

As chairman of the powerful Senate Appropriations Committee for 14 years, he was a leading member of the Senate establishment, and well known for his ability to bring dams, roads and power facilities to his state.

In the largely honorary post as president pro tempore of the Senate, he was second in the line of succession to the presidency during the years after John F. Kennedy was assassinated when the nation was without a vice president.

Yet, while highly regarded in the Senate ("there is no more influential member" said Lyndon Johnson while majority leader) and in Arizona, Sen. Hayden was little known in the nation at large.

A quiet, shy-seeming, softspoken man in public, he held but one press conference in his first 50 years on Capitol Hill. When he spoke, it was often in a mumble. Newsmen called him "the silent senator," and "the grey ghost."

The Senator explained his own philosophy this way: "When I came to Congress an old hand told me that I could play for the headlines and be a show horse, or I could buckle down and be a work horse."

It seemed apparent to Capitol Hill colleagues and observers that Sen. Hayden chose the latter course.

In his first 20 years in the Senate the taciturn westerner made only a single speech on the floor.

In later years, when he did rise in Senate debate, tall, bald, bespectacled, he would speak for no more than five or ten minutes, in a dry monotone, unembellished with rhetorical flourishes.

"When you've got the votes," he explained, "you don't have to talk."

Seldom did Sen. Hayden lack the votes. A member of Appropriations since he came to the Senate chairman since 1955, his voice was often decisive in determining whether colleagues' pet projects would get funds.

In addition, as chairman for a number of years of the Rules Committee, which voted funds for other committees, and of the Senate Democratic Patronage Committee, which dispensed jobs, he had other ways of gathering political IOUs.

Still further, he was known for political shrewdness, dedication to Senate traditions, an ability to make and keep friends, an unpretentious, homey personality, and courtesy.

"I never indulged in personalties," he said once during the heat of a political campaign, "and I don't intend to start now.

"If anybody ever heard me mention the name of my opponent, I must have been talking in my sleep."

Carl Trumbull Hayden (he seldom used the middle name) was born in Tempe, on Oct. 2, 1877, while Arizona was still a territory and the Apaches were still on the warpath.

After graduating from the Normal School of Arizona at Tempe, he entered Stanford University. There he lost an election for the first and last time.

It was for student body president. Although he was expected to win, he lost for lack of two votes—his and that of a fellow student, Nan Downing.

Sen. Hayden and Miss Downing, who later became his wife (she died in 1961), thought it would be unseemly if they voted for him.

"I've been running like a rabbit ever since," he once said.

After managing a family flour mill and general store in Tempe, and serving for two years on the town council and two more as treasurer of Maricopa County, he was elected county sheriff in 1907.

Arizona was then still a sparsely settled land of sagebrush and saguaro cactus. The growth that Sen. Hayden had a major hand in making possible was yet to come. Inevitably, legends grew about his career as a lawman.

It was once said that he had a finger shot off in a duel with a badman.

Actually, Sen. Hayden said: "I never shot at anyone and nobody ever shot at me.

"The nearest I came to shooting anyone was the day I identified a horse thief who was described as badly wanted in Utah, Colorado and Wyoming.

"I found him standing at a bar, I stuck my gun in his back and took his pistol away from him."

After jailing the suspect on a concealed weapons charge, Sen. Hayden notified authorities in the other states.

"They weren't interested enough to come get him," the big-boned, six-foot former sheriff recalled.

"So I turned him loose. I told him: " 'As long as you don't steal any horses in Arizona, it's all right with me.' "

On Feb. 14, 1912, Arizona became the 48th State. The sheriff of Maricopa County was elected congressman at large.

Turning in his star, he was sworn in Feb. 19 to begin 57 consecutive years in Congress. (A former Arizona National Guard officer, and skilled marksman, he served part of 1918 as a major of infantry.)

On Capitol Hill, he supported reclamation and roads, not only for Arizona, but also for the nation.

Asked by President Franklin D. Roosevelt to account for his intense concern with roads, Sen. Hayden replied that his home state had two things anyone would drive thousands of miles to see—The Grand Canyon and the Petrified Forest.

'They can't get there without roads," he said.

Sen. Hayden described himself as a respecter of the old political adage: "Take care of the people and they'll take care of you."

In 1927, his first year in the Senate, he broke his rule of public silence to team with a colleague in speaking for six weeks.

It was a filibuster against the bill creating Boulder (later Hoover) Dam. The bill was opposed by Arizona, which stood at first to gain none of the dam's irrigation benefits.

The bill finally passed, but not until after the Senate had compromised on the irrigation rights issue.

For decades, Sen. Hayden fought for the mammoth Central Arizona water project, calling for construction of a huge aqueduct to carry Colorado River water to Phoenix and Tucson.

After winning several times in the Senate only to see the measure die in the House, Sen. Hayden watched as it ultimately was signed by President Johnson in 1968.

Arizona grew from a population of about 200,000 when Sen. Hayden first went to Congress to 1,302,161 in 1960, and more than 1.75 million today. Voting for him became a tradition in the state, a link with the pioneer past, some thought.

He was elected and reelected, passing milestone after milestone, amassing honors, awards and tributes. The silent, slightly stooped Westerner in the shapeless dark suits became a Washington legend.

There were several illnesses in his last Senate term. It was a term during which his 90th birthday came. There were strong indications that he would face a stern electoral test from Barry M. Goldwater, if he ran again. Sometimes it seemed as if he were thinking of making one last race.

On May 6, 1968, he announced his retirement, concluding with these words, a paraphrase of the Old Testament quotation:

"There's a time of war and a time of peace, a time to keep and a time to cast away, a time to weep and a time to laugh, a time to stand and a time to step aside."

Tears glistened in his eyes when he was finished.

After living for the last few years of his Senate service in the Methodist Building across from the Capitol, he moved back to Tempe after retirement.

Sen. Hayden and his wife had no children.

Mr. FANNIN. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and unanimously agreed to, as follows:

### RESOLUTION

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. Carl Hayden, a Senator from the State of Arizona from March 4, 1927, to January 2, 1969, and a former President of the Senate pro tempore.

*Resolved*, That the Secretary communicate these resolutions to the family of the deceased.

*Resolved*, That, when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

Mr. MOSS. Mr. President, I am deeply grieved by the news of the passing of that grand old man, and our beloved colleague, Carl Hayden. He became a legend in his own times. He preceded all of us here in the Senate, and the essence of his indomitable spirit will linger long after most of us have gone. Few men accomplished so much—and with so little fanfare.

He was proud of the fact that he was a "workhorse"—that he carried some of the Senate's heaviest burdens day in and day out—with little recognition. But because of his quiet espousal of them, many programs are built into the fabric of our country which improve the quality of our life.

Few of my colleagues have ever been more friendly and helpful to me than Carl Hayden. As another westerner, he seemed to have a special understanding of my problems, and he was always ready to listen and assist. And he was a man of his word.

The only compensating thought in viewing his passing is that he had 94 years of full living, and more than 50 years of tremendous service to his country. He set a high standard of both service and accomplishment, and few will ever equal it. America is blessed by having such a man as Carl Hayden serve for 57 years in the U.S. Congress.

Mr. TALMADGE. Mr. President, I am very saddened by the passing of Senator Carl Hayden. When I first came to the Senate, Senator Hayden was chairman of the Senate Committee on Rules and Administration. I came to know him well. I held him in the highest esteem and administration.

Senator Hayden held the alltime record, 57 years, of service in the Congress of the United States, including 42 years in the Senate. At the time of his retirement from the Senate, he was President pro tempore, and became Acting Vice President following the assassination of President John F. Kennedy.

Senator Hayden was a quiet, unassuming, and modest man. Yet, during his years here, he was one of the most influential and effective Members of this body.

I join the Senate and the Nation in mourning his passing, and Mrs. Talmadge and I extend our deepest sympathies to the family.

Mr. SCOTT. Mr. President, the Old Testament says:

> There is a time of war and a time of peace, a time to keep and a time to cast away, a time to weep and a time to laugh, a time to stand and a time to step aside.

When our friend and onetime colleague Carl Hayden retired from the Senate he referred to this passage. It is still appropriate today as we mourn his loss. His great accomplishments during his more than one-half century—57 years—as a representative of the people of Arizona and the Nation are legend.

Carl Hayden was known to many as a silent Senator and as the gray ghost. He lost his first election while in college at Stanford. He never lost another election because, in his words: "I've been running like a rabbit ever since."

His career in public office began in 1912. This was before Arizona became a State. Carl appropriately enough became the Congressman-at-large when Arizona achieved statehood and he made a record for himself in the fields of reclamation and highways. He stressed the Nation was a place of beauty, but that its beauty could not be appreciated without good roads. He certainly made his point in insuring the development of roads to enable the public to visit Arizona's beautiful Grand Canyon and the Petrified Forest.

His story of success is legendary. It is doubtful another individual will achieve his record of service in the Congress of more than 57 years.

To the members of his family and to the people of Arizona I extend my personal condolences and those of the Senate.

Mr. McGEE. Mr. President, the Nation was saddened to learn today of the death of former Senator Carl Hayden of Arizona. I ask my colleagues to join me in paying tribute to the memory of a man who scored a remarkable and unexcelled record of service to the people of Arizona and this Nation.

When Senator Hayden announced nearly 4 years ago that he was not seeking reelection to this body after almost six decades of public service to his State and Nation, it marked the end of a long and distinguished career in the Halls of Congress. Many of us remarked at the time of his retirement that we would miss him; that we would miss his wisdom; and that we would miss his good nature.

Carl Hayden was the epitome of dedication as a public servant. His legislative accomplishments were not only impressive, but also far reaching in their impact. His farsightedness will continue to influence the course of American history for decades to come.

It was my fortune to serve under Senator Hayden on the Committee on Appropriations for a decade. I will always owe to him a great debt of personal gratitude for I found him to be a wise leader, a fair mediator, an enthusiastic advocate, and an effective mentor. When the occasion presented itself, Carl Hayden was also a tough opponent, but his opposition was always dedicated to principle and fairness.

We will all miss Carl Hayden. His influence and friendship will always be felt by those of us who were fortunate enough to serve with him. Although death must be inevitable for us all, we must nevertheless mourn and regret the passing of men of stature. Carl Hayden was indeed a noble man.

Mr. STENNIS. Mr. President, I rise to express my sorrow and sense of loss in the passing of former Senator Carl Hayden of Arizona.

When I came to the Senate in 1947, Carl Hayden had already served here for 20 years. He was to serve in the Senate for another 22 years, until his retirement in January 1969—12 of those years as President pro tempore. So I have been privileged to serve with him for a long time, to work with him, and to know him well.

He was a dedicated American who spent the phenomenal total of 66 years in service to the people of Arizona. He held city and county offices for 8 years and when Arizona became a State in 1912 he was elected to Congress. He served eight terms in the House prior to coming to the Senate in 1927. This long unbroken service in public office is in itself a complete testimonial to the esteem with which he was held by the people of his State.

This esteem was indeed well deserved, as all of us know who were associated with him here in the Senate. We knew him to be quiet, courteous, friendly, helpful—and above all—a hard worker and an extremely effective Member of this body. I served with him on the Public Works Subcommittee of the Appropriations Committee and in other assignments. He worked long hours and he prepared his bills meticulously. Among other fine qualities of our departed friend, I recall so pleasantly the fact that he always gave helpful attention, wise counsel, and real guidance to new Members.

This distinguished Senator and kind friend gave of his many talents, without sparing himself, toward the good of the people of his State and of this country. He leaves his memory here with us, in the Senate, as one who in the highest degree deserves the respect and gratitude of his countrymen. May he rest in peace after a life well done.

Mr. FANNIN. Mr. President, the death of former Senator Carl T. Hayden has saddened our Nation, and the sorrow is especially evident in the State of Arizona.

Arizonans are mourning his passing, and they are recalling with pride the great services that Senator Hayden rendered to his native State, to his beloved West, and to his country.

Carl Hayden held great power in the Congress although he was a quiet and unassuming man. And he was a man who scrupulously avoided any misuse of the power he held.

Mr. President, the Arizona Republic today carries the news of Senator Hayden's death, along with several articles which detail the life of this magnificent gentleman. I ask unanimous consent to insert these articles in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### ARIZONAN SERVED LONGEST IN CONGRESS

(By Gen Avery)

MESA.—Arizona's former Sen. Carl Hayden, who served longer in the U.S. Congress than any other man in American history, died last night in Mesa Southside Hospital.

The 94-year-old Democrat died at 10:35 p.m.

He had served his native state in the U.S. House of Representatives and then in the U.S. Senate from statehood in 1912 until Dec. 31, 1968—a total of 56 years and 10½ months in Congress.

The venerable old gentleman's body will lie in state at the State Capitol for several hours Friday at a time which had not been decided last night.

Public funeral services are scheduled for 11 a.m. Saturday at Grady Gammage Auditorium on the campus of Arizona State University in Tempe and are expected to draw a massive outpouring of citizens anxious to pay final tribute to the state's most famous public servant.

The Rev. John Atwood, pastor of the Pacific Beach Methodist Church in San Diego and a longtime family friend, will conduct the funeral.

Members of the family are understood to have asked former President Lyndon B. Johnson, a colleague of Sen. Hayden's for many years, to deliver a eulogy at the services.

It was also understood that Sen. Barry Goldwater, R-Ariz., also had been invited to participate in the ceremony.

Cremation will follow the funeral service. Carr Mortuary of Tempe is handling arrangements.

The National Guard of Arizona, of which the senator was an early-day member, will furnish the guard of honor for the vigil at the State Capitol.

The Arizona Department of Public Safety will supply the guard of honor at Gammage Auditorium and will escort the cortege from the mortuary to the State Capitol on Friday and from the mortuary to the funeral site on Saturday.

The family suggested that those wishing to make donations in the senator's memory contribute either to the Tempe Historical Society or to the Arizona Historical Society in Tucson.

Hayden's death ended an illustrious political career that saw him start at the bottom and work up by serving as a Tempe city councilman, Maricopa County treasurer and Maricopa County sheriff.

He lapsed into a semi coma early Sunday and doctors summoned relatives to his bedside; they had remained nearby since then. He entered the hospital for a checkup on Dec. 26 and never left.

With the senator when he died were his nephews Hayden C. Hayden and Larry Hayden, and Mrs. Hayden C. (Catherine) Hayden. Also present was a longtime friend, James Minotto of Phoenix.

Hayden C. Hayden is president of the Hayden Flour Mills at Tempe and Larry Hayden is an officer of a furniture store at Tucson. Minotto was a special assistant to the senator's staff when Hayden was chairman of the Senate Appropriations Committee.

The senator rallied on two occasions after entering the hospital. He had even sat up and smoked a cigar on Saturday but he then lapsed into the semicoma from which he never recovered.

Other survivors include the children of Mr. and Mrs. Hayden C. Hayden; Sally, a Smith College (Mass.) student: Catherine, a student at Scripps College Calif., and Carl, a Tempe High School student.

Also, the children of Larry Hayden and his wife, Rosemary: Ann, teaching in California; David, Michael, Catherine Elizabeth and Susan, all of Tucson.

Sen. Hayden, more than any other man, fathered America's system of national highways in a day when it was an adventure with many hardships to cross the continent by automobile.

But in his own state, he probably will be best remembered as the father of the Central Arizona Project to bring water from the Colorado River to the valleys of Central Arizona and the cities of Phoenix and Tucson.

He also can be credited with turning the tide of votes in Congress that made possible most of the Western reclamation projects.

However, Arizona politicians frequently were dissatisfied with him because he never was a pork-barrel senator in the sense that he would put Arizona ahead of other states. He worked just as hard for projects in California, Nevada, Washington, Oregon, Idaho, Wyoming, Utah, New Mexico, Colorado, Texas, Oklahoma, Montana and the other states as he did for his own.

Hayden's greatest service to his native state probably came in reclamation.

First, it was a fight to protect Arizona's rights to the use of Colorado River water from a politically strong and ambitious Southern California. That area, gobbling up the water of the Owens Valley in the Sierras, was determined to tie up the Colorado River to take care of its needs for at least 100 years. It did not hesitate to say so.

During Hayden's first year in the Senate, to which he was elected from the House in 1926, he and Arizona Sen. Henry Fountain Ashurst staged a six-week filibuster to block passage of a California-sponsored bill to build the present Hoover Dam in such a manner that there would have been no control on use of the water.

Through Hayden's efforts, language was inserted in the bill limiting California to 4.4 million acre-feet annually, and dividing storage in the proposed reservoir (Lake Mead) so that Arizona would get 2.8 million acre-feet per year and Nevada 300,000.

The importance of this action was not realized until more than 30 years later when a U.S. Supreme Court decision affirmed the congressional action. The court's findings of fact were based almost entirely on the Hayden debate, which clearly showed the intent of Congress to protect the rights of other states in the Lower Colorado River Basin.

As a result, no other member of Congress enjoyed such a high regard. Any time Hayden needed a showdown of votes, he had enough to carry his point, and to spare.

That does not mean he was not alert to things for Arizona. A good example is the development of air training facilities during World War II.

Hayden was alerted to the role Arizona should play in defense by the late Paul W. Litchfield, chairman of the board of Goodyear Tire and Rubber Co.

"Mr. Litchfield told me that Arizona is the best place in the country to teach people to get off the ground in an airplane," Hayden said.

After that, every group of Arizonans who journeyed to Washington seeking a big army camp near its community was advised by Hayden to change its plans and ask for an airfield. At one time major training centers were operating at Luke, Williams, Falcon and Thunderbird fields I and II in the Salt River Valley, at Coolidge, Marana, Tucson, Douglas, Kingman, Yuma, Clarkdale, Winslow, Wickenburg and Dateland, with many auxiliary facilities.

During his more than four score years, Sen. Hayden passed many milestones. Some it is doubtful any other American ever will pass.

The greatest mark in his career was when he completed his 50th year of service in Congress, a record never before achieved, and one not likely to be achieved again. To mark this event, the late President John F. Kennedy and then Vice President Lyndon B. Johnson both journeyed to Phoenix Nov. 17, 1961, to attend a dinner in his honor. More than 50 senators and representatives accompanied them, along with then Secretary of Interior Stewart L. Udall and the late Supreme Court Justice Hugo L. Black.

Although that was a significant point in his career, it did not stop Sen. Hayden. He was re-elected, and went on to serve out another full term, completing almost 57 years of service in Congress before retiring.

Carl Trumbull Hayden was born October 2, 1877, in Tempe, the son of Charles Trumbull and Sallie Calvert (Davis) Hayden. His parents founded the town, which was variously known as Hayden's Ferry, Hayden's Landing and Hayden's Mill.

He was graduated from Tempe Normal School, now Arizona State University, in 1896, then attended Stanford University for 4 years. He lost his only election at Stanford, a contest for president of the student body, which he had considered would be a certain victory.

"I have been running scared ever since," he always told voters and other candidates in explaining his success at the polls.

Hayden's first venture into political life was in 1902, which he was elected to the Tempe Town Council. At the same time, he took over his father's flour-milling business. This mill, originally operated by water power, still is a thriving business on the bank of now dry Salt River beside busy U.S. 60-70-80-90.

In 1904 he was a delegate to the Democratic National Convention in St. Louis. That year he quit the city council to run successfully for treasurer of Maricopa County. Then he was elected sheriff of Maricopa County in 1907, holding that post until he was elected to the U.S. House of Representatives in 1911.

Hayden said many times that he probably never would have ventured into the congressional race had it not been for his connection with the Arizona National Guard. He helped organize a guard unit in Tempe in 1903 and was active in its program. As a major, he served as leader of the state's rifle team and participated with the team in the National Rifle Matches at Camp Perry, Ohio, from 1907 to 1911.

While the team was at Camp Perry on Aug. 24, 1911, President William Howard Taft signed the proclamation authorizing statehood for Arizona.

A tradition observed during the years the National Rifle Matches were held at Camp Perry called for each state to fly its flag on the firing line during the team matches, but up to that time Arizona had no flag. The team decided to make one. With the aid of Mrs. Hayden, a flag was designed. She borrowed a sewing machine, scoured the stores in Port Clinton, Ohio, for red, blue and copper-colored material and sewed together the first Arizona flag in an army camp tent.

This flag was adopted as the state's official emblem in 1916 by the state legislature.

The news of Arizona statehood was the chief topic of conversation among the jubilant Arizonans at Camp Perry in 1911. In discussing its effect, members of the team urged Major Hayden to run for Congress as a means of helping to solve many of the military problems with which they were plagued.

"I didn't think I could make it, but they told me that all of the National Guardsmen would be for me," Hayden reminisced many years later. "Before leaving Camp Perry, I finally decided to make the race."

Hayden had two popular and experienced campaigners to run against for the Democratic nomination. They were Lamar Cobb of Graham County and Mulford Winsor of Yuma. Winsor was right-hand man to George W. P. Hunt, candidate for governor, and had served as secretary of the Constitutional Convention.

However, Hayden won with 4,237 votes to Cobb's 2,662 and Winsor's 2,635. He won the general election Dec. 12 handily, beating John S. Williams, Republican; John Halberg, Socialist, and E. W. Chapin, Prohibitionist, and went to Washington in February 1912 as the state's first representative.

His first year in the House, Sen. Hayden set in motion the investigation that led to building Coolidge Dam on the Gila River near Globe by the Indian Service and the 100,000-acre San Carlos Project, half of it on state lands and half on Indian lands. He also obtained legislation to preserve Papago Park.

Throughout the years he accomplished many things for the nation and his state. Some were easy, like a simple appropriation bill rider to authorize the original Gila Project to irrigate lands near Yuma. Some were not so easy. Over a period of years as chairman of the roads part of the Post Offices and Post Roads Committee, he helped formulate the national highway program. The major legislation setting up the present federal aid system in 1934 became known as the Hayden-Cartwright Act.

Most often-repeated story of Hayden's congressional career is one he told on himself. When his first bill came up on the floor of the House, he rose and made a speech in support of it, then sat down.

Rep. Fred Tabbott of Maryland leaned over and told me: 'You just couldn't hold it in, could you? You had to make a speech. Everything you said was taken down by the clerk and it will go into the Congressional Record, and you can't ever take it out. If you want to get ahead here, you have to be a work horse and not a showhorse.' "

Hayden never forgot. He later became known as "the silent senator." Except for the six-week filibuster he and Sen. Ashurst staged in 1937, his congressional speeches numbered exactly three in 50 years. However, in the last six years he had become quite talkative, making several short speeches.

During World War II and the years that followed, including the Korean War and the Cold War, Sen. Hayden carried the heavy burden of work as acting chairman, then chairman, of the Senate Appropriations Committee. But he still found time to continue his work on the proposed Central Arizona Project and to encourage the establishment of air training fields in Arizona.

Mrs. Hayden, the former Nan Downing of Los Angeles, died in Washington on June 25, 1961. They were married Feb. 15, 1909. She earlier had suffered a stroke, and for many years was a semi-invalid. As a result, the Haydens took little part in Washington social life. The senator maintained a modest apartment near the capitol so he could be with her as much as possible. They had no children.

In recognition of his long service, Sen. Hayden had been awarded honorary doctor of laws degrees by both Arizona State University and the University of Arizona. He had served as president pro tempore of the Senate since 1957, when he became its dean. Oct. 21 of that year he set a record for continuous service in Congress, breaking the 45-year, eight-month record of Rep. Adolph J. Sabath of Illinois. On Feb. 19, 1958, he set a new 46-year record for total continuous service in Congress.

Sen. Hayden's record length of service in Congress may never be equalled. Rep. Carl Vinson, D-Ga., served 50 years from 1914 to 1964, and Sam Rayburn, former speaker, served from 1913 to 1961.

Sen. Hayden would have completed a full 57 years as of Feb. 19, 1969, had his term extended that long. He retired at the end of his term in the Senate on Dec. 31, 1968.

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### ERA IN STATE'S HISTORY IS ENDED—HAYDEN WIELDED POWER WITHOUT TASTE FOR FLAMBOYANCE

The death of Arizona's ex-Sen. Carl Hayden draws national attention to a political career that could only have happened in America—and in the West.

And the death symbolizes the passing of an era in the political life of the state, an era which gave Arizona its strongest voice in national affairs.

During his almost 57 years' service in Washington, Sen. Hayden climbed the seniority system steps to a position of respected power, partly in the network of friendships he wove through the years with other politicians.

As the chairman for 14 years of the influential Senate Appropriations Committee, he had a hand on the purse-strings to billions of dollars used to run the country.

So many senators were indebted to Hayden for help on their pet projects that, in the words of one observer, while he still was in office, "They'd probably vote landlocked Arizona a navy if he asked for it."

Hayden didn't request a navy for Arizona, but he did shape its future in many areas.

The Central Arizona Project, the Gila Project, later divided into the Welkon-Mohawk and Yuma Mesa projects, the San Carlos Project, the Salt River Project as it is now constituted—all are the handwork of Carl Hayden in Arizona.

He led the way for the entire country in the reclamation of arid lands of the West, in the building of the nation's great highway network and in promoting a strong national defense, particularly in the area of air power.

Under Hayden's guidence, Arizona became one of the foremost states in the training of military pilots and the testing of military equipment. Monuments to this effort include Lake AFB, Williams AFB, Davis-Monthan AFB, the Marine Corps Air Station at Yuma, the Yuma Test Station and the U.S. Signal Corps research and test facility at Ft. Huachuca.

All this was accomplished with a minimum of fanfare by the taciturn Hayden, who never had a taste for the flamboyant.

The Associated Press' Arthur Edson, in 1966, wrote of Hayden: 'In a temple dedicated to windbaggery, he has kept his mouth shut while astutely pushing our invisible tentacles of power."

Other politicians might worry about charisma, but not Hayden, who rarely called a press conference or spoke from the Senate floor and once acknowledged that, for him, "It is no fun making a speech."

When he retired in 1968 he did it with finality. The man who had spent two-thirds of a lifetime at the center of power came home to finish life in the Arizona sun.

"I never liked the climate in Washington," he confessed last spring to a newspaper reporter. "I don't like cold weather. It can't compare with the nice climate we have back here."

His post-retirement routine included reading the daily Senate summary in the Congressional Record and scanning the newspapers and otherwise he attended to private interests, which centered around Arizona history.

Several times a week, until last summer, he visited his office in the Charles Trumbull Hayden Memorial Library (named for his father) at Arizona State University.

In characteristic fashion, he declined to evaluate the nation's leaders he had worked with over the years.

"There is no way to compare presidents," said the man who had served under 10.

One of the senator's last public apparances was last April during the Tempe Centennial celebration when he joined the centennial parade, riding in a convertible and waving at well-wishers.

He celebrated his 94th birthday on Oct. 2 with a small gathering of friends. He was disappointed because the cool weather prevented him from making a football game halftime appearance at Sun Devil stadium where the ASU band was ready to play "Happy Birthday" in his honor.

Throughout his retirement he kept busy with correspondence, both with old friends and young admirers who sought the wisdom of his political experience.

Hayden himself, in his statement announcing his retirement, summarized his career:

"Arizona's foundation includes fast highways, adequate electric power and abundant water, and these foundations have been laid. It is time now for a new building crew to report, so I decided to retire from office at the close of my term this year.

"Among other things that 56 years in the House and Senate have taught me, is that contemporary events need contemporary men. Time actually makes specialists of us all. When a house is built, there is a moment for the foundation, another for the walls and roof and so on."

"There is a time of war, and a time of peace, a time to keep, and a time to cast away, a time to weep and a time to laugh, a time to stand, and a time to step aside."

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### NEWS OF DEATH STARTS A FLOOD OF TRIBUTES

"Sen. Carl Hayden's memory and contributions will tower over this state for as long as man is here," Gov. Williams said last night upon hearing of the senator's death.

The Republican governor's tribute was among the first to start pouring into The Arizona Republic as word of Hayden's death spread throughout the state and nation.

"The senator and his father," the governor continued, "spanned the major epochs of our nation and literally hewed the history of our state from a primitive frontier territory to magnificent statehood and maturity.

"The reward of a thing well done is to have done it and the reward of a life is to have lived it.

"Sen. Hayden lived a good life from county sheriff to U.S. senator and left a great state and a great heritage for us all."

Ernest W. MacFarland, former Democratic governor, state Supreme Court justice and U.S. Senate majority leader, said of his friend and colleague:

"The passing of Sen. Hayden is a great loss to Arizona. I'm proud to be able to say he had been a friend of mine for over 40 years. It was a pleasure to serve in the Senate with him. One person could not begin to enumerate his accomplishments. So many of them are unknown, such as serving upon the secret atomic energy research committee which resulted in the making of the atomic bomb.

"He was a man always willing to help friends. Anyone needing help could always turn to Sen Hayden. He was a great senator.

History will record him as one of the truly great. His family has my deepest sympathy."

Eugene C. Pulliam, publisher of The Arizona Republic and The Phoenix Gazette, said:

"Carl Hayden was the architect of Arizona's present status as one of the most attractive states in the West. He was a leader in bringing Arizona out of territorial uncertainties and giving it almost immediate national recognition as the land of opportunity with its unsurpassed natural beauty and a fresh and undying faith in the future of the United States.

"Carl Hayden, more than any other man, created what America knows today as Arizona. Although a loyal Democrat, both by inheritance and conviction, he believed wholeheartedly in the two party system. He always insisted that splinter parties would destroy the republic, and he wanted none of them.

"He served in Congress for nearly 57 years, and 75 per cent of his working hours were devoted to 'doing something for Arizona.' Almost all his service to the state was nonpartisan. He was for Arizona first, last, and always. He had the courage to say yes as well as to say no. He had the respect of all senators, both Democrats and Republicans, who came to know him as an honest and faithful friend. Somehow, someway, this present generation of Arizonans must find a way to keep his memory and his service forever before our eyes and in our hearts."

Sen. Paul J. Fannin, R-Ariz., declared:

"Arizona has lost one of its great statesmen.

"The Hayden name is written indelibly in the history of our state and nation. Arizona is filled with monuments to his achievements. He was a leader in the reclamation program and one of the architects in the building of the West.

"He served longer in Congress than any other man in our history, and it was my privilege to be in the U.S. Senate during his last four years in Washington. I observed personally the great respect and affection that members of Congress and our government leaders had for Carl Hayden.

"His life was dedicated to public service and I am deeply saddened by the news of his passing."

Roy Elson, the senator's chief administrative aide in Washington for many years and now a vice president of the National Association of Broadcasters in Washington, said of Hayden:

"Now an age has ended. The great heart of Carl Hayden at last is still—after more than 3 billion beats, or one for everyone on earth. He was a strange man from a world now gone, believing in actions above words, principle above politics.

"He was as old-fashioned as the frontier from which he came and as modern as the national highway system he fathered. He was one of the first activists and one of the most practical men in the government.

"He was in every fiber a servant of the people—never believing it ought to be the other way around. As he was for so many others, he was my teacher, my example, and my friend. If there is anything beyond this life, we may be sure he is sitting under the trees with old friends—with presidents and cowboys—swapping stories about the Arizona he loved and worked for, and about the West he came from so very long ago."

Rich Johnson, executive director of the Central Arizona Project Association, said:

"Through the years Sen. Hayden has championed the cause of bringing water from the Colorado River into Arizona. He is known as the father of the Central Arizona Project. Arizona owes him a great debt of gratitude not only for development of water resources but for a great many other things that people seldom even think of.

"As chairman of the Senate Appropriations Committee for many years, he probably contributed more in development of the West through reclamation and other programs than any other man who served in the Congress of the United States."

DEATH DENIES A LAST AMBITION

One of former Arizona Sen. Carl Hayden's final ambitions was never realized—to see publication of a book he wrote as a tribute to his pioneer parents.

The Arizona Historical Society, with which Hayden worked closely for many years, undertook publication of the book which the longtime senator completed shortly before his final illness. But even with expedited delivery the printer said Feb. 15 was the earliest he could complete the work.

A society spokesman said 200 copies of the book detailing the life of Hayden's father, Charles Trumbull Hayden, and his mother, would be delivered to his survivors for distribution to friends he had listed. An additional 300 copies will be printed for sale.

## TIME SET ASIDE NEXT WEEK FOR EULOGIES TO FORMER SENATORS HAYDEN, ROBERTSON, AND HOLLAND

Mr. MANSFIELD. Mr. President, for the information of the Senators from Arizona, Virginia, and Florida, it is the intention of the joint leadership next week to set aside a half-hour on 3 days so that on those days the Members will be able to express their feelings on the passing of three distinguished former Members—the former Senator from Arizona, Mr. Hayden; the former Senator from Virginia, Mr. Robertson; and the former Senator from Florida, Mr. Holland.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. May I ask unanimous consent, if it is needed, to have the eulogies printed as separate Senate documents, to be distributed to the families and friends?

Mr. MANSFIELD. Yes, indeed.

Mr. GOLDWATER. I make that request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. AIKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes.

## PRESIDENT NIXON'S EFFORTS TO END THE WAR IN INDOCHINA

Mr. AIKEN. Mr. President, I wholeheartily endorse President Nixon's disclosure of the efforts which have been made to end the war in Indochina and restore the countries of that area to a level of sound economy and better living.

I have suspected for some time that private talks with the North Vietnamese were underway, but I did not know definitely until the President made the announcement last night.

The people of that part of the world have suffered too much and too long.

The losses in life and property and well being have been enormous.

I grant that the United States has made mistakes over the past 10 years, but I do not forget that after the French evacuated that area that North Vietnam, without mercy, executed an estimated 200,000 people in their clamor for vengeance.

Nor do I forget that the United States at that time furnished shipping to transport an estimated 900,000 refugees out of the dangerous area in order to keep them from sharing the same fate.

It was our voluntary responsibility for the safety and well-being of these refugees that brought us into a situation in South Vietnam which eventually developed into war.

The people of the United States and the people of the world should know and they will know from President Nixon's disclosure that peace with honor and a restored economy can be achieved in that area whenever North Vietnam sees fit to abandon barbaric practices against helpless victims and expresses a willingness to cooperate in making the area of Indochina a better and decent place to live.

I do not know whether North Vietnam will agree to this cooperation or not but, if it does not, then I believe that the countries of the world and particularly the countries of Eastern Asia, large and small, should realize that this problem is their problem, too, and take such steps as may be necessary to restore the well-being of the people there.

## TRUE BUDGET DEFICIT FOR 1973 IS $36.2 BILLION

Mr. ELLENDER. Mr. President, when the President submitted the budget for fiscal year 1973 on Monday, January 24, 1972, I stated for the Record that the press and other news media would misrepresent the deficit as being $25.5 billion. This misleading figure is based on the false assumption that the surpluses accumulated in the various trust funds, amounting to $10.7 billion in fiscal year 1973, can be counted as revenue and used to offset deficits in the budget.

I said that the true deficit for fiscal year 1973 is $36.2 billion, which is the deficit in the Federal funds, or administrative, budget. Under this unified concept, which was begun in fiscal year 1969, the surplus in the trust funds of $10.7 billion has been deducted in order to arrive at a figure of $25.5 billion as the deficit.

This is an erroneous figure. It actually serves the purpose of deceiving the American people as to the true cost of government.

Illustrative of what I said on Monday on the Senate floor is a headline published in the Washington Post on Tuesday, January 25, 1972, reading: "Nixon Asks $246 Billion With $25 Billion Deficit." That is wrong. The deficit is $36.2 billion. Here is the headline, and I show it to the Senate.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Moss) laid before the Senate the following letters, which were referred as indicated:

### Proposed Legislation Relating to Leave for Members of the Uniformed Services

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 703 (b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas (with an accompanying paper); to the Committee on Armed Services.

### Report on Enforcement of Consumer Credit Protection Act

A letter from the Attorney General, transmitting, pursuant to law, a report on enforcement of title I of the Consumer Credit Protection Act, for the calendar year 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

### Report of Export-Import Bank of the United States

A letter from the Secretary, Export-Import Bank of the United States, Washington, D.C., reporting, pursuant to law, in connection with U.S. export to Yugoslavia; to the Committee on Banking, Housing, and Urban Affairs.

### Report of Georgetown Barge, Dock, Elevator, and Railway Co.

A letter from the firm of Steptoe & Johnson, Attorneys at Law, Washington, D.C., transmitting, pursuant to law, a report of the Georgetown Barge, Dock, Elevator, and Railway Co., for the year 1971 (with an accompanying report); to the Committee on the District of Columbia.

### Proposed Authorization of Appropriations for the Saline Water Conversion Program

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for the Saline Water Conversion Program for fiscal year 1973, to delete section 6(d) of the Saline Water Conversion Act, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

### Report of Federal Judicial Center

A letter from the Director, the Federal Judicial Center, Washington, D.C., transmitting, pursuant to law, a report of that Center, for the year 1971 (with an accompanying report); to the Committee on the Judiciary.

### Proposed Extension of Commission on Civil Rights

A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a draft of proposed legislation to extend the Commission on Civil Rights for 5 years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

### Report of National Advisory Council on Education Professions Development

A letter from the Chairman, National Advisory Council on Education Professions Development, Washington, D.C., transmitting, pursuant to law a report of that Council entitled "Windows to the Bureaucracy" (with an accompanying report); to the Committee on Labor and Public Welfare.

### Proposed Authorization of Appropriations for National Science Foundation

A letter from the Director, National Science Foundation, Washington, D.C., transmitting a draft of proposed legislation to authorize appropriations for activities of the National Science Foundation, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

### Report on Noise

A letter from the Administrator, Environmental Protection Agency, Washington, D.C., transmitting, pursuant to law, a report on noise, dated December 31, 1971 (with an accompanying report); to the Committee on Public Works.

### Proposed Authorization of Appropriations for U.S. Atomic Energy Commission

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed legislation to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (with an accompanying paper); to the Joint Committee on Atomic Energy.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Moss):

The petition of Albert S. Sullivan, of the State of Illinois, praying for a redress of grievances; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 226. A resolution to provide additional funds for the Committee on Agriculture and Forestry for routine committee expenditures (Rept. No. 92–596).

S. Res. 240. An original resolution authorizing additional expenditures by the Committee on Rules and Administration for inquiries and investigations (Rept. No. 92–597).

S. Res. 239. An original resolution authorizing the printing of the 73d Annual Report of the National Society of the Daughters of the American Revolution (Mar. 1, 1969–Mar. 1, 1970) as a Senate document (Rept. No. 92–598).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HUMPHREY:

S. 3073. A bill to create River Basin Waste Treatment Authorities for the purpose of assuming control over, planning, constructing, and operating waste treatment facilities throughout the United States in order to eliminate water pollution in our nation's rivers and streams. Referred to the Committee on Public Works.

By Mr. HARTKE (by request):

S. 3074. A bill to amend title 38, United States Code, to provide for the review of certain veterans' benefit cases forfeited for fraud on or before September 1, 1959, and for remission of forfeitures. Referred to the Committee on Veterans' Affairs.

By Mr. HARTKE:

S. 3075. A bill to increase the contribution of the Federal Government to the costs of employees' health benefits insurance. Referred to the Committee on Post Office and Civil Service.

S. 3076. A bill to strengthen and improve the Older Americans Act of 1965. Referred to the Committee on Labor and Public Welfare.

By Mr. McINTYRE:

S. 3077. A bill for the relief of Okechukwu Baldwin M. Ewuzie and Theresa Nwanneka Ewuzie. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3078. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. DOLE:

S. 3079. A bill for the relief of Capt. Ronald W. Grout, USAF. Referred to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Williams, Mr. Javits, Mr. Schweiker, Mr. Bayh, Mr. Brooke, Mr. Case, Mr. Cranston, Mr. Eagleton, Mr. Harris, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Ribicoff, Mr. Scott, Mr. Stafford, Mr. Stevenson, and Mr. Tunney):

S. 3080. A bill to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. GOLDWATER (for himself and Mr. Fannin):

S.J. Res. 188. A joint resolution providing for renaming the central Arizona project as the Carl Hayden project. Referred to the Committee on Interior and Insular Affairs.

By Mr. BROCK:

S.J. Res. 189. A joint resolution to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action," and to designate Sunday, March 26, 1972, as a national day of prayer for these Americans. Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY:

S. 3073. A bill to create river basin waste treatment authorities for the purpose of assuming control over planning, constructing, and operating waste treatment facilities throughout the United States in order to eliminate water pollution in our Nation's rivers and streams. Referred to the Committee on Public Works.

### RIVER BASIN WASTE TREATMENT AUTHORITY ACT OF 1971

Mr. HUMPHREY. Mr. President, I am today introducing the River Basin Waste Treatment Authority Act of 1972. This legislation mandates the creation of water basin regionwide sewage authorities that will be accountable for treating all water pollution—from whatever the source—within the boundaries of that river basin. The authorities will own and manage existing plants, will plan and build new facilities.

Mr. President, only 70 percent of the Nation's population is served by sewer systems; and only about 40 percent of these treatment plants are adequate to meet needs. A majority of the sewage plants in the United States are overloaded or in need of major upgrading. Even fewer collection systems are designed to handle storm water runoff.

In addition, our current efforts at water quality control are marked by, in the words of a report from the Public Works Committee: fragmented responsibility; jurisdictional incompleteness which allows entire areas to be completely unserviced; the financial weakness of local units responsible for implementation; the irrational posture of Federal enforcement; the gap between authorization and appropriation; the sad fact that many States and localities have had to pay the Federal share of treatment works costs; the impounding of Federal water and sewer funds; and the financial havoc which promised but unpaid Federal shares have caused to local and regional organizations.

Some of these deficiencies will likely be corrected by Federal Water Quality Control Amendment passed by the Senate last session. I heartily support the good work of the Public Works Committee; but I am apprehensive because I feel that unless we take a completely systematic approach to water pollution treatment, then our programs will always be inadequate. Our approach in the past has largely been negative. We have worked with the planning agencies of States and localities to come up with plans which essentially say to communities—you build the treatment plants. And that has been all. Our financial assistance has been skimpy at best, even where it has been forthcoming at all.

It seems clear to me that when over 1,400 communities dump raw sewage in rivers; when many existing plants are inefficient with poor design, poor operation, and maintenance; when waste loads from municipal systems are expected to increase four times over the next 50 years; when over 1,000 communities outgrow their treatment systems each year; when there are lengthy delays in enforcement, then if we are ever to solve our pollution problem, we must have a new concept, an approach of new jurisdictional entities which have responsibility for entire river basins.

These new agencies must have responsibility for entire river basins. They must be charged not only to plan for interstate, interlocal, and interregional cooperation, but also for building, operating, and maintaining adequate treatment facilities.

Their operations and building programs will be financed by user charges against users of existing plants as well as new plants. The authorities will fund their building programs by issuing bonds for the entire cost of construction on the national investment markets. The Federal Government will pledge to pay 40 percent of the debt service costs. The terms of the bonds will be long so as to approximate the useful life of the facilities.

In addition, the authorities will have full powers of condemnation so that they will be able to carry out expeditiously an effective pollution control program. We must put the responsibility for pollution control in a single agency for each river basin and then give that agency the powers, tools, and assistance that will insure it can carry out its mandate.

While the financing of agency bonds will be federally guaranteed and insured, the agencies will not be Federal instrumentalities. Rather they will be supervised and operated by boards that represent States and local governments.

The Federal responsibility will be in standard setting in order to assure a minimum level of clean water for citizens throughout this country; the major responsibility and operating details remain with the States and localities.

The bill represents a new approach to solving our water pollution crises. I ask that the text of the bill and a section-by-section summary be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

### S. 3073

A bill to create River Basin Waste Treatment Authorities for the purpose of assuming control over, planning, constructing, and operating waste treatment facilities throughout the United States in order to eliminate water pollution in our nation's rivers and streams

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE

SECTION 1. This Act may be cited as the "River Basin Waste Treatment Authority Act of 1971".

### FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that the continued deterioration of our water supply threatens the integrity of our national environment and that improvement in the cleanliness of our water supply is essential to the survival of our citizens and our system; that continued population growth and industrial expansion mean an ever mounting demand for clear, usable water; that after two decades of experience with water pollution control efforts, the purity of water is no more assured today than it was when Federal efforts first began; that an effective program of pollution control necessitates expenditures by government over and above the capital investment of $18 billion needed to meet existing water quality standards over the next five years; that State and local governments even when aided by Federal grant programs cannot provide either the funds or the personnel necessary to assure water quality; and that effective pollution control requires coordination of treatment systems, river basin-wide planning and implementation, and access to large amounts of funds.

(b) The purpose of this Act is to constitute throughout the United States River Basin Waste Treatment Authorities that will assume control over, plan, build, operate, and maintain waste treatment facilities sufficient to control and abate water pollution in entire river basin drainage systems.

### DEFINITIONS

SEC. 3. For the purposes of this Act the term—

(1) "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam;

(2) "waste treatment facilities" means installations and devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances;

(3) "Administrator" means the Administrator of the Environmental Protection Agency; and

(4) "Authority" means a River Basin Waste Treatment Authority established pursuant to this Act.

### DESIGNATION OF RIVER BASINS

SEC. 4. The Administrator, after consultation with the Secretary of the Army and the Secretary of the Interior and within ninety days after the date of enactment of this Act, shall designate river basin regions which together will encompass the entire United States. The area of each such region shall be determined on the basis of physical, hydrologic, or other relationships which will enable the provision of the most systematic and economical waste treatment for the area.

### ESTABLISHMENT OF AUTHORITIES

SEC. 5. (a) There is hereby established an Authority for each region designated pursuant to section 4. Such Authority shall not be an agency or establishment of the United States Government but shall be subject to the provisions of this Act, and to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

(b) (1) Each Authority shall have a board of directors consisting of—

(A) the Governor, or his designee, of each State within the Authority's region;

(B) the mayor, or his designee, of each city having a population of 35,000 or more within such region;

(C) a designee of the governing board of each county which is entirely within such region and has within it a city having a population of 35,000 or more; and

(D) a representative of the Environmental Protection Agency designated by the President;

(2) The President is authorized to appoint an appropriate substitute for any director authorized pursuant to paragraph (1) but not designated as provided in such paragraph and such substitute shall serve until a director is appointed pursuant to such paragraph. Each director who is a representative of the Environmental Protection agency shall serve for a term of five years. Vacancies shall be filled in the same manner as initial appointments.

(3) For the purpose of this subsection population shall be determined on the basis of the latest decennial census.

(c) Each director, other than those in the employ of the Federal or a State government, shall receive compensation at the rate of $100 per diem. All directors shall be reimbursed for actual expenses, including travel and subsistence expenses incurred by them in the performance of their duties.

(d) A majority of the designated members of each board shall constitute a quorum for the purpose of carrying out the functions of the board.

### FUNCTIONS

SEC. 6. Each Authority shall within its region—

(1) acquire, by purchase, condemnation, or otherwise, not later than June 30, 1973, and operate all public waste treatment facilities;

(2) prepare and carry out a plan for providing, as soon as practicable and for the future, such additional waste treatment facilities as are necessary to comply with State and Federal requirements and standards for water pollution control;

(3) construct, in accordance with estab-

lished priorities in such plan, such waste treatment facilities as are necessary to carry out such plan;

(4) cooperate with other Authorities in preparing and carrying out such plan;

(5) determine any disputes that may arise with other Authorities with respect to the location of facilities in border areas or other matters by appeal to the Waste Treatment Facilities Review Board established pursuant to section 8; and

(6) levy appropriate charges for the use of its facilities as are necessary to provide funds to carry out its functions, including the retirement of the Authority's indebtedness.

### POWERS

SEC. 7. Each Authority shall have the following powers:

(1) to adopt, alter, and use a corporate seal;

(2) to adopt, amend, and repeal bylaws, rules, and regulations governing the manner of its operations, organization, and personnel, and the performance of the powers and duties granted to or imposed upon it by law;

(3) to appoint and fix the compensation of such personnel as may be necessary to carry out its functions, including a general manager who shall be the executive officer for the board of directors and who shall not receive compensation in excess of the maximum rate prescribed for GS-18 in the General Schedule of section 5332(a) of title 5, United States Code;

(4) to sue and be sued in its corporate name;

(5) to acquire by purchase, lease, condemnation, or in any other lawful manner, any property, or any interest therein; to hold, maintain, use, and operate the same; to provide services in connection therewith, and to charge therefor; and to sell, lease, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary or appropriate for the conduct of the business of the Authority and to carry out the Authority's functions;

(6) to construct, operate, lease, and maintain buildings, facilities, and other improvements, as may be required to carry out its functions;

(7) to accept gifts or donations of services or personal property, tangible or intangible, in aid of any of its functions;

(8) to enter into contracts or other arrangements, or modifications thereof, with State and local governments, with any agency or department of the United States, with governments of foreign countries, with international organizations, or with any person, firm, association, or corporation;

(9) to issue and have outstanding such obligations, in such amounts, having such maturities, bearing such rates of interest, and to be redeemable at such time, as the board of directors determines to be necessary to carry out its functions;

(10) to execute, in accordance with its bylaws, rules, and regulations, all instruments necessary or appropriate in the exercise of any of its powers; and

(11) to take such action as may be necessary to carry out the powers conferred upon the authority including such other powers as are conferred upon a stock corporation by the District of Columbia Business Corporation Act.

SEC. 8. (a) There is hereby established within the Environmental Protection Agency a Waste Treatment Review Board which shall have five members appointed by the President. Such Board shall hear and decide any matters in controversy between Authorities with respect to their functions pursuant to this Act. Decisions of the Board shall be final.

(b) The Administrator shall furnish the Board with such personnel and other assistance it may need to carry out its functions pursuant to this section.

### FEDERAL FINANCIAL ASSISTANCE

SEC. 9. (a) For each fiscal year beginning after June 30, 1973, the Secretary of the Treasury is authorized to make a payment to each Authority of an amount equal to 40 per centum of the amount of interest paid by such Authority during such year on obligations issued pursuant to section 7(9) of this Act.

(b) There are authorized to be appropriated such amounts as are necessary to carry out the provisions of this section.

### GUARANTY OF AUTHORITIES' OBLIGATIONS

SEC. 10. (a) The Government National Mortgage Association is authorized upon such terms and conditions as it may deem appropriate, to guarantee the timely payment of principal of and interest on obligations issued by the Authorities. The Association shall collect from the Authorities a reasonable fee for any such guarantee and shall make such charges as it may determine to be reasonable for the analysis of any obligation proposed to be issued by an Authority. In the event an Authority is unable to make any payment of principal of or interest on any obligation guaranteed under this section, the Association shall make such payment, and thereupon shall be subrogated fully to the rights satisfied by such payment. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this section.

### NATURE OF AUTHORITIES' OBLIGATIONS

SEC. 11. All obligations issued by the Authorities shall be lawful investments and may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. Obligations issued by Authorities pursuant to this Act shall be deemed to be exempt within the meaning of the laws administered by the Securities and Exchange Commission to the same extent as securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States.

### FEDERAL RESERVE BANKS TO BE FISCAL AGENTS

SEC. 12. The Federal Reserve Banks are authorized and directed to act as depositories, custodians, and fiscal agents for the Authorities, for their own account or as fiduciary, and such banks shall be reimbursed for such services in such manner as may be agreed upon.

### AUTHORIZATION OF APPROPRIATIONS FOR INITIAL EXPENSES OF AUTHORITIES

SEC. 13. There is authorized to be appropriated not to exceed $——— for payments to the Authorities to cover organizing and other initial expenses until such time as is established by the Administrator when the Authorities will be self-sustaining in accordance with the provisions of this Act. Amounts appropriated pursuant to this section shall be allocated by the Administrator among the Authorities on the basis of the population served by each Authority and such other factors as the Administrator determines appropriate to be equitable for the purposes of this Act. The Administrator shall make payments to each Authority from its allocation in accordance with such requirements as are established by the Administrator to protect the interests of the United States.

### TERMINATION OF CERTAIN ASSISTANCE PURSUANT TO THE FEDERAL WATER POLLUTION CONTROL ACT

SEC. 14. It is the intent of Congress in enacting this Act to make no appropriations for fiscal years beginning after June 30, 1973, for assistance to the States or local governments pursuant to the Federal Water Pollution Control Act or any other law for treatment works or planning or research with respect thereto.

### PREPARATION OF OBLIGATIONS

SEC. 15. In order to furnish obligations for use by the Authorities, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Waste Treatment Facilities Review Board may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Authorities. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The Authorities shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

### ANNUAL REPORT

SEC. 16. Each Authority shall submit to the Congress and to the Environmental Protection Agency a report of its progress and operations at the end of each calendar year.

### TAX EXEMPTION

SEC. 17. The Authorities, their property, capital, reserves, surplus, security holdings, and other funds, and their income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority, except that (1) any real property and tangible personal property of the Authorities shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Authorities shall be subjected both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

### SEPARABILITY

SEC. 18. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected.

### SECTION-BY-SECTION SUMMARY

Sec. 1. Citation of Act—River Basin Waste Treatment Authority Act of 1971.

Sec. 2. Sets forth the findings and purposes of the Act which are that demands are ever increasing for clean water, that previous governmental measures have failed to assure such clean water and therefore that River Basin Waste Treatment Authorities be created to build and operate treatment facilities for entire river basin systems.

Sec. 3. Defines various terms used in the Act.

Sec. 4. Directs the Administration of the Environmental Protection Agency to designate river basin regions in which the Authorities will operate.

Sec. 5. Provides for the establishment of the Authorities: (1) one for each river basin region as designated under Sec. 4 which are not to be an agency of the U.S. government; (2) governed by a board of directors representing states, cities, counties and the federal government.

Sec. 6. Outlines the functions of the Authorities within their designated basin including:

Acquiring waste treatment facilities;

Planning and building additional necessary facilities;

Cooperating with other Authorities; and

Levying user charges.

Sec. 7. Establishes the general corporate powers of the Authorities.

Sec. 8. Creates within the Environmental Protection Agency a Waste Treatment Review Board to decide all controversies.

Sec. 9. Authorizes the appropriation of federal moneys to pay an amount equal to 40% of the interest on bonds issued by each Authority.

Sec. 10. Authorizes the guarantee of obligations issued by the Authorities by the Government National Mortgage Association and pledges the full faith and credit of the United States for any obligations so guaranteed.

Sec. 11. Provides that obligations issued by the Authorities will be lawful investments and will be exempt from registration with the S.E.C.

Sec. 12. Designates the Federal Reserve Banks as fiscal agents for the Authorities.

Sec. 13. Authorizes appropriations for startup expenses.

Sec. 14. Terminates after June 30, 1973 the assistance activities carried out under the Federal Water Pollution Control Act.

Sec. 15. Authorizes the Secretary of the Treasury to prepare obligations to be issued by the Authorities.

Sec. 16. Directs that an annual report be submitted by each Authority to the Congress and the Environmental Protection Agency.

Sec. 17. States the tax status of the Authorities which shall be exempt from tax except as to real property and interest on their obligations.

Sec. 18. Allows the severance of any invalid provision and reaffirms the validity of the remainder.

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By Mr. HARTKE:

S. 3075. A bill to increase the contribution of the Federal Government to the costs of employees' health benefits insurance. Referred to the Committee on Post Office and Civil Service.

### EXTENDED HEALTH BENEFITS FOR FEDERAL EMPLOYEES

Mr. HARTKE. Mr. President, we have recently witnessed the serious situation created by the increase in health insurance rates for most Federal workers. In January of this year, health insurance rates increased for most Federal workers. The rate increase was partially offset by more Government contributions toward the biweekly premium. Existing law provides that the Government must pay 40 percent of the average high-option premium of the six major plans. Nonetheless, the impact on the pocketbook of the Federal worker was direct and substantial.

This is another example of the many inequities that have been leveled against the Federal worker. The legislation that I introduce today would alleviate to a considerable degree the inequities faced by the Federal worker in the area of health insurance. I propose that the Federal Government pay the entire cost of the Federal employee's health insurance. There are those who will say this is an attempt to give Government workers excess privileges. It is my contention that Federal employees have never been the object of excessive privileges. We tend to forget that increased wages and fringe benefits for Federal employees have served to raise the living standards of the Federal worker to those enjoyed by his counterparts in private industry, rather than to surpass them.

This is particularly relevant in the area of health benefits. Recent studies show that private firms have moved ahead of the Federal Government in the area of employee health insurance costs. The studies show a substantial number of private firms now pay all health plan charges. Industry practices from 1960 to 1970 show the percentage of factory workers covered by fully paid insurance plans rose from 48 to 66 percent. For office workers, the number in noncontributory plans during that same period rose from 39 to 53 percent. Although the trend is clear, the Federal Government has shown little inclination to ease the soaring costs of health insurance faced by Federal employees. I call upon the Senate to give serious consideration to the need to substantially increase the Government's participation in health insurance plans.

I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 3075

A bill to increase the contribution of the Federal Government to the costs of employees' health benefits insurance

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 8906(a) of title 5, United States Code, is amended by striking out "40 percent" and inserting in lieu thereof "70 percent and increasing 5 percent per year until reaching 100 percent of the average of the subscription charges".

The amendments made by this Act shall become effective at the beginning of the first applicable pay period which commences after January 1, 1972.

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By Mr. HARTKE:

S. 3076. A bill to strengthen and improve the Older Americans Act of 1965. Referred to the Committee on Labor and Public Welfare.

### COMPREHENSIVE OLDER AMERICANS SERVICES BILL

Mr. HARTKE. Mr. President, today I am introducing a bill that is designed to strengthen and improve the Older American's Act of 1965. Millions of older American citizens, particularly those over the age of 65, are deprived of the opportunity to carry on normal lives because our society has failed to supply them with the minimal services to which they are entitled. The elderly are increasingly confronted by obstacles in their environments which prohibit them from living normal lives.

In the past, we have tended to emphasize the economic obstacles encountered by the aged. Major barriers exist, however, in the areas of health, housing, transportation, and other social services. We must realize that the needs of the elderly cannot be defined merely on the basis of their budgets, but must be determined on the basis of what is essential for a life of dignity. Consequently, it is our obligation to provide community services that will raise the standard of living of our elderly citizens so that in their advancing years they can maintain their self-respect as human beings.

A recent study by the Gerontological Society found that no community in the United States has developed a comprehensive network of services for the aging and the aged. This serious dilemma has been voiced at every conference on aging, yet little action has been forthcoming. A national commitment is necessary to cope with the need to establish services for the elderly. Provisions for services for the aged demands immediate consideration. The proposal I am introducing today is a significant step in that direction.

The comprehensive older Americans services bill is a very broadly based and comprehensive effort to meet the needs of the elderly. It will establish programs to provide a full scale of health, education, and social services for elderly citizens. This legislation is aimed at the coordination of the now existing fragmented services and the creation of new programs to deal with those needs that have been neglected in the past. Specifically, the comprehensive older Americans services bill would accomplish the following objectives:

First, a strengthening of the Administration on Aging: One of the key features of the comprehensive older Americans services bill is to strengthen the role of the Administration on Aging. The Commissioner is made directly responsible to the Secretary of Health, Education, and Welfare and may not delegate any of his functions to an officer who is not directly responsible to him. The increased responsibility of the Commissioner is intended to make the administration of the programs for the elderly a more effective operation. The Administration on Aging will perform the following new functions: Develop the basic policies and set priorities for the development and operation of programs for the elderly, as well as coordinate programs for the elderly—programs with a view to a nationwide network of comprehensive, coordinated services and opportunities for the elderly—to coordinate and assist in the planning and to carry on a continuing evaluation of the programs and activities concerning the elderly.

Second, this bill would provide specifically that Federal agencies proposing to establish programs related to the purposes of this act would consult with AOA prior to the establishment of such programs both in the planning and implementation stages. Hopefully this will eliminate the overlapping and competitive services among different agencies.

Third, establishment of communication center: Because many problems arise as a result of a lack of information, the bill provides for the creation of a national information and resource center for the aging which would collect, review, organize, publish, and disseminate information and data pertaining to the particular problems experienced by the elderly. The collected material would necessarily include information and data with respect to medical and rehabilitation facilities, education, vocational training, employment, transportation, and housing.

Fourth, gerontological centers to study the aging process: To provide the appropriate services to the elderly it is necessary to conduct more through research into the biological causes and effects of aging. To promote such research, the older American services bill establishes an independent agency called the gerontological research center. Not only would the center research the biological aspects of aging but it would also evaluate existing programs and develop priorities for new programs designed to increase knowledge of the biological aspects of aging.

Fifth, preretirement training program: Most aged citizens suffer social and economic adjustment pains as they leave their highly active and productive lives and move into a state of retirement. To permit them to maintain healthy and dignified lives even in their retirement, this bill empowers the Secretary of Health, Education, and Welfare to create and administer in conjunction with any public or nonprofit private agency, preretirement programs providing education, information and other pertinent services. This would facilitate the transition into retirement.

Sixth, employment: To allow the elderly to remain as active as possible in retirement the bill authorizes grants to create programs that would provide the elderly with opportunities to engage in public service work. This would enable the utilization of skills possessed by the aged as well as providing productive work for them.

Seventh, nutrition programs: Since numerous aged citizens suffer from a lack of proper nutrition, this legislation proposes to elevate the nutritional level by grants to States that effectuate a State plan to meet the dietary needs of the elderly. Hopefully the programs would be oriented to provide balanced meals in multipurpose senior centers, home delivered meals for individuals requiring such services because they are homebound, or disabled, and nutritional counseling and information.

Eighth, senior citizen community centers: The comprehensive older Americans services bill provides for grants to public and nonprofit agencies for the construction of multipurpose senior centers.

Ninth, transportation: One of the major barriers confronting the elderly is that of transportation. Without suitable transportation many of the elderly are stranded and are forced to lead immobile, inactive lives. This proposal calls for a thorough study of the transportation problems of the elderly to be followed by the establishment of the programs to meet those transportation needs. The transportation services would be likely to include: special transportation subsystems for older persons, or similar groups with mobility restrictions, portal to portal service, demand actuated services, reduced rates for the aged, and payments directly to the older persons to enable them to obtain reasonable and necessary transportation services.

Tenth, the last, but one of the most important aspects of this bill is to provide for continuing education of the elderly. Programs would be developed to enable the older person to continue a productive life, to retrain them for other types of employment, or programs designed to broaden the education, cultural or social awareness of the elderly.

Mr. President, I believe that this legislation establishes a series of realizable goals which, if implemented, would permit the elderly of the country to live lives of dignity and economic security. I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3076

A bill to strengthen and improve the Older Americans Act of 1965

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Older Americans Act Amendments of 1972."

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that millions of older citizens, particularly those over sixty-five years of age, in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to citizens with special needs in planning such programs, and, pending the availability of such programs for all citizens, give priority to the elderly with the greatest economic and social need,

(3) provide comprehensive programs which will deliver a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of community, and State and local governments, with appropriate assistance from the Federal Government.

(b) Section 101(8) of the Older Americans Act of 1965 (hereinafter referred to as "the Act") is amended by inserting after "services" the following: ", including access to low-cost transportation,".

EXTENSION OF PROGRAMS

SEC. 3. (a) Section 301 of the Act is amended by striking out "and" after "1971," and inserting after "1972" the following: ", $150,000,000 for the fiscal year ending June 30, 1973, $200,000,000 for the fiscal year ending June 30, 1974, and $250,000,000 for the fiscal year ending June 30, 1975,".

(b) Section 305(b) of the Act is amended by striking out "and" after "1970," and inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

(c) Section 603 of the Act is amended by striking out "and" after "1971," and by inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

(d) Section 614 of the Act is amended by striking out "and" immediately after "1971," and inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

(e) Section 703 of the Act is amended by striking out "and" immediately after "1971," and inserting after "1972" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1975".

AMENDMENTS TO TITLE II

SEC. 4. (a) Section 201(b) of the Act is amended by adding at the end thereof the following: "The Commissioner on Aging shall be the principal officer of the Department of Health, Education, and Welfare for carrying out this Act. In the performance of his functions, he shall be directly responsible to the Secretary and not to or through any other officer of that department. The Commissioner on Aging shall not delegate any of his functions to any other officer who is not directly responsible to him."

(b)(1) Section 202 of the Act is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities related to the purpose of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local) and nonprofit private agencies of programs for older persons, with a view to the establishment of a nationwide network of comprehensive coordinated services and opportunities for such persons;

"(12) call conferences of such authorities and officials of public (including Federal State, and local) and nonprofit private agencies or organizations concerned with the development and operation of programs for older persons as the Secretary deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities related to the purposes of this Act which are not otherwise provided by existing programs for older persons;

"(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act with particular attention to the impact of medicare and medicaid, the Age Discrimination Act, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes and other facilities providing care for older people;

"(15) serve as a clearinghouse for applications for Federal assistance to private nonprofit agencies and institutions for the establishment and operation by them of programs and activities related to the purposes of this Act; and

"(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(2) Section 202(4) of the Act is amended to read as follows:

"(4) develop plans, conduct and arrange for research in the field of aging, and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, and health services;".

(c) Title II of the Act is amended by adding at the end thereof the following new sections:

"FEDERAL AGENCY COOPERATION

"SEC. 203. Federal agencies proposing to establish programs related to the purposes of this Act shall consult with the Administration on Aging prior to the establishment of such programs, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying them out.

"MATERIAL INFORMATION AND RESOURCE CENTER FOR THE AGING

"SEC. 204. (a) There is hereby established, within the Administration on Aging, a National Information and Resource Center for the Aging (hereinafter referred to as the "Center"). The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions.

"(b)(1) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops, or technical consultation) information and data related to the particular problems caused by aging, including information describing measures which are or may be employed for meeting or overcoming such problems, with a view to assisting older individuals, and organizations and persons interested in the welfare of older persons, in meeting problems which are peculiar to, or are made more difficult for, older individuals.

"(2) The information and data with respect to which the Center shall carry out its duties and functions under paragraph (1) shall include (but not be limited to) information and data with respect to the following—

"(1) medical and rehabilitation facilities and services, including Medicare, Medicaid, and other programs operating under the Social Security Act;

"(2) education;

"(3) vocational training;

"(4) employment;

"(5) transportation;

"(6) architecture and housing (including household appliances and equipment);

"(7) recreation; and

"(8) public or private programs established for, or which may be used in, solving problems of older persons.

"(c) (1) The Secretary shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

"(2) Each other department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Secretary may request for such use.

"(3) The Secretary shall, to the maximum extent feasible, enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

"(d) There is authorized to be appropriated for carrying out this section for the fiscal year ending June 30, 1973, and for each succeeding fiscal year ending before June 30, 1975, such sums as may be necessary."

### AMENDMENTS TO TITLE III

SEC. 5. Title III of the Act is amended by adding at the end thereof the following:

### "ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

"SEC. 307. (a) Applications under this title including construction may be approved only upon a showing that construction of such facilities is essential to the provision of adequate services for the elderly, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

"(b) If within twenty years after completion of any construction for which Federal funds have been paid under this title the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is repaid shall not be more than twenty-five years.

"(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the applicant from whose financial assistance the loan was made, or used for additional loans or grants under this Act."

### AMENDMENTS TO TITLE IV

SEC. 6. Title IV of the Act is amended by redesignating sections 401 and 402 as sections 451 and 452, respectively, by striking out "title" each time it appears and inserting in lieu thereof "part", and by striking out the center heading of the title and inserting in lieu thereof the following:

## "TITLE IV—RESEARCH AND DEVELOPMENT

### "PART A—GERONTOLOGICAL RESEARCH PLAN

### "ESTABLISHMENT OF GERONTOLOGICAL RESEARCH CENTER

"SEC. 401. (a) For the purposes of developing a coordinated national program for research on the biological aspects of aging, there is hereby established an independent agency to be known as the Gerontological Research Center (hereinafter referred to as the 'Center'). The Center shall be located within the Department of Health, Education, and Welfare for administrative purposes only.

"(b) The Center shall be headed by a Board which shall be composed of five members appointed by the President. Two members of the Board shall be biological scientists, one shall be a behavioral scientist, one shall be an administrator, and one shall be a physician. Each person nominated and appointed shall, as a result of his training, experience, and administering, be especially qualified to formulate and appraise programs and activities related to the biological aspects of aging.

"(c) The President shall designate one of the members of the Board to serve as Chairman and one to serve as Vice Chairman. The Chairman shall receive compensation at the rate prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code. Each of the other four members shall receive compensation at the rate prescribed for level IV of the Executive Schedule under section 5315 of such title.

"(d) Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Board shall not affect its powers, and three members of the Board shall constitute a quorum.

### "FUNCTIONS OF THE BOARD

"SEC. 402. (a) The Board shall be responsible for preparing a program, to be known as the gerontological research plan, designed to promote and conduct intensive coordinated research in the biological origins of aging on a continuing basis.

"(b) The Board shall carry out the following duties:

"(1) the collection, analysis, interpretation, and evaluation of information and statistical data related to the biological aspects of aging;

"(2) the appraisal of programs and activities related to the biological aspects of aging;

"(3) the development of priorities for new programs designed to increase knowledge of the biological aspects of aging;

"(4) the development of legislative reports and proposals for new programs to provide greater insight into the biological aspects of aging; and

"(5) conduct research in the biological aspects of aging.

### "BOARD STAFF

"SEC. 403. (a) The Board is authorized to employ such officers and employees as may be necessary to carry out its functions under this part.

"(b) The Board is authorized to obtain services of consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem.

### "POWERS OF BOARD

"SEC. 404. To carry out this part, the Board shall have the authority—

"(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

"(b) to obtain from any department, agency, or instrumentality of the United States, with the consent of the head thereof, such services, advice, and information as the Board may determine to be required by it to carry out its duties;

"(c) to acquire by lease, loan, or gift, and to hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority under this part;

"(d) to enter into contracts or other arrangements, or modifications thereof, with State and local governments, and institutions and individuals in the United States, to conduct programs the Board deems necessary to carry out the purposes of this part, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or other provision of law relating to competitive bidding;

"(e) to make advance, progress, and other payments which the Board deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

"(f) to receive money and other property donated, bequeathed, or devised to the Board, without condition or restriction other than that it be used for the purposes of the Board;

"(g) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

"(h) to make any other expenditures necessary to carry out this part.

### "PART B—RESEARCH AND DEVELOPMENT PROJECTS."

### PRERETIREMENT PROGRAMS

SEC. 7. Title V of the Act is amended by (1) changing the title to read "TRAINING", (2) redesignating section 503 as section 504, and (3) by inserting the following new section:

### "PRERETIREMENT PROGRAMS

"SEC. 503. For the purpose of easing the frequently difficult social and economic adjustments which must be made at some time by most Americans as they pass from the highly productive period of the middle years to the new retirement status of the older citizen, and to assist them in achieving health and dignity in retirement living, the Secretary is authorized—

"(a) to develop and operate, in cooperation with any public or nonprofit private agency, organization, or institution, preretirement programs providing education, information, and relevant services to persons planning retirement;

"(b) to collect and disseminate, through publications and other appropriate means, information concerning research, studies, findings, and other materials developed in connection with activities under this section; and

"(c) to make grants to any public or nonprofit private agency, organization, or institution, and contracts with any agency, organization, or institution, for the evaluation of preretirement programs, the training of personnel to carry out such programs, and the conduct of research with respect to the development and operation of such programs."

### SPECIAL IMPACT PROGRAMS

SEC. 8. (a) The Act is amended by redesignating title VII as title VIII, by redesignating sections 701 through 703 and references thereto as sections 801 through 803, respectively, and by inserting after title VI the following new title:

### "TITLE VII—SPECIAL IMPACT PROGRAMS

### "PART A—SERVICE ROLES IN RETIREMENT

### "GRANTS AND CONTRACTS FOR SERVICE PROJECTS

"SEC. 701. (a) The Secretary is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay not to exceed 90 per centum of the cost of the development and operation of programs designed to provide opportunities for persons aged sixty or over to render public service.

"(b) Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previous made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Secretary may determine.

### "CONDITIONS OF GRANTS AND CONTRACTS

"SEC. 702. The Secretary shall not make any grant or enter into any contract under this part unless the grant application or contract proposal—

"(1) has been submitted by, or has been submitted for review and recommendations to, the State agency (if any) established or designated as provided in section 303(a)(1);

"(2) provides for the use of unpaid, volunteer services, if available; and

"(3) provides that the program will not result in the displacement of employed workers or impair existing contracts for services.

### "INTERAGENCY COOPERATION

"SEC. 703. In administering this part, the Secretary shall consult with the Office of Economic Opportunity, the Department of Labor, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination of the program under this part with such other programs and shall promote the coordination of programs under this part with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this part and in promoting the identification and interest of older persons whose services may be utilized in programs under this part.

### "APPROPRIATIONS AUTHORIZED

"SEC. 704. Such sums as may be necessary are authorized to be appropriated for grants or contracts under this part for the fiscal year 1973, and each succeeding fiscal year ending prior to July 1, 1975.

### "PART B—NUTRITIONAL SERVICES FOR OLDER AMERICANS

### "AUTHORIZATION OF APPROPRIATIONS; GRANTS FOR NUTRITIONAL SERVICES FOR OLDER AMERICANS

"SEC. 711. For the purpose of improving the nutritional level of older persons, there are authorized to be appropriated such sums as may be necessary for the fiscal year 1973, and each succeeding fiscal year ending prior to July 1, 1975. Sums made available under this section shall be utilized by the Secretary to make grants to any State which has in effect a State plan approved under section 303, to assist (as provided in this part) in the planning, establishment, and operation of a program designed to meet the dietary needs of older persons, particularly those of low or moderate income. Such a program shall provide for the establishment and operation in the State of projects providing such services as—

"(1) hot, nutritionally balanced meals for older persons in multipurpose senior centers, in neighborhood centers, and in residential housing for persons of low or middle income;

"(2) home delivered meals for individuals requiring such services because they are homebound or disabled or for other health reasons; and

"(3) nutritional counseling, information, and education for older persons.

### "ALLOTMENTS

"SEC. 712. (a) Not to exceed 1 per centum or $200,000, whichever is larger, of the sum appropriated for any fiscal year under section 711 may be reserved by the Secretary for evaluation (directly or by grants or contracts) of programs assisted under this part.

"(b)(1) From the sum appropriated for any fiscal year under section 711, (A) the Virgin Islands, Guam, and American Samoa shall be allotted an amount equal to one-half of 1 per centum of such sum, and (B) each other State shall be allotted an amount equal to 1 per centum of such sum.

"(2) From the remainder (as determined after application of subsection (a) and paragraph (1) of this subsection) of the sum so appropriated each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all of the States, as determined by the Secretary on the basis of the most recent information available to him, including any relevant data furnished to him by the Department of Commerce.

"(3) A State's allotment for a fiscal year for programs assisted under this part shall be equal to the sum of the amounts allotted to it under paragraphs (1) and (2).

"(c) The amount of any allotment to a State under subsection (b) for any fiscal year which the Secretary determines will not be required for carrying out the purposes of section 711 shall be available for reallotment, from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (1) have need in carrying out such purposes for sums in excess of those previously allotted to them under this section, and (2) will be able to use such excess amounts during such fiscal year. Such reallotments shall be made on the basis of the State plans approved under section 303, after taking into consideration the population aged sixty or over. Any amount so reallotted to a State shall be deemed part of its allotment under subsection (b).

"(d) The allotment of any State under subsection (b) for any fiscal year shall be available for grants to pay not exceeding 90 per centum of the cost of planning, establishing, and operating programs assisted under this part which are approved by the Secretary prior to the end of such year.

### "USE OF ALLOTTED FUNDS

"SEC. 613. Funds allotted to any State under this part may be used for (1) the administration of projects described in section 701 directly by the State agency established or designated as provided in section 303(a) (1), or (2) the award, in accordance with criteria established by the Secretary after consultation with such State agencies, by such State agency of grants or contracts to any public or nonprofit private agencies or organizations for the administration of such programs by such agencies or organizations.

"(c) In allocating funds received under this part, the State agency shall give preference to programs to be established in geographic areas or in institutions having a higher concentration of older persons of low income.

### "PAYMENTS

"SEC. 714. Payments under this part may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

### "TREATMENT OF NUTRITIONAL SERVICES FOR CERTAIN PUBLIC ASSISTANCE PURPOSES

"SEC. 715. Notwithstanding the provisions of this I, IV, X, XIV, XVI, or XIX of the Social Security Act, services or other assistance provided to any older persons pursuant to this part or pursuant to any grant made under this part shall not be regarded (1) as income or resources of such person in determining his need under a State plan approved under any such title, or (2) as income or resources of any other individual under such approved State plan.

### "REGULATIONS

"SEC. 716. (a) The Secretary, after consultation with the Department of Agriculture with respect to standards relating to food distribution, handling, and storage and with respect to the incorporation of the results of tested nutritional research in the operation of projects assisted under this part, shall prescribe general regulations concerning the determination of eligible costs with respect to which grants may be made under this part and the terms and conditions for approving such grants.

### "PART C—CONSTRUCTION OF MULTIPURPOSE SENIOR CENTERS

### "AUTHORIZATION OF APPROPRIATIONS

"SEC. 721. There are authorized to be appropriated such sums as may be necessary for the fiscal year 1973, and each succeeding fiscal year ending prior to July 1, 1975, for grants by the Secretary to public and nonprofit private agencies and organizations to pay not to exceed 75 per centum of the cost of construction of multipurpose senior centers, except that the total of such grants in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for that year for the purposes of carrying out this part.

### "REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 722. (a) A grant under this part may be made only if the application therefor is approved by the Secretary upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after completion of construction, the facility will be used for the purposes for which it is to be constructed (B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the purpose for which it is being constructed;

"(2) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment; and

"(3) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants under this part, the Secretary shall—

"(1) give preference to the construction of multipurpose senior centers in areas covered by approved comprehensive city programs assisted under the provisions of section 105 of the Demonstration Cities and Metropolitan Development Act of 1966; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed construction.

### "PAYMENTS

"SEC. 723. Upon approval of any application for a grant under this part, the Secretary shall reserve, from any appropriation available therefor, the amount of such grant; the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. The Secretary's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

### "RECAPTURE OF PAYMENTS

"SEC. 724. If, within ten years after completion of any construction for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility shall cease to be used for the purposes for which it was constructed (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

### "MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 725. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

"(b) For the purpose of this part the terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

"(6) In the plans for such Multipurpose Senior Center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g) (1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multi-purpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h) (1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Eudcation, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments ,and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

### "DEFINITIONS

"SEC. 726. For purposes of this part—

"(1) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreational activities) for older persons.

'(2) The term 'construction' includes construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings.

"(3) The term 'cost of construction' includes the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements.

### "PART D—TRANSPORTATION SERVICES FOR OLDER AMERICANS

### "PROGRAM AUTHORIZED

"SEC. 731. The Secretary, after an appropriate investigation and study, shall develop and carry out a program to improve the transportation services available to older persons. Such programs may include one or more of the following:

"(1) special transportation subsystems for older persons or similar groups with similar mobility restrictions;

"(2) portal-to-portal service and demand actuated services;

"(3) the payment of subsidies to transportation systems to enable them to provide transportation services to older persons on a reduced rate basis.

"(4) payments directly to older persons to enable them to obtain reasonable and necessary transportation services; and

"(5) any other program which the Secretary determines shows promise of facilitating the provision of transportation services to older persons.

### "APPROPRIATIONS AUTHORIZED

"SEC. 732. There are authorized to be appropriated for the fiscal year 1973, and for each succeeding fiscal year ending prior to July 1, 1975, such sums as may be necessary to enable the Secretary to carry out the provisions of this part.

### "PART E—CONTINUING EDUCATION FOR OLDER PERSONS

### "PROGRAMS AUTHORIZED

"SEC. 741. (a) The Secretary, after appropriate investigation and study, shall develop and carry out a program for providing continuing education to older persons. Such programs may include one or more of the following:

"(1) programs to provide rehabilitation for older persons to enable them to lead more productive lives,

"(2) programs designed to retrain persons who are shifting to new employment by reasons of age or other conditions,

"(3) Programs to upgrade the skills of older persons to enable them to obtain more rewarding employment, and

"(4) programs designed to broaden the educational, cultural, or social awareness of such older persons so that they will be better able to lead more productive and rewarding lives in retirement.

vided for in this part through grants or contracts with public and private agencies, including other Federal agencies, State educational agencies, local educational agencies, the vocational educational agencies of the States, the vocational rehabilitation agencies of the States.

### "APPROPRIATIONS AUTHORIZED

"SEC. 742. There are authorized to be appropriated for the fiscal year 1973, and for each succeeding fiscal year ending prior to July 1, 1975, such sums as may be necessary to enable the Secretary to carry out the provisions of this part."

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By Mr. HARTKE:

S. 3078. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes. Referred to the Committee on Post Office and Civil Service.

### PRIOR NOTICE FOR REDUCTIONS IN FORCE

Mr. HARTKE. Mr. President, I am introducing today a bill to require the heads of the respective executive agencies to provide advance notice of certain planned organizational, and other changes which would affect Federal civilian employees. I feel that this legislation is particularly relevant in light of the expresed intention of the executive branch to carry out considerable reductions in personnel.

This legislation is designed to protect Federal civilian employees from being the victims of sudden changes in employment policies. At the present time, Federal employees are subject to dismissal or relocation without sufficient notice. In order to protect these employees, this bill provides that when an agency or executive policy necessitates the dismissal or relocation of civilian employees, the head of the executive agency shall inform the Post Office and Civil Service Committees of the Senate and House of Representatives, and the respective employee organizations at least 120 days before any such action is taken.

It is my hope that this legislation will provide Federal workers the adequate notice that is necessary prior to reductions in personnel. Fairness to the Federal worker demands that we do no less.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 3078

A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) subchapter II of chapter 29 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 2955. Advance notice to Congress of certain proposed actions of executive agencies affecting Federal civilian employment

"Whenever it is determined by appropriate authority that any administrative action, order, or policy, or series of administrative actions, orders, or policies, shall be taken, issued, or adopted, by or within any executive agency, which will effectuate the closing, disposal, relocation, dispersal, or reduction of the plant and other structural facilities of any installation, base, plant, or other physical unit or entity of that executive agency and which—

"(1) will necessitate, to any appreciable extent, a reduction in the number of civilian employees engaged in the activities performed in and through those facilities of that agency, without reasonable opportunity for their further civilian employment with the Government in the same commuting area; or

"(2) will necessitate, to any appreciable extent, the transfer or relocation of civilian employees engaged in the activities performed in and through those facilities of that agency, in order to provide those employees with reasonable opportunity for further civilian employment with the Government outside the same commuting area; or

"(3) both;

the head of that executive agency shall transmit to the respective Committees on Post Office and Civil Service of the Senate and House of Representatives and to employee organizations having exclusive recognition, at least one hundred and twenty days before any such action, order, or policy is initiated, written notice that such action, order, or policy will be taken, issued, or adopted, together with such written statement, discussion, and other information in explanation thereof as such agency head considers necessary to provide complete information to the Congress with respect to that action, order, or policy. In addition, the agency head shall provide to such committees such additional pertinent information as those committees, or either of them, may request."

(b) The table of sections of subchapter II of chapter 29 of title 5, United States Code, is amended by adding at the end thereof—

"2955. Advance notice to Congress of certain proposed actions of executive agencies affecting Federal civilian employment.".

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By Mr. KENNEDY (for himself, Mr. WILLIAMS, Mr. JAVITS, Mr. SCHWEIKER, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. EAGLETON, Mr. HARRIS, Mr. HART, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. MAGNUSON, Mr. MCGEE, Mr. MCGOVERN, Mr. MONDALE, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCOTT, Mr. STAFFORD, Mr. STEVENSON, and Mr. TUNNEY):

S. 3080. A bill to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, I am pleased to take this opportunity to introduce legislation extending the provisions of the Lead Based Paint Poisoning Prevention Act. My bill authorizes the continuation of a program that was enacted January 13, 1971, to eliminate the hazards of childhood poisoning caused by lead based paints.

In 1969, when I proposed legislation to create a Federal program to fight this disease, the Senate overwhelmingly expressed support for this program by unanimously approving the provisions in that measure. Today, I am pleased to announce that 24 Senators, including the chairman of the Labor and Public Welfare Committee; and Senator JAVITS and Senator SCHWEICKER join with me in introducing this new bill that will guarantee continued Federal support in the fight against the hazards of childhood lead based paint poisoning.

The need for continuing programs in this area is clear. In one year about 200 youngsters die from lead based paint poisoning. At least 400,000 children get lead sick each year. But only 12,000 to 16,000 children actually receive treatment. Of those who are seen by physicians, it is estimated that 50 percent are left mentally retarded because the disease usually had advanced too far by the time a doctor is summoned. Indeed, the greatest tragedy of childhood lead-paint poisoning is that our society has so far failed to prevent the disease even though we know how to do that.

Lead exists naturally in the environment. But many products are manufactured with lead additives to enhance various qualities like staying power and color in paints, and efficiency in automobile fuels. Interior paints used in houses built before World War II customarily included large quantities of lead. Today, many of those homes are dilapidated slum dwellings. They have been allowed to deteriorate to the point where wall and ceiling surface are chipped, cracked eyesores, flaked with peeling paint. Young children eat these chips. And when lead paint chips are ingested over a period of time, the victims are stricken with nausea, fever, coma, mental retardation, and death. Sadly, even the mothers who know their children eat paint chips fail to realize that it is harmful. Though her child's body is baked with fever, and trembling with convulsions, too often that mother is unprepared to tell her doctor about the paint eating episodes.

Many doctors are unprepared and unaware that these are the symptoms of plumbism—the scientific term for lead based paint poisoning. For that reason, lead sick children are often treated for the wrong thing. Those who are fortunate enough to get treatment, however, are tragically sent back to the same conditions that caused the disease in the first place. Once a child gets lead sick, he is likely to be sick again.

Community workers and health officials who have attempted to fight the hazards of lead based paint poisoning know that the effects of this debilitating crippler can be halted. Programs are needed most urgently in communities where the risk is high because of widespread conditions of housing deterioration.

These are the communities that must have awareness programs—awakening parents, teachers and medical professionals to the problems associated with lead-based paint poisoning. In these communities, screening projects to seek out youngsters with high lead levels must be established if we intend to help the children who are suffering.

The existing legislation, Public Law 91–695, authorizes Federal assistance for community-based screening programs. Health officials and lay workers in at least 50 cities have contacted the bureau of community and environmental management in the Department of Health, Education, and Welfare for assistance to establish lead poisoning programs under the present legislation. During hearings in 1970, Dr. Jonathan Fine told the health subcommittee that a city the size of Boston could spend at least $1 million in an annual program aimed at the elimination of the hazards of this disease. For a nationwide attack against lead-based paint poisoning, significantly more money will be required.

The bill I am introducing today authorizes $20 million for the Department of Health, Education, and Welfare to award contracts and grants for screening programs that will identify those youngsters who need treatment. Spurred by current concerns about this disease, many communities have attempted to establish programs that will measure the extent of the lead poisoning problem. Whenever investigators look for lead sick children, they find them. And the more they look the more they find.

I am convinced that it is vital for us to continue the provisions of Public Law 91–695 authorizing detection programs. We must provide adequate resources if we intend for these programs to make a difference. The $20 million authorized for screening and detection programs in my bill will hopefully make a significant impact in this area.

Unlike many health hazards, lead-based paint poisoning and its effects are well understood. This is not a mysterious malady demanding extensive research to seek a cure. Once a victim has been diagnosed with high lead levels doctors use chelating agents to rid the body of the excessive amounts of lead. But when those children are discharged from a hospital after treatment they are usually returned to home surroundings—peeling walls, chipped and cracked window sills—that are just as lethal as they were when treatment began.

The authorization in my bill recognizes that it is just as important to remove those surfaces from exposure to young children as it is to seek out and treat the sick child. The existing legislation authorizes the Department of Health, Education, and Welfare to assist in the development of community programs that will identify high risk areas and neighborhoods and provide procedures to eliminate the hazards detected in those communities. My bill authorizes $25 million for the Department of Health, Education, and Welfare to extend areawide detection programs. It has been clear for many years that proper maintenance of residential housing can prevent the exposure of lead paint chips to young children.

But, as well all know, peeling paint chips are usually a symptom of a much bigger problem—the gross lack of concern absentee landlords have for inner city properties. In too many cities the number of deteriorating houses has increased enormously because outmoded zoning regulations and other restrictions encourage owners to abandon rather than repair the homes occupied by poor people. Modern wall coverings as well as deleaded paints can eliminate the hazards of lead-based paint poisoning. Yet, municipal health authorities and housing officials are too often embroiled in jurisdictional disputes to produce effective action on the hazards of this disease.

I am hopeful that communities around the country will begin to obtain the assistance needed to eliminate the hazards of lead-based paint poisoning with the assistance of the resources in the bill I am introducing today.

Finally, my bill authoriezs $5 million for the Department of Housing and Urban Development to work in cooperation with the Department of Health, Education, and Welfare to determine the extent of the lead-based-paint-poisoning problem and to establish the most efficient ways to cover up exposed surfaces in residential communities.

Although we know that deleaded paints, wood wall panels, and other materials are marketed extensively, too little has been done to insure the use of such products in all housing rehabilitation and construction projects. It is my hope that this legislation will develop the action needed to protect future generations of children. Perhaps one of the most effective ways that we can develop safeguards against the hazards of this disease is by eliminating lead and lead compounds as additives to interior paints.

Although manufacturers of household paints had adopted voluntary standards years ago, that specify a limit of 1 percent lead in paints, there is increasing evidence of the need to seek the elimination of all but trace amounts of lead in paints used in houses. My bill is designed to embrace that concept. It is my hope that during hearings on this bill we will learn more about the feasibility of eliminating lead from paint intended for residential interior surfaces.

Mr. President, I am pleased to offer this bill. I respectfully request that it be referred to the Subcommittee on Health where hearings will be scheduled as soon as possible. This bill is designed to continue a very worthwhile program regarding community health needs and I look forward to favorable action on this measure by the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 3080

**A bill to amend the Lead Based Paint Poisoning Prevention Act and for other purposes**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 101 of the Lead Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new subsection:

"(e) The Secretary is also authorized to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead based paint poisoning detection programs."

SEC. 2. Section 501(3) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "1 percentum lead by weight" and inserting in lieu thereof ".06 per centum lead by weight."

SEC. 3. (a) Section 503(a) of the Lead Based Paint Poisoning Prevention Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $20,000,000 for each fiscal year thereafter".

(b) Section 503(b) of such Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $25,000,000 for each fiscal year thereafter".

(c) Section 503(c) of such Act is amended (1) by striking out the word "and" and by inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $5,000,000 for each fiscal year thereafter".

(d) Section 503(d) of such Act is amended by striking out all matter after the semicolon and inserting in lieu thereof "any amounts authorized for one fiscal year but not appropriated may be appropriated for the succeeding fiscal year,".

Mr. RIBICOFF. Mr. President, today, in conjunction with the Senator from Massachusetts (Mr. KENNEDY) and other Senators, I am introducing a bill to provide Federal assistance for the battle against childhood lead-based paint poisoning.

The problem of childhood lead poisoning caused by the ingestion of lead-based paints is reaching epidemic proportions in most of our large cities. This problem is almost solely confined to young children living in city slums. The accessibility to flaking and peeling lead paint and broken plaster and the ingestion of these paint chips can lead to either death or irreversible brain injury. Since acute lead poisoning causes permanent brain damage which cannot be modified by medical treatment, it is imperative that prompt action be taken to eliminate this man-made environmental hazard.

The bill I am cosponsoring extends the Lead-Based Paint Elimination Act of 1970, which expires on June 30, 1972.

Our proposal authorizes $45 million for the Department of Health, Education and Welfare to extend programs for detecting and treating lead poisoning victims, for identifying areas where lead-based paint poisoning presents a high risk and for State health agencies to analyze lead samples in centralized laboratory facilities.

This proposal would also authorize $5 million for the Department of Housing and Urban Development to continue its research and demonstration program in the development of improved methods for removing the hazards of lead-based paint poisoning from residential housing.

This bill also changes the acceptable limit of lead additives in interior paints from 1 percent to .06 percent.

It is tragic that a disease which is entirely preventable continues virtually unabated. The cost per person to remove lead paint from residential housing units is miniscule compared to a lifetime of medical costs which is estimated to run as high as $250,000 for lead poisoning treatment and medical attention.

I urge Senators to pass the bill at the earliest possible date.

Mr. SCHWEIKER. Mr. President, today I join Senator KENNEDY in cosponsoring legislation to permit the Federal Government to continue to assist in attacking the disease of childhood lead poisoning. The bill which we introduce today will amend the Lead-Based Paint Poisoning Prevention Act which was signed into law on January 13, 1971, and provided an authorization of $30 million for detection, treatment, and prevention of this disease. To date, only $7.5 million of this authorization has been appropriated to carry out the provisions of this act. The Federal Government has just begun to attack this disease through research and demonstration projects. It has not yet awarded a grant to any local unit charged with the responsibility of detecting and treating cases of lead-based paint poisoning.

An article in the December 17, 1971, issue of the Washington Post gave a clear indication that the tragedy of lead-based paint poisoning is a continuing one. The District of Columbia found dangerous levels of lead in the blood of one out of three Washington inner-city children tested in the 3 months before December 1971. The chief of the District of Columbia Accident Prevention Division was quoted as having said:

> The inner city is literally a lead mine.

The tragedy of this is that poisoning resulting from eating flakes of lead-based paint can cause death, and often causes significant brain damage.

In the 91st Congress, I introduced legislation, S. 3941, to provide civil penalties for the use of lead-based paint in certain dwellings. I was gratified when the prohibition of the use of lead-based paint was adopted as an amendment to the Housing and Urban Development Act of 1970. Although the provision for penalties was not included, Congress did give significant recognition to this critical problem.

Yet, clearly much more needs to be done. I strongly supported, in the Labor and Public Welfare Committee and on the Senate floor, the Lead Paint Poisoning Prevention Act which was signed into law by President Nixon on January 13, 1971. While Congress had authorized $30 million for this 2-year program, until this summer only minimal funds had been directed for the program. Only a few people were assigned to work on the problem in the Department of Health, Education, and Welfare. I strongly urged the Congress to appropriate at least $15 million to fund this program, a small amount when compared to the cost of caring for over 400,000 children who suffer from lead-based paint poisoning each year, not to mention the varying degrees of incapacitation they must bear for the rest of their lives. Over 200 less fortunate children die each year. We have made a significant beginning now by appropriating $7.5 million for the program.

The bill which we introduced today will enable the Federal Government to continue to work against this disease.

It will authorize $20 million annually for detection and treatment of lead-based paint poisoning, $25 million annually to identify problem areas where lead-based paint poisoning presents a high risk, and $5 million annually for research and demonstration projects.

Current lead-based paint legislation expires June 30, 1972, and the new bill would give the program continuing status. The bill also lowers the definition of maximum lead content in paints from 1 to 0.06 percent lead by weight, and makes possible grants to State health agencies to aid in the operation of centralized laboratory facilities for analyzing lead samples obtained from community detection programs.

We must commit ourselves to eradicating this serious disease from our society. I will work in the Labor and Public Welfare Committee and on the Senate floor to gain approval of this legislation to commit more funds and manpower to fight this terrible tragedy which adds yet another burden to the already long list of disadvantages our inner-city children must bear.

Mr. JAVITS. Mr. President, silently, almost unnoticed, lead-based paint poisoning causes the death of many children and leaves many more with mental retardation, irreversible brain damage, cerebal palsy, blindness, kidney disease, and other severely debilitating handicaps. Most tragic, it is a manmade disease, and as such, a disease that is highly preventable. There is no rational reason for its existence, and no justification to allow lead-based paint poisoning to continue.

In New York City, lead exposure is one of the major pediatric problems. There are today, approximately, 120,000 children living in 450,000 apartment units in New York City that are in such a state of disrepair that each such child is a potential victim of lead paint poisoning. It is estimated that currently, 6,000 to 8,000 of these children have significant levels of lead in their blood.

Health officials in New York City banned the use of high content lead paint on indoor surfaces in 1959. However, dangerous buildings containing toxic levels of lead were generally built before World War II. It is in such older buildings that a child gains access to paint which contains high levels of lead.

Although deaths reported due to lead poisoning have dropped sharply in the past 10 years—In New York City, there were 12 in 1959 and two in 1970—at the same time the number of lead poisoning cases reported to the Health Department has increased over the last 10 years from 171 in 1959 to 727 in 1969. In 1970, 2,649 cases were discovered. In 1971, there were 1,900 reported cases of lead-based paint poisoning.

I have long supported increased funding for lead-based paint poisoning prevention. In October of last year, I urged the President to release funds appropriated for the act. In December, I received word that the funds had been released. The text of this correspondence was printed in the CONGRESSIONAL RECORD on December 16, 1971.

Because of the tragic proportions, and the needlessness of this disease, I sponsored with Senators KENNEDY, SCHWEIKER, and WILLIAMS and cosponsored by 25 of my colleagues, S. 3080 a bill to amend the "Lead-Based Paint Poisoning Prevention Act," the proposed amendments would insure a continued and vastly strengthened effort on our part to eradicate this most tragic and preventable disease. I, therefore, urge the swift passage of this bill to save the lives, minds, and bodies of so very many children.

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By Mr. BROCK:

S.J. Res. 189. A joint resolution to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action," and to designate Sunday, March 26, 1972, as a national day of prayer for these Americans. Referred to the Committee on the Judiciary.

Mr. BROCK. Mr. President, on Monday, January 25, 1971, as the first piece of legislation bearing my name in this body, I introduced Senate joint resolution 10 providing authorization for President Nixon to designate a National Week of

Concern for Prisoners of War and Missing in Action which would commemorate the anniversary of the capture of the first prisoner of war, Maj. Floyd J. Thompson on March 26, 1964. Sixty-five of my colleagues joined me in sponsoring that legislation which passed in the House version.

Today, I rise with the sad task of again asking that the President be authorized to designate a National Week of Concern at the request of the largest organization of families of prisoners of war and missing in action, the National League of Families of POW's/MIA's. We all fervently hoped that last year's Week of Concern would be the last and that another year would see husbands, brothers, and fathers reunited with their loved ones.

We were to hope in vain; and today, I again ask that this body again speak with one voice in expressing concern for our men held prisoner in the land of the enemy. I ask that we again authorize the President to designate the week of March 26 to April 1 as a National Week of Concern, and the Sunday of March 26 as National Day of Prayer for their welfare.

I ask unanimous consent that the text of the resolution be printed in the Record at this point.

There being no objection the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 189

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That to demonstrate the support and concern of the people of the United States, for the more than one thousand five hundred Americans listed as prisoners of war or missing in action in Southeast Asia, and to forcefully protest the inhumane treatment these men are receiving at the hands of the North Vietnamese, in violation of the Geneva Convention, the President is hereby authorized and requested to issue a proclamation (1) designating the period beginning March 26, 1972, and ending April 1, 1972, as "National Week of Concern for Prisoners of War/Missing in Action", (2) designating Sunday, March 26, 1972, as a national day of prayer for the lives and safety of these men, and (3) calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1973

At the request of Mr. Hartke, the Senator from New Jersey (Mr. Case) was added as a cosponsor of S. 1973, a bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes.

S. 2738

At the request of Mr. Hughes, the Senator from Tennessee (Mr. Brock), and the Senator from New York (Mr. Javits) were added as cosponsors of S. 2738, a bill to amend titles 10 and 37, United States Code, to provide for the equality of treatment for military personnel in the application of dependency criteria.

S. 2825

At the request of Mr. Pearson, the Senator from Florida (Mr. Gurney) was added as a cosponsor of S. 2825, establishing a Government-administered life insurance policy to all Vietnam era veterans.

S. 2829

At the request of Mr. Bayh, the Senator from South Dakota (Mr. McGovern), and the Senator from Hawaii (Mr. Fong) were added as cosponsors of S. 2829, a bill to strengthen interstate reporting and interstate services for parents of runaway children, and for other purposes.

S. 2898

At the request of Mr. Hartke, the Senator from Indiana (Mr. Bayh), and the Senator from Illinois (Mr. Percy) were added as cosponsors of S. 2898, a bill to provide college tutors for the homebound handicapped.

S. 2993

At the request of Mr. Moss, the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 2993, a bill to amend the Communications Act of 1934 with respect to the renewal of broadcasting licenses.

S. 3011

At the request of Mr. Taft, the Senator from Vermont (Mr. Stafford), the Senator from Utah (Mr. Moss), and the Senator from Rhode Island (Mr. Pell) were added as cosponsors of S. 3011, a bill to offer amnesty under certain conditions to persons who have failed or refused to register for the draft or who have failed or refused induction into the Armed Forces of the United States, and for other purposes.

S. 3022

At the request of Mr. Bayh, the Senator from Minnesota (Mr. Mondale), the Senator from South Dakota (Mr. McGovern), the Senator from Hawaii (Mr. Inouye), the Senator from Minnesota (Mr. Humphrey), the Senator from New York (Mr. Javits), and the Senator from Oklahoma (Mr. Harris) were added as cosponsors of S. 3022, a bill to provide for the issuance of $2 bills bearing the portrait of Susan B. Anthony.

S. 3066

At the request of Mr. Jordan of North Carolina, the Senator from North Carolina (Mr. Ervin) was added as a cosponsor of S. 3066, a bill to amend the Federal Home Loan Bank Act to require the Federal Home Loan Bank Board to obtain certain approvals before changing the location of a Federal home loan bank.

S. 3068

At the request of Mr. Jordan of North Carolina, the Senator from North Carolina (Mr. Ervin) was added as a cosponsor of S. 3068, a bill to amend the provisions of the Agricultural Adjustment Act of 1938, as amended, relating to the lease of tobacco acreage allotments and marketing quotas.

SENATE JOINT RESOLUTION 171

At the request of Mr. Mathias, the Senator from New York (Mr. Buckley) was added as a cosponsor of Senate Joint Resolution 171, designating March 1972 as "Exceptional Children's Month."

## SENATE RESOLUTION 234—SUBMISSION OF A RESOLUTION PROVIDING FOR ACQUIRING A MARBLE BUST OF CARL HAYDEN

(Referred to the Committee on Rules and Administration.)

Mr. GOLDWATER (for himself and Mr. Fannin) submitted the following resolution:

S. Res. 234

*Resolved,* That, in honor of Carl Hayden, who served his State and his nation longer than any other man in history, the Commission on Arts and Antiquities of the United States Senate (hereinafter referred to as the "Commission") is authorized and directed to provide for the design and sculpture of a marble bust of Carl Hayden. The Commission is further authorized and directed, subject to the provisions of Senate Resolution numbered 382 of the Ninetieth Congress, adopted October 1, 1968, to accept such bust on behalf of the Senate and to cause such bust to be placed in an appropriate location within the Senate wing of the Capitol or any of the Senate Office Buildings, or any room, space, or corridor thereof.

Sec. 2. Expenses incurred by the Commission in carrying out this resolution, which shall not exceed $3,000, shall be paid out of the contingent fund of the Senate on vouchers approved by the Chairman of the Commission.

## SENATE RESOLUTION 235—ORIGINAL RESOLUTION REPORTED PROVIDING ADDITIONAL FUNDS FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE

(Referred to the Committee on Rules and Administration.)

Mr. WILLIAMS, from the Committee on Labor and Public Welfare, reported the following resolution:

S. Res. 235

*Resolved,* That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Labor and Public Welfare, or any subcommittee thereof is authorized from March 1, 1972, through February 28, 1973, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The Committee on Labor and Public Welfare, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $1,468,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

Sec. 3. Not to exceed $1,013,000 shall be available for a study or investigation of all matters within its jurisdiction under rule XXV of the Standing Rules of the Senate, of which amount not to exceed $35,000 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 4. Not to exceed $455,000 shall be available for an examination, investigation, and complete study of any and all matters pertaining to the United Mine Workers of America election of 1969 and a general study of pension and welfare funds, with special emphasis on the need for protection of employees covered by these funds, of which amount not to exceed $45,000 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 5. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not late. than February 28, 1973.

Sec. 6. Expenses of the committee under this resolution, which shall not exceed in the aggregate $1,468,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

## SENATE RESOLUTION 236—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL CLERICAL ASSISTANTS FOR THE COMMITTEE ON VETERANS' AFFAIRS

(Referred to the Committee on Veterans' Affairs.)

Mr. HARTKE (for himself and Mr. Thurmond) submitted the following resolution:

S. Res. 236

*Resolved,* That the Committee on Veterans' Affairs is authorized, through February 28, 1973, to employ three additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended.

## SENATE RESOLUTION 237—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

(Referred to the Committee on Rules and Administration.)

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported the following resolution:

S. Res 237

*Resolved,* That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Foreign Relations or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $375.-000, of which amount (1) not to exceed $50,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202(j) of such Act).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

## SENATE RESOLUTION 238—ORIGINAL RESOLUTION REPORTED FROM THE COMMITTEE ON RULES AND ADMINISTRATION TO PAY A GRATUITY TO ELAINE H. DRUMMOND

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina reported the following resolution:

S. Res. 238

*Resolved,* That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent funds of the Senate, to Elaine H. Drummond, widow of William H. Drummond, recently deceased employee of the Architect of the Capitol, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

## SENATE RESOLUTION 239—ORIGINAL RESOLUTION REPORTED AUTHORIZING THE PRINTING OF THE REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION AS A SENATE DOCUMENT

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following resolution:

S. Res. 239

*Resolved,* That the seventy-third annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1970, be printed, with an illustration, as a Senate document.

## SENATE RESOLUTION 240—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

(Ordered to be placed on the calendar.)

Mr. JORDAN, from the Committee on Rules and Administration, reported the following resolution:

S. Res. 240

*Resolved,* That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Rules and Administration or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The Committee on Rules and Administration, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $327,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

Sec. 3. Not to exceed $150,000 shall be available for a study or investigation of privileges and elections.

Sec. 4. Not to exceed $177,000 shall be available for a study or investigation of computer services for the Senate, of which amount not to exceed $25,000 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 5. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1973.

Sec. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

## ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

### SENATE CONCURRENT RESOLUTION 33

At the request of Mr. Brock, the Senator from Massachusetts (Mr. Brooke), the Senator from Illinois (Mr. Percy), and the Senator from Delaware (Mr. Boggs) were added as cosponsors of Senate Concurrent Resolution 33, regarding the persecution of Jews and other minorities in Russia.

## EMERGENCY MEASURES TO IMPROVE FARM INCOME—AMENDMENT

### AMENDMENT NO. 827

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

Mr. MANSFIELD (for Mr. Humphrey) submitted an amendment intended to be proposed to the joint resolution (S.J. Res. 172) to provide emergency measures to improve farm income.

## EDUCATION AMENDMENTS OF 1971—AMENDMENT

### AMENDMENT NO. 828

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. BAYH submitted an amendment intended to be proposed by him to the bill (S. 659) to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education.

## ADDITIONAL COSPONSORS OF AN AMENDMENT

### AMENDMENT NO. 820

At the request of Mr. Ribicoff, the Senator from Illinois (Mr. Stevenson), and the Senator from California (Mr. Tunney) were added as cosponsors of

Amendment No. 820 intended to be offered to the bill (H.R. 1), the Social Security Amendments of 1971.

### NOTICE OF HEARINGS ON CERTAIN BILLS

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs will hold 3 days of hearings—January 31, February 1 and 2—on S. 870, which would provide operating subsidies for urban mass transportation systems, and S. 2412, which would amend the Urban Mass Transportation Act to waive in certain cases planning requirements. These hearings are a continuation of those hold by the subcommittee during the first session of this Congress on this legislation.

The hearings will be held in room 5302, New Senate Office Building, and will begin at 10 a.m. each day.

### NOTICE OF HEARING CANCELLATION

Mr. RANDOLPH. Mr. President, the hearing before the Subcommittee on Labor of the Committee on Labor and Public Welfare concerned with black lung legislation scheduled for tomorrow, Thursday, January 27, 1972, at 9:30 a.m., room 4200, New Senate Office Building, has been canceled.

The second day of hearings previously announced for Friday, January 28, 1972, at 9:30 a.m., room 4200, New Senate Office Building, will be held as scheduled.

### ANNOUNCEMENT OF HEARING ON EMERGENCY MEASURES TO IMPROVE FARM INCOME

Mr. TALMADGE. Mr. President, I wish to announce the Committee on Agriculture and Forestry will hold a hearing Monday, January 31, in room 324, Old Senate Office Building, beginning at 9:30 a.m., on a substitute to be offered by the Senator from Minnesota (Mr. HUMPHREY) to his resolution, Senate Joint Resolution 172. Anyone wishing to testify should contact the clerk of the committee as soon as possible. For the information of those interested in this hearing, I ask unanimous consent that a copy of the substitute be printed in the RECORD following my remarks.

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 827

Strike all after the resolving clause and insert the following: That in view of the already more than ample carryover stocks of feed grains, the danger of farmers planting too large an acreage for 1972 harvest in relation to market outlets available, thus adding to burdensome surpluses and depressing farm income, and in view of the inability to re-institute an effective base-acreage feed grain adjustment program for 1972 at this late date,

(1) the Secretary of Agriculture is directed to determine what percentage of the 1971 set aside acreage plus acreage of feed grains planted on cooperators' farms, together with the estimated production on non-cooperators' farms, will result in the production, at expected yields, of 170 million tons of feed grains in 1972; and

(2) the Secretary of Agriculture is further directed to announce that all cooperators in the 1972 feed grain program must limit their total set aside acreage plus feed grains planted, to the percentage of such acreages on the farm in 1971, as the Secretary specifies, based on paragraph (1).

SEC. 2. Because of need for increased acreages of cotton in 1972 to replenish normal stocks in marketing channels, and to maintain stable supplies for domestic users and exporters the Secretary of Agriculture is further directed to permit cooperators in the cotton program to plant cotton on any acreages set aside under the cotton program.

Amend the Title so as to read: "Joint Resolution to Provide Emergency Measures to Improve Farm Income In 1972."

### ADDITIONAL STATEMENTS

### PRESIDENT NIXON'S ATTEMPT TO END THE VIETNAM WAR

Mr. GOLDWATER. Mr. President, having listened to President Nixon's outstanding television presentation last night, I just want to say that any Democrat who fails to support the current initiative to end the war is either committed to total surrender of all America's strategic interests in Indochina or is more interested in gaining political advantage than in ending the tragic hostilities.

What we saw on our television screens was a Republican President once again trying to bring an end to a war which began under a Democratic predecessor and was enlarged by another Democratic predecessor.

It ill behooves any Democrat to belittle Mr. Nixon's strenuous and constant attempts to negotiate a settlement of the war. In fact, Democrats should be the very last group to take such a position. After all, President Nixon, by May 1, will have reduced U.S. troop strength by half a million men. These are the same men that a Democrat President sent off to Indochina in a major escalation of the war.

I, for one, have absolutely no respect for arguments and hair-splitting over methods used by the President and his national security adviser, Henry Kissinger. The important thing is that President Nixon is trying to end a war which began in the administration of John F. Kennedy and reached its tragic peak in death and injury and cost under President Johnson. He is attempting also to bring about the release of 1,500 men, most of whom were captured before he took office. I say President Nixon should be congratulated for his determined, nonstop attempt to find America's way out of this Democrat-manufactured mess.

### THE PRESIDENT'S PROPOSALS ON INDOCHINA

Mr. MANSFIELD. Mr. President, the President's proposals indicate a long step forward in laying the cards on the table and letting the American people and the Congress know of the many attempts over the past 30 months to arrive at a basis for negotiations. The President and the Congress are coming closer together on the basis of a terminal withdrawal date in exchange for the release of the POW's and recoverable MIA's.

The concessions by the administration could lay the groundwork for the start of negotiations for the first time. It is my understanding that the administration has indicated that it is willing to consider separately the military and political aspects of the proposals. I feel that the military aspects are the most important; that is, terminal date for withdrawal, release of the POW's and the recoverable MIA's based on a cease-fire, because that is first and foremost in our interest; the political settlement relative to South Vietnam is secondary in comparison.

Overall it is an advance of previous positions but whether or not the NFL and Hanoi will consider them to have enough substance remains to be seen. It is my belief that the President's proposal should receive the most serious consideration by the other side but that is a decision which they will have to make. Certainly, it represents a degree of flexibility which has been absent up to this time.

### PROPOSED LEGAL SERVICES EXPERIMENT FOR CALIFORNIA: OEO CAPITULATES ONCE MORE

Mr. CRANSTON. Mr. President, on January 14, the Office of Economic Opportunity, along with the California State Economic Opportunity Office, announced the beginning of the first phase of the California experimental legal services program. I am shocked that $150,000 of the $2.5 million allocated to this project has been granted to the State EOO to be used for preplanning grants. Let me explain why.

My colleagues may recall that last June 30 OEO released the findings of the independent judicial commission which had been called to investigate the California Rural Legal Services program. The cause of the investigation was Governor Reagan's veto of the refunding of the CRLA program, and his accompanying allegations as to the misconduct of its attorneys in their efforts to serve the poor. The Governor's charges were based on reports from the State EOO. The judicial commission completely exonerated CRLA, reporting that these charges by the State EOO were "completely unwarranted," "totally irresponsible," and "unfounded."

OEO, therefore, announced that CRLA would be refunded, but in a face-saving effort, announced too that a $2.5 million grant to conduct an experimental judicare program in California would be awarded, and that the California State Office of Economic Opportunity would be substantially involved in the experiment. At that time, and subsequently, I raised serious questions about the nature of such a grant. I did not see how the Office of Economic Opportunity could grant such an award to the same California State EOO which was responsible for the "completely unwarranted," "totally irresponsible," and "unfounded" allegations against CRLA. This, too, was the same State EOO which had been thoroughly discredited by OEO evaluation and audit reports—the office which OEO reported "does not intend to serve in a helpful manner as prescribed in OEO instruction 7501-1 to alleviate the conditions of poverty in the State of California"; the same office which OEO further found had clearly failed to carry out the State OEO guidelines and instructions for State OEO offices and, despite the expenditure of substantial amounts of Federal funds—in excess of $800,000—for staff and other purposes, had achieved only negligible results.

As a result of my questions, I was assured by the then Acting Director of OEO, Wesley Hjornevik, in a letter dated September 13, that the grantee of the legal services experiment would be the "California Legal Services Foundation." I was further assured by the then confirmed Director of OEO, Phillip Sanchez, in a letter dated October 27, in response to mine of September 21 that—

> The Foundation will *not* be funded through the California State OEO, but rather, will be funded directly from OEO Headquarters in Washington.

The emphasis of "not" was his. Director Sanchez further assured me that he would keep me advised regarding all stages of the planning of the experiment.

It was because of this sequence of events that I was stunned to learn from newspaper accounts that the first allotment of funds for the experiment had nevertheless been awarded to and through the State OEO. Director Sanchez did not, despite his specific assurances of October 27, advise me of the abrupt change of course.

I have expressed my displeasure with these developments in a January 24 letter to Director Sanchez, the text of which I ask unanimous consent, Mr. President, be set forth in the RECORD at the conclusion of my remarks.

I know that my colleagues, particularly those who have expressed their puzzlement at the developments surrounding the struggles of legal services in California, would want me to share with them this very distressing information.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*January 24, 1972.*

Hon. PHILLIP V. SANCHEZ,
*Director, Office of Economic Opportunity, Washington, D.C.*

DEAR MR. DIRECTOR: I am writing with regard to your January 14 joint announcement with Robert B. Hawkins, Jr., Director of the California State Economic Opportunity Office regarding the California legal services experiment. According to the statement, approximately $150,000 of the $2.5 million allocated to this project will be used for pre-planning grants and the grantee will be the State EOO. I am shocked at this development in light of the following:

On August 6, 1971, I wrote Mr. Wesley Hjornevik, as Acting Director of the Office of Economic Opportunity, to express my very strong view that the experiment should not be funded through California's SEOO. Mr. Hjornevik in his reply of September 13 stated that the grantee would be the California Legal Services Foundation. In a follow-up letter to you dated September 21, I stated that I continued to hold the reservations expressed in my August 6 letter to Mr. Hjornevik. You assured me in your October 27 reply, and I quote: "The Foundation will *not* [your emphasis] be funded through the California State OEO, but, rather, will be funded directly from OEO Headquarters in Washington."

Moreover, according to a September 29 article in the *Sacramento Bee*, you indicated that Governor Reagan had sought planning funds to get the Foundation under way but you said that no funding would be provided until the Foundation board of directors was established.

Finally, in my September 21 letter to you I expressed my wish "to be kept closely advised regarding all stages of the planning of this experiment, as well as the process for the selection of the members of the board." And you assured me on October 27 that OEO would "keep me closely informed about all stages of the experiment as they develop."

Thus, it was with considerable surprise and displeasure that I learned from newspaper accounts that the very first allotment of funds for the experiment was awarded to and through the State EOO, and that, further, the State EOO joined OEO headquarters in simultaneously announcing the award. Now that I have obtained a copy of your announcement, of even greater concern to me is that the State EOO, which has been so thoroughly discredited by your own recent reports and the CRLA Commission Report, will continue to play a major role in the experiment. I have three specific reactions to the announcement.

First, not only will the State EOO apparently have a major say in deciding upon other pre-planning "delegate agencies", but the role apparently assigned the State EOO, and not the other two mentioned potential preplanners, includes the vital questions of "the make-up of the board of directors of the California Legal Services Foundation", "the objectives and methods of conducting the experiment", and the "evaluation of the experiment". I strongly object to this allocation of responsibilities in the pre-planning process. Given the State EOO's preparatory role and its role in on-going "technical assistance" and monitoring, discussed below, it very much appears to me that the cards are being stacked in such a way that the Foundation's Board of Directors, even if they are properly representative when finally selected, as you have assured me on several occasions, will be unable to run the experiment freely and fairly.

I, therefore, strongly urge that the other pre-planning agencies be specifically directed to include in the scope of their work the crucial matters I have identified above—board composition, objectives and methods of operation, and evaluation—and that participation in pre-planning be specified for present or past legal services attorneys so that the experience gained in operation of the present type of program will be fully considered.

Second, the State OEO is assigned to joint responsibility with national OEO "to provide technical assistance and monitor the operation of each model" in the operational phase. This function is, of course, the very one that your audit and evaluation reports concluded the State OEO had failed to carry out—including the misappropriation of substantial amounts of funds in connection therewith—for the anti-poverty programs in California. With such a hammerlock on the pre-planning and operation of the program accorded the State OEO what, I ask, will be the role of the Foundation itself when it is finally constituted? It seems destined to remain a shell empty of any real responsibility.

Third, the description of the experiment's evaluation stage does not include "strong client representation . . . as well as participation by those expert in legal services programs and . . . national bar associations and minority bar groups" as you assured me at your September 28 confirmation hearing would be included among "the general parameters" of the evaluation (page 8).

In conclusion, I again ask that I be kept fully advised on a continuing basis of all stages of the planning and implementation of the experiment, including the process for selection and the final constitution of the members of the Foundation's board of directors.

I am sending a copy of this letter to Senator Nelson, Chairman of the Employment, Manpower, and Poverty Subcommittee, so that he will be fully aware of my views about the announced grant as well as OEO's lack of cooperation with a subcommittee member in terms of continuing information.

I would appreciate a reply at your earliest convenience.

Sincerely,

ALAN CRANSTON.

## LOSS OF DELAWARE STATE TROOPERS UNDERSCORES NEED FOR FEDERAL DEATH BENEFIT LEGISLATION FOR PUBLIC SAFETY OFFICERS

Mr. BOGGS. Mr. President, I wish to call the attention of my colleagues to a most shocking and tragic incident which occurred over the recess. I refer to the slaying of two Delaware State troopers, Ronald L. Carey and David C. Yarrington, during the performance of their duties on January 6.

Both of these fine young men were dedicated, conscientious officers and a credit to the Delaware State Police Force. They exemplified the finest qualities of young people today—selfless service to others, bravery under adverse conditions, and the highest standards of character. The loss of these outstanding young men to their families, to the State of Delaware and to the Nation is immeasurable.

Mr. President, sadly, it is all too often the case that a tragic event such as this is necessary to bring about much needed legislative action. Last year I introduced legislation to provide a $50,000 death payment to the families of policemen, corrections officers and volunteer firemen killed in the line of duty. It was subsequently included in S. 2994, The Victims of Crime Compensation Act of 1972. I can think of no more fitting time to act on this legislation.

Such a benefit is already paid in the District of Columbia but State benefits vary widely. Some States, in fact, provide no financial assistance whatsoever to the survivors of slain law officers.

The recent deaths in Delaware have left two widows and four small children without breadwinners. Their financial needs in the months and years ahead will be great. The people of Delaware have recognized this need and have already rallied to meet it. The Delaware Bankers Association has established a special fund for the troopers' families and is accepting contributions from all over the State. Other local organizations are planning benefits and fundraising drives.

As tragic as these deaths are, they are not isolated cases. In 1963 another Delaware State trooper, Robert M. Paris, was slain while on duty, and only a year ago

State Trooper William C. Keller died in a traffic accident while on duty.

Over the period from 1960 to 1970, 1,024 policemen died in the line of duty and 790 firefighters lost their lives. In 1970 alone 100 policemen were slain and 115 firefighters died in the performance of their duties. Comparable figures on the number of corrections officers who have died in the line of duty are not available, but recent disturbances at Attica and San Quentin would indicate that the number has risen sharply.

The families of public safety officers killed in the line of duty should not have to rely on private donations for their financial security. The Federal Government has a special responsibility to the survivors which I believe it should no longer evade.

## RESUMPTION OF FREE PRESS HEARINGS

Mr. ERVIN. Mr. President, I wish to announce the resumption of hearings on the state of freedom of the press in America by the Senate Subcommittee on Constitutional Rights. The hearings will begin on Tuesday, February 1 and will continue on February 2, 8, and 17. This series of hearings follows 8 days of hearings on this same subject that were conducted in the fall of 1971.

The hearings have been prompted by the doubts and concern of many Americans as to the continuing vitality of the first amendment's guarantee of freedom of the press. The subpenaing of newsmen by Government, the administration's attempt to enjoin publication by several newspapers of information related to our Nation's policy in Vietnam, and the increasing scope of Government regulation and control of the broadcast media are only some of the developments which have exacerbated these doubts and deepened this concern.

Even as the subcommittee's hearings were underway, the controversy surrounding the White House-inspired FBI investigation of CBS newsman Daniel Schorr raised new fears and suspicions about the Government's commitment to first amendment principles.

Despite the widespread concern over this affair, the White House has not yet satisfactorily explained this incident to the American people. Thus far the subcommittee's requests for information have also gone unsatisfied. The White House has not yet replied directly to our invitation to have the individuals directly involved, Mr. Charles Colson and Mr. Frederic Malek, appear before the subcommittee to testify.

In addition to continuing consideration of these and other matters, the subcommittee will be examining developments in the field of public broadcasting and cable television, and criticisms of the way the broadcasting industry is fulfilling its responsibilities under the first amendment to inform the public on matters of concern to the American people.

When the subcommittee resumes its hearings next week, it will hear testimony from Americans of greatly differing backgrounds and widely divergent views. Among those who will appear are Mr. Daniel Schoor, CBS correspondent; Dean Elie Abel, Columbia University School of Journalism; Mr. Andrew Heiskell, chairman of the board of Time-Life; Mrs. Edith Efron, author of the News Twisters; Mr. Bill Monroe, NBC News; Harvard University Prof. James Q. Wilson; and Mr. Norman Lear, writer of the television program "All in the Family." The subcommittee will also hear from representatives of the American Civil Liberties Union, the National Newspaper Association, the Suburban Newspaper Association, the Newspaper Guild, Radio-Television News Directors Association, the United Church of Christ, the Writers Guild, and the Liberty Lobby.

The subcommittee has not yet despaired of convincing the administration that it has a responsibility to tell the American people what its policies are in the area of the first amendment. Although we have been advised to watch what they do, not what they say, what they do could use some explaining.

Recently Mr. Clay Whitehead, of the President's Office of Telecommunications Policy, has made some controversial suggestions about broadcasting. We hope that he will accept our invitation to appear before the subcommittee to discuss those recommendations. At the least, one important facet of the administration's policies in this area will then be explained to the public and the Congress.

## SENATOR HATFIELD TO STAND FOR REELECTION

Mr. MATHIAS. Mr. President, I am delighted to be able to report that the distinguished senior Senator from Oregon has announced in Oregon that he will stand for reelection to this body. Senator HATFIELD is beginning his 6th year of service in this body, and he has made his mark here as a thoughtful, conscientious, responsible, and innovative representative of his constituents. He has displayed the courage of his convictions in fighting hard for the legislation he believes necessary to our country's welfare, and I think most of us here would agree that he has been right far more often than he has been wrong. No more could be asked of any Senator.

My pleasure at the news of Senator HATFIELD's announcement is heightened, of course, by the fact that he is a steadfast Republican. I remember well when he stood before the 1964 Republican convention and called upon all of us to unite within our party in support of the best platform and the best candidate. I remember also his speech in 1968 seconding the nomination of Richard Nixon for President of the United States. Senator HATFIELD has been a loyal Republican, and I am particularly pleased also that he has not had to sacrifice principle to remain a good Republican.

The President of the United States stood before the joint session of the House and Senate last week and stated:

> The secret of mastering change in today's world is to reach back to old and proven principles and to adapt them, with imagination and intelligence, to the new realities of a new age.
>
> We believe in independence, and self-reliance, and in the creative value of the competitive spirit.
>
> We believe in full and equal opportunity for all Americans, and in the protection of individual rights and liberties.
>
> We believe in the family as the keystone of the community, and in the community as the keystone of the Nation.
>
> We believe in a compassion toward those in need.
>
> We believe in a system of law, justice, and order as the basis of a genuinely free society.
>
> We believe that a person should get what he works for—and those who can should work for what they get.
>
> We believe in the capacity of people to make their own decisions, in their own lives and in their own communities—and we believe in their right to make those decisions.

These are the principles upon which the health of our country and of the Republican Party rest. And these are the same principles which have guided MARK HATFIELD's actions in this body.

Every one of us in this body knows that there are many times when the burdens of the office, and the high expectations and great needs of the people, seem so great that we are tempted to scream:

> Let me out. Let me go back to a simpler private life.

I do not know whether private life is as free of turmoil as many of us sometimes think, but I do know that I am glad MARK HATFIELD has decided that he will not succumb to the great temptation to give up public service and find out.

Mr. President, I joint thousands of Oregonians and millions of Americans from the other 49 States in commending Senator HATFIELD for standing again for election as a Member of the Senate.

I ask unanimous consent that the remarks of the Senator from Oregon in announcing his candidacy be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

NEWS FROM SENATOR MARK O. HATFIELD

I believe the only valid motivation for one who seeks public office is to give leadership which serves the needs of other people.

For over 2 decades I have had the rare and challenging privilege of serving the people of Oregon in an elected office.

My foremost aim has been to meet the needs of my fellow Oregonians, by enhancing the livability, undergirding the economy, and preserving the uniqueness that is Oregon.

Such service has never ceased to inspire me and to excite me. It always has encompassed the widest range of activities:

Unsnarling bureaucratic red tape so that an elderly Oregonian can receive his social security payment;

Giving small rural communities a better chance to obtain water and sewer projects;

Guiding legislation through the Senate that will enhance Oregon's recreational opportunities and its environmental uniqueness;

Widening opportunities in Oregon for the right of productive work by our citizens in a diversified and vibrant economy;

Endeavoring to underscore our nation's commitment to the deserving and the dispossessed;

Seeking resolutely the road to peace for our nation and the reconciliation of the antagonisms and wars which divide and destroy fellow men.

At each point in the record of my service, I have endeavored to follow the dictates of conscience, rather than responding blindly to the tides of popular opinion, or bending weakly to the pressures of special interests.

I should state honestly, however, that public service carries with it costs to one's family life. To be candid, during the past year, I have weighed these costs more carefully than ever before, and have sometimes found it tempting to free myself from the continuous and demanding pressures of political life.

But I have also thought about the future that awaits our children and the kind of world in which they are growing up. And I have reviewed the past and potential opportunities for service to Oregon.

My understanding of the needs before us and my commitment to serve these needs, have not only continued to shape my life, but is rooted so deeply in me that I have but one course to follow.

I will seek re-election to the United States Senate.

I feel that Oregonians will find my past record in the Senate marked by solid achievements on behalf of our state. Now, however, I believe I am on the threshold of giving even greater service to Oregonians.

My decision to seek re-election has been influenced by this consideration, as well as the enthusiastic support of my family.

When I first came to the Senate in 1967, I was number 100 in seniority, the route to power. But during the past years, with the change in my seniority position and committee assignments, I have seen the avenues of influence for Oregon in the Senate begin to open wider.

Oregon cannot afford to forfeit the investment of that time and be deprived of the benefits that we can now earn.

The combined seniority for Oregon's Senators will total 10 years at the end of 1972. For Idaho the total is 25 years; for Montana, 30 years; for Nevada, 31 years, and for Washington, 47 years. It is a political reality that Oregon's influence and welfare can be improved only if the seniority and committee assignments of its Members in Congress continues to be strengthened.

I look forward in this campaign to sharing with the people of my state the accomplishments of the past and the hopes we have for the future.

My campaign will depend on the involvement of thousands of volunteers, who will carry a common purpose, interpreting the goals and objectives of my service to their friends and neighbors across the state.

I am extremely grateful for the thousands of expressions of support I have already received.

The people of Oregon have entrusted me to serve them, for the past 20 years. I have done all within my power to maintain the integrity of that trust.

I have endeavored to speak the truth.

I have tried to keep my word.

I have done what I believe is right.

I ask the people of Oregon to extend that trust again.

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## HOW MUCH DO YOU KNOW ABOUT THE FOOD YOU EAT?

Mr. HARTKE. Mr. President, at a time when we are beginning to ask questions about ourselves and our environment that have not been asked before, it is ironic that we are beginning to discover that we know so little about the food we eat.

During the last session, I introduced S. 2079, a bill to require open-dating on all perishable and semiperishable foods. All such foods presently carry a date which indicates their useful shelf life, but this date is almost always expressed in the form of a code which few consumers can decipher. Because the consuming public cannot police the food shelves of supermarkets, that responsibility rests with the store managers. Yet, either because of a lack of concern or a lack of understanding of the codes, there is gathering evidence that foods which are not fresh are being sold in food stores throughout the Nation.

S. 2079 would require all perishable and semiperishable foods to bear a "pull" date—a date beyond which that product cannot be sold as fresh. This is a common sense proposal which a few supermarket chains have already implemented with success on their house brands. There is no reason that this approach should not be adopted by all food stores.

Mr. President, I ask unanimous consent that a recent series of articles on food freshness written by Susan Giller in the Delaware County, Pa., Daily Times be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

### Do You Really Know What You Eat?

(By Susan Giller)

This is the day and age of the consumer, or is it?

Consumer awareness definitely is growing. Since the days of Upton Sinclair's epic, The Jungle, describing in all its gory details the atrocities the Chicago stockyards were passing on to the consumer, the desire to know what is in food has grown.

Now, perhaps, it is the realization that the food industry—worth billions of dollars—is primarily profit-oriented that further scares consumers into the quest for knowledge.

But while this age is acclaimed one of consumer enlightenment, the average consumer still does not know what he is eating.

Basic knowledge even about food freshness, when an item was produced and how long it should be saleable is almost inevitably withheld from the consumer. Although few ask these questions—many do not even know food dating exists—those interested are brusquely turned away by most manufacturers.

While the consumer is denied knowledge of the age of his daily bread, freshness-dating does appear on almost every product on the grocer's shelves. It appears, however, in the form of intricate codes. These codes, which differ with each producer, may be in numerical or alphabetic arrangements that are frequently meant and usually do defy any seemingly logical order of dating.

The codes can either represent the date produced or the "pull" date—the last date the item should be sold. However, neither code guarantees the product will not be sold after the recommended "pull" date.

Frequently, store managers do not know the codes themselves and sometimes the shelves are just not checked carefully to see if products have expired.

It was this piteous plight of the unknowing consumer that got an Illinois consumer group mad enough to demand code keys from manufacturers and later to demand open dating.

The National Consumers Union (NCU), which calls itself a grassroots consumer movement, has published two booklets of codes extracted from manufacturers. The code-dating system was then termed by NCU as "the conspiracy of 10,000" in honor of the approximate number of items in the average supermarket.

NCU Director Jan Schakowsky said in a telephone interview that the booklet, a helpful guide, was published primarily to "encourage shoppers to be furious about manufacturers' deceptions and to fight for the consumer's right to know."

Admittedly, the latest booklet, "Codebook," is a meager guide which is of little value in deciphering local codes. But the booklet does contain some national brand codes and more important it shows the intent of coding. The intent, of course, is to keep information from the consumer, Mrs. Schakowsky stated.

For instance, the code of the American Tobacco Co., producer of Lucky Strike, Pall Mall and others, uses the 12-letter word "ambidextrous" as the base of the code. Each letter represents one month in this expiration date sequence. The year is signified by numerals zero to nine.

Another oblique code is Peter Pan peanut butter's concoction. It is based on the 12-letter word "peanut butter," January being "p." The year is determined by a notch on the label, if at the top, it was produced in an even year, at the bottom an odd one. The notch is placed above or below a letter in "peanut butter." The code denotes a production date and designates a six-month shelf life.

But not all codes are so bizarre. There are four basic codes, each with as many variations as manufacturers.

The simplest code is the calendar method. This method, a type of open dating, consists of a four or five digit series, which includes in some order the day, month and year of production or expiration. However, if the consumer does not have a key or guide for an individual product, it is almost impossible to know which number represents what.

Another popular method of coding is the day-of-the-year method. Usually a manufacturer's date, the digits 1 through 365 or 366 are used consecutively. In addition, manufacturers sometimes include the year of production. With this method it is imperative to know the standard shelf life for the product, which the NCU booklet provides.

Some codes are complicated to the point of intentionally evading consumer understanding. But if peculiar codes are not enough, trying to find the codes will keep any consumer occupied for hours. The code may be stamped, with ink frequently smudged; embossed, with lettering barely visible; or even placed under an outer wrapper, which is frequently the case with frozen foods, according to Mrs. Schakowsky.

Since codes are not expected to interest the consumer, they may be marked only on bulk lot cartons and be missing from individual containers.

Some manufacturers themselves are quick to admit they do not want the consumer to know the shelf lives of their products. The National Biscuit Co. (Nabisco), one of the largest manufacturers of cookies and crackers, has repeatedly refused to reveal its intricate code to the public, although NCU and other groups have asked for it.

In a telephone interview, Mary Hoban, a spokesman for Nabisco in New York, stated Nabisco will not release the codes because they "are meaningless to the consumer."

She said the shelf life of identical products can vary depending on the climate and humidity where they are stored. And the consumer would not understand this concept.

Admittedly, shelf lives do vary with temperature and humidity, but a simple chart can explain the differences. The Storage and Material Handling Departments of the Army have devised such charts for perishable foods (produce, bakery goods, meats and milk), semi-perishable goods (canned foods, flour, etc.) and frozen foods.

Shelf lives vary greatly between products too, according to the Army chart. While some canned goods may last three years, under normal conditions, mayonnaise should be kept only six months.

The chart, which was read into the Congressional Record, also breaks down storage lives at temperatures of 40 degrees Fahrenheit, 70 degrees and 90 degrees. Flour, for instance, can be kept 48 months at 40 degrees F, but only 18 at 70 degrees F and six months at 90 degrees F.

But even with charts available Miss Hoban stated, "consumers just would not understand it."

But she stated Nabisco products are always fresh because sales representatives are responsible for stocking and checking grocers' shelves.

Nabisco's closed mouth attitude about codes is not unique, however. Campbell Soup Co. is also reticent to release its code.

A public relations spokesman for the Camden, N.J., firm did not want to release the code. He stated the subject of code is somewhat controversial now and "Campbell wants to sit back and watch what happens" before it releases any form of the dating code to the public.

Doug Robinson, a member of the quality control division, stated public knowledge of codes could be detrimental. If people knew the codes they would buy the newer products, while those produced earlier—and still edible—would sit on the shelf.

"There is no need for this: canned goods can last three years easily," he stated.

But products do not stay on the shelves that long. "There is a rapid turnover of stock both in the store and the warehouse," he stated.

For all Robinson's assurance about rapid turnover, there are outdated products on grocers shelves.

According to the NCU investigations of major chain stores in the Chicago area turned up many thousands of dollars of out-of-date food items on grocers shelves . . . "food items that should not have been sold for days and sometimes weeks and would you believe?—years!"

In Washington, D.C. one consumer group found a canned baby formula over ten years old still on the grocer's shelf.

With the freshness of food sometimes in question, consumer protection, though loudly proclaimed, may still be a myth.

According to NCU the only way to explode a myth and protect the consumer is to know the facts—in this case to have the codes.

Mrs. Schakowsky herself advocated an open dating system as a way of allowing the consumer to protect himself. Only through his own knowledge can the consumer be safe, she said.

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### Dating Lacks Legal Consideration—Are Foods Fresh?

(By Susan Giller)

The struggle for fresh food is one every consumer faces. But the marketplace is shaky ground for the average shopper to fight on.

Although he does hold that mighty weapon, the buying dollar, he has little choice but to buy foods.

The consumer's position in the fresh food struggle is even more tenuous when he attempts to fight, on legal grounds, the selling of old food, because there is nothing illegal about selling most of it.

There are no federal or Pennsylvania laws requiring aged food to be removed from shelves.

When asked, a spokesman for the U.S. Department of Agriculture said he did not know whether freshness dating was mandatory. After a search, one department produced the Wholesome Meat Act and rules for the inspection of poultry and poultry products.

But the acts do not require either an inspection date or expiration date be visible to the consumer. According to one Department of Agriculture pamphlet. USDA-inspected products must carry labels with "an accurate name or description of the product, a complete listing of the ingredients . . . the net weight of the product, the packer or distributor's name and address, and the mark of inspection." But nothing is said about a date.

The handling of semi-perishable foods is the work of another USDA division. But even though this department sent us a bundle of material on home storage of foods, and suggestions for buying foods, there was no information on required dating or the removal of old food.

While the shelf lives of most foods are not required or enforced, some Delaware County municipalities do require the dating of milk.

David Crisman, milk control officer and chemist for Haverford Township, said Upper Darby, Springfield, Marple and Haverford Township all have milk dating ordinances.

The ordinances differ with each municipality, according to Crisman.

In Haverford Township, for instance, milk must be removed from shelves 96 hours after the midnight of the day it was pasteurized, he said.

In Upper Darby, the milk dating ordinance requires milk to be removed from the shelf 60 hours from the midnight of the day of pasteurization.

However, this ordinance has been a sore point with local dairies, four of which have asked for a court injunction to prevent its enforcement. The dairies contend the ordinance is unconstitutional and that the authority to enact it was never delegated to the township by the state legislature.

Aside from milk dating, the lack of food freshness laws has tied the hands of consumer protection agencies.

Fred Karch, director of the Consumer Hotline for Delaware County, stated he is not aware of any legal restrictions on the selling of outdated items.

His department, a part of the county's public relations department, therefore cannot enforce the selling of fresh food. But, he said protection can come through "enlightened self interest" on the part of the consumer.

The state's Bureau of Consumer Protection in Philadelphia also does nothing to handle dated food problems. A spokesman said the bureau does not have the personnel or training to handle such complaints.

"We handle things like consumer fraud, deceptive advertising, problems with door-to-door salesmen and things like that," she said.

Robert Davis, chief of milk and foods subdivision of the Philadelphia Health Department, said that although there are no laws governing food dating in Philadelphia, his department checks the wholesomeness of perishable items in markets. Canned goods and other semi-perishables are not checked at all.

"Canned goods are not going to lose their wholesomeness, after all they are in air tight seals," he said. They are good indefinitely.

But all food, even canned goods do start to deteriorate after a point. Now, legislators have introduced bills in both Houses of Congress that will require all products to carry a pull date in "commonly used letter abbreviations for such months."

U.S. Rep. Bob Eckhardt (D-Tex.) introduced H.R. 8417 and at the same time U.S. Sen. Vance Hartke (D. Ind.) introduced a Senate version of the open dating bill, S.R. 2079.

The bills, if passed, will require all manufacturers to label products with pull dates, to be set for each product by the Secretary of Health, Education and Welfare.

In addition, labels will be required to include the "optimum temperature and humidity conditions for storage."

The bills also include a possible $5,000 fine or a year's imprisonment for violations for the act.

Until now, codes have been used by industry "because they want to check on how fast products move and in case something were wrong with a lot and had to be recalled. It was not done because of the nutritional value of the product," according to Howard Marlow, legislative assistant to Hartke.

The two bills, now in subcommittees, and a 1969 predecessor, which did not pass, are among the first attempts to implement mandatory open dating, Marlow said.

And at first the food industry was against the bills, according to Steve Marcowitz, legislative assistant to Eckhardt. But now the industry seems to be more agreeable because it is "scared states will start enacting their legislation which would require different standards for different localities."

Both bills are expected to come up in committee after the first of 1972.

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### They Desire Open Dating—Food Coding Baffles Buyers

(By Susan Giller)

The traditional roles of the homemaker are varied and time consuming.

She is, among other things, responsible—at least in part—for the health, education and welfare of those in her care.

One of her major responsibilities is to provide fresh, wholesome meals for her family. And this is not always an easy task.

Sure, she can pinch a tomato or hit a watermelon to determine its ripeness, but how can she tell the freshness of canned goods, boxed items or things in a bottle?

Several area women were asked for their thoughts on problems of food freshness: Most admitted they do not always know if they are getting fresh food.

Some were not even aware of the problems concerning food freshness.

One Prospect Park woman said she did not know groceries have shelf lives. "I know with fruit and produce you can get spoiled things if you are not careful, but I just assumed canned foods last forever."

Another Prospect Park housewife said, she just assumed store managers "keep stuff up-to-date on the shelves."

And a Chester nurse said she only knew milk and coffee are stamped with a date, "but that's about it."

A Wallingford woman said she had only recently learned that canned goods cannot be used indefinitely. Now, she added she is definitely concerned about whether she is getting fresh food.

A Drexel Hill teacher learned about coding when she saw a copy of the National Consumers Union "Codebook."

"I never realized what numbers on cans were for. Now I seriously wonder what I have been buying," she said.

After seeing the pamphlet, she said she would try deciphering codes the next time she went shopping.

But, she, like most of the other women interviewed complained that the time involved in deciphering incomprehensible codes is more than she can afford.

One Delaware County mother of 11, said she sometimes tries to decode items, but she has so much shopping to do and stores are so crowded, it is too much trouble to do all the time."

However, she said, often she has opened cans that just do not smell right and has had to return them. "And that takes just as much time as decoding."

One Prospect Park teacher, said she knows manufacturers code-date items, but does not have time to decode items while shopping.

"It really burns me, too," she said. "The numbers are there, but when I shop after school, I am so tired, I am just not willing to spend an extra half hour or so checking dates.

"I think it is a dirty practice for manufacturers to code-date things. It is impossible for housewives, let alone working women, to know how fresh their food is," she said.

All of the women interviewed said it was impossible to decode all of the products their families use. And only one of the women said she is able to make a point of buying food on the basis of freshness dates.

An Upper Darby housewife, said she always checks the dates on milk and eggs, both of which are open dated with expiration dates.

She also said she tries to shop at stores where at least the house brand is open dated. "I cannot decipher any of the other codes," she said. "And I really don't trust the manufacturers, so I avoid them as much as possible."

She, however, was not alone in a desire to have all foods open dated. All of the women even those previously unaware of coding, thought open dating was a good idea.

"I guess, open dating is the only way we will ever know the age of our food," one woman said, after she was told about codes.

Another woman, aware of the intricacies of code dating, said open dating ought to be as visible as the weight on the item, least it be hidden from the consumer.

All of the woman also favored legislation that would mandate open dating on all edibles.

"If it isn't required by law, it will take manufacturers a hundred years to get around to open dating, if they ever do it at all," one woman said.

The majority of the women, contrary to what many store personnel believe, stated they would buy on the basis of dates. Many of the women were eager to have open dating available, and were very ready to use it.

Comments ranged from, "I would appreciate open dating very much," to, "of course I would use dates, I too am interested in what we eat."

Only one woman said she would not bother checking even open dates. Her husband does the shopping.

## FDA'S FAILURE TO CHARGE FEES FOR PROCESSING DRUG APPLICATIONS

Mr. RIBICOFF. Mr. President, the Food and Drug Administration, which continually argues it is short of funds, is ignoring a significant source of financing in its day-to-day operations. Rather than charge private drug companies for the cost of processing applications for new drugs as authorized by law, the FDA funds these operations out of its limited budget. This policy has cost the agency almost $12 million in fiscal years 1968–70 and is continuing at the present time. At the same time, the backlog of new drug applications gets larger and larger every year to the detriment of the private companies as well as the public. The amount of money is relatively small from the companies' standpoint, but makes up 5 percent of the FDA's budget. The companies no doubt would gladly pay for this processing cost if they knew it would improve the operations of the agency.

I am writing Secretary of Health, Education, and Welfare Richardson and Commissioner Edwards, of the FDA, today, calling their attention to a GAO report regarding this problem and urging them to change this policy promptly.

The FDA has the responsibility for assuring that the drugs Americans take are safe, effective, and properly labeled and marketed. Before distributing prescription drugs in interstate commerce, manufacturers are required to obtain FDA approval. In administering this requirement, the FDA processes—without charge—three types of applications:

Investigational new drug applications for clinical testing of new products;

New drug applications to demonstrate that new products are safe, effective, and ready for marketing; and

Abbreviated new drug applications to demonstrate effectiveness for drugs that have previously been approved for safety.

It is general Government policy that Federal agencies should charge fees for services they provide when those services result in special benefits beyond those which accrue to the public at large. An example is the Government's policy of charging fees for quality control tests for insulin and food color additives. Nonetheless, the cost of processing drug applications has been borne by the FDA.

There is no question that the drug companies can afford to pay reasonable fees for FDA's services. Drug sales in the United States total about $14 billion a year, and the industry earns about two and a half billion dollars in pre-tax profits each year, a rate of return of 37 percent on stockholders' equity.

In spite of the profits drug companies receive through the marketing of FDA-regulated drugs, the FDA has taken the position that the processing of drug applications does not result in benefits to the companies beyond those which accrue to the public at large. The agency has therefore failed to charge the companies fees for processing applications.

At the same time, the processing of applications has placed significant strain on the FDA's own, already overburdened operations. The costs of processing constitute approximately 5 percent of the agency's total operating costs, thereby diverting funds from other activities the FDA leadership agrees should be performed. In testifying last May before a Senate Appropriations Subcommittee, Commissioner Edwards stated that—

> It is indeed true that our resources are limited. Also, there are a tremendous variety of products and industries within the FDA's regulatory jurisdiction. The establishment of priorities and allocation of resources, therefore, is a difficult task.

In these circumstances, the FDA is failing to fulfill its public responsibility by unnecessarily diverting 5 percent of its operating budget from other priorities.

In addition, this policy has actually hindered the testing and marketing of new drugs. Pharmaceutical companies have long complained of the delays involved in getting FDA approval of their applications. Indeed, there is a large backlog of pending applications. One of the reasons for this backlog is that the cost of running an adequate program of processing applications is more than the FDA can afford. If the drug companies—rather than the FDA—paid the costs of processing applications, it would be possible for the FDA to hire the personnel necessary to do the job adequately, without diverting funds from its other operations. More efficient processing of applications would allow pharmaceutical companies faster access to the market and increase their sales.

On several occasions, the FDA has stated that it was reviewing the matter. First, a report analyzing the problem was supposed to be completed by the FDA by the end of fiscal year 1971. Now, 7 months and several million dollars later, that report still has not been done. Once the report is finished, the Department of Health, Education, and Welfare has said it will meet with the Office of Management and Budget to discuss the matter. All this delay seems entirely unnecessary; the problem is not a complex one. A simple solution that would benefit the public, the FDA, and pharmaceutical companies could be found and instituted virtually immediately. It is time for the FDA, HEW, and OMB to address the problem.

The GAO report concludes that the FDA should set fees for the processing of drug applications. I strongly concur with that recommendation. In addition, I believe this recommendation should be implemented promptly, without more bureaucratic red tape, delay, or study.

I ask unanimous consent that the GAO report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,

*To the President of the Senate and the Speaker of the House of Representatives:*

*Washington, D.C.*

This is our report on fees not charged for processing applications for new drugs by the Food and Drug Administration, Department of Health, Education, and Welfare.

Our review was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director, Office of Management and Budget, and to the Secretary of Health, Education, and Welfare.

ELMER B. STAATS,
*Comptroller General of the United States.*

### FEES NOT CHARGED FOR PROCESSING APPLICATIONS FOR NEW DRUGS—FOOD AND DRUG ADMINISTRATION DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

(Report to the Congress by the Comptroller General of the United States)

#### DIGEST

#### *Why the review was made*

Manufacturers of new drugs, or any other persons seeking the distribution of drugs in interstate commerce, are required to file applications with the Food and Drug Administration (FDA) and to obtain its approval before the products may be sold to the public.

In administering this requirement FDA processes—without charge—three types of applications: investigational new drug applications to clinically test new products; new drug applications, including supplements, to demonstrate that new products are safe, effective, and ready for marketing; and, abbreviated new drug applications to demonstrate effectiveness for drugs that previously have been approved for safety.

In view of the Government's general policy that Federal agencies charge fees, for services they provide when such services result in special benefits beyond those which accrue to the public at large, the General Accounting Office (GAO) examined into why FDA was not charging a fee for processing applications for new drugs.

#### *Findings and conclusions*

The Federal Food, Drug, and Cosmetic Act contains no specific requirement that FDA charge fees for processing applications for new drugs.

FDA's costs of providing these services averaged $3.9 million annually for fiscal years

1968–70, or about 5 percent of its total operating costs. During this period FDA received an average 3,400 applications annually.

According to the Department of Health, Education, and Welfare (HEW), fees have not been charged for processing drug applications because HEW believed that the benefits received by the general public from the services involved were primary and that the benefits received by the manufacturers were secondary. HEW undertook a study of the need for establishing fees for its services in processing applications involving new drugs.

GAO believes that, although the general public accrues immeasurable health benefits, the drug manufacturers acquire benefits through the right to market the approved product for profit. Therefore GAO believes that it would be appropriate to consider establishing fees for FDA's services in processing applications involving new drugs. Such fees would help to defray a portion of FDA's cost of providing such services.

GAO believes also, however, that fees should not be so high as to deter submission of drug applications or to seriously affect the cost of medical care. (See p. 9.)

### *Recommendations or suggestions*

GAO recommends that the Secretary, HEW, establish fees for the services rendered by FDA in processing investigational new drug applications, new drug applications including supplements, and abbreviated new drug applications, unless the results of the HEW study convincingly demonstrate that such fees should not be established.

### *Agency actions and unresolved issues*

HEW stated that FDA would analyze all the possible ramifications that might arise if fees were charged for processing applications for new drugs. FDA had undertaken such a study with the intent of completing it prior to the end of fiscal year 1971; however, as of September 30, 1971, the study was still in process. (See p. 8.)

The Office of Management and Budget (OMB) has requested a meeting with the Secretary, HEW, to discuss the matter. OMB also has indicated that it would review the HEW study when completed. (See p. 8.)

### *Matters for consideration by the Congress*

GAO is submitting this report to the Congress because of the current interest of its committees and members in the operations and practices of FDA and because of the congressional interest in the fees and charges of regulatory agencies.

## CHAPTER 1. INTRODUCTION

The Food and Drug Administration, a constituent agency of the Department of Health, Education, and Welfare, is responsible for administering the Federal Food, Drug, and Cosmetic Act of 1938, as amended (21 U.S.C. 301), which is intended to prevent the manufacture, distribution, and sale of adulterated or misbranded foods, drugs, devices, and cosmetics through interstate commerce. The act requires that manufacturers of new drugs, or any other persons seeking the distribution of drugs in interstate commerce, file applications with FDA and obtain its approval before the products may be sold to the general public.

In carrying out its responsibilities, FDA reviews three types of applications: (1) investigational new drug applications to clinically test new products, (2) new drug applications, including supplements, to demonstrate that new products are safe, effective, and ready for marketing, and (3) abbreviated new drug applications to demonstrate effectiveness for drugs that previously have been approved for safety.

FDA's cost of providing these services averaged $3.9 million annually for fiscal years 1968–70, or about 5 percent of its total operating costs. During this period FDA received an average 3,400 applications annually.

### INVESTIGATIONAL NEW DRUG APPLICATIONS

The legislation requires that, before a new drug may be introduced into interstate commerce, FDA must approve the drug for both safety and efficacy. To satisfy FDA requirements for safety and efficacy, the manufacturer must, among other things, clinically test the drug under closely controlled conditions. Because this may involve the interstate shipment of an unapproved drug to qualified experts, FDA requires the manufacturer to submit an investigational new drug application to exempt the drug from the ban on interstate commerce.

As part of the application, FDA requires the manufacturer to submit a report of the results of preclinical tests, usually performed on animals, to justify the proposed clinical tests on humans. If the data is sufficient to justify testing the product on humans, the clinical testing of the drug may begin. After the manufacturer has completed the clinical testing and evaluated the test results, he may file a new drug application for the approval of FDA.

### *New drug applications*

Under existing procedures the manufacturer, on his own initiative, files a new drug application when, in his opinion, he has developed evidence that the product is safe and effective for its intended purpose.

The application must be accompanied by a full report of the investigations of the product; a full list of the substances used in the synthesis, extraction, or other method of preparation of the product; a full statement of the product's composition; a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the product; samples of the product and its proposed packaging; and specimens of the product's proposed labeling. If FDA is satisfied that the evidence submitted by the manufacturer substantially demonstrates the safety and effectiveness of the product, it approves the product for marketing.

### *Abbreviated new drug applications*

An abbreviated new drug application allows manufacturers of certain drugs that were approved only for safety during 1938–62 to continue marketing their products while demonstrating the products' effectiveness to FDA. The procedure requires the manufacturer to submit only the most essential data to demonstrate effectiveness, inasmuch as abbreviated new drug applications are accepted by FDA only when no unusual manufacturing problems or doubts about the safety or efficacy of the drug exist.

### *Scope of review*

We reviewed the legislation which authorizes FDA to process applications for new drugs and FDA's policies and procedures for providing such services. We reviewed also the legislation which authorizes Federal agencies to establish fees for special services provided for the benefit of any person and the implementing instructions issued by OMB. We also obtained information from FDA regarding the cost that would be subject to recovery by the Government.

## CHAPTER 2. FEES NOT BEING CHARGED BY FDA FOR PROCESSING APPLICATIONS INVOLVING NEW DRUGS

The Federal Food, Drug, and Cosmetic Act contains no specific requirement that FDA charge a fee for its services in processing investigational new drug applications, new drug applications, supplements to new drug applications, and abbreviated new drug applications submitted to FDA by manufacturers or other persons seeking the distribution of drugs in interstate commerce.

HEW has not charged fees for these services because it believed that these services primarily benefited the general public and only incidentally benefited the applicants. HEW did not consider that the Government's general policy, under which Federal agencies recover the costs of special services from the users who benefit, was applicable to the processing of drug applications.

We believe that, in addition to the general public's accruing immeasurable health benefits, the drug manufacturers acquire benefits through the right to market approved products for profit. Therefore we believe that it would be appropriate to consider establishing fees for FDA's services in processing applications involving new drugs. Such fees would help to defray a portion of FDA's costs of providing such services. We believe also, however, that fees should not be so high as to deter submission of drug applications or to seriously affect the cost of medical care.

### CRITERION FOR CHARGING FEES

The Government's general policy of charging fees for special services is expressed in title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a), commonly called the User Charge Act, as follows:

"It is the sense of the Congress that any work, service publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses) * * * shall be self sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation * * * to prescribe therefor such fee, charge or price, if any, as he shall determine * * * to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts * * *."

Instructions to executive agencies for the implementation of this policy are contained in OMB Circular No. A–25, dated September 23, 1959, as amended. On May 18, 1962, HEW adopted the requirements of Circular No. A–25 as its official policy. Specifically, this circular provides:

"(1) Where a service (or privilege) provides special benefits to an identifiable recipient above and beyond those which accrue to the public at large, a charge should be imposed to recover the full cost to the Federal Government of rendering that service. For example, a special benefit will be considered to accrue and a charge should be imposed when a Government-rendered service:

(a) Enables the beneficiary to obtain more immediate or substantial gains or values * * * than those which accrue to the general public * * *,

(b) Provides business stability or assures public confidence in the business activity of the beneficiary * * *, or

(c) Is performed at the request of the recipient and is above and beyond the services regularly received by other members of the same industry or group, or of the general public * * *.

"(2) No charge should be made for services when the identification of the ultimate beneficiary is obscure and the services can be primarily considered as benefiting broadly the general public (e.g., licensing of new biological products)."

Our review showed, however, that HEW did not consider that the Government's general policy for charging fees was applicable to the processing of drug applications. For instance, an HEW official informed us that HEW considered that charging fees for processing new drug applications was not in the public interest, as the ultimate beneficiary of the services was the public at large and that any benefits accruing to the manufacturers involved were secondary and incidental to those accruing to the general public.

We believe that, although the general public accrues immeasurable health benefits, the drug manufacturers acquire a valuable right—the right to market the approved product for profit.

### COST TO FDA OF PROCESSING DRUG APPLICATIONS

We attempted to identify the unit cost of processing drug applications but were unable to obtain an accurate count of the number of applications processed during a given fiscal year and the related costs. Therefore we calculated an average cost of processing drug applications on the basis of the number of drug applications received and the cost of processing the applications in fiscal years 1968, 1969, and 1970. We recognize that the costs of processing drug applications in a fiscal year may not be allocable directly to the applications received in that year, but we believe that an average cost computed on this basis can be used as a general indicator of the cost of processing a drug application.

The following table shows that, on an annual basis, the number of applications received in fiscal years 1968–70 averaged 3,400. The costs, exclusive of overhead costs, incurred by FDA in reviewing these applications during the same fiscal years averaged $3.9 million annually—mostly for salaries—or about 5 percent of FDA's total operating costs, and were distributed as follows:

ANNUAL AVERAGE FOR FISCAL YEARS 1968-70

| Type of applications | Number received | Cost of services (thousands) | Cost for each application |
|---|---|---|---|
| Investigational new drug applications | 1,343 | $1,372 | $1,022 |
| New drug applications | 286 | 1,555 | 5,437 |
| Abbreviated new drug applications [1] | 123 | 83 | 675 |
| Supplements to new drug applications | 1,631 | 871 | 534 |

[1] 1st full year of operation was fiscal year 1970.

On the basis of our computation, the average cost of processing a drug application that is ultimately approved has been about $9,700, comprising the cost of processing (1) an investigational new drug application ($1,022), (2) a new drug application ($5,437), and (3) six supplements (at $534 each); which FDA informed us was the average number filed for each new drug application.

### *Agency comments*

We solicited the views of HEW and OMB, respectively, on a draft of this report in which we suggested that HEW establish fees for services rendered by FDA in processing drug applications. By letter dated December 30, 1970 (see app. II), the Assistant Secretary, Comptroller, submitted HEW's comments on our report. HEW stated that, on the basis of information in our report, it would not be reasonable to implement our suggestion to establish fees and that a more intensive study of all possible ramifications would be needed. HEW stated also that FDA would undertake such a study with the intent of completing it prior to June 30, 1971. HEW informed us that the study was still in process at September 30, 1971.

In a letter dated April 20, 1971 (see app. III), the Deputy Director, OMB, advised us that OMB had requested a meeting with the Secretary of HEW to discuss the Secretary's views on the institution of user fees for processing drug applications. OMB advised us further that it intended to review HEW's study and that, depending on the outcome of the study, a reinterpretation of Circular No. A–25 and 31 U.S.C. 483a might be appropriate.

We consider it appropriate for HEW to make an intensive analysis of all possible ramifications involving the assessment of user charges. It is our view, however, that the Government's general policy to collect fees for services resulting in special benefits to persons or organizations, as discussed in our report, constitutes a sufficient basis for establishing such fees.

HEW said that the objective of an investigational new drug application was not to license the marketing of a new drug but rather to protect the human subjects of clinical research. HEW said also that the promotion and sale of investigational new drugs was strictly regulated by FDA to ensure that the application was not used as an overt mechanism for financial gain. Therefore HEW stated that charging fees for investigational new drug applications did not appear to be warranted because the maufacturer did not receive any value.

We do not agree that a manufacturer does not receive value from the processing of an investigational new drug application. This service allows the manufacturer to clinically test a product and to gather the evidence necessary to substantiate claims for safety and efficacy—the *major* requirements for obtaining FDA approval of the product for marketing.

HEW agreed, however, that approval of a new drug application resulted in the manufacturer's receiving some benefit but questioned charging a fee for the application itself. HEW stated that a manufacturer would not realize any benefit from a new drug application that was disapproved.

When a manufacturer files an application, FDA has a legal duty to process and review the application in a manner commensurate with statutory requirements. In our opinion the costs of fulfilling these requirements in the processing of an application are essentially the same, regardless of FDA's final decision as to whether an applicant has been successful or unsuccessful.

Moreover we believe that the disapproval of a new drug application may benefit the manufacturer, because FDA informs the manufacturer of the deficiencies involved in the application. This information provides the manufacturer with an opportunity to revise the product or to conduct additional tests to prove that the product is a safe and effective drug.

HEW stated also that our suggestion for a fixed average fee for new drug applications appeared to be inequitable. We did not suggest, however, that a fixed average fee be established but suggested that fees be established for services rendered by FDA in processing the different types of applications.

### *Conclusion*

According to HEW, fees have not been charged for processing drug applications, because HEW believed that the benefits received by the general public from the services involved were primary and that the benefits received by the manufacturers were secondary.

HEW informed us that an intensive study of the matter was necessary, however, and that FDA would undertake such a study. Also, OMB advised us that it intended to review the results of the HEW study and that, depending on the outcome of the study, a reinterpretation of Circular No. A–25 and 31 U.S.C. 483a might be appropriate.

We believe that services provided by FDA in processing drug applications benefit both the general public and private identifiable parties and should not be excluded from the Government's general user-charge policy. Although the regulatory legislation has been enacted primarily for the protection of the public, the fact remains that manufacturers complying with the requirements of the legislation acquire a valuable right—the right to market the approved product for profit.

In the absence of a specific provision in FDA's authorizing legislation prohibiting fees for these services and in view of the Government's general user-charge policy, we believe that the Secretary of HEW should establish fees for processing applications for new drugs. We do believe, however, that fees should not be so high as to deter submission of drug applications or to seriously affect the cost of medical care.

As previously stated HEW informed us that, as of September 30, 1971, the study referred to in its comments on our report was still in process. We consider it appropriate for HEW to make such a study, which would include an analysis of all possible ramifications that might arise if fees were assessed for the processing of applications for new drugs.

The concern of the Congress over the adequacy of fees charged by Government agencies for services rendered to special beneficiaries was expressed by the Senate Committee on Appropriations in its report on the Independent Offices and Department of Housing and Urban Development appropriation bill for 1969 (S. Rept. 1375, 90th Cong., 2d sess.), as follows:

"The committee joins with the House committee in its concern that the Federal Government is not receiving sufficient return for all the services which it renders to special beneficiaries, and in its recommendation that the applicable agencies review their schedule of fees and charges with a view to making increases or adjustments as may be warranted, taking into consideration beneficial certificates and privileges granted to offset in part the increasing needs for direct appropriations for operating costs of the agencies concerned."

Thus in the light of congressional concern, as expressed by the Senate Committee on Appropriations, that the Federal Government is not receiving sufficient return for all the services it renders to special beneficiaries, we believe that, unless the results of the HEW study convincingly demonstrate otherwise, appropriate fees should be established for processing drug applications.

### *Recommendation to the Secretary of HEW*

We recommend that the Secretary, HEW, establish fees for the services rendered by FDA in processing investigational new drug applications, new drug applications including supplements, and abbreviated new drug applications, unless the results of the HEW study convincingly demonstrate that such fees should not be established.

## APPENDIXES

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
*Washington, D.C., December 30, 1970.*

Mr. DEAN K. CROWTHER,
*Assistant Director, Civil Division, U.S. General Accounting Office, Washington, D.C.*

DEAR MR. CROWTHER: The Secretary has asked that I reply to the draft report of the General Accounting Office entitled, "Processing of Drug Applications without Charging Fees." Enclosed are the Department's comments on the findings and recommendation in your report.

We appreciate the opportunity to review and comment on your report.

Sincerely yours,
JAMES B. CARDWELL,
*Assistant Secretary, Comptroller.*

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### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### COMMENTS ON THE DRAFT OF A GAO REPORT TO THE CONGRESS ENTITLED "PROCESSING OF DRUG APPLICATIONS WITHOUT CHARGING FEES"

### *GAO recommendation*

*The Secretary of HEW should establish fees for the services rendered by the Food and Drug Administration in processing investigational new drug applications, abbreviated new drug applications, and supplements thereto.*

*Department comments*

We do not believe that it would be reasonable to implement GAO's recommendation solely on the basis of the information contained in the GAO report. We believe that this area needs a much fuller and more intensive study that would include analysis of all the possible ramifications that might arise if this recommendation were implemented. Therefore, the Food and Drug Administration (FDA) will undertake such a study with the intent of completing it prior to the end of the current fiscal year. During the course of this study, the FDA will fully evaluate the merits of GAO's recommendations as well as explore other alternative courses of action.

We believe that there are many fundamental problems connected with the concept of charging drug application fees that are not readily apparent. For example, in connection with charging fees for "Investigative New Drug Applications" (INDs) the GAO rationale is that a fee would recover from the manufacturer some part of the value that he receives as a result of obtaining the right to market a drug. The objective of the IND is not to license the marketing of a new drug; its intent is to protect the human subjects of clinical research. The promotion and sale of drugs covered under INDs is strictly regulated by FDA to assure that the IND is *not* used as an overt mechanism for financial gain. Consequently, the stated rationale for drug application fees does not appear to apply to INDs.

For similar reasons, the justification for the New Drug Application (NDA) fee proposed in this report seems questionable. Obviously, the approval of an NDA gives the manufacturer some benefit which has a market value as long as there is an adequate demand for the drug. But the report recommends a fee for the application itself, not the approval of the application. Clearly, a firm realizes no market value from an NDA that is not approved. The only beneficiary in such a case is the general public, which is protected against exposure to an unsafe or ineffective drug. Since less than 20 percent of the NDAs reviewed in the years 1968–1970 were approved, most applicants who submit NDAs receive no market benefits. Consequently, the rationale for NDA fees might be considered somewhat inconsistent and inequitable.

The recommendation for a fixed average fee for NDAs appears to be inequitable. By recommending a fixed average for NDA fees, the report implies that the cost of processing one NDA is roughly comparable to any other. In fact, however, the resources required to review an NDA vary from a few man-months to several man-years of review effort. Since an average fee would exceed the costs for many NDA reviews, a fixed fee structure would be unfair to many individual firms.

The preceding comments are not intended to reflect insurmountable objections to drug application fees. They are examples of factors, similar to the many cited in the report itself, which we feel deserve a most careful and thorough analysis before we can accept the desirability of drug application fees. We recognize that the Office of Management and Budget shares FDA's interest in developing feasible drug application fees. Although we cannot support the report's recommendation on the basis of current evidence, FDA will, as stated, candidly evaluate the merits of this and related alternatives in the coming months.

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EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
*Washington, D. C., April 20, 1971.*

Mr. A. T. SAMUELSON,
*Director, Civil Division,*
*General Accounting Office, Washington, D.C.*

DEAR MR. SAMUELSON: This is in reply to your November 2, 1970, letter requesting the Office of Management and Budget to reconsider its position on the charging of fees by the Food and Drug Administration for the processing of drug applications.

A reinterpretation of Circular Number A–25 and Regulation 31 U.S.C. 483a might be appropriate in the case of the proposal that FDA institute user charges. While we feel that there are more fundamental issues concerning the financing of FDA operations than those raised in the report, we are requesting that the Secretary of Health, Education, and Welfare discuss with us his views on the institution of user fees for this service.

In regard to the broader question raised above, FDA is conducting a thorough evaluation of possible financing options. We are requesting that this study be submitted to this Office for review upon its completion by the agency.

Sincerely,

CASPAR W. WEINBERGER,
*Deputy Director.*

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*Principal Officials of the Department of Health, Education, and Welfare Responsible for the Activties Discussed in This Report—Tenure of Office*

Secretary of Health, Education and Welfare

Elliot L. Richardson, June 1970 to Present.
Robert H. Finch, January 1969 to June 1970.
Wilbur J. Cohen, March 1968 to January 1969.
John W. Gardner, August 1965 to March 1968.
Anthony J. Celebrezze, July 1962 to August 1965.

Assistant Secretary, Comptroller

James B. Cardwell, August 1970 to Present.
James F. Kelly, October 1965 to August 1970.

Assistant Secretary (Health and Scientific Affairs) [1]

Dr. Merlin K. DuVal, July 1971 to Present.
Roger O. Egeberg, July 1969 to July 1971.
Philip R. Lee, November 1965 to February 1969.

Commissioner, Food and Drug Administration

Dr. Charles C. Edwards, February 1970 to Present.
Herbert L. Ley, Jr., July 1968 to December 1969.
James L. Goddard, January 1966 to June 1968.
Winton B. Rankin (acting), December 1965 to January 1966.
George P. Larick, August 1954 to December 1965.

## PRESIDENT NIXON'S PROPOSALS TO END THE VIETNAM WAR

Mr. CURTIS. Mr. President, today is a day of reckoning on the Vietnam war issue about which we have heard so much for so many years.

Today the people of the United States have a chance to take stock of what President Nixon has been saying and doing compared with what his critics have been saying and doing.

Today we can compare notes and make a judgment as to whether the President has been justly or unjustly criticized for his efforts, or lack of them, to bring that terrible, tragic war to a conclusion.

With this in mind, Mr. President, I have been reading, and listening to, the President's comments of last night and the analyses of others who have been speaking on the war for months and years, and I keep coming up with one strong conclusion:

The President's harsh critics are not leveling with the American people. They are closing their eyes to the facts, to reality. Their "credibility gap" is showing.

I will cite some examples that are particularly striking to me.

The Washington Post in a front-page article this morning reported that "opponents of the war" said the President "added nothing new except to report publicly a formula which they predicted would not work and which the North Vietnamese have ignored since October."

"Opponents of the war"?

That includes me, Mr. President, but, of course, I was not identified or quoted in the article. What the writer really meant was "critics of the President," but the writer exercised his own license of rhetoric and called them "opponents of the war" in contrast to those of us who think the President has been doing the best job possible of bringing the war, which we also oppose to a conclusion.

"Nothing new"?

Now I ask, Mr. President, is it not "new" that the President's national security adviser, Dr. Henry Kissinger, has gone to Paris 13 times to conduct secret negotiations with top North Vietnamese leaders to try to bring the war to an end?

Is it not "new" that Dr. Kissinger in behalf of President Nixon has offered a plan in secret negotiations that goes farther than any offered publicly to try to end the war?

Is it not "new" that President Thieu of South Vietnam is willing to resign his office and allow an international commission to supervise new elections as a condition for getting the North Vietnamese to agree to end the war?

I submit that it was "new" enough to occupy the top position on the front page of every newspaper published in America this morning.

One of President Nixon's critics is quoted as saying the President's proposal "will not work" because "North Vietnam wants a date set for withdrawal. President Nixon wants an agreement first. There's a great difference between offering to set a date and setting a date."

On this point, I ask, "What is the great difference?"

Is this "the important difference between settlement and surrender" which the President mentioned in his speech last night? If so, the critic is advocating what the President calls surrender, and both the critic and the North Vietnamese have to be smart enough to know that neither the President nor the people of the United States will stoop to that.

Or is this "great difference" merely a matter of holding another meeting, the 14th, if you will, to agree on a specific date? Is it not fair to all minds to ask that both or all parties to a peace settlement agree to a date when hostilities will end? Is that too much for the President to ask of his critics at home along with his enemies in North Vietnam?

How can any conflict of arms between

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[1] In March 1968, the Assistant Secretary was given direct authority over the Public Health Service and the Food and Drug Administration and the functions of the two organizations were realigned.

nations be settled without some kind of an agreement between the parties for the cessation of hostilities? I submit, Mr. President, that even a surrender agreement contains such a basic provision. I submit that no settlement is possible by unilateral action because such action obviously would contain no provision for the return of American prisoners or the ending of the war. I think somebody is trying to make "a great difference" out of the political squirming that is taking place both in the United States and throughout the world today, as the result of the President's speech of last night.

One of the President's critics is quoted as saying it was "clear" that the President "had refused to set a specific date for withdrawal, which is required to stop the bloodshed."

As a matter of fact, the President's offer to withdraw all American troops 6 months from the date of agreement between the parties to stop shooting and to return our prisoners is an offer of a specific withdrawal date.

How can it be interpreted any other way? All the North Vietnamese have to do is agree to it—and they won't even do that.

For months the President's critics have been saying to Americans and the world:

> Agree to withdraw all the troops and the war will be ended and American prisoners returned.

Some of these critics have come away from meetings with North Vietnamese political leaders and made statements to this effect. And all the while, President Nixon in a series of secret meetings was offering within a specific time frame to withdraw all American troops in return for a complete prisoner exchange and an end to the war.

I am sorry to say, Mr. President, the critics of President Nixon on this day of reckoning have cast themselves in the role portrayed by the comic of yesteryear, remembered by many in this Chamber, who countered praise of any individual with the constant rebuttal, "Even if he was good, I would not like him."

As a positive alternative, I am issuing a counterchallenge.

I herewith appeal to all Americans, in and out of the Congress, who have had contacts with the North Vietnamese, and who appear to have their confidence, to use their influence to get the North Vietnamese to take the next step of compromise that will put the final end to this war and bring back our prisoners of war and the missing in action who are still alive. This they can do, and this they owe to their country and to humanity at large. I urge them to stop carping at the President and do what they can to end the war.

## BROADCASTING FOUNDATION OF AMERICA

Mr. HARTKE. Mr. President, recently I learned of an outstanding organization which is seeking to make the vast wasteland of television fertile ground for knowledge and entertainment.

The Broadcasting Foundation of America has spent more than 16 years improving the content and quality of broadcasting. I ask unanimous consent that a letter written by the BFA's vice president, Howard L. Kany, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BROADCASTING FOUNDATION OF AMERICA,
*New York, N.Y., January 20, 1972.*

Senator VANCE HARTKE,
*U.S. Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR HARTKE: Knowing of your continuing interest in communications in the United States, and particularly in improving the content and quality of broadcasting, I would like to call to your attention the outstanding programming being provided to more than one hundred and fifty stations by the Broadcasting Foundation of America.

Since 1955, BFA has disseminated a unique variety of informational, public affairs, and cultural audiotape programs, assembled from professional broadcasting organizations throughout the United States and forty other countries and produced on a daily basis at its studio and production headquarters in New York.

Both commercial and non-commercial educational stations throughout the United States are kept advised of new and continuing weekly program series available from BFA. Duplicates are produced on BFA's high speed stereo equipment and rushed to stations for immediate use. Listening audiences for BFA programs are estimated in the millions.

BFA provides weekly half-hour program series in such areas of contemporary interest as science, education, literature, and the performing arts, assembling such spoken word programs from tapes flown to New York from England, France, Italy, Germany, The Soviet Union, Yugoslavia, Japan, Australia, Brazil, Canada, and numerous other nations. Weekly press reviews are supplied by BFA, in which opinions expressed in leading foreign newspapers are compiled by country. Through these series American listeners learn of international reaction to such significant world issues as the U.N. China question, the India-Pakistan dispute, President Nixon's economic policy, issues before the Soviet Communist Party, and manned flights into outer space.

Other BFA programs report on events behind current developments from news centers throughout the world. An especially popular program series, entitled "This Is Your World," focuses on environmental situations facing serious citizens, and includes thoughtful discussions on problems of ecology, social change, cultural expression and racial friction.

Listeners to BFA programs frequently are transported vicariously to the scene of the great music festivals of Europe. Live recordings of prestigious concerts from Salzburg, Vienna, Spoleto, Prague, and Bregenz, among others, are made available to BFA subscribing stations. Leading orchestras and individual artists are represented, on festival recordings, as well as on a weekly two-hour music series which BFA distributes.

Outstanding American production is represented by two long running programs produced at WFMT, the highly successful Chicago FM station, of which Raymond Nordstrand is President. These programs are: The Studs Terkel Show, hosted by the best selling author who conducts lively discussions and probing interviews; and Midnight Special, a fast paced variety series embracing contemporary music, skits, and humor.

BFA originated from an idea expressed on the University of Chicago "Round Table" radio program nineteen years ago, wherein it was suggested that Americans, while eager to dispense information about themselves on a world basis, may not listen enough to what persons in other nations are doing and saying. Stemming from this premise, BFA was formed in January 1955, as an independent, non-profit, non-governmental, educational organization, chartered by the Board of Regents of the State of New York. Its principal objective was stated in these words: ". . . to invite nations throughout the world to share their views, arts and music, culture and traditional materials with the American people via taped radio programs; and to establish an international structure for a two-way conversation between them and other nations."

BFA's founders included the then moderator of the "Round Table" and current BFA Chairman of the Board of Trustees, George Probst; Seymour Siegel, BFA President and long time Director of WNYC's Municipal Broadcasting System; Calvin W. Stillman, Professor of Environmental Resources at Rutgers University; the late Lewis Hill, former President of Pacifica Foundation; and the late Robert R. Redfield, Dean of the Division of Social Sciences and Professor of Anthropology at the University of Chicago. It was Dean Redfield who asked on the "Round Table" program, "Would it be untactful to suggest that America needs a hearing aid?" BFA's formational activities were embarked with the assistance of a Rockefeller Foundation grant, and its continuance through the years was made possible through grants from the Ford and the Benton Foundations.

Today, after 17 years of operation, BFA's role in international communications is as unique and significant as ever. The Foundation, which seeks and requires support from other foundations but whose costs are met more than half way by subscriber stations, distributes thousands of spoken word and music programs each year. Duplicates are made available not only to AM and FM radio stations, but also to universities, libraries, and other educational organizations.

As more broadcasting and educational organizations become familiar with the scope and quality of BFA material, the future becomes ever brighter for this unique international communications enterprise.

Sincerely yours,

HOWARD L. KANY,
*Vice President and Executive Director.*

## FEDERAL ASSISTANCE TO LOCAL TRANSIT OPERATIONS

Mr. ALLOTT. Mr. President, one of the serious problems which confronts the Federal Government as it moves to assist local transit operations with the purchase of new equipment is to insure that citizens actually benefit from these transportation changes. In my judgment the Chicago Transit Authority, under the leadership of its imaginative chairman, Michael Cafferty, has moved very constructively to solicit and project public opinion in conjunction with a grant application to the Department of Transportation to fund a $121 million capital program.

The CTA developed a program entitled "Project Suggestion Bus" through which it obtained the views of more than 30,000 interested citizens who informed the authority on how equipment and service could be improved. Mr. Cafferty recently wrote Members of the Senate about this excellent program, which I believe should serve as a model to other cities who desire similar Federal funding.

So that all Senators may benefit from the knowledge of this unique citizen participation program, I ask unanimous consent that Mr. Cafferty's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHICAGO TRANSIT AUTHORITY,
*Chicago, Ill., December 14, 1971.*
Hon. GORDON ALLOTT,
*U.S. Senate,*
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR ALLOTT: We here at Chicago Transit Authority have just completed what we think of as the largest public hearing ever held for a federal funding application, and we thought you might like to hear about it. It was conducted in conjunction with a grant application to the U.S. Department of Transportation to fund a $121 million 2-year capital program.

We called it "Project Suggestion Bus" and we've enclosed one of the few remaining car cards which we utilized to promote the experience.

We began with two vintage buses, both of which will be replaced when our grant application is approved. The interiors of those buses were totally redesigned but the exteriors were left untouched. In each bus, the first one-third of the interior was refurbished with new lighting, different color schemes, various wall treatments and alternative style seating. In effect, it suggested to the public a variety of atmospheres and environments, and we invited comment.

The rear two-thirds of the bus became a virtual gallery of renderings and information pertinent to the $121 million, two-year capital replacement program. The walls were wood-paneled, there was carpeting throughout, and the CTA staff was present to guide, explain and answer questions.

The buses went to the people, locating at twenty-five busy sites during an ensuing two-week period.

Advertisements in the metropolitan and community newspapers told when and where the buses would be present and asked people to visit and give us their comments. The ads and promotional material all utilized the basic theme that you have in the enclosed poster.

At the time we began, we publicly estimated that 6,000 to 7,000 visitors would have pleased us. In fact, we registered 35,000 persons! More than 30,000 took the time to fill out our questionnaires concerning the Capital Program. They made certain selections, expressed preferences and commented on how we at CTA could provide better service to the community.

The CTA is proud of what appears to be a quantum breakthrough for citizen participation conducted on a truly productive basis rather than in the characteristic "charged atmosphere".

We felt that as one who is vitally concerned with public transportation, you would want to hear of our experiences and results. We think the project has demonstrated its merit and its adaptability to any location in the nation.

Sincerely,
MICHAEL CAFFERTY,
*Chairman.*

## HELP NEEDED FROM JUSTICE DEPARTMENT AND FBI

Mr. ALLEN. Mr. President, J. W. C. Smith, of Fairfield, Ala., sent me a UPI news dispatch which describes systematic blackmail by black panther pickets who demand contributions from merchants in Oakland, Calif., as a condition of their continuing to do business in that city. Mr. Smith points out that in the past gangsters used these methods and when merchants refused to pay they would bomb them out of business.

Mr. President, the merchant mentioned in the news release is a black businessman and there can be little question but that activities of the sort described violate the civil rights of merchants and customers who are victimized by these tactics.

Under the circumstances, I am at a loss to understand why the Department of Justice sits on its hands while this type of activity goes on. Mr. President, I ask unanimous consent that the UPI dispatch, published in the Birmingham Post-Herald of January 17, 1972, be printed in the RECORD at the conclusion of these remarks.

Mr. President, in this connection, the civil rights of blacks and whites alike are being flagrantly violated in Wilcox County, Ala. Public schools and businessmen in this county are being subjected to a boycott. It has been charged that the boycott has been organized and led by an organization funded by the Department of Health, Education, and Welfare. The allegations of violence and unlawful actions of boycotters are set out in a letter which I addressed to the Attorney General on December 15, 1971. I request unanimous consent that a copy of this letter be printed in the RECORD at the conclusion of my remarks.

Mr. President, there is no excuse for failure of the Federal Government to investigate these cases and to prosecute if the evidence warrants it. But instead, the Department of Justice permits its personnel by the score to be used for surveillance of little schoolchildren and to interrogate and question parents in their homes in connection with the crime of sending one's child to a neighborhood school.

In Wilcox County, Ala., local newspapers carried pictures of agents of the FBI engaged in photographing the records of schoolchildren. More recently, the Concerned Parents for Public Education, Inc., of Birmingham, Ala., addressed a letter to the Honorable J. Edgar Hoover in which it is complained that FBI agents are following little schoolchildren from schools to their homes and questioning their playmates and their parents in their homes.

Mr. President, I have always had great respect and utmost confidence in the integrity of the FBI under the leadership of J. Edgar Hoover. Therefore, it is difficult for me to imagine that Mr. Hoover would ever willingly permit agents of his Department to engage in such a demeaning enterprise as "tailing" and "shadowing" little schoolchildren and harassing and intimidating parents in their homes. Under the circumstances, I am convinced that if these charges are true, it is because the FBI has been ordered to misuse its agents under directions of insensitive radicals in the Department of Justice or else on orders of judicial dictators who direct such police state tactics under authority of U.S. district court judges.

It is a sad commentary of the times when the Federal Bureau of Investigation, under the direction of the Department of Justice, is compelled to spend its funds and resources on investigating and interrogating little children and parents concerning school attendance while rampant crime and violence throughout the Nation threatens the very foundations of our society.

Mr. President, it is difficult to fix responsibility where misfeasance is involved. However, I believe that it is important to determine who is responsible for such a fantastic distortion of priorities in the area of law enforcement. I fervently hope that the Senate Judiciary Committee might inquire into the matter before parents and schoolchildren throughout the Nation are subjected to the same type of investigation and surveillance after Federal courts complete their wrecking job on the public schools of our Nation.

Mr. President, I ask unanimous consent that the letter from the Concerned Parents for Public Education, Inc., of January 20, 1972, addressed to Mr. J. Edgar Hoover be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

### BLACK BOYCOTT FORCES FUNDS FROM STORE

OAKLAND, CALIF.—Black Panther pickets demanding contributions, who marched for five months outside Bill Boyette's liquor store, were withdrawn Sunday after the "broke" black businessman signed a peace pact requiring regular payments to ghetto programs.

Congressman Ronald V. Dellums negotiated the settlement in which Boyette and other members of his ad hoc committee for the promotion of black business agreed to make donations to a new "united black fund of the bay area," which will support community programs sponsored by the Panthers and other organizations.

Huey P. Newton, the Panther's minister of defense, said that the successful boycott of Boyette's store will be followed with similar picketing of white food and furniture chains operating in Oakland.

"The fight is just starting," he said. "Large chains of white merchants are making money in the black community without donating any to black programs. We shall ask them for donations. We think we can do the job much faster than five months. We will use whatever tactic we feel is effective."

The struggle between the Panthers and Boyette, president of the California Package Stores and Tavern Owners Association, began last August when he and other black businessmen refused to make weekly contributions to the militant organization. They offered food for the Panthers' ghetto breakfast programs, but Newton spurned it and organized the boycott.

Under the compromise drawn up by the staff of Dellums, a Democrat from neighboring Berkeley, the black businessmen will make regular cash contributions to the United Black Fund.

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U.S. SENATE,
*Washington, D.C., December 15, 1971.*
Hon. JOHN N. MITCHELL,
*Attorney General of the United States, Department of Justice, Washington, D.C.*

DEAR MR. ATTORNEY GENERAL: Charges have been made which, if true, would indicate that agents of the Department of HEW are using set-aside funds appropriated under provisions of the Emergency School Assistance Act to finance activities which may be in violation of provisions of Title 18, USC, Sections 241 and 245.

For example, a grant in the amount of $30,000 was made to the Wilcox Progressive

Civic League of Wilcox County, Alabama, despite the fact that the application by this organization was opposed by state and local public authorities, including the county Superintendent of Education, the local county Board of Education, the State Board of Education, and the Governor of Alabama. Funding of the organization was objected to on grounds, among others, that the organization was not responsible, not representative of the community, and not competent to perform the services for which it requested funding.

The Wilcox Progressive Civic League has been charged with instigating, organizing, and encouraging a boycott by black pupils of public schools. The boycott has been enforced by threats and intimidations, such as:

"They have threatened parents with burning their homes. They have threatened to harm the school buses on which these children ride. They have threatened to harm the children at school and while riding the buses. They have destroyed school property. They have punched holes in bus tires with ice picks and they have slashed several tires so that they were not usable. They have gone to people's homes at night and threatened them if they sent their children to school.

"The group mentioned above has led a boycott of the schools in Wilcox County beginning on the opening day of school and continuing up to the present time. They have done everything in their power to create turmoil and disrupt the schools. Students have been threatened by the boycotters. They have been stopped on the way to schools and turned back from school. Bomb threats have been called in to the schools. Parents have been threatened with having their homes burned who sent their children to school. School buses and school buildings have been vandalized.

* * * * *

"Last night, after writing you concerning the appropriation of $30,000 to the Wilcox County Progressive Civic League . . . a school bus was set afire and the home of one of our school guards was set afire and burned to the ground. These cases were definitely arson.

"A verbatim copy of a letter from a mother reads:

" 'Dear Principle, I have been threat over the telephone about my children—on Friday night Because they was in School.'

"Miss Ethel L. Jackson."

In addition, a Camden, Alabama merchant describes an economic boycott in progress, allegedly organized and presently led by the Wilcox County Progressive Civic League. He alleges, in part, as follows:

"There have been four fires, and ladies are being insulted and bumped on sidewalks. Local negroes are being threatened and told not to come into stores, and if they do, they snatch their packages and threaten to burn their homes."

A local newspaper, the *Wilcox Progressive Era*, in commenting on the $30,000 grant of Emergency School Aid funds to the Wilcox County Progressive Civic League said:

"It is generally held that a portion of these funds are being used to finance the economic boycott."

Additional evidence in the form of printed "demands" promulgated by the Wilcox County Progressive Civic League clearly indicate that the interest of the organization in education is only peripheral. The "demands" as they relate to education reveal a ludicrous ignorance of problems of school finance in the county.

However, the object of this particular letter is not to raise the issue of qualification of the organization to receive Emergency School Assistance funds. The point is that if the allegations against the organization can be proven, then certain individuals in the organization are denying civil rights of all citizens and particularly the rights of blacks who are being denied enjoyment of constitutionally protected rights by threats and intimidation at the hands of individuals and organizations financed by Emergency School Aid funds.

The allegations seem to me to be of sufficient seriousness to justify an indepth investigation by the Department of Justice with the view of possible prosecutions under appropriate provisions of Title 18, USC, Sections 241 and 245.

Furthermore, because of widespread acts of violence which have occurred in southern schools following the grant of Emergency School Assistance funds to certain private groups and organizations in the South, I suspect that there may be a causal connection between the grants and the ensuing violence. In view of the fact that danger to life and property is involved, I know you will want to expedite an investigation. I look forward to an early reply and report.

With kindest regards, I am

Sincerely yours,

James B. Allen.

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Concerned Parents for Public Education, Inc.,

*January 20, 1972.*

Mr. J. Edgar Hoover,
*Director of the F.B.I.,*
*Washington, D.C.*

Dear Mr. Hoover: I have been contemplating for weeks on whether or not to attempt to inform you as to the injustices carried on here in the State of Alabama under the name of the F.B.I. Since we have a "do or die" emergency coming up here in my community of Sandusky and surrounding communities on Monday, January 24th, I decided to go ahead knowing full well the letter will never be given to you.

We have felt here in Alabama for some time that the President was trying to destroy quality education; that the so-called Supreme Court was against *any* education and others too numerous to mention who have had a hand in destroying local schools. The biggest blow of all came when we found out the F.B.I. is also apparently aiding and abetting the communist forces to take over our schools and subsequently us.

Nothing I have ever read or heard about the F.B.I. prepared me for this as I have always held the F.B.I. in highest regard and had complete faith in the fact that that organization above all others would always fight against communism.

A few weeks ago these dreams were shattered as a lot of other American dreams and ideals have been shattered lately, when the F.B.I. started following little children home from school to see where they lived; when they started questioning playmates of little children as to where their friends lived and when they started going into people's homes, flashing their badges and questioning them about these children's residences and asking the parents questions meant to intimidate them such as where they work and implying by these questions that they could have them fired if they failed to tell the truth.

These are not criminals or law breakers that I am speaking of. These are above average patriotic Americans who are only trying to keep their children in a school here in this community that they, the parents and in some cases grandparents attended.

Under the H.E.W. Guidelines and Federal Judges' order, these children have been rezoned to go to a school several miles away—too far to walk and no transportation provided when the community school is within sight of their homes. This school is already substantially integrated, therefore it is not a racial issue.

Monday morning these children *will* attend this school as they always have.

We wanted you to know this because under the Constitution this is still our right regardless of what any Federal Judge, F.B.I. Agent, Supreme Court or President says.

Sincerely,

Ann J. Baker,
*Secretary.*

## CHILDREN'S DENTAL HEALTH ACT OF 1971

Mr. PEARSON. Mr. President, one of the most significant achievements of the Senate during the 1971 session was the passage, on December 10, 1971, of the Children's Dental Health Act. This important proposal was adopted by a rollcall vote of 88–1. I was particularly gratified by the broadbased support which the Children's Dental Health Act received, for I had the honor to serve as a Senate sponsor when the act was introduced. The act as originally introduced was based upon legislation prepared in close cooperation with leading dental authorities. It has the support of the American Dental Association, the American Association of Dental Schools, the American Dental Hygienists Association, the National Congress of PTA's, the AFL–CIO, the American Academy of Pediatrics, and the Consumer Federation of America.

The Children's Dental Health Act reflects an effort to deal with dental disease in its early stages. A total of $50 million would be used for pilot dental care projects providing preventive, corrective, and followup care to disadvantaged children. The amount of $9 million would be used to assist communities and schools which wish to fluoridate their water supplies. The sum of $57 million would be used to train dental auxiliaries and $56 million would be used to train dentists and dental students how to best utilize dental auxiliaries.

Other provisions of the bill include the appointment of a Dental Advisory Committee, consisting of seven members, who shall appraise the programs established under the bill and report to the Secretary of Health, Education, and Welfare. The bill further provides that the Secretary submit a report to Congress each year regarding progress of the program and a final report containing his recommendation concerning the need and feasibility of a national dental health program for children.

Today our children suffer from a shocking incidence of dental disease. Before they reach the age of 2 years, about half of all American babies suffer tooth decay. The first stages of peridontal disease, which affects the soft tissues of the mouth, can be detected in more than half of our children. The average American child—at age 15—has developed cavities in one-third of his teeth.

This National dental health problem may be attributed, in part, to these facts: nearly half of the children in this country under 15 years of age have never been to a dentist. Among children from the poorest families, more than 80-percent have never been to a dentist.

Immediate Federal initiatives to correct this situation are appropriate. Millions of children urgently need professional care. Tooth decay and other diseases of the mouth should be treated in those cases where, for one reason or another, no care has been available. Federal participation in the attack on dental disease is wholly appropriate, for broadbased programs of preventive dental medicine for children is the most rational and least expensive method of bringing the total problem under control.

### PILOT DENTAL CARE PROJECTS

Pilot dental care projects would be established by the first section of the proposed act on an independent statutory basis under the Public Health Service Act. Comparable projects are authorized currently under section 510 of the Social Security Act, but this authority will expire on July 1, 1972. Section 510 dental care projects, moreover, have suffered from chronic underfunding. Only $500,000 was appropriated for fiscal year 1971, and $1.5 million has been appropriated for the current year. Those pilot projects envisioned in the Children's Dental Health Act deserve better support from the Office of Management and Budget, and from the Congress.

The Children's Dental Health Act contemplates a number of well-planned and funded projects which would extend preventive dental care to children not now receiving such care. Approximately 2 million youngsters would receive care during the 5-year life of the act.

### KANSAS STATISTICS DOCUMENT NEED

Mr. President, I am especially pleased to serve as cosponsor of this legislation, for conditions in Kansas reflect the need for its prompt congressional approval. There are currently about 1,600 dentists in Kansas, with a dentist-to-patient ratio of 1 to 2,000. The average national ratio is 1 to 2,100. The most recent studies reveal, however, that the average dentist has only 1,320 patients in his practice.

The need for dental care is particularly acute in rural areas. In Kansas, for example, there are eight rural counties without the services of a dentist. In addition, 34 Kansas counties have a dentist-to-patient ratio of more than 1 to 3,000. The eight-county area around Garden City has an overall ratio of 1 to 3,500. Clearly such areas could benefit significantly from the establishment of dental care projects for children. Rural projects should include mobile dental care to rural and semirural residents.

Kansas City, Kans., and Wichita have inner-city locations that lack an adequate number of dentists, and could also benefit from pilot children's dental care projects.

### FLUORIDATION

In past years fluoridation has been the subject of some controversy among health officials and the general public. Those communities which have installed fluoridation equipment, however, now report a reduction in tooth decay as high as 65 percent. Thus most communities which can afford installation costs have concluded that the benefits of fluoridation are unchallengeable, and little serious opposition remains.

Nevertheless, the Children's Dental Health Act has been carefully structured to avoid any vestige of Federal coercion on the fluoridation question. A community or school authority must first decide whether fluoridation is appropriate. After the decision has been made at the local level, this legislation provides for a Federal matching grant to procure and install the appropriate fluoridation equipment. The Federal share of the overall cost may approach 80 percent—but the act contemplates that the average grant will be 66.6 percent of total equipment and installation cost.

The bill provides an authorization of $9 million over 3 years to assist communities in fluoridation—a modest sum when one considers the private sector expenditure of $2 billion per year for repair of tooth decay.

### DENTAL AUXILIARIES

Mr. President, this act also deals with the pressing shortage of dental auxiliaries—dental hygienists, dental assistants, and dental laboratory technicians. Today there are 17 dental hygienists and 101 assistants for each 100 dentists. An appropriate ratio would be 40 hygienists and 200 assistants for every 100 dentists. Based upon projected graduation rates, the United States will have a shortage of 25,000 hygienists and 137,000 assistants by the year 1980. The shortage of dental laboratory technicians, who do not provide chairside care and are generally not employed directly by the dentist, is expected to approach 23,000 by 1980.

The Children's Dental Health Act would provide two types of Federal assistance. First, it would increase the funding available for the training of hygienists, assistants, and technicians. Second, it would provide funds for the instruction of dentists and dental students in the proper utilization of auxiliary personnel.

It is true that the purposes of this section could be accomplished under authority of the Health Training Improvement Act of 1970. This act, regrettably, has been consistently underfunded. Entire sections of the Health Training Improvement Act, and its predecessor, have gone unfunded for protracted periods of time.

Enactment of the Children's Dental Health Act would mean better educational and employment opportunities for our returning Vietnam veterans. Those men who have been trained by the military in some form of dental assistance would be encouraged to continue their education and practice in the dental field.

I was deeply pleased when the Children's Dental Health Act passed the Senate. There is no question that prompt consideration by the House is merited, for the authorization must be approved before the programs can be funded for the next fiscal year.

The dental health of our children is extremely important, and this legislation for the first time establishes dental health as a priority of the Congress. The Children's Dental Health Act of 1971 will provide the dental profession, and the allied dental professions, with the tools for a truly effective program of preventive care.

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## CAMPAIGN "SPOTS" ON TELEVISION

Mr. HARTKE. Mr. President, during the debate on campaign spending legislation during the last session, I joined with the distinguished Senator from Illinois (Mr. STEVENSON) in offering an amendment which would have eliminated short campaign spot advertising.

No candidate can provide useful information on any issue in 30 seconds. To reduce a candidate for high public office to the same advertising techniques as a purveyor of detergents and deodorants is to demean both the office and the candidate. Spot ads emphasize image at the expense of issues.

Recently, an article on this subject appeared in the Columbia Journalism Review. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### LET US ABOLISH TV POLITICAL SPOTS

Recently, during a taxi ride to National Airport in Washington, D.C., I thought about all the elected officials in that city who had used TV in campaigns in ways that would never be tolerated for product advertising. I thought of abuses and misuses which, were they for a product, would never get past a continuity acceptance department. And I got angry. Not only because of the importance of the electoral process, but because I am tired of the advertising business being blamed for these excesses.

All of us in advertising agencies, and particularly people in broadcasting, can do something about it. We can learn from the mistakes of 1970—and there is some evidence that mistakes have been made. A week after the November elections Foote, Cone & Belding interviewed more than 1,600 people through our Monthly Information Service and the Gallup Organization. We wanted to know if voters shared our concern with the way TV was used. We found three-quarters of the sample favoring restriction or control of political advertising on TV. Most were concerned about the inequity of TV time and funds among the candidates. Of those favoring restriction, 23 per cent felt that the content wasn't truthful or honorable enough.

How did we reach this sorry state? It all began in 1952. Gen. Eisenhower, with the help of Robert Montgomery and Rosser Reeves, did a series of spot announcements in which he answered questions asked by voters, usually ending with: "Let's clean up the mess in Washington." From there, for nineteen years the political use of TV has for the most part gone downhill. There have been brilliant exceptions: the Kennedy-Nixon debates, for example. But there has been little subsequent use of debates and longer-length expositions. In the 1968 campaign, 70 per cent of the TV advertising was in "spots."

TV is getting a larger and larger proportion of the campaign media expenditure: $38 million in 1968. And TV time has gotten more and more expensive. As a result, the standard campaign today is a big reach/frequency spot effort of ten-, twenty-, thirty-, and sixty-second commercials: the most expensive form of communication this side of Telstar. If you can't afford it, you don't play.

With that much cash going into media, needless to say a lot of people got their hands into the creative work. Professional image-builders began to emerge and take over the creation and production of the messages. In the public mind, these people were lumped into the pejorative designation "Madison Avenue," although many of them did not represent any recognized advertising agency. They talked like the worst huckster stereotype, and the statements they made about their craft would get one forcibly ejected from any reputable advertising agency: "Our job is to glamorize them and hide their weaknesses. . . . It's much more important to know the man than to know his stand on an issue. . . . If I had only three weeks for a campaign, I'd pick a pretty boy. . . . He was a beautiful, beautiful body and we were selling sex. . . . Voting is an emotional response."

The people behind those statements are making some mistakes about product advertising. But their fundamental error, if not sin, is in equating the communications program of a candidate for public office with the advertising of a consumer product. Most packaged goods are minor purchases. Most depend for their survival on establishing a predisposition to repurchase. The consumer's most effective response to a disparity between advertising claim and reality is never buy it again. When you "buy" a political candidate as a result of his advertising, you're stuck with the "purchase" for four years—with results that can be far more devastating than not getting your teeth as white as you had hoped.

If you draw the comparison with a big-ticket purchase, the analogy crumbles just as quickly. An appliance, an automobile, an insurance policy are not sold by advertising. They are sold by a dealer or an agent. Advertising can only establish, in the mind of the prospect, an appropriateness between his need or lifestyle and the product, then direct him to the personal salesman and the actual product.

Unfortunately, this essential second step is missing if you apply the same techniques to selling a candidate. And the candidate offers you neither a money-back guarantee nor any kind of service warranty. Furthermore, none of the safeguards imposed upon contemporary TV advertising apply to political spots. Even the libel laws are suspended. The National Association of Broadcasters and network continuity acceptance departments wouldn't think of challenging the statements, claims, and promises made by a political commercial. Indeed, I wonder if the Federal Trade Commission is going to insist on the same kind of documentation from candidates as it demands from automobile manufacturers in 1972.

There have been commercials that didn't mention, much less provide an opinion on, a single issue. They include: a John F. Kennedy montage of banners and stills with the theme song, *It's Up to You;* a montage of Nixon shaking hands to the theme, *Nixon's the One;* a Johnson spot showing an H-bomb explosion, over a voice quoting Senator Goldwater that "this is merely another weapon"; a Humphrey spot consisting of rising laughter over a billboard which reads Agnew for vice president.

When communication like that can form an important part of a major political campaign, there is something very wrong. And since the advertising industry is being blamed for it, I think we ought to initiate some remedies. One possibility is for advertising agencies not to accept a political account. This is the simplest solution. It is our agency's solution at the moment. But I am not sure it is the right solution. The talents that reside in an agency could, under the right conditions, be ideal for creating and placing meaningful messages for a candidate.

The system adopted in England seems very reasonable to me. Under the Independent Television Act, political commercials are forbidden. However, during general elections the two network organizations—BBC and ITA—allocate a certain number of free broadcasts to each party, the number based generally on the membership of the party. In the 1970 elections, the Conservative and Labor parties each received five TV broadcasts of ten minutes duration and seven radio broadcasts of either ten- or five-minute length. The Liberal party was given three TV and four radio broadcasts.

After a year-long study headed by Newton Minow, the Twentieth Century Fund recommended something similar for the U.S.—one of the few nations in the world, incidentally, that allows political candidates to purchase TV time. The Fund suggested that, during the last five weeks of a Presidential campaign, all TV and radio stations simultaneously carry six prime-time half-hour programs featuring the candidates and attempting to "illuminate campaign issues and give the audience insight into the abilities and personal qualities of the candidates."

That sounds pretty reasonable. As an absolute minimum, we should have the restrictions on TV expenditures put forth in the bill approved by the Senate on Aug. 5. This bill—which would also rescind the ridiculous equal-time proviso, at least for Presidential candidates—made so much sense to both parties that it passed with an 88-to-2 vote. But the House has turned it into a partisan political joke composed, as far as one can perceive through the procedural pandemonium, of a multiplicity of plans.

Equally important is the *kind* of message to be used. Notice the word "message." The idea and terminology of political TV "spots" should be dumped forever. Ten-second, thirty-second, even sixty-second lengths are inadequate and inappropriate for presenting a candidate to the voter. These lengths defy a discussion of issues and encourage the shallowest kind of imagery, the shoddiest kind of logic, and the most reprehensible mudslinging.

I am in total agreement with Ward Quaal, of WGN Continental Broadcasting, who will not allow a political message of less than five minutes on his stations. If, in an uncharacteristic display of responsibility, the broadcasting industry would follow Quaal's example and set a five-minute minimum on political messages, many of the abuses would automatically be eliminated. I don't think political image-builders would risk the ennui inherent in five minutes of groovy music and up-shots of a grinning candidate. I don't think they could successfully refrain from giving us a glimpse of their man for five minutes or manage to elude every issue. And I am at least hopeful that they would see the peril in a full five-minute implication that the other man is a fascist freak.

But just in case, I suggest a few guidelines that would not unduly restrict the creative construction of the message. These guidelines would be a code for political broadcast messages that the candidate himself would assent to in writing before he or his supporters would be sold time on any station:

(1) The message should be designed to help the voter know and understand the candidate, his character, and his ability to communicate.

(2) The message should establish what the issues are which the candidate feels are important.

(3) The message should clearly state where the candidate stands on these issues.

It is very simple—so simple that I am sure many of the professional image-builders would smile at the naïveté of this kind of proposal. They would probably point out that longer lengths would blow their reach and frequency and render their TV campaigns ineffective. However, a study by the School of Journalism and Mass Communication at the University of Wisconsin refutes that view. The study, on political broadcast advertising, was done among 512 voters in Wisconsin and Colorado after the 1970 campaigns. The introduction states:

"The results of this study suggest that a moderate number of high-quality, substantively informative advertisements may be more effective than a saturation presentation of superficial image-oriented spots. . . . Thus, the most effective advertising strategy would be one that allocates campaign funds away from a high frequency of exposure into a more modest number of ads containing substantive informational content that is presented in an interesting and entertaining manner by skilled producers."

I am urging the broadcast industry to set a minimum length of five minutes on all political messages, and to insist that the content concern itself with the candidate, his view of the issues, and his proposed solutions. And I am urging all of us in the advertising business not to be beguiled into making commercials that confuse a candidate and an office with a deodorant and an armpit.

## WEATHER MODIFICATION TECHNIQUES

Mr. PELL. Mr. President, I yesterday made public an exchange of correspondence I have had during the past 4 months with the Department of Defense regarding military application of weather modification techniques.

As chairman of the Subcommittee on Oceans and International Environment, I have been very much concerned over unofficial and unconfirmed reports that the United States has in fact attempted to modify weather conditions in Southeast Asia as an instrument of warfare.

I believe that my correspondence with the Defense Department is self-explanatory. I ask unanimous consent that it be printed in the RECORD. The Department, when pressed for definitive answers, declined to answer publicly questions regarding possible military use of weather modification techniques in Southeast Asia, citing national security reasons.

In my own view, attempts by any nation to harness the weather, or to use geophysical modificated as an instrument of warfare, would be shortsighted. It would be the final ironic commentary on man as an intelligent being, if he should deliberately use the natural environment as a weapon against his fellow man, inviting retaliation in kind.

In the closing days of the first session of this Congress, I urged the President to announce that this country would dedicate all geophysical and environmental research to peaceful purposes. I also stated my intention to introduce a resolution in the Senate pointing toward an international agreement to prohibit all environmental and geophysical warfare.

I regret very much that the Defense Department has concluded that it cannot trust the American people with information regarding its possible military weather modification activities.

This reluctance only reinforces my belief that we must move quickly to place weather, climate, and geophysical modification off limits in the international arms race. I will in the near future submit my resolution, with the intention of conducting hearings on it at the earliest possible time.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

SEPTEMBER 23, 1971.

Mr. RADY JOHNSON,
*Assistant to the Secretary (Legislative Affairs), Department of Defense, Washington, D.C.*

DEAR MR. JOHNSON: During the past few weeks, the Foreign Relations Committee has received a number of inquiries concerning the Air Force weather modification activities against the North Vietnamese. In view of my position as Chairman of the Subcommittee on Oceans and International Environment, I would appreciate the Department providing the Committee with whatever information it may have on this matter, including answers to the following questions:

1. What are the objectives of the project known by the code name "Intermediary—Compatriot"?

2. How long has this project been in existence? Would you provide a rather detailed description of this project?

3. In what specific countries is this project conducted?

4. What amounts have been spent on this project over the last three years?

5. Is the Department conducting any similar offense—oriented weather modification programs? If so, what are the names of these projects and where are they being conducted?

Sincerely yours,

CLAIBORNE PELL,
*Chairman, Subcommittee on Oceans and International Environment.*

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OFFICE OF THE SECRETARY OF DEFENSE,
*Washington, D.C., September 24, 1971.*

Hon. CLAIBORNE PELL,
*Chairman, Subcommittee on Oceans and International Environment, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This will acknowledge your recent letter concerning the Air Force weather modification activities against the North Vietnamese.

I have asked the Director of Defense Research and Engineering to look into this matter. You may expect a further reply from his office at an early date.

Sincerely,

RADY A. JOHNSON,
*Assistant to the Secretary for Legislative Affairs.*

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NOVEMBER 9, 1971.

Mr. RADY JOHNSON,
*Assistant to the Secretary (Legislative Affairs), Department of Defense, Washington, D.C.*

DEAR MR. JOHNSON: On September 23, 1971, as Chairman of the Subcommittee on Oceans and International Environment, I requested information about the Air Force weather modification activities against the North Vietnamese. I have not yet received a reply.

Attached is a copy of my original communication. I would appreciate a written response to that inquiry.

Sincerely yours,

CLAIBORNE PELL,
*Chairman, Subcommittee on Oceans and International Environment.*

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OFFICE OF THE SECRETARY OF DEFENSE,
*Washington, D.C., November 23, 1971.*

Hon. CLAIBORNE PELL,
*Chairman, Subcommittee on Oceans and International Environment, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: The following information is provided in response to your recent inquiry with respect to military use of weather modification techniques by the Department of Defense.

The possibilities inherent in weather modification techniques to support military operations have been the subject of discussion for more than 20 years. For a number of these years the Department of Defense has been conducting several modest research and development programs relating to various forms of weather modification. These programs are carried out, in concert with other Government Departments and Agencies, under the aegis of the Interdepartmental Committee for Atmospheric Sciences (ICAS). The results of the programs are reported annually to ICAS, and are additionally reported in appropriate scientific journals for consideration by the scientific community.

Weather modification research on the part of the Department of Defense stems principally from two major interests. The first of these is the enhancement of our own operational posture through weather modification activities. Two examples of this type of employment are: the suppression of hail and lightning (to reduce damage to military property and equipment, and to increase safety of operations), and the dissipation of fog at airfields and within harbors (to enhance operational safety of aircraft and ships). The other interest is an understanding of what capabilities our potential enemies may possess in the area of weather modification operations. For example, the Soviets have demonstrated a technique for hail suppression. Suitably designed artillery shells are fired into cumulus clouds to reduce hailfall from these clouds. These experiments are conducted by Soviet military personnel using military equipment.

DoD research in this area is conducted in the laboratory and in the field. The field efforts, usually joint ventures with one or more other government agencies, are all carefully controlled operations, based on the best available theoretical knowledge. One example of fruitful field research has been the investigation of precipitation augmentation. This research has established a significant point: There is no known way to "make rain" under all conditions. When the proper meteorological conditions prevail (that is, when clouds capable of producing natural rain exist), it is a relatively simple matter to increase the amount of rain which will fall. The amount of increase is frequently of the order of 30 to 50%. This augmentation is well within the natural limits of rainfall for regions within which experiments have been conducted. Massive downpours, far in excess of natural occurrences, have not been produced, and theoretical knowledge at hand indicates that this will probably always be the case. Similarly, there is no known technique which will permit the steering of storms into a specific area. The closest approach to large storm modification thus far attempted is the Department of Commerce (NOAA)/Department of Defense joint effort known as Project Stormfury. In this project, studies are being made on ways to ameliorate the maximum wind speed in hurricanes and typhoons in order to reduce the severity of damage caused by these very destructive storms.

The field capabilities of the Department of Defense have been utilized on several occasions in attempts to alleviate severe drought conditions. In 1969 at the request of the Government of the Philippines, the Department of Defense conducted a six months' precipitation augmentation project in the Philippine archipelago. The Philippine Government considered the undertaking so successful that they have subsequently taken steps to acquire an independent capability to augment rainfall on an annual basis when required. Similarly, we have just completed a one-month project in Texas at the request of the Governor of that State. The operation appears to have been moderately successful in alleviating Texas' severe water shortage. On the other hand, attempts to solve similar problems in India and at Midway Islands were near or total failures due to the absence of suitable cloud formations.

Laboratory efforts conducted by the Department of Defense are designed in large part to explore the questions concerning ecology. Many of these experiments are numerical investigations which utilize large computers to model the atmosphere. Because of the magnitude of the problem, this effort is currently quite limited by the size and capabilities of existing computers. When new computers now being designed are placed in service, however, we hope this effort can be expanded to include models on a global scale. Such work is being undertaken because DoD recognizes that large scale weather modification operations must not be attempted until there is full and reliable theoretical knowledge which assures that such operations will not have an adverse effect upon the World's climate.

I trust that the foregoing information will be helpful to you and regret the delay in responding to your inquiry.

Sincerely,

RADY A. JOHNSON,
*Assistant to the Secretary for Legislative Affairs.*

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DECEMBER 3, 1971.

Hon. MELVIN R. LAIRD,
*Secretary of Defense,*
*Washington, D.C.*

DEAR MR. SECRETARY: On September 23 of this year, I submitted to your department several questions regarding weather modification activities in Southeast Asia by the Air Force.

Subsequently, Mr. Rady Johnson, your assistant for legislative affairs, asked to meet with me in my office to discuss the questions I had raised. I advised Mr. Johnson that I would prefer a written response to my questions before participating in a briefing or discussion of the matter. Mr. Johnson on November 23 of this year provided a reply, in writing, as I had requested. I have enclosed a copy of this correspondence.

As you can see, Mr. Johnson's letter, while providing interesting background information on some Defense Department weather modification activities, does not respond to the specific questions in my letter of September 23.

I am deeply concerned over the entire question of military application of weather modification technology, and would appreciate very much a written response to the specific questions submitted in my letter of September 23.

Sincerely,

CLAIBORNE PELL,
*Chairman, Subcommittee on Oceans and International Environment.*

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DIRECTOR OF DEFENSE
RESEARCH AND ENGINEERING,
*Washington, D.C., December 16, 1971.*

Hon. CLAIBORNE PELL,
*Chairman, Subcommittee on Oceans and International Environment, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Your letter of 3 December 1971, which was addressed to the Secretary of Defense, has been referred to this office for reply. In your letter you expressed dissatisfaction with information previously furnished to you by Mr. Rady Johnson on the subject of Department of Defense weather modification activities.

Certain aspects of our work in this area are classified. Recognizing that the Congress is concerned with the question of the military application of weather modification technology I have, at the direction of Secretary Laird seen to it that the Chairmen of the Committees of Congress with primary responsibility for this Department's operations have been completely informed regarding the details of all classified weather modification undertakings by the Department. However, since the information to which I refer has a definite relationship to national security and is classified as a result, I find it necessary to respectfully and regretfully decline to make any further disclosure of the details of these activities at this time.

Sincerely,

JOHN S. FOSTER, Jr.

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## FOREIGN VIEWS OF AMERICAN JUSTICE

Mr. McCLELLAN. Mr. President, nations, like individuals, often lose the capacity to see themselves as others see them. In such a situation, the observations and views of outsiders can be a most useful aid and corrective.

A distinguished authority on comparative criminal law, Prof. W. J. Wagner, recently forwarded to me a copy of an address by the Honorable Sir Reginald Sholl, former Justice of the Supreme Court of Victoria, Australia, entitled "Law and Order—American or Australian Model?" Although delivered in 1968, the piercing insights and rational analyses of the Australian jurist are as relevant today as they were then. I do not necessarily personally subscribe to all of the Justice's conclusions on desirable changes in American law, but I think his views should be brought to public attention in this country.

More recently, on January 24, the New York Times published on page 1, column 1, a dispatch by Reuters from Paris on a new travel guide for French citizens preparing to visit the United States in general and New York City in particular. It is a shock to all of us, I know, to realize that America, the land of freedom and ordered liberty, is becoming known abroad as the land where it is not safe to walk the streets. An article responding to the French travel writer was published on page 1, column 3, of the New York Times for January 25.

As we approach the great task of revising and reforming all the criminal laws of the Federal Government, we should bear in mind that our friends around the world are watching us to see if we can provide that minimum of personal security without which freedom may be without meaning.

I ask unanimous consent that the address and articles be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

### A French View of New York: Perilous City To Visit

Paris, January 23.—French youths, expecting to invade New York this summer following the lowering of trans-Atlantic air fares, have been warned that they had better avoid half the city if they want to come back home in one piece.

The travel writer of the daily newspaper L'Aurore, in a long article on the dangers of New York, gave an extensive list of hints on how to avoid being mugged—which included walking in the middle of the sidewalk and boarding only yellow-colored cabs.

"There are about 20,000 drug addicts in New York," L'Aurore said. "They are unable to work but they need $50 to $100 a day for drugs. So they attack and rob anyone, anywhere."

The article was accompanied by a map of Manhattan that showed some areas of the city as unsafe after dark and others as unsafe at any time.

Considered unsafe at any time were almost all the area along the East and Hudson Rivers as well as the entire part uptown from 96th Street.

The only way to see Harlem is to go on a visit organized by a black-owned tour company, L'Aurore said.

At night, prospective tourists were warned, stay out of a quadrangle formed by First and Third Avenues and 57th and 68th Streets.

They can visit Greenwich Village, Little Italy and Chinatown after dark, but the tone of the story showed that anyone touring Central Park, the 42nd Street area or virtually the entire West Side in the evening was a candidate for a hospital bed.

Among the long list of don'ts was advice on how to choose hotels, mainly by the number of locks on doors, and how to navigate a course in a deserted street.

The youths were also told not to count on the help of passers-by if they were assaulted and it was suggested that the best travel companion would be a ferocious dog.

Despite all this French youths were told they would be wrong if they avoided the city.

"There are a tremendous amount of things to see and a host of beautiful city beaches," the paper said.

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### Les Perils de New York Are Disputed

(By Eric Pace)

"C'est très exagéré,"—it's very exaggerated—exclaimed Manhattan Borough President Percy E. Sutton yesterday after reading of a Paris newspaper's descriptions of the perils of New York.

"There's a high incidence of robbery in Paris, and there's their wine problem over there," said Mr. Sutton, the chief spokesman of a multitude of defenders of New York and of counterattackers of Parisian "delights," in comment on a long recent article in the Paris daily L'Aurore. The article said New York had a bad drug problem and it found much of Manhattan "dangereux le jour et la nuit." The article ran with a cautionary map of Manhattan that advised visitors where it was safe or perilous to venture.

New Yorkers who had read a dispatch from Paris about the article manifested forcefully their pique over L'Aurore's assertion that while New York might have joie de vivre, it was not too safe.

Many retaliated with what they said were the perils of Paris, although these seemed fairly modest. Women travelers complained of being pinched and pursued by boulevardiers, and even seasoned male travelers complained of hotel theft in the City of Light.

Mr. Sutton offered to guide French youths around to show them that New York was safe. The article was addressed to the young, who are expected to invade New York this summer following the lowering of trans-Atlantic air fares.

The Association for a Better New York sent a cable to L'Aurore calling the report "a paranoid, negative picture of the greatest city in the world" and said "perhaps it can be ascribed to time-honored French provincialism."

On a kindlier note, George Kocolatos, the owner of a German restaurant, the Blue Ribbon, offered a free Wienerschnitzel "to any French student who has any of the perilous experiences to which they are alluding." The article warned particularly against mugging.

Mr. Kocolatos said: "We have been in business 52 years and we've never been exposed to peril. Fifty-two years without a stickup—that's thousands and thousands of schnitzels."

#### $40 STOLEN IN PARIS

"I've lived in New York all my life and never have lost a penny," a newspaper editor observed, adding that "the first day I was in Paris a chambermaid stole $40 in traveler's checks from me and when I complained to the manager he called my boss and got me in trouble for being so impolite as to protest."

Some officials were less outspoken. Mayor Lindsay, who was making a speech in Washington, was not available for comment. But a City Hall spokesman, loath to make foreign-policy pronouncements, said he would have to study the L'Aurore article further before commenting.

Alfred de Cabrol, a New York executive of Air France, the French national airline, said of the L'Aurore article, "I thought it was funny."

At his East 72d Street residence, Mr. de Cabrol declared: "I walk only to go to the office on 55th Street and I come back walking every day in good weather. Fortunately, I haven't been exposed to anything."

But Robert Daley, the Police Department's security-conscious spokesman said grimly: "L'Aurore is a paper of somewhat sensational bent, you know."

Mr. Daley, who has taken to carrying a pistol in his rounds of New York, said he loved Paris and had lived and worked a decade in France as a writer. But he observed, "They have very exciting burglaries in Paris, and in all of France."

"They have the most marvelous *crimes passionels,* too, he said nostalgically. "Their hatchet murders are beyond compare; in Paris I had bars on the windows of my apartment."

Mr. Daley said that at night the Bois de Boulogne, Paris' renowned park, had its hazards. L'Aurore said that Central Park was "dangereux la nuitt" [dangerous at night] which all of Manhattan north of 96th Street was termed dangerous 24 hours a day.

#### BOIS CALLED UNSAFE

"You would not want to walk around in the Bois at night," Mr. Daley cautioned an interviewer. "People have been robbed and mugged there."

A more charitable view was taken by Leo Pierre, a French-born vice president of the Chase National Bank.

"The Bois de Boulogne by night may have some elements of insecurity and in that there exists a certain analogy with Central Park," Mr. Pierre conceded, but he added that "the Bois also serves for all sorts of amorous meetings, which Central Park does not."

#### "BASIC KINDNESS OF PEOPLE"

Mr. Pierre said, "I am one of many Frenchmen who live in New York and I love the diversity, the intellectual stimulation, the basic kindness of people, even when it is sometimes hidden behind a crusty exterior due to the difficulties of life."

A Spanish-born restaurateur ridiculed L'Aurore's appraisal of Harlem's dangers.

Jack Palacio said his restaurant, La Paella, at 136th Street and Broadway, attracted "fancy people." "I am there three years now and I never see any trouble at all," he observed.

"I think these French are a little bit timid," said Mr. Palacio, a trim six-footer who keeps in shape playing handball. He added, "When I am on 136th Street, I feel safe a hundred per cent."

Like many New Yorkers queried, Mr. Palacio said he had relished his past visits to France. But there were several who had unpleasant memories of raffish Parisians such as the streetwalkers said to frequent the area of the Boulevard Sebastapol and *clochards* (bums) near the Church of Saint-Séverin, among other places.

A brunette Manhattan teenager named Elisa complained of being "pinched and patted" near Les Halls, the site of an ancient Paris market.

William Brownstein, now a Harvard student, said his father was harassed by a "dotty" bystander while taking pictures near Paris' Marmottan Museum last summer.

Mrs. Linda Magyar of Northport, L. I., said she had felt "much safer" when she worked as a secretary in Paris than she did now in New York City. But she said that when a lawyer friend of hers was mugged in Paris "the police almost made it seem like it was his fault."

"It was 2 in the morning—right at the Boulevard St. Germain and the Boulevard St. Michael," Mrs. Magyar recalled. "The police said he shouldn't have been out alone that late—he should have been at home in bed with his wife."

## Law and Order—American or Australian Model?

(An address to the Philadelphia Bar Association, Thursday March 7, 1968; by the Hon. Sir Reginald Sholl[*])

I begin, Mr. Chancellor, by tendering to you publicly here those warm felicitations on your elevation to your present office, which I have already tendered to you privately as a much valued friend, and a most distinguished alumnus of my own College at Oxford. It is an honor to congratulate you before your professional colleagues in this lovely city, where my wife and I have had so many warm and friendly welcomes during our two years in this country.

You have invited me to speak to this formidable gathering of legal talent on the subject "Law and Order—American or Australian Model?" I know you did this because of some vigorous discussions which you and I have had, and you have therefore fair warning that I come to offer no formal panegyric.

You have invited me to speak to you and your colleagues on this topic as a visitor and an Australian lawyer, and I have elected to exercise the privilege you have given me. If I seem critical of some trends in the administration of criminal justice in this country, you will of course understand that I am not stating any official Australian view; I speak strictly as a visiting lawyer only, and I say what I do because I have, as have almost all Australians, a deep affection and admiration for America and Americans. I have visited this country several times during my life. I have had a good deal to do with Americans in Australia, and I am indeed married to that happy combination of two great traditions, an American who has become an Australian citizen.

To a lawyer like myself, trained in the law schools and systems of England and Australia, both the substance and the administration of criminal law in this country present many aspects which are unfamiliar, save from reading, and some which are, frankly, not a little startling. To me this community appears, in some critical areas, to be setting the pursuit of ultra-liberal theories of personal freedom above the urgent need of the ordinary citizen for a more practical, useful, expeditious and effective administration of the criminal law for its essential purpose, the protection of the law-abiding against wrongdoers.

In 1926, when I was a law student at Oxford, I visited this country, and was taken with other law students to see courts in New York, Philadelphia, Baltimore, and other places, the location of which I no longer remember. My chief impressions of that early visit were and still are of what, to an English or an Australian lawyer, was the remarkable informality of the court atmosphere, the curious phenomenon of elected judges, and the extraordinary latitude enjoyed by the press—presumably as a result of the First Amendment of your Federal Constitution—not only in reporting crimes, publishing highly prejudicial pre-trial matter, and reporting criminal trials, but in purporting in their newssheets to solve the crimes and decide the trials. None of this seems to have changed much in the intervening 41 years, though it is interesting to find today, at long last, in the Reardon report, advocacy of what has been, I believe, standard fair trial procedure in almost every other English law jurisdiction in the world for several generations.

It is impossible for someone who has spent so much of his life in the day to day work of maintaining law and order in his own country to avoid drawing comparisons when he comes to live in another. No one can live in America at present—and certainly no foreign lawyer can live here,—without being greatly surprised and genuinely alarmed—and I say it advisedly—in this great Jeffersonian democracy at the amount of violent crime from which you suffer all over the country, at the insecurity of life and property, indeed at the cheapness of human life, at the growing tendency of communities (Buffalo, New York, is one example, and Chicago is another) to resort to self help in the form of lay law enforcement officers and the like, in an attempt to speed up the lumbering and imperfectly effective processes of the law. In Buffalo, the F.B.I. statistics show an increase in crime figures of 22.8% for 1967 over 1966.[1] In the City of New York, with its 80 precincts in five boroughs, and a population of over eight million, there were in 1967 619 reported homicides—called "murders" in the report.[2] In my state of Victoria, with a population of over three million, a pro rata calculation would give a figure of 232 homicides—yet the actual figure given in statistics which include in Australia attempted murder and manslaughter, was 81 for the last full year available (1965),[3] so that New York has three times as high a reported homicide rate per 1,000 of population as we have. For the whole of Australia (113 million people) the total was 271 in 1965. In the case of other crimes also, especially crimes of violence, the New York incidence is many times higher than in Victoria, where the capital city of Melbourne has 2¼ million of the 3 million odd people of the state. In New York in 1967, there were over 22,000 serious assaults; in the whole of Australia, with 50 percent more people, there were in 1965, 1,024 only. There were 1,611 rapes in New York in 1967 and 257 in the whole of Australia in 1965. There were in 1967 121,000 burglaries in New York, and 46,616 in the whole of Australia in 1965.[2][3]

This kind of comparison has not escaped the notice of a substantial number of your citizens who in the past year or two have come into Australian consulates in America, or written to them, with comments on the violence and prevalence of crime here, and a yearning for a more ordered life in another land. Migrants notoriously have many and varied motives for migrating, but of the two or three thousand per year who in the last three or four years have begun to migrate from U.S.A. to Australia, not a few have said frankly that they wanted a securer society for themselves and especially their children. This is the kind of "voting with one's feet" which the Soviet and Eastern Germany so much hate to see in their own lands, and it surely should and must put intelligent and patriotic Americans on urgent inquiry. We in Australia do not want to encourage migration on that ground; our own society is far from perfect, and we have law enforcement problems of our own. We want to keep you as our great and powerful ally, and it is to our interest to see your society ordered, efficient, contented, prosperous and powerful. But we have been fortunate in having a better record, as I believe, of law and order. Much of your crime no doubt stems from the vast mixture of many races, in a pioneering land. But I want to examine other reasons, especially the question how much this may nowadays be due to our different constitutional histories.

There are on every hand today, in U.S.A., Committees and commissions reporting on crime and its threat to society. Many of them, with a sympathy, an insight, and a genuine altruism which commands, at any rate in my country, the same warm and affectionate admiration for your great qualities of generosity and compassion as your fantastic foreign aid programmes have engendered in two generations, are recommending vast expenditures to eradicate poverty and slums; and who could deny that if so vast an objective could be accomplished many of the present contributing causes of crime would be reduced? But would human nature be changed?

I fear not. Crime is always with us. Lawyers are practical people, and one hears today—though still too much in the background—some responsible voices urging a revision of the whole of your machinery affecting the detection and punishment of crime, beginning (let me say it softly) with the Bill of Rights itself. As a foreign lawyer, may I briefly tell you how this problem strikes me?

We took your Federal Constitution as our model when Australia federated in 1901. We adopted your federal plan, in that the Federal Parliament was given certain exclusive legislative powers and certain powers concurrent with those of the States, and the States were left as the repository of residuary sovereign powers. But there are significant differences between our system and yours. Most important for my present purpose, we did not adopt your Bill of Rights of later constitutional measures. We have no First, Fourth, Fifth, Sixth or Fourteenth Amendments. There are no entrenched constitutional guarantees of freedom from self-incrimination of the right to a speedy trial and the assistance of counsel, or of due process. Our founding Conventions, like your own, preferred to leave these rights to the British common law which we both inherited, and to local legislation, but warned by your experience, our states did not bargain for a Bill of Rights as the price of adopting the draft constitution.

None the less, we vigorously maintain that the substance of all those rights and freedoms is still to be found in our laws, but almost all of it either in the common law which we inherited from England, and have developed by Court decisions, or in the statute law of the States and Territories—not in the Constitution itself. And after a lifetime in the law, my own very firm opinion is that we are just as free a people as you are; and that indeed we are better off, and our legal system more adaptable to changing conditions of the times, without any constitutional Bill of Rights. It is noteworthy that in several parts of the British Dominions reform has rejected the adoption of true constitutional guarantees of rights.[4]

In the field of criminal law; the times are certainly changing, as we all well know. Modern science has put new means of wrongdoing within the reach of everyone who is evilly disposed; but at the same time it has put new means of detection within the reach of those who undertake the vitally essential task of protecting society from the criminal. It is one of the theses of this talk that society in your country, and to a lesser extent in mine too, is unwisely weakening to its own security by refusing to make full and proper use of these new means of detection. An exaggerated liberalism defends this curious abstention in the name of personal freedom, forgetting that any freedom worth having is freedom under the law; that no individual freedom is secure or lasting except in an ordered society; and that you cannot have order without law, justly and firmly administered. The cry of "civil liberties" is a great vote and headline getter, but it cannot mean individual license. In an interesting and useful book, recently published, two Australian professors of law have said:

"What many civil libertarians fail to realise is that most freedoms involve abridgements of the freedoms of others."[5]

There is nothing very novel in that statement, but it is a useful piece of analysis, which is worth repeating again and again in my country and in yours, where so many social and legal reformers exhibit more emotion and enthusiasm than they do historical knowledge or sound judgment. Recently one of these civil liberties bodies, with apparently unconscious humour, solemnly proposed legislation in New York State to require that the police obtain Court authorization before using undercover agents to detect breaches of the law.[6] What is so often overlooked—

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Footnotes at end of article.

and the so-called liberal newspapers and periodicals are by no means blameless in this—is that as individuals become more enlightened, so does the community which is the sum of them, and the government which it sets up. Compared with most countries in the world, yours and mine are wonderfully well governed societies. It seems to me, with respect, to be of the most arrant nonsense to behave as if your country, or mine, is in danger of becoming a police state.

The parliamentary and executive governments you and we elect are democratic; they can be changed through the ballot box. The police and other authorities whom they appoint are our fellow citizens, and their powers are given them by our elected representatives. Will you then kindly allow a stranger humbly to ask why in this country so many people—lawyers included—apppear to suspect constituted authority rather than respect it, and even in many cases to revile it? Constituted authority—whether we feel we can improve it or not—is the best that we have been able to put between ourselves and anarchy, and we should never forget that.

Let me now, therefore, say something about crime and punishment.

It is a fine thing for humanity that men are now beginning to understand more of the human mind and its functions, as in the past 300 years they have come to understand so much of the human body. But in this country, as in mine, enthusiasm in this field outruns judgment, and there is a great tendency to forget that most crime is the product of rational thought by persons whose physical and chemical processes are within what modern medicine accepts as normal limits. In the more enlightened countries of the western world, including yours and mine, we see more and more emphasis on the reform of the wrongdoer, on his rehabilitation and re-education, and on the objective of restoring him, if possible, as a useful and productive unit of society. Yet this laudable and constructive policy will not be furthered by making it more difficult for society to convict the wrongdoer, whatever it does to him when convicted. Nor will it be furthered by removing or weakening the fear of genuine punishment and retribution for the properly convicted wrongdoer. Many years of experience in the criminal jurisdiction have convinced me of two things—that the deliberate wrongdoer (who is responsible for most of the crime statistics) will go on planning and committing crimes so long as he thinks the law is weak and yielding enough to give him a chance to evade it, and that he will have no respect for a legal system which is marked by feebleness in the application of its sanctions,—i.e., of its punishments for proven crime.

I hope I may claim that in all the years I sat in the Supreme Court of Victoria in its criminal jurisdiction, I saw to it, to the best of my ability, that every accused person arraigned before me got a perfectly fair trial. But once fairly convicted, it has always seemed to me essential that the prisoner should realise that in the legal system of the community he encounters an immovable object, a force inevitably stronger than the criminal or any combination of criminals. Especially did I find this to be so with the young recidivist, usually the product of an orphanage and a reformatory, and accustomed to talk inferior courts out of any real firmness towards him. One of my pet aversions is the magistrate or judge, uncomfortable in the loneliness of judicial responsibility, who tells a prisoner, "You are lucky not to get a heavier sentence." What he really means is, "You deserve such and such a penalty, if I really do my duty to the community, which puts me here to administer the law for its protection. But because I am too weak to do my duty I will let you off with an inadequate penalty." In Australia we are plagued by a few such people at every level of the trial courts; in America, if you are firmer, on the whole, in this respect than we are, I strongly hope you stay that way. Nothing—literally nothing—so undermines law and order as a weak and maudlin Bench. It is even better to be muddleheaded and strong, than clear-headed and weak. In the former case you may at least sometimes be right for wrong reasons.

I should like to speak to you now of some of your criminal laws and procedures which are strange to a British lawyer.

On the subject of election of judges, which touches the criminal law indirectly but nevertheless in an important way, I would only say that I do not believe there would be a single judge in the whole British Commonwealth, which universally uses appointed and not elected judges, who would opt for your system of judicial election on political party tickets. Only those who serve under a system of life appointment like your Federal judges in this country, and the State judges of a few States like Massachusetts, which never gave up the old British system, fully enjoy here the independence and the prestige which such a system confers everywhere in the British Commonwealth on the judicial office. Is it discourteous to ask why you give that status to some and not to others? Which system do you distrust? Or do you distrust both, really, and so stop half-way?

Your system of appeals in criminal cases, with its extraordinary delays—which, if I may respectfully say so, seem inexplicable to the rest of the world—appears to be partly a product of your entrenched Bill of Rights, and the consequent availability to a convicted defendant of appeals to the Federal courts on constitutional grounds as well as, and often after, appeals to the appropriate State courts for non-Federal errors of other kinds. What I see here makes me gratified that we do not have such a parallel system of State and Federal courts as you do.

In my country, a prisoner convicted of indictable crime may, generally speaking, appeal to a State Full Court, and by special leave, to the High Court and/or to the Privy Council in London. But it would be a rare case indeed where finality was not reached in 12 or at the most 18 months. In the normal case the time is much shorter. Here so many cases go on for years,—with appeals, injunctions, stays of execution, rehearings, reconsiderations, etc., etc.,—that the rest of the world marvels, and wonders why you allow it, and what real benefit society, or even the individual, gets from it all. If you had to make out a special case for bail on appeal, appeals might become really urgent. If, as in Australia, Federal jurisdiction were conferred on your State courts, so that constitutional points could be decided in the same appeal as non-Federal points, and the Bill of Rights were made subject to time limits, might not that help? Justice delayed is justice denied, and that applies to the community as well as to the accused. If a criminal trial cannot be finally disposed of in, say, a year, or at the outside a year and a half, then is not the system in urgent need of amendment, even if it means constitutional amendment?

Has your system become too slow and cumbersome for your vast modern society? How can it be streamlined for 200 million people? The task cannot be beyond the ingenuity of American lawyers and statesmen.

Speaking of delays, another feature of your criminal procedure which startles an English or Australian lawyer is your method of jury selection. At home in Victoria, we allow eight premptory challenges in non-capital and twenty in capital cases. Even in a murder trial, with two accused, or a felony trial with three or four accused, I do not recollect ever to have taken more than half a day to enpanel a jury. After the preemptory challenges are exhausted, an accused may challenge for cause, but he must assign and establish the cause (for example, bias or personal enmity), and the court will determine the issue. Such challenges are exceedingly rare, and in a lifetime in the law, I never personally encountered an instance of one, although I know they have occurred in Australia. In England, by the way, even the preemptory challenge is not used to any great extent—or at all events it used not to be when I visited those courts.

The liberty which counsel have, in so many jurisdictions in this country, of questioning jurors on the voir dire before selection, in an endeavor to ascertain possible bias or disqualification, and which takes up so much time,—sometimes running into days of a trial,—is totally unknown in England and Australia. Nor is it allowed, I believe, in Massachusetts. I have not heard,—and I know of no evidence whatever to support,—the proposition that jury trials in those places are any less fair, or result in any greater risk of wrongful conviction.

Nor, finally, do we permit in my country the interviewing of jurors after a trial. Nor will an appellate court act on evidence derived from such interviews.

If I had had time, I should have wished to go on to say something rather more fully of self-incrimination, confessions to the police, wire-tapping, and eavesdropping. But this is a luncheon address, and I have already been allowed in this country the privilege of making those views known in law schools and schools of police science, and in their journals.[7] I shall say only a few things, and briefly.

I believe it is now time to remove, both in my country and here, the privilege against self-incrimination, for reasons which I have elaborated elsewhere.

We still find it in Australia (as you did for nearly two centuries, until quite recently) a sufficient safeguard against improper procurement and use of confessions, to rely on the British rule that a confession should be proved to be voluntary in the legal sense.[8] To a visitor like myself it seems, with respect, that your Supreme Court, in the series of cases culminating in the Miranda decision,[9] has removed to the exalted and intractable realm of constitutional invalidity much detail that could have been the subject merely of reforms in police procedure, of rules of court, of better judicial appointments, and of the exercise of a sound discretion in the trial courts. It is this same view which the Supreme Court of New Jersey seems to me recently to have been urging. Over-elaboration of the constitutional guarantees avoids or prevents convictions in many cases where no sensible jurist could otherwise allege unfairness, and merely punishes the community as a whole by giving unnecessarily wide protection to the criminal classes; and all this, one fears, in a mere crusade against the backwardness of some State courts and legislatures. I know many lawyers postulate the existence of dishonest police, but the remedy in that case surely is to improve the quality and standard of police work, to test police evidence, and to educate the police to provide corroboration of it—not to render police evidence wholly unavailable, where the common law has always admitted it. The police are, after all, and are likely to remain, society's principal executive agency for the investigation and proof of crime. The police forces of this country could, in my respectful opinion, even though some of them may need reform or improvement, do with a lot more genuine support and encouragement from the mass media and the academic lawyers of America.

Evidence obtained by wrongful searches and seizures,[10] or otherwise illegally obtained,[11] or resulting from wrongly obtained confessions,[12] is as admissible in Australia (and in England) as any other evidence, if it is relevant, even though steps may be taken to punish by other process the persons guilty of the

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Footnotes at end of **article.**

illegality. It used to be so also in this and many other American States. Can you any longer afford the highly technical and expensive, but quite recently acquired, luxury of excluding it?

We have in Australia some restrictions on wiretapping, but there is a strong opinion in favour of reducing them. We have no restrictions on eavesdropping of "bugging", and we have never found it necessary to invent a "right of privacy" to justify any such laws. Such bugging as may be used does not prevent 12 million Australians leading reasonably comfortable lives without, apparently, any of the evil consequences contemplated by so many American writers of books and magazine articles. And so far as I know, 5 million people in Great Britain exist well enough without any such restrictions.

Personally, I have no doubt that the modern provisions against wiretapping, and the outcry against mechanical eavesdropping, so far as they affect the detection and proof of crime, have been taken far too far, and that intelligent legislators and judges must before long return to that view.

My general feeling on these matters, if I may respectfully state it as a foreign lawyer, is that, in your enthusiasm for liberalism at all costs, you are, perceptibly more than we are in Australia, throwing the baby out with the bath water. It is no good making individual liberty so cast-iron, by constitutional guarantees, that one's neighbour can rob one, or rape one's daughter, with a better chance of escaping justice than in other civilised countries. How stands life, liberty, and the pursuit of happiness, in that situation? It is indeed an empty freedom, a vain individual liberty, which is accompanied by a significantly increased risk to oneself or one's family of being the victim of crime. What is the real value of greater individual liberty, so-called, if it is obtained at the price of making crime harder to detect and punish, and therefore safer to commit? What is the real value to a decent law-abiding citizen of being in less danger of possible abuse of power by the police, but in greater danger of fraud, theft, violence or death from criminals large and small, organised or unorganised?

Have not your State courts, legislatures, and police lost stature through the recent constitutional decisions? I have also noticed, personally, a tendency even among some reputable citizens to revert to the practice of carrying arms—a sign of increasing social insecurity. There is, in those circumstances, danger of some reversion to private or local mob vengeance, on the ground that the law is powerless or insufficiently effective. You have recently seen in this city violence applied by the family of a victim to a confessed murderer freed by what seems, even to a foreign lawyer, at best a romantic technicality, and at worst a piece of social injustice. One trusts that that made us all reflect, not on the nobility of the legal system, but on its inefficiency. Sooner or later, may not the American people be forced back upon a substantial revision of "constitutional rights" as presently interpreted—either by the Supreme Court's reversal of some of its decisions, or by constitutional amendment,—and upon a vast expediting of criminal processes? Is the present achievement, in terms of law and order, the best this great country can do? If not, do you credit the proposition that you can buy all the improvement you need by merely subsidising more prosperity and leisure? Must you not also,—indeed must you not as a matter of at least equal priority,—with energy, with courage, and with a measure of ruthlessness born of a new urgency,—set about the vigorous and extensive legal and constitutional reforms necessary to achieve, so far as human measures can do it, the really swift detection and the speedy, certain, and final punishment of criminal offenders?

I believe one important difference between law and order, your model, and law and order, our model, is that we obstinately regard that principle as a vital bulwark of civil liberty.

FOOTNOTES

*M.A., Melb.; M.A., B.C.L., Oxon.; Australian Consul-General in New York since 1966; formerly a Justice of the Supreme Court of Victoria, Australia (1950–66); Chairman, Victorian Supreme Court Rules Committee 1960–66; and member of the Victorian Chief Justice's Law Reform Committee 1955–66; sometime Official Law Fellow, Brasenose College, Oxford; lecturer in classics and in the law relating to journalism, University of Melbourne; King's Counsel; and member of the Bars of England, Victoria, New South Wales, and Tasmania; Rhodes Scholar for Victoria 1924.

[1] N.Y. Times 22 Jan. 1968, p. 21.

[2] N.Y. Times 29 Jan. 1968, p. 22.

[3] Aust. Cwlth. Year Book, 1967, p. 523.

[4] In 1959 a proposal was in fact made in Queensland to adopt as an entrenched state law (not a federal constitutional law) a declaration of rights which could only be altered by a referendum of the electors of the state. But even that Bill was withdrawn. Canada has a Bill of Rights (1960), but it is not entrenched; it may be abrogated wholly or in part by subsequent legislation. In South Australia a recently elected Labour Government abandoned a proposal to embody in a State statute the so-called English "Judges' Rules" relating to confessions. Even if this statute had passed it would have been amendable by Parliament. And in any event the Bill itself proposed to preserve to the courts a discretionary right to admit statements obtained in contravention of it, if there were reasonable grounds for non-compliance and the accused had not been unfairly prejudiced thereby.

[5] Campbell & Whitmore, Freedom in Australia, Sydney, 1966, p. 1.

[6] N.Y. Times, 10 Feb. 1968, p. 23.

[7] e.g. Washburn Law Journal, Vol. 6 (1967), p. 462; "Police", Vol. 12 (1967), p. 81.

[8] Lee and Others v. R., 1950, 82 C.L.R. 138; Nokes, Introduction to Evidence, 3rd Ed., London, 1962, p. 300.

[9] Miranda v. Arizona (1966), 384 U.S. 436.

[10] Kuruma v. R., 1955 A.C. 157 (P.C.); Wigmore on Evidence, Vol. 8, Sec. 2143, pp. 6–7; Cwlth. v. Dana, 1841, 43 Mass. 329.

[11] Campbell v. Whitmore, op. cit., pp. 50–51; Cross & Wilkins on Evidence, London, 1964, p. 161.

[12] Cross & Wilkins, loc. sit.

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## SAFETY AND THE AIR TAXI

Mr. HARTKE. Mr. President, on October 21, 1971, a twin-engine Chicago and Southern Airlines plane crashed while approaching the Peoria, Ill., airport, killing all 14 passengers and a crew of two. The plane was coming in under a 300-foot cloud ceiling when it hit electric powerlines about 100 feet above the ground.

Recently, it was brought to my attention that Chicago and Southern had been involved in three previous fatal crashes and a number of nonfatal mishaps. Surely, much of this information was available to the Illinois Commerce Commission when it awarded the lucrative Chicago-Springfield route to Chicago and Southern Airlines. My purpose today, however, is not to criticize State officials, but to highlight a situation which I fear may be symptomatic of greater problems in one part of this Nation's aviation system.

Mr. President, I ask unanimous consent that several newspaper articles reporting the Peoria crash and its aftermath be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Chicago Sun-Times, Oct. 22, 1971]

### CRASH SITE "LIKE THE FOURTH OF JULY"

Peoria.—Farmer Robert Johnson, first man to reach the scene of Thursday's plane crash near here, described it as looking "like the Fourth of July."

The Chicago & Southern Airlines plane, bound for Peoria and Spingfield from Chicago, fell into a field adjoining Johnson's farm on Cameron Lane, about two miles from the Greater Peoria Airport.

The plane, which Johnson said caught fire after striking a high-tension-wire tower, fell on the farm of Julius McCluagge, adjacent to Johnson's.

#### SOUND NOT NORMAL

Johnson said he and his wife, Susan, were eating lunch when they heard the plane's engines at about 12:50 p.m. Mrs. Johnson told her husband: "It sounds unusual. It seems to be slow."

Said Johnson: "A few years ago we had an explosion in a strip mine near here, and that thing today sounded just like that. I saw a huge ball of fire after the plane landed. It sounded like cases of dynamite going up.

#### TWO TOWERS

"I drove out there and it was burning real bad. I did a lot of hollering but nobody answered. It was real foggy and the flames were pretty high."

Mrs. Johnson added that the sound she heard was "like a bomb." She said she looked out her window and saw in the distance "a large ball of fire and smoke rolling into the air."

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[From the Chicago Today, Oct. 22, 1971]

### IDENTIFY 10 VICTIMS OF PEORIA AIR CRASH

Ten of the 16 persons aboard the ill-fated Chicago & Southern plane have been tentatively identified thru the passenger list or thru papers found on their bodies.

Because of the severity of the crash, Peoria County Coroner Horace Payton said he was trying to establish the identity of the remaining six thru dental records.

Dead are:

Morris J. Wexler, 44, of 2626 N. Lake View Av., a prominent attorney who was on his way to Springfield to meet with Gov. Ogilvie. He was to report on the Governor's Advisory Committee on Organizing Uniform Codes for State Prisons and to testify before a House committee on his investigation of the 1968 Presidential election vote fraud.

A 1950 graduate of Harvard Law School, he served on a number of Chicago and Illinois Bar Association committees and as counsel to state legislative committees and state commissions.

An independent Democrat, he was slated in 1970 by the Republicans for the Illinois Appellate Court, but his campaign was unsuccessful.

Wexler also was president of the John Howard Association, a prison watchdog group, in 1962 and at the same time served as vice president of the Illinois Academy of Criminology.

Emerson T. Chandler, 50 of 215 Maple Ct., Lake Forest, was president of the Civic Federation of Illinois, a taxpayer watchdog group, from 1965 to 1968. He was a partner in the law firm of Sidley & Austin, 1 First National Plaza.

Timothy Selleck, 25 of 8970 Parkside Dr., Des Plaines, director of governmental affairs of the Illinois State Medical Society, the chief lobby group for medical legislation in the state.

A University of Illinois political science graduate, he had worked for passage of the Drug Labeling Act, the Blood Hepatitis Act and a drug abuse law allowing minors to legally consent to treatment for drug abuse.

Robert S. Anderson Jr., 31 of 1512 Dartmouth Lane, Deerfield, was identified by A. G. Becker & Co., Inc., as vice president and manager of the firm's Chicago commercial paper department. He had been with the company since 1965.

John L. Hendrickson, 26, of 10353 Dearlove Rd., Des Plaines, who joined the Becker firm in 1969 and also was a member of the commercial paper department. Both he and Anderson were en route to Peoria on business, a company spokesman said.

Roger C. Ganobcik, 28, of 1146 Morse Av., an attorney with the Illinois Environmental Protection Agency. He was a graduate of Harvard University and the University of Chicago Law School.

Richard Hoerger, 35, of 1817 N. Lincoln Park West, was an attorney with the firm of Palmer and Hoerger, 10 S. La Salle St., and a lobbyist for Peoples Gas Light & Coke Co.

Donald L. Pollack, of Chicago, chief personnel officer for the Bureau of Employment Security, Illinois Department of Labor.

Frank Hansen, the pilot, and president of Chicago & Southern Airlines.

Robert Muller, the copilot.

The coroner's office was still attempting to learn the identity of the following, whose names appeared on the manifest without addresses; Terry Green, F. Weisler, R. Peters, E. Anderson, P. Thomas, and William Carson.

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### Peoria Crash That Killed 16 Was 4th Disaster for Airline

(By John Camper)

Springfield, Ill.—The airplane crash that killed 16 persons near Peoria was the fourth fatal accident in seven years on airlines run by Frank Hansen, the pilot who died in the wreck.

Hansen's airlines also were involved in at least five other accidents and slapped with at least four violations by the Federal Aviation Administration since 1967.

Federal investigators at the Peoria crash scene Friday were checking reports that the modified Beechcraft E–18 was faulty. Pilots for the line reportedly had complained about the converted turboprop's performance.

The Illinois Commerce Commission took no notice of the accidents or violations a year ago when it gave the lucrative Chicago-Springfield route to Hansen's latest airline, Chicago & Southern.

The air route between Chicago's Meigs Field and Springfield is used extensively by state officials, lobbyists and attorneys with business in the capital.

The commerce commission awarded the route to Chicago & Southern last October, four months after the previous franchise holder, Commuter Airlines, went bankrupt, mainly because of losses on its Chicago-Detroit run.

Commuter was taken over by Hub Airlines of Fort Wayne, Ind., which ran planes between Chicago and Springfield for the four months between Commuter's bankruptcy and the award of the route to Chicago and Southern. Hub, which expected to be allowed to keep the route, is appealing the commerce commission action to the Illinois Supreme Court.

The Springfield City Council and the Springfield Airport Authority officially opposed the state commerce commission's awarding of the route to Chicago & Southern. The commerce commission decision was branded "arbitrary and contrary to public policy, public convenience, necessity and welfare."

The airport board wrote the FAA and the commerce commission last July 20, outlining incidents the board said had been reported to the airport security office.

In its letter the board also noted reports of one-engine landings by Southern, which flies primarily two-engine aircraft, by planes with engine trouble.

The FAA and commerce commission also received official letters of complaint from John Lanigan, Illinois commissioner of savings and loan associations.

Lanigan wrote that he had "frequently warned others not to use the airline" because of its safety record. He said the commission told him his complaint would be taken under consideration.

Lanigan noted that air commuter firms are not as closely regulated as larger airlines. He said there should be stricter regulations governing the air-taxi companies.

A commission spokesman said Friday that airline safety is a federal matter, and that the commission deals mainly with scheduling, regulation of insurance and the economic aspects of airlines operations.

But commission Chairman David Armstrong Friday contended that the commission tried to keep the airlines under surveillance.

"We even had this (particular) plane checked and ridden by people (acting) on our behalf, and they found it to be satisfactory," Armstrong said.

Hansen was president of Chicago & Southern. He, his co-pilot and the plane's 14 passengers were killed Thursday when the plane struck a utility line when attempting to land at the Peoria Airport.

The previous fatal crashes involved Chicago & Southern and a number of other airlines owned by Hansen, some of which were the same airline under different names. They included Airways Inc., Mid Continent Airways Inc. and Hansen Air Activities.

The most recent fatal crash occurred last Aug. 27 when a charter plane operated by Chicago & Southern crashed into a home in the Cleveland suburb of Fairview Park, killing the pilot and the owner of the house and injuring two other persons.

On Oct. 29, 1967, a Mid Continent plane crashed into a tree-covered ridge near Iron Mountain, Mich., killing the pilot but causing no other injuries.

And on March 8, 1964, a DC–3 owned by Midco Leasing Inc., with a crew supplied by Hansen Air Activities, crashed into a building near O'Hare Airport, killing one person.

Hansen's airlines were involved in a number of minor, but frightening, mishaps that caused no injuries.

Only last Tuesday, a Chicago & Southern plane from Chicago blew a tire landing at Springfield's Capitol Airport and skidded off the runway.

Last Nov. 23, a Chicago & Southern plane broke a landing gear on landing at the Springfield airport and skidded along the runway on its wing.

On Dec. 11, 1968, an Airways Inc. plane left the runway at O'Hare Airport in a crosswind, ran onto the grass and hit a concrete marker, causing substantial damage to the aircraft.

On Jan. 9, 1968, the landing gear on a Mid Continent plane collapsed at O'Hare Airport, causing minor damage and no injuries.

And on Oct. 10, 1967, a Mid Continent air mail plane ran off the runway at Marquette, Mich., after the pilot tried unsuccessfully to abort the takeoff. The crash caused extensive damage to the nose gear, both propellors, the fuselage and the canopy.

Federal Aviation Administration records show Hansen and Mid Continent paid $750 in fines for four violations of FAA regulations in 1967. Two were for operating overweight planes, one was for failing to have an annual inspection on an airplane and the fourth was for failing to have a six-month instrument check.

In awarding the Chicago-Springfield route to Chicago & Southern, the state commerce commission took note of several paperwork violations of FAA regulations by Hub, but did not mention Chicago & Southern's safety record nor the FAA fines levied against Hansen.

The main point the commission made in favor of Chicago and Southern was that it "has demonstrated an ability and a willingness to conduct prudent and financially responsible operations." The commission pointed out that Hub was in debt, but Hub said this was because of another failing airline it had acquired.

The ICC also said Chicago & Southern could effect "substantial economies" by including several Peoria stops on its daily Chicago-Springfield runs. This particularly angered Springfield public officials, because Hub had been making nonstop flights.

"Service between Peoria and Chicago is not involved in this case," complained the Springfield council and airport authority in their petition for a commerce commission rehearing (which was denied). The petition also contended that "Hub has maintenance facilities surpassed by only four or five of the commuter air carriers in the country, while Chicago & Southern has none."

The Springfield complaint went on: "The past record of the management of Chicago & Southern was not investigated but ignored. Had a proper investigation been made, the violations . . . would have been disclosed. These include fatal accidents."

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[From Chicago Daily News, Oct. 23, 1971]

### Pilots Say Airline Broke Safety Rules

(By Robert Signer)

Former pilots and mechanics of Chicago & Southern Airlines have given statements to the Federal Aviation Administration charging the airline violated federal safety requirements, The Daily News learned Saturday.

One of the airline's turboprops crashed Thursday near Peoria, killing all 16 persons aboard.

The pilots and mechanics—all of whom have federal licenses—said they told the FAA their employer refused to remedy what one source called a "very bad system."

The employes were among a number of pilots and mechanics either fired or put on furlough in late August and early September in a dispute over union membership.

In statements to two FAS officials from the Springfield office, John Dorsey and John Bloom, the pilots and mechanics said they made these charges:

FAA requirements about duty time and rest periods for pilots were violated in a number of instances.

Maximum weight requirements for the different kinds of aircraft flown by Chicago & Southern were sometimes violated.

Time allowed for maintenance of aircraft between flights was often insufficient.

Important testing equipment was not provided in some instances.

Peter Cleary, the airline's director of maintenance, refused to comment on the charges. Benjamin Newman, the company's vice president and top officer, could not be reached.

The company's president, Frank Hansen, was the pilot of the plane that crashed Thursday.

Roy William True, who worked for Chicago & Southern for two months last summer until he was furloughed Sept. 1, said he had once been scheduled to fly as co-pilot on one of the airline's DHC–6 Twin Otter aircraft for 20 hours in one 25-hour period.

He said he was the co-pilot on a flight that left St. Louis at 8 p.m. last Aug. 27 and that landed eventually at Minneapolis at 3 a.m. He said he took off again 8 a.m. Aug. 28 and was flying constantly until 9 p.m. that night, when the plane landed in Peoria.

FAA regulations say a pilot can fly only a total of 10 hours in a 14-hour period and only if he has rested 10 hours beforehand.

True, who is 27, is licensed both as a copilot and a mechanic.

At times when he served as co-pilot, he said, "I was just hoping it would fly." He said the company didn't always provide the necessary equipment for safety checks. Other pilots and mechanics made the same charge.

True said, for example, that static testers—necessary for a sensitive check of altimeters—were not provided in a number of instances.

Another former employe, a licensed mechanic for 24 years who has a federal inspector's rating, charged there was not always sufficient time between flights for maintenance.

"It wasn't really what you would call unsafe, but you have to ask where you draw the line," the employe said. He asked his name be withheld.

"It seemed that we just couldn't get our maintenance schedule organized," he said. He said maintenance work could be done only at night because Chicago & Southern used space leased from Manufacturers Air Transport Service, an air freight hauler.

Edward Carnes, 42, who was captain of a DHC–6 Twin Otter for the company, said he had flown the aircraft with excessive weight loads a number of times on the Springfield-Meigs Field route along which the 16 were killed Thursday.

Carnes said a Twin Otter was permitted to weigh a total of 11,579 pounds, but that, because of fuel needs and full passenger loads, he sometimes exceeded the limit.

In the union dispute with the company, eight employes were petitioning for an election to decide whether to join Teamsters Local 627.

Jim Feree, a field examiner for the National Labor Relations Board in Peoria, said an investigation of the election has been completed, but no action had been taken.

Feree said the company had filed charges with the NLRB charging threats had been made against employes to force them to vote for membership. The board's examining team Friday dismissed the charges.

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[From Chicago Today]

### REPORT UNSAFE RECORD IGNORED

(By Edward T. Pound)

SPRINGFIELD, ILL.—The Illinois Commerce Commission was accused of "blatant disregard of the public interest" last year when it granted the coveted air taxi route between Chicago and Springfield to Chicago and Southern Airlines, Inc.

A Chicago and Southern aircraft yesterday crashed near the Greater Peoria Airport, killing 16 persons and placing the spotlight on the bad safety record compiled by the management of Chicago and Southern.

The Commerce Commission in late 1970 awarded the lucrative route to Chicago and Southern despite vigorous protests lodged by the Springfield Airport Authority and the city of Springfield.

At the time the two Springfield groups accused the Commerce Commission, a regulatory agency, of refusing to investigate—and even ignoring—documented evidence of a poor safety record on the part of Chicago and Southern management.

The Airport Authority, which operates the Capitol airport here, and the city charged in November of last year that the Commerce Commission approved Chicago and Southern despite hearings which showed that the airline "did not maintain and operate adequate aircraft and had no maintenance and repair facilities."

The two Springfield protesters also concluded:

"The commission acted in blatant disregard of the public interest by granting a certificate to a carrier [Chicago and Southern] which has never demonstrated an ability to operate profitably and which is managed by a chief executive officer whose safety record manifestly demonstrates that the commission's order is detrimental to the welfare of the people of the state of Illinois."

In unsuccessfully asking the Commerce Commission to reconsider its approval of Chicago and Southern, the two petitioners contended that the aircraft then being used by the carrier were manufactured in 1941 and 1943.

They charged further that "spare parts for the air frame are no longer manufactured."

The protest petition was also sharply critical of Frank Hansen, president of Chicago and Southern and one of yesterday's 16 crash victims. Hansen was piloting the plane.

The petitioners listed various Federal Aviation Administration and other federal records which showed numerous past safety violations by Hansen and aviation operations with which he was associated.

Thru records of the National Transportation Safety Board, the Springfield protesters also said they had documented at least two crashes, in 1964 and 1967, in which persons were killed in planes operated by Hansen-connected aviation operations.

Chicago and Southern was awarded the route in a commission order Oct. 28 of last year. The firm had applied to the Commerce Commission for authority to fly passengers and property between the state capital and Meigs Field in conjunction with its already existing taxi service between Peoria and Chicago.

After Chicago and Southern got the go-ahead, reports circulated here that the firm had benefited from "political clout." Spokesmen for the carrier denied the allegations at the time.

Thruout the Commerce Commission hearings the airline was represented by a law firm in which Francis F. Lorenz, a former state public works director, was a partner.

Last November, Lorenz, a Democrat, was elected a state Appellate Court judge in Chicago and ironically, his opponent was Atty. Morris J. Wexler, one of yesterday's 16 crash victims.

Asked about his role, if any, in getting Chicago and Southern the route, Lorenz told Chicago Today:

"Hansen came into the office one day and wanted us to represent him. I turned him over to William Ward, then one of my partners, and he handled it because he was more familiar with the Commerce Commission business than I. I never handled the account."

In deciding in favor of Chicago and Southern, the commission said that the firm "has demonstrated an ability and a willingness to conduct prudent and financially responsible operations and, with the inclusion of Springfield-Chicago service, should have an economically viable system of operations."

The commission held that, although Chicago and Southern had at one point incurred substantial financial deficits, its activities had been "financially marginal."

The city of Springfield and the local airport authority, in calling the commission order "frivolous" and "impertinent," charged there were examples of crashes involving Hansen-connected aviation operations which resulted in death.

They cited, for example, a crash in Auroraville, Wis., in 1967 in which the pilot was killed. The plane was operated by Mid-Continent Airlines, Inc., which they said was owned by Hansen and headquartered in Morris, Ill.

Moreover, the Springfield groups contended, there were numerous FAA violations against Mid-Continent, including violations of maximum weight regulations and operating an aircraft without proper inspection.

Hansen himself was cited for operating a plane in October, 1967, without having had an instrument check by an authorized check pilot within the preceding six months.

Commerce Commission files also showed that in May, 1969, Mid-Continent was informed by the FAA that it had not maintained a satisfactory operations manual. As a result, the federal agency threatened to suspend the firm's air taxi commercial operator certificate.

The threat was not carried out because Mid-Continent discontinued its air operations.

Mr. HARTKE. Mr. President, in one of these articles, a spokesman for the Illinois Commerce Commission is quoted as saying that airline safety is a Federal matter and that the State commission was concerned primarily with scheduling, regulation of insurance, and the economic aspects of airline regulation. This may be the case, but it is little comfort to the 16 people killed in the Peoria crash that their safety and well-being was not a prime consideration of State aviation authorities.

I do not seek to condemn State aviation officials. On the contrary, I am well aware of the excellent work which these men and women are doing. I do, however, seek to raise the question of the relationship between Federal and State aviation officials. Where does the authority of one end, and the other begin? How much cooperation is there between the two levels? What can be done to assure that there is no communications gap between the two—such as the one which existed in the case of Chicago & Southern Airways?

I asked these questions of FAA Administrator John Shaffer and was told:

> It has been determined that although the Federal Aviation Administrative (FAA) has complete authority over aviation safety matters, it does not have the authority to pre-empt state officials in economic realms.

If that means that the awarding of intrastate lines is within the sole authority of State aviation officials, I have little objection. But if it also means that such authority shall be exercised without the supervision of the FAA so that the awarding of a route to a carrier with a history of fatal crashes and nonfatal mishaps can occur, I must object strenuously. The FAA has a responsibility to every American who flies to protect his safety. It cannot—no matter what the reason—abrogate that responsibility to State officials.

Mr. President, I ask unanimous consent that the text of Mr. Shaffer's letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL AVIATION ADMINISTRATION,
*Washington, D.C., November 26, 1971.*

Hon. VANCE HARTKE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HARTKE: This is in reply to your letter dated 1 November 1971 in regard to the fatal crash of a twin-engine commuter plane while approaching Peoria, Illinois.

A copy of your letter has been forwarded to Mr. Lyle K. Brown, Director of our Great Lakes Regional Office, 3166 Des Plaines Avenue, Des Plaines, Illinois 60019, for response to your inquiry as to the Systems Worthiness Analysis Program (SWAP) inspection of Chicago and Southern Airlines. As a matter of chronology, however, it should be pointed out that the SWAP inspection report was issued on 15 April 1971 and thus preceded the 21 August fatal accident which you referenced by an interval of well over four months.

In response to your inquiry regarding Federal pre-emption over state aviation officials, it has been determined that although the Federal Aviation Administration (FAA) has complete authority over aviation safety matters, it does not have the authority to preempt state officials in economic realms.

The FAA has continually recognized the benefits to be derived from a close working relationship with the state aviation organizations. Throughout the past decade particularly this rapport has been enhanced through concerted and cooperative programs not only at the regional level, but more significantly through projects conducted jointly. These programs have included mutually relevant matters such as accident investigations, violation enforcement actions, as well as aviation education programs, pilot flight clinics, and aviation safety seminars.

In order to further encourage the closest possible working relationships between the FAA and officials of state and local governments, on 21 May 1971 the FAA established a new Office of General Aviation. Within this office is an Industry and Government Laison Division with a specific mission to promote and encourage the development and safety of general aviation through coordination and communication with state and local aviation officials. The Assistant Administrator for the Office of General Aviation and representatives from the Industry and Government Liaison Division met with the National Association of State Aviation Officials on 7–10 September of this year. Subsequently, a letter was sent to the State Aviation Director of each state expressing FAA's policy for cooperation between Federal and State Governments.

A more recent meeting was held on 12–13 October in the FAA's Southwest Region for state aviation officials to discuss, in detail, matters of mutual interest or concern. As is evidenced, the FAA has established an excellent working relationship with the state aviation organizations and particularly so with Allan Landolt, Director of the Illinois Department of Aeronautics.

In response to your last question, Part 135 of the Federal Aviation Regulations does provide the authority for and, in fact, requires an investigation and evaluation of a prospective air taxi commercial operator to determine compliance with specified safety standards.

If we can be of further assistance in this matter, please let us know.

Sincerely,

J. H. Shaffer,
*Administrator.*

Mr. HARTKE. Mr. President, there are other questions raised by the Peoria crash that must be answered. Air taxi operations are increasing rapidly, and there is every reason to believe that they will continue to increase. Often, a passenger on a scheduled airlines must complete his journey on an air taxi flight. As commercial jets get bigger, the airlines are finding that they can no longer serve airports in smaller cities. Their place is being taken by the air taxi operator who can operate his smaller aircraft on an economical basis. It is imperative that a passenger who begins his flight on a scheduled flight have the same protection and assurance of safety on the air taxi portion of his flight as he had on the first portion.

While simple reason would dictate that this be the case, it is not at present. What is more important, much of the American flying public may not be aware that it is not the case. Take the Peoria incident, for example. A person boards a plane in Washington bound for Springfield, the State capital of Illinois. His scheduled flight takes him from Washington to Chicago, where he must change planes to reach Springfield. When he leaves his scheduled flight, he must board an air taxi. Why should he not be protected by the same safety regulations on the air taxi portion of his flight that protected him on the scheduled airline portion?

I am further disturbed by the fact that the FAA did a study of Chicago & Southern Airlines 6 months before the Peoria crash and 4 months before another fatal crash involving the same airline. This systems worthiness analysis program — SWAP — inspection should have uncovered serious questions concerning the airline's ability to perform adequately. Presumably, had the SWAP inspection discovered the facts about this airline's previous history, a full investigation could have been held, and—it is possible—the FAA could have revoked its air taxi certificate. Apparently, however, the SWAP investigation revealed nothing untoward.

Mr. President, the National Transportation Safety Board met last month in Peoria to study this crash. I note that its agenda included the question of FAA certification and surveillance of air taxi operators in general and Chicago & Southern Airlines in particular. The agenda also included the question of safety considerations, if any, by the State of Illinois in the award of intrastate air routes. I suggest that we pay close attention to the outcome of this study and that we place a high priority in this session of Congress on our own study of air taxi operations and the relationship between Federal and State aviation officials.

## DAVID PACKARD

Mr. PERCY. Mr. President, as we consider the new budget requests for the Department of Defense, we shall miss the testimony of David Packard, who has resigned his post as Deputy Secretary of Defense. We could count on David Packard to be vigorous in his presentations, candid in his answers, and utterly fair in his relationships with Members of Congress.

Even more important, the administration will miss the important contribution of David Packard who, for 3 years, served so ably in seeking new efficiencies in the Department of Defense.

I recall that during the debate on David Packard's confirmation, I told Senators how many sleepless nights executives of Bell & Howell Co. and other competitors had in years past because of the effectiveness of David Packard of Hewlett-Packard. In his role as Deputy Secretary of Defense, David Packard was as effective as he had been in business, and I think we all owe him our gratitude.

## CEREMONIES AT EISENHOWER CENTER, ABILENE, KANS.

Mr. DOLE. Mr. President, October 14, 1971, marked an auspicious occasion in Abilene, Kans. On that day a distinguished gathering was held to commemorate the 81st anniversary of the birth of Dwight David Eisenhower and to rededicate the redesigned and enlarged museum of the Eisenhower library. Under the chairmanship of former Kansas Senator Harry Darby, a fitting and deeply moving tribute was paid to the man who meant so much to Abilene, the State of Kansas, the United States, and the cause of freedom in the world.

Present for the occasion and as gracious, charming, and dignified as ever was Mrs. Eisenhower, whose appearance was the highlight of the day for all in attendance. Former President Lyndon Johnson and Mrs. Johnson also attended, and President Johnson spoke with great feeling of his respect, regard, and affection for his predecessor upon whose advice he relied frequently while in office.

Many others, including Dr. Milton Eisenhower, attended those ceremonies and paid tribute to the fond memory of Dwight Eisenhower, soldier, statesman, and symbol of American strength, honor, warmth, and integrity.

Mr. President, the Eisenhower Center is a unique and inestimably valuable national asset. It serves as a fitting monument to General Eisenhower's life as well as a repository of valuable historical information and material. The ceremonies there last October added significantly to both of those aspects of the center, and I ask unanimous consent to have printed in the Record the text of the official program and a transcript of the day's ceremonies.

There being no objection, the material was ordered to be printed in the Record, as follows:

### REDEDICATION CEREMONY AT EISENHOWER MUSEUM AND LIBRARY

### PRESIDENT EISENHOWER'S INAUGURAL PRAYER

Almighty God, as we stand here at this moment, my future associates in the executive branch of the Government join me in beseeching that Thou will make full and complete our dedication to the service of the people in this throng and their fellow citizens everywhere.

Give us, we pray, the power to discern clearly right from wrong and allow all our words and actions to be governed thereby and by the laws of this land.

Especially we pray that our concern shall be for all the people, regardless of station, race or calling. May cooperation be permitted and be the mutual aim of those who, under the concept of our Constitution, hold to differing political beliefs—so that all may work for the good of our beloved country and for Thy glory. Amen.

### PROGRAM—PLACE OF MEDITATION

### MEMORIAL SERVICES AND WREATH-LAYING CEREMONY COMMEMORATING THE 81ST BIRTHDAY OF PRESIDENT DWIGHT D. EISENHOWER

Invocational reading of President Eisenhower's inaugural prayer, Ch. Col. W. W. Wessman.

Laying of the Presidential Wreath, the Honorable Robert H. Finch, Representing the Honorable Richard Nixon, President of The United States.

Musket Salute, Fort Riley Firing Squad.

Taps, the Bugler of the 371st Army Band, Fort Leavenworth, Kansas.

### REDEDICATION CEREMONY, EISENHOWER MUSEUM, DWIGHT D. EISENHOWER LIBRARY

Invocation, Ch. Col. W. W. Wessman.

Presiding, the Honorable Harry Darby, Chairman, Eisenhower Museum Dedication Committee.

National Anthem, Pfc. Dean Durst (Vocalist), 371st Army Band, Conducted by CWO

Randolph A. Rockne, Fort Leavenworth, Kansas.

Introductions, the Honorable Harry Darby.

Greetings from President Richard Nixon, the Honorable Robert H. Finch, Counselor to The President of The United States.

Remarks, the Honorable Robert L. Kunzig, Administrator of General Services; Dr. James B. Rhoads, The Archivist of The United States.

Introduction of Mamie Doud Eisenhower, the Honorable Harry Darby.

Address, General Lauris Norstad, USAF retired.

Benediction, Ch. Col. W. W. Wessman.

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### The Eisenhower Museum

The museum at the Dwight D. Eisenhower Presidential Library is housed in a separate building directly opposite the Library. This provides the museum collection with a unity and a specially unique character. In order to better carry out its responsibilities in the area of museum presentation, the National Archives and Records Service, General Services Administration, launched a museum extension program which has greatly enlarged the space available for display and preservation of the museum objects. Now, for the first time there also will be provided adequate work space for the museum staff.

The designs prepared by the library director and the present museum curator were approved by the General Services Administration in 1969, and construction on the structure was begun in the early summer of 1970. In its redesigned and expanded form the museum of the Eisenhower Library will be devoted to a biographical presentation of the life and times of the 34th President of the United States. The new museum will feature continuously rotated exhibits displaying thousands of objects never before seen by the American people. The exhibits will carry an educational emphasis as well as satisfying the natural curiosity of the visitors about the material objects acquired by a President.

#### ADDITIONAL COMMENTS

Constructed of Kansas Limestone

15,000 additional square feet of display space

Construction costs approximate $690,000

Reasons for Enlargement . . .

Increase Conveniences and Safety of Visitors

Increase Exhibit Space

A good teaching tool for scholars and researchers

Better storage and work space for . . .

Building of Exhibits

Preservation in a Better and Modern Fashion

Humidity Control

Temperature Control

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### Distinguished and Honored Guests

The Honorable Richard M. Nixon, President of the United States

The Honorable Robert Docking, Governor of Kansas

Mamie Doud Eisenhower

The Honorable James Pearson, U.S. Senator–Kansas

The Honorable Robert Dole, U.S. Senator–Kansas

The Honorable Garner Shriver, U.S. Congressman–Kansas

The Honorable Joseph Skubitz, U.S. Congressman–Kansas

The Honorable Larry Winn, Jr., U.S. Congressman–Kansas

The Honorable Keith Sebelius, U.S. Congressman–Kansas

The Honorable William Roy, U.S. Congressman–Kansas

The Honorable Robert H. Finch, Counselor to The President of the United States

Gen. Lauris Norstad, USAF (Ret.)

The Honorable Robert L. Kunzig, Administrator of General Services

Dr. James B. Rhoads, Archivist of the United States

The Honorable Jeffrey P. Hillelson, Regional Administrator–GSA, Region 6

The Honorable Harry Darby, Chairman, Dwight D. Eisenhower Dedication Committee

Mr. C. A. Scupin, Abilene, Kansas

Dr. John E. Wickman, Director, Dwight D. Eisenhower Library

Hon. & Mrs. Dee Adams
Hon. & Mrs. K. S. Adams
Dr. & Mrs. Clark Ahlberg
Congmn. & Mrs. Carl Albert
Hon. George E. Allen
Sen. & Mrs. Gordon L. Allott
Hon. & Mrs. John Anderson, Jr.
Hon. & Mrs. Herbert E. Angel
Hon. Mrs. & Daniel R. Anthony, III
Hon. & Mrs. Edward F. Arn
Hon. Stuart Aubrey
Hon. & Mrs. Whitley Austin
Hon. & Mrs. William Avery
Hon. & Mrs. William Baker
Hon. E. J. Basgall
Hon. & Mrs. Seth Barter
Hon. & Mrs. Richard Becker
Congmn. & Mrs. Page Belcher
Hon. & Mrs. W. Fletcher Bell
Hon. & Mrs. Henry Blanchard
Hon. & Mrs. Elmer Bobst
Mrs. Mamie Boyd
Hon. & Mrs. McDill (Huck) Boyd
Congmn. & Mrs. Richard Bolling
Gen. Omar N. Bradley
Hon. & Mrs. C. L. Brainard
Hon. & Mrs. Fred Bramlage
Hon. Robert F. Brandt
Gen. & Mrs. John W. Breidenthal
Hon. Mary Brooks
Dr. & Mrs. Philip Brooks
Hon. Britt Brown
Hon. & Mrs. Harold Brown
Hon. & Mrs. Kenneth Brown
Miss Lillian Brown
Judge & Mrs. Wesley E. Brown
Dr. & Mrs. George Budd
Hon. Frank Busboom
Marquis of Bute
Sen. & Mrs. Harry F. Byrd, Jr.
Hon. & Mrs. Robert Campbell
Hon. & Mrs. Willard Carkuff
Hon. & Mrs. Frank Carlson
Hon. Darrell Carlton
Lt. Gen. & Mrs. Patrick F. Cassidy
Hon. Frank Cayton
Mrs. Ralph Clark
Gen. Lucius Clay
Jacqueline Cochran
Gen. J. Lawton Collins
Hon. Bill Colvin
Hon. Clement Conger, Curator
Hon. & Mrs. Edward F. Cox
Hon. & Mrs. Howard Crandall
Sen. Carl T. Curtis
Hon. & Mrs. Kirke W. Dale
Hon. A. J. Dawson
Hon. & Mrs. Edward Dawson
Hon. & Mrs. J. H. DeCoursey
Hon. Fred Dexter
Hon. & Mrs. Jay B. Dillingham
Mrs. Virginia Docking
Sen. & Mrs. Peter H. Dominick
Hon. & Mrs. Jack Drown
Hon. & Mrs. A. L. Duckwall, Jr.
Hon. & Mrs. Roy A. Edwards, Jr.
Hon. & Mrs. John D. Ehrlichman
Mrs. Arthur Eisenhower
Mrs. Earl Eisenhower
Mrs. Edna Eisenhower
Amb. & Mrs. John S. D. Eisenhower
Dr. Milton S. Eisenhower
Hon. George M. Elsey
Hon. J. Earl Endacott
Hon. & Mrs. Ray Evans
Mrs. George Faelber
Hon. & Mrs. William Falstad
Ch Just. & Mrs. Harold R. Fatzer
Hon. & Mrs. R. J. Fegan
Hon. & Mrs. E. L. Fiedler
Hon. & Mrs. Leonard K. Firestone
Hon. & Mrs. Forest D. Flippo
Just. & Mrs. John F. Fontron
Comm. & Mrs. J. Richard Foth
Dr. Noble Frankland, Dir.
Sec. & Mrs. Roy A. Freeland
Secy. of the Army & Mrs. Robert F. Froehlke
Just. & Mrs. Alex M. Fromme
Hon. & Mrs. L. E. Garrison
Brig. Sir James & Lady Gault
Hon. & Mrs. R. O. Gemmill
Margaret Gibson
Hon. Edward Gillard
Maj. Gen. & Mrs. Roland M. Gleszer
Hon. E. S. Graham
Hon. & Mrs. Jack Grubb
Hon. & Mrs. M. C. Gugler
Hon. & Mrs. William A. Guilfoyle
Dr. & Mrs. John Gustad
Hon. & Mrs. Wm. R. Hagman, Sr.
Hon. & Mrs. Donald J. Hall
Hon. & Mrs. Joyce C. Hall
Mrs. Myron Hall
Dr. & Mrs. Robert J. Hall
Hon. & Mrs. Joe Hake
Hon. & Mrs. G. D. Hampton
Hon. & Mrs. P. W. Hampton
Comm. & Mrs. Jerome Harman
Comm. & Mrs. Earl H. Hatcher
Hon. & Mrs. R. W. Hart
Hon. & Mrs. Robert D. Hartley
Hon. Robert Hatfield
Lt. Gen. Leonard D. Heaton
Hon. & Mrs. Clay E. Hedrick
Dr. & Mrs. John Henderson
Judge & Mrs. Delmas Hill
Miss Debra Ann Hillelson
Miss Jan Hillelson
Hon. J. D. Hoffman
Hon. Reed Hoffman
Hon. & Mrs. Lee Horst
Hon. Edgar M. Howell, Curator
Sen. & Mrs. Roman L. Hruska
Col. Alfred F. Hurley
Hon. & Mrs. Paul G. Hutchinson
Judge & Mrs. Walter Huxman
Hon. Jewell Isley
Hon. & Mrs. Elmer C. Jackson
Hon. & Mrs. Henry Jameson
Hon. & Mrs. Balfour Jeffrey
Hon. & Mrs. Joe F. Jenkins, Sr.
Hon. & Mrs. Lyndon B. Johnson
Hon. & Mrs. William Jones
Hon. & Mrs. Herbert W. Kalmbach
Hon. & Mrs. William A. Kats
Just. & Mrs. Robert H. Kaul
Hon. & Mrs. W. W. Keeler
Hon. & Mrs. Donald M. Kendall
Hon. & Mrs. Warren Knoll
Hon. Henry K. Knouft
Hon. & Mrs. Rod Kreger
Hon. Jack Lacy
Hon. & Mrs. R. B. Laing
Sec. of Def. & Mrs. Melvin R. Laird
Hon. & Mrs. Sigurd S. Larmon
Hon. & Mrs. Barry Leithead
Hon. & Mrs. John H. Lehman
Gen. & Mrs. Lyman L. Lemnitzer
Hon. Philip Lundberg
Gov. & Mrs. John A. Love
Mrs. Ruth Love
Dr. & Mrs. James A. McCain
Col. John M. MacGregor
Hon. & Mrs. Arthur Mag
Hon. & Mrs. Paul Martin
Hon. & Mrs. Lyman K. Marshall
Hon. & Mrs. William E. Maurer
Chmn. & Mrs. Cordell Meeks
Hon. & Mrs. Max Meyers
Hon. Harry Middleton
Sen. & Mrs. Jack Miller
Hon. Nyle Miller
Col. & Mrs. Paul C. Miller
Atty. Gen. & Mrs. Vern Miller
Hon. & Mrs. Paul Miner
Hon. Wendell H. Mitchell
Lt. Gen. & Mrs. V. P. Mock
Dr. & Mrs. Jack Mohler
Miss Betty Monkman
Hon. & Mrs. John Montgomery
Dr. & Mrs. Malcolm Moos
Hon. Ray Morgan
Hon. & Mrs. Kenneth S. Morrison

Hon. & Mrs. Ernest A. Morse
Hon. & Mrs. C. I. Moyer
Congmn. & Mrs. John T. Myers
Hon. & Mrs. Reilly S. Neil
Hon. & Mrs. Aksel Neilson
Hon. John R. Nesbitt
Hon. & Mrs. Clifford Nesselrode
Hon. & Mrs. Ray Nichols
Lt. Gen. & Mrs. Joe Nickell
Hon. Thomas P. Nickell, Jr.
Hon. & Mrs. D. M. Nicolay
Hon. & Mrs. Edward C. Nixon
Just. & Mrs. Earl O'Connor
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Hon. Milton F. Perry
Mrs. Dewey Peterson
Dr. Forrest C. Pogue
Hon. David Powers
Mrs. Florence Pratt
Hon. Robin Prentice
Hon. & Mrs. Robert T. Price
Hon. & Mrs. Herbert Ramsey, Jr.
Mrs. Leon Ramsey
Congmn. & Mrs. William J. Randall
Hon. Joe Rauh
Hon. Harry Reasoner
Hon. & Mrs. Clyde Reed
Dr. & Mrs. Daniel Reed
Hon. Robert W. Richmond
Hon. & Mrs. Robert L. Roberts
Hon. Robert J. Roth
Hon. & Mrs. Ronald Rice
Hon. & Mrs. Robert B. Riss
Hon. Ian Robinson
Hon. & Mrs. David Robson
Mrs. Ames P. Rogers
Hon. & Mrs. H. W. Rohrer
Hon. & Mrs. D. V. Romine
Dir. U.S. Scrt. Serv. & Mrs. Jas. J. Rowley
Hon. & Mrs. Paul H. Royer
Hon. R. H. Royer
Hon. & Mrs. Bernard Ruysser
Hon. Thad Sandstrom
Hon. & Mrs. Dale Saffels
Hon. Robert R. Sanders
Mrs. Andrew F. Schoeppel
Hon. & Mrs. Taft Schrieber
Just. & Mrs. Alfred G. Schroeder
Brig. Gen. Robert L. Schulz
Sen. & Mrs. Hugh Scott
Brig. Gen. & Mrs. J. A. Seitz
Mrs C. Y. Semple
Hon. Elwill M. Shanahan
Lt. Gov. & Mrs. Reynolds Shultz
Hon. & Mrs. Wm. H. Shute
Hon. & Mrs. H. R. Sidener
Hon. & Mrs. Dolph Simons, Jr.
Hon. Ellis D. Slater
Hon. & Mrs. George Smith
Hon. & Mrs. Glee Smith
Hon. Henry Smith
Col. James E. Smith
Hon. & Mrs. Wint Smith
Hon. Stanley Sohl
Chmn. & Mrs. George M. Stafford
Hon. & Mrs. Arthur J. Stanley, Jr.
Hon. Charles J. Stapf
Hon. & Mrs. John Stauffer
Hon. & Mrs. Oscar Stauffer
Hon. & Mrs. Stanley H. Stauffer
Hon. John F. Stewart
Hon. & Mrs. John G. Stewart
Col. Richard Streiff
Hon. Lawrence Strouts
Hon. & Mrs. Calvin Strowig
Hon. William Stuart
Hon. & Mrs. Jess Taylor
Judge & Mrs. George Templar
Hon. Thomas T. Thalken
Judge Frank G. Theis
Hon. Elon Torrence
Hon. Harold S. Trimmer
Hon. & Mrs. Thomas Van Cleave
Miss Ethel Vanderwilt
Hon. & Mrs. Stewart Verckler
Dr. & Mrs. John E. Vissor
Secy. of Trans. & Mrs. John A. Volpe
Hon. & Mrs. John M. Wall
Dr. Paul W. Ward
Hon. & Mrs. Gene Watson
Dr. & Mrs. A. D. Weber
Mrs. Barbara Wentworth
Gen. William C. Westmoreland
Hon. & Mrs. W. L. White
Hon. & Mrs. Emmett Wilson
Dr. James L. Whitehead
Mrs. C. Taylor Whittier
Col. & Mrs. J. F. Wilhm
Hon. & Mrs. Herbert H. Wilson
Hon. & Mrs. Charles W. Wolf
Hon. Clio Woodward
Hon. & Mrs. Paul Wunsch
Hon. Gary Yarrington
Dr. & Mrs. Benedict Zobrist

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### SIGNIFICANT QUOTES OF DWIGHT D. EISENHOWER

"Whatever America hopes to bring to pass in the world must first come to pass in the heart of America. More than escape from death, it is a way of life. More than a haven for the weary, it is a hope for the brave. This is the hope that beckons us onward in this century of trial." (Inaugural Address as President of the United States, January 20, 1953)

"When this library is filled with documents, and scholars come here to probe into some of the facts of the past half century, I hope that they, as we today, are concerned primarily with the ideals, principles, and trends that provide guides to a free, rich, peaceful future in which all peoples can achieve ever-rising levels of human well-being." (Speech at the Ground Breaking Ceremonies for the Library, October 13, 1959)

"In this day every resource of free men must be mustered if we are to remain free; every bit of our wit, our courage, and our dedication must be mobilized if we are to achieve genuine peace. There is no age group nor race that cannot somehow help." (Speech to Associated Press, New York, New York, April 25, 1955)

"Our system entitles every political voice to be heard—but let each voice be named and counted. Let every political medicine be offered in freedom's market place, but let it be plainly labeled—especially if it is poison." (Speech at Milwaukee, Wisconsin, October, 3, 1952)

"When the shallow critics denounce the profit motive inherent in our system of private enterprise, they ignore the fact that it is the support of every human right we possess, and that without it, all rights would soon disappear." (Inaugural Address as President of Columbia University, October 12, 1948)

"Before all else, we seek, upon our common labor as a nation, the favor of Almighty God. And the hopes in our hearts fashion the deepest prayers of our people:

May we pursue the right—without self-righteousness.

May we know unity—without conformity.

May we grow in strength—without pride of self.

May we, in our dealings with all peoples of the earth, ever speak truth and serve justice."

(Second Inaugural Address as President of the United States, January 20, 1957)

### EISENHOWER IN RETROSPECT

34th President of the United States—1953–61

Supreme Allied Commander, NATO

Supreme Headquarters Allied Powers (SHAPE) 1950

President, Columbia University 1948

Army Chief of Staff 1946–48

Supreme Commander of Allied Expeditionary Forces 1944

Married—Mamie Geneva Doud 1916

West Point Graduate 1915

Abilene High School Graduate 1909

### COMMITTEE AND OTHER OFFICIALS

The Honorable Harry Darby, Chairman

Dr. John E. Wickman, Director, Eisenhower Library

Mr. C. A. Scupin, Abilene, Kansas

The Honorable Robert L. Kunzig, Administrator of General Services

Dr. James B. Rhoads, Archivist of the United States

Mr. Walter Robertson, Executive Director of NARS

Mr. Jeffrey P. Hillelson, Administrator, GSA Region 6

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### TRANSCRIPT OF THE PROGRAM FOR THE MUSEUM REDEDICATION

Senator DARBY. Now we will have the invocation by Chaplain Colonel W. W. Wessman, then the national anthem of our great country by the 371st Army Band from Fort Leavenworth, conducted by Chief Warrant Officer, Randolph Rockne, with Pvt. 1st Class Dean Durst as vocalist.

Chaplain WESSMAN. Let us pray. Almighty and Eternal God, Thou who has guided the destiny of our great nation, we give Thee thanks. We are grateful for our ideals of service unto Thee and to our country, ideals which have been the very foundation upon which our country was founded, and upon which it has grown. As we have assembled on this historic portico to commemorate the birthday-anniversary of a great American, General Dwight D. Eisenhower, we are reminded of the full measure of dedication and loyalty with which he served our country so long, as a proud soldier and loyal statesman. As he labored to build a better society, a better country, a better world, may we give unselfishly of our time, talents, and energies to the fulfillment of those same goals. Lead us in a dedication of this expanded facility, that it may bring honor unto Thee. May this renovated museum symbolize the high ideals of our American Way of Life, and challenge each one of us to greater patriotism and service to our God, our country, and our fellow men. These petitions, we pray in Thy Holy Name. Amen.

(The National Anthem).

Senator DARBY. Please be seated. Governor Docking and Mrs. Docking, Mamie Doud Eisenhower, our most distinguished Guest of Honor, former President Lyndon Johnson and Mrs. Johnson, Senator Dole, Dr. Milton Eisenhower, Counselor to the President Robert Finch and Mrs. Finch, Administrator Kunzig of GSA, United States Archivist, Dr. Rhoads, General and Mrs. Norstad—distinguished guests all—fellow Americans. It is our pleasure and honor to join together in this special salute on the occasion of the 81st birthday anniversary of one of the great men and leaders of our time, the late President Dwight D. Eisenhower, and also to join together in the dedication of the new wing of this Eisenhower Museum. This Museum, carrying the Eisenhower name, is indeed one of the finest historical and educational facilities of its kind in the world.

The entire Eisenhower Center will be an asset to all Americans for years to come. It is a real contribution to the preservation of the history of the period it represents. All of us are proud to be active in its further development. All citizens of Kansas are equally proud of the Eisenhower name and tradition, and that Ike and Mamie made it possible for this great Center to be located in our state. It will attract for generations to come the scholars and researchers, historians and visitors from every walk of life, for study of the past and to illuminate the future.

As we gather here today with Mamie at this Eisenhower Center, we are all thinking of Dwight Eisenhower—from a Kansas farm boy to a Supreme Allied Commander in Europe to the Presidency or the United States—Dwight Eisenhower symbolized all that is good about America. He came from the humble beginnings right here in this neighborhood, where he was taught to revere God, to love his country, and to honor his fellow man. He grew up in this 34th State of the Union, and was elected and re-elected to be 34th President of the United States. He personified those enduring qualities that are universally admired and respected. We thank God for knowing him, and for the privilege of living with him right here in Abilene as our neighbor and close personal friend, and we can be proud he wanted to come back home to Abilene to be with us. He was probably loved by more people in more parts of the world than anyone who ever served in public life. We salute him again today, as one of the all-time greats in history.

He was a symbol of world peace to all people in all lands, and especially today, as always, we think of Mamie Eisenhower, our most distinguished Guest of Honor, on this occasion. She shared his trials and his triumphs, and she contributed much to his life and his happiness. We offer her our admiration and esteem, and of course, I'll present her later. Right now, ladies and gentlemen, I want to present Governor Docking, but before I do that, I want to present his wife, the first lady of the State of Kansas. She is smart, charming and gracious, and I am thinking now that there isn't anyone more important than a pretty girl, especially when she is the wife of the Governor of Kansas: Mrs. Robert Docking. (Applause.)

It's great to have our Governor here with us on this occasion. He has affection for his associates and his friends, and seems to be a master of the art of popularity; the people of Kansas like his record in office; they have spoken about this record and elected him three times as their Chief Executive. Quite an achievement, because this hasn't happened to anyone else before. He has supported our every effort here at this Center, and responded promptly when he was called upon to help. It is my privilege to present the fine governor of this great state of Kansas, the Honorable Bob Docking. (Applause.)

Governor DOCKING. Thank you very much, Senator Darby. Senator Darby, Mrs. Eisenhower, President and Mrs. Johnson, distinguished ladies and gentlemen. It is with great personal interest and pride that I have this opportunity to speak in the dedication today. The Docking family has a fond association with the development of the Eisenhower Center in Abilene. When my father was governor he served with Senator Darby, as co-chairman of the National Committee which worked for the creation of the Eisenhower Library. Established by the Kansas legislature, the Library Commission worked through a number of persons who offered themselves, their time and their energy, without regard for party politics. On October 13, 1959, the President turned the first shovelful of dirt for the Library groundbreaking. My father was here that day, and I know he was proud to be a part of the project's early development. We are dedicating an expanded Museum today.

It is difficult to separate the parts of the Eisenhower Center—each complements the other. This is not just one building dedicated to a famous Kansan, but a complex which reflects the entire career of a General and President of the United States, and all the members of his much-admired family.

The gifts from heads of state, the photographs, the books, the manuscripts and military memorabilia provide both the scholar and the tourist with a view of the noted military leader who sought just and lasting peace in the world. On behalf of all Kansans I am pleased to be here for this dedication of another addition to this much-visited and much-admired portion of our state. Dwight D. Eisenhower, his family, his friends and the men and women who served in World War II, are fittingly memorialized here today, and will continue to be memorialized for generations to come. Mrs. Eisenhower, we are so very proud of you, your husband, and your family and we are very honored and proud to have this great addition to the United States of America noted in your family name in Kansas. (Applause)

Senator DARBY. It's wonderful to have President Johnson and Mrs. Johnson with us today. They are close friends of President and Mrs. Eisenhower, and have helped in a great big way to the development of this Eisenhower Center. Certainly it is an honor and a privilege to present one of the greatest presidents of the United States, the Honorable Lyndon Baines Johnson, and Mrs. Johnson. (Applause)

Former President JOHNSON. Mr. Chairman, Senator Darby, Mrs. Eisenhower and Dr. Eisenhower, Governor and Mrs. Docking, and "my fellow Americans." More than 100 years ago my grandfather would come from the Johnson ranch in Texas regularly to Abilene, Kansas. This is my third visit to the Eisenhower Library, and both Mrs. Johnson and I feel it a very great privilege and a pleasure to us to be invited to come here and participate in this ceremony today. For more than a quarter of a century Dwight D. Eisenhower was a towering figure in our American national life. From the crucial battles of World War II until the very last days of his life, he caught and he held the imagination and the respect and the affection of the American people.

In 1968, nearly a decade after President Eisenhower had left the public spotlight, Americans were asked "What man that you have heard or read about that is living today in any part of the world, do you admire the most?" Dwight D. Eisenhower's name led that list, and I shared that admiration of him. I knew General Eisenhower first as a soldier, and then as our President, and finally as a former President who was loyal to his political party, but loyal above all to his country. Watching him and working with him through these years, I observed three elements in his character and personality which I believe accounted for his strong hold over the minds and hearts of the American people. First, his competence.

No man rises as far as he did in the American military system or political system without intelligence and energy and judgment. We Americans like a man who knows how to get the job done, and Dwight Eisenhower, coming from very modest origins, was a man who could handle any task that came his way. Second, Dwight Eisenhower was a good man, and a decent man, and a fair man. That might be an old-fashioned way of putting it, but those very simple adjectives still mean a great deal to most Americans, no matter how complicated the twentieth century has become.

Dwight Eisenhower was a proud man, but he also respected others. He knew his own mind, but he was always ready to put himself in the other fellow's shoes and listen to another point of view. I know that, because we had different points of view on many occasions. He was a healing and a unifying leader. He always, it seemed to me, tried to find the things that brought men together, rather than those that divided and separated them. And that is why he was picked to lead one Allied command after another, and that is one reason that he was elected and re-elected to the Presidency of the United States.

Third, Dwight Eisenhower was a patriot. He loved this country. The motto of his West Point days, "Duty, Honor, Country," all burned deep within his words. He was not a "jingo"; he knew America's faults, but this was the land from which he came, and this was the land that he loved. Although he closed his career in the arena of politics, I never did think he had a partisan bone in his body. He did not believe that the narrow partisans, always carping and criticizing, ever helped to solve any of the nation's problems. I can remember a story that he used to tell as President about the people who were constantly trying to make life difficult for him. He said that there were two Irishmen riding up a hill on a tandem bicycle. The hill was so steep that they just did make it to the top, and when they did the front rider jumped off, mopped his brow, and sat down to catch his breath. "Begorrah," he said, "it was so steep that I thought we would never make it at all." And the rear rider said, "And faith, if I hadn't kept my foot on the brake, I think we would have rolled backwards." (Laughter)

Well, Dwight Eisenhower remembered that lesson long after he had left high office, and when I became President, he was my first appointment on my first day in office. And I can say that he was never once guilty of putting on the brake. He never contributed in any way to making life any more difficult than it was already. And this wasn't because he was just a kind man, either. When I visited with him on my last visit to his hospital room, he made a point of telling me that he didn't engage in public criticism of me, but that I shouldn't take that to mean at all that he approved of everything that I did. (Laughter)

He said to me, "Mr. President, I think you are doing what's right in foreign affairs, but I do disapprove of a good many of your Great Society programs." And he said that he wanted me to know that because he didn't want silence to mean consent. He said he hadn't spoken out publicly at any time against these programs because, frankly, he just thought that he shouldn't make the burden for the President any heavier than it already was, because he didn't see how one could carry any more. Well, maybe I'm prejudiced, really I am (Laughter) but I consider that kind of talk to be the sign of a statesman and a patriot and a very great American. And I believe that history will bear out that judgment.

And it is with great pride that I come here and appear on this platform with his beloved helpmate, who was his greatest single source of strength, and his wonderful brother who served him faithfully and well, and has also served every other president faithfully and well during his time. Senator Darby, I want to thank you for your loyalty and your friendship to Dwight Eisenhower, and to personally thank you for your loyalty and friendship to me. There is nothing that I have ever tried to do for my country where you could help, that you haven't been there, and I am so happy that you are here today. Thank you very much. (Applause)

Senator DARBY. Thank you very much, ladies and gentlemen, Mr. and Mrs. Johnson. Dr. Milton Eisenhower is another very capable and distinguished Eisenhower, very active on a national basis, in the field of big business, and the very important field at a very high level of the Health, Education, and Welfare. Milton and Dwight were very close; they were very active and associated together in many enterprises. Each liked to advise and counsel the other. We all remember, of course, that Dr. Eisenhower was president of K State University; he was also president of Pennsylvania State University, also Johns Hopkins University in Baltimore, and now President Emeritus of Johns Hopkins. A native Kansan, of course, and one of the most distinguished sons of our great state of Kansas. He was born and raised right here in Abilene.

We wish that he had stayed at home in Kansas so that we could have had an Eisenhower governor, an Eisenhower congressman, or an Eisenhower United States Senator. I am sure we could have had one with Milton Eisenhower on the ticket. Milton Eisenhower is a highly respected writer and recipient of many doctoral degrees from many colleges and universities. He is really tops in the field of education and public affairs. It is my pleasure to present to you a man with a typical Eisenhower personality and charm—Dr. Milton Eisenhower. (Applause)

Dr. MILTON EISENHOWER. Senator Darby, President Johnson, distinguished guests all—Early in 1946 word reached us in the east that friends in Abilene wanted to do something to memorialize the leadership of the Supreme Commander of the Allied Forces in World War II. I was commissioned by the family to come and meet with these friends to see in what way we could be helpful. I shall never forget in the days discussion that with the approval of other members of the family I offered these acres for whatever use the Foundation might care to make of them. I'll also never forget that our dear friend and one of the esteemed men of Kansas, Charles Murrow Harger, a revered friend of the Eisenhowers, turned to me and said, "But Milton, it's so out of the way, no one will ever go down there." (Laughter)

Since that day I have watched the development of this Museum, then the Library, then the Place of Meditation and these beautiful and meaningful entablatures and finally, today, the expansion of the Museum. To mention a dozen of those early days and since who have helped make this possible, would be a slight to thousands in this country and abroad who have contributed time, energy and resources to make this one of the historic spots in America. But I am sure that all the others will forgive me if I say that for a quarter of a century, no man has worked harder with his leadership than Senator Harry Darby. (Applause)

To us of the family, this place is not only an expression of love and admiration and gratitude for a man who devoted his whole life to the service of his country, but to us it is also a monument to an ideal, a philosophy, a philosophy of human dignity, mutuality and human relations, a representative form of government, ideals that caused our forefathers to transform a great continent into the most powerful nation in the world, ideals which radiate with hope from this country today to all the billions who inhabit a troubled earth. Thank you all very much. (Applause)

Senator DARBY. Thank you very much, Milton. It is my pleasure at this time to present Mrs. Arthur Eisenhower, a member of the Eisenhower family—Mrs. Arthur Eisenhower. (Applause)

Virginia Docking is here—you know she is the wife of former governor, George Docking, who rendered outstanding service to this Eisenhower Center. He was co-chairman of our very successful fund-raising drive. Virginia is also the mother of the present governor, Bob Docking, who is one of the most influential boosters and co-workers we have, for the present and future development of this Center. It is my privilege to present Mrs. Virginia Docking. (Applause)

We all know Skip Scupin; he's Mr. C. A. Scupin, President of the Eisenhower Foundation, my associate in everything good for the Eisenhowers and for Abilene—the Honorable C. A. Scupin. (Applause)

We have with us today the Commanding General of the 5th United States Army, of Fort Sam Houston, Texas—ladies and gentlemen, my pleasure to present the Lieutenant General Patrick F. Cassidy.

George Stafford is here—you all remember that he is the chairman of the Interstate Commerce Commission now. Kansas has had Dwight Eisenhower as President, and Charlie Curtis as Vice-President of the United States, but not until now has Kansas had a chairman of the Interstate Commerce Commission.

K. S. Adams and his wife are here—we call him Boots, you know—he's head of Phillips Petroleum Company and a close friend of Mamie's and Ike's—he's been a tremendous help to us, has been very generous with his time and his money, to help us set up and operate this Eisenhower Center—it is my privilege to present Mr. and Mrs. K. S. Adams. (Applause)

Senator Bob Dole, of course, is here—who is turning in a perfection performance as Chairman of the Republican National Committee as well as looking after our interests in the United States Senate.

I am proud to present the very capable and distinguished United States Senator from Kansas—the Honorable Bob Dole. (Applause)

And we have Frank Carlson with his lovely wife here; they're close friends of Ike and Mamie's—we all remember Frank to be a former congressman, former governor and former United States Senator. It is my pleasure to present the Honorable Frank Carlson and Mrs. Carlson. (Applause)

The Counselor to the President of the United States is with us. Bob Finch attended the public schools in California, graduated with honors from the University of Southern California with many advanced degrees and recognitions. He received many other doctorate and law degrees from colleges and universities throughout the United States. As a Marine he fought for his country and served outstandingly as a first lieutenant in the United States Marines in the Korean War and also in World War II. Always been an active business, civic and political leader, active in the Republican National Committee always; served as campaign director for President Nixon's campaign in 1960; he managed George Murphy's senatorial campaign in California in 1964; he was California chairman of President Nixon's successful campaign in 1968; served as lieutenant governor of California, served as a member of President Nixon's cabinet, served outstandingly as Secretary of Health, Education and Welfare, then moved to the White House to be closer to the President as his Counselor and Liaison to the President's many commissions and other activities. Ladies and gentlemen—I give you the Counselor to the President of the United States, representing President Nixon on this occasion—the Honorable Robert H. Finch and Mrs. Finch. (Applause)

ROBERT FINCH. Thank you, Senator Darby, Mamie, President and Mrs. Johnson, Governor Docking, Senator Dole, friends all of Dwight Eisenhower. When the President knew he could not be here, much to his regret, and asked if I could represent him, and reminisced a bit as Carol and I were fortunate enough to do just this morning with Mrs. Eisenhower, we recalled that when Dwight Eisenhower was suffering his final illness then president-elect Nixon knew it would be fruitful if each Cabinet officer would visit the General, and I think he probably had in mind that we would somehow cheer him up, but each one of us came back, having been cheered by him.

I remember in that final conversation that I had, he talked of a recent book which he had just finished reading. He was disappointed because he was a favorite friend of the President's, and the book itself had ended on a despondent note. He said, "A man with that author's stature has to hold out hope to those who are coming along."

In London, shortly after V–E Day in 1945, Dwight Eisenhower received the freedom of the City of London, he said, "We should turn to those inner things, call them what you will, I mean those intangibles that are the real treasures that free men possess." As a soldier he was guided by those inner things; as a President he was strengthened by their wisdom. President Nixon said his life reminds us that there is a moral force in this world more powerful than the might of arms or the wealth of nations. And adding an additional dimension to his character, too, is this woman, Mamie Eisenhower, with us today, who stood beside him; her wisdom giving her support and her love giving strength. I remember in 1960 right after then-Vice President Nixon was nominated by his party for the Presidency, the two of us flew up to Newport to President Eisenhower's summer place; we talked about the campaign, how it should be run.

In his wisdom President Eisenhower hit upon a basic tenet of politics, he said, "remember you don't win by running away from your record, the record of our administration." I know of no better tribute to the boy from Abilene than to say that he made Americans proud of their President, proud of their country, and mostly and most importantly, proud of themselves. And now through this Library and Museum, as the greatness of Dwight Eisenhower is studied by scholars and observed by young and old, I know its inspiration will continue to bring out the best in people, to hold out hope for those coming along. Thank you very much. (Applause)

Senator DARBY. The General Service Administrator is here. He is well educated, well prepared for public life. He received his Bachelor of Arts Degree in 1939, his law degree in 1942, both from the University of Pennsylvania. Not only has he been politically successful, he has also achieved outstanding recognition for his activities in the field of law, business, and many worthwhile civic endeavors. Along with President Nixon and the Congress, he is the one most responsible for the fine addition to this Museum. He furnished the leadership to obtain the appropriations for this new addition, together, of course, with Dr. Rhoads and our United States Senators and Congressmen.

He has a big job, truly a big job, as the head of the General Service Administration. He has 40,000 career Civil Servants under his jurisdiction—40,000—I say he's big enough to handle that kind of job.

He's really big enough and good enough to be a Kansan, and you can see what I mean when I stand him up—and he's a fellow we've known favorably for a very long time. He started at the bottom and followed a very long and interesting and attractive road clear up to the top. We knew him when he was a young Republican in Pennsylvania helping State Attorney Generals, State Chairmen, Governors, Congressmen, United States Senators and other VIPs in the State of Pennsylvania to make an outstanding record in public life. Now he is doing a tremendous job helping President Nixon run the country, and he is turning in a fine performance. It is my privilege to present the General Service Administrator, the Honorable Robert L. Kunzig. (Applause)

ROBERT KUNZIG. Governor Docking and Mrs. Eisenhower, President and Mrs. Johnson, Senator Darby and distinguished guests all—I'm on a diet, Senator, so I guess I'm losing status. (Laughter) 26 pounds at the moment, 5,000 more to go. (Laughter) A few weeks ago in Virginia we were donating a park to the people of Virginia, a new big park as part of President Nixon's Legacy of Parks Program that is extending all over America. It was not a gorgeous day like today, as a matter of fact it was just pouring; drenching rain pouring down, and the Secretary of the Interior, the Honorable Rogers Morton, got up and he was holding an umbrella—everybody had umbrellas, it was raining that badly—the audience was sitting out there with umbrellas, some soaking wet, most of them soaking wet, and Rogers Morton had a big thick speech, and he looked at the speech and he looked at the audience, the rain was pouring down his face, and he said, "Ladies and gentlemen, as I look at this speech I think it is going to self-destruct in two minutes." (Laughter) He sat down, and it was the greatest speech he ever gave in his life. (Laughter)

As I listen to all the speeches we have here today and the many distinguished guests, I just made up my mind sitting over there in the corner, to self-destruct my speech—don't applaud now, please; that's the wrong moment—I'm self-destructing the speech today, except to thank Harry Darby and all those who helped to build this wonderful new great Center here, which we are opening and dedicating today, and let me just say along with all of you today, that I cherish the memory of a great General, a great President, a great man. Thank you very much. (Applause)

Senator DARBY. There is only one Archivist of the United States, and that's Dr. James B. (Bert) Rhoads. He's here; you all know him to be the keeper of the public records of the United States, so this Center is operated under his jurisdiction, and in this capacity he serves as Chairman of the National Historical Publication Commission, as Chairman of the Archives Advisory Council, Chairman of the Board of Trustees for the Woodrow Wilson International Center for Scholars; he is a writer, a contributor to publications; he is a Fellow of the Society of American Archivists, and various other professional associations. It's great for all of us to have an opportunity to work with Dr. Rhoads in the development of this Eisenhower Center. His advice and counsel have been invaluable. He has been especially helpful in obtaining appropriations for the proper operations here and we thank him specially for helping us get this much-needed appropriation for this fine addition to this Museum. It is my honor and privilege at this time to present the Archivist of the United States, Dr. James B. (Bert) Rhoads. (Applause)

Dr. RHOADS. Mrs. Eisenhower, President and Mrs. Johnson, Senator Darby, distinguished guests; I am very happy to be able to be here today to express my pleasure, and that of the National Archives and Records Service of the General Services Administration, on the completion of this handsome and important addition to the Eisenhower Museum. It will enable us to fulfill our responsibility to preserve and make known for educational purposes the important historical objects that General Eisenhower entrusted to the Eisenhower Foundation, or gave to the United States, as well as gifts from other donors.

This goal that we seek today reminds us of the goal of the original incorporators of the Eisenhower Foundation, which was to erect a museum in honor of the veterans of America's wars, the Eisenhower family, and the leadership of Dwight D. Eisenhower. Our thanks are due to that far-sighted group of Abilene citizens, friends of General Eisenhower, who formed the Eisenhower foundation in 1945, and to a host of friends and benefactors too numerous to name, who have followed their example through the years to this present date. As we all know, the Foundation designed the original building for General Eisenhower's military mementos, and though the Museum now includes the historical memorabilia of the President and Elder Statesman, the overall emphasis is on American citizenship, whether in the military or civilian sphere, just as it was in the life of General Eisenhower.

We hope to fulfill the trust that has been placed upon us in the administration of this fine building and its priceless contents to instill anew in the minds and hearts of all who come here, an appreciation of Dwight David Eisenhower's lifetime of devotion to the ideals of freedom. (Applause)

Senator DARBY. Of course we are all proud, pleased and privileged to have Mamie Doud Eisenhower with us on this occasion. It's good to get her back home in Abilene; certainly she is the belle of this affair, and actually the first lady of the Eisenhower Center. It is just wonderful having her here, making one of her customary visits now, so that we can have her here as our most distinguished guest of honor on this occasion. All of us think of her often, but especially today we think of her as our dearly beloved Mamie. We know her to be carrying on so valiantly and turning in a perfection performance, always in her own right, because she is a person of talent, dedication, imagination, determination and competence. She has merited many honors, and recognitions; the Gallup and other polls have her as number one on their list of America's most admired women.

She is the first recipient of a Blue Ribbon, so to speak, the Military Wife of the Century. Mamie is gracious, capable, charming, doing things in a great big way, and in her own way. She is the best-known and most popular of humanitarians, dedicated and devoted to the task of doing big things, such as building universities, hospitals and, of course, presidential libraries. Mamie is a gorgeous lady, and I'm proud and privileged to present her now, as the wife of the General of the Army, Dwight D. Eisenhower, the 34th President of the United States. (Applause) (Army Blue played in the background)

MAMIE DOUD EISENHOWER. Ladies and Gentlemen, it's very nice, what you've said about Ike, that could have been said today, but his love for his town of Abilene was something that words just can't express. No matter where he went in the world, how high, how low, Abilene would always be home, always be home to him, and he *was* "the boy from Abilene, Kansas." (Applause)

Senator DARBY. Dr. John Wickman is director of this library and Eisenhower Center; a most capable and distinguished leader in this profession, and he is turning in a very fine performance in this position. I am pleased to present him at this time. Dr. John Wickman. (Applause)

Dr. WICKMAN. Thank you, Senator Darby, Mrs. Eisenhower, President Johnson. I just want to use a moment of your time for a very short story. When we started planning the Eisenhower Museum, I had the help of C. L. Brainard from Abilene, who helped me sketch on some very rough sheets of paper, our ideas. Although we thought we knew what we were doing, after I'd taken it to General Eisenhower in 1967, he wanted to know how I thought I was going to put it all together. In 1968 I hired the young man who is responsible for this, and I would like to have recognition for him at this time—my Museum Curator, William K. Jones. (Applause)

Senator DARBY. It's wonderful to have General Norstad with us. He flew in here this morning with his wife in his own plane, especially to be with Mamie on this occasion. He always comes out here when we need him, because of his tremendous interest and friendship with President and Mrs. Eisenhower. You will remember, he served as one of the pallbearers at General Eisenhower's funeral. He is a distinguished business and civic leader, as well as a big, number one man in the military.

He heads the very important Owens-Corning Fiberglass Corporation, and with it does big business around the world. He is soldier-statesman, a philanthropist, and everything else that's good. He has had a distinguished career of service to our country and to the world. Some may equal but none will excel his record. He served the military 37 years; the last six years he served as Supreme Allied Commander in Europe and Commanding General of the United States Forces in Europe. His United States decorations include the Distinguished Service Medal with two Oak Leaf clusters, a Silver Star, the Legion of Merit, the Air Medal, and many others.

His foreign decorations were from ten countries: Portugal, Germany, Greece, Italy, Belgium, Norway, Netherlands, France, Luxemburg, United Kingdom Commanders. General Norstad was further honored with many honorary doctorate degrees from 15 colleges and universities. Ladies and gentlemen, I am proud and privileged to present the very capable and distinguished soldier-statesman, business and civic leader, General Lauris Norstad. (Applause)

General NORSTAD. Senator Darby, Mrs. Eisenhower, Mamie, Milton, President and Mrs. Johnson, distinguished guests. I'm moved by the tributes that have been made to our great friend, and perhaps everything has been said, but I am encouraged by the strains of music, "Army Blue," that introduced Mamie, to take a few minutes of your time because it is proper that one voice this morning from this platform should represent General Eisenhower's first, his chosen, and his longest career. And so, while I am long retired that I can claim no competence in the field, I would like to speak as a soldier. We're here today to note the anniversary of General Eisenhower's birth, to dedicate, or re-dedicate an institution which preserves and concentrates the essence of a soldier, a president and, above all, a faithful American and a true world citizen.

For those of us who knew him, we would wish this to be an American rededication to what Dwight Eisenhower believed, what he stood for, what he worked so hard and so successfully to achieve. I am sure that *he* would have wished that, too. It is important, therefore, that this Museum and our pilgrimage here today, should recall for us values that were important in the Eisenhower life, values which helped him achieve so much and which made him one of the most respected and best loved Americans in all of our history.

Here in Abilene, we are at the wellspring of much of the understanding and the strength which were fundamental to his greatness. In an environment that was simple, strong, and almost starkly American, fundamentals were seen clearly and principle was given stature. Responsibility and duty were part of life; belief in country, dedication to ideals associated with love of country, these interacted with responsibility and duty. For all his life, Eisenhower would be marked by Abilene and by that other molder of the young man, West Point, and he would always be identified with the lesson of this early exposure—respect for Duty, Honor, Country. His devotion to principle, his conception of his personal obligations, the code by which he lived as soldier, statesman, citizen, supported and served his belief in his country and in its institutions.

He was a patriot, as President Johnson has stated; he was patriotic with knowledge and with pride, because he knew that his country had shown merit that justified pride.

But as he derived satisfaction from its accomplishments, he felt the weight of great obligation imposed by his country's imperfections, his country's inadequacies. He recognized that a nation, like an individual, must grow. He saw the challenge of change as something to be approached positively if this country were to continue to fulfill expectations. And all of this he saw in a very personal sense; he was strongly aware of his own obligation to contribute constructively to his country and to its development; he recognized the need to encourage, to nurture healthy change; he knew that passive accommodation was unacceptable. General Eisenhower's view of change and his sense of personal obligation made him a builder and not just a critic. These same attributes directed his patriotism—he could not be satisfied with mere faithfulness to form, mere respect for dogma.

In seeking constructive change and in identifying his own obligation to foster such change, he showed one other important dimension of his patriotism. He always put his country first but in a context of values shared with other people who also put their countries first. This man who, in war and peace, so completely demonstrated his love for his country was at the same time the great world citizen. This seeming contradiction, this apparent conflict of interest, was neither one—it was indeed the intelligent, the necessary, response to the world and to the times in which he lived and in which we live.

Another response to living in our world—realistic but regrettable—is military strength. General Eisenhower saw our armed forces as constituting a necessary strength, strength with purpose, to support the nation's movement, its growth, its aims. Indeed, he said in what has come to be considered his farewell address that:

"A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

Surely, General Eisenhower loved the Army which brought him to full manhood; certainly we here know that he honored and respected the uniform of his country. Against this background it is evidence of the very broad wisdom of the man that he could, in that very same speech, caution his fellow citizens when he said:

"Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together."

Eisenhower is now of the past. But his words, his actions, his principles, his ideals remain, as they always will, an essential part of the American heritage; and for this reason it seems particularly appropriate that as this Museum is re-dedicated, the man we honor should be revisited; that we should reexamine, in the light of the 1970's, some of his ideals and principles, the hopes he cherished for us as a nation, for us as a people. It can be said that in the beginning there was Abilene and his family and his friends here and, in the beginning, there was the Army.

This country has never been of a military orientation. Except for those few who have chosen it as a career, army service has seldom been popular—and this is part of our character. We are a nation of citizens, of citizen-soldiers. But the Army has earned respect for fighting the nation's wars, for maintaining our freedom, and for its contribution to the many more normal and constructive activities of the United States from the time of our very beginning as a nation. But now an unpopular war, a painful and protracted ordeal of unparalleled duration, broad public questioning of the necessity for the cost and the extended involvement—all these adversely affect the public standing of the Army.

It would be foolish and wrong to suggest that everything about the Army has been right and good. Particularly because we do have a citizen Army, interaction between the public and the military is complex, constant and pervasive. In this interaction, the national stresses and strains, the frustrations of a distressed citizenry have created reading pressures and perhaps some mistaken responses. Certainly the public's esteem for the armed forces has been affected by Viet Nam, but, I suggest that this is really a symptom, springing from political and social strain, a symptom which tells of deeper disaffection and disturbance. Symptoms are interesting only to the extent they help identify causes.

The real issue, the one which justifies the deepest concern is considerably more basic than just one manifestation, the depreciated standing of the military. We as a people have experienced—and, to an extent, are still experiencing—a difficult period, one characterized by alienation, by a tendency to overreact, to over-state, to polarize differences, by too steady resort to thinking in terms of "they" not "we" when the nation and its activities are considered. We have heard demands for change, often warranted change. But with this, we have seen a quick, perhaps too quick impatience with our progress and what indeed sometimes seems a willingness to destroy rather than to build in the process of change.

Dissatisfaction with our nation's social development and surely the unhappiness, and great personal tragedies associated with the Viet Nam war—these have been, and are and should be among the most prominent aspects of the American scene. But accompanying each of them, shaping them, driving them, has been something more fundamental, more determining in impact. Whether we call it a loss of conviction, a weakening of belief in someone or something, a deterioration of confidence, whatever it is, the source of our motivation, our inspiration as a nation and as a people has been damaged.

The worst of this unhappy period may be past. There is evidence to suggest that extreme reactions are losing some of their attractiveness; that the destruction of institutions is increasingly recognized as offering no answer to the acknowledged need for change; that thoughtful planning and patient, progressive building—both guided by goal and by principle—are again accepted as the true and necessary means to any useful accomplishment.

This had to come about. Responses that are driven by frustrations, motivated by violence, expressed in terms of alienation, these cannot bring together nor unite our individual capacities to speed change and enhance achievement. Man's talent for constructive purpose requires a foundation of faith and hope. It needs, above all, the stimulus of strong belief.

Today as we rededicate this memorial to a great man—above all, a man of strong belief, of faith, of hope—may we recognize that its true value in the years to come is not to remind us of what he did or the way he did it, but rather to demonstrate what is possible, the contribution that man can make when his goals, his plans, his values have the kind of quality on which Dwight Eisenhower's entire life was built. In this respect, he offers an eternal example—one which this Museum will illuminate for generations to come.

To define, to epitomize what Eisenhower, by precept and example, has left us as a heritage is no easy task. But an earlier president, Abraham Lincoln, once said: "Let us have faith that right makes might; and in that faith let us dare to do our duty as we understand it." This was Eisenhower's credo, as it was Lincoln's. Americans need seek no better teachers. Thank you. (Applause)

Senator DARBY. Now I think I should introduce my charming and understanding wife, Edith. (Applause) We apppreciate the efforts of all who have helped on this ceremony. There have been many that we would especially like to mention: those here at the Center, the Commanding Officer and his men at Fort Riley and at Fort Leavenworth, Jeff Hillelson and his associates of GSA in Kansas City, and at the Washington level, and the law enforcement and public services under the jurisdiction of Governor Docking, and Attorney General Miller, the press, radio and TV—obviously we could not have had this successful occasion without their help. Now we will conclude our ceremony with the benediction by Chaplain Colonel W. W. Wessman, at Fort Riley.

Chaplain WESSMAN. Let us pray. Our Father and our God, we would ask Thy divine favor upon this beautiful Museum in honor of a truly great American. Bless all who shall enter its doors, that they may be challenged with an equal measure of devotion, loyalty and patriotism. May it always remain as a remainder of our freedom, good fortunte and benefit others have provided for us. And now may the spirit of Almighty God go with you and strengthen you for your every task. Amen.

## THE WEST COAST STRIKE

Mr. TAFT. Mr. President, it seems most timely to call to the attention of the Senate a perceptive statement by my colleague from Oregon, and I ask unanimous consent to have it printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

### STATEMENT BY SENATOR PACKWOOD BEFORE THE COMMITTEE ON LABOR AND PUBLIC WELFARE

### LEGISLATION TO END THE WEST COAST DOCK STRIKE

Mr. Chairman, for the last eight months, I have been urging, pleading, begging and cajoling my colleagues in this Chamber to face up to the desperate need for new legislation covering emergency labor disputes in the transportation industry. The increasing frequency of transportation crises should make the inadequacy of existing statutes clear to one and all. But this seems not to have been the case, as the current emergency on Oregon's docks, and all along the west coast, openly signifies. The President, having used his one available option, the Taft-Hartley 80-day cooling off period, now has no alternative legal course of action at his disposal to protect the public from this new crippling tie-up. He is forced once again to come to Congress—the most inappropriate arbitrator I know—to request Ad Hoc emergency legislation.

In the 25 years since Congress passed the Taft-Hartley Act, its emergency provisions have been used in 30 disputes where the national health and welfare have been threatened. Strikes occured in 25 of the 30 disputes, resulting in the loss of over 86 million man-days of work. It is significant to note that fully 11 of these 25 strikes which threatened the national welfare were in the longshore and maritime industry. Cooling off periods were required in each of the 11 disputes, but—and this is important to notice—in only two cases out of eleven were the disputes fully resolved within the 80 days. Nine out of eleven times saw resumption of the strike at the end of the cooling off period.

The rail industry, which is not covered by Taft-Hartley, has similarly experienced an increasing number of crippling work stoppages. Eight times in less than a decade, and four times since 1970, Congress has been forced to pass Ad Hoc legislation to prevent or end rail strikes which threatened to create national emergencies.

Just from these figures, it should be clear to all Senators that the existing emergency provisions of Taft-Hartley and the Railway Labor Act have not fulfilled their promise of protecting the public.

It was in response to this obvious need for a new approach to emergencies in the transportation industry that the Administration, two years ago, sent to Congress proposed legislation to provide a new framework for dealing with emergency transportation disputes. When no action was taken during the 91st Congress, it was re-introduced again last year, (S. 560).

This proposal has the dual objective of protecting the public health and welfare from the crippling effects of unresolved transportation disputes, while at the same time minimizing governmental interference in the collective bargaining process. The vehicle for achieving these objectives is to provide the President with three new alternatives, which would be available under law should the 80-day cooling off period expire without a settlement. One of the most obvious advantages of these new Presidential options is that Congress would be taken out of the business of arbitrating labor disputes at the 11th hour once and for all. I know of no Senators who relish the current authority which they have imposed upon themselves simply by failure to act on legislation to provide these desperately needed new permanent legal procedures. Nevertheless, having failed to act decisively in providing new permanent procedures, we are once again faced with the reality of a transportation crisis. The parties to the dispute have negotiated since October 1970 without reaching an agreement. The President has exhausted his last statutory option. The buck stops here.

Which brings me, Mr. Chairman, to the current crisis, or should I say re-current crisis, which exists now in my State of Oregon, and throughout the west.

On July 1, 1971, when collective bargaining negotiations failed to resolve differences between the I.L.W.U. and the P.M.A., longshoremen at all west coast ports walked off their jobs, and did not return for 100 long days. During that period, lumber and agricultural producers in the west and mid-west were cut off from their markets, crops rotted and layoffs were commonplace. Foreign agricultural markets which had taken years and years to build up were not only lost for the duration of the strike, but will probably be lost to foreign competitors for years to come.

After 100 agonizing days, President Nixon invoked the emergency procedures of the Taft-Hartley Act calling for an 80 day cooling off period, and the longshoremen returned to the docks. The cooling off period has now expired and the parties are still without a settlement. On January 17, the I.L.W.U. again called its members out on strike, bringing dock operations on the west coast once again to a grinding halt.

To some of my colleagues, Oregon's docks—3,000 miles away—may seem like a not very significant part of the overall economy. I have tried to dispel this misconception over the months in numerous speeches here in the Senate on this subject, and I shall try again now.

Basic economics tells us that ours is a complex and interwoven economic system in which the breakdown of even one seemingly small part can have the catastrophic effect of the proverbial monkeywrench. This being the case, closure of our ports affects not only dock and seaport workers and businesses directly involved in shipping, but also has widespread impact throughout the region and the nation, hitting each and every aspect of our economy. And what is too often forgotten is that the working man is hurt just as badly as the businessman, and is frequently hurt worse. As the Federal Maritime Commission has pointed out, "A peculiar aspect of the current west coast shut down is the fact that the economic hardship through loss of wages has been largely incurred by innocent workers in seafaring and other shipping related operations who stand to gain nothing from benefits conferred in a settlement with the I.L.W.U."

Mr. Chairman, two points need to be underlined. One is that the impact of the west coast strike is, as I have said, very widespread and reaches like a shockwave into every aspect of the economy. The second concerns Congress' inconsistency—or hyocrisy—in dealing with emergency labor disputes in the transportation industry. Let me illustrate what I am saying by relating the current emergency to two of the most serious and perplexing issues now facing the Congress and the Nation: unemployment and our trade deficit.

The last session of Congress saw tremendous efforts to ease unemployment. We approved emergency employment funds to create jobs in the public sector for the unemployed; we provided additional unemployment compensation benefits for those who cannot find work; we extended manpower programs under the Economic Opportunity Act; we gave tax breaks to business to generate new jobs; and we offered new job opportunities and subsidies for students so as to reflect the increasing difficulty of finding work. Much of this legislation, I might add, originated in this very Committee.

Last but not least we have screamed mightily over our high rate of unemployment and have assured our constituents that we are doing everything possible to remedy the situation.

But are we? Let's look at what our other hand is doing—or perhaps I should say, more appropriately, what it is *not* doing—on the unemployment front.

During the first 100 days of the west coast dock strike, 15,000 longshoremen were idled, incurring a daily loss of over half a million dollars in wages and fringe benefits, totalling over $50 million during the 100-day period. Additionally, about 2,000 U.S. seamen were left without work for an estimated loss of $150,000 a day in wages and fringe benefits, adding up to nearly $15 million for the duration.

At the same time, we were handing out $247 million in emergency employment funds to the State of California, Washington and Oregon. They were reporting 42,000 unemployed (in *addition* to the longshoremen and seamen) as a direct result of the dock tie-up. The wage losses of these innocent victims were estimated at $1.1 million a day, with the cumulative total at over $100 million.

Interestingly, Puget Sound and Southern California, two of the areas designed to benefit from emergency provisions we passed at the end of the last session to extend unemployment compensation benefits, were among the hardest hit by the dock stoppage.

Just as the last session of Congress exerted great energy in dealing with unemployment problems, we also spent a great deal of time and energy trying to solve, or help solve our balance of payments problems. As all Senators know, our balance of trade has been deteriorating steadily over recent years. One of the bright lights on our trade sheet has been agricultural exports, which reached a new high of $7.8 billion in Fiscal 1971. One out of every four harvested acres in this country is for export, supplying over one-sixth of the world's total agricultural exports.

And yet, Mr. Chairman, during the 100-day west coast dock strike this summer, producers were facing potential export losses estimated as high as $9.5 million a *day*. The lumber industry alone reported losing nearly a million dollars a day in exports. To this figure should be added the long term losses which will result from the irrevocable loss of foreign markets to alternative suppliers, a loss which is likely to be permanent.

Japan, our largest purchaser, bought $1.2 billion worth of U.S. agricultural products in Fiscal 1971, but because of the strike has now established other suppliers, primarily Canada and Australia. Whether our farmers can ever get these markets back again is a question we may be asking ourselves for a long time to come.

In terms of agricultural losses, two inconsistencies come to mind. At a time when we are spending $2.77 billion to subsidize farm production, how can we then deny our farmers access to their markets? During Fiscal 1971, we spent $880 million on wheat subsidies. Although 53% of all wheat produced in this country is for export, during the peak period July–September, port closure prevented all but about 2% of the harvested wheat from getting out to its markets abroad. How can we in Congress ignore this expensive folly?

In terms of our trade deficit, certainly a subject of the highest national concern, we have recently taken bold and unprecedented steps to reverse our deteriorating position, including floating the dollar and imposing a 10% import surcharge. Does it not seem highly irrational and irresponsible then to ignore the far-reaching implications of the west coast dock dispute for our balance of payments situation?

Mr. Chairman, the legislation which the President has requested and which I have introduced, S.J. Res. 187, would authorize the Secretary of Labor to appoint a three-member arbitration panel to arbitrate the west coast dispute to finality. It would also initiate a new no-strike prohibition.

As I made clear in introducing this Resolution, I am firmly and irrevocably committed to the free collective bargaining process, without interference from the government. The parties to the West Coast dispute have had the opportunity to bargain collectively without hindrance from the government for twelve months before the President invoked the emergency provisions of the Taft-Hartley Act, and for over three months since then, but tragically no settlement has resulted.

Mr. Chairman, no union or industrial baron, individually or collectively, should have the right to strangle an economy and inflict untold injury on thousands and thousands of innocent victims. At some point, the public interest must take precedence, and I think we have reached that point.

## UKRAINIAN INDEPENDENCE DAY

**Mr. PERCY.** Mr. President, in commemoration of Ukrainian Independence Day this month, I invite attention to the plight of the people of the Ukraine. It is a time to remind Americans that the Ukrainian people, free and independent only from 1918 to 1920, still yearn for freedom and independence.

As we reflect on this, let us reaffirm our dedication to the goal of liberty and self-determination for all the oppressed peoples of Eastern Europe, no matter how remote that possibility may seem at this time. We who enjoy freedom in our own country must not forget those who have yet to secure their freedom.

## CONTINUING PROGRESS IN DRUG ABUSE CONTROL

**Mr. HRUSKA.** Mr. President, last April I reported to the Senate on the highly effective enforcement efforts being made by the Nixon administration to stem the tide of drug abuse. These remarks may be found at page 9368 of the CONGRESSIONAL RECORD of April 1, 1971.

Today I would again like to address this subject, describing the additional activities which have been taking place during the interim. Although these comments will primarily be concerned with the efforts of the Justice and Treasury Departments, I do not mean to suggest that these are the only agencies participating in drug abuse prevention and control. On the contrary, with the passage of S. 2907 by the Senate shortly before adjournment, recognition was given to the fact that a greater overall coordination of the many programs in progress is necessary. The Special Action Office for Drug Abuse Prevention authorized by this bill will provide this needed coordination, and I am hopeful that the House will act swiftly to approve this legislation.

As I mentioned last April, however, it is law enforcement which must hold the line which our long-range programs have an opportunity to take hold.

In this regard, some preliminary comments are called for prior to getting into the actual facts. I believe everyone looking at the facts objectively will agree that, given the limited enforcement resources of the Federal Government, outstanding efforts are being made to cut down the availability of harmful illicit drugs. Nevertheless, we continue to hear sporadic criticism from certain factions I prefer to call the "not-enoughers." This epithet is suitable because many of these people adopt a recurring tactic when it comes to the accomplishments of the Nixon administration. The administration's efforts on behalf of veterans are a step in the right direction, but not enough. The President's troop withdrawals from Southeast Asia are good but are not fast enough. William Rehnquist has the intellect and legal ability to sit on the Supreme Court, but in the civil rights area he has not done enough. The administration's efforts to halt inflation and bolster the economy are a step in the right direction, but are not early enough nor are they strong enough. And so on.

Mr. President, the few who insist on repeating this same old refrain are not fooling the American people. But I find it particularly distressing to hear this approach being used on the subject of drug abuse control. In this area the not-enoughers are just about as wrong as they have ever been—and that is saying a good deal. My remarks last April plainly demonstrated the progress which was being made at that time. I will now proceed to describe some of the many noteworthy accomplishments which have been made since then, recognizing full well that we must have much more of the same if we are to keep up with the devious and innovative criminals who continue to profit from the misfortunes of others.

### DOMESTIC EFFORTS

Last July an intensified heroin enforcement program aimed at prime and secondary distribution centers that supply our central, southern, and western communities was initiated by the Bureau of Narcotics and Dangerous Drugs. The eastern seaboard communities have historically been the receiving and distribution centers for heroin. The program has, therefore, been given the appropriate name Operation Seaboard.

In cooperation with a number of State and local enforcement agencies, this project was simultaneously initiated in several major cities throughout the eastern seaboard of the United States. The program is designed as a comprehensive domestic effort centered at the east coast cities, coupled with cooperative foreign-country programs to reduce the availability of heroin in this country.

To date, this concentrated effort has resulted in the initiation of 573 criminal cases involving heroin, as well as cocaine, in which 1,081 defendants have been implicated with 752 of these already arrested. These 573 cases have so far resulted in the removal from the illicit drug market of over 315 pounds of heroin and 115 pounds of cocaine.

Operation Seaboard has made a fine start since its inception, and holds out much promise for future control of illicit traffic on the east coast. This operation is just a part of the whole domestic picture of additional aspects of which I will now discuss.

As significant as the statistics on drug seizures were for 1970 as compared to previous years, far greater progress has been made in 1971. For example, the two largest heroin seizures ever made by U.S. authorities took place last year. On June 3, 1971 Bureau of Narcotics and Dangerous Drugs special agents worked in cooperation with Spanish national police to seize 249 pounds of heroin in Valencia, Spain—a record seizure of illicit drugs worth over $50 million in street value. During the preceding month 246 pounds of heroin had been seized in San Juan, Puerto Rico—at that time the second largest amount so obtained. However just this month, on January 5, BNDD agents seized an initial 238 pounds of heroin with this latest effort. Following these arrests an additional 147 pounds were collected, making a total of 385 pounds of heroin and a new record for the new year.

Heroin is not the only substance confiscated in raids and arrests. On December 1, 1971 Federal agents arrested three persons and seized some two tons of marihuana in New York City. Worth approximately $1 million on the illegal market, the marihuana had been smuggled in from Jamaica and filled 60 barrels in the warehouse where it was seized. And several days later, on December 8, a record 810 pounds of amphetamine powder were seized in Tijuana, Mexico by Bureau of Narcotics and Dangerous Drugs agents and local police. Also confiscated were 500,000 finished amphetamine tablets which, together with the 37 million tablets which could have been made from the powder, would have brought some $15 million in the illicit U.S. market. Eight persons were also arrested in the amphetamine raid.

The Bureau of Customs has also been very active in seizing illicit drugs. Increases in manpower and improvement in techniques have resulted in dramatic increases in seizures over the past year. As an example, the hard drugs confiscated last year exceeded the amount seized in the preceding 7-year period. The heroin alone would have produced almost 96 million doses selling for $574 million on the street. When added to the seizures by the Bureau of Narcotics and Dangerous Drugs, only a few of which I have mentioned, it is difficult to imagine that the suppliers of these dangerous substances have not suffered substantial financial setbacks. Not to be overlooked are the arrests and convictions which have taken place, with some of these involving key personnel in illicit drug distribution systems.

Mr. President, I ask unanimous consent that comparison charts showing drug seizures for 1970 and 1971 by the Bureau of Customs and the Bureau of Narcotics and Dangerous Drugs be printed in the RECORD at the conclusion of my remarks.

The many other steps which have been taken, without fanfare, by Federal enforcement agencies on the domestic front are too numerous for me to catalog here. Many of these have resulted in the arrests and seizures I have already mentioned, while others have contributed to the general improvement in law enforcement which must continue if we are to keep pace with drug traffickers throughout the country.

The Customs Bureau has established a pattern of Customs-to-Customs cooperation not only with our neighbors in Mexico and Canada, but with countries in Europe and Southeast Asia. The aid to antismuggling activities has been pronounced. In addition, new funds provided by the Congress last June are being used to procure major equipment additions, primarily aircraft and boats, for increased detection and interception of illegal drug trafficking.

In the Bureau of Narcotics and Dangerous Drugs a new Office for Strategic Intelligence has been created, to develop information on the political and economic aspects of illegal drug production and traffic. Training of State and local law enforcement officers in drug control has continued at an intensive pace. Increased cooperation between Federal agents and their local counterparts has resulted in a doubling of cooperative arrests during 1971.

Under the authority of the Comprehensive Drug Abuse Prevention and Control Act of 1970 the Bureau of Narcotics and Dangerous Drugs has placed quotas on amphetamine production by American producers for 1972 which will decrease the amount manufactured by 40 percent below last year. The amount permitted will be 70 percent less than the figure which the manufacturers wanted to produce in 1972.

These notable efforts on the domestic scene are being supplemented by international programs which are geared to stopping illicit drugs at their source or in transit. A number of these efforts deserve both comment and praise for the solid progress which is resulting from their implementation.

### INTERNATIONAL PROGRAMS

It has become increasingly clear that, until recently, we have failed to recognize drug abuse as an international problem requiring a worldwide response. The elevation of this problem to the foreign policy level has been one of the administration's chief accomplishments in the war against drug abuse. In furtherance of these global goals the President created a Cabinet Committee for International Narcotics Control last September, which now coordinates all U.S. efforts to interdict the flow of narcotics into America.

International diplomatic efforts have resulted in a pledge by the Turkish Government to eliminate all opium cultivation at the end of the 1972 crop year, and a ban has been issued forbidding the growing of opium poppies in Turkey after June 30, 1972. The Government of Laos has taken similar action, passing a law banning the manufacture, trading, and transportation of opium and its derivatives including heroin. Tough new antinarcotics laws are also under consideration by the Legislature of the Republic of Vietnam. And last September the

United States and Thailand signed a memorandum of understanding pledging a mutual effort to control and eliminate the flow of narcotics from and through Thailand.

Part and parcel of the increased international awareness of this problem is the tendency toward formalizing attitudes in terms of treaties and agreements. The United Nations Commission on Narcotic Drugs has therefore been pushed by the United States, with the help of other countries, to consider and approve amendments to the single convention on narcotics drugs which will strengthen international supervision. Better control over the production and distribution of opium is the aim which, hopefully, will be realized this March during the plenipotentiary conference scheduled to take up the amendments at that time. And in the Senate, the Convention on Psychotropic Substances which was negotiated last summer is now awaiting the advice and consent of this body. The convention seeks to bring under international control the dangerous nonnarcotic drugs including amphetamines, barbiturates, and hallucinogens.

International enforcement efforts received a boost last August when Director John Ingersoll, of the Bureau of Narcotics and Dangerous Drugs, announced the formation of a new Office for International Affairs in the Bureau. The program manager of this Office, Mr. George Belk, is responsible for recommending international enforcement policy to Director Ingersoll and for preparing country programs for submission to the Cabinet Committee for International Narcotics Control.

International cooperation in this area has increased tremendously. This is not just talk. Results can be seen around the world, such as in locations like Hong Kong where in December it was announced that more than 10 times as many dangerous drugs were seized in 1971 than in 1970. Cooperative arrests by American and foreign agents increased by more than a third in fiscal 1971 over 1970.

Crosstraining of foreign and U.S. agents has been active and productive. A 2-week seminar was recently held in Washington and attended by top ranking police officials from 13 foreign countries. All aspects of the international drug traffic were discussed. Shortly thereafter AID sponsored a 1-week meeting of public safety officers from 26 countries, also in Washington, at which extensive briefings and discussions on this problem took place.

The Bureau of Narcotics and Dangerous Drugs has been taking the education program overseas, and will continue to do so this year. Schools for law enforcement organization in Europe, the Middle East, the Far East, and the Caribbean are already scheduled. Both Director Ingersoll of the Bureau of Narcotics and Dangerous Drugs and Commissioner Miles Ambrose of the Bureau of Customs have continually met with foreign government officials to urge greater cooperation and to exchange information on the drug abuse situation.

There is every indication that Operation Cooperation, our joint drug control program with Mexico, continues to be a success. Last August the Deputy Attorney General of Mexico announced that 10,356 fields of opium poppy had been destroyed; 700 pounds of seed had been captured; 176 pounds of crude opium; 116 pounds of heroin, and 319 pounds of cocaine had been seized; and 2,468 fields of marihuana burned. A good deal of this was of course accomplished with the assistance of U.S. experts.

### THE ROLE OF CONGRESS

In the 92d Congress legislative assistance continues to be forthcoming in support of the all-out efforts against drug abuse. Appropriations in support of the Customs Bureau and Bureau of Narcotics and Dangerous Drugs have been extensive and responsive to the budgets requested by President Nixon for these agencies. Increases in funds for these agencies, and for others involved in the drug abuse control effort, have contributed to the accomplishments I have just described. In the Senate, S. 2097 has been passed. As I have mentioned, this bill will provide for greater domestic coordination by establishing the Special Action Office for Drug Abuse Prevention. Also in the Senate agreement has been reached on the conference version of S. 2819, the Foreign Military Assistance Act of 1971, which contains a separate chapter on international narcotics control. Chapter 8, Section 481 International Drug Control. The Senate showed wisdom in accepting this chapter, which the administration supports. It gives the President authority to conclude agreements with and assist foreign countries in controlling the international drug traffic, and requires him to cut off assistance to those countries which he determines are not taking adequate steps to control drug traffic within their jurisdictions.

### CONCLUSION

As I did last April, I have attempted to highlight some of the progress in reducing the supply of illicit and dangerous drugs in America. There is a good deal more that could be said about the dedication and energy which are being expended by many fine people, often at considerable risk to themselves, in order to resolve this problem. But, as I said at the outset, we need to continue and improve still further upon these efforts to hold the line.

We are fighting a huge problem. The Attorney General recently observed in Scottsdale, Ariz., that retail sales of heroin alone reach about $3 billion each year. He stated that if heroin marketing were handled by a single retailing company it would be the sixth largest in sales in the United States. This fact speaks for itself.

On the whole, however, there is cause for hope rather than despair. The Federal Government is taking strong and positive steps against drug abuse which are having their effect. For this all Americans should be proud and thankful.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TOTAL WORLDWIDE AND DOMESTIC SEIZURES BY BUREAU OF NARCOTICS AND DANGEROUS DRUGS

| | January–December 1970 | Janaury–December 1971 | Increase (percent) |
|---|---|---|---|
| Heroin equivalent of opium (pounds) [1] | 136 | 144 | 6 |
| Morphine base (pounds) [1] | 811 | ?, 777 | 242 |
| Heroin (pounds) [1] | 646 | 1, 369 | 112 |
| Cocaine (pounds) | 429 | 782 | 82 |
| Marihuana (pounds) | 35, 514 | 106, 490 | 200 |
| Hashish (pounds) | 3, 445 | 15, 288 | 344 |
| Dangerous drugs (d.u.) | 3, 476, 858 | 206, 973, 116 | 5, 853 |
| BNDD domestic arrests | 1, 771 | 3, 512 | 98 |
| BNDD State/local cooperative arrests | 1, 531 | 2, 612 | 71 |
| BNDD foreign cooperative arrests | 188 | 394 | 110 |

[1] Represents heroin or heroin equivalent of 4,290 lbs.

Note: Total street value of all drugs in excess of $900,000,000.

TREASURY DEPARTMENT: BUREAU OF CUSTOMS NARCOTIC AND DRUG SEIZURES 1ST 9 MONTHS OF CALENDAR YEAR 1971

| | 1970 | 1971 | Percentage change |
|---|---|---|---|
| NUMBER OF SEIZURES | | | |
| Heroin | 192 | 400 | 108. 33 |
| Opium | 63 | 96 | 52. 38 |
| Cocaine | 93 | 159 | 70. 97 |
| Other narcotics | 222 | 199 | −10. 36 |
| Marihuana | 4, 761 | 4, 623 | −2. 90 |
| Hashish | 851 | 1, 205 | 41. 60 |
| Dangerous drugs | 1, 074 | 1, 142 | 6. 33 |
| Total | 7, 256 | 7, 824 | 7. 83 |
| QUANTITY IN POUNDS | | | |
| Heroin | 25. 65 | 1, 050. 97 | 3, 997. 35 |
| Opium | 22. 39 | 42. 57 | 90. 13 |
| Cocaine | 137. 18 | 102. 56 | −25. 24 |
| Other narcotics | 15. 86 | 76. 04 | 379. 45 |
| Marihuana | 110, 191. 50 | 143, 827. 74 | 30. 53 |
| Hashish | 3, 330. 20 | 4, 569. 68 | 37. 22 |
| Dangerous drugs (5-grain units) | 8, 449, 214 | 3, 569, 315 | −57. 76 |

## THE HONORABLE ALF M. LANDON

Mr. DOLE. Mr. President, the State of Kansas is immensely proud of Alf M. Landon, its former Governor, past Republican presidential nominee and current leading citizen. For many years, he has been an involved and active participant in our State's and Nation's affairs and a wise observer of people and events. The Kansans have come to look forward to hearing from and about him from time to time as he continues to build upon his long-established reputation as a refreshing and candid commentator and an accurate forecaster of coming trends and happenings.

Thus, it was with special pleasure and fair measure of pride that I noted a front-page article on Alf Landon in the December 30, 1971, edition of the Wall Street Journal. The article by staff reporter Eric Morgenthaler captures the wisdom, wit, and character of Governor Landon, and I believe that his many friends in the Congress would find it of great interest. I ask unanimous consent that this article be printed into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### At 84, Alf Landon Is Up Early, to Bed Late and Busy in Between—He Jogs, Feeds His Five Ponies, Writes, Counsels, and Proves Right on Devaluation, China

(By Eric Morgenthaler)

Topeka, Kans.—The U.S. devalues the dollar. Mainland China is admitted to the United Nations. Congress begins moving toward reforms of campaign financing.

The times are finally in tune with Alf M. Landon.

Now a peppy 84, Mr. Landon is the former Kansas governor who suffered one of the worst defeats ever for a major party presidential candidate. In 1936, against incumbent Franklin Delano Roosevelt, Republican presidential hopeful Landon received 36.5% of the popular vote but carried only two states, Maine and Vermont, with a combined total of eight electoral votes.

But some of today's headlines read like the platform planks of Mr. Landon in that long-ago race. "I warned in 1936," he says with an "I-told-you-so" smile, "that unchecked inflation would inevitably lead to devaluation of the dollar—and only Maine and Vermont believed me."

#### OLD HAT TO MR. LANDON

Some other Nixon surprises, such as the so-called China policy, are old hat to Mr. Landon. "Since 1946 when the UN charter was being written, I said it wouldn't work without a nation the size of China," says Mr. Landon. But he adds: "I didn't say it would work with China in, and I still don't."

The current furor in Congress over financing of political campaigns also is squarely on target with an issue Mr. Landon has been pressing for decades. "For many years," he says, "I've been a voice crying in the wilderness that we're in danger of becoming a democracy governed by a plutocracy because of campaigns being so expensive."

Although Kansas turned against him, too, in that 1936 debacle—he attributes his defeat to Roosevelt's economic reforms—Mr. Landon is hardly a prophet without honor in his home state. Rejecting suggestions that he run for the Senate after the 1936 race, he chose instead to return to Topeka and assume the roles of political commentator, counselor and grand old man for Kansas politics.

And today, as he approaches the midpoint of his ninth decade, the sprightly ex-governor is still doing just that—counseling politicians, corresponding with an improbable mixture of friends that ranges from President Nixon to Arthur Schlesinger Jr., and alertly holding forth on the affairs of the day from his 30-acre estate on the outskirts of the Kansas capital. In addition, he maintains a daily regimen that might tax a man 50 years his junior.

Mr. Landon rises around five each morning and—as he has done for the past 20 years—jogs the two blocks to the foot of his winding gravel driveway, where he picks up the morning paper. Thus begun, his day might not end until the early hours of the next morning (a recent visit by a reporter began at nine in the morning and ended after one the next with the lively ex-governor spinning fireside tales of the political past.)

By six, he typically has fed his five aging Shetland ponies a soft grain mixture ("Their teeth are getting bad," he explains). Then he saddles a horse for a morning ride across the grounds of the Kansas governor's mansion (the present occupant is a Democrat) and up the banks of the Kaw River.

Around 11, the white-haired but erect Mr. Landon arrives at his office in a neat, green frame house near downtown Topeka. (The office walls are adorned with framed political cartoons and photographs, including two of Herbert Hoover, and on the mantle is a ceramic elephant with the Constitution wrapped in its trunk; on the base is inscribed: "Life begins in '40.") Mr. Landon looks over reports from the radio stations he owns and from his oil properties; he no longer drills oil wells that aren't close enough to Topeka for him to visit during the day, and he generally applies the same rule to speaking engagements.

At noon on a typical day, Mr. Landon goes to the Topeka Club, atop a bank overlooking the state capital building, for lunch. Sitting next to a potted plastic fern, he eats lightly, sips black coffee and holds court with local businessmen and politicians. One visitor is a GOP gubernatorial candidate who stops for a half-hour strategy discussion. Another is Oscar Stauffer, the 85-year-old Kansas newspaper publisher who managed Mr. Landon's preconvention campaign in 1936. The two swap stories about current and not-so-current events.

Mr. Landon leaves no doubt that he's a keen observer and that he has some specific ideas about what's right and wrong with the country. Back in the paneled library of his colonial white-brick mansion, he explains some of those ideas. He seriously doubts, for example, that today there could be a successful grassroots presidential candidate, the label applied to him by many in 1936. "McCarthy (in 1968) had probably the closest thing to a grassroots campaign since my own in 1936," Mr. Landon reflects, drawing rhythmically on a briar pipe. "But the campaigns have speeded up immensely since 1936," he adds, "with trains, planes, radio, television all increasing the cost of campaigning."

Noting that his supporters spent only about $200,000 on his preconvention campaign, Mr. Landon says he never accepted more than $2,500 from any one individual. He says he advocates legislation to limit political campaign costs, and he suggests this be done through federal establishment of low rates for political advertising on television and radio, to be enforced by the Federal Communications Commission.

Mr. Landon is intrigued by the 1972 presidential election and notes he "can't recall a presidential campaign that had as many angles to it as this next one does," ticking off such imponderables as the success of the Nixon economic policies, the wide field of Democratic candidates, the possibility of a Kennedy candidacy and the youth vote. However, he feels that recent endorsements of Maine's Sen. Edmund Muskie—particularly his endorsement by California Sen. John Tunney, a close friend of Sen. Edward Kennedy—"pretty well set Muskie up" for the Democratic nomination.

#### PREFERENCE IS CLEAR

Although he won't predict the outcome of the election, it's clear who his candidate is. He says flatly: "It's fortunate for all mankind that we have a President like Nixon—for his vision, and even more important, for his politically realistic appraisal of how to go about accomplishing his purposes."

Such an assessment is a turnaround for Mr. Landon, who never supported Richard Nixon for the GOP nomination because he felt Mr. Nixon lacked "the capacity to be a good President." Now the ex-governor admits: "I was wrong—completely. Nixon is making a great President. He already has made his mark on history."

Mr. Landon praises the Nixon China policy, calls Mr. Nixon's economic moves "as important a domestic development as has ever taken place in our entire history" and says of the so-called "Southern strategy": "If Nixon succeeds in making the Republican Party a majority party in the South, for the first time we will have two major national parties instead of regional ones. And I think that will be one of the major plus-marks historians will give Nixon."

An early supporter of the European Common Market, Mr. Landon says he believes that peace in the world can be found through economics. "It's the marketplace where you understand each other—where you find who you can trust—and that's the basis of peace," he says.

#### NEW LEADERS, NEW GOALS

He thinks it significant that a "new generation of leadership" is emerging in the world. These new leaders, he says, aren't tied to the mistakes of their predecessors. "They'll have to get acquainted with each other and can set new policies and new goals."

But even as he projects his views of the future, Mr. Landon is fond of recalling the past. He impulsively flips open a volume of his collected speeches and turns to one he made at Washington's Gridiron Club banquet in December 1936. He calls in his wife, the attractive, soft-spoken Theo Cobb Landon, to listen as he reads it aloud.

Early in the address, he jokingly suggests that the running of government be turned over to the Gridiron Club, whose members are Washington journalists. "What a cock-eyed administration that would be," goes the speech, "and I wonder if our critics would be quite so free and easy with their typewriter if they had the responsibility." A bit later in the speech, he reads: "Just as competition is the lifeblood of business, so intelligent and constructive opposition is the heartbeat of democracy."

Looking up from that long-ago address, Mr. Landon muses: "This could have been written yesterday; I'd forgotten how good it is."

## TAX REFORM NEEDED

Mr. ALLEN. Mr. President, many people of our Nation are acutely aware of the need for tax reforms. Yet, tax reform means many things to many different people. I think that it is helpful to examine the views of as many people as possible.

Along this line, the views expressed in a letter to the editor of the Birmingham News of Friday, October 29, 1971, by a constituent from Cottondale, Ala., are worthy of thoughtful consideration. I ask unanimous consent that the letter from Mr. Bart Fulton be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

### Income Tax Reform

In the words of one tramp to another, "If you're so smart, palso, why ain't you rich?" Fair question! Neither smart nor rich, and born to the old school that still holds that two and two add up to four, and that a straight line marks the shortest distance between two points, I've some ideas—voice of the layman—concerning a problem that is well on the way to reaching a point of no return in the body politic: About a great American tangle of tears and frustration known as the income tax. A levy on your and my earnings so complex, so slanted in favor of this group or that, and so autocratically administered, that the best of your Philadelphia lawyers are sometimes stymied in their effort to protect rich clients against the imposition.

Unfortunately for the run of us, too many tax-accountant legallights have found ways of dodging payment of the income tax—at a cost to the federal government of more than 50 billion untaxed dollars a year. Fifty billion dollars that millionaire Americans, foundations, churches, colleges, earn annually on which they pay no taxes, leaving it to middle-class Americans in the $7000 to $20,000 earnings bracket to pay—for them.

Today, as never before, we are come face to face with the inexorable truth that the power to tax is the power to rule, to destroy. Tens of millions of middle-class Americans, those of us who pay more than half of all income taxes collected annually, are now the unwilling victims of income tax laws that are slowly but surely wreaking our destruction as free men. Gradually, the rich wax richer, the poor—or comparatively so—work and sweat and pay, a condition accounting for a state of near-tax-revolt now sweeping the country.

Any remedies? Yes! (With one big if: If tax writing congressmen can develop tin ears to the pleas of special interests, to tax-dodging foundations, to religious groups, fraternal orders or what-have-you, and think only, for once, in terms of the greatest good for the greatest number of constituents.)

Here are some thoughts of a layman on how to correct the income tax tangle and burden:

First off, present income tax laws in their entirety, no exceptions, would be nullified. Next, we'd start writing a new and simple measure, in which there'd be no exemptions, save the costs attendant to earning a dollar. There'd be no loopholes for the well-heeled, the powerful, to jump through. No chance for cheating, lying, parasiting, evading:

Every man, every business, would be taxed on dollars received, after costs, on the following scale:

On earnings up to $10,000, no tax.

On earnings of 10 to 25 thousand, 10 per cent tax.

On earnings of 25 to 50 thousand, 15 per cent.

On earnings of 50 to 100 thousand, 25 per cent.

On earnings of 100,000 or more, 35 per cent.

On corporation earnings, ten per cent tax, thus avoiding the current penalty of double taxation for the stockholder who in fact owns the corporation and is taxed on dividends received.

Some explanations:

In placing a tax of but 35 per cent on earnings of $100,000 or more we would bring into being a new and numerous army of persons eager to succeed in business, willing to take capital risks. New plants, new enterprises, would follow—and resultantly, the creation of millions of additional jobs.

In lowering corporation taxes from 52 per cent to ten per cent, and at the same time doing away with subsidies and tax incentives, we could expect great expansion of capital in the interest of more jobs—of more tax-paying workers.

But, the greatest good of all in a new and fair and simplified income tax structure would be a return of personal honesty in the country, a lessening of the need to cheat, of a temptation to ride free at the expense of the other fellow. Not to mention the great good feeling all of us would get in seeing returned to the plow countless thousands of briefcase toting I.R.S. bureaucrats who delight in staying in our taxpaying hair.

BART FULTON.

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## CONSUMER PROTECTION

Mr. BEALL. Mr. President, much has been said and written concerning the issue of consumer protection. I receive countless communications from concerned citizens protesting deceptive advertising, but few have the impact of a group of letters I recently received. These letters were from students at Highland School in Silver Spring, Md. These students, under the direction of their teacher, Mrs. Helen Cotton, have much to say in their own way, about the problems in consumer affairs and I thought that my colleagues might enjoy reading these letters and contemplating the thoughts expressed in them.

I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HIGHLAND SCHOOL,
*Silver Spring, Md., January 5, 1972.*
Senator BEALL,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR BEALL: I am forwarding these letters to you knowing you will understand that I couldn't dampen the children's enthusiasm for this project by asking for further rewrites.

Thank you for your cooperation.

Sincerely yours,
MRS. HELEN COLTON.

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HIGHLAND SCHOOL,
*Wheaton, Md., January 5, 1972.*
Senator BEALL,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR BEALL: I saw an ad about the Slinky toy. I bought it and it did not go down the stairs. It did not do the tricks they said it would. It also gets all tangled after the first or fourth time.

I would like you to try to take this commercial off television, because kids always think it is good and believe what they say about it.

Yours truly,
KAREN STEARMAN.

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HIGHLAND SCHOOL,
*Silver Spring, Md., January 5, 1972.*
Senator BEALL,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR BEALL: I am writing about truth in advertising.

A while back I was watching television. I saw a commercial about a toothpaste called Close-Up. It's supposed to get your teeth their whitest and shiniest. Well, my teeth were the usual.

I would like you to pass some laws about truth in advertising.

Sincerely,
MIKE ROBERTSON.

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HIGHLAND ELEMENTARY,
*Silver Spring, Md., January 5, 1972.*
Senator BEALL,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR BEALL: I am writing about the shampoo Protein 21. On television it says it helps get rid of the frizzies and split ends. My sisters and I tried it and it only made them worse.

Please try and help get this commercial off the air.

Sincerely,
PEGGY PHARES.

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HIGHLAND SCHOOL,
*Wheaton, Md., January 5, 1972.*
Senator BEALL,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR BEALL: I saw a product advertised on television called Glo-Coat where a little boy came running in and slid and didn't scuff the floor.

So my mother got Glo-Coat and waxed the floor. Then the boy (me) came sliding in and scuffed the floor.

Glo-Coat is not any better than other waxes. Would you please ask the advertisers to please put truth in advertising.

Sincerely,
DAVID WEAVER.

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HIGHLAND SCHOOL,
*Wheaton, Md., January 5, 1972.*
Senator BEALL,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR BEALL: I saw the ad about Pearl Drops toothpaste and thought that it would help my teeth. So I went and tried it. It made my teeth white, but it took the enamel off my teeth. My dentist said don't use it.

Can you do something about taking this commercial off the air because it is bad for your teeth?

Sincerely,
BRUCE KUYATT.

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HIGHLAND SCHOOL,
*Silver Spring, Md., January 5, 1972.*
Senator BEALL,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR: I saw the Rumbler Commercial on T.V. so I got it. The wheels were bent. Would you put truth in the commercials?

Sincerely,
MARSH WHITLOW.

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HIGHLAND SCHOOL,
*Wheaton, Md., January 5, 1972.*
SENATOR BEALL,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR: I saw an ad on television about Class A Racing cars and I got it and it does not work like they tell us it would. I am asking you to tell them to tell the truth on television.

Sincerely,
ROBERT LUDINGTON.

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HIGHLAND SCHOOL,
*Wheaton, Md., January 5, 1972.*
SENATOR BEALL,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR BEALL: I am writing this letter because I want you to try and help us about commercials. We were discussing in school about commercials and someone was thinking about the things that men put on television. We decided sometimes they don't put the truth on television.

So I was hoping you will pass some law so they will tell the truth about the commercials. One of them is about Protein 21. They say it works beautifully so my family tried it and it didn't work. That is what I mean about the commercials.

Yours truly,
LETRICIA.

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*Wheaton, Md., January 5, 1972.*
SENATOR BEALL,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR BEALL: I am writing about advertising. I don't like the way advertising companies put false advertisements on television. For Diet Pepsi they say that once you drink it you can't stop drinking it. But when I drank some I was able to stop.

Sincerely,
STEVEN DOVE.

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HIGHLAND SCHOOL,
*Wheaton, Md., January 5, 1972.*
Senator BEALL,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR: For a long time I have seen this commercial about Baby Tender Love. They say her skin is so soft and water wouldn't ruin her. So I was thinking about getting my niece one for Christmas. I went to the store and bought one for her.

Christmas morning she opened it. A little while later she had to take a bath. She took the doll in the water and then the doll was ruined. Her hair was real stiff.

We had to buy her something else.

I think you should put more truth into commercials. Small children see toys on television and start asking for them. Then the parents buy these toys and things for their children and then they fall apart.

I do hope you could do something about truth in advertising.

Thank you.

Sincerely,

WANDA BLAIR.

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HIGHLAND SCHOOL,
*Wheaton, Md., January 5, 1972.*

Senator BEALL,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR BEALL: I think that the commercial about Tide is not true that people prefer Tide more than any other detergent.

I think that Tide is just as good as any other detergent. My mother uses Bold then she uses Tide in the thought it was just as good as Tide.

Yours truly,

JEAN TIGERT.

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HIGHLAND ELEMENTARY,
*Silver Spring, Md., January 5, 1972.*

Senator BEALL,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR: Hi! How are you? There is one thing I would like to ask.

Do you know that commercial on Class A Racing Cars? I got one for Christmas and it did not work. I could not take it back.

Yours truly,

JAMES ROBERTS.

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## THE UNITED NATIONS BUDGET

Mr. PERCY. Mr. President, on December 22, 1971, Congressman EDWARD J. DERWINSKI, of Illinois, in his role as a U.S. Representative to the United Nations, spoke at the U.N. for the U.S. delegation on the subject of the U.N. budget estimate. His explanation of the U.S. position was especially direct and pertinent, and deserves the attention of all Members of Congress. I ask unanimous consent that the text of Congressman DERWINSKI's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT BY CONGRESSMAN EDWARD J. DERWINSKI

I wish to explain the vote which the United States Delegation will cast on the United Nations budget estimates for 1972.

First, I wish to comment on a matter related to the budget about which many delegates have addressed questions to the United States Delegation. This is the announced intention of the United States to seek a reduction at the earliest possible opportunity of its assessed contribution percentage from its present level to 25 per cent.

A Presidential Commission headed by Ambassador Henry Cabot Lodge reported last April that, as new Member States are admitted to the United Nations, their assessed contributions to the regular budget would call for a redistribution of the financial burdens reflected in the scale of assessments. It recommended that the United States, while maintaining its overall commitment of resources to the United Nations system, should seek over a period of years to reduce its current assessment percentage so that eventually its share would not exceed 25 per cent. We have decided that the recommendation of the Lodge Commission is an appropriate goal for the United States to pursue as rapidly as possible, and hopefully in connection with the admission of new Members.

Mr. President, we believe that a reduction of the United States assessment percentage to 25 per cent would be beneficial to the United Nations because the Organization ought not to be overly dependent on the contribution of a single Member. We do not believe it is politically advisable for an organization of sovereign and juridically equal States, which is approaching universality of membership, to perpetuate the existing extreme disparity between voting power on the one hand and financial contributions on the other.

Let me turn now to the budget estimates. The proposed expenditure level for 1972 of about $213.3 million represents an increase of about $21 million over the original appropriation level for 1971. We note, however, that the magnitude of the increase (about 11 per cent) is not as great as it was last year (about 14.3 per cent). We believe that this cutback in the rate of increase reflects an effort by the Secretary General, and particularly by the Controller and his staff, to limit budgetary requests for 1972 to what they consider essential for high-priority activities. Our delegation cannot say that we are satisfied with the success of the effort made, but it was a move in the right direction.

Mr. President, we feel that, in voting on United Nations budgets, governments tend to give too much weight to the dollar level of these budgets and to ignore other important aspects of the problem. The budget level is less important than what the budget discloses about the manner in which this Organization is administered and managed.

For example, Section 3 of the budget, which deals with salaries and wages, discloses several important facts. First of all, it provides not only for a sizeable increase in established posts but also for very significant increases in the use of temporary assistance consultants, and experts. It may well be that the Organization should have greater recourse today, than in the past, to temporary assistance, consultants, and experts than to established posts. However, we cannot accept such a substantial increase in all of these elements at the same time, particularly when the United Nations is experiencing a financial crisis. In the Fifth Committee the United States Delegation proposed a substantial decrease of about $900,000 in funds provided for temporary assistance, consultants, and experts. We regret that this was not accepted by the Committee.

Section 3, with its provisions for increased manpower for the Secretariat in 1972, also focuses attention on several other points. There is the question of whether all of the many programs initiated by the United Nations years ago are today of sufficient importance to warrant the continued utilization of the Organization's resources. We believe the Secretary General should review each and every on-going program and, where appropriate, suggest to governments which activities no longer retain high-priority status in relation to new and more important ones.

There is also the question of the productivity and effectiveness of the present staff. We all know that a substantial portion of the United Nations staff members are highly qualified. However, it is unfortunately true that a number of individuals employed by the United Nations do not have the requisite ability of training to perform at a very high level, and this leads to the recruitment of extra staff to get the job done. A number of governments which have been critical of the size of the Secretariat would perform a greater service if they made certain that the candidates they propose for Secretariat service were fully qualified. It is of critical importance that the United Nations obtain from all Member States the services of only highly competent individuals who serve the interests of the United Nations and are not improperly influenced by their own or other governments.

Section 7 of the budget represents an area in which there is room for improvement. At the present time the United States is engaged or about to be engaged in the construction of new buildings in Geneva, Santiago, Addis Ababa, and Bangkok. As a result of building simultaneously in a number of locations, there has been a substantial increase in Section 7, which has had an abnormal impact on the budget. We find it particularly difficult to accept a building program of this magnitude when the Organization is virtually bankrupt.

Part VI of the budget is a cause of serious concern, and here the responsibility must fall squarely upon governments. This year an amount of $1.8 million was added arbitrarily to Part VI. We continue to oppose strongly such increases in Part VI, particularly because of the difficulties which have arisen in connection with the financing of that Part and the need to avoid such difficulties if further erosion of the Organization's financial stability is to be avoided. We believe a solution might be to remove Part VI from the budget and redistribute its components elsewhere, both within and without the budget.

Mr. President, we hope that other delegations realize how seriously we view the increase in Part VI of the budget for 1972. As we have stated for many years, we believe that the UN Technical Assistance Programs should be financed by voluntary contributions. I am sure that the General Assembly will realize that the United States cannot accept indefinitely a situation in which it pays increased dollar contributions while the Soviet Union and a few other States continue to derive a one-sided advantage by offering payments in nonconvertible currencies.

My final comments concerning the budget itself relate to the substantial provisions contained therein for meetings and documentation. We believe that too many meetings are scheduled at times of the year when the meeting program is already overloaded rather than in the slack periods. The attempt appears to be to ensure the convenience of delegates rather than economy. We also find that a number of committees are wandering about the world holding meetings here and there and spending substantial sums of money with very little to show for their efforts. Discipline must be developed in this regard.

For many years governments have wept bitterly about the unmanageable amount of documentation which is produced each year, but they have done almost nothing to limit or control it. Last year the United States Delegation proposed an overall budgetary decrease of $1 million in documentation in an attempt to force some reduction in volume, but that proposal was rejected. We are pleased that this year the Fifth Committee decided to make an overall reduction in the budget of $1.25 million to reflect a reduction which it called for in the volume of documentation.

My remarks demonstrate, Mr. President, why we have serious reservations both about the level and about the content of the 1972 budget estimates. We are very concerned about the budget because of its relationship to the financial deficit facing the Organization and the attitude which it reflects with respect to that deficit.

A review of the United Nations balance sheet reveals that at the end of last month assessed contributions outstanding amounted to about $220 million. For the regular budget alone, unpaid assessments were in excess of $87 million. The Controller has informed the Fifth Committee that by the end of this year about $65.2 million in unpaid budget assessments will remain on the books with no assurance that more than $13.4 million will eventually be paid. He has stated that by December 31, 1972, it is estimated that arrears will have reached about $70 million with no more than $14 million likely to be collected. The magnitude of these amounts should dispel any lingering thoughts about the seriousness of United Nations' financial plight.

What are the causes of this untenable situation? One of the contributing causes is the failure of many governments to pay their annual assessments in the year in which they fall due. In my opinion, this cause should not be too difficult to remove, and all governments should make a serious effort to pay their contributions as early as possible.

The primary cause of the critical financial situation is the refusal of some governments to pay certain assessments which have been levied on them by the General Assembly. Several countries, principally members of the Soviet Bloc and France, have refused to pay assessments relating to peacekeeping operations levied against them for the Congo and UNEF operations. They have refused also to pay their share of certain other items included annually in the regular budget, such as the amortization of UN bonds. These longstanding nonpayments amount to more than $140 million, or about two-thirds of the total of unpaid assessments.

Obviously, if all of the sums owed were paid, the liquidity of the United Nations would be stabilized and the mounting deficit problem would be eliminated. The heart of the deficit problem, past and future, lies in its causes. My Delegation believes that ways must be found to deal effectively with these root causes.

Some Member States have already made sizeable voluntary contributions in an effort to maintain the solvency of the Organization. However, it has long been clear that, if we are to be successful in keeping the United Nations from bankruptcy, other Member States must pitch in and help. A particularly heavy responsibility falls upon those who have caused the deficit problem to arise.

Turning now to the relationship of the deficit to the 1972 budget level, it is, of course, true that a reduction in the budget level will not directly solve the deficit problem. However, we fail to understand how, when the Organization is faced with a situation in which it forecasts the impossibility of meeting its payroll next year, governments can take a business-as-usual attitude with respect to the 1972 budget estimates just as if no financial problem existed. We have found it frustrating to sit through this year's session of the Fifth Committee and listen to long debates on matters such as proposed budgetary increases for Public Information activities when absolutely nothing was being done to provide the Organization with the necessary cash to carry on its activities next year. It is true that Ambassador Hambro made a gallant effort to enlist the support of all Member States in an endeavor to find a complete solution to the deficit problem. However, although there were some meetings of the major contributors in an attempt to find a formula for solution, there was no indication until the last week or so on the part of most Member States that they intended to come to grips with the problem.

Late last week the UN Controller came before the Fifth Committee and spelled out once more the desperate nature of the financial situation. He proposed that, in an attempt to meet in 1972 the shortfall of $3.9 million expected to result from the withholdings of contributions by certain governments, (a) the Assembly should decide to credit to the Working Capital Fund the amount of $1.8 million available in surplus account for the financial year 1970, and (b) the Secretary General should make savings of $2.1 million in administering the appropriation for 1972. We considered this to be a first step by the Secretary General to deal with the matter, but in all honesty we viewed it as merely a gesture which could not possibly achieve its objective. Further, the proposal for the use of the 1970 surplus meant transferring to all Member States the burden resulting from the failure of a few governments to pay what they owe, and we were not surprised that it received no support in the Fifth Committee. In our view, unless and until this deficit problem is solved with the necessary cooperation by States which have not paid their assessments, the only proper method of dealing with the matter is to limit expenditures by the Organization to the level of contributions actually received.

Mr. President, we support your proposal based on the suggestion of Ambassador Hambro to establish a working group to meet during the coming year in an effort to find the solution to this problem. We will, of course, participate and cooperate fully in that effort.

Mr. President, for the foregoing reasons the United States Delegation cannot support the expenditure budget proposed for 1972 and will abstain in the vote on Parts A and C of Resolution XI dealing with the appropriation for 1972 and its financing.

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## OMB AND INDUSTRY ADVISORY COMMITTEE TO DISCUSS POLLUTION REPORTS WEDNESDAY—PUBLIC INVITED

Mr. METCALF. Mr. President, I would like to invite anyone concerned with environmental protection to a meeting next Wednesday, 10 a.m., in room 10104 of the New Executive Office Building.

I ask unanimous consent to include the notice of meeting, which provides details, at this point in the Record.

There being no objection, the notice of meeting was ordered to be printed in the Record, as follows:

Office of Management and Budget,
*Washington, D.C., Jan. 14, 1972.*

Notice of Meeting

You are invited to participate in a meeting of a panel of the Business Advisory Council on Federal Reports to comment and give advice to the Office of Management and Budget on statistical, reporting and other technical aspects of an Environmental Protection Agency proposal for an "Air Pollutant Emissions Survey." The meeting will be at 10:00 A.M., Wednesday, February 2, 1972, in Room 10104, New Executive Office Building, on 17th Street between Pennsylvania Avenue and H Street, N.W., Washington, D.C.

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## THE VALUE-ADDED TAX

Mr. KENNEDY. Mr. President, in an address earlier this month in Massachusetts, I spoke in opposition to the value added tax. In light of continuing indications that the administration is contemplating such a new tax for the American economy, I ask unanimous consent that my remarks dealing with the issue be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Excerpt From Address to Joint Service Clubs of Peabody, Beverly and Salem

A major economic issue that deserves to be emphasized is the so-called value-added tax, or national sales tax.

I can see no reasonable justification for imposing such a tax on the American economy at this time. I share the Administration's concern to alleviate the crushing burden of state and local property taxes, but the substitution of a new national sales tax is not the way.

European parallels are hardly apt, because European nations have little of America's successful experience with the income tax, the fairest and most effective revenue raiser ever developed. In addition, current headlines from London tell us the serious administrative problems the British are having in adjusting to the value added tax as Britain prepares to enter the Common Market. Surely this is not the time to impose new and burdensome requirements on the manufacturers of Massachusetts or anywhere else in the nation.

We know that, typically, the value added tax is passed along to the consumer in the form of higher prices. The sales tax is now at 7% in New York City. It's 6% in Pennsylvania and other states. Can we seriously be considering a national sales tax of 3–5% on top of these state and local taxes?

What an unfair and incredible new burden such tax would be, especially on the poor. What an unwarranted new encroachment this would be on sources of state and local revenues.

In addition, there is a fundamental inconsistency in the suggestion of a value added tax at this time. Last August, the Administration finally admitted that inflation had become so serious that wage and price controls were needed. Surely, it would be inconsistent for the Administration now to introduce one of the most regressive and price-raising taxes in the world, a value added tax that would tell the housewives and workingmen of America that there is about to be a price increase of 3 or 4 or 5% across the board on every product they buy. I can think of no quicker way for the Administration to destroy the credibility of Phase II than by proposing such a tax.

One of the least persuasive arguments for the value added tax is the incentive it would supposedly confer on American exports. To be sure, rebates of value added taxes have been used by other nations to stimulate their exports, but the rebate technique was developed long after the value added tax had been established and long after the competitive position of the foreign goods under the tax had come to equilibrium. In these circumstances, a rebate of the value added tax was a clear incentive for exports, and I agree that such rebates have often been used to place American goods at an unfair disadvantage in world markets.

But it makes no sense to suggest that the debate method would improve the position of American exports in the foreseeable future, for the simple reason that the tax itself would raise the price of goods, and the rebate would merely put them back in the position they were in before.

In sum, the value added tax would be the wrong tax in the wrong country at the wrong time, and I urge the Administration to withdraw the frequent trial balloons it has floated in recent weeks in this effort to lull the American people into accepting an unwanted, unneeded, and unnecessary tax increase in 1972.

Once before, an Administration proposed this sort of tax. The year was 1932, and President Hoover had recommended a national sales tax. The regressive tax was beaten in the House and Senate, and I suspect that history will repeat itself if this ghost from the Hoover Administration walks again in 1972.

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## A KENTUCKY TAXPAYER DEMANDS INFORMATION ABOUT WELFARE

Mr. COOK. Mr. President, congressional efforts need to be directed toward a better approach to public relief. Such action for welfare reform demands basic facts about the present welfare system and its recipients.

This search for sound welfare policies and the effort to promote wider public understanding of welfare issues has gained the attention of several concerned organizations throughout the country. One such organization is the Kentucky League of Women Voters, which has compiled a pamphlet entitled, "A Kentucky Taxpayer Demands Information About Welfare." Although it is primarily directed toward the Kentucky taxpayer, this pamphlet contains information about welfare of which all taxpayers should be aware.

I highly commend the Kentucky League of Women Voters for taking the interest and time to compile this very informative pamphlet. I certainly hope that the public will take advantage of these efforts and read this pamphlet.

I ask unanimous consent to have printed in the Record the text of the pamphlet, "A Kentucky Taxpayer Demands Information About Welfare."

There being no objection, the text was ordered to be printed in the Record, as follows:

### A Kentucky Taxpayer Demands Information About Welfare

". . . the people who are forced to pay for these handouts have some questions we want answered. We want an accounting of how many of these children are legitimate, how many illegitimate, how many were born so the parent could get a welfare bonus of more tax money.

How many of these parents spend most of their time and money in some beer joint; how many are disabled and receive little or no help because of the criminals, deadbeats and social misfits who are on welfare."[1]

#### HOW MANY OF THESE CHILDREN ARE LEGITIMATE?

Accurate statistics on the sexual behavior of any group of people are difficult to obtain, but recent studies indicate that the percentage of children conceived out of wedlock is much the same in the population at large as it is among recipients of Aid to Families of Dependent Children. The national figures on AFDC children show that about one third are illegitimate. Kentucky estimates that 25,500[2] of the 100,919[3] AFDC children in the state are illegitimate, or about one in four.

But a year ago the Boston Sunday Globe reported that "one third of all first-born American children, born between 1964 and 1966, were conceived out of wedlock."[4] At higher social levels such situations are more frequently concealed by shotgun marriages, abortions, and adoptions, leaving us with the impression that the poor have many more illegitimate children than those who are well-off.

In any case children born out of wedlock cannot in justice be held responsible for the behavior of their parents. If as a society we wish to penalize such parents for illegitimate behavior we must find some means that does not starve or degrade their children.

#### HOW MANY OF THESE CHILDREN WERE BORN SO THE PARENT COULD GET A WELFARE BONUS OF MORE TAX MONEY?

Families on welfare in Kentucky have an average of 2.5 children.[5] The average payment to an AFDC family is $30.36 per person monthly[6] (the maximum amount for a four-person family is $187[7]), or seventy-three percent of the amount our state calculates is needed for minimum health standards. No one can feed, clothe, and house a growing child on less than seven dollars per week and get a "bonus" out of it. Welfare recipients know this.

Kentucky denies aid to families with two able-bodied parents in residence unless the father is in a work training program. If he is unable to find work after his training is finished he can get support for his children only by deserting them. It is not likely that deserted mothers *plan* to have more children, especially since the amount of money allotted per person generally decreases as the size of the family increases.

Persons on welfare, including the blind, aged, and disabled, comprise four percent of the population of Kentucky,[8] and receive about seven percent of the state's General Fund.[9] Surely this is not a disproportionate amount for the government to spend on Kentuckians who need the basic necessities of life, especially when the great majority of them are over sixty-five or under eighteen. (In the state of Massachusetts, twenty-five percent of the budget goes into public assistance, in contrast, less than two percent of the Federal budget is accounted for by welfare payments.)

Children who are not adequately fed or cared for often are impaired mentally, physically, or emotionally. If we do not see to their well-being at an early age it is likely that we will be maintaining them at great expense in one of our state institutions.

#### HOW MANY OF THESE WELFARE PARENTS SPEND THEIR TIME AND MONEY IN SOME BEER JOINT?

In May 1971, 40,996 adults in Kentucky were members of AFDC families. The Department of Economic Security considers about eighty percent of these persons unable to work, usually because they are ill, disabled, or parents of small children.[10] Research on Kentucky's AFDC parents in 1967 showed that of the persons studied only 2.3 percent of the mothers and 3 percent of the fathers were known to "use alcoholic beverages excessively."[11]

Seven and a half percent of AFDC parents are already doing some kind of work. Anywhere from three to five thousand more might be hired if jobs they can handle were available.[12]

But jobs are not available. In February 1971, 6.4% of Kentucky's work force (75,300) was unemployed. The number of high school dropouts looking for work comes to about twice the number of AFDC recipients who could be employed. In addition we have 114,000 workers who are below the poverty line although they have full-time jobs.[13] Under these circumstances the six thousand "potentially employable" adults receiving assistance face stiff competition.

#### HOW MANY ARE DISABLED AND RECEIVE LITTLE OR NO HELP BECAUSE OF THE CRIMINALS, DEADBEATS AND SOCIAL MISFITS WHO ARE ON WELFARE?

Kentucky spends nine million dollars more on the aged, blind and disabled than on AFDC. The totally and permanently disabled receive 100% of their estimated need; the average monthly payment is $78.82.[14] However, a man who loses his leg in a mining accident is not eligible because he can be trained to do some other job with his hands if he can find an employer willing to train and hire a handicapped man. If he is a veteran, he can get a pension even though his disability has no connection whatsoever with his military service. Otherwise he must depend on relatives or charitable organizations.

A criminal racket of almost any description pays better than a welfare check. HEW studies on the subject suggest that welfare recipients seldom give false information about their circumstances to the government:

In 1969, about .3% (3 cases in 1000) of *all* individual and families in Aid to Aged, Blind, Disabled and Dependent Children programs were considered by state agencies to be suspected of fraud.

This extremely low incidence of suspected fraud may be contrasted with Internal Revenue frauds which have been estimated to run between three and thirty-four percent.[15]

It is possible to consider that all welfare recipients are misfits but the obvious fact that they have not been successful in our economic structure may often be as much a failure of our society as of their ability to cope with it. The most optimistic thinkers do not seriously expect that the human race will ever be without members who are seriously flawed by low intelligence, criminal tendencies, inadequate training, or other disabilities. No doubt Hitler would solve the problem by liquidating them. Kentuckians would be horrified if social workers decided that a small number of welfare recipients were simply deadbeats or social misfits and should be executed. Is it better to insist that they beg, steal, or die of exposure and hunger?

#### REFERENCES

[1] "Letters to the Editor," *Courier-Journal*, May 1971.

[2] Merrit S. Deitz, Jr., Commissioner, in a letter to Miss Julia Allen on June 30, 1971.

[3] Roy Butler, Public Assistance Research and Statistics, in a letter to Mrs. Richard Martin on July 30, 1971.

[4] National Welfare Rights Organization, *Six Myths About Welfare*, 1971, p. 7.

[5] Based on Deitz-Allen letter and Butler-Martin letter listed above.

[6] Fact sheet developed by the Kentucky Alliance for Social Progress for their conference on May 15, 1971.

[7] U.S. Department of HEW, Social and Rehabilitation Service, NCSS Report D–2 (July 1970), table 4.

[8] KASP, fact sheet.

[9] Deitz-Allen letter.

[10] Deitz-Allen letter.

[11] Sample Data from the 1967 AFDC Study (FS–2019.1), Dec. 1967, pp. 10, 14.

[12] Deitz-Allen letter.

[13] KASP, fact sheet.

[14] KASP, fact sheet.

[15] Interfaith Task Force, "Public Assistance Myths and Facts," drawn from Philip M. Stern, *Great Treasury Raid*, New York, 1962, and U.S. Department of HEW, "New Methods of Dealing with Questions of Recipient Fraud in Public Assistance," 1970.

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## THE FARM SITUATION

Mr. MONDALE. Mr. President, Oren Lee Staley, president of the National Farmers Organization, in an address at the annual NFO convention last month, stated that there is no greater injustice in this Nation than that being dealt to agriculture.

Mr. Staley points to his organization's devotion to people and its fight against corporate power. He calls for cooperation with other farm and nonfarm groups aimed at saving the family farm system which has proven itself so efficient in this Nation.

Because I firmly believe that rural problems are concerns needing the attention of our entire Nation, I think all Senators will benefit from Mr. Staley's remarks.

Mr. President, I ask unanimous consent that the address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

### Address to Annual Convention of the National Farmers Organization by President Oren Lee Staley in Kansas City, Mo., December 16, 1971

Officers, members of the board of directors, staff, and delegates.

There is never a time when the President has greater responsibility to the organization, to the members and the delegates than his report on the state of affairs of the organization.

It is easy to voice words; it's easy to speak high sounding phrases, but it comes down to whether those high sounding phrases mean anything, and they mean nothing unless there's action behind those phrases and meanings.

This auditorium was constructed with a blueprint drawn by someone that knew where every brick had to be laid, every inch of cement had to be poured. All of this was put together in a blueprint, and if that blueprint had never been used this auditorium would never have been built. The NFO, early in its existence, developed a membership agreement and that NFO agreement was the blueprint for collective bargaining in agriculture in America.

We had a problem greater than the building of this building. There were experienced carpenters, bricklayers and interior workmen for this job. But there was not a single person in America that had real experience in collective bargaining for agriculture. Not a single one. Oh, yes, some thought they had, some had tried, but every time that we tried to employ a buyer that used to buy for a company, or a broker, or someone from the old marketing system, you know what happened. They had already learned so many bad tricks. So many ways to steal off of farmers that they were of no use to us whatsoever. So it meant that we had to develop our own carpenters, we had to develop our own bricklayers, and we had to get the experience to do it. That we have done.

So where do we go, and what do we have to do next, and what are the dangers?

Ralph Nader last night made a statement here that the NFO offered more opportunity than any other organization in America to bring about change.

That means we have developed and become the trustees of a movement that is important beyond agriculture; it means we are custodians of an organization that can help turn our nation into a better course.

NFO is the only hope. There is no other. And with that goes the responsibility, when you get back home, to carry out your responsibilities of leadership. Let me tell you this: that every day that a closing out sale is posted after the next 30 days, because of the fact that farm prices are too low, we have to share responsibility because we didn't give the leadership and get out there and work and fight for what we believe is right. It is our responsibility.

Never again in this organization do I want to hear a member or a leader say that a certain person didn't join three years ago and I'm not going to ask him to join now. Never again do I want to hear said in this organization that certain farmers are too dumb to be organized. Never again do I want to hear it said in this organization that somebody else ought to do the job. Never again do I want to hear said in this organization that somebody else should do the job that you are assigned to do. If you do that, I want you to look at every sale bill that you see posted, and decide whether you want to end the NFO, or whether you really meant that you wanted to help the farmers of this nation and yourself when you joined.

There is no greater injustice in this nation than what's happening in American agriculture. The most vital industry in America, the industry that feeds and clothes this nation, the industry that put the breakfast on every household table this morning, and the noon meal, and the evening meal, and the meal in the morning, is not getting a square deal. For commercial family type farmers to be threatened by financial and economic disaster because they have been receiving low farm prices is the greatest injustice in America.

I couldn't pass this subject without talking just a little bit about the recent fight in which we were involved over the appointment of Dean Butz of Purdue University as Secretary of Agriculture. We made the decision to oppose for two principal reasons.

A president of the United States should appoint the cabinet officers who carry out his policies. In this case, not because of partisanship, not because of political considerations, but because of deep philosophical differences and conflicts of interest, we opposed Earl Butz's confirmation. Those are the only reasons.

We lost the battle, but we did not lose the war. I hope and believe the fight will make Dr. Butz a better Secretary. We are not going to pick and peck away at him as Secretary of Agriculture. I called him and congratulated him. When you're in a fight, you fight to win. But if you don't quite make it, you must be statesman enough to recognize that the country has to operate and I told Secretary Butz that we will support anything he does that will improve the welfare of farmers and the people of rural America and we will do just as we did with Orville Freeman and Cliff Hardin—we will oppose anything that hurts the farmers of this nation.

One United States Senator said that our efforts and our fight meant an extra one billion dollars for farmers in this nation in the next few months, because it had forced the issue of farm prices and with an election ahead it is bound to have to result in action to raise prices.

I think there's one thing certain. Mr. Butz will be a better Secretary than he otherwise would have been.

Now, on to the issues and the dangers—the dangers that we always have to face.

The greatest danger that always concerns me is the danger that we lose our courage to fight, or our courage to risk a fight.

That always worries me. We haven't shown any signs of that yet. I am talking about the dangers of the future.

Ralph Nader last night indicated that several groups have become interested in NFO because of our devotion to people and fight against corporate power. This is fine. This is great. And I want to say here that we must broaden our concept of the NFO and cooperate in every legal way possible with any other farm or non-farm group that has a real interest in waging a fight on central issues, and against conglomerate corporate structures that intend to take over American agriculture and make hired hands out of the American farmers. We have to broaden our concept on this, but we cannot get involved in many other issues.

There is another great danger, and I want to clarify this about our willingness to fight. One of the greatest compliments to NFO is when they call us a militant farm organization. Any time that we're not referred to as militant, then we're not doing anything because we're not stepping on somebody's toes and everybody is starting to think we're nice guys.

Let me get on to another issue that is very dear as far as the NFO is concerned. That is non-partisanship. We have to recognize that there was nobody that hit harder than NFO in the last years of the Freeman era. That was a Democratic administration.

It was the NFO, non-partisan, fighting for people. There are always those who would like to force us into a political stand and tie us to one political party or another.

Tonight it will be a pleasure and privilege to introduce Senator Bob Dole to this convention. He had a job to do as Chairman of the Republican National Committee recently and he came to the Senate Agriculture Committee to defend the Butz nomination. I respected him for it. Bob Dole and I haven't always agreed, by any means, but I enjoy going up against a worthy adversary.

I made one pledge to the members of this organization when I first became president; I said I would never be associated or active in either political party and I have kept that pledge.

There are many issues facing this country. For one example, we are in favor of trade with Russia or any other country that is okayed by the United States government. But we are not in favor of trade if our products are being exported at prices below the cost of production. When they are, then every time they export products they are also exporting people from the farms to the cities. They are sending out products that cost him $1 to produce and returning only 75¢; we are not in favor of that type of exporting.

We should have international agreements that establish price floors which reflect a decent price for farm commodities moving in world trade, and another program through which we help and feed and cloth the hungry people throughout the world in cooperation with other countries.

What do you expect of your organization? What do you expect your organization to do? What do you expect your organization to accomplish? What do you want to accomplish? How sincere are you in really wanting to help all farmers as well as yourself? What is the most important thing you need in your farming operation? What is the one most important item that you need that will give your sons and your daughters and the young farmers around you the opportunity to start farming or stay in farming? Right! It takes a price, a fair price for your products.

You have three patterns of agriculture now. One is the corporate conglomerate buying land. Management and labor they employ. Secondly, there is acquisition through vertical integration. Thirdly, there is the commercial family type farmers of this nation, which includes you and me.

When I hear it said that inefficient farmers still have to be pushed off the land, I resent it. Let me tell you that any farmer is very efficient if he has weathered the storm until now and he and his family are living on farm income alone. They are the most efficient business people in America, and if they are pushed off it's not because of inefficiency. It's because of low farm prices and the injustices at the market place.

When collective bargaining works, there is equal strength on the side of the producer and on the side of the buyer. Then and only then is it likely that you are going to make the buyers recognize you. Any time that this organization does not have the courage and the willingness to say, o.k., this is our price—and we either have a holding action or we get our price, we are done.

What does that map really represent? That represents a Nationwide Collection, Dispatch and Delivery system—when you deliver your hogs to a local collection point, they aren't necessarily earmarked for a local plant but they go into a nationwide system.

When you deliver your milk to a milk reload station, it's not the local NFO milk reload—it's a reload that puts it into a nationwide collection, dispatch and delivery system.

When you deliver your grain to a barge loading point, it's not the NFO operation in that area—it's part of a nationwide dispatch and delivery system.

There's one other danger to an organization that I want to discuss. Any time that an organization does not use and strive with all of its energy to get new members, then that organization is deteriorating.

The biggest job that you have to do is to get new members, and the second biggest job is to get the production moving through the Nationwide Collection, Dispatch and Delivery System. The third job is to be sure that the members are given the best possible service that they can be given through the organization at the local level, and at the national level.

You are the leaders in American agriculture who have the ability to save it. No staff can be in every county to do it. And I'm not being critical of the staff. It's the greatest possible staff we could ever have. They will do their part. But the job is so big we have to depend on the county leaders to know that this battle is just as important as putting in a crop and harvesting it and that the staff will help but can't do it all.

I say to you very frankly, NFO's success now depends on what is in your minds and your hearts and what you decide is your highest priority. You are the ones.

Let me ask you that as you look around every county and every state for the producers and the leaders that are willing to fight, that you look beyond the NFO. You find weak people, good people and fine people. They are no better than the NFO people and no worse. They just lack one ingredient; they have not yet shown the courage to stand up and be counted for justice and right. That's the difference.

The real challenge and the real decision that has to be made by the delegates to this convention is whether you are going out to get fellow farmers and fellow ranchers to become members of the NFO, and if you are going to get all the members to block all of their production together to go through the Nationwide Collection, Dispatch and Delivery System. Are they going to work at it as hard as though their house was on fire?

The real challenge is to put NFO over. And all I can say is that when farmers put enough production through the Nationwide Collection, Dispatch and Delivery System so the large companies of this country can't fulfill their needs from other sources, I can guarantee you a price at the cost of production plus a reasonable profit. But if you don't get out and put your whole heart and your whole soul in that job, I can't guarantee you one thing.

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## COME TO THE PARTY AT THE FPC

Mr. METCALF. Mr. President, last June the Federal Power Commission proposed to obtain additional information on diversified business activities of regulated utilities. The FPC notice of rulemaking states that the information now available to the Commission in this area is inadequate and that an increasing number of electric and gas utilities "have diversified their operations outside the sphere of regulatory jurisdiction," a point which numerous small businesses would underscore.

Utilities are becoming especially active in the real estate business and are anxious to construct tax-loss housing and lock out competitors from its subdivisions.

Numerous utilities have objected to the FPC's efforts to obtain more information about their nonutility operations. They have asked for a conference with the FPC staff. This meeting is scheduled for 10 a.m., Thursday, February 3, in room 2043 of the FPC building at 441 G Street NW.

I hope that all parties of interest attend and participate in this meeting. To provide background information on this issue, I ask unanimous consent to have printed in the RECORD the notice of proposed rulemaking, issued by the FPC, and my August 2 testimony before the Senate Commerce Committee in opposition to S. 1991, the utility housing subsidy bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### NOTICE OF PROPOSED RULEMAKING

Pursuant to 5 U.S.C. 553, the Commission gives notice it proposes to amend, effective for the reporting year 1971:

A. Schedule pages 102 and 103 of FPC Form No. 1, Annual Report for Class A and Class B Electric Utilities, Licensees and Others, prescribed by section 141.1, Chapter I, Title 18, CFR.

B. Schedule pages 102 and 103 of FPC Form No. 2, Annual Report for Class A and Class B Natural Gas Companies, prescribed by section 260.1, Chapter I, Title 18, CFR.

The amendments as proposed herein are for the purposes of acquiring additional information where regulated utilities are engaged in other diversified business activities. The information which is presently available to the Commission through the annual report forms medium is considered inadequate for present day surveillance and informational purposes.

The Commission now finds itself regulating an increasing number of electric and gas utilities which have diversified their operations outside the sphere of regulatory jurisdiction. In amending the referenced schedules, the Commission is seeking to obtain more valid and comprehensive information about these diversifications so as to perform adequate financial analysis and to evaluate the actual and potential impact that such diversifications might have on the regulated activities. This information should also be available to other interested persons for similar evaluations and investment purposes.

The proposed amendments to schedule pages 102 and 103 of the Commission's Annual Report Form No. 1 would be issued under authority granted the Federal Power Commission by the Federal Power Act, particularly Sections 301, 304 and 309 (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825c, 825h).

The proposed amendments to schedule pages 102 and 103 of the Commission's Annual Report Form No. 2 would be issued under authority granted the Federal Power Commission by the Natural Gas Act, particularly Sections 8, 10 and 16 (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717l, 717o).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than July 29, 1971, data, views, comments or suggestions in writing concerning all or part of the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C., 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms pursuant to 44 U.S.C. 3501-3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C., 20503. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendments. The staff, in its discretion, may grant or deny requests for conference.

(A) Effective for the reporting year 1971, it is proposed to amend schedule pages 102 and 103 of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others, (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set forth in Attachment A hereto.

(B) Effective for the reporting year 1971, it is proposed to revise schedule pages 102 and 103 of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment B hereto.

The Acting Secretary shall cause prompt publication of this notice to be made in the Federal Register.

By direction of the Commission.

KENNETH F. PLUMB,
*Acting Secretary.*

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### CONTROL OVER RESPONDENT

1. If any corporation, business trust, or similar organization or combination of such organizations jointly held control over the respondent at end of year, in column (a) state:

a. Name of controlling corporation or organization.

b. Manner in which control was held and extent of control.

c. If control was held by a trustee(s), state name of trustee(s), name of beneficiary or beneficiaries for whom trust was maintained, and purpose of the trust.

d. If control was in a holding company organization, show the chain of ownership or control to the main parent company or organization.

e. If other companies are controlled by the organization which holds control over the respondent, list the names of such companies and provide the data requested in columns b. through h.

2. See the Uniform Systems of Accounts for a definition of control.

a. Direct control is that which is exercised without interposition of an intermediary.

b. Indirect control is that which is exercised by the interposition of an intermediary which exercises direct control.

c. Joint control is that in which neither interest can effectively control or direct action without the consent of the other, as where the voting control is equally divided between two holders, or each party holds a veto power over the other. Joint control may exist by mutual agreement or understanding between two or more parties who together have control within the meaning of the definition of control in the Uniform System of Accounts, regardless of the relative voting rights of each party.

3. Report in column (e) the average of the beginning and year-end balances in proprietary accounts plus all debt except trade accounts payable.

4. Report in column (f) the average of the beginning and year-end balances in common stock equity accounts.

5. Report in column (g) net income for the year less preferred dividends declared during year.

6. Report in column (h) the percentage relationship of column (g) to column (f).

7. State in footnotes the type of consideration given in acquiring control over respondent.

### CORPORATIONS CONTROLLED BY RESPONDENT

1. Report below the names of all corporations, business trusts, and similar organizations, controlled directly or indirectly by respondent at any time during the year.

2. If control ceases prior to end of year, give particulars in a footnote.

3. If control was by other means than a direct holding of voting rights, state in a footnote the manner in which control was held, naming any intermediaries involved.

4. If control was held jointly with one or more other interests, state the fact in a footnote and name the other interests.

5. See the Uniform System of Accounts for a definition of control.

a. Direct control is that which is exercised without interposition of an intermediary.

b. Indirect control is that which is exercised by the interposition of an intermediary which exercises direct control.

c. Joint control is that in which neither interest can effectively control or direct action without the consent of the other, as where the voting control is equally divided between two holders, or each party holds a veto power over the other. Joint control may exist by mutual agreement or understanding between two or more parties who together have control within the meaning of the definition of control in the Uniform System of Accounts regardless of the relative voting rights of each party.

6. Report in column (e) the average of the beginning and year-end balances in proprietary accounts plus all debt except trade accounts payable.

7. Report in column (f) the average of the beginning and year-end balances in common stock equity accounts.

8. Report in column (g) net income for the year less preferred dividends declared during year.

9. Report in column (h) the percentage relationship of column (g) to column (f).

10. State in footnotes the type of consideration given in acquiring control over the companies listed.

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## STATEMENT BY SENATOR LEE METCALF (D., MONT.), RE S. 1991, UTILITY HOUSING SUBSIDY, SENATE COMMERCE COMMITTEE

Mr. Chairman, the fact that you are conducting this hearing on S. 1991, reduces the number of my arguments against it. I objected to the identical bill last year on procedural grounds. It was slipped onto the housing bill last year so quietly that four members of the Banking and Currency Committee who were at the mark-up session told me they were unaware it was in the bill.

There had been no hearings whatsoever on it. It was passed by the Senate the day after it was reported. The Senate was uninformed on implications of its actions.

My amendment to delete this section lost on a narrow division vote. The House wisely decided not to accept a far-reaching proposal on which neither it nor this body was informed.

I would like to submit for the hearing record pertinent portions of my remarks of 22 September last year and the debate on my amendment the following day. In the event that this Committee does report a bill I trust that printed hearings will be available, so that members can become aware of the departure from the philosophy of the Wheeler-Rayburn Act.

Senator Wheeler, when he floor-managed the bill which became the Public Utility Holding Company Act, emphasized "the principle that utility holding companies shall confine themselves to gas and electric service and not continue to mix into all manners of other businesses." Among those other businesses in which utilities engage is that of government, and the example most pertinent to this hearing is the Department of Housing and Urban Development.

I invite your attention to the memorandum of Hugh C. Daly, executive vice president of Michigan Consolidated Gas Company, which appeared CONGRESSIONAL RECORD, volume 116, part 25, page 33479. Then read the HUD memorandum in the CONGRESSIONAL RECORD, volume 117, part 14, page 17746. Over winter, the position of Michigan Consolidated became the position of the United States Government, virtually word for word. I offer copies of this unimaginative plagiarism for the hearing record, complete with identical grammatical errors:

Michigan Consolidated—and now HUD—start off their duet with the statement that "construction and operation of housing projects under HUD regulation is (sic) remarkably similar to utility regulation." That may be so, but I am somewhat surprised that HUD so readily admits the parallel with a type of regulation in which a few large corporations dominate the system and its regulation.

Secondly, Michigan Consolidated Gas and HUD say that the utilities are ideally suited for the housing job because they are already in place—"a utility cannot simply move its plant and work force to an outlying area." That argument is as fallacious as Con Edison's argument for construction of a new plant in mid-Manhattan because it has some land there.

Earlier this month several House members and I introduced legislation to establish a national power grid. That bill, I suggest, needs more attention by this committee than does the bill before us today. At our joint press conference Congressman Badillo of the Bronx said that by every siting standard the Con Ed plant should not be built where the utility has the land. By the utility's reasoning, he said, New York should plow up Central Park and grow its food there because the land is readily available.

I invite members of this committee to ask builders and housing officials of their acquaintance if they believe that the best way to build housing for poor people is to turn the job over to huge corporations in their territory which have special privileges similar to those of the government, including the right of eminent domain, without being burdened by the troublesome trappings of democracy.

The concluding point made by Michigan Consolidated Gas last year is that "utilities generally have the managerial and financial resources necessary to ensure efficient construction and operation of low and moderate income housing projects." HUD's companion paragraph is identical except that it adds three words at the beginning—"HUD has found" utilities generally have the managerial and financial resources necessary, etc. I believe the committee should inquire of HUD as to what independent studies, or GAO analysis, produced this HUD finding between September, 1970 and June, 1971.

This committee well knows that utilities have not distinguished themselves recently in management of their principal business. Why should Congress reduce job opportunities for experienced builders and related services, and contribute to the growth of conglomerates that are beyond the reach of public officials and stockholders, by permitting expansion of utilities into the housing field?

I urge you to check with builders, who may find it difficult to state their objection publicly. After all, they get their money at the banks which interlock so closely with the utilities. Check too, with your friends in the oil heat business, who are being frozen out of housing subdivisions sponsored by electric and gas companies. Or check with housing consultants whose business is being invaded by utilities. As the president of one such consulting firm wrote me:

"In one case, a public utility company explained that they would not have need of the services (our company) provides because they themselves are providing such services. It was explained that their company had qualified as an FHA consultant and was not only developing its own housing, but apparently was providing consultancy services in the field of housing for other sponsors of such housing projects."

Mr. Chairman, the main reason why the utilities want this housing subsidy is that it is a bonanza for them. They are doing very well financially, despite their gloomy pronouncements, because they dominate Federal and State regulatory commissions.

Later in the week I shall put in the Congressional Record figures showing that the net profit, after taxes, of the top one hundred electric utilities increased a quarter of a billion dollars last year. The net profit of major companies increased eight point three per cent over the previous year, as compared with gains of three point four per cent and two point eight per cent the two previous years. In seven cases the utility netted more than twenty cents out of each revenue dollar.

I can't give you comparable figures on the gas companies. Neither can the Federal Power Commission, because it doesn't even have the basic authority to gather such information. I sometimes criticize the FPC but in this instance I shall defend it. For the past fourteen years, under the administration of four FPC chairmen from Kuykendall to Nassikas, the Commission has requested the Congress to pass the Natural Gas Information Act. The legislation is again before this Committee—S. 401 and S. 701—and I think it is time to put them on the agenda.

S. 1991 is a bonanza for utilities, and a burden on taxpayers. The senior vice president of Niagara Mohawk Power Corporation explained why this is so. He wrote, in Public Utilities Fortnightly, how the program available to his company, which this bill would extend to holding companies, really works.

First the company organizes a subsidiary for each project. Each gets a forty-year, ninety per cent FHA guaranteed mortgage. There would be a limitation on earnings, as HUD and its utility colleagues loudly proclaim. The gimmick is in the use of depreciation law, and here let me use Niagara Mohawk's own glowing words:

". . . The property could be depreciated in its entirety (sum-of-the-years digits) over a ten-year period, producing in each year a tax loss for consolidation with Niagara Mohawk's own tax return. At the end of the depreciation period, the property could be sold at its cost or even given away to an eleemosynary institution. All this would produce an annual average return on equity over the ten-year period in excess of 20 per cent. While the dollars involved might be small in relation to utility operations, the financial integrity of the housing program would be assured.

"I am sure," he concluded, "I need not belabor the benefits of these programs in terms of added utility revenues for the utility developer, which enhance substantially the financial feasibility and overall desirability of these programs."

Mr. Chairman, I have served on the House Ways and Means Committee and the Senate Finance Committee. I have not yet learned, however, how increasing utility revenue through construction of tax-loss housing is a reasonable method of meeting our national housing needs. Having abandoned economics many years ago in order to study law I may have missed some of the more recent theories which might explain this marvelous phenomenon. So I have asked Dr. Clay Cochran, executive director of the Rural Housing Alliance, who formerly taught economics at the University of Oklahoma, if he could inform both you and me on this matter.

Dr. Cochran has added to his academic background great experience on the front lines of the battle to decently house poor people. So with your permission, Mr. Chairman, I shall insert for the record articles which describe utility and conglomerate activities in the housing and real estate field—from the Wall Street Journal, Electrical World, and the Washington Post—and ask that Dr. Cochran give us the benefit of his observations. The Post article, by Nicholas von Hoffman, deals with International Telephone and Telegraph, a conglomerate which got its start in communications. Such companies are not covered by this bill. I don't know whether American Telephone and Telegraph wants to build tax-loss housing too, but the Committee will pave the way for Bell housing and more concentration in the Nation's largest industry, if it approves the Michigan Consolidated-HUD bill before you today.

### DEATH OF JUDGE HENRY L. BROOKS, OF THE SIXTH CIRCUIT COURT OF APPEALS

Mr. COOK. Mr. President, in December, the legal profession lost a most valued member, Judge Henry L. Brooks, of the U.S. Circuit Court of Appeals. His friends in Kentucky, as well as those lawyers who practiced in the sixth circuit, will miss him and his sound knowledge of the law, judicial temperament, and balanced judgment.

I ask unanimous consent that an editorial appearing in the Louisville Courier-Journal be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### JUDGE BROOKS: EMINENT SYMBOL OF THE JUDICIARY

Henry L. Brooks had a rare combination of qualities which fitted him to an unusual degree for service on the bench. His sound knowledge of law won the respect of his professional colleagues. He had the "judicial temperament," the balanced judgment and the air of personal dignity that is proper to the courtroom. As various appointments came to him on his way up the judicial ladder, this newspaper praised him editorially as "able," "conscientious" and "exceedingly well qualified."

Judge Brooks had other qualities, however, that made people like him as well as respect him. There was something almost boyish in the geniality of his manner, right up to his sudden death soon after his 66th birthday. Though unfailingly correct in his courtroom manner, he could also display a sense of humor and a warm understanding of human nature.

The courage with which he accepted a physical handicap, the removal of his larynx and the necessity to use a speaking aid, illustrated in the past five years the quiet strength of his character. His 15 years on the U.S. District Court for Western Kentucky were distinguished. It is sad that he had only two years to make his lasting mark on the U.S. Circuit Court of Appeals.

### FINANCIAL STATEMENT OF SENATOR MONDALE

Mr. MONDALE. Mr. President, I ask unanimous consent that a statement of my estimated net worth as of December 31, 1971, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

*Financial Statement of Senator Walter F. Mondale, December 31, 1971*

| | |
|---|---|
| ASSETS | |
| Residence in Washington | $63,000 |
| Automobiles: | |
| Chevrolet | 2,275 |
| Oldsmobile | 2,675 |
| Total | 4,950 |
| Cash in deposits | 2,319 |
| Household and personal goods | 5,000 |
| Cash value of life insurance | 3,213 |
| Personal contributions to Federal employees retirement system | 18,827 |
| Total assets | 97,309 |
| LIABILITIES | |
| Mortgage on residence in Washington | 37,562 |
| Miscellaneous personal bills | 900 |
| Total liabilities | 38,462 |
| Estimated net worth | 58,847 |

### UKRAINIAN INDEPENDENCE DAY

Mr. BURDICK. Mr. President, I want to take this opportunity to join my colleagues in commemoration of Ukrainian independence. January 22 was the 54th anniversary of this event, which took place in Kiev on January 22, 1918.

The independence of the Ukraine was short lived, but the spirit of freedom inspired at that time has lived on in the hearts of Ukrainian people everywhere. Their spirit is strong. They have remained attached to their native land and to the traditions which have made the Ukrainian culture one of the richest in history.

Although we honor the fight the Ukrainian people have made during Captive Nations Week, it is important that we also celebrate, with them, the independence of their nation. As the country that has stood for democracy and liberty for nearly 200 years, we recognize their goals of freedom and self-determination.

My home State of North Dakota is lucky enough to have a number of citizens of Ukrainian descent living within its borders. They settled in our State, I am sure, because its broad, open fields reminded them of the rich farmlands from which they were forced to flee. We are honored to have them in our presence and share with them at this time the celebration of the independence of their motherland.

### TRIBUTE TO THE FRONTIER NURSING SERVICE

Mr. COOK. Mr. President, poverty, the environment, and the much talked about population explosion are all interrelated. I would like to share with my colleagues a newsstory appearing in the Washington Post concerning the excellent work of the Frontier Nursing Service in operating one of the best rural health organizations in the country.

I ask unanimous consent that the article from the Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### HIGHLY PRAISED NURSING SERVICE CUTS RURAL KENTUCKY BIRTH RATE

(By Kenneth Reich)

WENDOVER, KY.—In the first half of the 1960s, 1,944 babies were born in Leslie County in mountainous Eastern Kentucky. In the second half of the decade, the number of births declined to 1,278.

The birth rate in the county slipped from 37.9 in 1962 to 23.4 in 1969. For the first time in memory here, school enrollment is actually going down year by year.

"It's the Frontier Nursing Service," explained Hayes Lewis, the superintendent of the county's public schools. "They've introduced birth control services. Families that were having 12 children now are having only one or two."

Birth control campaigns are having considerable effect throughout the Appalachian region, but here in Leslie County it is a new orientation of the Frontier Nursing Service—one of the nation's most successful rural health organization—that accounts for the change.

"If families are smaller," explained its director, Helene Browne, "the economy in this area will rise. The education will be better."

Miss Browne said the service is offering a full range of intra-uterine contraceptive devices (IUDs) and finds that men are becoming interested in having vasectomies, a simple sterilization procedure.

The nursing service, which has had its rustic headquarters on a wooded hill in this hamlet for more than four decades, provides health services over an area of 1,000 square miles populated by about 18,000 mountaineers.

The service was founded in 1925 by Mary Breckinridge, a native of the region who decided, upon the death of her own two children, to devote the rest of her life to the medical and nursing care of children in remote areas. She served as director of the service until her death in 1963 at age 84.

"In 1925, the territory in the Kentucky mountains was a vast forested area inhabited by some 10,000 people," Mrs. Breckinridge once wrote. "There was no motor road within 60 miles in any direction. Horseback and mule team were the only modes of travel. Supplies came from distant railroad points and took from two to five days to haul in. . . . There was not in this whole area a single state-licensed physician—not one."

Within a few years, the Frontier Nursing Service grew to encompass a health program for the entire population of an area that even today remains relatively isolated, although it is now crisscrossed by narrow, tortuous roads.

Through 1968, service personnel delivered 15,490 babies, 9,079 of them in private homes. During this period, the service recorded only 11 maternal deaths, 2 less than a third of the national rate for white women.

The service, which has a 1971 budget of $1,025,343, is engaged in activities that range from operating a 16-bed hospital in nearby Hyden to running the Frontier Graduate School of Midwifery. Ten nurses staff five scattered outposts, and others are at the headquarters in Wendover, where a new hospital is planned.

Many residents of the county talk of the nursing services in tones of veneration. Miss Browne says happily, "We've become so well accepted by the community. They trust us."

In this nominally Protestant area, there has been little resistance to birth control campaigns, and the recent trends are warmly welcomed by public officials.

In addition to disseminating intra-uterine devices, the service makes birth control pills available to those who ask for them and is carrying on an experiment with more than 60 women for Dr. John Rock, a birth control specialist.

"The decline in the birth rate is one of the most significant recent developments in the mountains," Miss Browne said in an interview. "It holds out as good a promise as any for reducing poverty."

### CLEARCUTTING OF TIMBER

Mr. HUGHES. Mr. President, citizens waging an ever uphill battle to protect our Nation's precious timber resources from wanton commercial despoliation suffered a tragic defeat recently. It is a story that needs to be repeated to the Congress and to the Nation. I refer to the successful campaign by the timber industry's lobby to pressure the administration into killing a proposed and urgently needed Executive order to limit clearcutting—the practice of stripping the forest lands of all trees, regardless of their maturity or suitability for commercial use in order to cut down costs in harvesting timber.

This is one more example of the tragic failure of our Government in its responsibility to protect the survival of our national forest resources. It strongly points up the need for reform of the U.S. Forest Service and its national forest timber management policies.

Mr. President, over the past year, a reporter of the Des Moines Register, James Risser, has done an outstanding newspaper series on the threat to our national forests by unrestricted harvest practices. The Register has admirably covered the most recent crisis to which I have alluded in newsstories on January 11, 12, 13, and 14, and with an editorial dated January 15, 1972. I ask unanimous consent that these articles be published in the Record.

The chronology of events that these newspaper stories cover goes like this:

First. The Council on Environmental Quality prepared a draft of a Presidential Executive order designed to sharply restrict, but not ban, the practice of clearcutting timber on Federal lands.

Second. CEQ showed copies to the Forest Service and to the Interior Department's Bureau of Land Management for their comments.

Third. The Forest Service apparently promptly altered the National Forest Products Association—the timber lobby's Washington office—as to what was about to happen to them.

Fourth. The timber lobby mobilized, swamped the White House and CEQ with protests, and persuaded the Forest Service and Secretary of Agriculture Earl Butz to fight the proposal.

Fifth. The Agriculture Department announced that, with Butz leading the way, the order had been shelved.

Mr. President, considering the damage that unrestricted clearcutting can do in terms of destroying wildlife cover, transforming natural beauty into ugliness, exposing land to erosion, and polluting our waterways, one wonders if this Nation really is committed to the preservation of our God-given natural resources for the benefit of oncoming generations.

There being no objection, the articles and editorial were ordered to be printed in the Record, as follows:

## Nixon Urged To Curb Logging: An Executive Order Asked on Timber—Eye Crackdown on Clear Cutting

(By James Risser)

Washington, D.C.—President Nixon is being strongly urged to issue an executive order which would sharply curtail the clearcutting of timber on national forests and other federal lands, it was learned Monday.

The order is being prepared by the President's Council on Environmental Quality (CEQ), whose chairman, Russell Train, is asking Mr. Nixon to sign it as a means of clamping down on the logging practices of the U.S. Forest Service and the Bureau of Land Management.

Timber industry representatives in Washington have mobilized their forces in an effort to head off the action, saying they fear it would diminish the flow of commercial timber from the federal woodlands.

Conservation and environmental groups have been calling for tough restrictions or a ban on clear-cutting (in which all trees are stripped from a given area whether they are mature and commercially usable or not) on grounds that it wreaks ecological and esthetic havoc.

Investigations during the past year by The Register and other news media, as well as reports from within the Forest Service and from other organizations, have documented serious abuses of clear-cutting in national forests in Montana, Wyoming, West Virginia and elsewhere.

### ORDER'S PROVISIONS

The proposed executive order would limit the size and frequency of clear-cuts and would restrict the use of clear-cutting to places where there would be no environmental damage, it was understood.

Train hopes Mr. Nixon will issue the order in conjunction with his environmental message to Congress, now tentatively planned for early February, sources said. But strong pressures from those opposed to such an order still could stall or kill it, they warned.

The Register learned there have been a number of private meetings in recent days, involving officials of CEQ, the timber industry, the U.S. Agriculture Department (in which the Forest Service is located), and the Interior Department (parent agency of the Bureau of Land Management), to discuss the proposed order.

The latest was Monday morning in the office of Agriculture Secretary Earl Butz, where CEQ Chairman Train outlined the proposed order. Train, who was described by one participant as "thoroughly dedicated to an executive order," said it would formalize proper timber management practices now espoused by the Forest Service but not always carried out.

James R. Turnbull, executive vice-president of the National Forest Products Association, said in an interview that the timber industry opposes any such order because it could reduce the amount of timber available from public lands, in the face of rising housing and other needs.

### "HUNTING LICENSE"

Also, said Turnbull, it would give environmentalists and others "a hunting license" to go into court or take other action to block planned federal timber sales.

The timber industry spokesman said that he first learned early last week that an executive order on clear-cutting "was set to go and that the President's advisers thought it would be good tactics to get it out along with the President's environmental message."

Industry protests resulted in a meeting Saturday afternoon with Secretary Butz, Forest Service Chief Edward P. Cliff, and others, at which the proposed order was "outlined in broad brush strokes," said Turnbull.

Butz explained that the order would set forth about a dozen criteria to be met before clearcutting could be used, including one which would bar the logging technique if it would "affect natural beauty," said Turnbull.

Such an order would be too "subjective" and could result in "the whole timber-sale program becoming unstuck," said Turnbull. He added that the industry is concerned because the fiscal year is half over and the Forest Service has put up for sale only 25 per cent of the timber planned to be sold during the year.

### INDUSTRY "CRUNCH"

After industry officials objected strongly that the clear-cutting restrictions might aggravate an expected "lumber-plywood crunch" this spring and would cause economic hardship in mill towns, the Monday meeting was scheduled at which Train and White House environmental adviser John Whittaker appeared.

The two officials reportedly stood firm, in their opinion that the order is needed to insure that federal agencies use environmentally sound timber harvesting methods.

Another CEQ official said later that the commission's own study shows "there have been instances of overuse of clear-cutting, and not taking sufficient measures to protect the environment. The Forest Service has thought it could clear up the problem 'in-house' and put in better controls, but that may not be enough."

Meanwhile, Senator Mark Hatfield (Rep., Ore.) said Monday he was "alarmed" at reports of the pending executive order, which he said he first understood might be a complete ban on clear-cutting.

Such action should come from Congress, rather than from the President, said Hatfield, who is sponsor of a timber management bill now pending in a Senate committee. His bill stresses federal monetary incentives to encourage the reforestation of both public and private timberlands.

### COMPETING BILL

A competing bill by Senator Lee Metcalf (Dem., Mont.) puts more emphasis on controlling timber harvesting methods on public and private lands, including clamps on clear-cutting.

Also, Senator Gale McGee (Dem., Wyo.) is pushing legislation which would place a two-year moratorium on clear-cutting, while a special blue-ribbon commission studies national forest timber management practices.

The controversy stems from the fact that the Forest Service has more than doubled logging on the national forests since 1950, and has made extensive use of clearcutting. Five million acres of national forest lands need reforestation, but at the same time the Forest Service has endorsed a 60 per cent increase in national forest logging over the next decade.

Studies by Forest Service task forces, forestry schools, state legislative groups, and others have sharply criticized clear-cutting as practiced on the Bitterroot National Forest in Montana, the Monongahela National Forest in West Virginia, and on four national forests in Wyoming.

The Forest Service has permitted commercial timber companies to clear-cut to such an extent that it has caused esthetic damage, soil erosion and other problems, and has interfered with other legally required "multiple uses" of the national forests, such as recreation, watershed development, and wildlife protection, the studies showed.

President Nixon several months ago appointed a five-man advisory panel on timber and the environment, headed by farmer Interior Secretary Fred Seaton, but the panel has held only one meeting, and CEQ Chairman Train reportedly feels that the President should move quickly and sign the proposed executive order without waiting for any action by his advisory panel.

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## Aide Confirms President Considering Timber Order

(By James Risser)

Washington, D.C.—The White House confirmed Tuesday that it has under consideration a presidential executive order limiting the clear-cutting of timber in national forests.

Meanwhile, environmental organizations began mapping strategy to head off the timber industry's effort to kill or water down the proposed order.

Gerald Warren, assistant presidential press secretary, said of the proposed clear cutting restrictions: "We have a number of matters under consideration for the President's environmental message, and this is one of them. No decision has been reached yet."

### "HOT ISSUE"

The message is expected in late January or early February.

Officials of the U.S. Forest Service huddled Tuesday with members of the President's Council on Environmental Quality (CEQ), which is urging President Nixon to sign the order.

"This is a very hot issue at the moment," said a Forest Service spokesman.

CEQ members would not comment on the proposed order, but one official there said, "The timber industry has really landed in town to oppose it."

The proposal, which has been outlined in vague form to the timber industry representatives and to some environmental organization officials, is believed to set forth guidelines which would prevent clear-cutting on federal timberlands unless a long list of criteria are met.

The criteria are aimed at reducing the size and frequency of clear-cuts, clamping down on the location of clear-cuts to avoid scenic damage, and preventing clear-cutting altogether where it would damage watersheds and cause soil erosion or do other ecological harm.

Clear-cutting is the logging of all trees from a given area, whether they are mature or not, often with heavy machinery which seriously scars the land. Its use has increased dramatically since the mid-1960s, as the Forest Service responded to timber industry appeals for more timber from the national forests.

Stewart Brandborg, executive director of the Wilderness Society, said Tuesday that "we are very interested in learning more about this proposal and giving it active encouragement, provided that it brings about full public involvement, including hearings, on the critical problems of our national forests—clear-cutting, over-cutting on an extensive scale, and a dangerous intrusion on wild areas."

He said the order will have little value if it permits the Forest Service to interpret its provisions in such a way as to "continue the present devastating cutting practices."

National forest logging has impaired other forest uses, including wildlife, watershed protection, scenic and wilderness values, Brandborg added.

Michael McCloskey, director of the Sierra Club, said the executive order would be "a very important recognition by the President of the fact that the abuses of clear-cutting need to be curbed."

But he said that the provisions of the order, as he understands them, do not go far enough in limiting clear-cuts to definite small sizes and to a few specified types of trees.

"We hope for a much stronger order than apparently is being proposed," he said.

Industry officials are disturbed that a presidential order, even if stated in broad terms, would curtail their supplies of national forest timber and would give environmental groups and others more legal standing to challenge Forest Service timber sales and cutting methods.

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### Clear Cutting Ban Is Pushed

(By James Risser)

WASHINGTON, D.C.—Senator Gale McGee (Dem., Wyo.) vowed Wednesday to continue pushing for legislation banning the clear-cutting of timber in natioanl forests for two years, despite reports that President Nixon might personally take steps to curtail the controversial logging practice.

McGee expressed doubt that a proposed presidential order will go far enough to curb clear-cutting, which the Wyoming Democrat says has caused "appalling devastation" in his home state and elsewhere.

"I don't know how this proposed order will square with the presidential directive of June, 1970, which aimed at substantially increasing timber-cutting in the 1970s," McGee added.

The 1970 directive endorsed the concept of a 60 per cent increase in national forest logging.

McGee is author of a bill which would slap a two-year moratorium on clear-cutting, while a specially appointed national commission makes a study of clear-cutting and other timber harvest methods.

The executive order, being urged upon the President by his Council on Environmental Quality (CEQ), reportedly would limit the use of clear-cut logging by applying about 10 criteria which would have to be met before clear-cutting was used. The aim would be to reduce the size and frequency of clear-cuts and insure that they would not do environmental or esthetic harm.

McGee said he was "flattered" by a timber industry lobbyist's complaint that "my bill is at least partially responsible for the proposed executive order." The reference was to statements by James Turnbull, executive vice-president of the National Forest Products Association, who said pressure for presidential action came about as a result of critical stories by The Des Moines Register, the New York Times and others, and because of McGee's bill.

"But," said McGee, "my position all along has been there is a need for a thorough interdisciplinary study of the practice of clear-cutting, and there is nothing in the reports of the proposed executive order which would change my mind."

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### Curb on Forest Logging Killed: Fight Against Proposal Is Led by Butz—See "Surrender" to Timber Industry

(By James Risser)

WASHINGTON, D.C.—A proposed presidential executive order limiting clear-cutting of timber in national forests was killed Thursday, primarily because of objections from the U.S. Forest Service and Agriculture Secretary Earl L. Butz.

A leading conservationist promptly charged that "the administration has responded to the call of the lumber industry."

#### ECOLOGICAL DEVASTATION

The proposed order, drafted by the White House Council on Environmental Quality (CEQ), would have barred clear-cut logging on federal lands unless a list of criteria, designed to prevent scenic and ecological devastation, was met.

The existence of the order—copies of which were supposed to be only in the hands of CEQ, the Forest Service, and the Bureau of Land Management—was leaked last week to the timber industry, which promptly organized a campaign to block it.

A Forest Service spokesman announced Thursday afternoon that Butz, Interior Secretary Rogers Morton and CEQ Chairman Russell Train, had jointly decided about noon to shelve the proposal and not to present it to President Nixon.

The Forest Service—an Agriculture Department agency—refused to make any additional comment, but E. F. (Fritz) Behrens, executive assistant to Secretary Butz, confirmed that Butz led the field to kill the order.

"The secretary's feeling was that we should not have an executive order, and that some other things are in progress," said Behrens. He listed a study being made by a presidential advisory panel on timber and the environment, some forthcoming new guidelines from the Forest Service on timber management, and further studies to be made by CEQ.

Butz was in Topeka, Kan., Thursday to deliver a speech. Behrens said he reached Butz there to inform him that he had obtained the "concurrence" of Morton and Train that the order be dropped.

Stewart Brandborg, executive director of the Wilderness Society, sharply attacked the decision, commenting that "it is a critical situation when the timber industry can spend three or four days in town and knock out the order."

"Conservationists had the gravest reservations about the appointment of Mr. Butz, and this action shows that the lumber industry still calls the tune at the Forest Service," said Brandborg.

Brandborg said he has learned that it was the Forest Service which told the timber industry of the impending order.

William Lake, a CEQ lawyer who worked with Train in drafting the order, admitted that "there has been a lot of opposition from the timber industry" but said the decision to drop the proposal was made jointly by the three officials mentioned by the Forest Service.

CEQ's purpose in drafting an order for Mr. Nixon to sign was "to make sure that clear-cutting would be used only under carefully controlled conditions," Lake said.

The reason for dropping the order was that "it was felt that agriculture and interior can adequately control the practice," said Lake, acknowledging, however, that his reasoning was in conflict with CEQ's reasons for drafting the order in the first place.

#### NUMBER OF CALLS

Clark MacGregor, President Nixon's adviser on congressional matters, told newsmen at a breakfast meeting Thursday that he also had received a number of calls from timber industry officials expressing their opposition to the proposed order.

James R. Turnbull, executive vice-president of the National Forest Products Association, hailed Thursday's decision. He said presidential restrictions on clear-cutting would have reduced the flow of commercial timber from the national forests.

The industry supports clear-cutting because it is a more economical way to log. Heavy machinery is used to strip all trees from a given area, as opposed to the method of "selective logging" in which only mature trees are sawed down.

Critics say that clear-cutting has been widely abused by commercial loggers, with the approval of the Forest Service. The practice has caused esthetic damage, resulted in serious soil erosion and denuded millions of acres of federal lands, some of which cannot be successfully reforested, they say.

Turnbull, top official of the timber lobby here, said the killing of the proposed executive order "is probably a wise decision but it does not mean the issue is dead. What is needed is more education of the public, along with better management of the forests."

Secretary Butz's aide, Behrens, said the Forest Service made mistakes in the way it permitted clear-cutting in the Monogahela National Forest in West Virginia, and in some other places, "but that doesn't mean clear-cutting is not beneficial if used correctly."

Behrens said any needed reforms can be carried out by the Forest Service, perhaps with the help of the recommendation to be made in mid-1972 by the presidential advisory panel on timber and the environment, headed by former Interior Secretary Fred Seaton, who served in the Eisenhower administration.

(Behrens is a former top official of the National Forest Products Association.)

#### MIXED FEELINGS

The Wilderness Society, the Sierra Club, Friends of the Earth, and other similar organizations, had mixed feelings about the proposed order.

They felt that the terms, as they understood them to be, were not tough enough and yet might permit the administration to say that it had solved all the problems affecting national forest timber management.

At the same time, some of the conservation groups reasoned, a presidential order on clear-cutting could be the first step in solving other national forest problems. Also, it would put the full force of the President behind the idea that clear-cutting should not be so widely practiced.

Industry officials were candid in saying that they feared the order would reduce their timber supplies from federal lands and would give environmental groups more legal standing to challenge timber sales and cutting practices.

When the industry learned of the draft order, it demanded a meeting with administration officials. Industry officials met with Butz and interior officials last Saturday, and with Butz, Train, White House aid John Whitaker and others on Monday.

A draft of the executive order, obtained by The Register, said that in order to protect environmental and resource values of federal lands, clear-cutting would not be permitted unless these criteria were met:

Clear-cutting of a particular species of tree and in a specific area would have to have "a silvicultural justification;" there would be no clear-cutting in "areas of outstanding scenic beauty," or in places where it would adversely affect important recreational uses or wildlife; it would not be used on sites where severe erosion may result, and it would not be used unless there were assurances that the area could be promptly reforested.

Also, the order said clear-cut areas would have to be kept to minimum sizes.

Butz and Morton would have had to adopt regulations implementing the order, and also would have been required to issue new regulations clamping tighter controls on timber sale contracts and logging methods.

### TIMBER INTERESTS GET THEIR WAY

The timber industry won another battle this week with the scuttling of a proposed executive order to limit clear-cutting. The order, suggested by Russell Train, chairman of President Nixon's Council on Environmental Quality, would have prohibited the practice in "areas of outstanding scenic beauty," or where it would damage wildlife or recreational use, or cause severe erosion.

After the U.S. Forest Service "leaked" the word to the timber industry that such a proposal was in the works, the lumbermen launched a successful counterattack. On Thursday, Train, Agriculture Secretary Earl Butz and Interior Secretary Rogers Morton agreed to kill the idea. A Butz aide said his boss led the fight against the proposal.

Clear-cutting is the stripping of forest lands of all trees, regardless of their maturity or suitability for commercial use. The timber industry argues that the time and expense required for selective cutting would reduce lumber production in the face of a strong demand for new housing.

Conservationists argue that exposing the land to erosion, the polluting of waterways and loss of wildlife cover—not to mention the conversion of scenic beauty to ugliness—is too big a price to pay to match the current demand for housing, especially since other building materials can be substituted for lumber.

Conservationists have been losing the battle steadily. Since 1950, the U.S. Forest Service has more than doubled the logging allowed on federal land, and has failed to meet its replanting schedule. The Multiple Use-Sustained Yield Act of 1960 requires that logging not exceed reforestation, but there are now 5 million acres of national forest in need of replanting.

Senator Gale McGee (Dem., Wyo.) is pushing legislation which would ban all clear-cutting until a blue-ribbon commission can study forest management practices. Conservationists might have better luck in Congress than they have had with the Administration. We hope so. The need for lumber is not so urgent that we must plunder our forests without regard to the needs of future generations.

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## ARCHIVES OF AMERICAN ART

Mr. PERCY. Mr. President, the Archives of American Art was founded in 1954 to gather and to make available the primary documentation needed for the study of American art and artists. Since 1970, the Archives has been a bureau of the Smithsonian Institution. Located in the National Collection of Fine Arts, the Archives has steadily increased its collection of the correspondence, papers, diaries, and other memorabilia of American artists, collectors, and dealers, as well as the formal records of museums, galleries, and art organizations. These documents are microfilmed and circulated to scholars through the Archives regional branch offices and through interlibrary loans. The Archives also has a program of oral history, recording the recollections and thoughts of living artists and experts on American art.

It should be noted that the Archives were originally created by the efforts of private individuals, notably art historian E. P. Richardson and Lawrence A. Fleischman, a Detroit art collector. While the Archives now receives a modest Federal appropriation for its operations, it is still substantially supported by private donations of funds and gifts of materials for its collection. A wise combination of private philanthropy and Government assistance has enabled this scholarly endeavor to continue and to grow.

Recently the Christian Science Monitor's arts editor Roderick Norell wrote a most interesting article describing the work of the Archives of American Art, and I ask unanimous consent that this article, "The Artist in America," be printed in the Record at the conclusion of my remarks. The Archives is an important scholarly adjunct to the American art now displayed in the Smithsonian's National Collection of Fine Arts and the National Portrait Gallery and to be seen in the Hirshhorn Museum when it opens in 1973. The Archives, with these three fine museums, will make the Smithsonian a national center for the study of America's artistic heritage.

There being no objection, the article was ordered to be printed in the Record, as follows:

### THE ARTIST IN AMERICA

(By Roderick Nordell)

WASHINGTON.—Consider the fortunes of the artist in America. In 1954 Franz Kline had to pawn a pair of binoculars for $15. Within five years his characteristic paintings, those explosions of black and white, were bringing in enough to make him a two-car man (Thunderbird and Ferrari).

Now the Kline canvases are honored in museums. The pawn ticket is in the Archives of American Art—recalling the man behind the easel through one of the five million items that will be increased and made more easily accessible under the past year's branching out by this largest collection of its kind.

Recently archivist Garnett McCoy, wearing chinos and a striped shirt, led a visitor past shopping bags of documents waiting to be filed in the archives' balcony area overlooking the library of the National Collection of Fine Arts (NCFA) here. To sample the materials on hand was to feel the living presences involved in the rocky, spectacular course of American art since the days when John Smibert, whom Mr. McCoy called America's first professional artist, expressed a tentative hope:

"If the arts are about to leave Great Britain I wish they may take their flight into our New World."

This was written to Smibert's London agent in 1743, when the artist was particularly concerned about simply getting sufficient supplies to carry on his work in the colonies.

By 1948 the great John Marin expressed other concerns, as in a letter on the archives' wall in script as delightfully crankly as its contents—to do with seeing the sea he so often painted:

"Its breaking over a Sunken ledge out there—ordinarily one is not aware of—what does one see—one gets glimpses a repetition of glimpses—and that—I would say is a multiple that we—Critters—call Seeing—which has—I will say—nothing to do with—*Mr. Camera*—The nerve of them with their Mr. Cameras Well—maybe—the nerve of me with my paint pots. . . ."

Mr. Cameras causes no failure of nerve on the part of the Archives of American Art. The archives not only collects photographs of artists, studios, etc., but makes extensive use of microfilm so that, if the inquirer cannot come to the mountain of research materials, the mountain can go to him. Everything from sculptor David Smith's cosmic thoughts in his notebook to a much-autographed menu for the Armory Show of 1913 to Picasso's handwritten list of suggested artists for that show.

The past year's developments are in line with the archives' original goal to collect "not for the sake of collecting but to use the information and put it to work." These are the words of art historian E. P. Richardson who, with Detroit collector Lawrence A. Fleishman, founded the archives in Detroit in 1954.

In 1971 the archives opened a Boston branch for collecting new materials and making its resources available on microfilm. It looked forward to a similar branch in San Francisco. And it began a new use for its resources—displaying an artist's documents and memorabilia in conjunction with exhibitions of his works.

The first such show was in the National Collection of Fine Arts itself. It was interesting to look at the paintings by Lee Gatch, their style changing with time, and then to examine the archives display—photos of the artist in early and later years, his account book, views of his house and studio. Now a similar archives display accompanies a John Steuart Curry exhibition at the NCFA.

The archives has been under this roof since 1970, said Mr. McCoy, when it became affiliated with the Smithsonian Institution. The original materials are here, with microfilm available in Detroit, at executive headquarters in New York, and now Boston.

The tape recording of interviews with artists proceeds together with such projects as keeping a filmed record of art-auction catalogs. Along with Smithsonian support, private fund-raising continues, notably by means of "airlift" art tours abroad. William E. Woolfendon, director of the archives, is in Turkey with a group at the moment, said Mr. McCoy.

The whole operation has come a long way since founder Richardson ran into the difficulty of getting to the necessary sources for his book, "Painting in America: The Story of 450 Years." The archives was set up to gather microfilms as a step toward a centralized research facility.

Soon original materials themselves began to be offered, said Mr. McCoy. Now the archives, through its branches, through the mails, and through interlibrary arrangements, serves an international spectrum of scholars. Its shelves are beginning to grow with books drawn by authors from its own resources.

Mr. McCoy had previously written, in the Journal of the Archives of American Art, that the past neglect of the history of art in America could be blamed both on the scarcity of documentary sources and "a sculpture as inferior to European art."

The archives—and other institutions cited by Mr. McCov—are remedying the scarcity. The artists themselves have dispelled the inferiority complex.

Yet one of the strands running through the archives is the often precarious role of the artist in the New World to which colonial John Smibert hoped the arts would gravitate.

"I felt in complete harmony with the times," Ben Shahn recalled, looking back to New Deal days in a 1964 interview taped for the archives. But then he added: "I don't think I've ever felt that way before or since." How would he feel now that a new wave of government support for artists has arrived?

Other artists, of course, have had different attitudes, some of which are quoted from archives sources elsewhere on this page.

## THE GENOCIDE CONVENTION AND THE CONNALLY RESERVATION

Mr. PROXMIRE. Mr. President, article IX of the Genocide Convention says that the International Court of Justice will have jurisdiction over disputes between contracting parties relating to the "interpretation, application or fulfillment" of the convention. Opponents of the convention say this article will nullify the Connally Reservation which says that the United States will decide which matters are within the internal jurisdiction of the United States and outside the jurisdiction of the International Court. These opponents fear that the International Court will be given the authority to meddle in our internal affairs.

By May 1970 the United States had ratified 27 treaties and conventions which contained provisions similar to article IX of the Genocide Convention. These included, among others, treaties dealing with sanitary regulations, copyrights, and slavery; matters which might be considered as strictly internal affairs. But in negotiating and ratifying these treaties the Executive and the Senate felt that it was in our own best interests to have international cooperation in dealing with these subjects. The International Court has not meddled in our internal affairs on the basis of these treaties. One important reason is that these treaties give the Court the jurisdiction to issue an opinion in a dispute over the interpretation of a treaty, but no authority to act on that opinion or compel any nation to take any action.

Certainly it is in the best interests of the United States to prevent genocide. Any action which helps to prevent the recurrence of this horrible crime will also help to preserve world peace. Because previous treaties which are very similar to the Genocide Convention on this point have not given the International Court the authority to intervene in our domestic affairs, it is reasonable to assume that the Genocide Convention will not do so either. Previous experience informs us that we have no reason to fear article IX.

Mr. President, the time has come for the Senate to act. It is time to ratify the Genocide Convention.

## HUMAN RADIATION PROJECT

Mr. KENNEDY. Mr. President, since October 8, 1971, the Health Subcommittee of the Committee on Labor and Public Welfare has been reviewing the human radiation project being carried out at the University of Cincinnati's Medical Center with partial support from the Department of Defense. On January 19, 1972, a report on that project by the American College of Radiology was entered into the RECORD by the distinguished Senator from Ohio (Mr. TAFT). Today's Washington Post contains an article on a new report on the project which has been issued by the Junior Faculty Association of the University of Cincinnati. This report contains significant information relative to the subcommittee's review, and I ask unanimous consent that the news article and the full text of the report be printed in the RECORD.

There being no objection, the article and report were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 26, 1972]

### FACULTY STUDY HITS WHOLE-BODY RADIATION PLAN

(By Stuart Auerbach)

A faculty group at the University of Cincinnati yesterday condemned a Pentagon-sponsored project to test the effects of radiation on humans and said the treatment hastened the deaths of some cancer patients used in the study.

In a detailed analysis of the Cincinnati Medical School project, the university's Junior Faculty Association found that 21 out of 87 patients who received total body radiation—24 per cent—died within 38 days of the treatment.

No members of the study committee are doctors.

Although the patients were suffering from terminal cases of cancer, the committee said "they were not in the final stages of disease or close to death." They were described in reports by the project team as being "in relatively good health" when the radiation treatments began.

"Many died of radiation injury rather than simply from their disease," the committee concluded.

As a result of its findings during the four-month study, the Junior Faculty Association urged University of Cincinnati President Warren Bennis to stop the project and to order the medical school faculty to "cooperate fully" with an investigation started by Sen. Edward M. Kennedy's health subcommittee.

University officials refused to comment on the report of the Junior Faculty Association, composed of 50 members of the untenured faculty. But Dr. Edward A. Gall, university vice president and director of the medical center, called the group "a responsible organization."

"Many patients in this project paid severely for their participation . . . often without even knowing they were part of an experiment," said the special study committee.

The report said the committee received "extensive help from members of the medical community."

In compiling the seven-page, single-spaced report, the committee said it had studied all the documents submitted to the Pentagon's Defense Nuclear Agency by the project director, Dr. Eugene Saenger, during the past 11 years as well as other reports by the project team.

The faculty committee concluded that the cancer patients were given doses of whole body radiation designed primarily to benefit the Pentagon-sponsored study, not to treat their disease.

Moreover, the committee said, patients were selected for whole body radiation to fulfill the needs of the Pentagon-sponsored study. For example, the committee quoted a report in which the project team said it would not use radiation on women still having regular menstrual periods. The menstrual cycle, the report continued, effects the amount of amino acids in the urine samples that were under study for the Pentagon.

### REACTION OF SOLDIERS

The faculty committee found that Dr. Saenger's team had designed careful studies to fulfill the Pentagon's aim of finding out how soldiers would react in battle to the radiation of an atomic attack.

But, the committee report said, there was no "planned, systematic study" designed to prove that the use of whole body radiation was more effective in treating cancer patients than the treatments used by most doctors.

In another section of the report, the committee said Dr. Saenger's team failed to fully inform the patients most of whom had low IQs and little schooling—about the risks of whole body radiation.

For the first five years of the project, the report said, "no consent form seems to have been used at all . . . Patients seem to have been told nothing except that radiation was part of their treatment."

Even the consent forms that were used later, the committee said, fail to "properly state the real risk to the patients—that is the risk of death within 40 days."

The Junior Faculty Association report criticized a study released earlier this month by the American College of Radiology that said the project was conducted properly and could contribute useful information on cancer treatment. The College of Radiology report, the faculty committee said, "omits . . . the more damaging statistics on patient survival."

The faculty committee also said that the university's own committee investigating the project had made a mistake by keeping its deliberations secret. Its report is due next week.

The Junior Faculty Association committee was headed by Dr. Martha Stephens, an assistant professor of English, and Dr. Henry Anna, an assistant professor of political science.

### A REPORT TO THE CAMPUS COMMUNITY

Since last October a committee of the Junior Faculty Association of the University of Cincinnati has been investigating the radiation experiments at the University Medical Center. We have interviewed doctors involved, and we have studied with care the reports of the research team to the Defense Department, as well as the team's publications on radiation in medical journals, and many other pertinent documents. Our committee has had extensive help from members of the medical community.

For reasons that we will present below, we have come to the conclusion that many patients in this project paid severely for their participation and often without even knowing that they were part of an experiment. We feel that the evidence clearly calls into question the manner in which these human experiments were designed and carried out. We therefore urge the president of the University to terminate this project and to instruct the Medical Center to cooperate fully with the congressional hearings to be held next month.

We are addressing ourselves in this report to what we believe to be the three most crucial questions to be asked about this project:

(1) Was cancer study the main object of the experiments?

(2) What were the real risks to the patients?

(3) Did the patients give their informed consent to being used as experimental subjects?

To begin with, we have been unable to find any evidence of a planned, systematic cancer study. It seems unlikely that the team would not have mentioned, somewhere in the

900 pages of the Department of Defense (DOD) reports, the fact that they were conducting the DOD project in conjunction with a specific cancer research study, had this indeed been the case. Nor has the team made public, even during the recent months, a design for cancer study in any way comparable to the detailed proposals for DOD radiation studies, proposals which have been repeatedly and painstakingly modified and amplified over the eleven years of the project.

We also point out that there is no evidence in the DOD reports that any patients were irradiated before the beginning of the DOD project in February 1960; the two projects research on cancer and research on radiation injury (if needed there were "two"), seem to have been coterminous.

Consistently throughout the reports to the DOD the doctors make statements that indicate that the selection of patients and the radiation dose given them was at least partly tailored to the needs of the DOD project. For instance, we find that in the first description of their project the team states that they will generally not irradiate women with active menstrual cycles. The menstrual cycle, they say, affects the appearance of amino acids in the urine and at this time the team is studying amino acids in the urine of irradiated subjects in hopes of finding an indicator for radiation injury. Such a statement as the following, which appears in the 1970 report, points clearly to the fact that the main reason for increasing the dose over the years was to improve the data—not on cancer treatment—but on radiation injury:

"Clearly much more *in vivo* data are required [for indicator studies] with good dosimetry [where the radiation exposure can be controlled]. We are pursuing this goal at whole-body radiation doses up to 250 rads with even higher doses planned with the support of marrow auto-transfusion and laminar-flow "sterile" rooms. Large-volume partial-body irradiation is also being performed to learn more about the efficacy of chromosome aberrations as a radiation dosimeter. . . ." [1970, page 22]

Also, consider the wording in this initial sentence of a 1964 publication on dosimeters by the Saenger team in *Radiation Research:* "In an effort to evaluate the metabolic effects of single doses of whole body radiation in the human being, patients able to maintain their nutrition with disseminated neoplasms were given therapeutic doses of whole body radiation with Cobalt-60 teletherapy." And in the 1971 DOD report we find these particularly chilling lines:

"This [report] brings to 43 the total number of patients who have undergone assessment for the effects of total or partial body irradiation on their cognitive-intellectual functioning and emotional reactions. In terms of the characteristics of the overall sample, the addition of the new patients will serve to improve the ratio of whites to Negroes, to increase slightly the average educational attainment, and to decrease the average age. The trend noted in the 1969–70 report toward *recruiting patients in comparatively better physical condition* has continued." [1971, page 72]

Finally, we repeat the now rather well-known fact that there has been no publication by this team specifically on total or partial body radiation as cancer treatment. One of the doctors, Dr. Edward Silberstein, wrote to the chairman of the JFA committee last November 14 as follows:

"I hope I made it clear to you on Monday that we have not yet published the results of therapy because of the variable duration of patients' clinical course with cancer following treatment and the need to have an adequate sample of patients before one makes any statements about the efficacy of one's therapy. Since I am limited to treating 7 or 8 patients a year, I cannot, as a responsible scientist, issue claims about what we can do therapeutically for patients over a short period of time."

Is it conceivable that, in an authentic cancer research study, no results would be reported after eleven years and the radiation of 87 patients? If no pattern had emerged after the irradiation of 87 patients—indeed after 10 or 20—would this in itself not have been worth communicating to other cancer specialists? We also question why, if this were a serious study of the effects of radiation on cancer, so few autopsies were performed.

We can only conclude that the purpose of irradiating cancer patients at General Hospital was primarily to study radiation injury for the DOD and that incurable cancer patients were used because (a) they were going to die anyway and (b) they "might" benefit from the radiation in terms of reducing pain or slowing the spread of cancer.

We move now to the question of the real risks to the patients and the effects on them of the radiation. We begin with this crucial statistic: *of the 87 irradiated subjects whose histories are given in the DOD reports, 21 died within 38 days—or 24%.*

What is even more serious is that of the first 40 patients given total-body radiation before the advent of bone marrow transplants, 7 of the 18 receiving the higher doses (150 or 200 rads) died within 38 days—or 39%. That the higher doses were much more lethal than the lower doses is clearly borne out by the fact that of the 22 patients receiving 100 rads or under, only 10% succumbed within the 38-day period. The full statistics on this early period of the project, as we have abstracted them from the reports, are as following:

First 40 total-body subjects (1960–66):

Of those receiving 200 rads, 2 of 6 died within 38 days.

Of those receiving 150 rads, 5 of 12 died within 38 days.

Of those receiving 100 rads, 1 of 14 died within 38 days.

Of those receiving under 100 rads, 1 of 8 died within 38 days.

150 rads or over: 7 of 18.

Under 150 rads: 2 of 22.

Of the total 87 patients, it may be added that 4 died within 10 days, 7 within 20 days.

These statistics are all the more alarming when one juxtaposes them with the doctors' descriptions of the patients at the time of radiation. Throughout the DOD documents the doctors report that though all their subjects are patients with incurable cancer they are not in the final stages of disease or close to death. Patients as a group are described over and over again as having "relatively good nutritional status," "normal renal function," and "stable hemograms." We offer this sentence from the DOD report of 1969: "The patients who are irradiated, all of whom have inoperable, metastatic carcinoma but are *in relatively good health,* provide us with an opportunity to study multiple facets of the effects of radiation in man rather than in experimental animals," (page 1). In the 1970 report the doctors write:

"Several of the subjects were tumour-free and essentially normal (following radiation-induced tumour regression) receiving prophylactic whole-body radiation. The rest had metastatic carcinomas which were inoperable and not amenable to conventional chemotherapy. Nevertheless, these patients were all clinically stable, *many of them working daily.*" [1970, page 2]

Even of the group described above, 2 died within a month—one on day 31 and one on day 22.

In regard to possible benefits, we assume that any benefits that would balance out these enormous risks would have to be very plain and dramatic. Yet this is not at all the case. The American College of Radiology (ACR) team stated that about a third of the patients reported a decrease of pain (the medical histories show, by the way, that some patients had an *increase* of pain following radiation) and a greater "sense of well-being" and that a third had decrease in primary tumor size. Dr. Saenger has said that he feels the statistics for long-term survivors—a small number of patients lived several years after radiation—will show that total and partial body radiation is "promising" as cancer treatment. But even that much is clouded by (a) the fact that many subjects received other kinds of therapy before or after radiation and (b) the fact that the Saenger team used no control group. The doctors state in the later DOD reports that they are carrying out their experiments in conformity with the Helsinki Code (which dates from 1964); yet the code clearly states that the health of the patient must always be the first consideration in trying out new kinds of therapy:

"I.4. Every clinical research project should be preceded by careful assessment of inherent risks in comparison to foreseeable benefits to the subject or to others."

But let us assume for the moment that those we address are not convinced, even by the number of short survivors plus the patients' conditions at time of radiation, that many died of radiation injury rather than simply from their disease. There is yet another kind of evidence that radiation injury was a major cause of death. It has been known for some time that a major injurious effect of radiation is bone marrow failure. The bone marrow's ability to make white and red blood cells can begin to fail as early as 6 days post radiation; the critical period for marrow failure then comes from 25 to 40 days post radiation. In summarizing in 1966 the marrow problems for their first fifty patients, the doctors themselves make the following statement: "The total white count falls to a low point 25 to 40 days after irradiation. There was a persistent lymphopenia which persisted for 40 to 60 days" (page 31). Can it be merely a coincidence that the short survivors are bunched in exactly that critical 25–40-day period?—that, for instance, no less than 9 subjects died from 31–38 days? In this same 1966 report, in fact, the doctors state outright that "severe hematologic depression was found in most patients who expired," and they note that because of this, they are beginning work on bone marrow transplants—far too late, in our opinion. In the 1963 report, they write that "Delineation of disease score [a rating for blood problems], radiation score [the rating adjusted after radiation] and total continued to be of value in ascribing *the importance of radiation in precipitating demise*" (page 9).

A distressing aspect of the doctors' public disclosures about this project has been their misleading statements concerning the protection given the patients by bone marrow transplants. It has not been made clear that of the first 50 patients only 2 received transplants and that neither of these transplants was a clear success (the first subject died, in spite of the infusion, 28 days post radiation).

The team from the American College of Radiology reported that it felt the research team could not be censured for not giving bone marrow transplants during the early years for the simple reason that the technique had not then been perfected. But since the doctors could not protect the patients from bone marrow failure, were they justified in giving the higher doses of radiation? Among those first 50 patients, we point out again, 7 of the 18 high-dose subjects did not live beyond 38 days.

Why did the doctors not discontinue high dose radiaion as soon as they began to lose patients from bone marrow failure? It is perfectly clear that in the first six years of the project, the less radiation given the better the patient was likely to do. It has, in fact, only been within the last year or so that the doctors have had much success with the transplants; it is still not completely clear that bone marrow transplants offer a certain way of protecting all patients.

We move now to the third question: Did the patients give their informed consent to being used as experimental subjects? We note to begin with that during the first five years of the project no consent form seems to have been used at all; none is mentioned in the DOD reports for these years, and the absence of written consent is corroborated by the ACR. In fact, it is clear from the DOD reports that during these years the doctors were not attempting to justify the radiation as experimental cancer treatment but simply as "therapy" or "palliation treatment," as it is in these words that the radiation is constantly described. Patients seem to have been told nothing except that the radiation was part of their treatment. Over and over again in the reports we find such lines as these:

"The patient is told that he is to receive treatment to help his sickness." [1961, page 3]

"The patient is told that he is to receive treatment to help his disease." [1963, page 4]

In 1965 a short consent form was initiated, but it made no mention of specific risks from radiation injury, merely asking the patient to state that "the risks involved" and "the possibility of complications" had been explained and that "the special study and research nature of this treatment has been discussed with me and is understood by me." For what the patients were told we have only the doctors' word. Another form, used as late as December 1970, states the risks as follows: "The chance of infection or mild bleeding to be treated with marrow transplants, drugs, or transfusion as needed," and the first line of that form reads as follows:

"I (the subject) being of the age of majority and of sound mind and body, voluntarily and without force or duress, consent to participate in a scientific investigation *which is not directed specifically to my own benefit,* but in consideration for the expected advancement of medical knowledge, which may result for the benefit of mankind."

The latest consent form, a revision of the above made last spring and signed by only a handful of patients, includes under "Risks" a long paragraph regarding bone marrow problems and alters the lead sentence to read "*not only* directed specifically to my own benefit, *but also* in consideration for the expected advancement of medical knowledge. . . ." It is a very unhappy fact that it was this last form, only in use for a few months, that Dr. Edward Gall, director of the Medical Center, chose to release to the newspapers. This form was printed entire in the *Cincinnati Post,* with a statement saying it was signed by "every adult patient" of the project.

In our view none of the consent forms properly states that real risk to the patients—that is, the risk of death from bone marrow failure within 40 days. We feel, in fact, that no conceivable consent form, particularly in view of the subjects' low level of education, would have justified the doctors in subjecting the patients to the higher doses of radiation.

In conclusion, we want to comment on the recent report by the American College of Radiology, which finds nothing whatever to criticize in these experiments and urges that they be continued. We are confident that this report will not be taken seriously by anyone properly informed about this project. The ACR omits from their report the more damaging statistics on patient survival. The only statistics they give is as follows: "A group of 10 per cent or eight patients died from 20 to 60 days after the whole body exposure." We find 14 total-body subjects who died within this period (not to mention 5 partial-body)—or 23%, and of course this figure takes no account of the 7 subjects who died within the first 20 days. The ACR doctors contribute, in other words, to the deceptive impression that the main side effects from radiation were nausea and vomiting within the first few days.

As for the special committee appointed by the president, we regret very much that the existence of such a committee was kept secret for so long and that even today the names of the committee members have not been revealed. It has been impossible for us, or any other party interested in the project or having special information about it, to communicate with the committee. We hope that even in this unpromising context, however, the committee will seriously address itself to the real questions surrounding this project and will make a recommendation that we all can support.

The Junior Faculty Association committee has not been secret, and we have asked in the campus newspaper for the assistance of all interested parties. We also succeeded finally in having a full set of the DOD reports made available in the reference room of the UC library for all to inspect, and all are invited to check our facts and figures in these public documents.

We are confident that those who examine the evidence for themselves will join us in urging the president to terminate this project and to assure the public that the Medical Center will make a full disclosure of all the facts at the congressional hearings.

## THE LIFE AND DEATH OF A GOOD LAW

Mr. MONTOYA. Mr. President, over the years a rising chorus of anger has been heard from the public at large over nonperformance on the part of the Federal Government. Charges have been leveled at the "bureaucracy," charging that in some way or another it is not protecting the people by enforcing a given law.

More often than not Federal-level people are done an injustice by such accusations. However, there are instances when these charges are more than justified. This is indeed the case insofar as the Food and Drug Administration and enforcement of the Poison Prevention Packaging Act are concerned.

In earlier presentations on this floor, I have delineated the tragedy of this excellent piece of legislation. Annually, hundreds of thousands of American youngsters under age 5 are poisoned, because they ingest hazardous substances sold commercially. Recognizing this situation, the Congress passed a measure requiring safety closures to be placed on containers such substances are sold in. Jurisdiction for enforcing the measure was placed with FDA's Bureau of Product Safety. President Nixon signed the bill making it a law December 30, 1970.

Today it is possible for any person in the Nation to walk into a dozen kinds of commercial establishments and purchase substances which would kill or maim a young child if swallowed. This includes prescription drugs, aspirin, liquid lye bowl cleaner, pesticides, oil of wintergreen, oil-based furniture polishes, and a host of other substances. One company places a form of safety closure on children's aspirin. A few other closures have appeared in stores around the Nation, none proven overwhelmingly effective against the efforts of children to open them. These are facts no amount of apology or evasion or obfuscation can disprove or gloss over.

Here is the classic failure of a Government agency to protect the public under a plainly written law. An agency of timid civil servants, has become so beholden or enamored of industry that the safety of the American public has been adjourned in their minds.

It is enmeshed in politics and redtape to a point where years are allowed to elapse before even elementary steps are taken to enforce necessary, vital, and simple laws, such as the one question here. The Food and Drug Administration is condescending, patronizing, and secretive, operating under a supposition that the consumer is ignorant, should not be confided in and does not know what is good for him and his family. The FDA is operating under false pretenses when it labels itself a servant of the public. Its outlook is obsolete and its maneuvering clumsy. Only the American people suffer as a result. Mr. President, I intend to go into this malfeasance and nonperformance on the part of FDA in depth. In future, I shall deal with its nonenforcement of the Safe Toy Act, Hazardous Substances Act, and a series of other measures. Attention will be given the lead tinsel at Christmas caper as well as to other aspects of product safety and adulteration of products offered an unsuspecting public in our marketplace. The tale is utterly horrifying.

I originally delved into the Poison Prevention Packaging Act alone. Yet one piece of research leads to another, until an investigator realizes with growing dismay that more than an isolated incident is involved; that in fact an entire Government agency is committed to a calculated policy of nonperformance leading to death, permanent injury, and illness for millions of Americans.

When most Government agencies make mistakes, one or another element of our population is harmed in some way. When the Food and Drug Administration comes a cropper, every American citizen is jeopardized directly and to an ultimate degree.

For an in-depth look at a classic example of this, the Poison Prevention Act is our best guide. Certain facts are known about what has transpired regarding enforcement of this measure since its enactment. To begin with, a technical advisory committee was supposed to be appointed, which would convene to decide which products required childproof safety closures, and how effective they would have to be in order to satisfy requirements of the law. It took HEW almost 5 months just to appoint such a group.

Finding out from FDA when they were to meet here was a detective assignment worthy of the better efforts of Sherlock Holmes. Attending such a meeting was as difficult as getting a straight answer out of FDA's Bureau of Product Safety, which has proven itself a model of bureaucratic evasion. My office heard more promises from them than a drunkard's wife receives. It was, for much of last year, their contention that somehow allowing observers from the Congress into their meetings with the technical advisory committee was an obstacle to enforcement of the law. Obviously, with no consumer advocates present, enlightenment rages.

The object of such meetings, of course, would be to set as many standards as high as possible on as many products in the shortest possible time. After 1 year and 1 month, standards have been published in the Federal Register on just four categories of products. Aspirin, oil-based furniture polishes, oil of wintergreen solutions exceeding 5 percent and prescription drugs have had standards set.

Nothing, however, has been done by any manufacturers of these products to live up to the letter of this law, because the testing protocol has not been finalized and still has not been finally set. As a result, FDA has still another excuse for not holding the feet of manufacturers of such products to the fire of compliance.

Yet these tests have been carried out for years at Madigan Hospital in Tacoma, Wash. Has FDA taken advantage of their experience and testing of closures? Hardly. Secure in the feeling that few people were aware of such events, they confidently went ahead, catering to industry requests for delay at public expense. It was as if the Madigan tests were nonexistent.

Meanwhile, bear in mind that at least one child daily is dying and another is crippled because of lack of enforcement of this law. Gradually, the scandal spread to concerned members of the media. One such was a young lady at WCBS-TV in New York City. Her name is Sue Cott, and to her credit, she retains a capacity for indignation.

In cooperation with my office, she produced an editorial, aired on WCBS-TV on December 9, 1971. I ask unanimous consent to insert its text in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### POISON PREVENTION

There is a law, passed by Congress over eleven months ago, that could prevent the death of almost 400 children a year. But so far it has not been enforced.

The law we're referring to is the Poison Prevention Packaging Act that requires those who manufacture and process drugs or other potentially harmful substances to package these products in child-proof containers, something like this one, for instance (spokesman demonstrates use of safety top). This is a safety top that can be used on products ranging from furniture polish to aspirin. To open the bottle, you have to line up the arrow on this bottom ring with the one on the cap, push down the ring and snap off the cap. It's not hard for a grown-up to do; but tests have shown that it is too complicated for a five-year-old child.

Who could dispute the need for such safety tops when statistics show that one child dies every day and another is permanently maimed as a result of accidentally swallowing poison? But the fact is that almost a year after the law was passed, containers that are really child-proof are still not in the stores, because the Federal Food and Drug Administration and the drug industry have dragged their feet.

But these life-saving standards shouldn't be postponed any longer. A variety of safety tops have been available for years—tops like this one and others—therefore, we strongly urge the government and the drug industry to resolve their difficulties as quickly as possible. Every day counts. Until the new standards are adopted, one man's medicine may be some child's poison.

Mr. MONTOYA. It is the policy of this media outlet to allow the opposing side in an editorial matter to respond. The Food and Drug Administration did just that. Bearing in mind facts that have been outlined, my colleagues might be interested in perusing the contents of this counterattack. Our friends at FDA substitute gall for performance, which is of interest to connoisseurs of the grotesque, but horrifying to parents of small children. I ask unanimous consent to insert the text of FDA's response at this point in my remarks.

There being no objection, the editorial reply was ordered to be printed in the RECORD, as follows:

### POISON PREVENTION

A recent WCBS-TV editorial charges that almost 400 children a year are dying because the year-old Poison Prevention Packaging Act is not being enforced. The editorial is both factually and implicitly misrepresentative.

The fact is that the act is being vigorously implemented, and if WCBS-TV management had taken even a cursory look at the record, they would have been able to perform a public service—not a disservice.

Let's look at the record. What about 400 children dying? The fact is, it isn't happening. During the last fully recorded year, 284 deaths of children did occur from accidental ingestions, a decrease from the prior year. In fact, child poisonings have been steadily decreasing over the past years. Our 580 poison control centers throughout the country continue to provide round-the-clock instant information on poisoning treatment.

But the avoidable death of even one child is a national tragedy. So we are actively administering the Poison Prevention Packaging Act, and in the terms that that act was written by Congress.

The law ordered that an 18-member advisory committee be appointed. This has been done. The committee has taken action numerous times in the past year. The basic package testing method had to be developed. This has been done. Aspirin was identified as needing a proposal for special packaging. This has been done. Certain furniture polishes, liniments and several thousand prescription drugs falling under the control act were all identified as needing proposed special packaging. These have all been done, and more are on the way.

The Bureau of Product Safety believes that its administration of the law has been just as vigorous as the law itself allows.

Along with our appreciation to WCBS-TV for this opportunity to reply, we quote Disraeli, who said many years ago, "it is easier to be critical than correct."

Mr. MONTOYA. Examination of some FDA claims in this editorial is in order. Let us commence with the following quote:

> Our 580 poison control centers throughout the country continue to provide round-the-clock instant information on poisoning treatment.

Has anyone in America received such information from the eager beavers in charge of these centers? Is it offered to Capitol Hill? Are poison prevention control centers doing anything to justify their Federal expenditures? I asked the General Accounting Office to ascertain just that, among other things.

Compared to a privately funded poison control center in Los Angeles, federally funded ones are objects of ridicule among informed people.

Yes, an 18-member advisory board was appointed after almost 5 months, letters from Ralph Nader, plus repeated inquiries and letters from a number of our colleagues in both House and Senate.

Yes, a basic package testing method has been developed, after more than 1 year of prodding from the same sources, secret meetings, and delays. And it still is not binding upon industry in any way we can see.

Yes, certain product categories have been identified as requiring safety closures, but how many of them are being sold with closures in any neighborhood stores? Go home or visit a store with your wife and see for yourself how much truth there is in this outrageous collection of nonsense FDA called a response. Stretching truth like chewing gum is more their line.

Miss Cott and WCBS-TV were as outraged as I when this editorial was aired. Their excellent response deserves publication, and I ask unanimous consent to have it printed at this point in the RECORD for the edification of my colleagues.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### POISON PREVENTION, PART II

Tuesday, a spokesman for the Food and Drug Administration, Larry Chisholm, responded to an editorial in which we urged the FDA to move faster on implementing the Poison Prevention Packaging Act. The Act called for the establishment of child-proof safety standards which would be required for the packaging of all potentially poisonous household substances. In his reply, Mr. Chisholm made a couple of assertions we think we should answer.

First, he disputed our estimate that almost 400 children die a year from accidental poisoning. He claims that only 284 children died. Only! But in Senate testimony in December 1970, Senator James Pearson stated that one child dies each day due to accidental poisoning, and Senator Joseph Montoya only last month confirmed this saying that "at least one child dies daily from such poisoning." So much for this grim numbers game.

But the major point that we feel must be challenged was Mr. Chisholm's declaration that the FDA was "actively administering the Poison Prevention Packaging Act," and that it was vigorously implementing the law. The facts are that months passed before a technical advisory committee was appointed to set safety standards and then during the next several months the committee met only twice. Finally, it has come up with standards for a few categories of products—but none of them have yet been enforced. A visit to the supermarket tells the story.

Yesterday we went to a local market and bought these common household products: (shows products and demonstrates the ease of opening each) drain cleaner; a liquid cleaner; household ammonia; laundry detergent; floor wax; silver polish; and oven cleaner. All are poisons if swallowed, and all are easily opened by children.

The Poison Prevention Packaging Act was passed in December 1970. It is now January 1972. But there are still virtually no child-safe packages on the market. How much longer, Mr. Chisholm, are children going to die?

Mr. MONTOYA. Meanwhile, pressure is being mounted from another direction upon this embattled bureaucracy. A class action suit has been filed in several cities against FDA on behalf of a 2-year-old child, seeking enforcement of the act.

This agency is nudging the $100 million annual mark in appropriations and rarely is rebuffed when seeking adequate funding. Yet this is one of the main sad little tunes they hum when pressured. It is a classic bureaucratic evasion, when nothing else is available to use as an excuse.

FDA constantly cuddles closely to its real masters. Those few major companies making products they are supposed to insure quality and safety of for public benefit. Industry seems to have slight trouble in obtaining access to, comments from, and presence at functions of the very officials in charge of enforcing this law.

One such, Henry Verhulst, is supposedly in charge of Federal poison control centers, those eager collectors of facts on child poisonings. He granted an extensive interview to Modern Packaging magazine, which formed part of their feature story of the January 1972, issue.

When one is not offered information, one must glean it where one can. Here is part of his answer to a question on forthcoming product regulations. He offers free advice on testing of safety closures by affected companies.

> If you're lucky, you can get the full-protocol test done gratis. Several closures have been so tested at Madigan General Hospital (and other institutions).

Now if FDA's poison prevention control director is aware of such doings, how come that same agency's Product Safety Division has taken more than 1 entire calendar year to finalize the testing protocol as a definitive guide for industry? It is just because this protocol was delayed that industry was able to justify lack of conformity with the Poison Prevention Packaging Act of 1970. By their own words they stand condemned.

Another portion of this same article is quite enlightening. Here is a paragraph from the first page. If you have children or grandchildren, study it with apprehension:

> FDA's Bureau of Product Safety (responsible for administering PPPA) advises Modern Packaging that final regulations for these products will be issued "as quickly as possible." If you're worried about working off noncomplying inventory, relax. The law specifies between 180 days and a year for compliance with final product-by-product PPPA regulations. So it will be at least midsummer before any child-proof package will be a marketing must.

Of course, if Secretary of HEW Richardson saw fit to do so, the culprits would have to comply. The Secretary of Health, Education, and Welfare can, by his own order, circumvent the 180-day grace period and order immediate compliance. However, that is to be expected, in light of previous actions by this administration, on the Tuesday following judgment day.

A word is also in order about constant close circulation between industry lobbyists and FDA officials involved in administering the law. Meetings are held constantly between them, to which Capitol Hill, Ralph Nader's people, and press representatives are not invited. Even when they do discover such scheduled comings together, they are excluded or impeded whenever possible.

A recent meeting of this type here was opened for a short while to such observers. When some of them sought to ask questions of members on the Advisory Committee, they were shut off. After approximately 45 minutes, they were told the meeting was about to be closed to them once again. Upon asking why, they were told that—

> Business of this sort couldn't be conducted in an open meeting.

The darkness of secrecy better suits these people. The American public is not fit to send representatives to observe what is being done in its name on an issue that means life and death to so many people. Can anyone wonder further why FDA's credibility gap makes previous ones seem like hairline fractures?

I have always had significant tolerance for fairy tales. One looks with amusement at the legend of Santa Claus, the tooth fairy, and President Nixon's consumer protection policies. Yet FDA's feeble gropings and incomprehensible mumblings deal a death blow to any surviving credulity. Mr. President, this is the same Federal agency which made a secret agreement with manufacturers of poisonous lead tinsel before Christmas. The essence of this agreement was that FDA would not ban the product or warn the public of its danger.

This is the same agency Consumer's Union has accused of making only a "half-hearted attempt" at meeting problems of product safety. It is the same agency that issued a warning on hexachlorophene, warning against daily bathing of babies and adults with 3-percent solutions of this chemical. FDA revealed that when applied to the skin it can enter the bloodstream in amounts that may reach levels that have caused brain damage in monkeys. Hexachlorophene is commonly used in hundreds of widely used products. A possibility exists that millions of Americans have been exposed to this danger.

According to the magazine Science, more than 10 years ago doctors reported a new disease, chloasma, or a blackening of the face, associated with hexachlorophene use. In 1967, scientists discovered it can enter the body through intact skin. By mid-1969, FDA scientists found basic evidence of brain damage to rats fed very minute amounts of this substance. Yet not until 2½ years later did this agency issue a public warning, knowing full well that every day scores of millions of people were utilizing innumerable products in part composed of this substance.

This is the same agency which deliberately publishes plans under which orange juice canners are encouraged to dilute their products to the consuming public, of which more at a later date.

And Dr. Charles Edwards, FDA Commissioner, has the incredible nerve to viciously assail Ralph Nader and Morton Mintz of the Washington Post for revealing various outrages perpetrated upon the public by this band of frightened civil servants. Here is a gruesome trespass upon veracity, to put it mildly.

This is the same revered and truthful Dr. Edwards who appeared before the Senate Commerce Committee in July of 1971; the third week of that month, to be exact.

During that appearance, he was asked about standards for certain groups of products under the Poison Prevention Packaging Act. It seems some members of the committee, especially my distinguished colleague from Utah, Senator Moss, sought assurances from the good doctor that the law would be enforced.

This was the same Dr. Edwards who assured the committee that FDA would proceed to publish in the Federal Register a series of standards for efficacy of childproof safety closures at a rate of one a week for a period of 10 weeks. Truth again lies wounded.

Were the standards published? Has the circle been squared? I yearn for enlightenment and evidence of performance. None has been forthcoming.

This is the same Federal agency that watched inactively while liquid lye bowl cleaners were placed on the market containing lye solutions exceeding 10 percent. This was the same agency which did nothing about the resulting slaughter of children until public outcry moved them to forbid such products to come complete with lye in excess of 10 percent.

Affected companies lowered the lye content to just below 10 percent, and such products are available today in every corner store and supermarket across the United States; without childproof safety closures, although some are being tested by one company.

And this is the agency head who takes Ralph Nader and Morton Mintz to task for criticism of his nonfunctioning agency. When was the last time Jesse James lectured the public on bank security? FDA has raised callousness to a Government principle.

Mr. President, today another child is this country under the age of 5 will gain access to a container of something deadly. That child will somehow open said container and ingest all or part of its contents. Those contents will poison and kill that child.

Sometime during the day another child will repeat the process and be crippled for life. Many a physician across the Nation can testify to the fact that existence without an esophagus is a fact of life in many homes.

A simple check with the emergency rooms of any hospital in America will verify the ugly facts of child poisonings. Yet the law is plain and immediately at hand. Appropriations for enforcement are at hand. It has been 13 months since the law was entered upon our statute books.

Who is the criminal among us? Is it the

mugger? A murderer who awaits his victim, gun in hand? Or is it the high-ranking civil servant, secure behind his privileged civil service status, who does not dare rock the boat? Is it an embezzler who doctors the books of a company, defrauding investors? Or is it a heartless, encapsulated civil servant who has gotten too friendly with people he is supposed to regulate?

Our answer is simple and the public good requires it. All consumer protection functions of FDA should be forthwith stripped from this agency. Such functions can and should be transferred to a separate consumer protection agency with real power. I shall support such a measure to the fullest.

I wish to close by indicating that strong evidence exists that the FDA has tried to muffle some public criticism emanating from the media, particularly in the case of WCBS–TV. I shall go into this in a future presentation on the floor of the Senate.

## UNITED STATES-CANADA RELATIONS

Mr. SPONG. Mr. President, I have for some time been concerned about our Nation's relations with our neighbor to the north, Canada. We have, it seems to me, treated Canada somewhat as an unwanted relative: We assume that she will always be around and be loyal but we do not pay much attention to her.

This attitude is tragic. It is tragic because our geographic proximity dictates that we share certain common defensive interests and concerns. It is tragic because we have had a long history of cooperation and friendship. And, it is tragic because of our bonds of trade and commerce, which have and can continue to be of benefit to both our countries.

I do not, of course, believe that the United States is solely responsible for the problems which have beset our relationship. As I have said before, a number of Canadian diplomatic moves of the past have seemed designed to thwart the best interests of our own Nation and our foreign policies. At the same time, however, I believe that our Nation could have taken actions to facilitate dealings with Canada, especially over the surtax and the Amchitka tests. I believe that we have pursued unwisely another policy of Government "benign neglect."

In November of 1971 I expressed my concern in a statement on the Senate floor and in a letter to Secretary of State William P. Rogers. In December, I received a letter from the Department of State under the signature of Mr. David Abshire. I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 1, 1971.

Hon. WILLIAM B. SPONG, Jr.,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR SPONG: The Secretary has asked me to thank you for your thoughtful letter of November 5. We fully agree with your premise for improving United States-Canadian relations, particularly during this rather difficult period confronting us. Canada continues to be of great and increasing importance to us, especially with regard to our economic and strategic interests. We believe that the Department does give Canadian affairs the full and fair treatment they deserve. As you noted in your remarks prepared for delivery in the Senate on November 9, a separate office of Canadian affairs was established in 1966 to facilitate action on matters of bilateral interest, not only in the Department but with a wide range of agencies throughout the Government.

It is true, as you state in your letter, that this office is organizationally within the Bureau of European Affairs, but Assistant Secretary Hillenbrand and Deputy Assistant Secretary Springsteen are seized directly with a widening variety of Canadian matters. Deputy Assistant Secretary Springsteen is presently serving, for example, as chairman of a Government-wide committee charged with negotiating an agreement with Canada for the improvement of water quality in the Great Lakes.

After full consideration, we do not believe it practicable at this time to establish a separate Bureau for Canadian Affairs, though we will continue to keep the situation under review. We are ever mindful of the feeling of some Canadians that they are "neighbors taken for granted" and will do our level best, by our action and attention to demonstrate that any such view is unwarranted, certainly regarding our own attitude.

Please continue to call on us whenever you believe this Department might be helpful.

Sincerely,

DAVID M. ABSHIRE,
*Assistant Secretary for Congressional Relations.*

Mr. SPONG. Mr. President, while I appreciate the concern and interest expressed in the State Department's letter, I am somewhat appalled by the lack of substance in it. The Department's letter was written in the wake of controversy over the President's new economic policy and continuing reports on the deterioration in United States-Canadian relations. Yet, the most substantive matter to which reference was made in the letter was a committee charged with negotiating an agreement for the improvement of water quality in the Great Lakes. As a former member of the Air and Water Pollution Subcommittee of the Senate Public Works Committee, I am deeply aware of the necessity for improvement of water quality. As important as this matter is, however, I hope that in our foreign relations we are also concerned with broader, and at the moment, perhaps more imminent, issues such as strategic and economic policy.

I continue to believe that it would be wise for us to establish a post of Assistant Secretary for Canadian Affairs in the Department of State to give additional emphasis to the importance of our relations with Canada. The Office of Canadian Affairs is currently under the Bureau of European Affairs, and I believe that is an anachronism. When the North Atlantic community was more united, there was perhaps justification for this organizational arrangement. But Canada, as well as other nations in the community, has increasingly pursued a more independent course. No one is to be faulted over the fact that Canada has loosened ties with Europe or that Canada does not lie across the ocean from us. But, the realities of the situation do require a reconsideration of the organizational structure, and, I believe, a modification that will acknowledge a distinct Canadian identity. Creation of an Assistant Secretary of State for Canadian Affairs would, I feel, accomplish this objective.

I was, consequently, quite interested in an article in the January 15, 1972, issue of Canadian Magazine, which implies that the Canadians would not be adverse to the idea of receiving additional recognition in the State Department. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### BELIEVE IT OR NOT, THE UNITED STATES DOES HAVE AN EXPERT ON CANADA

(By Paul Grescoe)

The visitor to the U.S. State Department in Washington (2200 C Street N.W.) must be cleared by a hefty woman receptionist who phones the office he is supposed to be visiting. Only then is he given a visitor's pass, which he must instantly surrender to an armed guard stationed behind a low barrier.

An elevator delivers the visitor to the fourth floor, where messengers on motorized carts ride down the catacombs of marbeled halls. Room 4234 is the State Department's "Canadian Desk"—the Office of Canadian Affairs.

There's a sign on the wall that says "Bureau of European Affairs" and, below that, the name and title of the Director of Canadian Affairs. The door displays a small Canadian flag—and it's the only office door in the building that bears a foreign country's flag.

The visitor walks in without knocking. The first thing he sees is a small *American* flag which somebody has hung defiantly over the window of a bookcase. The rest of the office is relentlessly Canadian. The carpet is grey, and on the washed-out green walls hang four posters of Canadian scenes—three of them showing skiers, the fourth a rolling river. The visitors' table holds The New York Times and The Globe and Mail, five copies of a Canadian government handbook called Facts On Canada, a copy of *The Canadian Magazine's* issue on Quebec and an old picture book titled Nova Scotia Camera Tour. Above the table is a black and white photograph of Prime Minister Trudeau and President Nixon standing solemnly at attention while a band plays somebody's national anthem.

Down a short hall adorned with provincial coats of arms lies the director's office. These walls wear a Centennial map of Canada and reproductions of old buildings in Britain and France ("both your mother countries," the director points out diplomatically to the Canadian visitor).

Here, literally, is the Canadian Desk: a massive dark-walnut thing with molding and, atop it, a tin of Hayward pipe tobacco (which the director diplomatically smokes because it has no aroma) and a rack of six pipes which doubles as a stand for another miniature Canadian flag.

The director is William McKinley Johnson Jr.—Mac Johnson—and he has the clean good looks of New York Mayor John Lindsay. And the neat silvering hair, striped maroon tie on blue shirt and the grey suit of a high-placed civil servant. Which he is. After 21 years in the U.S. foreign service, five of them as a political counsellor in Ottawa, he earns $36,000 a year.

And Dale Thomson, director of the Centre of Canadian Studies at Johns Hopkins University in Baltimore, describes Mac Johnson as "a first-rate civil servant"—and that's all he'll say about the man.

Thomson considers the Canadian office in some ways "a glorified post office" that funnels information on Canadian affairs to the proper government agency. Any important decisions about Canada are made at a higher level, he says, such as the National Security

Council or the President's desk. And at that higher level, Thomson says, knowledge of Canada is slight.

So the decision-makers in the Nixon administration sometimes—not always—depend on Mac Johnson to interpret Canada for them and, admittedly, Johnson knows Canada from his tour of duty in Ottawa which ended two years ago. But it's not as obvious that he understands the reasons behind what's happening in this country right now, or the depth of the anti-American feeling.

Consider any issue important to Canada in the last couple of years. The Amchitka nuclear explosion, for instance. Johnson says that his office received about 7,000 pieces of protesting mail every week for about six weeks, including one telegram from Toronto with 180,000 signatures. He routinely reported the protest to the National Security Council, noting a resolution against the Amchitka blast supported by all but one Canadian member of Parliament.

"Certainly the reaction was more than before," Johnson says calmly, "although there had been a similar response to a previous test at Amchitka. I think this is a mark of the growing interest in the environment, don't you?"

Consider Nixon's new policy imposing a ten per cent surcharge on all imports to the U.S., Canadian imports included. "We had such a quickly deteriorating balance-of-payments situation," Johnson explains. "We had to put on the brakes and put them on everywhere equally. It would be very hard to grant an exemption to anybody."

Later, he confesses that he senses a rise in Canadian nationalism, especially economic nationalism, because of the size of American investment in Canada. "But," he sums up, "as far as our (Canadian-American) relations are concerned, I don't see where they're not as good, maybe even better. I'm optimistic that these problems can be solved."

About President Nixon's plan to offer a permanent tax break to U.S. companies that manufacture export goods in the U.S. instead of in foreign countries, Johnson says that his economists tell him it would be less of a hardship on Canada than on countries further away. "It wouldn't mean that Canada wouldn't remain competitive," he says, but adds: "I just don't know whether anybody has tried to sit down and work it out in dollars and cents."

Mac Johnson specializes in Canadian political affairs (and he has a working knowledge of French, which helps). For defence, immigration and protocol matters, he has a 32-year-old assistant named Mike Schneider, whose first foreign service post was in Quebec City, where he spent two years and practised his university French. For the office's environmental work, which has increased by nearly a third in the last two years, Johnson has Ed Nef, 38, who lived in Canada on and off for 15 years but learned his French in Switzerland. And for economic affairs, Johnson uses his senior man (senior though he's been there only a year), a tall, blond 55-year-old, David Thomson, whose French was picked up in his previous posting, Haiti.

They all deal with major trade and political matters between Canada and the United States—usually to coordinate government agencies or pass information along—but most of their work is pretty routine.

Mac Johnson doesn't fret about most squabbles between Canada and the U.S. "This is a very stimulating time to be in this office," he tells his Canadian visitor. "The fact that our business has increased 30 per cent, the number of problems we have is no surprise to anyone in the field. The real surprise is that there aren't more problems."

With that American optimism ringing in his ears, the visitor says goodbye and heads for the elevator. He waits there, looking a bit worn. A middle-aged State Department employee—not from the Canadian Desk—mistakes him for a fellow worker and says: "It looks like you've had enough for today, too."

"Yes," the visitor says, "and I can't even take the day off tomorrow and celebrate American Thanksgiving with you. I'm Canadian."

"Well," the State Department man says, getting on the elevator, "that's something to be thankful for right there."

## LEGAL AID IN ILLINOIS

Mr. PERCY. Mr. President, the sixth amendment to the Constitution provides that legal counsel is a right of every citizen. For a long time, however, those too poor to afford counsel were denied this right. This condition was remedied by the Supreme Court decision in the celebrated case of *Gideon* v. *Wainright*, 372 U.S. 35 (1963). Because of this case, the right to counsel of all citizens, regardless of their financial condition, was clearly established. It thus became incumbent upon society to provide counsel for those who could not afford it themselves.

Salutary as this has been, there are instances where indigents have not had the benefit of counsel dedicated to their cases. This has been the result of the appointment of attorneys who have private practices of their own and little time to spend with their indigent clients. On the other extreme have been attorneys who rely solely on these court appointments for their livelihood. Neither of these methods has been completely satisfactory to either the attorney or to the indigent client.

This same, troublesome problem has existed in Illinois up to now. A new statewide program, however, is being launched to provide full-time legal counsel to handle indigent cases. The Illinois Bar Association has authorized a new system, which will provide 266 full-time attorneys to serve some 300,000 indigent clients annually.

I congratulate the Illinois Bar for taking this responsible and much needed step and I ask unanimous consent that an article from the December 9, 1971, Chicago Tribune be printed in the RECORD to further explain the program.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### STATE BAR PLANS LEGAL AID DRIVE

SPRINGFIELD, Ill., December 8.—A statewide program of legal assistance for about 2 million indigent Illinoisans will be launched next spring by the Illinois State Bar Association.

The plan, expected to serve about 300,000 Illinois residents annually at a cost of about $6.6 million, was approved by the association's board of governors in a meeting here recently.

The first phase of the program is to establish a private, nonprofit corporation empowered to obtain grants from both public and private sources.

### CENTRAL AGENCY PLANNED

Morton J. Barnard, association president, said that a central agency for funding new programs and coordinating existing ones will give Illinois lawyers a chance to expand the legal aid system here.

The main focus of the plan is toward small communities where legal aid is not now easily available to the poor, according to John P. Davis an Edwardsville attorney.

Davis is chairman of the association's public services committee, which drafted the plan and was directed by the board to draw up incorporation papers for the new statewide legal aid unit.

When completed, the new system will employ 266 attorneys who will draw salaries of about $25,000 a year. They will be expected to handle about 500 cases each annually.

### FUNDS TO BE SOUGHT

The new legal aid corporation will seek about $3.6 million in federal, state, and private foundation funds to expand the present system. Now, legal aid programs in Cook County and other metropolitan areas get about $3 million a year, mostly thru the Office of Economic Opportunity.

At least 150,000 indigent Illinoisans, mostly in rural areas, cannot obtain legal aid services, Davis said.

Barnard said the new state legal aid unit will be self-controlled, but will not interfere with existing assistance programs.

"While professional guidance for the program will come from lawyers, members of the public who are conversant with the problems of the poor will have a voice in the organization and development of the system," Barnard said. "Laymen as well as lawyers will serve on the legal aid corporation's governing board."

## THE HANDLING OF STOCK CERTIFICATES

Mr. SPARKMAN. Mr. President, as the Senate knows, the Senate Committee on Banking, Housing, and Urban Affairs has legislative responsibility for matters concerning the various aspects of the securities industry. In our exercise of this responsibility, we are constantly striving to help the industry improve its efficiency, safety, and stability—either through the passage of needed legislation or through encouraging one or more segments of the industry to take steps on their own to foster these objectives.

At this time, our Securities Subcommittee, chaired by my able colleague from New Jersey (Mr. WILLIAMS) is engaged in a comprehensive study of the entire industry in the hope that we will be able to improve our understanding of that industry and perhaps ultimately make proposals or recommendations to further improve it.

Thus, we in Congress are doing everything in our power to assure the American investor that he will continue to have a good, safe, equitable marketplace in which to invest his earnings and savings.

I am also happy to report that the industry is likewise doing everything it can to examine its own shortcomings and strengths, with the view to updating the system and thereby make it more efficient and healthy. I believe an outstanding example of this industry attitude is the work which is currently being done by the Banking and Securities Industry Committee.

As Senators probably remember, several years ago the industry experienced an unprecedented backlog of paperwork occasioned by an unforeseeable high volume of trading over a protracted period of time. At one point, some expressed the fear that this paperwork backlog alone endangered the very existence of the industry. While this was probably overstating the problem, it was still one of serious concern and we have been fortunate that there have been no recurrences.

The Banking and Securities Industry Committee has been working steadily to assure that the problem is never again allowed to occur in such serious magnitude as it did previously. During its relatively short existence, BASIC has done an outstanding job of pulling the various affected segments of the industry together in their common effort. Through the efforts of BASIC, a number of substantial, positive steps have been taken to reduce the paperwork load on the industry, thereby allowing it to handle increased volume on the market with ever-increasing efficiency.

We have recently received a quarterly progress report submitted by BASIC through its chairman, Mr. John M. Meyer, Jr. This report lists the impressive achievements of BASIC and advises us of steps that are being or will be taken in the near future.

I am sure my colleagues will join me in applauding the outstanding work that has been done and is being done by BASIC. Mr. President, I ask unanimous consent that a copy of the Quarterly Progress Report of the Banking and Securities Industry Committee be printed in the RECORD immediately following my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

BANKING AND SECURITIES
INDUSTRY COMMITTEE,
*New York, N.Y., January 17, 1972.*

Hon. JOHN SPARKMAN,
*Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: October 1st last Mr. Herman Bevis, Executive Director, and I as Chairman of BASIC, appeared before Chairman Williams and the Subcommittee on Securities in connection with its "Hearings on Problems Associated with the Handling of Stock Certificates."

During this hearing Chairman Williams requested BASIC to make periodic reports on a quarterly basis. This we gladly agreed to do and the first of such reports was submitted to Senator Williams and each member of the Subcommittee under date of December 30, 1971.

Knowing of your own interest in these problems, I am taking the liberty of enclosing herewith a copy of the report so submitted.

With best wishes, I beg to remain,
Respectfully yours,
JOHN M. MEYER, Jr., *Chairman.*

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BANKING AND SECURITIES
INDUSTRY COMMITTEE,
*New York, N.Y., December 30, 1971.*

Re BASIC Progress Report—Fourth Quarter 1971.

Hon. HARRISON A. WILLIAMS, Jr.,
*Chairman, Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Since October 1, 1971: First. The Central Certificate Service (CCS) has increased the number of listed and unlisted issues eligible for deposit. Rule changes have been proposed by the Stock Clearing Corporation for CCS to the SEC to expand its eligible depositors to non-member organizations in and outside of New York. Thus it is moving further toward a Comprehensive Securities Depository System (CSDS).

2. Inter-industry groups concerned with comprehensive securities depositories have been formed in California and in Chicago. A coordinating committee of representatives of these groups and of BASIC has been formed—National Coordinating Group for Comprehensive Depositories.

3a. Requests have been made by BASIC to the securities commissioners of all states, except New York and Delaware, requesting them to sponsor a proposed technical amendment to the Uniform Commercial Code (UCC) which is necessary to permit broader ownership of depositories.

b. The amendment to the Code has been introduced to the New York State Legislature for its 1972 session.

c. In Delaware the amendment to the Code is before the state bar association with expectation of approval and introduction to the state legislature in its 1972 session.

4a. Arrangements have been made for introduction and support of an amendment to the New York State Estates, Powers and Trusts Law with respect to the holding of securities by fiduciaries and by custodians for fiduciaries. Introduction to the 1972 session of the New York State Legislature is planned.

b. A copy of the proposed amendment to the New York State Estates, Powers and Trusts Law has been sent also to the securities commissioners of all other states requesting them to consider amending their fiduciary law so that their fiduciaries may have direct access to depositories.

5. The New York State Banking Board has modified its regulations so as to permit it to receive applications from "CCS" and others who wish to incorporate a New York depository as a trust company under its jurisdiction and subject to its examination; an application and other pertinent papers are now being drafted.

6. Discussions with the New York State Tax Commissioner have been held as to a potential uncertainty created by the possible application of the New York State Transfer Tax upon deposit of securities from out-of-state with a New York depository or transfer of securities on the books of the New York depository. These discussions have produced no objections to the proposed amendment or clarification of the law.

7. A committee of communications experts has been formed and is at work on the question of the feasibility of connecting existing and planned wire networks in the two industries with a depository system.

8. An eight-man implementation group has been formed and is at work to effect the transition from CCS to the ultimate New York CSDS.

9. BASIC has agreed upon a solution for the so-called COD DK problem, and has recommended its adoption.

10. BASIC has recommended the adoption of four uniform forms that are the most widely used in processing securities transactions (other than brokers' confirmations).

On Friday, October 1, 1971, Mr. Herman Bevis, the Executive Director, and I as Chairman of the Banking and Securities Industry Committee (BASIC) appeared before your Committee in connection with "Hearings on Problems Associated with the Handling of Stock Certificates. During this hearing you requested BASIC to make periodic reports to you on a quarterly basis (page 170 of transcript). We gladly agreed to so do. This letter is the first of such reports.

I believe you will agree that it is unnecessary to review our written and oral statements at the October 1 hearing, all of which are a part of the record. This report, then, will be an outline of progress made and projects undertaken since that date.

### 1. EXPANSION OF CCS

As you may recall, a major objective of CCS and of BASIC is the expansion of the present Central Certificate Service, and its incorporation to the end that it become a CSDS. Another major objective of BASIC is the further development of the user-owned depository concept on interindustry regional lines so that securities transactions among banks, brokers and other major financial institutions can be settled by book entry through the two existing depositories (one in California one in New York) and other interconnected regional depositories as formed, all without physical movement of certificates.

From October 1 to date CCS has added, on a gross basis, 180 additional issues of securities to those previously eligible for deposit, thereby increasing the number of transactions which may be settled by book entry rather than by physical delivery of securities. Of these 180 additions:

7 were securities listed on the NYSE

44 were securities listed on the AMEX

129 were securities traded over-the-counter

Ten issues of over-the-counter securities are being added each week and additional listed securities will be added as conditions warrant.

As of December 28, 1971, the shares of 2,572 different issues were eligible for deposit and over 1 billion shares were on deposit.

CCS is handling between 500,000 and 600,000 security transactions each month by book entry, all without the movement of physical certificates.

In regard to the expansion of CCS beyond state lines, the New York Stock Exchange has submitted to the SEC proposed rule changes to permit NASD, regional stock exchange clearing corporations, regional stock exchanges, non-member broker dealers and out-of-state banks to join CCS. Actual applications received to date, exclusive of those in the discussion stage, have been six in number: Boston, Midwest Pacific Coast, Philadelphia, Baltimore and Washington, and the National Stock Exchanges and one out-of-state bank. Nine out-of-state banks are participating in the CCS collateral loan program as pledgee banks.

### 2. NATIONAL SYSTEM OF REGIONAL DEPOSITORIES

BASIC has continued its eighteen-month old policy of holding monthly meetings with representatives from Boston, California, Chicago, and, more recently, Philadelphia, consulting with them and keeping them fully informed of steps considered, planned, discarded and taken.

In Chicago an inter-industry group has been formed to focus promptly on the desirability and feasibility of creating a depository based on the needs and desires of its area and which could interconnect with other depositories.

The Pacific Coast Stock Exchange Clearing Corporation has established a securities depository in California. There, too, an inter-industry group has been formed to focus on the expansion of its depository's services in its area to provide substantially the same services now offered by CCS and to interconnect with other depositories.

All inter-industry groups, namely, those in California, Chicago and New York, are planning to make available the depository facilities of each to each other. Here, it should be emphasized that depositors in any depository may include NASD and securities exchanges (or their clearing corporations), broker/dealers, banks, mutual funds, insurance companies, any other responsible regulated financial organization and any other responsible and properly organized depository.

BASIC has participated in the formation of a nationwide coordinating group—National Coordinating Group for Comprehensive Depositories—for these projects. The group is composed of two inter-industry members each from California, Chicago, New York and one from the NASD whose membership is countrywide. Any other region or regional areas that desire to create a depository can be included in this group and those who wish to explore the question may consult freely with its members.

The membership of the National Coordinating Group is as follows:

Chairman: John H. Perkins, Vice Chairman, Continental Illinois National Bank, Chicago.

George R. Becker, Chairman, Midwest Stock Exchange.

Herman W. Bevis, Executive Director, BASIC.

Gordon S. Macklin, Jr., President, NASD.

John M. Meyer, Jr., Chairman BASIC.

Thomas P. Phelan, President, Pacific Coast Stock Exchange.

Samuel B. Stewart, Senior Vice Chairman, Bank of America.

While I understand a letter from Mr. John H. Perkins, Chairman of the National Coordinating Group, and a copy of the announcement of its formation has been sent to you, another copy is attached hereto as Exhibit A.

The formation of these groups evidences that there is almost no inter-industry difference with the proposition that a nationwide system of user-owned, regional, interconnected depositories is needed to speed the accurate completion of securities transactions.

### 3. CHANGES IN STATE UCC LAWS

Present provisions of the UCC require that all the capital stock of a securities depository be held by or for a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934. The Memorandum of Understanding (Exhibit B) executed between the eleven Clearing House banks of New York City, the NYSE, the AMEX and NASD contemplates that NYSE will sell a portion of its present 100 percent ownership of CCS to a newly incorporated depository partially owned by user banks and other regulated financial institutions.

To accomplish this important step, a section of the UCC must be amended to permit capital stock of a securities depository to be held, in addition to present eligible owners, by "persons (other than individuals) each of whom (i) is subject to supervision or regulation pursuant to the provisions of federal or state banking laws or state insurance laws, or (ii) is a broker or dealer or investment company registered under the Securities Exchange Act of 1934 or the Investment Company Act of 1940 . . ."

This proposed technical amendment to the UCC has been discussed with the Permanent Editorial Board for the UCC sponsored by the American Law Institute, with the Conference of Commissioners on Uniform State Laws and with Counsel for the Board, as well as with representative counsel in other states. Sympathetic interest has been expressed and no objections have been raised to the proposed amendment as now drafted.

Securities commissioners, or persons in equivalent capacities with other titles, in all fifty states have been asked by letter to arrange the introduction of the amendment in their respective states in 1972; and all such persons have been contacted by telephone one or more times.

The responses to date have been encouraging as evidenced by the following report:

### REPORT: STATUS OF UNIFORM CODE REVISIONS

Securities administrators of all fifty states have been contacted. Preliminary reaction is favorable; no preliminary reactions unfavorable to a user-owned comprehensive depository system to date.

The present score of the reactions of securities administrators of the fifty states breaks down into the following categories:

1. One state has introduced the legislation, i.e., New York.

2. Eighteen favor and presently expect to arrange introduction of the legislation. This group includes Indiana, Maine, New Jersey, Ohio and Texas. I have previously commented on Delaware in paragraph 3c of the Summary.

3. Five favor but feel they cannot introduce the legislation and have referred us to others who may do so.

4. Six favor but feel they cannot introduce legislation and suggest we find someone to so do. This group includes Connecticut and Missouri.

5. Three states are revising their own securities laws and will include this in their bills, i.e., Hawaii, Minnesota and Pennsylvania.

6. Seventeen, including eight key states, have the legislation under consideration. These seventeen break down as follows:

(a) Five seem to be favorable and are checking with others.

(b) One commissioner has received the material and forwarded it to a legislator without comment.

(c) One commissioner has not been available and so can't make any comment.

(d) Ten are taking the matter under consideration and made no comment.

The total of the above is fifty states. Of the total, forty presumably can take action in 1972; ten have no meetings of their legislature in 1972. These latter ten states include Minnesota and Nevada.

In New York, and certain other key states, BASIC members or legal counsel are arranging for introduction of and follow-up on the amendment.

### 4A. CHANGES IN STATE FIDUCIARY LAWS

Amendments will be necessary to the estates, powers or trusts laws of most states to enable fiduciaries to deposit securities in a depository.

The necessary amendments have been discussed with the Secretary of the New York State Surrogates' Association and with members of the trust committee of the New York State Bankers Association, who in turn have discussed the question with their respective Surrogates. The changes to the law were well received; there was no opposition and no proposed changes.

Amending legislation will be introduced in the New York State Legislature January next.

In contrast to the UCC, which is applicable in all states (except Louisiana, but where certain relevant provisions of the Code have been adopted), the fiduciary laws vary from state to state. Such legislation, while desirable at an early date in several key states, is not essential to the prompt passage of the proposed amendment to the Code. Nevertheless, as an example or even as a possible guide, we have sent to the American Bankers Association and to the appropriate people in all states a copy of the material that is being used in New York to amend the fiduciary law as well as material on the Code as shown in Exhibit C.

Exhibit C attached includes:

1. Copy of a letter sent to the securities commissioners in each of the fifty states (other than New York and Delaware, for which separate communications were prepared) as to the proposed amendment to the Uniform Code and as to the New York State Estates, Powers and Trust Law with:

(a) An accompanying memorandum in support of the proposal to amend the Uniform Code which memorandum includes the text of a bill to be submitted to the legislatures of all fifty states. (Forty states in 1972, ten states in 1973.)

(b) The text of a bill to be submitted to the New York State Legislature (1972) to amend the Estates, Powers and Trusts Law.

### 5. DEPOSITORY AS A TRUST COMPANY

As stated on October 1 before your Committee, it has been and is the intent to incorporate CCS and then CSDS under the Banking Law of the State of New York. By action of the New York State Banking Board on November 3, 1971, a New York depository is now eligible to apply for a New York State charter as a trust company, bringing it under the regulatory supervision and examination of the New York State Superintendent of Banks. The New York depository, CCS, expects to apply for such a charter; the form of charter, articles of incorporation, by-laws and application to the New York State Banking Department are being drafted.

Studies and estimates made by BASIC indicate that approximately 60 percent of the securities deposited for custody in the New York depository by banks, brokers and dealers would be in behalf of banks. As to book entries caused by securities transactions, the proportions of such entries by brokers/dealers would be greater than by banks. We do not have figures presently available as to the amount of securities that might be deposited by insurance companies or mutual funds.

Banks' holdings of securities are primarily for account of others: banks hold as a fiduciary; as a custodian for fiduciaries; and as a custodian. Banks, as is well known, are subject to regulation and examination by one or more authorities, i.e. state banking authorities, Federal Reserve, Comptroller of the Currency, FDIC. Those who appoint banks as custodians and as fiduciaries are aware of a bank's responsibilities in this area and of the regulation and examinations to which they are subject. So when banks contemplate the transfer of the physical custody of securities, presently held by them, from their own vaults (where safekeeping procedures are subject to examinations by bank regulatory authorities, by the bank's internal auditors and by the bank's outside independent accountants) to those of another entity, they understandably feel they should assume a share in the management, audit and operations of that entity and indeed that it is highly desirable that several functions of the depository should be subject to that regulatory oversight now provided by present bank regulatory procedures. Thus, as may be noted above and from Exhibit B, the eleven New York Clearing House banks, the NYSE, AMEX and NASD have indicated in the Memorandum of Understanding their intention to incorporate CCS and CSDS under the Banking Law of the State of New York. It is felt that insurance companies and mutual funds would view the matter in a similar light.

### 6. NEW YORK STATE TRANSFER TAX QUESTIONS

You are aware of a potential uncertainty created by the possible application of the New York State Transfer Tax upon deposit of securities from out-of-state with a New York depository, or transfer of securities on the books of a New York depository even though the purchase and sale took place outside of New York State. Discussions on this point have been held with the New York State Tax Commissioner by representatives of BASIC and CCS and at a later date by representatives of CCS and of a Boston bank acting as custodian for several mutual funds. (On December 14, 1971, mutual funds were enabled to deposit securities in a depository.) These discussions with the New York State Tax Commissioner have produced no objections to proposed amendments or clarifications of the law to exempt from transfer tax transactions not now taxable, even if they involve deposits or transactions recorded in a New York depository. An amendment will be submitted to the New York State legislature January next; this amendment would produce no known reduction in transfer taxes to New York State.

### 7. COMMUNICATIONS TECHNOLOGY

At the present time, instructions and other communications to CCS are, with one exception, by the printed or written word. In the early stages, this will probably be true of all comprehensive securities depositories. However, there is no doubt that communications between depositories, and between each depository and its depositors, should be based upon modern, fast communication technology.

A communications study group has been appointed by BASIC, consisting of one communications expert each from AMEX, NASD, NYSE, and three New York banks. The charge to this group is to explore the concept and feasibility of connecting depositories with existing and planned wire networks in the banking and securities industries.

### 8. NYCSDS IMPLEMENTATION GROUP

Many steps will have to be taken, and problems solved, to effect the transition from CCS, at present an integral part of NYSE's operations, to CSDS as an independent depository corporation, owned and managed by a number and variety of users.

To study and recommend solutions to these transitional problems, an implementation group of eight has been appointed. These people have been detached from NYE (three), AMEX (one), three New York banks (one each), and BASIC's Task Force (one). They started full time work on October 15.

### 9. COD DK'S

BASIC's Task Force has been working on the very complex problem of DK's of COD securities deliveries for well more than a year. A discussion paper containing elements of a possible solution was distributed under date of December 1, 1970 (Exhibit D).

In March, 1971, BASIC recommended the adoption of that portion of the solution in the December paper which had to do with speeding up communications in the broker-COD customer-agent bank chain. At the same time, BASIC requested its Task Force to undertake an extensive fact-gathering program to attempt to pinpoint more definitively the contributors to, and reasons for, DK's. The Task Force completed this research in December.

At its December 22, 1971, meeting, BASIC reviewed the research report of the Task Force and adopted the recommended solution therein to the COD DK problem (Exhibit E). Some elements of the solution will require regulatory action by the FRB, the SEC, or both. These agencies have been apprised of the problem, and BASIC's recommendations are being forwarded to them for appropriate action.

### 10. UNIFORM FORMS

Also for more than a year, four widely used forms (forms for Transfer Instructions, Delivery Ticket, Comparisons and Reclamations) used in processing securities transactions have been under study from the standpoint of making them uniform. This fact finding effort culminated in the issuance of a paper dated September 1, 1971, containing proposed uniform forms and a request for comments thereon (Exhibit F).

The proposed forms were revised to incorporate as many as possible of the suggestions contained in some 150 letters of comment that were received. A report, with the recommendation that universal use of the revised uniform forms be made mandatory by specified dates, was reviewed by BASIC on December 22 (Exhibit G). The recommendation was adopted and will be forwarded to the NASD, NYSE, AMEX and the New York Clearing House Association for implementation by them as to their respective members.

In closing, I would urge your Committee to encourage prompt implementation of interconnected regional depositories, user-owned and operated. Your support for this program could accelerate it.

If you have no objection, I should be glad to have this letter and its attachments made a part of the record. I enclose two copies thereof and to save your staff the trouble, I have sent two copies to each member of your Committee.

Should you wish to discuss any part of this report, Mr. Bevis and I would welcome the opportunity to do so at your convenience.

I beg to remain,
Respectfully yours,
JOHN M. MYERS, Jr.

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## NEW ERA FOR THE HANDICAPPED

Mr. PERCY. Mr. President, in November of 1971, I cosponsored Senator COOK's resolution calling for a declaration of rights for the mentally and physically handicapped. At that time, I deplored the injustices which many of the handicapped in this Nation face, the unequal job opportunities, the lack of adequate job training or education to become self-sufficient, and exclusion from community participation. While that resolution did not purport to solve the problems which plague our handicapped, it was an attempt to draw attention to their plight and to encourage the solution of their problems.

At this time, I would like to draw the attention of my colleagues to Illinois' fine efforts to insure equitable treatment of the handicapped. In December 1970, Illinois voters approved a new constitution for their State. In large part due to the efforts of Governor Ogilvie and his Committee on Employment of the Handicapped, this constitution contained a new section in the bill of rights specifically prohibiting discrimination against the mentally and physically handicapped. This new section 19 guarantees the physically and mentally handicapped throughout the State the right to active participation in the social and economic life of the State, the right to engage in rewarding employment, and the right to obtain housing accommodations of their choice. Illinois is the first State to specifically include mention of the handicapped in its bill of rights.

To implement this new section of the constitution, which became effective in July 1971, four State bills were promptly drafted. These bills stated that an individual's mental or physical disability could not disqualify him from seeking employment or housing. On August 23, 1971, these bills were signed into law and Illinois now leads the Nation in providing equal employment and housing opportunities for the handicapped.

I am extremely proud of Illinois' fine leadership in guaranteeing equal opportunities for the mentally and physically handicapped. It is my hope that other States will follow this fine example and that all the handicapped will be assured the basic rights which more fortunate Americans enjoy.

I ask unanimous consent that an article describing Illinois' constitutional provisions for the handicapped and the text of Governor Ogilvie's speech upon signing Illinois' landmark legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### NEW CONSTITUTION OPENS OPPORTUNITIES FOR DISABLED

When the new Illinois State Constitution goes into effect on July 1, 1971, physically and mentally disabled persons throughout Illinois will have greater opportunity for employment by virtue of Section 19 of the Bill of Rights Article.

Although the laws in most states forbid discrimination on the basis of race, creed, ancestry and sex, this is the first time that any state has specifically included physically and mentally disabled citizens in its constitution.

Article I, the Bill of Rights; Section 19, states: "No discrimination against the handicapped. All persons with a physical or mental handicap shall be free from discrimination in the sale or rental of property and shall be free from discrimination unrelated to ability in the hiring and promotion practices of any employer."

Credit for inclusion of Section 19 in the constitution must be given to the untiring efforts of a large coalition of public and private organizations, and many disabled persons, devoted to achieving full equality and due process of law for all disabled citizens in Illinois. The Illinois Governor's Committee on Employment of the Handicapped had an important role in this effort; that of providing leadership throughout this long endeavor.

Opponents of Section 19 were numerous, arguing that the mentally handicapped should not be included in this section; that the point was too controversial. The Governor's Committee replied that mentally retarded and restored persons had proven their worth, that the point was past consideration and should be included on moral and economic grounds.

Another argument against Section 19 was that special interest groups should not be enumerated in the Bill of Rights Article; that the constitution should be less cluttered to reduce confusion.

Then opponents suggested that Section 19, being new and controversial, should be submitted for voter approval as a separate section, rather than as a part of the main body of the document.

The Governor's Committee vigorously opposed this suggestion, pointing out that this would degrade one million disabled residents in Illinois by insisting that only their "able-bodied" fellow-citizens and taxpayers should have the right to determine their constitutional future.

At the first reading of the new constitution by the entire delegate body in June, 1970, the section on the handicapped was defeated by a 90–6 vote of the delegation, after having been supported for inclusion by the Bill of Rights Committee. This defeat was received with a renewed determination by proponents of Section 19.

A second reading took place in July, 1970. This time the delegates voted to include Section 19 in the Bill of Rights but, by a vote of 50–48, placed the section into a special category to be voted upon by the general citizenry as a separate section.

This separate status, being more difficult to pass and reflecting old prejudices, was unacceptable to the Governor's Committee and the other coalition members. A vigorous campaign of letters, telephone calls, telegrams and personal visits to delegates was pursued. Newspapers, radio and TV were pushed hard to support Section 19.

The third reading of the new constitution was held on August 24, 1970. During the day's proceedings, the Old State Capitol gallery was crowded with disabled persons, relatives, friends and workers in rehabilitation and placement. Moreover, at the request of the Governor's Committee, the Convention delegates suspended the rules to permit 15 persons in wheelchairs to view the day's events from the floor. It was the first time in the history of Constitutional Conventions in Illinois that persons other than delegates were permitted on the Convention floor.

At 6 p.m., after 10 hours of parliamentary maneuvering, Section 19 was reinstated in the main body of the Bill of Rights Article of the Constitution by the astounding vote of 105–0, the most dramatic reversal in the history of constitutional deliberations in Illinois.

Then followed three months of concentrated promotion by Governor Ogilvie, the members and staff of the Governor's Committee, and the coalition, to build voter support for the new Constitution.

The Illinois Governor's Committee is proud of the part it was privileged to play in the Constitutional Convention and is confident that enactment of Section 19 will open many more doors to employment for handicapped persons in the State of Illinois.

### Ogilvie: "New Era for Handicapped"

This is a memorable day for the tens of thousands of handicapped citizens who have never shared fully in the opportunities of life in Illinois.

In signing these bills, we are culminating years of dedication and effort by hundreds of people—many of whom are with us here today. We are putting the capstone on a campaign filled with frustrations—but never without hope.

It is entirely appropriate that so many who helped make this day possible are able to join us on this occasion.

In the first instance, of course, there are the members of the General Assembly who responded to an urgent need. And in passing this far-reaching legislation, they established a precedent for the entire nation.

In this context, I would have to single out Representative Bob Juckett, who sponsored these bills and fought for them in the House, and Senator Thomas Hynes, who guided them successfully through the Senate.

To put it bluntly, we would not be here today if it weren't for these men and their colleagues—from both parties—who united in a common commitment to the future of our handicapped citizens.

Nor should we forget the delegates to the Constitutional Convention, who gave to the rights of the handicapped the same sanction of constitutional protection given to all our civil rights, and the voters who ratified that wise decision.

With these bills, we are saying to them:

The day of ignorance is past. We are ready to guarantee you the same opportunity for a decent life given to every other citizen of this state.

In housing, in jobs, in education and other pursuits, the handicapped of Illinois will no longer classify as the forgotten citizen.

There are the dozens of organizations and agencies—both public and private—which have made the handicapped their special concern, and who united in an impressive coalition, known as PAR, which worked with single-minded determination to make this day a reality.

Finally, and most important, there are the handicapped themselves—thousands of mentally and physically disabled persons who have proven by their example, day in and day out, that they can lead full and productive lives in a society which has for too long ignored their plight.

You have suffered injustice and inequity, and against incredible odds, you have won the fight for strong measures of historic significance.

Yet, a sense of perspective is in order on this happy occasion.

However important these bills may be, we must recognize that the fight for equal opportunities is far from over.

To be sure, we have completed one vital phase of the battle. But the longer, and more difficult, fight lies ahead—the battle which must take place in the hearts and minds of men.

Discrimination—for whatever reason—works in subtle and pernicious ways, often beyond the reach of the firm hand and plain language of the law.

Only a continuing effort by each of you who have made this day possible will bring about that most awaited day of all—the day when men no longer judge their fellows on the irrational basis of race, or national origin, or condition of birth, or physical or mental handicap.

I, for one, don't doubt that we will achieve that goal. Remember, it was not so long ago that the bills we are signing today were considered a pipe dream.

The same determination and persistence which made these bills—and this noble concept—a reality in our Illinois law books, can also make it a reality in the minds of our fellow citizens.

I endorse this act, and congratulate all of you who worked so hard for its passage.

And now, I would like to invite the sponsors of the bills to join me while I make them the law of Illinois, and we enter a new era of promise for the mentally and physically handicapped citizens of our state.

## REPRESENTATIVE W. R. "BILL" HULL RETIRES

Mr. EAGLETON. Mr. President, on January 17, 1972, Congressman W. R. "Bill" Hull announced that he would not seek reelection in the Sixth District of Missouri.

For 18 years Congressman Hull has served his constituents and all the citizens of Missouri with distinction, both on the House Appropriations Committee and in his many other endeavors as their Representative. As a long-respected Member of the House with many friends in the Senate, his absence will be felt strongly here in Washington. As his good friend and colleague I join with the many others who wish him all the best health and happiness when he returns to his home in Weston, Mo.

I ask unanimous consent that the following editorial from the St. Joseph News-Press of January 18, 1972, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### Hull Steps Aside

Undefeated and still champion!

That is how Congressman William R. Hull is retiring from Congress at the end of this year. Elected for nine consecutive two-year terms, Congressman Hull has served longer in Congress than any other person from the Northwest Missouri district.

Being a congressman, particularly for a district of such diverse interests as the 6th, is an extremely difficult task. A good congressman must be not only a hard worker and a knowledgeable man, but also one with an acute sense of public relations and the ability to listen and smile pleasantly in the face of undeserved criticism, often abuse.

The tasks to which Congressman Hull has set his intellect and action in the past 17 years mount into the thousands. Many of them have been major. They have been projects and issues vitally affecting many, if not all, sectors of the sprawling district. He has given them his full attention.

True, he has met obstacles, some of them highly formidable. True, he also has achieved results, notably in the field of flood control projects. Some of the projects for which he has labored have been long range ones, projects that possibly will not come into completion for years to come. But the groundwork has been laid. Patience is needed. The congressman must have it; his constituents should.

Many people expect a congressman to accomplish things with rapidity. But government doesn't work that way. Particularly it doesn't work that way in Washington at the legislative level. A House member is important, but not to be forgotten is that there are 435 of them, plus 100 senators, and they all cannot secure exactly what they want. Defeats of goals are part of the political game.

Affable by nature and with a politician's knack of remembering faces, names, and momentuous events, Congressman Hull has been a courteous representative of the people of his district in the nation's capital. His constituents have found him to be a man who answers his mail, a man who tries to get things done for him if at all reasonable and possible.

In the autumn of life at 65, Congressman Hull should have many fine years ahead. All of us will hope he enjoys them, that his retirement gives him as much pleasure as he hopes. He deserves credit for what he has accomplished, and the rest and leisure to which those who have worked in behalf of their people are entitled.

## MILWAUKEE MAYOR MAIER CRITICIZES BUDGET PRIORITIES—CITIES SHORTCHANGED AGAIN

Mr. PROXMIRE. Mr. President, one of the ablest mayor's in the country today is Mayor Henry Maier of Milwaukee. He has distinguished himself not only as the mayor of Milwaukee but as president of the U.S. Conference of Mayors.

Mayor Maier is also one of the ablest analysts of the Federal budget. In spite of appearances he has found that the President's new budget reduces major urban programs by three-quarters of a billion dollars in the new fiscal year.

While defense, space shuttles, and military research are going up, funds for public housing, rent subsistence, water and sewer grants, and aid to the urban poor are going down.

The President has reordered priorities. But has reordered them by shoveling more to the military and less to the cities. It is a program which benefits the haves and starves the have-nots.

Mr. President, I ask unanimous consent that an article from the New York Times of Wednesday, January 26 in which Mayor Maier's superb analysis is reported, be printed in full at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Mayors Say Nixon's Budget Will Cut Urban Aid by $765 Million

(By John Herbers)

Washington.—The nation's big-city Mayors asserted today that President Nixon's budget would reduce major urban programs by $765-million in the fiscal year beginning July 1.

The reduction, the Mayors said in a statement, would almost wipe out additional aid promised to the cities in President Nixon's proposed revenue-sharing plan for the states and local governments.

The Mayor's analysis of the new Federal budget was made at a meeting of the 40-member executive committee of the United States Conference of Mayors. Mayor Henry W. Maier of Milwaukee, the new president of the conference, which speaks for Mayors of the major cities, summarized the conclusions at a news conference.

The charge that the cities are being shortchanged by the Federal Government is an old one. But this year there seemed to be a kind of finality about the complaint as the Mayors saw Federal funds once channeled in to the war in Vietnam going for new defense outlays, space exploration and research with virtually no new promises to the central cities.

Mayor Maier, who for a decade has been a leader in the effort to obtain more Federal money for cities, began by saying that the budget presented to Congress yesterday "presents a picture of both hope and despair." The hope, he said, is in the prospect of obtaining revenue sharing, but most of his statement centered on what he called the despair.

### DOWNGRADING ALLEGED

"We are dismayed by the proposed cut of $765-million in several major programs of the Department of Housing and Urban Development," he said. "These cuts affect cities in areas dealing with their efforts to [rehabilitate] their slums and older neighborhoods. This is a Federal downgrading of a high city priority."

Much of the reduction referred to was not apparent in the budget, which showed the bulk of the programs continuing at about the same level as that for this year. But Mr. Maier said that, in a number of categories, the Nixon Administration was not spending all appropriated for this year but carrying the amounts forward for spending next year.

"While the Administration sets forth full, 12-month budgets for each of these vital programs, the funding levels proposed constitute a marked drop from the levels approved by Congress for the current fiscal year," Mr. Maier said.

"The actual appropriation available in fiscal 1972 for urban renewal, water and sewer, open space, public housing and rental assistance for apartments is $2.4-billion, while the Administration's proposed level for fiscal 1973 is only $1.655-billion—a $765-million reduction in effort."

The main item involved is urban renewal, for which Congress appropriated $1.46-billion this year. But the Administration is reserving $500-million of this to pay for relocating families under a new law that requires the Federal Government to pay the full cost of moving families whose homes were taken by renewal projects begun before Jan. 2, 1971.

Although urban renewal has been paying relocation costs since 1956, the Mayors said they did not believe the costs would run that high and they objected to the amount being carried forward into next year, constituting half of the budgeted amount of $1-billion.

The Administration is promising to add $490-million to the urban programs if Congress enacts the President's proposal of lumping them together under a bloc grant. But the Mayors said there was no assurance that this would be done. In any event, they said, the amount would still not offset what they see as a loss of $765-million.

Under his general revenue-sharing plan, the President has budgeted $5.3-billion for next year, which would be shared among the states, counties and cities of all sizes.

"If we separate out the dollars budgeted for revenue sharing," Mayor Maier said, "we find that the budget leaves urban areas with very few dollars more in direct aid to cities than they are receiving in this fiscal year."

He acknowledged "minimal gains" in some city-oriented programs, such as transportation and law enforcement assistance, but he said that, over all, the budget this year reflected more than ever a lack of commitment to renewing the cities.

"We're gearing up for a space shuttle by adding $250-million to the earth orbital program, while we are cutting back substantially on funds for low-income housing," he said. "The total allocation for research and development in space and the military in fiscal 1973 is $12.4-billion. The total research and development effort for civilian programs is $5.4-billion. Of this, only $60-million is for the Department of Housing and Urban Development."

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## IF IT IS IN THE PUBLIC INTEREST, WHY NOT TRY IT?

Mr. MOSS. Mr. President, we frequently hear of the "easy out" for an administrator. They do not bother to fire an employee because they feel the person will eventually quit. They reject a proposal on a technicality rather than coming to grips with the issues at hand. They say "no" because it is always easier to do nothing than to work constructively to develop new initiatives.

Similarly, the issues of constitutionality and authority face the Congress. Do we or do we not pass legislation which might be unconstitutional? Occasionally, a well-thought proposal will be passed by the Congress; it may be in the public interest, and the courts will invalidate the legislation. So be it. We created a system of checks and balances for this very reason.

Recently, I have begun an examination of several authorities granted to the Food and Drug Administration, in an attempt to ascertain why the FDA has not moved on each of these important issues. For one, I contend that theirs is adequate authority under the Federal Hazardous Substances Act to regulate cigarettes. FDA says "no"; but instead of considering the issue and perhaps being challenged in the courts, they sit around doing nothing while the Surgeon General denounces cigarettes. Well, this matter will be considered in greater detail at hearings before the Consumer Subcommittee on February 10, 1972.

But another particularly disturbing matter is the label petition. After opening up the issue to comments, the FDA concluded, as it had implied previously, that it did not have adequate authority to require the labeling of ingredients of standardized foods. I disagree with that, and I further state that any administrator worth his salt would, if he really operated in the public interest, issue rules and regulations requiring labeling and be taken to court. Let the court decide. Instead, here we stand today, with several bills having been introduced by concerned Senators to accomplish such a measure, and the FDA has neither filed comments on these bills nor sent up an Administration alternative. This is a worthwhile undertaking, so let us have some comments or let us have an alternative proposal. But no. FDA seems content to twiddle its thumbs and cry out that they have no authority. Interestingly enough, Supermarket News, in the January 3, 1972, issue, reported the following comments of an official of the Federal Trade Commission who called the FDA assertion "nonsense" and suggested that the close ties between FDA and the food industry kept FDA from moving forward on this proposal. That just may be the case.

Mr. President, I ask unanimous consent that the Supermarket News article referred to above be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### INDUSTRY TIES: FTC AIDE HITS FDA

(By Tobi Nyberg)

WASHINGTON.—A Federal Trade Commission official claims that close ties between the food industry and the Food and Drug Administration are keeping FDA from requiring manufacturers to list all ingredients on all food labels.

The official, who insisted on anonymity, called "nonsense" FDA's claim that it has no authority to demand stricter labeling. He said FDA is using this as an excuse to avoid stepping on food industry toes.

"If that is the case," he said, "let them prove it in court. Let FDA pass labeling laws, and then let General Foods take them to court."

He made the statements to Supermarket News after a news conference where Rep. Benjamin Rosenthal (D., N.Y.) and Label—Law Students Association for Buyers' Education and Labeling—both condemned FDA as "pro-industry and anti-consumer."

Rosenthal argued that FDA has several bases for legal authority to demand disclosure of all ingredients. Not only has FDA had the power since the passage of the Food, Drug and Cosmetic act of 1938, he said, but the Fair Packaging and Labeling Act of 1966 gave FDA authority to "require the disclosure on labels of relevant ingredient information."

Instead of acting, the Congressman charged, FDA has sought only partial ingredient listings, allowing additives to hide behind generic names.

FDA said it was "not prepared to comment." The agency recently rejected a Label proposal to require more informative labeling of food products, claiming it had no jurisdiction. FHA said it was preparing its own labeling regulations.

Rosenthal has submitted a bill—H.R. 8670—disclosure of all ingredients in food products.

"Consumers have the right to know what they are eating," Rosenthal said. "Right now, the consumer has no input at FDA."

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## REPORT ON EDUCATION OF MEXICAN-AMERICAN CHILDREN IN THE SOUTHWEST

Mr. CRANSTON. Mr. President, in December the U.S. Civil Rights Commission issued a report on the education of Mexican-American children in the Southwest.

It confirms what many of us already know: the more than 6 million Mexican-American children in Arizona, California, Colorado, New Mexico, and Texas are getting a second-rate education.

We are failing our Mexican-American children. On every count they are falling far behind their Anglo counterparts.

The record of failure in the Southwestern States is documented fully by the Commission. One can assume that conditions for Spanish-speaking children in other States are not better.

We have encountered similar reports in the past. Again and again they tell us that our schools are not meeting the special problems of the Mexican-American child. At the heart of the problem is the language barrier the Mexican-American child meets first in kindergarten or first grade and is the companion to frequent failure throughout his school years.

We have begun bilingual, bicultural programs in many school districts. Where those programs have been properly organized and staffed we have seen solid progress. The Mexican-American child can learn as well and as fast as any other child. But they cannot progress in classrooms where their native language is viewed as a handicap—or worse, as something the child should feel ashamed of.

The Congress has committed itself repeatedly to the principle of bilingual education. But we continue to skirt that commitment with inadequate appropriations and insufficient programs.

In the months ahead, we must move forward rapidly in fulfilling our promises to the Spanish-speaking children of this Nation. The need for immediate progress is well documented by the Commission's report. I urge every Member of Congress to read it, to think about it, and to be guided by it.

The futures of more than 6 million children await our action.

Mr. President, I ask unanimous consent that a summary of the U.S. Civil Rights Commission report, entitled "The Unfinished Education," be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

### SUMMARY

The basic finding of this report is that minority students in the Southwest—Mexican Americans, blacks, American Indians—do not obtain the benefits of public education at a rate equal to that of their Anglo classmates. This is true regardless of the measure of school achievement used.

The Commission has sought to evaluate school achievement by reference to five standard measures: school holding power, reading achievement, grade repetitions, overageness, and participation in extracurricular activities.

Without exception, minority students achieve at a lower rate than Anglos: their school holding power is lower; their reading achievement is poorer; their repetition of grades is more frequent; their overageness is more prevalent; and they participate in extracurricular activities to a lesser degree than their Anglo counterparts.

### SCHOOL HOLDING POWER

The proportion of minority students who remain in school through the 12th grade is significantly lower than that of Anglo students, with Mexican Americans demonstrating the most severe rate of attrition. The Commission estimates that out of every 100 Mexican American youngsters who enter first grade in the survey area, only 60 graduate from high school; only 67 of every 100 black first graders graduate from high school. In contrast, 86 of every 100 Anglos remain in school and receive high school diplomas.

For Mexican Americans, there are sharp differences in school holding power among the five States. Of the two States with the largest Mexican American school enrollment—California and Texas—holding power is significantly greater in California where an estimated 64 percent of the Mexican American youngsters in the districts surveyed graduate. Texas, by contrast, demonstrates the poorest overall record of any of the States in its ability to hold Mexican American students. By the end of the eighth grade, Chicanos in the survey area have already lost 14 percent of their peers—almost as many as Anglos will lose by the 12th grade. Before the end of the 12th grade, nearly half, or 47 percent, of the Mexican American pupils will have left school. In 1968, there were approximately 290,000 Mexican Americans enrolled in grades 1 through 6 in Texas public schools. If present holding power rates estimated by the Commission continue, 140,000 of these young people will never receive a high school diploma.

College entrance rates reveal an even greater gap between Anglos and minority group students. Nearly half the Anglo students who begin school continue on to college, but only about one of every four Chicano and black students do so.

Among the five Southwestern States, minority high school graduates have the greatest likelihood of entering college in California. There, 51 percent of black graduates in the districts surveyed go on to college as do 44 percent of Chicanos. In Colorado, New Mexico, and Texas, however, fewer than one out of every three Chicano high school graduates undertakes higher education.

### READING ACHIEVEMENT

Throughout the survey area, a disproportionately large number of Chicanos and other minority youngsters lack reading skills commensurate with age and grade level expectations. At the fourth, eighth, and 12th grades the proportion of Mexican American and black students reading below grade level is generally twice as large as the proportion of Anglos reading below grade level. For the total Southwest survey area the percentage of minority students deficient in reading reaches as high as 63 and 70 percent in the 12th grade for Chicanos and blacks respectively. In the eighth grade the Chicano youngster is 2.3 times as likely as the Anglo to be reading below grade level while the black student is 2.1 times as likely.

Reading achievement becomes significantly lower for children of all ethnic groups as they advance in age and in grade level. For minority children, however, the drop is more severe than for Anglos. At the fourth grade, 51 percent of the Mexican Americans and 56 percent of the blacks, compared with 25 percent of the Anglos in the survey area, are reading below grade level. By the eighth grade, corresponding figures are 64 percent for Mexican Americans and 58 percent for blacks. Further deterioration occurs by the 12th grade despite the fact that many of the poorest achievers have already left school. At this stage, 63 percent of the Mexican Americans are reading below grade level as are 70 percent of the blacks and 34 percent of the Anglos.

The severity of reading retardation also increases the longer the Chicano and black youngsters remain in school. In the fourth grade, only 17 percent of the Mexican American and 21 percent of the black students are reading two or more years below grade level. By the 12th grade, however, two of every five Mexican American children and more than half the black students are at this low level of reading achievement.

Interstate comparisons reveal low achievement levels in reading for minority students in all States. In the California survey area 63 percent of the Chicanos at the 12th grade level are reading below grade level, while 59 percent of the black students at the same level are experiencing reading deficiencies. In Texas, two-thirds of all Mexican Americans and more than 70 percent of all black 12th graders fail to achieve grade level expectations in reading. By contrast, in none of the five States does the percentage of Anglos reading below grade level reach such high proportions. In fact, in only one State, Arizona, does the Anglo proportion approach the high percentages of minorities reading below grade level.

### GRADE REPETITION

In the survey area, the Commission found that grade repetition rates for Mexican Americans are significantly higher than for Anglos. Some 16 percent of Mexican American students repeat the first grade as compared to 6 percent of the Anglos. Although the disparity between Mexican Americans and Anglos at the fourth grade is not as wide as in the first grade, Mexican American pupils are still twice as likely as Anglos to repeat this grade. The two States with the highest Mexican American pupil population, Texas and California, reveal significant differences in repetition rates. In the Texas schools surveyed, 22 percent of Chicano pupils are retained in first grade as compared to 10 percent in California.

The purpose of grade repetition is to increase the level of achievement for the retained student. In fact, the students' ultimate achievement level does not generally improve and, in addition, grade repetition predisposes the student to drop out before completion of high school.

### OVERAGENESS

Another measure of achievement directly related to grade repetition is overageness for grade assignment. The Commission found that Mexican Americans in the survey area are as much as seven times as likely to be overage as their Anglo peers. The most significant difference appears in the eighth grade where more than 9 percent of the Mexican American pupils are overage as compared to a little more than 1 percent for the Anglo students. In the Southwest as a whole the degree of overageness increases for Anglos and blacks throughout the schooling process, but actually decreases for Chicanos between the eighth and 12th grades. The probable explanation for this phenomenon is that a very large percentage of overage Mexican American pupils leave school before graduation. The Commission estimated that at least 42 percent of overage Mexican American students in the eighth grade do not continue in school through the 12th grade.

Again, comparing the two largest States, the difference is impressive. More than 16 percent of Chicano eighth graders are overage in Texas. In California only about 2 percent are overage.

### PARTICIPATION IN EXTRACURRICULAR ACTIVITIES

Involvement in extracurricular activities makes the school experience more meaningful and tends to enhance school holding power. The Commission found, however, that Mexican American students are underrepresented in extracurricular activities. This is true whether Mexican Americans constitute a majority or a minority of the student enrollment in a school.

Thus, under all five measures of school achievement minority children are performing at significantly lower levels than Anglos. This report has sought only to present objective facts concerning the differences in school achievement between minority and majority group students, not to account for them. Nevertheless, the Commission believes these wide differences are matters of crucial concern to the Nation. The ultimate test of a school system's effectiveness is the performance of its students. Under that test, our schools are failing.

## ADMINISTRATION'S UNEMPLOYMENT POLICIES ADDED $84.6 BILLION TO NATIONAL DEBT

Mr. MOSS. Mr. President, the 1973 budget proposals bore dramatic testament to the cost our Nation will continue to pay for this administration's poor economic policymaking.

For many months the country has experienced the great human and economic waste which results from unemployment. It now becomes clear that joblessness—which stands at a 10-year high of 6.1 percent—will have a truly massive impact on the Nation's long-term financial situation.

Comparing the Federal deficits for 1971 and 1972, as well as the one now envisaged for 1973, with those figures which would have resulted from a "full employment" situation, one finds that joblessness, in and of itself, will add a full $84.6 billion to the national debt.

The data appearing in the budget message of the President speaks for itself. If joblessness had been held to the 4-percent level, instead of being allowed to climb to 6 percent, the Nation would have sustained a relatively mild $2.5 billion deficit during the 3-year period instead of a colossal figure which few believe will stay below $90 billion. This is quite a record for an administration which came to power during "full employment" and promised to reduce the national debt. It is a truly astounding performance by a President who for years villified his political opponents on the grounds that they were "big spenders." Nobody has spent the taxpayer's money like Richard Nixon. Nobody.

It is now estimated that fiscal year 1972 will produce the greatest peacetime Federal deficit in history. If I can surmize anything from previous administration forecasts, however, 1973 will see an even greater deficit. For 1971, President Nixon proposed a $1.5 billion surplus and delivered a $23 billion deficit. For 1972, he predicted a $11.6 billion deficit and delivered a $38.8 billion deficit. Now he predicts a $25.5 billion deficit. Who can say how much more will be added to the Nation's debt before the year is out?

## NO-FAULT AUTOMOBILE LIABILITY INSURANCE

Mr. MOSS. Mr. President, much has been said both for and against establishing a nationwide system of no-fault automobile liability insurance. During May and November 1971, the Senate Commerce Committee held 12 days of hearings on this subject. I have found the arguments for no-fault most persuasive, and the current committee print of S. 945, the National No-Fault Motor Vehicle Insurance Act is clearly one of the most worthwhile pieces of consumer legislation which the Senate Commerce Committee will ever consider.

Due to an unprecedented demand for copies of the committee print, I believe that it would be worthwhile if the bill and the staff analysis were printed in the RECORD. During the next month or two, the Senate Commerce Committee will consider the legislation in executive session, and the text of this legislation should be readily accessible. I for one am most enthusiastic about the bill and will give it my complete support.

Mr. President, I ask unanimous consent that the staff analysis and Committee Print 1 of S. 945, the National No-Fault Motor Vehicle Insurance Act, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### STAFF ANALYSIS OF COMMITTEE PRINT NO. 1 OF S. 945, THE NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE ACT

#### DESCRIPTION

Committee Print 1 would create an essentially restructured automobile insurance reparations system. Tort liability arising out of automobile accidents would be eliminated, and insurance benefits to pay for losses arising out of automobile accidents would be paid without regard to fault. A person injured in an auto accident would seek reparations from his own insurance company (first-party insurance) or the insurance company of the owner of the vehicle in which he was a passenger. An injured pedestrian would seek compensation from an insurance company covering any vehicle which caused injury to him.

The bill would require every owner who operates a motor vehicle on the public roadways of any State to take out a basic insurance policy to cover his own losses when operating his vehicle, losses of any other driver or passenger of his vehicle, and losses of any pedestrian that is injured in an accident involving his vehicle. In addition, such basic insurance policy would cover losses incurred if a vehicle caused damage to any property other than a motor vehicle in use. For example, if a vehicle struck a legally parked car, the policy covering the vehicle would pay for damage to the parked car.

To assure the availability of such mandatory insurance policies, the bill would require every insurance company doing business in a particular jurisdiction and writing auto insurance to accept every insurance applicant who has a valid driver's license and who pays a premium based upon an applicant's proper classification. Cancellation of the basic policy would be prohibited unless the policyholder had failed to pay the premium or had had his license revoked.

The phrase "qualifying no-fault policy" is used in Committee Print 1 to describe the mandatory insurance policy which every owner of a motor vehicle must have as a precondition to operating his vehicle. The qualifying no-fault policy would provide certain benefits to the policyholder, members of his family, and people injured in an automobile accident in which his vehicle was involved (who were not occupants of another vehicle.)

Broad benefits would be paid to auto accident victims by insurers writing qualifying no-fault policies. All medical and rehabilitation costs would be paid by the insurer issuing the qualifying no-fault policy. In addition, all wage loss after income taxes would be paid until such time as the injured person could resume available and appropriate gainful activity. There is, however, a thousand dollar per month limitation on the wage replacement provisions of the qualifying no-fault policy. For those people who earn more than a thousand dollars per month, a provision in the bill would permit them to purchase greater income replacement protection. Benefits under a qualifying no-fault policy would also be paid for loss of future anticipated earnings or for impairment of earning capacity resulting from injuries sustained in an automobile accident.

A qualifying no-fault policy would also provide benefits to pay for any services that an injured person would have performed for his or her own benefit, or the benefit of the family, but for the injury. For example, a housewife suffering from a back injury which prevented her from doing normal housework would receive benefits to pay someone to clean her house on a regular basis until she recovered from her injury.

A qualifying no-fault policy would also pay benefits to any owner of property (other than a motor vehicle in use) which is damaged as a result of an auto accident involving the policyholder's vehicle. For example, if a vehicle struck a picket fence after swerving off the road because of a blow-out, the insurance company covering the vehicle would pay the owner of the picket fence for its repair. Likewise, if that vehicle swerved off the road and struck a parked car, the insurance company would pay for the damage to the parked car. But if vehicles in use were involved in an accident, the owners of such vehicles would have to look to their own insurance companies for recovery of benefits if they had elected to buy such coverage.

Finally, a qualifying no-fault policy would pay for any loss (tangible or intangible) exceeding those described above suffered by an occupant of the insured's motor vehicle, or pedestrian struck by such a vehicle, if such injured person did not own a motor vehicle or was not a spouse or dependent of a motor vehicle owner. In other words, this coverage would provide excess economic loss and pain and suffering protection for those people not given the opportunity to purchase the coverage described below.

In addition to the benefits provided under a mandatory qualifying no-fault policy, there are other benefits which the insurers of such policies would have to offer but which the policyholder could choose to take or not as he wished. Committee Print 1 would require insurers of qualifying no-fault policies to offer collision insurance to pay for property damage to the policyholder's automobile. The policyholder could buy such insurance and select whatever deductible level he wished.

Insurers of qualifying no-fault policies would have to offer policyholders two other types of coverage: 1) coverage to pay for tangible loss in excess of that provided by the qualifying no-fault policy, and 2) coverage to pay for intangible loss (pain and suffering, inconvenience, loss of enjoyment of life) measured by the State tort law that would have been applicable to the accident had that law not been preempted by the bill. A qualifying no-fault policyholder could elect to buy either or both coverages to protect himself, his spouse, and any dependents from such loss.

Committee Print No. 1, in effect, makes available to all the motoring public all the benefits that the present automobile reparations system now provides to the accident victim who *is not* found negligent or contributorily negligent and who is injured by someone who *is* found negligent *and* is fully insured up to the extent of the loss suffered by the accident victim. However, because insurance against loss in excess of that provided under the qualifying no-fault policy is not necessary for the economic well-being of an automobile accident victim or the family of such victim, the insurance buyer is given the option to buy such additional coverage if he so chooses. The controversy over whether the public wants to recover for intangible losses would be resolved by free market forces rather than legislative determination.

Benefits which an insurer is required to pay under a qualifying no-fault policy would be primary—the amount paid would not be reduced by any benefits from other sources paid to cover the same loss—unless collateral benefits were provided by public health insurance or by some private insurance or plan which specifically provided that its benefits were to be primary to the qualifying no-fault policy benefits. If a person had collateral benefits which were primary, the insurer of the qualifying no-fault policy would be required to give that person a standardized rate reduction reflecting the amount of his primary collateral benefits. This arrangement would accomplish two purposes: 1) it would assure compatibility of auto insurance reform legislation with health insurance reform legislation; and 2) it would allow a person to choose his source of insurance benefits and avoid duplicative payments of premiums.

Any disputes between an insurer and a policyholder which could not be resolved by negotiation could be resolved in a formal court proceeding in which the attorney fees of the policyholder are paid by the insurer and thus the insurance mechanism generally. For example, if the insurer refused to pay a wage replacement claim arguing that the policyholder was able to return to work, the policyholder could retain an attorney to pursue his claim for continued periodic benefits. The policyholder's attorney would be compensated by the insurer whether the court supported the policyholder's claim or not unless the court determined that such compensation was inappropriate or that the claim was fraudulent, frivolous, or excessive. No benefits for economic loss paid under a qualifying no-fault policy could be used to compensate an attorney. However, in disputes concerning policy provisions governing other than economic loss where reasonable attorney's fees are not provided, an attorney would be permitted to enter into a contractual or contingent fee arrangement with a policyholder. Any contingent fee arrangement would be limited to 25% of the gross recovery of the policyholder, or a lesser amount at the discretion of the court.

Litigation arising under the qualifying no-fault policy would be conducted in state courts of competent jurisdiction. Federal court jurisdiction would be limited to cases or controversies meeting the jurisdictional requirements of section 1332 of title 28 of the United States Code, namely diversity of parties and an amount in controversy exceeding $10,000.

In the event that a person is injured or killed in an automobile accident in a vehicle or by a vehicle which is uninsured (and that person is not responsible for the fact that the vehicle is uninsured) then the victim may seek recovery from an assigned claims plan which would be required to be established in each State. The assigned claims plan would work very much like the present post-insolvency assessment plans. In the event a person with a legitimate claim had no insurance company to turn to (because the vehicle was uninsured or because the insurance company was insolvent) he could file his claim with the assigned claims plan which would be financed by assessing insurance companies doing business in a State on the basis of their premium volume in that State.

In order to facilitate the setting of rates under this new auto insurance reparation system, Committee Print No. 1 provides that the Secretary in consultation with state uniform classification system. This new classification system would delineate the various risk exposures relevant to setting rates for qualifying no-fault policies and related provisions. Thus, rates set by state regulatory authorities would have national uniformity as to classification which reflected factors relevant to a first party no-fault insurance system. In addition, the Federal government, in consultation with the states, would promulgate a uniform statistical plan whereby insurance companies would report their claims and loss experience data and acutal rates or premiums of each class of risk in each rating category within each coverage provided under the bill. The Federal government would then analyze this information and make it available to state insurance authorities and to the general public. This information would permit a comparison of the insurers "indicated rate" based solely upon claims and loss experience data with the actual rate or premium being charged by the insurer. The intent of this provision is to make available to state regulatory authorities information relevant to the rate making activity and to provide the insurance public information regarding the price and quality of the product which they are required to purchase.

### SUMMARY

Committee Print No. 1 of a National No-Fault Motor Insurance Act would create a mandatory auto accident reparations system which would insure all passengers and pedestrians against basic economic loss resulting from automobile accidents. The dependency of the auto insurance system on the tort liability system would be eliminated; benefits would be paid to auto accident victims without regard to fault. Licensing standards and law enforcement efforts would serve as the main force for controlling irresponsible driver behavior; illusory reliance on the insurance mechanism to create a safe-driver environment would cease. If policyholders wanted to receive payment for damages (including pain and suffering) in excess of their basic economic loss resulting from injury or death, of it they wanted to protect their vehicles from physical damage, then they could at their option elect such coverages. Reasonable attorneys fees would be paid to the attorney of any policyholder who could not reach agreement with an insurance company concerning the level of economic loss benefits due him. An auto accident victim not covered by a policy of insurance could recover from an assigned claims fund unless he was responsible for the failure of coverage. Finally, the bill would provide for the rationalization of insurance classification systems and provide for the dissemination of price and quality information that would stimulate a competitive price environment in the auto insurance market.

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### S. 945

A bill to require no-fault motor vehicle insurance as a condition precedent to using the public streets, roads, and highways in order to promote and regulate interstate commerce

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "National No-Fault Motor Vehicle Insurance Act."

### DEFINITIONS

SEC. 2. As used in this Act—

(1) the term "motor vehicle" means any vehicle driven or drawn by electrical or mechanical power which is manufactured primarily for use on the public street, roads, or highways, except any vehicle operated exclusively on a rail or rails.

(2) The term "insured motor vehicle" means a motor vehicle (A) which is insured under a qualifying no-fault policy, or (B) the owner of which is a self-insurer with respect to such vehicle.

(3) The term "uninsured motor vehicle" means a motor vehicle which is not an insured motor vehicle.

(4) The term "qualifying no-fault policy" means an insurance policy which meets the requirements of section 5 (a) and (b) (but such term does not refer to any provision of such a policy which relates solely to a coverage described in section 5(c) or an additional coverage or benefit referred to in section 5(d)).

(5) The term "owner" means a person who holds the legal title to a motor vehicle; except that in the case of a motor vehicle which is the subject of a security agreement or lease with option to purchase with the debtor or lessee having the right to possession, such term means the debtor or lessee.

(6) The term "insurer" means any person or governmental entity engaged in the business of issuing or delivering motor vehicle insurance policies.

(7) The term "self-insurer" with respect to any motor vehicle means a person who has satisfied the requirements of section 4(a) in the manner provided by section 4(a) (2).

(8) The term "operation, maintenance, or use" when used with respect to a motor vehicle includes loading or unloading the vehicle, but does not include conduct within the course of a business of repairing, servicing, or otherwise maintaining vehicles unless the conduct occurs outside the premises of such business.

(9) The term "motor vehicle accident" means an accident arising out of the operation, maintenance, or use of a motor vehicle.

(10) The term "accidental harm" means bodily injury, death, sickness, or disease caused by a motor vehicle accident while in or upon or entering into or alighting from, or through being struck by a motor vehicle or object drawn or propelled by a motor vehicle.

(11) The term "death" (except as used in this paragraph and paragraphs (10) and (12)) means accidental harm resulting at any time in death.

(12) The term "injury" means accidental harm not resulting in death.

(13) The term "economic loss" with respect to any injury or death means—

(A) all appropriate and reasonable expenses necessarily incurred for medical, hospital, surgical, professional nursing, dental, ambulance, prosthetic services, and any Federally recognized religious remedial care and treatment;

(B) all appropriate and reasonable expenses necessarily incurred for phychiatric, physical, and occupational therapy and rehabilitation;

(C) an amount equal to the lesser of—

(i) $1,000 per month, or

(ii) the monthly earnings for the period during which the injury or death results in the inability to engage in available and appropriate gainful activity, or

(D) a monthly amount equal to the amount (if any) by which (i) a person's monthly earnings (as defined in paragraph (14)) or 1,000, whichever is less, exceeds (ii) any lesser monthly earnings of such person at such time as he resumes gainful activity.

(E) all appropriate and reasonable expenses necessarily incurred as a result of such injury or death, including, but not limited to, (i) expenses incurred in obtaining services in substitution of those that the injured or deceased person would have performed for the benefit of himself or his family, (ii) funeral expenses, and (iii) attorneys' fees and costs to the extent provided in section 8.

(14) The term "monthly earnings" means—

(A) in the case of a regularly employed person, one-twelfth of the average annual compensation after income taxes at the time of injury or death;

(B) in the case of a person regularly self-employed, one-twelfth of the average annual earnings after income taxes at the time of injury or death;

(C) in the case of an unemployed person or a person not regularly employed or self-employed, one-twelfth of the anticipated annual compensation after income taxes of such person paid from the time such person would reasonably have been expected to be regularly employed:

*Provided, however,* That such sums are to be periodically increased in a manner corresponding to annual compensation increases that would predictably result but for the injury or death. The Secretary is authorized to promulgate rules consistent with this paragraph defining further the term "monthly earnings".

(15) The term "net economic loss" means, in the case of injury or death, economic loss reduced (but not below zero) by the amount of any benefit or payment received (or legally entitled to be received and actually available to the claimant) for losses resulting from such injury or death from any of the following sources—

(A) any public health insurance or plan;

(B) any private insurance or plan containing explicit provisions making its benefits primary to any benefits under a qualifying no-fault policy.

(16) The term "loss resulting from damage to the insured's motor vehicle" means—

(A) an amount equal to the direct damage or loss to an insured motor vehicle as a result of collision or upset, fire, theft, flood, or other hazard incident to the operation, maintenance, or use of an insured motor vehicle; and

(B) all appropriate and reasonable expenses necessarily incurred as a result of such damage to or loss of an insured motor vehicle, including expenses incurred in renting a vehicle in substitution for the insured motor vehicle for an agreed upon period.

(17) The term "damage other than economic loss" means in the case of injury or death—

(A) tangible damage in excess of economic loss (as defined in section 3(13)); and

(B) intangible damage, characterized also as pain and suffering or general damage,

measured by applicable State tort law which would have been applicable but for section 3.

(18) The term "motor vehicle in use" means a motor vehicle being operated on any public street or roadway or in any other public place; it does not mean a motor vehicle legally parked to the side of any public street or roadway or in any public place.

(19) The term "without regard to fault" means irrespective of fault as a cause of injury or death, and without application of the principle of liability based on negligence.

(20) The term "criminal conduct" means the commission of an offense punishable by imprisonment for one year or more, or operation or use of a motor vehicle with the specific intent of causing injury or damage, or operation or use of a motor vehicle as a converter without a good faith belief that the operator or user is legally entitled to operate or use such vehicle.

(21) The term "Secretary" means the Secretary of ———.

(22) The term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Canal Zone.

### TORT EXEMPTION

SEC. 3. No person who is—

(a) the owner, operator, or user of an insured motor vehicle, or

(b) the operator or user of an uninsured motor vehicle who operates or uses such vehicle without any reason to believe that such vehicle is an uninsured motor vehicle,

shall be liable for tort damages of any nature arising out of the ownership, maintenance, operation, or use of such vehicle unless that person is engaging in criminal conduct (as defined in section 2(20)) which causes such damage in which case he shall be liable to the extent provided by State law for all damages other than economic loss.

### CONDITIONS OF OPERATION AND REGISTRATION

SEC. 4. (a) (1) No person may register any motor vehicle in a State or operate or use a motor vehicle upon any public street, road, or highway of any State at any time unless such motor vehicle is insured under a qualifying no-fault policy (as defined in section 2(4)), pursuant to such regulations (including those determining the manner and term of proof of such insurance) as the Secretary shall prescribe.

(2) The requirements of this subsection may be satisfied by any owner of a motor vehicle if—

(A) such owner provides a surety bond, proof of qualifications as a self-insurer, or other securities affording security substantially equivalent to that afforded under a qualifying no-fault policy, as determined and approved by the Secretary under regulations, and

(B) the Secretary is satisfied that in case of injury or death or property damage, any claimant would have the same rights against such owner under applicable State law as the claimant would have had under such law had a qualifying no-fault policy been applicable to such vehicle.

(b) No State may require the purchase or acquisition of insurance or other security as a condition to the ownership, registration, operation, or use of any motor vehicle upon the public streets, roads, or highways of such State that is inconsistent with a qualifying no-fault policy.

(c) Any person who knowingly violates the provisions of subsection (a) of this section shall be punished by a fine not to exceed $1,000 or imprisonment for a period of not to exceed six months, or both. Attorneys General of the several States are given concurrent authority to bring actions in their respective State courts of competent jurisdiction seeking a fine not to exceed $1,000 or imprisonment for a period not to exceed six months for any knowing violations of the provisions of subsection (a) of this section.

### INSURANCE REQUIREMENTS

SEC. 5. (a) In order to be a qualifying no-fault policy, an insurance policy covering a motor vehicle shall provide benefits for injury or death (as defined in section 2 paragraphs (11) and (12) as follows:

(1) Except as otherwise provided in paragraph (2)—

(A) in the case of injury to any person (including the owner, operator, or user of the insured motor vehicle), the insurer shall pay, without regard to fault, to such person an amount equal to the net economic loss (as defined in section 2(15)) sustained by such person as a result of such injury; or

(B) in the case of death of any person (including the owner, operator, or user of the insured motor vehicle), the insurer shall pay, without regard to fault, to the legal representative of such person, for the benefit of the surviving spouse and any dependent as defined in section 152 of the Internal Revenue Code of 1954) of such person, an amount equal to the net economic loss sustained by such spouse and dependent as a result of the death of such person.

(2) No payment may be made for net economic loss sustained by—

(A) the occupants of a motor vehicle other than the insured motor vehicle; or

(B) the operator or user of a motor vehicle engaging in criminal conduct (as defined in section 2(20)) which causes any such loss.

(3) Payments for net economic loss shall be made as such loss is incurred except that in the case of death, payment for such loss may, at the option of the beneficiary, be made immediately in a lump sum payment appropriately discounted in accordance with regulations of the Secretary. Amounts of net economic loss unpaid thirty days after the insurer has received reasonable proof of the fact and amount of loss realized, and demand for payment thereof shall (after the expiration of such thirty days) bear interest at the rate of 2 per centum per month.

(4) A claim for net economic loss based upon injury to or death of a person who is not an occupant of any motor vehicle involved in an accident may be made against the insurer of any involved vehicle. The insurer against whom the claim is asserted shall process and pay the claim as if wholly responsible, but such insurer shall thereafter be entitled to recover from the insurers of all other involved vehicles proportionate contribution for the benefits paid and the costs of processing the claim.

(5) No part of loss benefits paid under a qualifying no-fault policy (except those paid by provisions required in section 5(b) (1) shall be applied in any manner as attorney's fees in the case of injury or death for which such benefits are paid. Any contract in violation of this provision shall be illegal and unenforceable, and it shall constitute an unlawful and unethical act for any attorney to solicit, enter into, or knowingly accept benefits under any such contract.

(b) In order to be a qualifying no-fault policy, an insurance policy covering a motor vehicle shall provide the following benefits in addition to those enumerated in subsection (a) of this section:

(1) in the case of injury or death to any person not an owner of a motor vehicle or a spouse or dependent of an owner, the insurer shall pay, without regard to fault, to such person compensation for damage other than economic loss sustained by such person as a result of such injury;

(2) in the case of damage to any property other than a motor vehicle in use arising out of a motor vehicle accident, insurers of any motor vehicles involved in the motor vehicle accident shall pay on a proportionate basis to the owner of such property an amount equal to the loss occasioned by the damage.

(c) In addition to the coverages described in subsections (a) and (b), the insurer issuing a qualifying no-fault policy shall make available to the insured the following optional insurance under the following conditions:

(1) At the option of the insured, the insurer shall offer provisions covering loss resulting from damage to the insured's motor vehicle with such deductibles as the insured elects.

(2) At the option of the insured, the insurer shall offer to compensate for damage other than economic loss either or both of the following provisions whereby the insurer in the case of injury or death to the insured, his spouse, or any dependents agrees to pay (without regard to fault) to such person compensation for:

(A) tangible damage in excess of economic loss (as defined in section 2(13));

(B) intangible damage sustained by such person as a result of such injury or death.

(3) (A) A person may not submit a claim to his insurer for the recovery of damage other than economic loss sustained as a result of an injury until the last periodic payment for net economic loss has been made or until a period of three years from the time of the injury has elapsed, whichever occurs first.

(B) Contingent fee arrangements for the prosecution of claims under a policy for compensation for damages other than economic loss shall be made in accordance with section 8(b) of this Act.

(4) Notwithstanding any provision of State law to the contrary, the statute of limitation for bringing suit under provisions providing compensation for damages other than economic loss shall be:

(A) four years from the date of the motor vehicle accident upon which the claim is based, or

(B) one year after the last payment for economic loss recoverable under paragraph (1) of this subsection is paid

whichever be the lesser length of time.

(d) (1) Any policy of insurance described in this section may contain—

(A) additional coverages and benefits with respect to any injury, death, or any other loss from motor vehicle accidents or loss from operation of a motor vehicle; and

(B) terms, conditions, exclusions, and deductible clauses; consistent with the required provisions of such policy and approved by the Secretary, who shall only approve terms, conditions, exclusions, deductible clauses, coverages, and benefits which are fair and equitable, and which limit the variety of coverage available so as to give buyers of insurance reasonable opportunity to compare the cost of insuring with various insurers.

(2) Any policy of insurance described in this section shall contain a provision, in accordance with regulations of the Secretary, specifying the periods within which claims may be filed and actions against the insurer may be brought.

(e) Any policy of insurance described in this section must offer different standardized categories of premium reductions reflecting benefits available to the policyholder and members of his family as a result of public or private insurance or plans or other benefit sources described in section 2(15) of this Act, as being primary to benefits under a qualified no-fault policy.

(f) (1) No insurer may issue or offer to issue any policy which he represents is a qualifying no-fault policy unless such policy meets the requirements of subsections (a) and (b) (and of subsection (c) if the insured elects the optional coverage under such subsection), is consistent with the requirements of subsection (d), and includes all applicable standard uniform policy provisions under section 5(c) and 6(d).

(2) (A) Any insurer who violates paragraph (1) shall be assessed a civil penalty of not to exceed $5,000 for each policy which the insurer issues or offers to issue in violation of such paragraph.

(B) Any insurer who willfully violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

(g) (1) Subject to paragraph (2)—

(A) An application for a qualifying no-fault policy covering a motor vehicle in a State may not be rejected by an insurer authorized to issue such a policy in such State unless—

(i) the principal operator of such vehicle does not have a license which permits him to operate such vehicle, or

(ii) the application is not accompanied by a reasonable portion of the premium (as determined under regulations of the Secretary).

(B) A qualifying no-fault policy once issued may not be canceled or refused renewal by an insurer except for—

(i) suspension or revocation of the license of the principal operator to operate a motor vehicle, or

(ii) failure to pay the premium for such policy after reasonable demand therefor.

In any case of cancellation or refusal to renew under clause (ii), written notice shall be given to the insured.

(2) An insurer may reject or refuse to accept additional applications for, or refuse to renew qualifying no-fault policies (A) if the domiciliary State insurance supervisory authority of such insurer deems in writing that the financial soundness of such insurer would be impaired by the writing of additional policies of such insurance, or (B) such insurer ceases to write any new policies of insurance of any kind in the jurisdiction of the rejected applicant.

(3) Whoever knowingly violates, or conspires to violate, the provisions of paragraph (1) or (2) of this subsection shall be assessed a civil penalty of not to exceed $1,000 for each separate violation. Each violation of paragraph (A) of this subsection with respect to any policyholder or applicant for insurance shall constitute a separate violation.

### UNIFORM STATISTICAL PLAN AND PRICE INFORMATION

SEC. 6. (a) The Secretary shall, after consultation with insurers and State insurance supervisory authorities, promulgate a common, uniform statistical plan for the allocation and compilation of claims and loss experience data for each coverage under section 5 of this Act, and upon promulgation, such plan shall be followed by every insurer writing qualifying no-fault policies, and by every rating or advisory organization or statistical agent used by any such insurer to gather, compile, or report claims and loss experience data.

(b) Such statistical plan shall contain data pertaining to the claims and loss experience for the classes of risk in each rating territory within each coverage under section 5 of this Act. Such statistical plan shall not contain data pertaining to expenses for adjusting losses, underwriting expenses, general administration expenses, or any other expense experience for any class of risk in each rating territory within the coverages under section 5 of this Act. In carrying out the provisions of this section, no insurer, rating, or advisory organization, or statistical agent, or other association of insurers, may pool, or in any manner combine, any such expenses or expense experience, or otherwise act in concert with respect thereto.

(c) Every insurer writing policies of insurance which meet the requirements of section 5 of this Act, and every rating or advisory organization or statistical agent used by such insurer to gather or compile claims and loss experience data, shall report such data in accordance with the provisions of the statistical plan required by this section at such times and in such manner as the Secretary shall by regulations prescribe.

(d) The Secretary shall prescribe regulations which shall require a minimal number of standard uniform—

(1) policy provisions for each coverage under section 5 of this Act; and

(2) classes of risk and rating territories for each coverage under section 5 of this Act;

in order to accomplish the purposes of the statistical plan required by this section.

(e) Every insurer writing qualifying no-fault policies shall provide the Secretary with the actual rate or premium being charged for each class of risk in each rating territory within each coverage under section 5 of this Act at such times and in such manner as the Secretary shall by rules and regulations prescribe.

(f) The Secretary may, after consultation with the insurers and State insurance supervisory authorities, appoint a statistical agent or agents, to receive, gather, compile, report, and analyze the claims and loss experience data, and actual rates or premiums, specified in subsections (c) and (e) of this section.

(g) From time to time, but not less often than semi-annually, the Secretary shall analyze and freely and fully make available to the State insurance supervisory authorities and to the general public, with respect to every insurer writing qualifying no-fault policies, a comparison of such insurer's indicated rate based solely upon the claims and loss experience data for each class of risk in each rating territory within each coverage under section 5 with the actual rate or premiums being charged by the insurer for such class of risk in each rating territory within such coverage. The claims and loss experience data, and actual rates or premiums specified in subsections (c) and (e) of this section shall be made available to the general public at such times and in such manner as the Secretary shall by regulation prescribe.

(h) Any insurer writing qualifying no-fault policies, or any rating or advisory organization or statistical agent used by any such insurer to gather, compile, or report claims and loss experience data with respect to policies meeting the requirements of section 5, who fails to:

(1) follow the statistical plan promulgated in accordance with subsections (a) and (b) of this section, or

(2) observe the prohibition in subsection (b) of this section against pooling, or in any manner combining expense experience, or

(3) report to the Secretary, or his statistical agent or agents, the claims and loss experience data as required in subsections (c) and (f) of this section, or

(4) follow the standard uniform classes of risk and rating territories prescribed by the Secretary as required in subsection (d) of this section, or

(5) provide the Secretary, or his statistical agent or agents, with the actual rate or premium being charged for each class of risk in each rating territory within such coverage as required in subsections (e) and (f) of this section,

shall be assessed a civil penalty of not to exceed $5,000 for each violation.

### ASSIGNED CLAIMS PLAN

SEC. 7. (a) (1) The Secretary shall, after consultation with insurers and State insurance supervisory authorities, organize an assigned claims bureau and assigned claims plan in each State. Upon organization, each such bureau and plan shall be maintained, subject to regulation by the applicable State insurance supervisory authority, by the insurers writing qualifying no-fault policies in such State if (and for so long as) the Secretary is satisfied that all such insurers are required under State law to participate and that no such insurer may withdraw without the consent of the State.

(2) In any case in which an assigned claims bureau and assigned claims plan in any State is not maintained in a manner considered by the Secretary to be consistent with the provisions of this Act, the Secretary shall maintain such bureau and plan.

(3) The Secretary shall prescribe regulations which shall set forth the extent to which, for purposes of this section—

(A) a self-insurer shall be treated as an insurer, and

(B) benefits which a self-insurer is obligated to pay shall be treated as insurance benefits under a qualifying no-fault policy.

(b) The costs incurred in the operation of each assigned claims bureau and assigned claims plan shall be assessed against insurers in each State by the applicable State insurance supervisory authority (or by the Secretary during any period during which such bureau and plan are maintained by him under subsection (a)(2)) according to regulations of such State authority (or of the Secretary if the bureau and plan are maintained by him) that assure fair allocations among such insurers writing qualifying policies in the State, on a basis reasonably related to the volume of insurance written under qualifying no-fault policies.

(c) (1) No insurer may write any qualifying no-fault policy unless the insurer participates in the assigned claims bureau and assigned claims plan in each State in which such insurer writes such policies.

(2) An insurer who violates paragraph (1) of this subsection shall be assessed a civil penalty of $5,000 for each policy he issues in violation of such paragraph.

(d) Except as provided in subsection (e) of this section, each person sustaining injury or death (or his legal representative) may obtain the insurance benefits described in sections 5 (a) and (b) of this Act through the assigned claims bureau and assigned claims plan in the State in which such person resides if—

(1) no insurance benefits under qualifying no-fault policies are applicable to the injury or death; or

(2) no such insurance benefits applicable to the injury or death can be identified; or

(3) the only identifiable insurance benefits under qualifying no-fault policies applicable to the injury or death will not be paid in full because of financial inability of one or more insurers to fulfill their obligations.

(e) A person shall be disqualified from receiving benefits through any assigned claims bureau and assigned claims plan established pursuant to this section if—

(1) such person is disqualified under section 5(a)(2)(B) of this Act from receiving the insurance benefits under section 5(a) of this Act,

(2) such person was—

(A) the owner or registrant of an uninsured motor vehicle at the time of its involvement in the accident out of which such person's injury arose, or

(B) the operator of such a vehicle at such time with reason to believe that such vehicle was an uninsured motor vehicle.

(f) A claim or claims arising from injury or death to one person sustained in one accident and brought through the applicable assigned claims plan shall be assigned to one insurer, or to the applicable assigned claims bureau, which after such assignment shall have the same rights and obligations as it would have had had it issued a qualifying no-fault policy (or such form as the Secretary by regulation prescribes) applicable to such injury or death.

(g) The assignment of claims shall be made according to regulations of the State supervisory authority (or the Secretary if the bureau and plan are maintained by him under subsection (a)(2)) that assure fair allocation of the burden of assigned claims among insurers doing business in the particular State on a basis reasonably related to the volume of insurance written under sections 5 (a) and (b) of this Act.

(h) A person or his legal representative claiming through an assigned claims plan shall notify the applicable bureau of his claim within the period prescribed under section 5(d)(2) for filing a claim for insurance benefits under section 5 (a) or (b). The bureau shall promptly assign the claim and notify the claimant of the identity and address of the insurer to which the claim is assigned, or of the bureau if the claim is assigned to it. No action by the claimant against the insurer to which his claim is assigned, or against the bureau if the claim is assigned to it, shall be commenced later than sixty days after receipt of notice of the assignment or after the expiration of the period prescribed in section 5(d)(2) for commencing an action against an insurer, whichever is later.

(i) All reasonable and necessary costs incurred in the handling and disposition of assigned claims, including amount paid pursuant to assessments under subsection (b) of this section, may be considered in making or regulating rates for the insurance under sections 5 (a) and (b) of this Act, but if such costs are considered in the rates or premiums for such insurance, the pure loss portion of such costs shall be reported separately under the uniform statistical plan provided for by section 6 of this Act, and that portion of the actual rate or premium being charged for such insurance attributable to the entire amount of such costs incurred in the handling and disposition of assigned claims shall be reported separately under subsection (e) of section 6 of this Act.

(j) An insurer who makes an assigned claims payment shall be subrogated to any rights the person to whom the payment was made may have had against the owner or operator of any uninsured motor vehicle involved in the accident out of which the claim arose.

### CLAIMANT'S ATTORNEY'S FEES

SEC. 8. (a) A person making a claim under a qualifying no-fault policy may be allowed an award of a reasonable sum for attorney's fee (based upon actual time expended) and all reasonable costs of suit in any case in which the insurer denies all or part of a claim for benefits under such policy unless the court determines that the claim was fraudulent, excessive, or frivolous.

(b) A person making claim under policy provisions meeting the requirements of section 5(b)(1) or 5(c) may enter into a contingent fee arrangement with an attorney but in no event may the fee exceed 25 per centum of any award the claimant receives, and may be further limited at the discretion of the court.

### FRAUDULENT CLAIMS

SEC. 9. Within the discretion of the court, an insurer or self-insurer may be allowed an award of a reasonable sum as attorney's fee (based upon actual time expended) and all reasonable costs of suit for its defense against a person making claim against such insurer or self-insurer where such claim was fraudulent, and such attorney's fee and all such reasonable costs of suit so awarded may be treated as an offset against any benefits due or to become due to such person.

### ADMINISTRATION

SEC. 10. In order to carry out the provisions and fulfill the purpose of this Act the Secretary shall—

(1) consult with representatives of State agencies charged with the regulation of the business of insurance, representatives of the private insurance business, and such other persons, organizations, and agencies of the Federal, State, or local governments as he deems necessary and

(2) make, promulgate, amend, and repeal such regulations as he deems necessary.

### JURISDICTION

SEC. 11. (a) No district court of the United States may entertain an action for breach of any contractual or other obligation assumed by an insurer or self-insurer under a policy of insurance containing mandatory or optional provisions in accordance with section 5 of this Act unless a person bringing such action meets the jurisdictional requirements of section 1332 of title 28 of the United States Code.

(b) Any person may bring suit for breach of any contractual obligation assumed by an insurer under a policy of insurance containing such mandatory or optional provisions in any State court of competent jurisdiction.

### EFFECTIVE DATE

SEC. 12. (a) Except as provided in subsection (b), this Act shall take effect one year after its enactment.

(b) Sections 4, 5(f), and 7(d) shall take effect on the first day of the eighteenth calendar month which begins after the date of enactment of this Act. Section 3 shall apply with respect to accidents occurring on or after the first day of such eighteenth calendar month.

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## STATE-FEDERAL COOPERATION IN THE ENFORCEMENT OF NURSING HOME REGULATIONS

Mr. MOSS. Mr. President, the recent conference in Washington sponsored by Duke University Center for the Study of Aging, the American Association of Retired Persons, and the National Retired Teachers Association surveyed the topic "Nursing Homes: Critical Issues in a National Policy." The conference brought together the foremost experts in long-term care from all parts of the Nation.

One of the speeches delivered at this conference was most enlightening to me. Mr. Arthur Jarvis, director of the Hospital and Medical Care for the State of Connecticut, spoke eloquently about the weaknesses in the present system which essentially he describes as the breakdown of the necessary cooperation between the single State agency and the appropriate Federal, HEW units given the responsibility of enforcing Federal medicare standards.

I ask unanimous consent that this speech titled "Whatever Happened to Creative Federalism in Long-Term Care" be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

### WHATEVER HAPPENED TO CREATIVE FEDERALISM IN LONG TERM CARE?

(By Arthur J. Jarvis)

The program for this conference lists my official title with the State of Connecticut. My remarks today however, will be within the context of my position as an officer of an organization with the rather longwinded name, The National Association of Directors of Health Facility Licensure and Certification Programs. Our name is long, but our history is relatively short, having been formed but two years ago in Denver, Colorado as an affiliate of the Association of State and Territorial Health Officers, which is the national organization for State Health Commissioners and under the auspices and support of the Health Facilities Surveyor Improvement Program of the Community Health Service. To address a national conference of this kind on just my experience as the State Agency Director in Connecticut would be too parochial to say the least. In fact, many of the problems that I am discussing in this paper concerning health programs implementation at the state level are not a major problem in Connecticut. Rather my remarks are a distillation of problems common to some or all of the State Agencies responsible for health facilities surveillance in the United States.

Just one last bit of housekeeping, and that is although the panel for this afternoon is addressing itself to the whole problem area of standard setting, standard setting for Federal programs is primarily a Federal responsibility, but actual implementation of those standards is the unique job of the State Agency. The problems inherent in that responsibility are what we shall examine today.

When President Johnson first coined the phrase "creative federalism," he did so in order to describe what he hoped would be a new epoch of cooperation between the Federal Government establishment and the states that, hopefully, would insure that the full intent of Congress would be effectively delivered at the local level. Originally, the word federalism described the political philosophy of the Federalist Party founded by Alexander Hamilton. While this is not the place to discuss in any detail the essential differences between Hamiltonian and Jeffersonian democracy, suffice it to say, the semantic etiology of the word connotes bigness and centrality of Federal power and its concomitant ability to collect enormous revenue and thereby re-distribute power. More recently, the word federalism has been used to describe that particular set of conditions under which the Federal Government and the government of any given state work cooperatively to implement a program of law passed by the Congress. While the first 32 years of this century saw our country make the transition from one of concentrated enterprise capitalism to the beginning of governmental cooperation, the roots of federalism as we know it today are found in the implementation of the social and humane programs of the 1930's. Indeed, by the mid-1930's, the phrase "cooperative federalism" was already in use. The agonies and pitfalls between "cooperative" federalism and "creative" federalism are many. Be that as it may, there was the hope in the mid-1960's that the citizens of this country would, in fact, receive the services of a given program in the form and the intent that they started out with in Washington.

The next question is: How does federalism suddenly become "creative"? "To create" is defined as to cause to come into existence as an original product or idea of human intelligence or imagination. Therefore, we must pause to assess just how creative we have been since the phrase was first introduced and what are the problems on the state's side of federalism in assuring quality in long term care facilities.

There is another phrase in common usage which describes that bureaucracy in Federal and state government that is responsible for translating the statutory language of Congress into tangible delivery at the local level. This machinery has been described as "the silent government."

More specifically, it describes those decision makers within government who by administrative regulation either implement or even change what the voter thought he was getting in an original piece of legislation, into what is actually delivered. Whether or not we agree with John Gardner's description of this bureaucracy as it operates in Washington, as, "the grimy machinery by which the public business gets done," is really beside the point. The fact remains this "silent government" does exist and its strengths and weaknesses are at the very root of the problem of trying to establish and maintain high standards of health care for the elderly.

Perhaps we should concentrate on Gardner's further observation that, "high-minded citizens may feel noble just fighting good causes, but high-mindedness is no substitution for professional skill in doing battle."

This latter point as it relates to State Agencies is the thesis of this paper. I know of no component of the so-called silent government of the United States that is less well-known or less understood as that of the designated State Agency for the implementation of Medicare and Medicaid and state standards in our respective states.

Let us examine the configuration of Medicare implementation. Following the successful passage of the 1965 amendments to the Social Security Act, Title XVIII and Title XIX were legislative realities for the American people.

The big news, of course, was Title XVIII. At long last, the elderly of this country felt that they had finally won that package of benefits that would allow them to receive needed health services in an atmosphere of dignity and respect. To insure that the care delivered to beneficiaries was of satisfactory, if not high quality, the Congress wisely built safeguards into the legislation, such that any hospital, nursing home, or agency potentially eligible to participate in the program, first meet federally established standards of quality care. These regulations were euphemistically entitled "The Conditions of Participation."

The wheels of federalism began to grind and in all states, the Governor was asked by the Department of Health, Education and Welfare to designate a State Agency which would be charged with the responsibility of applying those conditions of participation to potential providers and make recommendations as to whether or not they should be certified to participate in the program. In some states, this resulted in setting up a separate unit for this purpose within the Health Department. In others, such as in Connecticut, it was combined with the already existent licensing authority for health facilities. A contract was then signed between the state and Department of Health, Education and Welfare whereby the Federal Government agreed to certain conditions of reimbursement, in return for which the designated State Agency agreed to survey potential providers of service. We were told at the time that the contract was consummated that the Federal Government was agreeing to 100 percent reimbursement to insure that they were getting the best bang for their part of the buck.

The designated Federal Agency for Title XVIII within HEW is the Social Security Administration and its Bureau of Health Insurance. It, in turn, has Regional Representatives in each of the ten Regional Offices of HEW who are charged with the responsibility for on-going supervision and support of the State Agencies in their Region as well as acting as a liaison between the State Agency and the Central Office.

As you can see from this description of the federalist configuration for Medicare, when all is said and done, the actual job, on a day-to-day basis, of seeing to it that quality health care is being delivered to the citizens of this country is in the hands of the State Agency and that agency alone.

Prior to Medicare, the various state health facility licensure agencies were entities unto themselves. With the arrival of Medicare, these licensure agencies were coalesced into a national network of standard enforcement agencies in the health care field. Prior to 1965, state and local surveillance of health facility operations was a patchwork at best, ranging from some states that had no licensure laws whatsoever to those with very sophisticated systems for standard setting and surveillance. Medicare promised to be a new and exciting vehicle by which the State Agency could cross the bridge from the days of sheer inspection to that of surveying a facility and being able to provide it with the necessary consultation for corrective action as well as to be able to exercise some meaningful authority in the overall coordination of the health delivery system.

In 1966, State Agencies were asked by the Federal Government to implement the 3 C's of Medicare:

The first "C" was Certification which was the enforcement of the Conditions of Participation for the various providers.

The second "C" was Consultation. This component was particularly exciting to me as a graduate Hospital Administrator and a product and a creature of the voluntary sector. Now! Whenever a deficiency was noted in our certification activity we were required by regulation to render consultation by qualified people. This had the salutary effect of dividing the inspecting of surveying side of surveillance on the one hand and the consultant expertise needed for corrective action on the other.

Finally, the third "C" was dubbed Coordination. While clear definitions of what Coordination meant were vague at best even in the very earliest days of Medicare, none the less, to some of us it meant an opportunity to look at levels of care and to dovetail the various components of the full spectrum of the health delivery system thus insuring a more efficient and economic delivery of health care such that a meaningful continuum of care for patients might at least start to become a reality. Unfortunately, we learned that due to the subsequent limitation of benefits coordination of the delivery system was never tried and we were ultimately told to forget it.

A fourth charge to the State Agency should also be examined. Namely our original specific surveillance and consultation responsibilities for Utilization Review Committees. For the first time in the history of institutional care in this country—a nationwide standard was established for reviewing the adequacy of physician peer group review of medical care actually delivered at the bedside of our health institutions. The review of utilization, after all, was supposed to be, in the first instance, a sort of actuarial review in terms of the volume of services rendered. However, it was also supposed to review for the justification and necessity of those services (including drugs and biologicals). How could a physician reviewer on the Utilization Review Committee answer the question of justification and necessity without first asking himself—What is good care for a patient of this age, sex and diagnosis?

Thus, for the first time, peer group review and medical quality care audit was at last accountable to a public agency. A recognition that in the second half of the Twentieth Century the practice of medicine in community hospitals treating the diagnoses common to the great bulk of our patients had long ago evolved into a predictable science with clearly definable criteria and not a totally subjective Art unique to each licensed physician.

This was the setting for the State Agencies as the brave new world of Medicare surveillance began. It contained, I believe, all of those elements of enforcement and clinical safeguards for the patient that the American people thought they would get with Medicare. The truth of the matter is that the integrity of this monitoring system was short lived, indeed. When the voluntary and private sector (to say nothing of the third party payers) realized just how effective this system could be and what that implied for the status quo, it took only the better part of a year to arrange things such that—not only the system was weakened, but the State Agency was placed in the category of an unwelcome relation who had to be tolerated but ignored.

Since those early days that have evolved since Medicare began, we State Agencies have been the package of the 3 C's and URC responsibility erode such that effective enforcement (which has become the theme of this conference) is still a primary concern in Health Care in 1971. The reason is that the national monitoring system that could have been generated from the original charge to the State Agency was never allowed to really get off the ground and we still have "warehouses for the dying." Small wonder that states have been reluctant to ask for higher standards above the Medicare base when even the base increasingly appeared to be unenforceable when taken in context with the original State Agency charge.

Let me emphasize as strongly as I possibly can that I hope that the lessons, both beneficial and discouraging, learned from the Medicare experience will be applied as we implement Title XI and attempt to fulfill the intent of Congress when they passed it. Then, indeed, we can get to the business of making the nursing homes of America what President Nixon has described as "shining symbols of comfort and concern."

To help you visualize the peculiar position the State Agency finds itself in implementing Federal health care programs at the state level; picture the state as located in the neck of an hourglass between the upper and lower chambers of the vessel. The upper chamber can then be designated as the Federal level from whence as we all know, "all good things flow." The bottom chamber can be described as the anticipated recipient of the fruits of that program. In between the two is the state. If it is cooperative, the sand will flow freely but if it is obstructive the flow will be less than it should be or even worse, block that process so effectively that the recipients of the program receive the benefits of that program in a manner and form not originally intended. I would ask that you notice very carefully please that in my somewhat tortured analogy of the hourglass, I suggested that the State could be the balance between effective local delivery of a given Federal program versus a kind of delivery that cheats the American taxpayer. For, more often than not the rub in effective implementation is not the designated State Agency per se but the harsh and real fact that it is a component of the overall mosaic of state government. Accordingly, its organic effectiveness is directly proportional to the philosophical, political and fiscal anxieties that beset every other part of state government. Having said the foregoing and trying to be gentle in my description of State Agency problems, the real facts of the matter, ladies and gentlemen are:

1. Federalism versus states' rights.

2. Political horseplay with the lives and safety of the elderly on the part of both sides of the federalism configuration.

3. Administrative corseting of programs by the states.

4. And ultimately, and finally, a matter of money.

I should now like to list four major problem areas which I feel are significantly detrimental and injurious to effective implementation of health care surveillance programs at both the Federal and state levels.

The first are those administrative corsets imposed by the various states on funds allocated by the Federal Government for the single purpose of creating and maintaining an effective surveillance and consultation mechanism for health facilities in the long-term-care health field.

A second problem is Federal regulations which are often too lengthy, sometimes irrelevant and worst of all unenforceable, and which certainly don't always direct themselves to the real purpose of the program with the result that the delivery of quality health care in a humane and compassionate atmosphere, if not frustrated, is weakened substantially.

Third, is that the powerful health deliverers appear to have an inordinate effect upon not only the formation of Federal regulations, but the way in which they are enforced. The Federal establishment appears to listen more to organizations concerned with health delivery and payment rather than to the very people with whom they have a contract to implement their standards, and worst of all, the users of health care—the consumers! They deny themselves the State Agency expertise in the area of standard setting, standard implementation, and enforceability necessary to have an effective program nationwide; and they further deny themselves and the states the crucial input from the users.

There is little evidence to suggest that these influences have had a significant impact on Medicare. It is yet to be seen whether or not these influences will trigger a sensitive and compassionate response from the Federal decision makers for Medicaid or any other Federally-supported health care program for that matter. This is particularly discouraging when you contemplate that Title XIX will affect hundreds of thousands more of our elderly citizens in health care facilities than Medicare ever dreamed of and yet—the process goes on!

Finally, the health consumer has a right to have a voice in standard setting at both the Federal and state level and certainly expects that he will be cared for in safe health facilities that deliver him a service of high quality care. There appears to us to be only modest attempts by the Federal Government to establish such a consumer representation and despite his many advocates around the country, when all is said and done, the consumer must and should look to the State Agency to function as a consumer advocate. It is a challenge we accept willingly. Indeed, it is at the very core of our operation. We should remember the very reason that the State Agency came into existence originally, long before any Federal regulations, was the decision that the public health should be protected. It was the will of the governed through their elected state representatives that surveillance of health care facilities under licensure statutes be implemented to insure safe and humane care. The same sense of mission to protect the patient did not suddenly disappear from State Agency personnel at the moment that Federal programs suddenly appeared as a State Agency responsibility. I am happy to report to you that this sense of mission is still very much alive in state agencies and quite well, thank you.

Having listed these four problem areas, let us now examine them in some detail so that I might share with you what corrective action we might take. The first problem is administrative control imposed by states on allocated Federal funds. Our experience here is almost totally based on the Medicare experience. When the Bureau of Health Insurance first signed its contract with the State Agency for health care surveillance it promised 100 per cent reimbursement for all costs to the state. The Bureau has stood by that contract and, as both sides in the Federal-State partnership have grown in expertise with regards to personnel need to adequately implement the program, the Medicare budgets for the various State Agencies have been executed by the Social Security Administration in a businesslike fashion with workable and appropriate methods of control and accountability. However, it is one thing to get a budget approved by a designated Federal Agency to implement a program but it is quite another for the State Agency Director to implement that program within the confines of administrative controls of state government. These state controls can restrict the numbers and types of required health professionals. Indeed, these controls can actually impede the successful recruitment of those individuals that are needed as a minimum to effectively carry out the program of health care facilities surveillance called for in the Federal establishment.

These controls affect such things as salary levels, recruitment of the proper numbers and types of professional personnel and usually occur at just that point in time when it is most appropriate for the State Agency to enhance and strengthen the thrust of their surveillance program. We are thus denied the opportunity to train and utilize these personnel to make the most effective use of them in implementing standards and assuring the delivery of quality care to the elderly.

Time and time again, State Agencies are charged with a mandate to maintain effective and meaningful surveillance over health care services given appropriate financial support from the proper Federal Agency only to find that the effectiveness of such surveillance is thwarted by a pervading state philosophy that once Federal funds are received by the state it becomes state money and not Federal money. This is despite the fact that each and every dollar bill is stamped with the name of that specific program which the Federal Government has allocated the money. All too often such allocations are seen by the states as a debit [illegible] their general fund and little else.

Although the Federal Government supports the State Agency logistically with sufficient money by virtue of a line item budget, the states can still exercise such restrictive controls over those allocations such that personnel and other logistical support needed to carry on an effective surveillance program are not procured either at the time they are needed or in the numbers and quality necessary.

The second problem it seems to me that is frustrating the intent of the American public in matters of health care is the significant impact of lobbying pressures brought by the voluntary and proprietary sectors in the whole area of the establishment of Federal standards and even worse their subsequent promulgation. Regrettably, these pressures are not only in the area of the standards themselves, but in the surveillance mechanism as well. Prior to 1966, any sort of national standard of surveillance of quality care in health facilities was devoted almost exclusively to general hospitals. Even though this was voluntary in concept, it carried with it compulsions of: third party payment; approval of medical, nursing and other training programs; and professional and public prestige—rather significant compulsions to say the least.

Medicare was that revolution that established a national standard for most of the major components of the health delivery system. Now it is 1971 and it seems to me that the pre-1965 days of the consumer accepting a standard of care decided quietly in the panelled executive offices of national voluntary organizations in Chicago and the medical staff meeting rooms of our hospitals should be over. What a tragedy that with the advent of Medicare the American public had an opportunity to receive the benefits of an objective review of their health care system by virtue of an outside government survey only to have this opportunity subsequently weakened or sometimes thwarted by the lobbying pressures of the provider and fiscal intermediary establishment.

Therefore, what of the future? Obviously, several options are open to us. One would be that the Federal Government take over the surveillance of health facilities. The problem here, of course, is that such a move would require a catastrophic number of Federal employees to do the job adequately and would, in most instances, duplicate existing personnel already employed by the state for licensure purposes. Therefore, it is clear that the federalism configuration of the designated State Agency is still the only workable way currently evident with which to maintain effective health facilities surveillance. But the State Agency cannot go it alone. It must have, as it has had in the past, the continued support of the Federal Government for funding the necessary expenses in developing a successful and effective program. However, in those instances when the bureaucracy of any state operates in such a manner so as to weaken or even cripple surveillance programs in health care facilities, then I suggest that Federal agencies charged by the Congress with responsibility for the program should and must go to those decision makers of state government to unclog any barriers placed in the way of fulfilling the intent of the American taxpayer and the safety of their health facilities.

A single letter from the Secretary of Health, Education, and Welfare to the governors is a good start, but it is not enough. Many times, over the last two years, the National Association of Directors of Health Facility Licensure and Certification Programs as well as ASTHO have raised this very question with Federal officials on occasions too numerous to count. It is my opinion that their authority or responsibility to confront an obstructive state official is not as apparently clear to them as we would like. Whether this is a failure in statutory language of the Congressional Act or in its subsequent interpretation in administrative regulation, the fact remains that Federal officials are hesitant in this regard for reasons that appear to be as much legislative as politically timid over states' rights intrusion; even though the intent of the Federal and national will for patient safety and quality care is being frustrated.

I suggest that the time has past for executive branch politics to get in the way of the right of every American to have safe health care of high quality. If the word "federalism" indeed "creative federalism" means anything at all, it should mean first of all a partnership between the Federal Government and that of the state. Like any partnership, each half must carry its own load to insure that the job gets done. Therefore, if it appears that a given state bureaucracy is, by administrative fiat, thwarting the intent and letter of the national will, then it is the responsibility of Federal officials to confront those decision makers of that state bureaucracy. They must have authority to threaten cutoff of Federal funds to the state if interference with the implementation of the program continues. Whatever has to be done on the part of the executive and legislative branches of the Federal Government to clarify this responsibility for Federal officials should and must be done, and done quickly. Otherwise, the Title XIX program for Skilled Nursing Homes will suffer many of the same reversals that Medicare went through and we will never have an effective national monitoring system for health facilities.

The major portion of this paper has concerned itself with the survey surveillance responsibility of the State Agency. Let us turn our attention now to the question of standard setting.

Through the State Agency contract, State Agency surveyors become Federal representatives, if you will, to insure the effective implementation of a given program. Standard settings for Federal programs remains a primary Federal responsibility. Federal standards are written and amended in the first instance in response to legislative mandate. They are then amended either in reaction to a crisis or, thirdly, because of the successful lobbying of some component of the voluntary or private sector.

As I look at these three methods of Federal setting, I am reminded of what the Coach of the University of Texas once said about the forward pass. He said that when you throw a football into the air three things can happen and two of them are bad. I suggest that any of these three methods of regulation promulgation can be detrimental in securing and realizing workable and enforceable standards. There must be a meaningful dialogue between those who set standards at the Federal level and the State Agency personnel mandated under the law to enforce them. All three methods of Federal standard promulgation always run the risk of being an unenforceable or unrealistic standard when actually tested in the field. The number of instances of this kind that have occurred during the Medicare history are simply too numerous to mention, with the result that standard setters at the state level find themselves at times in serious disagreement with their Federal colleagues. I would plead that the "High Noon" type "shoot-out" between State Agencies and Rockville, Baltimore, and HEW, South, come to a halt before regulations are written in a form that is irreversible. I further strongly urge that State Agency personnel be called in on an advisory capacity to consult with Federal decision makers at a time the standards are actually being developed. This would have the advantage of counseling Federal decision makers not only as to enforceability of a given standard, but as to its actual effectiveness in really assuring the delivery of quality care to the elderly. All of this regardless of whether or not the nursing home is in Podunk, U.S.A. or downtown Manhattan. Hence, the Health resources of any given community must be matched in a meaningful way with the long term care needs of the elderly no matter where they live. We cannot forget that there is no geographical uniqueness to the physiological, clinical and social needs of the aging process.

In those communities where local resources are not adequate for the job, then Federal money should be channeled thru local consumer corporations to create those resources needed to deliver care not only to the elderly but to all age groups in that community.

I have, in this paper, attempted to summarize the problems facing the State Agency in implementing and assuring quality health care in the long term care field. I categorized our role in the overall governmental machinery as the most silent of the silent government. With the formation of our association, I and my Colleagues hoped to disturb that silence. I hope today that that stillness has been even more disturbed so that the true role of the State Agency and the problems it is facing today are made clear to all who presume to speak for the elderly sick of our country. Collectively, the State Health Departments of this nation have the largest single pool of knowledge and expertise for understanding the problems and health needs of the long term patients based upon the actual situations in which they exist. I hope I have made it clear that we State Agencies see ourselves not only as code enforcement officers, not only as professional consultants with the expertise necessary to assist nursing homes in corrective action, but above all the primary and sometimes the only advocate of the sick elderly charged under the law to assure that that consumer has the protection he or she deserves; and in fact, is receiving a quality of health care which is their American Right.

Do we really want nursing homes in America that are "shining symbols of comfort and concern?" If we do, then the important role and contribution of the State Agency must be:

"Understood—Supported—and Strengthened."

We have our weaknesses and we have our problems, but when all is said and done, we are the ones you have asked to do the job! We can do it as well as you let us.

Thank you.

## HIGHWAYS AND THE ENVIRONMENT

Mr. MOSS. Mr. President, a head-on clash seems to be in the making between the environmentalists and those who plan and build the Nation's highways.

Some of the conservation organizations, and individual conservationists, have said frankly that they intend to make the highway industry their next target—that they will zero in on highway building in the next few months, questioning both the need for more roads and highways and freeways in the country, and the environmentally damaging way in which many of those now underway are being constructed.

The highway industry counters that with America a nation on wheels, we are going to need more rather than fewer highways of all types in the future, but that with good planning we can have both the roads we need and an improved, rather than a shattered, environment surrounding them.

I hope that instead of fighting one another these two groups will sit down and work and plan together. There is no question but that highways can be engineered and built in such ways as to preserve the natural physical features of an area, enhance the scenic beauty of the countryside, protect historical buildings and monuments, and make magnificent areas and views more accessible without destroying the ecology of the region generally. It will take time and effort and money, but we can do it. Social and environmental costs and benefits are often intangible, but we have no choice but to find some way to measure them and build our highways with these considerations in the forefront.

In my part of the world—the West—the question is not whether we shall build more roads—but how soon we can do it.

Douglas C. Smith, AIA, an architect with the Highway Users Federation for Safety and Mobility, has written a most informative article in the fall 1971, issue of Petroleum Today entitled "Highways and the Environment," in which he points out that with planning, good things can happen to highways and the areas through which they are built. I ask unanimous consent that Mr. Smith's article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### HIGHWAYS AND THE ENVIRONMENT

(By Douglas C. Smith, AIA)

Highways and the environment. Inimical? Some say so, citing only-too-well known horror stories as substantiation.

Not necessarily so, say others who point out examples of excellence and compatibility.

Both views are right, or at least partly so. There is good and bad in the highway milieu, just as in any other field. And highways, like the income tax, will be with us, mixed blessings and all, for a long time.

The President's Council on Recreation and Natural Beauty and the Commerce Department have documented the fact that driving for pleasure is far and away the number one recreational activity. It accounts for 42 per cent of all outdoor recreation.

Consultant Arnold Vollmer, a leading New York landscape architect, has said . . . "an enjoyment of the outdoors was, until the invention of the motor car, essentially the prerogative of the rich, and as urbanism increased it became more so. The city kid found his recreation either on a busy street, a dusty vacant lot, or at best a crowded beach at the terminus of a rapid transit line. Mass enjoyment of the outdoors started with the motor car. In spite of some ills which have accompanied it, the auto has been one of the most democratizing influences in our society." Vollmer's statement appears quite true. Americans love their cars. And the love affair shows no sign of abating.

What is true of recreational driving is true of other driving. It is *by choice* that we have so many cars on the road so many hours of the day. Consistently and predictably, most people who respond to questionnaires on public transit say they favor public transit, but will not ride it. In a typical poll taken by John B. Lansing at the University of Michigan, as many as 28 per cent of the respondents favored mass transportation systems. But, only five per cent used mass transit facilities as often as one day a week.

Where, then, will these cars—increasing in numbers every day—be used? The consumption of gasoline by vehicles idling in traffic jams is not a proper use of our nation's energy resources. For, the sake of the economic health of our nation as a whole, and of our urban areas in particular, Americans *must* have access to well-planned, well-integrated intercity and Interstate highways.

#### THE URBAN ENVIRONMENT

Cities and their major roads often are lumped together for joint vilification. Sometimes they deserve it, but not always.

A good functional urban highway system might be described as follows:

It fits the city according to the city's grain, the warp and woof. It does not disrupt the natural pattern, nor divide neighborhoods, nor ruin parks. It makes a genuine contribution to the overall aesthetics of the city.

It is built with an eye to its audio-visual impact upon the non-user. It should never distract, nor prove to be an audio-visual handicap to the user and non-user.

It is planned to avoid hardships to people who may be displaced, and is built only after intangible social and environmental costs and benefits have been valued, right along with dollars. This is one of the most important considerations to be undertaken by the highway planner.

It is safe and convenient for the user, built according to appropriate design standard. Nothing is left to chance; every phase of the project at hand must be worked out to the utmost detail.

The Interstate highway system, now three-fourths completed, is already saving time, operating costs—and lives. The Federal Government estimates that one life is saved each year for every *five miles* of Interstate highway constructed. This could mean that the nation's Interstate freeway system, when completed, could possibly save a breathtaking 8,500 lives a year! When completed, in our nation's bicentennial year, 1976, the system will carry more than 20 percent of all traffic in the United States.

There are many examples of environmentally compatible roads in cities across the nation (in addition to the parkways and boulevards). This is not an entirely new trend. The compatibility planning for many of these roads was done years ago—some dating as far back as the 1940's.

*Sacramento, California.* Cooperation between city, state and Federal agencies in the early 1960's resulted in modifications in the design of Interstate 5 through the city. This permitted the preservation and restoration of historic "Old Sacramento."

*San Mateo County, California.* The Junipero Sierra freeway (I–280), running south of San Francisco, is described locally as "the world's most beautiful freeway." It may be just that. Several studies and counterstudies fixed its route and design features to protect both the ecology and natural physical features of the region by utilizing "aesthetic engineering" standards. The plan of the road received an award of merit from the American Institute of Planners, and two of its bridges received awards in the 1969 National Highway Beauty Awards, and in other competitions.

*Denver, Colorado.* This city provides two examples of highway environmental compatibility: U.S. 6, Barnum Park, and Interstate 70—Berkeley and Rocky Mountain Parks. State highway and city officials collaborated in the reconstruction of U.S. 6, in the mid-1950's. They removed fill material from a dusty arroyo adjacent to the then-small Barnum Park. Serendipity went to work and the fill was used to build ramps and other embankments, one of which became a dam across the arroyo. The result was the creation of a lake wihch greatly expanded and enhanced the beauty and use of the park: a perfect example of environmental improvement brought about by a road.

*Louisville, Kentucky.* In an area where horses are both raced and prized, a 200-foot equestrian overpass across an Interstate highway should surprise no one. This feature and a host of others have made this road, opened late last year through two of Louisville's oldest and largest parks, almost and Interstate park in an of itself. The road and its structures were specially designed; a public golf course was reconstructed; and twin tunnels were built to avoid destruction of a grove of oaks.

*Pittsburgh, Pennsylvania.* Pittsburgh's "Golden Triangle" redevelopment, begun in the mid-1940's, was responsible not only for a remarkably compatible park-road combination, but for an eventual wholesale "renaissance" of the entire central portion of the city. An amalgam of city, state and private forces and institutions led to the symbolic restoration of Fort Pitt and the creation of Point State Park, a 36-acre oasis at the origin of the mighty Ohio, only steps away from the heart of the Central Business District. New golden-colored bridges bring Interstate highways 76 and 79 to the park on a sculptured, elevated structure. A pedestrian "portal" beneath the highway connects the two parts of the park. Last year more than one million people visited Point Park through the "portal."

The question is not whether these roads shall be built, but *how*—what amounts of planning, consideration for the environment, and regard for aesthetics will be integrated into their construction, and at what price. The staggering yearly increase in the number of vehicles on the highway dictates expansion; improvement, and innovation in the services these roads offer. With these growing numbers of family cars in mind, it is not surprising that every completion of a major link in the Interstate system meets with excitement and eager interest.

### THE RURAL ENVIRONMENT

We are beginning to view our non-urban roads as more than simply answers to a transportation need. Why can't these roads, winding through some of the most beautiful and varied countryside in the entire world, be as pleasurable in and of themselves as the journey's goal?

The few wholly *new* non-urban roads we'll build by the year 2000 can be the equivalent of rural parkways. They can have the range of amenities which make such existing roads attractive to us—generous rights of way, campgrounds, scenic vistas, picnic areas, wooded valleys and desert panoramas, tended roadsides, and respect for the natural topography and plant growth.

But it is the many *existing* rural recreation routes which form the bulk of such highways. Most of them will have to be upgraded in the post-Interstate era. Some of them (with considerably more difficulty) can be upgraded to at least a semi-parkway. Two things will be required: money and the means to control or phase out unsightly roadside development.

Examples of smaller-scale projects with highway environment compatibility range across the U.S.

*Arkansas.* During the construction of I–40 Management Areas was improved. Nine small lakes and rest areas were provided at the White River through construction of this impressive road.

*Florida.* On the Manatee River south of Tampa, a 300-foot "jog" was built into I–75 to avoid a tree. The tree contains the nest of two Bald Eagles which arrive every fall. Their arrival proves that highways and the environment *can* work together. Planning, concern, and a little creativity are the keys for success.

*Iowa-Illinois.* Near the Quad-City Metropolitan area of Moline and East Moline, Illinois, and Davenport and Bettendorf, Iowa, three lakes and a 600-acre recreation area were created by constructing I–280 as an impoundment dam across Black Hawk Creek. The lakes and recreational area are located in Scott County, Iowa, and are the first major regional recreational facilities in that metropolitan area. A local bond issue supplemented highway funds to finance the improvement.

*South Dakota.* The Rosebud Sioux Indian Reservation now has Eagle Feather Lake, a 60-acre body of water. The lake was formed by designing the roadbed of State Highway 63 to serve a dual purpose as both road and dam. This is a fine example of a utilitarian project adapting itself to environmental improvement.

Highways can work well with their surroundings—indeed, even complement them—if properly designed. We have learned to take advantage of optical illusion in designing overpass and interchange columns, to tailor roadways to take full advantage of the beauty of surrounding vegetation and topography, to plan landscaping rather than simply to rely on greenery to cover up the scars of construction. Even special noise level standards are being developed to minimize the din of heavy traffic on highways that pass through residential areas. Other, less obvious factors in highway planning are the necessities to forestall soil erosion and to prevent pollution of nearby waterways during and after highway construction.

Highways are paid for almost entirely by the people who use them; the Highway Revenue Act of 1956 imposed or increased certain Federal excise taxes on motor fuel and automotive products, with the proceeds going into a Highway Trust Fund which finances the Interstate and other highway programs. In the case of the Interstate system, the Highway Trust Fund meets 90 per cent of highway costs, with individual states contributing the remaining 10 per cent from their own highway user tax receipts.

Seventy-five per cent of the Interstate system is now complete, meaning that 32,000 miles of the proposed 42,500-mile network are finished and opened to traffic. Economically, America's motorists are already reaping savings in time and operating costs by using the Interstate. When completed, knowledgeable estimates place the savings enjoyed by the Interstate motoring public as high as $90 billion during the course of only a few years—enough to pay the capital costs of the system itself!

Many things which seemed impossible a century ago we now take for granted as our right and our heritage—electric light at the flick of a switch, international communications, the medical miracles which have freed us from the spectre of so many once devastating diseases and promise to abolish many more. Among these new and needed blessings we now enjoy is the freedom of mobility brought about by the automobile and the highways we are creating for those who use it. Roads and aqueducts were the proudest accomplishments of the ancient Romans. We, too, may well boast of our highways: the safest and most comfortable of any the world has known.

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## PRISONER READING HABILITATION

Mr. BAYH. Mr. President, statistics indicate that 70 to 80 percent of the juvenile and adult offenders in institutions will reappear in the criminal justice system at some time after release. One of the significant reasons for this tragic cycle is the fact that most of these men and women are totally or functionally illiterate.

The Federal Bureau of Prisons defines a "functional illiterate" as one who cannot read above the fifth-grade level. However, recent studies indicate that a 10th-grade education is necessary to enable a person to read such necessary writings as newspapers and job applications. Yet, even using the fifth-grade reading level as the dividing line between literacy and functional illiteracy, we find that 60 percent of American prison inmates cannot read.

Clearly, the inability to read such materials is a severe problem facing anyone seeking employment—and a job assurance is all important to the released offender's successful reabsorption into the community. Without the basic skills of reading and writing, the offender finds employment extremely difficult to obtain, and a return to crime is probable if not inevitable.

Mr. Kenneth Wooden, executive director of the Institute of Applied Politics, is deeply committed to helping prison inmates and others who are unable to cope with our complex society because of reading deficiencies. In the January 22 issue of the New York Times, Mr. Wooden scored the lack of inmate reading skills and prison reading programs in the State of New Jersey. My research has indicated that the situation in New Jersey is typical of that in other States.

The time has come to face the fact that practically all inmates return at some time to society. They must compete for jobs with those who have not been deprived of many of the educational and vocational opportunities and much of the motivation for self-improvement. When a society denies these fundamental needs, it has a moral obligation to afford that person the basic educational skills required to function successfully as a responsible member of the community.

Mr. President, I ask unanimous consent that Mr. Wooden's excellent article, "Jersey and the Prisoners of Ignorance," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Jersey and the Prisoners of Ignorance

(By Kenneth Wooden)

Princeton, N. J.—For most inmates in New Jersey prisons, there is another prison—its walls more formidable, its confinement more restrictive, its sentence harsh and unjust. The walls are the printed word, the confinement is the inability to read, and the sentence has been imposed by a discriminating judge—American education.

Serious reading deficiencies exist in every correctional institution in New Jersey. Our penal system is not unique, however, and like every other state, is reaping the tragic and costly harvest of colossal failure of our national educational system in its entirety. Although the Department of Institutions and Agencies did not create the problem, it does exist, it is real and must be dealt with or we face the consequence of continuing high recidivism. In New Jersey the recidivism rate is 70 to 80 per cent.

The common definition of a "functional illiterate" is a person who cannot read above the fifth-grade level, but who can function adequately in society. However, Dr. David Harman, former director of adult education in Israel and currently doing research at Harvard, challenges the old definition when he insists that the functional illiterate requires "at least a tenth-grade education." This means that millions of Americans are unable to read newspapers, driver's manuals, traffic signs, job applications, merchandise labels and prices, bank credit forms and even applications for marriage licenses. It also clearly denotes the severity of the problem facing most released New Jersey inmates when they seek employment.

For a man or woman leaving the penal institution, a job assurance plays tremendous importance toward his stable reabsorption into the community. And yet, by 1975, the United States Department of Labor is predicting, the unskilled labor market will utilize less than 5 per cent of the entire work force (as compared to 17 per cent in 1963). Without the basic skills of reading and writing, the possibility of employment grows more improbable and the return to crime more presumable. Therein lies the dilemma.

What is currently being done in New Jersey toward positive and realistic rehabilitation of the incarcerated? Here are some findings and reflections based on visits to a number of prisons as a member of the Governor's Commission on Vocational Education in New Jersey correctional institutions:

It has been established through testing that the average inmate, male or female, cannot read. For example, at Skillman the reading level is 2.9 (second grade) at the Training School for Girls in Trenton 4.2 (fourth grade); Jamesburg has a norm of 4.7; and Bordentown shows a 4.8 average.

No high state official within the prison complex is willing to permit ex-convicts or inmates to assist in the creation of a reading program.

Although more than 70 per cent of the inmates are black and Puerto Rican, key administrators and educators are all white. Therefore, they cannot begin to understand the emotional and/or educational needs of the people under their jurisdiction.

Prison libraries, although improving, have old and outdated reading material. Rahway Prison actually refused a truckload of free paperbacks because spot decisions like this are impossible for wardens without checking Trenton for approval.

Educational funding in New Jersey prisons is so inadequate that the state legislature violates its own laws dealing with the incarceration and rehabilitation of inmates. The Bordentown Correction Center spends more money per man on candy and tobacco than on education.

Classrooms are dreary, hot and dull. Grown men are insulted daily by juvenile word charts with ducks, queens and fairies. None of this oppressiveness and/or irrelevancy seems to have much impact on the educators as they plow through their day. One wonders who is really serving time.

There is little or no hope. The prevailing attitude among prison officials is to deal out punishment and deprivation to the inmates. Surely, those without hope cannot themselves be the merchants of hope to develop and carry out programs of rehabilitation.

To date, 53 per cent of the total prison population in New Jersey is under 21 years of age. Young boys and girls, whose faces are already lined with despair and anger, will continue in increasing numbers to fill our detention centers, crippled in the most basic educational skill—the ability to read. Unless we take drastic and bold steps to improve the quality of education in our state colleges and schools, we will simply insure a permanent job for whoever will coordinate the recommendations of this report within our prison system.

We must end the rhetoric of the past and get to the basic root cause. To teach all children to read is by no means a cure-all for our social ills, but it will open a new world of opportunity, totally alien to them in the past—a new world of hope with a spirit of human dignity. We owe it to them.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BURDICK). Is there further morning business? If not, morning business is concluded.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The PRESIDING OFFICER (Mr. BURDICK). Under the previous order, the Chair now lays before the Senate the unfinished business, which is S. 2515, with the pending question agreeing to amendments No. 611 of the Senator from Colorado (Mr. DOMINICK). Time between now and 10:45 a.m. will be equally divided between the Senator from Colorado (Mr. DOMINICK) and the Senator from New Jersey (Mr. WILLIAMS), with the vote occurring at 10:45 a.m. today. No amendments to the Dominick amendment are in order.

The clerk will state the unfinished business.

The assistant legislative clerk read as follows:

S. 2515, a bill to further promote equal employment opportunities for American workers.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 30 seconds.

Mr. DOMINICK. Mr. President, in view of the fact that, with the exception of the Presiding Officer, there is not a single Member of the majority party now in the Chamber, I suggest the absence of a quorum, with the time to be charged equally to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, how much time remains and how is the time divided?

The PRESIDING OFFICER. Twenty-eight minutes remain, 14 minutes to the side. Who yields time?

Mr. WILLIAMS. Mr. President, I yield such time to the Senator from New York as he requires.

Mr. JAVITS. Mr. President, will the Chair notify me when I have used 5 minutes?

Mr. President, the absence of Members from the Chamber is obviously attributable to the fact that Members are pretty well determined how they are going to vote. We have had enough practice in the last few days in view of this amendment and the various stages of it, I believe, to know our own minds. So, in the time allotted to me, I shall do only two things. One is to note the changes which have been made in the Dominick amendment in terms of what will be finally voted on, as no further amendment is permitted. Second, I shall summarize the arguments and the side of the opponents to the Dominick amendment as I see it.

Mr. President, first, as to the changes, we have given authority to the commission to send its own lawyers into the courts in terms of litigation, should the Dominick amendment carry, up through the Court of Appeals, leaving only the Supreme Court to the Attorney General, and leaving also pattern and practice suits to the Attorney General as well as suits involving government employees at the State and local levels. Those are three items that relate to the Attorney General.

Second, we have assured a government employee who is a complainant of the same treatment in respect of counsel and counsel fees as we do nongovernmental employees.

Third, we have given the respondent who is denied the right to sue, because the commission sues, the right to agree or disagree to a conciliation agreement or a settlement of his particular case which the commission might make. If he is going to be cut off, he has to agree to the settlement.

Also, we have limited backpay recovery to 2 years, which was in the original bill and somehow or other it was left out of the pending amendment inadvertently, as the Senator from Colorado explained.

Now, Mr. President, those are all desirable changes. Obviously these are important changes in the amendment. I believe they improve the amendment, but I believe the amendment should be defeated notwithstanding the precautions that the Senator from New Jersey (Mr. WILLIAMS) and I, and others, have taken to "clean it up," which we had the opportunity to do in the last day and a half.

The reasons I believe the amendment should be rejected are six. I shall list them, and I do not list them necessarily in order of importance because I think they all rank equally in importance.

The first reason is that this is a usual power for Government agencies which we intend to have power. Most analogous, of course, to this situation is the National Labor Relations Act. I have submitted a long list of agencies, led off by the National Labor Relations Board, so both commissions and Government departments have cease-and-desist powers.

The second point is that 32 of the 50 States which give authority in respect of fair employment practice activities, led by my own State of New York, which passed the Ives-Quinn bill bearing the name of Irving Ives who served with distinction in this Chamber, have enforcement powers in the State agency or commission, or the local attorney general, to wit, a cease-and-desist order. So there is nothing unusual in granting the authority.

All the fears expressed by the Senator from Colorado (Mr. DOMINICK) and those who support him that the authority would be used in an inquisitorial way, or in an arrogant or arbitrary way, were voiced 26 years ago in New York. Those fears have all come to naught. It has been an entirely satisfactory statute where the cases going to court have been few and the conciliations have been many. It has kept the workload within reasonable bounds and that has been possible also in other States.

The third point is that the cease-and-desist power is important because it gives agencies some teeth—even a little teeth because any respondent can take a case into court. But it gives the agency some teeth because the agency can proceed with finality. It gives the agency a greater likelihood of getting a conciliation than would otherwise be possible.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS. I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. I thank the Senator.

The fourth point is that the backlog in the courts is extremely heavy. In the district courts, where under the Dominick amendment suits would have to be filed, it is the heaviest, being around a 20-month period in the major industrial States where most of these cases would be carried on. Again, to relieve that congestion, a minimization of cases flowing to the courts would go to the Circuit Courts of Appeal, which is of great importance in terms of the cease-and-desist power.

Fifth, we want the law enforced. We passed the law in terms of the Civil Rights Act of 1964 so we should want it enforced and it is not being adequately enforced as evidenced by the thousands of cases in the backlog.

The sixth point is that the best way to cut the workload is to give the cease-and-desist power: one, to encourage conciliation agreements, and that is the experience of Federal and State agencies; and second, and critically important because so few cases, and that is the experience, go from these cease-and-desist-powered commissions or other agencies to the courts.

Mr. President, for those six reasons I hope very much that the amendment will be rejected. I thank the Senator for yielding to me.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, we have been over and over most of these arguments, but there are some Members in the Chamber today who have not been able to hear all of the arguments. I particularly refer to my good friend and very distinguished colleague from Ohio (Mr. TAFT), who was the original author of the independent counsel amendment, which was unanimously agreed to and supported by me and everyone else last Thursday.

It is important to note in considering this matter that although the independent counsel is a good idea, it was unanimously agreed to not because it solved all the problems presented by the bill but because everyone here recognized the enormous amount of problems the bill created. But the adopted amendment fails to accomplish the separation of adjudicatory functions from investigatory and prosecutorial functions.

In answer to my distinguished friend from New York (Mr. JAVITS), it is worthwhile pointing out that the Commission has a backlog of some 32,000 cases; that they anticipate 32,000 cases to be filed this fiscal year, and that they expect it to expand to 47,000 new cases next year. Also, the backlog problem is exacerbated by the 21 million additional people who were put under the Commission's jurisdiction.

As pointed out by the Senator from New York, we have some 34 States with some kind of fair labor employment commissions to take care of discrimination cases. Out of that, 32 of those have cease and desist power, including my State and the State of New York.

If the cease-and-desist powers are so effective, why is it that over and over again those States with those commissions are the ones creating the backlog in the Federal Commission? Quite obviously, the State cease-and-desist enforcement procedures are not working.

Let me just point out what the New York Times said in its editorial of January 25. I might add this is quite exceptional because very seldom do I quote from the New York Times, but this is an interesting position they have taken. I will ask to have the entire editorial printed in the RECORD later but for the moment I would like to bring to your attention language which states:

> In the past, The Times has favored giving the Commission this power to enforce its own findings.

That is cease-and-desist power.

> We are still convinced that such an arrangement would represent a vast improvement over the present ineffectual method.

It probably would. It would be better than not having anything. The editorial continues:

> But a strong case can be made for the idea that effective, nonpartisan enforcement of the law may in the long run be more certain through reliance upon the courts than upon a politically appointed Commission whose members change with each administration.

Because the backlog issue is so important, for the sake of emphasis, I will repeat figures which indicate that overloading of forums will more likely occur under cease-and-desist enforcement. It is my understanding that the 93 Federal district courts, with 398 judges, have an average backlog of about 12 months. The EEOC now has a backlog of 20 months, not counting the additional backlog. They will receive at such time as they get jurisdiction over 21 million additional employees.

So it seems to me perfectly apparent that it is going to be far quicker to go through the Federal court system in order to get enforcement of the orders which the commission feels are legitimate—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I yield myself 3 minutes.

It is going to be far more expeditious to go through the court system than it is to have cease-and-desist orders, where in addition to the backlog problems, enforcement of cease-and-desist orders will actually entail a lengthy trip through the U.S. Court of Appeals. This is a point most people overlook. If the orders are to be enforced—effectively, under the bill language as it is now written, without my amendment, requires a procedure through the investigatory process, through the hearing process, through a cease-and-desist order, and then through the U.S. Court of Appeals.

Under our proposal, once the commission decides there is reasonable cause to support a claim of discrimination, one can go immediately to the Federal district court. The order is then immediately enforceable by the judge who issued the order through the court's contempt powers.

We have modified our amendment, I may say to the Senator from Ohio (Mr. TAFT), to make sure that it does not conflict in any way with the independent counsel provision. We have taken great care to make sure we fit the two together, so that they will work together as an integral part of the machinery.

As the Senator from New York has pointed out, we have also accepted, with delight—in fact, I cosponsored it—an amendment putting in the provision for the back-pay limitation of 2 years. We have also accepted most of the amendments which were suggested to my amendment by the Senator from New Jersey and the Senator from New York.

I really believe that what we are doing here is of enormous significance. We are going to be setting the precedent, perhaps for the first time in many, many years, as to whether or not we are going to accept the principles established by Justice Jackson and Mr. Landis and most of the persons who have examined agencies, which recommend repeatedly that the functions of these agencies must be separated so that there will no longer be a star chamber type of proceeding similar to that we had in the past.

Many persons think that the idea of cease-and-desist is a new idea in the executive agencies. It came about in the 1930's. It is not a new idea. What we need now is to try to get procedures which will give those who have claims that they have been discriminated against, and those who maintain that discrimination has not taken place, due process. The system must see that each side is protected, and to do that in an impartial tribunal like the Federal court system seems to me to be far and away the best way of accomplishing it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I yield myself 2 minutes.

Let me say only one thing more. We have been fighting this issue for a considerable period of time. We will have a vote very shortly now. It is my hope that this debate will lay the basis for a similar type of discussion and debate when we consider other agencies and their procedures. I think it is a principle of overwhelming importance deserving our closest scrutiny.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I yield 4 minutes to the Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, the issue we have been debating, that of equal employment opportunity enforcement, is one in which I have had a deep personal interest and concern for many years. In 1963, as a fairly large employer in Illinois, I was both credited and blamed with the final testimony before the State legislature that broke the back of resistance and enabled us to pass the first State FEPC law in Illinois. I think that law has worked extremely well.

I was a cosponsor of the Equal Employment Opportunities Enforcement Act of 1970 which was approved by the Senate, but failed to receive favorable passage in the House prior to the adjournment of the 91st Congress. When Senator WILLIAMS decided last year to reintroduce the bill as S. 2515, I was, of course eager to lend my support again.

There have been numerous occasions during my first term in the Senate in which we have debated and voted on measures aimed at insuring the civil rights and equal opportunities of all Americans. These measures, important as they are, have not fulfilled the one important responsibility we have of protecting the employment rights of the individual. The Civil Rights Act of 1964, through title VII, was aimed at the elimination of discrimination in employment practices. For the most part, employers have tried to comply. Yet, some employers, both in the private and public sectors, continue to violate the Civil Rights Act through blatant as well as frequently concealed methods. We recognize now that the primary failing in 1964 was in not authorizing an effective enforcement power at the Federal level. The Equal Employment Opportunity Commission has received more than 81,000 complaints since its beginning in 1965, and has been able to present satisfactory conciliation in less than half of those cases. It simply does not have the power to enforce affirmative action by employers who have been found to practice discriminatory employment. Furthermore, other Federal offices having responsibilities in this area have made significant strides in protecting the rights of the employee, yet there is no unified, coordinated approach to this all important aspect of civil rights enforcement.

In the last 8 years since enactment of the Civil Rights Act, we have been able to amass some enlightening, though disturbing, statistics on employment trends in the United States. Though certain progress has been made, employment surveys and census records show continuing discrimination in employment for minority groups. For a variety of reasons, including discussion in origin, minority group members, particularly black and Spanish-speaking workers, are clearly relegated to lower paying, less prestigious positions. Advancement is slow, and in too many cases does not exist at all. The median family income for black families is only slightly over $6,000, while white workers have a median income of over $10,000. Unemployment among black workers was over 9 percent in 1970.

Spanish-speaking Americans are in a similar situation. As with black workers, unemployment rates among the Spanish-speaking are significantly higher than among the rest of the Nation. There are more than 7.5 million Spanish-speaking Americans in this country—over 686,000 are in Illinois—and more than 17 percent of them have incomes below $3,000. Again, we see that Spanish-speaking citizens are found in the lower paid jobs—58 percent in blue-collar occupations—and with little opportunity for advancement. With unemployment high and wages low, it is little wonder that many Spanish-speaking people find themselves depending on welfare assistance and swept up in the poverty cycle of an urban ghetto.

Discrimination on the basis of race is an undeniable fact in 1972. Minorities have seen little reason for optimism when the Federal Government has refused to formulate and fund adequate job training programs for improving their skills and to eliminate employment biases where they exist. The poor, inarticulate blue-collar worker, of whatever race, who has been discriminated against will have little hope for bringing his case to the attention of his employer or the courts for affirmative action. He does not have a true advocate.

I must hasten to add that many businesses in the private sector have learned from experience that it is not only the right thing to do, but good economics to hire on a nondiscriminatory basis. My own experience as chief executive officer of a company in the Midwest points this out. We established an early policy of fair employment practices and at one time we had virtually 50 percent of one large and important assembly department who were from minority groups.

Finally, though I should not be making this point last, are the glaring inequities of employment patterns among women. Female workers, who constitute almost 40 percent of our workforce, continue to earn lower salaries than men for comparable positions, and are frequently discriminated against in terms of advancement. I believe that it is inconsistent and unrealistic for us to talk about reducing welfare rolls by encouraging mothers to work but not to provide them with the job training, equitable wages, or day-care centers so that they can earn for themselves and their families. Many women, who have been out of the workforce, are eager to find employment but are discriminated against if there are other male candidates vying for the same position.

These illustrations undoubtedly come as no surprise to anyone. We experience them every day, and they are a sad commentary on the effectiveness of our Federal civil rights effort.

The bill, S. 2515, which is before us now will not be the final, all inclusive solution to the problems of discrimination in employment. But I firmly believe that it is part of a correct approach to the situation. By giving the EEOC the authority, through cease-and-desist powers, to enforce the objectives of title VII, we can begin to realize the promises set forth in the Civil Rights Act of 1964.

Mr. WILLIAMS. Mr. President, I yield myself 1 minute.

The Senator from Colorado quoted the editorial which appeared in the New York Times of yesterday. So that that great newspaper will not be wholly condemned by those of us who feel that the cease-and-desist procedure is the best method of enforcement of these human rights, I would like to read from the New York Times of Sunday.

Mr. Wicker says:

> The cease-and-desist procedure obviously is preferable. It would offer relatively rapid relief against discrimination, while court actions are time-consuming at best and subject to an infinite variety of appeals and other delays, during which the discriminatory practice could continue. Where an individual is bringing the complaint, moreover, he or she is likely to be less than affluent, and the cost of action before the E.E.O.C. ought to be considerably less than that of bringing a suit in Federal court.

The editorial was written by lawyers for lawyers. Mr. Wicker writes about human values, human rights for human beings.

Mr. JAVITS. Mr. President, I shall be very brief.

I think it is important to answer two arguments of the Senator from Colorado. First, as to star chamber proceedings. This is just not true, and it is ancient history that "star chamber" means secret. The Administrative Procedure Act applies to this commission as it would apply to any other commission, and that act guarantees due process. If we did not have it, if we had a star chamber, the courts would not let a cease and desist order stand for 30 seconds. So that is completely irrelevant, and indeed somewhat misleading. There is no star chamber involved.

Second, as to the backlog: History shows that if you want to correct such a backlog, you can only do it if you give the agency some power. If you do not, everyone bedevils them, and the cases last forever. This agency is now completely inundated for that precise reason.

As to the point of the time of the courts being involved, the Senator from Colorado does not note that in the districts where many of these cases will be brought, to wit, in Massachusetts, the southern district of New York, the northern district of Illinois, and the northern district of California, the delays are now 20 to 28 months, and in New York 35 months. It is the rural and agricultural areas, where we are not going to have too many of these cases, that bring down the averages. We are talking now about already clogged courts that cannot try cases, and it is proposed to load them here with thousands of cases that it is unnecessary to load them with, because the number of cases that go to the court of appeals from the commissions with cease-and-desist authority is so small.

For all those reasons, I hope the amendment will be defeated.

Mr. DOMINICK. Mr. President, I yield 2 minutes to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise in support of the amendment of the Senator from Colorado. There is something that I think should be made very clear before we vote.

This is not an anticivil rights amendment. There is not an anticivil rights group and a procivil rights group. The Senator from Colorado and those who support his amendment are just as procivil rights in their desire to see enforcement go to the EEOC as the Senator from New York and the Senator from New Jersey. It is a question of method.

I think it should be made clear that both sides of this argument are for civil rights and for giving enforcement powers to the EEOC. What the Senator from Colorado speaks for and what I support is that this should be a two-step process.

Those of us who believe in civil rights feel that a two-step process guarantees those rights far more than a one-step process. To my good friend the Senator from New York I can only say this: That just as I am against one-step processes in deciding whether we are going to make military commitments, so I am against one-step processes as to civil rights decisions. Let us make no mistake about it, the due process of law concept is better served through the proposition of the Senator from Colorado than through what is being proposed in the bill.

Mr. DOMINICK. Mr. President, I yield myself the final 2 minutes; is that what I have left?

The PRESIDING OFFICER. Yes.

Mr. DOMINICK. Mr. President, I was extremely interested in the very keen analysis that the Senator from Connecticut just made. He was telling me that when he was coming to work today, he heard some radio station saying that the anti-civil-rights forces were massing efforts to try to do something about this bill and knock off the cease and desist authority. If nothing else, I had hoped that my floor arguments had dispelled such simplistic reasoning.

My amendment provides access to those forums where we have gotten civil rights enforced in this country in the Federal district courts and in the Supreme Court. To the extent that we can avail these people of an opportunity to present their cases in the courts, we have an opportunity at that point to be able to establish precedents which can be not only the law in that case, but to provide precedents for subsequent employers and employees throughout the country.

It seems to me that where you have, as we do in this bill, the processes of investigation, of adjudication, and of enforcement all in one agency, whether you call it a star chamber or whether you do not, the result is that one bureaucratic agency, responsible to no one but themselves, possess all the powers that we used to refer to as the star chamber.

I think that we desperately need a change into a two-process system, utilizing not only the expertise of the EEOC in investigating and conciliating cases but also the expertise of the Federal district courts in impartially adjudicating cases so that the constitutional rights of everyone are protected.

The PRESIDING OFFICER (Mr. Burdick). All time having expired, the question is on agreeing to the amendment of the Senator from Colorado (Mr. Dominick).

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Colorado (Mr. Dominick) as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Washington (Mr. Jackson), the Senator from Washington (Mr. Magnuson), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

On this vote, the Senator from Nevada (Mr. Cannon) is paired with the Senator from Washington (Mr. Magnuson).

If present and voting, the Senator from Nevada would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Washington (Mr. Jackson) is paired with the Senator from New York (Mr. Buckley).

If present and voting, the Senator from Washington would vote "nay" and the Senator from New York would vote "yea."

I further announce that, if present and voting, the Senator from Illinois (Mr. Stevenson) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Buckley) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

On this vote, the Senator from New York (Mr. Buckley) is paired with the Senator from Washington (Mr. Jackson). If present and voting, the Senator from New York would vote "yea" and the Senator from Washington would vote "nay."

The result was announced—yeas 46, nays 48, as follows:

[No. 10 Leg.]

YEAS—46

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bentsen
Bible
Brock
Byrd, Va.
Byrd, W. Va.
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Roth
Saxbe
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—48

Aiken
Bayh
Beall
Boggs
Brooke
Burdick
Case
Church
Cranston
Eagleton
Fong
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Kennedy
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Stafford
Stevens
Symington
Taft
Tunney
Williams

NOT VOTING—6

Buckley
Cannon
Jackson
Magnuson
Mundt
Stevenson

So Mr. Dominick's amendment was rejected.

Mr. JAVITS. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. WILLIAMS. Mr. President, I move to lay that motion on the table.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion to table the motion to reconsider.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Washington (Mr. Jackson), the Senator from Washington (Mr. Magnuson), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

On this vote, the Senator from Washington (Mr. Jackson) is paired with the Senator from New York (Mr. Buckley).

If present and voting, the Senator from Washington would vote "yea" and the Senator from New York would vote "nay."

On this vote, the Senator from Washington (Mr. Magnuson) is paired with the Senator from Nevada (Mr. Cannon).

If present and voting, the Senator from Washington would vote "yea" and the Senator from Nevada would vote "nay."

I further announce that, if present and voting, the Senator from Illinois (Mr. Stevenson) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Buckley) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate, and if present and voting, would vote "nay."

On this vote, the Senator from New York (Mr. Buckley) is paired with the Senator from Washington (Mr. Jackson). If present and voting, the Senator from New York would vote "nay" and the Senator from Washington would vote "yea."

The result was announced—yeas 54, nays 39, as follows:

[No. 11 Leg.]

YEAS—54

Aiken
Anderson
Bayh
Beall
Bellmon
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cook
Cranston
Eagleton
Fong
Gravel
Griffin
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Javits
Kennedy
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Stafford
Stevens
Symington
Taft
Tunney
Weicker
Williams

NAYS—39

Allen
Allott
Baker
Bennett
Bentsen
Bible
Brock
Byrd, Va.
Chiles
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Roth
Saxbe
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Young

NOT VOTING—7

Buckley
Cannon
Goldwater
Jackson
Magnuson
Mundt
Stevenson

So the motion to table the motion to reconsider was agreed to.

AMENDMENT NO. 822

Mr. SAXBE. Mr. President, I call up amendment No. 822.

The PRESIDING OFFICER (Mr. Hollings). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Ohio (Mr. Saxbe) proposes the following amendment:

> Section 10, of page 61, line 24 through page 62, line 17, is struck and sections 11 and 12 are redesignated as sections 10 and 11, respectively.

Mr. SAXBE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SAXBE. Mr. President, I am willing to agree on a time limitation on this amendment if the manager of the bill is. If the Senator from New Jersey wants to set a time certain on voting on this amendment at 12 o'clock, it would be agreeable to me.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am authorized by the mover of the amendment, the distinguished Senator from Ohio (Mr. Saxbe), and the manager of the bill, the distinguished Senator from New Jersey (Mr. Williams)—having consulted also with the distinguished Senator from New York (Mr. Javits)—to ask unanimous consent that the vote on the pending amendment occur at 3 p.m., today; provided further, that time for the debate on the amendment begin at 2 p.m., today, the time to be equally divided between and controlled by the distinguished Senator from Ohio (Mr. Saxbe) and the distinguished manager of the bill (Mr. Williams); provided further, that time on any amendment in the second degree be limited to 20 minutes and time on any motion, appeal, point of order, or nondebatable motion be limited to 20 minutes, such time to be divided equally and controlled by the mover of such and the manager of the bill, except that, in instances in which the mover is in favor of such, the time in opposition shall then be under the control of the minority leader or his designee.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. I should merely like to explain the reason for this proposal, because it comes suddenly in the middle of an important part of the bill. The Senator from New Jersey (Mr. Williams) and I are urgently needed at the hearing on the west coast dock strike bill, which I have introduced for myself and the Senator from Oregon (Mr. Packwood).

I thank the Senator for yielding.

Mr. BYRD of West Virginia. I thank the Senator from New York.

In further explanation, it is the intention of the leadership—and I make this statement with the approval of the majority leader, I am sure—to take a recess shortly until 2 p.m., today.

Mr. ERVIN. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. ERVIN. I should like to propound an interrogatory to my friend, the distinguished Senator from West Virginia. As I understand the unanimous-consent request, it applies only to the amendment offered by the able and distinguished Senator from Ohio.

Mr. BYRD of West Virginia. And to any amendment thereto.

Mr. ERVIN. It does not apply to any amendment that I may desire to offer?

Mr. BYRD of West Virginia. The Senator from North Carolina is preeminently correct.

Mr. ERVIN. I have no objection.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and it is so ordered.

Mr. SAXBE. Mr. President, the amendment I offer concerns a most difficult legislative decision involving the area of equal employment opportunity, specifically the Executive order program of the Department of Labor, insuring equal employment by Federal contractors and subcontractors.

We shall soon be asked to vote upon S. 2515, which would provide, among other things, for the wholesale removal of the Department's Executive order program, which is now competently administered by the Office of Federal Contract Compliance, to the already overburdened EEOC. The amendment would strike section 10, which is the transfer section of the bill we are considering.

I believe that the significance of our decision in this matter warrants a brief explanation of the nature of the Executive order program administered by the Department's OFCC and how well the Department of Labor's OFCC has executed the President's mandate.

As Senators undoubtedly know, the "affirmative action" concept is the mainstay of the Executive order program, having had its importance first recognized by then Vice President Richard M. Nixon, who observed that "overt discrimination" was not the principal obstacle to achieving equal employment opportunity for today's generation of citizens. The affirmative action concept was thereafter adopted by President John F. Kennedy in 1961 by Executive Order 10925. It has since been reaffirmed by President Johnson in Executive Order 11246 and by President Nixon through several Executive orders, the numbers of which I shall supply.

The OFCC's affirmative action programs have tremendous impact and require that 260,000 Government contractors in all industries adopt positive programs to seek out minorities and women for new employment opportunities. To accomplish this objective, the OFCC has utilized the proven business technique of establishing "goals and timetables" to insure the success of the Executive order program. It has been the "goals and timetables" approach, which is unique to the OFCC's efforts in equal employment, coupled with extensive reporting and monitoring procedures that has given the promise of equal employment opportunity a new credibility.

The Executive order program should not be confused with the judicial remedies for proven discrimination which unfold on a limited and expensive case-by-case basis. Rather, affirmative action means that all Government contractors must develop programs to insure that all share equally in the jobs generated by the Federal Government's spending. Proof of overt discrimination is not required.

The success of the OFCC's affirmative action program is clearly evident among the Nation's leading industries. As a result of OFCC programs for the construction industry, 46 voluntary and imposed plans have been created to bring more than 30,000 minority workers into the skilled construction trades. Special efforts in the textile industry resulted in an increase of minority employment rate from 12.8 percent in 1968 to 18.4 percent of the total 1971.

In education, 101 monitored universities had established a goal of 10,784 new hires for minorities and women and actually hired 17,889, and in the banking industry, the 2,400 largest banks covered by the Executive order increased minority employment from 8 percent in 1966 to 14 percent in 1970.

The critical OFCC mission to insure equal employment opportunity can continue to register such successes only if performed within the executive branch, and within that branch, the Department of Labor is clearly the most appropriate agency to further that mission. This is so because, to be effective, the contract compliance program must be an integral part of the procurement process. The process of procuring goods and services, as I am sure you recognize, is peculiarly a function of the executive branch.

Equal employment opportunity, is of course, a workplace standard much like the many other employee protections which are now offered employees, as minimum wage and safety standard. The Department of Labor is the Government's expert administrator of workplace standards.

Moreover, occupational training programs are the keys to successful employment and the Department's Manpower Administration plays a critical role in the implementation of the Executive order program. Further and of particular moment, the Department has been a leader in developing programs designed to assist women in the workforce; namely, the Department's vigorous enforcement of the Equal Pay Act and the functioning of the Women's Bureau within the Department are examples of its total commitment to EEO for women. Cooperation between OFCC and the Women's Bureau was an essential aspect of OFCC's recent issuance of revised order No. 4 requiring Government contractors to develop goals for new hire and upgrading opportunities for women. Further, the presence of Cabinet-level direction has achieved the vital program coordination necessary to program success and funding and staffing of the OFCC through the Department of Labor enables the OFCC to draw upon the full range of staff and resources of a Cabinet agency.

The proposed transfer of functions under Executive Order 11246 from the OFCC to the EEOC would jeopardize the contract compliance program. The EEOC is ill-equipped to assume the responsibilities for the implementation of the Executive order program. Chairman Brown of the EEOC has stated that the assumption of Executive order responsibilities by the EEOC is administratively impracticable and has given four reasons: First, there is an ever increasing number of cases pending before the EEOC which has already resulted in a 2-year backlog; second, the incompatibility of agency functions: EEOC is a regulatory agency under title VII—OFCC is a procurement program manager under the Executive order; third, new and different responsibilities would disrupt coordination in title VII and its administration would suffer, and perhaps most importantly there might be serious problems of conflict in both the area of remedies and the area of investigation.

There is a great potential conflict in the assumption by EEOC of the Executive order program responsibility. For example, Chairman Brown described a situation where no violation of title VII might be found but where a violation of the contract compliance standards would be evident.

The affirmative action concept as innovatively and successfully employed by the OFCC has been challenged as a violation of title VII—the courts have responded by stating that the Executive order program is independent of title VII and not subject to some of its more restrictive provisions.

Section 10 of the proposed bill would place the entire Executive order program under title VII and might well result in renewed challenges to the many important programs established thereunder—for instance, the Philadelphia plan. Further, the proposed bill would endanger the survival of the contract compliance program by making its resources dependent upon the EEOC—an independent, hybid agency with limited manpower and economic resources.

For these reasons, I ask that you vote for the amendment to S. 2515 striking that provision of the bill—section 10—which would transfer the Office of Federal Contract Compliance to the EEOC.

## ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, would the Senator suggest the absence of a quorum?

Mr. SAXBE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, having discussed the matter with the distinguished manager of the bill and the distinguished author of the pending amendment, I ask unanimous consent that the vote on the pending amendment occur at 3 p.m. today unless an amendment to the amendment is pending at that time, in which case the 20-minute provision with respect to amendments in the second degree would apply.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

## RECESS UNTIL 2 P.M.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 2 p.m. today.

The motion was agreed to; and (at 11:43 a.m.) the Senate took a recess until 2 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. BROCK).

## ORDER OF BUSINESS

Mr. SAXBE. Mr. President, I yield 3 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 3 minutes.

## THE PRESIDENT'S STATEMENT ON THE WAR

Mr. SYMINGTON. Mr. President, last night, President Nixon explained to the people why his plans for getting the United States out of war in Indochina have failed.

Since the President took office, there has been a heavy reduction in the "search and destroy" missions, therefore in the number of ground force personnel. But the U.S. air attacks continue.

In addition, the President has expanded the war into a fourth country, Cambodia; and we continue to maintain both tactical and strategic air bases in Thailand.

My visits this month to Vietnam and Cambodia only serve to reinforce my belief, expressed originally in the fall of 1967, that so long as the United States continues, in effect, to underwrite the present government in Saigon, there is little chance for reaching a settlement which will truly end this war and thereby obtain the return of the American prisoners.

In the meantime, as my trip this month to such countries as India and Japan as well as to Europe verified, because of our current foreign policies we have lost more friends in the community of nations and are in danger of losing others.

These policies have contributed to a Federal deficit here at home which is over three times larger than the deficit predicted by this administration 1 year ago.

For such reasons I again urge modifications in our policy of attempting to defend and finance, "babysit," the entire so-called Free World, especially as we have received so little support from its other members.

The days of U.S. military supremacy through sole possession of nuclear weapons and economic superiority through possession of most of the world's gold, are over.

If we are to remain the world's No. 1 nation, we must reorganize our priorities, and establish a more normal "more trade, less aid" policy with all countries, including the nations behind the Iron Curtain.

## SOME DISTURBING NEW STATISTICS

Mr. SYMINGTON. Mr. President, overshadowed by reports of President Nixon's address to the Nation last night were two articles in the press this morning which deserve equal attention.

The first of these articles reports last year the U.S. trade balance ran into the red on an annual basis for the first time since 1888. In other words, after 82 years of merchandise exports exceeding imports, 1971 figures show imports topping exports by over $2 billion.

The second news item reports that U.S. international reserve assets fell again last year from $14 to $12 billion. The U.S. gold stock dropped almost a billion dollars from the 1970 level or $11.04 billion; convertible foreign currency holdings were cut almost in half; and our "automatic ability to draw foreign currencies from the International Monetary Fund fell sharply from $1.7 billion at the start of 1971 to $585 million at year end."

The picture these unfortunate statistics present is disturbing indeed. Let us all hope that steps are already being taken to reverse what appears to be a significant worsening international economic trend for the United States.

I ask unanimous consent to have printed in the RECORD the two press items in question from the Wall Street Journal of this morning.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### TRADE DEFICIT IN 1971 FIRST SUCH IN UNITED STATES SINCE 1888

WASHINGTON.—U.S. foreign trade ran deeper in the red in December, and 1971 imports topped exports by $2.05 billion, giving the Nation its first full-year trade deficit since 1888.

Last year's deficit contrasts with a $2.71 billion surplus of merchandise exports over imports in 1970. Exports totaled nearly $43.56 billion in 1971, up about 2% from the previous year's $42.66 billion, while imports surged 14% to around $45.6 billion from $39.95 billion, the Commerce Department reported.

The red-ink showing for the year was right in line with the $2 billion deficit Nixon administration officials had been predicting.

"The U.S. trade picture should improve in 1972," asserted Harold C. Passer, Assistant Commerce Secretary for Economic Affairs. He said he based his optimism on the recent currency realignment that makes U.S. goods more competitive abroad and the expected trade concessions the U.S. is negotiating with other nations. But several U.S. officials have predicted that this year will produce another trade deficit, though a much smaller one.

In December, imports outstripped exports by a seasonally adjusted $273.7 million, a deeper deficit than November's $227.2 million. Both imports and exports rose sharply last month as some ports reopened after longshoremen's strikes. Imports surged 22% to an adjusted $4.13 billion from November's $3.39 billion, while exports rose 22.1% to $3.86 billion from $3.16 billion.

The narrowness of last year's rise in exports reflected sluggish economic activity in Europe and Japan, which damped demand for U.S. steel, scrap iron, coal, and machinery, a Commerce Department official said. At the same time, U.S. demand for foreign goods, particularly consumer goods, rose sharply. Both imports and exports were affected by U.S. dock strikes in the second half, the agency added.

Mr. Passer said the 1971 trade deficit "contributed to the international monetary crisis that last August led President Nixon to impose a 10% import surcharge and halt the convertibility of dollars held by foreign central banks into gold. International exchange rates were realigned last month, after the U.S. agreed to devalue the dollar by increasing the price of gold to $38 an ounce from $35 and the U.S. removed its import surcharge.

The 1971 deficit was the first since 1888 when imports topped exports by $33 million, a Commerce official said. For several months, the Treasury and Commerce departments had said this year's shortfall would be the first since 1893, but that deficit was calculated on the basis of the fiscal year running from July 1892 through June 1893. On the calendar-year basis, the 1971 deficit is the first since 1888.

### U.S. RESERVE ASSETS PLUMMETED IN 1971 TO $12 BILLION LEVEL

WASHINGTON.—U.S. reserve assets fell sharply again last year, reflecting in part gold outflows prior to Aug. 15 when President Nixon closed the U.S. gold window.

The Treasury reported that the country's total international reserve assets fell $2.32 billion to $12.17 billion at the end of last year from $14.49 billion at the end of 1970, when such assets had dropped $2.47 billion.

In December, however, total assets edged up to the $12.17 billion level from November's $12.13 billion. The rise included a $28 million increase in the dollar value of foreign currencies held by the U.S. following the U.S. agreement to devalue the dollar by lifting the price of gold to $38 an ounce from $35.

The devaluation decision was part of a monetary agreement hammered out by the U.S. and nine other major industrial nations after President Nixon suspended the redemption of dollars for gold and imposed a temporary 10% import surcharge.

Because the U.S. wasn't exchanging gold for dollars held by foreign central banks, U.S. gold holdings in December stayed at November's level of $10.21 billion. At the end of 1970, however, the U.S. gold stock was $11.04 billion.

During the year, holdings of special drawing rights, or paper gold, fell from $1.47 billion to $1.1 billion, the level for the last three months of the year.

Holdings of convertible foreign currencies held by the U.S. fell to $276 million by year-end from $491 million at the start of 1971. In December the value of convertible foreign currencies held rose $33 million, largely because of the $28 million gain from revaluations.

The country's automatic ability to draw foreign currencies from the International Monetary Fund fell sharply from $1.7 billion at the start of 1971 to $585 million at year-end, but this total represented a $3 million gain from Nov. 30.

Mr. SYMINGTON. Mr. President, I thank the able Senator from Ohio (Mr. SAXBE) very much for his courtesy in yielding to me at this time.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, I oppose the amendment offered by the Senator from Ohio (Mr. SAXBE). I have supported every measure to expand the ability to cope with problems of discrimination. I supported continuation of the U.S. Commission on Civil Rights. I am behind the efforts of the Equal Employment Opportunity Commission to do its best. I have continually urged increased appropriations for every department of Government to help meet the need for ending discrimination in this country.

In particular, I am a longtime advocate of the Federal Government's contract compliance program. I believe that the Government, above all people, must be pure and above reproach in its relationship with the minority community.

Consequently, I have supported in the past, the Office of Federal Contract Compliance to implement the so-called Philadelphia plan. I felt strongly that it was entitled to a full and fair opportunity and that it would have been unwise for congressional action to thwart this effort toward assisting the minority community.

Most regrettably, I have concluded after long consideration that the Office of Federal Contract Compliance is a severe disappointment. It does not provide adequate assistance to minorities under the existing Executive order. I am not alone in my judgment.

As early as the fall of last year, the Civil Rights Commission in its monumental assessment of the Federal civil rights efforts condemned the Office of Federal Contract Compliance as one of the worst civil rights operations in the Federal establishment, and recommended that it be transferred to the Equal Employment Opportunity Commission. Again in April of 1971, in a 6-month review, the Civil Rights Commission could find very little of redeeming effort by that office and again recommended its consolidation with EEOC.

In testimony before the subcommittee, the Reverend Theodore Hesburgh, Chairman of the Civil Rights Commission, reiterated the need for consolidating these civil rights efforts, and finally, just a few weeks ago, the Commission on Civil Rights issued a 1-year report on the Federal civil rights effort. While stating that the Office of Federal Contract Compliance had accomplishd some things during the past year, it nonetheless continued to receive low marks for its work.

As a result of this latest report of the Civil Rights Commission, I asked the chairman for his views on the consolidation matter. His response to me which I would offer for the record was that the need for consolidation is greater than ever and that he would reaffirm without qualification or hesitation his statements before the committee.

I ask unanimous consent that the excerpts from the Civil Rights Commission reports, the testimony of Father Hesburgh, and the exchange of correspondence be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILLIAMS. But, Mr. President, it is not just the view of the Commission on Civil Rights that has persuaded me personally that the program of the Office of Federal Contract Compliance should be implemented by the Equal Employment Opportunity Commission. The testimony before the committee of representatives from the Leadership Conference on Civil Rights which encompasses almost all of the civil rights organizations, agreed with the views of the Civil Rights Commission and the committee bill calling for this consolidation.

There are at least two major problems which I believe necessitate this consolidation. The first is that the legal obligations of title VII of the Civil Rights Act and the legal obligations under the executive order requiring equal employment opportunity to government contracts are so closely related that the enforcement by separate agencies of these requirements leads to confusion among the business community and uncertainty with respect to the operation of collective bargaining agreements, seniority systems, and other business-related matters dealing with personnel.

At one time, it was thought that the arsenal of weapons approach—utilizing a broad range of tools to secure equal employment opportunity—was the most effective procedure. I believe that there is room for, and a need for, a wide range of tools, and it is for this reason that I would not abolish the executive order program itself. Nonetheless, the use of these remedies and weapons requires very careful coordination and a close relationship. The failure of the government agencies to engage in this necessary coordination is described by Father Hesburgh in his letter to me. I read from his letter:

> In the section of the report dealing with the Equal Employment Opportunity Commission (EEOC), we included a separate evaluation of the efforts at 'Intra-Governmental Coordination.' We concluded that all of the major attempts at improved coordination between OFCC, EEOC, and the Department of Justice appeared to have failed. The OFCC-EEOC complaint referral system appears to have broken down and was to be revised or improved. Furthermore, the Interagency Staff Coordinating Committee, consisting of representatives of OFCC, EEOC, and the Department of Justice, has met rarely and then only to discuss ad hoc problems. Thus, we found no overall coordinated Federal effort to combat employment discrimination. In summation, we stated:
>
> The lack of coordination among OFCC, EEOC and the Department of Justice was one reason this Commission recommended in its report of October, 1970, the transfer of OFCC to EEOC and the transfer of Section 707 suit power from the Department of Justice to EEOC. It appears that this reason is even more pressing today since existing mechanisms of coordination appear to have atrophied.

The 7 years' experience of title VII of the Civil Rights Act and the Executive order program reflects numerous situations where the three agencies now charged with the employment effort on civil rights have not adequately coordinated their activities and have neither provided adequate remedy to the aggrieved minorities nor an understandable solution to the confused businessman.

The second problem causes me severe distress. A careful staff inquiry not only supports the feeling of the Civil Rights groups and the Commission on Civil Rights that the OFCC is inadequate, but also established that the OFCC is performing a disservice to the minority community. The simple truth is that the overblown rhetoric and unsupported claims of success of the Office of Federal Contract Compliance has misled the public and the Congress. The kind of misstatement, overstatement and spurious claims made by the Department were aptly described at our hearing on October 6, where Clarence Mitchell, speaking for the Leadership Conference on Civil Rights, described the Department's efforts:

> I would like to take this opportunity to express my personal objection to the misleading and divisive testimony presented by the U.S. Department of Labor here before this subcommittee on Monday, October 4. That testimony reminds me of the professional rainmaker who could produce plenty of wind, a great deal of thunder and impressive displays of lightning, but no rain. The Department of Labor attempts to create the impression that it is only organized labor that is pushing for the transfer of the Office of Contract Compliance to the EEOC. That is simply not the truth—indeed, I go further and say that it is a conscious effort to conceal the truth. I would like to point out that I have already given to one of the staff members a reproduction of a portion of the first report of the Fair Employment Practices Committee from July 1943 to December 1944. Page 7 of that report clearly points out the jurisdiction of the original FEPC, and that original FEPC had jurisdiction over Government agencies and defense contractors.
>
> So from the begining it was the concept of this whole program that these operations be carried on together. Indeed, it is ridiculous to try to carry them on in any other kind of way.

I do not make these statements lightly. I was disturbed by the implications of the Civil Rights Commission report. I was even more disturbed by the claims of the Department of Labor of success that appeared to fly in the face of my own understanding of that compliance operation.

In questioning before the committee, the departmental spokesman claimed a number of successes in the equal employment area for which they were asked to provide backup data and materials.

I shall use but one example, and that is the Philadelphia plan. The Department of Labor has been in confrontation with the U.S. Congress, and the Comptroller General, as well as the private sector over the establishment of the so-called Philadelphia plan which provided goals and timetables for the employment of minorities on Federal construction jobs in the Philadelphia area.

The Department of Labor was asked to furnish some very simple and specific data about the results of that plan. They were asked to tell me how many minority employees and minorities who were now employed, had not been employed when the Philadelphia plan started. That is, how many new jobs resulted.

I regret to say that the Department, despite months of requests, was not able to answer my questions. We learned about the number of minorities who were working on Federal construction jobs at any given time in Philadelphia, and the increased number of those working on Federal construction jobs. We learned something of the number of minorities that have left non-Federal construction jobs to go on Federal construction jobs, and we found out about situations where contractors transferred minority workers from job to job, one step ahead of the compliance officers—a device known as motorcycle compliance, because that was the means used to transfer the workers. But we have not been able to learn the number of new jobs made available to minorities.

Even the local civil rights groups have acknowledged the Department's failure in Philadelphia. I ask unanimous consent to have printed at this point of my statement a newspaper interview of the executive director of the Philadelphia Urban League reflecting this view.

There being no objection, the interview was ordered to be printed in the Record, as follows:

### Philadelphia Plan Is Judged a Failure

Philadelphia.—The "Philadelphia plan," a federal program designed to get more Negroes into skilled construction jobs, appears to have failed so far.

It has won all its legal battles—the latest in the Supreme Court Tuesday—but it has lost most tests where it really counts—on the building sites.

The high court turned down an appeal by a group of contractors contesting the plan's legality. Some observers believe the decision was a shot in the arm for the program.

#### IN AREAS OF BIAS

The plan originated here three years ago and was aimed at finding jobs in construction trades that had discriminated against Negroes. It requires contractors in U.S.-assisted projects exceeding $500,000 to hire a specified percentage of Negroes and other minorities.

Last year, the plan spread into other big minority markets such as Chicago, Pittsburgh, Cleveland and Detroit. But it has not had much of an impact.

The plan in Philadelphia—where a third of the population is Negro—was designed to bring the ranks of six trade unions to 20 per cent minority membership by 1974. With official figures unavailable, estimates put the number of Negroes at less than 5 per cent of the total employed as iron workers, plumbers and pipefitters, steamfitters, sheetmetal workers, electrical workers and elevator builders.

"It has been a failure," said Andrew Freeman, executive director of the Philadelphia Urban League. A year ago, he reported "only a handful of men have gotten jobs."

Robert Robinson, director of training for the Negro Trade Union Leadership Council, said he did not know anyone "who has been put to work directly because of the Philadelphia plan."

A U.S. Department of Labor spokesman disagreed.

He said in Washington that the administration was "quite pleased by the court's action" and promised figures on hiring soon, hopefully by the end of the week.

"We have just completed a survey of employment activity under the plan that indicates minority goals are being met," the spokesman said.

To date, 71 contracts totaling $249 million have been let under the plan in the five-county Philadelphia area. The total probably is more than $1 billion across the nation.

#### "STILL A FLOP"

"The plan is still a flop," said Andrew Antonucci, executive secretary of the Construction Association of Eastern Pennsylvania, "because there just aren't that many minority people available who are trained, so we can't fill the slots the government says we should."

It was Mr. Antonucci's group that filed the Supreme Court suit.

Government and minority leaders anticipate gains on the strength of the Supreme Court decision.

Charles Bowser, executive director of the Philadelphia Urban Coalition, and Mr. Freeman said there were indications that the government now would deal more harshly with recalcitrant contractors and unions.

Mr. Freeman said he hoped more community groups in Negro neighborhoods especially will "recruit and refer to unions and contractors more and more minority workers."

"The few black people who have been hired do not represent the full potential of the black community," Mr. Freeman said. "It has been little more than tokenism. It must be complete acceptance by the industry."

Mr. WILLIAMS. Mr. President, Senators may ask, why carp on one failure out of a major program; why concentrate on this one area and say because you failed in this, you really should be transferred? Well, it is really quite simple. The Department of Labor, the Equal Employment Opportunity Commission, and the Department of Justice all agree that the basic requirement of nondiscrimination in government contracting, the so-called antidiscrimination provisions, are the same under Executive Order 11246 and title VII of the Civil Rights Act. The key to the Office of Federal Contract Compliance's approach is affirmative action. It is not a situation, although it could well be called one, of correcting persisting discrimination in its most well understood form. It involves an effort regardless of the past history of the employer to upgrade and improve its minority work force. In the affirmative action program, the concept of improving the quality of minority employment is commendable. It is necessary, and it is urgent. In the Department of Labor it has not worked well and should be transferred. The contract compliance program is necessary and important.

I conclude by quoting from the committee report at pages 30 and 31:

> The question raised last year was whether the program has had substantive results. Unfortunately, the paucity of credible achievement cited last year is still the rule. The successes described in the testimony suffer from an inability of the program managers to furnish reliable data to support their claim. The program looks good on paper, but despite many opportunities very minimal information was furnished to the Committee that would support the contention that significant results have been achieved. To the contrary, in the history of the Contract Compliance Program, until two days after introduction of this bill, no sanction had ever been imposed for violation of the Executive Order. Since then, only one small contractor, having 10 employees, has been subjected to sanctions.
>
> In 1969, then Secretary of Labor Shultz, testifying before this Committee, asked for time for the new administration to get its House in order. The Department's testimony this year suggested that real success is just around the corner.
>
> The rights of minorities and women are too important to continue this important function in an agency that has not really been able to achieve the promised results. The contract compliance program is an important and viable tool in the government's efforts to achieve equal employment opportunity. It should have a chance to operate in a fresh atmosphere with an agency that has Equal Employment Opportunites as its sole priority.

Mr. President, if the occasion arises later, I will submit a list of the various agencies under the Department of Labor's umbrella and also other departments of Government so as to spell out and indicate the hopeless diffusion, and why we need consolidation, coordination, and more effectiveness.

I yield the floor.

EXHIBIT 1

U.S. COMMISSION OF CIVIL RIGHTS,
*Washington, D.C., January 10, 1972.*
Hon. HARRISON A. WILLIAMS, Jr.,
*Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: I would like to thank you for indicating in your December 10 letter to me that your Committee valued my testimony in support of S. 2515, the "Equal Employment Opportunities Enforcement Act of 1971." Further, I would like to take this opportunity to reaffirm the Commission's position with regard to the consolidation of the Federal Government's equal employment activities.

You were correct in stating that our report "The Federal Civil Rights Enforcement Effort—One Year Later," found that the mechanisms utilized by the Office of Federal Contract Compliance (OFCC) to direct the enforcement of Executive Order 11246 had improved. Our evaluation of the actions taken directly by OFCC and the actions taken by the compliance agencies at the urging of OFCC indicate that in the last year some progress has been made in developing the type of structures and processes necessary to mount an effective attack on the problem of employment discrimination. It is important to note, however, that our report on OFCC did not deal with substantive progress, nor was it an all encompassing study. Rather, it evaluated only structure and mechanism.

This is not to say, however, that the Commission was satisfied with the steps taken by OFCC. Quite the contrary; we ranked the performance of OFCC as "Marginal." Further, the degree of progress depicted is not substantial, and if that rate of progress is not increased, OFCC's operation probably will not be deemed "Adequate" for some time. Yet, in the statement of the Commission introducing the report, we stressed that time is of the essence when the rights of people are being denied to them.

There is one additional factor which I would like to point out to you. In the section of the report dealing with the Equal Employment Opportunity Commission (EEOC) we included a separate evaluation of the efforts at "Intra-Governmental Coordination." We concluded that all of the major attempts at improved coordination between OFCC, EEOC, and the Department of Justice appeared to have failed. The OFCC–EEOC complaint referral system appears to have broken down and was to be revised or improved. Furthermore, the Interagency Staff Coordinating Committee, consisting of representatives of OFCC, EEOC, and the Department of Justice, has met rarely and then only to discuss ad hoc problems. Thus, we found no overall coordinated Federal effort to combat employment discrimination. In summation, we stated:

"The lack of coordination among OFCC, EEOC and the Department of Justice was one reason this Commission recommended in its report of October, 1970 the transfer of OFCC to EEOC and the transfer of Section 707 suit power from the Department of Justice to EEOC. It appears that this reason is even more pressing today since existing mechanisms of coordination appear to have atrophied."

Nothing we discovered in the investigations on which we based our report has led us to change our earlier conclusion that the pattern and practice functions of the Department of Justice and the contract compliance functions of the Department of Labor be transferred to EEOC. We are pleased that your Committee in reporting S. 2515 provided for such consolidation.

I hope that I have clarified any ambiguity which may have been created as a result of our "One Year Later" report. If you have any further questions, I would be pleased to have them answered for you.

Sincerely,
THEODORE M. HESBURGH,
*Chairman.*

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DECEMBER 10, 1971.
Rev. THEODORE HESBURGH,
*Chairman, Commission on Civil Rights, Washington, D.C.*

DEAR FATHER HESBURGH: I am sure that you are aware of the great respect that the Committee had for your testimony in support of S. 2515, the "Equal Employment Opportunities Enforcement Act of 1971." The message that you presented to the Committee was indeed an eloquent presentation of the urgent need for this bill.

One of the elements of this bill concerns the consolidation of Federal Government equal employment activities. The Civil Rights Commission recommended that the pattern and practice functions of the Department of Justice and the Contract Compliance functions of the Department of Labor be transferred to the Equal Employment Opportunity Commission. The Committee in unanimously reporting S. 2515 provided for just such a consolidation. The views of the Committee on making such a judgment were set forth in the report on the bill, a copy of which is enclosed for your information.

Since the bill was reported on October 28, 1971, the Commission on Civil Rights issued a supplementary report entitled, "The Federal Civil Rights Enforcement One Year Later." In its discussion of the Federal Civil Rights Enforcement Effort, the Commission in evaluating the Contract compliance functions of the Department of Labor, suggested that the Office of Federal Contract Compliance, while still a marginal operation, had improved from the original evaluation. To be precise, in evaluating the Office, the Commission made the following judgment:

*"Evaluation*

"OFCC has made progress in the areas of:

"1. initiating sanction actions;

"2. launching a new attempt at monitoring the implementation of the compliance review process;

"3. issuing minority employment 'bid conditions' for certain construction contractors;

"4. increasing significantly the number of compliance reviews.

"There is also reason to hope that improved monitoring tools, an automated management information system, and new programs such as the 'national construction plan,' when operational, will result in a more comprehensive compliance enforcement effort.

"At the present time, however, the uncertainty of OFCC staffing, and the unknown consequences of the new organization of contract compliance responsibilities in DOL are of paramount concern. Moreover, the inability of OFCC to move beyond experimental monitoring steps, the meager results of construction compliance efforts, and the continued lack of final sanction action also represent significant inadequacies in OFCC's program."

I would appreciate if you would clarify the meaning of this supplementary report and the extent to which the judgments made in that report would have any effect on the overall recommendation for consolidation of these activities.

With every good wish,
Sincerely,
HARRISON A. WILLIAMS, Jr

[From Equal Employment Opportunities Enforcement Act of 1971 Hearings]

### STATEMENT OF HON. REV. THEODORE HESBURGH, CHAIRMAN, U.S. COMMISSION ON CIVIL RIGHTS

The Commission has issued two reports that recommended transfer of the Office of Federal Contract Compliance from the Department of Labor to EEOC. We believe that this transfer would improve both contract compliance and the enforcement of title VII. Unnecessary duplication and overlap would be eliminated, and the two programs would complement each other under the direction of a single agency.

The danger of placing direction of the contract compliance program in an agency primarily responsible for noncivil rights programs has been dramatically underscored by the reorganization now underway at the Department of Labor. Under the reorganization, OFCC field staff will report directly to the regional director of employment standards rather than to the OFCC Director in Washington.

True, regional directors will have access to OFCC technical information and policy guidance from the Washington office. However, our experience is that civil rights enforcement suffers when those who carry out a policy do not report to the official responsible for making the policy. Further, we fear that OFCC is being downgraded. The solution lies in transferring OFCC to EEOC.

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### THE FEDERAL CIVIL RIGHTS ENFORCEMENT EFFORT 7 MONTHS LATER

(A report of the U.S. Commission on Civil Rights, May 1971)

#### OFFICE OF FEDERAL CONTRACT COMPLIANCE (OFCC)

*Commission findings*

1. OFCC has failed to provide adequate guidance to compliance agencies and Federal contractors concerning the rate of progress expected in eliminating employment discrimination and in remedying the effects of past discrimination.

2. OFCC, hampered by a lack of adequate staffing, has confined its monitoring of compliance agency enforcement activity to a series of *ad hoc* efforts that have not had lasting effects.

3. OFCC has failed to assure that compliance agencies maintain enforcement machinery capable of monitoring compliance.

4. OFCC and the compliance agencies have failed to impose the sanctions of contract termination or debarment on noncomplying Government contractors, which has lessened the credibility of the Government's compliance program.

5. Contract compliance in the construction industry, which has been implemented primarily by federally imposed plans in Washington and Philadelphia and locally developed "hometown" agreements, has been ineffective and limited.

*Commission recommendations*

1. OFCC, with the assistance of 15 compliance agencies, should establish on an industry-by-industry basis numerical and percentage employment goals, with specific timetables for meeting them.

2. OFCC should strengthen its capacity to monitor performance by compliance agencies through increased staff, systematic racial and ethnic data collection, and compliance agency reporting.

3. Uniform compliance review systems should be developed for use by all 15 compliance agencies.

4. OFCC should promptly impose these sanctions where noncompliance is found and not remedied within a reasonable period of time.

5. Goals and timetables for minority employment should be applied throughout the industry and systematic enforcement mechanisms should be created.

*Response*

Action Completed

1. None.

2. The compliance operations of seven agencies have been reviewed for purposes of discovering basic deficiencies in agency compliance activity.

3. a. The number of onsite compliance reviews projected to be completed by compliance agencies during FY 71 will be nearly double the number conducted during 1970.

b. Through OFCC intervention, organizational changes have been made in the compliance programs of General Services Administration (GSA) and the Department of the Interior.

4. In 250 cases, procedures have been instituted, in the form of "show-cause" notices, which can lead ultimately to debarment or contract cancellation. In six cases, notices of proposed debarment or contract cancellation have been issued. But no contractor yet has been actually debarred nor has any contract been cancelled.

5. Minority employment plans with hiring goals and timetables covering all employment of Federal or federally assisted construction contractors were imposed in three major cities in early May.

Action Planned

1. OFCC, which has established "opportunity estimates", comprising nearly 600,000 new hires and promotions of minority employees under the contract compliance program, expects that these estimates will reflect goals and timetables by the end of FY 72.

2. The President's budget request for FY 72 calls for a substantial increase in OFCC and compliance agency staff resources. OFCC is currently developing a system for the collection of racial data and plans to develop report and evaluation forms for contractors and compliance officers for purposes of monitoring compliance reviews.

3. a. OFCC is preparing a compliance manual which will set forth uniform compliance review procedures. An improved management information system is also being developed.

b. A joint OFCC–CSC training course is planned for compliance agency personnel.

c. With OFCC's support, substantial increases for compliance agency staffs have been proposed for FY 72.

4. None.

5. The goals and timetables approach will be applied to the practices of all contractors utilizing construction trade unions which are not parties to a "hometown" agreement.

Action Under Study

1–4. None.

5. A national construction compliance plan with goals and timetables related to minority concentrations is being considered.

*Evaluation*

The contract compliance program continues to suffer from the failure of OFCC to provide adequate guidance concerning the setting of specific goals and timetables for achieving increased minority employment and establishing criteria for compliance. In the absence of such guidance, neither compliance agencies nor contractors are in a position to know what is expected in terms of the rate of progress required in eliminating discrimination and remedying the effects of past discrimination. While the Philadelphia Plan concept of federally imposed minority hiring goals and timetables has been extended to three more cities, a national industrywide construction compliance plan with goals and timetables has yet to be developed. Minority unemployment and underemployment are continuing at a substantially higher rate than for majority workers.

A variety of improvements in reporting procedures are planned, but their full implementation lies in the future. OFCC has conducted a number of needed reviews of compliance agencies' performance, but their impact is unknown and systematic reporting procedures still have not been established. The contract compliance program has suffered from a lack of sufficient staff resources. The President's FY 1972 budget calls for a substantial increase in resources for OFCC and the compliance agencies, which should enable them to carry out their responsibilities with increased effectiveness.

Finally, although OFCC has implemented a large number of procedures that can lead ultimately to the sanction of contract termination or debarment, the fact that these sanctions have never been imposed continues to weaken the contract compliance effort.

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

*Commission findings*

1. EEOC's effectiveness has been impaired by weak enforcement powers, limited by statute to enforcement through "conference, conciliation, and persuasion".

2. EEOC has lacked sufficient staff to carry out its responsibilities with maximum effectiveness.

3. EEOC has further restricted its effectiveness by placing heavy emphasis on the processing of individual discrimination complaints, making relatively little use of its initiatory capabilities such as public hearings and Commissioner-initiated charges, to broaden its attack against job bias.

4. EEOC has failed to establish the mechanisms necessary to process complaints with dispatch.

5. EEOC has not developed a system of priorities for complaint processing by which cases of greater importance are handled on an expeditious basis.

*Commission recommendations*

1. Congress should amend Title VII of the Civil Rights Act of 1964 to authorize EEOC to issue cease and desist orders to eliminate discriminatory practices through administrative action.

2. EEOC staff should be increased to a level commensurate with the scope of its civil rights responsibilities.

3. EEOC should emphasize initiatory activities, such as public hearings and Commissioner charges, to facilitate elimination of industrywide or regional patterns of employment discrimination.

4. EEOC should amend its procedures to make more effective use of the complaint processing system.

5. EEOC should assign priority to complaints of particular importance and emphasis should be placed on processing complaints involving classes of complaints rather than individuals.

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### FEDERAL CIVIL RIGHTS ENFORCEMENT EFFORT

(A report of the U.S. Commission on Civil Rights 1970)

#### CONTRACT COMPLIANCE

There is a 29-year history of ineffective efforts to require Federal contractors to be nondiscrimiatory in their employment practices. Lack of success of Executive Order 11246, the most recent of operative Executive Orders on the subject, is directly related to inadequate executive leadership provided by the Office of Federal Contract Compliance (OFCC), which is charged with responsibility for coordinating and overseeing the entire Federal contract compliance program.

OFCC, until recently, had failed to adopt and implement policies and procedures that would produce vigorous compliance programs in the Federal agencies immediately responsible for contract compliance. Recent actions taken in effectuating OFCC's three current priorities—defining the affirmative action requirement of the Order, monitoring compliance programs of the agencies, and structuring a Government-wide construction compliance program—give promise of leading to a more effective effort. Their implementation, however, lies in the future.

The importance of explaining in detail the meaning of affirmative action to contractors and compliance agencies has been clearly recognized and OFCC, earlier this year, took the significant step of expanding its regulations to deal specifically with the nature of the affirmative action requirement. The extent to which these expanded regulations will be implemented by compliance agencies depends upon OFCC capabilities and determination. Until recently, OFCC's activities did not offer encouragement. For example, OFCC was unable to successfully require adequate enforcement of similar affirmative action requirements in the past.

Monitoring of agency Executive Order enforcement is a key ingredient in an effective Federal contract compliance program. Establishment of uniform policies and the assurance that those policies are carried out are the chief responsibilities of OFCC. In the past OFCC monitoring has been haphazard—a series of *ad hoc* efforts that did not appear to have lasting effect. A recent OFCC reorganization, the new development of an industry target selection system and the redistribution of compliance agency contractor responsibilities, appears to have improved OFCC's monitoring capability, but no procedures for monitoring have been developed. The value of these structural changes is totally dependent upon actions yet to be taken.

After several false starts, OFCC has finally established the firm basis for a Government-wide construction compliance program and has adopted a strategy for its application. The Philadelphia Plan approach of requiring minority group percentage employment goals for specific construction trades provides the basic standard of construction compliance. OFCC has indicated that it is prepared to impose Philadelphia-type plans in 91 additional cities unless those cities devise plans of their own to increase minority utilization in the construction trades. These community-developed plans, or "hometown solutions," however, have been forthcoming in only a few cities and their viability has not yet been etsablished, nor has provision been made for their enforcement.

Of the 15 departments and agencies assigned compliance responsibility, the Department of Defense (DOD), which, in terms of dollar amount, is responsible for more than half of Federal contracting, is the most important. The Department's performance has been disappointing. For example, in two recent contract compliance matters involving southern textile mills and a large aircraft manufacturer in St. Louis, DOD initially failed to follow its own procedures. Though some changes have been made to prevent recurrence of these failures, the compliance program of the Department still has serious structural defects. In addition, its staff is too small and its compliance review efforts have not proved adequate.

The 14 other agencies, responsible for contract compliance in some important industries, have failed to assign sufficiently high priority to this responsibility. These agencies have limped along with inadequate staffs and cumbersome organizations which have produced a variety of inadequate compliance efforts.

The use of sanctions and the collection of significant racial and ethnic data by OFCC and the compliance agencies are two essentials of a successful contract compliance program that have been missing to date. The use of sanctions is necessary to make the enforcement program credible. Yet, no contract has ever been terminated nor any company debarred for Executive Order violation. Rarely have any hearings been held concerning noncompliance.

The collection of data would permit compliance agencies and OFCC to adequately evaluate their efforts and the total effect of the entire program. Currently, however, few data are collected and they are inadequate to inform the agencies of the extent of progress in minority employment, or indeed, whether any progress is being made. Though future plans contemplate extensive data collection and analysis these efforts are only in their initial stages.

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### *D. Coordination*

The President should issue a reorganization plan transferring the contract compliance responsibilities of OFCC and the litigation responsibilities of the Department of Justice to EEOC, so that all responsibilities for equal employment opportunity will be lodged in a single independent agency.

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### THE FEDERAL CIVIL RIGHTS ENFORCEMENT EFFORT: 1 YEAR LATER

(The U.S. Commission on Civil Rights, November 1971)

#### EVALUATION

OFCC has made progress in the areas of:

1. initiating sanction actions;
2. launching a new attempt at monitoring the implementation of the compliance review process;
3. issuing minority employment "bid conditions" for certain construction contractors;
4. increasing significantly the number of compliance reviews.

There is also reason to hope that improved monitoring tools, an automated management information system, and new programs such as the "national construction plan," when operational, will result in a more comprehensive compliance enforcement effort.

At the present time, however, the uncertainty of OFCC staffing, and the unknown consequences of the new organization of contract compliance responsibilities in DOL are of paramount concern. Moreover, the inability of OFCC to move beyond experimental monitoring steps, the meager results of construction compliance efforts, and the continued lack of final sanction action also represent significant inadequacies in OFCC's program.

Mr. SAXBE. Mr. President, I yield myself 5 minutes.

I have listened with interest to the statement concerning the effectiveness of the present setup. I think the thrust of most of the statements is that the agencies cannot get adequate evaluation. I do not think that because successful figures cannot be obtained is a reason to transfer. I believe the program has been a success. Most of all, I like the affirmative approach. In other words, it is the Department of Labor whose area it is to supervise Government contracts; and having within their grasp some 240,000 contractors, they can make them agree to certain goals before they begin those contracts. The Department of Labor is an agency that has an affirmative approach, one which says to the person, "When you take this contract, you have to make certain agreements."

This arrangement should not be changed to make it an embryonic enforcement agency, where the plan is not so fully enforced, which will go to the contractor and say, "We will go after you if you have not done what you should."

I think the pressure still has to be affirmative action. But I think, most important, is the question of how the EEOC would handle the program if the provision at present in the bill were adopted.

I think we can best determine that by what the chairman had to say, and I think his testimony before the committee last October should be considered, when he testified that EEOC is not prepared to assume these new duties under Executive Order 11246, especially at a time when it will be assuming new cease-and-desist order enforcement powers.

William A. Brown, the Chairman of the EEOC, who should have a pretty good idea of how well equipped his agency would be to exercise the Secretary of Labor's responsibilities, opposed the transfer of the Secretary of Labor's responsibilities under Executive Order 11246, and he did this actively before the Senate Labor Subcommittee last October 4. He gave the following four reasons why, in his expert judgment, it would be administratively impracticable to transfer these functions to his Agency:

First. EEOC has an ever-increasing number of cases pending before it which have already resulted in a 2-year backlog.

Second. The functions of EEOC and those of the Secretary of Labor under the Executive order would be incompatible. EEOC is a regulatory agency under title VII, and OFCC, the agency within the Labor Department which the Secretary of Labor has established to administer the Executive order, is a procurement program manager under the Executive order.

Third. The new and different responsibilities would disrupt coordination in title VII and its administration would suffer, and perhaps most importantly, there might be serious problems of conflict in both the area of remedies and the area of investigation.

Fourth. There is a great potential conflict in the assumption by EEOC of the Executive order program responsibility. Chairman Brown described a situation where no violation of title VII might be found but where a violation of the Executive order would be evident.

At this time I would like to submit, and ask unanimous consent to have printed in the RECORD, the full testimony in regard to the transfer that was made before the committee at that time.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

### TESTIMONY OF WILLIAM H. BROWN III

Mr. Chairman and distinguished members of the subcommittee: It is indeed a pleasure to appear before you again and to present my views, as Chairman of the Equal Employment Opportunity Commission, on S. 2515, a bill designed to strengthen the prohibitions against employment discrimination of Title VII, and to grant enforcement procedures to the Equal Employment Opportunity Commission.

I am greatly encouraged by the fact that one House of the Congress has already acted on this matter, and I am very hopeful that the Senate too will act on this important matter as soon as is reasonably possible. It will be a great personal joy to me, and I am sure to many of you, if the Congress can finally act this year to grant the EEOC its much-needed enforcement powers.

I believe that the major provisions of this bill were contained either in S. 2453, which this Committee and the Senate acted upon during the 91st Congress, or in the original version of H.R. 1746, the Hawkins-Reid bill, which was reported earlier this year by the House Education and Labor Committee. Many of the proposed changes would have a significant effect on the Commission and its operations, and I will be glad to reiterate my views on them for the Committee.

However, before doing so, I feel that I should briefly address myself to the central question today, as it has been since Title VII went into effect in 1965. I am, of course, referring to the need for granting the EEOC the strongest possible enforcement powers. In this the seventh year since historic enactment of the Civil Rights Act of 1964, and the sixth year since the establishment of the EEOC, it is no longer possible to deny effective enforcement of one of the major provisions of the Act, the right for all people in this Nation, regardless of race, color, religion, sex, or national origin to have equal rights to jobs for which they are qualified. And it is clear, as I have stated before this Committee in prior testimony, that employment discrimination continues widespread throughout the country. One need only look to the position of minority groups in this country to confirm the insidious presence of this basic injustice.

In a special report released this year by the Bureau of the Census, *The Social and Economic Status of Negroes in the United States*, it is clear from the statistics presented that while Negroes have made strides toward bettering their position, the goal of social and economic equality is not yet to be seen. For example, the report shows that the median family income for Negroes in 1970 was $6,279 while the median income for whites for the same period was $10,236. This earnings gap between the races is obviously largely attributable to disparate employment policies. This conclusion is supported by statistics which show that Negroes are concentrated in the lower-paying, less prestigious positions in industry, and are largely precluded from the higher-paid more prestigious positions.

For example, as cited by the Bureau's report, while Negroes constitute about 10% of the labor force, they account for only 3% of all jobs in the high-paying professional, technical and managerial positions. In the nine industries with the highest earning capabilities (printing and publishing, chemicals, primary metals, fabricated metals, nonelectrical machinery, transportation equipment, air transportation, and instruments manufacture), Negroes account for only 1% of these higher-paying positions. On the other hand, in the lowest paying laborer and service worker categories, Negroes account for 24% of the total positions.

This disparity is further reinforced by the fact that the rate of unemployment for Negroes is considerably higher than the rate for whites. The figures for 1970 show that while 4.0% of white males were unemployed, the unemployment rate for whites was 5.4% while for Negroes it was 9.3%. Even in managerial and professional positions, the area with the lowest unemployment rate, Negro unemployment was 2.1% while white unemployment was 1.7%.

While the statistics on Spanish-speaking Americans are not nearly as current or as complete, available data indicates that this, the second-largest ethnic minority group in the Nation with approximately 7.5 million members, faces a similar plight. In 1969, the median family income for Spanish-speaking American families was $5,641. About 17% of these families had incomes of less than $3,000. Both male and female Spanish-speaking American workers are concentrated in the lower-paying occupations. Only 25% of employed males are in white-collar jobs compared to 41% for men of all other origins. On the other hand 58.8% of Spanish-speaking American males are concentrated in blue-collar occupations. The statistics for Spanish-speaking women workers indicate a similar distribution. Also, as with Negroes, the unemployment rate for Spanish-speaking workers is very high. In 1969, 3.0% of Spanish-speaking Americans were unemployed, compared to 3.5% for the rest of the Nation.

The other major group which is subject to blatant discrimination in employment are the approximately 30 million employed women in the Nation. While these women constitute approximately 38% of the total work force they encounter most of the same discriminatory practices as are applied to employees because of race, color, religion, or national origin. This close relationship, for example, between sex and race discrimination has been the subject of increasing study in recent years. The results of these studies have shown that the similarities between sex and race discrimination are striking. Both classifications create large, natural classes in which membership is determined by circumstances beyond the individual's control, and both are highly visible characteristics on which it has been extremely easy to draw gross, stereotyped distinctions. As a matter of fact, the historical legal position of black slaves was justified by analogy to the status of women at that time, and the arguments justifying the "happy homemaker" were applied equally to the "happy slave". The present day legacy of this kind of analogy is the persistence of an inherent belief by many that both groups are, by definition, less equal than the rest of the Nation.

While it is true that the extreme aspects of sex-discrimination as it existed in the early part of the twentieth century have been dispelled, and women have now been granted the right to vote and may serve on juries, in the area of employment their status is still far from equal. Despite a common misconception, women in the labor market do not work to enjoy some extra consumer luxuries or to provide themselves with something with which to pass the time. Statistics compiled by the Department of Labor's Women's Bureau show that 60% of all employed women work in order to provide primary support for themselves or to supplement the incomes of their husbands which may be inadequate for household needs. However, within established occupational categories, women are paid less for doing the same jobs as done by men. For example, in 1968, the latest year for which extensive data is presently available, the median salary for all scientists was $13,200; for women scientists the median salary was $10,000. Similarly, the median wage for a full-time male factory worker was $6,738 while his female counterpart could only expect to earn $3,991. This disparity becomes glaring when we see that 60% of women but only 20% of men earned less than $5,000 per year, while only 3% of women but 28% of men earned $10,000 per year or more. Working women also remain heavily concentrated in a small number of well-defined sex-stereotyped occupations and their mobility to other, better paying positions is severely limited by either overt sex restrictions or by established company promotion policies which make it exceedingly difficult to move to other, better-paying positions.

This kind of disparate treatment is particularly objectionable in light of the specific prohibition in Title VII against discrimination on the basis of sex. In recent years, the courts have, however, handed down a series of decisions which have negated many of the practices used to perpetuate sex-discrimination and have made the use of sex-based job classifications legally suspect. It is, however, the primary responsibility of the EEOC to enforce *all* the provisions of Title VII, and with the enactment of effective enforcement procedures, the Commission will be able to effectively move against all these different areas of employment discrimination.

The pervasiveness of employment discrimination becomes all too obvious, not only from the statistics which I have mentioned above, but from the increasing caseload received by the EEOC. Since its inception in 1965, the Commission has received 81,004 charges. This number, though large when considered by itself, becames even more significant when we consider the fact that each year the number of charges filed with the Commission continues to increase. For example, in FY 1970, 14,129 charges were filed with the Commission; in FY 1971, 22,920 charges were filed; and our current estimate is that during the current fiscal year more than 32,000 charges will be filed. These figures indicate that the need for effective enforcement powers for the Commission is in no way diminished with the passage of time. If anything, the exact opposite is the case.

This need for effective enforcement powers is also reinforced when we look to the disposition of these charges. As the Committee well knows, the EEOC is at this time limited to seeking settlement of claims only through the voluntary conciliation and persuasion route. This has not proved at all satisfactory. Of the 81,004 charges that I mentioned, we were only able to achieve a totally or even partially satisfactory concilation in less than half of these cases. This means that in a significant number of cases, the aggrieved individual was not able to achieve any satisfactory settlement through the EEOC and was forced either to give up his or her claim, or, if they had the necessary funds and time, to pursue the case through the Federal courts. I submit to the Committee that the EEOC will not without effective enforcement provisions, be any more successful in resolving those complaints which it continues to receive than it has been in resolving those complaints which it has received so far. We are, therefore, left with the unpleasant prospect that, unless effective enforcement is enacted soon, an ever-increasing number of aggrieved persons will be left without an adequate remedy for violations which are clearly prohibited by existing law.

This is not a healthy situation for any society. In a society such as ours, based upon the democratic principles of equality and the rule of law, this kind of a failure to provide relief becomes particularly acute. Under the present provisions of Title VII, not only are minorities and women locked out of effective remedies by the very law which was established to once and for all end such economic deprivation, but the very governmental process which created the law is called into question and its credibility undermined. While we have established the principle that the resources of the State should be made available to an individual for protecting his collective bargaining rights under the National Labor Relations Act, we have failed repeatedly to enact the same kinds of rights for individuals to protect their prerogative to a job as determined only upon substantive qualifications.

When I testified before this Subcommittee two years ago regarding the legislation that was actually pending before the Committee, I indicated my preference for a court enforcement approach, as opposed to a cease and desist approach. The full Committee amended that bill and presented to the Senate a cease and desist mechanism embodying self-enforcing orders and temporary court enforcement for cases pending before the Commission at the time of passage of the Act. That was the version which ultimately passed the Senate on October 1, 1970.

When I testified before the House General Subcommittee on Labor during March of this year, that Subcommittee had before it a bill embodying cease and desist enforcement, but without the self-enforcing and temporary court enforcement provisions. At that time, I indicated that I still felt that court enforcement was preferable to the form of cease and desist in the original version of H.R. 1746. I also indicated to the Committee that I believed that the Hawkins-Reid bill could be substantially strengthened by adding the self-enforcing mechanism and the temporary court enforcement approach. In my view, the combined effect of these two provisions would probably produce the strongest form of enforcement power which could be granted to the Commission.

I note, however, that S. 2515, while including the self-enforcing cease and desist orders, does not contain a provision for temporary court enforcement of pending cases. If it pleases the Committee, I would hope that you would consider adding the temporary court enforcement provisions to the bill again this year as you did in S. 2453 last year. This type of a provision would provide us with a very valuable tool. As I testified before this Committee last year, and also in my testimony before the House Committee this year, the Commission, because of its rapidly increasing workload, has not been able to resolve all the complaints before it on a timely basis and, as of June 30, 1971, had a backlog of almost 32,000 cases. Also, as I mentioned in my testimony here in 1969, to institute cease and desist procedures will require a certain amount of time to establish the new requlations under which the enforcement procedures will operate; hearing examiners have to be recruited, and the Commission's internal structure has to be modified. It is, therefore, important that the EEOC be given the temporary court enforcement procedures to be applied to these pending cases, and to those cases which may arise before the cease and desist provisions become operational.

### TRANSFER OF OFCC

As I have indicated on many occasions, both before the Congress and in public speeches, the Commission desperately needs the strongest possible enforcement powers. I urge the Committee, however, to carefully consider the proposal embodied in S. 2514 to transfer the Office of Federal Contract Compliance to the EEOC. Given the tremendous backlog of cases which I already mentioned, the additional work that would be required of the Commission when it gets the enforcement provisions, the difficulty the Commission has had in obtaining adequate funding, and the myriad of administrative difficulties embodied in such a transfer, I do not feel that it is desirable or practical to transfer the OFCC functions at this time.

Under the proposal in S. 2515, the EEOC would be assuming the dual role of, on the one hand, the regulatory function of processing complaints of employment discrimination and, on the other hand, of contract compliance enforcement. In my estimate, these two functions are not as compatible as a first glance may indicate. I think, for example, that the rules and regulations which the Commission adopts with regard to the cease and desist enforcement functions of Title VII would not be appropriate for enforcement of the type of functions currently under OFCC operations. Accordingly, I feel the EEOC would thereby be forced to operate under two separate and distinct sets of standards and procedural authorities.

Further, as a direct result of this dichotomy, I can foresee serious problems arising as regards to investigations, remedies, and open conflicts with provisions of Title VII. The transfer of OFCC is not the same as setting up separate bureaus within an administrative agency, like say, for example, in the FCC which maintains separate bureaus and separate provisions to regulate two major different segments of the communications industry—common carriers and broadcasters. While the FCC can maintain, in one agency, two separate and distinct bureaus for regulating the respective segments of the industry, the same ease of operation is not available to the EEOC under the proposed transfer. While broadcasters and common carriers represent totally different companies with different interests and separate legal entities, the companies subject to OFCC regulations are the same companies subject to Title VII jurisdiction.

I can envision numerous conflicts in cases where the same company becomes subject to differing procedures from the same agency. For example, while an individual may sue under Title VII to have an individual grievance redressed, under the provisions of the executive order the proper remedy is contract debarment, not individual redress. Also, the differences between the two remedies will probably necessitate different burdens of proof and differing emphasis on particular kinds of violations. I can readily foresee a situation where EEOC officials responsible for the debarment procedure determine that a contractor is in compliance and those responsible for Title VII investigation that a violation exists.

Similarly, conflicts exist in the area of determining when an investigation in a particular company may be commenced. Under Title VII, the EEOC can initiate an investigation only after a filing of a charge of discrimination, and the company is entitled to judicial review whenever they feel that the investigation is unwarranted. Under the executive order provisions, contract reviews can be conducted at will and are not subject to judicial review.

I could cite the Committee many more examples of conflicts which are bound to arise under the transfer, but I do not want to take the Committee's valuable time to list all of them now. I would like to add, however, that the transfer of OFCC to the Commission will not improve coordination in the administration of Title VII as has been urged. It is my belief that the reverse would probably occur. The very nature of contract compliance and use of the government procurement power is particularly well-suited to the operations of the Department of Labor's manpower programs. This interrelationship between contract compliance and government manpower programs is a particular field of expertise in which the Department has become proficient and for which it has developed the necessary technical procedures. Were the EEOC to be made responsible for enforcing contract compliance, it would be dependent upon the Department's decisions and procedures, and would probably be forced to use Department computer facilities to administer the program.

### TRANSFER OF SECTION 707 POWERS OF THE ACT

Section 5 of S. 2515 would transfer the functions of the Attorney General to bring pattern or practice suits under Section 707 of Title VII to the EEOC. I feel that such a transfer would not, at this time, be in the best interests of the Commission and would not promote the most effective administration of Title VII. I defer to the Justice Department to provide the Committee with specific details on the operations of the Department and further explanation of the benefits of the program as currently administered.

I would like to suggest, however, that should the Committee determine that the transfer is necessary, the transfer of the 707 functions should not be made subject to the Commission's administrative remedies as proposed. In S. 2515, as presently written, the power of the Attorney General to bring pattern or practice suits, once transferred, becomes subject to the administrative remedies proposed in Section 4 of the bill. This, in effect, minimizes the effectiveness of pattern or practice suits since they would become no different than any other complaint submitted to the Commission. The effectiveness of pattern or practice litigation is the result of the ability of the Justice Department to bring these large, far-reaching, and often very complex suits directly in the courts. The importance of these suits has largely been the decisions which have resulted and which have set the precedents for subsequent lesser Title VII actions. To nullify this powerful and effective means whereby the courts can interpret and clarify the provisions of Title VII, while at the same time establishing new judicial precedents applicable to other courts and administrative agencies alike, would not, in my judgment, serve to promote the most effective administration of equal employment.

### EXPANSION OF TITLE VII JURISDICTION TO INCLUDE SMALL EMPLOYERS

The expansion of the reach of Title VII to include employers with 8 to 24 employees would indeed be an asset to the existing law. Discrimination should be attacked wherever it exists, and small establishments have frequently been the most flagrant violators.

However, since any expansion of Commission operations into new areas raises administrative and procedural problems due to the increased paper work and caseload, I would again like to suggest a gradual expansion of the jurisdiction to allow the Commission to make the necessary adjustments with a minimum of interference to existing enforcement provisions and data compilation. I would like to suggest the same schedule which I proposed to this Committee in my testimony last year on S. 2453. That schedule was as follows:

First Year: Employers of 20 or more persons.

Second Year: Employers of 16 or more persons.

Third Year: Employers of 13 or more persons.

Fourth Year: Employers of 10 or more persons.

Fifth Year: Employers of 8 or more persons.

With this schedule, I feel that the Commission would be able to absorb the jurisdictional expansion, provided, of course, that the corresponding additional staff and monetary resources are also made available, while preserving organizational stability and procedural integrity.

### EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

The single largest group of employees in the nation are those employees who are employed by State, county and local governments. The latest statistics indicate that there are approximately 10.1 million such employees, and yet this represents the only large group of employers in the nation whose racial employment practices are almost entirely exempt from any non-discrimination requirements, except the general prohibition contained in the Fourteenth Amendment which, as I'm sure the Committee is well aware, prohibits discrimination by State and local authority. Yet Title VII presently exempts State and local employees from its coverage and thereby, paradoxically, withholds a Federal protection from these employees to whom the government owes a constitutional obligation, while granting it to employees in the private sector, to whom there is no comparable constitutional duty. It seems to me that this unreasonable action should not be allowed to continue. Accordingly, I strongly urge the Committee to adopt the provision of S. 2515 which extends the coverage of Title VII to this class of employees.

Discrimination in State and local employment is as blatant and as widespread as in any section of private business. In a report released in 1969, *For All the People . . . By All the People*, the U.S. Commission on Civil Rights examined the employment policies of State and local government agencies and concluded that:

"The basic finding of this report is that State and local governments have failed to fulfill their obligation to assure equal job opportunity. . . . Not only do State and local governments consciously and overtly discriminate in hiring and promoting minority group members, but they do not foster positive programs to deal with discriminatory treatment on the job."

This failure of State and local agencies to accord equal employment to their employees is particularly distressing in light of the importance that these agencies play in the daily lives of the local communities. From local law enforcement to social services, each citizen in a community comes in constant contact with many local agencies. The importance of equal rights in these agencies is, therefore, self-evident. In our democratic society, participatory government is a cornerstone of good government; discrimination by government, therefore, serves a doubly destructive service. The exclusion of minorities from effective participation in the bureaucracy not only promotes ignorance of minority problems in that particular community or political subdivision, but also creates mistrust, alienation, and occasionally hostility toward the entire process of government.

The Fourteenth Amendment not only promised, but guaranteed equal treatment to all citizens of States and their political subdivisions. Unfortunately, too often the last sentence of that Amendment, enabling Congress to enforce the article's guarantees "by appropriate legislation," is overlooked and the plain meaning of the Constitution allowed to lapse. We now have before us the "appropriate legislation," and any further delay in insuring adequate protection for this vital area of employment should be avoided.

The EEOC and its enabling legislation in Title VII provide the existing machinery for realization of the guarantees of the Fourteenth Amendment. This mechanism will become even more significant with the enactment of the requisite enforcement powers so that the defect of Title VII is cured. I would add, however, that the necessary funding and personnel must also be granted to make the administration of this provision effective.

### FEDERAL EMPLOYEES

Equal job opportunity in the Federal Service is of the highest importance under our system of participatory government. The Federal Government, as the most powerful and most extensive bureaucracy in the nation, has an affirmative obligation to keep its "own house in order" while requiring the same degree of compliance with national objectives from other sectors.

Presently the equal employment responsibility of the Federal Service is located in the Civil Service Commission under the provisions of Executive Orders 11246, issued in 1965, and 11478, issued in 1969. These two orders have established comprehensive coverage of equal employment in every area of the government. The policy, as stated in Section 2 of Order 11478, clearly provides for a continuing emphasis on equal employment in all areas of government service:

"The head of each executive department and agency shall establish and maintain an affirmative program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction in accordance with the policy set forth in Section 1. It is the responsibility of each department and agency head, to the maximum extent possible, to provide sufficient resources to administer such a program in a positive and effective manner; assure that recruitment activities reach all sources of job candidates; utilize to the fullest extent the present skills of each employee; provide the maximum feasible opportunity to employees to enhance their skills so that they may perform at their highest potential and advance in accordance with their abilities; provide training and advice to managers and supervisors to assure their understanding and implementation of the policy expressed in this Order; assure participation at the local level with other employers, schools, and public or private groups in cooperative efforts to improve community conditions which affects employability and provide for a system within the department or agency for periodically evaluating the effectiveness with which the policy of this Order is being carried out."

Although I will defer explanation of the specific programs that are administered by the Civil Service Commission to carry out the provisions of the aforementioned section to officials of that Commission, I can see no benefit deriving from a transfer of those functions to the EEOC at this time. Particularly in light of the many other administrative burdens that will be placed on the EEOC by S. 2515, I feel that the transfer would unnecesarily overburden these administrative functions which the EEOC will have to assume. It would, in effect, only transfer the responsibility from one administrative agency to another.

### INDIVIDUAL RIGHT TO SUE

Before closing I would like to comment on a very important provision of S. 2515. I am, of course, referring to the private right of action which has been retained in the bill. Individual initiative, though costly and not the preferable form of enforcement, has historically furnished the major impetus for progress in the field of civil rights. It is, in the same manner, indispensable as a complementary tool in building an effective body of Title VII Law.

This is as true in the area of equal employment as it has been in the areas of school and housing desegregation.

Similarly, access to the judiciary should not be reduced to a *parens patriae* type of right, assertable only by the government acting on behalf on an aggrieved individual. Every individual deserves his day in court whether an administrative agency thinks his cause is just or not. Particularly in the area of a violation involving and in any manner they can. The Congress, which has set the national goal of equal employment should not place itself in a position where it begins to restrict the means that an individual has at his disposal to gain satisfaction of a violation of his civil rights.

I would again like to urge the Committee, as I have done here and in the House of Representatives on other occasions, to remedy the defects of Title VII as soon as possible, and to grant the EEOC the most effective enforcement powers possible so that the promises made in 1964 can become realities in 1971.

I wish to thank the Committee for its time in allowing me to present my views on this vital subject. I will be willing to answer any questions that the Committee may have.

Mr. SAXBE. The Office of Federal Contract Compliance, under the direction of the Secretary of Labor, has made important progress in the development of a self-propelled, result-oriented equal employment opportunity program.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. SAXBE. I yield myself 1 minute.

It would be a tragedy to interrupt this progress by transferring this program to an agency unprepared to continue it. The EEOC will have its hands full setting up its new procedures to handle its newly granted cease and desist powers.

I, therefore, urge that the amendment be adopted so that Senate bill 2515 will truly advance the cause of civil rights.

I have, I believe, pointed out the basic reasons why EEOC does not want this transfer. Primarily—and this is supported by a number of civil rights leaders—that agency believes that progress has been made under the present contract compliance, and that this progress will be interrupted if the transfer is made.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. SAXBE. Mr. President, I suggest the absence of a quorum, the time for the quorum call to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, will the Senator withhold that request so I can have a minute's time?

The PRESIDING OFFICER. A quorum call is in progress.

Mr. SAXBE. Is the Senator opposed to or for the amendment?

Mr. JAVITS. I will get time from the Senator from New Jersey.

The rollcall was resumed.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator from New Jersey yield me 2 minutes?

Mr. WILLIAMS. Certainly.

Mr. JAVITS. Mr. President, I have expressed grave reservations about the transfer, and I am now in the process of coming to a determination as to what to do about this very vexing matter. In the meantime, in order to help Senators who may be similarly troubled by the deficiencies as well as the attractions of the proposed transfer, I would like to submit for the RECORD, and ask unanimous consent to have included in the RECORD, a letter addressed to me, which I think Members of the Senate should have, and both the manager of the bill and the proponent of the amendment, from the Secretary of Labor in which he wishes us to believe that his recent action to shift Richard Grunewald to the position of Assistant Secretary for Employment Standards was a calculated move to really shake up the OFCC and to see to it that its management be made more aggressive than it has been, which implies that whatever other shifts are necessary in personnel will be made in order to give it backbone, and is undertaken by the Secretary to have that effect.

For whatever effect it may have, I believe each Member of the Senate should have that letter available to him, and I have asked unanimous consent that it be printed in the RECORD as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
*Washington, D.C., January 25, 1972.*

Hon. JACOB K. JAVITS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR JAVITS: The Senate this week resumed its consideration of S. 2515, the Equal Employment Opportunity Act. I am taking this opportunity to register my strong support for Senator Saxbe's amendment which deletes that language in Section 10 of the Bill transferring the Office of Federal Contract Compliance from the Department of Labor to the EEOC. I firmly believe that the transfer of the Office of Federal Contract Compliance would be a major setback to equal employment opportunity efforts.

I urge you to consider very carefully the impact which the passage of Section 10 of S. 2515 would have upon the thousands of men and women in our nation who benefit from affirmative action programs designed to remedy discrimination in employment.

Last October 4, Under Secretary Laurence Silberman stated before the Subcommittee on Labor, "I firmly believe that the contract compliance program is, at long last, well on the road. We all recognize, however, that much remains to be done before the goal of equal employment opportunity is achieved. The program is clearly capable of improvement, and the Department of Labor will continue to strive to improve the quality and magnitude of our efforts."

We know full well that a successful OFCC compliance program requires aggressive and imaginative leadership. My recent action to shift Richard Grunewald to the position of Assistant Secretary for Employment Standards was a calculated move to assure that sound management principles be applied to the operation of the Office of Federal Contract Compliance.

Grunewald's years of experience in management, along with his personal record in Urban Affairs designed to better the living and working conditions of minority citizens constitute the necessary background for "getting the job done" in the compliance field.

I am confident that he and a competent and aggressive OFCC management team will build on the improving record of compliance efforts initiated by this department.

Sincerely,

J. D. Hodgson,
*Secretary of Labor.*

Mr. WILLIAMS. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. WILLIAMS. Will that be his only assignment?

Mr. JAVITS. No; he has other assignments. If the Senator will be kind enough to read the letter, he will see that he makes some pretty strong promises on what he proposes to do.

I yield back my time.

Mr. SAXBE. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SAXBE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SAXBE. Mr. President, I yield to the Senator from New York such time as he may require.

Mr. JAVITS. Just 1 minute.

Mr. President, again to help Senators decide how they vote, I intend—because of the parliamentary situation I cannot do it now—if the Saxbe amendment is acted on and it should succeed, to propose an amendment to establish an Equal Opportunity Coordination Council to be composed of the Secretary of Labor, the Chairman of the Equal Employment Opportunities Commission, the Attorney General, and the Chairman of the U.S. Civil Service Commission.

I hope that that will result in meeting what seems to be the main complaint, that is, that it will coordinate the activities of the various bodies concerned, and I shall offer it for that purpose. For the information of Senators, the amendment will be at the desk.

I thank my colleague.

Mr. SAXBE. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SAXBE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SAXBE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. SAXBE. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I rise in support of the amendment offered by Senator Saxbe to delete section 10 from S. 2515, because of my enduring commitment to the cause of civil rights.

Section 10 would cut the equal employment program for Government contractors by transferring the Secretary of Labor's responsibilities under Executive Order 11246 to the Equal Employment Opportunity Commission.

Administration of the Executive order program by the Department of Labor facilitates coordination with other complementary programs which are vitally important to the success of the Executive order.

The availability of manpower training assistance has been critical to the accomplishments of the Executive order program, particularly as regards the construction industry. Very often an employer will not be in a position to undertake a necessary "affirmative action" program to insure equal employment opportunity unless there exists an adequate pool of trained applicants. Close coordination between Federal manpower and equal employment opportunity programs by government contractors is essential. Both of these programs are now centered in the Department of Labor.

During the past 2 years, the resources of the Manpower Administration have been focused with increasing effectiveness in assisting equal employment opportunity programs involving government contractors. At the direction of the Secretary of Labor, the Manpower Administration and the Office of Federal Contract Compliance—the agency within the Department of Labor to which the Secretary has delegated his responsibilities under the Executive order—have been working closely together so that their activities and special expertise will complement one another in the development of meaningful affirmative action programs. The coexistence of the OFCC and the Manpower Administration—including the U.S. Training and Employment service and the Office of National Projects—within the Labor Department makes program coordination and direction more efficient and responsive. To split the equal employment opportunity program from the Manpower Administration would impair coordination and imperil a program whose value is inestimable.

The Executive order program has also drawn upon the expertise of the Labor-Management Services Administration within the Department of Labor. This expertise—and the unique understanding of the Department of Labor as to questions that arise in the context of labor-management laws and collective bargaining agreements—has contributed significantly to the solution of some of the difficult problems of bringing together employers, unions, and representatives of the minority community in a common effort.

Other programs within the Department of Labor also impinge on those of the OFCC and it is important to the success of its mission that the OFCC's program remain in close proximity to them. For example, the OFCC deals primarily with inspection and enforcement of workplace standards. Thus, the OFCC program is similar to such other workplace standards programs administered by the Labor Department as minimum wage, maximum hours, safety and health, age and equal pay programs. Of course, all these labor standards programs are intimately connected with labor relations because of their effect on both labor and management as well as on collective bargaining contracts.

I urge, therefore, that the amendment of my esteemed colleague from the State of Ohio be adopted. Due to the coordination of these multifaceted and related programs within the Department of Labor, significant progress has been made in the employment of minorities and women. It would be a grievous setback to the equal employment opportunity program for Government contractors if the Office of Federal Contract Compliance were to be served from these other programs which are vital to its success.

Mr. President, I ask unanimous consent to have printed in the Record a brief summation of the important reasons for retaining the OFCC in the Department of Labor and a discussion of the major achievements of that office.

There being no objection, the material was ordered to be printed in the Record, as follows:

### Summary on Retaining OFCC in the Department of Labor

### THE OFCC CONTRACT COMPLIANCE PROGRAM IS UNPARALLELED IN THE EQUAL EMPLOYMENT OPPORTUNITIES FIELD

A. The need for affirmative action was first recognized by then Vice President Nixon in 1960 as Chairman of the President's Committee on Government Contracts who observed that "overt discrimination" was not the principal obstacle to achieving equal employment opportunity for today's generation of citizens.

The affirmative action concept was adopted by President John F. Kennedy in 1961 (E. O. 10925) and has since been reaffirmed by Presidents Johnson (E. O. 11246) and Nixon (41 C.F.R. 60–2, etc.).

B. The OFCC's affirmative action programs require that 260,000 government contractors in all industries adopt positive programs to seek out minorities and women for new employment opportunities.

The OFCC has utilized the proven technique of establishing "goals and timetables" to ensure the success of the Executive Order program.

The "goals and timetables" approach, which is unique to the OFCC's efforts in EEO, coupled with extensive reporting and monitoring procedures has given the promise of EEO a new credibility.

C. Affirmative action means that all Government contractors must develop programs to ensure that all share equally in the jobs generated by the Federal Government's spending. Proof of overt discrimination is not required. The success of the OFCC's affirmative action program requirement is evident among the nation's leading industries.

As a result of OFCC requirements for the construction industry, 46 voluntary and imposed plans have been created to bring more than 30,000 minority workers into the skilled construction trades.

Special efforts in the textile industry resulted in an increase of minority employment rate from 12.8 percent in 1968 to 18.4 percent of the total 1971.

In education, 101 monitored universities had established a goal of 10,784 new hires for minorities and women and actually hired 17,889.

The 2,400 largest banks covered by the Executive Order increased minority employment from 8 percent in 1966 to 14 percent in 1970.

### THE OFCC MISSION TO INSURE EQUAL EMPLOYMENT OPPORTUNITY CAN BE ADEQUATELY PERFORMED ONLY WITHIN THE EXECUTIVE BRANCH—AND WITHIN THAT BRANCH, THE DEPARTMENT OF LABOR IS CLEARLY THE MOST APPROPRIATE AGENCY TO FURTHER THAT MISSION

A. To be effective the contract compliance program must be an integral part of the procurement process. The process of procuring goods and services is peculiarly a function of the Executive Branch.

B. Equal employment opportunity is a workplace standard—the Department of Labor is the Government's expert administrator of workplace standards.

Occupational training programs are the keys to successful employment and the Department's Manpower Administration plays a critical role in the implementation of the Executive Order program.

The Department has been a leader in developing programs designed to assist women in the workforce—witness the Department's vigorous enforcement of the Equal Pay Act and the functioning of the Women's Bureau within the Department. Cooperation between OFCC and the Women's Bureau was an essential aspect of OFCC's recent order to contractors requiring development of goals for new hire and upgrading opportunities for women.

Cabinet level direction by the Secretary of Labor has achieved the vital program coordination necessary to program success.

The OFCC is funded and staffed through the Department of Labor and may draw upon the full range of staff and resources of a cabinet agency.

### THE PROPOSED TRANSFER OF FUNCTIONS UNDER EXECUTIVE ORDER 11246 FROM THE OFCC TO THE EEOC WOULD JEOPARDIZE THE CONTRACT COMPLIANCE PROGRAM

A. The EEOC is ill-equipped to assume the responsibilities for the implementation of the Executive Order program. Chairman Brown of the EEOC has stated that the assumption of Executive Order responsibilities by the EEOC is administratively impracticable.[1] He has given four reasons:

1. An ever increasing number of cases pending before the EEOC which has already resulted in a two-year backlog.

2. The incompatibility of agency functions: EEOC is a regulatory agency under Title VII—OFCC is a procurement program manager under the Executive Order.

3. New and different responsibilities would disrupt coordination in Title VII and its administration would suffer, and perhaps most importantly there might be serious problems of conflict in both the area of remedies and the area of investigation.

4. There is a great potential conflict in the assumption by EEOC of the Executive Order program responsibility. Chairman Brown described a situation where no violation of Title VII might be found but where a violation of the contract compliance standards would be evident.

B. The affirmative action concept as innovatively and successfully employed by the OFCC has been challenged as a violation of Title VII—the courts have responded by stating that the Executive Order program is independent of Title VII and not subject to some of its more restrictive provisions.

The proposed bill would place the entire Executive Order program under Title VII and might well result in renewed challenges to the many important programs established thereunder—e.g., the "Philadelphia Plan."

C. The proposed bill would endanger the survival of the contract compliance program by making its resources dependent upon the EEOC—an independent, hybrid agency with limited manpower and economic resources.

* * * * *

### OFCC HAS ADMINISTERED A RESULT-ORIENTED, HIGHLY PROGRESSIVE AND SUCCESSFUL PROGRAM

A. Chronology of Recent Major Administrative and Management Achievements

1. The Philadelphia Plan imposed on September 22, 1969, and followed by imposed plans in Washington, Atlanta, San Francisco, and St. Louis, set forth definite affirmative action standards for construction.

2. Compliance responsibility for individual contractors revised on October 24, 1969. Compliance responsibility divided among 15 agencies on the basis of standard industrial classification codes.

3. Order No. 4, first promulgated on February 5, 1970, defined in specific terms the affirmative action obligations of non-construction contractors.

4. Minimum standards for voluntary area-wide construction plans were issued on February 9, 1970, and have been implemented in approximately 40 cities throughout the country by the development of "hometown" plans in those areas.

5. Sex discrimination guidelines issued on June 2, 1970.

6. A policy statement on religious and national origin discrimination issued on May 20, 1971.

7. On June 7, 1971, precise standards for the conduct of construction compliance review were sent to the agencies.

8. A new testing order was issued on October 2, 1971.

9. Order No. 4 was substantially revised on December 1, 1971, to provide, *inter alia*, for the development of affirmative action programs to deal specifically with the problem of sex discrimination.

10. Specific religious and national origin guidelines published in the Federal Register on December 29, 1971.

11. Bid Conditions incorporating "hometown" solutions to minority underutilization in construtcion crafts continue to be issued. In excess of twenty sets of Bid Conditions have been issued.

12. New reporting procedures for agencies and contractors are now being devised to facilitate program management.

13. OFCC has developed a program budget system which unifies the entire contract compliance program for budgetary purposes. OFCC reviews the agencies' budget estimates in light of anticipated requirements and projected workloads, and recommends budget levels for each agency. It then works closely with OMB throughout the budget cycle.

14. A target selection system under which nationwide minority employment and promotional opportunities are estimated for purposes of scheduling enforcement activity, projecting agency workloads, and evaluating program efforts has been implemented by OFCC.

15. Agencies are now required to report their compliance activities, including the number of reviews made, affirmative action programs accepted, and show cause notices issued, to OFCC on a quarterly basis.

16. Systems for reporting minority manhours worked on construction sites covered by imposed and voluntary plans have been devised and recently issued.

17. Final Draft of Compliance Officer's Manual in clearance—printing arrangements underway.

18. Target city selection program to assist contracting agencies to direct their resources toward areas with special problems (or where large numbers of achievable opportunities exist for members, minority groups and women) has been developed and is already underway.

19. OFCC is cooperating with the Manpower Administration in a National Planning Association study to develop a system for projecting employment, and upgrading opportunities generated by Government contracts.

B. OFCC's Progress in Administering the Executive Order is Apparent from the Following Data which also Highlights the Direct Correlation between Compliance Activity and the Funding Provided for the Contract Compliance Program.

| | Compliance reviews conducted | Budget |
|---|---|---|
| Fiscal Year: | | |
| 1969 | 7,000 | $10,600 |
| 1970 | 8,000 | 11,600 |
| 1971 | 31,265 | 16,045 |
| 1972 | 44,203 | 24,226 |

During FY '71, the 31,265 compliance reviews conducted included on-site reviews of contractors with a total employment of over 14 million persons. These contractors have committed themselves to goals for approximately 280,000 minority hires and promotions.

If, as a result of an on-site compliance review, a contractor's affirmative action program is found to be unacceptable, a notice to show why sanctions should not be instituted is issued. The following table sets forth the number of show cause notices issued by each compliance agency through September 1971, and indicates how many notices were issued against construction contractors.

| Agency | Total | Construction |
|---|---|---|
| Department of Defense | 109 | 13 |
| Department of Commerce | 2 | 0 |
| Veterans' Administration | 0 | 0 |
| Small Business Administration | 8 | 8 |
| Department of Health, Education, and Welfare | 120 | 97 |
| Postal Service | 0 | 0 |
| Department of Interior | 1 | 0 |
| Agency for International Development | 1 | 1 |
| Department of Agriculture | 21 | 0 |
| General Services Administration | 90 | 43 |
| Environmental Protection Agency | 0 | 0 |
| Atomic Energy Commission | 7 | 0 |
| Department of Housing and Urban Development | 253 | 253 |
| Department of Transportation | 33 | 29 |
| Treasury Department | 0 | 0 |
| National Aeronautics and Space Administration | 4 | 4 |
| Total | 649 | 448 |

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[1] Testimony of William A. Brown III, Chairman, EEOC, before the Senate Labor Subcommittee, October 4, 1971.

The import of these figures becomes clear when one considers that from the inception of the Executive Order Program thru August 1970, only 15 contractors had been sent thirty-day notices to show cause why sanctions should not be imposed.

C. There Has Been an Increased Readiness on the Part of the Agencies to Resort to Formal Proceedings as a Means of Assuring Compliance Although Most Contractors in Receipt of a Show Cause Notice Choose to Come into Compliance.

1. The Matter of Edgely Air Products, Inc., HEW Dkt. No. CC–71, resulted in a decision by the Secretary of HEW holding that the contractor had failed to make good faith efforts to meet its goal under the Philadelphia Plan and terminating the contract in question and debarring the contractor from the award of future Federal contracts and subcontracts.

2. The Matter of ARO, Inc., OFCC Dkt. No. 71–100, resulted in a decision by the Secretary of Labor ordering the adoption of a specific seniority remedy.

3. Two contractors performing on construction contracts in the Philadelphia area have been served with formal notices of HUD's intent to terminate their contracts and debar them from future contract awards on October 15, 1971; they were afforded ten days in which to request a formal hearing. The two contractors involved are Randeb, Inc., and Russell Associates, both identified as "persistent violators" of the Philadelphia Plan. Randeb defaulted in appearing at the hearing which it requested and formal hearings are scheduled to begin in late January regarding the compliance of Russell Associates.

4. Additionally, the Director OFCC has assumed jurisdiction in two cases involving possible violations of the Executive Order; in one case involving an air carrier, a compliance review was begun on January 3, 1972. The other matter is currently being investigated.

5. Investigations are also being conducted by the OFCC in several cases arising under the Philadelphia and Washington Plans, Order No. 4 and the Executive Order Program generally. The contractors involved include a major steel fabricator, an elevator constructor and contractors in both the railroad and airline industries.

D. These Activities on the Part of OFCC and the Contracting Agencies Complement the Important Preaward Program for Obtaining Compliance

1. The compliance postures of prospective contractors are evaluated prior to award and a determination made whether they are capable of complying with the Executive Order. A prospective contractor having an inadequate affirmative action program is categorically unable to comply and is in danger of being declared nonresponsible under Order No. 4. OFCC's use of the preaward mechanism, apart from the use of this devise by the agencies, has resulted in the temporary suspension of many billion of dollars in contract awards pending the submission of acceptable affirmative action program and a large number of the most far-reaching commitments for compliance have been obtained in this fashion.

2. No fewer than thirty-six preaward notices have been issued by OFCC against firms with poor compliance postures.

E. Preaward and Post-Award Conciliation Efforts on the Part of OFCC and the Contracting Agencies Backed by the Awesome Contract Suspension, Termination and Debarment Powers, Have Been Successful in obtaining Full Compliance with the Executive Order.

The following cases in which OFCC was the moving party are illustrative of those dealt with in the contract compliance program.

1. Intergration of company-owned housing (3 cases).

2. Elimination of discriminatory seniority systems to allow competition for promotion, layoff and recall by minority employees on the basis of their full company seniority (12 cases).

3. Elimination of discriminatory qualification criteria, such as tests, education and experience requirements (8 cases).

4. Elimination of direct recruitment, hiring or promotional discrimination (11 cases).

F. In Cases Based Upon a Failure to Take Affirmative Action Rather than a Finding of Discrimination, OFCC Required the Establishment of Goals and Timetables for All Job Classifications Which Resulted in a Sharp Increase in Minority Employment Opportunities

1. OFCC completed negotiations with a large aircraft manufacturer in January 1971. Since that time, the contractor has employed 2,396 new employees, of whom 636 were minority group members. This 26.5 percent minority hiring rate exceeded the goals and timetables established during negotiations.

2. A prominent brewing company, maintaining eight facilities across the country, committed itself to goals requiring a 35 percent minority hiring rate following conciliation with OFCC on February 11, 1971. These goals are being met by all facilities, and the contractor is ahead of his timetable for their achievement.

3. A multi-purpose corporation entered into a national agreement with OFCC covering over 200 separate facilities. During the year ending October 1, 1971, the ratio of minority to total hires at virtually all establishments is equivalent to the percentage of minorities in the population within commuting distance of each facility.

4. After committing itself to an affirmative action program containing goals and timetables, a large shipbuilder increased its minority employment from 11.8 percent to 17.7 percent over a 2.5 year period. A large percentage of this growth occurred in white collar jobs: The employment of black males in white collar jobs rose from 3.2 to 6.1 percent, while the employment of black females in these jobs rose to 15.4 from 5.3 percent.

G. These Examples of Large Cases, Processed to a Successful Conclusion with OFCC's Assistance, Do Not Represent OFCC's Total Effort Let Along the Routine, But More Important Activities of the Compliance Agencies.

The Defense Department's Los Angeles Region recently completed reviews of 279 contractors who had submitted affirmative action plans during 1970. All of these 279 contractors were meeting their goals and timetables. Since January 1, 1971, they have employed a total of 26,131 persons, of whom 6,049 were minority group members (2,401 blacks, 3,034 Spanish-Americans, and 614 orientals).

H. The Continued Success of this Program is assured by the Augmentation of OFCC's Capabilities by OMB.

1. OFCC will have a staff of 119 in FY '72, as compared to 26 in FY '69, about a 500 percent increase.

2. It will develop a capability of handling over 400 conciliations and 25 hearings per year itself.

3. It will be amply equipped to monitor effectively the programs of the compliance agencies, and its Operations Office will provide close communication with, and technical assistance to, the compliance agencies.

4. In FY '72, the total compliance program will involve 1,504 individuals and a projected expenditure of $24,000,000—a dramatic increase of more than 200 percent over the 643 individuals and $9,766,000 committed to the program in FY '70.

5. The 1971–72 compliance program has set targets of 580,000 new minority hires and promotions by Government contractors and subcontractors.

6. The reorganization recently effected within the Department of Labor will have a direct and beneficial impact upon the OFCC in its administration of the Executive Program.

### THE PURPOSE AND EFFECT OF THE OFCC'S PROGRAM HAS BEEN TO PROMOTE CIVIL RIGHTS AND EQUAL EMPLOYMENT OPPORTUNITIES

The purpose and effect of the OFCC's program has been to promote civil rights and equal employment opportunities. Because of the many successes which the OFCC has had in the implementation of the Executive Order Program, it is apparent that the transfer of its functions and responsibilities to the EEOC would be detrimental to the cause of civil rights.

From an administrative, management and legal standpoint, persons concerned with the cause of civil rights should show great pause and reluctance in voting for the proposed Section 715, of S. 2515 and its contemplated transfer of OFCC functions to the EEOC. Even one of the strongest advocates of civil rights, Congresswomen Shirley Chisholm, has stated:

"We must recognize this move to put the functions of OFCC under EEOC for what it is: a building trades amendment which was generated by their outrage over the Philadelphia Plan." *National Journal,* November 13, 1971, at 2251.

The PRESIDING OFFICER (Mr. BROCK). All time has now expired.

The question is on agreeing to the amendment of the Senator from Ohio (Mr. SAXBE).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CHILES (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Minnesota (Mr. HUMPHREY). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Illinois (Mr. STEVENSON), the Senator from Rhode Island (Mr. PELL), the Senator from Rhode Island (Mr. PASTORE), the Senator from Maine (Mr. MUSKIE), and the Senator from Minnesota (Mr. HUMPHREY) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Washington (Mr. JACKSON), the Senator from Illinois (Mr. STEVENSON), and the Senator from Washington (Mr. MAGNUSON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK) necessarily absent.

The result was announced—yeas 49, nays 37, as follows:

[No. 12 Leg.]

YEAS—49

Aiken
Allen
Anderson
Baker
Beall
Bellmon
Bennett
Boggs
Byrd, Va.
Byrd, W. Va.
Cooper
Cotton
Cranston
Curtis
Dole
Ellender
Fannin
Fong
Fulbright
Gambrell
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Javits
Jordan, Idaho
Long
Mathias
McClellan
Packwood
Pearson
Percy
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—37

Bayh
Bentsen
Bible
Brock
Brooke
Burdick
Case
Church
Cook
Eagleton
Eastland
Ervin
Gravel
Harris
Hart
Hartke
Hughes
Inouye
Jordan, N.C.
Kennedy
Mansfield
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Proxmire
Ribicoff
Spong
Stevens
Symington
Tunney
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Chiles, for.

NOT VOTING—13

Allott
Buckley
Cannon
Dominick
Goldwater
Humphrey
Jackson
Magnuson
Mundt
Muskie
Pastore
Pell
Stevenson

So Mr. SAXBE's amendment was agreed to.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, January 26, 1972, he presented to the President of the United States the following enrolled bills:

**S. 382. An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes; and**

**S. 2819. An act to amend the Foreign Assistance Act of 1961, and for other purposes.**

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. I will explain the amendment, and I would appreciate it if the clerk would return the amendment to me.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered. The amendment will be printed in the RECORD.

The amendment reads as follows:

On page 61, after line 23 add the following:

SEC. 715. There shall be established an Equal Employment Opportunity Coordinating Council (hereinafter referred to in this paragraph as the Council) composed of the Secretary of Labor, the Chairman of the Equal Employment Opportunity Commission, and the Attorney General, and the Chairman of the United States Civil Rights Commission, or their respective delegates. The Council shall have the responsibility for developing and implementing agreements, policies and practices designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication and inconsistency among the operations, functions and jurisdictions of the various departments, agencies and branches of the Federal government responsible for the implementation and enforcement of equal employment opportunity legislation, orders, and policies. On or before July 1 of each year, the Council shall transmit to the President and to the Congress a report of its activities, together with such recommendations for legislative or administrative changes as it concludes are desirable to further promote the purposes of this section.

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The time is not under control unless the Senator wants to make an agreement for control.

Mr. JAVITS. I shall only take a few minutes. I do not think it is necessary for a control of time.

Mr. President, this amendment proposes to establish an Equal Employment Opportunity Coordinating Council composed of the Secretary of Labor, the Chairman of the Equal Employment Opportunity Commission, the Attorney General of the United States, and the Chairman of the U.S. Civil Service Commission, or their respective delegates. The Council will have the responsibility of developing and implementing agreements, policies, and practices designed to maximize the efficiency and effectiveness of the whole equal employment opportunity program of the Federal Government, including, of course, the program covering Federal contractors under Executive Order 11246.

On or before July 1 of each year, the Council is required to report to the President and to the Congress.

Mr. President, when we were debating the amendment which was just agreed to, I said that I would submit an amendment. It seemed to me to be a balance of equity. I voted for the Saxbe amendment without any particular joy in my heart. I know how deeply how many people, including the civil rights organizations, felt about the transfer of OFCC, and I am all for the bill, as is well known. However, on this particular situation, I felt that the backlog was such that in decency to my own argument that cease and desist was necessary to break the backlog, I should not add to it. This is a totally new responsibility and would add to it. Therefore, as we can make this transfer at any time, I felt that in sustaining that point of view and in sustaining my own feeling——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Therefore, since we can make this transfer at any time, I felt that in sustaining that point of view and in sustaining my own feelings about the so-called Philadelphia plan, for which I fought and bled successfully on this floor, I felt consistently that we had to leave this particular office at this time where it was. But it was a legitimate point made by Father Hesburgh in the testimony and report which the Senator from New Jersey (Mr. WILLIAMS) so very properly called to our attention, that there is an inadequacy of coordination between this effort and the efforts of the Equal Employment Opportunity Commission. And in view of the fact that the Chairman of the Civil Rights Commission himself made this point, I thought that the best way to handle it if the amendment succeeded, as it has, was to create some kind of high-level agency, not in a money sense or an institutional sense but as a body to ride herd on this particular proposition.

So I announced during the debate on the amendment of the Senator from Ohio (Mr. SAXBE) that I would make this proposal. I hope very much that under the circumstances of the amendment having been adopted it will be found acceptable to both sides. I do not feel that it is an oppositional thing at all; I think it will help both sides to deal with the situation.

Finally, all of us are, I think, agreed on the question whether the administration of this particular office by the Department of Labor has left very much to be desired. The Secretary of Labor himself recognizes that. I read into the Record the letter which he wrote to me, in which he proposes really to shake up this whole office. I think that may have been a matter of influence in respect of how Senators voted. I believe that the office of a high-level council, accountable to the country, will give us a greater sense of assurance that the deficiencies which the office has admittedly had may be more likely to be corrected by the composition of the council, because of the equal voice of the Secretary of Labor, in whose office it now is, as well as of the coordinating functions of the Chairman of the Equal Employment Opportunity Commission and the corrective functions of the Attorney General and of the Chairman of the U.S. Civil Rights Commission, who did recommend the transfer.

For all these reasons, I hope very much that the amendment, in view of the adoption of the previous amendment, will be adopted with the consent of both sides; I yield the floor.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr RANDOLPH. As I understand, the able Senator from New York is saying, in essence, that in no wise would this be a competitive approach; it would be an approach of coordination, with certain functions allotted to the several agencies mentioned.

Mr. JAVITS. I would take the first statement completely—that it is in no wise a competitive approach; it is a question of coordination. It is not even an allotment of functions. The functions will stay with the office in the Department of Labor. But at least we will have the security of knowing, first, that it is effectively tied into the Equal Employment Opportunity Commission; and second, that someone on a high level will be riding herd, to see to it that the office is really effective where it is.

Mr. RANDOLPH. I think the purpose of the amendment is excellent. As one who supported the Saxbe amendment, I certainly intended to support the effort of the distinguished Senator from New York.

It is critical that employers be in a position to rely on a coordinated government position on all matters, not the least of which is equal employment opportunity. It is just as vital to employees who feel that they have been subjected to discriminatory employment practices that the relevant agencies of government coordinate their efforts. It is also clear that the Government's effectiveness can be improved significantly. I believe the amendment offered by the distinguished Senator from New York (Mr. JAVITS) will help achieve these objectives.

Mr. JAVITS. I think the Senator from West Virginia very much. I hope the amendment will be accepted, because I think it is almost logically dictated by what we have previously done.

Mr. WILLIAMS. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. WILLIAMS. The amendment would create an Equal Employment Opportunity Coordinating Council made up of the Secretary of Labor, the Chairman of the Equal Employment Opportunity Commission, the Attorney General, and the Chairman of the U.S. Civil Rights Commission.

Mr. JAVITS. The Senator is correct.

Mr. WILLIAMS. Or their respective delegates.

Mr. JAVITS. The Senator is correct.

Mr. WILLIAMS. I merely wanted to inquire about the term "their respective delegates." I am wondering whether we should name the agency or department and require that a delegate be the representative of the office. The delegation at this point somewhat disturbs me. I have the feeling, frankly, that I would rather not see someone outside of the Civil Rights Commission be the delegate of the Chairman of the U.S. Civil Rights Commission.

Mr. JAVITS. There are no hidden motives in the amendment. I would just as soon strike that part. My purpose was to use my best recollection, because I had to write the amendment rather quickly. I had no opportunity to use what we consider "boilerplate." If the Senator's assistant or mine can give us the usual "boilerplate" in this regard, I should be glad to use it. There is no desire to add another dimension to the amendment. We do not do it in other cases of high level interdepartmental committees.

The amendment will be in conference, and the Senator from New Jersey and I will be conferees. My suggestion is that we work out there whatever is agreeable and convenient to the officials concerned. The purpose and intent of the amendment is to have attendance at the highest level. Unless the officials object very seriously, it would be fine with me if they are required to attend.

I am just concerned about doing this in the first instance, as I just do not know. But I would assure the Senator that I will join with him in conference in making it entirely agreeable to the officials, but making it on the highest level. If they are willing, we will strike out the reference to any delegation.

Mr. WILLIAMS. Of course, the Senator from New York has put his finger on my concern. It should be focused at the highest level.

Mr. JAVITS. I thoroughly agree, and I will join with the Senator in doing whatever is necessary for that purpose.

Mr. WILLIAMS. That is agreeable to me.

Mr. JAVITS. I am ready to yield back my time.

Mr. WILLIAMS. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. EASTLAND. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. JAVITS. Mr. President, may I ask the Senator from Mississippi a question? I shall not take more than 2 minutes.

Does the Senator from Mississippi desire the yeas and nays? That will be fine with me, although I do not think there is any real disagreement. I am willing to let the question be decided on a voice vote.

Mr. EASTLAND. I simply wanted to be recorded as voting "No."

Mr. JAVITS. Then, I think, the Senator is so recorded.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York (putting the question).

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SAXBE. Mr. President, I ask unanimous consent that the vote by which my amendment was agreed to be brought up for reconsideration.

The PRESIDING OFFICER. Without objection, the Senate will consider the motion to reconsider.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. JAVITS). Is there objection? The Chair hears none. The motion to reconsider is in order, and the Senator from West Virginia has moved to table that motion. The question is on agreeing to the motion to table (putting the question).

The ayes appear to have it; the ayes have it, and the motion to table is agreed to.

Mr. BYRD of West Virginia. Mr. President, why was unanimous consent needed to enable the distinguished Senator from Ohio to move to reconsider the vote on this amendment?

The PRESIDING OFFICER. The Chair understands that it was not needed.

Mr. BYRD of West Virginia. Mr. President, in support of the precedents, I should like, with the Chair's help, to clarify that matter: it is my understanding that only if another amendment to the pending bill is before the Senate at the time is unanimous consent required.

The PRESIDING OFFICER. The Senator from West Virginia is correct, and that is the rule.

Mr. BYRD of West Virginia. I thank the Chair.

Mr. JAVITS. Mr. President, apparently the amendment which I proposed, and which was adopted, requires a technical correction, in that the section to which it had reference had been stricken by the Saxbe amendment, and my amendment did not refer to that.

I ask unanimous consent that, preceding the action on the amendment which I have just had adopted, the following words be inserted:

> Section 10. Section 715 of the Civil Rights Act of 1964 is amended to read as follows:

The PRESIDING OFFICER. Without objection, it is so ordered.

### AUTHORIZATION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE A REPORT NOT LATER THAN FEBRUARY 9, 1972

Mr. BYRD of West Virginia. Mr. President, notwithstanding the provisions of section 133(g) of the Legislative Reorganization Act of 1946, as amended, I ask unanimous consent, at the request of Mr. MCCLELLAN, that the Committee on Government Operations be authorized to report its 1972 expenditures-authorization resolution to the Senate no later than February 9, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AUTHORIZATION FOR COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO MEET DURING SENATE SESSION TOMORROW

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished senior Senator from Alabama (Mr. SPARKMAN), and also at the request of the distinguished senior Senator from Texas (Mr. TOWER), I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs may be permitted to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House insists on its amendment to the bill (S. 602) to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket numbered 50233, U.S. Court of Claims, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. HALEY, Mr. MELCHER, Mr. STEIGER of Arizona, and Mr. TERRY were appointed managers on the part of the House at the conference.

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## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

### AMENDMENT NO. 597

Mr. ERVIN. Mr. President, I call up my amendment No. 597.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk proceeded to read amendment No. 597.

Mr. ERVIN. Mr. President, I ask unanimous consent that further reading of the amendment be omitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I modify my amendment so that it will read as follows:

On page 61, after line 23, insert the following new section:

> SEC. 10. No Government contract, or portion thereof, with any employer, shall be denied, withheld, terminated, or superseded, by any agency or officer of the United States under any equal employment opportunity law or order, where such employer has an affirmative action plan which has previously been accepted by the Government, without first according such employer full hearing and adjudication under the provisions of 5 U.S.C. section 554 and the following pertinent section: *Provided, however,* That if such employer shall deviate substantially from such previously agreed to affirmative action plan, this section shall not apply.

The PRESIDING OFFICER. Does the Senator request that this modification be made?

Mr. ERVIN. Mr. President, I believe I can modify my own amendment.

The PRESIDING OFFICER. That is correct.

Mr. ERVIN. I modify my amendment to read as I have stated, and send the amendment to the desk in that form.

I have had many complaints from employers seeking Government contracts that, after long negotiations with the Office of Contract Compliance of the Department of Labor, they have filed affirmative action plans in full compliance with all of the suggestions made by the Office of Contract Compliance and that such affirmative action plans have been approved by the Office of Contract Appliance, and that after all these procedures have been complied with, the Office of Contract Compliance, without any warning or any notice of any further opportunity to be heard, has refused to approve the contract sought by those employers.

This amendment would merely give some semblance to fair play in cases where employers had filed and had approved by the Office of Contract Compliance an affirmative action plan, and provide that after it had approved it the Office of Contract Compliance could not reject that plan without giving the employer an opportunity to be heard under the Administrative Procedure Act.

The amendment safeguards the Office of Contract Compliance by providing that if there is a substantial deviation from the approved affirmative action plan, this section, which gives the employer in such cases the right to a hearing and adjudication under the Administrative Procedure Act, does not apply.

It seems to me this is a fair amendment and that it ought to be supported by any Senator who believes in fair play under those circumstances. I sincerely hope the Senate will adopt it.

Mr. WILLIAMS. Mr. President, as I heard the amendment stated, I thought I heard the word "superseded," so that the amendment would read:

> No Government contract, or portion thereof, with any employer, shall be denied, withheld, terminated, or superseded, by any agency . . .

I believe the word should be "suspended."

Mr. ERVIN. Suspended. I will modify the amendment and change the word from "superseded" to "suspended."

Mr. WILLIAMS. Then, as I understand the amendment, it brings the Administrative Procedure Act due process provisions to bear when there is an action to cancel a contract and an affirmative action plan is already in effect with that employer.

Mr. ERVIN. That is the objective.

Mr. WILLIAMS. That is the objective of the amendment.

Frankly, it strikes me as an eminently fair requirement where an employer is working under an agreement for affirmative action. This kind of suspension could sweep away his contract even though he thought he was complying.

Mr. ERVIN. That is correct. If affords an escape valve for the Office of Contract Compliance by providing that this provision is not binding on the Office of Contract Compliance in the event the employer substantially departs from the agreed to affirmative action plan.

Mr. WILLIAMS. That is the objective—provided, however, that if such employer shall deviate substantially from such previously agreed to affirmative action plan, this section—which is the amendment—shall not apply.

It strikes me on its face as a fair procedure.

We had no testimony on it, I will say to the Senator from North Carolina, and no opinions from departments or agencies or otherwise. So it comes de novo, but as it comes de novo, it comes with some effect.

I know the Senator from New York, with the best of his good legal mind, is at work on this amendment at the moment, and so I will yield to the Senator from New York.

Mr. JAVITS. The Senator can practically see my wheels turning, as he can see the wheels of the Senator from North Carolina turning.

There are a few questions I would like to ask the author of the amendment, if he will indulge me. By the way, we are checking upon the question of whether this may not be attributable to the very same section I dealt with, but that will not matter. I will agree with the Senator about writing it so that it will conform to the amendment which was offered by me.

Mr. ERVIN. I tried to conform it. It may be that it deals with the same section. I think we can straighten that out by applying it to the same subsection.

Mr. JAVITS. We do not have any problem, but I wanted to ask the Senator a couple of questions.

There are two things which strike me at first impression, and again, as the Senator from New Jersey (Mr. WILLIAMS) said, it is new matter, first impression, so I hope the Senator will not feel I am just engaging in supererogation. I really do not know.

The Senator speaks, in line 5, of an affirmative action plan. It would seem to me that in order to have it appropriate, the words "in effect" should appear after the word "plan." I do not know whether these plans are limited in time or what is the situation, just off the top of my head, but I certainly believe that it would be necessary to have a plan ongoing at the time, rather than merely qualifying under this section because at one time there was an agreement.

Mr. ERVIN. If they have a plan that has been approved by the Office of Contract Compliance, it has been approved and there it is, it would be in effect.

Mr. JAVITS. Not necessarily, because if it had a time limit, and that time limit had expired, it would still be an affirmative plan which had been approved, but might not be in effect.

It just strikes me as a lawyer that we ought to include the fact that it has been an ongoing plan.

Mr. ERVIN. I think it is implied that it is in effect, but the trouble of it is, if we put that word in there, it may be construed to give them the right to repudiate, and get them back to the very position that the amendment is intended to safeguard the man against.

Mr. JAVITS. I do not see how that could happen, because the initiatory action is on the part of the employer; he can demand a hearing.

In other words, the Government is in a position where, if he gets a hearing, that operates this section. But all I am saying is, I think we ought to be protected against that situation.

Mr. ERVIN. Well, here is the difficulty: The Office of Contract Compliance has been approving plans, time after time they approve a plan and then, after approving the plan, they refuse to give a man a contract based on the plan that they have approved.

The objective of the plan is to prevent discrimination, and all this says is that after they have approved a plan, they cannot deny the man the contract as long as he is willing to comply with it, and it gives the man the right to go into court and let the court decide whether the plan that has been approved by the Office of Contract Compliance, which they seek to repudiate, complies with the provisions of the Executive order or the provisions of the law outlawing discrimination.

The trouble is that under the present circumstances you cannot sue in the courts because when you offer to give a contract it is not approved; and this is an effort to give some legal remedy where the compliance contract has been approved by the Agency, and then the Agency seeks to repudiate it. It is to try to get out from that arbitrary practice which they now have.

I have many complaints about this. The trouble with the Office of Contract Compliance, so I have been informed by many employers, is that they will never put in writing what they require, but they make the employer come and put his plan in action, and then they either accept it or repudiate it. This ends repudiating it after they have accepted it, and gives him a legal remedy, and allows the court to say whether the contract complies with the Executive order and the law, instead of leaving that matter to be determined solely by the Office of Contract Compliance.

Mr. JAVITS. Well, Mr. President, there is nothing which the Senator has stated which, it seems to me, answers the point which I make, unless he says that by implication, though I do not know where it arises, it must be a plan, to wit an affirmative action plan, which is in effect; because if the contracting Agency, in making and approving the plan, has limited the time of its approval—suppose, for example, that in making and accepting the plan and approving the plan, they said, "We approve it for 1 year" or "We approve it for 2 years," after the expiration of that time, certainly, I would expect that the mover of the amendment does not expect this section to be effective if the time of approval given to the plan has expired.

That is all I am asking. In other words, that it is an affirmative action plan that is in effect.

Mr. ERVIN. The trouble of it is, since the Office of Contract Compliance is the one that makes the contract, they can say, "We have decided that we have changed our mind, and although we have approved this in the past as a sufficient compliance, we now change our mind and demand that you submit another plan"; and if we have "in effect," it is implied that this whole arbitrary power of changing the rules for compliance will be perpetuated.

Mr. JAVITS. As I understand the Senator, then, he expects that Government agencies will be forever bound, without any opportunity to change any kind of plan with any contractor, once they have acted. Under those circumstances, they would never approve a plan; they would be foolish if they did.

Mr. ERVIN. Well, they have to approve a plan.

Mr. JAVITS. If they would approve something more permanent than the Constitution of the United States, which is what the Senator is arguing for; if, once they approve the plan, that is the end of it forever and ever, I just cannot see that.

Mr. ERVIN. No; the amendment does not provide that. It says that once they have approved a plan, the Office of Contract Compliance cannot repudiate its approval, but, instead of having them repudiate it, once they have approved it, the matter is for the courts to decide.

Mr. JAVITS. I am glad to get that construction. Then the amendment says that once they have granted approval, it is approval forever and ever unless otherwise ordered by the courts. I could not approve it on that ground.

Second, Mr. President, I asked the Senator whether it is his intention, and I gather from the language that it is, that nothing may be done about the contract whatever under such a plan—which is, incidentally, a "forever plan"—without an extended court proceeding, or a court proceeding, no matter how long it takes, even if successful appeals to the U.S. Supreme Court may take years—no limitation whatever upon the time taken in respect to court adjudication and hearing, et cetera. Is that not true?

Mr. ERVIN. Yes; if you have a legal remedy afforded a man, I do not know how you can take it away.

Mr. JAVITS. That is all right. I understand.

Mr. ERVIN. I just do not believe in arbitrary action. Under the present circumstances, the Office of Contract Compliance has the arbitrary power to deny a man a Government contract, even though the man is complying fully with the Executive order and the law. It denies access to the courts, and gives to the Office of Contract Compliance an arbitrary power which any absolute eastern potentate would envy.

Mr. JAVITS. Mr. President, I do not see that the amendment of the Senator gives the courts an opportunity to review an affirmative action plan, that is, make a judicial review of an affirmative action plan, at the time that such a plan takes effect, or at any time that it is effective.

What I see is that there is an absolute mandate, without any possibility of it even being changed by the court itself, that so long as there are legal proceedings pending, no matter how dilatory they may be in the conduct of them, nothing may be done about that contract.

On that basis, Mr. President, I think the prejudice is very strongly against the enforcement of the law; it gives any contractor an opportunity just to make the claim, he need prove nothing else; then he goes into court, and just as long as he takes, he takes, and no penalty whatever ensues.

That is a pretty easy deal for anybody who wants to break his affirmative action plan, or has a disagreement about what it means, and there is no penalty whatever—to just take it to the courts and just keep it there. We certainly have a great deal of experience with long court cases. If that is the contruction of the amendment, I would feel, in conscience, that I would have to be very strongly against it. I would have no reason to be against an amendment to give judicial review.

To simply suspend any possibility of action of any kind during the conduct of legal proceedings—I cannot conceive of that as being conducive to fair enforcement of the law, and I shall oppose the amendment.

Mr. ERVIN. Mr. President, if this amendment is not adopted, the Office of Contract Compliance of the Department of Labor has arbitrary, tyrannical power that cannot be reviewed by any court on the face of the earth. If they can deny due process, they can deny hearing, and no power on the face of this earth can interfere with them, even though the affirmative action plan which the office has approved is in full compliance with the law and would be so adjudged by a court of law under the Administrative Procedure Act.

I think that every Member of the Senate who does not think the courthouse door should be totally nailed shut and the Office of Contract Compliance given power which nobody on earth can review, as to whether it is in compliance with the law, ought to vote for this amendment.

Mr. WILLIAMS. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield.

Mr. WILLIAMS. On line 5 of the Senator's amendment, it reads "where such employer has an affirmative action plan." The word "has" suggests the present tense to me, and that suggests an affirmative action plan that is in effect.

Mr. ERVIN. That is right.

Mr. WILLIAMS. I thought that was one of the questions that the Senator from New York asked. I thought he was suggesting that there was a possibility that under this amendment there could have been a former affirmative action plan but one that was not in effect at the moment when a contract might have been denied or suspended.

Mr. ERVIN. I think the Senator's interpretation is absolutely correct. It must have been approved by the Office of Contract Compliance. It must be in existence.

Mr. WILLIAMS. That clarifies that part of it for me.

The other question I have is as to the impact of the words "under the provisions of title 5, United States Code, section 554, and the following sections thereto." The Senator from New York was developing the suggestion that action on a contract could be held up following long, long court procedures. Is this a procedure going to court or is this the hearing——

Mr. ERVIN. It would go to the court on the record already made in the Office of Contract Compliance.

Mr. WILLIAMS. These are the Administrative Procedure Act provisions of an administrative hearing?

Mr. ERVIN. Yes; all the court would have the power to consider would be the record already made in the Office of Contract Compliance.

Mr. WILLIAMS. On another matter, we were on other sides of an issue of the dignity of an administrative hearing, and I wanted to clarify that. But that refers to the Administrative Procedure Act agency hearing, with all its provisions.

Mr. ERVIN. Yes; so there cannot be anything very long about that. They already have in writing all the evidence that can be considered.

Mr. JAVITS. Mr. President, the section 554 hearing, which I have not even had a minute to check out, assuming even what the Senator says, which is set up in the appendix to our own report—I do not know whether it is complete or partial here—represents an adjudication which relates to an agency proceeding.

Those cases can take years, and there is no way, if we adopt this amendment and leave it this way, in which that process can be changed. A man might be able to go on violating as much as he likes, so long as he claims he is not.

Mr. President, I have just stood with leaving OFCC in the Department of Labor, and that is why it is my duty to question this amendment. I want to find out if it would nullify or put in the hands of any contractor the ability to nullify any effort to really get a remedy. One other thing: The proviso at the end says:

> Provided, however, that if such employer shall deviate substantially from such previously agreed to affirmative action plan, this section shall not apply.

In other words, if the Agency is trying to penalize him because he has deviated, then he is home free under this amendment, and the only time he can be dealt with is if he shall deviate after he says he did not deviate; and the previous transaction is completely overlooked, if you follow the words of this amendment.

So, Mr. President, under these circumstances, I respect the Senator from New Jersey—he has had this matter under first impression, as have I; but I could not be a party to accepting the amendment without further study, especially in view of the good faith involved in just having adopted an amendment which leaves the authority in the Department of Labor. I certainly could not see my way clear to, in my judgment, just emasculate it by this amendment.

Mr. ERVIN. Mr. President, I can understand the Senator from New York favoring nailing the courthouse door shut. But it would mean injustice because of nonreviewable arbitrary exercise of power by a public official. It is a very peculiar position for a lawyer of his distinguished record to take.

These contracts are referred to the Office of Contract Compliance for only one purpose. Otherwise, the contracts are worked out by the other agencies of the Federal Government. They are referred to the Office of Contract Compliance merely for the purpose of affording that Office an opportunity to determine whether the affirmative action plan which is required is in compliance with the laws, the Executive order, and the regulations prohibiting discrimination in employment. That is the only function of the Office of Contract Compliance in the matter. Here they approve an affirmative action plan. They say it is in compliance with the laws, the Executive order, and the regulations. All this says is that after they have approved, they cannot repudiate the approval without affording the employer who has satisfied the other agencies of Government with the terms of the contract the opportunity to have the question determined, not by arbitrary action on the part of an executive office but by a court of justice.

With all due respect to my good friend from New York, the contention that there will be any protracted litigation in a case of this kind is absurd. That is so because that court hears the matter and determines whether there is sufficient compliance with the laws, the Executive order, and the regulations prohibiting discrimination. It has to hear it and determine it on the record. Otherwise the Office of Contract Compliance can dictate and lay down terms that are absolutely inconsistent with the laws, terms which are inconsistent with the Executive order, and inconsistent with their own regulations on the subject. American citizens who have supported this Government by their taxes are powerless and have no remedy this side of heaven.

Thus, Mr. President, I hope that the Senate will adopt the amendment and I suggest the absence of a quorum so that we can get a rollcall on it.

The PRESIDING OFFICER (Mr. SCHWEIKER). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered

Mr. JAVITS. Mr. President, in my judgment, the import of the amendment—and that is the reason I oppose it at this time and perhaps will propose a substitute to it—will not have the effect of fairly and equitably getting a judicial review of a contested situation where an individual Government contractor feels that he is being imposed on notwithstanding the fact that he is complying with the affirmative action plan which is in effect.

Now the distinguished Senator from North Carolina (Mr. ERVIN) argued that the words which he used, "has an affirmative plan which has previously been accepted by the Government," complies in effect with what was told the distinguished Senator from New Jersey (Mr. WILLIAMS), but with me, he denied that. He says, once there had been affirmative action, then there was affirmative action forever. That is one of the things I cannot accept.

Second is the proviso which is tacked on at the end here which says that "if such employer shall deviate substantially from such previously agreed to affirmative action," thereby reiterating the point which the Senator certainly would not concede, in my judgment, but which I think has to be conceded in language, in view of the argument about it—to wit, that once the plan is previously agreed to, it remains forever, the plan to which the Government is bound, even though the Government may not wish further to be bound and the plan itself might have a definite time limitation on it which the parties would have a perfect right to insert. The words "shall deviate" also may indicate that whatever has been the violation with which the contractor is charged is forgiven.

It only means that he shall not have the advantage of this section for any future violation. I certainly think that would vitiate the intent of fairness, especially if there is no limitation whatever in the power of any court to terminate this immunity which is granted to the individual contractor once he makes the claim—that is all he has to do. It seems to me that we can then completely nullify the whole enforcement scheme which is incorporated in the Executive order simply by making a complaint that the Government is penalizing us unduly in respect of the affirmative plan that was approved—God knows when—and whether it is still in effect, and then there is no penalty whatever on the contractor of any kind or character and he can get all the Government contracts he wants.

That certainly is making a real mockery of the whole idea that the Government will have any authority to enforce its Executive order. It is entirely possible—and I do not say that it is not—perhaps to put this particular proposition—although it is one of first impression—into shape, because we do not even know right now, and I do not know and I cannot represent to the Senate whether it is or is not—any right of judicial review in respect of this matter at this time. This is a very important question so that we may at least juxtapose the remedy which is sought here with the remedy now in effect. Therefore I really want a little while to have a good look at this. It may be possible to work out an amendment, or by amending the amendment, or by agreement with the Senator from North Carolina which will make a fair disposition of this matter. I have every desire to do so, but I am not going to be rushed into acting on this matter up or down without having some opportunity to see what should be done about it.

For that reason, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask unanimous consent that amendment No. 957 be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I call up amendment No. 819, offered by the senior Senator from North Carolina (Mr. ERVIN) and myself, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 59, strike out lines 23, 24, and 25.
>
> On page 60, strike out lines 1 and 2; and reletter subsections (f), (g), and (h) of section 8 appropriately.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator from Alabama yield?

Mr. ALLEN. Yes, I am glad to yield.

Mr. BYRD of West Virginia. It is my understanding that the distinguished Senator from Alabama is willing to enter into a limitation of 40 minutes on the amendment, to be equally divided between the mover of the amendment and the manager of the bill. Is that agreeable?

Mr. ALLEN. Yes.

Mr. BYRD of West Virginia. Mr. President, I shall withhold my request momentarily. I thank the Senator from Alabama for yielding.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, the amendment seeks to strike from the bill words that were added by the committee to the bill as a proposed addition to the present law. These are the words which the committee seeks to enact and the amendment seeks to prevent from becoming law. The Commission is given the authority—

> And to accept voluntary and uncompensated services, notwithstanding the provisions of Section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

What is that section of the code from which the committee substitute seeks to exempt the EEOC? The present law, going back to the year 1870, in the section cited:

> No officer or employee of the United States shall accept voluntary service for the United States or employ personnel service in excess of that authorized by law, except in cases of emergency involving the safety of human life or the protection of property.

I was not on the committee which brought forth this substitute, but I have read some of the hearings, and I did not come across any testimony in the hearings. I am not saying that some testimony was not there that I did not see, but I would invite the manager of the bill to cite to me those pages. I do not see one single bit of testimony in favor of this language that seeks to give the Commission the authority to accept voluntary and uncompensated service from individuals.

What is the purpose of this language? Why should the EEOC come out from under the law that applies to every other Federal agency in the country? So far as the junior Senator from Alabama knows, no agency, no branch of the Government, is authorized to call in hordes of individuals off the streets and, in effect, to accept their services and give them the power, the authority, and the indicia of office as Federal employees. Obviously, there would be no volunteers unless the persons volunteering were biased or prejudiced or had some ax to grind. Why would they come forward and volunteer to work for the EEOC? There is no reason in the world, except that they would have an ax to grind. They would have a prejudice or a bias, or else they would not offer their services. They would not offer their services to any other branch of the Government, so far as the junior Senator from Alabama is concerned.

Furthermore, Congress is supposed to have the power to circumscribe or to limit the power, the authority, and the scope of the work of any agency of Government by controlling the amount of money appropriated to that department or agency. But in this instance the EEOC would have the authority, unless this amendment shall be adopted, to accept the voluntary and uncompensated services of hundreds of thousands of people—people with prejudices, people with biases, people subsidized by interested organizations, people subsidized by foundations which have an interest in carrying on this work.

So, Mr. President, the EEOC might have 1,000, 2,000, 3,000, or 4,000 Federal employees on the payroll, but there would be nothing whatsoever, in the absence of this amendment, to prevent the EEOC from availing itself of the services of tens of thousands of individuals who would be sent out over the country like a swarm of locusts to harass business and industry—small business, persons employing as few as eight people.

So since the year 1870, according to the footnote to this section, this provision of law has applied to the agencies of the Federal Government—that they shall not have the authority to reach out and get voluntary employees, uncompensated employees, and put them to work.

Does that make sense, Mr. President? Is it not necessary for a Federal employee to pass a civil service examination? Is it not necessary that some check be made as to his reputation, his loyalty to the Government, his educational qualifications, his personality, his fitness for Government employment?

But, under this committee substitute, Mr. President, which we are seeking to change by this amendment, no check need be made, and the Agency could become a colossus, a Frankenstein, or volunteer and uncompensated employees, uncompensated so far as the Government is concerned.

Who would be paying these uncompensated employees and volunteer employees? Not the Federal Government, but someone having an interest in seeking harassment of business and industry and of employees and employers.

Mr. President, all the amendment seeks to do is to take out the language that has been added by the committee. I showed this language to a distinguished member of the committee just the other day. He said:

> I was on that committee and heard the hearings. I did not know we had a section like that in the bill.

A very learned member of the committee, a very able Member of the Senate, said:

> I had no idea such a section was in the bill.

I hope the manager of the bill will accept the amendment; that he will not insist on taking out the provisions of law which prohibit the use of uncompensated and voluntary employees with respect to this one Agency of Government.

Why should it stand on any basis higher than the Justice Department? Do they accept volunteer employment? Can any zealous person come to the Justice Department and say, "I am interested in this activity of the Federal Government and I want to go out as a volunteer worker for the Government"? What would be the liability of the Government for the acts of such employees? Who would be responsible for what they did? Would the Government be liable or responsible for the act of such employees? What would it be?

There must be some reason—and I think we have suggested some of them—why for 100 years there has been a prohibition against the use of volunteer and uncompensated employees by any branch of the Federal Government, and the bill before the Senate would take the EEOC out from under this very fine safeguard against such a practice.

I would be interested in learning from the manager of the bill why this section was put in. Is not the EEOC going to be satisfied with the appropriations made by the Congress? Is it not going to be satisfied to limit its activity to the scope envisioned by the Congress in setting the appropriation? The machinery set up in the committee substitute would give the EEOC the authority to enlarge this department, to enlarge the scope of its activities, 50 percent, 100 percent, 200 percent—any amount of enlargement that it would care to have—through the use of volunteer employees, compensated by someone else, because you can rest assured that they are going to be compensated. They are not going to work for nothing.

Mr. WILLIAMS. Mr. President, would the Senator like me to reply to the question?

Mr. ALLEN. Yes.

Mr. WILLIAMS. Why is this necessary and whether there is enough money to hire the personnel needed? Was that the question?

Mr. ALLEN. No. I asked the Senator to respond to my inquiry as to why the committee put in the provision giving the EEOC the authority to use volunteer or uncompensated employees when no other branch of the Federal Government has that authority and when there is an express provision in the code prohibiting the use of such employees.

Mr. WILLIAMS. I am not sure whether that is accurate as to any other agency.

Mr. ALLEN. There is a law on it.

Mr. WILLIAMS. I know, but there are exceptions made for other agencies. My understanding is that title VII, when enacted in 1964, said that the Commission shall have power to cooperate with, and with their consent utilize, regional, State, local, and other agencies, both public and private, and individuals. Under this provision, individuals were used who were volunteers. Some question was raised and, in order to insure that volunteers could be used in limited circumstances, this provision was put in the bill, as we had it 2 years ago. It was preserved in this bill. It was in the bill that we voted on and which passed the Senate 2 years ago.

Mr. ERVIN. Is the Senator saying this is not new language?

Mr. WILLIAMS. It was in the bill as introduced.

Mr. ERVIN. The committee report shows otherwise, Senator. It is in italics, which indicates that it was inserted.

Mr. WILLIAMS. While this is being walked over to the Senator, I would say that the following is the situation: This could be called the Johnny Cash amendment in the bill. This provides that a Johnny Cash or a Bill Cosby who wants to use his talent to deal with the idea of equal opportunity in a song, or prose, or poetry, can do so however he wants to: "You fellows have an Equal Employment Opportunity Commission and, if you are being denied, that Commission is there on your side." That is what it is.

That is what it is. It is the Bill Cosby provision of the EEOC bill that is before us.

Mr. ALLEN. Well, now, if the Senator would allow me to engage in a little colloquy with him on this point, was there any testimony before the committee as to the desirability of putting this section or this language in? If so, I would like him to cite it to me.

Mr. WILLIAMS. I do not know that it was formalized in the hearing, but certainly the information reached us that a question had been raised about the procedure being used by the Commission, and to clarify it so there would be no mistaking the authority, this language had been put in, and it was put in when we drafted the bill, yes.

Mr. ALLEN. So the committee decided, then, that it would be necessary to take them out from under the provisions of the code forbidding that practice, is that correct?

Mr. WILLIAMS. To make it clear that volunteers could participate, yes.

Mr. ALLEN. Who pays these volunteers? Would the Senator enlighten the junior Senator from Alabama on that question? Do they have any volunteers from industry or business?

Mr. WILLIAMS. I cannot answer that. I would hope so. I would imagine that there are people from the ministry, from business, from entertainment, and just people who might——

Mr. ALLEN. Who think that discrimination exists throughout the country, and they want to cure that evil?

Mr. WILLIAMS. As I understand it, those who have been used have been helpful in publicizing the fact that this country has an Equal Employment Opportunity Commission.

Mr. ALLEN. Who pays those individuals?

Mr. WILLIAMS. That is it. This is to be noncompensated. These are volunteers.

Mr. ALLEN. I understand, but most of them have to eat, I suppose. Who pays them?

Mr. WILLIAMS. Well, now, there are as I understand it, 100 of the major companies, business organizations, which have been combined in the plans for progress organization, have volunteered their people, their names, themselves. Who pays them for this work? Nobody.

Mr. ALLEN. That is to go out and check other industries and businesses, is it?

Mr. WILLIAMS. No, it is not investigation. It is to publicize the fact of the existence of an Equal Employment Opportunity Commission.

Mr. ALLEN. There is nothing in here that would prevent them from doing some investigating, is there?

Mr. WILLIAMS. I beg the Senator's pardon.

Mr. ALLEN. There is nothing in the bill to prevent them from doing anything the Commission wanted them to do, including investigation.

Mr. WILLIAMS. Well, there is nothing in there because it is so wholly unlikely. There are many things that are not in here that are obviously not needed.

Mr. ALLEN. Would the Senator feel that there would be a chance that, through the use of volunteer uncompensated-by-the-Commission employees, it would be possible for the Commission to double its size without coming to Congress?

Mr. WILLIAMS. No.

Mr. ALLEN. Why not?

Mr. WILLIAMS. Because it would violate every reason known to man, that is why.

Mr. ALLEN. The Senator said 100 industries were turning their employees loose. How many from each industry?

Mr. WILLIAMS. As I have seen it work, a vice president may be assigned to this worthy, worthy activity, without major staff, but he, with his commitment and with the backing of his company, will come to the activity and publicize its support of the work of the Equal Employment Opportunity Commission.

Mr. ALLEN. How many employees does the EEOC have now, does the Senator know?

Mr. WILLIAMS. At this point?

Mr. ALLEN. Yes.

Mr. WILLIAMS. The last figure that reached me was just over 1,000 employees

Mr. ALLEN. Well, how many does the Senator feel it would take to carry on the expanded work, the expanded scope of the Commission, if this bill passes as it now stands?

Mr. WILLIAMS. Well, we have a judgment on that out of the hearings—and I believe it is stated in the committee report. Page 32 shows the estimate of costs, and that could be, with the employees we have now, the increase could be, roughly estimated, it would be an increase over the years projected—1972, 1973, 1974, 1975, 1976—it would be an increase, over the next 4 years, doubling the number of employees. With the 1,000 now, it would be 2,000 then. That is an estimate.

Mr. ALLEN. The Senator would not feel it would be possible for the Commission to utilize another 2,000 from the ranks of volunteer and uncompensated employees?

Mr. WILLIAMS. Well, I do not know where—I think it is most unreasonable to assume that there is any possibility of that. In fact, it is just plain unreasonable to think in those terms.

Mr. ALLEN. Could the Senator say how many volunteer employees the Commission is using now, without the sanction of this section?

Mr. WILLIAMS. Well, the major—the area of greatest impact is one man and his talents: The entertainer, Bill Cosby.

Mr. ALLEN. I understood the Senator to say there were 100 industries.

Mr. WILLIAMS. One hundred businesses have been associated, and I think it is high-level executives; I have already estimated that at 100.

Mr. ALLEN. One hundred businesses, but how many from each business?

Mr. WILLIAMS. That is on a part-time basis. I would say, on a strictly part-time basis, as I have observed it, for every vice president of a regional telephone company, there may be three people working with him, and it is obviously not full time.

Mr. ALLEN. That would be about 300, then? Three for each one of the businesses?

Mr. WILLIAMS. If it were 100, and they each had a total of three, that would add up to 300.

Mr. ALLEN. Under the present law, though, they are not taken out from under this section of the United States Code, are they?

Mr. WILLIAMS. No.

Mr. ALLEN. Yes. Now, if it is 300 without any sanction of law, then, without any bill taking them out from under the code section, there would be no limit to the number of voluntary employees that they could use. Is that correct, there would be no limit?

Mr. WILLIAMS. Well, there is not any limit in the bill as it applies itself, no.

Mr. ALLEN. No. What would these people be? Would they be Federal employees, or what would their status be?

Mr. WILLIAMS. I beg the Senator's pardon.

Mr. ALLEN. What would the status of these voluntary persons be? Would they be Federal employees?

Mr. WILLIAMS. No.

Mr. ALLEN. They would not be Federal employees?

Mr. WILLIAMS. If the president of United States Steel wanted to voluntarily make an announcement of his association or his company's association with the objectives of the Equal Employment Opportunity Commission, that would be permitted under this act.

Mr. ALLEN. Yes. Well, now, if the Southern Christian Leadership Conference wanted to furnish the EEOC with 200 or 300 volunteer employees to go out over the country working on this project——

Mr. WILLIAMS. Which project?

Mr. ALLEN (continuing). They could be accepted, could they not?

Mr. WILLIAMS. Well, what is the project? Which project?

Mr. ALLEN. Well, the matter of bringing equal economic opportunities to the people in the country. That is what the bill is for, is it not? That is what I understood.

Mr. WILLIAMS. Does the Senator mean to publicize and——

Mr. ALLEN. I do not know what they would do. They could investigate if they wanted to.

Mr. WILLIAMS. No, no, no, these are not investigators by any means.

Mr. ALLEN. Where does the bill say that?

Mr. WILLIAMS. These are not employees. The law provides for the employment of people, and the employment of people for all of the procedures of this Commission. Volunteers are not to go to court or to investigate.

Mr. ALLEN. Where does the bill say that? The bill does not say that. They want to get 10 attorneys in the general counsel's office.

Mr. WILLIAMS. It is in the report, and that does not have the force of law. I would be happy if the Senator would want to offer another amendment to further define the volunteer.

Mr. ALLEN. No. I would rather eliminate the entire section.

I yield the floor, Mr. President.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, I rise in support of the amendment.

I think it is repugnant to the first principle of sound government to allow volunteers to exercise governmental power. The provision which the amendment—which has been ably discussed by the distinguished Senator from Alabama—seeks to strike is found on the last three lines of page 59, lines 23, 24 and 25, and the first two lines of page 60. This provides that the Commission can accept voluntary and uncompensated services notwithstanding the provisions of section 3649(b) of the revised statutes.

I respectfully submit that it is extremely unwise for a commission, which is charged with the performance of a judicial function and which exercises the power of judges, to have the assistance of volunteers who are so biased in favor of the enforcement of the law that they are willing to work for nothing, provided they are allowed to exercise governmental functions and assist a commission that is supposed to sit as an impartial judge of a cause.

For these reasons, I think the amendment of the Senator from Alabama should be adopted and that the Commission should not be accepting the services of biased people whose bias prompts them to volunteer their services. I think it is essentially incompatible with sound government for nongovernmental officials to be performing a governmental function. This provision should be stricken from the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senators from Nevada (Mr. Bible and Mr. Cannon), the Senator from Mississippi (Mr. Eastland), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Maine (Mr. Muskie), the Senators from Rhode Island (Mr. Pastore and Mr. Pell), the Senator from Illinois (Mr. Stevenson), and the Senator from California (Mr. Tunney), are necessarily absent.

On this vote, the Senator from Mississippi (Mr. Eastland) is paired with the Senator from Washington (Mr. Magnuson). If present, and voting, the Senator from Mississippi would vote "yea," and the Senator from Washington would vote "nay."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pastore), the Senator from Illinois (Mr. Stevenson), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), and the Senator from California (Mr. Tunney) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Buckley) is absent on official business.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senators from Colorado (Mr. Allott and Mr. Dominick), the Senator from Kentucky (Mr. Cook), the Senator from Maryland (Mr. Mathias), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The result was announced—yeas 26, nays 53, as follows:

[No. 13 Leg.]

YEAS—26

Allen
Bennett
Bentsen
Brock
Byrd, Va.
Byrd, W. Va.
Chiles
Ellender
Ervin
Fannin
Fulbright
Gambrell
Griffin
Gurney
Hansen
Hollings
Jordan, N.C.
Long
Randolph
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower

NAYS—53

Aiken
Baker
Bayh
Beall
Bellmon
Boggs
Brooke
Burdick
Case
Church
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Fong
Gravel
Harris
Hart
Hartke
Hatfield
Hruska
Hughes
Inouye
Javits
Jordan, Idaho
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pearson
Percy
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott
Stafford
Stevens
Symington
Taft
Weicker
Williams

NOT VOTING—21

Allott
Anderson
Bible
Buckley
Cannon
Cook
Dominick
Eastland
Goldwater
Humphrey
Jackson
Kennedy
Magnuson
Mathias
Mundt
Muskie
Pastore
Pell
Stevenson
Tunney
Young

So Mr. Allen's amendment (No. 819) was rejected.

Mr. JAVITS. Mr. President, I move to rconsider the vote by which the amendment was rejected.

Mr. WILLIAMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. Bentsen). Mr. President, the question now occurs on amendment No. 597, as modified.

## ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, there will be no more rollcall votes today. There will be rollcall votes tomorrow. May I ask the distinguished senior Senator from North Carolina (Mr. Ervin) whether it will be agreeable with him and with others concerned—Mr. President, may we have order?

The PRESIDING OFFICER. There will be order in the Senate so that we can understand the program for the remainder of the day.

Mr. BYRD of West Virginia. Mr. President, the pending amendment, offered earlier by the distinguished senior Senator from North Carolina (Mr. Ervin), was temporarily laid aside. May I inquire whether the senior Senator from New York (Mr. Javits), the senior Senator from North Carolina (Mr. Ervin), and the manager of the bill would be willing to dispense with any further action with respect to the bill today and proceed with the resumption of morning business?

The amendment of the senior Senator from North Carolina would continue in its temporarily laid-aside status and would be the pending question tomorrow.

Mr. ERVIN. That is satisfactory.

## RESUMPTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a resumption of morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## ORDER FOR STAR PRINT OF S. 2909, THE NATIONAL BLOOD BANK ACT OF 1972

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Indiana (Mr. HARTKE), I ask unanimous consent that a star print of S. 2909, the National Blood Bank Act of 1972, be authorized, five lines having been omitted at the end of the bill when it was printed. The star print would include the missing lines.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE BUSINESS AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that after the two leaders have been recognized on tomorrow under the standing order, there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which period the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRESIDENT NIXON'S SPEECH ON THE VIETNAM WAR

Mr. CRANSTON. Mr. President, I wish to speak briefly about the President's statement last night regarding Vietnam. As I listened to the President, my first thoughts were that he had made a fine, fair offer of peace to the other side.

But I asked myself afterward, Why had the other side rejected this offer? I concluded that what had been offered by the President was totally unrealistic; that it was not a plan for peace we can expect the other side to accept. A peace plan to be realistic and workable, must be accepted by both sides. Otherwise it is no peace plan.

It seems to me that there is a "Catch 22" in the President's eight-point program that makes it unacceptable to the other side. That catch is the call for a total cease-fire throughout all of Indochina. Such a cease-fire may seem fair and reasonable from the American point of view. But I can see why it is looked upon by the other side as totally unacceptable.

A general cease-fire in effect asks them to quit, and to quit on our terms. It asks them to give up the civil war they have been waging for years against the South Vietnam Government. It asks them to abandon what they think they will be able to achieve through that civil war. We are being unrealistic to think they will agree.

We are being unrealistic to expect them to settle for an election under which President Thieu would resign only 1 month before the voting. The same Mr. Thieu who has proved himself an expert in rigging elections in that nondemocracy.

The President said the other side wants us to agree to overthrow the South Vietnamese Government. Of course, we cannot participate in any such activity. But I wonder if that is really what the North Vietnamese meant. I wonder if they are not simply saying that they will not relinquish what they believe to be their opportunity to overthrow the South Vietnamese Government themselves, and that they will not accept a proposal under which they would have to give up that opportunity.

It seems unrealistic of the President, who speaks so often of the need for bargaining chips so as to deal from a position of strength, to seek now to deal from a position of relative weakness.

Withdrawal proposals made when we had half a million troops engaged in combat on the ground might perhaps have been listened to maybe. But I think the other side will be unlikely to listen now that we speak from a position of weakness, when our troops are down close to the 150,000 mark or slightly below, when the President is committed to going down to 60,000 by the middle of this year, and when he says he will continue to reduce that strength if and when Vietnamization works effectively. This is an odd time for us to be insisting on a complicated eight-point program before we will agree to get out of the fighting completely.

As to timing, I do not agree with those who allege the President made his offer at this time for political reasons. But I do not believe it is really a plan for peace; I fear it is a preparation for more war. I fear the President is preparing Americans for a possible escalation in the fighting and he wants to show that he has made what many people will take to be a fair offer to stop the fighting before the escalation starts.

The PRESIDING OFFICER. The 3 minutes of the Senator from California have expired.

Mr. BYRD of West Virginia. Mr. President, how much additional time does the Senator from California seek?

Mr. CRANSTON. Three more minutes.

Mr. BYRD of West Virginia. Mr. President, I yield my 3 minutes to the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. There are signs in Vietnam that the other side is infiltrating heavily; that they are readying new stages of an offensive, perhaps a new Tet offensive. The capacity of the other side to hit the South Vietnamese hard increases as our capacity to defend our dwindling forces in Vietnam decreases. I fear that our men there are highly vulnerable. They are more and more dependent on the South Vietnamese for protection, and the South Vietnamese have not shown much capacity for defending themselves, let alone the American forces.

Bombing has not proved effective in any significant way in reducing the scale of the enemy's offensive ability.

It is quite possible there will be a major offensive that will confront us with rising American casualties. The President assured us last night that if the other side does move against us in force, he will retaliate with all the power available to him. That may mean a major escalation of the fighting; and it is quite possible that the President's decision to reveal his "secret" plan at this time was designed to make renewed fighting more acceptable if and when it comes. I hope it will not come; but I fear it may come.

Since what the President has offered is unacceptable to the other side, it is not going to end the war. A rise in American casualties by an escalation of the conflict is not going to reduce the issue of Vietnam in America. Vietnam will perhaps be a bigger issue than it has been for some time, and it may once more seriously divide the American people and create still deeper problems for our country.

What the President has offered is not at all what the people expected. They expected a simple, one-point plan, a plan to enable us to get out of Vietnam totally. What we got was an eight-point plan with a "Catch 22." A one-point plan would provide that we would withdraw all our forces from Vietnam, with the single condition that our prisoners of war must be released as we withdraw. But such a simple, one-point plan has not been offered.

The plan offered to the Vietnamese will not, in my opinion, lead to the end of the conflict. It will not lead to the release of the POW's. They will continue to languish in prison. The President has set a new condition for their release. We will not simply withdraw our troops in exchange for a simultaneous release of POW's. We now also insist on the North Vietnamese first agreeing to a general cease-fire. Not only will the POW's now imprisoned continue to languish as a result, but there may be new POW's when more of our planes are shot down and more crews are captured. I understand there already has been a slight increase in the number of POW's in recent weeks.

It is an unhappy picture I fear we face in Vietnam.

The PRESIDING OFFICER. The Senator's additional 3 minutes have expired.

Mr. GRIFFIN. Mr. President, it is very disappointing to hear a Senator of the United States speak against a cease-fire in Southeast Asia. I am shocked. It is disappointing and shocking to hear a Senator of the United States reject the very fair and generous peace proposal advanced by the President of the United States, a proposal which even Hanoi has not rejected. It is true that Hanoi has not responded to this proposal for some 2 months, but I never thought we would hear it rejected in our own country and before the North Vietnamese have had an opportunity to respond.

It seems to me that the time is at hand when Americans ought to give this President—indeed, any President, in these circumstances—their support for such a fair and generous proposal. At least, they could support him with their silence for a while, so that the President might have an opportunity to try to negotiate a settlement which will get our prisoners of war back. I regret to have to say that. Perhaps it would have been better not even to have acknowledged the remarks of the senior Senator from California. But I observed that he had already held a news conference, which was reported on the news ticker before he spoke in the

Senate. According to the news report, he charged the President with really not seeking peace at all, but preparing the country for an escalation of the war. That is an incredible statement. I regret that the Senator from California made such a statement.

Mr. CRANSTON. Mr. President, will the Senator yield? I should like simply to say——

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. GRIFFIN. If I have the floor, Mr. President, I yield to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I listened with interest to the distinguished Senator from California last night after the President spoke. I was encouraged by what the distinguished junior Senator from Michigan had to say just now. At least, there was some hope last night that the Senator from California would join other Members of this body from both parties, in supporting the President of the United States.

I share the views expressed by the distinguished Senator from Michigan. I think now is the time that we should serve notice on Hanoi that this country is united.

I missed a portion of the remarks of the junior Senator from California, but I ask permission at this time to include at the end of my remarks an editorial which appeared in tonight's Washington Evening Star.

The PRESIDING OFFICER. The time of the Sentor from Michigan has expired.

Mr. DOLE. May I be recognized?

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOLE. I ask unanimous consent to have printed in the RECORD following my remarks an editorial from tonight's Washington Evening Star entitled "Nixon's Peace Plan."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. Mr. President, we have had serious debates in this body over the past few years during which those of us who have different views and different convictions have expressed ourselves. I know of no Senator in this body who wants this war to continue 1 more day. Certainly this President does not, nor did his predecessors, who, for all their commendable intentions involved us in Southeast Asia.

I understand the Senator from California said that the President is dealing from a position of weakness. I do not know what the junior Senator from California may have said were the alternatives to the President's course. I suppose there are a couple—first, to turn tail and evacuate our troops from South Vietnam, and second, to have an escalation of the war in order to have a military standoff or a military victory.

The Senator from Kansas knows that President Nixon still has the door open for negotiations. The President is willing to continue his talks with the representatives of North Vietnam.

As of May 1, 87 percent of the number of troops involved in Vietnam on January 1, 1969, when this President assumed office, will have been withdrawn. The cost of the war has been cut by half. Casualties have been cut down to fewer than 10 per week. That is still too many, but there is nothing that indicates our President is not pursuing every avenue to attain peace.

We could review statements that have been made about the President of the United States, first, that the President was inflexible, second, that the President was doing nothing to protect our prisoners of war and Americans missing in action; but I think those who made those statements may want them expunged from the record, because the President's efforts can be documented. Dr. Kissinger, as everyone knows now, has made 13 trips to Paris to attend 13 secret sessions with the leaders of North Vietnam.

I would hope we would all abide by the concern that has been expressed by the Senator from Michigan, that this is not the time for partisanship. This is the time for statesmanship. I believe the President demonstrated that statesmanship last evening. This is the time to remove the issue of American prisoners of war and missing in action from the political arena. No service can be performed for those men or for their families by making politics out of their unfortunate plight. The President has gone, not 1 mile, but many, many extra miles, in the pursuit of peace.

I regret that I missed what the Senator from California had as an alternative.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed for an additional 3 minutes.

Mr. BYRD of West Virginia. Mr. President, the leadership has been objecting to all requests for extensions of time during the transaction of morning business.

May I ask unanimous consent at this time, because of the subject that has arisen, that statements be limited during this period for the transaction of routine morning business to not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXHIBIT 1

### NIXON'S PEACE PLAN

We don't know if it will succeed in pulling the rug out from under Senator Mike Mansfield or other opponents of the administration's Vietnam policies. We don't know if it will end the war. But it will take a very determined critic to find much fault with the Vietnam peace plan unfolded by President Nixon to the nation last night.

Part of the revelation was past history. Mr. Nixon's effort to try the road of secret diplomacy, dating back to August 1969, and the 12 subsequent trips to Paris of Presidential Security Adviser Henry Kissinger, unannounced and incredibly unreported, adds a new dimension to the Byzantine diplomacy which seems to be the hallmark of this administration. There will be some, no doubt, who will deplore the secrecy of these initiatives. But in view of the offers made—and rejected by the Communist side in the course of these negotiations—there should also be a considerable amount of crow-eating among those who have accused the administration of obduracy in trying to find an honorable solution to the war.

Very certainly, the terms which Mr. Nixon is now offering in public must be supported by the overwhelming majority of the American people. For those who have urged him to set a "date certain" for a complete American withdrawal from Vietnam, he has complied. The date will be six months from the time that an agreement in principle is reached on the release of American prisoners of war held in Hanoi and on a military ceasefire throughout Indochina. If agreement can be reached on these military provisions, all American participation in the war can come to an end, including air support for the defending South Vietnamese army and the forces of Laos and Cambodia.

The political elements of the President's offer are no less persuasive. An agreement to hold new elections throughout South Vietnam under international supervision, with President Thieu and Vice President Huong resigning a month beforehand, offer a solid basis for a political settlement of the conflict. With National Liberation Front forces guaranteed participation, only those, as Mr. Nixon put it, who cannot differentiate between a settlement and a surrender can reasonably object. And similarly, the American offer to undertake a major program of reconstruction in both North and South Vietnam on the termination of the hostilities is a positive and promising move.

However, the President's objective in making his announcement last night was not limited to silencing his opponents in the United States. It was quite simply to put an end to the war under conditions that would fulfill our obligations to the people of South Vietnam, our own war dead and most reasonable people everywhere. It was aimed also at obtaining release of our war prisoners, without which a complete withdrawal of American forces from South Vietnam would be an unpardonable act of abandonment.

The results, unfortunately, do not depend on reasonable people. They depend rather on leaders who have known for months the general terms on which they could get an end to the killings and a return of peace in Indochina. It is still very uncertain whether these terms are acceptable to them or whether the force of world opinion can induce them to modify their ambitions for military victory. The response may be bitterly disappointing, but at least from now on it should be clear to everyone who is responsible for continuing the war.

Mr. DOLE. Mr. President, I shall be happy to yield to the junior Senator from California at this time to have him explain to me what he proposes we do at this time.

Mr. CRANSTON. Mr. President, I thank the Senator from Kansas. But since he had not heard what I said in full, and since I think the Senator from Michigan, did not exactly understand what I said, I will seek to clarify two or three points.

First, I have not attacked a cease-fire proposal. I would like to see a cease-fire adopted. If the cease-fire could be adopted as the President has proposed, I would be delighted, as would all Americans and all people in South Vietnam. I simply stated as my opinion and my analysis that the other side, which had ignored a cease-fire offer thus far, would reject it. Therefore, because they would reject it, our insisting on a cease-fire would not lead to an end to the war. I was simply making a realistic appraisal of what I believe to be an unrealistic proposal.

Mr. GRIFFIN. Mr. President, if the Senator will yield, I wonder if the Senator from California would agree that it would be more likely that the North Vietnamese will reject it if there are voices in the leadership level in our own country that say they should reject it or that they will reject it.

Mr. CRANSTON. The cease-fire proposal, like much else and probably all that the President now proposes, is not new. Those proposals have been made before. They have been either ignored or rejected. Anybody who would analyze the situation would see plainly that there is no reason to expect that the North Vietnamese will accept these proposals under the conditions prevailing in Southeast Asia.

Mr. DOLE. Let me respond. I think it is clear that those who talk about releasing the prisoners are unrealistic.

Mr. CRANSTON. Why?

Mr. DOLE. Because their release has been rejected by the other side. The President was very effective last evening in pointing out that what they are interested in is the overthrow of the Saigon government, directly or indirectly. I do not believe the junior Senator from California would suggest that we should cooperate in the overthrow of the Government of South Vietnam either directly or indirectly. That is what they want. That is what many of us have said here for months and months. If a date is set for withdrawal in advance, they will make other demands, such as that there shall be no economic aid or that we permit the overthrow directly of the Thieu government. The President made that very clear. The President can document everything he said last evening, and I think the President has.

I find great support for the President in my State of Kansas, from people up and down the street, not Democrats or Republicans, not partisans, but those concerned with our involvement in Southeast Asia.

Frankly, I cannot understand, if the Senator is saying the cease-fire proposal is not a new element, and that they will reject it as they already have. I think we have a right to a cease-fire and a right to protect Americans as they leave Vietnam. Certainly the President has made it clear to the wives and families of the prisoners and missing in action that he is concerned about them and that he has had their interest at heart.

For 30 months the President has been pursuing secret negotiations. We are not going to dictate the terms on the Senate floor. If there are going to be negotiations, they are going to be on a high level, between their leaders and our leaders. This has been tried by the President. He has not stopped. He is still willing to negotiate. He is still carrying on the Vietnamization program.

I understand the North Vietnam Government is sensitive to suggestions made by U.S. Senators and others. I assume the Senator's talk will be welcome to them when they hear about it, that the President is preparing the people for an escalation.

I am convinced that partisanship should be kept apart from this issue. War or peace should not be a partisan issue in 1972 or any other election year. I believe we have some obligation, regardless of party responsibility, regardless of differences of opinion. If we want to go into the origins of the Vietnam war, we can do that, but the American people would like to see it ended, and the great majority of the American people give President Nixon credit for the efforts he has made.

I read the Senator's portion of the statement in which he says this is not politically motivated. It is not. He said it was to prepare the American people for an escalation. If there is an escalation, it will come from the other side. They have been planning it for months. It will probably come at the end of next month. There will probably be an effort to embarrass our President as he leaves for Peking.

There will be an effort to take South Vietnam militarily. The one thing the North Vietnamese want is South Vietnam. They can have it, I assume, in one of two ways: either militarily or by negotiation, which would mean that we would help, through negotiations, to overthrow a friendly government. That has not been our purpose in Southeast Asia.

I would hope that the Senator would review his remarks of last evening on television, where he indicated some support of the President, not because he was from California and not because he was a Republican, but because he was our President, and because he had made the bold initiative for peace.

I would hope that in the weeks ahead, this will not become a debating society for the Republican view, the Democrat view, the Nixon view, or any other view, and I think tonight's Evening Star editorial rather clearly supports that hope.

It is now up to the North Vietnamese. If we are going to sway world opinion, if we are going to develop world opinion, we are going to need a united American opinion; and they are going to listen and be more apt to negotiate the generous terms offered by President Nixon if this country is for the most part united.

The President may even know more, I do not know. But I believe the revelations he made last night disclosed that he has never given up in his pursuit of peace, and those of us who have supported the President can take pride in supporting the President.

I have said, probably a hundred times, that if we look at the record, the record when the President was inaugurated, look at the casualties, the cost, the numbers, and compare that with the record last month, this month, or next month, we will see there has been a great improvement. So I would hope the distinguished Senator from California, in the weeks ahead, would join us in trying to put an end to this war in Southeast Asia. I do not hear any alternative plan from the Senator. The Senator is surely not suggesting that we participate in the overthrow of the Saigon government? The Senator is surely not suggesting that we surrender South Vietnam and abandon it—with our prisoners of war; but I do not know what his alternative is.

I yield back the remainder of my time.

Mr. CRANSTON. Mr. President. In the first place, I do not suggest that the President was politically motivated. Had the Senator from Kansas been present, he would have heard me say the precise opposite. He would have heard me say that I do not believe the President was politically motivated in any way.

Second, I do not believe the United States can, should, or will engage in any acts designed to overthrow the Thieu government in South Vietnam.

Third, in regard to what may be a coming escalation of the Vietnam war. There are signs that is occurring right now. But I do not blame the President for it. I do not suggest that the President of the United States wishes to escalate, plans to escalate, or would initiate an escalation. Recent moves that have heightened the conflict have come first from the other side. But we responded. We heavily increased our aerial bombing. Now there are signs, as the President himself indicated, that the North Vietnamese are now infiltrating southward in greater numbers than has been the case in a long time. And there, consequently, are signs of escalating attacks on ourselves and our allies.

The President made plain last night that if the other side continues to escalate, he will respond with whatever force is available to him. I do not believe he is the original escalator. But he plans to meet the other side's escalation with escalation of his own. He made that plain last night.

Finally, the Senator asks what the alternative is. The alternative is what the President did not propose last night. The President did not propose the simple answer to the problem which many Democrats, within and without the Senate have suggested. The simple answer is that we agree to withdraw totally by a given date, provided the other side releases all prisoners of war, proportionately as we pull out. We should demand no conditions other than the release of our prisoners and the safety of our men.

When we add seven or eight or nine other points, including a requirement for a general cease-fire that in effect asks the one side in a foreign civil war to quit that war on American terms; when we set up an election procedure that we would have people outside Vietnam setting the conditions; and when we suggest that President Thieu can maintain control of the government until 1 month before that election, we place a lot of obstacles in the path of getting our POW's released and our troops withdrawn. I think we should sweep away all such obstacles and get all of our men safely back home, promptly.

Mr. President, I yield the floor.

Mr. GRIFFIN. Mr. President, may I have the remainder of the 7 minutes?

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, all of us, I suppose, were asked for comments following the President's statement last night, and my comment was that the important reaction to the President's historic statement would come not from Hanoi, but from within the United

States. I think that was the situation and is the situation because I think Hanoi has been and is watching very carefully to see whether or not this President, under these circumstances, is going to be supported by the American people.

Of course, I recognize that there are honest and good-faith differences of opinion. But it seems to me that every American today, regardless of his politics, has got to ask himself, "How can I best contribute to achieving the peace that we all want, and getting our prisoners of war home?"

I am convinced that we do not contribute to that effort by adding to the impression of division without our country. Surely it must be clear, unless you prefer to believe the Communists in preference to the President of the United States, that this Nation has negotiated in good faith and has gone the extra mile.

Under these circumstances, for God's sake, it seems to me that this President, or any President, deserves support, and if not support at least some silence, to see what the response from Hanoi will be, because Hanoi has not rejected this peace proposal. It is being rejected by some of our own people here in our country and in the Senate of the United States.

Now, the fact is that on May 31, 1971, 8 months ago—and I read from the President's statement last night—at one of the secret meetings in Paris, we offered specifically to agree to a deadline for the withdrawal of all American forces in exchange for the release of all prisoners of war and a cease-fire.

Now, that was a proposal upon which we wanted to negotiate. It is true that there was not any particular date set for withdrawal, but we were prepared to negotiate a date of withdrawal. It is true we did not state when or exactly how the prisoners of war would be released, but we were ready to negotiate. It is true that the details of a cease-fire were not spelled out, but we wanted to negotiate.

The other side rejected that offer and refused to negotiate on that basis. Instead they came in with their so-called 7-point peace plan, which insisted upon a political settlement in addition to a military settlement.

Well, we are ready to negotiate as far as a political settlement is concerned as the President spelled out last night, we have offered a proposal for very generous provisions for an election which would include the Vietcong, which would be internationally supervised, with President Thieu resigning his office a month in advance.

Let us see if we can get the other side to negotiate this. Let us not reject it ourselves before they have an opportunity to respond.

I respect the junior Senator from California, and he has a right to his views. Unfortunately, we differ, and we differ very seriously.

Frankly, I am glad that some of the reaction from the other side of the aisle has not been in the same vein. It has been in a highly nonpartisan and very responsible tone, so far as I am concerned, and as I judge it. I think we need that now. Down the road sometime in the campaign, if Senators want to argue some of these things about how the war began or whether or not it was conducted right, that is a different situation. But right now—and I would say this whether it was President Kennedy in the White House or President Johnson in the White House or any other President in the White House—let us give this President some support.

**Mr. CRANSTON.** Mr. President, as far as I am concerned, this really has nothing to do with the campaign and nothing to do with politics. It has to do with the war that the American people desperately want to end. It has to do with the young people who are involved in the conflict now or who are facing involvement. It has to do with their families and with their loved ones; it has to do with people languishing in prisons in Vietnam.

It seems to me that by listing the many offers that have been made, the Senator from Michigan built a very solid argument for the case I have presented. One offer after another has been rejected or ignored by the other side.

All I have done today is to state my opinion that nothing substantively new has been offered; that this proposal too will be ignored or rejected by the other side. Therefore, the search for peace must go on. It must go on in the White House. It must go on in Congress. It must go on in the country. We must continue the search for peace until we find the right plan that will get us out of this war.

If it turns out to be the plan the President has offered, I shall congratulate him. It will be a great achievement; we will be out of this tragic war. But I sadly admit that I have grave doubts that this will prove to be the case.

**Mr. GRIFFIN.** Mr. President, in order to complete this colloquy, I ask unanimous consent that the text of the President's address to the Nation last night be printed in the RECORD; and, since I made reference to a wire story concerning statements made by Senator CRANSTON, I ask unanimous consent that the text of that UPI story also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 26, 1972]

### TRANSCRIPT OF THE PRESIDENT'S ADDRESS TO THE NATION ON U.S. POLICY IN VIETNAM

*Following is a transcript of President Nixon's televised address last night on Vietname policy, as recorded by The New York Times:*

Good evening.

I have asked for this television time tonight to make public a plan for peace that can end the war in Vietnam.

The offer that I shall now present on behalf of the Government of the United States and the Government of South Vietnam, with the full knowledge and approval of President Thieu, is both generous and far-reaching.

It is a plan to end the war now. It includes an offer to withdraw all American forces within six months of an agreement. Its acceptance would mean the speedy return of all the prisoners of war to their homes.

Three years ago when I took office there were 550,000 Americans in Vietnam. The number killed in action was running as high as 300 a week. There were no plans to bring any Americans home and the only thing that had been settled in Paris was the shape of the conference table.

I immediately moved to fulfill a pledge I had made to the American people to bring about a peace that could last, not only for the United States but for the long-suffering people of Southeast Asia.

There were two honorable paths open to us.

The path of negotiation was, and is, the path we prefer. But it takes two to negotiate. There had to be another way in case the other side refused to negotiate. That path we called Vietnamization. What it meant was training and equipping the South Vietnamese to defend themselves and steadily withdrawing Americans as they developed the capability to do so.

The path of Vietnamization has been successful.

Two weeks ago you will recall that I announced that by May 1 American forces in Vietnam would be down to 69,000. That means almost one-half million Americans will have been brought home from Vietnam over the past three years.

### CITES REDUCTION IN CASUALTIES

In terms of American lives the losses of 300 a week have been reduced by over 95 per cent to less than 10 a week. But the path of Vietnamization has been the long voyage home. It has strained the patience and tested the perseverance of the American people.

What of the short cut? The short cut we prefer, the path of negotiation? Progress here has been disappointing.

The American people deserve an accounting of why it has been disappointing. And tonight I intend to give you that accounting; and in so doing I'm going to try to break the deadlock in the negotiations.

We have made a series of public proposals designed to bring an end to the conflict. But early in this Administration, after 10 months of no progress in the public Paris talks, I became convinced that it was necessary to explore the possibility of negotiating in private channels to see whether it would be possible to end the public deadlock.

After consultation with Secretary of State Rogers, our Ambassador in Saigon, our chief negotiator in Paris, with the full knowledge and approval of President Thieu, I sent Dr. Kissinger to Paris as my personal representative on Aug. 4, 1969—30 months ago—to begin these secret peace negotiations.

### TWELVE TRIPS TO PARIS BY KISSINGER

Since that time, Dr. Kissinger has traveled to Paris 12 times on these secret missions. He has met seven times with Le Duc Tho, one of Hanoi's top political leaders, and Minister Xuan Thuy, head of the North Vietnamese delegation to the Paris talks. And he has met with Xuan Thuy five times alone.

I would like, incidentally, to take this opportunity to thank President Pompidou of France for his personal assistance in helping to make the arrangements for these secret talks.

Now this is why I initiated these private negotiations.

Privately, both sides can be more flexible in offering new approaches. And also, private discussions allow both sides to talk frankly, to take positions free from pressure of public debate.

In seeking peace in Vietnam with so many lives at stake, I felt we could not afford to let any opportunity go by, private or public, to negotiate a settlement.

As I have stated on a number of occasions, I was prepared, and I remain prepared, to explore any avenue, public or private, to speed negotiations to end the war.

For 30 months, whenever Secretary Rogers, Dr. Kissinger or I were asked about secret negotiations, we would only say we were pursuing every possible channel in our search for peace. There was never a leak, because we were determined not to jeopardize the secret negotiations.

### INITIAL HOPE OF PROGRESS

Until recently, this course showed signs of yielding some progress. Now, however, it is my judgment that the purposes of peace will best be served by bringing out publicly the proposals we have been making in private.

Nothing is served by silence when the other side exploits our good faith to divide America and to avoid the conference table.

And nothing is served by silence when it misleads some Americans into accusing their own Government of failing to do what it has already done. And nothing is served by silence that enables the other side to imply possible solutions publicly that it has already flatly rejected privately.

The time has come to lay the record of our secret negotiations on the table.

Just as secret negotiations can sometimes break a public deadlock, public disclosure may help to break a secret deadlock.

Some Americans who believed what the North Vietnamese led them to believe have charged that the United States has not pursued negotiations intensively.

As the record that I now will disclose will show, just the opposite is true.

Questions have been raised as to why we have not proposed a deadline for the withdrawal of all American forces in exchange for a cease-fire and the return of prisoners of war, why we have not discussed the seven-point proposal made by the Vietcong last July in Paris, why we have not submitted a new plan of our own to move the negotiations off dead center.

As the private record will show, we've taken all these steps and more, and have been flatly rejected or ignored by the other side.

On May 31, 1971, eight months ago, at one of the secret meetings in Paris we offered specifically to agree to a deadline for the withdrawal of all American forces in exchange for the release of all prisoners of war and a cease-fire.

At the next private meeting on June 26, the North Vietnamese rejected our offer. They privately proposed instead their own nine-point plan, which insisted that we overthrow the Government of South Vietnam. Five days later, on July 1, the enemy publicly presented a different package of proposals, the seven-point Vietcong plan. That posed a dilemma. Which package should we respond to—the public plan or the secret plan?

### QUESTION PUT TO HANOI DELEGATE

On July 12, at another private meeting in Paris, Dr. Kissinger put that question to the North Vietnamese directly. They said we should deal with their nine-point secret plan because it covered all of Indochina, including Laos and Cambodia, while the Vietcong seven-point proposal was limited to Vietnam.

And so that's what we did, but we went even beyond that, dealing with some of the points in the public plan that were not covered in the secret plan.

On Aug. 16, at another private meeting, we went further. We offered the complete withdrawal of United States and allied forces within nine months after an agreement on an over-all settlement.

On Sept. 13, the North Vietnamese rejected that proposal. They continued to insist that we overthrow the South Vietnamese Government.

Now what has been the result of these private efforts? For months the North Vietnamese have been berating us at the public sessions for not responding to their side's publicly presented seven-point plan.

The truth is that we did respond to the enemy's plan in the manner they wanted us to respond, secretly.

### DENOUNCED BY HANOI

In full possession of our complete response, the North Vietnamese publicly denounced us for not having responded at all.

They induced many Americans in the press, in the Congress, into echoing their propaganda. Americans who could not know they were being falsely used by the enemy to stir up divisiveness in this country.

I decided in October that we should make another attempt to break the deadlock.

I consulted with President Thieu, who concurred fully, in a new plan. On Oct. 11 I sent a private communication to the North Vietnamese that contained new elements that could move negotiations forward.

I urged a meeting on Nov. 1 between Dr. Kissinger and special adviser Le Duc Tho or some other appropriate official from Hanoi. On Oct. 25 the North Vietnamese agreed to meet, suggested Nov. 20 as the time for meeting.

On Nov. 17, just three days before the scheduled meeting, they said Le Duc Tho was ill. We offered to meet as soon as he recovered, either with him or immediately with any other authorized leader who could come from Hanoi.

Two months have passed since they called off that meeting. The only reply to our plan has been an increase in troop infiltration from North Vietnam and Communist military offensives in Laos and Cambodia.

### RESPONSE A "STEP-UP IN WAR"

Our proposal for peace was answered by a step-up in the war on their part. That is where matters stand today.

We are being asked publicly to respond to proposals that we answered, and in some respects accepted, months ago in private.

We are being asked publicly to set a terminal date for our withdrawal when we already offered one in private.

And the most comprehensive peace plan of this conflict was ignored in a secret channel while the enemy tries again for military victory.

That is why I have instructed Ambassador Porter to present our plan publicly at this Thursday's session of the Paris peace talks, along with alternatives to make it even more flexible.

We are publishing the full details of our plan tonight.

It will prove beyond doubt which side has made every effort to make these negotiations succeed. It will show unmistakably that Hanoi, not Washington or Saigon, has made the war go on.

Here is the essence of our peace plan; public disclosure may gain it the attention it deserves in Hanoi:

Within six months of an agreement, we shall withdraw all U.S. and allied forces from South Vietnam.

We shall exchange all prisoners of war.

There shall be a cease-fire throughout Indochina.

There shall be a new presidential election in South Vietnam.

### THIEU TO GIVE DETAILS

President Thieu will announce the elements of this election. These include international supervision and an independent body to organize and run the election, representing all political forces in South Vietnam, including the National Liberation Front.

Furthermore, President Thieu has informed me that within the framework of the agreement outlined above, he makes the following offer: he and Vice President Huong would be ready to resign one month before the new election.

The chairman of the Senate, as caretaker head of the Government, would assume administrative responsibilities in South Vietnam.

But the election would be the sole responsibility of the independent elections body I have described.

There are several other proposals in our new peace plan. For example, as we offered privately on July 26 of last year, we remain prepared to undertake a major reconstruction program throughout Indochina—including North Vietnam—to help all these people recover from the ravages of a generation of war.

We will pursue any approach that will speed negotiations. We are ready to negotiate the plan that I have outlined tonight and conclude a comprehensive agreement on all military and political issues.

Because some parts of this agreement could prove more difficult to negotiate than others, we would be willing to begin implementing certain military aspects while negotiations continue on the implementation of other issues, just as we suggested in our private proposal in October.

Or, as we proposed last May, we remain willing to settle only the military issues and leave the political issues to the Vietnamese alone.

### "WOULD WITHDRAW ALL"

Under this approach we would withdraw all U.S. and allied forces within six months in exchange for an Indochina cease-fire and the release of all prisoners.

The choice is up to the enemy. This is a settlement offer which is fair to North Vietnam and fair to South Vietnam. It deserves the light of public scrutiny by these nations and by other nations throughout the world. And it deserves the united support of the American people.

We made the substance of this generous offer privately over three months ago. It has not been rejected but it has been ignored. I reiterate that peace offer tonight. It can no longer be ignored.

The only thing this plan does not do is to join our enemy to overthrow our ally, which the United States of America will never do.

If the enemy wants peace, it will have to recognize the important difference between settlement and surrender.

### "LONG AND AGONIZING STRUGGLE"

This has been a long and agonizing struggle but it is difficult to see how anyone, regardless of his past position on the war, could now say that we have not gone the extra mile in offering a settlement that is fair—fair to everybody concerned.

By the steadiness of our withdrawal of troops, America has proved its resolution to end our involvement in the war.

By our readiness to act in the spirit of conciliation, America has proved its desire to be involved in the building of a permanent peace throughout Indochina.

We are ready to negotiate peace immediately.

If the enemy rejects our offer to negotiate, we shall continue our program of ending American involvement in the war by withdrawing our remaining forces as the South Vietnamese develop the capability to defend themselves.

If the enemy's answer to our peace offer is to step up their military attacks, I shall fully meet my responsibility as Commander in Chief of our armed forces to protect our remaining troops.

We do not prefer this course of action. We want to end the war—not only for America but for all the people of Indochina.

### SAYS SOME DOUBT UNITED STATES

Some of our citizens have become accustomed to thinking that whatever our Government says must be false; and whatever our enemies say must be true, as far as this war is concerned.

But the record I have revealed tonight proves the contrary. We can now demonstrate publicly what we have long been demonstrating privately—that America has taken the initiative, not only to end our participation in this war, but to end the war itself for all concerned.

This has been the longest, the most difficult war in American history. Honest and patriotic Americans have disagreed as to whether we should have become involved at all nine years ago. And there has been disagreement on the conduct of the war.

The proposal I have made tonight is one on which we all can agree.

Let us unite now, unite in our search for peace, a peace that is fair to both sides, a peace that can last. Thank you and good night.

STATEMENT

Sen. Alan Cranston, D-Calif., said Nixon's peace plan was "totally unrealistic and intended to prepare the American people for a new escalation of the war.

Cranston said at a news conference in his office that the eight-point peace plan would be unacceptable to North Vietnam and that Nixon knew it in making the offer.

The California Democrat said one reason the peace plan was "unrealistic" was that the President was "dealing from weakness" not "strength."

Nixon, he said, was asking the other side "to give up the civil war" and agree to American objectives at a time when U.S. forces are being reduced.

Cranston said he did not believe Nixon's offer was politically motivated.

"I don't think it was political," he said, "but I also do not think it is a plan for peace."

Instead, he said, it was intended "to prepare the American people for an escalation of the war."

Sen. Marlow W. Cook, R-Ky., called the Nixon disclosure "a giant stride towards a peaceful settlement of the way affecting the entire Indochina peninsula. It is bold; it is reasonable."

He said Nixon has offered "more than a plan for withdrawal—he has offered a plan for peace."

Mr. GRIFFIN. Mr. President, may I ask the Chair if any time remains under the 10 minutes?

The PRESIDING OFFICER. The Senator can be recognized for an additional 10 minutes, if he so desires.

Mr. GRIFFIN. Mr. President, with the indulgence of the Senator from West Virginia—I am sure I will not use 10 minutes—and I regret that the junior Senator from California has left the floor.

I have had brought to my attention a UPI story concerning briefing of the press today by Presidential Adviser Henry Kissinger.

I read from it:

WASHINGTON.—National Security Affairs Advisor Henry A. Kissinger said today the United States offered a total withdrawal of American troops from Vietnam by Aug. 1, 1972 with a cease fire in exchange for release of the American prisoners of war.

Kissinger told a news conference in the East Room of the White House that the proposal to set a date for withdrawal was made at a secret negotiating session in Paris with North Vietnamese officials on Aug. 16. It was the first time that the White House has disclosed that it had offered a fixed withdrawal deadline.

At a later point in the story, I want to read this paragraph in particular:

Kissinger said that there was no debate with the North Vietnamese about the cease fire as part of the settlement. "That is not a contentious issue," he said.

Mr. President, I ask unanimous consent to have the full text of the release printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

WASHINGTON.—National Security Affairs Advisor Henry A. Kissinger said today the United States offered a total withdrawal of American troops from Vietnam by Aug. 1, 1972 with a cease fire in exchange for release of the American prisoners of war.

Kissinger told a news conference in the east room of the White House that the proposal to set a date for withdrawal was made at a secret negotiating session in Paris with North Vietnamese officials on Aug. 16. It was the first time that the White House has disclosed that it had offered a fixed withdrawal deadline.

Kissinger also told reporters that the main sticking point in negotiations with the communists has been and remains North Vietnam's determination that the United States overthrow the South Vietnam's determination that the United States overthrow the South Vietnamese Government of President Nguyen Van Thieu either directly or indirectly. Kissinger said that the United States is not and will not be prepared to take that step. He said the communists want the United States to offer them what they have not been able to achieve militarily.

The President's chief foreign policy advisor, meeting with reporters in the aftermath of President Nixon's televised Vietnam report last night, said that North Vietnam had also demanded that the United States withdraw all military and economic aid from South Vietnam. Including equipment provided the Army of the Republic of South Vietnam.

Kissinger said that "they are in effect asking us to ally ourselves with their overthrow of the people who have been counting on us.

"They want us to achieve for them what they have not been able to accomplish themselves."

"We are still ready to resume talks in either public or private channels," said Kissinger.

"Some time this war has to end," he declared. "Sometimes it has to end through negotiations. It isn't we who are looking for a military end."

Kissinger said that domestic division had played a big role in convincing the President that he should open the book on the 30 months of the secret negotiations that had been carrying on with communist negotiators. He explained that the administration had withstood attacks by the Senate doves and other critics in hopes that the private negotiations would be fruitful.

But he added "we had always thought that if our secret negotiations had not made significant progress by the time Congress returned, we would bring it out in public. We felt it was not fair to protect a channel that was not active. We had endured months of criticism while we thought there was a chance of making progress."

Kissinger declined to go into the secret meetings which were conducted in 1969 and 1970 with the communists. But he dealt blow-by-blow with the meetings which took place in 1971 on May 31, June 26, July 12, July 26, Aug. 16 and Sept. 13.

At the secret meeting on Aug. 16, Kissinger said the U. S. proposed to set a total troop withdrawal date at nine months after conclusion of an agreement of principle. He said this would have been Aug. 1, 1972, provided an agreement was reached by Nov. 1, 1971.

He said that the North Vietnamese turned the proposal down because the withdrawal deadline was too long and that it did not cover the political demands for the overthrow of the Saigon regime.

"For the first time we included a declaration of the American willingness to limit our aid to South Vietnam if North Vietnam would limit its aid," he said.

"On Sept. 13, North Vietnam turned down the offer because the withdrawal date was too long" and it did not include a simple declaration of political neutrality which would remove all U. S. support for the Thieu government.

Kissinger than said the U. S. came back with an offer to shorten the deadline and gave a precise political prescription on how a free election can be organized with President Thieu willing to resign before the election.

He said that the United States has received no reply to its eight point secret IACE plan which proposed in secret on Oct. 11 and made public last night by Nixon. But he said that the disclosure of the plan added to its significance because it gave the "public commitment of the United States and South Vietnam on the question of troop withdrawals, a cease fire and a political solution for the future of South Vietnam.

Kissinger said that there was no debate with the North Vietnamese about the cease fire as part of the settlement. "That is not a contentious issue," he said.

The differences narrows to two main issues:

—The withdrawal of U. S. and Allied troops and the political evolution.

"The North Vietnamese say we should set a date regardless of whatever happens, regardless of the prisoner of war issue," Kissinger said. "In other words we should get out unilaterally."

Kissinger said the United States was not committed to one political structure but still was determined that the people of South Vietnam have a genuine freedom in expressing their own political preferences.

Mr. BYRD of West Virginia. Mr. President, it is my understanding that the distinguished Senator from California (Mr. CRANSTON) will return to the Chamber and will have something further to say.

The Senator from California has just arrived in the Chamber.

Mr. CRANSTON. Mr. President, I wish to add a footnote to the colloquy I was engaged in with the Senator from Kansas (Mr. DOLE) and the assistant minority leader. After I walked off the floor, I was called into the waiting room to meet a constituent, Mrs. Robert Orr, of Woodland Hills, Calif. Mrs. Orr told me she is a mother of a draft age son. She handed me a copy of tonight's Washington Star. On the front page was a banner headline reporting that, "Hanoi Scorns Nixon Plan."

I recount that footnote to show that my earlier presumption that Hanoi would not accept the President's proposals was a realistic presumption, as contrasted with what I called then, and call again, the unrealistic peace proposal made by the President of the United States.

I deeply regret that this is the situation.

I join the distinguished Senator from Michigan (Mr. GRIFFIN) and hope that some plan will be adopted. I would have been delighted had the President's plan been adopted.

Mr. GRIFFIN. But the distinguished Senator from California was willing to make a statement before he knew what Hanoi was going to say; is that not right?

Mr. CRANSTON. It certainly was. It was pretty obvious what their reply was going to be.

## NATIONAL COMMITMENT TO ELIMINATE JOB DISCRIMINATION

Mr. BYRD of West Virginia. Mr. President, on September 14, 1971, I introduced S. 2515 for the distinguished junior Senator from New Jersey (Mr. WILLIAMS) and for 32 other Senators. Although I was not a cosponsor of that bill, I support the bill which is now before the Senate, and I shall vote for it on final passage.

There are some features of the bill

with which I am not in complete accord. Nonetheless, I hope that the bill can be improved when in conference with the other body.

I do not favor special treatment or special consideration or favored employment of any individual on the basis of that person's being black or white, male or female. Nor do I believe that every charge of discrimination in employment is valid. In many instances, a charge of discrimination is used as a crutch to cover incompetence and unfitness for a particular job. Discrimination is often blamed also for failure of promotion, whereas in reality, such failure is not because of color but because of conduct.

Notwithstanding what I have just said, the fact remains that discrimination in employment, on the basis of race, does exist, and discrimination against sex does persist. Wherever there is such discrimination in employment, it is violative of the Constitution of the United States. I believe that, where jobs and promotions are concerned, every person should be judged on the basis of his ability to do the job, his willingness to diligently apply himself, his appearance as to cleanliness, his attitude, and his personal conduct insofar as speech, manners, and morals are concerned. In other words, he should rise or fall on the basis of merit, not on the basis of race or religion or sex. Every qualified individual—black, white, or else—should be given an equal chance—not preferential treatment—at employment.

There is no question but that the unemployment rate for Negroes is considerably higher than that for whites. Figures available for 1970 show that the unemployment rate for whites was 5.4 percent, while 9.3 percent of Negroes were unemployed. Likewise, in 1970, the median family income for Negroes was $6,279, while the median income for whites was $10,236.

While statistics on Spanish-speaking Americans are not nearly as current or complete, it is interesting to note that in 1969, the median family income for Spanish-speaking American families was $5,641.

The situation for working women is no less serious. Women continue to be relegated to low-paying positions and the rate of advancement is slower than for men in similar positions. I am informed that 70 percent of all employed women work in order to provide primary support for themselves or to provide a supplement to the income of their husbands which may be needed to meet household expenses. However, within established occupational categories, women are paid less for doing the same jobs as are done by men. For example, in 1968, the latest year for which extensive data are available, the median salary for all scientists was $13,200, but for women scientists, the median salary was $10,000. Similarly, the median salary for a full-time male factory worker was $6,738, while his female counterpart was paid $3,991. This economic disparity is further emphasized by figures which show that while 28 percent of men earn $10,000 per year or more, only 3 percent of the women do so.

Discrimination against women is obviously no less serious than any other prohibitive form of discrimination.

Enactment of this bill will not automatically end employment discrimination. Nor do I believe it to be the Federal Government's responsibility or function to dictate to every little private employer what his employment guidelines should be. The United States Constitution does not outlaw discrimination when practiced by an individual person. But job discrimination based on race, sex, nationality or religion cannot be countenanced with respect to the actions of Federal, State, and local governments, or corporations, or even private employers where a substantial number of employees are concerned.

The bill before the Senate would broaden the jurisdictional coverage of the Equal Employment Opportunities Commission, and would delete the existing exemptions for State and local government employees.

The U.S. Attorney General would be given the authority to bring civil actions involving unlawful employment practices committed by State and local governmental agencies.

Employees of State and local governments are entitled to the same benefits and protections in regard to equal employment as are the employees in the private sector of the economy.

There are presently approximately 10.1 million persons employed by State and local governmental units. This figure represents an increase of over 2 million since 1964, and all indications are that the number of State and local employees will continue to increase more rapidly during the next few years. Few of these employees, however, are afforded the protection of an effective Federal forum for assuring equal employment opportunity. It is an injustice to provide employees in the private sector with the assistance of an agency of the Federal Government in redressing their grievances while at the same time denying assistance similarly to State and local government employees. The bill before the Senate would provide such assistance.

The Federal Government, with 2.6 million employees, is the single largest employer in the Nation. The prohibition against discrimination by the Federal Government, based on the due process clause of the fifth amendment, was judicially recognized in *Bolling* v. *Sharpe*, 347 U.S. 497 (1954) and cases cited therein.

Minorities represent 19.4 percent of the total employment in the Federal Government—15 percent are Negroes, 2.9 percent are Spanish-surnamed, 0.7 percent are American Indians, and 0.8 percent are Oriental. Their concentration in the lower grade levels indicates that their ability to advance to the higher levels has, in many instances, been restricted.

In many areas, the pattern at regional levels is worse than the national pattern. For example, a particularly low percentage of Federal jobs are held by Spanish-surnamed persons in areas of high residential concentration of such persons, particularly in California and the Southwestern States.

The position of women in the Federal Government has not fared any better. While women constitute 34 percent, or approximately 665,000 of the total number of Federal employees, 77 percent of the women are employed in jobs which are rated GS–1 through GS–6. Twenty-two percent are in grades GS–7 through GS–12, and only 1 percent are in grades GS–13 and above. The inordinate concentration of women in the lower grade levels, and their conspicuous absence from the higher grades is again evident.

The bill before the Senate should make possible the rectification of such situations wherein discrimination based on race, nationality, or sex is involved.

Recognizing the importance that the concept of due process places on the American ideal of justice, the bill insures fairness to the employer. Charges must be in writing. The allegations will not be made public by the Commission while it is investigating such, and the Commission will undertake to resolve each matter by informal means before issuing a complaint. Commission hearings must be on the record and will be covered by the provisions of the Administrative Procedure Act so as to provide maximum protection to all parties to the proceedings. The respondent would have the right to seek judicial review of a Commission decision which rules against him.

I believe that the Senate bill will provide the instrument for fulfillment of our national commitment to eliminate job discrimination based on race, nationality, religion, and sex. I, therefore, will vote for the bill.

## PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which period the Chair will lay before the Senate the unfinished business.

The pending question is the amendment offered by the distinguished Senator from North Carolina (Mr. ERVIN), on which the yeas and nays have been ordered. There is no time agreement on that amendment. However, there will be rollcall votes tomorrow.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, pursuant to the provisions of Senate Resolution 233, as a further mark of respect to the memory of the deceased Carl Hayden, late a Senator from the State of Arizona, and in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 6:03 p.m.) the Senate adjourned until tomorrow, Thursday, January 27, 1972, at 10 a.m.

# EXTENSIONS OF REMARKS

## KENTUCKY, A PICTORIAL HISTORY

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### HON. MARLOW W. COOK

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

*Wednesday, January 26, 1972*

Mr. COOK. Mr. President, Kentucky, A Pictorial History, of which the distinguished Kentucky historian, J. Winston Coleman, Jr., was editor, Thomas D. Clark and Lawrence S. Thompson, associate editors, and Clyde T. Burke, photographic editor, was published in the fall of 1971 by the University Press of Kentucky with the cooperation of the department of parks and the department of public information of the Commonwealth of Kentucky, after more than 2 years of careful preparation. Mr. Burke, formerly with the Department of Parks, is now the director of the Waveland Museum, a shrine of Kentucky culture about four miles from Lexington. Mr. Thompson is professor of classical languages and literature at the University of Kentucky. The principal contributors were: Charles L. Atcher, Edward L. Bowen, Jacqueline Bull, Rabel J. Burdge, Gayle Carver, Kenneth and Mary Clarke, A. Lee Coleman, Jr., Henry H. Craig, Joe Creason, W. Jerome Crouch, J. Crawford Crowe, Henry G. Crowgey, Leonard P. Curry, Richard B. Drake, Clement Eaton, Joseph A. Estes, Thomas P. Field, Elizabeth D. Gilbert, Mary Wilma Hargreaves, Henry Harned, Lowell H. Harrison, Danny R. Hatcher, Charles F. Hinds, Albert D. Kirwan, Clay Lancaster, Mary Elizabeth Leach, Burton Milward, Julia Neal, William Russell Rice, Charles Gano Talbert, Hambleton Tapp, Rhea A. Taylor, Arnold Washburn, John D. Wright, Jr.

The foreword was written by Mr. Clark, retired "distinguished professor of American history" at the University of Kentucky, presently holding a similar position at Indiana University, widely recognized as one of the outstanding historians of our Nation, official and guiding spirit of regional and national historical associations, conservationist, and dedicated Kentuckian.

Mr. President, I ask unanimous consent that the foreword be printed in the RECORD so that others may have the opportunity to read this excellent, albeit brief, description of the geography of my beautiful State and history of its people.

There being no objection, the foreword was ordered to be printed in the RECORD, as follows:

FOREWORD

Between the pinch of mountain range and river valleys, the land of Kentucky forms a strange lump of geography, which defies geometrical description. From the narrows of the rocky Big Sandy Gorge to the dangling penultimate island which nestles against the shoulders of Tennessee and Missouri on the Mississippi River, it is indeed a land of contrasts. That its human history should be so varied and erratic is not surprising. The long valleys which slice its eastern Appalachian face and those deep channels cut through depthless limestone domes by rivers which have ground away at the rock for centuries on end—all have witnessed processions of human beings. One may stand on the banks of Station Camp Creek, the Salt, the Bayou de Chien, Kinniconick, Barren, and Nolin and conjure up visions of American pioneers forcing their way through the wilderness to build cabins and plant new beachheads of civilization.

Long before an Anglo-American hunter penetrated the eastern mountain and river passes into Kentucky, there were prehistoric men who called the land their home. These peoples left their bodies, pottery, weapons, and utensils to be puzzled over and studied by archaeologists and anthropologists of the future, and to become the prized possessions of collectors.

The opening of Kentucky to settlement in the latter half of the eighteenth century was one of the truly dramatic incidents of American pioneering. It was not a civilization of originality that the first arrival this side of the mountains planted along the western watershed so much as it was the adaptation of an older one to a new environment, a rugged topography, and raw nature. There were few areas along the American frontier where men studded the landscape with so many visible landmarks of local interest as in Kentucky. All across the state these landmarks remain either in fact or in memory as monuments to the act of settlement.

Just as the prehistoric people documented their presence with burial sites and artifacts, the pioneers left behind abundant evidence of their existence. They left a rich legacy of primitive tools, weapons, utensils, instruments, and examples of their handicrafts. No greater contribution was made to early Kentucky than that of the early craftsmen who fashioned practical implements and some really elegant pieces of furniture from the virgin woods which they found growing on the spots where they built their cabins. These were the creations of a way of life, which now reveal what it was like to live in another time.

No act of pioneering drama took place without cost to human beings. There were the fierce pioneers who resisted Indian raids, those who struggled with the elements and the land, and those who laid foundations for human institutions. All of these have been fused into an image of men garbed in homespun and crude leather, weatherburned and calloused, experts with ox, plow, gun, and froe, inured to hardships, and predestinarian in philosophy. These were the faceless ones who patiently cleared openings in the forest, built homes and towns, and who grazed animals and produced farm products for new western markets. These were the ones who trampled primitive forest trails into highways, furrowed the soil, and in time rode pitching flatboats down the great rivers in search of merchants and cash for the products of field, smokehouse, and still.

Kentucky, however, had plenty of faces among its pioneers, of individuals whose names personified much of the broader westward movement, even well beyond the borders of the state. In an ever-shifting human drama, buckskinned woodsmen now turned Kentuckians; prosperous farmers, local and national politicians, doctors, professors, preachers, artists, authors, newspaper editors, soldiers, and scientists were to exert farflung influence. It was they who in time gave Kentucky history its profound personal quality.

Political foundations and expansion in the eighteenth and nineteenth centuries involved both men and events in movements which stirred the whole national scene. Kentuckians formed a state after debating and compromising controversial political theories and issues. They fought in regional and national wars, they helped to compromise explosive national issues and to create others, they sat in legislative halls and in Congress, at peace tables, and served at foreign courts as diplomats. They rushed ahead with the spreading American frontiers to the West and South to help form new states, to sit in governors' chairs, to preside as judges, and to lift voices in legislative oratory. Ever, the Kentuckian has been a political animal. He has adorned his public halls and his archival and art collections with graphic evidence of this fact in the forms of busts, portraits, commissions, and political memorabilia.

In a more refined vein the settlers brought in their saddlebags the germs of institutional culture. They raised churches and schools, and established libraries, special interest societies, towns and communities on the face of the land. These they nurtured from one generation to the next. From the old Mulkey Meeting House in Monroe County to the sophisticated Speed Museum of Art in Louisville, cultural landmarks in the state are plentiful. Also, the monuments to recurring eras of economic growth reflect the impact of the farmer, the merchant, miner, industrialist, and the artisan.

Hardly had the first settler leaned his broadaxe against a tree before the age of economic change was upon Kentucky. Racing headlong into the future, communities have flourished or perished as they were favored or spurned by the constant process of economic revolution in America. In both eastern and western Kentucky miners have tunneled the bowels of the earth to gather millions of tons of precious coal; in an even more ravenous mood they have scarred the land with their behemoth strip-mining machines. They have mauled and destroyed blocks of forests, choked streams, and left evidence of their avarice that future generations will shudder at. Industrial sites have been developed all over the state. There are those also which mark the existence of industries no longer in existence. Old iron furnaces, for instance, tell stories of another age and another dream of prosperity.

Once fine country homes have disappeared or are slowly melting into the landscape from neglect and decay. This reflects not only a changing pattern of the agrarian way of life in Kentucky, but also a well-nigh complete shift in the nature of family organization and attitudes. What once was a strongly centralized patriarchial, family-based society has now lost ground to a more detached urban way of life. The older homes are still cherished, but the new pattern is ring after ring of town and surburban houses which within themselves document the rapidly changing nature of human organization in Kentucky.

The landscape of Kentucky has become striped in recent years with double ribbons of super high-speed roads. In many instances these all but obliterate the trails over which pioneers struggled westward with families and pack animals. Thus it is that the history of Kentucky has ever been one of contrast and change. It may at times have been frustrating and self-defeating in nature. At others it may have had its glorious and satisfying moments, but it has never been dull. Even the most illiterate and deprived Kentuckians have exhibited strong personal pride, expressed sometimes in forms of heedless anger and violence, but at other times in the warmest possible terms of humanity and dignity. The variety often is too great and too complex for the historian to capture in word and phrase, or even to document from trusted and objective sources.

The camera can be more discerning as to detail. So can the cartographer and geographer. They can locate and portray with dependable precision the finer distinctions of the rich and exciting contrasts.

If the human side of Kentucky presents contrasts of spiritual subleties, the face of the land offers an even greater variety of beauty and nostalgic appeal. Caught in the focus of the photographer's lens or on an artist's canvas, it stands revealed in its power, its starkness, sometimes in ugliness, but always in detail. Contained in this volume are the portraits of landmarks, men, and events which have related Kentuckians to their land and the times. It portrays the degree in which they have cooperated with their environment, and in which they have spurned it. This volume is wide ranging in scope of space and time, institutional growth, in humanity, and, most of all, in portraying the changes of a dynamic society. In its simple clarity, it graphically documents the advances Kentuckians have made on the wider scale of American civilization and the degree to which they have retained their regional individuality.

THOMAS D. CLARK.

JUNE 12, 1971

## DEPOPULATION AND POVERTY

## HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. ZWACH. Mr. Speaker, the big picture of what is happening in the rural areas of southwest Minnesota and northwest Iowa is "depopulation and poverty."

To try to find answers to these problems, a 10-county conference was held on January 18 at the Worthington State Junior College.

Among the interesting papers presented was one, "Industrial Development" by William Robert Soleta, a realtor of Windom.

I would like to share Mr. Soleta's thoughts with my colleagues by inserting his paper in the CONGRESSIONAL RECORD.

The comments follow:

### INDUSTRIAL DEVELOPMENT

(By Wm. Robert Soleta)

"The big picture" of what is happening in the rural areas of Southwest Minnesota and Northwest Iowa is "depopulation and poverty." Americans don't like to be losers, worse yet when the winners become the losers.

"The winners" the remaining farmers of today are the best in the world. Their capabilities have supplied the United States with unlimited food and fiber, plus a surplus for export.

However, if you couple excessive productivity with the failure of our government and our international sales force to put these valuable resources into a distribution system to where they are needed you spell *disaster* for our farmers.

The local result of this overall situation is an ever narrowing margin between the cost of production and the sale price of the farm products put into the market. This narrowing margin causes the farmer to use, to the best of his ability, more productive seed, fertilizer, feed additives, productive equipment and better practices. The end result being, the forced displacement of the farmer's own sons, smaller farmers and future farmers. All of this "push" is necessary just to retain his net earnings at a worthwhile level. This struggle has also raised the farmer's age level to 58 years, making farming "an old man's game." This has become true not by desire but by economic pressures.

Who will replace these skilled retiring farmers? They will be replaced partially by greater investment in machines, or technical advancement, but the final replacement must be by new skilled young farmers, diversified individuals, and specialists.

There is something very curious about our rural area, we EXPORT *raw materials* in the form of feed grain, young *people*, high school graduates, displaced farmers, and the *money* that our people invest in mutual funds, bonds, shares, most of which leaves the local area. Raw material, people and money are three necessary ingredients for economic growth and we ship them out. HOW STUPID CAN WE BE? What can we do to change this? We must adopt a policy of processing all our raw material "one step farther" before we ship it out. We must apply technology, management, and salesmanship to these basic commodities of raw material, people and money.

A metropolitan banker recently said, "Show me an ultra-conservative small town banker and I'll show you a man who is killing his community". Is this our problem? Has our money been so hard-earned that we are not willing to risk it here? Don't kid yourself, someone else is taking our money and risking it somewhere else—processing our raw materials and employing our displaced people. Is it also the lack of "leadership" in our educational systems that is causing our good people to be up-rooted and used in someone else's industry? Our people already have a background training and understanding that is available for this one step further processing of our raw materials.

Three forms of industrialization must take place in the rural areas to raise our economic level, they are:

1. The production of food.
2. The processing of food.
3. The manufacture and assembly of products for local and national resale.

Just as we have industrial manufacturing parks being built in each progressive city in our area, why can't we create Agricultural Industrial Parks where these additional skills of technology, money and people, management and the use of raw materials can be developed into gross national products. We should draw together our risk capital that someone is using and build the confinement feeding systems for cattle, hogs, and poultry that meet PCA requirements and couple them with the high school and adult agricultural-vocational school programs, so that the father of a farm boy or individual doesn't have to take such extreme risks before he is trained in the processing of raw materials—"the one step further"—before letting them leave the area.

These Agricultural Industrial Parks are not intended to be competitors to our free enterprise farmer, but rather the training ground for the expanded specialized use of raw material, people and money.

As a tax incentive for new industry to locate in a community I would suggest an abatement of the Social Service budgets of the Real Estate taxes. This would amount to 60–70% of the tax bill, yet the industry would pay for services rendered to it's real estate. After all this industry has not created a welfare or school problem, but it can solve it by providing worthwhile jobs. What is more important the $6,000 real estate taxes on a new industrial building or the $300 per family of real estate taxes on the 200 new job holders for an amount of $60,000.

In the area of financing with SBA—conventional and the new authorized city bonds, the loan portion is pretty well covered. It's the equity or risk capital that presents the problem. I worked on the sale of local stocks for the Windom Industrial Development Corporation, most of the refusals we got were because the individual figured it wouldn't do them any good. Whether it is individual, employee, business man or industry there is good reason for us all to invest in our local Industrial Development Corp.

More jobs expand the labor pool, increasing business and insures the investment in our homes and other real estate because, where there are jobs there is demand for goods and services.

It is just as important to present employees and future ones to have seed capital to provide new buildings and equipment for jobs. Just as employees contribute for union dues, they could contribute $1 per month for industrial research and development. In Windom with 1500 jobs this would create $18,000 per year or $180,000 or more in 10 years. A small price to pay for generating new jobs.

Reversing the flow of job seekers into the big city is near impossible unless you provide a job opportunity before that person leaves. One of our local personnel men said he interviewed 36 applicants to fill three job openings and then complained he couldn't find enough help. The 33 who walked away were still looking for jobs. If we could provide one here those same people would not be causing unemployment and welfare problems in the big city, compounding the whole mess.

Industry looks for cheaper overhead in all forms balanced by productivity of the employee, coupled with available raw materials and good distribution. This is where the philosophy of processing our products one step further really counts. We have it first; why let it go. An industry employing women in the rural area really puts a boost in the local economy. The earning per family is raised sharply to create a better standard of living. We can thank Fingerhut and Toro Mfg. for this in Windom. They in turn have said thanks in return by adding new jobs because of productivity per employee.

Many urban problems such as pollution, transportation, crowding and schools have caused manufacturers and top level employers to look at spacious rural communities. The awake smaller town that has most of the necessary service facilities, good schools, health service, housing, summer and winter recreational facilities are getting favorable consideration.

The manufacturing industrial parks of each developing city should always have a vacant speculation building for the relocation or expansion of an industry as long as it is determined there is an available supply of labor. It should especially have a 6000 square foot building for the pilot operation of the very smallest of manufactures who want to give it a try. Just as we provide a home for people, we should also provide a home for new industry. They cannot wait six months for a maybe. When we lose our available supply of labor we also lose the need for money and raw materials for further growth.

There is one gross inequity in our system of taxation that adds to the narrowing margin in farming. That is the taxing of real estate to support social services, such as health, education and welfare. A farmer must use large quantities of real estate to make a living. Therefore he pays from five to twelve times more to educate his children than does his fellow citizen in the same income category. The *only* difference is their method of employment.

Our educational leaders preach that a good education, gives a better job income throughout life, yet they continue to promote the use of real estate tax—"an unrelated source of taxation"—to support education. They may some day be one of the unemployed, disabled or retired that can no longer afford to keep their real estate because of this unrealistic tax system burden.

If we believe in education, free enterprise and the capitalistic system, then let us use the Profits of the system to pay the expenses of its operation. Any banker, accountant, manufacturer, farmer, buinessman, or laborer can tell you profits are the only way you can pay the expense of any operation including education. If we remove the unjust tax burden from the farmer, improve our processing ability, expand our use of money, improve our technology and yet are not able to sell our farm products locally or abroad at a profit we will still have a sick economy.

I liken our farmers as to raindrops in a cloud, each drop does not create much water, but put them all together and you have a cloudburst that fills the streams of distribution to flood stage. Too much food and fiber, like too much water is a waste unless properly controlled. If we can't sell or barter the foods in our streams of distribution, then we must control it at its origin—at the same time properly compensating those who must produce it. If we do not—the source shall surely fail.

It has been said "cheap food" is a "political policy" of the U.S.A. If this is true, then those who preach the policy of cheap food shall also fail. Slavery of our farmers shall also fail to produce a world-wide supply of food for all.

My fellow citizens, politicians, educators, farmers, industrialists, and business people, we mut gather together *now* to solve these problems or we will become part of this national failure. On Dec. 30, 1971, C.B.S. TV Report, the one glaring statement that stood out above all others was—"the U.S. economic strength is the strongest of all forces in the shaping and controlling of world peace." After I returned from eight years of service in the U.S. Air Force in World War II and during the Korean conflict, I met Senator Humphrey at the Windom high school and asked him at that time, "why is it with all the smart people in Washington, can't they see that our surplus food is the greatest weapon we have for world peace". I am sure Senator Humphrey was a supporter of the food for peace program. Let us all carry on this program by employing our greatest assets "the American farmer" and his creative ability in producing this weapon of peace.

As Dad used to holler up the farmhouse stairway at 5:30 Monday morning, "Everybody up; the day after tomorrow is the middle of the week and you ain't got a damn thing done yet."

## SPACE SHUTTLE, PLATFORM FOR EARTH RESOURCE STUDIES

## HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. McKEVITT. Mr. Speaker, many people today are criticizing the Government for supporting the Nation's space program when so many domestic needs exist. And, indeed, there are many domestic problems which require solutions.

However 46 percent of our national budget already is allotted to domestic programs related to our human and physical resources, while only 1.4 percent is spent on space. What can we accomplish with 1.4 percent that we could not do with 46 percent?

So, rather than retard a program which has brought so many technical and economic benefits to our country—why not use that program to help bring about the solutions to our needs on earth?

The National Aeronautics and Space Administration, through its earth resources program, is working toward this end. Later this year, NASA will launch its first earth resources satellite. Next year, earth resources investigations will be a major assignment of the Skylab experimental space station.

The unmanned satellite and the manned Skylab will be devoted to refining the remote sensing techniques needed to gather information which will help us to better manage our physical resources.

To fully realize the immense potential of this program, however, one element is imperative—the space shuttle.

Once our earth resources system begins functioning, surveying our physical resources and the quality of our environment, there will be much work to be done in space.

If these observations are to be carried out by unmanned satellites, there will be a need for repairs—for replacement of batteries.

If manned space stations will be used in the observations, there will be a need for transportation of men and supplies from earth to the space stations and back.

Unless we are willing to continue paying the high cost of expendable spacecraft, the lowest, reusable space shuttle is the only vehicle which can meet these requirements.

As President Nixon said of the space shuttle:

> It will take the astronomical costs out of astronautics. In short, it will go a long way toward delivering the rich benefits of practical space utilization and the valuable spinoffs from space efforts into the daily lives of Americans and all people.

## FITZGERALD DENIED PUBLIC HEARING

## HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. MOORHEAD. Mr. Speaker, I am sure that my colleagues remember A. Ernest Fitzgerald, the Air Force efficiency expert who helped the Congress expose the huge overruns in the C–5A giant transport.

Ernie lost his job, because he was honest and because he testified before committees of the House and in the other body. His dismissal was termed by the Air Force part of a routine job reduction, but their heavy handedness was obvious.

Ernie now is in a new fight. This time with the Civil Service Commission. Fitzgerald's request is a simple one. He would like an open hearing before the Commission to get back pay and other benefits which are his due.

The Commission disagreed. But the court agreed with Fitzgerald that indeed he should be entitled to have his case heard before the press and the public. But the Civil Service Commission has appealed that decision and currently that entire matter is in limbo while the court entertains the Commission's appeal.

Too much of what has happened to Ernie is the result of people acting in secret and behind closed doors. This man has earned a public hearing. He is the true patriot, not those who would seek to besmirch his name.

I introduce in the RECORD at this time an editorial which appeared in the Washington Post and urge my colleagues to read it and familiarize themselves with the dilemma of A. Ernest Fitzgerald:

### THE FITZGERALD CASE

When one reviews the case of A. Ernest Fitzgerald, it is difficult indeed to decide which has been the more mean-minded and self-serving, the Air Force or the Civil Service Commission. The Air Force, it is true, committed the initial injustice. But the Civil Service Commission has evaded a responsibility to rectify it.

Mr. Fitzgerald, it will be remembered, got into trouble in the fall of 1968 when Defense Department officials learned he had been called to testify before a Senate-House subcommittee on economy in government and intended to answer whatever questions he might be asked as frankly and fully as he could. He did just that. And, although he did not disclose anything that was classified and that was not already well known to numerous insiders, he did—in much the manner of the little boy who said that the emperor was unclothed—inform Senator Proxmire in reply to a question, that the cost of the Lockheed C–5A was running about two billion dollars above what the Air Force was supposed to pay for it.

You might suppose that this disclosure would have prompted the Air Force to check up on the efficiency of Lockheed's production and to reform its own procurement procedures. In fact, however, it prompted the Air Force only to confine Mr. Fitzgerald to trifling assignments and then, in the fall of 1969, to fire him on the pretext of a reduction in force. If there was a widespread supposition that this amounted to nothing but a reprisal, the Air Force has only itself to blame.

Mr. Fitzgerald then filed with the Civil Service Commission an appeal for reinstatement, back pay and other relief. He asked for an open and public hearing but, in the spring of 1971, was granted instead a hearing behind closed and locked doors. He went to the U.S. District Court with a request that the hearing be opened to the public and press. The court found that an open and public hearing was required and ordered the commission to grant it. Then, after prolonged delay, the commission took its case to the Court of Appeals where, more than two years after Mr. Fitzgerald's dismissal, it is now pending.

It is not terribly difficult to figure out why Mr. Fitzgerald would like a public hearing. Presumably he would like it because he would like to confront and cross-examine in the presence of reporters the motley collection of "witnesses" gathered by the Air Force to defame him. One of the "witnesses," cryptically identified as "T–1," stated—the quotation is taken from a document designated "for official use only"—that, in his opinion, "Fitzgerald is arrogant, untrustworthy and one who does not respect the Air Force. According to source, Fitzgerald is married, has three children, lives in a large home in McLean, Virginia, drives a Rambler automobile, and is a 'pinch penny' type of person."

Whether the source considers Mr. Fitzgerald a "pinch penny" because he is married, because he has three children, because he lives in a large home or because he drives a Rambler (what model Rambler?), we cannot say. We do not even know what T–1 looks like, or whether he is personally a spend-thrift or a miser, whether he regards a two billion dollar cost overrun as a pittance or as an appreciable sum in terms of public money. We do not know, to tell the truth, whether T–1 should be referred to as Mr. T–1, Mrs. T–1, Miss T–1, or Ms. T–1, whether he or she or it is an employee of Lockheed, a disgruntled former associate of Mr. Fitzgerald, an expert in cost accounting or a dolt who supposes that respect for the Air Force is shown by helping to cover up its blunders. All these questions make it a cinch to figure out Mr. Fitzgerald's interest in publicity.

Why the Civil Service Commission wants to keep the proceedings secret is much harder to comprehend. Does it fear that the anonymous informers will seem seedy and disreputable? Is it trying to cover up for the Air Force, as the Air Force tried so long to cover up for Lockheed? The Civil Service Commission was originally established to put an end to the spoils system in government employment and to protect government employees from political reprisals and the rapacity of politically appointed administrators. The only reason given by the CSC for refusing the request for an open hearing is that it is "a long-established regulatory policy and practice of the commission" to hold such hearings in secret.

An open hearing in a matter of this kind is a right not alone of the individual Civil Service employee but more importantly, a right of the American public as well. It affords the best assurance—indeed, the only genuinely effective assurance—that due process will be observed and that justice will be done. That is, of course, precisely why the District Court ordered the CSC to hold its hearings in public. A closed hearing might be in order at the request of an individual as a means of protecting his reputation. Over his protest, it is an outrage. There has been far too much hush-hush and coverup about this disgraceful Fitzgerald affair already.

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## PUBLIC CONFIDENCE IN NIXON

### HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. ARCHER. Mr. Speaker, I call to the attention of my colleagues an editorial from the Austin American-Statesman. This editorial, I believe, offers a clear perspective of the confidence the American people have in President Nixon's ability to lead this country in both domestic and foreign policy. The editorial states:

> The performance of President Nixon has been imaginative, energetic, dedicated, honest and productive.

It is our responsibility as elected representatives to listen to the people. The people, obviously, believe in Richard Nixon, his promises and his performance.

I enter the entire editorial for your consideration:

PUBLIC CONFIDENCE IN NIXON

As recently as a year ago many political experts were predicting confidently that President Nixon would be a one-term chief executive because his programs were marking time while the economy worsened and while peace became more elusive with each passing day.

The case made against the administration was familiar. There was the usual doomsaying. Comparisons in hypothetical polls pitted the President against any one of some dozen Democrat non-candidates and the conclusions were dire. The Republican party, it was said, was in disarray.

Strange then, is it not, that as the 1972 election period approaches many of the same political pundits are asking what happened? President Nixon clearly has strong party support. The same polls that were used as evidence against him only months ago are indicating that he has the confidence of the American people. Suddenly the domestic problems do not loom quite as large, and much of the world from Peking to Peoria seems to believe that peace may indeed be an attainable goal.

The answer is, of course, that nothing has happened that has not been happening for the last three years. Or, putting it another way, there are none so blind as those who will not see.

If there has been one political constant in the United States of America in recent years it is President Nixon. He is bringing the war in Vietnam to an honorable conclusion as he said he would do. He actively is seeking a generation of peace through unprecedented summit conferences with all of the major chiefs of state in the world.

All told, the performance of President Nixon has been imaginative, energetic, dedicated, honest and productive, considering the state of the nation, the world and Congress.

Is it any wonder that the Democrats are having a difficult time to find a candidate who can recapture the public confidence that now resides in the White House?

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## THE KEY TO THE FREE ENTERPRISE ECONOMY AND HOW TO CONTROL IT

### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. SCHMITZ. Mr. Speaker, one of the clearest and most striking analyses I have ever seen of the critical economic problems besetting our country at this time and in recent years was submitted to me a few days ago by one of my constituents, J. A. Robinson of Costa Mesa, Calif. Mr. Robinson shows why the steady shift in Federal spending from capital goods manufacturing—primarily defense and aerospace—to welfare, payrolls, and bureaucratic services has a marked depressing effect on the economy, because it is a far less economically efficient use of the money. If his analysis is correct, our famous "reordering of priorities" in Government spending will not only critically weaken our national defense capability, as many of us have pointed out on this floor during the past year, but will work exactly contrary to its announced purpose of raising the living standards and improving the quality of life of the American people.

While not endorsing everything Mr. Robinson says about the desirability of using Federal spending to stimulate the economy independent of actual need for the programs on which the money is spent, I would recommend to the very careful attention of all of my colleagues his discussion of the "multiplier" effect of Federal spending on defense and aerospace by comparison with almost all Federal spending in the highly touted "human resources" programs which consist primarily of expensive payrolls, services of dubious and hard-to-measure value, and welfare handouts. According to Mr. Robinson, every dollar spent on aerospace multiplies itself by a factor of 3.5 in the economy, while each dollar spent on Government payrolls multiplies itself by a factor of only 1.25, and welfare dollars do not multiply at all.

The analysis follows:

THE KEY TO THE FREE ENTERPRISE ECONOMY AND HOW TO CONTROL IT

(By J. A. Robinson)

The key to the free enterprise economy is the multiplier. The economists have recognized for some time that the economy has a multiplier action in it, but they attribute the source of the multiplier to the Marginal Propensity to Consume schedule of ⅔, and hence think that it is diffused throughout the economy.

The source of the multiplier is actually due to the presence in the economy of business investment capital. This capital provides a leveraging effect to the dollar. The value of the multiplier can be calculated for various industries and transactions, but the most significant are, welfare (0), payroll (1.25), and for the high technology capital goods manufacturing industry (3.5). The multiplier does not, of course, generate real dollars, only the Mint prints money, but it does generate economic dollars. Any time a dollar changes hands in return for a new capital good or service, it adds into the NNP. In the case of the high technology capital goods manufacturing industry, a dollar of sales attracts a dollar of Investment, and generates an additional dollar and a half of Consumption spending.

The multiplier is both the blessing and the bane of the free enterprise economy. It works equally well in both directions and accounts for the Boom-or-Bust history of the economy. Although there is over 3 times as many Consumption dollars than Government dollars, they are very weak dollars. It is the Government dollar that controls the economy. The Government dollars are many, they can be shifted rapidly, and pinpointed accurately in the economy.

To see how this works in practice, let us see where the present economy really is and how it got there. To do this we will use 1967 as a reference, unemployment was only 3.5% and the Budget was reasonably balanced. With the best of intentions, and the reordering of priorities 15 billion dollars were taken out of defense procurement and 2 billion dollars out of the NASA budget, and transferred to Administration, Legislative, Civil Service, and Armed Forces payrolls and to other similar areas. The economists might have expected some temporary dislocations, but no major net effect on the economy, since the same number of Government dollars would be spent. With the multiplier varying with location in the economy, quite a different situation ensued. Shifting the 17 billion dollars from the 3.5 area to the 1.25 area generated a 38¼ billion dollar depressionary force in the economy. The economy dutifully started to slide to the new equilibrium level. Two million more people were laid off. The Full Employment Budget concept dictated deficit spending and 28 billion dollars of deficit spending was introduced. This deficit spending merely introduces a counterforce to keep the economy from sliding further. The depressionary force will remain in the economy for years, unless it is removed by fiscal measures.

This Administration is not the first to fall into this hitherto unknown trap, every recession or depression in modern times has resulted from attempts to reorder pirorities without knowing about the shift in the multiplier.

This does not mean that priorities cannot be reordered, it just means that funding cannot be taken away from the high technology capital goods manufacturers without the economy taking a beating from the multiplier. The economy gained by the multiplier when this industry was built-up and would have to take its lumps if it tried to discontinue its support. Actually, this industry could be considered to be a perpetual motion money machine, any time that you can get 3½ dollars worth of action for 1 dollar, you want to maintain it.

The important thing to be aware of, is that the economy gains by the production of capital goods, not by the goods themselves. The fact that the goods are useful is only a bonus. The cost of a capital good is only the sum total of all the wages, salaries, interest, rent, retained earnings, dividends, and taxes, that went into it, right back to the man who mined the ore. When this capital good is delivered, all of the money is already in the economy. The industry only serves to transfer the Government dollars into the pockets of the people in the most effective manner from the standpoint of the economy. These dollars, when spent, will generate new economic dollars.

The tax dollar has three fundamental purposes: 1) To provide funds for normal governmental purposes. 2) To provide funds that can be returned to the people through the highly leveraged industries to stimulate the economy to full employment. 3) To provide a means of bleeding off inflationary pressure if the economy inadvertently becomes over-stimulated.

The economy is actually very straightforward and predictable when you know how it operates; unfortunately people have preconceived notions about it based on business and personal economics. The economy does not follow the same laws. If you were to ask the man in the street why the economy is so depressed, he would say, the cost of the Viet Nam war, the space flights, defense procurement, and Foreign Aid. Actually, all of these have contributed more through the multiplier, then they cost.

The muliplier, provided by business investment, is the secret of success of the free enterprise system. The communist system does not have the multiplier and may only grow slowly by brute force; and by necessity it must hold the income of the people to the bare minimum, in order to maximize growth of their economy. Business investment is the "Goose that Lays the Golden Eggs". The communists kill the goose.

Any time that the economy is operating at less than the potential NNP, there is an irrecoverable loss. The upper limit of the potential NNP is only limited by the Full Employment ceiling. This ceiling is between 2% and 2.5% unemployment. Stimulation beyond this level will normally result in dissipation of the money by inflation.

The Federal Budget is a mix of spending with various degrees of leverage. Any particular mix will produce a specific NNP and a given degree of unemployment. In the interest of maximizing NNP, the Federal Budget should be realigned to bring the economy up to the Full Employment ceiling.

If there is any idle plant capacity with corresponding unemployed manpower capable of manning these facilities, the industry should be stimulated with contracts, beginning with the most highly leveraged. When these are at, or approaching, full employment, other industries may be reviewed for stimulation, up to the Full Employment Ceiling.

We could supply the NATO forces with new aircraft and weapon systems. This would have the double benefit of stimulating our economy, while reducing the burden and risk to our Armed Forces.

Although, in the interest of maximizing NNP in the shortest time requires contracts to produce existing hardware or R & D efforts, contracts should also be let for R & D efforts to develop instrumentation and equipment to clean up the ecology. These could come on-line when the necessity for the production of armaments is reduced.

The economy appears to have the capability of producing between 25 and 50 billion dollars a year of these high technology capital goods under the economic stimulation program. This will produce an increase of 87.5 to 175 billion dollars in the NNP.

The present inflationary trend is basically cost-push by union labor. Since the control of the economy is the Government dollar, not the Consumption dollar, the government may now wave the big-stick, taxes. Make it clear to the unions that inflationary wage settlements will not be tolerated, if they insit on them, that the government will take it away from them in taxes. A sop of 2% per year might be allowed in an industry that cannot increase productivity, just to make the workers feel that they are not stalemated.

### THE ORIGINATION OF THE MULTIPLIER

The multiplier originates because of the presence in the economy of the investment dollar. The easiest way of explaining its origination is to use a numerical example. The Aerospace/Defense industries will be used as an example. The ratios used are based on data from Fortune's top 500 corporations and a typical Aerospace/Defense company.

To simplify the example, we will assume that the industry is operating at its normal maximum capacity. If the government established that it would require 60 million dollars worth of electronic widgets a year for a number of years, the industry would either establish a new widget factory or expand an existing one. Typically, this facility would require a capital investment of 30 million dollars, and also typically would have an annual payroll of 30 million dollars and a requirement for 30 million dollars of supplies and materials.

The prime subcontractors and suppliers in turn would have an aggregate requirement of a capital investment of 15 million dollars and an annual payroll of 15 million dollars and 15 million dollars of supplies and materials. This process would be repeated through successive tiers, each being reduced by ½. A series beginning with 1 and with each subsequent term ½ of the previous one, has a sum of 2.

When the system has run its course, the total capital investment will be 30 million dollars for the prime manufacturer and an aggregate investment of 30 million dollars by the suppliers and subcontractors. Similarly, the prime manufacturer will have a 30 million dollar payroll and the others an aggregate payroll of 30 million dollars.

The original 60 million dollars purchase has resulted in 60 million dollars of investment and 60 million dollars of payroll. After taxes, other withholdings, and savings the employees will have 40 million dollars for consumption spending and 15 million dollars will have gone back to the government in personal and corporate taxes.

The original 60 million dollars has already generated 160 million dollars of NNP. The 40 million dollars of consumption spending will be spent typically for unleveraged services, with some moderately leveraged purchases, and a small percentage for leveraged capital goods. The net result might be an additional 4 million dollars of invested capital and 54 million dollars of NNP.

At a net cost of 60 million dollars, less 15 million dollars of tax revenue, or 45 million dollars, the government has received 60 million dollars of capital goods and has generated 64 million of investment capital and 90 million dollars of consumption spending for a net gain of 214 million dollars to the NNP. The same 60 million spent directly in the market place would only generate 6 million dollars of investment and 75 million dollars of consumption spending for a net gain of 141 million dollars to the NNP.

The capital goods sector of the economy provides the equivalent of recycling in ecology. Money, adjusted for tax receipts, passes through the capital goods sector generating investment and jobs, and departs it largely intact to be recycled elsewhere in the economy.

### LEVERAGE OF THE CONSUMPTION SPENDING DOLLAR

The "power" of a dollar in the economy is a function of its ability to generate additional economic dollars. A dollar spent in the high technology capital goods manufacturing area will attract a dollar of Investment capital, and generate a dollar and a half of additional Consumption spending, for a total leverage of 3.5.

The average Consumption spending dollar is a very weak one. Although there is a large quantity, 650 billion dollars, the average consumer is very restricted in what areas that he may spend his dollar. Typically, 65% will go for the necessities of life, food, shelter, and clothing.

Food is very poorly leveraged, it is a high volume, low mark-up, low Investment to Sales ratio, type of operation. A dollar to the supermarket will only attract 12 cents of Investment and generate 8 cents of Consumption spending by the employees. The suppliers to the supermarket are equally poorly leveraged.

Rent or house payments are particularly poorly leveraged. Effectively, the cost of the structure entered the economy when it was built, after this time the economy only recognizes an annual charge as a capital good being used up. This charge is much less than the payments or rent.

Clothing requires somewhat more Investment than food does, but it is still a high volume, low Investment to Sales ratio business, and only accounts for about 10% of the consumers dollar.

The remainder of the dollar covers personal care, utilities, medical care, transportation, household goods, and recreation. The only items with significant leverage are household appliances and new automobiles.

As a result, the Consumption dollar, reduced by taxes, other withholdings, and savings, may be expected to have a multiplier of 1.75 based on Disposable Income, or 1.25 when referenced to the original dollar.

### EXPANSIONARY AND CONTRACTIONARY PRESSURES IN THE ECONOMY

The origination of the multiplier was explained using the cash flow approach, in order to illustrate that there was no blackmagic involved in the multiplier. NNP is only the inventory of the economy, an increase is not necessarily significant in itself. Business investment, although it provides the basis for the multiplier and is the keystone of the free enterprise system, is of little interest to the consumer. The thing of interest to the consumer is that a net spending of 45 million dollars by the government has resulted in 90 million dollars of income to the public, and 7800 new jobs.

To the businessman and to the economy a somewhat different picture emerges. The prime manufacturer has an increase in sales of 60 million dollars. His subcontractors and prime suppliers have increased sales of 30 million dollars. Their suppliers have increased sales, until when the system has run its course, an additional total of 60 million dollars of sales will be accumulated.

The original 60 million dollars a year requirement for capital goods by the government has had the following net positive effects in the economy. An increase of business investment of 64 million dollars, an increase in sales of 120 million dollars, an increase of

NNP by 214 million dollars, and an increase of 90 million dollars in consumption spending by the consumers in the public sector. These positive factors may be considered to have an expansionary force in the economy. The magnitude of the force is the 60 million dollars of increased sales of the prime manufacturer, the 60 million dollars of increased sales of his suppliers, and the 90 million dollars of increased consumption spending, or a total of 210 million dollars.

This expansionary force is close to the increase of NNP since they are derived from interrelated numbers. The two should not be confused however, the same increase of NNP could have been obtained by the government buying 214 million dollars of kangaroos from Australia, which would obviously not have the same effect on the economy.

Should the government cancel this contract, the same thing would happen in reverse and a depressionary force of 210 million dollars would be created.

These expansionary and depressionary forces enter the economy when the contract is signed or terminated. Over a period of time, these forces will be translated into an appropriate shift in the NNP, at which time all forces will have been dissipated and the economy will return to a state of stable equilibrium at its new level.

### FISCAL 1972, THE FIRST STEP

In order to provide a foundation for the economic recovery budget of fiscal 1973, the following program should be implemented in the Spring of 1972. A 5 billion dollar program to be administered by NASA and DOD. This program would provide the funding required for the Aerospace/Defense industries to rehire up to 75% of the Scientists and Engineers that they have laid off since 1968, and to the extent that funding is available, up to 75% of the specialists and highly trained technicians. This would be about 56,000 Scientists and Engineers and about 144,000 others. The government would reimburse the companies for salaries, fringe benefits, burden, and up to 50% of related research and development costs. These people would work on research and development and preparation of proposals to the government for hardware and services. As contracts are let, the people would be transferred to the extent possible from this program to the company payroll. Additional people required would be hired directly by the company.

### A PREDICTION

Besides the depressionary force in the economy, there is the very real psychological factor where neither business or the consumers feel that the government has control of the economy. The government and the economists have been announcing since early Fall of last year that the economy had turned the corner and was on the way up. Over a year later, the economy doesn't look any better to the consumer and to the businessman it looks worse, he now has inflationary pressure from labor and controls on prices and profits.

The Administration, by embarking on a bold, imaginative plan to restore full employment, and to use the present excess capacity of the Aerospace/Defense industries to combat environmental problems, will have a buoyant effect on consumer and business confidence. This increased confidence will cause the consumers to start spending their savings and induce businesses to take advantage of the Investment Tax Credit to expand. The effect of this increased confidence will lead the actual stimulation provided by the fiscal spending. The net result will be increasing optimism by the consumers and businesses for the future economy, beginning in the Spring and strengthening during the year.

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## CONGRESSMAN DRINAN'S VOTING RECORD AND LEGISLATION SPONSORED, 92D CONGRESS, FIRST SESSION

## HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. DRINAN. Mr. Speaker, through newsletters and otherwise, I have frequently reported to my constituents my position on key legislative matters before the Congress. During the first session of the 92d Congress 319 recorded votes and 151 quorum calls were taken in the House of Representatives. I believe my constituents have a right to know how I voted on each one of those issues, and I am therefore taking this opportunity to set forth very briefly and in plain language my position on every vote. The outcome of every vote is also set forth, as are the Congressional Record page references to statements I have made in Congress on key issues.

I have tried to attend every House session, and have been present for 94.7 percent of all votes. Occasionally, official business required me to be absent.

Following my voting record, I describe briefly some of the principal bills which I have sponsored in Congress.

I welcome comments or inquiries from any constituent on any vote I have taken. I would also be pleased to send to constituents on request a copy of any statement I have made in Congress.

The dates and my votes—"Y" indicating yes, "N" indicating no—are in parentheses:

### JANUARY

Election of speaker (21). I voted for Carl Albert, who defeated Gerald Ford 250–176.

House rules, HRes5(22). Motion to end debate on the "modified 21-day rule," to allow the Speaker to initiate floor action on bills stalled in the Rules Committee more than 21 days. (N) Y134,N254. Amendment to end debate on deletion of modified 21-day rule. (Y) Y213,N174. Amendment deleting modified 21-day rule. (N) Y234,N153. Final adoption of House Rules. (Y) Y226,N156.

### FEBRUARY

Election of democratic house committee members, HRes193(4). Motion to end debate. (Not voting) Y259,N32.

### MARCH

Internal security committee, HRes264(2). I opposed this resolution which withheld production of a variety of documents and information involved in the *Stamler* lawsuit, which challenges the constitutionality of the Internal Security Committee and its predecessor, the Un-American Activities Committee. (N) Y292,N63.

Debt ceiling, HR4690(3). Amendment to delete from the national debt bill a provision allowing the sale of $10 billion in government bonds without regard to the 4¼% ceiling on interest the government can pay on such loans. (Y) 180,N212. Final passage of bill increasing the debt ceiling by $35 billion to $430 billion. (N) Y228,N162.

Wage-price control authorization, HR4246 (10). Extending until March 31, 1973, the President's authority to control prices, rents, and wages. (Y) Y382,N19.

Interest equalization tax, HR5432(10). Extending through March 31, 1973, this tax, which is designed to correct the balance-of-payments deficit by reducing the flow of U.S. dollars to foreign countries. (Y) Y393,N5.

Debt ceiling and social security conference report, HR4690(16). To increase debt limit to $430 billion and provide 10% across-the-board increase in Social Security benefits. (Y) Y360,N3. My statement regarding this bill is at page E2981 of the April 7 Congressional Record.

Unemployment benefits, HJRes465(16). Appropriating $50.6 million for unemployment compensation payments to ex-servicemen and Federal employees. (Y) Y355,N0.

SST, HJRes468(18). Two votes to prohibit funds for supersonic transport development. (Y) Y216,N203; (Y) Y217,N204.

Constitutional amendment to lower voting age to 18, HJRes223(23). (Y) Y401,N19.

Rural telephone bank, HR7(24). Motion limiting debate. (Y) Y366,N26. Final passage of bill to create a $300 million government investment program for rural telephone companies. (N) Y269,N127.

Wage-price controls, SJRes55(29). To limit debate on resolution extending laws regarding interest rates and wage-price controls. (Y) Y324,N6. Amendment to limit the President's wage-price authority to require that controls be used only on a broad basis, not limited to a small segment of the economy. (Y) Y143,N183.

Draft system extension, HR6531(31). Harrington amendment to end the draft on June 30, 1971. (Y) Y62,N331. My statement in support of the Harrington amendment is at page H2239 of the March 31 Congressional Record. Whalen amendment to extend draft one year only. (Y) Y198,N200.

### APRIL

Draft system extension, HR6531(1). Amendment to retain the two-year term of alternate service for conscientious objectors instead of the three-year term proposed. (Y) Y132,N242. Amendment to prohibit compelled assignment of draftees to Southeast Asia after 1971. (Y) Y122,N260. Amendment to prohibit use of draftees in an undeclared war. (Y) Y96,N278. Amendment to reduce draft extension from two years to 18 months. (Y) Y170,N200. Final passage of bill extending draft for two years. (N) Y293,N99.

Sugar beet subsidy, HRes356(6). Motion to debate granting subsidies to sugar beet growers. (Y) Y182,N177. Motion to not authorize subsidies. (Y) Y193,N115.

Education appropriations, HR7016(7). Hathaway amendment to increase funding by $728.6 million for educational programs. (Y) Y188,N191. Conte amendment to delete provision forbidding any busing of school children to achieve integration. (Y) Y149,N206. Final passage of the bill to provide $4.8 billion for the Office of Education and related agencies for fiscal 1972. (Y) Y355,N7.

Immigration—language requirement, HR 1535(19). To exempt aliens from English-language literacy requirements for naturalization if they are 50 or older and have lived in the United States at least 20 years. Although unable to vote on this measure, I completely support it, and am pleased it passed by a vote of 192–84.

Maritime authorization, HR4724(20). Authorizing $507.6 million for fiscal 1972 maritime programs of the Commerce Department. (Y) Y360,N11.

Public works projects, HR5376(22). On motion to delete the accelerated public works provisions. (N) Y128,N262. Final passage of bill to extend economic development programs, and to accelerate public works projects. I vigorously supported this measure, which would have had a positive influence on our lagging economy, and was deeply distressed when it was vetoed by President Nixon. (Y) Y319,N68. My statement in support of the bill is at page H2795 of the April 21 Congressional Record.

D.C. POLICE DOGS, HR2598(27). Motion to return to Committee for further consideration a bill authorizing maintenance of police dogs for the District of Columbia. (Y) Y76,N303.

D.C. LIQUOR LICENSES, HR6417(27). To reduce the number of licenses for retail liquor sale in D.C. (N) Y178,N200.

RAILROAD RETIREMENT BENEFITS, HR6444(28). To provide a 10% increase in railroad retirement benefits. (Y) Y379,N0.

INTERNAL SECURITY COMMITTEE FUNDS, HRes 274(29). Amendment to increase the Committee's annual funding from the $450,000 recommended by the House Administration Committee to $570,000. (N) Y257, N129. Motion to instruct the House Administration Committee to hold public hearings on Internal Security Committee's need for funds. (Y) Y104,N275. Passage of $570,000 appropriation for the Committee for 1971. (N) Y300, N75. My statement opposing the HISC funds is at page H3210 of the April 29 CONGRESSIONAL RECORD.

### MAY

REORGANIZATION OF EXECUTIVE BRANCH, HR6283 (3). To extend to April 1, 1973, the President's authority to submit to Congress plans to reorganize the executive branch. (Y) Y301, N20.

PASSPORT APPLICATIONS, S531(4). To allow postal officials to process passport applications. (Y) Y241,N124.

TRUMAN BIRTHDAY, HRes422(5). Saluting former President Truman on his 87th birthday. (Y) Y380,N0.

SBA LENDING CEILING, HR4604(5). To consider bill to increase ceiling on Small Business loans outstanding at any one time from $2.2 billion to $3.1 billion. (Y) Y381,N0. Final passage. (Y) Y383,N0.

COMMITTEE EXPENSES, HRes412(6). To allow travel funds for members of Education and Labor Committee. (Not voting) Y156,N172.

D.C. FIREMEN, HR5386(10). Extending criminal penalties for assault on D.C. firemen. (Not voting) Y312,N0.

D.C. SUBWAY, HR8190(11). Amendment to fund further the D.C. subway currently under construction. (Y) Y170,N219.

SST, HR8190(12). Two amendments, each to provide $85.3 million for SST development, including construction of two prototypes. (N) Y201,N195; (N) Y201,N197.

CIVIL RIGHTS COMMISSION, HR7271(17). To authorize appropriations for Civil Rights Commission programs at an annual rate of $4 million until January 31, 1973. (Y) Y262,N67.

SCHOOL LUNCHES, HR5257(17). To authorize Agriculture Department to spend $150 million in fiscal 1971 and 1972 for free and reduced-price lunches for needy children. (Y) Y332,N0.

ENVIRONMENTAL DATA, HR56(17). Establishing a national environmental data system under the Council on Environmental Quality. (Y) Y305,N18.

SHOOTING ANIMALS, HR5060(17). Providing criminal penalties for unlicensed shooting from aircraft of certain animals. (Y) Y307,N8.

OCEANS, ATMOSPHERE COMMITTEE, HR2587 (17). To establish a national committee to advise the Federal government on problems affecting the oceans and atmosphere. (Y) Y293,N10.

EMERGENCY EMPLOYMENT, HRes437(18). Motion to vote on a bill to provide public-service jobs during periods of high unemployment. (Y) Y182,N210. To permit consideration of an Administration-backed substitute to the emergency employment bill. (Not voting) Y210,N177. Providing for a procedure to consider the emergency employment bill. (Y) Y350,N34.

RAILROAD STRIKE, SJRes100(18). To prevent a strike by railroad employees, extend bargaining time through October 1, and provide a pay increase for signalmen. (Y) Y265,N93.

SST—SUPPLEMENTAL APPROPRIATIONS CONFERENCE REPORT, HR8190(20). To provide $7.02 billion in additional funds for Federal agencies for fiscal 1971 (including SST funds). (N) Y264,N28. To acccept the Senate's proposed $155.8 million in fundng for SST program termination. (N) Y118,N156. (By voice vote, the House voted $97.3 million for SST termination. I voted no.)

POST OFFICE AND CIVIL SERVICE COMMITTEE, HRes415(24). Authorizing the Committee to travel and conduct studies. (Y) Y201,N88.

ACTION VOLUNTEER AGENCY, HRes411(25). Resolution to disapprove the Administration's plan to submerge the Peace Corps, VISTA and other volunteer agencies into one agency. (Y) Y131,N224. My statement on this issue is at page H4309 of the May 25 CONGRESSIONAL RECORD.

ENERGY RESOURCES, HRes155(26). To create a Select House Committee on Energy Resources to consider oil, gas, electricity and other energy problems. (Y) Y128,N218.

### JUNE

EMERGENCY EMPLOYMENT, HR3613(2). Motion to defeat the emergency public-service employment bill, which would create jobs at all levels of government, and replace it with an Administration proposal to share some Federal manpower funds with the states. (N) Y 182,N204. On second vote I again voted not to defeat the emergency public-service employment bill. (N) Y184,N202. Although detained by official business I was pleased that the bill passed 245–141.

NATIONAL SCIENCE FOUNDATION, HRes452(3). To allow debate on NSF authorization bill. (Y) Y357,N4.

NASA, HR7109(3). Authorizing $3.4 billion for fiscal 1972 NASA activities. (Y) Y303,N64.

LEGISLATIVE APPROPRIATIONS, HR8825(4). Appropriating funds for fiscal 1972 operations of legislative branch. (Not voting) Y259,N26.

EXTENSION OF AID TO HANDICAPPED, HR8011 (7). Extending laws authorizing government procurement of items produced by the handicapped. (Not voting) Y309,N0.

DOMESTIC WINE PRODUCTION, HR 1161(7). Removing restrictions on promotion of domestic wines overseas. (Not voting) Y298,N13.

NSF,HR7960(7). Authorizing fiscal 1972 NSF operations (Not voting) Y319,N8.

INTERNATIONAL COFFEE AGREEMENT, HRes465 (8). To debate extending until September 30, 1973, the provisions of the Agreement. (Y) Y336,N41.

MICRONESIAN CLAIMS, HJRes617(9). Amendment to require that Japanese contribution to Micronesian Claims Commission be in cash rather than goods and services. (N) Y166,N215. Final passage of bill to pay noncombat claims of certain residents of Micronesia. (Y) Y225,N158.

SUGAR ACT, HR8866(10). Motion to forbid any amendments in the course of the debate on the Sugar Act extension (N) Y213,N166 On final passage, I voted not to extend the Sugar Act for three years, in view of its provisions for imports from the racist government of South Africa. (N) Y229,N128.

D.C. POLICE AND FIREMEN, HR 8794(14). Providing disability payments. (Not voting) Y311,N1.

APPALACHIAN REGIONAL DEVELOPMENT, S575(15) Conference report on bill to extend Appalachian regional development program and authorize public work projects in areas of high unemployment. (Y) Y275,N104.

MILITARY FUNDS—INCLUDING ABM, B-1 BOMBER AND MILITARY R&D, HR8687(16). Amendment to prohibit $102 million in anti-ballistic missile system funding. (Y) Y129,N267. Amendment to delete $370.3 million for development of the B-1 bomber. (Y) Y97,N307. Amendment to increase fiscal 1972 military research and development funds by no more than 5% over 1971 level. (Y) Y135,N258. Amendment to limit fiscal 1972 military procurement authorization to 1971 level. (Y) Y118,N279. My statement with respect to weapons programs and the Defense Dept. budget is at page H11181 of the November 17 CONGRESSIONAL RECORD.

ADJOURNMENT, (17). Rep. McCloskey moved to adjourn, and thus temporarily terminate debate on the military procurement bill. I voted "present". Y30,N369.

EDUCATION APPROPRIATIONS, HR7016(17). Motion to table, and thus defeat, motion to instruct House members of the House-Senate Conference to accept Senate amendments to the fiscal 1972 education appropriations bill. (N) Y228,N182.

MILITARY PROCUREMENT—INDOCHINA WAR FUNDS, HR8687(17). Mink amendment to bar use of military procurement funds in or over Indochina after December 31, 1971. (Y) Y82, N327. Nedzi-Whalen amendment to bar use of military procurement funds in or over Indochina after December 31, 1971, cr some other date in fiscal 1972 recommended by the President (Y) Y158,N255. My statement supporting the Nedzi-Whalen amendment is at page H5381 of the June 17 CONGRESSIONAL RECOR4. Amendment to bar use of funds in Indochina after June 1, 1972, subject to release of all prisoners of war. (Y) Y147,N237. Final passage of bill to authorize $21.06 billion for fiscal 1972 military procurement. (N) Y331,N58.

EDUCATION AND LABOR COMMITTEE, HRes434 (18). Authorizing Committee to conduct investigations overseas. (Not voting) Y183, N119.

HEALTH PROFESSIONS, STUDENT LOANS, HR7736 (18). To extend health professions student scholarship program for one year. (Not voting) Y299,N0.

INVENTORS' CERTIFICATES, HR5237(21). Providing that inventors' certificates filed in foreign countries shall be treated in U.S. with the same priority as patent applications. (Y) Y340,N8.

U.S. BICENTENNIAL COMMISSION, S1538(21). Authorizing $670,000. (Y) Y336,N24.

NATIONAL FORESTS, HR3146(21) To authorize Federal-state-local law enforcement cooperation regarding National Forests. (Y) Y361, N2.

H.R. 1—SOCIAL SECURITY, WELFARE REFORM, (21). Motion for closed rule allowing only one amendment in the course of the debate on the entire Social Security, Medicare, Medicaid and welfare reform bill. (N) Y200, N172. Amendment to strike the family assistance welfare section of the bill. (N) Y187, N234. Final passage of bill to increase Social Security benefits and institute the FAP family assistance welfare reform plan. (Y) Y288. N132.

FARM SUBSIDIES, HR9270 (23). Conte amendment to reduce the limit on farm subsidy payments for any one producer from $55,000 to $20,000 per crop. (Y) Y214,N198.

STREAM CHANNELIZING, HR9270(23). Amendment to forbid funding of Agriculture Department stream channelizing projects. Stream channelizing construction projects degrade the countryside and are strongly opposed by conservationists. (Y) Y129,N278. My statement on this issue is at page H5795 of the June 23 CONGRESSIONAL RECORD.

FOOD STAMPS FOR STRIKERS, HR9270(23). Amendment forbidding sale of food stamps to households needing assistance because a family member is on strike. (N) Y172,N225.

INTERNATIONAL LABOR ORGANIZATION, HR9272 (24). Amendment to pay $11 million in U.S. obligations to the ILO. (Y) Y147, N227. My statement regarding the ILO is at page H5864 of the June 24 CONGRESSIONAL RECORD.

COMMUNITY RELATIONS SERVICE, HR9272 (24). Amendment to decrease by $4.25 million funds for the Justice Department's Community Relations Service. (N) N127, Y233.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND JUDICIARY APPROPRIATIONS, HR 9272(24). Final passage of bill appropriating $3.68 billion for the foregoing and related Federal agencies, and the courts. (Y) Y337, N10.

INDOCHINA WAR TERMINATION, HR6351(28). Motion to table, and thus defeat, a motion to instruct House conferees on the draft extension bill to agree to a Senate amendment calling for withdrawal from Vietnam of all U.S. troops within 9 months of bill's enactment, subject to release of all prisoners of war. (N) Y219,N175. My statement on this issue is at page H5930 of the June 28 CONGRESSIONAL RECORD.

POSTAL SERVICE, TREASURY APPROPRIATIONS, HR 9271(28). Appropriating funds for Postal Service, Treasury and executive-branch offices for fiscal 1972. (Not voting) Y380,N6.

INTERIOR DEPARTMENT APPROPRIATIONS, HR 9417(29). Appropriating $2.15 billion for fiscal 1972 operations of Interior Department and related agencies. (Y) Y400,N5.

PENTAGON PAPERS, HRes489(30). Motion to table, and thus defeat, a resolution directing the President to transmit to the House the text of the Pentagon Papers. (N) Y272,N113.

EDUCATION FUNDS CONFERENCE REPORT, HR 7016(30). On agreement to Office of Education $5.14 billion fiscal 1972 funds conference report. (Y) Y376,N15.

HUD—COUNSELLING SERVICES, HR9382(30). Amendment to strike from the fiscal 1972 Dept. of Housing and Urban Development appropriations bill $3 million for FHA counseling services. (N) Y164,N217.

### JULY

EMERGENCY EMPLOYMENT, S31(1). Conference Report on bill authorizing Federal funds for state and local public-service jobs during periods of and in areas of high unemployment. (Y) Y343,N14.

HEALTH MANPOWER, HR8629(1). To extend and expand Federal aid for health professions manpower. (Y) Y343,N3.

NURSE TRAINING, HR8630(1). To extend for 3 years Federal programs to train nurses. (Y) Y324,N0.

LAOS, HRes492(7). Motion to table, and thus defeat, resolution directing Secretary of State to furnish to Congress documents regarding U.S. military operations in Laos. (N) Y261, N118.

OBSCENE MATERIAL, HR8805(7). Although I am opposed to the unsolicited mailing of offensive materials, I voted against this proposal to prohibit mail delivery of obscene matter because the bill was vague and provided no clear or enforceable standards upon which postal officials or others could base their conduct. (N) Y356,N25.

EXPORT BANK, HR8181(8). Amendment deleting language permitting the Export-Import Bank, with the President's approval, to finance exports to Communist countries. (N) Y207, N153. Motion to remove Export-Import Bank transactions from the Federal administrative budget. (N) Y112,N249.

WATER DESALTING, HR9093(8). Authorizing expansion of Interior Dept. sea-water desalting program. (Y) Y325,N0.

D.C. TEACHERS, HR8407(12). Authorizing District of Columbia government to enter into an interstate teacher qualification pact. (Y) Y325,N4.

CHIEF JUSTICE, HR8699(13). To provide an administrative assistant for the Chief Justice of the United States. (Y) Y263, N139.

CBS CONTEMPT CITATION, HRes 534(13). I supported the motion to send back to committee, and thus defeat, a proposed contempt of Congress citation of CBS and its President, Dr. Frank Stanton, arising out of "The Selling of the Pentagon" program. (Y) Y226, N181.

TRANSPORTATION APPROPRIATIONS, HR9667(14). Appropriating $2.73 billion for fiscal 1972 operations of Transportation Dept., Civil Aeronautics Board, Interstate Commerce Commission, and related agencies. (Y) Y401, N12.

ATOMIC ENERGY COMMISSION FUNDS, HR9388 (15). Amendment deleting $3.5 million for atomic waste project near Lyons, Kansas. (Y) Y162, N207.

MILITARY DRUG TREATMENT, HR9265(19). Authorizing VA drug treatment and rehabilitation programs. (Y) Y379, N0.

VETERANS MEDICAL ASSISTANCE, HJRes748(19). Authorizing improvement and establishment of medical schools affiliated with VA. (Y) Y371, N2.

BETHUNE MEMORIAL, SJRes111(19). To authorize construction of memorial in Washington, D.C., to Mary Bethune, a prominent black educator. (Y) Y289, N89.

JOINT ENVIRONMENT COMMITTEE, HRes424 (20). To establish a Joint House-Senate Committee on the Environment. (Y) Y372, N18.

HOUSE OFFICE ALLOWANCES, HRes457(21). To allow the House Administration Committee, rather than the full House of Representatives, to set allowances for expenses of Congressmen's offices. (Y) Y233, N167.

BUS WIDTH LIMIT, HR4354(21). Motion to return to the Public Works Committee a bill to increase the width limitations of buses which travel on interstate highways. (N) Y178,N213.

HOUSE PROCEDURE, HRes533(22). To dispense with a quorum call. (Y) Y371,N5.

MILITARY CONSTRUCTION, HR9844(22). Authorizing $2.1 billion, including $918 million for housing families of military personnel. (Y) Y359,N31.

ENVIRONMENT, CONSUMER PROTECTION, AGRICULTURE APPROPRIATIONS, HR9270(27). Conference report on bill appropriating $13.27 billion for the Department of Agriculture, environmental assistance, and consumer-protection programs for fiscal 1972. (Y) Y230, N162.

SACB, HR9272(27). To table, and thus defeat, a proposal to instruct House conferees to forbid the discredited Subversive Activities Control Board to spend funds to create a list of allegedly un-American organizations. (N) Y246,N141. My statement on this issue is at page H7183 of the July 27 CONGRESSIONAL RECORD.

HEW-LABOR FUNDS, HR10061(27). Amendment to add $230 million for HEW health and hospital programs. (Y) Y169,N215. Amendment to add $82.4 million for HEW vocational rehabilitation programs. (Y) Y236, N153. Amendment to add $64 million to HEW child welfare services. (Y) Y185,N201. Final passage of bill to appropriate $20.46 billion in fiscal 1972 for Depts. of Labor and HEW. (Y) Y372,N25.

FEDERAL EMPLOYEES, HR9092(28) Amendment to exclude Federal employees not paid from appropriated funds from Federal comparability pay scales. (N) Y147,N232.

APPALACHIA, HR9922(28). To extend Appalachian Regional Commission and Commerce Dept. economic development programs. (Y) Y376,N27.

HUD, NASA, NSF, VA FUNDS, HR9382(29). Conference report on bill authorizing $18.33 billion in fiscal 1972 funds for these and related agencies. (Y) Y363,N30.

TRANSPORTATION, ICC, CAB, FUNDS, INCLUDING SST, HR9667(29). Appropriating $8.15 billion in fiscal 1972 funds for these and related agencies. (Y) Y393,N15. Amendment adding $58.5 million to Transportation Dept. funds to repay airlines for costs of developing SST. (N) Y307,N99.

AEC, PUBLIC WORKS—AMCHITKA—NUCLEAR TESTS—DICKEY-LINCOLN, HR10090(29). To forbid use of Atomic Energy Commission funds for any nuclear testing in Aleutian Islands, Alaska. (Y) Y108,N275. My statement opposing the Amchitka test is at page H6789 of the July 15 CONGRESSIONAL RECORD. Amendment to strike from the AEC appropriations bill advanced planning funds for the Dickey-Lincoln hydroelectric project in Maine. (N) Y199,N181. Final passage of bill appropriating fiscal 1972 funds for the AEC and a variety of public works projects. (Y) Y386,N4.

LOCKHEED AIRCRAFT, HR8432(30). The debate on the proposal to authorize $250 million in government-guaranteed loans to Lockheed began with a stalling vote to approve the House journal. (Y) Y374,N10. Next, the House agreed to adjourn on August 6. (Y) Y334,N41. The House then agreed to consider the bill. (N) Y325,N68. There followed an amendment to decrease the portion of the loan which may be guaranteed by the government from 100% to 90%. (Y) Y176,N205. I opposed the bill on final passage but it carried by three votes. (N) Y192,N189.

### AUGUST

DEPTS. OF STATE, JUSTICE AND COMMERCE AND JUDICIARY CONFERENCE REPORT, HR9272(2). Appropriating $4.06 billion in fiscal 1972 funds for the foregoing and related agencies. I voted against this bill for a number of reasons, including its deletion of funds our government is legally obligated to pay to the International Labor Organization. (N) Y337, N35.

SCHOOL DESEGREGATION, HRes539(2). Motion to discharge, and thus prevent further consideration by, the Education and Labor Committee of a resolution compelling the Secretary of HEW to submit data listing school districts receiving Federal funds to bus students. (N) Y252,N129. On final passage of resolution seeking HEW busing data. (Y) Y351, N36.

MARRIED WOMEN, HR3628(2). To give married women who are Federal employees benefits equal to those allowed married men. (Y) Y377,N11.

HOSPITALS, HConRes370(2). Resolution requiring that certain Public Health Services Hospitals remain open. (Y) Y370,N4.

CONTINUING APPROPRIATIONS, HJRes829(2). Providing ongoing funds for agencies whose fiscal 1972 appropriations had not been signed into law. (Y) Y350,N6.

FOREIGN AID, HR9910(3). To authorize $3.44 billion in fiscal 1972 and $3.49 billion in fiscal 1973 for foreign assistance programs. (Y) Y202,N192.

DRAFT EXTENSION CONFERENCE REPORT, HR 6531(4). I continue to believe, in accordance with the recommendation of the blue-ribbon Gates Commission, that the draft system should be replaced by a volunteer force. To consider bill extending the draft for two years. (N) Y250,N150. To return the bill to the Conference Committee. (Y) Y131, N273. Final passage of draft extension. (N) Y298,N108.

PUBLIC SERVICE JOBS, HJRes 833(4). Amendment to compute the funds distribution formula solely on the ratio of the number of unemployed in each state to the total of unemployed in nation (present formula also considers the level of unemployment in each state). (N) Y172,N213. Amendment to prohibit an agency from acting as a funds distribution conduit if the agency is applying for its own public-service jobs program. (Y) Y171,N219. Final passage of resolution for funds to operate public-service jobs program in fiscal 1972. (Y) Y321,N76.

EXPORT BANK CONFERENCE REPORT, S581(5). Broadening the lending authority of the Export-Import Bank. (Y) Y219,N140.

HEW, LABOR DEPTS. CONFERENCE REPORT, HR 10061(5). Appropriating $20.8 billion in fiscal 1972 funds. (Y) Y280,N56.

### SEPTEMBER

OCEAN DUMPING, HR9727(9). Although unable to be on the floor for the vote, I am recorded as supporting this bill establishing controls over the dumping of waste materials in the ocean and establishing a marine sanctuaries program. Y305,N3.

EMERGENCY DETENTION CAMPS, HR234(13–14). I was the only Member of Congress voting as a member of both Committees, Judiciary and Internal Security, which recommended legislation regarding the infamous detention camp law used to imprison without trial

Japanese-Americans during World War II. Judiciary recommended abolishment of the detention camp law; Internal Security recommended modification of the law. I agreed with my colleagues in Judiciary. On motion to debate the bills. (Y) Y345,N1. On Internal Security bill, which would retain detention camp law. (N) Y124,N272. On Judiciary bill to forbid detention camps without Congressional authorization. (Y) Y290,N111. On final passage of Judiciary bill. (Y) Y356,N49. My statements on this issue are at pages H8395 and H8397 of the September 14 CONGRESSIONAL RECORD.

EQUAL EMPLOYMENT, HR1746(16). Two votes to deny authorization of cease-and-desist powers to the Equal Employment Opportunities Commission. (N) Y200,N195; (N) Y202, N197. Motion to return the EEOC bill to Committee. (Y) Y130,N270. Final passage of the bill—granting restricted powers to EEOC. (N) Y285,N106. My statement regarding this bill is at page H8475 of the September 15 CONGRESSIONAL RECORD.

AEC, PUBLIC WORKS CONFERENCE REPORT, HR10090(22). Appropriating fiscal 1972 funds for public works projects and the AEC. (Y) Y377,N9.

PEACE CORPS, HR9166(23). Amendment to cut the Peace Corps fiscal 1972 authorization by $27 million, from $77.2 to $50.2 million. (N) Y113,N232.

OEO-CHILD DEVELOPMENT ACT, HR10351(30). I strongly supported this bill, which would have extended OEO programs, and established voluntary child development programs and an independent legal services corporation, and was deeply distressed when President Nixon vetoed it in December. Amendment to reduce from 100,000 to 10,000 the population required for cities to receive child development funds. (Y) Y226,N158. Amendment to reduce from $6,960 to $4,320 the maximum income level for free day-care service. (N) Y187,N189. Amendment to include child development act in the bill. (Y) Y203,N181. Amendment requiring that 4% of community action programs go to Puerto Rico, Guam and Micronesia. (Y) Y202,N161. Amendment to eliminate legal services program. (N) Y152,N210. Second amendment to include child development programs in the bill. (Y) Y186,N183. Motion to instruct the Education and Labor Committee to report a bill reducing from $6,960 to $4,320 the maximum income level for families receiving free day-care service. (N) Y191,N180. Final passage. (Y) Y251,N115. My statement opposing the President's veto of this bill is at page E13422 of the December 14 CONGRESSIONAL RECORD.

### OCTOBER

FEDERAL PAY RAISE, HRes596(4). Motion to defer consideration of Federal employees' pay raise. (Y) Y175,N198. Resolution disapproving the President's proposal postponing for six months a statutorily-approved pay increase for Federal employees. (Y) Y174,N207.

PRISONERS OF WAR, HConRes 374(4). Calling for humane treatment and release of American prisoners of war held in Indochina. (Y) Y371,N0.

CREDIT UNION INSURANCE, HR9961(4). To provide temporary insurance for certain Federal credit unions. (Y) Y197,N122.*

AIR TRAFFIC CONTROLLERS, HR8083(4). To require certain qualifications for air traffic controllers. (Y) Y294,N0.

SUGAR ACT CONFERENCE REPORT, HR8866(4). I again voted against extending the Sugar Act because of its provision for a quota for the racist government of South Africa. (N) Y194,N92.

UNEMPLOYMENT BENEFITS, HRes915(6). Providing $270.5 million for unemployment benefits for ex-servicemen, former Federal employees, and workers adversely affected by imports. (Y) Y394,N9.

CONTINUING APPROPRIATIONS, HJRes916(6). Funds for agencies whose 1972 appropriations had not yet been signed into law. (Y) Y387, N12.

EQUAL RIGHTS FOR WOMEN AND MEN, HJRes 208(12). I very strongly supported the proposed amendment to guarantee equal constitutional rights to men and women. On amendment specifying rights of non-citizens. (N) Y104,N254. On weakening amendment to legitimize discrimination against women under laws which allegedly "promote health and safety." (N) Y87,N265. On final passage of constitutional amendment that "equality . . . shall not be denied or abridged by the United States or any state on account of sex." (Y) 354,N24. My statement on equal rights of men and women is at page H9373 of the October 12 CONGRESSIONAL RECORD.

CONSUMER PROTECTION AGENCY, HR10835(14). Amendment restricting the new Federal Consumer Agency's authority to intervene in lawsuits, or proceedings of other agencies. (N) Y149,N240. Amendment to allow the Consumer Agency to intervene in lawsuits, and proceedings of other agencies. (Y) Y160,N218. Final passage of bill establishing an independent Consumer Protection Agency and a White House Office of Consumer Affairs. (Y) Y345,N44. My statement in support of the new consumer agency is at page H9495 of the October 13 CONGRESSIONAL RECORD.

BLACK LUNG DISABILITY BENEFITS, HR9212(18). To give benefits to orphans whose fathers died of black lung disease, which afflicts coal miners. (Y) Y227,N124.

SCHOOL LUNCHES, HJRes923(18). To ensure that every eligible child receive a free or reduced-price lunch as required by the School Lunch Act. (Y) Y354,N0.

ANIMAL DISEASE, HR10458(18). Authorizing U.S. involvement in Western Hemisphere cooperation to combat livestock and poultry disease. (Y) Y342,N0.

PORT SAFETY, HR8140(18). Promoting safety of ports and waterways. (Y) Y336,N1.

INDOCHINA WAR TERMINATION, HR8687(19). Hebert motion to block any effort to vote on the Mansfield end-the-war amendment to the military procurement bill. (N) Y215, N193. Arends motion to instruct House conferees not to accept Mansfield amendment. (N) Y192,N216. Unfortunately, the House conferees refused to accept the Mansfield amendment notwithstanding rejection of the Arends motion. My statement in support of the Mansfield amendment is at page H9723 of the October 19 CONGRESSIONAL RECORD.

MILITARY CONSTRUCTION CONFERENCE REPORT, HR9844(20) (See July 22 vote). (Y) Y371, N26.

ALASKAN NATIVE CLAIMS, HR10367(20). The natives of Alaska have been attempting for many years to obtain back from the government land which belongs to them. I supported them. Amendment to establish a Commission to set aside wildlife and conservation areas in Alaska. (Y) Y178,N217. Passage of bill to grant natives 40 million acres of land, cash, and certain mineral rights in settlement of their claims. (Y) Y334,N63.

ARMED SERVICES SURVIVOR BENEFITS, HR10670 (21). Establishing a survivor benefit plan for retired career military personnel. (Y) Y372,N0.

GUAM, VIRGIN ISLANDS DELEGATES, HRes624 (21). To consider providing non-voting delegates to Congress from Guam and the Virgin Islands. (Y) Y280,N63.

MILITARY CONSTRUCTION APPROPRIATIONS, HR 11418(27). To appropriate $2.01 billion for previously-authorized construction, including family housing and anti-pollution projects. (Y) Y354,N32.

HIGHER EDUCATION, HR7248(27). Motion to debate the 1971 Higher Education Act. (Y) Y371,N7. Amendment to allocate Federal grants for college students according to national eligibility scale rather than through state allotments. (N) Y117,N257. Amendment to allocate college grant funds to the states in proportion to the national total of eligible students. (Y) Y108,N220.

### NOVEMBER

SCHOOL DESEGREGATION, HR2266(1). Emergency School Aid Act granting Federal assistance to schools for desegregation. (Y) Y135, N222.

CREDIT UNION INSURANCE, HR9961(1). Providing insurance to federal credit unions. (Y) Y350,N0.

PRISON DRUG TREATMENT, HR8389(1). Requiring that states must make drug rehabilitation programs available to prisoners and ex-prisoners in order to receive Law Enforcement Assistance funds. (Y) Y350,N2.

MAGISTRATES, HR9180(1). Authorizing emergency reassignment of U.S. court magistrates. (Y) Y344,N10.

METHADONE, HR9323(1). To amend Federal law to permit methadone treatment of heroin addicts. (Y) Y354,N0.

LAND RECLAMATION, HR7854(1). To increase the authorization for small reclamation (e.g., irrigation) projects of the Interior Dept. (Y) Y346,N7.

FARM CREDIT, HR11232(1). To revise the authority of farmer-owned cooperatives for loans to rural residents (Y) Y331,N19.

ADJOURNMENT, (1–2) To consume time, adjournment motions were made November 1 and 2. I opposed both. (N) Y51,N255; (N) Y8,N286.

MILITARY MEDICINE, HR2(3). Establishing a Uniformed Services University of Health Sciences to attract physicians and dentists to military careers. Amendment requiring that University be within 25 miles of D.C. (N) Y148,N215. Final passage (Y) Y352,N31.

HIGHER EDUCATION, HR7248(3–4). The Higher Education Act was considered November 3 and 4. In an atmosphere of heated controversy, the House debated through the night of November 4, finishing at 2:30 a.m. November 5. 17 recorded votes were taken: Amendment to eliminate general aid to all institutions of higher learning (hereafter referred to as colleges). (N) Y84,N310. Amendment requiring colleges to maintain previous student aid levels. (Y) Y210,N182. Amendment to terminate aid to church-related colleges which is held unconstitutional. I opposed this amendment because it added nothing to existing law. (N) Y119,N264. Amendment to eliminate program of student internships with public officials. (N) Y229, N149. Amendment exempting undergraduate admissions from bill's prohibition of discrimination against women. (N) Y194,N189. Amendment extending land grant benefits to Guam and Virgin Islands colleges. (Y) Y220,N158. Amendment establishing National Institute of Education in HEW. (Y) Y210,N153. Amendment to delete funds for ethnic heritage studies. (Not voting) Y200, N159. Amendment denying to HEW authority to set standards for youth camp safety. (N) Y184,N166. Amendment postponing any busing of students required by law until every court appeal has been exhausted. (N) Y235, N125. Amendment forbidding any Federal employee from urging state or local officials to use local funds for busing. (N) Y231,N126. Amendment to exclude from busing prohibition school systems under court orders. (Y) Y146,N216. Ashbrook amendment prohibiting use of funds for busing students to desegregate schools under any circumstances. (N) Y234,N124. Amendment seeking report on need for funds to integrate public schools. (N) Y92,N269. Amendment adding the Emergency School Aid Act. (See November 1 entry) authorizing $500 million in fiscal 1972 and $1 billion in fiscal 1973 for assistance in desegregating public schools. (Y) Y211,N159. Second amendment to exclude undergraduate admissions from bill's prohibition of discrimination against women. (N) Y186,N181. Final passage of bill extending Federal aid to colleges and students, creating a National Institute of Education and authorizing desegregation funds. (Y) Y332,N38.

COFFEE AGREEMENT, HR8293(5). Extending President's authority to implement International Coffee Agreement. (N) Y200,N100.
SCHOOL PRAYER, HJRes191(8). I opposed this proposal to dilute the Bill of Rights for the first time in American history and to authorize so-called "non-denominational" prayer in public buildings. After one day's debate, the House rejected the proposed amendment, less than the required two-thirds of those voting having supported it. On motion discharging the bill from the Judiciary Committee. (N) Y242,N156.* On passage. (N) Y240,N163.* My statement on this issue is at page H10602 of the November 8 CONGRESSIONAL RECORD.

PESTICIDES, HR10729(9). I opposed this bill to regulate the manufacture, distribution and use of pesticides because it was fundamentally weakened to reflect the interests of big pesticides manufacturers. Amendment to delete bill's provision that a pesticide may not be prohibited on account of its lack of "essentiality." (Y) Y152,N221. Amendment to allow consumer groups to seek court review of EPA pesticides decisions. (Y) Y167,N209. Amendment to deny reimbursement to producers of recalled pesticides unless harmful effects could not have been anticipated. (Y) Y168,N203. Final passage. (N) Y288,N91.
BLACK LUNG, HR9212 (10). Amendment to reduce Social Security disability payments to miners receiving black lung benefits. (N) Y-158, N225. Amendment to delete provision extending to 1975 black lung benefits. (N) Y133, N246. Final passage. (Y) Y311,N79.

CONTINUING APPROPRIATION, DEFENSE DEPT., HJRes 946 (10). I voted "present" to this amendment which would have withheld funds for the Defense Department after November 15, 1971, pending action on the regular Defense Dept. appropriation bill. Y10, N356.

RHODESIAN CHROME, HR8687 (10). I opposed this effort to require the President, contrary to both expressed United Nations policy and current United States policy, to import chromium from the racist government of Rhodesia. (N) Y251,N100.

D.C. REVENUE, HR11341(11). Motion to debate 1971 D.C. revenue act. (Y) Y359,N8. Amendment to eliminate $44 million increase in Federal payment to D.C. (N) Y79,N263. Amendment to increase Federal payment by $25 million, not $44 million. (N) Y119,N210. Amendment exempting interstate truck drivers from D.C. wage and hour laws. (Y) Y139, N179. Final passage. (Y) Y248,N50.

CANCER RESEARCH, HR11302(15). To authorize $1.5 billion over the next three fiscal years for the purpose of conquering cancer, and to enlarge the authority of the National Cancer Institute within the National Institutes of Health. (Y) Y350,N5.

INTERPOL, HR11350(15). Increasing to $55,000 U.S. dues to International Criminal Police Organization. (Y) Y346,N0.

COPYRIGHT, SJRes132(15). To extend until December 31, 1972, the expiration date of certain copyrights. (N) Y302,N49.

VETERANS' BENEFITS, HR11651(15). Increasing non-service-connected pension payments for veterans and their widows. (Y) Y350,N0. HR11652(15). Increasing benefits for survivors of veterans who die in service. (Y) Y350,N0.

REDWOOD PARK—TAX, HR11080(15). To give special tax advantages to logging companies which owned land in Redwood National Park. (N) Y148,N203.

$71 BILLION DEFENSE FUNDS—F-14—TROOP LEVELS—INDOCHINA, HR11731(16–17). Amendment to eliminate $801.6 million for procurement of F-14 aircraft. (Y) Y76,N311. Amendment limiting to 60 days period in which president can increase number of military personnel without Congressional approval. (Y) Y183,N210. Boland amendment to terminate Indochina war funding after June 1, 1972, and seek prompt withdrawal of U.S. troops, subject to release of all prisoners of war. (Y) Y163,N238. My statement on the Boland amendment is at page H11181 of November 17 CONGRESSIONAL RECORD. Amendment to limit fiscal 1972 Defense Dept. spending to 95% of Administration request. (Y) Y74,N308. Amendment to limit fiscal 1972 Defense Dept. funding to fiscal 1971 level. (Y) Y114,N278. Final passage of $71 billion Defense Dept. appropriations for fiscal 1972. (N) Y343,N51.
FOREIGN AID, HRes710(18). Resolution to send House-passed foreign aid bill (HR9910) to a House-Senate Conference. (Y) Y269,N115.
CONTINUING APPROPRIATIONS CONFERENCE REPORT, HJRes946(18). Motion to debate conference report providing funds for agencies whose funds had not yet been signed into law. (Y) Y367,N15. Final passage. (Y) Y344, N26.

RADIO FREE EUROPE, S18(19). Authorizing financial assistance for, and review of, Radio Free Europe and Radio Liberty. Motion to debate. (Y) Y290,N3. Final passage. (Y) Y271, N12.

CAMPAIGN FINANCING REFORM, HR11060(29–30). On November 30, the House passed legislation to regulate political campaign spending by candidates for Congress and the Presidency. I supported this bill. Amendment to eliminate lowest-rate advertising provisions and to eliminate requirement that newspapers give equal access to advertising space to candidates for the same office. (N) Y145,N219. Amendment eliminating lowest-rate television advertising for candidates. (N) Y219,N150. Amendment to repeal FCC rule requiring broadcasters to give "equal time" to all candidates for same office. (N) Y95,N277. Amendment to prohibit use of union dues for political purposes. (Y) Y233,N147. Amendment deleting requirement that candidates file campaign disclosure statements with clerk of nearest U.S. court. (Y) Y230,N154. See explanation at page H11538 of the December 1 CONGRESSIONAL RECORD. Final passage of bill limiting campaign expenditures and prescribing more rigorous disclosure procedures. (Y) Y372,N23.

## DECEMBER

PASSENGER VESSELS, HR11589 (1). To authorize the sale of certain U.S.-flag ocean liners to foreign purchasers. (N) Y253,N139.
D.C. APPROPRIATIONS, HR11932 (2). To debate the bill. (Y) Y380,N0. Amendment to appropriate $72 million for D.C. government's cost of continued construction of subway system. (Y) Y196,N183. Amendment to halt subway funds. (N) Y163,N205. Second amendment to authorize subway funds. (Y) Y195, N174.

SUPPLEMENTAL APPROPRIATIONS, HR11955(2). To delete fiscal 1972 supplemental appropriations bill. (Y) Y308,N29. Final passage of bill appropriating $786 million in fiscal 1972 funds for a variety of agencies and departments. (Y) Y271,N20.

NAVAL SHIP LOANS, HR9526 (6). To loan 16
naval vessels to Spain, Turkey, Greece, Italy
AIR TRANSPORT FAIR, HR11624 (6). To author-
and South Korea. (N) Y260,N116.
ize an additional $2 million for Transportation Department's 1972 aeronautical exposition. (N) Y202,N173.*

JUVENILE DELINQUENCY, HR45 (6). To establish an independent Institute for Continuing Studies of Juvenile Justice. (Y) Y240, N135.* My statement in support of this bill is at page H11798 of the December 6 CONGRESSIONAL RECORD.

MORTGAGE RATES, SJRes176 (6). To extend HUD Secretary's authority to set maximum interest rates for government-backed mortgages, and for related purposes. (Y) Y357, N4.

POSTAL SERVICE PROPERTY, HR11809 (6). To continue assistance for schools in Federally-impacted areas by retaining Federal ownership of Postal Service property in those areas. (Y) Y259,N112.

SEA MAMMALS, HR10420(6). To require a permit for the killing of sea mammals for commercial purposes or sport, this bill was opposed by a wide range of interested groups. (N) Y199,N150.*

OEO-CHILD DEVELOPMENT CONFERENCE REPORT, S2007(7). I strongly supported this bill to extend Office of Economic Opportunity programs, to authorize a comprehensive voluntary child development program, and to establish a nonprofit legal services corporation, and I was deeply distressed when President Nixon vetoed the bill. (Y) Y211,N187. My statement regarding the veto is at page E13422 of the December 14 CONGRESSIONAL RECORD.

FOREIGN ASSISTANCE APPROPRIATIONS, HR12067 (8). Amendment to add $50 million to U.S. contribution to U.N. development program for underdeveloped countries. (Y) Y119,N268. Final passage of bill appropriating $3.003 billion for foreign assistance, including Agency for International Development, Peace Corps and other assistance programs. (Y) Y214, N179.

GRAIN RESERVE, HRes728(8). Motion to vote on proposal to increase feed grains loan rates. (N) Y204,N164. Amendment providing for grain storage in producer-owned facilities only, rather than producer-owned and commercial facilities. (N) Y147,N179. Amendment to strike provision for 25% increase in feed grains loan rate. (N) Y128,N222. Amendment to require the release price of grain reserves to be set at 100% of parity price instead of 120% of the past five year average market price. (Parity is the relationship of crop production costs to farmers' selling price.) (N) Y145,N201. Amendment to store grain reserves in homes of "hungry Americans." (N) Y17,N271. Final passage of bill authorizing establishing reserve supply of 300 million bushels of wheat and 25 million tons of feed grains. (N) Y182,N170.

REVENUE CONFERENCE REPORT, HR10947(9). I opposed this tax bill for a number of reasons, but particularly because it gave disproportionate relief to large corporations at the expense of individual taxpayers, and in the process reduced tax revenues by $28 billion over three years. (N) Y321,N75. My statement with respect to the tax bill begins at page H12128 of the December 9 CONGRESSIONAL RECORD.

PROCEDURE, HRes729(9). To waive rule requiring filing of conference reports three days before they are considered. (Y) Y342,N48.

SUPPLEMENTAL APPROPRIATIONS CONFERENCE REPORT, HR11955(9). Appropriating $3.4 billion in fiscal 1972 funds for a variety of depts. and agencies. (Y) Y302,N73.

PHASE 2 AUTHORITY, HR11309(10). Amendment to require that wage increases negotiated before August 15 be paid retroactively only if price or other increases had been made to accommodate the pay increases. (N) Y209,N151. My statement on retroactivity of wages is at page H12254 of the December 10 CONGRESSIONAL RECORD. Amendment to require that all data supplied to Wage and Price Boards, except trade secrets, be available to the public. (Y) Y73,N275. Amendment granting President authority to regulate pension and retirement plans which the bill otherwise exempts from controls. (N) Y170,N184. Final passage of bill extending through April 30, 1973, the President's authority to implement Phase 2 controls. (Y) Y326,N33.

D.C. REVENUE CONFERENCE REPORT, HR11341 (10). (Y) Y242,N93.

D.C. HOSPITALS, HR11628(13). To authorize $130 million in loans and grants to finance hospital construction in D.C. (Y) Y160,N200.
ALASKAN NATIVE CLAIMS CONFERENCE REPORT, HR10367(14). To settle land claims by granting 40 million acres of land, cash, and certain mineral rights to Alaskan natives. (Y) Y307,N60.

DEFENSE APPROPRIATIONS CONFERENCE REPORT HR11731(15). I opposed this bill to appropriate $70.5 billion in fiscal 1972 funds for the Defense Dept. My statement on the defense budget is at page H11181 of the November 17 CONGRESSIONAL RECORD.

D.C. APPROPRIATIONS, HR11932(15). Appropriating $272 million for D.C. for fiscal 1972. (Y) Y260,N79.

UNEMPLOYMENT COMPENSATION CONFERENCE REPORT, HR 6065(15). Extending emergency unemployment compensation 13 weeks in high unemployment areas. (Y) Y194,N149.

CONTINUING APPROPRIATIONS, HJRes1005(15). Extending through February 22, 1972, foreign aid funds. (Y) Y235,N86.

INSTRUCT CONFEREES, S2819(16). Motion to table motion to instruct House conferees to agree to Mansfield amendment to foreign aid bill. (Not voting) Y130,N101.

The First Session of the 92nd Congress ended on December 17.

LEGISLATION SPONSORED

Among the many bills which I have sponsored in Congress are the following, listed according to the House committees to which they have been referred:

APPROPRIATIONS. HR8917. To fund nutrition projects under Title IV of the Older Americans Act.

ARMED SERVICES. HR2604. To provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones. HR5845. To prohibit transportation of chemical warfare munitions outside the United States. HConRes236. Resolving that NATO allies should contribute more to costs of their own defense.

BANKING AND CURRENCY. HConRes423. To exempt individuals in poverty from Phase 2 controls.

EDUCATION AND LABOR. HR11131. To provide tutoring for handicapped children through the use of college students and veterans. HR12036. To expand the Emergency Employment Act of 1971 and create 500,000 new Federally-funded public service jobs.

FOREIGN AFFAIRS. HR4225. Regarding the use of military funds in Laos. HR5228. To prohibit a U.S. invasion of North Vietnam without Congressional authorization. HR11017. To provide that U.S. passports shall not disclose the place of birth of persons to whom they are issued. HConRes304. Seeking suspension of military aid to Pakistan pending resolution of India-Pakistan conflict. HRes 54. Seeking a definite date for U.S. withdrawal from Vietnam. HRes455. Seeking Yiddish broadcasts to Soviet Jews over Voice of America. HConRes424. Calling for a free and united Ireland.

GOVERNMENT OPERATIONS. HR4430. Consumer Protection Act of 1971. HR5974. Requiring that individuals be informed of records concerning them which are mantained by government agencies.

INTERSTATE AND FOREIGN COMMERCE. HR2294. To encourage physicians and dentists to practice in areas where shortages of such personnel exist. HR3656. Conquest of Cancer Act. HR8438. To require clear labeling indicating dates of useful life of food items. HR10208. To authorize reduced-rate transportation for handicapped and individuals 65 and over.

JUDICIARY. HR9378. To make additional immigrant visas available. HJRes941. To lower the age requirement for membership in the House of Representatives from 25 to 22, and in the Senate from 30 to 27.

RULES. HRes120. To create a Committee on Aging. HRes328. To create a Select Committee to investigate all aspects of energy resources in the United States.

WAYS AND MEANS. HR850. To extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns. HR4245. To include prescription drug costs within Medicare program. HR4933. To terminate the oil import quota program. HR7836. To allow a tax deduction for expenses incurred by homeowners in making repairs and improvements to their homes. HR10263. To remove the limitation on the amount of outside income an individual may earn while receiving Social Security benefits.

I sincerely welcome comments or inquiries from any constituent regarding any of the foregoing matters.

## BREZHNEV: ASCENT TO POWER

## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. HAMILTON. Mr. Speaker, when President Nixon travels to the Soviet Union this May he will be actively involved in discussions with L. I. Brezhnev, the apparent first among equals in the Soviet leadership and general-secretary of the party.

Because of Brezhnev's position, it is important that we in the Congress be well acquainted with his background. For this reason, I urge my colleagues to read the following article from the summer 1971 issue of Orbis, a quarterly journal of foreign affairs. The article, written by Paul A. Smith, Jr., is a biological treatment of Brezhnev from childhood through 1968.

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### BREZHNEV: ASCENT TO POWER

(by Paul A. Smith, Jr.)

(NOTE.—This article, part of a larger study in progress, will appear later in 1971 in the book, *Leaders of the Communist World*, edited by Rodger Swearingen (New York: The Free Press). It draws upon information available to Western scholars up to September 1968 and covers Brezhnev's career through the Twenty-third Party Congress in March–April 1966. The author is now working on a second article based on information available on Brezhnev's life between the Twenty-third and Twenty-fourth Party Congress.)

"A stocky figure dressed in a bulky, dark brown double-breasted suit, with huge bushy eyebrows dominating his flushed face. He seemed somber and dull. . . ." The description is by a member of the Western press corps in Moscow in 1963, when Leonid Brezhnev was chief of state. A Soviet official later warned a Western associate not to underestimate Brezhnev. He knew, the Soviet said, that Western observers had written Brezhnev off as a figurehead. Those who did so, he said, were making a mistake.[1]

The advice was sound. On October 14, 1964, Brezhnev replaced his patron Khruschev by election of the Party Central Committee as First Secretary of the Communist Party of the Soviet Union. The other half of Khrushchev's power, the premiership of the USSR, was given to Alexi Kosygin, a member of the Party Presidium and a long-time government official. The shift brought Brezhnev to a pinnacle of pre-eminence within the USSR and—Mao notwithstanding—throughout the communist world.

Four years later Brezhnev had completed the equivalent, in time, of a United States President's first term in office. His command of the levers of power was still not comparable to that of his predecessor; control of the government still rested in the capable hands of his colleague Kosygin. But his stature and authority within the party had been strengthened by a gradual and effective distancing of his two chief rivals—Podgorny and Shelepin—from positions of influence and control.

The man whom the Soviet elite has chosen as its spokesman and most eminent member is well qualified to represent it. Before coming to power in 1964 he played, contrary to popular belief, an important behind-the-scenes role in domestic and international communist affairs for nearly fifteen years. Earlier, he had proved himself in some of the most important regional assignments available to a party official. Today, despite Mao's disaffection and troubles in Eastern Europe, Brezhnev remains heir to the mantle of authority in world communism created by Lenin, enlarged by Stalin, and defended by Khrushchev.

Many Western scholars remain unimpressed, however. One has described him as "an insignificant transition figure in a new interregnum and a succession crisis that has not yet come to a head."[2] But a Western diplomat who worked with him expressed admiration for his "absolute level-headedness" and appreciation of his "spirit devoid of fanaticism," his "courtesy" and "human warmth." Noting that Brezhnev tends to rely more on conciliation than on force, the same observer wondered whether he had the energy necessary to maintain concord and to check the inevitable ambitions among his peers.[3] Perhaps; perhaps not. But let us look at the record.

#### LABOR ARISTOCRAT

Brezhnev comes from the Ukraine and still makes it his political base. His native region, earlier called Ekatorinoslav, today Dnepropetrovsk, straddles the Dnieper River, a major artery of trade and conquest since Byzantine days. In the nineteenth century the river helped to open the region to world commerce, based on the grain trade, and to make it one of the leading industrial regions of the empire. Brezhnev was born on its banks in 1906, in a small river port known then as Kamenskoe and now called Dnieprodzerzhinsk, about twenty miles upstream from the provincial capital of Ekatorinoslav.[4]

In Brezhnev's childhood Kamenskoe was one of a number of thriving industrial towns along the Dnieper. An iron foundry, in existence since the 1880's was located there. The population of the area was mixed—Ukrainians, Great Russians, Jews, Germans, Greeks, Bulgarians and Tatars. In the towns the Russians and the Jews predominated; in the countryside the farmers were more independent, more individualistic, and more outward oriented than the traditional Russian peasant. In 1908 the provincial parliamentary of Ekatorinoslav sent an agricultural agent to the middlewestern region of the United States to study the crops there, procure agricultural machinery and investigate the market for Ukrainian products. This spirit and the rapid industrialization in the towns gave the nickname "Little America" to the area.

There is no indication from official or other sources that Brezhnev or his family were involved either in prerevolutionary political movements or in the turmoil later. But the region was politically volatile. Where as the Russians tended to be concerned with social and economic problems and with a variety of utopian schemes purporting to offer solutions to them, the Ukrainians were more interested in asserting the claims of their culture and their separate nationality. The result was a heady brew of national and social strivings expressed in a spectrum of outlawed political groups. The Bolsheviks and the Social Revolutionaries were strongly established in the industrial towns by the turn of the century. In the countryside a variety of anarchist movements agitated the farmers and village craftsmen. During World War I, in Brezhnev's early teens, the region was occupied by the Austro-Hungarians, torn by revolution, and ravaged in the civil conflict that followed the revolution. City and country alike were sacked with equal fervor and savage abandon by Reds, Whites, peasant anarchists, Ukrainian nationalists and bandits. Asked what he did during the French Revolution, one of the participants is said to have replied: "I survived." Perhaps the Brezhnevs felt themselves fortunate to have done the same.

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*Footnote: Asterisk indicates bill failed because it arose under procedure requiring support of two-thirds of those voting.

Footnotes at end of article.

Brezhnev is generally presumed to be a Russian. At least his name is Russian, and the fact that he comes from an urban rather than a rural background strengthens the presumption. His speech is colored by the Ukraine, but no more so than is to be expected from a man born and raised in the region. Soviet biographic sources describe him as born in the family of a metal worker, and he has claimed in conversation to be a fifth-generation steelman; [5] a brother worked in Poland as a metallurgical engineer after World War II.[6] It would seem a plausible assumption that Brezhnev comes from a stratum in the prerevolutionary working class which cherished a respect for family traditions and skills, but which was not attracted by the political and social radicalism of the Marxists—a stratum resentfully characterized by Lenin as "labor aristocrats."

### LIFE IN THE PROVINCES

Brezhnev worked his way through the Soviet equivalent of high school and college, and made a living professionally as a surveyor and later as a metallurgical engineer, academic and city official for the first thirty years of his life.

In 1921 the New Economic Plan was launched. In the Ukraine the guerrilla leader, Makhno, led the remnants of his once powerful peasant anarchists across the Dnieper for the last time to seek refuge in Rumania from the Red Army. An uneasy peace returned to the land, permitting many youngsters, including Brezhnev, to begin their working careers. Soviet biographic sketches say he began work at fifteen and simultaneously studied to become a land surveyor. Which was his primary occupation is not clear. But the proletarian image is qualified at an early age by his developing interest in technique, in precision, and in intellectual tools of professional caliber.

The scholastic side apparently predominated. In 1927, at the age of twenty-one, Brezhnev graduated from a technical college for land utilization and reclamation in the city of Kursk, a provincial capital of 80,000 people in southern Russia. For three years, until 1930, he used his skills as a surveyor and land-utilization specialist, first in the Kursk Provincial Administration, and later for a period in the Urals where he rose to a responsible position on the provincial land-utilization board of Sverdlovsk.

The 1920's, the period when Brezhnev received his basic education and spent his formative working years on the land, was the heyday of the farmer under Soviet power. In the fall of 1922 the Soviet government adopted a series of legal codes whose purpose was to give the farmer a sense of security. The principle of nationalization was affirmed. But the right of utilization could be exercised in a number of forms—in the traditional system of repartition within a community, in individual holdings, or in voluntary associations. For almost a decade the farmer enjoyed two significant freedoms: the right to choose the form in which the land was to be cultivated, and the privilege of disposing of his surplus products on the open market.[7] Brezhnev's opinion on these events is unknown. But it may be significant that he has been intimately associated with three of the four major initiatives in agricultural policy under Soviet power: the land reform of the 1920's, the Virgin Lands program of 1954, and the rationalization and refinancing of agricultural management which he proposed in March 1965. All three have been relatively successful, at least by Soviet standards. The fourth major innovation was the collectivization program launched by Stalin in 1929. Brezhnev may have been involved in its initial stages, but he escaped its conclusion. In 1950, for unknown reasons, he abruptly dropped a promising future in agriculture and returned to industry.

In 1928, when Brezhnev was still in the Urals, the first Five Year Plan was launched, and in 1929 the collectivization of agriculture began. The result was a five-year war between the party, backed by the urban proletariat, and a terrorized and eventually decimated farm population. The consequences for the farmers, the country and the rule of the party were immense. Characteristic of the severity of the struggle was a remark by party leader Kaganovich at a party congress in the late 1920's. Charged by a speaker from the floor with carrying out a program so severe that it resulted in cannibalism in the villages, Kaganovich shot back: "If we lose our nerve now, they will eat us! Is that better?" [8] The result was an all-out drive by the party to push through collectivization. In order to strengthen the nerve of the local village communists, 25,000 workers with adequate political organizational experience were dispatched from the towns and were followed by many more. In the winter and spring of 1930 over half of the total farm households in the country were forced into collectives. By early 1932 the resulting disintegration of the farm economy resulted in such famine and turmoil that, as Churchill was later told by Stalin, close to ten million people were "affected" and, Stalin implied, wiped out.[9]

Where was Brezhnev? The evidence is conflicting. With one exception the official biographies simply say that from 1930 to 1935 he worked, and also studied at a metallurgical institute in his hometown of Dnieprodzerzhinsk. The exception is an entry in the *Yearbook* of the Soviet Encyclopedia for 1962 which says that "In 1930–31 [he] studied at the Agricultural Institute in Moscow." The ambiguity is significant, for 1931 was not only the moment of truth when the party realized the cost of pushing through collectivization regardless of human suffering; it was also the year when Brezhnev became a member of the party.

Why did he go to Moscow? What happened to him there? Why did he leave under circumstances amounting to an abrupt change of professions? And what motivated him to enter the party? Again, we must fall back on circumstantial evidence. The agricultural institute in Moscow which Brezhnev attended is presumably the Timiryazeff Academy, in the northwest suburbs of the city—one of the *Grandes Ecoles* of Soviet power, and an intellectual establishment of no mean standing, under a different name, before the Revolution. Admission to it was an accomplishment for a young provincial surveyor and minor official. A degree from this academy would put its holder on the path to higher positions in the state bureaucracy. Yet Brezhnev failed to obtain a degree and chose to disregard its advantages in order to work his way through a provincial industrial college.

The *Yearbook* does not tell us whether Brezhnev joined the party in Moscow or later in Dnieprodzerzhinsk. It merely says "He entered the Party in 1931." Since the party requires a period of twelve months as a candidate before membership is accorded, the presumption is that Brezhnev made his decision either in Moscow or even earlier, in Sverdlovsk at the time he was selected to attend the Timiryazeff Academy. Quite possibly the two things were connected. At that time the party was pursuing a conscious policy of training a new generation of socialist intelligentsia of proletarian origins to replace the older intelligentsia whom it regarded as still tainted by their past and therefore unreliable for the stresses of Stalin's program of forced-draft industrialization. Party membership was more than doubled between 1928 and 1933, and its social composition was profoundly changed. In January 1929 a Central Committee directive required that 90 per cent of all party recruits from industrial areas and 70 per cent from rural areas should be workers in production. In April 1930 workers actually engaged in production were to form nearly half of the party.[10] Brezhnev was one of the many who benefited from the changes by gaining entree to the training he sought.

Whether Brezhnev joined the party from conviction or from more practical motives is not a fair question. At the time the two were probably mutually reinforcing for any young man of working-class origins with the interest and ability for higher education. On the side of conviction there is the consideration, according to some versions of the Soviet Encyclopedia *Yearbook*, that he joined the Communist Youth Organization (Komsomol) at nineteen. On the other hand, the year in which he joined, 1923, was one in which the party made vigorous efforts to appeal to young people by adopting measures to improve working conditions for young factory workers and to give them some degree of protection against unemployment by imposing minimum quotas of juveniles on plant management and by instituting a system of factory schools of the kind Brezhnev attended. The organization itself was overhauled and greatly expanded in membership.[11] In the case of the Komsomol, as later in the case of party membership, the timing and circumstances of Brezhnev's entry point more to a practical assessment of what was personally advantageous than to overwhelming ideological commitment.

This is not meant to deny that there was a great fund of innate enthusiasm among Komsomolites and party members in the early days of Soviet power. During the Revolution and the civil war the movement was small and militant; membership involved risk and devotion, often of selfless and heroic proportions. Later, when the Five Year Plan was well launched, there was a more massive wave of enthusiasm, but of a different kind. Young Komsomols were mobilized by the thousands to construct giant industrial combines, to open up Siberia, and to help stamp out illiteracy. This was the peak of inspirational bolshevism, the time when a party member could say and firmly believe, as one of its members later said: "The essential characteristic of the Party is that it is bounded by no laws, it is always extending the realm of the possible until nothing becomes impossible, nothing inadmissible for it, nothing unrealizable." [12] Brezhnev's experience in Siberia involved him in the early phases of this movement, and he appears to have thrived in it and used it to advantage by obtaining the appointment to Moscow. Membership in the party was a logical next step. But something went wrong, at least in Brezhnev's case.

It has been suggested that his switch from agriculture to industry was of Brezhnev's own choosing.[13] The supposition is that he acted from essentially opportunistic motives, recognizing that rural life under conditions of collectivization might prove not only nasty and brutish, but extremely short. Industry, on the other hand, was clearly the wave of the future. On the basis of this no doubt sound assessment, Brezhnev sacrificed the benefits and prestige of a Moscow education for the longer-term advantages of professional qualifications in industry, even though obtained in the provinces. The argument is plausible, but not fully convincing. Having invested two years in training a promising young man as an agronomist at the foremost institution in the country, it is strange that the appropriate governmental department, to say nothing of the party, would be willing to see him lost to his profession, at a time when agriculture desperately needed quali-

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Footnotes at end of article.

fied personnel, simply to satisfy his own predilections.

A more likely line of speculation is that the change was made primarily for the convenience of someone other than Brezhnev; someone who could have been either a relatively impersonal bureaucrat concerned with cadre requirements for specific program needs, or some senior official either already in Dnieprodzerzhinsk or on his way there whose eye was caught by Brezhnev.

A third possibility—given the atmosphere in Moscow, and in the schools in particular—is that Brezhnev found himself on the wrong side of a political debate, and was dismissed from the academy. In this case, it would have been natural for him to turn to the area he knew best, where he presumably had personal friends, to recoup as best he could in another and potentially more promising field.

On the evidence at hand it is difficult to exclude any of these hypotheses, or indeed any combination of them. Several considerations tend to point in the direction of the bureaucratic explanation. The spirit and practice of the times were clearly attuned to mobilization in the military sense. The internal war in the countryside had riddled the party's ranks. A lowered standard of living in the towns was followed by absenteeism among workers, resulting in repressive measures, direction of labor and strict factory discipline. In 1932 internal passports were introduced, and the party as well as industrial management had accustomed itself to dispose of its technicians as well as its workers as the military disposed of troops. Combined with this was the consideration that Dnieprodzerzhinsk had been the subject of a special Central Committee resolution in 1929 providing for the development and further expansion of its steel works.[14] Brezhnev's record as a qualified worker with the proper proletarian background, experience with the plant and its people, and demonstrated ability in professional work might have been enough in themselves to result in transfer "at the convenience of the government." Finally, there is the point that a purge of the party, undertaken in January 1933, resulted in some 800,000 members being dropped out of a total strength of just over 3.5 million. Had Brezhnev stumbled in Moscow it is unlikely that he would have survived the purge, particularly as the many new members taken during the rapid expansion after 1928 were the first to go.

Whatever the causes, the fact is that in 1931 Brezhnev returned to Dnieprodzerzhinsk, where he remained until 1935, "studying at the Metallurgical Institute," according to the latest Soviet biographic sketch. Earlier versions add that he worked concurrently in the local steel mill. In this same year—1931—another student from one of the Moscow academies also failed to complete his full course of study, although for a different reason. Following a purge of right-wing oppositionists, in which he played a role as informer, Nikita Khrushchev was appointed to head the party unit in the district of Moscow where his academy was located, and within six months he added to it the party leadership of another and even more important district. Unlike Brezhnev, Khrushchev's time at the academy served to launch him directly into the world of Moscow politics.[15]

### THE MOVE INTO MANAGEMENT

Over the next ten years, Brezhnev would do the same, but by a slower route. Until 1935, so far as we know, he continued to study and work—no easy task under conditions of the first Five Year Plan—and in 1935 he successfully completed his course. By doing so, Brezhnev qualified himself for membership in a new generation of party officials who, unlike their predecessors, have substantive technical educations. He also is one of those who experienced the stresses of forced industrialization while actually occupied in production. Although a party member at this time, he was apparently not functioning as a full-time party organizer.

Brezhnev seems to have found time during these years for some personal life. Judging from the ages of his children, he must have been married by 1932 or 1933, and his daughter was born soon thereafter. A son followed later, and a second son was born toward the end of World War II.[16]

Information on Brezhnev's activities after his graduation in 1935 is contradictory. The latest Soviet biography (in the 1968 *Kommunist Spravochnik Kalendar*) has him doing military service after graduation, followed in 1937–1938 by a position as director of a technical high school in Dnieprodzerzhink and service on the city council. Earlier versions (1961 Soviet Encyclopedia *Yearbook*) fail to mention military service—an unusual omission for any politician—and merely say that he worked as an engineer from 1935 until 1937. The *Politicheskii Slovar*, published in 1958 also fails to mention military service, but adds the information that he "worked as an engineer at the F. E. Dzerzhinski Factory," the mill in Dnieprodzerzhinsk.[17]

The Soviet sources tend to agree that 1938 marked the beginning of Brezhnev's career as a full-time party organizer, first as chief of a section and later as one of the secretaries of the Dniepropetrovsk Regional Party Committee. This change is one of the turning points in Brezhnev's life. To be city councilman in Dnieprodzerzhinsk (population 120,000) is one thing; to be a section chief in the effective seat of power—the party *apparat*—of one of the major industrial regions of the USSR, with a population of more than two million, is quite another. Positions on a city council in the USSR are often given to technicians, school directors, and outstanding workers. They are there as window dressing, and, when they possess professional skills, to provide appropriate advice if asked. They are not participants in the political process, and they are not expected to play an active role in the actual conduct of government. A party official at the regional level is a man with a grasp on the real sources of power. Through his chief, the party leader in the region, he wields a substantial measure of authority in interpreting directives from the central party authority, located in this case in Kiev and through it in Moscow. He has the power to recommend appointment and dismissal, and carries a heavy burden of responsibility for controlling and verifying the fulfillment of economic, political and social tasks assigned to the region.

The cause of this sudden change in Brezhnev's fortunes is clear when we look at developments in the party in the late 1930's. The purge trials, begun by Stalin after Kirov's murder in 1934, reached their peak in 1936–1938. In August and November of 1936, in January and June of 1937, and in February-March of 1938 trials took place in Moscow of leading party officials who were duly sentenced and executed or imprisoned for long terms. A comparable process was taking place throughout the party at lower levels, resulting in such a massive turnover that by 1939 at the Nineteenth Party Congress only 19 per cent of the delegates were those who had joined the party before World War I, as compared with 81 per cent at the 1934 congress. This process was particularly marked in the Ukraine, where almost all of the higher officials serving in 1937 were replaced by the end of 1938 by persons who had previously been too obscure for public notice.[18] Brezhnev was one such person.

The purge of the Ukraine was carried out by a man with whom Brezhnev's career would henceforth be closely associated. In January 1938 Nikita Khrushchev arrived in Kiev as party boss of the Ukrainian Republic. By June he had assumed a position in the Republic comparable to that occupied by Stalin at the All-Union level: He was the ranking member of the Ukrainian Politbureau, Orgbureau and Secretariat, and had personal control of the Kiev regional and city party organizations. He used his position to install his own men in the apparatus, and he and they proceeded to raise up a new generation of younger party officials throughout the Republic. Khrushchev's predecessor in the Ukraine, Postyshev, was dropped from the CPSU Politbureau later in the year, purged from the party, and subsequently shot. Most of his colleagues who were removed by Khrushchev suffered a similar fate, so much so that Khrushchev, who had recently lost his first wife, became familiarly known as the "Bloody Widower of the Ukraine."[19]

Three aspects of this affair are worthy of note insofar as Brezhnev is concerned. The first is that there is no clear evidence that he had an active role to play in the actual purges; as a technician and holder of a largely honorific position in a city government, he was probably not in a position to do so even if he had wanted to. At the most, he might have been able to participate in the wave of denunciations on which many of the purge trials were based. There is no indication that he attempted to play such a role. The second consideration is that he clearly benefited from the purge by stepping promptly into the shoes of his fallen superiors in the party hierarchy. The third and most significant aspect of Brezhnev's entry into politics at this time is that he became a part of what was to become one of the most stable and politically cohesive groupings in the Soviet Communist Party—the Ukrainian party apparatus. This grouping is by no means monolithic. But compared with other regional groupings within the party, such as the Leningraders, the Belorussians or the Georgians, it has been far and away the most successful in getting and holding power at the Moscow level.

Brezhnev did well in this group from the start. In 1939, a year after embarking on full-time political work at the managerial level, he was appointed first secretary of the Dniepropetrovsk region. He held the position until he was driven from the city by the Germans in 1941.

### WAR AND CONQUEST

Brezhnev spent the war years as a high-level political officer fighting in the Caucasus, the Ukraine and Czechoslovakia. Commissioned a colonel at the outset, he was promoted to major general in 1943. His functional responsibilities were purely political. The Encyclopedia *Yearbook* (1962) describes him as "Deputy Chief of the Political Directorate of a Front; Chief of the Political Directorate of an Army; Chief of the Political Directorate of a Front, later of a Military District." Other versions reveal that the front was the Fourth Ukrainian, and the army the 18th Ukrainian. The military district, at war's end, was the Carpathian, with headquarters at Czernowitz. Brezhnev's fighting was on his home ground—the Ukraine and its approaches.

Brezhnev's status in the party was enhanced by his military service. The 1959 edition of the official *History of the CPSU* described the wartime service of party leaders under three headings: "eminent party figures who were dispatched for leading work in the Army," others who "managed the national economy and provided the Red Army with all necessary supplies," and finally, "experienced Party workers who became members of Military Councils of Fronts and Armies." Brezhnev is listed among the regional and Republic party leaders who served in the third category.[20]

Information on Brezhnev's combat experience is scarce, although the units he was with had a high proportion of time in action. In December 1942 he was involved in fighting in the foothills of the northern Caucasus.[21] In 1943 he was mentioned as taking part in a successful amphibious operation near the Black Sea port of Novorossisk. In

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February 1945 he appears again, in an account of preparations for the reconquest of Czechoslovakia. In the Novorossisk operation he was pulled unconscious from the sea after being blown out of a landing barge, which may possibly make him the only Soviet leader with any practical experience in naval warfare.[22] Otherwise, there is no record of his having been wounded.

In 1968, during the Czechoslovak crisis, Brezhnev is reported to have taken time during the Bratislava meetings with Czechoslovak leaders to visit a military cemetery. He is also said to have wept on at least one occasion during the conference.[23] One of the participants on the Czech side was General Ludvik Svoboda, at the time President of Czechoslovakia. In 1945 Svoboda commanded the Czech First Army Corps fighting under the command of the 18th Ukrainian Army in which Brezhnev was chief political officer. Marshal Grechko, whom Brezhnev made his Minister of Defense in 1965, served on the same front.[24]

In describing preparations for the Czechoslovak campaign in 1945, the Soviet official history of the war notes that "the Party-political work of the 18th Ukrainian Army, whose Chief Political Officer was Major General L. I. Brezhnev, was distinguished for its variety and political effectiveness." A subsequent paragraph then quotes some remarks by an older enlisted man, who happened to come from the area, as an example of the spirit animating the troops. "In the First World War under Brusilov," the old soldier said, "we almost took that hill over there, but we didn't make it. Now, after thirty years, I'm getting another chance and I don't intend to stop until we've finished off Hitler Germany."[25]

In June 1945 the Soviet High Command ordered all Soviet troops out of Czechoslovakia, with the exception of certain forces left in the Sudentenland. The system of Soviet military Kommandaturas was abolished. It was presumably at this time that Brezhnev was transferred to the military district headquarters in Czernowitz, where he stayed until sometime in 1946.[26]

Managing the politico-military affairs of the Carpathian Military District offered an experience that was novel for most Soviet leaders of Brezhnev's generation. The district included two areas that had never really been sovietized: the former Czechoslovak territory of Ruthenia and the part of Rumania known as Northern Bukovina. Their incorporation in 1945 into the Soviet Ukraine involved a thorough economic and social upheaval, including the nationalization of property and businesses, the collectivization of agriculture, and related political changes. The result, of course, was a large measure of civil unrest, including the operation of partisan bands and other forms of armed resistance.

### REGIONAL POWER AND NATIONAL PROMINENCE

For Brezhnev, the postwar years until the death of Stalin in 1953 brought hard work and steady progress. Major regional assignments in his native Dnieper area were rewarded in 1950 by two years as the party boss of the Moldavian Republic. In 1952, at the last party congress before Stalin's death, Brezhnev moved to Moscow and assignments which meant membership in the elite. The key to his success was without much doubt a close relationship to Nikita Khrushchev.

In November 1943 the Germans were driven from Kiev, and Soviet power was re-established in the Ukraine. The problems—both human and material—were enormous: the re-establishment of order in a population emerging from over two years of intensified brutalization by the Gestapo, and the reconstruction of an economy ransacked by the retreating German forces. During 1945 and 1946 Khrushchev carried out a process of testing, discarding and selectively promoting party cadres in the Ukraine. The result in Brezhnev's case, was favorable. In the fall of 1946 he was appointed first secretary of Zaporozhia, an industrial region of 1.5 million people on the Dnieper between Dniepropetrovsk and the Black Sea.

Today, Zaporozhia is one of the major industrial regions of the USSR, producing aluminum, high-grade steels and a variety of machinery. A hydroelectric station is one of the showplaces of its kind, and the port facilities make the town an important center of rail and water transport. The surrounding region is a rich agricultural area in the black-earth belt. In 1946 the area may have been important to Khrushchev for another reason. Its agricultural-machinery plants produced the equipment desperately needed to get the breadbasket of the USSR into production again. The drought that struck the Ukraine in 1946 also hit Khrushchev and his followers politically. He and they survived, but for several months in the spring and summer of 1947 it was a near thing. It is not inconceivable that Brezhnev's ability in organizing the industrial backing needed for even minimum performance on the agricultural front helped turn the tide. By the winter of 1947–1948 Khrushchev's fortunes were again on the rise, and in December 1947 he was restored to full authority in the Ukrainian party apparatus, following a brief period of close supervision by his chief and long-time patron from the Moscow party apparatus, Lazar Kaganovich.

A month earlier, in November 1947, Brezhnev had been shifted from Zaporozhia. His new assignment was upstream, as party leader of the Dniepropetrovsk region. Brezhnev had held this position in 1941. But the region had changed. In 1939 the population of its principal city, also called Dniepropetrovsk, had been around 500,000. During the war nearly half of its industry was destroyed, and the people battered and decimated. By the end of the 1950's the city had been rebuilt, its industry restored and greatly expanded, and its population increased to over 700,000. The output from five steel mills and other plants included a significant percentage of the USSR's steel capacity, a wide range of finished steel products, heavy industrial equipment, and quite possibly a number of strategic defense items. Thermal power plants and rail and water transport facilities completed the picture. The foundations for this rebirth and expansion were laid under Brezhnev's rule.

In the spring of 1950 Brezhnev moved up again, this time to the national level. In December 1949 his chief, Khrushchev, left Kiev to return to Moscow as party chief of the Moscow region and as a secretary of the CPSU Central Committee. Brezhnev followed him for a brief period in the Central Committee apparatus, where he presumably familiarized himself with the larger considerations related to his next assignment—party leader of one of the sixteen Union Republics making up the USSR.

The Rumanian province of Bessarabia, called Moldavia by Russians and Ukrainians, is a rich prize. For an empire short of good agricultural land it is doubly desirable; the soil is fertile, the climate benign and the rainfall adequate. For centuries it has supplied distant imperial centers—Greek, Roman, Byzantine, Ottoman and Slav—with grain, fruit and wine. In 1945 it came again under Muscovite control when it was brought into the Soviet Union as the Soviet Socialist Republic of Moldavia. In 1950 its 2.7 million people were over 60 per cent non-Slav, mostly Rumanian. Normally 80 per cent collectivized in the preceding five years, its agriculture remained depressed and its farmers hostile to Soviet power.[27] In June 1950 a CPSU Central Committee decree formalized charges in the press against party officials in the Republic who had failed to push through the socialization of agriculture and to extract from it the return Moscow thought feasible and necessary.[28]

In July 1950 Brezhnev was sent to complete the conquest—a task he carried out with dispatch. Within six months collectivization had been completed and "the Kulaks had been liquidated as a class."[29] Brezhnev introduced sharper penalties for economic crimes and moved vigorously against resistance groups cooperating with like-minded groupings in adjacent provinces of the western Ukraine. Popular disaffection continued to occupy him during his tour in the Republic. In March 1951, at a congress of the Moldavian party, he devoted a large section of his report as first secretary to shortcomings in political education and means to overcome them. He then put into effect a series of cadre changes designed to strengthen his personal authority in the Moldavian party apparatus. (Some of the men whom he brought in from the Ukrainian party apparatus later followed him to Moscow and are with him today.)

The following year, in October 1952, Brezhnev reported to the Nineteenth Party Congress in Moscow on his stewardship. After outlining the accomplishments of the Republic, he pressed for a higher level of capital investment by the central government in Moldavian industry, in particular its food-processing facilities; asked for support in expanding the building trades and housing construction; and outlined measures for the elimination of illiteracy and an expansion of higher education facilities.[30]

Brezhnev's years in the provinces and at the national level in Moldavia gave him a thorough background in the problems of regional administration. He knows industry, and he knows labor. He has city-ward experience in urban problems. He has carried the responsibility and seen the consequences of Stalinist agricultural policy at the grass roots in two of the richest farm areas in the USSR. And he has experience in working with ethnic minority groups.

### THE STALIN SUCCESSION AND THE MILITARY

Between 1952 and 1954 Brezhnev lived and worked in Moscow at the center of Soviet power. In the last year of Stalin's rule he moved rapidly upward. He was set back following the dictator's death, but survived the Malenkov interregnum in an apparently modest position which may have been important in his patron Khrushchev's relations with the military.

In October 1952 a party congress took place—the nineteenth of its kind and the last of Stalin's reign. The aging dictator used it, it now seems clear, to set the stage for what was to have been a major housecleaning in the upper ranks of the Soviet leadership. The top policymaking body of the party, the Presidium, was enlarged from ten to twenty-five members, plus eleven candidate-members. Stalin's purpose, many observers now feel, was to dilute the power of its original members and reduce the potential of the body as a whole as a forum for opposition to him. The new men brought into the Presidium were being positioned by Stalin to serve as replacements when their seniors were removed. The party's executive arm, its Secretariat, was recast and expanded. Its ten members selected at the congress were balanced between supporters of Malenkov, then heir apparent to Stalin, and Khrushchev, who had lately begun to display in increasing level of activity in a sphere formerly dominated by Malenkov—the supervision of party organization and cadres. The Central Committee, the party's parliament, was also expanded to nearly twice its former size. Its 236 members and candidates included a strongly increased representation of regional party secretaries.

Brezhnev was involved in these changes. He arrived at the congress as a Republic party secretary, one of sixteen in the USSR, but not a figure in the central leadership. Moreover, he had no experience at the All-Union level, aside from a few months in 1950 spent in the Secretariat apparatus presumably preparing for his Moldavian assign-

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ment. In the reshuffle at the congress he became a full member of the Central Committee, a candidate-member of its Presidium, and one of its ten secretaries. It was a big jump.

The division of functions among Presidium members and Central Committee secretaries is seldom revealed officially. Little is known of the nature and extent of Brezhnev's duties on these bodies following the Nineteenth Party Congress. He was promptly replaced as first secretary of the Moldavian party by his deputy. But he remained a member of the Moldavian party bureau until June 1953, indicating that he may have retained some responsibility over the region from the Moscow level. He had also served on the credentials commission at the Nineteenth Party Congress.

Most of Stalin's additions to the Presidium and the Secretariat in 1952 were dropped in the reshuffle following his death in March 1953. Brezhnev lost his positions in both bodies, but remained a Central Committee member, and was given a substantive assignment as deputy to the chief of the main Political Administration in the Ministry of Defense. At the outset he appears to have been responsible for political control of the navy, followed later by wider responsibilities for all of the services as first deputy to the chief of the Administration. During 1953 he was promoted from his wartime rank of major general to lieutenant general. The position was nominally a drop in standing from his former party positions. In actuality, the nature of his new responsibilities, given the circumstances after Stalin's death, may have increased his value to his patron, Khrushchev.[31]

Success in the maneuvering among Khrushchev, Malenkov and Beria in the months after Stalin's death hinged on attitudes within the armed forces. Stalin had relied increasingly in his later years on Beria's police as an instrument of rule. The first question facing a potential successor, other than Beria, was whether it was desirable to continue this practice, and if not, what alternative method to adopt. Given the nature of Soviet power, it was obvious that the military was the only realistic alternative as an ultimate justification for the regime. And in practice, the resolution of the succession crisis revolved around the military, first in the elimination of Beria in June 1953, followed by the gradual ascendancy of Khrushchev over Malenkov in the ensuing months on a program of renewed commitment to heavy industry and a high level of defense spending.[32] Each of these phases required an understanding of some kind with the military leaders and an accurate assessment of attitudes within the professional officer corps. Brezhnev was well placed to report on such attitudes and could conceivably have served as a channel of communication with key military figures.

From Brezhnev's standpoint, the assignment would seem a definite plus—given, of course, the circumstance that his patron, Khrushchev, came out on top. He had refurbished and extended his connection, dating from wartime, with an important segment of the Soviet Establishment. He had significantly broadened his functional experience. And he had cushioned his setback after the death of Stalin by at least remaining in Moscow in a position offering some proximity to the reality, if not the formality, of power. As an example of technique, the episode reveals a quality displayed by Brezhnev on several occasions in his career—the ability to cut his losses in adversity, to sacrifice appearances while holding on to substantive advantages, and to come out on the winning side.

### THE VIRGIN LANDS

From 1954 until 1956 Brezhnev returned to regional affairs as Khrushchev's viceroy in the Central Asian Republic of Kazakhstan. The assignment was a critical decision for Khrushchev. Having recently triumphed over his principal rival, Malenkov, he had staked his political fortunes in the early spring of 1954 on a vast program of agrarian expansion popularly known as the Virgin Lands program. His purpose was to repair with one stroke a chronic and increasingly serious shortage of grain. His method was a crash expansion of the USSR's arable land by bringing under the plow for the first time vast areas of Central Asia and Siberia. The selection of Brezhnev to carry out this technically uncertain and politically risky gamble testifies to Khrushchev's assessment of his ability and personal loyalty.

By Stalin's death in 1953, the consequences of mismanagement in Soviet agriculture had reached the point where they seriously threatened the stability of the regime. During a period—from 1928 to 1953—when the number of urban consumers increased by 50 million people, gross agricultural production rose only 7 per cent and the output of livestock products actually declined. In 1953 the per capita harvest of grain products was 435 kilograms—106 kilograms less than in 1913; while the amount of marketed grain produce stood at 35,800,000 tons—2.5 million tons less than in 1940.[33] The consequences of this situation were an increasingly sharp struggle within Soviet society for a share in the relatively diminished supply of basic materials of which agriculture is the ultimate source, and a slow, inexorable rise of almost tidal proportions in the level of popular discontent. It was obvious to Stalin's successors that something had to be done.

Khrushchev's solution was characteristically bold and unorthodox. He simply expanded the frame of the problem by expanding the area under cultivation. To do so, he had to take risks. First, risks of a technical nature: No one knew for sure whether the areas immediately accessible for such an expansion would produce the desired results. They were grasslands occupied for centuries by nomadic herdsmen. Many scientists argued that plowing would result in a dust-bowl of colossal proportions. Second, the project involved a mass migration of Slavs into non-Slav lands of the Union. No one knew precisely what the consequences would be for the hitherto successful attempt to hold together what was in fact a multinational empire.

The job could be summed up in three words: land, men, machines. Brezhnev knew all three. He had been trained as a land-utilization expert. He had a solid background in top-level regional management of important agricultural districts. He had worked with national minorities and had coped, to Moscow's satisfaction, with the task of restructuring a predominantly non-Slav, and as yet unsovietized, social system. He knew industry; not only heavy industry, but also the machine-building industry, including those parts of it producing the agricultural machinery he would vitally need. Perhaps most important of all, he had the backing and personal confidence of Nikita Khrushchev.

He also had problems. To begin, he was not formally in charge. The man who was, P. K. Ponomarenko, was a party official whose rise and fall in the bureaucracy had paralleled Malenkov's. On February 7, 1954, Ponomarenko had been named first secretary of the Kazakh party, and Brezhnev had been named second secretary. On February 8 Malenkov had asked to be relieved as Premier of the USSR and had criticized his own performance, his self-criticism including the acceptance of responsibility for shortcomings in agriculture. Khrushchev had nominated Bulganin to replace Malenkov as Premier. We do not know where Ponomarenko stood in these changes, nor do we know anything of his relations with Brezhnev. We do know that Brezhnev applied himself effectively to the problems at hand, and within less than a year had replaced Ponomarenko—who was relegated to a diplomatic post—as first secretary of Kazakhstan.

Brezhnev's second big problem involved Soviet nationality policy. The traditional pattern of party control in non-Slav regions of the USSR was the appointment of a native as first secretary of the local party *apparat,* with a Russian as his deputy. This was the pattern in Kazakhstan, where the party leader of some years' standing, Shayakhmetov, was well entrenched. He and his Russian deputy, Afonov, had been brought to Moscow in the spring of 1954 to discuss Khrushchev's proposals. Both maintained that the projected budget of 600–650 million rubles was too low, and the expected time for results of one to two years too short.[34] In Shayakhmetov's case, the reservations probably reflected a deeper reservation about the social and political consequences of the project. As proposed, it involved an influx of 70,000 young people from European Russia and the Ukraine. The actual number, in terms of population transfer, could be expected to exceed this figure many times, as it in fact did. The result would be a Russification of Kazakhstan as well as a conversion of what had been a nomadic Muslim society with a Soviet veneer into a genuinely sovietized Republic based on collectivized grain farming. The consequences for the native Kazakhs, as well as their land, were immense.

Both Shayakhmetov and Afonov were purged. The Virgin Lands program was put through on schedule. Between 1954 and 1955 over 350,000 young people were moved to the Virgin Lands from Russia and the Ukraine. Over 200,000 tractors and thousands of pieces of agricultural machinery and equipment were brought in. Four hundred twenty-five state farms were created, machine tractor stations established, warehouses and grain elevators built, and thousands of miles of road and railroad constructed. In three years, over 36 million hectares of new land were brought into use.[35] When the regular ten-year census was taken in 1959, it showed that by that year only 29 per cent of the population in Kazakhstan were still Kazakhs; the remainder were predominantly Russian and Ukrainian.

The grain crisis was solved, at least for the moment. In 1955 the Virgin Lands project resulted in a 6 per cent increase of total Soviet grain production over the 1949–1953 average, in spite of drought conditions and a poor harvest in the Volga basin and the Ukraine.[36] But the solution was not permanent. By 1963 the counterproductive effects of farming steppe land had begun to tell. In November 1963 the then party leader of Kazakhstan admitted that the grain yield per hectare had fallen by half, to 3.6 centners per hectare during 1963, as against 6 in 1962 and 6.7 in 1961. Descriptions of dust-bowl conditions appeared in leading Soviet journals, and in 1964 Khrushchev, in an interview with an Italian publisher, admitted that the Virgin Lands scheme had been a "stop-gap" maneuver until some more lasting solution could be found.[37]

Brezhnev had demonstrated the requisite combination of managerial ability and political acumen. Had he failed in either respect, the consequences for Khrushchev might have been final. Khrushchev's struggle with Malenkov had turned on the issue of resource allocation. Malenkov had been defeated in 1954 and subsequently rusticated to a minor managerial post. But his supporters remained in the Soviet leadership until 1957. Had the Virgin Lands program failed, they would have had Khrushchev's head, and rightly so, as the man responsible for an error costing billions of rubles. The national minorities question was less apparent, but potentially of equal or greater seriousness. In the immediate post-Stalin period Beria had sought support in his struggle with Khrushchev by a policy of concessions to the national

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minorities. Beria was dead and gone. But non-Slavs still made up nearly half of the population of the USSR. A spectacular explosion of resentment by the displaced Kazakhs of Central Asia could have had serious repercussions not only for Khrushchev, but for the whole structure of Soviet power. At the least, it would have raised obstacles to Khrushchev's foreign policy objectives among the less developed countries, an area to which Brezhnev was now to turn.

### HIGH OFFICE AND HEIR APPARENT

Brezhnev returned to Moscow in February 1956. Election in the same month by the Twentieth Party Congress to candidate membership in the party Presidium and assignment as a secretary to the Central Committee meant a return to the upper echelon of Soviet power. This elite, to which he had been admitted for a brief period before Stalin's death, and of which he was now again a part, numbers less than a thousand people, including dependents. Brezhnev was to remain in it, despite some ups and downs as a high-level troubleshooter for Khrushchev, for the next eight years.

De-Stalinization came in 1956 and so did its consequences in Eastern Europe—the Poznan riots, the Polish October and the Hungarian rebellion. In the fall of 1955 Tito and Khrushchev exchanged a series of visits intended, it now seems clear, to engage Tito's help in defusing the situation in Hungary. Brezhnev attended at least one of these meetings, in Yalta, together with Gero, then party leader in Hungary; Kirichenko, the Ukrainian first secretary; Furtseva, his colleague on the Presidium; and Serov, the Soviet security chief.[38] What role he played is unknown. Possibly he had responsibilities for cadre matters relating to the Ukraine and other western borderlands of the USSR. Or he may have been asked for advice on attitudes among the Asian communist parties, having returned in April from his first assignment abroad as head of a delegation to the North Korean party's Third Congress.

The explosion in Eastern Europe, when it came, shook the foundations of the communist world. It also shook Khrushchev. But it did not topple him. At the December 1956 Plenum of the Central Committee, his protégé, Shepilov, was dismissed as Foreign Minister. Other supporters, including those in the party apparatus, like Brezhnev, remained unscathed. Brezhnev's personal views in this affair are not know. Presumably he shared those of his chief.

Brezhnev shared in the challenges and triumphs experienced by Khrushchev in 1957. The record grain harvest of 1956 encouraged Khruschev to push ahead with domestic reforms in spite of growing political opposition. At a February meeting of the Central Committee he announced a major decentralization of economic management through creation of regional economic councils (*Sovnarkhozy*) which had the effect of raising the role of top party organs at the expense of the authority formerly enjoyed by the central governmental organs. On March 12 he called for a crash solution to the chronic livestock problem, and on May 22 fixed a target date of 1961 for overtaking the United States in per capita production of meat and milk. The unvoiced corollary was a shift in the allocation of resources from heavy industry to agriculture. Both moves served to crystalize resentment against him in the party Presidium.

The showdown came in June. Outvoted seven to four in the Presidium, Khrushchev appealed to the Central Committee. With the help of the military he summoned a surprise meeting of the Central Committee and reversed the decision. His opponents, led by Malenkov, Molotov and Kanganovich—there after christened the Anti-Party Group—were discredited and eventually eliminated from high party positions. In their place he installed, in addition to Marshal Zhukov, his associates Furtseva, Aristov, Belyaev, Brezhnev, Ignatov, Kozlov, Kuusinen, and Shvernik.[39]

It had been a near thing. Concessions had had to be made to the military in terms of loosened political controls, and to the heavy-industrial advocates, such as Kozlov, Suslov and Bulganin (who alone among the conspirators remained on the Presidium).

Brezhnev's role in this affair is instructive. The details of his involvement are unknown, but the significance may be inferred from one central fact: he was on the winning side, and he was on it in a situation where men with more experience than he in Presidium politics had guessed wrong. Why? Two factors suggest themselves: Brezhnev's background and the changing nature of the Soviet polity. The substantive issues involved the allocation of resources among industry, agriculture and defense. But the key to a political resolution of the problem no longer rested in the Presidium. It had shifted downward into the Central Committee, in which the balance of power is held by regional-level party leaders plus added elements from the emerging interest-group structure of Soviet society—primarily the professional military, and to a lesser extent the enterprise managers. Brezhnev knew all three, not only at the top, but also at the regional and working levels, to which political power in the USSR was now shifting.

Brezhnev's new status as full Presidium member brought a growing range of assignments. In July 1957 he is known to have taken part in meetings with Hodja, Kardelj and Rankovic; then with Zhivkov; and later with Kardelj and Rankovic.[40] In 1958 he was made a deputy chairman of the RSFSR Bureau, the office within the party Secretariat responsible for party affairs in Russia, as distinct from other republics of the Union.[41] In January 1959, at the Twenty-first Party Congress, he chaired a discussion of developments in the Virgin Lands, indicating a continuing interest in the project. It is difficult to say to what extent this pattern of assignments in foreign and domestic affairs represented a cumulative acquisition of power, and to what extent it was simply high-level troubleshooting for Khrushchev. Possibly there was a good measure of both. In either case, the effect was a significant expansion of Brezhnev's status in the power structure, a status publicly acknowledged on April 22, 1959, when he was selected to deliver the keynote address on Lenin's birthday.

Brezhnev's rising influence paralleled the political fortunes of his chief. In retrospect, Khrushchev's best year may well have been 1959. He had dominated the Twenty-first Party Congress at its outset. In April his sixty-fifth birthday had brought congratulatory tributes reminiscent of Stalin's cult of personality. Domestically, his hopes for a dramatic rise in the output of meat and dairy products were still given credence, and the diminishing returns in Kazakhstan had not yet become fully apparent. Abroad, unrest in Eastern Europe had been brought under control, relations with the West were volatile but on the upgrade, and the rift with China was still no more than a potential for trouble.

In 1960 Khrushchev's fortune changed, and so did Brezhnev's. In the Virgin Lands a diminishing rate of return had set in and difficulties were piling up. In January Brezhnev presided over the relief of his successor Belyayev, ritually charged by Brezhnev with the usual shortcomings. On May 4 the U-2 affair burst on the scene, unsettling the country and reversing a promising trend toward improved relations with the United States. Three days later the Soviet parliament, then in session, accepted the resignation of the aging Voroshilov as chief of state and elected Brezhnev to replace him. It was not clear at the time whether the move to what was traditionally a figurehead position also involved the loss of Brezhnev's party posts. Later, it became known that the move included a reshuffle in the leading party organs, resulting within a matter of months in a loss of positions by several of Khrushchev's supporters. Brezhnev remained a Presidium member but sacrificed his post as party secretary. The beneficiaries of the shuffle, it later appeared, were Frol Kozlov, a heavy industry advocate from the Leningrad party apparatus, and Mikhail Suslov, a hard-line ideologist concerned with interparty relations. Khrushchev and his Ukrainian clique were still predominant in the upper leadership. But the rosy days of 1959 were gone. Henceforward, they would face an increasingly difficult struggle requiring constant maneuver and compromise to keep afloat.

As chief of state for the next four years, Brezhnev carried a heavy schedule of ceremonial functions. The visits abroad gave him a needed awareness of noncommunist areas. (The beginning was hardly auspicious. On a trip to North Africa in January 1961 the French Air Force, then in its Algerian agony, buzzed and fired on his plane.) Later tours were less dangerous and no doubt served to widen the horizons of a man whose only previous experience of the noncommunist world had been the military landscape and war-ravaged population of Eastern Europe. In 1961 he visited Morocco, Guinea, Ghana, Sudan and India, saw Finland, and headed a delegation to Czechoslovakia. In 1962 he visited Belgrade to pave the way for another visit by Khrushchev and again headed a delegation to Czechoslovakia. In 1963 he went to Cambodia, Afghanistan, and on a state visit to Iran, and again visited Czechoslovakia. In 1964, a week before Khrushchev's fall, he represented the USSR at the fifteenth anniversary celebrations of Ulbricht's regime in East Berlin.

Other members of the Brezhnev family benefited from this exposure to the world. Mrs. Brezhnev made the trip to Iran, and the daughter, Galina, pleased the world press by appearing with her father in Belgrade dressed in the latest styles. One of the sons, Yuri, has traveled abroad as a member of foreign trade missions.

These ceremonial duties did not prevent Brezhnev from continuing to troubleshoot for Khrushchev in many areas. In May 1960 he participated in a meeting of secretaries of primary party organizations in the army and spoke forcefully on the need to carry out the decisions of an October 1957 Central Committee plenum on the restoration of Leninist norms, i.e., political control, in the army.[42] (The plenum had removed Marshal Zhukov from power for refusal to comply with the party's decision on political control in the armed forces.)

Rocketry and the Soviet man-in-space program also occupied Brezhnev's attention. In June 1961, two months after Gagarin completed the world's first flight in space, Brezhnev was awarded the Hero of Socialist Labor medal for "outstanding service in the development of rocket technology and the successful flight of a Soviet man in space."[43]

During 1962 Brezhnev rendered loyal support to Khrushchev in the mounting quarrel with China and in domestic political problems. During his visit to Belgrade in September 1962 he put forward faithfully the Khrushchev line against Chinese dogmatism and Yugoslav revisionism. In November, a month after the Cuban missile crisis, Suslov attacked Khrushchev in a Central Committee meeting as a compromiser and "companion of Chamberlain."[41] Brezhnev relied, in effect, at the Czechoslovak Party Congress the following month by vigorously supporting Khrushchev's personal conduct of the crisis. In the same

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Footnotes at end of article.

speech he contradicted a speech made by Suslov's ally, Kozlov, the day before in which Kozlov reversed the Khrushchev line that dogmatism rather than revisionism was the main danger.[45]

Brezhnev's actions in the difficult times of 1960–1962 are reminiscent of his style in earlier periods of adversity. There is the same resourcefulness, the same facility in shifting into new fields of substantive interest, and the same steadfast adherence to what turned out to be the winning side.

Brezhnev's loyalty was rewarded in the following year. On May 4, 1963 Kozlov's illness was announced in *Pravda*. A Central Committee plenum scheduled for May 28, on which the conservatives grouped around Suslov and Kozlov appear to have based their hopes for ideological retrenchment, was postponed without explanation until June. Something—possibly fate—had intervened.

When the plenum met in June it restored much of the leverage Khrushchev and his Ukrainian *apparat* had lost in May 1960. Brezhnev and a fellow member of the Ukrainian party *apparat*, Podgorny, were assigned as Central Committee secretaries. The Secretariat, now numbering fourteen members, mostly Khrushchev supporters, exceeded the membership of the Presidium proper. The increase in responsibilities did not prevent Brezhnev from continuing to function as chief of state. In addition to trips abroad, mentioned above, he continued to appear at Moscow functions, including a reception he arranged in July for Western test-ban negotiators Averell Harriman and Lord Hailsham. Concurrently, his role in Soviet domestic politics again increased. In November Khrushchev told visiting French statesman Guy Mollet that Brezhnev, Podgorny and Polyakov were his possible successors.[46]

Within six months Brezhnev had moved into the lead among the three heirs presumptive. On July 15, 1964 it was announced that old Bolshevik Anastas Mikoyan had replaced Brezhnev as chief of state, thus freeing the younger man "to concentrate on Party matters." His colleague Podgorny had had a year's lead on him in full-time Secretariat work. But he lacked Brezhnev's broad range of substantive experience, and he may possibly have lacked Khrushchev's preference. Podgorny, it now seems likely, was positioned by Khrushchev to serve as a "counter-heir," someone who could keep the heir from falling prey to the temptation to precipitate his own succession.[47]

### LEADERSHIP, 1964–1968

Khrushchev's replacement by his protégé at a special session of the Central Committee on October 14, 1964 came suddenly, seeming to surprise the victors as much as the vanquished. The shift brought no immediate change of personalities or principles. Initial changes in policy were limited to the abolition of some of Khrushchev's innovations in economic organization and party structure. For the rest, the policy direction of the new leadership seemed more a case of not doing some of the things Khrushchev had intended to do than initiating new policies. It was not to be long before the Chinese would be calling the new mode "Khrushchevism without Khrushchev."

Changes of personnel which took place in the period 1964–1968 were gradual. When he fell Khrushchev took with him only his personal entourage. The related changes in leading party and government organs amounted to little more than filling the gaps left by Khrushchev's departure. There were no changes in the military. Beginning in 1965 a gradual, almost glacial shift in the balance of forces within the party apparatus took place in favor of Brezhnev. Podgorny, the former "counter-heir" to Brezhnev, was decorously bumped upstairs to fill the vacancy left by easing Mikoyan sidewise out of his position as chief of state, and subsequently out of the party Presidium. Somewhat later the young and excessively vigorous Shelepin was shoved downstairs by abolishing his job as chief of the powerful combined Party-State Control Commission, and later by dropping him from the Secretariat. In due course, Brezhnev supporters from the provinces, mostly former Brezhnev fiefs, began to filter into key jobs in the Secretariat and government. In March 1966 at the Twenty-third Party Congress, Brezhnev's enhanced status was symbolically blessed by granting him the title of General Secretary of the party. The Central Committee which granted him this honor, and which in large part re-elected itself at the Congress, involved less turnover than any preceding body of its kind in the post-Stalin era.[48]

Changes of principle have been even less apparent. Brezhnev's substantive contribution to Marxist-Leninist theory has been nil. Existing programmatic documents whose contents were obviously irrelevant in the atmosphere of gathering conservatism, like the 1961 Party Program, were rendered perfunctory lip service for a period and then ignored. No attempt has been made to revise or refute them. Other plans involving fundamentals, like the draft constitution and the new Collective Farm Statute, have been conveniently forgotten. Brezhnev's chairmanship of the drafting commission for the new constitution, as well as an explicit commitment to produce the constitution in time for the 1967 celebration of the fiftieth anniversary of Soviet power, are no longer mentioned.

After an appropriate interval Brezhnev and his colleague Kosygin embarked on a series of cautious moves designed to renovate the ramshackle structure of Soviet industry and agriculture. In March 1965 Brezhnev proposed the only major policy initiative publicly connected with his name—a rationalization and refinancing of Soviet agriculture. During the discussion, it emerged that Khrushchev's voluntarist measures to raise the productivity of Soviet agriculture in the period 1959–1964 had been in vain. Instead of a 70 per cent growth in agricultural production provided for in the then current Seven Year Plan, the actual growth had been only 10 per cent. The March 1965 plenum passed a resolution providing for the investment of 71 billion rubles in agriculture over the next five years, accompanied by a number of practical, tested measures to improve and expand the area of arable land and to raise incentives for the farmers.[49] The program appears to have been solidly based, and the first few years it resulted, with the help of good weather in 1966, in a perceptible improvement. In October 1967 the schedule of investment fell victim to a 25 per cent cut in order to finance higher defense costs, leaving the future of the program in some doubt. Brezhnev had nothing to say about the cuts, although his Presidium colleague Polyansky, who was responsible for agriculture, protested vociferously.[50]

Although Brezhnev has left the initiative in pushing through the reform of industrial management to his colleague Kosygin, he must bear the ultimate responsibility for it in his capacity as leader of the party. The program, popularly associated with the Liberman proposals for a modified form of profit-making in industry, is still only slightly more than half implemented. So far, its effectiveness has been severely curtailed by foot-dragging among conservative middle-level party officials and entrenched government bureaucrats. If the resistance continues, Brezhnev may eventually have to choose between ousting the resisters or accepting another period of decline in economic growth rates. The plain results for the first half of 1968, published in July, indicate a decline in the rate of growth of total industrial output to the lowest point since 1963.

With one exception—the dismissal of the biologist Lysenko in February 1965—Brezhnev's cultural policies have been solidly conservative. The result has been a mounting wave of disaffection and dissent among the creative intellectuals, highlighted by the remarkable outbursts following the Sinyavskiy-Daniel trial of 1966 and the Ginzburg trial of 1968. In 1967 an effort was made to create an atmosphere of harmony in the arts as part of the anniversary celebrations for the fiftieth anniversary of Soviet power, and both Brezhnev and Kosygin avoided any personal involvement in cultural affairs. In 1968 when the response from the liberal intellectuals showed that a wide spectrum of opinion was affected, both leaders made public statements, and a Central Committee plenum in April adopted a resolution which added up to a reformulation of official cultural policy in terms of militant orthodoxy and outright xenophobia.[51]

Brezhnev's major foreign policy concern from 1964 to 1968 was with the communist world, where his policy was conservative in the sense of trying to maintain things basically as they were, rather than reverting to what had been or pressing forward toward what might be. His first moves were designed to conciliate the dogmatists by arresting the sharp deterioration in interstate relations with the Chinese and reassuring Ulbricht by scrapping Khrushchev's gestures toward some form of understanding with Bonn. The nod toward the Chinese had little effect. Polemics were resumed, starting with the Chinese, who by August 1966 had regained and exceeded their earlier level of vituperation against Khrushchev. Within months the Soviets were replying at an equal level of tension, although perhaps with somewhat more decorum. In a secret letter circulated following a December 1966 meeting of the Central Committee, the case against the Chinese was given full treatment, including an exposé of Brezhnev's personal attempts to affect a reconciliation and the nature of the Chinese response.

In Eastern Europe Brezhnev sought to straddle the widening gap between the dogmatists, led by Ulbricht and Gomulka, and the revisionists in Rumania and Czechoslovakia who were intent on following or outdoing the Yugoslav example. Brezhnev succeeded in bridging this polarization by a combination of coercion and concessions until the summer of 1968, when the pace of events in Czechoslovakia reached the point of restoring a two-party system, and the Soviet military developed genuine concern at the loss of Warsaw Pact control over the Czech armed forces. In the resulting hawk-dove division within the Soviet Politbureau, Brezhnev is believed to have played a mediating, middle-of-the-road role until the crunch, when he came down on the side of intervention.

These moves had taken place against the backdrop of a continuing search for unity in the world communist movement, led by Suslov but encouraged and actively participated in by Brezhnev. Until the invasion of Czechoslovakia, the effort had centered on attempts to convene a world meeting of communist parties. Brezhnev's success in this endeavor was limited to a series of small "preparatory" meetings which at least served to keep the idea alive, but which had the disadvantage of revealing with shattering clarity the depth and extent of the fissures in the former monolith of international proletarian solidarity.

Toward the West, Brezhnev sought to maintain and exploit the divisions in NATO created by Khruschev's popular-front policies in Western Europe and by his guarded cooperation with the United States in the search for control of nuclear weapons. There were limits to what could be done in these areas in the mid-1960's, but it is a tribute to Brezhnev's flexibility that he exploited both for all possible advantages for as long as he could. The popular-front tactic flourished under signs of Soviet permissiveness toward Rumanian rapprochement with West Germany and during the early stages of toleration for internal liberalization in Czechoslovakia. It was set back by internal developments in France—for which Brezhnev can hardly be blamed—and at least temporarily scuttled by the invasion of Czechoslovakia.

Brezhnev's American policy up to 1968 amounted to a modified version of peaceful coexistence—the modification consisting of a gradually increased emphasis on national liberation, demonstrated in the Arab-Israeli conflict and enunciated with growing frequency in the Viet Nam context; and in the use of anti-imperialist themes, primarily as a basis for his efforts to maintain some semblance of bloc unity. He did not renounce a search for cooperation with the United States in areas of mutual interest—as revealed in the August 1967 agreement on a draft nonproliferation treaty—but left the initiative to his governmental officials, notably Gromkyo and Kosygin. The outstanding example, of course, was the Glassboro summit meeting between President Johnson and Premier Kosygin following the June 1967 Middle East conflict.

In considering Brezhnev's attitude toward the Third World, one gains the impression, despite his statements on Viet Nam and the Middle East, that he hoped it would go away. The impression may be unfair, but it remains a demonstrable fact that Brezhnev's involvement up to 1968 in both the triumphs and setbacks of Soviet engagement in the area was the minimum required. The Glassboro example has been cited. Brezhnev was keeping the lid on Eastern Europe from Moscow while Kosygin faced the world and the Americans at the United Nations and Glassboro. Podgorny visited Cairo, but a follow-up trip by Brezhnev to Cairo was canceled. Earlier, the successful Soviet role in mediating the India-Pakistan conflict had been left to Kosygin. On the debit side, the rift with Castro, symbolized by the polemics at the July 1967 Latin American Solidarity Conference, seems to have stirred Brezhnev, but only feebly.

Reviewing Brezhnev's first four years, one is inevitably led into comparisons with his predecessors. From the historian's standpoint the comparison is a disappointment. Brezhnev obviously lacks Lenin's charisma. He has made efforts to restore a measure of popular respect for the achievements of the Stalin era, but there is little evidence that he aspires to Stalin's personal role as a revolutionary despot. Khrushchev's Bolshevik voluntarism and flamboyant peasant populism are obviously not his style. As a subject for monumental biographies, he leaves much to be desired.

Yet by 1968 Brezhnev seemed durable, perhaps for the very reasons that Western observers rate him down. In a time of rising conservatism at home and abroad he represented familiar policies, and yet constituted a threat to no one, at least in the way his predecessors threatened and harried the society over which they ruled. To the middle-level party officials, the government bureaucracy and the professional military officers whose institutional and personal interests now shape the course of Soviet society, he had come to represent a form of stability and order long absent from their lives.

FOOTNOTES

[1] M. Page, *The Day Khrushchev Fell* (New York: Hawthorn, 1965), p. 178.

[2] Bertram Wolfe, "The Durable Core of Totalitarianism," in S. Handel and R. Braham, editors. *The USSR After 50 Years: Promise and Reality* (New York: Knopf, 1967).

[3] L. Pietromarchi, *The Soviet World* (New York: Barnes, 1965), p. 97.

[4] Unless otherwise indicated, the basic biographic data on Brezhnev are taken from the *Bol'shaya Sovetskaia Entsiklopediia, Yezhegodnik* (Soviet Encyclopedia *Yearbook*), editions of 1958, 1961, 1962, 1965 and 1966. A more recent version is in *Kommunist: Kalendar Spravochnik, 1968* (Moscow: Politizdat, 1967. None of these sketches covers more than half a page, and there are some significant differences among them to which I have drawn attention at the appropriate places.

[5] "Tomorrow is Three Suits," *Time*, February 21, 1964.

[6] "Not everyone is aware of it—although it has been mentioned in the press—but Comrade Brezhnev's brother, a specialist in metallurgical engineering, has worked for a long time at the Lenin Foundry here, helping our specialists, our working class, in assembling the plant and in the effective operations of this great combine." W. Gomulka, speaking in October 1964, as cited by Page, *The Day Khrushchev Fell*, p. 144.

[7] E. H. Carr, *The Bolshevik Revolution: 1917–1923* (New York: Penguin Books, Pelican edition, 1962), II, 295, 296.

[8] As cited in K. Kellen, *Khrushchev: A Political Portrait* (New York: Praeger, 1961), p. 35.

[9] L. Schapiro, *The Communist Party of the Soviet Union* (London: Eyre and Spottiswoode, 1960), pp. 378–390.

[10] *Ibid.*, pp. 435–439.

[11] M. Fainsod, *How Russia Is Ruled* (Cambridge: Harvard University Press, 1954), pp. 244, 245.

[12] Yu. Piatakov, as cited in Schapiro, *The Communist Party of the Soviet Union*, p. 381.

[13] H. F. Achminov, *Breschnew und Kosygin: die Neuen Manner im Kreml?* (Diessen/Ammersee: W. V. Tucker, 1964).

[14] *Bol'shaya Sovetskaia Entsiklopediia* (Second edition), XIV, 574, 575.

[15] L. Pistrak, *The Grand Tactician: Khrushchev's Rise to Power* (New York: Praeger, 1961), pp. 57–67.

[16] Information on Brezhnev's wife and children is scanty, but the little there is tends to be consistent. I have used Page, *The Day Krushchev Fell*, pp. 180–181, as a handy summary.

[17] B. N. Ponomarev, editor, *Politicheskii Slovar'* (Second edition; Moscow: Politzdat, 1958), p. 56.

[18] J. Armstrong, *The Soviet Bureaucratic Elite: A Case Study of the Ukrainian Apparatus* (New York: Praeger, 1959), p. 6.

[19] Khrushchev's rule in the Ukraine is relatively well documented. I have relied on Kellen, *Krushchev: A Political Portrait*, and Pistrak, *The Grand Tactician.*

[20] N. Ponomarev, editor, *Istoriia Kommunisticheskoi Partii Sovetskoyo Soiuza* (Moscow: Politizdat, 1959), p. 526.

[21] *Sovetskii Dagestan*, No. 5, 1967, p. 31.

[22] *Istoriia Velikoi Otechestvennoi Voiny*, six volumes (Moscow: Voenizdat, 1960–1965), III, 95.

[23] *New York Times*, August 4, 1968, p. 3.

[24] *Istoriia Velikoi Otechestvennoi Voiny*, V, 301.

[25] *Ibid.*, p. 304.

[26] Emigré source to author. Official biographies indicate that Brezhnev served as a political officer in a military district at the end of the war, but they do not state which one.

[27] Achminov, *Breschnew und Kosygin*, pp. 35, 36.

[28] L. P. Repida, "Poebeda Sotsializma v Moldavii," in S. P. Trapeznikov, editor, *Istoriia Moldavskoi SSR* (Kishenev: Kartea Moldovenskaiia, 1968), II, 579–580.

[29] A. L. Odud, *Moldavskaya SSR* (Moscow: Geografizdat, 1955), p. 70.

[30] Schapiro, *The Communist Party of the Soviet Union*, pp. 519, 520.

[31] R. Kolkowicz. *The Soviet Military and the Communist Party* (Princton: Princeton University Press, 1967), p. 244.

[32] Fainsod, *How Russia Is Ruled*, p. 482, summarizes the main elements in the situation.

[33] S. Ploss. *Conflict and Decision Making in Soviet Russia: A Case Study of Agricultural Policy, 1953–1963* (Princeton: Princton University Press, 1965), pp. 27, 75.

[34] *Ibid.*, p. 86.

[35] Ponomarev, *Istoriia* KPSS, 1959 edition, p. 634.

[36] Ploss, *Conflict and Decision Making in Soviet Russia*, p. 97.

[37] R. Conquest, *Russia After Khrushchev* (New York: Praeger, 1965), p. 91.

[38] Tito's account of the meeting is in *Borba*, November 16, 1956. An English translation is in P. Zimmer, editor, *National Communism and Popular Revolt in Eastern Europe* (New York: Columbia University Press, 1957).

[39] M. Fainsod, "What Happened to Collective Leadership?," in *Russia Under Khrushchev: An Anthology from "Problems of Communism"* (New York: Praeger, 1962), p. 109, 110.

[40] *Pravda*, July 19, 1957; *New York Times*, July 19, 1957.

[41] Soviet Encycloedia *Yearbook*, 1966.

[42] Yu. P. Petrov, *Partinoe Stroitel'stvo v Sovetskoi Armii i Flote, 1918–1961* (Moscow: Voenizdat, 1964), pp. 497, 498.

[43] Soviet Encyclopedia *Yearbook*, 1962.

[44] Pietromarchi, *The Soviet World*, p. 102.

[45] *Pravda*, December 6, 1962, cited in C. Linden, *Khrushchev and the Soviet Leadership: 1957–1964* (Baltimore: The Johns Hopkins Press, 1966), p. 163.

[46] F. Stevens, *U.S. News and World Report*, April 27, 1964.

[47] For a discussion of this concept, see M. Rush, *Political Succession in the USSR* (New York: Columbia University Press, 1965).

[48] H. Schwartz, "Brezhnev Packs New Central Committee with Supporters from Dnieper," *New York Times*, August 15, 1966.

[49] A. Avtorkhanov, *The Communist Party Apparatus* (Chicago: Regnery, 1966), p. 289.

[50] *Kommunist*, cited in the *New York Times*, October 29, 1967.

[51] P. A. Smith, Jr., "Protest in Moscow," *Foreign Affairs*, October 1968.

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## ON PRESIDENT NIXON'S FORTHCOMING VISIT TO RED CHINA AND SOVIET UNION

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. DERWINSKI. Mr. Speaker, Dr. Leon F. Nadrowski, an executive member of the Greenpoint-Williamsburg Young Republicans and vice president of the Congress Republican Club, wrote to the President last month making suggestions that I believe were quite timely and worth serious evaluation. I am not aware, of course, as to whether the White House staff gave this letter more than normal attention, but I do believe it is worth making available to my colleagues by inserting it into the RECORD.

Dr. Nadrowski's letter follows:

BROOKLYN, N.Y.
*December 6, 1971.*

President RICHARD M. NIXON,
*White House*
*Washington, D.C.*

DEAR MR. PRESIDENT: I am sure most Americans accept your visits to communist China and the Soviet Union favorably in so far as penetrating the bamboo and iron curtains can be of historical significance and benefit to the free West.

However, there is some reservation in view of the fact that the free world has witnessed folly after folly in America's foreign policy commencing from World War II and resulting in the loss of more than half the world under communist tyranny and oppression whether it be behind the iron curtain or the bamboo curtain.

There is very little reason not to believe that the rest of the world will fall under communism if we continue to perpetuate the same foreign policy of appeasement. This tragically may even provoke World War III.

"Peaceful coexistence" as propagandized by the communists under their terms means eventual subjugation of the entire world under their system.

The finest hour for the free world however can emanate from your visits to Red China and the Soviet Union.

It is sincerely hoped that you will challenge all communists throughout the world to "universal freedom" as a requisite for "peaceful coexistence" which was successfully coined by Khrushchev in 1956.

Communism as it stands today, in essence provides a gun to the head of all the people under its yoke to protect them from freedom.

Your visits to Red China and the Soviet Union extending the hand of friendship of all Americans to the Chinese and Russian people with a peaceful challenge to promulgate all the freedoms will reverberate throughout the entire world.

What peoples could refuse freedom of speech, press, religion, elections, freedom from want and fear?

This will be a dramatic contrast to the image of a sabre rattling imperialist America that the communists have created for their people to believe.

If you fail in your visits to Red China and the Soviet Union to promote this great gesture of peace with freedom to all in the world you will have failed in your mission and failed everyone.

If you can envision the overwhelming impact of such a freedom offensive, then, as many have related to me you will have enthusiastic support for re-election as President of the United States.

Most of all, if you promote this freedom challenge to the communist world in order to foment constant persuasion for the eventual dissolution of communist tyranny and oppression wherever it may be, then you shall go down in history as a great champion of freedom on this planet.

Respectfully,

LEON F. NADROWSKI, M.D.

## GEORGE WASHINGTON ELEMENTARY SCHOOL CELEBRATES ITS 50TH YEAR

## HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. JAMES V. STANTON. Mr. Speaker, I would like to extend warmest congratulations to the students, teachers, and officials of the George Washington Elementary School which is this week celebrating its 50th anniversary. Throughout its existence, George Washington has provided young people of its area with quality education, one which has prepared them well for the challenges of life. Miss Mildred Pelikan, its principal, and all of those associated with George Washington Elementary School can certainly be proud of its fine record.

I insert into the RECORD an article from the West Side Sun which tells the history of the school and describes the celebration being planned by Mrs. Ruth Schneider, an active school parent.

The article follows:

GEORGE WASHINGTON ELEMENTARY SCHOOL CELEBRATES ITS 50TH YEAR

(By Denise Rochford)

When Mrs. James Schneider of Oxford Avenue presides at the 50th anniversary celebration of George Washington School next week, it will be with a touch of nostalgia.

When she was an elementary school student named Ruth Russ, she attended George Washington. Now she has two children at the school, and a third that is now in junior high.

For the anniversary meeting on Tuesday January 25th, she has arranged for Supt. of Schools Dr. Paul Briggs to be the guest speaker. It will be a special meeting, because fathers are also invited and will conduct the evening session beginning at 7:30 p.m.

George Washington, at 16510 Lorain Avenue, was constructed in 1921, when West Park was a city separate from Cleveland; The school opened in September of 1922 combining all grades through the eighth.

In January of 1923, when West Park was annexed to the City of Cleveland, Geo. Washington became a part of the Cleveland Public School system.

Its first principal, was Mrs. W. J. Featherstone. Under the supervision of the Cleveland schools, Miss Carrie Buettner was named principal in Sept. of 1923.

Miss Mildred Pelikan who has been principal since 1957, is the ninth administrator of the school.

Mrs. Schneider has spent some time gathering facts and figures about the 50 year existence of the school, and will present the information at the anniversary celebration.

Some of the improvements that have been implemented during the past 50 years will be discussed, including new doors, acoustical gym ceiling, new lighting. But the biggest change in the school during that time, was just completed last week, in time for the Open House.

The teacher's lounge, which dated back to the original, was just remodeled, including new dropped ceiling and lighting and a general updating of the facilities (which were outmoded to the point of wooden drainboards).

All the faculty is delighted with the new cheery quarters and anxious to show it off following the PTA meeting.

Population of the school has not changed drastically over the years. When the school joined Cleveland in 1923, there were 383 students through the eighth grade. Currently there are 380 students through the sixth grade. The largest number of students amounted to about 500 during the early 1940's, according to school records.

A parents organization was started in 1922, and its president was Mrs. J. C. Fisher. In 1925 the group joined the Congress of Mothers Affiliation with the National PTA group followed. Mrs. Leo Humphrey, of Riveredge, one of the early PTA presidents is expected to attend the celebration. She has been active for years, and attends every Founder's Day at the school.

Results of an interesting questionnaire will be unveiled at the meeting. Mrs. Schneider has asked all parents to respond answering how many of them attended Geo. Washington school as students. She thinks that the results will prove many former students stayed on and raised their families in the old neighborhood, as she did.

## FEDERAL OFFICIALS DISREGARD PURCHASE OF .22 HANDGUN AMMUNITION BY FELONS

## HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. BINGHAM. Mr. Speaker, I have previously outlined the reasons for my firm opposition to H.R. 3599 (CONGRESSIONAL RECORD, vol. 117, pt. 33, pp. 43183–43184), legislation reported by the Ways and Means Committee which would exempt .22 caliber ammunition from the recordkeeping requirements of the 1968 Federal Gun Control Act. In view of the claims being made on behalf of that legislation, I recently undertook, and am continuing, an investigation of the use of these ammunition sales records. My findings to date, further, convince me that no legislation such as this should be brought before the House without full hearings, and if brought before the House should be defeated.

As the Members of this House are well aware, The Federal Gun Control Act of 1968 prohibits convicted felons and other obviously dangerous individuals from purchasing or obtaining any kind of guns or ammunition. To help enforce that prohibition so far as ammunition is concerned, the Congress required that records be kept of all sales of ammunition usable in handguns.

In recent weeks, my staff and I visited and contacted gun shops in the New York City area. From their ammunition sales records, we picked at random 90 names of individuals who purchased .22 caliber ammunition—which is usable in both handguns and longguns. We asked the FBI to check on those 90 individuals, and we were informed that 23 of them—26 percent—have FBI criminal records. Of those, eight are clearly convicted felons—three of them having been convicted of crimes involving guns.

The Treasury and Justice Departments, who have enforcement responsibilities here, have insisted that records of this type are useless and have refused even to look at them. The Ways and Means Committee Report on H.R. 3599 implies that, and in the CONGRESSIONAL RECORD statement cited above I included excerpts of letters I have received from those Departments in which they repeat that position.

My investigation shows these records are not useless. It shows they could, if appropriately examined and used, lead to the arrest and prosecution of dangerous individuals before they have a chance to use their illegally obtained ammunition to commit crimes against innocent citizens. It suggests that, by ignoring these records, the administration in Washington has failed to make full use of the laws to protect the public against crime, and thereby has subjected the public to needless danger.

In the course of my investigation, I talked to a number of gunshop owners who had no idea that Federal law prohibits purchase of handgun ammunition by convicted felons and other dangerous persons. When I informed them of that, they seemed considerably less skeptical about these records. That skepticism on the part of gun dealers, as well as legitimate sportsmen, would be even further reduced if these records were properly used to apprehend individuals who have no business obtaining ammunition, rather than gathering dust on gunshop shelves as they now are.

Lest anyone think that .22 caliber handguns are exclusively "sporting weapons," it should be noted that .22

caliber handguns were used in 2,882 murders last year alone according to FBI estimates.

With that in mind, I have appealed to Secretary of the Treasury Connally and U.S. Attorney General Mitchell to begin examining handgun ammunition sales records rigorously and systematically, especially in high-crime urban areas, and—on the basis of the valuable information my study shows these records contain—to begin prosecuting dangerous individuals who are obtaining ammunition illegally. I have also urged them to oppose any legislation in the Congress, including H.R. 3599, that would repeal handgun ammunition recordkeeping requirements. By refusing to use these records, the administration, in effect, has encouraged the forces in Congress who are behind the repeal effort and who are attempting, bit by bit, to gut existing Federal gun control laws, mild as they are.

Mr. Speaker, I have also urged Chairman CELLER to convene hearings in the coming months to review more fully the administration's enforcement of existing Federal Gun Control Laws. Such hearings are essential if the House is to act judiciously on H.R. 3599 or any similar proposal.

The National Council for a Responsible Firearms Policy has announced its intention to encourage citizens around the country to go out and examine these ammunition sales records in their own communities, and I am giving my full support to these efforts. These records should then be checked against Federal, State, and local records of convicted criminals, addicts, and other dangerous individuals—as defined by the 1968 Act—and I intend to assist in every way possible to see that those checks are made. The results will be sent to the Justice and Treasury Departments until those agencies begin fully meeting their responsibilities in this matter.

Mr. Speaker, a more detail statement on my recent investigation, and copies of letters to Treasury Secretary Connally Attorney General Mitchell, and Chairman CELLER follow:

### STATEMENT BY CONGRESSMAN JONATHAN BINGHAM (D-NY) RELEASING THE RESULTS OF AN INVESTIGATION REVEALING SALES OF HANDGUN AMMUNITION TO CONVICTED FELONS, AT A NEWS CONFERENCE, THURSDAY, JANUARY 6, 1972

As you may recall, the 1968 Federal Gun Control Act prohibits convicted felons from receiving, possessing, or transporting guns or ammunition in interstate commerce. To help enforce that prohibition, the '68 law contains a provision that requires a record to be kept of all gun sales, and sales of all ammunition used in handguns.

For the past two years, a bill has been brought to the floor of the House to terminate the recordkeeping requirement for .22-caliber rimfire ammunition, which can be used in both handguns and longguns, on grounds such records are useless and bothersome. Although it passsed the House in 1970, that bill has not yet been enacted. But it is likely to be brought up again shortly in the House, and it has prompted me to take a close look at the use to which these ammunition sales records have been put in the fight against crime. I am prepared to report some results of that investigation.

Early last year, I asked the Secretary of the Treasury and the Attorney General, each of whom has responsibilities for particular aspects of gun law enforcement, to report to me the extent to which ammunition sales records—particularly .22 caliber sales records—are examined and investigated by Federal officials, and the extent to which they are being used to prosecute felons and other individuals prohibited by Federal law from receiving ammunition.

The Treasury reported that the Internal Revenue Service is "unable to process or check individual ammunition sales records in any meaningful way," nor are any efforts planned to do so. Federal officials have not even required these records to be forwarded or reported to Federal agencies. They simply remain, gathering dust, in the 150,000 gun shops around the country where they are compiled.

The Department of Justice reported that it has made no attempt to use any records of .22 caliber ammunition purchases in the prosecution of suspected criminal activity.

Both Departments take the position that controls on ammunition sales simply are not effective as a law enforcement tool because the records are voluminous, ammunition "cannot be traced from manufacturer or sale to use," and, therefore, the manpower effort and expense necessary to examine the records "would not be justified by the results that may reasonably be expected through enforcement of these controls."

(Copies of the letters from Treasury and Justice containing this information are here and available for inspection).

The evidence used to initiate prosecutions of felons for receipt or possession of ammunition or a gun, when such prosecutions are made at all, is generally the fact that a felon has been charged with using the ammunition or weapon in the commission of a further crime. Possession of the weapon or ammunition is an additional charge tacked on as an afterthought. So far as I have been able to discover, however, there are no cases where, on the basis of an examination of sales records required to be kept by law, a felon or other dangerous individual (as defined in the law) was discovered to have received ammunition, and an arrest and prosecution was made simply on that basis *before the felon had an opportunity to use that ammunition to commit a crime of violence.* That, of course, is what should and must be done if the intent of Congress in enacting these laws is to be carried out, and if these laws are to be fully employed to protect the public.

Since I could find no evidence that any Federal law enforcement agency is bothering even to look at these records, I decided to examine some of them myself. In the past several weeks, members of my staff and I visited and contacted gun shops in the New York City area. From their ammunition sales records, we picked at random the names and addresses of 90 individuals who had purchased .22 caliber rimfire ammunition in recent months (the law requires the name, address, age, and form of identification used by the purchaser to be logged.)

Since the major purpose of the recordkeeping requirement is to identify convicted felons who may be obtaining guns and ammunition, I requested the Federal Bureau of Investigation in Washington to check the 90 names and addresses on our list against the FBI's file of individuals with serious criminal records. The FBI complied, and I have the results. Those results, I think, show the considerable potential of these sales records in combatting crime, and the danger and foolishness of the Administration's policy of ignoring them. They indicate that large numbers of felons are, in fact, receiving handgun ammunition illegally by simply purchasing over the counter, and the Federal government is doing nothing about it.

Of the 90 names on the list, the FBI found 23 with records of arrest or conviction—an astonishing 26%. Of these 23, eight individuals have been convicted of crimes punishable by a year or more in prison—three of them having committed crimes while armed. Two others appear to belong in this felony category, but cannot definitely be so listed without additional information on the disposition of these cases. Two individuals, including one of the eight convicted felons, appear to be "unlawful users" of drugs. Records of the remaining twelve individuals show arrests without convictions, or arrests and convictions for relatively minor offenses.

This is, only the tip of the iceberg. I have so far examined only .22 ammunition sales. .22 ammunition was used in 2,882 murders last year alone (a .22 caliber pistol was also used to kill Robert F. Kennedy). But heavier ammunition is even more commonly used in violent crimes with handguns, and it is likely that sales records of this heavier ammunition will reveal even more frequent purchases by convicted felons. And felons aren't the only group of individuals prohibited from receiving ammunition—the law also prohibits drug users, mental defectives, and fugitives doing so.

Finally, of course, my survey involved only a few gun shops in the New York City area. But the survey indicated that, across the nation, large numbers of dangerous individuals are buying ammunition illegally.

It also shows that in every city and town, sales records exist that could be used to arrest and prosecute these dangerous individuals and get them off the streets before they use the ammunition they have illegally obtained in a crime of violence against yet another victim.

It shows that the current Administration in Washington is subjecting the public to unnecessary danger by failing to make full use of existing Federal gun laws in the fight against crime. The Administration has stubbornly ignored a major legal tool which, if used, could have—and could still—prevent significant numbers of violent crimes. Rather than employing ammunition sales records as a "cutting edge" in the fight against violent crime, it has used them incidently. Furthermore, by insisting that these records are useless in law enforcement, the Administration in effect has been encouraging anti-gun control forces in the Congress that are attempting, bit by bit, to gut the Federal gun laws.

With this in mind, I am today directing letters to the Secretary of the Treasury, Mr. Connally, and the Attorney General of the United States, Mr. Mitchell, urging them to do several things.

Most importantly, I am urging Treasury to institute regular examination and investigation of ammunition sales records of the type I have demonstrated here, at least on a spot-check basis focusing on gun shops in high-crime urban areas.

I am urging the Treasury Department to further investigate the particular purchases I discovered to have been made by apparent felons for possible prosecutions, and to report their findings and disposition of the cases to me.

I am urging the Justice Department to give high priority to prosecutions on the basis of future regular Treasury investigations of ammunition sales.

I am urging them actively to oppose, on behalf of the Administration, all efforts in the Congress to repeal handgun ammunition recordkeeping requirements.

In addition, I plan to work with the National Council for a Responsible Firearms Policy, represented here this morning by its Executive Director, Mr. David Steinberg, to encourage citizens to visit gun shops to examine handgun ammunition and gun sales records. I stand ready to assist them in any way necessary to see that these records are checked against state, local, and Federal records of criminals, addicts, fugitives, and mental incompetents. The results of those checks will be sent to the Justice and Treasury Departments until those agencies begin fully meeting their responsibilities in this matter.

Finally, I am urging Chairman Emmanuel Celler of the House Judiciary Committee, and Senator Bayh of the Senate Judiciary Committee, to convene hearings in the near future on Administration enforcement of the 1968 gun control act.

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JUSTICE DEPARTMENT
GUN CONTROL,
*January 6, 1972.*

Hon. JOHN MITCHELL,
*Attorney General of the United States, Department of Justice, Washington, D.C.*

DEAR MR. ATTORNEY GENERAL: I am enclosing a letter and statement I have sent to Secretary Connally containing the results of an investigation I conducted which reveals that large numbers of individuals with felony and other records of irresponsible behavior are currently purchasing handgun ammunition despite Federal laws prohibiting such persons from receiving or transporting guns and ammunition in interstate commerce, and that the Federal government is doing nothing about it. This finding is based on a comparison of records of ammunition purchases in the New York City area with FBI crime records.

I trust you will agree with me that failure fully to employ records of ammunition sales as a basis for prosecutions of felons and other irresponsible individuals for "receipt" constitutes a severe gap and failure in efforts by law enforcement officials to curb violent crime, and that your Department will give high priority to any cases of this kind referred to it by the Treasury Department for prosecution.

Sincerely,
JONATHAN B. BINGHAM.

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JANUARY 6, 1972.

Hon. JOHN CONNALLY,
*Secretary of the Treasury, Treasury Department, Washington, D.C.*

DEAR SECRETARY CONNALLY: As you may know, the Treasury Department has refrained from any systematic or regular examination and investigation of records of handgun ammunition sales required to be kept under Article 923 (g) of the Federal Firearms Act. Furthermore, the Department has taken the position that it is unable to process or check ammunition sales records in "any meaningful way," and that to do so "would not be justified by the results that may reasonably be expected through enforcement of these controls." This posture was articulated to me in a letter from your General Counsel, Mr. Samuel R. Pierce, Jr., dated February 8, 1971 (copy enclosed).

By taking this position, the Treasury Department has strengthened efforts in the Congress to repeal recordkeeping requirements for .22 caliber rimfire ammunition, which is commonly used in handguns, as well as longguns. In addition, the Justice Department, citing your position, has reported to me that it has not attempted to bring prosecutions on the basis of ammunition sales records against felons and other categories of individuals prohibited by Federal law [18 U.S.C. 922 (g) and (h)] from receiving, possessing, or transporting guns and handguns ammunition.

I have recently conducted a limited investigation of records of .22 caliber ammunition purchases in the New York City area. The detailed results of that study, and my views on it, are contained in the enclosed statement. Most significantly, I found that, of a sample of 90 individuals who purchased such ammunition, 12 had FBI records showing arrests and convictions for offenses making their ammunition purchase a probable violation of Federal law. This suggests that your Department's current practice of ignoring such records is most ill-advised and is creating a dangerous gap in one of the most critical aspects of our national offensive against violent crime—keeping guns and ammunition out of the hands of clearly irresponsible individuals.

With this in mind, I want to urge you strongly to reverse the present practice of your Department in this area by instructing the Internal Revenue Service:

1. To investigate further the particular purchases of .22 caliber ammunition which my investigation shows were made by individuals who apparently have felony records, and to refer all findings to the Justice Department for possible prosecutions.

2. To institute regular examinations and investigation of ammunition sales records, at least to the extent of spot-checking record entries, particularly from gun shops in high-crime urban areas, against Federal records of known felons, fugitives, mentally incompetent persons, and narcotics users.

3. To direct and provide for the forwarding of ammunition sales records (or copies thereof) to a central repository in the Treasury Department to be organized and computerized so that they can be examined and used for law enforcement purposes easily and efficiently.

4. To convey promptly to the Justice Department for further investigation and prosecution the records of ammunition purchases made by any individual in apparent violation of Federal law.

5. To oppose, on behalf of your Department and the Administration, any further efforts in the Congress to repeal handgun ammunition recordkeeping requirements, including specifically H.R. 3559, now pending before the House of Representatives.

In my judgment, these proposed actions are fully within your authority under current statute. If, however, you determine that additional funds or legal authority are required to pursue the course I have recommended, I trust you will so advise me so that I may join you in seeking enactment of appropriate legislation.

Sincerely,
JONATHAM B. BINGHAM.

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JANUARY 7, 1972.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary, Washington, D.C.*

DEAR CHAIRMAN CELLER: I want to draw your attention to the results of an investigation I have conducted indicating that large numbers of felons are receiving handgun ammunition illegally by simply purchasing it over the counter, and that the Executive branch is doing nothing about it. My views on the matter, and the detailed findings of my investigation, are contained in the enclosed statement.

This apparent default in Executive branch enforcement responsibilities seems to me to argue strongly for hearings more fully to review enforcement of the gun control legislation enacted by Congress in 1968. I want to urge you to give serious consideration to convening such hearings before your Committee in the near future. I would, of course, be happy to participate in any way that might be helpful.

Sincerely,
JONATHAN B. BINGHAM.

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## McGOVERN STILL SUPPORTS SCHOOL BUSING COURT DECISIONS

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. CONYERS. Mr. Speaker, it has been erroneously reported that Senator GEORGE MCGOVERN was on the brink of announcing his opposition to the recent school busing decisions of the Federal courts. So that the record will be perfectly clear on where Senator MCGOVERN stands on this issue, I would like to call attention to his statement of yesterday in which he emphatically reaffirms his commitment to the integration of the public schools and his support of the busing decisions. He is to be commended for his straightforwardness and candor, as the following statement indicates:

STATEMENT OF SENATOR GEORGE MCGOVERN

The report that I am considering opposing the school busing orders of federal courts, or the recent decision consolidating school districts in Richmond, Virginia, is totally without foundation. All of my political life I have fought for the principle and the practice of integrated schools, based on simple justice and the unanimous view of all who have studied the problem that integrated education is better for the children and the community. I will not change that position, regardless of the political cost.

I believe that school busing and redistricting, as ordered by the federal courts, are among the prices we are paying for a century of segregation in our housing patterns. For more than a generation, black children were bused to avoid integrated schools. One of the more cynical aspects of our present debate is that President Nixon, seeking to make political capital of this difficult situation, is ignoring history and asking the nation to believe this problem began yesterday.

We would be better served if the President announced, as I have, that he intends to enforce the law, and not turn Americans against their neighbors on this issue. Then we could all turn our attention to the real problem, which is how to achieve quality education at the end of the bus line and neighborhood schools in neighborhoods in which every American can live.

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## THE NIXON PRESIDENCY

### HON. RICHARD W. MALLARY

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. MALLARY. Mr. Speaker, I have an editorial from the Burlington, Vt., Free Press which places in proper perspective President Nixon's efforts and accomplishments on both domestic and international levels. In its conclusion, the editorial states:

> The integrity, the intelligence, the inspiration and the human concern of Richard M. Nixon have given America a Presidential leadership of uncommon excellence.

I enter the entire editorial with the belief that this positive and realistic attitude concerning America today is worthy of our consideration:

THE NIXON PRESIDENCY

Our Nation is being led by a President of great courage and extraordinary vision. Richard M. Nixon deserves the strong support and the heartfelt thanks of the American people for the victories he has brought, and the victories he is struggling against great odds to bring, for the betterment of humankind.

Yet too often these days we read "intellectual" anti-Nixon criticism—most of it snide, grossly unwarranted, and some approaching the obscene. There are people who are so full of hatred, apparently, that they cannot grasp simple facts, they cannot give any credit whatever where great credit is obviously due, they distort history to their own prejudices, and they commit intellectual violence on the Nixon Presidency in so many other ways.

Less than three years ago Richard Nixon inherited a raging war in Southeast Asia, and it cannot be denied that within a few months the American involvement there will be merely one-tenth or less what it was. This nearly impossible task could have been achieved only by a leader of remarkable fortitude and unassailable trust. Yet what do the anti-Nixon critics say? "He was lucky and he had time," they sneer. Sure, and how much luck and how much time were involved in getting us into Vietnam during the two previous administrations?

Also inherited by Richard Nixon was an economy terribly inflated by the "guns and butter" spending policies of his predecessors. And so again with demonstration of great courage, he took the unprecedented step of ordering wage and price controls. Yet what do the anti-Nixon critics say and do? They charge him with the unemployment created by the inflation, and the greedy among them refuse to cooperate in the anti-inflation battle.

The historic and supreme accomplishments of the Nixon Presidency also include the overtures to Communist China, the pending Presidential visits to that land and to Soviet Russia, and the determined prevention of a devastating war in the Middle East.

On the domestic front, Richard Nixon has proposed a revolutionary reform of the welfare system, and he has multiplied many times over the expenditures for prison reform and for a host of other vital programs for which he is given scant credit. He has dramatically reduced the military budget, too far in our opinion, and he has sought to make government more responsive to the people in all areas.

He must be doing a lot that's right, for both the liberals and the conservatives are outspokenly antagonistic toward his leadership. The liberals are angry because the President has achieved where they only theorize, and the conservatives are angry because the President is too modern and too practical.

Unquestionably, Richard Nixon has accomplished more in his short Presidency than any other leader could possibly have achieved under the circumstances. We can only guess how much more he could accomplish for his constituency if he and the Congress were of the same political affiliation!

The anti-Nixon critics, in seeming desperation, now are resorting to dishonest tactics in their attempts to cut short his Presidency. We note, especially, the campaign finance provisions of the tax cut bill. These tactics are not only dishonest—they insult the intelligence of every fair-minded American.

But the Nixon Presidency will survive the cheap shots of its opponents. It has accomplished so much, and it can achieve so much more.

The integrity, the intelligence, the inspiration and the human concern of Richard M. Nixon have given America a Presidential leadership of uncommon excellence. We salute him, and we herewith pledge our continued support.—F.B.S.

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## LESSONS IN PREPAREDNESS

### HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. HÉBERT. Mr. Speaker, I insert in the RECORD the outstanding address by Vice Adm. Hyman G. Rickover which he gave to the New York chapter of the American Ordnance Association on the occasion of being awarded its newly established Lt. Gen. Leslie R. Groves Gold Medal. Admiral Rickover is most deserving of this high honor and was cited for his creative contributions to the development of nuclear propulsion.

Admiral Rickover's address to the American Ordnance Association contains some hard facts of life that should be read by all Americans.

The address follows:

### LESSONS IN PREPAREDNESS

(By Vice Adm. H. G. Rickover)

There is today a division of opinion among the American people regarding the necessity of reinforcing our military strength. In judging between conflicting views on this matter, the deciding factor must be their relevance to the world as it is, not as we would wish it to be. Granted the hideousness of modern war, can we deduce therefrom that mankind is now wise enough to forego recourse to arms?

A look at history should put us on guard against those who claim that humanity has now reached a state where, in formulating national policy, the possibility of armed aggression can be safely disregarded.

I am reminded of the intense opposition to the Navy's 15-cruiser bill in 1929. It was argued by many that with the signing of the Kellogg Peace Pact the year before, it was no longer necessary to build new warships—this in light of the lessons of World War I, which had erupted despite the various Hague peace treaties.

These ships were of inestimable value in helping us win World War II. The war itself was prolonged because Congress—heeding the "merchants of death" argument—prohibited shipment of war materials to Britain and France in 1939.

Then, too, weight must be given to the credentials of those propounding opposite views. Are they public servants charged with the awesome responsibility to secure our country against foreign conquest? Or are they private individuals not accountable to anyone for the consequences of their opinions—private individuals who feel free to express their personal abhorrence of war and to agitate, within the screen of rhetoric, for a reduction of the financial burden that military preparedness imposes on the taxpayer?

Would the majority of the electorate accept their argument that, given our unmet domestic needs, we cannot afford an effective defense position vis-a-vis our potential adversaries? Or that war is so horrible that it is better to suffer defeat than to fight?

There can surely be no doubt that the overwhelming majority of the American people are opposed to relinquishment of our defense capability, recognizing full well that there will then be no one left to prevent a takeover by Communist power.

Whether one accepts the optimistic view that a permanent East-West détente can be negotiated, or the pessimistic view that ultimately we shall have to fight for our liberties, this Nation has no future if it allows itself to be outmatched militarily.

As for the high cost of preparedness, the approximately $70 billion allocated to defense for fiscal 1971 was the smallest percentage of our gross national product in 20 years—just 7 per cent. Defense expenditures in that fiscal year represented about 35 per cent of our total Federal budget outlays, compared with 44 per cent in fiscal 1969. Omitting the costs of the Vietnam war and allowing for inflation, our armed forces have less buying power today than they had two decades ago.

In the Soviet Union, on the other hand, resources have been diverted from the farm sector to defense, and there appears to be increasing preoccupation with national security. And remember that actual war costs absorb but a small portion of Soviet expenditures, while we are spending many billions of dollars a year in Vietnam. As for myself, I would rather be alive at 10 per cent than dead at 7 per cent.

If history teaches anything it is surely that weakness invites attack; that it takes but one aggressor to plunge the world into war against the wishes of dozens of peace-loving nations, if the former is militarily strong and the latter are not.

Yet there are those who deprecate the need to maintain military supremacy, or at least parity, with the Communist empires, on the grounds that other nations have accepted a decline from first to second or third rank and that we ourselves for most of our history were militarily a second-rate power yet secure enough within our borders.

They forget that we then profited from the *Pax Britannica*, even as the former great powers of Europe who have lost their defense capability enjoy political freedom today only because we are strong enough to defend them and are ready to do so.

What it means to be weak and without American protection should be evident to all who observed the tragic drama of Czechoslovakia "negotiating" with Russia the continuing subjugation of her people.

The concept that a "weapons race" is the cause of war was a widely held theory prior to World War I. Many historical studies of the cause of that war have disproved this fallacy. And certainly it cannot be claimed that World War II was caused by an armaments race. In fact that war might well have been prevented had Britain, France, and the United States been better prepared.

It was for this very reason that at the end of World Wars I and II we vowed never again to be caught unprepared. Whether or not to use our military forces is decided by our civilian leaders, not by the military. The military is asked for advice, but the decision is that of the civilian leadership.

Our Navy is not a direct threat to any country. Its strength lies in its ability to be deployed rapidly at distances from the United States. Its very existence as a "fleet in being" serves to deter those who might otherwise think lightly about starting hostilities.

Many valuable lessons for today can be drawn from our experiences in past wars. For example, when Germany decided to invade Russia in 1941, their staff studies showed that the Soviet Union would be defeated in 8 weeks—10 at most. Our military attaché in Moscow advised the War Department that the war would be over in 3 months. I well remember that the German estimate for the length of World War I was also 3 months.

These estimates should place us on guard against those who believe that long, worldwide wars are no longer possible. Even the present "minor" Vietnamese wars has endured for longer than the foremost defense civilians and our military leaders predicted.

Having served in both World Wars, I may perhaps be forgiven for not being as optimistic about permanent peace, the beneficence of unilateral disarmament, and the current belief held by many—especially by our "intellectuals"—that the sheer horror of a long war will compel its avoidance.

A brief look at some of the grim statistics of World War II will show why prevention of war is an order of magnitude less costly than engaging in it. The money we save today in lowering our defenses will surely be but a pittance compared with what it will cost us if we are not strong enough to deter war.

Russia was invaded in June 1941. By winter of that year the cost of the war was already truly colossal. To the 6 million, possibly as many as 8 million, military losses in killed and captured were added millions of civilian casualties—a million or more dead of starvation alone in Leningrad during the winter of 1941–1942.

By the end of 1941 the Soviet Union had lost 47 per cent of her inhabited places, territory in which 80 million persons had lived. That territory had produced 71 per cent of Soviet pig iron, 58 per cent of its steel, 63 per cent of its coal, and 42 per cent of its electricity. By the end of their 1941 offensive the Germans had occupied areas that had produced 38 per cent of the grain and cattle and 84 per cent of the Soviet sugar.

The total military service deaths on the Soviet side reached more than 12 million. The West German estimate of Soviet military losses is 13.6 million, including 1.75 million permanently disabled. The war also cost the Soviets some 7 million civilians. The losses, civilian and military, of Finland, the Baltic States, and of eastern and southeastern European countries added millions more.

The German military dead in World War II numbered between 3 and 3.5 million; their civilian dead, 1.5 million.

The figures I have stated are vastly increased by the military and civilian dead of Great Britain, France, the United States, Austria, Hungary, Italy, Japan, China, and of many more countries. Poland lost one quarter of her entire people. The total of all soldiers killed in World War II was 26.8 million.

Unfortunately, few people study history, which accounts for the trusim that history repeats itself. In fact, not many of our people understand the devastation wrought by World War II. That war ended a quarter of a century ago. Half the people in the United States were not alive then; they, as well as people then in their early teens, had no direct connection with the war.

It is not too farfetched to say that 75 per cent of the American people have no vivid memory of what a world war really means. The lesson of that war, its page of history, is worth a book of logic.

You may remember Blackstone's statement that security of the person is the first, and liberty of the individual the second "absolute right inherent in every Englishman." Just so, the first right of every American is to be protected against foreign attack, and the first duty of our Government is to keep our Nation alive. Given the world situation, this calls for maintenance of a defense capability adequate to discourage potential aggressors. President Nixon has said:

"It is essential to avoid putting an American President, either this President or the next President, in the position where the United States would be second rather than first or at least equal to any potential enemy."

He has also said, in discussing the Cuban missile crisis:

"I do not want to see an American President in the future, in the event of any crisis, have his diplomatic credibility impaired because the United States was in a second-class or inferior position. We saw what it meant to the Soviets when they were second."

Turning back to the present, you may ask what needs to be done in these times of turmoil and peril. The blunt situation facing us is that Soviet Russia is doing all the things a nation would do if it wanted to be the No. One military power with clear unequivocal superiority.

The U.S. Navy has not taken any further steps to increase its strategic offensive force. There has not been an arms race—the Soviets have been running at full speed all by themselves.

However, as I am most familiar with the threat posed by the Soviets to our naval power, I would like to confine myself to this area, and specifically to submarines. But the logic of what I say is valid for land, sea, and air power as well.

The Soviets are embarked on a program which reveals a singular awareness of the importance of sea power, and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of sea power: knowledge of the seas; a strong, modern merchant marine; and a powerful new navy. They are surging forward with a naval and maritime program that is a technological marvel.

Starting with 200 diesel-powered submarines at the end of World War II, most of which were obsolete, the Soviet Union embarked on the largest peacetime submarine construction program in history, producing over 580 modern submarines in 26 years—most designed for long-range operations.

During the same period the United States built 113 submarines. In two years alone, 1955 and 1956, the Soviets completed 150 submarines, almost 1½ times the total number of submarines this country has produced in the past 26 years.

The Soviets have applied tremendous national resources to the expansion and modernization of their submarine construction yards. They now have the largest and most modern submarine building yards in the world, giving them several times the nuclear submarine construction capacity possessed by the United States.

They are credited with a nuclear submarine production capability of twenty ships a year on a single-shift basis. They have the facilities to increase this rate of production considerably. At present, while our Poseidon conversions are going on, the maximum U.S. capacity to build nuclear submarines is less than half that of the Soviets. Upon completion of these conversions—about 1977—the best we could do would still be well below their capacity.

One of the most important steps they have taken has been the development of a larger reservoir of trained engineers to support their submarine design and building program. They graduate ten times as many naval architects and marine engineers per year as we.

While we cannot specifically count the number of Soviet scientists, and engineers devoted to naval work, it is apparent that they have created a broad technological base. They have committed extensive resources to support development of their naval forces.

According to the latest unclassified data, the Soviets now have a total of about 340 submarines, all built since World War II. About 100 of these are nuclear-powered. The total U.S. force is 137 submarines, 95 of which are nuclear-powered, the remainder diesel-powered. Most of our diesel units were built during World War II.

Today, as a result of the Soviet large-scale construction program, our lead in nuclear-powered submarines has disappeared. They are yearly out-producing us in nuclear submarines by 3 or 4 to 1. Even if we should decide at once to reverse this trend, our efforts could not begin to bear fruit for several years. In the interim, the Russian lead will grow substantially. By 1975 it is estimated they will have something like 50 per cent more nuclear submarines than the United States.

Of even greater concern than total numbers is the fact that since 1968 the Soviets have introduced several new designs, besides converting older designs to improve their capabilities. They have introduced significantly improved second-generation versions of the first-generation attack, cruise-missile, and ballistic-missile nuclear submarine designs.

One of their current new designs is the Yankee class nuclear-powered ballistic-missile submarine introduced in 1968. These submarines look very much like our latest Polaris type and are capable of submerged launching of 16 ballistic missiles with a range of 1,300 miles.

They now have some thirty-five of the Yankee class in operation or under construction; this class is being built at a rate of about six to eight a year. It is estimated that they will surpass our Polaris fleet of forty-one by 1974, probably sooner.

Further, it must not be forgotten that the Soviets also have over thirty conventional and nuclear-powered ballistic-missile submarines of an earlier design. Thus, we are faced with the imminent loss of our lead in numbers of sea-based strategic missiles—no matter what action we take today.

While the extent of their submarine design and construction effort is alarming, this is not the only area of concern. We have long relied on superior quality in our submarines to compensate for lack of numbers. But recent evidence indicates that the Soviets are making considerable progress in all aspects of submarine capability, thus markedly reducing whatever qualitative advantage we may have had. Weapon systems, speed, detection devices, quietness of operation, all make a significant contribution to the effectiveness of a submarine force. From what we have been able to learn, they have attained equality in a number of these characteristics and superiority in some.

The Soviet submarine force, like the entire Soviet Navy, has become capable of sustained open-ocean operations and is being used to support foreign policy in various areas of the world. Last year the tempo of worldwide Soviet submarine operations was at an all-time high.

During their 1970 large-scale naval maneuvers that included over 200 ships in the Atlantic and Pacific oceans and in 9 adjoining seas, they deployed a large number of nuclear submarines away from their home bases.

Because of their expanding range of operations, the Soviet Navy can now deploy long-range missiles in submarines hidden underwater along the entire length of our Atlantic and Pacific coasts and in the Gulf of Mexico. Thus they have brought 95 per cent of American population and industrial centers within the range of their submarine-based missiles.

We now must reconcile ourselves to living with Russian submarines targeting their nuclear missiles on us from nearby ocean areas we thought of until recently as friendly American waters.

The Russians are in the Mediterranean. They operate regularly and continually in the North Atlantic and the Norwegian Sea. Russian naval units now are being seen with regularity in the Indian Ocean and off both coasts of Africa. They are in the Pacific, the Arctic, and the Antarctic.

The swimming Russian bear is not yet 10 feet tall, but he is 5 feet, 8 inches—and growing rapidly. He has not yet wrested supremacy of the seas from the free world, but he is making a very determined effort to do so. If we are not alert, we may find tomorrow that our strength has been check-mated at sea.

Throughout our history the waters that wash our shores have been friendly. They have given us geographical protection, making it practically impossible for anyone to attack us. They also have given us time to build up our strength when danger threatened.

But the tempo of modern technology has changed all this, as it has changed so many other things. It has stripped this country of our "friendly oceans." The Atlantic and the Pacific are no longer "friendly"—they have become broad highways whence attacks can be launched against us.

The fact that our country, previously invulnerable, has now become vulnerable must sink into the public consciousness.

Today it is fashionable to advocate a reduction in defense and to use the money saved for domestic purposes. Those who so advocate do not test their theories or their deductions by events. While men are perishing from the eruption of a volcano they are blissfully beating time and listening to the music of the heavenly spheres and marveling at the harmony. Meanwhile Soviet Russia is preparing a military establishment which, by 1975, can be ahead of ours in virtually all respects.

The bearer of bad news is always punished. In ancient times, he might be put to death. Today he becomes "controversial" and unpopular. But if there is one subject on which the American people must know the truth, however unpalatable, it is our military position vis-à-vis the Soviets.

"Peace for our time!" declared Neville Chamberlain. And what followed was 6 years of one of the bloodiest conflicts ever experienced by mankind—a conflict that nearly wrecked Western civilization. Let us hope that the lessons of appeasement and unpreparedness have not receded into the dim shadows of past victory.

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## SOME THINGS YOU ALWAYS WANTED TO KNOW ABOUT THE TRANS-ALASKA PIPELINE BUT HAVE BEEN AFRAID TO ASK

### HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. STEIGER of Arizona. Mr. Speaker, I regret that certain ill-advised comments have been made about the draft permit stipulations for the proposed trans-Alaska pipeline. Our colleague, Congressman LES ASPIN of Wisconsin, the author of these comments, did not bother to contact the Department of the Interior or otherwise learn all of the facts which were available at the time. Instead, he based his statement on information brought to him in a paper bag.

The comments were made on December 31, 1971; and they compare the January 1971 draft with a September 30, 1971, draft. However, there is a later draft dated December 15, 1971, which has some significant changes from the September draft.

The Department of the Interior has appointed a stipulations review team to be primarily responsible for drafting the permit stipulations. This committee has been closely involved with the perfection of these stipulations for over 2 years, and it would be irresponsible to comment on the work of this committee without first finding out what the committee is considering.

In an effort to clear the air of unfounded allegations and to keep the Congress and the public informed of the real efforts of the Department of the Interior on behalf of the environment, I am submitting for the RECORD a memorandum dated January 7, 1971, by the stipulations review team. This memorandum reviews certain suggested revisions of the proposed stipulations and concludes by saying:

> The Review Team has not yet completed its review and the stipulations are still in draft form. If the review discloses any weaknesses, they will be remedied before the proposed stipulations are presented to the Secretary for his consideration.

Anyone desiring to make comments about the proposed stipulations in the future should visit the Department of the Interior to inquire about the continuing progress on the stipulations, as opposed to utilizing the more cumbersome technique of press release based on paper bag intelligence.

The memorandum follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
*Washington, D.C., January 7, 1972.*

To: Deputy Under Secretary.
From: Stipulations Review Team.
Subject: Proposed Trans-Alaska Pipeline—Draft Permit Stipulations.

This responds to your request that a review be made of certain suggested revisions of the proposed trans-Alaska pipeline stipulations. As you know, the stipulations are being prepared for inclusion in any pipeline right-of-way permit that may be issued by the Department. Since the initial draft of such stipulations was prepared, over two years ago, a number of revised drafts have been prepared by the Stipulations Review Team. The revisions made by the team are actually recommendations made by the team in an effort to perfect the stipulations. Those recommendations will eventually be presented to the Secretary for his approval or rejection. That stage has not as yet been reached and the proposed stipulations are still in draft form; the date of the latest draft being December 15, 1971.

The suggested revisions which you requested be reviewed are those that are set forth in an interim working draft dated September 30, 1971. You requested that the review be made to determine whether, when compared to the draft of January 1971 which was an attachment to the Draft Environmental Statement, the suggested revisions had the effect of weakening the stipulations. This memorandum answers that question for each of the proposed revisions you enumerated and, in addition, relates them to the current draft of the stipulations. This memorandum was prepared after consultation with the other members of the Stipulations Review Team and technical consultants who participated in the Team's review, and it has their concurrence.

1. The first proposed revision concerns the provision which appeared at B.5.a. of the draft of January 1971 as follows (at page 11):

"Any structure, property, land, or aquatic habitat (including the renewable fish resources contained therein) harmed or damaged by or during the construction, operation or maintenance of the Pipeline shall be reconstructed, repaired, rehabilitated and restored, as may be necessary, by Permittee as soon as practicable, so that the condition thereof, in the judgment of the Authorized Officer, is at least equal to the condition thereof immediately prior to such damage or destruction. Permittee further shall abate as soon as practicable any condition existing with respect to the Pipeline or with respect to the construction, operation or maintenance thereof, which may be causing harm or damage to any person, structure, property, land, stream, wildlife or fishery resources."

After review, the provision was changed to read as follows at B.5.a. of the working draft revision dated September 30, 1971, at page 9):

"Permittee shall abate as soon as practicable any condition existing with respect to the construction, operation, or maintenance of the Pipeline which may be causing harm or damage to any person, structure, property, land or aquatic habitat, or fishery and wildlife resource. Any structure, property, land or aquatic habitat, or fishery and wildlife resource harmed or damaged by or during the construction, operation, or maintenance of the Pipeline shall be reconstructed, repaired, rehabilitated, and restored to the satisfaction of the Authorized Officer by the Permittee."

In the current draft, of December 15, 1971, it appears as follows at 1.7.1. (page 14):

"Permittee shall abate as soon as practicable any condition existing with respect to the construction, operation or maintenance of the Pipeline that causes or threatens to cause harm or damage to any person, structure, property, land, aquatic habitat or other resource. Any structure, property, land, fish and wildlife and their habitat or any other resources harmed or damaged by or during the construction, operation, maintenance or abandonment of the pipeline shall be reconstructed, repaired, rehabilitated and restored to the satisfaction of the Authorized Officer by Permittee. Permittee shall be liable in accordance with applicable laws for loss or damage to property of others or for bodily injuries to or the death of any person in any way arising from or connected with the construction, operation, and maintenance of the pipeline."

There were several reasons for suggesting the revision. As originally written, the Permittee would be required to reconstruct, repair rehabilitate and restore damaged structures or lands to a state which in the opinion of the Authorized Officer was "at least equal to" the condition which had obtained prior to the damage. This raised the question as to what "equal" meant. It was not clear what standard was to be employed. One possible interpretation would be that it related to physical characteristics; another, that it related to the quality or integrity of the damaged structure or land. With such differing interpretations, it could be possible, in a dispute regarding compliance, for the Permittee to claim that it had met the requirement by performing minimal repairs, even though the Authorized Officer might not agree and might wish more to be done. Rather than allowing such a disagreement to arise, it was thought better to remove the ambiguity.

In addition, it was recognized that in some situations, it might be better from an environmental standpoint, to repair or reconstruct differently than the January 1971 stipulation required. For example, the removal of a building might be beneficial, and restoration or repair not desired at all; if a ledge were cut down, it might be better from an environmental or engineering standpoint to replace it with a more gentle slope. Because of the many possibilities, it was felt that this was a matter best left to the judgment of the Authorized Officer, unfettered with an arbitrary standard which might pose practical difficulties.

It should also be noted that the stipulation has been strengthened to require the Permittee to abate conditions which *threaten*, harm or damage.

2. The second proposed revision concerns the provision which appeared as E.2, at page 29 of the January 1971 draft, as follows:

"Permittee shall conduct its activities in a manner which will prevent pollution of land and water, and will not degrade the present high quality of Alaskan waters, thereby protecting aquatic and terrestial life.

"Toxic material, sediments, or organic substances which cause eutrophication shall not be released in any lake, water drainage, estuary, or marine waters in such concentrations as would exceed acceptable water standards. Every effort shall be made to protect water bodies from damage by erosion and unnatural drainage conditions. In the design, construction and operation of the Pipeline, protection or water quality shall be of prime importance. Criteria for compliance shall be the "Alaska State Plan-Water Quality Standards for Interstate Waters within the State of Alaska" as revised.

"Unless waived by the Authorized Officer, dikes or cofferdams shall be installed to separate concrete work areas from lakes or streams during construction.

"Mobile ground equipment shall be kept out of the waters of lakes, streams or rivers except for necessary crossings within right-of-way limits."

It appeared in the September 30, 1971, draft as E.2., at page 23, as follows:

"Permittee shall conduct its activities in a manner that will prevent pollution of land

and water and will not degrade the present quality of Alaskan waters thereby protecting aquatic and terrestrial life.

"Any material, sediments, or organic substances that cause toxicity or eutrophication shall not be released to any surface or subsurface waters in concentrations that violate the State of Alaska "Water Quality Standards" as approved by the Environmental Protection Agency.

"Mobile ground equipment shall not be operated in lakes, streams or rivers except as essential for authorized operations.'"

The current language is at 2.2.2 of the December 15, 1971, (page 26) as follows:

"2.2.2 Water and Land Pollution.

"2.2.2.1 Permittee shall comply with applicable "Water Quality Standards" of the State of Alaska as approved by the Environmental Protection Agency.

"2.2.2.2 Unless approved by the Authorized Officer, mobile ground equipment shall not be operated in lakes, streams or rivers.

At the time the January 1971 draft was prepared, the Water Quality Standards of the State of Alaska had not been fully approved by the Environmental Protection Agency. Accordingly, it was determined to utilize some general language and reconsider the language after the Standards were completed. Such has now occurred and the approved Standards obviate the need for the prior language. In addition, the second sentence, dealing with erosion, now appears at 2.4 of the December 15, 1971, draft. The changes have made the stipulation more specific and therefore more enforceable and nothing of substance has been deleted.

3. The third proposed revision concerns the authority of the Authorized Officer and appeared in B.2 of the January 1971 draft (at page 4) as follows:

"In the event the Authorized Officer determines in his absolute discretion that Permittee has failed or refused to comply with any provisions of this permit, or any other permit issued in connection with the Pipeline, the Authorized Officer, by written order, may suspend or terminate any or all of Permittee's activities under any or all of such permits. Permittee shall not resume such suspended or terminated activities until given written authorization to do so by the Authorized Officer."

It appeared in B.2 of the September 30, 1971, draft at page 3, as follows:

"In the event the Authorized Officer determines that Permittee has failed or refused to comply with any provision of this permit or any other permit issued in connection with the Pipeline, the Authorized Officer, by written order, may suspend or terminate any or all of Permittee's activities under any or all of such permits. Permittee shall not resume such suspended or terminated activities until given written authorization to do so by the Authorized Officer."

It now appears in the December 15, 1971, draft as 1.3.4 (page 5) as follows:

"In the event the Authorized Officer determines that Permittee has failed or refused to comply with any provision of this permit or any other permit issued in connection with the Pipeline, the Authorized Officer, by written order, may suspend or terminate any or all of Permittee's activities under any or all of such permits. Permittee shall not resume such suspended or terminated activities until given written authorization to do so by the Authorized Officer."

The change in question is the deletion of the words "in his absolute discretion." The Review Team removed this for several reasons. First, the determination regarding Permittee's compliance or non-compliance is, by the terms of the stipulation as a whole, discretionary in the Authorized Officer and that discretion is not decreased at all by the deletion of the "absolute" language. In the event that a dispute arose over a determination of the Authorized Officer and litigation ensued, the court would never uphold an exercise of administrative discretion that was not reasonable in the circumstances of the case. Neither equity nor administrative law would recognize an administrator's "absolute" discretion. Although colorful, the word was of no practical or legal significance. Secondly, use of the term made the stipulation contradictory on its face, since the next paragraph provided for appeals to the Secretary of the Interior. It was therefore patent that the Authorized Officer's discretionary determination was not "absolute." Thirdly, use of the term raised questions regarding the extent and nature of the Authorized Officer's discretionary authority under the other stipulations.

4. The fourth proposed revision concerns the liabilities of the Permittee with respect to Alaska fish resources. Subsection B.5.a. of the January 1971 draft, (page 11) required the permittee to reconstruct, repair, rehabilitate or restore any structures, property, land or aquatic habitat (including the renewable fish resources contained therein) harmed or damaged during construction, operation or maintenance of the pipeline. It further required the permittee to abate as soon as practicable any condition existing with respect to the pipeline or with respect to the construction, operation or maintenance thereof, which may be causing harm or damage to any person, structure, property, land, stream, wildlife or fishery resource.

The text of subsection B.5.a. of the January 1971 draft is as follows:

"5. LIABILITIES AND RESPONSIBILITIES OF PERMITTEE

"a. Any structure, property, land or aquatic habitat (including the renewable fish resources contained therein) harmed or damaged by or during the construction, operation or maintenance of the Pipeline shall be reconstructed, repaired, rehabilitated and restored, as may be necessary, by Permittee as soon as practicable, so that the condition thereof, in the judgment of the Authorized Officer, is at least equal to the condition thereof immediately prior to such damage or destruction. Permittee further shall abate as soon as practicable any condition existing with respect to the Pipeline or with respect to the construction, operation or maintenance thereof, which may be causing harm or damage to any person, structure, property, land, stream, wildlife or fishery resource."

In the draft of September 30, 1971, the first sentence of subsection B.5.a. required the permittee to abate, as soon as practicable, any condition causing harm or damage to any aquatic habitat or fishery or wildlife resource. The second sentence required the permittee to repair, reconstruct, rehabilitate and restore any structure, property, land or aquatic habitat, or fishery and wildlife resource harmed or damaged by or during the construction, operation or maintenance of the pipeline.

The text of subsection B.5.a. which appeared at page 9 of the September 30, 1971, draft, is as follows:

"5. LIABILITIES AND RESPONSIBILITIES OF PERMITTEE

"a. Permittee shall abate as soon as practicable any condition existing with respect to the construction, operation or maintenance of the Pipeline which may be causing harm or damage to any person, structure, property, land or aquatic habitat, or fishery and wildlife resource. Any structure, property, land or aquatic habitat or fishery or wildlife resource harmed or damaged by or during the construction, operation, or maintenance of the Pipeline shall be reconstructed, repaired, rehabilitated, and restored to the satisfaction of the Authorized Officer by the Permittee

It can be seen that there is little, if any, difference between the two drafts thus far. However, a new provision was added in the September 30, 1971, draft at subsection B.5.b. (page 9) which provided that the Permittee would be liable, under State law, for loss or damage to property of others in any way arising from or connected with the construction, operation, or maintenance of the pipeline. Property interests of the Alaskan fishing industry would be encompassed by this provision. The text of the subsection is as follows:

"b. Permittee shall be liable in accordance with the law of the State of Alaska for loss or damage to property of others or for bodily injuries to or the death of any person in any way arising from or connected with the construction, operation or maintenance of the Pipeline.

It is apparent from the foregoing that there is little difference between the corresponding language of the two drafts. It can hardly be said that the later draft affords less protection to the Alaskan fishing industry than the earlier one.

In addition, some comment must be made regarding the latest draft, that of December 15, 1971. The liabilities provisions of that draft are found at section 1.7 (pages 14–16). They are similar to those of the September 30, 1971 draft, with slight changes which do not alter their substance. One strengthening change of importance that was made is that the Permittee is required to abate any condition existing with regard to the construction, operation or maintenance of the pipeline that causes *or threatens to cause* harm or damage to any person, structure, property, land, aquatic or other resource. A second change is that the restoration provision now extends to harm or damage caused by construction, operation, maintenance *or abandonment* of the pipeline. In addition, the bonding requirement (section 1.8) has been revised to call for a larger bond.

5. The fifth proposed revision deals with the sections of the stipulations pertaining to culverts and bridges. The January 1971 draft contained the following provision (section 4b of the Technical Stipulations, p. 9):

"b. For culverts and bridges:

"(1) Design for all culverts and bridges on pads and roads necessary for maintenance of the Pipeline shall be in accordance with criteria established by the American Association of State Highway Officials and the Bureau of Public Roads and endorsed by State of Alaska, Department of Highways, to accommodate a 50-year flood or the greatest flood of record, whichever is greater."

The section was changed in the September 30, 1971, draft (sec. R.4.a.iii, p. 46) to read as follows:

"iii. For culverts and bridges:

"Design for all culverts and bridges on pads and roads necessary for maintenance of the Pipeline shall be in accordance with criteria established by the American Association of State Highway Officials and the Federal Highway Administration and endorsed by the State of Alaska, Department of Highways, to accommodate a 50-year flood."

In the December 15, 1971, draft, it appears as follows at section 3.6.1.2.1. (pp. 52, 53):

"3.6.1.2.1. Culverts and bridges necessary for maintenance of the Pipeline, shall be designed to accommodate a 50-year flood in accordance with criteria established by the American Association of State Highway Officials and the Federal Highway Administration and endorsed by the State of Alaska, Department of Highways."

The significant proposed change is the deletion of the reference to "the greatest flood of record." "The greatest flood of record" is a technical term referring to a measured value, dependent upon actual flood records. It does not provide a valid basis for design in areas where flood records either do not exist or exist only for short-term periods. That is the situation in Alaska and therefore the suggested revision was made to conform with design criteria that are valid in that situation.

6. The sixth proposed revision concerns the section dealing with erosion. In the January 1971 draft, that section of the Technical Stipulation (4. c., at page 10) provided as follows:

*"c. Erosion*

"Erosion control methods shall be designed on the basis of and to accommodate, the runoff produced by the maximum rainfall rate and snow melt rate combination reasonably characteristic of the region. The design shall also accommodate effects that result from thawing produced by flowing or ponded water on permafrost terrain.

In the September 1971 draft, it appears as follows (at R.4.b. page 47):

*"b. Erosion*

"Erosion control procedures shall accommodate and be based on the runoff produced by the maximum rainfall rate and snow melt rate combination reasonably characteristic of the region. The procedures shall also accommodate effects that results from thawing produced by flowing or ponded water on permafrost terrain."

Comparison of the two sections reveals that the later one is not weaker; on the contrary, it is stronger. The current version appears at section 3.6.2 of the December 15, 1971, draft as follows:

"3.6.2 Erosion.

"3.6.2.1 Where necessary because of outfall erosion, stilling basins shall be constructed at the outflow end of culverts. To prevent erosion the pool sides shall be stabilized with riprap or other appropriate methods.

"3.6.2.2 Slopes of cuts through stream banks shall be designed and constructed to minimize erosion and prevent slides.

"3.6.2.3 Erosion control procedures shall accommodate and be based on the runoff produced by the maximum rainfall rate and snow melt rate combination reasonably characteristic of the region. The procedures shall also accommodate effects that result from thawing produced by flowing or ponded water on permafrost terrain."

In conclusion, the changes in question were made to strengthen and clarify the stipulations and make them fully enforceable. This was done in accordance with the continuing instructions of the Secretary. The Review Team has not yet completed its review and the stipulations are still in draft form. If the review discloses any weaknesses, they will be remedied before the proposed stipulations are presented to the Secretary for his consideration.

John J. McHale,
*Assistant Solicitor Member,*
*Stipulation Review Team.*

## A PLEA FOR THE COMMUTATION OF SENTENCE OF JANICE MARIE GREEN, A 14-YEAR-OLD CHILD

## HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. THOMPSON of Georgia. Mr. Speaker, I request that the material concerning the case of Janice Marie Green be submitted for entry in the Congressional Record.

I have sent a copy of the enclosed in a Dear Colleague letter to all the Members of Congress. However, because of the tremendous amount of interest this letter has created, I would like for all not just Senators and Congressmen to have the opportunity to read the enclosed which relates to the problem of forced busing of our school children.

The material follows:

### A Plea for the Commutation of Sentence of Janice Marie Green, A 14-Year-Old Child

It is Christmas. . . . A time of Love. . . . A time of Charity. . . . A time when even those who have committed crimes against the state and against the people are looked upon with brotherly love and released from their sentence.

I ask for the release from sentence of Janice Marie Green, an innocent fourteen year-old girl, who has committed no crime, other than that of being born white.

Janice Marie Green is being forced to ride a school bus twenty miles a day in an act perpetrated by the Muscogee County School Board and its Superintendent of Schools of Columbus, Georgia, that is nothing other than arbitrary, discriminatory, and capricious.

Janice Marie Green is not a racist.

Janice Marie Green does not object to integration, but she and her family do object to her being bused twenty miles a day when she is almost within walking distance of an integrated school right near her home (a school which she attended last year and had been accepted in for this year), and when she is forced to ride the bus past six other integrated schools to arrive at the one "selected" for her by an arrogant, uncouth Superintendent of Schools who cloaks himself with the wealth and power of the appointed school board, composed of 15 appointed, elite members, most of whom either have no children in school, or have their children in a private school.

Why do I use such terms as arrogant and uncouth?

The Superintendent (who lives in an exclusive white neighborhood) has told parents that his burden would be easier if: (1) people would be kind enough to live in neighborhoods in a ratio proportionate to the black/white ratio of school children; and (2) mothers would push the pill and stop overcrowding the schools. What adjectives would you use to describe such a man?

Janice Marie Green should be completing her eighth grade studies at Rothschild Junior High School this school year. Her father asked the local school board to reconsider the assignment of his child and to be heard by the local school board as provided by law. In a mockery of justice, the school board, giggling, snickering and rushing towards other appointments, refused to grant Janice Marie Green her rights to attend the school nearest her home which had not yet filled its "quota" of white students, according to a plan adopted by the school board. Rothschild has not yet filled its white quota. It is the nearest school to Janice Marie Green's home. But the superintendent and the school board refused to let her complete her eighth grade studies there.

Following the rights guaranteed to him and to his child by the Constitution, Janice Marie Green's father appealed his case to the State Board of Education. He was officially notified that his case would be heard on December 16, 1971. Dropping all other matters, he came to Atlanta to tell his story. But before he had an opportunity to speak, the State Board—in an action that smacks of collusion with the local board, and which could turn out to be a conspiracy to deprive Janice Marie Green and her father of their civil and constitutional rights—literally went into a closet in "executive session" and voted not to let Mr. Green speak, claiming, and wrongly so, that they had no jurisdiction of the case.

Janice Marie Green's father is not through fighting for his child. He carries a heavy burden. He fought on foreign soil for his country. Now he asks his country to join him in fighting for the rights of his child. Several years ago, Janice Marie Green and her two brothers were walking to school, and at an unguarded school crossing, which should have been guarded, Janice Marie Green saw her two brothers struck down by an onrushing car and hurled to their deaths. Shortly, after that, Janice Marie's sister died.

Janice Marie Green's father has many avenues to travel in seeking to correct the arbitrary assignment of his child. All of them are costly.

He can enter court and attempt to force the State Board to hear his case and to render a decision.

He can bring his action into federal court to attempt to force the local school board to assign his child properly.

He can put his child in private school.

Janice Marie's father can afford none of these.

And so I come to you at Christmastime and ask for your help. The power to act is the greatest power you possess. Certainly if you can commute the death sentence of a criminal at Christmastime, you surely can commute the sentence of this innocent victim by having her placed in Rothschild, the school she should be attending. This executive action is warranted by the hardship endured by this child and her family.

It has been said that Freedom is neither free nor necessarily forever. It can be lost just as permanently by apathy as it can by the forces of war.

Janice Marie Green's father is fighting for her freedom. You have the power to help him. You can help fight for this American girl's rights—and ultimately your own—or you can let them fall by the wayside.

Will you help?

Lee Miller,
(A friend of Janice Marie Green.)

## PRESIDENT SHOULD BE COMMENDED FOR HIS GREAT ACCOMPLISHMENTS

## HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. DEVINE. Mr. Speaker, I have here two columns, one from the Cincinnati Enquirer and one from the Indianapolis Star. Both were written by Jeffrey Hart, ideological conservative. Mr. Hart maintains that the performance of the Nixon administration has been highly productive and in the best interest of the American people. Equally significant, he comments on the importance of withholding judgment until a program or action has progressed to the point where it is worthy of judgment.

The Nixon administration has made a great contribution to this country and the entire free world. It is my contention that the President should be commended for his great accomplishments.

I enter the two columns for your consideration:

[From the Indianapolis Star, Dec. 16, 1971]

### Points of Rebelling Conservatives

(By Jeffrey Hart)

In a recent column I reported on the case a great many conservatives are making against a second term for President Nixon. According to those arguments, it now seems likely a conservative Republican will run against Mr. Nixon in New Hampshire. But what answer can be made to the points the rebelling conservatives are putting forward?

1. It is by no means certain, to say the

least, that the Supreme Court nominees of Humphrey, Muskie or Kennedy would be about as acceptable as Mr. Nixon's. After all, from LBJ we got Thurgood Marshall—a knee-jerk liberal—and we almost got Abe Fortas as chief justice. The Supreme Court is a vital battleground, and there Mr. Nixon has been resolute.

2. On civil disruption Mr. Nixon and his Justice Department have been excellent. Mitchell and Kleindienst took a firm stand on the May Day disruptions, and the underground has been relentlessly harassed. Ask the Berrigans. With great ingenuity, Federal prosecutors have been using the grand jury system to keep maximum heat on the would-be revolutionaries. Conservatives can take great comfort from a glance at the liberal journals like the New Republic and from radical ones like the New York Review of Books or Ramparts. The screams there are deafening. The left is under no illusions about the administration's intentions.

3. At the beginning of a Tale of a Tub, Jonathan Swift tells about the barrel sailors used to throw overboard to distract a hostile whale. In my opinion, both Mr. Nixon's economic controls and his Family Assistance Plan are barrels. At the time he instituted the economic controls, Mr. Nixon was under intense pressure from the Democrats on the economic issue. His earlier "game plan" was making headway against inflation, but not nearly enough to be politically visible. Senator George McGovern had dropped the war as an issue and was hammering away at the economic issue. Mr. Nixon himself told me that the Republicans are peculiarly vulnerable on the economic issue. Memories of the depression linger. Therefore his new economic ploy, which has completely defused the issue. The beauty of the ploy is that so little of the economy has really come under control, and that, doubtless, on a temporary basis.

What about FAP, which justifiably outrages conservatives? Another barrel, I think.

During the 1968 campaign, Mr. Nixon tossed out a barrel in the form of a proposal for a "new coalition." It supposedly would consist of all who desired freedom from government interference—states righters, black-power types, free-market businessmen, do-your-thing youth. No sophisticate, least of all Mr. Nixon, took the idea seriously at all. It was urely diversionary, something for the pundits to write about.

FAP is surely another such "fascinating idea," and it helps keep some otherwise anti-administration political groupings at least partly demobilized. Nevertheless FAP is a barrel. Rhetoric aside, the administration's political backing for FAP has been zero, and it was one of the first things sacrificed in the new economic policy.

4. Which leaves foreign policy, particularly Peking and Taipei, and national defense. But that discussion requires a separate column.

[From the Cincinnati Enquirer, Dec. 24, 1971]

### ASHBROOK VERSUS NIXON

(By Jeffrey Hart)

With the surfacing of a prospective New Hampshire primary campaign by Rep. John Ashbrook, the conservative rebellion against the policies of the Nixon administration begins to take on political substance. Ashbrook might do well in New Hampshire. He would be strongly backed by the Manchester Union Leader, which is generally agreed to be influential with some 20% of the voters—though, to be sure, about half of that 20% probably vote in the Democratic rather than in the Republican primary. In addition, the rebellious Conservative Party in New York State clearly has the ability to hurt Mr. Nixon.

This is a good time, therefore, to examine the two most serious conservative grievances: national defense and Taiwan.

On the vital matter of national defense I think that a final adverse judgment is still premature.

It is true that the Soviet Union has closed, or is about to close, the nuclear gap, and that current trends projected into the future would give the Soviets clear superiority by 1976.

At present, however, the Nixon administration is testing the assumption that the Soviets, having achieved parity or something like it, might be willing to settle for detente and a realistic arms limitation. Is it true that such a resolution is now perceived by both sides as being in their national interest?

Naturally there must be a time limit on this testing period. And here the signals given by the administration are encouraging. Despite liberal outcries, it went ahead and MIRVed Minuteman and Poseidon. It went ahead with Safeguard. And it now seems to be prepared to advance the date of the new long-range submarine missile system acronymed ULMS.

The anti-Nixon conservatives must argue, therefore, either that (a) the possibility of detente should not now be explored, or (b) that someone other than President Nixon—Senator Muskie or Senator Kennedy, say—ought to do it. I myself am not ready to support either assertion.

Where Taiwan is concerned the intentions of the administration are not yet clear. Was the adverse UN vote an administration blunder or, rather, a result which the administration desired and brought about in a Machiavellian way? Unlike William Rusher, publisher of National Review, I tend to favor Machiavelli. The presence of Henry Kissinger in Peking at the time of the UN vote was simply too obvious an indication of priorities to have been accidental. As far as the UN is concerned, Mr. Nixon sprang the trapdoor under Chiang Kai-shek.

But what does this mean? Not necessarily that we are abandoning Taiwan. What matters is what we do—not what the UN does.

The UN operation, therefore, should be viewed merely as a clearing of the boards prior to the talks in Peking. In the long run, the future of Taiwan will depend upon the kind of settlement, if any, that it is possible to work out in the Pacific, and many scenarios are now possible, not necessarily to the disadvantage of Taiwan. In any event, given shifting political equations, no U.S. President can be expected to pursue a Taiwan-first foreign policy.

On both of these serious and controversial issues, therefore, it seems to me that conservatives should assess policies by their results. And on both the results are not yet in.

## LAWRENCE J. BLYTHE

## HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. SHRIVER. Mr. Speaker, Mr. Lawrence J. Blythe, a distinguished Kansan with an impressive record of achievement in many areas, recently was taken by death. It was my privilege to serve with Mr. Blythe during my years in the Kansas House of Representatives, and to continue working with him when I served in the State senate.

His interests and his accomplishments were many. He did much to assist the farm economy of Kansas. He was a leader in the campaign for better highways and construction of the Kansas Turnpike. He was in the forefront of the effort to expand rural electrification. Lawrence Blythe will be missed by all of us in Kansas.

Mrs. Shriver and I join in extending our heartfelt sympathy to Mrs. Blythe and to the citizens of his hometown of White City upon their great loss.

Under the leave to extend my remarks in the RECORD, I include the following editorial from the Hutchinson, Kans., News which appropriately eulogizes Mr. Blythe:

### LAWRENCE J. BLYTHE

Legislative old-timers recall Lawrence J. Blythe of White City with a bit of awe, coupled with a sigh that we don't seem to produce them like that any more.

Mr. Blythe died the other day, at the age of 82, but he left behind a public record that will live for years.

He received his prominence as boss of the House agriculture committee, and then as head of roads and highways. He headed the group that expanded rural electrification in Kansas. He then settled into running the Kansas Turnpike Authority with a rare combination of foresightedness and practicality.

One regrets he isn't around to tackle the Governor today on the subject of economy, a matter dear to Mr. Blythe's heart before it became a partisan football.

A big man, gruff in talk, with amazing vigor, he always let you know where he stood. And why. At the same time, he had an uncanny knack for dealing with both the legislators and the public.

He was a rare one.

## SHE BELIEVES IN WOMEN

## HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. GIAIMO. Mr. Speaker, New Haven, Conn., has been fortunate in having Ella Scantlebury as its treasurer for the past 11 years. One of the first black city officials and one of the first black women officeholders in the Nation, Mrs. Santlebury has now retired from that position, although she continues to maintain an active work, civic, social, and family life.

This Friday many of Ella's friends will honor her at a testimonial dinner. I know her friends and associates will feel, as I do, great respect and admiration for a woman who gave her best effort to city government, who was a pioneer in breaking-down artificial barriers to Government service, and who was and is a very warm and considerate human being.

The article follows:

### SHE BELIEVES IN WOMEN

(By Marion McDonald)

When she answers her telephone these days she says:

"Ella Scantlebury, retired"—or so she'd have you believe.

"I'm afraid they'll give me another job to do," she explained with a chuckle.

The first black elected to public office in New Haven she served as city treasurer for 11 years following her appointment in 1961 by then Mayor Richard C. Lee. She filled a vacancy caused by the death of Mrs. Mary Grinold. In each of the following five elections she campaigned and won her office handily—once polling more votes than the mayor.

Behind the bright red front door of a one-family house on Admiral Street, near the Dixwell Community Center, Mrs. Scantlebury lives with memories of years of service to the community and the city. But she doesn't live in the past. She continues her two-day-a-week job as manager of Yale's Scroll & Key, one of the university's secret societies, a post she's held for 16 years. She guards their secrets well and refuses to tell even the number of members.

"I'm very happy there. I've met some of the finest men in life there and I'm devoted to all the boys who come in," was all she would say.

Ask her about today's woman and she has an opinion and gives it to you quickly and directly:

Although she has her doubts about a woman mayor—"unless she was very well qualified," Mrs. Scantlebury is all for women in politics.

"Women in politics is the best thing that ever happened. Women have been kept back. They received degrees and turned into housewives. What's the use of having an education if you can't use it? Especially black women today are receiving better educations and going on to careers, and into politics," she said. "I'm not downing men and I'm not a women's liberationist, but there's a quality women have that makes it possible for them to face things—they have confidence in themselves and that's good in politics."

### MEETING THE PRESIDENT

Speaking of the high points of her career, the former treasurer recalled a trip to the White House with Lee regarding a grant for New Haven.

"I met President John F. Kennedy and his brother, Bobbie. They were so gracious. We talked about my being the first elected black city official and one of the first black women office holders in the country. I was charmed."

She also found it fascinating to visit a bonding company in New York City where certificates are prepared for cities selling bonds.

"There was one pen arranged to guide other pens so that 18 bonds could be signed at once. Officials from all over the country were signing bonds and it was interesting to meet them. There are only two places like it in the country—one in New York and the other in Chicago. We signed about $3.5 million in bonds for the newest garage and about $19 million for the coliseum."

She is reticent about comments on modern day politics and astutely side-steps questions on leadership in the black community, but she thinks the caliber of party workers is improving.

"People are not going to stand for the things that used to happen. I think politics are cleaner now—more young workers are college graduates—they are more aware. Years ago we didn't have the privileges of education.

"But I think life then was quieter—sweeter—things can't stay the same, however. We all get older and our lives change." She refused to run in the last election so a younger person could have the experience, she explained.

### MORE BLACKS IN POLITICS

She's glad to see more black people in politics and accepts ethnic representation on a party ticket as a fact of life.

"The way things are now you have to have it. The blacks are tired of having all whites on the ticket. I was proud and honored to represent black people."

A native of London, England, the former city treasurer was the World War I bride of the late L. B. "Burt" Shantlebury, a sergeant in the British Army.

The couple came to the United States in 1919 and he accepted a position he was to hold for 32 years as steward of Chi Psi fraternity at Yale. His wife became a U.S. citizen in 1941 but she'd already become involved in local politics. She campaigned for Mrs. Laurabelle McCoy who was running for alderman in 1941 and found politics "hard work but rewarding."

Because she was interested in doing something for her community she accepted the job of chairlady for the 19th Ward. Although there were few Democrats in the ward at that time, she is proud that during her 18 years in the post the ward was only lost to the Republicans twice.

It was her job to line up campaign workers for door-to-door interviews and to report to party headquarters the feelings of the voters.

"Every November we campaigned," she said. "We went out and met people. We rang every doorbell and people got to know me. People today don't know the politicians. We didn't have any trouble getting the people out to vote."

Mrs. Scantlebury is a great admirer of former Mayor Lee. She thinks he is one of the best in New Haven's history and has done more for minority people than any other chief executive in the nation. She recalls happily her association with his administration.

"I never expected to hold such a post," she recalled. "When I was a little girl in England, I never thought of such a thing. I was very proud although the post of treasurer is mostly honorary."

When she began to campaign for herself she attended meetings in every ward. She said she felt good about the nice invitations she got to speak, adding that "being black made her especially appreciative" of the nice letters. Although she'd never experienced any discrimination in her childhood, she said she was always "aware that she was black."

Her campaign tactics? "If you're going to hold office you have to get to know people. I don't believe in knocking other candidates. Don't worry what other people are doing; let the voters see what you can do and get your own plans underway."

### CAMPAIGN PROMISES

As for campaign promises, she thinks some of them are "very bad."

"They don't seem to get anywhere and they're very seldom fulfilled," she added.

A subject the former officeholder is eloquent on is her three great-grandchildren, Lawrence, 7; Andrea, 6, and Tara Gorham, 5. A huge family of dolls on a bed and a giant mechanical man in the sitting room are proof that they visit her often. They attend nearby St. Martin School so its easy for them to drop in, great-grandma explained.

"They are the highlights of my life," she admitted. "I just love them."

### NEW NEIGHBORS

How does she feel about the changes she's seen in New Haven and her neighborhood?

"I wouldn't change where I live for the world. I know too many people in the neighborhood and everybody knows me; it's near a bus line so I can get downtown. In the summer I fix up my porch and enjoy sitting outside. I don't feel alone. Some of the old neighbors have moved but new ones move in. My roots are here and here's where I'll stay."

Those friends and neighbors will honor her at a testimonial on Friday at Vallee's Steak House in West Haven.

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## THE UNITED STATES SHOULD WITHDRAW FROM THE UNITED NATIONS

### HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. ROUSSELOT. Mr. Speaker, the following resolution was adopted by the 49th Assembly District of the Republican Central Committee in California, which is primarily located in the 24th Congressional District—the members of this committee stand for election every 2 years.

This resolution urges that the United States withdraw from the United Nations and that the United Nations be moved out of the United States. The United Nations has not been effective in resolving world crises, and its presence in the United States does nothing but expose our Nation to problems such as espionage and narcotics smuggling. The United Nations failed to resolve problems in the Middle East and, more recently, has demonstrated its ineptness as a mediating body in the India-Pakistan conflict.

Our Nation's citizens need to be informed about the absurdness of the United States continuing its support of the U.N. and for this reason, I am bringing this resolution to the attention of my colleagues. A similar resolution was also passed by the 25th Congressional District Republican County Central Committee.

The resolution follows:

### RESOLUTION

Whereas the participation of the United States in the United Nations has been a doubtful venture from the conception, and

Whereas the United States has paid 40% of the expenses of the United Nations completely out of line based upon our population, and

Whereas since the United States in good faith helped in founding the United Nations for the purpose of world peace, the United States has been involved in two as yet unsettled wars in which 100,000 American soldiers gave their lives and 500,000 have been wounded, not to forget the many POW's, and

Whereas since the United Nations was founded in 1945, one billion people have been forced to live under totalitarian government, and

Whereas we believe the people of the 49th Assembly District would want the 49th District Republican County Central Committee to take a firm position in this matter,

*Now therefore be it resolved:* That on behalf of the American people we respectfully ask our elected leaders to get the United States out of the United Nations and the United Nations out of the United States.

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## WESTINGHOUSE BUILDING WINS PITTSBURGH BOMA AWARD

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. MOORHEAD. Mr. Speaker, recently I had the pleasure of participating in the first annual David L. Lawrence Building of the Year Award ceremonies which were sponsored by the Building Owners and Management Association in Pittsburgh.

Named for that great civic servant and public official David L. Lawrence, who served as mayor of Pittsburgh and Governor of the State of Pennsylvania, the award is given to that structure in our city which most expressed, asthetically and architecturally, the constructive sentiment of our dynamic community.

This year the winner was the new Westinghouse Electric Building, located in our city's Golden Triangle.

In announcing selection of the Westinghouse Building, the judges said that—

> The Harrison and Abramowitz design was a very strong expression of the resurgence of the Pittsburgh central business district. Its dramatic impact from the westerly approaches to the city serves as a constant reminder of the growth and dynamism of Pittsburgh.

It is significant that a contest measuring architectural progress and beauty has been named for David L. Lawrence. He, more than any other individual, did more to turn Pittsburgh, the "Smoky City" of the 1940's, into the clean, gleaming expanse of skyscrapers, apartments, parks, and workplaces, that is our city today.

I introduce into the RECORD at this time an article which appeared in the Pittsburgh Chamber of Commerce magazine, telling of the BOMA ceremonies:

### WESTINGHOUSE BUILDING WINS DAVID L. LAWRENCE AWARD

The Westinghouse Building, newest and last of the buildings developed by the Equitable Life Assurance Society for Gateway Center, has been unanimously selected for the David L. Lawrence Building-of-the-Year Award, sponsored by the Building Owners and Managers Association (BOMA) of Pittsburgh.

The 84-year-old Triangle Building and the 61-year-old Henry W. Oliver Building, both in downtown Pittsburgh's central business district, received honorable mentions in the judging.

The contest, inaugurated this year as an annual event, honors the late David L. Lawrence, former mayor of Pittsburgh and governor of Pennsylvania, who with General R. K. Mellon formed the unique alliance between business and government that produced a far-reaching program of inner-city redevelopment which became known as Pittsburgh's "Renaissance."

Gateway Center and adjoining Point State Park, once a slum area of ramshackle buildings, old warehouses and unused railroad tracks before Equitable acquired the site from the Urban Redevelopment Authority established by Mayor Lawrence in 1946, is now an attractive expanse of broad plazas, skyscrapers, fountains and gardens along the confluence of the Monongahela and Allegheny Rivers on the tip of Pittsburgh's Golden Triangle.

In announcing the awards, Ernest U. Buckman, chairman of the Building-of-the-Year Committee, called the selection of the Westinghouse Building especially fitting since it marked the completion of Gateway Center and the culmination of the project first envisioned by Mayor Lawrence back in 1946. Commemorating the selection, The Honorable W. S. Moorhead, Jr., U.S. congressman and guest speaker at the annual BOMA Light-Up Night Banquet, presented a newly designed plaque to Equitable vice president and general manager of Gateway Center, W. F. Mueller.

No specific criteria were established for judging, but comments of the judges indicated that their decision was based on esthetics, innovative construction and mechanical features, efficiency of management and character of tenancy.

In announcing selection of the Westinghouse Building, the judges said that the "Harrison and Abramowitz design was a very strong expression of the resurgence of the Pittsburgh central business district. Its dramatic impact from the westerly approaches to the city serves as a constant reminder of the growth and dynamism of Pittsburgh."

Some unusual features of the Westinghouse building drew particular comment. Integrity of design was cited for the building's distinctive appearance which is so compatible with the broad plazas and attractive vistas of the Center, and architecturally harmonious with other buildings in the development.

Operation of the building, reflecting Westinghouse's chief manufacturing interest, is totally electrical. No other source of energy has been used.

A Westinghouse developed water-cooled fluorescent lighting system reduces the air conditioning load in summer and puts heat from the fixtures to work in winter. It marks the first use of such a system anywhere.

A modular wall system, also developed by Westinghouse, can be taken down, moved and re-erected easily, quickly and inexpensively, permitting complete flexibility of occupancy as business requirements change from time to time.

Wide corridors, open to the exterior through large windows on all four sides of the building, present an almost constant panorama of rivers, hills, plazas, fountains, gardens and the impressive skyline of the city.

Suppliers to the Westinghouse Building represent an imposing roster of local Pittsburgh industries. Largest single supplier of mechanical and electrical equipment was Westinghouse itself with elevators, electric stairways, heat exchangers, motors and controls, transformers, switchgear, refrigerators, water coolers, and other systems and components as well as lighting fixtures and modular walls.

Structural steel came from American Bridge Division of U.S. Steel Corporation. Curtain walls and subflooring duct systems were supplied by H. H. Robertson Company. PPG Industries provided all glass and glazing. George A. Fuller, Inc., was the general contractor; Schneider, Inc., the mechanical contractor; and Lord Electric Company, the electrical contractor.

Surprise selections in a city noted for its "building renaissance" were the two older buildings which received honorable mention. The judges, however, were greatly impressed by the delightful old Triangle Building. "It takes real courage to effect the extensive renovation and interior modernization of so old a building. Yet by so doing, Kenneth Goldsmith, president of K. Goldsmith & Co., deserves considerable credit for recognizing and preserving the building heritage of Pittsburgh."

The stately Henry W. Oliver Building was praised as "exceptionally well-managed with an unexcelled character of tenancy that reflects the quality of its 60-year ownership by the Oliver Tyrone Corporation."

Judges for the awards were Laurence C. Wolfe, American Institute of Architects; Edgar J. Driscoll, Jr., American Newspaper Publishers Association; and John Robert White, American Institute of Real Estate Appraisers.

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## COURTESY FOR THE NONSMOKER

## HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. YOUNG of Florida. Mr. Speaker, in a recent survey conducted by the Government, it was found that over 43 percent of all airline passengers felt that smokers should be separated from nonsmokers while traveling on airplanes. The sizable minority includes a great many smokers as well as almost all the nonsmokers surveyed.

In an era when the rights of neglected minorities are being so strongly advocated, I think it is time that Congress rallied to the defense of the nonsmoker. A recent study released by the Surgeon General has proven that the effects of prolonged secondary smoke inhalation can cause serious damage to the health of nonsmokers who are forced to inhale the noxious fumes of a nearby smoker. Why, then, should these people who have voluntarily chosen not to subject their bodies to the detrimental effects of smoking, be involuntarily subjected to the same while traveling in public transportation.

In view of all these facts, I am calling for prompt action on H.R. 4776, my nonsmokers relief bill, which is currently before the House Interstate and Foreign Commerce Committee. This legislation provides a workable and just solution to this problem, for while it calls for separate areas for nonsmokers on planes, trains, and buses, it in no way causes a hardship on the rights of the smoker.

The Christian Science Monitor recently published an editorial which vividly depicts the abuses which nonsmokers are continually subjected to while traveling aboard public transportation. Although, as the article states, several companies in the transportation industry have voluntarily adopted the requisites of the Nonsmokers Relief Act, and in doing so have met with great success, there is no reason why all passengers should not have the same protection of their rights. If nothing else, it is a simple and long-overdue courtesy to the nonsmoker.

For your further information, I have taken the liberty of enclosing the article from the Christian Science Monitor:

### COURTESY FOR NONSMOKERS

(By Clive Lawrance)

NEW YORK.—Two men get into a Long Island Rail Road coach. One of them lights a cigarette and blows a pall of smoke. The other says, "Would you mind not blowing your smoke over me?"

"Where do you expect me to blow it?"

"I don't care where you blow it, buster. . . ."

The argument escalates and before long the men are exchanging blows. The police are called.

Smoker-nonsmoker confrontation, not always so extreme, is not confined to railroads but is to be found on airlines and in other public places as well. It stems from a basic issue of individual rights raised in a report on smoking just issued by the U.S. surgeon general.

The report referred to possible harmful effect on nonsmokers due to carbon monoxide and other substances in tobacco smoke. The passenger who challenges the smoker beside him—or complains to conductor or stewardess—is more likely to be just plain irritated by all that smoke. He feels his own rights are infringed. And his numbers are increasing.

### FRICTION BLOWS OVER

Long Island Rail Road officials say there were constant altercations and many fist fights between smokers and nonsmokers—until seven months ago.

Now, they say, all is changed. Smokers and nonsmokers are riding their trains happily. Seven months ago the railroad had a policy of allowing smoking in every second car. But apparently there were more nonsmokers, or even smokers did not like traveling in fume-filled cars.

After continuous trouble and widespread complaints the railroad took a survey.

The result was an "overwhelming vote for no smoking or curtailed smoking," said a railroad spokesman.

The railroad now reserves only two cars—the first and last—for smokers.

This policy was started in spring last year, and after a small flurry of complaints from smokers the railroad reports it has worked well.

### PENN CENTRAL POLICY

A spokesman for the Penn Central Railroad said that for as far back as he could remember the railroad has reserved 12 out of 16 cars for nonsmokers. In recent years, however, smoking or nonsmoking cars have been more clearly designated.

He said the policy is working well. Penn Central has had very few complaints. If people smoke in nonsmoking cars they are generally told to stop by the conductor.

He said he does not think the surgeon general's report will alter Penn Central's policy.

A Connecticut man who has ridden the trains for 20 years told this correspondent that there is "less and less smoking. It's not the problem it used to be." He thinks the change began about two years ago, and following a Penn Central questionnaire about a year ago, it was his impression that railroad officials had become "more sensitive to nonsmokers' demands."

However, another correspondent for this newspaper who rode from New York to Boston recently found that conductors may not always enforce the rule. When a cloud of smoke wafted over her chair she asked the two smokers responsible if they knew they were in a nonsmoking car.

They replied, "Yes, but the conductor told us it would be all right to smoke."

American Airlines says it reserves about 50 percent of seats for nonsmokers. When a passenger reports at the gate he is asked his preference. This policy was started 1½ years ago in the jumbo 747's and extended to all aircraft a few months later, as it proved very popular.

An airline spokesman says American has had no complaints. He said the airline would increase the proportion for nonsmokers if more people asked for it.

Trans World Airlines has reserved seats for nonsmokers for the past year. The number varies with each aircraft and flight, but the proportion generally favors the smoker. Trans World has had no complaints, a spokesman said.

Passengers are asked their preference and there are normally "ample seats available in nonsmoker areas.

The TWA spokesman said that, since airplane air-conditioning systems prevent smoke from drifting to nonsmoker seats, he does not think the surgeon general's report will affect the airline. An American Airlines spokesman took the same position.

Eastern Air Lines does not have segregated seats for smokers and nonsmokers. Eastern's engineers figure that efficient ventilation obviates any harmful effects from fumes. However, anyone sitting next to a smoker and wishing to move is given courteous consideration by stewardesses, said a spokesman, himself an avid non-smoker. He could not recall having had any complaints from nonsmokers flying Eastern.

Pan American World Airways has provided seats for nonsmokers for the past two years. On the 747, 20 out of 299 seats are set aside for nonsmokers in the economy section, and 6 out of 38 in the first class.

Though the proportion favors the smoker Pan Am officials say the policy is working well. The proportion of nonsmoker seats in other Pan Am aircraft varies, but is in general slightly higher than that in the 747's.

Pan Am does not have plans to change this policy.

United Air Lines, said a spokesman, feels its policy of making about half the seats available to nonsmokers has worked well for six months. No change is planned.

At the moment Braniff International Airways has nonsmoking seats in its 747—12 out of 40 seats in first class and 35 out of 300 in economy class. This is flexible, however, and more nonsmoking seats can be made available if requested.

This policy has been working well, the airline says, for 1½ years.

There are no nonsmoking seats in Braniff's other aircraft, spokesmen say, as there does not seem to be a need for them. If a need is clearly indicated, they add, seats for nonsmokers could be provided.

All airlines contacted for this survey said the surgeon general's report does not affect their policies. They said that the ventilation system in aircraft is so efficient that it prevents drifting smoke.

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## NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

## HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. WHITEHURST. Mr. Speaker, in an effort to help communicate bicentennial activity I am inserting into the RECORD the weekly news bulletin compiled and written by the communications committee staff of the American Revolution Bicentennial Commission—ARBC:

AMERICAN REVOLUTION BICENTENNIAL COMMISSION NEWS BULLETIN, JANUARY 24, 1972

President Nixon said in his State of the Union address last week that he would propose bold new plans for the physical and social development of Washington, D.C. as part of the nation's bicentennial. "In this and other ways we will make that celebration both a fitting commemoration of our revolutionary origins and a bold further step to fulfill their promise," the President told Congress.

The Baltimore Sun reported last week that planning has begun for Baltimore's 1976 national bicentennial celebration with indications that city fathers will push for completion of the showcase inner harbor phase I and parts of the downtown metro center by that time. Mayor Schaefer has announced that Walter S. Orlinsky, city council president, will coordinate the city's bicentennial efforts. Mr. Orlinsky stated he plans to make the celebration in Baltimore "a year-long city fair" with participation of both local ethnic groups and their national counterparts.

ARBC philatelic advisory panel chairman John C. Chapin, special assistant to the Secretary of Housing and Urban Development, announced that at the third business meeting on January 17, panelist Fred Korotkin revealed that the American unit of the American Topical Association is preparing a world-wide list of stamp issues relating to the bicentennial. Panelist Jacques Minkus discussed the book he is publishing on people and places that have contributed to the American heritage.

The York County (Va.) citizen's group to plan the bicentennial in coordination with the Virginia Peninsula action team (P–Bat) held an organizational meeting on January 19. The role of P–Bat is to stir local interest in the bicentennial. Organization at the county level is planned to involve youth and women groups, the military, civic organizations and businessmen, churches, town trustees, the park service and minority groups.

ARBC member Dr. Paul Smith recently told a California group, "the best way to profit from the occasion of our 200th birthday is to make a checklist of what we are, what we have, where we have been, and where we need to go." Dr. Smith continued, "when people think of 1776, they normally concentrate on places like Philadelphia and Washington, D.C. We must remember that lots of things were going on in California when the Declaration of Independence was signed."

The Rose Bowl Parade float representing the city of Montebello (Calif.) entitled "A Salute to 1976—200th Birthday" depicted the American flag and was made from flowers from every State in the Union. The Governors of all fifty States responded to the city's invitation to send a representative State flower. Montana's Governor, Forrest Anderson, attended the Rose Bowl and brought with him his State's contribution, some pressed bitter root, a spring blooming mountain wild flower. "There have been too many flag burnings and up-sidedown flags," Chairman Denton Guthrie of the Montebello Float Committee said. "We want to show everybody what a truly grand old flag it has been for the last 196 years and we are looking forward to its 200th birthday in 1976."

Two teenagers have been proposed by the town supervisor as members for the Oyster Bay (N.Y.) ARBC. If approved the youths will join the 14-member commission chaired by Dorothy Horton McGee of Locust Valley, N.Y. One of the youths is an American history Buff and was motivated by summer employment at the Bethage Village Restoration project.

Winterset, Iowa (Madison County) Future Farmers of America have established a program of beautification for the county. The program, called "Route 76" can be identified by the Interstate road sign in red, white, and blue, which the group has adopted as its logo. To date the FFA have torn down six wood frame buildings that were eye sores to Winterset; cleaned up miles of county highway, an effort which will continue through 1976; moved one abandoned auto off the roadway to the junk yard. The Iowa State Commission under the leadership of Bob Dillon, chairman, and Ken Fulk, Executive Secretary is encouraging the State FFA to adopt a similar program in all Iowa counties.

Representatives of the Denver Olympic Committee with Colorado Governor John Love are attending the Winter Olympic Games in Sapporo, Japan. The group will meet with the International Olympic Committee to report progress in planning, site selection, environmental research and the financial outlook for the '76 Winter Games in Denver. Meanwhile, it has been reported that another group calling itself "Citizens for Colorado's Future (CCF), a recently organized opposition committee, tentatively plans to send its own delegation to Sapporo to try to convince the IOC the games are not wanted in Colorado. CCF had written IOC Chairman Avery Brundage seeking a meeting to express its views, but the correspondence dated January 13, has not been answered.

The Association of General Contractors of America, Inc., whose membership exceeds 9,000 building contracting companies is considering enlarging their "Build a Beautiful America Program" to be a bicentennial project. They have invited the ARBC to acquaint their membership with the goals of the bicentennial commission at the next convention of the association, March 3–9, in Houston. The contractors represent another association who are getting involved.

The Virginia Independence Bicentennial Commission has approved a debate tournament at Williamsburg among high school debaters from the 13 original colonies as part of the national bicentennial commemoration.

The South Dakota Bicentennial Commission at their recent meeting revived a proposal to place an imprint of the Mount

Rushmore Memorial on the $2 bill if the U.S. Treasury decides to redevelop this now obsolete denomination. The commission feels that the suggestion would fit into the pattern of events scheduled for Mount Rushmore's bicentennial observance. They stated that it would be proper recognition nationally of the memorial's significance as part of the American scene.

A recent editorial appearing in the Buffalo (N.Y.) News on the bicentennial and the recent selection of Niagara Falls as a bicentennial city stated: "Since the invitation is out to all communities to plan their own suitable events, why shouldn't Buffalo and Erie County set about with some civic barnstorming—not to compete with Niagara Falls, but to focus on this region's historic role as a canal era gateway to the west, its key location on the world's longest stretch of undefended international boundary, or its significant early role in the air age? Or just as appropriately, why not some brainstorming by a suitable city-county committee of citizens to explore current metropolitan self-improvement goals or civil contributions—that might mark Buffalo as a focal point in a national rededication to advancement in the quality of life?" That's the spirit, Buffalo News!

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## END TO TAX SUPPORT OF HIGHER EDUCATIONAL INSTITUTIONS

### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. SCHMITZ. Mr. Speaker, in view of the great volume of mail we all receive, it may well be that many Members never saw, or do not now recall the very excellent letter sent last month to every Member of Congress from the Marine Corps Reserve Officers Association here in Washington, an organization to which I am proud to belong, along with a petition from the Association urging an end to tax support of higher education institutions which refuse to permit defense-related programs and activities to exist on campus, or fail to protect them from such harassment that they are unable to carry on effectively. This is exactly the kind of straight talk we expect from Marines—and every Member of this body ought to pay careful heed to it. For my part, I think we should do exactly what the Marine Corps Reserve Officers Association suggests.

MARINE CORPS RESERVE OFFICERS ASSOCIATION,
*Washington, D.C.*

DEAR CONGRESSMAN: Traditionally, the institutions of higher learning in the United States have made a unique and vital contribution to the security of our Country.

While other countries, differently conceived, have permitted their campuses to become sanctuaries for seditious mischief, American colleges have provided vast numbers of civilian educated military leaders in reserve, and conducted research of inestimable value to our national defense.

The role of these civilian oriented leaders in augmenting our armed services in times of need, and the stability their good influences have afforded this Republic, is, we believe, supremely significant.

Recent events on certain college campuses have, deplorably, indicated a departure from this worthy tradition.

Officer training facilities and programs have been destroyed and disrupted; recruiting representatives have been harassed and banished; defense related research has been intimidated and impeded.

Notwithstanding other acknowledged circumstances, we cannot hold blameless the college administrators where this has happened. If they have not been sympathetic with these dissidents, they certainly have been timorous and vacillating in dealing with them.

PETITION

Whereas, public institutions exist to serve the public interest; and

Whereas, public funds should be spent only to further that interest; and

Whereas, billions of dollars of tax-extracted monies are being appropriated for institutions of higher learning; and

Whereas, the national security of the United States is of the highest public interest.

Therefore, we the members of the Marine Corps Reserve Officers Association respectfully petition the Congress of the United States, to take every possible measure to ensure that the people's monies are not expended to institutions that fail to make their proper contribution to "'the common defense" of this Republic.

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## SUIT TO COMPEL ENVIRONMENTAL STUDY FROM DEPARTMENT OF TRANSPORTATION

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. BINGHAM. Mr. Speaker, I have this week joined with the environmental defense fund in a suit against Secretary of Transportation John A. Volpe, designed to compel the Secretary to file reports on the impact on the environment of forthcoming highway construction proposals, as required by Federal law—Civil Action No. 151-72, U.S. District Court, Washington, D.C.

The Federal Aid Highway Act of 1970 and the act of 1965 require the Secretary of Transportation to report his recommendations for the apportionment of funds and matching requirements for work on Federal-aid highway, the functional realinement of the Federal-aid highway systems, and his estimates of future highway needs of the Nation in January 1972. The Secretary's recommendations in the past have had a direct bearing on the highway legislation passed by the Congress.

In 1970, the Congress enacted the National Environmental Policy Act—NEPA—which directs all Federal Government agencies to "include in every recommendation or report on proposals for legislation and other major Federal action significantly affecting the quality of the human environment" a detailed statement on the environmental impact of the proposed project, including a statement of "any adverse environmental effects" and "any irreversible or irretrievable resource commitments."

The intent of the Congress in passing NEPA was to insure that before the Congress passes on legislation which significantly affects the environment, it have a detailed understanding of what that proposal will mean for the environment.

I have joined in this suit because I have been informed that Secretary Volpe will soon send to the Congress his highway report including recommendations for a continuing highway program to extend to 1990 but without any environmental impact statement.

In my estimation, no program has had a more immediate impact on the environment and health of Americans than Department of Transportation's highway construction program. This program has resulted in thoughtless misuse of precious land resources, disastrous air pollution, and unregulated consumption of a limited fuel supply, and has paved the way for traffic accidents in which thousands of Americans have been killed or seriously injured.

The Congress cannot make plans for any far-reaching extension of the construction project without detailed information on the impact it will have on the environment. A meaningful impact statement accompanying highway recommendations should address itself to evaluating the future effect such construction will have on problems such as urban decay and suburban sprawl, air pollution, land use and consumption of natural resources. As a Member of Congress, I need this information as a basis for legislation I intend to introduce relating to future highway programs and in order to make responsible judgments on such legislation coming before the House.

It appears that Secretary Volpe is following the Nixon administration's practice of ignoring instructions of Congress. The President has said he will not be bound by the Mansfield amendment and Secretary Volpe has chosen to ignore the requirements of the Environmental Policy Act. Both are breaking the law.

Therefore, I have decided to join in a law suit in Federal District Court for the District of Columbia against Mr. Volpe. That suit seeks a court order directing the Secretary of Transportation to include an environmental impact statement with each recommendation at the time of its submission to the Congress, and a declaratory judgment to the effect that each recommendation is required to include an impact statement so that the NEPA requirement will be clearly understood with regard to future submissions to the Congress.

Following is the text of the complaint and exhibits:

[In the U.S. District Court for the District of Columbia]

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Environmental Defense Fund, Inc., 1712 N Street, N.W., Washington, D.C. 20036, and Jonathan B. Bingham, 5000 Independence Avenue, The Bronx, New York and Edward L. Koch, 14 Washington Place, New York, New York 10003, Plaintiffs v. John A. Volpe, Secretary of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, Defendant—Civil No. 151-72

1. This is an action arising under 23 U.S. Secs. 101 *et seq.* (Highways); the Department of Transportation Act, 49 U.S.C. Secs. 1651 *et seq.;* The Highway Revenue Act of 1956, P.L. 84-627, as amended; the Federal Aid Highway Act of 1970, P.L. 91-605; the Act of August 28, 1965, 89-139; the National En-

vironmental Policy Act of 1969, P.L. 91-190, 42 U.S.C. Secs. 4321 *et seq.;* the Declaratory Judgments Act, 28 U.S.C. Secs. 2201-2202; and the Fifth and Ninth Amendments to the United States Constitution.

2. The jurisdiction of this Court is conferred by 5 U.S.C. Secs. 701-706 (Administrative Procedure Act); 28 U.S.C. Sec. 1331 (Federal Question); 28 U.S.C. Sec. 1337 (Commerce Clause); 28 U.S.C. Secs. 2201-2202 (Declaratory Judgments): and 28 U.S.C. Sec. 1361 (Mandamus). The amount in controversy, exclusive of interest and costs, exceeds ten thousand dollars.

3. Plaintiff Environmental Defense Fund, Inc. ("EDF") is a non-profit public-benefit membership corporation organized and operated under the laws of the State of New York. EDF's members are scientists, lawyers, and other citizens of the United States. Among its objectives and purposes, EDF is dedicated to, and its major activities are directed toward, the preservation and enhancement of the environment including, but not limited to, the enhancement of air quality, water quality, the quality of the urban environment, protection of the public from noise pollution, conservation of finite natural resources, and protection of the public from environmental health hazards. EDF has demonstrated ability to present scientific and other testimony before administrative agencies and courts of law. EDF's members pay federal taxes which are specifically earmarked for highway construction pursuant to the Highway Revenue Act of 1956, P.L. 84-627, as amended.

4. EDF brings this action pursuant to Rule 23 (a) and (b) (1) and (2) of the Federal Rules of Civil Procedure on its own behalf and on behalf of all persons in the United States whose environment is vulnerable to significant impact resulting from the construction of highways financed in whole or in part with Federal monies. EDF sues on behalf of this class because (1) the class is so numerous that joinder of all parties is impracticable; (2) there are questions of law and fact common to all members of the class; (3) the prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications which would establish incompatible standards of conduct for the defendant; and (4) a class action is the fairest and most efficient method of adjudicating the controversy.

5. Plaintiff Jonathan B. Bingham is a Member of the United States House of Representatives, representing the 23rd District of New York.

6. Plaintiff Edward I. Koch is a Member of the United States House of Representatives representing the 17th District of New York.

7. Defendant John A. Volpe is the Secretary of Transportation of the United States. He is sued as an individual and in his official capacity.

8. Under 23 U.S.C. Secs. 101 *et seq.;* 49 U.S.C. Secs. 1651 *et seq.;* the Federal Aid Highway Act of 1970, P.L. 91-605; and the Act of August 28, 1965, P.L. 89-139, defendant Volpe is charged with various duties with respect to Federal programs for the funding of highway construction, including the general duty of administering such programs.

9. Among his duties, defendant Volpe is required to make certain reports and recommendations to Congress with respect to such programs, as follows:

a. Section 105(b)(2) of the Federal Aid Highway Act of 1970, P.L. 91-605, directs that:

"By January 1, 1972, the Secretary [of Transportation] shall report to Congress on his recommendation for the apportionment of funds and matching requirements for work on Federal-aid highways in States which have completed, or are nearing completion, of construction on Interstate System mileage [as defined in 23 U.S.C. Sec. 103(d), as amended] located in their State, and for all States after completion of the Interstate System."

b. Section 3 of the Act of August 28, 1965, P.L. 89-139, directs that:

"It is the sense of Congress that the Secretary [of Transportation] acting under authority of existing law and through the Bureau of Public Roads, shall report to Congress in January 1968, and in January of every second year thereafter, his estimates of the future highway needs of the Nation."

c. Section 121(a) of the Federal Aid Highway Act of 1970, P.L. 91-605, directs that:

"The Secretary of Transportation shall develop and include in the report of [sic] Congress required to be submitted in January 1972, by section 3 of the Act of August 28, 1965 (79 Stat. 578; Public Law 89-139), specific recommendations for the functional realignment of the Federal-aid [highway] systems. These recommendations shall be based on the functional classification study made in cooperation with the State highway departments and local governments as required by the Federal-Aid Highway Act of 1968 and submitted to the Congress in 1970, and the functional classification study now underway of the Federal-aid systems in 1990."

d. Section 121(b) of the Federal Aid Highway Act of 1970, P.L. 91-605, directs that:

"As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary [of Transportation] shall also make recommendations to the Congress for a continuing Federal-aid highway program for the period 1976 to 1990. The needs estimates to be used in developing such programs shall be in conformance with the functional classification studies referred to in subsection (a) of this section and the recommendations for the functional realignment required by such subsection."

10. Each of the recommendations specified in Paragraph 9 "a" through "d" above (hereinafter, collectively, the "Recommendations"), has been required by Congress for the specific purpose of furnishing a basis for possible legislation. For example, House Report No. 91-1554, prepared by the Committee on Public Works, explains the requirements of Sec. 121 of the Federal Aid Highway Act of 1970, set out in Paragraph 9 "c" and "d", above, as follows:

"The committee feels that with the Interstate program nearing an end, steps must be taken now to assure that the future highway needs of the Nation are thoroughly considered and studied before undertaking the specifics of the new highway program. The study and recommendations required by this section will provide an important tool to Congress for making intelligent decisions concerning future highway needs of the country."

11. Each of the Recommendations has a direct bearing on possible legislation which would significantly affect the quality of the human environment.

12. Sec. 202(2)(C) of the National Environmental Policy Act, 42 U.S.C. Sec. 4332(2)(C) (NEPA) directs that:

"all agencies of the Federal Government shall . . . include in every recommendation or report on proposals for legislations and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

"(i) the environmental impact of the proposed action,

"(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

"(iii) alternatives to the proposed action,

"(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

"(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by Section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes."

Sec. 102(2)(D) of NEPA directs that all agencies of the Federal Government shall: "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."

13. In letters to defendant Volpe dated November 24, 1971 and December 22, 1971, EDF, through its attorney, stated that in EDF's opinion the Recommendations specified in Paragraph 9, "a", "b" and "d" above, are each recommendations or reports on proposals for legislation which would significantly affect the human environment, so as to require the inclusion of a detailed environmental impact statement by the responsible official, in satisfaction of Sec. 102(2)(C) of NEPA, (hereinafter an "Impact Statement"). EDF requested that certain specified categories of environmental impact which result from highway construction be fully discussed in the Impact Statements required with respect to these Recommendations. These letters are appended hereto as Exhibits "A" and "B".

14. EDF has never received a reply to these two letters, over a period of two months since the first of them was written, although various officials of the Department of Transportation have informally acknowledged receipt of, and familiarity with, the letters.

15. Each of the Recommendations, in addition to being a recommendation or report on proposals for legislation, is also a formulation of agency policy with respect to projects and continuing activities supported in whole or in part with Federal monies, which would significantly affect the quality of the human environment.

16. Pursuant to Section 5 of the Council on Environmental Quality's *Guidelines for Statements on Proposed Federal Actions Affecting the Environment,* 36 Fed. Register 7724-29, April 23, 1971, Federal "actions" which require Impact Statements if they significantly affect the quality of the human environment—

"include but are not limited to . . .

"(ii) projects and continuing activities . . . supported in whole or in part through Federal contracts, grants, subsidies, loans or other forms of funding assistance . . . [and]

"(iii) policy. . . ."

17. Plaintiff Bingham intends to propose legislation in the current session of Congress with respect to Federal transportation policy, including Federal funding of highway construction. He intends to rely in part on the Impact Statements required by law to be included in the Recommendations, for material that will enable other Members of Congress to make informed appraisals of his proposed legislation.

18. Plaintiff Koch has proposed legislation in the present Session of Congress with respect to Federal transportation policy, including Federal funding of highway construction. He intends to rely in part on the Impact Statements required by law to be included in the Recommendations, for material that will enable other Members of Congress to make informed appraisals of his proposed legislation.

19. At the present date, the January 1, 1972 deadline for the Recommendation

specified in Paragraph 9 "a", above is more than three weeks past. Neither the Recommendation nor an accompanying Impact Statement has yet been submitted to Congress as required by law.

20. On information and belief, defendant Volpe has determined not to include Impact Statements with any of the Recommendations.

21. If defendant Volpe submits the Recommendations to Congress without including Impact Statements therewith, the effect will be unlawfully to deprive Congress and the public of the opportunity for a full and informed assessment of the environmental consequences of these Recommendations, and of proposed legislation relating thereto. If defendant Volpe submits any or all of the Recommendations to Congress without including Impact Statements therewith, plaintiff EDF and the members of the class on whose behalf it brings this suit, and plaintiffs Bingham and Koch, will suffer irreparable harm, for which there is no adequate remedy at law.

Wherefore, plaintiffs EDF, Bingham and Koch respectfully request that this Court grant the following relief:

(A) A preliminary mandatory injunction directing defendant Volpe to include an Impact Statement with each of the Recommendations at the time of its submission to Congress.

(B) A declaratory judgment to the effect that each of the Recommendations is required to include an Impact Statement at the time of its submission to Congress, and that the biennial report specified in Paragraph 9 "b", above, will be required to include an Impact Statement at the time of each future submission to Congress.

(C) A permanent mandatory injunction directing defendant Volpe to include with each of the Recommendations, at the time of its submission to Congress, an Impact Statement.

(D) Retention of jurisdiction over this action until the adequacy of the Impact Statements submitted to Congress with respect to the Recommendations can be determined.

(E) Such further relief as this Court, in its discretion, may deem appropriate.

Respectfully submitted.

JOHN F. HELLEGERS,
JOHN F. DIENELT,
ARNOLD P. LUTZKER,
*Attorney for Jonathan B. Bingham and Edward I. Koch.*
January 24, 1972.

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CITY OF WASHINGTON,
*District of Columbia, ss:*

I, John F. Hellegers, being first duly sworn, depose and say that I am employed as an attorney by the Environmental Defense Fund, Inc. ("EDF"); that I am attorney for EDF in the captioned action; that EDF is a corporation; that I have read the foregoing complaint and know the contents thereof, and that I verily believe the same to be true, on the basis of personal knowledge.

JOHN F. HELLEGERS.

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[In the U.S. District Court for the District of Columbia]

CERTIFICATE OF SERVICE

Environmental Defense Fund, Inc., 1712 N Street, N.W., Washington, D.C. 20036, and Jonathan B. Bingham, 133 Cannon Building, U.S. House of Representatives, Washington, D.C. 20515, and Edward I. Koch, 1134 Longworth Building, U.S. House of Representatives, Washington, D.C. 20515, Plaintiffs v. John A. Volpe, Secretary of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, Defendant

I hereby certify that copies of the foregoing Complaint for Declaratory and Injunctive Relief were mailed, postage prepaid, this 24th day of January, 1972, to Mr. Arnold P. Lutzker, Attorney for plaintiffs Johathan B. Bingham and Edward I. Koch, 133 Cannon Building, United States House of Representatives, Washington, D.C. 20515; defendant John A. Volpe, individually and in his official capacity, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590; the United States Attorney, U.S. Court House, Washington, D.C. 20001; the Attorney General of the United States, 9th and Pennsylvania Ave., N.W., Washington, D.C.; and the General Counsel, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

JOHN F. HELLEGERS,
*Attorney for Plaintiff Environmental Defense Fund, Inc.*

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[In the U.S. District Court for the District of Columbia]

ORDER

Environmental Defense Fund, Inc., 1712 N Street, N.W., Washington, D.C. 20036, and Jonathan B. Bingham, 133 Cannon Building, U.S. House of Representatives, Washington, D.C., 20515, and Edward T. Koch, 1134 Longworth Building, U.S. House of Representatives, Washington, D.C. 20515, Plaintiffs v. John A. Volpe, Secretary of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, Defendant.

It is hereby ordered that on this 24th day of January, 1972, the foregoing Complaint for Declaratory and Injunctive Relief be filed and entered as part of the record of this Court.

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EXHIBIT A

ENVIRONMENTAL DEFENSE FUND,
*East Setauket, N.Y., November 24, 1971.*
Secretary JOHN A. VOLPE,
*Department of Transportation,*
*Washington, D.C.*

DEAR SECRETARY VOLPE: I am writing to you today about the future of the Interstate System of highways, on behalf of the Environmental Defense Fund. EDF is a nationwide coalition of scientists, lawyers, and other concerned citizens, now totaling more than 25,000 persons, dedicated to the preservation and enhancement of the human environment.

As you are aware, Section 105(b) (2) of the Federal Aid Highway Act of 1970 directs that:

"By January 1, 1972, the Secretary [of Transportation] shall report to Congress on his recommendation for the apportionment of funds and matching requirements for work on Federal-aid highways in States which have completed, or are nearing completion, of construction on Interstate System mileage located in their State, and for all States after completion of the Interstate System."

This report, being essentially a "recommendation . . . for legislation" within the meaning of Section 102(C) of the National Environmental Policy Act ("NEPA"), is required to include a "detailed statement" on the environmental impact of the action you propose; adverse environmental effects that cannot be avoided if it is implemented; alternatives to the proposed action; the relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity; and any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

It is widely acknowledged that few, if any, federal programs have had as significant an environmental impact as the Interstate Highway System. Some observers also view the System as the classic example of a program whose environmental costs went uncalculated before the decision was made to build it, and became evident only after the fact. *Fortune* magazine, for example, notes in its July 1971 issue that the System has created "severe land use problems," and quotes Dr. Daniel P. Moynihan of Harvard, a former adviser to President Nixon, as saying that "if anyone had realized the sheer magnitude of the interests affected by this road system, it is impossible to imagine that it would ever have been built."

This pattern of leaping first and looking later, of course, was exactly what NEPA was intended to put a stop to; Congress recognized that the environmental and other costs of such action are simply too high.

Since NEPA requires that your forthcoming report include a detailed environmental impact statement, I trust that you will take this occasion to look carefully at the environmental consequences that will follow from further highway building under a program resembling the present one.

At a minimum, I trust that you will present Congress and the American people with at least the following:

First, a thorough discussion of the downtown decay and suburban sprawl which result from building highways in and around cities. Although Section 6(a) (ii) of the Council on Environmental Quality's *Guidelines* for preparing NEPA statements plainly mandates discussion of these and related land use problems, they are rarely, if ever, given meaningful consideration in NEPA statements pertaining to highways. Mention is never made of the tendency of highways to draw commerce, jobs, population, and tax base away from central cities, so that, in *Fortune's* words, "the Interstate has made millions of Americans into new commuters, . . . [while] ghetto dwellers, who lack transportation to suburban factories, are rapidly losing job opportunities." I have yet to see mention of the erosion of municipal services and amenities that accompanies this shift. Mention is never made of the excessive costs of providing water, fire protection, sewerage, education, and other services to areas of low density residential development, or of the environmental and aesthetic price that we all pay as more and more open land disappears to make way for hamburger palaces, motels, and the endless sprawl of what Louis Mumford calls "mass suburbia," an inhuman "anti-city." Nor have I ever seen mention in such a statement of the exacerbated racial tensions that result as innercities become islands of black and ethnic poverty. Reading these highway impact statements, in fact, one would never guess that highways are a major determinant of land use patterns at all. I hope that your forthcoming statement on the future of the System will serve to focus attention on these critical consequences of highway building, and provide a model for compliance with Section 6(a) (ii) of the *Guidelines* that will serve to upgrade the statements now prepared as to individual highways all across the country.

Second, I trust that your statement will discuss the demands which continued highway building, and continued massive reliance on the private automobile, will place on our oil supply, and on the consequences to be expected in terms of further oil spills, desecration of drilling areas (including shorelines and wilderness) and heightened pressure for the wholesale strip mining of coal as we drain away our oil reserves.

Third, I expect that you will discuss the air pollution that can be expected to result from more highways and more cars, taking into account not only hoped-for emission controls, but also the effect of growth in the total number of cars. In particular it is necessary to discuss whether further highway building in urban areas, or in areas that are likely to become urbanized, is consistent with meeting air quality standards promulgated by the Environmental Protection Agency under Section 109 of the Clean Air Act.

Fourth, I expect that there will be a discussion of the massive toll that reliance on the private automobile takes in terms of death and severe injury. Freedom from needless risk of being killed or maimed, of course, is one of the most important aspects of a viable human environment. In this context automobile accident rates should be weighted against those for alternative forms of transportation, such as rail transit. It does not suffice simply to point out that accident rates are higher or lower on certain types of roads than on certain others; the point is that to the extent that people are made dependent on cars by the building of more highways and the disappearance of other forms of transportation, they are correspondingly deprived of the right to avoid this national automotive "demolition derby."

I look forward to your statement.

Sincerely yours,

JOHN F. HELLEGERS,
*Staff Attorney.*

EXHIBIT B

ENVIRONMENTAL DEFENSE FUND,
*East Setauket, N.Y., Dec. 22, 1971.*

Secretary JOHN A. VOLPE,
*Department of Transportation,*
*Washington, D.C.*

DEAR MR. VOLPE: As you will recall, I wrote to you on November 24, 1971, pointing out that Section 105(b) (2) of the Federal Aid Highway Act of 1970 requires you to report to Congress by the first of the year on your—"recommendation for the apportionment of funds and matching requirements for work on Federal-aid highways in States which have completed, or are nearing completion, of construction on Interstate System mileage located in their State, and for all States after completion of the Interstate System."

I noted that this is essentially a "recommendation . . . for legislation" within the meaning of Section 102(2) (C) of the National Environmental Policy Act, so that by the plain requirement of that Act, it must be accompanied by a "detailed statement" with respect to the environmental impact of what you recommend; adverse environmental effects that cannot be avoided if your recommendation is implemented; alternatives to the proposed action; the relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity; and any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The balance of my letter was devoted to setting forth a few of the considerations that ought to be discussed in the required environmental impact statement. Some of these considerations were concisely summarized in your own speech of February 4, 1971, before the Transportation Association of America in Chicago where you observed that:

"Our obsession with the private car is destroying the quality of life in our urban areas. . . . Finally it involves all of us in a brutally vicious cycle: more people, with fewer alternatives [of ways to travel] means more cars—which require more roads—which take more urban and suburban land off the tax rolls and away from housing, business, and recreation while bringing increased pollution and congestion. This, very simply, is a self-perpetuating disaster."

The purpose of my present letter is to point out that in addition to the legislative proposal on the future of this "disaster" which you are required to make under Section 105 (b) (2) of the Federal Aid Highway Act of 1970, above:

Section 121(b) of the same Act requires that "in January 1972" you "shall also make recommendations to the Congress for a continuing Federal-aid highway program for the period 1976 to 1990;" and

Section 3 of the Act of August 28, 1965, 79 Stat. 578; Public Law 89-139, provides that "it is the sense of Congress that the Secretary . . . shall report to Congress in January, 1968, and in January of every second year thereafter, his estimates of the future highway needs of the Nation."

Needless to say, the legislative recommendations required by these Sections must also be accompanied by an environmental impact statement pursuant to Section 102 (2) (C) of the National Environmental Policy Act.

We trust that each of these legislative recommendations—the one required by the first of the year under Section 105(b) (2), and the ones required during January under the latter two provisions—will be accompanied by a full discussion of the issues listed in my previous letter, including land use consequences of further highway construction; the drain on our fuel supplies to be expected from further massive reliance on highways and on the private automobile; the air pollution that can be expected from more highways and more cars; and the toll that these highways and cars can be expected to take in human life and limb.

This list, of course, is not an exhaustive one, but we believe that it sets forth a few of the more important issues that the National Environmental Policy Act requires you to analyze.

Sincerely yours,

JOHN F. HELLEGERS,
*Staff Attorney.*

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## HENRY KISSINGER: THE MAN WHO CONTROLS THE DESTINY OF AMERICA

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. RARICK. Mr. Speaker, events of the past day indicate even more clearly than before that Henry Kissinger is privy to state secrets denied the Members of the Congress and the American people. It seems as if the President believes that he and Dr. Kissinger can, acting in secret, determine the future course of America.

I, for one, am convinced that this country is too great and its liberties too precious to be entrusted to the minds of two men—President Nixon and his alter ego, Henry Kissinger. This Congress and the American people have the right to know.

Had President Nixon told the American people the truth some 30 months ago, this country would not be so polarized, so divided. The truth is that much of the confusion in America results from deliberate, political maneuvering on the part of the President.

The American people have the right to know the truth about Henry Kissinger, this man who is above congressional investigation, who is not answerable to the people or to their elected representatives.

The American people have the right to know who this Henry Kissinger is and what entitles him to be set above other men. I include two interesting articles delineating the true nature of this man and his relationship to the President in the RECORD at this point:

[From the Washington Post, July 11, 1971]

HENRY KISSINGER: NIXON'S METTERNICH

(By David Landau)

(The writer is managing editor of the Harvard Crimson, in which the following appeared as part of a series of three articles on the career of Henry A. Kissinger.)

"He was a rococo figure, complete finely carved, all surface, like an intricately cut prism. His face was delicate but without depth, his conversation brilliant but without ultimate seriousness. Equally at home in the salon and in the Cabinet, he was the *beau-ideal* of [an] aristocracy which justifies itself not by its truth but by its existence. And if he never came to terms with the new age it was not because he failed to understand its seriousness but because he disdained it."

With these words, a Harvard thesis-writer named Henry Kissinger introduced Clemens Metternich, Austria's greatest foreign minister. Metternich was a man whom Kissinger emulated, whose diplomatic life he has sought to relieve. And the comparison of the two is far from inapt.

As Richard Nixon's most influential adviser on foreign policy, Kissinger has embodied the role of the 19th-century balance-of-power diplomat. He is cunning, elusive and all-powerful in the sprawling sector of government which seeks to advise the President on national security matters. As Mr. Nixon's personal emissary to foreign dignitaries, to academia and—as "a high White House official"—to the press, he is vague and unpredictable. Yet he is the single authoritative carrier of national policy besides the President himself.

Like the Austrian minister who became his greatest political hero, Kissinger has used his position in government as a protective cloak to conceal his larger ambitions and purposes. Far from being the detached, objective arbiter of presidential decision-making, he has become a crucial molder and supporter of Mr. Nixon's foreign policy. Instead of merely holding the bureaucracy at comfortable arm's length, he has entangled it in a web of useless projects and studies, cleverly shifting an important locus of advisory power from the Cabinet departments to his own office. And as confidential adviser to the President, he never speaks for the record, cannot be made to testify before Congress, and is identified with presidential policy only on a semi-public level.

#### A CONSTITUENCY OF ONE

Like the ministers who ruled post-Napoleonic Europe from the conference table at Vienna—and the Eastern Establishment figures who preceded him as policy-maker of a later age—Kissinger believes that legislative bodies, bureaucracies and run-of-the-mill citizenries all lack the training and temperament that are needed in the diplomatic field. He is only slightly less moved by the academics who parade down to Washington to peddle their ideas. And, when one sets aside popular opinion, Congress, the bureaucracy and the academic community, there remains the resident alone. The inescapable conclusion is that Henry Kissinger's only meaningful constituency is a constituency of one.

It might have seemed surprising that, only a month after his election, Mr. Nixon would have chosen one of his most vocal antagonists—the foreign policy adviser of his chief rival, Nelson Rockefeller—as a leading policy aide. But the two men had much more in common than anyone would have supposed.

To begin with, Mr. Nixon turned out not to be the partisan, suspect observer of the international scene whom Kissinger had so feared. Quite the contrary—Mr. Nixon was determined to take hold of the foreign policy machine and fashion his own commitment to world order, regardless of public and congressional opinion. In the past, decisions had been made in a chaotic, *ad hoc* atmosphere which lacked consistency and framework; the new President decided that such practice should cease.

For somewhat different reasons, Kissinger agreed that policy planning should be centered in the White House. For Kissinger, the balance-of-power diplomat, had long believed that world equilibrium was based on the constant threat of force, and that respect for the United States rested on the fear of its enormous military machine. At times, secret talks and well-placed overtures could avert military engagements that were not in the interest of the United States; at others, where an escalation to armed conflict seemed necessary, the decisions must be made and the orders carried out by a few top men who acted with the greatest of speed.

Such a policy of threat demanded a high degree of centralization—and the resulting Nixon-Kissinger policy structure was designed to circumvent those forces in government, such as Congress and the Cabinet bureaucrats, which were considered extraneous to that approach.

GUARDING CREDIBILITY

In addition, Kissinger realized that the policy of threat would be a failure if Mr. Nixon could not appear unfettered by others—inside Washington and out—who had claims on the President's conduct of foreign affairs. In as early a tract as "A World Restored," his 1954 Ph.D. thesis on Metternich and the restructuring of post-Napoleonic Europe, Kissinger had written that "the impetus of domestic policy is a direct social experience; but that of foreign policy is not actual, but potential experience—the threat of war—which statesmanship attempts to avoid being made explicit." In other words, popular opinion was little more than an encumbrance on those few who were capable of making decisions. For if the foreign diplomat were allowed to feel that the President's policy could be swayed by domestic upheavals, then the credibility of threat—the linchpin of the policy—would ultimately collapse.

Corollary to the policy of threat was the notion that the United States would keep its promises and fulfill its commitments no matter what the price. For the ultimate failure of diplomacy was to lose credibility, and there was a feeling for the honor of a great power that went very deep in Kissinger. There was the idea that a faulted credibility in one area of the world would surely lead to disaster in another, because for Kissinger all the great troublespots of the world were lined up on a single continuum that connected the two superpowers: the Soviet Union and the United States. Should the Russians violate the ceasefire lines in the Mideast, then the President must be free to respond in Cambodia. And if the policy made no sense in cost-benefit analysis, at least it would proceed from strategic thinking which transcended the day-to-day pressures of political life.

WHITE HOUSE PREDOMINANCE

Kissinger felt that the presidency was the only office of government which could determine and executive foreign policy in the way it should properly be conducted. Congress was an impediment; its members, by and large, were not properly schooled in the hard-fought, intricate practice of diplomatic affairs and were more likely to respond to the uninformed concerns of their voters, to the shoddy tug-and-pull of the popular political process, than to the arduous twists and turns of great-power relationships. The bureaucracy, too, was an enemy; no imagination, no flair, no speed or adaptability, little grasp of the sacrifices and risks one must incur if the one were to maintain a flexible policy.

Kissinger, the balance-of-power diplomat, had long believed that world equilibrium was based on the constant threat of force, and that respect for the United States rested on the fear of its enormous military machine.

And as for popular opinion, Kissinger's interest lay not in how the votes would be cast today, but in how the executive structure would be affected by domestic reactions to the policy when that policy had finally run its course five or ten years later. His overwhelming concern was how well the White House could continue to function as the major force in foreign policy, whether popular opinion would one day rise up and destroy the presidency as an instrument of diplomatic relations. And when Kissinger finally agreed to go to work for the man he had scorned as a presidential candidate, it was only on the condition that the policymaking structure be geared to White House predominance.

In a series of meetings at the end of November, 1968, Mr. Nixon invited Kissinger to accept the post of foreign policy assistant and proposed a revival of the National Security Council. Set up under Truman after World War II to coordinate policy planning, the NSC system had long since fallen into obscurity, but Mr. Nixon viewed it as an instrument of restoring to the White House a critical measure of flexibility and control over policy decisions. More than anything else, he dreaded being handed a single policy recommendation which, more often than not, might be a compromise policy, an effort on the part of several differing agencies which had subdued their disagreements and presented the White House with a position it could then only accept or reject.

Underlying the revived NSC structure was the so-called "options" system; the recommendations of each agency would be solicited by the White House and then screened for the NSC and the President by Kissinger and his staff.

As the "options" man, Kissinger would be expected to give a fair, objective account of each alternative; as confidential adviser to the President, his strength would rest more on his personal relationship with Mr. Nixon than on his policymaking abilities—a relationship that would have been very difficult to predict. "I suppose what really was clear was that Henry Kissinger did not intend to become a man of particular influence," Thomas Schelling, Kissinger's closest colleague on the Harvard faculty, said recently, "I think he honestly thought that there was a more detached role for himself." So Kissinger had gone to Washington to whittle down the options and strengthen Mr. Nixon's hand; his own influence could be determined only by the chemistry of his relationship with the President.

A TOWERING FIGURE

But for astute observers, the news of Kissinger's supremacy in foreign policy was not long in coming. In December, 1968, he flew to Key Biscayne to present Mr. Nixon with a set of blueprints for the revived NSC system—and William P. Rogers, the new Secretary of State, was already out in the cold. No longer would it be as necessary for the Secretary to meet with the President on an informal basis, as Acheson and Dulles and Rusk before him had done; like all other Cabinet members who dealt in foreign policy, his ideas would no longer be brought directly to Mr. Nixon, but would have to pass first through a system which Kissinger administered. And when Rogers met with the President and his national security adviser, he was completely overshadowed, so outclassed by Kissinger that he would rarely see Mr. Nixon in Kissinger's presence any more. "He avoids his confrontations with Henry because he knows he'll make a fool out of him," one State Department official said recently.

Kissinger was a towering figure amid the rest of the Nixon appointees. None could compare to him in terms of sheer mental preparation for the job. And it is probable that Kissinger came into his job better prepared than either of his predecessors under Kennedy and Johnson, not to mention those whom Mr. Nixon had just appointed to other, less rigorous posts, the men who had won their jobs as political favors, not by sheer intellectual breadth.

Most of the others in Mr. Nixon's retinue were men of politics, men who could be restrained by adverse domestic feeling or be deterred from a policy that seemed to make no material sense. But Mr. Nixon—a President determined to behave in a presidential way—and Kissinger, the great-power diplomat, would brook no compromise. And Mr. Nixon's personal relationship with Kissinger, unfettered as it was by ulterior political motives, became deep and profound. Kissinger is the President's only post-1960 acquaintance to have become a member of his personal inner circle. He sees Mr. Nixon more frequently than do any of his other appointees. And as Mr. Nixon's confidante, Kissinger passes the crucial judgments on the very options that he and his staff have laid out.

BUREAUCRATIC COUP

But Kissinger's coup of the Cabinet departments was not as simple as that. It involved a devious circumvention of the bureaucracy through the skillful use of study memoranda and detailed, lengthy questionnaires. According to several men who were close associates of Kissinger at the time, Kissinger came to power determined not to rely on normal channels for information concerning each of the policy undertakings. And so he proceeded to ensnare policy studies which left them very much on the short end of decision-making.

Kissinger's first act as Mr. Nixon's adviser was to commission an options memorandum on the progress of the war in Vietnam; he began work on the study as early as December, 1968. In the months preceding the study, the military state of affairs in Indochina had been the subject of a raging controversy inside the various departments. The outgoing presidential advisers and the upper crust of Washington's foreign service were claiming that the National Liberation Front had grown significantly weaker since the Tet offensive the previous February, that the Communist military campaign would fold in a matter of months. But the lower echelon—often closer to the truth than were their superiors—said that the guerrillas were merely regrouping forces and growing stronger all the time—that in effect, the entire American military effort had been a failure.

Since the higher-ranking officials had regularly suppressed the opposing view in their conversations with the White House, the consultants whom Kissinger had commissioned to write the study now felt it especially necessary to get word to Nixon of what the second group was saying—which was now possible for the first time, because Kissinger and the NSC were already committed to forego the compromise policy formula and unfold the disagreements for the President.

Kissinger's solution was to split the Vietnam memorandum in two; the first part would contain a list of options on what to do about Vietnam, and the second would be a list of specific questions on the progress of the war. It was the questions part of the study—the first, in what became known as National Security Study Memoranda (NSSM)—which Kissinger said had been designed to reveal the differing points of view. This he proposed to accomplish in an unprecedented way—by putting identical sets of questions to different departments, questions which, in the cases of most agencies, fell clearly outside their range of primary responsibility. The CIA, for example, was asked to file a report on the proficiency of Saigon's army—a task which had always belonged to the military command in Vietnam.

As for popular opinion, Kissinger's interest lay not in how the votes would be cast today, but in how the executive structure would be affected by domestic reactions to the policy when that policy had finally run its course five or ten years later.

One result of the questionnaire, undoubtedly, was that many estimates suddenly became more honest; for example, the military command decided for the first time to abandon the "attrition" rationale for sustained U.S. ground action in Vietnam. In similar manner, the State and Defense Departments showed up each other's positions on the war.

### TIED UP FOR MONTHS

But the major result of the questionnaire seems to have been that it tied up and discredited the bureaucracy as a whole. The higher-level officials were now as ashamed as their underlings, and entire agencies were seen in outright conflict. Furthermore, the questions themselves were long and bulky—merely sorting out the answers required a major effort on the part of Kissinger's own staff. And by the time the series of National Security Study Memoranda—on Vietnam and on each of the remaining issues of foreign policy—had been completed, Mr. Nixon and Kissinger had already taken the crucial steps in shaping the new administration's approach to policy.

"They had us tied up here for months and months," one State Department official ruminated recently on the NSSM series. "One wonders whether they've been used in the formulation of foreign policy."

In fact, Kissinger's use of the NSSM series to tie up Washington's civil service was a blunt, cynical attempt to alter the effectiveness of the NSC setup. The options system had been designed to curtail the influence of the bureaucracy, not to remove it; but when the dust had cleared, the Cabinet departments had been rendered virtually ineffective in the choosing of policy. By foreclosing one source of ideas, Kissinger had eliminated the options that would derive from it. The result was that his own office had been measurably strengthened.

As if this were not enough, Kissinger also proceeded to strike the "immediate withdrawal" alternative from the options half of the Vietnam memorandum, leaving his current Vietnamization plan as the most moderate of all the options listed. Thus, even before the paper had gone to the NSC, Kissinger had made the crux of the administration's final choice inevitable: the United States was not going to leave Vietnam without exacting a price from the NLF and Hanoi. By thus manipulating the options system, Kissinger had unilaterally made a crucial policy choice.

Kissinger's ascendance took an additional toll on the functioning of the Cabinet departments and stifled any useful ideas which might otherwise have originated in them. Neither Rogers nor Defense Secretary Melvin Laird has been as forceful and persuasive an advocate as Kissinger, and, as a result, their immediate assistants—the men who feed position papers to Kissinger and his staff—have been less likely to take risks and back up their department heads. The result has been a near monotony of viewpoint; the crucial policy recommendations have come almost uniformly from Kissinger's office.

More important, however, is the fact that, with the concentration of power in Kissinger's office, congressional investigation of policymaking—which was never very comprehensive—has reached a new low in effectiveness. As confidential adviser to the President, Kissinger has successfully claimed "executive privilege" when asked to testify on the record in congressional hearings. As a result, the only contact that Kissinger has with Congress is through informal, intermittent briefing sessions with House and Senate leaders. And even those briefings appear to be empty exercises, for Kissinger is subjected to them only when the President decides they are necessary.

Congressional resentment on this point reached a high pitch last March, when Stuart Symington, a member of the Senate Foreign Relations Committee, charged on the Senate floor that Kissinger was "Secretary of State in everything but title," and that Rogers' appearances before congressional committees has become "a rather empty exercise."

### A CONFIDENTIAL RELATIONSHIP

Congress is not the only group of men with whom Kissinger has been secretive. In his spiraling staff of more than 100 people, there is no one with whom Kissinger discusses his conservations with the President. Besides his deputy, Gen. Alexander Haig, there is not one Kissinger staff member who has had any direct access to Mr. Nixon—a sharp departure from past practice, when numerous White House consultants, including Kissinger himself, were able to meet with the President. And until recently, Kissinger was the only administration official besides Mr. Nixon to convey presidential policy to the media.

There is not a single important international issue on which he does not have a major say; even on the subject of the Middle East—which Kissinger generally leaves to the State Department, partly because of his Jewish background—he has emerged at crucial points to warn against a growing Soviet presence. One of Kissinger's former staff assistants recently went so far as to suggest that the Middle East had been tossed to Rogers as a political bone because it was not a major issue.

But if Henry Kissinger's experience as White House administrator has demonstrated anything, it is that obedience to the orderly process of government is basically incompatible with the role of the cunning diplomat. For if he were obligated to predicate his actions upon such obstacles as popular will and honest information, then his actions could be predicted and the diplomat's flexibility—his capacity to pursue a policy of threat—would rapidly diminish. If the bureaucracy could be curbed, and Congress circumvented, then the policy of threat would become a reality. And that is precisely what Kissinger engineered.

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[From the Herald of Freedom, Jan. 24, 1969]

### Henry R. Kissinger

It is becoming distressingly apparent to even his staunch supporters that President Richard Nixon has made some strange appointments to key positions. Even before he officially took office, Henry Kissinger, who will be Mr. Nixon's most important adviser on foreign policy, caused the pro-Nixon Manchester Union Leader to editorially demand that Mr. Nixon "Fire Kissinger!" Kissinger is the personification of all that American conservatives distrust and fear in a political leader. He has been associated with the Council on Foreign Relations, the Bilderbergers and the Pugwash Conferences. All three are highly suspect organizations whose activities are carried on in varying degrees of secrecy. Dr. Kissinger continues the McGeorge Bundy, Walt W. Rostow pattern of individuals with CIA connections occupying the top National Security spot. There is no reason to believe the United States will be any better off with Kissinger doing the planning than it was with Rostow with whom most knowledgeable Americans were most unhappy.

McGeorge Bundy, Kennedy's Special Assistant for National Security Affairs, was a former CIA man and an associate of Kissinger at Harvard. Walt W. Rostow, who took Bundy's place under Johnson, came from the CIA-financed M.I.T. Center for International Studies. Henry Kissinger has been associated with the International Seminar and the Center for International Affairs at Harvard, also CIA-financed.

Henry Alfred Kissinger was born in Fuerth, Germany, May 27, 1923, the son of Louis Kissinger and the former Paula Stern. He and his brother, Walter Bernhardt Kissinger, were brought to the United States in 1938 by their parents who were refugees from the Hitler regime. Louis Kissinger, Henry's father, was reportedly a prominent rabbi and Zionist in Berlin.

Henry Kissinger graduated from George Washington High School (N.Y.C.) in 1941 and served in the U.S. Armed Forces from 1943 to 1946, being discharged with the rank of staff sergeant. He served with the 970th Counter-Intelligence Corps and remained in the Military Intelligence Reserve. While in service, he was reportedly investigated by G-2 which opened a case because of Kissinger's reported attempts to reach Germany and contact important personages there. Upon leaving military service, he entered Harvard where he majored in government and received four scholarships, among them the Rockefeller Foundation Fellowship for Political Theory. Kissinger graduated from Harvard in 1950 and received his M.A. degree in 1952 and Ph.D. in 1954 in the Harvard Graduate School of Arts and Sciences. Kissinger was married on Feb. 6, 1949 to Miss Ann Fleischer and they were divorced in 1964. The couple has two children.

In 1951 Kissinger had become executive director of the Foreign Student Project which had been started that year by Harvard Summer School. In 1952 its title was changed to International Seminar and it began publishing a quarterly journal entitled, "Confluence, An International Forum," of which Kissinger was the editor from its inception. In 1953, when the Council on Foreign Relations launched a project allegedly to "seek the answer to the question of the threat of Soviet action against insufficient American initiatives," three subcommittees were appointed and Kissinger was named study director. Out of this emerged Kissinger's book, "Nuclear Weapons and Foreign Policy," published in 1957 by Harper and Brothers. The book created quite a furore and impressed the then Vice President Nixon. According to the N.Y. TIMES, the book "brought Mr. Kissinger to the attention of scores of politicians, diplomats and military men and became a source book for American policymakers."

Kissinger began his association with the Rockefellers in 1956 when he worked for the Rockefeller Brothers Fund, Inc. as director of the over-all Special Studies Project (1956–7) "to develop concepts that might be helpful in meeting the challenges America faces today." From 1958 to 1959 he was Research Secretary of a Council on Foreign Relations discussion group.

Under the Kennedy Administration Kissinger was special consultant to President Kennedy on the Berlin Crisis. He has also been consultant to the Operations Research Office; Operations Coordinating Board, Weapons Systems Evaluation Group. Psychological Strategy Board, National Security Council; and Arms Control and Disarmament Agency. In 1962 he became a full Professor at Harvard, on the faculty of the Center for International Affairs which is CIA-financed. For ten years Kissinger has been chief foreign policy adviser to Gov. Nelson A. Rockefeller, who reportedly "recommended him enthusiastically" to Mr. Nixon. Kissinger was definitely a Rockefeller man, having attended both the 1964 and the 1968 Republican conventions as a Rockefeller aide, hoping his man would get the presidential nomination. He is credited with having pushed the Republican platform toward a more "dovish" position on Vietnam.

The importance of the position now held by Dr. Kissinger was described in an article in the N.Y. TIMES of December 8, 1968:

"For reasons that are as good and logical as they are unsettling, the power of war and peace in the United States resides in the person of one man. Last month, the country elected Richard M. Nixon for the job. Last week, the President-elect chose the one man who day in and day out will guide and guard him in that task: Henry Alfred Kissinger.

"Dr. Kissinger is to be that someone, as McGeorge Bundy was for President Kennedy and Walt W. Rostow has been for President Johnson.

"That all these men should have come from Cambridge is not entirely coincidental. Harvard and the Massachusetts Institute of Technology there helped to propel such policy-oriented academicians onto the national scene where the politicians came to know and need them.

Dr. Kissinger's access and accessibility to the academic community must have been an important consideration in his selection, as also was his ten-year advisory relationship with Mr. Nixon's principal rival, Governor Rockefeller of New York. He helped to lead scholars and thus government toward an understanding of the political and psychological problems posed by nuclear technology and toward a re-examination of both diplomatic and military assumptions carried forward from the age of American invulnerability."

Kissinger was a member of a group at Harvard which began working fifteen months before the presidential elections on a study for the benefit of the new president, whoever he might be. Kissinger wrote the foreign policy section of the resulting recommendations and Mr. Nixon was reportedly so impressed with it that he immediately asked Kissinger to see him. (The report will not be made public.) Kissinger wrote the concluding essay in the massive Brookings Institution study. "Agenda for the Nation." The central theme of the essay was that the incoming administration of the United States must deal with a world which is militarily "bi-polarized" but politically "multipolarized."

Kissinger has written many books and articles and it should be easy to find out where he stands from them, but his writings are difficult to understand, often contradictory. A remark attributed to him recently might explain his attitude. A story in Newsweek of December 30, 1968 concerning an article on Vietnam, written by Kissinger before he was named to be Assistant for National Security Affairs by Mr. Nixon, stated: "It was perhaps significant . . . that after his appointment as a Nixon adviser, Kissinger tried first to persuade the editorial board of Foreign Affairs to drop the article and then, no more successfully, to make some changes in the manuscript." The article stated further that when a reporter congratulated him on the "brilliance" of the article, Kissinger replied: "The last thing in the world I want to be at this point is publicly brilliant."

Kissinger's views on ending the war in Vietnam appeared in the January 1969 issue of Foreign Affairs, the quarterly publication of the Council on Foreign Relations. U.S. News and World Report commented on his "formula:"

"The Kissinger formula calls for a series of steps to bring about a phased withdrawal of U.S. and North Vietnamese troops from South Vietnam and lay the groundwork for a political settlement between the Saigon Government and the Communist-controlled National Liberation Front. Dr. Kissinger did not rule out but called 'undesirable' suggestions that a coalition government with Communist participation be set up to govern South Vietnam." (Emphasis Added.)

Newsweek in its article on the Kissinger "formula" commented:

"Like most scenarios for a negotiated settlement, Kissinger's article contained some apparent inconsistencies. Although he stressed that Saigon cannot afford to give even implied recognition to the NLF, his proposal for direct talks between the two adversaries could only—despite his disclaimers—give the Viet Cong added stature. . . . And in view of his suggestion that Washington and Saigon maintain the closest possible cooperation, it seemed unrealistic to urge the exclusion of the South Vietnamese from U.S. talks with Hanoi. Nixon himself declared through a spokesman . . . that he would neither endorse nor condemn Kissinger's article . . ."

Human Events gave the South Vietnamese reaction to the article:

". . . the South Vietnamese were also known to be perturbed by an article in Foreign Affairs this month by Henry Kissinger, the man who will be Nixon's chief White House adviser on foreign policy.

"While the Kissinger article is complex and warns against imposing any coalition government on Saigon, many diplomatic observers believe his recommendations for ending the war are extremely fuzzy and could be easily manipulated by Hanoi.

"Particularly irksome to some were his proposals for South Viet Nam to deal directly with the National Liberation Front—thus giving the NLF recognition—and to have a coalition commission supervise the political process in the south, including new elections."

It was because of his recommendations on Vietnam that William Loeb, Publisher of the Manchester Union Leader, stated in an editorial: "The first miserable decision by Professor Kissinger should bring about his dismissal from a post to which he should never have been appointed," Mr. Loeb stated:

"There is one man in the Nixon administration who is acting just as this newspaper predicted. Harvard Professor Henry A. Kissinger, Nixon's ill-chosen White House foreign policy adviser, wants to withdraw the troops. He says it will be a signal to Hanoi that the U.S. is ready to begin general withdrawal of U.S. forces if there is reduced fighting.

"This is typical of the Harvard professor type of unrealistic approach that has done so much harm to this nation in the last 30 years. Kissinger doesn't understand that Hanoi, like its Soviet masters, respects only one thing and that is superior force."

Dr. Kissinger's previous posture on Vietnam was described in the N.Y. Times:

"During the Vietnam war he began, at least publicly, as a defender of American objectives and tactics. But on a series of quiet but energetic government missions, he reached the conclusion much sooner than either Governor Rockefeller or Mr. Nixon that American military prospects were dim, and that Washington's political prescriptions were not working as advertised—he found much fault also with Kennedy and Johnson positions, and especially the running hot-and-cold reactions to Moscow without the planning and strategic purpose that Dr. Kissinger has consistently demanded."

U.S. News and World Report quoted Kissinger as stating: "Ending the war (in Viet Nam) honorably is essential for the peace of the world. Any other solution may unloose forces that would complicate prospects of international order." And this is what Kissinger and his intellectual colleagues definitely want: international order, which would consist of world government in a "World of Disarmament." Kissinger recommended a start toward this in "The Troubled Partnership" in 1965 in which he found a need for improved consultation among the allies. He advocated a "united Europe with federal, supernational institutions as the precondition for an Atlantic partnership," or regional world government.

As the N.Y. Times stated, Dr. Kissinger has access to the academic community, both at home and abroad. He participated in at least one Pugwash Conference, being listed as a participant in Part Two of the two part conference held at Smugglers Notch, Stowe, Vt., Sept. 5 to 8, and Sept. 10 to 17, 1961. This was one of a series of meetings which began in 1957 under the auspices of the very pro-Soviet Cyrus Eaton and which derived their name from his home in Nova Scotia at which the first meeting was held. The name was changed from "Pugwash," however to improve the image of the conferences and an attempt made to disassociate the conferences from Eaton, at least in the eyes of the public.

The Conference attended by Kissinger was the Seventh Conference on Science and World Affairs, part two being on "Disarmament and Arms Control." Among those participating in the conference were Linus Pauling, Paul Doty, Gerald Piel, I. I. Rabi, Louis Sohn, Henry Kissinger and Leo Szilard. At the Sixth Conference, entitled the Conference of International Scientists on World Security and Disarmament, held in Moscow, Nov. 27 to Dec. 5, 1960, Kissinger's predecessor in his present job was present. Walt W. Rostow gave the closing address. Also in attendance at the Moscow conference was Dr. Jerome Wiesner, an important adviser to President Kennedy as was Rostow. The thinking of Rostow, Wiesner and Kissinger seems to be that we must trust the Soviets in order to avoid annihilation in this thermonuclear age.

The general plan is for the U.S. and the U.S.S.R. to join forces to police the world under a supranational authority such as an enlarged and greatly strengthened U.N., armed with a nuclear police force. Some of the papers presented at the Moscow Pugwash Conference in 1960 were most frightening in their content but they were not meant for the eyes and ears of the masses, just for those who are planning our future.

It is interesting to note that in January 1967, Nelson Rockefeller (to whom Kissinger was foreign policy adviser for ten years) and Cyrus Eaton, Jr., son of the sponsor of the Pugwash conferences, joined forces to profit by trading with the Communists. International Basic Economy Corp., controlled by the Rockefeller brothers and organized in 1947 under the principal direction of Nelson Rockefeller, and Tower International, Inc., headed by Cyrus Eaton, Jr., announced plans, as revealed in the N.Y. Times of January 16, 1967, to "spur trade with Reds." The article stated: "An alliance of family banking fortunes linking Wall Street and the Midwest is going to try to build economic bridges between the Free World and Communist Europe. The joint effort contemplated by I.B.E. and Tower is seen as combining the investment skills and resources of the Rockefellers and the special entre to Soviet bloc officialdom that Tower enjoys largely as a result of contacts cultivated over the last 15 years by Cyrus S. Eaton, Sr. The elder Eaton has been an outspoken advocate of closer ties between the U.S. and the Soviet Union. He has backed his convictions by visiting Russia and entertaining high Soviet leaders including former Premier Khrushchev." Kissinger's "foreign policy" advice must have made Rockefeller feel that investments in Communist countries would not be too risky.

Men of science are not going to have complete control of the new "World of Disarmament," as there are other important people in the world . . . bankers, industrialists, diplomats. These people meet and plan in secret and are called the Bilderbergers. Henry Kissinger has attended at least one of their meetings. His name was on the list of participants at the Williamsburg, Va. Conference, which took place March 20, 21 and 22, 1964. The idea of the Bilderberg meetings originated in the early fifties. The first meeting that brought American and European "leading citizens" together took place under the chairmanship of Prince Bernhard at the Bilderberg Hotel in Oosterbeek, Holland, from May 29 to May 31, 1954. Although the Bilderbergers claim that they are not a "policy-making body" and that "no conclusions are reached," they surely do not bring important people from practically the four corners of the earth for nothing.

Another group of "unofficial" policymakers is the Council on Foreign Relations, with which Kissinger has long been affiliated. The CFR is believed by many to be the secret government of the United States. After a thorough investigation this organization was declared subversive by the American Legion of California in 1962.

Among the present or past members of the Council on Foreign Relations we find the following:

Alger Hiss, Ralphe Bunche, Lauchlin Currie, Harry Dexter White, Herbert Matthews, Joseph Barnes, Cyrus Eaton, J. Robert Oppenheimer, John K. Fairbank and Arthur Goldberg, all of whom have had a record of close affiliation with Communists and some of whom were actually identified as Communists.

During the first week of December 1968 the International Association for Cultural Freedom conducted a five-day closed seminar at Princeton, N.J. Ninety individuals attended, among them Henry Kissinger who told those assembled "The doors to the White House will always be open to your ideas." Present to hear this kind invitation were Charles Hamilton, co-author with Stokely Carmichael of the book, "Black Power"; Andreas Papandreou, left-wing leader of the Panhellenic Liberation Movement, exiled from Greece due to his pro-Communist activities; Arthur Schlesinger, Jr., McGeorge Bundy and George Ball, among others. Some of the participants were from Communist countries at this seminar financed by the Ford Foundation.

Henry Kissinger has been a friend and associate of John Kenneth Galbraith (who called the appointment of his friend "a good one"), Adam Yarmolinsky (expected to step into Kissinger's job at Harvard, who said "I will sleep better with Henry Kissinger in Washington."), Arthur Schlesinger, Jr. ("I thinks it is an excellent appointment.") and Robert R. Bowie with whom he worked at the Harvard Center for International Affairs.

Kissinger has been described by a colleague as "impatiently arrogant" and his confidence in his own ability is evident from a comment reportedly made when Rockefeller sent one of his "position papers" to other advisers for comment: "Do you ask a housepainter to touch up a Picasso?" In his new position Dr. Kissinger intends to make some long-range plans for the United States as well as to completely reorganize and restructure the entire White House security planning machinery. This is a very important job to entrust to a man as acceptable to the Democratic left-wing Kennedy Administration as he seemingly is to the Republican moderate Nixon Administration. To what ends will he use the "brilliance" he wishes to conceal from the American people?

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## MONSIGNOR FRANK SAMMONS: CONCERNED PRIEST, RESPONSIBLE LEADER, AND FRIEND

## HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. TERRY. Mr. Speaker, I want to take this opportunity to relate to the Members of the House, a great pleasure I had a few days ago.

I attended a testimonial dinner for Msgr. Frank L. Sammons, former director of the Catholic Youth Organization, and now pastor at St. Patrick's Catholic Church in the city of Syracuse.

I have known Monsignor Sammons for a great many years, having served on the board of the Catholic Youth Organization during the period which he was director. He also is a member of the 34th Congressional District Service Academy Selection Board and has provided great assistance to that group in their process of selecting candidates for our service academies.

Many prominent residents of Onondaga County praised Monsignor Sammons during the festivities including the county executive for Onondaga County, John Mulroy; mayor of the city of Syracuse, Lee Alexander, Bishop of the Roman Catholic Diocese of Syracuse, the Most Reverend David F. Cunningham, and the Auxiliary Bishop, the Most Reverend Frank J. Harrison.

Bishop Cunningham characterized the work of Monsignor Sammons over the years as reflecting goals of "holiness, health, and happiness."

Monsignor Sammons has provided young people for over two decades with hope, spiritual guidance, and a sense of community concern. His selfless dedication is best reflected in his own remarks after the testimonial dinner. He stated:

> This dinner tonight should have been in honor of Monsignor M. Shields Dwyer, the first director of the CYO. His leadership in the early days made the organization bear fruit for many years. Any good I have achieved, has been the result of what others have done to help. We are what our friends make us.

Monsignor Sammons richly deserved the tributes he received this past Sunday night. He is a concerned priest, a responsible community leader, and a friend to all in need since he was ordained. Central New York is a better place, because of Monsignor Sammons' contribution.

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## ROONEY AND REASONER UNITE FOR FOUR MORE TV ESSAYS

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. DERWINSKI. Mr. Speaker, a constituent directed my attention to a TV-radio column in the New York Daily News which gives an interesting insight into one instance in which the media did not automatically attack business or independent businessmen.

I believe, Mr. Speaker, that we should emphasize the positive point that the vast majority of individual businessmen and business concerns in our country service the public honestly and quite effectively. The great progress which our country has made has been, in large part, because of our vital free enterprise system, and this often overlooked fact does appear in this particular column:

### ROONEY AND REASONER UNITE FOR FOUR MORE TV ESSAYS

(By Val Adams)

Andrew Rooney, a writer who contributed to Harry Reasoner's reputation as a wit, is back again working with Reasoner. Andy will write and produce four light-hearted essays, the same type of material he did for Reasoner when both worked for CBS, which will be televised by ABC.

Reasoner, who also can write amusing material on his own, left CBS for ABC in 1970. Last year Rooney, growing restive because of a lack of work, decided to leave CBS and freelance. He has done 16 film pieces for National Educational Television's the Great American Dream Machine, including a three-minute essay on sex that will be televised next Wednesday evening.

Rooney claims not to know how he happened to land at ABC except to say: "They called me." Presumably Reasoner told ABC he'd like to do some half-hour essays and to get Rooney.

#### SIX SPECIALS

The first Reasoner-Rooney special for ABC, "A Bird's Eye View of California," will be presented March 13. It was filmed from a helicopter. There will be six specials in the series, but two will be produced by Jules Power.

Any time Rooney does a piece for TV and it isn't used for one reason or another, he broods. At CBS he prepared an essay on war, which Reasoner was to narrate, but Reasoner left before the program was completed. Then 60 Minutes proposed to use the piece, but in a shorter form, and Rooney would not agree. With CBS permission, he brought the film with him when he left the network and eventually sold it to NET.

#### LEFT IT BEHIND

Right now Rooney is brooding again. In moving to ABC, he left behind at NET a 15-minute film he wrote and produced, but which the Great American Dream Machine has decided not to use. Andy isn't sure why. But the idea of what he started out to do in the film, only to learn it couldn't be done, is an amusing story in itself.

Rooney has a talent for taking the trivial and the commonplace and probing them from a whimsical point of view. There were, for instance, the essays on doors, bridges and chairs. As a piece for the Great American Dream Machine, he got the idea of checking on whether gasoline stations give full measure to customers or shortchange them.

#### POSSIBLE EXPOSÉ

It could be quite an exposé, Rooney thought. How can any motorist know whether gauges on gasoline pumps are accurate or whether advertised high octane is what actually goes into his tank?

Using film crews from public TV stations around the country, Rooney checked on 86 gas stations in 30 states—in each case ordering five gallons of gas pumped into a calibrated can. A petroleum testing laboratory was hired to test samples for octane ratings.

Much to his dismay, Rooney soon learned he had a non-expose on his hands. In most cases, the gas stations gave full measure—even more than, in a few instances—and the octane ratings checked out.

#### SPECIAL TOUCHES

But Rooney refused to junk his production and sought to salvage it with special touches in the script here and there. One line read: "Unlike the hard-hitting investigative report that turns up all kinds of cheating, we found almost none." Appearing on camera at the sign off, Rooney said: "When you drive up to a gas station and ask for 10 gallons of high-octane gas, that's what you get. Sorry about that."

Rooney, 52, who has three daughters and a son, lives in Rowayton, Conn. He hasn't lacked for work since he sold movie rights to his book, "The Story of Stars and Stripes," to MGM for $55,000 soon after World War II. Andy was on the staff of Stars and Stripes during the war.

#### WROTE FOR CALENDAR

He has written material for Arthur Godfrey, Garry Moore, Victor Borge, Sam Levenson, Bob and Ray and the late Herb Shriner. He first became associated with Reasoner when Rooney was a writer for Calendar, a former daytime series on CBS–TV with Reasoner and Mary Pickett as hosts.

"I'm a writer," Rooney said. "I produce from necessity. Producing is a minor art."

Although Rooney does appear on camera at times, he does not relish the role. "I have no interest in being a performer," he said. Also known in TV as a time filler, Rooney used to sit with Walter Cronkite in a broadcasting booth during political conventions, aiding Walter with material to fill time. "I know how to fill time on TV in an interesting and amusing way," he said, "but I hate to think of myself as a time filler."

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## THE HALF WHO MADE IT

## HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. GIAIMO. Mr. Speaker, each day Members of Congress place in the CONGRESSIONAL RECORD speeches, letters, and published writings that reflect not only the sentiments of constituents and organizations but also—and especially when netted together—the mental processes and spirit of the national body. It is said the RECORD remains close to representing fully the continuing flow of American thought. Often, it is our privilege to inject into this mainstream a speech that has so much heartfelt quality and insight that readers find themselves pausing for a moment as we do after reading not an embroidered or baroque poem but a lean and finely chiseled one that matched or recalled something we had always known but could not properly state, or as we pause after reading a hard-hitting but humanely journalistic account completely devoid of frills.

I have the honor today of requesting that a speech given to the Yale alumni class of 1921 by former Connecticut Senator, Bill Benton, be placed in the CONGRESSIONAL RECORD. Now a publisher and chairman of the Encyclopedia Britannica, Senator Benton delivered to his friends and classmates at their 50th alumni reunion a speech filled with golden philosophical nuggets. References to Oliver Wendell Holmes, the Bible, Satchell Paige, Willy Mays, W. C. Fields, Gypsy Rose Lee, and John Churchill, the first Duke of Marlborough, give evidence of the Senator's broad reach across the affairs of life. While the subject of the speech seems to be "old age," it is really more. The speech is a penetrating ray into the meaning of each stage of awareness as we move from "our classes of 21" to that 50th reunion which comes too soon.

At this point, Mr. Speaker, I include William Benton's speech entitled "The Half Who Made It," in the RECORD:

### THE HALF WHO MADE IT

Well, we who are here are those who have made it.

We are the half who made it. The Yale Class of 1921 started its Freshman year in 1917 with an enrollment of 326. We were the war babies, most of us too young to get into the Army. 160 or 48 percent are now alive. Yes, we are the lucky one-half.

As we look back, class prophecies have not been very reliable and the conclusion to be drawn is that of the preacher in the Bible, that the race is not to the swift, nor the battle to the strong, neither yet bread to the wise, nor yet riches to men of understanding, nor yet favor to men of skill, but that time and chance happen to us all.

Let us emulate Oliver Wendell Holmes Senior who about a century ago, on a somewhat similar occasion, said "Old Time is a liar! We are twenty tonight." Last year Pancho Gonzales was asked how he felt playing with a partner who was under twenty. He replied, "We're exactly the same age; I've just been there longer."

So let us not look back nostalgically to the days when we voted Walter Schleiter the most versatile by two to one over Harry Mali. Perhaps the only one in our class who lived up to our prophecies and our hopes for him is Bob Hutchins who beat Skip Jencks two to one as "the most likely to succeed" and who stood second as "most to be admired" and "most brilliant." (For the last, I got two votes, mine and one anonymous, could it have been Hutchins?)

So here we, the fortunate, are. We are like the French aristocrat who was asked in the days of Louis Philippe what he did during the French Revolution. He replied, "I survived." Let us tonight also be like Satchel Paige who pitched a winning ball game when he was close to our age and then warned, "Don't look back; something might be gaining on you."

When Bob Lewis asked me to speak tonight, I said, "What do you want me to speak about?" He replied "About fifteen minutes." Then Bob hesitated, "But *don't* say anything about *Yale!*—it's too *controversial!!*

Well, I'm controversial too. I never seem to agree with anybody, including myself.

But seemingly I'm not as controversial as Kingman Brewster. Last week he told the Yale undergraduates that our college campuses are enveloped by an "eerie tranquility," whatever the hell that means.

I console myself with my advice to the executives of the two companies of which I am chairman, "Go ahead and make mistakes; if you don't make mistakes you'll never make anything." If I were to make a speech to the Harvard Business School, I would entitle it, "Now I See My Mistakes."

Now if Yale is too controversial—and I think you will perhaps thank me for sparing you the fifteen pages sent by the News Bureau entitled "the accomplishments and reputation of President Kingman Brewster, Jr. at Yale"— though I for one am prepared to stand here and pay tribute to his leadership in times of great difficulty and stress—but if Yale is too controversial, what then? What else do we have in common? The somewhat jolly realization that we have all attained the Biblical cycle of three score and ten. There's nothing controversial about being over seventy. There are three things said about men like us in that age group: One, that our memory plays trick upon us; I forget the other two.

Perhaps we've gained a little virtue. There was the senior citizen who raised his hand in affirmation when the preacher, during a sermon on loving one's enemies, asked if anyone in the congregation did not have any enemies. The minister then asked how the man accounted for that. The senior citizen replied, "I've outlived the bastards."

And perhaps we've gained a little wisdom. We probably agree with the line in Joe E. Lewis' obituary a couple of week ago, "Rich or poor, it's better to have money." Or with his even more famous line, "What's money, as long as you have plenty of it?"

Of course, the most important thing in the world is not money but love. Some of our classmates may be among the lucky people. They may *love* money. Look what love did for Professor Erich Segal!

Maybe we even concede the wisdom of the oldster who was asked how he developed such good judgment. "From experience," he replied. But when pressed, he added sadly, "Yet I'm a little confused; most of my experience has come from bad judgment." Or have we been lucky enough to have learned something about how to seduce a girl? My friend Beardsley Ruml, the great psychologist, told me that at age sixty he had learned the secret. He said it was too devastating to impart. Should he tell it to me? Shall I tell it to you? He could put it into one word. That word was "listen!" Aren't we all old enough to have learned how never to take "yes" for an answer?

Not long ago the wife of a university chancellor asked me how I felt with my hepatitis. I told her I felt amorous; I felt like Marilyn Monroe for dinner. The chancellor's wife was the kind of woman who produces that kind of answer. Then I added, "But I don't feel like chasing her around the block." She retorted, "Oh, you mean Raquel Welch." "Who's she?" I inquired. She closed out the conversation, "You show your age!"

We are lucky if we can echo the words of Gypsy Rose Lee. In her fifties, when asked how she felt, she replied, "Just fine, couldn't feel better." "Ah, but Miss Lee," pressed her questioner, "How do you feel in contrast to the way you used to feel?" Gypsy, a woman of the world with a sense of humour—and a million dollars—shot back, "As I used to feel? Everything is just the same. Yes, it's just the same—except it's a little bit lower." At about our time of life, one's narrow waist and broad mind have completed their change of places.

Bob Hutchins is one guy in the class to whom the Gypsy story doesn't apply. He still has the waistline of Gypsy youth. Can this be because he never takes any exercise? Do you remember his crack? "Whenever the desire to exercise comes over me, I lie down until it passes over." Did Bob remember the question addressed to him by Yale's famous legal scholar, Walton Hamilton, when Bob became President of the University of Chicago? Professor Hamilton wanted to know, "Do university presidents lose their integrity all at once or is it a gradual process?" Bob's modern counterpart is Willy Mays, the 40-year-old baseball miracle, who never stands when he can sit and never sits when he can lie down. I suspect more of us are like the man who went to the doctor and told him he felt lousy. The doctor examined him and told him he couldn't find anything the matter with him. Next week the patient was back, "Doc, I still feel lousy." Then came the barium enema and the rest. Still the doctor could find nothing wrong. The third week the man was back again, still feeling lousy. "How old are you?" asked the doctor. "I'm seventy," replied the patient. "Oh, go on home," said the doctor, "you'll never feel all right again!" I fear the man was like the fifth husband of Zsa Zsa Gabor. He commented wryly, "I know what's expected of me but I don't know how to make it interesting."

Do my Yale classmates still remember at seventy W. C. Fields' advice to the fifth husband, "There may be something better and there may be things that are worse, but there's nothing exactly like it!"?

Of course one way to prevent old age is frequent naps—if taken when driving.

Well, none of us is as good as we used to be, and in truth we never were. When I reminisce I ask you please not to check up on me. As is the privilege of a man over seventy, the things I remember best never happened at all.

At least we shall try to get through this reunion wtihout flaunting any sign of decay except garrulousness.

When the normal lethargy of age has had its way with us, and with our dwindling resolution, we shall in our new found leisure be doing less and less of the more and more we had promised ourselves to do. We shall not do much which we have not been doing, and we shall do less and less of what we have been doing.

At our sexennial reunion Bob Hutchins told us he had been elected Secretary of Yale because the rumor had gotten around that President Angel wanted to make Yale an educational institution. This greatly upset the alumni. Bob was hired to hit the hustings to make speeches to placate them.

The alumni still need placating, our class along with the rest. John Churchill, the first Duke of Marlborough, was said to have "a firm grasp of the obvious." Perhaps our experiences at this reunion will help achieve this for some of us about the problems facing this great university. Our dinner seems not the place to discuss them—at least our Alumni Chairman thinks so. But as a trustee of six colleges and universities. I can report to you that their problems are mounting and no problems are more significant to the future of the country.

May I not assume your interest in our colleges and universities by your presence here tonight? I commend their problems to your pocketbooks and, more remotely I hope, to your estates.

I conclude with a quote from Longfellow, a poet who was not taught to us by Billy Phelps, Johnny Berdan or Chauncey Tinker:

"Age is opportunity no less
Then youth itself, though in another dress.
And as the evening twilight fades away
The sky is filled with stars invisible by day."

Yes, in the early morning of Yale youth, or at high noon, it is impossible to see the stars.

God have mercy on us all, my classmates here and in absentia.

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## THE PROTECTORS IN MODERN HEALTH CARE—SPEECH BY DR. FREDERIC J. KOTTKE

## HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. KARTH. Mr. Speaker, on January 14, Dr. Frederic J. Kottke, head of the Department of Physical Medicine and Rehabilitation, University of Minnesota, spoke at the inauguration of a new rehabilitation facility of the Alexian Brothers in Chicago. What he said there about the lack of rehabilitation services in the United States deserves the serious attention of all people who are concerned with health care in our country. I am pleased to include at this point Dr. Kottke's remarks:

### The Protectors In Modern Health Care

The history of the Alexian Brothers as protectors of the sick is similar to the story of the Good Samaritan. He was not an individual of any particular importance or station in life. We really know nothing about him. His undying fame arises from the fact that he came upon a stranger in need, a man who had been beaten and robbed and left to die, and the Samaritan took care of this injured man and arranged to nurse him back to health. The Good Samaritan was a man who went far out of his way to protect and care for a stranger who was sick and in need.

I am impressed that the origin and history of the Alexian Brothers has been similar to the role of the Samaritan. It is an amazing example of Christian brotherhood. The Alexian Brothers, in the 14th Century, at considerable hazard to themselves, cared for victims of the Black Death. Then, as now, they dedicated their lives to help the sick, the poor and the needy. Their work in the United States for the past 100 years is most impressive. They have operated hospitals, trained nurses, established retirement homes and provided services where there is a need. Now they are moving ahead to establish a Department of Rehabilitation Medicine in their Medical Center to respond to one of the most important unmet needs of health care today.

The Alexian Brothers Medical Center is not only expanding their comprehensive medical care by adding a Department of Rehabilitation Medicine but they are moving into a position of leadership in the field of health services by selecting one of the most able physiatrists to head this program. Dr. Edward Gordon is a physiatrist for whom I have the highest regard. We have been friends and colleagues for 25 years. We first became acquainted when he was a Baruch Fellow in Physical Medicine at Columbia University-Presbyterian Hospital, New York, and I was a Baruch Fellow at the University of Minnesota. Since we both have had a research interest in the physiologic effects of activity and exercise as well as our clinical interest in the rehabilitation of patients, we have maintained a close professional relationship over these years. Dr. Gordon is a specialist in Internal Medicine as well as in Physical Medicine and Rehabilitation. His studies of the energy required by rehabilitation activities are outstanding. He is widely known for his research on paraplegia, stroke, tuberculosis, multiple sclerosis and myocardial infarction. When the National Stroke Congress was held in Chicago in 1964 Dr. Gordon was selected to present a model program for the rehabilitation management of stroke. He is highly regarded as a teacher and a leader in Rehabilitation Medicine. He has been on the Board of Governors of the American Academy of Physical Medicine and Rehabilitation and on the Editorial Board of the Archives of Physical Medicine and Rehabilitation. The American Congress of Rehabilitation Medicine recognized his outstanding contributions by awarding him the Gold Key for Distinguished Service in 1968. In Dr. Gordon as the head of your rehabilitation program, therefore, you have the leadership and the potential to make this one of the great rehabilitation programs of the United States.

It may be that the greatest deficiency in health care in the United States today is the lack of rehabilitation services for patients with physical disabilities or chronic diseases. There are a number of reasons for this. There are so many disabled persons—probably 5 million. The work of rehabilitation is slow and drudging and not rewarded by sudden and dramatic cures. As a matter of fact, most patients, although significantly more inependent and self sufficient after rehabilitation than before, still have some residual limitations which persist. Therefore, these patients continue to present some problems and often need some continuing help. For many of these patients such as strokes, arthritics, paraplegics or other accidents, burns, muscular dystrophy or multiple sclerosis a great deal of rehabilitation is necessary to restore them from complete dependence. It requires a special kind of person and a special attitude to be willing to invest so much for such a slow return. For that reason it has been much harder to interest public organizations and the health professions in establishing rehabilitation facilities than it has been to interest them in acute hospitals. That, however, is looking at the dark side of the picture.

If we look at the positive aspect of rehabilitation the opportunities to help these disabled patients are tremendous. Let us consider as an example of rehabilitation one of the commonest illnesses which we see today, the patient with a stroke. Stroke to most of us signifies inability to walk, dress, eat, care for toileting; and often, inability to talk. It all too often connotes complete disability and bedfast care in a nursing home through the remaining life of the patient. With rehabilitation that prospect is far different. The chance for restoration to independence in self-care and usefulness is extremely high.

Stroke appears to be one of our most common disabling diseases. If we consider all ages, 2 persons per 1,000 population per year have their first stroke. If we look at the population over age 65 we find that the annual incidence of first stroke increases to 1 percent. Five persons per 1,000 living in our communities have had a stroke. Twenty percent of these patients have recovered without disability and may have needed no rehabilitation. The critical question is what has happened to the other 80 percent who still have some or much disability.

There are no controlled studies so we must compare reports of groups of patients who have received rehabilitation against other groups of patients who have not had a rehabilitation program. A long-term study of more than 650 stroke patients at the Mayo Clinic found that 75 percent of strokes are due to cerebral thrombosis, or clotting of blood in one of the cerebral arteries. Eighty percent of these patients survive from this stroke. Of patients who live more than 1 month after their first stroke the average life expectancy is 5 years, and in half of these persons death is caused by something other than a cerebrovascular accident. Three other studies give similar results.

Any patient who has residual physical disability a month after a stroke should have rehabilitation. As a matter of fact, rehabilitation maintenance should begin as soon as the patient is seen, and rehabilitation activities should be started as soon as the patient is able to respond. In round numbers, recovery from the acute effects of a stroke requires about 1 month of hospital care, and another month for rehabilitation is required in order to achieve independence in self-care and ambulation. Three hospitals which offered such rehabilitation for their stroke patients—Mayo Clinic, Milwaukee General, and New York Hospital—found that only 3–4% of their patients remained completely dependent. On the other hand, in Licking County Hospital, when stroke patients received acute nursing care and activity but were discharged at the end of 1 month, 38% of those patients still were completely dependent at the time of discharge. In Glasgow, Scotland, among stroke patients who received acute hospital care but not rehabilitation 18% remained completely dependent in a follow-up study and another 18% remained partially dependent. In other words, these studies indicate that without that additional month of rehabilitation from 20 to 35 percent more patients remain completely dependent after stroke. Another 30 percent of patients benefit from rehabilitation by becoming more independent. For the 5–10 years that patients live after strokes their lives may be confined and miserable without rehabilitation, or active, enjoyable and productive with rehabilitation.

Now let us turn from the humanitarian consideration of whether or not life is worth living after a stroke and look at the financial aspect of the cost of care of stroke victims with and without rehabilitation.

Today in Minneapolis hospitalization costs about $100 per day. Rehabilitation costs the same $100 per day. The cost to the patient of that additional month for rehabilitation to become independent in self-care and ambulation is $3,000. That is a terrific price to pay for rehabilitation, isn't it? What is the cost of not receiving rehabilitation? In calculating this cost we must recognize that this is the cost of dependency over the 4, 5, or 10 years that the patient will survive.

Again, I know the financial data best for

Minneapolis. Nursing home care for a completely dependent stroke patient who must be fed, toileted, dressed, assisted in transfers, and cared for in bed costs $154 per week or $8,000 per year. If he lives 3 years the nursing home alone will cost $24,000. If he lives 5 years the nursing home cost will be $40,000 and too many patients after stroke do exist this way. These patients usually cannot be cared for at home.

If we can merely improve the self-care of our stroke patient so that he can feed himself we can obtain nursing home care for him for $104 per week or $5,400 per year and in 3 years have saved $7,800. If he lives 5 we will have saved $13,000. If he can return to his home he avoids this cost.

If our patient is rehabilitated to feed, toilet, and dress himself and has limited ambulation he can return home or we can find a suitable rest home for him for $300 per month which is a saving of $4,400 per year when compared to complete dependency.

If our patient is completely independent in self-care and ambulation he can find a retirement home for $2,400 per year if he has no home of his own.

The financial statistics are even more compelling than the humanitarian argument in support of rehabilitation. Physical dependency is extremely expensive. Rehabilitation is an excellent investment.

This review of the effects of rehabilitation on the outlook for the patient with stroke shows the kinds of advantages obtained by rehabilitation for any of the severe physical disabilities. The patient and his family receive tremendous benefits. The community benefits. The costs of rehabilitation are less than the costs of allowing the patient to remain dependent. Everybody benefits. However, rehabilitation is complex enough that it requires that some organization assume the responsibility to bring together those people and facilities which are necessary to make rehabilitation function at an optimal level.

I am glad to see that the Alexian Brothers, in accord with their long tradition, are providing this added benefit for the sick. They have extended their services as protectors of the sick into a new area in order to not only add years to life but also to add life to those years.

## STRIP MINING

### HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. HALPERN. Mr. Speaker, over the last few years, great increases in coal production have benefited our society. But this increased production has also had an impact on the environment in areas where the coal is mined. Unreclaimed lands which have been strip mined are just one example of environmental abuses which eminate from coal mining operations. Acid mine drainage is another. Even in minute concentrations, the acids can be toxic to fish, wildlife, plants, and aquatic insects. There are still other impacts which result from coal mining but I do not think it is necessary to catalog them here, since we are all too familiar with both their causes and results.

For many years, these and other problems have been widely recognized. Some States have taken action as a result of public complaints, but nationwide responses, for the most part, have been lax. In 1965, for example, the Department of the Interior estimated that 3.2 million acres of land—or about 5,000 square miles—have been surface mined. How much of this land had been reclaimed? The report's answer is disappointing:

> From a survey conducted by the Soil Conservation Service and data submitted by certain States it is concluded that probably only one-third of the total acreage disturbed by surface mining has been adequately reclaimed . . .

Mr. Speaker, I submit that this is a record which none of us should be proud of and that we must take steps immediately to regulate such adverse practices which are permanently destroying our environment.

In the past, coal operators were concerned only with production and they gave little notice to the manner in which they obtained their product. I do not believe the public is willing to accept that philosophy any longer.

We need the kind of legislative effort that will end our present one-sided love affair with strip mining. I wish to submit to the RECORD, Mr. Speaker, a poem and an open letter composed by Constance Bedson, one of my constituents. Her compositions express both lyrically and accurately the warning to which our country must pay heed, if our mountains are to be saved. The material follows:

#### STRIP MINING

Put a wreath around the Mountain. It is dead. Strip mining.
And all the debris, left behind, piled high—will not make a Mountain.
We need coal for electricity so that we can have Light to see.
But we are in the dark—because we can no longer see the Mountain.

DEAR UNITED STATES: Tonight on TV I saw Arthur Fiedler conducting the Boston Pops. I heard the Singers singing 'Oklahoma." And a deep feeling of Love for our Country arose in me and I wrote you a letter.

"A bright golden haze on the Meadow." And if we cover all the Meadows with housing developments. With refuse. Who will be able to Sing? To Compose Music like Rodgers and Hammerstein?

And if we level all the Mountains—Strip Mining. What Mountains will the Spirit of Man be able to Climb?

O the Stars are Wondrous in the darkened night. But let us keep the Sweet Green Earth where little Poems are born.

If there is no Beauty left in our Land there will be nothing to Sing about. And a Nation without Music and Song is like a Night without Stars.

## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

## PHYSICIANS JOIN ANTIABORTION DRIVE

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. HOGAN. Mr. Speaker, the question of an unborn child's right to life has long been a major concern of mine, and I have recently been greatly troubled by the growing tide of disrespect for human life in this country. I refer specifically to the pressure that is being put upon legislators to abandon the constitutional principle of the inalienable right to life in favor of liberalized abortion laws.

I was pleased to note that a group of more than 220 physicians has realized the importance of speaking out in favor of the unborn child as a separate and individual human person with undeniable rights. In a 79-page amicus curiae brief, the physicians urged the U.S. Supreme Court to review medical evidence detailing the humanity of an unborn child and thus to regard the child as a human being entitled to protection under the fifth and 14th amendments of the Constitution. The Court has consented to consider the doctors' report.

An article describing the physicians' brief as well as various antiabortion efforts being conducted across the country recently appeared in the Catholic Standard, and I insert the article into the RECORD at this point:

[From the Catholic Standard, Washington, D.C., Dec. 9, 1971]

#### AS CAMPAIGN SPREADS: 220 PHYSICIANS JOIN ANTIABORTION DRIVE

(By Louis A. Panarale)

The campaign against liberalized abortion laws has opened up on new fronts at national, statewide and diocesan levels.

The U.S. Supreme Court has agreed to consider medical evidence on abortion from more than 220 physicians across the nation who urge protection of the unborn.

The physicians asked the high court in a 79-page "amicus curiae" or friend-of-the-court brief to recognize the unborn individual as a person entitled to protection under the fifth and fourteenth amendments of the Constitution. They lined up with antiabortion appellants in Texas and Georgia district courts.

The medical group's position is that "the unborn are developing human persons who need the protection of the law just as do adults."

The physicians, more than 100 of them professors at leading medical schools and the rest private practitioners, said they were motivated to speak on "the pro-life side of abortion."

Many of them are Fellows of the American College of Obstetrics and Gynecology. Many were signing their names against abortion for the first time—and their basic argument stemmed from grounds other than religious.

Taking issue with the idea that abortions should be treated no differently than any medical procedure to protect maternal health, completely disregarding the human being developing in the womb, the doctors said that at fertilization "a new and unique being is created which, although receiving one-half of its chromosomes from each parent, is really unlike either."

They went on to detail how medical science sees the humanity of the unborn child:

Blood cells form at 17 days.

A heart forms as early as 18 days, starts irregular pulsating at 24 days, smooths out into regular contractions at about 30 days.

Development of the nervous system is underway at 18 days.

The brain begins at the 20th day, along with the spinal cord and the entire nervous systems, all of which are completely formed at 30 days.

The eyes begin to form at 19 days, with 40 pairs of muscles begun by 28 days, at which the embryo is 10,000 times larger than fertilized egg and has millions of cells instead of one cell.

At the 30th day, the quarter-inch-long embryo begins to look distinctly human, no longer exchanges blood with the mother—and the mother may not even be aware yet that she is pregnant.

Said the doctors: "Human life is a continuum which commences in the womb. . . . Modern science has proven conclusively that any law based on quickening is based on shifting sands—a subjective standard even different among races. We now know that life precedes quickening."

Meanwhile, the first Abortion Study Committee in Pennsylvania, conducted by Pennsylvanians for Human Life (PHL), issued reports based on research papers it studied in closed sessions at Hershey, Pa.

Thomas A. Noone, Jr., PHL president, said that Pennsylvanians too long have been looking to the Governor's office, the state legislature and the Supreme Court for leadership in population control and abortion.

"Time is running out," Mr. Noone said. "Prenatal life is being destroyed without regard to the rights of the unborn to live. Pregnant women are being asked to risk their lives and health by accepting abortion as a solution to their problems."

In Rhode Island, the Providence Diocese has launched Birthright Counseling, a 24-hour professional counseling service for women "experiencing crises because of unwanted or problem pregnancies."

Birthright Counseling, a nonsectarian program, offers its services through a "hot-line" telephone number.

In a statement on its philosophy and purpose, the counseling service said, it will "attempt to bring women through the initial shock of an unwanted pregnancy."

The purpose of the service "will not be to moralize, or be judgmental, or condemnatory or punitive or to pressure anyone to go against their personal convictions," according to the statement.

"The focus will rather be to offer help, kindness, warmth and understanding, with professional counselling to every woman with a problem pregnancy."

The Syracuse Diocese has announced a campaign "to bring respect for all life out of the political arena and into moral and educational contexts."

Seventy-five speakers have been assigned to address parishes in the upstate New York diocese under the joint coordination of the diocesan family life agency and religious education officials.

Coadjutor Bishop David Cunningham said: "We must make every effort to reach our people in every way possible so that the religious and moral dimensions of this issue will always receive prime consideration in their personal judgments and actions."

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## WHY WE GO INTO SPACE

## HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. CASEY of Texas. Mr. Speaker, you have often heard me speak here on the benefits we all derive from the space program and the necessity of an adequate funding level for the National Aeronautics and Space Administration.

On occasions, when I look at the work NASA is doing with its present budget and dream of all it could do with more, I feel that all the eloquent words in the world would not convince some of my fellow Members that NASA is worth every penny we spend.

Today I have what I consider a breath of fresh air which I feel may catch the attention of some of the doubters. The article I am about to read you was written by a young man in my district who has grown up next door to the space program.

The writer is Jeff Edmonds, who though he is only 15 years old, has captured all the vitality, importance, and spirit of our space program in a moving and articulate bit of advocacy.

Jeff, writing in his high school magazine at La Porte High School in La Porte, Tex., has expressed what I think a majority of Americans feel—space is the new frontier and America can do no less than open new frontiers. I ask you to listen to his wise words:

### WHY WE GO INTO SPACE

(By Jeff Edmonds)

And they wait. Above the pathetic culture of modern humanity hang the stars. The passage of time affects them not. Their life is eternity, each heartbeat an eon, and each breath countless ages. In one breath of their cosmic existence they watched over a promising humanity. And in the dim light of morning they heard the echo of the excited words, "Land ho."

And upon the return of the explorers there arose a triumphant welcome from those who understood the importance of such a discovery and realized the treasure of a new continent. But there was a shrug of ignorance from the others who could not comprehend the value of new discoveries and new territories.

In the same breath the stars looked down upon the struggles of a primitive humanity and guided those who would reach out with the first step. "A small step for man, a giant leap for mankind."

And again, amidst praise and applause, there were those who displayed only a strong apathy toward such an appalling event. It is these people today who are so near-sighted, imperceptive, and worldly practical that in every conversation strike up the familiar question, "Why should we go to the moon?" Such a well thought out question deserves an answer as complicated as, "Because it is there."

But actually this statement says quite a simply because it is there. The moon, the lot, for it sums up the reasons for all the great ventures of the past. Though many practical reasons are stated to explain the current space program, the real reason, known by every scientist and dreamer, is planets, the stars, the universe.

But this is usually counterattacked with a variation on the ancient argument: "If the Lord has meant for us to fly he would have given us wings." To answer this and remain on the previous subject one need only to say, "He did." For as God created life in great diversity, he blessed man with intelligence, reasoning, and most of all, curiosity. For without curiosity, man's intelligence would serve no purpose. This inherent trait allowed man to gain the two most sacred possessions: knowledge and wisdom. And with knowledge there came ability. Though we were not blessed with wings, we were given the ability to obtain them.

Curiosity offers a general and undisputable motivation for space travel, yet are countless sums of money being provided simply to give scientists something to mollify their eternal thirst for new knowledge and frontiers? Though the scientists seem to be the only ones concerned with space exploration now, in the future it will have a tremendous effect on each of us. Our earth is becoming exhausted, and our demand for almost everything is growing daily. Our tremendous swell of population is forcing us to extract vital materials from a planet incapable of regeneration. Someday our dying world will require a steady supply of raw materials to furnish food and necessities to the societies of the future. The possibilities of wealth in our sun's family are great. Life, health, and luxury are all offered in some manner by the trillions of miles of unknown. And the greatest luxury is, of course, room.

And from reaching out into space we will gain knowledge that we and our young must have to survive and flourish. And through the eyes of the lunar observatory we will gain knowledge of the stars that lie in the path of the destiny we so seldom think about in our material world. But there is yet another aspect of space travel which may seem philosophical, but it is even more concrete than the need of material resources and technical knowledge. It may be one of the few ways to save our nation from corruption, dehumanization, and general decline. It is clear that our great nation is declining from internal conflict, and the reason is unrest. The urge and yet inability to pioneer new frontiers. And eventually a stagnant society must grow foul. The oceans may be the beginning of the answer, but when the earth is crowded and depleted we must reach upward where there is an infinity of space filled with uncountable planets of fresh resources. Each planet a frontier to be explored and tamed by a new species of the hearty pioneer. Each one offered free in exchange for curiosity and courage.

Can our current decline be reversed by the discovery of a new frontier and the awakening of the pioneer spirit in those who live only to die? Or will the history of the United States prove analogous to the rise and fall of the Roman Empire in the historic literature of a future society?

For these reasons space travel is something we cannot hold back. It can be delayed, but it is progress. And there will always be those with the will to move forward and outward, to add to our knowledge and better our existence. And in this way it is necessity. The universe is a world which bustles with life and activity, and we must depart from our cradle, the earth, and join a world far different than our wildest imaginations. We will discover intelligent races, and learn to live and share together with our superiors. For the intelligence of the universe will exist in peace and harmony as it sees that which is to come: The Ultimate.

Those who insist this has no significance to the practical world of today have only to observe. For what is our problem today but lack of unity. Our world is divided, both in boundaries and in thought. Attempting to achieve unity through politics is like walking through an endless maze. The people of the world must be united, not through a written agreement, but united in heart and soul for a common cause. And what better cause is there than the exploration and colonization of space. We have already shown that we can talk and share freely on the topic of space. And for one brief moment in the summer of 1969, the inhabitants of the entire world shared feelings of relief, joy, admiration, and pride. They were united.

Maybe someday soon we will live and work and learn together in space, a limitless void with no boundaries to separate race or opinion. A place where all men brave danger and the unknown together. A place where all men strive to reach a common goal.

And the brilliant jewels of the night shine ever onward. Forever beckoning. We struggle upward, ever upward. And they wait . . .

## MORE SUPPORT FOR LAW ENFORCEMENT OFFICERS

## HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. JAMES V. STANTON. Mr. Speaker, policemen, firemen, judges, and corrections officers in the Cleveland area have spoken with a unified voice in support of H.R. 11677, the Public Safety, Criminal Justice, and Correctional Personnel Benefits Act, which I introduced last November. This bill would provide a $50,000 benefit to the family of any of these officials killed in the line of duty. I would now insert in the RECORD six additional letters of support I have received.

I am also very grateful for the support shown by my colleagues in the House for this legislation. Yesterday, I reintroduced the bill with 21 cosponsors, who are as follows:

WILLIAM ANDERSON, PHILLIP BURTON, FRANK CLARK, DANIEL FLOOD, WALTER FLOWERS, EDWARD GARMATZ, SAM GIBBONS, SEYMOUR HALPERN, KEN HECHLER, and HENRY HELSTOSKI.

WALTER JONES, JACK KEMP, RALPH METCALFE, WILMER MIZELL, CLAUDE PEPPER, CHARLES RANGEL, WILLIAM ROY, PAUL SARBANES, SAM STEIGER, SAMUEL STRATTON, and CHARLES VANIK.

The letters follow:

JANUARY 5, 1972.

Hon. JAMES V. STANTON,
*Congressman, 20th District of Ohio, Longworth Building, Washington, D.C.*

DEAR MR. STANTON: The members of the North-Eastern Ohio Fire Chiefs' Association Inc. are very desirous to be able to endorse H.R. 11677 which was introduced by you on November 9, 1971.

It is gratifying to know that the fire service has a member of the Congress who realizes that fire fighters have been shot at in the performance of their duties. That the families of the fire fighters who are subjected to these hazards should receive the same benefits as law enforcement officers families.

May the members of our Association thank you from the bottom of our hearts for your consideration and efforts in trying to help our loved ones.

Sincerely,

EUGENE E. ROGERS,
*North-Eastern Ohio Fire Chiefs' Association, Inc.*

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DECEMBER 20, 1971.

Hon. JAMES V. STANTON,
*Member of Congress, House Office Building, Washington, D.C.*

DEAR SIR: We would whole-heartedly like to thank you for your strong opposition to Mr. Richard Velde concerning excluding the firefighter from the $50,000 death benefit bill. It always makes one feel good to know he has support in his chosen profession. We feel whether a man gives his life as a result of a felonious act or not is of little importance, but that he has given his life for the benefit of his fellow man is the point. Firefighters risk their lives daily, and this death benefit is a small price to pay for such valor.

Again, we thank you for your support.

Respectfully,

DANIEL E. KOSTER,
*Secretary Local 1814 I.A.F.F., Westlake Fire Department.*

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President RICHARD M. NIXON,
*Washington, D.C.*

MR. PRESIDENT: Upon reading the comments on the opposition to the inclusion of firefighters in the $50,000 death benefit bill made by Mr. Richard Velde, associate administrator of the Law Enforcement Assistance Administration of the Justice Department, one wonders if there is any justice or logic in excluding the firefighter.

Although there may be more policemen that die in the line of duty as a result of a felonious act, there are more firefighters die in the line of duty in a year.

A firefighter risks his life protecting the lives and property of his fellow citizens and now has the honor of being a member of the country's most hazardous occupation.

Whether a member of the safety forces dies as a result of a felonious act or simply protecting the lives and property of others is not, in our opinion, the question. The fact remains that an individual has paid the supreme sacrifice for the benefit of his fellow man, and he still leaves a widow and all the responsibilities a policeman would leave.

Mr. Velde should also be aware of the many assaults made upon our firefighters, not only during civil disturbances but also during day-to-day activity.

We feel the price that would be paid to cover the firefighter under this bill is indeed a small price to pay for the sacrifice these men make for the benefit of their fellow man.

Respectfully,

DANIEL E. KOSTER,
*Secretary, Local No. 1814 I.A.F.F., Westlake Fire Department.*

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DECEMBER 15, 1971.

Hon. JAMES V. STANTON,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR SIR: I would like to express, to you, my support for the bill you introduced as H.B. 11677. I would like to commend you for your action. As a Fire Chief, I am vitally interested in the welfare of firemen. The proposal to include only policemen, Sheriff's deputys, and highway patrolmen, in a financial benefit, in case of death in the line of duty, is certainly not justified, in my opinion. Statistics prove that the fire service is the most hazardous occupation in the country. Firemen also meet with violent death. I can not see any difference between whether a man gets shot to death or if a fire occurs and he is killed by smoke, falling walls, etc. This is why I believe you are taking a realistic view, compared to some other men, regarding Federal compensation to the familys of safety personnel being killed in the line of duty.

Keep up your good work and we in the fire service all thank you for your concern and efforts.

Respectfully,

EDMUND W. GEIGER.
*Fire Chief, Westlake Fire Department, Westlake, Ohio.*

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DECEMBER 10, 1971.

Hon. JAMES V. STANTON,
*House of Representatives, Congress of the United States, Washington, D.C.*

MY DEAR CONGRESSMAN STANTON: As promised in my December 1st, 1971 letter of endorsement to you regarding HR. #11677 regarding survivor benefits for probation officers who are killed in the line of duty (and other associated public employees) you will be happy to know that at our State organization meeting on Dec. 8, 1971, our Executive Committee gave unanimous endorsement of your Bill and directed me to correspond with you immediately regarding this matter.

Please advise me if there is anything further we can do to help in this important legislative matter.

Sincerely yours,

JOSEPH A. JANESZ,
*President.*

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DECEMBER 8, 1971.

Hon. JAMES V. STANTON,
*Congress of the United States, House of Representatives, Washington, D.C.*

DEAR SIR: I wish to address your Office relative to the Bill H.R. 11677. I would hope that you and all Members of Congress would vote for this legislation.

I believe we must recognize the need in this area and provide some means, whereby, the family of an Officer killed while on duty is not placed in such a financial position as to be dependent on friends, relatives and society. It is not a precedent setting act as it is now a part of many governmental agencies.

Thus, I again request your support in this matter.

Very truly yours,

LESLIE R. BLACK,
*Chief, Rocky River Police Department.*

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DECEMBER 10, 1971.

JAMES V. STANTON,
*State Representative, Longworth Building, Washington, D.C.*

DEAR MR. STANTON: I am writing this in hopes of your full support of H.R. Bill No. 11677.

With the lack of support in some parts of our country towards the law enforcement officers and the disregard for their lives, this bill would help in some ways.

I have seen the families of dead police officers, and the financial crises they have gone through. Most of these families are young. They were just beginning to get their feet on the ground when a tragedy of this type came up. Police officers are not wealthy. They do not make a great deal of money. Most work on their days off and any extra hours they have. They dedicate their lives to helping people just as you have, but with a much smaller financial return.

Knowing your record and admiring you as long as I have, I know you will support this bill totally.

Thank you for the opportunity to express my feelings as I have.

Sincerely,

DONALD B. SAMKO,
*South Russell Village, Chief of Police.*

## HIDDEN PROFITS FROM A CLEAN AMERICA

## HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert in the CONGRESSIONAL RECORD an excellent article appearing in the February-March

1972 issue of National Wildlife magazine, published by the National Wildlife Federation making clear the economic aspects of waste and pollution. This excellent article, "Hidden Profits From a Clean America" merits careful consideration by every thinking American:

### PRESIDENT SAYS CLEANUP SAVES UNITED STATES $12 BILLION A YEAR

WASHINGTON, D.C., February 1, 1980.—In a dramatic report from the White House, the President today exuberantly proclaimed the 1980's a "Decade of Better Living."

"Pollution cleanup launched during the early 1970's," he declared, "has improved our health, saved us money, and made possible a higher quality of life.

"Gross damages from air and water pollution have been reduced by $22.2 billion annually. This is a net saving to American taxpayer of $12 billion a year—after paying the cost of cleanup. Each family's share of this saving is $200 a year," he said.

#### CLEANER, GREENER AMERICA

"More important," the President continued, "we have a much cleaner, greener America than in those murky days of 1972 when the far-sighted warned us: 'America is dying.' And the faint-hearted complained: 'We can't do anything about it,' And the short-sighted said: 'We can't afford it'."

The President cited two reasons most responsible for triggering the pollution cleanup: "First, Americans decided back in 1972, they did not want to live in a world of dirty water and foul air. Second, they made the great discovery it would pay them—not cost them—to clean up pollution."

#### MESSAGE HIGHLIGHTS

*Health:* "Americans are saving $4 billion a year in health benefits from air pollution cleanup alone . . . cases of emphysema, bronchitis, asthma and lung cancer have dropped dramatically."

*Property:* "Pollution damage to property and materials has been reduced by more than $6 billion a year. We don't need to paint our houses so often. Cars do not corrode, clothes and furnishings last longer."

*Fisheries:* "Clean water has enabled the United States to rebuild commercial and sport fisheries . . . we now fish for shrimp in waters that had no shrimp for more than a decade."

*Recreation:* "Cleanup of rivers, lakes and beaches sparked a recreation boom, with dollar benefits in the billions."

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### AIR, WATER POLLUTION NOW COST UNITED STATES $28.9 BILLION A YEAR

WASHINTON, D.C., February 1, 1972.—Uncle Sam's bill for air and water pollution damage has jumped to a staggering $28.9 billion annually.

Pollution is now costing each person in the U.S. $137 a year—$480 per family. And the total is climbing fast!

The Third Annual Environmental Quality Index, published by the National Wildlife Federation, points out that pollution is damaging health, driving down property values, killing plant and wildlife, and eroding the quality of human life.

#### CAN WE AFFORD CLEANUP?

Despite this gloomy picture, there is a rising clamor that the United States cannot afford to clean up pollution . . . that it will cost more than $100 billion . . . that taxes are already too high . . . that some industrial plants will have to close, with loss of jobs.

"But the biggest untold story in America today is that *it will pay us to clean up pollution,*" asserts Thomas L. Kimball, executive director, National Wildlife Federation.

Kimball cites these dramatic figures gathered after intensive digging by a Federation investigative team:

*Air pollution* causes damages of $16.1 billion annually. But economists estimate about two-thirds of these damages could be eliminated by 1976 if the Federal air clean program is fully funded, implemented and enforced. So Uncle Sam, by investing $3.9 billion annually, can get back savings of $6.8 billion. One family's share of these savings would be $113 per year.

#### FAMILY CAN SAVE $200

*Water pollution* causes damages estimated at $12.8 billion annually. Approximately 90 percent of these damages could be eliminated by 1980 with a program costing about $6.3 billion annually. This would provide a net saving of $5.2 billion annually. And one family's share of this would be $87 per year.

*"Cleanup program* could save a family $200 annually by 1980—and give them fresher air, cleaner water and better health," says Kimball.

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### HIDDEN SAVINGS FROM A CLEANER AMERICA

(By Thomas L. Kimball)

Americans can have a cleaner America by 1980—and save $12 billion a year at the same time.

This is no pipe dream. It is the sober estimate of responsible environmental experts.

Ths dramatic figure was brought to light after intensive digging by a National Wildlife Federation investigative team which interviewed scores of environmental experts and economists during recent months.

The pollution arithmetic is simple:

1. Nationwide bill for damages from air and water pollution is estimated at $28.9 billion annually. Your family's share of that is $481.

2. A reasonable cleanup program will require an investment of $10.2 billion annually. Your family's sare: $170.

3. But this cleanup will reduce pollution damages by a whopping $22.2 billion! Your family's share: $370.

4. You pay out $170 for cleanup and reduce your pollution damage bill by $370, for a net savings of $200 in your annual expenditures. More importantly, cleaner air and cleaner water give a new lease on life to all creatures, be they eagles, oysters, or men. Here's how we arrived at these startling figures.

Air pollution: The President's own Council on Environmental Quality (CEQ) reports that the current air cleanup campaign will cost $23.7 billion between 1970 and 1975. Economists estimate this will reduce ar pollution damages by two-thirds by 1976.

Polluted air causes the following damages, says the CEQ: human health, $6 billion; materials and vegetation, $4.9 billion; lowering of property values, $5.2 billion.

Some economists believe these figures are too conservative because they do not include shortened life due to illness or loss of scenic values. One expert told us: "If we continue to establish comprehensive air pollution standards—and if we have the courage to enforce them—by 1976 we can reduce air pollution by 80 to 90 percent!"

Water pollution: The story here is equally dramatic, though specific figures are unavailable and Federal officials are almost embarrassed by the lack of data.

Nevertheless, the Federation talked with economists who have researched this problem for years. They estimate that water pollution costs the United States $12.8 billion annually. They also believe pollution damages can be reduced 90 percent bv 1980.

Polluted water costs you and the nation untold billions in reduced output, increased expenses, higher taxes, and, most importantly, a generally poorer life:

The polluted Delaware estuary alone represents $350 million in lost recreational opportunities. One-fifth of the nation's shellfish beds are closed because of water pollution. A single child born retarded because of chemical contamination of the water his mother drinks can cost society $250,000 in remedial training and custodial care.

These figures and conclusions raise inevitable questions:

Are these estimates anywhere near accurate?

Economists and environmental experts freely admits that research data is skimpy. Some contend the government has been derelict in not running return-on-investment studies similar to those which all industries do before committing their dollars to any new project. However, our sources defend the figures in this article as conservative—both in damages and in ultimate savings. (I invite anyone who believes he has more reliable figures to speak up—environmental cleanup must be a team effort.)

When does the taxpayer-consumer start getting back the money he's invested?

Air savings should be fully effective by 1976; water savings, by 1980. Based on our experts' figures, the Federation estimates the average family must invest a total of approximately $500 by 1975, without return. But by 1970 the family will recover this $500, and by 1980 each family will have an annual savings of $200.

But will people make this investment?

Yes. For more than 200 years Americans have been profit motivated. Show them where they can make or save a buck and you'll get action. But I hope that dollar economic will never be our sole guide. Quality of life is a concern that transcends dollars and cents. Happily, pollution cleanup meets both criteria—it helps improve our quality of life, and it saves us money.

But what about those estimates of $105 billion to clean up pollution?

That's the figure given in the report of the President's Council on Environmental Quality. But, by the Council's own admission, this figure is inflated since it contains a $43.5 billion estimate designated for solid waste disposal. And, to quote the CEQ, "This figure greatly overstates the costs required for meeting a higher standard of environmental quality, since the overwhelming bulk of those costs is for garbage pickup, a service traditionally provided in urban areas (and currently being paid for)."

Is pollution cleanup on schedule?

The Clean Air Act of 1970 has sufficient strength to accomplish goals set forth in this article. Our air pollution figures are valid—assuming these IFS: If current strict standards are not lessened . . . If timetables set forth are met . . . If regulations are enforced.

Water pollution figures are based on the Water Quality Act of 1965. However, in my opinion, this effort to clean up has been a failure to date because standards are not uniform or complete and state enforcement has lagged. For example: Only 27 states have "No further degradation" clauses. Current hope is the new Water Pollution Bill which will probably pass Congress early this year. It sets up strict Federal standards for effluent discharge by the industrial polluter and provides for tough enforcement.

What can an individual do?

Be informed. Do not be misled by sweeping statements, for example, that "pollution cleanup will cost too much," or by simplistic slogans like "What do you want—fish or jobs?" Attend public hearings which are provided for by law. Remember that both air and water pollution laws also provide that you as a citizen can bring a lawsuit directly against a polluter, or the Environmental Protection Agency itself when it can be shown the government has not acted to enforce its own regulations.

## STANDARDS FOR LIGHT RESIDENTIAL CONSTRUCTION NEEDED

### HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. BAKER. Mr. Speaker, today I join with many concerned colleagues in introducing a bipartisan bill of enormous benefit to Americans who build homes and families who want to buy them.

Our bill, amending the Occupational Safety and Health Act of 1970, would require the Department of Labor to establish different safety standards for the light residential construction and heavy or commercial construction industries.

Both industries currently come under the same safety standards imposed by the 1970 act. These regulations take the unfair and unrealistic position all construction, whether it be rebuilding a back porch, constructing a single-family home, or building a huge skyscraper office building, is similar enough to be governed by the same set of safety standards.

The facts do not support this assumption. Clearly, there are disparities between the two industries—differences in hazards to employees and in average size of contracting and subcontracting firms involved.

Failing to take these differences into account, present laws work a real hardship upon builders involved in light residential construction and remodeling and upon families who need their services. In recent actions, the Department of Labor has appeared cognizant of disparate needs of the light and heavy construction industries. But these differences must be recognized by statute to provide for development of new, more appropriate standards for the light construction industry. Our bill will insure this.

Some constituents who have been building single and multifamily housing for many years have written me about inequities created by present standards. They tell me cost of meeting these unreasonable requirements and/or fines for noncompliance force them to raise selling prices by hundreds of dollars. One prominent contractor in my hometown, Chattanooga, estimates he has had to raise the price of the average single-family dwelling by $400 to cover these expenses.

For the average midde-income family, these sums represent the margin between being able to finance a new, modern home and remaining in inadequate, crowded housing.

In case after case, we find present standards covering light residential construction forcing small contractors out of business. Those who build perhaps two or three homes at a time simply cannot meet these higher costs for unrealistic safety standards. Those who do not close their businesses entirely must cut their work force drastically, adding to our unemployment rolls.

Men with years of experience in light construction tell me they have never seen accidents in the homebuilding industry of the type current standards are designed to prevent. Safety standards appropriate for large, complex projects—highways, dams, office buildings, and high-rise apartments—are simply out of line for light residential construction, limited by our bill to "residential structures of three stories or less without an elevator."

Nonapplicable safety standards for homebuilders are bringing up the cost of new homes without improving protection for workmen. Implementation of these standards is denying hundreds of Americans the new housing they need.

The homebuilding industry has displayed continuing concern for safety standards reflecting hazards involved in light construction. The National Association of Home Builders, for instance, has set aside nearly $100,000 to develop a separate set of standards for light construction through the American National Standards Instiute. These funds are also being used to develop a large-scale program to acquaint membership of the association with its obligations to employees under existing law.

Clearly, the light construction industry wants to operate with reasonable safety standards. Our bill would insure that the Secretary of Labor would develop these standards.

Our bill is in accord with section 6 of the 1970 Safety Act, providing for a 2-year period during which the Department of Labor "would develop standards for those industries and situations not covered by existing Federal standards." The 1969 Construction Safety Act, adopted primarily for heavy construction, formed the basis for light residential construction standards under the 1970 act. There is considerable doubt Congress, in passing the 1969 law, intended these standards to apply to light construction.

Our bill will designate separate standards intended specifically for the light residential construction industry. It will mark a big step forward in meeting modern needs of both homebuilders and homeowners.

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## UKRAINIAN INDEPENDENCE

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. DULSKI. Mr. Speaker, this week marks the 54th anniversary of the independence of Ukraine.

Ukraine, a nation of some 47 million people, is the largest captive non-Russian nation in the U.S.S.R. and Eastern Europe. It has figured prominently of late in many discussions, including the United Nations where it was mentioned during the debate on China.

Again in this Congress, I have been working with my colleagues in our continuing effort to obtain approval of the creation of a Special Committee on the Captive Nations. The need for such a special committee is even more urgent today than it was when we first made the proposal.

It is essential that we join in showing a genuine and effective interest in the colonial non-Russian areas of the U.S.S.R.

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## EMBROILED IN OIL

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. HARRINGTON. Mr. Speaker, this week's New Republic contains an excellent column entitled "Embroiled in Oil." The article, in addition to providing a brief summary of the findings of the recent hearings Senator PROXMIRE held on the oil industry, points out some of the now all too obvious faults in the present Government policy toward the oil industry.

I am including the column "Embroiled in Oil" in the RECORD today with the hope that many of the issues it raises will be the focus of a strong and vigorous public debate in the coming months.

The time to examine the Government policy toward the oil industry is now. Our present system of oil import quotas, depletion allowances, weak conservation laws and tax credits is costing the American consumer billions of dollars annually, for which he receives only high fuel costs and a rapidly deteriorating environment, and higher personal taxes.

If the present policy is to be changed, it will be change brought about by a strong and rising protest by the American consumer. Faced with the most powerful lobby in Washington, the task the consumer faces is not easy, but the fate of the proposals to improve the present system lie in his hands.

### EMBROILED IN OIL

To help President Nixon keep prices down during Phase II, Sen. Proxmire (D., Wis.) has been investigating government policies that drive industries, prices up. As a start, his subcommittee on priorities and economy in government took a look at the oil industry.

Oil and gas provide 75 percent of the nation's energy fuels; virtually every consumer product has touched oil or gas at some stage in the factory if it isn't actually made from them. Oil is our richest industry: net earnings of the 91 leading petroleum corporations in 1969 topped $50 billion, exceeding telephone, steel and autos. It also gets some of the biggest government plums. Proxmire and his witnesses estimated that the oil import quotas and special tax deductions cost consumers $9 billion each year, or $180 per family.

Proxmire started with the oil import quotas, which keep cheap foreign oil out so that domestic companies can charge more. The Treasury Department estimates the quotas inflate oil prices $5 billion each year. A barrel of the common one-percent-sulfur oil was selling in New York for $4.80 on January 3, but only $2.09 in Rotterdam. In the first 12 years after Eisenhower imposed the quota system by executive order, American oil companies increased domestic exploration 11.5 percent while they bolstered foreign exploration 63.8 percent. Between 1965 and 1970, quotas cost consumers $7.4 billion more than in 1959–64, 2.3 times as much as companies spent exploring for both oil *and* gas. Taxpayers could have subsidized exploration costs directly and saved over $4 billion.

The oil industry thrives on a battery of special tax favors enjoyed by no other American industry. The 19 largest oil companies, grossing $8.8 billion in 1970, paid on the average an 8.7 percent federal income tax; most other corporations paid 50 percent. The juiciest plum, of course, is the percentage depletion deduction, which allows companies to recover capital they have invested in buying drilling rights. The theory behind the deduction was sound enough when Congress accepted it in 1918: oil is a high-risk business, involving numerous failures as well as successes. Once a company strikes oil, its capital invested in drilling depreciates as the oil well dries up. All businesses get similar deductions, recovering a fraction of their original investment each year until they get back the full amount. But in oil, the depreciation is unusually generous. Thomas Field, a long-time oil tax expert at the Justice and Treasury Departments, told the Proxmire committee how this works: if an oil producer invests $10,000 buying drilling rights, strikes oil and then sells the oil for $100,000 each year for ten years, the depletion deduction would be $22,000 each year for the full life of the well.

The oil producer recovers $220,000—22 times the original investment. "It is entirely possible for petroleum producers to enjoy tax free 'recoveries of capital' that are hundreds or even thousands of times larger than the amounts originally invested," said Field. According to a Treasury study last year, the 25 biggest oil companies made 20 times as much from the oil depletion allowance in 1969 as they would have from normal deductions. Proxmire doesn't think the oil companies deserve it. The Treasury study shows the 25 biggest companies lost only 1.5 percent of their total operating costs drilling "dry holes" that didn't produce any oil.

The oil depletion system has one side effect the government didn't count on: it encourages oil producers to hike the price of crude oil as high as the market will bear. Since the companies deduct 22 percent of the sales income of crude oil at the well, there's a built-in incentive to raise prices to maximize deductions. There's another tax benefit that promotes high prices: most of the crude oil in America is produced by the same companies that refine it. They're vertically integrated corporate giants that control every step of the oil process, from drilling and producing to transporting, refining and marketing. The biggest companies like Gulf and Humble produce at least 82 percent of the crude oil they refine; literally, they buy most of their oil from themselves. The Internal Revenue Service taxes the production end of the oil business at a much lower rate than the refining end, so oil companies try to siphon as much of their profits as possible into production. The higher the price of crude oil, the higher their production profits and the lower their taxes. Since 1969, oil companies have boosted crude oil prices two times, by 23 percent.

Five of the eight largest US oil corporations (Standard of New Jersey and California, Gulf, Texaco, and Mobil) control half of the non-Communist world's oil, and the federal government gives them further tax breaks overseas. These companies pay large royalties to foreign governments, which the Internal Revenue Service lets them deduct dollar for dollar from their federal income tax. As a result, some companies pay no federal taxes on millions of dollars earned overseas. It's a bonanza that makes exploring the oil business extra profitable abroad, which helps explain why the oil giants increased foreign exploration during the sixties. These foreign royalties shrink oil corporate taxes by $2 to $2.5 billion each year, according to the Treasury Department. If the government is trying to encourage domestic oil production—the only justification for oil import quotas—then the whole tax system is "ridiculous," Proxmire said.

The government has toyed with the possibility of changing oil laws, but reform never gets far in Congress, the Interior Department (which administrates oil laws) or the White House. The oil industry has at least a half dozen lobby groups in Washington and ranks among the largest contributors to political campaigns. Directors of the American Petroleum Institute contributed $430,000 to the Republicans in 1968, and $30,600 to the Democrats, according to the Citizens Research Foundation.

In February 1970, a Cabinet Task Force, which included most of the cabinet secretaries plus other top governments officials, concluded that oil import quotas were "unacceptable." They said the system hasn't protected the national security, but has "spawned a host of special arrangements and exceptions . . . has imposed high costs and inefficiencies on consumers and the economy." Nixon "dissolved" the task force and established an Oil Policy Committee (essentially the same group under a new name), which went into reverse and backed import quotas. Congress did lower the oil depletion deduction from 27.5 percent to 22 percent in 1969, for the first time in over 40 years—but the percentage points have scarcely made a difference. Industry profits are steadily increasing.

Government oil experts say they can't even begin to reform oil laws until they learn more about the oil business, the only major industry that decides which statistics it wants to report and which ones it doesn't. The corporations won't tell how much profits they make from oil production and how much from refining; they won't tell how much royalties they pay in each country, but instead report a lump figure for "foreign and some states' taxes." The Treasury has some new vital statistics on the 25 largest corporations but won't release them.

Most of the information at Proxmire's hearings was old to those who understand the oil business, but it reminded the public that the government isn't doing absolutely everything possible to keep prices down. But then, "When it comes to a fight between the industry on the one hand and the consumers on the other . . . you know who wins," says Proxmire.

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## PRESIDENT NIXON'S EDUCATION BUDGET: THE CONTINUED GAP BETWEEN PROMISE AND PERFORMANCE

## HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. BRADEMAS. Mr. Speaker, the President's fiscal year 1973 budget proposals for education programs are another dismal example of the disparity between this administration's rhetoric and its performance.

### THE NIXON RECORD

When Mr. Nixon was campaigning for the Presidency 4 years ago, he said:

> When we talk about cutting the expense of government—the one area we can't shortchange is education.

Yet Mr. Nixon has consistently asked Congress to cut funds for elementary and secondary schools, and in addition has urged the outright abolition of a large part of the landmark Elementary and Secondary Education Act of 1965.

Mr. Nixon frequently—indeed, almost constantly—reminds us that:

> No qualified student should be denied a college education because he cannot afford to pay for it.

Yet Mr. Nixon has also repeatedly called for abolition of the most successful student aid program we have—national defense student loans.

Mr. Nixon is fond of mentioning his high regard for young children. Indeed, in 1969 he called for:

> A national commitment to healthful and stimulating development for all American children during the first five years of life.

Yet when Congress passed a bill to do exactly that—to provide such opportunities not only for poor children, but for children of middle-income families as well—Mr. Nixon vetoed it.

Mr. Speaker, the record is replete with examples of this kind, and if anyone needs further proof of the hostility of this administration toward education, I note that four of 11 of Mr. Nixon's vetoes to date have been of bills making education authorizations or appropriations.

This is not an impressive record, and one would think that Mr. Nixon would not be proud of it. Yet yesterday, when the budget message was communicated to us, it quickly became apparent that the gap between Mr. Nixon's inflated rhetoric and his performance is not only undiminished, but appears to be widening.

### PETULANCE VERSUS PERFORMANCE

Mr. Nixon's posture is now one of petulance. He reviews the several education proposals he has made, including "special revenue sharing," establishment of a National Foundation on Higher Education, and "reform" of higher education student aid programs, and chides Congress for not having acted affirmatively. As an example of Congress' supposed malingering, he singles out his student assistance proposal, saying:

> I believe that no qualified student should be denied a college education because he cannot afford to pay for it. Most Americans and most Congressman agree. I have proposed the legislation that will make this a reality. I am ready to sign that legislation. But there it sits, in Congress, while thousands of young people miss their chance.

The fact is, of course, that Mr. Nixon's student aid proposals would not make any additional money available to insure that "no qualified student is denied a college education because he cannot afford to pay for it."

On the contrary, Mr. Nixon proposes to dismantle the most effective student aid program we have—national defense student loans—and use the funds thus freed to bolster the educational opportunity grant program. It apparently has not occurred to Mr. Nixon that if he is really concerned that no qualified student should be denied a college education for financial reasons, the answer is not to trade off one group of students against another, but to provide student aid programs with the funds necessary to accommodate all students who need assistance.

But such reasoning is apparently unattractive to an administration more concerned with words than action, for in his budget proposal, Mr. Nixon again seeks to do that which he promised he would not do—shortchange education.

CUTBACK ON EDUCATION SUPPORT

Mr. Speaker, the following are some examples of the low priority Mr. Nixon accords to education in his new budget:

Federal support for schools under the Elementary and Secondary Education Act would be cut by $239 million.

Thirty elementary and secondary aid programs, including Federal assistance for educationally deprived children—ESEA I—Federal impact aid—Public Law 874—and the Vocational Education Act would be abolished.

Construction grants for colleges and universities would be abolished.

National Defense Student Loans would be abolished.

Aid to Land Grant colleges would be cut by 80 percent.

Support for public library services would be cut by 34 percent.

Mr. Speaker, from the concern Mr. Nixon expressed last week for the financial plight of the Nation's schools, one would have expected a budget message far different from the one sent up yesterday.

But as we have seen in the past, what the President says and what he does are almost invariably in contradiction when it comes to education.

The fact is that at the same time President Nixon is recommending $6 billion in additional money for the military, he seeks to dismantle some of the most significant Federal education initiatives undertaken during the past 15 years.

Mr. Speaker, the record speaks for itself.

As the President himself told us last week, a good part of what American education needs now is help in the form of a firm financial commitment, but that Mr. Nixon is apparently unwilling to provide.

## ANNIVERSARY SALUTE TO KTLA BY SOUTHERN CALIFORNIA AREA DELEGATION

## HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. DANIELSON. Mr. Speaker, television station KTLA, serving Los Angeles and a large portion of southern California, is currently commemorating its silver anniversary. Today the Members of Congress representing the area served by KTLA join in extending congratulations and in saluting KTLA on this anniversary of commendable service to the people of southern California.

KTLA has a very proud and distinguished history. On January 22, 1947, it became the first commercially licensed TV station in the West, having begun 8 years earlier as an experimental station from Paramount Studios in Los Angeles.

During its first year, it became the first west coast station to televise a speech of the President of the United States. During the Kathy Fiscus "well" tragedy KTLA provided extended live on the spot coverage over 27½ continuous suspenseful hours. KTLA broadcast the first live telecast from out at sea, from the U.S.S. *Valley Forge*.

Other "firsts" include introduction of Lawrence Welk to television audiences, initial kinescope syndication of a program, first live telecast of an atom bomb blast, and original color programs broadcast in Los Angeles, the first being the colorful Rose Bowl Parade in 1955.

KTLA was the first, and is still the only station to design and operate a flying remote unit, "The Telecopter." Coverage provided by this means was initiated in May of 1958.

Because of KTLA's service to stations all over the country in making coverage available to them, KTLA was awarded a special Governor's citation from the Hollywood chapter of the National Academy of TV Arts and Sciences, becoming the first California station to receive this honor.

KTLA has, through quality programing, served the public interest well, and the Members of Congress in the KTLA viewing area are pleased to make special note of the celebration of its first 25 years.

I am also attaching a list of some of the distinguishing achievements during KTLA's history, and the dates when they were begun:

A CHRONOLOGICAL HISTORY OF CHANNEL 5, KTLA—AN UNMATCHED HISTORY OF TELEVISION FIRSTS

1939—W6XYZ (experimental station) begins from Paramount Studios in Los Angeles.

Fall, 1942—First telecast inside a motion picture studio, Paramount—"This Gun for Hire".

1946—First telecast of wrestling, boxing and most other sports.

January 1, 1947—First telecast of Rose Bowl Parade.

January 22, 1947—First TV commercially licensed station west of Chicago . . . changing W6XYZ to KTLA—Channel 5.

February 30, 1947—First on-the-spot news coverage—Pico Street Explosion.

October 30, 1947—First man-on-the-street broadcast "Meet Me In Hollywood".

January 11, 1948—First to present "Pantomime Quiz", winner of the first Emmy.

July 12, 1948—First west coast station to televise a President's speech—President Harry Truman.

August 7, 1948—First to present Hopalong Cassidy which started the first national TV craze.

Fall, 1948—First telecast of a movie premiere—"Emperor Waltz".

March 7, 1949—First to present "Cecil & Beany", before it went on to become a national phenomenon.

April 9, 1949—First extended live on-the-spot coverage, 27½ continuous suspenseful hours during the Kathy Fiscus Well Tragedy.

July, 1949—First live telecast from out at sea—U.S.S. Valley Forge.

September 20, 1949—First regularly scheduled remote program—"City At Night".

1949—First kinescope syndication of a program—"Time For Beany".

May 18, 1951—First to present Lawrence Welk on television.

May 23, 1951—First coverage of an actual police investigation of a crime—Patty Jean Hull kidnapping.

April 22, 1952—First live telecast of an Atom Bomb Blast.

April 22, 1952—First station to feed program (Atom Test) to all three networks.

July 1952—First Independent to cover a major political convention—Chicago.

January 1, 1955—First Los Angeles station to originate color programs—"Rose Bowl Parade".

May 1958—First and still the only station to design and operate a flying remote unit—The Telecopter.

May 13, 1964—Golden West Broadcasters receives FCC license to operate KTLA, transferring ownership from Paramount.

June 1, 1969—First and only station to design and operate the world's only color jet telecopter!

February 9, 1971—First and only station to make its exclusive live ground and Telecopter coverage of the California earthquake available free to any TV station anywhere . . . which brought KTLA yet another first.

February 9, 1971—First station to have its news transmission on every one of the seven L.A. VHF TV stations simultaneously at various times throughout the day of the emergency!

February 9, 1971—First Independent station to have its news picture transmitted on stations throughout California, live on national network and to Europe via Telstar satellite during the earthquake impending dam-break emergency.

March 21, 1971—First California station to win a special Governor's Citation from the National Academy of TV Arts and Sciences, Hollywood Chapter for making coverage available to stations all over the country.

## TWENTY-FIVE YEARS OF OUTSTANDING SERVICE

## HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. BEVILL. Mr. Speaker, Friday, January 28, marks the 25th year of service in the U.S. House of Representatives for my good friend and colleague, Congressman BOB JONES of Scottsboro, Ala.

During this time, Congressman JONES has distinguished himself as one of the outstanding legislators, if not the outstanding legislator here in the Congress. He is one of the hardest working and most dedicated public servants I have ever known.

On this special occasion I offer my warmest congratulations to Congressman JONES. I would like to place in the RECORD at this point a recent newspaper article by Phil Smith of the Huntsville Times, which recounts, in an excellent manner, Congressman JONES' remarkable career:

### TWENTY-FIVE YEARS ON THE HILL

(By Philip W. Smith)

WASHINGTON.—Sept. 24, 1946, dawned dawned bright and clear in North Alabama. Schools had been closed the week before for the cotton-picking break, and the harvest was well under way.

Voters were going to the polls that day for the fifth time since the regular Democratic primary in May. On the ballot were seven Democrats seeking the Eighth District seat in Congress, which had been vacated when John Sparkman resigned following his election to the U.S. Senate.

One of the candidates was Judge Robert Emmett Jones, county judge of Jackson County. He preferred just plain "Bob" Jones.

According to a story by Mrs. Martha Witt Smith, then a reporter for The Huntsville Times, the campaign had been "largely personalized, waged on a person-to-person basis."

When election officials finished counting the votes in the early hours of Sept. 25—there were no voting machines then—Jones lead the slate, primarily because of the vote in his home county. Jackson County had 10,300 registered voters at that time. More than half of them—5,361—voted for their county judge while his opponents received a combined vote of only 139 in the county.

The almost unanimous support from Jackson County was enough to give Judge Jones only a plurality in the large field, however, and not a majority. He faced a run-off election Oct. 22 with state Sen. Jim Smith of Tuscumbia.

That election was described by on newspaper as a "listless and almost issueless affair" but when the election-weary citizens of North Alabama had cast their ballots, the young county judge again emerged as the victor—16,787 to 11,260.

The home counties of the candidates had been the key. Jones' supporters piled up 6,884 votes in Jackson while the best Smith could do was 4,437 in Colbert. Voting was light and fairly evenly split in the other five counties of the district—Madison, Limestone, Morgan, Lawrence and Lauderdale.

This time the Jackson Countian had apparently convinced a few more of his neighbors of his qualifications. He lost only 104 votes in Jackson while he picked up 493 in Smith's Colbert County. Both candidates had conceded the other's home county when the runoff began and Jones never made a speech in Colbert.

He and Smith campaigned together part of the time in the middle portion of the district to cut down on expenses. At times they even shared the same hotel room. One story has it that the two candidates checked into their hotel one night after a day of stumping together and a Smith supporter mistook Jones for the man he was backing. The voter drew Jones aside and whispered his encouragement, adding that "we're going to beat this Jones fellow." Not wanting to embarrass the man, Jones thanked him and replied, "We'll do our best."

A more unusual aspect of the campaign was that Judge Jones did not campaign in Jackson County. He left the job at home to his volunteer supporters there, headed by Sanford Lee of Scottsboro, a young World War II veteran like the candidate.

The judge had no paid staff during the election. For clerical workers he depended on young women from Jackson County who would "just show up" at his headquarters in Scottsboro each morning.

By the runoff, the cotton harvest was in full swing and Jones' volunteers feared many farm hands would find it more important to stay in the fields than to go vote for the sixth time that year.

There is no way to tell whether that would have happened, however, since the Jones volunteers took no chances. According to news accounts of the election, a number of cars—estimates ranged from 250 to 400—loaded with volunteers left Scottsboro on the morning of the runoff. They went into cotton fields and took the farmers' pick-sacks and continued to fill them while the voters were driven to the polls to vote for Judge Jones.

At headquarters in Scottsboro, about a dozen young women spent the day calling almost everyone in the county who had a telephone and urging them to go vote.

The result was summed up by an eight-column headline across the front page of The Times Oct. 23, 1946—"Bob Jones Sweeps District."

For all practical purposes, Jones was the new Eighth District congressman but he had to go through the motions of running, unopposed, in a general election Jan. 28, 1947. On that date, at the age of 34, he became the Tennessee Valley section of Alabama's congressional delegation—the job he has now held for 25 years. Today he ranks 30th in seniority among the 435 members of the House.

Nationally, the congressional elections of 1946 took on an aspect not seen in American politics for many years. The millions of World War II veterans were back at home and taking an active part in politics. It was largely this support, particularly in Jackson County, that put Jones in office.

When he took his seat shortly after the 80th Congress convened, Jones became the first congressman from Jackson County since Williamson R. W. Cobb of Bellefonte resigned in 1861, shortly before Alabama left the Union.

Three men who have since gained great national prominence were also elected to Congress in 1946.

While Jones, a Navy veteran who had served on Gen. Douglas MacArthur's legal staff, was campaigning in North Alabama, another young Navy veteran was winning on the campaign trail in his home state of Massachusetts. And when Jones came to Washington he was assigned an office next to this fellow freshman congressman, John F. Kennedy. The New Englander and Southerner became good friends.

After President Kennedy's death in 1963, it was Jones who sponsored legislation creating a national cultural center in Washington as the official national memorial to him. The bill established the Kennedy Center for the Performing Arts, which opened last year.

Other new representatives in the 80th Congress included Richard M. Nixon of California and Carl Albert of Oklahoma, now speaker of the House.

During his first campaign, Jones emphasized three promises to the voters through his leaflets and posters and in his speeches.

He said he was for "enlightened legislation to increase the purchasing power of the farmer and to protect his markets; low-cost long-term financing for farm homes; and expansion of the Tennessee Valley Authority to its fullest capacity and the extension of the Rural Electrification program to assure every farm home in the Eighth District the benefit of cheap electricity."

He has kept those promises over the last quarter of a century, his record shows.

During his first 10 years in office, much of the congressman's time was spent defending TVA against its opponents in the House and fighting for increased cotton allotments and better support prices for the farmers of his district.

He was the author of the Rural Housing Act which provides loans from the Farmers Home Administration for new farm homes. The first of these loans was given to a Jackson County farmer in 1949.

Today, there is probably not a farm home in the Eighth District that does not have electricity available.

Jones earned the honorary title of "Mr. TVA" in his battles to preserve that agency during the Truman and Eisenhower administrations.

His voting record on TVA legislation is unvarying. In 1959 he sponsored legislation authorizing TVA to borrow up to $1 billion to finance its power expansion programs, finally making the agency free of congressional financial control in its power program. Four years ago he introduced and secured passage of legislation increasing the bonding authority to $5 billion.

In his early years in the House, Representative Jones could not spend all his time worrying about the problems of his district, however. His first committee assignment was to the House District of Columbia Committee.

At that time, Washington had no mayor or city government and was run by the congressional committee. So, soon after arriving in Washington, the former county judge from rural Alabama found himself grappling with the problems of one of the most complex and cosmopolitan cities in the world.

Over the years, his committee assignments have changed and he has long since been off the District Committee but later, as chairman of Public Buildings and Grounds Subcommittee, he oversaw a vast construction program of new federal buildings in Washington.

While the congressman has devoted much time to many issues, there is one area, above all others, that has consistently drawn his attention and one in which he is a recognized national expert. That is flood control and water pollution.

He served as chairman of the Natural Resources and Power Subcommittee which conducted America's most comprehensive examination of national water resources, including anti-pollution measures during the first half of the 1960s—long before "ecology" became a household word.

In 1965 he assumed the chairmanship of the Subcommittee on Flood Control and Internal Development of the Public Works Committee. He remains in that position today and is the ranking Democrat on the full Public Works Committee.

In the Flood Control Subcommittee, he handles waterway development legislation for the entire nation, including the proposed Tennessee-Tombigbee Canal—a project he has been advocating ever since he entered Congress.

His work on such matters as flood control and rural housing have earned Congressman Jones the label of "Southern liberal." After his first year in office, national newspaper columnist Drew Pearson picked him as one of the 10 best new members.

The Americans for Democratic Action rated Jones' voting record in 1960 at 90 out of a possible 100. Among Southern congressmen and senators, that was second only to Sens. Estes Kefauver of Tennessee.

His liberal voting record has been fairly consistent except for one issue—civil rights. In that area he has generally voted with other Southerners in opposition to proposed legislation, beginning with President Truman's civil rights amendments in 1948.

At that time he was quoted in various newspapers in the district as saying, "I shall vigorously oppose all measures which would affect the way of life in the South. I mean the FEPC (Fair Employment Practices Commission), anti-poll tax proposals, and especially any measure which would impose on the people of Alabama any dictation from the federal government on how to carry on their normal way of life."

Even on the civil rights question, he is not inflexible, however. Last year he voted for an extension of the Civil Rights Act because it was attached to the 18-year-old vote amendment. He was in favor of lowering the voting age, and the Civil Rights Act was assured of being extended anyway, so he says he saw no reason to oppose a measure he favored just to cast a ceremonial vote against civil rights.

Throughout his 25 years in Congress, Jones has retained some basic political philosophy. First and foremost is his belief in building. He sums it up in talking about his years on the Public Works Committee.

"I had rather build monuments of public accommodation such as schools and highways and sewer systems than to sit here docile and fret away with the phantoms of hate."

In his position as chairman of various "building" subcommittees, Jones could have had public buildings and locks or dams all over the country named for him if he had wished. But he has steadfastly refused to allow a single public structure to be dedicated to him, according to his staff.

Last week, however, he spent his first day back in Washington after the recess working to name the Columbia dam in South Alabama for his longtime friend, the late Rep. George W. Andrews of Union Springs who died last month.

Although nothing in the Eighth District or anywhere else bears his name, his staff claims that you can drive the entire length of the Eighth District from the Georgia state line to Mississippi and never be out of sight of something that their boss was responsible for building.

Congressman Jones will not single out any particular public works legislation which he has sponsored which he feels has contributed more to the nation than any other. He does feel, however, that the $27-million water pollution control bill, which he guided through the Pubic Works Committee when he was acting chairman just before Christmas, will be the legislation that will finally eliminate water pollution in the United States—a goal he has been working toward since the early 1960s.

For his own district and the surrounding area, he feels his TVA self-financing bills were extremely important.

"There is no doubt in my mind that TVA would have been liquidated in another 18 months if we had not gotten the first finance act through in 1959, because the Eisenhower administration simply would not budget any money for power expansion," he said.

He does not claim credit for singlehandedly saving TVA. Other Tennessee Valley congressmen and senators also worked hard for the agency but the North Alabamian's efforts were sufficient to earn him the honorary title of "Mr. TVA"—one which he is very proud of.

Another monument to Jones and other members of the public works committee is the Interstate Highway System—the largest public works project in the history of the world.

Jones led the fight against an Eisenhower administration proposal in 1955 to finance the Interstate system through the sale of bonds. He was successful and the next year the Public Works Committee put through a pay-as-you-go Interstate plan. This, according to the congressman, has saved billions of dollars in interest payments.

As he begins his 26th year in Congress, Jones has no plans to retire anytime soon. He will announce that he is a candidate for re-election for a 14th term within the next two weeks.

Asked about retirement plans. the 59-year-old legislator's only comment was, "I haven't applied for my old-age pension yet."

The congressman does not claim to have succeeded alone, however, in his career as lawmaker. He gives much of the credit to his staff which he calls "the best on Capitol Hill."

But most of the credit belongs to the people of the Eighth District, he says. "I appreciate more than I can ever express the fact that they have permitted me to represent them all these years. They have been generous and sometimes maybe excessive in overlooking my legislative faults," he says of the voters of North Alabama.

## MAN'S INHUMANITY TO MAN—HOW LONG?

## HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. HUNT. Mr. Speaker, in the words of our colleague from Iowa (Mr. SCHERLE):

A child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

Sadly and regretfully, however, some people have manipulated these words and seem disposed to perpetuate the inhumane treatment of our American POW's by supporting the North Vietnamese propaganda. It is now quite clear that the setting of a definite date for the withdrawal of American troops was not the only condition for the release of our American POW's and it should be equally clear that the agony of their position as pawns will be perpetuated for as long as those vociferous elements among us are duped into parroting the Communist line.

"How long?"

## DR. KRAUSS CITED FOR SERVICE TO ALLEGHENY COUNTY

## HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. MOORHEAD. Mr. Speaker, one of the outstanding advocates of citizen participation and citizen action in western Pennsylvania, Dr. Martin Krauss, was honored by the county commissioners of Allegheny County recently for his contributions to the community.

Dr. Krauss' activities in behalf of the blind and in the area of sight conservation are only one side of this energetic man.

HEART, a citizens group on Pittsburgh's northside, is Dr. Krauss' creation. Dedicated to getting a fair shake for citizens whose property is in the path of a new interstate highway, Dr. Krauss and HEART have been crusading for local residents for almost 3 years. Many of the increased property settlements and other considerations wrung from the State and Federal officials have resulted from the efforts of HEART members.

I am pleased to add my congratulations and thanks to Dr. Martin Krauss.

I would like to include at this time a copy of a resolution passed by the Allegheny County Commissioners and a press release of the Krauss ceremonies:

### RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF ALLEGHENY

Whereas, a man attains in the measure that he aspires, and gains respect to his fellow man whom he selflessly serves; and

Whereas, Allegheny County is endowed with such a man with an accumulation of energy, enthusiasm and hope for mankind; and

Whereas, the Pennsylvania Optometric Association has named Dr. Martin Krauss as Optometrist of the year for 1971, and nominated him for American Optometrist of the year; and

Whereas, Dr. Krauss serves as vice chairman of the Allegheny County Board of Health, and has served the citizens of Allegheny County as health chairman of the Office of Economic Opportunity; and

Whereas, the community has benefited through his services as chairman of the Pittsburgh Neighborhood Alliance Health Committee, as president of the Lions Community Services, and as chairman of sight conservation and work for the blind with Lions International District 14–B, bringing to the citizens of Pennsylvania the finest visual welfare; and

Whereas, under his direction the Lions Community Services acquired an Eyemobile from the Vision Conservation Institute for free vision screening throughout Allegheny County, and maintains it through funds raised at the annual Eye Bowl football game which he helped originate; and

Whereas, Dr. Krauss complements his health contributions with civic enterprise as President of the Highway Emergency and Relocation Team, known widely as "Heart", which seeks equality and justice for persons surrendering their homes and businesses to make way for a new highway and progress; and

Whereas, throughout all his endeavors, Dr. Krauss has sought with fervor the well-being and touch of happiness to the many less fortunate and those in need of various types of assistance.

Now, therefore, be it resolved, that this Board of County Commissioners does hereby congratulate Dr. Krauss on the honor bestowed upon him by his colleagues, and for his fidelity and distinguished service to the citizens of Allegheny County.

### PRESS RELEASE

In special ceremonies in the County Court House, Commissioners Leonard C. Staisey and Thomas J. Foerster cited Dr. Krauss "for his fidelity and distinguished service to the citizens of Allegheny County."

They pointed out Dr. Krauss' voluminous contributions to this area not only in sight conservation and work for the blind in behalf of Lions International, but also his civic involvement in behalf of Northside Pittsburgh businessmen and especially the Highway Emergency and Relocation Team (HEART).

Commissioner Staisey said many people talk about participating in community affairs, but Dr. Krauss went beyond talk and acted. He said that although Dr. Krauss lives in Squirrel Hill, he came to the aid of many persons including youngsters who could not afford glasses on the Northside where he has maintained his office for more than 30 years.

Commissioner Foerster praised Dr. Krauss for serving on the County Board of Health. The Commissioners said HEART's guidelines in providing fair and equitable sums for relocating with persons whose property was needed in expansion of the Greater Pittsburgh International Airport.

Mr. Foerster, a fellow-member of Northside Pittsburgh Lions Club, recalled how he and Dr. Krauss were co-founders of the annual Eye Bowl game which raises funds for free eye examinations for the needy in the County. Dr. Krauss told the Commissioners that the Lions Community Services now has funds to purchase a second Eyemobile next year.

The resolution pointed out that Dr. Krauss has served as health chairman of the Office of Economic Opportunity in the County, chairman of the Pittsburgh Neighborhood Alliance Health Committee and "throughout all his endeavors, has sought with fervor the well-being and touch of happiness to the many less fortunate and those in need of various types of assistance."

## SOME A, B, C's OF THE PRESIDENT'S WAR ON INFLATION

## HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. GERALD R. FORD. Mr. Speaker, the January edition of the American Legion magazine contains an excellent article on inflation and phase II of the

President's program to control it. The authors of the article are Haig Babian, an economist, and Peter D. Bolter. They have taken the complicated subject of inflation and explained it in simple language. I recommend a reading of this article to all of my colleagues. The article follows:

### SOME A, B, C'S OF THE PRESIDENT'S WAR ON INFLATION

(By Haig Babian and Peter D. Bolter)

There are those who say they are confused by what are called President Nixon's wage-price controls and the Administration's policies on foreign trade and the dollar—all of which you might call our sudden "all-out war on inflation."

Of course, there's confusion. The mere situation is so involved that the first guy who says it's all clear to him should have his head examined.

We're dealing with nothing less than an effort across the whole sweep of our economy, here and abroad, to arrest a trend of more than 30 years of bad habits in which the cost of everything has been merrily rising. No effort to arrest it all at once could be simple or tackled without confusion. Most of our normal bread-and-butter activities are affected. The inflation problem, figuratively speaking, has a thousand heads and ten thousand tails. The solution may have more.

Consider how long the list is of only the more familiar facets of the problem.

Here at home, everyone has tried to meet his own increases in costs by charging more for what he does. Then everyone else charged him more then he charged everyone else more, then they charged him more . . . without end.

Individually, everyone was more or less justified. If you are charged more you have to charge more.

Collectively, it has all been nonsense and increasingly more dangerous to the welfare of each and all of us.

Little has been—or could be—gained by getting more while paying more at the same time. Just that much of our inflation has had us on a treadmill.

Meanwhile, this process that has gained us very little has made our savings and retirement benefits shrink in value while it has made it ever riskier for new businesses to open or for old ones to expand, or even to order more goods than absolutely necessary.

New investments could lose their value too fast as the dollars tied up in them lost value to inflation. They had to earn more and more in order to be worth the risk of investing. The money tied up in goods has shrunk in value as the goods sat on shelves or in warehouses, unless their prices were constantly hiked. Just this much made it inevitable that either the inflation would go through the roof or there'd come a day of less work and less real income for Americans in general—an ultimate recession or even a depression. But more.

As our prices soared, it became cheaper to import many goods than to buy American.

As our wages soared, it became cheaper to move all or part of some of our business abroad.

The rising prices of our goods made them harder to sell abroad, and harder to sell here in competition with foreign imports.

For decades we supported a false, high value for our dollar abroad which—as we shall see—made it even harder to sell our goods overseas or compete with imports here.

We've been taxing ourselves to send money abroad for foreign aid or military expenditures—less and less of which returned when our ability declined to sell goods abroad and thus bring it back as profits from foreign trade.

There's nothing simple about this familiar web of evils. It would be amazing if an effort to untangle it all at once—after 30 years of ingrained bad habits—weren't endlessly complicated.

The President and Congress thought about imposing controls for a long time before they acted. In 1970, Congress finally passed a law giving the President the basic powers he's now using. He thought them over another year before acting. Then he imposed a 90-day freeze (Phase 1) to give him and all the assistants at his command time to work out the next step of the controls (what's now called Phase 2).

If *they* needed 90 days more after years of thought, those of us on the outside shouldn't make too much of a point of how simple it isn't. You can't clarify it all in a paragraph. The main pieces make more sense if they are put in some sort of order and looked at one at a time.

The broadest question of all is: Why controls now, after so many years of getting by without them in spite of earlier inflation?

The simplest answer is that all of our years of inflation finally reached the stage of acute national danger in 1970–71. Then, political enemies came together, at least temporarily, as they recognized that the disaster point had been reached. A Democratic Congress gave a Republican President huge powers to act in 1970, at a time when he was still reluctant to use them. That couldn't happen in American politics unless those in the know saw that the inflation thing was coming to an intolerable crisis. Democrats don't normally force vast powers on unwilling Republicans. The President, who hadn't wanted to use such powers and hadn't asked for them, reversed himself within a year.

Economic rivals came together in the same way. Labor and management (as well as conservative and liberal economists who could agree on little else) have always shuddered at the thought of federal controls of prices and wages. Yet, before the President acted, leaders in all three camps had come out for controls. In the 1970's, though not before, inflation in the United States had finally reached the point where there was almost universal agreement that emergency action was needed on a broad scale.

Almost everything else had been tried piecemeal. Taxes had been raised to cure our ills—and lowered. Interest rates had been raised—and lowered. Labor and management had been asked to follow "guidelines" in setting wages and prices. Steps had been taken to protect the gold dollar overseas, with other nations cooperating. Friendly efforts to limit imports had been tried, and unfriendly quotas had been set on some imports. Result? Our inflation only got worse. In the 1970's, nothing but major surgery was left—an assault on inflation right across the board of our economy.

We've heard the experts say that the "inflation rate" has reached 6% annually, and that one goal of our crash program is to get it down to about 2%.

If you aren't an economist, it isn't easy to appreciate what 6% annual inflation means as compared to 2%. Hardly anything in our economy has been rising in cost *that* fast for any appreciable time. But there is one item around that has averaged 6% inflation for the last 35 years. What happened to it is a pretty chilling example of what 6% annual inflation means when it applies to almost everything.

In some metropolitan areas, nice six-room houses on nice lots that sold for $6,000 in 1937 went for about $45,000 in 1971. That comes almost exactly to a yearly average of 6% inflation of the prices of such houses for 35 years.

If they keep rising at 6% annually those houses will sell for over $104,000 in 1986! The one-year increase in 1987 would then exceed the $6,000 cost back in 1937.

These particular suburban houses have been exceptional—over the years perhaps our most inflated item. Nobody claimed that their fate was a national catastrophe. But when the national annual inflation rate recently hit 6%, it meant that, on the average, every product and service in the country was starting to go the same way!

At that rate, the average price of everything would more than double in 12 years. Then, if we each managed to double our incomes in 12 years we'd have slipped behind a little. Meanwhile, the value of our retirement benefits and savings would suffer serious loss.

Consider what happens to retirement income. Under 2% inflation, if you retire at 65 you'll find that when you are 75 it would take $121.89 to buy what $100 bought when you retired. That's bad enough, but . . .

Under 6% annual inflation it would take $178.83 at age 75 to buy what $100 bought ten years earlier. This isn't hardship, it's disaster for people whose chance to earn the difference is nil. At age 77, the buying power of the retirement dollar shrinks to less than half of what it was at 65.

Small wonder that many working members of labor unions have said publicly that they could forego large wage increases if the inflation rate could be brought back down. There's little to gain from wages that rise when prices rise too. But there's much to lose when the same trend is almost a death blow to the retirement incomes that many union members have built up through years of effort. It's just as bad for savings and investments.

If you put $100 in a savings account and let it sit there at 4% interest for three years, the interest will bring the balance up to $112.49. But what is its value?

If inflation has been at the 2% rate, your savings account, after three years, will have the buying power that $106.12 had when you first deposited the $100. The inflation will do you out of the real value of about half your interest, but you still make money.

At 6% annual inflation, you lose. The $112.49 balance after three years will only have the buying power that a little over $92 had when you first deposited the $100. (Of course, the loss is even greater if you put the $100 in a teakettle without interest.)

No wonder that, even though we now hear them quarreling over who's bearing most of the burden of the new controls, our economic and political opponents came together on the need for major surgery for the whole economy when the inflation rate hit 6%.

It's bad enough that savings—which are "extra" money—are a losing proposition at usual interest rates. But the same process undermines the investments on which people, businesses and the nation depend for a living.

What does happen to businesses that keep employment and trade booming when investments are so chewed into by inflation that to earn 4 percent a year on them can result in a net loss of 8 percent of their true value in three years? The answer is all around us.

Next businesses become scarce as the investment in them has to earn ever more just to break even. Old companies stop investing in expansion or even in keeping their plants up to date. Their employees feel cutbacks. There's less work for those who'd normally provide expansion and maintenance operations. Businessmen and investors—large and small—get out of bread-and-butter activities and look for opportunities that have a chance of big paper profits in order to make small real profits. Some seek better conditions for their plants or their investments abroad. And who can blame them if the alternative is steady erosion under unchecked American inflation?

All of the above has been said to establish two things in somewhat plainer language than the experts use.

(1) American inflation in the 1970's finally reached the point where drastic action became urgent beyond all question.

(2) The confusion in the early days of figuring out and applying controls is unavoidable. The situation is too complex to arrest the trend and start a better one with any simple remedy. The simple ones have all failed.

One of the few things that is simple is that our new economic program has two main parts and only two.

(1) to arrest the inflationary spiral in the United States.

(2) To remove from our foreign dealings certain artificial elements that have increasingly worked to our disadvantage as our situation at home got worse.

Checking our own inflation will be the more complicated of the two. It must deal with thousands of details and a host of conflicting interests.

The foreign trade problem is quite different in its nature.

Only a few years ago we sold $7 billion more in goods abroad than we bought from overseas. In 1971, that advantage had disappeared, chiefly because of the rising flood of imports here. Some argue that trade between nations can be healthy if it just about balances, as ours did in 1971. But if we seek no more than a balance, it must be a balance of the total flow of money back and forth, rather than of the single item of trade. In our case, we send money overseas for such things as foreign and military aid—and our people spend more on tourism—for which nothing comes back unless our trade balance is favorable enough to recapture it. Thus, we must restore the favorable balance of trade in goods that has now vanished, if only to keep our substance from draining away in non-trade items whose flow is out of our country.

Our present foreign trade inequities trace back to the end of WW2. Most of our friends (and former enemies) were then prostrate. We had (and still have) the most vigorous and productive economic system in the world, and we were untouched by the physical damage of the war. We deliberately built up other nations' trade and industry, and shared largely in their defense. As long as they needed it, this was good for them and good for us. Having healthy nations to trade with was and continues to be a need of our own.

But, as President Nixon said last summer, most of them are back on their feet. Many nations have been doing better than we have, at our expense. It was time, the President said, to reconsider old favors and compete with them on a more equal footing. The same feeling ran through the Senate when it recently threatened to end all foreign aid. Our own worsening inflation had even given other nations advantages beyond what we'd ever intended. In the shape we were in, these had to be arrested.

For this reason, the President imposed a temporary 10% tax on many imports last summer, as a stopgap measure until the effect of more durable arrangements could be felt.

In the long run, import taxes don't solve too many foreign trade problems. The other nations simply retaliate with taxes against our exports. Like the freeze, the 10% import tax was a shock treatment to arrest a trend and to make it clear that the United States means business in putting its economy on a sounder basis.

More importantly, the President took the dollar off the gold standard abroad. A lot of mystery surrounds the average man's understanding of the hocus-pocus of the overseas American gold dollar, but it isn't all that mysterious.

The basic fact is that we've had two different dollars—the paper dollar at home and the gold dollar abroad. The dollar at home has not been redeemable in gold since Franklin Roosevelt's time. By putting a paper dollar in the hands of a foreign owner it became a gold dollar. In the years since WW2, the inflated paper dollar here has sunk further and further below the fixed value of the American-guaranteed gold dollar abroad.

Look what that did for importers who sold their goods here in competition with American business. If the Japanese could make a car cheaper than Detroit can because of lower manufacturing costs, they could sell it here *even cheaper yet*. The paper dollars they got for it from American customers became gold dollars when taken out of the country. Thus, they could undersell Detroit in America not only by the difference in actual costs, but by the margin that their paper dollars increased in value when swapped as gold dollars for yens in Japan. Tricky? So tricky that our own businessmen and investors who have done the same arithmetic have moved many operations overseas in order to compete not only in actual costs but in the two-value dollar market.

We maintained the gold dollar overseas right after WW2 as a favor to all nations. They needed a stable currency in international trade that none of the rest of them could furnish.

When President Nixon abolished the gold overseas dollar in August, he wiped out an artificial aid to foreign competition that had become especially painful to American workers who can't move overseas as readily as businesses and investment can. The overseas dollar will now "float." It will find its natural value in relation to the yen or the mark and lose its false high value. It will tend to approach the same value as the paper dollar at home. Abolishing the gold dollar will also make it easier for us to sell what we make overseas. The yen, the mark, the pound and the franc will now buy more in the United States, as they are worth more in paper dollars than in gold dollars.

Our economic system is inherently so strong that, with such artificial disadvantages removed, we should bounce back in our power to compete with foreign products here and abroad.

The 10% import tax can probably be done away with after a while. But the effect of removing artificial advantages for foreign goods will take time, and it will even be painful for many Americans until a new balance is struck.

American firms which import what they sell here, or which import parts, will be hurt until a slower swing to manufacture the same things competitively in America occurs. There *will* be a new balance, and we *will* be importing less and exporting more. The change in the dollar assures such a slow trend. The 10% import tax hurries it along. In the long run, that will give both American business and labor a boost in spite of short-term pains.

This much plus the whittling of U.S. foreign aid, is the main drift of the President's program to check the adverse effect of arbitrary foreign trade advantages on our economy.

The aim, after an unsettling period of breaking entrenched habits, is to strike a more natural balance of international competition—which would be better for American business and wage earners.

American consumers will not benefit *price-wise* from the foreign part of the program. Imports will cost more than we have been accustomed to pay for them. Advantages must come from stepped up American earnings and employment

So we come to the home front where the aim is to hold prices of American goods in check. It's plain that everybody understands the broad aims of our controls on wages and prices here.

Most Americans seem to be ready for someone to stop the process of everybody demanding more from everybody else and repeating it endlessly to the detriment of all and the good of none. We are thoroughly sick and frightened of inflation.

We know that the controls are an effort to put a damper on inflation by bringing government intervention to bear on both sides when labor and management start agreeing to hike things and pass the cost along.

What bugs most people is not the purpose of the controls, but how they can be made to work fairly; how permanent they will be; when, if ever, the program will level off to something that's "normal," and whether or not the controls, as they are now shaping up, will work as they're supposed to.

One of the first cries of "unfairness" was that business was getting a better deal than labor when the first controls were announced. Then, when it was announced that labor would be allowed to increase wages at a higher rate than business could raise prices, the squawks ran the other way.

A lot of this talk is just par for the course. We got inflation because everyone naturally wants more for himself than the other guy gets. The controls haven't changed human nature, but they are trying to curb it a bit.

Business was given tax breaks on money it would invest in expansion and other forms of growth. It gets "investment credits" on what it puts into improvements when it comes to figuring tax deductions. But *restrictions* on business also try to encourage it to invest more in growth. The brakes were put on dividend hikes for shareholders in big companies—which should result in profits being invested more readily in growth. The President promised that "windfall profits" would suffer penalties.

Thus, price controls weren't the only restrictions put on business or investors. If they are successfully prodded to turn more of their earnings into growth, that should spur trade and employment. The President and his aides are betting that such growth could pay for the permitted wage increases out of real earnings instead of out of inflation. And that's the only way we can all make real gains in our living standards.

Such steps are urgent. American business, as we've seen, has been persuaded by inflation to spend relatively less on expansion and new developments. That's one of the main reasons why other countries have passed us in some fields where we were once supreme.

But nobody would claim that the first controls were all "fair." They *seemed* to be fair generally, but a system of review boards was set up to hear complaints of unfairness and try to figure out who was just jawing and whose claim had merit.

It would be impossible for the first controls to have been fair to everyone. At the time the freeze went on, some wages and prices had just been boosted, while others were overdue. It will plainly take months to sort out the justice and the injustice of applying the controls, in each case, to individual situations as they were at the moment of the freeze.

The board's work won't be made easier by claims that lack merit. Nevertheless, it was heartening to note that General Motors and its appliance workers at Frigidaire announced a deal on Nov. 21 whereby the electrical workers gave up raises to which they were entitled, while GM lowered some prices and agreed to hire back many workers who'd been layed off. More of this is guaranteed to lick inflation.

There was considerable concern early this winter about when the situation will "level off." In November, the whole business world was plagued with a feeling of uncertainty. Many companies postponed commitments that have to be made to keep the wheels turning. This uncertainty should be short-lived. Most of it is caused by the pains of the changeover to controls. When the various control boards have settled most of the claims of special consideration that they've been wrestling with, we should arrive at a "normal" situation. About the only thing that could then keep the uncertainty alive would be decisions by powerful elements in labor, management or policies to try to buck the controls. If that happens, we may be in for a long period of chaos.

Nobody knows how long the controls will last. If they can get our economy back on the track, they may quickly be replaced by some gentler form of restraint on a permanent or standby basis, lest in the future we go back to the recklessness of the recent past when everyone took all he could get and passed the cost along. If the inflation and recession are not checked, we may need tougher controls.

The present controls are ingeniously devised not to be permanent. The President has created a combination of official, semi-official and voluntary boards to run things in the loosest possible way. It is about the minimum use of the powers Congress voted to give him in 1970. It can all be disbanded with little strain or pain the moment it isn't needed. This easily disposable machinery offers a strong inducement for those who are chafing at the controls to use more voluntary restraint. The sooner the job is done, the sooner the controls can be relaxed.

We noted earlier that until things got so bad, *nobody* wanted government controls of wages and prices. Of course, labor and management would both rather be free to shoot for all they can get, since that's the nature of the human animal. But leading economists, who are divided into conservative and liberal camps like most other people, were also dead set against controls until very recently.

Just a few years ago, a group of economists held a seminar which some of the most liberal and the most conservative attended. Among them, they could agree on very little. But to a man they then opposed government wage-price controls, and for the same reasons. It is impossible, they said, for bureaucrats in government to fairly judge what everyone who's working for a living in this country should get. They might be able temporarily to arrest a bad situation, given the power. But as time went by dictatorial power to set wages and prices would become more arbitrary. Favors and graft would creep in, and black markets would grow. Business would become less imaginative and more fearful of taking risks if it needed a bureaucratic stamp on everything it was willing to gamble on. These evils had crept into our wartime controls in the past. It was an excess of controls (that were once needed) that helped get our railroads into their present sorry state. Government controls in the hands of the dictators have a history of cramping the growth of their economies.

Nobody has changed his mind about all that. The universal dislike of rigid controls helps explain why, when something *had* to be done, the result was such a peculiar mixture of government power tempered by appeals for voluntary restraint.

It explains why the President's controlling boards are such a mixture of officials, "public members" serving voluntarily, and representatives of labor and business. Everything has been done to prevent creating a permanent wage-price control bureaucracy, and to bring as little official power to bear as possible, while still using enough to persuade.

It explains why so much of "Phase 2" set firm guidelines for the more powerful corporations and unions, but just hoped that the smaller ones would fall in line without the government rubber-stamping everything they might want to do.

The whole setup is about as far a cry from having a Commissar of Business and Labor as you can get while still trying to put official brakes on a runaway situation.

For those who are asking "Will the President's program work?" the better question is "Will *our* program work?" It is not devised to work without a maximum of cooperation in the world of business, labor and politics.

Your two authors have a sneaking suspicion that it will work. While the news media have naturally been playing up the early changeover difficulties, the complaints and the threats of the noncooperative, we think we sense a general determination in the land to make it work. Most people today recognize that our inflation is no longer something we can tolerate.

## HIGHER EDUCATION—OCTOBER 12, 1971

## HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. HALPERN. Mr. Speaker, a most serious and critical situation is developing within American higher education today. The reduction and suspension of vitally needed financial support to scholarship and fellowship foundations is causing undue hardship among this Nation's graduate students. I was shocked to read recently in the New York Times of the postponement of the prestigious Woodrow Wilson National Fellowship competition for 1972–73. Federally supported graduate fellowships in the United States have declined from 10,975 in 1967 to an estimated 1,570 for 1972—a decrease of more than 80 percent. Many fellowship programs supported by State governments have similarly been reduced. For example, the State of New York has recently announced cancellation of its Herbert H. Lehman Fellowships and its Regents fellowship programs which in recent years provided approximately 450 grants a year. Similarly, the State of California has announced cancellation of programs which had provided some 900 graduate fellowships a year. The Office of Education announced that no new N.D.E.A. graduate fellows woul dbe added to the federally sponsored program. Among private fellowship programs the largest in 1967 was that of the Woodrow Wilson National Fellowship Foundation which between 1957 and 1967 supported approximately 1,000 students each year. In 1971 it is supporting only 230 students. Other smaller private fellowship programs have reduced the number of students they support, and some such as the Presbyterian Graduate Fellowships have been canceled entirely. Universities report that the phasing out of such Federal programs as N.D.E.A. and NSF traineeships have not been offset by additional funds provided by the university.

Mr. Speaker, this situation cannot continue. The cost of a graduate education is estimated, conservatively, at more than $5,000 a year. Graduate students, many of whom work full time, are married and struggling to make ends meet, have to burden themselves with thousands of dollars in loans to meet the growing cost of attaining a higher degree. The suspension of the well-known Woodrow Wilson Fellowships represents a retrogression, which we in the Congress should not allow to continue. I insert the New York Times article, "Awards Halted By Wilson Fund" of September 10 and the New York Times editorial on the suspension, entitled "Moratorium on Excellence."

The articles follow:

### AWARDS HALTED BY WILSON FUND—SHORTAGE OF MONEY BLAMED IN FOUNDATION'S ENDING OF TEACHER EDUCATION AID

WASHINGTON.—Competition for the prestigious Woodrow Wilson Fellowships has been suspended for at least a year because of a lack of funds.

H. Ronald Rouse, national director of the Woodrow Wilson National Fellowship Foundation in Princeton, N. J., confirmed today that the foundation decided June 30 to suspend the competition for next year's college graduates. The fellowships are designed to provide first-year support of graduate students who plan to go into college teaching.

"We are quite determined and hopeful that we can get going again," said Dr. Hans Rosenhaupt, president of the foundation.

Mr. Rouse said, "This is going to be a year of soul-searching and self study for us. We are looking at the alternatives and at the other needs of society that should be filled."

"The Woodrow Wilson program was an extremely important symbol to higher education, with much more value than its material contributions," said Martin Meyers, president of the University of Pennsylvania who is chairman of the American Assembly's study group on the goals of university Governance. "It is a terrible tragedy in that, a few years of this kind of practice, of lack of support, will soon mean a sudden break in the production of new scholars, even in terms of the demands of the next five years."

"If there is not a sustained flow of new scholars, researchers, and professors, we may easily undermine all the advances that it has taken us a generation to build."

This year more than 8,000 college seniors applied for the 305 fellowships awarded to those entering graduate school this fall. Of the 305 fellows, 85 received financial support from other foundations or the Government, with the Wilson foundation providing a $2,000 stipend and a $1,000 tuition award for each of the others. A total of 220 getting financial support from the foundation also received scholarshps from their graduate schools for tuition not covered by the $1,000 grant.

The fellowships were established in 1945 as a Princeton University program.

The program continued to be centered at Princeton until the early nineteen-fifties, when the Carnegie Corporation of New York and the General Education Board provided financial support for more than 100 national awards a year. The fellowships were then administered by the American Association of Universities.

In 1957 the Ford Foundation gave the program $24.5 million for five years. The Wilson Foundation, set up that year to handle the greatly expanded program, received a second five-year Ford grant of $27.5-million in 1962.

In the decade of support of the fellowships by the Ford Foundation, more than 1,300 fellows were named annually, with about 1,000 receiving financial support. The fellowships then provided full tuition awards, as well as a stipend of $1,500, plus family allowances.

In 1967, however, the Ford Foundation decided not to renew its support.

"There isn't the slightest question that the program is immensely successful and useful," said Mrs. Mariam Chamberlain, program officer in higher education for Ford. "However, we changed our focus at that time, setting up grants of about $500,000 a year to 10 major universities in an effort both to look for ways to shorten the time of graduate study and to produce more scholars in the social sciences and the humanities."

From 1967 to 1970 the Wilson Foundation awarded an average of 1,000 fellowships a year, but provided financial support to only 150 a year.

"This was the time of massive support of graduate programs by the Government," Mr. Rouse noted, "and we were able to get other groups, such as the Avalon foundation, the Old Dominion Foundation and the Merrill Trust to provide limited funds. In addition, the Ford Foundation gave us an average of $1.5-million annually during these three years to cover administrative expenses."

"We have to get away from this boom-bust philosophy that has us swinging from a deficit to a surplus," Dr. Rosenhaupt said.

### MORATORIUM ON EXCELLENCE

The suspension for at least one year of the annual competition for Woodrow Wilson Fellowships represents a dismaying new entry on the higher education's financial fever chart. These grants have constituted one of the most successful devices for the identification and training of high-quality college teachers. That funds have dried up, even if perhaps only temporarily, signifies a deplorable lack of foresight by those foundations that have kept the fellowship competition alive since the Ford Foundation terminated most of its original support in 1967.

Undoubtedly, the decision can be rationalized on the basis that the earlier scarcity of faculty members has now turned into a surplus, thus making the subsidy of any teacher-training program a matter of low priority. But such reasoning confuses questions of quantity and quality. Even in a period of oversupply, the continuing need to seek out and encourage outstanding teaching potential cannot safely be ignored. The Woodrow Wilson National Fellowship Foundation's concern with excellence is scarcely obsolete. To turn funds off now dries up an invaluable source of future talent.

Mr. Speaker, Dr. Hans Rosenhaupt, the president of the Woodrow Wilson Fellowship Foundation recently wrote an article entitled "Glut or Bonanza?" I feel that his remarks best answer those critics of the graduate programs who claim that there is a "Ph. D. glut" in American education. I wish also to insert Dr. Rosenhaupt's remarks:

### Glut or Bonanza?

Recent news about the temporary suspension of Woodrow Wilson fellowships for first year graduate students in 1972–1973 raises the question "why hasn't adequate support for these fellowships been found?" One important reason is that foundation and corporation officials whom we approach for help have been unduly impressed by accounts of the current "Ph. D. Glut." I believe one that there is no severe glut; two, that highly trained young men and women are a national asset; three, that relatively small changes in our economy of brains will more than take care of any current or future surplus of Ph. D.'s.

While it is true that today young Ph. D.'s like almost everybody else, have trouble being placed, most end up with jobs. Of last year's 890 Ph.D.'s produced by the University of Wisconsin, only ten were unemployed in March 1971, and an additional 53 seeking jobs in Academe ended up in jobs outside Academe. It is more than likely that this year's "glut" will affect a similarly modest percentage of the total new Ph.D.'s, at the most an estimated two thousand altogether, certainly less than ten per cent of the annual total 30 or 35 thousand produced. Typically surplus Ph. D.'s are concentrated in a few fields such as Physics, where government and industry cut-backs aggravate the situation.

In March 1971, only 10 of Wisconsin's 106 graduate departments and programs reported "a severe surplus situation." (*Change Magazine*, Summer 1971, page 21.)

Since vigorous young Academics tend to make many applications, some prospective employers of Ph.D.'s have received several hundred applications for a single opening, thus furnishing ammunition to all the "I told you so" Cassandras. Frequently prophets of doom are economists, who know much about the market and little about the human animal and its ability to make changes. Looked at in historical perspective, a surplus of highly trained young men and women is a natural stage in our civilization's movement toward more and better services. As fewer people are needed to make our goods, more will be available to render services as doctors, teachers, lawyers, and also, let us hope, as repairmen. *Today's "Ph.D. Glut" can become a bonanza for education all the way from secondary education to post-doctoral research,* quite aside from benetfis to non-academic employers.

Prospects for making greater use of Ph.D.'s in higher education are good. During the next five years, new faculty appointments for replacement and growth should number about 20,000 annually. Industrial and faculty cutbacks may change the picture some, but supply and demand should be roughly in balance—with a possible Ph.D. surplus every year of a few thousand. This surplus could be easily absorbed if colleges and universities were to return to the teacher-student ratio of 1 to 13 of ten years ago—it has deteriorated to 1 to 15.6 (and that figure may have more bearing on student dissatisfaction than we realize). Return to the earlier ratio would require more than 100,000 additional college teachers.

Another possible market for young men and women with doctorates are community colleges—today only about 15% of community college faculty members hold doctorates. However, many junior colleges do not at this point seek Ph.D.'s for their faculties, and often the young Ph.D.'s consider jobs in these colleges infra dig.

So far, only few changes in the graduate schools' emphasis on research have occurred, but employment pressures may eventually make graduate schools more responsive to society's needs. The growing interest in the new doctor-of-arts (D.A.) degree, deemphasizing research and emphasizing teacher preparation, may be a portent of large scale reorientation among at least some graduate schools.

Economic necessity will soon convince young Ph.D.'s that "Academic Siberia," as the trade tactfully calls it, has its own rewards. In 1935, a recent Ph.D., I accepted a job in a junior college because it was the only job offered me. I found that students in a community college "are no less intelligent than students anywhere else, only less conventionally academic and intellectual," as a young Harvard Ph.D. happily teaching at a California junior college, wrote me recently.

Even if colleges and universities were unable to hire their 50 per cent quota of all new Ph.D.'s, *secondary schools, in replacing some of the 80,000 teachers leaving every year, could easily absorb the rest.* To do so would help raise the professional level of high school teaching, particularly desirable in the sciences and mathematics—the Nobel laureate Rabi has said that ideally all high school physics teachers should hold doctorates. High school teachers with the Ph.D. or the D.A. could offer more college level courses for gifted and ambitious students. Eventually—as secondary school teachers often did in our past, and still do in Europe—some of these highly trained teachers would move into college teaching. At this juncture, high school teaching jobs are scarce. Eventually the richest country in the world must improve quantity as well as quality of its teachers. Were we to improve the current student-teacher ratio in high schools from one teacher to 20.3 students to one to 19.3, 46,000 additional teachers would be needed. $460,000,000 needed to pay these seems a great deal of of money—when the war is over that sum should not be hard to include in the nation's budget.

Ph. D.'s now teaching in public high schools account for about one twentieth of one percent. Ten thousand additional Ph. D.'s would boost that figure to one percent—a modest step when you consider that many secondary school teachers in other countries hold doctorates. Of the 200 *Gymnasia* in Hesse, for example, only 15 have no Ph. D.'s on their teaching faculties, and 15 have ten or more.

The climate is favorable to change: a good number of high school principals recently surveyed by the Woodrow Wilson Fellowship Foundation showed interest in hiring Ph. D.'s, and many Woodrow Wilson Fellows who are teaching in high schools believe that graduate school has given them a solid preparation for their work. Others, currently looking for teaching jobs tell us that they would like to teach in high schools. In some instances their certification may present problems, as will salary scales, but experienced high school administrators generally find ways to cope.

Our country clearly needs more, not less, well-trained and qualified men and women in order to improve the quality of high school education as well as student-teacher ratios. Obviously, not all Ph. D.'s will make good high school teachers, but neither do all those who hold M.A.'s and teaching certificates. Adding a few thousand candidates to the total competing for each year's 80,000 high school teaching posts can only have the effect of improving secondary education.

Prophets of doom notwithstanding, not all our difficulties are insuperable. Instead of lamenting the "glut," let us take advantage of a temporary surplus of trained brains. Now we need imaginative high school principals and school boards, and some moral support from the public.

HANS ROSENHAUPT.

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## PRESIDENT'S PEACE PLAN CAN WORK: UNITY IS THE KEY

## HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. HUNT. Mr. Speaker, the President, simultaneously with the President of South Vietnam, has now laid before the world the peace offers that were presented privately to the North Vietnamese delegation at Paris last October. Significantly, these offers include the setting of a date definite for the withdrawal of all American troops, the release of all POW's, and the laying of the groundwork for a political settlement that will make peace possible among all the parties in Indochina without the present South Vietnamese Government being an obstacle to the objective.

It should now be eminently clear to all Americans, even those who have disagreed with the President's policies, and to nations around the world that the United States has, in the President's own words, "gone the extra mile" in attempting to reach a settlement in this conflict. Nonetheless, the morning papers are already reporting the early indications that the President's revelation of these peace officers has won no new converts, or, perhaps more correctly, that the critics are desperately grasping at straws to keep this a political issue and to keep it alive until at least November.

Senator McGOVERN, one of the many Democrat candidates for President, is reported to have even gone so far as to say that this blueprint for peace "will not work," observing that "North Vietnam wants a date set for withdrawal." He goes on to point out that—

> There's a great difference between offering to set a date and setting a date.

It is precisely this kind of talk that the North Vietnamese are waiting for, you can be sure, so they can be assured of the continued support of those who have been parroting their propaganda line all along. Is there a doubt in anyone's mind that rather than ignoring these offers since last October, as they have done, the North Vietnamese would have rejected them out-of-hand long ago if the critics right here in the United States had known of them so as to set the stage for their rejection?

Why is it that whenever the North Vietnamese have submitted peace offers in the past, the President's critics have castigated him for not going far enough to test the sincerity of the enemy's proposals? And now, when the President makes this truly milestone initiative, why is he still criticized, this time on the grounds that the plan does not comply to the letter to prior North Vietnamese demands? Is not it now very clear that the North Vietnamese have never intended to negotiate a settlement, but have manipulated the impasse for their own bnefit in the belief that the United States will simply abandon South Vietnam?

In my estimation, Mr. Speaker, our hope at this moment in time is that the North Vietnamese will recognize a viable plan for a peaceful settlement and will not dispense with this opportunity as they have so many others in the past. Let there be no mistaking about it, however, that if the critics right here in our own country persist in lending credibility to the North Vietnamese notion that the whole pie will be theirs if they hold out long enough, the conclusion will be inevitable.

This is a most significant opportunity for all Americans to unite behind our President for the purpose of reaching a conclusion in the war. The record to date is more than revealing that the conflict can only continue with the aid of the President's critics who have consistently imposed as their condition for "Peace" nothing less than a complete Communist victory. We have now passed beyond the point where the North Vietnamese can rely only upon our POW's as their bargaining tool.

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## SENATE—*Thursday, January 27, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

### PRAYER

Rabbi Alfred Cohen of the Synagogue of Young Israel of Canarsie, Brooklyn, N.Y., offered the following prayer:

God of wisdom and glory, we who are ever humble in Thy presence, stand before Thee in prayer for Thy guidance and compassionate understanding. Bless us with searching hearts and open minds that will ever be sensitive to the many needs of our countrymen.

Bestow Thy blessing of wisdom upon the President and Vice President of our country and upon all the Members of this august body. Strengthen their efforts and inspire their endeavors, so that suffering and evil will be stricken from the face of the earth. Equip them with the courage to champion the cause of justice, and determination to bring the blessings of freedom and equality to all men.

Assure us, dear Lord, of Your inspiration, and bless the work of our hands. By Thy grace, let peace, justice, and brotherhood reign over our land. Amen.

### DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, D.C., January 27, 1972.*
>
> *To the Senate:*
>
> Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.
>
> ALLEN J. ELLENDER,
> *President pro tempore.*

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

### THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, January 26, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the distinguished minority leader desire to be recognized at this time?

Mr. SCOTT. Mr. President, I yield back my time.

### ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there morning business to be transacted by the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, is the Senate operating in the morning hour?

The ACTING PRESIDENT pro tempore. Yes, with a 3-minute limitation on speeches.

### PROCESSING OF 1973 APPROPRIATION BILLS

Mr. ELLENDER. Mr. President, I wish to make a brief statement concerning the processing of the fiscal year 1973 appriation bills, a subject of concern to all of us inasmuch as the 92d Congress will be unable to adjourn until the funding of all necessary governmental programs has been accomplished.

As the Senate is aware, a concentrated effort was made last year to complete action on the appropriation bills as early in the session as possible, and with some success. The record of the Senate committee in reporting the appropriation bills soon after their receipt from the House of Representatives is excellent. The delays in prior years have, for the most part, resulted from the authorizing procedures. There has been a growing consciousness that these authorizing measures must be enacted to permit the Federal agencies to implement their programs early in the fiscal year. The ongoing programs of many agencies have suffered delays.

In my remarks to the Senate on December 15, prior to the adjournment of the first session of this Congress, I stated that in discussions with the leadership it was determined to present to the Senate a program whereby all authorizing bills must be enacted on or before June 1 if they are to be funded in the regular annual appropriation bills. I am happy to report that agreement has been reached on this score, and by joint letter dated January 20, 1972, signed by the distinguished majority and minority leaders, a procedure has been announced, upon the unanimous recommendation of the majority and minority policy committees, whereby it is expected that enactment of the regular annual appropriation bills can be accomplished prior to the beginning of the new fiscal year on July 1. I wish to read the following paragraph of that letter at this point:

> To facilitate the appropriations process on FY 1973 bills, therefore, items of appropriation that have not been authorized *by June 1, 1972*, will *not* be included in the general appropriations bill covering that subject matter. If the pertinent appropriations bill is otherwise ready and available to be considered then or at anytime thereafter, it will be scheduled, and those items awaiting an authorization will simply not be considered. If the authorization is enacted following June 1, 1972, and after the pertinent appropriations bill has been acted upon, the item for which the authorization was required would be considered only as a part of a subsequent supplemental appropriations bill.
>
> It is the purpose of this procedure to expedite the appropriations process. Thus, no item of appropriations not authorized on or before June 1 of this year will be considered as a part of any appropriations bill that is ready and available otherwise for Senate consideration on or after that date. Beginning on that date as well, appropriations bills will be acted upon when ready in accordance with usual scheduling considerations. Items not yet authorized then but authorized at a later time will simply have to be incorporated in a supplemental bill.

It is my understanding that the leadership of the House of Representatives concurs in this endeavor.

With respect to the work of the Senate Committee on Appropriations, I desire to make it clear that I am going to do all in my power to have all of the regular annual appropriation bills through the Senate on or before June 30. As I have said, I believe the Senate committee made an excellent record last year in reporting the bills soon after their receipt from the House of Representatives. It is my hope that we can pass all of these bills before July 1. Consideration will be given to funding those subsequently authorized programs in a supplemental appropriation bill.

The total budget authority requested by the President for fiscal year 1973 is in the amount of $270.9 billion. The amount requiring current action by the Congress, largely in the appropriation bills, is $185.3 billion. Included in this total of $185.3 billion is $45.5 billion which requires additional authorizing legislation before the appropriation bills would be in order. This sum is divided into almost 100 items. I understand an additional $10 billion is proposed for new legislation.

To give the Senate and the American people an idea of the money that has been requested by the President, which requires additional authorizing legislation, I will say the amount is $45,520,560,000. Of that sum, more than $3.5 billion has been requested by the President to carry on foreign assistance in addition to what will be considered, probably next week, for foreign assistance.

The Department of Commerce will need more than half a billion dollars. The Department of Defense will need an additional $25 billion.

Mr. President, I ask unanimous consent to place this document in the RECORD, so that Senators, and the public, as well, may be informed as to what amounts we may expect the authorizing committees to consider for the next fiscal year.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

*Recommended 1973 amounts requiring additional authorizing legislation*

(NOTE.—These amounts are recommended in the 1973 budget, but the Congress does not generally act on these appropriation requests until after enactment of the authorizing legislation.)

(In thousands of dollars)

FUNDS APPROPRIATED TO THE PRESIDENT

| | |
|---|---|
| Foreign assistance: | |
| International security assistance: | |
| Military assistance | 780,000 |
| Foreign military credit sales | 527,000 |
| Economic supporting assistance | 807,400 |
| International development assistance: | |
| Multilateral assistance: International organizations and programs | 175,335 |
| Bilateral assistance: | |
| Grants and other programs | 539,358 |
| Development loans | 634,500 |
| Contingencies | 100,000 |
| Office of Economic Opportunity: | |
| Economic opportunity program | 758,200 |
| Total, funds appropriated to the President | 4,321,793 |

COMMERCE

| | |
|---|---|
| International activities: Export control | 5,507 |
| Science and technology: National Bureau of Standards, research and technical services | 8,786 |
| Ocean shipping: | |
| Maritime Administration: | |
| Ship construction | 250,000 |
| Operating-differential subsidies | 232,000 |
| Research and development | 30,000 |
| Salaries and expenses | 3,900 |
| Maritime training | 7,670 |
| State marine schools | 2,290 |
| Total, Commerce | 540,153 |

DEFENSE—MILITARY

| | |
|---|---|
| Aircraft procurement, Army | 134,500 |
| Missile procurement, Army | 1,153,400 |
| Procurement of weapons and tracked combat vehicles, Army | 259,500 |
| Procurement of aircraft and missiles, Navy | 3,871,200 |
| Shipbuilding and conversion, Navy | 3,564,300 |
| Other procurement, Navy | 219,900 |
| Procurement, Marine Corps | 85,200 |
| Aircraft procurement, Air Force | 2,612,700 |
| Missile procurement, Air Force | 1,772,300 |
| Research, development, test and evaluation: | |
| Army | 2,051,100 |
| Navy | 2,710,900 |
| Air Force | 3,178,600 |
| Defense agencies | 507,200 |
| Emergency fund, Defense | 50,000 |
| Military construction: | |
| Army | 969,323 |
| Navy | 490,490 |
| Air Force | 291,285 |
| Defense agencies | 46,400 |
| Army National Guard | 40,000 |
| Air National Guard | 10,600 |
| Army Reserve | 38,200 |
| Naval Reserve | 16,000 |
| Air Force Reserve | 7,000 |
| Family housing, Defense | 977,200 |
| Operation and maintenance, civil defense | 29,041 |
| Special foreign currency program | 3,000 |
| Total, Defense—Military | 25,089,339 |

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

| | |
|---|---|
| Health Services and Mental Health Administration: | |
| Health services delivery | 155,300 |
| Preventive health services | 8,500 |
| Office of Education: | |
| School assistance in federally affected areas | 430,910 |
| Library resources | 14,000 |
| Higher education facilities loan and insurance fund: current | 3,352 |
| Social and Rehabilitation Services | 836,243 |
| Office of Child Development (Head Start) | 393,642 |
| Educational renewal (Follow Through) | 58,700 |
| Total, Health, Education, and Welfare | 1,900,647 |

ENVIRONMENTAL PROTECTION AGENCY

| | |
|---|---|
| Waste treatment construction grants | 2,000,000 |
| Operation, research, and facilities | 97,000 |
| Total, Environmental Protection Agency | 2,097,000 |

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

| | |
|---|---|
| Comprehensive Planning | 100,000 |
| Model Cities | 515,000 |
| Open Space | 100,000 |
| Neighborhood Facilities | 40,000 |
| Total, Dept. of Housing and Urban Development | 755,000 |

INTERIOR

| | |
|---|---|
| Water and Power Resources: | |
| Bureau of Reclamation: | |
| Construction and rehabilitation | 8,840 |
| Upper Colorado River storage project | 38,185 |
| Water Quality and Research: | |
| Office of Saline Water: Saline water conversion | 26,871 |
| Total, Interior | 73,896 |

LABOR

| | |
|---|---|
| Manpower Administration: | |
| Salaries and expenses | 61,890 |
| Manpowed training services | 1,633,366 |
| Total, Labor | 1,695,256 |

TRANSPORTATION

| | |
|---|---|
| Coast Guard: | |
| Operating expenses | 297,693 |
| Acquisition, construction, and improvements | 135,660 |
| Reserve training | 23,529 |
| Research, development, test, and evaluation | 1,348 |
| Federal Highway Administration: | |
| Highway Beautification | *60,000 |
| Highway trust fund: Federal-aid highways | *1,550,000 |
| Forest highways | *33,000 |
| Public lands highways | *16,000 |
| Highway-related safety grants (Federal & Trust) | *30,000 |

| | |
|---|---|
| National Highway Traffic Safety Administration: | |
| Traffic and highway safety | 36,900 |
| State and community highway safety | *33,333 |
| Highway trust fund: trust fund share of highway safety programs | *66,667 |
| Total, Transportation | 2,284,130 |
| ATOMIC ENERGY COMMISSION | |
| Operating expenses | 2,072,830 |
| Plant and capital equipment | 366,860 |
| Total, Atomic Energy Commission | 2,439,690 |
| NATIONAL AERONAUTICS AND SPACE ADMINISTRATION | |
| Research and development | 2,600,900 |
| Construction of facilities | 77,300 |
| Research and program management | 700,800 |
| Total, National Aeronautics and Space Administration | 3,379,000 |
| OTHER INDEPENDENT AGENCIES | |
| Action: Total operating expenses | 184,700 |
| Arms Control and Disarmament Agency | 10,000 |
| Commission on Civil Rights | 4,646 |
| Commission on International Radio Broadcasting | 38,795 |
| Corporation for Public Broadcasting | 45,000 |
| National Science Foundation | 653,000 |
| American Revolution Bicentennial Commission | 6,712 |
| Smithsonian | 275 |
| Water Resources Council | 1,531 |
| Total, other independent agencies | 944,659 |
| Grand total: Budget authority | 45,520,563 |

* Contract authority.

Mr. ELLENDER. Mr. President, on December 15, 1971, I stated on the floor of the Senate that the full Committee on Appropriations would be convened early in the session for the purpose of hearing testimony on the overall budget estimates submitted by the President for fiscal year 1973. Similar hearings were held last year and were limited to governmental witnesses who appeared in support of administration proposals. These hearings were most illuminating because of the broad areas covered in the formal presentations and in the followup interrogations.

This year, however, it is the intent of the committee to expand the scope of the hearings by taking testimony from representatives of organizations and interested citizens who will present their vivwes on the budget as it relates to national goals and priorities.

It is anticipated that provocative alternatives to proposed spending programs may be suggested; certainly, the views presented by all witnesses—whatever their convictions or interests—will make a substantial contribution to a clearer understanding of the Nation's special needs and priorities.

I wish to announce, Mr. President, that these hearings will commence on Tuesday, February 1, 1972, at 9:30 a.m., in room 1224, New Senate Office Building. I ask unanimous consent that the proposed schedule of hearings be printed at this point in the RECORD.

There being no objection, the schedule of hearings was ordered to be printed in the RECORD, as follows:

#### TUESDAY, FEBRUARY 1, 1972

9:30 a.m.—George P. Shultz, Director, Office of Management and Budget.

Caspar W. Weinberger, Deputy Director, Office of Management and Budget.

2:00 p.m.—Ezra Solomon, Member Council of Economic Advisers.

#### WEDNESDAY, FEBRUARY 2

9:30 a.m.—Charls E. Walker, Under Secretary, Department of the Treasury.

2:00 p.m.—Federation of American Scientists: Dr. Richard L. Garwin and Dr. Morton H. Halperin.

SANE: Professor Seymour Melman.

Association of American Medical Colleges: Dr. John A. D. Cooper.

Friends Committee on National Legislation: Edward Snyder, Executive Secretary.

United States National Student Association: National Student Lobby, Ted Downey, Student Senator.

#### THURSDAY, FEBRUARY 3

9:30 a.m.—United States Conference of Mayors.

National League of Cities.

Federation of American Scientists: Professor Adam Yarmolinsky.

Businessmen's Educational Fund: Harold Willens, Chairman.

Council of State Chambers of Commerce: Eugene F. Rinta, Executive Director.

Emergency Committee for Full Funding of Education Programs: Dr. Wilson Riles, California Superintendent of Schools.

National Education Association.

American Council on Education: Dr. Roger W. Heyns, President.

American Farm Bureau Federation: Marvin L. McLain, Legislative Director and William C. Anderson, Assistant Legislative Director.

Federation of American Societies for Experimental Biology: Dr. Lewis Thomas.

2:00 p.m.—American Public Health Association: Dr. James R. Kimmey, Executive Director.

Board of Christian Social Concerns of The United Methodist Church: Dr. Luther Tyson.

United Presbyterian Church in the U.S.A.: Dr. William P. Thompson, Stated Clerk of the General Assembly.

Catholic Theological Union: The Reverend John T. Pawlikowski, Ph. D.

National Congress of American Indians.

National Wildlife Federation: Thomas L. Kimball, Executive Director.

#### FRIDAY, FEBRUARY 4

9:30 a.m.—Coalition on National Priorities and Military Policy: Honorable Joseph S. Clark, Chairman.

Coalition for Health Funding (also, Federation of Associations of Schools of the Health Professions): Dr. Michael DeBakey.

Council for Christian Social Action: Dr. Robert V. Moss, President, United Church of Christ.

United Auto Workers: Emil Mazey.

Sierra Club: Richard Lahn or Lloyd Tupling.

2:00 p.m.—National Urban Coalition: Carl Holman, President.

Citizens Energy Council: Honorable Jonathan B. Bingham (N.Y.), Dr. David Ford.

Department of Church in Society of The Christian Church (Disciples of Christ).

Americans for Democratic Action: Leon Shull, National Director.

Mr. ELLENDER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

### PROPOSED AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (with accompanying papers); to the Committee on Aeronautical and Space Sciences.

### REPORT ON FINAL DETERMINATION WITH RESPECT TO INDIAN CLAIM CASE

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination with respect to Docket No. 294, The Skagit Tribe of Indians, also known as The Lower Skagit Tribe of Indians, also known as Whidbey Island Skagits, Plaintiff, v. The United States of America, Defendant (with accompanying papers); to the Committee on Appropriations.

### STATEMENT OF RECEIPTS AND EXPENDITURES OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

A letter from the Vice President and General Manager, The Chesapeake and Potomac Telephone Company, transmitting, pursuant to law, a report of that Company, for the year 1971 (with an accompanying report); to the Committee on the District of Columbia.

### PROPOSED AMENDMENT OF INTERNAL REVENUE CODE OF 1954

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of certain distributions and sales pursuant to the Bank Holding Company Act Amendments of 1970 (with accompanying papers); to the Committee on Finance.

### PROPOSED AMENDMENT TO CONCESSION CONTRACT IN MOUNT RAINIER NATIONAL PARK, WASH.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to a concession contract within Mount Rainier National Park, Washington (with accompanying papers); to the Committee on Interior and Insular Affairs.

### REPORT ON POSITIONS IN GRADES GS-16, GS-17, AND GS-18

A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report on positions within that Department in the grades of GS-16, GS-17, and GS-18, for the year 1971 (with an accompanying report); to the Committee on Post Office and Civil Service.

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

John Eugene Sheehan, of Kentucky, to be

a Member of the Board of Governors of the Federal Reserve System;

George H. Boldt, of Washington, to be Chairman of the Pay Board; and

C. Jackson Grayson, Jr., of Texas, to be Chairman of the Price Commission.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BOGGS (for himself and Mr. ROTH):

S. 3081. A bill to provide for the establishment of a national cemetery in the State of Delaware. Referred to the Committee on Veterans' Affairs.

By Mr. BEALL:

S. 3082. A bill for the relief of Milagros Posada. Referred to the Committee on the Judiciary.

By Mr. HARTKE (for himself and Mr. Moss):

S. 3083. A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods. Referred to the Committee on Commerce.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOGGS (for himself and Mr. ROTH):

S. 3081. A bill to provide for the establishment of a national cemetery in the State of Delaware. Referred to the Committee on Veterans' Affairs.

Mr. BOGGS. Mr. President, I am introducing on behalf of myself and the distinguished junior Senator from Delaware (Mr. ROTH) a bill to establish a national cemetery in the State of Delaware.

There are currently 98 national cemeteries in the country, but not one is located in the State of Delaware. The nearest cemetery with burial spaces still available is located at some distance away in Gettysburg, Pa.

Many existing cemeteries are closing for lack of space and new sites must be found. I believe it is time that Delaware has a national cemetery as a permanent memorial to those Delawareans who have given their lives in the service of their country.

By Mr. HARTKE (for himself and Mr. Moss):

S. 3083. A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods. Referred to the Committee on Commerce.

### TRUTH IN FOOD LABELING ACT

Mr. HARTKE. Mr. President, today I join the distinguished Senator from Utah (Mr. Moss) in introducing the Truth in Food Labeling Act. This legislation is designed to enable the consumer to have all pertinent information at her disposal when she shops at the neighborhood supermarket or the corner grocery store.

This is an age when people are demanding to know more about their environment, yet we know so little about the food we eat. We are ignorant about its quality, its nutritional value, its ingredients, its freshness, and its manufacturer. These are crucial facts, yet they remain hidden from most consumers.

The Truth in Food Labeling Act puts an end to the mystery which envelops the food we eat. In essence, it requires that certain basic information about the contents of that food be printed in the package label in plain and concise language. Specifically, the bill accomplishes the following objectives:

First, it establishes a uniform system of grade labeling for all consumer food products and requires that grade designations appear in a conspicuous and legible type on each food package. To accomplish this purpose, the bill establishes grades "A" to "E" and "substandard" and mandates the use of these terms on all food products with the exception of meat products for which there is currently an inspection and grading program administered by the Secretary of Agriculture.

Second, the bill requires that the labels of food products disclose their ingredients. There is no reason to ask a consumer to buy a product whose contents are not known in full. At a time when we are beginning to learn so much about the harmful effects of certain substances, we must assure the consumer of full knowledge about the food he eats.

Third, the bill requires that food product labels contain information about the nutritional content of that product. The consumer should have access to this information so that nutritional meals can be planned. Although there is ample proof that Americans are eating more food than ever, there is equally ample proof that the nutritional content of our diets is decreasing. If the consumer is to becom nutrition conscious, then she will have to have the nutrient content of foods prominently displayed on each package.

Fourth, the bill requires that all perishable and semiperishable foods contain a "pull date" on the label of the product. This date represents the latest date on which that product can be sold as fresh. During the past several months, much has been written to indicate that many outdated products are being sold every day. Baby food, canned goods, and packaged goods which were stale months and years ago are being sold as fresh products. The most ironic aspect of this problem is that most perishable and semiperishable food products do contain some sort of "pull date," but it is printed in a code form which is not decipherable by the consumer, nor can it be understood by many food store managers. Under my proposal, the "pull date" would have to be stated in the form of day, month, and year.

Fifth, the bill requires the name and place of business of the manufacturer, packager, and distributor to be printed on the packages of food, drugs and cosmetics. This provision will enable a consumer to make better comparisons among competing brands of the same product, and it will also help to promote the public safety. Many products are marketed under private labels. The fact that these products are often cheaper than nationally known brands does not mean that they are necessarily of inferior quality. There are many instances of a manufacturer producing the same product packaged under different—and often competing—brand names sold at different prices. In the Bon Vivant case last year, one of the problems presented to the consumer is that the company marketed its product under different brand names. The consumer was thus uncertain whether the soup he had on his shelves was manufactured by Bon Vivant or another company. This provision of my bill eliminates that uncertainty.

Mr. President, the Truth in Food Labeling Act will lessen substantially the difficulties which consumers face when purchasing food. It will assist in making the consumer informed and knowledgeable about what he buys at the store. The doctrine of "caveat emptor" is only valid so long as the consumer has at his or her disposal adequate information upon which to make a rational purchase judgment. The only realistic means by which a consumer can obtain that information is through a new and revolutionary system of product labeling. The Truth in Food Labeling Act will achieve this objective by providing the consumer with an opportunity to make a reasoned decision about the best product to buy in light of his individual needs and desires. It will also benefit consumers by promoting competition among food manufacturers and processors. Nothing in this bill imposes an unreasonable requirement on the food industry. If there is opposition, it will come not from those who seek to keep the consumer from being confused by too much information, but from those who seek to keep the consumer from being informed about the food he eats.

Mr. President, I ask unanimous consent that the text of the Truth in Food Labeling Act be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3083

A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Truth in Food Labeling Act".

SEC. 2. (a) The Fair Packaging and Labeling Act (15 U.S.C. 1451–1461) is amended as follows—

(1) by inserting "Title I—Fair Packaging and Labeling" immediately above the heading of section 2;

(2) by redesignating sections 2 through 5 as sections 101 through 104, respectively;

(3) by striking out "section 3" in section 103(a) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 102";

(4) by striking out "section 3" in section 103(b) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 103";

(5) by striking out "section 4" and "section 2" in section 104(b) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 103" and "section 101", respectively;

(6) by striking out "section 4" in section 104(c) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 103"; and

(7) by adding immediately after section 104 (as redesignated by clause (2) of this section) the following new titles:

### "TITLE II—QUALITY GRADING OF FOOD PRODUCTS

"SEC. 201. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"SEC. 202. (a) The Secretary of Health, Education, and Welfare shall formulate and prescribe a system of food quality grade designations, expressed in a uniform nomenclature, for all food products.

"(b) No person subject to the prohibition contained in section 201 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Health, Education, and Welfare pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a food quality designation of the food product contained therein, that the label on such product appear in a uniform location on the package, and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size; and

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed.

"(c) The Food quality designations for food products adopted by the Secretary shall provide for the following designations in descending order of quality of the food product:

"(1) U.S. Grade A.
"(2) U.S. Grade B.
"(3) U.S. Grade C.
"(4) U.S. Grade D.
"(5) U.S. Grade E.
"(6) Substandard.

The Secretary of Health, Education, and Welfare may authorize the use of less than six different designations in the case of any food product if he determines that it is not in the public interest or is impracticable to require such food product to be broken down into six quality designations.

"(d) The Secretary of Health, Education, and Welfare shall immediately initiate and carry out a program of consumer education in conjunction with the promulgation of food quality designations prescribed by him under this title.

"(e) The provisions of this title shall not apply in the case of any meat with respect to which there is in effect an inspection and grading program administered by the Secretary of Agriculture.

### "TITLE III—LABELING OF FOOD PRODUCTS TO DISCLOSE INGREDIENTS

"SEC. 301. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"SEC. 302. No person subject to the prohibition contained in section 301 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Health, Education, and Welfare pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a statement specifying all the ingredients contained in such food products in the order of their predominance, that the label on such product appear in a uniform location on the package and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size; and

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed.

### "TITLE IV—NUTRITIONAL LABELING OF FOOD PRODUCTS

#### "DEFINITIONS

"SEC. 401. For the purpose of this title—

"(1) The term 'nutritional value' means the amount of nutrients contained in the food expressed in terms of the relationship of the amount of each nutrient contained in such food to the total recommended daily requirement of each such nutrient required to maintain a balanced diet as determined by the Secretary of Health, Education, and Welfare after consultation with the National Academy of Sciences.

"(2) The term 'nutrient' includes protein, vitamin A, B vitamins (thiamin, riboflavin, niacin), vitamin C, vitamin D, carbohydrate, fat, calories, calcium, iron, and such other nutrients as may be prescribed by regulation.

"SEC. 402. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

#### "LABELING REQUIREMENTS

"SEC. 403. (a) No person subject to the prohibition contained in section 402 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Health, Education, and Welfare pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a statement specifying the nutritional value of the food product contained therein, that the label on such commodity appear in a uniform location on the package, and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size;

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed; and

"(4) bear a statement of the nutritional value of each serving if the label appears on a packaged food product which bears a representation as to the number of servings of the food product contained in the package.

"(b) The Secretary may by regulations require additional or supplementary words or phrases to be used in conjunction with the statement of nutritional value appearing on the label whenever he determines that such regulations are necessary to prevent the deception of consumers or to facilitate value comparisons as to any food product. Nothing in this subsection shall prohibit supplemental statements, which are not misleading or deceptive, at other places on the package, describing the nutritional value of the food product contained in such package.

### "TITLE V—LABELING REQUIREMENTS FOR PERISHABLE AND SEMI-PERISHABLE FOODS

#### "DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(2) The term 'food' had the meaning prescribed for that term by section 201 of the Federal Food, Drug, and Cosmetic Act, except that such term does not include any fresh fruit or vegetable.

"(3) The term 'perishable or semi-perishable food' means any food which the Secretary determines has a high risk of any of the following as it ages:

"(A) spoilage;

"(B) significant loss of nutritional value; or

"(C) significant loss of palatability.

"(4) The term 'pull date' means the last date on which a perishable or semi-perishable food can be sold for consumption without a high risk of spoilage or significant loss of nutritional value or palatability, if stored by the consumer after that date for the period which a consumer can reasonably be expected to store that food.

### "LABELING REQUIREMENTS FOR PERISHABLE AND SEMI-PERISHABLE FOODS

"SEC. 502. (a) No person who manufactures or packages a perishable or semi-perishable food in the form in which it is sold by retail distributors to consumers may distribute (or cause to be distributed) in commerce for purposes of sale a perishable or semi-perishable food packaged by him in such form unless he has, in accordance with the requirements of subsection (f), labeled such packages to show (1) the pull date for such food, and (2) the optimum temperature and humidity conditions for its storage by the ultimate consumer.

"(b) No person engaged in business as a retail distributor of any packaged perishable or semi-perishable food subject to the provisions of subsection (a) may sell, offer to sell, or display for sale such food unless the food's package is labeled in accordance with this title.

"(c) No person engaged in business as a retail distributor of any packaged perishable or semi-perishable food may sell, offer to sell, or display for sale any such food whose pull date, as specified on its package's label, has expired unless—

"(1) the food is fit for human consumption, as determined under applicable Federal, State, or local law,

"(2) such person separates the food from other packaged perishable or semi-perishable foods whose pull dates, as specified on their packages' labels, have not expired, and

"(3) such person clearly identifies the food as a food whose pull date has expired.

"(d) No person engaged in the business of manufacturing, processing, packing, or distributing perishable or semi-perishable foods may place packages of such foods, labeled in accordance with subsection (a), in shipping containers or wrappings unless such containers or wrappings are labeled by him, in accordance with regulations of the Secretary, to show the pull date (or dates) on the labels of such packages.

"(e) No person may change, alter, or remove, before the sale of a packaged perishable or semi-perishable food to the ultimate consumer, any pull date required by this section to be placed on the label of such food's package or shipping container or wrapping.

"(f) (1) The pull date and the storage instructions required to be on the label of a packaged perishable or semi-perishable food under subsection (a) shall be determined in the manner prescribed by regulations of the Secretary.

"(2) A pull date shall, in accordance with regulations of the Secretary—

"(A) be (i) in the case of the month contained in the pull date, expressed in the commonly used letter abbreviations for such month, and (ii) otherwise expressed in such combinations of letters and numbers as will enable the consumer to readily identify (without reference to special decoding information) the day, month, or year, as the case may be, comprising the pull date; and

"(B) be separately and conspicuously stated in a uniform location upon the principal display panel of the label required under subsection (a).

"(3) (A) Any regulation under paragraph (1) prescribing the manner in which pull dates for a packaged perishable or semi-perishable food shall be determined may include provisions—

"(i) prescribing the time periods to be used in determining the pull dates for such food,

"(ii) prescribing the data concerning such food (and the conditions affecting it before and after its sale to the consumer) to be used in determining its pull dates, or

"(iii) permitting a person engaged in the business of manufacturing, processing, packaging, or distributing such food to determine its pull dates using such time periods and data as such person considers appropriate.

"(B) If such regulation includes provisions described in sub-paragraph (A) (iii) of this paragraph, such regulation shall also contain—

"(i) such provisions as may be necessary to provide uniformity, where appropriate, in the time periods used in pull date determinations; and

"(ii) provisions for regular review by the Secretary of the pull date determinations and the time periods and data upon which they are based.

### "PENALTIES AND INJUNCTIONS

"SEC. 503. (a) Any person who knowingly or willfully violates any provision of section 502, or any regulation made thereunder, shall be imprisoned for not more than one year or fined not more than $5,000, or both; except that if any person commits such a violation after a conviction of him under this subsection has become final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than $25,000, or both.

"(b) Any packaged perishable or semi-perishable food that is distributed in violation of section 502 or any regulation made thereunder shall be liable to be proceeded against at any time on libel of information and condemned in any district court of the United States within the jurisdiction of which such packaged food is found. Section 504 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) (relating to seizures) shall apply with respect to proceedings brought under this subsection and to the disposition of packaged foods subject to such proceedings.

"(c) (1) The United States district courts shall have jurisdiction, for cause shown, to restrain violations of section 502 and regulations made thereunder.

"(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of section 502 or a regulation made thereunder, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(d) Before any violation of section 502 or a regulation made thereunder is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

"(e) Nothing in this title shall be construed as requiring the Secretary to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of section 502 or a regulation made thereunder whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

"(f) (1) Actions under subsection (a) or (c) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

"(2) In any actions brought under subsection (a) or (c) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district."

SEC. 3. (a) The Fair Packaging and Labeling Act is further amended by inserting "TITLE VI—GENERAL PROVISIONS" above the heading for section 6, and by redesignating sections 6 through 13 as sections 601 through 608, respectively.

(b) Section 601(a) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "section 4 or section 5 of this Act" in subsections (a) and (b) and inserting in lieu thereof "section 103, 104, 201, 302, 403, or 502 of this Act".

(c) Section 602(a) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "section 3 of this Act." and inserting in lieu thereof "section 102, 201, 301, or 402 of this Act. The provisions of this subsection shall not apply with respect to title V."

(d) Section 602(c) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "sections 4 and 5" and inserting in lieu thereof "sections 103, 104, 201, 302, 403, and 502".

(e) Section 603 of such Act (as redesignated by subsection (a) of this section) is amended by striking out "section 5(d) and inserting in lieu thereof "section 104(d)".

(f) Section 605 of such Act (as redesignated by subsection (a) of this section) is amended by adding at the end thereof the following:

"(g) The terms 'food' and 'food product' mean any article used for food or drink for man or other animals, and any article used as a component of such article."

(g) Section 607 of such Act (as redesignated by subsection (a) of this section) is amended to read as follows:

"SEC. 607. It is the express intent of Congress to supersede any and all laws of the States or political subdivisions thereof insofar as they may provide for (1) the labeling of the net quantity of contents of the package of any consumer commodity as provided in title I of this Act; (2) the quality grading of food products as provided in title II of this Act; (3) the labeling of the ingredients contained in food products as provided in title III of this Act, (4) the labeling of the nutritional value of food products as provided in title IV of this Act; (5) the labeling of perishable and semi-perishable foods as provided in title V of this Act, which are less stringent than, or require information different from the requirements of the appropriate title or regulations promulgated pursuant to such title."

(h) Section 608 of such Act (as redesignated by subsection (a) of this section) is amended by striking "This" and inserting in lieu thereof "(a) Except as provided in subsection (b), this"; and by adding at the end thereof a new subsection as follows:

"(b) The provisions of titles II, III, IV, and V shall become effective six months after the date of enactment of such title, except that the Secretary of Health, Education, and Welfare may by regulation postpone for an additional twelve-month period the effective date of any such title with respect to any class or type of food product on the basis of a finding that such a postponement would be in the public interest."

### "TITLE VI—LABELING REQUIREMENTS FOR CERTAIN PACKAGE GOODS

SEC. 601. (a) Section 403(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.

343) is amended by striking out "or" in clause (1) and inserting "and" in lieu thereof.

"(b) Section 502(b) of such Act (21 U.S.C. 352) is amended by striking out "or" in clause (1) and inserting "and" in lieu thereof.

"(c) Section 602(b) of such Act (21 U.S.C. 362) is amended by striking out "or" in clause (1) and inserting "and" in lieu thereof.

"SEC. 602. The amendments made by this Act shall take effect upon the expiration of the one hundred and eighty day period which begins on the date of the enactment of this Act.

Mr. MOSS. Mr. President, I am pleased to join with Senator HARTKE in sponsoring the Truth in Food Labeling Act, a comprehensive set of amendments to the Fair Packaging and Labeling Act.

The Fair Packaging and Labeling Act has been a noble experiment at giving the consumer a sound footing in the economic competition of the marketplace. He now knows, by and large, how much he is getting of a given commodity. He is not deceived by proliferation of sizes and names. But, the consumer does not know what he is getting. The Truth in Food Labeling Act attempts to set straight the numerous problems which the consumer has in the marketplace in his dealings with standardized foods, ungraded foods, house brands, shelf life of goods, and the like.

Basically, the Truth in Food Labeling Act is but another extension of the right to know, one of the four basic consumer rights that President John F. Kennedy enunciated in his brilliant message 10 years ago. What does the Truth in Food Labeling Act do? It provides just about all the information that the consumer needs in order to make an intelligent choice in the marketplace.

The first title of the act would require a uniform grading of food products. Too often one goes into the store and buys grade A, only to find out that grade A is second quality in that commodity. Between different commodities the names and relative positions of these grades vary. The act would eliminate this problem by establishing uniform nomenclature, six grades labeled A through E and ungraded. Of course, in the area of meats, where our system of prime, choice and commercial is so well established and understood, the legislation provides for exemption of those graduations.

The second title of the bill would require the disclosure of food ingredients in order of their predominance. Some people are allergic to various additives, but they do not know whether these additives are in the foods they purchase. And too often a food label does not sufficiently amplify the name of the product. Additionally, the legislation would not preclude the establishment of labels continuing the percentage of ingredients, a most important bit of information to know when purchasing various food products.

The next title of the bill would require the establishment of a national system of uniform nutrient labeling. What good is a food product if it has no nutritional value? Wll, the consumer might want to purchase it anyway, but he has the right to know the nutritional value of the food particularly when claims for "energy packed" and "body building" are thrown about so loosely in advertisements. The legislation would fill the current void in nutritional labeling. Although a number of voluntary programs have been established, this title would make mandatory a national nutritional labeling system.

Next, we face the problem of freshness. The hidden codes on the lids of cans and enigmatic numbers and letters on foods in the dairy case prevent the consumer from knowing how old a perishable or semi-perishable product is. If the product is going to be used immediately, it invariably does not matter as long as the pull date has not been reached. If it will sit on the shelf for a month or two, the consumer should know how long he has before he must use the product. Title V of the Truth in Food Labeling Act would remedy the open dating problem.

The last title would remedy a most serious problem that arose when the Bon Vivant botulism case arose last summer. The house brands of many large chains and other private label brands are manufactured by a variety of different firms. But how does the consumer know whether his can of Supermarket X chicken soup was manufactured by Bon Vivant or some other firm? At the moment, there is no way to identify the manufacturer, only the distributor is identified on the package. The identity of the manufacturer will serve to let the consumer know who is manufacturing the food products he eats.

Some may ask why we have left unit pricing out of this legislation. I believe the very significant progress that has been made through voluntary efforts precludes legislation of unit pricing at the present time.

However, the voluntary efforts to date on these other issues do not appear to be sufficient. Although retailers have made great strides, the progress of the manufacturers has been relatively slow. It seems that most of the needs of the consumer can best be done at the manufacturing level rather than at the retail level, thus the need for the Truth in Food Labeling Act.

I hope my colleagues will join with me in supporting this important consumer legislation.

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

### S. 2910

At the request of Mr. TAFT, the Senator from Masachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2910, a bill to provide grants to States for the establishment, maintenance, and operation of low-cost meal programs for disabled Americans, and for other purposes.

### S. 2994

At the request of Mr. MCCLELLAN, the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Alaska (Mr. STEVENS), the Senator from Wisconsin (Mr. NELSON), the Senator from Tennessee (Mr. BAKER), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 2994, a bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes.

### S. 2995

At the request of Mr. KENNEDY, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 2995, the Victims of Crime Act of 1972.

### S. 3080

At the request of Mr. KENNEDY, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 3080, to amend the Lead-Based Paint Poisoning Prevention Act.

### SENATE JOINT RESOLUTION 189

At the request of Mr. BROCK, the Senator from North Carolina (Mr. JORDAN) was added as a cosponsor of Senate Joint Resolution 189, a resolution to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern" for prisoners of war and missing in action, and to designate Sunday, March 26, 1972, as a national day of prayer for these Americans.

## SENATE RESOLUTION 241—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

(Referred to the Committee on Rules and Administration, by unanimous consent.)

### EXTENSION AND BUDGET OF SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. McGOVERN. Mr. President, I am introducing today Senate Resolution 241 extending the work of the Select Committee on Nutrition and Human Needs from March 1, 1972, to February 28, 1973. This resolution is an amended form of Senate Resolution 183 introduced last October 20, the only significant change being the inclusion of a specific budgetary figure which approximates the select committee's budget for the previous year. Both resolutions were approved unanimously by the members of the committee.

Mr. President, the select committee has performed the invaluable service during the past year of insuring that the major nutrition legislation enacted during the 91st Congress in the areas of family and child feeding was properly implemented. The committee was responsible for alerting the Congress to the adverse effects of new food stamp regulations which would have eliminated or reduced food benefits for over 2 million people. The committee also led congressional efforts to add $200 million to the fiscal year 1972 food stamp appropriation and, within the last several weeks, insured that these funds were released by the Office of Management and Budget. In the area of child feeding, the committee was the first to learn that promised funds for a vital summer recreation feeding program were not forthcoming to cities all across the country, and it was primarily because of the committee's efforts that this program was finally tripled in size. Of all its successes, the committee's alerting of the Congress to a last minute revision of national school lunch regulations that threatened to cripple this program, was perhaps its most significant achievement. If the Congress had not been properly alerted, it could not have responded quickly with appropriate remedial legislation and millions of needy schoolchildren might not have received nutritious lunches this year. The committee also conducted for the first time a thorough review of the surplus food distribution program which, hopefully, will result in significant improvements nutritionally for the 3 million Americans who depend on that program. The committee staff was responsible for a report, "Seattle: Unemployment, the New Poor and Hunger," which received wide notice and played an important role in the Agriculture Department's eventual decision to provide special food assistance to that hard-hit area.

These achievements have been made possible in large measure because of the excellent spirit of bipartisanship which has characterized the work of the members of the committee.

Mr. President, I believe the select committee can continue its effective efforts to deal with the problem of hunger and malnutrition in America and to insure that every American citizen has an adequate diet. The committee's plans to pursue that goal are fully stated in the memorandum accompanying the resolution on existence.

I understand that the distinguished ranking minority member of this committee, Senator Percy, will request that a letter from Dr. Jean Mayer, former chairman of the White House Conference on Food, Nutrition, and Health, urging extension of the committee be printed in the Record. I also ask that selected press reports chronicling the committee's efforts in the last year be printed at this point in the Record.

There being no objection, the resolution and material were ordered to be printed in the Record, as follows:

### S. Res. 241

*Resolved,* That the Select Committee on Nutrition and Human Needs, established by Senate Resolution 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended through February 28, 1973.

Sec. 2. (a) In studying matters pertaining to the lack of food, medical assistance, and other related necessities of life and health, the Select Committee on Nutrition and Human Needs is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same services under section 202(i) of the Legislative Reorganization Act of 1946, (6) to interview employees of the Federal, State and local governments and other individuals, and (7) to take depositions and other testimony.

Sec. 3. The expenses of the committee under this resolution shall not exceed $280,000 of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants or organization thereof.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

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[From the St. Paul (Minn.) Dispatch
Dec. 1, 1971]

## Food Stamp Cutbacks

The U.S. Agriculture Department's new food stamp regulations are embarrassing to the average American citizen.

We call ourselves a land of plenty; we worry about how to avoid huge crop surpluses—and then our bureaucrats cut off the supply of food to needy people. It is demeaning to the country.

The new regulations will cut in half the number of elderly Minnesota residents who are eligible for the budget-stretching food stamps. The people being cut off are not cheaters who are defrauding the taxpayers, they are retired citizens on fixed incomes who have found it necessary to use food stamps in order to maintain a properly nutritional diet. It will become just that much tougher for these people to live on their fixed incomes while subject to rising prices and soaring taxes.

Food stamps also will be cut back for people receiving Aid to Families with Dependent Children (AFDC) benefits. For example, a mother in a household of four who now can get $29 worth of food stamps when she purchases $77 worth of food in a month will get only about $9 worth of stamps under the new regulations. This could literally take food out of the mouths of thousands of innocent children.

The minimum income a person can earn and still be eligible for food stamps also will be lowered under the new regulations. For example, a household of three can now earn $305 a month and be eligible. That will be reduced to $293 a month under the change. This will further increase the hardships of many families.

The really annoying thing is that this senseless change in regulations was not the will of our elected Congress but was perpetrated by officials who seem to ignore the needs of the people. Now congressional action will be needed to correct this embarrassment. That action cannot come too soon.

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[From the Washington Daily News,
Dec. 7, 1971]

## Food Stamps Canceled for 75,000

(By William Steif)

At least 75,000 elderly poor persons will be denied federal food stamps in the next few weeks and more than two million other poor persons will have to pay more for their stamps because one federal eligibility standard is replacing various state regulations.

Conceding this today, James Springfield, head of the food stamp program, said the change means nearly two million other poor persons, mainly in the South, "will be likely to join" the program for the first time.

The Agriculture Department drew up the new national eligibility rules as directed by Congress a year ago. But Congress failed to specify that those previously eligible for the stamps would remain so under the new rules as long as their incomes did not rise.

The new rules specify that only those on welfare—as determined by the various states—will remain eligible for the stamps, regardless of their incomes. But those not on welfare will be denied stamps if their incomes exceed $170 a month for individuals, $223 for couples or $360 for a family of four.

### ADD 1.7 MILLION

Conversely, those states which had low income ceilings for stamp eligibility—some southern states, Indiana and Missouri—now will be able to add 1.7 million persons to their lists of stamp beneficiaries, Mr. Springfield estimated.

He said about 900,000 persons with incomes under $20 monthly now would get free food stamps; previously a four-person family with an income under $20 a month had to pay $2 for $106 worth of food stamps.

Mr. Springfield agreed the benefit reductions would be hard on some people. But he said the department operated on the policy that "as income approaches the point where you no longer need help, you should no longer get as much help . . . we're talking about the marginally poor."

Hardest hit by the new rule will be the poor in 12 states which have had high income limits for food stamp eligibility—California, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Rhode Island, South Dakota, Vermont, Washington and Wisconsin.

Income limits for food stamp eligibility in the 12 states ranged from $225 to $255 a month for couples. Most of those not on welfare who had been eligible for the stamps in these states are elderly living on small, fixed incomes. To them the stamps were a real boon.

### HIGHER ESTIMATES

Altho Mr. Springfield said "a relatively small number" would lose their food stamps, Senate sources said the figure could be considerably higher than the Agriculture Department's estimate of 75,000.

One source said Minnesota would drop 16,000 persons alone; Washington state officials estimated as many as 35,000 persons would be dropped in that high-unemployment area; Arthur Schiff, director of New York City's food stamp program, estimated as many as 25,000 in his city would be denied stamps.

### MANY TO PAY MORE

Under the new rules, many welfare and non-welfare people in all states who will retain their stamp eligibility also will have to pay more for their food stamps.

For example, a single person with a monthly income of $170 has been able to buy $28 worth of stamps for $18; under the new rules, he'll pay $26 for $32 worth of stamps, which he then can use at his local grocery for food.

A couple with a $223 monthly income used to pay $36 to get $58 worth of stamps; now the same couple will have to pay $54 for $60 worth of stamps.

A four-person family living on $360 a month used to pay $82 for $106 worth of stamps; now $108 worth of stamps will cost that family $99.

### SOME MAY DROP OUT

Mr. Schiff estimated about 81,000 New York City families—about 250,000 people—would have to pay more for stamps. New Jersey officials said as many as 60 per cent of the state's 400,000 welfare recipients would have their food stamp benefits trimmed.

Between 10.5 million and 11 million people are now in the stamp program, which will cost about $2.2 billion this year.

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[From the Philadelphia Inquirer,
Dec. 19, 1971]

## Twenty-Eight Senators Protest Cut in Food Stamps

Twenty-eight senators have asked Agriculture Secretary Earl L. Butz to prevent more than two million persons from losing part of their benefits from the food stamp program.

The Agriculture Department has acknowledged that new regulations, effective in most states next month, will reduce benefits for about two million recipients and will eliminate benefits completely for at least 60,000.

The protesting senators, in a letter drafted by Sen. George McGovern (D., S.D.), urged Butz to fulfill general commitments he made during the close Senate battle over his confirmation. The senators noted that Butz had pledged in writing to "energetically work toward improvements in the programs to feed needy people."

The standards, drafted by the secretary of agriculture, will make about 1.7 million persons, mostly in the South, eligible for benefits for the first time. Several million persons will receive higher benefits. The persons who will lose benefits are in the relatively highest income group among the poor.

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[From the Washington Post, Dec. 19, 1971]

### FOOD STAMP PROTECTION SOUGHT

(By Nick Kotz)

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The senators, in a letter drafted by George McGovern (D-S.D.), pressed Butz to fulfill general commitments he made during the Senate battle over his confirmation. They noted that Butz had pledged in writing to "energetically work toward improvements in the programs to feed needy people."

Butz made his pledges to Republican senators concerned about his earlier criticism of the food stamp program.

The new regulations implement the 1970 Food Stamp Reform Act which required national eligibility standards to replace individual state standards.

The standards, drafted by the Secretary of Agriculture, will make about 1.7 million persons, mostly in the South, eligible for benefits for the first time. Several million persons will receive higher benefits.

Those who will lose benefits are in the relatively highest income group among the poor.

#### ELDERLY AID FAILS

For example, benefits for an elderly couple will stop with a maximum of $229 monthly income. Benefits for a four-member family will stop at $360 monthly income. Some states had permitted elderly with slightly more income to participate in the program.

The senators expressed concern that about two million persons "may be persuaded to abandon the program" because the new regulations will afford them insignificant benefits.

Several examples illustrate the loss of benefits or of eligibility: An elderly couple with $220 monthly income now pays $36 for $56 in food stamps used to buy groceries as cash. Under the new regulations, this couple would pay $52 and receive $58 in stamps. A couple with $240 income now pays $36 for $56 in stamps, but they would be ineligible because they have more than $229 income a month.

A family of four receiving welfare in New York State until now has paid $82 to receive $106 in food stamps. Under the new regulations the family would pay $99 for $108 in stamps.

The senators urging action includes 23 liberal Democrats and five Republicans: Charles Percy of Illinois, Charles Mathias of Maryland, Clifford Case of New Jersey, Mark Hatfield of Oregon and Jacob Javits of New York.

#### BENEFITS IN 12 STATES AFFECTED

They predicted that up to 250,000 elderly persons could lose their benefits in 12 states that have had higher eligibility standards than the new national standards.

"Regardless of the exact number," the senators wrote, "it is unconscionable that one elderly poor person should be permitted to go hungry by virtue of an administrative determination by your department, particularly in view of the President's encouraging words to the White House. Conference on Aging." The loss of food stamp aid was criticized by many groups attending the conference.

The 12 states in which some persons will lose eligibility are: California, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Rhode Island, South Dakota, Vermont, Washington and Wisconsin.

The senators said they found it difficult to believe that persons would receive reduced benefits since "the express purpose of the new food stamp law was to expand and improve the food stamp program, not contract it."

The Senate last week approved a proposal by Sen. Hubert Humphrey (D-Minn.) which ordered USDA not to reduce benefits for anyone. The proposal has not been considered in the House.

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[From the Washington Post, Dec. 23, 1971]

### ANOTHER FOOD STAMP CUTBACK?

Six months ago, the Department of Agriculture approved new eligibility standards that would potentially add 1.7 million people to the food stamp program. In addition, they would offer improved benefits for some of the poor already in the program. This was a positive move forward in what was officially called the Food Stamp Reform Act; moreover, it offered proof that the administration's commitment to end hunger was anything but token. But it is still not a total commitment. Under the new standards, some 60,000 of the poor will lose the benefits they now have, and perhaps as many as 2 million will have their benefits reduced. These regulations, made earlier this year, are now going into effect. The poor have no aggressive lobby to lead their protest, but the mental dismay and physical pain of people suddenly denied food is not hard to imagine.

As a last minute try at reversing the harmful part of the new standards, the Senate added an amendment to the Children's Dental Health Act of 1971 that requires the Department of Agriculture not to reduce benefits for anyone; but the bill has gone nowhere in the House. Fortunately, legislation is not needed to correct this injustice. As 28 senators have pointed out in a recent letter to Secretary of Agriculture Earl L. Butz, the department can act administratively to keep in the program those already in it. As for the potential dropping and reduction of benefits, the senators said: "We find this difficult to believe in given the express purpose of the new food stamp law to expand and improve the food stamp program, not contract."

Secretary Butz, who said in Senate confirmation hearings that he would "energetically work toward improvements in the programs to feed needy families," now has a fine opportunity to use that energy. Such a move would also prove wrong the earlier critics of Mr. Butz who shuddered on learning his once-negative views on food stamps, expressed when Mr. Butz was in private business. Most important of all, in acting decisively now, tens of thousands of the nation's hungry would not suddenly be denied food.

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[From the New York Times, Jan. 4, 1972]

### SENATORS DEMAND CHANGE IN RULES TO BENEFIT FOOD STAMPS RECIPIENTS IN POPULOUS STATES

(By Jack Rosenthal)

WASHINGTON, January 3.—Two senators who favor more liberal food distribution benefits assailed the Department of Agriculture today for its refusal to abandon new food stamp regulations that would increase benefits in the South and West at the expense of New York and other industrial states.

The new criticisms appeared to bring closer yet another confrontation between the Administration and Congress over food spending. Congress has ordered restoration of proposed cuts in other programs.

In independent statements Senator George McGovern, Democrat of South Dakota, and Senator Clifford P. Case, Republican of New Jersey urged the department to reconsider the regulations. If it does not, both raised the prospect of a Congressional fight.

The department, however, appeared determined to stand by the regulations, which it issued on July.

"We're not contemplating any change," said Richard E. Lyng, Assistant Secretary of Agriculture.

#### A $360 INCOME LIMIT

The new regulations would put $360 as the top monthly income limit for participation in the food stamp program.

This limit is substantially higher than the present ceiling used by a number of Southern and Western states. It would help bring an estimated total of 1.7 million additional persons into the program.

However, New York and other states with high living costs have set higher eligibility requirements. Thus the $360 limit would require the elimination and reduction of benefits to an estimated total of 2.1 million recipients.

To expand the coverage without these reductions would cost an estimated total of $250-million.

Letting the new regulations stand, Senator McGovern said, means that "the department has once again put short-term budgetary considerations ahead of the nutritional needs of the poor."

Citing a measure passed by the Senate in November forbidding the reductions, he continued:

"This latest decision clearly flies in the face of Congressional intent and the public interest on the hunger issue. In each previous case, the department was eventually required to reverse its position."

#### CALLS FOR REVERSAL

He said he would work for such legislation in the new food stamp affair. But he urged Secretary of Agriculture Earl L. Butz to avoid a legislative fight and "reverse this bureaucratic negativism" by administrative action.

Senator Case expressed a similar position, saying, "There may still be time to prevent this most unfortunate result. If not, we shall have no recourse but to do our best to stop it by legislative action."

He noted that the regulations would sharply curtail food-stamp benefits in New Jersey and then said:

"The Department of Agriculture seems obsessed with benefiting those areas of the country which it has come to regard as its constituency, at the expense of those regions, including Pennsylvania, New York, and New Jersey where the need is as great or greater."

Agitation against the new regulations is likely to mount Friday when representatives of 17 Eastern Governors—11 of them Republicans—meet in Hartford at the invitation of Gov. Thomas J. Meskill of Connecticut.

Governor Meskill, a spokesman said today, "is seriously concerned about the effect of the new regulations on poor people in the state and regards it as an administrative disaster, as well."

The aim of the conference, the spokesman said, is to unite behind alternatives and prevail on the Administration to accept its recommendations.

The approaching conflict strongly parallels the fight last fall over proposed Administration revisions in the school lunch program. These changes were twice blocked by the Democratic Congress.

Administration officials acknowledged today that the basic issue in the new food stamp issue was the same as the one underlying the school lunch controversy: money.

Since the Nixon Administration took office, total Federal spending for food stamps has risen from $250-million to $2.2-billion. Thus, the question for White House budget experts, one official said, is not so much adequate spending but over-all priorities.

If, in a tight budget year, choices must be made, then "it is only sensible that we serve the poorest of the poor," he said.

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[From the Garden City (N.Y.) Newsday, Jan. 6, 1972]

### Canceled Stamps

The poor in New York and other industrial states are about to take a beating at the hands of the federal government. According to new Agriculture Department regulations, food stamps would be made available only to persons with monthly incomes of $360 and below. That limit is higher than the present ceiling in several western and southern states but below that of the eastern states where cost of living is traditionally higher. As a result, some 2,100,000 indigent citizens in this part of the country may face reductions in food stamps benefits.

Currently, there is a bipartisan move to bring the Agriculture Department—and the Nixon administration—face-to-face with the problems of the eastern poor. Sen. George McGovern (D-S.D.) and Sen. Clifford P. Case (R-N.J.) have asked the department to either reconsider the restrictions or expect a legislative battle over the issue of placing "short term budgetary considerations ahead of the nutritional needs of the poor."

So far, the Agriculture Department has remained adamant. "We're not contemplating any change," an official said recently. Meanwhile, administration spokesmen insist money is the issue.

But that is an old line, no more acceptable now than, say, when the White House tried to cut back on the federal school lunch program. Last week alone, the administration proposed that $5.5 billion be spent on a six-year "space-shuttle" program. An expanded food stamp effort that improved standards in the South and West without discriminating against poor people in the East would cost an estimated $250,000,000. Priorities and not funds—seem to be the problem.

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[From the Bridgeport, Conn. Post, Jan. 6, 1972]

### Food Stamp Battle

Strong opposition is mounting to new federal regulations for the food stamp program which would increase the number of participants at the expense of the working poor.

Senator Abraham Ribicoff and Senator George S. McGovern of South Dakota secured the signatures of 26 other senators for a letter protesting the new rules. The complaint filed by a majority of the Senate failed to impress the officials at the U.S. Department of Agriculture.

Now, when the Senate reconvenes later this month, Mr. Ribicoff may call for his colleagues to pass a strongly worded resolution informing the Agriculture Department that it has embarked on the wrong course. Such a resolution would not be binding, but an agency usually gets the message when one of these documents lands on the top man's desk.

It will be remembered that Senator Ribicoff took this same route when the Agriculture Department attempted to set up a new system for allocating funds for school lunch programs. The agency had to reverse its policy on that one.

The concern over the new guidelines for food stamps is not limited to our lawmakers in Washington. Governor Thomas J. Meskill will meet tomorrow with 17 other governors to discuss the situation. Mr. Meskill sees the proposed setup as an "administrative disaster."

The major objection is that the rules which the Agriculture Department seeks to impose penalize the working poor. A family of four with a monthly income of $280, the maximum allowed for Connecticut participants, would have its food stamp buying power cut by nearly 40 per cent.

The chief agrument made by the Agriculture Department centers around the claim it is seeking to make stamps available to people with no income. By all means, this should be done. According to some Washington sources the expansion of the program would be possible within the present budgetary limitations.

For some reason Agriculture wants to impose its will and in so doing discriminate against Connecticut and any number of other States where there are few families with no income.

Basically, it is a question of priorities. The Nixon Administration professes to be concerned about the working poor. Food stamps are a vital means of keeping low income families together and encouraging them to elevate themselves.

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[From the New York Times, Jan. 8, 1972]

### Food Stamp Shifts Decried by Aides to 15 Governors

(By Jack Rosenthal)

Hartford, January 7.—In a unanimous report, representatives of 15 Governors and Mayor Lindsay urged today the immediate suspension of new Federal food stamp regulations that they said would seriously harm poor people and create "intolerable administrative burdens" for their states.

Their report, developed at an all-day conference here, intensified rising opposition to the new regulations, which the Senate voted to revise on Dec. 10.

The massive, accelerating food stamp program is the major Federal effort against hunger. Under the Nixon Administration, participation has climbed to 10.5 million people from three million.

The new agriculture department regulations, already in effect in some states, will become effective in New York and most other states on Feb. 1. They would bring food stamp benefits to an estimated 1.7 million additional poor people in the South and West, but at the expense of some 2.1 million present beneficiaries in New York and other industrial states.

The Governors of most of these states, Republican and Democratic, sent representatives to the conference today, called by Gov. Thomas J. Meskill of Connecticut, a Republican, and held in the echoing, mahogany-paneled State Senate chamber.

A total of 28 representatives, most of them antihunger or welfare officials of their states, called both for a short-term moratorium on the Federal regulations and for longer-term reforms.

For many poor people, the conference report said, the new regulations mean "a significant reduction in the amount of money available to spend on necessary foods."

"The effect of this may well be malnutrition for those who are most vulnerable and most in need of nutritious diets," the report said.

As the new administrative requirements, the report said, "The burdens may be so heavy that a number of states may be forced to withdraw from the program, with the attendant consequences to welfare recipients, the elderly and the working poor."

#### ASK HIGHER DIET LEVEL

In addition, the conferees called for the Department of Agriculture to finance a higher minimum diet level for all food stamp recipients. The present "economy" level is intended for emergency situations only, the conferees said.

The report was intended for transmission by the 15 Governors to President Nixon and the states' Congressional delegations, with accompanying individual letters. The participants, taking pains to characterize their concern as nonpartisan, also began discussions of additional political means of protest.

"We'll do everything we can, among the public, in the courts, in the political arena to reverse these regulations," Arthur Shiff, director of New York City's food stamp program, told the conference.

He said that more than 50,000 of the 800,000 current participants in New York City would be hurt by regulations and some would be forced out of the program altogether, he said.

#### SETS NATIONAL STANDARD

The new regulations set a national standard of $360 as the top monthly income that a participating family may have and still remain in the program. Under the old system, each state set its own income standard.

The $360 standard is substantially higher than the limit now set by many Southern and Western states. Thus, participation in those states is expected to rise sharply.

However, the limit will curtail participation in New York and other populous states where living costs are higher and the permissible income for participating families is also higher.

Under the program, a needy family of four can purchase each month stamps that are worth $108 in food. Depending on income, such families pay varying amounts less than that to obtain the stamps.

#### NEW RULES ASSAILED

In his opening remarks to the conference, Governor Meskill particularly assailed the new administrative requirements for the food stamp program. He noted that these had been originated not by the Nixon Administration but by the Senate Select Committee on Nutrition and Human Needs, headed by Senator George McGovern of South Dakota, a candidate for the Democratic Presidential nomination.

"I hope this will not be considered some kind of revolt from within against a Republican Administration," he said. "Rather, these are valid complaints on issues about which reasonable men may differ."

The new administrative requirements include permitting recipients to buy food stamps more than once a month and automatic distribution of stamps to welfare recipients who request them.

These and other changes would increase administrative costs to a near-decisive point, Peter Martin, the Vermont representative, told the conferees. The changes, coupled with the benefit cuts, would leave the food stamp program of only "marginal" use to his state, he said.

"Someone will soon have to decide if Vermont, the first state to go on food stamps, will have to go off food stamps," he said.

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[From the Washington Post, Jan. 9, 1972]

### Fifteen States Fight Food Aid Cut

(By Nick Kotz)

The governors of 15 states and the mayor of New York City have started a national campaign to prevent the Nixon administration from cutting food stamp benefits for two million needy persons.

Representatives of the governors and of Mayor John V. Lindsay, at a meeting Friday in Hartford, Conn., agreed to seek the support of other states in their campaign to preserve present benefits under the food stamp program.

The governors' action already has slowed the administration's plan to reject the congressional appeal on the food stamp issue.

Agriculture Secretary Earl Butz was prepared to reject a plea from 28 senators, but the issue is now being studied in the White House's Office of Management and Budget, which drafted the controversial food stamp regulations.

Vermont refused outright to cut food stamp benefits and has dared the Agriculture Department to throw the state out of the program. Sen. George Aiken of Vermont, ranking Republican on the Senate Agriculture Committee, personally appealed to Butz on the issue.

The disputed regulations, which implement the Food Stamp Reform Act of 1971, would help persons with the least income. About two million additional persons, mostly in the South, would become eligible for benefits for the first time and about six million present recipients would gain a slight increase in benefits.

However, two million persons, mostly in northern states, would receive sharply reduced benefits and about 100,000 would be eliminated from the program completely.

The states that signed the protest statement at the Hartford meeting called by Republican Gov. Thomas Meskill of Connecticut were Connecticut, Delaware, Indiana, Maine, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

The statement signed by the governors' representatives demanded that no family be eliminated from the program, that no family get reduced benefits and that benefits actually be increased so that the food stamp program would reflect the cost of an adequate diet.

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[From the New York Times, Jan, 12, 1972]

## Ten Percent Is Impounded in Food Stamp Aid—Withholding of $202 Million by Administration Brings Capitol Hill Criticism

(By Jack Rosenthal)

Washington, January 11.—Confidential budgetary documents obtained today disclose that the Nixon Administration has impounded $202-million in funds for the campaign against hunger.

The impoundment totals almost 10 per cent of the $2.2-billion in spending appropriated by Congress for the food-stamp program, the major Federal effort for food assistance.

The disclosure stirred some sharp criticism today on Capitol Hill. It is expected to provoke more next week, when Congress reconvenes.

Imminent cuts in the food-stamp program in New York and other industrial states have already prompted rising Congressional and state opposition.

Senator Clifford P. Case, Republican of New Jersey, said that he would seek prompt Congressional action. It appeared likely that he would be joined by Senator George McGovern, Democratic Presidential candidate from South Dakota, who is chairman of the Senate Nutrition Committee.

Administration officials differed today over who ordered the $202-million impoundment. But there was no challenge to the fact of the action.

The Administration's budget request for food stamps for $2-billion. Congress, seeking enlargement of the program, last summer added $200-million.

The documents obtained today, however, showed that "adjusted" allowable spending had been cut back to $2-billion, despite the Congressional appropriation.

Sources at the Department of Agriculture, which administers the food stamp program, said that the $202-million impoundment had resulted from decisions made by White House budget officials.

The Office of Management and Budget denied, "without equivocation," that it had ordered the funds held back. The funds are not being spent, an official said, because the Agriculture Department has found they have not been needed.

"I suppose the real answer," a high Government official said, "is that it is neither an Agriculture nor an O.M.B. [Office of Management and Budget] but an Administration decision."

Disclosure of the impoundment, together with rising national opposition to the food stamp cuts, appeared to be prompting an internal reassessment of the cuts.

A week ago, Richard E. Lyng, Assistant Secretary of Agriculture, said, "We're not contemplating any change." Today, asked if his position had changed, he said, "No comment."

The Nixon Administration has expanded the food stamp program dramatically in three years. Since it took office, participation has increased from 3.2 million to 10.5 million people.

The underlying question in a time of budget stringency, officials have said, is "How much is enough?"

Senator Case took a different view today in his statement to the press:

"Since last June, the Department of Agriculture has argued that a prime reason for the food stamp cutback was that it did not have sufficient funds, even though the final legislation signed into law by the President included a $200-million increase."

He continued: "But the department never publicly said that the $200-million had been impounded."

Executive branch impoundment of Congressionally appropriated funds has been a major issue recently. A bill now pending would require the Administration to release about $3-billion in such funds before it can spend new money for foreign aid.

This legislation apparently would not affect the Agriculture Department funds, however, since it is limited to fiscal 1971. The Agricultural Department impounding applies to fiscal 1972, which ends next June 30.

The cuts in the food stamp program result from Agriculture Department regulations implementing the 1971 Food Stamp Act. These are generally effective Feb. 1.

### SHIFT IN RECIPIENTS

The regulations would bring an estimated 1.7 million additional persons in the South and West into the program. The additional costs are to offset by reducing or eliminating benefits for an estimated 2.1 million recipients, largely from Northeastern states.

These cuts were protested by 28 Senators in a joint letter to the Agriculture Department on Dec. 19. This letter has not yet been answered, Kenneth Schlossberg, director of the Senate Nutrition Committee, said, today.

"There's no question now that there will be further protest to the Administration," he said.

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[From the Washington (D.C.) Post,
Jan. 17, 1972]

## Food Aid Cutback Reversed—Butz Orders Stamp Benefits Fully Restored

(By Hedley Burrell)

Secretary of Agriculture Earl L. Butz yesterday announced a sharp reversal of policy on food stamps and ordered that full benefits be restored to all recipients.

The administration had been under mounting pressure from Congress, officials in major cities and governors to ease regulations adopted last year.

Had the rules not been changed, about two million food-stamp recipients would have had their benefits cut drastically because their earnings were at the upper level of the government's poverty scale. Something like 100,000 recipients would have lost all benefits.

Twenty-eight senators from both parties recently wrote Butz demanding that none of the 10.9 million persons who participate in the program lose any benefits.

"I have ordered the Food and Nutrition Service—the agency which administers the food stamp program—to modify the regulations so that the benefits available to each household are as high or higher than they were under the old regulations," Butz said in a statement.

"The governors asked me to review the impact of the new regulations on the people of their states."

The decision was necessary, Butz said, to prevent hardship among the poor.

"While benefits paid are expected to increase . . .," Butz said, "the funds already appropriated by the Congress should be sufficient to cover total program costs in Fiscal 1972" which will end June 30.

Congress appropriated $2.2 billion for food stamps this year, but the Agriculture Department had planned to hold spending to $2 billion. Now, Butz indicated, the full amount will be needed.

The average food stamp recipient pays $4.50 for stamps that are redeemable for $10 worth of food.

Administration officials had argued that reduced benefits would encourage the less desperate poor to find jobs and get off food stamps.

Sens. George McGovern (D-S.D.) and Hubert H. Humphrey (D-Minn.), among others, had served notice that they would seek congressional action to restore the benefits.

On Jan. 7, officials representing the governors of 15 states and Mayor John V. Lindsay of New York appealed to the Agriculture Department not to implement the new regulations.

Their resolution, adopted at a meeting in Hartford, Conn., said the effect of the rules change "may well be malnutrition for those who are most vulnerable and most in need of nutritious diets."

Maryland was among the states signing the protest statement.

Under the stricter regulations, now revoked, a family of four at the upper income level of the poverty scale would have had to pay $99 a month for $108 worth of food stamps. Now, the same family will pay $94—the same as before the rules were changed—for the $108 worth of stamps.

A family of four not on welfare is eligible for stamps if its income does not exceed $360 a month.

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[From the New York Times, Jan. 17, 1972]

## Twenty-One Million To Get Full Restoration of Food Stamp Aid

(By Jack Rosenthal)

Washington.—In a major policy turnaround, the Nixon Administration ordered the restoration today of full food-stamp benefits to 2.1 million needy poor persons in New York and other industrial states.

The action reverses cuts that would have begun Feb. 1 in most of these states. About 500,000 people would have been affected in New York City alone.

The reversal was announced by Earl L. Butz, the Secretary of Agriculture. It came after extensive Senate and state pressure, notably from leading Republican Governors.

The Administration had resisted these pressures for weeks. But once the turnaround was announced, the Government machinery went to work immediately.

### SPECIALISTS CALLED IN

If revised regulations can be issued quickly, the food-stamp cuts now will never go into effect. Hence, Agriculture Department specialists were called in for Sunday work to begin the complex task of revising the regulations and detailed benefit tables.

Food stamps are certificates sold to the poor at discount prices for use in buying food. A typical participant now pays $4.50 for stamps worth $10 in food.

The program, which is the Federal Government's major antihunger effort, already reaches 11 million needy people and is expected to reach 13 million by March.

Congress has appropriated $2.2-billion for the program in the current fiscal year, ending June 30. It was disclosed last week, however, that the Administration planned to withhold about $200-million of this total.

The disclosure intensified criticism of the announced cuts in the program. Secretary Butz made it clear today that this withheld money would be used to offset the now-eliminated cuts.

The annual cost of the new policy announced today is estimated at $300-million. The cost for the remainder of the current fiscal year is estimated at more than $100-million.

Prior to today's announcement, about

75,000 persons would have been eliminated from the program and 2 million would have seen their benefits reduced.

Thus, a family of four in New York City with a monthly income of $360 would have been eligible only for a $9 monthly bonus—paying $99 for stamps worth $108. The family's present bonus is $24.

Mr. Butz said in his statement today, however, that he had ordered new regulations insuring that "the benefits available to each household are as high or higher than they were under the old regulations."

Thus, the same New York City family of four will continue to receive a $24 bonus—paying $84 for stamps worth $108.

### PRAISED BY M'GOVERN

Mr. Butz' announcement was immediately hailed by Senator George McGovern of South Dakota, a candidate for the Democratic Presidential nomination and chairman of the Senate Nutrition Committee.

"This decision is not a victory for the Congress nor for the Department of Agriculture," Senator McGovern said. "It is a victory only for the hungry poor."

Mr. McGovern and other Senators had criticized the cuts as an ironic result of a national uniform eligibility standard that was intended to broaden the program, which Congress passed last year.

Pursuant to this legislation, the Agriculture Department limited participation in the food stamp program to persons with a family income of less than $360 a month.

The cutoff point meant that 1.7 million people would be added to the program for the first time. Most of them are residents of Southern and Western states, which had previously set much lower income levels as the cutoff points for participation in the program. But at the same time, the $360 limit is lower than the cutoff point set in industrial states such as New York, where living costs are higher.

Thus, 2.1 million people in those states would have had their benefits eliminated or reduced. The principal effect may have been even greater. Officials have expressed fears that bonus levels as low as $9 would have discouraged needy people from entering the food stamp program in the first place.

### PRIORITY TO THE POOREST

The Agriculture Department defeated the regulations by saying it only made sense, given limited funds, to give priority to "the poorest of the poor."

But the department was extensively criticized for serving some poor people at the expense of others, particularly when it was learned that the Administration was withholding $200-million in appropriated funds.

The criticism reached its highest point nine days ago, when representatives of 15 Governors and New York City met in Hartford and issued a strong appeal for abandonment of the cuts. They also called the new administrative requirements an "intolerable burden."

Secretary Butz did not alter these requirements, which are mandated by law, in his policy statement today. But he did promise technical assistance to the states to minimize any difficulty in implementing the newly revised regulations.

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### ROCKEFELLER 'DELIGHTED'

ALBANY, January 16—Governor Rockefeller said today that he was "delighted" with the Nixon Administration's decision to reverse its food-stamp policy and restore full benefits to all eligible needy persons.

"The decision means that 290,000 underprivileged New Yorkers, who otherwise would have lost the benefit of food stamps, can continue to buy these stamps and stretch their food dollars," Mr. Rockefeller said in a statement here.

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[From the Washington Evening Star, Jan 13, 1972]

### GROCERIES FOR THE POOR

With another ponderous federal deficit foreseen, it isn't hard to understand why the Nixon administration keeps looking desperately for programs that can be trimmed. What's difficult to comprehend is the seeming obsession with cutting back on funds for feeding poor people. No large savings are at stake, but public revulsion at these attempted economies is predictable beyond all doubt. There is a widely held conviction that the least this country can do for impoverished people is to provide them with enough food, especially since there's a surplus of it.

First the budget-shrinkers tried last year to slash the funding of free lunches for poor schoolchildren, but an incensed Congress rammed through legislation to prevent that. Now another battle is brewing on the Hill over the administration's impounding of $202 million appropriated for the food stamp program, and the prospect of many present beneficiaries being declared ineligible under new rules.

Congress last year appropriated $2.2 billion for food stamps, but apparently the administration hopes to save about 10 percent of that. And furthermore, the Agriculture Department has come up with new eligibility regulations, scheduled to take effect February 1, that threaten to reduce benefits considerably and remove many people from the program.

On its face, the move has a defensible purpose—to set uniform national eligibility standards. There is, as things now stand, a wide variation in participation requirements formulated by the various states. But in practice, the new standard regulations could reduce or eliminate the benefits of an estimated 2.1 million recipients (largely in the Northeastern states) while possibly bringing 1.7 million additional persons (mainly in the South and West) into the program.

That's because in the North the family income ceiling that determines eligibility for food stamps is higher than in Southern and other rural states, because the cost of living is higher. Equalization would mean that many large, low-income urban families could no longer purchase stamps, and poor families everywhere would have to pay more for them.

There is no question that Congress in voting a larger appropriation, intended to expand and not constrict this principal anti-hunger program. It was concerned particularly about the hardships caused by rising unemployment and under-employment in many urban sectors. So how, chagrined at being thwarted by administrative action, a number of lawmakers are preparing to force the issue when Congress reconvenes.

They will press legislation to retain the more beneficent eligibility standards and purchase prices for stamps, and they probably will succeed. The administration should remove the necessity for that by abandoning these new strictures before the effective date.

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[From the St. Louis (Mo.) Post-Dispatch, Jan. 13, 1972]

### EVADING THE WILL OF CONGRESS

In impounding $202,000,000 in anti-hunger funds, the Nixon Administration is trying to frustrate the will of Congress by playing one of its favorite political games. Congress last summer, with the specific intent of enlarging the federal food stamp program, added $202,000,000 to the Administration's budget request of $2 billion. Now—as a result of an Administration decision, responsibility for which cannot be pinpointed because of buck-passing between the agencies involved—the spending of 10 per cent of the food stamp money appropriated by Congress has been forbidden.

The same thing happened last year when hundreds of areas across the country were denied money for food stamps which had been appropriated by Congress because the President's Office of Management and Budget refused to release funds actually earmarked for the purpose. Impoundment has become a favored device of the Nixon Administration to avoid spending more money than the Administration wants for congressionally-approved social welfare programs such as urban renewal, regional medical clinics, farm loans and food stamps.

The obverse of the impoundment technique employed by the Administration to spend money which Congress has not appropriated, is the use of the so-called unexpended authority (unspent funds in appropriation pipelines) to shift funds to unapproved programs, particularly with respect to pet Pentagon projects and foreign military aid. Although various administrations have for years used evasive fiscal tactics to circumvent the will of Congress, the Nixon Administration has refined the techniques and enlarged the scope of evasion to such an extent that it has distorted legislative priorities more than any previous one.

When the effect is to deny food and other aid to the poor and to inflate the fare of the military bureaucracy, the manipulation of appropriations is especially reprehensible. The offense is compounded when the Administration uses the elastic executive power to release funds for favored projects and for favored congressional incumbents. Although more individual members are finally showing more resentment over being ignored, the legislators can only reassert their rightful constitutional power over the purse strings by taking concerted action against the executive.

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[From the Washington Post, Jan. 22, 1972]

### THE LATEST FOOD PROGRAM REVERSAL

In what now seems almost a pattern, the Department of Agriculture has again reversed its policy on one of its food aid programs. This time, instead of two million food stamp recipients having their benefits cut and 100,000 losing them totally, a decision was made not to cut or drop anyone. Originally, the department planned to hold spending to $2 billion of the $2.2 billion Congress had appropriated for food stamps this year. Thanks to protests from Congress, governors, mayors and the poor themselves, Secretary Butz said earlier this week that the full amount will now be spent.

The Department of Agriculture has shown it has the bigness of mind to reverse itself, but since these reversals have happened so often in the past two years it can be wondered what is in the department's mind in the first place. It is even more confusing when, overall, the department's record on food aid programs is considered; generally, it is a good one, with millions now receiving benefits who a few years ago received none. But why is so much pressure needed to get officials to go all out, that is, merely to carry out the programs authorized by Congress?

As a way of getting food to those who need it and are entitled to it, the food stamp program is of course anything but ideal. What is needed is a direct cash payment program, one that would eliminate both the kind of regulations the Department of Agriculture has been reversing itself on and the stigma of poverty often present for those who must buy food with stamps. Some versions of the welfare bill now in Congress provide direct cash payments, although the changeover will mean nothing if the payments do not at least match the current benefits. A further advantage of direct payments is that the Office of Management and Budget would be less involved; as Sen. George McGovern, chairman of the Senate

Select Committee on Nutrition and Human Needs, wrote to Secretary Butz in appealing for a reversal, it is the OMB "which throughout the year past put the Agriculture Department into the unpopular position of cutting food programs, positions from which the Department ultimately had to retreat."

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[From the Washington Post, Dec. 11, 1971]

### Seattle Jobless To Have Choice of Free Surplus Food or Stamps

The U.S. Department of Agriculture, faced with a federal court order and an embarassing offer of "foreign aid" from Japan, decided yesterday to provide surplus commodities for the unemployed of the Seattle area.

Seattle, where the 15.7 per cent unemployment is the nation's worst, was to receive 1,000 pounds of canned food from its "sister city" of Kobe, Japan. At the same time, a federal judge ruled that the Department of Agriculture was arbitrarily refusing to provide Seattle with surplus food in addition to its food-stamp program.

Agriculture Secretary Earl Butz yesterday announced that USDA will bow to the court ruling and abandon its long-standing policy against operating both food programs in one area. Butz said the decision rests on "the singular conditions" in the Seattle area. A department spokesman insisted that the decision was not influenced by the food shipment from Japan.

Sen. Warren G. Magnuson (D-Wash.) said, however in a Senate speech: "In one simple humanitarian gesture, Japan has made a mockery of our pious claims of being a nation dedicated to serving the cause of human dignity and concern for the wellbeing of our citizens."

USDA, which originally considered an appeal of the federal court ruling, announced that Seattle families, who are eligible for aid will now be able to choose whether they want the surplus food, which is free, or the food stamps, which must be purchased by the needy.

In the Seattle area, where 106,000 are unemployed, many are technicians from the aerospace industry who are used to middle-class incomes. They need their cash to meet mortgage payments to keep their homes, so the surplus food program may be more attractive to many of them.

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[From Time magazine, Jan. 24, 1972]

### Hunger in Seattle

The sky, was slate gray. Snow, which had fallen a few nights before, had turned to slush. About 50 people, some with small children, waited patiently for more than an hour in front of a former supermarket at 23rd and Madison in Seattle's shabby central area. When the doors opened at 10 a.m., the people entered quickly and filled shopping carts with free surplus food—dry beans, scrambled-egg mix and a score of other items. Hundreds of other Seattle residents followed, collecting an allotment of 40 lbs. per person. In less than a week, workers at the store distributed 125,000 lbs. of food. Two weeks later, 220,000 lbs. of food had been given away.

Thus the first of three free-food distribution centers in the Seattle area opened just before the New Year; five more will be opened later. The food was supplied by the U.S. Department of Agriculture after more than five months of pressure from Washington Senators Warren Magnuson and Henry ("Scoop") Jackson, who had urged that federal food surpluses be sent to Seattle to feed the city's hungry. People on welfare, those collecting Social Security benefits and most of the 30,500 who exhausted their unemployment benefits are eligible for free food under the new program.

Hunger became a problem in Seattle almost two years ago, when the city's economy began to falter because of the layoff of 63,000 workers at Boeing, Seattle's largest employer. An ailing forest-products industry added to the problem, and the result was an unemployment rate of about 12% at the start of 1972. Of the 1,400,000 people living in the three-county area in and around Seattle, 72,500 were out of work.

Until the Federal Government came tardily to the rescue, Seattle's jobless relied mainly on an impressive, volunteer, church and community effort called Neighbors in Need, started in November 1970 to mobilize Seattle's haves to aid its have-nots. By December 1971, the group had given out nearly 500,000 bags of food, and its 1,500 volunteer workers had put in 400,000 man-hours feeding an average of 15,000 people per week. The food came from door-to-door collections and other individual donations. Washington farmers gave tons of apples, pears, potatoes and wheat; one package contained two live chickens.

#### HELP FROM KOBE

The Seattle Totems professional hockey team collected 1,000 donations of food for Neighbors at one of its games. The Seattle SuperSonics professional basketball team drew 900 paying customers—at $1 a head—to a practice session. The proceeds, and food donated by another 600 fans in lieu of cash admissions, went to the Neighbors' hunger program. Help also came from Kobe, Japan, Seattle's "sister city," which had received shipments of food and supplies from Seattle residents after World War II. Last week Actress Katharine Cornell sent a $500 check.

When he told the Senate of the Japanese gifts, Magnuson declared: "I have never felt disgraced by my Government. But today I stand here on the floor of the greatest deliberative body in the world in total humiliation." Magnuson was angry because he, Jackson and others had repeatedly requested that surplus food in warehouses and granaries around the country be sent to Seattle. Agriculture and Administration officials, though sympathetic, thought that they were hamstrung by federal regulations.

#### SPACE SHUTTLE

But in November, the staff of the Senate Select Committee on Nutrition and Human Needs issued a report contending that the Agriculture Department was violating the intent of the laws by withholding the surplus food. A federal district court agreed. Three weeks later, Magnuson asked his fellow Senators to approve a resolution that would prevent the department from appealing the court decision; it passed. By mid-December, 4,000,000 lbs. of surplus food—enough to feed 100,000 people for a month—began arriving in Seattle. The shipments will continue as long as needed.

Seattle will need more than free food. While much of the rest of the country is beginning to feel the end of the recession, and unemployment is leveling off in many areas, Seattle has not yet shared in this trend. Some 90,000 in the state may get 13 more weeks of aid through the Extension of Unemployment Benefits Act signed by President Nixon in December. Nixon's approval of the space-shuttle development project (Time, Jan. 17) also could improve the city's employment outlook if Boeing gets a healthy portion of the contracts to be awarded this summer. The 38,000 workers still at Boeing were somewhat upset when the Pay Board rejected a proposed 12% pay increase for aerospace workers and then voted to limit the first year raise to 8.3%. Although some Boeing employees fired off protest letters and telegrams to the President, most admitted that they were happy they still had jobs to go to. In Seattle, that is all that matters.

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[From the Washington Star, Dec. 10, 1971]

### Bundles for Seattle

Who would have dreamed 30 years ago, in the direct wake of Pearl Harbor, that someday the Japanese might be sending a version of care packages to America. But it happened this week. The city of Kobe, Japan, has a "sister-city" relationship with Seattle, and from Kobe has come 1,000 pounds of canned food and rice noodles to be distributed to the hungry unemployed in the Seattle area.

If that doesn't embarrass the Nixon administration it ought to. So should the ruling this week of a federal judge who declared that former Secretary of Agriculture Hardin has "abused his discretion" and acted unlawfully in refusing to establish a food-distribution program for the many people who are going hungry in Seattle.

The Seattle area, largely because of sharp cutbacks in Boeing's aerospace contracts, has the nation's most serious unemployment problem. More than 100,000 people are out of work, well over double the total of two years ago. As a recent report of the Senate Select Subcommittee on Nutrition and Human Needs points out, a great many of Seattle's jobless are formerly prosperous engineers, technical personnel and skilled craftsmen, people who possess homes, cars, insurance policies and other assets the middle-class takes for granted.

These people are in a peculiar situation. Their assets are worth enough, at least on paper, so that these families are ineligible for welfare or food stamps. Even if they do qualify for food stamps, families with no more income than unemployment compensation frequently have too little cash with which to buy them. Seattle's churches and charities have pitched in with food assistance. But their resources, as well as local public funds, are limited.

The Agriculture Department could easily have helped by distributing free food in Seattle under the surplus-commodity program. While federal law prohibits the use of both the food-stamp and commodity programs in any one area, an exception is made where local and state leaders declare an emergency. But Agriculture, minimizing the food problem in Seattle, has consistently turned down all pleas from that city and the State of Washington.

The administration's policy has been needlessly tough and wrongheaded; and it would be incredible were Agriculture's new Secretary Butz and the President's domestic advisers to decide to appeal the court decision. With no further delay, they should reverse their course and get to Seattle some American food parcels.

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[From the Pasco, Wash., Tri-City Herald, Nov. 29, 1971]

### Seattle Area Hunger Confirmed By Study

WASHINGTON.—A Senate committee staff study has concluded that many Seattle-area families are hungry and that the situation probably will get worse as more families exhaust their unemployment benefits.

The study of unemployment and hunger in Seattle was conducted by the Senate Select Committee on Nutrition and Human Needs.

The staff recommendations, including distribution of federal surplus foods as well as food stamps, were endorsed by Sen. George McGovern, D-S.D., committee chairman and Sen. Charles Percy, R-Ill., ranking Republican.

During an inquiry in Seattle the week of Oct. 25, the staff found "widespread evidence that many families are suffering nutritional deprivation."

The report says with unemployment at a record 13 per cent and expected to continue at about 11 per cent, the situation will worsen as families exhaust unemployment benefits at an increasing rate.

The staff also concluded that probably less than half of those eligible for the Food Stamp Program are participating.

"Clearly, many are not paticipating because they cannot afford to buy into the program to receive their bonus stamps," the report said.

It contrasted food stamps with the program of direct surplus food distribution, which the

Agriculture Department repeatedly has turned down for Seattle.

"A food-stamp allotment of $28 to a person, when he needs $14 to buy the stamps and doesn't have that $14, is useless," the report says. "That same person, however, would be entitled to $18 worth of surplus food for nothing."

Church-supported voluntary food banks, which have met 300,000 requests for food, are in danger of collapsing because "the community has simply run out of the ability to give," the report continues.

"There is deep concern throughout the community about the possible adverse effects of an end to the food banks, particularly should it occur as winter approaches.

"There is clearly a demonstrated need for further food assistance in the Seattle area . . . The federal government's direct distribution program could be of vital assistance in alleviating the area's nutritional needs."

The committee staff says the Agriculture Department has ample food available and clear legislative authority to approve the state's application to operate a direct distribution program along with the food stamp program.

The department, the report says, takes the position that it will not approve such an application for Seattle, or any other area.

Many of the "new poor" in Seattle would still be ineligible for federal food programs because of such assets as a home and car.

"It is imperative that these families have someplace to turn in moments of crisis, so they will not go hungry," the report says.

It recommends a food-assistance experiment, using money appropriated for the emergency food and medical services program of the Office of Economic Opportunity to support the voluntary food banks in Seattle.

McGovern said the study documents the need for emergency assistance in the Seattle area, and "I hope that the facts developed will lead to a change of heart and of mind by the Agriculture Department."

Percy said "It seems incongruous for this Nation with the most bountiful harvest this year in its history to share that largess with millions of Pakistani refugees and not to see fit to provide food to malnourished American families who are in great need because of conditions beyond their control."

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[From the Washington Post, Dec. 9, 1971]

### JAPANESE SEND FOOD TO JOBLESS IN SEATTLE

(By Nick Kotz)

Unemployed residents of Seattle, Wash., began receiving foreign aid donations from Japan this week. At the same time, a federal judge said the U.S. Agriculture Department has illegally withheld food aid from the city.

The foreign aid is coming from Seattle's "sister city" of Kobe, which shipped 1,000 pounds of canned food and rice noodles to the jobless poor.

Kobe offered the food to Seattle as a gesture of friendship after learning of the city's massive unemployment problem and of the unwillingness of the U.S. government to distribute surplus food under the commodity distribution program. The Japanese food is being distributed by Neighbors in Need, a church-sponsored privately operated food bank program.

On Tuesday, U.S. District Judge William Beeks of Seattle, in a sharply worded ruling, declared that former Agriculture Secretary Clifford Hardin had unlawfully denied the city a food commodity program and thereby had "abused his discretion" and acted in an "arbitrary and capricious manner."

Sen. George McGovern (D-S.D.), chairman of the Senate Select Committee on Human Need, yesterday asked the new Agriculture Secretary, Earl Butz, to heed the court order. He reminded Butz that he had pledged support of food aid during the Senate fight over his confirmation. Earlier, Butz had been sharply critical of food aid programs.

An Agriculture Department spokesman said yesterday, however, that the department has not yet decided whether it will accept the court ruling and implement a commodity program or whether it will appeal the decision to the Ninth Circuit Court of Appeals.

The legal dispute concerns the unwillingness of USDA to utilize a provision of the 1971 Food Stamp Act, which permits a county, in emergency situations, to operate both the food stamp program and the commodity distribution program.

USDA has contended that both programs were not needed in Seattle, and said it would not permit any county to have both food programs.

The Nixon administration therefore turned down a bipartisan request that came from state, county, and city officials and the state's congressional delegation. The officials also unsuccessfully presented their case to John Erlichman, a former Seattle attorney and now the President's assistant for domestic affairs.

They pointed out that 106,000 persons are now unemployed in Seattle which has been hard hit by cutbacks in the aerospace industry, and that many unemployed cannot qualify for food stamps or afford them. The city's 15.7 per cent unemployment rate is the nation's highest.

The Senate Select Committee on Nutrition, in a report entitled "Seattle: Unemployment, the New Poor, and Hunger," said that thousands of engineers, technicians and other normally well paid employees had too much in assets to qualify for food stamps. Others couldn't afford to pay for stamps after making payments on their homes, autos and insurance policies.

The lawsuit in behalf of Seattle's "new poor" was filed against USDA by Ronald Pollack, an attorney for the Center on Social Welfare Policy and Law, which is based in New York.

Judge Beeks ruled that the Agriculture Secretary had acted unlawfully by establishing national policy against permitting any county to operate both food programs. In the Seattle case, the judge said the Secretary's action was "arbitrary and capricious and an abuse of discretion.

"Congress clearly intended that in areas experiencing severe economic hardship, dual operation (of food programs should be permitted," Judge Beeks said. "Large numbers of the poor are finding it impossible to obtain adequate nutrition under the food stamp programs because their net incomes are too low to afford food stamps.

"If dual operation cannot gain approval here with the unemployment rate the highest in the nation for a metropolitan area and where thousands have exhausted their unemployment compensation, then the (Food Stamp Reform) act has been rendered a nullity."

Mike McManus, director of Operation Hunger, a Seattle program soliciting voluntary food aid for the unemployed, told the Senate committee that "the community simply has run out of the ability to give."

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[From the Washington Post, Dec. 2, 1971]

### THE NEW POOR OF SEATTLE

It has been known for some time that hard days have come to Seattle and surrounding areas in Washington state. The unemployment rate for Seattle has reached over 13 per cent, now the highest in the nation. As is commonly known, this economic plunge has been largely caused by the declining activity of the aerospace industry over the past several years; it is said that from January 1970 through August 1971, unemployment went from 43,900 to 106,400.

A unique situation exists for many of the families who are now getting by on unemployment insurance, public assistance, food stamps, school lunches or neighborhood generosity: they are both poor and not poor The newly unemployed are, in large part, well educated and highly skilled. They possess houses, cars, life insurance policies, belong to clubs, go on vacations and are generally accustomed to a comfortable life. Yet they are barely able to get by. A report of the Senate Select Committee on Nutrition and Human Needs, issued earlier this week, calls this group "the new poor." The irony of their situation, said the report, is that the accumulated assets of the family "have only bargain-sale value on the open market, and therefore, could only be sold at staggering losses. Yet these assets render many of the new poor ineligible for the benefits of the state's public assistance program and for the federal food stamp program."

An immediate and increasingly desperate problem for many of the newly unemployed is food. A well-run food stamp program has been operating, along with school lunches; both are federal programs and both have been rapidly expanded for the crisis. In addition, some 34 church-sponsored food banks have been helping out. But city, county and state officials have stated that these efforts—federal and private—are not enough. One serious problem, as Rep. Thomas Foley (D-Wash.) has noted, is that a family receiving unemployment insurance must use that money for such things as mortgage payments, utilities, medical expenses, transportation (to seek a new job); thus, little or no money is left over to buy food stamps.

Congress foresaw such emergencies and wrote provisions into the law in 1970 for the Department of Agriculture to run a direct food distribution program concurrently with a food stamp program. An advantage of the former is that although the food is less varied, it is free. In normal conditions, the law prohibits the two programs in one area, but an exception may be made when the state or local government believes it has an emergency and is willing to pay for the administrative costs. This willingness has been expressed. To date, however, the Department of Agriculture has refused to establish the second program of free food distribution. A department official says that the government has no "hard evidence" of a grave food problem in Seattle. This is odd; staff members of the Senate Nutrition Committee had no trouble finding hard evidence, nor have city and state officials. What are the 34 emergency food banks in business for?

Since no area has yet to have these two programs running concurrently, the Agriculture Department is apparently reluctant to set a precedent. If Seattle is allowed two programs, other places will soon be in line for the same request. But what does this argument—and the one of "no hard evidence"—mean to a community where many have little or no food. Regarding its current stance, an official in the Department of Agriculture said there is "a chance we'll change." If so, the department has little time to waste the reasons for change are strong and growing.

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[From the Washington Post, Nov. 29, 1971]

### FOOD SOUGHT FOR SEATTLE'S SKILLED POOR

A Senate panel called on the government yesterday to provide emergency food supplies for a new kind of poor—well-educated and highly skilled professionals in Seattle who have been hit by an economic depression.

The Senate Nutrition Committee, describing the situation in once-booming Seattle as an economic disaster, said many families there are going hungry. Unemployment is running at 13 per cent.

The crisis is caused by sharp cuts in the payroll of the Boeing Aircraft Co. and related firms.

The Senate committee said the "new poor" own houses, cars, life insurance policies, even luxuries like boats, yet do not have enough money to eat.

The committee reported: "Unemployment compensation, combined with careful planning and husbanding of other resources, has enabled most families to retain the assets of a lifetime's work," but these assets "could only be sold at staggering losses."

Yet these assets make many of those who are out of work ineligible for existing federal and local food programs.

The Senate committee, headed by Democratic presidential contender George McGovern of South Dakota, investigated after the Agriculture Department refused a request from the state for free distribution of food surpluses in Seattle.

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[From the New York Times, Nov. 29, 1971]

### AGENCY ASSAILED ON SEATTLE FOOD—STAFF OF SENATE COMMITTEE ASKS ACTION TO AID NEEDY

(By Juan M. Vasquez)

WASHINGTON, November 28.—A Senate committee's staff charged today that the Department of Agriculture was violating Congressional intent by refusing to institute a direct, free food distribution program to feed the hungry in Seattle.

Its report contends that the food stamp program and other public assistance efforts have failed to meet the area's nutritional needs.

The 26-page report was prepared by the staff of the Senate Select Committee on Nutrition and Human Needs.

It was prepared at the request of the committee's chairman, Senator George McGovern, Democrat of South Dakota, and its ranking Republican member, Senator Charles H. Percy of Illinois. The full committee did not act on the staff report, which presented a bleak picture of Seattle's economy.

There are almost as many unemployed in the area now as were employed by the aerospace industry there at its peak, the report says, while the food stamp program has grown from 93,000 participants in 1969 to 263,000 and the dollar value of the stamps has grown from $6.6-million to 44.2-million.

#### "ECONOMIC DISASTER"

"Despite the generally sound economic base of the state as a whole, it is not unfair to call Seattle an area of 'economic disaster,'" the report states. It says that the general unemployment rate of more than 13 per cent is the highest in the nation.

The report, made public today, is titled "Seattle: Unemployment, the New Poor, and Hunger."

It argues for more Federal help in the form of a direct food distribution program to run concurrently with the food stamp program, and even further Federal help for those ineligible under existing programs.

Under the food stamp program, a participant may buy Federal food stamps that can be redeemed for groceries with a higher monetary value. Although the direct distribution program has some drawbacks, such as a narrower choice of foods, it is completely free.

#### OFFICIAL DENIES CHARGE

In 1970, Congress gave the Secretary of Agriculture authority to institute concurrent food stamp and direct distribution programs if certain criteria are met.

The report contends that such criteria—primarily that of evident need and a formal request from the State of Washington—have been met in Seattle but that the department has refused to comply.

The assertion that the department is thwarting the intent of Congress was denied by a department official.

Richard E. Lyng, assistant secretary for marketing and consumer services, said in a telephone interview that no "hard evidence" had been found to support an assertion of widespread malnutrition in the Seattle area.

Such a finding would be necessary to trigger the provision for instituting concurrent food assistance programs.

The report states that "there is widespread evidence that many families are suffering nutrition deprivation." But Mr. Lyng said: "We have been unable to find any evidence of that."

#### CALLED DISCRETIONARY

Moreover, he said, the department is given discretionary authority to set up concurrent programs and is not required to do so. He added that no such concurrent programs had been set up since the 1970 amendment was passed.

According to the committee report, Seattle has responded to the unemployment and hunger problems by setting up an emergency food program called "Neighbors in Need." Organized by church groups, the volunteer effort involves the distribution of food to the needy through 34 "emergency food banks." The report suggests that the Federal Government provide financial help for this program.

"It is currently estimated that the food banks are serving 12,000 persons a week, 48,000 monthly," the report states.

"A large number of those persons going to the food banks report that they are unable to afford the cost of food stamps and that public assistance payments do not provide enough for them to eat adequately," the report adds. The costs of stamps varies depending on family size and income level.

Part of the report deals with the plight of "the new poor"—men and women who have been employed most of their lives but who have been affected by the slump in the aerospace industry.

Although these persons have been able to accumulate "the assets of a lifetime work," the report states, "The irony of the assets of the new poor is that they have only bargain-sale value on the open market, and, therefore, could only be sold at staggering losses. Yet these assets render many of the new poor ineligible for the benefits of the state's public assistance program and for the Federal food stamp program."

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[From the Seattle Times, Nov. 28, 1971]

### SENATORS URGE SURPLUS-FOOD USE FOR SEATTLE AREA

(By Ray Ruppert)

Senate investigators found in Seattle "widespread evidence that many families are suffering nutritional deprivation" and warned that the Neighbors in Need food-bank program is in danger of collapsing because "the community has simply run out of the ability to give."

The staff of the Senate Select Committee on Nutrition and Human Needs made a strong recommendation for federal distribution of commodities in the Puget Sound region in addition to the use of food stamps.

The recommendation was endorsed by Senator George McGovern, South Dakota, Democrat, chairman, and Senator Charles Percy of Illinois, the ranking Republican on the committee.

The staff conducted an inquiry in Seattle the week of October 25. The report's contents were learned yesterday.

Unemployment was a record 13 per cent and is expected to continue at about 11 per cent for the next year, the report said. The hunger situation will get worse, the investigators predicted, as families exhaust unemployment compensation at an increasing rate.

Probably less than half of those eligible for food stamps are able to buy them, the report said. "Clearly, many are not participating because they cannot afford to buy into the program to receive bonus stamps."

The report continued, "A food-stamp allotment of $28 a person when he needs $14 to buy the stamps and doesn't have that $14 is useless.

The Agriculture Department has refused to have a dual program of both food stamps and surplus-food distribution here, despite many pleas by Neighbors in Need spokesmen and others.

Mentioning the uncertain future of the food banks, the report said:

"There is deep concern throughout the community about the possible adverse effects of an end to the food banks, particularly should it occur as winter approaches.

"There is clearly a demonstrated need for further food assistance in the Seattle area. . . . The federal government's direct-distribution program could be of vital assistance in alleviating the area's nutritional needs."

The Neighbors in Need food banks, established in 36 neighborhoods, have fed nearly 400,000 persons in little more than a year. An estimated 20,000 persons a week are given food, obtained through donations of food and money.

The committee staff said the Agriculture Department has ample food available and clear legislative authority to approve the state's application to operate a direct-distribution program along with the food-stamp program.

Many of the "new poor" in Seattle would still be ineligible for federal food programs because of such assets as a home and automobile.

"It is imperative that these families have some place to turn in moments of crisis, so they will not go hungry," the report said.

The investigators recommended a food-assistance experiment, using money appropriated for the emergency-food and medical-services program of the Office of Economic Opportunity to support the voluntary food banks.

McGovern said the study had documented the need for emergency assistance in the Seattle area. He added, "I hope that the facts developed will lead to a change of heart and of mind by the Agriculture Department."

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[From the Evening Star, Aug. 25, 1971]

### MCGOVERN ASKS LIFTING OF SCHOOL LUNCH RULES

Sen. George McGovern is asking the Department of Agriculture to withdraw new school lunch regulations, contending that they could curb expansion of the program, according to a staff member.

Gerald Cassidy, general counsel for McGovern's Select Committee on Hunger and Malnutrition, said yesterday the number of children receiving school lunches under the program is expected to increase by almost 2 million this year, "and I know they can't reach them under this budget."

McGovern, a Democratic presidential candidate from South Dakota acted after the school-lunch directors of 33 states accused the Agriculture Department of bringing school-lunch programs to "a screeching halt" less than a month before schools open.

#### ANNOUNCED AUGUST 13

At an Aug. 7 meeting of the American School Food Service Association in Minneapolis, the directors said the new regulations set spending ceilings that are unequivocally inadequate. The regulations were announced Aug. 13 but the association executives had been given a preview of them before Aug. 7.

McGovern feels "the only reason that these regulations could be offered would be to curb expansion of the program and to conserve funds under the inadequate budget that the administration has requested for the program," Cassidy said.

If the regulations are not changed, Cassidy said, "we expect to have a hearing to explore the purposes behind adopting this policy."

The state school-lunch directors said the new regulations place greater restrictions on how they can spend federal school lunch funds and, considering the rising costs of food and labor, give them less to spend.

"Fiscal discipline is always difficult but it is absolutely essential . . . if we're to live within our budget," said Asst. Secretary of Agriculture Richard Lyng when he announced the regulations.

The Department of Agriculture, which administers the school-lunch program, said it helped feed 5.1 million hungry children in the 1969–70 school year, and 7.3 million last year.

"They should be reaching this year 9.1 million," Cassidy said. But, he said, the department had asked for exactly the same amount of money from Congress this year that it had last year.

Jack Quinn, another staff-member of the McGovern hunger committee, said this year's request was $225 million for regular lunches for all children, $256 million for free or reduced-price lunches for needy children, and $16.1 million for kitchen equipment and similar-nonfood items.

### MORE AUTHORIZED EARLIER

Congress authorized spending $33 million for equipment this year when it wrote the law two years ago, Quinn said.

He had most of the 23,000 schools that still have no lunch programs are either older inner-city schools or rural schools, both with no lunchrooms, and with a high concentration of poor children who qualify for free or reduced-price lunches.

A higher equipment appropriation would help bring them into the program, he said.

The school-lunch directors termed inadequate the average limit of 5-cents the federal government will pay for each regular school lunch under the new regulations, and the 30-cents for each free or reduced-price lunch.

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[From the Washington Post, Aug. 28, 1971]

## HUNGER IN THE CLASSROOM

"Fiscal discipline is always difficult but it is absolutely essential . . . if we're to live within our budget." Thus spoke Assistant Secretary of Agriculture Richard Lyng the other day in announcing some new belt-tightening regulations for administration of the school lunch program. He is entirely right about this, of course, and the directors of any chamber of commerce would have little difficulty in grasping the validity of his observation if they heard it in the course of a luncheon speech as they were finishing their dessert and sipping their coffee. Discipline is a term more easily understood on a full stomach than on an empty one.

The fiscal discipline Mr. Lyng has in mind will be felt most intimately by a large number of school children whose families cannot afford to buy lunches for them and who will, in consequence, be called upon to accept the discipline on empty stomachs. It is to take the form of a reduced contribution to the school lunch program by the federal government, if proposed new regulations of the Agriculture Department go into effect. The formula by which federal funds are allocated to this program is a complicated one. But the nub of the matter appears to be that the department aims to contribute to the feeding of an expected 9.1 million poor and hungry children in the school year ahead with the same amount of money it supplied for the feeding of 7.3 million last year. The department did not ask for additional funds to finance the expected expansion; and, although Congress authorized the expenditure of $100 million out of a special fund available to the department, Secretary Hardin has declined to do this.

The state directors of the school lunch program responded to these proposed regulations with a unanimous outburst of indignation. "The average rate of 30 cents per meal for free and reduced lunches set forth in proposed regulations," they declared in a formal statement, "is unequivocally inadequate, and furthermore we feel that such a limitation would jeopardize the existing program and preclude any expansion to reach the additional estimated three to five million hungry children in America. The regulatory restrictions and funding projections as proposed are bringing the school lunch programs to a screeching halt, and will result in a termination of programs in many places. The state plans of operation as prepared for 1971–72 become null and void by each state as the plans were developed in good faith to meet the challenge of the President and Congress to feed the hungry children in America's schools."

This impassioned statement comes from men and women in the field who have to administer the school lunch program. Their indignation is becoming. Senator George McGovern, chairman of the Senate Select Committee on Nutrition and Human Needs, reacted similarly, charging in a letter to Secretary Hardin that the proposed regulations "blatantly violate both the spirit and the letter of the school lunch law passed by Congress last year." It is a curious order of priorities indeed that puts resuscitation of an aircraft manufacturer ahead of human hunger. It is a strange sort of fiscal discipline that puts its burden upon children.

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## FEDERAL SCHOOL LUNCH PLAN FAILS TO HELP 1.9 MILLION POOR PUPILS

WASHINGTON, August 29.—Today, nine months after President Nixon's target date of Thanksgiving, 1970, for extending the school lunch program to reach all needy children, 19-million children of the poor get none of its benefits.

But the Department of Agriculture—delegated the responsibility for carrying out the President's mandate—maintains that Mr. Nixon's original goal has technically been met.

Edward J. Hekman, administrator of the Food and Nutrition Service Division of the department, said in an interview that Mr. Nixon's goal was based on a figure of 6.6 million needy children—a figure used frequently by Dr. Jean Mayer, the President's nutrition expert.

Mr. Hekman said that his department had extended the lunch program to that number of needy children by January, 1971—only two months behind schedule. He said that the number now reached was 7.4 million.

### A NEW TIME TABLE

He said that statistics gathered later indicated that instead of 6.6 million, the estimate on which the president's goal was based, there were 9.3 million needy children.

"It would have been physically impossible to reach this new figure by Thanksgiving," he said.

Mr. Hekman said that the Department of Agriculture and the National Advisory Council created by the 1970 amendment of the School Lunch Act had discussed a new timetable.

"I expect the council to set a new target of about three years hence," he said. "The problem is bringing the approximately 20,000 schools not now a part of the program into the picture."

Mr. Hekman estimated that these schools—largely inner city or rural poverty areas—had one million eligible children.

### A MOOT QUESTION

These, coupled with the 400,000 eligible but unreached children in schools that already participate in the program, would necessitate expenditure of about $570.4-million a year.

This is based on Congress' estimate of $100-million for equipment alone and on Mr. Hekman's estimate of a Federal share of 42 cents a lunch for each of the 1.4 million additional children.

The amount spent last year for free or reduced-price lunches totaled $356.4-million. The amount budgeted this year exceeds that amount by about $33-million, according to Mr. Hekman.

Special provisions were made by Congress to provide $38-million in the fiscal year 1971 and $33-million in the fiscal year 1972 to put facilities in nonprogram schools.

The Administration cut this amount back to $16.1-million the first year and plans to use only $16-million this year.

"It may not be enough, but it will go a long way," Mr. Hekman said.

The sizable increase in the number of needy children—from 3.8 million in 1969 to 9.3 million today—is related to state-initiated changes in eligibility guidelines, Mr. Hekman said.

The figure of 6.6 million children results from states using a $3,940 poverty level as a guideline, he said. Now, at least 22 states have raised their poverty-level standard to around $4,350.

Opponents of the department's methods of implementation and budgeting have accused the Administration in recent weeks of using calculated methods to halt the growth of the program.

The more notable critics include Senator George McGovern, Democrat of South Dakota, and a group of 35 directors of state child nutrition programs.

### GUIDELINES CRITICIZED

Each charged that while not cutting back in program funds, the Administration had designed Federal reimbursement guidelines that held the state liable for a matching portion above that of last year's, in effect limiting expansion in states faced with financial problems.

Members of Senator McGovern's staff charged that funds in one special section had been released to states only after they had exhausted the two principal sections that provided funds under the lunch program act.

Senator McGovern plans a Congressional hearing on the program Sept. 7. He said that he would ask the Secretary of Agriculture, the director of the Office of Management and Budget and Mr. Hekman to testify.

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[From the Washington Post, Sept. 3, 1971]

## U.S. CUTTING SCHOOL LUNCH FUNDS

(By Jack Anderson)

At Christmas time, 1969, President Nixon made a sugar-plum promise to the nation's nine million needy children to end their hunger. Now his accountants are squeezing $300 million out of the states' school lunch program, which would have the effect of taking food from the mouths of those same children.

By depriving hungry children of school lunch money, the Nixon administration would save enough ready cash, say, to bail out the corporate executives who have been mismanaging Lockheed.

The school lunch budget is a complex $1.1 billion document, which provides lunch subsidies that vary according to the needs of the children. The most needy children were supposed to get 60 cents per meal until the White House Scrooges went to work on the budget. They triumphantly saved $300 million by slashing the subsidy to a stark 35 cents under a complicated new formula.

Theoretically, the states are supposed to make up the difference. But most states, lacking the funds, will merely reduce the feeding of hungry children.

This scheme to water the soup of the poor was worked out by budget and agriculture officials in a series of private meetings and telephone talks. The chief Scrooge at the backroom meeting was President Nixon's assistant budget director, Richard Nathan. The Agriculture Department was represented by Assistant Secretary Richard Lying and nutrition administrator Edward Hekman.

### DOUBLE PRESSURE

They were under pressure to cut the budget not only from the President but from the equally formidable Rep. Jamie Whitten (D-Miss.). As chairman of the House Agriculture Appropriations subcommittee, he is accustomed to dictating how agriculture funds will be spent. And school lunches come out of the agriculture budget.

Part of the money set aside by Congress for the lunch program is supposed to be taken from a customs revenue fund, which Whitten has always guarded jealously. He wants to keep his fund available to bail out rich farmers who have poor harvests.

State officials, meanwhile, have raised an almighty howl over the report that their needy children will be short-changed 25 cents per meal. Agriculture Department spokesmen, talking to us, sought to minimize this outcry. But we have obtained some of the complaints from their private files. Here are typical excerpts:

Memphis School Superintendent John Freeman: "We cannot continue our free lunch program as it is presently operated if the (Agriculture Department) puts its proposed regulations into effect."

Mrs. Carl A. Peterson, Nebraska's Urban League welfare task force chairman: "It would be a grave error for the (Agriculture Department) to deny to hungry children what in thousands of families is the only real meal such children have each day."

Sen. George McGovern (D-S.D.), the Senate nutrition committee chairman, is also mad as a hornet over the school lunch slash. In a private letter to Agriculture Secretary Cliff Hardin, the senator has condemned the reduction as "regressive." He has also summoned budget and agriculture officials to an emergency hearing on Sept. 7.

This has unnerved agriculture officials who now tell us their minds are still open. The budget cut "is not locked up by any means," administrator Hekman assured us.

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[From the New York Times, Sept. 6, 1971]

## Feeding Hungry Children

The Administration, under pressure from critics of the Federal school lunch program, acknowledges that 1.9-million needy children are still not being fed. No deluge of official statements about progress made and targets met can disguise the national disgrace involved in having so many youngsters go hungry.

The Department of Agriculture, administrator of the program, finds statistical comfort in noting that President Nixon's promise to have 6.6 million children on the school lunch roster by Thanksgiving 1970 was fulfilled, with only two months' delay. What causes the present gap, the department explains, is that the definition of poverty has changed and the number of needy children now turns out to be 9.3 million, not 6.6 million.

Such statistics do not make unfed children any less hungry. It is appalling to find Agriculture Department spokesmen estimating that it may take three years before the rest of the poverty-level children can be included in the program. By then the damage caused by nutritional deficiencies may be beyond repair.

Particularly puzzling is the department's claim that lack of food service equipment in many schools remains a major obstacle. In 1969 the Administration announced, with much fanfare, that revised regulations would speed airline-style lunches to children in unequipped schools.

All the unanswered questions and statistical alibis give credence to complaints that budget-cutting is the real cause of the delays. In two successive years the Administration has cut Congressional authorizations for food-service facilities in half, and further cuts are said to be contemplated in the amount of money to be made available for lunches in the new school year. In addition, rigid matching requirements appear to have hurt the program in precisely those states where poverty is the most serious problem.

Hearings before the Senate's Committee on Nutrition and Human Needs, scheduled for this week by Chairman George McGovern, should aim at putting an end to the battle of statistics. There is a simple yardstick: The program is inadequate if one child goes hungry.

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[From the New York Times, Sept. 8, 1971]

## McGovern Scores Pupil Lunch Plan

WASHINGTON, Sept. 7.—Senator George McGovern, chairman of the Senate Select Committee on Nutrition and Human Needs, accused the Department of Agriculture today to bowing to pressure from the Office of Management and Budget to cut over-all costs of the school lunch program. The South Dakota Democrat agreed with school officials who have charged before the nutrition committee that newly revised rules for funding the program will bar the inclusion of 1.9 million needy children.

Specifically at issue at the hearing was a new allocation formula, revised Aug. 18, that school officials across the country contended would cut Federal reimbursement to schools from 60 cents to 35.

The school officials and a group of sympathetic Senators and Representatives contend that the reimbursement rate of 35 cents will force school systems either to provide the remaining cost of lunches out of their own funds or to curtail their programs. The average cost for each lunch is 50 cents, according to the Agriculture Department.

### SUBSTANTIAL CUTS CHARGED

Lawrence Bartlett, chairman of the American School Food Service Association, testified today that the new regulations substantially cut the funds many school districts were expecting.

He said that cuts of $9-million were expected for California, $3.2-million for Massachusetts, $1.4 million for Detroit, $1.2-million for New Mexico, $375,000 for Indianapolis and $750,000 for St. Louis.

Josephine Martin, State Director of School Food Services in Georgia, told the committee that even based on the Department of Agriculture's own "inadequate" reimbursement rate of 35 cents, a minimum of $180-million was needed to sustain the lunch program at last year's level in view of its growth rate of 10 per cent.

The school lunch program budget for the fiscal year 1972 is $78.8-million above last year's, according to the Department of Agriculture.

The amount spent last year for free or reduced-priced lunches totaled $356.4-million. The amount budgeted this year exceeds that amount by about $33-million, according to the Department of Agriculture.

Critics also attacked the department for having released the proposed regulations less than a month before schools opened and while Congress was in recess.

Richard E. Lyng, Assistant Secretary of Agriculture, said that school officials misunderstood the regulations. He said that they represented a "dramatic breakthrough that will enable school systems to bring in as many needy children as they want with the assurance that they are guaranteed a minimum of 35 cents per meal per child."

### PRESSURE SUGGESTED

"Is it true that you were under pressure from the Budget Director to cut the over-all costs of your program?" Mr. McGovern asked Mr. Lyng.

"We haven't cut the cost of the program," Mr. Lyng replied. "Our restraint is the amount of money appropriated by Congress."

"But what we are really talking about is a situation where the Office of Management and Budget told you to cut to a certain figure, isn't that correct?" Mr. McGovern persisted.

"In that the O.M.B. approves our budget before it is submitted to Congress, yes, it has some say," Mr. Lyng replied.

Mr. McGovern said that the reduction from 60 cents to 35 cents for each lunch would result in a $300-million cut in the program and suggested that the Nixon Administration was backing away from Congress' and its own commitment to feed all hungry school children.

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[From the Washington Star, Sept. 8, 1971]

## School Lunch Crunch

Agreed, that the times call for selective governmental austerity. But about the last service that should be affected by it is the feeding of school children. That's because school is the only place where millions of children get a square meal, and because many others—possibly two million—can't even get lunches there.

But the Agriculture Department, just after Congress went home for its month-long vacation, hatched some questionable new lunch regulations that took effect when schools reopened for the current term. The alterations, say the school-lunch directors of 33 states, can bring the program to "a screeching halt." That is without doubt an exaggeration. But the new spending limitations certainly can compound the inadequacies that already afflict the program, constricting it when it needs to be enlarged.

What the department plans, in essence, is to hold back half the allocations that help finance free and reduced-price lunches for poor children, until the states demonstrate by exhausting their other funds that they really need the money. They've come to expect 60 cents for each "poverty lunch" in federal aid, but now they'll have some difficulty getting more than 30 cents.

And schools will be held to a five-cent limit of federal aid on regular (non-poverty) school lunches. That was shown to be insufficient last year, and it will be even less adequate during the next school term with inflated costs and more youngsters to feed. Congress last year provided extra "bail-out" money because some states were unable to pay their share of the regular lunch program, and they were given up to 12 cents in federal assistance.

Moreover, the states contend they already have proved their needs, with detailed plans submitted to the Agriculture Department earlier this year. They see very little chance of coming up with more state matching money. So state directors fear that school-lunch prices will have to be raised as a result of the new requirements, and that food services may have to be curtailed.

The Agriculture Department's reasoning in these matters is convoluted, but some impressions are inescapable: The department is intent on holding down federal spending for school lunches, and its maneuvers and policies threaten to delay a needed expansion of the program. In announcing the new regulations, Assistant Secretary of Agriculture Richard Lyng said that "fiscal discipline" is always difficult, but is an absolute necessity "if we're to live within our budget." The problem is that Agriculture asked Congress for no increase in lunch funds for the next year in spite of the swelling costs and needs.

Nor has it moved vigorously enough to aid the 23,000 public schools, mostly in poor areas, that have no lunch programs at all. It wants to spend less than half the money that Congress authorized for that purpose.

Congress should demand explanations from Agriculture officials. The feeding of children should not be subjected to the strictest of fiscal disciplines.

[From the Washington Post, Sept. 8, 1971]

### U.S. Denies Cutting School Lunch Funds

The Nixon administration yesterday denied repeated charges that it has cut spending for school lunch programs so severely that up to 2 million needy children will go hungry this year.

Assistant Secretary of Agricuilture Richard Lyng insisted at a hearing of the Senate Select Hunger Committee that more money will be available than ever before—$667.3 million—to provide poor youngsters with a wholesome meal each day.

"We believe that significant additional progress is possible," Lyng said. "In fact . . . we believe that our proposal presents a dramatic breakthrough in program funding."

Chairman George S. McGovern (D-S.D.) said he called the hearing in response to "an outcry" raised by local and state school officials around the nation over changes in school lunch funding proposed by the Agriculture Department on Aug. 13.

Critics charged that the revisions amounted to cutting federal reimbursement from 60 cents to 35 cents per meal. They said this would force schools either to make up the difference or cut back their lunch programs.

Lyng, however, said critics have "misunderstood" the rules changes. He said the 35-cent figure would be a floor, not a ceiling, and that "neediest schools" would still be eligible for full 60-cent reimbursement.

"Our proposals are not designed to have funds," Lyng said. "We have not reduced the maximum rates of assistance that were authorized for last year."

Unconvinced, McGovern charged that the new rules amounted to "total defiance" of Congress, which last year ordered school lunch programs expanded to every needy child.

In the 1970–71 school year, the programs provided free or reduced-cost lunches to about 7.3 million of the nation's estimated 9 million hungry schoolchildren.

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[From the Wall Street Journal, Sept. 16, 1971]

### Agency Seeks Curb on School-Lunch Funds; Stiff Quiz Is Likely By Senate Panel Today

(By Burt Schorr)

Washington.—The Nixon administration is planning to pull the drawstring on Uncle Sam's school-lunch moneybag far tighter than local program administrators ever expected.

As a result, hundreds of thousands of low-income youngsters who are enjoying their first nutritious midday school meals at little or no cost may soon do without again.

The financial curb is contained in a set of bewilderingly complex new lunch-funding regulations that the Agriculture Department proposed just three weeks before classes resumed this month. The state school food service directors, unit of the American Food Service Association charges that the regulations "are bringing the school-lunch programs to a screeching halt . . . and preclude any expansion to reach the additional estimated three million to five million hungry children in America."

That may be overstating the case somewhat, but it's true that the Nixon administration doesn't want to spend as much money for lunches as the state directors and their congressional allies, mainly liberal Democrats, believe is needed.

State and local officials are especially peeved because until now Washington's school-lunch rhetoric didn't give any hint that federal money to feed poor kids wouldn't be ready when needed. President Nixon, signing liberalizing amendments to the school-lunch statutes back in May 1970, said the legislation "will assure that every child from a family whose income falls below the poverty line will get a free or reduced-price lunch."

But now the Agriculture Department proposes, in effect, to cut the estimated federal contribution to each such lunch to about 37 cents from the 42 cents being contributed last spring—out of a typical cash cost of 53 cents. Moreover, the proposed regulations would prevent expansion of the free and low-cost meals to more than the seven million children currently being served even if Congress should appropriate money to pay for the lunches. (Eighteen million other youngsters get lunches at higher prices.)

Agriculture Department officials face a tough confrontation today when they are due to appear before the Senate Agriculture Committee, which has direct legislative responsibility for the lunch program, to explain their position.

Initially there hadn't been any reaction on Capitol Hill, apparently because it took several weeks for local school officials to decipher the real meaning of the proposed regulations. "But now they're really screaming, and a number of Senators are concerned," says an Agriculture Committee staffer.

Yesterday, Michigan Sen. Philip A. Hart, a liberal Democrat, and Kentucky Sen. Marlow Cook, a middle-of-the-road Republican, said they had found 42 other signers for a letter to Mr. Nixon warning that the reduced funding rate will leave "hungry children in America's schools" and produce "absenteeism, dropouts and apathetic students."

Certainly, Agriculture Committee Chairman Herman Talmadge isn't pleased by the proposed regulations. Earlier this month the Georgia Democrat wrote Mr. Nixon that the rules already have "precipitated a fiscal crisis in school districts" of his home state. Waiting to hold some hearings of his own is Rep. Carl Perkins, Democratic chairman of the House Education and Labor Committee, which keeps watch on the school lunch program from the other side of the Capitol. Mr. Perkins' home state of Kentucky seems to have school lunch woes even worse than those Georgia schools face.

#### AN $80 MILLION JUMP

Agriculture officials, for their part, argue that the $615.2 million appropriated for Washington's direct cash contribution to school lunches in the fiscal year ending June 30, an $80 million jump from last year's spending, is, after all, what Congress voted. (Overall, the federal share comes to approximately $1.1 billion, including special milk funds and donated federal commodities. It's expected to help feed some 25 million youngsters this year, including around seven million from needy families. But it won't help roughly seven million other youngsters attending the more than 20,000 schools still without any lunch program, many of them serving low-income populations.)

Under the National School Lunch Act Uncle Sam is obliged to contribute a minimum of five cents toward every school lunch—even those for children not classified as needy—and 30 cents toward those offered free or at a reduced price. In practice, though, the contributions have been considerably greater.

The food service administrators, through a survey just completed by their Denver-based organization, respond that the appropriated funds actually are some $170 million shy of what low-income students will need by the time the last lunch bell tolls next spring. Moreover, the administrators argue, the proposed regulations are written in a way that prevents schools from spending any supplemental funds Congress might choose to appropriate.

Ironically, many of the states that strived hardest to expand feeding in their schools at the Agriculture Department's urging now are reaping the biggest headaches. Illinois, for example, foresees a statewide lunch deficit of between $13 million and $18 million in the 1971–72 school year, largely because cities like East St. Louis and Chicago have been expanding their lunch programs into older schools by means of newly installed kitchens, cold meals delivered from a central kitchen and other techniques. "We have the poverty pockets right here in the larger cities and that's where the hungry kids are," says Edward F. Gaidzik, director of Chicago's school-lunch operations.

Similar expansion is causing California officials to reckon their fund shortage at $9 million. For New Jersey, the estimate is $8 million; for Florida, $6.9 million, and for Georgia, $6 million.

The missing dollars portend an even grimmer human deficit. The nine school districts serving the Phoenix metropolitan area face a combined funding gap of only $150,000. But this may be large enough to cut off many of the 40,000 youngsters now getting free and reduced-price lunches (or roughly a fourth of total lunch program participants), estimates Norman Mitchell, food service director for Phoenix's Isaac School District No. 5.

In Detroit, public schools lunch chief Howard W. Briggs reckons that a substantial number of the 45,000 kids of the free and reduced-price-list in his district—better than half the total youngsters getting lunches this year—are threatened with loss of their prepared midday meal. Mr. Briggs worries that this will "worsen communications" with poor parents, many of them black, who only lately have been persuaded to enroll their children in the program.

For Nebraska's school food services administrator, Allen A. Elliott, the Nixon administration's proposed rules revision landed like a "real bombshell on us." Prior to the announcement, his state was betting on the addition of 45 to 50 schools to the lunch programs, but now local school boards indicate the increase will total only "10 or less," he says.

#### NO FOREST TO HIDE IN

There's nothing to prevent states and localities from increasing their own school lunch funding in lieu of federal aid, but school officials almost to a man declare that alternative out of the question on such short notice. One particularly hard-hit state, Kentucky, has a common problem: Its legislature won't convene until January, and then to begin work on the budget for the two years starting next July 1. Furthermore, state governments and local school boards never have been overly quick to grab the school-lunch check; last year their share of the $2.8 billion total cost for midday school feeding came to only 21%, against the 36% picked up by Uncle Sam and the 43% paid by youngsters themselves.

The new rules do grant states the right to tip federal aid toward the neediest districts within their borders, but the prospect of breaking such news to better-off districts, whose funding share would decline in proportion, frightens administrators. "They're asking state directors to be Robin Hoods; but the directors don't have a forest to hide in," says Detroit's Mr. Briggs.

The underlying issue, of course, is just how big—and firm—Uncle Sam's financial responsibility to needy students really is. "There's no place in the law that says the federal government shall foot the entire bill" for feeding needy youngsters, says Assistant Agriculture Secretary Richard Lyng. But his reading of the law and the intent of Congress does seem open to question. Section 11 of the National School Lunch Act, though it sets a minimum of 30 cents a lunch, plainly authorizes "such sums as may, be necessary to assure access to the school-lunch program . . . by children of low-income families."

And an interpretation of congressional funding intent was provided by Republican Sen. Robert Dole of Kansas during the Senate debate on the 1970 amendments when Sen. Hart sought unsuccessfully to amend Section 11 by adding specific authorization figures for the 1971–73 fiscal years. Arguing against the wisdom of the Hart proposal, Sen. Dole, who often reflects Nixon administration thinking and who has since become Republican national chairman, asserted: "As I recall the deliberation of the (Agriculture) Committee when we had the hearings, and following the hearings, after consultation with the Executive Branch, we felt we should leave it (the money authorization) open-ended so that there could be provided whatever might be necessary. . . ."

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[From the New York Post, Sept. 18, 1971]

### Forty-Four Senators Fight School Lunch Cuts

(By Antony Prisendorf)

Washington.—Forty-four senators have urged President Nixon to block Agriculture Dept. cutbacks in school lunch and breakfast programs.

In a letter to the White House, they said a recently announced change in formulas for the current school year would result in a loss of "millions" of dollars.

In March the Agriculture Dept. announced that the federal government was prepared to contribute a maximum of 60 cents for each free or reduced-price meal served.

But on Aug. 13, the department reported that the federal contribution would be limited to 35 cents a meal.

"This will have a disastrous effect on the school lunch and breakfast programs," the senators wrote, "and will pose a very real threat to the continued progress of the National School Lunch Program.

Neither the Agriculture Dept. nor the Senate Select Committee on Nutrition has information available to indicate how much New York State school-lunch programs would lose if the proposed cutbacks went into effect.

The chief of the state's bureau of school food programs, Richard Reed, was not available for comment.

It is known from committee sources that if the cutbacks are put into effect, the Buffalo school system alone will lose more than $900,000 in federal funding.

Data supplied by other states indicates, the senators said, that Missouri would lose $4 million, California $9 million and New Jersey $8 million.

"The states cannot make up this loss from state or local funds and will have no alternative but to reduce planned participation to stay within the limitation of available funds, the senators wrote.

"Therefore, many needy and eligible children will go without school lunches."

In some states, the effects might be even more calamitous, the senators warned. In Kentucky, for instance, the breakfast program will have to be canceled at the beginning of October unless more federal funds are allocated.

The letter, which has not yet drawn a response, was prepared by Sens. Hart (*D-Mich.*) and Cook (R-Ky.), both members of the Senate Committee on Nutrition.

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[From the Daily Mail, Hagerstown, Sept. 16, 1971]

### Forty-Four Senators Urge Nixon To Scrap Proposed School-Lunch Regulations

(By Austin Scott)

Washington.—Forty-four senators today asked President Nixon to scrap proposed new school-lunch regulations they said will cost states millions of dollars and force many schools out of the program.

Signers of a letter to the President include Sen. Gale McGee, D-Wyo., chairman of the Senate Agriculture appropriations subcommittee, and Democratic whip Robert Byrd of West Virginia. Ten of the signers are Republicans.

The letter said that under the proposed new regulations, announced by the Agriculture Department just 3 weeks before most schools began to open, states will be denied millions of federal dollars that would have helped school districts pay for lunches under the old regulations.

As examples, the letter said, Missouri will lose $4 million, California $9 million, Massachusetts $3.24 million, Ohio $5.56 million, Georgia $4.1 million, West Virginia $2.66 million, and Florida $6.91 million.

"The states cannot make up this loss from state or local funds and will have no alternative but to reduce planned participation to stay within the limitations of available funds," the letter said.

"Therefore, many needy and eligible children will go without school lunches," it said. "Certainly this was not the intent of Congress when it passed (the school lunch law), or your intent when signing it into law on May 14, 1970."

Aides to Sens. Philip Hart, D-Mich.; George McGovern, D-S.D., and Marlow Cook, R-Ky., circulated the letter after attending a Senate hearing last week where several state school-lunch directors testified the new regulations would reduce the scope of the program—not increase it as the Agriculture Department claimed.

Agriculture Department officials said at the time they announced the new regulations Aug. 4 that "we must have discipline if we're going to live within our budgets."

Three days later, 33 state school-lunch directors signed a protest accusing USDA of bringing school-lunch programs to "a screeching halt" by cutting the amount of money available to help the school districts pay for each lunch served.

McGovern asked Agriculture Secretary Clifford Hardin to withdraw the new rules, but a spokesman for McGovern's Committee on Nutrition and Human Needs said there is no indication the department will.

The 44 senators asked President Nixon to keep the old regulations in effect. "In this way we could be certain that the funds Congress made available . . . would be fully utilized," their letter said.

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### Cut in Federal School Lunch Funds Reported Near

Washington, September 24.—An official of the Department of Agriculture said today that formal approval would be soon given to several controversial amendments to guidelines governing disbursement of funds for the school lunch program.

Meanwhile, at a news conference today, the American School Food Service Association said the amendments would provide for cuts in the amount of Federal reimbursements to states for the cost of each meal by 7 cents. The group said that this would force at least 44 states to pay larger matching shares totaling more than $123-million.

The department does not deny this contention but argues that states are better off because of a $33-million increase in the budget for free and reduced priced meals over last year. And it says the states must live within their budgets.

Assistant Secrtary Richard E. Lyng, who discussed the school lunch program at a Congressional hearing recently, said that the department—like all Government agencies—had been pressured by the Office of Management and Budget to hold-the-line in expenditures.

The more controversial changes in the amendments would affect the reimbursement rates and the methods of funding.

#### A 35 CENT MINIMUM

Under the amendments, the Federal Government would guarantee states an average minimum reimbursement of 35 cents a meal. The average rate of reimbursement last year was 42 cents and the national average cost of a meal of 52.6 cents.

States are funded from two categories of general aid—one for all meals served and the other for free and reduced-price meals.

The department is empowered to use money from an emergency fund if necessary to insure success of the program.

Last year states could tap each of the three sources simultaneously and receive reimbursements up to 60 cents a meal.

The amendments would require that all funds in the two general categories be exhausted before the emergency funds could be tapped.

Opponents maintain that financially strapped school systems could never get emergency funds because they could not support the increased matching responsibility long enough to exhaust general funds.

Mr. Lyng said the amendments required that available funds be distributed to states in better relationship to program growth, thus avoiding the mid-year funding uncertanties that were experienced last year. He said fund shortages in some states were threatening programs while other states had millions of dollars in excess funds under existing guidelines.

#### EXPANSION POSSIBLE

In addition, he said, a state needing to expand its program to substantially more schools and children can do so within its available funds without fear that it will be at the expense of unwarranted reduction in funding of already participating schools.

The School Lunch Association said that the Administration had arrived at the 35-cent reimbursement rate by dividing the current $390-million budget by the expected total number of free and reduced price meals to be served this year without regard for actual needs and rising costs of food and preparation.

Josephine Martin, State Lunch Director of Georgia who is a member of the association, said that labor costs in Gary, Ind., for example were 24 cents and the cost of a serving of milk was 7 cents.

"At the 35-cent reimbursement rate this leaves only 4 cents for meat and vegetables," she said.

Miss Martin said her association had queried state school officials around the country on how they would fare with the 35-cent reimbursement rate.

"We were told that 44 of them expect deficits, ranking up to $9-million in California, $8-million for New Jersey, $8.8-million for Texas, $9-million for South Carolina and $6-million in my home state."

Other opponents of the amendments include the school lunch directors association and a group of 44 United States Senators.

The Senators have petitioned President Nixon to rescind the amendments, and two Senators, Herman E. Talmadge and David H. Gambrell of Georgia, have introduced a joint resolution in Congress that would require the Secretary of Agriculture to increase the reimbursement rate to a level "sufficient for operating the program."

The resolution will be taken up on Wednesday by the Senate Agriculture Committee, which Senator Talmadge chairs.

The committee—which shape policy for the department—is expected to approve the resolution.

Senator Talmadge was instrumental in introducing legislation to increase funding of the school lunch program in 1965.

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### School Lunch Battle Looms

(By James Welsh)

The Senate Agriculture Committee, in a showdown set for tomorrow, appears ready to demand that the Nixon administration put up at least $100 million more than it wants to for school lunch programs for the needy.

By so doing, the committee might well wreck an enduring Washington cliche.

For any conservative purpose, so the cliche holds, the congressional agriculture committees and the executive Agriculture Department always march hand in hand.

But this time around, with Chairman Herman E. Talmadge, D-Ga., in the lead, the Senate committee is not only taking on the Agriculture Department, it is ready, in an unusual move, to approve a joint Senate-House resolution that would write school lunch regulations that Agriculture refuses to set and to impose subsidy levels the President's budget-makers refuse to approve.

### NEW IN POST

Talmadge, who this year replaced Sen. Allen Ellender, D-La., as committee chairman, ordered the resolution prepared last week.

It directs the Agriculture Department to subsidize local school districts by 45 cents per lunch for every needy child, rather than the 35-cent limit imposed by the department in stringent regulations announced Aug. 13. And it says the department "shall spend" whatever it has to of the $100 million extra school-lunch appropriation approved by Congress for this fiscal year but since impounded by the administration.

The committee will meet in executive session tomorrow.

Talmadge is expected to carry all of the committee's eight Democrats with him, including six Southerners.

One of the two Northern Democratic members, Sen. George McGovern of South Dakota, a liberal closely identified with the hunger issue, expects to be absent tomorrow but has given Talmadge his proxy.

The legislation, to be effective, must be passed by both houses of Congress and signed by President Nixon.

The administration could avert a showdown by relenting on its stand.

Rep. Paul Perkins, D-Ky., chairman of the House Education and Labor Committee, has introduced a resolution identical to the one the Senate committee is expected to approve tomorrow.

### REBUFFED BY OMB

But the Agriculture Department was reported today to have been rebuffed by the Office of Management and Budget and ready to announce that its Aug. 13 regulations will be made final.

OMB officials are determined to keep a lid on last fiscal year's federal spending of $615 million for school lunches. More than half this amount was for the needy.

To many state and local school districts, the federal government's posture on school lunches has been a constantly shifting one.

In 1970, Congress passed the School Lunch Reform Act, sponsored in part by Talmadge. President Nixon, in signing it, called for "an end to hunger in the nation's school rooms."

Last spring, the Agriculture Department relaxed its spending regulations, permitting the federal payment per lunch to rise well above its previous 33-cent maximum. From March to May, as a result, the number of children in the program rose from 6.3 million to 7.1 million.

### FORTY-TWO CENTS EXPECTED

For this school year, local districts confidently expected a federal subsidy averaging 42 cents per lunch for more than 7 million children.

The Aug. 13 pronouncement lowering that to 35 cents, proved a shocker. It came three weeks before the opening of school and well after most local school boards had set budgets.

In the wake of the announcement, a number of school districts are reported to be abandoning the school lunch program or considering such a move. They include Albuquerque, N. Mex., Bridgeport, Conn., and Buffalo, N.Y.

Josephine Martin, the State of Georgia's food services director, said today her state stands to lose $6 million if the new regulations become final.

"For our school districts, the only alternatives will be to cut participation or the quality of the lunches," she said.

Miss Martin has worked closely with Talmadge on the problem.

### POPULAR ISSUE

"Talmadge," said one Capitol Hill observer, "is really taking the lead on us. He's convinced the school lunch program is very popular in Georgia. Sen. Ellender is friendly to the program too, but he would not have challenged the Agriculture Department the way Talmadge has done."

"The committee's stand has really shook up the people at Agriculture."

McGovern was the first to protest the New Agriculture Department regulations.

But it was a little-noticed Agriculture Committee hearing on Sept. 16 that set the stage for the current showdown.

At that hearing, Talmadge and fellow Southerners, including Sens. Ellender; B. Everett Jordan, D-N.C.; James B. Allen, D-Ala.; and Lawton Chiles, D-Fla., ripped into Asst. Agriculture Secretary Richard Lyng, telling him he hadn't proven his case.

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## Senate Acts To Force Rise in Aid for School Lunches

(By Marjorie Hunter)

Washington, October 1.—The Senate voted today to direct the Nixon Administration to borrow sufficient funds to feed the nation's needy school children.

The rare move was a sharp rebuff to the Administration, which just six weeks ago announced new school lunch regulations that critics say would bar some two million children from free or reduced-price lunches.

The Senate measure, approved by a vote of 75 to 5, directs the Administration to borrow money from a special Agriculture Department fund derived from import duties on farm products.

Under the Senate measure, this would enable the Federal Government to increase its payment for free or reduced-priced lunches from 35 cents to 46 cents.

A similar measure has been introduced in the House and may reach the floor within several weeks.

The lopsided Senate vote reflected widespread complaints from school administrators over the Agriculture Department's allotments formula, announced in late August, just weeks before most schools opened.

In fixing the Federal allotment to the states at 35 cents a meal, Agriculture Department officials said this was the maximum available under the $615-million voted by Congress for the year that began July 1.

Congressional critics of the Administration's cutback in school lunch allotments complained that Congress had voted every penny that the Agriculture Department had said it should have to feed the needy.

The move to force the Administration to increase the allotment was led by Senator Herman E. Talmadge, Democrat of Georgia who is chairman of the Senate Agriculture Committee.

Terming it "emergency legislation," Senator Talmadge said it was essential to relieve "chaos, consternation and confusion in school lunch programs across the country."

### NIXON VOWED RECALLED

He recalled that just last year Congress passed a law requiring that every needy school child in the nation receive a free or reduced price lunch.

He also recalled that President Nixon, is signing that bill into law, "promised to put an end to hunger among American school children."

The Senate action was unusual in that it represented one of the few times that a legislative (or authorizing) committee had sought to appropriate funds. Under normal procedure, such funding originates in Senate or House appropriations committees.

Complaining that they have been bypassed, several members of the Senate Appropriations Committee opposed the Talmadge measure. They said their own committee planned to bring out a supplemental appropriations bill within several weeks to increase funds for school lunches.

Dismissing these arguments, Senator Warren G. Magnuson, Democrat of Washington, commented: "When you're hungry, you're hungry. You can't wait until some bureaucrat sends letters back and forth."

### SURPLUS IN FUND

The money that the Senate ordered the Administration to borrow from the import duty fund would be paid back later through a supplemental appropriation. The import duty fund now has about $300-million in what is called "carry-over" money, not earmarked for other uses.

In addition to the extra 11-cent allotment for free or reduced-priced lunches, the Senate voted to increase from 5 cents to 6 cents the Federal allotment for all school lunches, including those fully paid by students.

Estimates of the cost of the increased allotments range anywhere from $100-million to $200-million.

Voting against the Talmadge resolution were Allen J. Ellender, Democrat of Louisiana who is chairman of the Appropriations Committee; Milton R. Young, Republican of North Dakota, ranking Republican on that committee; George D. Aiken and Robert T. Stafford, Republicans of Vermont; and Roman L. Hruska, Republican of Nebraska.

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## Lunches for Hungry Children

The 75-to-5 vote in the Senate to provide more Federal money for school lunches should be a prod to the Administration to fulfill its pledges to banish hunger among America's schoolchildren.

An allowance of 35 cents to provide each needy pupil with a nourishing meal is preposterous in this period of high costs. Even the new Senate-approved standard of 46 cents is pitifully low.

The Senate's indignation at the gulf between Administration promises and performance in combating hunger in the schools prompted it to elbow aside its own Appropriations Committee and vote to "borrow" upward of $100 million from surpluses in an agricultural import-duty fund. The justification for this unorthodox procedure was well stated by Senator Magnuson of Washington: "When you're hungry, you're hungry. You can't wait until some bureaucrat sends letters back and forth."

The nation's children will be more adequately fed if the House shows similar impatience.

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[From the New York Times, Oct. 7, 1971]

## U.S. Increases Pupil Lunch Aid But Tightens Rule on Eligibility

Washington, Oct. 6.—Yielding to Congressional pressure, the Department of Agriculture today liberalized Federal payments to states under the school lunch program.

At the same time, however, the department issued a new restriction that critics estimate will eliminate about one million needy children from the program.

Under the regulations made public by the department today, the Federal share of lunch program costs was increased from a proposed level of 35 cents a meal to 45 cents a meal, one cent short of the level approved by Congress last week.

The department first sought to revise regulations governing disbursement of school lunch program funds in mid-August. Assistant Secretary of Agriculture Richard E. Lyng said then that the department would for the first time guarantee a minimum Federal reimbursement to states of 35 cents a lunch. Before this, there was no set reimbursement rate, and states could get up to 60 cents a meal back from the Government.

A period of 15 days was allowed for public comment on the proposed change.

The department's original 35-cent proposal met with sharp criticism from at least 22 Congressmen and school lunch officials across the nation. These critics charged that the 35-cent rate—7 cents lower than the average rate paid last year—would necessitate massive cuts in the number of children receiving lunches.

Some of these same critics said today that the department's new stipulation, which provides that states must adhere to an income level of $3,940 a year in determining eligibility, would have the same result.

Senator George McGovern of South Dakota, chairman of the Senate Select Committee on Nutrition and Human Needs, and Representative Carl D. Perkins of Kentucky, both Democrats, estimated that one million children would be forced out of the program as a result of the new restriction.

Senator McGovern said about 40 states and the District of Columbia had used income levels higher than the official $3,940 Federal level to determine eligibility. In New York, for example, the level used to determine eligibility is $4,250, he said. In many other states the level is between $5,500 and $6,000, he said.

Mr. McGovern also said that heretofore all welfare recipients were eligible but that this would not be the case under the new regulation.

Phillip Olsson, Deputy Assistant Secretary of Agriculture, said the new restriction was aimed at halting a trend.

He said: "We have found that some school districts are raising their poverty levels so that more names can be added to lunch rolls, resulting in the Government paying for the entire program.

"In Newark for example, one district requested funds using a poverty level of $7,000," Mr. Olsson said.

Critics of the new regulation expressed concern that, unlike the other proposed regulation changes, it was not subject to a period of public comment.

Critics said this was a last-ditch effort by the department to stay within an inadequate budget.

Senator McGovern said the move might even be illegal, but Mr. Olsson said it was within the department's prerogatives.

"We usually allow a period of public comment prior to finalizing regulations because we think it's a good idea, but in cases where we must add regulations at the last minute we waive this policy," he said.

The new regulation was imposed after the department failed to reach a compromise with Representative Perkins yesterday on a Federal share of costs somewhere between 37 cents and 45 cents.

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[From the Wall Street Journal, Oct. 7, 1971]

### Administration To Lift School Lunch Fund $135 Million but Tightens Eligibility Rules

Washington.—The Nixon administration, retreating before charges that it's refusing to feed low-income children, said it will increase its spending for free and reduced-price school lunches $135 million in the current school year.

At the same time, Assistant Agriculture Secretary Richard Lyng said lunch eligibility standards were being tightened, a move that criitcs said would continue to keep hundreds of thousands of youngsters in higher-income states from participating in the program.

The latest change in school lunch policy is incorporated in a revised version of Agriculture Department regulations to be published shortly in The Federal Register. When the original version of the regulations was proposed in August, state and local lunch administrators protested that it would hold Washington's school feeding contribution at a level lower than they had expected and possibly force an end to free and reduced-price meals in many areas.

Under the final regulations, the basic federal cost of all lunches served continues to be a minimum of five cents. For free and reduced-price meals, though, Agriculture will pay a minimum of 40 cents additional, or 10 cents more than was called for in the initial proposal. The new figures would hold Washington's share of the average school lunch cost at about the levels of last year, instead of allowing that share to decline, as the administration had intended. The Agriculture Department estimates that in the fiscal year ended last June 30, Uncle Sam picked up about 33% of the 60-cent cost of an average lunch, state children accounted for the remaining 44%.

Mr. Lyng estimated that the increase in reimbursement rates will raise the cost of the federal school lunch program to about $750 million in the current fiscal year, about 40% more than last year. The additional funds will enable the program to reach eight million needy children with free or reduced-price meals, Mr. Lyng said. This will be nearly one million more than the department first estimated, on the basis of the regulations as they originally were written.

Agriculture has enough funds to start spending at the higher level immediately but probably will go to Congress later in the year for supplemental funds, Mr. Lyng added.

Whether Congress will be satisfied with these plans isn't certain. Last week, the Senate, by a 75–5 margin, voted to impose on the administration a more generous formula for distributing school lunch funds than it originally proposed. The Senate formula is close to the one announced by Mr. Lyng, except that its basic contribution would be one cent higher, or six cents, adding $41 million more to federal costs, the Agriculture Department figures.

The House Education subcommittee wound up its hearings on school lunch regulation yesterday. Subcommittee Chairman Roman D. Pucinski (D., Ill.) and Carl D. Perkins (D., Ky.), chairman of the parent committee, both favor House passage of the Senate bill.

However, the major question now appears to be whether the House committee will challenge the Agriculture Department's new restrictions on the approximately 30 higher-income states, which define poverty at an income level higher than the one used by the department in its lunch regulations. More than 500,000 youngsters in these states, many from welfare families, who were eligible for free and reduced-price lunches on this basis last year, thus will be excluded this year.

Kenneth Schlossberg, staff director of the Senate Select Committee on Nutrition and Human Needs, who was present at the briefing by Mr. Lyng, said that some one million youngsters will be frozen out of the program by the changed regulation. "The Nixon administration is giving $135 million with one hand and taking away almost as much with the other," he contended.

This may be an overstatement, but the department doesn't have an estimate of its own to refute it. Mr. Lyng could only estimate that the federal cost of serving needy children in the 30 states last year amounted to $20 million to $30 million. A school lunch aide acknowledged, however, that, because the program had the potential of reaching more children this year than last, the federal saving through tighter poverty guidelines could be substantially larger than that figure in 1971–72.

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[From the Washington Post, Oct. 7, 1971]

### U.S. Retains Lunch Share, Trims Scope

(By Nick Kotz)

The Nixon administration, bowing to congressional pressure, yesterday decided not to reduce federal contributions to the free school lunch program. But at the same time, it tightened eligibility standards, thus eliminating 584,000 children from the program.

Assistant Secretary of Agriculture Richard Lyng announced that the government will pay about 45 cents of the cost of a free or reduced-price lunch for poor children. The Senate last week had voted overwhelmingly to reject an administration plan to drop the federal contribution to 35 cents.

However, the government trimmed the rolls of children eligible for the free lunch program by limiting federal benefits to children from families with annual income of less than $3,940 for four persons.

The 1970 National School Lunch Reform Act stipulated that schools in the program must provide meals free or at a token cost (5 to 20 cents) to all children whose families met the $3,940 poverty-income guideline. But states were also permitted to establish more generous guidelines. Forty states did, including Maryland, Virginia and Washington, D.C.

These states no longer will get special federal funds to continue providing free lunches to an estimated 584,000 children from families with more than $3,940 income. The free lunches will continue only if state and local governments pick up the full costs.

A New York State school lunch official said perhaps a majority of New York City children will lose their free lunches.

In Montgomery county, Maryland, four-member families with $4,400 to $4,650 annual income, had been eligible for benefits, depending on the number of a family's children in school.

In Virginia, Arlington, Fairfax, and Falls Church provided free meals if a child's family had less than $4,940 income.

The District of Columbia gave free or reduced-priced meals to children in families with less than $4,830 income.

All children, poor and nonpoor alike, receive a partial federal subsidy of meals provided them under the National School Lunch Program set up in the 1940s. The federal government pays 5 cents in cash and 7 or 8 cents in surplus commodities toward the cost of all school lunches.

For example, the total actual cost of a Montgomery County School lunch is 68 to 73 cents. The child pays 45 or 50 cents, the federal government 13 cents, and the rest is made up in state or local funds. This applies to rich and poor children.

But in the case of a poor child, the federal government now will pay 45 cents of the total cost.

Lyng said the federal government will pay $225 million in cash and $300 million in commodities toward the lunch costs of all children and an additional $500 million toward costs of free or reduced price meals for poor children.

The dispute in Congress involved the amount of the federal share of cost for free or reduced price meals. The administration had planned to cut the average federal contribution, but now will raise it slightly over last year.

School lunch officials throughout the country had protested to Congress that the reduced federal payment would cripple their lunch programs.

Lyng said about 8 million poor children this year will receive free or reduced-price lunches.

An additional 16 million non-poor children participate in the program and benefit from the smaller federal subsidy.

Another 30 million school children are not in the national lunch program, either because they don't choose to buy lunch at school or because their school is not in the program.

Sen. George McGovern (D-S.D.), chairman of the Senate Select Committee on Nutrition praised the administration for its decision to increase federal support of lunches for the poor, but said the change in eligibility requirements "robs a poor Peter to help a poor Paul."

The increased federal payments will cost an additional $135 million a year, but the government hopes to save about $47 million by its new restrictions on eligibility.

Sen. Herman Talmadge (D-Ga.) sponsor of the Senate resolution ordering the administration not to cut payments, said he was "gratified . . . that the Agriculture Department had now agreed to obey the law."

McGovern said the Agriculture Department was clearly violating the "letter and spirit" of the 1970 School Lunch Reform Act, which provided that states can set higher eligibility standards. He pointed to legislative history, in which members of Congress stressed that states could implement more lenient standards.

Lyng, however, said yesterday that USDA can limit eligibility because the law calls for giving priority to the neediest children. Lyng said many states and school districts lack "fiscal restraint." He said one school district provided lower-cost meals to children from families with less than $7,500 annual income.

Lyng said he opposes the concept of providing free school lunches to all children and that he believed many school districts were heading in that direction.

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[From the Washington Star, Oct. 8, 1971]

### REMEDY FOR HUNGER

It seems a shame that the nation's school lunch program should be subjected to a shoving match between the White House and Congress. But now that the match is on, it would be well if Congress stuck to its guns by insisting that no needy American child is denied a free, nourishing lunch when he goes to school.

Only last year President Nixon, in signing the School Lunch Reform Act, called for putting an end to hunger in the nation's schools. But two months ago, responding to orders from White House budget-makers, the Agriculture Department announced it was lowering from 42 to 35 cents the federal subsidy per lunch for every needy child. It was easy to predict the consequences: Lowered participation in the program, or lowered quality of the lunches, or both.

The Senate Agriculture Committee, traditionally conservative, traditionally attuned to getting along with the Department, last month fashioned a bold remedy. With its new chairman, Herman E. Talmadge, a Georgia Democrat, taking the lead, the committee approved a resolution not only setting a new subsidy level of 45 cents per lunch but directing the Secretary of Agriculture to spend whatever funds may be necessary from an import duty over which he has discretion.

With the full Senate having passed the resolution and the House due to act soon, the administration decided to shove back. Now it says it will pay the 45-cents-per-lunch subsidy. But it will tighten eligibility, limiting federal benefits to children from families with incomes no higher than $3,940 a year for four persons. Once again it should be clear what the consequences will be if the decision is allowed to stand. About a half million of the seven million needy children now in the program will be disqualified.

It should be remembered that the prevailing school-lunch law, while setting the $3,940 income figure as an eligibility floor, specifically permits states to raise that figure. Thirty-one states have done so, including, interestingly enough, Talmadge's state of Georgia. And so we have an administration, dedicated to law and order, now seeking to save money by circumventing the law.

Congress, in completing action on the joint resolution, should flatly prohibit the truncation of the school-lunch program. Feeding needy kids should have been an exception all along to the rule of hold-the-line fiscal discipline.

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[From the New York Times, Oct. 8, 1971]

### FUDGE FOR LUNCH

The Administration is demonstrating a remarkable capacity for missing the point of the school lunch program. Congress has repeatedly made clear that it wants the low-income children of the nation to have lunches available to them, but the Department of Agriculture, looking at budgets rather than children, keep resisting the intent of Congress. Last week the Senate voted to direct the Agriculture Department to reimburse the states more generously than the department's formula announced last summer would allow. Overruling its own Appropriations Committee—a rare gesture in itself—the Senate authorized the temporary use of other departmental funds to expand the lunch program.

Now the Agriculture Department has increased its spending for free and reduced-price lunches but at the same time set a new, low eligibility of $3,940 a year for a family of four. At least thirty states permit children to participate although their families have incomes slightly higher than this. In New York, for example, the eligibility level is set at $4,250.

The effect of the department's bureaucratic maneuver is to cut about one million needy children out of the lunch program. It is a direct blow at the nation's working poor, who have already suffered worst from the inflation of recent years. The Administration has shown how resourceful it is at fudging the hunger issue, but fudge does not make a satisfactory lunch.

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[From the Washington Post, Oct. 9, 1971]

### TAKING BACK THE LUNCH MONEY

As though involved in a complicated game of football—a long gain made on one play is wiped out by a fumble on the next—the Department of Agriculture increased federal payments to the free school lunch program by $135 million a year but then cut back $47 million by imposing new restrictions on eligibility. It is a positive move that the administration is raising its share in the cost of free or reduced-price lunches for poor children to about 45 cents, even though it was forced to this generosity by the Senate. Pushed away from the table, however, are an estimated one million children; they have the bad luck to be members of families where the income is above $3,940 a year for four persons.

This figure was set as a minimum eligibility requirement by the 1970 National School Lunch Reform Act. States were allowed to help children from families earning more than the minimum; officials realized that these families—earning, say, $4,300 or $5,500 a year—are very much in poverty also and can be hard-pressed for children's lunch money. But these children are now to be cut off; the free lunches will continue only if state and local governments come through, a questionable prospect. Sen. George McGovern, chairman of the Senate Select Committee on Nutrition, aptly said that the administration's shift "robs a poor Peter to help a poor Paul." Of course, this robbing is not the kind usually associated with that unsavory word—a gun stuck in the ribs, an order to fork over the cash. An assistant secretary of the Agriculture Department was quick to express his belief that the new restrictions on eligibility were within the law. Others, including Sen. McGovern, disagree.

While the legal argument goes on, at least 600,000 children, and perhaps double that, are expected to be told, "Sorry, no more food for you." (In the District of Columbia, an estimated 12,000 children might be dropped.) What is a child to think when told this—that the cutback makes sense because the government will save $47 million? Hardly. The children will feel cruelly rejected. The parents will be embittered once again, even more so if they happen to recall the ringing words of President Nixon: "The moment is at hand to put an end to hunger in America . . . for all time." That was said in May, 1969, more than two years ago; apparently, the moment to end hunger is no longer at hand.

A possibility exists that the administration's decision can be reversed or at least eased. The Department of Agriculture is meant only to carry out the law, not make it. Rep. Carl Perkins of the House Education and Labor Committee is hard at work to bring legislative pressure to prevent the elimination of these children from the program. He expects to bring proposals before the House shortly. One can only hope his efforts will succeed.

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[From the New York Times, Oct. 15, 1971]

### NIXON'S OWN EXPERT CRITICIZES CUTBACKS IN SCHOOL LUNCHES

WASHINGTON, Oct. 14.—The Nixon Administration was sharply rebuked today by a House committee and by its own leading authority on hunger for seeking to eliminate federally subsidized school lunches for possibly 1.5 million needy children.

These were among developments today that strengthened the likelihood that Congress would order the Administration to reverse itself next week.

By a vote of 31 to 0, the House Education and Labor Committee reported out a measure to require such a reversal. The size of the vote was regarded as a strong sign that the House would pass the measure easily when it comes up Monday.

#### ECONOMY REASONS CITED

And at a Senate hearing an hour earlier, Dr. Jean Mayer characterized the proposed cuts as "mean-spirited." Dr. Mayer is a Harvard nutritionist who has served as President Nixon's special consultant on hunger and as chairman of the White House's 1969 Conference on Nutrition and Hunger.

The cuts were called for, he said later in an interview, by the White House's Office of Management and Budget for economy reasons. "We ought to find better ways to save our money than to take it out of the mouths of hungry children," he said.

The budget office, he said, is pursuing "a narrow, legalistic approach at the meanest possible level."

In a further development, it was learned that at least 50 Senators, including leaders of both parties, had signed a letter protesting the cuts, to be sent to the President tomorrow.

Such breadth of sentiment is taken as a strong indication that the Senate will endorse a House-passed bill in conference, also likely next week.

The Senate has already passed an earlier, different Administration plan to restrict lunch subsidies for needy children.

This plan would have restricted the amount of Federal subsidy for each lunch but left unchanged the number of children served. After the Senate vote, this plan was changed. The per-meal subsidy was increased, but the number of children was reduced.

This prompted angry assertions that the Administration was giving with one hand and taking away with the other.

Such reactions were renewed today in the House committee session. Representative Roman C. Pucinski, Democrat of Illinois, said, "It is amazing the extent to which the

Administration rewrites the intent of Congress. When Congress passes legislation we mean that it should be enforced."

The measure reported out by the committee expressly barred the Administration from reducing the number of children served by the subsidized school lunch program.

According to estimates by the Department of Agriculture, about 600,000 children would be eliminated from the program by the new Federal policy. The Senate Nutrition Committee, however, estimates the total at 1.5 million. The latter figure is in accord with a survey last week by the House committee showing 1.2 million in 39 states.

Of these, an estimated total of 400,000 children would be cut in New York alone. That fact prompted 19 members of the state's House delegation to send a joint letter of protest today to Secretary of Agriculture Clifford M. Hardin.

The House committee also endorsed an amendment, offered by Representative James H. Scheuer, Democrat of the Bronx, requiring reversal of recent restrictions in the school breakfast program. This is a much smaller but rapidly growing program designed for needy children.

Dr. Mayer testified at a hearing of the Senate Nutrition Committee on the desirability of free school lunches for all children. This has been proposed by Senator Hubert H. Humphrey, Democrat of Minnesota.

Dr. Mayer said he thought such a program would cost as much as $7-billion.

"I would hope," he said, "that we are smart enough not to have spent $7-billion to buy lunch for all children in order to reach all needy children.

"But if the [office of management and budget] pressures continue to exercise themselves on the school lunch program with as much mean spirit as they recently have been exercised, they will leave us no recourse but to fight for a universal school lunch program."

The present Federal policy would permit subsidies only to children of families below the federally defined poverty level, now $3,940 for an urban family of four.

"But no one who has followed the issue would have expected the Administration to interpret 'needy' to exclude people who are poor but not quite that destitute," Dr. Mayer said later.

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[From the New York Times, Oct. 17, 1971]

## SCHOOL LUNCHES: THE SCRIPT CALLED FOR SOME EMPTY TRAYS

WASHINGTON.—National School Lunch Week was marked here last week, and the formalities were scrupulously observed. The President issued the usual proclamation. An elaborate display of child nutrition photographs went up in the Agriculture Department lobby.

But in the eyes of many, these honorifics had ironic overtones. For while the bureaucracy was performing the mindless rituals; the Administration was trying to eliminate as many as 1.5-million needy children—perhaps 400,000 in New York alone—from the most critical part of the school lunch program.

This is the "free and reduced price" component, which now provides Federal funds for subsidized lunches for 7.3-million children, many of whom otherwise would not eat lunch at all.

Thus there was widespread outrage when the Administration pressed a sustained effort to restrict the program. Dr. Jean Mayer, who has served as President Nixon's chief adviser on hunger, said the Administration was pursuing "a narrow legalistic approach at the meanest possible level". An aroused Congress started to weigh in even more sternly.

By a 31-to-0 vote, a House committee last week cleared a bill forbidding the Administration to cut either the number of dollars, or children in the program. A protest letter to the President quickly attracted the signatures of 59 Senators, including the Republican leaders. And there was general expectation that by the end of next week, Congress as a whole will bluntly order the Administration to reverse itself.

The Administration's conduct provoked almost as much astonishment as outrage. For the Administration had pledged to provide subsidized lunches to every needy child—and it has, with Congressional prodding, come close to that goal, doubling the number of children served since it took office in January, 1969. Just last March, the Department of Agriculture greatly liberalized Federal spending for the program.

Then, on Aug. 13, the department announced sudden new cutbacks in its financial support of the program. Since the department had already approved state feeding plans on the liberalized basis, and since schools were just days away from opening, there was turmoil.

Once back from vacation, an aroused Senate quickly ordered the Administration once again to increase spending. And five days later, the Administration announced an ostensible surrender on the financial side. But there was a catch.

Having failed to cut the Federal subsidy per child, the Administration took a new tack. Now it would cut the number of children requiring subsidies, forbidding states to use Federal funds for children of the near poor (which it largely left to the states to define), only permitting their use for the poor (families of less than $3,940 income).

The official rationale was that some states had abused the program, subsidizing children who were not truly needy.

Even critics concede there is a valid question about how far up the income scale the Federal subsidy should reach. But few believe the rationale; making $3,940 the cut-off point for assistance was judged to be an obvious attempt at budget-cutting.

According to one insider's account, the August effort to restrict Federal subsidies came only after White House budget officials refused an Agriculture Department plea for more money.

And the case for cynicism about the second effort at cutting the program is plain junk from the arithmetic, says John R. Kramer, a leading figure in the antihunger lobby. The cost of the August proposal was more children but less money per child—would total $432-million. "Isn't it odd," he asks, "that the second approach—more money but fewer children—also totals out to $432-million?"

Even with legislative relief now imminent, some Congressmen are so angered by the Administration's conduct that they want to deprive it of any discretion and give free lunches to all schoolchildren to insure that all needy children are covered.

Dr. Mayer, among others, opposes this, arguing it could cost $7-billion, only a fraction of which would reach the needy. But, he said last week, if the Administration's budget pressures continue with as mean a spirit, "that will leave us with no recourse but to fight for a universal school lunch program"—even one that costs $7-billion.

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[From the Evening Star, Oct. 18, 1971]

## PENNY-PINCHING ON HUNGRY KIDS

(By Milton Viorst)

One of the few programs identified with the Nixon administration which can genuinely be called humanitarian is the one promising a nutritional lunch at school each day to every needy child in the country.

President Nixon pledged to meet the aims of this program after the White House Conference on Hunger in 1969. He said feeding the hungry involved "the honor of American democracy." Eliminating hunger was to be in his administration's answer to the Johnson administration's war on poverty.

But while the President has been busily giving away billions to business in questionable subsidies to stimulate the economy, he has been nibbling away at the funds to feed hungry kids.

The tragedy was eloquently summed up the other day by Dr. Jean Mayer, who served as the President's own consultant on hunger at the 1969 conference. He called the administration's penny pinching on school lunches "mean-spirited."

"We ought to find better ways to save our money," Mayer said, "than to take it out of the mouths of hungry children."

Indeed, of an estimated 14 million children of families at or below the poverty line, the administration proposes to feed barely half next year. The question at this point is how tough Congress will get to push the figure up.

Both the Senate and the House have, in fact, shown themselves uncharacteristically generous in the school lunch program. It's not a controversial experiment striking at the roots of political power, as the war on poverty started out to be. Congress has seen in school lunches a chance to help the poor without stirring up the vested interests at home.

The way the program works is that the Department of Agriculture reimburses a school district at a certain rate for every lunch it dispenses to a poor child.

The arrangement means that if a district chooses not to run a lunch program, for whatever reason, the administration does nothing about feeding the kids in that district.

It's an arrangement which gloriously preserves the integrity of the federal system, but it's knocked out about 4 million hungry kids—almost a third of the total—without a crust of bread. It's not surprising, I suppose, that most of the excluded children are black.

The law does provide the administration with incentives to offer to school districts to establish lunch programs, but these have scarcely been used. The Agriculture Department has had enough trouble reducing existing programs. It's not going out looking for more.

This year, on orders of the White House budget-cutters, the Agriculture Department notified the school districts that it would reduce its reimbursement maximum for each lunch from 60 cents to 35 cents.

Nationally, the average cost of a lunch is about 50 cents. States like New York and California, where wage costs are high, exceed this figure considerably. At 35 cents, it's likely that many districts would drop out of the school lunch program entirely.

That's when the Senate stepped in and, despite some hard lobbying by the administration, voted by an astonishing margin of 75 to 5 to increase the rate to 46 cents. The Agriculture Department agreed to the raise, but then announced smugly that at the higher rate it would have to reduce the program to feed only 8 million children.

The House Committee on Education last week went the Senate several steps better—by a vote of 31 to 0. It ordered the department to restore the 60-cent maximum and the previous standards of eligibility, to include all 9 million (Agriculture Department figure) or 10 million (Senate Hunger Committee figure) needy children in the program.

The committee also instructed the department to take the funds out of import duties—and said that Congress would make reimbursement later. The committee margin indicated that the full House was likely to go along.

There may still be a fight to resolve the House and Senate bills—but, whatever the outcome, the administration will have to run a bigger school lunch program than it planned.

The President, of course, will find that regrettable. He thinks the money can be better used by Lockheed, Penn Central and the other big businesses that need welfare subsidies.

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[From the Washington Post, Oct. 18, 1971]

### NIXON ORDERS CLARIFYING OF SCHOOL LUNCH RULES

Responding to an appeal from 59 senators, the White House announced yesterday that President Nixon has ordered the Agriculture Department to "clarify" a controversial set of school-lunch regulations imposed earlier this fall.

"The President has long been committed to the achievement of a program which provides a school lunch to every needy child," Presidential Assistant William E. Timmons said in a letter to the senators. The letter, dated Saturday, was made public yesterday.

The senators asked Mr. Nixon Friday to stop the Agriculture Department from setting "unlawful" guidelines they estimated would cut more than one million children from the federal school-lunch program.

Timmons said Mr. Nixon "has been aware of questions raised concerning the Department of Agriculture's implementation of his policy and has directed the department to immediately clarify its regulations."

The controversy over school lunches began in mid-August when, just three weeks before many schools were scheduled to open, the department set new limits on how much federal help states would receive for their lunch programs.

Last year the federal government paid on a sliding scale that ranged as high as 60 cents for each lunch served for or at a reduced price to needy children.

The new guidelines guarantee 35 cents for such lunches.

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[From the New York Times, Oct. 19, 1971]

### HOUSE ORDERS NIXON AIDES NOT TO CUT PUPIL LUNCHES—IT PASSES BILL, 353 TO 0, ONLY HOURS AFTER ADMINISTRATION ABANDONS PLAN—MEASURE IS SENT TO SENATE

(By Jack Rosenthal)

WASHINGTON, October 18.—The House, by a 353-to-0 vote, passed legislation today ordering the Administration to abandon its plan to eliminate Federal school lunch subsidies for as many as 1.5 million needy children.

The action came only hours after the Administration, anticipating the sentiment for the House, had announced abandonment of the plan. But its new plan remains somewhat cheaper than that called for by the House.

The bill now goes to the Senate, which has already decisively voted a similar, though narrower, measure. The principal question is whether the Senate will be satisfied with the Administration's new position or order it to accept all provisions of the bill.

Today's revised Administration position came after President Nixon ordered the Department of Agriculture to clarify its subsidized lunch regulations immediately.

This order was disclosed yesterday in a White House letter to 59 Senators who had written to Mr. Nixon Friday to protest the Administration's proposed cuts.

"The President has long been committed to the achievement of a program which provides a school lunch to every needy child," the response said.

Action by the House came only 12 days after the Administration announced its second effort to restrict Federal lunch subsidies, despite their wide popularity in Congress.

The "free and reduced price" program, a component of the national school lunch program, is designed to provide at least one decent meal daily to needy children. Some 7.3 million are now served.

On Oct 6, the Department of Agriculture announced a new, stricter definition of "needy." Congressional studies showed that this could mean the elimination of 1.5 million children, 400,000 in New York alone.

The House bill forbids the Administration to cut the number of children. It also requires sharp increases in the amount of Federal subsidy for each child.

The prior subsidy level was an average of 35 cents a meal. The bill raises the amount to 46 cents and also directs that this be the minimum subsidy, not the average.

This is one of three principal differences between the bill and the Administration's new position, expressed in revised regulations of the Department of Agriculture. The regulations adopt the 46-cent level, but as an average, not a minimum.

Congressional observers said today that use of an average would be cheaper. Agriculture officials said that use of a minimum would be a departure and extremely difficult to administer.

Even a 46-cent average, however, would mean a jump in Federal spending for the program, from about $390-million to $525-million. The latter figure is "more than 100 times—$4.8 million that was available" three years ago, according to the White House.

A second possible difference is whether the Agriculture Department will go along with states that allow cities to define "needy" children at a higher income figure than the statewide figure.

The question affects 100,000 children in Philadelphia, Newark, Portland, Oreg., and 20 other cities.

Conflicting interpretations of the House bill on this point were expressed on Capitol Hill today. Also, the new regulations are unclear on the issue, Richard E. Lyng, Assistant Secretary of Agriculture, acknowledged. "They will be clarified soon," he said.

A third difference is that the regulations say nothing about the school breakfast program, while the bill undo recent agriculture restrictions. This program now serves about a million children. Mr. Lyng said that breakfast program regulations would be issued separately.

These various issues could be resolved by Congress if the new bill is now sent to a House-Senate conference. But it is possible, Senate informants said, that the House bill may be taken directly to the Senate floor, limiting the possibility for clarifications.

The Senate bill which passed 75 to 5 on Oct. 1, directed the Administration to abandon its earlier plan to restrict the subsidized lunch program. That plan, announced Aug. 13, would have limited the amount of subsidy for each child.

The Senate bill did not refer to restrictions on the number of children covered. The Administration first proposed that plan five days after the Senate vote.

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[From the Evening Star, Oct. 19, 1971]

### AGRICULTURE BOWS TO CRITICS, ENDS SCHOOL LUNCH CUTBACK

The Agriculture Department's effort to cut costs in the nation's school lunch program for the needy has ended before it began.

Buckling under heavy congressional opposition, a Department spokesman announced yesterday that the new regulations, issued Oct. 6 to take effect yesterday, would be rescinded.

At almost the same time, the House took the first step toward canceling the proposed regulations with a new law. The vote was 354–0 on a bill to set the program back on its previous footing.

The dispute began Aug. 13, when the federal agency published proposed new regulations for reimbursing states participating in thes school lunch program.

#### TWO ACTIONS INVOLVED

Two actions were involved. First, Agriculture set a poverty-level guide at $3,940 for a family of four, raising it from $3,720 and calling it a ceiling rather than a floor. Thus, states that defined poverty at a higher income level, bringing children into the food program, would be held back.

Second, the department decided that cash assistance to states would be based on a total of 35 cents for each free or reduced-price lunch, instead of 42 cents.

Critics of the department's plan argued that it would deny 1.3 million children free or reduced-cost breakfasts and lunches.

In a state-by-state survey, the House Education and Labor Committee determined that more, not less, federal help is needed. Some 8.6 million children are covered by the program this year, the committee said, an increase of a million over last spring.

#### ABOUT $511 MILLION NEEDED

In dollars, the need added up to $511 million, the House panel reported. Agriculture had proposed to make $390.1 million available.

The House bill that passed yesterday would bar the federal agency from cutting back and directs that all needy children shall be fed. The minimum rate of reimbursement would be raised to a total of 46 cents per meal. The estimated cost for this year is $615.2 million.

Rep. Roman C. Pucinski, D-Ill., pressed for passage of the bill yesterday despite the change of mind at Agriculture, to assure that there would be no rollback in the future.

The Agriculture Department also got a push from the White House, which had been denounced by Democrats as an enemy of needy children. President Nixon ordered the agency to "clarify" its position. Within 24 hours, the proposed regulations were abandoned.

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[From the Washington Post, Oct. 19, 1971]

### UNITED STATES DROPS CUT IN SCHOOL LUNCH PLAN

The Nixon Administration, bowing to Congressional pressure, yesterday dropped a regulation that would have eliminated more than one million children from the free school lunch program.

The action came after 59 senators had protested to President Nixon against the cutback and just before the House, by a 353-to-0 vote, ordered that the children not be dropped.

The Agriculture Department announced that it would continue providing federal aid for children declared eligible by the states for free or reduced-priced lunches.

Earlier, in a cost-saving effort, USDA said eligibility would be limited to children from families of four with $3,940 or less income. The estimated saving was $47 million. Members of Congress protested that the 1970 School Lunch Reform Act permitted states to have more generous eligibility requirements.

More than 40 states would have been forced to cut back on the number of poor children eligible.

Officials of the Children's Foundation warned yesterday that the Agriculture Department still might reduce the number of eligible children in about 30 major urban school systems. These are city schools which were permitted by states to have more generous eligibility than state standards. Virginia, for example, has permitted Arlington, Fairfax, and Falls Church schools to have more generous eligibility requirements.

Richard Lyng, assistant secretary of Agriculture, said children will not be dropped if states authorize local school districts to use easier standards.

The House-passed bill, ordering the Department not to cut children from the program, now goes to conference with a similar Senate bill. Both the Senate and House reacted against various proposed changes which would have reduced federal support of the school lunch program. But the administration apparently now has complied with the congressional orders.

[From the Wall Street Journal, Oct. 19, 1971]

### Administration Cancels Attempts To Pare School Lunch System by Curbing Eligibility

Washington.—The Nixon administration, in the last of several somewhat bewildering maneuvers on school lunch funding, agreed to provide free and reduced-price meals for all children qualified by state programs.

The latest announcement, made through Richard Lyng, Assistant Agriculture Secretary, puts the administration's school lunch plans where critics said they should have been all along. It also leaves uncertain the fate of somewhat different school lunch bills passed overwhelmingly by the House and Senate to force the administration's hand.

Mr. Lyng's major concession was to offer federal support for free and reduced-price lunches eaten by youngsters from low-income families qualified under state eligibility standards but whose incomes exceeded federal poverty guideline figures.

Earlier this month, the department had said it wouldn't accept the state figures for eligibility—a move some estimated would prevent more than one million youngsters, many of them from welfare families, from participating in the program.

The previous announcement was coupled with a retreat from a still-earlier department decision to hold school lunch spending to a figure lower than state and local school administrators had anticipated. In backing off from that position, the administration agreed to boost its outlays in the current year by $135 million above the sum requested in the budget for the fiscal year that began July 1.

The latest concession also promised a guaranteed federal contribution of six cents each to the cost of all school lunches. Previously, the guaranteed figure had been set at five cents. As announced earlier, the government's share of free and reduced-price lunches will be a minimum 40 cents, or 10 cents higher than the Agriculture Department originally proposed. The government estimates the cost of the typical school meal at about 60 cents. Payments by states, localities and school children cover the remainder of the cost.

The final retreat apparently was intended to get the administration out of increasingly hot water with Congress. The latest sign of this displeasure was the 353–0 House vote, taken after Mr. Lyng's announcement, in favor of a bill that would require full funding for the program and support of state-eligible youngsters.

A Senate bill failed to address the state eligibility question, and the difference would have to be reconciled in a House-Senate conference committee. But it isn't certain if school lunch backers in Congress will choose to carry the legislation any further.

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[From New York Times, Oct. 21, 1971]

### Food, Not Promises

The White House statement that "the President has long been committed to the achievement of a program which provides a school lunch to every needy child" would be more persuasive had the Department of Agriculture not persisted in stratagems to bar needy children from the program.

A unanimous House action, joined yesterday in a voice vote by the Senate, has ordered the Administration to abandon plans to tighten school-lunch eligibility requirements. This clearly indicates that Congress has lost faith in White House pledges as long as bureaucratic manipulations continue to undercut them. The extent of the crisis of confidence was underscored when Dr. Jean Mayer, Mr. Nixon's chief adviser on hunger, recently denounced the Administration's action as "a narrow legalistic approach at the meanest possible level."

Apparently, the accountants have been allowed to deal with what is a humanitarian problem. The cost-cutting device is the establishment of a rigid national definition of poverty. Yet, Federal cost-of-living statistics are readily available to show how fallacious such a yardstick inevitably is in practice. It would, for example, cut off about 400,000 children from free lunches in New York because the definition of a poverty-level annual family income here is $290 above the proposed national standard. Agriculture Department staff members evidently have done little comparison food shopping.

Until there is convincing evidence that what the White House claims it is anxious to provide will not be taken away by the Agriculture Department, Congress is justified in its extraordinary action of prohibiting Administration cutbacks. Hungry children cannot eat promises.

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[From New York Times, Oct. 21, 1971]

### Pupil Lunch Bill Is Sent to Nixon—Senate, Like House, Passes Measure Unanimously

(By Jack Rosenthal)

Washington.—The Senate passed today by unanimous voice vote legislation forbidding any cuts in federally subsidized school lunches for needy children. The measure, approved Monday by the House, 353 to 0, now goes to the President.

Particularly in view of Congressional unanimity, the President is thought sure to sign the legislation. New Department of Agriculture regulations, reflecting the Congressional mandate, would follow within a matter of days, officials said.

These would end a heated controversy that began Aug. 13 when the Agriculture Department issued regulations to limit the amount of Federal subsidy for each needy child. When that step was challenged by Congress, the department announced, on Oct. 6, a plan to limit, instead, the number of children eligible to receive subsidies.

On Monday, hours before the House vote, the Agriculture Department announced a substantial reversal. It said that it would no longer seek to limit the number of children and would increase, to 46 cents, the average subsidy for each meal.

But the measure now enacted by both houses requires that the 46-cent subsidy be a minimum, not an average. This will cost at least somewhat more. How much more, officials could not estimate today.

#### AIDED 7.3 MILLION PUPILS

The present program of free and reduced-price lunches serves 7.3 million children. The current budget is $390-million. The Administration has estimated that it will cost $525-million, assuming a 46-cent average.

On the issue of eligibility, the new legislation forbids the Administration to change present standards during the current fiscal year. This means that children who are near-poor, as well as those whose families' income is less than the official poverty level, will continue to be served.

These near-poor children would have been eliminated by the earlier Administration plan. Congressional estimates put the number in jeopardy at 1.5-million, 400,000 in New York alone.

Before the Senate vote, Senator Herman E. Talmadge, Democrat of Georgia, sought to clarify an eligibility question left ambiguous in the House.

Some states permit individual cities to define needy children at a higher income figure than the statewide average. If this was eliminated, 10,000 children would be affected.

But it is his understanding, Senator Talmadge said in response to questions on the floor, that the legislation prohibits elimination of this procedure during the current fiscal year.

#### SEPARATE GUIDELINES

The new measure also calls for the Administration to lift recently proposed restrictions on subsidies for school breakfasts, a smaller but growing program. The Agriculture Department, in its reversal statement Monday, did not refer to this program. Officials say that separate guidelines are expected.

The new agriculture position came after President Nixon, responding to a letter of protest from 59 Senators, ordered the department to "clarify" its position.

In a statement on the floor today, Senator Talmadge took note of the change, saying that he was "pleased that the Department of Agriculture finally yielded on most issues."

"However," he continued, "the schoolchildren of the country deserve a final answer. They deserve to know whether they are going to receive free lunches during this school year."

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[From the Washington Post, Oct. 22, 1971]

### The Free Lunch Reversal

In a burst of candor, a Department of Agriculture officials concerned with food and nutrition testified recently in Senate hearings that one way to move his agency is by Richard Lyng, an assistant secretary, "would perhaps force our hand, force us to move more quickly than we might otherwise do." This appears to be exactly what happened this week concerning the free school lunch program. Two weeks ago, the Department of Agriculture issued a regulation that would have prevented more than one million children from continuing to receive free school lunches. More than 40 states would have been forced to cut back the number of poor children eligible; the department would have saved $47 million. Quickly, the Senate and House acted. Fifty-nine senators protested directly to the President; the House, by a 353–0 vote, ordered that the children not be dropped.

This is hardly the ideal way to run a department, much less a food program—force us and we'll do it. Nor does it suggest that the administration's concern for poor children is especially high. But after the politics of it all is put aside, at least now the children will be fed. From their viewpoint—to look at it that way, for once—it matters little who came to their rescue, but only that someone in Washington did. Both Congress and the Department of Agriculture can take praise for the new policy.

It remains unclear at this moment whether the department will permit states to authorize their local subdivisions to have more generous eligibility guidelines. In Virginia, for example, the state uses the $3,940 guideline but has allowed Arlington, Fairfax and Falls Church to provide free lunches to children in families of four with less than $4,940 income and reduced-price lunches to families of four with less than $5,350 income. Now that the broad stroke of reform has been made, it is hoped these smaller—but no less crucial—concerns will be attended to by Agriculture officials.

Considering the knot in which the food lunch program is tied—Congress pulls this way and Agriculture the other, with the helpless children caught between—the time is right to begin thinking about a universal free school lunch program for all American children. Senator Humphrey and Representative Perkins have introduced legislation. The idea has merit for several reasons: first adequate nutrition is as much a part of education as adequate books and, second, if all children were to receive free lunches, the Agriculture Department would not have to solicit pressure upon itself before it can swing into action. That in itself would be a considerable gain.

[From the Washington Star, Oct. 22, 1971]

### OUR CHILDREN AND THE ADMINISTRATION'S SCROOGES

(By Carl T. Rowan)

We go on placing our faith in F14 fighters, B70 bombers and new generations of missiles, but it must be obvious to most Americans that this country cannot be any stronger in the year 2000 than the Americans who are today's children.

It is appalling and inexplicable, then, that a government that talks so much about "national security" should foster so many rules and regulations that cheat and stunt the development of this generation of children.

Whether it is adequate medical care, lunches for the needy or the general welfare of millions of dependent children, the bureaucracy keeps coming up with penny-pinching measures designed to make children suffer even while adult fatcats go on enjoying governmental largesse.

It now looks as though millions of needy schoolchildren will get hot lunches this year, but no thanks to the scrooges in the Nixon administration.

For weeks someone in the Department of Agriculture, the Office of Agriculture, the Office of Management and Budget or the White House had been playing a game of now-you-see-your-lunch, now-you-don't. In August, Agriculture came up with new rules which reduced federal subsidies for each lunch served. This provoked a storm of protests from educators who said 1.9 million needy children would be excluded from the program.

There was a lot of hemming, hawing, excuse-making, and finally a Senate hearing. Agriculture officials claimed they were doing the best they could with the money they had. But angry senators pointed out that the department had gotten every cent it requested—and then some. They made clear that if there was a lack of money, it was because the administration had not wanted to spend enough.

The Senate was so upset that it bypassed its Appropriations Committee and quickly voted, 75 to 5, to authorize the administration to borrow enough money from another source to raise federal assistance by 11 cents per lunch.

Did Agriculture say, "Thanks, we're glad to have this extra help, and we'll use it to feed more children"? No, sir. They promptly changed the rules again. They increased federal support payments from 35 to 45 cents, but then turned around and lowered the eligibility ceiling for free lunches to $3,940 annual income for a family of four. Some 40 states had been using higher levels, so the result of this action was that an estimated 1.5 million of the near-poor stood to lose their free lunches.

Again, Congress came to the rescue. Fifty-nine senators shot off a letter of protest to President Nixon, and the House of Representatives voted, 353 to 0, to order the administration to abandon its latest restrictions. Faced with that kind of opposition, the Department of Agriculture backed down.

The disturbing thing is that Agriculture should try to "save money" by taking food out of the mouths of hungry children—and just two years after the celebrated White House Conference on Hunger and Nutrition which brought forth a pledge by President Nixon to wipe out hunger in America.

The dismaying thing is that anyone deemed worthy of public trust would try to take lunch away from needy pupils in a country that just shelled out $3.7 billion in farm subsidies, including millions paid for not growing food.

In 1970 the Sunflower County, Mississippi, plantation of Sen. James O. Eastland got $164,048 in subsidies from that same Agriculture Department that wanted to take bread out of the mouths of babes (a department that Eastland oversees, by the way, as a senior member of the Agriculture and Forestry Committee).

What kind of country is it that will pay $500,000 or more in subsidies to each of 23 farmers but can't find milk, meat and bread for hungry children who are in no way responsible for their plight?

Let the record show that our country has made progress in the four years since a Senate committee turned a grisly spotlight on the sick and hungry in urban ghettos and pockets of rural poverty like Appalachia.

Food stamps and surplus commodities are helping to feed twice as many people as at the time of that White House conference. The school lunch program provides free or reduced-price lunches for more than 7 million youngsters now, compared with 3 million 2 years ago.

But there are still millions of American adults who are ill-fed and ill-nourished. Millions of children still cannot learn because they go to school hungry and return home hungry. Recent Senate testimony illustrated that malnutrition is still so serious among migrant workers that some of their children suffer from marasmus, scurvy and rickets.

So this clearly is no time to rest on the laurels of what progress has been made—and surely no time for Agriculture to throw a million or more children back into the jaws of hunger.

A recent Senate witness warned that "hunger hasn't gone away; only the issue of hunger has."

The nation's needy children can be grateful to Congress for illustrating forcefully that the issue is not as dead as someone in the Agriculture Department thought.

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[From the Washington Post, Nov. 14, 1971]

### LUNCH FUND TO CONTINUE AT 1970 LEVEL

The Agriculture Department has announced new spending regulations for the school lunch program similar to last year's level—three weeks after Congress ordered it to stop trying to cut back the program.

The department says the new rules won't go into effect until they are officially published next Wednesday.

Sources involved in the three-month battle over school lunch funding said the regulations seem to conform to the instructions passed unanimously by both houses of Congress in mid-October.

In a news release, the department said the new rules provide federal payments averaging six cents in every state for each school lunch served under the program.

Also, the department will pay a minimum of 40 cents for reduced-price lunches served to needy children, and a 60-cent minimum for free or reduced-price lunches served to the "especially needy."

In no case, the department said, will the federal payment be more than 60 cents, or more than the cost of the lunch.

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[From the Washington Post, Nov. 21, 1971]

### F.Y.I.

"I believe that what I have had to say will stand the scrutiny of rational examination, whether or not one agrees with the point of view presented."—Vice President Spiro T. Agnew, in a speech at Miami Beach, Nov. 3, 1971.

Not being among those who regularly agree with the point of view of the Vice President, we probably subject what he has to say with more scrutiny than most people, especially when he is talking about us. You could call it masochism, but it has its rewards—when you discover the level of accuracy and the degree of integrity which Mr. Agnew brings to his self-appointed role as Inspector General of the media you can't help feeling just a little bit better about your own work. For example, there is the Vice President's recent tantrum about two quotations—one from a book review in this newspaper and one from a review of the same book ("Our Gang," by Philip Roth)—in Newsweek—both of which alleged that the Nixon administration had planned to eliminate free lunches for 1.5 million poor children. Mr. Agnew called this a "distortion" and a "misrepresentation" and a "propaganda *canard*" (which is an elitist way of calling something a lie) and by way of trying to prove his point he went on to assert "the facts of the case"—that the number of needy children receiving free lunch under federal programs will have increased from 2.8 million, when Mr. Nixon took office, to 8 million by the end of the current fiscal year. Now, this is fair enough and may even turn out to be accurate. But it also has absolutely nothing to do with the two quotes from The Washington Post and Newsweek which Mr. Agnew took exception to, and strictly For Your Information we would like to set the record straight.

What the Post book review said was that Mr. Nixon had "wanted to eliminate lunches for 1.5 million presumably needful schoolchildren, a proposal his own nutrition expert called 'mean-spirited' ". (Understandably, Agnew severed that last part of the sentence, for it is a fact that Mr. Jean Mayer, the former White House consultant on nutrition who was appointed by Mr. Nixon to run the 1969 White House Conference on Hunger, did characterize the Nixon administration's approach to the school lunch program in just those words.) For his part, Newsweek's book reviewer made a glancing reference to "the administration's plans to deprive a million and a half children of meals in school." Now the truth of the matter is that both of these allegations are beyond dispute; one might quibble over the precise number of children involved, but it is a fact that last month the Agriculture Department issued new regulations lowering the annual family income figure which defines "poverty" for the purpose of qualifying for free school lunches, and nobody questions that as many as 1.5 million children would have been lopped off the rolls under the new guidelines. This was not an idea under consideration, mind you; it was actually decided and publicly announced. And it was only *undone* after a howl of outraged protest from Congress, including a letter to the White House from 59 senators, Republicans as well as Democrats, who urged the President to "intervene in this situation immediately and to prevent what we must consider an unlawful interpretation (of the law) which was passed by the Congress and signed by you as a fulfillment of our pledges to put an end to hunger in America's schoolrooms." Bowing to this pressure, the Agriculture Department reversed itself. That in brief, is what we would consider to be a "rational examination" of the facts of this case and you may judge for yourself who was engaging in propaganda and dealing in "canards."

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## EXTENSION OF NUTRITION COMMITTEE

Mr. PERCY. Mr. President, the Senate Select Committee on Nutrition and Human Needs has decided unanimously today in its executive session to extend its life for another year.

The decision of the committee was made in light of its accomplishments during the past legislative year. The committee has performed, in my estimation, invaluable work in the area of bringing adequate nutrition to all Americans. Furthermore the committee played a key role through its oversight function by being the focal point for initiatives of administrative action in the food stamp and school lunch areas.

The achievements of the committee are manifold; but, more important, much work remains to be done in the field of nutrition education, in revising our national approach to child feeding, in developing new ideas for institutional feeding, and in insuring that all the feeding programs are carried out adequately. I hope that Senators will see fit to renew the important work of this committee for another year.

Mr. President, I ask unanimous consent to have printed in the Record a letter from the immediate past chairman of the White House Conference on Nutrition, Health, and Food.

There being no objection, the letter was ordered to be printed in the Record, as follows:

January 26, 1972.

Hon. Charles H. Percy:
*Ranking Minority Member, Senate Select Committee on Nutrition and Human Needs, U.S. Senate, Washington, D.C.*

Dear Senator Percy: I wanted to take this opportunity to again commend you for the fine work of the Select Committee in the past year, and to urge that the Committee be continued in able to fulfill the objective of eliminating hunger and malnutrition from the nation.

Clearly, the Select Committee has important work still to do. In the area of malnutrition and poverty alone, we have not yet achieved the nation's stated commitment to ensure every poor family an adequate diet. Despite the expansion of the food stamp program, there are still millions of poor families not receiving badly needed food benefits. Although the national school lunch program now reaches over seven million poor children, there are still at least three million children being left out.

These are only the most important highlights of the Committee's remaining responsibilities. There is still the relationship of the family food programs to welfare reform to be resolved. We must be sure that whatever welfare reform program is finally enacted, that sufficient income or other means is provided for adequate nutrition. Another important area for consideration is the consumer nutrition issues which affect all American families but especially affect the ability of low-income families to purchase adequate diets. These issues include nutrition and ingredient labeling, unit pricing and open dating of food stuffs. An additional area of concern, not previously addressed by the Committee, might also be seriously considered. That is the area of institutional feeding, especially in homes for the elderly and the retarded.

In short, I applaud the past contribution of the Select Committee toward the health and well-being of all our people, and urge that contribution be continued.

Sincerely,

Jean Mayer.

## SENATE RESOLUTION 242—SUBMISSION OF A RESOLUTION RELATING TO THE RECOGNITION BY THE UNITED STATES OF BANGLADESH

(Referred to the Committee on Foreign Relations.)

Mr. McGOVERN submitted the following resolution:

S. Res. 242

Whereas the people of East Bengal have clearly indicated a firm decision, following a tragic and costly civil war, to become an independent nation called Bangladesh;

Whereas the citizens of that newly formed nation have confirmed Shiekh Mujibur Rahaman as their Prime Minister;

Whereas the government of Bangladesh is an effective government in its own country and in a position to meet all of its responsibilities and obligations: Now, therefore be it

*Resolved*, That it is the sense of the Senate that the President should recognize Bangladesh as an independent country, should recognize the government of Bangladesh, and should commence negotiations leading to the establishment of diplomatic relations between the United States and Bangladesh, and that the President take appropriate steps toward securing funds to be channeled through multi-lateral agencies for the resettlement of the refugees and the rehabilitation of the country.

## SENATE RESOLUTION 243—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF THE REPORT ENTITLED "REPORT TO THE PRESIDENT AND CONGRESS ON NOISE" AS A SENATE DOCUMENT

(Referred to the Committee on Rules and Administration.)

Mr. RANDOLPH submitted the following resolution:

S. Res. 243

*Resolved*, That the report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with Sec. 402 (b) of Title IV, PL 91-604), entitled "Report to the President and the Congress on Noise" be printed with illustrations as a Senate document.

Sec. 2. There shall be printed two thousand five hundred (2,500) additional copies of such document for the use of the Committee on Public Works.

## SENATE RESOLUTION 244—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

(Referred to the Committee on Rules and Administration.)

Mr. SPARKMAN, from the Committee on Banking, Housing, and Urban Affairs, reported the following resolution:

S. Res. 244

*Resolved*, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $577,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries in accordance with such succeeding sections of this resolution.

Sec. 3. Not to exceed $172,000 shall be available for a study or investigation of—

(1) banking and currency generally;

(2) financial aid to commerce and industry;

(3) deposit insurance;

(4) the Federal Reserve System, including monetary and credit policies;

(5) economic stabilization, production and mobilization;

(6) valuation and revaluation of the dollar;

(7) prices of commodities, rents, and services;

(8) securities and exchange regulations;

(9) credit problems of small business; and

(10) international finance through agencies within legislative jurisdiction of the committee.

Sec. 4. Not to exceed $175,000 shall be available for a study or investigation of public and private housing and urban affairs generally.

Sec. 5. Not to exceed $230,000 shall be available for an inquiry and investigation pertaining to the securities industry.

Sec. 6. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1973.

Sec. 7. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

## ADDITIONAL COSPONSORS OF RESOLUTIONS

### SENATE RESOLUTION 203

At the request of Mr. Hatfield, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of Senate Resolution 203, to establish American fishing industry representation at the 1973 United Nations Law of the Sea Conference.

### SENATE RESOLUTION 232

At the request of Mr. Chiles, the Senator from South Dakota (Mr. McGovern), the Senator from Missouri (Mr. Eagleton), the Senator from Vermont (Mr. Stafford), the Senator from North Dakota (Mr. Burdick), the Senator from Oklahoma (Mr. Harris), the Senator from Arkansas (Mr. McClellan), the Senator from Alabama (Mr. Allen) and the Senator from Georgia (Mr. Gambrell) were added as cosponsors of Senate Resolution 232, expressing the sense of the Senate that the remainder of the amount appropriated for the rural electrification program for fiscal 1972 be immediately released by the Office of Management and Budget.

## ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

### SENATE CONCURRENT RESOLUTION 33

At the request of Mr. Brock, the Senator from North Dakota (Mr. Burdick), the Senator from Delaware (Mr. Roth), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of Senate Concurrent Resolution 33 regarding the persecution of Jews and other minorities in Russia.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENTS

### AMENDMENT NO. 829

(Ordered to be printed and to lie on the table.)

Mr. ERVIN (for himself and Mr. Allen) submitted an amendment intended to be proposed by him to the bill (S. 2515) to further promote equal employment opportunities for American workers.

### AMENDMENT NO. 830

(Ordered to be printed and to lie on the table.)

Mr. CHILES submitted an amendment intended to be offered by him to the bill (S. 2515), supra.

### AMENDMENT NO. 833

(Ordered to be printed and to lie on the table.)

Mr. GAMBRELL submitted an amendment intended to be offered by him to the bill (S. 2515), supra.

### AMENDMENT NO. 834

(Ordered to be printed and to lie on the table.)

Mr. HRUSKA submitted an amendment intended to be offered by him to the bill (S. 2515), supra.

## SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENT

### AMENDMENT NO. 831

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families and for other purposes.

### AMENDMENT NO. 835

(Ordered to be printed and referred to the Committee on Finance.)

Mr. PERCY submitted an amendment intended to be proposed by him to the bill (H.R. 1), supra.

### AMENDMENT NO. 836

(Ordered to be printed and referred to the Committee on Finance.)

Mr. PERCY (for himself, Mr. Mathias, Mr. Mondale, Mr. Nelson, and Mr. Saxbe) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 1), supra.

### AMENDMENT NO. 837

(Ordered to be printed and referred to the Committee on Finance.)

Mr. PERCY (for himself, Mr. Case, Mr. Hart, Mr. Humphrey, Mr. Mathias, Mr. Nelson, Mr. Pell, and Mr. Saxbe) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 1), supra.

### AMENDMENT NO. 838

(Ordered to be printed and referred to the Committee on Finance.)

Mr. PERCY. Mr. President, on behalf of myself and Senators Case, Packwood, Pastore, Bayh, Cook, Javits, Scott, and Stevens, I am reintroducing today my emergency welfare relief proposal, revised according to White House agreement, as an amendment to H.R. 1 to bring States much needed interim fiscal relief from sharply increased welfare costs until such time as welfare reform legislation is enacted by Congress.

I had previously introduced this proposal, on November 17, as an amendment to the Revenue Act of 1971. During the course of the debate, I withdrew my amendment after gaining commitments from the administration, Senator Long, and Senator Ribicoff that they would each support emergency welfare relief in principle, insuring the inclusion of interim fiscal aid provisions as a part of any welfare reform program to be voted by the Senate.

I am very happy to note the growing support in Congress for relieving States of their immediate welfare cost problems. Senator Ribicoff's introduction of the welfare fiscal relief amendment proposed in the House by the chairman of the Ways and Means Committee, Wilbur Mills, and the Congressman from my State, George Collins, is a welcome addition.

However, I am not happy with two aspects of the Mills-Collins-Ribicoff amendment. Their amendment would neither protect welfare recipients from benefit cutbacks nor would it insure any element of cost control by limiting Federal reimbursements.

Therefore, I hope that whatever emergency welfare relief proposal is accepted by the Senate will include the essential features of my amendment: Protection of States from the rising costs of welfare; protection of welfare recipients from cutbacks; and Federal reimbursement based on the specific welfare costs and case needs of each State, closed ended to insure welfare cost control.

I ask unanimous consent that the text of my amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

### Amendment No. 838

At the end of title V of the bill, add the following new part:

Part F—Fiscal Relief for States with Respect to State Public Assistance Programs

FISCAL RELIEF FOR STATES

Sec. 551. Title XI of the Social Security Act (as amended by sections 221 (a), 241, 505, 542 (10), and 512 of this Act) is further amended by adding at the end thereof the following new section:

"FISCAL RELIEF FOR STATES

"Sec. 1126 (a) The Secretary shall, subject to subsection (c), pay to any State (other than the Commonwealth of Puerto Rico, Guam, or the Virgin Islands) which has a State plan approved under title I, X, XIV, or XVI, or Part A of title IV, of this Act, for each quarter beginning after June 30, 1971, in addition to the amounts (if any) otherwise payable to such State under such title on acocunt of expenditures as cash assistance, an amount equal to the excess (if any) of—

"(1) an amount equal to the lesser of—

"(A) the amount of the non-Federal share of the expenditures, under the State plan approved under such title or such part A (as the case may be), as cash assistance for such quarter (not counting any part of such expenditures which is in excess of the amount of the expenditures which would have been made as cash assistance under such plan if such plan had remained as it was in effect on June 30, 1971) or,

"(B) an amount equal to 120 per centum of the amount referred to in clause (2), over

"(2) an amount equal to 100 per centum of the non-Federal share of the total average quarterly expenditures, under such plan, as cash assistance during the four-quarter period ending June 30, 1971.

"(b) For purposes of subsection (a), the non-Federal share of expenditures for any quarter under a State plan approved under title I, X, XIV, or XVI, or part A of title IV, of this Act as cash assistance, referred to in subsection (a)(1), means the excess of—

"(1) the total expenditures for such quarter under such plan as, respectively, (A) old-age assistance, (B) aid to the blind, (C) aid to the disabled, (D) aid to the aged, blind, or disabled, and (E) aid to families with dependent children, over

"(2) the amounts determined for such quarter for such State with respect to such expenditures under, respectively, sections 3, 1003, 1403, 1603, and 403 of this Act and (in the case of a plan approved under title I or X) under section 9 of the Act of April 19, 1950.

"(c) No payment under this section shall be made for any quarter to any State on account of expenditures, as cash assistance, under a State plan of such State if—

"(1) the standards, under the plan, for determining eligibility for, or the amount of, cash assistance to individuals under such plan have been so changed as to be less favorable, to all (or any substantial class or category) of the applicants for or recipients of such assistance under the plan, than the standards provided for such purpose under such plan as in effect on June 30, 1971, and

"(2) the amount of the non-Federal share of the expenditures, under such plan, as cash assistance for such quarter is less than 150 per centum of the non-Federal share of the expenditures, under the State plan, as cash assistance for the quarter ending June 30, 1971."

## FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1972—AMENDMENT

### AMENDMENT NO. 832

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY. Mr. President, on behalf of myself and the Senator from Michigan (Mr. Hart), I submit an amendment to the foreign aid appropriations bill.

Mr. President, I am dismayed that the Committee on Appropriations thought it necessary to cut the appropriation request for migration and refugee assistance, and to recommend the elimination of the U.S. refugee program for Europe. Over the years this program has effectively carried out our Nation's humanitarian concerns in Europe, and today is serving as a primary channel in our country's effort to assist Soviet Jews permitted to leave their homeland and re-settle elsewhere. The anticipated number of persons who will be assisted by the U.S. refugee program this year is 70,000—of whom some 40,000 will be Jews from the Soviet Union and other countries in Eastern Europe. To scrap this humanitarian program now would have a disastrous effect on the international machinery to facilitate their migration and resettlement, and would bring needless hardship to those many thousands who have waited so long to join their relatives and friends overseas.

I am extremely hopeful that the Senate will support this amendment.

## ANNOUNCEMENT OF HEARINGS BY DISTRICT OF COLUMBIA COMMITTEE

Mr. MATHIAS. Mr. President, on behalf of the chairman of the Committee on the District of Columbia and myself, I wish to announce that a public hearing will be held at 9:30 a.m., February 4, 1972, in room 6226, New Senate Office Building, on H.R. 9580, a bill to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles. Persons wishing to present testimony before the committee should contact Mr. Robert Harris, staff director of the District of Columbia Committee, room 6222, New Senate Office Building, before the close of business on February 2, 1972.

## NOTICE OF HEARING ON OFFENDER REHABILITATION ACT

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce hearings for the consideration of S. 2732, the Offender Rehabilitation Act, beginning at 10 a.m., on February 3, 1972, in room 6206 of the New Senate Office Building.

The purpose of this legislation is the quieting of old criminal records that serve as a barrier to the employment of rehabilitated first offenders. I believe it represents a vital step needed to begin facing the problem of recidivistic crime in our Nation.

This is the first scheduled hearing on this legislation, and I would anticipate that several additional days will be necessary to carefully consider this proposed legislation. These additional days will be scheduled as time permits.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, New Senate Office Building.

## ADDITIONAL STATEMENTS

### FLAMMABLE FABRICS

Mr. MOSS. Mr. President, the editorial in the February issue of Consumer Reports concerning the intolerable delay from congressional passage of the 1967 Flammable Fabrics Amendment until the effective date of a flammability standard for children's sleepwear demonstrates the urgent need for the passage of legislation to create a Consumer Safety Agency as we have proposed in the committee print of S. 983.

Government performance in this field has been shoddy. The epidemiological data compiled by the Department of Health, Education, and Welfare is barely adequate. The prolonged delay by the Department of Commerce in issuing the sleepwear standard is lamentable, but even more critical, the total absence of regulations concerning stockpiling of goods before the effective date of the standard, July 1973, demonstrates a lack of comprehension of the marketplace.

I would not be so much concerned were it not for the poor job of the sleepwear manufacturers in complying with the standard. But now, more than a year after the Department of Commerce proposed its testing protocol, CU found that only one out of 76 models of children's sleepwear could meet the Commerce Department's flammability standard. With initiative like this we cannot but assume that the sleepwear industry will not make a single garment to comply with the standard until July 31, 1973. Even at that date, what with hand-me-downs and the stockpiling of inventories, there will probably be a large number of unprotected children until 1975 or 1977.

We need a Consumer Safety Agency, an agency manned by dedicated individuals, serving in the public interest, free of all conflicts, and technically capable of fulfilling the challenge of consumer product safety, which confronts the American people. The chairman of the Committee on Commerce, the distinguished Senator from Washington (Mr. MAGNUSON), and I have pledged ourselves to the creation of just such an agency.

Mr. President, I ask unanimous consent that the text of the Consumer Reports editorial and the statement of Betty Furness on behalf of Consumers Union be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

### CHILDREN'S FLAMMABLE SLEEPWEAR

Last July, partly on the basis of reports compiled by the Department of Health, Education and Welfare, the Secretary of Commerce promulgated a new flammability standard for children's sleepwear. HEW studies had shown that, among victims of accidentally ignited nightclothes, children under six years old constituted an unusually high percentage. Stiffer standards, it was hoped, would reduce the incidence of those tragic accidents.

Even though the new standard is limited to the protection of children, its promulgation was a big step in the right direction. But a disturbing fact is that manufacturers of children's sleepwear are permitted to sell their present wares, as is, until next July. During the following year, children's sleepwear that doesn't meet the standard may be manufactured and sold if it's labeled: "Flammable. . . . Should not be worn near sources of fire." After July 1973, the law is supposed to take full effect. Even then, however, highly flammable goods of this type may be sold if they were manufactured before the cutoff date. In other words, it will have taken five years after Congress called for action in its 1967 amendment to the Flammable Fabrics Act, and two years or longer after a standard was promulgated to "protect the public against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage."

That's a long delay. But then it occurred to us that perhaps sleepwear manufacturers, having been forewarned long ago by the 1967 Congressional action, might be already striving to comply voluntarily with the new standard promulgated last year. To check, we conducted a shopping survey in the New York City area. We bought 76 models of children's sleepwear in sizes up to 6X (the largest size covered by the standard, although this is a matter of some confusion because sizing nomenclature varies throughout the industry). No model was labeled as flammable. Only one brought up the issue of flammability on its label; it was, to give it its complete designation, the *Sears Perma-Prest Flame-Retardant Gown of Cotton Flannel, Cat. No. 3326*.

All samples were tested for flammability according to the Government-prescribed procedure. Basically, the test sets limits to the char lengths of suspended specimen swatches exposed for three seconds to a controlled flame. It also sets limits to the time material fallen from the samples may continue to burn after the flame has been removed.

Seventy-five of our 76 samples failed the test. The one that passed was the *Sears 3326*.

The initial reaction of industry spokesmen to the standard the Secretary of Commerce proposed was negative. They contended that they could not meet the July 1973 deadline. They referred to the difficulty of obtaining satisfactory test results and the need for more time to develop flame-retardant sleepwear. CU's tests, of course, produced remarkably uniform results: all samples failed the flame test on the first try except the *Sears 3326;* it passed five times in a row.

As for the need for more time to develop fire retardant sleepwear, the Secretary of Commerce, presumably on considered advice, determined that two years was time enough. And, again, the *Sears 3326* is tangible evidence that the technology already exists in at least one form.

Some concern was also voiced that the imposition of stricter standards would greatly increase the price of children's sleepwear. Obviously, flame-retardant treatment costs more than no treatment at all, but the added expense needn't be exorbitant. The *Sears 3326*, listing at $3.69 plus shipping, was approximately in the middle of the price range of the *Sears* models we tested—and none of the more expensive models passed the flame test.

As of this writing, however, the industry appears to be having second—and more constructive—thoughts. The American Apparel Manufacturers Association proposed on December 13, 1971, to move forward the date for full compliance with the standard for children's flame-retardant sleepwear from the required July, 1973 date to April, 1973. In addition, the association indicated that, with some amendments to the proposed standard, it would be possible to eliminate the planned one-year grace period scheduled to begin July 1, 1972, during which manufacturers could sell flammable garments providing they were so labeled. As we go to press, we have not had an opportunity to evaluate the amendments the association has proposed, so we cannot judge whether they may have significantly weakened the proposed standard or not. If they have and if their amendments are implemented, we'll have more to say on the subject later.

But until the standard takes effect, what is the safety-conscious parent to do? Wait, for one thing. If everything goes according to schedule, flammable children's sleepwear should be either identifiable starting next July or off the market. In the interim, all we can do is offer a few morsels of advice (in addition to the obvious one of keeping children away from sources of flame). Consider the *Sears 3326*, the only model we found that was satisfactorily flame-retardant. In lieu of that, give preference to tight-fitting nightclothes; they should ignite and burn less readily than billowing garments, which permit air to reach the fabric from both sides.

We don't know how many models of children's sleepwear are on the market. There are virtually countless combinations of styles, fabric compositions, sizes, patterns and colors—all of which may, in one way or another, have an influence on flammability. But if our sampling is at all representative of sleepwear marketed on a national scale, we'd say that the chances of buying at random models that now meet the Government flammability standard are mighty slim indeed.

### STATEMENT BY BETTY FURNESS ON BEHALF OF CONSUMERS UNION [1]

Ladies and gentlemen, we are here today because Consumers Union, the nonprofit publisher of *Consumer Reports* magazine believes that there is no excuse for the problem of flammable fabrics to exist as it does today.

Although the first Flammable Fabrics Act was passed in 1953—nearly two decades ago—the February issue of *Consumer Reports* will reveal that Consumers Union tests of children's sleepwear showed that our children are still being dressed in unnecessarily flammable sleepwear.

And the problem doesn't stop there—it includes draperies, mattresses, bedding and upholstered products.

We are here today because we believe industry has shown pathetic little evidence of progress in marketing flame retardant consumer products.

We are here to call on our government—and specifically the Secretary of Commerce—to use the power Congress has provided—power to provide the industry with clear directions for acting promptly in the interest of public welfare on the full range of dangerously flammable fabrics.

And we are also here to demonstrate to our fellow consumers the extent of the problem so that they may become informed allies in the fight for a more active response from government and industry.

The problem is really far greater than most of us might imagine. By official government estimate, some 3,000 persons are burned to death every year by fires associated with the clothing they wear. Another 150,000 are injured.

And, the statistics show that relatively more victims are children. Many are elderly. These are two groups that are distinctly unable to fend for themselves.

Take the example of the 5-year-old boy who tipped over a candle. That innocent child paid for the accident with 60 days in the acute burn ward of a Boston hospital, then another 42 days in an intensive care tent. With repeated skin grafts, he is making a physical recovery. But what about the mental scars?

No wonder the child's father had this to say:

"The people in power leisurely debate (the subject of flammability) as though they were deciding a change in the rules of gin rummy. That they are so detached is almost as shocking as the sight of a burned child."

And that brings us to the crux of the reason why we are here to show you the results of procrastination and neglect.

Let me give a brief history which shows what we mean. The first Flammable Fabrics Act in 1953 was in response to sweaters which virtually exploded into flame when touched by a spark. The law prohibited only wearing apparel like the so-called "torch sweaters" and exempted more than 99 percent of the fabrics and garments on the market.

Nearly 10 years later, in 1963, the Federal Trade Commission sought to extend the definition of the 1953 law to include infant's receiving blankets. Industry pointed out that the FTC did not have legal authority to proceed along these lines.

In 1967 President Johnson called for immediate action to strengthen the Flammable Fabrics Law—both to improve the old flammability standards and to keep pace with technological developments.

As my first official act as the President's consumer affairs advisor I testified before Congress and urged extension of the law's coverage. I thought it should include a variety of flame-prone consumer-purchased textile products such as draperies, carpeting, bedding.

As a result of the Johnson-Administration appeal, the Secretary of Commerce was given broad administrative powers to promulgate new definitions of flammability and to establish rules for all manner of consumer-purchased textile products, not just wearing apparel.

Unfortunately, these 1967 Amendments to the law did not themselves upgrade the flammability standards. They left all that up to the Secretary of Commerce.

Since then—and largely on the urging and presentation of test results by Consumers Union—the Secretary of Commerce has set forth two carpet flammability standards. For the record, Consumers Union considers them only first-generation standards needing considerable revision.

The only other action that has been completed since 1967 has been in the area of children's sleepwear. In November 1970, the Secretary of Commerce granted formal recognition to the need for a standard to cover children's sleepwear. Some eight months later, he proposed a standard.

While we feel the definition of flammability it imposes is adequate, we feel the provisions under which it will go into effect simply are not.

For one thing, it only affects sleepwear up to size 6-X, which is what a big 5-year-old might wear. For another thing, sleepwear doesn't have to meet the flammability standard until July 1973. And even then it can continue to be sold, just as long as it was manufactured before July 1973.

All that is required is that any sleepwear produced after this July, must be labeled that it is flammable.

So what we are saying is that a year and a half from now, by law, some of our children's sleepwear will finally be flame retardant. According to the law, flammable sleepwear that is produced between July 1972 and July 1973 must carry a permanently affixed label. We have a sign here showing the wording specified by the Commerce Department:

"Flammable (Does Not Meet U.S. Department of Commerce Standard DOC FF 3–71.) Should not be worn near sources of fire."

I'd like to make one special point about the labeling regulation as it is presently stated. It is *negative* labeling. You are only told if a garment is flammable. Suppose there is no reference to flammability on a pair of pajamas or a nightgown? As the rules stand now, later this year you will have no way of knowing if the garment *is* flammable, but manufactured before July 1972.

CU believes that until the law takes full effect all flame-retardant children's sleepwear should *also* be labeled. Those which meet the Department of Commerce standard should state on the label "Flame-Retardant."

Action, it's said, speaks louder than words, so let us show you what we mean when we talk about flammable sleepwear . . . and then let us show you one that does not burn.

This is not, and I repeat, *not* the way these products are tested in our laboratory. The test procedure calls for a gas flame to be applied to the fabric for three seconds. We will be applying the candle for that length of time. We believe this is an accurate reflection of the laboratory standard put into a real-life situation.

(Demonstration.)

The last test sample is *the one* of 76 different brand/models we recently tested for a February *Consumer Reports* article that passed the government's flammability standard. Because of time limitation, this demonstration sample was not washed, but those samples of the product tested in our laboratories were washed the 50 times specified by the standard test procedure.

Now, the industry has said it would be an intolerable hardship to force it to mass produce flame-retardant sleepwear; that the flame-retarding additive would alter the feel of the fabric and make it unattractive to consumers; that the process would be so expensive that consumers would not be willing to pay the price; and the industry originally said it could not make flame-retardant sleepwear for years to come.

What we have just shown you is a garment which demonstrates that none of these claims is so.

We paid between two and ten dollars for each of our 76 test samples. This garment cost just about in the middle of that price range.

As for the feel of the fabric, it is not harsh or abrasive to the skin and I invite you to feel swatches of it and judge for yourself.

And as for the industry claim that it couldn't be done for years to come—well, this was on the market when our tests began months ago.

Ironically, it was sold nationally as a winter-line product and unfortunately, is probably not available. But it does prove it can be done.

And while we are deeply concerned with the problem of sleepwear, the problem of flammable blankets may be an even greater one in that there are no standards yet in effect to protect innocent shoppers.

As with sleepwear, mattresses, draperies, and all those household fabrics, the Secretary of Commerce was given the authority in 1967 to take steps to reduce the flammability hazard of blankets.

Again, what we are about to show you is not the way it is done in the labs. But this is the way it can happen in real-life.

(Blanket demo.)

The blankets that flame up after being touched for only a second with the match flame are rayon-blend blankets.

The ones on which the match extinguishes itself are made of wool.

Other fibers and blends present different degrees of hazard. What we can say clearly at this time is that Consumers Union advises everyone to steer clear of any blanket containing any percentage of rayon. The fiber content must be stated on the label. If it says "rayon"—no matter what else it says—don't buy it.

We could show you other examples—flaming drapes, smoldering mattresses, and burning upholstered products.

In short, what we have been saying is that an industry has been dragging its feet—the Secretary of Commerce has not moved with force or speed and an uninformed public has been too long an inattentive audience to this shoddy performance.

Consumers Union thinks it is time to get moving. "We call on industry and government to take a more responsible approach to the problem. CU believes strongly in the need for meaningful action. *Consumer Reports* will continue to carry reports on the progress of flame-retardant products and, as they are marketed, we will help draw public attention to them in the pages of *Consumer Reports*.

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[1] Miss Furness is a member of the Board of Directors of Consumers Union.

## TRIBUTE TO SENATOR TOWER

Mr. SCOTT. Mr. President, one of my most effective legislative leaders in the Senate is JOHN TOWER, of Texas. I have learned that when he is acting as floor leader, as he has for several bills affecting the economy, housing and national defense, that the leadership is in good hands.

The senior Senator from Texas has repeatedly demonstrated an uncanny knack for securing those crucial votes so necessary for the implementation of vital legislation.

In fact, if I could select from the Senate membership a special team to take my side on a parliamentary issue, JOHN TOWER would be among my first choices, because he is effective, articulate, and persuasive. These are qualities which command the respect of the Senate.

## UKRAINE'S ANNIVERSARY

Mr. PASTORE. Mr. President, on January 22, liberty-loving people the world over observed the 54th anniversay of the independence of Ukraine—although it is an independence that has been sadly lost.

It is an occasion which causes us of America to address ourselves to the tragedy of Captive Nations—whose freedoms have been swallowed up in the oppression of the U.S.S.R.

Our repeated observance might seem to be of no avail. Yet, silence would be sadder—and to speak our minds does keep alive remembrance of our own independence not 2 centuries old—won from the great world power of that day. Ours was an adventure in government of, by and for the people themselves—setting the example and the expectancy of freedom for proud peoples anywhere.

Let us turn back half a century to what Ukraine might anticipate from the 1917 Declaration of Rights issued by the People's Commissariat. It established "the right of the Nations of Russia to free self-determination including the right to secede and form independent States."

How did it work out?

An independent Ukrainian Republic was recognized by the Bolsheviks in 1917—but in the same year they established a rival Republic of Kharkov. In July, 1923, with the help of the Red Army a Ukrainian Soviet Socialist Republic was established and interpolated with the U.S.S.R.

And so with the fate of the other captive non-Russian nations in the Soviet Union—the phantom of freedom proved only a phantom.

So we pause on this Ukraine anniversary—we pause to ponder that disaster—we shudder for the moment as we weigh what captivity means—for the individual or the nation.

Surely it makes us resolve to retain our American freedoms—and to maintain our national strength—so that we may continue to set an ideal for others—to take despair out of the hearts of the captive peoples—and keep alive that hope for freedom—that self determination that alone can be the assurance of peace in this world whose ideologies are competing for the souls of men.

As we approach the bicentennial of our own independence—may it prove the birthday of that birthright of independence for those now captive nations that have given and can still give so much of value to all mankind.

## SUCCESS OF NEW HAMPSHIRE UPWARD BOUND PROJECT

Mr. McINTYRE. Mr. President, I have closely followed the development and operation of Project Upward Bound, which is administered by the Office of Education in the Department of Health, Education, and Welfare. I feel that this program is an extremely worthwhile and effective approach to the problem of equalizing educational opportunities.

Project Upward Bound, which was moved from the Office of Economic Opportunity to the Office of Education in 1969, is a precollege program designed to give talented young people from low-income families a chance for a better education. Through intensive summer sessions, the project attempts to give these low-income high school students the added preparation they will need to successfully continue their education—and thus break the cycle of poverty.

I am pleased, today, to have the opportunity to bring to my colleagues' attention the outstanding success of the Upward Bound project operating at the University of New Hampshire. I recently received a progress report showing that, of the 40 students participating in this Upward Bound program, 83 percent showed an improvement in their first semester school grade reports.

Of course, grades are only one of many indicators of the program's results. But I feel that this is such an impressive indication of the project's success that it deserves to be recognized.

I would therefore like to congratulate all those involved in the Upward Bound program at the University of New Hampshire. All Upward Bounders contributed to the program's success. I would also like to personally congratulate the following students, whose grades in their respective high schools indicate superior achievement:

Mike Kazukiewicz, Somersworth, N.H.; Vicki Weiser, Portsmouth, N.H.; Brenda Moore, Somersworth, N.H.; Patty White, Portsmouth, N.H.; Gilda Gubellini, Portsmouth, N.H.; Denise Snyder, Durham, N.H.; and Ron Chambers, Dover, N.H.

I would also like to recognize the following students who improved at least one full grade over their last year's average:

Eunice White, Portsmouth, N.H.; Sharon Smith, Portsmouth, N.H.; Priscilla Clark, Portsmouth, N.H.; Gerry Plante, Somersworth, N.H.; Mark Siranian, Dover, N.H.; April Kliphan, Dover, N.H.; and Karen Gower, Dover, N.H.

## THE PRESIDENT'S PEACE PLAN

Mr. KENNEDY. Mr. President, the President's address to the Nation is less a new initiative than it is a confession of failure. Virtually everything the President said last night could have been said months or years ago.

The only difference is that in recent months, while the killing has gone on without remission, we have been pursuing a path of secret negotiations that have now been proved a failure.

The plan we have heard last night from the President is not a plan to end the war. In spite of the years of constant promises he has made, it is clear that he is not yet prepared to make the only sort of offer that can end the killing in Vietnam.

We do not need an eight-point plan to end the war. All we need is a one-point plan—a complete withdrawal of American ground, sea, and air forces, by a date certain, in exchange for a return of our prisoners.

So long as we try to condition our withdrawal on things like free elections, a cease fire, or any of the other trappings disclosed last night, reasonable as they may seem, we shall be pursuing the same blind alley in public negotiations that we have followed with such futility in private.

When will we learn that America cannot and should not attempt to dictate the terms of the political settlement in South Vietnam? If we have not been able to achieve that settlement with the expenditure of 10 years of effort and the blood of 50,000 American lives, we will not be able to do it now or in the future.

Let us recognize the clear reality of the war. Let us recognize that the time has come for a total end to American involvement in Vietnam. Let us recognize that the only condition we can reasonably attach to America's complete withdrawal is the return of America's prisoners. That is the only way we shall ever establish the generation of peace which the President wants and which is always in our deepest prayers.

## RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

Mr. HARTKE. Mr. President, section 133B of the Legislative Reorganization Act of 1946, as added by section 130(a) of the Legislative Reorganization Act of 1970, requires the rules of each committee to be published in the CONGRESSIONAL RECORD not later than March 1 of each year. Accordingly, I ask unanimous consent that the rules of the Committee on Veterans' Affairs be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

### RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

#### I. GENERAL

All applicable requirements of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the committee and its subcommittees.

II. MEETINGS

The committee shall hold its regular meetings on the first and third Monday of each month, when Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite committee business.

III. QUORUM

Three members shall constitute a quorum for the purpose of transacting committee business: *Provided*, That one member shall constitute a quorum for the purpose of receiving testimony.

IV. VOTING

(a) Votes may be cast by proxy.

(b) There shall be a complete record kept of all committee action. Such record shall contain the vote cast by each member of the committee on any question which a "yea" or "nay" vote is requested.

V. SUBCOMMITTEES

(a) The committee chairman and the ranking minority member shall be ex-officio members of any subcommittee of the committee.

(b) Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship and seniority on the particular subcommittee shall not necessarily apply.

VI. HEARINGS AND HEARING PROCEDURE

(a) The committee or any subcommittee thereof shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing unless the committee or subcommittee determines there is good cause to begin such hearing at an earlier date.

(b) The committee shall as far as practicable require each witness, who is scheduled to testify at any hearing, to file his written testimony with the committee not later than forty-eight hours prior to his scheduled appearance. Said written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony.

(c) No hearing of the committee or any subcommittee shall be scheduled outside of the District of Columbia except by the majority vote of the committee or subcommittee or by authorization of the chairman of the committee.

## FULL DISCUSSION AND EXAMINATION NECESSARY ON AUTO INDUSTRY REQUEST TO DELAY MEETING 1975 CLEAN AIR STANDARDS

Mr. WILLIAMS. Mr. President, information has come to my attention which is quite disturbing to me, and should be just as disturbing to every American concerned about improving the quality of our environment. I understand that General Motors has already made one attempt to initiate EPA proceedings to secure a 1-year extension of the auto exhaust emission standards mandated by Congress for 1975 automobiles. The GM application was rejected on January 19 by the Environmental Protection Agency for technical reasons, but can be refiled. And, if I understood Henry Ford's year-end statement correctly, the Ford Motor Co., is also considering an application for a 1-year extension of the deadline.

Thus, less than 15 months since this body unanimously declared that it shall be the national policy of the United States to have a nonpolluting automobile by 1975, the automakers are taking the first opportunity provided under the Clean Air Act Amendments of 1970 to claim that they will be unable to meet the deadline.

Now the Administrator of the Environmental Protection Agency announced in a release last September 24, 1971 that EPA, the Army, Ford Motor Co., and Texaco, Inc., have developed a prototype engine that has already met EPA's 1976 emission standards in initial tests. I repeat, that is the 1976 standards which have been met by this jointly developed engine. In the release, Mr. Ruckelshaus is quoted as saying:

> This engine is the cleanest we have ever tested. It represents a breakthrough in emissions-control technology and means that the truly clean car is not as far away as many people thought.

Thus it would seem to me that the auto industry, with its vast resources and massive commitment to research and development can translate these breakthroughs into showroom models in the next 3 years. And if they cannot make the commitment that Congress has, the public deserves an adequate and thorough explanation.

Mr. President, these are the major auto companies. These are the auto companies which even the very conservative report issued just 2 weeks ago by the National Academy of Sciences indicated could meet the standards. The intent of this legislation, the Clean Air Act Amendments of 1970, was very clear. The Congress did not say to the auto companies that these pollutants should be removed from auto exhaust if it was convenient—or even difficult—or even if the auto companies claimed that it was impossible. The legislation stated that these poisons must be removed from the auto exhaust because they were damaging the health and endangering the lives of millions of Americans. The author of that legislation, the Senator from Maine, was accused by the auto companies at that time of "legislating technology." He did not deny it. He said it must be done if we are, quite literally, to survive and remain in good health.

The automobile industry has the greatest of technological resources at its disposal. Their laboratories have designed and their engineers have given us automatic transmissions, power brakes, power steering, soundproofing, air conditioning, 400 horses under the hood, onboard computers, and even retractable headlights. Now, with our environment deteriorating as it is, I prefer to think that there is no paralysis of technology in Detroit.

Mr. President, it is time for the Congress and the Environmental Protection Agency to deal with the auto industry in the same way which seat belts were required to be put in cars. We must begin to use the laws and powers available to us to persuade the auto industry that it cannot indulge in the luxury of delay. Limitations on automotive traffic are already under consideration in some of our cities and large urban areas. Ultimately this can only mean fewer cars and fewer jobs. Clean cars, on the other hand, will assure the continuing growth of the industry in a responsible manner. In my judgment, this is a key aspect of the whole situation. The Congress has responded to the problem of automotive air pollution by enacting legislation that not only addresses itself to the preservation of human health and welfare, but to the economic advantages of clean-burning cars as well.

The report of the National Academy of Sciences demonstrates that the Clean Air Act legislation is flexible enough to permit the industry to meet 1975 standards under certain conditions without a delay. In fact, the latitude afforded by the legislation has been made a subject of litigation. A suit has been filed by two environmental groups, National Resources Defense Council and Center for Science in the Public Interest, alleging that the allowable emissions stipulated by the Clean Air Act already have been more than doubled by administrative action of the Environmental Protection Agency.

Obviously, to accede to the requests of the auto companies without a full hearing and final resolution of the issue does not lead eventually to achieving the goals of the legislation. EPA and the Congress must set a strong example and make a firm stand here and now.

Mr. President, I will follow very closely the EPA public hearings on the request for extension and the oversight hearings which, I understand, the able Senator from Maine will hold shortly. The purpose of those hearings is to determine what progress is being made toward achieving the 90-percent reduction in emissions mandated by the act. We cannot afford to let this matter be resolved without a full discussion and examination of these vital issues by all concerned—particularly the public who have a right to a clean environment. We must have all of the information squarely on record.

## MUST AFRICA'S PROBLEMS BE RESOLVED BY VIOLENCE

Mr. KENNEDY. Mr. President, Charles Yost, formerly the Chief U.S. Ambassador to the United Nations has expressed profound feelings of concern about developments on the African Continent. With a massive wealth of experience in international affairs, Mr. Yost presents a very clear and reasonable concern about the future relations between this country and African nations. In the Washington Post today, he asks questions that may appear unanswerable. But they are questions that deserve the concentrated attention of our Government. For, Mr. Yost has raised one question that deserves very careful consideration:

Why does the U.S. continue to offer black Africa as little as we can get away with, while providing substantial comfort for the architects of the minority ruled regimes in South Africa, Rhodesia, and the Portuguese colonies?

I believe Mr. Yost has presented an exceptionally concise analysis of U.S. relations in Africa. His presentation deserves the careful review of this Senate. For that reason, I ask unanimous consent that a article entitled "Must Africa's Problems Be Resolved by Violence?" as published in the Washington Post of January 27, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### AMBASSADORS COMPLAIN OF NEGLECT BY BIG POWERS—MUST AFRICA'S PROBLEMS BE RESOLVED BY VIOLENCE?

(By Charles W. Yost)

During the decade from 1960–1970, while I served at the United Nations, the number of African states represented rose from 5 to 40. It now constitutes nearly one third of the total membership. Nevertheless, the African ambassadors complain with increasing resentment that the vital interests of their continent are systematically neglected by the United States, and the other big powers. Again and again, one or another of them has asked me: "Is violence and bloodshed the only way we can attract and hold your attention, the only means of getting sufficient help to resolve our problems?"

Several events in or affecting Africa have received some attention in the news media during the past two or three months and reminded the American public fleetingly of the existence of that continent. There was the adoption of legislation by the United States Congress requiring the President either to permit imports of chrome from Rhodesia, in violation of our U.N. obligations, or to stop imports from the Soviet Union.

There was unusual violence in Rhodesia by blacks protesting an agreement between Britain and the Smith regime. There was President Nixon's meeting with the Portuguese Prime Minister in the Azores following a new base agreement and the extension of a $435 million loan to Portugal. There was a guarantee by the United States Export-Import Bank of a $48 million loan to South Africa. There was another military coup in Ghana. There was the decision to hold an extraordinary meeting of the U.N. Security Council in Addis Ababa.

These events seemed to most Americans to be confusing, insignificant or irrelevant. To the 40 African governments they seemed acutely relevant to the issues most important to them—freedom and development—and vividly revealing of American indifference to those issues insofar as Africa is concerned.

The Africans remind us that whites constitute about 5 per cent of the population of Rhodesia, about 5 per cent of the population of Angola, Mozambique and Portuguese Guinea, about 15 per cent of the population of Southwest Africa, and about 17 per cent of the population of South Africa itself.

Yet these white minorities, miniscule in numbers in the case of Rhodesia, Southwest Africa and the Portuguese territories, wholly dominate the politics and economies of those countries, and in South Africa enforce the brutal and backward system of apartheid.

The United Nations has over the past decade, for the most part with United States support, again and again taken action designed to correct or improve these situations which are so inconsistent with the almost universal evolution toward freedom and independence elsewhere in the world. It has, on British initiative, imposed sweeping economic sanctions against the illegal regime in Rhodesia. It has terminated the South African mandate over Southwest Africa. It has embargoed the export of arms to South Africa and to the Portuguese territories. It has repeatedly denounced apartheid and called on Portugal to grant self-determination to the people of Angola, Mozambique and Guinea.

None of these actions seems to have the slightest effect. The white regimes are as firmly entrenched as ever and as determined to remain so. It is, on the contrary, the United Nations countermeasures which are falling apart. Even Britain and the United States seem about to abandon the sanctions against Rhodesia. France makes no bones about selling arms in large quantities to South Africa.

The United States, for the sake of the Azores bases, confers its blessing and economic support on the Portuguese government. All of these are easy things to do, but are they wise in the longer run?

It is quite true that economic sanctions against Rhodesia have not worked, that they would be even less likely to work against South Africa, and that no one seriously considers sending a U.N. military force to overthrow the white regimes.

What answer, then, are we going to give to the Africans when they ask, "are violence and bloodshed, black against white, the only means by which the huge black majorities in Southern Africa are to obtain equal rights and freedom?" If the answer is yes, what is the rest of the world going to do when violence and bloodshed actually break out on a large scale?

On the basis of my experience with these problems at the U.N., I am convinced that they are not going to be solved peacefully and progressively by the whites of Southern Africa without very strong outside pressure. The status quo is far too comfortable. On the other hand, if the problems are left to be resolved eventually by violence, we may expect to see a ghastly repetition of what has recently taken place in East Pakistan—except in this case with far-reaching and traumatic black-white overtones.

Frankly, the United States has never seriously addressed itself to this problem, because Africa has not seemed all that urgent or important. We have tried to do, are still trying to do, the minimum that would appease the 40 African governments without seriously incommoding our South African and Portuguese friends,

We can rock along that way for some time longer, but in the end it won't work. Some day Africa will be shockingly and hideously on all the front pages. Then we will ask ourselves why we did not, while there was still time, press and drive South Africa and Portugal into the modern world with all the non-military resources at our command.

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## FOREIGN TRADE

Mr. HARTKE. Mr. President, on January 25, 1972, our Government announced that in 1971 we had suffered the worst trade deficit in our Nation's history. Last year our imports exceeded our exports by more than $2 billion. A growing trade deficit is not the only index that our national trade policies are in desperate disarray. In 1970, the United States lost its position as world leader in the exporting of manufactured goods.

It was in response to these conditions, already clear in the middle of 1971, that I introduced S. 2592, the Foreign Trade and Investment Act. Capital and the jobs they produce have been flowing out of the country. A surge of imports and growing unemployment have been the result.

A recent article in the Washington Post details some of the trade and balance-of-payments difficulties that we have encountered in the recent past. Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### THE 1971 TRADE DEFICIT: $2 BILLION

(By James L. Rowe, Jr.)

The United States last year suffered its most severe trade deficit in history, the government said yesterday, representing an adverse swing of about $4.7 billion on its trade account from 1970 to 1971.

The trade imbalance—the difference between what the nation imported and exported—was $2.05 billion last year, compared with a 1970 surplus of $2.7 billion. The last year the country had a trade deficit was 1888, a Commerce Department official said.

Harold Passer, Assistant Secretary of Commerce for Economic Affairs, said that realignment of the world's currency rates and current negotiations to remove barriers to U.S. exports should improve the 1972 picture substantially.

The nation made improving the U.S. export prospects one of its prime objectives in the President's New Economic Policy announced Aug. 15—when he also imposed the wage-price freeze.

The trade ledger is one of the major components of the total balance of payments—which measures the difference between what Americans spend abroad and foreign nations spend here.

For the first nine months of 1971, the United States experienced a balance-of-payments deficit of $7.6 billion on its trade and long-term investment accounts. Included in these figures are all U.S. trade, services, travel, U.S. government grants and loans, and long-term U.S. investment overseas.

On what is called an official reserve balance, which includes movement of short-term capital, the nation experienced a $23.3 billion outflow in the first nine months of the year.

In another economic development, the Treasury said it would ask Congress next week to temporarily increase the government's authority to go into debt by another $50 billion, the largest boost in the debt ceiling ever requested.

The request, if approved, would permit the government to borrow up to a total of $480 billion through June 30, 1973 to enable it to pay its bills. However, the President, in his budget message last week, indicated that the so-called public debt would be $493.2 billion at the end of June 1973.

A Treasury spokesman could not explain the apparent discrepancy. The House Ways and Means Committee will hold hearings on the debt ceiling increase next Monday. Last year the administration asked for a temporary $40 billion increase in the debt ceiling, and was given a $35 billion boost. The permanent ceiling is at $400 billion.

Government officials attributed part of the poor trade showing to dock strikes that alternately tied up East and West Coast ports for most of the last six months of 1971.

The Census Bureau, which collects the trade data, said, however, that it "does not have adequate information to enable it to specifically measure the influence of the strikes or anticipated strikes on the statistics."

West Coast ports were idle from July until early October, when the government obtained a Taft-Hartley injunction that sent the dockworkers back for 80 days. East and Gulf Coast ports were ordered back to work in late November after nearly a two-month strike.

West Coast dockworkers went back on strike earlier this month when the back-to-work order expired.

Commerce's Bureau of Economic Analysis said it noted "some evidence of import stockpiling" in anticipation of a resumed West Coast strike when December's net entries of imports into Customs bonded warehouses "were nearly $100 million higher than the monthly norm."

A trade deficit for 1971 had been expected since June, when Commerce Secretary Maurice Stans hinted at a Senate hearing that the nation could be in a net deficit trade position for the first time this century.

But the magnitude of the deficit was not expected until October showed a trade imbalance of $821 million, by far the largest monthly deficit ever recorded.

The nation has experienced deficits in seven of the last eight months, with September showing a trade surplus of $265.4 million, most of it accounted for by a pickup in shipping in anticipation of the East and Gulf Coast strikes.

For the year as a whole, exports rose 2 per cent (from $42.66 billion in 1970 to $43.55 billion in 1971, while imports skyrocketed 14 per cent from $39.95 billion to $45.60 billion.

## THE PEACE CORPS

**Mr. MATHIAS.** Mr. President, on January 25, the Senate Appropriations Committee reported out a proposed authorization for the fiscal year of $77.2 million for the Peace Corps. Very shortly, the entire Senate will be asked to agree to the committee's rcommendation. I intend to support that figure; and, I urge each of my colleagues to do the same.

This relatively modest amount in already $5 million less than that requested of the Congress by the President. It is the absolute minimum necessary if the Peace Corps is to continue as our most positive expression overseas of American desire to assist the people of the developing nations and, by so doing, help to create a more peaceful world society.

Anything less than this amount will require the Peace Corps to immediately begin bringing home large numbers of volunteers presently engaged in vital programs and to go back on its previous commitments to the governments of the countries in which these volunteers are working.

It is a paradox that the Peace Corps should feel its continued existence threatened at the very time when applications are at the highest point in the past 5 years. This past year alone, over 25,000 Americans—of all ages and of all backgrounds—expressed their wish to join the Peace Corps; and this figure will probably be greater this year.

I am proud to note that from my own State of Maryland, there are at this very moment 122 men and women serving in such countries as Morocco, Venezuela, Thailand, Ethiopia, and Costa Rica. They are working in the schools and hospitals and on the farms, helping the people of these countries to build a better life for themselves and for their children. If we withdraw our support for these programs, we will not only be denying to thousands of other Americans the opportunity they desire to serve others but also withdrawing a measure of hope for a better future that the Peace Corps volunteer represents.

To do other than give our fullest support to this program would be to run counter to the expressed wishes of the American public. The most recent sampling of public opinion indicated clearly the strong support that the Peace Corps enjoys. Three important points were made by their replies. They found the Peace Corps to be unique—in the tasks it performs and the services it provides; they considered its work to be important—not only to the countries in which volunteers work but also to the United States, 93 percent feeling that volunteers became "more useful citizens"; and, they find it to be successful—speaking highly of the people-to-people character of its approach.

I share these views, I am pleased to make known my personal support for this program and feel certain that I will be joined by an overwhelming majority of my fellow Members in giving the Peace Corps the vote of confidence that it merits.

## HUMAN RESOURCES, CREDIBILITY, AND THE 1973 BUDGET

**Mr. CHURCH.** Mr. President, yesterday President Nixon sent to Congress a $246.3 billion budget and a $25.5 billion deficit for fiscal 1973.

In view of this administration's poor track record in budget forecasting, doubts are already mounting concerning the credibility of this prediction. And with justification. For fiscal 1971, the administration envisioned a $1.3 billion budget surplus. It turned out to be a $23 billion deficit. For this fiscal year, the administration's miscalculations have reached new heights. Originally it predicted an $11.6 billion deficit. Now this figure has swelled to nearly $40 billion, the largest deficit since World War II.

Perhaps even more disturbing are the very inaccurate and misleading impressions that the fiscal 1973 budget attempts to create. According to administration definitions, human resources programs will account for 45 percent of the budget for next year, compared with 32 percent for national defense. This may be one way to justify an $83.4 billion expenditure for the Pentagon or a jump of $6.3 billion in defense expenditures.

But it also leads to serious misconceptions because a very substantial portion of these so-called human investment expenditures are really trust fund items, such as the social security and medicare programs. Unlike defense expenditures—which come from general revenues—these funds have been built up primarily through payroll contributions during the working lives of social security recipients.

As chairman of the Senate Committee on Aging, I am especially distressed by the gross distortions in outlay estimates for older Americans. These sleight-of-hand tactics can serve no useful purpose except to create false impressions and possibly precipitate a divisive controversy over spending priorities with regard to the young and old. And this was expressed very forcefully in an editorial in the January 25 issue of the Washington Post, which stated:

> The issue here is not whether the elderly should have been given less, but whether other parts of the population should not have been given more.

It is also a harsh irony that this administration makes it appear that the aged will be the beneficiaries of about 20 percent of our budget expenditures for fiscal 1973. According to administration figures, total spending to benefit older Americans will reach about $49.6 billion. However, about $48.5 billion—or nearly 98 percent of the administration's total outlay—is for social security, retirement, income supplement, and health programs. These outlays derived from payroll contributions by the elderly during their working lives.

The Federal Government is not giving them something extra. This is something that they have earned during their working years.

Moreover, puffing up these figures cannot conceal the hard facts of life for older Americans:

Nearly 5 million persons 65 and older live in poverty, approximately 100,000 more than in 1968.

Approximately 6 million may be living in substandard, dilapidated, or deteriorating housing.

The average health care bill for an older American is approaching $800, three times that for persons in the 19-to-64 age category and six times that for individuals under 19.

About 2 months ago a historic White House Conference on Aging was called to come to grips with these very problems and to develop a national policy on aging.

That Conference concurred with the Senate Committee on Aging in assessing the gravity of the wide array of problems facing the elderly. If we are to implement the goals of the Conference, it is also absolutely essential that we have accurate information which is in no way tainted by any question of credibility or authenticity.

Mr. President, I ask unanimous consent that the administration's table on projected outlays for the elderly be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BUDGET OUTLAYS FOR PROGRAMS SERVING OLDER AMERICANS

[In millions of dollars]

| | Fiscal year | | |
|---|---|---|---|
| | 1971 | 1972 | 1973 |
| Total all reported programs | 39,178.3 | 44,031.8 | 49,616.0 |
| Departments: | | | |
| Agriculture | 341.9 | 410.4 | 467.9 |
| Defense | 408.1 | 470.6 | 517.9 |
| HEW | 31,779.2 | 35,752.3 | 40,655.4 |
| Office of Education | 2.5 | 2.6 | 2.3 |
| Public Health Service | 128.0 | 120.7 | 108.8 |
| Social and Rehabilitative Services | 2,842.7 | 3,234.1 | 3,661.3 |
| Social Security Administration | 28,826.0 | 32,395.0 | 36,883.0 |
| Housing and Urban Development | 274.2 | 363.3 | 426.6 |
| Labor | 33.3 | 40.2 | 37.0 |
| Transporiation | 9.3 | 10.9 | 11.6 |
| Independent agencies: | | | |
| Action | 10.0 | 19.1 | 41.1 |
| Civil Service Commission | 1,882.0 | 2,138.9 | 2,469.5 |
| Office of Economic Opportunity | 95.1 | 94.0 | 87.7 |
| Railroad Retirement Board | 1,613.0 | 1,794.0 | 1,772.0 |
| Veterans' Administration | 2,712.2 | 2,938.1 | 3,129.3 |

## THE PRESIDENT'S SPEECH ON VIETNAM

**Mr. BENNETT.** Mr. President, in his brilliant television speech last Tuesday to the American people outlining the secret negotiations that have taken place in Paris for the past year, President Nixon said:

> Some of our citizens have become accustomed to thinking that whatever our government says must be false and whatever our enemies say must be true.

Of course, his political opponents cannot be expected to agree with anything Richard Nixon does and I believe the American people recognize their reaction for what it is. My faith in the American people, however, has remained strong throughout the very difficult years that this country has been involved in South Vietnam. The war became our most difficult domestic problem. But through all the years of the war I think the American people have retained a good sound faith in their Government and last evening President Nixon gave them every reason to retain that faith and even strengthen it.

I believe the speech reaffirmed the greatness of Richard Nixon, and reaffirmed the total grasp that he has on his responsibilities and duties as President of the United States especially in the field of foreign policy. It revealed again that he is making every human effort to resolve the conflict in Vietnam and to bring an era of peace and stability to international relations.

I believe the proposal which Mr. Nixon has made to the Communists through Dr. Kissinger is imminently fair. Most hopefully it offers an end to the conflict through a cease-fire. It was bold in that it offered to withdraw all American troops, leaving not even a residual force, in exchange for the release of those brave Americans who are still held captive in North Vietnam.

I applaud the peace plan because of the hope it gives for the American prisoners of war. Their fate and the absolute necessity of their eventual release has never escaped the President and he has formulated his overall strategy and policy in a way designed to win their release and a return to their families. I applaud the President's efforts in this regard.

The plan is honorable because it gives freedom an excellent chance of survival in South Vietnam by allowing all the people to vote on their future form of government. That is the reason why the United States got involved in South Vietnam in the first place. I believe the President's offer to withdraw all troops and hold free elections in exchange for the release of the prisoners of war and a cease-fire is fair in the minds of any right thinking individual. The new Nixon peace plan certainly places the burden of proof on the back of the Communists.

Mr. Nixon has pursued every avenue to find a just and a lasting peace without a sellout to the enemy. The President has negotiated in Paris both secretly and openly but without success. The Vietnamization policies of the Nixon administration, masterfully implemented by General Abrams, are proving very successful. If the expected Communist offensive comes in the next few months the Vietnamization program will be tested as never before. I remain confident, however, that it will meet the test.

Finally, the President has brought nearly 500,000 Americans back to the United States since he assumed office in January 1969. Furthermore, he has reduced American deaths in that war to nearly zero. In the 1968 campaign President Nixon told the American people that he would end American involvement in South Vietnam. That was not an empty promise. Having been deeply involved in government and knowing the intricacies of foreign policy he knew that the implementation of his promise would be difficult and possibly take a long time. But he is keeping that promise and is on the verge of completing it. In the process South Vietnam is reasonably stable and able to stand on its own two feet. I am sure that most of the American people accept and believe Mr. Nixon and the only people who do not are those who seem to believe that everything the enemy does is right and everything the U.S. Government does is wrong.

## PRESIDENT NIXON'S EIGHT-POINT VIETNAM PEACE PROPOSAL

Mr. THURMOND. Mr. President, the eight-point peace proposal unveiled Tuesday night by President Richard Nixon certainly proves beyond any doubt that the American Government has taken every reasonable step to end this war.

The time has come for the Communist leaders in North Vietnam to take off the false face they have been wearing and deal honestly in bringing this war to an end.

The critics of President Nixon should now be able to understand how and why the appearance of a lack of support in the Congress has undermined the courageous efforts of the President to end this war.

This eight-point peace plan could provide the basis for a settlement if the Congress and all Americans join hands in solidly backing the President in this matter. Such an action would result in a signal to the Communists which they may be unable to reject.

Further, it should be recognized that a Communist offensive could result in the occupation of some South Vietnamese territory. They would want to be in the strongest possible position when the final bargaining begins. Because the South Vietnamese forces cannot be everywhere in large numbers some towns and land could be lost. As always, the Communists choose the place and time of an attack because they are the aggressors.

Mr. President, significant developments in this ill-fought war are obviously close at hand. Hopefully, the release of American prisoners of war may now be measured in months rather than years.

In any event, everyone should now actively support the President on his eight-point peace plan not only because such support is deserved, but also because such support will accelerate the release of our long suffering servicemen being held prisoners.

## FARM PRICES AND FARM COSTS

Mr. McGOVERN. Mr. President, the defeat of H.R. 1163 in the Senate Agriculture Committee was a bitter defeat for our Nation's wheat and feed grain producers. It was so bitter because these farmers had responded to the Department of Agriculture's call for greatly increased production because of the possibility of the corn blight. Secretary Butz said in no uncertain terms that he would have made the same decision as his predecessor since there was no way to predict the blight.

Secretary Butz indicated it would have been unconscionable to have risked a food shortage, so the farm program for 1971 was designed to encourage massive plantings. It is fair to say that it would have been unwise to have proceeded otherwise, given the facts at hand. Yet it seems incomprehensible to me why the Secretary and his predecessor failed to consider the possibility of plummeting prices in the event of overproduction. This possibility was considered and called to the attention of the Department of Agriculture by legislation introduced in both bodies of the Congress while the blight was still an unknown factor. We would ask no other segment of our society to work harder and receive less in return. No other country would treat its agricultural producers so shabbily.

For some time now, prices farmers receive have dropped while costs have risen tremendously. A former Senator from Minnesota and Governor of that State has detailed in very real terms just how this cost-price squeeze operates. I commend Elmer A. Benson for his continued concern for American agriculture and ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT OF ELMER A. BENSON

Political leaders are again suggesting plans to help agriculture and most of these plans suggest that more credit be made available to farmers. I should think by this time, even politicians would know that it is not more credit that is needed but a better price for the things the farmer produces.

For more than twenty years the price of everything the farmer buys has gone up 300 or 400 per cent while what he produces has gone down 300 per cent.

The following table should be interesting:

| | 1948 | 1968 | 1971 |
|---|---|---|---|
| Flax | $6.96 | $3.05 | $2.42 |
| Soybeans | 4.16 | 2.55 | 2.79 |
| Rye | 2.63 | .98 | .78 |
| Corn | 2.63 | 1.00 | 1.00 |
| Oats | 1.29 | .67 | .53 |
| Eggs A | .41 | .18 | .18 |
| Cream L | .92 | .72 | .68 |
| Tractor TD | 4,500.00 | 16,000.00 | 17,500.00 |
| Tractor MD | 2,600.00 | 6,000.00 | 7,500.00 |
| 5 bottom plow | 650.00 | 1,200.00 | 1,800.00 |
| Drill | 600.00 | 1,500.00 | 2,200.00 |
| Truck 1½-ton | 1,800.00 | 3,000.00 | 5,500.00 |
| Truck 2½-ton | 2,225.00 | 5,000.00 | 6,500.00 |
| Combine | 3,400.00 | 7,000.00 | 13,000.00 |
| Jeep | 1,400.00 | 3,500.00 | 4,200.00 |
| Digger 17′ | 400.00 | 900.00 | 1,500.00 |
| Taxes, R.E | 179.68 | 448.50 | 629.84 |

For the past twenty years we have had a Federal Law making it possible for the Secretary of Agriculture to set support prices at 90 per cent of parity or more but at no time have they been set at more than 70 per cent of parity. Furthermore, during most of the same twenty year period the government's policy has been to sell farm commodities in order to keep farm prices depressed and this policy has been so stated by the Secretary of Agriculture.

Sincerely,

ELMER A. BENSON.

## ELDERLY WOMEN: POOREST OF THE POOR

Mr. CHURCH. Mr. President, the 7.5 million widows and single women aged 65 and older probably constitute the poorest segment in our society today.

More than 63 percent of all elderly women living alone or with nonrelatives are classified as poor or near poor. Of this total, 50 percent fall below the official poverty index.

Moreover, their median annual income is only $1,888—just a few dollars above the $1,852 poverty threshold for a single person.

And there is very strong evidence to indicate that aged women suffer from deeper extremes of impoverishment. Nearly 34 percent of all elderly women living alone, for example, have annual incomes below $1,500.

Several factors account for their great deprivation. Characteristically, they have been employed in lower paying jobs than men with comparable backgrounds. Moreover, they run a much greater risk of career interruptions because of family responsibilities. And according to recent data from the Social Security Administration, nearly 7 out of every 10 persons entering the retired-worker benefit rolls with minimum benefits were women.

Probably even more significant, large numbers of women are widows with no Social Security coverage from their own work records. There are now approximately 6.3 million widows aged 65 and older. And these women are entitled to only 82½ percent of the primary insurance amount received by their deceased husbands.

A recent article in McCall's, by Ralph Nader, describes in very human terms the problems encountered by aged women. It also provides very compelling reasons for enactment of a measure I have sponsored—S. 923—to allow a widow to receive all of her husband's social security benefits instead of just 82½ percent.

Mr. President, I commend the article, entitled "How You Lose Money by Being a Woman," to Senators and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### HOW YOU LOSE MONEY BY BEING A WOMAN

(By Ralph Nader)

You're a healthy, active woman caught up in a career or a family or both. Do you ever stop to consider what your financial situation will be twenty, thirty, or forty years from now? You should. Because by then you just might not be able to afford 50 cents to buy this magazine.

Exaggerated? Unfortunately not. Women, to a far greater extent than men, have to face the prospect of poverty when they grow old. You may find yourself in the situation of Mrs. B. Portland, Oregon, who spent twenty-five years in a large suburban home raising three healthy children. Her husband, a self-employed engineer, earned a comfortable income, and Mrs. B., who had a college degree in science, was able to help him in his work. They didn't save much during those years, but they planned to start a retirement fund after the children were grown. Then, suddenly, Mr. B. died at age fifty, and Mrs. B.'s life changed drastically.

She had to give up her house. The only job she could find was as a housemother for a college fraternity, which supplied her room and board and a little extra money. When she turned sixty-five, she lost even this job and found herself ineligible for other employment. Her only income was $100 a month from Social Security. Her children lived in other parts of the country and were unable to help her financially. Now, at seventy-two, Mrs. B. has a part-time job in a nursery school and a yearly income of $1,976—just ten dollars a month more than the officially defined poverty level.

Mrs. B.'s case is far from unusual. In fact, many elderly women have to live on considerably less: The 7.5 million widows and single women over sixty-five constitute the poorest segment of our society. In 1970, half of these women had yearly incomes of $1,888 or less.

Our present retirement-security system is fragile at best, but particularly unfair to women. Our society encourages a woman, sometimes against her will, to stay home and take care of her family, and then penalizes her later for not having worked. Under the present law, a wife can receive only a portion of her husband's Social Security benefit if he dies. Widows are regularly excluded from pension benefits their husbands have earned. Women who do work feel the full impact of discriminatory wage scales and hiring practices when they retire—and discover that their retirement benefits are considerably less than the benefits for men.

Workingwomen in private industry are far less likely than men to be covered by a pension. They are more often employed by small firms without pension plans and are the first to be laid off. When they take maternity or any leave of absence, they lose the years of "continuous service" necessary to qualify for benefits. One woman worked for the same industry (and union) forty-nine years; yet because of a five-year period when she was forced to change jobs, she was denied a pension when she reached sixty-five. Currently, less than 10 percent of all unmarried retired women workers are beneficiaries of private pensions.

Significantly, industries with the greatest percentage of women workers often have the least satisfactory wage and pension arrangements for them. The $665 average annual private pension benefit for unmarried women—$200 less than the average benefit for single men—reflects the fact that women generally receive lower wages throughout their careers, that they often voluntarily work fewer years, and that sometimes they are forced by their company to retire early.

The vast majority of private pension plans have no provisions at all for income payments to a widow. When her husband dies, the income stops. This is often because her husband failed to exercise his "survivors' benefit option." It usually turns out that he neglected to fill out papers agreeing to take a reduction in his lifetime pension in exchange for a benefit for his widow. In many instances, men don't want to be bothered with what they feel is burdensome paperwork. Sometimes they simply put it off until too late. Frequently, and tragically, husbands feel they cannot afford to take a reduction in their already meager pension benefits.

Many widows get nothing, even when their husbands exercise a survivors' option, because of restrictive conditions attached. Mrs. D. of New York was recently informed by her husband's employer that she would not receive a survivors' benefit because her husband died too early—that is, before retirement. Other plans provide that a widow will receive nothing if her husband dies after retirement or fails to reach a certain age before he dies.

The inadequacies of survivors' benefits in private pension plans have been virtually ignored by lawmakers, government officials, corporate executives, and labor leaders. Business leaders disparage survivors' benefits because of their substantial cost. Anyway, they point out, their firms offer group term life insurance. Yet such insurance has numerous limitations. It does provide benefits for widows (or other named beneficiaries), but usually only if the employee dies before retirement. Even then, the payments are incredibly small. The average benefit, paid in a lump sum, is less than the deceased employees' income for one year.

Whether you work or not, you may be depending almost entirely on Social Security—yours or your husband's—to see you through retirement. If so, you may have to reduce your standard of living drastically. Social Security today provides, on the average two-thirds of what a retired couple needs for a moderate level of living. Benefits for unmarried people (two out of three older women) are considerably lower. Social Security averages under $115 a month for older unmarried women. Older unmarried men average $145.

Women receive lower Social Security benefits because they have usually earned an average of 60 percent less than men, and Social Security benefits are based largely on earnings. Widows are entitled to only 82.5 percent of their husbands' benefits. Husbands, of course, receive 100 percent of their benefits if they outlive their wives. Are a woman's needs really 17.5 percent less than a man's?

Many women, of course, rely on other means of securing their future. Men frequently insure themselves and designate their widows as beneficiaries. Unfortunately, these life-insurance policies are no guarantee of an adequate income. A recent survey showed more than 90 percent of all policies paid beneficiaries $10,000 or less. Further, the most common type of life insurance is the cash-value policy, which allows the insured to cash in the policy to meet immediate financial needs. In numerous cases, this has meant that a wife's future is exchanged for ready cash, and she is left without any insurance protection.

Perhaps you are counting on cash savings or other forms of assets, such as stocks, bonds, or real estate. If you are able to save adequately for your retirement, you are in a very small minority. At least one-fourth of all unmarried women over sixty-five, including widows, have no assets of any kind. Most people cannot afford to begin saving for retirement until their late forties or early fifties. By then, inflation has substantially reduced the buying power of their dollars.

If you are healthy you can work to supplement your income. One in seven unmarried women over sixty-five do. But they usually have the lowest paying jobs and are the last to be hired and the first to be fired. Until they are seventy-two, they cannot earn more than $140 a month without losing some of their Social Security benefits.

Only the most destitute of women are eligible for welfare payments. Currently about 1.4 million women are receiving Old Age Assistance. Welfare payments vary according to state, but they are never adequate. An elderly woman in California may receive $115.05 a month, while a welfare recipient in Mississippi gets only $46.65.

Living on a reduced budget is particularly difficult for the elderly. Contrary to popular belief, expenses—for food, medicine (even with Medicare), and transportation—are higher for those over sixty-five than those, say, between fifty-five and sixty-five. Rising sales, income, and property taxes and house-maintenance costs fall hardest on those with fixed incomes.

Unless women take action soon, they will continue to face a severe drop in their living standard in their later years. Here is what to do now:

WIVES: Find out about the survivors' benefits under your husband's pension plan—or whether he is covered by a plan at all. Ask if he has exercised a survivors' option, if one is available. Find out whether you will get a benefit, and how much, if he dies while he is working or after he is retired. If he is covered by group insurance, ask whether you will get anything if he dies after his retirement.

WORKINGWOMEN: Examine your pension plans. If you find that "continuous service" or early-retirement provisions are unfair to women employees, bring it to the attention of your employer and your co-workers. If you are not covered by a pension, discuss this with your firm's executives.

Women in unions should form women's divisions to work for better retirement benefits, as well as better wages and equal hiring practices. Women workers also should press for survivors' benefits in pension plans.

A number of proposals pending before Congress have been ignored, shunted aside, or defeated, because women have not fought hard enough for their rights in this crucial area of security benefits for women.

One proposal would allow a widow to receive all of her husband's Social Security benefit instead of only 82.5 percent. Another would give widows (and widowers) a Social Security benefit equal to three-fourths of the combined benefits of husband and wife.

Both provisions are included in H. R. 1, the Social Security-welfare package. Women should express their views in letters to Sen. Russell B. Long (D.-LA.), chairman of the Senate Finance Committee.

Another proposal, H.R. 996, introduced by Rep. Bertram L. Podell (D.-N.Y.), would allow a man to set aside in a special account a "household allowance" of up to $25 a week for his wife's retirement. This amount would not be taxed until it is used as income after retirement, like the pension funds set up by self-employed people.

Sen. Charles Percy (R.-Ill.) has introduced bills proposing reduced rates for the elderly on all interstate vehicles, free prescription drugs, and tax relief on medical expenses. Rep. Henry Reuss (D.-Wis.) has introduced H.R. 6883 to allow low-income elderly people to deduct up to 75 percent of their property taxes from their federal income tax.

Express your views on this legislation by writing the sponsors in Congress. Remember, it's an election year, when letters from constituents have a special impact.

Women should also press for state laws that protect their right to a comfortable old age. Some thirteen states have already provided property-tax exemptions for the elderly. Several cities, including New York, Boston, and Washington, D.C., have reduced bus fares for older people.

Civic and religious groups should inform their members about the inequities of the retirement system as it affects women.

Finally, everyone should support groups that provide special services—home health care, homemaker aides, inexpensive or free meals—to those older women who cannot take care of themselves.

Too often, the older needy woman is ignored—even by women who might someday find themselves in her place. Proud, and often bewildered by her plight, she is one of the loneliest figures in our society. It is a special responsibility of younger women to fight for her rights—not only for her benefit but for their own future.

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## SOCIAL SECURITY LEGISLATION

Mr. STAFFORD. Mr. President, the distinguished senior Senator from Illinois (Mr. PERCY) testified this morning before the Senate Finance Committee to urge major improvements in our social security and medicare programs. He also recommended certain steps which, if taken, could bring about better care for elderly patients in long-term-care facilities.

So that Senators may have the benefit of the Senator's recommendations, I ask unanimous consent that his statement as submitted to the Senate Finance Committee be printed in the RECORD:

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### TESTIMONY OF SENATOR CHARLES H. PERCY, ON THE SOCIAL SECURITY AMENDMENTS OF 1972, BEFORE THE SENATE FINANCE COMMITTEE, JANUARY 27, 1972

Mr. Chairman and members of the committee: I come before you today to advocate reform in those programs of such great concern to our elderly population, Social Security and Medicare. At the outset, let me once again commend the Senate Finance Committee for its dedication to and interest in the problems of the elderly.

#### SOCIAL SECURITY—INCOME MAINTENANCE

#### *Full benefits for widows*

Under the present law, a retired man can draw 150 percent of his monthly Social Security allotment if he is married. If the man is a widower, he receives his full benefits, or 100 percent of what is termed his "primary insurance amount." If he leaves a widow, she can receive only 82½ percent of his total allotment as an individual, even though a widow's expenses are no less than a widower's.

This situation creates serious hardships for many elderly widows, for although their income decreases almost by half, their expenses do not. Certainly landlords do not cut rents when their tenants' income drops. Nor do grocers, utility companies or doctors cut their bills. The drastic drop in income is particularly unfortunate when one considers the emotional adjustments facing the elderly widow.

To correct this problem, I urge the committee to allow widows to receive 100 percent, rather than only 82½ percent, of their deceased husbands' primary insurance amount.

#### *Automatic cost-of-living increases*

Among all of the various groups in our society, those living on fixed incomes such as Social Security suffer the most from inflation. The cost of living may rise rapidly, as it has in recent years, but elderly Social Security recipients must wait for Congress to adjust benefits.

This can sometimes take several years. In the meantime, pensioners suffer hardships for which no belated congressional actions can compensate.

The only way to protect elderly people—many of whom are largely or totally dependent upon Social Security for their income—is to allow automatic benefit increases to correspond with rises in the cost-of-living. Cost-of-living increases have become an integral part of the salaries paid to American workers. It is my view that our elderly citizens are entitled to the same protection against inflation as that given to younger workers. I therefore urge the committee to approve automatic benefit increases in Social Security.

#### *Earnings limitations*

Perhaps one of the most unpopular aspects of our Social Security system is the limitation placed on the amount of money a recipient earns between $1680 and $2880 in one year, he suffers a $1 for $2 reduction in benefits. Beyond $2880, he loses one dollar for every dollar earned.

There is no issue about which elderly Americans are more distressed than the earnings limitation. They think it ludicrous, and so do I, that wealthy older citizens can receive $100,000 in dividends and still get their full Social Security benefits. Yet if they work, their payments are reduced after earning the first $1680.

A full quarter of the 25 million elderly Americans live at or near the poverty level. Many of these people are poor for the first time in their lives, and for reasons beyond their control. For instance, some have lost private pension rights due to plant shutdowns, even though they may have served a company for as long as 15 or 20 years. Others have worked throughout their lives, but because their incomes were never more than marginal, they never could accumulate large savings or invest sufficiently in stocks and bonds to provide an adequate retirement income. Still others may have saved for their retirement years, but found their savings completely wiped out because of serious and prolonged illnesses.

For these people, the present system offers two choices: They can try to supplement their Social Security incomes by working, or they can do so by going on welfare. Those able and willing to work can retain only a modest portion of their earnings over $1680.

In addition to economic need, we should also consider the need of elderly people—indeed, of all people—to contribute to society through working, and to feel that one's contribution has a value. In this connection, I would like to cite from the responses to a questionnaire I gave to the Illinois delegates to the White House Conference on Aging. The specific question I asked was this: Do you feel inadequate income is the most serious problem facing the aged? If not, what do you feel is the most serious problem? Some of the answers were:

"Inadequate income is one of the most serious problems, but we might give almost equal weight to the problem of loss of one's role in society."

"Insufficient income is a significant problem . . . but equally important are social interaction and work."

"I agree that inadequate income is the serious problem confronting many senior citizens today, but for many others, in almost equal numbers, lack of a satisfying role in their later years is more serious, and for them, finding a place in society will compensate for a lack of income or meet their needs more adequately than money can."

"Among the less visible problems are loneliness, a feeling of purposelessness, a feeling of rejection, and other causes that contribute to mental deterioration."

The earnings limitation not only runs counter to the high value our society places on independence and the willingness of individuals to support themselves, but it also actively discourages many elderly persons from finding meaningful jobs.

I believe this social value, as well as the desire among elderly people to find satisfying work roles, should be recognized to a greater extent in our earnings limitation policy. I would like to see the earnings limitation abolished completely, but to be practical, I urge the committee to raise it to $2400 immediately, and to $3000 by January 1, 1974. Between now and January 1, 1974, I propose that the Administration review all aspects of the "retirement test," and report back to Congress with recommendations at that time. The in-depth review should re-evaluate the retirement test in light of present-day private pension plan deficiencies and the trend toward increasing life expectancy. It should also examine the feasibility of linking the amount of allowable earnings to need.

As an additional measure of relief for those over age 65 who want to work, I propose a credit or refund of Social Security taxes withheld from their wages up to $1680 annually. There would be a corresponding reduction in the taxes paid on income of self-employed individuals.

### MEDICARE AND NURSING HOMES

*Prescription drugs and Medicare, and full medical expense deductibility from Federal income taxes*

Despite the enactment of Medicare, medical expenses continue to take up a large portion of the elderly person's income. In 1970, the average health bill for persons 65 and over was $791, six times that of a youth, and three times that of people between the ages of 19 and 64.

Medicare pays for less than one-half of the health care costs of the elderly, and it does not cover out-of-hospital prescription drugs. Yet drugs constitute the largest personal health care cost of the elderly, accounting for about 20 percent of their out-of-pocket health expenditures. Many elderly people forego badly needed medical care simply because they cannot afford it.

The Senate Special Committee on Aging, the 1971 Advisory Council on Social Security, and the 1971 White House Conference on Aging, have all recommended that Medicare be expanded to cover out-of-hospital prescription drugs.

I urge the committee to adopt this recommendation, and in addition, to restore full deductibility for medical expenses from older person's incomes subject to Federal taxation, as provided prior to 1967.

*Nursing home care and standards*

There are approximately one million elderly persons residing in nursing homes and related institutions in this country. A very high proportion of these people are suffering not only from serious and chronic illnesses, but also from inadequate care. In too many cases, they suffer from severe mistreatment.

Although the reasons underlying the shortcomings in our nursing homes are numerous and complex, the subcommittee on long-term care of the Senate Special Committee on Aging has managed to pinpoint certain major problems. One cause contributing to the nursing home problems is the diffusion of responsibility among governmental agencies for administering and implementing nursing home standards. During hearings held last year in Chicago on nursing home conditions in Cook County, it was found that four levels of government—city, county, state and federal—are involved in the establishment and enforcement of nursing home standards:

County health officials inspect homes, but only the State Department of Public Health may take action to revoke licenses;

The Chicago Board of Health sets standards for homes and also issues licenses;

The State Department of Public Aid decides the level of reimbursement for public aid recipients, while the Department of Public Health oversees the City's effectiveness in licensing and inspecting;

And the Social Security Administration and the Social and Rehabilitation Service of the Department of Health, Education and Welfare administer and enforce congressionally authorized standards for the Medicare and Medicaid programs.

Since the hearings, the State of Illinois has taken commendable steps to improve the administration and enforcement of its nursing home standards, but the consequences of this diffusion of responsibility are serious enough to warrant a change in our Federal law which would vest in a single State agency the authority to administer nursing home standards and to license and inspect long-term care facilities.

To aid the States in their efforts to administer and enforce nursing home standards, I propose the institution of a training program for State inspectors under the auspices of the Department of Health, Education and Welfare.

I am pleased to note that the Administration has already initiated a Federal effort with respect to the training of State inspectors. I urge that this effort be accelerated further through the adoption of my amendment to HR 1 which authorizes $17.5 million over the next four fiscal years for this purpose.

*Demonstration program for the rehabilitation and remotivation of patients in long-term care facilities*

At a minimum, nursing homes should see that their patients receive adequate medical supervision and good nursing services. Beyond that, they should seek to rehabilitate nursing home patients through physical therapy and other activities which improve the physical and spiritual condition of the patient.

In their investigation of nursing homes in Cook County, *Chicago Tribune* reporters found that many patients sit for hours doing nothing, or all they do is watch television because so few opportunities for social and physical activity exist. In describing the grimness of this situation, one reporter wrote: "They sit in rooms where the paint is peeling from the walls and the windows are covered with grime and they stare." Conditions vary, of course, from the best to the worst, but there is substantial evidence to warrant fear that this dismal atmosphere prevails in too many homes.

Many nursing home administrators would like to do more in terms of rehabilitating their patients, but because of a reimbursement system which discourages the rehabilitation of patients, they cannot afford to undertake such efforts. In Illinois, it is reasonable to believe that at least 150 homes could spend this money and benefit from it.

To encourage homes to develop rehabilitation programs and to learn more about what can be done in this area, I propose the authorization of $35 million over the next four fiscal years for demonstration programs designed to rehabilitate aged in-patients of long-term care facilities.

Mr. Chairman, the elderly are neither a militant nor a loud group, and they do not have the money to finance high-powered lobbyists to fight for their needs. Instead, they are inclined to suffer their hardships in silence, even though their hardships might seem unbearable and infinite. Their sense of pride and dignity is admirable and refreshing, but we should not allow the elderly to be taken advantage of merely because they do not storm Congress with demands.

Their problems are starkly real. And their needs are immediate. It is with these thoughts in mind, therefore, that I urge the adoption of the foregoing proposals and the prompt enactment of them as part of HR 1.

## THE WAR GOES ON

Mr. McGOVERN. Mr. President, I deeply regret that I have not been able to support the recent proposals Mr. Nixon has made on Vietnam. The key to ending the war is for our Government to set a definite date for the complete withdrawal of American forces from Vietnam. That is why I have proposed a bipartisan committee of Senators to work with the administration in finding a way to set the date and thus insure the release of our prisoners and the return of our troops.

It is clear that there is a great difference between offering to negotiate about setting the date and actually setting it. I believe that only the actual setting of a date for withdrawal and the end of bombing—which Mr. Nixon did not mention—will bring our forces and our prisoners home.

To those who believe that Mr. Nixon's offer will defuse domestic criticism of his war policy, I say that I wish that we could end all argument about the war. And the way to do that is to end the war itself. But I am sure that most Americans realize today that the Nixon proposals have not made any difference at all in the lives of the hundreds of prisoners still in North Vietnam or of the American soldiers still engaged in combat or of the Vietnamese who still die by the hundreds each week. No policy can be called a success until it brings relief to them.

## TRIBUTE TO FORMER SENATOR HAYDEN

Mr. FANNIN. Mr. President, editorials in yesterday afternoon's Phoenix Gazette and this morning's Arizona Republic express the respect, affection, and gratitude that Arizonans feel for the late former Senator Carl T. Hayden.

I ask unanimous consent that these two editorials be inserted in the Record.

There being no objection the editorials were ordered to be printed in the Record, as follows:

### He Belonged to Arizona

Arizona can never fully measure the debt it owes to Carl Hayden.

His name is in the nation's history books for the vast span and great accomplishments of his long service, first in the U.S. House of Representatives, then in the Senate.

But in Arizona, the name of Carl Hayden is in our hearts as well as in our histories. His death cannot remove it because, as they said of Lincoln, he was a man for the ages.

He will be with us as long as the fields are green and the cities flourish in Arizona; there is no facet of the state's development since before statehood which has not felt the imprint of Carl Hayden's quiet, often self-deprecating genius.

To try to list the achievements of this man who worked so long at the highest levels of government would be futile. The number is too great to count.

We can only say, with his passing, thank God he was permitted to be so long with us. His death sorrows us all, but even in sorrow we have the joy of knowing he was ours while he walked the earth.

### The Greatest Arizonan

Many colorful figures have swept across the Arizona stage. Priests, gun-slingers, gamblers, miners, ranchers, land developers, remittance men, solid citizens—the list goes on almost endlessly. But perhaps the least colorful of them all has left the biggest mark.

Dead at the age of 94, Carl Hayden casts an increasing shadow across the state he loved and did so much to build. He decided early in life that he would be, in his own words, "A work horse, not a show horse." And so the man who served longer than any other in the U.S. Congress spent his time in committee work, not making speeches on the floor of the House or the Senate.

For many years he was chairman of the Senate Appropriations Committee, and he presided over the authorization of untold billions of dollars in government spending. While he always knew how to benefit from superb staff work, he also took the trouble to read the bills and study the appropriations. He knew where the money was going, and he tried his best to stop any possible waste.

Carl Hayden never sneered at politicians or at the give-and-take of political processes. He walked the dusty streets of small Arizona towns seeking votes; he attended party caucuses without end; he served as precinct committeeman, which prepared him for being chairman of national conventions; he was a Democrat, and he often opposed party leaders in preliminary meetings, but once a party policy had been laid down, he supported it loyally.

Naturally as a westerner he understood the problems of the West far better than the more numerous Eastern members of Congress. He also knew the hard rules of the House and Senate. Without violating his innate integrity, he was able to make the trades that are an essential part of the legislative process. To Hayden, more than to other men, should be attributed the federal appropriations for reclamation and parks that have made the West such a desirable place in which to live.

Senator Hayden played a big role on the national stage when he pushed through massive war appropriations, great veterans' measures, and all-important social welfare projects. But he never forgot the basic factor in his constituency, the little guy in Arizona. No letter to his office went unanswered; no request that could legitimately be fulfilled was ignored.

A grateful state will pay its last tribute to Senator Hayden as he lies in state at the Capitol Building tomorrow and at the funeral ceremonies in Grady Gammage Auditorium in Tempe Saturday. No man has done more, with less fanfare, for Arizona.

## EDITORIAL IN AUGUSTA CHRONICLE NEWSPAPER: "YOUTH IS MALIGNED"

Mr. THURMOND. Mr. President, an editorial entitled "Youth Is Maligned" appeared in the January 18, 1972 issue of the Augusta Chronicle newspaper, Augusta, Ga.

This editorial quotes figures from a nationwide youth survey which dispel the idea that our young people are an alienated generation.

Mr. President, I ask unanimous consent that this editorial be printed in the Extension of Remarks at the conclusion of my comments.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

### YOUTH IS MALIGNED

Attitudes on the part of youth, as reflected in two new polls by Scholastic Magazine's Institute of Student Opinion, indicate very clearly the error of those who promote the idea of a racial, alienated generation.

It just isn't so, one must conclude on checking results of the polls.

The alleged generation gap seems to be largely fictitious in light of responses by more than 8,000 high school students. A closeness and sense of obligation to parents is indicated when only 9 per cent say they would not want to help their parents when they have finished school. The same group said with virtual unanimity that they wanted children in their future families—41 per cent preferring two children, 31 per cent preferring three children, 25 percent wanting four children and 3 per cent desiring one child only.

Religion is playing a greater role in American life than in the past, 40 per cent of the respondents said in a far broader poll—one one which surveyed the opinion of 85,000 junior and senior high school students in more than 2,000 schools. Of the total number an additional 15 per cent think the degree of influence by religion continues on the same level as in the past, 27 per cent did not have an opinion, and only 18 per cent think religion is declining as an influence.

In the same group of 85,000, small town residence was preferred by the greatest number—35 per cent. Another 19 per cent prefer suburban life, and 14 per cent chose cities.

It seems obvious from such responses that the overwhelming majority of students are conventional, well adjusted individuals. Those who spread sensational statements which assume resentment and rebellion as a way of life among most youth had better take a second look.

## HOME REPAIRS SERVICES FOR THE ELDERLY

Mr. CHURCH. Mr. President, approximately 68 percent of all aged persons in the United States own their own homes.

But it is estimated by the Senate Committee on Aging, of which I am chairman, that 6 million older Americans live in unsatisfactory quarters.

Additionally, their housing problems are further complicated by substantially reduced income in retirement, limited mobility, and a greater likelihood of suffering from a chronic health condition. As a consequence, many elderly persons now live in run-down and dilapidated housing which is oftentimes structurally unfit for human occupancy. And in far too many cases, essential home repairs must be delayed because of limited income, failing health, or the lack of requisite skills.

Yet, with a small amount of help, these deteriorating units could be renovated and made livable again.

It was for these reasons that I recently introduced the Older Americans Home Repair Assistance Act, S. 288. Briefly, this measure would make home repair services available for elderly persons who otherwise would have difficulty in paying for these costs. Equally important, this proposal would provide new opportunities for productive employment in a wide range of helpful services—including carpentry work, painting, repairing leaky roofs, replacing rotten floors, and many others—for individuals 55 and older.

A few months ago, the Senate Committee on Aging held hearings in Boise, Idaho, on the effectiveness of the Administration on Aging. However, at these hearings the aged also discussed their problems fully and frankly. And one key concern mentioned was the need for a home repairs program, especially for elderly widows.

An excellent example of this viewpoint was presented by Mrs. Fern Trull, of Weiser, Idaho.

Mr. President, I commend the testimony of Mrs. Trull to Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

### STATEMENT OF MRS. FERN TRULL OF WEISER, IDAHO

Mrs. TRULL. Senator Church and members of the panel and friends, when most of us retired from our jobs I hope that most of us did so gracefully. But I think that when we retired it was not with the thought that we were to be placed on a shelf, and that our time of service was ended.

Most of us brought to our retirement age a vast wealth of experience, of learning, and of skills, and were lauded for that. Then we reached the age of 65 and all of a sudden nothing seemed to count, no one wanted our skills, no one cared that we might have experience to help in some of our problems.

The mental change for many of us was certainly great. We wondered how we might fill our days, besides watching TV and walking the dogs.

In Washington County, Idaho, we had a project which worked very successfully for us and I think it worked throughout the western Idaho community action group very well.

This plan was to hire senior men and women who were employable and who desired to work for various reasons to repair the homes and take care of the yards of those older Americans who were unable to do it themselves and who had no money to buy the materials or to hire a painter or a carpenter or someone to do the work from the professional fields.

Some of our women worked in the homes, cleaning up the homes of some of the bachelors, helping some of the women do their washing and ironing, preparing some meals for them, staying with them when they returned from the hospital, and working with them so that those individuals were kept from the very expensive nursing homes and hospitals, thus lowering the cost of the taxpayer in Washington County.

The Federal grant which we received for 1 year paid the minimum wage to each of these workers of $1.60 an hour, and paid for the paint and materials needed to repair that leaky roof, to have a more cheerful dining room for some elderly person, to put a railing on steps so that that person would not fall and injure him or herself, and that type of work.

We found it most successful, in fact we declared it was our most successful venture in the helping of the aging. It did not compete in the labor world, for these elderly people who had the repairs done could not have afforded a regular painter or a carpenter. Had this work not been done by senior men and women it would not have been done at all.

### SUCCESSFUL PROGRAM TERMINATED

The year ended and we spoke to deaf ears. Wherever we talked to the seniors they were interested in the program, when we talked to those in power they didn't hear us, yet they were perfectly willing to continue programs for us which were not as successful as this labor program. We have not had any success in getting it back. Like many of the Idaho cities, our city and our county do not have the money to carry on such a project, and we are still trying, and trying hard, to get it back, because it benefited the individual mentally. As one man said: "I no longer wake up in the morning and wonder what I am going to do this long endless day. I know I am going out to work. I am going to meet friends, I am going to meet new people, and I will come home tired and sleep." Another man said: "I am glad I bought my winter clothing when I was working on this project, otherwise I would have had to gone to charity, and that is one thing I will not do."

It helps them maintain their independence, their self-respect and their dignity, which they had had on their jobs when they were employed prior to 65.

I think we need to take some of these things into consideration. None of us want to punch a timeclock, I certainly don't, and I usually manage to evade substitute teaching if I can possibly help it, because I have grown a little bit lazy since I have retired.

But there are things we can give to the community in the way of our skill and our experience, and we do have people who need the money economically. All of us need something to do for our mental health.

Another way we might help the employment of our senior citizens is to follow along with the line of Lewiston, Idaho, with their syringa flowers, and with the Washington

County seniors who showed you the vests and the skirts which they are making, and which they sell out in the community, and as far away as Alaska. Now, Senator Church will take one back to Washington, D.C.

This work is done by volunteers, by women who take the work home and do it on their own time. We would like to have a workshop like Lewiston has, whereby our seniors, many of whom are very skilled, can bring their handmade articles to sell at a shop in our new senior center which we purchased the middle of May. We are still paying for it, of course, for we mortgaged our souls to get it. In our new senior center we have a lovely large room for a workshop, which we are going to use to try to help our members who want extra money for their too small income. The skills are there. We can devise ways which will not compete with regular labor, for our unemployment in Washington County is very high. We seniors can devise ways whereby our people can become fully employed in various ways, or as much as they want without ever competing with the painters or the carpenters or the truckers, or those individuals who are the semiskilled. But we cannot do it without a little extra money, so we are looking to the Federal Government for a little bit of money to get us started, just as they helped us get started on our senior center. And when we have the great big bang-up opening of our center, we will invite you all and say, with the help of our community we did it ourselves. Thank you.

Senator Church. Isn't she a good saleswoman?

I want to say, Mrs. Trull, that I think you hit the nail right on the head. I think of this program that you had in Weiser; I know that we had part of this impact program in Emmett. I am told there are people who worked on that program and did good work and did it for elderly people who couldn't possibly pay the normal wage to a painter, or to get such help from the labor market. It was either a question of having no work done or getting it on this basis.

Now some of these people who are cut off, because no funds are available, are forced back on welfare again to supplement their income.

In the end it is just the question of how the public will pay. You would think that we would have sense enough to try and arrange it in such a way that we can pay to get constructive work done and help the elderly, and help the community, instead of paying it out through a demeaning welfare system.

I so hope that this is one of the things that we can accomplish at the White House Conference, to get programs of this kind started again, and not just on a little experimental basis here and there, but on an extensive basis that will really reach the elderly all over the country and give them this chance.

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## WELFARE PROGRAMS

Mr. FANNIN. Mr. President, the Wall Street Journal today contains a very interesting article under the headline: "Welfare: Separating Myth and Fact."

This commentary was written by Richard A. Snyder, an attorney from Lancaster, Pa., and a ranking minority member of Pennsylvania's Senate Public Health and Welfare Committee.

Mr. Snyder points out that the advocates of welfare expansion are seeking to create new myths which support their point of view. Proponents of grandiose welfare programs claim to be trying to clear up misconceptions, but instead they are substituting their own interpretations and backing these up with misleading statistics.

Mr. President, I ask unanimous consent to insert in the Record the article from today's Wall Street Journal.

There being no objection, the article was ordered to be printed in the Record, as follows:

### WELFARE: SEPARATING MYTH AND FACT

(By Richard A. Snyder)

The Department of Health, Education and Welfare, apparently stung by taxpayer criticism of ever-more-costly welfare programs, has published a booklet in its own defense. Like any piece of propaganda, it may tell us something about its creator. It certainly doesn't contribute much clarity to the confusion surrounding welfare and its dilemmas.

The booklet, "Welfare Myths vs. Facts," has been widely circulated by the department and has served as the basis for a number of newspaper articles. It purports to explode "popular misconceptions" about welfare and welfare recipients.

Such misconceptions "not only malign the victims of poverty but the social workers who labor with dedication to make the present inadequate welfare system work," says John D. Twiname, HEW's Social and Rehabilitation Service administrator, in the pamphlet.

While conceding that the current system is indeed inadequate (and putting in a plug for the Nixon welfare reform legislation), the booklet nonetheless argues that the present system is being unfairly criticized by those who suggest, for example, that many welfare recipients are lazy or unethical.

Or, as the HEW frames the proposition:

"Myth: The welfare rolls are full of able-bodied loafers!"

"Fact: Less than 1% of welfare recipients are able-bodied unemployed males."

#### ARE STATISTICS ACCURATE?

Even if that statistic is accurate it is deceptive, for it implies that finding jobs for these men would have a negligible effect on welfare. The fact is that there is an average 3.7 persons per family on relief, which means that this percentage, rather than 1%, would move off the rolls if the breadwinner went to work.

But is the figure accurate? Or has HEW been too generous in interpreting who is "able-bodied"? For example, it recently came to light that the Pennsylvania Department of Public Welfare had entered into a formal plan with HEW's regional office in Philadelphia to permit any physical impairment of either parent—however trivial—to qualify the family for federal and state funds under the federal work incentive program. Those with no more impairment than the need for eyeglasses qualify the family for cash, food stamps and free medical aid.

Emphasis on males alone is also misleading. It ignores the mothers, a huge and largely untapped work force. As Blanche Bernstein of the New School for Social Research in New York City has pointed out, about 25% of the welfare mothers in New York City, for example, have at least a high school education, making them eligible for many jobs advertised. Half of all mothers have only one or two children, making day-care arrangements feasible.

As part of its denial that many welfare recipients are employable, HEW makes the point that mothers and children get most of the money spent for welfare.

This is true in the sense that Mother cashes the check. However, the indirect but actual beneficiary is more often the absent father. If he leaves his family and lives alone he can spend all the wages on himself, a comfortable equivalent of bachelorhood. If he lives with a woman who is not his wife, he is similarly favored in an economic sense, especially if she is on welfare or employed and their incomes are merged. If he makes clandestine visits to his own home, his paycheck and his wife's welfare check in combination give the outwardly separated family a double income.

There are cases, of course, where the mother is widowed, or the father is ill, imprisoned or otherwise incapacitated. But these do not explain why deserted families on welfare increased from 12,000 to 80,000 in New York City within seven years. Responsible sociological opinion, typified by Nathan Glazer of Harvard, points out that there is a cash incentive to break up the family, or not to form it. For example, the unwed mother on welfare and the putative father on wages would lose her income if they marry.

For years welfare apologists prefaced any discussion of relief with references to the "aged, blind and disabled," which made any criticism of welfare seem hard-hearted. Now that these have become a bare quarter of the whole cost, the stress has been on children and mothers, with discrete avoidance of the men whose escape brought about the situation.

Another straw man from the HEW booklet:

"Myth: Give them more money and they'll spend it on drink and big cars."

"Fact: Most welfare families report (in an HEW survey) that if they received any extra money it would go for essentials."

One can hardly imagine a recipient testifying otherwise, at least in any inquiry conducted by the department. Other random surveys, however, have disclosed push-button telephones, stereos, new and expensive furniture in homes receiving public assistance, and other luxuries purchased with public assistance grants. Credit is often readily available to public assistance recipients because merchants have confidence in the flow of funds.

HEW has special difficulty in encouraging good judgment in spending because the current thrust in welfare is to separate the computing of eligibility from the rendering of social services, such as advice on budgeting, family management, child care, homemaking and employment. It is a tenet that the recipient should not be submitted to the "indignity" of having such advice thrust upon him.

"Myth: Once on welfare, always on welfare."

"Fact: The average welfare family has been on the rolls for 23 months. . . . The number of long-term cases is relatively small."

The department's own figures don't wholly confirm its position. By its charts, more than a third of those on welfare have been there three years or more. HEW personnel admit, moreover, that this does not take into account "repeaters" who have been on for varying periods previously.

In fact, "on-again, off-again" welfare is the case with many recipients, as local administrators acknowledge. For these families, welfare becomes the quickest port of call in any emergency. The easy availability diminishes the likelihood that the recipient will be resourceful, take part-time or overtime work to bridge the gap, or solicit help from relatives.

#### UNTO THE THIRD GENERATION

The most familiar situation in which welfare has become a way of life is the young unwed mother and her child. And when the child in turn becomes an adolescent and becomes pregnant, a third welfare generation has begun.

According to HEW's pamphlet, 32% of the more than 7 million children in welfare families were born out of wedlock, and these demonstrably constitute much of the caseload that is either on relief on a long-term basis or at recurring intervals.

HEW puts the average length of time a family is on welfare at 23 months, but information in the files of Chairman Wilbur Mills' House Ways and Means Committee establishes the figures at 42 months; this figure would be even greater if welfare rolls weren't growing so fast.

There is an astonishing lack of data in HEW with respect to how long the closed cases had been on welfare (the Department says no studies have ever been made in this area), and data on this group is needed for an accurate index. Any figure based on those on relief at any given point in time also obviously doesn't include the prospective remaining period each case will be on the rolls, nor does it include any period present recipients may have been on the rolls prior to that point in time.

Dr. Bernstein and others have pointed out that figures on poverty and low incomes aren't reliable. Many families are prone to report net rather than gross figures and to be inexact about part-time earnings and teenagers' income. Or the wife is frequently the source of information about her husband's income but is ill-informed about it. In other words, many families commendably have income from assorted sources, which brings them slightly above the poverty line, although the statistics provided show they are below it.

This also serves to explain in part why many in rural and small-town America would be shocked to be told that they are in poverty. They live frugally but to their own satisfaction on limited resources, or sometimes on help from kin. Census figures are thrown out of kilter by the Amish farmers, for example, who would classify as underprivileged if measured by the absence of radios, TVs or cars, but who manage to earn sufficient income to buy expensive farms for their sons.

Bismarck is reputed to have said that people are happiest if they know little about how their laws and sausages are made. He might have included welfare administration. What is everyone's business has become no one's business except the social scientists', and they haven't given satisfying answers.

### BURGEONING DEMANDS

Legislators, at the state level particularly, are becoming frustrated by the burgeoning demands of welfare, which drains educational and other parts of the state budget. And they bear the lament of taxpayers who feel the pinch of welfare and other costs. States, responding to grass-root pressure, cut back on grants. HEW, with its pamphlets, seeks to justify its system.

Welfare is an enormously complex issue, and one that tends to arouse strong emotions in all concerned—from the needy recipient to the taxpayer who foots the bill. Any progress toward a solution of what society can and should do to care for its destitute—a solution that has evaded man since the beginning of history—will be made only through cool rationality.

It is natural that HEW react defensively to criticism and state its case positively. It would be unrealistic to expect it to quote Edward C. Banfield of Harvard, for example, to the effect that current welfare policies encourage idleness, dishonesty, and reduced production.

The public has, however, a right to accuracy and objectivity, and HEW propaganda broadsidse such as "Welfare Myths vs. Facts" are no help at all.

## FREEDOM IN RHODESIA

Mr. McGOVERN. Mr. President, the situation in Rhodesia is deteriorating. As of yesterday, some 14 Africans have been killed in demonstrations against the proposed agreement between the British Government and the rebellious Rhodesian Government.

Since the Rhodesian Government declared itself independent in 1965, the British Government has tried to bring it to grant full rights of citizenship to its black citizens as a condition of recognition. British recognition is vital to the legitimacy of the Rhodesian regime. No other country has yet recognized that state. Once the British accept its independence, most other countries can be expected to follow suit.

Last November, a British commission headed by Lord Pearce concluded an agreement with the government of Ian Smith. Now that commission is attempting to convince the African population of Rhodesia to accept the agreement.

The Pearce accord gives the white minority 50 seats in the Rhodesian legislature and gives the black majority only 16. It contains the promise of equality of representation at some vague future date. Majority rule would come even later, if, in fact, at all. This agreement is a far cry from the goal one-man, one-vote set by progressive black leadership in Rhodesia.

As members of the Pearce Commission have traveled through Rhodesia, they have met with strong opposition from Africans. In some cases this has led to violence. Eight black members of Parliament in Salisbury have rejected the plan. Africans clearly doubt that, once Rhodesia is on its own, the Smith government will make a real commitment to letting 5 million Africans have a greater voice than 250,000 whites.

The position of the British Government is understandable. It wants to shed the albatross of Rhodesia—a country which has declared its independence and over which the British can now exercise only feeble control. The only measure which has had any effect is the U.N.-sanctioned economic boycott of Rhodesia. But that policy has not succeeded in changing Rhodesian policy. In short, the British now appear determined to make the best of a bad situation.

The United States and other countries can sit back and let Britain negotiate for them. The result is likely to be the acceptance into the international community of a country that is pledged only to give lipservice to the civil rights of the vast majority of its citizens.

We should not let the British make this decision for us. Instead we should put the British Government on notice that the United States will not acquiesce in the Pearce agreement since it is clearly opposed by a majority of Rhodesians. We should inform the British that the United States will not alter its policy toward Rhodesia even if the Pearce Commission flaunts the will of the majority and reports to London that the agreement should be implemented. And we should take the lead in seeking a United Nations resolution rejecting the Pearce agreement.

Because Britain is, in fact, acting on behalf of the international community, does not give us the right to shirk our own responsibility. By prompt and decisive action, we shall act in the best interest of the 5 million Africans of Rhodesia, and we may be able to show the British Government that we expect it to do more than cut them loose without any real hope for civil justice.

## SENATOR CARL HAYDEN

Mr. WILLIAMS. Mr. President, I wish to join my colleagues in expressing the deep sorrow and profound sense of loss I felt upon learning of the death, Tuesday night, of former Senator Carl Hayden.

It is by now well known that Senator Hayden served as a Member of Congress longer than any other person in the history of our country—a total of 57 years. What is less widely known, perhaps, is the great esteem in which he was held by those of us privileged to work with him, and the tremendous impact he had on shaping legislative action during his years in the House and Senate.

Carl Hayden came to Congress as one of the "frontier lawmakers" from the newly admitted States of the Old West, and lived to become one of the last of that unique breed. When Arizona was admitted to the Union as the 48th State on February 14, 1912, Carl Hayden was the sheriff of Maricopa County; a few days later he entered the U.S. House of Representatives as Congressman at Large from the newest State. Following eight terms in the House, he was elected to the Senate and he served as a distinguished Member of this body from March 4, 1927, until January 2, 1969, when he retired.

During his years in the Senate he served as chairman of the Rules Committee, and later as chairman of the Appropriations Committee; it was in these posts that he quietly but decisively made his mark on the programs developed and funded by the Congresses in which he served.

Although Senator Hayden was little concerned with publicity—he held only one news conference during his first 50 years in Congress—his persistent efforts in support of highway construction and land reclamation programs were well known here and in his home State. Those efforts contributed to a large degree to helping Arizona grow from a population of some 200,000 when Carl Hayden first entered Congress, to more than 1.7 million today.

Politically, Carl Hayden's record was, to say the least, consistent. He lost his first election—for the presidency of student body at Stanford University—but won every one he ever entered from then on. Furthermore, he won on his own high terms, never needing to resort to discussing the weaknesses of his opponent.

Mr. President, I know I can confidently say that Senator Hayden, and the contribution he made to our country, will long be remembered. His passing is a deep loss to his family and friends, to the Members of Congress who knew him, to the people of Arizona, and to our entire Nation.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time set apart for the transaction of routine morning business has now expired. Morning business is closed.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Chair lays before the Senate the unfinished business, S. 2515, which the clerk will please state by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 2515) to further promote equal employment opportunities for American workers.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the amendment offered by the distinguished Senator from North Carolina (Mr. ERVIN), amendment No. 597.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. from North Carolina yield to me?

Mr. ERVIN. I am delighted to yield to the assistant majority leader.

Mr. BYRD of West Virginia. I thank the distinguished Senator from North Carolina.

Mr. President, the yeas and nays have been ordered on the pending amendment by the distinguished Senator from North Carolina (Mr. ERVIN). It is my understanding that all sides are about ready for that vote to occur. Therefore, I take the floor at this time just to alert the cloakrooms on the respective sides of the aisle that they may know that the vote is about to take place and, in turn, may inform Senators, so that they may come to the floor.

Mr. JAVITS. Mr. President, if the Senator will yield, overnight my staff and that of Senator WILLIAMS and the staff of Senator ERVIN and the agencies concerned—to wit, the Equal Employment Opportunity Commission and Government procurement people—have been in touch with each other. That is, the agency of the Department of Labor dealing with Government contractors and equal employment opportunity have been in touch with each other, and they have now produced a draft of a revised Ervin amendment which takes account of the problems raised by the Senator, with which there was substantial agreement by the Senator from New Jersey (Mr. WILLIAMS) and myself, except that I could not see that the way in which the amendment had been drafted solved the problems. I now believe that it solves the problems equitably, technically, and appropriately and I am prepared, on a rollcall vote, to vote for the amendment.

I would hope that perhaps right now the Senator from North Carolina could revise his amendment according to the new draft, so that when we come out of the next quorum call we will be ready to vote for it without further delay.

Mr. ERVIN. Mr. President. I thank the distinguished Senator from New York. Inasmuch as the rollcall vote has been ordered on the original amendment, the Senator from North Carolina has lost his capacity to modify his original amendment without unanimous consent by the Senate.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. ERVIN. I therefore ask unanimous consent that my amendment No. 597 be modified to conform to the draft agreed upon by the staff of the Senator from New Jersey, the staff of the Senator from New York, and my staff. I send to the desk a copy of the revised draft and ask the clerk to state it so that the Senate may know what modifications are being made.

The ACTING PRESIDENT pro tempore. The modification will be stated for the information of Senators and then the question will be put as to whether unanimous consent is granted for the modification.

The legislative clerk read the modified amendment as follows:

At the end of the bill add the following new section.

SEC. 14. No Government contract, or portion thereof, with any employer, shall be denied, withheld, terminated, or suspended, by any agency or officer of the United States under any equal employment opportunity law or order, where such employer has an affirmative action plan which has previously been accepted by the Government for the same facility within the past twelve months without first according such employer full hearing and adjudication under the provisions of 5 U.S.C. § 554, and the following pertinent sections. *Provided, however,* That if such employer has deviated substantially from such previously agreed to affirmative action plan, this section shall not apply. *Provided further,* That for the purposes of this section an affirmative action plan shall be deemed to have been accepted by the government at the time the appropriate compliance agency has accepted such plan unless within 45 days thereafter the Office of Federal Contract Compliance has disapproved such plan.

Mr. ERVIN. Mr. President, perhaps I should clarify the remarks I made about the manner in which the compromise draft was reached. I stated that it was worked out by the staffs of the Senator from New York, the Senator from New Jersey, and myself. I might state that they did so under our direction. The staffs did a remarkable job in putting in understandable phraseology, the agreement which we had reached in respect to this very important matter.

Mr. WILLIAMS. Mr. President, I wanted to say that rather late last evening I was working with the Senators' staffs. I think that we can all be grateful for their faithfulness to the observations made by the Senator from North Carolina on the floor and after we left the floor. It represents, in my judgment, a solution to the question and some of the anxieties felt which prompted the Senator to offer the original amendment in the spirit in which I agreed with it yesterday with certain reservations. The reservations have now been removed. I think that this modification is necessary as part of this legislation to insure that the objectives are reached and the process of scrupulous fairness preserved.

Mr. ERVIN. I thank the Senator. I would suggest, so early in the session, with so few Senators in the Chamber, that it might be advisable to have a quorum call before we vote. So far as I am concerned, I am ready to vote.

The ACTING PRESIDENT pro tempore. If the Senator will excuse the Chair, unanimous consent has not yet been given.

Mr. ERVIN. Mr. President, I ask unanimous consent that I be permitted to modify my amendment in accordance with the compromise draft worked out by the Senator from New Jersey, the Senator from New York, and myself, with our respective staffs.

The ACTING PRESIDENT pro tempore. Is there objection to the modification proposed by the distinguished Senator from North Carolina? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum so that the cloakrooms can inform Senators that a rollcall vote will be held shortly.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from North Carolina as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. EASTLAND) is absent because of illness.

I further announce that, if present and voting, the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) would each vote yea.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY) is absent on official business.

The Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK) and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

The result was announced—yeas 77, nays 0, as follows:

[No. 14 Leg.]

YEAS—77

Aiken
Allen
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
McClellan
McGee
McIntyre
Miller
Mondale
Moss
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—0

NOT VOTING—23

Allott
Bayh
Buckley
Church
Dominick
Eagleton
Eastland
Goldwater
Gravel
Humphrey
Inouye
Jackson
Magnuson
Mathias
McGovern
Metcalf
Montoya
Mundt
Muskie
Packwood
Randolph
Stevenson
Tunney

So Mr. Ervin's amendment as modified was agreed to.

Mr. ERVIN. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### PRIVILEGE OF THE FLOOR

Mr. ERVIN. Mr. President, I ask unanimous consent that the following members of my staff be permitted to be on the floor of the Senate to assist me during the remainder of the consideration of the bill: Rufus Edmisten, William P. Goodwin, Jr., and Walker Nolan.

The PRESIDING OFFICER (Mr. Hollings). Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Gambrell). Without objection, it is so ordered.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bill in which it requests the concurrence of the Senate:

H.R. 6957. An Act to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the United States mining laws, and for other purposes.

## HOUSE BILL REFERRED

The bill (H.R. 6957) to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes, was read twice by its title and referred to the Committee on Interior and Insular Affairs.

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceed to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FIFTEEN-MINUTE RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess for 15 minutes.

The motion was agreed to; and (at 11:45 a.m.) the Senate took a recess for 15 minutes.

The Senate reassembled at 12 o'clock noon, when called to order by the Presiding Officer (Mr. Gambrell).

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

## ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT (H. DOC. No. 92-228)

The PRESIDING OFFICER (Mr. Gambrell) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Joint Economic Committee:

*To the Congress of the United States:*

The American economy is beginning to feel the effects of the new policies launched last August.

I undertook the New Economic Policy because it was becoming clear that not enough was being done to meet our ambitious goals for the American economy. The new measures are designed to bring the Nation to higher employment, greater price stability, and a stronger international position.

The essence of the New Economic Policy is not the specific list of measures we announced on August 15; it is the determination to do all that is necessary to achieve the Nation's goals.

Nineteen hundred and seventy-one was in many ways a good economic year. Total employment, total output, output per person, real hourly earnings, and real income after tax per person all reached new highs. The inflation which has plagued the country since 1965 began to subside. In the first 8 months of the year the rate of inflation was 30 percent less than in the same months of 1970.

But I did not believe this was enough to meet the Nation's needs. Although the rate of inflation had declined before August, it was still too high. Although unemployment stopped rising, it remained near 6 percent. In the first part of the year, our international balance-of-payments deficit—the excess of our payments to the rest of the world over their payments to us—had risen far too high.

The conditions called for decisive actions. On August 15, I announced these actions.

First, I imposed a 90-day freeze on prices, wages, and rents.

Second, I suspended conversion of dollars into gold and other reserve assets.

Third, I imposed a temporary surcharge on imports generally at the rate of 10 percent.

Fourth, I proposed a number of tax changes intended to stimulate the economy, including repeal of the excise tax on automobiles, a tax credit for investment, and reductions of income taxes on individuals. At the same time I took steps to keep the budget under control.

The package of measures was unprecedented in scope and degree. My Administration had struggled for 2½ years in an effort to check the inflation we inherited by means more consistent with economic freedom than price-wage controls. But the inflationary momentum generated by the policy actions and inactions of 1965-68 was too stubborn to be eradicated by these means alone. Or at least it seemed that it could only be eradicated at the price of persistent high unemployment—and this was a price we would not ask the American people to pay.

Similarly, more than a decade of balance-of-payments deficits had built up an overhang of obligations and distrust which no longer left time for the gradual methods of correction which had been tried earlier.

The measures begun on August 15 will have effects continuing long into the future. They cannot be fully evaluated by what has happened in the little over 5 months since that date. Still the results up to this point have been extremely encouraging.

The freeze slowed down the rate of inflation dramatically. In the 3 months of its duration the index of consumer prices rose only 0.4 percent, compared to 1.0 percent in the previous 3 months. The freeze was a great testimonial to the public spirit of the American people, because that result could have been achieved with the small enforcement staff we had only if the people had been cooperating voluntarily.

The freeze was followed by a comprehensive, mandatory system of controls, with more flexible and equitable standards than were possible during the first 90 days. General principles and specific regulations have been formulated, staffs have been assembled and cases are being decided. This effort is under the direction of citizens on the Price Commission and

Pay Board, with advice from other citizens on special panels concerned with health services, State and local government, and rent. These citizens are doing a difficult job, doing it well, and the Nation is in their debt.

While this inflation-control system was being put in place, vigorous action was going forward on the international front. The suspension of the convertibility of the dollar was a shock felt around the world. The surcharge emphasized the need to act swiftly and decisively to improve our position. Happily, the process of adjustment began promptly, without disrupting the flow of international business. Other currencies rose in cost relative to the U.S. dollar. As a result, the cost of foreign goods increased relative to the cost of U.S. goods, improving the competitive position of American workers and industries. International negotiations were begun to stabilize exchange rates at levels that would help in correcting the worldwide disequilibrium, of which the U.S. balance-of-payments deficit was the most obvious symptom. These negotiations led to significant agreements on a number of points:

1. Realignment of exchange rates, with other currencies rising in cost relative to the dollar, as part of which we agreed to recommend to Congress that the price of gold in dollars be raised when progress had been made in trade liberalization.
2. Commitment to discussion of more general reform of the international monetary system.
3. Widening of the permitted range of variation of exchange rates, pending other measures of reform.
4. Commitment to begin discussions to reduce trade barriers, including some most harmful to the United States.
5. Assumption of a larger share of the costs of common defense by some of our allies.
6. Elimination of the temporary U.S. surcharge on imports.

The third part of the August 15 action was the stimulative tax program. Enactment of this package by Congress, although not entirely in the form I had proposed, put in place the final part of my New Economic Policy.

In part as a result of this program, economic activity rose more rapidly in the latter part of the year. In the fourth quarter real output increased at the annual rate of 6 percent, compared with about 3 percent in the 2 previous quarters. Employment rose by about 1.1 million from July to December, and only an extraordinarily large rise of the civilian labor force—1.3 million—kept unemployment from falling.

Nineteen hundred and seventy-two begins on a note of much greater confidence than prevailed 6 or 12 months ago. Output is rising at a rate which will boost employment rapidly and eat into unemployment. There is every reason to expect this rate of increase to continue. The Federal Government has contributed impetus to this advance by tax reductions and expenditure increases. The Federal Reserve has taken steps to create the monetary conditions necessary for rapid economic expansion.

The operation of the new control system in an economy without inflationary pressure of demand holds out great promise of sharply reducing the inflation rate. We are converting the fear of perpetual inflation into a growing hope for price stability. We are lifting from the people the frustrating anxiety about what their savings and their income will be worth a year from now or 5 years from now.

For the first time in over a decade the United States is moving decisively to restore strength to its international economic position.

The outlook is bright, but much remains to be done. The great problem is to get the unemployment rate down from the 6-percent level where it was in 1971. It was reduced from that level in the sixties by a war buildup; it must be reduced from that level in the seventies by the creation of peacetime jobs.

It is obvious that the unemployment problem has been intensified by the reduction of over 2 million defense-related jobs and by the need to squeeze down inflation. But 6-percent unemployment is too much, and I am determined to reduce that number significantly in 1972.

To that end I proposed the tax reduction package of 1971. Federal expenditures will rise by $25.2 billion between last fiscal year and fiscal 1972. Together these tax reductions and expenditure increases will leave a budget deficit of $38.8 billion this year. If we were at full employment in the present fiscal year, expenditures would exceed receipts by $8.1 billion. This is strong medicine, and I do not propose to continue its use, but we have taken it in order to give a powerful stimulus to employment.

We have imposed price and wage controls to assure that the expansion of demand does not run to waste in more inflation but generates real output and real employment.

We have suspended dollar convertibility and reduced the international cost of the dollar which will help restore the competitive position of U.S. workers and thereby generate jobs for them.

We have instituted a public service employment program to provide jobs directly for people who find it especially hard to get work.

We have expanded the number of people on federally assisted manpower programs to record levels.

We have established computerized Job Banks to help match up jobseekers and job vacancies.

We have proposed welfare reform to increase incentives to employment.

We have proposed special revenue sharing for manpower programs, to make them more effective.

We have proposed revision of the minimum wage system to remove obstacles to the employment of young and inexperienced workers.

We expect that these measures, and others, will contribute to a substantial reduction of unemployment.

In addition to getting unemployment down, a second major economic task before us is to develop and apply the price-wage control system, which is still in its formative stage, to the point where its objective is achieved. The objective of the controls is a state of affairs in which reasonable price stability can be maintained without controls. That state of affairs can and will be reached. How long it will take, no one can say. We will persevere until the goal is reached, but we will not keep the controls one day longer than necessary.

The success of the stabilization program depends fundamentally upon the cooperation of the American people. This means not only compliance with the regulations. It means also mutual understanding of the difficulties that all of us—working people, businessmen, consumers, farmers, Government officials—encounter in this new complicated program. Our experience in the past few months convinces me that we shall have this necessary ingredient for success.

We embarked last year on another great task—to create an international economic system in which we and others can reap the benefits of the exchange of goods and services without danger to our domestic economies. Despite all the troubles in this field in recent years both the American people and our trading partners are enjoying on a larger scale than ever before what is the object of the whole international economic exercise—consumption of foreign goods that are better or cheaper or more interesting than domestic goods, as well as foreign travel and profitable investment abroad.

We don't want to reduce these benefits. We want to expand them. To do that, we in the United States must be able to pay in the way that is best—chiefly by selling abroad those things that we produce best or more cheaply, including the products of our agriculture and our other high-technology industries. This is our objective in the international discussions launched by our acts of last year and continuing this year.

These tasks, in which Government takes the lead, are superimposed on the fundamental task of the American economy, upon which the welfare of the people most depends and which is basically performed by the people and not by the Government. That fundamental task is the efficient and innovative production of the goods and services that the American people want. That is why I have emphasized the need for greater productivity and a resurgence of the competitive spirit.

The outstanding performance of the American economy in this respect provides a background of strength which permits the Government to face its economic problems with confidence and to bring about a new prosperity without inflation and without war.

RICHARD NIXON.

JANUARY 27, 1972.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. GAMBRELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GAMBRELL). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

Mr. ALLEN. Mr. President, I call up an amendment at the desk and ask that it be stated. It is an amendment offered on behalf of myself and the distinguished Senator from North Carolina (Mr. ERVIN).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

In lieu of the language proposed to be substituted for the original language of the bill by the committee substitute, as amended, substitute the following:

SEC. 2. (a) Paragraph (6) of subsection (g) of section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4(f)(6)) is amended to read as follows:

"(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to recommend institution of appellate proceedings in accordance with subsection (h) of this section, when in the opinion of the Commission such proceedings would be in the public interest, and to advise, consult, and assist the Attorney General in such matters.

(b) Subsection (h) of such section 705 is amended to read as follows:

"(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court, provided that the Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court or in the courts of appeals of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by the Commission."

SEC. 3. (a) Subsection (a) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) is amended to read as follows:

"(a) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred (and such charge sets forth the facts upon which it is based and the person or persons aggrieved) that an employer, employment agency or labor organization has engaged in an unlawful employment practice, the Commission, within five days thereafter, shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the 'respondent') with a copy of such charge and shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. If the Commission shall determine after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the Commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year."

(b) Subsection (d) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) is amended to read as follows:

"(d) A charge under subsection (a) shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred, except that in the case of an unlawful employment practice with respect to which the person aggrieved has followed the procedure set out in subsection (b), such charge shall be filed by the person aggrieved within two hundred and ten days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency. Except as provided in subsections (a) through (d) of this section and in section 707 of this Act, a charge filed hereunder shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice of an employer, employment agency, or labor organization."

(c) Subsection (e) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) is amended to read as follows:

"(e) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c), the Commission has been unable to obtain voluntary compliance with this Act, the Commission may bring a civil action against the respondent named in the charge: *Provided*, That if the Commission fails to obtain voluntary compliance and fails or refuses to institute a civil action against the respondent named in the charge within one hundred and eighty days from the date of the filing of the charge, a civil action may be brought after such failure or refusal within ninety days against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (b) or further efforts of the Commission to obtain voluntary compliance."

(d) Subsections (f) through (k) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) are redesignated as subsections (g) through (l), respectively, and, in newly designated subsection (k) the reference to subsection (i) is changed to subsection (j), and the following new section is added after section 706(e) thereof:

"(f) Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge the court having jurisdiction over such action shall have the authority to grant such temporary or preliminary relief as it deems just and proper: *Provided*, That no temporary restraining order or other preliminary or temporary relief shall be issued absent a showing that substantial and irreparable injury to the aggrieved party will be unavoidable. It shall be the duty of a court having jurisdiction over proceeding under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited."

(e) Subsection (h) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) as redesignated by this section, is amended to read as follows:

"(h) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complant, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice). Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual, pursuant to section 706(a) and within the time required by section 706(d), neither filed a charge nor was named in a charge or amendment thereto, or was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, or national origin or in violation of section 704(a). No order made hereunder shall include back pay or other liability which has accrued more than two years before the filing of a complaint with said court under this title."

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Alabama will state it.

Mr. ALLEN. Mr. President, the amendment which has been offered by the Senator from North Carolina and myself is a substitute for the committee substitute. The substitute is the exact language of the House bill, H.R. 1746, as it passed the House.

The question I wish to propound to the Chair is: Will the amendment which has just been offered itself be subject to amendment?

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator is correct. It will be subject to amendment.

Mr. ALLEN. Then, as long as this amendment is pending, it will be the vehicle by which amendments may be offered to the pending bill. It can be used as a vehicle for the introduction of amendments separate from the other measures pending; is that not correct?

The PRESIDING OFFICER. The Senator's amendment can be used as a vehicle for amendments to the bill, but also perfecting amendments can be offered to the committee amendment while the Senator's amendment is pending.

Mr. JAVITS. Mr. President, will the Senator from Alabama yield so that we can clarify this matter?

Mr. ALLEN. I yield.

Mr. JAVITS. When the Chair refers to the committee amendment, I gather it refers to S. 2515 as reported to the Senate, Calendar 412.

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. So amendments will lie to S. 2515 as well as or in the alternative to the substitute of the Senator from Alabama. Will amendments to the bill of the committee, that is, Calendar No. 412, be also amendments in the second degree?

The PRESIDING OFFICER. An amendment to the committee substitute is an amendment in the first degree.

Mr. JAVITS. But amendments to the Allen substitute are amendments in the second degree.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. So that amendments to the committee substitute may in turn be amended.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. That is, if they are submitted at this time, under this framework.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. However, the Senate decision will then have to be mutually conclusive, am I correct, in that if the Allen amendment, as amended, is carried, that would preempt the committee bill as amended.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Just so that we have everything clear, I thought that should be explained. I have one other thing to bring out. How would the votes come? Would amendments to the committee amendment, including amendments to those amendments, be voted on first; or is it indiscriminate, depending upon when they are offered?

The PRESIDING OFFICER. Perfecting amendments to the committee substitute will have preference over the Allen substitute.

Mr. ALLEN. Mr. President, the amendment which is at the desk and up for consideration seeks to substitute for the pending committee amendment the language of House bill H.R. 1746 entitled, "A bill to promote equal employment opportunities for American workers."

The bill, S. 2515, introduced in the Senate and referred to the Health and Education Subcommittees of the Committee on Labor and Public Welfare, was amended in the committee by the writing of an entirely new bill, and that is what was the pending business until the pending amendment was offered, which would substitute the House language for the language which the committee seeks to substitute for the bill as originally introduced.

Mr. President, I feel that every Member of this body wants to see fair and equal employment opportunity for every citizen in this country. I feel that every Senator wants to see any man or woman, or any boy or girl, go just as far in life as his abilities, energies, and ambitions will take him. All of us want to see every person receive fair and equal treatment before the law.

The EEOC was set up some 7 years ago as a Federal agency, an advisory agency, and an investigatory agency to aid in the matter of seeing that everyone had an equal opportunity to obtain fortune and receive promotion. This Commission does not have the power to make orders which it cannot enforce. Some sort of machinery needs to be set up to allow the EEOC to obtain enforcement of its orders based upon its findings.

So the purpose of S. 2515 and the purpose of H.R. 1746 is to provide enforcement machinery for the orders of the EEOC. It is not a question of which one offers more substantive right. Neither bill would create a different degree or weight for equal employment opportunity. The law would be the same with regard to the enforcement procedure under either bill.

One method provides that the Commission—and this is in S. 2515—receive the charge, make the investigation, and, as now amended, refer the complaint over to the general counsel who files charges before the Commission which received the complaint originally and which made the investigation. And this Commission—under S. 2515, but not under the amendment introduced by the Senator from North Carolina and myself—receives the complaint, investigates it, and forms a judgment with respect to it, or it would not bother to send it to the General Counsel for the filing of charges. Then the General Counsel files a charge before the Commission which, the junior Senator from Alabama submits, the Commission has already formed a judgment on. Then they proceed to reach a decision and issue a cease-and-desist order that the employer must comply with.

Mr. ERVIN. Mr. President, will the Senator yield for a question at that point?

Mr. ALLEN. I would be delighted to yield to the distinguished senior Senator from North Carolina.

Mr. ERVIN. Mr. President, is it not a principle of the common law which prevails in the overwhelming majority of the States of the Union that no man can be a judge in his own case?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, the committee bill authorizes members of the Commission to file charges of unlawful employment practices. Then these charges, if approved by the General Counsel, would be prosecuted before the Commission itself, sitting as a jury and judge, and the Commission is to make a judicial decision based upon the charges which its members have filed.

Mr. ALLEN. The Senator is correct. That is what S. 2515 provides. We are trying to get that changed.

Mr. ERVIN. As I understand it, one of the fundamental principles of the substitute offered by the Senator from Alabama on behalf of himself and myself is to make certain that, instead of having the judicial function exercised by the members of the Commission who have preferred the charges or whose associates have preferred the charges, the validity should be determined by the district courts of the United States as in all other civil actions.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Does not the fundamental principle of justice say that every person is entitled to have his cause judged, to borrow a quotation from Edmund Burke, "with the cold neutrality of an impartial judge"?

Mr. ALLEN. Yes.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that when one attempts to weigh the power to prefer charges—to conduct an investigation and prefer charges—with the power to judge the validity of those charges, he sets up a system which absolutely divorces the agency empowered to act in the matter from the fundamental principles upon which any fair system of justice must necessarily rest?

Mr. ALLEN. Yes; that is correct.

Mr. ERVIN. So the substitute amendment of the Senator from Alabama is offered for the purpose of insuring that there shall be a fair and a just determination of the charges by an impartial tribunal instead of by a tribunal which is empowered to investigate charges and make charges?

Mr. ALLEN. Yes; that is correct. This tribunal would not be an agency that is not sympahtetic to civil rights. On the contrary, the Federal district courts throughout the country have displayed great compassion, great interest, great belief in, and great determination to enforce the civil rights of all citizens. So it would not be an unfriendly tribunal by which those charges or complaints would be heard. They would be heard by the Federal district courts.

Mr. ERVIN. The Senator from Alabama is conscious of the solicitude of the Federal courts for civil rights, is he not?

Mr. ALLEN. Yes.

Mr. ERVIN. But he is also conscious of the fact that Federal courts are also more likely to enforce civil rights by procedures that do not in and of themselves constitute civil wrongs?

Mr. ALLEN. Yes.

Mr. ERVIN. I thank the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from North Carolina for giving me the benefit of his views and for participating in this colloquy.

Mr. President, an effort was made previously in the Senate to amend S. 2515, so as to do away with the procedure by which the Commission is judge, jury, and prosecutor, and to require that the forum for determining the rights of the parties involved would not be the Commission which received the complaint, considered it, and passed it on to the General Counsel for action. It would not be that body which had already, in effect, formed some sort of opinion about the matter. It would be a Federal district court of the place where the alleged unfair employment practice took place.

At one time, it looked as though the Senate were going to accept that amendment, because then it did reconsider the vote by which the amendment failed of adoption. But then, on a second vote on the matter, by a vote of 48 to 46, it failed to agree to the amendment, if the memory of the junior Senator from Alabama is correct.

So the strong sentiment of just about an equal number of Senators is that the forum for settling and determining the rights of citizens shall be the Federal judiciary, starting at the courts closest home.

The Dominick amendment failed of adoption. The proponents of cease and desist by Commission fiat won that battle. It may have been a most expensive victory, because, if the junior Senator from Alabama correctly interprets the feelings and the determination of a large number of Senators, this bill may not—and he says "may not"—be forced to a vote in the Senate. That would be a tragic happening. In many respects, that would be a reaching out for more than the Snate is willin gto give, going further than public opinion would require.

For 7 years, the Commission has operated without the power of cease and desist. Why does it need that power now, in this fashion? Why will it not accept going into court to prove its charges? Why does it want to try its charges itself? That just depends on the thoughts, ideas, and concepts of due process and of our Anglo-Saxon system of jurisprudence. Why not be satisfied to go into Federal court and make out the charges? "Oh," they say, "the Federal courts are just clogged with work. That would make it very difficult to get a man's rights adjudged."

Mr. ERVIN. Mr. President, will the Senator yield at that point, without losing his right to the floor, so that I may call his attention to an editorial published in the New York Times of January 25, 1972?

Mr. ALLEN. I am delighted to yield for that purpose.

Mr. ERVIN. This editorial reads:

> Superficially, the cease-and-desist route holds out the promise of swifter action and more uniform administration of the law, but experience with N.L.R.B. hearing examiners suggests that they do not dispose of cases more rapidly than Federal district judges.

I should like to ask the Senator from Alabama if the record does not show that, notwithstanding the fact that the powers of the EEOC Commission are limited by present law to the investigation of charges and the making of charges—and I might add, in the absence of an amendment like the one of the Senator from Ohio, the prosecution of charges by those who made the accusatory charges—nevertheless, the Commission is some 18 months behind in its work.

Mr. ALLEN. Yes. I understand it is 18 to 24 months behind.

Mr. ERVIN. And if the committee bill passes, giving the Commission jurisdiction over 10 million employees of State and political subdivisions, and, in addition, giving jurisdiction over the activities of every little businessman in America who employs as many as eight persons, can we not look forward to a delay of 10, 15, or 20 years in the processing by the Commission of its work unless we multiply its employees to such an extent that they will be comparable to a plague of locusts who go abroad throughout this land and eat up the substance of the taxpayers?

Mr. ALLEN. Yes; that is correct. The Commission does not now have authority, under S. 2515, to take into the Federal service or to avail itself of the use of unpaid or voluntary workers, who would have to have prejudice or bias or they would not be volunteering their services.

Mr. ERVIN. Does not the Senator from Alabama share the belief of the Senator from North Carolina that the reason why the Congress denied the EEOC cease-and-desist power when it enacted title VI of the Civil Rights Act of 1964 was to divorce the investigatory and the prosecutory power from the power to make judicial decisions?

Mr. ALLEN. Yes.

Mr. ERVIN. Is the Senator from Alabama not familiar with the decision in the case of *Wong Yang Sung* v. *McGrath*, 339 United States 33, where the Supreme Court quoted with approval a report of the Attorney General's Committee on Administrative Procedure which declared:

> These types of commingling of functions of investigation or advocacy with the function of deciding are thus plainly undesirable. But they are also avoidable and should be avoided by appropriate internal division of labor. For tne disqualifications produced by investigation or advocacy are personal psychological ones which result from engaging in those types of activity; and the problem is simply one of isolating those who engage in the activity. Creation of independent hearing commissioners insulated from all phases of a case other than hearing and deciding will, the Committee believes, go far toward solving this problem at the level of the initial hearing provided the proper safeguards are established to assure the insulation.

Is not the Senator from Alabama familiar with that decision?

Mr. ALLEN. Yes, I am.

Mr. ERVIN. I ask the Senator from Alabama if the committee bill does not leave the commission in such a situation that it has the power to investigate and also the power to try the validity of the charges which it may initiate.

Mr. ALLEN. Yes.

Mr. ERVIN. Was not that separation considered desirable by the Attorney General's committee, which was quoted by the Supreme Court with approval in the opinion from which I have just read?

Mr. ALLEN. Yes.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that the citation of that report is a strong indication that the members of the Supreme Court who participated in the McGrath decision may have believed that a situation permitting the same persons who exercise the investigating power and the power to prefer charges and the power to decide those charges, even though the individual who may have preferred the charges may be excluded from the trial process, is hardly consistent with the due process clause of the fifth amendment?

Mr. ALLEN. I certainly agree with the Senator from North Carolina.

Mr. ERVIN. Does not the Senator from Alabama believe that the members of an agency which is charged with the enforcement of a particular type of law and which is empowered to investigate alleged violations of the law and to charge violations of the law and to judge violations of the law necessarily have an interest in a decision which tends to support the charges which they or their fellow members may have filed?

Mr. ALLEN. Yes, it certainly seems that way to the junior Senator from Alabama.

Mr. ERVIN. Therefore, does not the Senator from Alabama agree that, under a setup like that, members of the agency, no matter how well intentioned they are to do justice, are under a psychological handicap which does not permit them to hold the scales of justice evenly?

Mr. ALLEN. I certainly agree.

Mr. ERVIN. Does the Senator agree that those people would certainly have a psychological tendency toward supporting the charges which they or their fellow members have filed?

Mr. ALLEN. Yes.

Mr. ERVIN. Does the Senator from Alabama recall that a few years ago the State of Michigan enacted a law which enabled a Michigan State judge to sit as a grand jury, and that under that law a Michigan judge charged that a certain individual who had appeared before him in court had been guilty of a contempt of his court, and that therefore that judge appointed himself a one-man grand jury to investigate the charge whether this individual had committed a contempt of court against the court, which was heard in that one-man grand jury, and the case went to the Supreme Court, which held that that act of the State of Michigan permitting the judge to act as a one-man grand jury under those circumstances violated the due-process clause of the 14th amendment, which was identical in meaning to the due-process clause of the fifth amendment?

Mr. ALLEN. Yes.

Mr. ERVIN. And does not the Senator from Alabama agree with the Senator from North Carolina that, if there is going to be a law providing for the adjudication of rights created by law, it is essential for that law and for law enforcement in general to be respected by the people of the United States, to make certain that the judging of the charges of violation of that law is done by a tribunal which is unbiased and impartial and which, to quote the words of Edmund Burke, is considered by "the cold impartiality of a neutral judge"?

Mr. ALLEN. Yes, it should be, and it is not under S. 2515, and would become that way under the amendment we have offered.

Mr. ERVIN. I would like to suggest to the Senator from Alabama, if I may do so without losing his right to the floor, that he insert in the RECORD as a part of his speech the editorial from the New York Times, from which I have quoted, which states in substance that the New York Times thinks that the best way to enforce the law is through the courts.

Mr. ALLEN. Mr. President, I make the request.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 25, 1972]

ENFORCING EQUALITY

It is more than seven years since Congress enacted a comprehensive Civil Rights Act banning discriminatory practices in many fields including employment. But the latest job statistics show that the rate of unemployment is twice as high for Negroes as for whites. In part, this lag is attributable to the inferior education and deprivation which many blacks have suffered in the past. Unfortunately, however, it is also due to concealed racial bias on the part of some employers and some unions.

The Equal Employment Opportunity Commission established by the 1964 law lacks effective power to reach and overcome prejudice in the job market. If conciliation fails, it is up to the individual who filed the complaint to pursue the matter in the courts by suing the employer or the union. The Justice Department has the power to sue only if it can show that a pattern or consistent practice of discrimination exists.

The House last year passed a bill authorizing the commission to institute a suit in the courts at public expense on behalf of the individual. The issue is now before the Senate. A bipartisan coalition of liberals on the Senate Labor Committee has reported a different bill which would give the E.E.O.C., authority to issue a cease-and-desist order, the same authority which the National Labor Relations Board has in the area of collective bargaining. The bill would also transfer to the commission the power now lodged with the Justice Department to move against broad patterns of discriminations.

In the past, The Times has favored giving the commission this power to enforce its own findings. We are still convinced that such an arrangement would represent a vast improvement over the present ineffectual method. But a strong case can be made for the idea that effective, nonpartisan enforcement of the law may in the long run be more certain through reliance upon the courts than upon a politically appointed commission whose members change with each Administration.

Administrative agencies were given broad enforcement powers in the labor field because it used to be thought that the Federal judiciary had an antilabor bias. Whatever the truth of that estimate as applied to the courts in the 1930's, it is clearly untrue concerning their approach to racial discrimination today. Of the three branches of government, the judiciary has consistently been most vigilant and consistent in protecting minority rights in recent decades.

Superficially, the cease-and-desist route holds out the promise of swifter action and more uniform administration of the law, but experience with N.L.R.B. hearing examiners suggests that they do not dispose of cases more rapidly than Federal district judges. As for uniformity of interpretation, the harder issues will only be settled by appeal to the Supreme Court whether they originate in E.E.O.C., orders or in district court lawsuits.

A closely divided Senate will decide today whether to substitute the court approach for the cease-and-desist order. If the final Senate vote is for cease-and-desist orders, the question will go to a House-Senate conference. There is satisfaction at least in the knowledge that either version of the bill would bring about an improvement over the existing feeble arrangement.

Mr. ALLEN. Mr. President, I do not find myself too often in agreement with the New York Times, but this one I find highly enlightening.

Mr. ERVIN. The Senator from North Carolina will concede that sometimes the New York Times does seem to be right.

Mr. ALLEN. Yes, that is right, and in this case they did. I appreciate that.

I believe I was discussing the matter of the charge that the district courts might be too busy, their dockets might be clogged, and therefore there could not be a determination, a settlement, an adjudication of these disputes by requiring that the Commission go into the Federal district courts to prosecute these charges.

It so happens that there is only one Equal Employment Opportunity Commission, whereas there are 398 Federal district judges. So we have one Commission here in Washington, to have a final determination on charges and complaints, and they have built up a backlog already, without bringing in this extra work, of from 1½ to 2 years' workload.

They anticipate, I assume under the terms of the present law, 32,000 additional cases this year—that is, this fiscal year, to July 1, 1972—and they anticipate 45,000, again I assume under the existing law, in the next fiscal year.

If we are going to bring in 10 million State, county, city, and local agency employees, if we are going to bring in every teacher in the country, if we are going to bring in every employer who employs as many as eight persons, reducing that from the present 25, business is going to pick up at the EEOC.

Mr. WILLIAMS. Mr. President, will the Senator yield at that point?

Mr. ALLEN. I yield.

Mr. WILLIAMS. And also labor unions with eight members.

Mr. ALLEN. Yes, that is correct. Labor unions are governed by S. 2515. I appreciate the Senator's bringing that to my attention.

In that sense, however, I might say to the distinguished Senator from New Jersey, labor unions would be employers, I assume, to the extent that they employed people in their operations. So the word "employer" actually covers the labor unions. Labor unions can be employers as well as being representatives of their members. But be that as it may——

Mr. WILLIAMS. Well, I think there should be a little clarification on that. It is broader than the labor union as a wage-paying employer. This runs to membership, too.

Mr. ALLEN. Yes.

Mr. WILLIAMS. So it is broader than is indicated by the Senator.

Mr. ALLEN. Well, did the Senator think it would be necessary to put in a special provision for labor unions? Was that the theory?

Mr. WILLIAMS. No. In perfect equity, on the labor-management side, the present law applies to both businesses and labor unions, and as we amend that to broaden the coverage to smaller businesses, we also amend it to broaden it to smaller unions.

Mr. ALLEN. Yes.

Mr. WILLIAMS. But they are both in the present law.

Mr. ALLEN. Yes.

Mr. WILLIAMS. Unions and businesses.

Mr. ALLEN. Well, now, if they went beyond the role of employer——

Mr. WILLIAMS. As it is now, there is no change in that. It was just, I thought, a bit of a misstatement of the present law when the Senator was referring to unions only as employers.

Mr. ALLEN. Well, I did not refer to the unions. The Senator from New Jersey first mentioned them.

Mr. WILLIAMS. Yes, but in his reply to that, the Senator suggested that it was only the union as employer.

Mr. ALLEN. Well, why would it not be?

Mr. WILLIAMS. The law has a prohibition against discrimination against members.

Mr. ALLEN. Would the Senator say, then, that that would mean that a union could not discriminate in admitting to union membership certain individuals? Is that right?

Mr. WILLIAMS. Exactly. That is the whole point.

Mr. ALLEN. Would that, then, have the effect of requiring unions that are predominantly white unions, composed of white members, to open their membership ranks to all minority citizens?

Mr. WILLIAMS. Yes.

Mr. ALLEN. Yes. That is the purpose of the bill at that point?

Mr. WILLIAMS. Where there is discrimination, that is exactly correct.

Mr. ALLEN. Yes. Well, would the Senator feel that it would be discrimination if a labor union, by one method or another, prevented black persons, refused to allow them to have membership in the union?

Mr. WILLIAMS. Well, I am not going to sit as judge on hypotheticals. Every case depends on its facts. But that is exactly what we are trying to eliminate, exclusion or discrimination that is based on the various specified reasons that are listed in the bill.

Mr. ALLEN. A lot of the building trades unions, are they not composed largely of white citizens?

Mr. WILLIAMS. I would think that is accurate. But if they discriminate, they are running contrary to the law.

Mr. ALLEN. Well, now, how would they discriminate? John Jones, a black employee on a construction project, applies to a union for membership in the union, or a nonworker, a man who wants to get work, but a black citizen. Would he then, under this bill, be able to require the union to accept him into membership?

Mr. WILLIAMS. If he thought he was discriminated against, he could file a charge.

Mr. ALLEN. I guess he would be discriminated against if he was not admitted to union membership and given a job. That would seem to me to be discrimination. Is that the opinion of the Senator from New Jersey?

Mr. WILLIAMS. Well, again, this is the guts of the factual determination, whether he was discriminated against and kept out because he was black. If he was, that is contrary to the law.

Mr. ALLEN. The Senator would not have any doubt that that was discriminating against him because he was black, if he applied for membership in the union and was turned down? Would not the Senator feel that that individual was discriminated against?

Mr. WILLIAMS. If he was turned down for that reason, that is contrary to the law.

Mr. ALLEN. Well, suppose they used another reason, but that was the real reason.

Mr. WILLIAMS. That is what the process of complaint, full hearing, and due process is all about. It is for him to have the opportunity to prove a case in support of a complaint that he was discriminated against because of his race.

Mr. ALLEN. Yes. I appreciate this enlightenment very much that the distinguished Senator from New Jersey has given on the subject.

Mr. WILLIAMS. Well, I do not know if it was enlightenment. All of this speaks for itself, really. But it is interesting.

Mr. ALLEN. Yes; it has enlightened me. I say that in all fairness, and I appreciate the enlightenment. I thank the Senator.

Mr. WILLIAMS. I appreciate the opportunity of enlightening the Senator from Alabama.

Mr. President, will the Senator yield for a question?

Mr. ALLEN. For further enlightenment?

Mr. WILLIAMS. No. This is to enlighten me.

Mr. ALLEN. I yield for that purpose.

Mr. WILLIAMS. The Senator has offered the House bill as a substitute.

Mr. ALLEN. In effect, yes—the language of the House bill.

Mr. WILLIAMS. I ask the Senator whether the substitute he has offered would cover labor unions as the bill does and as we just described it. Would labor unions with eight members or more be covered under the substitute offered by the Senator from Alabama?

Mr. ALLEN. I will say to the Senator that I am sure he knows the answer to that question, because he is the chairman of the committee to which the bill was referred, and the committee has put out a report on the bill consisting of four lines. I am sure that he read the bill at that time, or he would not have reported the bill. It is the very same provision of the House bill which the Senator studied in the committee.

Mr. WILLIAMS. This is the report to accompany H.R. 1746, in which the committee says:

> The Committee on Labor and Public Welfare, to which was referred that bill, reports thereon without recommendation.

As chairman of the committee, I joined the committee, without recommendation. But now the Senator from Alabama is recommending that bill to us, and that is why I want to know at this point whether labor unions down to eight members are covered.

Mr. ALLEN. I am not sure whether or not the bill provides that, and I was hoping that the Senator, inasmuch as he had studied it at the time the bill was considered by his committee—and extensive hearings were held on these bills—could further enlighten the Senator from Alabama.

Mr. WILLIAMS. I am not recommending the House-passed bill. I am recommending the Senate reported bill, and in that we extend coverage to unions with eight members.

I am advised that the House bill does not reach discrimination with respect to men who want to be in a union where there are only eight members.

Mr. ALLEN. It would cover the union as an employer of persons, would it not?

Mr. WILLIAMS. Again, under present law, not the smaller ones. There have to to be 25 or more employees.

Mr. ALLEN. I understand. But this bill would still apply, or the law would still apply, to labor unions as employers, would it not?

Mr. WILLIAMS. Oh, yes.

Mr. ALLEN. It does not go into the matter of who can and who cannot join a union—the language of the House bill. Is that right?

Mr. WILLIAMS. The House bill does not change the present law. Under the present law, there cannot be discrimination in a union of the size of 25 members or more. We want to reach more working people in unions as well as on the job.

Mr. ALLEN. There are many particulars in which the House bill did not cover the same ground as did the Senate bill. For example, it does not put the State, county, and city employees under the provisions of EEOC, as does the committee bill espoused by the distinguished Senator from New Jersey.

Mr. WILLIAMS. That is one of the greatest oversights of the House bill.

Mr. ALLEN. It does not cover teachers.

Mr. WILLIAMS. Another grave oversight. Of all the people who should be entitled to the protection of law and equality, it is the teachers of our young people.

Mr. ALLEN. The Senator does not seem to realize that in Alabama and in the South, the Federal district courts already, in effect, control the hiring and firing of teachers there—it is already controlled by one agency—and the placement of pupils.

I was going to go on and point out, on the matter of the overclogging of the dockets of the district courts, that whereas a large number of integration cases are pending in the district courts of Alabama and the South, very few such suits are pending in areas outside the South. So there would be plenty of time for these 398 Federal district judges to pass on some of these charges of unfair employment practices.

So it occurs to the junior Senator from Alabama that that is in the field in which the House bill seeks to act—that is, arming the Commission with the power to obtain enforcement of their efforts to eliminate particular instances of unfair employment practices. That is what the House bill seeks to do. It does give to the Commission power that it does not now have. It does not take any power away from the Commission. All it does is add to it. It finds the Commission, after 7 years, with no enforcement authority; and it gives it the authority to move into the Federal court and obtain Federal decisions and the long arm of the Federal Government, the Federal judiciary, to seek to eliminate unfair employment practices throughout the country.

Also, if a final determination is to be made on a charge of unfair employment practice, it occurs to the junior Senator from Alabama that it would be much more equitable to all concerned to have that matter tried in the area where the alleged unfair employment practice took place, rather than to have the matter finally adjudicated by a five-man Commission in the city of Washington. They already have a 2-year backlog. They do not need more coverage. They need to get rid of some of the backlog they have or, under the provisions of the House bill which we are seeking to substitute, have these matters decided in the Federal district court.

It would seem to the junior Senator from Alabama that the Commission would welcome this opportunity to obtain this additional power, that it would accept this additional power to better enable it to provide for equal employment opportunities throughout the country.

Mr. President, yesterday, an amendment was debated on the floor as to the ability or the power of the Commission to avail itself of the use of voluntary and uncompensated employees, and the Senate decided that it was going to continue this power in the hands of the Commission, so that it could avail itself of the use of volunteer workers who would be taken off the street and sent out over the country in connection with alleged unfair employment practices. Possibly, that is the way they are going to get rid of this tremendous backlog of cases—through the use of these voluntary employees.

Mr. President, it is one thing to introduce a bill with all these ramifications: We are going to bring in State, county, and city employees; we are going to bring in employees of all State agencies, all governmental agencies at the local level. We have a special provision for Federal employees. We are going to bring in all teachers throughout the country. It is estimated that over 10 million employees of local governments—and there is no telling how many hundreds of thousands of teachers—are being covered for the first time.

Now, Mr. President, one of the easiest ways for an institution of higher learning, or any public school for that matter, to lose its accreditation—and that is most important to young men and young ladies who are in school, it is most important to the school itself, the faculty, and all who are connected with it—it is important to the State in which an educational institution is located, that it be accredited.

One of the easiest ways for a school to lose its accreditation is to have its affairs always embroiled with governmental agencies. If the Governor of a State interferes with an institution so that politics becomes the word of the day rather than excellence in education, we will find that institution very quickly will lose its accredation.

Academic freedom is something we hear about quite often—pleas that we have academic freedom in our institutions of higher learning, not to interfere with the professor's right to express his opinion, not to interfere with his right to have a different opinion from our own. We have freedom of expression, freedom of thought, and freedom of association. But if we turn over to the EEOC the matter of determining the employment practices and promotion practices in our institutions of higher learning, and have a big wrangle over the school's right to employ the members of the faculty that they want, we will soon have that college or that institution without any academic freedom and without any accreditation.

The amendment which the Senator from North Carolina and I have offered would not extend the power and authority of the EEOC over educational institutions. It would not extend their power over State and local governments. It would not have in it the power to employ voluntary and uncompensated employees who, of necessity, would have some interest in the work of the Commission that they were doing or they would not come in and apply to do that work. Someone would have to be paying them. Very few of them would work without compensation. Some group, some foundation, or some person with an ulterior motive, prejudice, or bias, of necessity would have to be paying these volunteer workers who, if they felt that some organizations or businesses throughout the country, small employers throughout the country, were not giving equal employment opportunities to minority groups, or to women, can volunteer their services to the Commission and the Commission could avail itself of their services and send them out throughout the country, arming them with the power of Federal authority.

Would they be Federal employees? They would be doing the work of Federal employees. As was brought out yesterday, right now the EEOC has 1,000 employees. It is suggested by the manager of the bill that in the next couple of years that will go up to 2,000.

Under the provisions of the bill we are seeking to amend, if we leave out all this additional authority, the Commission could employ 5,000 or it could arrange for the services of 5,000 people.

Well now, Congress has the power to set the limit on the activities and the scope of the work of any of its agencies.

Mr. GAMBRELL. Mr. President, will the Senator from Alabama yield for a question?

The PRESIDING OFFICER (Mr. CHILES). Does the Senator from Alabama yield to the Senator from Georgia?

Mr. ALLEN. I am happy to yield to the Senator from Georgia for a question.

Mr. GAMBRELL. I should like to ask the junior Senator from Alabama if I understand correctly the purpose of the amendment, or one of the primary purposes of the amendment which he is offering, that it is to substitute the court enforcement procedure recommended by the House of Representatives in its version of the bill for the cease-and-desist Commission enforcement procedure as recommended by the Senate committee on this subject.

Mr. ALLEN. That is correct.

Mr. GAMBRELL. That was my understanding.

If I may ask another question of the Senator from Alabama with reference to the New York Times editorial of January 25, 1972, which was printed in the RECORD a short while back by the Senator from Alabama, I should like to ask if it is not consistent with the Senator's approach to this matter which, I might say, I share, that is, favoring court enforcement procedures. Is it not also consistent with that philosophy in the statement made in the New York Times editorial, to this effect:

> But a strong case can be made for the idea that effective, nonpartisan enforcement of the law may in the long run be more certain through reliance upon the courts than upon a politically appointed commission whose members change with each Administration.
>
> Administrative agencies were given broad enforcement powers in the labor field because it used to be thought that the Federal judiciary had an antilabor bias. Whatever the truth of that estimate as applied to the courts in the 1930's, it is clearly untrue concerning their approach to racial discrimination today. Of the three branches of government, the judiciary has consistently been most vigilant and consistent in protecting minority rights in recent decades.

Mr. ALLEN. Yes, sir; that is correct.

Mr. GAMBRELL. I ask the Senator from Alabama if he would not agree that the New York Times editorial in that respect has concisely expressed the reason for supporting the court enforcement approach and that, in fact, what the Senate committee bill undertakes to do does violence to the separation of powers of our Government and, in particular, in instances where the courts have shown vigorous and, in fact, in some cases, overvigorous and overzealous efforts to pursue the protection of minority rights.

Mr. ALLEN. Mr. President, I certainly agree with the junior Senator from Georgia (Mr. GAMBRELL). He is making an important contribution to the case for the use of the language in the House bill instead of this broad, scatter-shot approach of the committee substitute.

Mr. President, I appreciate the remarks of the distinguished Senator from Georgia on this subject. He very ably points out that the Federal judiciary, more than either of the other branches of the Government, has shown a concern for the civil rights of our people. He points out that placing executive and judicial functions in one department or in one agency of the Government would do violence to the doctrine of separation of powers. Certainly under the committee substitute to S. 2515, the Commission is judge, jury, and prosecutor.

Mr. President, an amendment was agreed to by the Senate a day or so ago that was supposed to have taken out from the bill the prosecutor role for the Commission. They set up what they called an independent General Counsel. He will be independent of the Commission, and therefore the Commission would not have the role of prosecutor, judge, and jury combined in one department.

It was provided under the amendment—and it is part of the substitute as amended—that under the provisions of that amendment, the President appoints a General Counsel. Well, to show his independence then, I assume that he would have a right to appoint his regional attorneys all over the country, because I assume that the Commission is going to operate all over the country. It is doing that now and has been for the last 7 years. But we assume that since it is an independent General Counsel, he would have the right to name his regional attorneys throughout the country. That is not so at all. Before he appoints anyone under him, he has to have the concurrence of the Commission.

That seems passing strange to me if they are going to be independent. When it comes to appointing them, the general counsel will have to go to the Commission. To show his independence, the first time he tries to appoint somebody under him, he has to come in and ask the Chairman of the Commission, "Will you join with me in appointing John Jones as regional attorney for the Commission?"

The Commission says, "No, I will not do that. I do not like him. He is not zealous enough. I can't do that."

He then has to come up with another name. All of that is allowed under the bill as it exists now, the committee substitute which we are seeking to amend. So what is the position? Well, we had a colloquy on the floor, and I was asking one of the authors of the amendment about it.

Under the substitute as it exists now, in regard to the assertion that the commission is judge, jury, and prosecutor, what is the procedure? A man comes in to a representative of the Commission and reports that he feels he was denied a job. Or, a woman comes in and says that she was denied a job because she was a woman. A man comes in and says that he was denied employment, that, although there was a job there, he was denied employment because he was a member of the minority.

The Commission receives the complaint, starts a file on it, I assume, investigates it, and if it feels that a case of discrimination exists, the charge or complaint is turned over to the independent general counsel, so-called.

Then he files charges in such cases as are referred to him by the Commission. Then this independent general counsel—and I doubt if independent counsel is going to do too much of it himself, because he will be working with these attorneys and through the attorneys appointed by him with the concurrence of the Commission—will file charges with the Commission. Then the Commission sits in judgment on these charges and renders its decision.

It is stipulated in the present law that the Commission, if it finds that an unfair labor practice has been engaged in, will try to compromise or conciliate the matter.

That is fine. I think that is splendid. That is wonderful if there is a blatant case of discrimination and that can be pointed out to the employer. Whether he agrees with it or not, if he feels that the best way out of the matter is to compromise it or settle it or conciliate it, then that is done. And that much of it is fine. But if we go on and turn the complaint or grievance over to the general counsel for the filing of a charge, once they make their finding, they have no way to enforce it under the present law.

I am inclined to the opinion that this agency should be more than just a conciliation agency and that it should have some way to carry through on its findings, if they are properly arrived at; and that brings on the amendment.

I feel that some enforcement procedure should be established, and that is the reason for the amendment that has been submitted. It does provide a method by which the charge of unfair labor practice is brought before a court for the taking of testimony and for a determination of the issues. Then there is a decree by a Federal court. That will demand and command much more respect than an order of the EEOC, arrived at through the performance of its threefold function—prosecutor, judge, and jury.

Why should not the judiciary perform judicial functions? Why should not the Commission exercise its investigatory powers? Why should not the Commission investigate? Why should it not rereceive complaints, and let it prosecute? Let it perform those two functions. Let it receive complaints, and let it prosecute the complaints, but prosecute them in a Federal court, before one of the 398 Federal district judges. Do not let the Commission make a judicial finding. The present law allows the Commission to investigate, to judge, to define, and to seek to conciliate. But it does not give the Commission any enforcement powers.

The Commission can go in one of two ways. The committee bill would permit the Commission to investigate and prosecute the matter and to issue a cease-and-desist order. It would have the power of the Federal Government assigned to it, and that must be appealed to the court of appeals before it will be enforceable as the law or the mind of the Federal Government.

Mr. ERVIN. Mr. President, will the Senator yield at that point?

Mr. ALLEN. Yes, I am happy to yield to the Senator from North Carolina.

Mr. ERVIN. The U.S. court of appeals is the Federal appellate court having jurisdiction between the U.S. district court and the Supreme Court. Its jurisdiction covers a vast territory comprising many States, does it not?

Mr. ALLEN. Yes, that is correct.

Mr. ERVIN. The territory of one U.S. court of appeals—I think it is the fifth circuit—starts on the Atlantic coast and runs out through the State of Texas—all that distance.

Mr. ALLEN. I am sorry to say that it covers Alabama, also.

Mr. ERVIN. Yes, it does cover Alabama. I can understand why the Senator from Alabama expresses his opinion about the circuit court of appeals for that circuit.

Does not the Bill of Rights provide that before a man can be tried for a Federal crime, the case must be tried in a district court close to the city in which the man lives?

Mr. ALLEN. Yes.

Mr. ERVIN. Under the bill, an employer of eight men, a man who has invested his meager resources in his business, can be taken all the way from the coast of Georgia or the Everglades of Florida clear over to Texas to have his day in court.

Mr. ALLEN. Yes; and the trial would be on a record; it would not be a trial de novo.

Mr. ERVIN. Can the Senator from Alabama explain to the Senator from North Carolina why, when we have a Bill of Rights, for which we have so much veneration, a Bill of Rights which provides that a person charged with crime shall have a reasonable opportunity to present his case, the proponents want to drag a poor little businessman half way across the continent to a strange court, in a strange city, to defend his human right to employ persons to make his little business a success rather than a failure?

Mr. ALLEN. It is a bad departure from the concept of our Founding Fathers. It is a return to despotism, from which our Founding Fathers sought to extricate themselves when they separated from the mother country and the tyranny of King George III.

Mr. ERVIN. If there is to be a judicial trial, then the trial should be held in court, if the bill is intended to provide justice.

Mr. ALLEN. Yes.

Mr. ERVIN. The trial should occur in the district near the city where the business involved is located, should it not?

Mr. ALLEN. That is only fair. More facts can be obtained from both sides—the employer and the employee—in that way. Take the case of an employee who is supposedly discriminated against. He certainly would benefit by being able to have the case tried on his home ground, among his peers.

Mr. ERVIN. The case should be tried by witnesses who can come in person, not tried on a record.

Mr. ALLEN. Yes.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that if we reduced to cold writing, in the form of a record, the testimony of a man as truthful as George Washington is reputed to have been, and the testimony of as big a liar as Ananias was said to be, we could not tell the difference between the two?

Mr. ALLEN. In cold print, they would look very much alike.

Mr. ERVIN. Does the Senator from Alabama recognize that if truth is to be developed by the testimony of witnesses, the body which is to determine what the truth is should have the right to observe the conduct and demeanor of witnesses while they are testifying?

Mr. ALLEN. Yes; even a criminal has a right to be confronted in person by his accusers, not by persons who have testified somewhere else.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that it makes a mockery of justice to require that a court hearing be held on a printed record, in the absence of witnesses, and before a tribunal which may be located hundreds and hundreds and hundreds of miles away from the place where the business is located?

Mr. ALLEN. Yes; that is mockery and a travesty of justice.

I thank the distinguished Senator from North Carolina for his sage comments. I know that he has not said all that he wants to say on this subject. For that reason, I yield to the distinguished Senator from North Carolina, who has other remarks to make with regard to the bill and the amendment.

Mr. ERVIN. Mr. President, I advocate the adoption of the amendment in the nature of a substitute offered by the distinguished Senator from Alabama in his own behalf and in my behalf.

I should like to point out that the substitute bill, which is in identical form to that passed by the House of Representatives, makes a very substantial change in the method of enforcing title VII of the Civil Rights Act of 1964. As I construe title VII of the Civil Rights Act of 1964, the aggrieved party—that is, the party who complained that he had been discriminated against on the grounds of race or religion or national origin or sex—would have to bring the action in the district court in his own behalf to obtain a remedy for the discrimination.

The substitute, which is identical with the House-passed bill, has substantially different provisions on this point. It still preserves the right of the party aggrieved to bring a suit in the district court for relief against the discrimination allegedly practiced against him, but it contains these additional provisions, and I read from page 4 of the substitute:

> "(e) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c), the Commission has been unable to obtain voluntary compliance with this Act, the Commission may bring a civil action against the respondent named in the charge . . .

Mind you, Mr. President, the Commission brings the action in the district court at the expense of the taxpayers, because it is a public agency, supported with tax funds, whereas the poor little businessman, with as few as eight employees under the Senate bill, or even under the substitute, would have to bear the entire expense of defending against the charges of the Commission in the district court.

Then the substitute further provides, on page 6:

> "(h) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice).

And here the Commission is given full authority, under the substitute, to sue in the Federal district court, at the expense of the taxpayers, to obtain relief for the aggrieved party, and the right of the aggrieved party, as defined under the Civil Rights Act of 1964, is still retained in full force.

The substitute, which has already passed the House, also contains these further provisions, and I read from the top of page 6:

> Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge and the court having jurisdiction over such action shall have the authority to grant such temporary or preliminary relief as it deems just and proper:

> *Provided,* That no temporary restraining order or other preliminary or temporary relief shall be issued absent a showing that substantial and irreparable injury to the aggrieved party will be unavoidable.

The last proviso is merely a statement of the rule of equity which ordinarily exists in any suit brought for a temporary restraining order or a temporary injunction, and is a very just and time-honored principle of equity.

The constitution of my State of North Carolina contains a statement of undeniable truth. It says that a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

I should like to direct the attention of the Senate to the Preamble to the Constitution of the United States of America. I read the Preamble:

> We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The Preamble to the Constitution states that the people established and ordained that instrument for the following purposes: First, to form a more perfect Union; second, to establish justice; third, to insure domestic tranquility; fourth, to provide for the common defense; fifth, to promote the general welfare; and sixth, to secure the blessings of liberty to ourselves and our posterity.

I assert, without fear of successful contradiction, that the bill reported by the Senate committee and now pending before the Senate is utterly repugnant in a number of respects to the objectives which the people of the United States had in mind when they ordained and established the Constitution of the United States. From what has been said, the committee bill is incompatible with the objective of the people of the United States to ordain and establish a Constitution to form a more perfect Union.

The Constitution of the United States was drawn to create the United States of America, not to create one centralized, united state. I shall elaborate in detail at a subsequent time why this bill is incompatible with the objective of the Founding Fathers to form a more perfect union of 13 colonies and the States subsequently admitted to the United States of America.

Here we have a Federal agency, which has headquarters in the city of Washington, given power under the committee bill to dictate to every one of the 50 States in the United States, to every county within those 50 States, to every city and town within the borders of those 50 States, to every school board operating within the boundaries of those 50 States, to every educational institution, in addition to the public schools, which undertakes to afford education even at the higher levels, whom they must hire, whom they must promote, and whom they cannot discharge.

If Congress should give such concentrated and dictatorial powers to a Federal agency over all the States of America, over all the political subdivisions of all the States of America, and over the employment practices of every person within the borders of these 50 States who invests his talents or his resources in an enterprise which employs as many as eight or more persons, Congress would do more to destroy than to improve the perfect Union which the people of the United States drafted and ratified the Constitution to ordain and establish.

The committee bill is also utterly repugnant to the objective of the American people expressed in the Preamble to the Constitution to establish justice. The bill is cleverly contrived to make it virtually impossible to achieve justice in the employment area which is committed to the jurisdiction of the EEOC by the Senate committee bill. I say this for a number of reasons.

In the first place, the Senate committee bill is inconsistent with the ancient principle of the common law that no man can be a judge in his own case. The common law decreed that no man could be a judge of a case in which he has an interest in the outcome of the case. The Senate bill clearly would set up a politically appointed commission, which changes as the national administration changes, composed of men who are responsible to nobody on earth for their official actions, men who are not elected by the people to exercise any governmental function whatever, and who are not answerable to the people in any respect whatsoever; and this provision of the Senate committee bill is not only inconsistent with the purpose of the people who drafted and ratified the Constitution to establish justice, but it is also contrary to the principle of the Declaration of Independence that all just power is derived from the consent of the governed.

Another reason that the Senate committee bill is repugnant to the objectives of the people of the United States who drafted and ratified the Constitution to establish justice is that it concentrates in this agency the duty to enforce a specific law, and thereby gives them the same interest in the enforcement of the law that field prohibition agents had in the enforcement of the Volstead Act, and which the Alcohol Board employees had in the enforcement of our revenue laws. It gives this board the same interest in the enforcement of the law prohibiting discrimination that the Internal Revenue Service has in the act of Congress which provides for the levying and the collection of revenues. Yet nobody could be so presumptuous as to say that the Internal Revenue Service should have the power to make judicial determination in respect of controversies between the Internal Revenue Service and a taxpayer with respect to the validity of the amount of a tax.

It is incompatible with any fair system of justice to vest the power to judge whether violations of law have been committed in the people who are empowered to charge violations of such law, and to judge whether such violations have occurred.

The Supreme Court of the United States declared in the McGrath case, reported in 339 U.S., commencing at page 339, that the function of being a prosecutor and a judge—uniting those functions in one agency or one individual—is indefensible; and they struck down the regulations of the Immigration Service which had so united these two inconsistent and repugnant functions in agents of the Immigration Service.

The proponents of this bill will assert that they have divorced the function of a prosecutor from that of a judge by the milquetoast amendment offered by the distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from Pennsylvania (Mr. SCHWEIKER). This amendment undertakes to create the office of general counsel and undertakes, in a rather specious way, to declare that the general counsel shall be independent of the EEOC. But the same paragraph which engages in this unattained objective makes the general counsel dependent upon the consent of the Commission in respect to the appointment of the regional counsel who are to act on behalf of the supposedly independent general counsel in the various regions of the United States.

So I assert, without fear of successful contradiction, that notwithstanding the good motives which actuated these distinguished Senators to offer this amendment to the committee bill, this amendment, in its ultimate analysis, merely represents the symbol of an homage which unrighteousness pays to righteousness.

I have elaborated upon some of the provisions of the Senate-passed bill which I say are absolutely inconsistent with the purpose expressed in the preamble to the Constitution to establish justice. Let me elaborate a little more on this aspect of the bill.

After charges have been filed with the commission, and after the charges have been investigated by the commission or some of its members or some of its agents, members of the commission can prefer charges, based upon their investigation, in which they charge that the respondent has discriminated against some person in employment on the basis of his race or his national origin or his religion or his sex.

It is the commission which sets in motion the action of the supposedly independent general counsel; and when the general counsel, after being so set in motion by the commission, prosecutes the case, he has to prosecute it before the members of the commission, who sit as a jury and as a judge—I might add that, under the terms of the Senate bill, they also sit as executioners—of the poor, little businessman who is haled before them by the might of the United States of America and who has to defend himself against the charges investigated, preferred, and judged by the same agency which investigated and preferred the charges.

With all due respect to the proponents of the bill, I would have to submit that, in my judgment, a respondent's chances to obtain a fair trial and a just judgment under these circumstances are about on a par with the chances of a snowball to exist throughout the month of August in the hottest spot in hell.

So I say that this bill commits what I consider—and rightly consider—the greatest affront which can be committed against justice, and that is that it prostitutes the judicial process in order to make as certain as possible that only one side of a proceeding instituted before the commission can have any reasonable opportunity to win a favorable decision.

To be sure, the Senate committee bill provides that after the members of the commission or their agents have preferred charges against the respondent and have investigated those charges and have ruled as judges on those charges, the respondent can take an appeal to the Court for redress.

I will proceed further on this in a moment. Before doing so, however, I invite the attention of the Senate again to what the Supreme Court said in the McGrath case, by way of quotation from the report of a committee appointed by the Attorney General of the United States to consider the abominable practice in certain executive departments and agencies of concentrating the investigatory power, the prosecuting power, and the judging power in one individual or one agency.

I read from page 44 of the McGrath decision. It is a quotation from the report of the Attorney General's Committee on Administrative Procedure which the court cited with approval:

> These types of commingling of functions of investigation or advocacy with the function of deciding are thus plainly undesirable. But they are also avoidable and should be avoided by appropriate internal division of labor. For the disqualifications produced by investigation or advocacy are personal psychological ones which result from engaging in those types of activity; and the problem is simply one of isolating those who engage in the activity. Creation of independent hearing commissioners insulated from all phases of a case other than hearing and deciding will, the Committee believes, go far toward solving this problem at the level of the initial hearing provided the proper safeguards are established to assure the insulation.

Now the Senate committee bill leaves the investigating function and the judging function to the members of the commission. To be sure, it states, in effect, that a member of the commission or an agent of the commission who has investigated a matter and made charges shall not sit on the trial of those charges, but that provision does not get away from the evil which the Attorney General's Committee on Administrative Practices pointed out. It still leaves each member of the commission and each agent of the Commission with investigatory powers in some cases and with judicial powers in other cases. The Supreme Court, by citing this statement of the Attorney General's Committee on Administrative Procedures and Practices, has stated that that is not sufficient, that we have to separate the hearing power—not the person that does the hearing—but the hearing power rather than the investigatory power and the adjudicatory power from each other, and that the evil of such a system is not removed by merely allowing the members of the commission to judge cases which some of them have investigated, and to hear the charges which some of them have made, merely precluding those who exercise the adjudicatory power, rather, on a particular occasion, from exercising the investigatory and charging power on other occasions.

When people desire to accomplish an objective which they fear cannot be accomplished by fair methods, they adopt procedures which are inconsistent with fairness but which at the same time give a little appearance of some remote relationship to fairness.

So the Senate bill says that after the biased commission and its agents who are charged with the duty of enforcing the law have investigated charges and have preferred charges and have rendered decisions adverse to the respondent on the charges which the commission or some of its members have preferred against him, that respondent can apply to the circuit court for some pretended relief.

I pointed out a moment ago, in colloquy with the distinguished Senator from Alabama, that when the provisions of the Constitution were written to govern the places where criminal trials were to be had in Federal court, the sixth amendment declared:

> In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial judge of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

That amendment sets forth the places where those who drafted and ratified the Constitution thought that criminal charges should be tried and determined. They said it had to be in the district in which the trial was alleged to have been committed. Yet, under the Senate committee bill, the review of the decisions of the commission on the charges investigated by it, preferred by it, and judged by it, must be in a circuit court. Some of the circuit courts sit at points hundreds of miles away from the place where the alleged unfair or discriminatory practice occurred. That is bad enough. In my judgment, the old adage, "All seasons for justice and in every place a temple," would require as a matter of fair play that a man be given a trial, or the right of review from an adverse judgment of the commission in a court which sits somewhere in the neighborhood of where he resides or where his alleged illegal act occurred. So that these provisions, giving jurisdiction to the circuit courts, are an affront to any fair system of justice which contemplates, as the sixth amendment does, that a man shall be tried somewhere in the locality where the crime is being investigated a reviewed and obviously somewhere in the locality where he resides. But the attempt of this bill to frustrate the purpose of the men and women who drafted the Constitution to establish justice does not stop there.

I invite the attention of the Senate to certain provisions on pages 42, 43, 44, and 45 of the Senate committee bill, that provide that an employer has been condemned for alleged discriminatory practices in employment by the EEOC on charges investigated and made by the EEOC and if he goes to a distant court of appeals seeking relief from a judgment that the law ought not to have ever permitted to have been made—that is, a judgment by biased, willful judges—he finds that he cannot get any relief whatever if there is more than a scintilla of evidence tending to support the conclusion of a biased commission.

Page 42 of the Senate committee bill, in lines 16, 17, 18, and 19 read:

> The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

Page 43 of the bill has a similar provision with respect to the burden of evidence where the commission hears additional evidence and modifies its original findings. It states on page 43, beginning with line 1 and ending with line 6:

> The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, . . .

Mr. President, I charge that those provisions are placed in the bill to disable the court from reversing the finds of fact in decisions of the commission even in cases where the court finds that the findings of the commission are repugnant to the greater weight or preponderance of the evidence. To be sure, some similar provisions with respect to the version of the evidence can be found in some of the laws enacted by Congress at the instance of regulatory bodies. But I submit that the fact that iniquitous legislation had been enacted by Congress in times past is no justification for enacting new iniquitous legislation, as Congress would do if it should pass the Senate committee bill.

To argue that because iniquitous legislation appears in other areas where regulatory bodies wish to compel courts to affirm their rulings have much that may be repugnant to the preponderance of the evidence or its greater weight is no justification for doing so here.

We might as well argue that we can argue with equal intelligence that because murder and stealing have occurred in times past, we ought to declare that murder is meritorious and larceny is legal.

In reference to reviewing the other circumstances by the courts, it is stated on page 44 of the Senate bill that:

> The findings of the commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

On page 45 we find this additional provision with respect to these other cases under review:

> The commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive . . .

These are provisions which are designed to bar a court which reviews the findings and judgments of the EEOC to discover what is true with respect to such findings. They are designed to make the court accept as conclusive 1, 2, 3, 4, or 5 percent of the evidence in the case even though 95 percent of the other evidence shows that the findings of the commission are untrue.

I submit here that if the substitute amendment offered by the distinguished junior Senator from Alabama and myself is not agreed to by the Senate, I shall offer an amendment to the Senate bill which would strike out these clauses I have read concerning substantial evidence being conclusive and would provide that where a court reviews the findings and judgment of the Commission, the court shall be at liberty to disregard the findings of fact of the Commission if it concludes that those findings of fact are not supported by the preponderance of the evidence.

I could cite multitudes of cases on this point, but it is the case of Se-Ling *Hosiery Company, Inc.* v. *Margulies*, 364 Pennsylvania 45, 70 Atlantic 2d 854, which says that:

> Proof by a preponderance of evidence is the lowest degree of evidence recognized in the administration of justice, and that the evidence which the burdened party offers does not become proof unless it preponderates in evidentiary weight against the opposing evidence.

In other words, the court there declares what is recognized as the rule in all civil cases in the United States—that the prevailing party—that is, the party who makes the charges—must establish that charge by a preponderance of evidence; and that he fails to establish the charge unless the evidence he offers preponderates in evidentiary weight against the opposing evidence. This is a far different requirement from the provisions of the bill, which burdens the courts in their research for proof when a respondent seeks review from the findings of fact and judgment entered by the Commission on charges investigated and preferred by the Commission itself.

What is proof by a preponderance of evidence?

> Proof by a preponderance of evidence means that the jury must believe that the facts asserted are more probably true than false. Preponderance of evidence is a phrase which, in the last analysis, means probability of the truth.

The first of this quotation was from the Oregon case of *Cook* v. *Michael*, 214 Oregon 513, 330 Pacific 2d 1026, 1032. The second was from a Kentucky Federal court case, *Asher* v. *Fox*, 424 Federal 2d, 727, 729.

Then, in the case of *Marcantal* v. *Aetna Casualty and Surety Company*, a Louisiana case reported in 219 Southern 2d, 180, at page 183, we have this definition of "preponderance of evidence."

> By a preponderance of evidence is meant simply, evidence which is of greater weight, or more convincing, than that which is offered in opposition to it; that is, evidence which, as a whole, shows the fact or causation sought to be proved is more probable than not.

I could multiply the quotations of what is meant by "preponderance of evidence" scores and scores—yes, hundreds—of times. Let us see what "substantial evidence" is.

In the case of *Kelly* v. *Celebreze*, 420 Federal 2d, page 614, we read:

> Substantial evidence is more than a scintilla but less than a preponderance.

In the case of *Carpenter* v. *Flemming*, 178 Federal Supplement 791, page 793, a Federal court sitting in West Virginia declared:

> Under a statute providing for final decision of a social security disability, claim must be accepted as conclusive if there is substantial evidence to support. Substantial evidence is more than a scintilla but less than a preponderance.

I could cite scores and scores of cases to the effect that substantial evidence is merely evidence which is not entirely imaginary or which is more than a scintilla but is less than a greater weight or preponderance of the evidence.

Some courts define "substantial evidence" as evidence which is merely sufficient to carry a case to a jury and resist a nonsuit. Under that ruling, if 5 percent of the evidence is to one effect, and 95 percent of the evidence tends to show that that effect is not true, then there is a substantial degree of evidence.

So everything in the procedures which the Senate bill is designed to authorize for the avowed purpose, the professed purpose, the plain purpose of doing justice is repugnant to every sound rule devised by the experience of the English-speaking race to secure justice and reveal truth.

The Senate-passed bill is repugnant to the purpose declared in the Preamble of the Constitution, "to form a more perfect union," and the purpose, also declared in the Preamble of the Constitution, "to establish justice." It simply rapes and ravishes the provision of the assertion in the Preamble of the Constitution that "the people of the United States ordain and establish this Constitution for the United States" and to "secure the blessings of liberty to ourselves and our posterity."

I have had the privilege of serving in three legislative bodies: namely, the legislature of North Carolina, the House of Representatives of the United States for a brief period, and the Senate of the United States for 17 years.

I assert, without fear of contradiction, that this bill does more to destroy the freedom of the American people than any legislative proposal which ever came before any of those three legislative bodies while I was privileged to be a member of them.

I say the entire foundation underlying this bill is unsound. The bill does not make illegal the hiring of any person by any employer as such. Under the terms of this bill and under the terms of every other principle of law, the hiring of one man by another to perform services for an employer is a perfectly legal external act. Under the law a man can hire anybody he pleases, and under this bill he can hire anybody he pleases, as long as he does not have some intent down in the innermost recesses of his mind that accompanies that act.

I have a right, if I am an employer, even under the Senate bill, to hire anybody I please as long as I am not moved to hire him because of his race or because of his religion or because of his national origin or because of his sex. It is only the intent or the motive which accompanies the hiring which makes the hiring illegal under this bill and under the original title VII of the Civil Rights Act of 1964.

Mr. President, I respectfully submit that there is nothing iniquitous in a free American preferring to hire a man of one race rather than a man of another race, or preferring to hire a man of one religion rather than a man of another religion, or preferring to hire a man of one national origin rather than a man of another national origin, or preferring to hire a person of one sex rather than a person of another sex. But under this bill a hiring prompted by any one of these preferences—and all discrimination is a preference for one man over another—is made illegal. A commission is selected because it is biased to turn itself into a psychologist and determine from innermost recesses of a man's mind, which they cannot see, whether the innocent motive which Congress declares iniquitous accompanied the hiring.

This is a dangerous law for that reason. In the first place, it makes illegal acts which are entirely natural for a human being to do. I think it is natural, and certainly not iniquitous, for an American employer to prefer a person whose national origin is American rather than a person whose national origin is foreign. Yet under this bill, if an American employer prefers to employ an American, and does employ an American, in preference to a person of foreign origin, he is declared to be an iniquitous man, performing an illegal act, and he can have charges preferred against him by the Commission and have the Commission judge the validity of the charges which it has already investigated and found to be true. The notion that he can get any justice at the hands of such a Commission is unrealistic. Rather than get justice in court and have the court determine the truth by the evidence, which shows what is true rather than false, they create artificial rules to prevent the court from being free to search for the truth.

I have very little faith in the capacity of people to determine the motives of other people. In this respect, the bill is different from every other law. Under every other law we punish people for external acts which are iniquitous, and under this bill we castigate and punish people, by unfair methods, for thoughts. I do not think men are quite capable of doing that.

I want to read from the 7th verse of the 16th Chapter of the First Book of Samuel:

> But the Lord said unto Samuel, Look not on his countenance, or on the height of his stature; because I have refused him: for the Lord seeth not as man seeth; for man looketh on the outward appearance, but the Lord looketh on the heart.

Here a commission is to be appointed that is going to assume to exercise the power of the Almighty—not to judge men by external appearances, not to judge men by their external acts, not to judge men because they hire this man or that, but to judge men on the basis of what the commission thinks or imagines they had in their hearts at the time they did what was otherwise a perfectly natural and a perfectly legal act, namely, hiring an individual to perform service for them.

One of the proponents of the bill stated on the floor that he supported this bill because it was designed to enforce human rights. We have a habit of using cliches to explain or justify our actions.

Mr. President, I submit that if a man belonging to a minority race, or professing a minority religion, or having a particular racial origin, or a person of a particular sex, has a human right to seek employment because of those factors, that is, because he is a member of a minority race or of a minority religion, or of a foreign national origin, then, by the same token, a man of a majority race, or a man of a majority religion, or a man of American origin, has an equal human right to seek employment; and that any law which undertakes to compel employers to hire people of a minority race or a minority religion or a minority national ancestry in preference to a man of a majority race or a majority religion or a majority national origin is not a law to promote equality, but a law to promote discrimination.

I also submit that there are such things as human rights, and I maintain there is no kind of rights recognized in the law except human rights. But if there is such a thing as a human right, the supposedly free American who has a little capital or has some talent, who invests his resources and talents in a little business for the purpose of making a livelihood for himself and his family and a profit, has a right to select as his employees the persons who be believes will aid him to make his business a success rather than a failure; and I say that when the Federal Government undertakes to deny him that right, it is denying him a human right, and is engaged in a course of conduct which is incompatible with freedom.

You know, when I hear people advocate bills which are repugnant to freedom, they so often prate about the superiority of human rights over property rights. In 1946, when I had the privilege of serving a few months in the House of Representatives, there was a Congressman who claimed to be a liberal in the modern use of that very much abused and misleading term who used to rise on the floor of the House of Representatives every time he had an opportunity and proclaim his conviction that human rights are superior to property rights.

One day, however, a Member of the House who might be described as something of a moth-eaten conservative, in the much-abused modern-day use of that term "conservative," became aroused while the Congressman was expounding superiority of human rights over property rights, and silenced him with a question. I shall never forget that occasion.

This person I have designated as having the appearance, in the modern parlance, of being a moth-eaten conservative, arose and stated this question:

He said, "In the early days of this Nation, a settler would go out into the wilderness and carry his rifle to protect himself and his family against the Indians, his Bible so that he might strengthen his faith in the Divine, and an ax which he might use for material purposes." He said, "This frontiersman, when he got out into the forest, took his ax and cut down some trees, and he fashioned those trees into a little cabin which he used to shelter himself, his wife, and his children."

This old man who I say could be described as a moth-eaten conservative then said, "Now, all of us, including my friend who extols human rights over property rights, will agree, I think, that that frontiersman had a right to use that cabin erected by his own hands in the wilderness as a shelter for himself, his wife, and his children." Then he said, "Mr. Speaker, the question I put to my friend is this: Was the right of that frontiersman to occupy that cabin as a home for himself and his family a property right or a human right?"

Well, the person to whom the question was addressed never answered the question, and I would have to testify on his behalf that subsequent to that time, he did not so frequently extol the superiority of human rights over property rights.

As a matter of fact, there is no such thing as a property right. There is not a single piece of property or a single inanimate object of any kind which has any rights in this Nation under the law of this Nation. Every right belongs to a human being, and in that sense is a human right.

It is a human right which the law gives to a man to acquire, to own, to use, or to dispose of property, and it is this legal right which has made this Nation the most powerful economic entity the earth has ever known.

There is a professor of law at New York University who is one of the most valiant fighters for the preservation of freedom in human rights of any man of my acqaintance. He wrote a book entitled "The Labor Policy of the Free Society." This is Prof. Sylvester Petro. I want to read some words from a chapter of his book entitled "Property Rights, Human Rights, and the State." He says:

> Denigration of the right of private property usually begins with a sharp distinction between "human rights" and "property rights." Those who habitually make this distinction normally go on to contend that society—and by society such persons usually mean government—may qualify property rights without seriously affecting the "essential human freedoms." They argue, indeed, that the restrictions on property rights which they favor will in fact expand the "essential human freedoms."
>
> There is no truth in any of these assertions. Property rights are human rights, and nothing else. The various human rights comprehended in the general right of private property cannot be neatly distinguished, portioned out, and separated in the real world of action; those are things which cannot be done satisfactorily even in analytical abstraction. Pruning and excisions, divestitures and re-allocations of property rights, all necessarily amount to arbitrary action which reduces human freedom and social productivity. Everyone now realizes that slavery is arbitrary; but few, apparently, know why it is arbitrary. For most people who oppose slavery are in favor of discriminatory taxation, in spite of the fact that such taxation is arbitrary in exactly the same sense that slavery is arbitrary.

I digress from the reading a moment to note this. If the law says to A, "You must work for B even though you do not choose to do so," that is slavery, by any definition of the term. If the law says to A, "You must hire B to work for you, even in a small personal company, even though you do not want to do so or even though you prefer someone else of another race or religion or national origin," you may not call that slavery, but you certainly cannot call it freedom so far as an employer is concerned. It is only a question of degree between the servitude you impose upon the one man and the servitude you impose upon another. Either one of these servitudes is an infringement of freedom.

I continue reading from Dr. Petro's book:

> Some objections to the right of private property are of a relatively superficial kind, easily cleared up by placing the right in its appropriate social context. The right of private property did not spring full-blown upon the world. Nor did the intimately related idea of the strictly enforceable contract have an easy time of it. Sir Henry Maine was of the opinion, indeed, that "the positive duty resulting from one man's reliance on the word of another is among the slowest conquests of advancing civilization." As defined in this book, property and contract rights are the end products of a long and fitful evolutionary process; they are understood and appreciated only by men in a relatively sophisticated stage of development.
>
> The evolution to the final, symmetrical form was dictated by the necessities which presented themselves to our forebears who wished to live in free and productive societies. Private property in its broad form commended itself to those men because it worked. It offered both freedom and order. It set loose the constructive energies of men, and at the same time constituted a rational, social basis for the integration of the activities of all men. It was a great central organizing principle that carried within itself the idea of the society which might be both free and harmonious. Private property in its comprehensive form is not merely indispensable to the free society; it is the free society itself. Once this is perceived, a good many of the objections disappear.
>
> Yet there are still many who rebel against the comprehensive definition, who insist that the "good of society"—a concept which they never define—absolutely requires that the state be generally empowered at all times to expand or diminish or revise the right of private property. These are the people who see red when they hear the words "inalienable property rights," no matter how carefully those words may be used. The idea of property rights secured to all persons against invasion by the state or anyone else, seems hopelessly "dated," even "reactionary," to them. Rejecting both "totalitarianism" and comprehensive property rights as the central principles of social organization, they call themselves "liberals," "progressives," or some other such modest name, and announce that they have found a "middle way."
>
> Beyond any question, application of the private-property principle does create difficult problems at times. Emotional and intellectual difficulties present themselves even when the general principle itself is rightly understood. The more complicated the society, moreover, the more frequently do difficulties of application arise. But this kind of thing is unavoidable. As a matter of fact, in the free society it really reflects the existence of a state of affairs which most find highly desirable. For property problems become the

> more complicated the more widely dispersed the property rights happen to be, and the more intensely human affairs are integrated. Restrict property rights narrowly, reduce personal autonomy to the minimum, and you will have a minimum of property problems. Take away private-property rights completely, destroy entirely the autonomy of the person, and you have no private-property problems at all. If no person *legally* owns or controls anything, including himself, the problem of control is solved quite simply by force. If all property rights are vested in the state (that is, in the strongest force in the community) problems of personal *right* likewise do not arise to complicate the social structure. A monolithic structure of this kind may appeal to some. But it is no way to achieve personal freedom, well-being, and security.
>
> As to the so-called "middle way" in current usage, this is actually a misnomer. Personal private-property rights, in the sense of the common-law doctrines and old-fashioned liberal political theory, represent as meaningful a pursuit of the "middle way" between the political absolutes of anarchy and socialism as straight thinking has yet produced. One may, in short, make a respectable argument to the effect that the private-property way is the only meaningful "middle way," since totalitarianism and anarchy are the only other pure forms of social organization which may be meaningfully conceived.
>
> But the "middle way" as used in current debate is only a semantically attractive synonym for the *interventionist* state. It defines a condition in which the state is at all times authorized to modify personal property rights at will: the state may expand or contract the rights of persons as political exigency may seem to dictate to those in public office. The perpetual dynamic equilibrium of personal rights as here defined is anathema to the interventionists.
>
> Many interventionists insist, it is true, upon respect for the rights of free speech, free thought, and free press. But they are apparently not aware of the unity of all personal rights. They do not see that all personal rights have a common core in the autonomy of the person, that the so-called "human rights" are merely one surface manifestation of the elemental right of private property.
>
> The interventionist state is actually a state moving intermittently toward the complete destruction of all the personal freedom which it can reach. As such, in terms of formal analysis it must be defined as a totalitarian state, since its own proponents insist that the state is the source of all rights. In empirical terms it might be called a potential totalitarian state.
>
> How long will freedom of the press endure, if interventionism finally triumphs? Freedom of the press is nothing more nor less than the condition which exists when publishers have their property rights intact. Even in the United States today, when interventionism is still struggling to substitute political exigency for private property rights, interventionists have unconsciously shown what they genuinely think of freedom of the press. The term "captive press" gets a great deal of use from trade unionists and from politicians who consider themselves "moderates."
>
> If interventionism finally triumphs, will its less moderate apostles limit themselves to this mere vilification of those who oppose them? Have interventionists, when they have come to full power and when political conditions have been propitious, ever so limited themselves? Is not vilification always the first step—and only the first step—of demagogues? When Juan Peron tired of freedom of the press in Buenos Aires, he expropriated the publishers. If "it" happens here, expropriation in one form or another will be the means used. The basis for such expropriation exists in the way that interventionists look at property rights, thinking of them as subject to revision whenever the "good of society" so requires. The Union of Soviet Socialist Republics may very well today have a law or a bill of rights which "guarantees" both freedom of speech and freedom of the press. But what good is such a guarantee when no private person or group may own a printing establishment?
>
> It is inaccurate to describe a press based on private property rights as "captive." Publishers under such conditions are limited in what they print only by their own personal views or interests and by the libel laws—and those laws are themselves an expression of the property right in the integrity of one's character. It is inaccurate also to say that the editorial policies of newspapers are determined by advertisers. Businessmen may be the greatest source of advertising revenue of one branch of the press, the dailies and the other periodicals. But advertising revenues rise and fall in accordance with the circulation of the particular newspaper or magazine, not with the secret or public ideology of the publisher. . .
>
> We in the United States compose a still largely free society, based on private property and freedom of contract. But, as a matter of history, the distortions of the principles of property and contract which mar our society trace to the demagoguery implicit in the characterization of our pioneering businessmen as "robber barons" and "malefactors of great wealth."

Mr. President, Professor Petro expounds the doctrine that the right of private property and the right to contracts are human rights and that each is essential to the existence of the country as a free society.

This bill would interfere very greatly with the right of contracts. I cannot see why, as an American, there is anything iniquitous in employing a fellow American, because I prefer to do so, rather than having to employ a person of another national origin. I do not think there is anything iniquitous in a person preferring to employ a member of his own race, or of his own religion, or a person of the same national origin as himself.

Just calling it iniquitous does not make it so, but, unfortunately, when the country embarks upon a policy of restricting freedom in order to deprive people of their liberty to choose those whom they seek to employ to make their business a success, no one can again say the fact that it is not iniquitous. It is only iniquitous because it is declared by act of Congress to be so. An act of Congress does not make that iniquitous which is natural and the right of every American.

The trouble with laws of this kind is well illustrated in an action which is frequently taken in employment cases. We have the Office of Federal Contract Compliance in virtually every case, and the EEOC in many cases, compelling businessmen of America to practice discrimination in employment. Congress attempted to prevent that. Congress attempted to make it so that each case would be judged on its merits, that it be judged as an individual case. So Congress wrote into the Civil Rights Act of 1964 that no employer should be compelled to employ people of any race, religion, national origin, or sex by quotas; and yet we have decisions made almost every day in the Office of Federal Contract Compliance to order the businessmen of America to practice discrimination in reverse by hiring a person of a particular race, a particular religion, of a particular national origin, of a particular sex. That is discrimination in reverse.

I say, in all seriousness, that I do not see how we can expect criminally minded people to obey the laws when men in public office disobey the very laws and the very Executive order they are supposed to enforce. The Executive order which the Office of Federal Contract Compliance in the Department of Labor is charged with enforcing is an Executive order which says that there shall be no discrimination in Government employment or by a person having Government contracts, on the basis of race, religion, national origin, or sex. Yet the very Office of Federal Contract Compliance makes it a consistent practice to violate the very Executive order it is charged with the duty of enforcing. It orders businessmen who desire Government contracts to employ persons of a particular race, or a particular religion, or a particular national origin, or a particular sex—or particularly persons of a particular race according to fixed or variable numbers, proportions, percentages, quotas, goals, or ranges, and thus violates the very Executive order it is charged with the duty of enforcing. The same thing on occasion can be said about the EEOC.

I do not see how we can better conditions in America and promote law and order while governmental agencies created for the avowed purposes of preventing discrimination in employment may discriminate in employment.

I expect to offer an amendment to the original bill in the event the substitute amendment offered by the Senator from Alabama on behalf of himself and myself is rejected by the Senate. I hope that this substitute amendment will be agreed to. It provides that we will have enforcement in the courts. It affords an adequate procedure by which the EEOC, suing at the expense of the American taxpayers, can have a right of vindication in the court according to the established rules of procedure and the established rules of evidence. And that is all that any American ought to ask for. He ought not to ask to have specific procedures established for or designed to prevent the fulfillment of the men and women who drafted the Constitution to establish justice.

Mr. President, I yield the floor, and suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, will the Senator withhold his request?

Mr. ERVIN. Mr. President, I withhold my request.

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## REFERRAL OF RESOLUTION

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Dakota (Mr. McGOVERN), I ask unanimous consent that the resolution he submitted today (S. Res. 241) to extend the life of the Select Committee on

Nutrition and Human Needs be referred to the Committee on Rules and Administration. I am advised by the Senator from South Dakota that this matter has been cleared.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR THE UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order on tomorrow there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements limited therein to 3 minutes, and that at the conclusion of the routine morning business, the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

Mr. JAVITS. Mr. President, I wish to announce on the part of the Senator from New Jersey (Mr. WILLIAMS) and myself that at 3:30 I shall move to table the substitute.

Mr. President, I would like to state to the Senate our reasons for this action. No one knows better than I the feelings of Senators with regard to a tabling motion.

Personally, I do not remember having made, perhaps, more than one or two. I have had a long career, and I am very respectful of Senators' opportunities to debate and consider questions at the greatest length they feel they should. I have myself been cut off far more often by tabling motions than I have ever cut off other Senators. But in this particular case, I will explain why, not because I am an advocate of the bill, but because I think this is almost a classic example of the proper use of the tabling motion.

We have been given notice that this is the beginning of a filibuster, and the notice has been given in unequivocal terms. I invite the attention of the Senator from Alabama (Mr. ALLEN) to his words that I am about to read to the Senate. I have the written record from the Official Reporter. The Senator from Alabama said as follows:

> The Dominick amendment failed of adoption. The proponents of cease and desist by commission fiat won that battle. It may have been a most expensive victory, because if the junior Senator from Alabama correctly interprets the feeling and the determination of a large number of Senators, this bill may not—and he says "may not"—be forced to a vote in the Senate. That would be a tragic happening. In many respects, that would be a reaching out for more than the Senate is willing to give, going farther than public opinion would require.

It seems to be obvious that the Senator from Alabama would not have said that if it did not represent his own feeling; and from the indications of the debate which we have already heard, coupled with this statement, I think we get the point. I do not think we need to have a finger put in our eyes to understand exactly what to expect.

In addition, the move which has been made is clearly an unnecessary one. We have voted five times. When we take into consideration the first vote, the vote on the motion to table the first vote, the vote on the reconsideration of the first vote, then the second vote, then the motion to table reconsideration of that second vote, we have voted five times on the Dominick amendment. It seems to me that that is a very adequate expression by the Senate.

The Senator from Alabama himself admitted, when he submitted the substitute, that it is open to any amendment to which the original bill is open. He also said—and the Chair confirmed this—that the original bill also is open to amendment in any respect. Indeed, the Chair ruled that it is open in two degrees. So nothing whatever is accomplished by substitutes of any kind or character except an opportunity to reargue and revote on the Dominick amendment.

After all, I think we have a right to vote on a tabling motion because an unnecessary action is being asked of the Senate, an action which does not represent any decision by the Senate, which is a substantial requirement for a decision on a procedural ground; that is, no conceivable opportunity to amend is cut off, or to table, or to move in any way that the opponents of the legislation desire, by tabling; and obviously, as they themselves were entirely receptive to any amendment that would substitute in the shape it ought to be in, they do not have to extend, as far as they are concerned, as it is very clear that the essential argument is that it is simply a "re-do" of the Dominick amendment.

It is entirely the privilege of the opponents to talk as long as they can and as long as the rules will allow. If we wish to invoke cloture, we know exactly how to do it. That is fine and legitimate. But at least the Senate ought to take a direct approach to that question: Has it heard enough upon this measure, and does it now want to restrict amendments to those which are at the desk? Second, does it wish to provide 1 hour for each of the 100 Senators? Or does it wish to hear more debate? Those are legitimate questions, and we may be required to decide them. From what I see, we probably will. But why have the screen of this substitute as the subject for debate when its only purpose, obviously, is to reconsider the amendment, which, as I say, has already been voted on five times?

For these reasons, I believe a tabling motion is perfectly proper. I speak of this in a sense of explanation, because I am not happy about such a motion; I do not like it; as I say, I have been the victim of a tabling motion far more often than I have been the beneficiary. I seek to justify the reason why, in this particular case, such a motion is proper.

Also, as a very necessary part of making this motion, I wish to spread upon the RECORD the differences between the House bill, which is sought to be substituted, and the Senate bill. The differences are significant and substantial, the most significant being the difference between cease and desist and court enforcement. In the second place, State and local people are covered by the Senate bill, but are not covered by the House bill.

Third, the House bill does not extend coverage to more private enterprise employers; the Senate bill does, to employers of eight or more persons, as distinguished from 25 in the House bill; and

Fourth, educational institutions are included in the Senate bill.

Other amendments which relate to the importance of whether the Senate bill should be the one that prevails include one which deals with the coverage of Federal employees and the extent of coverage. They include one which deals with the transfer of pattern and practice suits from the Department of Justice to the Commission after 2 years.

Another deals with backpay limitations for 2 years from the date of complaint, which is in the House bill, rather than from the date of the charge—that is, the filing of the charge—with the Commission, which is now in the Senate bill, as it is amended.

There are other differences, but I have given the basic and significant differences which, it seems to us, dictate that the Senate has a superior instrument for working the Senate's will on the House bill.

But in the final essence, the matter is very clear. This is simply an effort to reargue and revote on the Dominick amendment. It results in giving us an issue that is not a substantive issue that ought to tie up further debate on the bill. If we are going to get cloture, let us get it directly on the fundamental issue involved; namely, does the Senate wish to hear further debate on the bill, and how much? Or does it wish to limit debate, remembering that every Senator is limited in his right to speak?

Mr. ALLEN rose.

Mr. JAVITS. Mr. President, I will yield for a question, of course.

Mr. ALLEN. Mr. President, will the distinguished Senator from New York allow me to speak for some 15 minutes, with the assurance that I will return the floor to the Senator, so that I may make a statement with regard to the pending amendment?

Mr. JAVITS. I am sorry to tell the Senator that I am unable to do that, and that I do not wish to yield my right to the floor, because I must make my motion. But I will certainly yield to the Senator and ask unanimous consent that he may make a statement in lieu of a question without my losing my right to the floor. I have talked for 5 or 6 minutes—I will say 5 minutes—and will yield him 5 minutes, if that is agreeable to the Senator.

Mr. ALLEN. I appreciate the Senator's position of kindness and courtesy. That is all the junior Senator from Alabama was asking for. He agrees that the Senator from New York should have the floor back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. It is 5 minutes, then; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. ALLEN. Mr. President, the distinguished Senator from New York made two points, as the junior Senator from Alabama understood his remarks: One, that on account of some remarks by the junior Senator from Alabama to the effect that this bill without the Dominick amendment having been added might be difficult to bring to a vote, and that for that reason he is going to move to table this amendment, and he indicated that he would go on with a motion of cloture, indicating that the remarks of the junior Senator from Alabama provoked that action. Let me say that the junior Senator from Alabama, in coming to the Capitol this morning from his home in Virginia, heard on the radio that the proponents of the measure were planning to file a cloture motion. So the Senator from Alabama does not feel that any action by him has brought the proponents of the measure to that decision.

The Senator also stated that this is rearguing the Dominick amendment and that is all it is. The junior Senator from Alabama begs to differ on that point, because the amendment offered by the distinguished Senator from North Carolina and myself substitutes the language, not of the Dominick amendment, but of the House bill, which a majority of the Members of the House have passed as the proper method of giving the EEOC more authority to enforce its findings.

The junior Senator from Alabama respectfully submits that if this amendment is adopted and it does become the bill and the bill is passed by the Senate, it will go to the House and, it being the exact language that the House has already approved, we will get earlier approval of the bill, and this additional power will have been conferred on the EEOC; whereas, if the amendment or a similar one is not adopted, there is a good chance we will have no bill whatsoever.

So this is not a reargument of the Dominick amendment—far from it. This is saying that the Senate, if it will agree to the House language, in all likelihood will get a bill, there being a chance that no bill will be enacted if this amendment is not adopted.

I yield back my time.

Mr. JAVITS. I thank my colleague.

Mr. President, I move to table the pending substitute.

## CALL OF THE ROLL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be discontinued.

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The rollcall was resumed and concluded, and the following Senators answered to their names:

[No. 15 Leg.]

Aiken
Allen
Baker
Bellmon
Bennett
Brooke
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cotton
Ervin
Hatfield
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Mansfield
Mathias
Mondale
Montoya
Pastore
Pearson
Percy
Roth
Schweiker
Scott
Stafford
Talmadge
Thurmond
Williams
Young

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Anderson
Bayh
Beall
Boggs
Brock
Burdick
Cannon
Chiles
Cooper
Cranston
Curtis
Dole
Ellender
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Hughes
Kennedy
Long
McClellan
McGee
McGovern
McIntyre
Miller
Moss
Nelson
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Smith
Sparkman
Stennis
Stevens
Symington
Tower
Weicker

The PRESIDING OFFICER. A quorum is present.

Mr. JAVITS. Mr. President, I ask for the yeas and the nays.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Alabama seek recognition?

Mr. ALLEN. I suggest the absence of a quorum.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is that in order?

The PRESIDING OFFICER. It is in order. There has been business since the last quorum. The ordering of the yeas and nays is business, under the Senate precedents, and the clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 16 Leg.]

Aiken
Allen
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Ellender
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Weicker
Williams
Young

The PRESIDING OFFICER. A quorum is present.

The question now recurs on agreeing to the motion of the Senator from New York (Mr. JAVITS) to table the amendment of the Senator from Alabama.

On this question the years and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CANNON (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from Washington (Mr. JACKSON), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Virginia (Mr. SPONG), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. EASTLAND) is absent because of illness.

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from Mississippi (Mr. EASTLAND).

If present and voting, the Senator from Washington would vote "yea" and the Senator from Mississippi would vote "nay."

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from California (Mr. TUNNEY), and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY) is absent on official business.

The Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. DOMINICK) would vote "nay."

The result was announced—yeas 45, nays 32, as follows:

[No. 17 Leg.]

YEAS—45

Aiken
Anderson
Bayh
Beall
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cooper
Cranston
Fong
Hart
Hartke
Hatfield
Hughes
Inouye
Javits
Kennedy
Mansfield
Mathias
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Symington
Weicker
Williams

NAYS—32

Allen
Baker
Bellmon
Bennett
Brock
Byrd, Va.
Chiles
Cook
Cotton
Curtis
Dole
Ellender
Ervin
Fannin
Gambrell
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Roth
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Cannon, against.

NOT VOTING—22

Allott
Bentsen
Bible
Buckley
Dominick
Eagleton
Eastland
Fulbright
Goldwater
Gravel
Harris
Humphrey
Jackson
Magnuson
Metcalf
Mundt
Muskie
Packwood
Spong
Stevenson
Taft
Tunney

So the motion to table the Allen amendment was agreed to.

Mr. COTTON. Mr. President, before the next amendment is offered, I would like to use not more than 5 minutes for some observations on the bill itself. I wish to get these remarks into the RECORD at this time because I am compelled to be away for at least part of tomorrow.

Mr. President, the Senator from New Hampshire voted for every civil rights bill back through the years in the 17 years he has been in the Senate except for the so-called omnibus civil rights bill of 1964. The reason that the Senator from New Hampshire could not vote for the 1964 bill, although he voted for cloture in order that the Senate would have its opportunity to work its will on the measure, was because of title VII in that bill.

The Senate will recall how the coverage of the Equal Employment Opportunity Commission was automatically expanded over a 4-year period. The first year after it became law, the application of unfair employment practices and unfair discrimination between color, sex, national orgin, and so forth, would only apply to those establishments employing at least 100 employees. The second year it automatically would go down to 75. In the third year, it would automatically go down to 50. In the fourth year it would automatically go down to 25.

At that time the Senator from New Hampshire approached the distinguished Senator from Minnesota (Mr. HUMPHREY), who was managing the bill. At that time it was the position of the Senator from New Hampshire that he could not support a measure that enabled the Federal Government to permit discrimination in employment in those establishments employing a small number of employees.

I offered an amendment to hold it at 100 instead of dropping it to 25. I do not want to go into that in detail. I was and am perfectly willing to support legislation creating a Commission and creating machinery to prevent discrimination in employment so far as it concerns large plants, plants large enough to permit discrimination by reason of the policies of a corporation, the policies of a labor union, or the policies of a hiring hall.

But I am one who happens to live in a little county-seat town of 10,000 population. In my State there are many small but active communities. When a country bank, for instance, employs only 30 or 40, or even 50, employees, or a small insurance agency has perhaps only 15 or 20 employees, and the proprietor or the organization operating that business selects an employee, that is an intensely personal relationship. It is almost like selecting a partner. For the Federal Government to move into situations involving small business institutions and try to enforce a discriminatory law which forces the employer to deal with this nationality or that nationality, this color or that color, is a naked display of Federal power that goes far beyond the reasonable views of those who framed this Republic.

Furthermore, I feel that it impedes rather than promotes fairness and a lack of discrimination anywhere. For instance, if a black man has worked long and hard, has built up a small business, employs 25, 30, or 35 employees, and is prospering through his ability and his long years of hard work, I would not, for the life of me, want to be a party to going in and saying to him, "You have to employ so many white people. You cannot give persons of your own race a chance in this business that you have built up." I am still referring to a small business, not to a factory, not to an industry, not to a large department store, or any enterprise like that. I cannot understand how any law can be administered justly that applies to small institutions.

Furthermore, there be many a case, as a practical matter, when an employer having a small business wants to give a break, perhaps, to a person of a different color, or to one who has not had many opportunities or much education. That employer also knows that once he admits that he is in need of an extra employee, and he gives such a person a break, he cannot fire him if it develops he is not a good employee.

There are white men who are industrious and white men who are lazy—just as there are black men who are industrious and black men who are lazy. Perhaps I should not say it but there may also be women who are industrious and women who are not industrious.

A person having a small business depends on his associates with almost a family relationship. He is not going to indicate that he needs another employee until he gets the one he wants, if he knows that once he has given a less advantaged person a chance, he is stuck with him; and while he could fire a white Anglo-Saxon Protestant, if he turns around and has to discharge a member of another nationality or another color, he may find himself in trouble with his government.

So I took the position that unless the limit for title VII, which I had hoped would be held to 100, was held at 50, I could not vote for the entire measure, and I did not do so.

I was pointed out and subjected to a good deal of attack because I was one of five Senators from north of the Mason-Dixon Line who voted against that particular civil rights bill.

The measure before us reduces the number to eight employees. It imposes certain safeguards, but it permits the Commission to go into a man's business, if he employs just eight employees. If it is a family business, he can be harassed, penalized, and handicapped in trying to make his business go, because he does not have the free and full opportunity to employ those with whom he has been closely associated and in whom he has complete confidence.

It will be said, and it probably has been said, that the enforcement arm of the Commission would not, in its discretion, harass the persons running a very small business or a family business. That is the reason why business institutions that are connected with religious organizations are permitted to discriminate in favor of members of their own religious group. Nevertheless, it is never safe to write into the statutes an opportunity for a naked display of Federal power in such a way as to oppress and harass citizens of this country simply on the assumption that whoever may be charged with enforcement will do so carefully and discreetly.

I could not vote for the civil rights bill of 1964, even though I was able to support every other title and section in the bill, because of my strong objection on the point I have just spoken about—and I feel just as strongly about it now.

Regardless of any other amendment, if, when we come to the final passage of this measure, it still places in the hands of the Commission the power to deal with small business institutions of eight—which is ridiculous—or 25 or 35 or 50, I shall be compelled to vote against this whole measure, just as I was compelled to vote against the civil rights bill of 1964.

I appreciate the patience of the Senate. I wanted to get that statement clearly in the RECORD at some time during the debate so that when the time comes when and if I am compelled to vote against this measure, the reasons will be clear.

I yield the floor.

Mr. PEARSON. Mr. President, the Civil Rights Act of 1964 made clear that every person in this Nation is entitled to equal treatment with regard to a job. The Equal Employment Opportunity Commission, under the provisions of that act was charged with a responsibility of making that policy a reality. But the only enforcement power granted the EEOC was the authority to seek voluntary compliance with the law, a weakness which the legislation before us today would correct.

I think it is clear that the majority of this Nation's employers recognize the intent of Congress to insure fair employment practices and have abided by the law. But it is also clear that unemployment discrimination still exists today, a situation which fairminded people cannot and should not tolerate.

Mr. President, the immediate issue before us is not whether the EEOC should have enforcement powers. Rather the issue is what procedures must be used in the exercise of that power. As the Senate is aware, the House of Representatives has approved a measure which requires the EEOC to go to court to enforce their rulings. The legislation before us here, however, would authorize the EEOC, following an investigation of unlawful employment practices and an administrativee hearing on such complaints, to issue an appropriate enforcement order. That order would be subject to a full and complete review in the U.S. Courts of Appeals.

It has been argued that this grant of authority is without precedent in the law. But that is not the case. The National Labor Relations Board and the Federal Trade Commission have similar authority. For each of these Agencies, this grant of authority has improved their capability to protect the public from unfair labor practices and consumer fraud and deception.

Mr. President, the technical nature of this issue should not confuse the fact that this is a matter of civil rights. It is a matter which tests our commitment to equality and basic human fairness. My record in the Senate on civil rights legislation is one which reflects, I believe, a commitment to these values. And though some would ask me to do so, I will not deviate from the course I have set over the last 10 years.

I support the Equal Employment Opportunity Enforcement Act of 1971.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

## REPORT OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. STAFFORD) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs:

*To the Congress of the United States:*

I transmit herewith the Sixth Annual Report of the Department of Housing and Urban Development for the calendar year 1970.

RICHARD NIXON.

THE WHITE HOUSE, *January 27, 1972.*

## EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. STAFFORD) laid before the Senate a message from the President of the United States submitting the nomination of Peter G. Peterson, of Illinois, to be Secretary of Commerce, which was referred to the Committee on Commerce.

## THE PRESIDENT'S ECONOMIC REPORT

Mr. JAVITS. Mr. President, the key factor in the economic report of the President is the continued stubbornness of unacceptable unemployment. The prediction of a reduction in unemployment from 6 percent to 5 percent this year based on the present economic plans of the Federal Government seems to me too optimistic. I had hoped that the economic report would have provided a bolder approach to the stubborn problem of unemployment through a greatly strengthened program of productivity increase, adjustment assistance to workers and others adversely affected by the sudden impact of imports or other economic dislocations and manpower training.

Turning to the section of the report dealing with the United States and the world economy, the administration is to be commended for the open-minded way in which it is approaching the long-term reform of the international monetary system. However, I would caution against expecting too much, too soon from the historic interim monetary agreement of December 16, 1971. Over the long run, this agreement, which includes the devaluation of the dollar, will strengthen the competitive position of American-produced products at home and abroad. However, it is probable that 1972 will see another trade deficit, and this should be expected. Our rapidly expanding economy will generate increased demand from imports in 1972 at the same time that the relatively stagnant economies of Japan and Western Europe will limit the demand for American products despite the newly more competitive position of these products. While I recognize that the forces of protectionism may seek to use this short-term development to their advantage and may attempt to discredit the December 16 agreement as the elections approach, it should be widely recognized that the full benefits of the currency realinement package will not be felt until 1973 and 1974.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

Mr. GAMBRELL. Mr. President, I have filed an amendment at the desk. I shall not call it up at this time, but I would like to take these few movements to address myself to the bill as a whole, or the pending business, and in connection therewith to make some comments in reference to the amendment which I have offered. The amendment which I have offered, incidentally, is a revision of a previous amendment which I have on file No. 810. I propose to call up the amendment which I filed today at a later time in place of calling up No. 810. However, what I have had to say on a previous occasion in reference to amendment No. 810 would be equally applicable to the one I have filed today.

Mr. President, on January 21, the date on which I filed the amendment which now bears the number 810, I addressed myself to the purposes of the bill and also to the purposes of the amendment. I might say we have had some considerable debate, and at least three or four votes, which in substance dealt with the question of how the Equal Opportunity Employment Act was to be enforced. Of course, the RECORD will show that I have voted on a number of occasions to substitute the so-called Dominick plan or the House plan for the plan contained in the Senate committee report, which now apparently will be the method of enforcement, the cease-and-desist method adopted by the Senate committee and now proposed for adoption by the Senate as a whole.

Of course, as I understand the procedure, if this bill in its present form is adopted by the Senate as a whole, there will be a conference with the House of Representatives, which adopted the court enforcement procedure called for in the Dominick plan, and there will be some further discussion of the type of enforcement procedure to be used.

This entire question of the method of enforcement seems to me to place many Senators, including myself, in a very awkward position. I would like to support equal employment opportunities, but the bill in its present form does not, I think, permit me to do so. As I said on January 21 when I offered my amendment, there seems to be an undue surge toward the adoption of the cease-and-desist method, which smacks of an effort to play politics with job discrimination, and to leave the entire field in a constant uproar, resulting in continued racial tension and consequent disruption of trade and commerce.

Mr. President, it seems to me, if the present conciliation method of enforcement has not proved to be effective, that rather than racing in an unseemly way to the ultimate enforcement method or technique available, the cease-and-desist method, in an attempt to achieve the goals of fair employment practices and conciliation of animosities that exist between the races, an effort should be made to carry this forward on a step-by-step basis, to try to demonstrate confidence rather than lack of confidence in the American court system.

The Senator from Alabama this morning put in the RECORD an editorial from the New York Times which I think very ably sets forth one of the fundamental concepts in our system of law and law enforcement, based on the separation of powers: That courts, and not executive or administrative agencies, are much better able to give a consistent enforcement pattern to the enforcement of laws of all kinds; that courts historically and traditionally are not subject to the ebb and flow of political opinion, they are not nearly as subject as political agencies to excesses of enforcement, and the judgments of courts are much more likely to have acceptance by the people and by the public than are those of political bodies, which the public, or parts of the public, would hope, from time to time, to be able to sway either to more aggressive or less aggressive, or more conservative or more liberal, interpretations of the law.

Therefore, for that reason I have concluded in my own mind that I could not possibly support the bill in its present form, because the enforcement practice that is set forth in the bill contains this cease-and-desist provision, which I think is an excess which is only warranted, if at all, by the most extreme and most aggravated condition of noncompliance with law.

Mr. President, this same thought, the excesses or the possible and I would say historically probable excesses of executive or political agencies in enforcing laws of this type, has led me to the introduction of the amendment which I have sent to the desk this afternoon.

The amendment which I have offered seeks to grant some relief to small businesses and small labor unions which may, under this act, be accused of engaging in unfair, discriminatory employment practices which are banned by the act. The amendment does not seek to exempt small businesses or small labor unions; it simply seeks to put them on an equal footing in terms of enforcement with the Federal Government agency which confronts them.

I think all of us have files loaded with complaints and concerns expressed by constituents of government agencies abusing the tremendous economic resources available to them to compel and enforce and bully to achieve so-called compliance with regulatory authority. I know in many cases in my own experience as a practicing lawyer of clients who have come to my office and said, "You know, we have got this complaint," or, "We are under investigation for thus and so, and it looks like it is going to cost us thousands and thousands of dollars even to find out whether we are liable or responsible or guilty or not, and frankly, we would just rather give in, accept whatever they say, and do it their way, rather than try to find out whether we are right or wrong in the first place, because we can see a swarm of Federal agents coming in here, examining our books, reviewing our practices, interviewing our employees, and churning up our business here, where our margin of profit is very small, and we just economically cannot afford to combat in the courthouse with a Federal agency, much less combat before that same agency which is making the charges."

I have no answer to that. I guess in a sense I may be an idealist. I would like to tell this client, "Well, you owe it not only to yourself but to other businesses similarly situated to make this point of law or to try to establish this question of fact that is in issue in this case, but I cannot, in good conscience, tell you to set out to defend yourself against the many, many very highly qualified experts in this field."

At the same time, Mr. President, I in my practice of law have had large corporations come in, under the same circumstances, who have told me, "Mr. Attorney, we want you to fight a scorched-earth policy on this subject, if it takes 10 years. We are not going to submit to this, and we are willing to set aside the expenses that it takes to defend it."

I have seen that carried out, and I have seen such corporations obtain consent judgments, where the Government finally said, "My God, we cannot afford this expenditure any more; we have had it out with this company, and we cannot afford to devote all our resources to fighting with this one company. We could go after all these little bitty fellows and get a lot of precedents established by them giving in, so why should we fight the big fellow? Let's take this consent judgment and let this big guy off with an easy slap on the wrist."

Mr. President, I think that is entirely unfair, and yet I think every Member of the Senate who has had any experience with Government activities knows that this type of thing goes on. I do not mean to be critical, or contend that it is done with malevolent intent, but in enforcement practices, just like anything else, the line of least resistance is the one that people take.

If you have two cases and one is easy to prosecute and one is difficult, you take the one that is easy. If your opposition is going to cave in, you push him real hard. If the opposition in the other case is going to fight back, you say, "Let's dodge that as long as we can."

I suggest that we very much need to reconsider and review this matter. When this amendment is called up, I expect to point out a number of instances of other enforcement agencies where abuses—what I would consider abuses—have been committed, as I say, in good faith in most instances. But in an unknowing effort and an insensitive effort to achieve a favorable result, to build a good file, a Government agent has driven a small business out of business, into bankruptcy, in a good faith effort to enforce the law.

Mr. President, at this time I will not call up my amendment, under the understanding with the assistant majority leader that there will be no rollcall votes today. But I do intend to call it up in due course in the consideration of this bill. I might say that ultimately, and unfortunately, if the bill finally comes to a vote, with or without the amendment I suggest, it will be necesary for me to vote against it.

I yield the floor.

Mr. WILLIAMS. Mr. President, just a word in reference to the amendment that will be called up at a later time by the Senator from Georgia. It deals with a matter that has been discussed at length in the committee, relating to attorneys' fees and other costs recoverable by a party who is involved in a complaint and prevails.

I believe that when the amendment is offered by the Senator from Georgia, there will be comprehensive consideration of the costs of these employment suits, both from the standpoint of small business and from the standpoint of individuals who are complainants under the law.

Mr. President, the situation as we assess it at this point is that there will be full opportunity, as we return tomorrow on this bill, for the proposed legislation to be considered for further amendment. I know that at this time some amendments that have been suggested are being considered very carefully. It is my hope that some of the suggestions that will be in amendments can be worked out toward the objective of fashioning a stronger and sounder bill. I know that one which was considered briefly yesterday—we had a record vote on it—dealt with the services of volunteers. There was limited debate, and the record vote retained the provision as it is in the bill. It was suggested that there is some ambiguity as to exactly what is meant by the authority to accept volunteer services. It might well be that we will have further discussion of that, and perhaps by amendment a clarification of it will be generally acceptable on the permitted volunteer services—those who, for good reason, the Commission should be in a position to accept as volunteers.

These are two of the amendments. There will be others. We are on the seventh day, I believe, of debate on this issue. Its importance is emphasized by the longevity of the debate in which the Senate already has engaged. This was the first measure to come before the Senate upon our return from recess. It has been the only major legislative business. We have had a week of debate. The amending process is working well and will continue to be available to us as we return tomorrow.

Mr. GAMBRELL. Mr. President, will the Senator yield to me, without losing his right to the floor, for a comment on what he has said in reference to my amendment?

Mr. WILLIAMS. I yield.

Mr. GAMBRELL. The Senator and his staff has worked with me in connection with the amendments I have offered and it has resulted in a division of the amendment which I have offered today.

I have no enormous disagreement with the committee on the subject they wish to bring up; but, as I understand, they are insisting on my including in my amendment something which is different from the purpose of the amendment.

I would suggest that if they wish to pursue the provision of attorneys' fees for individual intervenors in this case, they offer an amendment to that effect themselves. I simply do not care to insert that in my own plan.

Mr. WILLIAMS. It was not my intention to suggest that the Senator did want personally to include this in his amendment, but it is part of the general subject matter and probably will be discussed at that time. It may be offered as an amendment to the Senator's amendment.

Mr. BYRD of West Virginia. Mr. President, based on what the distinguished Senator from Georgia has stated, it is my distinct understanding, after consultation with other Senators, that there will be no additional rollcall votes today.

I thank the able Senator for yielding.

### AMENDMENT NO. 818

Mr. ERVIN. Mr. President, on behalf of myself and the distinguished Senator from Alabama (Mr. ALLEN), I call up amendment No. 818.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 41, lines 15 and 16, strike out the words "or in the Court of Appeals for the District of Columbia Circuit.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ERVIN. Mr. President, it is my understanding that the leadership does not contemplate any more votes, so I will not undertake to present the argument in favor of this amendment this evening.

Mr. WILLIAMS. Mr. President, may I have the amendment restated?

The PRESIDING OFFICER. The clerk will restate the amendment.

The legislative clerk read as follows:

> On page 41, lines 15 and 16, strike out the words "or in the Court of Appeals for the District of Columbia Circuit.".

Mr. ERVIN. The effect of the amendment is merely to require that all the reviews be had in the circuit court of the circuit where the proceeding arose, rather than having an option of bringing them into the Circuit Court of the District of Columbia regardless of where they originated.

Mr. WILLIAMS. It has been announced that there will be no further votes; so if there is no further debate, this will be something for this Senate to think about over the evening.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

## AUTHORIZATION FOR COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO FILE REPORT ON CERTAIN NOMINATIONS

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs have until midnight tonight to file a report on certain nominations which the committee has considered today.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, that was the final quorum call of the day, for the information of the cloakrooms.

## PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Chair will lay before the Senate the unfinished business.

The pending question at that time will be on agreeing to amendment No. 818 of the distinguished Senator from North Carolina (Mr. ERVIN). No time agreement has been entered into on that amendment.

I would say, Mr. President, that there is a likelihood of one and possibly more rollcall votes tomorrow.

## ADJOURNMENT TO 10 A.M. TOMORROW

Mr. WILLIAMS. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5:07 p.m.) the Senate adjourned until tomorrow, Friday, January 28, 1972, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate January 27, 1972:

### DIPLOMATIC AND FOREIGN SERVICE

Robert Stephen Ingersoll, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

### U.S. NAVY

Rear Adm. William W. Behrens, Jr., U.S. Navy, for appointment to the grade of vice admiral for the duration of his service in duties determined by the President to be of importance and responsibility within the contemplation of subsection (a), title 10, United States Code, section 5231, for which duties I have designated Admiral Behrens.

### DEPARTMENT OF COMMERCE

Peter G. Peterson, of Illinois, to be Secretary of Commerce, vice Maurice H. Stans.

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# HOUSE OF REPRESENTATIVES—*Thursday, January 27, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Let us therefore follow after the things which make for peace.*—Romans 14: 19.

Almighty God, our Father, from whom all thoughts of truth and peace proceed, kindle, we pray Thee, in the hearts of all men a true love for peace and guide with Thy wisdom those who take counsel for the nations of the earth, that in deed and in truth Thy kingdom may go forward in our world.

By the might of Thy spirit quench the animosity, the greed, and the pride which cause man to strive against man, nation against nations, and people against people. Lead us all in the ways of truth and love and hasten the day when war shall be no more and when peace shall live in the heart of Thy glorious creation.

We thank Thee for Carl Hayden and for his devotion to our country. May we learn from his life to be gentle in goodness, strong in spirit, and faithful to the highest we know.

In the spirit of Christ we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

## PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE SUPPLEMENTAL REPORT ON H.R. 10086

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs have until midnight tonight to file a supplemental report on H.R. 10086, a bill to provide increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

## RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following resignation from committees:

WASHINGTON, D.C.,
*January 27, 1972.*

Hon. CARL ALBERT,
*Speaker, House of Representatives,*
*Washington, D.C.*

DEAR MR. SPEAKER: Due to my nomination today by the Committee on Committees to the vacancy on the House Appropriations Committee created by the death of my colleague from Alabama, Congressman George W. Andrews, I hereby resign from the House Committee on Banking and Currency and the House Committee on Post Office and Civil Service.

Sincerely,
TOM BEVILL.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

## ELECTION TO COMMITTEES

Mr. ULLMAN. Mr. Speaker, I offer a privileged resolution (H. Res. 779) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 779

*Resolved,* That the following-named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Appropriations: Tom Bevill, Alabama;

Committee on Banking and Currency: William P. Curlin, Jr., Kentucky;

Committee on Merchant Marine and Fisheries: Ralph H. Metcalfe, Illinois;

Committee on Science and Astronautics: Bob Bergland, Minnesota.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. DOC. No. 92–228)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Joint Economic Committee and ordered to be printed, with illustrations:

*To the Congress of the United States:*

The American economy is beginning to feel the effects of the new policies launched last August.

I undertook the New Economic Policy because it was becoming clear that not enough was being done to meet our ambitious goals for the American economy. The new measures are designed to bring the Nation to higher employment, greater price stability, and a stronger international position.

The essence of the New Economic Policy is not the specific list of measures we announced on August 15; it is the determination to do all that is necessary to achieve the Nation's goals.

Nineteen hundred and seventy-one was in many ways a good economic year. Total employment, total output, output per person, real hourly earnings, and real income after tax per person all reached new highs. The inflation which had plagued the country since 1965 began to subside. In the first 8 months of the year the rate of inflation was 30 percent less than in the same months of 1970.

But I did not believe this was enough to meet the Nation's needs. Although the rate of inflation had declined before August, it was still too high. Although unemployment stopped rising, it remained near 6 percent. In the first part of the year, our international balance-of-payments deficit—the excess of our payments to the rest of the world over their payments to us—had risen far too high.

The conditions called for decisive actions. On August 15, I announced these actions.

First, I imposed a 90-day freeze on prices, wages, and rents.

Second, I suspended conversion of dollars into gold and other reserve assets.

Third, I imposed a temporary surcharge on imports generally at the rate of 10 percent.

Fourth, I proposed a number of tax changes intended to stimulate the economy, including repeal of the excise tax on automobiles, a tax credit for investment, and reduction of income taxes on individuals. At the same time I took steps to keep the budget under control.

The package of measures was unprecedented in scope and degree. My Administration had struggled for 2½ years in an effort to check the inflation we inherited by means more consistent with economic freedom than price-wage controls. But the inflationary momentum generated by the policy actions and inactions of 1965–68 was too stubborn to be eradicated by these means alone. Or at least it seemed that it could only be eradicated at the price of persistent high unemployment—and this was a price we would not ask the American people to pay.

Similarly, more than a decade of balance-of-payments deficits had built up an overhang of obligations and distrust which no longer left time for the gradual methods of correction which had been tried earlier.

The measures begun on August 15 will have effects continuing long into the future. They cannot be fully evaluated by what has happened in the little over 5 months since that date. Still the results up to this point have been extremely encouraging.

The freeze slowed down the rate of inflation dramatically. In the 3 months of its duration the index of consumer prices rose only 0.4 percent, compared to 1.0 percent in the previous 3 months. The freeze was a great testimonial to the public spirit of the American people, because that result could have been achieved with the small enforcement staff we had only if the people had been cooperating voluntarily.

The freeze was followed by a comprehensive, mandatory system of controls, with more flexible and equitable standards than were possible during the first 90 days. General principles and specific regulations have been formulated, staffs have been assembled and cases are being decided. This effort is under the direction of citizens on the Price Commission and Pay Board, with advice from other citizens on special panels concerned with health services, State and local government, and rent. These citizens are doing a difficult job, doing it well, and the Nation is in their debt.

While this inflation-control system was being put in place, vigorous action was going forward on the international front. The suspension of the convertibility of the dollar was a shock felt around the world. The surcharge emphasized the need to act swiftly and decisively to improve our position. Happily, the process of adjustment began promptly, without disrupting the flow of international business. Other currencies rose in cost relative to the U.S. dollar. As a result, the cost of foreign goods increased relative to the cost of U.S. goods, improving the competitive position of American workers and industries. International negotiations were begun to stabilize exchange rates at levels that would help in correcting the worldwide disequilibrium, of which the U.S. balance-of-payments deficit was the most obvious symptom. These negotiations led to significant agreements on a number of points:

1. Realignment of exchange rates, with other currencies rising in cost relative to the dollar, as part of which we agreed to recommend to Congress that the price of gold in dollars be raised when progress had been made in trade liberalization.
2. Commitment to discussion of more general reform of the international monetary system.
3. Widening of the permitted range of variation of exchange rates, pending other measures of reform.
4. Commitment to begin discussions to reduce trade barriers, including some most harmful to the United States.
5. Assumption of a larger share of the costs of common defense by some of our allies.
6. Elimination of the temporary U.S. surcharge on imports.

The third part of the August 15 action was the stimulative tax program. Enactment of this package by Congress, although not entirely in the form I had proposed, put in place the final part of my New Economic Policy.

In part as a result of this program, economic activity rose more rapidly in the latter part of the year. In the fourth quarter real output increased at the annual rate of 6 percent, compared with about 3 percent in the 2 previous quarters. Employment rose by about 1.1 million from July to December, and only an extraordinarily large rise of the civilian labor force—1.3 million—kept unemployment from falling.

Nineteen hundred and seventy-two begins on a note of much greater confidence than prevailed 6 or 12 months ago. Output is rising at a rate which will boost employment rapidly and eat into unemployment. There is every reason to expect this rate of increase to continue. The Federal Government has contributed impetus to this advance by tax reductions and expenditure increases. The Federal Reserve has taken steps to create the monetary conditions necessary for rapid economic expansion.

The operation of the new control system in an economy without inflationary pressure of demand holds out great promise of sharply reducing the inflation rate. We are converting the fear of perpetual inflation into a growing hope for price stability. We are lifting from the people the frustrating anxiety about what their savings and their income will be worth a year from now or 5 years from now.

For the first time in over a decade the United States is moving decisively to restore strength to its international economic position.

The outlook is bright, but much remains to be done. The great problem is to get the unemployment rate down from the 6-percent level where it was in 1971. It was reduced from that level in the sixties by a war buildup; it must be reduced from that level in the seventies by the creation of peacetime jobs.

It is obvious that the unemployment problem has been intensified by the reduction of over 2 million defense-related jobs and by the need to squeeze down inflation. But 6 percent unemployment is too much, and I am determined to reduce that number significantly in 1972.

To that end I proposed the tax reduction package of 1971. Federal expenditures will rise by $25.2 billion between last fiscal year and fiscal 1972. Together these tax reductions and expenditure increases will leave a budget deficit of $38.8 billion this year. If we were at full employment in the present fiscal year, expenditures would exceed receipts by $8.1 billion. This is strong medicine, and I do not propose to continue its use, but we have taken it in order to give a powerful stimulus to employment.

We have imposed price and wage controls to assure that the expansion of demand does not run to waste in more inflation but generates real output and real employment.

We have suspended dollar convertibility and reduced the international cost of the dollar which will help restore the competitive position of U.S. workers and thereby generate jobs for them.

We have instituted a public service employment program to provide jobs directly for people who find it especially hard to get work.

We have expanded the number of people on federally assisted manpower programs to record levels.

We have established computerized Job Banks to help match up jobseekers and job vacancies.

We have proposed welfare reform to increase incentives to employment.

We have proposed special revenue sharing for manpower programs, to make them more effective.

We have proposed revision of the minimum wage system to remove obstacles to the employment of young and inexperienced workers.

We expect that these measures, and others, will contribute to a substantial reduction of unemployment.

In addition to getting unemployment down, a second major economic task before us is to develop and apply the price-wage control system, which is still in its formative stage, to the point where its objective is achieved. The objective of the controls is a state of affairs in which reasonable price stability can be maintained without controls. That state of affairs can and will be reached. How long it will take, no one can say. We will persevere until the goal is reached, but we will not keep the controls one day longer than necessary.

The success of the stabilization program depends fundamentally upon the cooperation of the American people. This means not only compliance with the regulations. It means also mutual understanding of the difficulties that all of us—working people, businessmen, consumers, farmers, Government officials—encounter in this new and complicated program. Our experience in the past few months convinces me that we shall have this necessary ingredient for success.

We embarked last year on another great task—to create an international economic system in which we and others can reap the benefits of the exchange of goods and services without danger to our domestic economies. Despite all the troubles in this field in recent years both the American people and our trading partners are enjoying on a large scale than ever before what is the object of the whole international economic exercise—consumption of foreign goods that are better or cheaper or more interesting than domestic goods, as well as foreign travel and profitable investment abroad.

We don't want to reduce these benefits. We want to expand them. To do that, we in the United States must be able to pay in the way that is best—chiefly by selling abroad those things that we produce best or more cheaply, including the products of our agriculture and our other high-technology industries. This is our objective in the international discussions launched by our acts of last year and continuing this year.

These tasks, in which Government takes the lead, are superimposed on the fundamental task of the American economy, upon which the welfare of the people most depends and which is basically performed by the people and not by the Government. That fundamental task is the efficient and innovative production of the goods and services that the American people want. That is why I have emphasized the need for greater productivity and a resurgence of the competitive spirit.

The outstanding performance of the American economy in this respect provides a background of strength which permits the Government to face its economic problems with confidence and to bring about a new prosperity without inflation and without war.

RICHARD NIXON.

JANUARY 27, 1972.

## CHICAGO NEWSPAPER BEGINS COMPLETE USE OF TOTALLY RECYCLED PAPER

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, the printing of the Tuesday, January 25, Chicago Sun-Times marked a first in the history of major American newspapers and also another milestone reached in the continuing effort to preserve our environment.

The paper for the entire Sun-Times edition was made without cutting down a single tree. It was the product of recycling old newspapers at a Field Enterprises Inc., paper plant, the FSC Paper Corp., in Alsip, a Chicago suburb.

The Field Enterprises mill uses a special deinking process to reclaim old newspapers and turn them into rolls of paper for future editions of the Field newspapers and 30 other papers. The daily production of the plant is more than 260 tons of newsprint. Nearly 115,000 tons of waste paper are used annually in the process.

Recycling at the Field plant annually conserves 1.5 million trees for other uses. Estimates indicate that deinked paper saves U.S. newspapers about $3 million a year because raw materials and plant are located closer to pressrooms, and the United States saves almost $50 million in international payments.

Mr. Speaker, in the past few years, much has been said about what each of us must do to save our ever-diminishing natural resources. But in the final analysis, our individual efforts, significant though they may be, will not be the decisive factor in the battle for the environment. What will be needed are more of the substantial measures, measures along the lines of those recently taken by the Chicago Sun-Times.

When we consider that the Sun-Times has a daily circulation of almost 550,000 and a Sunday circulation of over 700,000, we begin to realize the true significance of their recent action. I believe that the Sun-Times has set a truly noteworthy precedent—a precedent that hopefully will be followed by many other American newspapers in the near future.

## THE FISCAL POLICY

(Mr. DEVINE asked and was given permission to address the House for 1 minutes and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, yesterday you made a statement for release to the afternoon papers entited "A Straight Look At The Economy" and treated a number of the subjects having to do with the economy pointing out inflation had averaged 5.5 percent in the last 2½ years.

I would like to invite to your attention and to the attention of the membership that the inflation rate now is 2.3 percent and reducing and it is the lowest it has been in a number of years.

You pointed out intolerable, increasing unemployment. You failed to point out that we are in a transition period between a Democrat wartime economy and a Republican peacetime economy and that the unemployment rate is just 2 percent above the full employment concept by the Bureau of Labor Statistics.

In addition to which, we now have currently employed over 80 million people in the United States which is the highest in the history of the country and the budget deficit that many of our Members seem to deplore—those Members who vote for every spending program in the Congress—I should point out that the budget submitted by the President of $246 billion contains in it—and get this—$181 billion of uncontrollable expenses that have been enacted by this and previous Congresses—Democrat controlled.

Seventy-two percent of the budget is uncontrollable.

In the Tax Reform Act of 1969 and the Tax Cut Act we the Congress enacted last year, $22.4 billion income would have been generated by 1973, but the people retain this and it also helps to create these deficits. Let us put the saddle where it belongs, Mr. Speaker, on the Congress, not the President.

## GOVERNMENT EXPENDITURES

(Mr. BOGGS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, there is an old saying that figures do not lie. For fiscal 1970, the Nixon budget request for appropriations was $135.2 billion. Congress cut that request for appropriations in the appropriation bills by $5.6 billion. The President had predicted a surplus that year of $3.4 billion. Despite the appropriation cut by the Congress of almost $6 billion, the deficit was $2.8 billion.

For fiscal 1971 the budget request for appropriations was $140.1 billion. Congress appropriated $138.4 billion in regular annual appropriation bills in that budget year, or a cut of $1.7 billion in the President's request. That year he predicted a surplus of $1.3 billion. There was a deficit of $23 billion.

In fiscal 1972 the Nixon budget request for appropriations was $158.7 billion. Congress appropriated $156.5 billion, or a cut of $2.2 billion.

The original deficit predicted was $11.6 billion. The projected deficit now is something like $40 billion, so much so that the Committee on Ways and Means is now considering a new increase in the debt ceiling. As a matter of fact, the projection for the 4 years of this administration is that the unified deficit will be something like $90 billion, or $124 billion on the Federal funds basis, one of the largest wartime or peacetime deficit in the history of the United States.

Now, Mr. Speaker, these deficits are not caused by congressional overappropriation. Each year Congress has substantially reduced the appropriations bills requests made by the executive. They are caused by the failure of this administration to sponsor economic policies that make possible full production and full employment in this country.

## THE FISCAL SITUATION

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, my good friend, the gentleman from Louisiana, I am sure made one or two inadvertant errors in his comments. As I recall, he talked about $129 billion and $158 billion. I think the truth is he left out $100 billion in each case. The figures that he had in his comments are right, except he just left $100 billion off in each instance.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. The gentleman is correct as far as the unified budget is concerned. The totals were $213 billion in fiscal 1970, $236.4 billion for fiscal 1971, and $249.8 billion in fiscal 1972.

I was referring to the funds handled in the fiscal year appropriations bills each session and the effect is the same.

Mr. GERALD R. FORD. But the second point, Mr. Speaker, is that the gentleman from Louisiana talked about a reduction in obligational authority. The Congress may have done that but I want to look at the specifics on the record. On the other hand, the Congress under the leadership of the gentleman from Louisiana and others added to all the deficits by the actual enactment of certain authorizing legislation that forced greater expenditures over those requested by the administration, and as the gentleman knows authorizations are an integral part of fiscal responsibility.

Mr. Speaker, there will be the usual chorus of outrage from critics of the administration about the size of the expected deficit for this year, now that the budget is out. And as usual, the shrillest cries will come from those whose philosophy of government, and whose heedless contribution to the spawning of new programs, qualifies them least to talk of fiscal sanity. Many of these same critics have been consistent in their advocacy of a more "expansionist" fiscal policy, to provide greater stimulus for an economy with a 6 percent unemployment rate. Obviously, you cannot have it both ways: To be more "expansionist" the budget would have to show an even greater deficit.

We all know that economic policy is one of balance—one of trade-offs between countering trends and pressure. If we are going to be honest with the American people we will decide as politicians where our greatest economic threat lies, will advocate balanced policies to minimize that threat, and will not try to pretend we can have it one way today, another way tomorrow, wherever the short-term policies of economic comment will take us.

The President has put it all together in his budget. He has sought a balanced plan for economic progress. We on this side of the aisle are going to support such a plan, and to see that those who want to play it all ways—now calling for a lower deficit, now urging fiscal expansionism, now deploring the size of expenditures they have played a part in creating, now advocating new and more expensive programs—are properly exposed for their efforts to manipulate the American people in this vital area of concern.

## PEACE CORPS SHOULD BE FUNDED AT HIGHEST POSSIBLE LEVEL

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, the Peace Corps is probably one of the best ideas in foreign policy in this century, yet it faces today a serious challenge to its continued effectiveness.

Both the House and Senate have authorized expenditures for the Peace Corps of $77.2 million for fiscal 1972, but the House has appropriated only $68 million.

This reduction is made even more critical by the fact that the Peace Corps operated on a continuing resolution for the first 3 months of this fiscal year with a ceiling of $82.2 million, for the next 3 months at $77.2 million figure, and for the past month at $72 million.

Thus the Corps has obligated in good faith moneys under these higher authorizations and, should this lower level prevail, will be forced to recoup these funds during the remaining months of this fiscal year.

Even at a level of $72 million the Peace Corps may be forced to cease operations in as many as 15 countries and curtail its activities in some 40 others by mid-February.

Under the direction of Joe Blatchford, the Peace Corps has included an increasing number of highly skilled volunteers who have carried this Nation's technological advancements to underdeveloped nations where they have combatted disease, introduced new agricultural techniques and helped to raise the quality of life.

Applications to the Peace Corps by volunteers are at a 5-year high. Foreign governments have requested an additional 2,000 volunteers. Yet, despite its popularity at home and abroad, the Corps will be required to say "no" to the volunteers and to those countries seeking our help in their development.

The Corps, Mr. Speaker, should, in my judgment, be given the opportunity to continue appropriations for the Peace Corps at $77.2 million and I am hopeful this is the level at which it will be funded.

## NORTH VIETNAM DOES NOT WANT PEACE IN SOUTHEAST ASIA

(Mr. COLLIER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. COLLIER. Mr. Speaker, it should now be obvious to anyone with reasonable intelligence that North Vietnam does not want peace in Southeast Asia. Hanoi's response to President Nixon's eight-point Indochina peace plan is arrogant and deceitful. It again becomes evident that totalitarian dictatorships prefer human suffering to a peace which merely provides the right of the people to make a choice of the government under which they are to live. That is the singular issue as the situation now stands in Southeast Asia notwithstanding the smokescreen of political rhetoric here at home and upon which Hanoi is leaning so heavily.

## THERE ARE TWO SIDES TO BUDGETS

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, I have listened with interest to the majority leader and his discussion about the economic situation. I have just spent all morning in the full Appropriations Committee on that very subject. We can all get together and deplore budget deficits, which, of course, I think we all do. I would, however, point out the gentleman has to share some responsibility in this area because there are two sides to budgets. There is the spending side and the receipt side.

The gentleman is the ranking member on the Ways and Means Committee.

We had a tax reduction in 1964, another in 1969, and another in 1971; which substantially reduces the revenues while at the same time we are increasing on the expenditure side.

I should like to ask the distinguished majority leader if he supports the proposal for a total spending ceiling so that we can bring under control what the gentleman has been deploring.

Mr. BOGGS. I have grave doubts about that proposal. We have done that before.

Mr. CEDERBERG. I am talking about an emergency.

Mr. BOGGS. The gentleman really does not touch the issue. The gentleman knows that that decline in revenue is almost entirely attributable to the economy. The President himself admits that. That is why he sends up what he calls a full-employment budget.

Mr. CEDERBERG. I completely agree with the gentleman on that point. One of the reasons for the downturn in the economy is that we have seen 2.5 million people leave the military and military-defense-related industry, moving from war to peace.

In other words, it was easy to have a booming prosperity—which we did—and a 4-percent unemployment with a full-blown economy, while the guns were booming and the Nation's industry was geared for war.

But now the President is ending the war. We have to readjust the lives and incomes of 2½ million people in this one area alone. Of course, we are going to have this turndown, and the reduction in the revenues of the Government. It certainly does not help to have the Congress, at the same time, escalating expenditures and expanding programs.

There is no way I know that the President can spend one dime of public money that Congress has not authorized, and the Congress ought to be willing to bear this responsibility and blame. It is neither candid nor conscionable to try to pass the buck to the other end of Pennsylvania Avenue.

## PROVIDING PAY COMPARABILITY ADJUSTMENTS FOR CERTAIN HOUSE EMPLOYEES WHOSE PAY RATES ARE SPECIFICALLY FIXED BY HOUSE RESOLUTIONS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 741) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 741

*Resolved*, That until otherwise provided by law, effective as of January 1, 1972, the per annum gross rate of pay of each employee (except an employee who is an elected officer of the House) whose pay is disbursed by the Clerk of the House and is fixed at a specific rate by House resolution is increased by an amount equal to 5.5 per centum of his per annum gross rate of pay. No rate of pay shall be increased by reason of the adoption of this resolution to an amount in excess of the rate of basic pay of level V of the Executive Schedule contained in section 5316 of title 5, United States Code. The contingent fund of the House is made available to carry out the purposes of this resolution.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, line 4, immediately following the word "the" strike out the word "House)" and insert "House or who is an Official Reporter of Debates or an Official Reporter to Committees.)"

The SPEAKER. Without objection, the committee amendment is agreed to.

Mr. HALL. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman reserves the right to object to the adoption of the amendment.

Mr. HALL. I do, until it is explained, Mr. Speaker.

I wonder if the gentleman would take time to explain the amendment, which was a little more than I anticipated. I yield to the gentleman for that purpose.

Mr. THOMPSON of New Jersey. I do not understand what my distinguished friend from Missouri means when he says it "was a little more than I anticipated."

The effect of the amendment, I might say to my friend from Missouri, is to strike from the original resolution, House Resolution 741, those who record—the stenographers who record—the debates or the colloquies such as we are having now on the floor of the House, and those who record—those House employees, stenographers who record—the committee debates.

Mr. HALL. Is that because they are now drawing excessive pay above the rate of level V of the Executive Schedule?

Mr. THOMPSON of New Jersey. I might say to my friend from Missouri they are not drawing excessive pay in any sense or above what he states, but the committee decided that their salaries at the current level—at least the committee insofar as it relates to this resolution decided that the top is at about $35,000 and it goes down a little bit lower—that their compensation is adequate at this time.

Mr. HALL. Mr. Speaker, I certainly agree with the gentleman insofar as his last sentence is concerned, and I might add that it is time we all considered reductions in lieu of additions, if we are serious about inflation and fiscal responsibility.

Under my reservation, may I make one further inquiry as to the general content of House Resolution 741, as amended? Am I to understand, Mr. Speaker, that this does not involve the regular employees, the Member-appointed employees on Capitol Hill, but that the saving clause there is "whose pay is disbursed by the Clerk of the House and is fixed at a specific rate by House resolution?"

Mr. THOMPSON of New Jersey. The gentleman is precisely correct, and if he will withdraw his reservation so that I can briefly explain the resolution, I shall be glad to yield further for any other questions that he might have.

Mr. HALL. Mr. Speaker, that is all I seek. I will withdraw my reservation of objection.

The SPEAKER. Without objection, the committee amendment is agreed to.

There was no objection.

So the committee amendment was agreed to.

Mr. THOMPSON of New Jersey. Mr. Speaker, under the system long in existence here, a number of the employees of the House who actually work here every day, a number of whom I can see at the desk now, are not within the overall Federal pay structure nor are they employees of individual Members of this body. They are, therefore, distinguished by that difference. Each and every time in past years that committee staff or Member staff allowances have been increased, the Committee on House Administration has made an effort to keep these—I call them rather isolated employees—at a level commensurate with that of our own staffs and the committee staffs.

Following the rule set down by phases I and II of the President's economic policy, determination was made that Federal employees subject to the recommendation of those for whom they worked could get up to 5.5 percent raises on the individual Member's recommendation or on the recommendation of the respective committee chairmen.

I have no statistics with respect to the decisions made by the individual Members, but I can report to the House that every one of the committee chairmen recommended 5.5 percent increases for their employees.

This leaves this small group of 33 people, excluding the official reporters, without the benefit of that 5.5 percent raise. The effect of this resolution would be to give them that.

The total cost per annum of this resolution is $23,857, approximately $20,000 per annum less than it would have been had the Reporters been included.

Mr. Speaker, I reiterate that there is a total of 33 majority and minority employees involved.

Does the gentleman from Missouri have any further question?

Mr. HALL. No, Mr. Speaker. I appreciate the gentleman yielding. I think the gentleman's explanation has been adequate and it would appear to me that this is equitable and just.

I compliment the Committee on House Administration for being a good watchdog of the contingent fund.

As I understand it, this resolution is directed to equity for those who do not have statutory appointments?

Mr. THOMPSON of New Jersey. This is precisely correct.

Mr. HALL. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## AUTHORIZING PAYMENT OF COMPENSATION FOR CERTAIN COMMITTEE EMPLOYEES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution—House Resolution 769—and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 769

*Resolved,* That there shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to pay the compensation for services performed during the period beginning January 3, 1972, and ending at the close of January 31, 1972, by each person (1) who, on January 2, 1972, was employed by a standing committee or any select committee of the Ninety-second Congress and whose salary was paid under authority of a House resolution adopted during the Ninety-second Congress, or who was appointed after January 2, 1972, to fill an existing vacancy or a vacancy occurring subsequent to January 2, 1972, and (2) who is certified by the chairman of the appropriate committee as performing such services for such committee during such period.

Mr. THOMPSON of New Jersey. Mr. Speaker, the effect of this resolution, House Resolution 769, is very simple. The effect of it is to allow all of the committees of the House to expend moneys at the level at which the House authorized them to spend last year for a period of 1 month. This will enable the respective and distinguished committee chairmen to prepare their budgets for this year and will give the Subcommittee on Accounts an opportunity to schedule hearings which, indeed, we will do on their desires for the current year.

I might report that all but one committee to my knowledge has carryover money expended and moneys from last year.

I might report also that the committee chairmen and the ranking minority members have been assiduous in complying with the House Administration requirement that they report monthly all of their expenditures, their list of employees, and activities.

To me this is particularly important because the Members will remember that in the series of resolutions authorizing committee moneys for the past year we emphasized the responsibilities that committees have under last year's Reorganization Act to exercise their oversight responsibilities. They have done so and I think they have done so admirably.

Mr. Speaker, the one instance where a committee is short of funds, in the amount of approximately $31,000—that is, without this continuing resolution—they would be $31,000 short.

The subcommittee will take that into consideration, and that amount will be deducted from the amount that the committee requests in the next Congress.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## PROVIDING FOR CONSIDERATION OF H.R. 8085, AGE REQUIREMENTS FOR CIVIL SERVICE APPLICANTS

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 616 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 616

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8085) relating to age requirements for appointments to positions in executive agencies and in the competitive service. After general debate which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 616 provides an open rule with 1 hour of general debate for consideration of H.R. 8085 regarding age requirements for Federal employees. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of H.R. 8085 is to establish a congressional policy which will require the Government to promote employment or promotion of persons based on ability rather than age, and prohibit arbitrary age discrimination. Excepted as well as competitive employees would be covered.

The President would be authorized to establish a maximum age requirement for appointment in the civil service when the requirement is established on the basis of a determination that age is an occupational qualification necessary to the performance of duties.

The present law stating the existing policy against discrimination as to age and the present law authorizing the Secretary of the Interior to set minimum and maximum age limitations for employment by the U.S. Park Police would be repealed.

Mr. Speaker, I urge the adoption of House Resolution 616 in order that the bill may be considered.

Mr. QUILLEN. Mr. Speaker, House Resolution 616 will permit consideration of H.R. 8085 under an open rule with 1 hour of general debate. In addition, the rule makes the language substituted by the Committee on Post Office and Civil Service in order as an original bill for the purpose of amendment.

The purpose of the bill is to reaffirm the present congressional policy against discrimination with respect to age in the competitive service of the U.S. Government, and to extend this policy, with necessary flexibility, to all Federal employment.

The bill establishes a policy which will require the Federal Government to promote employment of persons based upon ability to perform the job in question rather than age and will prohibit age discrimination in all Federal employment.

At the same time the bill authorizes the President to establish a maximum age requirement to any position in the executive agencies or the competitive service if it is determined that age is a bona fide requirement for successful job performance. If a maximum age limit is established in any job category, the President is required to send to the two Post Office and Civil Service Committees a statement of justification and explanation at least 60 days before the age requirement goes into effect.

Finally, the bill repeals the existing authority of the Secretary of Labor to fix the minimum and maximum age limits within which appointments may be made to the positions in the Park Police.

Existing law, which prohibits age discrimination makes no allowances for any exceptions. Therefore, Federal agencies which meet such a situation must go to Congress for relief. This is what the Department of Interior did with respect to its Park Police. Two other departments have already requested exceptions in particular cases, the Department of Justice and the Department of Transportation. It seems far wiser to provide administrative relief by statute so that in exceptional cases where age is a factor of occupational qualification this fact should be recognized.

No cost to the Government is anticipated except for minimal administrative costs. The legislation is the outgrowth of a request by the Civil Service Commission.

There are no dissenting views.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## CALL OF THE HOUSE

Mr. ROUSSELOT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 9]

Abbitt
Abourezk
Adams
Alexander
Anderson, Tenn.
Annunzio
Arends
Ashbrook
Aspin
Badillo
Baring
Bell
Biaggi
Blanton
Blatnik
Bow
Brasco
Brinkley
Camp
Carey
Carney
Celler
Chisholm
Clark
Clay
Cleveland
Conable
Conte
Corman
Culver
Davis, Ga.
Dennis
Dent
Derwinski
Diggs
Downing
Dwyer
Edmondson
Edwards, Calif.
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Forsythe
Fraser
Frey
Galifianakis
Gallagher
Giaimo
Gibbons
Goldwater
Grasso
Gray
Green, Oreg.
Gude
Hansen, Idaho
Harrington
Hastings
Hawkins
Hays
Hébert
Heckler, Mass.
Hicks, Wash.
Hosmer
Jacobs
Johnson, Pa.
Keith
Kemp
Kluczynski
Landgrebe
Landrum
Latta
Leggett
Lennon
Long, La.
McClure
McKay
McKinney
Mailliard
Martin
Meeds
Metcalfe
Mills, Ark.
Mitchell
Moorhead
Murphy, N.Y.
Nelsen
Nix
O'Konski
Patman
Pelly
Pettis
Railsback
Rhodes
Rogers
Rosenthal
Runnels
St Germain
Scheuer
Schneebeli
Shipley
Sikes
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stanton, J. William
Steele
Steiger, Wis.
Stephens
Teague, Calif.
Udall
Ullman
Van Deerlin
Waldie
Wampler
Widnall
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wydler
Yatron
Young, Fla.
Zion

The SPEAKER. On this rollcall 305 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## AGE REQUIREMENTS FOR CIVIL SERVICE APPLICANTS

Mr. HENDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8085) relating to age requirements for appointments to positions in executive agencies and in the competitive service.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina, (Mr. HENDERSON).

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8085, with Mr. WAGGONNER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina (Mr. HENDERSON) will be recognized for 1 hour, and the gentleman from Iowa (Mr. GROSS) will be recognized for 1 hour.

The Chair recognizes the gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Chairman, I yield such time as he may consume to the distinguished Chairman of the full Committee on Post Office and Civil Service, the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Chairman, I sponsored H.R. 8085 on the basis of an official recommendation sent to Congress by the Chairman of the U.S. Civil Service Commission.

There are two main objectives:

First, it reaffirms the Government's strict policy against discrimination because of age in employment in the competitive service and extends that policy to all employment in the Federal service.

Second, the bill recognizes the need for providing some flexibility in this area by authorizing the President, or his agent, to establish maximum age limits for appointments to positions in executive agencies where age is found to be a necessary qualification.

The authority granted to the President under this bill would be similar to that now held by the Secretary of Labor with respect to positions in private industry.

At the present time there is an outright statutory ban against the establishment of a maximum age limit for employment in the competitive service.

Since the existing law does not provide for administrative exceptions, any agency that feels it has positions needing exception must now look to the Congress for individual relief.

A number of agencies have indicated that they will seek authority from the Congress to establish maximum age limits for certain types of positions.

Our Committee on Post Office and Civil Service believes that instead of action on individual requests, it would be far more desirable to authorize the President, or his designated agent, to set maximum age limits for such positions.

In view of the strong desire of the Congress to eliminate age discrimination in Federal employment, except where absolutely necessary, this legislation provides for advance congressional review of any proposed exception.

Thus, there is no danger that the proposed authority to set maximum age limits will be abused by the President or his designated agent.

Mr. Chairman, I believe that the authority to establish maximum age requirements, where necessary, should be vested in the President, subject to congressional review, and I, therefore, urge the passage of H.R. 8085.

Mr. HENDERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 8085, a bill relating to age requirements for appointments to positions in executive agencies and in the competitive service.

First, may I say that this bill before us has no cost implications. Secondly, it is an administration proposal; and, thirdly, all it does, basically, is to provide an orderly and uniform procedure for establishing age requirements for entrance into Federal Government positions.

### BACKGROUND

There is at present an outright ban on establishing maximum age limits for entry into the competitive service. This present policy against age discrimination in Federal employment dates back to 1956 when Congress wrote into the Independent Offices Appropriation Act (70 Stat. 355) a prohibition against the use of appropriated funds to pay the salary of any Federal employee who sets a maximum age for entry into any position in the competitive service.

There has been an exception when the Secretary of Interior, in 1969, was granted the authority to set minimum and maximum age limits for U.S. Park Police. The legislation did not go through the Committee on Post Office and Civil Service.

So far in this session of Congress our committee has had requests from the Attorney General for authority to set age limits for several of his law enforcement positions and from the Secretary of the Department of Transportation to set age limits for air controllers. In time, there will undoubtedly be more such requests.

On Monday, September 27th, the House Committee on Post Office and Civil Service voted out an air controller bill, H.R. 8083, with a section relating to age requirements in the original bill deleted to conform to the principles detailed in the legislation before us today.

### FLEXIBILITY

Age, by itself, should never be a bar to employment, either in private industry or in the Federal Government. In keeping with this principle, H.R. 8085 reaffirms congressional policy against discrimination as to age. But, it is equally desirable that a degree of flexibility, similar to that already existing for positions in private industry, be provided for Federal positions to permit exceptions without the necessity for congressional action in each case when age is found to be a bona fide occupational qualification.

The primary effects of the bill before you would be to give the President an administrative authority, with congressional control, that is parallel to the authority granted to the Secretary of Labor for positions in private industry—Age Discrimination in Employment Act of 1967, 81 Stat. 602.

### CONGRESSIONAL CONTROL

To insure continued congressional interest and control, the President or his agent is required to give notice to the Committee on Post Office and Civil Service of the House and Senate at least 60 days prior to establishing a maximum age requirement. The report to the two committees must include a full and complete statement concerning the need for such a maximum age requirement.

### PUBLIC HEARINGS

The Subcommittee on Manpower and Civil Service in July took testimony on H.R. 8085 from the chairman of the Civil Service Commission and representatives of several Federal Government employee organizations.

Chairman Hampton fully supported the proposed legislation. The employee organizations objected to the bill so long as there was no congressional control.

The bill was amended in subcommittee to provide this congressional control.

### COST

The only cost involved, as I stated earlier, would be minimal, arising from general administrative costs.

### SUMMARY

Mr. Chairman, this is a noncontroversial bill, sponsored by the administration, with little or no costs. It emphasizes ability rather than age as a prerequisite for a Federal Government job. But, H.R. 8085 provides for flexibility in Federal personnel management where age becomes a bona fide occupational qualification by authorizing the President to set a maximum age in making an appointment to a position in an executive agency as in the competitive service.

Congressional control is guaranteed by giving the Post Office and Civil Service Committees of the Senate and House at least 60 days advance notice with full justification for the proposed Presidential action.

Mr. Chairman, I urge all Members' support of this bill.

### APPLICATION OF H.R. 8085 TO THE POSTAL SERVICE

I wish to call attention to the statements appearing in the first full paragraph on page 5 of the committee's report on H.R. 8085.

The last sentence of that paragraph states that the U.S. Postal Service is specifically excluded from the definition of "independent establishment" in section 104 of title 5 of the United States Code, and, therefore, is not covered by the provisions of the new section 7155.

The new section 7155, as added by H.R. 8085, authorizes the President to establish maximum age requirements in connection with appointments to positions in an "Executive agency" or in the "competitive service," when such requirements are necessary.

After the report was filed, the question arose as to the correctness of the statement on page 5 of the report, concerning application of the new provisions to the Postal Service.

Section 410(b) of title 39, United States Code, specifically provides that the provisions of chapter 71 of title 5 shall apply to the Postal Service. It would appear, therefore, that any amendments to the provisions of chapter 71 of title 5, likewise would be applicable to the Postal Service unless specifically provided otherwise.

Since the first section of H.R. 8085 adds a new section 7155 to chapter 71, and in view of the doubts which arose after the Committee Report was filed, Chairman DULSKI requested the Postmaster General to furnish his comments on this question. I will insert at the end of my statement the letter Chairman DULSKI addressed to the Postmaster General, and the reply dated September 28, 1971, from the Senior Assistant Postmaster General and General Counsel, David A. Nelson.

The reply agrees with our conclusion that the statement in the report is erroneous, but does not agree that all amendments to chapter 71 of title 5, United States Code, enacted hereafter, would automatically apply to the Postal Service.

The letter points out that subsequent amendments might not be within the framework created by the Postal Reorganization Act, and would be conflicting and completely contrary to other provisions in the Postal Reorganization Act. The Postal Service recommends that specific provisions be included if it is the intent of Congress that the Postal Service be subject to amendments to chapter 71 and other provisions specifically referred to in section 410 of the Postal Reorganization Act.

The questions raised in this matter are not easy ones to answer. We do not need to resolve the issue at the present time. The committee hereafter can establish a policy, as it may desire, in making subsequent amendments to the appropriate provisions of title 5 applicable to the Postal Service. In this particular case, it is not important.

The Postal Service in its reply stated that the amendment proposed by this legislation is in harmony with the Age Discrimination in Employment Act of 1967, and its extension to the Postal Service would not be inconsistent with the concept that employment within the Postal Service should be more nearly comparable to employment in the private sector.

It is stated that, as a practical matter, the Postal Service undoubtedly would follow the policy embodied in H.R. 8085, even though the legislation does not specifically apply to the Postal Service.

Mr. Chairman, in view of the position taken by the Postal Service, I see no need to offer a specific amendment to the bill, making it apply specifically to the Postal Service.

The letters that I referred to above are set forth below:

SEPTEMBER 17, 1971.

Hon. WINTON M. BLOUNT,
*Postmaster General, U.S. Postal Service,*
*Washington, D.C.*

DEAR MR. POSTMASTER GENERAL: A question has arisen as to the application to the United States Postal Service of certain provisions that are contained in pending legislation.

Section 410(b) of title 39, United States Code, specifically provides that several provisions of law shall apply to the Postal Service, including the provisions of chapter 71 of title 5, United States Code.

H.R. 8085, which was ordered reported by our Committee and is now pending before the House, proposes to add a new section 7155 to chapter 71 of title 5.

It is the purpose of this provision to authorize the President to establish maximum age requirements in connection with appointments to a position in an "Executive agency" or in the "competitive service".

The Committee report on the Legislation (House Rept. No. 92-416), in the last sentence of the first full paragraph on page 5, states that the United States Postal Service is specifically excluded from the definition of "independent establishment" in section 104 of title 5, and, therefore, is not covered by the new section 7155.

I believe that this statement is incorrect. It certainly does not coincide with the intent expressed by representatives of the Postal Service when they testified on the legislation, or with the intent of the Committee in considering section 410 of title 39.

It is my belief that section 410(b) has the effect of applying all provisions of chapter 71 of title 5, and the provisions of other sections mentioned in that subsection, to the United States Postal Service, without regard to any definition that may be included in the actual provisions of chapter 71, or the other provisions made applicable to the Postal Service by section 410.

The identical question has now arisen in connection with another bill the Committee is now considering, which adds a new subchapter to chapter 71 of title 5, relating to the rights of privacy for Federal employees. During the Subcommittee markup of this legislation, a motion was made, and approved, to include provisions in the new subchapter 3, and in title 39, making the provisions of the new subchapter 3 applicable specifically to the United States Postal Service.

It is my view that the provisions of section 410(b) have the effect of applying the provisions of the new subchapter 3 to the United States Postal Service, and that the provisions of the new section 7155, proposed by H.R. 8085, will apply to the United States Postal Service, without any specific reference to the inclusion of the Postal Service in the new legislation.

I would appreciate having your comments on this matter at the earliest opportunity as the Subcommittee on Employee Benefits will meet next week for the further consideration of the legislation, and it is expected that H.R. 8085 will be considered on the Floor of the House in the very near future.

Copies of the material to which I have referred are enclosed for your information.

With kindest personal regards,

Sincerely yours,

THADDEUS J. DULSKI,
*Chairman.*

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U.S. POSTAL SERVCE,
*Washington, D.C., September 28, 1971.*

Hon. THADDEUS J. DULSKI,
*Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: The Postmaster General has asked me to respond to your letter of September 17, 1971, requesting our comments on the question whether certain proposed revisions in chapter 71 of title 5, United States Code, would, if enacted, apply to the Postal Service.

We agree with your conclusion that the exclusion of the Postal Service from the definition of an "independent establishment" in 5 U.S.C. § 104 does not provide a complete answer to the question of how far the Postal Service might be bound by amendments to those provisions of title 5 that now apply to the Postal Service. 39 U.S.C. § 410(b) makes chapter 71 of title 5 applicable to the Postal Service, and insofar as this provision may manifest a Congressional intent that the Postal Service be subject to subsequent amendments of chapter 71, the statutory exclusion of the Postal Service from the definition of an independent establishment for the purpose of ttile 5 would appear to be immaterial.

The scope of 39 U.S.C. § 410(b) cannot be properly assessed, it seems to me, without reference to the considerations that led to the enactment of section 410(a). That section, which exempts the Postal Service from all but a limited number of Federal laws "dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds," was manifestly designed to help the Postal Service improve the quality and efficiency of its services by granting the new independent establishment broad relief from the intricate network of public laws and administrative regulations to which the Post Office had been subject as an executive department. In the light of that objective, I would not interpret section 410(b) as meaning that any and all amendments to the provisions cited in that section will automatically apply to the Postal Service, regardless of the consistency of such amendments with the framework created by the Postal Reorganization Act and regardless of whether they have a logical connection with the provisions to which the Postal Service was made subject at the outset. If Congress amended chapter 71 of title 5 to prohibit executive agencies from negotiating agreements with labor organizations, for example—an amendment that would conflict with the employee-management provisions of the Postal Reorganization Act and would introduce a subject not within the purview of chapter 71 as in effect at the time of adoption of the Postal Reorganization Act—I do not believe that the amendment could reasonably be read as applying to the Postal Service unless the amendment itself contained language expressly bringing the Postal Service within its terms.

On the other hand, an amendment to chapter 71 dealing with matters that were covered by that chapter when the Postal Reorganization Act was passed, and doing so in a manner not inconsistent with the provisions of the Act, might well be deemed to apply to the Postal Service even though the amendment did not so state.

It is a close question, I think, whether the Postal Service would be covered by H.R. 8085, if that bill were enacted in the form in which it was reported by your Committee. In prohibiting arbitrary maximum-age requirements for entrance into the Federal service, the bill deals with a type of discrimination that was not covered by chapter 71 of title 5 when the Postal Reorganization Act was passed. On the other hand, the amendment is in harmony with the Age Discrimination in Employment Act of 1967, and its extension to the Postal Service would thus not be inconsistent with the concept that employment within the Postal Service should in general, be made more nearly comparable to employment in the private sector. As a practical matter, I suspect that the Postal Service would try to comply with the policy embodied in H.R. 8955 regardless of its legal obligation to do so; but if it is the intent of Congress that the Postal Service be subject to the bill as a matter of law, it would seem desirable to include an express provision to that effect.

With respect to the proposed addition to chapter 71 of a new subchapter III, defining a broad new category of employee rights and establishing a detailed statutory mechanism for handling complaints of violations of such rights, I do not believe that the proposed subchapter, as presently drafted, would apply to the Postal Service. The subject matter of the new subchapter has little in common with that of the two subchapters that were in effect when the Postal Reorganization Act was passed, and it has no analogue in the body of federal law applicable to private employers. If the measure were held to be applicable to the Postal Service, moreover, it would have the effect of withdrawing from the collective bargaining process a number of matters—both substantive and procedural—that would have been subject to collective bargaining under the Postal Reorganization Act. Such an intent should not, I think, be inferred lightly.

The applicability to the Postal Service of any amendment to the provisions specified in 39 U.S.C. § 410(b) depends, in the final analysis, upon an interpretation of the intent of Congress in adopting the amendment. The Courts would be hard put, I believe, to impute to Congress an intent to bring the Postal Service within the coverage of an amendment that makes no reference to the Postal Service, that is inconsistent with the principles underlying the Postal Reorganization Act, and that deals with subjects not covered in the provisions that were made applicable to the Postal Service when section 410(b) was enacted. The question raised in your letter is not an easy one, and I hope that you will find these comments helpful.

With kindest personal regards,

Sincerely

DAVID A. NELSON.

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At the present time, there is no prohibition against establishing a maximum age limit for appointments to positions in the excepted service. The existing statutory prohibition—5 U.S.C. 3307—applies only to positions in the competitive service.

Under the provisions of this bill, maximum age requirements for positions in both the competitive service and the excepted service could be established only by the President or his agent.

All positions in the FBI are in the excepted service. A maximum age requirement of 40 years has been established for an appointment to the position of special agent in the FBI. Under the provisions of this bill, the maximum age limit of 40 would have to be established by the President or his agent, subject to congressional approval. The FBI could no longer exercise such authority.

Under the authority of Public Law 91–73, the Secretary of the Interior has established a maximum age limit of 30 years for appointments to the U.S. Park Police. This authority is repealed by H.R. 8085. Such age limit would have to be established by the President or his agent.

The committee has received letters from two agency heads seeking authority to establish maximum age limits for appointments to certain positions.

One letter is from the Attorney General, seeking authority to establish minimum and maximum age limitations for appointments to the following positions—

First. Border Patrol Agent—Immigration and Naturalization Service;

Second. Criminal Investigator—Bureau of Narcotics and Dangerous Drugs;

Third. Correctional Officer—Bureau of Prisons; and

Fourth. Deputy U.S. marshal.

The other letter is from the Secretary of Transportation, seeking authority to establish a maximum age limit for appointments to the position of Air Traffic Controller.

Mr. HALL. Mr. Chairman, would the distinguished gentleman from North Carolina yield?

Mr. HENDERSON. I am delighted to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's statement. I have listened intently. I must say that this is a problem that has bothered me for a long time. In the days of my active practice of medicine and surgery, when I was of necessity required to advise people to retire and live graciously, and try to explain to them why, as well as how, to live graciously, I would often say that a man has a right to elect to die with his boots on. But unfortunately it is not always given to us to know when we are going to continue to be able to pull our boots on or even take them off.

There is nothing that is more sad than perhaps a self-appointedly indispensable individual who has the ravages of physical disease to the point where he is no longer rational, equitable, or exercises good judgment. By the same token, I would hasten to add that there is nothing more beautiful than some grandmother who is an octogenarian, who may be ravaged physically, but who remains mentally acutely aware, awake, and agile.

I do not know how we can fix this. I am worried about three things. I wonder if we are not giving to the executive agency and to the Chief Executive, the various heads of the departments and bureaus, a power which rightly should remain in the Congress to the point where we are eliminating management's tools of discernment.

I am conscious of the fact, as I am sure the distinguished gentleman is, that in recent months and years we have taken away practically all bars to Federal employment—in turn, race, social and national origin, sex—and now we are taking away, in fact, age as a bar to employment—not in the exceptional case alone, but by this action, as I read it, in all cases. It would seem to me that management, whether it be in public trust or whether it be in private enterprise, should have some rules of discernment based on means or averages, with which they could lay an average or make a generally applicable rule.

Mr. HENDERSON. If the gentleman would permit me on that point, his remarks are very much in keeping with the consideration that our subcommittee members gave to this legislation. Here the problem is whether or not the President or his agent, and I believe the Presidential authority granted here would be delegated to the Civil Service Commission—or whether Congress should set maximum entry age for employment in the federal system. The Congress has done this in the past for the Federal Bureau of Investigation. I think a very good case was made than and could be made for the continuation in that instance. As I mentioned in my statement, in 1969, we granted this authority to the Department of the Interior for the Park Police. I personally think that through the action of our subcommittee, in reporting this bill and by granting this authority to the President or his designated agency, we will get the real expertise that I think the gentleman is talking about. An age limit for entrance in the Federal service must be based solely on job-related qualifications. I think if we do not pass this bill, the Congress from time to time in acting will have no sort of uniformity for the entrance requirements as opposed to uniform action by the Civil Service Commission.

Mr. HALL. I hope the gentleman is correct, because the ravages of disease and time hanging over all our heads becomes more and more apparent the older one gets, if he is honest with himself; and we face the same problem, of course, right here in our own operation. As a matter of procedural fact, do I correctly understand from the gentleman that if the Secretary of Defense would come in here and ask for an age limitation for entry and/or retirement of the members of the Armed Forces, we would have only 60 days in which to veto such a request?

Mr. HENDERSON. This would not affect the uniformed military but only our civil service employees within the Defense Department. The Secretary would make the request, I assume, to the Civil Service Commission, if designated by the President, and the Commission would hold the proper hearings and receive the evidence. If based on that record, they decided to make an age limitation in a particular job, they would report that fact together with the justification to the committees of the Congress 60 days before it would go into effect in order to provide the Congress an opportunity to act.

Mr. HALL. And that would be the so-called veto in reverse. If we acted arbitrarily then, it would not go into effect, and it would have the effect then of the Reorganization Act of 1949?

Mr. HENDERSON. The way it is presented, I will say to the gentleman, it does not require congressional action, so in the absence of such action, the proposal would become a requirement. I reiterate, however, that the Congress would have the opportunity by virtue of the 60 days' notice to act before that did become effective.

Mr. HALL. Mr. Chairman, I certainly appreciate the gentleman's forebearance. I, of course, historically am against the veto in reverse where the legislative body, instead of assuming the responsibility and acting in fulfilling its responsibility, allows the executive body to act and then reserves unto itself or one or other of the bodies, so many days in which to act.

Finally, could this not be a two-edged sword, would the gentleman from North Carolina agree, to the effect that if the limits are set too high, it may kill incentive because of the "hangers on" over and above the normally prescribed age of retirement in any one division, department, or operating branch of the Government?

Just a few years ago we here were lowering constantly the ages for retirement, and, of course, retirement is involved. I do not see how we can say, as the report does, that there is practically no cost involved; because if we set the age younger, there is much less contribution of the employee, and the Federal Government and the Federal taxpayers contribute that much more. But be that as it may, my point is the sword cuts both ways, and if people hang around too long, or are extended by the President or his Cabinet members, would it not ruin the incentive within the service?

Mr. HENDERSON. I think the best evidence that the committee received was pertinent to the air traffic controllers under the FAA in the Department of Transportation. A clear case was made because of the unique pressures of that particular job. An air traffic controller is required to suffer pressures that are inherent only in the course of that career. I am sure our committee would have adopted minimum ages for entrance if we had not anticipated the enactment of this legislation. Or, to say it another way, if this bill is not enacted into law, I feel sure our committee will come back and present to the House at least in that instance the minimum age requirement. The objective there would be to insure that we get young men into the service so that they could complete a full course and retire before the job-related problems just get to them and make it impossible for them to perform.

Mr. HALL. I do understand that, and I appreciate the gentleman yielding. My point, though, is just the reverse. Suppose a future Administrator of the FAA came back and said, "No, we erred," as we had during a recent administration when we began to lower the ages for retirement. The Administrator will say, "Let us increase the ages for requirement. Experience is of great value. It is not so difficult any more. Therefore we will require these people to stay until they are 70." At the same time we may find the young air traffic controllers would resign en masse because they could not expect to go to the top brackets in that circumstance. I know it is far-fetched. It does happen with jet fliers, and it could in other matters of severe nerve and physical strain.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to my chairman on this point, the gentleman from New York.

Mr. DULSKI. Mr. Chairman, I appreciate the chairman of the subcommittee yielding.

The gentleman from Missouri is referring to retirement. There is nothing in this bill relating to retirement. It is only a maximum entry age for appointment to a position in the competitive service. Would the gentleman from North Carolina agree?

Mr. HENDERSON. That is correct.

I might say further to the gentleman from Missouri that we had the proposal before us for earlier retirement for the FAA controllers only.

Of course, I believe it would be far more expensive to the Federal Government if we were to have that early retirement without a requirement for entry age. If we were to grant full retirement for less than a normal 20-year period, it would be more expensive than setting minimum entrance ages allowing for a full career, where possible.

Mr. HALL. I appreciate these informative comments, but things equal to each other come out the same in the end.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I am delighted to yield to the gentleman from Texas, a member of the committee.

Mr. WHITE. There are three problems in connection with this particular bill, as I see it, and which are addressed by an amendment I will show the gentleman, which I hope to offer for acceptance.

First, as mentioned by the gentleman from Missouri, there is a delegation of authority by the Congress and an abdication of this power to the President. That qualification as to age has always been traditional in the Congress.

Second, in the term of notice to the Congress the bill speaks of 60 days. However, it is not said, "while Congress is in session." It just says to notify the committees 60 days prior to its enforcement or its going into being. That is another pitfall.

Another pitfall I see is that there is a question relating to the validity of notices to committees instead of to the Congress. The amendment I have would call for notice to the Congress, and it would give a 90-day notice to the Congress.

One other section of the amendment I have reaches to what I regard to be a hazard. Suppose a new President came into office, and he therefore had many obligations to fill positions for those who had helped him. This is a practical political reality. Suppose he decided he wanted to find spots for these faithful supporters and that he set a lower level for the occupational age limit, thereby creating new positions, for those who reach the ceiling and therefore have to retire.

Mr. HENDERSON. The gentleman is getting far off the point. Let me say that we are setting only entrance ages. Do not confuse that with those who are in service. Anyone in service would not be affected. This only affects the age of a person entering the service.

Mr. WHITE. For legislative history, the gentleman is saying this would not affect the need for an individual to leave that employment. In other words, it has a built-in grandfather clause with respect to those already in service?

Mr. HENDERSON. This has absolutely nothing to do with employees who have already entered the service or with regard to their retirement.

With regard to the gentleman's first point, I have no objection to the gentleman offering an amendment requesting a 90-day notice for reports made to the Congress. I would be glad to discuss this amendment with him.

Mr. WHITE. I should like to go a little further. What would be the feeling of the gentleman in the well, a very distinguished chairman of this committee, as to this notice to be made to the Congress, giving either House of the Congress the right to veto?

Mr. HENDERSON. I believe the gentleman knows I have opposed that, and would do so on the floor. Of course, that is a decision for the Committee of the Whole to make as we debate the amendment.

Mr. GROSS. Mr. Chairman, will my friend from North Carolina yield?

Mr. HENDERSON. I am delighted to yield to the distinguished gentleman from Iowa.

Mr. GROSS. In response to a question asked by the gentleman from Missouri (Mr. HALL) the gentleman provided an answer but I believe it could be more specific. Is it not true that in the case of review as set forth in this legislation it would still take the enactment of a law by Congress to upset any abuse of what is here provided as to age for entrance into Federal employment?

Mr. HENDERSON. The gentleman is absolutely right. It would take legislative action within 60 days; or thereafter, of course, Congress could exercise its legislative authority. The gentleman is correct.

The CHAIRMAN. The gentleman from North Carolina has consumed 20 minutes.

Mr. GROSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again I find myself in the unpleasant position of opposing a bill from the committee of which I am a member.

Mr. Chairman, this bill has only one real purpose and that is to delegate authority to the President to set maximum age requirements for employment with the Federal Government.

The so-called reaffirmation of congressional policy against age discrimination is totally superfluous in that it has been national policy since 1956 when Congress wrote into the statutes strict prohibitions against age discrimination for employment with the Federal Government.

Additionally, in 1967, Congress enacted the Age Discrimination in Employment Act, making it unlawful for any employer in the private sector to refuse to hire an individual because of his age.

H.R. 8085, while declaring a policy against age discrimination in Federal employment on one hand, turns right around and specifically gives carte blanche authority to the President, or to his agent, to establish age requirements for any and all of the 1,500 job occupations which compose the Federal work force.

I can see some need for a measure of flexibility wherein some machinery might be created to set maximum age requirements for certain specific positions. Types of jobs, for example, where age could possibly be a factor include certain law enforcement personnel, firefighters, and air traffic controllers.

However, Mr. Chairman, I am opposed to the provisions of this bill, which proposes to further abdicate the historic responsibility of Congress in a vital area of national concern, and to bestow this authority upon the President, any President. And particularly since the bill provides for no meaningful congressional oversight of the determinations that might be made by the President.

The one thing that disturbs me most, Mr. Chairman, about this bill is that it is another, in what has become a long series of bills from the committee, of which I am a member, which require the Congress to completely abdicate its historical and constitutional prerogatives and turn those prerogatives over to the executive branch.

For example, in the last 4 years—

We have turned over to the President the authority to set the salaries of Members of Congress, all Federal judges, and all Cabinet officers, and other Federal executives.

We have turned over to the President complete authority to set the pay of all other employees—the so-called rank-and-file employees of the Federal Government—under the statutory salary systems.

We have turned over to the Postmaster General the authority to negotiate the rates of pay for all postal employees.

We have turned over to a so-called independent Postal Rate Commission the authority to set postal rates. I might point out here that the same postal rate increase proposal which this Commission has been considering since last February, under a procedure that has taken over 16,000 pages of printed testimony and involvement by practically every attorney in Washington, is the same postal rate increase which this Congress was ready to approve a year and a half ago, until the Postmaster General stated that postal reform was then more important to him than a postal rate increase.

By reason of the action of the committee of which I am a member, the President of the United States today sets the pay of every officer and employee of the entire Federal Government with the exception of his own pay and that of the Vice President.

I have consistently opposed each of these delegations of authority to the President. I think our actions have not only been unwise but extremely dangerous, and certainly not in the best interests of the American people and constitutional government.

However, getting back to this particular bill, I must emphasize that it represents a dramatic departure from a longtime firm policy wherein the Congress has flatly prohibited all age discrimination in Federal employment and wherein the Congress itself has determined if and where exceptions to that policy should be made.

This bill is opposed, and properly so, by the large employee unions who are most concerned that the wide discretion it imposes on a President, any President, could be abused.

I cannot support the bill and I urge its defeat.

Mr. HENDERSON. Mr. Chairman, I have no further requests for time.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, once again we in the Congress are being asked to approve legislation to diminish the role of the legislative branch by turning over to the executive branch authority to set maximum age limits for appointments in the Federal service. I do not intend to be a part of that effort. This is exactly what H.R. 8085 purports to do and I oppose it on these grounds alone.

Mr. Chairman, let us examine the reasons for this recommendation. We are told that a number of Federal agencies have indicated, and properly so, that they will seek authority from the Congress to set maximum age limits for entry into several types of jobs and, therefore, in the interest of uniformity and appropriate control, it is far better to have this authority vested in the President or his agent. I totally disagree. In 1969, the Congress heard the request of the Department of the Interior for setting maximum age limits for the U.S. Park Police and enacted Public Law 91–73. This action clearly indicates the willingness of the Congress to take action and that—it was receptive to the arguments presented by the Interior Department and approved their request on the basis of logic. What is there in the record to believe that in the future the Congress will not be receptive or that it will not be judicious in its consideration of the views of other agencies in similar exceptions? I, for one, am not satisfied with the answer that we are given, that we must constantly turn over more and more power to the executive branch of Government. Because that branch is the only one capable of dealing with special age problems.

Mr. Chairman, I say the time has come to say "no," I submit that any agency that feels it needs relief from the strict letter of the law can present its case to the Congress and expect to receive a fair hearing. We do it all the time.

Mr. Chairman, I recognize the need for providing flexibility in this area in place of the present outright ban on age limits for entry into the competitive service, but I do not subscribe to the theory which seems to be quite prevalent today, that the executive branch is omniscient and can do a better job than the legislative branch. I believe that in many cases the opposite is true and I will not be a party here today of an effort to turn more of our responsibilities over to the executive branch.

Mr. Chairman, I oppose this legislation.

Mr. GROSS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MCCLORY).

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding. I know that one of the principal aims of our older citizens these days is to find useful employment, and that seems to be even more prominent in their needs than even increased social security and other benefits, including hospitalization and other things of that nature.

The thing that concerns me about this legislation is whether or not it is going to provide more opportunity for useful employment for these older citizens who are seeking that kind of outlet, and who have such tremendous talents that should be utilized, and whether or not this will discourage them or deprive them of the chance of such employment.

So I would like to have some answers to that question from someone who is on the committee, and who would be able to answer whether or not this would deprive persons, for instance, who have completed a successful career in business, and who might be utilized in various capacities in the Federal service.

Would this encourage their employment, and give them greater opportunity and give us a better chance to utilize their skills, experience, and talents, or is it going to leave things about the same, or diminish those chances?

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from North Carolina.

Mr. HENDERSON. Mr. Chairman, in reply to the inquiry of the gentleman from Illinois let me state that it is envisioned by the hearings and the legislative intent here that the authority granted to set entrance age requirements would be job related clearly, as to whether the age ought to be 35 or 40 is envisioned, the same as we have done for the FBI, and in other positions in the Department of Justice for such as the Border Patrol, the Narcotics Agents, and so on. The only other exception to law enforcement that I know of is the FAA flight controllers. So we do not anticipate that there would be requests for large numbers of positions to be covered under the minimum age entrance requirement.

It is for that reason that we believe that the reporting of their proposed actions to the Congress could give us sufficient oversight in these areas.

Mr. McCLORY. Mr. Chairman, it seems to me that if we would simply abolish or repeal the age discrimination which exists in the law, just flatly, perhaps with exceptions in the area of law enforcement and a few areas like that which the Congress could speak upon, that then we would be responding to the needs and desires of these older citizens.

Mr. HENDERSON. Mr. Chairman, if the gentleman will yield further, I do not quite understand the gentleman's argument because the law now clearly says that there should be no discrimination because of age. So in the Federal law enforcement agencies where clearly there ought to be some age at which you would require the officer or the employee to enter the service that we have got to have either specific legislative authority or this authority to set those ages. And obviously the gentleman is not arguing that a retiree of age 65 ought to have the right to enter the law enforcement field.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GROSS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for the additional time, and I hope the gentleman from Iowa can enlighten me on this subject because I do not seem to be satisfied with the answers so far in regard to my inquiry.

What is the opinion of the gentleman from Iowa with regard to eliminating age as a barrier—as a source of discrimination by this Congress? What is the effect of this legislation on that kind of discrimination which I think is flagrant today, and which is not only depriving our older citizens of their opportunity, but is depriving the Nation of the services, talents, and experience of our older citizens.

Mr. GROSS. I believe the gentleman has addressed the question to me. I think there are a few areas that we ought to take care of, and the Congress ought to take care of those areas, such as law enforcement officers and firefighters, and as I have stated previously here this afternoon, as well as air traffic controllers, those limited areas, but I think we ought to take care of it as far as wiping it out altogether. The point I am trying to make here is that whatever is done ought to be done consistently throughout the Federal Government, and it ought to be done by Congress.

I think it is most inconsistent coming here today and delegating this kind of power to the President or to any President of the United States—present or future. I think we ought to look ourselves in the face if we are going to have this and we ought to set the age requirements for the Congress—why not begin right here among ourselves?

Mr. McCLORY. It seems to me from the gentleman's answer that what we are doing is delegating to the executive branch a responsibility that historically and constitutionally belongs with the U.S. Congress.

If any request for maximum entry age limits are desired by the Federal Government, then it should be the duty of the U.S. Congress to receive testimony by all interested parties and proceed in an orderly and responsible manner. This subject is far too important to be dealt with in any summary fashion.

We, the elected Members of Congress, should and must decide on any maximum entry age limits because too much is at stake for our senior citizens. For these reasons, I must oppose this bill.

(Mr. McCLORY asked and was given permission to revise and extend his remarks.)

Mr. HENDERSON. Mr. Chairman, I yield the gentleman 1 additional minute.

I think we want to get on the point that the gentleman is making and I do not think any of us have quite gotten on it.

Mr. Chairman, I will put it this way. The law now provides that there shall be no discrimination because of age. If the gentleman knows any older citizens who have been discriminated against in Federal employment, then that matter ought to be brought to the attention of the Civil Service Commission, and we on the committee would like to have it. But what the gentleman is saying is that older citizens are discriminated against because they are older citizens. We have all the laws we need on the books on that and this legislation has nothing to do on that point.

Mr. GROSS. Mr. Chairman I yield the gentleman 1 minute and if the gentleman will yield to me I will appreciate it.

Mr. McCLORY. I yield to the gentleman.

Mr. GROSS. Let me quote from section 3307, title V.

This reads as follows:

> § 3307. Competitive service: maximum-age requirement; restriction on use of appropriated funds
>
> Appropriated funds may not be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service.[1] (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 419.)

What this bill seeks to do is to repeal this section of the law.

Mr. McCLORY. That is my understanding.

Mr. GROSS. And if we defeat this bill, we will have preserved the statute.

Mr. McCLORY. I thank the gentleman.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman.

Mr. ROUSSELOT. Mr. Chairman, I think the point the gentleman from Illinois is making is a correct one. That is we in Congress are delegating away from ourselves the power to make selective and individual choices in given areas where it may be proper to set maximum and minimum age limits. But under this legislation we are now delegating that authority away to the executive branch. I think it is an abandonment of our responsibility to our constituents and to all others involved in Federal employment. I think it is wrong and I think the gentleman from Illinois is making a good point.

Mr. LLOYD. Mr. Chairman, the Washington Post recently published an editorial which pointed out that the 1970 census found 3.5 million more Americans over the age of 65 than in the census taken 10 years previously. The same census further revealed 5 million less persons under the age of 5 years in 1970 than in 1960. This further emphasizes the very dramatic increase in the average age of Americans and underscores the vital necessity of eliminating discriminations in employment based upon age wherever feasible. Older Americans have been and are handicapped in their efforts to retain and secure employment which they are perfectly capable of fulfilling. We must increase our concentration on the job of making older citizens feel integrated rather than segregated from the responsible activities of society.

Therefore, I wish to take this opportunity to voice my support for H.R. 8085, which will establish a congressional policy that will require the Federal Government to promote the employment of persons on their ability, rather than age, and which will prohibit arbitrary discrimination on the basis of age in all employment in the Federal service.

Age by itself should never be a bar to employment, either in private industry or in the Federal Government, and Congress must do all that it can to insure that the Federal Government does not discriminate on the basis of age in its own hiring practices.

This bill is an extension of a congressional policy established in 1956 that prevents the establishment of maximum age ceilings for appointments in the Federal competitive service. At the present time, however, there is no such provision that applies to positions in the excepted services. In keeping with the Government's policy against age discrimination, it seems to me highly desirable that Congress should extend the prohibition of age limits to the excepted services.

Passage of this bill will reaffirm and strengthen our commitment to fight age discrimination and will help guarantee that qualified persons are not excluded from Government service merely because they are older than other applicants for the same position.

This bill is flexible, however, in that it provides that the President can establish maximum age requirements, but only when age is found to be a bona fide occupational qualification.

With the passage of H.R. 8085, we will take another step forward in eliminating age discrimination in Government employment.

Mr. BADILLO. Mr. Chairman, I rise in opposition to H.R. 8085, a bill whose passage has been sought by the administration. It would enable the President, or more realistically, the Civil Service Commission, to establish a mandatory legal maximum age for the initial employment of Federal civilian personnel. In my view, this would be an unwarranted relaxation of the 1956 and 1957 acts which prohibited discrimination in Federal employment on the basis of age.

In examining the record of the hearings on this legislation, I find no adequate justification for imposing a maximum entry age. It seems to me that the present medical examinations for entry into the Federal service are ample safeguards to determine conclusively whether an applicant can properly perform on the job. If the medical departments of the various agencies find applicants fit for duty, no other official or agency should be in a position to invoke arbitrary legal maximum age requirements to deny free access to all jobs of professionally and physically qualified applicants.

In view of the tremendous potential for misuse of such authority, as well as the very limited number of occupations which might properly be subject to such a requirement, I believe this legislation must be rejected.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled,* That (a) subchapter II of chapter 71 of title 5, United States Code, is amended by adding at the end thereof the folowing:

"§ 7155. Maximum-age entrance requirement

"It is the policy of the United States to promote employment of persons based on their ability rather than age and to prohibit arbitrary age discrimination in employment in the Federal service. A maximum-age requirement may be applied in making an appointment to a position in an Executive agency or in the competitive service only when the President, or such agent as he may designate, has established and placed in effect this requirement on the basis of a determination that age is a bona fide occupational qualification reasonably necessary to the performance of the duties of the position. Not later than the 60th day before establishing and placing in effect a maximum-age requirement under this section, the President or his agent shall transmit to the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives a report which includes a full and complete statement justifying the need for that maximum-age requirement.".

(b) The analysis of subchapter II of chapter 71 of title 5, United States Code, is amended by inserting the following new item after item 7154:

"7155. Maximum-age entrance requirement.".

SEC. 2. (a) Section 3307 of title 5, United States Code, is repealed.

(b) The analysis of subchapter I of chapter 33 of title 5, United States Code, is amended by striking out—

"3307. Competitive service; maximum-age requirement; restriction on use of appropriated funds.".

SEC. 3. Public Law 91–73 approved September 26, 1969 (83 Stat. 116) is repealed.

Mr. HENDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

AMENDMENT OFFERED BY MR. WHITE

Mr. WHITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE: On page 2, line 19, insert "(a)" immediately before the word "It".

On page 2, line 22, strike out the word "A" and insert "Subject to the provisions of subsections (b) and (c) of this section, a" in lieu thereof.

On page 2, line 22, strike out the word "Not" and all that follows down through the second period in line 11 on page 3 and insert in lieu thereof the following:

"(b) When the President or his agent has determined that it is necessary to establish a maximum age requirement for a particular position in an Executive agency or in the competitive service, he shall transmit to the Congress his recommendation concerning such maximum age requirement together with a statement explaining the need for such requirement.

"(c) The maximum age requirement recommended by the President or his agent and transmitted to the Congress under subsection (b) of this section shall become effective at the end of the first period of 90 calendar days of continuous session of the Congress after the date on which the recommendation is transmitted. The continuity of a session is broken only by an adjournment of the Congress sine die. The days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 90-day period.".

Mr. WHITE (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, and I would like to explain the amendment.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. WHITE) is recognized in support of his amendment.

Mr. WHITE. Mr. Chairman and members of the committee, this amendment follows in line with the colloquy I had with the chairman of the subcommittee.

While the bill provides 60 days notice to the House Post Office and Civil Service Committee and the Senate Post Office and Civil Service Committee, this amendment provides for 90 days notice during a session of the Congress, with the allowance for days of recess of the Congress. This is consonant with the rules of the House.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman.

Mr. HENDERSON. Mr. Chairman, in behalf of the majority, we accept the amendment.

Mr. WHITE. I thank the gentleman very much.

The purpose of the amendment is to give the Congress more opportunity to look at the Presidential recommendation. Ninety days will enable the Congress, either body of Congress, to initiate legislation to rectify or reverse a Presidential order to keep it in line with what the Congress deems should be a proper age requirement, or to nullify the President's order. So I urge the committee to accept the amendment.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes.

Mr. GROSS. Mr. Chairman, I take this time to ask the gentleman from Texas (Mr. WHITE) if the language which I shall read has not been stricken from his original statement. This is the language—

Unless, between the date of transmittal and the end of the 90-day period, either House adopts a resolution disapproving the maximum age requirement so recommended and transmitted.

Mr. WHITE. I did because of the fear that the sentiment of the House would be against a reverse veto; that is, a veto by the House of a Presidential order. So I limited my amendment as offered to the House to call for a 90-day notice to the Congress.

Mr. GROSS. Then I will have to say to my friend from Texas, whom I hold in high regard and esteem, that his amendment to this bill is little more than window dressing.

Mr. WHITE. It would give the Congress more time to act. The bill as it stands provides a 60-day period.

Mr. GROSS. But if Congress wants to disapprove what a President does by way of this delegated authority with respect to age requirements for entrance into

Federal employment, it would have to pass a law.

Mr. WHITE. If the gentleman feels like a substitute amendment would be in order, I would be happy to vote for such a substitute in line with the wording contained in the original amendment.

Mr. GROSS. I should like to have some immediate recourse on the part of Congress. You have stricken that language from your amendment, and as ineffective as that would be, it would still be some brake upon the executive.

I urge defeat of the pending amendment, my colleagues, because it does nothing except provide something on the order of a half-baked review. It adds nothing to this bill, which is bad on the face of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 17, noes 32.

So the amendment was rejected.

### AMENDMENT OFFERED BY MR. WHITE

Mr. WHITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE: on page 2, line 19, insert "(a)" immediately before the word "It".

On page 2, line 22, strike out the word "A" and insert "Subject to the provisions of subsections (b) and (c) of this section, a" in lieu thereof.

On page 3, line 4, strike out the word "Not" and all that follows down through the second period in line 11 on page 3 and insert in lieu thereof the following:

"(b) When the President or his agent has determined that it is necessary to establish a maximum age requirement for a particular position in an Executive agency or in the competitive service, he shall transmit to the Congress his recommendation concerning such maximum age requirement together with a statement explaining the need for such requirement.

"(c) The maximum age requirement recommended by the President or his agent and transmitted to the Congress under subsection (b) of this section shall become effective at the end of the first period of 90 calendar days of continuous session of the Congress after the date on which the recommendation is transmitted unless, between the date of transmittal and the end of the 90-day period, either House adopts a resolution disapproving the maximum age requirement so recommended and transmitted. The continuity of a session is broken only by an adjournment of the Congress sine die. The days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 90-day period.".

Mr. WHITE (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD. I shall explain the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WHITE. Mr. Chairman, this amendment is precisely the same as the originally prepared amendment to which attention was called by the gentleman from Iowa (Mr. GROSS). I have restored the wording with the one sentence which would give the Congress the right to veto a Presidential order for a change of age requirements. In other words, in totality this amendment would call for the President, upon making a finding, to present his recommendation to the Congress 90 days prior to the instituting of the age limit change.

At that time either House of Congress could then veto the Presidential order and it would be annulled. That is the effect of this amendment.

Mr. HENDERSON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas. I think the Members who have been on the floor understand exactly what the situation is, so I do not think it is necessary for us to repeat that the Congress must act to disapprove the recommendation of the President in this particular instance. But the provision of the amendment that the committee just turned down, which, I might add, this side was willing to accept, still reserved to the Congress the right to act. So really what we are saying is we either do it by disapproving the President's action or pass a bill setting the age that we think ought to be set, if any, in that particular instance.

It is not a matter of great importance but only of procedure. I still think the bill reported from the committee is much better without the amendment offered by the gentleman from Texas. I hope the amendment will be defeated.

Mr. DULSKI. Mr. Chairman, I rise in opposition to the amendment and I move to strike the requisite number of words.

Mr. Chairman, I think in my opening remarks on this bill I stated that this gives authority to set a maximum age limit, which we feel will not be abused by the President or his designated agent.

The provisions of the bill that were ordered reported by the committee include a requirement, in the sentence beginning in line 4 on page 3 of the reported bill, that before any age requirements may be placed into effect a report must be transmitted to the Post Office and Civil Service Committees of the House and the Senate. The report is required to include a statement justifying the need for any maximum age requirements, and must be transmitted at least 60 days prior to the date that a maximum age requirement is placed into effect.

The committee felt that 60 days' advance notice for establishment of such age requirements was sufficient to afford the committee an opportunity to examine the matter and take such action as may be appropriate, but the language does not provide any veto authority by either of the committees or by the Congress.

The amendment pending before the committee at this time would strike out such language of the reported bill, and establish a procedure that would permit a congressional veto of the proposed maximum age limitation.

Mr. Chairman, this same amendment was offered by the gentleman from Texas when the Subcommittee on Manpower and Civil Service was marking up the bill. An amendment was offered as a substitute amendment the provisions which require the proposal to be reported to the committees, but the amendment did not contain any veto authority. The substitute was adopted by the subcommittee, with one dissenting vote. The same amendment was then offered again in the full committee, and was defeated by a record vote of 7 to 8.

Mr. Chairman, while I have supported in the past proposals that provide congressional vetoes of recommended actions by the executive branch, I see no justification for extending that authority in this case. I am convinced that we have provided adequate safeguards in the bill by requiring the reporting to the Congress. It is a greater safeguard than is required by existing law, applying, for example, to the Secretary of the Interior, who is authorized under Public Law 91-73, to fix the minimum and maximum limits of age within which original appointments to the U.S. Park Police may be made.

Mr. Chairman, I see no justification for this amendment, and urge that it be voted down.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have never liked these provisions which provide for back door, after the fact, disapprovals. In this case it would be disapproving an action that would set aside something that had already been promulgated by the President. I do not like it, but it would improve this bill if it is to be passed by the House. I would suggest adoption of the amendment and a vote against the bill, because even with the amendment, it does not stop another serious unnecessary delegation of power to the executive branch of the Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to H.R. 8085. In my opinion, passage of H.R. 8085 would be a relaxation of the principle expressed in the Independent Offices Appropriation Act of 1957, when Congress first became aware of the emerging problem of the unemployability of workers of 40 years of age or more.

It has been said that some people are old at 50, while others are still young at 65. Professional competence, physical health, and ability to meet the basic requirements of the job, coupled with the present medical examination for entry into the Federal service, are much more meaningful criteria for employment in the Federal service, in my opinion, than setting an arbitrary age limitation.

Congress has already granted an exception to this in Public Law 91-73 in the case of the U.S. Park Police when they authorized the Secretary of the Interior to determine the minimum and maximum age within which original appointments could be made to this service.

Should other agencies determine that a similar exception should be made in their case, I feel that legislation should be requested by the relevant authorities, rather than granting a blanket over-all authority for age requirements, which H.R. 8085 would authorize.

This bill was opposed in committee hearings by union representatives, who testified that this was just another example of the executive department attempting to usurp the constitutional prerogatives of the Congress. Let me suggest that my colleagues examine the testimony of John Griner, president of the American Federation of Government Employees in this respect, which begins on page 15 of the hearings held on July 20 and 21, 1971. I, for one, agree with him, and urge my colleagues to defeat this measure.

Mr. Griner said:

> We see no justification whatsoever to establish a mandatory legal maximum age for the initial employment of Federal civilian personnel.

He continued, on page 16:

> You know, Mr. Chairman, I have said many times, some people are old at age 50 while other people are young at age 65.

I see no need for this legislation, Mr. Chairman, and urge that it be defeated.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. WAGGONNER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8085) relating to age requirements for appointments to positions in executive agencies and in the competitive service, pursuant to House Resolution 616, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 81, nays 249, not voting 101, as follows:

[Roll No. 10]

YEAS—81

Abernethy
Aspinall
Baker
Betts
Biester
Boggs
Bolling
Bray
Broomfield
Brotzman
Brown, Mich.
Burlison, Mo.
Caffery
Chamberlain
Chappell
Collier
Colmer
Cotter
Curlin
Davis, S.C.
Dingell
Dorn
Dulski
Erlenborn
Fascell
Ford, Gerald R.
Frelinghuysen
Gettys
Gibbons
Griffin
Halpern
Hamilton
Hammerschmidt
Hastings
Hathaway
Hechler, W. Va.
Henderson
Hogan
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Kee
Leggett
Lloyd
Lujan
McCollister
McCormack
McDonald, Mich.
McKay
McKevitt
Macdonald, Mass.
Mallary
Melcher
Miller, Ohio
Minish
Mollohan
Montgomery
Morse
Mosher
Pike
Poff
Preyer, N.C.
Purcell
Quie
Randall
Rees
Reid
Robison, N.Y.
Rodino
Rosenthal
Roush
Schwengel
Smith, N.Y.
Taylor
Thone
Waggonner
Ware
White
Wylie

NAYS—249

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews
Archer
Ashley
Badillo
Barrett
Begich
Belcher
Bennett
Bergland
Bevill
Bingham
Blackburn
Boland
Brademas
Brooks
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Carter
Casey, Tex.
Cederberg
Celler
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Collins, Tex.
Conable
Conyers
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Devine
Dickinson
Donohue
Dow
Dowdy
Drinan
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Frenzel
Fuqua
Gallagher
Garmatz
Gaydos
Giaimo
Goldwater
Gonzalez
Goodling
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hanley
Hanna
Hansen, Wash.
Harsha
Harvey
Hawkins
Heinz
Helstoski
Hicks, Mass.
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Jarman
Johnson, Pa.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Lent
Link
Long, Md.
McClory
McCloskey
McCulloch
McDade
McEwen
McFall
McKinney
McMillan
Madden
Mahon
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Miller, Calif.
Mills, Md.
Mink
Minshall
Mizell
Monagan
Morgan
Murphy, Ill.
Myers
Natcher
Nedzi
Nichols
Obey
O'Hara
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pickle
Pirnie
Poage
Podell
Powell
Price, Ill.
Price, Tex.
Pucinski
Quillen
Rangel
Rarick
Reuss
Riegle
Roberts
Robinson, Va.
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Roybal
Ruppe
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Skubitz
Slack
Snyder
Spence
Springer
Staggers
Stanton, James V.
Steed
Steiger, Ariz.
Stratton
Stubblefield
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Whalen
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wyman
Yates
Young, Tex.
Zablocki
Zwach

NOT VOTING—101

Abbitt
Alexander
Anderson, Tenn.
Annunzio
Arends
Ashbrook
Aspin
Baring
Bell
Biaggi
Blanton
Blatnik
Bow
Brasco
Brinkley
Camp
Carey, N.Y.
Carney
Clark
Cleveland
Conte
Corman
Culver
Davis, Ga.
Dennis
Dent
Derwinski
Diggs
Downing
Dwyer
Edmondson
Edwards, La.
Eshleman
Evins, Tenn.
Flynt
Forsythe
Frey
Fulton
Galifianakis
Grasso
Gray
Green, Oreg.
Hansen, Idaho
Harrington
Hays
Hébert
Heckler, Mass.
Hicks, Wash.
Hillis
Hosmer
Jonas
Jones, Tenn.
Kluczynski
Landrum
Latta
Lennon
Long, La.
McClure
Mailliard
Martin
Metcalfe
Michel
Mikva
Mills, Ark.
Mitchell
Moorhead
Moss
Murphy, N.Y.
Nelsen
Nix
O'Konski
Pettis
Peyser
Pryor, Ark.
Railsback
Rhodes
Rogers
Roy
Runnels
St Germain
Schneebeli
Sikes
Sisk
Smith, Calif.
Smith, Iowa
Stanton, J. William
Steele
Steiger, Wis.
Stephens
Stokes
Stuckey
Udall
Waldie
Wampler
Wilson, Charles H.
Wolff
Wright
Wydler
Yatron
Young, Fla.
Zion

So the bill was rejected.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Arends.

Mr. Hébert with Mr. Bow.

Mr. Hays with Mr. Rhodes.

Mr. Biaggi with Mrs. Dwyer.

Mr. Blatnik with Mr. Ashbrook.

Mr. Brasco with Mr. Mailliard.

Mr. Kluczynski with Mr. Michel.

Mr. Mikva with Mr. Conte.

Mr. Wolff with Mr. Cleveland.

Mr. Sikes with Mr. Young of Florida.

Mr. Sisk with Mr. Martin.

Mr. Blanton with Mr. Bell.

Mr. Carey of New York with Mrs. Heckler of Massachusetts.

Mr. Clark with Mr. Peyser.

Mr. Moorhead with Mr. Dennis.

Mr. St Germain with Mr. McClure.

Mr. Fulton of Tennessee with Mr. Nelsen.

Mr. Evins of Tennessee with Mr. Latta.

Mr. Flynt with Mr. Derwinski.

Mr. Dent with Mr. Schneebeli.

Mr. Davis of Georgia with Mr. Jonas.

Mr. Lennon with Mr. Frey.

Mr. Jones of Tennessee with Mr. O'Konski.

Mr. Stephens with Mr. Hillis.

Mr. Yatron with Mr. J. William Stanton.

Mr. Charles Wilson with Mr. Eshleman.

Mr. Moss with Mr. Hosmer.

Mr. Murphy of New York with Mr. Pettis.

Mr. Gray with Mr. Railsback.

Mrs. Green of Oregon with Mr. Forsythe.

Mr. Rogers with Mr. Smith of California.

Mr. Stuckey with Mr. Hansen of Idaho.

Mr. Smith of Iowa with Mr. Steiger of Wisconsin.

Mr. Aspin with Mr. Steele.

Mr. Abbitt with Mr. Wampler.

Mr. Edmondson with Mr. Camp.

Mr. Anderson of Tennessee with Mr. Wydler.

Mr. Baring with Mr. Zion.

Mr. Corman with Mr. Stokes.

Mr. Roy with Mr. Nix.

Mrs. Grasso with Mr. Mitchell.

Mr. Metcalfe with Mr. Diggs.

Mr. Carney with Mr. Hicks of Washington.

Mr. Udall with Mr. Waldie.

Mr. Wright with Mr. Alexander.

Mr. Brinkley with Mr. Long of Louisiana.

Mr. Culver with Mr. Downing.

Mr. Galifianakis with Mr. Pryor of Arkansas.

Mr. Runnels with Mr. Mills of Arkansas.

Mr. Harrington with Mr. Landrum.

Mr. LEGGETT changed his vote from "nay" to "yea."

Messrs. BARRETT, HANNA, BURKE of Massachusetts, MILLER of California, BEGICH, LENT, DONOHUE, GARMATZ, CLANCY, HORTON, MILLS of Maryland, TERRY, PEPPER, and GREEN of Pennsylvania changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 8085 and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the question of the distinguished minority leader, we have completed the legislative program for this week.

Next week, on Monday, we have scheduled H.R. 10086, national park appropriations ceilings and boundaries, under an open rule with 1 hour of debate.

Tuesday there will be a call of the Private Calendar, to be followed by consideration of S. 748, Inter-American Development Bank, under an open rule, with 1 hour of debate; S. 749, Asian Development Bank, under an open rule, with 1 hour of debate; and S. 2010, International Development Association, under an open rule with 1 hour of debate.

For Wednesday and the balance of the week we have scheduled:

H.R. 7987, Bicentennial Commission medals, subject to a rule being granted;

H.R. 11394, U.S. district judgeships, under an open rule with 1 hour of debate; and

H.R. 12089, Special Action Office on Drug Abuse, subject to a rule being granted.

Conference reports may be called up at any time.

Mr. GERALD R. FORD. Mr. Speaker, may I ask the distinguished majority leader a question? It would appear from that schedule, as well as the general arrangements that we talked about last week, there would not be a session on Friday?

Mr. BOGGS. I believe that is a reasonably safe assumption. I would expect to conclude this program on Thursday.

Mr. GERALD R. FORD. I thank the gentleman.

## ADJOURNMENT OVER TO MONDAY, JANUARY 31, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday of next week, February 2.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORT ON H.R. 8382

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight Friday, January 28, to file a report on H.R. 8382, a bill to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

## THE WAR IN VIETNAM

The SPEAKER pro tempore (Mr. HUNGATE). Under a previous order of the House the gentleman from Ohio (Mr. WHALEN) is recognized for 15 minutes.

Mr. WHALEN. Mr. Speaker, when I was sworn in as a Member of Congress on January 10, 1967, I accepted the Vietnam war as an unhappy fact of life. I neither supported it, nor did I publicly oppose it.

Eighteen months later, after a great deal of serious study and deep soul-searching, I came to the conclusion that this Nation's military involvement in Vietnam was contrary to our own interests. Therefore, I determined that we should terminate our activties in Southeast Asia.

Since then, I have enunciated my opinions on this subject many times in speeches on the House floor and by other means. Essentially, my position has centered on two points. First, every stated objective for our presence in Vietnam has been repudiated. Thus, it is clear we do not know why we are there. Second, aside from that fact, any benefits which have accrued to us from this conflict have been far outweighed by the human, economic, and political costs we have sustained.

These views have led me to engage actively in efforts to bring an expeditious end to our participation in the Vietnam war.

In 1969, I stated on the House floor that I could not support the fiscal year 1970 Department of Defense Appropriations bill unless "it was amended to require complete U.S. troop withdrawal, effective December 31, 1970."

In 1970, I was among the original sponsors of the resolution which later became known as the Vietnam Disengagement Act.

In 1971, it fell my lot, by virtue of my position on the House Armed Services Committee, to carry the ball on the so-called "end-the-war amendments." Specifically, I coauthored the Nedzi-Whalen amendment which, since it was offered to the fiscal year 1972 military procurement bill, had very limited application. On June 28, 1971, my motion to instruct the House conferees to accept the Mansfield amendment to the draft bill was defeated. On October 19, 1971, had I been recognized, I would have offered this motion again. One hundred and ninety-three Members voted against the previous question on the motion to recommit to try and give me that opportunity.

During debate on any given issue, differences are accentuated. The focus is not on areas of agreement. This is the essence of debate. Consequently, it may appear that I have opposed in every respect the administration's Vietnam policy. In fact, however, I agree with a number of its aspects.

First, I concur in its direction. Before President Nixon acceded to office, the number of American troops in Vietnam had increased to 549,500. Since January, 1969, our Vietnam force has been substantially reduced. By May of this year American troop levels will reach 69,000.

Second, these withdrawals are implicit agreement with my view that it is not in our interest to be in Vietnam.

Third, logistically, it would not have been possible to withdraw all U.S. troops by January 1, 1970.

Therefore, our disagreement actually centered on the question of timing. For the reasons, which I have stated frequently and which I have just reiterated, I believe that withdrawal should have been at a faster rate. The President, for his own reasons, has felt otherwise.

Despite the question of timing, the President and I obviously share the goal of complete withdrawal. The plan I have advocated to obtain that goal consists of setting a tentative withdrawal date, usually within 6 to 9 months, subject to Hanoi and Vietcong acceptance of certain conditions. These qualifications include: first, the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such government; and second, negotiations with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

In supporting this approach, I, of course, could give no assurances to my colleagues in the House of Representatives that the North Vietnamese and the Vietcong would accept such an arrangement. Needless to say, it was my most profound hope that the other side would find it acceptable.

As all of us learned less than 48 hours

ago, President Nixon privately, and now publicly, has adopted the essential elements of the position which I have advocated.

Mr. Speaker, my purpose in offering these remarks this afternoon is twofold. Since I have been a critic in the past, fairness dictates that I acknowledge that my views and those of the President now coincide on this issue. Accordingly, I also want to express my gratitude to the President for embarking on this course. For me to fail to do so would, in my view, be less than honest.

In closing, just as I could offer no guarantee that the Nedzi-Whalen or Mansfield amendments would meet with the approval of the North Vietnamese, so too, the President cannot assure us, and has not assured us, that his effort will be favorably received. For the sake of the generation of peace, another goal which the President and I share, and for the sake of the fullest development of all mankind, we pray that an agreement will be possible. Surely, we can be hopeful since Hanoi, while assailing the President's plan, has not rejected it outright.

Even if rejection should be the response, I believe that it is clear that neither the President nor the Congress will stop at this point. Clearly, the President's offer is flexible enough to permit a continuation of negotiations. Nevertheless, should negotiations ultimately fail, I would hope that the President will not halt the withdrawal schedule. Naturally, negotiation, which would both end the fighting and terminate our involvement, is the preferred approach. However, the goal of bringing our forces home remains paramount.

## APPALLING STATISTICS ON ABORTIONS IN NEW YORK STATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I was appalled to read in a recent issue of Trial magazine a statement that the first-year statistics on New York State's liberalized abortion law "disclosed a gratifying, dramatic decrease in abortion-related medical complications and maternal mortality rate as compared to the year preceding the ready availability of legalized abortion."

The appalling aspect of this statement is that, immediately preceding this pronouncement, the article indicates that 64 percent of the abortions in New York State were done for women from other States and communities.

In other words, Mr. Speaker, this "gratifying, dramatic decrease" in abortion complications refers only to 36 percent of the women who were aborted in New York State. The other 64 percent from out of State return to their home States immediately after being aborted and any followup complications will only surface in the statistics of their home States.

Because of my stanch opposition to the liberalization of abortion laws, several physicians from around the country have written to let me know of the patients to whom they have had to give remedial treatment after complications arising from New York abortions. In some cases, such remedial treatment is too late, as in the case of a young Ohio woman who died shortly after she was brought to her Ohio doctor after complications from a New York abortion.

Mr. Speaker, I have spoken many times in this Chamber in opposition to the liberalization of abortion laws throughout the country. However, my opposition becomes even more firmly established when statistics are twisted to give some very sad cases a rosy glow. Let us not forget as well that the New York State statute, which passed the New York Legislature by one vote in 1970, has in its first year caused the death of 200,000 unborn innocents.

## TRANSPORTATION LABOR-MANAGEMENT DISPUTES ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, transportation strikes have caused more concern and discussion in Congress in the past 5 years than any other type of labor-management dispute. This is so because such strikes can quickly bring the entire Nation to its knees.

Hardships from prolonged strikes are shared by everyone—the families of workers on strike, management, stockholders, the local community, and ultimately the entire Nation. Third parties—like farmers—are directly affected but have little, if any, way to influence the settlement.

The dockworkers strikes on virtually all of our ocean ports, which began in mid-1971 and are still unresolved, are prime examples of heavy losses suffered by the entire Nation when labor-management disputes continue for an extended period.

Before President Nixon invoked the Taft-Hartley law, the Nation's wheat, feed grains, and soybean farmers had reaped a harvest of despair. Record crops resulted in depressed prices even before the effect of the strikes was felt. With docks struck, marketing of the harvest came to a halt. Corn was piled in city streets. Customers waiting overseas with cash so badly needed to shore up our sagging balance of payments began to look elsewhere for supplies.

The effect on market prices resulted in direct loss to the Nation's grain farmers of $1 million each day the strike continued. Several foreign importers diverted ships from our shores to make their purchases of grain in Mexico and Canada. These customers may be hard to win back.

Japan, our leading overseas agricultural market, has already asked other nations to increase grain production. It seeks to lessen its dependence on American exports.

In his message last Friday, President Nixon said:

> Layoffs, reduced operations, and even business failures also hang over the heads of many other Americans who engage directly or indirectly in exports. Some areas are specially vulnerable, such as the state of Hawaii, which has been hit by shortages of vital supplies, mounting food costs and unemployment rates unmatched for half a generation. Also hard pressed are California, Oregon, and Washington.

To this list of hard pressed I add the grain farmers of the Midwest and particularly my home State of Illinois. They have sold much of their corn crop for 10 cents per bushel below the price normally received and 25 cents per bushel below normal prices for soybeans, and in some cases below production costs. These losses cannot be recovered. Farmers have had no choice but to tighten their belts.

A recent independent survey of Illinois farmer attitude toward the dock strike showed that 88 percent are certain that the dock strike lowered their grain prices.

These same farmers feel the Federal Government should take decisive action to prevent such strikes. Of those polled, 43.5 percent favor legislation requiring management and labor to submit differences to compulsory arbitration, 13.5 percent favor stopping the strikes after 30 days, and 41.5 percent favor complete prohibition of these strikes.

The impact of the dock strike is felt throughout the Nation. According to the U.S. Department of Agriculture the loss to farmers producing tobacco will be $1 million just to recondition the tobacco for export.

There will be a similar loss in fruits, vegetables, and perishables. It is difficult to estimate the loss, but for July and August approximately $215 million in export sales were lost through west coast port strikes. About $40 million in fresh fruit and vegetables was totally spoiled.

In the Pacific Northwest more than $55 million in wheat export sales were lost. In Nebraska, Kansas, Oklahoma, and Texas, wheat shipments were off, because of uncertainty as to whether the strike would affect Texas ports. Shipments decreased 664,000 tons, representing about $40 million in market value.

In Ohio 1.5 million bushels of corn had to be dumped on the ground without proper storage because of the dock strike. In Illinois 4 million bushels were stored on the ground. In Oregon the wood products industry lost shipments of $5 million a week due to the dock strike.

The Taft-Hartley law has proven effective in many strikes. But it has not provided the necessary means for settling most strikes affecting the shipping and transportation industries. Only one of the seven stevedoring strikes and two of the three maritime strikes which have occurred since 1947 were settled during the 80-day cooling-off period provided by a Taft-Hartley injunction. A 30-percent record of success is not good enough when the strikes cause so much hardship to the public.

Unfortunately, Congress has done little to ease the hardship caused when transportation workers and their employers cannot reach agreement on wages and working conditions. President Nixon submitted legislation to deal with transportation strikes over 2 years ago, but no action has yet been taken. Although millions of dollars have been lost and great suffering endured by the people, Congress has not acted.

In an attempt to present another alternative legislative approach to the problem of strikes in the transportation industry, nine of my colleagues are today joining Congressman MICHEL and me in introducing the Transportation Labor-Management Disputes Act of 1972.

This legislation provides the President with new effective tools for settling actual or potential transportation strikes. At the same time, the bill recognizes the legitimate interests of both labor and management.

Here is how this act will operate. In any case where an actual or threatened strike or lockout imperils the health or safety of the Nation or a substantial part, or could deprive any section of the country of essential transportation services, the President is authorized by this bill to appoint a board of inquiry to study the issues, file a public report and submit to the President a recommendation for settlement of the strike. Upon receipt of the board of inquiry's report, the Secretary of Labor may take one or more of the following steps:

First. Order the unions back to work for 30 days.

Second. Call for partial operation of struck facilities.

Third. Order both labor and management to submit a list of resolved and unresolved issues, together with their final offers for settlement of the strike.

Fourth. Appoint a three-member panel empowered to select the final offer from those submitted and make it binding upon all parties for 18 months.

The bill differs significantly from the administration's proposal, in that it specifically is designed to cover those strikes which deprive any section of the country of essential transportation services, even if the strike does not threaten the entire Nation. Last fall, during the strike at Chicago and west coast ports, the Justice Department was denied an 80-day Taft-Hartley injunction at Chicago, because the strike was too localized. As a result, many farmers throughout the Midwest were brought to the brink of financial ruin by actions over which they had no control.

Other differences between this bill and the administration's are the increased flexibility it provides to the President in the way he decides to deal with individual strikes and the 30-day "cooling-off period" for regional strikes.

The bill leaves untouched the provision in the Taft-Hartley Law authorizing the President to seek an 80-day "cooling off" period during strikes which imperil the national health or safety. But it does add other remedies for strikes which may not be national in scope, or fit the exacting criteria of Taft-Hartley. Such strikes can adversely affect millions of people and cost many millions of dollars.

This legislation is badly needed. It will prevent the great losses and hardships long-term transportation strikes often cause. It will avoid the necessity of the President asking Congress to settle individual strikes, as he did in his message of January 21 regarding the west coast dock strike. Clearly legislated settlements are not in the best interests of labor or management. Congress and the executive branch abhor such action and the struck industry is unhappy with the prospects of a contract over which they have little control or direction.

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## NATIONAL BIKECOLOGY WEEK, MAY 1–7, 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, we are presently engaged in a phenomenon which is sweeping the Nation—the reemergence of the bicycle as a functional and pleasurable mode of transportation. Corresponding with an increase in the national awareness for the need to combat pollution, the bicycle is taking its place alongside all other systems of transportation in terms of viability and efficiency.

Importantly, it must be realized that cycling is not a fad. Secretary of Transportation John Volpe has stated that—

> As far as I am concerned . . . bicycles have equal rights with automobiles on our city streets.

Due to the serious concern of all Americans to clear the air of contaminants and exhaust fumes, there is developing, at staggering proportions, a national move toward making the bicycle an alternative to the automobile as a means of transportation.

Due to breakthroughs in bicycle technology, namely the development of the 10-speed bike, a wider range of people are being afforded the opportunity of enjoying themselves while bicycling. This year alone, an estimated 10 million bicycles will be sold, compared with 3.7 million in 1960. All told, nearly 80 million Americans are bicycle riding, twice as many as a decade ago. Hertz car-rental company is now leasing bicycles in 14 cities around the country and facilities for bicycle parking have appeared on such places as New York's Fifth Avenue and in many Government buildings.

Last May 8 over 45 cities held bikecology days. Some efforts brought forth citywide participation to enjoy the new life of spring in cities emerging from April showers and chilly temperatures. In Washington, D.C., 150 cyclists, undeterred by rain, biked with the Secretary of Transportation Volpe and City Councilman Gilbert Hahn for 7 miles along Rock Creek Parkway to the Washington Monument. Spurred by this, Sunday bike-ins saw over a thousand enthusiastic cyclists on the parkway which was closed to auto traffic for a few hours. Seventeen of you joined me in a Capitol Hill ride to publicize National Bikecology Day. Other cycling citizens throughout the country enjoyed partially closed off streets in shopping areas for an ambience long forgotten.

This economical, invigorating, short distance, individualized mode of transportation has quietly resurfaced in America as one of the resourceful, nonpolluting and demonstrative solutions to the emerging national need for a daily short distance urban movement. We have sidewalks and streets. Somewhere we need to find room for 3 to 6 feet for bicycle safety lanes.

Communities and States throughout America are giving cognizance to this century-old vehicle. Some are making more elaborate changes than others. A national movement toward including this means of moving about in a balanced transportation plan is definitely afoot. Let us lend support to this movement by declaring May 1–7, 1972 as National Bikecology Week.

My distinguished colleagues ED KOCH of New York and JEROME WALDIE of California having joined me as prime sponsors of this legislation, and the Honorable Senator ALAN CRANSTON of California is introducing the same measure on the Senate side.

This legislation reads as follows:

### H.J. RES. 1033

Whereas, nearly 80 million Americans are bicycling today, almost twice as many as a decade ago; and

Whereas, the health and the quality of life of urban Americans are increasingly threatened by congestion and air pollution; and

Whereas, the automobile is the major source of air pollution and congestion in our urban areas; and

Whereas, the bicycle is an efficient, nonpolluting and healthful alternative to the automobile as a means of commuter transportation; and

Whereas, it is in the national interest to promote a more balanced transportation system that places less stress on our environment; and

Whereas, this national interest can be enhanced by encouraging the use of the bicycle and focusing public attention on the individual and community benefits that can be gained from bicycling; now

Therefore be it resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, that

The week of May 1–7, 1972, is designated as National Bikecology Week and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

### SPONSORS OF THIS LEGISLATION

Seymour Halpern, Ed Koch, Jerome Waldie, Bella Abzug, Les Aspin, Joshua Eilberg, Edwin Forsythe, Ella Grasso.

Gilbert Gude, Jack Kemp, Peter Kyros, Robert Leggett, Clarence Long, Romano Mazzoli, Patsy Mink, Parren Mitchell, Claude Pepper.

Jerry Pettis, William Roy, Bill Ryan, Paul Sarbanes, Fernand St Germain, John Terry, Robert Tiernan, Louise Day Hicks.

I would like to take this opportunity to insert in the RECORD a concise and cogent article entitled "Why National Bikecology Week?" Prepared by the national organization, Friends for Bikecology, I believe this article vividly points out the need to establish a National Bikecology Week.

With the upsurge in bicycling reaching into every corner of the Nation and cutting across all age groups, it is high time that recognition be given to the singular place this pastime has had as an American tradition and the broadening features it holds for the American future. The article follows:

### WHY NATIONAL BIKECOLOGY WEEK?

Before the turn of the century, bicycling was a way of life for Americans. Bike enthusiasts banded together, compiled road maps, and lobbied for paved roads that would carry them into the virgin countryside. Unfortunately, their efforts served only to aid Henry Ford and his followers; soon the roads were swarming with cars.

For the first time since 1897, it is predicted that this year more bicycles will be sold in America than cars—approximately 10 million. Yet in the entire nation there are only a few miles of bikeways—mostly adaptations of roads designed and built for cars. Despite the growing army of cyclists, and their efforts to establish biking routes, their needs continue to be ignored . . . perhaps because government officials and the general public have been slow to get the word on us "bikeys".

For almost three quarters of a century, America's "car culture" has shoved us aside. Our society has for years been molded—socially, economically, even geographically—to accomodate the "insolent chariots" and all their supportive fixtures. All of us (yes, even cyclists) are in the habit of spending a great portion of our lives commuting on jam-packed freeways, ferrying our families around the community, and making the rounds of shopping centers and drive-in facilities ranging from car washes to restaurants to banks and even to churches. "What's wrong with all that?" some will ask. After all, automobiles are popular because they are a fast, convenient, and personal form of transport. We like cars, if they are kept in their proper perspective. But we also like bicycles—and trains, tramways, trolley cars—and walking shoes! And we also like the right of having quietness and clean air and green, spacious countryside. And we believe that the poor, the elderly, and the isolated deserve equal rights to explore beyond their own neighborhoods. We are simply asking for freedom to choose among alternative modes of transportation—ones that do not necessarily corrupt our economy, divide our neighborhoods, and obscenely deface our landscape.

People are beginning to realize that the present auto-industrial complex is self-perpetuating and, in the end, destructive for us all. Unless we do something about it, we will remain enslaved to it. And unless we act soon, cycling will be devoured (along with railroads and trolleys) by the insatiable thirst of the highway culture.

Cycling offers an alternative that is healthful, fun and non-injurious to the environment. If you are tempted to laugh at this suggestion, just remember that 60% of all auto passenger trips in this country are for less than 5 miles. For many of these trips, the bicycle would be far preferable to the auto. The major deterrent is the desperate need for legitimate routes where cyclists can ride—more bikeways and safe lanes on streets.

We cannot obtain bicycle routes unless we get organized, capture the attention of our fellow citizens, and make our needs known. Our competitors are richer and stronger. But we are numerous and increasing in numbers every day. As a start to our efforts, let's come together during National Bikecology Week and begin working for positive change in our transportation priorities. Bikecoology is not a panacea; but it represents a choice for millions of us who desire a truly balanced transportation system.

## WILLIAM McKINLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Bow) is recognized for 15 minutes.

Mr. BOW. Mr. Speaker, this week the people of Ohio and many others throughout the United States who revere his memory will observe the birthday anniversary of William McKinley.

It is an event of especial significance for me, for the late President's influence has been felt in much of what I have done throughout my lifetime, and for 21 years I have had the privilege of representing the same district which first brought him to nationwide attention so long ago.

McKinley's brilliant career was ended by an assassin in the early fall of 1901 at a time when the Congress was not in session. When Congress resumed a day was established for memorial services for the martyred President, and the Congress invited the distinguished Secretary of the Treasury, John Hay, to deliver the memorial address. His address is in the best tradition of American oratory, and I include it with my remarks at this point in the Record.

[From the Congressional Record,
Feb. 27, 1902]

The President pro tempore of the Senate. It is now the agreeable duty of your presiding officer to present the Hon. John Hay, who has been selected by a committee of Congress to deliver the address on this occasion.

The Hon. John Hay then delivered the following address:

### WILLIAM M'KINLEY

For the third time the Congress of the United States are assembled to commemorate the life and the death of a President slain by the hand of an assassin. The attention of the future historian will be attracted to the features which reappear with startling sameness in all three of these awful crimes: the uselessness, the utter lack of consequence of the act; the obscurity, the insignificance of the criminal; the blamelessness—so far as in our sphere of existence the best of men may be held blameless—of the victim. Not one of our murdered Presidents had an enemy in the world; they were all of such preeminent purity of life that no pretext could be given for the attack of passional crime; they were all men of democratic instincts who could never have offended the most jealous advocates of equality; they were of kindly and generous nature, to whom wrong or injustice was impossible; of moderate fortune, whose slender means nobody could envy. They were men of austere virtue, of tender heart, of eminent abilities, which they had devoted with single minds to the good of the Republic. If ever men walked before God and man without blame, it was these three rulers of our people. The only temptation to attack their lives offered was their gentle radiance—to eyes hating the light that was offense enough.

The stupid uselessness of such an infamy affronts the common sense of the world. One can conceive how the death of a dictator may change the political conditions of an Empire; how the extinction of a narrowing line of kings may bring in an alien dynasty. But in a well-ordered Republic like ours, the ruler may fall, but the State feels no tremor. Our beloved and revered leader is gone—but the natural process of our laws provides us a successor, identical in purpose and ideals, nourished by the same teachings, inspired by the same principles, pledged by tender affection as well as by high loyalty to carry to completion the immense task committed to his hands, and to smite with iron severity every manifestation of that hideous crime which his mind predecessor, with his dying breath, forgave. The sayings of celestial wisdom have no date; the words that reach us, over two thousand years, out of the darkest hour of gloom the world has ever known, are true to the life today; "They know not what they do." The blow struck at our dear friend and ruler was as deadly as blind hate could make it; but the blow struck at anarchy was deadlier still.

What a world of insoluble problems such an event excites in the mind! Not merely in its personal, but in its public aspects, it presents a paradox not to be comprehended. Under a system of government so free and so impartial that we recognize its existence only by its benefactions; under a social order so purely democratic that classes can not exist in it, affording opportunities so universal that even conditions are as changing as the winds, where the laborer of today is the capitalist of tomorrow; under laws which are the result of ages of evolution, so uniform and so beneficent that the President has just the same rights and privileges as the artisan; we see the same hellish growth of hatred and murder which dogs equally to the footsteps of benevolent monarchs and blood-stained depots. How many countries can join with us in the community of a kindred sorrow! I will not speak of those distant regions where assassination enters into the daily life of government. But among the nations bound to us by the ties of familiar intercourse—who can forget that wise and high-minded Autocrat who had earned the proud title of the Liberator? that enlightened and magnanimous citizen whom France still mourns? that brave and chivalrous King of Italy who only lived for his people? and, saddest of all, that lovely and sorrowing Empress, whose harmless life could hardly have excited the animosity of a demon. Against that devilish spirit nothing avails—neither virtue, nor patriotism, nor age nor youth, nor conscience nor pity. We can not even say that education is a sufficient safeguard against this baleful evil—for most of the wretches whose crimes have so shocked humanity in recent years are men not unlettered, who have gone from the common schools, through murder, to the scaffold.

Our minds can not discern the origin, nor conceive the extent of wickedness so perverse and so cruel; but this does not exempt us from the duty of trying to control and counteract it. We do not understand what electricity is; whence it comes or what its hidden properties may be. But we know it as a mighty force for good or evil—and so with the painful toil of years, men of learning and skill have labored to store and to subjugate it, to neutralize, and even to employ its destructive energies. This problem of anarchy is dark and intricate, but it ought to be within the compass of democratic government—although no sane mind can fathom the mysteries of these untracked and orbitless natures—to guard against their aberrations, to take away from them the hope of escape, the long luxury of scandalous days in court, the unwholesome sympathy of hysterical degenerates, and so by degrees to make the crime not worth committing, even to these abnormal and distorted souls.

It would be presumptuous for me in this presence to suggest the details of remedial legislation for a malady so malignant. That task may safely be left to the skill and patience of the National Congress, which have never been found unequal to any such emergency. The country believes that the memory of three murdered comrades of yours—all of whose voices still haunt these walls—will be sufficient inspiration to enable you to solve even this abstruse and painful problem, which has dimmed so many pages of history with blood and with tears.

Before an audience less sympathetic than this. I should not dare to speak of that great career which we have met to commemorate. But we are all his friends, and friends do not criticise each other's words about an open grave. I thank you for the honor you have done me in inviting me here, and not less for the kind forbearance I know I shall have from you in my most inadequate efforts to speak of him worthily.

The life of William McKinley was, from his birth to his death, typically American. There is no environment, I should say, anywhere else in the world which could produce just such a character. He was born into that way of life which elsewhere is called the middle class, but which in this country is so nearly universal as to make of other classes an almost negligible quantity. He was neither rich nor poor, neither proud nor humble; he knew no hunger he was not sure of satisfying, no luxury which could enervate mind or body. His parents were sober, God-fearing people; intelligent and upright; without pretension and without humility. He grew up in the company of boys like himself; wholesome, honest, self-respecting. They looked down on nobody; they never felt it possible they could be looked down upon. Their houses were the homes of probity, piety, patriotism. They learned in the admirable school readers of fifty years ago the lessons of heroic and splendid life which have come down from the past. They read in their weekly newspapers the story of the world's progress, in which they were eager to take part, and of the sins and wrongs of civilization with which they burned to do battle. It was a serious and thoughtful time. The boys of that day felt dimly, but deeply, that days of sharp struggle and high achievement were before them. They looked at life with the wondering yet resolute eyes of a young esquire in his vigil of arms. They felt a time was coming when to them should be addressed the stern admonition of the Apostle, "Quit you like men; be strong."

It is not easy to give to those of a later generation any clear idea of that extraordinary spiritual awakening which passed over the country at the first red signal fires of the Civil War. It was not our earliest apocalypse; a hundred years before the nation had been revealed to itself, when after long discussion and much searching of heart the people of the colonies had resolved that to live without liberty was worse than to die, and had therefor wagered in the solemn game of war "their lives, their fortunes, and their sacred honor." In a stress of heat and labor unutterable, the country had been hammered and welded together; but thereafter for nearly a century there had been nothing in our life to touch the innermost fountain of feeling and devotion; we had had rumors of wars—even wars we had had, not without sacrifices and glory—but nothing which went to the vital self-consciousness of the country, nothing which challenged the nation's right to live But in 1860 the nation was going down into the Valley of Decision. The question which had been debated on thousands of platforms, which had been discussed in countless publications, which, thundered from innumerable pulpits, had caused in their congregations the bitter strife and dissension to which only cases of conscience can give rise, was everywhere pressing for solution. And not merely in the various channels of publicity was it alive and clamorous.

About every fireside in the land, in the conversation of friends and neighbors, and, deeper still, in the secret of millions of human hearts, the battle of opinion was waging; and all men felt and saw—with more or less clearness—that an answer to the importunate question. Shall the nation live? was due, and not to be denied. And I do not mean that in the North alone there was the austere wrestling with conscience. In the South as well, below all the effervescence and excitement of a people perhaps more given to eloquent speech than we were, there was the profound agony of question and answer, the summons to decide whether honor and freedom did not call them to revolution and war. It is easy for partisanship to say that the one side was right and that the other was wrong. It is still easier for an indolent magnanimity to say that both were right. Perhaps in the wide view of ethics one is always right to follow his conscience, though it lead him to disaster and death. But history is inexorable. She takes no account of sentiment and intention; and in her cold and luminous eyes that side is right which fights in harmony with the stars in their courses. The men are right through whose efforts and struggles the world is helped onward, and humanity moves to a higher level and a brighter day.

The men who are living today and who were young in 1860 will never forget the glory and glamour that filled the earth and the sky when the long twilight of doubt and uncertainty was ending and the time of action had come. A speech by Abraham Lincoln was an event not only of high moral significance, but of far-reaching importance: the drilling of a militia company by Ellsworth attracted national attention; the fluttering of the flag in the clear sky drew tears from the eyes of young men. Patriotism, which had been a rhetorical expression, became a passionate emotion, in which instinct, logic, and feeling were fused. The country was worth saving; it could be saved only by fire; no sacrifice was too great; the young men of the country were ready for the sacrifice; come weal, come woe, they were ready.

At seventeen years of age William McKinley heard this summons of his country. He was the sort of youth to whom a military life in ordinary times would possess no attractions. His nature was far different from that of the ordinary soldier. He had other dreams of life, its prizes and pleasures, than that of marches and battles. But to his mind there was no choice or question. The banner floating in the morning breeze was the beckoning gesture of his country. The thrilling notes of the trumpet called *him*—him and none other—into the ranks. His portrait in his first uniform is familiar to you all—the short, stocky figure; the quiet, thoughtful face; the deep, dark eyes. It is the face of a lad who could not stay at home when he thought he was needed in the field. He was of the stuff of which good soldiers are made. Had he been ten years older he would have entered at the head of a company and come out at the head of a division. But he did what he could. He enlisted as a private; he learned to obey. His serious sensible ways, his prompt, alert efficiency soon attracted the attention of his superiors. He was so faithful in little things they gave him more and more to do. He was untiring in camp and on the march; swift, cool, and fearless in fight. He left the army with field rank when the war ended, brevetted by President Lincoln for gallantry in battle.

In coming years when men seek to draw the moral of our great civil war nothing will seem to them so admirable in all the history of our two magnificent armies as the way in which the war came to a close. When the Confederate army saw the time had come, they acknowledged the pitiless logic of facts, and ceased fighting. When the army of the Union saw it was no longer needed, without a murmur or question, making no terms, asking no return, in the flush of victory and fullness of might, it laid down its arms and melted back into the mass of peaceful citizens. There is no event, since the nation was born, which has so proved its solid capacity for self-government. Both sections share equally in that crown of glory. They had held a debate of incomparable importance and had fought it out with equal energy. A conclusion had been reached—and it is to the everlasting honor of both sides that they each knew when the war was over, and the hour of a lasting peace had struck. We may admire the desperate daring of others who prefer annihilation to compromise, but the palm of common sense, and, I will say, of enlightened patriotism, belongs to the men like Grant and Lee, who knew when they had fought enough, for honor and for country.

William McKinley, one of that sensible million of men, gladly laid down his sword and betook himself to his books. He quickly made up the time lost in soldiering. He attacked his Blackstone as he would have done a hostile intrenchment; finding the range of a country law library too narrow, he went to the Albany Law School, where he worked energetically with brilliant success; was admitted to the bar and settled down to practice—a brevetted veteran of 24—in the quiet town of Canton, now and henceforward forever famous as the scene of his life and his place of sepulture. Here many blessings awaited him; high repute, professional success, and a domestic affection so pure, so devoted and stainless that future poets, seeking an ideal of Christian marriage, will find in it a theme worthy of their songs. This is a subject to which the lightest allusion seems profamation; but it is impossible to speak of William McKinley without remembering that no truer, tenderer knight to his chosen lady ever lived among mortal men. If to the spirits of the just made perfect is permitted the consciousness of earthly things, we may be sure that his faithful soul is now watching over that gentle sufferer who counts the long hours in their shattered home in the desolate splendor of his fame.

A man possessing the qualities with which nature had endowed McKinley seeks political activity as naturally as a growing plant seeks light and air. A wholesome ambition; a rare power of making friends and keeping them; a faith, which may be called religious, in his country and its institutions; and, flowing from this, a belief that a man could do no nobler work than to serve such a country—these were the elements in his character that drew him irresistibly into public life. He had from the beginning a remarkable equipment; a manner of singular grace and charm; a voice of ringing quality and great carrying power—vast as were the crowds that gathered about him, he reached their utmost fringe without apparent effort. He had an extraordinary power of marshaling and presenting significant facts, so as to bring conviction to the average mind. His range of reading was not wide; he read only what he might some day find useful, and what he read his memory held like brass.

Those who knew him well in those early days can never forget the consummate skill and power with which he would select a few pointed facts, and, blow upon blow, would hammer them into the attention of great assemblages in Ohio, as Jael drove the nail into the head of the Canaanite captain. He was not often impassioned; he rarely resorted to the aid of wit or humor; yet I never saw his equal in controlling and convincing a popular audience by sheer appeal to their reason and intelligence. He did not flatter or cajole them, but there was an implied compliment in the serious and sober tone in which he addressed them. He seemed one of of them; in heart and feeling he *was* one of them. Each workingman in a great crowd might say: That is the sort of man I would like to be, and under more favoring circumstances might have been. He had the divine gift of sympathy, which, though given only to the elect, makes all men their friends.

So it came naturally about that in 1876—the beginning of the second century of the Republic—he began, by an election to Congress, his political career. Thereafter for fourteen years this Chamber was his home. I use the word advisedly. Nowhere in the world was he so in harmony with his environment as here; nowhere else did his mind work with such full consciousness of its powers. The air of debate was native to him; here he drank delight of battle with his peers. In after days, when he drove by this stately pile, or when on rare occasions his duty called him here, he greeted his old haunts with the affectionate zest of a child of the house; during all the last ten years of his life, filled as they were with activity and glory, he never ceased to be homesick for this Hall. When he came to the Presidency, there was not a day when his Congressional service was not of use to him. Probably no other President has been in such full and cordial communion with Congress, if we may except Lincoln alone. McKinley knew the legislative body thoroughly, its composition, its methods, its habits of thought. He had the profoundest respect for its authority and an inflexible belief in the ultimate rectitude of its purposes. Our history shows how surely an Executive courts disaster and ruin by assuming an attitude of hostility or distrust to the Legislature; and, on the other hand, McKinley's frank and sincere trust and confidence in Congress were repaid by prompt and loyal support and cooperation. During his entire term of office this mutual trust and regard—so essential to the public welfare—was never shadowed by a single cloud.

He was a Republican. He could not be anything else. A Union soldier grafted upon a Clay Whig, he necessarily believed in the "American system"—in protection to home industries; in a strong, aggressive nationality; in a liberal construction of the Constitution. What any self-reliant nation might rightly do, he felt this nation had power to do, if required by the common welfare and not prohibited by our written charter.

Following the natural bent of his mind, he devoted himself to questions of finance and revenue, to the essentials of the national housekeeping. He took high rank in the House from the beginning. His readiness in debate, his mastery of every subject he handled, the bright and amiable light he shed about him, and above all the unfailing courtesy and good will with which he treated friend and foe alike—one of the surest signatures of a nature born to great destinies—made his service in the House a pathway of unbroken success and brought him at last to the all-important post of Chairman of Ways and Means and leader of the majority. Of the famous revenue act which, in that capacity, he framed and carried through Congress, it is not my purpose here and now to speak. The embers of the controversy in the midst of which that law had its troubled being are yet too warm to be handled on a day like this. I may only say that it was never sufficiently tested to prove the praises of its friends or the criticism of its opponents. After a brief existence it passed away, for a time, in the storm that swept the Republicans out of power. McKinley also passed through a brief zone of shadow; his Congressional district having been rearranged for that purpose by a hostile legislature.

Some one has said it is easy to love our enemies; they help us so much more than our friends. The people whose malevolent skill had turned McKinley out of Congress deserved well of him and of the Republic. Never was Nemesis more swift and energetic. The Republicans of Ohio were saved the trouble of choosing a Governor—the other side had chosen one for them. A year after McKinley left Congress he was made Governor of Ohio, and two years later he was reelected, each time by majorities unhoped-for and overwhelming. He came to fill a space in the public eye which obscured a great portion of the field of vision. In two National Conventions, the Presidency seemed within his reach. But he had gone there in the interest of others and his honor forbade any dalliance with temptation. So his nay was nay—delivered with a tone and gesture there was no denying. His tour was not yet come.

There was, however, no long delay. He became, from year to year, the most prominent politician and orator in the country. Passionately devoted to the principles of his party, he was always ready to do anything, to go anywhere, to proclaim its ideas and to support its candidates. His face and his voice became familiar to millions of our people; and wherever they were seen and heard, men became his partisans. His face was cast in a classic mold; you see faces like it in antique marble in the galleries of the Vatican and in the portraits of the great cardinal-statesmen of Italy; his voice was the voice of the perfect orator—ringing, vibrating, tireless, persuading by its very sound, by its accent of sincere conviction. So prudent and so guarded were all his utterances, so lofty his courtesy, that he never embarrassed his friends, and never offended his opponents. For several months before the Republican National Convention met in 1896, it was evident to all who had eyes to see that Mr. McKinley was the only probable candidate of his party. Other names were mentioned, of the highest rank in ability, character, and popularity; they were supported by powerful combinations; but the nomination of McKinley as against the field was inevitable.

The campaign he made will be always memorable in our political annals. He and his friends had thought that the issue for the year was the distinctive and historic difference between the two parties on the subject of the tariff. To this wager of battle the discussions of the previous four years distinctly pointed. But no sooner had the two parties made their nominations than it became evident that the opposing candidate declined to accept the field of discussion chosen by the Republicans, and proposed to put forward as the main issue the free coinage of silver. McKinley at once accepted this challenge, and, taking the battle for protection as already won, went with energy into the discussion of the theories presented by his opponents. He had wisely concluded not to leave his home during the canvass, thus avoiding a proceeding which has always been of sinister augury in our politics; but from the front porch of his modest house in Canton he daily addressed the delegations which came from every part of the country to greet him in a series of speeches so strong, so varied, so pertinent, so full of facts briefly set forth, of theories embodied in a single phrase, that they formed the hourly text for the other speakers of his party, and give probably the most convincing proof we have of his surprising fertility of resource and flexibility of mind. All this was done without anxiety or strain. I remember a day I spent with him during that busy summer. He had made nineteen speeches the day before; that day he made many. But in the intervals of these addresses he sat in his study and talked, with nerves as quiet and a mind as free from care as if we had been spending a holiday at the seaside or among the hills.

When he came to the Presidency he confronted a situation of the utmost difficulty, which might well have appalled a man of less serene and tranquil self-confidence. There had been a state of profound commercial and industrial depression, from which his friends had said his election would relieve the country. Our relations with the outside world left much to be desired. The feeling between the Northern and Southern sections of the Union was lacking in the cordiality which was necessary to the welfare of both. Hawaii had asked for annexation and had been rejected by the preceding Administration. There was a state of things in the Caribbean which could not permanently endure. Our neighbor's house was on fire, and there were grave doubts as to our rights and duties in the premises. A man either weak or rash, either irresolute or headstrong, might have brought ruin on himself and incalculable harm to the country.

Again I crave the pardon of those who differ with me, if, against all my intentions, I happen to say a word which may seem to them unbefitting the place and hour. But I am here to give the opinion which his friends entertained of President McKinley, of course claiming no immunity from criticism in what I shall say. I believe, then, that the verdict of history will be that he met all these grave questions with perfect valor and incomparable ability; that in grappling with them he rose to the full height of a great occasion, in a manner which redounded to the lasting benefit of the country and to his own immortal honor.

The least desirable form of glory to a man of his habitual mood and temper—that of successful war—was nevertheless conferred upon him by uncontrollable events. He felt the conflict must come; he deplored its necessity; he strained almost to breaking his relations with his friends, in order, first—if it might be—to prevent and then to postpone it to the latest possible moment. But when the die was cast, he labored with the utmost energy and ardor, and with an intelligence in military matters which showed how much of the soldier still survived in the mature statesman to push forward the war to a decisive close. War was an anguish to him; he wanted it short and conclusive. His merciful zeal communicated itself to his subordinates, and the war, so long dreaded, whose consequences were so momentous, ended in a hundred days.

Mr. Stedman, the dean of our poets, has called him "Augmenter of the State." It is a noble title; if justly conferred, it ranks him among the few whose names may be placed definitely and forever in charge of the historic Muse. Under his rule Hawaii has come to us, and Tutuila; Porto Rico and the vast archipelago of the East. Cuba is free. Our position in the Caribbean is assured beyond the possibility of future question. The doctrine called by the name of Monroe, so long derided and denied by alien publicists, evokes now no challenge or contradiction when uttered to the world. It has become an international truism. Our sister republics to the south of us are convinced that we desire only their peace and prosperity. Europe knows that we cherish no dreams but those of world-wide commerce, the benefit of which shall be to all nations. The State is augmented, but it threatens no nation under heaven. As to those regions which have come under the shadow of our flag, the possibility of their being damaged by such a change of circumstances was in the view of McKinley a thing unthinkable. To believe that we could not administer them to their advantage, was to turn infidel to our American faith of more than a hundred years.

In dealing with foreign powers, he will take rank with the greatest of our diplomatists. It was a world of which he had little special knowledge before coming to the Presidency. But his marvelous adaptability was in nothing more remarkable than in the firm grasp he immediately displayed in international relations. In preparing for war and in the restoration of peace he was alike adroit, courteous, and far-sighted. When a sudden emergency declared itself, as in China, in a state of things of which our history furnished no precedent and international law no safe and certain precept, he hesitated not a moment to take the course marked out for him by considerations of humanity and the national interests. Even while the legations were fighting for their lives against bands of infuriated fanatics, he decided that we were at peace with China; and while that conclusion did not hinder him from taking the most energetic measures to rescue our imperiled citizens, it enabled him to maintain close, and friendly relations with the wise and heroic viceroys of the south, whose resolute stand saved that ancient Empire from anarchy and spoliation. He disposed of every question as it arose with a promptness and clarity of vision that astonished his advisers, and he never had occasion to review a judgment or reverse a decision.

By patience, by firmness, by sheer reasonableness, he improved our understanding with all the great powers of the world, and rightly gained the blessing which belongs to the peacemakers.

But the achievements of the nation in war and diplomacy are thrown in the shade by the vast economical developments which took place during Mr. McKinley's Administration. Up to the time of his first election, the country was suffering from a long period of depression, the reasons of which I will not try to seek. But from the moment the ballots were counted that betokened his advent to power a great and momentous movement in advance declared itself along all the lines of industry and commerce.

In the very month of his inauguration steel rails began to be sold at $18 a ton—one of the most significant facts of modern times. It meant that American industries had adjusted themselves to the long depression—that through the power of the race to organize and combine, stimulated by the conditions then prevailing, and perhaps by the prospect of legislation favorable to industry, America had begun to undersell the rest of the world. The movement went on without ceasing.

The President and his party kept the pledges of their platform and their canvass. The Dingley bill was speedily framed and set in operation. All industries responded to the new stimulus and American trade set out on its new crusade, not to conquer the world, but to trade with it on terms advantageous to all concerned. I will not weary you with statistics; but one or two words seem necessary to show how the acts of McKinley as President kept pace with his professions as candidate. His four years of administration were costly; we carried on a war which, though brief, was expensive. Although we borrowed two hundred millions and paid our own expenses, without asking for indemnity, the effective reduction of the debt now exceeds the total of the war bonds. We pay six millions less in interest than we did before the war and no bond of the United States yields the holder 2 per cent on its market value. So much for the Government credit; and we have five hundred and forty-six millions of gross gold in the Treasury.

But, coming to the development of our trade in the four McKinley years, we seem to be entering the realm of fable. In the last fiscal year our excess of exports over imports was $664,592,826. In the last four years it was $2,354,442,213. These figures are so stupendous that they mean little to a careless reader—but consider! The excess of exports over imports for the whole preceding period from 1790 to 1897—from Washington to McKinley—was only $356,808,822.

The most extravagant promise made by the sanguine McKinley advocates five years ago are left out of sight by these sober facts. The "debtor nation" has become the chief creditor nation. The financial center of the world, which required thousands of years to journey from the Euphrates to the Thames and the Seine, seems passing to the Hudson between daybreak and dark.

I will not waste your time by explaining that I do not invoke for any man the credit of this vast result. The captain can not claim that it is he who drives the mighty steamship over the tumbling billows of the trackless deep; but praise is justly due him if he has made the best of her tremendous powers, if he has read aright the currents of the sea and the lessons of the stars. And we should be ungrateful, if in this hour of prodigious prosperity we should fail to remember that William McKinley with sublime faith foresaw it, with indomitable courage labored for it, put his whole heart and mind into the work of bringing it about; that it was his voice which, in dark hours, rang out, heralding the coming light, as over the twilight waters of the Nile the mystic cry of Memnon announced the dawn to Egypt, waking from sleep.

Among the most agreeable incidents of the President's term of office were the two journeys he made to the South. The moral reunion of the sections—so long and so ardently desired by him—had been initiated by the Spanish war, when the veterans of both sides, and their sons, had marched shoulder to shoulder together under the same banner. The President in these journeys sought, with more than usual eloquence and pathos, to create a sentiment which should end forever the ancient feud. He was too good a politician to expect any results in the way of votes in his favor, and he accomplished none. But for all that the good seed did not fall on barren ground. In the warm and chivalrous hearts of that generous people, the echo of his cordial and brotherly words will linger long, and his name will be cherished in many a household where even yet the Lost Cause is worshipped.

Mr. McKinley was reelected by an overwhelming majority. There had been little doubt of the result among well-informed people; but when it was known, a profound feeling of relief and renewal of trust were evident among the leaders of capital and of industry, not only in this country, but everywhere. They felt that the immediate future was secure, and that trade and commerce might safely push forward in every field of effort and enterprise. He inspired universal confidence, which is the lifeblood of the commercial system of the world. It began frequently to be said that such a state of things ought to continue; one after another, men of prominence said that the President was his own best successor. He paid little attention to these suggestions until they were repeated by some of his nearest friends. Then he saw that one of the most cherished traditions of our public life was in danger. The generation which has seen the prophecy of the Papal throne—*Non videbis annos Petri*—twice contradicted by the longevity of holy men was in peril or forgetting the unwritten law of our Republic: Thou shalt not exceed the years of Washington. The President saw it was time to speak, and in his characteristic manner he spoke, briefly, but enough. Where the lightning strikes there is no need of iteration. From that hour, no one dreamed of doubting his purpose of retiring at the end of his second term, and it will be long before another such lesson is required.

He felt that the harvest time was come, to garner in the fruits of so much planting and culture, and he was determined that nothing he might do or say should be liable to the reproach of a personal interest. Let us say frankly he was a party man; he believed the policies advocated by him and his friends counted for much in the country's progress and prosperity. He hoped in his second term to accomplish substantial results in the development and affirmation of those policies. I spent a day with him shortly before he started on his fateful journey to Buffalo. Never had I seen him higher in hope and patriotic confidence. He was as sure of the future of his country as the Psalmist who cried "Glorious things are spoken of thee, thou City of God."

He felt that the harvest time had come, to arrange a treaty which gave us a free hand in the Isthmus. In fancy he saw the canal already built and the argosies of the world passing through it in peace and amity. He saw in the immense evolution of American trade the fulfillment of all his dreams, the reward of all his labors. He was—I need not say—an ardent protectionist, never more sincere and devoted than during those last days of his life. He regarded reciprocity as the bulwark of protection—not a oreach, but a fulfillment of the law. The treaties which for four years had been preparing under his personal supervision he regarded as ancillary to the general scheme. He was opposed to any revolutionary plan of change in the existing legislation; he was careful to point out that everything he had done was in faithful compliance with the law itself.

In that mood of high hope, of generous expectation, he went to Buffalo, and there, on the threshold of eternity, he delivered that memorable speech, worthy for its loftiness of tone, its blameless morality, its breadth of view, to be regarded as his testament to the nation. Through all his pride of country and his joy of its success, runs the note of solemn warning, as in Kipling's noble hymn, "Lest we forget."

"Our capacity to produce has developed so enormously and our products have so multiplied that the problem of more markets requires our urgent and immediate attention. Only a broad and enlightened policy will keep what we have. No other policy will get more. In these times of marvelous business energy and gain we ought to be looking to the future, strengthening the weak places in our industrial and commercial systems, that we may be ready for any storm or strain.

"By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus. A system which provides a mutual exchange of commodities is manifestly essential to the continued and healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. * * * Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established. * * * The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not."

I wish I had time to read the whole of this wise and weighty speech; nothing I might say could such a picture of the President's mind and character. His years of apprenticeship had been served. He stood that day past master of the art of statesmanship. He had nothing more to ask of the people. He owed them nothing but truth and faithful service. His mind and heart were purged of the temptations which beset all men engaged in the struggle to survive. In view of the revelation of his nature vouchsafed to us that day, and the fate which impended over him, we can only say in deep affection and solemn awe, "Blessed are the pure in heart, for they shall see God." Even for that vision he was not unworthy.

He had not long to wait. The next day sped the bolt of doom, and for a week after—in an agony of dread broken by illusive glimpses of hope that our prayers might be answered—the nation waited for the end. Nothing in the glorious life that we saw gradually waning was more admirable and exemplary than its close. The gentle humanity of his words, when he saw his assailant in danger of summary vengeance, "Don't let them hurt him;" his chivalrous care that the news should be broken gently to his wife; the fine courtesy with which he apologized for the damage which his death would bring to the great Exhibition; and the heroic resignation of his final words, "It is God's way. His will, not ours, be done," were all the instinctive expressions of a nature so lofty and so pure that pride in its nobility at once softened and enhanced the nation's sense of loss. The Republic grieved over such a son—but is proud forever of having produced him. After all, in spite of its tragic ending, his life was extraordinarily happy. He had, all his days, troops of friends, the cheer of fame and fruitful labor; and he became at last—

"On fortune's crowning slope,
"The pillar of a people's hope,
"The center of a world's desire."

He was fortunate even in his untimely death, for an event so tragical called the world imperatively to the immediate study of his life and character, and thus anticipated the sure praises of posterity.

Every young and growing people has to meet, at moments, the problems of its destiny. Whether the question comes, as in Thebes, from a sphinx, symbol of the hostile forces of omnipotent nature, who punishes with instant death our failure to understand her meaning: or whether it comes, as in Jerusalem, from the Lord of Hosts, who commands the building of His temple, it comes always with the warning that the past is past, and experience vain. "Your fathers, where are they? and the prophets, do they live forever?" The fathers are dead; the prophets are silent; the questions are new, and have no answer but in time.

When the horny outside case which protects the infancy of a chrysalis nation suddenly bursts, and, in a single abrupt shock, it finds itself floating on wings which had not existed before, whose strength it has never tested, among dangers it can not foresee and is without experience to measure, every motion is a problem, and every hesitation may be an error. The past gives no clue to the future. The fathers, where are they? and the prophets, do they live forever? We are ourselves the fathers! We are ourselves the prophets! The questions that are put to us we must answer without delay, without help—for the sphinx allows no one to pass.

At such moments we may be humbly grateful to have had leaders simple in mind, clear in vision—as far as human vision can safely extend—penetrating in knowledge of men, supple and flexible under the strains and pressures of society, instinct with the energy of new life and untried strength, cautious, calm, and, above all, gifted in a supreme degree with the most surely victorious of all political virtues—the genius of infinite patience.

The obvious elements which enter into the fame of a public man are few and by no means recondite. The man who fills a great station in a period of change, who leads his country successfully through a time of crisis; who, by his power of persuading and controlling others, has been able to command the best thought of his age, so as to leave his country in a moral or material condition in advance of where he found it—such a man's position in history is secure. If, in addition to this, his written or spoken words possess the subtle quality which carry them far and lodge them in men's hearts; and, more than all, if his utterances and actions, while informed with a lofty morality, are yet tinged with the glow of human sympathy, the fame of such a man will shine like a beacon through the mists of ages—an object of reverence, of imitation, and of love. It should be to us an occasion of solemn pride that in the three great crises of our history such a man was not denied us. The moral value to a nation of a renown such as Washington's and Lincoln's and McKinley's is beyond all computation. No loftier ideal can be held up to the emulation of ingenuous youth. With such examples we can not be wholly ignoble. Grateful as we may be for what they did, let us be still more grateful for what they were. While our daily being, our public policies, still feel the influence of their work, let us pray that in our spirits their lives may be voluble, calling us upward and onward.

There is not one of us but feels prouder of his native land because the august figure of Washington presided over its beginnings; no one but vows it a tenderer love because Lincoln poured out his blood for it; no one but must feel his devotion for his country renewed and kindled when he remembers how McKinley loved, revered, and served it, showed in his life how a citizen should live, and in his last hour taught us how a gentleman could die. [Prolonged applause.]

## A MEDICAL AND SOCIAL PERCEPTION OF THE VIETNAM ERA VETERAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, the Vietnam veteran, returning into the mainstrain of American life, faces, too frequently, problems of quite large dimension. In an attempt to gain deepened insight into the means of easing these problems, and the transition from military to civilian life, as well as anticipating the unique needs of our returning servicemen, the Veterans' Administration recently authorized a highly valuable series of research studies.

The genuine commitment of the Veterans' Administration to serving and helping our returning servicemen, through the use of every tool of modern technology, medicine, and manpower deserves much credit, and, as a member of the Veterans Affairs Committee, I take great satisfaction in the ever-deepening quality of Veterans' Administration responsiveness to the contemporary needs of our Vietnam veterans.

In this connection, Dr. Marc James Musser, the Chief Medical Director of the Veterans' Administration, presented a highly significant and revealing paper to the New York Academy of Medicine last night, entitled: "A Medical and Social Perception of the Vietnam Era Veteran." This illuminating and timely study, undertaken by Dr. Musser, and Dr. Charles A. Stenger, is worthy of intensive study, and I am highly pleased to include it within my remarks:

VETERANS' ADMINISTRATION,
*Washington, D.C., January 25, 1972.*

The Honorable MARGARET M. HECKLER,
*Cannon Office Building,*
*Washington, D.C.*

DEAR PEG: I enclose herewith a paper to be delivered by Doctor Marc James Musser, Chief Medical Director of the Veterans Administration, before the New York Academy of Medicine tomorrow night, January 26.

I think it is an excellent paper, and I certainly encourage you to place it in the Record. Since this paper does contain references and bibliographic material, perhaps your Administrative Assistant should go over it and place it in proper form for insertion in the Record.

Don Johnson sends his warm regards, and certainly without my saying it, I am sure you are aware of the fact that you have mine.

Sincerely,
RICHARD L. ROUDEBUSH,
*Assistant Deputy Administrator.*

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### A MEDICAL AND SOCIAL PERCEPTION OF THE VIETNAM ERA VETERAN

(By Marc J. Musser, M.D., and Charles A. Stenger, Ph. D.)

The Vietnam Era Conflict, the longest and most controversial war in which our country has ever been engaged, has been a strange and devastating chapter in our country's history.

When the United States first became involved in Southeast Asia in 1960, it was neither intended nor expected that the events there would lead to an American war. Yet, in terms of numbers of men under arms and those killed and wounded, the Vietnam conflict now represents the second largest war effort in the history of our country, even though combat operations from the onset have been governed by strictly limited military objectives. Above and beyond the number of people involved and the casualties, it has been a devastating war in terms of its tremendously divisive impact upon our society. This and other related socio-economic factors have had a singular influence upon the lives and personalities of many of our young men and women.

Whatever the characteristics of the Vietnam Era Conflict, it now becomes important, as we appear to be reaching the end of United States involvement, for our society to provide the veterans of this conflict the maximum of assistance in readjusting to civilian life in the most constructive and productive manner. The Veterans' Administration is the Federal agency charged by legislation to provide a wide range of assistance to these veterans, as well as veterans of previous wars. And yet, this is only a portion of the total responsibility of our society. In order to do the job that must be done, it is important that the characteristics, needs and problems of the Vietnam veteran be thoroughly understood by all those who might relate to him. Particularly, it is important that he be seen in the perspective of the war in which he has fought, and of the society of which he is a member.

Since the beginning of the Vietnam Era in 1964, more than eight million Americans have served in the Armed Forces—nearly twice the number who served in World War I. Of these, 55,000 have died in Vietnam, 1,500 are missing or captured, and almost a quarter of a million already have compensable service-connected disabilities of one kind or another. Nearly 10 percent of these—approximately 25,000—are 100 percent service connected.

All veterans with a service-connected illness or disability become the direct and primary responsibility of the Veterans' Administration. An increasing number of other veterans have sought and will continue to seek medical care within the Veterans' Administration health care system as they meet certain eligibility requirements established by law. In 1968, four percent of the daily average of 83,000 patients in Veterans' Administration hospitals were Vietnam Era veterans. By 1971, this number had risen to almost 13 percent.

**As the number of Vietnam Era patients in Veterans Administration hospitals has increased, it has become more and more apparent to the staffs of those hospitals that they are dealing with a "new breed" as compared to veterans from other wars. Therefore, a series of studies were initiated to more specifically identify the needs of these new veterans, and to determine the best mechanisms for meeting them. These studies have been conducted by Vietnam Era Committees operating in each Veterans Administration hospital and clinic, by seminars and regional conferences, by a number of research studies, and by Vietnam veterans themselves.**

**The results of these studies have helped immensely in directing the ways Veterans Administration services should be modified in order to meet the needs of the Vietnam veteran. In addition to their impact upon hospital operations, these results have provided the basis for new approaches to the administration of the GI Educational Program and other legislated benefits, and in the assumption by the Veterans Administration of broader responsibility for the development of employment opportunities and job placement for veterans. Also, the studies have generated important information for occupational medicine as it is concerned with the total individual and his adjustment to the work-a-day world.**

#### THE VIETNAM ERA VETERAN

**There are a number of characteristics of the Vietnam Era veteran group which should be recognized at the outset.**

*First:* They are the youngest veterans who have ever served. The average age for non-career servicemen is under 26, and the majority have not reached their 22nd birthday at the time of separation from the service.

*Secondly:* They are the best educated group of any American veterans. Only 15 percent have not completed high school as compared to 55 percent for World War II and 38 percent for Korean veterans. More than one out of five have had some college. However, relatively few have had significant work experience.

*Thirdly;* and perhaps most important: They are high calibre young people. Not only have the more stringent, selective service procedures filtered out the less well qualified individuals, but unlike many other members of their generation, most Vietnam Era veterans have demonstrated the self-discipline necessary to adjust to a highly regimented way of life and to cope with the many stresses involved in military service.

### COMBAT CASUALTIES

Data pertaining to American casualties in Vietnam not only provide some indications of the nature of the post-war health problems of the Vietnam Era veteran, but also allow for comparisons with the experiences of prior wars.

When all deaths due to combat are considered, it becomes apparent that such losses in Vietnam have occurred at a lesser rate than in Korea or in Europe in World War II. Among Army troops in Vietnam from July 1965 through February 1971, deaths due to all combat causes occurred at a rate of 18.0 per thousand average troop strength per year, as compared to a rate of 43.2 for Korea and 51.9 for the European Theater of Operations from June 1944 through May 1945 in World War II. Must higher proportions of combat deaths in Vietnam have been due to small arms fire and to booby traps and mines than in Korea or World War II. Much lower proportions have been due to artillery and other explosive projectile fragments than in these earlier conflicts. A comprehensive analysis of the causes of death in 2,600 servicemen killed in action in Vietnam indicated that 83.6 percent resulted principally from wounds of the head, neck, and thorax. The primary causes of death in most instances were damage to the central nervous system, uncontrolled hemorrhage, or respiratory obstruction.

Of the Army servicemen wounded in Vietnam who were admitted to medical treatment facilities, 2.6 percent died, with 60 percent of the deaths occurring within 24 hours after admission. This is similar to the 2.5 percent mortality recorded for the Korean Conflict, but considerably lower than the 4.5 percent mortality in World War II.

The peculiar nature of the combat in Vietnam, the types of wounds it has produced—especially the high incidence of multiple wounds—and the excellent care the wounded have received, have resulted in a higher incidence of certain types of complicated disabilities. This is illustrated quite dramatically by the following statement of a veteran at a regional meeting:

"One of the things that makes this war so different is the fact we couldn't tell who we were fighting half the time—I was responsible for 200 men and was in a position where I should have known but just didn't. I was injured by enemy gunfire—was shot four times, then hit by two grenades—the helicopter must have been there almost immediately. Just to give you some idea of the medical work the Navy did, one bullet went through the left arm, one hit me in the left side, went through my lung, hit my heart, went through my diaphragm, stomach, intestine, spleen, gall bladder, adrenal gland—then I went down!

"After that I was hit by two grenades—I never lost consciousness until I got on the hospital ship—they performed a miracle, a real miracle."

Relevant to this experience is the circumstance that improved techniques of vascular surgery has made it possible for combat area surgeons to save limbs which would have been amputated in the past, and to reduce the major tissue destruction associated with traumatic amputations. Some estimates indicate that 75 percent to 80 percent of limbs that would have been lost in World War II are now being saved.

In addition to the more complex general disabilities created by multiple wounds are the increased incidence of quadriplegia and paraplegia resulting from spinal cord injuries and multiple amputations. This is noteworthy because of the need it has created for special types of long term rehabilitation programs.

Thus far, the Veterans Administration has received 2,372 Vietnam service-connected veterans as transfers from military hospitals with paralysis resulting from spinal cord injuries. Of these 35 percent are quadriplegics, which is a considerably higher proportionate number than from prior wars. There are presently some 12,000 living spinal cord injury veterans, of whom more than 1,000 are hospitalized at any given time in 14 Veterans Administration Spinal Cord Injury Centers.

Despite the technical gains which have been made, the Veterans Administration has received 5,090 service-connected Vietnam Era amputees. Of these 18.1 percent have multiple amputations. This incidence is much higher than that of the Korean Conflict (9.3 percent) and World War II (5.8 percent). An index of the magnitude of the rehabilitation program for Amputees in the Veterans Administration is reflected in the fact that there are now 26,566 service-connected amputees from all wars on its rolls. In 1971, 34,100 prostheses of all types were provided to Vietnam veterans alone.

### PSYCHIATRIC DISORDERS

There is evidence that the incidence of psychiatric disorders has been significantly lower in the Vietnam conflict than in previous wars. Bourne has reported an incidence of 12 per 1,000 for such casualties in all branches of the Services in Vietnam, as compared to an incidence of 37 per 1,000 in Korea and 101 per 1,000 in World War II. Thus far, 48,391 Vietnam era veterans are receiving compensation for service-connected psychiatric and neurologic disorders. Nearly 11,000 were admitted to Veterans Administration Hospitals in 1971. Diagnostically, there has been a considerable increase in character and situational disorders over the more classical anxiety and conversion reactions, when compared to the experience in prior wars. However, the incidence of psychoses has remained approximately the same.

Thus far, there has been no evidence of the delayed psychiatric illnesses that some experts have thought would result from the unique conditions of the Vietnam conflict, including the presumption that guilt over participation in an unpopular war would create a special degree of emotional stress. Most servicemen find the hostile components of their reception upon returning home to be quite disturbing, but apparently it is not significantly affecting their emotional stability.

### CHARACTERISTICS AND ATTITUDES OF VIETNAM VETERANS

During the past several years, a great deal has been written and said about the characteristics and attitudes of the Vietnam era veteran. In much of this there has been a tendency to generalize a number of limited experiences and observations, and more often than not this has accrued to the disadvantage of the majority of Vietnam era servicemen.

A recent poll of discharged Vietnam veterans, the general public, and employers, conducted by Louis Harris and Associates, Inc., has produced a considerable amount of interesting information in this regard. Among other things, it has indicated that the large majority of veterans have taken their military service experience and their reception back to civilian life in stride, and have had little or no difficulty with readjustment. However, the general public polled made the observation that "the whole question of treatment of returning veterans is a serious burden on the conscience of the American Public". The dichotomy is well expressed in one of the conclusions of the poll: "While the American public and employers are keenly aware of how returning veterans *should* be treated and yet feel guilty about the way ex-servicemen *are* being treated, among veterans the story is different. The returning servicemen seem less preoccupied with the way things should be, and are content to accept things as given and do the best they can to readjust to civilian life. This passive acceptance holds for all groups except the alienated veterans—the non-white and non-high school graduates. Among these servicemen, there is a real feeling that society owes them something for their efforts."

A number of studies of the characteristics and attitudes of the Vietnam Era veteran patients, which include the so-called "alienated group", have generated a considerable amount of more detailed information. From these studies has emerged a descriptive personality profile of these veteran patients, but it would seem to be equally descriptive of a large segment of the current younger generation in our society. Five distinctive characteristics were identified . . .

*First*, he responds more assertively to authority and is quite willing to question and to challenge it.

*Second*, he expects authority, nevertheless, to be unresponsive to him and to seek to control and suppress him. The term, "the establishment," carries this implication, and being "turned-off" characterizes his response.

*Third*, he feels a general sense of uncertainty toward the future and a greater urge for fulfillment today—the "NOW phenomenon."

*Fourth*, he feels a kind of protective identification with his own age group which he believes shares his uneasy perceptions of his society.

*Fifth*, he has less control over feelings and impulses, and is more impatient and impulsive.

Other studies have attempted to determine how and why Vietnam era veterans differ from the veterans of previous wars. They have concluded that the differing characteristics of the Vietnam Era veteran more than anything else reflect the increased complexity and everchanging nature of the society of which he is a part. He views life with less conviction about established principles and values. He has been influenced by the necessity to fight in an unusual kind of war, in which political realities frequently must outweigh military necessities, and where enemy and friend are indistinguishable. He is different because he has been treated very differently by the society he served upon his return. He does not return to the assured respect and appreciation of his countrymen. Instead, he typically returns to indifference, disapproval, and scorn, particularly from his peers who did not serve.

The returning Vietnam veteran believes he has served his country well, as indeed he has, but many feel a sense of confusion, of frustration, ambivalence, and anger. They rather easily become disenchanted and alienated, and become irritated and impatient with policies and procedures they do not understand. They are particularly sensitive to mechanical or impersonal treatment, or unresponsiveness to their human needs—particularly from an agency, like the Veterans Administration, that has been charged with the mission of helping them. Despite all this, they have a strong desire to achieve understanding with those around them, regardless of age, and to communicate openly and undefensively.

When listened to, they communicate remarkably well, and their criticisms invariably are reasonable and "on target".

### DRUG ABUSE

There has been a widespread tendency to link the drug abuse problems of the Vietnam era veteran to his personality and attitudinal characteristics. This is probably true, but only to a limited extent. In the experience of the Veterans Administration Drug Treatment Program it is significant that while 60 percent of the patients have been Vietnam era veterans, the remainder have been World War II and Korean Conflict veterans. Also, the data compiled by the Department of Defense would suggest that the incidence of "main line" heroin addicts is less than 1 percent of all Vietnam era servicemen. This is a figure that helps further to establish the proper perspective. The Harris Poll would tend to confirm this. By "private ballot", 2 percent of the national sample of veterans admitted to some use of heroin. From a practical standpoint, not all of these can be considered as serious users.

In fiscal year 1968, less than 2,000 veterans were admitted to Veterans Administration hospitals for treatment of their drug abuse problems; in 1971 over 11,000 were admitted. Except for some 700 active duty servicemen transferred to Veterans Administration hospitals prior to separation, all of these veterans have sought treatment voluntarily. Thus far, it has been impossible to obtain accurate indications of the total number of veterans with a drug abuse problem. From the Department of Defense and other studies, it seems reasonable to assume that there are about 50,000 to 75,000 "hard" drug users among veterans, although these figures must be considered as no more than an educated guess. There are virtually no data regarding the magnitude of use of other drugs.

Of the veterans treated in Veterans Administration hospitals thus far slightly more than half had been using narcotic drugs, predominantly heroin. The remaining half had been using other drugs, predominantly the barbiturates, hallucinogens and marijuana. Several studies of small samples of these patients have generated some details of their characteristics. A large percentage were associated with the so-called "alienated" segment of society: 60 to 70 percent were black, 90 percent had high school educations or less. Their ages ranged from 18 to 70-plus years. Sixty percent had been arrested, and 30 percent admitted using drugs prior to service. Of those addicted to heroin, 40 percent became so in Vietnam, the remainder while on assignments elsewhere overseas and in the continental United States, or after service. More than half had had prior and unsuccessful treatment.

Presently, all of the 165 Veterans Administration hospitals with their associated 202 outpatient clinics have the capability of providing at least the initial phase of treatment for drug abuse problems. Of these hospitals, 32 have special drug treatment centers with multi-modality treatment programs involving a short but comprehensive inpatient medical and psychological evaluation, detoxification when indicated, and the initiation of the specific treatment program deemed appropriate. These include methadone maintenance, abstinence, and experimental non-narcotic blocking agents—all based upon intensive psychotherapeutic and rehabilitation programs. Once established, treatment is continued in Day Treatment Centers, Therapeutic Communities, and the more conventional outpatient clinics. Special emphasis is directed toward getting the patient into some type of productive activity—such as school, vocational training, or a job. Since many of the patients have never worked, the latter poses a particularly difficult challenge.

In order to maintain staff competency, various types of training programs are maintained for physicians, psychologists, nurses, social workers, and vocational counselors. Particularly successful thus far has been the use of appropriately trained ex-addicts as counselors in the maintenance of the intimate day to day relationships with the patient.

The experience of the Veterans Administration Drug Treatment Program clearly indicates that the success of treatment depends upon the motivation and commitment of the patient and the ability of treatment staffs to be appropriately responsive to his needs. Encouraging thus far has been the increasing number of veterans who have turned to the Veterans Administration hospitals after other treatment efforts have failed, and the relatively small percentage (about 20 percent) of those who have dropped out of treatment.

### THE VIETNAM VETERAN AND EMPLOYMENT

One of the major objectives of the Harris Poll was to determine how returning Vietnam era veterans were doing in the job market. According to the study, the public, employers and veterans agreed that most veterans were more mature and more stable than when they entered service, and thus were better qualified for jobs. Among employers, the highest positive ratings were given to enlisted men generally, recent returnees, and those who served in Vietnam and combat zones. Sixty percent of all businessmen interviewed had hired veterans during the past year, and those operating small companies (20 employees or less) had employed proportionately more veterans than those operating large companies.

Of the veterans interviewed, 15 percent were not working. Of this group, 4 percent, as students or for other reasons, were not in the labor market. However, the not-working percentages for non-whites and those who had not finished high school were 21 and 31 percent respectively.

The Bureau of Labor Statistics reports that there are currently about 320,000 unemployed Vietnam era veterans in the country's labor force.

Fifty-nine percent of the employed veterans expressed satisfaction with their jobs. Employer satisfaction with the veterans they had hired was tied to the complexity of the job and to the amount of education and training required for it. Thus, veterans in professional, technical and administrative positions rated high. On the other side, employers were less enthusiastic about veterans' performance in jobs requiring less skill. This becomes an added disadvantage to those veterans with limited educational and training qualifications.

### SUMMARY

From this general assessment of the characteristics and medical experience of the Vietnam era veteran, it seems possible to conclude that the overwhelming majority have the potential to be better risks in adapting to their society and to both academic and industrial environments than their non-military peers. A significant number of them have residual physical disabilities for which special types of training and employment opportunities will be necessary. An additional number have drug abuse problems. the eventual outcome of which is not yet possible to determine. Veterans who are non-white and those with limited education and training present a number of special problems which must be given proper attention.

It is also important to recognize that this generation of young people, veteran and non-veteran, view the world of work and their relationships with authority quite differently. Four factors seem to have a particular significance for young people today—integrity, involvement, responsiveness , and caring.

Thus, this group of young veterans will do better in the industrial environment as it is possible to convey to management the increased importance of a more open, responsive interface with employees, and the involvement of employees in a more meaningful way with the company and its products. If this is possible, it could become a fine example of preventive medicine, at its best.

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## MILITARY DRUG OFFENDERS—THE NEED FOR PROBATIONARY SENTENCING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, I am today introducing legislation to correct a glaring inequity which exists under present courts-martial sentencing procedures.

In the last decade, numerous authors, legislators, and legal scholars have been made scathing attacks on the military justice system in this country. Some of their most severe criticisms were obviated by the enactment of the Military Justice Act of 1968.

In place of the law officer, the 1968 law created the military judge and endowed him with new powers and duties, similar to those of a civilian judge.

In my judgment, the 1968 act was patently deficient in one particular respect. It did not grant the military judge the power to suspend the sentence of a first-time drug offender.

For this reason, I am introducing legislation which would expressly authorize courts-martial to place a person on probation in the event of a first-time conviction for certain drug related offenses.

I am aware that the convening authority and the Secretary of the appropriate military department presently possess the power to reduce and suspend the sentence imposed by a court-martial. In this regard, I have been advised in a January 10, 1972, letter from Mr. Richard K. Cook, Deputy Assistant to President Nixon—that—

> The Department of Defense and the military departments are aware of the stigmatizing effect and postservice disadvantages of a less than honorable discharge. For these reasons, the officials who administer courts-martial and administrative discharge proceedings are scrupulously careful in their evaluations of and actions on each case, giving due consideration to all facts and circumstances, and in particular, to the individual concerned.

However, it is not enough that the Defense Department recognizes the gravity of the situation and is attempting to implement existing procedures in order to alleviate the problem.

Instead, Congress must endeavor to insure that military procedures relating to the handling of drug offenders are brought into conformity with civilian procedures.

For example, in enacting the Controlled Substances Act of 1970, Congress provided first-time civilian drug offenders with the alternative of sentencing for probation. Certainly, first-time military drug offenders are entitled to, and should receive, the same measure of justice and compassion as their civilian counterparts.

This is especially true in light of the fact that a large number of individuals are exposed to drugs for the first time while serving in our Armed Forces.

Specifically, this legislation would authorize the court-martial to place on probation any person who has been convicted of, or pleads guilty to, certain drug offenses.

Furthermore, such probationary period may not exceed 1 year in duration, and the probation alternative may not be utilized without the consent of the accused.

This legislation also stipulates that upon fulfillment of all the terms and conditions of the probation, the individual shall be released and all proceedings against him shall be dismissed without an adjudication of guilt.

Likewise, the bill provides that such release and dismissal shall not be considered a conviction for purposes of disqualification or disability imposed under the Uniform Code of Military Justice.

In addition, this proposal established procedures which would allow a person to expunge from military records all information relating to his drug violation.

In summary, the primary purpose of this legislation is to restore a first-time military drug offender to the status he occupied before his arrest or before a charge was made against him. This relief is presently available to first-time civilian drug offenders and I can discern no logical reason why it should not be extended to similarly situated servicemen.

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## ISRAEL DETERMINED TO PROTECT ITSELF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, I was indeed fortunate to visit the nation of Israel during the congressional recess and to witness firsthand the courage and determination of the people of Israel and that nation's leaders. I was also privileged to meet with Prime Minister Golda Meier, Minister of Defense Rea Lavie, Minister of Foreign Affairs for North America Michael Elizur, and other government officials.

As a member of the House Appropriations Committee and the Defense Appropriation Subcommittee I was particularly interested in discussing the balance of military strength in the Middle East and the prospects for a lasting peaceful settlement of the Mideast conflict.

The one fact which impressed me the most in all my conversations with Israel's Government officials was the desire and determination to maintain Israel's military strength at a level which assures that Israel will be able to defend herself without calling on any other nation for troop support. Israel is simply not going to allow herself to fall into a position where she is dependent on the United States or even the United Nations for troop assistance should the Arab States attack Israel.

This policy is one which stands as a strong warning to Israel's neighbors even in light of these rather shocking facts. I was told that the Russians have brought about a shift in Arab military power which in terms of raw power means that Israel is now outnumbered in aircraft 3 to 1; outnumbered in artillery up to 20 to 1; and outnumbered in tanks 2 to 1. In addition I was told that approximately 20,000 Soviet advisers are present in the Middle East to assist in the deployment of this hardware.

Notwithstanding this awesome display of Soviet provided military might, the Israeli officials, with whom I spoke, made it clear to me that Israel does not want U.S. military advisers of any kind, but rather Israel wants technical assistance and modern weaponry so that she can defend herself without involving foreign troops. I find that attitude commendable and will urge the Congress to support an aid policy which can keep Israel in a position to accomplish that goal.

I have been a consistent supporter of Israel's right to purchase arms for her own defense and have pressed this administration to deliver the Phantom jets which we have finally agreed to ship to Israel. More important, in terms of long-range policy however, is the need to have a clear U.S. policy with respect to the Middle East—a policy which will be unequivocal and which will not cause even a temporary deterioration of United States-Israel relations such as occurred last year when Israel's requests for Phantom jets did not receive prompt attention.

Mrs. Meier is a most impressive and sincere person whose leadership is responsible. Mrs. Meier wants defensible borders and the military strength to defend those borders without outside troop assistance. She will negotiate so long as prior conditions are not imposed upon her nation and she will be reasonable and responsible in those negotiations in my opinion.

Mr. Speaker, I found Israel to be the outstanding example of a nation which is not a party to any military security pact, such as NATO or SEATO, but wants only to remain strong enough to defend herself. That kind of policy, I believe is in the national interest of the United States. We must have a clear and firm policy of aid to Israel so that other nations will understand that we will not let Israel become weak while her neighbors grow militarily strong. For those reasons, I return from my trip to Israel convinced that we must avoid any deterioration in our relations with Israel and that we should be prepared to provide military assistance or rely on the United Nations to protest that bastion of democracy in the Middle East. Israel can and will defend herself if we adopt such a policy. It will be a valuable ally on the south shore of the Mediterranean which we so sorely need in our own defense plan, especially with the tremendous building of Russian naval bases in the Middle East.

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## THE QUALITY SCHOOL ASSISTANCE ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 5 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, today I am reintroducing the Quality School Assistance Act of 1972 with an additional 32 cosponsors. I originally introduced this proposal along with my distinguished colleagues from Michigan, Mr. DINGELL, Mrs. GRIFFITHS, Mr. NEDZI, and Mr. O'HARA, on December 16, 1971.

This bill is designed to overcome the crowded and deteriorating conditions in our Nation's schools. It is designed to bring quality education and equality in education into every neighborhood in America by providing more Federal dollars to local educational agencies.

The Quality School Assistance Act has three basic provisions. First, it would provide a greatly expanded form of general aid to local educational agencies with special provisions for those districts with large concentrations of students from low-income families. Second, it would provide Federal funds for construction or modernization of overcrowded and obsolete facilities, with priority given to school districts now being forced to operate on half-day sessions. Finally, it would extend the impact aid program which provides additional Federal funds for school districts with concentrations of children of Federal employees.

Under the general aid program of this bill the Federal Government would provide an allocation to each local school agency equal to 20 percent of the product obtained by multiplying the number of children in its elementary and secondary schools by the State average per pupil expenditure or the national per pupil expenditure whichever is higher. The Federal percentage would increase 5 percent per year for the next 3 years until it reaches a level of 35 percent in 1976. Presently the Federal contribution to elementary and secondary education amounts to less than 7 percent of the total expenditures.

Increasing Federal spending for elementary and secondary education purposes to these substantially higher levels has received widespread support. It has been recommended by Government-supported studies and education associations and it has been endorsed by high-ranking officials in the Nixon administration.

As I pointed out when I originally introduced this bill in December, a comprehensive study financed by the Office of Education recently recommended that public schools should receive at least 22 percent, and preferably 30 percent, of their total revenue from the Federal Government to accomplish legitimate and appropriate Federal purposes.

The National Education Association has called for substantial general Federal support of public education with the ultimate goal of having the Federal Government furnish at least one-third of the cost of operating our Nation's schools. A study conducted by the American Federation of Teachers indicates that a Federal contribution in excess of 30 percent of total expenditures would be necessary to provide our Nation's children with a good quality education.

I was especially happy to note that apparently the Nixon administration is also now committed to increasing the Federal contribution to elementary and secondary education. On December 16, 1971, the day on which I originally proposed this legislation, the Nixon administration, speaking through Dr. Sidney Marland, the Commissioner of Education, endorsed the concept of increasing the Federal contribution to the 25 to 30 percent level. Speaking to nine big-city mayors in Wilmington, Del., on that day, Dr. Marland stated that he believed the Federal Government should pay 25 to 30 percent of the cost of public education.

The need for a substantial increase in the Federal Government's contribution to the cost of educating our children can no longer be questioned—and in light of the verbal support we hear coming from almost everyone connected with education, including parents and students, teachers and administrators, school board officials, and local, State, and Federal Government officials, this need is no longer being questioned.

The only questions we hear now are "When is the Federal Government going to act? When is the U.S. Congress going to respond to this financial crisis? When is the President going to respond?"

Mr. Speaker, rhetoric will no longer satisfy our Nation's educators; it will no longer satisfy the taxpayers. The time has now come for action.

President Nixon is fully aware of this financial crisis. He referred to it very explicitly in his state of the Union address last week, when he stated that "soaring school costs and soaring property tax rates now threaten both our communities and our schools."

Unfortunately, however, Mr. Nixon evidently still feels that problems can be solved by rhetoric rather than action, because he continues to mislead the American people by telling them that his own proposal, the so-called special revenue sharing for education program, will solve the problems which now confront our schools.

Mr. Speaker, I think it is only appropriate to clear up, once and for all, the significant differences between our proposal, which calls for an actual increase in Federal funds, and Mr. Nixon's proposal, which amounts to nothing more than a transfer of Federal funds from one place to another.

First of all, our proposal calls for an actual and substantial increase in Federal funds over and above the funds presently being received by local education agencies for existing programs. Our proposal does not call for the repeal of any existing program under which a local educational agency is presently receiving Federal funds.

During fiscal year 1973, if fully funded, the quality assistance portion of the Quality School Assistance Act would provide an estimated $10.6 billion in Federal funds to local educational agencies. The estimated State-by-State distribution of these funds would be as follows:

1973 DISTRIBUTION OF FUNDS UNDER THE QUALITY ASSISTANCE PROGRAM OF THE QUALITY SCHOOL ASSISTANCE ACT

| State | Distribution based on number of school-age children | Distribution based on equalization factor | Total for State |
|---|---|---|---|
| Alabama | 143,761,676 | 87,857,434 | 231,619,110 |
| Alaska | 11,695,264 | 2,919,732 | 14,614,996 |
| Arizona | 55,889,960 | 19,110,982 | 75,000,042 |
| Arkansas | 75,916,316 | 53,351,494 | 129,267,810 |
| California | 600,677,070 | 223,492,328 | 824,169,398 |
| Colorado | 70,318,062 | 1,858,012 | 72,176,074 |
| Connecticut | 118,915,800 | 21,499,854 | 140,415,654 |
| Delaware | 18,001,348 | 4,512,314 | 22,513,662 |
| Florida | 181,817,030 | 57,332,948 | 239,149,978 |
| Georgia | 168,899,084 | 87,061,144 | 255,960,228 |
| Hawaii | 30,619,182 | 6,635,756 | 57,254,938 |
| Idaho | 29,854,316 | 5,574,036 | 35,428,352 |
| Illinois | 444,971,164 | 113,073,316 | 558,044,480 |
| Indiana | 184,874,698 | 37,160,244 | 222,034,942 |
| Iowa | 111,039,180 | 32,913,358 | 143,069,896 |
| Kansas | 84,130,182 | 22,030,716 | 106,160,898 |
| Kentucky | 116,613,106 | 80,159,956 | 196,773,062 |
| Louisiana | 142,237,876 | 76,709,362 | 218,947,238 |
| Maine | 38,252,020 | 12,475,224 | 50,727,244 |
| Maryland | 137,611,412 | 39,018,256 | 176,629,668 |
| Massachusetts | 195,141,908 | 49,635,468 | 244,777,376 |
| Michigan | 377,252,532 | 83,079,699 | 460,332,222 |
| Minnesota | 158,397,808 | 40,079,978 | 198,477,786 |
| Mississippi | 100,080,136 | 91,573,460 | 191,653,596 |
| Missouri | 158,437,926 | 57,332,948 | 215,770,874 |
| Montana | 28,448,420 | 6,635,756 | 35,084,176 |
| Nebraska | 54,623,570 | 16,722,110 | 71,345,680 |
| Nevada | 10,534,400 | 2,123,442 | 12,657,842 |
| New Hampshire | 22,928,930 | 3,716,024 | 26,644,954 |
| New Jersey | 284,008,044 | 70,073,604 | 354,081,648 |
| New Mexico | 43,388,894 | 18,845,552 | 62,234,446 |
| New York | 994,545,834 | 250,300,790 | 1,244,846,624 |
| North Carolina | 198,636,148 | 122,486,818 | 321,122,966 |
| North Dakota | 27,776,048 | 9,820,920 | 37,597,004 |
| Ohio | 378,603,768 | 90,511,738 | 469,115,506 |
| Oklahoma | 91,116,630 | 40,345,408 | 131,462,038 |
| Oregon | 78,360,576 | 17,783,830 | 96,144,406 |
| Pennsylvania | 442,725,254 | 130,060,856 | 572,786,110 |
| Rhode Island | 34,849,824 | 8,759,200 | 43,609,024 |
| South Carolina | 110,374,834 | 75,382,210 | 185,757,044 |
| South Dakota | 28,747,236 | 13,802,376 | 42,549,612 |
| Tennessee | 146,665,388 | 79,363,664 | 226,029,052 |
| Texas | 394,505,022 | 158,992,760 | 553,497,762 |
| Utah | 40,890,696 | 7,962,908 | 48,853,604 |
| Vermont | 15,639,768 | 4,246,884 | 19,886,652 |
| Virginia | 159,113,024 | 74,320,488 | 233,433,512 |
| Washington | 116,390,467 | 28,666,474 | 145,056,950 |
| West Virginia | 80,352,664 | 43,329,486 | 123,682,150 |
| Wisconsin | 173,602,820 | 34,505,940 | 208,108,760 |
| Wyoming | 13,948,214 | 2,388,872 | 16,337,086 |
| Washington, D.C | 29,767,260 | 11,678,934 | 41,446,194 |
| Total | 7,962,909,586 | 2,652,537,908 | 10,615,447,494 |

Furthermore, additional funds would be distributed under the quality construction provisions of our bill, and the impact aid program would be extended, by continuing Public Law 815 and Public Law 874 in their present form.

Now let us examine what Mr. Nixon's special revenue sharing would accomplish. First of all, Mr. Nixon's proposal calls for the repeal of almost all existing Federal categorical aid programs. Among the programs which Mr. Nixon would repeal are the title I program of the Elementary and Secondary Education Act of 1965, the impact aid program, and the vocational and adult education programs.

Furthermore, Mr. Nixon's proposal would result in almost no actual increase in the Federal Government's contribution to educating our children. He simply proposes to take the money which the Federal Government would save by repealing existing programs, and redistribute it under a different formula. The point I would like to emphasize is that Mr. Nixon's proposal could not possibly begin to solve the schools' financial crisis because he does not propose to give the schools any additional money.

Mr. Speaker, I would now like to compare the distribution formulas in these two proposals, and once again I would like to point out some further inconsistencies between what the President says publicly and what he has actually proposed to Congress. In his state of the Union message to Congress Mr. Nixon stated his unequivocal commitment to "one fundamental principle with which there can be no compromise: local school boards must have control over local schools."

Yet this proposed special revenue sharing for education program would accomplish the exact opposite. His proposal would actually take control away from local school boards and vest it in the State.

Under the provisions of the existing programs, which Mr. Nixon wants to repeal, Federal funds are channeled directly from the Federal Government to local educational agencies. Under the provisions of the program which Mr. Nixon has proposed, the Federal funds which are now channeled to local school boards would be channeled instead to the State educational agencies.

In other words, under the Nixon proposal the States would receive all the funds and local school boards would be required to conform to State-imposed guidelines and regulations before they could receive their fair share of Federal funds to which they are entitled. In contrast, the Quality School Assistance Act which we have introduced would channel all funds directly to the local school boards, which would enable them to retain local control.

Mr. Speaker, I would like to once again emphasize that we in the U.S. Congress can no longer avoid this issue. The Federal Government must come to the aid of our financially crippled elementary and secondary school systems, and we must do so now.

I have documented the inadequacies of the President's special revenue sharing proposal, and it is abundantly clear that his proposal simply cannot do the job. It neither provides financial relief for our schools nor enhances local control of our schools.

In contrast, the Quality School Assistance Act which we have introduced today will provide the financial relief which is so urgently needed and will permit the continued local control of our schools.

Mr. Speaker, I strongly urge my colleagues to give this bill their most careful and favorable consideration.

At this point I would like to insert the names of my distinguished colleagues who have joined me in introducing the Quality School Assistance Act of 1972:

LIST OF COSPONSORS

Mr. Abourezk (D-S. Dak.).
Mr. Clark (D-Pa.).
Mr. Clay (D-Mo.).
Mr. Conyers (D-Mich.).
Mr. Cotter (D-Mich.).
Mr. Dominick Daniels (D-N.J.).
Mr. Danielson (D-Calif.).
Mr. Dent (D-Pa.).
Mr. Dingell (D-Mich.).
Mr. Don Edwards (D-Calif.).
Mr. Eilberg (D-Pa.).
Mrs. Griffiths (D-Mich.).
Mr. Harrington (D-Mass.).
Mr. Ken Hechler D-W. Va.).
Mr. Helstoski (D-N.J.).
Mrs. Louise Day Hicks (D-Mass.).
Mr. Matsunaga (D-Hawaii).
Mr. Meeds (D-Wash.).
Mr. Mikva (D-Ill.).
Mr. George Miller (D-Calif.).
Mrs. Mink (D-Hawaii).
Mr. Mitchell (D-Md.).
Mr. Moorhead (D-Pa.).
Mr. Moss (D-Calif.).
Mr. Nedzi (D-Mich.).
Mr. O'Hara (D-Mich.)
Mr. Pepper (D-Fla.).
Mr. Perkins (D.-Ky.).
Mr. Price D-Ill.).
Mr. Rangel (D-N.Y.).
Mr. Rees (D-Calif.).
Mr. Rosenthal (D-N.Y.).
Mr. St Germain (D-R.I.).
Mr. Scheuer (D-N.Y.).
Mr. Steed (D-Okla).
Mr. Tiernan (D.-R.I.).

## PERSONAL TRIBUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I want to take this opportunity to congratulate a young constituent of mine, Brian Scott Young, whose family I have known and had the pleasure to represent for many years. Brian will be 13 years old and will be a participant in the centuries-old rite of bar mitzvah, on February 3 at Temple Israel in Brockton, Mass. As Brian crosses this official threshold to manhood and maturity, I wanted to pay a special tribute to a wonderful family for the excellent young man they have reared. An accomplished skier and competition swimmer, Brian is an active young citizen of the Brockton community and I know my colleagues join me in wishing him every success in the future. Brian's parents are Dr. Arthur and Nancy Young and his sister, Bonnie Beth, and his proud grandparents are Henry M. and Fanny Young, longtime residents of Brockton. I also want to make a bow in the direction of Louis and Esther Silverman of Langley Park, Md., his other proud grandparents. My best wishes to all on this proud occasion.

## THE 54TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I rise today to join my distinguished collegues in honoring a strong and valiant people, the people of the Ukraine.

Today we observe the 54th anniversary of Ukrainian independence, a day that pays tribute to the men and women who struggled to make the Ukraine a Republic. But while it is a day of honor for these great people, it is also a day of sober reflection, for 47 million Ukrainians live today under the tyranny of communism. They must live behind the Iron Curtain, under a puppet government that was forced upon them. They must live with the tragic reality that they are slaves in their own country, captives of the Soviet Union's imperialism.

America's heritage and character demand that we give full support to those nations on whom the despot treads. To do less would be surrender to injustice. We are a nation deeply committed to the rights of individual freedom and self-determination. By supporting the Ukrainian cause, we reinforce the principles on which this country was founded.

We, who value freedom so highly, can offer more than a dim ray of hope to these oppressed people. Certainly, we must voice our outrage at the inhuman policies of communism, but we must offer more than fine sounding words. It is important that we praise their courage and perseverance, but it is more important that we support their cause with action.

First, we can act in a legislative manner. There are several bills pending in Congress regarding this matter that deserve support.

Second, we can act as a nation. The President will soon be traveling to Moscow to meet with Soviet leaders. It is my fervent hope that he will seize this opportunity to reaffirm our policy regarding the Ukraine and other captive nations, and impress upon the Soviet leadership our determination to see the Ukraine and the countries like it free from the yoke of communism.

Americans of Ukrainian descent have contributed much to the greatness of this Nation, and I am proud to represent many of these fine citizens. Today they still hope and pray that their native land will be free once more and that they will be reunited with their loved ones.

It is our moral duty to lend substance to their hope, and the hope of their countrymen held captive.

## SOME BLOOD KILLS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the incidence of serum hepatitus in blood collected for human transfusions is shocking. In the United States there is on the average one death for every 150 patients over 40 years of age who receive transfusions. Dr. J. Garrott Allen of Stanford University has stated that these transfusions are responsible for at least 3,500 deaths a year and the medical injury of another 50,000 Americans. The Center for Disease Control has stated that the actual rate of hepatitus may be well in excess of the official figure due to the failure of many physicians to report serum hepatitus cases. The center estimates that as many as 35,000 deaths and 500,000 illnesses a year may be due to the presence of serum hepatitus in blood for transfusions.

Stringent regulations affecting the collection of blood are practically nonexistent in the Nation. Seventeen States have no regulations affecting blood banks. Twenty-one States have laws which prohibit those injured from tainted blood from pursuing a cause of action under a warranty of fitness or merchantability. Only seven States have licensing requirements for blood banks. Even these lack adequate regulation.

The incidence of hepatitus in blood collected by commercial blood banks from paid donors is estimated to be about 10 times greater than that collected from volunteer donors. The paid donor is much more likely to lie in order to be accepted. Also many of the commercial blood banks are located in the slum areas of our cities where the health of the donors is questionable.

A recent investigation by three reporters of the Chicago Tribune discovered that commercial blood banks located in Chicago's slums were buying blood from donors with fresh needle marks in their arms—an indication that they had given blood much more recently than the recommended 6-week waiting period between donations. Also it was discovered that suspected hepatitus carriers who were rejected by some blood banks were accepted by others. This lack of consistency of policy and the absence of adequate regulation can only result in inferior and dangerous blood being made available to the general public in time of need.

While it is clear that not all blood banks operate in an unconscionable manner those that do tarnish the reputation of the many reputable and conscientious blood banks operating throughout the country. Disruptable blood banks must improve their standards to an acceptable level or cease operations. The lives of our hospital patients throughout the country must not be jeopardized by the ingestion of tainted blood.

We must act to terminate this deplorable situation. Therefore, today I am introducing the National Blood Bank Act of 1972. This bill would establish a national blood bank program in the Department of Health, Education, and Welfare to inspect, license, and regulate all blood banks. Since the blood of voluntary donors has been found to be a highly reliable product, provision is made for the establishment of a $9 million national program to recruit voluntary donors. With the implementation of this program we would have to rely less upon paid donors to supplement the available blood supply.

Provision has also been made to establish a national registry of donors to insure that blood banks will be able to discover hepatitus carriers with ease and accuracy and thereby prevent that blood from being made available.

This proposed legislation utilizes both regulation and recruitment to attack this major health problem of the country. I urge my colleagues to support this needed legislation. Too many people are dying or becoming ill for us not to take any decisive corrective action.

## THE UNITED STATES AS SLUMLORD

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, "The United States as Slumlord" is certainly not a characterization which our Nation should bear with pride. Yet this is the title which the New Republic chose for an article in its December 11, 1971, edition. And as the article points out, the title is not without justification.

The House Subcommittee on Legal and Monetary Affairs, which I chair, is currently conducting investigative hearings on the problem outlined in the article and we welcome articles such as this one which throw light upon the exploding national problem. The article follows:

### THE UNITED STATES AS SLUMLORD

(By Ken Hartnett)

The administration has a pressing reason for wanting to build virtually all subsidized rental housing from now on in the outer city and not in the inner city. In explaining HUD's new policy of scattering subsidy apartments, Secretary Romney tells us a lot about the scarcity of land in the inner city, about legitimate demands for social justice, and about the flight of jobs to the outer city necessitating new, lower-rent housing in the suburbs. But he doesn't publicly admit the motive of government self-interest: the Department of Housing and Urban Development will have accumulated, by 1978, a multibillion dollar investment in subsidized apartments (estimates range up to $80 billion in total obligations over the 40-year life of the mortgages) and those in the ghetto—about one-third of the present total—are going sour at an alarming rate. In short, HUD faces the grim prospect of becoming the nation's No. 1 slum landlord when privately developed but federally guaranteed and subsidized projects belly up, the hulks turned over to the government for management or disposal.

Having only barely recuperated from the recent speculation scandals of the homeownership program, HUD is now sifting the early but dreary returns on interest-subsidy programs for apartments, particularly projects for low- and moderate-income families. The news is bad from Boston, where, for example, the rate of default on mortgages is 80 percent for the 3022 inner-city apartments rehabilitated three years ago. Housing consultant Hortense W. Gabel took a reading on New York City subsidized projects less than three years old and found that many were "already exhibiting mild to severe maintenance problems." HUD's own statisticians have warned Romney to brace for a five percent default rate. George Sternlieb, an expert on inner-city housing at Rutgers University, says flatly "the bulk of all the housing that was built under (interest subsidy) in the central cities is essentially bankrupt."

Real estate entrepreneurs, with large profits already pocketed in many cases, say the problems are too severe in the inner city, and they won't take the plunge again without some kind of protection, such as an association with a community-based organization. "Why should we go into an area where we know we'll get our brains knocked out before we're in round two," said Gerald Schuster, president of Continental Wingate, a Boston construction firm. Schuster and like-minded businessmen have difficulty coping with the demands of community groups for heavy minority representation on construction crews and for a voice in the direction of the projects. They are also unsophisticated about the slum syndrome of crime, drugs, despair and decay that only too readily engulfs their units.

To the surprise of no one familiar with past Federal Housing Administration programs, the real beneficiaries of the subsidies are not low- and moderate-income families ($4000 to $12,000 a year) but the housing business and a new breed of real estate investor. "The housing being produced, by and large, is a disaster," said Roland L. (Sam) Larson, executive director of the Inter Faith Housing Corp. of Boston, one of the nation's leading nonprofit housing packagers. "It's a total ripoff and nobody is going to jail for it. The programs make the rich richer through subsidies but the tenants get only higher rents and modestly improved housing." This from Anthony Henry, executive director of the National Tenants Organization: "I think it's going to be worse than public housing and in a shorter period of time."

Inspection of numerous inner-city subsidy projects by this reporter found appalling instances of shoddy and inept construction. Plumbing backups, severe water leaks and chilling drafts are common. Walls are generally paper thin, doors poorly hung, windows of the cheapest design. The builders, with some justification, blame Congress for unrealistic cost ceilings that prevent quality building. Tenants, with more justification, blame the FHA for inadequate inspection that allows corner cutting in construction.

Rents for these apartments—most of them located in seedy, crime-infested neighborhoods—approach middle-class levels, despite the government's covering all but one percent of the interest charges. Rent scales at Methunion Manor in the South End of Boston run up to $222 a month for a five-bedroom apartment—hardly a rent within the means of even a "moderate" income family. A five-city HUD survey of subsidy projects found the average tenant paying 34 percent of income for rent. The goal was 25 percent. Adding insult, many sponsors have felt forced by soaring operating costs to extract rent increases from these already hard-pressed tenants shortly after the projects opened, the survey showed. The predictable result has been a coast-to-coast wave of tenant strikes and law suits.

The main tenant complaint is about the large profits generated by the special tax preferences given subsidized housing in the 1969 tax revision act. The tax shelters, plus the congressionally mandated goal of 6 million subsidized units by 1978, plus the dire depression of the housing industry in the late 1960s, all combined in a volatile mix that allowed HUD to drive subsidized housing starts to a record 500,000 this year. (Some subsidized projects are occupied with another 2820 under construction.)

The tax shelter, says Boston entrepreneur Max Kargman, is the key to understanding the financial dynamic of multifamily subsidized housing: "That's what makes the whole deal work; it's what makes it profitable for the builder. Otherwise why should he put in all this time and effort, with all the risks and struggle. For what?"

The builder-developers make their profit by selling shelter equity to rich professionals and businessmen. For a percentage of the 90 percent federally guaranteed mortgage, usually between 12 and 20 percent, the investors purchase the right to offset taxes on other earnings with the rapid depreciation losses permitted on the full value of the apartments. In other words, on a $1-million project, they would pay between $120,000 and $200,000 for $1 million in depreciation used over a five-to-ten-year period. The return in federal income taxes avoided can run as high as 30 percent a year for the investor in the 50 percent tax bracket. These absentee landlords, known as limited dividend partners, have no hand in management which remains in most cases the responsibility of the builder-developer. The investors often don't even know where their investment is located unless their broker tells them.

Shelter sale is also the honey that draws entrepreneurs to subsidized housing, especially so-called easy fringe and suburban projects catering to young, white professionals with low but rising income. With actual cash equity of only $33,000—a not unusual proportion—a developer of a $1-million project can get a cash return in less than two years equal to five times his investment, if not more, depending on his sophistication.

The inequities and distortions are blatant in the shelter dynamic. When operating costs increase builder-developers resort to rent hikes and won't dip into front-end profits from the sale or use of shelters. The public hears only about the current $175-million a year cost of interest subsidies on the apartments and is ignorant of the millions lost to the Treasury each year because of the tax writeoffs. Furthermore, because profit dominates the process, private enterprise is drawn to the safest location possible for building subsidized apartments—fringe areas where 61 percent are located. "The guy who makes the most money is the guy who builds the projects where they don't need them anyhow," said housing consultant Robert H. Kuehn of Boston. Although the taxpayer guarantees the mortgage, puts up the interest subsidies, and supplies the financial coal, says Milton Semer, a former HUD official in the Johnson administration, private interests are determining where this new brand of public housing will be built, who will live in it, and under what circumstances. And most profits are front-end, meaning that while the government has a 40-year stake in the mortgage, the money men are home free from possible recapture of profits by the Internal Revenue Service if the project remains viable for ten years. "There's nothing to keep their feet to the fire," said an aide to Romney, worrying about a massive bailout of the money interests in the 1980s.

Even nonprofit housing sponsors are thinking up ways to harvest a share of the dollars spinning out of the program. Fearing a loss of their preferred tax status, the nonprofits until now left the tax gimmicks unused when they launched a project. But at least seven of the community-based and church groups have recently launched joint ventures with entrepreneurs, planning to use part of the shelter proceeds to support social services in the projects. "We have a low-income housing program in this country and we are going to use it," said Larry M. Lefkowitz, director of public affairs for the Non-Profit Housing Center in Washington. "You can either do nothing or use the tools in your tool box."

What went wrong with a program once hailed as the ideal way public seed money could generate private sector enterprise of social worth? For one thing, HUD officials pressured by Romney until recently to meet production goals, have shaved operating and maintenance cost estimates 10-to-20 percent to bring proposed projects within federal cost limits. Since initial rents were pegged to the unrealistic estimates, the predictable result has been increases shortly after, or even before apartments are occupied. Needless to say, general inflation has added to the cost squeeze. For another thing, builders say they can't construct durable subsidized projects because Congress has set unrealistically low cost limits in the mistaken belief that there is such a thing as low-cost (versus low-rent) housing for the poor. And Congress made niggardly allowance for amenities, really necessities, such as playgrounds, day care facilities, teenage recreation centers, and counseling. Particularly important in the government's view is the short supply of competent housing managers.

All these problems are intensified by crime, drugs and decay in ghetto projects. The most desirable tenants tend to leave at the first opportunity for something safer. Finding the right replacement tenant becomes more difficult. Slowly, the project becomes poorer. Repair costs rise, rent receipts decline. Deterioration accelerates. "I just don't have the dollars to stem the tide," complained one hard-pressed housing manager in the Roxbury section of Boston. "Society asks him (the manager of low-income housing) to take on all its problems—drugs, alcohol, and welfare dependency—then blames him when he fails," said Edwin D. Abrams, a Boston housing consultant who also manages subsidy units. "But the government provides none of the social services money that might make this possible."

Faced with the necessity of doing something about a deteriorating situation, the government has the option of tinkering with the interest subsidy formula or changing direction completely in housing the poor. One first-aid method might entail operating subsidies, such as those recently instituted in public housing, to keep rents down and projects afloat. A variant might be infusion of money for social services. A third could be a return to direct, low-interest federal loans for construction. Radical surgery might entail abandoning interest subsidies and moving to direct stipends, allowing poor families to shop for shelter that doesn't carry the social stigma of a "project." Tony Henry and the NTO would have tenants themselves manage and control subsidized units. Norman V. Watson, the assistant HUD secretary for housing management, voiced the government's confusion on just what to do when he observed: "We've got to look at a housing strategy real quick."

## THE JUSTICE DEPARTMENT AND THE PENN CENTRAL INVESTIGATION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Banking and Currency Committee has conducted an 18-month long investigation of the collapse of the Penn Central Railroad. The sixth report, incorporating the results of this investigation, was published on January 3.

Shortly after the publication of this document, three persons intimately involved with the affairs of Penn Central and one of its major subsidiaries—Executive Jet Aviation—were named in charges filed by District Attorney Arlen Specter of Philadelphia. I place in the Record a copy of a news story detailing this development.

### Three Ex-Aides of Penn Central Accused of Fraud

Philadelphia.—Warrants to arrest three former executives enmeshed in the affairs of Penn Central Transportation Co. were issued as a result of an investigation by the city's district attorney's office. They charge criminal activity in connection with the financial collapse of the giant railroad.

In other developments, despite coal and dock strikes the railroad narrowed its November losses to $28 million from $37.1 million a year earlier. And Judge John P. Fullam, overseeing the reorganization of the rail subsidiary of Penn Central Co., indicated in a court order that the trustees of the New Haven Railroad have a lien, of indeterminate amount, or priority, against assets of Penn Central Transportation.

The warrants, alleging conspiracy to cheat and defraud and fraudulent conversion, were issued against David C. Bevan, former chairman of the railroad's finance committee; Charles J. Hodge, former chairman of the executive committee of what was then F. I. duPont, Glore Forgan & Co., investment bankers for the railroad, and Olbert F. Lassiter, former president of Executive Jet Aviation Inc., a Columbus, Ohio, charter airline in which Penn Central Transportation is selling its 57% ownership.

### CHARGES SPELLED OUT

In a 57-page document spelling out the charges, District Attorney Arlen Specter said the three "conspired in their corporate activities to divert in excess of $21 million from the treasury of the Penn Central for themselves and others."

Mr. Specter said he was aided in the investigation by federal law-enforcement officials and by the trustees of the railroad that filed for reorganization in June 1970. Mr. Specter said other arrest warrants for key Penn Central officials, or ex-officials, weren't imminent and said he didn't know whether any federal charges would be brought against the three.

The alleged acts of Messrs. Bevan, Hodge and Lassiter, which the district attorney said "substantially drained the resources of the Penn Central, contributing to its bankruptcy," included:

—Establishing a world-wide airfreight and passenger system ultimately to benefit a travel agency which they, their relatives and friends privately owned and controlled.

—Manipulating more than $85 million in Penn Central investments to benefit a private investment group owned by themselves, their relatives and friends.

In addition to these charges, Mr. Lassiter is charged with personally misappropriating more than $130,000 of Executive Jet Aviation funds and siphoning them to his own company, Lassiter Aircraft Corp., a then newly formed supersonic jet research concern.

Mr. Bevan called the district attorney's charges "incredible" and a "grave mistake." In a prepared statement, he dubbed himself a "scapegoat," and asserted, "Except for the fact that I am experiencing it myself, I would say this sort of thing just cannot happen in America. I am instructing my counsel to demand an immediate trial, so that I can at last be vindicated."

Mr. Hodge had "no comment" on the case.

Yesterday, the reorganization court approved sale of Penn Central's 57% interest in Executve Jet for $950,000. The purchasers are Bruce G. Sundlum, Executive Jet president and a Washington attorney, and Robert L. Scott, Jr., Executive Jet's sales director and a Philadelphia businessman. Two months ago, the Civil Aeronautics Board authorized the sale; the CAB had ordered a divestiture in 1968 after finding that the railroad's interest in the carrier constituted a conflict of interest.

Regarding the railroad's losses to date, the trustees said the 11-month deficit narrowed to $248.9 million from $290.1 million a year earlier.

Both the November and the 11-month figures provide for certain rents, taxes and interest payments that aren't being paid, having been deferred by order of the reorganization court.

### OPERATING RATIO CUT

The trustees said the company reduced its operating ratio—the percentage of operating revenue consumed by operating expenses—in November to 91.1% from 95.9% a year earlier. Moreover, freight revenue for the month rose to $117.1 million from $108.1 million as a result of rate increases offsetting traffic volume lost to the dock and rail strikes the trustees noted.

In the case of the New Haven Railroad's lien, Judge Fullam, while indicating the trustees of the New Haven have a lien, said, "The ultimate disposition of the claims asserted by the New Haven trustee is deferred pending completion of a program for handling proofs of claim in these proceedings . . . and consideration of objections."

Circuit Court Judge Robert Anderson of Connecticut, overseeing the New Haven estate, ruled last June that the New Haven was entitled to the lien against the property it transferred to the Penn Central in their 1969 merger. Attorneys for the Penn Central Railroad argued that Judge Anderson hadn't any jurisdiction over Penn Central affairs.

A Supreme Court decision in June sparked the turmoil. At the time the high court raised the price the Penn Central was to pay for the New Haven. Noting, however, that the New Haven already had been given 956,756 shares of Penn Central stock, valued at $87.50 a share, as a part of the purchase price, the Supreme Court sent back the case to Judge Anderson and to the Interstate Commerce Commission to reconsider the value in light of the Penn Central reorganization filing.

Throughout this investigation, the Banking and Currency Committee has offered its full cooperation with law enforcement agencies at all levels. The staff of the committee has worked with Mr. Specter's staff and, in addition, the U.S. Justice Department has been offered access to the various records and documents on this case.

Despite repeated offers of assistance, the Justice Department has given no firm indication of what, if anything, it plans to do in connection with the Penn Central matter. On January 7, I again wrote the Attorney General urging that his Department either take specific action or announce that there was no reason for prosecutions in the case.

As I told the Attorney General, I feel that it is important that the Penn Central case—which is now more than 18 months old—be cleared up as soon as possible. Confidence in law enforcement is not enhanced when such issues are delayed month after month, particularly when the facts have been so thoroughly laid on the public record.

Mr. Speaker, I place in the Record a copy of my January 7 letter to the Attorney General and a reply which I have received from Mr. Richard G. Kleindienst, the Deputy Attorney General:

House Committee on
Banking and Currency,
*Washington, D.C., January 7, 1972.*

Hon. John Mitchell,
*The Attorney General,*
*Washington, D.C.*

Dear Mr. Attorney General: As you know, the District Attorney in Philadelphia has brought criminal prosecutions against three key figures in the Penn Central case. These charges involve events detailed in reports released by the House Banking and Currency Committee in December of 1970, February of 1971, and January 3 of 1972.

While it is commendable that the local law enforcement officials have gathered together the resources to prosecute these cases, I question why the Justice Department has not been active on these same issues. I have offered your Department the full cooperation of the Committee and have made available the various documents collected in the course of our 18-month investigation. Once again, let me repeat my offer of full cooperation in any law enforcement activities which your office might enter in connection with the various issues raised in the Penn Central matter.

Much attention has been focussed on law enforcement in recent months and I know that you agree that there is a great need to improve the confidence of the American people in their various law enforcement agencies. Confidence is not enhanced when a feeling grows that large corporations and persons with important business and financial ties are immune from the actions of these agencies.

In this regard, there has been much concern expressed about the recent decision of the Federal Communications Commission to drop its investigation of the American Telephone and Telegraph Company (A.T.&T.) because of the mammoth size of this corporation. This, in my opinion, is a sad situation and it would be highly regrettable if any substantial part of the American public was led to believe that "bigness" was an immunity from law enforcement and regulatory investigations.

It is my sincere hope that the Justice Department does not concur with the manner in which the A.T. & T. case was dropped and I think it would be in the public interest for you to make it clear that the mere size of a corporation or the importance of an individual would not be used as a criteria for any law enforcement activities. Such a statement, in my opinion, would be very helpful in boosting the confidence of the people in their Government.

In regard to the specifics of the Penn Central matter, it is not my purpose to prejudge any of the cases which might be under investigation. It may well be that the Justice Department has determined that there is no basis for further investigation or prosecution and if this is the case, this fact should be made known to the American people. Eighteen months have passed since the failure of this corporation and, in the intervening period, the Banking and Currency Committee and various publications have detailed the major events surrounding the bankruptcy. With all of the spotlight that has been thrown on the Penn-Central matter, I think it is time for some type of firm determination to be made concerning any further action by your Department.

If it is the desire of your Department to pursue this matter further, I will make certain that the documents are made available for inspection by your staff and that the staff of the Committee provides full cooperation. Your Department has worked with the Banking and Currency Committee on many matters and I know that we can approach the Penn Central case in a spirit of mutual cooperation. This is something that requires vigorous action by both the legislative and Executive branches and I know that is how you view the matter. Let me know if there is any way that I can be of further help to you on these issues.

With best regards, I am

Sincerely,

WRIGHT PATMAN, *Chairman.*

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JANUARY 17, 1972.

Hon. WRIGHT PATMAN,
*Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: The Attorney General has asked me to reply to your January 7, 1972 letter regarding the Penn Central investigation.

As you know, in response to your letter of March 11, 1971, in which you referred the Penn Central matter for our consideration, the Criminal Division on March 30, 1971 advised that the information developed by the House Banking and Currency Committee was being reviewed and appropriate investigation was contemplated. Since that time, the Federal Bureau of Investigation and the Securities and Exchange Commission have undertaken investigations and the entire Penn Central matter has been under continuing review within the Criminal Division.

We are unable to comment at this time, of course, as to the eventual outcome of these efforts. However, you may be assured that our investigation will be carried through to completion and, if the situation warrants, appropriate prosecutive action will be instituted by this Department.

Your offer of assistance in the completion of the investigation is appreciated.

Sincerely,

RICHARD G. KLEINDIENST,
*Deputy Attorney General.*

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## THE CONSUMERS DO NOT SHARE IN INTEREST RATE REDUCTIONS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, this is an election year, and the propaganda is growing about various economic projections and indicators.

This administration is extremely nervous about the fact that interest rates continue at extremely high levels for home buyers and consumers despite some downward trends in broad money market rates. The administration continues to talk about lower interest rates in the money markets, but it has not explained why the consumer and the home buyer have not shared more fully in these lower rates.

Last week, Dr. Arthur Burns, Chairman of the Federal Reserve Board and Chairman of the President's new Committee on Interest and Dividends conceded that the home buyers and consumers were not sharing in the savings recorded in the money markets. Dr. Burns issued a mild warning to the lenders about their reluctance to give the consumers a break on interest rates.

Despite sizable increases in the money supply by the Federal Reserve, interest rates are remaining at relatively high levels and later this year the conditions will worsen rather than improve. Because of the growing Federal deficits—$38.8 billion in the current fiscal year and $25.5 billion projected for the next fiscal year—the Treasury will be in the money markets in heavy volume later this year. In addition, corporate loan demands are expected to increase as the economy expands.

All of this points to extreme pressure on the money markets and another round of interest rate increases. The administration has made a very serious error in failing to carry out the Economic Stabilization Act and apply controls on all levels of interest rates. Once the interest rates start climbing again in the money markets, the administration will find it politically difficult to hold the line. The controls should be imposed now before it is too late.

In addition to guarding against future increases in the money markets as the loan demands increase, the controls are needed now to force lenders to pass on savings to home buyers and consumers. Virtually no consumer rates have come down and the great majority of installment credit is ranging between 18 percent and 24 percent and millions of consumers are borrowing at 36 percent and higher on so-called small loans. Beyond this are shady areas where credit merchants and loan sharks are obtaining interest ranging up to 100 percent and more. These rates are unconscionable at any time, but they cannot be tolerated at a time when the administration is attempting to hold the line on wages and prices through the Economic Stabilization Act.

Mr. Speaker, I place in the RECORD a copy of the letter I have sent to Dr. Arthur Burns concerning the interest rate problems and the recent actions of the Committee on Interest and Dividends.

The letter follows:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., January 22, 1972.*

Hon. ARTHUR F. BURNS,
*Chairman, Board of Governors,*
*Federal Reserve System,*
*Washington, D.C.*

DEAR MR. BURNS: Reading between the lines, your statement as Chairman of the Committee on Interest and Dividends issued on January 19 reflects a new concern that recent interest rate reductions in the money markets have not been passed on to home-buyers and consumers. As you know, this is a point which many of us in the Congress have been trying to impress on the Administration since the wage-price program went into effect on August 15. I welcome your public statement of concern about this problem.

While you have stated it in restrained language, the analysis is clear. I was particularly impressed by the paragraph which read:

"Interest rates on borrowings by households, such as on home mortgages, automobiles, and personal loans, are less sensitive than market rates to changes in underlying conditions. They have tended to move in the same direction as rates on open market instruments of comparable maturity. But these movements generally have followed market rate fluctuations with a considerable lag and have fluctuated within a much narrower range. In part, this sluggishness reflects the heavy cost of administering such loans."

You later followed this with a specific warning to the lenders in these consumer areas, and I quote:

"The Committee on Interest and Dividends expects lenders to be aggressive in passing on promptly to the borrower the benefits of reduced costs of funds available in the credit markets."

These savings which have been recorded in the money markets have obviously not been passed on to the consumer and home-buyer and the use of the future tense in your statement is well-taken.

The statement is in sharp contrast to the almost flippant attitude taken by the Cost of Living Council in its statement on interest rates issued December 22. With virtually no supporting data, the Council refused to implement Section 203(e) of the Economic Stabilization Act and found interest rates to be satisfactory.

While I find your new awareness of the interest rate problem refreshing, I do take exception to the fact that you attempted to use the high interest period of 1970 as a base period in discussing what is happening to mortgage rates. This period marked the highest interest rates for home mortgages in the history of the United States and it does not serve the public understanding of this problem to judge the reasonableness of interest rates against this disastrous period. Basically, we should look at the mortgage picture as it relates to the current Economic Stabilization program.

Immediately before the wage-price freeze was announced on August 15, the effective interest rate on new homes nationwide stood at 7.66%. The figures issued last month—even after a decline recorded for the month of November—showed that mortgage rates were at 7.79%. In short, Dr. Burns, the mortgage interest rates are actually higher today—as recorded by the Federal Home Loan Bank Board—than they were just prior to President Nixon's implementation of his freeze orders.

The spread between the money market rates and the mortgage interest rates is fantastically wide. The prime rate at many banks today stands at 4¾% while mortgage rates are still ranging between 7½% and 8% nationwide. It is obvious that the savings in the money markets are not being passed on.

This condition is even more pronounced in the consumer area where small loan rates are generally 36% and higher in the various states. Revolving credit and credit card operations are bearing interest rates of 18% in the great majority of cases. In some areas, this rate is 21% and 24%. None of these areas—which directly affect the consumer—have benefitted from any of the much-heralded interest rate reductions in the money markets.

We may well see fractional declines in mortgage rates in the next few months but, as you are well aware, it will take a drastic reduction in interest rates on this type of credit if we are to sustain a high level of homebuilding and particularly if we are to provide housing for low and moderate income families. I hope you will do your part to keep the developments on these interest rates in proper context in the public statements which will be emanating from your Committee.

It is my sincere hope that your Committee will spend more of its time and effort on the rates paid by homebuyers and by consumers, particularly in the low and moderate income range. As you know, Congressional hearings—and newspaper investigative stories—have recounted numerous instances of extortionate and usurious interest rates of 50%, 60% and even 100%. These are practices which continue today and I most sincerely question whether the credit merchants and loan companies which are charging 36% and more to millions of consumers will respond to "voluntary" programs.

The stating and the restating of the various money market rates—which has dominated the Administration's comments on interest rates—serves little public purpose. These rates are published daily in hundreds of newspapers and anyone with 10¢ has full access to this data. It seems absurd for the Administration to set up committees—and to use its top officials—to reassemble and restate this information. What is needed is definite and complete information on what consumers are being charged and on what terms they are able to receive credit. This kind of information has not been forthcoming and the Administration continues to operate in violation of the requirements of the Economic Stabilization Act in this area.

So far, you have issued only a warning to the lenders about passing on savings to the consumers but you have given no indication of what steps will be taken if these mimeographed statements are ignored. I would like to know what is contemplated if these charges are not reduced and what further steps will be taken to comply with the letter and the spirit of the Economic Stabilization Act as it relates to interest rates and credit charges.

Sincerely,

Wright Patman.

I also place in the Record a copy of an article which appeared in the New York Times on Monday, January 24, with the headline: "Bond Men Expect Rates To Go Higher."

### Bond Men Expect Rates To Go Higher—But Federal Reserve Is Likely To Try To Hold Markets Steady

(By John H. Allan)

The bond market, which last week had its worst setback since September, now pessimistically believes that interest rates are headed higher.

The Treasury, however, is scheduled Wednesday afternoon to announce how it plans to refinance $4.5-billion of the national debt that matures Feb. 15, so the Federal Reserve doubtless will work to keep the credit markets on an even keel for the next several weeks.

As a result of this likely Federal Reserve action, any move toward still higher interest rates and lower bond prices probably won't be very large, some credit market analysts reasoned late last week.

#### A SHOCKING FIGURE

Much of last week's steep rise in rates was caused by news that the Federal budget deficit for fiscal 1972 would be nearly $40-billion, a figure that shocked Wall Street.

Treasury bill rates, for example, climbed from their recent low of 2.98 per cent to 3.42 per cent last Friday.

High-grade utility bond yields—rising for the first time since November—moved up to 7.30 per cent from 7 per cent, and investors still showed little enthusiasm.

Tax-exempt bond yields generally increased 20 or 25 basis points (hundredths of a percentage point).

The failure of investors to step in and buy bonds briskly once these higher yield levels were reached was the most discouraging aspect of last week's credit market performance for Wall Street.

It was odd, some dealers thought, that the credit market's atmosphere should be so pessimistic at a time when major commercial banks were again lowering the prime rate, when the Federal Reserve appeared to be accelerating its efforts to expand the monetary aggregates and when demand for bank loans decreased.

Furthermore, there seemed to be something fishy about the $40-billion budget deficit projection, too.

The figure—$28.4-billion larger than President Nixon projected a year ago—exceeded the projections of several leading Government finance specialists in New York who found the credit markets reaction perhaps overdone.

In a newsletter published last Friday, the Research Institute of America explained the big deficit figure in these political terms:

"The close-to-$40-billion red ink for fiscal '72, leaked to the press early to prepare the public for the shock, serves to make the big fiscal '73 deficit seem relatively small. And, assuming that he's re-elected, Nixon would be able to point to better-than-budget performance in '73 as an accomplishment."

Henry Kaufman of Salmon Brothers, writing in his Comments on Credit, suggested that the $40-billion figure seemed "improbable."

#### SIX-MONTH OUTLOOK

With the budget deficit for the six months ended Dec. 30 equaling $20-billion, the Government would have to incur an unprecedented $20-billion deficit in the second half of its fiscal year, a time when the Treasury is usually in surplus, Mr. Kaufman noted.

New legislation and advancing some 1973 spending into the final month of fiscal 1972 could produce a $40-billion deficit, however, he also indicated.

The Morgan Guaranty Trust Company's Monthly Survey, published today, described the Nixon Administration as "wholly committed intellectually" to an activist budget policy and relatively unconcerned by red-ink financing.

Pointing to the large budget deficits for fiscal 1972 and fiscal 1973, the Survey concluded: "Clearly, no intent exists to scale them back sizably either by expenditure cuts or by tax hikes."

In short, the $40-billion projection that belted the bond markets so hard last week may have been a political ploy, but it also served as a very real reminder of the Government's reflationary effort that lies ahead this year, one analyst reasoned.

Against this background Government financing activity this week will be heavy, the corporate bond sale schedule will be a moderate $450-million and the tax-exempt bond and note volume will be a fairly heavy $800-million.

#### SALES SCHEDULED

The Treasury Department not only has its usual $3.9-billion sale on three-month and six-month bills this afternoon but also will sell $1.7-billion of nine-month and one-year bills tomorrow.

On Wednesday the Treasury's debt managers are scheduled to disclose how they plan to refinance $4.47-billion of bonds and notes that come due in three weeks.

The Bankers Trust Company, writing in its weekly Market Comments, said the market's current "nervousness" might dissuade the Treasury either from refunding in advance any other Government securities or from offering a long-term issue to help extend the average maturity of the national debt.

Consequently, Bankers Trust suggested, the Treasury may merely offer two notes, one due in 15 or 18 months and the other in about seven years. The market's tone indicates a rate of 4⅝ per cent on the shorter note and about 6⅛ per cent for the longer issue, the bank also said.

The Federal National Mortgage Association plans to sell $700-million of debentures tomorrow and the Tennessee Valley Authority plans to sell $110 million of 119-day notes.

The big test for the tax-exempt bond market this week will be $300-million of high-grade securities scheduled for sale by five states—California, Hawaii, Pennsylvania, Delaware and Maryland.

#### MUNICIPALS OFFERED

This week's major local government bond and note sales (all at competitive bidding unless noted otherwise) include:

#### MONDAY

Columbus, Ohio, $10-million notes, due February, 1973.

#### TUESDAY

California, $100-million bonds, due 1973–1992, rated AA by Moody's and AAA by Standard & Poor's.

Hawaii, $55-million bonds, due 1975–1992, rated A by Moody's and AA by Standard & Poor's.

Pennsylvania, $50-million bonds, due 1974–2001, rated Aa and AA.

Massachusetts, $77-million notes, due March, 1973.

Delaware, $30-million bonds, due 1973–1992, rated Aa and AA.

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## WAR POWERS: A DIFFERENT APPROACH

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, on December 7, the so-called War Powers Act of 1971, sponsored by Senator JAVITS and supported by Senator STENNIS and others was ordered reported by the Senate Foreign Relations Committee by a vote of 13 to 0.

While I have deep respect for many of the Senators who apparently favor this method of restricting the power of the President to carry on hostilities without a declaration of war, I am deeply concerned by certain aspects of this bill. Specifically, I am concerned that it attempts to spell out the conditions under which the President can embark on hostilities and also that it sets a 30-day deadline for congressional authorization.

It is my belief that a different approach should be adopted, based on the principle that the President can carry on hostilities in the absence of a declaration of war only so long as he has at least tacit approval of both Houses of Congress. The corollary of this principle is that either House, acting alone, should be able by resolution to terminate the President's authority to carry on hostilities.

I have put this approach into bill form—H.R. 12645, introduced yesterday—the text of which follows:

### H.R. 12645

A bill governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE

SECTION 1. This Act may be cited as the "War Powers Act of 1972".

### PURPOSE

SEC. 2. It is the purpose of this Act to fulfill the intent of the framers of the Constitution of the United States, and insure that the collective judgment of both the Congress and the President will apply to the initiation of hostilities involving the Armed Forces of the United States, and the continuation of such hostilities.

### REPORTS

SEC. 3. The use of the Armed Forces of the United States in hostilities in the absence of a declaration of war or specific authorization by Congress shall be reported promptly, and in no event later than 24 hours after the commencement of hostilities, in writing by the President to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances under which such hostilities were initiated and the estimated scope of such hostilities. In the event the Congress is not in session, the President shall convene the Congress in extraordinary session. Whenever Armed Forces of the United States are engaged in hostilities outside of the United States, its territories and possessions, the President shall, so long as such forces continue to be engaged in such hostilities, report to the Congress periodically on the status of such hostilities, as well as the scope and expected duration of such hostilities, but in no event shall he report to the Congress less often than every six months.

### TERMINATION OF AUTHORITY

SEC. 4. The authority of the President to deploy Armed Forces of the United States and to direct or authorize such Armed Forces to engage in hostile action, in the absence of a declaration of war or specific authorization of the Congress, shall terminate upon the adoption by either House of the Congress of a resolution disapproving continuance of the action taken.

### CONGRESSIONAL PRIORITY PROVISIONS

SEC. 5. Any such resolution of disapproval shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it orginates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays. Any resolution so reported shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

SEC. 6. Upon the adoption of any such resolution of disapproval, the President shall proceed at once to effectuate the immediate withdrawal to the United States or any territory subject to its jurisdiction of the United States forces involved, having due regard to the need to protect such forces from attack while in the process of withdrawal.

### EFFECTIVE DATE

SEC. 7. This Act shall take effect on the date of its enactment.

I hope that this bill will receive serious consideration in the Foreign Affairs Committee and in the House, at least to the same extent as the Javits bill is considered, if the latter passes the Senate.

It may be noted that, although the House has already passed House Joint Resolution 1 requiring certain information from the President in the event of undeclared war, House Joint Resolution 1 and S. 2956—the Javits bill—cannot be sent to conference because one is a bill and the other a joint resolution.

I insert herewith a copy of a statement I made before the Senate Foreign Relations Committee explaining in greater detail my concern about the Javits bill and my reasons for supporting a different approach, and the text of my earlier resolution House Joint Resolution 669:

### STATEMENT SUBMITTED BY HON. JONATHAN B. BINGHAM, A MEMBER OF THE HOUSE OF REPRESENTATIVES FROM NEW YORK

I wish to thank you, Mr. Chairman, and the Members of this Committee, for providing me this opportunity to present my views on proposed legislation dealing with the war powers of the President and the Congress. As a Member of the Foreign Affairs Committee of the House of Representatives, and of the Subcommittee on National Security Policy and Scientific Affairs, I have had occasion to study in considerable detail the numerous legislative proposals in this area. As you undoubtedly are aware, the Resolution on Presidential War Powers passed by the House on August 2, 1971 (H.J. Res. 1), requires only that the President report to the Congress should he commit American troops without specific prior approval by the Congress. I certainly feel that that resolution does not go far enough in clarifying the President's responsibility to the Congress. On the other hand, I am deeply disturbed about certain provisions of more comprehensive war powers legislation that was considered by the House and which this Committee is now considering. The main purpose of my statement today is to alert this Committee to a number of serious difficulties and dangers in the proposals before the Senate—dangers which I feel have not been sufficiently recognized or dealt with in the already lengthy national debate on this issue.

First, I am forced to conclude that it is quite futile and unwise to attempt specifically to prescribe the circumstances under which the President may engage in hostilities in the absence of a declaration of war. If the criteria stated are sufficiently broad, they amount to no restraint at all. This is especially true since successive Presidents have shown themselves quite capable of interpreting Congressional prescriptions to suit their own needs and to justify their actions. Surely, the Gulf of Tonkin Resolution is a striking illustration. Highly restrictive prescriptions, on the other hand, could interfere with the President's capacity for quick, flexible response under circumstances that could prove tragic. The Javits bill (S. 731), for example, in my view would have inhibited or prevented President Truman from responding as he did to the invasion of South Korea. Similarly, the Javits bill could make it difficult for a President to respond adequately to a sudden Soviet-Arab attack in the Middle East. So it seems to me that any effort to prescribe circumstances in which the President is authorized to deploy combat forces is destined to fail either by imposing, in effect, no real restraint on the President or too much.

Second, it is my judgment that any deadline on Presidential or Congressional action is ill-advised and probably unworkable. The thirty-day provision of the Javits, Eagleton, and Stennis bills, after which Presidential action would have to be terminated unless continued by Congress, could well force the Congress into a premature decision or terminate Presidential action before a full assessment could be made of the situation. Similarly, any time limit is likely to be arbitrary and none can hope to suit every circumstance.

There is also the procedural problem of determining when the specified time period commences. To base a time limit on a Presidential report of troop deployment has grave drawbacks. As recent experience indicates, Presidents can be slow to report to Congress, especially when foreign involvement occurs gradually, rather than through decisive action. How long after we became involved in Vietnam, for example, did the Congress receive a clear report of that fact from the President? When would we have started counting off thirty days with regard to our Vietnam involvement? Such questions seems to me to raise serious doubts about the practicability of any time limit on Presidential intervention.

Third, I believe Congress should not be placed in a position where it must act in order for Presidential action to continue. If the Congress does act, then the President receives a blank check to proceed as he sees fit from there on out, and the Congress is all too likely to be swept up in the enthusiasm of the moment, giving the President authority that it might later regret having given. Again, our dismal experience under the Tonkin Resolution should be a warning. Rather, the responsibility and authority which the Congress now has—through the "power of the purse"—to restrict or terminate Presidential action should be spelled out clearly. What is now a blunt and awkward tool should be sharpened so that it can be used with more precision.

Mr. Chairman, I hope and trust that the distinguished Members of this Committee and of the full Senate will give careful consideration to these difficulties with pending

Senate legislation before taking further action. It is my feeling that an entirely different approach is required than is offered by any of the Resolutions pending before this Committee. Specifically, it is my conclusion that the authority to carry on hostilities in the absence of a declaration of war should continue only so long as the President has at least tacit approval of both houses of Congress: in other words either house, acting alone, should be able to "blow the whistle" on the President at any time. Each house fully represents the American public, and the first body to reach a majority in opposition to Presidential action should be able to terminate it. There is clear precedent for such an approach in the Executive Reorganization Act, which stipulates that rejection by either house of the Congress is sufficient to kill a Presidential effort to reorganize the Executive Branch.

The approach I am suggesting as an alternative to those before the Senate is embodied in legislation I submitted in the House but which has not, to my knowledge, been introduced in the Senate, and I submit the text of that resolution to follow my remarks in the record of these hearings.

HOUSE JOINT RESOLUTION 669

*Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled,* That use of the Armed Forces of the United States in military hostilities outside the territory of the United States in the absence of a declaration of war shall be unlawful following the adoption by either House of the Congress of a resolution disapproving continuation of such use. Any such resolution of disapproval shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays. Any resolution so reported shall immediately become the pending business of the House to which this reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

Upon the adoption of any such resolution of disapproval, the President shall proceed at once to effectuate the immediate withdrawal to the United States or any territory subject to its jurisdiction of the United States forces involved, having due regard to the need to protect such forces from attack while in the process of withdrawal.

## LEGISLATION TO SETTLE RAILROAD AND AIRLINE LABOR DISPUTES

(Mr. HARVEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARVEY. Mr. Speaker, nine times since last May, I have introduced legislation that would establish permanent mechanisms for the settlement of railroad and airline emergency labor disputes. During this period, the proposal has received the bipartisan support of 69 Members of the House. We all feel that this Congress must improve the inadequate mechanisms of the Railway Labor Act for dealing with emergency strikes.

When we first introduced this legislation, the Nation was facing a crippling rail strike, and this Congress was on the verge of passing another in a series of ad hoc bills to settle the rail dispute. Also on the horizon at that time was a longshore strike of national proportions, and we seriously considered including all transportation disputes in our legislative packet. We rejected the idea for the time, however, because we believed it to be unworkable without further study. Our main concern was to provide the Railway Labor Act with permanent mechanisms for settling emergency disputes. As a member of the Interstate and Foreign Commerce Committee which has jurisdiction over the Railway Labor Act, I felt that I was in a better position to guide our legislation through committee if we concentrated on railroads and airlines alone.

During the extensive hearings held by the Transportation and Aeronautics Subcommittee of the Interstate and Foreign Commerce Committee on our bill, it became very clear that a bill which included all emergency transportation disputes under one heading might not be the most desirable approach for solving the problem. Witnesses for both labor and management in the railroad and airline industries stated repeatedly that they did not want to see the Railway Labor Act abolished and their industries shifted into the jurisdiction of the Taft-Hartley Act. They emphasized the many advantages of the Railway Labor Act in areas other than emergency disputes, and they urged the committee to find a solution that would not emasculate this act.

A jurisdictional dispute among House committees also reduces the desirability of transferring all transportation industries to the Taft-Hartley Act. Legislation to amend the Railway Labor Act is sent to the Interstate and Foreign Commerce Committee, while those bills that seek to amend the Taft-Hartley Act are referred to the Education and Labor Committee. Any proposal that attempts to form a single umbrella over the entire transportation industry creates a very complex and often unresolved situation.

Today, with the Nation's economy being threatened by the resumption of the west coast dock strike—a strike that President Nixon has called "intolerable"—the administration has again requested ad hoc legislation to settle a transportation labor dispute. The time has come for this Congress to face up to its responsibilities to the American people and to create permanent mechanisms for the settlement of all such transportation work stoppages. Ad hoc legislation is simply not the answer; we must give the President the necessary tools to bring about a rapid and equitable settlement.

With the pressure of this new dock strike increasing continuously, I have been able to develop an approach that will provide permanent mechanisms for both the Railway Labor Act and the Taft-Hartley Act in the area of emergency disputes. Briefly, this proposal maintains the legal divisions that already exist in labor legislation in the transportation industry by amending both the Railway Labor Act and the Taft-Hartley National Labor Relations Act of 1947. The significant difference between this bill and the several others that have previously been introduced is that each of the laws is amended separately, in a different title of the new legislation. There is ample precedent for dividing controversial legislation into separate titles. In the 92d Congress, two examples come quickly to mind. The Interstate and Foreign Commerce Committee and the Committee on House Administration worked well together to report and pass a historic campaign spending bill. Earlier in the Congress, Chairman STAGGERS and Chairman MILLS worked very closely to pass the Airport-Airways Development Act. Emergency strike legislation offers the committees yet another opportunity to work together to find a solution that will benefit the national health and well-being.

Title I of the legislation that we are introducing today is identical to H.R. 11281, the latest version of our bill to amend the Railway Labor Act. This bill is now pending in executive session of the Transportation and Aeronautics Subcommittee and, in brief, it provides an "arsenal of weapons" approach to railroad labor disputes. It guarantees a solution to these disputes by providing three weapons—selective strikes, final offer selection, and a 30-day cooling-off period. These options are to be used until a settlement is reached and thus, the all-too-frequent event of the President requesting temporary legislation to end a rail strike would be eliminated.

Title II of this bill amends the Taft-Hartley Act in essentially the same fashion. If, after the 80-day injunction, the parties have not reached an accord, the President would have three alternative courses of action—final offer selection, an additional 30-day cooling-off period, and the imposition of partial operations—which would be used until a settlement is reached. We have replaced the selective strike option of title I with partial operations because of the nature of the industries regulated by Taft-Hartley. While a working definition of a selective strike, with limits and public safeguards, can be made for the railroad industry, similar attempts in the other transportation fields would result in confusion and invite disaster. As in title I, the amendments to the Taft-Hartley Act would also guarantee a solution by providing finality and guarding against future destructive strikes.

If this Congress is going to tackle the problems of emergency transportation strikes, it must do so without delay. The current west coast dock strike becomes more intolerable by the minute. When coupled with the previous longshore walkouts of this past summer and fall, and the "selective" U.T.U. rail strike in July and August, its economic effects are devastating. Indeed, the dock strike has been blamed for the $2 billion trade deficit for 1971—the first such unfavorable balance since 1893. My cosponsors and I believe that we have provided this Congress with a vehicle for action. We urge its prompt and complete consideration.

## A TURNING POINT FOR WORLD TRADE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the Honorable Peter M. Towe, Minister of Economic Affairs, Canadian Embassy, Washington, D.C., on January 21, 1972, delivered an able and most impressive address before the Board of International Trade of Miami on the vital subject, "A Turning Point for World Trade." The Board of International Trade is deeply interested in the whole scope of international trade because Miami is becoming a very large factor in international trade and commerce. Hence, the officials of the Board of International Trade of Miami sought as the speaker on this occasion a man of conspicuous knowledge in the field of international economics and trade. Such a man is the Honorable Peter M. Towe, Minister of Economic Affairs in the Canadian Embassy in Washington, D.C. He has had a wide experience and possesses a deep knowledge of this vast field of international trade. His contact has been with many parts of the world over many years. Moreover, the Board of International Trade of Miami was well aware that Canada is our great neighbor and our best customer. It was a very appropriate selection, therefore, for the Board of International Trade in Miami to invite Mr. Towe to speak on this significant occasion in Miami. All who heard Mr. Towe were deeply impressed with his message which he delivered in his characteristically charming manner.

Since the Congress is so vitally concerned in the problem of international trade and when such an issue is so critical to our country, I commend Minister Towe's able address to my colleagues and my fellow citizens, Mr. Speaker, and I include his address at this point in this Record:

### A Turning Point for World Trade

First, may I thank you for this opportunity to speak to so important a gathering. I confess I always feel a certain embarrassment when I am introduced in such generous detail: the number of positions I've held is probably no more than par for the average Canadian foreign service officer. I suspect the introduction I had a short time ago in the mid-west gave a much more accurate impression. "Mr. Towe", said the Chairman of the meeting, "has had so many different posts that his service in each must have been exceptional—in fact, it would not be too much to say that his career has been a life of unbroken blemish!"

When I accepted your invitation to speak, the selection of a theme was not too formidable: the United States surcharge and the related measures—which bore with special severity on Canadian exports and employment—were becoming for Canada increasingly intolerable. International monetary arrangements were in disorder. But perhaps even more important, there were pervasive uncertainties about the whole future direction of United States foreign economic policy. Not only were some senior officials of the Treasury Department in Washington telling the world that Uncle Sam was through playing Santa Claus, but they were actually suggesting that other countries should try the role for a change. With the Christmas season approaching the metaphor may have been apt. But because the intentions of the U.S. Government were unclear this suggestion was perhaps the most disconcerting of all.

It was in truth a tough time for Canada. Contrary to popular rumor, we really *are* your biggest trading partner and stood to lose the most by your trade and investment restrictions. Measures which were directed at other countries were seen as likely to have much more devastating effects on Canada.

Well, as you all know, many things *have* changed since early December. The surcharge and the discriminatory application of the investment tax credit which went with it have been dropped. A measure of order has been restored in the international monetary field. And there is at least some prospect the world will move again toward freer international trade and payments. Still, Christmas itself is an excellent season and I hope the new and neighbourly spirit that began in December will continue through and beyond the new year.

Today, instead of complaining about United States measures, I'll ask you to share with me a neighbour's view of the current international economic scene, and some ideas as to where the United States and Canada should be going together, in co-operation instead of controversy. Maybe in the course of these comments we will be able to cast some fresh light on the extent to which the U.S. really was acting as a sort of free world Santa Claus.

My excuse for discussing that sometimes dreary subject of international trade and payments is simply that it is of great importance for Canada, and I suggest more than of passing interest to the United States. For Canada over 50% of our production is exported; over one-quarter of our national income is generated by foreign trade. Comparative figures for the United States are, of course, much smaller. But for both countries exports are vital to the maintenance of income and employment in many critical sectors. We are, of course, each other's biggest customer. You take 65% of our exports and supply nearly 75% of our imports: we buy ten billion dollars worth of your products every year, virtually as much as Japan and the entire European Common Market put together. Canada is by far your biggest, and I suggest, your best customer. From Florida alone, Canadians purchase over $25 million worth of goods annually; and perhaps more important, this state is a tourist mecca for Canadians, especially during our long, cold winters. (Incidentally, I was very pleased to learn recently of the progress being made by Dade County officials in the construction of new facilities at the Miami International Airport. When these are completed it will make it even more inviting for Canadians to fly to Miami and the elimination of current delays will help us get into that delightful Florida sunshine that much sooner.)

You Americans are of course more important to us as a trading partner than we are to you. I doubt that many Americans have sleepless nights worrying about the policies which the Canadian Government might adopt. On the other hand, it is difficult to conceive of any United States economic measure, whether international or domestic, which wouldn't have important implications for Canada. Because of its size, what the United States does—or what the United States does not do—affects not only the welfare of Americans, but also that of the world as a whole and, because we are so close and interdependent, of Canada in particular.

It's not all that far back to the Great Depression of the 30's, when sky-high tariffs were imagined capable of blasting a country's exports into foreign markets, and when in fact beggar-your-neighbour policies resulted in an even worse downward spiral in international trade and by extension, a growing lack of confidence in domestic economies. The Hawley Smoot Tariff Act of 1930 raised your tariffs to the highest level in history and together with certain revenue duties introduced in 1932 effectively shut off Canadian exports to this country of a number of key products. The American economy sneezed, and the Canadian economy caught pneumonia.

Happily by 1934 there was a growing recognition of the boomerang effect of the policies adopted in '30 and '32: an awareness that when a country closes its markets to the world the world cannot in turn buy the things it wishes to sell. In 1934, the reciprocal Trade Agreements Act provided the President with the authority to reduce duties by 50% through the negotiation of reciprocal tariff concessions on the basis of the most-favoured-nations (MFN) principle. The United States succeeded Great Britain as the major proponent of MFN. Had it not done so, world trade would have been thrown into even more confusion following World War II and a sound basis for trade recovery would have been lacking.

At the conclusion of the Second World War, most of the industrialized countries of the world were impoverished—and we had not yet *even* begun to give much thought to the less developed world. Canada and the United States, however, had emerged from the agonies of war with their economies immensely strengthened. Together we shared the task of helping former allies help themselves. With other like-minded nations we fashioned a new international economic philosophy and the institutions to give it substance—the International Monetary Fund, the International Bank for Reconstruction and Development and the GATT—the General Agreement on Tariffs and Trade. And drawing on the experiences of the 1930's we began a series of multilateral tariff negotiations which contributed in no small measure to the annual growth since then in world trade of roughly 10%.

In these early post-war years there was much optimism and, I suggest, a greater appreciation than ever before in history of the benefits of international specialization. There was even the beginnings of recognition that there was little logic in barriers to imports of goods which are unobtainable at home or can be produced much less expensively abroad.

There was then no serious economic rival to the United States—indeed many books and articles were devoted to the problem of national existence in a lopsided world where a chronic dollar shortage appeared as an insoluble problem.

It's now somewhat fashionable to allege that this was a period during which the United States was somehow soft in negotiations, that deals struck were indefensibly out of balance or wildly in favour of foreigners. There's very little validity in such an allegation. Reciprocity meant then, as it means now, mutual profit, the practice of give and take. Reciprocity doesn't imply a need for a precise balance in arrangements worked out, for example, between the rich and the decidedly not so rich. The stronger partner in so-called reciprocal arrangements doesn't use his economic strength to accomplish the self-defeating objective of further relative impoverishment of his trading partner and potential customer.

If the United States made agreements which acknowledged the inequality of the partnership, it was because such acknowledgements were in America's best interests.

In short, I believe that the trade and related commercial arrangements made by the United States were largely appropriate to the circumstances of time. And in my judgment these arrangements did not in themselves contribute greatly to the United States balance of payments problem which began to emerge most clearly in the early 1960's.

What then did cause these important problems? Your industrial productivity had taken an enormous quantum jump during and immediately after World War II. American productivity continued steadily to improve. But almost suddenly European and Japanese economies, recovered from wartime devastation, took a similar quantum jump—and instead of being a light year behind, were now suddenly breathing down the U.S. economy's neck. U.S. productivity in most fields is still ahead and still progressing: but its advantage over its rivals in purely relative terms has nearly disappeared. Both the reduction in the U.S. trade surplus and the increasing desire of American business to invest abroad were symptomatic of this fundamental change. As the late Walter Winchell used to say, nothing recedes like success.

Well, what to do about it? The classical remedy to such a situation would have been to devalue the dollar. But devaluation would not be easy under the then accepted international monetary rules: the U.S. was virtually obligated to follow a dollar policy of "benign neglect". More important, there was a marked psychological aversion in the United States even to the concept of dollar devaluation. It seemed somehow to be an admission of defeat. If the U.S. set the example, lit the way as it was, where would it ever end? One could be excused if they thought at this point of the old Scot who was holding the lantern for the doctor while the Scot's wife gave birth. No sooner had one baby been delivered than the doctor cried, "don't take the light away, Jock, I think it's going to be twins" and sure enough, a second child was produced. The Scot was just recoiling from this rude surprise when the doctor called out, "bring the lantern closer again Jock! I think there'll be yet more!" "Och no," said the Scot, retreating quickly, "it must be the light that's attracting them!"

Now the reduction in the competitiveness of United States products in world markets to which we've referred was, of course, a reflection of the economic recovery of Western Europe and Japan, which rendered the old exchange rates unrealistic and out of date. It was a reflection as well of the fact that it was the turn of other countries to enjoy sky-rocketing growth in productivity. Making the problem worse was a growing case of inflation in the United States, due in part at least from the mid-1960's to American involvement in the Vietnam war.

In recent years overseas critics of United States balance of payments problems have been many and vocal. But few were willing to concede that concrete contributions—such as revaluation and faster removal of discriminatory barriers against U.S. exports—would be required on their part if the American problems they criticized were to be relieved.

As far back as the 1950's, USA official reserves had decreased as America's somewhat disproportionately large share of the world's gold was distributed more widely. But as the gold stocks continued to fall, the monthly deficits, which once had come to be accepted, now became a cause for real concern. By the summer of 1971, it was starkly evident that the deterioration in the United States balance of payments position simply could not be sustained. For the first time since the nineteenth century, the United States was running successive deficits every single month in its trade balance and international currency speculation against the dollar was rampant. It appeared unlikely, at least in Washington, that multilateral action could be taken soon enough or perhaps even at all; and unilateral action seemed to be the only alternative.

Thus on August 15, the United States Government bit the bullet. The measures then announced, in particular the floating of the United States dollar, marked a watershed, the beginning of a new era for the United States as well as for the world trading community.

In Canada most of the August 15 measures were applauded and welcomed as the beginning of necessary reforms. But the import surcharge, which was part of the package, was regarded as a totally unnecessary trapping and one which seemed to call into question the whole reliability of the United States as a trading partner. The surcharge seemed designed principally for its shock effect. To convince others that August 15th was the start of a new ball game. Some, however, felt that as an additive to the closing of the gold window it represented economic overkill. It reminded me of the story of the farmer—who must have been from Texas—who was seen by a friend behind the barn hitting a mule over the head with a huge 2 x 4. "My God," said his friend, "What are you trying to do?" "Train it," replied the Texan. "But you'll kill it if you hit it so hard!" said his friend. 'How can you consider that to be 'training'." "Well," said the Texan, before the training actually starts you've got to attract its attention!"

Our attention was certainly attracted by some of the August 15 decisions. We had always assumed that our access to the United States market would be at least as free and as dependable as American access was to our market. The broad lines of our industrial development since the late 1930's had been based on the possibility of selling a large part—even occasionally the major part—of production in the U.S., (indeed many American plants, especially those near the border, have come to count on the Canadian market for a large part of their sales.)

Perhaps however on reflection, August 15 was a timely warning. Perhaps we Canadians had, albeit unwittingly, been placing too many of our eggs in the U.S. basket.

There is no doubt that the closing of the gold window on August 15 marked the end of an era—that it signalled the need for a truly international solution to the U.S. balance of payments problem. But I confess that many Canadians bridled somewhat at the charge that we had somehow contributed to the problem.

In fact, we felt that we had more than met the tests of good trading partner as outlined by President Nixon on August 15. We couldn't be accused of holding to an artificial exchange rate for our çurrency. We had let our dollar float freely since May 1970, and it had appreciated by about 8%. And certainly we had no illegal or discriminatory trade barriers against the United States.

Soon after the guns of August, we were reminded by our American friends that after long years of deficits in our trade balance with the U.S., we were enjoying, for the moment at least, a favourable balance. This overlooked the fact that in overall current account transactions between Canada and the United States (that is not only goods and services, but also interest and dividends) the United States continues to enjoy a surplus as it has done every year with us since 1946. For 1970, our figures show a Canadian deficit on current account with the United States of $214 million.

Well, as I said at the outset, many things have happened since August 15th. The import surcharge and the discriminatory aspects of the investment tax credit have been eliminated. We now have in prospect a new exchange rate system and Congress is to be asked to raise the price of gold. Short term bilateral trading deals are being worked out between the U.S. and Japan, the EEC and Canada.

As far as Canada is concerned there is no suggestion that we should somehow pay for the surcharge removal or for the new system of exchange rates which has been tentatively agreed. Rather there is a determination on both sides of the border to use unsettled conditions as the stimulus to solve unsettled problems. We are expecting the U.S. to move toward elimination of some of its trading procedures and practices which are causing us the most harm. Americans will, understandably, be expecting us to review some of our practices with the object of making them (not more reciprocal) but more appropriate to today's changed economic circumstances. One obvious example concerns the value of goods which Canadian tourists can bring home duty free.

(I suppose I should say a word about the Canada-U.S. Automotive Agreement which was concluded in 1965. As a result of these arrangements production and employment on both sides of the border has increased significantly. Rather unexpectedly, however, and somewhat fortuitously I might add, we have recently experienced a surplus in trade with you in the automotive sector. Incidentally, our accumulative trade deficit in this sector since 1964 approaches $2 billion and other cumulative net payments on current account in this sector (interest, dividends, etc.) total nearly another billion. Nonetheless we are continuing to examine with you possible modifications and modernization of the existing arrangements in an effort to make them even more defensible on both sides of the border.)

But what of the future? Certainly it is a new ball game now and the relative balances of economic power have altered. But there's really nothing very sinister as some would suggest in the fact that between 1950 and 1970 the United States share of the world gross national product declined from 39.3% to 30.2%. It would be wrong to believe that this reflects anything but a welcome advance in the standards of living of other countries. Surely it is not in the U.S. interest, or of any other relatively wealthy country such as Canada, that the gap in per capita income which existed at the end of World War II between North America and the rest of the world be accentuated.

But new trading arrangements will have to take recent economic developments fully into account. For its part Canada stands ready to play a role, appropriate to its size and importance in world trade, in the development of new measures which we hope will lead to an expansion of international trade on a sustained basis. At the same time, it would be quite wrong to proceed from the assumption that the United States balance of payments problem can somehow be solved by concessions from others. Let us not forget that the United States is now, and happily is likely to remain for some time, the most powerful economic force in the world. The net international investment position of this country in 1960 was about $45 billion; in ten years it had increased by more than 50%. Direct and indirect U.S. investment in Canada alone totals the staggering sum of $34 billion. The net private investment income from foreign investments of United States residents in 1970 was over $6 billion, and it's increasing at a mind-boggling rate; by the second quarter of 1971, the figure had passed $9 billion at annual rates.

I don't suppose there are many responsible Americans who would deny that for better or worse United States still has to be the leader if there is to be one in the field of international trade. And I suspect that most Americans would prefer it that way. Enlightened leadership involves a willingness, indeed an eagerness, to find ways to break down trade barriers. For the United States it means justifiable self-confidence in the future competitiveness of the American economy. Enlightened leadership proclaims that the welfare of a nation is enhanced through imports paid for by exports of goods and services on the basis of comparative advantage. Although foreign trade is directly responsible for only a small part of this nation's annual increase in wealth, a healthy, expanding and dynamic trading environment can serve to promote not only greater international understanding but increased confidence at home. While the economic and political climate may not at the moment seem the most promising for concluding the sort of far-reaching trade arrangements needed to meet the challenges of the decade, a bold start must be made now.

And Canada, for one, is anxious to be on the starting line. If we've learned anything from the events of the past twelve months, it is that in international trade the only alternative to progress is retrogression. We have come as close as we dare (and perhaps closer than was prudent) to a breakdown in international trading confidence. Such a breakdown would impede rates of growth and prejudice economic well-being not only in the world at large, but also and perhaps with the most far-reaching conesquences, in the United States as well.

Lest you consider me a mere Cassandra, let me finish with a little story that illustrates the importance of the *one* single ingredient both our countries must have in these challenging times.

It seems two young nuns, out on a mission of mercy, were returning to their convent late at night when their car ran out of gas. Seeing a gas station down the road they walked to it and asked if the attendant could sell them some gas and something to carry it in. After a long search the attendant had to admit that all he could find to hold the gas was an old chamberpot. Undismayed, the good sisters said the chamberpot would do, and cheerfully carried it back to their car.

As they were pouring the gas into the tank two Baptist ministers drove around the corner. The headlights of their car illuminated the extraordinary sight of the nuns filling their tank from a chamberpot, they were struck with astonishment. Finally one of them said to the other, "you know, you may not agree with everything they *say*, but you sure have to admire their *faith!*"

## SUPPLEMENTAL FUNDING FOR BILINGUAL EDUCATION

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on the opening day of this session of the 92d Congress I introduced legislation—H.R. 12424—to provide full funding for bilingual education for fiscal year 1972. I am reintroducing this legislation today with 10 cosponsors. This legislation provides a supplemental appropriation of $65 million for fiscal year 1972 to bring the appropriations for title VII of the Elementary and Secondary Education Act up to the full authorization level. Title VII authorized $100 million for fiscal year 1972; $35 million was appropriated, and the administration's budget request was even less—$25 million.

As an original sponsor of the Bilingual Education Act, I am particularly concerned that it receive full funding. The bilingual education program is a desperately needed domestic program that has been undercut by the warped state of our national priorities. In the United States there are over 3 million schoolchildren who lack a command of even basic English. For a majority, their first language is Spanish. The bilingual education program provides a system of compensatory education for both youth and adults to overcome the language handicaps which persons of limited English-speaking ability face in our society. The inability to use the English language affects opportunities for education and, ultimately, for employment.

The bilingual education program is comprised of a broad range of activities, including research and pilot projects for improved techniques for the teaching of English, adult education, promoting closer ties between home and school, and special training programs to prepare qualified individuals to become teachers in bilingual education endeavors. It is important to note that the program stresses the importance of the history and culture of the participants, so that they will appreciate their own heritage and understand its contributions to American society.

There is a very great need for this program in New York City where in the 1970–71 school year 299,280 Spanish-surnamed children were enrolled in the public elementary and junior and senior high schools. These children constituted 26.3 percent of the public school children in New York City, and the percentage is rising.

It is quite clear that the non-English-speaking child who at the beginning of school is unable to acquire literacy in English in competition with his English-speaking classmates and who is not permitted to acquire it in his own language makes a poor beginning that he may never be able to overcome. He thus may tend to drop out and drift into unemployment or a very low-paying job.

Thus far, American schooling has not met the needs of bilingual children. Passage of this supplemental appropriation bill is critical to the future of these children and critical to the effectiveness of the program.

Members of Congress joining me in cosponsoring this legislation are: Mrs. Abzug, Mr. Badillo, Mr. Bingham, Mr. Carey of New York, Mrs. Chisholm, Mr. Halpern, Mr. Koch, Mr. Rangel, Mr. Rosenthal, and Mr. Scheuer.

## ANNOUNCEMENT OF HEARINGS ON PROPOSALS TO MAKE ELECTION DAY A LEGAL PUBLIC HOLIDAY, BY REPRESENTATIVE DON EDWARDS OF CALIFORNIA

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled public hearings on H.R. 3840 and H.R. 6140, designating certain election days as legal public holidays. These hearings will be held on February 24 and 25, 1972, at 10 a.m., room 2141, Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

## DEFENDING THE WEED—HOW EMBATTLED GROUP USES TACT, CALCULATION TO BLUNT ITS OPPOSITION

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I would like to call my colleagues' attention to an article appearing January 24, 1972, in the Wall Street Journal, entitled "Defending the Weed—How Embattled Group Uses Tact, Calculation To Blunt Its Opposition:"

### Defending the Weed—How Embattled Group Uses Tact, Calculation To Blunt Its Opposition

(By Jonathan Kwitny)

Washington.—Lunching in a Washington restaurant, Anne H. Duffin scans the menu and utters a little exclamation of delight. Swordfish is back.

It's not that Mrs. Duffin likes mercury. She just tends to sympathize with anything or anybody cast in an underdog's role. That's because she works for one of the biggest underdogs of all, the Tobacco Institute, the tobacco industry's chief lobbying and public relations organization.

Few industries—perhaps only the ones run by the Mafia—have been called worse names by more eminent name-callers than the tobacco industry. Few have been beset more often by restrictive legislation, constrictive regulation and punitive taxation. Still, probably no other has so skillfully finessed its way out of its dilemmas, turning a series of imminent disasters into near victories—or, at the very least, quite comfortable and profitable accommodations. The clinching evidence: Despite concerted attacks on smoking and increasing data linking cigarets with cancer and heart ailment, domestic cigaret consumption rose 3% in 1971.

The main credit goes to the Tobacco Institute, assisted, of course, by the seemingly unshakable addiction to nicotine of an estimated 50 million Americans. Even the most outspoken antismoking antagonists are quick to congratulate the institute staff's shrewd professionalism, low-keyed Southern charm and refusal to panic under pressure. "Their strategy over the past couple of years has been bright and able," says Michael Pertschuk, chief counsel for the Senate Commerce Committee, source of many of the industry's woes.

#### THE ROLE OF MR. CLEMENTS

Mr. Pertschuk adds: "Other industries can't get their members to do anything to head off regulation until it's too late. The automobile industry never did anything about safety until it was too late. But the Tobacco Institute has moved its members to take the initiative. In terms of PR, the industry is in a better position now than it has been since the (smoking) hazards came to light, while none of its steps really damaged the market."

Unlike trade associations that follow, rather than lead, their corporate membership, the Tobacco Institute has developed its own institutional clout. That partly explains its high level of performance. Probably more responsible than anyone else for the institute's vigor is its former president, Earle C. Clements, who in 1964 brought an astute political mind and some high-level influence to the institute's affairs.

A former Democratic Congressman and Senator from Kentucky, Mr. Clements had served as head of the party committee that distributed campaign funds and as whip—second in command—to Lyndon B. Johnson when Mr. Johnson was the Senate's Democratic majority leader. Mrs. Clements' daughter later served as Lady Bird Johnson's White House social secretary. In 1964 Mr. Clements went to work for the institute as a lobbyist, but some observers say he almost immediately became its chief in all but title. He was named president in 1966.

Mr. Clements, 74 years old, now holds an informal post as resident chief adviser. Two other heavyweights are moving up in the institute. One is Horace R. Kornegay, who was named president last year; he is a former Congressman from a North Carolina tobacco district. The other is William Kloepfer, an experienced hand in unpopular causes; he worked for the often-embattled Pharmaceutical Manufacturers Association before becoming public relations director for the institute in late 1967.

Like a pair of successful policemen, Mr.

Kornegay and Mr. Kloepfer complement each other; Mr. Kornegay, the nice guy, radiates antebellum charm, while Mr. Kloepfer, a crusty New Yorker, talks tough.

### TEARS AT A PARTY

Perhaps surprisingly, the institute itself seems to have little trouble finding and holding other loyal staffers. There seem to be few personal crises over the morality of defending cigarets. According to Mrs. Duffin, none of the institute's 30 employes has left to take another job in the two-and-a-half years she has worked there. Cigaret companies haven't been so fortunate. For example, Robert Wald, former legal counsel to Loew's Theatres' Lorillard division, quit last year because of personal misgivings. "I haven't the slightest doubt that cigarets cause lung cancer," he says. "I had to come home every night and face my kids' saying, 'Daddy, why do you work for a cigaret company?' " (Curiously, he wound up in a job representing Bon Vivant, which last year manufactured some poisoned vichyssoise.)

Institute employes do have their problems. Mrs. Duffin admits that she endures constant teasing about her job, and not long ago she "burst out crying at a party when an old friend accused me of defending tobacco just because I get paid for it." And the institute failed recently when it tried repeatedly to employ a respected science writer for a $40,000-a-year report-writing job. "They asked a great many of us, and nobody took that job," says Judy Randall, a science writer for the Washington Star. "I don't think any legitimate science writer would want to work for the Tobacco Institute or for any other special-interest group seeking to minimize what seems to be clear evidence of major risk."

On the other hand, Gilbert Heubner, who left his medical practice in Bluffton, Ind., to become the institute's resident physician, says he turned down several job offers in industry because the institute "had the most intriguing problem. It had controversy." Dr. Heubner's, and the institute's, problem: convincing people that smoking hasn't proved dangerous.

Nobody—not even the Tobacco Institute—argues that smoking will improve your health. So the industry instead has focused its attack on flaws in research that purports to show that smoking definitely is dangerous. "If our product is harmful," says James Bowling, vice president of Philip Morris, "we'll stop making it. We now know enough that we can take anything out of our product, but we don't know what ingredients to take out. In 1920 it was accepted as scientific fact that smoking caused TB. It was later found out they had no connection—after some states had even outlawed smoking. We don't know if smoking is harmful to health, and we think somebody ought to find out."

The institute took that attitude as early as 1958, when the smoking and health issue grew unavoidable. But only in 1964, with the report to the U.S. Surgeon General that heavy smoking was implicated in such diseases as lung cancer, did the industry take the offensive. Philip Morris—and later the institute itself—hired the law firm of Abe Fortas, a friend of Lyndon Johnson, to protect its interests. The institute also enlisted the law firm of former Secretary of State Dean Acheson, and the lobbying help of Jack Mills, former executive director of the Republican Congressional Campaign Committee.

One of the first things the institute encouraged its members to do was backpedal their promotion and advertising in sensitive areas—the youth market, for example. The companies stopped promoting cigarettes on college campuses. "Hell, when I went to college you couldn't have put out a football program without the help of about three tobacco companies," Mr. Kornegay, more or less accurately, recalls. "That's all out now."

The institute quickly exhibited a genius for protective compromise. Its stand on legislation to require a health warning on cigaret packages is a case in point. In 1965, the institute actually greased the path for such legislation. The antismoking forces wound up with the requirement that cigaret packages carry this statement—in rather small and inconspicuous type—"Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health."

In return, the industry won some important ground. Its support of that legislation effectively undercut the effort of the Federal Trade Commission and other groups to require a scarier caveat. The industry-supported legislation prevented federal and state agencies from imposing further sanctions against cigarets. Moreover, industry lawyers found still another advantage: A health warning of some kind might help them defend personal damage suits filed by cancer patients or their survivors.

Similarly, in 1969, the industry volunteered to take cigaret advertising off radio and television, at a time when Congress again was mulling stiffer sanctions against cigarets. The main beneficiary of this move, which was put into effect on Jan. 7, 1971, was the industry itself; it had been spending nearly a quarter of a billion dollars a year on commercials that turned out to be of questionable worth.

### BEHIND THE SCENES

"When we stepped back and looked at how the advertising had grown, it was startling," Mr. Kloepfer says. "The extreme competition among the six companies had gone too far." Mr. Kornegay adds, "You really question the business judgment of it, because for 1971 (after the commercials stopped) sales of cigarets went up. Was it worth living with all the criticism the ads brought on?"

With cigaret ads barred from television and radio last year, the industry's ad spending dropped about 30%, the institute says. Cigaret advertisers spent about $200 million in 1971.

The institute's outward show of sweetness and light sometimes has been achieved only by bucking its own members. Messrs. Kornegay, Kloepfer and Clements are adept at powdering old scars, but the institute's back rooms have seen numerous internal conflicts and tribulations.

One conflict surfaced in 1965, when American Brands (then American Tobacco) quit the institute. The company was adamant against giving an inch to antismoking forces. And for years, some insiders report, tobacco company lawyers fought over policy questions with Hill & Knowlton, the institute's outside public relations counsel.

Hill & Knowlton, insiders say, wanted to concede from the beginning that smoking may harm some people, and at the same time to stress the industry's efforts to make cigarets safe. Fearful that such an admission might encourage lawsuits, the lawyers fought Hill & Knowlton, and won. At the end of 1968, the institute says, it let lapse its contract with Hill & Knowlton. The institute maintains that it preferred its own in-house PR group. Hill & Knowlton now claims to have quit the account for its own reasons.

### THE TRUE FIASCO

However unhappy the Hill & Knowlton affair, it was bliss compared to the institute's brief fling with high-powered advertising man Rosser Reeves. Mr. Reeves was the prime instigator of a January 1966 article in True magazine that shrilly disputed medical findings that smoking is dangerous. Reprints went out to hundreds of thousands of doctors, government officials and other "opinion makers" along with a cover letter from "The Editors" of True. There was no indication that tobacco interests had sponsored the mailing.

A few months later, this newspaper disclosed that the writer of the article had been paid by Brown & Williamson, a tobacco manufacturer, and that Mr. Reeves' advertising agency had paid for the reprints. By all accounts but its own, the institute then dumped Mr. Reeves. Mr. Reeves won't comment on the episode. Mr. Clements contends that he let Mr. Reeves' contract lapse, like Hill & Knowlton's, only because he wanted an in-house PR man.

There also are charges that doctors have been paid for "pro-tobacco" testimony before congressional committees. Mr. Wald, the former Lorillard lawyer, says doctors have been paid "very handsomely" by an ad hoc committee of tobacco company lawyers. Ed Merlis, a staffer for the Senate Commerce Committee, says some doctors have admitted they were paid. Mr. Clements says only that "the institute has had nothing to do with the witnesses that testified before Congress." Mr. Kornegay says he doesn't know if anybody paid the medical witnesses or not. In any case, if Mr. Wald's account is correct, they were paid by individual tobacco firms or their lawyers rather than the institute.

Mr. Clements, with Southern delicacy, declines to answer when asked if he was ever embarrassed by anything done in the institute's name. He says he won't "answer any questions about our internal operations" because "that's like asking what happened in bed the night before with your wife"—a simile he used three times in one interview to ward off questions.

Yet, if some of the industry's machinations stray from the path of intellectual virtue, the industry's opponents don't always appear virginal, either. Anticigaret crusaders, for example, often bandy hard-to-document but impressive statistics like "300,000 excess deaths a year" or "100,000 doctors have quit smoking."

"The 300,000 excess deaths included suicides, people (smokers) run over by trucks and everything else," Mr. Kornegay claims. "They threw in everybody who died of cancer, everybody who died of heart attacks, even if they were going over Niagara Falls in a barrel at the time. But as soon as somebody said it everybody else started repeating it. This kind of statistic is like goat barbecue—the more you chew it the bigger it gets."

Moreover, tobacco men complain—with some evidence to back them up—that the scientific establishment sometimes stifles publication of research suggesting that smoking is not all that dangerous and on occasion has greatly overstated the significance of research with antismoking implications. And finally, they complain, again apparently with some justice, that results of anticigaret research get much more extensive and sensational publicity than studies tending to support the industry view.

The industry actually has spent tens of millions of dollars on smoking and cancer research. The industry even solicited the advice of Dr. Cuyler Hammond, vice president of the American Cancer Society and a major smoking foe, about who should run the industry research effort. And, Dr. Hammond says, the man he recommended got the job.

Other smoking critics also speak kindly of the institute. "There's not the antagonism people might expect," says a spokesman for Sen. Frank Moss (D., Utah), perhaps the industry's chief congressional opponent. "I'm personally impressed with them." Clifton Reed, who runs public relations for the cancer society, says, "Whenever we call them for information, we get it."

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MITCHELL (at the request of Mr. BOGGS), for today, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TERRY) and to revise and extend their remarks and include extraneous matter:)

Mr. WHALEN, for 15 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. FINDLEY, for 10 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. BOW, for 15 minutes, today.

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. MCKAY) and to revise and extend their remarks and include extraneous matter:)

Mr. RODINO, for 10 minutes, today.

Mr. ADDABBO, for 15 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. WILLIAM D. FORD, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN.

(The following Members (at the request of Mr. TERRY) and to include extraneous matter:)

Mr. MCCULLOCH.

Mr. ROBISON of New York.

Mr. HANSEN of Idaho.

Mr. ARCHER.

Mr. PELLY.

Mr. CLANCY.

Mr. SCHMITZ in four instances.

Mr. FINDLEY.

Mr. ANDERSON of Illinois.

Mr. HALPERN in two instances.

Mr. DU PONT.

Mr. BROOMFIELD in 10 instances.

Mr. GOLDWATER.

Mr. KEATING.

Mr. WYMAN in two instances.

Mr. VANDER JAGT.

Mr. VEYSEY in three instances.

Mrs. HECKLER of Massachusetts in two instances.

Mr. TERRY.

(The following Members (at the request of Mr. MCKAY) and to include extraneous matter:)

Mr. BRINKLEY.

Mr. PREYER of North Carolina.

Mr. BLANTON.

Mr. BLATNIK.

Mr. BADILLO in three instances.

Mr. MOSS in three instances.

Mr. ASPIN in 10 instances.

Mr. GIAIMO in 10 instances.

Mr. ANDERSON of Tennessee.

Mr. ROSENTHAL in five instances.

Mr. ROE in two instances.

Mr. ROY.

Mr. WILLIAM D. FORD.

Mr. MAZZOLI.

Mr. ANDERSON of California in two instances.

Mr. MACDONALD of Massachusetts.

Mr. DULSKI in five instances.

Mr. DELANEY.

Mr. HAGAN in three instances.

Mr. GONZALEZ in two instances.

Mr. RARICK in five instances.

Mr. ROGERS in five instances.

Mr. FRASER in five instances.

Mr. SCHEUER.

Mrs. CHISHOLM.

Mr. DENHOLM.

Mr. FOUNTAIN.

## ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Monday, January 31, 1972, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1439. A letter from the vice president and general manager, Chesapeake & Potomac Telephone Co., transmitting a statement of receipts and expenditures of the company, pursuant to chapter 1628, acts of Congress 1904, and a comparative general balance sheet, pursuant to paragraph 14 of the act of March 4, 1913; to the Committee on the District of Columbia.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 10086. A bill to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes (Rept. No. 92–743 (pt. II)). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 741. Resolution providing pay comparability adjustments for certain House employees whose pay rates are specifically fixed by House resolutions; with an amendment (Rept. No. 92–776). Ordered to be printed.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 769. Resolution authorizing payment of compensation for certain committee employees (Rept. No. 92–777). Ordered to be printed.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 532. A bill to authorize certain persons to accept gifts of money for the purpose of acquiring objects to be placed in the Capitol; with amendments (Rept. No. 92–778). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 1010. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes; with amendments (Rept. No. 92–779). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY of New York: Committee on Ways and Means. H.R. 1246. A bill to amend section 1071 of the Internal Revenue Code of 1954, as amended; with an amendment (Rept. No. 92–780). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY of New York: Committee on Ways and Means. H.R. 1247. A bill to amend the Internal Revenue Code of 1954 and the Tax Reform Act of 1969 regarding the treatment of charitable contributions; with amendments (Rept. No. 92–781). Referred to to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 1467. A bill to amend section 152(b)(3) of the Internal Revenue Code of 1954 for the purpose of including nationals of the United States within the definition of the term "dependent" in connection with deductions for personal exemptions; with amendments (Rept. No. 92–782). Referred to the Committee of the Whole House on the State of the Union.

Mr. CORMAN: Committee on Ways and Means. H.R. 2466. A bill to amend section 2039 of the Internal Revenue Code of 1954 (relating to estate tax treatment of annuities); with an amendment (Rept. No. 92–783). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 5372. A bill to amend section 5042(a)(2) of the Internal Revenue Code of 1954 to permit individuals who are not heads of families to produce wine for personal consumption; with amendments (Rept. No. 92–784). Referred to the Committee of the Whole House on the State of the Union.

Mr. CORMAN: Committee on Ways and Means. H.R. 5527. A bill to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber; with amendments (Rept. No. 92–785). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY of New York: Committee on Ways and Means. H.R. 5815. A bill to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1836; (Rept. No. 92–786). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 10264. A bill to amend the Internal Revenue Code of 1954 to provide an election by certain foreign corporations to treat interest income as income connected with U.S. business; with an amendment (Rept. No. 92–787). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 10335. A bill relating to the tax on self-employment income in the case of retired partners; with an amendment (Rept. No. 92–788). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 10646. A bill to amend section 956(b) of the Internal Revenue Code of 1954 to eliminate from the concept of U.S. property certain debt obligations acquired by controlled foreign corporations engaged in the banking business; with amendments (Rept. No. 92–789). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 10837. A bill to amend section 7275 of the Internal Revenue Code of 1954 with respect to airline tickets; with amendments (Rept. No. 92–790). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 11197. A bill to reduce the required charitable distributions under the Internal Revenue Code of 1954 in the case of certain contributions received by private foundations before the date of enactment of the Tax Reform Act of 1969; with amendments (Rept. No. 92–791). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 7025. A bill to amend the Internal Revenue Code of 1954 to permit affiliated banks to contribute in their fiduciary capacities to a common trust fund maintained by one of the affiliated banks for the benefit of the entire group; with amendments (Rept. No. 92–792). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY of New York: Committee on Ways and Means. H.R. 9040. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from the Federal estate tax for certain debt obligations of domestic corporations in cases where the interest on such obligations would be treated as income from foreign sources for purposes of the interest equalization tax (Rept. No. 92–793). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 10412. A bill to amend the Internal Revenue Code of 1954 to provide a carryback and carryover of certain foreign taxes on mineral income; with amendments (Rept. No. 92–794). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 7987. A bill to provide for the striking of medals in commemoration of the bicentennial of the American Revolution (Rep. No. 92–795). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 2672. An act to permanently exempt potatoes for processing from marketing orders (Rept. No. 92–796). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 782. Resolution providing for the consideration of H.R. 10086. A bill to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes (Rept. No. 92–797). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 783. Resolution providing for consideration of H.R. 11394. A bill to create an additional judicial district in the State of Louisiana, to provide for the appointment of additional district judgeships, and for other purposes (Rept. No. 92–798). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 784. Resolution providing for the consideration of S. 748. An act to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank (Rept. No. 92–799). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 785. Resolution providing for the consideration of S. 749. An act to authorize U.S. contributions to the Special Funds of the Asian Development Bank (Rept. No. 92–800). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 786. Resolution providing for the consideration of S. 2010. An act to provide for increased participation by the United States in the International Development Association (Rept. No. 92–801). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 12687. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Mr. Carey of New York, Mrs. Chisholm, Mr. Conable, Mr. Delaney, Mr. Dow, Mr. Dulski, Mr. Fish, Mr. Grover, Mr. Halpern, Mr. Hanley, Mr. Hastings, and Mr. Horton):

H.R. 12688. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on Ways and Means.

By Mr. CELLER (for himself, Mr. Kemp, Mr. King, Mr. Koch, Mr. Lent, Mr. McEwen, Mr. Murphy of New York, Mr. Peyser, Mr. Podell, Mr. Rangel, Mr. Reid, Mr. Robison of New York, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Smith of New York, Mr. Stratton, Mr. Terry, and Mr. Wolff):

H.R. 12689. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on Ways and Means.

By Mr. DELANEY:

H.R. 12690. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for tuition expenses incurred in providing private nonprofit elementary and secondary education; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 12691. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY (for himself, Mr. Michel, Mr. Burke of Florida, Mr. Córdova, Mr. Goodling, Mr. Hosmer, Mr. Jones of North Carolina, Mr. King, Mr. Latta, Mr. Railsback, and Mr. Robinson of Virginia):

H.R. 12692. A bill to provide a fair and effective means for the settlement of certain emergency labor disputes; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOWERS:

H.R. 12693. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY (for himself, Mr. McCormack, Mr. McClure, Mr. Hansen of Idaho, and Mr. Ullman):

H.R. 12694. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Columbia-Snake-Palouse program; to the Committee on Agriculture.

By Mr. WILLIAM D. FORD (for himself, Mr. Abourezk, Mr. Clark, Mr. Clay, Mr. Conyers, Mr. Cotter, Mr. Daniels of New Jersey, Mr. Danielson, Mr. Dent, Mr. Edwards of California, Mr. Eilberg, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mrs. Hicks of Massachusetts, and Mr. Matsunaga):

H.R. 12695. A bill to assist local educational agencies to provide quality educational programs in elementary and secondary schools; to the Committee on Education and Labor.

By Mr. WILLIAM D. FORD (for himself, Mr. Moss, Mr. Pepper, Mr. Perkins, Mr. Price of Illinois, Mr. Rangel, Mr. Rees, Mr. Rosenthal, Mr. St Germain, Mr. Scheuer, Mr. Steed, Mr. Tiernan, Mr. Meeds, Mr. Mikva, Mrs. Mink, Mr. Miller of California, Mr. Mitchell, and Mr. Moorhead):

H.R. 12696. A bill to assist local educational agencies to provide quality education programs in elementary and secondary schools; to the Committee on Education and Labor.

By Mrs. GRASSO:

H.R. 12697. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the cost of fire science programs; to the Committee on Science and Astronautics.

By Mr. GRIFFIN:

H.R. 12698. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.R. 12699. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and breathing apparatus; to the Committee on Science and Astronautics.

By Mr. HAMMERSCHMIDT:

H.R. 12700. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. HANLEY:

H.R. 12701. A bill to amend title 23 of the United States Code relating to highways to provide that all sections of the officially designated National System of Interstate and Defense Highways shall become toll free for public use; to the Committee on Public Works.

By Mr. HARVEY:

H.R. 12702. A bill to amend the Railroad Labor Act and the Labor Management Relations Act, 1947, to provide more effective means for protecting the public interest in national emergency disputes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN (for himself, Mr. Broyhill of Virginia, Mr. Fauntroy, Mr. Gude, and Mr. Scott):

H.R. 12703. A bill to extend and amend section 8(d) of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. JACOBS:

H.R. 12704. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the costs of fire science programs; to the Committee on Science and Astronautics.

By Mr. JONES of North Carolina:

H.R. 12705. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. KEE:

H.R. 12706. A bill to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEMP:

H.R. 12707. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. McCLORY (for himself, Mr. Hungate, Mr. Adams, Mr. Anderson of Illinois, Mr. Anderson of Tennessee, Mr. Bell, Mr. Brotzman, Mr. Buchanan, Mr. Danielson, Mr. Dellums, Mr. Duncan, Mr. Edwards of California, Mr. Eilberg, Mr. Forsythe, Mr. Frenzel, Mr. Harrington, Mr. Hechler of West Virginia, Mr.

McCulloch, Mr. Mallary, Mr. Mazzoli, Mr. Morse, Mr. Mosher, Mr. Myers, Mr. Price of Illinois, and Mr. Rees):

H.R. 12708. A bill to establish a Commission on Penal Reform; to the Committee on the Judiciary.

By Mr. McCLORY (for himself, Mr. Hungate, Mr. Gray, Mr. Meeds, Mr. Scheuer, Mr. Schwengel, Mr. Smith of New York, Mr. Taylor, Mr. Thone, Mr. Vander Jagt, Mr. Winn, and Mr. Wydler):

H.R. 12709. A bill to establish a Commission on Penal Reform; to the Committee on the Judiciary.

By Mr. McMILLAN (by request) (for himself, Mr. Dowdy, Mr. Hagan, Mr. Fraser, Mr. Jacobs, Mr. Cabell, Mr. Blanton, Mr. Stuckey, Mrs. Green of Oregon, Mr. O'Konski, Mr. Broyhill of Virginia, Mr. Gude, Mr. Thomson of Wisconsin, and Mr. Link):

H.R. 12710. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. McMILLAN:

H.R. 12711. A bill to extend the penalty for assaut on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes; to the Committee on the District of Columbia.

H.R. 12712. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. MATHIS of Georgia:

H.R. 12713. A bill to amend the Agricultural Adjustment of 1938 to authorize the lease and transfer of Flue-cured tobacco acreage-poundage marketing quotas between farms in the same State; to the Committee on Agriculture.

By Mr. METCALFE:

H.R. 12714. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

By Mr. MONAGAN:

H.R. 12715. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN (for himself, Mr. Quie, and Mr. Zwach):

H.R. 12716. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. NICHOLS:

H.R. 12717. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. PELLY:

H.R. 12718. A bill to amend Public Law 89-701, as amended, to extend until June 30, 1973, the expiration date of the act and the authorization of appropriations therefor, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PEYSER (for himself, Mr. Baker, Mr. Burke of Florida, Mr. Conte, Mr. Fish, Mr. Grover, Mr. Gude, Mr. Halpern, Mr. Hillis, Mr. King, Mr. Lent, Mr. McClory, Mr. Morse, Mr. Myers, Mr. O'Konski, Mr. Sebelius, Mr. Thone, Mr. Wydler, and Mr. Young of Florida):

H.R. 12719. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. PEYSER:

H.R. 12720. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. RIEGLE:

H.R. 12721. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

By Mr. ROBISON of New York:

H.R. 12722. A bill to authorize the President of the United States to propose or agree to a change in the par value of the U.S. dollar; to the Committee on Banking and Currency.

H.R. 12723. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 12724. A bill to amend the Uniform Code of Military Justice in order to provide that courts-martial may place persons on probation upon first-time conviction for certain narcotic-drug-related offenses, and for other purposes; to the Committee on Armed Services.

By Mr. ROE:

H.R. 12725. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. ROUSSELOT:

H.R. 12726. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and breathing apparatus; to the Committee on Science and Astronautics.

By Mr. RYAN (for himself, Mrs. Abzug, Mr. Badillo, Mr. Bingham, Mr. Carey of New York, Mrs. Chisholm, Mr. Halpern, Mr. Koch, Mr. Rangel, Mr. Rosenthal, and Mr. Scheuer):

H.R. 12727. A bill to provide supplemental appropriations to fully fund bilingual education programs under title VII of the Elementary and Secondary Education Act of 1965 for the fiscal year 1972; to the Committee on Appropriations.

By Mr. STRATTON (for himself, Mr. Helstoski, Mr. Carney, Mr. Biaggi, Mr. Metcalfe, Mr. Roe, Mr. Harrington, Mr. Roy, Mr. McKevitt, Mr. Forsythe, Mr. Hogan, Mrs. Abzug, Mr. Derwinski, Mr. Yatron, Mr. Cleveland, Mr. Davis of Georgia, Mr. Mizell, and Mr. Kyros):

H.R. 12728. A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, and for other purposes; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (by request):

H.R. 12729. A bill to amend chapter 11, title 38, United States Code, to increase the statutory rates for certain anatomical loss or loss of use; to the Committee on Veterans' Affairs.

H.R. 12730. A bill to amend chapter 19, title 38, United States Code, so as to provide a statutory total disability for insurance purposes to any veteran who has undergone kidney or heart transplant or anatomical loss or loss of use of both kidneys; to the Committee on Veterans' Affairs.

H.R. 12731. A bill to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses; to the Committee on Veterans' Affairs.

By Mr. VANDER JAGT:

H.R. 12732. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. WIGGINS (for himself, Mr. Sandman, and Mr. Steiger of Arizona):

H.R. 12733. A bill to amend title 18 of the United States Code to provide penalties for the taking and holding of hostages by inmates of Federal prisons, and for the making of certain agreements with such inmates to secure the release of such hostages; to the Committee on the Judiciary.

By Mr. DELLENBACK (for himself, Mr. McClure, Mr. Rhodes, Mr. McCloskey, Mr. Bob Wilson, and Mr. Teague of California):

H.J. Res. 1031. Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees; to the Committee on Education and Labor.

By Mr. HALPERN (for himself, Mr. Koch, Mr. Waldie, Mrs. Abzug, Mr. Aspin, Mr. Forsythe, Mrs. Grasso, Mr. Gude, Mr. Kemp, Mr. Kyros, Mr. Leggett, Mr. Long of Maryland, Mr. Mazzoli, Mrs. Mink, Mr. Mitchell, Mr. Pepper, Mr. Pettis, Mr. Roy, Mr. Ryan, Mr. Sarbanes, Mr. St Germain, Mr. Terry, and Mr. Tiernan):

H.J. Res. 1032. Joint resolution designating May 1–7, 1972 as "National Bikecology Week"; to the Committee on the Judiciary.

By Mr. HALPERN (for himself, Mr. Koch, Mr. Waldie, and Mrs. Hicks of Massachusetts):

H.J. Res. 1033. Joint resolution designating May 1–7, 1972 as "National Bikecology Week"; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.J. Res. 1034. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. KEMP:

H.J. Res. 1035. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mr. DELANEY:

H. Con. Res. 513. Concurrent resolution requesting the President to proclaim Sunday, February 20, 1972, as "Community U.S.A. Anti-Smut Day"; to the Committee on the Judiciary.

By Mr. DULSKI:

H. Res. 780. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. MORGAN:

H. Res. 781. Resolution providing for expenses of conducting studies and investigations authorized by House Resolution 109; to the Committee on House Administration.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ECKHARDT:

H.R. 12734. A bill for the relief of Ngan Sham Kwok Chee Stella; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 12735. A bill for the relief of Abdul Mannan; to the Committee on the Judiciary.

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# EXTENSIONS OF REMARKS

## BLOOD THAT KILLS

## HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. VEYSEY. Mr. Speaker, for the past year I have been studying blood banking in the United States. In that time I have read dozens of articles in the medical, legal and popular press on various facets of this hidden scandal. The article, "Blood That Kills" in the January 29 issue of the National Observer is far and away the best single description of the problem I have seen.

Mr. Gribbin has researched the problem thoroughly and manages to explain the complicated medical, legal, and social questions involved with a clarity that makes it look simple. Having struggled to explain some of these same problems myself in the past, I know it is not.

As the Observer's editor remarked, this article does not take a "my-gawd-ain't-it-awful" approach but just piles up the facts and tries to give everybody his say. I strongly urge my colleagues, if they read anything on blood banking, to read this article:

[From the National Observer, Jan. 29, 1972]

### BLOOD THAT KILLS

(By August Gribbin)

As Howard Schmid prepared to undergo surgery, neither he nor his wife saw reason to worry about his necessary but uncomplicated blood transfusion. They didn't know that many U.S. hospitals routinely use "cheap", possibly contaminated blood from skid-row addicts and bums—blood that can make a simple transfusion riskier than the most delicate surgery.

Like most Americans, the LaGrange, Ill., couple also didn't know that most authorities agree that a national blood program could solve the problem, but that the organizations judged most qualified to set one up oppose this solution. So blood transfusions now kill at least 3,500 Americans and medically injure another 50,000 each year, says Stanford University's Dr. J. Garrott Allen, whom many researchers regard as the nation's leading expert on the blood problem.

Of every 150 patients over 40 years old who receive blood transfusions, one dies, Dr. Allen estimates. Howard Schmid, age 52, didn't know that either.

#### THE HEPATITIS MENACE

Schmid's heart operation in a Chicago hospital went "beautifully," says Mrs. Schmid. "My husband came home. He was feeling better than he had in years. Out walking and everything. Planning to go back to work."

Three months later Schmid awoke one morning with yellow skin and a 102-degree temperature. "We took him to the hospital. And—he died," says Mrs. Schmid. The cause of death: serum hepatitis from contaminated blood.

Serum hepatitis is one of two main forms of a group of liver infections generically called hepatitis. The other main type is infectious hepatitis. The diseases' symptoms are roughly the same; so are their treatments. But infectious hepatitis, nicknamed "dirt disease," comes primarily from contaminated food and water and shows up most often amid crowding, poor sanitation, and malnutrition.

Serum hepatitis, far more serious, comes principally from injecting or transfusing tainted blood. The blood of persons who have had infectious hepatitis, and their uninfected regular associates' blood, is especially suspect. The malady inflames the victim's liver, causing extreme pain, itching, weakness, diarrhea, nausea, fever, and yellowing of the skin.

Researchers haven't isolated the ultimate sources of serum hepatitis. They do know that its infectious agents flourish in the dirt and squalor of city slums and skid rows. And that's just where many commercial blood banks have set up blood-collection stations.

There commercial blood-bank operators are within easy reach of down-and-out donors and drug addicts who sell their blood for $3 to $5 per pint. Outside of skid-row sections, donors normally get $15 to $20 a pint for common types of blood. Rarer types bring $50, $60, or more.

#### DANGER IS IMPORTED, TOO

The skid-row banks sell common types of blood to hospitals and to other banks for $40 to $50 a pint. One industry source says they net 100 per cent profit after processing and other costs.

The commercial banks also get such "cheap blood" from prisoners. Like addicts, prisoners frequently lie about past illnesses so they can earn a few dollars or special privileges for giving blood.

Some commercial banks also import blood from such willing sources as impoverished, medically backward Haiti. They extract and sell this blood's highly marketable plasma—which also can cause serum hepatitis.

#### EVERYWHERE THE DOLLAR

Certainly not all commercial suppliers depend on convicts and derelicts as sources of blood. Many suppliers take extreme care in hiring "donors," who often are robust but cash-shy soldiers and college youths. And of course a tiny percentage of the blood from presumably healthy donors may contain hepatitis.

Richard Dice, president of the reputable, commercial Community Blood Services of Alabama, abhors the questionable practices of what he calls "relatively few blood bankers." Commercial banks vary in quality from place to place, he asserts, adding: "If you really dissect blood donating in this country, you'll find that the dollar is involved everywhere. The Red Cross levies fees for the blood it distributes to hospitals; nonprofit banks charge fees. Both have blood-replacement plans."

Under such plans, banks solicit blood from unpaid volunteers by promising them free blood should they ever need it. Some hospitals, which frequently have their own blood banks, and some nonprofit banks "lend" blood, requiring the user to solicit replacement blood from acquaintances.

#### NOT ALL BLOOD IS EQUAL

Dice says the difference between the banks is not whether they are commercial or nonprofit, but how conscientiously they operate. Many of his colleagues agree wholeheartedly.

Doctors nonetheless make a huge distinction between "commercial blood," whose donors receive payment, and "volunteer blood," whose donors generally receive no cash. The difference can get fuzzy, because many noncommercial banks pay volunteers for their blood, calling the payment an "incentive." Blood obtained from "incentive"-paid donors sometimes is called volunteer blood.

Unpaid contributors' blood is generally considered much safer than that of paid donors. The promise of pay allegedly induces some donors to conceal disqualifying histories of hepatitis, past transfusions, allergies, or communicable diseases.

Statistics support the theory. Stanford's Dr. Allen reports that in one study blood traced to addicts in prisons and slums was found 70 times likelier to carry hepatitis than is blood from unpaid volunteers. Overall, he says, commercial blood is 10 times likelier to harbor hepatitis than volunteer blood is.

Dr. Allen has been studying blood-transfusion problems since 1945. It was he who first discovered commercial blood's special health hazards. He has published widely. And many medical men regard him as the nation's leading authority on blood donating and hepatitis.

#### HEPATITIS RISK UNDERSTATED

Commercial blood, which the Government says composes one-third of the U.S. supply, is currently indispensable. Without it, hospitals in some major cities would have to curtail transfusions. So it is almost universally available even to the altruistic volunteer whose blood donations to a non-profit bank entitled him to free, safer volunteer blood.

No blood bank has centers in all states. The Red Cross, biggest of the banks, has 59 centers in 42 states. But the centers may not cover the entire state, and they can't always supply blood. So a volunteer donor requiring emergency transfusion in such areas simply gets what's available; the Red Cross or his own nonprofit bank only picks up the tab.

The common use of commercial blood is the biggest contributor to the serum-hepatitis rate among transfusion patients. Nobody knows just how high the rate is, the Government's Center for Disease Control (CDC) in Atlanta says, because physicians often fail to report serum-hepatitis cases. The CDC says the real hepatitis rate could be 2 to 10 times Dr. Allen's estimate, or 35,000 deaths and 500,000 illnesses a year instead of 3,500 deaths and 50,000 illnesses.

#### DIFFICULTIES OF DIAGNOSIS

Why the confusion?

First, some serum-hepatitis symptoms resemble those of other illnesses. Thus a doctor may diagnose hepatitis as something else—especially if he doesn't know that the patient has had a transfusion. Second, the disease takes two to six months to develop. After that time, both patient and doctor may fail to connect the hepatitis with a transfusion given while treating another malady from which the patient apparently has recovered.

Mrs. Schmid is suing Rush Presbyterian-St. Luke's Medical Center in Chicago for its alleged "failure to warn us that there might be a danger in using blood from paid donors." Had she known of the danger, Mrs. Schmid says, she could have obtained volunteer blood for her husband, whose membership in a fraternal organization made him eligible for free blood. Schmid's heart operation required 22 pints of blood costing about $750 total. More than half of it was commercial blood.

Presbyterian-St. Luke's will not comment on Mrs. Schmid's suit beyond acknowledging it. The case has not been scheduled for trial.

There have been enough court cases, including Mrs. Schmid's, to help document and define the extent of the blood problem, but there haven't yet been enough court decisions to do much more.

Last October a jury in Billings, Mont., returned the first jury verdict favoring a victim in a post-transfusion hepatitis case. The jury awarded $32,941.41 damages to a Montana man who was disabled by serum hepatitis after receiving transfused blood taken from a woman who allegedly had hepatitis when she sold her blood to a commercial blood bank for a $5 "incentive." The blood bank is appealing the verdict. Lawyers on both sides agree that the case could become an important precedent.

Stanford's Dr. Allen testified as an expert witness at that trial, which brought to public view some of his mass of data on the blood problem.

Dr. Allen says an all-volunteer national blood program would cut the annual toll of hepatitis deaths and illnesses by 90 per cent. He estimates that hepatitis costs Americans $87,000,000 a year, based on a study of 25,000 patients hospitalized by hepatitis.

### THE SYSTEM'S SHORTCOMINGS

Moreover, Dr. Allen says he has evidence that:

Inspection of blood banks under Federal jurisdiction "is minimal because inspectors who visit blood banks often are inexperienced, and even veteran inspectors fail to investigate thoroughly enough."

Despite rules of the standards-setting American Association of Blood Banks, some commercial banks let donors give blood almost fortnightly, ignoring the eight-week recommended waiting period.

Patients who "borrow" blood from hospital banks, replacing it with volunteer blood donated by friends, frequently receive "high risk" commercial blood with neither the patient nor his physician knowing it.

### ONE INVESTIGATION'S FINDINGS

Newsmen have corroborated many of Dr. Allen's allegations. NBC's *Chronolog* program last October carried a critical report based on nine months of research. Various newspapers, including the New York Times and the Washington Post, have investigated the blood problem in their bailiwicks. Among the best articles was a series by a three-reporter Chicago Tribune "task force."

The Tribune reporters spent two months digging, says Phil Caputo, head of the team. They sold blood. The next day different blood banks readily accepted them as donors, despite their arms' fresh needle marks.

In Chicago's grimy slums they found "winos who sold blood so often they had scar tissue on their arms," Caputo says. His team interviewed skid-row donors who survived solely on garbage, a diet rendering them easy prey for hepatitis.

The reporters learned from blood-bank donor lists that suspected hepatitis carriers were rejected by one bank and then accepted by others. They found that Scientific Blood Bank, Inc., a Chicago-based commercial supplier, paid skid-row "professional donors" with vouchers cashable only at a nearby liquor store that required what Caputo calls "a sizable purchase, not just a pack of cigarettes."

Scientific paid the same way in Washington, D.C., until it closed down its Capital operation two months ago. Scientific's blood-buying facility, located in a ghetto area, paid donors with $5 vouchers stamped "Cash at Moe's Liquors only."

### NO PURCHASE NECESSARY

The owner of Moe's, who doesn't want his name used "because all it'll do is make me catch more hell," says he charged Scientific 25 cents per voucher. "We didn't demand that those guys buy booze," he says. "Sometimes they bought it; sometimes they didn't."

Scientific shut down its Washington operations after local newspapers carried stories about its liquor-store vouchering. Asked by The National Observer to comment, Robert Gallagher, president of Scientific, said: "I don't want to be rude, but I honestly believe anything I say will come out wrong. In the past whenever I've talked to reporters it has always come out wrong."

Rep. Victor Veysey, Republican of California, has been thumping for months for reform of the nation's uncoordinated blood programs. He has introduced a House bill that would impose stiffer, broader Federal regulations on blood banks. Charles Percy, Illinois Republican, and Vance Hartke, Indiana Democrat, have introduced a companion bill in the Senate.

The Veysey bill would establish a national blood-bank program run by the Department of Health, Education, and Welfare (HEW), which would be given regulatory authority over all blood banks. No such national regulation now exists. HEW's Division of Biologics Standards (DBS) polices the 166 banks that deal in interstate commerce and supply most of the nation's blood. But most of the 5,000 American blood banks don't operate interstate, so they're subject only to state and local laws.

### PROPOSALS AND ACCUSATIONS

Those laws are anemic at best. Only seven states license blood banks. Only five provide for blood inspection. Seventeen states have no blood-bank laws at all, and in 21 other states the only laws relating to the industry are those exempting blood banks from legal claims of patients harmed by tainted blood.

Veysey's bill would require a national registry of blood donors. It would list known or suspected hepatitis carriers, enabling blood banks to exclude them as prospective donors. And it would require labelling commercial blood as "high risk" and volunteer blood as "low risk." At present, doctors often have no way of knowing the source or quality of blood they give their patients.

The Red Cross has been "lackadaisical" for not expanding and trying to remedy the shortage of volunteer blood on its own, Veysey alleges. Dr. Jack J. Levin, the physician who is assistant director of the Red Cross blood program, says in response:

"We haven't expanded. We get no subsidy from Government and we must consider the others involved in blood collecting. Our program is a little more aggressive so far as efficiency and other things are concerned: This is our main thing. We want to improve what we have before we run off to expand."

### A MATTER OF AUTHORITY

Veysey also alleges that the DBS has been derelict in its duty by not requiring that commercial blood be so labeled. He says the DBS has clear authority to order labeling, to bring unregulated banks under its jurisdiction, and to prevent suppliers from accepting skid-row donors.

The DBS says it has no such authority. John N. Ashworth, chief of the DBS Blood and Blood Products Laboratory, says no one in DBS "understands exactly what the congressman and others are inferring in their criticism of us. We have no authority to interfere with private enterprise, but we do take action against blood banks that violate the law."

Forty-three DBS inspectors annually inspect the 259 installations of the 166 DBS-regulated blood banks. They examine equipment such as needles, autoclaves, and blood containers. They check records and monitor the bank's technicians for violations of proper medical techniques.

"In extreme cases of rule-breaking we have gone to court to get compliance," Ashworth says. "We've moved against three to five blood banks in the last decade; maybe it was six banks."

It was four. That's the total number of serious watchdog actions against blood banks since regulation began in 1902.

Veysey doesn't think DBS does enough. In fact, his bill stipulates that DBS shall *not* operate the proposed national blood program.

The transfusion-hepatitis risk would be minimal if doctors had an infallible laboratory test to detect serum hepatitis in blood. They don't, although many thought the Australia antigen was it. The antigen, first found in an Australian bushman, causes an observable reaction when introduced into blood containing serum hepatitis.

Last October the Association of American Blood Banks, which represents 1,500 commercial and nonprofit banks, ordered all its members to use tests based on the antigen. The DBS also required such tests. But researchers have found that the Australia-antigen test detects hepatitis only 25 per cent of the time, so the search for a more reliable detector goes on.

Because hepatitis detection is still unreliable, many authorities say the only solution to the nation's blood problem is to use only low-risk volunteer blood nationally. And this, most agree, means creating a national blood program under a single agency.

The Red Cross, which ran the nation's blood program during World War II and afterward and is still the biggest blood banker, doesn't want the job. "I'm not so sure we could handle a national program." Dr. Levin says. "Even if we had a subsidy it would be difficult to recruit people to do the job."

### NATIONAL PROGRAM OPPOSED

The Red Cross concedes the need for a national program. But besides declining the job itself, it isn't supporting Veysey's bill. In fact, officials of some autonomous state Red Cross chapters are lobbying against the bill. Some observers say these officials see a national system as a threat to their own blood collecting.

Commercial banks oppose the idea of a national system too. So does the blood-bank association. "We oppose a monolithic system. It would stifle research and creativity," says Mrs. Bernice Hemphill, a spokesman for the American Association of Blood Banks and head of the big, nonprofit Irwin Memorial Blood Bank in San Francisco.

Blood banks could supply enough volunteer blood by switching to other donor-recruitment systems, she says. Since last October, she adds, the Irwin bank has supplied only unpaid volunteers' blood to the 59 hospitals it serves.

Dr. Allen ascribes another motive to the association's opposition. The association vehemently denies his accusations, but he insists that:

"The 'nonprofit' blood banks make huge profits and want to protect them. I know: I had the embarrassment of running a bank that made such profits. The current fee structures make it practically impossible not to clear money."

Dr. Allen says the blood banks camouflage their excess profits by paying $50,000-a-year salaries to key executives. And he alleges that much of the banks' research grants goes to their own researchers. "There's no competition for the money as there would be if the grants were awarded impartially by the National Institutes of Health, for example," he says.

This sort of squabbling has provoked at least one clear, firm decision from a powerful sector: the 14,000,000-member AFL-CIO, which has co-operated closely with the Red Cross since World War II and which wants a national program begun.

Leo Perlis, head of the AFL-CIO's Department of Community Services and an activist in blood programs for more than 25 years, told The National Observer:

"The AFL-CIO is going to give the Red Cross one more year. If we don't see it improve its blood program, we're going to start lobbying hard to set up a national system without it."

"We're not only concerned with hepatitis, bad as it is; we're concerned about the nation's values," Perlis adds. "It's about time we stopped thinking we can buy and sell every single thing. My God, when we start selling the blood from our bodies—and contaminated blood at that—we're going off . . . well, words fail me."

Words don't fail Richard Titmuss, the British author of *The Gift Relationship*, a recent book on blood donating. He sees the American blood controversy as a moral issue constituting "one of the ultimate tests of where the 'social' begins and the 'economic' ends."

Titmuss argues against considering blood a commodity to be bought and sold. To him, "Freedom from disability is inseparable from altruism." Many Americans are beginning to agree, if only because good blood is perhaps one thing the dollar just can't buy.

###### POSTSCRIPT FROM THE EDITOR

A word of caution: If a fellow named Gus Gribbin comes around to question you, don't underestimate him. He looks a little fragile. But what you don't know is that he runs 20 minutes a day, goes in for calisthenics, and probably is in better shape than you are. His manner is mild and innocent. But by the time he has finished talking with you and two dozen other people he just might know some things about your business that you don't.

I have been studying Gus, with admiration and puzzlement, the whole year since I took on this job. I have decided, tentatively, that maybe he really is just an ordinary average guy—but one who has plunged into life with such zest and persistence that he is an extraordinary person and a superlative journalist.

He's a worker. After whirls at grocery clerking and assemblyline inspecting, he began news work at age 18 (with the Baltimore Sun) and has been at it full-time ever since. In his off-hours, though, he picked up two college degrees (B.S. from Loyola; M.A. from Maryland U.), which I must confess is double the number I hold. When The Observer was launched a decade ago, he was among the first aboard, and he's done nearly every chore around, from photo editing to book reviewing. His reporting has taken him around the land and, quite literally, under the sea.

His greatest flair, though, is spotting topics that get to the guts of readers' personal concerns, and digging right down to the bottom of them.

I suspect you've noted the Page One article in this issue; Gus tells what might be wrong with the blood that could go into your veins. During the past year he has explored on your behalf such varied matters as the perils of big-rig trucks thundering behind you on the highway, shoddy marriage counseling, misbranded and adulterated drugs, supposedly scientific auto clinics that give dubious diagnoses, the pros and cons of the vitamin C boom, the psychological jujitsu of some advertising.

Since all this contributes to our specialty—reporting on the business of living—I encourage Gus to follow a story wherever it leads, and often to name names. When he tackled a major story on consumer complaints against mail-order businesses, one trail inevitably led him back to The Observer itself—for our own publication is sold by mail, and prints mail-order ads for others. Sure, we felt pain when Gus put our human imperfections into print, just as others feel hurt.

But Gus never takes a my-gawd-ain't-it-awful approach. He just piles up the facts, and tries to give everybody his say. Sometimes that means clearing a business reputation, as when Stokely-Van Camp was falsely suspected of canning beans containing botulinum poison. It has even led him, repeatedly, to tick off business complaints against you and me as customers. In an age of consumerism, how dare he?

HENRY GEMMILL.

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## ANGEL'S HAVEN—HOME FOR MENTALLY RETARDED CHILDREN

## HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

*Thursday, January 27, 1972*

Mr. BEALL. Mr. President, too often we take for granted the miracles of life, realizing our own good fortune only when faced with the harsh realities of another's misfortune. Such a cruel twist of fate is mental retardation. We can read, write, speak, walk unassisted, and go through life responding without difficulty to what we consider everyday living. But for too many Americans, these activities are extremely difficult, if not impossible. Nearly 2 percent of our population is diagnosed as mentally retarded. Most of these victims of nature's unpredictability are children, doomed from birth to face life profoundly retarded, with little capability for training or education. The most important question, therefore, for those of us who have been much more fortunate, is what can we do to help.

There is, however, a solution for these children and that solution is residential homes for the mentally retarded. These homes offer the personalized care and affection that a large institution cannot. One such place is Angel's Haven, a nonprofit, nonsectarian home in Glen Burnie, Md. Angel's Haven has a unique story that illustrates just what human care and dedication can accomplish. It offers a model not only for residential homes for the mentally retarded, but also for what two people totally committed to helping others, can do.

Angel's Haven was established 11 years ago by Mr. and Mrs. Nick Spiro, seeking companionship for their own adopted child, "Angel," who was severely mentally retarded and epileptic. The Spiros, after many visits to clinics and doctors who advised institutionalizing Angel, decided in 1960 to move to the country and bring other children into their home. They had neither money nor technical skill, but they did possess a greater quality—love. With this as their foundation, Angel Haven was created.

Angel Haven has come a long way since its inception. Now Angel Haven boasts of an eight room home, built by the Spiros, with additions of extra bedroom, bathrooms, a dining room and an examination room. Its purpose is to provide a home atmosphere with a high degree of attention for the children. Along with tender care, their philosophy is simply the utilization of the three R's—reassurance, relaxation, and repetition. Clearly, Angel Haven has proved effective in the care of mentally retarded. Now we, throughout the country, must get behind all the Angel Havens of America, and help the people who so lovingly help others.

I ask unanimous consent that the text of the pamphlet "Angel Haven" be included in the RECORD, so that my colleagues might have the opportunity to read of its fine accomplishments.

There being no objection, the text of the pamphlet was ordered to be printed in the RECORD, as follows:

###### INTRODUCTION

Through the miracle of life itself, a great majority of our society never knows the cruel twist of fate that is mental retardation. We can read, write, speak, walk unassisted, and go through life responding without difficulty to the normal stimuli that we call everyday living, because we were born without arrested mental development . . . mental retardation!

In most cases, mental retardation strikes children. National statistics are astounding. Nearly 2% of the population is diagnosed as mentally retarded with 98% of the retardation from birth defects leaving the child, a victim of nature's unpredictableness, to face life being categorized . . . profoundly retarded, custodial, low-trainable, trainable or educable. They are left to face life not knowing they are retarded, not knowing that some people call them vegetables and claim there's no use wasting time with them, not knowing the anxieties and fears and tensions that all normal persons live with and accept as the great challenges of life. They are left to face life being misunderstood in improper home surroundings or placed in state institutions long overcrowded and understaffed.

###### DEDICATION

Fortunately, there is a solution for these children, and that solution is residential homes for the mentally retarded. In the United States, more than 200,000 mentally retarded individuals live in residential homes that are publicly operated. Angel's Haven, a non-profit, non-sectarian home in Glen Burnie, Maryland, is just such a place.

"It is a fine place," says Dr. Ruth Baldwin of University Hospital's Seizure Clinic. "Residential homes are so much better for children like this. An institution is so big and has so many to take care of."

Angel's Haven was established 11 years ago by Mr. and Mrs. Nick Spiro who sought companionship for their own retarded child, "Angel." In short, Grace and Nick are the epitome of dedication. They have truly committed themselves selflessly for these last 11 years so that 25 mentally retarded children of all ages up to 21 could find love and security and the best possible life.

###### ANGEL'S HAVEN BORN

As a physical property, Angel's Haven started as a converted chicken coop back in 1959. After one year of cramped living, the Spiros built an eight room home, which eventually saw three additions, including a dining room, bathrooms, more bedrooms for the expanding enrollment, and lastly, the addition of an examination room. Today, Angel's Haven stands on an acre of ground surrounded by a sudden suburban sprawl; in the main building are all the normal facilities of a hospital and the shaded yard is designed for exercise and play.

Mrs. Spiro hails from a family of sixteen that grew up in the poverty of a Pennsylvania coal mining town, and early in life learned the meanings as well as practice of the words humility and sharing. It was during a visit back to her hometown of Shamokin nearly 20 years ago that Angel's Haven, quite unknown to the Spiros, got its start.

While seeking out old friends, Grace met an old school chum, who in childhood had been her envy. There in the basement of an old tenament, hunched and working over an old fashioned wash machine was the once beautiful and fastidious friend, now broken in body and spirit. In place of the wealth of a time gone by was an infant child in a cardboard box and five other children needing care and attention from a busy mother and a father having long since deserted.

"I'll take the baby for a while," Mrs. Spiro said. "You have enough to do."

Back to Baltimore came the Spiros with a beautiful, blonde, four month old baby girl, Katherine, as a foster child. Thus began a drastic change in the lives of the Spiros. A few weeks later, while being fed her lunch, the baby jerked and slumped forward in her high chair. Fortunately, the family doctor was just a few doors away, and the following morning he had the child in the Johns Hopkins Clinic. The diagnosis . . . tuberous sclerosis . . . in short, this lovely little girl was both severely mentally retarded and epileptic. The deep sleep following these attacks was the basis for the statement by Nick Spiro that "she looks as peaceful as an angel," and from this, the name Angel was derived. The Spiros officially adopted Angel at the age of three to save her from a lifetime in an institution. It was in August, 1960, after many visits to clinics, and doctor after doctor, being told by all to institutionalize Angel with others of like ability, and complaining neighbors that the Spiros decided to move to the country and bring other children into their home for companionship. The Spiros, dedicated to the tradition of doing rather than talking, and equipped with neither money, degrees nor engineering skill, but with a shoestring, a prayer and a love stimulated and nurtured originally by Angel, they created Angel's Haven, a resident home for the mentally retarded.

### LOVE AT WORK

The concept of a small resident home is becoming widely recognized as one desirable approach to caring for retarded children. Angel's Haven's purpose is to provide a home atmosphere with a high degree of personal care for the children. Along with tender, loving care the Haven's philosophy is simple, let direct; concise, yet enveloping: the Spiros and the staff at Angel's Haven follow the three R's: reassurance, relaxation and repetition. In this atmosphere, it is being proved that these children can be trained and helped.

Above all "love is the answer," Grace Spiro says. And the visitor to Angel's Haven finds it reflected in the eyes of the children, who approach shyly, wanting to touch a necktie, to hold a finger tightly in a tiny hand—not many can talk at all—not many cry either—but they somehow feel, and then you too feel and think and thank Grace and Nick Spiro for the years and years of helping hands for helpless children.

### GROWTH IS EVIDENT

Therapy equipment is part of the Spiro dream that costs too much money. Walking devices and whirlpool baths and other health building aids could produce, perhaps, many more miracles at Angel's Haven.

As all things that begin small, Angel's Haven now needs to expand. Consequently, it was recommended that Angel's Haven enlarge and improve its present facilities and become a complete residential home with ultra modern equipment and room for 11 more young children. The expansion, fourth in the Haven's 11 year history, will add a new wing as well as completely renovate the existing structure. The home will then have larger sleeping quarters, a dining room to serve the increased enrollment, an activity room with the space essential to the special needs of the children, and a therapy examination room.

Yes, this venture that started on a wing and a prayer 11 years ago is ready to build and open its doors and take in children that will have a happier life. "People pay what they can and charity groups have been wonderful to us," Grace Spiro says. "But we have dreams now and dreams always seem to cost more money than we have."

### SELF-EXPRESSION

Look inside yourself, then admit yes, I can read, write, speak, walk unassisted, and fortunately live life to the fullest. Now let true human stewardship direct your gift to help children that have a right to the best life they can have.

Angel's Haven, once a dream, once a chicken coop, perhaps in a phrase, the Haven is dedicated . . . dedicated to the retarded . . . giving security, care, food, clothing, shelter and love to the mentally retarded child. Send your gift today in the true spirit of humans understanding helpless children, so that a selfless dedicated home and staff may continue to care for and serve mental retardation.

Angel's Haven . . . where love is a never ending gift.

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## POLAROID'S PROGRAM IN SOUTH AFRICA

## HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. BINGHAM. Mr. Speaker, the Polaroid Corp. has been conducting a most interesting experimental program in South Africa. Recently the company reviewed its experience with that program and decided to continue it. I insert herewith the company's report dated December 30, 1971:

### A REPORT ON SOUTH AFRICA

About a year ago Polaroid Corporation undertook an experimental program in South Africa. We were challenged to stop selling our products there as a gesture of opposition to the apartheid system of that country. A committee of black and white employees at Polaroid was formed to study the question. They sent four members of their group (two black and two white) to South Africa to gather information first hand and to talk to black South Africans. This group returned with a recommendation which the company adopted. We publicly stated our abhorrence of apartheid. We stopped sales of Polaroid products direct to the government. But we decided not to turn our backs on the problem. We would continue our business and attempt to achieve some basic improvements in the lives of black people there. This is a report on that experiment.

Since it was to involve the areas of employee benefits and education, both stringently restricted by the *apartheid* system, the assumption was made by some that the government of South Africa would actively oppose this program, perhaps take punitive action of some sort against us or our distributor there, Frank and Hirsch (Pty.) Ltd. This did not happen. There was no overt government opposition to any of the steps we have taken. Our distributor's business (which includes cameras, film and sunglasses) has continued with no adverse effects.

What specifically did we do in South Africa? Our first step was to ask the distributor and his associated companies (Polaroid has no company or investments of its own in South Africa) to improve "dramatically" the salaries and benefits of their non-white employees. This has been done with diligence and some success. The principle of the same pay for the same job has been accepted and announced publicly. The average monthly salary including bonus for black employees has increased 22%. Individual increases have ranged from 6% to 33%. The average is now 91 Rand (about $127 a month) up from R75. The minimum wage including bonus has been raised to R70. Whereas there were 98 black employees in the lowest salary category a year ago, there are only 39 there now. Twenty-one black employees (out of a total of 151) now make more than R130 per month (about $182). We feel that further progress is possible in this area. Wage discussions including Polaroid, our distributor and the Black Employees Committee of that company have already taken place regarding next year.

Eight black supervisors have been appointed during the course of the year in the Computer, Administration, Services and Distribution departments. One of the first black computer operators in South Africa is one of this group. Some of these positions were formerly held by whites. The black supervisors are being paid on the same pay scale as their predecessors. In addition two men have received instruction outside the company to qualify them to run on-the-job training courses.

A pension plan with death benefits is already in operation with equal provisions for blacks and whites. Our distributor has also set up a plan that will pay the educational expenses of children of black employees as well as for vocational or scholastic training fo the employees themselves. A loan service for black employees is in operation and applications are now screened and recommended by the Black Employees Committee.

A second smaller company associated with our distributor has also instituted wage increases for its black employees of from 16½% to 33⅓%. They have adopted pension and educational aid plans similar to the distributor's.

Another of the goals of our experiment was to create some mechanisms for change in the area of black education. In addition to the steps taken by our distributor and his allied company to aid the children of black employees, we have attempted three specific programs. A grant of $15,000 has been made by Polaroid to a black organized and operated institution, the Association for the Educational and Cultural Advancement of the African People of South Africa (ASSECA). This group was formed to encourage and improve black education in South Africa. The grant has provided funds for staff, transport and administration. ASSECA has embarked on several ambitious schemes in the past year including coaching class for high school examinations, lobbying for new classrooms to be built in Johannesburg, and a million Rand fund drive to aid black students.

A second grant of $10,000 was made to the U.S.-South Africa Leader Exchange Program, a private, non-governmental organization. Under this grant two black South Africans and their wives have come to America for an extended period of travel and study. Mr. Seth Manaka, who has a Masters degree in library science, spent three months in this country and visited libraries in 14 cities across the country. Dr. Noel Manganyi, a clinical psychologist, is currently here visiting hospitals, clinics and universities in various parts of the country.

A third grant of $50,000 (derived, as were the others, from profits earned by sales of our products in South Africa) was used to establish a foundation to underwrite educational expenses of black students and teachers in South Africa. This foundation, called ASSET (American-South African Study and Educational Trust) was organized in May, 1971.

Its trustees include some of the most distinguished black leaders in South Africa: Mr. M. T. Moerane, Editor of *The World*; Chief Gatsha Buthelezi, Chief Executive of the Zulus; Mr. R. S. Naidoo, President of the Natal Indian Teachers Association; Professor W. M. Kgware, Professor of Psychology, University of the North; and Mr. David Curry, a leader of the "colored" community. There are two white members as well, Mrs. Helen Suzman, Progressive Party Member of the South African Parliament, and Mr. Helmut Hirsch, Managing Director of Polaroid's South African distributor. ASSET has made a promising beginning. In its first nine months it has given scholarship grants to 679 students from all the major regions of South Africa. Recipients have included blacks, "coloreds," orientals and Indian students at all levels from high school through college and postgraduate study. Teacher training and vocational training have also been funded. Another 2,000 students have benefited from five special grants made for teacher's salaries in various schools. The number of applications for aid, however, has been overwhelming. ASSET has hardly scratched the surface.

We have also participated in the formation of a black owned and operated distribution company in Nigeria (another of the goals we set for ourselves). The company has been operating out of Lagos since September.

This, then, is what the Polaroid experimental program has accomplished in the year it has been in existence. But what effects has it had? What conclusions have we drawn? What is the future of such a program?

Its effects have been quite visible in press reports from South Africa, England, Canada and the U.S. Apparently Polaroid has been the first company from any country to take a public stand against *apartheid* and for the improvement of black working conditions in South Africa. Literally thousands of articles and editorials have been written about the "Polaroid program." Reactions have ranged from applause and support to thoughtful criticism to revolutionary rhetoric. In South Africa the press (which is not controlled by the government) has enthusiastically reported every detail of the program to its readers.

What have other companies done? One of the most important announcements in recent months came from the two largest international banks in South Africa, Barclay's Bank and the Standard Bank, stating that they would pay black employees the same rate for the job as white employees. About 400 black workers are affected. A major American automobile manufacturer also announced recently that they will pay equal wages for equal work, regardless of color. To date, however, whether they have instituted changes or not, most companies in South Africa have been reluctant to make any public statement of their current or future wage policies.

Polaroid has received inquiries from many American companies asking what difficulties we have encountered in South Africa and what pressures have been brought to bear on the implementation of our plans. The answer is simple. We have encountered no major difficulties, have faced no pressures that would alter what we have hoped to achieve. On the contrary, we have been surprised at how much progress has been made in a relatively short time.

Two comments that have come to us in recent months have helped to crystalize our feelings on the complex subject of South Africa and our presence there. Alan Paton, novelist, poet and a leading South African liberal, spoke at the Harvard Commencement in June.

"I'm often asked the question as to whether Americans should withdraw all investments in South Africa. I know this view is strongly held by some, and I respect it, but it is not my own. If those American enterprises in South Africa—and there are not a great many—and here I am quoting from the statement of the Polaroid Corporation entitled 'An Experiment in South Africa', would improve dramatically the salaries and other benefits of their non-white employees then I have no doubt that this would exert a moral pressure on South African employers to do the same . . . Therefore I stand not for the withdrawal of American investment, but for this dramatic improvement in salaries and benefits."

The second was from a black African worker who met our four employees when they were in South Africa. He recently wrote a letter to one of the members of the group.

"The Polaroid program has brought about great ferment in this country and many people seem to be trying to do something about improving the lot of the African people. We have had the case of (a large) bank, which gave a directive to its employees to accord African people the same courtesy accorded the other racial groups. The policy makers of that institution banned the use of the appellation 'boy' or 'girl' when addressing adult Africans. We are to be addressed as Mr. or Mrs. now. . . . What was started by Polaroid is gaining momentum and if it goes on in this way we hope that sanity may eventually be restored to our troubled country. . . . Among the African people, the 'experiment' has been applauded and . . . become the talk of the townships. This I have been able to get from people personally. . . . We would like to repeat what we said to you in December, that we are totally opposed to (your) withdrawal from South Africa. What has happened has in fact been the thin edge of the wedge, which will—we hope—lead to a breakthrough."

We share this hope also. In our opinion relatively little has happened prior to this experiment that could encourage hope for change. The alternative courses of action, after close examination, seem equally bleak to us. Although in a year's time the visible effects on other companies of our experiment have been limited, the practical achievements in salaries, benefits and education have shown what can be done. In this respect the experiment has exceeded the expectations of many. Therefore, we have decided to continue our program in South Africa.

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## ARTIFICIAL LEG NO HANDICAP FOR HIGH SCHOOL BASKETBALL PLAYER

### HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

*Thursday, January 27, 1972*

Mr. JAVITS. Mr. President, an article by sports writer Jim Greenidge in the January 17 Albany Knickerbocker News Union-Star illustrates well the contention that, given the opportunity, the so-called handicapped can hold their own with the full bodied and underlines dramatically the reasoning behind campaigns to "hire the handicapped."

Mike Coons has an artificial leg. Mike Coons also plays basketball with the Schoharie Central High School team. While he, according to his own admission, is not a star basketball player, there can be little doubt that he is a star athlete. And a good student, too.

Is it Mike Coons, the 17-year-old with the artificial leg who tried out for—and made—the team who is handicapped and who merits our sympathy or is it those who, with all their advantages, just will not try?

To Mike Coons goes our admiration and congratulations. His "handicap" will, I am certain, be a steppingstone and not a stumbling block.

I ask unanimous consent that the article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### HE SHOULD FEEL PROUD OF TRAVELING VIOLATION

(By Jim Greenidge)

What's that? You have a jammed thumb and your ankle feels a bit weak? Before you start complaining, stop and think about Schoharie Central High basketball player Mike Coons.

The 6–1, 175 pound Coons has every right to complain and alibi, but you'll never hear anything but a cheerful word or see anything but a gleaming smile from him.

Coons, a senior guard in his first year of high school competition, has an artificial leg. Born 17 years ago with a deformed right leg, it was amputated when he was very young.

He now has a flesh-colored plastic-coated wooden leg, which straps on to his thigh and extends from the knee down.

One thing Mike doesn't want, though is sympathy.

"Mike doesn't consider his leg as being handicap," says Schoharie basketball coach-athletic director Vince Dutkowski. "He does every drill the other players do. He doesn't try to beg his way out of anything.

"He runs wind sprints along with the other players," continued Dutkowski, who came to the school in September from Our Lady of Lourdes in Poughkeepsie. "In fact, one day in practice he beat one of the other players."

Coons, who maintains an 86 average scholastically, has seen action—although very limited—in all but two of the team's eight games. The team has a 3–5 record.

He had to miss the club's first outing because he was late in getting his physical and had to wait until he had the proper number of practice sessions before playing his first game.

"Mike would drop by the gym nearly every day to watch the early pre-season practices," said Dutkowski, recalling how Coons came out for the team. "I knew him through my gym class and I asked him to come out for the team."

"I checked with the State Education Department to see if it was okay medically for him to come out," said Dutkowski, and although they said they wouldn't recommend it, they said it was up to Mike's parents and the school doctor."

Mike, who wants to become a sportswriter or sportscaster, says he has been playing playground pick-up basketball games with his pals "as far back as I can remember."

"I always wanted to try out for the team," Mike continued. "I thought about it in other years, but I just never did. But when coach Dutkowski came he gave me a chance.

"Coach Dutkowski told me before the season started that I really wasn't going to get that much playing time because he wanted to do a lot of running and plus I knew I wouldn't be of much help playing a pressing defense.

"But I don't mind sitting on the bench, especially if our team wins the game. "I just like to get out and practice with the guys."

"Mike is the kind of person who doesn't feel insulted if he's only able to get in for 20 seconds of a game," says Dutkowski. "He's just happy to dress with the team and glad to be here with the club.

"I know he has a burning desire eating his insides in want for more playing time," Dutkowski went on." And I'm certainly not carrying him on the team to decorate the bench. He's no freebee. He knows, though, I'm rebuilding for next year."

Mike is especially strong against zone defenses, says the coach.

"Mike can certainly pop them in if you give him any kind of room to shoot," Dutkowski said of the southpaw jumper shooter. "His favorite shot comes from the top of the key where he hits on nearly 50 per cent of his shots."

Coons has some difficulty on defense, though. "I can't go in my weak side (to the right) that well," he says. "My man is able to get a few steps in front of me.

"When I played my first game I was really nervous." Coons went on. "It was against Greenville and I knew there were people watching me and my leg, but I feel there are a fewer number of people focusing on me each game now."

Mike scored two points in that first game, his average for the season. "I really don't take that many shots," he says. "Maybe I'll take two or, at the most, three a game.

"I certainly didn't expect to be any kind of a star when I came out," he added. "I used to go to a lot of the games in the past years to watch. One thing's for sure it's certainly harder than it looks from the sidelines.

Veteran Berne-Knox coach Pete Shaul remembers the crowd's reaction to seeing Coons limp on to the court when the Indians played Berne.

"There was such stillness you've never heard before in the gym, says Shaul. "No one said anything. They just looked."

"There's a lot of pressure on Mike when he goes into a game," says Dutkowski. "And it's not the same kind of pressure you or I might experience if we were to go in.

"The kids on the team love Mike" said Dutkowski. "He's really an inspiration to everyone. The sixth, seventh and eighth graders lock at Mike and say to themselves: 'I'm going to give it a try.'

"The best way to describe Mike is to say he's an honest, sincere, hardworking person who is always smiling. I don't think there are enough adjectives to describe Mike."

There aren't nearly enough sports to keep him busy, either.

Coons was the second man on the school golf team last year, with an average in the mid-40s for nine holes. He swims most every day during the summer and is also an avid bowler wtih a 145 average.

Mike has also become quite proficient in riding a unicycle, which he took up four years ago. He's forever riding one of his two snowmobiles. He also plays softball, ping-pong and likes fishing and hunting. He plays the guitar (favoring the pop tunes) and works on a farm during the summers.

"There's no question that he has a tremendous amount of guts," says Berne-Knox' Shaul. "He's really some person."

"Yes," echoes Schoharie's Dutkowski. "He'll try anything and everything."

## AMDOC

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## HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. SCHMITZ. Mr. Speaker, at a time when we hear a great deal of criticism of the medical profession, there is a special need for us all to be aware of the work doctors are doing on their own, without personal profit or the sponsorship of any Government program, to help meet critical medical needs all over the world. In the forefront of this work is a remarkable organization known as AMDOC.

AMDOC, which stands for American Doctors, is a nonsectarian, nonprofit, nonpolitical organization which arranges for doctors to serve short-term assignments abroad. AMDOC was founded by Paul Williamson, M.D., some 8 years ago. Its president is William Van Valin, M.D., who spent considerable time with Tom Dooley, M.D., and was a volunteer at Lambarene, Gabon, central Africa with Dr. Albert Schweitzer. The acting executive director is Tad Lonergan, M.D. The program concentrates on assisting and providing medical services in the emergent nation throughout the free world. AMDOC's function is twofold: It establishes the need for an American volunteer doctor and then finds the right man or woman to fill that need. Paramedical personnel are also provided in the same manner. The AMDOC program has been in operation worldwide for the past 7 years—finding the right doctor for a given hospital or institution. In 1970 AMDOC placed 134 doctors in 24 countries—treating over 430,000 patients. Treatment includes everything from minor ailments to complicated surgical procedures. AMDOC physicians served in the Peruvian earthquake disaster—AMDOC paramedics were among the first on the scene providing skills, supplies, and compassion for the sick and injured. The good will created and monetary value of their work is impossible to estimate.

The basis of this program is the principle that private enterprise—medical technology, in this case—using its own initiative, can make a substantial contribution to the needs of the world today—without Government subsidy. The program's measuring stick for help is: First, genuine need; and second, local leadership to work with AMDOC volunteers. AMDOC does not own or operate hospitals, clinics, dispensaries, or orphanages. Working with the sound self-help principle, the recipient institution provides facilities, equipment, and personnel to assist the doctor while he serves. A skilled American doctor during his tenure has personal contact with patients of another country in a genuine people-to-people program that will bear fruit long after his return home.

A physician willing to accept an AMDOC assignment serves a specific length of time—from 4 weeks to 12 months. He pays his own travel and living expenses plus those of his family, if he wishes them to accompany him. Each doctor in the AMDOC program practices without compensation. Those doctors, however, who may take an assignment for longer periods—1 to 5 years—usually will receive some compensation and reimbursement of travel expenditures from the hospital or clinic which he is serving. On his return from abroad he renders a detailed report on location, medical situation and other vital statistics for AMDOC's records. In some rural areas 15,000 to 100,000 natives are served by one hospital. During his assignment the AMDOC volunteer physician is able to assist in local medical programs by sharing new techniques, teaching students, encouraging public health practices, relieving overworked rural doctors and supporting long-term medical programs operated by religious and voluntary agencies.

The newest program permits medical students to accompany a doctor on his assignment. On this preceptorship basis the student works in a foreign hospital under supervision of the AMDOC physician; in some cases he may serve under a local resident physician. Students who apply are first thoroughly screened by the dean and faculty of their medical school.

Members of the AMDOC operating board are medical men with similar experience and businessmen skilled in finance and administration. On AMDOC's working board are doctors from many different States who have served on one or more AMDOC assignments. Their advice is sought whenever questions arise concerning the area overseas where they have practiced. All of these doctors serve in an honorary capacity because they realize the importance of improved medical standards in developing areas of the free world and they are aware of the contribution that AMDOC can make toward furthering an atmosphere of good will and peace.

Every AMDOC assignment calls for research at both ends of the spectrum and judgment based on experience. There is no doubt that the 134 doctors who volunteered in 1970 have contributed to the goals of AMDOC, but the number of doctors willing to accept assignment far exceeds the number that administrative dollars were able to send. Compared with the number of hospitals in need, the figures are totally inadequate. The Peruvian earthquake operation cost over $25,000 for supplies and equipment alone. These costs were assumed by a few dedicated doctors so that the organization could continue to try to meet current demands from its one source of income—donations from private individuals. AMDOC is an all-volunteer agency with one paid employee and with a minimum of overhead. AMDOC is not an expensive government program with red-tape and large grants. Each dollar invested grows a hundredfold on a concrete basis of understanding, good will, and knowledge shared.

## THE MEANING OF THE 6-PERCENT UNEMPLOYMENT RATE IS NOT SELF-EVIDENT

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### HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 24, 1972*

Mr. ANDERSON of Illinois. Mr. Speaker, recently the Wall Street Journal carried a front page article by its able correspondent, John O'Riley, which sheds some important light on the unemployment rate that stuck at about the 6-percent level for most of 1971. In the past, we have tended to view an unemployment rate of this magnitude as indicating the presence of substantial slack in the economy and widespread joblessness among primary breadwinners. However, in recent years there has been a steady shift in the composition of the labor force so that women and teenagers comprise a much larger portion than formerly. Since the range of job opportunities open to these workers is generally narrower than that for prime age male workers, and since they tend to move in and out of jobs more frequently, it is not surprising that unemployment rates for teenagers and women are significantly higher. This shift in the labor force to a larger proportion of higher than normal unemployment-prone workers is clearly indicated in the following breakdown of the jobless pool for the years 1958, 1961, and 1971, in each of which the unemployment rate was 6 percent or greater:

COMPOSITION OF UNEMPLOYED LABOR FORCE

| Year | All 16- to 19-year olds |  | Males, 20 and over |  | Females, 20 and over |  |
|---|---|---|---|---|---|---|
|  | Total | Percent | Total | Percent | Total | Percent |
| 1958 | 678,000 | 14.7 | 2,682,000 | 58.3 | 1,242,000 | 27.0 |
| 1961 | 828,000 | 17.6 | 2,518,000 | 53.4 | 1,368,000 | 29.2 |
| 1971 | 1,365,000 | 26.2 | 2,141,000 | 41.1 | 1,710,000 | 32.8 |

Source: Handbook of Labor Statistics, 1971.

Thus, just in the last 14 years we have moved from a point in which males over 20 years of age comprised almost 60 percent of the unemployed labor force, to a situation today in which they account for less than 45 percent of the jobless pool; as the table indicates this slack has been accounted for largely by a dramatic rise in the share of unemployment attributable to teenage workers and to a more modest increase in the portion represented by adult female workers.

The point of this analysis, though, is not to suggest that we should be complacent about the current high levels of unemployment. As Mr. O'Riley noted in his article, "The 6.1 percent unemployed figure is not one to be happy about." But these figures do have an important bearing on the type of public policy response we make to an admittedly unacceptable condition. To be specific, it can be questioned whether major additional inputs of fiscal and monetary stimulus are the correct approach to reducing an unemployed labor pool of the makeup indicated above. The likely result of such a course would be the creation of inflationary wage pressures as employers bid for a short supply of skilled, primary breadwinners before we have made significant progress in reducing the unemployment levels among more marginal teenage, and to some degree, female workers. The more appropriate response, in my view, would be improved manpower training policies designed to produce a better match between the needs of a changing dynamic economy and the skills of the work force. At this point in the RECORD, I insert Mr. O'Riley's article in its entirety:

THE OUTLOOK—APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

Unemployment. Of all the economic numbers tossed about with minimal understanding these days, the one representing the unemployment rate probably tops the list of the most-used and least-comprehended. Few political speeches can do without it. Reformers trumpet it. Talk about it is heard from the pulpit and in the seminar. It besprinkles the chitchat of the cocktail hour. Even school kids refer to it. But there is, withal, much more talk than clear though on the subject. And maybe another try at keeping it in perspective is warranted.

Fluctuating within a fraction of a point for more than a year, the much-mouthed figure now stands at 6.1%. Contrasting this with manpower-tight wartime rates (more men in the armed services, more workers in defense plants), most commentators seem to take it for granted that this represents a very bad situation indeed.

But others are beginning to wonder. Looking about them for other evidences of really large-scale joblessness, they find themselves confused. The following paragraph reflects this confusion. It is excerpted from a letter among those flowing across this writer's desk.

"There is something wrong—radically wrong—with the unemployment figures. With all the unemployed reported, it would be reasonable to assume that you could get a car washed, that you could get a house painted, that an electrical contractor could hire helpers, that it would be possible to employ people for clerical positions such as bank clerks. . . . But I have checked many sections of the country and they all report the difficulty in finding people *to take jobs*."

The letter writer may be guilty of exaggeration. And his cross-country survey may have been less than scientific. But he has a point. And it is this: Sure, there are people out of work today—there always are. But is the situation now anything like as bad as it is commonly painted? And if it is indeed so bad, why is it that would-be employers so often find it hard to hire people?

These questions aren't easy to answer. But an honest effort can be made.

The best starting point is a look behind the 6.1% figure at the total number of people classified as unemployed, and a breakdown as to who they are. The Labor Department's estimates for December are as follows.

| Age-Sex Groups: | *Jobless* |
|---|---|
| Males, 20 yrs and over | 2,141,000 |
| Females, 20 yrs and over | 1,710,000 |
| All teenagers (16–19 yrs) | 1,365,000 |
| Total | 5,216,000 |

As a source of public befuddlement on the overall unemployment picture, the most important figure by far in the above table is the one for teenagers. The teenagers, of course, represent only a tiny fraction of the working manpower in the nation, but it will be noted that they account for more than a fourth—26 out of every 100—of the "unemployed."

Over half of all employed teenagers quite logically only work part-time—on after-school jobs and such. But if any one of these kids is looking for even an after-school job and can't find it, he counts just as much in the overall unemployment total as an out-of-work head of a family.

Under this system of calculation, the teenage unemployment rate, now above 17%, gives a boost to the overall unemployment rate drastically out of line with the teenager's working role in the economy. The December jobless rate for adult men was actually only 4.4%—and for married men only 3.3%.

Teenage unemployment heavily concentrated in big-city clums is a serious thing. Hundreds of thousands of deprived youths, oppressed by grinding poverty, frustrated by idleness, tempted by drugs—their plight adds up to a dangerous, crime-breeding rash of sores on the social body. Only the blind can fail to see the evil in it and be concerned about finding a remedy. But to use this situation to help paint a picture of massive joblessness among bread-winning adults is plainly misleading.

Now note the womenfolk in the unemployment breakdown. Women play a far greater role in today's payroll working force than they did just a few years ago. Wage-earning females have increased by nearly 10 million in the past decade—a gigantic leap of some 50%. And just as they have increased their role in the work force, they have increased as a factor in the unemployed totals.

It will be noted in the table above that more than 1.7 million, or roughly a third of the total unemployed, are adult women. And, more important, they account for 44 of every 100 adults classified as unemployed.

But there are not many women electrical workers. Or house painters. Or car washers. Or TV repair technicians. Or auto mechanics. The list of jobs where womanpower, swollen as it is today, just doesn't fit importantly into the picture goes on and on.

Thus when you remove from the unemployed the largely unskilled and largely part-time-available teenagers, plus the women, who are not trained for so many occupations, you begin to get at least a partial answer to the man who wonders why, "with all the unemployed reported," it is often so hard to hire people.

It should be noted that adult women, as a source of family income, are not to be compared with the teenagers. Many women today provide the sole support for their families. And many more provide a sizable part of it.

But as a group (a new big group, remember) they are still to a much greater degree in-and-outers in the labor market than are labeled unemployed are so classified because they lost jobs. A recent (November) Labor Department estimate figured 15% of the jobless adult women were thus listed because they had quit their last jobs voluntarily. And another whopping 44% had actually been out of the labor market for some time, and, deciding to work again, hadn't found jobs to their liking.

No, the "6.1% unemployed" figure is not one to be happy about. But the public misconception it engenders is probably too big to measure.

JOHN O'RILEY.

## COMMUNITY U.S.A., ANTI-SMUT DAY

## HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. DELANEY. Mr. Speaker, veteran, fraternal, religious, and civic organizations in New York and other sections of the Nation are planning special activities for Sunday, February 20, 1972, to declare their opposition to obscenity and pornography.

With this in mind, I am introducing today a concurrent resolution requesting the President to proclaim Sunday, February 20, 1972, as "Community U.S.A. Anti-Smut Day."

As is the case with most of my colleagues, I have received numerous letters from concerned parents who are deeply disturbed about the ready availability to children of blatant obscenity and pornography in our Nation today.

There is hardly a magazine stand in the Nation that does not display smut and perversion of every type and description. This nauseous material also is often sent through the mails. The traffickers in this filth represent a billion dollar industry whose only contribution to society is to corrode and destroy it.

Police officials and medical experts have testified before congressional committees that there is a direct relationship between the prevalence of pornographic material and the rapidly increasing incidence of sex crimes.

The Post Office Department informs me that during the last 3½ years they have received some 722,000 complaints from people objecting to the receipt of unsolicited pornography in the mail. Since the passage of legislation in 1970 designed to remove sexually oriented advertising from the mail, 544,000 people have requested that their names be removed from the mailing lists of firms trading in this filth.

Court decisions involving freedom of the press and freedom of speech often have served only to confuse the public and encourage the dissemination of hard-core pornographic and obscene material.

To those who take an extremely liberal view toward the free availability of vice, it might be well to recall the words of Alexander Pope, who said:

Vice is a monster of such frightful mein
As to be hated, needs but to be seen.
But seen too oft, familiar with its face
We first despise, then pity, then embrace.

Mr. Speaker, it is vital that responsible opinion reaffirm the need to encourage the use of wholesome and inspiring visual subjects, and to oppose stringently hard-core pornography and obscenity.

Scanning the calendar of special days and weeks, one can find Presidential proclamations concerning National Poison Prevention Week, Earth Week, Moon Day, and National Clown Week. Surely, it would be equally important to designate one day to focus our attention on the need to find an antidote for one of the most pernicious poisons on earth, obscenity and pornography.

## THE PARENTS OF OUR TEENAGERS: A COMMITTED GENERATION

## HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. TERRY. Mr. Speaker, the Congress of the United States is often the site of eloquent discussions of many issues. With the wide variety of information and background material available in Washington, D.C., it is reasonable to expect that just about every approach to the issues would have been discussed by someone. But as all the Members of the House of Representatives know, our constituents frequently express opinions and positions much more clearly and succinctly than we do.

On Tuesday, December 28, Prof. Charles Wallis of Keuka College addressed the annual Yates County Kiwanis-Rotary-Lions luncheon in Penn Yan, N.Y. Professor Wallis' topic was oriented to the young people from local colleges, businesses, and the Armed Forces who were invited to the luncheon.

In a very eloquent manner, Professor Wallis explained the contribution of the current generation of parents of our college generation. His remarks appeared in the December 29, Wednesday morning edition of the Rochester Democrat and Chronicle. It is a privilege to include them in the CONGRESSIONAL RECORD:

### PARENTS' GENERATION PRAISED

Few generations of Americans have accomplished more than the one today that represents the middle-age group of society. If your generation does more, men for centuries to come will be indebted to you. Their lives have not been easy. They came to maturity in a devastating depression. Then engaged in a do-or-die struggle against Hitler to preserve our heritage and freedom. When the war was concluded, they poured billions into the economy of the world to sustain life among friend and foe.

I know of no hope or aspiration which your parents do not share in common with you. Your weaknesses are our weaknesses and your frustrations are like ours. I can think of no great dream or ideal of yours which your parents do not cherish with equal zeal and commitment.

Your parents have demonstrated their common commitment to your excellence by blazing new trails in social justice, including far reaching constitutional reforms in human rights. They have split the atom and explored outer space.

They have given to your generation the greatest schools in number and quality known to history. They have championed the greatest social and humanitarian reforms known to man.

Yes, they have erred. But the mistakes have been made with the best intentions in mind. We moved troops into Southeast Asia in a selfless gesture of support for less fortunate people, but like welfare, noble purpose became shrouded and confused.

The generation gap is misleading and false. There may be a difference in vocabulary and method, but your generation and mine are inextricably one in spirit as we are one in flesh.

## TRIBUTE TO PARAMOUNT, CALIF. ON ITS 15TH ANNIVERSARY

## HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. ANDERSON of California. Mr. Speaker, I rise at this time to congratulate the citizens of Paramount, Calif., on their 15th anniversary as an incorporated city.

This unique community, located within Los Angeles County, was formerly known as Hynes and Clearwater. A few short years ago, this area was the home of 80,000 dairy cows and had the largest hay market in the world.

Times have changed, and today the city of Paramount boasts a population of 35,000. But, due to the foresight of the city officials, the community has not replaced its rural setting with industrial sprawl. While there are six dairy farms still operating in Paramount, the city also has three parks to provide recreation and relaxation for her citizens.

To provide employment for the people of the Paramount area, industrial parks have been established to attract commercial interests.

Paramount is a balanced community which has a charming residential area consisting of neat, landscaped homes located on wide, safe, well-maintained streets. In addition, special mobile home parks make up an important part of the residential pattern.

The most recent addition to Paramount is the Paramount General Hospital, a $6 million facility which the citizens point to in pride. According to Dr. Irvine Moskowitz, the chairman of the board, the hospital has 150 beds, 18 doctors, and a staff of 200.

All of these achievements do not happen by accident. The city officials take the government to the people in an effort to study their problems firsthand. On a friendly, informal basis, the officials regularly visit the neighborhoods in special vans in order to talk and listen to the people.

But, the Paramount officials are not content to see the community stand still. City Manager Harry Bond foresees a gradual growth for several years, reaching a maximum of 40,000 residents. City

Councilman Louis Spane, known by his friends as "Mr. Paramount," predicts a trend toward multiple-family and high-rise apartments. In fact, the planning commission has recently approved a project for 97 condominium homes in Southwestern Paramount.

Through teamwork, dedication, and hard work, the city officials—former mayor, Ted Mosier; the present Mayor John Mies; Vice-Mayor Raymond Guillen; a devoted city council consisting of Mr. Mosier, Richard DeBie, and Mr. Spane, and, of course, their predecessors—have provided modern facilities and services to meet the needs of the community. These include a new city hall, a gymnasium, an olympic swimming pool, a community center, parks, a library, fire station, and post office.

Again, due to the foresight of the city officials, the fiscal affairs of Paramount are stable. The community finances its affairs without resorting to the property tax, nor does the city have a debt.

To educate their children, the people of Paramount have constructed seven elementary schools and one public high school. In addition, there are two private schools in the community.

In conclusion, Mr. Speaker, I salute the officials and the people of Paramount for their dedication and hard work in providing the support necessary for the progress achieved over the past 15 years, since incorporation as a city January 30, 1957.

On the occasion of their 15th anniversary as an incorporated city, I wish the community of Paramount continued success in the years to come.

## FIREBOMBING IN NEW YORK CITY

### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. SCHEUER. Mr. Speaker, yesterday in New York City two talent-booking offices were firebombed, causing the death of a young woman and 13 other injuries. Both offices have been involved in arranging visits to this country by Soviet performing artists. Telephone calls to the press shortly before the bombing indicated that they were designed as protests against these cultural exchanges with the Soviet Union whose repression of Soviet Jews has been internationally condemned.

I am convinced that no responsible Jewish organization is connected in any way with the bombings in New York, and I am gratified that the Jewish Defense League has disavowed any connection with this incident.

Those of us who are deeply concerned about the plight of Soviet Jewry are well aware that violent attacks like this are utterly counterproductive.

During my recent trip to the Soviet Union, top-ranking Russian officials constantly confronted me with the violence that, on a very few occasions, has marred our efforts to call attention to this issue.

The Russians use these violent attacks to cloud the true issue—the cruel and inhuman oppression of their Jewish minority—and, thus, are enabled to move from the defensive to the offensive by branding those in the United States concerned about that oppression as radical, violent hooligans and gangsters.

We cannot tolerate such murderous violence. If it is intended to pressure the Soviet Government into easing its restrictions on the emigration of Soviet Jews, it is tragically and totally inhuman and counterproductive. Violent acts immeasurably and seriously hurt the cause their perpetrators ostensibly seek to support. I can only hope that universal denunciation of such senseless acts will prevent their repetition by totally misguided individuals.

## A LOOK AT THE VOTING RIGHTS RECORD

### HON. WILLIAM M. McCULLOCH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. McCULLOCH. Mr. Speaker, I would like to call the attention of this body to an editorial which appeared in the Washington Post on January 26, 1972. The editorial entitled "A Look at the Voting Rights Record," points to the significant gains achieved as a result of the Voting Rights Act and refers to the recent report of the Civil Rights Oversight Subcommittee of the House Judiciary Committee.

I note with pride the fact that this report, the first from this important subcommittee, was unanimous. Such unanimity exemplifies the continuing bipartisan efforts of the House Judiciary Committee to assure that every citizen has an equal opportunity to participate in the affairs of his government.

I commend this editorial to the attention of my colleagues, Mr. Speaker, and I hope that the Department of Justice will implement the recommendations contained in the report. The editorial follows:

A LOOK AT THE VOTING RIGHTS RECORD

Two striking pieces of evidence indicate that the Voting Rights Act of 1965 has worked with remarkable effectiveness to enfranchise black citizens in the South. Its aim was to do away with a variety of devices contrived by Southern states to keep blacks from exercising the basic right of citizenship—everything from rigged literacy tests to outright intimidation. One piece of evidence is to be found in statistics of the U.S. Commission on Civil Rights. In the first two years after enactment of the Voting Rights Act, registration of nonwhite voters in the states covered by the act increased from 35.5 to 57.2 per cent of those eligible. In Mississippi, that percentage jumped all the way from 6.7 to 59.8.

Another kind of tribute to the effectiveness of the act is to be found in the ingenious ways invented by some of the Southern states to circumvent it. Mississippi even went to the trouble last year of requiring reregistration of all voters in 26 of its counties. This has the appearance of an evenhanded requirement falling equally upon blacks and whites. Actually, it imposes a far heavier burden upon the former than upon the latter, and was doubtless intended to do so. In Mississippi, blacks tend more than whites to live in rural reas, and registration may entail a long and burdensome trip for them. Moreover, it required an act of courage for blacks to register in Mississippi in the first place, a form of hardihood some of them may be reluctant to repeat.

A recently released report of the Civil Rights Over-Sight Subcommittee of the House Judiciary Committee takes note of this Southern strategy and makes some stringent comments on the Justice Department's failure to counteract it. The report is noteworthy, in part for the fact that the five Democratic and four Republican members of the subcommittee joined in it unanimously. The conclusion they came to was that the Department of Justice has not properly enforced Section 5 of the Voting Rights Act, that the department should have objected to Mississippi reregistration and that it has failed to protect adequately the rights of persons registered by federal examiners.

This is a severe indictment of the federal agency to which blacks must look for vindication of their rights and it is made the sharper by the subcommittee's concluding recommendation: "We recommend that the Department of Justice clearly demonstrate a no-nonsense policy of enforcement by utilizing civil and criminal sanctions in certain cases where the action of state or local officials openly flout the provisions of the Voting Rights Act." The chairman of the subcommittee, Congressman Don Edwards of California, was quite right in asserting: "The right to vote, which is protected by the Voting Rights Act, is at the very heart of our democracy." It would be tragic if the exercise of that right were again subverted as it was in the latter years of the 19th century. It can be kept real only as the Department of Justice is zealous in upholding it and as Congress continues a vigilant exercise of its oversight responsibilities.

## ANNIVERSARY OF UKRAINE INDEPENDENCE

### HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. PRICE of Illinois. Mr. Speaker, as we take time today to observe the 54th anniversary of the independence of Ukraine, we realize that our concern over these noble and unfortunate people is not restricted to one short day per year. The Ukrainians have suffered much under the iron rule of the Soviets, much more than their ancestors had suffered under the czars. The tight seal of internal repression around the Soviet Union has prevented us from knowing the full extent of the Ukrainian condition. Nevertheless, we know that they are surviving, despite the deaths of millions of their number at the cruel hands of the Soviets, and still struggling to regain the independence they so quickly lost after 4 years of bloody aggression and subversion by the Russian Federated Soviet Socialist Republic, which had fraudulently recognized and pledge to respect the independence of the Ukrainian state.

Their precious freedom lost, the people of Ukraine were subjected to harsh, inhuman treatment and persecution. Millions starved to death as a result of manmade famine because they resisted collectivization of their farms. Ukrainian youths were forced to leave their home for work in far regions of the Soviet Union. Their churches were destroyed and their clergymen deported and executed.

It is known that underground resistance efforts are continuing in this largest of non-Russian captive nations. The Ukrainian love of freedom has not been stifled. I am proud, Mr. Speaker, to be able to join with Ukrainians living in the free world to speak for their 47 million kinsmen behind the iron curtain on this observance of their independence. I commend their patience and fortitude and wish them ultimate success in their struggle for national freedom and independence.

## CAPT. LEROY STUTZ MO-KAN MAN OF YEAR

## HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. ROY. Mr. Speaker, we cannot be reminded too often of the tragedy of hundreds of Americans held captive in Communist prison camps in Southeast Asia. The anguish suffered by them and by their families needs to be brought home to us again and again until this war is over and our men are free.

The Atchison Daily Globe, a newspaper in the Second Congressional District of Kansas, recognizes this fact. This month it demonstrated its support for all American POW's by designating one, Capt. Leroy Stutz, of Effingham, Kans., as its Mo-Kan Area Man of the Year for 1971.

I commend the Globe for the wisdom of its selection. Captain Stutz and his comrades in captivity deserve our constant assurance that we have not forgotten, and that we are working on their behalf.

As the following article from the January 9 issue of the Globe points out, Captain Stutz is the type of young man which this country can ill afford to do without. Let us hope and pray that this man of the year is soon with us again.

### CAPT. LEROY STUTZ MO-KAN MAN OF YEAR

A prisoner of war in North Vietnam for more than five years, Capt. Leroy W. Stutz of Effingham is the 1971 Mo-Kan Area Man of the Year.

The Atchison county youth, a native of Effingham, was selected by a panel of judges from a field of 37 candidates nominated last month in the third annual Globe search for the individual who contributed the most in service above self to his community or the area during the past year.

Captain Stutz is the first Mo-Kan Area Man of the Year to be named outside of the city of Atchison.

Previously honored as Mo-Kan Area Man of the Year were Dr. E. J. Bribach, noted opthalomogist, in 1969 and L. A. (Roy) Ostertag, retired furniture merchant, named for 1970.

"In view of the times and the many contributions made by the youth of the country, we believe Captain Stutz has contributed the most in service above self not only to his nation, but to the Mo-Kan area and is highly deserving of the honor," spokesman for the judges stated in announcing the panel's selection.

"Also significant is that in honoring this young man we show that he as well as other POWs in Southeast Asia have not been forgotten at home."

"That's wonderful!" was the happy comment of Captain Stutz's wife, Karen. She and their son, Brian, 6, who knows his father only from pictures, are living with her parents, Mr. and Mrs. Gilbert Kierns, at Cummings while awaiting his release.

"I know he will be cheered and pleased when he learns of his selection for the honor," Mrs. Stutz said.

Awaiting his return along with his wife and son are Captain Stutz's parents, Mr. and Mrs. William C. Stutz of Effingham. His father is state representative from the 51st district. He also has two sisters, Mrs. Gene (Jeanette) Berry and Mrs. Robert (Helen) Caplinger, wife of the Atchison lawyer, both of Effingham.

In considering the selection of Captain Stutz for the honor, the judges also cited the citation made on the ballot nominating him for Man of the Year. The citation reads:

"I nominate Capt. Leroy Stutz, Hanoi, Vietnam, for MoKan Area's Man of the Year because more than any other man in Northeast Kansas Captain Stutz has contributed unselfishly to better the lives of every man, woman and child in Northeast Kansas and with others like him, to better the lives of an entire nation."

Captain Stutz was stationed at Udorn, Thailand, with the 9th Tactical Reconnaissance Squadron when a RF-4C Phantom plane, piloted by Capt. Robert Gregory, Cape Girardeau, Mo., vanished Dec. 2, 1966, on a routine trip to photograph the results of a strike at the enemy by other USAF units. It was Captain Stutz's 64th mission.

Captain Stutz, then a lieutenant, was listed as missing in action along with the pilot when their plane failed to return from the mission.

It was to be 32 months later, Aug. 9, 1969, before his wife, Karen, was to learn that her husband was alive and a prisoner of war of the North Vietnamese. It was the first word she had concerning her husband since notified Dec. 4, 1966, when informed by the U.S. Air Force that he was missing in action.

Captain Stutz along with Major Gregory (both men having been promoted in rank while reported missing in action) were listed by the Pentagon among 42 servicemen on a list of POWs held by the North Vietnamese. The names had been obtained from three other servicemen who had been released by Hanoi at that time.

It was to be another long period of waiting for Karen Stutz before she was to receive direct word from her husband.

On May 16, 1970, she received the first messages from Captain Stutz—two letters dated Feb. 4 and March 2, both on six-line forms Hanoi allows the POWs to send relatives. The letters were relayed to Mrs. Stutz by the Committee of Liaison of New York City, go-between for relatives in the States and the POWs held by Hanoi.

While irregular, mail continued to arrive during 1970 and 1971 until a sudden lull in the middle of last year. Then it was six months before Mrs. Stutz had a message from her husband.

On Dec. 28, Mrs. Stutz received a packet of mail, four letters and two postcards, from the Committee of Liaison bearing a New York postmark of Dec. 22. Latest of the missives was dated by her husband as Dec. 2, 1971. One of the postcards was for his parents. They had previously last received a form letter from their son on Aug. 5, 1971. It was dated June 17, 1971, and was the first direct message they had had from their son.

Appointed to the U.S. Air Force Academy at Colorado Springs by Congressman William Avery, Captain Stutz reported as a cadet there on June 27, 1960. He was commissioned a second lieutenant in the Air Force on his graduation from the Academy in 1964 and was stationed at Craig Air Force Base, Selma, Ala., and at Shaw Air Force Base, Sumter, S.C., before being assigned to the reconnaissance unit in Thailand July 26, 1966.

Following his graduation from the Air Force Academy on June 3, 1964, Captain Stutz and his wife, Karen were married in a ceremony performed by the Rev. Kenneth McGehee at the First Presbyterian church here on June 21, 1964. Following their honeymoon she and her husband made their home at Selma where Brian was born July 11, 1965.

Captain Stutz was graduated from Atchison County Community High school at Effingham in 1957. He was an outstanding student at ACCHS where he lettered in both football and basketball and received a citation by the National Merit Scholarship Corporation for distinguished performance in its nationwide search for students of unusual ability in his senior year. He also ranked in the first division of the Emporia State College All-Kansas State Scholarship contest in his junior year at ACCHS. He was president of his sophomore class, vice president of his junior class and served as secretary of the Future Farmers of America chapter at ACCHS during his senior year.

Following his graduation from ACCHS, where his wife was also a student, Leroy farmed for a year on a place adjacent to that of land owned by his father near Effingham before enrolling at Washburn university, Topeka, where he was a student at the time of his appointment to the Air Force Academy.

At the time of his appointment to the Academy he had been a member of Company E, Second Battle Group, 137th Infantry, Atchison's National Guard unit, for three years.

Since her husband vanished on that flight over North Vietnam, Karen Stutz has endeavored in every way she knows to win his release. She has joined the wives and families of other POWs from this area as well as over the nation in appealing to both the U.S. Government and to Hanoi to come to an agreement for the release of the prisoners.

Even before mail had been received from Captain Stutz she had participated in a nationwide drive at Christmas in 1969 to send cards to Hanoi requesting that communications between those interned and their loved ones be allowed by the North Vietnamese government.

And on the fifth anniversary of his capture last month, a small advertisement along with a picture of Brian appeared in The Globe with the plea: "Please Don't Forget My Dad!"

In letters, a copy of one of which appears along with this story, Captain Stutz has indicated he hopes to return to the farm upon his release and return to the States and his family. That hopefully will be soon.

In the meantime, The Globe along with the panel of judges who selected him for the honor hope that it in one small way answers Brian's plea in that his Dad not be forgotten for having served his community and his nation well beyond the call of duty.

## THE CIVIL AERONAUTICS BOARD AND AIR FARES

## HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. MOSS. Mr. Speaker, on November 24, 1971, 30 of my colleagues and I filed with the Civil Aeronautics Board a brief dealing with airline fares in a case known as the Domestic Passenger Fare Investigation. A reply brief filed by our group on December 3, 1971, appears in the CONGRESSIONAL RECORD, volume 117, part 35, page 45627. Our brief, which is already being quoted in other Civil Aeronautics Board cases, follows:

[In the Matter of Domestic Passenger Fare Investigation, Phase 9—Fare Structure, Docket 21866-9]

BRIEF OF HON. JOHN E. MOSS, ET AL., MEMBERS OF CONGRESS TO EXAMINER ROBERT M. JOHNSON

### I. INTRODUCTION

The primary issue in this phase of the *Domestic Passenger Fare Investigation* is what should be the structure of domestic passenger fares. The Hon. John E. Moss, *et al.*, Members of Congress believe that complementary formula based upon great circle miles, block hours, and a flexible service pattern based upon economies of density, should be decreed for establishing the lawful maximum and minimum rates of the fare structure, and lawful rules, regulations, and practices pertaining thereto.

### II. BURDEN OF PROOF

#### I

Whenever an air carrier files a tariff containing a new fare, Sec. 404(a) of the Federal Aviation Act (49 U.S.C.A. 1374) requires that it be "just and reasonable." Similarly, Sec. 404(b) requires that the fare not be unjustly discriminatory, or unduly preferential or unduly prejudicial. The language used in placing this burden upon the air carriers in Sec. 404(a) is identical to that of Sec. 216(d) of the Motor Carrier Act (49 U.S.A.C. 316(d)), which the courts have held does place the burden upon the carriers to show the rates are "just and reasonable": *Accelerated Transport—Poney Express, Inc. v. United States,* 227 F. Supp. 815, 818-819 (D. Vt.), aff'd per curiam, 379 U.S. 4 (1964).

The Economic Regulations of the C.A.B. likewise require that at any hearing involving a change in a fare, the burden of going forward with the evidence shall be upon the person proposing such change to show that the proposed changed fare, rule, regulation or practice is just and reasonable, and not otherwise unlawful; 14 C.F.R. 302.506.

#### II

Although this is the first investigation into the fare structure ever held by the C.A.B., it is not necessarily one of first impression. A number of recent Board orders and prior decisions by the Interstate Commerce Commission and the courts have established some of the evidence which respondents and others must put forward in support of their fare structure proposals; e.g., PS-44, PS-45, and PS-46; Board Orders 7-4-48, 71-4-54, 71-4-58, and 71-4-60.

In applying such standards, the I.C.C. has held that carriers must present evidence as to the rate of return (earnings plus interest) they have earned and *will* earn if their fare proposal is allowed. *Increased Class & Commodity rates, Transcontinental,* 329 I.C.C. 420, 426 (1967). Moreover, the Commission declared in the same case that evidence of the overall operations is insufficient; that carriers should present evidence of "what returns would be made by the carriers on the traffic that would bear the increase;" *Ibid.* In addition, the Commission had previously held that all of the cost, revenue and other data submitted must be related specifically to the traffic and territory involved. *Increased LTL, AQ & TL Rates, To, From & Between New England Territory,* 329 I.C.C. 244, 252 (1966); *General Increases—Transcontinental,* 319 I.C.C. 792, 803 (1963).

#### III

Of all of the parties to this phase of the proceeding, only the Members of Congress complied with these requirements of the Act and the Economic Regulations of the Board. Only the Members of Congress showed in their exhibits what the revenues and earnings of their fare proposal would be by passenger per trip, per mile, and per hour at all distances. Furthermore, when the other parties were asked on cross-examination what would be the financial results of their proposal—so-called "shopping list" or litany—none of the witnesses, other than Mr. Beauvais of the Associated Carriers, even attempted to make an affirmative answer; TR: 1797-1799. The simple matter of fact on the record is that none of the carrier parties or the Bureau know if the domestic airlines will, or will not, or even might, be able to recover their costs plus a reasonable return under the fare structure which they have proposed, even assuming all of their assumptions are attainable.

The Members of Congress, on the other hand, were not satisfied in complying with what in the past has been considered to be the bear minimum requirements of the law. Instead the Members of Congress took a good look at the prevailing circumstances and conditions surrounding the real business world and went a step beyond to project the "cash flow" of their fare structure proposal.

Sec. 1002(e)(5) of the Act requires that the Board take into consideration the revenue needs of the carriers. In this regard, the standard of proof for rate-making proceedings laid down by the Court of Appeals for the District of Columbia Circuit in *D.C. Transit System, Inc. v. Washington Metropolitan Area Transit Commission,* 350 F.2d 753, 779 (1965), is that regardless of the ratemaking method used, the regulatory body must permit the carrier a fare which will cover legitimate expenses and supply "the sum of money needed to attract capital, both debt and equity, required to insure financial stability and the resulting capacity . . . to render the service. . . ."

While the fundamental principles used in financial analysis to determine such a sum have not changed, there has been a shift in the emphasis of these principles, as well as a change in the techniques used for credit evaluation. The modern emphasis of financial analysis has turned away from collateral assets, such as aircraft and equipment, and towards repayment capacity—i.e., cash flow, or the projection of how much cash will be available to service the debt, pay dividends, and meet other commitments. As a result, given the prevailing manner for determining the sum of money needed to attract capital, any method of rate-making which does not take into consideration cash flow, will not meet the standard of proof laid down in *D. C. Transit.*

Accordingly, since neither the Bureau nor carrier parties have put forth any evidence as to either the return or cash flow which will be earned by the carriers on an overall basis and by the traffic that would bear the changes at various distances, or whether their fare structure proposal will cover legitimate expenses and supply the amount of funds needed to enable such carriers to provide adequate and efficient service at various distances, the Examiner and Board must find that these parties have not shown on the record that their proposed change in fares, rules, regulations or practices is just and reasonable. To do otherwise would be equivalent to relieving these parties of their obligation to comply with Sec. 404 of the Act, 14 C.F.R. 302.506, and standards of proof established by the courts. Equally important from a practical viewpoint, since the results reached are unknown, these fare structure proposals could cause injury to the public in the form of high fares, discrimination, and/or inadequate cash flow and earnings and over-investment.

Conversely, the Examiner and the Board can find it is reasonable to base the fare structure upon the proposal made by the Members of Congress because both the method and results reached are known and shown to be just and reasonable, without unjust discrimination or undue preference or undue prejudice, when measured by the Board's rate-making standards.

### III. ECONOMIC BACKGROUND

#### I

How should the fare structure be designed? The answer to this question depends primarily upon the value of the service and the revenue requirements of the carriers to provide needed transportation of persons by air in an adequate and efficient manner at the lowest cost consistent with furnishing such service under honest, economical, and efficient management.

The value of service represents the maximum fare that can be charged. A fare greater than value of service is not a price *per se,* but rather an economic technique for barring the movement of traffic. The revenue need of the carriers, on the other hand, is governed by the cost of service.

The standard by which the reasonableness of ordinary price is customarily judged is the cost of producing the good and service, including in the cost a fair profit to the producer; *States-Alaska Fare Case,* 21 C.A.B. 354, 384 (1955). This basis for establishing "just and reasonableness" was initially enunciated by the Board in the *Air Freight Rate Investigation,* 9 C.A.B. 340, 345 (1958), and has subsequently been reaffirmed by the Board in a number of passenger fare cases: *Pittsburgh-Philadelphia No-Reservation Fare,* 34 C.A.B. 508, 525 (1961); *Frontier Rate Matter,* 39 C.A.B. 415 (1963).

In *Air Freight* the Board directed itself specifically to the question of the extent to which the rate structure should deviate with distance at page 349:

> The question of the extent of the deviation in fares for shipments of various distances is one which should be resolved largely upon the basis of cost considerations. To do otherwise would tend to distribute the total traffic in a manner which would not be conducive to the development of the air freight industry on a sound economic basis. Stated more specifically, the generation of traffic for any given distance at rates which are disproportionately low on a cost basis will result in losses which must be made up by proportionately high rates in other distance brackets. This will restrict the traffic volume in those other distance brackets, and an overall reduction in the profitability of the entire freight service will result.

Since the Board has found that fares "must at all times be reasonably related to costs," *Ibid.,* 345, it is clear that the fare structure found reasonable in this proceeding must at all times be reasonably related to the cost structure. That is to say, the fare base must have some basic mathematical orientation to the basis upon which operating costs are *incurred.* For this reason a detailed examination of the nature of the various operating expenditures is an essential prerequisite to the establishment of a sound economic basis for judging the just and reasonableness of any fare structure proposal.

#### II

Much of the research conducted upon airline cost structures in the past has been motivated by two principal questions: (1) the relationship of average costs to the scale or size of an air carrier's operation, and (2) the presence or absence of so-called "economies of scale," i.e., the larger the carrier, the lower the operating costs. Industries affected by economies of scale are said to be characterized by decreasing costs. That is, under a given set of circumstances, the cost per unit of output will decline as total production increases. This is as opposed to an industry characterized by constant costs, wherein under a given set of conditions, cost per unit remains relatively the same regardless of any changes in output; or an industry of increasing costs where the cost per unit rises as total capacity increases.

In addition, the vast quantities of available airline cost data has obviously made the possibilities of applying the mathematical techniques of linear programing models and multiple regression analysis (the repeated return of actual data to a mean or average value) very tempting.

During the last 27 years eleven authors in the United States and Europe have produced nine major nationally or internationally recognized books or papers on air transportation economics.[1] The unanimous, but often reluctant, conclusion of all their comparative cost studies is that: (1) A condition of constant costs appears to be characteristic of the airline industry after a certain level of operations (not very large) has been established; [2] and (2) There is an almost complete absence of economies of scale with one possible exception.[3] The very smallest airlines appear to be afflicted by some form of diseconomies that tend to show up rather rapidly. However, even these differentials have been found to be insignificant when these very small carriers are compared with the larger airlines. As a consequence, to date all of the writers have found that the small and medium sized airlines are being operated just as efficiently, if not more economically, than the larger-sized air carriers. These findings have accordingly led the authors to the general belief that there are more important factors than size which determine the cost of service.[4]

Over the years as technological advances were implemented, the developing consensus seems to be that the "economies of density" is an important fact.[5] That any economies of scale which are present in the industry are more related to the size of the market (or density of traffic) than the size of the carrier *per se*. For example, the larger the market, the larger the size of the aircraft that can be assigned to the service. Larger aircraft appear to be particularly desirable to some of the writers. Furthermore, when fares are properly set, a greater density of traffic has historically tended to increase the probability of achieving a higher load factor. High load factors are especially important in furnishing air transportation at the lowest cost due to the industry's phenomenon that the costs of flying and servicing a given aircraft over a specific route is about the same regardless of the number of passengers carried.[6] The greater the traffic, the lower the costs that must be allocated to each unit, and vice versa.

In addition, high traffic density also makes it possible to increase the hourly utilization of aircraft and terminal facilities. For these reasons and others, the size and character of the markets (i.e., route structure and pattern of service) are now generally considered to be significant cost factors.[7]

### III

With respect to the operating costs themselves, the general consensus is that the most important direct operating costs are *incurred* on a time as opposed to a mileage basis.[8] Direct costs are therefore considered to be proportional to the number of aircraft-hours flown by type or class of equipment. No party to this proceeding has so far disputed this finding. Quite the contrary, all of the evidence submitted in this and other phases of the investigation have substantiated this conclusion. Further, the Board has repeatedly recognized in this and other investigations that direct costs are related to time. Accordingly, for the purpose of structuring airline fares there is no question that it is reasonable to base forecasts of direct operating costs upon aircraft, seat, or passenger-hours flown by type or class of equipment.

### IV

The real controversy with respect to costs in this hearing is centered upon the indirect operating costs. In this regard, it should be noted at the outset that fixed costs have so far not been found to constitute a very heavy burden upon the air carriers,[9] and that such indirect costs have historically been measured as a ratio to direct or total costs, regardless of the size of the carrier or average length of haul.[10] This close relationship between indirect and direct costs has naturally caused the number of aircraft-hours flown by equipment type to be considered a substantial overall cost factor. As a result three elements, among others, are now regarded as being significant cost structure factors:

1. Number of aircraft hour/miles flown by type of equipment;
2. Aircraft capacity; and
3. Load factor.[11]

Since a considerable portion of indirect costs have historically not been considered to be related to distance/time, a general feeling has developed that the length of haul, density of traffic, and differences in average speed should have some impact on the level of average costs. That is, given a sufficient volume of long-haul traffic which would permit longer average lengths of flight-hops, average unit costs should decline because, among other things, the ratio of indirect costs to direct costs should decline. The importance of density of traffic and the length of haul arises from the influence these two factors, and length of hop, have on direct costs and block speed as the portion of time required for taxiing, climb-out, maneuvering and descending diminishes as the duration of a trip increases, and on indirect costs associated with servicing the aircraft and traffic on the ground. In view of the importance of comparative operating costs in constructing an equitable fare structure, the fact that all empirical studies so far conducted have never supported this cost theory makes it extremely difficult to grasp the underlying meaning of the large amount of statistical data available.[12] Nevertheless, if the Examiner and Board are going to render a fair, reasonable and equitable decision in this phase, this anomaly between fact and logic must be resolved.

### V

The best way to learn about the relationship of indirect costs to direct and total costs is to divide the indirect costs into two broad groups according to the manner in which they are incurred. The first group would comprise those indirect costs which are either actually incurred on a time/distance basis, or generally accepted as being related directly to time/distance even though they are purchased on a periodic basis. Under the Bureau's linear programing model this category of expenses are classified as Aircraft Servicing Expenses—Control (I9); stewardess, food and other in-flight expenses (I5, I6, I7); reservation and sales I14, I15); and advertising and publicity (I16, I17). Altogether these expenses comprise about half of all of the indirect costs; $1,619.2 v. $3,268.1, Exhibit BC–4803, Page 1.

Turning to the other half, it has been repeatedly established on the record in this phase that this group of indirect costs are also incurred periodically on a capacity basis, and are not directly identifiable with any particular revenue, which is one reason, among others, why these expenses are classified as indirect costs.

When an expenditure such as these indirect costs benefit more than one passenger, they are considered to be joint or common costs. Under conditions of joint or common costs, total costs for each category of service can usually be ascertained with a satisfactory degree of accuracy. Unfortunately, however, in air transportation the categories to which indirect costs can be traced are both larger and less homogeneous than the categories to which direct costs are distributed. Direct costs, for example, can be reasonably allocated to a particular type or class of equipment which has a limited capacity (say 100 seats) and a single load factor; whereas indirect costs such as aircraft and traffic servicing can only be traced back to a ground crew at a particular station which may service several different types of aircraft on a single shift, with a larger aggregate total capacity (100 seats × 10 flights=1,000 seats) and widely different load factors. Similarly, a reservation or ticket agent at the downtown office may work on 800 or more flights in a single day, each with a different equipment, capacity, and load factor. Consequently, the assignment of these indirect costs to any revenue unit is much more difficult and subject to much more error than direct costs.

Second, since these indirect costs are periodic capacity costs, changes in the volume of traffic (or load factor) have no significant impact on the overall level of these costs once the magnitude of the operation has been established. Little or no expense is incurred by servicing additional aircraft or traffic, nor avoided by servicing fewer aircraft and less traffic. Passengers enplaned and aircraft departures are not cost causative factors. Rather, all available evidence clearly indicates that historically it is the magnitude of aircraft operations by type of equipment and load factors which determines the level of indirect costs, number of passengers carried, and aircraft departures made. Therefore, using the generally accepted accounting Principles A–2 and A–4 of the American Institute of Public Accountants as a guideline (TR:2855–2856), it is evident that the distribution of these joint costs should take into consideration, among other things, the magnitude of the aircraft operations by type/class of equipment and load factors to the extent they are determinative "use factors".

The Board has already directly or indirectly adopted these accounting principles by basing the forecasts of indirect operating costs in Phase 7 upon trended ratios of direct costs to total costs—thereby assuring that these indirect costs will at all times be reasonably related to the magnitude of aircraft operations by type/class of equipment regardless of the number of aircraft departures or passengers enplaned.

Similarly, the Bureau has attempted to use the same accounting principles for its fare structure proposal by distributing costs to the individual units through so-called "cost pools". These cost pools which are directly related to total and direct costs by percentage distribution (Exhibit BC–4703) do not vary with changes in the volume element. To illustrate, the overall indirect cost distribution to item I11, Traffic Servicing Expense per Revenue Passenger Enplaned, $276.3 million in the 4700 and 4800 series, but the unit input value changed from $2.12 (4703) to $2.02 (4803) because the volume element changed from 130,135 (4703) to 137,019 (4803).

Up to this point the Members of Congress are in general agreement with the Bureau and other parties on how the indirect costs should be allocated on a unit basis. Beyond this point, however, the Members of Congress believe the costing methodology employed by the other parties is unduly prejudicial to high load factor and short-haul passengers, and unduly preferential to low load factor and longer haul passengers, because by using average costs to distribute certain traffic servicing, aircraft servicing, reservation and sales expenses, there occur

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several different unjustifiable shifts in the cost burden.

To illustrate, when average cost inputs are assigned to enplaned passengers, those flights with a 20 percent load factor are charged with one-fourth the traffic servicing, reservation and sales costs of a flight with an 80 percent load factor, even though in the real world both flights are serviced with the same amount of physical facilities and labor when the same type of equipment is employed. In other words, such an average cost allocation prefers the former, who carries a relatively less proportion of such costs, and prejudices the latter, who is required to assume a greater proportion of the applicable costs.

To add insult to injury, under the Bureau's costing methodology a greater aircraft and traffic servicing, reservation and sales charge will be distributed to stations and flights which experience no change in traffic when the system-wide traffic flow declines, and vice versa. This will occur even though in the real world the same facilities and labor are utilized to provide such service at the station.

The shifting of allocated indirect costs from low load factor flights to high load factor flights is unduly prejudicial to short-haul passengers and unduly preferential to long-haul passengers under the Bureau's and other's costing methodology because in most cases they have programed their economic models to provide for a higher load factor on the short-haul services. In other words, in their economic models short-haul passengers cross-subsidize medium and long-haul passengers. The greater the difference in the load factor, the greater the injustice.

A related but slightly different problem arises with respect to costs allocated on a departure basis, as well as an enplaned basis. The issue being raised at this point is tricky to say the least, but it is the key to being able to understand the meaning of the statistical data and the reason why indirect costs have always had a close one-to-one relationship to direct costs at all distances.

It is a well established fact in this phase that given a fixed number of block hours, an increase in the average length of haul/block time will reduce the number of departures and enplanements, and vice versa; see BC-4800 series and 4900 series. The reduction in the number of departures and enplanements will in turn increase the average aircraft and traffic servicing cost assigned to each unit; *ibid.* and *supra.*, 10. This change of course will be directly proportional to the change in average block time since the overall cost pool for the category of service will remain the same because the total number of block hours, and the ratio of direct to indirect costs, will not be changed. This by the way conforms to the facts of the real world.

Observe, however, how ingeniously the costing methodology shifts long-haul passenger expenses to short-haul services. To illustrate, say an airline operates two aircraft and serves four stations each with an overall cost per diem of $100 for aircraft and traffic servicing. Aircraft One makes 5 short-haul round trips, 1 hour each way, daily between points A and B, so that the average cost per departure is $20. The second aircraft makes one long-haul round trip, 5 hours each way, daily between points C and D, which results in a $100 cost assigned per departure. The system average cost per departure for both segments is $33.33. Consequently, should the system average aircraft and traffic servicing costs be added as an arbitrary to the so-called line haul cost of each flight in a manner similar to that used by some parties, the short-haul traffic will be over-charged $13.33 per departure (67%), and the long-haul traffic will be under-

Thus is uncovered the reason behind the anomaly of why regression analysis has historically indicated that length of haul is an insignificant factor in airline costs. Why "The empirical data does not yield results cost theory would lead use to expect."[13] *Ground servicing costs vary directly with length of haul because the overall cost attributed to a particular activity* (aircraft servicing, traffic servicing, reservation and sales) *remains relatively the same regardless of changes in the volume elements.* As the average length of haul/block time decreases, the ground facilities and personnel are more fully utilized, and the costs per departure and enplanement decline accordingly. Thus the assumption that all other things being equal, shorter flight stages will be more expensive is erroneous. All other things are not equal because shorter flight stages tend to increase the use of terminal facilities, thereby reducing the amount of such costs that must be allocated to each flight. Accordingly, any cost analysis which fails to take this fact into account is *prima facie* unrealistic.

This is of course the crux of the accounting problem. The costing methodology advanced by the Bureau and other parties for spreading the aircraft servicing, traffic servicing, reservation and sales cost pools to various mileage brackets does not take into consideration differences in the utilization of ground facilities at these varying distances. As a result, their front-end load costing approaches saddle the short-haul passengers with long-haul passenger costs.

There are several different ways of demonstrating this phenomenon. One is to examine the relationship of indirect costs to direct costs by classes of equipment at 0 miles as shown in the Bureau's computer run R6, of the 4900 series:

| Equipment | Time | Direct cost | Indirect costs | Ratio of indirect costs to direct cost |
|---|---|---|---|---|
| 4EWB | 0:45 | $776.70 | $2,229.12 | 2.9 |
| 3EWB | 0:45 | 582.87 | 1,478.37 | 2.6 |
| 4ETF | 0:47 | 392.97 | 910.57 | 2.3 |
| 4ETJ | 0:42 | 352.64 | 790.51 | 2.2 |
| 3ETF | 0:54 | 373.92 | 659.06 | 1.8 |
| 2ETF | 0:48 | 257.05 | 481.71 | 1.8 |

This table shows a decline in the ratio of indirect to direct costs by length of haul/block time when equipment classes normally assigned to markets with different distances are compared. Furthermore, it should be noted that according to the costing methodology employed by the Bureau, had the average length of haul/block time used for the 2-Engine Fan Jet been applied to the 4-Engine Wide Body Jet, the indirect costs at 0 miles for that latter type of equipment would have declined accordingly.

There is another interesting phenomenon which this table discloses. When future cost projections are based upon the Bureau's costing methodology, it is reasonable to forecast that the ratio of indirect costs to direct costs for 3-Engine Wide Body Jets and other aircraft will diminish by mileage brackets as the equipment is assigned to shorter and shorter flight hops, even though the overall ratio will remain the same. This is of course a reflection of what happens in the real world as ground facilities become more fully utilized. At the same time it represents a direct contradiction to the historical expectation of cost theory that indirect costs will increase at length of haul/block time decreases. As a result, it provides another explanation of why empirical data has never supported the cost thesis that increases in length of haul/block time, density of traffic, and average block speed would have some impact on the level of average costs. Or more charged $66.67 per departure.

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tacitly, why the facts have never agreed with the logic.

The nub of the problem is simply this—airline economists have always treated aircraft and traffic servicing, etc. costs as an identifiable *absolute* expense ($y=a+bx$, wherein 'a' represents the arbitrary or terminal charge), whereas in point of fact such expenses are *relative* costs dependent in part upon the length of haul/block time. As stated previously, any cost analysis which does not take this fact into consideration is simply unrealistic.

There are naturally several different ways that this utilization factor can be taken into account for the purposes of determining the lawful fare structure. One would be to weight the costs by mileage brackets to reflect what the expenses would actually be if all flights were operated at that distance. This change would of course tend to reduce the amount of indirect costs allocated to each short-haul service and increase the amount allocated to each long-haul service; the overall average cost and ratio of direct and total cost to indirect costs would remain the same.

Another method would be to base the distribution of the indirect costs attributable to aircraft servicing, traffic servicing, reservation and sales upon a trended ratio of indirect costs to direct costs. Although there is no method for spreading such expenses over the various joint services which can be characterized as correct in the absolute sense, this method seems to be the most acceptable because it tends to place cost values on the various services which bear a relationship to the real world. This can be demonstrated rather quickly. In the illustration given above, the total terminal cost for stations A, B, C, and D is $400 per day; the total flight time is 20 hours daily; so that the terminal cost per flight hour averages $20. Thus, under this costing methodology, given the one hour flight time between points A and B, the terminal cost which would be allocated to each flight is $20, the cost per departure in the example. Similarly, the flight time between points C and D is five hours each way, so that the resulting allocated terminal cost would be $100, again the amount in the example. Finally, the average cost per departure is $33.34 ($20 x 1.667 hours), vs. $33.33 in the illustration.

For all the reasons outlined above, the Members of Congress therefore believe that it is feasible, reasonable, and expedient, for the Examiner and the Board to use a ratio technique based upon the relationship of indirect costs to direct or total costs for the distribution of such costs to sales and revenues at various distances for the purpose of determining a lawful fare structure. Furthermore, the Members of Congress are of the opinion that the Examiner and Board must find that on the basis of the facts, any other costing methodology advanced so far on the record in this phase is unjust and unreasonable, and unduly preferential to longer haul passengers, and unduly prejudicial to shorter haul passengers, and therefore unlawful for the purposes of this phase of the investigation.

## VI

Having resolved the anomaly between fact and logic, it is clear on the record that the major portion, if not all, operating costs of a regularly scheduled airline are directly or indirectly proportional to direct costs and block time at all distances. Given this fact, it is reasonable to conclude that changes in block time/length of haul and average speed will have no significant effect whatsoever upon a carrier's total operating need per block hour by type of equipment at any distance, when the magnitude of the operation remains relatively stable. Conversely, it also means that such changes in block time/length of haul and average speed will have a substantial impact on the total operating need per mile at various distances when such hourly costs are mathematically converted to a mileage basis—even when the distance remains the same.

A better feeling for this latter statement can be acquired by quickly reviewing the development of economic thinking discussed earlier. In the early 1940's—when the DC-3 predominated—there was practically no difference at all between U.S. airlines with respect to average speed and capacity. As a result, Mr. Crane was able to rather quickly adduce the fact that the industry had no economies of scale and a relatively small fixed cost burden. Later, when larger four-engine aircraft were introduced towards the end of World War II, the variations in capacity began to cause the size of the aircraft, load factor, route structure and daily utilization rate to become important cost factors as Messrs. Koontz, Proctor and Duncan pointed out. Again, when these aircraft were subsequently replaced by even faster and longer ranged propeller aircraft, the increasing variations in block speed caused length of haul/block time and average speed to become more important factors in determining the cost per mile. At the same time, because these variations did not have any material impact upon those expenses which are directly or indirectly related to block time, these changes in length of haul and average speed did not have any significant effect on the level of overall costs. This of course was the cause of the *fact* vs. *logic* anomaly which confused Messrs. Proctor, Duncan, Cherington, Wheatcroft, and Caves, as well as most airline executives of that day. Finally, when the jets were introduced with their even larger capacity and wider variations in block speed between long and short hauls, the impact upon the cost per mile taper was substantial. Nevertheless, once again, the level of total cost, and the ratio direct and total costs to indirect costs remained relatively stable, and Dr. Miller's linear programing model suggested optional hubpoint routings were more economical and efficient.[14]

Thus the air transportation industry has always been characterized by economies of density, a relatively small fixed cost burden, constant costs, and a lack of any significant economies of scale. The only difference between airline operating costs today and those in 1925 is simply that the availablity of equipment with greater capacity and higher block speeds has made the economies of density a much more significant factor in determining an economical and efficient pattern of service and its accompanying fare structure, and vice versa.

### VII

On the basis of the prior findings of Messrs. Crane, Koontz, Gill, Bates, Proctor, Duncan, Cherington, Wheatcroft, Caves, Miller, Jordan, and the Board, as well as the data and testimony presented by the Members of Congress and other parties to this investigation, it may be reasonably concluded that:

1. There are no economies of scale in air transportation except where aircraft utilization is extremely low;

2. Average costs tend to be constant, and the fixed cost burden is relatively small;

3. The major portion of all air transportation costs, if not all costs, are related directly or indirectly to block time by type of equipment, because those indirect costs which do not appear on the surface to be proportional with elapsed flying time nevertheless do vary directly with length of haul/block time;

4. The economies of density is an important factor in establishing an airline fare structure and pattern of service because aircraft capacity, type of equipment, and load factor are important elements in determining the unit cost of service;

5. Changes in average speed, length of hop, and length of haul do not have any material impact upon costs which are proportional to block time; and

6. Any analysis of the cost structure and fare structure which does not take into consideration the density of traffic flows, as well as aircraft capacity, load factors, block hours and miles flown, cost per hour and mile, and block speed is unrealistic.

### IV. REVENUE NEED: COST OF SERVICE

### I

Based upon the Statements of Position filed with the Examiner on October 15, 1971, all of the parties to this proceeding are in general agreement with the Members of Congress that, should the Examiner and the Board adopt the formula approach for determining the lawfulness of domestic air passenger fares, then a single uniform fare formula should be utilized with no preferential treatment afforded to any carrier or class of carrier. This approach to rate-making appears to be reasonable, given the facts that there are no economies of scale in air transportation, average costs tend to be constant, and the fixed cost burden is relatively small.

In addition, the other parties are also in general agreement with the Members of Congress that such a formula should be applied uniformly to all domestic markets without regard to differences in density of traffic in the markets, direction of travel, or the presence or absence of competitive service,[15] subject to one important caveat, to wit: application of such a formula should be sufficiently flexible to permit the carriers to exercise their individual management skills and judgment where peculiarities in cost of service and marketing consideration arise.

The underlying reason for adopting this position, at least on the part of the Members of Congress, is that, given the legal and technical restraints associated with rate-making, it is simply not feasible to establish fares for thousands of city-pair markets having widely varying densities of traffic, price elasticities, costs of service, etc., without some sort of a fare formula; see Exhibits MOC 3E, F, G, J and K. Airline passenger fares are not established independently. Rather they have an interwoven relationship to each other, which is not only more complex than a spider's web, but frequently much more fragile. For this reason, in designing any fare structure the rate-maker must take into consideration a number of technical, as well as discriminatory, factors, principally debasement and long and short haul problems, to avoid any possible disruptive circumstances, such as the "tumbling-domino" and "interlocking" effects, and the "hidden city", "throwaway", and "fare breaking" situations.[16] History has repeatedly shown that any other approach to rate-making eventually leads to some sort of anomalies which cause the fares to become unjust or unreasonable, or unjustly discriminatory, or unduly preferential or unduly prejudicial, and therefore unlawful. The formula approach, on the other hand, has provided many forms of transportation and communication with a simpler, more efficient, and less expensive way to establish lawful charges.

### II

The rate-making formula being advanced by the Members of Congress for constructing the fare structure was designed to take into consideration all of the foregoing factors, among others, in meeting the revenue need of the air carriers at various distances. The formula is set forth in detail in Exhibits MOC 3G, 11, 15, 16, 17 and T-4, subject to the revisions outlined herein. As a result the formula is based upon a number of elements such as market demand, earnings, operating costs, passenger and aircraft circuitry, dilution caused by marketing and legal considerations to avoid discrimination, flight times, and mileage.

Procedurally the application of the formula is rather simple. A direct or total cost per seat-hour is determined for each class of equipment from projected carrier costs. This hourly seat cost is then weighed with other classes of equipment providing service at various distances to produce an overall weighted seat-hour cost which is then applied to a ratio table to produce the revenue need of the carriers per passenger-hour at various distances given certain load factor, rate of return, dilution, etc., standards. Next, because block times vary with direction of travel, time of day, day of the week, markets, and seasons of the year, it is necessary as a practical matter to mathematically convert the revenue need per passenger-hour into a varying rate per mile using a known block speed curve which has been adjusted for known or projected circuitry and departure factors at various distances. Finally, again for the sake of simplicity, that is to avoid a multiplicity of rates per mile, it is desirable to methematically withdraw an arbitrary amount by regression analysis (the least squares formula). The use of such an "arbitrary charge" permits the construction of a tapered mileage fare structure with just one or two constant rates per mile.[17]

There is one additional constraint. As noted earlier, the formula should be applied with some flexibility so as to allow for adjustments where necessary. Such a need arises particularly when the fare computed on the mileage basis produces a revenue yield per hour which is substantially out of line with the norm. In these situations, the fare should be adjusted where practical in order to bring the yield per hour back into line with the revenue need of the carrier, provided marketing and other considerations permit.

### III

Generally the design of the fare structure being put forth by the Members of Congress at this time, which is based upon Order 71-4-60 and the Direct Operating Costs submitted by the Bureau from the carriers' cost projections for 1972, is the same as that outlined in Exhibits MOC 11, 15, 16 and 17. There have, however, been several changes subsequent to the filing of those exhibits which are outlined herein.

A. *Rate of return.* First, the rate of return has been raised from the 11.8 percent in Order 71-4-60 to the 12 percent level authorized in Order 71-4-58. This raised the Operating profit to $950.4 million, and the Operating revenue need to $6,935.6 million. The new Return margin is 13.7%, the Return mark-up, 15.9% of Operating expenses, with the ratios to Direct Operating Costs changed accordingly.

B. *Belly cargo revenue off-set.* Second, the Direct Operating Costs per available seat have been reduced approximately 6.3% to off-set the belly cargo revenues pursuant to the Board's direction in Order 71-4-60, to use the by-product method of costing. The 6.3 percent figure was derived by applying the belly cargo revenue figure set forth at page 1 of Appendix 4, Order 71-4-60, $404.3 million, against the Total operating expense for mixed service, $6,389.2 million. The resulting direct cost per available seat-hour is $5.40 (vs. $5.75) for short and medium haul trips up to 2,000 miles, and $5.05 (vs. $5.35) for long-haul trips over 2,000 miles.

C. *Dilution rate.* The third adjustment is limited to the long-haul markets. In Exhibit MOC 17, the Members of Congress used the dilution rates developed by the Bureau upon the basis of past carrier experience; 12% in the short and medium haul markets, 17% in the longer haul markets. The Members of Congress, however, are now of the opinion that recognition of any dilution rate in ex-

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cess of 12% is unjustly discriminatory, unduly preferential, and unduly prejudicial.

It is now well established that unjust discrimination arises from charging like traffic unequal fares for like and contemporaneous service between the same points via the same routing. Preference and prejudice arise from charging unequal fares for different but related services, or for similar services between the same points: *Northern Consolidated Air., Proposed Fares;* 34 C.A.B. 440, 452 (1961).[18] In addition, in a case between passengers, the existence of competition is not a necessary element; the injury may be inferred; *Hawaiian Common Fare Case,* 10 C.A.B. 921, 925 (1949).

To find a fare contrary to Sec. 404(b) of the Act, it is not enough that the Board find the fare discriminatory, preferential or prejudicial, it must find it "unjustly" or "unduly" so. All questions of discrimination under the Act are questions of degree since the statute prohibits only "unjust" discrimination and "undue" preference or "undue" prejudice.

Discount fares are not at issue in this phase of the investigation. Rather the issue is what amount of dilution flowing from such discount and other fares will be recognized by the Board for the purposes of establishing the full fare structure. In Phase 5 of this proceeding, the Members of Congress have argued that the lawfulness of a discount fare must take into consideration, among other things, its effect on other fares; i.e., the "rate-impact" test. To reduce or maintain the level of the full fare structure, a discount fare must do more than generate additional traffic—it must also foster an increase in the load factor by an inversely proportional amount. Otherwise, the special fare will not be economical in character because in the long-run the fare structure will have to be increased, regardless of the amount of additional traffic generated. In other words, the rate-impact tests draws the line between lawful and unjust discrimination at that point where the gain of one person is at the expense of another person in the form of a higher fare.

In general, the computation of past dilution set forth in Exhibit BC–6008, *et al.,* indicates that it would be reasonable to establish a mark-up or adjustment factor of not more than 13.6 percent (a 12% dilution rate) for all markets of distances up to 1,000 miles. These markets constitute approximately 76 percent of the domestic traffic. Exhibit MOC 3C. Beyond 1,600 miles, BC–6008 indicates that a 20.34 percent adjustment is required based upon past experience. However, since a 20.5% mark-up (a 17% dilution rate) would result in a six percent higher fare for full fare passengers than a 13.6% adjustment, the key legal question is whether recognition of such an adjustment is or will be unjustly discriminatory, unduly preferential, or unduly prejudicial.

(The Members of Congress are willing to concede *arguendo,* at least at this time, that a 13.6% mark-up does in fact result in some benefit to a passenger paying the full fare, or at least does not result in an injury to such a passenger in the form of a greater fare than would otherwise be charged absent such a mark-up/dilution rate.)

C(1). *Discrimination.* The underlying justification for discount fares is the fostering of more economical and efficient air transportation. Given the industry's phenomenon that the cost of a given aircraft flying a specific route is about the same regardless of the number of passengers carried, judicious use of discount fares can result in a benefit to passengers paying the full fare either in the form of lower fares or a greater magnitude of service geared to their travel needs at the same fare. Beyond this point, the carriage of additional persons at a discount fare will result in injury to such a passenger in the form of higher fares needed by the air carriers to supply them with revenues sufficient to enable them to provide the expanded service to discount passengers.[19]

When this occurs, the passenger paying the full fare is in effect subsidizing out of his pocket both the discount fare passenger and the air carrier.

Sec. 1002(e) (1) and (2) of the Act require the Board to take into consideration the effect of rates upon the movement of traffic and the need in the public interest for adequate and efficient air transportation at the lowest cost consistent with the furnishing of such service. As used therein, the term "public interest" is not a *carte blanche,* but rather limited to the provision of needed transportation.[20] To charge those persons in a mature, captive market who need adequate and efficient air transportation a greater fare simply because (1) that is what the traffic will bear,[21] and it (2) would enable other persons in a growth market to make discretionary trips and thereby (3) expand the air carrier's operation and investment, would be tantamount to taxation.

While it might be argued that it may be socially desirable to provide air transportation for every person who desires such service regardless of the value of the service to him, that is a question of social policy, not transportation policy. As such, that policy decision must be determined jointly by the Congress and the President.[22] Until they see fit to change the statute, Sections 404(b) and 1002(e) (1) and (2) must be read together. At present, these sections bar injury to the passenger paying the full regular fare.

It is clear on the record in this proceeding that the transportation of discount fare and full fare passengers on the same carrier, via the same routing, pertains to the provision of like and contemporaneous service to like traffic between the same points. Accordingly, for the reasons outlined above, the Examiner and the Board must find that the recognition of a dilution rate in excess of 12 percent (a 13.6% mark-up) for the purposes of establishing the fare structure for passengers paying the full fare is unjustly discriminatory to such passengers.

C(2). *Preference and prejudice.* Turning now to the question of preference and prejudice, the recognition of a 13.6% mark-up (12% dilution rate) for short and medium haul fares and 20.5% (a 17% dilution rate) for longer haul markets would prefer short and medium haul passengers, and prejudice long haul passengers. Such discrimination is undue unless justified by special circumstances, among which may be compelling competitive relationships, actual differences in cost of service, or similar recognized transportation standards; *Hawaiian Common Fare Case,* 925.

Concededly, competition is a legitimate matter for consideration in rate-making; nevertheless, the bare allegation or possibility of competition is insufficient without some factual evidence on the record of a "compelling" competitive relationship between carriers which requires a carrier to grant the preference. Courts have observed that because of the danger of a mere invocation of competition as a justification for a rate discrimination, both the regulatory agencies and the courts must require substantial proof of actual economic need for a particular fare. The need for such factual evidence is particularly great in the case of preference and prejudice between ports and localities because such discrimination carries with it the power to foster or retard development of such communities; see brief of Members of Congress in Phase 4.

The record in this or other phases fail to satisfy the burden of proof to show any compelling competition in short and medium haul markets. There is no demonstration that in these markets there is a rivalry so keen as to require long-haul markets to be charged a six percent greater dilution mark-up. Similarly, there has not been shown on the record to date any significant actual difference in cost of service between short/medium haul and long haul carriage which would justify granting a preferential dilution mark-up to short/medium haul passengers. In the absence of any demonstrated cost difference, compelling competitive need, or other factors to warrant the discrimination, it must be concluded that a preference and prejudice between short/medium and long haul passengers with respect to the adjustment factor for dilution is undue and therefore unlawful.

### IV

Accepting a 12 percent dilution rate as being just and reasonable, along with the change made for the rate of return, as outlined previously, it mathematically follows that under the Board's standards a regular full fare should not be greater than about 4.9 times the direct cost per available seat in order to comply with the requirements of Sections 1002(e) (2) and (5) of the Act. Applying this ratio number to the direct cost per available seat, adjusted to off-set belly cargo revenues, *supra.,* it is found that a coach fare of $26.50 per passenger-hour in market pairs of less than 2,000 miles, and $25.00 in all markets over 2,000 miles, would be just and reasonable on a straight cost and earnings basis, subject to further examination.

The Members of Congress tested the results of this mathematical computation several different ways to ascertain if such a fare structure would in fact meet the revenue needs of the carriers as determined by Order 71–4–60, and the standards therein. One such test compared revenue yield and revenue need by type of equipment. (As far as we are aware, the Members of Congress are the only party to make such a comparison on an equipment type basis.) The study indicated the fare structure was not fully compensatory at all distances for three groups of trunkline aircraft: 3-Engine Fan-jet, 4-Engine Turbo-jet, and 4-Engine Turbo-prop. Such results of course were to be anticipated since the more efficient aircraft will produce above average revenues, and the less efficient aircraft will produce below average revenue yields. However, in the short and medium haul markets the deficiency of the 3-Engine Fan-jet was extremely small; just $12.80 on a need of $1,469.60 per aircraft-hour. In addition, it should not be overlooked that 3-Engine Fan-jets carry a large portion of the traffic in these markets, and two trunk-carriers (National and Northwest) do not operate any 2-Engine equipment in these markets. In view of all of these facts, the Members of Congress believe it is just and reasonable to raise the level of the short/medium haul fares slightly from a straight cost and earnings rate of $26.50 per hour to $26.70 per hour. While it is true, that based upon past experience, this 20¢ increase per passenger-hour may cause a very slight reduction in the actual load factor of some of the other aircraft, it does nevertheless provide the additional revenue necessary to make the 3-Engine Fan-jet fully compensatory at a 54% load factor at a nominal cost of not more than $1.00 to the fare at 1,900 miles.

Following this final adjustment the 4-Engine Turbo-jet and 4-Engine Turbo-prop would be fully compensatory at a 58% load factor in short and medium haul markets, and total annual revenues for the domestic trunk carriers would exceed the industry's objective of $6,935.3, *supra.,* by a small margin.

### V. VALUE OF SERVICE

Sec. 1002(e) (1) requires that the Board also take into consideration the effect of fares upon the movement of traffic. For this reason, the Members of Congress commissioned the firm of Sindlinger & Co. to under-

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Footnotes at end of article.

take a nationwide market survey to determine if the fare structure which they had designed to fulfill the requirements of Sec. 1002(e) (2), (3), (4), and (5) was also considered fair and reasonable in the market place. It should be emphasized the purpose of the survey was to determine the reasonableness of such fares, as opposed to their price elasticity. Under the law, when value of service in a particular market area is not greater than cost plus profit, Sections 1002 (d), (e) (1) and (e) (5) read together require the Board to (1) reduce the fares in those markets below cost plus profit, and then (2) raise the fare in other markets, where value of service permits, by an equivalent amount.

Three cycles were conducted. On the basis of the last two cycles, Mr. Sindlinger, who represented the firm, found that at all distances fares greater than those found necessary to meet the revenue needs of the carrier were marketable; Exhibit MOC 8B. That is to say, the fare structure based upon cost and earnings by the Members of Congress would not have an adverse impact upon the movement of traffic. Accordingly, it is reasonable for the Examiner and the Board to find that the fare structure proposal of the Members of Congress also complies with the requirements of Sec. 1002(e) (1), and that fully allocated cost plus a just and reasonable profit is the controlling element in setting the fare structure at all distances.

### VI. ZONE OF REASONABLENESS

#### I

The Members of Congress accept in principle the concept of a vertical zone of reasonableness as being in the public interest and in accordance with mandate of Act for the Board to consider competition to the extent necessary to assure the sound development of an air transportation system properly adapted to the needs of the nation; Sec. 102(d).

#### II

The facts in the record indicate that the value of service greatly exceeds the cost of service, and that a sizable portion of the traffic is composed of a mature, captive, market; Exhibit MOC 8B. Given this situation, airline executives left to themselves would be sorely tempted by competitive pressures to capture most of this excess value in the service through modes of competition other than price—flight frequencies, equipment, seating, meals, stewardess outfits, etc.—since entry of new airlines to the market is limited. This would only engender another round of service improvements and significant cost increases, rather than a sharing of the gain in potential productivity of the newest aircraft with the consumers. Under this situation, the need for a higher fare would often appear to indicate a failure of the carrier to meet the Board's minimum ratemaking standards and hence a need to investigate the fares, whereas the filing of a lower fare manifests a desire by the carrier to provide a more economical and efficient form of adequate service than outlined by the standards, such as higher load factors.

For these reasons, the Members of Congress believe that the maximum rate should be $26.70 in all markets up to 2,000 miles, and $25.00 per hour in all markets over 2,001 miles. The corresponding minimum rates should be 15% lower, or $23.00 per hour in all markets of distances less than 2,000, and $21.30 per hour in all markets over 2,001. Complementary mileage rates, computed upon the basis of the adjusted block times in Exhibit MOC 15, would be: $11.50 plus 4.6¢ per mile minimum, and $13.35 plus 5.34¢ per mile maximum, under 2,000 miles; over 2,001 miles, $10.65 plus 4.24¢ per mile minimum, and $12.50 plus 5.0¢ per mile maximum.

Although it is desirable to use only a single arbitrary charge for all distances, along with a slowly changing taper, the recent introduction of the wide body jets—which have significantly lower revenue needs per seat compared to conventional jets—has caused a very sudden and sharp drop in revenue need at a distance of about 2,000 miles. As a result, should a single arbitrary charge and tapered or varying rate per mile be used under these circumstances, some persons traveling between 1,000 and 2,000 miles may not pay a fully compensatory fare, while others traveling a greater distance may be over-charged, thereby causing over-capacity to be scheduled in these markets. Whether this is a permanent or merely a transition situation is not clear at present. Consequently, for all these reasons, it is reasonable at present to base the fare structure upon different arbitrary charges.

#### III

Carrier fare proposals falling within the range outlined above should not be subject to suspension on grounds of unreasonableness, but should be subject to suspension if the Board is of the opinion that such a fare may be unjustly discriminatory, unduly preferential, or unduly prejudicial. The injury flowing from such unlawfulness is irreparable, and not necessarily confined to the amount of discrimination in the fare alone.

### VII. BLOCK HOURS

#### I

The domestic fare structure should be based upon complementary block-hour and mileage formulas. The revenue block hour should be computed for each mileage bracket on the basis of published or projected scheduled ramp-to-ramp non-stop times by equipment type. These individual block times should then be weighted to produce a composite of the aircraft of the existing or projected flee and adjusted for circuitry and en route stops normally experienced by passengers and equipment at that distance. Exhibit MOC 15. Because actual block times vary from flight to flight, day to day, market to market, etc., it is not reasonable at present to calculate block-hours to more than one-tenth of an hour. Any finer tuning will result in mathematical discrepancies (TR: 4407–4413) because the state of the art of flying is simply not yet that precise. The Board, for example, has defined scheduled flight time to mean a flight which is completed within the block to block time allowed in the schedule plus 15 minutes (one fourth of an hour), 14 C.F.R. 234.1(d). One-tenth of an hour is 2.5 times more precise than that standard.

#### II

While the question of revenue hours is one of first impression here, it is not a new concept to aviation or other means of transportation. Aircraft, ships, buses, u-haul trailers, etc. have historically been charged on both fixed and variable hourly and mileage charges. James G. Woodley, Vice President, Western Air Express, first broached the idea for basing fares for scheduled air transportation services on the passenger hour in 1929; Exhibit MOC-4. In 1950, the firm of Ernst & Ernst suggested expressing revenue per flight hour as the revenue standard for evaluating scheduled airline operations.[23]

Subsequently, in 1963, Dr. Ronald E. Miller similarly suggested the revenue hour as a costing, pricing and regulatory tool.[24] Finally, of course, witness Richard W. Klabzuba has long championed the revenue hour as a management and regulatory tool; Exhibit MOC 3.

The principal difference between the complementary revenue hour approach and the straight mileage method is that under the hourly system explicit block time standards, based upon past experience, are used for ratemaking, whereas under the mileage procedure such block times are treated as being an implicit or inherent factor. The importance of block times in determining the cost of service at various distances has been demonstrated in this phase of the proceedings with the Exhibits in the BC–4600, 4700, 4800 and 4900 series, and the extensive cross-examination thereon. In point of fact, most (if not all) of the Bureau's mileage costs varied only with changes in block times (TS and TC) since the various cost pools, block hours, and miles flown were generally held constant.

Overlooked by most parties, however, was the fact that on the sales side of the coin, the revenue need per hour remained the same, even though the taper per mile changed; TR: 4424–4434. Thus, as a result of this back door approach, the Members of Congress believe the Bureau and air carriers by their actions and evidence on the record in this phase have demonstrated conclusively the importance of using both known block times and miles in establishing the revenue need at various distances.

#### III

Essentially the revenue hour is merely a shadow price like the rate per mile. However it has several important advantages over the mile which should not be ignored. First, because a revenue per hour rate is significantly more stable with distance than the tapered rate per mile, it is much easier to determine and compare revenue need with revenue yield on an hourly basis. In regard to this point it should be noted that no party other than the Members of Congress attempted to forecast the net yield, operating profit, gross earnings, net earnings with and without interest, and cash flow on a distance basis. The Members of Congress were able to do so without the benefit of a computer because their initial revenue projections were made on a block hour basis. By using the more stable revenue standard, the Members of Congress were able to identify and give appropriate recognition to deviations in yield and cost caused by variations in block speed, equipment mix, dilution, etc.; Exhibit MOC–20.

A second advantage of the revenue hour approach is that the yield per hour gives a more precise projection of annual revenues. When aircraft fly slower or faster, the yield per mile is not affected, whereas the yield per hour and yield per annum will change unless the magnitude of the operation (the annual utilization rate) is changed.[25] Parenthetically, unless the annual utilization rate is changed, total annual costs will remain the same.

Third, the revenue hour is non-linear. As a result, revenue hour data proffers additional information which can foster sound economic conditions in air transportation (Sec. 102) and enable management to become aware of more profit-making opportunities. For example, many optional passenger routings will produce a higher yield per hour and a lower yield per mile. Under the complementary hour system such proposals would be explored by management for their profit-making potential, whereas under the exclusive mileage approach used in the past many of these opportunities have been overlooked for a long time as being unrealistic.[26]

#### IV

In the past the primary argument advanced against adoption of the revenue hour approach has been that there is no difference between a yield per mile and a yield per hour; and that while actual mileage flown between two points might vary somewhat because of deviations from the great circle route, the block time is subject to much greater variations from day to day, market to market, season to season, etc. Nevertheless, when the cards were laid on the table as to whether fares should be based on flight time instead of distance, no party presented any statistical information or other fact of any kind, nor any written or oral testimony, to support the premise that there is no difference between a revenue yield per hour and a revenue yield per mile.

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Footnotes at end of article.

Quite the contrary, the Members of Congress proffered an extensive amount of factual data as well as written and oral testimony demonstrating conclusively that there is in fact a significant difference between a yield per revenue hour and per revenue mile, both from a mathematical and practical every day viewpoint; Exhibits MOC 1, 3, 22, T-1, and T-4. In Exhibit MOC 1, actual revenue per mile and revenue per hour figures were compared side by side. These figures showed there is a difference, a fact which no party has so far disputed on the record.

Equally important, it is clear from Exhibit MOC 1 that average revenues per hour ($6.23) derived by adding up the average revenue per hour figures by routes is different than the average revenue per hour ($6.36) acquired by dividing total hours into total revenues. On the basis of this fact, it can be reasonably concluded that an "average of the average block speeds" can differ from an average block speed obtained by dividing totals, even with the same type of equipment; and that both of these averages can in turn, be different than the average block speed per route; TR: 4416-4417. Which is to say, an average is not an average, is not an average. Accordingly, it must be concluded that as a matter of fact, there is a significant difference between a cost per mile and a cost per hour, and a revenue per mile and a revenue per hour, and that no one is able to compute one from the other without very specific information.

### V

Sec. 1002(e)(2) requires that in exercising and performing its duties with respect to the determination of rates for the carriage of persons, the Board shall take into consideration the need in the public interest of adequate and efficient transportation at the lowest cost (not a low cost, but rather the lowest cost) consistent with the furnishing of such service. As a result, because it is a phenomenon of air transportation that one optional routing for furnishing adequate and efficient service will produce the lowest cost per hour, and another the routing the lowest per mile, the Board is required by statute to consider both costing standards.

Similarly, Sec. 1002(e)(5) requires that the Board consider the need of each air carrier for revenue sufficient to enable such air carrier, under honest, economical and efficient management, to provide adequate and efficient air carrier service. Consequently, since it is also a phenomenon of air transportation that one optional routing for furnishing adequate and efficient service will produce a higher revenue yield per hour and per annum, than another routing which will produce a higher revenue yield per mile, the Board is again directed by law to consider both revenue standards.

Given these facts and the law, the Examiner and the Board must find: (1) that there is in fact a significant difference between revenue and cost rates per mile and per hour; (2) that it is reasonable to require the air carriers to establish the domestic fare structure on the basis of a complementary formula based upon block times and mileage between points; and (3) that any determination of fares which does not take into consideration revenue and cost rates per mile and per hour does not comply with Sections 404 and 1002, and therefore illegal.

### VIII. MILEAGE

### I

All parties agree that the fare structure should be related to mileage in one way or another. Except for Braniff Airways, all of the parties believe the fare structure should be based upon airport-to-airport distance; 14 C.F.R. 247. The Members of Congress take no position as to whether passenger fares should be based upon airport-to-airport or city-to-city mileage, but rather than the mileage base used for regulating passenger fares should be the same as that used for regulating property and mail rates. No legal nor economic justification has been advanced for using different rate-making mileage bases for different but related services between the same points. Maintenance of two rate-making mileage bases is *prima facie* uneconomical and inefficient management, besides causing a preference to be granted in one case, and a prejudice in another. Such regulation does not foster sound economic conditions in air transportation. For these reasons, the utilization of different rate making mileage for passenger, property and mail rates does not comply with Sections 102, 404 and 1002 of the Act, and is hence illegal.

### II

Between the points of origin and points of destination, the distance should be based upon non-stop, great circle mileage without regards to route authorization or how the route is actually operated. Charging one passenger a fare based upon non-stop mileage, and another a fare based upon authorized or operated mileage obviously prefers the former and prejudices the latter. This discrimination is "undue" because it is not justified by special circumstances since a large portion of traffic, if not the overwhelming majority of all other than non-stop traffic, will be charged non-stop mileage while traveling by way of circuitous intermediate points. In addition, since all of the rate-making formulas make an explicit or implicit allowance for circuity and departure factors utilization of authorized or operated mileage would cause injury to certain passengers by charging them twice for the same service—once as a circuity factor, a second time as a mileage factor.

More important, however, is the fact that Sec. 404(b) was enacted to prevent just this type of discrimination. No port or locality is entitled, as of right, to air transportation, but once that port or locality has been incorporated into the national air transport system by way of a certificate of convenience and necessity, it is entitled by statutory right to equal treatment. It is not a function of transportation rate-making to deprive one locality of its natural advantage of location for the benefit of another, nor is a preference or prejudice justified solely because it may develop an area and thereby eventually provide more business for the carrier.

The Board has held that circuity in the airline route map reflects overall geographic and economic advantage, and a fare structure which is consistent with such a route structure cannot be considered unduly prejudicial; *Hawaiian Common Fare Case*, 37 C.A.B. 296, 271-272 (1962). The key word here is "consistent" because a fare structure which sometimes is consistent with a route structure, and other times is not, is *prima facie* unduly preferential and prejudicial, and therefore unlawful.

On the positive side, as noted above, non-stop, great circle mileage is a just and reasonable standard because all deviations from the straight-line course are taken into account in the rate element through the circuity factor. As a result, rates are at all times reasonably related to costs at all distances just as if each actual mile flown had been recorded on an odometer. Equally important, no one is double charged.

Accordingly, pursuant to Sec. 404 and 1002, the Examiner and Board must find that it is reasonable to base fares on nonstop, great circle mileage, and that any construction of fares on the basis of a combination of non-stop, authorized, and operated mileage is unduly preferential and prejudicial, and consequently unlawful.

### IX. ROUTINGS

### I

One of the key tariff rules directly or indirectly at issue in this proceeding is the proposed optional routing of local fare passengers under the Open Routing rule, 14 C.F.R. 221.41(d). Under this proposal, online passengers would be permitted to proceed from the point of origin to the point of destination via any single carrier which is shown in the tariff as serving both such points; "To determine the carriers serving each point of origin, destination and interchange, see the Index of Points of Origin and Destination in this tariff."

At present the various segments or points over which a person may be routed on a through or connecting flight is determined by the permissible routings usually published in a complex "diagrammatical" format in the carrier's tariff, Passenger Routing Guide No. RG-1. These diagrammatical routings, which are an integral part of the fare structure, generally (but not always) follow a linear service pattern; 14 C.F.R. 221.41.

### II

The controversy, if there really is one, arises because certain parties have alleged in the past that circuitous routing involve higher costs, and the need to limit such routings is dictated by the need to control costs and revenue yield. Nevertheless, no party has proffered any evidence to support this allegation. Indeed, as a practical matter, no party could advance such proof for that position, because the *facts on the record* in this phase and Phase 4 clearly demonstrate that circuitous routings *per se* are not more expensive, but in point of fact can be less costly.

In Phase 4, Exhibit BC-2966A showed that a 17% more circuitous routing (1,456 vs. 1,245 miles) which passed directly over the destination point of Tulsa, is 6% less expensive per aircraft trip ($3,007.96 vs. $3,189.10) to operate using the same class of equipment. Again in this phase, using the same routing for the purposes of illustration, this time mixing the classes of equipment, Exhibit MOC-22, Illustration III (TR:2868-2874), it was demonstrated that the 17% more circuitous routing which still passes over the destination point of Tulsa, is 29.5 percent less expensive per seat trip ($39.52 vs. $22.17) with mixed equipment.

These exhibits are not an exception to the rule, but instead an illustration of one of the inherent characteristics of transportation by aircraft, to wit: each enroute stop has a complementary mileage value depending upon the class of equipment utilized, and consequently for each such stop eliminated by an optional routing, additional mileage may be operated in any direction *whatsoever* at no additional cost. Furthermore, because it is a phenomenon of air transportation that costs are about the same regardless of the number of passengers, higher load factors on the more circuitous routings will increase the number of complementary miles which can be flown for each enroute stop eliminated. For these reasons optional routings, even via beyond points, are in many cases more economical and efficient than so-called direct routings. A fare structure which did not permit such patterns of service, especially when the economics of density dictate the need for such a pattern of service, *infra*, would be *prima facie* unjust and unreasonable, and unduly preferential and unduly prejudicial, and therefore unlawful.

III

The affect of optional routings on pattern of service should not be overlooked. More liberal routing options permit the establishment of a more flexible service patterns built around the economics of density. Frequency of service is an important marketing feature in air transportation. In thin markets, optional routings allow a reduction in direct service without a reduction in overall frequency, or conversely institution initially of less direct service in a new market. This latter feature was dramatically demonstrated earlier this month when Delta Air Lines inaugurated its new route between Washington, D.C., Columbia, S.C., and Augusta, Ga. Delta entered the market against Eastern Air Lines with only one direct flight daily each way. At the same time, Delta changed its permissive routings to permit persons to travel between Washington and Columbia/Augusta by way of Atlanta at the direct fare. This change of optional routings then allowed Delta to market 12 frequencies from three Washington airports with only one direct service from one airport; see The Washington Post (Thursday, Oct. 21, 1971) p. B6. Had Delta not been permitted to provide these optional routings, the airline might have found it necessary for competitive reasons to schedule additional direct service at a greater total cost. These added flights would have almost certainly had a negative impact on the load factors of both Delta and Eastern.

IV

Because of the impact of the economics of density on airline operations, the use of optional routings to change patterns of service is increasing. During the first nine and one-half months of 1971 (January 1 to October 18), eighty-six "Routing Guide Revision Transmittal" sheets were filed with the C.A.B. on behalf of U.S. and Canadian air carriers by the Airline Tariff Publishers, Inc. Many others were filed directly with the Board by the carriers themselves. Forty-five of the statements of justification in these filings indicated the changes were being made to provide or reflect additional passenger routings, or to provide additional indirect routing options. Another five provided new additional second level passenger routing options. These two or three line justifications usually covered more than one market, and upon occasions in the past, the entire system.

More important, however, is the fact 20 other changes were filed to reflect changes in service patterns and (in some cases) to provide additional passenger routing options.[27] This fact raises an interesting question: If passenger routing options do not affect the pattern of service proffered, then why were almost 25% of all these changes filed to reflect changes in pattern of service? The answer is obvious, tariff rules do at present have an impact pattern of service, and this fact simply cannot be overlooked in establishing the domestic fare structure.

V

One more important fact (if not the most important consideration) which must be considered, is that where a change in the passenger routing options will permit a change in the pattern of service which can reduce the number aircraft-hours and passenger-hours flown, that change in passenger routing options will not only permit more economical and efficient service, but also promote safety in air transportation because exposure to an air carrier accident is related directly to hours flown rather than miles traversed.[28] In 1967, it was suggested that greater use of passenger routing options through hub-points might eventually permit the domestic air carriers to chop some 75,000 hours per annum from their schedules; Exhibit MOC 3C. Subsequent events, including Delta's new service have substantiated the validity of that claim.[29]

VI

Failure to recognize all of these facts and provide more liberal routings in similar situations—where the economies of density offer no tangible basis for objection—would constitute a failure to recognize and preserve one of the inherent advantages of air transportation contrary to the provisions of Sections 102(b) and 1002(e)(4) of the Act, *Allegheny Fare Case*, 34 C.A.B. 327, 333 (1961); to regulate air transportation in such a manner as to assure the highest degree of safety in such transportation, Sec. 102(b); to promote safety in air commerce Sec. 102(e); and the duty of every air carrier to provide safe and adequate service in connection with such transportation, Sec. 404(a); as well as the rate-making factors set forth in Subsections 1002(e) (2), (3), and (5), and therefore is illegal and unlawful. The dictate of the Act is clear—Congress is adamant in its demand that every air carrier and the Board provide, promote, and regulate air transportation services in such a manner as to assure the highest degree of safety in air transportation. Nothing less will satisfy the Congress nor the Act.

### X. ROUNDING OF FARES

Provision should be made in decreeing the fare structure to continue the policy of quoting fares plus tax in whole dollars since this policy has not been shown to be unlawful. Whole dollar fares should be established after one rounding of the computed coach fare plus tax to the nearest whole dollar when fares are published on a separate point-to-point basis, and to no more than the nearest whole ten dollars when fares are published on an area or zone basis. While most airline prices are at present published on a point-to-point basis, it may be necessary in the near future to publish air fares on an area or zone basis to avoid disruptive tariff situations, *supra*. 18, being brought on by (1) the increasing impact of the economies of density and technological aircraft advancements on the operation of an economical and efficient pattern of service by way of roundabout routings, and (2) the legal and technical restraints associated with rate-making.

### XI. PEAK/OFF-PEAK FARES

Conceptually and factually price differentials by time of day, day of week, and season of the year are desirable from a marketing standpoint and necessary from a legal viewpoint to avoid undue preference and prejudice. The Department of Transportation, for example, has demonstrated that up to 50% more traffic is carried at peak times on a time of day basis. Similarly, other parties have shown the existence of such peaks in other phases of this proceeding. To the extent such peak costs are at present being borne by non-peak passengers, they constitute an undue preference and prejudice.

Unfortunately, the carriers and the Board have not yet employed peak responsibility costing techniques, nor have these parties put such cost evidence into the record. As a result, the record does not at present provide a basis for the prescription of any peak or off-peak differential in the form of a surcharge or discount by time of day, day of week, or season of the year, and therefore none should be required nor allowed, with the exception of night coach which is in being and has not been shown to be unlawful. However, a determination of whether night coach fares are, or are not, in point of fact lawful cannot be made on the basis of this record in the absence of peak/off-peak responsibility costing data.

### XII. VERTICAL FARE STRUCTURE

Prices for the various classes of service should bear some reasonable relationship to the regular coach fares *after* rounding to the whole dollar fare to avoid those situations where at present the coach fare in two markets is $50, and the first-class fare is $65 in one market, and $66 or $64 in the other market.

First-class fares should not be more than one-third of the coach fare, nor less than 20% greater. The maximum differential was determined by taking the full coach fare less 12% for dilution, and then multiplying the remainder by 150% to take into account the approximate difference in space and service; 0.88 x 1.50=1.32. The minimum rate was determined upon the basis of the Sindlinger study which showed a strong resistance to fares 20% greater than those found reasonable for coach service by the Members of Congress, and the testimony of Eastern Air Lines' witness that only 15% of all flights are full at present. In other words, the Members of Congress accept the position of Trans World Airlines and others that, at least as far as 85% of all flights are concerned, the cost differential between coach and first-class is not significant, and that therefore value of service is the appropriate rate-making factor for determining the fare differential.

Upon the basis of cost and value of service, the appropriate minimum and maximum fare differential for Economy Service should be 10% and 15% respectfully of the carrier's prevailing coach fares. Likewise, it is reasonable to establish a minimum rate for Standard, Regional, One-class, etc., fares, at a level 5% greater than minimum and maximum coach fare; *provided*, the carrier charge such a rate in *all* markets, competitive and noncompetitive. There has not been established upon the record in this proceeding any competitive relationship between the air carriers so keen as to compel a carrier to grant a preference in competitive markets, thereby prejudicing passengers traveling in noncompetitive markets.

Finally, the fare structure for special services—Jet Commuter, Air Shuttle, etc.—should not be established in this phase. These operations have significantly different cost and traffic characteristics, and are of such size that they can be judged, and should be judged, on their own special fact situation.

### XIII. CONCLUSION

The Members of Congress believe that complementary formulas based upon great circle mileage, adjusted block hours, and a flexible pattern of service based upon the economies of density and aircraft capability, should be decreed for the establishment of minimum and maximum rates of the fare structure, and lawful rules, regulations, and practices pertaining thereto.

Respectfully submitted,
/s/ Richard W. Klabzuba
RICHARD W. KLABZUBA.
Representative for Hon. John E. Moss, *et al.*, Members of Congress.
November 24, 1971.

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Brief has been mailed to all parties on the Appearance and Exchange List in the *Domestic Passenger Fare Investigation, Phase 9—Fare Structure*, Docket 21866–9.

/s/ Richard W. Klabzuba
RICHARD W. KLABZUBA.
November 24, 1971.

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Footnotes at end of article.

FORMULA FOR DETERMINING FARE LEVEL (EXHIBIT MOC 11)

| Ratio of 1st-class fare to coach | Ratio to direct operating cost per available seat in an all-coach seating configuration: Coach | Percent: 125 | Percent: 130 | Percent: 133 |
|---|---|---|---|---|
| Total operating cost per available seat, coach service | 1.938 | 2.019 | 2.006 | 1.998 |
| Return element: Interest expense and taxable income at 13.7 percent of operating revenue need per available coach seat; 15.9 percent of total operating cost per available seat, coach service; per order 71–4–58 | .308 | .321 | .319 | .318 |
| Operating revenue need (yield) per average available seat, coach service | 2.246 | 2.340 | 2.325 | 2.316 |
| Operating revenue need (yield) per average coach passenger at a 54 percent load factor; per order 71–4–60, p. 50 | 4.159 | 4.333 | 4.306 | 4.289 |
| Basic full fare for coach service after adjustment for 12 percent dilution caused by joint, discount, or promotional fares, circuity, or other factors; 13.6 percent markup on operating revenue need from average coach passenger | 4.725 | 4.922 | 4.892 | 4.872 |
| Short/medium haul service (up to 2,000 miles); $5.40 direct cost per avilable seat-hour | $25.52 | $26.58 | $26.42 | $26.31 |
| Long-haul services (2,001 miles and over); $5.05 direct cost per available seat-hour | $23.86 | $24.86 | $24.70 | $24.60 |

ADJUSTMENTS

Rate of return: Authorized by phase 8, order 71–4–58, 12 percent; used in app. 1, phase 7, order 71–4–60, 11.8 percent; adjustment needed in order 71–4–60 to produce a 12-percent rate of return, 1.0136933.

REVENUE NEED (DOMESTIC TRUNKS)

[Dollar amounts in millions]

| | App. 1, order 71–4–60 | Col. 1 with 1.0136933 adjustment to return element |
|---|---|---|
| Investment | $4,789.7 | $4,789.7 |
| Rate of return (percent) | 11.8 | 12.0 |
| Return including interest | $567.0 | $574.8 |
| Less interest | 165.7 | 168.0 |
| Net earnings after tax | 401.3 | 406.8 |
| Income tax | 370.6 | 375.7 |
| Taxable income | 771.9 | 782.5 |
| Interest expense | 165.7 | 168.0 |
| Operating profit | 937.6 | 950.4 |
| Operating expenses | 5,984.9 | 5,984.9 |
| Operating revenue | 6,922.5 | 6,935.3 |
| Return margin (operating profit as percent of operating revenue) | 13.5 | 13.7 |
| Return markup (operating profit as percent of operating expense) | 15.7 | 15.7 |
| Belly cargo revenue offset: | | |
| Passenger operating expense | | $5,984.9 |
| Belly cargo revenue | | 404.3 |
| Total operating expense, mixed service | | 6,389.2 |
| Belly cargo revenue as a percent of total operating expense, mixed service | | 6.3 |

| | Short/medium haul | Long haul |
|---|---|---|
| Direct cost per available seat-hour (exhibit MOC 16/17) | $5.75 | $5.35 |
| Less belly cargo revenue off-set of 6.3 percent | .36 | .34 |
| Direct cost per available seat-hour, passenger service | 5.39 | 5.01 |
| Direct cost per available seat-hour initially used for ratemaking | 5.40 | 5.50 |

FOOTNOTES

[1] Crane, John B., "The Economics of Air Transportation," *Harvard Business Review*, No. 4 (summer 1944) 495; Koontz, Harold D., "Economic and Management Factors Underlying Subsidy Need of Domestic Trunk Line Air Carriers," 18 J. Air L. & C. 127 (Spring 1951); Gill, Frederick W. & Bates, Gilbert, Airline Competition, Harvard University, Boston (1954); Proctor, Jesse W. & Duncan, Julius S., "A Regression Analysis of Airline Costs," 21 J. Air L. & Com. 282 (Summer 1954); Cherington, Paul W., Airline Price Policy, Harvard University Press, Cambridge, Mass. (1955); Wheatcroft, Stephen, The Economics of European Air Transport, Harvard University Press, Cambridge, Mass. (1956); Caves, Richard E., Air Transport and Its Regulators, Harvard University Press, Cambridge, Mass. (1962); Miller, Ronald E., Domestic Airline Efficiency: An Application of Linear programing, The M.I.T. Press, Cambridge, Mass. (1963); Jordan, William A., Airline Regulation in America—Effects and Imperfections, the Johns Hopkins Press, Baltimore, Md. (1970).

[2] *Ibid.*, Crane, 508; Proctor & Duncan 291; Caves, 83; Miller, 12.

[3] *Ibid.*, Crane, 505; Koontz, 136; Gill & Bates, 617; Proctor & Duncan, 291; Cherington, 50; Wheatcroft, 78, 92–93; Caves, 58–59, 61; Miller, 12–13; Jordan, 191–195.

[4] *Ibid., Koontz*, 140; Wheatcraft, 92–93.

[5] *Ibid.*, Koontz, 153; Cherington, 62; Wheatcraft, 83; Miller, 13, 25, 98.

[6] *Ibid.*, Miller, 63.

[7] *Ibid.*, Koontz, 149, 151–152; Proctor & Duncan, 291; Cherington, 62, Miller, 13, 25.

[8] *Ibid.*, Koontz, 134n, 141; Cherington, 52–56; Wheatcraft, 31; Caves, 69; Miller, 78; Jordan, 197–198.

[9] *Ibid.*, Crane, 508; Caves, 82.

[10] *Ibid.*, Koontz, 143; Order 71–4–60.

[11] *Ibid.*, Jordan, 197.

[12] Order 71–4–60, Appendix 19 and pages 31–32.

[13] Proctor & Duncan, *Op. Cit.*, 291.

[14] Miller, *Op. cit.*, 133; see also "Airline Scheduling, Route Patterns and Sales," Paul S. Cline, 23 J. Air L. & Com. 164, 166 (Spring 1956).

[15] According to Messrs. Gill and Bates airline competition tends to push down revenues rather than pushing up costs. Gill and Bates, *Op. cit.*, 616.

[16] "Debasement" of a fare structure occurs when either (1) a fare differential between two classes of service is changed without any accompanying significant change in the service provided, or (2) there is a substantial up or down grading of the character of a service. Generally, the reasons requiring a fare differential also demand a difference in the service provided in the form of speed, time of service, type of equipment or service features such as more or less luxurious or commodious seating or other physical features (lounge, convertible seat-tables, etc.) or passenger amenities like reservations and complementary meal, liquor and movie service. The important distinction is the relative attractiveness of the service, and a fare structure is debased when the distinction disappears. However, it should be noted the Board has held the mere fact that a characteristic of a service is added or deleted is not enough to justify the charging of a different fare, even when costs change; 26 C.A.B. 23, 24, 28–30.

"Long and short haul fares" refer to the charging of a greater compensation for transportation of like traffic for a shorter than a longer distance over the same line or route in the same direction, or to charge a greater compensation as a through fare than the aggregate of the intermediate fares (see fare breaking, *infra*).

"Tumbling-domino effect" refers to the effect of a particular fare in a given market on other fares of the *same* carrier in the same or other markets.

"Interlocking effect" refers to the influence of a particular fare in a given market on other fares of *other* carriers. in the same or other markets.

"Hidden city" refers to a market situation in which there is no published single factor through fare. The rating objective is to find the junction point (or hidden city) which will produce the lowest combination of local fares. It is not necessary for the passenger to actually travel via the hidden city, only that he use the optional routing which in the tariff includes that junction point. To illustrate, a passenger may actually travel from Miami to Billings via Chicago, with the fare being constructed by way of Chicago and Minneapolis—Minneapolis being the hidden city junction point upon which the sum of the local fares is based.

"Throwaway" situations arise when the fare to an intermediate point on a particular routing is greater than the fare to the destination point. In such a case, the passenger traveling to the intermediate point can purchase a ticket to the destination point, get off at the intermediate point, and then *throw away* the unused portion of his ticket.

"Fare breaking" arises where the through fare charged between two points for the same or substantially similar service is greater than a revised aggregate of the intermediate fares. When this occurs, the sum of the new intermediate fares is said to *break* the through fare.

[17] The Members of Congress use the term "arbitrary charge" for the amount falling out of the regression analysis, as opposed to the customary term "terminal charge", to avoid misrepresenting the facts. The use of such term might be considered a deceptive practice contrary to Sec. 411.

[18] The distinction between the two definitions flows from the difference between Sec. 2, which deals with discrimination, and Sec. 3, which refers to preference and prejudice, in part 1 of the I.C.C. Act.

[19] Mr. Cooke. . . . We think that there is some danger that you can stimulate enough traffic that carriers will start adding capacity. In the Matter of Pan American World Airways, Inc. and Trans World Airlines, Inc., Conference, September 23, 1971, p. 23.

[20] Mr. Huddleston. You use the expression that the fixing of rates is a practical question. Just what have you in your mind, except the effect of the rate on the movement of traffic?

Mr. Thom. That, and on the amount necessary to furnish the public with needed transportation.

Mr. Huddleston. Then, needed transportation and the movement of the traffic are the two factors?

Mr. Thom. Two large factors to be considered.

Mr. Huddleston (continuing). That should fix the amount of the rate charged?

Mr. Thom. That is what I think.

Hearings before U.S. Congress, House, The Committee on Interstate and Foreign Commerce, 72d Congress, First-Session, Railroad Legislation (1931) p. 324.

[21] There is no question here as to the ability

of the traffic paying the full fare to bear a greater fare; *infra*, Value of Service.

[22] Congress is not unaware of this issue:

Senator CANNON. I understand that, but the thing that disturbs me is it seems to be the policy of the IATA conference to keep the fares high for the captive traveler, the business guy who can't go and stay 20 days or 30 days or whatever it happens to be, the businessman, the government official, the short-term vacationer, you have got a captive audience there and their fares stay up, but the other people you make inducements to them, and the fares come down. So, it looks like if the lower ones are continuing to go down, then the higher ones are going to have to subsidize it in part. That is one of the criticisms that we hear.

Mr. HAMMARSKJOLD. That is the mix, and the total mix has to be compensatory as you have indicated earlier.

Senator CANNON. I understand. In other words, that is a form of subsidy, the short-term passenger, the businessman and the government official are really subsidizing the fares for the people who can meet the lower part of the scale, because the overall mix has to be compensatory?

Mr. HAMMARSKJOLD. But if you couch it it in those terms, the summer would be subsidizing the winter. The chap who travels in a sleeper would subsidize the chap that travels in third class railroad. It is a tradition in transport to have a differentiated price system in order to fill your aircraft, your trains, whatever you have. The ships are the same. Hearings, U.S. Senate Aviation Subcommittee, S. 2433 (Oct. 21, 1971) 249.

[23] Revenue standard would be established taking into account the actual conditions under which the carrier must operate . . . Budgeted revenue for each aircraft type would be established by budgeting anticipated passenger, cargo and air mail revenue based on realistic load factors and scheduled aircraft utilization expressing the anticipated dollar revenue per flight hour." Lloyd, Charles T. (Department Editor)

"Ernst & Ernst Report Covering Preliminary Study of Methods of Compensation for Carriage of Domestic Air Mail and for the Operation of Air Transportation Service Essential to the Public Interest", 17 J. Air L. & Com. 86, 93 (Winter 1950). Unfortunately, the Senate Committee subsequently furnished Ernst & Ernst with stated ton-mile mail rates so that the final report become practically nothing more than a mere computed allocation of air carrier costs to individual stations. "Report of Ernst & Ernst on Survey of Separation of Compensatory Mail Pay from Total Mail Payments to Domestic Airlines," 18 J. Air L. & Com. 206–207 (Spring 1951).

[24] In the 1963 intercity models the total availability constraint for aircraft type 2 is met with equality, and a shadow price of $165 per hour's use emerges as a consequence. . . . If this were the result for an individual airline study (or for a regulatory agency with complete control over prices), these added costs could be equitably distributed over the traveling public by increasing fares on those routes where this type of aircraft was used. This could be done by (1) dividing total assumed capacity into the shadow price, giving cost per passenger per hour; and multiplying this by travel per passenger for the route in question. In the cases where the aircraft is not the only type assigned, the results of (2) should be reduced by multiplying it by the proportion of flights of the aircraft in question to total assigned flights.

Miller, *Op. Cit.*, 126.

[25] By letter dated December 17, 1969, Hon. Secor D. Browne, Chairman of the C.A.B., notified Hon. John E. Moss, M.C., that effective January 1, 1971, pursuant to implementation of ER–586 (adopted August 6, 1969) the Board would be able to provide essentially the same revenue-hour data as requested by Members of Congress in Docket 21370, because thereafter the carriers will report statistical data by flight number, service segment, aircraft ramp hours, etc. Subsequent discussions between the staffs of the Members of Congress and the Board have confirmed the technical availability of appropriate revenue hour data in the near future from data now being reported. This is a direct computation from raw data, not a conversion miles to hours, or hours to miles. Both estimated miles and actual hours are available. TR: 2242–2244.

[26] In a 1961 article, using 1958 official Airline Guide schedules for an American Airlines DC–7, it was shown that an Oklahoma City-Dallas-New York flight was 15 minutes faster than an Oklahoma City-Tulsa-Nashville-Washington-New York service; Richard W. Klabzuba, "What Makes an Airline Profitable?" *Interavia*, Geneva, Switzerland (February 1961) 191, 194. On October 31, 1971, American Airlines instituted a flight routed Tulsa-Oklahoma City-Dallas-Washington/Baltimore-New York, Flt. 338. As of October 31, 1971, American provides three one-stop flights between Oklahoma City and Washington, two by way of Chicago to National Airport with block times of 3:18 (356) and 4:24 (340), the other via Dallas to Friendship Airport which is beyond National Airport, 3:15 (338).

[27] Most of the remaining justifications were devoted to correcting clerical errors, or to clarify the routing. One was filed to permit travel between certain points in a manner similar to a competitor.

[28] Exhibits MOC 3D and T–4 have been submitted as offers of proof that (1) aircraft accidents, fatal accidents, aircrew fatalities, and passenger fatalities, are at all times reasonably related to the number of aircraft-hours flown; (2) that passengers, crews and aircraft are *exposed* to an accident on the basis of the number of aircraft-hours flown, and (3) the aircraft-hour flown is the best unit at present for measuring the numerical magnitude of passenger and crew fatalities, as well as accidents, to determine and assess their *exposure* to accidents.

[29] For example, by routing passengers through Atlanta, Delta, Eastern, and Southern airlines have been able to suspend all of their services to all Florida points from all Georgia points except Atlanta and Augusta, and one flight that operates from West Palm Beach/Miami to Macon daily, northbound only.

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## THE MORAL COST OF CHROME

## HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. CONYERS. Mr. Speaker, I have just returned from a conference in Zambia in which the sincerity of our concern for international justice was sharply called into question by representatives of African nations. Despite these concerns, of which we can be sure the Nixon administration is fully aware, the President continues to pursue policies toward Africa which are racist in character and an insult to the majority of Africans. Witness, for example, Mr. Nixon's lifting of restrictions on imports of Rhodesian chrome, an action which violates the sanctions against such imports by the U.N. Security Council and which supports the separatist Rhodesian regime. A recent editorial in the New York Times focuses on the morality of the President's action:

[From the New York, Times, Jan. 26, 1972]

### THE MORAL COST OF CHROME

The Nixon Administration has now taken an action that puts the United States in violation of the United Nations Charter and gives moral support, at a critical moment, to Rhodesia's white minority Government. Officials will doubtless say that the Treasury was bound by a provision in the Military Procurement Act of 1971 to lift restrictions on imports of Rhodesian chrome—in spite of the mandatory sanctions invoked against Rhodesia—with American backing—by the U.N. Security Council.

However, there was a thoroughly legal way out if Mr. Nixon had been interested in defending the United Nations as well as the integrity of this country's commitment to that organization. He could have removed chrome from the list of strategic materials on the sound ground that the United States now has a stockpile adequate to meet both military and civilian needs for the next two to three years.

It would be a grave matter at any time for the United States—which has given unlimited support to "the rule of law" and to adherence to international law—to breach unilaterally a Security Council decision, especially one for which it voted. Secretary General Kurt Waldheim must now have a clearer idea of what Mr. Nixon meant, in a White House talk Monday, when he promised "full support" for the United Nations.

Bad as is the undercutting of this newly given commitment to the U.N., it is doubly tragic to give a major boost to the white racists who rule Rhodesia at a time when that country's black majority is dramatizing daily its hostility to Prime Minister Ian Smith's regime. This action will further damage respect for United States integrity—and not just in black Africa.

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## THE FUTURE OF PUBLIC BROADCASTING

## HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. MACDONALD of Massachusetts. Mr. Speaker, next week, on Tuesday, February 1, the Subcommittee on Communications and Power, which I am privileged to chair, will begin hearings on the future of public broadcasting. The primary concern of the subcommittee will be to work out an acceptable plan for providing long-range financing for the Corporation for Public Broadcasting.

In 1967, working from the fine recommendations of the Carnegie Commission, the subcommittee developed legislation which established the Corporation and gave public broadcasting its real impetus for growth. And that growth has been exceptional over the past several years.

It is unfortunate that during the last year the prospects for continued growth have become clouded, because of uncertainty as to financing which all concerned agree is the essential factor in the future development of public broadcasting.

Permanent financing will insulate public television and radio from the type of governmental pressure which seems to have been asserted increasingly in recent months. I have previously referred to this new type of pressure which has surfaced in Washington as a new technique which utilizes a well-placed phone call, a well-timed speech, or a coincidental personal investigation to apply Government pressure. We should no longer delay our efforts to eliminate this type of pressure by abandoning the year-to-year authorizations and appropriations and adopting effective long-term financing.

After waiting for 4 years and for two different administrations to come up with a promised plan for this financing, I introduced last November a bill which will provide funds for the Corporation for Public Broadcasting over a 5-year period. It establishes a public broadcasting fund in the Treasury which is maintained by Federal funds matched by private and non-Federal contributions. It requires that 30 percent of the funds available to CPB in a given fiscal year be allocated in support grants to local stations. This bill is a compromise bill which can be supported by all those who truly support public broadcasting.

I am hopeful that the hearings on this bill which will begin next Tuesday will clear the air of needless controversy and allow for constructive progress toward the goal set forth in the original Public Broadcasting Act.

So that my colleague will have some indication of the broad support for this bill and for the concept of long-range financing, I will introduce into the Record a representative sample of the correspondence which I have received in the 2 months since I have introduced my bill. Of the many hundreds of telegrams, letters, and telephone calls, the following are typical examples. I include the material at this point in the Record:

Hon. Torbert Macdonald,
*Chairman, Subcommittee on Commerce and Power Communications on Interstate and Foreign Commerce, U.S. House of Representatives, Washington, D.C.:*

Your introduction of a long range financing bill for the corporation for public broadcassting is a most encouraging step toward fulfilling the mandate of the 1967 Public Broadcasting Act. I hope the Congress will act expeditiously in order to build a proper and viable base for the corporation.

Joseph A. Beirne,
*President, Communications Workers of America.*

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Congressman Torbert H. Macdonald,
*Rayburn House Office Building,*
*Washington, D.C.:*

Warmest congratulations on your introduction of a bill for long-range authorization of financing for public television. Your action recognizes the single key fact holding back the development of a truly vigorous public broadcasting system in this country, and that is lack of adequate funding. You have cut through the fog of argument to the crux of the issue. We look forward to working with you to create a communications force in the nation which every citizen can be justly proud.

Ralph Lowell,
*Chairman.*
John Lowell,
*Treasurer.*
David Ives,
*President, WGBH Educational Foundation.*

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Congressman Torbert H. Macdonald,
*Chairman, House Office Committee on Communications and Power, Washington, D.C.:*

As chairman of National Public Radio presently serving more than 100 local stations across the United States with locally produced program material of interest to the nation and with a potential listening audience of more than 100 million citizens, I heartily endorse your far sighted proposals for the corporation for public broadcasting which has been instrumental in getting up this new and important non-commercial national network the first ever in the history of American broadcasting.

Bernard Mayes,
*Chairman, Board of Director, National Public Radio, Washington, D.C.*

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Representative Torbert Macdonald,
*Rayburn House Building,*
*Washington, D.C.:*

Heartiest congratulations and deep thanks for your support today of public broadcasting. The long range financing bill which you introduced will return great dividends over the years to the American people.

Joseph Welling,
*Director of Broadcasting, Ohio University, Athens, Ohio.*

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Many, many thanks for introducing the financing bill for the corporation for public broadcasting. As president and general manager of the Bay Area Educational Television Association I wish to indicate my strong endorsement of the bill on behalf of the Bay area communities. We greatly need this support to assure the future of non-commercial broadcasting for the well being of the entire communications media. We're behind you 100 percent.

Richard O. Moore,
*President and General Manager, Bay Area Educational Television Association, San Francisco, Calif.*

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Congressman Torbert H. Macdonald,
*Washington, D.C.:*

Your five year financial plan for public broadcasting demonstrates your concern for continued and assured growth. Such a plan is imperative to our station in Appalachian Kentucky. Without some long range plan we would not be secure in our planning for continued or expanded program service. We believe in strong leadership in Congress, in National Public Radio, and in the local station. Working together, we will provide the service the public deserves. I anticipate an early review of the proposed bill and will react more specifically at the time. Your leadership is respected and appreciated sincerely yours.

Donald F. Holloway,
*Director, Institute of Public Broadcasting, Morehead State University.*

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Representative Torbert H. Macdonald,
*Chairman, Communications Subcommittee, House of Representatives, Washington, D.C.:*

Your introduction of a long range financing bill for public broadcasting is to be commended. The entire country already has derived great benefits from Federal support for public broadcasting systems in terms of cultural enrichment, social awareness and the exchange of ideas. Long range financing at the level you have proposed will ensure its continuous and systematic developmnt.

Marjorie Newman,
*Manager, WNIU-FM, De Kalb, Ill., Northern Illinois University, Division of Communication Services.*

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Representative Torbert Macdonald,
*Rayburn House Office Building,*
*Washington, D.C.:*

We have just learned of your introduction of a bill to provide long range funding for the Corporation for Public Broadcasting. Please accept our thanks and encouragement we do appreciate your efforts for public broadcasting.

Alvin Bolt,
*Manager, Radio Station WPLN, Nashville, Tenn.*

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Hon. Torbert H. Macdonald,
*Chairman, the House Subcommittee on Communications and Power, Rayburn Office Building, Washington, D.C.*

Dear Representative Macdonald: As general manager of WFSU-FM the Public Radio Station of the Florida State University and as chairman of the Southern Educational Communications Associations Radio Board of Directors and as a member of the National Public Radio Board of Directors, may I offer my sincere appreciations and thanks to you for introducing legislation to establish the long range financing of public broadcasting. Please be assured that citizens throughout the country will benefit greatly by your effort to support public radio and television. In this important endeavor you have our whole-hearted support.

Sincerely,

David E. Platts, Ph.D.,
*Director of Radio Florida State University, Executive Board, National Public Radio.*

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November 18, 1971.

Hon. Torbert Macdonald,
*House of Representatives,*
*Rayburn House Office Building,*
*Washington, D.C.*

Dear Mr. Macdonald: I have just learned about the bill which you introduced on Tuesday, November 16, 1971, relating to a five year plan for the continuation of funding for the Corporation for Public Broadcasting and public broadcasting in general.

As president of the Eastern Public Radio Network, as a member of the board of directors of both National Educational Radio and National Public Radio, and most importantly, as manager of a public radio station which covers parts of eastern New York and western New England, I would like to thank you for making this effort.

Hopefully, the fact of your recognition of the importance of public broadcasting to the public, combined with your action in its behalf, wil help to provide the leadership necessary to develop a truly long range financing plan.

Again, for many of us, thank you.

Sincerely,

Albert P. Fredette,
*Manager.*

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Hon. Torbert H. Macdonald,
*U.S. House of Representatives,*
*Washington, D.C.:*

Your introduction of H.R. 11807 is another instance of the leadership you have long exercised in legislative support for public broadcasting. Your floor speech was a forthright statement on the nature of our dilemma and the critical consequences of further delay in providing long range financing for this vital enterprise. We applaud your initiative and commend your continuing interests in this matter.

Bill Harley,
*President, National Association of Educational Broadcasters.*

NEW YORK, N.Y.
*November 18, 1971.*

Hon. TORBERT MACDONALD,
*House of Representatives,*
*Rayburn House Office Building,*
*Washington, D.C.*

DEAR MR. MACDONALD: We applaud your initiative in introducing a bill for financing public broadcasting through the Corporation for Public Broadcasting over the next five years.

You have been a great supporter of public television and we hope and expect that our performance in the national interest will continue to justify this support.

Your action is greatly appreciated.

Sincerely yours,
WARD B. CHAMBERLIN, Jr.,
*Executive Vice President.*

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PHILDELPHIA, PA., *November 23, 1971.*

Hon. TORBERT MACDONALD,
*U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.*

DEAR REPRESENTATIVE MACDONALD: Your November 16th comments in the U.S. House of Representatives (CONGRESSIONAL RECORD, vol. 117, pt. 32, p. 41580–41581) relating to H.R. 11807, a new proposed "Public Broadcasting Act of 1971" are very much appreciated by this Manager of a singular public radio station.

Lethargy and innuendo have faced the quest for permanent funding for public broadcasting removed from extraneous influence. As a result I began to become paranoid and pessimistic. Your action has prevented me from dwelling in that useless frame of mind. My particular endorsement of the proposed legislation is directed to the "incentive" factor. With the constant influx of non-Federal funds public broadcasting would be assured a continuing flexibility and independence whenever and wherever influence is attempted. I testify that this is absolutely essential to the integrity of public broadcasting through every single licensee in this nation, if the service fulfilled is to be concerned truly with the public's need. I report my own reflection that within public broadcasting there continues to be diversification of spirit and intent that augurs well for the ultimate independence of public broadcasting systems in all their forms.

My appreciation to you is extended to include the fact that if I might be of assistance to you in this matter please do not hesitate to call on me.

Sincerely,
NATHAN ARNOLD SHAW,
*Station Manager.*

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WINOOSKI, VT., *November 18, 1971.*

Hon. TORBERT H. MACDONALD,
*Chairman, House Subcommittee on Communications and Power, Rayburn House Office Building, Washington, D.C.*

DEAR MR. MACDONALD: Congratulations to you, along with a hearty "thank you" from me, for the submission of your new long-range public financing bill for public television.

The mathematics of the bill are commendable and appropriate.

As a public broadcaster long concerned with long-range financing for both public television and public radio, I must urge you to call for hearings on the bill at your Committee's earliest convenience. Knowing of your long-term dedication to and interest in public broadcasting, I am confident the hearings will not be too far away.

With all good wishes, I remain

Sincerely,
JOHN W. DUNLOP,
*Station Manager.*

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WASHINGTON, D.C.,
*November 17, 1971.*

Congressman TORBERT H. MACDONALD,
*Chairman, House Subcommittee on Commerce and Power, Rayburn House Office Building, Washington, D.C.*

DEAR CONGRESSMAN MACDONALD: I wanted to extend to you congratulations for the initiative and concern you demonstrated by submitting yesterday proposed legislation for long-range financing for public broadcasting. Such action is consistent with the interest you have demonstrated for this activity over the past four years, and I did not want you to think it was gone unnoticed. We appreciate your effort now as we applaud your record in the past.

I sincerely hope your subcommittee will be able to hold public hearings on this legislation in the near future. I would like to be kept informed of any developments in this regard by your office. Feeling that this matter is very much a public concern, I will wish to discuss with you the possibility of covering these hearings, when scheduled, on National Public Radio.

Once again, my congratulations, and I extend every wish for success.

DONALD R. QUAYLE,
*President.*

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NEW YORK, N.Y.,
*November 19, 1971.*

Hon. TORBERT H. MACDONALD,
*House of Representatives,*
*Washington, D.C.*

MY DEAR MR. MACDONALD: The governing body of the Broadcasting and Film Commission of the National Council of Churches is very much encouraged to learn that you have introduced Bill No. 11807 for the future financing of public broadcasting. The National Council has supported public broadcasting from its inception and is very much concerned that this operation is financed in such a way that effective service can be provided in behalf of the public interest. Such service is not possible now with the meager funds available to the stations and networks of the public broadcast system.

We are prepared to support your bill with testimony and to be helpful in any other way we can to effect success.

Sincerely,
EVERETT C. PARKER,
*Chairman.*

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## HON. CARL HAYDEN

## HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. PEPPER. Mr. Speaker, in the passing of former Senator Carl Hayden, America lost one of its great pioneers who lived into the present and helped to make it the momentous present that it is. Senator Carl Hayden was a legend not only in his State of Arizona, which he represented in the U.S. House of Representatives and the U.S. Senate from the time when it became a State in 1912 until 1969, but in the Nation as well. He concluded his magnificent Senate career as chairman of the Appropriations Committee, a post which he had held for many years, and President pro tempore and Dean of the Senate. His warm smile, his folksy and friendly manner, his keen mind, his sterling character, and his shrewd, practical knowledge of dealing with people, enabled him to achieve not only monumental accomplishments for Arizona but for America. Every Senator, every person who ever knew him—except perhaps some of the criminals with whom he had to deal when he was sheriff in Arizona before he came to the Congress—loved him. Only last year when in Phoenix I had a warm conversation on the telephone with Senator Hayden whose colleague I was in the Senate for 14 years. His famous description of himself was as a work-horse rather than a show-horse. He was a hard worker, painstaking in his preparation, persistent in following through his objectives. He knew how to get things done in a legislative body because he could work with the members to advance the cause of meritorious legislation and projects. America is a better land because it bears the indelible imprint of Carl Hayden.

Carl Hayden's career in the Congress, the longest in the history of our country, spanned the modern era of technical progress, national growth, and international prestige and power of the United States. What a rich life he lived to be able to participate in the building of this great America which he so much loved. Mr. Speaker, my wife and I cherished the friendship of Senator Hayden. Like his fellow countrymen we shall honor his memory. We extend our deepest sympathy to the surviving members of his family and to his fellow citizens to whom he meant so much and whom he so nobly served.

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## MUST WASHINGTON WATCH EVERY SPARROW?

## HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. ROBISON of New York. Mr. Speaker, after a particularly trying day when I return to the office to read my constituent mail, it sometimes occurs to me—in a weak moment—that maybe people just cannot do anything for themselves anymore. Therefore, I was glad to have Prof. Edward A. Lutz of Cornell University give some theoretical underpinnings to the idea that centralization of governmental responsibility is not always the only answer to our environmental and social problems.

When I visited South Vietnam in 1970, part of my briefing included the suggestion that the single greatest impediment to national unity in that country was its traditional system of village government. I have since noted those other commentators on Vietnamese politics who are in the habit of flourishing the old Asian maxim:

> The Emperor's rule stops at the village gate.

And, yet, when one steps inside that "village gate," he finds that many of the social services now routinely directed by the Federal Government here in this country are taken care of in Vietnam by the "village elders." Care of the aged and disabled, financial support for widows, and even such matters as flood control are thus the concern of the village and its constituent families.

One perspective would have this sharing of responsibility as the unmistakable mark of an underdeveloped society, wherein political mechanisms have not progressed sufficiently to institutionalize these services. Yet, as Professor Lutz suggests in his speech to the Northwestern Agricultural Economics Council, there, may be a new perspective, one which observes the social and environmental shortcomings of the most-sophisticated form of modern government and says:

> Maybe we had better look back to the community and its neighborhoods for some kind of solutions and action.

That viewpoint leads to a suggestion, to us, that Washington simply cannot keep an eye on every sparrow.

Professor Lutz' carefully considered comments are well worth reading, and I am happy to have the opportunity to bring them to the attention of my colleagues.

## LOCAL GOVERNMENT STRUCTURE AND THE PROVISION OF PUBLIC SERVICES IN RURAL COMMUNITIES

(By Edward A. Lutz of Department of Agricultural Economics at Cornell University)

Two quotes in Dean Jansma's talk outline for this morning illustrate sharply some hangups or mental barriers that agricultural economists and other students need badly to hurdle in considering problems of public policy and public operations. I shall repeat one of them and then discuss it before turning to the other.

The first quote is from the Saturday Review, and was suggested as an organizing theme. Here it is, "The battle to save the environment is just beginning, but until the nation decides which sectors of society will get priority, and who pays the price, ecology is nothing but rhetoric." Let me repeat and emphasize the phrase "until the nation decides." The assertion is that "until the nation decides," we have nothing but rhetoric.

This belief is basic to a discussion of local government structure because it seems widely prevalent among people who consider themselves sophisticated intellectuals, maybe including a few agricultural economists.

### UNTIL THE NATION DECIDES

The nation does decide some things as a nation. It of course does not decide everything, if we stop to reflect a moment, even in the public policy line. The attitude emanating from the quote, however, when multiplied and trumpted over the land, tends to push decisions upon the nation that add unnecessarily to the already fierce congestion. The inventory of pending decisions becomes mountainous. People like the Saturday Review writer, who see the world in ecological terms and the nation as the only center of decision, complain about substitution of rhetoric for action. Even a professor like the speaker is sometimes driven by demands beyond his capacity to substitute rhetoric for something solid and substantial.

The Saturday Review in aiming at a national market for its product seems to equate public problems, and decisions for resolving them, with this market. It does this in a nation whose ponderous size ranks it 4th on earth in both population and geographic area. It does this in a nation whose technological, social, ethnic and economic complexity and interdependence make the problems probably the most intractable on earth when they are all considered on a national scale. Such an attitude may sell Saturday Reviews from coast to coast. It is a rather fantastic view, when one reflects, if he has time to reflect, on how to resolve particular problems in particular ways.

It may be a solace to some of our sophisticated intelligentsia to believe that Washington is supposed to have its eye on every sparrow when one tries to locate someone to blame for malnutrition among sparrows. The maintenance of a bird feeder outside one's dining room window often will be far more effective in promoting the ecological welfare of at least a particular fraction of the sparrow population in the USA. It is probable that as a nation we could inaugurate programs to alleviate nutritional crises among the sparrows, and win the approbation of the peddlers of the Saturday Review. We must not overlook, nevertheless, the constructive possibilities of supplying the backyard feeder even as we indulge in fashionable despair over the endless transcontinental jetstreams of rhetoric.

You may think that by citing the nutritional problems of sparrows I exaggerate the expectations of modern-day sophisticates concerning what we as a nation ought to decide to do. Let me remind you that there is a federal aid program for exterminating urban rats. When some individuals questioned the proposal a few years ago, they were put editorially in the public stocks of the New York Times as calloused souls ignorant of real needs.

The knee-jerk reaction of looking for the nation to decide, when one thinks he has a problem, overlooks the potentially important and indeed critical capacity for initiative of smaller groups, including communities or localities and their governments. The prevalence of the reaction seems fundamental to considering local government structure.

### THOSE ARTIFICIAL STATE BOUNDARIES

The second quote from the talk outline for this morning refers to the artificiality of state boundaries. This phrase appears in probably every standard text on American Government, and perhaps most of those on economics. Maybe it occurred to George Washington as he crossed the boundary of the Delaware River on that legendary winter night. It is used often in the Northeastern United States where especially large numbers of people seem to have settled in patterns having little reference to state boundaries.

State lines are obviously artificial in the sense of having been designated by agreement among humans. Some such boundaries are artificial in the sense of being ill adapted to some of the purposes for which they may have been designed. In considering such matters, one is tempted to muse upon the artificiality of some of the borders between the United States and its neighbors (e.g., between Niagara Falls, New York and Niagara Falls, Ontario), or between the countries of western Europe and elsewhere on earth many of which are smaller than a number of our states. One also recalls that the stability of the line between us and Canada has been customarily hailed as a symbol of inter-community amity.

My purpose is simply to point out that there is an element of the arbitrary and artificial about most boundaries and that they continue to be essential for some purposes. We might do better in drawing state lines if starting with a clean slate. Not only is the prospect of doing better a political hazard, but we obviously don't have a clean slate. Further, the considerable volume of talk over a long period about obsolete state boundaries has not altered them in the slightest.

As a practical matter in approaching practical problems, we need to accept that the Northeastern (and other) states are here to stay for a time as political entities. Then we can study what needs to be done within this institutional framework. Accepting the states as states has basic importance for questions of local government and its structure. An old and often-cited court decision exaggerates somewhat, but has much legal truth in considering local governments as "creatures of the state." It is impossible to consider questions of local governments for long without reference to the state by whose authority they exist and from which their powers are derived.

### LOCAL GOVERNMENT AS SIGNIFICANT

The two quotes emphasized thus far in this talk reflect intellectual barriers in and outside of academe that block intelligent understanding and leadership of able people including agricultural economists in seeking politically practical answers to public questions in the localities of the Northeastern United States and beyond. The first reflects the attitude that 200 million people through Washington must decide public issues for all 200 million. The second, in refusing to take state boundaries seriously, finds unworthy of study a primary alternative to national decision and action in the political or governmental institutions of state and local government.

In a sense most of us agricultural economists, like the Saturday Review, cater to a national market. So do many other professionals, not to mention much business and industry. In trying to see the nation whole, state boundaries fade and become artificial while other equally artificial boundaries in things economic are accepted as a matter of course as, for example, publicly determined or regulated transport costs in interstate commerce. Those who concern themselves with more limited geographic areas tend to be regarded as parochial and provincial, not quite "professional."

It was my privilege recently to spend a sabbatic year in Norway where agricultural economists were also absorbed in probing national problems. The striking contrast was that Norway is a sovereign nation with a mere 3¾ million people and a geographic area equal only to Maine, New York and Pennsylvania. Many problems were similar except in the often critical difference of scale. Can you imagine focusing your professional lives primarily upon questions confronting a political entity of that size?

The first requirement for considering local government structure and the provision of public services locally is to take local (and state) government seriously. As Jerome Zukosky has recently said of the much publicized "urban crisis," "The urban crisis, therefore, is a crisis of understanding and comprehension, and much broader and more profound a problem than we assume. . . . In one sense, the crisis testifies to a great failure on the part of scholars and others to educate and to promote politically acceptable measures for change." [1]

The New York Times of May 31 carried an Anthony Lewis column on "Learning to Think Small." It was inspired in London by the British sociologist Michael Young. "He [Young] made the case for smallness in human organization. For a long time, we have believed that bigness brings efficiency in business and government. To gain economies of scale we have accepted the remoteness and impersonality of large organizations. 'Whenever anything goes wrong,' Dr. Young said, 'growth is the stock remedy.' The ailing automobile company is enlarged by merger. Government ministries are combined into a super-department. Local governments are expanded to cover larger areas. We build huge schools and universities. But the remedy no longer works. . . . The big businessman tries to find ways of allowing smallness and initiative inside the huge corporate structure. The Federal Government looks for new relationships with localities and states. . . . In the end we may have to come to radical change in political structure and business ideology. Right now it is enough to begin by recognizing the renewed truth of what Louis Brandeis taught about the curse of bigness."

We need to think small enough to focus scholarly attention upon how public actions affect families and localities, towns and groups of towns, and private institutions in variety within a finite geographic area. Otherwise we do little more than to contribute to those jetstreams of rhetoric.

### LOCAL GOVERNMENT STRUCTURE

In education in recent years we've been confronted by the unpleasant and unnerving possibility that even when schooling is practiced according to the approved models, we haven't been eduating very well. In considering how to improve local government structure, we are in a similar fix of being much less sure than we once were about what are the right models.

As a trained and more or less certified professor of public administration, I have shared, though by no means completely, the common yen for simplicity in local government structure—simplicity from the viewpoint of the rulers rather than the ruled. We have watched the census count on the units of government in the United States. The latest total of 81,000, though it has been shrinking, is regarded as much too many. The number, we have said, should be greatly reduced, employees should be full time professionals, economies of scale should be realized from the enlarged resulting operations, organization should be rationalized into the traditional pyramid of authority, multiple layers of local government should be dissolved to a minimum of one or two. Then the public would be better served and would better understand what is going on preparatory to better decisions at elections and other times.[2]

You may wish to estimate the significance of the apparent fact that those who have taken the doctrine just described most seriously seem to be in the deepest trouble. The greatest progress in local consolidation and rationalization has been in school districts which preside over the largest sector of the field of education. Elsewhere the reduction of numbers of local governments has been minimal. The most striking and clean-cut illustration of metropolitan consolidation is the City of New York which expanded from Manhattan over the four other boroughs or counties at the turn of the century taking in a number of villages, cities, towns and school districts. If one measures urban crises by decibels of sound, it is clear that the City of New York leads in this as in many other things. As I've seen totals of the unusually large number of local political entities in adjacent Nassau and Westchester Counties, I've wondered if earlier emigres into suburbia were reacting to the monolithic City by incorporating neighborhood governments.

### NEW LIGHT IN ACADEME

In recent years, questioning of the classic public administration approach to local government structure has penetrated academe. Questioning heretofore, according to legend, has been largely limited to narrow, self-seeking, progress-blocking politicians, fearful of losing the power and self implicit in the public sinecures that would be abolished by a consolidated, reformed and efficient local government.

One result is a beginning of more systematic thinking about the alternatives to the classic approach than is characterized by tub-thumping speeches on home rule or by doctrinaire pronunciamientos on participatory democracy.

Vincent Ostrom, a political economist, has compared the public administration doctrine with what he calls the approach of the contemporary political economists.[3] With respect to the latter, "During the last decade, a new analytical tradition has been developing among a group of political economists who have been preoccupied with the theory of public goods and with the problems of nonmarket decision making which arise under conditions of market weakness or market failure. Their work has developed to a point where we can anticipate quite different possibilities for the design of public organizational arrangements. Those possibilities are much more congruent with Hamilton and Madison's political theory [than is the public administration model]. This approach implies a different basis for diagnosing social pathologies and a different set of prescriptions for treating those pathologies." [3]

Later in the paper, he compares the two divergent approaches. "Both sets of analysts would probably agree that some serious 'urban problems' exist in the United States and that modifications in the structure of decision-making arrangements in many urban areas would probably lead to improvements in human welfare. Disagreements would begin to appear in any identification of the causal links associated with the malady.

"The CED [Committee for Economic Development] report [2] identifies the fragmentation of authority, and overlapping jurisdiction, as the source of chaos and disorder in the urban scene. . . .

"We might expect an organization analyst using the approach of the political economists to be more explicitly concerned about the symptoms characterizing a particular pathology and to attempt to establish a causal linking. . . . If 'crime in the streets were the symptom, he would be concerned with identifying causal linkings related to that effect. The public good might be conceptualized as the peace and security of the streets and of those who use them. He then might speculate that institutional failures associated with large-scale bureaucracies could be associated with 'crime in the street.' In that case, he would inquire further for evidences of 'bureaucratic free enterprise' associated with police corruption. Laws may serve as traps for money. If such patterns of conduct exist, he might further infer that opportunities would exist for alternative arrangements to meet the demand for police protection as reflected in a demand for personal security. . . . A sharp rise in the demand for private security arrangements would be indicative of a failure of the public police agency to proportion its services so as to meet demands in its different services areas.

"The analyst associated with the political economy approach would perceive little benefit to be gained from a bigger and better funded police department in an enlarged metropolitan region under such circumstances.

"Such conclusions do not imply the abolition of big city governments in favor of neighborhood governments. Large-scale organizations are necessary for dealing with many large-scale problems associated with urban life. However, the elimination of collective enterprises capable of providing public services in response to smaller, diverse neighborhood situations will lead to impoverishment of life in urban neighborhoods, communities and villages within a megopolis (sic) . . . . In a highly federated system with overlapping jurisdictions, organizations can respond to problems involving diverse scales. Centralization need not be the antithesis of decentralization. Organizations capable of dealing with small-scale and large-scale problems can exist simultaneously."

Let me supplement the sample from the Ostrom presentation with another from the Jerome Zukosky article already cited. Said he, "The federal treasury could be emptied tomorrow into the hands of big-city mayors and the problems of providing those services that bulk large in the litany of the urban crisis would no more disappear than if each of them were created separate states. The states could turn into the most willing servants of their largest cities, or all the local governments in any metropolitan area could disappear, and the problems of managing, planning and financing that extraordinary political economy we call urban areas and cities would remain as difficult and resistant to human effort as before.

"Simple solutions or policies will not do because the problems of effecting change and improvement in that political economy are not simple and have little to do with the formal powers of government expressed in charters or the numbers of governments, and a great deal more to do with such matters as encouraging public and private investment, energizing bureaucracies to innovate and harnessing technology to public purposes. Many are problems we commonly call management: of pricing goods and services and planning future capital requirements. Others are problems of effecting political leadership and organizing political power to back it up so tough decisions can be made tolerably well and with minimum conflict." [1]

Daniel J. Elazar, a political scientist, also has discussed structure of local government, again with reference to metropolitan areas. "[Every] local community is inextricably bound up in a three-way partnership with the federal and state government, one in which virtually every activity in which it is involved is shared intergovernmentally. . . .

"The existence of this partnership . . . reduces the desire of the local people to give up their local autonomy. Within the federal system, all local governments act as acquirers of federal and state aid; as adapters of national or state programs to local conditions, needs, and values; as initiators of new programs at the state and national, as well as the local, level; and as experimenters in the development of new services. Most important, for every local community or communal interest, possession of its own local government gives it a seat in the great game of American politics. Governmental oragnization is, in effect, a form of "paying the ante" that gives the community as a whole, or the specific interest, access to a political system that is highly amenable to local influence properly managed. Relinquishment of structural autonomy, on the other hand, substantially weakens the positions of the community, or interest, in its all-important dealings with the state and federal governments. This militates against any local government . . . willingly giving up its existence unless its constituents cease to desire a special seat at the political table. . . .

"A [consolidated] metropolitan area is no more likely to be financially and economically self-sufficient than the largest states are today, and we know that no state is presently willing or able to give up federal assistance, particularly since none feels the need to do so to maintain reasonable local autonomy." [4]

### FROM THE WEST COAST

Let me continue this litany of quotes on metropolitan restructuring with one more on the Los Angeles area by a political scientist who did a study of that area as a doctor's thesis. The literature of local government restructuring seems currently much more abundant on urban localities than rural, an imbalance that some in this group should try to correct.

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Footnotes at end of article.

Robert Warren as a student of Los Angeles metropolitan area government wrote that his examination failed to verify that efficiency and adequacy of services are associated with a centralized metropolitan government. His studies suggest instead "that the capacities of a multinucleated government system may be at least equal, if not superior, to one in which decision making is formally centralized. . . . [Analysis] of government within Los Angeles County indicates that the division of authority among autonomous public entities does not preclude efficient and adequate responses to the municipal needs of large and complex populations. . . . Competition among jurisdictions in the Los Angeles area has become institutionalized in two senses.

The Lakewood Plan has created a relationship similar to that of producer and consumer in the market by locating control over the provision of public goods and services in a number of independent cities, and production in a large scale producer [Los Angeles County] exposed to the possibility that the areas it services may utilize other means of production. The results of the market-like interaction in this arrangement suggest that benefits comparable to those attributed to competition in the private sector may also be realized in public organization. . . . This quasi-market pattern appears to provide a basis for structuring political fractionation in such a way that basic service standards are maintained, differing preferences in the public sector can be satisfied, and higher levels of efficiency and responsiveness induced in a large scale producer."[5]

### LOCAL GOVERNMENT, RURAL AND URBAN

It may be objected that all the talk about metropolitan areas is a long way from rural. But is it? The students quoted are telling us to be careful of the classic public administration approach in restructuring local government. They seem to be saying that you don't disregard it, but neither do you follow it blindly as revealed religion. To put it in unscholarly vernacular, they seem to be saying that there is more than one way to skin a cat.

For example, where economies potentially realizable from scale are significant, what are the alternatives for realizing them? One, and only one, alternative is to consolidate until there is enough volume of business under one management to make possible the economies; even that alternative has its hazards with respect to economy as the City of New York has recently discovered in relation to its sanitation department. Performance contracts with private concerns for education, until recently heresy, are now at least getting a hearing. Other alternatives are to contract with other governments or private organizations, to cooperate, look to a higher government, etc. In household management, each doesn't make its own television set; it benefits from economy of scale by buying one made by a large producer.

If professional expertness is wanted, what are the alternatives for obtaining it, in addition to the alternative of organizing local governments large enough to accommodate the full time experts on the payroll?

The use of what is termed "para-professionals" is much discussed these days for local governments and in other situations. This late urban fashion has been prevalent for a long time in rural areas in the form of the part-time amateur public functionary in many lines. As ruralites know, the performance often has its faults. It is not always or maybe even usually done under the watchful eye of a professional. In the light of new insights, however, maybe we'd better count ten before we vote all the amateurs out in office in favor of the full time, fully certified expert. Again, if we observe carefully and systematically, as good scholars should, what local government actually do, we are likely to discover numerous alternatives for deriving optimum combinations of professionalization and lay performance.

### A WORD ON FINANCE

Some of the students quoted heretofore have treated money with maybe too heavy an apparent disdain in discounting local government restructuring as a means of alleviating local public problems. Money alone will not solve the urban crisis, or the rural crisis. Obtaining money is, however, among the troubles.

If one stares at the simple, unmanipulated figures in the accompanying table from a certain perspective, it is possible to reach one or two rather obvious conclusions. One is that in the course of the past three and a half decades, local governments have shifted from a heavily dominant to clearly subordinate position in tax collections by the three levels of government—federal, state and local. A second is that while the local property tax take has expanded several times over, its growth has been nothing like the federal income taxes, especially the individual income tax. Even the social security taxes now exceed that local mainstay, the property tax.

Observers agree on few things more widely than that local governments generally are under far more severe pressure than the federal in finding enough money to finance growing expenditures for essential public functions. The income elasticity of yield of the federal individual income tax has been a great discovery in political economics in the post-world war period of seemingly perpetually rising incomes. More money flows to the national treasury each year without the Congressional necessity of raising tax rates. This relatively benign and pleasant experience is in stark contrast to that of local (and state) governing bodies facing the perennial decision of how to get more money from tax bases generally much less responsive to economic expansion than the income tax.

These and other constraints upon local governments help explain what some scholars regard as the innate conservation of many local officials. One way of modifying these attitudes is to reduce the hazards of political gunfire incident to raising necessary funds for local treasuries.

How do you generate within communities around the Northeastern United States an intelligent, shrewd, skeptical, "sophisticated" willingness to raise taxes or other revenues for local communal purposes? I submit that one direction to look is toward more and better sources of locally raised revenue, and that this direction may be more important in adding to local government vitality than trying to equalize and make uniform taxes and public services among localities, significant though the latter may be.

The inadequacies of supplying local revenues through large numbers of fragmented federal (and state) aid programs have recently been pointed out by more thorough scholars of the subject than I. The relatively unconditional federal revenue sharing proposals would substantially modify the fragmented approach, although the initial amount proposed for the general revenue sharing ($5 billion) is modest compared with the numbers in the accompanying table. These federal explorations and alternatives are interesting and worth pursuing. But we need, I think, to pursue alternatives farther and more thoroughly than is likely to be done under official federal or state auspices. Perhaps among agricultural economists and their peers in the Northeast, we shall find talented and imaginative researchers who will prospect for the gold in this lode, and who will propose alternatives that will give at least a one-man one-vote break to the rural areas relative to urban.

In the dim past when I first read a public finance text, I learned the convincing reasons why the individual income tax was not suitable to local government use. During my recent stay in Norway, I discovered that the Norwegians are ignorant of such matters, and that this tax occupies the preeminent position in local government taxation that the property tax does here. In the municipality where I resided, roughly equivalent to a moderate sized New England town, the tax rate was a not untypical 19 percent! This local tax is proportionate to income while the national tax is on a graduated scale.

There are all sorts of reasons why so heavy local reliance upon income taxation won't work here. It may be worthwhile to look more searchingly to see if the reasons are the right reasons before we write off the Scandinavian experience.

The search for improved local revenue sources should not be limited to taxes alone as the word "taxes" is understood by the Census Bureau in compiling statistics of state and local finance. Revenues also include the broad Census categories of "charges and miscellaneous general revenue" and "utility revenue." Resource economists have called attention to a variety of possibilities for pricing public services and for charges such as for environmental protection. The potential of expanded use of "non-tax revenues" offers opportunity for imaginative economic research that will help resolve pressing problems of financing public services in rural communities.

### THE END AND BEGINNING

Institutions of local government are being viewed in fresh perspective as essential elements in effectively serving the public in both rural and urban communities. There is plenty of room for improving those institutions, and plenty of scope for scholarly work by agricultural economists and others in the search for alternatives for improvement.

We appear to know less than we once thought we did about these things. We need to think less of national solutions for all public questions, and the rhetoric it takes to move a nation of 200 million souls to respond. We need to consider more the ways for communities that are finite in numbers of individuals and in ties of command interests to make visible inroads on their concerns.

One requirement is a seasoning of humility in intellectual endeavor. An able agricultural economics graduate student of a generation ago had on the wall by his desk a motto that would seem quaint to the *Saturday Review*, "Life by the yard is hard. Life by the inch is a cinch." Settling the fate of the United States at every seminar can make life incredibly difficult—or lost in rhetoric. Settling the future of Podunk is enough to try most men's capacities, the more so if multiplied by a factor of 3 or 4 or 10, let alone by a few score or few hundred.

A valuable attribute of many agricultural economists that gave rise to the profession and its widespread recognition was perhaps acquired from the physical and biological scientists who have been their colleagues in the applied sciences of agriculture. It was the habit of observing systematically and first hand the phenomena to be studied and taught. One learned how farms were run by visiting, questioning and recording the answers of farmers representative of the population under study.

Systematic observation of local government and its managers, employees and customers has a potential for similar returns.

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Footnotes at end of article.

FEDERAL, STATE, AND LOCAL TAXES FOR 1932 AND 1968-69, UNITED STATES

[In billions]

| | 1932 | | | | 1968-69 | | | |
|---|---|---|---|---|---|---|---|---|
| | Total | Federal | State | Local | Total | Federal | State | Local |
| Individual income tax | $0.5 | $0.4 | $0.1 | | $96.1 | $87.2 | $7.5 | $1.4 |
| Corporate income tax | .7 | .6 | .1 | | 39.9 | 36.7 | 3.2 | (1) |
| Social security taxes | | | | | 37.3 | 34.7 | 2.6 | (2) |
| General sales taxes | .6 | .4 | .2 | (2) | 14.0 | | 12.4 | 1.6 |
| Property tax | 4.5 | | .3 | $4.2 | 30.7 | | 1.0 | 29.7 |
| All other taxes | 1.7 | .4 | 1.2 | .1 | 42.0 | 22.1 | 17.8 | 2.1 |
| Total taxes | 8.0 | 1.8 | 1.9 | 4.3 | 260.0 | 180.7 | 44.5 | 34.8 |
| From other governments | (3) | | 0.2 | 0.6 | (3) | | 17.8 | 26.1 |
| Total revenue | $11.5 | $2.6 | $2.2 | $6.7 | $312.6 | $199.6 | $77.6 | $79.3 |
| Population (millions) | 125 | | | | 201 | | | |
| Gross national product (billions) | $58 | | | | $931 | | | |
| Personal income (billions) | $50 | | | | $689 | | | |

[1] Included in individual income.
[2] Less than $0.05 billion.
[3] "From other governments" cancels out to zero in U.S. total.

Sources: U.S. Bureau of the Census, Governments Division, "Census of Governments, 1932;" and Government Finances in 1968-69; U.S. Office of Business Economics, "Survey of Current Business," selected issues.

FOOTNOTES

[1] Jerome Zukosky, "What's the Problem?" in the *National Civic Review*, published by the National Municipal League, New York, September 1970, Vol. LIX, No. Eight.

[2] See for example Committee for Economic Development, *Modernizing Local Government—to Secure a Balanced Federalism*, A Statement by the Research and Policy Committee of the Committee for Economic Development, New York, July 1966.

[3] Vincent Ostrom, *Two Approaches to the Design of Public Organizational Arrangements*, a paper drafted for presentation to the National Water Commission and the Commission's staff, 73pp. mimeo., 1971.

[4] Daniel J. Elazar, "Are We a Nation of Cities" from *The Public Interest*, No. 4, Summer, 1966.

[5] Robert O. Warren, *Government in Metropolitan Regions: A Reappraisal of Fractionated Political Organization*, Institute of Governmental Affairs, University of California, Davis, 1966.

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## THE BURDEN OF BUTZ

## HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. DENHOLM. Mr. Speaker, the Secretary of Agriculture has the burden of seeking economic equity for the industry of agriculture before another harvest. There cannot be an economic balance or any meaningful social stability of the affairs of this Nation until the deficiency of personal disposable net income to the people of the rural communities in America is substantially improved.

### DEPARTMENT OF AGRICULTURE VERSUS PRODUCERS OF AGRICULTURE

The U.S. Department of Agriculture is the agency within the executive branch of this Government that has the duty and obligation to represent the industry of agriculture. The thrust of leadership in policies and programs that affect this Nation—our future growth and economic stability is the awesome responsibility of the personnel thereof. The challenge is not an easy task. It is a task that must be done. It requires action—positive action now.

Former Secretary Clifford M. Hardin has been succeeded by the Honorable Earl L. Butz but the policies of USDA have not changed. Opposition to emergency farm price legislation to increase farm income has been intensified and yesterday effectively led to the demise of the House-passed Strategic Reserve Act. (H.R. 1163).

The legislative death of emergency farm proposals to overcome the deficiency of income to the people of rural communities is a serious economic crunch to the overall economic stability of this Nation. It is not a victory for Secretary Butz—the American farmer or the United States.

Mr. Speaker—farmers can survive the tactics of USDA—they can survive economic abuse. They have before. I am hopeful that our country can. The price of folly will be a costly course of the future. The alternative to an extension of the present farm depression is now the sole obligation of USDA to act under existing authority of the Agriculture Act of 1970. The burden is with Mr. Butz—the American farm families are the victims. They wait.

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## UKRAINIAN INDEPENDENCE

## HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. ANDREWS. Mr. Speaker, this week marks the 54th anniversary since the proclamation of independence of the Ukrainian National Republic and the anniversary of the act of union, whereby all Ukrainian territory was united into one independent and sovereign State of the Ukraine. The independence of Ukraine was proclaimed in Kiev, the capital of Ukraine on January 22, 1918, and the act of union took place a year later.

The Ukrainian National Republic was recognized by foreign governments including Soviet Russia. Shortly after this recognition Russia began a large scale invasion of Ukraine. For 3½ years, the Ukrainian people waged a gallant struggle in defense of their country, but it was subdued to a puppet regime of the Soviet Socialistic Republic.

The freedom loving people of Ukraine have not accepted the Soviet-Russian domination and have since been fighting to regain their independence by all means accessible to them. During World War II, the Ukrainian people organized a powerful underground resistance movement known as the Ukrainian Partisan Army which fought not only against the Soviets but the Nazi regime as well.

Mr. Speaker, I am a cosponsor of a House resolution seeking U.S. diplomatic relations with Ukraine and Byelorussia. At the rate Moscow is developing militarily, we had better start showing a deep interest in the colonial non-Russian areas of the U.S.S.R., just as Peking has been doing for years.

This anniversary provides an appropriate occasion not only for the U.S. Government and American people, but the free world to demonstrate their sympathy and understanding of the aspiration of the Ukrainian people.

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## RED CHINESE ALIENS IN AMERICA—II

## HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. SCHMITZ. Mr. Speaker, as planeload after planeload of Chinese immigrants arrive daily at San Francisco's International Airport, fresh from mainland China, the chilling words of former Red Guard Communist Chen Yung-sheng, who swam to freedom at Quemoy in 1968, take on an added and more ominous meaning. Writing in a publication of the Asian Peoples' Anti-Communist League last July, the former Red revealed how a "a high-ranking Communist cadre" had once told him why Peking hoped to establish diplomatic relations with capitalist countries:

> This is our great Chairman's strategy. To help you understand, I shall quote what Lenin once told his followers. He said: "If you must shake hands with your enemy before you can reach his neck, then shake hands with him."

Chen Yung-sheng explained:

> The goal of the Chinese Communists is to overthrow all democratc government and communize the world. When they discovered

> that they could not overthrow a democratic government by open aggression, they would try to "make friends" with it so that they could infiltrate it and subvert it from within. This is why they have started a so-called smiling face diplomacy.

As outlined in a previous newsletter, the Red Chinese have for a number of years now been engaged in large scale infiltration of espionage agents into our country for the obvious purpose of not only gathering important intelligence information for Peking, but of increasing the flow of hard drugs among our youth. While certain investigators for the U.S. Immigration and Naturalization Service have estimated that at least 30,000 suspected Red Chinese nationals have actually penetrated our borders illegally in just the past 7 years, Justice Department officials seem strangely unconcerned. These officials are likewise unperturbed about the equally startling fact that during the same period, thousands of Communist aliens have been brought into the United States legally by the U.S. State Department. Nor has it ever been publicly announced by these officials that our own intelligence-gathering networks have established that great numbers of Red Chinese "immigrants" have also been settling throughout Latin America, as in Africa. Many are trained guerrillas assigned to aid local Communists in revolutionary attacks on those nations slated for takeover. All these Communist agents then have to do to reach the United States is buy a plane ticket to New York posing as tourists and then disappear into the Red underground.

Checking the latest available report issued by the State Department's Bureau of Security and Consular Affairs, covering the period from 1960 to 1969, the statistics show that during those 9 years permanent immigration visas were granted to 60,217 individuals coming into the United States from Red China, only 8,221 of whom, however, were actually Chinese. In contrast to these figures, investigators for the New York office of the Immigration and Naturalization Service state that during the past 7 years an average of 20,000 Chinese have legally entered our country, many of whom were formerly active in Communist affairs on the mainland. Added to this is the fact that from 1960 to 1969 visas were also issued by our State Department to the following number of persons from such Communist countries as Albania, 1,050; Bulgaria, 1,226; Czechoslovakia, 18,496; Estonia, 1,002; Hungary, 10,445; Lithuania, 3,256; Poland, 70,619; Romania, 4,426; U.S.S.R, 20,279; Yugoslavia, 21,107; Algeria, 797; and Cuba, 131,050.

While it is certainly not meant to imply that every Chinese national coming to the United States from Hong Kong is a Communist agent, or in any way sympathetic to the thoughts of Mao, it is reasonable to assume that many are, either by choice or through coercion.

Despite the obvious dangers inherent in any dealing with the Red Chinese, the State Department some years back instituted a rather peculiar "government-consent" policy by which any individual arriving in Hong Kong from Red China under a declaration that he had renounced the Communist Party and was no longer a member is taken at his word. These "former" Communists then apply for immigration visas and are subsequently allowed to move here under the same conditions as any other immigrant.

Among these thousands of "former" Communist refugees from Hong Kong, many are highly skilled in science, electronic technology, accounting, and in other professional fields. A number of them have already been allowed to take sensitive positions within the U.S. Government. In this context, one remembers that in years gone by a great number of men who went on to become Red China's leading nuclear physicists and missile experts, had received their training at American universities.

Adding to the warning voiced by Chen Yung-sheng, FBI Director J. Edgar Hoover pointed out last July in his VFW magazine article, "Mao's Red Shadows in America":

> Following an established espionage pattern we may find the Red Chinese attempting to introduce "sleeper agents" into the United States among the thousands of Chinese refugees who immigrate annually.

Mr. Hoover then reminded his readers that one of the main handicaps facing the Peking Communists in their plans to subvert our Nation, was the fact that Mao's criminal regime was not recognized diplomatically by the United States nor was it a member of the U.N. All of that, of course, is now changing.

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## RECYCLED PAPER

## HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. MIKVA. Mr. Speaker, saving the environment is now one of this country's most important and most immediate challenges. With many rivers and lakes choked with pollution, with the air in many cities fouled with carbon monoxide and sulfur dioxide, it has become simply a matter of life and death. Government at all levels has the obligation to lead the fight against pollution by insisting on strict standards and insisting on strict enforcement, but government cannot do it alone. Private industry and private citizens have to assume leadership too, if this country is going to save its natural resources.

The Field Newspapers of Chicago are setting the right kind of example. The January 25 edition of the Chicago Sun-Times was printed exclusively on recycled newprint—not a single new tree was cut down to make the paper. It was the first time in history that a major American newspaper has been made completely from recycled paper. The February 1 edition of the Chicago Daily News also will be printed exclusively on recycled paper, and the two newspapers will continue to use a large percentage of reclaimed paper in the production of their newsprint. As a result of this process, more than a million trees will be saved each year and tons of waste paper will be recycled instead of being thrown away, adding to the pollution of our environment.

More than 50 million tons of paper are produced each year in this country, and less than one-fifth of it is reclaimed. Like many newspapers, Congress might also profit from the example of the Field Newspapers. There is a bill pending in the House now (H.R. 10100) that would require substantial use of recycled paper in the publication of the Congressional Record. It takes 5,000 tons of paper to print the Record each year, and that paper comes from the remains of about 85,000 trees. The Environmental Protection Agency has urged newspaper publishers to increase their use of recycled paper and two major newspapers in Chicago are doing that now. The Congressional Record should be no exception.

The bill already has the support of more than 80 Members of the House of Representatives. It deserves the support of many more.

Mr. Speaker, I include the text of an article in the January 25 edition of the Chicago Sun-Times, which explains the use of recycled newsprint, into the Record:

### Today's Sun-Times Made of Recycled Paper Only

The printing of Tuesday's Sun-Times marks a first in the history of major American newspapers and in the continuing effort to preserve our environment.

The paper for this entire Sun-Times edition was made without cutting down a single tree. It is the product of recycling old newspapers at a Field Enterprises Inc. paper plant, the FSC Paper Corp., in suburban Alsip.

Each day almost 50 per cent of The Sun-Times and the Chicago Daily News, both published by Field Enterprises, is printed on recycled paper. Next Tuesday, all editions of the Daily News will us the product exclusively.

The Field Enterprises mill uses a special de-inking process to reclaim old newspapers and turn them into rolls of paper for future editions of the Field newspapers and 30 other papers. The daily production of the plant is more than 260 tons of newsprint. Nearly 115,000 tons of waste paper are used annually in the process.

But the story begins with a newspaper you might have read months ago. Thorugh dealers who buy waste paper from individuals and groups, that newspaper found its way to the Field plant.

Actual recycling began in a large square container, called a batch-pulper, where the paper was reduced to pulp and de-inked through a flood of water and chemicals. The pulp then went through cylinders to remove paper clips, staples and other foreign objects.

Any ink that remained from the first treatment was pressed out of the paper fiber. After the pulp was washed twice more, the wet fibers formed a sheet on a fast-moving wire mesh belt. The sheet was picked up from the belt by vacuum and fed through rollers to press out excess water. It was dried on steam-heated drums, wound into reels 20 feet wide, cut into rolls to fit the newspaper presses, wrapped and shipped to the pressroom.

Recycling at the Field plant annually conserves 1.5 million trees for other uses, as well as for their beauty. Estimates indicate that de-inking paper saves U.S. newspapers about $3 million a year because raw materials and plant are located closer to pressrooms, and in the United States saves almost $50 million in international payments.

## THE MENTALLY RETARDED HAVE THE RIGHT TO AN EDUCATION

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### HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. VANIK. Mr. Speaker, the summer of 1971 will be remembered for an event which will prove to have enormous and dramatic implications for children with disabilities and their families. During this summer, the U.S. District Court for the Eastern District of Pennsylvania issued an order in the case of the Pennsylvania Association for Retarded Children against the Commonwealth of Pennsylvania.

The complaint, alleging the unconstitutionality of certain Pennsylvania laws and practices under the equal protection clause of the 14th amendment to the U.S. Constitution, was filed on January 7, 1971. The resulting orders means basically that retarded children have the same rights to public education and training assistance as other children.

In most States, many mentally retarded children have also been denied their rights to an education.

In my own State of Ohio, for example, many youngsters have been excluded from public school because of an arbitrary and unscientific line that divides Ohio's mentally retarded into the categories of "educable" and "trainable." Many of the children who are classified as mentally retarded by public schools differ little from the average person in their ability to hold down steady jobs and lead normal lives as adults. Yet they are legally discriminated against by being excluded from public school or held back in inadequate special programs that offer them no challenge or opportunity.

The educable mentally retarded, with IQ's that range from 50 to 80, are enrolled in special education classes in public schools which receive Federal funds through various forms of ESEA assistance. The trainable mentally retarded with IQ's below 50 are excluded from public schools and are enrolled in county programs under the jurisdiction of the Ohio Department of Mental Hygiene and Correction. These programs do not receive any Federal education funds at all.

Parents of trainable mentally retarded children have appeared frequently at meetings of the Ohio State Board of Education, hoping to shift responsibility for the education of their children from the "educationally inadequate" Department of Mental Hygiene and Correction to the Department of Education. The Department of Mental Hygiene and Correction program provides only custodial care for these trainable, mentally retarded children. These parents have petitioned the State legislature and now they are going to court. They plan to challenge Ohio's exclusion clause on the grounds that all children—regardless of intelligence quotients—are capable of benefiting from, and are constitutionally entitled to, free education and training within the public education system. Our governments tax these people, their parents and relatives, but fail to provide truly educational services for them. Parents of trainable mentally retarded children pay local and Federal taxes, which maintain the school systems but cannot send their children to public school. They pay Federal taxes yet how much effort is made to educate the nonschool mentally retarded child through ESEA, impacted aid, and other programs?

Not only are these children and their taxpaying parents denied access to regular facilities—but the separate facilities are often grossly inadequate and are not educationally certified. These mentally retarded children below the 50 IQ cutoff point should be in academic facilities with certified teachers; also, the county programs for these children are not meeting standards that are upheld within the public school system.

In the Supreme Court of the United States, the State of Wisconsin is pressing charges against the Amish for their voluntary truancy from the public school system in that State. (cf. Wisconsin against Yoder (70–110)). At the same time, 89,583 handicapped Wisconsin children are excluded from the public school system. Yet no one is carrying the banner for their rights to the Supreme Court of our land.

As long as this horrible exclusion exists in most of the States in our land, you can exclude any children you desire. Our goal should be to make it possible for all children everywhere to have an equal opportunity for an education commensurate to their capabilities.

When a certain group is excluded from the services of the Ohio Department of Education and put into a special category, they are then discriminated against. These "special categories" are sadly deficient.

Using statistics compiled by the National Association for Retarded Children, there was an estimated 106,000 school age retarded children in Ohio last year—94,000 educable mentally retarded and 12,000 trainable mentally retarded. While public schools were providing special classes for only about 48 percent of the educable mentally retarded children, about 67 percent of the trainable mentally retarded children were enrolled in county programs.

There are two areas of the law that are in question here. One deals with the exclusion of the mentally retarded from publicly supported facilities. The other concerns the failure of due process to the parents of excluded children by denying them a hearing before the State board of education.

Public education is now accepted as the right of all the citizens of our country. Ohio's laws, with all of their discrepancies and vagueness, also have this precept and basis—but the exclusions make a mockery of their rights.

When children are excluded from educational opportunities in Ohio, it is done on some guidelines that are not sound in their assumptions and cannot be justified as good educational practice. Specifically, section 3321.05 of the Ohio Revised Code states that a child "may be determined to be incapable of profiting substantially by further education—according to the mental capacity of the child." This statement is truly frightening. How does anyone presume, in clear conscience, to judge what a child is incapable of doing, if the circumstances and opportunities are right?

I believe that this legal statement closes, to those who need it most, the opportunity for the one thing that will prevent less than complete dependency for them—education and training. But, to deny the opportunity of instruction to a large group of children on the basis of a handicap, is to deny the basic rights of an individual in our democratic society. To assume that "instruction" is the exclusive province of the arbitrarily defined "mentally capable" is absolute bigotry.

It is unconscionable how officials in Ohio have escaped what the Ohio Code prescribes for them to do for the trainables. While the code sets guidelines to establish separate and adequate facilities for trainable mentally retarded children, in reality the State has been unable to provide substantive educational and training programs.

The situation for the education and training of the mentally retarded child with an IQ below 50 in Ohio is something less than it should be and reflects serious discrimination against these youngsters.

Education and vocational training is perhaps the great equalizer of employment opportunity in that it provides the individual with the most basic tools of any trade. Education of the handicapped is one of the most cost effective endeavors the American educational enterprise has ever undertaken. It costs the State $250,000 for the lifetime of a mentally handicapped person in an institution, but appropriate educational services for the handicapped can turn a negative societal contribution into a positive one for the individual and for the whole society. Mentally retarded children, even the most severely retarded, do learn when given the chance to participate in educational programs tailored to meet their special needs. The incredible number of mentally retarded not receiving any educational services is one of the great tragedies in the American way of life.

I introduced legislation on December 9, 1971—H.R. 12154—to amend the Civil Rights Act of 1964 to specifically include the handicapped. This bill would make it illegal to discriminate against any handicapped individual and to deny him access to federally assisted programs, unless there is a bona fide qualification reasonably necessary to the normal operation of the particular program.

It is my hope that this legislation, which also has been introduced in the Senate, will receive early hearings and support from my colleagues. This endeavor to insure the protection of the legal and constitutional rights of our less fortunate citizens is an effort that deserves the support of all Americans.

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## TAKE PRIDE IN AMERICA

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### HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's pioneers of progress and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

The air brake system was invented by George Westinghouse in 1869.

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## THE ROAD TO FINANCIAL DISASTER

### HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. GOLDWATER. Mr. Speaker, on January 24 our esteemed and respected colleague from Texas, the Honorable GEORGE MAHON, Chairman of the House Appropriations Committee, granted us the privilege of his views concerning the newly submitted budget for fiscal 1973, and the emergent deficit for fiscal 1972.

Not having the tremendous expertise and background of experience as Mr. MAHON, I cannot, of course, express my feelings on the subject nearly as well. But I do want to add to his comments my own agreement with their substance; the approaching fiscal year 1972 deficit in federal funds of $44.7 billion is terrifying to contemplate.

Our current national debt is already more than $426 billion, and we will soon be asked to raise it even more. We have mortgaged generation upon generation of Americans to come, and we are continuing down this road to fiscal disaster.

Spending as if we are at full employment seems to me to be an excuse to "go overboard." This is a strictly theoretical concept, with no practical assurance that it will work—in fact, it is highly unlikely to be realized. Deficit spending under the umbrella of this concept constitutes a raid on the pocketbooks and savings of the American people.

On the one hand, we are asked to stimulate the economy through tax cuts. On the other hand, we are asked to fight inflation through wage and price controls, which only strangle further an already over-regulated system. And now, we are increasing government spending. The contradictory nature of these approaches appalls me—and also makes it clear that we are headed back down the road to inflation again.

Obviously it is not our booming economy that is causing inflation. Obviously it is not too much money in the hands of the consumer. Quite clearly, inflation is being caused by too much Government spending—too much new money for new programs being pumped into the financial stream of this country. This is not true economic health but a spurious transfusal—robbing Peter to pay Paul.

It is time that we face up to facts. We are spending almost 12 cents of every tax dollar just to pay the interest on our national debt. We have been forced to devalue the dollar, thereby seriously damaging our financial credibility at home and abroad. We have authorized minute tax cuts—but left the real job of tax reform undone. The middle-class American is still staggering under an incredible load of Federal, State, and local taxes.

And now, with the fiscal 1973 budget, we are being asked to accept another annual deficit—which could run as high as $50 billion by the end of that fiscal year. These facts add up to just one conclusion—we are digging our own financial grave.

We have only one alternative at this point. This Congress must reduce Government spending, cut the size of the Federal bureaucracy to a manageable level, and reorganize it along more efficient, responsive, and workable lines. These should be our crash priorities for the session, along with an unprecedented examination and ruthless elimination of all Federal programs which do not demonstrate a recent cost-benefit ratio.

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## KENNETH L. KEISER RECEIVES ONE OF RED CROSS' HIGHEST AWARDS FOR HEROISM

### HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. CLANCY. Mr. Speaker, the American National Red Cross soon will bestow one of its highest awards on a young Cincinnati man for his heroism and knowledge which saved a 9-year-old boy's life.

Kenneth L. Keiser, 21, is now a premedical student at Miami University of Ohio, but last August 16, he lived at his parental home, 5584 Sidney Road, in Cincinnati, while working during the summer vacation. In recent years, he had received training in first aid, small craft, and water safety at a course conducted at Western Hills High School.

While at his part-time job, he heard a disturbance at a private swimming pool on an estate. Kenneth investigated and found several small children, who were on the property without permission, running and shouting around the pool.

After one child said his brother was in the pool, Kenneth leaped into the water, dove to the drain and pulled out 9-year-old Anthony Jackson. The boy was not breathing as Kenneth pushed him to the safety of the pool's edge.

While someone called the rescue squad, Kenneth began mouth-to-mouth resuscitation. By the time the ambulance arrived, young Jackson was breathing again.

For his quick, unselfish action, Kenneth Keiser will receive the Red Cross Certificate of Merit, signed by President Nixon and E. Roland Harriman, chairman of the American Red Cross. This is the highest award given to a person who saves a life by using skills learned in a Red Cross course.

I add my praise to Kenneth Keiser who, by his unhesitating rescue, exemplified the highest ideals of one human's brotherly concern and love for another.

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## DELAWARE POLL RESULTS

### HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. DU PONT. Mr. Speaker, I have just completed a survey in my district, requesting the opinions of my constituents on current issues. I received an enthusiastic 19,000 responses, and thought the membership might be interested in the results:

DELAWARE POLLS RESULTS

1. Do you favor legislation to limit imports as a means of protecting and supporting American industries, even if higher prices result from this?

| | Percent |
|---|---|
| Yes | 49.1 |
| No | 50.9 |

2. In cases of stalemated labor-management disputes which create national emergencies, would you favor a compulsory arbitration law?

| | Percent |
|---|---|
| Yes | 90.4 |
| No | 9.6 |

3. To fight inflation and unemployment, which actions are you willing to have the federal government take (check one or more):

| | Percent |
|---|---|
| (a) Control wages and prices | 68.5 |
| (b) Spend less on domestic programs | 34.9 |
| (c) Create public service jobs | 33.4 |
| (d) Spend less on national defense | 47.4 |
| (e) Raise income taxes | 12.4 |

(Totals more than 100% due to more than one answer.)

4. Regarding national health insurance, which do you favor (check one):

| | Percent |
|---|---|
| (a) A program financed by increased taxes and operated by the federal government | 12.3 |
| (b) A federally-operated program financed by employer and employee contributions | 23.9 |
| (c) Income tax credits for the cost of purchasing private health insurance | 26.3 |
| (d) Complete reliance on private health insurance structures | 7.1 |
| (e) Insurance for catastrophic illnesses only | 11.7 |
| (f) No additional federal programs | 18.7 |

5. After all U.S. forces are withdrawn from South Vietnam, do you:

Favor continued economic aid—

| | Percent |
|---|---|
| Yes | 55.1 |
| No | 44.9 |

Continued military aid to South East Asian nations?

| | Percent |
|---|---|
| Yes | 44.9 |
| No | 75.1 |

6. Do you feel that the Foreign Aid Program has been successful?

| | Percent |
|---|---|
| Yes | 21.9 |
| No | 78.1 |

Would you favor continuing such aid at present levels ($2.3 Billion, which is 1% of the Fed. budget)?

| | Percent |
|---|---|
| Yes | 30.3 |
| No | 69.7 |

7. Which of the following best describes the emphasis being placed on environmental protection and pollution control—

| | Percent |
|---|---|
| Too much | 16.1 |
| Too Little | 56.5 |
| About Right | 27.4 |

8. Which one of these educational categories do you feel is most in need of additional federal support:

| | Percent |
|---|---|
| (a) Elementary Education (Head Start, Etc.) | 21.7 |
| (b) Secondary Education | 11.2 |
| (c) Higher Education | 13.7 |
| (d) Parochial School Aid | 9.1 |
| (e) Vocational Education | 30.1 |
| (f) None of the above | 14.2 |

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## WASHINGTON LANDMARK MAY DISAPPEAR

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. GUDE. Mr. Speaker, anyone with even the tiniest sweet tooth felt a real pang when he read in Sunday's Washington Post that Velati's that home of unsurpassable caramel delicacies, may soon be compelled to depart its 9th and G Streets location which it has occupied for more than 100 years.

In many ways, Velati's exemplifies the small retail firms which comprise an integral part of the city. While in the eyes of many Government officials, as well as financers and developers, such businesses can be replaced by office buildings, parking lots or large department stores, it is an inescapable fact that the core city badly needs the services which only enterprises such as these can provide. They offer goods and services for people from all over the metropolitan area not available elsewhere, therefore bringing people to the heart of the city. In addition, the specialty shops provide a certain charm and interest which contrasts with sterile office buildings. The city's business and governmental leaders, and the Congress as well, must not lose sight of these features so important to the economic health and future of downtown Washington, as plans are drawn.

This message underlines this news account from the Washington Post about Velati's threatened departure, which I am submitting here for the Record.

The article follows:

[From the Washington Post, Jan. 23, 1972]

CENTURY-OLD FIRM MAY HAVE TO MOVE

(By Abbott Combes)

Velati's, the old-fashioned Washington candy store with a worldwide clientele for its secret-recipe caramels, holds a precarious month-to-month, 30-day lease on its downtown life.

Once forced to leave Richmond, Va., after the sacking of the city during the Civil War, the shop now faces the prospect of another forced move. This time the cause is not the ravages of war but the workings of private enterprise.

Those who now control the lease say they believe the property can be used more profitably, possibly as a parking lot or, eventually, as the site of an office building.

Life has not always been so precarious for the store, operated by the same family and at the same location, the corner of 9th and G Streets NW, for the past 105 years.

For most of those years, the shop's operators owned their building without worrying about leases, downtown renewal and economic development. The present structure, built in 1911, has been designated a Washington landmark by the Fine Arts Commission.

After an unsuccessful attempt to sue the U.S. government for the Civil War damages, Mr. and Mrs. Salvatore Velati, originally from Turin, Italy, moved to Washington, purchased a building at 9th and G, and began selling candy in 1866.

Prospering with its Italy-based secret recipe for caramels, which are still produced daily in the store's basement, the business continued in the same family, serving customers who have ranged from Mrs. Woodrow Wilson to Kim Novak.

However, when Pauline V. Beyer, daughter of the founders, died in 1963 at the age of 89, the survivors decided to sell the valuable property.

Robert Beyer, 47-year-old great-grandson of the Velatis who with his younger brother William now runs the shop, now says he regrets that decision. "My brother and I didn't have anything to do with the sale, he said in an interview yesterday.

Beyer's father, Brooke, who ran the store after his mother's death and until he retired to Florida several years ago, was the executor of his mother's estate. Along with the estate's trustees, the law firm of Stohlman, Beauchert & Egan, Brooke Beyer agreed to sell the property to a group of developers. "At that time, you could get other land," Robert Beyer says in explaining his father's decision.

The two buildings owned by the family, at 904 and 906 G St. NW, were purchased from the estate for $337,500 in 1965 by Angelo Puglisi. They are now owned by a group that calls itself the 900 G Street Limited Partnership.

According to Washington parking magnate Dominic F. Antonelli Jr., the partnership includes himself, Puglisi, Kingdon Gould Jr., ambassador to Luxembourg, Ulysses G. (Blackie) Auger, the restaurant operator and the National Mortgage Co.

Robert Beyer says that Puglisi offered to sell the property back to the family a few years ago for approximately $500,000. Beyer said he did not have enough money to buy it.

RENEWAL AREA

The Velati's site is surrounded by the downtown urban renewal area, but the 9th and G Street corner is a so-called "non action" section that has been left to private developers rather than to the government to rebuild. Its designation as a landmark is largely ceremonial and does not exempt the building from demolition.

Business has continued as usual at Velati's. There were constant worries of having to relocate, Beyer said, but no indications of when. At Christmas, there were times when customers had to wait in line for two hours to purchase the caramels.

At the beginning of January, however, Velati's and the several other small businesses renting space in the corner buildings received notices to vacate within 30 days.

According to the developers, a study had revealed that by razing the buildings and replacing them with a parking lot, an additional $1,300 difference. In February, the Beyer brothers will begin paying $600 a month for their premises instead of the $400 they have been.

The new arrangement is based upon what Antonelli called "an endless 30-day lease" in which the tenants can be ordered to vacate with 30 days' notice, or the tenants can give 30 days' notice of their intentions to leave voluntarily.

"They can stay as long as it's economically feasible," Antonelli said yesterday . . . The lease will only be exercised for economic betterment. It could happen next month, in a year, five years or 10 years."

The developers' long-range plans include constructing an office building on 9th Street from G to F Streets NW. This project has been delayed, Antonelli said, because the Julius Lansburgh Furniture Store at 909 F St. thus far has not been interested. The partnership holds an option to buy the vacant McGill building at 910 G St. NW.

Beyer said that he believes some of the tenants at his corner would not be able to meet the higher rents and would move eventually to other locations.

Beyer said that he and his brother are looking for a fall-back location in Georgetown but does not want to leave downtown.

"I'd like to see the building stay here," he said. "This area's going to come back eventually with all the redevelopment."

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## MARYLAND YOUNG DEMOCRATS PLATFORM FOR 1971

### HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. SARBANES. Mr. Speaker, on the weekend of September 25, 1971, the Maryland Young Democrats held their annual convention in Ocean City, Md. In attendance were members of Young Democrats from all over the State who are some of the most able young people in the State.

During the course of the convention the delegates adopted a platform for 1971 which includes position statements on many issues under consideration by the U.S. Congress, as well as the State and local governments. I would like to call the attention of my colleagues to this platform. Even though some of the positions may be different from our own, I believe it is important that we be aware of the opinions of this important segment of the Democratic Party in Maryland.

Mr. Speaker, I would also like to commend Congressman Andrew Jacobs who delivered an excellent speech at the convention on the need for reordering our Nation's priorities.

I include the platform adopted by the convention at this point in the Record for consideration by my colleagues:

YOUNG DEMOCRATIC CLUBS OF MARYLAND PLATFORM, 1971

(Committee: David Anderson, Chairman, Milt Andrews, Don O'Sullivan, Peggy Pavlat, Paul Pittman, Greg Seltser, Tom Slater, Allan Terl, John Toolan, Rick Wiles, and Roberta Andrews, Secretary.)

PREAMBLE

We, as Young Democrats, await the coming presidential election with a mixture of fear and hope. Fear, because we are afraid that the bloody lessons of Vietnam, Watts, Chicago, Kent State, and Attica will go unheeded. Fear, because we are afraid that the American people, while seeking a newer, better world, will blindly bind us yet again to leaders who cannot lead; to spokesmen who cannot speak the language of social reform. Hope, because we believe that the Democratic Party will ignore the siren calls of southern strategies and real majorities, and will instead offer our Nation fearless and innovative leadership. Hope, because we shall never be a silent segment of the Democratic Party, but shall always speak and act on our conscience to achieve a better Party, State, and Nation.

Aware of the tremendous social problems besetting the American people, and yet willing to work within the system to obtain solutions, we the Young Democratic Clubs of Maryland, in our 1971 convention assembled, state the following as our goals.

(Adopted.)

### ECONOMY

We sharply criticize the Nixon Administration's "Economic Game Plan," that is causing misery, despair, and economic strangulation for millions of American families. We recommend that action be taken in the following areas:

Action on public service employment for both adults and young people.

Put into effect this year the personal income tax reduction scheduled to go into effect next January.

A crash program to provide jobs for unemployed, young people, and Vietnam veterans.

Release of the 12 billion dollars appropriated by Congress last year for urban health and education programs and needed jobs, but impounded by the Administration.

We realize the scope and intent of President Nixon's dramatic announcement on the economy. But we, like George Meany, question the timing and political motives of his belated statement. To partially correct his ill-conceived plan, we would advocate the establishment of an anti-inflation wage-price stabilization board composed of respected members of the business and economic community in cooperation with local and regional productivity councils to control the wage-price spiral. We would also urge inclusion of interest rate controls and establishment of an excess profit tax.

We criticize the Administration's "revenue sharing" program for its "no strings attached" approach to state aid, since the financially blighted cities should be the primary recipients of such revenue.

We also believe the Administration has not pushed hard enough with its tax reform legislation now before the 92nd Congress and further consider it to be a weighty document that contains many loopholes with regard to corporate interests.

We condemn the President's veto of the accelerated Public Works Program, designed to combat unemployment and help cities meet pressing local sewer and water needs.

We commend the House of Representatives for passing the Family Assistance Act to set a federally guaranteed annual income and the freezing of state welfare costs at their 1971 level by providing a partial federal takeover of the welfare program. We would hope that the Senate follow their action, and in considering approval of the Family Assistance Act that members of both houses consider what it would be like to live on this amount for just one month.

Finally, we urge the creation of a national domestic development bank. As an economic measure, it could produce hundreds of thousands of new jobs and encourage new public and private investment, and it would relieve the fiscal crises of local governments, while the Revenue Sharing would not. The bank would extend long term, low interest loans, permitting communities, and in some cases, private business to move ahead on a wide range of needed development projects.' This new financing would enable communities across the nation to build many needed facilities. And all of these facilities and projects would mean jobs and income with a daring in scope that could only rival the W.P.A. and N.R.A. of the past.

(Adopted as amended.)

### TAX REFORM

To correct the inequities of a regressive system of taxation, we urge revision of existing tax laws and removal of blatant loopholes. We point specifically to the oil depletion allowance, the Montgomery County farm land assessment loophole, and the tax allowance currently permitted churches and nonprofit organizations for property not directly related to their civic obligations, as loopholes to be closed.

We further feel that the sales tax, property tax and nuisance taxes should be abolished as overburdensome to those who can least afford to pay. Instead, the income tax should be apportioned so that it might be the main source of revenue of every level of government. We find the tax law on unmarried men and women to be unduly discriminating. It should be supplemented by increased luxury taxes and taxes on legalized vices.

(Adopted.)

### FOREIGN POLICY

Despite the constant reassurances from President Nixon that "the boys are coming home" from Vietnam, that outrageously immoral and useless war continues day by day. The Young Democrats of Maryland strongly urge every person who opposes this war to demand an immediate withdrawal from Vietnam. 50,000 young Americans have died a needless death in support of a corrupt and dictatorial puppet government led by President Thieu. The blatantly unfair South Vietnamese elections justify a total pull-out from Vietnam now!

We condemn the Nixon Administration for deliberately deceiving the American people about the United States secret military operations in Laos and Cambodia. The time has come to end all military operations in Indochina.

We applaud President Nixon's attempts to open better diplomatic ties with the People's Republic of China. We fully support the seating of Red China in the United Nations alongside the seat of Nationalist China.

We also applaud Senator Birch Bayh's determination to investigate the entire system of American military justice.

America's present role as the world's policemen must end. The next President of the United States must commit his administration to formulating a new foreign policy.

This new foreign policy must:

Admit mistakes openly;

Seek and establish diplomatic ties with every nation in the world;

Immediately seek a moratorium with foreign powers on the development of new nuclear weapons systems;

Cease aid to foreign governments that are in civil war;

Consult with the Senate on any Presidential decision to commit American arms or troops;

Review and revise all existing international obligations.

We further recommend that the Department of Defense be renamed the "War Department."

(Adopted.)

### CONSUMER PROTECTION

We believe that all levels of government must make a stronger and more significant effort to aid the consumer. We particularly denounce the Nixon program as more show than substance, as it in fact protects the corporation at the expense of the citizen.

We commend Maryland Attorney General Burch for his innovative efforts to protect the consumer and urge the General Assembly to promulgate additional necessary legislation. The Consumer Protection Division should be authorized to issue subpoenas, to interrogate witnesses, to inspect premises, and require the periodical filing of reports.

This legislation should also authorize the District Courts to handle consumer complaints in a simplified and semi-judicial fashion. These courts should be empowered to speedily pass orders allowing relief for those who suffer physical or monetary injury. Fraud procedure should be made less complex, minimum and/or admonitory damages should be levied against the offending vendor, garnishment of wages should be carefully controlled, and class actions should be encouraged against unscrupulous sellers and manufacturers.

We commend Prince George's and Montgomery counties for their imaginative consumer protection programs and urge the rest of the state to set up similar programs.

We applaud Commissioner Jewell for his imagination in designing a Pay-As-You-Drive automobile insurance plan, but we urge that the General Assembly undertake an exhaustive, but speedy investigation of all plans, with the sole aim of providing the most comprehensive and inexpensive protection for the people.

(Adopted as amended.)

### CRIMINAL JUSTICE AND PUBLIC SAFETY

As "crime in the streets" becomes a public concern, the simple solution of more police and more arrests ignores the fact that our penal system is unable to either dispense justice or to rehabilitate.

We endorse the reorganization of our state courts which help to standardize the quality of justice; we only wish that the quality were higher. We endorse Senate Bill 454, which established the State Public Defender System, but call for a massive upgrading in number and quality of personnel. We recommend more judges and court officials and suggest emphasis on higher quality in parole and probation personnel and correctional officials.

We endorse the recommendations of the 1967 President's Crime Commission, and suggest that Maryland adopt these proposals where applicable.

We deplore the attitudes of those persons who view humane treatment for prisoners as "coddling criminals," for the field of corrections is the one place where the criminal justice system can, as any agency, function to prevent crime.

In theory, we approve of such Maryland institutions as Patuxent, which allow the use of indeterminate sentences, but we reserve our approval of this practice until such time as this method is able to guarantee both security to the community and periodic review of the need for confinement to the inmate. And until this time, we urge the abolishment of the Defective Delinquent Act. We also endorse the report and recommendations of the Governor's Community Corrections Commission and suggest that when more use is made of community based corrections, halfway houses, work release programs, and weekend and holiday visitation we will then have a correctional system that helps to prevent crime by reducing recidivism.

(Adopted.)

### DRUGS

As young people, we ask that all people restrict their thinking on the drug problem to logic and fact without resorting to emotion. We ask understanding that use of soft drugs and pills is little different from reliance on alcohol, sleeping pills, and laxatives.

We find small solace in Maryland's new drug laws, for appropriated funds are still lacking. We find the laws themselves deceptive and often the enforcement of these laws demonstrates an interest only in political gain or perhaps well intentioned but unthinking overmoralizing. Hopefully the enforcers are as concerned as we are with the lives and welfare of our citizens and country. Consequently we ask them to consider the following: Rather than enforcement of laws in a manner that ruins lives and careers unnecessarily, we join with Reverend Hanna in urging that more drug abuse centers be established in our communities.

We believe methadone should be given final sanction for use in penal institutions, and we congratulate the Department of Health and Mental Hygiene for its step to eliminate illegal sale and distribution of methadone.

We call for undelayed, honest research by government officials on questionable drugs and a full hearing of the findings.

(Adopted as amended.)

### EDUCATION

We believe that increased federal fiscal support for public education is both necessary and possible.

We believe that free public education is an essential ingredient of the American system and that no person should be denied access to free public education, including higher education.

Equal educational opportunities for all children within our nation and state must be a major concern of the national and state legislatures. We support busing of students between school districts as a legitimate temporary method of promoting equal education opportunities. However, busing must not be substituted for long range measures which will equalize education within school districts, and we demand immediate enforcement of safety standards for school buses. We urge our legislature to increase efforts to solve the problems of rural and urban poverty as a first step toward a truly equalized system of education.

Total equalization of education cannot become a reality until the State of Maryland assumes a greater fiscal responsibility for all public schools. We acknowledge that county control over curriculum should be maintained.

We believe that state and federal governmental aid to non-public schools, whatever guise, indicates a lack of faith in public education and violates the principles of the First Amendment to the United States Constitution. With this in mind, we urge the voters of Maryland to reject the referendum Senate bill 331 (State Aid to Non-Public Schools).

We recommend that the funds now used in the State of Maryland for legislative scholarships be placed in the hands of university officials who are better equipped to grant scholarships on the basis of merit.

We recommend that students be added to the governing boards of all of the colleges in Maryland in order to facilitate communication between students and institutions of higher learning.

A more proper balance of rights and responsibilities between the administration and the community should be established.

We believe that there should be an expanded and more inclusive program of education for all regardless of age, sex, race, creed, handicap, or intellectual capability.

We believe that most students will benefit from sex education, and we support the Maryland State Board of Education's program in this regard, except where that program places unnecessary restrictions on teachers of sex education. We place specific emphasis on the venereal disease crisis.

We believe that freedom to learn and freedom to teach are essential to sound education. The community must protect education in general and teachers in particular from any attempts to abridge or destroy academic freedom or teaching technique.

We support the efforts of teachers in Maryland and the nation to obtain the same rights afforded employees in the public sector. We will support efforts in the 1972 Maryland legislative session designed to make certain changes in the Maryland Professional Negotiations Law that work towards the above end.

Finally, we note with concern the public record of President Nixon and the Republican Party in regard to education and submit that record as one of many reasons that we deem his defeat a necessity for 1972.

(Adopted.)

### HOUSING

The battle for the right of all people to achieve human dignity is now being waged. The freedom to strive for and obtain decent housing in a decent community is a basic right necessary to the realization of human dignity. All levels of government must adopt policies in accordance with this basic right. To achieve this end we call for the establishment of national, state, and regional land use policies which encourage desirable growth but which will disallow projects harmful to community development. We recommend future zoning and building applications be examined in the context of community benefit, of which tax revenue should be only a small part. Zoning policies must be revised where they do not contribute to planned community development and improvement. Planning agencies within a locality should involve citizen participation in planned housing programs.

We recommend that jurisdiction within a state work together to seek maximum standardization of housing codes. We suggest planning begin now to expand suitable housing without contributing to inflation. To this end we recommend that renovation of our city dwellings be utilized as a teaching-learning device; that we use this opportunity to revitalize our neighborhoods; and that we call upon the building trades to open their membership to all people who have the desire and ability to learn them, and, we call upon the Democratic Party's friends in the building trades' unions to open their memberships to all peoples. We call upon the state government to examine those financial policies that directly affect housing in the state.

In addition, strong landlord-tenant legislation is needed. This legislation should favor neither party, but should state clearly the rights and obligations of each and the penalties for infractions.

We call for an end to overt and covert discrimination in housing. We view with particular distaste realtors who perpetuate segregation by not showing particular houses for sale to individuals because of race or religion. Alleged violations should be heard quickly and prosecuted fully. To this end, we call on the Real Estate Commission and the Secretary of the Department of Licensing and Regulations to stop feuding and enforce current regulations.

(Adopted as amended.)

### CITIES

Regional planning must soon become a major reality, not a token demonstration. It will be necessary to experiment, to develop methods of governing large concentrations of people with minimum intrusion into their freedom.

Local governments are fighting a battle to regain representative leadership. This crisis cannot be solved until states and localities facilitate modernization by providing for home rule, restricting popular elections to policy makers, and electing responsible executives. Multiplicity of incorporated cities and towns in metropolitan areas leads to long ballots, unrealistically small tax bases, inequitable tax rates, and inadequate service. Regional projects such as rapid transit, crime control, and adequate hospital facilities become difficult or impossible to initiate or administer.

To this end, we encourage planned, limited utilization of land facilities, as well as, ratio of population to area and its capacity to deal with sensible growth.

(Adopted.)

### HUMAN RIGHTS AND PERSONAL LIBERTIES

The Young Democrats again stress our respect for each individual's human dignity and our disgust for what the Nixon-Agnew-Mitchell combination had done to conform mankind to their image.

We restate our praise for the enlightenment which the Women's Liberation Movement has caused, and we offer support to the proposed amendment to the Federal Constitution voiding discrimination on the basis of sex.

We endorse the sense of legislation killed during the 1971 session of the General Assembly which would have placed sexual acts in private between consenting persons 18 years of age or older, beyond the scope of criminal law.

We call particular attention to the elements of personal dignity ignored by prison officials, and we applaud efforts to bring about meaningful reform, most specifically conjugal visitation rights or controlled release programs.

We find both formal and informal attempts to harrass and censor any harmless expression of speech as an insult and infringement of individual rights and any governmental intrusions that infringe upon individual privacy, excepting cases involving national security.

(Adopted.)

### ECOLOGY

We believe that the people of the State of Maryland are entitled to a clean environment. We demand a better use of Maryland's resources, particularly stronger control of strip mining with increases in the bond required for stripped lands and protection of the surrounding landscape. We ask for special legislation to protect vanishing wildlife and flora from extinction. We seek stronger laws to reduce or prevent dumping of untreated and industrial and human waste into Maryland's waters. A moratorium should be placed on the construction of nuclear power plants pending a study of the impact of Calvert Cliffs upon thermal pollution in the Chesapeake Bay. We condemn any attempts to dredge the C&D canal believing that such action will destroy the Bay. Legislation is necessary to reduce the amounts of phosphates washing into our waters.

The state should set up a tax incentive program to encourage business to purchase pollution control devices and not suffer a monetary loss. Additionally, the state government should set an example by using recycled paper. The state should work with local subdivisions to establish tin, glass, and paper recycling centers. We encourage a limited use of pesticides and an increase in biological research and controls. We feel that many of our environmental problems are aggravated or created by the increased number of people occupying our earth, as well as, by the wasteful habits of these people. We seek increased research on birth control methods. We encourage adoption of the children that already exist on this earth to give them every opportunity for a decent and meaningful life.

(Adopted.)

### HEALTH

We endorse the concept of National Health Insurance, but we caution against the installment of another federal bureaucracy.

We recommend the State Secretary of Health and Mental Hygiene investigate the possibility of implementing an Abortion Referral Service in the hospitals and clinics of this state to operate in conjunction with the Planned Parenthood Program.

With mental illness a major health problem in this state, we would hope that state funding of programs dealing with research, therapy, and treatment of this problem be increased.

We call upon the State Attorney General's office and the State Department of Health and Mental Hygiene to investigate the medical, social, economic, and legal aspects of legalizing prostitution in this state and of licensing the practitioners of such in a major effort to reduce Veneral Disease in Maryland.

We take pride in the action of the Senate by establishing a Cancer Research Agency to provide the first federally funded agency devoted entirely to cancer research.

We would hope that Congress would take action on the research and treatment of sickle-cell anemia, a disease that affects only black citizens.

And finally, we agree with the Congress in amending the Comprehensive Drug Abuse Prevention and Control Act of 1970 (H.B. 5674) which provided an increase from one million dollars to four million dollars in the authorization for a Commission on Marijuana and Drug Abuse.

(Adopted.)

### MARYLAND ELECTED OFFICIALS

As the group which has been a vehicle for many of our present elected officials, we feel a responsibility to serve public praise and offer any criticism deserved.

We ask that our officials not concern themselves with censorship dealing with sexual matters, since we feel the pressing problems of our society are not caused by pornographic publications and the like but by situations such as unfair housing, corrupt election systems, lack of concern for individual rights and other significant matters dealt within this platform.

Among our Congressional delegation, we are particularly impressed with freshman Congressman Sarbanes as effective in the role he has carved for himself.

(Adopted as amended.)

### PARTY REFORM

As the official youth division of Maryland's Democratic Party, we feel a responsibility to present the ideal in party organization to the Senior Democratic Party.

We urge the senior party to exercise sufficient control over local Democratic Clubs to require that none be intentionally segregated by reason of race.

We urge each local State Central Committee to accept at least one youth advisor chosen by the local Young Democratic Club.

We further ask that the age for running for party office—Democratic State Central Committee and Delegate to the Democratic National Convention—be reduced to 18.

Most importantly, we reiterate strong dissatisfaction with the Democratic State Central Committee's failure to take policy stands on current and pressing issues.

Lastly, we issue a warning to the leaders of our Party and to its broad membership that the Democratic Party must take steps now to rechannel political power to party members, not bosses.

(Adopted.)

### ELECTION REFORM

We urge abolition of the electoral college in favor of the popular election of candidates for President and Vice President of the United States.

We also urge the enactment of legislation which would require complete public disclosure of campaign funds and specifically urge the U.S. Congress to require reporting of receipts and expenditures in primary as well as general elections.

We urge legislation which will require all public officials to disclose financial interest which may cause any conflict of interest with his or her public responsibility.

Present campaign costs to run for public office must be investigated to develop a cooperative effort with representatives from the mass medium to allow every candidate an equal opportunity to present himself and his program to the electorate.

(Adopted.)

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## REMARKS OF SENATOR FRANK CHURCH AT THE WASHINGTON PRESS CLUB, JANUARY 26, 1972

## HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. BRADEMAS. Mr. Speaker, I commend to my colleagues the outstanding remarks of the distinguished Senator from Idaho, the Honorable FRANK CHURCH, which were given at the annual Salute to Congress dinner of the Washington Press Club yesterday, January 26, 1972.

I insert Senator CHURCH's speech at this point in the RECORD:

Madame Chairman, and other devotees of Chinese checkers; Daniel Schorr, and other aspirants to high public office; Richard Kleindienst, and other recipients of Comic Book Awards for 1972; Henry Kissinger, and other character witnesses for Father Berrigan; Ladies and Gentlemen:

Well, the President really pulled the rug out last night. Not only have I had to rewrite my speech, but Henry Kissinger's reputation as a swinger has been left in shambles. Thirteen trips to Paris, Henry, and just for Le Duc Tho?

But it's good to see you here, Henry, though I barely recognized you without your cloak of Executive Privilege!

Now, just to get off on the right foot, Vera, which of Henry's trips to China are we talking about?

Not the bad-stomach trip?

Oh, I see, the one that's coming up—the one the President's going on, too.

### GERMANS ARE COMING

Well, I do need to be sure. After all, Henry Kissinger has already been to China twice. Recently, Ron Ziegler went over. Next week, I understand, Ehrlichman and Haldeman are going. Frankly, I'm worried. The last time so many Germans went into a country, World War II broke out!

Actually, we're lucky Henry could be with us tonight, what with everybody boning up on China.

President Nixon is boning up—studying the Chinese position.

Bebe Rebozo is studying Chinese real estate, figuring out ways to subdivide China.

Henry is studying the Peking phonebook for out-of-the-way Holiday Inns.

Even Spiro Agnew has been eating fortune cookies—ten pounds a day—looking for the one that will tell him he'll be on the ticket, again!

Nonetheless, on balance, I do think this trip is necessary. I admit, we've always had *somebody* mad at us, but this is the first time I can recall when we've had *everybody* mad at us. So I say, if the Chinese are willing to talk, let's talk. We've got to make a friend somewhere!

Why it's getting so we can't even give away our foreign aid.

Western Europe won't take it, at least, not with those cut-rate Nixon dollars.

Japan won't take it. She's just instituted a foreign aid program of her own—for Seattle.

### FLANKER REVERSE PLAY

Even our old teammate, Pakistan, won't play anymore. All season, as you know, President Nixon has been sending in special plays. They lost George Allen 13 yards; Don Shula, the Super Bowl; and Yahya Khan, East Pakistan.

It's lucky for the Chinese that the President didn't play ping pong at Whittier College!

No doubt about it, Henry, our foreign aid is in big trouble. . . . A-I-D, our Agency for Instigating Disasters—up on the Hill, we call it "Waterloo West"—AID is in serious danger of shutting down.

So, as I see it, Henry, you've got to take our problem to Peking. Throw yourself on Mao's mercy. Remind him we have the highest standard of giving in the world. Think of it, with 800-million Chinese, we can really go for broke!

For openers, we'll tear down the Great Wall, and replace it with a solid American chain-link fence.

To span the Yangtze, we'll send them the Three-Sisters Bridge, along with its foreman, Bill Natcher.

While we're at it, let's send them that cement-mixer-run-amuck . . . the Army Corps of Engineers. They can busy themselves forever in China, and we can save what's left of the United States!

Most important of all, we can reinstate our military aid program. We haven't had a chance like that since the early days of Chiang Kai-shek! The Red Chinese army added to our Foreign Legions! What a break for the free world!

Maybe, Anna Chenault could get them to buy some of our Phantom jets—or, better yet, some of our *real* ones. Don't sell Anna short! When you consider how far she's *taken* Taiwan, think what she could do with the *Mainland* account!

### ANOTHER HIJACK

Well, the President must have other reasons for going to Peking besides salvaging our foreign aid program. But I'm just a member of the Senate Foreign Relations Committee. All we know about those top secret meetings at the White House is what we read in the daily print-outs in Jack Anderson's column, now known as Hi-Jack Anderson's column.

There've been so many leaks at the White House lately, that Henry's appealed for flood control!

If you've been studying those fascinating quotes of Henry's, you, too, have caught a glimpse of the Big Picture which is about to unfold—a demanding new role for the United States that will prove to all the doubters that our country is not "a pitiful, helpless giant." President Nixon journeys to Peking to set the stage for our new Asian policy of the '70's—the Containment of India!

Well, who could expect a Republican Administration to get along with a democratic country like India. anyhow?

Naturally, the President was the first to perceive the true menace of India; he didn't intend to let them put down the Paks. He told Henry to ask the Pentagon's computer what to do. But the computer wouldn't answer, it kept replying with the same four-letter word, "tilt!"

The cheek of those Indians, intervening in a civil war in Asia—and winning it!

But the worst part is the gloating. The Indians have recast that great old Tyrone Power movie; they've renamed it "Lives of a Bangladesh Lancer," starring Ken Keating and Indira Gandhi.

Well, we've heard enough—enough from "that woman" and her Ambassador in Washington, Mr. *Jha*, who's been told to keep quiet. It's the first application of the "Lock-*Jha* Doctrine."

Anyway, here's the game plan to be worked out in Peking. China will hold back the Indians on their North. We'll re-arm the Paks—for the third time—to hold back the Indians on the West. On the East, somebody will have to hold Ted Kennedy back in Massachusetts. On the South, the American Navy will occupy the Indian Ocean, which we are now buying from the British.

To protect the Indian Ocean from the Indians will require a brand new fleet. The Eighth Fleet! We'll be the only nation in history that built eight fleets to rule the Seven Seas!

Henry, as you well know, despite the best-laid plans, there are always risks involved. But, come what may, there's one consolation. If this trip turns out to be a bust, you'll know how to handle it!

But enough!

#### DEMOCRATIC SUPPORT

A fateful trip is about to be taken and a few serious words should be spoken.

I have always felt that the United States has a vital interest in the Pacific, the widest moat God placed on this planet. But I have never felt that the mainland of Asia was either a suitable or sensible hunting ground for our country.

We don't have to draw the map of Asia. It isn't within our power to control the politics of Asia. We can take Asian nations as they come, and we have no need for unfriendly relations with any of them.

But we do have a great need to commence to thaw out the glacial enmity which—for a whole generation—has frozen into place our non-relations with China.

In that undertaking, we Democrats offer our full support. And to the President of the United States, about to embark upon this historic quest, we extend our best wishes and our earnest hopes for success.

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## FIFTY-FOURTH ANNIVERSARY OF THE BIRTH OF THE UKRAINIAN NATION

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. HOGAN. Mr. Speaker, 54 years ago, the Ukrainian National Republic was established in Kiev. For years before the birth of their nation, citizens of the Ukraine struggled to achieve independence from Russia, so January 22, 1918, was truly a momentous date for them.

The date has become even more significant to Ukrainians since the early 1920's when Soviet forces overwhelmed the helpless nation and reduced it to a colony of Communist Russia, thus ending the short-lived independence of the Ukraine.

Ukrainians throughout the world take pride in those few short years of self-determination, and they live with the hope that at some future date their ideal of freedom may again prevail in their struggle against the series of Communist dictators who have tried—and failed—to convert Ukrainians into puppets of the regime.

And so, to commemorate the 54th anniversary of the birth of the Ukrainian nation, it is fitting that we pay tribute to the past and present struggles of Ukrainians in their pursuit of freedom. And it is also fitting that we reaffirm our support of the Ukrainians now living in the free world in their efforts to help their brothers and sisters.

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## THE CASE AGAINST HYSTERIA

### HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. HANSEN of Idaho. Mr. Speaker, I wonder how many of us are familiar with an unusual trait of the European lemming. These short-tailed, furry-footed rodents are notable for recurrent mass migrations to the sea, a consequence of which is mass drowning. Why the lemmings do this, no one can say for sure. There seems to be even less understanding why large numbers of the earth's inhabitants seem to have acquired a lemming-like syndrome of incipient self-destruction. The prophets of gloom and doom have hammered so strongly on the theme that the world is headed for total ecological disaster that many misguided souls would even consider destroying civilization as we know it " to save the world."

That the drive to confuse people is increasing rather than decreasing was brought out quite clearly in a perceptive article which appeared in the January 19, 1972, Washington Post by Bernard D. Nossiter's article, "British Magazine Predicts Ecological Doom." It describes a new purveyor of mass hysteria, a magazine started by an Oxford, England, University dropout and a former textbook salesman, which foretells total doom if the world does not return to primitivism. I insert the Post article in the RECORD at the end of my statement.

Mr. Nossiter points out that Mr. John Maddox, the editor of the well-known British scientific journal, Nature, agrees that there are problems. The point that Mr. Maddox makes is that naivete, overstatement and uncomplicated Rousseauism are not helpful, and that the ecological apocalyptics—ecolyptics for short—risk discrediting all they stand for. I include Mr. Maddox's editorial at the end of my remarks.

I recall quite vividly the wild tales that were promulgated before the Cannikin test was conducted at Amchitka Island on November 6, 1971. I remember those predictions of widespread ecological disaster from radiation, earthquakes, and tsunamis. I can speak firsthand about the Cannikin test because I was on Amchitka Island when it took place. We know, of course, that the experiment went off as predicted, and that there were no untoward events. As a matter of fact, I read an article in the January 20, 1972, New York Times which cited a report by the National Oceanic and Atmospheric Administration which stated that the data from the Cannikin test would help scientists studying earthquake prediction and mitigation techniques. The article stated that the Cannikin seismic data could eventually help engineers design earthquake resistant buildings.

I would conclude by stating that, as the parent of seven healthy wonderful children, I take extreme umbrage with nonsensical analyses like those in the Ecologist on population control. The aforementioned articles follow:

[From the Washington Post, Jan. 19, 1972]

BRITISH MAGAZINE PREDICTS ECOLOGICAL DOOM

(By Bernard D. Nossiter)

LONDON.—"If current trends are allowed to persist, the breakdown of society and the irreversible disruption of the life-support systems on this planet, possibly by the end of the century, certainly within the lifetimes of our children, are inevitable."

So in boldface type begins the latest manifesto of the ecological apocalyptics here and it has touched off a first-class row. The doom sayers are enjoying their round in the latest issue of "The Ecologist," a new magazine started by an Oxford dropout and a former textbook salesman. Their "blueprint for survival" has captured attention because they list 33 prominent physical and social scientists who "fully support the basic principles" that the magazine asserts.

"Half-baked anxieties . . . simplistic," snorts John Maddox, the distinguished editor of a distinguished journal. "Nature," in the lead editorial of his latest issue. Thus the battle is joined.

A layman can not easily assess the issues raised by natural scientists. But a reporter can spot hucksterism when he sees it and the well-advertised manifesto of "The Ecologist" is streaked with it.

Its central argument runs like this: there is a finite limit to known resources, metals and minerals, oil and iron. We are exhausting these heedlessly, under the thrust of an industrialism impelled by a politics promoting growth measured in products. Even worse, industrialism stimulates population expansion in an already over-crowded world, further draining limited resources.

Unnaturally swollen communities and their unnatural drives accounts for social ills—crime, violence, drug addiction and the like. Man must get back to a better relation with nature, something along the lines of the hunter-gatherers of New Guinea.

Among the magazine's specific recommendations are these: cut the British population almost in half to the level its own food resources can supply; stop DDT; stop building roads for automobiles; stop using the high-yield rice and wheat seeds with their heavy demand for chemical fertilizer.

This reporter called just two of the 33 scientists that "The Ecologist" says support in principle—if not in detail—the magazine's views. A brief telephone chat established that these two scientists are wedded to the manifesto by rather loose links.

A. Waddington, a noted geneticist at the University of Edinburgh, said he believed "we have got to have a change in our social values, not just more material goods, but a richer intellectual life in more agreeable surroundings."

#### PRIMITIVE EXISTENCE

He complained, however, that "The Ecologist" blueprint urged a "more primitive" existence and "I say, be more sophisticated. For example, control pests biologically, not by poisoning them."

Washington, moreover would not abolish the high-yielding seeds that have increased food supplies in some parts of South Asia. He would instead search for ways to find jobs for peasants now being displaced from the land.

Sir Julian Huxley, another famous biologist, said he had no reservation about the manifesto because it warned against continued increases in population and indiscriminate technology.

But Huxley insisted that this in no way implied support for any return to primitivism; the 84-year-old scientist indicated he had not read the portion of the manifesto calling for just this.

The infatuation of "The Ecologist" with advertising turns up again in its discussion of population control. There it argues that the notion that childless couples are unhappy is "derived largely from the popular woman's magazines" and urges that "the finest talents in advertising" could set this one straight.

The Maddox critique of all this in "Nature" runs along more elegant lines. Along with many economists, he argues that as resources like oil become scarcer, their prices rise. This encourages the discovery and substitution of, for example, other forms of energy, nuclear, solar and the like. It is in this way that man has so far escaped the Malthusian trap and there is no reason to think he cannot continue to do so.

### INTERNAL CONTRADICTIONS

Maddox also points to an internal contradiction in the manifesto. Swollen families are typically associated with poverty and lack of education. An Indian peasant breeds at a great rate because, among other things, this is his sole form of pleasure: children are a kind of old-age insurance; and he is too ignorant and poor to buy contraceptives. This implies that a higher standard of living, the material growth described by "The Ecologist" is a necessary pre-condition for curbing the population explosion in the impoverished world.

Finally, Maddox recalls that the link between population density and violence has not been proven. America's urban ghettos are crowded and violent: Dutch cities are crowded and peaceful. Kerala is India's most crowded state: it is considerably less violent, say, than Maharashtra.

Even a non-specialist knows that you can preach abstinence from DDT to the wealthy. But it is pointless to argue that a pesticide is a greater evil than malaria in the swamps of the Third World. Similarly, rich nations may forego inorganic fertilizer, but it is absurd to argue against it in famine-threatened Asia.

The point, as Maddox makes clear, is that there are serious problems of ecological disturbance, of environmental pollution, of population growth. But naivety, overstatement and uncomplicated Rousseauism are not helpful. The ecological apocalyptics—ecolyptics for short—risk discrediting their very valid concerns.

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[From Nature magazine, Jan. 4, 1972]

### THE CASE AGAINST HYSTERIA

Britain is being assaulted by the environmentalists. This weekend, Dr. Paul Ehrlich, president of Zero Population Growth Inc., and a professor of biology at Stanford University, is to recite for the Conservation Society his now familiar dirge that the world is about to breed itself to death. Last week, a distinguished group of doctors, many of whom should have known better, published in *The Lancet* and the *British Medical Journal* a declaration that Britain is so overcrowded that there is "a direct threat to the mental and physical well-being of our patients" and a plea that doctors should unite "to combat the British disease of overpopulation." At the same time, the new magazine *The Ecologist* published what it called "A Blueprint for Survival" which reflects and sometimes amplifies a good many of the half-baked anxieties about what is called the environmental crisis. On this occasion, the doctrine that dog should not eat dog notwithstanding, the magazine deserves to be taken to task if only for having recruited a "statement of support" from 33 distinguished people, many of them scientists, at least half of whom should have known better (see box). Nobody pretends that there are no serious problems to be worried about but the time seems fast approaching when the cry of disaster round the corner will have to be promoted to the top of the list of causes for public concern.

That professional people should lend their names to attempts like these to fan public anxiety about problems which have either been exaggerated or which are nonexistent is reprehensible. It is especially regrettable that declarations like these should myopically draw attention to the supposed difficulties of moderating population growth in Britain when there is no evidence worth speaking of to suggest that Britain is over-populated (which is not, of course, the same thing as to say that the country is properly managed). The doctors who signed the round robin to the medical weeklies say that the problems of the developing countries "are formidable and may defy any rational solution," but that they are also "gravely concerned" at the pace of growth of the British population, which exceeds 55 million, and which is expected to increase to 66.5 million by the end of the century.

In reality, the doctors seem to have added an extra 500,000 to the latest estimates of the population of the United Kingdom in the year 2000, for the Government Actuary's latest calculation, published three months ago, gives an even 66 million for that date. It is, however, much more relevant that the forward projections of the British population have been declining steadily over the past decade, as the statisticians have been persuaded by experience that the trend of fertility in Britain, like that in much of the rest of Western Europe, is downward. The doctors also choose, by design or ignorance, to overlook the plain truth that only a quarter of such increase of the British population as there may be between now and the end of the century can be attributed to what they call "the present reproductive bonanza". The rest is simply a consequence of their own craft, which has now made it possible for people to live longer and to survive a good many of the previously fatal hazards of middle life. So is it to be expected that the same people will band together in public to wring their hands about the once and for all increase of the British population which is likely to come about when, at some time in the next two decades, ways are found of treating or even preventing some forms of cancer?

The immediate trouble, of course, is that there is no means by which these statistics, meaningful or otherwise—and who can tell what the effects of British membership of the European Communities will be on the rate of outward migration?—can be related to what is elsewhere called the quality of life. The distinguished doctors say that on present trends, a quarter of the land surface of England and Wales "will be urbanized" by the end of the century and they say that "sheer overcrowding in cities with its attendant pollution" is a direct threat to mental and physical well-being. But is there any serious cause to fear that a country such as Britain will be necessarily worse off if fewer adults are killed off in middle age and if the numbers of old people are also increased? The calculation is not easily performed, but the chances are that the pattern of population in the year 2000 will be economically more productive than it is at present, and better able to support the sensible education of the young and the humane care of the old than at present. And what, in any case, is the evidence that overcrowding in cities produces "mental" afflictions among those who live there? To be sure, there are statistics to show that suicide rates are often higher in cities than in the country, but these are easily interpreted as consequences of the way in which the populations of cities are frequently overweighted with people of vulnerable ages. Furthermore, there are good reasons to believe that air pollution reduces longevity but there are also now reliable measurements to show that both in Britain and in the United States, air pollution in cities is decreasing. And in general, the charge that city life and the density of population in cities are hazards to health cannot be substantiated except by the misuse of facts.

What then is to be made of the constructive suggestions which the doctors put forward in their round robin? First, they ask that the government should be persuaded "that a population problem exists" so that "appropriate legislation is more likely to follow". What precisely is meant by appropriate legislation? Do the distinguished doctors have in mind more government help for family planning (in which case everybody will cheer)? Do they have in mind schemes such as that of the Duke of Edinburgh for a tax on large families (in which case most people will want to know more of the side effects of such proposals, most of which are still half-baked)? Or do they have in mind compulsory sterilization for the parents of large families, contraceptives in the drinking water (both of which have been discussed by Dr. Ehrlich in connexion with the population of India) or do their minds toy with the notion of sterilizing newborn children once a certain quota has been reached? The signatories of the round robin may think it unfair that such foolish motives should be attributed to them, but a vague call for "appropriate legislation" is likely to provoke precisely such curiosity. Indeed, that is the morbid kind of speculation which exaggerated declarations of crisis is likely to set in train. But few people will, of course, complain at the moderate proposals for an extension of family planning, with contraceptives on the National Health Service, the better conduct of abortions under the NHS and the "reappraisal of the laws and policies which govern the employment of women".

For people who say that the mass media, as they are called, must play an integral role in the whole operation, the doctors have been injudicious. They have addressed themselves to the wrong problem. In the first place, there is no reason to fear that a country such as Britain will find it more difficult in the future than it has been in the past four decades to strike a reasonable balance between fecundity and death. By now, the influences which lead to larger families are comparatively well understood. Improved education is a step in the right direction, not merely because it makes people better able to look after their personal affairs but because it provides parents with an incentive to do the best they can for their children, something only easily possible when families are small. Prosperity also helps and, by extension, so does a narrowing of the gap between rich and poor.

But these are goals which many people hold to be desirable in themselves. Might it not have been prudent for the distinguished doctors to have cast their thoughts more widely to encompass these questions? There remains the difficulty of knowing what the population of a country such as Britain should be. In spite of a great deal of academic discussion in the past few years, it is now clear that there are no easy rules of thumb. One thing is however clear. If by some means the number of births each year were to decline more rapidly than it has done in the past few years, some decades hence a smaller working population would have to support a still larger population of unproductive people than at present. To say that is not to imply that a reduction of the number of births each year is out of the question but merely that such a reduction would bring serious but calculated economic penalties.

The same unreflectiveness appears to have marred *The Ecologist's* "Blueprint for Survival". Those who have compiled it say that "the relevant information available has impressed upon us the extreme gravity of the global situation today". They foresee "the collapse of society" and consider that if present trends persist, "life support systems on this planet" will be irreversibly disrupted if not by the end of the century then "within the lifetime of our children". Governments, they say, are either refusing to face facts or are "briefing their scientists in such a way that their seriousness is played down". So, the argument goes, there must be a redefinition of the philosophy of civilized life and a restructuring of society as a whole.

The errors in the simplistic view of the present stage in the history of the human race are by now familiar. Much turns on the way in which industrialized societies are at present consuming raw materials at a substantial rate, and it is true that it seems increasingly unlikely that petroleum companies will be able indefinitely to discover new reserves at such a pace that future supplies are always ensured. Oil, indeed, may be the most vulnerable of the resources at present used, just as in Europe 2000 years ago native stands of timber proved not to be inexhaustible. But does it follow from this simple-minded calculation that there will come a time when, to everybody's surprise, petroleum deposits are worked out and industry is forced to grind to a halt? Is it not much more likely, about a century from now, that prices for petroleum will be found to be so high that even the least successful nuclear power companies will find themselves able to sell reactors more easily?

In the same way, is it not likely that the apparently impending scarcity of copper (belied for the time being by the obstinately low price at which the metal is at present marketed) will encourage the use of aluminium as a conductor of electricity? To be sure, as the developing countries gather economic momentum, they will begin to make larger demands on raw materials such as these, yet it does not follow that they will have to repeat in every detail the industrial history of the countries now industrialized, and it remains a comforting truth that the raw materials on which the products of modern industry are based loom less large in economic terms than the products of the Industrial Revolution. Computers, after all, need very little copper for their manufacture. In general, the problem of raw materials is not a problem of the exploitation of a finite resource, however much it might be made to seem as such, but is a problem in economics—how best to regulate the prices of raw materials so as to balance the present demand against the probable demand in the future, how best to encourage what kinds of substitutions, how best to bring into production new reserves (not the least of which are the oceans of the world). Nobody should think that there is nothing to worry about. Good planetary housekeeping, as *The Ecologist* would no doubt describe it, should be an important objective of public policy. But it is a public disservice to describe such intricate and interesting problems in such simple and scarifying terms.

Similar fallacies attend *The Ecologist's* analysis of the supply of food. The document says that food production in the developing world has "barely kept abreast of population growth" and that such increases as there have been are a consequence of the "opening up of new land for cultivation." It goes on to say that this will not be possible for much longer, for "all the good land in the world is now being farmed." Factually, these statements are incorrect. In many parts of South-East Asia, the past few years have seen dramatic improvements in agricultural productivity, acre for acre. In any case, it remains a fact and even something about which agronomists should hang their heads that tropical regions are still comparatively unproductive of food. But the chief complaint of this declaration is that the "FAO programme to feed the world" depends on an intensification of agriculture and that the strains of wheat and rice likely to be the work horses of Asian agriculture are more vulnerable to disease and more demanding of fertilizer.

So what? must surely be the moderate reply. In North America and Western Europe, after all, agriculture is much more intensive than most agricultural practices likely to be common in Asia in the next few years. And the benefits of intensive agriculture are not merely that a given acre of land can produce more food each year but that it can be made to do so at a lower labour cost. Indeed, it might well be calculated that until the populations of the developing world are able to feed themselves without employing more than half of their labour force on the land, they will not be free to develop either along the lines of Western industrialization or along some other route that they might prefer. The fact that intensive agriculture entails crops which are highly specialized and therefore vulnerable to epidemic diseases of one kind or another is no more relevant in Asia than in, for example, North America.

The abiding fault in these discussions is their naivety, and nowhere is this more true than in speculations about the social consequences of the phenomena over which *The Ecologist* wrings its hands. Starting with the assertion that the developed nations have already collared the raw materials with which developing nations might seek to improve their standards of living, the journal goes on to say that "we are altering people's aspirations without providing the means for them to be satisfied. In the rush to industrialize, we break up communities, so that the controls which formerly regulated behaviour are destroyed. Urban drift is one result of this process, with a consequent rise in antisocial practices, crime, delinquency and so on. . . ." This is an echo of the distinguished doctors' declaration about the consequences of crowding, but is it fair to describe this, as *The Ecologist* does, as a portent of the collapse of society? Is it reasonable to say that in such circumstances, "it is more than probable that governments will fall into the hands of reckless and unscrupulous elements, who will not hesitate to threaten neighbouring governments with attack if they feel they can wrest from them a larger share of the world's vanishing resources"? The truth is, of course, that this is mere speculation. All the attempts which there have been in the past few years to discover correlations between such factors as population density and prosperity per head of population with the tendency to violence, either civil or international, have been fruitless. Who will say that the crowded Netherlands are more violent than the uncrowded United States? And who will say that the forces which have in the past 2000 years helped to make civilized communities more humane can now be dismissed from the calculation simply because a new generation of seers sees catastrophe in the tea leaves?

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## ELECTION REFORM

## HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. ARCHER. Mr. Speaker, it is fitting that Congress has begun an election-year session by approving legislation for reform of our election process. This landmark reform goes a long way toward correcting one of the most glaring inequities in our campaign procedure, the tremendous cost of seeking public office.

While it will by no means eliminate the heavy financial burden of campaigns, this legislation hopefully will help to curb skyrocketing costs. Perhaps its most significant provisions are the stringent requirements for reporting campaign contributions and expenditures. Public disclosure can be an effective means for policing campaign spending. The voters will know exactly how much a candidate has invested in a race and who is providing the money.

Despite the new ground covered by the bill, I suspect that few of us are entirely happy about it. Some feel it is too restrictive, others think it is not enough; I share the latter opinion.

We have not approved the ultimate solution for campaign reform; it is but a beginning. I am disappointed that the legislation is not as comprehensive as it should be. Limitations were not placed, for example, on spending for postage or printing for direct mail projects, which are becoming increasingly important in campaigns. We still have no overall limit on spending, though we have placed curbs on the most expensive element in a budget, advertising. By limiting expenditures in one area, however, and not extending it to the entire budget, all we are doing is diverting funds from one category to another. It is possible that the money will not be significantly reduced, but only redistributed.

Of course, it is difficult to determine just when a spending limitation can keep costs at a reasonable level, and when it becomes so restrictive that it actually helps keep incumbents in office. Hopefully, a fair ceiling for all campaign spending will be determined in future proposals.

On the whole, this legislation falls short of our goal to restore the confidence of the American people in our political system. What we must have is a means to show the people that their representatives and candidates for public office are motivated by a desire for public service that is not compromised by the temptation for private gain. The answer, in my view, is to require full disclosure of assets and liabilities of Congressmen and candidates. It is a logical sequel to campaign spending disclosure, and I anticipate introducing such legislation in the near future.

At present we have very weak provisions for partial disclosure of the holdings of incumbent Congressmen. There is no similar law for candidates. The current procedures, however, are little more than a sham. What we have is a facade, a pretense of disclosure, while actually there is very little of any significance that is available to the public.

Mr. Speaker, we are confronted with what can truly be called a crisis of confidence in our political system. A cynicism about politics and politicians pervades the Nation. It is not just the student who has become disillusioned and disgusted and "turned off." It is the housewife, the businessman and the workingman who equate politics with shady dealings and smoke-filled rooms. What many people remember about Washington are reports of a Congress-accepting a bribe or supporting legislation that will benefit his stock holdings.

It seems to me that the solution to this dearth of confidence is the elimination of any doubt or suspicion in the minds of the voters by requiring full disclosure of assets and debts. It would prove a Congressman has no holdings that could conflict with his duties; or it would reveal any assets or obligations that could influence his decisions.

Full disclosure is long overdue. The young people in America are looking to us with a critical eye—to see if we in Congress will meet the challenge to reform our system. Let us live up to our responsibilities and fulfill the expectations of our fellow citizens.

## PROMISE OF SPACE

## HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. ANDERSON of Tennessee. Mr. Speaker, as our Nation continues its search for the means to avoid war, seeks new methods to diminish the causes of extreme poverty all over the world, and ponders its responsibility of sharing the great resource of our present technology for peaceful objectives, this Congress may take justifiable pride in one aspect of our astronautic spinoff which will serve human needs here on the earth. It is an aspect which is too little known by the American people.

I insert in the RECORD the following article from the London Express written by the distinguished scientist-writer, Dr. Arthur C. Clarke. Dr. Clarke is engaging in many space-related activities including the production of a series of films titled the "Promise of Space," which deals with the contributions which the space program may make in alleviating earthly want.

It must be noted that the satellite discussed was built in the United States by American labor, paying American taxes in an industry now undergoing the severe stress of unemployment. Foreign aid of the sort described in the article which serves the needs of the impoverished and the emerging nations of the world has the beneficial by-product of continuing America's ability to advance the technology of tomorrow as it serves man today.

As the discussions of America's shuttle program commences in Congress, we must recall that NASA's work is not a "pie-in-the-sky" adventure, but that it can have a direct relationship with the social problems of today.

Dr. Clarke's article follows:

### PROMISE OF SPACE

For thousands of years, men have sought their future in the starry sky. Now this old superstition has at last come true, for our destinies do indeed depend upon celestial bodies—those that we have created ourselves.

Since the mid-Sixties, the highly-unadvertised reconnaissance satellites have been quietly preserving the peace of the world, the weather satellites have guarded millions against the furies of nature, and the communications satellites have acted as message-carriers for half the human race. Yet these are merely the first modest applications of space technology to human affairs; its real impact is still to come. And, ironically, the first country to receive the benefits of space *directly* at the home and village level will be India—where, as recently as February, 1962, millions were terrified by an unusual conjunction of the Sun, Moon, and five planets.

In 1974 there will be a new Star of India; though it will not be visible to the naked eye, its influence will be greater than that of any zodiacal signs. It will be the satellite ATS–F (Applications Technology Satellite F), the latest in a very successful series launched by America's National Aeronautics and Space Administration. For one year, under an agreement signed on September 18, 1969, ATS–F will be loaned to the Indian Government by the United States, and will be "parked" 22,000 miles above the Equator, immediately to the south of the sub-continent. At this altitude it will complete one orbit every 24 hours and will therefore remain poised over the same spot on the Turning Earth; in effect, therefore, India will have a TV tower 22,000 miles high, from which programmes can be received with almost equal strength over the entire country.

Since the launch of the historic Telstar in 1962, there have been several generations of communications satellites. The latest, Intelsat IV, can carry a dozen TV programmes or up to 9,000 telephone conversations across the oceans of the world. But all these satellites have one thing in common; their signals are so feeble that they can be received only by large earth stations, equipped with antennae 50 or more feet across, and costing several million dollars. Most countries can afford only one such station, and indeed that is all that they need to connect their television, telephone or other services—where these exist—to the outside world.

ATS–F, now being built by the Fairchild-Hiller Corporation, represents the next step in the evolution of communications satellites. Its signals will be powerful enough to be picked up, not merely by multi-million dollar earth stations, but by simple receivers, costing two or three hundred dollars, which all but the poorest communities can afford. This level of cost would open up the entire developing world to every type of electronic communication—not only TV; the emerging societies of Africa, Asia and South America could thus by-pass much of today's ground-based technology, and leap straight into the space age. Many of them have already done something similar in the field of transportation, going from ox-cart to aeroplane with only a passing nod to roads and railways.

It can be difficult for those from nations which have taken a century and a half to slog from semaphore to satellite to appreciate that a few hundred pounds in orbit can now replace the continent-wide networks of microwave towers, coaxial cables and ground transmitters that have been constructed during the last generation. And it is perhaps even more difficult, to those who think of television exclusively in terms of old Hollywood movies, giveaway contests and soap commercials to see any sense in spreading these boons to places which do not yet enjoy them. Almost *any* other use of the money it might be argued, would be more beneficial.

Such a reaction is typical of those who come from developed (or overdeveloped) countries, and who accept libraries, telephones, cinemas, radio, TV, as part of their daily lives. Because they frequently suffer from the modern scourge of information pollution, they cannot imagine its deadly opposite—information starvation. For any Westerner, however well-meaning, to tell an Indian villager that he would be better off without access to the world's news, knowledge and entertainment is an impertinence. A fat man preaching the virtues of abstemiousness to the hungry would deserve an equally sympathetic hearing.

Those who actually live in the East, and know its problems, are in the best position to appreciate what cheap and high-quality communications could do to improve standards of living and reduce social inequalities. Illiteracy, ignorance and superstition are not merely the results of poverty—they are part of its cause, forming a self-perpetuating system which has lasted for centuries, and which cannot be changed without fundamental advances in education. India is now beginning a Satellite Instructional Television Experiment (SITE) as a bold attempt to harness the technology of space for this task; if it succeeds, the implications for all developing nations will be enormous.

SITE's first order of business will be instruction in family planning, upon which the future of India (and all other countries) now depends. Puppet shows are already being produced to put across the basic concepts; those of us who remember the traditional activities of Punch and Judy may find this idea faintly hilarious. However, there is probably no better way of reaching audiences who are unable to read, but who are familiar with the travelling puppeteers who for generations have brought the sagas of Rama and Sita and Hanuman into the villages.

Some officials have stated, perhaps optimistically, that the only way in which India can check its population explosion is by mass propaganda from satellite—which alone can project the unique authority and impact of the TV set into every village in the land. If this is true, we have a situation which should indeed give pause to those who have criticised the billions spent on space.

The emerging countries of what is called the Third World may need rockets and satellites much more desperately than the advanced nations which built them. Swords into ploughshares is an obsolete metaphor; we can now turn missiles into blackboards.

Next to family planning, India's greatest need is increased agricultural productivity. This involves spreading information about animal husbandry, new seeds, fertilisers, pesticides and so forth; the ubiquitous transistor radio has already played an important role here.

In certain parts of the country, the famous "Miracle Rice" strains—which have unexpectedly given the whole of Asia a few priceless years in which to avert famine—are known as "radio paddy", because of the medium through which farmers were introduced to the new crops. But although radio can do a great deal, it cannot match the effectiveness of television; and of course there are many types of information that can be fully conveyed only by images. Merely *telling* a farmer how to improve his herds or harvest is seldom effective. But seeing is believing, if he can compare the pictures on the screen with the scrawny cattle and the dispirited crops around him.

Although the SITE project sounds very well on paper, only experience will show if it works. The "hardware" is straight-forward and even conventional in terms of today's satellite technology; it is the "software"—the actual programme—that will determine the success or failure of the experiment. In 1967 a pilot project was started in 80 villages round New Delhi, which were equipped with television receivers tuned to the local station. (In striking contrast to a satellite transmitter, this has a range of only 25 miles.) It was found that an average of 400 villagers gathered at each of the evening "teleclubs", to watch the programmes on weed control, fertilisers, packaging, high-yield seeds—plus five minutes of song and dance to sweeten the educational pill.

We who are accustomed to individual or family viewing tend to forget that even a 12-inch set can be seen by several hundred people. Moreover, as it is always dark in India by about 7 p.m., for much of the year the receiver can be set up in the open air; only during the monsoon would it be necessary to retreat into a village hall.

Surveys have been carried out to assess the effectiveness of these programmes. In the area of agricultural knowledge, TV viewers have shown substantial gains over non-viewers. To quote from the report of Dr. Prasad Vepa of the Indian National Committee for Space Research: "They expressed their opinion that the information given through these programmes was more comprehensive and clearer compared to that of the other mass media. Yet another reason cited for the utility of TV was its appeal to the illiterate and small farmers to *whom information somehow just does not trickle.*" (My italics.)

In February, 1971, while filming *The Promise of Space*, I visited one of these TV-equipped villages—Sultanpur, a prosperous and progressive community just outside Delhi, only a few miles from the soaring sandstone tower of the Kutb Minar. Dr. Vikram Sarabhai, Chairman of the Atomic Energy Commission, had kindly loaned us a prototype of the ten-foot-wide, chicken-wire receiving dish which will collect signals from ATS–F as it hovers above the Equator. While the village children watched, the pie-shaped pieces of the reflector were assembled—a job that can be performed by unskilled labour in a couple of hours. When it was finished, we had something that looked like a large aluminum sunshade or umbrella with a collecting antenna in place of the handle. As the whole assembly was tilted up at the sky and lifted on to the roof of the highest building, it looked as if a small flying saucer had swooped down upon Sultanpur.

With the Delhi transmitter standing-in for the still unlaunched satellite, we were able to show a preview of—hopefully—almost any Indian village of the 1980s. The programme we actually had on the screen at Sultanpur was a lecture-demonstration in elementary mechanics, which could not have been of overwhelming interest to most of the audience; nevertheless, it seemed to absorb viewers whose ages ranged from under ten to over 70. Yet it was not a Sultanpur, but 400 miles away at Ahmedabad, that I really began to appreciate what could be done through even the most elementary education at the village level.

Near Ahmedabad is the big 50-foot diameter parabolic dish, 50 feet in diameter, of the Experimental Satellite Communication Ground Station, through which the programmes will be beamed up to the hovering satellite. Also in this area is AMUL, the largest dairy co-operative in the world, to which more than a *quarter of a million* farmers belong. After we had finished filming at the big dish, our camera team drove out to the AMUL headquarters, and we accompanied the Chief Veterinary Officer on his rounds.

At our first stop, we ran into a moving little drama that we could never have contrived deliberately, and which summed up half the problems of India in a single episode. A buffalo calf was dying, watched over by a tearful old lady who now saw most of her worldly wealth about to disappear. If she had called the vet a few days before—there was a telephone in the village for this very purpose—he could easily have saved the calf. But she had tried charms and magic first; they are not *always* ineffective, but antibiotics are rather more reliable . . .

I will not quickly forget the haggard, tear-streaked face of that old lady in Gujerat; yet her example could be multiplied a million times. The loss of real wealth throughout India because of ignorance or superstition must be staggering. If it saved only a few calves per year, or increased productivity only a few per cent, the TV set in the village square would quickly pay for itself. The very capable men who run AMUL realise this; they are so impressed by the possibilities of TV education that they plan to build their own station to broadcast to their quarter of a million farmers. They have the money, and they cannot wait for the satellite—though it will reach an audience two thousand times larger, for over 500 *million* people will lie within range of ATS–F.

There is a less obvious, yet perhaps even more important, way in which the prosperity and sometimes very existence of the Indian villagers will one day depend upon space technology. The life of the sub-continent is dominated by the monsoon, which brings 80 percent, of the annual rainfall between June and September. The date of onset of the monsoon, however, can vary by several weeks—with disastrous results to the farmer, if he mistimes the planting of his crops.

Now, for the first time, the all seeing eye of the meteorological satellites, feeding information to giant computers, gives real hope of dramatic improvements in weather forecasting.

But forecasts will be no use unless they get to the farmers in their half a million scattered villages, and, to quote from a recent Indian report, "this cannot be achieved by conventional methods of telegrams and wireless broadcasts. Only a space communications system employing TV will be . . . able to provide the farmer with something like a personal briefing . . . such a nation-wide rural TV broadcast system can be expected to effect an increased agricultural production of at least 10 per cent, through the prevention of losses—a saving of $1,600 million per annum." Even if this figure is wildly optimistic, it appears that the costs of such a system would be negligible compared to its benefits.

And those who are unimpressed by mere dollars should also consider the human aspect—as demonstrated by the great East Pakistan cyclone of 1971. *That* was tracked by the weather satellites—but the warming network that might have saved several hundred thousand lives did not exist. Such tragedies will be impossible in a world of efficient space communications.

Yet it is the quality, not the quantity, of life that really matters. Men need information, news, mental stimulus, entertainment. For the first time in 5,000 years, a technology now exists which can halt and perhaps even reverse the flow from the country to the city. The social implications of this are profound; already, the Canadian Government has discovered that it has to launch a satellite so that it can develop the Arctic. Men accustomed to the amenities of civilisation simply will not live in places where they cannot phone their families, or watch their favourite TV show. The communications satellite can put an end to cultural deprivation caused by geography. It is strange to think that, in the long run, the cure for Calcutta (not to mention London, New York, Tokyo), may lie 22.000 miles out in space.

The SITE project will run for one year, and will broadcast to about 5,000 TV sets in carefully selected areas. This figure may not seem impressive when one considers the size of India, but it requires only one receiver to a village to start a social, economic and educational revolution. If the experiment is as great a success as Dr. Sarabhai and his colleagues hope (and deserve), then the next step would be for India to have a full-time communications satellite of her own. This is, in any case, essential for the country's internal radio, telegraph, telephone and telex services.

It may well be that, until it has established such a nation-wide system, India will be unable to achieve a real cultural identity, but will remain merely a collection of states. And one may wonder how much bloodshed and misery might have been avoided, had the two severed wings of Pakistan been able to talk to each other face to face, through the facilities which only a communications satellite can provide.

Kipling, who wrote a story about "wireless" and a poem to the deep-sea cables, would have been delighted by the electronic dawn that is about to break upon the subcontinent. Gandhi, on the other hand, would probably have been less enthusiastic; for much of the India that he knew will not survive the changes that are now coming.

One of the most magical moments of Satyajit Ray's exquisite *Pather Panchali* is when the little boy Apu hears for the first time the Aeolean music of the telegraph wires on the windy plain. Soon those singing wires will have gone forever but a new generation of Apus will be watching, wide-eyed, when the science of a later age draws down pictures from the sky—and opens up for all the children of India a window on the world.

## TIMBER-CUTTING IN THE BOUNDARY WATERS CANOE AREA

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## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. FRASER. Mr. Speaker, the compatibility of commercial logging with the essential nature of a wilderness area has been questioned by the Minnesota Public Interest Research Group—MPIRG. This student-funded group of lawyers and scientists, representing some 80,000 students at 16 colleges and universities in Minnesota, has asked the U.S. Forest Service to prepare an environmental impact statement on the effect of timber-cutting in the Boundary Waters Canoe Area in northern Minnesota. The North Star Chapter of the Sierra Club, the Natural History Society, the Minnesota Environmental Control Citizens Association—MECCA, the Minnesota Canoe Association, and the Rovers Outing Club at the University of Minnesota are supporting MPIRG's request.

The Boundary Waters Canoe Area, over 1 million acres of peerless land and lake country, stretches along the northeastern Minnesota-Canadian border for approximately 145 miles. The route of the voyageurs passed through this country of vast forests and countless island-studded lakes and streams. Here in America's prime canoe area, and the only Federal wilderness area of any real size east of the Rockies, man can still seek solitude.

In the following article in the University of Minnesota's Daily of January 12, 1972, a member of MPIRG's research staff urges that this unique wilderness area be protected from harmful commercial development:

### Clear Cutting in BWCA: Barking the Wrong Trees

(By Sue Kline)

"There are some who can live without wild things, and some who cannot . . . Like winds and sunsets, wild things were taken for granted until progress began to do away with them."—Aldo Leopold, Sand County Almanac.

The preservation in this country of some places that are wild and relatively untrammeled by man is the basic issue behind the Minnesota Public Interest Research Group's (MPIRG) recent request that the Forest Service enforce an immediate moratorium on all timber cutting in the Boundary Waters Canoe Area (BWCA) until an environmental impact statement can be prepared.

The impact statement would permit the public and the Congress to decide whether timber cutting is appropriate within a wilderness area, which was defined by the 1964 Wilderness Act as a place "where earth and its community of life are untrammeled by man . . . with the imprint of man's work substantially unnoticeable."

We believe that the provisions of the National Environmental Policy Act require this action on the part of the Forest Service.

Gravel logging roads, acres of sawed-off tree stumps and the whine of chain saws seem inconsistent with the maintenance of a wilderness area. Logging in the BWCA is indefensible on scientific, recreational, economic and biological grounds.

The BWCA is the only large virgin wilderness left in this country east of the Rocky Mountains. There are a few thousand acres in Michigan and blocks of a few hundred acres scattered throughout the East.

The BWCA is also the only area designated under the 1964 Wilderness Act in which logging is permitted. Forty percent of the BWCA's 1 million acres were set aside in what was called a portal zone. One-quarter of the remaining 400,000 virgin, or uncut, acres is located in this zone.

For purposes of scientific study the BWCA is invaluable. It is the last virgin remnant of the great conifer forests that once covered nearly all of the northern United States.

Human survival may someday depend upon the knowledge we can gain only from the study of natural ecosystems. But once an area has been logged it becomes impossible to separate natural from artificial forces.

Research on natural ecosystems is just beginning. The large size of the virgin forest of the BWCA must be maintained so that large-scale ecological processes can operate in a natural setting—processes such as seed dispersal, natural succession, fire and maintenance of viable populations of large mammals.

The Little Sioux fire of last spring has immeasurably increased the scientific value of one of the tracts, the Sunnydale sale. Because of a successful fire control program, this is our first chance in 60 years to study the effects of extensive fire in almost any forest in the United States.

Thousands of dollars worth of experimental plots have already been set up, and at least five studies are in progress. If cutting goes ahead as scheduled next week on the unburned portion of the sale, all of the studies will be seriously compromised or completely invalidated. The Forest Service demonstrates monumental short-sightedness by making no attempt to forestall the cutting of an invaluable research area.

Almost all of the logging done in the BWCA is clear cutting, because other methods are uneconomical.

Clear cutting destroys an area for recreational use because of the extensive network of roads that must be built to haul out the logs. In addition, it takes at least 20 to 30 years for the forest to regrow to the point at which it can provide for an enjoyable experience.

From a recreational standpoint, the BWCA is the most popular wilderness area in the country and it is a central attraction for tourism, northern Minnesota's major industry.

Recreational use of the BWCA has grown tremendously in the last few years. About 127,000 persons spent 1,139,700 visitor days in the BWCA last year, and this number has increased about 10 percent every year.

Loggers are not permitted to cut within 400 feet of lakes and streams, but we question whether we can preclude the possibility of wilderness uses other than canoeing by covering all but small strips near lakes and portages with miles of criss-crossing roads.

Thousands of miles of logging roads already wind in and out of the southern portion of the BWCA. We must also question what kind of wilderness experience even canoeists can have when wandering a few hundred feet from their campsite means stumbling onto a vast clearing covered with tree stumps and bulldozed roads.

Ironically, we do not even need the wood in the BWCA. More than 90 percent of what is being cut can be used only for pulp wood, and not for the sawtimber that goes into the building of houses.

There has been a surplus of pulpwood in Minnesota for many years. This means that more wood could have been cut on a sustained yield basis than actually was.

In 1969, the last year for which figures are available, there was a surplus of 1,776,871 cords, as compared to the 212,000 cords at stake in the BWCA (a cord is the unit of measurement for pulpwood and, for a species such as jack pine, contains about 10 trees).

Tragically, the government is losing money on the whole process. By its own rules, the Forest Service is required to replant the trees that are cut.

At the minimum, it is costing the Forest Service twice as much to replant the forest than the timber companies are paying for the privilege of cutting it.

For example, the jack pines in the Sunnydale sale took 107 years to grow and were sold to Northwest Paper Company for $1.08 a cord, which comes out to less than 11 cents per tree. The Forest Service's reforestation plan estimates that it will cost $120,000 to reforest this tract of land, while Northwest Paper will pay the government only $61,150.45 for the trees.

In effect, we are subsidizing private companies to take one of the last remaining virgin wilderness areas in this country and make it into paper towels and toilet paper.

The figures for other timber sales in the BWCA are comparable. By the Forest Service's own estimate, it is costing us twice as much to replant as the trees are worth to private companies. It is hard to believe that the Forest Service would continue with such an unprofitable venture, but it becomes easier to understand when we keep in mind the fact that Congress makes Forest Service appropriations on the basis of the amount of timber sold in the various national forests.

This means we have cases like the Sunnydale sale, which extends six miles into previously uncut virgin areas of the BWCA, which the Forest Service was so eager to have cut that negotiations with Northwest Paper went on for two years while the Forest Service continuously lowered the price until the company could not afford to turn it down.

It would be cheaper for us to pay the timber companies not to cut, just as we pay farmers not to grow particular crops.

The Minnesota timber industry claims that Minnesota companies need the trees in the BWCA to keep mill production going, so that jobs will not be lost.

However, more than half of all the timber now under contract to be cut in the BWCA is owned by a Canadian firm, Northern Forest Products. The trees are cut, loaded onto trucks and shipped to Thunder Bay, Ontario, for processing.

Canadians get the jobs, the taxes and probably revenues from the United States when the finished products are shipped here to be sold.

A year ago, the Canadians cancelled all logging contracts for several American firms in the Quetico Provincial Park, the Canadian equivalent of the BWCA and no longer permit logging of that wilderness area. If it is difficult to justify subsidizing the decimation of the BWCA by American firms, it is ludicrous to pay foreign firms to do so.

In addition, Northwest Paper, the one Minnesota firm that holds any sizeable number of timber contracts in the BWCA, has ample alternative areas to cut on state and federal lands alone, so that any temporary cessation of timber cutting would not be a substantial hardship, if hardship at all (figures are not available on the extent of the company's private holdings).

An argument commonly heard from the logging industry and Forest Service personnel is that if the forest is not cut, the trees will disintegrate and fall down, leaving only brush and grass. This assertion is false and has no biological basis.

One species may give way to another through the natural process of succession, but the forest will not disappear.

Jack pine, red pine, black spruce and aspen reproduce best in the open spaces left by fire or clear-cutting. Other trees, such as white spruce, balsam fir, cedar and red maple are shade-tolerant and will grow beneath the "pioneer" species.

As the pine, aspen and other sun-loving species slowly die off, in a process which takes hundreds of years they will be replaced by shade-tolerant trees, which may be capable of reproducing themselves indefinitely.

Another defense of logging in the BWCA is that it may improve wildlife habitat. Certain animals such as deer and moose feed on the shoots of the young plants that sprout following the creation of an open space.

However, natural forces, such as fire and windstorms, can just as effectively provide for improved wildlife habitats.

Controlled burning, which has been used quite effectively in various parts of the United States, is even more effective than cutting in upgrading wildlife habitats.

In most cases, fire will burn off the heavy organic layer on top of the soil, preparing a better seedbed for plants than logging. Fire also returns needed nutrients to the soil.

The Forest Service has encountered many problems in its attempts to prepare cut-over land for seeding. Rock raking, a controversial practice, was used until a few years ago. Bulldozers were used to scrape off vegetation remaining after cutting, and, unfortunately, the top few inches of soil as well. The soil was plowed into mounds several hundred feet apart.

The result was unpleasant. Scraggly trees grew on the soil from which essential nutrients had been scraped, while the long rows of mounds were covered with plant-life.

Until about a year ago, the Forest Service used herbicides to rid the ground of its vegetation cover. This method seemed to be fairly successful, but was dropped because of fear of possible long-range effects.

The Forest Service doesn't like to talk about it, but it has had many failures in its replanting efforts. It is about two years behind on most of its replanting program, and some areas are too distant to be reached in time for replanting to be effective. Some tracts have been replanted in time but just didn't grow well.

We are dealing with fragile processes and delicate balances, and it is somewhat vain of us to believe that we can improve on natural processes of reproduction and succession which have evolved over millions of years.

Timber cutting in the BWCA cannot be justified economically, scientifically or biologically, but even if this were not so, there would still be one overriding reason for keeping it wild.

Human beings have a spiritual need for wild places. We have swarmed across a continent full of prairie flowers and tall pines and left it covered with concrete and short-order restaurants. In an increasingly plastic and artificial world, it is important that we have some places here and there where it is possible to escape from all signs of human handiwork.

Tree farms have their place, just as Disneylands do, but let us keep some places where we can see a tree that got there by itself and was not stuck in the ground by a man.

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## MAN'S INHUMANITY TO MAN—HOW LONG?

## HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

## NIXON'S SHOPWORN PEACE PLAN

## HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. ROSENTHAL. Mr. Speaker, in his latest prime time TV special, President Nixon tried to tell us he has a new plan for peace in Indochina. But close scrutiny reveals some semantic shuffling and political posturing, but nothing fundamentally new.

What we need is not an eight-point peace plan, but a one-point program: Total U.S. withdrawal now. That means not only do we pull out our troops from South Vietnam, but our bombers from adjoining countries and seas as well; it means not waging war directly or by proxy; it means setting a date for withdrawal now, not after the completion of long and difficult negotiations involving the entire Indochina question. There is no justification for making captured Americans sit in their North Vietnamese prisons while negotiations drag on.

I commend to my colleagues today's lead editorial from the Washington Post. It presents an excellent analysis of the President's speech and should be read by all. The editorial, "Vietnam: The Same Old Shell Game," follows:

### VIETNAM: THE SAME OLD SHELL GAME

Those who value form over substance may find a political triumph in Mr. Nixon's new "Plan for Peace" in Indochina—a veritable political masterstroke, courtesy of nationwide TV. Senator Mansfield, for example, hailed it as a long step forward; Senators Muskie and Humphrey welcomed it as a new initiative. The President himself called it "generous," as if generosity had any place in our dealings with a ruthless and relentless adversary. Republican sympathizers are delighting in the way the rug is supposed to have been pulled from under those who have been a advocating a "date certain" for our withdrawal in exchange for our prisoners of war—on the theory that this is what the President has been secretly offering. This is what was meant to dazzle us—along with the drama of Dr. Kissinger's thirteen transatlantic trips, the secret dealings, the surprise. We are meant to believe, in short, that the President has gone the extra mile for peace" and that whatever happens next—continued impasse, a new Communist offensive, an increase in American casualties, a prolonged, open-ended war—*is not his fault*.

Well you can make the argument that it is Hanoi's fault, or even that the whole war is Hanoi's, (or Peking's or Moscow's) fault, and not gain much by doing so. You can prove, as Mr. Nixon did, that the enemy has been duplicitous, but that is hardly a revelation. You can assert that Mr. Nixon has tried what some of his critics have long been urging him to try, but even if that were so, (which it isn't) it doesn't help much when it doesn't work—except perhaps at home, politically for a time. The fact of the matter is, of course, that there is drama in the unveiling of a secret peace initiative and a little vindication, perhaps, and not much else—not even, in this case, much surprise.

Last November 12, just about the time when Dr. Kissinger was busiest on his Parisien rounds, the President was asked if he had any reason for encouragement concerning prospects for release of our POWs, and he replied: "No reason for encouragement that I can talk about publicly. I can say, however, that we are pursuing this subject, as I have indicated on several occasions in a number of channels . . ." So the likelihood of private dealings was always there and the real surprise is in the terms the President was offering "the other side"; there is, in fact, no better way to measure the significance of the President's hitherto secret "plan for peace" than by comparing it with one he was proposing *publicly* in October, 1970—when there were 384,000 American troops in South Vietnam. At that time, Mr. Nixon announced that the United States would offer in Paris a plan for:

"An agreed timetable for complete withdrawal as part of an over-all settlement";

An immediate and unconditional release of all prisoners of war held by both sides;

A fair political solution, which would "reflect the existing relationship of political forces" in South Vietnam. The U.S., he said, would abide by the outcome (whether one reached by negotiation or election, he did not specify) and he added that "we know that when the conflict ends, the other side will be there, and the only kind of settlement that will endure is one both sides have an interest in preserving (in other words, an eventual piece of the action in Saigon was held out to the Communists);

An Indochina peace conference, to negotiate a wider settlement which would be guided by the terms of the Geneva Accords of 1954 (Vietnam) and 1962 (Laos).

A cease fire, to be internationally supervised.

That, then, was the Nixon peace plan fifteen months ago, publicly put forth in Paris. What is essentially new or different about the one Dr. Kissinger has been pushing secretly? Essentially nothing, except that elaborate election machinery has been added—an electoral process made in America, rooted in democratic institutions which are alien to the Vietnamese, and one to which Hanoi has been consistently hostile. That, and an eye-catching deadline of six months for U.S. troop withdrawal, which is about as uncertain a "date certain" as could be devised, depending as it does on an agreement not just on prisoner exchange, as the President's leading critics have proposed, but on working out the incredibly difficult details of a cease fire and an election procedure.

This, we are asked to believe, is a new peace plan whose unilateral, public disclosure is likely to break the impasse with Hanoi. This, we are told, is progress, when in fact it is more of the same old shell game. It may work, for a time, for as this game has been played with the Vietnam war over the years, the hand of a government in possession of a secret and in command of prime time has proved more often than not to be quicker than the eye. But the real news here is not of a new peace plan, or even of an earnest secret initiative. What the President told us Tuesday night was nothing more or less than that he and Dr. Kissinger have been privately pressing upon Hanoi a rather shopworn peace plan, only slightly refurbished, and that over a period of 30 months they have been had; he is telling us that he still wants it done the American way and that the North Vietnamese are still not buying it; he is telling us that negotiation isn't working, and that this, by his own admission leaves the alternative of "Vietnamization" which he is frank enough to describe as the "long voyage home."

So unless there is a lot the President *isn't* telling us, we are just where we were before we learned of Dr. Kissinger's secret travel; still insistent on having it our way; still counting on the North Vietnamese to abandon the goals of some forty years of fighting; still unwilling to act upon the President's own, public estimates (also offered in Oct., 1970) that the "South Vietnamese have gained the capability to handle the situation"—and with less and less to offer, as our ground forces shrink, in exchange for our prisoners of war.

## LEGISLATION FOR SPECIAL CHILD-FEEDING PROGRAMS

## HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. VANIK. Mr. Speaker, in studying the Federal budget for fiscal year 1973, it appears that the administration has cut back on several food programs for low-income children.

In his state of the Union message, the President said that—

> One of the critical areas in which we have worked to advance the health of the Nation is that of combating hunger and improving nutrition.

While there is a welcome increase of $140 million in the food stamp program, there appears to be a series of cutbacks in food programs for preschool and school children.

Following is a list of child-feeding programs included in the Department of Agriculture budget and a comparison of the budget estimates for fiscal years 1972 and 1973:

| Program | Fiscal year— | |
|---|---|---|
| | 1972 | 1973 |
| School lunch | 225,108,000 | 225,000,000 |
| Special assistance to needy children | 237,047,000 | 237,047,000 |
| School breakfast program | 25,000,000 | 18,500,000 |
| Food program for nonschoool-children (sec. 13) | 37,775,000 | 20,775,000 |
| Special milk program | 104,000,000 | 92,090,000 |

As author of the legislation providing for food assistance to children in nonschool situation—section 13—I am particularly concerned about the nearly 50-percent reduction in this program which is geared toward helping low-income family children receive nutritious meals during the summer months and in preschool centers.

In the very same budget message which provides for a cutback in this program, there is a brief description of the success of the section 13 program: In fiscal year 1971, 107.5 million meals were served to 573,000 children during the summer months and to 224,000 children during school year programs. In the present fiscal year, it is estimated that 1.3 million children will be assisted and 197.5 million meals provided.

During the last month, I have written to the directors of this program in the various 50 States. To date, I have received answers from 28 of them. The data I have received clearly proves that this program must be expanded—not cut.

To prevent large numbers of day-care center programs from being cut, to provide for food assistance during the summer months, there is the documented need for at least $42 million for this program.

Therefore, I have just introduced legislation today to increase the authorization level of this program from $32 million to $42 million. I will also enter in the RECORD at this point a summary of the data I have received, including quotes from the various State directors attesting to the urgency of increased funding for this program.

I hope that this authorization bill can win rapid approval so that a supplemental appropriation can be provided for this program during the spring. In this way, these feeding programs can continue and the children they serve will continue to receive these important, nutritious meals.

| State | Fiscal year allotment | Sec. 13 applications received dollar value | | | Number of children served under allotment | Maximum number of children served if full funding | Estimated surplus or deficit 1972 or 1973 | Remarks of State administrators |
|---|---|---|---|---|---|---|---|---|
| | | School year | Summer | Total | | | | |
| Alabama | $1,023,523 | $368,523 | $655,000 | $1,023,523 | 44,100 | | −$400,000 | Although we do not have valid applications in this office which have not been funded, it is true that a number of institutions need to make application. |
| Alaska | 68,526 | | | 12,000 | 146 | | +56,000 | |
| Arizona | 195,570 | | | 174,552 | 1,701 | 2,783 | Deficit | I agree with your efforts in that these children should be cared for along with school age children in order to prepare them for their later years in the educational field.<br>The number of children presently being served is 1,701 and the number that could have been served for all valid applications funded is 2,783. |
| California | 863,437 | 373,224 | 490,213 | 863,437 | 7,000 | | −2,000,000 | California has been allocated $863,437 in special food service program funds for 1971–72. It was our understanding that these funds were for year-round programs and that additional funds would be allocated for the 1972 summer feeding programs. Yesterday, however, we were informed by a representative of the U.S. Department of Agriculture that the $863,437 is our total allocation, including funds for the summer program.<br>At the present time, approximately 7,000 children are participating in year-round programs and we have encumbered slightly more than $700,000 for this purpose. Obviously, we have a serious funding problem.<br>In addition, we conservatively estimate that with an early guarantee of funding, we can reach 230,000 children in the 1972 summer feeding program. At this level, the funding needed will be approximately $2,407,000. |
| Colorado | 182,941 | | | 268,100 | 2,500 | 3,200 | −48,700 | |
| Delaware | 91,000 | 288,000 | 12,000 | 3,000,000 | 1,420 | 1,870 | −209,000 | |
| Florida | 1,079,355 | 1,020,280 | 535,000 | 1,555,280 | 53,849 | | −476,000 | |
| Hawaii | 87,934 | | | 87,934 | 1,345 | | −56,966 | 11 approved applications are on file. These applications cover 25 child-care centers serving 1,345 children. If additional funds are not appropriated, or reallocated from other States, it may be necessary to reduce reimbursement rates for May and June in one or more of these programs.<br>There are no applications pending at the present time. However, new program centers anticipated for fiscal year 1973 may increase 1973's requirements by $56,966.<br>With full use of allocated funds anticipated, no attempt was made by this agency to encourage applications which, although they might be approved, could not be funded. |
| Illinois | 627,090 | | | 288,000 | 10,400 | | −93,000 | The second question you raised is the estimated dollar value of all sec. 13 applications received. The applications we have pending are estimated to amount to about $24,000 per month. However, I would like to make it clear that under the instructions received from the Department of Agriculture, we have discouraged applications for this program and have publicized the fact that funds are very limited. I believe that is a fair statement that our present sec. 13 programs could easily be doubled which would require approximately $60,000 per month on a 12-month basis. |
| Indiana | 347,392 | | | 482,750 | 5,640 | 7,130 | −136,000 | |
| Iowa | 318,165 | 178,000 | 24,000 | 202,000 | | | +116,000 | We had a rapid growth during last fiscal year (1971) and are experiencing a rapid growth so far during this fiscal year (1972). So far we have not had to disapprove any applications that qualified. |
| Kansas | 275,951 | | | 151,000 | 4,000 | | +126,000 | |
| Kentucky | 700,278 | 435,555 | 225,961 | 671,692 | 18,808 | 20,508 | | It is commonly known that most individual States as such do not contribute much financial assistance (cash contribution) toward the support of food service programs; therefore, the efforts of Congress and its grants-in-aid are most significant and vital to the continued success of all food service activity.<br>It seems at this time that sec. 13 funds available to Kentucky for fiscal 1972 are adequate. Had the participation period been longer in several cases, the financial picture would have been different and no doubt additional funds needed. |
| Louisiana | 501,432 | | | 501,432 | 5,006 | 7,215 | −1,245,000 | We project that we will be serving 73,000 children a day, 2 snacks and a lunch during the summer months of June, July, and August. At this time, no funds are available for these children for the summer. |
| Maryland | 269,011 | (1) | (1) | (1) | 1,600 | 4,271 | ±400,000 | See full text of letter following the table. |
| Massachusetts | 390,512 | 571,800 | 246,000 | 767,800 | 16,198 | 19,325 | 377,300 | From July to November $117,704.90 has been expended for payment of food. We estimate that food payments only for the year will amount to $307,200. Unless a supplemental budget of approximately $58,700 is approved, this program must be curtailed in April. Because of insufficient funds, no nonfood assistance applications have been approved.<br>Because of past inadequate funding, we are not accepting any new applications for summer programs in fiscal 1973. A request from Boston with 32 centers had to be refused in fiscal 1972. |
| Michigan | 530,133 | (2) | (2) | (2) | | | | We believe, however, that these funds are not adequate for 2 reasons:<br>1. We have been informed by the USDA that no new programs should be approved because of the lack of funds and that this is substantiated by,<br>2. Much to do that is currently being raised by other agencies; Headstart programs in particular to substitute sec. 13 funds for food budgets previously provided through OEO, or other agencies. |
| Minnesota | $498,267 | $541,280 | $166,635 | $707,915 | | | −$202,503 | Allocations:<br>Yearly program 1971 $343,488<br>Summer program 1971 154,779<br>Total 498,267<br>The sum of $292,827.00 was requested but only $154,779 was allocated to Minnesota by the U.S. Department of Agriculture. As a result, we still owe the city of St. Paul for their summer program $26,197.27; at that, we curtailed many applications received after June 1971.<br>Current balance on hand (year around) $125,271.32.<br>We appreciate your help in obtaining sufficient funds not only to maintain, but expand this program. From the data given, you can understand that this fine program will be terminated unless funds are given soon. |

| State | Fiscal year allotment | Sec. 13 applications received dollar value: School year | Summer | Total | Number of children served under allotment | Maximum number of children served if full funding | Estimated surplus or deficit 1972 or 1973 | Remarks of State administrators |
|---|---|---|---|---|---|---|---|---|
| Mississippi | 750,000 | 200,000 | 550,000 | | 2,086 | | | |
| New York | 5,007,600 | | | 5,340,000 | 224,861 | 236,626 | | See full text of letter following the table. |
| North Carolina | 476,686 | | | 476,686 | 27,140 | 32,140 | 50,000 | |
| Ohio | 629,820 | | | (1) | | (4) | | |
| Oklahoma | 608,374 | (3) | (3) | (3) | | | 85,000 | The year-round fund will be depleted when March claims are paid, and we have spent nothing for equipment assistance. We have requested more funds or a transfer of $85,000 from the recreation program which would allow us to accept applications from worthy day-care programs.<br>We stopped taking applications, as the Federal agency advised us not to expand. We have had a number of inquiries and gave a negative answer. It seems that some are in trouble because other sources of help have been withdrawn.<br>We will be short of funds for the summer recreation program in June if the transfer request is granted; however, we believe the day-care programs need first consideration in Oklahoma. We would have approximately the same amount spent last June, but the funding information came too late for Oklahoma City and Tulsa to start serving lunches. |
| South Dakota | 211,753 | | | 150,000 | 5,719 | | +61,753 | |
| Utah | 126,537 | | | 73,000 | 1,250 | | +53,500 | |
| Vermont | 84,082 | | | 92,631.32 | 2,517 | | −8,549 | This allows for no increase in participation within current programs nor does it allow for the approval of new programs. We are anticipating applications from 3 additional day care centers within the next few weeks. These centers would be expected to serve a total of approximately 150 children daily. We would, of course, be unable to approve these applications without additional funding, though the centers would otherwise qualify for participation.<br>Further applications are expected during the remainder of the current fiscal year. It is the intent of this agency to seek additional funds from the U.S. Department of Agriculture when new applications from any eligible child-care institution are actually in hand. |
| West Virginia | 478,243 | 399,998 | 174,871 | 574,869 | 8,879 | 12,374 | −96,626 | |
| Wyoming | 70,627 | | | 21,600 | | | (5) | |

[1] Fully used.
[2] No data at this time.
[3] All funds will be used.
[4] 70 applications pending, 2,870 unserved.
[5] Funding is adequate.

MARYLAND FOOD COMMITTEE, INC.,
*Baltimore, Md., December 15, 1971.*

DEAR CONGRESSMAN VANIK: Mrs. Samm Brown at the Children's Foundation in Washington called me yesterday to inquire whether it would appear that Maryland would have adequate Section 13 funds, under the National School Lunch Act, to feed all the eligible children in day care centers in the State during this fiscal year. The answer clearly is no; but beyond that simple negative it is at the moment difficult to determine exactly how short of funds we will be.

The State School Food Authority estimates that, as of now, we are carrying in this program approximately 1600 children in 52 day care centers and that we have at least 15 other day care centers waiting for inclusion. Because of the sudden illness of the head of the department and the loss of one other staff member, the Maryland School Food Authority is operating presently at a tremendous handicap. The statistics given above are only tentative and the office at this time is unable to project the needs in day care. They promise to get to work on it as rapidly as possible.

Meanwhile the Maryland Food Committee is trying to research the problem. An examination of the State Health Department record of licensed day care centers reveals at least 117 non-profit day care centers, servicing 4,271 youngsters whose meals are probably eligible for federal subsidy. Because of the interpretation placed on USDA regulations by the State Food Service Office or because of the way the USDA represents those regulations to the State office; there has been little or no effort to try to expand this federally funded feeding program. Spot checks of day care centers suggests that in Maryland the nutrition of this very vulnerable group of children is frequently sadly neglected. The Maryland Food Committee hopes to conduct a careful survey of all these day care centers in January to determine exactly what are their food needs.

As far as available federal funds are concerned, according to the USDA, Maryland will have a total of $170,076 to spend on year-round programs under Sec. 13 in F.Y. '72. At 60¢ per child for 260 days this would provide reimbursement for meals for only 1090 children and Maryland presently has 1600 youngsters on the program. Admittedly all centers are not receiving the 60¢ per child rate, but some probably should receive more.

In trying to clarify Maryland's Sec. 13 financial position, we spoke with Mr. Hugh Gallagher in the USDA. His letter in reply is attached. Not mentioned in his letter is a fact he related verbally; that the State School Food Authority was told last March to annualize its March reimbursement level, and use that as a ceiling, or budget for F. Y. '72. According to Mr. Gallagher the March level of reimbursement multiplied by 12 was $170,076. The Maryland office has no record of that request or directive. In fact, the Maryland State Office fiscal records are somewhat at variance with Mr. Gallagher's and it would seem to us that the difference might be extremely significant.

According to the State School Food Authority a USDA directive in 1969 stated that F.Y. '70 funds were to carry the non-school food service year-round programs through September, 1970. Therefore the F. Y. '71 funds were not to be encumbered until October, 1970. It was for this reason that $128,656 of this allotment was not used. However, there were in the spring of 1971 at least 12 day care centers asking for federal funding for food and they were told no money was available. Also in June in Baltimore there was a massive summer recreation program in progress involving some 30,000 youngsters, who received no food for the first two weeks of the program because there were "no funds available". These facts make the non-use of $128,656 available funds doubly disconcerting to citizens.

The State School Food Authority however labors under the handicap of only fractional information from the USDA. Up until the very end of F. Y. '71 they were under the impression that this $128,656 could be used in Maryland summer feeding programs in the summer of '71. The policy of the USDA in only making partial fiscal information available to the State becomes clearer in F. Y. '72. More than 30,000 youngsters were fed in Baltimore's summer feeding program which finally started in July. The letters of credit reimbursing the state for this program came through in two parts *both charged to "Special Summer Food Service"*. The first was "through Aug. 1, 1971" and was in the amount of $417,686; the second was "through Nov. 1, 1971" and was in the amount of $275,272. *Nowhere was the state told that $98,935 of this money was being charged to Maryland's $269,011 for year-round programs.* In fact, the state office has never been told that Maryland's share of F. Y. '72 direct appropriation for Sec. 13 is $269,011! The letter of credit received in August and charged to Sec. 13 funds was in the amount of $12,985, and that received on Nov. 27, also charged to to same account was $157,091. Together they total $170,076. The state has received no word from the USDA that this is a partial or total apportionment, though Mr. Gallagher's letter to me would indicate that it is all Maryland will receive.

In view of this confusion, the Maryland Food Committee wonders whether the office of Budget and Management is again designing administrative policy and the USDA under their pressure has pulled out funds allocated to the states for year-round programs and used these to partially pay for summer-only programs. By this technique, Sec. 32 funds are conserved and day care expenditures cut, because no funds are available. In fact, it would seem to us a possible point of inquiry as to whether the USDA can shift funds in this way and whether Maryland can do anything to regain the $98,935 which was intended to be used in year-round programs.

This is a very long letter, but I felt that a complete account of what is going on in Maryland would be useful to you in your effort to get supplemental funding for non-school food service programs. We certainly support you in your effort and if there is any further information we can supply, we trust you will write us. In the struggle to combat hunger in this country, one of the key populations to reach is that of the very vulnerable toddler age children. Non-school food service feeding programs in day care centers offer almost the only feasible method of reaching any significant number of these youngsters. Such feeding programs must be improved and expanded or our school lunch program will always be too late.

Sincerely yours,

SUSAN P. TIPPETT,
*Executive Director.*

THE STATE EDUCATION DEPARTMENT,
*Albany, N.Y., December 30, 1971.*

DEAR CONGRESSMAN VANIK: Your letter of December 20, 1971 contained three simple questions which are actually quite complicated to answer. The basic answer is that we are being asked to do a job with handcuffs and blindfolds strategically located. I will answer your specific questions with embellishment for those areas which are complicated.

(1) The size of our States' allocation—we were informed last July that $887,880.00 would be available for year round programs and $4,119,720.00 would be available for summer only programs. We established our program acceptance on these figures. To date we have received letters of credit for $653,628.00 for year round and $3,232,862.00 for summer only programs. Assurance has been given to us from U.S.D.A.-F.N.S. in Washington that if our reimbursements for presently operating year round and approved summer only programs exceed the letters of credit, additional funds will be made available. It was made very clear that no expansion to new programs would be allowed.

(2) The estimated dollar value of all Section 13 applications received.—This figure is a misnomer in as much as we were told not to accept any more applications. Therefore, there were no new programs added after August except New York City which we shut off as of November 1 because of start up time and the nature of their administrative system. It is estimated that actual applications have an approximate expenditure requirement of $5,340,000.00. There is no way we can anticipate what programs would have made applications had we not been instructed to prohibit expansion.

(3) The number of children being served under the programs we were able to fund versus the number that could have been served if all valid applications had been funded. Present operations extend to 14,918 A.D.P children in 350 programs for the year round programs, and reached 209,943 A.D.P children in 203 programs during the summer. It is estimated that an additional 11,765 children could have been reached had adequate funding been available. Unfortunately there are undoubtedly many children in need of additional food in centers who were verbally told funding was no longer available and who subsequently did not make application.

I sincerely hope that priorities for child nutrition programs can be clearly defined so that we at the Agency Administrative level can make some definitive plans pertaining to their direction. Either we are in the business all the way or out. This in between monster is raising havoc with those who can least afford to lose—the people and worst of all—their children.

May I extend my warmest thanks for your concern with their well-being. If there is anything further that we might possibly do to be of assistance, please ask.

Sincerely,

RICHARD O. REED.

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## FOUNTAIN SUBCOMMITTEE MONITORS FDA'S REGULATION OF DRUGS

### HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. FOUNTAIN. Mr. Speaker, last month Medical World News reported that the Food and Drug Administration, under prodding from the Intergovernmental Relations Subcommittee which I chair, had issued a special drug bulletin warning physicians not to give the drug diethylstilbestrol—DES—to pregnant women. DES, which has long been known to cause cancer in test animals, was linked early last year with the occurrence of vaginal cancer in the female offspring of women who had been treated with DES during pregnancy.

This finding was reported by investigators at the Massachusetts General Hospital in April 1971. On the basis of those reports and the discovery of other similar cases in New York State, Dr. Ingraham, the New York State Commissioner of Health, officially notified all physicians in New York of the danger of using synthetic estrogens during pregnancy. He also wrote to the FDA on June 15, 1971, offering to provide the New York case histories, and urging immediate Federal measures to ban the use of synthetic estrogens during pregnancy.

It took FDA nearly 2 months merely to acknowledge Dr. Ingraham's letter. Meanwhile, our subcommittee staff made weekly inquiries concerning FDA's position on this urgent matter. When the subcommittee could obtain no evidence at FDA that the Agency was giving this problem serious attention, I asked FDA Commissioner Edwards to be prepared to discuss it in a public hearing in November.

As Medical World News correctly points out, it was only then that the FDA acted to warn doctors of the danger of DES and other synthetic estrogen drugs—an action which the New York State Department of Health had taken many months earlier on the basis of the same scientific evidence.

Mr. Speaker, it should not be necessary for a committee of the Congress, or any other group, to prod a regulatory agency into performing its duties on a timely and efficient basis. I regret to say that it has become almost standard practice for the FDA either to ignore important health problems involving drugs and foods, or to postpone taking prompt and incisive action even after those problems have received widespread public attention.

A recent example of this is FDA's belated action on January 3, 1972, limiting the use of hexachlorophene. This action came only after the potential hazards of hexachlorophene had been given extensive coverage in the scientific and lay press.

For instance, an article in the November 19, 1971, issue of Science—the official publication of the American Association for the Advancement of Science—entitled, "Hexachlorophene: FDA Temporizes on Brain-Damaging Chemical," quotes an FDA official as having announced last spring:

> We have no feeling of concern with hexachlorophene and at this time, with the information at hand, do not plan any regulatory action.

FDA is accused of delaying action even though its own scientists at the Toxicology Branch in Atlanta, Ga., had discovered the brain-damaging properties of hexachlorophene when they fed the chemical to rats almost 3 years earlier. The Science article charges that FDA had possession of this information since 1969, and concludes:

> To an alert administrator, the first reports from the Atlanta scientists should have set red lights flashing and bells ringing.

But, according to Science:

> The data on hexachlorophene flowing in from the FDA scientists in the Atlanta Toxicology Branch was treated with a dilatoriness that amounted almost to suppression.

A follow-up article in the January 14, 1972, issue of Science, following FDA's action to restrict the use of hexachlorophene, sums up the situation in these words:

> The FDA's handling of the hexachlorophene affair affords in several respects a nottable case study of regulatory action. If the FDA had not allowed the use of hexachlorophene to mushroom in the absence of adequate safety data, the situation would not have arisen in which millions of consumers are being exposed daily to a potentially brain-damaging chemical. Moreover, the various regulatory positions adopted by the agency appear to be markedly out of phase with the scientific data on which they were presumably based.

Procrastination and inaction by FDA are maladies sorely in need of correction. I want to assure my colleagues that I intend to do everything I can to help insure that FDA properly performs the important responsibilities which the Congress has entrusted to it.

The articles from the December 17, 1971, issue of Medical World News and the November 19, 1971, and January 14, 1972, issues of Science follow:

[From the Medical World News, Dec. 17, 1971]

WARNING FROM THE FDA—DOCTORS CAUTIONED ABOUT ESTROGEN IN PREGNANCY

The Food and Drug Administration, under pressure from a congressional subcommittee, has warned doctors not to give diethylstilbestrol (DES) to pregnant women. Use of the drug during pregnancy appears to increase the risk of female offspring developing vaginal adenocarcinoma years later, the agency has told physicians in a special FDA drug bulletin.

A synthetic nonsteroidal estrogen developed in 1938, DES was the first inexpensive orally effective estrogen introduced in medicine. The National Academy of Sciences' drug efficacy study reports it is effective for replacement therapy in cases of estrogen deficiency associated with menopausal syndrome, for control of functional uterine bleeding, for relief or prevention of engorgement of the breasts postpartum, and for palliative therapy in the treatment of carcinoma of the prostate in men and of carcinoma of the breast in postmenopausal women.

In the late 1940s and early 1950s, another use of DES became common: administering it in doses of 5 mg to 150 mg per day to prevent threatened abortion. But last April, Dr. Arthur L. Herbst and colleagues at Massachusetts General Hospital, Boston, reported an association between adenocarcinoma of the vagina in women in their late teens and early twenties and administration of DES to their mothers during pregnancy.

Although the Mass General investigators reported their findings to the FDA, the federal agency did nothing except follow developments of the research. Dr. Herbst had identified eight cases of adenocarcinoma of the vagina in which the mothers had taken DES years before. None of the mothers of 32 control women free of disease had taken the drug.

Then in August, Dr. Peter Greenwald and his colleagues in the New York State Department of Health reported another five cases. The New York commissioner of health passed the word on to the FDA and suggested that the agency alert physicians nationwide.

At this point, Rep. L. H. Fountain (D-N.C.), chairman of the House Intergovernmental Relations Subcommittee, got into the act, prodding the FDA to move. But it was not until the Fountain subcommittee announced that it would hold hearings on the agent that the FDA required manufacturers to list pregnancy as a contraindication in the package insert.

At the hearings, FDA Commissioner Charles Edwards explained that his agency had been following the situation closely since April but had delayed action until it could study all the data. "It must be emphasized that this type of epidemiologic study defines only an association and not a cause-and-effect relationship," he testified. Nevertheless, he announced that the FDA would caution doctors individually about the association in the special drug bulletin.

All other estrogens—except oral contraceptives containing these agents—will be required to have the following warning in the labeling, says the bulletin: "A statistically significant association has been reported between maternal ingestion during pregnancy of diethylstilbestrol and the occurrence of vaginal carcinoma developing years later in the offspring. Whether such an association is applicable to all estrogens is not known at this time. In any case, estrogens are not indicated for use during pregnancy."

Meanwhile, the Fountain subcommittee is focusing on another question relating to DES: Should the drug continue to be used as an additive to animal feed to stimulate faster growth, in light of its association with cancer and in the face of increased reports of DES residues in slaughtered beef?

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[From the Science magazine, Nov. 19, 1971]

### HEXACHLOROPHENE: FDA TEMPORIZES ON BRAIN-DAMAGING CHEMICAL

The Food and Drug Administration is preparing to take limited action against certain uses of a brain-damaging chemical some 18 months after scientists in one of the agency's regional offices first raised doubts about the chemical's safety. The chemical, hexachlorophene,* is an antibacterial agent used in a wide variety of soaps, shampoos, deodorants, creams, and sundry cosmetics. Hexachlorophene will probably turn out to be quite innocuous in most of its normal uses, but because of confused and dilatory action, the FDA and the industries it is supposed to regulate have not yet managed to assess the potentially serious hazards the chemical presents.

The chief of these hazards is that small concentrations of hexachlorophene produce microscopically visible damage in the brains of rats. Since the chemical is absorbed through the skin, it may reach harmful concentrations in the blood, particularly of people who make heavy use of hexachlorophene-containing products. A second danger, even less well assessed, is that hexachlorophene may contain as a manufacturing inpurity the group of chemicals known as dioxins, minute quantities of which can cause violent skin eruptions and acne.

Hexachlorophene has enjoyed more than two decades of safe use as the standard antibacterial agent of soaps. This record was chiefly due to the responsible policy of the Swiss-based Givaudan Corporation, which developed and patented the chemical. Contrary to its best commercial interests, Givaudan sold hexachlorophene only to companies that could demonstrate a safe and effective use for it in their products. When Givaudan's patent expired 3 or 4 years ago, so did its control. Regulation passed to the FDA, which has placed virtually no restrictions on the chemical.

Because of its extreme toxicity, Givaudan refused to sell hexachlorophene for such internal uses as in throat lozenges. But the FDA has countenanced its use in toothpastes and mouthwashes. Hexachlorophene is now an ingredient of some 300 to 400 products, ranging from fungicides for vegetables and citrus fruits, to shoeliners, shampoos, and after-shave lotions. Among its most needless uses is in vaginal deodorants, a $53 million-a-year racket founded on high pressure advertising and the ruthless exploitation of modern phobias about body odor. (Hexachlorophene is not even effective against the type of bacteria chiefly responsible for vaginal odor.) Like DDT, another chlorinated aromatic compound, hexachlorophene has become a common human additive, being present in the bloodstream in amounts typically of 1 part per billion. Such has been the consequence of regulatory responsibility passing from an industrial company to a government agency.

Danger signals about hexachlorophene have not been wanting, only ignored. Two unique diseases, chloasma and burn encephalopathy, have been associated with the chemical. Chloasma, described as a blackening of the face, was reported in 1961; burn encephalopathy, a state of coma and muscle twitching often observed in burn patients treated with hexachlorophene, was described in 1968 by D. L. Larson of the Galveston Shrine Burn Institute. Chloasma and other skin diseases that have periodically been associated with hexachlorophene should have been particularly suggestive to would-be regulators. Hexachlorophene is synthesized from 2,4,5-trichlorophenol, the same chemical that in the manufacture of the herbicide 2,4,5-T is known to give rise to dioxin. Dioxin was found in the mid-1960's to cause the gross skin disease, named chloracne, that disfigured workers in a 2,4,5-T plant.

Equally suggestive should have been the finding, first announced in 1967, that hexachlorophene can enter the body not just via wounds and burns, but through the intact skin. No one in the FDA seems to have been bothered by the thought that a poison intended for external use only might daily be reaching the bloodstream of millions of users.

Nonetheless, though for a quite different reason, it was an FDA scientist who first raised the lid on hexachlorophene. Because of a manufacturer's application to use hexachlorophene as a fungicide, a test of the chemical's toxicity was undertaken at the FDA's toxicology branch in Atlanta, Georgia. Renate D. Kimbrough and her colleague Thomas B. Gaines found that rats became paralyzed after a 2-week diet containing 500 parts per million (ppm) of hexachlorophene. Examining the rats' brain and spinal cord, they noticed "a peculiar edema of the white matter resembling spongy degeneration. . . ." (The damage was reversible; animals removed from the diet recovered over a period of weeks.) Later studies established that the same brain lesions were produced (in 8 out of a group of 10 rats) by a diet containing as little as 100 ppm of hexachlorophene, but no effect was observed with a diet of 20 ppm. In a review of these and other results that was finally published this August, Kimbrough concluded that "At the present state of our knowledge, the unnecessary use of concentrated hexachlorophene should be curtailed, and residues on food products should be reviewed and restricted when appropriate."

The relevance of the rat data to man was studied further by two other FDA scientists, Robert E. Hawk and August Curley, also of the Atlanta Toxicology Branch. Measuring the concentrations of hexachlorophene in the blood of rats, Hawk and Curley found that rats fed a diet containing 100 ppm of the chemical were carrying an average of 1.2 ppm in their blood (with a range of 0.985 to 1.48 ppm). Rats fed more concentrated diets of hexachlorophene had a proportionately heavier load of hexachlorophene in their blood. Blood levels measured in 12 human subjects with no unusual exposure to the chemical ranged from a minimum of 0.005 ppm, to 0.089 ppm for the subject who had made the greatest recent use of a hexachlorophene product. The latter concentration is almost a tenth of that which causes gross brain damage in the rat. These results were announced by Curley and Hawk in March at a meeting of the American Chemical Society.

Another important study by the four Atlanta scientists concerned the use in hospitals of concentrated hexachlorophene solutions to wash infants. In collaboration with Gerald Nathenson and Laurence Finberg of the Montefiore Hospital in New York City, they found that at the time of discharge from hospital the infants had accumulated blood levels of hexachlorophene averaging 0.109 ppm. The highest level recorded—0.646 ppm— was measured in a baby boy washed five times with a 3 percent solution of hexachlorophene. This level is more than half the blood concentration which causes brain lesions in rats.

What was the response of the FDA to the information emerging about hexachlorophene? In fact, the agency was learning almost nothing it had not already known since at least April 1971, at which time an FDA official announced, "We have no feeling of concern with hexachlorophene and at this time, with the information at hand, do not plan any regulatory action." The important work of the FDA's Atlanta scientists had been communicated to the FDA's Washington office a year beforehand, in April 1970, and in preliminary form as early as July 1969. Moreover, studies carried out by the FDA's Washington staff had brought to light serious data about the levels of hexachlorophene attained in human blood.

These studies, though not yet published, form part of an internal FDA review of hexachlorophene, a first draft of which was completed in June. Parts of the report were seen by Cecil H. Fox of West Georgia College, Carrollton, Ga., in the course of a study of hexachlorophene he made this summer as a member of Ralph Nader's Center for the Study of Responsive Law. From documents made available by Fox to *Science*, it appears that quite high levels of hexachlorophene have been detected in human blood by the FDA study. For instance, persons showering with pHisohex (a 3 percent solution of hexachlorophene) accumulated between 0.1 and 0.38 ppm of hexachlorophene in their blood. Mouthwash users who gargled once a day with a 0.5 percent hexachlorophene solution for 3 weeks built up an average concentration of 0.06 ppm hexachlorophene in their blood.

The highest level found in shower users—0.38 ppm of hexachlorophene in their blood. age level that causes gross brain damage in rats. Another group of hexachlorophene user at risk are the 24 million Americans who use vaginal deodorant sprays. The residues of these sprays, once the volatile matter has evaporated, are surprisingly strong in hexachlorophene. Analyses conducted in the FDA Division of Colors and Cosmetics Technology show that Vespré, the number two best seller, contains 0.24 percent hexachlorophene in the bulk spray, but 98.5 percent in the residue left on the skin. FDS, the market leader, contains only 0.08 percent hexachlorophene in bulk, but 4.4 percent in its nonvolatile matter. The FDA has received a score of consumer complaints about vaginal deodorants in the last year and the manufacturers have had many more.

Another group of users at risk are acne sufferers, for whom strong hexachlorophene solutions such as pHisohex are the standard prescription. Besides the chance that hexachlorophene may enter the bloodstream in large doses, acne sufferers stand to have their condition exacerbated by any dioxin that may from time to time contaminate hexachlorophene samples. The extreme toxicity of dioxin—a single exposure of between 1 nanorgam and 1 microgram will raise a visible reaction on the skin—means that levels below the ordinary limits of detection may still be toxic.

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*Hexachlorophene is known chemically as 2,2'-methylenebis(3,4,6-trichlorophenol).

These and the other risks to users of hexachlorophene products are impossible to evaluate without more data than is at present publicly available. But the FDA seems to have been less than zealous in generating the necessary data. The most pertinent grant the agency is supporting is one that it grudgingly inherited from a Public Health Service program. Moreover, the data on hexachlorophene flowing in from the FDA scientists in the Atlanta Toxicology Branch was treated with a dilatoriness that amounted almost to suppression. The first news of Kimbrough's toxicity tests on rats started to reach the FDA in monthly reports dating from July 1969. A completed paper by Kimbrough and Gaines describing the microscopic damage caused by hexachlorophene in the brains of rats was submitted for approval to the FDA's Washington office in April 1970. After a 7-month delay, the paper was approved for publication and finally entered the public domain as an article in the August 1971 issue of *Archives of Environmental Health*. A major review of the literature on hexachlorophene was completed by Kimbrough for the FDA in May 1970 but took another 15 months to reach the public eye. Curley and Hawk submitted for publication in June 1970 their data on hexachlorophene concentrations in rat and human blood; the FDA refused permission to publish for 6 months, until in January 1971 the Atlanta Toxicology Branch was transferred to the newly created Environmental Protection Agency, a move that allowed the two scientists to make their work known at the American Chemical Society meeting this March.

To an alert administrator, the first reports from the Atlanta scientists should have set red lights flashing and bells ringing. The issues raised by the Atlanta experiments required urgent answers to such questions as what significance the rat data have for man. Are humans more or less sensitive to hexachlorophene than rats? If a blood level of 1.2 ppm hexachlorophene causes gross brain damage in the rat, do lesser doses cause any detectable behavior change? What is the upper level of dioxin that could escape detection in hexachlorophene and yet still cause skin damage?

The FDA has had at least 18 months to answer these questions, but so far has neither acted against hexachlorophene nor set forth reasons for not doing so. Hexachlorophene may, in fact, be quite safe for most normal uses, but the longer the FDA delays announcing the reasons for supposing this to be the case, the greater the likelihood that political pressures rather than scientific data will decide the issue.

These pressures have already started to act, following the publication in August of the Atlanta scientists' work. The FDA has been working for 6 months on a second scientific review of hexachlorophene, the completion of which would, in normal circumstances, precede any regulatory action. Although the report is not expected to be ready for up to a month, the FDA announced last week, through the mouth of its press officer John T. Walden, that it will act "soon" to require warning labels on vaginal deodorants and liquid skin cleansers such as pHisohex. The industries concerned responded with the arrogance and strong-arm tactics that are known to pay off against the FDA. Leonard H. Lavin, president of the Alberto-Culver Company, which makes the market-leading FDS vaginal deodorant, fired off a telegram to FDA Commissioner Charles Edwards demanding that Walden be sacked for his "inaccurate, irresponsible and unauthorized statements about certain products containing hexachlorophene." (Walden's crime was to tell the Washington *Post* that there is no medical justification for hexachlorophene in vaginal deodorants.) Lavin demanded a meeting in Washington with Commissioner Edwards the next day. According to E. P. Doyle, Alberto-Culver's vice-president for public relations, "We had a meeting with Edwards on Friday afternoon and we feel satisfied that they will await more scientific evidence before taking any action. Our people feel the FDA doesn't have any good scientific information and was acting simply on the basis of generalized and somewhat biased articles," Doyle added.

The FDA's promise of further delay to Alberto-Culver may not be in either's interest, since countervailing pressure from Congress and consumers may rush the agency into a premature and unnecessarily harsh decision. And while the FDA makes up its mind, the public continues to bear whatever risk exposure to hexachlorophene may represent.—NICHOLAS WADE

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[From the Science Magazine, Jan. 14, 1972]

### FDA's "PRUDENCE" ON HEXACHLOROPHENE

The Food and Drug Administration (FDA) last week announced sweeping restrictions on hexachlorophene, the antibacterial agent to which the public is now exposed through some 400 different products ranging from soaps to cosmetics and vaginal deodorants. "The only prudent course is to reduce the total human exposure to hexachlorophene," explained FDA Commissioner Charles C. Edwards.

The FDA's handling of the hexachlorophene affair affords in several respects a notable case study of regulatory action. If the FDA had not allowed the use of hexachlorophene to mushroom in the absence of adequate safety data, the situation would not have arisen in which millions of consumers are being exposed daily to a potentially brain-damaging chemical. Moreover, the various regulatory positions adopted by the agency appear to be markedly out of phase with the scientific data on which they were presumably based. The results of crucial experiments indicating that hexachlorophene causes lesions in the brains of rats were made available to FDA decision-makers in April 1970 and were communicated in preliminary form as early as July 1969 (*Science*, 19 November 1971). Yet as recently as 10 November 1971 agency spokesmen said there were no plans to seek an outright ban on hexachlorophene, only to require certain products to carry warning labels.

The only new evidence that appears to have come to light between then and last week's restrictions is a study submitted to the FDA on 19 November by Winthrop Laboratories, in which newborn monkeys washed daily for 90 days with a 3 percent hexachlorophene solution were found to have developed brain damage similar to that observed in rats.

There is no immediately obvious reason why such a study, a necessary confirmation of the rat data, was not required or instituted by the FDA 21 months ago, when the rat experiments were first reported. (These experiments were carried out by FDA scientists based in Atlanta, Georgia, but because of the agency's protracted delay in granting permission to publish, the data have reached the public domain only in the last few months. In published documents, the FDA misleadingly refers to this data as a "recent" study.)

Few drugs are totally free of risk, but in most instances the risks are far outweighed by the benefits. Such is not the case with many of the uses of hexachlorophene; a report by the Drug Efficacy Study Group of the National Research Council, which was released last month by the FDA, concludes that hexachlorophene preparations are "lacking in substantial evidence of effectiveness for . . . the broad claim as a vaginal douche, in the treatment of chronic eczema, in irrigating or cleansing wounds and burns, and as an 'aid to personal hygiene.' "

An *FDA Drug Bulletin* issued last month gives the impression that this important study is of recent origin by stating that it was published by the FDA on 8 December 1971. In fact, the study has been in the FDA's possession for nearly 3 years, since April 1969.

The market for vaginal deodorants, most of which contain hexachlorophene as the principal active ingredient, has grown from nothing 5 years ago to a business worth $53 million a year and involving 24 million women. Probably more than half of this growth has occurred since mid-1969, by which date the FDA knew both that hexachlorophene was ineffective as a vaginal deodorant and that it was potentially damaging to mammalian brains.

The FDA has the strictly legalistic defense that vaginal deodorants are a cosmetic, and cosmetics, unlike drugs, are not required by the Federal Food, Drug, and Cosmetic Act to be proven safe and effective prior to marketing.

The hexachlorophene incident seems to have stimulated an important reinterpretation of this *caveat emptor* policy. In a statement to be published this week in the *Federal Register*, the FDA professes, "It is fundamental that no manufacturer of a consumer product has the right to place that product on the market without first substantiating its safety. . . . In the case of a cosmetic, although the act does not require FDA approval prior to marketing, it necessarily contemplates that the manufacturer has obtained all data and information necessary and appropriate to substantiate the product's safety before marketing."

Because this has not been the case for hexachlorophene, the FDA found it necessary last week to ban the use of hexachlorophene as an active ingredient in cosmetics (it may be used as a preservative at a level no higher than 0.1 percent) and to require that soaps and other skin cleansers containing more than 0.75 percent hexachlorophene be available by prescription only. All antibacterial ingredients used to replace hexachlorophene in cosmetic compounds must be adequately tested for safety prior to marketing, failing which the packet must bear a prominent warning.

This regulatory action, which will safeguard the millions of consumers who use vaginal deodorants and high concentration hexachlorophene cleansers, is the direct—albeit long delayed—consequence of work by the scientists at the FDA's toxicology branch in Atlanta (the branch has since been transferred from the FDA to the Environmental Protection Agency). The scientists are Renate D. Kimbrough and Thomas B. Gaines, who first discovered the braindamaging properties of hexachlorophene when they fed it to rats. These results were confirmed and extended by August Curley and Robert E. Hawk, also of the Atlanta toxicology branch. It is presumably indicative of the value placed by the FDA on good science that these scientists have not yet received any word of official praise or recognition for their achievement.

In a review of the hexachlorophene question made available to the FDA in May 1970, Kimbrough concluded "At the present state of our knowledge, the unnecessary use of concentrated hexachlorophene should be curtailed." Some 21 months later, Commissioner Edwards has acted on Kimbrough's advice.—N.W.

## THE ONE TRULY NECESSARY DUTY OF GOVERNMENT

### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. SCHMITZ. Mr. Speaker, Milton Friedman, professor of economics, said:

> The excuse for the destruction of liberty is always the plea of necessity—that there is no alternative.

What are the truly necessary tasks of Government? Today we are told that it is Government's indispensable duty to become involved in almost every area of American life. Such major assaults on liberty as mandatory Federal price and wage controls are justified in the name of necessity. Huge Federal deficits which debase our dollar and thereby undermine our whole economy are justified in the name of necessity. Every proposed cut in Federal spending or elimination of bureaucrats from the public payroll is greeted with anguished howls that every cent and every desk is absolutely necessary. The web of governmental restrictions on the life and work of the productive citizen grows tighter and more complex while more and more special, unearned privileges go to the unproductive.

It is time we started talking sense about what Government really has to do.

The one truly necessary task of Government is protection of the lives and the property of its citizens. This is the purpose for which governments were established at the very beginning of the history of civilizations. It is the one function of Government we cannot live without. History has shown again and again that when any government ceases to be able to perform this, its essential duty, either it is promptly supplanted by a foreign government through conquest which can at least keep order, or there is a plunge into anarchy whose horrors soon make the people willing to accept any government, no matter how tyrannical, as the lesser of evils.

When France was plunged into anarchy at the time of the French Revolution, the result was a totalitarian state under Napoleon Bonaparte who nearly conquered the world. When Russia was plunged into anarchy after the Kerensky government overthrew the Czar in 1917, the result was to pave the way for Bolshevik dictatorship. In both these cases the enemy was within. But he may also come from outside, as when France in 1940 had allowed its national defense to become wholly inadequate resulting in Hitler's lightning conquest of the country in just a little more than 1 month.

Whenever our Government is no longer able to protect American citizens adequately against crime and subversion at home and would-be conquerors abroad, we will suffer exactly the same fate.

Yet one would hardly guess it by listening to the rhetoric of our numerous Presidential candidates of both parties as they "gear up" for the 1972 campaign, telling us that our real problems are poor social relations and "pockets of poverty" in our cities—problems which supposedly can be solved by hiring more bureaucrats to hand out more money.

We are finding that as we extend Government into more and more areas where its intrusion is not necessary and in many cases actually harmful, the ability and willingness of Government to perform its one essential task declines. We concentrate so much on trying to cure the stomachaches and runny noses of our society that we forget the man who is pointing a gun at our head, or try to pretend that he can be "reasoned with" through negotiations or that a flower will grow out of his gun barrel. We may take it almost as a natural law of government that the more different jobs we give it to do, the less well it will do its essential job of protecting the lives and property of our people.

The first questions every 1972 candidate for President and for Congress should hear are: What are you going to do about crime in the streets? What are you going to do about internal subversion and revolutionary violence? Above all, what are you going to do to strengthen our national defense?

## LESSONS OF HISTORY WARN AGAINST PRESIDENT'S TRIPS TO MOSCOW AND PEKING

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. RARICK. Mr. Speaker, many of our colleagues may recall a popular book of three decades ago entitled "You Can't Do Business With Hitler." The thesis of the writing is that a dictator is an unscrupulous, hard dealing, and uncompromising person who acts almost always to serve his own interests. Any concessions are made with the view of using the concession to achieve some greater gain for himself. His words are suspect and his promises are kept so long as they serve his purposes.

Now that Herr Kissinger has arranged for the President to confer with Red China's Dictator Mao next month and with Communist Russia's Dictator Brezhnev in May, a similar volume entitled "You Can't Do Business With the Communists" is needed at once for the edification of President Nixon. This would be a worthy project for the Ford Foundation to subsidize.

History has been defined as the story of what a people did, and what happened to them because of what they did. It has been said before that those who fail to learn and profit from the lessons of history are doomed to repeat them. This maxim applies to nations as well as to individuals.

In an enlightening speech given in Toronto, Canada in 1959, our Ambassador to Canada at the time, the Honorable Richard B. Wigglesworth, expressed the policy of our Government toward Soviet Russia when he traced the history of the treachery, broken promises, and aggressive imperialistic expansionism of the Soviets. He concluded his address with the following sage counsel:

> Why is it when the record of the current history of the Soviet Union is so clear, when the written and spoken words of its leaders are so specific in pointing to world domination as the basic objective of the Soviet Union, that some people . . . believe that the Soviet Union is peace loving.
>
> Again, I think that the answer is a simple one. They believe that the Soviet Union is peace loving because it says so and because it says so repeatedly in skillful, clever and sophisticated ways until the real record is forgotten.
>
> The agents of World Communism devote much more money, more time and more energy to propaganda than does the free world. Their immediate tasks are often simplified by the fact that they are completely unhampered by facts or truth in carrying out their mission.

While the attitude of the United States toward Communist countries has mellowed, the Communists have not relaxed in their drive for world domination.

The history of the Soviet Union since 1917 reveals that its ruthless dictators have gone back on almost every promise and treaty they have ever made. In fact, their leaders have boasted that "promises are like piecrusts, made to be broken." They have been unyielding in their negotiations as have the Red Chinese—except when the goals of international communism are advanced—and as a consequence the United States has ended up placating and appeasing them with generous concessions. The United States has been accused on numerous occasions by both Red Russia and Red China of being an imperialistic country while in reality they alone are the true imperialists, and even today they continue their aggressive imperialistic expansionism. I insert in the RECORD at this point the imperialistic record of aggressive territorial expansion of the Soviets and Red Chinese as of 1970:

| | Area (square miles) | Population (before annexation) |
|---|---|---|
| Territories annexed: | | |
| Rumanian provinces | 19,446 | 3,700,000 |
| Estonia | 18,353 | 1,122,000 |
| Latvia | 25,400 | 1,951,000 |
| Lithuania | 22,059 | 2,957,000 |
| Northern East Prussia | 5,418 | 1,187,000 |
| Eastern Czechoslovakia | 4,900 | 731,000 |
| Eastern Poland | 70,000 | 11,800,000 |
| Finnish provinces | 18,000 | 450,000 |
| Tannu Tuva | 64,165 | 65,000 |
| Japanese possessions | 17,850 | 433,000 |
| Tibet | 560,000 | 1,200,000 |
| Total | 825,591 | 25,596,000 |
| "Socialist camp" dependencies: | | |
| Albania | 11,100 | 2,019,000 |
| Bulgaria | 42,845 | 8,370,000 |
| Cuba | 44,218 | 8,074,000 |
| Czechoslovakia | 49,370 | 14,362,000 |
| Eastern Germany | 41,500 | 16,100,000 |
| East Berlin | 155 | 1,100,000 |
| Hungary | 35,919 | 10,284,000 |
| Poland | 120,832 | 32,207,000 |
| Romania | 91,660 | 19,721,000 |
| Outer Mongolia | 604,090 | 1,174,000 |
| North Korea | 46,814 | 13,100,000 |
| North Vietnam | 63,360 | 20,000,000 |
| Total | 1,151,663 | 146,511,000 |
| Total annexations and dependencies | 1,977,154 | 172,107,000 |
| Under attack: | | |
| Cambodia | 69,898 | 6,557,000 |
| Laos | 91,429 | 2,825,000 |
| South Vietnam | 66,263 | 17,404,000 |
| Total | 227,580 | 26,786,000 |
| Grand total | 2,204,834 | 198,893,000 |

Source: AFL-CIO, "Who is the Imperialist," June 1971.

Mr. Speaker, the President's proposed trips to Peking and Moscow, if carried out, will prove to be disastrous to the liberties of American citizens or they will produce nothing. The clear lessons of history prove that free peoples cannot do business with dictators, be they Communist or Facist. The President would do well to heed the caution of Pope Pius XI in his 1937 Encyclical Letter "On Atheistic Communism:"

> See to it, Venerable Brethren, that the Faithful do not allow themselves to be deceived! Communism is intrinsically wrong, and no one who would save Christian civilization may collaborate with it in any undertaking whatsoever.

I insert in the RECORD at this point the text of an address given on April 16, 1959 by the Honorable Richard B. Wigglesworth, U.S. Ambassador to Canada at that time:

[From the Ottawa Journal]

### U.S. AMBASSADOR WARNS: "WE MUST NOT FORGET"

(NOTE.—Text of address of Richard B. Wigglesworth, Ambassador of the United States, at a combined meeting of the Canadian and Empire Clubs of Toronto, April 16, 1959.)

I would like to refer briefly to some of the reasons back of current free world policy toward the Soviet Union.

I would like to cut through the propaganda fog which the Soviet Government so ably spreads and take a look at the record of the past 20 years in the belief that the undisputed facts clearly reveal for all who will look, the basic objectives of Soviet foreign policy.

I would hope that these approaches would leave no room for doubt or fancy regarding the basic objectives and motives of the Soviet Union and will explain why my country does not feel that it can gamble its security by basing important agreements with the Soviet Union on faith, a quality which recent history shows it scarcely deserves.

In my judgment the best place to look for clues with respect to future actions by the Soviet Union is in its past actions. The free world cannot afford to overlook the lessons of history and of experience if it is to survive. Past Soviet actions are the only solid indications we have as to future intentions unless we accept as gospel the no more reassuring writings and statements of their leaders such as Khrushchev's recent remark: "We will bury you."

The history of the last 20 years can be forgotten only at our risk and peril. We must not forget that on October 31, 1939, Mr. Molotov in a speech before the Supreme Soviet referred to the then recently concluded mutual assistance pacts between the Soviet Union and Estonia, Latvia and Lithuania. He said: "All these pacts of mutual assistance strictly stipulate the inviolability of the sovereignty of the signatory states and the principle of non-interference in each other's affairs. These pacts are based on mutual respect for the political, social and economic structure of the contracting parties, and are designed to strengthen the basis for peaceful and neighborly co-operation between our peoples. We stand for the scrupulous and punctilious observance of the pacts on the basis of complete reciprocity, and we declare that all the nonsensical talk about the Sovietization of the Baltic countries is only to the interest of our common enemies and of all anti-Soviet provocateurs." This speech was delivered less than 20 months before the USSR with its Red Army incorporated by force these three independent countries into the Soviet Union. It was delivered only 20 months before the cattle cars moved eastward to Siberia loaded with tens of thousands of men, women and children who had done no wrong unless wishing to live in peace as citizens of independent countries was wrong. They had put their trust in Soviet good faith.

We must not forget the key role of the Red Army poised on the border when the death knell of democracy was sounded for Czechoslovakia in February of 1948.

We must not forget the first threat to Berlin in June of 1948 and the free world's victory through the round the clock airlift.

We must not forget that at the Geneva summit meeting in 1955 the Soviets agreed that "The Heads of Government, recognizing their common responsibility for the settlement of the German question and the reunification of Germany, have agreed that the settlement of the German question and the reunification of Germany by means of free elections shall be carried out in conformity with the national interests of the German people and the interests of European security".

At the Foreign Ministers' conference in Geneva four short months later the Soviet Union refused to reflect that commitment in any action or agreement.

We must not forget that it was only two and a half short years ago that the incredibly brave Hungarian people rose in a supreme effort to obtain freedom and a government of their own choosing. They were on the verge of success when Soviet tanks brought in from outside Hungary killed thousands of unarmed Hungarians and forcibly reimposed an unwanted regime on that country.

We must not forget that it was only five months ago that the Soviet Union artificially created a crisis between East and West over Berlin while loudly professing its dedication to peace.

Gentlemen, the basic motives of the Soviet Union during the past 20 years can be summed up in the words aggressive expansion. Aggressive expansion by subversion and the exertion of political pressure, if possible—by the use of force, if necessary, and if it appears to promise success.

And by subversion I of course mean the whole arsenal of weapons including threats, false promises, infiltration, economic warfare and other familiar tactics of the cold war. The free world must be prepared to overcome encroachment either by force or by subversion. By its united military strength it has blocked any recent expansion of the Soviet Union by military means and forced the Kremlin to turn to subversion. By united action it can also counter Soviet subversion.

I have spoken of disarmament.

Following World War II the Soviet Union maintained much of its vast military apparatus while the free world drastically demobilized its armed forces. Today it is estimated that the Soviet army has about 175 divisions while only 21 divisions are in the central command of the NATO Commander, General Norstad. The only way the West can hope to face these overwhelming odds is by having adequate armaments including appropriate nuclear weapons.

The USSR in all disarmament discussions has had as a major objective increasing the relative effectiveness of its massive manpower by denial of nuclear weapons to the West. The West has maintained that only through an agreement under which conventional forces are phased more nearly into balance can the limitation of nuclear weapons be considered. The West for reasons already mentioned has also taken the position that an effective inspection system is an essential part of disarmament.

The Soviet Government has maintained the absurd position that the purpose of the West in insisting on an inspection system is not to insure that a disarmament agreement is carried out but is a subterfuge to permit espionage.

I have referred to disengagement.

Soviet ultimate objectives with respect to the various forms of disengagement which have been proposed include the withdrawal of allied forces including Canadian, United States, British and French forces from Germany to their respective countries (3,000 miles for the Canadians and Americans) in exchange for withdrawal of Soviet troops within their borders (a few hundred miles); the neutralization of Germany; and the break-up of NATO.

Aside from the completely artificial creation of the Berlin crisis by the Soviet Union the European border between the Soviet orbit and the West has been comparatively free from dangerous incidents. This in itself casts doubt on the Soviet contention that military disenchantment alone—that is the mere physical separation of forces—would reduce world tension. The vital elements in the reduction of world tension is not military disengagement but political disengagement to which the Soviet government has yet to make any significant contribution.

I have mentioned the discontinuance of nuclear weapons tests.

The United Kingdom and the United States as you know have been ready and willing to reach an agreement to ban such tests provided there is effective, impartial machinery for policing such a ban.

As those of you who have followed the recent discussions at Geneva in the press will appreciate the Soviet representatives have been insisting on a system of self-inspection supervised by a control organization subject to veto by any one of the permanent members of the commission. This would give a possible violator full power to prevent any action whatsoever and is not the effective, impartial machinery which the free world must insist on. The West cannot base its survival solely on faith in the word of the Soviet Union in dealing with matters of such vital importance.

Why is it when the record of the current history of the Soviet Union is so clear, when the written and spoken words of its leaders are so specific in pointing to world domination as the basic objective of the Soviet Union, that some people believe that the Soviet Union is peace loving?

Again, I think that the answer is a simple one. They believe that the Soviet Union is peace loving because it says so and because it says so repeatedly in skillful, clever and sophisticated ways until the real record is forgotten.

The agents of World Communism devote much more money, more time and more energy to propaganda than does the free world. Their immediate tasks are often simplified by the fact that they are completely unhampered by facts or truth in carrying out their mission.

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## PRESIDENT NIXON FAILS TO SET A DATE AND FAILS TO STOP THE BOMBING

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mrs. ABZUG. Mr. Speaker, Mr. Nixon has not taken the two simple steps that are needed to end this war. He failed to set a date for withdrawal contingent only on the release of our prisoners of war, as is "the policy of the United States"—expressed in section 601 of the Military Procurement Act, Public Law 92–156. And, he did not say he would immediately stop the mass bombing which has intensified over the past 2 months.

What is also shocking is that he conducted these negotiations in secret, unknown to the U.S. Congress, when these are matters of public interest and public concern. The fact that the announcement was made jointly with General Thieu, the nonelected dictator of South Vietnam, is even more upsetting, because it makes it seem that the propping up of the Thieu regime remains a major object of the President's policy.

## MICHIGAN'S SENATOR ROBERT P. GRIFFIN

## HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. VANDER JAGT. Mr. Speaker, during the interval between congressional sessions the Detroit Sunday News carried an excellent story by editorial writer Harry Karns on U.S. Senator ROBERT P. GRIFFIN. I am very pleased to share this account of the career of the Senate's assistant minority leader with my colleagues in the House of Representatives:

### WILL ANTIBUSING STAND WIN OR LOSE FOR BOB GRIFFIN?

(By Harry Karns)

Senator Robert Griffin appears to be in trouble. Paradoxically, that worries the Democrats.

Check the indications from recent samplings:

Griffin is running no better than neck and neck against prospective Democratic foes in his bid for re-election in 1972.

The Republican national administration is trailing in Michigan.

But Griffin is at his best when the chips are down. In the language of professional football, he is a quarterback who makes "the big play." He is a classic unlooser of "the long bomb"—the pass that wins the game when it seems lost.

Therefore, it's the Democrats who are on the defensive.

Griffin may have found his "long bomb" in the school busing issue.

When the volatile issue of busing first blazed up, some politicians, unwilling to dispute the courts or antagonize civil rights forces, pretended not to notice the issue and prayed it would go away. Others acknowledged and came down on both sides of it.

Griffin, gambling that he correctly sensed the depth of public concern, took a stand against forced busing. He offered a direct and simple remedy which at first seemed politically unlikely but may finally prove to be the only way to satisfy majority opinion: a constitutional amendment making forced busing illegal.

It was a typical Griffin performance.

Some men fashion political careers by avoiding controversy. Griffin has fashioned his by going to the heart of bitter argument; by rocking the boat; by challenging people who appear invulnerable; by championing causes that seem impossible.

With an audacity disturbing to old hands, Griffin in 1965 executed a congressional coup which, had it failed, could have made a laughing stock of him and could have wrecked his political career irreparably. Then a member of the House, he led a rebellion by moderate and liberal "young Turks" against what they regarded as the negative leadership of Rep. Charles A. Halleck, the Republican floor leader. Warnings of fiasco ringing in his ears, Griffin succeeded in dumping Halleck and installing Rep. Gerald R. Ford, a fellow Michiganian, in his place.

Scarcely had Griffin got his feet wet as a U.S. senator than he collided headon with the American Bar Association, Senate leaders in both parties, and President Johnson by opposing the confirmation of Justice Abe Fortas as chief justice. The late Senator Everett Dirksen described Griffin's objections as "frivolous, diaphanous gossamer."

Standing virtually alone at first and appearing certain to be rebuffed, Griffin finally prevailed, and Fortas departed from the court altogether. It was the first time since 1795 that a nominee for chief justice had been refused confirmation by the U.S. Senate. Dirksen recalled something Charles Halleck had said about Griffin: "Don't underestimate the power of this young man."

How is it that Griffin, who rides forth like Don Quixote, often manages to return from battle looking like Sir Lancelot?

He has neither charismatic personality nor one of those well-oiled publicity machines that turn pumpkins into coaches. In fact, there is something actually anti-publicity about Griffins low-key, monosyllabic administrative staff and his public relations corps, whose members seem to be saying: "You don't want to buy any brushes today, do you?"

Everything about Griffin's appearance conveys an impression of squareness and marks him—erroneously, it turns out—as Mr. Average. He has what the barbers call "a regular gentleman's haircut," peers intently through an undistinguished pair of glasses, wears a nondescript suit and necktie. He's a Kiwanian and a member of the American Legion and the Boy Scouts. The major work of art on the wall of his office is a portrait of the late Senator Robert Taft. And, the final testament, he has been named one of the Ten Outstanding Young Men in America by the U.S. Jaycees.

At first Griffin seems an innocuous personality with a pleasant smile. Under the surface of that smile, however, is the hardness of a man with compelling ambitions, a man difficult to get close to or absorb warmth from.

Nobody searches out Robert Griffin for a light-hearted chat. The peak of his hilarity was a proposed amendment limiting the number of employes in the Agriculture Department to the number of farmers in the United States. His frugal wit tends to be wryly self-conscious. Offering to help a political friend, he remarked: "I'll speak for you or against you—whichever you think will help."

Since he cannot overwhelm with personal magnetism or con with clever public relations, Griffin must fall back on less romantic and more demanding devices—such as shrewdly calculating the political odds and working tirelessly, bulldoggedly to do what logic tells him is possible.

Some think Griffin too much interested in the techniques and raw politics of government and too little concerned with philosophical concepts. To which he would reply that government is first of all the art of getting things done. Once satified that odds favor him, he charges forth with a bullheaded energy awesome to those around him.

Asked to comment on their boss, few members of Griffin's staff say he's a jolly fellow with a heart of gold and the patience of Job, but universally they respect his drive and his perfectionism.

"The work ethic runs very deep in the senator," observes one of his aides. "It's a matter of conscience. He is proud of coming from a working class family, proud his Dad was an auto plant foreman, proud of having gotten where he is by toiling. Not to be working seems to him an unnatural state."

The office of Republican whip, with enough duties to baffle a human octopus, provides Griffin a habitat well suited to his talents and his proclivity. Picked usually because he's a good manager, an expert parliamentarian and a shrewd negotiator, the whip works for party discipline and unity and serves as a watchdog of party interests in the Senate. He gets his partisan colleagues to the Senate floor for crucial votes, acts in general as a legislative and political traffic director, and performs the duties of floor leader when the latter is absent.

In Griffin's first months as assistant minority leader, which is what they call the GOP whip officially these days, some of his colleagues complained that he pushed too hard. One senator pointedly told a Griffin aide: "You are working for a perfectionist. He wants the job done right. And he wants it done yesterday."

The general attitude soon changed. Griffin showed impeccable tact, a capacity for organization and a vigor not often displayed in that office. When he ran to succeed himself as whip in January of 1971, he won election unanimously—while his more famous counterpart in the Democratic Party, Senator Edward Kennedy, was being defeated for neglecting his job.

While executing the grand strategy of Senate politics, Griffin still finds time to keep his fences mended back home in Michigan. He presses federal spokesmen to visit Michigan to find out why the state's 175,000 citiens of Spanish descent aren't getting their share of federal jobs and services; seeks federal funding for a $60 million federal office building for Detroit; crusades for a better weather warning system for the protection of Coho fishermen; campaigns for sea lamprey control in the upper Great Lakes.

A typical Griffin day reads like a recipe for bleeding ulcers.

The senator arrives in his Capitol office at 8:30 a.m. (unless it's the morning that he goes to the White House to confer with the President) bearing a briefcase bulging with the previous night's work. At once he gets busy returning telephone calls and conducting a staff meeting, at which he issues instructions, hears reports, and previews the day's agenda.

At 10 o'clock, when the Senate is meeting, he goes there to open the day's activities. He then keeps himself available to rush to the Senate floor at a moment's notice. After a light lunch, he keeps appointments and deals with an unceasing flow of legislative problems and Senate "housekeeping" duties. There may also be press conferences and meetings with fellow Republicans on questions of policy.

After the Senate quits for the day, Griffin returns to his office, makes calls, signs letters, confers again with his staff, writes speeches. It is often 8:30 p.m.—sometimes as late as midnight or 1 a.m.—when, carrying the inevitable briefcase packed with more work to be done at night, he heads for Bethesda, Md., the Washington suburb where he lives with his wife, the former Marjorie Jean Anderson of Ludington, and their children.

Griffin has been giving full value all his life. Born in Detroit in 1923, he started working as a drug clerk at age 12. At Dearborn's Fordson High School he pulled more than his own weight—145 pounds—as guard on the football team. He served in the Army in World War II and won two battle stars. He earned his own way through Central Michigan University (where he was president of the senior class) by washing dishes and working on an assembly line.

He went from Central Michigan to the University of Michigan Law School, where he took his degree in 1950. Until 1956 he practiced law in Traverse City. Then began a phenomenal series of unlikely political victories.

An unknown 32-year-old attorney, he challenged a "solid" incumbent for a seat in the

U.S. House of Representatives. To the surprise of everyone, except perhaps Griffin himself, he won.

In May of 1966, George Romney, then governor of Michigan, appointed Griffin to fill the Senate vacancy created by the death of Senator Patrick V. McNamara. Seeking a full Senate term, Griffin oposed G. Mennen Williams, a six-term governor and unmatched vote-getter, in the fall election.

### HOW HE WHIPPED WILLIAMS

Since Griffin had co-authored the controversial Landrum-Griffin Act, a measure requiring labor unions to account for their conduct, his name supposedly was mud to Michigan working men. Williams opened the campaign with the remark that Griffin had much to explain about Landrum-Griffin.

Though Romney wanted him to play the issue down, Griffin used it as a battering ram against Williams. He proudly described Landrum-Griffin as a "bill of rights for the working man," explained that the act assured the rank and file of labor a secret ballot and a regular financial accounting from their leaders, and noted that John Kennedy, Philip Hart and McNamara had all voted for it. Finally, in a debate before the Economic Club of Detroit, Griffin forced Williams to admit that, if he'd been a senator when the Landrum-Griffin bill came up, he probably would have voted for it, too.

Griffin won the Senate race by a margin of 300,000 votes, thus becoming the first Republican in 14 years to go to the Senate from Michigan. While still in his first term in the Senate, he won the post of assistant minority leader, thus becoming the first Michigan senator of either political party to hold his position of leadership.

As GOP whip, Griffin has his finger on the Senate pulse and enjoys a standing weekly invitation to the White House. He is uniquely situated to get timely action on measures of interest to him and his state. Through Griffin, Michigan has entree to the executive branch and unusual power in the legislative branch of U.S. government.

Moreover, Michigan has this entree in the present rather than at some distant time because Griffin achieved by political acumen the standing and influence which senators usually gain only through the time-consuming process of seniority. He became whip at age 45, which was 10 years younger than the average age of Republican whips upon their election to that post. He had served in the Senate only 3½ years, two years less than the average period of Senate service of men selected as whips.

### SENATOR'S DUTY IS TO HIS STATE

In the office of whip, Griffin walks the razor's edge between party loyalty and personal independence and does a remarkably good job of keeping his balance. Although generally a Nixon supporter, he takes vigorous exception to any suggestion that the position of assistant minority leader makes him a rubber stamp of the Nixon administration. Discussing the Senate leadership's relationship with the White House, Griffin observes:

"It would be wonderful, in an idyllic sense, if Republican leaders in Congress and the administration could see eye to eye on each and every issue. But this is not in the nature of politics.

"Each senator has his own conscience to deal with and he must represent his state and its interest. In addition, he is a member of an equal and coordinate branch of government which has its own obligation under the Constitution. One wise observer has said that if two people agree 100 percent on every issue, one of them is superfluous."

Griffin has been anything but superfluous. Early in 1971, for example, Treasury Secretary John Connally stated that the administration had no plans for tax cuts. Contrary to the administration's economic game plan at that time, Griffin introduced a bill to repeal the 7 percent excise tax on cars as a means of restoring public confidence.

Griffin theorized that the lower cost of cars would stimulate buying, which in turn would create more employment in Michigan's auto industry and produce benefits throughout the U.S. economy. In the end, the proposal became a part of President Nixon's new economic plan.

Griffin consistently opposed the continued funding of the supersonic transport (SST), a net project of the Nixon administration. His outspoken opposition persuaded undecided, Republican senators to join in sealing the doom of the SST.

### OPPOSED NIXON NOMINEE

Despite pressure from the White House, Griffin opposed the President's nomination of South Carolina Appellate Judge Clement F. Haynsworth for the U.S. Supreme Court. Griffin had demanded high judicial standards in the weighing of Abe Fortas, Lyndon Johnson's nominee for chief justice, and stuck to those standards in the case of a Republican president's nominee. His announced opposition contributed materially to Haynsworth's rejection.

When Griffin discovered a movement afoot in the administration to nominate segregationist Albert Watson to the U.S. Court of Military Appeals to replace former Michigan Senator Homer Ferguson, he issued a sharp statement of displeasure which convinced President Nixon to abandon the nomination. Subsequently, Nixon nominated the first black, Robert M. Duncan, ever to be named to that court.

Griffin himself succinctly sums up his record of disagreement: "I'm no patsy for the President."

People who like to put politicians in carefully labeled categories always have trouble deciding into which compartment they should fit Griffin. The same man who wants to outlaw forced busing possesses a consistent record of support for civil rights measures in Congress. Taking a strong law-and-order stance, he has urged a national computerized war on crime; and he once joined a discrimination suit against a suburban Maryland country club because of its "whites only" guest rule.

It's not the typical liberal pattern or the typical conservative pattern. It is the Griffin pattern, taking its shape from the issues rather than from doctrinaire devotions to party lines.

### HE'S NO "LINDSAY LIBERAL"

Following the Fortas fight, Griffin said: "I was branded a conservative because of my stand. I consider myself a moderate. I don't like labels anyway." Again: "I'm interested in the problems of the cities, and I voted for civil rights. If you tried to paint me as a John Lindsay liberal, it wouldn't be right. But I'm not a conservative either."

While he frequently displays independence, Griffin is in the final analysis a Republican; and not just a Republican, but Republican whip with a broad loyalty to the administration. So his fate inevitably must be linked to some extent with that of Mr. Nixon. Though Mr. Nixon lags in Michigan at this point, Griffin faces his own campaign next year with the equanimity of one who has plowed his own furrow and who feels, therefore, that he must and will be judged on his own record.

"If President Nixon carries the state next time," he says, "it of course will be easier for me, but how he makes out won't be decisive for me."

What could prove decisive is the issue of school busing, hot everywhere but absolutely torrid in Michigan. Two court decisions here—one ordering busing in Pontiac, another posing the threat of massive busing among far-flung school districts—have aroused public feelings as few issues ever do.

Detecting the undercurrent of anti-busing emotion not then fully evident on the surface, Senator Griffin on Oct. 7 introduced a joint resolution proposing an amendment to the U.S. Constitution. The important words of this proposal:

"This Constitution shall not be construed to require that pupils be assigned or transported to public schools on the basis of their race, color, religion or national origin."

### LOGIC "CLEAR" ON BUSING

Griffin's logic was clear and direct:

"When a court orders long-distance busing of children because they are black or because they are white, the court disregards and ignores a fundamental truth: Two wrongs do not make a right. Whatever the sins of their fathers, unreasonable punishment ought not be imposed upon the children of a new generation who are guilty of nothing but being born black or white. Racial discrimination is no less discriminatory just because it is court ordered."

Thus he early staked out a commanding position on what is swiftly becoming the overriding issue of American—and Michigan—politics. (If relief from the busing nightmare cannot be obtained through appeal to higher courts, Griffin's proposal would appear to be the only remaining answer.) Meanwhile, Griffin's most probable Democratic opponent, Michigan Atty. Gen. Frank Kelley, put himself on record with a ringing statement of support for busing and then, when the storm broke, hastily issued a statement saying that busing between school districts is unlikely, anyway.

Looking at this situation, one political observer with a reputation for accurate prognostication, said recently: "Damned if I don't think Bob Griffin has done it again."

Assuming he will win next year's election, Griffin has a bright future before him in the Senate, where he is bound to become ever more powerful. But experienced Griffin-watchers believe he has far too much ambition to feel content with a Senate seat indefinitely.

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## HERR KISSINGER SWINGS SECRETLY IN HARLEM

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. RARICK. Mr. Speaker, apparently all of Henry Kissinger's secret trips are not confined to Red China or the Soviet Union—nor are all of his trips as the errand boy of President Nixon.

According to a recent New York paper, Herr Kissinger also takes trips to Harlem for secret meetings.

It is doubtful if his Harlem negotiations are a security risk—because she is the ex-lover of one of the New York gangsters—it is just that Doc is a swinger.

I insert a news clipping:

[From the New York Daily Mirror, Nov. 26, 1971]

### KISSINGER IS SEEING A BLACK BREATHTAKER

(By John J. Miller)

Not all Henry Kissinger's gal pals are of the Hollywood glamor girls stereotype. Henry's most secret visits this side of Red China are to a black breathtaker in New York. She's one of Harlem's top photo models and the ex-passion of one of the biggest numbers kings north of 125th St.

## BANGLADESH—THE URGENT NEED FOR RECOGNITION AND ASSISTANCE

### HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. BADILLO. Mr. Speaker, during the brief but bitter fighting between India and Pakistan last month the world bore witness to the folly of the ill-conceived policy of the United States toward India and, particularly, toward the struggle for independence in East Pakistan. For months prior to armed hostilities the United States stood mute and falied to raise its voice against the reign of terror perpetrated against the Bengalis of East Pakistan by Punjabis from the West. While it is true that this was an internal struggle, this country or any other member of the family of free nations simply cannot ignore or condone the blatant violation of basic human rights and dignity which occurred in Bengal or the snuffing out of lives of men, women, and children at the whim of some brutal dictator. The acts of genocide committed in East Pakistan demanded that a hue and cry of protest be raised, yet this Nation remained silent.

Although the Bengalis—in a free and open election in December 1970—voted overwhelmingly against the Government of West Pakistan, the dictatorial Gen. Yahya Khan voided the elections, arrested East Bengal leader, Sheik Mujibur Rahman, and dispatched Punjabi soldiers to occupy the region. One would have assumed that the United States—the champion of freedom and democracy—would have decried this oppressive action and would have demanded that the will of the Bengalis be permitted to be effected. However, this administration, in yet another display of its uniquely inept diplomacy, chose to ignore the supression of civil liberties and the unilateral abrogation of the election results and pursued a "business as usual" atttiude.

Mr. Speaker, time is long past due that the United States reassess its policy, both toward India and Bangladesh, and candidly admit its mistakes. By pursuing our present attitudes toward these two nations we have lost the faith of freedom loving people throughout the world and are ignoring some of the basic principles upon which our own country was founded. I wholeheartedly support legislation which has been introduced extending the immediate recognition of the United States to Bangladesh and the official acknowledgement that this is an independent nation.

Further, we cannot ignore the plight of these 75 million people and the tremendous economic problems being experienced by this, one of the most densely populated areas of the world. The ravages of the despotic Pakistani occupation and their brief but devastating war have left this nation almost completely destitute. Some 40 percent of the country's houses have been destroyed and, daily thousands of people are dying from starvation. Disease is rampant and jobs are nonexistent. We must, therefore, enact legislation providing for immediate emergency aid to Bangladesh to help it overcome the devastation wrought by the war and to assist this new nation in effectively coping with its many economic and social problems.

Earlier this month the president of the All India Women's Conference in Gujarat wrote to the New York State chairman of the National Organization of Women—NOW—expressing the group's deep concern over the policies pursued by the United States toward the people of Bangladesh and urging that India and the United States join to assist these unfortunate victims of international politics. This is the plea of a group of women to another organization of women, pleading for aid for their sisters in Bangladesh—probably the most tragic victims, with their children, in this struggle. I believe this letter and its appeal for help and understanding should be carefully considered and reflected upon by our colleagues and I present it for inclusion in the RECORD:

Miss JACQUELINE CEBALLOS,
*President, New York NOW,*
*New York City, N.Y.*

DEAR MADAM: We, the women's organizations of Gujarat, India are surprised, and shocked at the U.S. policy of wanton indifference, connivance of and collusion with Pakistan's reign of terror, unpardonable brutalities unprecedented in their range, cruelty and inhumanity inflicted on millions of people whose only fault, if any, was to have exercised their free and fearless vote for the party and leader of their choice. Particularly horrifying have been the indecencies and indignities, harrowing and hideous in the extreme, inflicted upon the womenfolk who till the other day were their own citizens. These persecutions and genocidal killings sent waves after waves of refugees to India. Never before in human history have so many (10 million) in such miserable condition fled for shelter on so short a time! Pakistan has also indulged in a systematic and merciless butchery of the intellectuals, teachers and the professional and cultural elites of the Bangla people.

As citizens of India we hold democracy, freedom and equality as fundamental rights of all irrespective of religion, colour and sex, principles and ideals that are cherished by the people of America. The most painful part of the present situation is that the mightiest of democracy is ranged against the largest functioning democracy of Asia—India—and that too in league with the totalitarian regime of China and the military junta of Pakistan.

In spite of this, the will of the people has prevailed and Bangla Desh now is a reality. The supreme task before us is that of reconstruction of the new nation and the rehabilitation of the uprooted millions going back to their hearth and home.

From whatever little we know of the U.S. public opinion, it is squarely opposed to the policies pursued by the U.S. Government. As in India so in the U.S., women form half of the population and the electorate. Their opinion, views and attitudes would go a long way in directing and fashioning the foreign policy of their Government. We look to you and similar other organizations in the U.S. to take lead in bringing about the desired change in the U.S. policies so as to produce better appreciation of the facts and the situation in regard to India and the Bangla Desh. The damage caused by the U.S. policies even at this late stage, can be mitigated if public opinion is made to prevail. In this the role of women and their organizations would be of vital and crucial significance.

We appeal to you therefore to exert your energy and influence so as to bring about better and more understanding relationship between our two countries in the hour of trial and help build the new society of Bangla Desh on the foundations of democracy, freedom, secularism, and justice. The opportunity is here and now and let it not be frittered away.

Yours faithfully,
PUSHPA R. MEHTA,
*President, All India's Women's Conference, Gujarat State Branch.*

Yesterday, in response to this letter and in a display of solidarity with their sisters in India and Bangladesh, a delegation of women called upon the Ambassador of India. They informed the Ambassador of their deep disagreement with the policies currently being pursued by this Government toward Bangladesh and expressed their support of the women in India and, especially, the women and children made homeless by the war. Meeting with Ambassador Jha were Betty Friedan, a founder of NOW and one of the leading advocates of the women's movement—national NOW president, Wilma Scott Heide; Heide Toffler; Natalie Gittelson, news editor of Harper's Bazaar; Lillian O'Connor, vice president of the World Union of Catholic Women's Organization; Mitzi Haggard of the Ad Hoc Committee for the Women of Bangladesh; Irma Badillo; and Frances Flippen of the National Council for Negro Women.

I commend these women for their initiative and the action they took yesterday. I am hopeful that, by such meetings, the peoples of India and Bangladesh realize that this administration's current misguided policy and inhumane attitude does not reflect the sentiments of the majority of the American public and that we will continue our efforts to correct the current inequity and work for recognition of and urgently needed aid to Bangladesh.

## PENAL REFORM

### HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. BROOMFIELD. Mr. Speaker, the crisis which confronts our penal system is hardly of recent origin. On the contrary, the proper means to treat and rehabilitate criminals has been and continues to be a most nagging question for society to answer. Over the years, a multitude of ad hoc commissions and experts have sounded the call for penal reform.

While their suggestions were almost without exception commendable, history shows that progress has been painfully slow. Whatever the reason for this lack of speed, whether it be apathy, lack of funds or coordination of effort, the time has long passed when we can tolerate inaction.

Therefore, Mr. Speaker, I rise today to introduce legislation designed to take an important step forward in the field of penal corrections. I need not go on about the necessity for this kind of reform. The conditions of our Nation's prisons as well as the specter of Attica highlight the urgency of the situation better than rhetoric.

At the recently concluded National Conference on Corrections which was convened at the initiative of President Nixon, Chief Justice Warren Burger underscored the need for legislative action. At that time, he said to a gathering of our Nation's leading penologists:

> What is desperately needed is that you have the resources and the authority that only public support and legislative action can provide.

It is with that sentiment, Mr. Speaker, that I present today this blueprint for prison and rehabilitation improvement. Many of the provisions of my bill are similar to those ideas that Attorney General Mitchell has termed to be necessary to bring genuine reform to this neglected aspect of our society.

One aspect that will be particularly emphasized in this program is job training and drug treatment. It is no coincidence that lack of employment skills and drug addiction are common problems for prisoners. Indeed, they are to some extent the very cause of most crime.

There is a provision to deliver increased educational opportunities to the prison population. These funds will be assigned for the training of teachers, emphasizing remedial skills, and college level courses for those inmates who are qualified.

Statistics show that the recidivism rate for released convicts is 75 percent. Programs of this type which until now have been conducted on a limited scale demonstrate that this recidivism rate can be drastically cut. I contend that in this way we can turn our correctional system into a true rehabilitation system rather than one which hardens and trains professional criminals.

My measure would provide money to the States to improve their probation facilities. Probation is perhaps the most important phase of rehabilitation. It is also the most difficult. A concerted effort in this area will reap almost immediate benefits. For one, it is drastically cheaper than incarceration, resulting in an overall saving to the States. Second, it can and does help keep the first offender from a second or even third conviction. Finally, the bill lays the foundation for the replacement of large, isolated penitentiaries with smaller community-based institutions. Prisons must be smaller if we are to deliver constructive and meaningful rehabilitation to these individuals.

At the same time, we must stress that new prisons should be located closer to our communities. It is within these communities that the personnel and facilities which modern correctional policies so desperately need can be found. Furthermore, it is to these same communities that the released prisoner must return and live.

Mr. Speaker, if passed, this measure will benefit not only the individual prisoner but society as well. If we release a man from prison in the same condition in which he entered confinement, we have done nothing toward solving the crisis of our soaring crime rate.

If rehabilitation is to be a positive force, it must include education, job training, drug therapy, and comprehensive post release counseling to ease the individual's return to society. Society will find that acceptance easier, too.

Mr. Speaker, I urge that this bill receive the careful consideration of the House in the days ahead. We can and must infuse our penal system with a sense of hope and opportunity for the benefit of the individual as well as the Nation.

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## A SALUTE TO RABBI DR. ISRAEL GERSTEIN OF THE AHAVAS ISRAEL PASSAIC PARK JEWISH COMMUNITY CENTER

### HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. ROE. Mr. Speaker, shortly after the adjournment of the first session of the 92d Congress I had the privilege of participating with the Jewish community of my congressional district in a testimonial dinner with deepest respect and admiration for the most distinguished Rabbi Dr. Israel Gerstein for a lifetime of outstanding service to his fellow man.

Through this historic journal of Congress I respectfully request you to join with me in national recognition of the quality of his leadership and the excellence of his character in promulgating, enhancing, and preserving the richness of the Hebrew religious and cultural heritage not only redounding to the spiritual and moral integrity of those of his religious belief but his pioneering efforts contributing so materially to the ecumenical spirit of brotherhood, the truth of knowledge and cultural enrichment of all of the people of our community, State and Nation.

The eloquence of the statement of the members of his congregation in testimony to his quarter of a century of service and dedication at the helm of Ahavas Israel will provide you with a brief biography of his contribution in his dynamic and energetic career in the cause of good will and understanding among all men and expresses the warmth, affection and high esteem with which he is held by all of us. I would like to share that statement with you, as follows:

### RABBI DR. ISRAEL GERSTEIN

#### PRELUDE

Born in Lodz, Poland, Rabbi Gerstein was brought to Chicago, Illinois by his father as a teenager. The family consisted of father, mother and four brothers. Enrolled in two schools: Yeshiva (known as Hebrew Theological College) and elementary school.

"Young Man In A Hurry", he was graduated from grade school in 6 months, from Medill High School in 2 years. He took courses at Crane Jr. College, Lewis Institute and University of Chicago and graduate work at University of Denver, where he was awarded an MA.

He was ordained by the faculty of the Hebrew Theological College, and was called to Denver where he was acclaimed the youngest rabbi in the United States. It was only six and a half years since he passed through Ellis Island. Because of the climate, he accepted a position in the South. He came to Shreveport, Louisiana with his new bride, the former Channa Swirsky. While in Shreveport, he was active in a number of regional organizations, particularly B'nai B'rith, serving as State Chairman.

He was called to Chattanooga's B'nai Zion, which had just erected a magnificent synagogue. There he developed a broad program covering every age level. The school was reorganized and brought up registration from a negligible number to 250. Membership took a big jump. Adult Education, Men's Club activities made the synagogue the hub of the community.

With his flair for writing, the editor of the Chattanooga Times invited him to write for the Sunday Times Magazine. His articles on Talmadie Lore met with wide appeal. He also had a weekly half-hour radio program and was a frequent speaker at the State University in Chattanooga. During the War, he acted as Chaplain at Ft. Oglethorpe, Georgia and Camp Forrest, Tennessee, and headed the USO in Chattanooga.

In 1943, Bloch Publishing Company published his book of sermons, essays on timely and timeless topics. It was an instant success. He was also editor of the Sermon Manual, published by the Rabbinical Council of America and served as editor of Jewish Life.

#### 1946—PASSAIC!

Rabbi Gerstein assumed his duties at Ahavas Israel August 1, 1946. He had served B'nai Zion Synagogue in Chattanooga for 12 years. B'nai Zion Congregation was the largest in the city and was well established with an impressive edifice. The Rabbi's primary motive for making a change was the advantage that would accrue to his children in the fields of general and Jewish education.

The first impression of Ahavas Israel's "plant" was depressing to say the least. An ancient residence was pointed out as the home of his new congregation which bore the grandiose title of Community Center. The auditorium attached to the residence in front offered little consolation. During the week it was used by the pupils of No. 3 school as a gym. On week-ends it was prepared for service, and that required logistics. Who was going to take down the basket, put up the chairs, bring in the Torah, etc.? In general the gym had to be converted into something where the name of God could be mentioned without profaning it.

The Hebrew School was in a chaotic state. Its reorganization became a top priority. The Rabbi began by recruiting qualified personnel, and in a relatively short time, the school which was at the bottom of the ladder in the community, advanced to a position at the very top in the entire area.

Unlike the physical facilities, the human material that made up the membership was of high quality. The bi-monthly meetings of the men featured enthusiasm and commitment. The Sisterhood was a beehive of acivity. The need for new facilities inspired a variety of enterprises.

About two years after coming to Passaic, ground was broken for a new Sanctuary. In 1952 first services were held.

At the same time, the Rabbi participated in civic affairs, and was active in metropolitan, State and national organizations. Locally, Rabbi Gerstein was the only Rabbi to participate in the following: Groundbreaking for the new Beth Israel Hospital; the new City Hall; Veterans Apartments on River Road and new No. 3 school.

Requests came from the publisher of the book "Reveille or Taps" for a second edition. It was again a big success.

The Rabbi became a television personality. He was the only Rabbi in the area who appeared on every major television network. He was active in the New York Board of Rabbis, the Rabbinical Council of America, the Synagogue Council of America. He was elected President of the Rabbinical Council of New Jersey.

Appointed a Commissioner of the Passaic County Mental Health Board. Now a member of the Professional Advisory Committee of the Mental Health Board. Appointed to the Local Assistance Board which administers the Welfare Program in the city of Passaic. Later became Chairman, and for several months was Welfare Director because of a vacancy. He also served as co-chairman of PICA, local interfaith group.

In 1959 the Hebrew Theological College of Chicago, the Rabbi's alma mater, conferred upon him the degree of Doctor.

Ahavas Israel was the locale for happy events in the Rabbi's family. In 1950, Mordecai became Bar Mitzvah; in 1955, Hadassah was married to Rabbi Joseph Feder. In 1963 Mordecai, now Dr. Gerstein, was married to Miss Lyn Matthew.

Other milestones that the Rabbi recalls: a Testimonial Dinner in 1953; a dinner to celebrate his tenure in 1963.

Tonight . . . celebrating his twenty-fifth or silver anniversary at Ahavas Israel!

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## CADET CALVIN P. DERCK

## HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. BRINKLEY. Mr. Speaker, as we all know, the cadets attending our service academies are among the finest young men this country produces. Therefore, I was pleased to receive a most refreshingly thoughtful and candid letter from a young constituent I appointed to the Air Force Academy—Cadet Calvin P. Derck. The letter reads:

JANUARY 24, 1972.

Hon. JACK BRINKLEY,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. BRINKLEY: Thank you very much for the calendar. As the one you sent last year, it will be very useful in the conduct of my day to day affairs.

I would also like to thank you for the support you gave me when I applied for the Academy. Your appointment has meant a great deal to me. It is not often that I openly say how much I like the Academy. Usually I complain about this institution. However, I know that this is not fair to either myself or the Academy. I know that this is one of the finest schools in the world and I am quite proud to be a member of the Cadet Wing and a future officer in the Air Force.

Over the past year and a half, I have learned an enormous amount of knowledge. This not only encompasses the erudition acquired from the academic curriculum, but also the knowledge received from the experience of both following and leading people. I am quite thankful for being here because I feel that this is what I want in life. I am most happy in my career selection.

At this time, I suppose a great many people are wondering why the Air Force Academy has had so many honor scandals. Some people feel that the Academy is filled with men who lie, cheat and steal. On the contrary, it is composed of only the most honorable men. It is these people who will not tolerate dishonest members of the Cadet Wing to be commissioned in our Air Force. We do not want the Air Force to be weakened by unscrupulous officers who would compromise their position for any reason.

The Cadet Honor Code states, "We will not lie, steal, or cheat, nor tolerate among us anyone who does." In any honor scandal, the majority of the Cadets dismissed are guilty of toleration. This is the hardest part of the Code to abide by, but it is perhaps the most important. It is the toleration clause that makes the Cadet Honor Code what it is. Without such a provision, the Code would not be enforceable. It would just be some words written on a piece of paper. However, with the toleration clause, policing of our Honor Code becomes a Cadet responsibility. This is the only way that the Honor Code can function properly. It is a Code designed and administered by Cadets. It is this way that makes the Code meaningful to each person at the Academy. In this way, a strong sense of honor is instilled in a Cadet so that when he graduates, he will carry with him the integrity so necessary in the Air Force.

As I look back over my year and a half at the Academy, I am a little disappointed in my academic performance. In the same sense, I feel that I have misplaced the confidence that you showed by appointing me. I hope that I can do better so that you will not be disappointed in your sponsor.

Thank you very much for all the help that you have given me. It is much appreciated and in the future I hope that I can show myself more deserving of your support.

Sincerely yours,
Cadet CALVIN P. DERCK.

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## WISE ACTION BY SENATE COMMITTEE

## HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. FINDLEY. Mr. Speaker, the Senate Committee on Agriculture and Forestry yesterday demonstrated great wisdom and courage in refusing to approve the Strategic Storable Agricultural Commodities Act for floor consideration by the full Senate. When the committee voted 10 to 4 against this unwise bill, it supported what I believe to be the position of most Midwest grain farmers and two of the most widely respected Illinois publications which had editorially urged defeat of the measure. Both the Chicago Tribune and Prairie Farmer magazine urged defeat of the measure.

When the House approved the strategic reserve bill, it became a bitter partisan issue. Ironically, the only two Demcrats on the Senate committee who voted for the measure are the two presidential candidates on the committee. The six other Democrats, along with the four Republican Senators, who voted against the bill, took a wise step in removing politics from farm income considerations. With all the risks inherent in agriculture, farmers will be happy the Senate Agriculture Committee has decided not to play politics with their economic futures.

The editorials from Prairie Farmer and the Chicago Tribune are included as part of these remarks:

[From the Chicago Tribune]

PHONY FARM BILL

In their haste to embarrass the Nixon administration and play politics with the farm vote, some Democratic leaders in Congress find themselves the principal characters in a comedy of errors that would be laughable if the matter weren't so serious. The matter concerns a bill to increase price supports by 25 per cent on feed grains and wheat and to create a "strategic reserve" of these grains that would cost nearly $1.5 billion to build and $215 million annually to maintain. The objective is to stabilize farm prices and boost farm income by $2 billion a year.

With the aid of big city Democrats, the bill passed the House late last year by a close vote of 182 to 170. As a way to win the farm vote, the measure caught the eye of two Democratic Presidential hopefuls. Sen. Humphrey of Minnesota and Sen. McGovern of South Dakota. They helped it win the approval of a Senate agriculture subcommittee and now hope to push it thru the full committee in a hearing scheduled for tomorrow.

As the two see it, farmers will vote for candidates who help give them a hefty boost in income. Moreover, inasmuch as the administration is opposed to the bill on economic grounds, President Nixon can be accused of being unsympathetic to the plight of the family farmer.

But somewhere between the House and the Senate someone discovered that the bill's provisions were so inconsistent as to make it inoperable if it became law. These defects developed because the measure started out as two separate House bills. One, introduced by Rep. Neal Smith [D., Ia.], would authorize government stockpiling of surplus grains at a top price of $1.17 a bushel for corn and $1.37 a bushel for wheat. The other, introduced by Rep. John Melcher [D., Mont.] and added as a floor amendment, boosted price supports for corn and wheat to $1.31 and $1.56 a bushel respectively.

Obviously, the government cannot build a grain reserve if the law requires a purchase price lower than prices guaranteed to farmers. And just as obviously, with such a glaring defect in the bill, most congressmen did not know what they were voting for when they passed it.

Sen. Humphrey has persuaded the Senate agriculture subcommittee to correct the defects. But the changes would have to be resubmitted to the House, where they may not be so readily acceptable. By now it may have occurred to big city Democrats that if the bill became law, food prices would go higher.

Aside from that, the bill would be harmful in the long run to farmers themselves, as Secretary of Agriculture Butz points out. He says it would sabotage the current farm program by causing the government to clamp much tighter restrictions on crop production, and would wreck efforts to increase farm exports by pricing ourselves out of world markets. The latter objection alone is sufficient reason to defeat the bill, inasmuch as American farmers depend on foreign markets to take the output of about one of every four crop acres.

Furthermore, the rationale that a "strategic reserve" of grains can be isolated from the market to stabilize or raise prices in the long run is purely a hoax. Sooner or later, what goes into the reserve must come out, and when it does prices will fall. Meanwhile, the high cost to taxpayers of maintaining an ever-mounting stockpile and of subsidies to pay farmers for restricting output could be expected to bring public ire down on the heads of farmers, who do not deserve it.

Many farmers are struggling with difficult economic problems that deserve sympathetic understanding and realistic efforts toward a solution. They don't deserve irresponsible legislation designed chiefly to promote election-year aims of politicians, many of whom don't even know what they are voting for when they pass it.

[From the Prairie Farmer magazine]

### U.S. SENATE SHOULD KILL THE SMITH-MELCHER BILL

It seems incredible that a proposal like the Smith-Melcher bill could get as far as it has. Passed by the house and approved by the senate agricultural committee in mid-December, it now goes to the Senate for action in late January.

Smith-Melcher calls for a $2-billion strategic grain reserve and would boost commodity loan levels 25%.

Chances of senate passage are better than 50-50. How can this be? Would congress really pass a bill that creates more problems for farmers than it solves? Would congress pass a bill that would prove damaging to farmers in the long run?

The answer is obvious. It would. In an election year anything can happen that might enhance the candidate's image in the eyes of his farmer constituents.

On the surface the bill looks good. But like the iceberg, it is the hidden part beneath the surface that does the damage. Perhaps the politicians think the voters are too dumb to realize this—that all they can see is the frosting on the cake.

Supporters of Smith-Melcher are mainly the same group that tried to embarrass the administration by casting doubts on the fitness of Earl Butz for secretary of agriculture.

The rationale for the strategic reserve is that it would release pressure on price with 25 million tons of feed grains being isolated from the market. The suggestion that the reserves would have no effect on price is an insult to our intelligence and a cruel hoax on farmers.

The strategic reserve was tried by the Eisenhower administration. It failed miserably. The surpluses in the reserve depressed prices and became a monster willed to Orville Freeman. The buildup and disposal costs to the taxpayers were fantastic.

Raising the loan rates—corn to $1.31 and wheat to $1.56—would derail participation in the 1972 set-aside program. We need participation this year. Discontent already is high over failure of the program last year. An increased loan rate on 1972 production would compound the agony.

There are other serious ramifications. The Smith-Melcher bill would just about wreck our export program by pricing ourselves out of the market. It would also encourage foreign competition to produce under our high price umbrella.

It would have a bad effect in 1972 by driving farmers into corn where we have a surplus and out of soybeans where we have a shortage.

The man now mainly responsible for the success or failure of our farm programs is Secretary Butz. He should not be placed in a straitjacket nor sabotaged in his efforts by politically-motivated congressmen. Butz considers Smith-Melcher a menace to farmers and to his plans.

The senate should support Butz and kill this bill. If it doesn't, the president has only one alternative—veto the Smith-Melcher bill.

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## SAFETY PROGRAMS AND REGULATION FOR NURSING HOMES

## HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. KEATING. Mr. Speaker, it is with deep sorrow that I bring to your attention the tragedy yesterday in Lincoln Heights, Ohio, where nine elderly patients, all women, died burned beyond recognition in a nursing home fire. One patient who escaped the blaze still remains in critical condition.

Local, State, and Federal fire officials are still sifting through the charred debris trying to determine the cause of this fatal fire.

It is still not known whether the victims died from the intense heat or asphyxiation. Two of those patients were blind. Two were found dead in their wheelchairs. The deadly fire occurred in the middle of the night and no way was found to save the victims.

The President's Commission on Fire Prevention and Control, headed by Richard E. Bland, chairman, was on the scene hours after the fire broke out. The Commission was accompanied by a member of my staff.

The nursing home is owned and operated by a woman in her 70's who was asleep at the time of the fire. She was fortunate enough to escape the blaze along with her 16-year-old nephew.

The home is located in Lincoln Heights, a community on the northern outskirts of Cincinnati. It has a 100 percent black population of some 8,000 persons.

The home was a rambling one-floor frame and cinderblock structure which had passed inspection by the State fire marshal's office last April with "no violations." Its license was renewed about 2 weeks ago.

The facility is an intermediate nursing home. There are some 700 intermediate nursing facilities in Ohio. Under present regulation, the home must have 24-hour supervision.

It is not required at this time to have a sprinkling system for the safety of its patients.

If the home was certified as a skilled nursing home, it would have to adhere to the life safety code administered by the National Fire Protection Association. Under this regulation, this particular home would have been required to have a sprinkler system to be licensed.

No one will ever know if, indeed, a sprinkling system could have saved any of the victims.

But, it is the responsibility of Congress and the American people to explore and investigate every aspect of fire safety in our nursing homes to insure the safety of our senior citizens.

We also must seek ways to assist operators of these intermediate nursing homes to upgrade their facilities.

We also must insure that communities such as Lincoln Heights can get Federal help in upgrading their fire and lifesaving equipment.

Chairman Bland told officials at the scene that we must have nursing homes which will provide a reasonable chance for the elderly to evacuate the building when such tragic fires occur.

Another official of the commission, after viewing this scene, termed the condition of Lincoln Heights' home as atrocious. He said:

> The building should never have been used as a nursing home.

This is the second such nursing home tragedy in Ohio within the past 2 years.

In January 1970 a fire at the Harmar Nursing Home in Marietta, Ohio, killed 32 patients.

Most of the victims in that fire died from heavy smoke coming from the rubber backing on the wall-to-wall carpeting.

Since that Marietta fire, new Federal regulations have been adopted to prevent a reoccurrence.

Presently, other Federal efforts in behalf of improving nursing homes are being conducted in the Department of Health, Education, and Welfare.

In August of 1971, the present administration focused its attention on institutions for the aged. In a supplemental budget request for fiscal 1972 $9,572,000 was appropriated to establish a five-point program to upgrade medical care standards and enforcement programs for nursing homes and intermediate care facilities for the aged. In addition, data collection and research studies and audits of nursing home operations were authorized.

The budget request for this new initiative for fiscal 1973 is $13,040,000. The thrust of this new program is to provide for trained personnel to work in these facilities and to inspect these institutions for safety and health compliance.

And additional effort is presently being carried out by HEW Department headed by Mrs. Marie Callender who is a Special Assistant for Nursing Home Affairs. She is coordinating the various Federal programs that affect nursing home facilities and attempting to bring all programs together and avoid duplication in this vital area of health services. This will mark the first time that the various programs conducted by the National Institutes of Health, Social Rehabilitative Services, and Health and Mental Health Services will be coordinated. There are presently 23,000 institutions for the aged in the United States—77 percent of these are privately owned and operate for profit, 15 percent are privately owned by nonprofit organizations and 8 percent are owned and operated by State and local governments.

Some 500,000 employees work in these institutions for the elderly.

In the United States there are 20 million citizens over 65 years of age and 900,000 of these live in these institutions.

There homes and institutions are big business in America. Total Federal, State and local private support total $2.6 billion in 1970.

Some of these facilities are already under Federal supervision through medicare and medicaid regulations and a large number of these institutions will soon be subject to Federal health and safety requirements.

There is a considerable need for well trained compliance officers who will see to it that proper supervision and maintenance exists in these homes.

A proposed 18-month Federal training program would call for 100 percent Federal funding to train 23,000 nursing home employees and inspectors. This proposal would require a change in present Federal law to allow for 100 percent Federal funding.

I have only outlined here the details of the program that faces us in Congress. The tragedy that became real in Lincoln Heights, Ohio, two nights ago must not be repeated in other congressional districts and other States.

We must provide at the very minimum, adequate assurance to our older citizens that they will not be helpless victims in similar disasters.

At the very least, all institutions for the elderly should be able to provide for quick egress for patients and residents under similar circumstances.

Basic safety features must be required and maintained.

I hope we act together to prevent reoccurrences such as the Lincoln Heights tragedy.

## PRICE AND WAGE CONTROLS AND INFLATION

## HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. SCHMITZ. Mr. Speaker, during our recent recess a very fine letter from A. G. Heinsohn, Jr., president of Cherokee Textile Mills in Sevierville, Tenn., to the editor of the Knoxville, Tenn., News-Sentinel, was brought to my attention. Dealing with price and wage controls and inflation, it cuts through the fog of myth, deceit, half-truth, and superficial, confused thinking which surrounds this issue, with the clear and inescapable truth. Unless and until we face up to the hard realities that Mr. Heinsohn so vividly sets before us, we will never stop inflation and will be doomed to repeat history's old story of failure and disaster resulting from reliance on price and wage controls to deal with peacetime inflation.

The letter follows:

SEVIERVILLE, TENN.,
*December 20, 1971.*

EDITOR,
*Knoxville News-Sentinel,*
*Knoxville, Tenn.*

DEAR SIR: This concerned American, more determined than ever not to exchange freedom under God for enslavement under political masters, wishes to point out inaccuracies in your December 17 editorial: WAGES, PRICES and CONTROLS.

Never mentioned is the indisputable fact that the federal government is the SOLE culprit, the SOLE cause of the rising wage and price spiral. Never mentioned is the fact that ONLY the federal government can stop run-away prices and wages by practising fiscal sanity and honesty.

When a government grinds out printing press dollars to finance destructive deficit spending it increases the amount of money in circulation. This forces wages and prices upward as inevitably as night follows day.

To expect the people back home to prevent wages and prices from rising, while the government in Washington continues to debauch the currency, is akin to asking water to flow uphill.

Politicians in Germany tried wage and price controls prior to her collapse and takeover by Hitler. It was not the fault of the people back home that it took a basketful of paper marks to purchase a pack of cigarets. The people did not debauch the currency. Their political leaders did it.

Further, all of the editorial writers in the world, pounding typewriter keys 24 hours a day, cannot abolish the law of supply and demand any more than they can void the law of gravity.

As authentic documentation there is enclosed herewith an excerpt from an article written 26 years ago by that respected economist, Ludwig von Mises.

Surely that day has come when those of us who work for a living, who say we believe in God and who say we love American, must stand up and be counted. To remain silent, in the mistaken belief that America is too far down the road to be saved, is to play directly into the hands of those who seek to enslave us.

Party loyalty is one thing when the leadership honors its promises and its oath of office. But it is something else when the party leadership becomes power-hungry enough to violate both its promises and its oath of office.

Exposure is one thing oath-violators dread and exposing wage-price controls as a fraudulent tool of enslavement is the duty of all liberty-loving Americans.

Sincerely,

A. G. HEINSOHN, Jr.,
*President.*

## HOPE FOR ALCOHOLICS

## HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. ROBISON of New York. Mr. Speaker, the Postal Service's Program for Alcoholic Recovery, known as PAR, deserves the attention of my colleagues because it is making praiseworthy headway against the very difficult problem of alcoholism among Postal Service employees. The Postal Service, of course, shares this problem with all Federal Agencies which, according to the Comptroller General, are experiencing a 7 percent rate of alcoholism among their employees. But it is the Postal Service which has singly set out to make a dent in this figure.

PAR is an imaginative people-to-people program which works with the individual to help him find the solution to his drinking problem. The program began getting results in San Francisco 26 months ago, and more recently it has gotten results in Chicago and Boston. During the coming year, the Postmaster General has announced it will be initiated in 20 additional big-city post offices.

Mr. Speaker, I take this opportunity to commend the Postal Service for its imaginative and energetic efforts to meet the problem of alcoholism head on. For the benefit of my colleagues, I am inserting an article from a recent Postal Life which further explains the PAR program:

### HOPE FOR ALCOHOLICS

Fulton Caldwell is a handsome young man of 34. He's well-dressed in the latest striped shirt, sports a neat beard and speaks with the intelligent assurance of a man on his way up.

Looking at him, it's hard to believe that only six years ago Fulton Caldwell was an alcoholic who for more than 12 years lived by and for the bottle. His drinking became a progessively greater burden to his family, to his fellow clerks in the Los Angeles post office and to his own well-being. Eventually, he lost all.

Caldwell was more fortunate than most alcoholics, however. He was guided into Alcoholics Anonymous and with the help and sympathy of recovered alcoholics he was able to achieve sobriety and a new start for himself. Today he works in the Chicago post office on the Postal Service's Program for Alcoholic Recovery trying to reach some of the estimated 37,500 postal employees who are gripped by the tragedy of alcoholism.

"You can't understand what it's like unless you've been there yourself," said Caldwell, telling his story with obvious conviction. "That's why AA helped me. I could believe the AA people because they knew what I was going through." This idea that only a recovered alcoholic can understand the torment of an alcoholic, and that alcoholism is a complete and treatable disease is the basis of the Program for Alcoholic Recovery (PAR) now operating in the San Francisco, Chicago and Boston Post Office. PAR counselors, all of whom have been recovered alcoholics for at least three years, serve as personal examples of problem drinkers who kicked the habit and acquaint alcoholic employees with all of the methods available for overcoming their problem.

PAR was established with the hope that it could help otherwise competent postal employees overcome alcoholism and remain on the job as productive workers.

And so far, this hope has been a reality. In San Francisco, the post office PAR office has been operative for 26 months, and 65 alcoholics are "recovered"—which means by PAR definition they have rehabilitated their work life and have not had a drink for at least one year. Another 145 employees of the 208 PAR members are well on their way to recovery. PAR at the Chicago post office was established in April, 1970, and 75 percent of the 174 members have shown improvement. The Boston program, begun in June, 1970, has a success rate of 83 percent for 183 members. Such results are among the highest for any similar program in government or out, and to date the Postal Service has received 150 inquiries about the PAR plan from private businesses concerned with the same problem.

PAR's unusual achievement can be attributed to a well-thought-out program. Recovered alcoholics like Fulton Caldwell are full-time counselors available for guidance right in the post office. They rely on their own experience in their confidential sessions with employees. They recruit PAR members in four ways: Some 39 percent just walk in after hearing about the program. About 38 percent are referred by the supervisors. Another 14 percent come as a result of an adverse action initiated because of their drinking. The PAR post office promises to regard drinking as an illness, to suspend disciplinary action, and to remove all record of it from the file of an employee who performs up to PAR and resumes good work habits.

PAR members, with their counselors' aid, explore the available avenues for recovery in their community and their relative cost and success rates. Although most choose Alcoholics Anonymous membership, others find that psychotherapy, religious guidance or medical treatment is best for them.

PAR is the brainchild of Stanley K. Day, a former postal finance division chief in Headquarters. Day, also a recovered alcoholic, was certain there was a way to bring help to the many others who could not conquer their problem alone. So six years ago Day turned his analytical talents to determining the probable extent of alcoholism in the Postal Service.

He began with available national studies which reveal that more than nine million Americans suffer from alcoholism and that no background, age, position in life, sex, or level of education is immune.

"These are shattering statistics," said Day, "but they're real."

Day made his point and the Program for Alcoholic Recovery had a modest beginning in the San Francisco post office in November, 1968. Its success was repeated in Boston and Chicago.

"We can't afford not to do it," said Day. "It just makes good business sense to invest $1 when you know you'll get back $5." Postmaster General Winton M. Blount agreed and on December 8, 1970, he directed the preparation of a five-year program and budget for PAR.

But PAR is more than good business. "I know it's saving money," said Henry McGee, Postmaster of Chicago. "But it would be worth doing if it cost us money. It's saving lives."

Supervisors are also enthusiastic about PAR, much to the satisfaction of the counselors. "They've been very helpful. We've had supervisors bring drunk employees up here personally," said Caldwell. "Seventy-four of our members are supervisor referrals." This reaction is understandable, considering the alternatives supervisors had in the past. They could cover up for the alcoholic, but his work was substandard and his fellow workers had to shoulder the burden. Or they could initiate disciplinary action, leaving the employee's problem unsolved and his family to suffer. "But now that there's PAR, it's no favor to anyone to hide an employee's drinking," said Day.

Postmaster McGee agrees, but feels the climate is improving. "In the past, there's been a social stigma to supporting an alcoholism program. But most enlightened persons today understand that it is a universal illness and are sympathetic."

Undoubtedly, though, the best testimony for PAR will be the alcoholic recoveries it leaves across the country. And as one counselor put it, "Miracles are the rule here, not the exception."

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## STATE REGULATORY COMMISSIONERS URGE RESUMPTION OF A.T. & T. INVESTIGATION

## HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. BINGHAM. Mr. Speaker, the National Association of Regulatory Utility Commissioners represents the utility and transportation regulatory commissions of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. In a recent statement in the form of a letter to various Members of the House and Senate, NARUC blasted the Federal Communications Commission for canceling its planned investigation of the American Telephone & Telegraph Co. The NARUC statement charges that—

> The detriment inflicted upon the American consumer by this failure of regulation is difficult to underestimate.

It charges further that "the cancellation of the investigation at this time is in dramatic conflict with the goals of the national economic stabilization program" and "constitutes a dereliction of duty on the part of the FCC" and "deprives State regulatory commissions of governmentally verified pricing evidence in Bell intrastate rate cases."

This statement is in accord with legislation I introduced, with 21 cosponsors, on January 18, 1972, calling for authorization of funds to allow the Federal Communications Commission to complete its long postponed and recently abandoned investigation of the internal finances and so-called vertical integration of the American Telephone & Telegraph Co. and its subsidiaries. It also supports an appeal, which I joined with 11 other members of the New York City congressional delegation to the Price Commission, urging rejection of a recently authorized telephone rate increase in New York State as an unwarranted violation of Federal price guidelines.

The text of the NARUC statement follows:

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS,
*Washington, D.C., January 20, 1972.*

GENTLEMEN: I write to you in a time of great public distress over the failure of the Federal Communications Commission (FCC) to discharge even its basic legal responsibilities to the American consumer. Since the FCC is a creature of the Congress and is answerable to it, we believe the time has come again to petition the Congress to right the wrongs of the FCC.

### WESTERN ELECTRIC PRICING

This letter is provoked in part by the atrocity committed by the FCC against the American consumer on Thursday, December 23, 1971—a "day of infamy" in the annals of utility regulation. On this day, the last business day before Christmas, the FCC, by a 4 to 2 vote, delivered a gift to the American Telephone & Telegraph Company (AT&T) by the cancellation of its long-promised investigation into the reasonableness of the prices and profits of the Western Electric Company, Inc., the wholly-owned manufacturing subsidiary of AT&T. Docket No. 19129.

The detriment inflicted upon the American consumer by this failure of regulation is difficult to underestimate. Moreover, the cancellation of the investigation at this time is in dramatic conflict with the goals of the national economic stabilizaton program.

Western Electric manufactures approximately 75% of all communications equipment sold in the United States. It furnishes communications equipment to the Bell System operating telephone companies of AT&T and is a major contractor for the Federal Government in connection with defense activities. The prices paid by Bell System companies for Western Electric equipment are reflected in rate-making by the FCC and State regulatory commissions.[1] Accordingly, Western Electric pricing forms an important part of the Bell System cost of service which is borne by the millions of ratepayers across the Nation.

The prime responsibility of the FCC, as of any economic regulatory agency, is to vigorously regulate rates so as to avoid the placing of any undue burden on the consuming public. The regulation of rates involves two basic factors—the valuation of rate base, which in the case of the Bell System is largely affected by Western Electric pricing, and the fixing of an adequate rate by return on the rate base. Obviously, the failure of the FCC to investigate the reasonableness of Western Electric pricing constitutes a dereliction of duty on its part and, further, deprives State regulatory commissions of governmentally verified pricing evidence in Bell intrastate rate cases.

Ironically, the FCC has given, as two of its reasons for cancelling its Western Electric pricing investigation, the need to deploy its staff in implementing new unorthodox policies calling for the certification of specialized common carriers and the interconnection with the national communications network of private branch exchange (PBX) equipment and other customer-provided devices.

These new concepts, when viewed in the light of the Western Electric surrender and its long history of manipulating unfair cost separations between interstate and intrastate users, clearly reveal a deep-rooted cancer in the FCC—a malignancy to deregulate what Congress has given it to regulate—a malignancy to serve the interests of big users and manufacturers to the detriment of the millions of small users across the Nation.

A brief review of these subjects supports the diagnosis.

### TELEPHONE SEPARATIONS

The FCC on November 5, 1969, stated that it had negotiated with Bell System telephone companies an interstate toll rate reduction totaling $237 million. During the period of negotiations, the National Association of Regulatory Utility Commissioners (NARUC) had urged the FCC to use Bell excess earnings to fund a change in then existing interstate-intrastate cost separations so as to relieve the undue rate burden being borne by local and intrastate users. At that time, the same Bell System was seeking rate increases in 16 States totaling in excess of half a billion dollars. We pointed out that it was contrary to the public interest for the FCC to further reduce already low interstate rates for the benefit of a small relatively affluent class of users when the vast number of telephone users were being required to pay more and more to support the national network through excessive cost allocations.

The FCC gave no heed.

In response to the request of the NARUC, the Senate Committee on Commerce and the House Committee on Interstate and Foreign Commerce held hearings in the 91st Congress on this issue and on legislation to create a Federal-State Communications Joint Board.[2]

The NARUC in testifying in these hearings described the inequitable and flawed history of cost separations under the hand of the FCC.

The NARUC pointed out that the average user of telephone service is benefited more by fixing his flat monthly charge for service at the lowest practicable level rather than by reductions in interstate toll rates—rates which are generally paid by a more affluent class of users. The lower the flat monthly charge the more accessible telephone service is to the economically depressed and to others who are severely disadvantaged by inflation.

As a result of Congressional concern over this consumer issue, the FCC promptly instituted a proceeding to modify cost separations procedures which led to the adoption of the Ozark Plan on October 27, 1970. This Plan caused a shift of Bell System annual revenue requirements in the amount of $126 million from intrastate to interstate operations thereby reducing the rate burden on local and intrastate telephone users.

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[1] Under the division of regulatory responsibility prescribed by the Communications Act, the FCC regulates approximately 3 billion interstate long distance toll calls a year and the State commissions regulate approximately 166 billion intrastate toll and local exchange calls a year in our nationally integrated communications network. In terms of plant investment, the FCC exercises jurisdiction over approximately 25 percent of Bell System plant while the State commissions exercise jurisdiction over the remaining 75 percent and over virtually all of the plant of the independent telephone companies.

[2] Hearings before the Communications Subcommittee of the Senate Committee on Commerce on S. 1917, 91st Congress, 1st Sess., Dec. 9, 1969, Serial No. 91–42; Hearings before the Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce on H.R. 12150, 91st Congress, 2nd Sess., Feb. 24–25, 1970, Serial No. 91–81.

Moreover, the Congress enacted legislation (Public Law 92-131) to create a Federal-State joint board, composed of 3 FCC commissioners and 4 State commissioners, to make recommendations to the FCC on changes in separations procedures and other communication matters of joint concern.

Unfortunately, Congressional concern was once again required in telephone separations to force the FCC to make even a modest concession to the broad consumer interest.[3]

### SPECIALIZED COMMON CARRIERS

The FCC's oppressive attitude toward small users is further demonstrated by its decision on June 3, 1971, in the specialized common carrier proceeding (Docket No. 18920).[4] This decision established a policy contemplating extensive competition among existing and new common carriers in the sale of specialized interstate communication services in the rapidly growing field of data transmission. This policy does not take into account the adequacy or inadequacy of existing common carrier service. Accordingly, it represents an abrupt reversal of long-standing Commission interpretation of the requirements of the Communications Act and violates time-proven concepts of public utility regulation.

The certification of new carriers to provide specialized services, where existing carriers adequately serve, will primarily benefit a relatively small number of affluent business users. The economies achieved by these favored few will place a greater economic burden on the millions of small users across the Nation. Rosel Hyde, when Chairman of the FCC, described this kind of regulatory philosophy as being "designed to cost the average American ratepayer money to the immediate benefit of a few with special interests." 18 FCC 2d 953, 81 PUR 3d 209, at p. 225.

In its haste to serve the affluent, the FCC neglected to make an in-depth study of economic impact on small users.

### INTERCONNECTION OF PBX AND OTHER CUSTOMER-PROVIDED EQUIPMENT

The FCC is now devising yet another way to benefit the big users and manufacturers to the detriment of small users.

The FCC has organized an industry-dominated advisory committee, with minority Federal and State representation therein, to recommend a program for greatly liberalizing the interconnection of customer-provided PBX equipment with the public communications network.

Such a program will again benefit a very affluent class of users by reducing their communication costs and, further, will increase profits of unregulated manufacturers of PBX equipment, both foreign and domestic. Accordingly, the general public will be forced to again shoulder a greater economic burden in supporting the public network of the regulated common carriers to the extent their revenues are reduced by the conferral of these extraordinary economic benefits on big users and manufacturers. Also, a promiscuous interconnection policy may create hazards to the public network which would degrade quality of service to all.

The NARUC on October 29, 1971, requested the FCC to promptly convene a Federal-State joint board under Public Law 92-131 to consider and make recommendations with regard to all phases of interconnection policy. However, the FCC refused to convene such a joint board until after the PBX advisory committee had completed its work.

The FCC has taken advantage of this delay in convening a joint board by directing regulated common carriers to liberalize interconnection of customer-provided "Magicall" and "Code-A-Phone" equipment. Although this directive has a direct impact upon State commissions and upon the rates paid by users they represent, and although the directive was clearly within the scope of the joint board function requested by the NARUC, the FCC nevertheless proceeded unilaterally and without prior consultation with the States.

In addition, the FCC is now engaged in meetings with industry representatives to develop standards for interconnection of telephone answering and recording devices. Although this issue is of joint Federal-State concern and also within the scope of the requested joint board function, the FCC has ignored the NARUC plea that State technicians be given sufficient advance notice to permit attendance at these meetings.

Such conduct by the FCC under-cuts the Congressional intent of Public Law 92-131 and offends elemental principles of comity in Federal-State relations.

Here again, the FCC is proceeding without an in depth study of economic impact on common carrier rate structure.

### FEDERAL-STATE JOINT BOARD INVESTIGATION

The cancellation of the Western Electric pricing investigation, the propensity to place an undue rate burden on local and intrastate users by unfair cost separations, the effort to benefit big users and manufacturers by certificating unneeded specialized carriers and by weakening interconnection policies, demonstrate that the FCC has become a citadel of special interest in which the needs of the average consumer are either forgotten or over-ruled.

The FCC has lost the will to regulate.

Accordingly, the FCC should not now be wholly entrusted with the investigation of Western Electric pricing and profits. We respectfully urge that the Congress appropriate sufficient funds to a Federal-State joint board to conduct a thorough and comprehensive investigation of the following paramount issues:

(1) The prices and profits of Western Electric;

(2) The economic impact of specialized carriers upon small users;

(3) The economic and quality of service impact of weakened interconnection policy upon users of the communications network; and

(4) The fairness of existing cost separations procedures to the consuming public.

The funds appropriated to a Federal-State joint board would be used to employ consultants to conduct the investigation under the auspices of the board and a FCC-State staff. Such consultants would of course only be employed after approval by Congressional leadership.

We further urge the Congress to hold oversight hearings into the conduct of the FCC to determine means for restructuring it to represent the national consumer interest.

With warm regards and best wishes, I am

Sincerely yours,

FRANCIS RIORDAN,
*President.*

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[3] The first major separations change in favor of local and intrastate users—the Charleston Plan of 1952—occurred largely through the efforts of Chairman McFarland of the Subcommittee on Communications of the Senate Committee on Interstate Commerce.

[4] The NARUC has appealed this decision to the United States Court of Appeals for the District of Columbia Circuit, No. 71-1982; and the Utilities and Transportation Commission of the State of Washington has appealed it to the United States Court of Appeals for the Ninth Circuit, No. 71-2919.

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## MEDICARE HOME DRUG COVERAGE

## HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. ROSENTHAL. Mr. Speaker, the Senate Finance Committee is currently holding hearings on legislation to provide prescription drugs for medicare patients outside the hospital. I am a sponsor of H.R. 2355, which would do just that. I wish to speak briefly today in its behalf, as I did before the Finance Committee.

Health care costs have continued to skyrocket in this country while the quality of health care has not. This is particularly so for the elderly and others on fixed incomes. Unfortunately, adequate health care in this country is too often viewed as a privilege, rather than as the right it should be.

A large portion of health care costs stem from the purchase of drugs. This is especially true of our elderly, who must spend 20 cents of their health care dollar on medicine. While the elderly represent only 10 percent of our population, they account for 25 percent of the Nation's prescription drug expenditures, or about $1 billion a year. It is essential that we make the purchase of these drugs less of a hardship.

Our elderly are faced with rising needs and costs for medicines when they can least afford it. Many are living on minimal, fixed incomes, and expenditures for drugs can have substantial impact on their often too small financial resources. Furthermore, chronic illnesses requiring continuous drug use are prevalent among the elderly and pose a tremendous burden for this age group, fully 25 percent of whom are living at or below the poverty level as measured by Social Security Administration indices.

Aside from financial difficulties, the elderly face additional obstacles. They frequently have transportation problems and find it difficult to shop around for the lower prices they might be better able to afford. Oftentimes, their very illnesses present impediments to their exercising full consumer power.

This measure, I believe, will have a significant side benefit. Many times, the elderly must be admitted to hospitals in order to qualify for medicare coverage of drug purchases that could otherwise be prescribed on an outpatient basis. The present bill will not only eliminate this unfortunate use of much needed hospital space, but will avoid the potentially tragic psychological impact that a hospital stay can have on older people. This is a price that the elderly should no longer be expected to pay.

This program would also help avoid much worry and bother for medicare patients. They would simply pay the pharmacist $1 for each prescription and not have to worry about keeping any records, paying monthly premiums, filing claims or getting tangled up in and redtape. A person would pay for this coverage during his working years, rather than after he retires and his income is sharply reduced.

Any program has potential administrative problems, and this bill is no different. Yet, the $1 copayment, the reimbursement directly to pharmacies, and the formulary committee proposal strikes me as offering a balance between safeguards against waste, on the one hand, and protection and convenience for pharmacists, the Government and, of course, the elderly, on the other.

And most programs, Mr. Speaker, are expensive. Again, this one is no different. Yet, the human costs of not enacting this bill, and thus perpetuating this hardship for our elderly, are far greater than the financial costs involved. In an age when we talk of spending over $10 billion on space shuttles and one-tenth that amount on elaborate university campuses and Government office complexes, surely we must find the necessary funds to provide drugs for our elderly citizens.

There is no reason why the wealthiest, most technically and scientifically advanced Nation on earth cannot also be the healthiest. We can no longer permit the dire shortage of medical personnel, the lack of adequate facilities, the unequal geographical distribution of those facilities, and the soaring costs of the available services and facilities to prevent every American citizen from receiving complete and preventative health care. An integral part of this effort is making the necessary drugs available to all who need it, regardless of their ability to pay.

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# SENATE—*Friday, January 28, 1972*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who has watched over this Nation in the past and whose grace is sufficient for all our need, continue to guard and guide all who bear the responsibilities of public office. Should we forget Thee, do not forget us, lest we stray from Thy precepts. Forgive our sins. Be patient with our mistakes. Turn us around if our direction is wrong. Assure us when we are right. Be near those who suffer poverty, who are hurt by war or forgotten and unloved by others. Bind us together in our common humanity to be one nation just, and pure, and righteous.

"To serve the present age
Our calling to fulfill
Oh, may it all our powers engage
To do the Master's will."

Amen.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, January 27, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## THE CALENDAR

Mr. MANSFIELD. Mr. President, separate and apart from the application of the Pastore rule of germaneness, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 569, 570, 571, and 572.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## AUTHORIZATION FOR ADDITIONAL FUNDS FOR THE COMMITTEE ON AGRICULTURE AND FORESTRY FOR ROUTINE COMMITTEE PURPOSES

The resolution (S. Res. 226) to provide additional funds for the Committee on Agriculture and Forestry for routine committee expenditures was considered and agreed to, as follows:

S. RES. 226

*Resolved*, That the Committee on Agriculture and Forestry is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $30,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

## AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION FOR INQUIRIES AND INVESTIGATIONS

The resolution (S. Res. 240) authorizing additional expenditures by the Committee on Rules and Administration for inquiries and investigations was considered and agreed to, as follows:

S. RES. 240

*Resolved*, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Rules and Administration, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Rules and Administration, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $327,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $150,000 shall be available for a study or investigation of privileges and elections.

SEC. 4. Not to exceed $177,000 shall be available for a study or investigation of computer services for the Senate, of which amount not to exceed $25,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 5. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–597), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 240 would authorize the Committee on Rules and Administration, or any subcommittee thereof, from March 1, 1972, through February 28, 1973, to expend not to exceed $327,000 for inquiries and investigations.

The funds requested by the committee would be allocated to specific inquiries and to the procurement of the services of individual consultants or organizations thereof as follows:

"Section 3 of the resolution would provide that not to exceed $150,000 would be available for a study or investigation of privileges and elections.

"Section 4 of the resolution would provide that not to exceed $177,000 would be available for a study or investigation of computer services for the Senate, of which amount not to exceed $25,000 could be expended for the procurement of consultants."

During the first session of the 92d Congress (February 1, 1971–February 29, 1972) the committee was authorized to expend not to exceed $113,000 for a study relating to privileges and elections. The Subcommittee on Privileges and Elections estimates that the unobligated balance under this authorization as of February 29, 1972 (funds returnable to the Treasury), will be approximately $30.100.

In respect to the inquiry into computer services for the Senate, for which purpose $78,000 was authorized by Senate Resolution 175, agreed to October 21, 1971, the Subcommittee on Computer Services estimates that the unobligated balance as of February 29, 1972, will be approximately $15,000.

The supporting letters and budgets submitted to the Committee on Rules and Administration by its Subcommittees on Privileges and Elections and Computer Services, respectively, are as follows:

*Budget—S. Res. 240—Committee: Rules and Administration*

| | |
|---|---|
| Total amount requested | $327,000 |
| Consultants for full committee | -------- |
| Training of professional staff | -------- |
| Inquiries and investigations | 327,000 |

## AUTHORIZATION FOR THE PRINTING OF THE 73D ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION AS A SENATE DOCUMENT

The resolution (S. Res. 239) authorizing the printing of the 73d annual report of the National Society of the Daughters of the American Revolution as a Senate document was considered and agreed to, as follows:

S. Res. 239

*Resolved*, That the Seventy-third Annual Report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1970, be printed, with an illustration, as a Senate document.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–598), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The National Society of the Daughters of the American Revolution was incorporated by act of Congress on February 20, 1896 (29 Stat. 8–9), which act included the provision—

"that said society shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings, and said Secretary shall communicate to Congress such portions thereof as he may deem of national interest and importance,"

but did not provide that such report be printed. When in 1889, during the 55th Congress, the first report of the society was transmitted as required by law, it was printed as a Senate document pursuant to a simple resolution agreed to by the Senate. All subsequent DAR reports to date have been printed as Senate documents under the same procedure.

The printing-cost estimate, supplied by the Public Printer, is as follows:

| | |
|---|---|
| To print as a Senate document (1,500 copies) | $4,029.41 |

## GRATUITY TO ELAINE H. DRUMMOND

The resolution (S. Res. 238) to pay a gratuity to Elaine H. Drummond was considered and agreed to, as follows:

S. Res. 238

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Elaine H. Drummond, widow of William H. Drummond, recently deceased employee of the Architect of the Capitol, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

## PRESIDENT NIXON'S PEACE PLAN—FORMER SENATOR McCARTHY'S REACTION

Mr. SCOTT. Mr. President, strange and wonderful are the ways of ambition and of ambitious candidates. Our former colleague, Senator McCarthy, reacting to the President's peace plan—and, I may note, Senator McCarthy reacts to everything, but never predictably—is quoted as saying, "I do not care whether you call it a coalition government or a new government, but it has to be an acceptable government."

The only conclusion from that is that former Senator McCarthy feels that the government must be acceptable.

Acceptable to whom?

The proposal is acceptable to South Vietnam and its allies. Therefore, he can only mean that the proposal must be acceptable to the enemy. That is pleading the cause of the enemy. I deplore it.

I wish that all of our public speakers, no matter what their advocacy and no matter what their ambition, would at least stay within the bounds of advocacy of the best interests of the United States.

In my judgment, to advocate that a government be acceptable, which in this case can mean only to the enemy, is a lot of foolishness and is rather typical of some of the garrulous and gullible campaignery with which we are being inflicted.

Another argument which I find fatuous and disingenuous is the contention that we are now too weak to ask for anything from the enemy because we have so far reduced our forces in Vietnam that we no longer have the strength of a bargaining position.

For heaven's sake, Mr. President, these are the very same people who joined us in urging the administration to reduce our forces in Vietnam. By May 1 we will be down to not much more than 10 percent of what was in there when this administration took office. These people did not urge that on any other administration. It is because we have done this thing, because we have reduced our forces, that they now turn around and use that argument against the administration, and say, "Well, of course, now you are too weak to make your points. You are too weak to defend the American position."

Well, that is about the only argument they have. In fact, I think the critics here are criticizing mainly because they cannot find anything to criticize.

Mr. President, in support of previous statements I have made regarding the necessity for fairness and objectiveness, I ask unanimous consent that editorials from various newspapers across the Nation commenting on the President's peace proposal be printed in the Record. The headlines for the editorials and the newspapers in which they appear are:

"President's Peace Plan a Focal Point for Unity," from the Nashville Banner.

"Mr. Nixon's Initiative Ignored," from the Los Angeles Times.

"The New Peace Offer," from the Philadelphia Evening Bulletin.

"Running True to Form," from the New York Daily News.

"The President's Offer," from the Wall Street Journal.

"Hanoi's Price for Settling War Is Total Victory," from the New York Daily News.

"Mr. Nixon's Attempt To Find a Solution," from the Baltimore Sun.

"The Peace Plan, on the Ground," from the Christian Science Monitor.

"Not Yet the Last Mile," from the New York Times.

"Openings Toward Peace," from the New York Times.

"Clearing the Air on Viet Nam," from the Chicago Tribune.

"Mr. Nixon's Peace Initiatives Rate Serious Reply from Hanoi," from the Philadelphia Inquirer.

"Nixon Clears the Decks," from the Washington News.

"Nixon's Peace Plan," from the Washington Star.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Nashville Banner, Jan. 26, 1972]

### IN NATIONAL INTEREST—PRESIDENT'S PEACE PLAN A FOCAL POINT FOR UNITY

Nothing could be fairer to all concerned than the peace plan outlined last night by President Nixon—not only to end the fighting in Vietnam, but to modify the clouds of war and its East-West involvement in Indochina. Nothing could in reason supply greater cause, than does the advancement of this formula, to end the partisan policy sniping in this country. For it is sufficiently clear that the President and his administration have been working to advance acceptable solutions to the problems his political foes have been merely talking about.

The enemy, of course, has willfully obscured the very fact that these reasoned peace proposals have been under discussion privately. For obfuscation is the Communist way; frustration and deceit, and double-talk tools in its policy kit.

What the President believes is that the people of the United States and those at least of the rest of the Free World are entitled to know that this formula has been given—and that it is the enemy that has demurred. He also believes, obviously, that awareness of the points proposed and urgently addressed to settlement purposes should still the babble of tongues clamoring in attempted contravention of policy, to the detriment of reasonable peace hope.

Note the plan developed in long months of study, and disclosed last night—but advanced in negotiations that have been held since last August:

Within six months of the signing of agreement, all U.S. and Allied forces would be withdrawn from South Vietnam; a full exchange of prisoners of war would be effected, a cease-fire would prevail throughout Indochina, and a new presidential election would be held, open to all factions in South Vietnam.

Further, and answering the arch-critics here and abroad, South Vietnam's President Thieu and his Vice President would resign a month before those elections and a provisional caretaker government would preside.

Proof of the policy pudding surely is, so to speak, in the eating. And President Nixon has done far more than TALK about terminating the war in Vietnam and reducing the vast American commitment and sacrifice there. He has moved his nation far along the road to peace—in fulfillment precisely of the promises he gave as a nominee for President. Significantly, his loudest critics on the false premise they thus seek to press are the arch-liberals who were either party to or the kinsmen—political or otherwise—of the policy-architects who involved this country in that war. As one of them, Sen. Edward M. Kennedy has to be speaking the language of sham, insulting both the intelligence and the memory of any audience that professes to listen seriously to his pretentious and slandering triades.

When President Nixon took office, there

were 550,000 American sons in combat in Vietnam. That number has been reduced year by year, exactly as promised—and the total of withdrawals is ahead of schedule. By May 1 the total over there will be down to 69,000.

The President has kept his word. As he reminded the nation last night, on that Inauguration Day three years ago, American men were dying there at the rate of 300 a week, and that mortality rate has been vastly reduced—to the point of a fraction of such toll. Until Mr. Nixon's election there were no plans for withdrawal.

Progress has been made in winding down this war, working in behalf of an honorable settlement—accomplishing, in fact, the very things political critics have *talked* about.

The President evidently knows—and herewith almost is saying—that at this juncture, if indeed ever, it is no time to be saying and doing things that give aid and comfort to the enemy. It is no time to present the impression a *divided* America, and the fact of an upcoming presidential campaign and election certainly is no satisfactory pretext for that.

Mr. Nixon said it best in his concluding paragraph last night—by way of warning to the Communists, and of appeal to reason and bipartisanship at home.

"If the enemy's answer to our peace offer is to step up their attacks, I shall fully meet my responsibility as Commander-in-Chief of our armed forces to protect our remaining troops. The proposal I have made tonight is one on which we can all agree. Let us unite now in our search for peace."

Notwithstanding any lingering rumblings of dissent, an intelligent and devoted people *will* unite.

[From the Los Angeles Times, Jan. 27, 1972]

### Mr. Nixon's Initiative Ignored

President Nixon cannot be suspected of dragging his feet on the way to a negotiated settlement of the war in Indochina. His speech Tuesday revealed initiatives which deserved but have not received a response from North Vietnam. And he has renewed a commitment to explore in the most flexible terms possible the various ways to a negotiated settlement.

His address indicated that there is really only one obstacle to a negotiated settlement: The insistence by North Vietnam that the United States not only get out but terminate all help, military as well as economic, to South Vietnam.

In outlining a new eight-point peace plan, the President said: "The only thing this plan does not do is to join our enemy to overthrow our ally." This is something the United States will not do. And should not do. But it makes more tragic the situation of the more than 300 American prisoners of war who now are being made hostages by Hanoi's unreasonable and impossible demands.

In the 30 months since the President authorized the secret peace talks to parallel the public peace talks in Paris, he has continued to cut American forces in Vietnam. In the last four months, while waiting in vain for some response to his latest peace initiative, Mr. Nixon has accelerated the withdrawal. This has been a reasonable recognition of the limited, very limited, prospects for negotiating an end to this undeclared war. As we have said before, the best thing the United States can do for peace is to get out, and get out as soon as possible.

But Mr. Nixon has been right in seeing that no stone was left unturned in the search for a negotiated settlement. From the American point of view, a negotiated settlement would be best if for no other reason that the freedom it would assure the prisoners. For Indochina itself, it would seem best because it could be the basis of a regional reconstruction in peace. For Hanoi, however, a negotiated settlement may seem a real obstacle to its continued hopes for the "liberation" of the land.

Only Mr. Nixon fully understands his motives for making public the course of the 13 secret sessions between Henry A. Kissinger and North Vietnamese leaders. One immediate result has been the shifting of a heavy burden of responsibility to Hanoi in the eyes of world opinion. The President seemed to justify his disclosure on the grounds that North Vietnam has divided Americans by deceiving them about the talks. There is no assurance that disclosure of the deception will produce the national unity called for by the President. Beyond American frontiers, the revelations must have had an impact in China and the Soviet Union, where leaders may be reappraising their ambitions for Southeast Asia in anticipation of the presidential visits.

The speech may have marked the end of the road toward a negotiated settlement. As the President said. "The choice is up to the enemy." But these new disappointments and frustrations should not divert Washington from its two priorities in Indochina, the speedy withdrawal of American forces, and the patient extension of assistance to the nations that have been its allies.

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[From the Philadephia Evening Bulletin, Jan. 26, 1972]

### The New Peace Offer

As President Nixon said last night in dramatically making public the new peace offer he made secretly to the Vietnam Communists three months ago:

"The only thing this plan does not do is to join our enemy to overthrow our ally, which the United States of American shall never do. If the enemy wants peace, it will have to recognize the important difference between settlement and surrender."

But even with this reservation, the Nixon plan, endorsed by President Thieu of South Vietnam, makes a remarkable political concession. Agreeing to complete withdrawal of all U.S. forces within six months in return for an Indochina cease-fire and freedom for all prisoners, the United States and South Vietnam also offer the resignation of President Thieu one month before an internationally supervised election.

The sticking point in negotiations with the Communists, which many of Mr. Nixon's critics have presistently glossed over, has always been enemy insistence that the United States go alone with them in undercutting the Thieu regime. Mr. Nixon has not done that, but the Thieu offer to stand down from office does make it clear that, if the Communists are now interested in a ballot-box decision, they can have it without the leader they detest at the helm of South Vietnam's government.

To most Americans, at least, this would seem to be walking the twain mile toward a negotiated settlement. Indeed, the full range of the Nixon eight points appears a fair offer to stop the shooting and permit the Vietnamese to work out their own destiny in a peaceful process and, indeed, to bring internationally guaranteed peace for all the peoples of Indochina.

Yet, while the world will hope that reflection will bring the Communists to accept such terms, it would also require a remarkable change of stance for them to accept after all these years. The North Vietnamese do not regard themselves as foreigners fighting in another's land. They recall the elections that didn't come off after the Geneva agreement in the 1950's. They have fought for decades to reunify Vietnam on their terms, taking all the punishment that a huge American army could inflict. And now that American forces have been largely withdrawn, they may see no advantage in accepting Mr. Nixon's terms so far as acheiving the political victory they seek.

But if such reasonable terms are rejected out-of-hand, this could be an ominous development and one threatening to the relatively small number of Americans who remain in Vietnam. The memory of the Tet offensive in 1968, which was followed by the withdrawal of President Johnson as a candidate for reelection, can never be entirely absent from Administration thinking. President Nixon's warning against new attacks would seem very much addressed to that hazard.

There is one other aspect of the long history of Mr. Nixon's secret negotiations with the Communists through the ubiquitous Dr. Henry Kissinger that have now been made public record. It indicates that much of the criticism of the President for his supposed refusal to negotiate seriously and in a flexible manner with the Communists has been unfounded. Whatever the future may hold in Indochina, his revelations should clear the air as the American presidential campaign moves ahead. If Mr. Nixon's 'accounting' renders the debate less acrimonious and divisive, it will at least be a decided gain for peace at home.

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[From the New York Daily News, Jan. 27, 1972]

### Running True to Form

The die-hard doves and defeatists greeted President Richard M. Nixon's generous offer of a Vietnam peace settlement with knee-jerk sneers that it did not go far enough.

The reaction from the enemy camp was so similar that North Vietnam and the domestic critics might have been working from the same song book.

Diplomats hold out some hope that Hanoi will change its tune once it has time to give Mr. Nixon's proposal more study. Chances are slimmer that peace-at-any-pricers like Sen. William Fulbright (D-Ark.) and Sen. George McGovern (D-S.D.) will make any positive or constructive contributions toward peace in Vietnam.

Both these arch-appeasers were quick to suggest new concessions the U.S. and South Vietnam should make. And, of course, neither uttered even a whisper of displeasure at the fact that the other side has yet to put forward anything but demands, conditions and threats.

The peacenik claque has pushed its line of sellout and surrender so hard and so long that it now has a vested interested in torpedoing any honest plan that might end the Vietnam conflict on terms short of American humiliation.

We believe the vast majority of Americans are wise to the game these harpies are playing, and stand as firmly as does the President against any action that would result in national dishonor and disgrace.

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[From the Wall Street Journal, Jan. 27, 1972]

### The President's Offer

It's hard to understand why serious people should be surprised that President Nixon has offered and Hanoi has rejected generous terms for ending the Vietnam war. In fact, the effect of the revelation is simply to clarify what has been, at least to us, abundantly clear already; that American options are harshly limited by the bald fact that Hanoi is interested not in compromise but in conquest.

The plan revealed by the President reads like a prospectus drawn up by the Senate doves: the withdrawal of all American forces, the relase of prisoners, the resignation of President Thieu, South Vietnamese elections under independent auspices, a general ceasefire. The American-South Vietnamese offer could scarcely have been more generous, particularly viewed as an opening position. But Hanoi has failed to respond.

Hanoi's reaction is perfectly consistent with the attitude it has displayed throughout the negotiations. Because of that attitude, we long ago sadly concluded that while negotiations of course must be seriously pressed the actual chance of ending the war by an honorable compromise is remote at best. We have marked it up to the mysteries of human psychology that many thoughtful and articulate Americans could go on believing that if only the administration offered this or accepted that, peace would ensue.

How these same people will react to the latest revelation remains to be seen. Some in Congress and the press reacted favorably, while others made excuses for Hanoi. We expect the President's speech will earn him a period of grace, but that over a few months the mysteries of psychology will gradually prevail, and he will again find himself exhorted to go one more mile and offer one more concession.

Still, you have to stretch to find that next concession and this makes the harshness of the American options all the more clear. Senator Fulbright's immediate reaction to the President's speech is especially useful in this regard. "What looks generous to us may not look generous to North Vietnam," he said, and the sticking point is whether the U.S. is "willing to get out and leave the Thieu government to its own devices."

Since the remark came in criticism of a presidential offer specifying the removal of all American fighting forces, we are entitled to assume the Senator's phrase "get out" means something more than that. We can see no logical step to fit this prescription except the termination of all logistical aid to the South Vietnamese.

To keep this step in perspective, one must remember that the entire nation of North Vietnam is a conduit for lavish logistical aid from mainland China and the Soviet Union. Indeed, North Vietnam probably would not even be able to feed itself if outside aid stopped tomorrow. So what Senator Fulbright seems to be proposing is that we cut off all American aid to South Vietnam, allowing the Chinese and Russian bankroll to buy North Vietnam its conquest.

Unquestionably this is one of the options, and as such it deserves some debate. It would be interesting and illuminating, in fact, to probe seriously into the assumptions Senator Fulbright and his followers make about the nature of the Russians and Chinese. One need not believe in a monolithic and crusading world communism, after all, to believe that these nations have a high potential for world mischief that might well be encouraged by the outcome of what the Senator seems to propose in Vietnam.

A second clear option is the President's policy: Pursue negotiations in the hope that something may yet change Hanoi's intransigence. Otherwise, work at "ending American involvement in the war by withdrawing our remaining forces as the South Vietnamese develop the capability to defend themselves."

The stark options of sellout or Vietnamization are clear enough. The question the administration's critics need to face, the question above all brought home by the disclosure of the President's offer and Hanoi's rejection, is simplicity itself: What third option is there?

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[From the New York Daily News, Jan. 27, 1972]

## HANOI'S PRICE FOR SETTING WAR IS TOTAL VICTORY

(By Stan Carter)

WASHINGTON, January 26.—Predictably, President Nixon's disclosure that he has been secretly pursuing a Vietnam peace formula almost identical to the demands of many of his Democratic critics did not satisfy the critics.

But it has returned the focus of the war to its harsh reality. The reality is this:

There isn't any easy way out. Sen. George S. McGovern (D-S.D.) and other doves who have insisted that the North Vietnamese would release American prisoners if only the United States set a date for total withdrawal may be right. But the Communists adamantly refuse to make an advance agreement to do this.

Hanoi's price for settling the war is much higher. The North Vietnamese goal is the same as it has been since 1959, when Ho Chi Minh decided to unify Vietnam by force. It is to take over the Saigon government. They have shown that they do not want any settlement of the war short of total victory.

The Communists have clung tenaciously to this goal through more than a decade of their country's misery, not giving an inch despite military setbacks.

The Communists in Paris and Hanoi sputtered angrily that Nixon's Indochina speech last night was a "brazen challenge" and a "perfidious maneuver to deceive the American electorate in this election year."

But nothing that they said belied the statement by presidential adviser Henry Kissinger, who held 12 secret meetings with Communist diplomats in Paris, that the main sticking point in negotiations was Hanoi's demand that the United States pull the rug out from under the South Vietnamese regime headed by President Nguyen Van Thieu.

In fact, this demand was part of the seven-point peace formula put forward publicly by the Viet Cong last summer, as well as the secret nine-point plan that the North Vietnamese gave to Kissinger. Both plans were presented by the Communists as packages that must be accepted in toto, implying that there could be no release of American prisoners without Thieu's overthrow, in addition to withdrawal of all U.S. troops.

Hanoi's nine points also included a demand that the U.S. pay reparations for war damage.

"They are in effect asking us to ally ourselves with their overthrow of the people who have been counting on us," Kissinger said today. "They want us to achieve for them what they have not been able to accomplish themselves."

Among the Communists' specific demands is that the United States not only stop all military and economic aid to South Vietnam, but strip the country of all aid that had been previously given, including the South Vietnamese army's weapons. Nixon has refused to do this, but did offer to put a limitation on future aid to the Saigon regime, provided there was a similar limitation on the aid given by China, the Soviet Union, and other Communist countries to North Vietnam.

### IT'S BELIEVED THEY WOULD WIN, ANYHOW

Why the North Vietnamese would insist on this linking of political and military issues is baffling to many Americans, who believe—perhaps mistakenly—that the Communists could easily defeat the Thieu regime once U.S. troops have left the country.

Why don't they accept the first deal that Nixon offered, for a complete U.S. withdrawal within six months in exchange for a cease-fire and release of American prisoners, and leave the political issues to be settled later among the Vietnamese themselves?

One reason may be that they are not at all that confident of their ability to defeat the Saigon regime on their own, either through political struggle or a renewal of the fighting after the Americans have gone.

This would explain their refusal to give up the prisoners merely in exchange for American withdrawal—they regard the prisoners as a bargaining card which will help them put pressure on the United States to help achieve their ultimate goal.

There is another, psychological reason for the hard-bitten Hanoi leadership's refusal to end what they call the "armed struggle" phase of the Vietnam war without firm assurances that they can gain hegemony over the South through "political struggle."

### THE WAR HAS BEEN COSTLY TO THEM

The psychological reason is that accepting less than political control over the South would be an admission that nearly two decades of war—much more costly to North Vietnam than to the United States in terms of blood—had been in vain.

How, then, can the difficult problem of Vietnam ever be solved? The only possible way that has been stated publicly is the Vietnamization program. This will reduce U.S. troop strength in Vietnam to 69,000 by next May 1, but envisions a residual force remaining in the country for an indefinite period.

But conceivably, Nixon may find another answer on his journeys to Peking and Moscow next month and in May. Nixon has denied that he expected to end the war through negotiations with either the Chinese Communists or the Russians. But it is nevertheless true that Hanoi could not carry on the war without Peking's and Moscow's support.

It is also noteworthy that Peking's interest in the war is different from Hanoi's. What the Chinese want most is to get American forces off the Asian mainland—which Nixon has offered. It may be no coincidence that Nixon disclosed his secret offer only three weeks before he is scheduled to leave for Peking.

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[From the Baltimore Sun, Jan. 27, 1972]

## MR. NIXON'S ATTEMPT TO FIND A SOLUTION

Hanoi's immediate public reaction to President Nixon's revelation of his peace proposals is the same as the private reaction reported by the President: negative. This was entirely to be expected, since in his television address Mr. Nixon was in fact not offering a new peace plan, except as it was new to his listeners, but acknowledging the failure of a long effort to find an Indochina solution through secret diplomacy.

It was an earnest effort. Even though most of its points had been discussed in one form or another at the Paris negotiations, in this they had been brought together in a coherent package, and had been given an emphasis of flexibility well beyond what most of the President's domestic critics had been calling for. The text of the packaged proposal, put forward as a joint United States-South Vietnamese program for ending the war, is on its face fair and reasonable—or would be reasonable in a reasonable situation.

Hanoi certainly does not see the proposal in that light, because, first of all, Hanoi continues to insist on the one condition Mr. Nixon declares that the United States cannot accept, American connivance in the "overthrow" of the Saigon regime. Hanoi continues further to insist that military and political settlements must be bound tightly together, which is a rejection of the sensible American offer either to begin "implementing certain military aspects" while other negotiations proceeded, or to settle only the military issues and leave the political "to the Vietnamese alone," under a new election internationally supervised. In Hanoi's eyes, of course, the fact that President Thieu says he would step aside before such an election is merely more evidence of Thieu's status as an American puppet. To cap their immediate negativism the North Vietnamese charge Mr. Nixon with having broken a promise in revealing the secret talks between its representatives and Dr. Kissinger, an attitude which seems to preclude further private discussions. But the secret discussions had broken down anyway.

Thus, barring possible developments at the Paris table, we are where we were before, with Hanoi demanding that the Saigon regime be abandoned, Washington asserting the right to maintain its support of that regime, American ground-force withdrawal proceeding, American air power remaining in substantial though reduced force, massive American logistical assistance for the South Vietnamese continuing and "Vietnamization" still an American policy—a policy which Mr. Nixon declares to be on the path of success.

How the American public will view all this is uncertain. The President, one of whose obvious purposes in his revelations was to minimize the war as a campaign issue, will be given credit for a genuine attempt to find a solution, within permissible limits, but for the time being the war goes on, and the prisoners are still prisoners.

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[From the Christian Science Monitor, Jan. 27, 1972]

### The Peace Plan, on the Ground . . .

The best way to get at the meaning of President Nixon's peace proposals is to examine exactly what would be happening now in Southeast Asia if Hanoi had accepted his terms when proposed in October and had signed an agreement in November or December to carry out the terms.

A cease-fire would have gone into effect from the day the agreement was signed and all movements of troops down the Ho Chi Minh trails would have stopped.

At the present moment American ground forces would continue to embark for home in complete security. There would be no threat either to their well being or their convenience. More important to those around them would be the fact that the armed forces of South Vietnam would be in undisputed and secure control of the whole of the territory of South Vietnam. The present threat of an impending military attack on them—a "second Tet"—would no longer exist.

President Thieu of South Vietnam would be in the process of preparing for a special presidential election. He could prepare at leisure because he would set the date. True, he would have to resign and take his chances with competitors from a month before voting day. But since he would have been in control until the last month he would enjoy reasonable prospects of success.

During this interim period of time the Americans in Hanoi's prison camps would begin to come out and come home.

At the end of the six months of this interim period all American ground troops would have left South Vietnam. But American "advisers" would still be attached to units of the South Vietnam Army. The flow of American weapons and other supplies would be continuing for that Army. Offshore in the South China Sea the big attack carriers of the U.S. Sixth Fleet would be patroling, watchfully. And the B-52's on Guam and in Thailand would be ready for "protective reaction" should anything begin moving down the Ho Chi Minh trails.

Thus the American political conventions would take place at a time when the prisoners would all have been released, the ground troops would all be home. The shooting would have stopped. And Nguyen Van Thieu would still be presiding over a South Vietnam still associated with the United States.

Meanwhile the "second Tet" offensive, for which Hanoi has been preparing for two years, would have been canceled. Hanoi would have abandoned its last best chance for that decisive military victory which has been its goal and its dream for some 30 years.

There is every reason for Mr. Nixon to propose this desirable (from the U.S. point of view) scenario. He has everything to gain, nothing to lose. But what is there in it for the North Vietnamese?

They would spare themselves the losses they will take in the offensive which is expected to burst on the South Vietnam Army at any moment. But combat losses have not bothered them before. Their losses have been relatively slight since the first Tet. They have invested heavily in this offensive. And their chances of dealing a shattering defeat on South Vietnam are too good for the comfort of Saigon or Washington.

There isn't enough for Hanoi in the Nixon offer to make it worth giving up their offensive. If it works, they end up with what they want most, a victory. If it fails, they still have the prisoners for their opener in another round of negotiation.

### . . . IN AMERICAN POLITICS

As a political strategy, Mr. Nixon's peace proposal must go down in the history books as a modern classic. Though it does not seem destined to move Hanoi, the President's initiative reaffirms a commendable and continuing effort to find the road to a political settlement. The Vietnam war is, as perhaps no other war has ever been, a multidimensional exercise. The battlefields of Indo-China are only its take-off point. From there, it pulsates out over the United States domestic political scene, and goes on to rattle the doors of major world capitals, including most significantly Moscow and Peking.

The brilliance of Mr. Nixon's move is that it operates to his benefit at all of these levels. To be fully appreciated, we need to understand that two entirely different and mutually incomprehensible value systems are at work here, Hanoi's and Washington's. Thus when Mr. Nixon proposes free elections, United States ground troop withdrawal, and a cease-fire, he can do so with ringing conviction, to Western ears, that he is making a perfectly fair offer, and even going the second mile.

From the North Vietnamese viewpoint, however, this seemingly fair offer can and, judging from its early response, does look to be another piece of Western propaganda, as explained above.

Mr. Nixon is, of course, perfectly aware of this value gap between his and Hanoi's position. He is perfectly aware of both the possibility and probability of rejection. But from the viewpoint of a majority of the American people, and indeed from most of the Western world, he has shown himself to have been hard at work trying to negotiate a peace with Hanoi, and that within the context of supersecret diplomacy.

For his Democratic opponents who have charged him with prolonging the war, his revelation of a 30-month, 12-session peacemaking effort utterly demolishes that particular political issue. Senator Muskie immediately perceived this, as reflected in his approving comments afterward. Senator McGovern, on the other hand, by choosing to cavil with the President's proposal, probably lost political ground.

As for Peking and Moscow, they of course are playing a different game for different reasons than Hanoi. While each would dearly love to see the United States humiliated in Indo-China, neither has a major strategic interest in how that war is settled. Each does have a major interest in arriving at détente with the United States. If Hanoi rejects the President's plan out of hand, it gives them an excuse for pursuing closer relations with Washington, while giving them insurance against criticism from their own anti-American hawks at home.

As Mr. Nixon travels to Peking and Moscow in the coming months, he goes from a position of strength, having proven himself a political strategist of virtuoso caliber. It is a quality that the men in the Kremlin and in the Forbidden City will be inclined to treat with respect.

### . . . IN DIPLOMACY

It was comforting to learn from President Nixon's peace proposals that secret diplomacy is still possible even in this day of instant communication and in a society as open as that of the United States.

For presidential adviser Henry Kissinger to travel undetected between Washington and Paris for a dozen meetings with the North Vietnamese was in itself a remarkable achievement. Here was something even a Jack Anderson didn't get wind of. Nor did any of the astute news hawks who have been watching the peace talks in Paris for months for any hint of private meetings that might portend a breakthrough in the negotiating stalemate. President Nixon rightly paid tribute to President Pompidou of France for his part in arranging the Kissinger talks and for keeping the secret.

In this case the attempt to end the war through secret negotiations did not pay off. But of course the President was right to try. The attempt had to be made. There may still come a time when Hanoi will be ready to parley, and if so there is a greater chance of negotiations succeeding through private diplomacy than at the formal sessions of the Paris talks which have devolved into nothing more than a propaganda roundabout.

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[From the New York Times, Jan. 27, 1972]

### Not Yet the Last Mile

(By Tom Wicker)

President Nixon, with understandable satisfaction, remarked during his Tuesday night broadcast that it was "difficult to see how anyone, regardless of his past position on the war, could now say that we have not gone the extra mile in offering a settlement that is fair to everybody concerned."

That well may be a prophetic political statement. The proposals Mr. Nixon disclosed himself to have made—and, even more important, the fact that he had made them—are likely to appeal to the war-weary American people as the most any President could be expected to do. There will also be those to whom it will seem that he now has done as much as any of his potential Democratic opponents have said they would do.

Nevertheless, the last mile remains somewhere ahead of us. For one thing despite all the advance leaks to set up the assumption, Mr. Nixon's proposals did not set a date for American withdrawal in return for the release of American P.O.W.'s by the same date; rather the President offered to withdraw six months after the other side agreed in principle to release the P.O.W.'s, to stop shooting, and to accept elections as a means of determining the future of South Vietnam.

Later clarifications by Dr. Henry Kissinger may suggest that the withdrawal-prisoner deal could be arranged separately; but that is not the wording of the text, nor was it the apparent meaning of the President in his speech. This is a point that needs to be cleared up, but as it now stands there is no such thing as a direct pledge to withdraw, provided only that the prisoners are released.

There was no mention, moreover, of the withdrawal of the powerful air units in Thailand that have done so much of the bombing of Laos and North Vietnam; or of the equally powerful naval air units that have so often pummeled North Vietnam; or of the C.I.A.-financed army in Laos; and the withdrawal offer was coupled with the assertion—which Mr. Nixon's text also seemed to say would have to be agreed upon "in principle" before the American withdrawal—that all North Vietnamese forces would have to be withdrawal within that country's borders.

This is a demand that Hanoi agree to give up its military positions in Laos. Cambodia and South Vietnam and accept aerial encirclement from Thailand and the Gulf of Tonkin, in return for elections to determine the future of South Vietnam. The resignation of President Thieu one month before those elections would scarcely sweeten this bitter pill; he could still run for re-election, his whole administrative apparatus would still be in office, including that powerful province chiefs, and the whole thing would take place within the framework of his Constitution. In his own speech in Saigon, Mr. Thieu made it clear also that the Vietnamese Communists could participate in the elections only if they laid down their arms and renounced violence. What about his own army and internal police?

But the real reason why these latest proposals are not yet "the last mile" lies in the assumptions and attitudes of those who put them forward—in Mr. Nixon's insistence, for example, that his plan is "fair to everybody concerned." Whether or not that is correct, such proposals would be appropriate and necessary when two equivalent positions were in deadlock and an even-handed compromise could both rescue the situation and provide justice. The hard truth is that this is not the case in Indochina.

The Nixon proposals, like every American peace plan ever put forward, assume that the United States is as much in the right in the war as Hanoi or the Vietcong; they assume that American forces have as proper a place in Indochina as do those of North Vietnamese; they assume that North and South Vietnam are separate and equal nations, a dubious proposition historically, politically and legally; and while this latest plan asserts the right of the Vietnamese people to determine the future of South Vietnam, it also assumes that the United States has a right to say how that determination ought to be arrived at—by elections.

Above all, therefore, those who made this peace proposal assume either that this war has been rightly waged, or that the American people are not willing to be told that it has been wrongly waged. They are insisting upon a settlement that cannot be interpreted as a defeat or as the abandonment of a war that cannot be won. They are trying to find some way to make it appear, in the end, that the lives sacrificed to this war have not been wasted, and that worthy objectives have been attained.

This is understandable, politically, and it may even be that no President could take any other attitude and survive. But until some President does—until the truth is admitted that this is a war that should not have been fought, and should be fought not a day longer—the last mile will not have been walked.

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[From the New York Times, Jan. 27, 1972]

### Openings Toward Peace

The emphasis Presidential assistant Henry Kissinger has placed on the flexibility of the Administration's new Vietnam peace proposals strengthens hope that they may yet provide a key to ending this tragic conflict, despite their initial unacceptability to North Vietnam and the Vietcong.

There are obvious shortcomings in the plan revealed by President Nixon, and the American leverage for any kind of negotiated political settlement has been measurably reduced by Vietnamization and its abysmal failure to bring closer a cessation of hostilities. But neither factor should overshadow the very significant advances the revised proposals represent over any previous American position—especially since they are offered as a jumping-off point for what could become the first real bargaining since the frustrating negotiations at Paris began three years ago.

The North Vietnamese have criticized the President for disclosing that secret talks took place between Dr. Kissinger and top Communist diplomats in Paris over an extended period—talks which were conducted at a higher level and with greater intensity than most Americans even suspected. But this disclosure could have a positive impact on the prospects for a negotiated settlement. It reveals the President's sensitivity to public criticism of his peace posture and gives Americans for the first time an opportunity to judge their Government's real position and perhaps to effect changes.

One opening that invites further discussion is the President's suggestion that the military issues in his proposal could be separated from the more difficult political questions. This approach has its pitfalls. Mr. Nixon did not offer a simple withdrawal of American forces in return for prisoners of war as Senator Mansfield and others have urged.

The President tied withdrawal also to acceptance of a cease-fire throughout Indochina, something the Communists oppose because under existing conditions a total cease-fire would tend to solidify Saigon's political control over most of the South Vietnamese population. But the Communists themselves have proposed a partial cease-fire between their troops and withdrawing allied forces. The cease-fire issue could be a subject for fruitful negotiations.

Even the wide gap between the two sides on political questions has been narrowed. The President made a major concession to long-standing Communist demands when he offered the resignations of President Thieu and Vice President Huong one month before proposed new supervised elections. The other side is understandably unhappy about this arrangement as presented, especially Mr. Nixon's suggestion that the chairman of the Senate, a Thieu man, should head a caretaker government.

But the timing of Mr. Thieu's departure from government is surely negotiable. And it is not inconceivable that the functions of the broadly based electoral commission proposed by Mr. Nixon could be enlarged to approach the wider role assigned to a "government of national concord" in the Vietcong plan.

In light of the frightful losses that all sides have already suffered and of the imminent threat of a new escalation of the fighting, it would be the height of irresponsibility to write off the new Nixon proposals before these and other possible openings toward peace have been thoroughly explored.

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[From the Chicago Tribune, Jan. 27, 1972]

### Clearing the Air on Vietnam

President Nixon has made public the standing American offer for an agreement with North Viet Nam, and it is an eminently fair one. Hanoi has rejected it. Whatever happens now, the exchange has cleared the air of a good deal of rhetorical pollution and has unmasked Hanoi as the real obstructionist all along.

Briefly, the offer is to withdraw all American forces within six months of an agreement [Mr. Kissinger says that we had offered to set a specific deadline of Aug. 1], this to be carried out simultaneously with the release of all prisoners of war. There would be a cease-fire thruout Indochina, effective with the signing of the agreement and supervised by international authority. A free and democratic election would be held in South Viet Nam within the six-month period, open to all parties and again supervised by an international commission. The Thieu government would resign one month before the election, but presumably could run for reelection. The United States would keep its hands off of the election. The two Viet Nams would be free to work out their own destiny subject to the provisions of the Geneva convention of 1954. The United States would assist in the economic development of all Southeast Asia, including North Viet Nam.

No fair-minded government that sincerely desired peace could object to this formula. Hanoi's hasty rejection therefore confirms what was already clear. Hanoi does not want peace. It wants to persist in its effort to take over its neighbors, with or without their consent.

The secrecy of the negotiations thus far has enabled Hanoi to play Dr. Jekyll and Mr. Hyde. Hanoi has continued to denounce us for supporting the "puppet" Thieu government even after we offered privately to dissociate ourselves from it. It has continued to accuse us publicly of refusing to set a specific date [and so did a good many Americans] even tho we had secretly offered to set one and indeed had set one, according to Mr. Kissinger.

No wonder Hanoi is angry at Mr. Nixon for spilling the beans. And its anger confirms something else. Mr. Nixon said: "Just as secret negotiations can sometimes break a public deadlock, public disclosure may help to break a secret deadlock . . . Nothing is served by silence when it enables the other side to imply possible solutions publicly that it has already flatly rejected privately" and to induce "many Americans in the press and in Congress into echoing their propaganda." The set of proposals was given to the Communists as far back as Oct. 11, Mr. Nixon said.

And so Hanoi, thrashing about for a new excuse to reject the offer, settles on the Vietnamization program, which is not covered in the proposal. Yet if there were peace, Vietnamization would largely cease to be a legitimate issue; the United States would not need to pursue it, and Hanoi would not need to fear it. If Hanoi were seriously to offer any credible commitments in return, we might make concessions with respect to Vietnamization.

But this is as far as the President can fairly be expected to go. Idealistic [and other] liberals keep talking about ending the war in Indochina; but clearly it is an unrealistic to talk about restoring peace by withdrawing our forces as it is to talk about subduing North Viet Nam by force. The President's proposals on Viet Nam, like the agreement between Britain and Ian Smith in Rhodesia, do not offer moral or theoretical perfection. There have been concessions in principle to accommodate reality; yet on Rhodesia, ironically, the doctrinaire liberals are beating the drums for principle and morality without regard to what is possible and in Viet Nam they are clamoring for the fastest possible withdrawal without regard to whether it brings justice or peace.

There is no guarantee that even the President's plan will work, but it has as good a chance of serving both principle and reality as any we've seen. If the country could only get behind it, and make our unanimity clear to Hanoi, there might be real reason for hope.

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[From the Philadelphia Inquirer, Jan. 27, 1972]

### Mr. Nixon's Peace Initiatives Rate Serious Reply From Hanoi

The Vietnam peace proposal President Nixon has now made public should lay to rest the charge that he is interested only in a military solution to the war.

Mr. Nixon, it is now clear, has been intensively pursuing—through private channels—a negotiated settlement on terms which even some of his severist critics now describe as "just and fair" and "generous."

His disclosure of the secret diplomacy that has been underway for more than two years is both encouraging and disappointing. It is encouraging to learn that such a reasonable approach to ending this tragic conflict has been pursued. But it is disappointing to learn that it has been ignored, for this suggests that it is the Communists who are in fact insistent on a military solution.

We shall now see if "public disclosure may help to break a secret deadlock," as the President suggested in announcing that the plan will be laid on the table in the Paris peace talks Thursday. Certainly the obligation is now on the Communists to come up with the response they have been avoiding in the backstage discussions.

There could hardly be a clearer test of their intentions.

"Hanoi and the Vietcong," Sen. George McGovern commented back in 1970, "have repeatedly said they would be ready to negotiate as soon as we announce our willingness to withdraw on a definite timetable."

Such a timetable is now an indisputable part of the Nixon proposal. "Within six months of an agreement," the President said Tuesday night, "we shall withdraw all U.S. and allied forces from South Vietnam."

This does not call for acceptance of the plan in toto. But it does pave the way for serious consideration of any points still at issue if Hanoi and the Vietcong are indeed as "ready to negotiate" as they had indicated to Mr. McGovern they were.

It is no answer to say, as Radio Hanoi did in its initial reaction Wednesday, that there is "nothing new" in the President's proposal. It may not be new to the diplomats who have been dealing secretly with Mr. Nixon and Dr. Kissinger, but the plan embodies some significant changes in previous public proposals.

Not the least of these is the understanding that the Thieu government would step down a month before new elections were conducted in South Vietnam under international supervision by an intedependent body . . . "representing all political forces in South Vietnam . . . including the National Liberation Front." The importance of that is best understood by recalling that it was United States intervention in canceling the 1956 elections called for in the Geneva Accords which got us into the Vietnam mess in the first place.

But if this proves to be a sticking point, the President has also promised to withdraw all American troops in six months in exchange for an Indochina cease-fire and the release of prisoners and then "leave the political issues to the Vietnamese."

If in the face of these options the Communists remain unwilling to negotiate, we may conclude only that they are not interested in ending the war but in intensifying it as American forces withdraw.

And what then? That is a question of many parts which would call for some hard answers—and some specific ones from Mr. Nixon's critics, especially those who want his job.

Meanwhile, as long as even a slender hope remains that things will not reach that point, the plan the President has outlined for ending not just our own participation in the war but the war itself is one which all Americans should be able to support.

[From the Washington News, Jan. 26, 1972]

NIXON CLEARS THE DECKS

President Nixon's Vietnam speech last night ought to change a lot of thinking about that frustrating internal war and the extraordinary efforts to end it.

The settlement plan he said had been privately offered the North Vietnamese communists and ignored is eminently fair, even generous.

If the North Vietnamese are half as interested in ending the war as they have been claiming, Mr. Nixon gave them the opportunity, plus.

If they believe what they have been saying, that they want "self-determination" by the people of South Vietnam, Mr. Nixon gave them the chance to get it.

The offer of South Vietnam's President Nguyen Van Thieu and his vice president to resign a month before new elections is more than the communists of the north had any right to expect.

If, as the communists say, it is the right of the South Vietnamese to choose, once again, their own leaders, they cannot object to an election supervised by an international agency.

President Nixon said he offered last May to pull out all U.S. and allied forces by a definite date in exchange for the release of all prisoners of war (on both sides) and a cease-fire.

What can be fairer or more practical than that?

The President revealed he had been privately negotiating with the North Vietnamese for 30 months. His latest offers of a settlement have not been rejected, only ignored.

The last contact with the North Vietnamese was Nov. 17, Mr. Nixon said. No word since. In that light, he decided to make public details of the secret talks in the hope that this might "break the deadlock."

We have no notion of whether this will succeed—but if you can't get a breakthru up one street, the only thing to do is try another.

Just a few days ago, the North Vietnamese, while withholding an answer to Mr. Nixon's push for negotiations, officially were broadcasting from Hanoi a demand that the United States set a "definitive" date for withdrawing all forces "unconditionally."

The United States cannot withdraw, "unconditionally." It cannot wholly withdraw without an agreement on the release of the prisoners of war. It cannot, on the way out, wantonly scuttle the Thieu government.

Mr. Nixon's course, as he outlined it last night, is the only honorable, decent course he could follow. And, in view of the obviously deliberate statement set up by Hanoi, his decision to make public the long series of secret talks was a necessary decision—it just might be productive.

In Washington, and perhaps elsewhere, the first question, of course, was: Why did the President choose this time to reveal the secret and futile talks?

Was it to still the political clamor for a definite date for final withdrawal? No doubt he had that in mind. But read your newspaper; obviously it hasn't altogether had that effect. But his disclosure does make the carping sound pretty puny and destroys its validity.

Was the timing of this speech politically motivated? All we can say is that it is an election year and the President is a politician.

So what! The job is to get the war ended, American forces home safely and, most important, release of the prisoners of war. Anything which accomplishes that the people can support, political overtones or not. Besides, anything a President does, in any year, invariably has political overtones, intended or suspected.

The essence of it is that the President has been trying. He already has brought home the overwhelming majority of U.S. forces in Vietnam. This has been accomplished, up to now, on a practical altho rapid basis, and without loss of honor or betrayal of commitment.

This is one place, despite anything else, where the President has been faithfully keeping a promise. On that basis, we can commend what has been tried and, with confidence, go on hoping for an ultimately wholesome and conclusive solution to this tragic adventure.

[From the Washington Star, Jan. 26, 1972]

NIXON'S PEACE PLAN

We don't know if it will succeed in pulling the rug out from under Senator Mike Mansfield or other opponents of the administration's Vietnam policies. We don't know if it will end the war. But it will take a very determined critic to find much fault with the Vietnam peace plan unfolded by President Nixon to the nation last night.

Part of the revelation was past history. Mr. Nixon's effort to try the road of secret diplomacy, dating back to August 1969, and the 12 subsequent trips to Paris of Presidential Security Adviser Henry Kissinger, unannounced and incredibly unreported, adds a new dimension to the Byzantine diplomacy which seems to be the hallmark of this administration. There will be some, no doubt, who will deplore the secrecy of these initiatives. But in view of the offers made—and rejected by the Communist side in the course of these negotiations—there should also be a considerable amount of crow-eating among those who have accused the administration of obduracy in trying to find an honorable solution to the war.

Very certainly, the terms which Mr. Nixon is now offering in public must be supported by the overwhelming majority of the American people. For those who have urged him to set a "date certain" for a complete American withdrawal from Vietnam, he has complied. The date will be six months from the time that an agreement in principle is reached on the release of American prisoners of war held in Hanoi and on a military cease-fire throughout Indochina. If agreement can be reached on these military provisions, all American participation in the war can come to an end, including air support for the defending South Vietnamese army and the forces of Laos and Cambodia.

The political elements of the President's offer are no less persuasive. An agreement to hold new elections throughout South Vietnam under international supervision with President Thieu and Vice President Huong resigning a month beforehand, offer a solid basis for a political settlement of the conflict. With National Liberation Front forces guaranteed participation, only those, as Nixon put it, who cannot differentiate between a settlement and a surrender can reasonably object. And similarly, the American offer to undertake a major program of reconstruction in both North and South Vietnam on the termination of the hostilities is a positive and promising move.

However, the President's objective in making his announcement last night was not limited to silencing his opponents in the United States. It was quite simply to put an end to the war under conditions that would fulfill our obligations to the people of South Vietnam, our own war dead and most reasonable people everywhere. It was aimed also at obtaining release of our war prisoners, without which a complete withdrawal of American forces from South Vietnam would be an unpardonable act of abandonment.

The results, unfortunately, do not depend on reasonable people. They depend rather on leaders who have known for months the general terms on which they could get an end to the killings and a return of peace in Indochina. It is still very uncertain whether these terms are acceptable to them or whether the force of world opinion can induce them to modify their ambitions for military victory. The response may be bitterly disappointing, but at least from now on it should be clear to everyone who is responsible for continuing the war.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

The Senator from Virginia (Mr. BYRD) is now recognized.

## PRESIDENT NIXON'S PEACE PROPOSAL

Mr. BYRD of Virginia. Mr. President, I feel that President Nixon made a splendid presentation the night before last in giving the background of his discussions with representatives of North Vietnam.

I thought that his proposal was a fair one. I support basically the President's position. In my judgment, he is doing everything conceivable to negotiate an end to the Vietnam war and, at the same time, he is continuing to withdraw American forces.

Mr. President, I want to see this war brought to an end. The President has reduced the number of American troops in Vietnam from 543,000 when he first took office to around 69,000 which he predicts will be there this coming May. Thus, he is making great progress. I support the President, our Commander in Chief, in his endeavors to bring the Vietnam war to a conclusion. It must be done at the very earliest possible time.

Now, Mr. President, having said that, I note that yesterday, Secretary of State Rogers, in a press conference, stated that the administration envisions a $7½-billion program to rehabilitate Indochina.

Because I have supported the President's position and because I have stated my support of his television address the other evening, I want the Record to show that my support does not encompass a $7½ billion gift to Indochina, including the North Vietnamese.

Mr. President, all of our problems are not going to be solved by spending more money.

I am deeply alarmed and disturbed by the smashing deficits that this Government has been running. Forty-five billion dollars was the Federal funds deficit for this current fiscal year, that being the prediction of the administration itself. This past year the deficit was $30 billion. The estimate by the administration itself is for $36 billion deficit for the new fiscal year beginning July 1.

So, while I support the Commander in Chief in his program to negotiate with the North Vietnamese and to negotiate an end to this war, and while I support his sharp reduction in troops in Vietnam—and they must be brought home—I want to make it clear that my support does not go to taking $7.5 billion out of the pockets of the American taxpayers and turning that money over to Vietnam, Laos, Cambodia, and North Vietnam, at whose hands the United States has suffered the loss of 50,000 men who have been killed and 300,000 men who have been wounded.

I am convinced, too, that a huge American aid program—billions of dollars—would be of little value to the citizens of those nations. My belief is that the cream of these American dollars would be siphoned off by the politicans and the ruling groups.

## TIME FOR RUNNING OF GERMANENESS RULE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time under the Pastore germaneness rule not begin running today until the unfinished business has been laid before the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT TO 10 A.M., MONDAY, JANUARY 31, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. Monday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently, this order was changed to provide for the Senate to convene at 11 a.m. on Monday.)

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## CONGRATULATIONS TO REPRESENTATIVE BOB JONES ON HIS 25TH ANNIVERSARY IN CONGRESS

Mr. ALLEN. Mr. President, in a special election on January 28, 1947—25 years ago today—the people of Alabama's Eighth Congressional District, chose a young judge from Jackson County, Ala., as their new Representative to Congress. Today, that man, Robert Emmett Jones, is the dean of Alabama's delegation in the House of Representatives where he ranks 30th in seniority among the 435 Members of that body.

It is my great privilege to congratulate Congressman Bob Jones on this milestone. The fact that the people of his district have chosen him for 13 consecutive terms in Congress speaks volumes for their appreciation of his constant dedication to fulfilling the great responsibilities of that high office.

It should be of interest to Members of the U.S. Senate to know that the special election which first chose Bob Jones was necessary because the Eighth Congressional District seat had been vacated when John Sparkman resigned from the House of Representatives to take a seat in the Senate—a fact that I marked in a speech on November 5, 1971, which was the 25th anniversary of Senator Sparkman's membership in the Senate of the United States.

Representative Bob Jones is ranking member of the House Public Works Committee where he is chairman of the Subcommittee on Flood Control and Internal Development, which handles important waterways and water resource development legislation for the entire Nation.

To assume chairmanship of the Flood Control Subcommittee in 1965, Representative Jones resigned as chairman of the Public Buildings and Grounds Subcommittee, but he remains on this group as ranking member. He also serves as ranking member of the Roads Subcommittee and the Investigations and Oversight Subcommittee. Needless to say, Representative Jones is a powerful voice when any legislation is prepared affecting questions over which these subcommittees have jurisdiction.

Early in 1965, Bob Jones was chairman of a special House Subcommittee on Appalachian Regional Development. Much of the credit for drawing up this beneficial legislation and guiding it successfully through its congressional course must go to Congressman Jones, who continues to handle renewal and revision of this pioneer act.

Bob Jones was also a prime mover of legislation to establish the Economic Development Administration which is assisting depressed areas in providing much needed public facilities, and of the highway safety bill which provides for new local, State, and Federal initiatives to reduce traffic fatalities.

Representative Jones was also author of the Rural Housing Act, which gave citizens in farm and rural areas the same opportunities to obtain Federal loans as city residents, and of the Public Buildings Act of 1957.

As the third ranking member of the House Government Operations Committee, which is primarily concerned with economy and efficiency in Government, Bob Jones is a member of the Subcommittee on Government Activities and on Intergovernmental Relations. He was chairman of the Natural Resources and Power Subcommittee which conducted America's most comprehensive examination of national water resources, including antipollution measures, during the first half of the 1960's, and he is a nationally recognized authority on water resources.

In addition to his committee work, Bob Jones has sponsored legislation to provide financial aid to education, to authorize multipurpose development of small watersheds, improve farm programs, establish a consumer protection agency, seek new sources of electric power, provide park and recreational facilities and expand aid to veterans.

By profession, Congressman Jones is an attorney-at-law, having graduated from the University of Alabama Law School. In 1941, he was elected as his home county's first county judge, a position he held until 1943 when he joined the U.S. Navy in which he served as a gunnery officer in both the Atlantic and Pacific theaters. For several months he served on the legal staff of Gen. Douglas MacArthur.

Because of his initial election to Congress at a relatively young age, and because of the voters' continued confidence in his work, Congressman Bob Jones has served longer than any other Representative from north Alabama, a list that includes Gen. "Fighting Joe" Wheeler of Wheeler, Ala., who served for 16 years and Williamson R. W. Cobb of Bellefonte, Ala., who served 14 years.

Mr. President, if the secret of success is constancy to purpose, then we have identified the success of Congressman Bob Jones, whose guiding principle through 25 years of congressional service has been a constant battle to bring a better life to the people of his district, to his fellow Alabamians, and to all Americans everywhere.

Mr. President, it is with great respect that I recognize and honor my fellow Alabamian, Congressman Bob Jones, on this anniversary marking his 25th year as a Member of the House of Representatives.

On Sunday, January 23, 1972, the Huntsville Times, the largest daily newspaper in north Alabama and in the Eighth Congressional District, published an article written by their Washington correspondent, Phil Smith, and entitled "Twenty-five Years on the Hill," and another written by James K. Hutsell, associate editor, entitled "Home Is Where the House Retreats." Both of these articles concern the 25th anniversary of Congressman JONES' election to the House of Representatives. I ask unanimous consent that these fine newspaper articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### TWENTY-FIVE YEARS ON THE HILL

WASHINGTON.—Sept. 24, 1946, dawned bright and clear in North Alabama. Schools had been closed the week before for the cotton-picking break, and the harvest was well under way.

Voters were going to the polls that day for the fifth time since the regular Democratic primary in May. On the ballot were seven Democrats seeking the Eighth District seat in Congress, which had been vacated when John Sparkman resigned following his election to the U.S. Senate.

One of the candidates was Judge Robert Emmett Jones, county judge of Jackson County. He preferred just plain "Bob" Jones.

According to a story by Mrs. Martha Witt Smith, then a reporter for The Huntsville Times, the campaign had been "largely personalized, waged on a person-to-person basis."

When election officials finished counting the votes in the early hours of Sept. 25—there were no voting machines then—Jones led the slate, primarily because of the vote in his home county. Jackson County had 10,300 registered voters at that time. More than half of them—5,361—voted for their county judge while his opponents received a combined vote of only 139 in the county.

The almost unanimous support from Jackson County was enough to give Judge Jones only a plurality in the large field, however, and not a majority. He faced a runoff election Oct. 22 with state Sen. Jim Smith of Tuscumbia.

That election was described by one newspaper as a "listless and almost issueless affair" but when the election-weary citizens of North Alabama had cast their ballots, the young county judge again emerged as the victor—16,787 to 11,260.

The home counties of the candidates had been the key. Jones' supporters piled up 6,884 votes in Jackson while the best Smith could do was 4,437 in Colbert. Voting was light and fairly evenly split in the other five counties of the district—Madison, Limestone, Morgan, Lawrence and Lauderdale.

This time the Jackson Countian had apparently convinced a few more of his neighbors of his qualifications. He lost only 104 votes in Jackson while he picked up 493 in Smith's Colbert County. Both candidates had conceded the other's home county when the runoff began and Jones never made a speech in Colbert.

He and Smith campaigned together, part of the time in the middle portion of the district to cut down on expenses. At times they even shared the same hotel room. One story has it that the two candidates checked into their hotel one night after a day of stumping together and a Smith supporter mistook Jones for the man he was backing. The voter drew Jones aside and whispered his encouragement, adding that "we're going to beat this Jones fellow." Not wanting to embarras the man, Jones thanked him and replied, "We'll do our best."

A more unusual aspect of the campaign was that Judge Jones did not campaign in Jackson County. He left the job at home to his volunteer supporters there, headed by Sanford Lee of Scottsboro, a young World War II veteran like the candidate.

The judge had no paid staff during the election. For clerical workers he depended on young women from Jackson County who would "just show up" at his headquarters in Scottsboro each morning.

By the runoff, the cotton harvest was in full swing and Jones' volunteers feared many farm hands would find it more important to stay in the fields than to go vote for the sixth time that year.

There is no way to tell whether that would have happened, however, since the Jones volunteers took no chances. According to news accounts of the election, a number of cars—estimates ranged from 250 to 400—loaded with volunteers left Scottsboro on the morning of the runoff. They went into cotton fields and took the farmers' picksacks and continued to fill them while the voters were driven to the polls to vote for Judge Jones.

At headquarters in Scottsboro, about a dozen young women spent the day calling almost everyone in the county who had a telephone and urging them to go vote.

The result was summed up by an eight-column headline across the front page of The Times Oct. 23, 1946—"Bob Jones Sweeps District."

For all practical purposes, Jones was the new Eighth District congressman but he had to go through the motions of running, unopposed, in a general election Jan. 28, 1947. On that date, at the age of 34, he became the Tennessee Valley section of Alabama's congressional delegation—the job he has now held for 25 years. Today he ranks 30th in seniority among the 435 members of the House.

Nationally, the congressional elections of 1946 took on an aspect not seen in American politics for many years. The millions of World War II veterans were back at home and taking an active part in politics. It was largely their support, particularly in Jackson County, that put Jones in office.

When he took his seat shortly after the 80th Congress convened, Jones became the first congressman from Jackson County since Williamson R. W. Cobb of Bellefonte resigned in 1861, shortly before Alabama left the Union.

Three men who have since gained great national prominence were also elected to Congress in 1946.

While Jones, a Navy veteran who had served on Gen. Douglas MacArthur's legal staff, was campaigning in North Alabama, another young Navy veteran was winning on the campaign trail in his home state of Massachusetts. And when Jones came to Washington he was assigned an office next to this fellow freshman congressman, John F. Kennedy. The New Englander and Southerner became good friends.

After President Kennedy's death in 1963, it was Jones who sponsored legislation creating a national cultural center in Washington as the official national memorial to him. The bill established the Kennedy Center for the Performing Arts, which opened last year.

Other new representatives in the 80th Congress included Richard M. Nixon of California and Carl Albert of Oklahoma, now speaker of the House.

During his first campaign, Jones emphasized three promises to the voters through his leaflets and posters and in his speeches.

He said he was for "enlightened legislation to increase the purchasing power of the farmer and to protect his markets; low-cost long-term financing for farm homes; and expansion of the Tennessee Valley Authority to its fullest capacity and the extension of the Rural Electrification program to assure every farm home in the Eighth District the benefit of cheap electricity."

He has kept those promises over the last quarter of a century, his record shows.

During his first 10 years in office, much of the congresman's time was spent defending TVA against its opponents in the House and fighting for increased cotton allotments and better support prices for the farmers of his district.

He was the author of the Rural Housing Act which provides loans from the Farmers Home Administration for new farm homes. The first of these loans was given to a Jackson County farmer in 1949.

Today, there is probably not a farm home in the Eighth District that does not have electricity available.

Jones earned the honorary title of "Mr. TVA" in his battle to preserve that agency during the Truman and Eisenhower administrations.

His voting record on TVA legislation is unvarying. In 1959 he sponsored legislation authorizing TVA to borrow up to $1 billion to finance its power expansion programs, finally making the agency free of congressional financial control in its power program. Four years ago he introduced and secured passage of legislation increasing the bonding authority to $5 billion.

In his early years in the House, Representative Jones could not spend all his time worrying about the problems of his district, however. His first committee assignment was to the House District of Columbia Committee.

At that time, Washington had no mayor or city government and was run by the congressional committee. So, soon after arriving in Washington, the former county judge from rural Alabama found himself grappling with the problems of one of the most complex and cosmopolitan cities in the world.

Over the years, his committee assignments have changed and he has long since been off the District Committee but later, as chairman of Public Buildings and Grounds Subcommittee, he oversaw a vast construction program of new federal buildings in Washington.

While the congressman has devoted much time to many issues, there is one area, above all others, that has consistently drawn his attention and one in which he is a recognized national expert. That is flood control and water pollution.

He served as chairman of the Natural Resources and Power Subcommittee which conducted America's most comprehensive examination of national water resources, including anti-pollution measures during the first half of the 1960s—long before "ecology" became a household word.

In 1965 he assumed the chairmanship of the Subcommittee on Flood Control and Internal Development of the Public Works Committee. He remains in that position today and is the ranking Democrat on the full Public Works Committee.

In the Flood Control Subcommittee, he handles waterway development legislation for the entire nation, including the proposed Tennessee-Tombigbee Canal—a project he has been advocating ever since he entered Congress.

His work on such matters as flood control and rural housing have earned Congressman Jones the label of "Southern liberal." After his first year in office, national newspaper columnist Drew Pearson picked him as on of the 10 best new members.

The Americans for Democratic Action rated Jones' voting record in 1960 at 90 out of a possible 100. Among Southern congressmen and senators, that was second only to Sen. Estes Kefauver of Tennessee.

His liberal voting record has been fairly consistent except for one issue—civil rights. In that area he has generally voted with other Southerners in opposition to proposed legislation, beginning with President Truman's civil rights amendments in 1948.

At that time he was quoted in various newspapers in the district as saying, "I shall vigorously oppose all measures which would affect the way of life in the South. I mean the FEPC (Fair Employment Practices Commission), anti-poll tax proposals, and especially any measure which would impose on the people of Alabama any dictation from the federal government on how to carry on their normal way of life."

Even on the civil rights question, he is not inflexible, however. Last year he voted for an extension of the Civil Rights Act because it was attached to the 18-year-old vote amendment. He was in favor of lowering the voting age, and the Civil Rights Act was assured of being extended anyway, so he says he saw no reason to oppose a measure he favored just to cast a ceremonial vote against civil rights.

Throughout his 25 years in Congress, Jones has retained some basic political philosophy. First and foremost is his belief in building. He sums it up in talking about his years on the Public Works Committee.

"I had rather build monuments of public accommodation such as schools and highways and sewer systems than to sit here docile and fret away with the fathoms of hate."

In his position as chairman of various "building" subcommittees, Jones could have had public buildings and locks or dams all over the country named for him if he had wished. But he has steadfastly refused to allow a single public structure to be dedicated to him, according to his staff.

Last week, however, he spent his first day back in Washington after the recess working to name the Columbia dam in South Alabama for his longtime friend, the late Rep. George W. Andrews of Union Springs who died last month.

Although nothing in the Eighth District or anywhere else bears his name, his staff claims that you can drive the entire length of the Eighth District from the Georgia state line to Mississippi and never be out of sight of something that their boss was responsible for building.

Congressman Jones will not single out any particular public works legislation which he has sponsored which he feels has contributed more to the nation than any other. He does feel, however, that the $27-million water pollution control bill, which he guided through the Public Works Committee when he was acting chairman just before Christmas, will be the legislation that will finally eliminate water pollution in the United States—a goal he has been working toward since the early 1960s.

For his own district and the surrounding area, he feels his TVA self-financing bills were extremely important.

"There is no doubt in my mind that TVA would have been liquidated in another 18 months if we had not gotten the first finance act through in 1959, because the Eisenhower Administration simply would not budget any money for power expansion," he said.

He does not claim credit for single-handedly saving TVA. Other Tennessee Valley congressmen and senators also worked hard for the agency but the North Alabamian's efforts were sufficient to earn him the honorary title of "Mr. TVA"—one which he is very proud of.

Another monument to Jones and other members of the public works committee is the Interstate Highway System—the largest public works project in the history of the world.

Jones led the fight against an Eisenhower administration proposal in 1955 to finance the Interstate system through the sale of bonds. He was successful and the next year the Public Works Committee put through a pay-as-you-go Interstate plan. This, according to the congressman, has saved billions of dollars in interest payments.

As he begins his 26th year in Congress, Jones has no plans to retire anytime soon. He will announce that he is a candidate for re-election for a 14th term within the next two weeks.

Asked about retirement plans, the 59-year-old legislator's only comment was, "I haven't applied for my old-age pension yet."

The congressman does not claim to have succeeded alone, however, in his career as lawmaker, he gives much of the credit to his staff which he calls "the best on Capitol Hill."

But most of the credit belongs to the people of the Eighth District, he says. "I appreciate more than I can ever express the fact that they have permitted me to represent them all these years. They have been generous and sometimes maybe excessive in overlooking my legislative faults," he says of the voters in North Alabama.

### Home Is Where the House Retreats

(By James K. Hutsell)

Scottsboro.—The day is brisk to the point of being headlineable. The thermometers have regrouped for a counter-push against the freezing-mark, and the sky might be literally enough called ice-blue. And Bob Jones has stepped from inside the quiet house on the western edge of town to cast a long appraising look at home. By tomorrow, or next day at the latest, he and Christine must be heading back to Washington again.

Thirteen consecutive terms, this has been going on. He will this time be heading back for the second half of that term. It will be a busy year, tied to the tail of a year heavy with legislative business and committee-work details. And this—1972—will again be a presidential election year and, as corollary, time again for a congressional campaign.

"That," he says, "is a fine tree—that cedar there; it's a tree that's taken its natural shape, and look how consistently it arises." The congressman glances to the rear beyond the backyard and the fringes of the town toward the Jackson County hills. "I don't suppose I will get too much time to work around the house this spring and summer. I do want to get more azaleas in time; and more with color in them." The wind shifted a little, back nearer to north; he hunched his shoulders and headed in through a rear door.

In the kitchen he suddenly halted and pulled a light chair beside the small table. And his mind was back again on Congress and the weeks ahead. "If Congress could just get on with its work; we are slowed by infinite detail. Quorum-calls, teller-votes. Not long ago it was 2 o'clock one morning and there we were going through the motions of another teller-vote—something the press is always wanting. And I glanced up and there was not a soul in the press gallery . . ."

His finger traced a design on the kitchen table cover. "You know, I've always recognized that I have to make any record I achieve as the record of getting things done. I've never been able to spellbind an audience with words. I haven't the charisma that gets me on the evening television news. If I get anything done, it has to be by the hard, direct, programmed route.

"I try to serve my own district and its needs; I try to serve my state; but, in my view, I have also the obligation to serve the nation and to improve the lives and opportunities of all of us here in America. I think that I am serving my own district well when I am serving all of us well." He pushed back his chair and moved back toward a sitting room.

Christine Francis, of Tuscaloosa. and Bob Jones were married 33 years ago. That was only a year or two before the young lawyer became the first county judge of Jackson County, and only a year or two before Bob Jones enlisted in the Navy to become a gunnery officer in the Atlantic and Pacific war theaters. He was re-elected to the bench in absentia, and for several months he was on the legal staff of Gen. Douglas MacArthur. But the point here is that 25 of those 33 years, Christine Jones has, so to phrase it, been in Congress, too—a Washington-Scottsboro housewife, and apparently as comfortable in one spot as the other.

"I like them both," she always insists. "When I am here, I seem to let Washington bide its time; when I am there, necessity requires that I give the capital routine precedence."

After a quarter-century, in which time Representative Jones has become the 30th ranking member of the 435-member House, the Joneses have come to know scores of Washington figures well. Mrs. Jones loves to cite the idiosyncrasies and mannerisms of friends and political figures they know, but her judgments are not cutting despite the clear eye with which she observes the changing capital scene.

Christine Jones has a knack of making almost anyone feel at ease; she is full of an instinctive kindness; and she knows how to cook for men.

She is ready for the legislative and political year ahead, one gathers, if but for the reason that a quarter-century has led her to understand the need for accepting routine gracefully and sensing that routine is the thing that moves the day even in high places.

But the other day—with the time for the return to Washington almost upon her—Christine Jones, too, stood looking out upon the Scottsboro homegrounds, and at the big dog lying in the January sun outside. "Don't you want, can't you use another dog?" she said. "That's what I dislike about starting back up there. He just came here last August—he just strayed in. But he insists on staying, whether Bob and I are here or not." She was silent for a moment. Then she said, "The soup is ready now. And I didn't get around to making any cornbread . . . Up in Washington, I seldom make cornbread—just once in awhile. But the last time I made some, Bob took it to his office for his lunch. And Nelson Rockefeller and his wife happened to drop by and they stuck it in a pocket and took it along with them. I really don't know whether they ate it or not. Well, they said they did, though. A day or two later, I had a note from them. They said they ate the cornbread for breakfast. What do you think about that!"

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, following the remarks of the two leaders under the standing order there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. NELSON when he introduced S. 3084 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

### Quadrennial Review of Military Compensation

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, the 1971 Quadrennial Review of Military Compensation (with an accompanying document); to the Committee on Armed Services.

### Report on Modification of Loan

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law on the modification of a loan to the Tri-State Generation and Transmission Association, Inc., of Denver, Colo.; to the Committee on Agriculure and Forestry.

### Report on Overobligation of an Appropriation

A letter from the Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Agriculture for "Forest Protection and Utilization," Forest Service, for the fiscal year 1972, had been reapportioned on a basis which indicates a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

### Report on Research and Development Procurement Actions

A letter from the Deputy Chief of Naval Material (Procurement and Production), transmitting, pursuant to law, a report on research and development procurement actions of $50,000 and over, for the 6-month period ended December 31, 1971 (with an accompanying report); to the Committee on Armed Services.

### Nomination of Members of the Board of Directors of the District of Columbia Redevelopment Land Agency

A letter from the Commissioner of the District of Columbia, nominating, pursuant to law, John J. Gunther, Esquire, for appointment as a Member of the Board of Directors of the District of Columbia Redevelopment Land Agency; to the Committee on the District of Columbia.

A letter from the Commissioner of the District of Columbia, nominating, pursuant to law, Willie L. Leftwich, Esquire, for appointment as a Member of the Board of Directors of the District of Columbia Redevelopment Land Agency; to the Committee on the District of Columbia.

### Report of Federal Mediation and Conciliation Service

A letter from the Director, Federal Mediation and Conciliation Service, transmitting, pursuant to law a report of that Service, for the fiscal year 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

### Report on Scientifc Positions

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to Law, a report on certain scientific positions within that Administration, for the calendar year 1971 (with accompanying papers); to the Committee on Post Office and Civil Service.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Vermont; ordered to lie on the table:

> "J.R.H. 58
>
> "Joint resolution expressing sympathy on the death of United States Senator Winston L. Prouty
>
> "Whereas, United States Senator Winston L. Prouty died September 10, 1971, at the age of 65; and
>
> "Whereas, Win Prouty was active in municipal, state and federal government for many years, having served most ably as mayor of his home town of Newport, as representative to the General Assembly from that city in 1941 and 1945, being elected Speaker in 1947, member of the U.S. House of Representatives from 1951 to 1959, and of the U.S. Senate from 1959 until his death; and
>
> "Whereas, during that long and dedicated service to his beloved city, state and country he dedicated his life and his legislative concerns with humility and integrity on the plight of our elderly, the sick, the afflicted and the destitute. His thoughts and energies were directed on the need for educating our youngsters and providing meaningful employment for the unskilled and otherwise disadvantaged; and
>
> "Whereas, during that entire period Win Prouty demonstrated his leadership and dedication to the principles of good government. As he himself so aptly expressed it "A man cannot delegate his conscience to the crowd. It is as solitary as his soul"; and
>
> "Whereas, with the passing of the Honorable Winston L. Prouty, Vermont and the Nation lost a well loved citizen and a humble and dedicated public servant, now therefore be it
>
> "*Resolved by the Senate and House of Representatives:* That we express our deep sympathy and deep sense of loss on the death of United States Senator Winston L. Prouty; and be it further
>
> "*Resolved:* That the Secretary of State be hereby instructed to send copies of this resolution to the bereaved family, to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and to our Congressional delegation."

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. NELSON:

S. 3084. A bill to provide for a study and investigation to assess the extent of the damage done to the environment of South Vietnam, Laos, and Cambodia as the result of the operations of the Armed Forces of the United States in such countries, and to consider plans for effectively rectifying such damage. Referred to the Committee on Foreign Relations.

By Mr. CANNON (by request):

S. 3085. A bill to authorize the disposal of molybdenum from the national stockpile; and

S. 3086. A bill to authorize the disposal of nickel from the national stockpile. Referred to the Committe on Armed Services.

By Mr. GRAVEL:

S. 3087. A bill for the relief of Ana Beatriz Alvarado. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 3088. A bill to encourage State and local governments to provide relief from real property taxes for elderly individuals. Referred to the Committee on Finance.

By Mr. LONG:

S. 3089. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to strengthen the enforcement of provisions relating to unlawful possession or receipt of firearms. Referred to the Committee on the Judiciary.

(The remarks of Mr. LONG when he introduced this bill appear in the RECORD toward the end of today's proceedings.)

By Mr. INOUYE:

S. 3090. A bill for the relief of Domingo Asumio. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 3091. A bill to authorize the Public Service Commission of the District of Columbia to conduct a study with respect to the desirability and feasibility of requiring the installation of meters in taxicabs in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. BURDICK (for himself and Mr. COOK):

S.J. Res. 190. A joint resolution to provide for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. CRANSTON:

S.J. Res. 191. A joint resolution designating the week of May 1–7, 1972, as "National Bikecology Week." Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON:

S. 3084. A bill to provide for a study and investigation to assess the extent of the damage done to the environment of South Vietnam, Laos, and Cambodia as the result of the operations of the Armed Forces of the United States in such countries, and to consider plans for effectively rectifying such damage. Referred to the Committee on Foreign Relations.

### VIETNAM WAR ECOLOGICAL DAMAGE ASSESSMENT ACT OF 1972

Mr. NELSON. Mr. President, suppose we took gigantic bulldozers and scraped the land bare of trees and bushes at the rate of 1,000 acres a day or 44-million square feet a day until we had flattened an area the size of the State of Rhode Island, 750,000 acres.

Suppose we flew huge planes over the land and sprayed 100-million pounds of poisonous herbicides on the forests until we had destroyed an area of prime forests the size of the State of Massachusetts or 5½ million acres.

Suppose we flew B–52 bombers over the land droping 500-pound bombs until we had dropped almost 3 pounds per person for every man, woman, and child on earth—8 billion pounds—and created 23 million craters on the land measuring 26 feet deep and 40 feet in diameter.

Suppose the major objective of the bombing is not enemy troops but rather a vague and unsuccessful policy of harassment and territorial denial called pattern or carpet bombing.

Suppose the land destruction involves 80 percent of the timber forests and 10 percent of all the cultivated land in the Nation.

We would consider such a result a monumental catastrophe. That is what we have done to our ally, South Vietnam.

While under heavy pressure the military finally stopped the chemical defoliation war and has substituted another massive war against the land itself by a program of pattern or carpet bombing and massive land clearing with a huge machine called a Rome Plow.

The huge areas destroyed pockmarked, scorched, and bulldozed resemble the moon and are no longer productive.

This is the documented story from on-the-spot studies and pictures done by two distinguished scientists, Prof. E. W. Pfeiffer and Prof. Arthur H. Westing. These are the same two distinguished scientists who made the defoliation studies that alerted Congress and the country to the grave implications of our chemical warfare program in Vietnam, which has now been terminated.

The story of devastation revealed by their movies, slides, and statistics is beyond the human mind to fully comprehend. We have senselessly blownup, bulldozed over, poisoned, and permanently damaged an area so vast that it literally boggles the mind.

Quite frankly, Mr. President, I am unable adequately to describe the horror of what we have done there.

There is nothing in the history of warfare to compare with it. A "scorched earth" policy has been a tactic of warfare throughout history, but never before has a land been so massively altered and mutilated that vast areas can never be used again or even inhabited by man or animal.

This is impersonal, automated, and mechanistic warfare brought to its logical conclusion—utter, permanent, total destruction.

The tragedy of it all is that no one knows or understands what is happening there, or why, or to what end. We have simply unleashed a gigantic machine which goes about its impersonal business destroying whatever is there without plan or purpose. The finger of responsibility points everywhere but nowhere in particular. Who designed this policy of war against the land, and why? Nobody seems to know and nobody rationally can defend it.

Those grand strategists who draw the lines on the maps and order the B-52 strikes never see the face of that innocent peasant whose land has been turned into a pock-marked moon surface in 30 seconds of violence without killing a single enemy soldier because none were there. If they could see and understand the result, they would not draw the lines or send the bombers.

If Congress knew and understood, we would not appropriate the money.

If the President of the United States knew and understood, he would stop it in 30 minutes.

If the people of America knew and understood, they would remove from office those responsible for it, if they could ever find out who is responsible. But they will never know because nobody knows.

By any conceivable standard of measurement, the cost benefit ratio of our program of defoliation, carpet bombing with B-52's, and bulldozing is so negative that it simply spells bankruptcy. It did not protect our soldiers or defeat the enemy, and it has done far greater damage to our ally than to the enemy.

These programs should be halted immediately before further permanent damage is done to the landscape.

The cold, hard, and cruel irony of it all is that South Vietnam would have been better off losing to Hanoi than winning with us. Now she faces the worst of all possible worlds with much of her land destroyed and her chances of independent survival after we leave in grave doubt at best.

This has been a hard speech to give and harder to write because I did not know what to say or how to say it—and I still do not know. But I do know that when the Members of Congress finally understand what we are doing there, neither they nor the people of this Nation will sleep well that night.

For many reasons I did not want to make this speech but someone has to say it, somewhere, sometime.

Mr. President, I ask unanimous consent that the following statistics, which were provided by Dr. Arthur H. Westing and which will appear in a forthcoming publication, be printed in the RECORD at this point.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

ALL INDOCHINA

[In millions of pounds]

| Year | Air munitions | Surface munitions | Total munitions |
|---|---|---|---|
| 1965 | 630 | | 630 |
| 1966 | 1,024 | 1,164 | 2,188 |
| 1967 | 1,866 | 2,413 | 4,278 |
| 1968 | 2,863 | 3,003 | 5,866 |
| 1969 | 2,774 | 2,808 | 5,583 |
| 1970 | 1,955 | 2,389 | 4,344 |
| Total | 11,112 | 11,777 | 22,889 |

MUNITIONS EXPENDITURES

[In millions of dollars]

| Year | South Vietnam | North Vietnam | South Laos | North Laos | Cambodia | Total Indochina |
|---|---|---|---|---|---|---|
| 1965 | 594 | 65 | 60 | 10 | 0 | 630 |
| 1966 | 1,778 | 255 | 135 | 20 | 0 | 2,188 |
| 1967 | 3,634 | 415 | 200 | 30 | 0 | 4,278 |
| 1968 | 5,185 | 330 | 310 | 40 | 0 | 5,866 |
| 1969 | 4,674 | 0 | 490 | 420 | 0 | 5,583 |
| 1970 | 3,333 | 0 | 655 | 240 | 115 | 4,344 |
| Total | 19,099 | 1,065 | 1,850 | 760 | 115 | 22,889 |

ECOLOGICAL IMPACT

| Country | Number of craters (in millions) | Area with "shrapnel" (in million acres) | Area cratered (in thousand acres) | Earth displaced (in million cu. yds.) |
|---|---|---|---|---|
| South Vietnam | 19.1 | 23.9 | 309.9 | 2,500 |
| Military region I | (6.1) | (7.6) | (98.4) | (794) |
| Military region II | (3.8) | (4.8) | (62.0) | (500) |
| Military region III | (8.3) | (10.3) | (134.2) | (1,083) |
| Military region IV | (.9) | (1.2) | (15.3) | (124) |
| North Vietnam | 1.1 | 1.3 | 17.3 | 139 |
| Laos | 2.6 | 3.3 | 42.4 | 342 |
| Southern Laos | (1.8) | (2.3) | (30.0) | (242) |
| Northern Laos | (.8) | (1.0) | (12.3) | (99) |
| Cambodia | .1 | .1 | 1.9 | 15 |
| Total Indochina | 22.9 | 28.6 | 371.4 | 2,996 |

IMPACT OF U.S. MUNITIONS

[In pounds]

| Expenditure | South Vietnam | North Vietnam | Laos | Cambodia | Total Indochina |
|---|---|---|---|---|---|
| Per acre | 446 | 26 | 45 | 3 | 125 |
| Per person | 1,091 | 58 | 992 | 18 | 513 |

B-52—ASSUMING AN AVERAGE OF 7 SORTIES PER MISSION

[In numbers of missions]

| Year | Military region I | Military region II | Military region III | Military region IV | Total South Vietnam |
|---|---|---|---|---|---|
| 1967 | 527 | 284 | 269 | 10 | 1,090 |
| 1968 | 1,137 | 644 | 1,143 | 148 | 3,072 |
| 1969 | 319 | 440 | 1,777 | 98 | 2,634 |
| 1970 | 624 | 274 | 366 | 150 | 1,414 |
| Total | 2,607 | 1,642 | 3,555 | 406 | 8,210 |

Note: Although breakdowns for 1965 and 1966 are not available, the totals approximate 138 and 550, respectively.

Mr. NELSON. Mr. President, I further ask unanimous consent that the full text of the bill, "Vietnam War Ecological Assessment Act of 1972," be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3084

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE

SECTION 1. That this Act may be cited as the "Vietnam War Ecological Damage Assessment Act of 1972".

### STATEMENT OF FINDINGS

SEC. 2. The Congress finds that unprecedented techniques of warfare have been used by the Armed Forces of the United States in th countries of South Vietnam, Laos, and Cambodia; that these techniques, employed for the purpose of denying certain territory to the enemy, have been extensively employed by such armed forces in such countries; that the use of such techniques has resulted and continues to result in the ecological destruction of vast areas of those countries; and that the United States has a responsibility to assess the extent of the ecological damage inflicted in such countries and to consider plans for the ecological reconstruction of the affected areas of such countries.

### AUTHORIZATION FOR STUDY AND INVESTIGATION

SEC. 3. (a) The President shall undertake, as soon as practicable after the date of enactment of this Act, to enter into an appropriate arrangement with the National Academy of Sciences under which arrangement such academy would be engaged to conduct a comprehensive study and investigation to determine (1) the ecological effects and consequences suffered by the countries of South Vietnam, Laos, and Cambodia as a result of the operations of the Armed Forces of the United States in such countries, and (2) effective ways and means of rectifying the damage caused to the ecology of such countries by such operations. Any arrangement for the conduct of any such study and investigation shall specifically provide for, but shall not be limited to, an assessment of the ecological effects and consequences of (1) aerial bombing, including so-called carpet bombing and concussion bombing, (2) wide area use of CS2 powder, and (3) bulldozing large areas of land with equipment known as "Rome Plows".

(b) Any arrangement entered into by the President with the National Academy of Sciences for conducting the study and investigation authorized by subsection (a) of this section shall provide for the submission directly to the President and the Congress of a final report containing the results of such study and investigation, together with recommendations for plans for the effective reconstruction of those areas of South Vietnam, Laos, and Cambodia ecologically damaged or destroyed by operations of the Armed Forces of the United States, not later than six months after the date of the enactment of this Act. Such report shall be made public.

(c) On and after the date that the National Academy of Sciences enters into an arrangement with the President for the conduct of the study and investigation authorized by subsection (a) of this section, each department, agency, and instrumentality of the Government shall furnish to the National Academy of Sciences such information as the chairman of the study group designated by the National Academy of Sciences to conduct such study and investigation considers necessary to carry out such study and investigation.

### AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 4. There are authorized to be appropriated to the President, for the purpose of carrying out the provisions of this Act, not to exceed $10,000,000.

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By Mr. MOSS:

S. 3088. A bill to encourage State and local governments to provide relief from real property taxes for elderly individuals. Referred to the Committee on Finance.

### PROPERTY TAX RELIEF FOR THE ELDERLY

Mr. MOSS. Mr. President, rapidly rising property taxes are a serious problem in the United States. Many taxpayers are angry at the continual increase, and with some justification. Property taxes have doubled—some say tripled—over the last decade. Logic suggests that this problem is all the more significant to the elderly and those who live on fixed incomes.

In a recent speech on the floor, my esteemed colleague, Senator HARRISON WILLIAMS, pointed out that in a typical urban household 4 percent of income is spent on property taxes. He then documented the extent to which those taxes have a magnified effect on the elderly. In one Midwestern State, he said, more than 8,000 aged homeowners who have incomes of less than $1,000 a year paid 30 percent of their total family income on property taxes. Others with lower income were found paying as much as 58 percent of their income for local property taxes.

This problem, Mr. President, cries out for redress and I am sure that those of us who have in the past called this issue to the attention of the Congress and the media were pleased to have President Nixon highlight the problem in his state of the Union message.

While the details of the President's proposal are not available it is clear that he will propose some solution. I hope it is a viable and fully adequate answer to a most difficult dilemma. I look forward to the specifics from the White House.

But in the meantime I wish to introduce a bill which may offer the germ of a solution. I do not consider this measure to be the final word. It is a suggestion only on which hearings can be based, and I hope some relief for our elderly worked out.

First of all my bill would only affect the 8 million Americans over 65 who are homeowners. Since most of them have low, fixed retirement incomes they suffer most when real estate taxes are raised. Some States have recognized this problem and granted exemptions to their elderly citizens. But because of the tortured condition of State budgets at this time, most States can ill afford the losses in income that would result from the exemption of all or part of the property taxes paid by the elderly.

In introducing this bill, I accept the assumption that the property tax is particularly damaging because it is regressive in nature. My bill would therefore require the Federal Government to replace, within limits, the amount of collected money a State would lose in granting a property exemption to the elderly. These losses would be made up with general tax revenues. Philosophically, this would replace to a degree the regressive property tax in favor of the progressive Federal income tax.

To describe the bill more specifically, it requires that if a State enacts legislation to exempt from taxation the first $5,000 in actual value of the property held by one of its over-65 citizens, the Federal Government would be obligated to replace these funds. However, the Federal Government's replacement of these funds would not be on a one-to-one basis. The bill contains a ratio of reimbursement formula which favors the lowering of effective property tax rates in general.

Since most real estate taxes are imposed on a local basis, States would be responsible to certify to the Treasury such amounts as it has lost by extending a $5,000 exemption on the property taxes of its senior citizens. The Secretary would pay the State the amount of the qualified reduction attributable to the exemption plus:

First, 13 percent of the qualified reduction, if the applicable tax rate does not exceed $1 per $100 of actual value of the property.

Second, 12 percent of the qualified reduction, if the applicable tax rate exceeds $1 but does not exceed $2 per $100 of actual value of the property.

Third, 11 percent of the qualified reduction, if the applicable tax rate exceeds $2 but does not exceed $3 per $100 of actual value of the property.

Fourth, 10 percent of the qualified reduction, if the applicable tax rate exceeds $3 but does not exceed $4 per $100 of actual value of the property.

Fifth, 7 percent of the qualified reduction if the applicable tax rate exceeds $4 but does not exceed $5 per $100 of actual value of the property, and

Sixth, 5 percent of the qualified reduction if the applicable tax rate is $5 or more per $100 of actual value of the property.

The bill provides, however, that in no case shall the qualified reduction attributable to the exemption plus the bonus exceed $200 per over-65 property taxpayer in the State.

In short, the bill provides positive incentives to the States to enact senior citizen exemptions for the first $5,000 actual value of real property on the assurance that the Federal Government would replace these funds from general revenues, and would also pay a bonus of up to 13 percent depending on the effective tax rates within the States. States would certify these amounts to the Secretary of the Treasury. The Secretary would pay over to the State such funds as are indicated by the States, provided, of course, the State gives assurance that the Federal money will be paid over to the appropriate political subdivisions of the State. As cost control, the Secretary would not be allowed to pay to the State more than $200 per certified over-65 property taxpayer.

As I have stated, I have no illusions that this bill is the entire answer to the problem of increasing property taxes. Perhaps also the amounts in the bill will have to be changed. But I do hold that the philosophy of this bill, which seeks to substitute the progressive income tax for the regressive property tax, is sound—that this is the right way to go—if we are to help our senior citizens whose fixed retirement incomes in recent years have been ripped to shreds by the twin buzz saws of inflation and escalating real estate taxes.

Finally I would ask unanimous consent to have entered in the RECORD at this point an article by Columnist Sylvia Porter entitled "Property Taxes Become Crushing," and an article from the July 12, 1971, edition of U.S. News and World Report which serves to show the dimensions of the problem of increasing property taxes.

I send my bill to the desk and request its proper referral.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### PROPERTY TAXES BECOME CRUSHING

(By Sylvia Porter)

The strong controls of Phase 2 must moderate the pace of upsurge in over-all housing costs, but they cannot even touch one of the most painful and ever more expensive items in our lives—property taxes. These taxes will not be frozen, not ever. And property taxes will continue rising—for several reasons—for the foreseeable future.

Simply to suggest the intensity of the squeeze on many of us, in all income groups and all age brackets:

Our total property tax bill hit $37.5 billion in 1970, up 35 percent since 1967 alone, a rate nearly twice the average increase in the cost of living during the period. And the pace is quickening: 1970's bill was nearly 12 percent higher than 1960's.

In many cities, the property taxes on a medium-priced house and lot have crossed $1,000 a year. In virtually every major city, a homeowner's property taxes now exceed $500 a year.

Some cities and towns have raised tax assessments as much as 20 to 25 percent in a single year, and in some cases reassessments designed to spread the tax burden have meant doubling, tripling or even quadrupling the taxes of certain homeowners.

Next to your mortgage payment your tax bill today is likely to be your biggest homeownership cost, and property taxes have for years been among the fastest rising items in total living costs. The Washington-based Advisory Commission on Intergovernmental Relations reported not long ago that the city family pays an average of $1 in $25 earned by the household on local property taxes, including the taxes hidden in the rent of non-homeowners.

Why, Obviously, behind soaring property taxes are the rising costs of health, education, welfare and public services. Contributing are rising crime rates and mounting needs for more and better paid police. Part of the pattern is the rising need for more and better paid firemen, road construction and sanitation workers, similar workers.

On top of this, many towns and cities are struggling under staggering interest loads on bond debts run up to build schools, help finance new hospitals and transit systems, comply with tough new Federal, state and local antipollution laws, satisfy the demands of the public for a cleaner environment.

Making the massive burden feel even heavier is the fact that many homeowners are carrying too much of the load, and many too little. The injustices and the inequities as follows:

Our elderly, for instance—for many of whom school ended after the 8th, 10th or 12th year, who tend to use expensive highways much less than younger Americans and who are least able to bear any extra financial burdens—are probably the hardest hit of all.

Numbers of elderly, in fact, are being compelled to give up owning and living in their own homes primarily because they can't take the climbing property taxes.

Farmers also are often victims, especially in recreation-oriented areas where land is increasingly being assessed and taxed on the basis of its real estate potential, instead of its meager return as pure farm land.

In a cross-section of cities and towns, the poorest are shouldering a disproportionately large share of property taxes while mobile homeowners—whose homes are taxed as personal property rather than in the form of real estate taxes—are not bearing their full share of local tax costs.

And while those citizens who have fled to suburban bedroom communities may squawk about their own property taxes, they also are escaping the heavy burdens in the cities to which they commute daily to earn their incomes.

All sorts of suggestions are being tossed around. One would junk the property tax system entirely by "piggy-backing" on state incomes taxes and giving the states responsibility for paying certain costs now being borne by cities and towns. Another would have the federal government take over responsibility for paying public school costs in the nation's 25 biggest cities. A third, cited recently by Norman Karsh, executive director of President Nixon's Commission on School Finance, would equalize tax rates for education throughout the United States and would have the states in areas of low property values kick in extra funds. And, of course, pressure continues for more federal revenue sharing.

But while the system remains as is—which it will for quite a while—can you, a house-hunter, curb the cost of your property taxes? Indeed, you can.

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### RISING TAXES ON HOMES, AND THE SEARCH FOR A WAY OUT

Anger over real estate taxes is boiling up, setting off a scramble for alternatives. A new study reveals a wide range in burdens on homeowners.

A homeowners' revolt against rising property taxes is forcing cities to seek other sources of revenue.

How poorly they are succeeding is suggested by the fact that the real estate tax still accounts for $8.50 of each $10 in local taxes collected.

In most cities beset by soaring expenses, property owners have been hit by a long string of property-tax boosts.

A look at what is happening has just been made public by the International City Management Association and other local-government organizations. They conducted a survey of cities all over the country. Some of the findings:

The typical property tax on a house and lot with a sale value of $25,000 was $595 in the year ended in mid-1969. A Census Bureau study for the year ended in mid-1966 indicated a typical tax of $495 on that home.

The tax tends to be higher in suburbs than in central cities—typically $632 for a $25,000 home in the outskirts, against $563 in the city.

Mark Keane, executive director of the city-management group, ascribed the difference to school levies. "On the average," he said, "the suburbs raise almost $100 more in school taxes per $25,000 home than the central cities."

Property taxes vary, too, from area to area. For Northeastern cities surveyed, the typical tax on a $25,000 home was $851, more than 40 per cent above the nationwide average. For Southern cities, the typical real estate tax on such a home was $450—nearly a fourth below average.

Size of communities also shows up as a factor. The smallest cities studied—with populations of 25,000 to 50,000—had a typical tax of $702 on a $25,000 home. Lowest level was in cities with more than 500,000 population, a typical tax of $534.

The list of cities on page 71 shows the wide spread in homeowners' tax burdens.

#### SPREADING REVOLT

Cities that depend most heavily on the real estate levy for revenue find boosts now are coming with increasing difficulty as voters' ire grows.

In States that require voter approval in tax referendums, rejections have been frequent recently. In some communities—in Ohio, for example—schools have been shut down for varying periods because voters have withheld operating funds.

Recently, the plight of homeowners has been cited more and more in support of proposals for the Federal Government to share its revenues with State and local units. On June 25, President Nixon told an audience:

"Approximately 70 per cent of Americans over 65 own their own homes. This means that the growing burden of property taxes falls on their shoulders with special weight.

"When a person retires, his income goes down—and so do most of his tax bills. But his property taxes keep right on climbing—and he may even be forced out of the home he has paid for. This is one reason I want revenue sharing."

#### RELIEF SOUGHT

Nearly everywhere, property-owner complaints and local-government frustrations have become commonplace. In the past week or so—

Homeowners in Florida's Dade County, which includes Miami, have complained bitterly about increases in property assessments—up to 27 per cent or more in 1971 over 1970.

Georgia's municipal association and county commissioners' association have urged that the State's sales tax be boosted from 3 per cent to 4 in order to make way for property-tax relief.

In Virginia, civic and political groups have called on a State tax commission to relieve property owners by pushing for a law giving localities power to impose a piggyback surtax on top of the State's income tax.

On June 28, Philadelphia's school board adopted a new budget calling for elimination of all extracurricular activities—including sports, music, art, dramatics and debating—and the use of school facilities after school hours.

For local officials, County Judge William O. Beach, of Montgomery County, Tennessee, summed it all up recently when he said:

"The painful fact is that we have reached the limits of political tolerance with respect to property taxation."

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### HOW PROPERTY TAXES VARY

NOTE.—All figures, which are for 1968-69—latest available—have been compiled in a survey by the International City Management Association, the Municipal Finance Officers Association, the National Association of Counties—the National League of Cities and the United States Conference of Mayors. Included are all cities of 50,000 or more population responding to the survey questionnaire.

TYPICAL TAX ON HOUSE AND LOT WITH A SALE VALUE OF $25,000

| | |
|---|---|
| Abilene, Tex | $526 |
| Albany, Ga | 440 |
| Albuquerque, N.M | 424 |
| Alexandria, Va | 447 |
| Amarillo, Tex | 476 |
| Anaheim, Calif | 569 |
| Atlanta, Ga | 484 |
| Aurora, Colo | 760 |
| Aurora, Ill | 754 |
| Austin, Tex | 266 |
| Baton Rouge, La | 417 |
| Beaumont, Tex | 587 |
| Berkeley, Calif | 778 |
| Birmingham, Ala | 257 |
| Boston, Mass | 1,130 |
| Boulder, Colo | 625 |

| | |
|---|---|
| Burbank, Calif | $521 |
| Cedar Rapids, Iowa | 837 |
| Champaign, Ill | 697 |
| Chattanooga, Tenn | 631 |
| Chicago, Ill | 550 |
| Chula Vista, Calif | 598 |
| Cleveland, Ohio | 551 |
| Colorado Springs, Colo | 721 |
| Columbus, Ohio | 452 |
| Concord, Calif | 760 |
| Corpus Christi, Tex | 654 |
| Cuyahoga Falls, Ohio | 661 |
| Dallas, Tex | 521 |
| Davenport, Ia | 729 |
| Dayton, Ohio | 638 |
| Decatur, Ill | 594 |
| Des Plaines, Ill | 681 |
| Detroit, Mich | 590 |
| Dubuque, Ia | 666 |
| Duluth, Minn | 590 |
| Durham, N.C | 479 |
| Eugene, Oreg | 777 |
| Fargo, N.D | 626 |
| Fort Worth, Tex | 617 |
| Fremont, Calif | 615 |
| Fullerton, Calif | 651 |
| Galveston, Tex | 510 |
| Garden Grove, Calif | 558 |
| Garland, Tex | 484 |
| Glendale, Calif | 543 |
| Grand Rapids, Mich | 509 |
| Greensboro, N.C | 484 |
| Hamilton, Ohio | 510 |
| Harrisburg, Pa | 758 |
| Hartford, Conn | 839 |
| Honolulu, Hawaii | 231 |
| Inglewood, Calif | 595 |
| Jackson, Miss | 609 |
| Joliet, Ill | 815 |
| Kansas City, Mo | 539 |
| Kettering, Ohio | 400 |
| Knoxville, Tenn | 607 |
| Lafayette, La | 54 |
| Lakewood, Calif | 541 |
| Lansing, Mich | 596 |
| Las Vegas, Nev | 438 |
| Lima, Ohio | 411 |
| Lincoln, Nebr | 865 |
| Lincoln Park, Mich | 649 |
| Little Rock, Ark | 349 |
| Livonia, Mich | 723 |
| Long Beach, Calif | 656 |
| Los Angeles, Calif | 645 |
| Lubbock, Tex | 482 |
| Madison, Wis | 666 |
| Medford, Mass | 848 |
| Memphis, Tenn | 543 |
| Miami, Fla | 528 |
| Midland, Tex | 576 |
| Milwaukee, Wis | 921 |
| Minneapolis, Minn | 469 |
| Nashville, Tenn | 530 |
| New Orleans, La | 204 |
| Newport, R.I | 750 |
| Newport News, Va | 375 |
| New York, N.Y | 522 |
| Niagara Falls, N.Y | 974 |
| Norfolk, Va | 340 |
| Norwalk, Calif | 581 |
| Oakland, Calif | 764 |
| Odessa, Tex | 485 |
| Ogden, Utah | 457 |
| Ontario, Calif | 668 |
| Orange, Calif | 608 |
| Overland Park, Kans | 615 |
| Oxnard, Calif | 579 |
| Peoria, Ill | 696 |
| Phoenix, Ariz | 562 |
| Port Arthur, Tex | 606 |
| Racine, Wis | 1,004 |
| Raleigh, N.C | 386 |
| Redwood City, Calif | 608 |
| Richmond, Calif | 670 |
| Roanoke, Va | 345 |
| Rock Island, Ill | 550 |
| Roseville, Mich | 650 |
| Sacramento, Calif | 553 |
| Saginaw, Mich | 515 |
| St. Joseph, Mo | 539 |
| St. Louis, Mo | 547 |
| St. Petersburg, Fla | 457 |
| Salem, Oreg | $676 |
| Salinas, Calif | 717 |
| Salt Lake City, Utah | 496 |
| San Angelo, Tex | 623 |
| San Antonio, Tex | 551 |
| San Diego, Calif | 550 |
| San Francisco, Calif | 639 |
| San Jose, Calif | 617 |
| San Leandro, Calif | 534 |
| Santa Ana, Calif | 493 |
| Santa Barbara, Calif | 647 |
| Santa Clara, Calif | 643 |
| Savannah, Ga | 626 |
| Seattle, Wash | 476 |
| Skokie, Ill | 753 |
| South Bend, Ind | 916 |
| South Gate, Calif | 560 |
| Springfield, Mo | 484 |
| Stockton, Calif | 684 |
| Sunnyvale, Calif | 607 |
| Toledo, Ohio | 407 |
| Torrance, Calif | 595 |
| Tucson, Ariz | 700 |
| Tulsa, Okla | 537 |
| Tyler, Tex | 526 |
| Utica, N.Y | 1,195 |
| Virginia Beach, Va | 290 |
| Waco, Tex | 425 |
| Waltham, Mass | 1,085 |
| Waterbury, Conn | 787 |
| Westminster, Calif | 691 |
| Wichita, Kans | 821 |
| Wichita Falls, Tex | 546 |
| Wyoming City, Mich | 495 |

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By Mr. INOUYE:

S. 3091. A bill to authorize the Public Service Commission of the District of Columbia to conduct a study with respect to the desirability and feasibility of requiring the installation of meters in taxicabs in the District of Columbia. Referred to the Committee on the District of Columbia.

Mr. INOUYE. Mr. President, I introduce today a bill to authorize a study to properly determine whether the present zone-fare system should be replaced by a meter-fare system for the taxicabs that are registered to operate in the District of Columbia.

The bill, essentially a housekeeping measure, will circumvent a rider that has inexplicably but perennially been attached to the House Appropriations bill for the District of Columbia. The rider was a topic of discussion in the recent Senate-House conference which met to resolve differences in the appropriations bills for the District of Columbia for fiscal year 1972. It was determined that the most expeditious manner in which to resolve a situation that I feel is detrimental to cabdrivers and riders alike was to introduce this legislation. The law, as it presently reads, intimately and adversely affects the 11,000-plus hackers in this city. If enacted, this legislation would simply permit the Public Service Commission of the District of Columbia government to apply its expertise and undertake a study to determine if the installation of meters is in the best public interest. For 40 years, the Commission has been denied the funds to conduct the very type study that the Commission was designed to undertake. It is my firm belief that the administrative agencies of the District government are more appropriate bodies in matters such as this than any congressional committee.

While all of us have been made keenly aware of the shortcomings of the taxicab industry in this city at one time or another, I became more intimately acquainted with the plight of the taxicab drivers during the most recent hearings on the District budget. The rationale of the driver's position is sound and it becomes all the more tenable in light of the rumors that circulate relating to the origin of the rider on the appropriations bill. One of the more ludicrous reasons given is that the Congress continues to enact the provision so that the Nation's legislators can commute from the Mayflower or Madison Hotels to Capitol Hill for the minimum fare. Contrasted to such reasoning, is the drivers' position that they want only that which every cabdriver in every other major metropolitan area of the country already has—reasonable compensation based on the time expended as well as for the services rendered. With the enactment of this legislation, the Commission will be permitted to make the proper determination.

At present, there are 11,563 cabdrivers licensed to operate taxis in the District of Columbia. There are 9,276 automobiles that are registered to operate as cabs in the city. While the numbers would appear to be adequate to meet the needs of the city, all too often and always during rush hours and in the outlying parts of the city, it is nearly impossible to hail a cab. The most obvious reason is that the present zone system makes it possible to ride several miles in heavy traffic within the same subzone for the minimum fare of 60 cents. Ironically, it is also possible to ride for less than 1 mile but through three zones and be obligated to pay $1.45. The fare that one has to pay may have little to do with the distance that is traveled. More importantly, the fare that the driver now receives has no direct relationship to the time he has expended. Whether a trip takes 5, 15, or 50 minutes, the driver is now often entitled to the same fare. The net result is that the public has the fewest number of cabs available when the public's need is greatest.

It is estimated that 85 to 95 percent of all the drivers in the District operate their cabs on a part-time basis. The most recent study by the Public Service Commission in 1971 indicated that the drivers averaged 4.33 hours of work per day. From another point of view, it means that only a very small portion of the drivers are full-time professionals. While this may be convenient for the student who seeks part-time work or for the government employee who seeks to supplement his income, driving a cab in the District of Columbia will not support a family in the Metropolitan Washington area unless the driver works far in excess of 40 hours per week. In the same Commission study it was found that the net revenue per hour is $3.02. It is far less during rush hour. The average revenue per trip in Washington is $1.20, while in New York City, the average revenue per trip is in excess of $2. It is interesting to note that the starting salary for a driver for the D.C. Transit is $4.64 per hour in addition to group benefits that the common hacker is unable to obtain.

This measure affects not only the cabdrivers: the riders and potential riders are equally affected.

While I cannot forecast the study's conclusions, I would render a guess that if the Commission does find that the meter system is preferable, the citizens of this city will see more cabs when they are needed most and will see fewer "On Call" signs in the windshields of cabs. More persons would be attracted to full-time employment if such employment would insure equal compensation at all times of the day for the time at the task. If drivers were to be paid for their time, fewer pedestrians would stand stranded at distant points or in bad weather.

If the Public Service Commission were to eliminate the present system, which has 26 zones and subzones, and varying charges for different zones with single and group rates, then visitors would leave our Nation's Capital less confused and more secure in the feeling that they had not been "had" by a cabdriver. It is not a problem for visitors alone. Few native Washingtonians know where one zone begins and another leaves off.

While I do not question the integrity of most of our cabdrivers there exists under our present system not only the opportunity to cheat an unknowing public but also the governments involved. There is strong incentive to underreport fare receipts. This incentive is increased by a system which underpays the honest man and places a premium on less than honest accounting practices. Are we asking the taxpayers of America to subsidize our taxi services? I should hope not.

Increased regularization of personnel would also permit them to protect themselves against potential profiteering by franchisers, financiers, and insurers.

I urge my colleagues to review the proposed legislation and to act upon it in an expeditious manner.

I request at this time, Mr. President, that a recent news article in the Washington Post be printed in the RECORD, not only because it is material and relevant to this legislation, but laso because it is a fine example of responsible, innovative, investigative reporting.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### IT'S A RARE DISTRICT HACKER WHO VENTURES INTO SOUTHEAST

(By Robert F. Levey)

Complaint One: Christmas Day, corner of Mt. Pleasant and Lamont Streets NW. A woman hails a cab and asks to go to 2400 30th St SE, in Anacostia. The driver says he doesn't know the way.

Complaint Two: Jan. 3, 25th Street and Good Hope Road SE. A woman hails a cab at morning rush hour, and asks to go to the Commerce Department. The driver hunts on side streets for 10 minutes for other downtown-bound fares to share the cab. When the woman complains that she'll be late for work, the driver rasps: "Lady; I'm the driver."

Complaint Three: Jan. 2, 7:30 p.m., 8th Street and Virginia Avenue SE. A mother and daughter and six relatives are standing on the corner. The mother hails a cab, but just she and her daughter get in. The driver refuses to take them. "I thought I was going to get six of you," he says.

These three complaints are all on file with the city government. They were filed by citizens against cab drivers. The city's records—and a Washington Post experiment—indicate that they are not atypical.

Almost twice a day, the city's public vehicle services department logs a written complaint from a citizen against a local cab driver.

About 80 per cent of the complaints that reach his office involve drivers who refuse to transport passengers, said Charles Morgan, head of the department. And 95 per cent of those complaints, Morgan said, are filed by black women who have been refused rides to or from Southeast Washington.

The law governing trips to Southeast, or anywhere else in the city, is clear; once a passenger is in a cab, he or she must be taken to the stated destination.

It is illegal to use "on call" or "off duty" signs to avoid certain passengers or areas of town.

It is illegal to "shop" for passengers or destinations, as many complaints charge that drivers do at Union Station, major hotels and the bus terminals.

And it is illegal to, as drivers call it, "play the zones"—avoid passengers who are hailing just to the "cheap" side of a zone boundary, or drop passengers just to the expensive side.

Violators face a possible fine of $300 and/or 90 days in jail. "But it goes on, it sure does," said Maurice J. Harmon, a complaint investigator for the city.

To test just how much it does go on, The Washington Post performed an experiment for 2½ hours last Thursday afternoon.

Three Post employees volunteered—Roberta Bright and Sonja Chavis, who are black, and Peter McLennan, who is white.

The three volunteers spaced themselves along the 2100 block of Virginia Avenue NW, near the State Department. Simultaneously, they hailed passing cabs.

Each volunteer would ask to be taken to an address in the farthest reaches of Southeast Washington. After the cab was about four blocks down the street, each volunteer would say he or she had forgotten something, and would ask to return to the State Department. Then the process would be repeated.

The volunteers started 36 trips between them.

Three times, drivers flatly refused to go to Southeast—once for each volunteer.

Three other times, after they had heard the destination, drivers said they could not take the volunteer, listing various reason for not doing so.

In the first case, the driver said "Aw, gee, I can't take you down there . . . I've got to get my windshield wiper fixed." It wasn't raining at the time.

In the second case, the driver said he remembered he had an appointment five minutes later.

In the third case, the driver said he didn't know where 2018 Savannah Pl. SE was. But after the volunteer had asked to return to the State Department, he said he had once lived on Savannah Street SE—two blocks away from the requested destination.

Five other drivers complained spontaneously and out loud about the Southeast run ("It's like going out of the country," one said). At least 10 others looked pained or shook their heads slowly from side to side, the volunteers said. One man was so relieved when he was asked to return to State that he exhaled and said: "Saved by the bell."

On the other hand, almost all of the other drivers were extremely courteous. Two insisted on waiting in the State Department driveway while the volunteer went to fetch the "forgotten" item. Another was so concerned at the volunteer's failing memory that he gave her the name and address of a mental discipline school.

Drivers—both black and white—would invariably pick up Peter McLennon, the white volunteer, first. And after they had returned to the State Department from what turned out to be a 10-block ride, drivers consistently charged the two black women more than they charged McLennan.

The charge for the 10-block ride varied from 50 cents to $1.45. The proper charge, for a ride within one zone was 60 cents.

All the volunteers were instructed to ask when they got back to the State Department, "What do I owe you?" Neither woman ended up paying less than 60 cents; McLennan twice paid 50 cents and one paid nothing.

Nor did all the cabbies agree on what it would have cost to get to Southeast.

Most quoted a fare of $1.80, which is correct. However, the driver of a Diamond cab licensed to William Gibbons quoted $2.30, and drivers of cabs licensed to Philip J. Gordon and William F. Manuel quoted $2.20. (The names were copied from licenses displayed in the cabs.) And one driver, whose license was not displayed—itself a violation—quoted $2.55.

Counting refusals to transport, licenses that were not displayed and overcharges on the short trip to and from State, 20 of the 36 drivers in the experiment broke the law.

Two dozen cabbies interviewed this week have a standard—and understandable—explanation for their reluctance to go to Southeast.

They say they have only a small chance of getting a tip. They say they're afraid of robbery. They say they face an almost certain empty run back downtown. And they say that many Southeast-bound passengers can't pay the fare.

"What am I out here for, the love of it?" asked Jim Madison, as he waited for a fare one afternoon near the Mayflower Hotel. "This is a business."

The city's taxicab industry group, which represents 43 companies and associations, recently has adopted a program for avoiding abuses of the rules, according to its president, William J. Wright.

The group advocates more hack inspectors on the streets. There are now three, according to Morgan. Two years ago, when enforcement of hack rules still was the duty of the police, there were 15.

The group also favors a change in the fare structure to allow drivers to charge full fares to each passenger on a group ride from 4 p.m. until the end of morning rush hour the next day.

The change in fares, Wright said, "would encourage more cabs to be on the street," would make night work profitable, and might help eliminate the Southeast problem.

Morgan said that 95 per cent of the city's 12,000 licensed drivers do business honestly. It is the other 5 per cent, he said, "who run up files."

"It's the newcomers, those new to the area, who cause most of the trouble," Morgan said. In general, he said, the industry here is "a lot better than it used to be."

"But I get phone calls from the public that you wouldn't believe," Morgan said.

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### IN OUR TOWN IT TAKES A TRICK TO CATCH CAB

Here, according to several black women interviewed in offices and on streets in downtown Washington, are some ways to beat the resistance of cab drivers:

Don't just stand on a downtown street, particularly at night, and hope for the best. Go into the revolving door of a hotel, go all the way around and come back out, and then ask the doorman for a cab.

When going to Southeast from Northwest, phone, rather than hail, a cab. And tell the dispatcher your destination is Capitol Hill, not Congress Heights. It costs an extra quarter for the radio cab, but it can save an hour.

When going from Southeast elsewhere, try if possible to carry a large purse or satchel. Drivers may think it's a suitcase, and "read" you for an airport fare.

If possible, hail cabs in groups. Some drivers will take a group ride to Southeast for $5 when they won't take an individual for $1.45.

Never tell a driver after you get in that you're going "down to Southeast, just take the 11th Street Bridge and I'll show you." He will think you can't pay the fare. Give him a street address, and sound sure of yourself.

Get in the front seat when the cab pulls over. The driver is less likely to refuse you if he has to look directly at you.

If you're downtown, hail from the "wrong" side of the street. The driver may think you're a maid heading for Georgetown, or a nurse going to Georgetown University Hospital.

Use your femininity. If you have two children waiting at home, tell the driver you have six.

Tip, always, if you can. The driver may get a newfound good impression of Southeasterners, and you're bound to need another cab sometime.

By Mr. CRANSTON:

S.J. Res. 191. A joint resolution designating the week of May 1–7, 1972, as "National Bikecology Week." Referred to the Committee on the Judiciary.

### NATIONAL BIKECOLOGY WEEK

Mr. CRANSTON. Mr. President, I am introducing today for appropriate reference a resolution calling upon the President to proclaim the week of May 1–7, 1972, as National Bikecology Week. An identical resolution is being introduced today in the House of Representatives by Congressman SEYMOUR HALPERN and 24 House cosponsors.

National Bikecology Week is the brainchild of a California-based organization, Friends for Bikecology. The aim of Friends for Bikecology is to promote a more balanced transportation system that places less stress on the environment. The bicycle, which produces no harmful emissions and causes no noise, is an ideal component for a more ecologically-oriented national transportation system. National Bikecology Week is designed to focus public attention on the environmental and personal benefits to be gained from bicycling.

Last May 8, organizations and individuals in nearly 50 cities across the Nation participated in National Bikecology Day through "bike-ins" and other community activities. This year it is anticipated that more than 200 cities will feature bikecology events during National Bikecology Week. Friends for Bikecology has informed me that five Governors have already issued proclamations establishing National Bikecology Week in their States, and many more State proclamations are expected.

National Bikecology Week can help to establish that the bicycle is a viable alternative to the automobile as a means of transportation, particularly for short distances. Friends for Bikecology has informed me that 60 percent of all automobile trips in the United States are for distances of 5 miles or less. Conceivably the bicycle could be substituted for a good many of these short automobile trips.

Secretary of Transportation John Volpe has been quoted as saying:

> As far as I'm concerned, . . . bicycles have equal rights wtih automobiles on our city streets.

Under his leadership, the Department of Transportation has been working with the District of Columbia to make Washington, D.C. a "model bicycle city." With safe, physically separate bicycle routes available to bicyclists, the bicycle will become an essential and lasting means of commuter transportation in our cities.

I am fully convinced that the sudden increase in the populartity and use of the bicycle is not a fad. Bicycle manufacturers sold nearly 8.5 million bicycles in 1971, compared to 3.7 million in 1960. More than a third of the bicycles sold last year were for adults, whereas prior to 1971 only 15 percent of the bicycle market was adult oriented. This abrupt and significant shift in the age of bicycle purchasers points to an increased use of the bicycle as a means of transportation.

This year the bicycle industry expects to sell 10 million new bicycles. With the repeal of the excise tax and with the import surcharge, I have estimated that the domestic automobile industry will sell approximately 8.6 million new cars in 1972. If these estimates are realized, 1972 will be distinguished as the year when Americans bought more bicycles than automobiles.

With the need to reduce the amount of harmful automobile emissions that pollute our air and impair our health becoming more acute each day, we must develop a more balanced national transportation system. Our dependence on the automobile must be lessened. National Bikecology Week, by focusing public attention on the environmental benefits of the bicycle, can be an important step in the direction of a more balanced national transportation system—one which provides many viable alternatives to the automobile. I wholeheartedly support the concept of "bikecology," and I urge the Senate to join me in this effort.

Mr. President, I ask unanimous consent that the full text of my resolution be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 191

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That,

Whereas, nearly 80 million Americans are bicycling today, almost twice as many as a decade ago; and

Whereas, the health and the quality of life of urban Americans are increasingly threatened by congestion and air pollution; and

Whereas, the automobile is the major source of air pollution and congestion in our urban areas; and

Whereas, the bicycle is an efficient, nonpolluting and healthful alternative to the automobile as a means of commuter transportation; and

Whereas, it is in the national interest to promote a more balanced transportation system that places less stress on our environment; and

Whereas, this national interest can be enhanced by encouraging the use of the bicycle and focusing public attention on the individual and community benefits that can be gained from bicycling; now Therefore be it

*Resolved,* That the week of May 1–7, 1972, is designated as National Bikecology Week and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

## SENATE RESOLUTION 245—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON COMMERCE

(Referred to the Committee on Rules and Administration.)

Mr. PASTORE, from the Committee on Commerce, reported the following resolution:

S. RES. 245

*Resolved,* That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Commerce, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,233,800.00, of which amount (1) not to exceed $35,000.00 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000.00 shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202 (j) of such Act).

SEC. 3. For the purposes of this resolution the Committee, or its Chairman, from March 1, 1972, through February 28, 1973, is authorized in its, or his discretion, (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents; (2) to hold hearings; (3) to sit and act in any time or place during the sessions, recesses and adjournment periods of the Senate; (4) to administer oaths; and (5) take testimony, either orally or by sworn statement.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

## ADDITIONAL COSPONSORS OF A RESOLUTION

### SENATE RESOLUTION 232

At the request of Mr. CHILES, the Senator from California (Mr. TUNNEY), the Senator from Minnesota (Mr. MONDALE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Idaho (Mr. CHURCH), and the Senator from Michigan (Mr. HART) were added as cosponsors of Senate Resolution 232, expressing the sense of the Senate that the remainder of the amount appropriated for the rural electrification program for fiscal 1972 be immediately released by the Office of Management and Budget.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 839 THROUGH 846

(Ordered to be printed and to lie on the table.)

Mr. ERVIN (for himself and Mr. ALLEN) submitted eight amendments intended to be proposed by them jointly to the bill (S. 2515) to further promote equal employment opportunities for American workers.

## CANCELLATION OF HEARING ON SUBSTITUTE AMENDMENT RELATING TO 1972 FEED GRAIN PROGRAM

Mr. TALMADGE. Mr. President, I wish to announce the cancellation of a hearing by the Committee on Agriculture and Forestry which had been scheduled for Monday, January 31 on a substitute amendment to Senate Joint Resolution 172 to be offered by the Senator from Minnesota (Mr. HUMPHREY). The substitute amendment affects the 1972 feed grain program and authorizes planting of cotton on cotton set-aside acreage.

## NOTICE OF HEARING

Mr. HART. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, February 1, 1972, at 2 p.m., in room 2228 New Senate Office Building, on the following nominations:

Ralph E. Erickson, of California, to be Assistant Attorney General, vice William H. Rehnquist, resigned, to which office he was appointed during the last recess of the Senate.

Dale Kent Frizzell, of Kansas, to be Assistant Attorney General, vice Shiro Kashiwa, resigned, to which office he was appointed during the last recess of the Senate.

Henry E. Petersen, of Maryland, to be Assistant Attorney General, vice Will Wilson, resigned, to which office he was appointed during the last recess of the Senate.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

This hearing will be before the full committee, Senator EASTLAND, chairman.

## ADDITIONAL STATEMENTS

## DELAWARE REDUCES HIGHWAY DEATHS BY 25 PERCENT; INITIATES NEW PROGRAM AGAINST DRUNK DRIVERS

Mr. BOGGS. Mr. President, last year the American people suffered new tragedy on our Nation's highways. The number of persons killed in 1971 in traffic fatalities is estimated at 55,000, a slight increase from the 54,800 persons killed in 1970.

There is no need to discuss at length the tragic consequences of these deaths. The highway safety problem inflicts tragedy on the families that suffer the loss of a loved one. The highway safety problem inflicts on the American public a cost that runs into the billions of dollars yearly for hospital bills, lost income, insurance costs, and property damage.

But I must tell my colleagues about some of the great strides the State of Delaware has made in reducing highway deaths. Our effort in Delaware seeks to make the First State the safest State. Delaware, in 1971, achieved a percentage reduction in highway fatalities that I think should serve as a goal for every State.

Through stepped-up enforcement, improved emergency services, and a campaign of public awareness, Delaware last year reduced the number of its traffic deaths by approximately 25 percent, compared with 1970. That reduction was the best record for any of the contiguous States, I understand.

Specifically, Delaware recorded 115 traffic deaths last year, compared with 152 the preceding year. Of course, the 115 deaths remain 115 deaths too many. We shall never achieve a truly acceptable highway safety program until we eradicate highway deaths entirely.

But I do believe that the level of reduction achieved in Delaware clearly demonstrates what law enforcement agencies and the public can achieve together in the effort to lessen the number of highway deaths.

Highway travel must not continue to be a terminal disease.

I am very proud of the accomplishments achieved under the direction of Governor Peterson, his Secretary of Public Safety, Fred W. Vetter, Jr., and the Federal-State Highway Safety Coordinator, William Scotten. Our State went out and worked hard to bring the highway safety message to the public. Secretary Vetter recently spoke of the sense of urgency that exists in Delaware on the problem of highway safety. I think his fine statement deserves our attention:

> Every time the number goes up on our fatality boards, let's get upset—even angry about it. Because it tells us we failed—and in a very real and personal way. We must be sure, however, to focus our irritation and concern in the right direction. Don't just leave it to the police and courts to do something as if they were the only ones who get paid to worry about it. Everyone of us must develop an intolerance—a deep, personal, and lasting rejection of the driver conduct that causes highway deaths. I'm talking about the show-off behind the wheel, the chance-taker at intersections, the back road speeder, the heavy drinker, and the chronic rule breaker. You see, we're really not talking about accident fatalities, we're more often talking about death resulting from lawless and undisciplined behavior, inattentiveness, chance-taking, and a lack of concern for our fellow man—these are conscious acts, not accidents.

Much of Delaware's success in reducing fatalities has come from an awareness that the drinking driver is a highway menace. Without any unusual Federal support, Delaware put together an effective, first-class program to get the drunk off the highway.

In addition, the State now has developed an alcohol safety action project that is designed, over a 3½-year period, to reduce by 30 percent the number of accidents associated with alcoholic beverages.

I am happy to announce that Governor Peterson has today received official notification that the National Highway Traffic Safety Administration has approved a $2,292,000 grant to support this project.

This grant is not intended to foster a health or a morality campaign. Rather, it will be a well-rounded approach to educate individuals on the effects of alcohol on their driving.

With this grant, Delaware should be able to perfect still further its various programs to get the drinking driver off the highway, creating new approaches that should work in many other States and communities.

Specifically, Secretary Vetter's department describes the Delaware project as involving several areas of alcohol countermeasures:

> Eight special two man police "Alcohol Patrol Unit" vehicles will be operated throughout the state; five by State Police, one by Wilmington Police, one by New Castle County Police, and one by the Dover Police Department. The cars will operate mostly during nighttime hours and will concentrate attention to those locations and hours with high incidences of alcohol related accidents.
>
> Additional men are to be added to the Division of Motor Vehicles to devote much needed attention to those persons applying for relicensing following revocation for intoxicated driving convictions. They will determine whether a license should be reissued or delayed pending satisfactory proof of a violator's rehabilitation in the use of alcohol.
>
> Three new prosecutors are to be added to the staff of the Attorney General's Office to assure adequate coverage for contested intoxicated driving (DWI) cases in courts.
>
> A strong and continuing public education and information program will be mounted to alert the public to the nature and size of the alcohol-highway problem and, hopefully, generate support for those activities which must be undertaken in order to achieve real success in reducing the problem. Our statewide school system will be an active part of the education thrust.
>
> Discussions are now being held to determine the most effective methods for treating and rehabilitating the problem drinking driver. Fines and/or jail sentences do little to correct the basic problem. We are working closely with personnel of the Division of Alcoholism Services of the Department of Health and Social Services in their attempts to secure grant funds available from the U.S. National Institute of Mental Health. In addition, other groups such as the Delaware Safety Council are participating in these discussions on the rehabilitation problem.
>
> Continuing evaluation of our program will be conducted by the staff of the University of Delaware's Technical Services Division. Through this operation we hope to be able to not only judge the effectiveness of our program elements, but also contribute, through NHTSA, to the national body of knowledge on the subject of the problem drinking driver.

I wish to commend Governor Peterson and his fine staff for preparing such a fine program that will save lives in our great State and in the Nation. Much of the credit must go to George Grotz who is director of Delaware's Alcohol Countermeasures Office.

With this fine record Delaware achieved in 1971, I hope we can look forward to years of further progress toward a reduction in the number of traffic fatalities.

Every Delawarean should be proud of the tremendous effort to lessen the danger of highway fatalities. Yet each of us is also aware of what remains to be achieved. This new grant to Delaware represents a significant step toward further reductions in the rate of traffic fatalities in 1972.

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## MALNUTRITION

Mr. HOLLINGS. Mr. President, in South Carolina, we are facing up to some severe problems of malnutrition and inadequate health care. While we are not proud of the terrible poverty which blights some areas of the State, we are proud of the way that both officials and also the poor themselves are beginning to unify to combat our common enemies. The Beaufort-Jasper Comprehensive Health Services, Inc., exemplifies this commitment to improving the living standard of the poor. I am very proud that the Office of Economic Opportunity has spotlighted the Beaufort-Jasper program in the OEO magazine Opportunity. I ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SOUTH CAROLINA: HEALTH SERVICES COMES TO THE BYWAYS & BACKWOODS

(By Betty Murphy)

You can see the sky through the roof and the earth through what is left of the floor. The view is clearer through the walls than out of the dingy windows. Two scrawny pigs grovel for garbage in the mud under the house and in the yard. An ancient washing machine struggles through its fifth laundry of the day on the shaky little front porch. The water for it and the whole house comes from an outdoor pump.

Inside, a toothless woman, aged beyond her 33 years with the burden of bearing nine children in poverty, sorts tattered clothing on threadbare, cushionless living room chairs. Six of her children are playing, napping or eating spaghetti and rice on a small dilapidated bed in the same room. The youngest, a 10-month-old baby, lies panting with the heat in their midst. He is recovering from pneumonia.

A middle-aged lady in a crisp orange uniform is partially responsible for the baby's recovery. She took him to a doctor, treated him herself and brought him free medicine from the health center where she works. She has also treated the mother for pleurisy and given all the children medicine for worms. All members of the family are counted among her 275 patients, although she is not a doctor nor even a licensed nurse.

Mrs. Azarine Thompson, a 47-year-old mother of six, dons her bright uniform five, six and sometimes seven days a week to visit disadvantaged patients in Beaufort County, South Carolina. Almost everybody in her area knows her by her dress, spotless white shoes and rectangular black bag as a family health worker attached to the Beaufort-Jasper Comprehensive Health Services, Inc.

Mrs. Thompson is one of 19 black, mostly middle-aged women who serve as Comprehensive Health Services outreach workers among the poor in 19 target areas in rural Beaufort and Jasper, southern coastal counties of South Carolina. They form the troops of four coordinated teams of doctors and registered and licensed practical nurses who work in and out of four neighborhood health centers. These and other specialists with the OEO-funded health services program hope to eradicate health problems among the 25,000 poor, mostly black people in the two counties by curative and preventive means.

The need for health care in these counties, where more than 40 percent of the 61,000 population fall below OEO poverty guidelines, has long been desperate but largely unnoticed. Before the Comprehensive Health Service started operating last March, there were only about 21 practicing physicians in the 1,300 square-mile area. Arthritis, diabetes, strokes, high blood pressure, pneumonia and worm infestation are extremely common in the area. An undetermined number of these cases have gone undetected and untreated because some residents, even whole families, have never seen a doctor in their lives.

The wealth of beauty, particularly in Beaufort County, is largely to blame for concealing the poverty and disease. One is awed by the magnificence of stately old Southern mansions framed by sprightly palmetto trees and towering oaks dripping with Spanish moss. The sagging tarpaper shanty nearby often goes unnoticed. Another contrast to the poverty is the plush resort developed in recent years on one end of Hilton Head Island in Beaufort County. People who go there, however, seldom see the poor on the other side of the island.

For generations, rich and poor, well and sick have lived side by side, more or less unaware of one another in the two counties. Then in 1967, an obscure general practitioner, who had served both the wealthy and the destitute in the area for more than ten years, helped bring the plight of his poor patients to the attention of the entire country. Dr. Donald Gatch testified before the Citizens Board of Inquiry into Hunger and Malnutrition in the United States at hearings held in Columbia, S.C., in November of that year. Then in 1968, he appeared on national television and was interviewed by reporters from South Carolina newspapers, the New York Times, The New Republic and Esquire Magazine. He told how children were infested by parasites and literally starving to death in Beaufort County.

Following the national publicity, Sen. Ernest F. Hollings, accompanied by local government officials, visited the two counties. "We showed them everything. We took them off the tree-lined highways down the dirt roads where the clotheless, homeless and the hungry live," said Thomas C. Barnwell, Jr., project director of the Comprehensive Health Services and a native of Beaufort County. "They saw things they had never seen before and never imagined existed in this country."

In February 1969, Senator Hollings testified before the Select Committee on Nutrition and Human Needs of the U.S. Senate. He reported that he saw, "bleak hunger and hovel-housing amidst disease and ignorance." The Senator later discussed these conditions with officials of OEO's Office of Health Affairs and in June, 1970, the Beaufort-Jasper Comprehensive Health Services, Inc., was created with an OEO grant of $754,373 After nine months of planning, staffing, organizing and setting up facilities, the project opened with a main office in the city of Beaufort and three satellite health centers in Sheldon in Beaufort County, and Hardeeville and Grays in Jasper County. A fourth center on St. Helena Island in Beaufort County was opened last fall.

The health services project, funded this year by OEO for $1,776,991, started out with a comprehensive medical team working in and out of each center: a doctor, one or two registered nurses, a licensed practical nurse, three to eight family health workers, a medical records clerk and a receptionist. Two MEDEX, who have each served 20 years as military corpsmen, serve on two of the teams. Recently, the project hired a dentist who works out of a mobile dental unit in Jasper County, which has only one other dentist. The area's Head Start program donated $10,000 toward this unit in return for dental care for children enrolled in the program.

Laboratory facilities for the whole project are set up in one center with a well-stocked pharmacy in another. The centers, loaned or leased from the county Public Health Department, are also well equipped clinics with examining and treatment rooms, small labs, interviewing and waiting rooms. Mobile units or trailers alongside each center house medical records and offices.

"Each Comprehensive Health Service center is equipped as well as any good, modern doctor's office in the big cities and suburbs," said Dr. Jerry J. Galloway, an internist who was appointed medical director of the project last January. He works out of one of the centers and two black doctors, Dr. Elijah Washington, a native of Beaufort County, and Dr. Albert D. Jenkins of Charleston, S.C. man two of the other centers. They and their teams work from 8 a.m. till they see their last patient every weekday except for four days a month in two of the centers. The Public Health Department holds crippled children, TB, pre-natal and family planning clinics on those days.

All comprehensive health project services are free to those who earn incomes below the OEO poverty guidelines ($3,200 for a rural family of four). Physical examinations, treatments, medications and prescriptions are provided for many poor people who never before had access to such comprehensive health care.

If patients need X-rays, operations, or other hospital care, they are sent to Beaufort Memorial Hospital, where project doctors are on the staff. The project pays fees not covered by Medicaid or Medicare. Should a patient need more specialized care than is available at Beaufort Memorial, staff doctors send them to public hospitals in Charleston or Savannah. The project also holds clinics for Head Start and day care children and, during this school year, is examining and treating all the children in four Beaufort schools. All the students are from poor families and have received little medical attention.

Comprehensive Health Services also tries to coordinate with other existing health services as much as possible. The project's medical personnel frequently refer patients to the Public Health Department clinics, a state-funded, four-county Coastal Empire Mental Health Program and Clemson Nutritional Services, which offers nutritional education to people who can't afford much food.

Three local physicians and a registered nurse were invited to serve on the project's board of directors. Professionals, businessmen and community people make up this 18-member governing body, advised by a 30-member advisory council consisting mostly of community people from the 19 target poverty areas.

The compehensive care concept of this project covers the entire immediate family of every patient as well as individual health care. When an eligible patient is found by a family health worker or walks into a center, he and his whole family are registered in the center nearest their home. Every family member is given a complete physical examination and medical histories are taken from them by a trained medical records clerk.

An overall view of the total health of an entire family is kept before the health care staff constantly through several means. These include medical records and complete reports on every patient encountered by the family health workers. Also, team conference meetings are held by the entire medical staff at least twice a week at each satellite center. The team discusses current cases, including diagnosis, treatment, prescriptions and the health status of the whole family. This provides not only communication, but on-going education for the staff.

The success of such team coordination is reflected in the work of the 19 family health workers. "the backbone of the whole project," according to Mrs. Estelle Rodriguez, a 59-year-old registered nurse who has dedicated much of her 40 years' nursing experience to rural health care, including directing and teaching nurses and family health workers all over the deep South. She now supervises all the Comprehensive Health Services nurses and family health workers in and out of the centers and is on call night and day to assist any one of them with a problem the family worker feels she can't handle.

"They can treat most common ailments, even diabetes. And they only graduated last March from six months' training in family health care," said Mrs. Rodriguez, who gives the family workers as much extra training in nursing techniques as her time allows. "They are really growing. I don't think I have ever seen a group of such strong, energetic, dediicated women as these 19 workers. Their people really knew what they were doing when they selected them for their jobs."

The family health workers were selected to serve their own home communities by their friends and neighbors at open community meetings held last fall in the 19 target areas. They work in their own and adjacent neighborhoods in areas which contain roughly 2,000 poor individuals who are eligible for their services. They have known many of these people all their lives and know intimately the problems of being poor for they all came from families with incomes below the poverty guidelines.

"Making contact with people I didn't know in my area was easy. I understand them and they understand me," said Mrs. Sarah Douglas, a 47-year-old mother of six who has lived in Beaufort County for more than 25 years. Although she never had formal nurse's training, Mrs. Douglas has practiced home nursing with needy neighbors most of her adult life. She used a medical encyclopedia and a first aid book before becoming a family health worker. She received twice as many votes as any other applicant at her election and had the highest achievement record in the health care course.

"I feel this is the work of the Lord. We are His hands, eyes and helpers. We have to have a feeling beyond sympathy for our patients whether they be black or white. We have to have empathy, to feel like they feel," said Mrs. Douglas. She recently turned down a project offer to provide her and two other health workers a year's free training to become a licensed practical nurse. "My heart is in this community. I'm needed here now. You're either totally dedicated or not at all.

Mrs. Douglas and the other family health workers drive out the dusty backroads in their communities every weekday, seeking and tending the sick. They sometimes drive more than 70 miles and may make 20 visits a day. They take temperatures and blood pressures, read pulses, give bed baths, do blood sugar tests on diabetics and treat people for worms. They also deliver prescriptions and other medications, show their patients how to use them and check later to see if they are being used properly. Coordinating with the center receptionists, they schedule appointments and drive people to the center who have no other way to get there.

One of the most important functions of the outreach health workers is finding the sick and registering eligible families with the center. Within five months, they helped register more than 2,500 families, according to Mrs. Rebecca Price, who is in charge of the medical records. Very often these patients find the health workers because of their bright orange uniforms. The women selected them because they liked the color, not for identification purposes.

The workers are often stopped on their rounds by strangers who say: "You're the lady in the orange dress who helps sick folks. My little boy doesn't feel too good. Can you help him?" Or, "The old man who lives in that house over there has bad arthritis. He'd like to see you." If their schedule permits, the workers visit the person in need immediately and get the names and ages of every member of the family after making a preliminary determination on whether they meet the poverty guidelines test. This is later checked out thoroughly by the medical records clerks at the centers when the patients arrive for their first appointment.

"You can almost tell if a family is poor enough just by observing," said Mrs. Thompson, who has already contacted 275 eligible families in her area and brought most of them to the Sheldon center. "I don't have time to loaf. In some neighborhoods, there are eligible patients in about every house. Some are isolated old people who haven't seen a doctor in years, if ever," said this worker, who estimates that one out of every 10 or 15 of her cases never had professional care.

A few months ago, Mrs. Thompson located two elderly, widowed sisters who live down the lane from the nine-child family described in the first part of this article. In contrast with the living conditions of that family, which Mrs. Thompson says is one of her worst cases, these two ladies have a bright, spotless little house in excellent condition. The older sister, 78, had severe diabetes, but hadn't seen a doctor for 10 years because of religious reasons when the health worker found her.

"She believed that God would heal her, but I was able to convince her that God expects us to try to help ourselves," said Mrs. Thompson, who took the lady to Dr. Washington for treatment and has tended to her regularly ever since. The woman's blood sugar count is now normal and she says that she is sleeping well for the first time in ten years.

It isn't unusual for the family health workers to discover large isolated villages of poor families living in shacks and trailers, sharing one water pump and one or no outside privy at all. A few months ago, by chance, Mrs. Douglas found a group of 26 people, most of them related, living in such conditions. The father and grandfather of many of them is a stroke victim and his wife a diabetic who couldn't afford medication. Two teenage girls were pregnant and not receiving pre-natal care. One two-month old baby was so malnourished that even with iron and vitamin supplements in her diet, she now only weighs nine pounds. Mrs. Douglas has treated all 26 people for one ailment or another, including all the children for worms.

Worm infestation is common in southern coastal regions because of the excessive moisture of the subtropical climate, and particularly serious in poor rural areas where many people don't have indoor plumbing or even outhouses, according to Director Barnwell. The minute eggs or larvae are transmitted from hand to mouth and breed in the intestinal tract. When excreted, they easily reinfest people in areas with poor sanitation facilities. The worms cling to the intestinal tract and cause anemia, and sometimes swelling of the stomach due to malnutrition.

Oral medications, such as Piperazine, work like a highball on the parasites, according to Mrs. Rodriguez. It anesthetizes the worms so that they pass through the system over a two-day period. But the drug's effect lasts for only a while if the person is reinfected.

"The real remedy is preventive medicine, said Dr. Terrence Frederick, a registered civil engineer from Trinidad who directs an Environmental Health Program for the Comprehensive Health Services. "People must have sanitary outhouses or septic tanks with water to flush them to control this disease. Wells at least 60 feet deep are also needed as the worms can live in shallow wells with only surface water."

Dr. Frederick plans to help communities obtain funding to install rural water systems in areas where 10 or 12 families are clustered together. He, a field operations man and three environmental aides have built nearly 100 outhouses and fixed roofs, windows, steps and screens on some rundown houses. This has been done mostly on the recommendations of family health workers who report poor sanitation and housing conditions which contribute to health problems of their patients.

One of the poorest areas in Beaufort County is Daufuskie Island, the last big sea island occupied by a sizeable population which is totally inaccessible except by boat. About 120 very poor people, mostly elderly and some children, live on this primitive island which is one of Comprehensive Health Services target areas served by a family health worker who lives there. The same health problems exist there as on the mainland, according to Mrs. Rodriguez, who has journeyed there many times by shrimp boat to treat the sick. Dr. Galloway also holds a clinic on the island every other Saturday in an old two-room school house where the island's 40 children attend grammar school. The patients travel the lonely dirt roads mostly by ox and cart to get to the clinic, as there are very few automobiles on the island.

On one occasion, Dr. Galloway got a nearby Naval air station to pick up a lady suffering with heart failure from the island by helicopter. It took a good while for relatives of the woman to get to the radio and notify the sheriff, who had to locate a Comprehensive Health Services doctor. He in turn had to arrange transportation, including an ambulance to meet the helicopter. The same time-consuming ordeal occurred again before the Coast Guard rescues a woman about to have a baby.

One long-range goal of the project is to improve the transportation to and on Daufuskie Island. Meanwhile it is ironing out a route schedule for its own transportation system throughout the counties, which are laced and divided by marshes and streams. Beaufort alone is made up of 65 coastal islands divided by causeways and bridges, often requiring traffic to take roundabout routes. Roads in general are good, but the good roads rarely lead to the homes of the poor, making transportation of the sick poor a critical problem.

Part of this problem has been solved by pooling 11 vehicles: an ambulance, station wagons, buses and automobiles. Local men from target areas have been hired to drive the sick to and from the centers, the county hospital and Charleston or Savannah hospitals when necessary. A couple of them who start out at 5 a.m. taking people to the county hospital for X-rays sometimes are still transporting patients late in the evening. All drive on flexible schedules because of emergency cases, sometimes causing overlapping and neglect of some outlying areas. The project needs more drivers and vehicles to operate a smoother, more efficient route schedule. They hope to have them soon.

At present, the health service is also developing a comprehensive Health, Education and Action program, using trained social service personnel to educate community groups on project services, health care, proper sanitary practices and environmental precautions. Planned too is an environmental survey of all families in the area who have inadequate sanitation facilities, substandard housing or other deterrents to good health. The program already is referring eligible people to social services such as public health, welfare and legal aid.

Currently ten new family health workers are undergoing their six-month training. The project also plans to hire a psychiatric nurse and a physical therapist and to seek additional doctors and nurses to work in a new central facility opening in the spring on six acres of land donated by Mrs. Marshall Field in the community of Chelsea. To be financed out of the OEO grant, the facility will house the lab, pharmacy, dental unit, X-ray department, centralized medical records and complete treatment and examining units for two new comprehensive health teams.

Project officials feel that training present personnel to higher levels of skills is as important as hiring new people. Nearly everyone from secretaries to administrators and medical personnel on the 90-member staff receives some sort of on-going training by outside consultants or the project's own training staff. The latter includes a teaching counselor and a registered nurse. All staff nurses, for example, are taking a one-year nurse practitioner course, or advanced nursing training conducted each morning by the staff doctors.

"When these nurses finish this course, they'll practically be doctors," said Mrs. Rodriguez, who attends the classes when her time permits, although she's taken three similar courses and once worked 16 years for a doctor who taught her practically all he knew. "They'll be able to give complete physicals themselves and be much more valuable in the field to the doctors. Nurses have to be general practitioners in a rural outreach program like this."

The Beaufort-Jasper Comprehensive Health Services has only been active since March, but it is well on its way toward achieving its first year goal of 22,000 physician encounters with low income rural residents who have never had good health care before.

"The whole program is a beautiful dream come true," said Mrs. Rodriguez. "Give us one more year and you'll see a picture of hope and health in the whole area."

## THE DOCK STRIKE AND CONGRESSIONAL RESPONSIBILITY

Mr. TOWER. Mr. President, on January 21, President Nixon asked the Congress for legislation allowing him to empanel a three-man arbitration board which would have the power to dictate and enforce a final settlement in the dispute between the striking longshoremen and the Pacific Maritime Association.

I do not generally support compulsory arbitration as a means of solving a labor-management dispute. However, it should be quite clear that this is the only method available to settle this strike situation which threatens the economic health of this Nation.

I have spoken on this general problem on a number of occasions. Five days before the President invoked the Taft-Hartley Act providing for an 80-day cooling-off period, I made the following statement concerning the effect this dispute and similar disputes have had on the Nation's agricultural producers.

> The immediate effect on agribusiness has been the loss of current exports because foreign buyers fear their purchase might be tied up on U.S. docks for a prolonged time. Perishable products rot in the packing crates if held for long periods of time, and nonperishable commodities tie up storage facilities. The West Coast dock strike has already cost our nation's farmers in excess of $215 million, of which about $40 million is in fresh fruit and vegetables. This is only a small loss compared to the potential long-range effect. If America cannot be depended upon to furnish our foreign markets with the necessary commodities when they are needed, then foreign buyers will look elsewhere for new sources of agricultural imports. This would cause U.S. producers to lose valuable markets. It is imperative that U.S. docks be allowed to operate.

Mr. President, my statement has the same meaning today, with the exception that the strike, now resumed, has cost this Nation's farmers much more than $215 million.

In addition to my previous statement on the dock strike, I have made numerous statements in support of the Emergency Public Interest Protection Act. President Nixon first introduced this progressive piece of legislation more than 2 years ago. It has been laying fallow in the respective House and Senate committees since that time. The Senate and the House Committees on Labor have failed to take any meaningful action on these bills, except to hold a few public hearings to relieve some of the pressure for action. This has given the public the erroneous impression that they were actually doing something about the problem of national emergency strikes in the transportation industries.

The President and the proponents of S. 560 have made it quite clear that they remain flexible on the issue of permanent legislation to bring about more effective negotiations and governmental responses to these types of strikes. Yet, the Congress has been denied the opportunity to vote on any new concept to improve the laws governing these situations. I can personally think of no greater failure of the 92d Congress than the failure to act on the Emergency Public Interest Protection Act or a similar proposal to effectively deal with this matter.

The President of the United States echoed the feeling of the Nation when he said in his state of the Union address that the American people will no longer tolerate extended strikes, such as the current longshoremen's strike, that endanger the economic well-being of this Nation. If the majority of the members of the Senate Labor and Public Welfare Committee disapprove of the Emergency Public Interest Protection Act then they have a public duty to report an alternative bill to the Senate that will provide the relief so desperately needed.

The same situation exists with respect to the stopgap measure the President was forced to submit to the Congress last week. I have read some statements to the effect that the Senate Labor and Public Welfare Committee does not intend to report out a bill for another month. While I find this hard to believe, it is certainly consistent with the committee's record on the need for strike legislation. For 14 months negotiations on the dock dispute have been going on, and, unfortunately, there seems to be no possibility of a settlement unless the Congress acts. Instead of meeting this problem head-on, the Congress is unable to provide for the needs of the American people because committees of both the House and the Senate have failed to act in a responsible manner.

I urge the Senate to take action on this matter immediately. I, for one, do not think it is wise policy to postpone action any longer. The situation is at a dangerous stage at this point in time.

Mr. President, at the same time, the Congress should pass S. 560 or a bill similar to it. On February 14, the 80-day cooling-off period for the east and gulf coast ports strikes expires. If Congress does not act immediately on the west coast strike, it is quite possible that a nationwide longshoremen's shutdown will then be in effect. However, if permanent legislation had been passed previous to these strikes, it is more than likely that a collective bargaining agreement would have been reached for all ports long ago.

I urge the Senate to respond in a positive fashion to the leadership provided by the President and consistent with the wishes of the American people. The disastrous economic situation that now confronts the Nation due to prolonged labor disputes should make it perfectly clear that action is needed at once.

## TRIBUTE TO CARL T. HAYDEN

Mr. HUMPHREY. Mr. President, we mourn the passing of a truly great American, Carl Trumbull Hayden, of Arizona. Through his long and industrious career in public service, Carl Hayden distinguished himself as a good and honorable man, a conscientious public servant of the people of Arizona and of America.

Carl Hayden served in the U.S. Senate longer than any man in our Nation's history—42 years. Before that he served in the House for 14 years. For more than half a century, a period of great and profound changes and events in our Nation and the world, Carl Hayden played a vital role in quietly but effectively guiding the hand of governmental leadership.

Chairman of the Senate Committees on Rules and Administration, and on Appropriations, Carl Hayden was a man of decisive influence, dedication to principle, and devotion to hard work. As President pro tempore of the Senate, he was a vital link in the presidential succession following the assassination of President John F. Kennedy. As assistant majority leader of the Senate at that time, I knew him as a close working associate and a fair and equitable gentleman—a knowledge that served to strengthen further the ties of personal friendship.

The avoidance of public praise was a hallmark in the character of Carl Hayden. Therefore, let us now fix this great American in our memory firmly and without fanfare as a man whom it was an honor to know and to love, and for whose service his country must forever remain indebted.

## THE PRESIDENT'S ADDRESS ON VIETNAM

Mr. CASE. Mr. President, I am happy that the President has taken all of us into his confidence. It is good to know too that our Government has been actively trying to pursue serious negotiations to end the war in Indochina.

Obviously the North Vietnamese have

not been interested in negotiation. This does not surprise me since I have long felt that the North Vietnamese would not enter into serious negotiations unless they felt that they could make a better compromise now than after the United States had withdrawn from Vietnam.

The North Vietnamese clearly have not believed that the United States would continue indefinitely to support a regime that seemed unlikely to be able to support itself at any time in the foreseeable future. They have been reinforced in this position by their conviction that the people of the United States would not support a policy which required us to destroy Vietnam, or much of it, in order to save it.

I have believed also that the only way in which there might be a chance that South Vietnam would shape up for its own defense would be for us to let them know there was a definite time limit to our support.

I shall continue, therefore, to support our fixing of a definite date for complete withdrawal.

## ANNIVERSARY OF UKRAINIAN INDEPENDENCE

**Mr. PROXMIRE.** Mr. President, this week marks the 54th anniversary of the independence of the Ukraine. On January 22, 1918, the Ukraine, long a part of imperial Russia, declared its independence. Unfortunately her freedom was short lived. Communist armies soon overran the area and forced its incorporation into the Union of Soviet Socialist Republics. Ukrainian leaders either fled to the West or were killed.

The Ukrainian people are different from the Russian people. They have a different culture, a different language, a different national heritage. With a population of 47 million the Ukraine is the largest captive non-Russian nation in Eastern Europe. Despite continuous attempts to Russianize the area the Ukraine has succeeded in maintaining her identity if not her independence.

On this 54th anniversary of Ukrainian independence we should pause to remember the heroic struggle of the Ukrainian people and rededicate ourselves to the great principles of freedom, liberty, and justice upon which this country was founded.

## THE SPACE SHUTTLE IS SOUND

**Mr. GURNEY.** Mr. President, just the other day, the Washington Star published an editorial entitled "New Thrust in Space." The subject of the editorial is a matter which I have often discussed in the Senate, the space shuttle program proposed by the National Aeronautics and Space Administration.

The Star editorial is an excellent distillation of the present status and present necessity for a U.S. commitment to the most important next step in man's exploration of space. The editorial commends, as I have earlier, President Nixon's firm commitment to this program. I am confident that the majority of Americans agree.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Star, Jan. 26, 1972]

### New Thrust in Space

Just in the nick of time, President Nixon has re-ignited the fizzling U.S. space program, and the benefits from the new venture he approved the other day promise to be substantial and stimulating. The space shuttle program represents a new era that will appeal to many Americans as bringing more practical applications of space science and technology.

In any event most should agree that the country's masive investment in that field cannot now be written off and the program dismantled. There already has been too strong a drift in that direction; the aerospace industry is hanging by a thread and 200,000 space-related jobs have been eliminated. With the last two Apollo moon shots scheduled for this year, the whole space enterprise has been rapidly losing speed.

That's good, some people will say. After all, Americans have kicked around on the moon enough and Mars is out of the question, so why not proclaim the conquest of space and save the money? The answers are several. Certainly much money *will* be saved, in comparison to the peak Apollo development years. The space shuttle will cost $5 or $6 billion over a six-year period, and that is not an exorbitant outlay, it seems to us, for the continued gleaning of knowledge from space.

Moreover, the shuttle's function also will be, in very large measure, to broaden man's knowledge of the earth. It will be an orbiting runabout, in which the crew may peer at their leisure at the natural and human phenomena below and conduct studies of potentially great value. There is, needless to say, some national security advantage in the maneuverability it will afford and the improved surveillance capability.

And in addition, the shuttle will be sort of a repair truck of the heavens, making possible the fixing of broken-down satellites and the servicing of space laboratories. It could even be an ambulance, rescuing astronauts in trouble. Like an airplane, it would soar back down for earth landings after the completion of lengthy orbital missions.

Some of the costs would, of course, be recovered through economic expansion generated by the program—mainly through restoration of 50,000 aerospace jobs and prevention of the loss of others. Perhaps, too, the administratin will succeed in its laudable efforts to bring some European countries in on the endeavor, to the tune of 10 or 15 percent of the cost.

Congress should go along with this proposed investment, knowing that if the country's highly efficient space organization is killed, it will not easily be revived. There's still much work to be done on those peaceful cosmic frontiers that can spread many benefits and much inspiration on this troubled earth.

## TROOP CUTS IN EUROPE COULD BEGIN

**Mr. HUMPHREY.** Mr. President, just this week the Warsaw Pact countries met and issued a conciliatory communique on the question of troop withdrawals from Europe. The door for substantive negotiations has been opened just a little bit more. Now it would seem that the NATO countries could give it that extra push.

The most hopeful sign in the communique was the apparent willingness of all the Warsaw countries to discuss mutual balanced force reductions—MBFR. Their preference is to discuss this issue in the forum of a more general European Security Conference, rather than between the two pacts. But even here, there is room for an understanding.

Until now, NATO countries have preferred to handle the question of MBFR within the confines of the two pacts. This difference should not, however, be an insurmountable stumbling block. The important thing is that there is now an agreement in principle that preparatory talks for troop reductions should get underway. The Warsaw Pact will be naming delegates for such a meeting in Finland. I urge our own Government to ask the NATO countries to do the same.

Each time the question of troop reductions has been debated in the Senate, we have been told to wait because there is something very important in the offing. In good faith, the majority of Senators have been willing to wait. But now I ask what are we waiting for? What is our Government's response to the Warsaw Pact communique?

In the simplest terms, let us get going. The time is ripe. There is a lot of diplomatic activity and the Soviet Union is feeling its own pressures to negotiate troop reductions in Europe. President Nixon has called the period we are living through an era of negotiations. I am willing to accept his metaphor, but I urge action.

We are anxious to resolve some of the outstanding issues which are the legacy of Yalta and Potsdam. We want and need them to be resolved. We now have a chance to negotiate these issues and to make troop reductions on a mutual basis. Let us then begin.

## THE WORK OF THE RESEARCH AND DESIGN INSTITUTE

**Mr. PELL.** Mr. President, I should like to ask unanimous consent to insert into the Congressional Record at the conclusion of my brief remarks an article which appeared in the Rhode Islander section of the Providence Sunday Journal of January 2, 1972, entitled "Ron Beckman, Man of the Year: Putting People Back in the Saddle," by Douglas R. Riggs. This article is about the imaginative and outspoken executive director of the Research and Design Institute of Rhode Island, known as REDE. It is with a real sense of pride that I read this article, especially since REDE developed out of a concept of mine that I first advanced in 1960, a concept I afterward helped develop into an actual institution. And now at last, under the dynamic direction of Mr. Ron Beckman, an industrial designer who studied architecture, REDE is not only firmly on its feet, but appears to be off and running with the promise to make Rhode Island a more creative and exciting community. REDE is a creation of Federal, State, and local industrial support. It was designed not just to fulfill a need, but also as a firm step forward in building a new way of life in our community. In effect, it has been a quantum jump whose greatest expectations are now coming to fulfillment. In many ways, Ron Beckman symbolizes what REDE is, and what REDE is doing, controversial; the breaking of new ground; the rejection of old dogmas for new ideas; and a fervent desire to do that which must be done—better.

Finally, I might add that the article clearly delineates Mr. Beckman's contribution which is more than well deserved, but I should also like to point out that the local business community has given not only its moral support, but also substantial financial support through the board of directors and officers of REDE. I commend my colleagues to read this article and join with me in my unstinting praise of Rhode Island's "Man of the Year," Ron Beckman.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### RON BECKMAN, MAN OF THE YEAR: PUTTING PEOPLE BACK IN THE SADDLE

(By Douglas R. Riggs)

More than a century ago, Ralph Waldo Emerson wrote: "Things are in the saddle/ And ride mankind." More recently, Alvin Toffler brought us up to date in Future Shock: Not only are things still in the saddle, but the horse is galloping out of control. Ron Beckman and his associates at the Research and Design Institute in Providence think they have an approach to getting people back into the saddle. Is anybody listening?

If you want to find our Man of the Year in his natural habitat, you'll have to take a creaking, wiremesh elevator to the sixth floor of one of those former mill buildings in the CIC complex, walk down a dreary corridor, and open a door into the 21st century.

The door is lettered REDE, which is shorthand for the Research and Design Institute. Our Man of the Year works there, directly behind those huge CIC letters you see from Route 95 in Providence. There he and a tiny band of like-minded men and women labor Phoenix-like to fashion a new kind of Industrial Revolution from within the empty shell of the old one. His name is Ron Beckman. He's the director.

But you aren't ready to meet him yet. One should approach a first meeting with Ron Beckman gradually, as a blind man removing bandages after a sight-restoring operation. Bring tranquilizers with you, or a willingness to renounce your citizenship in the State of Rhode Island, or maybe both. Be prepared for a high-voltage jolt of Future Shock.

Look around at the office first; it's good preparation.

In the single large room, massive oak tables and cabinets, leftovers from the original inhabitants of this industrial fortress, mingle incongruously with free-standing steel and cork space dividers. A kind of fiberglass igloo near one wall serves as an office, conference room, or what-have-you. A pipe-work staging, free-standing in the middle of the floor, supports an office area without walls seven feet in the air, and shelters another beneath it. In an open space nearby, for no particular reason, a trapeze hangs from the ceiling.

The whole place looks as if it had been assembled in 24 hours from materials left over from a World's Fair, thrown together by an ad hoc committee of highly creative people with very little money and more important things on their minds than appearances. It also looks very functional, cheerful, individualistic, democratic. You get the impression that *people* are in charge here.

You also have the impression that extraordinary things are done here.

The Institute itself is an extraordinary idea: A non-profit, independent organization founded to bring "human ecology" to the forefront of designers' concerns; to bring the insights of the social sciences to bear on technical problems; to improve the quality of life by finding better ways to do things in terms of human needs. To put people back into the saddle.

You still aren't ready to meet Ron Beckman, but here he is anyway:

His appearance is unimposing. Youngish-looking (he's 40), a bit on the short side, he is clean-shaven and keeps his coppery hair at a length that is unremarkable in either culture. He pads around the office in soft-soled shoes, in his shirt-sleeves, looking more like a shop foreman than a director. He speaks softly, but with the intonations of a born actor and the intensity of a dreamer of dreams.

Within the first five minutes of your first conversation, it becomes clear that Ron Beckman believes most of the world is out of step with reality, and that vast portions of it (with several outposts in Rhode Island) are stark, raving mad.

After 15 minutes, he has you believing it too. You aren't quite sure whether it is the logic of what he says, or the persuasiveness with which he says it. But you suspect that even without the eloquence—even if he stuttered and stammered and spoke with a Row-Dyland accent, as he does, devastatingly, when imitating certain public figures—even then one would have to nod assent to the outrageous things he says. Because they make so much *sense*.

At one point, for example, he talked about what he calls the "edifice complex."

"We're trying to get people to realize that the only constant in life is change. The true belief in God and such has been dead for a long, long while, although we don't admit it because we have no substitute. People are still building these monuments because they want something to hold onto.

"Human nature is out of phase with reality, and this is what the anthropologists call culture shock. Human nature is also out of phase with technology, and this is what people are referring to as future shock. And so the only answer will be to change human nature.

"You must do it humanely and you must do it patiently. We should allow people their tombstones and their cathedrals, their banks and their government domes. But when some son-of-a-gun puts a government dome on an elementary school or builds a geriatric center like a tombstone, or builds a public health clinic like a bank, charging the welfare rolls that amount of money, then I get angry.

"Corporations don't put up with this anymore, but the public sector still does. It somehow feels, in its peasant-like mind, that a public building must be a monument.

"Take the new public welfare building, that rusting tin can out there. Take this ridiculous marble addition to the State House (the new state health building). The cost of that marble is a travesty. The wealth of that building is an insult. But he (the architect) built a monument. For what? It's not the state capitol. If anything it embarrasses the state capitol—it's more brightly lit!

"It's a state *health* office. And it scares people away. Welfare people who'd like to go and get some help look at that and say, 'Oh my God, the King lives there. He'd never talk to anyone as poor as me. I'd better get my lawyer before I go in there.' The whole thing has been structured to put people down, to impress them. With what? The fact they can't get a vaccination for their daughter?

"Where do we put our state welfare offices? Out there on 'Looney Row,' next to the crazy people and the prisoners . . . 'We're collecting all our wards over there in this bureaucratic slum. It's insane. And here I have to lay the blame at the insensitive government, from the Governor on down. Their insensitivity to the realities of life is causing unimaginable damage to the human psyches of the people of Rhode Island. That's what the edifice complex really means. It means destroying people."

Well . . . You begin to understand why Ron Beckman gets talked about at cocktail parties. And one other thing: You begin to understand one reason why REDE is perpetually on the brink of financial disaster. Its success, after all, is dependent to a large extent on voluntary contributions from public and private sources. And when you've gone around proclaiming from the rooftops that the emperor has no clothes, it's tough to get a royal commission.

After you've listened to Mr. Beckman for a while on various subjects—like Rhode Island as a state ("provincial"), the Providence Police ("Keystone Cops"), the Civic Center ("a ridiculous hockey rink") and so on—you begin to wonder less about why Rhode Island government, business and industry haven't given REDE more support, and more about how the whole outfit has managed to avoid being ridden out of town on a rail.

He is beholden to no stockholders, no corporation, no government official; only his clients, his charter, his board of directors and his vision. And when your life revolves around two major concerns, and one of them is meeting the next payroll and the other is the survival of the human race, it's really no contest. He'll keep shouting.

And if he has trouble meeting the payroll, he will fire five people, as he did several months ago, and sell one of his two floors in the CIC building, as he did late last summer, for $7,000 and a few more weeks of solvency. Next summer, if all goes according to plan, he will move some of his operations onto the roof, under a couple of air support structures. ("And once more we shall rise from the ashes . . . Would you like to buy my shirt? I can have it cleaned . . .")

And he will keep shouting.

Why? Because he is an optimist. An optimist, he explains, borrowing the concept from Paul Erlich, head of Zero Population Growth, is a person who thinks the human race is doomed—unless we rethink some of our basic assumptions about how society ought to work and take radical action to turn things around. A pessimist, he says, is someone who thinks it's already too late.

"One basic premise in a democracy," he says, "is that each member is a responsible person. With freedom comes responsibility. But how do you teach responsibility to people in a time when technology is taking away from them two things, initiative and responsibility . . .? By constantly being concerned about the human being instead of the function of the machinery, and the function of the social program instead of the function of the aesthetic or architectural program, we are a voice for the survival of human values. Our job is to make sure that the life that is being designed for us, on every level, is worth living."

Noble sentiments, but what, you might ask, is REDE *doing?* Plenty. This is no ivory-tower think tank, nor is our Man of the Year just another social scientist viewing with alarm. REDE illustrates its approach through "demonstration projects." There have been more than 50 such demonstrations so far in the five years since the Institute began operations in its present form, many of them already in full operation. Among them are several projects which promise to change the ways we build things and look at things from now on.

Projects like the hospital-clinic in the "new town" of Columbia, Maryland, which is nearing completion and which may revolutionize medical architecture. Like a new campus for Antioch College, also in Columbia, which uses a one-acre air support structure—a plastic bubble—enclosing permanent, temporary or disposable components, instead of buildings with walls (and which, incidentally, will cost about $5 a square foot, rather than the typical $20).

Like a radical new approach to highway design and traffic control which could reduce accidents and make driving fun again. Or like an open-plan, open-door elementary school/community center in the heart of a Baltimore ghetto which discourages vandalism through its accessibility, rather than the opposite.

REDE confines itself to three general areas of concern: education, medical care and urban problems. Within that obviously broad field, its projects are so diverse they defy further categorization. They range in size from redesigning the offices of the state commissioner of education in Rhode Island to planning entire college campuses in Maryland, Illinois and California. Some of them involve huge structures, others incorporate new ideas in existing buildings, and some, physically speaking, are totally invisible.

It is impossible, within the scope of a magazine article, to do more than hint at the range of the Institute's work. Perhaps a closer look at a single project, one that happens to be close to home, will be illustrative:

The Borda Wing at South County Hospital in Wakefield, occupied in June of 1970, represents a synthesis of several ideas about what an extended care unit ought to do, ideas that are as sensible as they are unconventional. Most of them came from the REDE staff, which was called in on the planning in 1968. Howard Yarme, REDE program director, directed the design.

The central idea was that "post-acute" patients—people who are on the mend after serious illness or an operation, but are still too sick to leave the hospital—don't belong in a traditional hospital room. Furthermore, their surroundings should encourage them to get up and walk around.

REDE's solution? Smaller rooms and a "therapeutic corridor," a rather luxurious, 18-foot-wide corridor, with alcoves containing book shelves, card tables, etc., even a couple of "meal centers," with refrigerators, table-top burners, sinks and cabinets. Patients are encouraged to walk out into the corridor, visit, raid the icebox, make coffee—anything they want to do, any time they want to do it.

This gets them up and around, which is good therapy (the average length of stay has been reduced as a result) and the self-care aspects of the place save money because the wing requires less staff time, fewer expensive gadgets. The cost per patient in the Borda Wing is $37 a day as opposed to about $50 in the main hospital.

The area is completely carpeted—almost unheard of in hospital corridors—and there are other homey touches, such as bright colors and residential lighting. And on one wall, a simple little thing that perhaps no one but a behavioral scientist would have thought of: A geodetic survey map of the Wakefield area, with everyone's house on it. Patients go up to it and point out their homes to other patients. A rallying point, conversation-starter and reminder of home. And a typically unconventional, sensible REDE touch.

Altogether, it's a very inviting place. The hospital calls it a post-acute extended care wing, but the patients call it the "Wakefield Hilton."

Meanwhile, other hospitals continue mingling post-acute patients with the seriously ill or dying, in cheerless, expensive, intensive care wards. And hospitals which have extended-care units at all tend to build them along the same lines as other wards. But now a lot of hospital people are coming around to look at the Borda Wing.

The Borda Wing is one of Ron Beckman's favorite projects for a number of reasons, one of them being that it is here in Rhode Island. Because one of the puzzling things about the Institute is that it is, by and large, a philosopher without honor in its own state. Fully 65% of its work has been for out-of-state clients.

It wasn't supposed to be that way. The idea for such an institute here was first broached as a plank in Senator Clairborne Pell's 1960 campaign platform. When it was founded in 1963, with Senator Pell as the prime mover, it was supposed to be a boost for the Rhode Island economy. And in turn, local industry and the state and federal government were supposed to nurture REDE's growth through the first five years by filling the gap between the Institute's revenue from contract fees and its operating expenses with outright grants and donations.

It didn't happen. There have been, and continue to be, grants and donations, but not nearly enough. REDE actually began operations in September of 1966. The first-five-year-plan came to an end last fall, therefore, and it was a dismal flop. The plan called for revenues of nearly a million dollars a year at the end of five years, and a staff of 51. In fact, revenues this year amounted to about $208,000 and at last count there were just 13 staff members.

What went wrong?

"We were billed as the people who were going to come in and redesign products for Rhode Island industry, make them more attractive for buyers," Mr. Beckman explained. "I let people think that for a time. But we refused to behave the way they felt we should. Instead of tailoring better suits, we were questioning the whole concept of clothing—much to everyone's consternation.

"People got nervous when we started studying the woman's role in the production of children. At Lying-In, women are treated as infantile human beings—but what the hell right does an industrial designer have to look into birth by the Lamaze Method?

"We started looking into the concept of non-graded classes, and what did that have to do with the price of tea in China? We were talking about ecology five years ago, too, but no editor would print it then."

And then, too, there's that tendency of his to bite the hand that might otherwise feed him:

"I think one of the problems is that old money is here in Rhode Island, and old money has not seen it necessary to reinvest in the state. There's not much venture capital here, so progressive management ideas haven't worked.

"The local American Institute of Architects sees us as competition, trying to put them out of business. The contractors are concerned that if we continue to restore old mills like this one, we are going to hold back progress—progress being, in a very myopic sense, more new buildings, such as those beauties dotting Route 95.

"We have empty apartment houses here, we have empty office buildings, we are building a ridiculous and empty Civic Center (hockey rink, in parentheses) a hotel . . . we have followed the Great American profitable scheme of taking land away from the city, giving it to the federal government, putting a highway through, putting the land back into the public domain, and selling it to the highest bidder. It's an unplanned urban program, based on cost-accounting about this city and this state.

"And so when we come along with social accounting ideas this is a direct threat to those people who see their very existence as tied to cost-accounting factors. So of course they . . . I won't say they resent us . . . they ignore us! Who are we? How could we be anything to invest in?

"The state of Rhode Island suffers from cultural lag."

And yet he perseveres. REDE survives, somehow. Sometimes it does so only because 13 men and women do the work of 50, led by Mr. Beckman, whose energy seems to have no stopping point. He speaks of his working day as ending at 10 p.m., but twice we encountered him after all-night sessions, meeting another deadline at the 11th hour.

Why does he do it?

"I was trained as a Boy Scout, in Buffalo, New York, so I got a good taste of conservation and ecology as a youngster," he said. "Then I was trained as an industrial designer, and felt betrayed when I learned I was only supposed to pretty up products so they would sell. So I went back to Yale and studied architecture, and felt betrayed for the second time when I realized that architects were prettying up bigger products called buildings. . . ."

He quit architecture school and went to work for designer George Nelson in New York City, doing research. ("He was kind of my teacher—one of the liberal-radical thinkers in design.") He became a vice president of George Nelson, Inc., was making a lot of money, moved with his wife and children from an apartment in Greenwich Village out to New Canaan, one of those manicured garden spots along the New York City commuter lines—and then asked himself certain questions which have become classics in Suburbia, USA:

"We did it all, just the way society told us to. I made money, the kids went to Tinkerbelle Nursery School; we were established—and it made us feel a little sick, and a little guilty. Was this it? What do you do next?"

Next, as it turned out, was the Research and Design Institute in Providence, in 1965, and eventually a house on Halsey Street, one of those handsome restored structures near Benefit. He shares its three stories plus widow's walk with Elizabeth, born in Paris, whom he secretly married when he was teaching at Pratt Institute and she was one of his students, and their children, Claire, 10½, who plans to be a poet or ventriloquist or "something to do with the stage." Ken, 8, who might be a designer or scientist or explorer or maybe a lawyer, and Adam, 6, who leans toward archeology at the moment.

The New Canaan experience had lasted not quite a year. But long before New Canaan there had been another intellectual turning point, one which was to cast its shadow all the way to that office in the CIC building and from there into a dozen states and innumerable lives:

"We had our first child by the Lamaze Method. I was in the delivery room, and there I got my first taste of the counterculture, because that's what the Lamaze Method is. The wife and husband are there and cooperating, and the whole Victorian thing went away. We had our child with dignity and great joy and ceremony and happiness, and that was the experience. I realized suddenly, after leading a life for 31 years of phony tinsel, that life doesn't have to be that way. I was in one culture and suddenly I got a look at the other culture, and I couldn't go back."

There are those who wish he would. There were, some years back, a number of Junior League ladies who walked out on him when he spoke to their meeting about the Lamaze Method, showed them photographs of mangled bodies in Vietnam, and presented what he calls his "pornographic slide show," consisting of advertisements from *Life* Magazine with a commentary from him on the Freudian symbolism of Coke bottles, cigars and the like. (In fairness, the Junior Leaguers have invited him back three times since then.)

And there are those who hope he will stay, even though he makes them damned uncomfortable. Architect Philemon Sturges is one of these.

Mr. Sturges' Providence Partnership has its offices just across the street from Mr. Beckman's, in another CIC building—the one with the great fish-eye window in the middle of its solid brick wall. Their proximity is philosophical as well, but their last joint professional venture left strains.

Mr. Sturges hired REDE as consultants for "The Great Room" at North Kingstown High School, that huge open-plan space which has created quite a stir in educational circles, for which he was the architect. To make a long story short, there were disagreements during the collaboration, and now that the job is done, each man thinks the other is claiming too much of the glory.

Mr. Beckman raised hackles right from the start on that job, according to Mr. Sturges, by rushing down to North Kingstown as soon as he was hired and arguing forcefully for the open-plan idea, which in fact had already been agreed upon. "In hindsight, I really don't think he was aware that so much planning had been done and that everyone was on his side. He went down there and started throwing flaming arrows in all directions, and people sat back open-mouthed," Mr. Sturges said.

Gary Daughn, another architect in the Providence Partnership, happens to be a next door neighbor of Mr. Beckman's. "There's not a damn thing he says that we wouldn't agree with," Mr. Daughn said. "Not a damn thing. And yet there's a barrier between us; I don't know whether it's personal or professional or what."

"I think part of it may be that he is out to get the monument-builders," Mr. Sturges added. (It may or may not be relevant that the architect of the new welfare building out at Howard—that "rusting tin can" Mr. Beckman referred to earlier—is none other than Philemon Sturges.)

"I know of several projects he could be involved in in Rhode Island, if he didn't turn people off," Mr. Sturges said. "But then, if he wasn't the kind of guy he is, maybe he wouldn't get things done. REDE's being here has certainly had an effect on this office, and I think on other offices, and regardless of any personal feelings, it has been an invaluable asset to the community.

"Wherever Ron goes, he's going to be embroiled in controversy. He loves it. I think in the long run, it's a positive, healthy thing. Even though it drives me mad."

Reflecting back upon his Junior League speech, the one the ladies walked out on, Mr. Beckman had said: "It was a very controversial talk. And it was a hell of a lot of fun."

It was in somewhat the same spirit, perhaps, that we decided to name him our Man of the Year—despite, we should add, a certain reluctance on his part: He was worried, when he learned what we were up to, that concentrating on him would obscure the important things the Institute is doing, that we would ignore the contributions of other talented people on his staff (which we have done, with apologies), and that he would come out sounding like "just another sourpuss."

But we had our reasons, they went far beyond the obvious fact that his quotes make "good copy," and in due course we faced the problem of how to portray him on the cover.

There was the image we finally chose, of course; Beckman as a latter-day Moses standing atop the CIC building, pointing the way to a new Promised Land. . . .

But another had occurred to us earlier, a possible view of the not-too-distant future:

Ron Beckman is standing on the roof beside the inflatable plastic bubble that is his last refuge after selling the sixth floor. Someone has turned off the pump and the bubble is slowly collapsing. He is simultaneously offering to sell his shirt to the highest bidder and throwing flaming arrows at the State House, at Route 95, at the new health offices, and perhaps at the Journal Building as well.

But, no. That image wouldn't do. He is not merely a quixotic figure—we can't afford to let him become that. Because the windmills he is fighting are grinding *people* beneath their millstones. And the wind is rising.

## THE GENOCIDE CONVENTION AND EXTRADITION TREATIES

Mr. PROXMIRE. Mr. President, some people who oppose the Genocide Convention do so, because they fear that American ratification of this treaty will mean the extradition of American citizens to such Communist countries as China and Russia where they will be forced to stand trial without any of the protections of our Constitution. To determine if there is any validity to this fear it will be helpful for us to objectively examine the Genocide Convention and the extradition treaties in force between the United States and other nations.

Article VII of the Genocide Convention says that the contracting powers will grant extradition in accordance with the laws and treaties in force. The United States presently has extradition treaties with 87 foreign nations. These treaties provide for extradition for many crimes, but not for genocide. Also, we have no extradition treaties whatsoever with such countries as Russia, Communist China, East Germany, North Korea, or North Vietnam. No person can be extradited from the United States to these Communist nations for any crime. No person can be extradited for genocide to any of the 87 countries with which we have extradition treaties until these treaties are modified to include genocide. Such action must be ratified by the Senate.

Mr. George Aldrich, Deputy Legal Adviser to the Department of State, testified before a Foreign Relations Subcommittee in 1970 that article VII of the Genocide Convention will not compel the United States to immediately renegotiate its extradition treaties or to enter into any new extradition treaties. Rather, whenever the United States in the normal course of events decided it was in its best interest to renegotiate or make new extradition treaties, the United States would seek to include genocide as one of the crimes covered.

So we can reasonably assume, Mr. President, that American ratification of the Genocide Convention will not expose Americans to extradition to Russia or Red China. I call upon the Senate to ratify the Genocide Convention.

## THE PEACE CORPS REALLY WORKS

Mr. HUMPHREY. Mr. President, last week I spoke at some length about why I thought the Peace Corps was an institution in need of our firm endorsement. I urged the Members of this Chamber to vote for a full funding of the Peace Corps in recognition of the great work it has already done and will continue to do.

Only yesterday, I received a letter which describes in a most eloquent way just why we need the Peace Corps. The letter is an eyewitness report and the message is clear. Mr. President, I ask unanimous consent that this letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

January 21, 1972.

Hon. Hubert H. Humphrey,
*U.S. Senate, Old Senate Office Building,*
*Washington, D.C.*

Dear Senator Humphrey: The attached photo of my young Indian friend, Suba Rao, is a success story. Suba Rao, along with his father and two brothers, rely on five acres of land to sustain their family of seven. This lush sorghum crop yielded over 100 bushels/acre, a yield which any American sorghum farmer would envy. During the other months of the year this family raises improved varieties of rice and peanuts, with equally impressive yields. How did they do it?—with the reliable flow of water from the Tungabhadra Irrigation Project and the technical assistance of a joint team of young Indian and American agricultural extension workers. The Americans were Peace Corps Volunteers—specially trained in Kannada (the language of Mysore State) and in the applied skills of land leveling, irrigation water management, and in the use of new seed varieties, chemical fertilizers and insecticides. This "package of practices" has enabled thousands of Indian farmers such as Suba Rao to quickly learn to make the most productive use of extremely limited land and water resources.

I was among the first group of Peace Corps Volunteers to work with farmers in the Tungabhadra Irrigation Project from 1966–68. Subsequently two more volunteer groups have been requested by the Mysore Agriculture Department to continue assisting in this vital agricultural development effort. Over half of the Tungabhadra's 1.2 million acres of irrigable land is yet to be developed.

The reason I tell you this personal experience, which I believe is representative of the much needed work that thousands of other volunteers have done and continue to do in 55 countries throughout the world, is because the continued viability of the Peace Corps is in grave jeopardy.

As you know, this year the President requested you and your Congressional colleagues to appropriate a tight $82.2 million to fund the Peace Corps in fiscal 1972. That amount is $2.5 million *less* than the Peace Corps budget appropriated by Congress in 1971. However, instead of approving this austere 1972 budget proposal of $82.2 million, Congress first passed an authorization bill with a $77.2 million ceiling and then in December, 1971, lowered that ceiling to a meager $72 million. As you know, to date—over six months into this fiscal year—Congress has still not passed an appropriation bill to fund the Peace Corps program for the remainder of 1972.

*A $72 million appropriation will undercut the very essence of the Peace Corps program.* Such an action will result in:

(1) Recall of 4,000 of the 8,000 volunteers now serving in the field.

(2) Total withdrawal in 15 of the 55 countries now served by the Peace Corps.

(3) Total cancellation of training programs for 2,400 volunteers committed to enter Peace Corps training between now and June 30, 1972.

(4) Drastic professional staff reductions at home and abroad.

Therefore, I urge you to carefully weigh the unfortunate consequences of such a meager appropriation. If you support the kind of success stories that I have related from my own experience as a volunteer, then it is essential that you vote to appropriate *at least* the original $77.2 million authorized by Congress. A more responsible action would be to persuade your Congressional colleagues to appropriate the $82.2 million requested by the President.

One final word. As a utility executive, both the public and management I serve constantly demand that I apply a "cost/benefit analysis" to every proposed fiscal action. As I have already stated, my own experience (and the collective judgment of other former volunteers that I know) is that the Peace Corps cost/benefit ratio is very favorable measured in terms of productive development reaped per dollar invested.

But we must not overlook the tremendous benefits that America can gain from this rather minor foreign relations investment (in comparison with our defense and weapons aid appropriations). The benefit is this: *Peace Corps Volunteers work at the grass roots level—where 95% of the world's population is at.* For over ten years volunteers have built an empathy, rapport and understanding of third world cultures that no other American institution attempting to foster American relations with the rest of the world has ever achieved.

Through committed volunteerism coupled with linguistic, cultural and skills training, thousands of Americans like myself have begun to intimately learn some of the divergent values, attitudes and aspirations held by the vast majority of the world's population. This I believe is a critical lesson for Americans to learn. In spite of our current technological and natural resource advantages, America must face the hard reality that we are but a small segment of the world's global village. We simply cannot afford to alienate ourselves from 95% of the world's people—the overwhelming grass roots constituency.

The Peace Corps is by no stretch of the imagination a "super" institution in its ability to meaningfully respond to the needs and aspirations of this grass roots constituency. But it is a successful start—a vital training ground—if America is truly committed to being a contributing member of the global village.

Your active support and vote for an $82.2 million Peace Corps appropriation for fiscal 1972 will demonstrate your commitment to this goal.

Sincerely,

WILLIAM S. SEELEY,
*Administrator,*
*Environmental Regulation.*

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## NATIONAL HUNTING AND FISHING DAY—1972

Mr. McINTYRE. Mr. President, yesterday, I had the privilege of hosting a meeting that will have profound impact on the future of the sportsmen and nonsportsmen alike in our Nation.

Leaders of more than half a hundred organizations representing a broad range of interest in the Nation came together yesterday in the Senate Caucus Room to make preparations for National Hunting and Fishing Day on September 23 of this year.

I ask unanimous consent that my remarks to this distinguished group be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

### NATIONAL HUNTING AND FISHING DAY

Not long ago, I came across four paragraphs in a book which are particularly appropriate to today's remarks by reading those paragraphs:

"Today, both our physical and social environments have become deadly enemies.

"How did it happen? Obviously some of the things we've been doing to our environments that seemed right all along must have been wrong.

"We didn't realize that each time we do something to the environment, it in turn does something to us.

"Until each one of us understands that we are not separate from our environments, *but part of them*, we will fail to see the direct relationship between our environments, and our health, our behavior, and even our ability to understand ourselves."

Well, all along there were *some* Americans who *did* understand. *Some* Americans who long ago realized that Nature was not inexhaustible, that there existed in it a delicate ecological balance that should not—*must* not—be upset . . . and that man's survival and well-being—*and the survival and tranquility of the society of man*—depended upon a wholesome respect, yes, and affection, for that balanced ecosystem.

I speak of the outdoor sportsmen, of course, those Americans who not only stand in awe of Nature, but love it and are dedicated to its preservation.

It was they who—decades ago—sounded early alarms about the raping of the land, the pillaging of forests, the pollution of lakes and streams and oceans, the indiscriminate slaughter of fish and wildlife. And it was they—even then—who were trying to do something to stop it.

For a long time—a very long time—we didn't listen.

And for an even longer time we didn't credit them with what they were doing . . . doing for all of us.

And so, today, I am most pleased to host this first meeting of the leadership of those who want to recognize the many contributions of the outdoor sportsmen.

When the parades and the celebrations and the open houses and displays mark the first National Hunting and Fishing Day this year, we can all look back and say: "This was the beginning."

I am particularly grateful to those of yóu who came long distances to make your input toward insuring success.

I began my own effort last summer, and I know that many of you have worked on this concept as long and as hard as I have.

In this regard, I'd like to pay tribute to my friend and Congressional colleague, the Honorable Robert Sikes. Bob's sponsorship of the bill in the House has generated great interest in that body for a national recognition of the outdoor sportsman.

For myself, I've been truly gratified by the hundreds and hundreds of responses that have poured into my offices. From all across the country, letters and telegrams have encouraged me to keep working for Congressional approval of National Hunting and Fishing Day.

Thirty three Senators have co-sponsored the resolution, and the governors of nearly two dozen states have declared hunting and fishing days in the spirit of my resolution.

Our bill in the Senate is now before the Senate Federal Charters, Holidays and Celebrations Subcommittee, chaired by one of the co-sponsors of the bill, Senator Roman Hruska. We are all hoping that the full Judiciary Committee will soon consider the bill.

I want you to know that I have also asked the Postmaster General to issue a stamp commemorating National Hunting and Fishing Day and honoring the efforts of outdoor sportsmen in environmental protection, in game management and in species preservation.

And so, gentlemen, I thank you again for coming here to begin the planning for the first National Hunting and Fishing Day.

I know that the time spent will be more than repaid by the public interest and acclaim that the day will inspire next September.

Mr. McINTYRE. Mr. President, one thing that is evident from yesterday's meeting and from the interest that has been shown for National Hunting and Fishing Day is that all segments of the society give it support.

The meeting established a Hunting and Fishing Day 1972 Steering Committee to conduct the activities this year. This committee is made up of representatives from wildlife and environmental groups, sportsmen, service, labor, forestry, and recreational organizations.

I ask unanimous consent to include the members of the Hunting and Fishing Day 1972 Steering Committee in the RECORD at this point.

There being no objection, the members were ordered to be printed in the RECORD, as follows:

### LIST OF MEMBERS

#### COCHAIRMEN

Thomas L. Kimball, Executive Director, National Wildlife Federation.

Raymond C. Hubley, Executive Director, Izaak Walton League of America.

#### SECRETARY

Charles Dickey, Promotion Director, National Shooting Sports Foundation.

#### MEMBERS

Mrs. Donald E. Clusen, Director of Committee on Environmental Programs and Projects, League of Women Voters of the United States.

Ted S. Pettit, National Conservation Director, Boy Scouts of America.

Maxwell E. Rich, Executive Vice President, National Rifle Assn. of America.

Sheldon W. Samuels, Director, Occupational Health, Safety and Environmental Affairs, IUD, AFL–CIO.

William E. Towell, Executive Vice President, American Forestry Association.

Carl A. Troester, Jr., Executive Secretary, American Assn. for Health, Physical Education, and Recreation.

Douglas Trussell, Assistant Vice President, National Assn. of Manufacturers.

Gordon K. Zimmerman, Executive Secretary, National Assn. Conservation Districts.

Bodie McDowell, President, Outdoor Writers Assn. of America.

Forrest Durand, Executive Director, International Association, Game, Fish and Conservation Commissioners.

Mr. McINTYRE. Mr. President, much of the credit for the success of yesterday's gathering goes to the Interim Steering Committee which set up this meeting.

I ask unanimous consent to include in the RECORD at this point the names of the Interim Steering Committee.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

### INTERIM STEERING COMMITTEE

Chairman, Daniel A. Poole, President, Wildlife Management Institute.

Secretary, Cliff Morrow, Hunting and Conservation, National Rifle Association of America.

Ted S. Pettit, Conservation Director, National Conservation Committee, Boy Scouts of America.

Dr. Richard A. Wade, Executive Secretary, Sport Fishing Institute.

William E. Towell, Executive Vice President, American Forestry Association.

Gordon K. Zimmerman, Executive Secretary, National Association of Conservation Districts.

Mr. McINTYRE. Mr. President, I would like also to include in the RECORD at this point a list of those in attendance at the meeting, because it indicates once again the scope of interest in this effort.

There being no objection, the list was ordered to be printed in the Record, as *follows:*

### List of Attendance

Department of the Interior: Mr. William L. Colpitts, Fish & Wildlife Service.

Mr. Charles G. Carothers III, Special Assistant in the Office, of Fish & Wildlife Service.

Bureau of Reclamation: Mr. Ottis Peterson, Special Assistant to the Commissioner.

Department of Agriculture: Dr. Richard T. Marks.

Environmental Protective Agency: Mr. Dick Haffman, Office of Public Affairs.

Water Pollution Control Fed.: Mr. Leo Weaver, Assistant Executive Secretary.

Mr. Philip A. Ridgely, Manager, Public Relations.

Remington Arms Co., Inc., Mr. Clark G. Webster, Manager, Wildlife Mgt.

National Marine Fisheries Service: Mr. John S. Gottschalk Assistant to the Director.

Mr. Ben Schley, Special Assistant for Sport Fisheries.

Archery Manufacturers Organization: Mr. Doug Morgan, President.

American Pulpwood Association: Mr. Robert E. Jones.

National Associaton of State Departments of Agriculture: Mr. William. Stanwood Garth, Executive Secretary.

FFA: Mr. Robert A. Seefeldt, Manager, FFA Contests & Award Programs.

American Forest Institute: Miss Phyllis A. Rock.

Wildlife Management Institute: Mr. Daniel A. Poole, Mr. Lonnie L. Williamson, Editor, "Outdoor News Bulletin."

The Wildlife Society: Mr. Lynn A. Greenwalt.

National Wildlife Federation: Mr. Philip A. Douglas, Assistant to the Director.

Outdoor Writers Association of America: Mr. Bodie McDowell, President.

National Muzzle Loading Rifle Association: Mr. Vaughn K. Goodwin, President.

AFL–CIO: Mr. Sheldon W. Samuels.

National Forest Products Association: Mr. John Koenig, Office of Public Relations.

The American Forestry Association: Mr. William E. Towell, Executive Vice President.

U.S. Army Corps of Engineers: Col. William Barnes, Mr. Leverty, Mr. Crane.

Headquarters USAF: Mr. Walter W. Barrett, Mr. John G. Tutko, Chief Hq. Recreation Services.

U.S. Forest Service: Mr. Everett R. Doman, Director of Wildlife Mgt.; Mr. Alex Smith, Director, Div. of Information and Education.

American Forestry Association: Mr. Dick Pardo.

Gulf & Caribbean Fisheries Institute: Mr. Charles E. Jackson.

Navy Department: Mr. Ross Leonard, Head, Fish and Wildlife Branch.

American Fisheries Society: Mr. Henry Clepper, Executive Secretary.

American Casting Association: Mr. Clifford L. Netherton, Mr. Jay C. Reed, Mr. C. Clyde Newman, Delegates.

National Skeet Shooting Association: Mr. William E. Rollow, Director, Chairman Legislative and Governmental Relations Committee.

North American Wildlife Foundation: Mr. C. R. Gutermuth, Secretary.

National Recreation and Park Association: Mrs. Carol Bickley, Director, Division of Special Programs.

National Association of Conservation Districts: Mr. Gordon K. Zimmerman, Executive Secretary.

Appalachian Trail Conference: Mr. Lester L. Holmes, Executive Director.

National Shooting Sports Foundation: Mr. Charles Dickey, Director of Promotion; Mr. Warren Page, Executive Vice President.

African Wildlife Leadership Foundation: Mr. John Rhea, Executive Director.

Sport Fishing Institute: Mr. Richard A. Wade, Executive Secretary.

American Fishing Tackle Manufacturers Association: Mr. John G. Zervas, Director, Public Information.

Boy Scouts of America: Mr. Ted S. Pettit, Director of Conservation.

National Rifle Association of America: Maxwell E. Rich, Executive Vice President; Frank C. Daniel, Secretary; Cliff Morrow, Director, Hunting and Conservation; Jack Hess, Director, Office of Public Relations; John Ailes, Bill Davidson, Steve Hines, Robert Joerg.

North American Falconers Association: Mr. Charles W. Harry, Vice President.

Extension Service, USDA: Mr. H. G. Geyer, Director, Natural Resources and Env. Improvement; Dr. Richard Marks, Extension, Forester and Acting Wildlife Specialist.

American Automobile Association: Mr. Warren G. Stambaugh, Travel Editor.

Soil Conservation Service: Mr. Lawrence W. Compton, Biologist.

Mr. McINTYRE. Mr. President, I am proud to say that at the present time 33 of my colleagues have joined in cosponsoring Senate Joint Resolution 117 which I introduced and which calls upon the President to declare a National Hunting and Fishing Day. I ask unanimous consent to include the names of these Senators in the Record at this point.

There being no objection, the names were ordered to be printed in the Record, as follows:

### List of Cosponsors

Mike Mansfield.
Hugh Scott.
Alan Bible.
Gale W. McGee.
Frank E. Moss.
Mike Gravel.
Bob Packwood.
Ted Stevens.
Claiborne Pell.
Paul J. Fannin.
Frank Church.
Howard W. Cannon.
Clifford P. Case.
Wallace F. Bennett.
Hubert H. Humphrey.
James L. Buckley.
Roman L. Hruska.
Walter F. Mondale.
Edmund S. Muskie.
Barry Goldwater.
John L. McClellan.
James B. Pearson.
Harrison A. Williams, Jr.
Peter H. Dominick.
Quentin N. Burdick.
Glenn J. Beall, Jr.
Charles McC. Mathias, Jr.
Richard S. Schweiker.
William E. Brock III
David H. Gambrell.
Strom Thurmond.
Jennings Randolph.
Norris Cotton.

Mr. McINTYRE. Mr. President, I wish to acknowledge the efforts of Congressman Bob Sikes of Florida for his sponsorship of the Hunting and Fishing Day resolution in the House of Representatives. To date, 14 other Members of the House have indicated their support of his action by introducing identical resolutions.

I ask that the Record show at this point these Members and the resolutions that they have introduced.

There being no objection, the names and resolutions were ordered to be printed in the Record, as follows:

### Names and Resolutions

Representative Bob Sikes, House Joint Resolution 798.

Representative Hamilton Fish, Jr., House Joint Resolution 815.

Representative Bob Casey, House Joint Resolution 834.

Representative Tom Foley, House Joint Resolution 846.

Representative Glenn M. Anderson, House Joint Resolution 851.

Representative Albert H. Quie, House Joint Resolution 871.

Representative Patrick T. Caffery, House Joint Resolution 890.

Representative Fletcher Thompson, House Joint Resolution 894.

Representative Joshua Eilberg, House Joint Resolution 918.

Representative John R. Rarick, House Joint Resolution 921.

Representative Harley O. Staggers, House Joint Resolution 926.

Representative Earle Cabell, House Joint Resolution 929.

Representative James M. Hanley, House Joint Resolution 930.

Representative Fernand J. St Germain, House Joint Resolution 952.

Representative Philip E. Ruppe, House Joint Resolution 976.

Mr. McINTYRE. Mr. President, I am also pleased to report that the Governors of 23 States have proclaimed State Hunting and Fishing Days during 1971. In some instances these proclamations came through gubernatorial action and in some instances through legislative action.

I ask unanimous consent to include this list of States who have proclaimed National Hunting and Fishing Day in the Record at this point.

There being no objection the list was ordered to be printed in the Record as follows:

### List of States

Arkansas by Governor Dale Bumpers.

California by unanimous passage of the California Legislature.

Connecticut by Governor Thomas J. Meskill.

Delaware by Governor Russell W. Peterson.

Georgia by Governor Jimmy Carter.

Idaho by Governor Cecil E. Andrus.

Illinois by Governor Richard B. Ogilvie.

Iowa by Governor Robert D. Ray.

Kansas by Governor Robert Docking.

Kentucky by Governor Louie B. Nunn.

Louisiana by Governor John J. McKeithen.

Maine by Governor Kenneth M. Curtis.

Maryland by Governor Marvin Mandel.

Michigan by Governor William G. Milliken.

Minnesota by Governor Wendell R. Anderson.

Mississippi by Governor John Bell Williams.

Nebraska by Governor J. James Exon.

New Jersey by Governor William T. Cahill (Oct. 9).

North Carolina by Governor Robert W. Scott.

Ohio by Governor John J. Gilligan.

Pennsylvania by Governor Milton Shapp (Outdoor Sportsmen's Day Sept. 26).

Tennessee by Governor Winfield Dunn.

Vermont by Governor Deane C. Davis.

Mr. McINTYRE. Mr. President, so that further information may be available about National Hunting and Fishing Day, I ask unanimous consent to insert in the

Record at this point material from a just published fact sheet on National Hunting and Fishing Day.

There being no objection, the fact sheet was ordered to be printed in the Record, as follows:

National Hunting and Fishing Day

Historically the joint activities of hunting and fishing have been held in the highest regard as a prime recreational activity. In Feudal Europe hunting and fishing were held to be royal sport reserved for the nobility. As the Feudal Age passed from the scene, one of the early concessions was the designation of some game as being suitable for pursuit by the Yeomanry and later ordinary citizenry. In early America, game and fish were a major and frequently the sole source of food for the early settlers. The concern of American pioneers for fish and game led to the first American conservation laws. Early leaders in the conservation movement such as John Audubon, Theodore Roosevelt and Gifford Pinchot, the originator of the word conservation, came from the ranks of outdoorsmen whose first interest was hunting and fishing. Today, that trend continues. With scarcely an exception, the most effective leaders in the fight to save the environment developed their dedication to the cause from their early outdoor experiences in hunting and fishing.

Economically, some 50 million hunters and fishermen spend 4 billion dollars annually in pursuit of their avocation. Dollars that enter the economy through such diverse channels as transportation expenses, food, lodging, and clothing, as well as the more direct cost of equipment and license fees.

For many years, the only funds available to Federal and State Governments for conservation of natural resources came from special taxes and fees levied solely on hunters and fishermen. To date, some two and a half billion dollars in tax and license fees, over and above all other including public tax contributions, has been the sportsman's special financial contributions for the conservation of our natural resources.

In view of these facts and others, Senator Thomas J. McIntyre of New Hampshire and Congressman Robert L. E. Sikes of Florida, have introduced respectively to the U.S. Senate and House of Representatives, joint resolutions to declare the fourth Saturday of September as National Hunting and Fishing Day. Twenty-three states and one city have issued such proclamations. Major conservationists and conservation organizations enthusiastically endorse the concept of celebrating a National Hunting and Fishing Day each year.

The purpose of such a celebration is to call attention to the considerable contribution hunters and fishermen make to our national welfare and introduce the nonhunting public to the hunters and fishermen in their community with the view of promoting harmony and a greater total public concern for the conservation of natural resources and the maintenance of a viable environment.

The main thrust of this celebration is suggested to be an open house hosted by local sportsman's organizations during which graphic demonstrations of all club activities is presented to the visiting public, including such things as nature walks, habitat restoration projects, hunting & fishing clinics, skill demonstrations and participation. Themes, programs and projects are suggested as those falling best within the capabilities of the separate clubs and organization.

Mr. McINTYRE. Mr. President, I believe the enormous support and effort indicated by these facts is clear evidence that National Hunting and Fishing Day has come of age.

I hope that more of my colleagues will want to join in sponsoring Senate Joint Resolution 117 to give further national recognition to this activity.

I hope that soon the Judiciary Committee may be ready to report this resolution and that we can move to action on the floor of the Senate to adopt it.

Too many months, too many years, too many decades have gone by without suitable expression of appreciation for the lasting contributions the outdoor sportsman has made to a better world, a cleaner world, a healthier world.

It is time we act to make our appreciation known.

## MAHALIA JACKSON

Mr. HUMPHREY. Mr. President, I am profoundly saddened by the death of Mahalia Jackson, whose gospel songs stirred the heart and conscience of every American over the years. I have lost a dear and kind friend.

The stilling of this warm, rich voice in praise of God is a great loss to America and the world. Her music of joy and agony, hope and need, broke a silence of communication that would otherwise have surrounded so many of us—overcoming that perennial barrier between man and his Maker, as well as his fellow man.

Truly a great lady, a human being with soul, she gave of herself totally in service to God and her people. She was a woman of true beauty, because it came from her heart. She served her Nation nobly in healing the wounds of a divided society, and in building bridges of understanding and good will throughout the world. She knew poverty and wealth, the ignominy of discrimination and the praise of fame, but she remained a genuine person, deeply concerned to advance the equal opportunities that life should offer to every American. I was honored to share in her friendship.

Mahalia Jackson's greatness is firmly established in the world of musical artistry. But I shall remember her best for a single song at the funeral of Dr. Martin Luther King, Jr. May that song now be her promise: "Precious Lord, Take My Hand."

## NURSING HOMES: A NEW PERSPECTIVE

Mr. MOSS. Mr. President, Dr. Herbert Shore, executive vice president of the Jewish Homes for the Aged is well known to experts in the field of long-term care. His involvement with care of the aged can be measured in decades and his facility in Dallas, Tex., enjoys an excellent reputation.

Dr. Shore frequently communicates with my Subcommittee on Long-Term Care and often provides perspectives which can only come from having an active role in care for the infirm elderly. His dedication to improving the quality of life for nursing home patients makes his comments especially helpful. For these reasons, Mr. President, I ask unanimous consent to have entered in the Record a copy of a letter which Dr. Shore recently wrote to the Honorable Elliot Richardson, Secretary of Health, Education, and Welfare.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Association of Jewish
Homes for the Aged,
*November 18, 1971.*

Hon. Elliot Richardson,
*Secretary, U.S. Department of Health, Education, and Welfare, Washington, D.C.*

Dear Secretary Richardson: I was present at the Duke-AARP Conference and had the privilege of hearing your remarks as well as witnessing your introduction of Mrs. Marie Callender. I have also since heard Secretary Veneman and Dr. Arthur Fleming at the Annual Conference of the American Association of Homes for Aging in Seattle. Since Mr. Veneman's remarks so closely paralleled yours, I can only assume that the positions being taken are the Department's policy re institutional care.

As one who has served as President of the American Association of Homes for Aging and of the National Association of Jewish Homes for the Aged, I am writing to state my concern with the posture the institution is being placed in and with the thrust the Administration has taken relative to alternatives for institutional care. I feel compelled to share my views with you and ask your indulgence in reading them.

The institution (nursing home—home for aged) is not responsible for the present position it finds itself in.

Until three or four decades ago, the institution, more specifically, the almshouse, represented our major public policy for care of the poor and infirm aged, and policy development of the aged is a history of the abandonment of that policy.

The emergence of the philanthropic or voluntary home was essentially the first step in the effort to abandon the public institution made on behalf of the "deserving poor" and sometimes the not-so-poor, aged.

The first step in the effort to abandon the public institution was the movement for "old age pensions" and "social security" which was "a revolt against institutions as a welfare resource." What we succeeded in doing was to transfer responsibility for care of a very high proportion of the institutionalized aged from public institutions, and to a lesser degree, from philanthropic institutions to proprietary institutions, which either had not existed or were of no significance before.

The large public institution did not disappear, although it has changed its name and its function, but a new institutional resource was added to help serve "social security (and later old age assistance) paupers". We brought into existence institutions where the cost of care equals the old age assistance check—abolishing the "lease-out" system of care of the poor. Lacking a decent social policy for the aged society drives out the remnants of the soul of the institutionalized old person while it barely keeps his body alive.

Fifty years ago discussions of institutions included a section on the "sick bay", "infirmary" or "nursery", but these were peripheral. With the advent of antibiotics and tranquilizers, we have made them central. Over the long run, the basic function of institutions for the aged has increasingly changed from care of the poor to care of the sick. We, increasingly, define and classify institutions along the single dimension of the health services they offer. Institutionalized aged are no longer poor therefore defective, we treat them as sick and therefore invalid.

It is the absence of a national policy for long term care that has cast the institution into its present mold. It is the wholesale dumping of patients from state mental hospitals into nursing homes so that states can use the federal funds rather than their own; that has contributed to the problem.

It is the lack of understanding that housing without services (as FHA insisted they be built) is a disservice to the aged and contributes to the misuse of nursing homes.

It is lack of adequate welfare payments that actually depress standards of care. The elderly are the victims, caught in a vicious trap between state financing and lack of adequate resources. Sources of payment now dictates the kind, quality, quantity and geography of care.

Alternatives to institutional care are needed. A great host of services to aged in their own homes and in congregate care homes must be developed but this will not in any way change the fact that at some point the aged need a complex of services available only in an institution. Yes, we need better utilization. I am also opposed to unnecessary institutionalization, but I am not opposed to the institution as a valid resource.

My experience has shown me that there is a great amount of pathology (physical and psychological) in the aged who seek institutional care.

I am indeed pleased with President Nixon's program. It is a good beginning, but only a beginning. Hopefully the White House Conference can build on this and will define a real national policy on long term care.

The problems of the aged in America's Nursing Homes will not be solved with additional programs of inspection and enforcement. Necessary as it is to enforce fire and safety codes, the aged will be best served when government, the providers and the public can agree on a program that will include: 1. The aged must be elevated from second class citizens and "castoffs" to a proper place in our society—one of dignity and worth; 2. Those who have most direct contact with the residents, the aides, maids and waitresses; those who traditionally perform the closest and most intimate service need the greatest amount of training and preparation for their job; need continuing support; need understanding of the patient and their special role in meeting his need and they need a great deal of recognition for their performance. The bulk of all money spent and the thrust of all attention must be aimed at this level of employee. A whole host of innovative approaches to pre-service, in-service and on the job training must be developed if we are to achieve any success in improving patient care.

This is the key to improving care if it is to occur at all.

Recognize that provision of care is total—that meeting the medical, nursing and health needs, though important and essential for the chronically ill, aged and vulnerable population in Nursing Homes, must be matched with massive programs to meet the social and personal needs of the aged.

Inspections that shuffle papers, escalate and increase paper work, test the degrees of water and nitpick conditions of safety, *though important*, cannot and will not make the difference as to what does the older persons have to look forward to each day; is there reason, meaning and purpose in his existence; a reason to get up? Will he have someone to interact with? Something to do? People who care? Unfortunately the social components are not considered. We are told we do not know how to measure them or pay for them yet they are just as necessary if the individual is to live and not merely exist. No amount of inspectors can improve standards and services as long as payments are inadequate. Welfare rates actually depress standards. In essence, the communities are subsidizing the States because they refuse to pay the true cost of care but rather pay on a system of rates that the Welfare Department sets. They demonstrate the level of care and the rate of payment. Their orientation is strictly a limited nursing care program. Inadequate reimbursement begets inadequate service.

No amount of inspection, no pious mouthing will change this.

I am concerned with the posture that indicates that the *"nursing homes be a last recourse"*.

As long as nursing homes are viewed in this perspective and the image is one that relegates the nursing home *out* of the mainstream of appropriate resources, nursing homes will continue to be the Siberias, the warehouses for the dying, etc.

If, however, the nursing home is in fact viewed as an important and necessary specialized recourse, we will begin to achieve the aspirations of the President's program. Rather than the place to go because there is no other place, the aged should go to nursing homes because no other place in the community can match it in its specialized program and ability to care for the aged.

In your remarks you mentioned that 2000 facilities voluntarily withdrew from the Medicare program. While many may have withdrawn because they could not meet the Federal standards, hundreds upon hundreds withdrew because they could not live with the systematic dismantling of the program by rules and regulations, hospital auditing, denial of claims and administrative abuses that made it impossible to stay in the program.

When the Medicare legislation pased, there were no "Extended Care Facilities" in existence; it was the nations skilled nursing homes that met the challenge, that enabled the program to be launched because they firmly believed that the aged had a right to use these benefits.

It has always been the nursing homes that have adapted to the existing and changing Federal programs through Kerr Mills, Vendor Medical programs and now Medicaid. It is these same nursing homes that are constantly being cut back in payments for service. HR 1 in its present form will again reduce benefits for the medicaid recipients in Nursing Homes compounding confusion and creating further havoc for the older person and provider alike.

There are no simple answers to this highly complex problem. It will take more than inspectors, more than alternatives to institutional care, more than a single study of a Florida Nursing Home.

We are delighted with the appointment of Mrs. Callender and look forward to an opportunity to work with her and with you toward a solution and a positive program and national policy. I pledge the support of the National Association of Jewish Homes for Aged in working with you.

We have a long and proud tradition, as accountable, responsible community supported facilities. We have attempted to provide leadership and will continue to do so, not as the last recourse, but as specialized facilities rendering a vital and necessary service to the aged today and tomorrow.

Sincerely,

Herbert Shore, Ed. D.,
*Executive Vice-President.*

## THE WAR GOES ON

Mr. MOSS. Mr. President, I listened intently, as did other Americans, courtesy of nationwide TV, to the President's political statement outlining the American peace offer to Hanoi. I was disturbed by the recitation of the many secret trips Henry Kissinger had made, in an effort to reach an agreement with North Vietnam to end the war. Why were these attempts not made public earlier? While the administration has been closely guarding its secret, the world has continued to blame the war on the United States. If these offers had been made public, world opinion could have focused earlier on Hanoi and the United States would have been given credit for trying to end the fighting.

I was more disturbed, however, by the President's recitation of failure. The war still goes on today. The President's speech was truly a triumph of form over substance. We were simply told Mr. Nixon's negotiations have not been working, his proposals have made no difference, they have not achieved peace.

The key to ending the war is not the administration's shell game peace plan. We must set a definite date for the complete withdrawal of American forces from Vietnam. I believe that only the actual setting of a date for withdrawal and the end of bombing will bring our men and prisoners home.

A Washington Post editorial of January 27 entitled "Vietnam: The Same Old Shell Game" gives an excellent summary of the administration's shopworn peace plan.

I recommend this penetrating editorial to my colleagues, and ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### Vietnam: The Same Old Shell Game

Those who value form over substance may find a political triumph in Mr. Nixon's new "Plan for Peace" in Indochina—a veritable political master-stroke, courtesy of nationwide TV. Senator Mansfield, for example, hailed it as a long step forward; Senators Muskie and Humphrey welcomed it as a new initiative. The President himself called it "generous," as if generosity had any place in our dealings with a ruthless and relentless adversary. Republican sympathizers are delighting in the way the rug is supposed to have been pulled from under those who have been advocating a "date certain" for our withdrawal in exchange for our prisoners of war—on the theory that this is what the President has been secretly offering. This is what was meant to dazzle us—along with the drama of Dr. Kissinger's thirteen transatlantic trips, the secret dealings, the surprise. We are meant to believe, in short that the President has "gone the extra mile for peace" and that whatever happens next—continued impasse, a new Communist offensive, an increase in Ameriac casualties, a prolonged, open-ended war—*is not his fault*.

Well, you can make the argument that it is Hanoi's fault, or even that the whole war is Hanoi's (or Peking's or Moscow's) fault, and not gain much by doing so. You can prove, as Mr. Nixon did, that the enemy has been duplicitous, but that is hardly a revelation. You can assert that Mr. Nixon has tried what some of his critics have long been urging him to try, but even if that were so (which it isn't) it doesn't help much when it doesn't work—except perhaps at home, politically for a time. The fact of the matter is, of course, that there is drama in the unveiling of a secret peace initiative and a little vindication, perhaps, and not much else—not even, in this case, much surprise.

Last November 12, just about the time when Dr. Kissinger was busiest on his Parisiene rounds, the President was asked if he had any reason for encouragement concerning prospects for release of our POWs, and he replied: "No reason for encouragement that I can talk about publicly. I can say, however, that we are pursuing this subject, as I have indicated on several occasions in a number of channels . . ." So the likelihood of private dealings was always there and the real surprise is in the terms the President was offering "the other side"; there is, in fact, no better way to measure the significance of the President's hitherto secret "plan for peace" than by comparing it with one he was proposing *publicly* in October, 1970—when there were 384,000 American troops in South Vietnam. At that time, Mr. Nixon announced that the United States would offer in Paris a plan for:

"An agreed timetable for complete withdrawal as part of an over-all settlement";

An immediate and unconditional release of all prisoners of war held by both sides;

A fair political solution, which would "reflect the existing relationship of political forces" in South Vietnam. The U.S., he said, would abide by the outcome (whether one reached by negotiation or election, he did not specify) and he added that "we know that when the conflict ends, the other side will be there, and the only kind of settlement that will endure is one both sides have an interest in preserving (in other words, an eventual piece of the action in Saigon was held out to the Communists);

An Indochina peace conference, to negotiate a wider settlement which would be guided by the terms of the Geneva Accords of 1954 (Vietnam) and 1962 (Laos).

A cease fire, to be internationally supervised.

That, then, was the Nixon peace plan fifteen months ago, publicly put forth in Paris. What is essentially new or different about the one Dr. Kissinger has been pushing secretly? Essentially nothing, except that elaborate election machinery has been added—an electoral process made in America, rooted in democratic institutions which are alien to the Vietnamese, and one to which Hanoi has been consistently hostile. That, and an eye-catching deadline of six months for U.S. troop withdrawal, which is about as uncertain a "date certain" as could be devised, depending as it does on an agreement not just on prisoner exchange, as the President's leading critics have proposed, but on working out the incredibly difficult details of a cease fire and an election procedure.

This, we are asked to believe, is a new peace plan whose unilateral, public disclosure is likely to break the impasse with Hanoi. This, we are told, is progress, when in fact it is more of the same old shell game. It may work, for a time, for as this game has been played with the Vietnam war over the years, the hand of a government in possession of a secret and in command of prime time has proved more often than not to be quicker than the eye. But the real news here is not of a new peace plan, or even of an earnest secret initiative. What the President told us Tuesday night was nothing more or less than that he and Dr. Kissinger have been privately pressing upon Hanoi a rather shopworn peace plan, only slightly refurbished, and that over a period of 30 months they have been had; he is telling us that he still wants it done the American way and that the North Vietnamese are still not buying it; he is telling us that negotiation isn't working, and that this, by his own admission leaves the alternative of "Vietnamization" which he is frank enough to describe as the "long voyage home."

So unless there is a lot the President *isn't* telling us, we are just where we were before we learned of Dr. Kissinger's secret travel: still insistent on having it our way; still counting on the North Vietnamese to abandon the goals of some forty years of fighting; still unwilling to act upon the President's own, public estimates (also offered in Oct., 1970) that the "South Vietnamese have gained the capability to handle the situation"—and with less and less to offer, as our ground forces shrink, in exchange for our prisoners of war.

## SET-ASIDE PROGRAM A FAILURE—SECRETARY BUTZ MUST ACT TO AVOID ANOTHER GRAIN SURPLUS IN 1972

Mr. HUMPHREY. Mr. President, I originally introduced Senate Joint Resolution 172 last November as a companion measure to S. 2729, the Strategic Storable Agricultural Food Commodities Act of 1971.

At that time I said:

> If enacted, S. 2729 would give the Secretary of Agriculture authority and require him to buy sufficient wheat and feed grains at prices approximating $1.20 a bushel for corn and $1.40 a bushel for wheat to lift market prices close to those levels. * * *
>
> If passed in the next 6 weeks (S. 2729) would increase the market value of the 1971 crops of wheat and feed grains about $1.5 billion. A similar increase would apply to the 1972 crops.

At that time my staff estimated the net additional fiscal year 1972 cost of creating a strategic reserve under S. 2729, at about $300 million.

We had an opportunity to create a strategic reserve which would have contributed to stabilizing consumer supplies and increasing farm income by $1.5 billion at a first fiscal year cost to the Government of $300 million. I regret that the administration opposed this and we were unable to take the needed legislative action.

We recognized, however, that passage of S. 2729 by itself would not provide a long-term solution to the economic problems facing grain producers. We concluded that unless more effective adjustment programs were developed to restrict 1972 production of wheat and feed grains, production would again be excessive. After consulting with farm leaders, I introduced Senate Joint Resolution 172 as a companion measure to S. 2729, requiring the Secretary of Agriculture to return to the 1965 base acreage adjustment program for feed grains and establish a voluntary additional set-aside program for wheat.

Several developments have occurred since November 10, 1971. The House passed a grain reserve bill containing a mandatory requirement to increase 1971 and 1972 wheat and feed grain loan rates by 25 percent.

On December 15, 1971, the Subcommittee on Agricultural Production, Marketing and Stabilization of Prices, of which I am a member, held an executive session and unanimously reported the bill to the full Senate Committee on Agriculture and Forestry. Although considerable pressure was exerted, the full committee was unable to act upon the bill before adjournment last December. But the chairman of the committee, Senator HERMAN TALMADGE, said he would move on the bill as soon as possible in the next session, and he kept that promise. One day of hearings were held on H.R. 1162 and Senate Joint Resolution 172 and all of the major farm and commodity organizations, with the exception of the Farm Bureau, indicated their support of these bills. Secretary Butz appeared and indicated his strong opposition to the bill, especially those provisions which would have provided for an increase in loan rates for wheat and feed grains. Two days following these hearings the full Committee on Agriculture met and voted down H.R. 1163 and tabled my Senate Joint Resolution 172 as amended. Hearings were scheduled on the latter for next Monday, January 31, 1972.

Yesterday, USDA released the planting intentions report which indicated that producers plan to plant over 70 million acres to feed grains this year. Instead of the 15 to 20 percent reduction in acreage that the administration was hoping to get under their announced set-aside program for feed grains, they got less than 4 percent. Unless prompt action is now taken by Secretary Butz to drastically reduce these plantings we will produce close to 200 million tons of feed grains this year, or about 30 million tons more than we need, which would be added to carryover stocks. Another carryover this year on top of the one we had last year will drive feed grain prices so far down they will have to look up to see bottom. And, of course, such a market condition will economically destroy our Nation's grain producers.

Mr. President, following the defeat of H.R. 1163 earlier this week, the further delay I encountered regarding action on Senate Joint Resolution 172 as amended, and the planting intentions report of yesterday, I have concluded that only prompt action by Secretary Butz can now avoid a disastrous situation occurring in our Nation's grain producing areas.

Signup begins next Thursday for the 1972 feed grains program and there obviously is not time enough for Congress to take any action to force Secretary Butz to move. He has all the authority he requires to move administratively and should do so immediately. He has opposed all of the suggestions made by me and others here in the Congress concerning this situation, so now let him act.

I have written to Secretary Butz urging him to move promptly and also have written to Chairman TALMADGE indicating that I do not intend to pursue enactment of my Senate Joint Resolution 172, as amended, any further, since it is obvious that time has run out for Congress to act. The ball is in Secretary Butz' court where he insisted it be. Now let us see what he does with it.

Mr. President, I would like to ask unanimous consent to have my letters to Secretary Butz and Chairman TALMADGE placed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, D.C., January 28, 1972.*

Hon. HERMAN E. TALMADGE,
*Chairman, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: In view of yesterday's planting intentions report which indicates that producers are planning to plant in excess of 70 million acres of freed grains this year, I have written to Secretary Butz urging him to take immediate action administratively to reduce plantings to insure a production level that will not exceed 175 million tons of feed grains. Also in view of the fact that the Secretary has all the authority he requires to accomplish this goal administratively, and the fact that program sign-up begins next Thursday, February 3, 1972, it is essential that he act immediately.

I do not feel there is sufficient time for the Senate Agriculture Committee and the Congress to act upon my amended resolution S.J. Res. 172. Therefore I question how productive next Monday's hearings will be, when action on this matter is needed immediately and cannot wait for the Committee and both chambers of Congress to act.

I think it would be better for the Committee, either by letter or by a "Sense of the Senate" resolution to urge Secretary Butz to take the action required administratively—and immediately to achieve the 170 million ton production goal desired.

I personally do not intend to pursue enactment of S.J. Res. 172 as amended any further. Therefore I will not be appearing at next Monday's hearing nor will I be submitting a statement.

Both S.J. Res. 172 and S.J. Res. 172 amended were proposed by me as a complimentary measure to H.R. 1163. I said from the very beginning of the discussion regarding the current grain crisis, that we needed both H.R. 1163 *and* S.J. Res. 172. Enactment of H.R. 1163 would have given the Secretary the "reserve inventory" authority he needs to minimize the hazards of estimating production levels and would have required him to increase loan levels in an effort to substantially increase crop values and market prices for producers.

The "greater incentive to plant" conditions that such loan rate increases admittedly might have created would have been prevented by enactment of S.J. Res. 172, which, as you know, would have required adoption of more effective production control programs for 1972. Had both of these measures been enacted, 1971 and 1972 wheat and feed grain crop values would have been increased by a total of almost $3 billion and with no additional costs being incurred by the government in the long run. Unfortunately, I don't believe the Committee, during its consideration of these measures last Wednesday, understood the inter-relationship of these two measures.

With the killing of H.R. 1163, enactment of my amended S.J. Res. 172 would still be important, especially if time were available to implement it. However, taking action on that alone—either administratively or legislatively—would still leave the need, in my judgment, for legislation to authorize the establishment of grain reserves and for improving the income of grain producers by increasing loan rates. Wednesday's action by the Committee was a major economic blow to our nation's grain producers. I don't know whether the Committee at this point is open to any compromise or not. But I do know action must be taken promptly by Secretary Butz to reduce feed grain plantings substantially. I hope you will join me in urging him to take immediate administrative action to achieve that goal.

Sincerely,

Hubert H. Humphrey.

U.S. Senate,
*Washington, D.C., January 27, 1972.*

Hon. Earl L. Butz,
*Secretary of Agriculture,*
*Washington, D.C.*

Dear Mr. Secretary: In view of today's planting intentions report which indicates that producers are intending to plant in excess of 70 million acres of feed grains in 1972, I urge you to take steps administratively to reduce plantings under this year's set-aside program for feed grains.

Unless immediate action is taken to substantially reduce these plantings, we will end up with almost 200 million tons of feed grains instead of the 170 million tons desired.

As you know, I have been urging that we return to a base-acreage program for feed grain since last summer. The set-aside program approach is too loose and provides for too much production slippage to rely upon it.

Since my urgings and recommendations have thus far been ignored by the Department regarding these program changes, I hope you will now take immediate action to reduce plantings under the program to a production level not to exceed 170 million tons.

In view of the fact that sign-up for this year's program is due to get underway next Thursday, February 3, 1972, I believe it is essential that you move administratively—and immediately—to make the changes required. Although I have legislation still pending before the Senate Agriculture Committee which, if enacted, would require you to make these type of changes, it is now obvious that there is not enough time for Congress to act. Therefore, I again urge you to exercise your authority to make the necessary changes and not wait for Congress to require you to do so.

With every good wish, I am

Sincerely,

Hubert H. Humphrey.

## EXPECTED NORTH VIETNAM OFFENSIVE

Mr. CRANSTON. Mr. President, on Wednesday, the day after the President unveiled his secret Vietnam peace plan, I expressed on the floor of the Senate my fears that the President may have decided to "go public" at this time partly in an effort to prepare the American public for a renewed escalation of the fighting in Indochina.

I also pointed out that the President's so-called peace plan was not a peace plan at all because it was not realistically formulated to be accepted by the other side. Only a plan conceivably acceptable to both sides in a war as a basis for negotiations, bargaining, and compromise legitimately deserves to be called a peace plan.

A major sticking point in the President's proposals, "Catch 22," is his demand for a general cease-fire encompassing all fighting forces throughout all of Indochina. I said at the time that it was quite clear that the North Vietnamese would not accept such a demand.

On Thursday morning, the Los Angeles Times carried an account of the same views as those expressed by others.

In a page 1 article, the Washington Bureau Chief David Kraslow, an extremely well-informed and perceptive reporter, disclosed that:

> The major offensive apparently being planned by North Vietnam was an important element in President's Nixon's decision to surface the secret efforts to negotiate an end to the war.

He goes on to point out that:

> Some knowledgeable observers feel that the timing and tone of the President's speech Tuesday night and Kissinger's press conference Wednesday were in part an effort to prepare the American public for the possibility of bad news on the military front in Indochina.

Mr. Kraslow also notes that the impending Tet offensive "probably explains why the North Vietnamese ignored the eight-point peace plan the U.S. offered secretly last October."

Mr. President, I ask unanimous consent to have printed in the Record at this point an article from the January 27 issue of the Los Angeles Times headlined, "Expected North Viet Offensive Key to Timing of Speech."

There being no objection, the article was ordered to be printed in the Record, as follows:

### Expected North Viet Offensive Key To Timing of Speech

(By David Kraslow)

Washington.—The major offensive apparently being planned by North Vietnam was an important element in President Nixon's decision to surface the secret efforts to negotiate an end to the war.

The offensive, which American officials expect around the beginning of the Tet new year period on Feb. 15, also probably explains why the North Vietnamese ignored the eight-point peace plan the United States offered secretly last October.

For one thing, that plan contains a provision for a cease-fire in place and that obviously would bar a Tet offensive.

But the current interplay of diplomatic and military factors—even without considering the growing domestic pressures on Mr. Nixon to resolve the Vietnam issue as the presidential election approaches—is far more complex.

There is strong reason to believe that the Administration is assessing the current situation and enemy motivations in the context of what happened almost exactly four years ago.

The Communists uncorked a massive Tet offensive to demonstrate their disruptive capabilities in South Vietnam, and then agreed to participate in peace talks in Paris in a stronger bargaining position than they were in before the offensive

An authoritative view is that the North Vietnamese are now preparing a military blow for the same two reasons they did in 1968:

1.—Make the maximum effort for a military victory that would topple the government of President Nguyen Van Thieu and therefore obviate negotiations with the United States.

2.—If a knockout blow cannot be delivered, cause so much damage—including blemishing Mr. Nixon's prestige—that the Communist side can return to the negotiating table with the ability to bargain from greater strength.

The clear suggestion of such a scenario came at a press conference Wednesday from Henry A. Kissinger, the President's national security adviser and the man who met secretely in Paris 12 times with Hanoi's top negotiators.

". . . We believe that we can contain the offensive," Kissinger said, "and it is even possible, maybe even probable, that the reason they make the offensive is as a prelude to a subsequent negotiation. This . . . was their pattern in 1968."

Kissinger then said that uncovering the secret negotiations was in part "an attempt to say to them once again, 'It (the offensive) is not necessary. Let's get the war over with now.' "

At another point Kissinger remarked that the enemy's response to "the most sweeping offer" the United States had made (a reference to the eight-point plan) "was a massive step up in their infiltration and a move toward a military solution."

If a repetition of the 1968 scenario is what the North Vietnamese have in mind, there is little reason to believe they will be deterred from that course by the President's decision to broadcast the fact and some of the substance of the secret talks or by Kissinger's almost plaintive plea that an offensive isn't necessary.

Considering the history of the Vietnam negotiations, it was uncharacteristic for North Vietnam to have left the President's latest peace proposal on the table so long without a formal response.

In some informed quarters, that behavior would be consistent with a plan to come back to the negotiating table to bargain on that proposal if the offensive falls short of total victory.

There also is reason to believe that the Administration expects some setbacks to South Vietnamese forces in a major Communist offensive.

Some knowledgeable observers feel that the timing and tone of the President's speech Tuesday night and Kissinger's press conference Wednesday were in part an effort to prepare the American public for the possibility of bad news on the military front in Indochina.

Observers took special note of Mr. Nixon's warning that he will "fully meet my responsibility as commander in chief" if the North Vietnamese "answer to our peace offer is to step up their military attacks."

The President has a record of implementing warnings he has issued on the Indochina war, and there is no reason to expect him to deviate from that record if the enemy launches a big offensive.

Officials declined Wednesday to discuss how the President might respond militarily. His options are obviously limited by the continued withdrawal of American troops, but officials were not ruling out heavy bombing of North Vietnam as part of the President's response.

Although the Communists would object to a cease-fire if they have a TET offensive in mind, the question of a cease-fire has longer-range import in connection with a negotiated settlement and the political debate in this nation.

Kissinger said Wednesday that while the two sides "may well differ about how we define the cease-fire," he insisted that the cease-fire has not been "a contentious issue" in the secret negotiations.

One informed source who had long urged Mr. Nixon to offer a cease-fire before the President finally did so publicly in October 1970, said the Communists would stand to lose it they accepted a cease fire today. He said he believed the all-Indochina cease-fire is still much an issue.

In any event, the question is largely academic in the short term if the North Vietnamese are committed to an offensive soon.

Although Kissinger stressed that the President's disclosures Tuesday would have no impact on his plans to visit China Feb. 21 to 28, there will be no surprise in the presidential party if major fighting occurs in Vietnam while Mr. Nixon is in China.

## MAHALIA JACKSON

Mr. WILLIAMS. Mr. President, death has claimed Mahalia Jackson, a woman revered in America and throughout the world.

Her singing entertained millions. It is not much of an exaggeration to say that she did have "the whole world in her hands" when she performed.

Most certainly, this was because her performances went far beyond entertainment in its usual sense. Mahalia Jackson had the ability to inspire people; to make those who heard her feel a little better.

But the respect—in fact awe—that so many people felt for her did not stem solely from her role as a consummate performer. She was a great human being who seemed surrounded by an aura of dignity that the strength of her personality created.

Mahalia Jackson was a leader, both on the stage and in life. She devoted tremendous and lifelong efforts to help this Nation achieve the goal of true equality. Her talent opened many doors for her but she never forgot that those doors were closed to persons who did not possess her talent or prestige.

Her loss is deeply felt. We realize that we have lost not only an outstanding talent but also a warm, marvelous human being.

None of us can emulate her as an artist.

However, we can honor her memory by carrying on with her efforts to make this a better country; a country where all are treated equally.

## IN DEFENSE OF FAMILY FARMS

Mr. MONDALE. Mr. President, the January 23, 1972, issue of the St. Paul Sunday Pioneer Press focuses attention on the steady drift of people from rural America.

The article points out that a growing number of economists worry that even highly capitalized family farms are having an uphill struggle. It calls for congressional action to open up new benefits for bona fide farm families who want to stay on their land.

I ask unanimous consent that this article from the St. Paul Sunday Pioneer Press be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### FARM CRISIS EMPHASIZED IN WORTHINGTON

A "cornbelt crisis" conference was held at Worthington this past week with 500 Minnesota and Iowa farmers and businessmen in attendance. The central problem discussed, the steady drift of young people from rural America to the urban centers, is national in scope, but is especially visible in the Midwest.

It stems from the economic changes which are driving small farmers from the land. As the farm population dwindles, the small towns which serve that population are left with a smaller base of support. Jobs and opportunities on and off the land decline, and young people move toward the bigger cities.

The Worthington meeting showed a keen appreciation of the problem in that region. The fact that the conference was regional in character, not limited to a single community, is an encouraging indication. For as some of the speakers emphasized, regional economic patterns will be more significant in the future than in the past.

"It is no longer important at what particular geographical spot a high school, hospital or church is located," said The Rev. Lawrence Gavia of Wilmont, Minn. "The important thing is that educational, health and church services are accessible to the people of a general area so that their needs can be met."

The regional approach is important politically also. With six southwestern Minnesota counties and four Iowa counties sending delegations to the Worthington conference, public officials took notice. Gov. Wendell Anderson, Sen. Walter Mondale and Rep. John Zwach were among those on hand.

It is easier to describe rural problems than to find their solutions. Local and regional efforts to develop cooperative programs for an improved quality of life are essential.

However, broader efforts at the state and federal levels also must be developed. Federal policies in particular have direct impact on farm prosperity, land use and ownership and manifold aspects of country and small town living.

Farm families, squeezed by high taxes, high operating costs and low crop prices, continue to sell out their holdings and look for urban jobs and futures. In 1971 the number of Minnesota farms declined by 3,000 from 122,000, to 119,000. Iowa and Wisconsin lost about 2,000 farms each. Just since 1963, Minnesota farm units have dropped by 35,000.

The remaining farms of course are larger in size. Normal economic factors, including development of more efficient farm machinery, naturally favor larger operating units. Within reasonable limits, a trend to larger acreages would be healthy, provided the bigger family units produced genuine prosperity and stability for the owners.

What worries a growing number of economists is that even the big, highly capitalized family farms have an uphill struggle to survive, especially in competition with corporation agribusiness land operation which often enjoy special tax advantages or can be partly supported by profits from nonfarm activities.

There is a possibily that if present trends in agriculture continue the eventual outcome could be industrial domination of the nation's food production, with giant conglomerate corporations in control.

Agriculture Secretary Earl Butz and many others pooh-pooh this possibility as an imaginary threat. But each year the migration continues from the farms and the small towns which family farming supports. No end is in sight.

It might help if Congress could find ways of opening up tax shelters or benefits for bona fide farm families who want to stay on their land, comparable to benefits now enjoyed by some of the conglomerate corporations now invading agriculture.

## PRESIDENT SHOULD ABOLISH 47-CENT CHEESE QUOTA

Mr. MONDALE. Mr. President, the Tariff Commission has recommended abolition of the 47-cent price break on quota-type cheeses. But President Nixon has delayed the setting of quotas and the evasion of present quotas by importers continues.

Since the mid-1960's there has been an increase in dairy imports primarily because importers find ways of legally evading quotas on dairy import items. Since then, several hearings have been held, each usually followed by a Presidential action to close a loophole.

Early last year, President Nixon requested the Tariff Commission to make recommendations to him concerning three import categories of cheeses costing 47 cents a pound or more and having no import quotas. These are Swiss, Gruyere-process and a comprehensive grouping labeled as "other cheese." Subsequently the Tariff Commission held hearings which resulted in their recommendation on July 28, 1971, that the President abolish the 47-cent price break and establish a quota for various types of cheese regardless of price.

During the Tariff Commission's hearings on the matter last year, I submitted a statement to them urging abolition of the obsolete 47-cent quota. I urged closing of the loopholes then and I fully support the Tariff Commission's recommendation to the President. The President consistently delays the setting of quotas as the Tariff Commission recommended. He should delay no longer in placing all quota-type cheeses under the same quota.

Further delay will only result in continued dairy product imports hurting our domestic dairy industry. I ask unanimous consent that my testimony to the Tariff

Commission be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT TO THE TARIFF COMMISSION

(By Senator WALTER F. MONDALE, Apr. 28, 1971)

In January 1969 the Department of Agriculture exempted from quota certain cheeses priced at over $.47. A Department press release stated: "these are the high price miscellaneous specialty cheeses such as are normally found in gourmet food counters and stores."

If this exemption had removed from quota only those exotic cheeses sold in small quantity for their special appeal, there would be little argument for halting the price break.

Unfortunately, this has not been the case.

In 1969, according to the latest USDA figures, over $.47 quota-type cheese was 27% of all cheese shipped in to this country and (on a milk equivalent basis) over 20% of all imports. In 1970 the corresponding figures were 38% (of the cheese import total) and 25% of all diary imports. (These figures do not refer to all of the cheese coming in outside of quota, but only to certain specific types—such as Swiss—Emmenthaler and Gruvere—which are subject to quota if priced under $.47).

In both 1969 and 1970 imports of the higher cost nonquota items exceeded imports of the same cheese under quota. In million pounds, imports were:

Quota (under $.47) in 1969, 33.3; in 1970, 29.5.

Nonquota (over $.47) in 1969, 44.6; in 1970, 58.1.

A quick look at these figures will show that the ratio is widening—a trend which I fear will continue unless action is taken.

There are a number of factors encouraging greater imports of the higher-priced items. Because of inflation, a cheese which may have cost $.45 in 1969 may now have risen to $.50, thus crossing the $.47 line. In some cases, imports of the higher priced cheeses have been encouraged by kickbacks and other questionable trade practices which, I hope, other witnesses will call to this Commission's attention.

Another factor is the rise in the price support level. When the $.47 figure was established, it was the same as the domestic support purchase price for cheese. Today the cheese support level is 54.75 cents. The Commission, during this hearing, should determine whether this spread is sufficient to induce domestic producers to import the foreign cheese and sell it here commercially while their own production goes into government warehouses under the price support program.

In summary, I urge the Tariff Commission to recommend the abolition of the $.47 price break on quota-type cheeses, placing all such quota-type cheeses under the same quota. To exempt certain cheese from quota because of its greater cost was a noble experiment which, to put it bluntly, just hasn't worked.

## CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate the unfinished business, S. 2515, the pending amendment being No. 818 by the Senator from North Carolina (Mr. ERVIN).

The clerk will read the bill by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 2515) to further promote equal employment opportunities for American workers.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## CLOTURE MOTION

Mr. WILLIAMS. Mr. President, I submit, and ask the clerk to state, a motion for cloture under the rule.

The PRESIDENT pro tempore. Under rule XXII, the Chair directs the clerk to state the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

1. Harrison Williams.
2. Walter Mondale.
3. Richard S. Schweiker.
4. George McGovern.
5. Thomas J. McIntyre.
6. Claiborne Pell.
7. J. Glenn Beall, Jr.
8. Mark O. Hatfield.
9. J. Javits.
10. Clifford P. Case.
11. Charles McC. Mathias, Jr.
12. Edward W. Brooke.
13. Charles Percy.
14. P. A. Hart.
15. Harold E. Hughes.
16. Gaylord Nelson.
17. Edward M. Kennedy.
18. Jennings Randolph.

## ORDER FOR ADJOURNMENT FROM MONDAY NEXT TO TUESDAY NEXT AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in adjournment until 10 a.m. on Tuesday next.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

## ORDER THAT THE 1 HOUR UNDER RULE XXII BEGIN RUNNING AT 11:30 A.M. ON TUESDAY, FEBRUARY 1, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the 1 hour for debate under rule XXII not begin running on Tuesday next until 11:30 a.m.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

## CONTROL OF TIME UNDER RULE XXII

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time with respect to the 1 hour under rule XXII on Tuesday next be divided between and controlled by the able manager of the bill (Mr. WILLIAMS) and the able Senator from North Carolina (Mr. ERVIN).

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. JAVITS. Does that mean that the vote on the cloture motion will come at 12:30 p.m. on Tuesday?

The PRESIDENT pro tempore. The Senator is correct, after a quorum call.

Mr. JAVITS. I thank the Chair.

Mr. BYRD of West Virginia. Mr. President, at 12:30 p.m. on Tuesday next, the Chair will ask the clerk to call the roll to establish a quorum. The rollcall vote also is automatic under the rule.

The PRESIDENT pro tempore. Yes.

Mr. BYRD of West Virginia. The rollcall vote would begin at about 12:40 or 12:45. Is that sufficient?

Mr. JAVITS. Yes.

## AMENDMENTS IN ORDER UNDER RULE XXII

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all amendments which are at the desk on Tuesday next at the time the Chair asks the clerk to establish the presence of a quorum—to wit, at the conclusion of the 1 hour of debate, at 12:30—be considered qualified under rule XXII, as having been read.

The PRESIDENT pro tempore. Is there objection?

Mr. ERVIN. Mr. President, as I understand it, they shall be considered as having been read under rule XXII and otherwise qualify.

Mr. BYRD of West Virginia. That is correct.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) to further promote equal employment opportunities for American workers.

Mr. BYRD of West Virginia. Mr. President, it is my understanding that the able Senator from North Carolina is willing to have a vote at 11:30 a.m. today on an amendment which he is about to offer. May I ask if all parties are willing to announce that a vote will occur at that time, and if so, we can ask unanimous consent?

Mr. JAVITS. Mr. President, may I ask special consideration for the business of a commission of the United States of which I am a member, the Commission on Marihuana and Drug Abuse, with respect to the imminent plans of the Senator from Alabama and the Senator from North Carolina?

I am perfectly willing to vote, but I need a half hour to an hour some time this morning to attend that Commission meeting. Would I have a right to expect, assuming that we do vote at 11:30, that the following amendment may be one which is not so heavily involved in legal questions, et cetera?

Mr. ERVIN. Mr. President, we propose to offer an amendment to provide that the courts are not bound by the findings of fact of the Commission unless they are supported by the preponderance of the evidence. We expect to offer after that an amendment which would exempt from the coverage of the bill employees of educational and religious institutions.

Mr. JAVITS. May I say to the Senator that on the latter—I shall stay and debate the first amendment; I feel that I must, but on the latter amendment, may I ask whether there is going to be any time limitation soon on that?

Mr. ERVIN. I doubt it seriously, because I think it will take a certain amount of time to show how ridiculous is the proposal of the bill to give to either Federal judges in respect to State educational institutions or to the Commissioners in respect to other educational institutions the power to determine whether or not the institution has hired men who are more competent than others who have been hired to teach the very same subjects, men who are more competent than applicants to seek employment against the will of those institutions. That will require some time, and I would not be willing at this time to agree to a time limitation on it.

Mr. BYRD of West Virginia. Mr. President, I take it that all parties are willing to vote on the amendment the Senator from North Carolina is about to offer at 11:30 a.m. today.

Mr. WILLIAMS. Yes.

Mr. BYRD of West Virginia. I ask unanimous consent that the vote on the amendment which the able Senator from North Carolina is about to offer occur today at 11:30 a.m.

The PRESIDENT pro tempore. The amendment which is the pending business?

Mr. ERVIN. Mr. President, I was going to withdraw the pending amendment, because I consider that it is not of the importance of the amendment I am about to offer.

The PRESIDENT pro tempore. Without objection, the amendment is withdrawn.

### AMENDMENT NO. 811

Mr. ERVIN. Mr. President, I call up amendment No. 811, which has been proposed by the Senator from Alabama (Mr. ALLEN) and myself, and ask that it be stated in full, because that will explain what it does.

The PRESIDENT pro tempore. Is there objection to the proposal to vote on this amendment at 11:30? The Chair hears none, and it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

1. On page 42, lines 17, 18, and 19, strike out the words "if supported by substantial evidence on the record considered as a whole shall be conclusive," and insert in lieu thereof the words "shall be reviewed by the court, which shall reject them and make its own findings of fact on the evidence in the record in the event it concludes that the findings of fact of the Commission are not supported by the preponderance of the evidence in the record."

2. On page 43, lines 5 and 6, strike out the words "if supported by substantial evidence on the record considered as a whole shall be conclusive," and insert in lieu thereof the words "shall be reviewed by the court under the rule hereinbefore specified governing its review of other findings of fact of the Commission."

3. On page 44, lines 17 and 18, strike out the words "if supported by substantial evidence on the record considered as a whole shall be conclusive," and insert in lieu thereof the words "shall be reviewed by the court, which shall reject them and make its own findings of facts on the evidence in the record in the event it concludes that the findings of fact of the Commission are not supported by the preponderance of the evidence in the record."

4. On page 45, lines 5, 6, and 7 strike out the words "if supported by substantial evidence on the record considered as a whole shall be conclusive," and insert in lieu thereof the words "shall be reviewed by the court under the rule hereinbefore specified governing its review of other findings of fact of the Commission."

Mr. ERVIN. Mr. President, for the information of the distinguished Senator from New York, I will state that the Senator from Alabama and I, instead of calling up the amendment that I mentioned to exempt employment practices of educational and religious institutions, will call up another amendment, if this amendment should be rejected, which would give the right to the party aggrieved by a decision of the commission to apply to the court for trial de novo, and the right to a jury trial in the event either party requested it. If the Senator from New York will advise me at what time he wants to go to the meeting of the Commission that he mentioned, we can adjust the debate to suit the convenience of the Senator from New York.

Mr. JAVITS. I thank the Senator.

Mr. ERVIN. Mr. President, someone stated in a happier day that if he could write the songs of the Nation, he would not care who wrote its laws. I say that if I were allowed to write the verdict on which a judgment is to be based, I do not care who writes the judgment.

During the course of the day yesterday, I pointed out that the pending bill emulates hyprocrisy. We are told that hyprocrisy pays homage to righteousness and justice by attempting to disguise itself in the garb of righteousness and justice.

I also called attention yesterday to the fact that the men who drafted and ratified the Constitution stated in its preamble that one of their purposes in establishing and ordaining that document was to establish justice. I charge without fear of successful contradiction that every procedural aspect of the Senate committee bill is designed to stay so far away from justice that despite the far-reaching grasp for power of this bill, the bill does not get close enough to justice to touch the hem of its garment.

The truth of it is that this is a bill which seeks to prostitute justice for the purpose of making certain the policies of those who believe that basic rights should be denied to all American citizens for the supposed—and I use the word "supposed" advisedly—benefit of one class of our citizens or one segment of our society.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BYRD of West Virginia. I ask unanimous consent that the time on the pending amendment be equally divided between the Senator from North Carolina (Mr. ERVIN) and the Senator from New Jersey (Mr. WILLIAMS).

Mr. ERVIN. Mr. President, I shall not object to that if the Senator from West Virginia will not make his unanimous-consent request as to the few remarks I have heretofore made.

Mr. BYRD of West Virginia. No, beginning only at this point.

The PRESIDENT pro tempore. Without objection, beginning at this moment, the time on the amendment will be equally divided between the Senator from North Carolina and the Senator from New Jersey.

Who yields time?

Mr. ERVIN. Mr. President, I yield myself such time as I may require out of what I construe to be the 20 minutes allotted to those who favor the amendment.

The PRESIDENT pro tempore. The Senator from North Carolina is recognized for 20 minutes.

Mr. ERVIN. Mr. President, I assert that every provision of this bill is designed to enforce the policy of the bill—that is, to rob all American citizens of basic liberties—for the supposed benefit of the individuals constituting one segment of our society, for whom certain pressure groups have appointed themselves guardians.

First, you establish a Commission, a politically appointed Commission. The history of this Commission down to this date shows that virtually all the men who have been appointed to serve on this Commission were men who were psychologically incapable of holding the scales of justice evenly, because they were so biased in favor of the policy of the bill that they could not appraise impartially the truth involved in the proceedings.

So, you start out with the creation of a board composed of men of undoubted bias, men who would be disqualified to serve on any jury passing on questions of fact which arise in cases of this nature, and who would be incapable of doing what the great English statesman Edmund Burke said is the duty of exercising the cold neutrality of the impartial judge. If the men who were selected to serve on this Commission were impartial and unbiased, the system for administering the act is such that it makes it impossible for those men to long remain unbiased; because it unites the function of the prosecutor and the function of the judge, and these men are prosecuting, in the sense that they investigate charges and then prefer charges to the General Counsel on some occasions, and on other occasions these men sit as judges rather than investigators.

The Supreme Court of the United States has declared in plain words, in the McGrath case, that when you unite these functions and permit a public official 1 day to exercise investigatory powers in some cases and on the next day to exercise the adjudicatory powers in other cases, you cause him to develop a psychological handicap which disables him from exercising either of these functions in an impartial manner.

I know nothing that is more inconsistent with the purpose proclaimed by the men who drafted and ratified the Constitution, and the preamble to that instrument, when they ordained and established that instrument to establish justice, than to create a Commission of this nature, with power to coerce into acceptance of their views with respect to each person employed by them, in all cases throughout the United States involving a business enterprise employing from eight to 25 persons, and of every religious institution except in respect to those who engage simply in religious activities rather than the secular activities which are necessary to permit any religious institution to function.

To show the absurdity of the last provision, many churches employ people to conduct kindergartens for small children in order that the parents of these children may attend divine services. Yet, under this bill, as I construe it, the EEOC would have jurisdiction to supervise the employment practices of the churches in respect to the employment of these persons.

Furthermore, Mr. President, this bill gives the EEOC power to supervise the employment practices of every private educational institution in the United States. This shows another phase of this bill, which manifests that the bill is the greatest threat of tyrannical power ever proposed in any legislative proposal presented to the American Congress throughout the history of this Nation.

For example, I hold in my hand a catalog of an educational institution which manifests this absurdity. This educational institution has a department of classics in which they teach ancient art, Greek archeology, the archeology of the Bible, and Roman art. This bill, insofar as a non-State-supported educational institution is concerned, would give the EEOC the power to judge whether the person selected by the educational institution to teach these rather abstruse subjects is less competent than a person that the EEOC chooses to teach them in the institution and to find that in employing a person to teach these subjects, the institution selected a man less competent than the man selected by the EEOC, and did so because of some mental preference, such as those condemned by this act.

Another thing which illustrates the fact that the bill is not designed to do justice arises out of the fact that, under the bill, the Commission is acting on behalf of individuals selected by it and the taxpayers of the United States will pay the cost incurred in behalf of these individuals, whereas the bill compels the individual employers and the individual employees hired by the individual employees to bear the cost of any efforts to vindicate their rights.

The crowning prostitution of justice sanctioned by this bill is the provision which is designed to prohibit courts of law which review the findings of the Commission to search for the truth with respect to the facts of the case.

On yesterday, I read to the Senate the definitions which are given to the terms "substantial evidence" and "preponderance of evidence."

What is the definition of "preponderance"?

It is this: Superiority in weight, quantity, power, importance, or the like.

Under the law of every State in the United States, a party suing in a civil court to establish a complaint of any kind is required to establish the truth of his cause by the preponderance of the evidence, that is, by the evidence which outweighs the evidence in opposition and the evidence which shows that his allegations are probably true.

Not so with this bill. It disables the courts to search for the truth with respect to the facts by decreeing that the court, no matter how inconsistent the findings of the Commission may be with respect to questions of fact, is bound by its findings if they are supported by substantial evidence.

Now what is "substantial evidence"?

According to the definition of the courts, it is merely evidence which is more than a scintilla. It is merely evidence which is a percentage point beyond being purely imaginary. Five percent of the evidence is substantial evidence.

Thus, we have a situation here that, in their zeal to deny all Americans rights for the supposed benefit of one segment of our society—for which the pressure groups supporting this bill have appointed themselves guardians—we have a system under which the courts are denied the right to search for truth with respect to issues of fact, even if those issues of fact are supported by as little as 5 percent of the evidence and are shown to be false by at least 95 percent of the evidence.

Mr. President, I do not know what will happen to this country. I would say, with all due respect to those who support this bill, that one of the chief activities of Congress in enacting bills of this character is to frustrate another purpose of the Founding Fathers declared in the preamble to the Constitution, and that is, to destroy rather than to secure the blessings of liberty to the American people.

This bill represents the greatest grab for governmental power in the history of this Nation. It represents the implementation of the grab for power by procedures which constitute an insult to justice which, as I have stated, do not approach close enough to Justice even to touch the hem of her garment.

Mr. President, I urge the Senate to adopt this amendment and thus enable the courts which review the findings of the Commission to search for truth in accordance with the evidence in the case and thus to set aside the findings of fact which are not supported by a preponderance of the evidence. In any case, under this amendment, where the findings of the Commission are supported by a preponderance of the evidence, the court would be bound by those findings.

But this amendment would merely provide, where the court finds the findings of the Commission are not supported by the greater weight of the evidence, or the more convincing evidence, or the preponderance of the evidence, that the court itself can make findings of fact.

It is important to have these findings of fact reviewed by an impartial tribunal composed of men who are capable of acting with the cool neutrality of the impartial judge.

Mr. WILLIAMS. Mr. President, will the Senator from North Carolina yield for a question?

Mr. ERVIN. I am happy to yield to the Senator from New Jersey.

Mr. WILLIAMS. Within the last few seconds, the Senator described in three ways his interpretation of the meaning of the weight of evidence that would be the test here. Could the Senator please repeat what those three ways of describing the weight of the evidence are.

Mr. ERVIN. They all mean the same thing.

Mr. WILLIAMS. Would the Senator repeat them?

Mr. ERVIN. I tell the Senator that I used to have to charge juries on this. The preponderance of the evidence is the evidence which has more convincing force than the evidence in opposition to it. All I am trying to do is see that the court should be allowed to act in cases where the findings of the Commission are only supported by evidence which is less convincing than the evidence accepted by the Commission.

Mr. WILLIAMS. Mr. President, I thank the Senator.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator is recognized for 4 minutes.

Mr. WILLIAMS. Mr. President, I am glad that I asked the Senator from North Carolina the last question. He did give further meaning to the word "preponderance." Since we talked about the weight of the evidence in charges to the jury—and as I say, the Senator from North Carolina was a most able and distinguished jurist in North Carolina before he came to the Senate—that is one of the points I would like to make.

This description of the weight of the evidence would be the test where it is used in law and used in the jury trial situation. Of course, that is not what we are dealing with here. We are dealing with agency administrative action and all of the precedent and all of the practice goes contrary to what the Senator from North Carolina is suggesting as the court of appeals test in connection with the weight of the evidence on an appeal from a Commission decision.

I will say that perhaps if any man can tread where others might fear to tread in this legal area, the Senator from North Carolina perhaps is that one.

Professor Wigmore, whom many of us used as the high authority in evidentiary matters as we went through law school and who used to guide us in the practice of law, found the term "preponderance of the evidence" to be quite impossible to define and subject to much confusion among the courts and those in the legal profession.

If I recall correctly, Professor Wigmore characterized it as a term which jurors could waste years trying to define. Therefore, we have not the time to define it here.

I will say that there is a precedent for this descriptive phrase to be applicable in the trial of a case. This is true in jury cases. However, we are not dealing with jury trials here. We are dealing with trials before an administrative agency or a commission.

We have a precedent in jury trials. Two years ago, as manager of the bill, I accepted an amendment offered by the Senator from North Carolina to have the preponderance of the evidence as a test for the Commission. That was written into the bill passed by the Senate.

I will confess my error in not including that in the bill that was reported to the Senate by the Committee on Labor and Public Welfare. It is an oversight.

I will say that if this amendment offered by the Senator from North Carolina fails on the vote that will be taken shortly, it will be my purpose to include the preponderance test where it properly belongs, at the trial level. Then we will go on to the test at the appellate level as it is in all other administrative agencies save one, the Subversive Activities Control Board. And we might look into how many cases they have had to use that test of preponderance in at the appellate level. I doubt if there are very many, if any. At any rate, it is at the appellate level and not at the trial level. I would like to stick, being a lawyer, with the longtime precedents on the evidence rule.

Mr. President, I yield to the Senator from New York.

The **PRESIDING OFFICER**. The Senator from New York is recognized.

Mr. **JAVITS**. Mr. President, I join with the manager of the bill in the statement that we will include the preponderance of the evidence rule before the Commission. Second, I must say that the vast majority of commissions which have cease-and-desist powers are subject to the substantial evidence rule rather than the preponderance of the evidence rule, aside from the Subversive Activities Control Board, which the manager of the bill has already mentioned.

Indeed, the substantial evidence rule is specifically mandated into law as the general standard of review under the Administrative Procedure Act. Thus 5 U.S.C. 706 provides:

> § 706. Scope of review.
>
> To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—
>
> (1) compel agency action unlawfully withheld or unreasonably delayed; and
>
> (2) hold unlawful and set aside agency action, findings, and conclusions found to be—
>
> * * * * *
>
> (E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or
>
> * * * * *
>
> In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 393.)

Also, there is a very serious question as to whether this amendment does not simply constitute again a reargument of the cases on cease-and-desist power in an effort to obtain civil suits. We might as well proceed with the nisi prius suit and not circuit court review. In short, this amendment is just another way of trying to reverse the Senate's position so far taken in respect to the so-called Dominick amendment.

Mr. President, I realize that they do not call witnesses in the trials of those cases. However, they must weigh every shred of evidence as carefuly as if it were a de novo trial. And if they have a preponderance of the evidence rule, they will have to use that technique time and time again because they will have to study and evaluate the evidence, not as to meeting the standard of substantiality, but as to which side preponderates on the scale of justice.

Mr. President, if the substantial evidence rule contained as much gossamer as the Senator from North Carolina would have us believe, he would have much more of a point not only against this Commission but also against every other commission than he actually has.

There is a big, gaping hole in his argument. He said that it is a percentage point beyond being purely an imaginary description of its substance. Then he said it could be as little as 5 percent of the evidence.

Let us see what the substantial evidence rule is. A classic statement on that rule is made in the case of *Universal Camera Corp.* v. *the Labor Board*, 340 U.S. 474. At page 488, Mr. Justice Frankfurter, in the classic decision on the subject had this to say about the substantial evidence rule:

> To be sure, the requirement for canvassing "the whole record" in order to ascertain substantiality does not furnish a calculus of value by which a reviewing court can assess the evidence. Nor was it intended to negative the function of the Labor Board as one of those agencies presumably equipped or informed by experience to deal with a specialized field of knowledge, whose findings within that field carry the authority of an expertness which courts do not possess and therefore must respect. Nor does it mean that even as to matters not requiring expertise a court may displace the Board's choice between two fairly conflicting views, even though the court would justifiably have made a different choice had the matter been before it *de novo*. * * *
>
> Congress has merely made it clear that a reviewing court is not barred from setting aside a Board decision when it cannot conscientiously find that the evidence supporting that decision is substantial, when viewed in the light that the record in its entirety furnishes, including the body of evidence opposed to the Board's view.

So the doctrine of substantiality, based upon the Administrative Procedure Act which will be applicable to this particular Commission under this bill, as defined by the U.S. Supreme Court means that we take the whole record, the facts for and the facts against, and then see if there is substantial evidence left that backs up the finding of the Commission.

That, Mr. President, is a very different standard, a much more weighted standard than "a percentage point beyond being purely imaginative." We do not contend for a "percentage point beyond being purely imaginative," but we do contend that the agency which is trying the facts presents a complete record to the court, when it weighs the pros and cons and still leaves a substantial amount in favor of the pros; that that will stand with the court; and that the court of appeals should not have to weigh the evidence as it would if it were trying the case de novo, remembering always that the court can send back the case for further evidence if it does not find that by laying the pros and the cons in the balance—both sides of the evidence, not just one side—there is still a substantial amount to support the findings of the Commission.

Mr. President, there are good reasons why the substantial evidence rule was included in the Administrative Procedure Act and in the bill before us.

To quote another case, *Conolo* v. *Federal Maritime Commission*, 388 U.S. 607, at 620:

> Congress was very deliberate in adopting this standard of review. It frees the reviewing courts of the time-consuming and difficult task of weighing the evidence, it gives proper respect to the expertise of the administrative tribunal and it helps promote the uniform application of the statute. These policies are particularly important when a court is asked to review an agency's fashioning of discretionary relief. In this area agency determinations frequently rest upon a complex and hard-to-review mix of considerations. By giving the agency discretionary power to fashion remedies, Congress places a premium upon agency expertise, and, for the sake of uniformity, it is usually better to minimize the opportunity for reviewing courts to substitute their discretion for that of the agency. These policies would be damaged by the standard of review articulated by the court below.

Mr. President, those reasons are fully applicable to the EEOC and therefore I believe we should reject the pending amendment.

Mr. **WILLIAMS**. Mr. President, I have heard an overwhelming weight of persuasion by the Senator from New York that this amendment should be defeated by a preponderance of the statements and by reason of all the precedents.

Mr. President, in the first place, I do not feel that the use of the term "preponderance of the evidence" is at all useful or necessary in the context of this bill. It neither clarifies the degree or nature of the evidence that we would be dealing with in these situations nor introduces any added benefit for the resolving of complaints under this bill in these situations.

In general, Mr. President, the courts have avoided using the term or applying it in to any significant number of cases. While it is generally termed to be the standard of persuasion in civil cases, its precise meaning or an understanding of its application has never been fully undertaken by the court. The question still remains. A widely accepted definition is that evidence preponderates when it is more convincing to the trier than the opposing evidence. While this kind of commonsense explanation has grown out of repeated use, its applicability has been restricted to jury-trial situations where the jury is led to believe, through proof by preponderance, that the existence of a contested fact is more probable than its nonexistence. However, this ceases to be applicable in appellate cases.

This nonapplicability of the term "preponderance of the evidence" can be best illustrated by reference to the experiences of the NLRB. While the National Labor Relations Act contains the requirement that the Board make its findings by a "preponderance of the testimony," a search of the Labor Board cases as reviewed by the courts discloses no reference to "preponderance." The courts rather refer repeatedly to "substantial" evidence.

Second, Mr. President, I feel that the amendment, as proposed by the distinguished Senator from North Carolina, seeks to introduce a new and unnecessary element in the courts' reviewing process of administrative decisions. If I understand the amendment correctly Mr. President, it would require the appellate courts to hold, in effect, a trial de novo in those cases where "it concludes that the findings of fact of the Commission are not supported by the preponderance of the evidence in the record."

Mr. President, it is one of the fundamental traditions of our system of courts that there is a gulf fixed between the trial court and the reviewing court. The reviewing court examines only questions of law, and is barred, except in a few exceptional situations like mandamus actions or disbarment proceedings, from examining issues of fact. This amendment, Mr. President, would specifically alter this separation of functions.

The traditional and long-standing procedure of administrative review in this country is that the courts of appeals review an agency decision by examining the record of the administrative proceeding to determine whether there is "substantial evidence on the record" to sustain the agency's finding. This process is guaranteed by the Administrative Procedure Act and by the provisions of S. 2515.

The reviewing courts, in examining the record of the agency, have been very conscious of the need to fully insure that the administrative hearing fully and properly takes into document all the evidence presented at the hearing. The standard has probably been best enunciated by the former Mr. Chief Justice Frankfurter in the Supreme Court's decision in Universal Camera Corp. against NLRB where the court stated:

> The Board's findings are entitled to respect; but they must nonetheless be set aside when the record before the Court of Appeals clearly precludes the Board's decision from being justified by a fair estimate of the worth of the testimony of witnesses or its informed judgment on matters within its special competence, or both.

The amendment which we are now considering would destroy this traditional function of the appeals courts and would seek to make them trial courts. It would seek to supplant the substantial evidence rule contained in the Administrative Procedure Act, and preferred by the courts even before its formalization in that act, and seek to substitute therefor a new procedure based upon a yet undefined standard which the courts must use in reviewing equal employment cases. I submit, Mr. President, that this amendment would confuse the administrative review process immeasurably, and would result in unnecessary work for the appeals courts.

It is the purpose of appellate procedure to provide a quick and precise review of any errors which may have been made at the trial level. In this function, the appellate courts are by design, and not by accident, freed from the frequently tedious and time-consuming process of taking factual evidence. To now introduce this function into the appellate courts, as this amendment seeks to do, can create nothing short of chaos in the judicial process. The appeals court traditionally reviews for errors and, if in its opinion errors are indeed found, it remands the case to the trier of the facts with specific instructions for remedying the error.

If this traditional separation of functions is now destroyed, Mr. President, what worth does the trial level proceeding have? If the reviewing court is going to retry the entire case, then we might as well do away with the trial process altogether and only have the appeals courts doing all cases. I feel, Mr. President, that the amendment which we are now discussing degrades the entire administrative process by imputing that the appeals court may have to entirely retry a case where errors are made on the record, and that remand to the administrative tribunal would not resolve any such errors which might have been made.

Mr. President, I believe that the time of the Senator from North Carolina has been used up. If he would like to borrow from my time, I shall be glad to yield to him.

Mr. ERVIN. I certainly appreciate the generosity of my good friend from New Jersey.

Mr. President, the distinguished Senator from New York says that the weight of this argument is that the court should not be permitted to require a greater weight of evidence when the facts of the case should have been determined by a substantial amount of evidence.

He says he is willing to amend the bill to require the Commission to make a finding based on a preponderance of evidence, but the retention in the bill of provisions which I seek to strike, and to offer substitute provisions which would nullify that purpose.

While the law as amended requires the findings of the Commission to be made by a preponderance of the evidence, that would be paying little more lipservice to justice than the bill now before us. It would be absolutely nugatory because if the Commission did not obey that law and based its findings on less than a preponderance of the evidence, when the court reviewed the action of the Commission it could not determine that the Commission had failed to obey the law if the findings of the Commission were supported by any substantial evidence—that is, anything above a scintilla, and anything constituting enough to resist a motion for a nonsuit in a civil court.

Mr. WILLIAMS. Mr. President, will the Senator from North Carolina yield for an observation?

Mr. ERVIN. I yield.

Mr. WILLIAMS. It was just 2 years ago, when the bill was before us, that the Senator from North Carolina persuaded me—indeed, persuaded the entire Senate—that at the trial level, at the Commission hearing level—the preponderance of evidence—a test which fits the precedents in other areas of the law—would be appropriate at that level, and that is why, in the bill as passed by the Senate, at pages 10 and 12, the Senator's amendment was added. The amendment provided that "if the commission finds by a preponderance of the evidence taken by the commission," et cetera; and in the other section, at page 12, "shall be determined by a preponderance of the evidence of the record." It was not lipservice then. We were persuaded by the language of the amendment.

Mr. ERVIN. The Senator from North Carolina is a little wiser now than he was then. He has recognized that all that amounted to was a sort of biased request to the Commission. Under the provision that binds the courts, if there is barely more than a scintilla of evidence—that is, substantial evidence—then the Commission can violate the rule that the Senator from Alabama and the Senator from North Carolina advocated with respect to the action of the Commission, and the courts would be unable to correct a violation of that rule under the bill in the absence of my amendment.

I thank the Senator from New Jersey for his generosity in yielding me the extra time. I should like to add this observation: It is true that there are many laws making the findings of administrative agencies binding if they are supported by substantial evidence. But, as I observed yesterday, the fact that Congress has passed iniquitous laws in the past does not justify Congress continuing to enact iniquitous laws.

I thank the Senator for yielding me his time.

Mr. WILLIAMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. JAVITS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The time on the amendment having expired, under the previous order the Senate will now proceed to vote on the amendment offered by the distinguished Senator from North Carolina.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Missouri (Mr. EAGLETON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), the Senator from Mississippi (Mr. STENNIS), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY), the Senator from Idaho (Mr. CHURCH), the Senator from Indiana (Mr. HARTKE), and the Senator from Minnesota (Mr. HUMPHREY) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. EASTLAND) is absent because of of illness.

On this vote, the Senator from Mississippi (Mr. EASTLAND) is paired with the Senator from Washington (Mr. MAGNUSON).

If present and voting, the Senator from Mississippi would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Washington (Mr. JACKSON).

If present and voting, the Senator from Colorado would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from South Dakota (Mr. MCGOVERN).

If present and voting, the Senator from Georgia would vote "yea" and the Senator from South Dakota would vote "nay."

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Oklahoma (Mr. BELLMON), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senator from Iowa (Mr. MILLER), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Wyoming (Mr. HANSEN), and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT) is detained on official business.

On this vote, the Senator from Wyoming (Mr. HANSEN) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Ohio (Mr. TAFT). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Ohio would vote "nay."

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Washington (Mr. JACKSON). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Utah (Mr. BENNETT) is paired with the Senator from Iowa (Mr. MILLER). If present and voting, the Senator from Utah would vote "yea" and the Senator from Iowa would vote "nay."

The result was announced—yeas 22, nays 43, as follows:

[No 18 Leg.]

YEAS—22

Allen
Baker
Byrd, Va.
Cannon
Chiles
Cooper
Cotton
Curtis
Ellender
Ervin
Fannin
Fulbright
Gurney
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Roth
Talmadge
Tower
Young

NAYS—43

Aiken
Allott
Anderson
Bayh
Beall
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Cook
Cranston
Dole
Fong
Gravel
Griffin
Hart
Hughes
Inouye
Javits
Mansfield
McGee
McIntyre
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Symington
Weicker
Williams

NOT VOTING—35

Bellmon
Bennett
Bentsen
Brock
Buckley
Church
Dominick
Eagleton
Eastland
Gambrell
Goldwater
Hansen
Harris
Hartke
Hatfield
Humphrey
Jackson
Kennedy
Magnuson
Mathias
McClellan
McGovern
Metcalf
Miller
Mundt
Muskie
Packwood
Pearson
Sparkman
Spong
Stennis
Stevenson
Taft
Thurmond
Tunney

So Mr. ERVIN'S amendment was rejected.

Mr. WILLIAMS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

### AMENDMENT NO. 829

Mr. ERVIN. Mr. President, I have announced that the distinguished Senator from Alabama and I would next call up amendment No. 609, which would provide for trial by jury——

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ERVIN. I had announced that I would next call up amendment No. 609, which was an amendment to allow the party aggrieved by a judgment of the Commission to appeal to the courts and have a trial de novo, and a trial by jury if he so desired. But I think it will take more educational endeavors on my part to persuade the Senate, in view of its last vote——

Mr. BYRD of West Virginia. Mr. President, will the Senator please use his microphone?

The PRESIDING OFFICER. The Chair cannot hear the Senator from North Carolina.

Mr. ERVIN. I was announcing that instead of calling up that amendment, I have reached the conclusion, in view of the last vote, that the Senate is not now in a position to show much veneration for the ancient right of trial by jury, and I shall postpone offering that amendment until the Senate has had time to further consider some of the landmarks of the Constitution of worthier service.

So instead of doing that, on behalf of the Senator from Alabama (Mr. ALLEN) and myself, I call up amendment No. 829, and ask that it be stated in full, because a statement in full will do much to explain what its purport is.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> Add a new section at the end of the bill appropriately numbered and reading as follows: "No department, agency, or office of the United States shall require any employer to practice discrimination in reverse by employing persons of a particular race, or a particular religion, or a particular national origin, or a particular sex in either fixed or variable numbers, proportions, percentages, quotas, goals, or ranges. Any officer of the United States or any other person who violates this provision shall be guilty of a misdemeanor and upon conviction shall be imprisoned not exceeding one year or fined not exceeding $1,000.".

Mr. ERVIN. Mr. President, I modify this amendment by striking out lines 8, 9, 10, and 11, which provide that any officer of the United States or any other person who violates this provision shall be guilty of a misdemeanor and upon conviction shall be imprisoned not exceeding 1 year or fined not exceeding $1,000, and substitute in lieu thereof the following:

> If any department, agency, officer, or employee of the United States shall violate or attempt or threaten to violate the provisions of the preceding sentence, any employer or employee aggrieved by such violation, or attempted or threatened violation, shall have the power to bring a civil action in the appropriate district court of the United States; and said district court shall have the power to enter such a decree or grant such temporary interlocutory or permanent injunctive relief as may be necessary to correct the consequences of such violation or to prevent such attempted or threatened violation.

The PRESIDING OFFICER. Will the Senator send his modification to the desk?

Mr. ERVIN. Unfortunately, it is in my head. I had written it out, but I left it in my office. I can get a written copy, if we take a recess long enough for me to go to my office.

I ask unanimous consent, instead of that, that the Official Reporter of Debates furnish it.

The PRESIDING OFFICER. The Chair should have the modification at the desk, so that the clerk can read it before we proceed.

Mr. ERVIN. I suggest the absence of a quorum, until I can write it up.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I find that I was mistaken with respect to the draft of the modification. I send to the desk the amendment as modified and ask that it be stated in full.

The PRESIDING OFFICER. The clerk will state the amendment as modified.

The assistant legislative clerk read as follows:

> Add a new section at the end of the bill appropriately numbered and reading as follows: "No department, agency, or officer of the United States shall require an employer to practice discrimination in reverse by employing persons of a particular race, or a particular religion, or a particular national origin, or a particular sex in either fixed or variable numbers, proportions, percentages, quotas, goals, or ranges. If any department, agency, officer, or employee of the United States violates or attempts or threatens to violate the provisions of the preceding sentence, the employer or employee aggrieved by the violation, or attempted or threatened violation, may bring a civil action in the United States District Court in the District in which he resides or in which the violation occurred, or is attempted or threatened, or in which the enterprise affected is located, and the District Court shall grant him such relief by way of temporary interlocutory or permanent injunctions as may be necessary to redress the consequences of the violation, or to prevent the attempted or threatened violation.

Mr. BYRD of West Virginia. Mr. President, will the Senator from North Carolina yield for a question, without losing his right to the floor?

Mr. ERVIN. I am delighted to yield.

Mr. BYRD of West Virginia. Mr. President, for the convenience of Senators on both sides of the aisle, I ask the able Senator from North Carolina whether or not a vote could be had on the pending amendment at 2 o'clock this afternoon, and I ask the same question of the distinguished manager of the bill.

Mr. WILLIAMS. It is agreeable.

Mr. ERVIN. That would be entirely satisfactory to me.

Mr. BYRD of West Virginia. Is it anticipated by either party that an amendment in the second degree would be offered to the pending amendment?

Mr. WILLIAMS. Not for my part. I cannot speak for the comanager of the bill, the ranking minority Member.

### UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the pending amendment occur today at 2:15 p.m.; that time on any amendments to the pending amendment be limited to 20 minutes, to be equally divided between the mover of such and the distinguished manager of the bill; that the time on any motions or appeals be likewise limited and likewise divided; that time on any amendments to the amendment, motion, appeal, or point of order, with the exception of nondebatable motions, come out of the time allotted on the pending amendment; and that the time on the pending amendment be equally controlled and divided between the distinguished Senator from North Carolina (Mr. ERVIN) and the distinguished manger of the bill.

Mr. COTTON. Mr. President, for the moment I am compelled to object to the proposals. In a few moments, after I have had a chance to confer with the distinguished acting minority leader, I will not object.

Mr. BYRD of West Virginia. Mr. President, I withhold the request, accordingly.

The PRESIDING OFFICER. Objection is heard.

Mr. COTTON. Mr. President, will the Senator from North Carolina yield for a question?

Mr. ERVIN. I am delighted to yield.

Mr. COTTON. I know that the Senator from North Carolina is going into this, but I may have to leave town and might not be here all day.

This amendment, if adopted, would mean that any Senator or Representative who had eight or more people on his staff would be subject to this law, just as every other American citizen, would it not?

Mr. ERVIN. It may be; so I would like to modify it again, to provide that it shall not apply to any Member of the legislative branch.

Mr. COTTON. I would hope not. No man should be above the law. I think that if we are going to make everybody in this country who employs eight people be liable in some way and responsible in some way and subject to actions and harassment in some way, we should take it ourselves.

As I stated yesterday, I have always opposed this, because it gets down to the very small business, where the relationships of people are so personal. If we are going to do it to the small businessman with eight employees, in some little town, I think it would be very unwise and not very consistent for us to exempt ourselves, even if we are political officers.

I hope the Senator will leave it so that it will apply to us, because what is sauce for the goose is sauce for the gander.

Mr. ERVIN. Mr. President, the eloquence and cogent argument of the able and distinguished Senator from New Hampshire have convinced the Senator from North Carolina of the absolute rectitude of the position which the Senator from New Hampshire has just stated. On reflection, I think it would be a mistake to modify this amendment so as to exempt Members of Congress from its application. Since this amendment now covers all of the employees of all of the States of all of the subdivisions, and since it covers all the members of the faculties and the other employees of all educational institutions, and since it empowers Caesar to lay his political hands on the activities of God, I think it would be a mistake to exclude anyone from the unspeakable tyranny which this bill is designed to inflict upon the people of America.

Mr. COTTON. Will the Senator from North Carolina yield to me for 1 more minute?

Mr. ERVIN. I am delighted to do so.

Mr. COTTON. I thank the Senator for the opportunity to express these sentiments, and having it understood that if I am unable to be present when the final vote is taken on this amendment, that I would vote for it if it is to apply to us. However, I would vote against it if it does not apply to us, and I shall vote against the bill if it does not apply to us. May I say now that I am very glad to withdraw my objection to the unanimous-consent request of the distinguished Senator from West Virginia (Mr. BYRD).

Mr. ERVIN. I thank the distinguished Senator from New Hampshire, a State which has now been irrevocably and completely embraced by the Senator from North Carolina. [Laughter.]

Mr. BYRD of West Virginia. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am delighted to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I now renew my unanimous-consent request.

The PRESIDING OFFICER (Mr. MCINTYRE). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I would ask the distinguished Senator from North Carolina, does he anticipate a rollcall vote on this amendment today?

Mr. ERVIN. Yes. I certainly do. I want to ask for the yeas and nays. I want to find out how many Members of the Senate——

Mr. BYRD of West Virginia. I do not believe there are a sufficient number of Senators present in the Chamber at this moment, but the Senator may be assured that the yeas and nays will be ordered.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum on my time, because I want to get the yeas and nays before there are too many weekend departures. There might be too many weekend departures for me to get the yeas and nays at a later time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

THE PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, I yield to myself such time as I may use.

Mr. President, this amendment is very clear. It is in complete harmony with the other provisions of the Senate committee bill, strange to say.

All the other provisions of the Senate bill are avowedly included in the bill to prevent any employer, whether he is engaged in the work of Caesar or in the work of the Lord, who is touched by the bill, from practicing discrimination against applicants for employment or persons who desire to be promoted or persons who desire not to be discharged on account of their race, religion, national origin, or sex.

The amendment is in perfect harmony with that objective of the Senate committee bill because it forbids discrimination in reverse.

It gives access to the courts to prevent any department or agency or officer of the United States from requiring any employer to practice discrimination in reverse.

When Congress adopted the Civil Rights Act of 1964 it undertook to forbid discrimination in reverse.

It inserted in title VII of that act a provision which stated in about as plain words can be found in the English language that no employer should be required to hire employees on a quota system; that is, a system which required him to employ certain numbers or percentages of a particular race, or a particular religion, or a particular national origin, or a particular sex.

I thought that that provision of title VII of the Civil Rights Act of 1964 was so plain that he who runs might read it and not err in so doing.

But some officials who are charged by the Executive order relating to discrimination in employment—Executive Order 11246—and who are charged with enforcing the provisions of title VII of the Civil Rights Act of 1964 were apparently illiterate or educated way past their intelligences, and they could not understand the plain and the unambiguous words of Congress which were designed to prevent what is probably known as discrimination in reverse.

As a consequence of this lack of understanding of the plain and unambiguous words of the English language employed in title VII of the Civil Rights Act of 1964, the Office of Contract Compliance on virtually every occasion has required employers seeking Government contracts to practice discrimination in reverse. The EEOC, on less frequent occasions, has haled employers before its bar to practice discrimination in reverse.

It is to be noted that the Office of Federal Contract Compliance in the Department of Labor is charged with exactly the same duty in respect to employers seeking Government contracts that the EEOC is charged with in respect to employers generally. The sole function of the Office of Federal Contract Compliance under the Executive order is to review proposed contracts which various executive departments or agencies have made to obtain work or services for the Federal Government and to make sure that those contracts prohibit discrimination against employees or applicants for employment because of their race or religion or national origin or sex.

One of the strange things about Government is that it has an insatiable thirst for power and that if we give an executive department or an executive agency an inch of authority, it converts that inch of authority into a mile of authority. This has been true in respect to the Office of Federal Contract Compliance in the Department of Labor and it has been true in some instances in respect to the EEOC itself. The most notorious example of discrimination in reverse has been embodied in the concept set forth in what is popularly known as the Philadelphia plan.

The Office of Federal Contract Appliance adopted the Philadelphia plan and required building contractors who obtained contracts from the Federal Government of certain magnitude to deny the employment of members of the majority race until the employees belonging to the minority race reached certain percentages or certain proportions of their total employees.

Manifestly this requires discrimination in favor of the members of the minority race and discrimination against members of the majority race. In other words, it requires discrimination in reverse.

When the attention of the Office of Federal Contract Compliance and the then Secretary of Labor was called to the fact that the Office of Federal Contract Appliance was requiring discrimination in reverse and was requiring building contractors holding Government contracts of a certain magnitude to practice discrimination in favor of the members of one race and against the members of other races, the Office of Federal Contract Compliance and the then Secretary of Labor engaged in linguistic gymnastics and in a sematic operation the like of which is unknown in the annals of either the English language or of our country.

They said that, when they require the employers holding Federal contracts to employ persons of one race in certain variable proportions in preference to the members of other races, that does not constitute the hiring of people by quotas, but on the contrary is the hiring of people to obtain certain goals or the hiring of people to achieve certain ranges of employment.

The Senator from North Carolina is not a person of great erudition in the English language. For that reason he cannot ascend to the linguistic stratosphere. On the contrary, he has to rely on the definitions in the English dictionaries in his effort to ascertain the meaning of English words.

The Senator from North Carolina took the dictionaries he had, and they are rather multitudinous, and he looked up the word "goal." He found that the word "goal" was synonymous for all practical intents and purposes with the word "quotas." And he found that requiring an employer to employ persons of one race in preference to persons of other faces within a variable percentage or a variable proportion of his total employees was nothing in the world other than for all practical intents and purposes requiring a hiring of quotas.

So the Senator from North Carolina does not believe in discrimination and he joins those who propose that the Government prevent discrimination on the basis of race or religion or national origin or sex, and he offers an amendment which will prevent any department, agency, or office of the United States from requiring an employer to practice discrimination in reverse by employing persons of a particular race or a particular religion or a particular national origin or a particular sex in either fixed or variable numbers, proportions, percentages, quotas, goals, or ranges.

I urge the Senate to adopt this amendment for two reasons. In the first place, it is in perfect harmony with the objective of the bill to forbid discrimination in employment on the basis of race, religion, or national origin, or sex.

In the second place, the amendment is so phrased that any person handicapped in linguist ability and understanding of the meaning of words, and the Office of Federal Contract Compliance, the EEOC, and the Secretary of Labor will have a law couched in phraseology which all of them can understand—and surely we ought to try to bring about simplicity of statements in the laws of the United States, and have those laws couched in terms such as the Members of Congress and those charged with preventing discrimination in employment can all understand alike. That is the objective of this amendment.

In its original form, the amendment had a criminal sanction for enforcement; but on reflection, the Senator from Alabama (Mr. ALLEN) and the Senator from North Carolina came to the conclusion that it would be a rather harsh remedy to make men criminals because their understanding of English language differs from the understanding of Congress, which enacts laws in the English language. So the distinguished Senator from Alabama and the Senator from North Carolina modified their amendments so as to establish a different sanction for this amendment, and that sanction is the rather general sanction of giving any employer who is required to practice discrimination in reverse or any employee who is denied a job because of discrimination in reverse, access to the courts. The courts can then exercise their general powers of equity and compel the Office of Contract Compliance and the EEOC to obey the acts of Congress according to the plain intent of Congress. All these objectives will be achieved by the adoption of this amendment.

Frankly, I find, as I travel to and fro among the people of this land, that people cannot understand why the Federal Government orders employers to practice discrimination in employment while they are supposed to be preventing discrimination in employment. As I observe the activities of the departments, agencies, or offices which are charged with preventing discrimination in employment, I am reminded of one of Aesop's fables, the one about the man who got lost in the woods on a very cold evening.

The man could not find his way out of the woods. He met a satyr. The satyr told the man he would take him to the satyr's home and entertain him overnight, and thus offer the man an opportunity to find his way out of the dense woods to the man's home in the daylight of the following morning.

When the satyr was accompanying the man to the satyr's home, the man's hands were so cold that he blew on his hands, and the satyr asked the man, "Why are you blowing on your hands?" The man said, "I am blowing on my hands to keep them warm."

After the satyr and the man got to the satyr's habitation, the satyr prepared an evening meal, which consisted in the main of hot porridge. The porridge was particularly hot, and the man blew his breath on his porridge.

The satyr asked, "Why are you blowing your breath on the porridge?"

The man replied, "I am blowing my breath on the porridge to make the porridge cold."

The satyr said, "Out with you. I will have nothing to do with a man who blows hot and cold with the same breath."

That is precisely what the Office of Federal Contract Compliance of the Department of Labor and the EEOC have been doing in their alleged efforts to enforce Executive Order 11246 and title VII of the Civil Rights Act of 1964, respectively, which prohibit discrimination in employment on account of race, religion, national origin, or sex. These authorities, in case after case, have entered orders requiring employers to practice discrimination in reverse by employing persons of a particular race or a particular religion or a particular national origin or a particular sex, either in fixed or variable numbers, proportions, percentages, quotas, goals, or ranges. I do not believe you can enforce laws against discrimination in employment by commanding and requiring discrimination in employment. The two concepts are irreconcilable and repugnant to each other.

So I appeal to every Member of the Senate who does not think that the Office of Federal Contract Compliance and the EEOC should be permitted to blow hot and cold with the same breath to support this particular amendment.

Mr. President, I reserve the remainder, if any, of the time in support of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. WILLIAMS. It will be on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, will the Senator consent to the withdrawing of his order for a moment? I just want to ask that the section of the Civil Rights Act of 1964 that I referred to be printed in the RECORD.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I yield myself such time as I may use at this moment.

Mr. President, I ask unanimous consent that subsection (j) of section 703 of title VII of the Civil Rights Act of 1964 be printed in the RECORD at this point.

There being no objection, the statute was ordered to be printed in the RECORD, as follows:

> (j) Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MONTOYA). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the amendment which is before us——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. JAVITS. Will the Senator from New Jersey yield me 10 minutes?

Mr. WILLIAMS. Such time as the Senator requires, yes.

Mr. JAVITS. Mr. President, the amendment which is before us affects both the problem of dealing with Government contractors in the Office of Contract Compliance, to which we have voted in the Department of Labor, and with remedies available under title 7. This amendment seeks to set a standard by which remedies shall be determined on the part of the United States.

Now, all we see in the wording of the amendment which is largely contained in its first sentence, is the tip of the iceberg because what this first sentence purports to restrain is a department, agency, or officer of the United States. But a department, agency, or officer of the United States may move respecting a given situation for or upon the order of the court. We do not have to specify in this amendment that it applies to the seeking or enforcing orders of a court because a court usually does not itself require anything of an employer but acts on motion of an officer or employee of the United States. Therefore, the depth of this amendment is much greater than is apparent on the surface because it would purport not only to inhibit in given respects the officers of the United States but also the courts of the United States through whom, once they make a finding or a judgment, the officers of the United States are moved.

I make that analysis because it is clear that what is sought to be reached is, first the Philadelphia plan and similar plans in other cities, and beyond that, the whole concept of "affirmative action" as it has been developed under Executive Order 11246 and as a remedial concept under Title VII.

Philadelphia-type plans are based on the Federal Government's power to require its own contractors or contractors on projects to which it contributes—for example, State projects with a Federal contribution—to take affirmative action to enlarge the labor pool to the maximum extent by promoting full utilization of minority-group employees, and by making certain requirements for those who hire to seek out minority employees as well as majority employees and also to correct discrimination on its face which has persisted over a long period of time. The courts have sustained such requirements. The Philadelphia plan itself was sustained by the Court of Appeals for the Third Circuit in the case of *Contractors Association of Eastern Pennsylvania* v. *the Secretary of Labor,* 442 F. 2d 159. Certiorari was recently denied by the Supreme Court. The basis of sustaining it was really upon two critical points: First, the Government, as part of its procurement function, has the right to encourage full utilization of all minority-group employees as a method of insuring the availability of a broad manpower pool to support procurement efforts, and second, the plan was upheld as a proper way to remedy past discrimination in the six building trades covered by the plan.

Thus, with respect to procurement, the court—I am reading from page 171 of 442 Fed. 2d, if anyone is following the actual decision—stated:

> In direct procurement the federal government has a vital interest in assuring that the largest possible pool of qualified manpower be available for the accomplishment of its projects.

Therefore, it was held that the Philadelphia plan requirement that construction contractors agree to use good-faith efforts to meet goals pertaining to the employment of minority-group employees in certain trades was entirely appropriate in terms of authority by the Federal Government.

The court also held that there was nothing inconsistent between the Philadelphia plan and section 703(j) of title VII of the Civil Rights Act because the Philadelphia plan was issued under an Executive order, rather than title VII of the Civil Rights Act, and that section 703(j) was a limitation only on title VII. The decision also implied that the words of the Civil Rights Act themselves apply to the matter of setting quotas for correction of imbalance in the percentage of people in any race, in comparison to the percentage in the available work force in the area, whereas the Philadelphia plan was applicable to the available work force in certain specific trades.

Finally, the court also held that the Civil Rights Act of 1964 does not prohibit specific relief requiring an employer to be "color conscious" to remedy the effects of past discrimination.

The court, on page 173, held:

> Clearly the Philadelphia Plan is color-conscious. Indeed the only meaning which can be attributed to the "affirmative action" language which since March of 1961 has been included in successive Executive Orders is that Government contractors must be color-conscious. Since 1941 the Executive Order program has recognized that discriminatory practices exclude available minority manpower from the labor pool. In other contexts color-consciousness has been deemed to be an appropriate remedial posture. Porcelli v. Titus, 302 F. Supp. 726 (D.N.J. 1969), aff'd, 431 F.2d 1254 (3d Cir. 1970); Norwalk CORE v. Norwalk Redevelopment Agency, 395 F.2d 980, 931 (2d Cir. 1968); Offermann v. Nitkowski, 378 F.2d 22, 24 (2d Cir. 1967). It has been said respecting Title VII that "Congress did not intend to freeze an entire generation of Negro employees into discriminatory patterns that existed before the Act." Quarles v. Philip Morris, Inc., *supra*, 279 F. Supp. at 514. The *Quarles* case rejected the contention that existing, nondiscriminatory seniority arrangements were so sanctified by Title VII that the effects of past discrimination in job assignments could not be overcome. We object the contention that Title VII prevents the President acting through the Executive Order program from attempting to remedy the absence from the Philadelphia construction labor of minority tradesmen in key trades.

Therefore, that the Government had a right, under the Philadelphia plan, to order affirmative action which would overcome that past discrimination without transgressing the Civil Rights Act of 1964.

The court sealed that in on page 177 of the opinion, which states:

> The Philadelphia Plan is valid Executive action designed to remedy the perceived evil that minority tradesmen have not been included in the labor pool available for the performance of construction projects in which the federal government has a cost and performance interest. The Fifth Amendment does not prohibit such action.

So, Mr. President, the courts have rejected much of the argument that we should—what in effect this amendment does—preclude preferential treatment under any and all circumstances, because it runs afoul of section 703(j).

I would also like to cite in that regard the opinion in the *United States* v. *Ironworkers Local No. 86*, 443 F.2d 544, decided in the Ninth Circuit Court of Appeals as recently as May of 1971, in which the court held, in a title VII "pattern or practice" case, that there was an affirmative duty for minority recruitment where it was shown that there was past discrimination which now required correction, and that the court could order that correction affirmatively without violating section 703(j) relating to preferential treatment of individuals of any group, and so forth, where there had been illegality. The court would not allow a respondent to profit from his own illegality under cover of section 703(j).

Now, Mr. President, I am told, and I believe the information to be reliable, that under the decision made last week by Judge Bonsal in New York, in the Steamfitters case, an affirmative order was actually entered requiring a union local to take in a given number of minority-group apprentices.

What this amendment seeks to do is to undo the Philadelphia plan and those court decisions. Incidentally, I take great pride in the fact that when the legality of the Philadelphia plan was argued here, and we had an opinion of the Attorney General which held it lawful pitted against an opinion of the Comptroller General's Office which held it unlawful, I think I was the principal Senator who sustained the doctrine of legality. And I am very grateful, naturally, that the courts took that view.

So, here I believe that the amendment does two things, both of which should be equally rejected.

First, it would undercut the whole concept of affirmative action as developed under Executive Order 11246 and thus preclude Philadelphia-type plans.

Second, the amendment, in addition to the dismantling the Executive order program, would deprive the courts of the opportunity to order affirmative action under title VII of the type which they have sustained in order to correct a history of unjust and illegal discrimination in employment and thereby further dismantle the effort to correct these injustices.

So, for both reasons, Mr. President, I believe that the amendment should be rejected, and I hope very much that the Senate will do that.

Mr. President, I ask unanimous consent that the two opinions which I have cited in this discussion be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

### Contractors Association of Eastern Pennsylvania Versus Secretary of Labor

(The Contractors Association of Eastern Pennsylvania v. The Secretary of Labor, George P. Shultz, the Assistant Secretary of Labor, Arthur A. Fletcher, the Director, Office of Federal Contract Compliance, John L. Wilks, the Secretary of Agriculture, Clifford M. Hardin, and the General State Authority of the Commonwealth of Pennsylvania.)

(James D. Morrissey, Inc., the Conduit & Foundation Corp., Glasgow, Inc., Buckley & Company, the Nyleve Company, Erb Engineering & Constr. Co., Perkins, Kanak, Foster, Inc., and Lansdowne Constructors, Inc. (Intervening Plaintiffs in D.C.).)

(The Contractors Association of Eastern Pennsylvania, James D. Morrissey, Inc., the Conduit & Foundation Corp., Glasgow Inc., Buckley & Company, the Nyleve Company, Erb Engineering & Constr. Co., Perkins, Kanak, Foster, Inc. and Lansdowne Constructors, Inc., Appellants.)

(No. 19027. United States Court of Appeals, Third Circuit. Argued March 1, 1971. Decided April 22, 1971.)

Action by contractors' association and individual contractors against various state and federal officials challenging validity of the Philadelphia Plan. The United States District Court for the Eastern District of Pennsylvania, Charles R. Weiner, J., 311 F.Supp. 1002, entered order denying plaintiffs' motion for summary judgment and granting motion of federal defendants for summary judgment and the plaintiffs appealed. The Court of Appeals, Gibbons, Circuit Judge, held that Executive Order promulgating Philadelphia Plan relating to minority hiring in federally assisted construction projects in five-county area and including as a precondition to federal assistance the bidder's submission of an affirmative program containing goals within the range set for minority hiring was valid as being within the implied authority of President and his designees and was not prohibited by any congressional enactment.

Affirmed.

1. Administrative Law and Procedure—668: Civil Rights—13: Contractor plaintiffs, who as bidders on federally assisted project were directly affected by requirement of Philadelphia Plan pertaining to the hiring of minority persons in federally assisted construction projects requiring, among other things, the inclusion in each bid of a commitment by bidder to an affirmative action program containing goals falling within specified ranges on minority hiring, had standing to bring action challenging validity of Plan. Executive Order Nos. 11246, § 202(1), 11478, 42 U.S.C.A. § 2000e note; Civil Rights Act of 1964, § 701 et seq., 42 U.S.C.A. § 2000e et seq.

2. States—4.12: If Philadelphia Plan relating to the hiring of minority persons in federally assisted construction projects was adopted pursuant to valid exercise of presidential powers, its provisions would prevail over local Pennsylvania statutes. Executive Order Nos. 11246, § 202(1), 11478, 42 U.S.C.A. § 2000e note; Civil Rights Act of 1964, § 701 et seq., 42 U.S.C.A. § 200e et seq.

3. United States—82: When Congress authorizes an appropriation for program of federal assistance and authorizes executive branch to implement program by arranging for assistance to specific project, in absence of specific statutory regulations it must be deemed that Congress granted to President a general authority to act for protection of federal interests.

4. United States—82: Executive order promulgating Philadelphia Plan relating to minority hiring in federally assisted construction projects in five-county area and including as a precondition to federal assistance the bidder's submission of an affirmative program containing goals within the range set for minority hiring was valid as being within the implied authority of President and his designees and was not prohibited by any congressional enactment. Executive Order Nos. 11246, § 202(1), 11478, 42 U.S.C.A. § 2000e note; Civil Rights Act of 1964, § 701 et seq., 42 U.S.C.A. § 2000e et seq.

5. Civil Rights—2: Express reference in Civil Rights Act of 1964 to executive orders relating to fair employment practices for government contractors indicates that Congress contemplated continuance of the executive order program and the remedies established by that Act are not exclusive. Civil Rights Act of 1964, §§ 701 et seq., 703 (j), 709(d), 42 U.S.C.A. §§ 2000e et seq., 2000e–2(j), 2000e–8(d).

6. Civil Rights—3: While Congress has not prohibited presidential action in area of employment on federal or federally assisted contracts, President is bound by the express prohibitions of title of Civil Rights Act of 1964 dealing with discrimination in employment. Civil Rights Act of 1964, §§ 701 et seq., 703(j), 709(d), 42 U.S.C.A. §§ 2000e et seq., 2000e–2(j), 2000e–8(d).

7. Civil Rights—2: Civil Rights Act of 1964 provision stating that nothing should be interpreted to require any employer or labor organization to grant preferential treatment to any individual or group because of race is a limitation only upon that title of Act dealing comprehensively with discrimination in employment and not upon any other remedies, state or federal. Civil Rights Act of 1964, § 703(j), 42 U.S.C.A. § 2000e–2(j).

8. Civil Rights—2: Provision of Civil Rights Act of 1964 to effect that it shall not

be unlawful employment practice for employer to use different conditions and standards of compensation in any employment pursuant to bona fide seniority or merit system is a limitation only upon that title of Act comprehensively dealing with discrimination in employment and not upon any other remedies. Civil Rights Act of 1964, § 703(h), 42 U.S.C.A. § 2000e–2(h).

9. Civil Rights—2, 3: Civil Rights Act of 1964 provision making it unlawful employment practice for employer to fail or refuse to hire any individual because of race or classify employees in any way which would deprive any individual of opportunity because of race discloses no intention of Congress to freeze the status quo and to foreclose remedial action under other authority designed to overcome existing evil, and section does not preclude Philadelphia Plan relating to the hiring of minority in specified five-county area with respect to federally assisted construction programs. Executive Order Nos. 11246, § 202(1), 11478, 42 U.S.C.A. 2000e note; Civil Rights Act of 1964, § 703 (a), 42 U.S.C.A. § 2000e–2(a).

10. Civil Rights—2: General prohibition against discrimination in any program or actvity receiving federal financial assistance contained in Civil Rights Act of 1964 cannot be construed as limiting executive authority in defining appropriate affirmative action on part of a government contractor. Civil Rights Act of 1964, §§ 601 et seq., 604, 701 et seq., 42 U.S.C.A. §§ 2000d et seq., 2000d–3, 2000e et seq.

11. Labor Relations—251: While hiring hall arrangements are permitted by federal law, they are not required. National Labor Relations Act, § 8(f) as amended 29 U.S.C.A. § 158(f).

12. Civil Rights—3: Since Philadelphia Plan relating to hiring of minorities in certain construction trades within five-county area on federally assisted construction projects violate neither Constitution nor federal law, fact that is contractual provision with relation to hiring of minority members for enumerated construction trades might be at variance with other exclusive hiring hall agreements by contractors was legally irrelevant. National Labor Relations Act, § 8(f) as amended 29 U.S.C.A. § 158(f).

13. Civil Rights—3: Absence of a judicial finding of past discrimination was irrelevant to authority to promulgate Philadelphia Plan regarding the hiring of minority workers in specified construction trades for work on federally assisted construction contracts in five-county area. Civil Rights Act of 1964, §§ 701 et seq., 706(g), 42 U.S.C.A. §§ 2000e et seq., 2000e–5(g).

14. Administrative Law and Procedure—303, 413, 701: Administrative action pursuant to Executive Order is invalid and subject to judicial review if beyond scope of Executive Order, but court should give more than ordinary deference to an administrative agency's interpretation of Executive Order or regulation which it is charged to administer.

15. Administrative Law and Procedure—413: Civil Rights—3: Where Attorney General issued an opinion that the Philadelphia Plan with regard to hiring of minority workers in federally assisted construction projects was valid and the President had continued to acquiesce in interpretation of Executive Order by his designee, the Labor Department interpretation of order that the affirmative action required more than mere policing against actual present discrimination and action looking toward employment of specific member of minority trades must be deferred to by courts. Executive Order No. 11246, §§ 201, 202, 42 U.S.C.A. § 2000e note.

16. Civil Rights—3: Orders implementing Executive Order regarding hiring of minority tradesmen in federally assisted construction projects in the five-county area were not invalid because signed by the assistant secretary rather than by the Secretary of Labor, Executive Order No. 11246, § 401, 42 U.S.C.A. § 2000e note.

17. Constitutional Law—275(2): Philadelphia Plan regarding hiring of minority tradesmen in a five-county area for federally assisted construction programs does not violate due process clause of Fifth Amendment on ground that it imposes on contractor contradictory duties which are impossible of attainment, that plan is arbitrary and Capricious by administrative action singling out contractors in five-county Philadelphia area and that the goals specified by Plan were racial quotas prohibited by the equal protection aspect of Fifth Amendment. Executive Order Nos. 11246, § 202(1), 11478, 42 U.S.C.A. § 2000e note; Civil Rights Act of 1964, § 701 et seq., 42 U.S.C.A. § 2000e et seq.; U.S.C.A. Const. Amend. 5.

18. Administrative Law and Procedure—470; Civil Rights—3: Public hearings after notice were appropriate means for the Department of Labor to obtain information needed for informed judgment regarding orders to be issued to implement Philadelphia Plan relating to the hiring of minority tradesmen in federally assisted construction contracts. Executive Order No. 11246, § 204, 42 U.S.C.A. § 2000e note.

19. Civil Rights—3: Data in order of Department of Labor implementing Philadelphia Plan as to percentages of utilization of minority tradesmen in the six trades compared with the ability of such tradesmen in the five-county area justified issuance of order regarding minority hiring of tradesmen in federally assisted construction projects without regard to a finding as to cause of situation. Executive Order No. 11246, § 204, 42 U.S.C.A. § 2000e note.

John J. McAleese, Jr., Synnestvedt & Lechner, Robert J. Bray, Jr., Philadelphia, Pa., for plaintiff and intervening plaintiffs-appellants.

David L. Rose, Civil Right Division, Planning and Special Appeals Section, Department of Justice, Washington, D.C., Peter Nash, Solicitor of Labor, Gerald L. Paley, Associate Solicitor of Labor, Jerris Leonard, Asst. Atty. Gen., David L. Norman, Deputy Asst. Atty. Gen., Louis C. Bechtle, U.S. Atty. Bernard H. Shapiro, Joseph B. Scott, Attys., U.S. Department of Justice, Washington, D.C., for federal appellee.

Theodore R. Mann and Barry E. Ungar, Philadelphia, Pa., amicus curiae, for appellees; Goodis, Greenfield, Narin & Mann, Philadelphia, Pa., of counsel.

Winthrop A. Johns, Lawrence T. Zimmerman, Washington, D.C., for Associated General Contractors of America; Reilly, Johns & Zimmerman, Washington, D.C., of counsel.

Nathaniel R. Jones, General Counsel, Paul J. Spiegelman, New York City, Russel Specter, Washington, D.C., William D. Wells, amici curiae, for NAACP; Robert J. Reinstein, Philadelphia, Pa., of counsel.

Sherman, Dunn & Cohen, Louis Sherman, Washington, D.C., Meranze Katz, Spear & Bielitsky, Bernard N. Katz, Philadelphia, Pa., amici curiae, for Building and Construction Trades Department, AFL–CIO and Building and Construction Trades Council of Philadelphia and Vicinity, AFL–CIO.

John D. Day, Asst. City Sol., Matthew W. Bullock, Jr., First Deputy City Sol., Levy Anderson, City Sol., Philadelphia, Pa., amici curiae, for City of Philadelphia.

Ralph B. Powell, Jr. Philadelphia, Pa., amicus curiae, for General Building Contractors Ass'n, Inc.

Guy Farmer, Patterson, Belknap, Farmer & Shibley, Washington, D.C., amici curiae, for National Electrical Contractors Ass'n.

Before Hastie, Chief Judge, and McLaughlin and Gibbons, Circuit Judges.

### OPINION OF THE COURT

Gibbons, Circuit Judge.

The original plaintiff, the Contractors Association of Eastern Pennsylvania (the Association) and the intervening plaintiffs,[1] construction contractors doing business in the Philadelphia area (the Contractors), appeal from an order of the district court which denied their motion for summary judgment, granted the motion of the federal defendants [2] to dismiss the Association complaint for lack of standing, and granted the cross-motion of the federal defendants for summary judgment.[3] When deciding these motions, the district court had before it the Association's verified complaint, a substantially identical complaint of the Contractors, the affidavits of Vincent G. Macaluso and Ward McCreedy on behalf of the federal defendants which identified certain relevant documents, a stipulation by the parties as to certain facts, and two affidavits of Howard G. Minckler on behalf of the plaintiffs.

The complaint challenges the validity of the Philadelphia Plan, promulgated by the federal defendants under the authority of Executive Order No. 11246.[4] That Plan is embodied in two orders issued by officials of the United States Department of Labor, dated June 27, 1969 and September 23, 1969, respectively. Copies of these orders were annexed to the verified complaint as exhibits 1 and 2, respectively, and to the Macaluso affidavit as appendices B and C respectively. In summary, they require that bidders on any federal or federally assisted construction contracts for projects in a five-county area around Philadelphia,[5] the estimated total cost of which exceeds $500,000, shall submit an acceptable affirmative action program which includes specific goals for the utilization of minority manpower in six skilled crafts: ironworkers, plumbers and pipefitters, steamfitters, sheetmetal workers, electrical workers, and elevator construction workers.

Executive Order No. 11246 requires all applicants for federal assistance to include in their construction contracts specific provisions respecting fair employment practices, including the provision:

"The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin." [6]

The Executive Order empowers the Secretary of Labor to issue rules and regulations necessary and appropriate to achieve its purpose. On June 27, 1969 Assistant Secretary of Labor Fletcher issued an order implementing the Executive Order in the five-county Philadelphia area. The order required bidders, prior to the award of contracts, to submit "acceptable affirmative action" programs "which shall include specific goals of minority manpower utilization." The order contained a finding that enforcement of the "affirmative action" requirement of Executive Order No. 11246 had posed special problems in the construction trades.[7] Contractors and subcontractors must hire a new employee complement for each job, and they rely on craft unions as their prime or sole source for labor. The craft unions operate hiring halls. "Because of the exclusionary practices of labor organizations," the order finds "there traditionally has been only a small number of Negroes employed in these seven trades." [8]

The June 27, 1969 order provided that the Area Coordinator of the Office of Federal Contract Compliance, in conjunction with the federal contracting and administering agencies in the Philadelphia area, would determine definite standards for specific goals in a contractor's affirmative action program. After such standards were determined, each bidder would be required to commit itself to specific goals for minority manpower utilization. The order set forth factors to be considered in determining definite standards, including:

"(1) The current extent of minority group participation in the trade.

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Footnotes at end of article.

"(2) The availability of minority group persons for employment in such trade.

"(3) The need for training programs in the area and/or the need to assure demand for those in or from existing training programs.

"(4) The impact of the program upon the existing labor force."

Acting pursuant to the June 29, 1969 order, representatives of the Department of Labor held public hearings in Philadelphia on August 26, 27 and 28, 1969. On September 23, 1969, Assistant Secretary Fletcher made findings with respect to each of the listed factors and ordered that the following ranges be established as the standards for minority manpower utilization for each of the designated trades in the Philadelphia area for the following four years:

[In percent]

| Identification of trade | Range of minority group employment | | | |
|---|---|---|---|---|
| | Until Dec. 31, 1970 | for 1971 | for 1972 | for 1973 |
| Ironworkers | 5-9 | 11-15 | 16-20 | 22-26 |
| Plumbers and pipefitters | 5-8 | 10-14 | 15-19 | 20-24 |
| Steamfitters | 5-8 | 11-15 | 15-19 | 20-24 |
| Sheetmetal workers | 4-8 | 9-13 | 14-18 | 19-23 |
| Electrical workers | 4-8 | 9-13- | 14-18 | 19-23 |
| Elevator construction workers | 4-8 | 9-13 | 14-18 | 19-23 |

The order of September 23, 1969 specified that on each invitation to bid each bidder would be required to submit an affirmative action program. The order further provided:

"4. No bidder will be awarded a contract unless his affirmative action program contains goals falling within the range set forth * * * above * * *

* * * * *

6. The purpose of the contractor's commitment to specific goals as to minority manpower utilization is to meet his affirmative action obligations under the equal opportunity clause of the contract. This commitment is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the bidder's attention that the goals are being used in a discriminatory manner, he must report it to the Area Coordinator of the Office of Federal Contract Compliance of the U.S. Department of Labor in order that appropriate sanction proceedings may be instituted.

* * * * *

8. The bidder agrees to keep such records and file such reports relating to the provisions of this order as shall be required by the contracting or administering agency."

In November, 1969, the General State Authority of the Commonwealth of Pennsylvania issued invitations to bid for the construction of an earth dam on Marsh Creek in Chester County, Pennsylvania. Although this dam is a Commonwealth project, part of the construction cost, estimated at over $3,000,000 is to be funded by federal monies under a program administered by the Department of Agriculture.[9] The Secretary of Agriculture, one of the federal defendants, as a condition for payment of federal financial assistance for the project, required the inclusion in each bid of a Philadelphia Plan Commitment in compliance with the order of September 23, 1969. On November 14, 1969, the General State Authority issued an addendum to the original invitation for bids requiring all bidders to include such a commitment in their bids. It is alleged and not denied that except for the requirement by the Secretary of Agriculture that the Philadelphia Plan Commitment be included, the General State Authority would not have imposed such a requirement on bidders.

The Association consists of more than eighty contractors in the five-county Philadelphia area who regularly employ workers in the six specified crafts, and who collectively perform more than $150,000,000 of federal and federally assisted construction in that area annually. Each of the contractor plaintiffs is a regular bidder on federal and federally assisted construction projects. The complaint was filed prior to the opening of bids on the Marsh Creek dam. It sought injunctive relief against the inclusion of a Philadelphia Plan Commitment requirement in the invitation for bids. By virtue of a stipulation that the General State Authority would issue a new and superseding invitation for bids if the district court held the Plan to be unlawful, the parties agreed that bids could be received without affecting the justiciability of the controversy. Bids were received on January 7, 1970. One of the intervening contractor plaintiffs submitted a low bid and appeared at the time of the district court decision to be entitled to an award of the contract.

The complaints of the Association and the Contractors refer to the fact that the Comptroller General of the United States has opined that the Philadelphia Plan Commitment is illegal and that disbursement of federal funds for the performance of a contract containing such a promise will be treated as unlawful.[10] The plaintiffs point out that the withholding of funds after a contractor has commenced performance would have catastrophic consequences, since contractors depend upon progress payments, and are in no position to complete their contracts without such payments. They allege that the Philadelphia Plan is illegal and void for the following reasons:

1. It is action by the Executive branch not authorized by the constitution or any statute and beyond Executive power.

2. It is inconsistent with Title VII of the Civil Rights Act of 1964.[11]

3. It is inconsistent with Title VI of the Civil Rights Act of 1964.[12]

4. It is inconsistent with the National Labor Relations Act.[13]

5. It is substantively inconsistent with and was not adopted in procedural accordance with Executive Order No. 11246.

6. It violates due process because

(a) it requires contradictory conduct impossible of consistent attainment;

(b) it unreasonably requires contractors to undertake to remedy an evil for which the craft unions, not they, are responsible;

(c) it arbitrarily and without basis in fact singles out the five-county Philadelphia area for discriminatory treatment without adequate basis in fact or law; and

(d) it requires quota hiring in violation of the Fifth Amendment.

The federal defendants moved both to dismiss the complaint under Rule 12(b)(1), Fed.R.Civ.P. and for summary judgment under Rule 56(b), Fed.R.Civ.P. They asserted that the plaintiff's lacked standing and that they were entitled to judgment as a matter of law. The plaintiffs moved for summary judgment.The district court held that the Association lacked standing to maintain the suit, that the Contractors had such standing, and that the Plan was valid, 311 F.Supp. 1002. It granted summary judgment for the federal defendants, and the plaintiffs appeal.

### *Standing*

[1] The district court's holding that the Association lacked standing to sue was handed down prior to that of the Supreme Court in Association of Data Processing. Service Organizations, Inc. v. Camp, 397 U.S. 150, 90 S.Ct. 827, 25 L.Ed.2d 184 (1970), and in the light of that decision and the more recent decision in Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 91 S.Ct. 814, 28 L.Ed.2d 136 (1971), is at least doubtful. We need not reach this issue, however, since the Contractor plaintiffs who as bidders are directly impacted by the requirement that they agree in their bid to comply with the Plan, clearly have standing. Abbott Laboratories v. Gardner, 387 U.S. 136, 87 S.Ct. 1507, 18 L.Ed.2d 681 (1967). All plaintiffs have been represented by the same attorney, and the presence or absence of the Association as a plaintiff has no practical significance.

### *Executive power*

[2] The plaintiffs contend that the Philadelphia Plan is social legislation of local application enacted by the Executive without the benefit of statutory or constitutional authority. They point out, probably correctly, that the Plan imposes on the successful bidder on a project of the Commonwealth of Pennsylvania record keeping and hiring practices which violate Pennsylvania law.[14] If the Plan was adopted pursuant to a valid exercise of presidential power its provisions would, of course, control over local law. See United States v. City of Chester, 144 F.2d 415, 420 (3d Cir. 1944); cf. United States v. Allegheny County, 322 U.S. 174, 183, 64 S.Ct. 908, 88 L.Ed. 1209 (1944); Panhandle Oil Co. v. State of Mississippi ex rel. Knox, 277 U.S. 218, 221, 48 S.Ct. 451, 72 L.Ed. 857 (1928). But, say the plaintiffs, where there is neither statutory authorization nor constitutional authority for the Executive action, no substantive federal requirements may be imposed upon a contract between the Commonwealth and its contractor.

The district court's answer is that the federal government "has the unrestricted power to fix the terms, conditions and those with whom it will deal." [15] For this proposition it cites Perkins v. Lukens Steel Co., 310 U.S. 113, 60 S.Ct. 869, 84 L.Ed. 1108 (1940) and King v. Smith, 392 U.S. 309, 333, 88 S.Ct. 2128, 20 L.Ed.2d 1118 (1968). Neither case is in point, however on the issue of Executive as distinguished from federal power. King v. Smith held that the Alabama substitute father regulation was inconsistent with the Social Security Act, 42 U.S.C. § 606(a), and points out that the federal government may impose the terms and conditions upon which its money allotments may be disbursed. The conditions referred to were imposed by Congress, not by the Executive branch. Perkins v. Lukens Steel Co. interprets the Public Contracts Act of June 30, 1936 [16] which requires that sellers to the federal government pay prevailing minimum wages. It holds that an administrative determination of prevailing wages in a given industry made by the Secretary of Labor is not subject to judicial review on behalf of a potential seller.[17] The opinion contains the language:

"Like private individuals and businesses, the Government enjoys the unrestricted power to produce its own supplies, to determine those with whom it will deal, and to fix the terms and conditions upon which it will make needed purchases." [18]

The quoted language refers to federal power exercised pursuant to a statutory mandate. The case is not in point on the issue of Executive power absent such a mandate.

The federal defendants and several amici [19] contend that Executive power to impose fair employment conditions incident to the power to contract has been upheld in this circuit and in the Fifth Circuit. They cite Farmer v. Philadelphia Electric Company, 329 F.2d 3 (3d Cir. 1964) and Farkas v. Texas Instrument, Inc., 375 F.2d 629 (5th Cir.), cert. denied, 389 U.S. 977, 88 S.Ct. 480, 19 L. Ed. 2d 471 (1967). Both cases discussed the Executive Order program for achieving fair employment in the context of Government contracts rather than federally assisted state contracts, and both assumed the validity of the Executive Order then applicable.[20] Both cases held that even assuming the validity of the Executive Order, it did

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Footnotes at end of article.

not give rise to a private cause of action for damages by a party subjected to discrimination. Discussion of the validity of the Executive Order was in each case dictum. Moreover, both *Farmer* and *Farkas* refer to 40 U.S.C. § 486(a) as the source of the Executive power to issue the order. That subsection authorizes the President to prescribe such policies and directives as he deems necessary to effectuate the provisions of Chapter 10 of Title 40 [21] and Chapter 4 of Title 41.[22] These chapters deal with procurement of Government property and services, not with federal assistance programs. Thus even if *Farmer* and *Farkas* were holdings rather than dicta as to Executive power, the holdings would not reach the instant case. The validity of the Executive Order program as applied to the construction industry in state government contracts by virtue of federal assistance has not been litigated, so far as we have been able to determine, in any case reaching the courts of appeals.[23] Certainly no case has arisen which considers Executive power to impose, by virtue of federal assistance, contract terms in a state construction contract which are at variance with state law.

The limitations of Executive power have rarely been considered by the courts. One of those rare instances is Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 72 S.Ct. 863, 96 L.Ed. 1153 (1952). From the six concurring opinions and one dissenting opinion in that case, the most significant guidance for present purposes may be found in that of Justice Jackson:

"We may well begin by a somewhat oversimplified grouping of practical situations in which a President may doubt, or others may challenge, his powers, and by distinguishing roughly the legal consequences of this factor of relativity.

"1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate. In these circumstances, and in these only, may he be said (for what it may be worth) to personify the federal sovereignty. If his act is held unconstitutional under these circumstances, it usually means that the Federal Government as an undivided whole lacks power. A seizure executed by the President pursuant to an Act of Congress would be supported by the strongest of presumptions and the widest latitude of judicial interpretation, and the burden of persuasion would rest heavily on any who might attack it.

"2. When the President acts in absence in either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law.

"3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system." [24]

Plaintiffs contend that the Philadelphia Plan is inconsistent with the will of Congress expressed in several statutes. We deal with these statutory contentions hereinafter. Thus for the moment we may set to one side consideration of Justice Jackson's third category, and turn to category (1), action expressly or impliedly authorized, and category (2), action in which the President has implied power to act in the absence of congressional preemption. To determine into which category the Philadelphia Plan falls a review of Executive Orders in the field of fair employment practices is helpful.

The first such order, Executive Order No. 8802,[25] was signed by President Roosevelt on June 25, 1941. It established in the Office of Production Management a Committee on Fair Employment Practice, and it required that all Government contracting agencies include in all defense contracts a covenant not to discriminate against any worker because of race, creed, color, or national origin. The order contained no specific statutory reference, and describes the action "as a prerequisite to the successful conduct of our national defense production effort." In December 1941 Congress enacted "An Act to expedite the prosecution of the war effort," [26] and on December 27, 1971, pursuant to that Act the President issued Executive Order No. 9001 [27] which granted to the War and Navy Departments and the Maritime Commission broad contract authority. This order among other provisions stated that a non-discrimination clause would be deemed incorporated by reference in all such contracts. On May 27, 1943, Executive Order No. 8802 was amended by Executive Order No. 9346 [28] which established in the Office for Emergency Management of the Executive Office of the President a Committee on Fair Employment Practice. This order required the antidiscrimination clause in all government contracts rather than in defense contracts only. Still, the order was quite clearly bottomed on the President's war mobilization powers and was by its terms directed toward enhancing the pool of workers available for defense production.

On December 18, 1945, President Truman signed Executive Order No. 9664,[29] which continued the Committee established by Executive Orders Nos. 8802 and 9346 "for the periods and subject to the conditions stated in the National War Agencies Appropriation Act, 1946 (Public Law 156, 79th Cong., 1st Sess., approved July 17, 1945)." On February 2, 1951, the President signed Executive Order No. 10210,[30] which transferred to the Department of Defense the contracting powers referred to in Executive Order No. 9001. The order continued the provision that a non-discrimination clause would be deemed incorporated by reference in all defense contracts. It referenced the First War Powers Act, 1941 as amended. By a subsequent series of Executive Orders, Executive Order No. 10210 was extended to other Government agencies engaged in defense related procurement.[31] On December 3, 1951 the President signed Executive Order No. 10308,[32] creating the Committee on Government Contract Compliance, which was charged with the duty of obtaining compliance with the nondiscrimination contract provisions. The statutory authorities referenced in Executive Order No. 10308 are the Defense Production Act of 1950 [33] and 31 U.S.C. § 691.[34] Reference to the Defense Production Act of 1950 shows that the President was still acting, pursuant to his national defense powers, to assure maximum utilization of available manpower.

President Eisenhower on August 13, 1953, by Executive Order No. 10479 [35] revoked Executive Order No. 10308 and transferred the compliance functions of the Committee on Government Contract Compliance to the Government Contract Committee.[36] In this order for the first time there is no mention of defense production. For the first time the Committee is authorized to receive complaints of violations,[37] and to conduct activities not directly related to federal procurement.[38] On September 3, 1954, by Executive Order No. 10557 [39] the required form of Government contract provision was revised. The new provision was much more specific, required the imposition of the contractor's obligation on his subcontractors, and required the posting of appropriate notices. The Eisenhower orders, while they did not refer to defense production and did authorize the Compliance Committee to encourage nondiscrimination outside the field of Government contracts, were still restricted in direct application to federal government procurement.

While the orders do not contain any specific statutory reference other than the appropriations statute, 31 U.S.C. § 690, they would seem to be authorized by the broad grant of procurement authority with respect to Titles 40 and 41.[40] No less than in the case of defense procurement it is in the interest of the United States in all procurement to see that its suppliers are not over the long run increasing its costs and delaying its programs by excluding from the labor pool available minority workmen. In the area of Government procurement Executive authority to impose non-discrimination contract provisions falls in Justice Jackson's first category: action pursuant to the express or implied authorization of Congress.

Executive Order No. 10925 [41] signed by President Kennedy on March 6, 1961, among other things enlarged the notice requirements and specified that the President's Committee on Equal Employment Opportunity could by rule, regulation or order impose sanctions for violation. Coverage still extended only to federal government contracts. Significantly for purposes of this case, however, the required contract language was amended to add the provision:

"The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin." [42]

The Philadelphia Plan is simply a refined approach to this "affirmative action" mandate. Applied to federal procurement the affirmative action clause is supported by the same Presidential procurement authority that supports the non-discrimination clause generally.

The most significant change in the Executvie Order program for present purposes occurred on June 22, 1963 when the President signed Executive Order No. 11114,[43] which amended Executive Order No. 10925 by providing that the same non-discrimination contract provisions heretofore required in all federal procurement contracts must also be included in all federally assisted construction contracts. By way of Executive Order No. 11246 [44] issued in 1965, President Johnson transferred to the Secretary of Labor the functions formerly specified in Executive Order Nos. 10925 and 11114, and he continued both the affirmative action requirement and the coverage of federally assisted construction contracts.

[3, 4] While all federal procurement contracts must include an affirmative action covenant,[45] the coverage on federally assisted contracts has been extended to construction contracts only. This choice is significant, for it demonstrates that the Presidents were not attempting by the Executive Order program merely to impose their notions of desirable social legislation on the states wholesale. Rather, they acted in the one area in which discrimination in employment was most likely to affect the cost and the progress of projects in which the federal government had both financial and completion interests.

In direct procurement the federal government has a vital interest in assuring that

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Footnotes at end of article.

the largest possible pool of qualified manpower be available for the accomplishment of its projects. It has the identical interest with respect to federally assisted construction projects. When the Congress authorizes an appropriation for a program of federal assistance, and authorizes the Executive branch to implement the program by arranging for assistance to specific projects, in the absence of specific statutory regulations it must be deemed to have granted to the President a general authority to act for the protection of federal interests.

In the case of Executive Order Nos. 11246 and 11114 three Presidents have acted by analogizing federally assisted construction to direct federal procurement. If such action has not been authorized by Congress (Justice Jackson's first category), at the least it falls within the second category. If no congressional enactments prohibit what has been done, the Executive action is valid. Particularly is this so when Congress, aware of Presidential action with respect to federally assisted construction projects since June of 1963, has continued to make appropriations for such projects. We conclude, therefore, that unless the Philadelphia Plan is prohibited by some other congressional enactment, its inclusion as a pre-condition for federal assistance was within the implied authority of the President and his designees. We turn, then to a consideration of the statutes on which plaintiffs rely.

### *The Civil Rights Act of 1964*

[5] Plaintiffs suggest that by enacting Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., which deals comprehensively with discrimination in employment, Congress occupied the field. The express reference in that statute to Executive Order No. 10925 or any other Executive Order prescribing fair employment practices for Government contractors, 42 U.S.C. § 2000e-8 (d), indicates, however, that Congress contemplated continuance of the Executive Order program. Moreover we have held that the remedies established by Title VII are not exclusive. Young v. International Telephone & Telegraph Co., 438 F. 2d 757 (3d Cir. 1971).

[6, 7] But while Congress has not prohibited Presidential action in the area of fair employment on federal or federally assisted contracts, the Executive is bound by the express prohibitions of Title VII. The argument most strenuously advanced against the Philadelphia Plan is that it requires action by employers which violates the Act. Plaintiffs point to § 703(j), 42 U.S.C. § 2000e-2(j):

"Nothing contained in this subchapter shall be interpreted to require any employer * * * [or] labor organization * * * to grant preferential treatment to any individual or to any group because of the race * * * of such individual or groups on account of an imbalance which may exist with respect to the total number or percentage of persons of any race * * * employed * * * in comparison with the total number or percentage of persons of such race * * * in the available work force in any community * * * or other area."

The Plan requires that the contractor establish specific goals for utilization of available minority manpower in six trades in the five-county area. Possibly an employer could not be compelled, under the authority of Title VII, to embrace such a program, although § 703(j) refers to percentages of minorities in an area work force rather than percentages of minority tradesmen in an available trade work force. We do not meet that issue here, however, for the source of the required contract provision is Executive Order No. 11246. Section 703(j) is a limitation only upon Title VII not upon any other remedies, state or federal.

[8] Plaintiffs, and more particularly the union amici, contend that the Plan violates Title VII because it interferes with a bona fide seniority system. Section 703(h), 42 U.S.C. § 2000e-2(h), provides:

"Notwithstanding any other provision of this subchapter, it shall not be an unlawful employment practice for an employer to employ different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system * * *."

The unions, it is said, refer men from the hiring halls on the basis of seniority, and the Philadelphia Plan interferes with this arrangement since few minority tradesmen have high seniority. Just as with § 703(j), however, § 703(h) is a limitation only upon Title VII, not upon any other remedies.[46]

[9] Plaintiffs contend that the Plan, by imposing remedial quotas, requires them to violate the basic prohibitions of Section 703(a), 42 U.S.C. § 2000e-2(a):

"It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire * * * any individual * * * because of such individual's race * * * or

(2) to * * * classify his employees in any way which would deprive * * * any individual of employment opportunities * * * because of such individual's race * * *."

Because the Plan requires that the contractor agree to specific goals for minority employment in each of the six trades and requires a good faith effort to achieve those goals, they argue, it requires (1) that they refuse to hire some white tradesmen, and (2) that they classify their employees by race, in violation of § 703(a). This argument rests on an overly simple reading both of the Plan and of the findings which led to its adoption.

The order of September 23, 1969 contained findings that although overall minority group representation in the construction industry in the five-county Philadelphia area was thirty per cent, in the six trades representation was approximately one per cent. It found, moreover, that this obvious underrepresentation was due to the exclusionary practices of the unions representing the six trades. It is the practice of building contractors to rely on union hiring halls as the prime source for employees. The order made further findings as to the availability of qualified minority tradesmen for employment in each trade, and as to the impact of an affirmative action program with specific goals upon the existing labor force. The Department of Labor found that contractors could commit to the specific employment goals "without adverse impact on the existing labor force." Some minority tradesmen could be recruited, in other words, without eliminating job opportunities for white tradesmen.

To read § 703(a) in the manner suggested by the plaintiffs we would have to attribute to Congress the intention to freeze the status quo and to foreclose remedial action under other authority designed to overcome existing evils. We discern no such intention either from the language of the statute or from its legislative history. Clearly the Philadelphia Plan is color-conscious. Indeed the only meaning which can be attributed to the "affirmative action" language which since March of 1961 has been included in successive Executive Orders is that Government contractors must be color-conscious. Since 1941 the Executive Order program has recognized that discriminatory practices exclude available minority manpower from the labor pool. In other contexts color-consciousness has been deemed to be an appropriate remedial posture. Porcelli v. Titus, 302 F. Supp. 726 (D.N.J. 1969), aff'd, 431 F.2d 1254 (3d Cir. 1970); Norwalk CORE v. Norwalk Redevelopment Agency, 395 F. 2d 920, 931 (2d Cir. 1968); Offermann v. Nitkowski, 378 F.2d 22, 24 (2d Cir. 1967). It has been said respecting Title VII that "Congress did not intend to freeze an entire generation of Negro employes into discriminatory patterns that existed before the Act." Quarles v. Philip Morris, Inc., *supra,* 279 F.Supp. at 514.

The *Quarles* case rejected the contention that existing, nondiscriminatory seniority arrangements were so sanctified by Title VII that the effects of past discrimination in job assignments could not be overcome.[47] We reject the contention that Title VII prevents the President acting through the Executive Order program from attempting to remedy the absence from the Philadelphia construction labor of minority tradesmen in key trades.

[10] What we have said about Title VII applies with equal force to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. That Title prohibits racial and other discrimination in any program or activity receiving federal financial assistance.[48] This general prohibition against discrimination cannot be construed as limiting Executive authority in defining appropriate affirmative action on the part of a contractor.

We hold that the Philadelphia Plan does not violate the Civil Rights Act of 1964.

### *The National Labor Relations Act*

The June 27, 1969 order, par. 8(b) provides:

"It is no excuse that the union with which the contractor has a collective bargaining agreement failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act and the Civil Rights Act of 1964. It is the longstanding uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in federally involved contracts. To the extent they have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, or the implementing rules, regulations and orders."

The union amici vigorously contend that the Plan violates the National Labor Relations Act by interfering with the exclusive union referral systems to which the contractors have in collective bargaining agreements bound themselves. Exclusive hiring hall contracts in the building and construction industry are validated by Section 8(f) of the National Labor Relations Act, 29 U.S.C. § 158(f). In Teamsters Local 357 v. NLRB, 365 U.S. 667, 81 S.Ct. 835, 6 L.Ed2d 11 (1961), the Supreme Court held that the National Labor Relations Board could not proscribe exclusive hiring hall agreements as illegal per se since Congress had not chosen to prohibit hiring halls. It is argued that the President is attempting to do what the Supreme Court said the National Labor Relations Board could not do—prohibit a valid hiring hall agreement. Of course collective bargaining agreements which perpetuate the effects of past discrimination are unlawful under Title VII. Local 189, United Papermakers & Paperworkers v. United States, *supra;* United States v. Sheet Metal Workers, Local 36, 416 F.2d 123, 132 (8th Cir. 1969). The findings of past discrimination which justified remedial action in these cases were made in judicial proceedings, however. See 42 U.S.C. § 2000e-5 (g). The amici contend that the Assistant Secretary's nonjudicial findings of prior exclusionary practices is insufficient to support the Plan's implied requirement that the contractor look to other sources for employees if the unions fail to refer sufficient minority group members.

[11, 12] It is clear that while hiring hall arrangements are permitted by federal law

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Footnotes at end of article.

they are not required. Nothing in the National Labor Relations Act purports to place any limitation upon the contracting power of the federal government. We have said hereinabove that in imposing the affirmative action requirement on federally assisted construction contracts the President acted within his implied contracting authority. The assisted agency may either agree to do business with contractors who will comply with the affirmative action covenant, or forego assistance. The prospective contractors may either agree to undertake the affirmative action covenant, or forego bidding on federally assisted work. If the Plan violates neither the Constitution nor federal law, the fact that its contractual provisions may be at variance with other contractual undertakings of the contractor is legally irrelevant.

Factually, of course, that variance is quite relevant. Factually it is entirely likely that the economics of the marketplace will produce an accommodation between the contract provisions desired by the unions and those desired by the source of the funds. Such an accommodation will be no violation of the National Labor Relations Act.

[13] The absence of a judicial finding of past discrimination is also legally irrelevant. The Assistant Secretary acted not pursuant to Title VII but pursuant to the Executive Order. Regardless of the cause, exclusion from the available labor pool of minority tradesmen is likely to have an adverse effect upon the cost and completion of construction projects in which the federal government is interested. Even absent a finding that the situation found to exist in the five-county area was the result of deliberate past discrimination, the federal interest in improving the availability of key tradesmen in the labor pool would be the same. While a court must find intentional past discrimination before it can require affirmative action under 42 U.S.C. § 2000e-5(g), that section imposes no restraint upon the measures which the President may require of the beneficiaries of federal assistance. The decision of his designees as to the specific affirmative action which would satisfy the local situation did not violate the National Labor Relations Act and was not prohibited by 42 U.S.C. § 2000e-5(g).

### *Consistency with Executive Order No. 11246*

[14, 15] The plaintiffs argue that the affirmative action mandate of § 202 of Executive Order No. 11246 is limited by the more general requirement in the same section, "The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin." They contend that properly construed the affirmative action referred to means only policing against actual present discrimination, not action looking toward the employment of specific numbers of minority tradesmen.

Section 201 of the Executive Order provides:

"The Secretary of Labor shall be responsible for the administration of Parts II [Government contracts] and II [federal assistance] of this Order and shall adopt such rules and regulations and issue such orders as he deems necessary and appropriate to achieve the purposes thereof."

Acting under this broad delegation of authority the Labor Department in a series of orders of local application made it clear that it interpreted "affirmative action" to require more than mere policing against actual present discrimination.[49] Administrative action pursuant to an Executive Order is invalid and subject to judicial review if beyond the scope of the Executive Order. Peters v. Hobby, 349 U.S. 331, 75 S.Ct. 790, 99 L.Ed. 1129 (1955). But in the courts should give more than ordinary deference to the administrative agency's interpretation of an Executive Order or regulation which it is charged to administer. Udall v. Tallman, 380 U.S. 1, 85 S.Ct. 792, 13 L.Ed. 2d 616 (1965); Bowles v. Seminole Rock & Sand Co., 325 U.S. 410, 413, 65 S.Ct. 1215, 89 L.Ed. 1700 (1945). The Attorney General has issued an opinion that the Philadelphia Plan is valid,[50] and the President has continued to acquiesce in the interpretation of the Executive Order made by his designee. The Labor Department interpretation of the affirmative action clause must, therefore, be deferred to by the courts.

[16] Plaintiffs also contend that the signing of the June 27, 1969 and September 23, 1969 orders by an assistant secretary rather than by the Secretary of Labor makes those orders procedurally invalid. Here they rely on § 401 which provides:

"The Secretary of Labor may delegate to any officer, agency, or employee in the Executive branch of the Government, any function or duty of the Secretary under Parts II and III of this Order, except authority to promulgate rules and regulations of a general nature."

The Plan, they say, is a rule or regulation of a general nature, and could have been issued only by the Secretary. In the first place the Plan is not general. It is based upon findings as to the available construction manpower in a specific labor market. Moreover, the interpretation of § 401 made by the administrator requires the same deference from the courts as is required toward his interpretations of the order. We will not second guess his delegation to the Assistant Secretary of the duty of enforcing the affirmative action covenant.

### *The due process contentions*

[17] Plaintiffs urge that the Plan violates the Due Process Clause of the Fifth Amendment in several ways.

First, they allege that it imposes on the contractors contradictory duties impossible of attainment. The impossibility arises, they say, because the Plan requires both an undertaking to seek achievement of specific goals of minority employment and an undertaking not to discriminate against any qualified applicant or employee, and because a decision to hire any black employee necessarily involves a decision not to hire a qualified white employee. This is pure sophistry. The findings in the September 23, 1969 order disclose that the specific goals may be met, considering normal employee attrition and anticipated growth in the industry, without adverse effects on the existing labor force. According to the order the construction industry has an essentially transitory labor force and is often in short supply in key trades. The complaint does not allege that these findings misstate the underlying facts.

Next the plaintiffs urge that the Plan is arbitrary and capricious administrative action, in that it singles out the contractors and makes them take action to remedy the situation created by acts of past discrimination by the craft unions. They point to the absence of any proceedings under Title VII against the offending unions, and urge that they are being discriminated against. This argument misconceives the source of the authority for the affirmative action program. Plaintiffs are not being discriminated against. They are merely being invited to bid on a contract with terms imposed by the source of the funds. The affirmative action covenant is no different in kind than other covenants specified in the invitation to bid. The Plan does not impose a punishment for past misconduct. It exacts a covenant for present performance.

Some amici urge that selection of the five-county Philadelphia area was arbitrary and capricious and without basis in fact. The complaint contains a conclusive allegation to this effect. No supporting facts are alleged. It is not alleged, for example, that the specific goals for minority manpower utilization would be different if more or fewer counties were to be included in the September 23, 1969 order. The union amici do question the findings made by the Assistant Secretary of Labor, but the complaint, fairly read, does not put these findings in issue.

We read the allegation with respect to the five-county area as putting in issue the legal authority of the Secretary to impose a specific affirmative action requirement in any separate geographic area. The simple answer to this contention is that federally assisted construction contracts are performed at specific times and in specific places. What is appropriate affirmative action will vary according to the local manpower conditions prevailing at the time.

Finally, the plaintiffs urge that the specific goals specified by the Plan are racial quotas prohibited by the equal protection aspect of the Fifth Amendment. See Shapiro v. Thompson, 394 U.S. 618, 641–642, 89 S.Ct. 1322, 22 L.Ed. 600 (1969); Schneider v. Rusk, 377 U.S. 163, 84 S.Ct. 1187, 12 L.Ed.2d 218 (1964); Bolling v. Sharpe, 347 U.S. 497, 74 S.Ct. 693, 98 L.Ed. 884 (1954). The Philadelphia Plan is valid Executive action designed to remedy the perceived evil that minority tradesmen have not been included in the labor pool available for the performance of construction projects in which the federal government has a cost and performance interest. The Fifth Amendment does not prohibit such action.

One final point. The plaintiffs contend that although there were cross-motions for summary judgment the district court, while it should have entered summary judgment in their favor, could not properly enter summary judgment against them. Several amici press this point on appeal even more strenuously than do plaintiffs. They contend that neither the finding of past discrimination by the craft unions made in the June 27, 1969 order nor the statistical findings as to availability of minority tradesmen, employee attrition, and industry growth made in the September 23, 1969 order should be accepted as true.

[18, 19] The federal defendants conceded in the district court that the affidavit of Mr. Macaluso, to which copies of both orders were attached, was offered not for the truth of the underlying facts but only to identify the orders. This concession was not significant for the decisions on the motions under Rule 12(b)(1) and Rule 56(b). The complaint to which the motions by the federal defendants was addressed nowhere challenges the factual underpinnings of the specific goals set forth in the September 23, 1969 order. Rather the complaint makes a legal attack upon the power of the Department of Labor to impose these goals as contractual commitments. Read generously the complaint can be construed to challenge the administrative procedures followed by the Assistant Secretary in determining these goals. We have dealt hereinabove with that challenge insofar as it questions compliance with the procedures specified in Executive Order No. 11246.

Insofar as the complaint challenges on broader administrative law grounds the methods by which the Assistant Secretary assembled the data for the September 23, 1969 order, we hold that public hearings after notice were an appropriate means for the administrative agency to obtain the information needed for informed judgment. Cf. Shannon v. Department of Housing & Urban Development, 436 F.2d 809 (3d Cir. 1971). No public hearing was held prior to the issuance of the June 27, 1969 order, which contains the Assistant Secretary's finding of past exclusionary union practices. He relied upon published data, however, which itself may have been sufficient to justify administrative action leading to the specification of contract provisions.

We need not decide that issue, however, for in our view the data in the September 23, 1969 order revealing the percentages of

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Footnotes at end of article.

utilization of minority group tradesmen in the six trades compared with the availability of such tradesmen in the five-country area, justified issuance of the order without regard to a finding as to the cause of the situation. The federal interest is in maximum availability of construction tradesmen for the projects in which the federal government has a cost and completion interest. A finding as to the historical reason for the exclusion of available tradesmen from the labor pool is not essential for federal contractual remedial action.

The judgment of the district court will be affirmed.

FOOTNOTES

[1] James D. Morrissey, Inc.; The Conduit & Foundation Corp.; Glasgow, Inc.; Buckley & Company; The Nyleve Company; Erb Engineering & Constr. Co.; Perkins, Kanak, Foster, Inc.; and Lansdowne Constructors, Inc.

[2] The Secretary of Labor, George P. Shultz; The Assistant Secretary of Labor, Arthur A. Fletcher; The Director, Office of Federal Contract Compliance, John L. Wilks; The Secretary of Agriculture, Clifford M. Hardin.

[3] An additional defendant, the General State Authority of the Commonwealth of Pennsylvania, has not participated in this appeal.

[4] 30 Fed. Reg. 12319 (Sept. 24, 1965), as amended by Exec. Order No. 11375, 32 Fed. Reg. 14303 (Oct. 13, 1967), 3 C.F.R. 406 (1909), 42 U.S.C.A. § 2000e note (170), superseded in part by Exec. Order No. 11478, 34 Fed. Reg. 12985 (Aug. 8, 1969), 3 C.F.R., 1969 Comp. 133, 42 U.S.C. § 2009e note (1970).

[5] Encompassing Bucks, Chester, Delaware, Montgomery and Philadelphia Counties in Pennsylvania.

[6] § 202(1). This wording comes from Exec. Order No. 11375, see note 4 supra, and represents a minor change from the original designed to parallel the classes of discrimination prohibited by Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

[7] Recognition of this problem antedated the present Plan. Under the Philadelphia Pre-Award Plan, which was put into effect on November 30, 1967 by the Philadelphia Federal Executive Board, each apparent low bidder was required to submit a written affirmative action program assuring minority group representation in eight specified trades as a precondition to qualifying for a construction contract or subcontract. This predecessor Plan was suspended due to an Opinion letter by the Comptroller General stating that it violated the principles of competitive bidding. 48 Comp. Gen. 326 (1968).

[8] The order of June 27, 1969 listed "roofers and water proofers" among the trades underrepresented by minority craftsmen. The order of September 23, 1969 dropped this category from the list, leaving the six trades previously named.

[9] Federal assistance was authorized under the Watershed Protection and Flood Prevention Act, 16 U.S.C. § 1001 et seq.

[10] Comp. Gen. Op., Letter to Sec. of Labor George P. Shultz, August 5, 1969, 115 Cong. Rec. 17201–04 (daily ed. Dec. 18, 1969). The Comptroller General had objected to earlier efforts at implementing the "affirmative action" aspect of Exec. Order No. 11246 on the ground that these plans failed to inform prospective bidders to definite minimum standards for acceptable programs. In his negative opinion letter in response to the original Philadelphia Pre-Award Plan, he had also adverted to the possibility of conflict with Title VII of the Civil Rights Act of 1964. See note 7 supra. The Title VII objections became the heart of the opinion of August 5, 1969 which challenged the validity of the Revised Philadelphia Plan.

[11] 42 U.S.C. § 2000e et seq.

[12] 42 U.S.C. § 2000d et seq.

[13] 29 U.S.C. § 151 et seq.

[14] The Pennsylvania Human Relations Act, 43 P.S. § 951 et seq. (Supp. 1970), specifically prohibits an employer from keeping any record of or using any form of application with respect to the race, color, religion, ancestry, sex or national origin of an applicant for employment, 43 P.S. § 955(b)(1). The Act also prohibits the use of a quota system for employment based on the same criteria. 43 P.S. § 955(b)(3). The record keeping prohibition may be of limited force due to certain requirements of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e–8(c). Moreover, we do not know how the Pennsylvania courts or the Pennsylvania Human Relations Commission would react to a scheme of "benign" quota hiring.

[15] 311 F. Supp. 1002, 1011 (E.D.Pa. 1970).

[16] 49 Stat. 2036–2039, 41 U.S.C. §§ 35–45.

[17] The actual holding of *Perkins* was subsequently nullified by Congress. 66 Stat. 308 (1952), 41 U.S.C. § 43a. See 4 K. Davis, Administrative Law § 28.06 (1958).

[18] 310 U.S. at 127, 60 S.Ct. at 876.

[19] Amici favoring the Plan include the City of Philadelphia, the Urban League of Philadelphia, Wives for Equal Employment Opportunity, the Lawyers' Committee for Civil Rights Under Law, and the N.A.A.C.P. Appearing as amici in opposition to the Plan are the Building and Construction Trades Dep't, AFL–CIO, the Building and Construction Trades Council of Philadelphia and Vicinity, AFL–CIO, the General Building Contractors Ass'n, Inc., the National Electrical Contractors Ass'n, and the Associated General Contractors of America.

[20] Exec. Order No. 10925, 26 Fed. Reg. 1977 (March 6, 1961), 3 C.F.R., 1961 Comp. 86.

[21] Management and Disposal of Government Property.

[22] Procurement Procedures.

[23] But cf. Weiner v. Cuyahoga Community College, 19 Ohio St. 2d 35, 249 N.E. 2d 907 (1969), cert. denied, 396 U.S. 1004, 90 S. Ct. 554, 24 L. Ed. 2d 495 (1970); Ethridge v. Rhodes, 268 F. Supp. 83 (S.D. Ohio 1967).

[24] 343 U.S. at 635–638, 72 S. Ct. at 870–871 (footnotes omitted).

[25] 6 Fed. Reg. 3109, 3 C.F.R., 1938–43 Comp. 957.

[26] Act of Dec. 18, 1941, ch. 593, 55 Stat. 838.

[27] 6 Fed. Reg. 6787, 3 C.F.R., 1938–43 Comp. 1054.

[28] 8 Fed. Reg. 7183, 3 C.F.R., 1938–43 Comp. 1280.

[29] 10 Fed. Reg 15301, 3 C.F.R., 1943–48 Comp. 480.

[30] 15 Fed. Reg. 1049, 3 C.F.R., 1949–53 Comp. 390.

[31] Exec. Order No. 10216, 16 Fed. Reg. 1815 (Feb. 23, 1951), 3 C.F.R., 1949–53 Comp. 732 (Department of Agriculture, Atomic Energy Commission, National Advisory Committee for Aeronautics, and Government Printing Office); Exec. Order No. 10227, 16 Fed. Reg. 2675 (Mar. 24, 1951), 3 C.F.R., 1949–53 Comp. 739 (General Services Administration); Exec. Order No. 10231, 16 Fed. Reg. 3025 (April 5, 1951), 3 C.F.R., 1949–53 Comp. 741 (Tennessee Valley Authority); Exec. Order No. 10243, 16 Fed. Reg. 4419 (May 17, 1951), 3 C.F.R., 1949–53 Comp. 752 (Federal Civil Defense Administration); Exec. Order No. 10281, 16 Fed. Reg. 8789 (Aug. 28, 1951), 3 C.F.R., 1949–53 Comp. 781 (Defense Materials Procurement Agency).

[32] 16 Fed. Reg. 12303, 3 C.F.R., 1949–53 Comp. 837.

[33] 50 U.S.C. App. § 2061 et seq.

[34] This latter reference is to the source of appropriations for salaries and expenses for committee members and staff. It appears in numerous subsequent Executive Orders, but has no significance other than fiscal.

[35] 18 Fed Reg. 4899, 3 C.F.R., 1949–53 Comp. 961.

[36] The new committee was composed of 15 members, 9 named by the President and one representative each from the Atomic Energy Commission, the Department of Commerce, the Department of Defense, the Department of Justice, the Department of Labor and the General Services Administration. Id. § 3, as amended by Exec. Order No. 10482, 18 Fed. Reg. 4944 (Aug. 15, 1953), 3 C.F.R., 1949–53 Comp. 968.

[37] Id. § 5.

[38] "Sec. 6. The Committee shall encourage the furtherance of an educational program by employer, labor, civic, educational, religious, and other voluntary nongovernmental groups in order to eliminate or reduce the basic causes and costs of discrimination in employment.

"Sec. 7. The Committee is authorized to establish and maintain cooperative relationships with agencies of state and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this order."

Id. §§ 6, 7.

[39] 19 Fed. Reg. 5655, C.F.R., 1954–58 Comp. 203.

[40] See 40 U.S.C. § 486(a).

[41] 26 Fed. Reg. 1977, 3 C.F.R. 1959–63 Comp. 448.

[42] Id., pt. III, § 301(1).

[43] 28 Fed. Reg. 6485, 3 C.F.R., 1959–63 Comp. 774.

[44] See note 4 supra.

[45] Section 204 of Exec. Order No. 11246 provides that the Secretary of Labor may exempt certain contracts and purchase orders from the requirements of the order because of special circumstances in the national interest and that he may by rule or regulation exempt certain classes of contracts (1) to be performed outside the United States, (2) for standard commercial supplies or raw materials, (3) involving insubstantial amounts of money or workers, or (4) involving subcontracts below a specified tier.

[46] This same subsection refers to ability tests. The Supreme Court recently in Griggs v. Duke Power Co., 401 U.S. 424, 91 S.Ct. 849, 28 L.Ed.2d 158 (1971) considered the extent to which such tests are permissible. The Court said:

"But Congress directed the thrust of the Act to the *consequences* of employment practices, not simply the motivation." 91 S.Ct. at 854.

It held that the tests must be job related. Nor can seniority make permanent the effects of past discrimination. Local 189, United Papermakers & Paperworkers v. United States, 416 F.2d 980 (5th Cir. 1969), cert. denied, 397 U.S. 919, 90 S.Ct. 926, 25 L.Ed.2d 108 (1970); Quarles v. Philip Morris, Inc., 279 F.Supp. 505 (E.D.Va.1968).

[47] The federal courts in overcoming the effects of past discrimination are expressly authorized in Title VII to take affirmative action. 42 U.S.C. § 2000e–5(g). See Vogler v. McCarty, 294 F. Supp. 368 (E.D. La. 1968), aff'd *sub. nom.* International Ass'n Heat & Frost Insulation & Asbestos Workers v. Vogler, 407 F. 2d 1047 (5th Cir. 1969).

[48] Section 604 of Title VI, 42 U.S.C. § 2000d–3, states that nothing in the Title authorizes agency action under the Title with respect to employment practices of any employer, except where federal assistance is primarily aimed at providing employment. However, since the Philadelphia Plan does not purport to derive its authorization from Title VI, this section does not affect its validity.

[49] See United States Commission on Civil Rights, The Federal Civil Rights Enforcement Effort at 167–72 (1970).

[50] Att'y Gen. Op., Letter to Sec. of Labor Shultz, Sept. 22, 1969, 115 Cong. Rec. 17,204–06 (daily ed. Dec. 18, 1969).

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[United States Court of Appeals, Ninth Circuit, May 17, 1971, No. 26048]

UNITED STATES OF AMERICA, PLAINTIFF-APPELLEE, V. IRONWORKERS LOCAL 86 ET AL., DEFENDANTS-APPELLANTS

Action wherein government charged unions and joint apprenticeship and training committees with having denied equal employment opportunities to blacks in violation of Civil Rights Act. The United States District Court for the Western District of Washington, William J. Lindberg, J., 315 F.Supp. 1202, entered judgment in favor of government, and all but one defendant appealed. The Court of Appeals, Hamlin, Circuit Judge, held, inter alia, that finding that building construction unions and joint apprenticeship and training committees associated with them had engaged in a pattern or practice of discriminatory conduct with respect to equal employment opportunities for blacks was not clearly erroneous when well documented with statistical evidence showing a distinct absence of black membership in unions and committees, failure of union hiring halls to grant black referrals, many overt acts of discrimination on part of unions and committes, and many facially neutral employment practices which had a differential effect on blacks.

Affirmed.

1. Courts—406.1(23), 406.3(13): On appeal from judgments determining that certain building construction unions and joint apprenticeship and training committees associated with them had pursued a pattern or practice of conduct which denied equal employment opportunities to blacks on account of their race, Court of Appeals would not review evidence de novo and freely substitute its judgments for that of trial court, but would apply clearly erroneous rule, even if a "large reliance" was placed on written evidence in trial court. Fed.Rules Civ.Proc. rule 52(a), 28 U.S. C.A.

2. Courts—406.3(6): Court of Appeals may not substitute its judgment for trial court if conflicting inferences may be drawn from established facts by reasonable men, and inferences drawn by trial court are those which could have been drawn by reasonable men.

3. Federal Civil Procedure—1191: Application forms found in files of joint apprenticeship and training committees, which were accused along with building construction unions of having denied equal employment opportunities to blacks on account of their race, were not admissible under business records exception to hearsay rule to prove truth of matters contained therein, but were admissible as evidence of type of information sought by committees and relied upon by them in reaching their evaluative decisions. 28 U.S.C.A. § 1732.

4. Civil Rights—3: On basis that a showing of a small black union membership in a demographic area containing a substantial number of black workers raises an inference that racial imbalance is the result of discrimination, the burden of going forward and the burden of persuasion is shifted to the accused, for such a showing is enough to establish a prima facie case. Civil Rights Act of 1964, § 701 et seq., 42 U.S.C.A. § 2000e et seq.

5. Civil Rights—3: Statistics showing racial composition of membership of construction unions accused of having denied equal employment opportunities to blacks on account of their race could be used for purpose of establishig a prima facie violation of Civil Rights Act. Civil Rights Act of 1964, § 701 et seq., 42 U.S.C.A. § 2000e et seq.

6. Courts—406.3(6): Even if statistics concerning racial composition of membership of unions accused of having denied equal employment opportunities to blacks on account of their race could not alone show as a matter of law that there had been a civil rights violation, conclusion of law reached by trial court that a violation had occurred would not be overturned, where trial court cited specific instances of discrimination on part of unions and apprenticeship committees in its findings, and where statistical evidence was complementary rather than exclusive. Civil Rights Act of 1964, § 701 et seq., 42 U.S.C.A. § 2000e et seq.

7. Civil Rights—2: It is the intent of Congress that a "pattern or practice" of discriminatory conduct with respect to employment opportunities be found where acts of discrimination are not "isolated, peculiar or accidental" events. Civil Rights Act of 1964 § 701 et seq., 42 U.S.C.A. § 2000e et seq.

8. Courts—406.3(20): Finding that building construction unions and joint apprenticeship and training committees associated with them had engaged in a pattern or practice of discriminatory conduct with respect to equal employment opportunities for blacks was not clearly erroneous when well documented with statistical evidence showing a distinct absence of black membership in unions and committees, failure of union hiring halls to grant black referrals, many overt acts of discrimination on part of unions and committees, and many facially neutral employment practices which had a differential effect on blacks. Civil Rights Act of 1964, § 701 et seq., 42 U.S.C.A. § 2000e et seq.

9. Civil Rights—3: Trial court did not violate Civil Rights Act by ordering building construction unions to offer immediate job referrals to previous discriminatees, and ordering apprenticeship and training committees associated with unions to select and indenture sufficient black applicants to overcome past discrimination, and to also meet judicially imposed ceiling requirements in apprenticeship program participation. Civil Rights Act of 1964, §§ 703(j), 706(g), 707(a), 42 U.S.C.A. §§ 2000e-2(j), 2000e-5(g), 2000e-6(a).

10. Civil Rights—3: There can be little doubt that where a violation of equal employment provision of Civil Rights Act is found, the court is vested with broad remedial power to remove the vestiges of past discrimination and eliminate present and assure the nonexistence of future barriers to the full enjoyment of equal job opportunities by qualified black workers. Civil Rights Act of 1964, §§ 703(j), 706(g), 707(a), 42 U.S.C.A. §§ 2000e-2(j), 2000e-5(g), 2000e-6(a).

Hugh Hafer (argued), John E. Rinehart, Jr., of Bassett, Donaldson & Hafer, Seattle, Wash., Harold Stern, Gen. Counsel, Ironworkers International Union, New York City, Donald Fisher, Gen. Counsel, Sheet Metal Workers International Union, Toledo, Ohio, Martin F. O'Donoghue, Gen. Counsel, Plumbers & Pipefitters International Union, Washington, D.C., for defendants-appellants.

Frank Petramalo, Jr. (argued), David L. Rose, Robert T. Moore, Attys., Dept. of Justice, Washington, D.C., Jerris Leonard, Asst. Atty. Gen., Stan Pitkin, U.S. Atty., Seattle, Wash., Herman Siqueland, Duane Vance, Don Davidson, Alec Brindle, Seattle, Wash., for plaintiff-appellee.

Before Hamlin and Merrill, Circuit Judges, and Hill, District Judge.*

Hamlin, Circuit Judge:

On October 31, 1969, the Attorney General of the United States[1] brought an action in the United States District Court for the Western District of Washington against five building construction unions[2] located in Seattle, Washington, and three joint apprenticeship and training committees associated with them.[3] The complaint alleged that the named unions and joint apprenticeship and training committees had denied employment opportunities to blacks on account of their race and that certain policies, practices and conduct, described therein, constituted a "pattern or practice" of resistance to full employment of blacks in violation of Title VII of the Civil Rights Act of 1964. 42 U.S.C. § 200e et seq. The district court, William J. Lindberg, Chief Judge, found that all the named unions and joint apprenticeship and training committees had pursued a pattern or practice of conduct which denied blacks, on account of their race, equal employment opportunities in the construction industry; two judgments and decrees followed.[4] All but one of the defendants[5] have joined in the instant appeal.[6] We affirm.

Many of the basic facts were largely undisputed and were stipulated by the parties. Appellant building trades unions are labor organizations which represent a large number of workmen employed in the construction industry in and about Seattle, Washington.[7] Through the union hiring halls, appellant unions effectively control a large percentage of the employment opportunities in the construction industry in that area. Under the bargaining agreements entered into between the contractor-employers and the unions, the unions must be given first opportunity to fill positions. Contractors may not employ non-union workers unless the positions are not filled by the unions within a period of time stipulated under the bargaining agreement.

The joint apprenticeship and training committees who join in this appeal are entities legally separate and distinct from the specific unions with which they are associated. The committees consist of members representing both the unions and the employers,[8] and are formed to oversee and run the apprenticeship programs whose purpose is to train apprentices to become journeymen in the respective trades. Once an applicant is accepted into the program,[9] he becomes indentured to the joint apprenticeship and training committee for a period of years[10] and participates in a program which consists of both on-the-job training and classroom instruction. It is through this program that participants gain admission to the union as a journeyman, thereby obviating the necessity of taking the avenue of direct admission which demands that an applicant meet certain requirements such as possessing a specified number of years of experience, being within a given age range, having letters of recommendation, and passing a journeyman's examination.

The court found appellant unions and joint apprenticeship and training committees to have engaged in a pattern or practice of discrimination which denied blacks employment opportunities in the construction industry. It based its conclusions on specific findings of discrimination which included (1) the employment of tests and admission criteria which had little or no relation to on-the-job skills and which had a differential impact upon blacks, and which operated to exclude them from entrance into the unions or referrals to available jobs; (2) the active recruitment of whites while at the same time giving little or no publicity to information concerning procedures for gaining union membership, work referral opportunities, and the operation of the apprenticeship training programs in the black community; (3) the granting of preferential treatment to friends and relatives of existing members of the unions; and (4) the differential application of admission requirements, often by-passing such requirements in cases of white applicants. In addition, several instances were shown where black workers who sought referrals were turned away without reason or after being given a spurious reason in support of its action; and in some cases, unions refused to place blacks on the referral lists, thus assuring their inability to secure work.

The relief granted by the court took the form of two judgments and decrees: the first related to the unions and the second related to the joint apprenticeship and training committees. In the first, the court enjoined the unions from engaging in future discrimination with respect to referrals for employment and the acquisition or retention of union membership. It ordered that the unions keep detailed records of their operations and actively disseminate information in the black community describing the operation of the referral systems, membership

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Footnotes at end of article.

requirements and available job opportunities. Specific relief was granted by the court to certain individuals or groups of persons ordering the unions to offer them immediate construction referrals in response to the next contractor requests for workers and to open their membership application lists to these persons. The court retained jurisdiction for such further relief as it deems necessary or appropriate to further effectuate equal employment opportunities.

Judgment and Decree No. 2 pertained to the joint apprenticeship and training committees. The committees were enjoined from all future discrimination against applicants for apprenticeship on account of their race. It further ordered the committees to disseminate information concerning the requirements and procedures for admission to the apprenticeship programs so as to apprise blacks within the geographical area of available opportunities. The respective committees were ordered to consider all applicants who met the standards set out by the court in the decree. In addition to the above, an affirmative action program was included in the decree in the hope of eradicating the vestiges of past discrimination. Among the provisions under this program were the creation of special apprenticeship programs designed to meet the special needs of average blacks with no previous experience or special skills in the trade, or black applicants who have some previous experience or special skills in the trade but do not meet journeymen standards. The court also retained jurisdiction over the committees in order to grant such further relief as it deems necessary.

### I. FINDINGS OF FACT

We are confronted initially with the appellants' contention that the "clearly erroneous" rule [11] should not govern our review of the findings of fact made by the district court. They reason that the rationale underlying the rule is that an appellate court should defer to the judgment of the trial court because the trial judge had access to demeanor evidence and could readily assess the credibility of the witnesses. Hence, where, as they allege, "large reliance" is placed upon written instruments and depositions, they claim the rule does not apply as demeanor evidence played a small part in the trial judge's decision.

[1, 2] Appellants' characterization of the proceeding below as one in which the trial judge placed "large reliance" on documentary evidence and depositions ignores the fact that over fifty-five witnesses testified, many of whom were deponents prior to trial. Even if "large reliance" was placed on written evidence, the clearly erroneous rule would still apply. We examined this problem in Lundgren v. Freeman, 307 F.2d 104 (9th Cir. 1962), and found the better rule to be that the clearly erroneous rule does apply, even where the factual issues are decided on written evidence alone.[12] Appellants would have us review the evidence *de novo* and freely substitute our judgment for that of the trial judge. We decline to do so. The well-established rule is that we "may not substitute our judgment if conflicting inferences may be drawn from established facts by reasonable men, and the inferences drawn by the trial court are those which could have been drawn by reasonable men." *Lundgren, supra,* 307 F.2d at 113. *See also* Jacobson v. Colorado Fuel and Iron Corp., 409 F.2d 1263, 1267 (9th Cir. 1969); Friend v. H. A. Friend & Co., 416 F.2d 526, 531 (9th Cir 1969); United States v. Hanna Nickel Smelting Co., 400 F.2d 944, 947 (9th Cir. 1968).

[3] Appellants further contend that the district court's findings were based on evidence which it had previously excluded. Prior to trial, the Attorney General examined the application forms found in the files of the joint apprenticeship and training committees. At trial, appellants objected to the introduction of charts which were made from information found in the application forms on the ground that they did not qualify for admission under the business records exception to the hearsay rule.[13] The court, sustaining, in part, appellants' objection, held this evidence was inadmissible to prove the truth of the matters contained therein, but was admissible as evidence of the type of information sought by the committees and relied upon by them in reaching their evaluative decisions.

The contention of appellants is unsupportable, given the limited purpose for which the information contained in the applications was used. As we noted in Phillips v. United States, 356 F.2d 297, 307 (9th Cir. 1965), cert. denied, 384 U.S. 952, 86 S.Ct. 1573, 16 L.Ed.2d 548 (1966), where a similar argument was raised:

> The purpose of that section [Business Records Act, 28 U.S.C. § 1732, as amended, 28 U.S.C. § 1732 (Supp. IV 1961] is to provide, in the case of business records, an exception to the hearsay rule, and to provide an acceptable substitute for specific authentication of each business record. We are not here concerned with the hearsay rule because the letters and requests contained in exhibits 968 and 984 were not offered in proof of the statements contained therein. They were introduced only to show defendants had knowledge that such statements had been made. Nor are we concerned with authentication since the authenticity of the documents need not be established where the only purpose of the documents is to show notice.

*Accord:* United States v. Middlebrooks, 431 F.2d 299, 301 (5th Cir. 1970). As in *Phillips, supra,* the information contained in the applications was not proffered to prove the statements therein, but to show what information was sought by the apprenticeship committees in the applications and relied upon by them in making their decisions. The application form information was properly admitted for this purpose.

The district judge's duty was to consider the evidence, reach all reasonable interferences therefrom, and make specific findings of fact and conclusions of law. This task was necessarily a difficult one and involved the review of extensive oral testimony, many depositions and a great amount of accompanying documentary evidence. Its proportions are reflected in the size of the reporter's transcript which alone numbers twenty volumes. In his carefully written and excellent opinion, covering some fifty pages, Judge Lindberg made separate findings of fact as to each party, carefully analyzing the supportive evidence found in the record. In these findings of fact Judge Lindberg has pointed out by page reference to the record, the testimony, stipulations, admitted facts, and exhibits upon which his findings were based. It would serve no purpose to repeat such references in this opinion. It is not our duty to relitigate the facts at this time. Having reviewed the findings below and the record before us, we are fully convinced that the findings are amply supported by the evidence.

### II. CONCLUSIONS OF LAW

At the outset, appellants contest the use of racial statistics to prove a "pattern or practice" of discrimination as a matter of law. They categorize this mode of proof as a statistical "numbers game", incapable of proving a violation of Title VII. We believe this argument is without support as the use of statistics is well established in recent Title VII cases.[14]

In the district court's opinion, a separate statement was made as to each appellant concerning the racial composition of its membership. As to appellate unions, it was stated: Ironworkers Local 86 had approximately 920 members in January 1970, only one of whom was black.[15] Sheet Metal Workers Local 99 had approximately 900 members in its construction division, only one of whom was black;[16] and Plumbers and Pipefitters Local 32 had approximately 1900 members in its construction classification, only one of whom was black.[17] In addition, with respect to the appellant joint apprenticeship and training committees, the court noted: Sheet Metal Workers JATC had 100 apprentices indentured in its program and seven were black;[18] Plumbers and Pipefitters JATC had 104 building trades apprentices and none were black.

The district court also made a specific finding applicable to all parties concerning the racial composition of the City of Seattle where the main offices, hiring halls and training facilities of the appellants are found. Approximately 42,000 blacks reside in the City, constituting roughly seven percent of the population. This information came from an expert witness, a demographer, called to testify by the Attorney General.[19]

[4, 5] Since the passage of the Civil Rights Act of 1964,[20] the courts have frequently relied upon statistical evidence to prove a violation. This judicial practice has most often taken the form of the use of such data as a basis for allocating the burden of proof. On the basis that a showing of an absence or a small black union membership in a demographic area containing a substantial number of black workers raises an inference that the racial imbalance is the result of discrimination, the burden of going forward and the burden of persuasion is shifted to the accused, for such a showing is enough to establish a *prima facie* case.[21] In many cases the only available avenue of proof is the use of racial statistics to uncover clandestine and covert discrimination by the employer or union involved. One court, in Parham v. Southwestern Bell Telephone Co., 433 F. 2d 421, 426 (8th Cir. 1970), held as a matter of law, without other supportive evidence, that the statistics introduced showing an extraordinarily small number of black employees, notwithstanding a small number who held menial jobs, established a violation of Title VII. Of course, as is the case with all statistics, their use is conditioned by the existence of proper supportive facts [22] and the absence of variables which would undermine the reasonableness of the inference of discrimination which is drawn. It is our belief that the often-cited aphorism, "statistics often tell much and Courts listen," [23] has particular application in Title VII cases.

[6] Here, even if we were to accept appellant's assertion that statistics alone cannot show as a matter of law that there has been a violation, it would not command our overturning of the conclusions of law reached by the district court. We are not faced with a situation where a court has relied upon statistical data alone. On the contrary, in its findings, the district court cited specific instances of discrimination on the part of the unions and apprenticeship committees. Thus the statistical evidence is complementary rather than exclusive. We see no merit in appellants' complaint regarding the use of statistics.

Appellants next argue that the conclusions reached by the court that appellants engaged separately in a "pattern or practice of resistance" are wholly unsupportable. They equate the phrase "pattern or practice" with "uniformly engaged in a course of conduct aimed at denying rights secured by the Act." We feel that such an interpretation is overly restrictive and does violence to the meaning intended by Congress to be accorded the phrase. Moreover, it is our firm belief that the conclusions reached by the district court are not clearly erroneous and must be affirmed.

The phrase is not defined in Title VII, but some guidance is offered by an examination of the legislative history of this and other Civil Rights Acts employing the same words. Commenting on the meaning to be accorded the phrase in the debates on the Civil Rights Act of 1964, Senator Humphrey stated:

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Footnotes at end of article.

> * * * Such a pattern or practice would be present only where the denial of rights consists of something more than an isolated, sporadic incident, but is repeated, routine or of a generalized nature.[24]

In testimony before the House Judiciary Committee on the Civil Rights Act of 1960,[25] Deputy Attorney General Walsh said:

> Pattern or practice have their generic meanings. In other words, the court finds that the discrimination was not an isolated or accidental or peculiar event; that it was an event which happened in the regular procedures followed by the state officials concerned.[26]

In United States v. Mayton, 335 F.2d 153, 158 (5th Cir. 1964), an action under the Civil Rights Act of 1960, in which the court found that racial discrimination in the voter registration process was pursuant to a "pattern or practice", the court addressed itself to defining the words and concluded that they "were not intended to be words of art." *See also* United States v. Ramsey, 331, F.2d, 824, 837 (5th Cir. 1964) (Judge Rivas, concurring and dissenting in part). With respect to the phrase, Senator Keating commented that "[t]he 'pattern or practice' requirement means only that the proven discriminatory conduct of defendants was not merely an isolated instance of racial discrimination." 106 Cong. Rec. 7767.

[7, 8] We are firmly convinced that it was the intent of Congress that a "pattern or practice" be found where the acts of discrimination are not 'isolated, peculiar or accidental" events. The words were not intended to be words of art. Applying this definition in the instant case, we are compelled to concur with the district court's findings that appellants engaged in a "pattern or practice" of discrimination. The findings are well documented with statistical evidence showing a distinct absence of black membership in the unions and the apprenticeship programs; the failure of the union hiring halls to grant black referrals; many overt acts of discrimination on the part of appellants; and many racially neutral employment practices which had a differential effect upon blacks. We are not concerned with isolated or accidental acts by appellants but a "pattern or practice" of resistance by them which has had an effect of denying black workers equal job opportunities in the Seattle area.

Therefore, we hold that the conclusions reached by the district court finding appellant unions and joint apprenticeship and training committees to have engaged in a pattern or practice of discriminatory conduct with respect to employment opportunities in the construction industry are not clearly erroneous.

### III. RELIEF GRANTED

[9] Appellants finally contend that the district court violated section 703(j) of the Act[27] in ordering appellant unions to offer immediate job referrals to previous discriminatees, and ordering appellant apprenticeship and training committees to select and indenture sufficient black applicants to overcome past discrimination, and to also meet judicially imposed ceiling requirements in apprenticeship program participation. This they condemn as "racial quotas" and "racial preferences." We cannot agree.

The Act vests in the Attorney General and the trial court power to eliminate both the vestiges of past discrimination and terminate present discriminatory practices. Under sections 706(g)[28] and 707(a),[29] unlawful employment practices may be enjoined by the court and such affirmative relief granted as the court may deem appropriate. The only statutory limitation on the availability of relief is the anti-preferential treatment provision of section 703(j).

[10] There can be little doubt that where a violation of Title VII is found, the court is vested with broad remedial power to remove the vestiges of past discrimination and eliminate present and assure the non-existence of future barriers to the full enjoyment of equal job opportunities by qualified black workers. Parham v. Southwestern Bell Telephone Co., 433 F.2d 421, 427 (8th Cir. 1970); United States v. International Brotherhood of Electrical Workers, No. 38, 428 F.2d 144, 151 (6th Cir. 1970); Local 53 of International Association of Heat and Frost Insulators and Asbestos Workers v. Vogler, 407 F.2d 1047, 1052–1053 (5th Cir. 1969); United States ex rel. Mitchell v. Hayes International Corp., 415 F.2d 1038, 1039 (5th Cir. 1969). *Cf.* Swann v. Charlotte-Mecklenberg Board of Education, 402 U.S. 1, 91 S.Ct. 1267, 28 L.Ed.2d 554 (April 20, 1971). On the basis of this broad equitable power, the courts have allowed a wide range of remedial relief. *See, e.g. Electrical Workers Local 38, supra* (remand to district court with direction to fashion appropriate affirmative relief); *Parham, supra,* (remand to the district court with directions to retain jurisdiction to assure compliance); Griggs v. Duke Power Co., 420 F.2d 1225 (4th Cir. 1970), rev'd 401 U.S. 424, 91 SCt 849, 28 LEd2d 158 (March 8, 1971) (immediate work referral or union membership); *Hayes International Corporation, supra* (preliminary injunction); *Sheet Metal Workers Local 36, supra* (publication of the fact that membership and related benefits were open to all persons and an affirmative duty of minority recruitment); United States ex rel. Mitchell v. United Association etc. Plumbers Local 73, 314 F. Supp. 160 (S.D. Ind. 1969) (revamping of apprenticeship program). Without such powers, the district court would be unable to effectuate the desire of Congress to eliminate all forms of discrimination.

In *Vogler, supra,* 407 F.2d at 1053–1055, the district court ordered, in addition to an injunction against future discrimination and the immediate admission of four discriminatees, that the union develop objective criteria for membership and union size. As here, it was contended that the order established a "quota system to correct racial imbalance in violation of section 703(j)." Rejecting this argument, the court held the district court did "'no more than ensure that the injunction against further racial discrimination would be fairly administered." *Id.* at 1054. The ***Vogler*** court succinctly stated that "where necessary to insure compliance with the Act, the District Court was fully empowered to eliminate the present effects of past discrimination." Similarly, in International Brotherhood of Electrical Workers, Local No. 38, *supra,* 428 F.2d at 149, the court felt that such an interpretation of section 703(j) "would allow a complete nullification of the purposes of the Civil Rights Act of 1964."

We therefore reject appellants' contention. The district court neither abused its discretion in ordering the affirmative relief, nor did it in any way establish a system of "racial quotas" or "preferences" in violation of section 703(j).

The judgment of the district court is affirmed.

### FOOTNOTES

* Honorable Irving Hill, United States District Judge, Central District of California, sitting by designation.

[1] 42 U.S.C. § 2000e–6(a) reads:

> Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this subchapter, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action * * * requesting such relief, including an application for a permanent injunction or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice. * * *

[2] Local 86 International Association of Bridge, Structural, and Ornamental Ironworkers (hereinafter Ironworkers Local 86); Local 46, International Brotherhood of Electrical Workers (hereinafter Electrical Workers Local 46); Local 32, United Association of the Plumbing and Pipefitting Industry of the United States (hereinafter Plumbers and Pipefitters Local 32); Local 302, International Union of Operating Engineers (hereinafter Operating Engineers Local 32); Local 99, International Sheet Metal Workers Association (hereinafter Sheet Metal Workers Local 99).

[3] Ironworkers Joint Apprenticeship and Training Committee (hereinafter Ironworkers JATC); Plumbers and Pipefitters Joint Apprenticeseship and Training Committee (hereinafter Plumbers and Pipefitters JATC); Sheet Metal Workers Joint Apprenticeship and Training Committee (hereinafter Sheet Metal Workers JATC).

[4] Judge Lindberg's opinon is reported at 315 F.Supp. 1202 (W.D.Wash. 1970).

[5] Operating Engineers Local 32 was party to a consent decree and thus did not join in the appeal. The Ironworkers JATC chose not to join in the appeal and were represented by other counsel.

[6] After the court found that the unions and the joint apprenticeship and training committees had engaged in a pattern of practice of discrimination, the court, desiring to structure proper and effective relief, ordered the parties (Electrical Workers Local 46, defendant contractor associations and the United States) to "take all steps available to persuade or require" the Electrical Workers Joint Apprenticeship and Training Committee (hereinafter Electrical Workers JATC) to intervene for purposes of relief in respect to conduct of the apprenticeship program. The court specifically noted that it did not intend to find or imply that the Electrical Workers JATC had discriminated against blacks, but entered the order so as to impart "uniformity in procedures relative to the J.A.T.C.'s connected with the respective defendant unions found to have discriminated." While appellants take exception to this order, we see no error in the court requesting the full cooperation of the defendants in structuring appropriate relief.

[7] More specifically, the court found that the unions had the following membership: Iron Workers Local 86, approximately 920 members; Plumbers and Pipefitters Local 32, approximately 1900 members; Electrical Workers Local 46, approximately 1750 members; Sheet Metal Workers Local 99, approximately 900 members.

[8] The Plumbers and Pipefitters JATC is comprised of five representatives of Local 32, and three representatives of the Seatle Plumbing and Pipefitting Employers, one representative of the Refrigeration Contractors' Association and one member from the Puget Sound Shipbuilders Association. As for the Sheet Metal Workers JATC, the other committee joining in this appeal, it is comprised of eight members, four representatives of Local 99 and four representatives of contractors party to a collective bargaining agreement.

[9] The Sheet Metal Workers JATC provides an example of the process leading to acceptance into an apprenticeship program. An applicant must be between the ages of 18 to 24 (excluding time spent in the military service), pass a GATB aptitude test, complete an application form and submit a high school transcript before he is considered. Preference is given to high school graduates. Assuming these threshold requirements are met, thereby allowing the applicant the right to be considered by the committee, he is then interviewed in order to evaluate his qualifications and the committee then votes whether to accept him or not. The chairman of the Sheet Metal Workers

JATC indicated that they "will more or less look favorably on an individual who has family members who are sheet metal workers."

[10] The period of indenture differs between the appellant committees: Plumbers and Pipefitters JACT (five years), Sheet Metal Workers JATC (four years).

[11] *See* Fed.R.Civ. P. 52(a).

[12] A number of courts have held that in cases where the findings are based on documentary evidence, on uncontradicted testimony, on stipulated facts, or on testimony taken by depositions, the trial court's findings are given only slight weight on appeal. *See, e.g.,* Galena Oaks Corp. v. Scofield, 218 F.2d 217 (5th Cir. 1954); Hart v. Gallis, 275 F.2d 297 (7th Cir. 1960). *See generally,* 5 J. Moore, Federal Practice ¶ 52.04 (2d ed. 1959).

[13] 28 U.S.C. § 1732, as amended, 28 U.S.C. § 1732 (Supp. IV 1961).

[14] The reliance upon statistical evidence to prove discriminatory practices is not new to the courts. *See, e.g.,* Swain v. Alabama, 380 U.S. 202, 85 S.Ct. 824, 13 L.Ed.2d 759 (1965); Patton v. Mississippi, 332 U.S. 463, 68 S.Ct. 184, 92 L.Ed. 76 (1947); Hill v. Texas, 316 U.S. 400, 62 S.Ct. 1159, 86 L.Ed. 1559 (1942); Norris v. Alabama, 294 U.S. 587, 55 S.Ct. 579, 79 L.Ed. 1074 (1935) (jury selection cases); F. W. Woolworth Co., 25 NLRB 1362 (1940) (anti-union discrimination case). *See generally,* Fiss, A Theory of Fair Employment Laws, 38 U.Chi.L.Rev. 235 (1971).

[15] The black was Howard Lewis, who was admitted on September 12, 1969, pursuant to an order of the Washington State Board Against Discrimination.

[16] His name was Leonard O'Neale, a member of Local 99 since the summer of 1968.

[17] He was David Williams, a welder, who was accepted in a period where there was an acute shortage of welders, forcing Local 32 to recruit from the Boilermakers' Union.

[18] Five were accepted after September, 1969, and the remaining two were accepted in May, 1968.

[19] Aside from their castigation of the use of such information as an engagement in a statistical "numbers game," appellants further contend that this data is irrelevant as the appellants' jurisdiction extends beyond the City of Seattle, rendering such statistics misleading. This is simply answered by the fact that the City has the single largest population within their jurisdiction and is that area from which they would most likely draw the vast majority of workers for apprenticeship, referral and membership purposes. We also recognize that appellants made no objection to this testimony at trial. We feel appellants' argument has no merit.

[20] Title VII of the Civil Rights Act of 1964 took effect on July 2, 1965.

[21] *See, e.g.,* United States v. Local 38, IBEW, 428 F.2d 144, 151 (6th Cir. 1970); EEOC v. United Association of Journeymen, etc., 311 F.Supp. 468 (S.D. Ohio 1970); United States ex. rel. Mitchell v. Hayes Int'l Corp., 415 F.2d 1038 (5th Cir. 1969); United States v. Sheet Metal Workers Local 36, 416 F.2d 123 (8th Cir. 1969).

[22] Fiss, *supra* note 14, at 272–73. *See also* Note, Enforcement of Fair Employment Under the Civil Rights Act of 1964, 32 U.Chi.L. Rev. 430, 461 (1965).

[23] State of Alabama v. United States, 304 F.2d 583, 586 (5th Cir.), aff'd per curian, 371 U.S. 37, 83 S.Ct. 145, 9 L.Ed.2d 112 (1962).

[24] 110 Cong.Rec. 14270.

[25] 42 U.S.C. § 1971(e).

[26] Hearings Before the House Committee on the Judiciary on H.R. 1037, 86th Cong., 2nd Sess. 13.

[27] U.S.C. § 2000e–2(j). It provides:

> Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or to any group because of race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist * * *.

[28] 42 U.S.C. § 2000e–5(g) reads:

> If the court finds that the respondent has intentionally engaged in or is engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative relief as may be appropriate. * * *

[29] See note 1 *supra*.

Mr. JAVITS. Mr. President, if there are no other speakers at the moment, I again suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. JAVITS. Mr. President, I ask unanimous consent that the time consumed in the quorum be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator from New Jersey yield me time?

Mr. WILLIAMS. Mr. President, I yield to the Senator from West Virginia.

### ORDER FOR TIME TO VOTE ON PENDING AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for debate on the pending amendment close at 2 p.m. today and that the vote on the pending amendment then occur.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECESS TO 1:45 P.M.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 1:45 p.m. today.

The motion was agreed to; and (at 1:15 p.m.) the Senate took a recess until 1:45 p.m.; whereupon the Senate reconvened when called to order by the Presiding Officer (Mr. BYRD of Virginia).

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, on my time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the remaining time be equally divided?

Mr. WILLIAMS. Yes.

Mr. ALLEN. I yield back the remainder of my time.

Mr. JAVITS. Mr. President, just to consummate and complete the argument I made against this amendment, pointing out that it would torpedo orders of courts seeking to correct a history of unjust discrimination in employment on racial or color grounds, because it would prevent the court from ordering specific measures which could assign specific percentages of minorities that had to be hired, and that could apply to government as well as private employers, I have just had my attention called to two recent cases, both involving consent decrees negotiated by the Justice Department.

One is a case in the U.S. district court in Boston and another in Kansas. In one case, part of the decree required that 166 Negroes and Puerto Ricans be given preference—in filling future vacancies for which they were qualified.

In the other case in Kansas, the company agreed to make a good-faith effort to hire from three minority groups for 20 percent of the clerical positions to be filled in the next 3 years.

This amendment would make it impossible for the Justice Departament to obtain such decrees in the future.

I ask unanimous consent that a news item in the Daily Labor Report of December 22, 1971, concerning these two cases be printed in the RECORD.

There being no objection, the news item was ordered to be printed in the RECORD, as follows:

[From the Daily Labor Report, Dec. 22, 1971]

### JUSTICE DEPARTMENT OBTAINS CONSENT DECREES PROHIBITING DISCRIMINATION UNDER TITLE VII

The entry of two consent decrees prohibiting two firms from discriminating against minority groups in employment is announced by the Department of Justice.

A decree prohibiting AMBAC Industries, Inc., from discriminating against Negroes and Puerto Ricans in employment at its Springfield, Mass., plant is entered in U.S. District Court in Boston, concluding a suit filed against AMBAC by the Justice Department on June 28, 1968. A second one prohibits a Kansas manufacturer from discriminating against Negroes, Spanish-surnamed Americans and American Indians. It was entered in U.S. District Court in Kansas City., Kan., terminating an employment discrimination suit filed on April 24, 1969.

The AMBAC decree is also signed by American Bosch Industrial Union Local 206, IUE, and the parent international union, which were named as defendants because the interests of their members would be affected by the relief sought. AMBAC, which has 1,200 employees, manufactures carburetors and fuel injection systems for trucks, trailers and tanks.

The suit charged discrimination against blacks and Puerto Ricans in its employment practices in violation of Title VII of the Civil Rights Act of 1964, and the decree permanently enjoins AMBAC from any racial or ethnic discrimination in its employment practices, including hiring, assigning, promoting and training.

In addition, AMBAC is required to provide back pay of $1,000 to each of 29 black and Puerto Rican persons who unsuccessfully applied for jobs between 1966 and 1969. They also must be offered jobs ahead of all new applicants and ahead of persons who have been laid off and have a later seniority date. The company is further required to give preference to another 166 black and Puerto Rican persons in filling future vacancies for which they are qualified.

Another requirement is the notification by AMBAC of employment offices and racial and ethnic groups of job vacancies, to keep job applications for 90 days and check them against vacancies. AMBAC also must recruit for salaried employees at educational institutions which have a substantial black enrollment, and to post signs when vacancies exist stating that the company is an equal opportunity employer.

The Kansas decree applies to Certain-Teed St. Gobain Insulation Corp., successor to Gustin Bacon Division of Certain-Teed Products Corp., and Teamsters Local 41, whose members, interests would be affected by the relief sought. The original suit charged that Gustin-Bacon, which employed about 1,000 persons, discriminated against the minority groups in hiring, job assignment, testing, and promotion to supervisory positions. The defendants are prohibited from any discriminatory practice and the company is required to provide for Negroes, Spanish-surnamed persons and American Indians training similar to that made available to white employees.

In addition, the firm is required to make a good faith effort to hire from the three minority groups for 20 percent of the clerical positions filled during the next three years.

Mr. WILLIAMS. Mr. President, I do not believe that it is the intent of the Senator from North Carolina to deny to the judicial and executive branches of Government all power to remedy the evils of job discrimination; but I am afraid—I am desperately afraid—that this amendment would strip title VII of the Civil Rights Act of 1964 of all its basic fiber. It can be read to deprive even the courts of any power to remedy clearly proven cases of discrimination.

That statement follows right on examples of situations cited by the Senator from New York of the kind of situation that could be affected adversely.

I have listened intently to the debates on this bill. Not one Member of this body has spoken against providing some method for enforcing the law. This amendment raises the real threat of destroying any potential for effective law enforcement. If this amendment is accepted, I earnestly suggest that we will have a law, but there will be little chance for order under the law again if this amendment should prevail.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. JAVITS. I am authorized to state that the Secretary of Labor is directly opposed to this amendment.

Mr. WILLIAMS. That is to say that the administration opposes this amendment?

Mr. JAVITS. That is correct.

Mr. WILLIAMS. I do not always speak for the administration. I am happy to.

Mr. ERVIN. It is not very surprising that a public official would object to anything which robs him of the power to be a tyrant. That is not surprising at all.

Mr. WILLIAMS. Moderately, may I say that I disagree with the tempestuous language of the Senator from North Carolina.

Mr. President, if any further time remains, I yield it back.

Mr. ERVIN. If any further time remains on our side, I should like to add to the Senator's statement—"tempestuous and truthful."

The PRESIDING OFFICER (Mr. MONTOYA). All time has now expired.

Mr. WILLIAMS. There is no time for a surrebuttal. [Laughter.]

The PRESIDING OFFICER. All time on this amendment has now expired.

The question is on agreeing to the amendment of the Senator from North Carolina (Mr. ERVIN).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Missouri (Mr. EAGLETON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY), the Senator from Alaska (Mr. GRAVEL), and the Senator from Indiana (Mr. HARTKE) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. EASTLAND) is absent because of illness.

On this vote, the Senator from Mississippi (Mr. EASTLAND) is paired with the Senator from Washington (Mr. MAGNUSON).

If present and voting, the Senator from Mississippi would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from Washington (Mr. JACKSON).

If present and voting, the Senator from Georgia would vote "yea" and the Senator from Washington would vote "nay."

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) and the Senator from California (Mr. TUNNEY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from Colorado (Mr. DOMINICK), the Senator from Oklahoma (Mr. BELLMON), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senator from Iowa (Mr. MILLER), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Wyoming (Mr. HANSEN), and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. DOMINICK) would vote "yea."

On this vote, the Senator from Wyoming (Mr. HANSEN) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Ohio (Mr. TAFT). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 22, nays 44, as follows:

[No. 19 Leg.]

YEAS—22

Allen
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cotton
Curtis
Ellender
Ervin
Fannin
Fulbright
Gurney
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Spong
Talmadge
Tower
Young

NAYS—44

Aiken
Allott
Anderson
Bayh
Beall
Bennett
Brooke
Burdick
Case
Church
Cook
Cooper
Cranston
Dole
Fong
Griffin
Hart
Hughes
Humphrey
Inouye
Javits
Mansfield
McGee
McIntyre
Mondale
Montoya
Moss
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Symington
Weicker
Williams

NOT VOTING—34

Baker
Bellmon
Bentsen
Boggs
Brock
Buckley
Dominick
Eagleton
Eastland
Gambrell
Goldwater
Gravel
Hansen
Harris
Hartke
Hatfield
Jackson
Kennedy
Magnuson
Mathias
McClellan
McGovern
Metcalf
Miller
Mundt
Muskie
Packwood
Pearson
Sparkman
Stennis
Stevenson
Taft
Thurmond
Tunney

So Mr. ERVIN's amendment was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WILLIAMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. The Senator from New Jersey is recognized.

Mr. WILLIAMS. Mr. President, I yield briefly to the Senator from Michigan.

Mr. HART. Mr. President, I appreciate the Senator's yielding to me. I rise to address a question to the manager of the bill with respect to one aspect that has given concern and to establish the understanding and purpose as it will be reflected by the expression of the manager of the bill.

Mr. President, on Wednesday, January 19, at the opening of our deliberations on proposals to amend title VII of the Civil Rights Act of 1964 so as to give the Equal Employment Opportunity Commission much needed additional enforcement authority, the distinguished chairman of the Committee on Labor and Public Welfare placed into the RECORD an excellent comparative analysis of the present law, his own bill (S. 2515) that we are discussing today, and the bill passed last year by the House of Representatives (H.R. 1746).

Although this analysis will be most helpful to all of us as we continue debate on this vitally important legislation, I am concerned about a provision in the House-passed measure that is described as the exclusive remedy provision. It is one that is not identified or referred to in the comparative analysis printed in the Record of January 19, and I believe some clarification would be desirable.

This provision, which some feel might be interpreted as an exclusive or sole provision or sole remedy provision, was the subject of discussion during the floor debate on H.R. 1746 in the House. There, several Members drew attention to its possible effect on the remedies available, particularly beneficial to women employees under the Equal Pay Act of 1963.

Mr. President, the Equal Pay Act of 1963 was the first Federal law enacted by the Congress to prohibit wage discrimination on the basis of sex. It has enjoyed widespread support, and we should make explicit the fact that Congress does not intend the Equal Pay Act to be affected by proposals to expand and strengthen title VII of the Civil Rights Act of 1964.

I should like to ask the distinguished chairman of the Senate Labor Committee if he will confirm my understanding that it is not the will or desire of this body that the Equal Pay Act of 1963 be superseded in whole or in part by any action taken by the Congress to provide most sorely needed amendments to title VII of the Civil Rights Act.

Mr. WILLIAMS. Mr. President, I appreciate the questions put to me by the distinguished Senator from Michigan. I certainly want to make the situation very clear here today.

The distinguished Senator from Michigan is correct in his assumption that it is not our intention in any way to affect or diminish the remedies available under the Equal Pay Act of 1963. I am glad to have the opportunity to add my voice to those who wish to see continued, effective enforcement by the Department of Labor of a law that is of major importance, particularly to women employees who have long been the victims of wage discrimination based on sex. Many of us in the Congress strove for a period of years to see an equal pay for equal work law placed on the statute books. The Senator from Michigan may rest assured that his question, if it still remains, will be further clarified during the course of our conference on S. 2515 and H.R. 1746 with Members of the House of Representatives.

Mr. HART. Mr. President, I appreciate very much the response of the distinguished chairman of the committee. I know that I speak for many Members of the Senate.

Mr. ERVIN. Mr. President, I call up my amendment No. 599 and ask that it be stated.

The PRESIDING OFFICER (Mr. Saxbe). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 39, line 20, following "finds" insert "by preponderance of the evidence taken by the Commission".

On page 41, line 8, strike "on the record." and insert "by a preponderance of the evidence of the record as a whole.".

Mr. ERVIN. Mr. President, if I may have the attention of the distinguished manager of the bill for a moment, I will state that the amendment would merely make clear that in making findings of fact, the Commission should make the findings of fact conform to the preponderance of the evidence. I understand that there is a probability that the distinguished manager of the bill may be willing to accept the amendment.

Mr. WILLIAMS. Yes. We discussed the purport of the amendment during the debate on an earlier amendment. I recall that this amendment, dealing with the preponderance of evidence at the Commission level, was included in a bill passed by the Senate 2 years ago. The Senator from North Carolina offered the amendment then, it was agreed to, and was in the bill passed by the Senate at that time. It was not included in the bill reported by the Senate committee this year. It should be in the bill, in my judgment.

Mr. ERVIN. I thank the Senator from New Jersey. I am ready to vote.

Mr. WILLIAMS. I am, too.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ERVIN. Mr. President, I call up my amendment No. 812. I ask that the reading of the amendment be omitted but that the text of the amendment be printed in the Record and that I be permitted to explain the amendment in lieu of its being read.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the Record and considered as having been read.

The amendment is as follows:

1. On page 32, strike out lines 8, 9, and 10.
2. On page 32, line 18, insert the words "a State or political subdivision thereof" between the comma following "United States" and the words "an Indian tribe."
3. On page 33, strike out lines 4 and 5.
4. On page 33, strike out lines 11, 12, and 13.
5. On pages 32 and 33, renumber (2) and (4) as (1) and (2), respectively.
6. On pages 36 and 37, strike out everything from the beginning of line 22 on page 36 through the end of line 12 on page 37, and re-letter the remaining subsections appropriately.
7. On pages 38 and 39, strike out everything from the word "In" on line 18 on page 38 through the word "hearing" on line 2 on page 39.
8. On page 48, strike out everything from the word "upon" on line 14 through the word "importance" on line 24.
9. On page 49, strike out everything between "Subsection (c)" and the words "or the efforts" on line 2.
10. On page 49, strike out everything between "Subsection (f)" on lines 6 and 7 and the words "or the Commission" on line 8.
11. On page 54, strike out everything from the word "or" on line 16 through the word "Subdivision" on line 17.

Mr. ERVIN. Mr. President, this is a simple amendment. I should like to alert Senators to the fact that it is, in my judgment, one of the most crucial amendments which will be offered to the bill.

Stated simply, the amendment would completely remove from the bill all the provisions which undertake to give the EEOC jurisdiction over the employment practices of any of the States or any of the political subdivisions of the States. I should like to discuss the amendment for a comparatively brief time this afternoon and announce my willingness to have it voted on Monday. I think that because of the great importance of the amendment, all Senators should have an opportunity to ascertain what is contemplated by it and have an opportunity to think about it before they vote. I am ready to proceed with the argument.

Mr. President, in my honest judgment, the legislative proposal contained in the bill that the EEOC be given jurisdiction over the employment practices of all the States and of all the political subdivisions of all the States constitutes the most drastic assault upon our Federal system of government which has been proposed in any legislative proposal to come before Congress at any time in its history.

The bill gives the EEOC power to pass upon the employment practices whereby the States and their political subdivisions employ any person to render services to them. There is not even an exception in the bill to the effect that the EEOC will not have jurisdiction over the Governor of a State or the Lieutenant Governor of a State, or both; statewide election officials; State judges, whether they are elected or appointed to office; clerks of superior courts of counties and their assistants; sheriffs of counties or their assistants; and the chiefs of police of municipalities. The bill would give the EEOC jurisdiction, even, over members of school boards, certainly where they are appointed.

It was once said, in a far happier day than the present, that the Constitution of the United States looks in all its provisions to an indestructible Union composed of indestructible States. Yet today we have pending before the Senate of the United States a bill providing that the EEOC be given the ultimate power to determine who a State or a political subdivision of a State can appoint or employ to exercise the legislative, executive, and judicial powers of a State.

If the amendment is not adopted, we ought to change the name of our country from that of the "United States of America" to the "United State"—singular—"of America," because any Federal agency which has jurisdiction over the employment of persons by a State, which exercises legislative, executive, and judicial power over a State, is the supreme dictator of State and local governments in America.

Mind you, Mr. President, the bill not only gives the EEOC power to supervise and ultimately to control the employees of a State; it also gives the Commission that power in respect to all employees. Hence, under this power, in the bill in its present form, the EEOC would be authorized to act as the school board for every school district in the United States. In that capacity, the EEOC would have the ultimate power to determine the persons who would act as school superintendents, school principals, and schoolteachers in every area of the United States.

The bill does not, however, stop with that. It would, in effect, give the EEOC the ultimate power to overrule the decisions of the boards of trustees of State institutions of higher learning, and ultimately control the appointment of every teacher who teaches any subject in any institution of higher learning.

I would say that this bill not only constitutes the most drastic grab for governmental power on the part of the Federal Government in the history of this Nation, but I would say that if it is enacted into law in its present form, without removing the provisions which would be removed by this amendment, this bill would represent the most stupid piece of legislation in the Nation's history.

I can illustrate that by discussing the power which this bill gives to the EEOC to supervise and ultimately control the employment practices of State institutions of higher learning. As the Senator from North Carolina understands this bill, it does not give the EEOC the power to compel a State institution of higher learning to employ a man whose competency for teaching is inferior. It does not intend to take away from a State institution of higher learning the rightful power to select as teachers of the various subjects taught in institutions of higher learning men who are competent to teach those subjects. And yet it is conceivable that it may, in practical effect, accomplish that unintended and that unwarranted result.

There are two questions involved in every case which is concerned with the application of this bill to any employment situation involved in State employment. There are two things that the EEOC must do before it can control the employment practices of a State institution of higher learning and order that institution to employ an applicant for a teaching job in lieu of the person selected by the trustees of the State institution. To do this the EEOC must do two things, and it must find these things by the preponderance of the evidence, according to the amendment just now adopted. The EEOC must find by the great weight of the evidence, first, that the person is competent to perform the function of the employment in question, and second, that he has been denied employment because of his race, or because of his religion, or because of his national origin, or because of his sex.

The bill before the Senate puts the same obligation upon the Federal courts in respect to State employees and in respect to employees of State institutions of higher learning. The EEOC, under this bill, exercises that power with respect to the employees of private institutions of higher learning where jurisdiction is given to Federal district courts in cases of State institutions of higher learning. And so, when a Federal judge undertakes to exercise control under this bill over teachers of State institutions of higher learning and undertakes to order them to employ as a teacher an individual selected by the Federal judge, in place of the person selected by the authorities of the State institution of higher learning, the Federal judge must find by the preponderance of the evidence these two things: First, that the person he orders the State institution of higher learning to employ is competent to teach the subject which he is to be assigned to teach; and, second, that he has been denied that employment by that State institution of higher learning because of his race or religion or national origin or sex.

This first requirement manifests the stupidity—and I know of no other way to describe it—of this proposed legislation insofar as it relates to the employment of teachers of a State institution of higher learning.

The University of North Carolina at Chapel Hill is a State institution of higher learning established and maintained and operated by the State of North Carolina. Under this bill, a Federal judge would have the ultimate power to order the University of the State of North Carolina to employ a specified person selected by the Federal judge, rather than by the authorities of the University of North Carolina at Chapel Hill, if the Federal judge found, as a fact, that the person selected for it was competent to teach the subject in question and that he had been denied employment to teach such subject because of his race or religion or national origin or sex.

I submit, with all due deference to all concerned, that it is the height and the depth of legislative stupidity to confer on Federal judges the power to determine the competency of any person to teach any of the abstruse subjects in which people receive instructions in a State institution of higher learning. And, while such observation is not strictly germane to this particular amendment, I also submit that it is both the height and the depth of stupidity to confer upon the EEOC like powers with respect to persons who are to teach subjects at private institutions of higher learning. I submit that if there is anything which is beyond the competency of a Federal judge and beyond the competency of the EEOC, it is the task of passing upon the qualifications of people who are to teach the various subjects of instruction which are presented to the students at institutions of higher learning.

I can illustrate that by certain references to the subjects, or some of the subjects, in which the University of North Carolina instructs its students.

The University of North Carolina has a department of anthropology, and virtually every State institution of its caliber in this Nation has a similar department. I might add that the leading private institutions of higher learning also have such departments.

Let me call the attention of Senators to what instruction is offered in this one field.

They have a freshman seminar:

> The seminar will provide an initial small group learning experience in significant current topics in anthropology.

I respectfully submit that it would be a legislative absurdity for Congress to enact this bill and give to the EEOC in the case of private institutions and to Federal judges in the case of State institutions of higher learning the power to pass on the competency of any person to provide initial small group learning in the significant current topics in anthropology. Despite all of their legal learning, Federal judges are too ignorant to have any competency to perform that task; and notwithstanding all of its political acumen, the EEOC is too ignorant to be vested by law with the task of performing that function in respect to private institutions of learning.

Let us refer to just a few other subjects which are taught in State and private institutions of higher learning.

General anthropology, which is an introduction to anthropology:

> The science of man, the culture-bearing animal. Topics considered: Physical evolution of mankind and biological variations within and between human populations. Prehistoric and historic developments of culture. Cultural dynamics viewed analytically and comparatively.

Now, what Federal judge is competent to determine whether any person possesses the qualification to teach general anthropology? And obviously, the EEOC manifests about as much capacity in that field as I possess the capacity of directing the kind of activities which archangels should pursue.

Then these institutions of higher learning, both State and private, teach courses in human origins, which constitute surveys of physical anthropology, including the place of man among the primates, human evolution, and racial differences. Consideration is also given in these courses to osteology and the interrelationship of cultural and biological factors.

With all due respect to Federal judges and the EEOC, I would say that they are totally without the capacity to determine the competence of any person to teach such a subject in any State or private institution of higher learning. Yet this bill gives Federal judges that power in respect to the teaching of such subjects at State institutions of higher learning, and the EEOC that power in respect to private institutions of higher learning.

I note that one branch of anthropology deals, among other things, with the place of man among his primates in human evolution. This bill, in this respect, reminds me of the time I served in the legislature of North Carolina, many years ago, when someone offered a bill to prohibit the teaching of the organic theory of evolution in any of the State-supported colleges or schools. If the legislature of North Carolina had been so foolish as to adpt such a piece of legislative stupidity, North Carolina would have enjoyed the very dubious fame of being the place where the Scopes trial occurred, rather than the State of Tennessee.

I participated in the debate on that bill in the legislature of North Carolina, and I made this observation: That the only good purpose that I saw that such a bill could serve would be to bring the satisfaction to the monkeys in the jungle of knowing that the Legislature of North Carolina had absolved them from any responsibility for the conduct of the human race in general, and of the North Carolina Legislature in particular.

We defeated the bill. But the issue did not necessarily die there.

During the campaign for the election of the members of the next legislature, one of my good friends, Gus Seff, of Hickory, N.C., was the Democratic candidate for the legislature from Catawba County. He was opposed by my good friend of a by-gone day, Loomis Kluttz, of Newton, N.C., who was a Republican candidate for the State legislature.

During the campaign, these two gentlemen engaged in a joint debate, and Loomis Kluttz charged Gus Seff with believing in evolution, which Loomis Kluttz explained as a belief that men are descended from monkeys.

Gus Seff said he did not know much about evolution, that he believed that evolution taught that as the ages go by, mankind progresses, and that he would like to think that mankind does progress with the passing of the ages. He said:

> I don't know anything about this proposition, to the effect that evolution teaches that men are descended from monkeys. I don't accept that. But I knew the father of my opponent. He was a great, old-time family physician in Catawba County. He was a man of good sense and intelligence. I take no position with respect to the theory that men may be descended from monkeys; but my knowledge of the father of my opponent, and my observation of my opponent, have led me to the conclusion that sometimes monkeys are descended from men.

[Laughter.]

Well, I do not mean any harm, and I do not mean to violate any rule of the Senate; but I would say that the passage of this bill in its present form, without my present amendment, might shed no light whatever upon this subject in anthropology, concerning evolution, insofar as it may proclaim—if it does proclaim—that men are descended from monkeys. I would say, were it not for the fact that it might constitute some kind of implicit violation of the Senate rule, that the passage of this bill would afford considerable evidence that sometimes legislators act with the limited intelligence which is ordinarily exhibited by monkeys rather than by men.

Now, let us talk a little more about a bill which gives a Federal judge and the EEOC the ultimate power to pass on the competency of men or women to teach anthropology and the various subjects in institutions of higher learning.

One of the subjects that is taught in this field is genetics and human evolution. A prerequisite to the study of this subject is introductory biology, by permission of the instructor. This subject deals with the fundamental principles of genetics, population genetics, genetic equilibrium, race and species formation, the factors of evolution, and the relation of these principles to man and the primates. Blood groups and other traits are used to illustrate this subject.

Mr. President, I ask this question, not facetiously but solemnly: Does any Member of the Senate know of any Federal judge anywhere within our vast borders who has enough understanding of the subject of anthropology to determine the competency of a person to teach genetics and human evolution as a course in anthropology in an institution of higher learning?

There is another subject in this field that would certainly tax the ingenuity of a Federal judge or the ingenuity of the EEOC. In these departments of anthropology in private and State institutions of learning, they teach a subject called primate social behavior. This deals with the social behavior and ecology—ecology is a good word—of presimians, monkeys, and apes, and the evolution of human behavior.

I think it is inconceivable that there is any judge on any Federal district court bench anywhere within the vast borders of our land who is qualified to pass on the competency of any individual to teach primate social behavior. Yet, this bill imposes that duty upon a Federal judge in any case where it is alleged, in any action before him, that the institution of higher learning has refused to employ a particular person to teach primate social behavior because of that person's race or religion or national origin or sex.

I submit that this bill imposes the same duty in the same situation upon the members of EEOC and that their competency to make a decision on this point places them in the same state which is inhabited by ignoramuses and the Senator from North Carolina. Yet, we have this bill to impose that duty on Federal judges and the members of the EEOC. Thank God it does not impose that duty on the Senator from North Carolina, and the Senator from North Carolina is opposed to having it imposed upon him. That is one of the purposes of this amendment.

There is another subject that is taught by the department of anthropology in the institutions of higher learning, the "Anthropology of Religion." This course examines over 100 years of speculation. This is not speculation on Wall Street which they are talking about but speculation about the origin of religion and its place in our culture, including the thoughts of Marx, Durheim, and Freud. It gives attention to ritual, magic, myth, and revitalization movements as they operate in modern society and others.

Mr. President, I should like to have some proponent of this bill tell me the name of a Federal judge or some member of the EEOC who is possessed of sufficient knowledge to pass upon the question of the competency of any man or any woman to teach the anthropology of religion.

Senators will note, if they heard what I said, that the course included, among other things, myths. I say it is a legal myth that any Federal judge or any member of the EEOC has the competency to pass on the qualifications of any person to teach the anthropolgy of religion.

There is another subject in this field which is entitled "The Development of Anthropological Thought." This course of study is a constitutional review of selected cultural anthropologists and their predecessors to define recurrent as well as innovative perspectives with which they have viewed man, culture, and society.

Mr. President, I think it would be a myth for Congress to assume that any Federal judge or any member of the EEOC has the competency to pass upon the qualifications of a person to teach that course, the development of anthropological thought. This course also deals not only with the subject of myths but also with the subject of magic.

I just do not believe there is a single Federal judge within the borders of the United States of America, or any member of the EEOC, who could possibly be appointed to that board who would have possession of enough magic to empower him to determine the competency of any person to teach this subject in any State or private institution of higher learning. Yet that is one of the duties which this bill, if enacted into law, would impose upon Federal judges and members of the EEOC in exercising the vast powers it would give them to supervise and control the employment practices of institutions of higher learning.

Mr. President, I have barely scratched the surface of the subject I am now expounding. I have cited only a relatively few instances which show how stupid it would be for Congress to give Federal judges and members of the EEOC the power to pass upon the qualifications of persons employed or to be employed to teach the very subjects of learning taught in institutions of higher learning.

I might state to my friends that there are many other subjects taught in these institutions of higher learning, such as intermediate painting, arts, and crafts, sculpture, elementary bacteriology, general botany, cells biology, plant physiology, environmental biology, chemistry, physics, and religion.

It would be, as I say, the height and depth of stupidity for Congress to enact a law which would empower and require Federal judges and members of the EEOC to pass upon the qualifications of persons who apply or are hired by institutions of higher learning to teach those subjects.

Mr. President, as I have just said, I have merely scratched the surface in presenting the view that it is the height and depth of stupidity for Congress to undertake to empower and require Federal judges and members of the EEOC to pass upon the qualifications of men and women to teach subjects of learning in which students receive instruction in a State or private institution of higher learning.

Mr. President, I do not desire to trespass upon eternity, as I could do in further expounding on this subject. I sincerely trust that the old expression, "A word to the wise is sufficient," and these few words which I have spoken on this subject, will induce the wise Members of the Senate—and, indeed, the foolish ones, if any such there be—to vote in favor of this amendment when it comes up for a vote.

Mr. President, I yield the floor.

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FANNIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the Record, what is the pending question?

The PRESIDING OFFICER. The pending question is amendment No. 812 of the Senator from North Carolina.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished presiding officer.

Mr. President, I have cleared the following requests with the distinguished majority leader, the distinguished assistant Republican leader, the distinguished manager of the bill, and with the distinguished Senator from North Carolina (Mr. Ervin), the author of the pending amendment.

### ORDER FOR ADJOURNMENT TO 11 A.M. MONDAY, JANUARY 31, 1972—TIME FOR DEBATE ON PENDING AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its busines today it stand in adjournment until 11 a.m. on Monday next; provided that at the conclusion of the morning business and when the unfinished business is laid before the Senate on Monday next, the time on the pending amendment begin running and that the time be under the control of and divided between the distinguished manager of the bill, the Senator from New Jersey (Mr. Williams), and the distinguished mover of the amendment, the Senator from North Carolina (Mr. Ervin).

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR THE SENATE TO VOTE ON ERVIN AMENDMENT NO. 812 AT 2 P.M. ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a vote occur on the pending amendment at 2 p.m. on Monday; provided further, that time on any amendment thereto, motion, appeal, point of order—with the exception of nondebatable motions—be limited to 20 minutes, the time to be equally divided between the mover of such and the manager of the bill, except in any case in which the manager of the bill is in favor of such, in which case the time in opposition thereto be under the control of the distinguished minority leader or his designee; provided further, that time on any amendment to the amendment, debatable motion, appeal, or point of order shall come out of the time on the amendment in the first degree with one exception, that being if there is an amendment in the second degree pending at the time of 2 p.m., then the provision with respect to the 20 minutes on any such amendment would apply.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HRUSKA. Mr. President, is it correct that this limitation of time and the conditions pertaining thereto apply only to the pending amendment?

Mr. BYRD of West Virginia. The Senator is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, for the information of Senators, the vote on the pending amendment will be a rollcall vote.

### ORDER FOR ADJOURNMENT FROM MONDAY TO TUESDAY, FEBRUARY 1, 1972, AT 9:45 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in adjournment until 9:45 a.m. Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR RECOGNITION OF SENATORS PEARSON, FANNIN, ELLENDER, GOLDWATER, AND YOUNG ON TUESDAY MORNING NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of the two leaders on Tuesday next, the distinguished Senator from Kansas (Mr. Pearson) be recognized for not to exceed 15 minutes, and that at the conclusion of the remarks of the Senator from Kansas on Tuesday next the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Senators Fannin, Ellender, Goldwater, and Young.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday, following the remarks of the aforementioned Senators, there be a period for the transaction of routine morning business for not to exceed 30 minutes with the statements therein limited to 3 minutes, the period to end at 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CREATION OF OFFICE FOR DRUG ABUSE LAW ENFORCEMENT

Mr. HRUSKA. Mr. President, the past 3 years have witnessed a balanced, comprehensive, as well as a determined and effective strategy to fight drug abuse and its related problems on a Federal level.

Today the President has, by Executive order, created an Office for Drug Abuse Law Enforcement within the Department of Justice, headed by a Director with the title of Special Assistant Attorney General. Its thrust in chief will be against drug traffickers and pushers on the streets.

This is a program in keeping with that part of the state of the Union message in which the President declared:

> I will soon initiate a major new program to drive drug traffickers and pushers off the streets of America. This program will be built around a nation-wide network of investigative and prosecutive units, utilizing special grand juries established under the Organized Crime Control Act of 1970, to assist State and local agencies in detecting, arresting, and convicting those who would profit from the misery of others.

Mr. President, this new office is also in keeping with the past 3 years' persistent and determined efforts to fight the drug menace and all of its aspect through a balanced, comprehensive strategy.

It is an overall approach. Its component parts are designed to work together and to complement each other. They are functioning admirably and vigorously. Much progress has been made. More is on its way.

In his release today, the President referred to a number of these programs:

First. The Special Action Office for Drug Abuse Prevention headed by Dr. Jaffe.

Second. The Cabinet Committee on International Narcotics Control.

Third. Expanded programs for drug treatment and rehabilitation in the Department of Defense and Veterans' Administration.

Fourth. National drug education training program.

Fifth. National clearinghouse for drug abuse information.

Sixth. Federal Drug Abuse Prevention Coordination Committee.

Of course, there are many other programs, a total of nine Federal agencies being involved in one or another of the aspects of this problem.

Congressional action and cooperation have been exemplary, both in legislation and in appropriations. Such action is headed by passage in October 1970 of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

The providing of funding by Congress has been selective and generous toward implementing of these programs:

First. For treatment and rehabilitation this fiscal year, $190 million—a sevenfold increase from 3 years ago. An increase of $40 million is asked for fiscal year 1973, to make a total of $230 million.

Second. Research, education, training, and prevention, also about a sevenfold increase over the amount of 3 years ago, at the figure of $120 million, with a further increase of $17 million requested for 1973.

Third. Law enforcement obligations had an eightfold increase in the past 3 years, from $20 million to $165 million. An increase of $65 million for fiscal year 1973 is requested, to make a total of $230 million.

Fourth. An increase in the past year alone of over 2,000 positions in personnel in the Bureau of Customs and in the Bureau of Narcotics and Dangerous Drugs.

It has been borne in mind throughout that the Federal Government cannot meet this menace alone, but it can take a strong leadership position. The tone is set at the top. But State and local efforts must likewise be commensurate, and of much more total massive proportions.

The new Office of Drug Abuse Law Enforcement, created today, recognizes and demonstrates this.

It is designed for cooperation with State and local government units engaged in like enforcement work.

It is directed at the street-level pushers and traffickers, with a dedicated group of lawyers and investigators intent upon exposing and eliminating retail sales. It will utilize new authorities under the Organized Crime Control Act of 1970, including special grand juries.

Mr. President, this action should be widely hailed and commended as another giant step in the continuing progress in drug abuse control.

Mr. President, I ask unanimous consent that the President's release and Executive order on this subject earlier today be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

### STATEMENT BY THE PRESIDENT

Drug abuse—as I said seven months ago—is America's "public enemy number 1." It is an all-pervasive and yet an elusive enemy. I am convinced that the only effective way to fight this menace is by attacking it on many fronts—through a balanced, comprehensive strategy.

For the past three years, this administration has been working to carry out such a strategy. We have moved to eliminate dangerous drugs at their source, to cut their international flow, to stop them from entering our country, and to intercept them after they do. We have been educating our people to understand the drug problem more completely. We have expanded significantly our efforts to prevent drug addiction and to treat and rehabilitate those who have become drug dependent.

#### A NEW INITIATIVE

Today our balanced, comprehensive attack on drug abuse moves forward in yet another critical area as we institute a major new program to drive drug traffickers and drug pushers off the streets of America.

I have signed today an executive order establishing a new Office of Drug Abuse Law Enforcement in the Department of Justice. This Office will marshal a wide range of government resources—including new authorities granted in the Organized Crime Control Act of 1970—in a concentrated assault on the street level heroin pusher. Working through nine regional offices, our new program will use special grand juries to gather extensive new information concerning drug traffickers and will pool this intelligence for use by Federal, State and local law enforcement agencies. It will draw on the Department of Justice and the Department of the Treasury to assist State and local agencies in detecting, arresting and prosecuting heroin traffickers.

I am pleased to announce that the new Office of Drug Abuse Law Enforcement will be headed by Myles J. Ambrose, who has been serving as our Commissioner of Customs. Mr. Ambrose will also serve as my own Special Consultant for Drug Abuse Law Enforcement, advising me on all matters relating to this important subject.

#### PROGRAMS ALREADY IN OPERATION

This effort to meet the drug menace directly on the streets of America—an effort which I promised in my message on the State of the Union—complements our other drug-related initiatives.

*The Special Action Office for Drug Abuse Prevention*, established on an interim basis last June and headed by Dr. Jerome Jaffe, is already beginning to have an impact in the fields of drug abuse education, treatment, rehabilitation, and prevention. The Office is working to coordinate programs which are spread through nine Federal agencies and to develop a national strategy to guide these efforts. Drawing on private and public expertise, the Special Action Office has spurred new research, gathered valuable information, planned for a new drug training and education center, and helped in setting up a major program to identify and treat drug abuse in the Armed Services.

The Special Action Office—which has already done so much—can do much more if the Congress will promptly give it the authority and the funds I have requested for it.

The Cabinet Committee on International Narcotics Control, established last September and chaired by Secretary Rogers, is taking the lead in our efforts to fight the international drug traffic and to eliminate drugs at their source. We have appointed Narcotics Control Coordinators in all affected American embassies around the world and have been working closely with other governments to strengthen drug control efforts. We were especially gratified when Turkey announced last summer a total ban on the growing of the opium poppy.

Drug dependence in the Armed Forces and among veterans is being reduced considerably by expanded drug treatment and rehabilitation programs in the Department of Defense and in the Veterans Administration. Drug identification and detoxification programs, which began in Vietnam, have been expanded to include all military personnel in the United States who are being discharged, sent abroad, or are returning from overseas duty. In the year ahead the Veterans Administration will offer treatment and rehabilitative service to an estimated 20,000 addicts. It will expand its drug dependence units by as many as 12, creating a total of up to 44 such units.

We have also been moving ahead with a range of other activities. The Comprehensive Drug Abuse Prevention and Control Act of 1970—which I proposed in July of 1969—was passed by the Congress and signed into law in October of 1970. The model State narcotics legislation which I also recommended has been adopted by 26 States and is being considered in 15 others.

Tens of thousands of teachers, students, and community leaders have been trained under our National Drug Education Training Program. A new National Clearinghouse for Drug Abuse Information has been established. Some 25 million pieces of drug education information have been distributed by the Federal Government. We have established a Federal Drug Abuse Prevention Coordinating Committee at the interagency level and a number of White House Conferences on Drug Abuse have been conducted.

In addition, the Federal Government is carrying out a number of major research programs to help us better to identify and analyze drugs and more fully to understand how they are moved about the country and around the world. I have also recommended the creation of a United Nations Fund for Drug Control—to which we have already contributed $1 million and pledged $1 million more—and have recommended several steps to strengthen international narcotics agreements.

In the enforcement field, the number of authorized new positions in the Bureau of Narcotics and Dangerous Drugs and in the Bureau of Customs has jumped by more than 2,000 in the past year alone. We are expanding our program to train State prosecutors to handle cases under the newly enacted Uniform Controlled Dangerous Substances Act. We are stepping up the work of the Joint State-Federal Narcotics Task Force in New York City.

It is estimated that the amount of heroin which will be seized in the current fiscal year will be more than four times what was seized in fiscal year 1969. Since that time, the number of drug-related arrests has nearly doubled.

#### OVERALL EXPENDITURES

Perhaps the most dramatic evidence of our stepped up campaign against drug abuse lies in the budget figures for various aspects of our effort. In the last three years, for example, Federal obligations for drug treatment and rehabilitation have increased nearly seven-fold, from $28 million to $189.6 million, and we have proposed a further increase of $40.6 million for next year. Obligations for research, education, training, and prevention activities have also grown *nearly seven-fold*, from $17.5 million in fiscal year 1969 to $120.5 million this year, and our new budget calls for a further increase of $14.5 million.

This means that we will be obligating more than 8 times as much for treatment, rehabilitation, research, education, training and prevention in the coming fiscal year as we were when this administration took office.

As far as law enforcement obligations relating to drug abuse are concerned, the level has increased more than eight-fold in our first three years in office—from $20.2 million to $164.4 million. We plan to increase this figure by another $64.6 million next year to the $229 million level.

#### A BALANCED AND COMPREHENSIVE PROGRAM

The central concept behind all of these programs is that our overall approach to the drug menace must be balanced and comprehensive—fighting those who traffic in drugs, helping those who have been victimized by drugs, and protecting those who have not yet been threatened. The new initiative I have launched today in the area of law enforcement is aimed against those who would profit from the misery of others. It will confront the street level heroin pusher with a dedicated group of lawyers and investigators intent upon exposing and eliminating retail sales of heroin. At the same time, however, we must be sure that we have sufficient treatment facilities to handle any increase in the number of addicts seeking treatment because of the disruption of heroin trafficking. The Special Action Office for Drug Abuse Prevention, which helped in the development of this new law enforcement program, has assured me that we will be able to meet an increased demand in the treatment field if the Congress passes its new legislation.

Drug abuse, as I said in my message on the State of the Union, saps our Nation's strength and destroys our Nation's character. The Federal Government cannot meet this menace alone—but it can take a strong leadership position. I believe we have developed a Federal program for combating drug abuse which is both firm and compassionate. With the cooperation of the Congress, the State and local governments, and the American people, that program will continue to grow in effectiveness.

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### EXECUTIVE ORDER

#### CONCENTRATION OF LAW ENFORCEMENT ACTIVITIES RELATING TO DRUG ABUSE

The menace of drug abuse threatens to sap our Nation's strength and destroy our Nation's character. It must be combatted in a variety of ways—through international measures, through domestic law enforcement, through programs dealing with prevention, education, treatment and rehabilitation. As one critical part of this balanced and comprehensive program, we must now give special emphasis to improving law enforcement activities at all levels of government.

Now, therefore, by virtue of the authority vested in me by the Constitution and laws of the United States, including section 5317 of Title 5 of the United States Code, as amended, it is hereby ordered as follows:

Section 1. (a) The Attorney General of the United States shall provide for the establishment within the Department of Justice of an "Office for Drug Abuse Law Enforcement."

(b) This Office shall be headed by a Director who shall have the title of Special Assistant Attorney General.

(c) The Director shall also serve as a Special Consultant to the President for Drug Abuse Law Enforcement. He shall advise the President with respect to all matters relating to the more effective enforcement by all Federal agencies of laws relating to illegal drug traffic and on methods by which the Federal Government can assist State and local governments in strengthening the enforcement of their laws relating to illegal drug traffic. He shall, as appropriate, recommend to the President plans, programs, legislation, techniques, and other measures designed to maximize at every level of government the Nation's campaign to stamp out illegal drug traffic through effective law enforcement.

(d) The Director shall be responsible for the development and implementation of a concentrated program throughout the Federal Government for the enforcement of Federal laws relating to the prevention of drug abuse and for cooperation with State and local governments in the enforcement of their drug abuse laws. The Attorney General is called upon to delegate to the Director those duties and authorities vested in him as are necessary to carry out those functions.

Sec. 2. The Director shall consult with the Director of the Special Action Office for Drug Abuse Prevention and those officials shall ensure that all steps permitted by law are being taken by Federal, State, and local governments and, to the extent feasible, by private persons and organizations, to prevent drug abuse in this Nation and elsewhere.

Sec. 3. Section 1 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by deleting "(12) Chairman, Pay Board," and by inserting in lieu thereof "(12) Director, Office for Drug Abuse Law Enforcement."

Sec. 4. Each department and agency of the Federal Government shall, upon request and to the extent permitted by law, assist the Director of the Office for Drug Abuse Law Enforcement in the performance of functions assigned to him by or pursuant to this order, and the Director may, in carrying out those functions, utilize the services of any other agencies, Federal and State, as may be available and appropriate.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECOGNITION OF SENATOR CHILES AND SENATOR GURNEY ON WEDNESDAY, FEBRUARY 2, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of the two leaders on Wednesday next, the distinguished junior Senator from Florida (Mr. Chiles) be recognized for not to exceed 15 minutes, to be followed by the distinguished senior Senator from Florida (Mr. Gurney) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE MUSLIM MURDERS IN BATON ROUGE, LA.

Mr. LONG. Mr. President, the rioting, burning, and senseless killing which convulsed this great Nation several years ago has subsided, for which all of us are grateful. But on January 10 of this year we were shocked by an incident in Baton Rouge, La., where the lives of five persons, including two deputy sheriffs, were extinguished. This was not a scuffle with law enforcement authorities, but a planned shootout by an extreme group of Black Muslims who invaded the capital city of my home State.

These extremists told responsible black leaders in Baton Rouge that they wanted a confrontation to occur and spread across the country. They said they were prepared to die in a conflict but warned local residents not to bring firearms to the 1300 block of North Boulevard. Instead these Black Muslims said they wanted "the women and children to see them"—the Muslims—"die" in the streets.

Three of these Black Muslim extremists got their wish. Thomas David, 28, and Lonnie X. Mobley, 33, both from Chicago, and Samuel Upton, 29, of Vallejo, Calif., perished in the shootout with Baton Rouge police and deputy sheriffs. Tragically, two young deputy sheriffs, Ralph G. Hancock, 30, and DeWayne Wilder, 27, who had promising careers ahead of them, were fatally hit in the rain of bullets that took place.

In addition, 31 persons, including eight policemen, were injured in the fracas. A television newsman, Bob Johnston, of station WBRZ–TV, was so savagely beaten in the head that he lies in a coma and is not expected to live.

Official and unofficial investigations are underway, and eight Black Muslims have been charged by the State of Louisiana with murder and inciting to riot. The FBI is taking statements, and the National Association for the Advancement of Colored People—NAACP—plans to conduct its own inquiry.

Mr. President, I am taking this occasion to try to impress on Senators the urgent need for this body to look into the shootout in Baton Rouge and determine whether Federal authorities coordinated any information about this extreme Black Muslim group and their travels throughout the Nation with local authorities.

Then I would hope that the FBI, which has done such a very fine job of investigating and alerting local enforcement agencies of the dangers that existed, would take heed of this situation and see to it that in the future the rights of human beings are protected every bit as much from the ravages of the Black Muslims as they are from those of the Ku Klux Klan.

A so-called itinerary of cities and dates, beginning in Rochester, N.Y., on November 7 and ending in Phoenix, Ariz., on January 17, was found among the belongings of the Black Muslims. Police in Tampa, Fla., have reported that the extremist group was in their city on the date shown on the list, in late December. Tampa authorities were quoted as saying the Muslims were going to have a confrontation with police but were told to leave the city and did so.

These Muslims also were reported to have been on the campus of West Texas State University on December 6, were scheduled in Atlanta and Mobile and the two groups of these extremists were to join ranks in Baton Rouge.

Mr. President, the FBI has fought the Klu Klux Klan to the extent that the KKK cannot do anything without Federal authorities knowing about it. I am not here to criticize any of that, even though, in some respects, it might be overdone. At least, it is better to overdo it than not do it at all.

I deplore killing of any kind, such as occurred in Mississippi several years ago when three civil rights workers were murdered. Those killers should have been prosecuted. They were and I applaud the fine work of the FBI in that instance and others.

One of the good things that has been happening in this country is that Negroes have been emerging into full possession of the rights of Americans. But with those rights go responsibilities. People should have the courage and the good judgment to realize that rights and responsibilities go hand in hand.

Mr. President, such violence as occurred so tragically in Baton Rouge cannot be tolerated. It cannot be tolerated when conducted by the Black Muslims, any more than it can be tolerated when conducted by the KKK.

It is obvious that the FBI has not shown the Black Muslims the close scrutiny, the attention in depth, that it has shown the KKK or the Black Panthers, another extremist black group.

The shoot out in Baton Rouge was not just a scuffle with the police. This was a planned confrontation, a planned attack on a community, with the deliberate intent of killing the police officers.

If anyone could have any doubt about this matter, the fact that the newsman, Bob Johnston, was beaten so savagely prior to the police even arriving on the scene should remove their doubts. He literally had his head kicked in.

Mr. President, I ask unanimous consent to have printed at this point in the Record a verbatim account of how Mr. Johnson and other television newsmen were beaten and chased, before police arrived and the ensuing and tragic shootout. Al Crouch, news director of WBRZ–TV, provided this account to me.

There being no objection, the account was ordered to be printed in the Record, as follows:

### The Baton Rouge Tragedy, January 10, 1972—Report by Al Crouch

Henry Baptiste is a black newsman who works for Al Crouch. Baptiste is off on Mondays and just happened to be on North Boulevard in Baton Rouge at 13th Street. Baptiste saw a crowd of blacks gathering in the streets and called the TV station. Baptiste talked with Bob Johnson, a newscaster, at 11:55 a.m., just prior to Johnson's noon news broadcast. Since Johnson was going on the air, he said Maurice Cocherham would come down and assess the situation.

Maurice drove down and observed the crowds gathering but did not see Baptiste. He returned to the TV station without stopping. This was about 12:15 p.m., just as Johnson was finishing his broadcast. Johnson and Maurice went to the newsroom and called the police (Maurice had seen no policemen during his drive).

Johnson called the office of the Chief of Police and spoke with a sergeant, informing him of the situation. The sergeant said he didn't know anything about it but would send a car down to check on it. Maurice said he would go back to check, also.

Johnson and Maurice went back down and parked their car next to Baptiste's car, about seventy yards from where the events were to occur. They left all cameras and tape recorders in the car and carried nothing with them on the streets.

They entered the public relations firm of Mr. Reed Canada, a black man who is a friend of theirs. Mr. Canada said, "These black muslims came to town and have been meeting all morning out in the street."

About this time, Maurice noticed a Cadillac parked, blocking the street. He saw a tall black man, dressed in a black business suit with a black bow tie crawling to the top of the car as if to start talking.

Maurice told Johnson he was going outside to hear what the black man was saying. Maurice walked to the Temple Theatre where he found Baptiste for the first time. He saw no police officers.

The black man in the black suit began shouting to the crowd: "We have come to Baton Rouge to give you your city back. The White Devil (pointing down the street) will die here today . . ." (. . . and so on, words to that effect).

Johnson walked up to them. They became concerned for their own safety and Johnson told Maurice that they had better get away.

The man on top of the Cadillac said, "There are two of the white honkies right there." Johnson and Maurice and Henry were walking at this point. Someone in the crowd yelled, "Yeah, there are those white so-and-sos (Crouch was not exactly sure of the words). You had better get out of there while you are still alive."

As Maurice turned to head down the street, he was encountered by another black muslim wearing a black business suit and a black bow tie. Maurice asked him who they were waiting for. He answered, "The big white man (or words to that effect)." Maurice then asked, "Who are you talking about?" The black man answered, "The big white (obscenity)." Maurice replied, "Excuse me," and attempted to go down the street. As he started down, a group of blacks ran across North Boulevard and cut off his exit. They were armed with clubs, brick-bats and bottles. He realized that Bob Johnson had locked the car so he turned and started back to the direction from where he had come.

Maurice saw Bob at this point. Bob was surrounded by a group of blacks; they, too, were armed with clubs, bricks and bottles. They were beating Johnson but he was still on his feet with his hands around his head as if to protect it from the blows.

When Maurice saw this, he knew things were bad. He saw an alley to his left, alongside the Temple Theatre and he ran down it. Halfway down the alley he realized someone was following him so he turned and saw a black man with a black bandana around his head coming toward him with a raised 2 x 4. As the black man came down on him with the board, he grabbed the board and gave him a "butt stroke" with the lumber and the black man was rendered unconscious, falling to the ground. Maurice said he could see a group of black men at the entrance to the alley trying to get to the alley after him so he turned and began running.

He felt someone hit him in the back again with a board as he scrambled over a fence in the rear of the building. One of the blacks grabbed his legs but he pulled loose. He made his way approximately two blocks from the scene to an office building where he found two white secretaries. He asked them to lock the door and call the police. He called the police again. (Up until this time he had not seen one police officer).

He told the police that a riot had broken out on North Boulevard and he feared for Bob Johnson's life. Johnson had been trapped by the black men and the last he had seen of Johnson he was being beaten. He said into the phone, "My god, please hurry!" They said, "Okay, we will send a car down and see what is going on." One of the secretaries offered to drive him back to the television station since he was bloody and had been beaten by the mob.

En route to the TV station, they had to travel over Interstate 10 which crossed North Boulevard. Here he saw a Sheriff's Deputy's car with the red light going. This was the first police car he had seen in some 45 minutes to an hour which had passed since the first call.

(Note: He subsequently was taken to a hospital where he was treated, hospitalized for two days and then released).

While all the above had been going on, Henry Baptiste (the black newsman) had managed to escape with minor injuries. He circled back around to where his car was parked. Upon reaching his car he found Bob Johnson lying on the ground (near Johnson's car), unconscious with heavy bleeding from the nose, mouth and ears. There was a black man standing nearby. Henry asked him to help put Johnson in the car which he did. Henry drove him to the hospital.

(Note: Bob Johnson remains in a deep-seated coma with severe brain damage. Condition is "critical," and he is not expected to live.—this is as of noon, January 18, 1972, Al Crouch).

Around 12:30 p.m., Crouch was en route to the TV station, leaving Interstate 10 at the Louise Street Exit. To the right of the Exit is McKinley Junior High (note: a black school). Crouch noticed at least six City Police cars around the school which is highly unusual. Crouch was concerned as to why and also concerned "to chew out my news people because they were not at the school finding out what was going on."

As Crouch pulled up in front of the TV station, Ray Alexander and Walter Hill were in front waving Crouch down. As he pulled up, they told Crouch that Bob Johnson and Maurice had been involved in a riot and he had better get over there right away.

Crouch headed to the intersection of 13th Street and North Boulevard immediately (arriving on 13th street). There was a Deputy's car parked right at the intersection. Crouch pulled up in back of this car. Crouch got out of the car with his camera and walked up to the intersection.

There was another Sheriff's Deputy's car there with Major Marion M. Benning (from the Sheriff's Department) inside. Crouch observed a group of blacks, all dressed in black business suits with bow ties, lined up across the street. He noticed one slender, tall Negro dressed in a black suit with a maroon bow tie standing in front of the line. They extended from curb to curb all the way across the Boulevard.

Crouch turned to Major Benning and asked him, "What is going on?" Benning said that he had no idea. The tall slender Negro was later identified as a black named Upton. Upton walked up to Benning and asked, "Are you the spokesman for the White Caucasian Race?" Benning replied, "No." Upton then asked, "Who is?" To which Benning replied, "I don't know." Upton asked, "Is he on his way?" Benning answered, "I guess he is." "We will wait for him," Upton concluded.

Major Fred Sliman arrived on the scene and Crouch asked him what was going on. Crouch was told by Sliman that he had no idea. Sliman then said, "We were responding to a call for help because someone had called and said that Bob Johnson was being beaten by the blacks. We came to his rescue."

Crouch said that, at this time, they were aware that the blacks were unfriendly—or should have been aware.

More Sheriff's Deputies started arriving on the scene. Major Jim Dummigan (with the City Police Department) arrived. He and Major Sliman conferred for a moment and, apparently, decided they were going to call a wrecker to move the cars and clear the street.

The wrecker arrived in a few minutes. Dummigan and Sliman were in front of the wrecker. They approached the line of men as if to bring about the first confrontation, but as they started toward them, the black who appeared to be the leader turned and faced his men and clapped his hands just once. At this signal, the entire line, in unison, moved back down the street to a new position in front of the Cadillac which was parked across the street in front of the Temple Theatre.

The wrecker came and moved the first car (a compact) without incident. Another wrecker arrived about this time.

The same procedure was repeated. Dummigan, Sliman and Captain Bleedin (from the Sheriff's Department) and Sergeant Hoover (Police Department) started the same procedure, leading the wrecker toward the blacks.

This time the blacks stood their ground. The closer the police approached, the tighter the line of blacks drew together, massing toward their leader.

They were face-to-face with the blacks now with Major Sliman face-to-face with the leader. Major Sliman explained to the leader that they were blocking a public street, that they were violating the law and that the streets would have to be cleared.

The black leader (Upton) said, "White Devil, you or I, one, are going to die today."

Shortly after that, Crouch heard Sliman say, "Keep your hands off that police officer." Then the entire line of blacks started chanting something that sounded like "Ah You Wah La" and "Kop Lop."

(Note: From this time on, the blacks said nothing in English, only repeating this chant).

From here on, everything got real chaotic.

Major Sliman was either pulled into the crowd or was hit and fell into the crowd. Major Sliman went down and Major Dummigan went to the ground.

All this action is to Crouch's right. Crouch is still filming. Now Crouch hears two or three small calibre reports ("pow! pow! pow!") followed by a shotgun blast; Crouch was startled. Crouch looked up from the camera and across the line where he saw a black man in a business suit and a bow tie with a large revolver in his hand, pointed in Crouch's direction. The black man was waving the revolver back and forth, as if he were trying to pick out a target. This was all in a matter of seconds, Crouch reported.

Crouch then saw a Deputy's hand go up in the air as if he were falling backwards with blood spewing from his face into the air (later identified as Hancock). At the time, due to the facial blood as well as the shotgun blast, Crouch assumed Hancock had been shot with the shotgun in the face.

(Note: It turned out later that he had been shot with a 38 calibre pistol in the chest—the blood on the face had been gushing from his mouth).

Crouch became frightened and began backing up, facing the crowd. Crouch saw Deputy Wilder slumped by the side of a car, appearing wounded. Bottles and brickbats were raining all around Crouch on the street.

Crouch saw one or two bullets ricochet off the street nearby. Crouch became more frightened and started to run for cover toward the police car.

Another Deputy, who was facing Crouch and the crowd, took a bullet in the chest and fell. Crouch and another Deputy who had been nearby grabbed the wounded Deputy and dragged him behind a police car. Crouch yelled for medical help because he thought the Deputy was wounded seriously.

(Note: He was not wounded seriously; he was hit on his collar bone).

Two deputies brought one of the men dressed in business suits to the back of the police car and were attempting to place him under arrest. The black man was fighting them frantically, in Crouch's words, still chanting the original chant. The black man was struck in the head several times with the butts of rifles by the Deputies while they attempted to handcuff him. Two other Deputies joined them and finally subdued the black man.

Crouch, at this point, identified himself to the black man who was now on the ground, bleeding. Crouch told him he was not taking any sides in this but just wanted to hear his side. Crouch asked him where he was from and why he was here. The black man just stared at him fanatically and continued chanting.

Crouch turned and looked over the hood of the police car to where it all started and saw bodies everywhere. Some sporadic shots were still going on. By this time, more policemen had arrived on the scene and arrests were being made. They started a door-to-door checking to see if anybody was still there.

Thirty minutes after it was all over, they apprehended three more of these black men in suits hiding inside Angel's Cafe, directly across the street from the Temple Theatre. From them, police recovered a 38 calibre revolver which had belonged to Sergeant Hoover of the City Police Department.

Mr. LONG. Mr. President, I also ask unanimous consent to introduce a bill to strengthen the enforcement of provisions related to unlawful possession of firearms by any convicted felon, any person discharged from the Armed Forces under other than honorable conditions, any person judged to be mentally incompetent, anyone who has renounced his U.S. citizenship, or any alien who is illegally or unlawfully in this country. This would amend section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968.

The maximum penalties would be a $10,000 fine and not more than 2 years in prison. These are the same penalties that existed under my amendment to the 1968 law which the Supreme Court recently watered down. This was another decision by the Court which makes it so difficult for Congress to defend the country against the criminal element.

This tragedy in Baton Rouge makes me more determined to try to write laws to help our law enforcement authorities fight the criminal element. The Supreme Court declared that my amendment to the 1968 Safe Streets Law was too vague, although Chief Justice Berger and Associate Justice Blackmun dissented and said the law was "clear enough."

With all the solicitude for the rights of the criminal over the rights of society being shown by the William O. Douglas faction of the U.S. Supreme Court, it is being predicted by law enforcement people in Louisiana that none of these Black Muslims charged with murder will ever serve a day in jail for the killings.

Apparently, police officers must do everything letter-perfect. Even if they do, the Douglas faction of the Supreme Court undoubtedly will conjure up a new technicality to turn these criminals loose.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred.

Mr. LONG. Mr. President, I ask unanimous consent to have printed in the RECORD a calm and well-reasoned editorial published in the Baton Rouge Morning Advocate of January 11.

I also ask unanimous consent to have printed in the RECORD an account of the Baton Rouge tragedy, written by G. Michael Harmon, of the Associated Press, and published in the Baton Rouge Morning Advocate of January 16.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Baton Rouge (La.) Morning Advocate, Jan. 11, 1972]

### EDITORIAL: THE MONDAY INCIDENT—A SENSELESS TRAGEDY

Baton Rouge has survived a number of so-called long hot summers, with a minimum of racial disturbances.

Now, on a rainy winter day, with the general mood of the community apparently free of serious tension, suddenly has erupted a tragedy, a senseless tragedy in which has resulted deaths and in injury.

Following the eruption, once again the curfew notice went out, and once again, the National Guard was called, to keep the violence from spreading, to cool tempers.

Precisely what caused the violence has not yet been fully decided, but the immediate catalyst for the shootings and the debris tossing was a confrontation over an auto blocking a street.

The resulting fusillade of bullets and debris was senseless.

Baton Rouge has had its racial tensions before, and virtually every time leaders in both groups have been able to restore calm to the city.

Apparently, in the tragic Monday killings, there was no time for any mediation of grievances. The trouble erupted suddenly and was over in a few minutes.

However, Emmitt J. Douglas, state NAACP president, issued a statement shortly after the violence, urging citizens, black and white, to cooperate with authorities.

Violence is not the answer to any of the community's problems, he noted. These problems can be and are being worked out by Baton Rouge citizens, black and white.

His position is entirely correct.

It should be noted that one car involved in the incident bore out-of-state license plates, and that the group which was making speeches from the car tops claimed to be Black Muslims of Chicago. A Black Muslim representative in Chicago has denied this.

It appears that every time Baton Rouge has serious racial violence, some outside force is involved.

There will be considerable assessment of the Monday tragedy and, perhaps in time, the real cause will be known.

Whatever the final assessment, it cannot undo the tragedy. Hopefully, it will provide some lessons for preventing such incidents in the future.

Senseless shootings and brutal beatings have not been a part of this community's way of life.

It is time now for cooler heads to prevail and make sure that they do not become so.

[From the Baton Rouge (La.) Sunday Advocate, Jan. 16, 1972]

### LOOKING BACK AT THE CONFRONTATION IN BATON ROUGE

(EDITOR'S NOTE.—Officials have conceded they may never fit together all the pieces of a jigsaw puzzle of facts and speculation surrounding the deaths of two policemen and two members of an alleged splinter group of Black Muslims in a brief but bloody volley of gunfire on a downtown city street last Monday. The following is an account of the known events leading up to the confrontation, the shooting spree and the aftermath based on interviews with police, newsmen at the scene and other eyewitnesses.)

(By G. Michael Harmon)

On Dec. 30, James Kolter, manager of the Baton Rouge Better Business Bureau, said he received a series of complaints from local downtown businessmen about a group of blacks soliciting funds for something called the "black art center" in Chicago.

After receiving the seventh call, Kolter said he and an assistant drove to Third Street, the city's main business street, and found a neatly dressed young black man attempting to sell art reproductions.

Kolter said the man identified himself as Eugene Varnado, a black Muslim who was part of a nationwide drive to raise $20 to $30 million for an art and cultural center in Chicago.

Kolter said he questioned the man about the alleged project but received little information except that he was asking businessmen to mail checks to 5335 South Woodlawn in Chicago.

The man, Kolter said, questioned him about the BBB's authority to interfere with a religious fund drive. Kolter said he asked the man to accompany him to this office for further information on the campaign but he refused.

Kolter said he watched the man for awhile, then called police, who arrested Varnado and two other members of the alleged black Muslim group. The three were taken to the police station, questioned and released.

Asked to investigate the group, Capt. Leroy Watson, head of the city police intelligence division, traced the blacks to the Bellemont Motor Hotel on Airline Highway, a major north-south thoroughfare. Watson said he sent three men to the hotel who told the blacks they were violating local ordinances. A spokesman for the group, Watson said, assured his men they would stop their activity.

#### CHECK OUT

Howard McBride, manager of the motel, said the group checked into the hotel on Dec. 29 and checked out Jan. 1, the morning after the visit by Watson's men. McBride said a man who identified himself as Robert Barber of Chicago checked in for the group. McBride said he did not know how many people were in the group, which took a suite and two rooms.

McBride described Barber as "very surly."

"They were out of the motel during the day and we had trouble collecting from them," McBride said. "Barber would say he would come by and pay the bill but he would never show up. We finally had to lock them out of their rooms to get him to come to the desk."

McBride said the bill was paid in cash each day, about $110 a day.

Watson said his men went back to the motel Jan. 1 to learn the group had checked out. Police, he said, thought they had left town.

Four days later, on Jan. 4, a group of blacks composed of 14 men and two women checked into the White House Inn Hotel, which is located about two blocks from the state capitol.

Watson said it was the same group which had been at the Bellemont, and the facts appeared to back him up.

White House Inn manager Frank Fry said a man who identified himself as David McKinney of Chicago checked in for the group. Under his name, on the hotel registration card, McKinney wrote “The Young Muslims.”

“I asked him if they were in show business and ‘The Young Muslims’ was the name of their group, “Fry said. “He said ‘sort of.’ ”

Fry said McKinney took eight rooms on the seventh floor.

### PAY BILL

Unlike McBride’s account of his dealings with Barber, Fry said McKinney paid his bill, which amounted to about $190 a day for the eight rooms, promptly in cash and acted very businesslike.

Fry said there was nothing out of the ordinary about the group’s behavior until Friday night, Jan. 7, when an apparent guard detail of two men took up positions in the lobby and another two men by the elevators on the seventh floor. The watch, Fry said, was changed every two hours throughout each night from Friday through Sunday.

“They didn’t harass anybody,” Fry said. “They just stood around and watched.”

Fry said he called the FBI in New Orleans and reported that a group of blacks calling themselves “The Young Muslims” were in his motel, and told about the guard detail. Fry said he did not hear from the FBI again until after the Monday shooting incident.

The men, Fry said, were all impeccably dressed in suits. He described McKinney as very intelligent.

Although there were 16 in the group when the blacks first checked in, Fry said the band dwindled to nine by Sunday, occupying five rooms, seven men and two women.

Fry said the group was driving five cars, a Toyota with California license plates, a Cadillac with Illinois license plates, a Dodge van with California plates and a Mercury.

McKinney, Fry said, acted like a business agent, issuing orders that all charges were to be signed by him. Fry said the group ordered coffee sent to their rooms but did not eat at the hotel.

Fry said he questioned his staff following the shooting incident and learned that “apparently one of the men claimed to be God. The others were disciples and the women were the wives of God.”

The hotel manager said his staff could not identify McKinney as the God figure.

At this point, the first unanswered questions in the bizarre sequence of events begin to surface. It appears that the group that checked into the Bellemont could have been the same group which later checked into the White House Inn. Both Barber and McKinney were among the eight blacks arrested and booked with murder following the shooting incident.

It was not known, however, where the group went for the four days between the time Barber checked out of the Bellemont and McKinney checked into the White House Inn.

Officials, who thought the blacks had left town when they checked out of the Bellemont, did not learn that they, or another group, were again in town until Thursday, Jan. 6.

Dist. Atty. Sargent Pitcher said he received information from intelligence sources of a meeting on the roof of the Temple Theater in the 1300 block of North Boulevard, the scene of the subsequent shooting, called by Black Muslims.

### REFUSED ADMISSION

Pitcher said he sent a black undercover investigator to attend a meeting but the man apparently was recognized and refused admission.

“There was tight security by this group,” Pitcher said. “They were polite but denied my man admission.”

Pitcher said his investigator waited outside and talked to some of the people who came out of the meeting and picked up a handbill the alleged Muslim group was distributing.

The handbill, which advertised the meeting, invited black citizens to “hear and see a right now change.”

One local black who attended the meeting was Frank Millican, a businessman and Republican candidate for the state Senate. Millican said those who attended were searched at the door and escorted to a seat by one of the alleged Muslims.

“There weren’t any of the really local people there that I knew,” Millican said, adding that most of the small audience was composed of young people.

“One of them said they were here to deliver the city back to the black people,” Millican said. “They wouldn’t say how they planned to do this, but told us, if you want to see it, come out at 12 o’clock Monday.”

The black businessman said the alleged Muslims did not solicit the audience for money and at one point told them they did not believe in violence.

The meeting, Millican said, broke up in a matter of minutes without any specific statement of purpose from the alleged Muslim group, but another meeting was called for 10 a.m. Monday.

Pitcher said police have no record of the group’s movements over the weekend, but did not expect any violence.

“I didn’t anticipate any trouble,” said Pitcher, who like most officials, still is totally puzzled by the shooting incident. “We’ve had these things before. We either talk them out or toss a little tear gas.”

The group of blacks appeared on North Boulevard, which runs east and west through a downtown section of predominantly black businesses and homes, again Monday morning.

There were unconfirmed reports all morning of an imminent demonstration and large groups of blacks on the street. Police sent undercover agents into the area, but, according to Watson, kept uniformed officers out to avoid provoking a confrontation.

One intelligence officer reported that the group was preparing to march to city hall about two miles away, but said he expected no trouble. The march never materialized.

Another meeting was held at about 10 a.m. in the four-story building which houses the Temple Theater, a rundown movie house. Police say the alleged Muslims talked about “taking over the city and returning it to the blacks” at the meeting, but there are no independent accounts of what transpired.

The first newsman to arrive on the scene was Maurice Cockerham, a reporter for television station WBRZ in Baton Rouge. Cockerham said he drove down the street shortly before noon, returned to the television station, called the police and reported crowds he saw on the street. The police, Cockerham said, denied any knowledge of the gathering and said they would check it out.

Cockerham and another WBRZ reporter, Bob Johnson, then returned to the street. They parked their car, leaving tape recorder and cameras inside the automobile, and walked up the street where they met a colleague, Henry Baptiste, a black newsman from WBRZ.

Cockerham said the three went to the business office of Reed Canada, which is located two doors from the Temple Theater, to find out what was going on. Canada owns an advertising firm and is a black community leader.

### BLOCKING STREET

While they were talking to Canada, Cockerham says, a Cadillac and a Toyota, apparently the same automobiles driven by the group which checked into the White House Inn, were pulled across the street, blocking traffic.

One of the alleged Muslims climbed to the top of the Cadillac and began addressing the crowd.

The speaker was identified tentatively as Samuel Upton, 29, of Vallejo, Calif., who later died in the shooting.

The speaker told the crowd the group was in Baton Rouge to return the city to blacks and talked about “white devils.”

“They talked about their faith,” said Charles Granger, a young black who works for a local anti-poverty agency. “They mentioned they were great men, a black guard, and they believed in Islam and the great Elijah Muhammad. They indicated they were here to do something for the black people.

“It was mostly a non-verbal thing, however. They said that great things were going to happen and they were here to help. They said they did not need our support and told the brothers not to bring guns.

“They told us to bring out our children to see them die. They said they were ready to die,” Granger recalled.

Cockerham, Johnson and Baptiste walked out onto the street when the automobiles were pulled across the thoroughfare, but were told to leave by one group of blacks.

Cockerham and Baptiste said they turned and started walking away when they were attacked. It was not known whether the attack was specifically provoked by the alleged Muslims or represented a spontaneous action by the crowd of about 200 which by this time had gathered at the scene.

### TOLD TO LEAVE

“They told us to leave,” Baptiste said. “As we were starting to leave, they attacked us.”

Two young black eye-witnesses to the attack, said, however, the newsmen would have not been beaten if they had left when told to by the crowd.

“Bob Johnson and those guys were asked to leave,” said Roland Knox. “He (Johnson) was smoking, he hesitated, and had to put out his cigarette. He even laughed.

“Somebody said, ‘What are they (the newsmen) whispering about’ They just stood there. The black brothers started advancing toward them and that’s when it happened.”

The blacks do not deny that the crowd attacked the newsmen.

Cockerham and Baptiste wriggled free and escaped, but Johnson wasn’t so lucky.

“I saw Bob Johnson running by and bleeding from the head like a pig,” said Canada, who was watching from his office. “Then he got hit with a bottle and went down again. I told them to leave Johnson alone and they started throwing at me.”

Cockerham fled down an alley to an adjoining street and called the police from an office.

“I told them to please get out there quick,” Cockerham said. “I told them there’s a riot going on.”

Up to this time, Cockerham said, there were no uniformed police on the street.

Baptiste, meanwhile, had worked his way back to the area, pulled the bleeding Johnson into his car, and drove him to the hospital.

Baptiste and Cockerham were not injured seriously in the attack, but Johnson remained hospitalized at week’s end in critical condition with massive head injuries.

### POLICE BEGIN ARRIVING

Responding to Cockerham’s call, police began arriving on the scene about 12:45 p.m. When they arrived, both the compact and the Cadillac were blocking the street. A line estimated at about 15 of the alleged Muslims, all dressed in suits and bow ties, were lined up across the street in front of the compact car.

A police wrecker was called in and as it drove up to the line of men, one of the alleged Muslims clapped his hands once and the group pulled back several yards and positioned themselves in front of the Cadillac. The compact was towed away without incident.

Crowds of blacks lined both sides of the street, in front of the theater and across the street in front of a cafe.

At this point, Maj. Fred Sliman and Detective Bob Blieden of the East Baton Rouge Parish Sheriff's Department approached the line from the front. At the same time, city Police Maj. Jim Dumigan, who was standing with Police Chief E. O. Bauer behind the line and the automobile, walked through the line from the rear and joined Sliman and Blieden.

An undetermined number of sheriff's deputies stood behind the group of three officers facing the line and a force of police officers were behind Bauer. "They were lined up like a little bunch of tin soldiers, like they wanted us to come up and talk to them," said Capt. Bryan Clemmons Jr., the son of the East Baton Rouge Parish sheriff.

### WENT UP TO TALK

"Something was said that they wanted to talk and that's when Dumigan said Sliman went up to talk to them."

Sliman said he approached the line and "told them they would have to move the car from the street or we would call the wrecker to tow it away."

Sliman said the apparent leader of the group, Upton, replied, "You white devil, either you or I are going to die today. You're lying. That car is not moving."

At this point, both police and black eyewitnesses agree that one of the alleged Muslims struck Dumigan. Sliman said the blow came without warning, as he motioned for the wrecker. Black witnesses, however, say Dumigan was not struck until he tried to walk through the line.

"The officers approached them to tell them they were going to have to move the car," Granger recalled. "Then I saw someone trying to walk through their wall. Walking through their wall was like walking through their dignity.

"He (Sliman) was struck. Then Maj. Sliman was trying to go through the wall and he was struck. A policeman came in from the left and started swinging his billy club."

As the crowd moved around Dumigan and Sliman, the first gunshot went off and nobody agrees what happened after that.

### FIRST SHOT HEARD

Granger, Sliman and WBRZ News Director Al Crouch say the first shot came from the right, near a vacant lot where the bodies of a black and a deputy were later found.

Another view came from Clemmons, who says he may have fired the first shot.

Clemmons, who was standing several yards behind Sliman, Dumigan and Blieden and to the right, said when the fight broke out he watched for a while and decided the officers involved "were taking pretty good care of themselves."

I looked to the left and saw one of the guys in the line pull a chrome-plated .38-caliber revolver from under his coat," Clemmons said. "I was armed with a shotgun loaded with tear gas. I didn't even have any buckshot on me. When he pulled the gun and extended his arm. I fired at him. At almost the same time, somebody else, I don't know who, must have fired at him with buckshot because he fell and the pistol dropped to his feet."

By this time, shots were coming from all directions, and no witnesses at the scene have been able to outline the sequence of events.

"Anybody who tells you they can remember what happened after the shooting started is lying," said Blieden.

### SHOTGUN FIRED

"After that first shot from the right, a deputy sheriff with a shotgun fired," Granger said. "Another standing behind him with a shotgun shot."

These two shots could have been Clemmons and the unidentified officer who fired at the black who allegedly pulled the pistol, but the theory cannot be confirmed. Granger said he saw no blacks with guns, however.

"People were falling like flies, like when we went into Omaha Beach," said Canada, a World War II veteran. "It was like there was war."

It looked like a battlefield with bodies everywhere," said newsman Crouch. "One of the Muslims charged into the police line. He was chanting. They hit him with everything they had. They shot him in the leg, hit him with billyclubs and gun butts but he kept coming."

Several other witnesses also reported that the Muslims broke into a chant when the fighting broke out. To Blieden, it sounded like they were saying "Kop-lop."

Granger said the Muslims were speaking to their black god.

Crouch said he ran and crouched behind a police car when the shooting broke out. A deputy standing near him, who was later identified as Kenneth Savignol, was hit and Crouch said he pulled him behind the car.

The shooting lasted only about two minutes and when it was over, two deputies and two blacks, identified as members of the alleged Muslim group, were dead.

Dead were deputies Ralph Hancock, 30, and Dewayne Wilder, 27, and the alleged Muslims, Thomas Davis, 25, of Chicago and Upton.

Nine persons have been booked with murder in connection with the deaths of Hancock and Wilder. Charged were Robert Barber, 20, Los Angeles; Warren Hall, 25, Philadelphia; David McKinney, 22, Toussaint L'Ouverture, 21, Clennon Brown, 25, and James Barlow, 21, all of Chicago; Ridgley Williams Jr., 25, Ada, Okla.; and Baton Rouge residents Lawrence Brooks, 25, and Ramond Eames, 21.

It was not known whether Brooks and Eames were associated with the group or were charged for alleged incidental participation in the incident.

Five other police officers and five alleged Muslims were either wounded by gunfire or injured in the shooting spree.

The bodies of Hancock and Davis were found near each other in the vacant lot where some said they heard the first shot fired.

Both Wilder and Upton were found in the street. All four were believed to have been killed with shots fired from .38-caliber pistols.

At the center of the debate on the shooting, is the question of whether any of the alleged Muslims were armed before the fighting broke out.

Chief of Police Bauer, Clemmons and Crouch said they saw blacks with guns in their hands, but did not see any of the blacks fire.

A local television station, however, aired four days after the shooting an interview with a man who said he saw a member of the alleged Muslim group fire at a policeman.

In the interview, the eyewitness said he saw a city police officer, who was believed to have been Hoover, talking to one of the alleged Muslims.

### KARATE CHOP

Suddenly, the man said, the black man hit the officer with what looked like a karate chop. Hoover fell, the man said, and the black drew a pistol from under his coat and fired down at the policeman three times.

The man said he did not want to be identified because he was afraid of reprisals. The man, the station said, was not an officer or a newsman.

The exact location of the alleged assault was not known.

Police recovered no guns at the scene other than weapons either dropped by or taken from police. The city police say, however, they found a .22-caliber pistol on the floor of a paddywagon used to transport those arrested to jail.

Bauer said he saw one black pull a shotgun from the trunk of the Cadillac used to block the street. Bauer, who was on the ground after being hit by a thrown object, said he saw the man pull the shotgun, then lost sight of him. When he saw the man seconds later, Bauer said, he did not have the weapon.

Clemmons said the man he saw with the .38-caliber pistol dropped it when he was shot and someone in the crowd ran out and picked it up.

Crouch said he saw Davis, one of the blacks killed, waving a gun near where his body was found, but he did not see him fire.

Police said they found a pistol belonging to Savignol near the bodies of Davis and Hancock. Hancock's weapon, police say, was not fired.

Pistols belonging to Dumigan and city Police Maj. W. L. Gunby were not found at the scene, and remain missing. Another pistol belonging to wounded city Police Sgt. Abram Hoover was found in the possession of a black, who along with about four other Negroes was found hiding in a cafe across the street from the theater about an hour after the shooting incident.

Blacks who were at the scene contend the alleged group of Muslims were unarmed and fought the police only with their fists.

"They were not violent," said Moses Williams, a young black who was at the scene. "They were nonviolent. They were only violent in defense of themselves. Wouldn't you be violent if somebody started waving guns in your face?"

"They were not offensive," Granger said. "They were defensive."

The blacks and even some members of the police department have speculated that some of the wounded officers may have been shot by their own men.

Those proposing the theory point to the positions of police on both sides of the Cadillac, all shooting toward the vehicle and the line of alleged Muslims, and officers who were fighting.

"They were shooting toward the whole hassle, toward the policemen and toward the brothers," Granger said. "They acted like they were crazy. They were just shooting."

"I'll tell you what happened out there," said Knox. "The white man in Baton Rouge has never had black people stand up to him like these black men stood up to them. It frightened them. When they attacked those black people and the black people did not run like black people have done in the past, it scared them to death and made them back off and start shooting. They were scared to fight anymore so they just started shooting."

### PROOF AWAITED

Definite proof of whether or not the blacks had guns of their own or whether those policemen wounded and killed were shot with their own weapons will come when investigators get the results of ballistics tests.

A bullet was recovered from the body of Hancock, who was shot once in the chest. The bullet that struck Wilder in the chest went through his body.

The bullet that struck Savignol first struck his helmet and then glanced down and struck his collarbone. Hoover suffered gunshot wounds in the abdomen and shoulder. Gunby was struck in the leg.

Several questions quickly surfaced following the shooting, but most remain unanswered.

Was the group of blacks lined up across the street in fact Muslims or were its members imposters? Was the violent confrontation planned or was it spontaneous? Were the alleged Muslims alone in the confrontation or were they supported by local blacks?

Blacks who talked to members of the group are convinced they were.

"Those people were Muslims," said Knox. "They may not have been in the movement. They may have got kicked out of the nation, but they were Muslims."

Police said they recovered Muslim literature from the hotel rooms occupied by the group. Investigators, however, said a small local Muslim chapter was not involved.

A spokesman for the local Muslims, a man known as Minister Lewis, called the group "renegades" and denied any association with them.

One member of the outside group, who was asked about an association with the local Muslims, was quoted as responding, "We're their bosses."

In an edition of the National Black Muslin Publication, "Muhammad Speaks," Muslim spiritual leader Elijah Muhammad disclaimed any knowledge of the group. In an earlier publication, however, Muhammed said his group was "faced with murderers and killers coming to them from our own black brothers."

In one of a series of news conferences in which he raised more questions than he answered, Baton Rouge Mayor W. W. Dumas said the blacks involved in the shootout were a splinter group of Muslims who were opposed to Elijah Muhammad.

"This Elijah Muhammad, whoever he is, had better watch out for these people," Dumas said.

Dumas referred to the confrontation with police as a planned conspiracy of revolution.

### WELL TRAINED MUSLIMS

Both blacks and whites agreed that the alleged Muslims were well trained. Several were seen using what appeared to be judo or karate in the fight.

On the questions of whether the confrontation was planned, even the black police critics say they were under the impression that the alleged Muslims appeared ready for death.

Granger said he believes the men were ready and willing to face death to demonstrate the brutality of white racism, "to show that whites would shoot back."

"They wanted people to take notice, to be aware of the minds of white people and show that white policemen would kill them," Granger said, comparing the Muslims' actions to the self immolation of Buddhist monks in Vietnam.

Granger said, however, he did not really expect whites to understand the logic. He said it was almost impossible for whites to understand any black mind much less the Muslim mind.

Granger said he was at first leary of the group, thinking they were maybe "con artists."

"I knew they were very intelligent men. They were trained. But I wondered if they were really going to do something," Granger said. "I think they have proven that they were heroes. Everything they said was proven true. They were great men. The greatest men we have ever seen."

Police, it was learned, were in possession of some raw intelligence data that indicated the alleged Muslims may have once belonged to the "Fruit of Islam," a highly trained group of bodyguards for Elijah Muhammad.

In addition to Muslim literature, police also uncovered what appeared to be an itinerary from the White House Inn.

The so-called itinerary was composed of a list of cities and dates, beginning in Rochester, N.Y., on Nov. 7 and ending in Phoenix, Ariz., on Jan. 17.

Even the itinerary, however, led to more questions. Police in Tampa have reported the group was in their city on the date shown on the list. Police in Canyoun, Tex., said, however, that Davis and three other members of the group charged with murder were on the campus of West Texas State University on Dec. 6. According to the itinerary, the group was scheduled to be in Atlanta Dec.

* * * * *

Another unexplained notation on the alleged itinerary said "both squads come together" in Baton Rouge on Jan. 7.

In addition, while members of the group were in Baton Rouge in late December, the itinerary called for a stop in Mobile, Ala.

It is already apparent that repercussions from the incident are far from over. U.S. Rep. John Rarick of Baton Rouge says he is asking the House Internal Security Committee for a full-scale investigation of the Black Muslims.

On the other side, the Louisiana NAACP planned a public inquiry into the shooting next week patterned after hearings conducted by the Memphis NAACP following the alleged police beating death of a young black last year.

The city was clamped under a curfew and the National Guard was called out for three days after the incident. There were no major disturbances but the city remained tense.

Mr. LONG. Mr. President, it is my hope that the appropriate Senate subcommittee—offhand my guess would be the subcommittee of the Judiciary Committee headed by the distinguished Senator from Arkansas (Mr. McCLELLAN), might be the most logical subcommittee, but any one of the properly constituted committees or subcommittees having jurisdiction over the matter would satisfy my purposes—would look into this matter not only to obtain the facts, but in the hope that the valuable services of the FBI and any other investigative agency of this Government would not be lacking in the future as they were in the case of the Baton Rouge situation. This situation could have been avoided had the diligence that is usually typical of the FBI been exerted in this case.

The Treasury Department should also be alerted to look into this matter. It is my impression that the Treasury agents have been extremely diligent in watching the affairs of the Ku Klux Klan members. I should think they would show the same interest in the affairs of the Black Muslims, if we are going to have these killings by the Muslims around the country. Perhaps with the cooperation of other agencies of Government we can see to it that this organization becomes as aware of its duty to look into the affairs of the Black Muslims as it does with respect to the Ku Klux Klan.

I hold no brief for any group which, on the basis of race, national origin, religion, or any other basis, seeks to deny any citizen, be he black or white, of the rights which are his under the Constitution. If what we experienced in Baton Rouge is to become a pattern and is to be visited upon other cities in the Nation, perhaps even including Baton Rouge a second time, it is time that the Federal Government, in line with the duties with which have been been imposed upon it in the laws passed by Congress, should provide its best efforts to protect the rights of citizens of the country, who in this instance happen to be citizens of the State which I have the honor, in part, to represent.

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, before a motion to adjourn is made, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

### PROGRAM FOR MONDAY, JANUARY 31

Mr. BYRD of West Virginia. Mr. President, the program for Monday next is as follows:

The Senate will convene at 11 a.m. Following recognition of the two leaders, there will be routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes. At the conclusion of routine morning business, the unfinished business—the equal employment opportunities bill—will be laid before the Senate. Time will then begin running on the pending amendment by the senior Senator from North Carolina (Mr. ERVIN) with a vote on the Ervin amendment to occur at 2 p.m. Although the yeas and nays have not yet been ordered, the vote on the pending amendment will be a rollcall vote. Additional rollcall votes can be anticipated during the remainder of Monday afternoon.

### PROGRAM FOR TUESDAY, FEBRUARY 1

The Senate will convene at 9:45 a.m. After the two leaders have been recognized, the following Senators will be recognized for not to exceed 15 minutes each and in the order stated: Senators PEARSON, FANNIN, ELLENDER, GOLDWATER, and YOUNG.

A period for routine morning business will follow, with statements therein limited to 3 minutes, to end at 11:30 a.m.

Beginning at 11:30 a.m., there will be 1 hour of controlled time for debate on the motion to invoke cloture. At 12:30 p.m. in accordance with standing rule XXII, a mandatory live quorum call will occur. When a quorum has been established, an automatic rollcall vote will immediately occur on the motion to invoke cloture—at about 12:45.

If cloture is invoked on Tuesday, the EEOE bill will be the unfinished business, under the rule, to the exclusion of all other business until disposed of.

If cloture is not invoked on Tuesday, presumably another cloture motion will have been filed on Monday, with a rollcall vote on that cloture motion to occur on Wednesday. Meanwhile, amendments would be called up for action during the remainder of Tuesday afternoon.

Senators are reminded, therefore, of rollcall votes on Monday, the first to occur at 2 p.m.; and there will be rollcall votes on Tuesday, the first to occur at about 12:45 p.m.

Mr. President, I think I should state that the time on Tuesday next—which has been set aside for the control of Senators FANNIN, ELLENDER, GOLDWATER, and YOUNG—will be for the purpose of eulogia to our late departed former colleague, Senator Carl Hayden. I also should state that the time on Wednesday which has been set aside for the Senators from Florida (Mr. CHILES and Mr. GURNEY) will be for the purpose of any additional eulogies that Senators wish to express in connection with the passing of our late departed former colleague, Senator Spessard Holland.

### ADJOURNMENT UNTIL 11 A.M. MONDAY, JANUARY 31, 1972

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. on Monday next.

The motion was agreed to; and (at 3:44 p.m.) the Senate adjourned until Monday, January 31, 1972, at 11 a.m.

### NOMINATIONS

Nominations received from the Commissioner of the District of Columbia and referred January 28, 1972:

#### DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

John J. Gunther, Esq., for appointment as a member of the Board of Directors of the District of Columbia Redevelopment Land Agency for a term of 5 years, effective on and after March 4, 1972, pursuant to the provisions of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, as amended.

Willie L. Leftwich, Esq., for appointment as a member of the Board of Directors of the District of Columbia Redevelopment Land Agency for a term of 5 years, effective on and after March 4, 1972, pursuant to the provisions of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, as amended.

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# EXTENSIONS OF REMARKS

## CLEAN WATER THROUGH DREDGING

### HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

*Friday, January 28, 1972*

Mr. BEALL. Mr. President, there is no doubt that America's expanding industrial economy has had a massive impact on our precious environment. All too often, we have seemingly been forced to choose between industrial progress or ecological protection. Hence, it is indeed refreshing to read of a major industry dedicating its resources to the reduction and elimination of water pollution.

I refer to the industry of dredging, and to the recent remarks made by Mr. Herbert Buré before the Northeastern Regional Conference of the Society of American Military Engineers.

Mr. Buré is vice president and general manager of the Ellicott Machine Corp., of Baltimore, Md. This company, for years, has been the leader of the dredging industry and is responsible for most of the modern techniques in dredging developed in this century.

He points out that improper techniques of dredging can very well lead to greater pollution levels. Hence, he boldly proposes that the industry commit themselves to the development of technology to minimize environmental disruption. Mr. Buré approaches this crucial problem directly and proposes various methods by which dredgers can effectuate positive changes to improve our ecological system.

Mr. Buré's address should not, I believe, be viewed merely in the light of one industry. His remarks can and must be applied to all industries, large and small. It offers a model for all who wish to effectively clean up this country. The responsibility lies not with the "other guy," but with ourselves. Solutions to this vast and complex problem are not easy. But with the commitment exemplified by Mr. Buré's address, these answers cannot be far off.

I ask unanimous consent that the text of Mr. Buré's address be printed in the Extensions of Remarks so that my colleagues in the Senate might read of his positive proposals.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

#### CLEAN WATER THROUGH DREDGING

(Presented at the Northeastern Regional Conference of the Society of American Military Engineers by Herbert P. Buré)

I am delighted to have an opportunity this afternoon to speak in my home town on a subject which my associates and I at Ellicott have addressed at meetings all over the United States and in various other parts of the world. This subject bears the provocative title "Clean Water Through Dredging," and I can assure you that it has been selected with the most constructive intent. In fact, I hope this afternoon to present to you a brief summary of various points of fact and conviction which will hopefully present a challenge to many of you who are in one way or another associated with dredging and marine construction.

In any conference which is in some way related to military and civil engineering, or public works and construction, we must face the issue that our expanding industrial economy has a severe impact on the natural environment. The subject which I want to address is limited to the environment of water and land, and the industrial economy is represented by marine construction of various types, and in particular, dredging. It is a subject which is getting a great deal of attention, particularly on a pseudo-scientific basis with political and emotional overtones. This is an approach which is difficult to handle for people with engineering background and education, but is, of course, far more appealing to the general public. Somehow, it appears that in environmental discussions there does not seem to be the same need for substantiation, relationship to facts and the same concern for putting things in their proper perspective, as we are used to, as engineers and businessmen.

In the dredging industry we find ourselves poorly conditioned and trained to handle a situation of this type, because we are suddenly cast in the role of villains, instead of being identified, as we ourselves properly think, with the constructive progress intended to be beneficial both to the nation, its economy and our particular enterprises. We are action and results oriented, and find ourselves bridled by agencies and people who have the power to stop the operation, but still lack the ability to put together the knowledge and judgment to get it going again.

This represents such a change in pace that we get the impression that the situation is hopeless—"Like getting hit over the head". What we must recognize is that the situation may really become hopeless if we as a group and as individuals, by lack of action on our part, leave the initiative to politicians, conservationists, such as Sierra clubs and similar pressure groups, without giving these groups the benefit of the professional advice that we, as a group and as individuals, are capable of giving.

I would further like to show that the problem, although somewhat intangible because of poor definition at this time, is not all that elusive, and that it will respond to the traditional problem-solving techniques that we in business and government have used as a philosophy in many other situations. Therefore, I will assume, for the sake of brevity, but with conviction, that the technical problems associated with environmental control in way of water pollution control and the role of dredging under this new and poorly defined set of conditions, can be solved by our scientists and engineers, provided that we adopt the business and management approach to this problem, which will permit us to give our scientists and engineers the direction required, in order to come up with the desired results within reasonable time and cost. As a result, we will be able to define a number of objectives which we can set for ourselves as individuals, companies, and agencies, which should assure not only the continuation and progressive advancement of the dredge industry, but will give our dredge industry its place which it deserves, as a leader in the fight against water pollution and for constructive environmental control.

Let me state the problem in simple words. It is the danger of *further contamination* from industrial effluents and natural pollution to our rivers, streams, lakes, ponds, bays, harbors and other types of water bodies. I emphasize the word "*further contamination*" because most of the water bodies mentioned are now polluted to a degree, and if anybody did anything further in the way of construction, dredging, or other activity, *there would be increased contamination* of these waters by nature, as well as by man in the future. It is evident that there is a need to clean up the mess, to provide cleaner water, and the first step is to provide positive identification and definition. Contamination of our waters has always occurred and natural pollution is perhaps the greatest single type of pollution of water. Man-made pollution, if it goes unchecked, is probably a function of population increase and industrial growth and is, therefore, apt to become progressively greater in the future.

Natural pollution, the far greater of the two, as it will be recalled, is probably fairly constant and an ever present danger. Most of us here in the room have a fairly good idea of the quantity of silt which is being moved down by the Mississippi River from Minnesota to the New Orleans delta every 24 hour period, and this tonnage—about two million tons—is of a greater magnitude than the total combined daily capacity of all dredges in the United States.

In a very perceptive article by Dr. William T. Pecora, Director of the U.S. Geological Survey, presented about a year ago and entitled, "Science and Equality of our Environment", he says and I quote, "Natural processes are by far the principal agents in modifying our environment". I think this is a statement of fact which is often overlooked within our dredging industry and sometimes deliberately ignored by conservationists.

Secretary Resor of the Army, on the occasion of the U.S. Army Corps of Engineers' 195th anniversary celebration in Washington, D.C., made some remarks with which most of us are familiar, and I would like to quote just a few statements which help put the problem in focus. He said, "There is no simple way to quantify the value of a river in its natural state or to calculate the point at which the present demands of commerce put too heavy a tax on the future, or recreational development becomes despoilation. Striking a balance will require complex analysis and sensitive judgment. We cannot assume that any use or alteration of natural resources is necessarily a change for the worse. For it may actually enhance quality of life. But we also cannot respond blindly to the pressures to construct, dredge, and fill, or we will not serve the public interest and will be swept away in a flood of public resentment".—Then he goes on to say, "What is needed now is a technology which systematically minimizes environmental disruption." I think every word in that last statement is exactly right—we need a technology—we need it now—it has to be systematical—and it has to minimize environmental disruption. What it does not say is that environmental disruption can be stopped all at once. No more than we can stop the weather or natural disasters by legislation.

It is time to make a bold statement at this point—dredging as a technique and method, is one of the very few, if not the only, available means to reduce or avoid certain types of water pollution. When we address this subject, we must, of course, define water pollution and recognize the specific areas of water pollution with which we are dealing in our industry of dredging and marine construction. I am going to give you a practical definition, not a very scientific one, but one that we have to live with by courtesy of ecologists and conservationists. Water pollution, they say, is any change which effects the practical condition of the water adversely for any purpose. Logically then, pollution control prevents or prohibits a change which effects the practical condition of water adversely for any purpose. You will note that this definition of pollution control does not guarantee clean water, but is supposed to prevent it from getting dirtier.

Among the many types of water pollution recognized by various agencies, there are four (4) with which we are primarily concerned:—the release of toxic or poisonous material into the water; excessive bio-chemical oxygen demands, referred to as OD or BOD by scientists and measured in particles of free oxygen remaining per million particles of water; turbidity or an expression of suspended solids or sludge in the water, most of which by the way, comes under the heading of natural pollution such as silt and mud carried by rivers and streams; and finally, causes of water pollution may include the changing of the relative flow of water by means of obstruction, diversion, filling, or other natural or man-made changes in the earth under and surrounding any body of water.

A dredging operation may relate to any or all of these causes of water pollution for a number of reasons. A primary reason may be that the construction project is poorly designed or does not meet today's standards for environmental protection. I leave this as an observation in order to concentrate on the real aspects of dredge operation towards water pollution. Whether the dredge is of the mechanical type, such as a clamshell or dipper dredge and dumping into barges, or of the hydraulic or suction type, such as a hopper dredge, dustpan, or hydraulic pipeline cutterhead dredge, the water pollution affect is limited to the excavating and the discharge end of the operation. With respect to the discharge end, whether dumping into a scow, filling the hoppers of a hopper dredge, or reclaiming land with a hydraulic pipeline dredge, pollution control is primarily a function of technique and management of operation and as little bearing on the design of the equipment, excepting that in a suction or hydraulic dredge the problem is reduced in direct proportion to the capability designed into the dredge to carry a higher percentage of solids in the mixture. On the excavating or material acquisition side of the dredge, the design and construction of the equipment has a direct bearing on the release of material outside of the sphere of acquisition by spilling or dropping, and it is unfortunate that most studies of dredging operations in connection with environmental protection, have been based on ancient and obsolete dredging equipment.

The Office of Water Programs, EPA Region X in Seattle, Washington, recently released a study dated July 1971 entitled "The Effects of Dredging on Water Quality in the Northwest", and while the make some constructive suggestions on dredging techniques to avoid pollution, all of their studies are based on some 40 pipeline dredges and 4 hopper dredges, of which only two or three are from the last 12 years, and I estimate that the average age of the remaining units is anywhere between 20 and 60 years old. I do not deny the fact that these were the dredges available for the study in the Pacific Northwest, but it is unfortunate that no allowance has been made in the study for improved efficiency of dredging equipment of more recent vintage. If we agree that we have a responsibility to ourselves, our industry, and to politicians, conservationists, and ecologists because of the value, experience and understanding which we have in the industry which is not generally known to outsiders, then we should define the way in which we can discharge this responsibility to ourselves and others. I propose we do so by setting five objectives which are technical and professional in character, and I would outline these as follows:

I. The first objective on the professional side which really affects all of us to a significant degree, is that we must provide a common forum for our engineers and scientists to train ourselves and each other in better definitions of the problem and in the positive attitude which we must acquire to lead to action in our approach in the dredge industry, whether we are operators, builders, designers, civil engineers, or carry other responsibilities. We must do this in order to bring our professional opinion to the fore in the world. In other words, we must learn to condition ourselves to adopt a positive and active approach to the solution of the problem of ever-increasing water contamination and pollution. To put it more plainly, we should stop complaining and commiserating with one another and show a mature and professional attitude to the outside world.

II. Now, to get over to the technical side—it is obvious that we have to develop improved methods and equipment in the dredge industry. We need both, to avoid contributing to water pollution and start reducing the effect that a dredge operation may have on its environment by insisting on greater precision in dredge operation and more control in avoiding material run-off. In the equipment, we must design more efficient dredging machinery, both in mechanical and hydraulic dredge design, so that we do not lose material behind the cut or stir up material around the cutter or bucket. The keynote here is to improve efficiency by reducing the losses. This goes together with improved civil designs which allow for more efficient application of dredging equipment. It should be apparent that in this approach, the cost per cubic yard may not necessarily increase because a greater efficiency, will be obtained in the overall operation.

III. Referring again to the professional objectives which we must set for ourselves, I think that perhaps the most apparent lack in general understanding of water pollution, in specific relation to a dredging operation, is that there is a time element which is an important dimension in evaluation of the environmental affect of a certain dredging operation. To put it simply, you can't clean up the store with a broom without stirring up a certain amount of dust. But, does that mean that the clean-up operation creates dust? If you come back an hour later, the store is cleaner than it was before you took the broom to it.—There is the time element. Applying this observation to dredging, if you have a certain amount of sludge or even poisonous material in the bottom of a river or channel, you may stir up some of the stuff while you are trying to clean it out with a dredge, and it is certainly desirable to keep this stirring or turbidity to a very minimum, but if it needs cleaning up, the only way is to go to it and use the best methods and equipment available. A temporary reduction in catch of the fisherman downstream may be of far smaller economic impact than a reduction of draft in a channel which may eventually starve a harbor from traffic—permanently! Please note that after the channel is cleaned up by dredging, the fisherman will improve his harvest also.

IV. We must also learn to sort, share, and coordinate existing information and to present this in a communicable form to our politicians, conservationists and similar groups to show our willingness to share factual information and fundamental theory with the world, in order to help improve the environment. We at Ellicott have emphasized the need to develop and promote our art in the dredging industry into science, in order to provide a common base from which all of us can build faster towards a more progressive future. We have conducted a great many seminars on our own to present the fundamental dredge system theory applicable to dydraulic dredge operations and designs, which is beginning to get wide acceptance. This is just an example of taking a step in the direction of converting art into science. It has been accomplished in practically all other technologies and industrial endeavors, and there is no reason why it could not be accomplished in the dredge industry.

V. As the final objective, both technical and professional in character, we must develop better guidelines in our own immediate areas of responsibility for predicting side effects related to pollution in one way or another, of dredging equipment and its operation. There is a great need for factual information in this area, and this information is available only from direct sources in our industry. If we make it available to the proper authorities, it may serve as a practical basis for compromising political objectives with practical legislation and regulation, and the time is now.

Some 14 bills of new proposed legislation were presented earlier this year by the Administration to the Congress on recommendation of the President's Council for Environmental Quality. Many of these have to do with standards and definitions for water pollution and control. I suggest that many of us would make extremely knowledgeable and skilled witnesses to the congressional committees which are reviewing these bills, if we were willing to make ourselves available.

In summary, I wish to call on this fine representative group in the dredge and marine construction industry to recognize that we have a problem on hand which is generally referred to as water pollution; and that—to reverse a popular saying—*"we are not a part of this problem, but we can contribute to the solution"*. The solution is not all that apparent, and we need to work on it to bring it out and to promote it to the world. The key to this pollution issue is to provide improved methods and equipment in the dredge industry in order to run more efficient operations requiring new developments in equipment and a higher level of management and skill in operation. To do so, we must assess our level of art and help convert it to science to provide a common basis for further improvement. We at Ellicott are dedicating our resources to this purpose. I thank you.

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## ON THE POLLUTION OF EDUCATION

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. RARICK. Mr. Speaker, President Nixon underscored the importance of local control of public education when he stated in his recent state of the Union address:

> All of my recommendations, however, will be rooted in one fundamental principle with which there can be no compromise: Local school boards must have control over local schools.

Yet, the clear record of his administration in the public and private educational field has been one of more Federal control and Federal intervention, denying a voice to the local elected officials, than any President who preceded him. The President's noble rhetoric is belied by his recommendations for billions of dollars in Federal funds for education and by his failure to direct his appointed HEW and Justice Department officials to stop their Federal usurpation of the people's educational systems and comply with the law of the land, which is the Constitution and the laws enacted pursuant thereto by Congress which prohibit such Federal control and intermeddling.

Dr. Joseph P. Bean, medical doctor, and former member of the Glendale, Calif., Board of Education as well as a self-educated student and scholar in the field of education, has placed the blame for the breakdown in public education largely upon the federalization of local school districts. On the occasion of his recent resignation as a trustee of the Glendale Unified School District, Dr. Bean delivered a remarkable speech entitled "Public Education—A River of Pollution" which he concluded with these words:

> I have been to the River of Education and have found it polluted. I have concluded this pollution is irremedial at the local level because pollutants are poured into the river at the federal level and more pollutants are added at the state level. Nearly every innovation is paid for by funds from Washington, and accepted on our behalf by the State Board of Education. The federalization of local districts was completed with the enactment of ESEA in 1965, and under the law-making policies assumed by HEW, the control grows tighter daily. Only about ten percent of the decisions affecting local school districts are made by the local board of education, and the River of Education is too highly contaminated for this small fraction of influence to make an impression at the local level.

Dr. Bean's address comprises the distillation of countless hours of reading, study, thought, and observation on his part in the field of education. After briefly tracing the history of public education from the 1820's, he explains how John Dewey and his "progressive" disciples laid the foundation for the schools to play an active role in building a new collectivistic social order, with a completely state-owned and operated economy. Then follows an exposition of significant innovations introduced into education during the past decade and which can be noted in effect in classrooms across America today. Dr. Bean discusses such innovations as the sensitizing of students to change their attitudes and beliefs, downgrading and even elimination of textbooks, a new role of the teacher as a change agent, and an insidious plan called PPBS—planning, programing, budgeting system—which would robotize children.

In resigning his post with the Glendale Unified School District, Dr. Bean was not quitting the fight for locally controlled schools—he was just beginning it. He plans to form a corporation named "The Center for the Study of Educational Institutions" as well as to write and talk in order to alert Americans of the cancer which is destroying American education and to foster the improvement of practices in our schools.

America's future, whether it be a free society under our constitutional Republic or a totalitarian collectivistic society, depends in large measure on how our youth are trained and educated. It is imperative that the President's praiseworthy recommendation that local school boards have control over local schools be made a reality now.

I insert Dr. Joseph P. Bean's address "Public Education—River of Pollution" in the RECORD at this point:

#### PUBLIC EDUCATION—"RIVER OF POLLUTION"

(By Joseph P. Bean, M.D.)

[Published by The Citizens Committee of California, Inc., 1110 South Pomona Avenue, Fullerton, Calif.]

As I began my term as a school district trustee, study in an area of current interest to the board would take me into the byways of education, some pleasant and some not so pleasant. These studies always involved reading; some were short stories and some became major adventures. Philosophers whom I had read and half-forgotten were revisited with great thoroughness, and dozens of the world's great scholars through the ages whose thinking has contributed to educational development were read. The most reading, however, has consisted of the recent and current works of educational theorists and of those who are making the applications of those theories in the classroom. I have attended lectures without count, workshops, symposia, and conferences in many districts. Campuses in this and other states were visited to see first hand how particular innovations were working.

A constant theme in all the current writings is change, how society is changing, how individuals are changing, and change and more change. An expression coming into use is "the cutting edge of change," and the people on the cutting edge are the front-line innovators. Most of the change we see is being induced deliberately.

So much of my study is of what is happening on that cutting edge, and I have come to realize lately that much of my time is spent monitoring it, scanning it incessantly like a stereo radar. It is possible to anticipate what we will be seeing in education and what the probable effects on man will be. In a few minutes we will speak of some of these things. First, however, I wish to present an abbreviated picture of what has gone before in school reform in this country.

Beginning in the 1820's, we began to organize state systems of public schools, consisting chiefly of grammar schools. Later, statewide requirements were set up for attendance, courses of study, and certification of teachers. After 1874 the states included the high school in their systems, and by 1900 we had more public high schools than private academies. There was growing pressure to enact laws requiring all children to attend public schools. In 1925 the Supreme Court ruled that no state can require all children to attend public schools, permitting the choice between public or private schools to remain with parents.

Both public and private schools offered what we call traditional education, holding that schools exist primarily to transmit systematic knowledge. A large share of elementary education was given to reading, writing and arithmetic, and the high school stressed the teaching of academic courses in history, English, mathematics, science, and foreign languages. Students were expected to extend maximum effort to achieve high standards.

Education in schools has three basic components: (1) the aims and purposes of education, (2) the courses offered and their content, and (3) the process or method of instruction.

In this century traditional educational aims, content, and methods have been profoundly influenced by several innovations and philosophies. Some of the periods of reform have been long and pervasive while others have presented themselves as mere fads.

The first significant innovative phase was initiated by John Dewey and his colleagues. By 1905 Dewey had become the dominant voice in teacher education with his home base at Columbia University. Harvard and many of our other great universities adopted his philosophy.

Dewey changed the aim, content, and methods of education. It is important to understand why and how he changed the aim of our schools. He was a national socialist, promoting one hundred percent state control or ownership of property, of all means of production, whether capital, natural resources, or labor. He called it collectivism. In 1905 he organized the Intercollegiate Socialist Society, along with Jack London, Upton Sinclair, Walter Lippmann, and W.E.B. Dubois. In 1921 the Society changed its name to the League for Industrial Democracy, and Dewey served as its president in 1941. Its aim was to put teachers in the classroom who were collectivists, as well as ministers in the pulpits and leaders in the labor unions. In 1962 the League formed an action arm called the Students for a Democratic Society.

Early in the century Dewey had formed the Progressive Education Association and the American Association of University Professors. These two organizations were committed to the goal of collectivizing the United States.

Dewey assigned to the schools a revolutionary mission to reform society, including its economic system. This changed the aim of education, of course, from its traditional purpose. The chief instrument to accomplish this reform of our country was the use of social studies instead of the separate disciplines of history, geography, economics, etc. By the 1930's the political climate was suitable for their work, and social studies departments were formed in public schools in several important local systems in the United States. By the forties social studies had moved into the elementary schools.

Included in this movement were many of the best minds of the country. They wrote volumes and lectured endlessly on the theme that the schools take an active part in building a new social order, with a completely state-owned and operated economy.

Having changed the aim of the schools, the content of education also underwent great changes. New textbooks were written and the old ones revised to present the collectivist aim. The third component of education, method, was also changed. There was emphasis on life-adjustment of the student, learning by doing called the discovery method.

It was a permissive approach and did for education what Spock did for child rearing.

During and immediately following World War II, the emphasis on creating a new economic and social order in this country was expanded to include the entire globe. The whole world would be better off as a global collective and to achieve this a political mechanism of global government would be necessary. The global government would remove the sovereignty of all countries. Even national boundaries would be erased. This expanded role of the schools is well stated in one textbook which reads "Allegiance to a nation is the biggest stumbling block to creation of international government. National boundaries and the concept of sovereignty must be abolished. The quickest way to abolish . . . sovereignty is to condition the young to another and broader allegiance. Opinion favorable to international government will be developed in the social studies in the elementary school."

The teaching of geography is now used to break down the isolation of nation identity in the mind of the child, and develop instead a world sense. The social planners state that the attitudes brought to school by the child which are harmful to building world citizenship are "corrected" whenever possible and replaced with the "proper" attitudes simply by the wise use of geography in the classroom.

A few months ago, I objected to the adoption of a series of textbooks in social studies for the elementary grades by the California State Board of Education. These books are geared to develop a readiness in the child for a global collectivist economy, under one government. A newspaper reporter asked me if I didn't think global government would be a good thing. My response was, of course, that it is the collectivism which I object to, whether on a world basis, in the United States, in California, or in a school district. Furthermore, it has been well established that world government could exist only as a collectivist state.

In 1952 and '53 aroused public opinion against this abuse of the public schools put a crimp in the actions and statements of the social planners. Many individuals and organizations went underground at that time, and did not surface again until the Supreme Court of the United States, itself populated mostly with collectivists, removed such laws as would curtail their actions. Since their resurfacing in the sixties, we have all become familiar with the remarkable success in achieving their aim.

In 1955 the Progressive Education Association disbanded, and many educators passed by the movement for newer and more promising methods of reform. It had been so pervasive, however, that it has continued to be dominant over traditional education in the classroom and its philosophy, in fact, is in control of American education. The educational theorists, textbooks writers, professors in our universities, and hundreds of thousands of teachers, are unshamedly collectivists. It is a fact which is taken for granted and little attention is now paid to the fact that their economic, political, and social philosophy is remaking and has already greatly remade our country. Charles Reich in his recent book "The Greening of America" says the social revolution of the new generation is so successful and complete that it lacks only the change in the political structure as its final act. In fact, our laws, institutions, and social structure are rapidly changing because of the revolution of the new generation.

After Dewey's movement, the next era of reform has been marked by its innovations in methods of instruction. After Sputnik in 1957, a sense of national urgency concerning our deficiencies in education elicited numerous innovative programs and techniques. These include the use of teaching machines, team teaching, television, non-graded classes, computers, etc.

In the sixties, as innovations became more widely used, the federal government became interested in speeding up the development of new ways of teaching. The Elementary and Secondary Education Act of 1965 provided one hundred million dollars to set up centers which would develop exemplary school programs as models for use in the districts. 'Exemplary' has been interpreted to mean innovative and experimental programs, and the centers, called centers for Programs to Advance Creativity in Education (PACE) have developed quite a volume of innovations. Once the experimental stage of a project is complete, the program is then exported to any district which wants it. It is sometimes the case that the project is still in the experimental stage when it is exported. More on this later.

Team teaching, flexible scheduling, elimination of grade levels permitting students to move up the scale at their own speed, teaching machines, use of television, elimination of four-walled classrooms, etc., are innovations which relieved the rigid programs and teaching practices in many schools. If these methods had been used to improve schools where traditional education is taught, I believe they would have achieved some real progress in the art of teaching, or at least they could have been given a fair trial. But we attempted to apply these new techniques to schools whose philosophy was inherently bad and all we accomplished was different ways of turning out a bad product.

Even while these new practices are being adopted by an ever greater number of schools, other changes are being embossed upon the still new practices.

Developing alongside these new teaching techniques is a new movement, the philosophy of which we need to understand. It is a concept of man which rejects nearly every previously held belief about man and his nature. It is this philosophy with which millions of American parents came to loggerheads in the late sixties. The distress which it has created, coupled with the effects of Dewey's collectivism, has placed our schools in jeopardy and their continued existence is questioned by educators and laymen alike. Because the radical applications of this new philosophy were introduced into the classroom at the same time many of the above innovations were introduced, parents have blamed the innovations for the resulting difficulties, not realizing that it was to a great extent a new philosophical movement which caused the problem.

A few words about the historical development of this new movement will suffice. Sigmund Freud, who died in 1939, had developed the first great school in psychology and his theories of human behavior continue to dominate the field of psychology. He believed that man is an animal and only an animal. He emphasized the influence of the unconscious mind on human behavior. His work was with the mentally disturbed, and he did not study the normal, healthy human being.

The second force in psychology is referred to as the theory of behaviorism. Many men were associated with the development of this movement, but first is the name of John Watson who died in 1958. The behaviorists see man as merely another type of animal and emphasize external, environmental influences in shaping human behavior. They are influenced by the work of the Russian scientist, Pavlov. Their research is strictly objective, using the scientific approach in the study of man.

Freud emphasized the inner drives of man, and the behaviorists relied on outer or environmental influences to explain man's behavior. For several decades these two schools of thought have existed side by side, and both have profoundly affected education.

A new school of psychology, called the Third Force, has emerged and is having a much greater influence on education than the first two schools. In fact, for many educators today, the practice of this Third Force psychology in the classroom is what education is all about.

The Third Force school, or Humanistic Psychology as it is also called, holds that man is not classified with the lower animals, that he is significantly different, and that he is capable of good behavior as well as bad. Instead of using the mentally ill in its studies, healthy individuals are studied, the best of the species. Fully mature people are chosen, people who have achieved self-actualization. These people are intelligent, creative unconcerned with conformity if important principles are involved, living beyond certain mores, humble yet enormously flexible, have a keen sense of right and wrong, have a low degree of self-conflict, are highly motivated, and have few problems of their own. They work to solve the problems of society. These self-actualizing people are few; they make up less than one percent of the population, and are described as the 'growing tip' of the human species. The psychologically healthy person is one who wants to do what is usually considered right and reasonable, that is, what he wants equates with what is right.

The Third Force holds that man first fulfills his physiological needs for food, shelter, sleep, etc. Only after these needs are met does he move on to fulfill his needs for safety. After he has secured himself, he tends next to fulfill his need for love and for esteem. Once these are met, he is motivated to meet his needs for self-actualization which are called growth needs. The person who fulfills these requirements is psychologically mature, and one of the 'growing tip.'

The most prominent name in the movement and the man who unified the thinking of his colleagues is Abraham Maslow who was Chairman of the Department of Psychology at Brandeis University. When he died last June at 82, the Los Angeles Times reported that Maslow's psychology formed the foundation for the National Training Laboratories of Washington, D.C., now called the Institute for Applied Behavioral Science as well as for Esalen and Synanon. Some of Maslow's fellow founders of this movement in psychology are Carl Rogers of the Western Behavioral Sciences Institute at La Jolla; Willard Mainord, a psychologist who believes the patient must be made responsible and productive as the means to rid him of his mental disturbance; William Glasser, a psychiatrist who developed Reality Therapy and who believes the mental patient is morally responsible for his deviant behavior and can only be cured when he assumes responsibility for fulfilling his needs; and Herbert Otto, Gordon Allport, Abraham Low, Henry Link, and others. Supporters of the movement include Gardner Murphy, Erich Fromm, S. I. Hayakawa, advocates of Gestalt psychology and advocates of General Semantics.

The application of the Third Force theories includes the human potential laboratories or growth centers such as Esalen Institute at Big Sur, California and the one hundred or more other such growth centers ,T-groups, encounter groups, therapeutic communities such as Synanon, Reality Therapy, and innumerable other applications in churches, businesses, and especially in the schools. The object, so the practitioners say, is to aid the businessman or the child to achieve his growth needs and thereby become self-actualized.

I am not arguing with the use of some of the Third Force principles in the treatment of the mentally ILL. Some of its basic assumptions in the area of mental illness as medically defined are valid and I support them. However, I do not agree with applying these principles to the healthy individual in the manner in which they are being applied today. Pictorial articles describing therapy for well individuals at growth centers such as Esalen depict the activities as dissolute, degenerative, and certainly not designed to develop the individual but to degrade him. Books and articles on the subject have appeared by the thousands, including medical, psychological and educational journals.

Applications of Third Force principles in the classroom is what concerns us tonight, and we will describe this in some detail. What this movement has done to the classroom, I call 'new education.' Over the past two years, I have catalogued in some detail those conditions now prevalent in education which derive from the Third Force influence, either directly or indirectly. In most educational journals one-half of any one issue is devoted to promoting programs applying Third Force principles. Please bear in mind that in the classroom these principles are being applied to healthy minds, not disturbed minds. Let us look at some of the occurring changes.

As mentioned earlier, Dr. William Glasser is a psychiatrist and one of the founders of the Third Force in psychology. He argues that Freud's psychoanalysis is too time consuming and yields too few successes with mental patients. He developed a new approach in treatment called Reality Therapy, which was first tested in the Ventura School for Girls, a California institution for alcoholics, dope addicts, prostitutes, thieves, and convicts of more serious crimes. He was very pleased with the results and decided it would be beneficial to utilize his approach in the schools to prevent delinquent behavior from developing when the child is still young. Delinquency almost equates with failure in school, he believes, and his object is to prevent this failure.

Dr. Glasser describes life prior to 1950 as a survival society, a society in which it was necessary for large numbers of persons to work to survive. He believes that most persons do not have to work for a living today, and that children, because of our affluence, are not concerned with their own survival. The government will take care of people's needs. This has produced an identity society, in which children are no longer searching for a goal, but for a role, he says. This search for a role or identity is now the primary need of human beings, he believes. Our schools are out of phase because they fail to recognize the children's identity needs. Schools are still emphasizing achievement, the gaining of knowledge, teaching children how to make a living when they grow up, and reaching goals, all of which were admirable aims for the survival society when people did work for a living. But now, the school must change its function to enable the child to identify himself as worthwhile, Dr. Glasser has decided.

What is happening in the schools where Dr. Glasser's principles are employed? He believes education has three components: involvement, relevance and thinking, as opposed to the traditional triad of aim, content, and method.

How does he provide involvement? The most heavily weighted aspect of his theory is the class meeting, held once daily at the primary level and once weekly at the secondary level. The most effective class meeting is a circular arrangement with the teacher and students sitting in a tight circle.

These class meetings are of three types. The meeting acts first as a problem solving group to strengthen the child's coping behavior. The class discusses any difficulty it wishes, and problems of the home are eligible for discussion. The conclusions arrived at are to afford peer group control of behavior of the individual students. The teacher stresses that there are no right answers, no constant truths, and no constant moral principles. Dr. Glasser's definition of morality is 180 degrees out of phase with the moral concepts of Western man, with the Biblical religions, both Jewish and Christian, and with most beliefs held by the mainstream of our society. Much of the literature refers to these class meetings as psychotherapy.

The class meeting acts also as a problem solving group to discipline students who have misbehaved. Dr. Glasser says there should be no reluctance to name names and bring the difficulty into the open, as the children discuss the misdeed. Children will often become very personal, talking about subjects ordinarily considered private, but Dr. Glasser says parents exhibit too much anxiety about such things.

The second type of class meeting is the open-ended discussion, where any item of relevance is treated. The teacher is not looking for factual answers, or for solutions to social problems. The students discuss, and no conclusions are reached. These discussions include the draft, the pill, abortion, family planning, urban renewal, oil slicks, etc.

The third type of class meeting is termed educational diagnostic and is an effort by teachers to see how well children are relating their education to real-life situations. They have been prepared for social and political action by the open-ended discussions, as we shall see in a moment, and this class meeting is designed to determine how well the children have been reoriented.

The teacher must develop great expertise in handling the class. To keep a discussion going she asks personal and specific questions. She may ask "Is your mother bored? Is your father bored? Is school work always boring?" Family-life education is important for discussion.

Morality should be discussed. A balance must be struck between complete honesty and what the community will bear, Dr. Glasser says. Elementary pupils understand early in life that we really live in two worlds: the world of pretense, where we spout moral values, and the world of reality, where we pay as little attention to them as possible, he states. Children know how phony the world is, he concludes.

Concerning his next component of education, Dr. Glasser says relevance is brought to the classroom by suspending the usual subject matter and substituting discussions of the emotionally-laden social issues which face man today. Discussions should take place on such subjects as love, marriage, sexual relationships, the Vietnam war, abortion, the pill, family planning, lobbying, taxes, zoning, the draft, pollution, friendship, etc. This begins in elementary school.

On the subject of his third component of education, thinking, Dr. Glasser believes education has downgraded the thinking and the creative capacities of the student. The problem-solving aspect of educating the student has been ignored. We need thinking in the classroom, especially thinking about the great problems facing man today, as indicated earlier. He would have the class solve these problems before the students have received any valid information on the subject. As one mother described it last year, "The students sit around in circles exchanging uninformed opinions." When they are through, they believe they have come up with something valid.

Dr. Glasser believes that education's emphasis on imparting knowledge to the student has been very destructive . . . what we should have done was to teach the student to think and solve problems. The inquiry method of learning must be used, almost exclusively, a method wherein the curriculum consists of an investigation of timely problems. For this purpose Dr. Glasser eliminates textbooks and the class uses relevant, low-priced paperbacks, newspaper articles, and material from such periodicals as "Life" and "Look" magazines. When the student accumulates data on a social problem from these random sources, he evaluates the data and tries to draw conclusions of his own. The accumulated knowledge of Western civilization which he would have received through good textbooks is now denied him, and he is thrown into a morass of material most of which is not objective and presents one point of view—that of the collectivist. It is designed to alienate him from his heritage, and from his parents' point of view.

Using textbooks and lectures to impart knowledge has produced certainty, truth, correctness, and memory for the student, says Dr. Glasser, and these are enemies of thinking. Either we impart knowledge so that the student has truth and right answers, or we permit the student to think. The two are mutually exclusive. Learning facts promotes isolation (development of the individual) rather than involvement (development of the group man). By eliminating the accumulation of knowledge, the student will be freed to become involved in relevant matters, and we can translate that to mean social and political action. One advocate of Dr. Glasser's concepts stated to me recently that this approach will produce great social change in our country, and might involve violence by thwarted students who have been oriented to social change in the classroom. He felt such violence would be fully justified.

To prevent failure children must be taught to tolerate uncertainty, and Dr. Glasser states: ". . . we have to let students know there are no right answers, and we have to let them see that there are many alternatives to certainty and right answers." Again, "The truth does not make much difference basically," and "It is very unfortunate that we get so concerned that what we teach is certain and correct."

Dr. Glasser believes that using grades as a yardstick for achievement produces most failures. Scholastic achievement is not the proper function of schools today and to measure a child's achievement interferes with his identifying his role and establishing his self-worth. Objective tests have been very harmful to children. Since there are no textbooks and no formalized systematic subject matter studied in the class, there is not much reason for testing. He recommends a pass-superior, no failure grading system.

The belief that knowledge is tentative and that there are no constant truths or absolutes pervades most of American education today. If there is any one thing which causes parents to lose faith in our schools, this must be it.

Dr. Glasser is concerned about the number of students who became failures in school and are damaged for life by the effects. This is a constant concern of mine. What we have done to the school child through the years in the form of poor methods is enough to stunt the best students, and we must eliminate these damaging practices. But sensitizing the children with an unnatural therapy is not the answer. If we want to change our practices and techniques, then we must work at the level of the teachers and the teacher colleges where they receive their training. Third Force principles have not improved education: they have replaced education. So much for Dr. Glasser.

An important aspect of the Third Force practice in the schools has to do with changing the children's attitudes. The assumption is that if students' attitudes are significantly changed, the result will be a changed society. These programs are now reaching out to re-educate parents, with pre-tests and post-tests to determine how successfully their attitudes were affected.

The Self-Enhancing Education program called SEE is designed to accomplish just that. It works with both the students and the parents. One of the objects for the children is to discover who they are. We hear a lot these days about the fact that our young people are asking, "Who am I?"

Parents are saying that our children knew who they were before Benjamin Spock, John Dewey, and the therapy people presently swarming our schools came along.

The process of sensitizing a child involves three steps: unfreezing his values and standards, changing the child by giving him different standards and a different conception of who he is, and thirdly, refreezing, to lock the child into the new self. He is then supposed to be a self-actualizing person. After the re-freezing is accomplished, it is impossible for the child to communicate with the conventional person, including his parents. He operates on a different wave length, and though in conversation he will use the same words he formerly used, the meanings of these words to him will be entirely different from their meaning as understood by his parents. The child is fully sensitized. It is important to understand that sensitivity training occurs overtly in seminars and workshops specifically for that purpose, but more generally it can occur covertly in the everyday experience of the classroom. A great deal of sensitization occurs via television. Many newspaper reporters and editors are sensitized, without having had formal marathon sessions, T-groups, or whatever. I think it is in order to state also that most textbook writers today are sensitized, as are many, many teachers. The traditional teacher is battling for his very life in a system which can no longer communicate with him.

In an attempt to re-establish communication between parents or other adults and teen-agers, the University of California offers courses for these adults to retread them in the ways of the new mentality of the youth. The theory is that after these courses, parents and children can converse again.

It is when the student enters junior high school that he is bombarded with textbooks, lectures, films, pamphlets, and periodicals which are at odds with what he has been taught by his family concerning capitalism, religion, and the whole scope of his heritage. He is daily confronted with a view which is in conflict with his own standards and values. Most students are absorbed almost by osmosis into the new thinking process; only a few escape. The one who continues to identify with his home training is subjected to ridicule by his peers and to pressure by the teacher.

Most all social studies textbooks published today state in the preface and in the teachers' manual that it is necessary for the child to unlearn his old values; he comes to school damaged by the concepts he has received during the first five years of life, and requires mental healing. Educators are now saying that if they can have the child for two years before he reaches kindergarten, they can so affect his value system that the child will not depart from it when he grows up. If they cannot have him before kindergarten, the next best thing is to undo, at as early an age as possible, the damage done to him in his home environment. Seventh grade is considered much too late to begin this process of retraining. For this reason, the social scientists have moved into the elementary level to write textbooks. The new series of books for kindergarten through fourth grade by Paul Brandwein adopted by the State of California a few months ago has the express purpose of unfreezing the child's home-taught values at an early age. These books will be in use this fall.

For the last several parents have found it difficult if not impossible, to communicate with their teen-age youngsters, chiefly because their children had been reoriented in the classroom. Now parents should expect to find alienation from their elementary school age children as well.

The modes used in the classroom which reflect the Third Force influence are myriad, and cannot be discussed here. Teams of experts moving out from the universities and colleges into the school districts bring unbelievable programs designed to affect the children's psyches, not to teach them anything. This constant remolding and tampering with the minds of the children in very damaging ways is the way of life in many school districts today. Developmental laboratories are maintained by some districts to churn out their own devices to experiment with the children and help them to relate to their changed world. There are thousands of such things going on with teaming fervor all over the country. They are not proved techniques, but replaced in the classroom with great facility, with school boards asking no questions and refusing to listen to the pleadings of parents. As stated earlier, I have catalogued thousands of such programs under the heading "new education." A large portion of these programs, modes, and techniques are directly from Dr. Glasser. Many schools not using the Glasser principles in their entirety are using certain portions, in varying stages of progression. Large numbers of such programs are emanating from the PACE centers mentioned earlier.

Some scholars in education who live and work on the thin line of education's frontier, on that cutting edge, if you will, have pioneered an even newer and truly radical reform movement in education which is taking hold at a surprising rate. It has grown out of and certainly reflects in large part the Third Force movement in psychology. "Radical" means going to the root, and indicates a genuine and complete departure from present theories and practices in education. These reformers refer to themselves as radical in this sense. They dismiss the innovations in method such as team teaching, nongrading, and teaching machines, as mere patches on cracked plaster. The thinking of these reformers is exemplified by Goodman, Friedenberg, Henry and McLuhan. These men are not critics of educational institutions in the usual sense, simply because they are not interested in schooling as such. They tell us they are not even interested in learning as such, but in growth, dignity, autonomy, freedom, and the development of the full range of human potentialities. These thinkers strongly condemn what they term America's sick society, its competitive spirit, its debased culture, its suppression of minority groups, its racism and imperialism, and its lack of compassion for the wretched within its own boundaries and the rest of the world. They blame the school for the existence of these conditions, and believe the schools engage mostly in miseducation. They believe we would be far better off without schools of any kind than to continue the way we are. They would not give a cent to continue education as it is now established, but would dismantle the entire system and reconstruct it along radically different lines, using Third Force principles, including most of Glasser's. Let us take a look.

They believe that up to age twelve there is no point in having formal subjects or prearranged curriculum. It makes no difference what a child learns at this age so long as he keeps on learning. Any benevolent grownup, even if he is illiterate, can teach an eight-year-old anything he wants to know. The only training the teacher would need would be in group therapy. What ever is useful of our kindergarten through grade eight curriculum can be learned in four months by a normal child of twelve. Schools can be small, with 28 or 30 children and can meet in any store front, church basement, or housing project. Four grownups would be needed; a teacher, a housewife who can cook, a college senior, and a school dropout of teen-age. The cost would be less than today's public school. Most students would not go to high school but would go to work. The 15% who want academic study would go to a small academy instead of a high school (there would be no high schools) and there they would prepare for college board examinations. Three teachers would suffice, one in physical sciences, one in social sciences, and one in humanities, for the 60 students in each academy. A student can be ready for college in three years by spending 3 hours a day in the classroom.

The radicals agree that the idea of the liberal arts college is to refine character and citizenship, but they say it does not come off that way. Some nice friendships are formed but ivied clubhouses are not necessary for this purpose. Paul Goodman states that young men learn more about the theory and practice of government by resisting the draft than they ever learned in Political Science 412.

According to George Leonard, education will be more concerned with training the senses and perceptions than with stuffing brains. Developing the mind will be deemphasized; developing the capacity to enjoy sensations will be paramount. Experimental institutes are now working out new ways to educate people's neglected capacities to relate, to feel, to sense, to create, emphasizing man's physical, sensual makeup. The new school in Leonard's view will be unstructured and students will move freely through this place of learning, whether it be a room, a building, or a cluster of buildings.

The ghetto school will be a community center where the citizens come for recreation, and for art, music and drama activities. They come to the school to work out community policy on housing, traffic, health, police, etc., and for welfare activities. The school solves problems not only for the student but also for the citizen and the entire community. The County of Los Angeles Commission on Human Relations has worked out something of this sort recently by developing its proposed Community Advisory Committees. Each school would have its own advisory group of citizens. In the ghetto school situation, the radical reformers will educate parents as well as students. Parents will be tested before and after their schooling to determine what changes took place.

Edgar Friedenberg believes that compulsory education until late adolescence is terribly wrong, and that a child should arrange his education for himself, if he wants it. He should choose the school he desides. Mr. Friedenberg believes we will have to provide residential schools for students whose homes are wretched and lack sufficient nutrition. These boarding schools present one danger, he believes; they might become totalitarian.

A description of one of the new schools as proposed by the radical school reformers will be helpful at this point. Many or most students arrive early and proceed to their classrooms. There is no opening bell. Some read, write, paint, play music, and some take care of pets. The teacher comes in unobtrusively and begins working with students. There is little organized activity for the entire class to perform together. Some work on math or reading in a small group, but for the most part children are on their own, moving about and talking quite freely. The children come to the teacher at her desk for help, but more often she is moving about the classroom, listening to children read, asking questions, advising on projects and helping where needed. The hallways are full of children putting up displays of paintings and graphs, or collections of many sorts. There are plenty of nails and boards, and I assume, hammers.

In one corner is a library nook where children read or look at books. There are no formal reading lessons and the child learns to read at random, in the same fashion he learned to talk by random encounter when he was two. If two children are reading aloud in the library nook, the better reader will correct the mistakes of the other, and so they learn. Much free writing is produced. No assignments are made, but the children write from natural desire, whether stories, poems, or just sentences. There are no individual desks, and no assigned places. The room is about the size of the conventional classroom, and has about 35 to 40 students. There are tables about the room for different kinds of activities: art, water and sand play, and number work. The number tables have many number lines with numbers marked on them so that children learn to count and to reason in math. They have weights and measures, and odd things to count.

The room has a play corner with dolls and furniture for playing house. Puppet theaters are everywhere, and the puppets are homemade. There is no difference in the school day between any of the subjects—in fact the new school may have no subjects at all. Textbooks are eliminated at the outset.

There is never a spelling lesson. As the child comes upon each new word by accident, he writes that word in his own dictionary notebook, and having internalized the word, ergo, he can spell it in the future. When the child is well on his writing, some grammar and spelling are introduced but not as separate subjects. They are mentioned as ways to say what the child wants to say in a more efficient way. The children write spontaneously and only on a topic which occurs to them.

In the new school the role of the teacher herself is vastly changed. She is a facilitator of learning, a conditioner of attitudes, rather than an imparter of knowledge. Children learn from models and the teacher is a model learner. The radical school reformers state we are so flooded these days with the elaborate formulations of experts that we have lost sight of the underlying simplicity of things, one of which is that children learn best from other children. They believe teachers should get out of the way of children so that learning can take place. The role of one child is that of learner model for another child.

The informal conditions of the classroom make it difficult for the teacher to keep a record of the child's progress. A detailed history is kept of each child's path, and these histories make a report card look like a swindle, teachers in these new schools report. There are no examinations given and school attendance is voluntary.

The new school is designed to eliminate the dehumanization of the public school system as we know it, we are told. Each school is autonomous, being operated at the pleasure of the parents and the teacher. There is no school board, no administrators.

The unstructured class described here is still too conventional for some of the radical reformers. There is not even a classroom as such in some schools. The students go about with the teacher through the town and nearby countryside to become familiar with the social geography of their community. They visit the slums, the city hall, courts, study ecological hazards, methods of food production, transportation, etc. Parents serve as teacher assistants or as foster teachers.

The radical school reformers believe the new school will produce a society with no poverty, no racial conflict, no ugly individualism, no private property.

An example of their condemnation of our present situation is a statement of Jules Henry who says: "If all through school the young were provoked to question the Ten Commandments, the sanctity of revealed religion, the foundations of patriotism, the profit motive, the two-party system, monogamy, the laws of incest, and so on, we would have more creativity than we could handle." Of course, I feel his argument is invalid. There are quite a few million young Americans today who have questioned some of these very things, and they were provoked to question them by the classroom teacher. The result has been damage both to the student and to society.

During the last few days I have had the occasion to talk with two colleagues of Dr. Maslow, the chief mentor of the Third Force in psychology, and they believe some attempted applications of his theories are distortions and off the track. The state Dr. Maslow would not recommend an unstructured school such as we have been describing, that he recognized the failures of sensitivity training before he died, and that some applications of his works are not at all what he had in mind. This is not borne out by recent reports, which indicate he continued until his death to contribute his time to the development of what I consider harmful practices growing out of his theories.

Some of the reforms being implemented by the radical educators are based on very valid criticisms of our system. Some of the changes can be effective in creating internal motivation and in developing a love of learning. Some of the thinking, however, is based on misconceptions about the basic nature of man. Conventional education is accused of meddling with human nature and of trying to make it into something which it is not. The same charge must be made of some of the reforms of the radical educators. Human nature cannot be changed, and attempts to do so can create a monster.

Bertrand Russell disagreed with his friend John Dewey on the use of the method of discovery approach to learning. Russell believed that accumulation of knowledge is necessary, that the great pool of knowledge handed down in any one discipline must be sought by the student who wants to be educated, that study takes hard work and consistent application, that knowledge for its own sake is justified, and that if the student does not study of his own volition, he may need to be spanked to achieve the purpose. I am not an admirer of much of Russell's work, and this from him, is an amazing statement. Many great minds have brought their thinking to bear on this subject of learning, and perhaps the answer lies somewhere between the authoritarian approach and some of the valid reforms. In any case, the traditional aim or purpose of education must remain the same.

There are several areas of interest in education today which I would like to discuss at random. We will touch upon each area in staccato fashion, not attempting to unify them in any way.

One is the matter of relevant education. We touched on this topic earlier, and found that it involves replacing the subject matter with discussion of social issues which concern our country today. The subjects discussed closely parallel the several phases of the protest movement which began in 1954 with civil rights. Racial equality consumed several years and gave way to the poverty phase. After poverty came the free speech, sexual freedom, and academic freedom putsch, then the anti-war phase, followed by ecology, women's liberation, and now homosexual liberation. As these issues are tackled in the social studies classroom, English class, or art class, the student's education is said to be relevant. Teachers did not wait for Dr. Glasser to come along before they made their classrooms relevant. Relevant education has been going on for several years, moving from the college down to the high school, the junior high school, and now the elementary grades. Relevancy in the classroom has produced several million young people whose way of life and actions are destructive to our society and to the human spirit. More than fifty percent of our population is now under twenty-five years of age. This is more than one hundred million persons. What future have our schools carved out for these young people, as they enter the adult world, and what future for those who follow them, what future for the human race?

Let us look at the use of medication administered to normal children to help them perform better in school. Drugs, at the suggestion and sometimes demand of school authorities, are now used on upward of three million students in schools in the United States for such reasons as problems with learning, overactivity, assumed hyperkinesis, minimal brain damage, and to achieve behavioral change, memory lengthening, and attention-span lengthening. The number of children on drugs could grow to four million, Congress was told in September. One school district has reported 35% of its students on such medication. The National Institute of Health has given grants to provide behavior-modifying drugs, and physicians to administer those drugs, to local school districts. Representative Cornelius Gallagher of New Jersey held hearings in September to determine the extent of the practice, what persons in Washington were promoting the practice, and what role the NEA will take in the furtherance of the practice.

As we increase the use of experimentation with drugs to improve the personality of the child, a report in the NEA Journal states that "the basic role of the teacher will change noticeably. Ten years hence it should be more accurate to term him a learning clinician. This title is intended to convey the idea that schools are becoming clinics whose purpose is to provide individualized psychosocial treatment for the students, thus increasing his value both to himself and to society." This statement was made two years ago. The state of Hawaii adopted a master plan for its schools two years ago which calls for its children to become the objects of biochemical research. The Hawaii plan also includes the use of chemical memory transfer when the technique is available for their use. In the last few months we find symposia being offered in colleges for the purpose of explaining to those attending just what is happening in the area of the biomedical and cybernetic revolution. Literature promoting these symposia is most interesting to read. Already we are far advanced in the use of microcircuitry permitting multichannel remote control brain stimulation and recording in animals. The literature predicts that in this decade we could easily tilt irreversibly toward a totally controlled optimized electro-hierarchical society.

Another matter which Americans should be following with concern is the rapidly developing reality for the school for children two to five years of age. In the opening days of his administration in 1969, President Nixon established the Office of Child Development out of which grew plans for the construction of a large number of day care centers for the child under kindergarten age of five. These centers are planned not only for children whose mothers work, but for all children from two to five. As noted earlier, the people working in these government programs want to have access to the child at this early age, before he has had a chance to learn the wrong things from his parents. The maladaptive behavioral patterns developed at home can thus be prevented, they contend. This eliminates the necessity of the unlearning process when the child enters regular school. By the time he reaches kindergarten, his thought processes will have been directed away from traditional values and the child will not need sensitivity training at a later age. This will save everyone a lot of trouble. Whereas child care centers in the past have been custodial or baby-sitting facilities, the new centers will be learning centers. The NEA states that when the centers begin to operate on a wide scale, educators will assume a formal responsibility for children when they reach the age of two.

As was to be expected, when the White House Conference on Children and Youth met in Washington last December, one of the important matters to come before the conference was the establishment of these child care centers. Great urgency was assigned to the program. It would cost between six and ten billion dollars a year to operate the centers, and I do not know how many billions for construction. A system of child advocates will probably be established this year, with one advocate to represent children at the national level, one at each state level, and one for each community. The advocates would be responsible for policy-making and enforcement for all persons under twenty-one, and the system would guarantee every infant seven new rights which we will not take time to enumerate here. The advocate would stand as "protector" between parent and child.

There is more and more being said about developing the kibbutz (and this word is used) for American children, and the idea already has the backing of some congressmen. As in the communal settlement in Israel, the kubbutz house here would take the child at an early age, even at birth in some instances, and the child would be reared by the state. Elizabeth Koontz, president of the NEA in 1968 and named head of the new network of child care centers by President Nixon, is pushing for the establishment of this sort of arrangement for children. The kibbutz has the backing of numerous influential people.

The fading importance of the printed word as the most used mode of communication in education is being stepped up. The use of books and other printed modes (the use of printed words) is decreasing in importance daily as non-print multimedia receive more emphasis in education. Non-print multimedia include television, films, film-strips, recorders and tapes, radio, and telephone. We must contemplate the import of ignoring the printed word. If you cannot read, you can only do what you are told. One textbook says: "The alphabet and the print technology have fostered and encouraged the development of the individual. Electric technology (such as television) in today's communications processes encourages involvement and unification of persons.

The older training of observations has become quite irrelevant in this new time. Technology which was produced by the scientific method is rapidly becoming a thing of the past, and we have turned our backs on machinery of the industrial age. I assume you grasp the significance of this statement, that the day of science and its resulting technology is on its way out, that students will be discouraged from studying the sciences and engineering. One other brief quote from a high school senior problems class: "Social action can consume our energies and our time now, because it is no longer necessary for us to be overly concerned with a livelihood." The impetus is to regress toward a more primitive society, toward tribalism. Our standard of living has eliminated the necessity for worrying about fulfilling the basic needs, and we can move on to fulfill the growth needs to become self-actualized. Somehow, in the minds of educators, these growth needs come to be equated with working in the ghetto, on problems of pollution, on changing our institutions, etc.

According to the Executive Secretary of the California School Boards Association, man is a verb, not a noun. This kind of thinking is going into the making of the new school. Think about it. Man is a verb, not a noun.

Expect some talk in the coming months about the government billeting children in homes of strangers for the purpose of placing them in a neighborhood with a high socio-economic background, and for the purpose of achieving forced integration of races.

In his report on urban education submitted to the President last year, Wilson Riles stated that the role of the federal government in education in the future would be in social action thrusts. Our new state superintendent supports the idea of billeting and his assumptions about the role and purpose of the school are completely foreign to traditional education.

The idea of compulsory re-education of parents is growing, regardless of whether the parent already has a fine normal education. This new thrust will reach into the home and determine what and how the parents teach the child until he is five years old. This will involve impressment into the service of the government for the purpose of educating the infant and small child, right in the home, in a manner determined by the government. Look for much more on this in the near future.

Some high schools in California have eliminated all textbooks. Instead of textbooks the teachers use packets of material which they put together. These packets may contain articles from the press, essays by current educators, politicians, and bureaucrats, and articles from such periodicals as Life and Look magazines. If they choose, the teachers may order the packets ready made from lesson plan banks. These include the Learning Activity Package called LAP's from Florida, packets from I.P.I. in Pittsburgh, another from Duluth, and a popular one in California called Unipac in Santa Ana. These packets, whether ordered from a bank or prepared by the teachers themselves, are not seen or read by the board of education or the administrators, or parents.

Prior to two years ago, the term 'change agent' was seldom heard. Since then educational journals, school documents, government documents from the Office of Education in Washington and from the Department of Education in Sacramento, and even books used in graduate study in education, are replete with the term 'change agent.' Innovators assume that the educational change they are pushing is good, and that the only stumbling block to its adoption by a school district is resistance by a school board or the teachers. A person is trained in certain leadership techniques and placed in the target area to aid in the adoption of innovation, to accomplish change. He is called the change agent. Some counties in the state, perhaps all, have worked out a routine procedure to be followed by the change agent in implementing the innovation.

The procedure to be used in overcoming the resistance to change by the people of five joint counties in Northern California is most interesting to read. It is a document about half an inch thick and I will read a few lines from the last section. "The quality of leadership by a change agent is directly related to the rate of adoption of an innovation." "Use those principles best suited to each type of audience . . ." (board, teachers, students). "Times of stress are propitious for rumors." "A crisis speeds innovation." Innovators are perceived as deviants." "Innovators perceive themselves as deviants." The board, teachers, and parents need to know who the change agent is. It may be a board member, administrator, teacher, community leader, or an organization. Dr. John Goodlad, Dean of the Graduate School of Education at UCLA, and one of the top innovators in the country, wrote in "The National Elementary Principal" that the single school is the most strategic unit to act as a change agent. Dr. Goodlad's work is to help develop innovations and to devise ways for implementing them in the country's schools.

Literature from Washington states that groups can be used as change agents in education, and that the most effective ones for this purpose are the chambers of commerce, service clubs, and on occasion, the YMCA and YWCA. A plan for the new school in North Dakota states that the teacher is the change agent for the purpose of achieving radical school reform in that state.

The movement toward compulsory national service is growing. Having finished high school, the young person would spend two years in forced service, mostly in areas of social reform. Work would include helping in the ghetto, child care centers, paraprofessionals in the schools, and even service abroad in organizations such as the Peace Corps. Those choosing to accept military draft or who would enlist in the armed forces would, of course, not be placed in national service. National service would apply to both our young men and young women.

A study which has been most time consuming is that of the new Planning, Programming, Budget System for California schools. It is called PPBS, and its sole function is to rebotize the population of the United States—of the world for that matter, because operational models of the system are already being exported to countries abroad. We lack the time even to scratch the surface in describing PPBS, but suffice it to say that it is an agonizingly sophisticated endeavor by use of esoteric mathematical formulations to standardize and average out every child who is subjected to its use. If fully implemented within one generation we will have a nation of unbelievably uncreative, immobilized, insensitive, and unnatural inhabitants, all under the control of the very, very few talented elite who, of course, do not permit themselves to be processed through the system. Sounds incredible. A search into the system's meaning and beginnings lead back into higher and higher mathematics to some of the world's great mathematical minds of last century, whose formulae on mathematical probabilities have been applied in this century to the manipulating of humans. Its study has been the most fascinating adventure I have ever undertaken. I am not through. I am looking for a mathematics scholar who has been involved in the development of the system who can finish off the story for me.

What does all this which has been said mean to you? To me it means much more hard work, hard work than I've accomplished in the past because I believe most of the past, present, and proposed future educational reforms pervert minds, destroy human dignity, and wither the soul.

Some of the activities in which I will engage from this moment on were decided upon after much serious thought. First, I decided I must identify educational organizations deserving of the name. After identification of these organizations was established, these activities were decided upon.

I have accepted a co-chairmanship, with Mrs. Marilyn Angle of Santa Monica, of the Los Angeles County District of the Citizens Committee of California.[1]

I have made myself available to the John Birch Society for lecturing purposes in California and contiguous states. I will be a regular writer for "The Educator," a nationally distributed newspaper and the official organ of the Citizens Committee of California. Copies of my lectures will be submitted for publication in the periodicals of the John Birch Society. Articles on education will be submitted to "The Wanderer" and various newspapers. Copies of my voluminous files are to be forwarded to research libraries where much needed research is being done in present educational practices.

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[1] Dr. Bean has since been appointed State Co-chairman of the CCC.

At each stop I will promote the sale of John Steinbacher's new book entitled "The Child Seducers" which was published just last week and which will no doubt become the most controversial book ever published in this nation simply because it tells the truth about education. I heartily recommend it.[2]

I intend to found a corporation which will be called—to almost borrow a name—The Center for the Study of Educational Institutions. The by-laws of this organization will specifically prohibit funding by Xerox, the Ford's Foundation, The Carnegie Fund, and the federal government. The purpose of this organization will be to activate—to borrow another term—a delegate assembly which could also be called—to borrow yet another term—the Security Council. This Assembly would be made up of representatives from the numerous organizations in the country which have been founded because of concern about what is occuring in the schools and which organizations have developed remarkable expertise in some area of education. These include such groups as the Citizens Committee of California, ARMS of San Luis Obispo, and many hundreds more. Imagine the influence generated by the pooling of information and the devising of programs of concerted action in a specific direction.

We have discussed at length the problem, and one area in which I will work to provide a solution will be to help initiate and bring about enactment of legislation which will give direct and full tax exemption of tuition to the parent who has a child in private school. This will place the public system in competition with the private school, and the market of free enterprise will accomplish the improvement of practices in the public system, as well as upgrade the private schools. This is an area receiving much attention by legislators, the media, educators, and the public.

In these several activities I solicit your support.

All this activity will take work and time. And as Robert Browning said, "If you love life do not waste time, for time is the stuff out of which life is made."

And so in order to conserve time, I will eliminate those activities which are not, nor could possibly be, productive. I have been to the River of Education and have found it polluted. I have concluded this pollution is irremedial at the local level because pollutants are poured into the river at the federal level and more pollutants are added at the state level. Nearly every innovation is paid for by funds from Washington, and accepted on our behalf by the State Board of Education. The federalization of local districts was complete with the enactment of the ESEA in 1965, and under the law-making policies assumed by HEW, the control grows tighter daily. Only about ten percent of the decisions affecting local school districts are made by the local board of education, and the River of Education is too highly contaminated for this small fraction of influence to make an impression at the local level.

Therefore, my first move will be to resign as trustee of the Glendale Unified School District. Thank you for coming, and good night.

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## FRASER HEARINGS ON UNEMPLOYMENT

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. FRASER. Mr. Speaker, we are all concerned about the persistently high rate of unemployment that has plagued the country for the past 3 years. But the statistics do not really tell us who the unemployed are and why they are out of work. In an effort to get behind these statistics I recently conducted 2 days of hearings in my home district to find out more about the unemployment problems in Minnesota and in Minneapolis.

The following accounts of the hearings appeared in the St. Paul Pioneer Press, January 22 and 23, 1972. They give an indication of the severity of the problems not only in Minnesota but in the country as a whole.

The articles follow:

#### Unemployment Touches All, Hearing Told

(By Bruce Nelson)

Unemployment in Minnesota has touched nearly every occupation and has transcended the social and economic class barriers usually associated with joblessness.

That was the story told by 23 witnesses at an informal congressional hearing on unemployment held in the Minneapolis Public Library Friday.

Most witnesses, testifying at the seven-hour hearing sponsored by Rep. Donald Fraser, D-Minn., also concluded there is no immediate relief in sight to unemployment.

Most witnesses were representatives of agencies that work with the unemployed. Fraser and Dr. George Seltzer, labor economist at the University of Minnesota, will hear from several unemployed persons as the hearing continues today.

According to testimony presented Friday, the unemployment picture in Minnesota looks something like this:

Case load in the Minneapolis Relief Department increased 16 per cent in the past month. Arnold Skaar, a unit manager in that office, testified that there were more than 84 requests for relief made Monday, more than on any single day in the last 20 years.

More than half of the clients in the Legal Aid Society office in south Minneapolis are unemployed. And about 70 per cent of the unemployed clients are women, according to Ellen Dresseluis, an attorney in the office who testified that women face "severe discrimination" in the job market.

Unemployment among professional engineers is 5.5 percent, compared with .7 percent two years ago. Ronald Vegemast, past president of the Minnesota Society of Professional Engineers, said there are 660 unemployed engineers in Minnesota.

Number of jobs available to University of Minnesota students is 19 to 20 per cent less this year. W. L. Pederson, director of the student employment service at the university, said there have been 9.5 per cent fewer placements out of the job service this year.

Minnesotans who are over 45 years are more apt to be unemployed than a younger worker and when unemployed will stay out of work 75 per cent longer than someone under 45. Max Goldberg, an unemployed engineer who has been researching the jobless problem, said there are 7 million unemployed persons over 45, an increase from 600,000 a year ago.

Black unemployment in the Minneapolis area is 12 per cent, about double the overall unemployment figure. Matt Johnson, Minneapolis Urban League deputy director, testified that jobless rate among black youths is more than 30 per cent.

Veterans face a tougher unemployment situation than non-veterans. Phillip Johnson, a Red Cross worker assigned to the military family divsion, said a survey of 51 Twin Cities Vietnam veterans showed that 15 per cent are unemployed.

Indian unemployment in Minnesota is between 8 and 18 per cent, according to John Martinson, employment director of the Minneapolis office of the Bureau of Indian Affairs.

In an interview after the hearing Friday, Fraser said the testimony was a "clear indication that there are many dimensions to the unemployment problem. It's hit black and white and Indian and it's hit the rich and the poor and the unskilled and the highly skilled."

Fraser said he plans to use the information presented at the hearings when he testifies before a House Labor subcommittee next month on pending manpower legislation.

[From the St. Paul Pioneer Press,
January 23, 1972]

#### Man Gets Job On 126th Try

(By Bruce Nelson, Staff Writer)

David Yale spent the last year looking for a job in the Twin Cities and was turned down 125 times.

Yale, of 1027 27th Ave. SE. in Minneapolis, told Rep. Donald Fraser, D-Minn., Saturday why he was unemployable:

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[2] The Child Seducers, 1110 S. Pomona Ave., Fullerton, Cal. 92632.

"I have a B.A. degree in English, an M.A. degree in American studies and three years of teaching experience. My credentials are like having your pockets full of confederate dollars."

Yale was hired as a neighborhood recreation director by the Minneapolis Recreation Department two weeks ago.

"I'm one of the lucky ones," he told Fraser during the second day of unemployment hearings conducted by the congressman in the Minneapolis Public Library, "but there are hundreds more like me in this city who have something to offer but are getting sick of begging for work."

Yale's testimony dramatized only a small part of the unemployment picture presented by 48 witnesses at the two-day hearing.

Similar out-of-work stories were told by blacks, Indians, Vietnam veterans, unskilled ex-convicts, highly trained and experienced engineers, teachers, nurses and labor leaders.

All of them recounted stories of individuals forced out of the work force or prohibited from entering it because of the current economic slump.

Several leaders of black community groups criticized the city of Minneapolis for allegedly not complying with federal equal opportunity employment practices and cited the all-white fire department as an example.

Ronald Edwards, of the Northside Redevelopment Council, also criticized a goal set by the Minneapolis building trades for a four per cent minority membership by 1976. He said the goal should be 10 percent or more.

Several young unemployed veterans testified that they have seen no hope for a job in the Twin Cities employment market and claimed their veteran status is a hindrance rather than an aid in seeking work.

Banghart said the hospitals told him his military training and experience did not qualify him to hold the job in a civilian hospital.

Another unemployed witness, Walter Carlson, a leader of Minnesota Unemployed Workers, said the programs aimed at hiring Vietnam veterans discriminate against older vets.

"I fought for my country too," Carlson said, "and nobody is trying to get me a job.

Carlson has been listed with the state Manpower Services Department for four months but says he has received only one lead on a job from the department.

More than 3,000 unemployed Minnesotans are members of Carlson's organization.

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## THE UNITED NATIONS ASSOCIATION OF THE USA; ANOTHER ABUSE OF TAX-EXEMPT STATUS

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. RARICK. Mr. Speaker, now that the President of the United States has asked Congress to increase the contributions by the U.S. taxpayers to the U.N. Organization, our colleagues may find of interest the names of the officers of the influential members of the U.N. lobby in the United States, their role, and the extent of their activities.

Many Members may find it unusual that the U.N. Association is a tax-exempt organization enjoying preferential tax status while actually advancing the interests of a quasi-alien government—the United Nations. Especially, is this so when we realize some private schools in the United States are denied tax-exempt status.

A review of the officers and members of the board of directors of the U.N. lobby may explain the fear of publicity that discharge petition No. 10 is at the Clerk's desk awaiting signatures to force discharge of the bill, H.R. 2632, to revoke and rescind U.S. participation in the U.N.O.

I include a list of the officers and members of the board of directors of the U.N. Association of the United States of America, a statement of their role, and a report of the policy panel:

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UNA-USA is a private, non-partisan organization of people who want to stop war; who want to make the UN a stronger force for reason, for peace and progress in the world. People who want to do something more about the world situation than just hope—and have decided there's no better place to begin than in their own community.

UNA-USA works to strengthen the United Nations and other international organizations dedicated to peace, progress and the rule of law:

By organizing National Policy Panels to research and analyze key problems—peace, development, the environment—and to develop concrete proposals for action that command attention here and abroad.

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### A Report of a National Policy Panel Established by the United Nations Association of the United States of America

### UNA–USA

The United Nations Association of the United States of America engages in objective, non-partisan research and policy formulation, backed by nationwide education, information, and citizen-action programs aimed at making the United Nations and other international organizations more adequate to the needs of our times.

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B. Community activities and programs in nearly 2,000 localities led by local chapters of UNA–USA, local units of affiliated national organizations, and by Governors' Committees and Mayors' Committees formed in response to an annual UN Day proclamation by the President of the United States.

C. Services requested by the United States Government and by the United Nations.

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## ABORTION: A METAPHYSICAL APPROACH

## HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. HOGAN. Mr. Speaker, abortion proponents frequently argue that the unborn child is not a distinct human being but rather a part of the mother. This claim flies in the face of scientific fact.

As we know from our studies of biology and metaphysics, the unborn child is a distinct individual who is living in a cavity in his mother's body. As a human being he is entitled to all the rights of man, the foremost of which is the right to life.

Dr. Thomas Johnson, associate professor of biology and professor of chordate embryology at Mary Washington College of the University of Virginia, has detailed the biological and metaphysical arguments against abortion in an excellent essay entitled "Abortion: A Metaphysical Approach," and I insert his essay into the Record at this point:

### Abortion: A Metaphysical Approach

The issue of abortion has occupied the minds of humans for as long as civilized society has existed. There have been times when abortion was legally condoned and socially accepted, and other periods of mankind's history when this practice was outlawed and considered to be a criminal act. Today, at a point in time when the rights of individuals are being attacked, ignored or destroyed, we are again witnessing a resurgence of the debate on abortion, and within the past few years, the passage of laws which remove most or all restrictions which have, in the previous history of this nation, protected the individual rights of the most vulnerable, defenseless and innocent of human beings: the unborn child.

The abortion controversy is not just another dispute causing people to occupy opposing intellectual and legal camps. It is not a subject that can be equated in importance with other national concerns. Abortion is an issue which must be recognized as one of the most, if not *the* most important argument of our times, for it deals with an attack on the fundamental right of all humans: the right to life. When this right, upon which all other rights depend, can be set aside; when, at the whim of an adult, a new human life can be destroyed simply because another human does not wish to allow this life to continue; when it is decided that one stage of human life is of no real value—that its existence is an inconvenience to others and can thus be terminated—mankind looses its most precious value. Once the absolute value of each individual to his own life vanishes, existence no longer remains as a right, but becomes a privilege to be granted or denied by those in authoritative positions, by majority vote, or by the caprice of an unreasoning mother.

There is but one approach that can be taken in dealing with the subject of abortion—the metaphysical approach. Metaphysics is a branch of philosophy which involves the attempt to understand the nature of existence, to explain and scientifically analyze natural phenomena, both in the animate and inanimate realms. Since abortion is dealing with the destruction of the human embryo or fetus, it is necessary to examine the biological nature of these entities and apply this information to another division of philosophy—Ethics—in the attempt to determine the correct behavior of men towards these intrauterine stages.

Among those who advocate abortion, who state that a woman should be able to terminate a pregnancy simply because she desires to do so, there are two significant groups. One group states that the entity within the uterine cavity is not a living human being, that the embryo or fetus is simply a cluster of multiplying cells that could be considered as a part of the mother's body. The other group considers the embryo or fetus to be human, but argues that there is a conflict between the rights of the mother and those of the unborn child. That the mother must have full control over her body, and that if she is denied this right she will fall victim to the rights of the unborn.

What is the actual nature of the intrauterine stages and does a real conflict exist between the mother and the unborn? In order to answer these questions it will be necessary to briefly analyze the known essentials of reproduction, particularly those factors which apply to vertebrates, of which the human is the most advanced form, and correlate this knowledge with the issue of the rights of the embryo or fetus, and the mother.

Sexual reproduction—reproduction accomplished by means of the production of sperms and eggs, and their subsequent fusion—is characteristic of most forms of life, and is the only method of reproduction possessed by numerous animal groups (for example, all vertebrates). Once a mature animal produces the sex cells, they are released from the organs in which they formed (the testis or ovary) and usually pass into ducts leading to the outside of the organism. Either the sperms and eggs are released into water, at which time fertilization occurs immediately, or sperm cells are introduced into the female tract and fertilization will eventually take place within the body of the female. The essential point is, that at the time of fusion of sex cells, a new generation of a species is produced.

Within each cell of an animal there are *two* sets of chromosomes (filaments containing genes). When the sex cells are formed, each sperm or egg contains only *one* set of chromosomes, but when a sperm fuses with an egg the full complement of chromosomal pairs is re-established. It is at this point, at the time of the formation of the zygote (the cell formed by the fusion of the sperm and egg) that a new organism comes into existence.

In human reproduction, the sperm fertilizes the egg in the upper portion of the oviduct. A new human life thus begins its existence in the cavity of the oviduct, and since it takes several days for the new organism to reach the uterus, it is already an embryo by the time it enters that organ.

One frequently hears the argument that the zygote, embryo or fetus is a part of the mother's body over which she must have control. Without question, this is *not* the case. Once sperms and eggs are discharged from the sex organs, they are no longer a part of the organism which produced them. These highly specialized cells, which have been produced by a special form of cell division (meiosis—other body cells are formed by the process of mitosis), are of no value to the organism which formed them (as regards the maintenance of its own life)—thus they either degenerate or they are released from the sex organs and pass into a tube on their way out of the body. Ultimately a small fraction of these *discarded* sex cells will fuse. Under no circumstances could one consider mature released sex cells, or any subsequent organism resulting from the fusion of these cells, as a part of the individual which generated them.

(Although the human embryo attaches itself to the wall of the uterus in order to gain needed substances from the mother for its growth and development, it does not fuse with this organ but remains as a distinct new life existing within the cavity of the mother's reproductive tract.)

Human life therefore has its beginning (*is viable*) at a point in time when the necessary genetic information, half coming from the father and the other half from the mother, is brought together by the fusion of the released sperm and egg to form the single celled zygote. This individual organism cannot be a part of the mother (it has an entirely different set of chromosomes), but is a separate and unique human life.

There is another important, but generally overlooked, aspect of the development of vertebrates which is germane to the discussion of abortion and which would shed light on the nature of the intrauterine embryo or fetus. It is a well known biological fact that all vertebrate life must begin in an aquatic environment. Fishes and amphibians generally release the sex cells into a body of water and the zygotes and embryos develop there. In the land vertebrates, which do not deposit their eggs into water, a sac forms around the embryo which fills with fluid. Consequently, each vertebrate, including the human, must spend the first developmental phase of its life in a water medium, and it is only after the new organism has achieved the necessary physical development (not accomplished by fishes and some amphibians), that it is able to continue its life in a gaseous environment.

(Even if humans should achieve the technological ability to raise what science fiction writers have called "bottle babies," these "bottles" would be filled with fluid. It is only because the human organism begins its life, not in a glass container in which one could observe the rapidly changing new life, but in a dark cavity out of sight, that older humans find it possible to pretend that these younger humans are not living or are not human. If the growth of the unborn child were to be observed by the mother, the issue of abortion would most likely never have become a matter of world wide concern, for what psychologically healthy mother, seeing the unborn child within herself, would choose to destroy it.)

Metaphysically, by its nature, every new human life *must* spend the first months of its existence in an aquatic environment, within the amniotic sac, if it is ever to experience a later stage of human existence. No human life has ever bypassed this requirement, or ever will—at least not for many millions of years, if then, considering the present rate of evolution. Every new human life must also have first been a zygote, then an embryo and finally a fetus before it is prepared to live outside the fluid medium. To contend that human life is only human at the time of birth, that the intrauterine entity is not an actual, but only a potential human being, is untenable.

For those who insist that human life begins only at birth, the question that must be asked is—What is this entity developing within the uterus if not an actual human being? Is it possible that by some magic, at the time of birth, that this alleged potential being is somehow, within a matter of minutes, transformed into an actual human being? To rational individuals, in possession of scientific facts, the answer is incontrovertible. Both the unborn child and the new born child is an actual human being, and at the time of birth, the child is merely moving from one required environment (aquatic) to a new required environment (gaseous) so that it can continue to develop into the succeeding stages of its life until it eventually ends its existence at the time of death.

The biological facts relating to the reproductive process and the first stages of human life have been established. It is now necessary to relate this knowledge to the issue of rights.

Those that contend that the intrauterine being is not human have no problem in their attempt to settle a controversy over rights, for if this living "thing" is not human, it can possess no rights. Since it is a well substantiated fact that the zygote, embryo or fetus is a human being, their argument becomes meaningless and requires no further discussion.

Those that contend that a human life is existing within the mother during the period of pregnancy do ascribe rights to this new human life, but it is argued that the rights of the mother take precedence over those of the unborn child and thus she has, or should have, the legal and moral right to terminate the life of this new individual at any, or certain limited, stages of its existence. This latter position requires a succinct examination.

A woman must have full control over her own body at all times. She must be free to take any action which is deemed necessary to sustain her life. For instance, if it can be medically determined that carrying her unborn child to term would probably result in her death, she cannot be expected or required to sacrifice her adult independent life for the life of an immature, dependent offspring. (Actually, in many such cases, both the mother and the fetus could die, resulting in the loss of two lives, instead of just one). Since medical science has advanced to a point at which such life and death situations rarely occur, the argument in favor of abortion in order to preserve the life of the mother has only limited application. Although this is the case, the legal code should specifically grant abortions if the mother's life is seriously jeopardized, which it has done throughout the history of this nation.

Are there other circumstances that might arise which would, or could, legally and morally permit an expectant mother to undergo an abortion? The answer is yes—in cases of legally proven (which is sometimes difficult), unwillfully engaged in acts of rape or incest. *When an individual does not commit an act of his own free will, he (or she) cannot be held responsible for the consequences of this act.* Although this is true, it does not alter the fact that a new life is existing and that it will be destroyed if aborted. The most humane response to such a circumstance would be to encourage the expectant mother to carry the child to term, but no one could require this of the victim.

There are some who insist that abortion should be allowed for other medical reasons—in the case of diseased or malformed fetuses. But what individual physician, or board of physicians, or legislative body has the ability to determine what diseased condition or what deformity could warrant killing the unborn (or the born)? No such judgment is possible, either for the intrauterine or extrauterine human.

Dr. and Mrs. J. C. Wilke, in their recently released book, *Handbook On Abortion*, emphasize this point when they write: "This price tag of comfort or utilitarian usefulness, called euthanasia when applied to incurably ill post-born humans, applies equally well to the pre-born human who is also judged to be so deformed or mentally deficient that he too should not be permitted to live. This criterion and value judgment which permits humans to continue to live only because they are useful and independent is an utterly barbaric concept. Once life has a price tag on it and is no longer an absolute right, then all life is endangered, all life is only worth the current price tag placed upon it by society, the state, the master race, or those in positions of power." [1]

Having full control over her *own* body (having *self* determination) is an absolute right of each woman, but having full control over another's body, over the body of a new life developing within her reproductive system is not, and never could be her prerogative. A woman must have the right to *prevent* conception—to determine herself if she wishes to have, or not have, a child—to obtain contraceptive information and materials—but she must also bear the responsibility for sustaining the life of a newly formed human if she willfully engages in intercourse which results in pregnancy.

(It should be noted that certain contraceptives do not prevent conception, but preclude the implantation of the embryo in the wall of the uterus. The use of such contraceptives should be condemed, for they bring about the destruction of very young lives rather than prevent their coming into existence.)

Consider the political philosophy, and the attitude toward individual rights, of those groups which are the most outspoken supporters of abortion—those concerned with environmental pollution, the population explosion and the "liberation" of women. Each of these groups espouses a collectivist view of life and considers the individual human to be expendable or enslavable as the means of achieving their ends. They are outspoken lobbyists backing legislation granting the agency of force, the government, the authority to establish a myriad of programs which they consider necessary to achieve their aims, and they completely ignore the fact that it is other human lives that will be sacrificed in this attempt to carry out their master plan for society. The sacrifice of the unborn is just one other aspect of their social engineering which is completely compatible with their view of man—the view that the individual is nothing; the collective is all.

There is no conflict of rights between the expectant mother and the unborn child. Both she and the new life within her have the right to life, a right which must be possessed by *all* humans at *all* stages of their life. And since it is the function of government to protect the rights of all humans, from the beginning of life to its end, it is right for the government to proscribe the killing of the unborn by means of abortion—except to save the life of the mother or in instances where a woman's self determination was obliterated, as in the case of forced rape or incest.

In her brilliant essay, "Man's Rights," Ayn Rand states: "There are no 'rights' of special groups, there are no 'rights of farmers, of workers, of businessmen, of employees, of employers, of the old, of the young, of the unborn.' There are only *the Rights of Man*—rights possessed by every individual man and by all men as individuals." The unborn child is a new individual having the same rights as all other individuals, and, as with all humans, regardless of their age or station in life, possesses the most basic of all rights, the right without which all other rights would cease to exist, the right to life.

THOMAS JOHNSON, 1971,
*Associate Professor of Biology and Professor of Chordate Embryology.*

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## STATEMENT ON PRESIDENT NIXON'S "PEACE" PLAN

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mrs. ABZUG. Mr. Speaker, the American people would be well advised to watch what President Nixon does rather than what he says.

For at least 2 of the 3 months that he says "the substance" of his eight-point peace plan for Indochina was before the North Vietnamese, American planes have been massively bombing North Vietnam and Laos. Even as the President was speaking last night about his administration's peaceful intentions, U.S. jets were completing another day of bombing raids.

This "carrot and bomb" policy was a failure under the Johnson administration. It is failing under Nixon too.

Again, President Nixon links the fate of American prisoners of war to his support for the Thieu government. He would have us believe that he was formulating a plan for free elections sometime in the distant future while he was condoning the farce of Thieu's one-man "election" last fall.

Under his plan, General Thieu would remain in power indefinitely, with a token 1-month resignation. Meanwhile, Thieu would retain control of the police and the Army and keep thousands of his opponents in jail, where they are now.

If Nixon wanted serious acceptance of his election proposal, he would have called now for the immediate resignation of Thieu, demanded the release of all political prisoners and announced the abandonment of Operation Phoenix, the secret U.S. plan to assassinate the NFL infrastructure.

The President's disclosure of alleged secret negotiations between Henry Kissinger and the North Vietnamese is still another affront to the American people and to the Congress, which he has unconstitutionally frozen out of any role in foreign policy. We are now expected to believe that the President is telling us the whole story of these negotiations. Why should we?

Clearly, there are times when secrecy in diplomatic relations is necessary. But as the Pentagon papers revealed, it was under the cover of a self-serving secrecy that our Government ensnared us into this vicious and unnecessary war. Secret discussions of terms for getting us out of this war are not necessary because the Congress and the American people have already made it clear that their terms are simple and uncomplicated.

If President Nixon wants to end the war, he has only to carry out "the policy of the United States," as enacted in section 601 of the Military Procurement Act (Public Law 92–156) which requires him to set a specific date for total withdrawal of all our troops from Indochina, contingent only on the release of our prisoners of war.

If he is concerned about his credibility and divisions among the American people, he should accompany his televised speeches about peace with actions for peace. He should call an immediate and permanent halt to the mass bombing of Indochina. He should refrain from making new threats of military action, as he did again last night.

Aside from its obvious political campaign overtones, the President's appearance on TV may be designed to provide him with an excuse to carry out Pentagon plans for severe military escalation in the near future. For weeks, the Pentagon has been leaking to the press warnings of impending heavy fighting in the central highlands.

We want no more excuses, secret diplomacy, or threats of military escalation. We want the President to end the war. He has still to do this.

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## EDALHAB: A CONTRIBUTION OF THE UNIVERSITY OF NEW HAMPSHIRE TO THE NATION'S OCEANOGRAPHIC ENGINEERING EFFORTS

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. WYMAN. Mr. Speaker, in the spring of 1966, the University of New Hampshire was approached by the Office of Naval Research, represented by Mr. Denzil C. Pauli, to undertake the feasibility design of a research diving habitat to serve the U.S. national oceanographic community. It was to incorporate the technological developments by the U.S. Navy in their Sealab I and Sealab II projects that had been successfully initiated by Capt. George Bond, M.D., USN plus other saturation diving technology developed by private U.S. industry and the French laboratory headed by Capt. Jacques Cousteau. However, this habitat was to meet the peculiar needs of the oceanographic research and educational community in the United States, and be more simple and much more economic to operate than the existing saturation diving systems.

During the summer of 1966, this project, entitled "University Sealab," was conducted by 13 University of New Hampshire engineering faculty and student assistants under the direction of Dr. Godfrey H. Savage, professor and director of University of New Hampshire's ocean engineering laboratory. The project was also supported by a volunteer scientific advisory committee composed of: Dr. Melbourne Carriker, Marine Biological Laboratory, Woods Hole, Mass.; Dr.

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[1] *Handbook On Abortion* is a well reasoned and scientifically accurate work covering all of the primary and secondary issues concerning abortion. It is available in paperback for $0.95, plus postage, from Hiltz Publishing Co. 6304 Hamilton Avenue, Cincinnati, Ohio 45224.

David Dean, director, Ira C. Darling Research Center, University of Maine; Dr. Galen Jones Estuarine Laboratory, University of New Hampshire; Dr. John Knauss, Narragansett Marine Laboratory, University of Rhode Island; Mr. Bernard Skud, Bureau of Commercial Fisheries, Biological Laboratory, Boothbay Harbor, Maine; and Dr. Lionel Walford, Bureau of Sport Fisheries and Wildlife Laboratory, Sandy Hook, N.J. Basically, the University Sealab project showed a substantial need on the east coast of the United States for a highly mobile saturation diving facility that could be operated for less than $3,000 per day; that is approximately 10 percent of the total estimated daily cost of the Sealab II diving program. Seven very different conceptual designs of mobile diving habitat systems meeting the research requirements of the scientists were evaluated and the technically economic feasibility of two systems was examined in preliminary construction design detail. In 1966 it was hoped that these University Sealab plans could lead to a joint Navy/civilian Sealab program that would follow the Navy Sealab III program which was already in the planning stages. However, with the delays that occurred in the Sealab III program and the changes in naval policy toward research ordered by Congress, the future of University Sealab looked bleak by the summer of 1967.

Therefore, in the fall of 1967 the University of New Hampshire, with the assistance of funds and materials solicited from private industry, particularly Dan Clark, Inc. of Woods Hole, Mass., and approximately $4,000 from the Office of Naval Research, undertook an undergraduate student project to build a simple, shallow water diving facility using a compressed air system, rather than the more sophisticated closed circuit helium-oxygen system employed in most of the previous saturation diving facilities. Nine electrical engineering, and geology students participated in the construction of this habitat system which they called Edalhab, an acronym for the Engineering Design and Analysis Laboratory—EDAL—of the University of New Hampshire, which is the interdepartmental ocean engineering facility directed by Dr. Savage. Edalhab was constructed during the winter of 1967–68 and successfully tested in Lake Winnipesaukee between April 26 and April 29, 1968, when four students lived in it at a depth of 30 feet for nearly 2 days. Medical support for the safe recovery of these student saturation divers was provided by Dr. Joseph MacInnis of Toronto, Canada, who recently conducted a diving experiment at the North Pole. Although Edalhab I was successful, it had such limited capability for mobility that the Office of Naval Research originally suggested turning it over to the University of Puerto Rico for a fixed location habitat. However, the University of New Hampshire felt it was possible to do more with the system and retained possession in the belief that the total investment by UNH student personnel, gifts of materials and equipment to the university gave possession of the system to the university. At that time the total value of the habitat was estimated to be approximately $10,000, excluding the student and faculty labor that had gone into it.

Edalhab lay idle for nearly 2 years, until Dr. Savage of UNH and Mr. Robert Ballard of the Woods Hole Oceanographic Institution conceived the idea of mating the Edalhab system to the research vessel *Lulu*, which is the 100-foot support catamaran for WHOI's research submersible, *Alvin*. Starting in the fall of 1970, another student engineering group, under the supervision of Dr. Savage assisted by Prof. E. H. Stolworthy also of the University of New Hampshire, redesigned and reconstructed the Edalhab so that it could be transported and surface supported by the R/V *Lulu* in an actual ocean diving expedition. During the period April 23 to April 30, 1971, the R/V *Lulu* came to the New Hampshire State Port Authority dock, where it loaded Edalhab III and a mobile recompression chamber that had also been built by UNH students, and conducted a successful 4-day saturation dive in approximately 50 feet of water off the Isles of Shoals in New Hampshire shelf waters.

The major purpose of this second saturation dive by three UNH students was to conduct an experiment on transplanting Dungeness Crabs from the west coast to the Gulf of Maine. This crab farming experiment, which was carefully designed to avoid any escape of the crabs and any other zoological contamination, was jointly conceived and directed by Dr. Larry Harris of the UNH Zoology Department and Dr. Savage. The overall Expedition Leader for this entire EDALHAB II–R/V LULU experiment was Dr. Savage.

The EDALHAB II–R/V LULU diving system operated simply and satisfactorily at an estimated cost of approximately $1,000 per day excluding volunteer student and faculty support. It was jointly decided by Mr. Harold Goodwin, Deputy Director of the sea grant program of the Department of Commerce which supported the EDALHAB II project and Dr. James Miller, Deputy Director of the Manned Undersea Science and Technology Division of NOAA that EDALHAB II could be used as the initial University Sealab diving habitat that had originally been conceived at the University of New Hampshire in 1966. The low cost of operation relative to other saturation diving systems and simplicity of this operation indicated that it would be in substantial demand by the scientific diving committee. Therefore, the concept of project Flare was put forward in a meeting in Washington of EDALHAB II project team from UNH and Woods Hole and interested members of the Department of Commerce.

Project Flare is a totally NOAA sponsored project with the Woods Hole Oceanographic Institution providing the overall operational direction under Messrs. William Rainnie and Barrie Walden, of this 4-month diving research program off the eastern coast of Florida, and UNH, under the direction of Dr. Savage, accepting technical support responsibility for supplying and operating the entire diving system including the recompression chamber, air purification system, and the habitat itself. The habitat, EDALHAB, for this Flare project, remains a very marginal, shallow water diving facility that cannot be used at depths exceeding approximately 50 feet because there are no proven standards for saturation diving for compressed air below this depth. Nor can the system withstand storm conditions. The scientific coordinator for the project will be Dr. John Vanderwalker of NOAA.

The pride of the University of New Hampshire in this entire development is the fact that an originally sound program for advancing the national interest on the U.S. Continental Shelf has overcome large roadblocks and seems on the brink of being carried through to substantial fruition by means of Yankee thrift and ingenuity and the willingness of its students and faculty to fly by the seat of their pants. The rest of the story is adequately told in the Portsmouth Herald newspaper article of January 13.

The article follows:

### UNH IN RESEARCH PROJECT—EDALHAB TO PLAY IMPORTANT ROLE OFF FLORIDA COAST

(By John Whiteman)

DURHAM.—The University of New Hampshire and its submersible vehicle EDALHAB II have an important role in a series of research dives planned off the Florida coast near Miami shortly.

The three-man habitat is presently on its way to Florida, slung between the twin hulls of the Research Vessel Lulu out of the Woods Hole Oceanographic Institution, Mass.

The series of dives for the marine research project FLARE (Florida Aquanaut Research Expedition) will begin Jan. 27 and continue intermittently until mid-April.

EDALHAB, built and redesigned by UNH students, will be involved in a total of 10 dives to 50 feet for eight different scientific projects.

The white-painted submersible will remain below for between three and five days each time. The mobile, low-cost vehicle has successfully operated in Lake Winnipesaukee and, last year, in the Atlantic near the Isles of Shoals when it was used in a crab farming experiment.

It has brought an enviable reptation in oceanographic circles to the UNH team that built and operates the vehicle, named for the university's engineering, design and analysis laboratory. The lab's director, Dr. Godfrey Savage, and a UNH crew will fly to Miami Jan. 24 to ready the craft for its first dive for the purposes of a fish experiment.

The entire series of dives and research projects is being financed by the National Oceanic and Atmospheric Administration (NOAA) and involves literally dozens of scientists and engineers from four universities, there museums, two non-government marine institutions, a junior college and several units of NOAA.

A research team from UNH will be directly involved in one of the projects. Led by Dr. Arthur C. Mathieson, an associate professor, the team will do research from EDALHAB on subtidal seaweeds, a botanical experiment, during Dive No. 8 between April 3 and 7. The team will include botanists Barry Hutchinson and Richard Fralick, and David Drew, a Durham student.

Dr. Savage said this week that one of the most exciting scientific events during EDALHAB's Florida visit will be the tryout of an acoustic monitoring system on free swimming divers. The apparatus is being taken down by Prof. Richard Skutt of the electrical engineering department, who will be accompanied by graduate students Roger Fell and Paul Hagstadt.

Prof. Skutt's devices will monitor physiological information from the divers, including pulse and respiration rates, by acoustical rather than the telemetrical method used in the space program, a considerably more difficult proposition.

In all, the 100 Florida days will produce a scientific bonanza.

Dr. Savage is planning to remain about six days, initially, before turning over the craft and its life-support systems to Woods Hole personnel, after the first of the planned dives.

With him will be Prof. Fletcher Blanchard, a UNH colleague, who will be in charge of the submersible's electrical system; Prof. Howard Stolworthy, another UNH colleague, who's responsible for the air system; and three UNH project engineers, James Metcalf of Newmarket, Robert Blake of Rochester and William Miskoe of Concord. Metcalf is currently aboard the 500-ton research ship Lulu ferrying the Durham habitat to the site of its forthcoming missions.

The ingenuity and private enterprise thrift that have gone into EDALHAB is no small source of pride for Savage and his team of students. The craft is small enough to be moved easily and versatile enough to carry out a variety of tasks assigned it, and its mobility will be proved during the upcoming tests in the warm, Floridian waters.

Always, she'll be moved from one research spot to another and serviced by the Lulu, designed as the mother ship for the deep-diving submersible Alvin. The decompression chamber for the divers on Lulu's deck was designed and built by the UNH engineers.

"There's no question, this is a prototype system that can do saturation diving more cheaply and safely than has heretofore been done," said Savage. Although the Navy and other organizations have tested vehicles to perform similar tasks, apparently none has come near to operating as low as the EDALHAB's $1,000 a day figure.

Improvements have been carried out to the UNH submersible since it was last operated. The three-man crew can now have a hot shower aboard, and there is a telephone and closed circuit TV monitor.

Nineteen hours in the recompression chamber face the divers who complete a four-day stint underwater aboard EDALHAB, making it a five-day mission for each of the crews in all. They have to be inside the chamber within minutes of leaving the submersible.

At 50 feet, EDALHAB's operating depth, no special atmospheric mixture is required for several days but about the five-day mark, oxygen poisoning becomes a possibility and the divers must be returned to a more equable environment.

Teams of marine explorers will be rotated aboard the habitat during the course of the experiments, which will be carried out at three sites near Miami and the Florida Keys.

The Woods Hole research mother ship and the 20-ton habitat can follow a wandering course, if need be, along the coral reefs or seaweed beds, where the scientists desire.

It was so-called sea grant funds of NOAA, part of the U.S. Commerce Department, that helped to construct and modify the craft.

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## MAN'S INHUMANITY TO MAN—HOW LONG?

## HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 600 American prisoners of war and their families.

How long?

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## BAIL IN NARCOTICS CASES

## HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. HALPERN. Mr. Speaker, we are all well aware that the illegal sale of narcotics has risen to alarming proportions. While much needs to be done in formulating new laws and enforcing the present ones as a means of stopping the illegal sale of drugs, the public is not aware of existing legal complications which prevent swift and effective law enforcement.

Last month, the New York Law Journal published an enlightening article which revealed some of the problems prosecutting attorneys must face in seeking convictions of drug offenders. The article, written by the able and distinguished U.S. attorney for the Eastern District of New York, Robert A. Morse, points to legal loopholes within our system of justice which makes the prosecutor's role more difficult. This article is of particular significance because the author's insight and conclusions are a result of many years of accumulated knowledge and dedication to strict law enforcement. Mr. Morse, who for many years was a courageous and vigorous assistant U.S. attorney, is presently the youngest U.S. attorney to ever serve the eastern district of New York. His expertise in the area of prosecuting drug offenders and his intimate knowledge of the legal pitfalls of this aspect of his profession makes this a most fascinating and informative article. At this time I would like to include in the RECORD the article "Review Urged on Question of Bail in Narcotics Cases" as it appeared in the December 6, 1971 issue of the New York Law Journal:

### REVIEW URGED ON QUESTION OF BAIL IN NARCOTICS CASES

(By Robert A. Morse)

How often have you heard or read about drug seizures as the "largest ever" or arrested traffickers as "the biggest in the business," or similar expressions in public announcements at the conclusion of a narcotics investigation? Did you receive the impression that arrests represent the finale of a battle in the "War on Drugs?" Did you believe, then, that those caught plying the narcotics trade are no longer a problem?

The fact is that only "Phase I" of the struggle ends with arrest. Thereafter, "Phase II" must be carried on in the courtroom and may well result in a complete defeat for the prosecution. In "Phase I," the investigating agencies have overcome the seemingly insurmountable obstacles presented by a highly organized and profitable narcotics traffic. In "Phase II," the struggle is for a conviction, which then must occur if the result is to be meaningful.

#### PROSECUTION PITFALLS

Since plea-bargaining is not the common path to conviction in federal law enforcement, the pre-trial proceedings are paved with pitfalls for the prosecution which can easily result in disaster. These traps, however, are not the ones to be expected in the usual prosecution. Precisely put, we can begin with the premise that once a defendant goes to trial in a narcotics case, the chances of his acquittal are relatively low. The reason for this is that jurors are not prone to lend a sympathetic ear to the defendant charged with dealing in drugs, and prosecutors believe that less significance is placed on the fact that the prosecution's case must rest on the testimony of another drug peddler. Since the defendant can usually find little hope from the "jury box," he must either look to the government or to the judicial process for assistance in avoiding the almost inevitable conviction.

The situation is difficult for the defendant if he looks to the government for help. The defendant must testify in court against his fellow traffickers in the business or assist the investigators in obtaining the evidence against them. Experience has shown that the closer the defendant's relationship to the higher echelons of the narcotics trade, the greater the likelihood the defendant will "remain silent" and not cooperate. Hence, the defendant must look to the legal process for relief on the only two other avenues that realistically remain available to him, and should be the subject of serious and scholarly review; jumping bail or suppressing evidence.

#### BAIL FORFEITURE

Narcotics is a big money trade. It is not uncommon for a street peddler to be arrested with $1,000 cash on his person. In cases of foreign aliens and top level traffickers of drugs, sums as high as $500,000 in the form of a certified check have been produced in court to obtain the defendant's release on bail. Too often, these defendants never come to trial as the result of having fled the court's jurisdiction.

Between 1966 and 1970, in the Southern District of New York, alone, seventy-seven defendants jumped bail and forfeited an aggregate of $836,200. This does not prevent the fleeing defendant from participating in further drug trafficking. Now, he is in great debt to his fellow peddlers who raised the cash for bail; and there is only one practical means for raising the funds for repayment. He must stay in the business—even if it is necessary to operate outside the United States.

However, it is not only that these defendants have escaped punishment and are back in the business that is significant. It is the fact that the effects of these defeats reach beyond the particular struggle and the particular defendent. The whole effort has suffered a major defeat since the deterrent effect of the actual or potential or additional convictions has also been lost, and it is completely beyond the control of the United States attorney.

#### THE CASE OF A VICE CONSUL

Some of the more cynical will no doubt say that these seventy-seven lost battles have no appreciable side effects. I must disagree. Take, for example, a recent case in the Eastern District of New York. A vice-consul of a Latin-American country was found in possession of a suitcase stuffed with cocaine worth nearly $5 million on the street. Initially, bail was set at $75,000 surety bond which the defendent claimed he could not meet. Later, the amount was reduced to $25,000 which the defendant was able to raise. The case proceeded to trial, and the defendant was convicted after the Government survived a suppression hearing.

Faced with a mandatory minimum sentence of five years, the defendant fled to his native country where he walks the streets without the slightest trepidation. Had this defendant remained in jail and received the sentence which he rightly deserved, it would surely have had an effect on the other citizens of this country who might otherwise be tempted to succumb to the inducement offered by the narcotics trade.

If these couriers, who usually have little means of their own and are looking for entrance into the United States, learn that a prominent official of their own country did not escape punishment, they would think twice before becoming a "mule" and carrying drugs for the trade.

The case of the vice-consul is rather spectacular, and bail in that instance brought a grave defeat in the "War on Drugs." In sharp contrast, Chief Judge Jacob Mishler of the Eastern District recently set bail in the amount of $1 million in a major narcotics case to assure the defendant's presence, and a conviction with a long sentence resulted.

### BAIL PROVISIONS NEED REVIEW

Experience dictates that the time has come to review the question of bail in narcotics cases where the chance of flight is so great and the need for conviction of guilty persons so paramount to the interests of the country.

In addition to the question of bail jumping, a second avenue of escape remains open to the defendant. After bail is set, the defendant generally moves through his counsel for the suppression of evidence, including the narcotics seized, as well as any admissions of guilt, following the arrest. His fate will turn on the possibility that the investigating agents made an error which the court will later find to have violated the defendant's constitutional rights.

These motions and hearings are an inevitable part of a narcotics prosecution. Indeed, the agents during the investigation are more likely to consult the prosecutor, not as to whether the evidence is sufficient to prosecute, but as to whether there are sufficient facts for a warrant of arrest or search. Now, these are the usual questions the prosecutor gets from the agents:

"What do we need for probable cause to arrest and search on the spot?"

"Can we get a warrant without disclosing the informant?"

"What are the chances for obtaining a court ordered wire tap?"

We should keep in mind that since the battle is won on conviction, judgments made during the investigation will surely decide the outcome.

### HEARING PROCEDURE

At the suppression hearing, the defendant sits in the courtroom and sees a run-through of the evidence to be used against him at the trial but with a distinct difference—there is no jury to find him guilty. The result of the preview may be an acquittal, since the defendant may prevail in suppressing the evidence needed to convict him. However, there is one great advantage for the defendant; he has the option of taking the stand at the hearing, admit his guilt and, nontheless, testify as to the alleged violation of his constitutional rights. He is free to admit his guilt in open court without fear that the prosecution will use it against him on its "direct case" before the jury at the ensuing trial.

Now we may believe that this system is unbalanced in the defendant's advantage since, in addition to perhaps aborting the trial, it allows him to "tailor" a false story of innocence to meet the evidence unveiled before him at the hearing. The exclusionary rules as they presently exist provide the irony for this scenario. This is for the reason that the agents are "sweating out" whether they have violated the defendant's constitutional rights, while the defendant is praying that they have!

It may well be that the time has now come to seriously consider whether or not the exclusionary rules should only be applied in cases of flagrant illegality. (Compare, United States v. Edmons, 432 F. 2d 577 (2d Cir. 1970)).

This national administration has substantially increased resources available in the "War Against Drugs," including extensive numbers of assistant United States attorneys and investigative agents for the various agencies. In addition, extensive sums of money have been spent in developing international co-operation among the police forces of various nations.

However, all these efforts may be impeded unless these very practical problems of narcotics prosecutions are faced by the Congress, the courts and all those concerned with the "War on Drugs." It is submitted that new rules, consistent with constitutional requirements, can and must be formulated to meet the needs of our society with respect to a problem which President Nixon has described as one of the greatest dangers facing the nation.

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## CALLEY IS IN, BERRIGAN IS OUT

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. RARICK. Mr. Speaker, evidence continues to mount of the continued deterioration in values that threatens to destroy American moral fiber as we once knew it.

It is a strange world indeed when a man who willingly gives of himself to fight and puts his life on the line for this country and its freedoms is held under a sentence of 30 years for doing his duty, while another man, convicted of vandalizing draft boards, is allowed to go free on parole.

There are many today who comment on the sickness of American society, attempting to arrive at some conclusion about the nature and cause of the disease that threatens us. They would do well to examine the cases of Lt. William Calley and Father Daniel Berrigan.

The former waits under sentence of 30 years for doing his duty, for serving his country well; the latter, antiwar priest Daniel Berrigan, has just been granted parole after serving about 17 months of a 3-year sentence, or less than half, for disservice to his country—activities designed to destroy or disrupt the National Government and damage the military effort.

I include a related news article to follow my remarks:

[From the Washington Star, Jan. 27, 1972]

### PAROLE IS GRANTED TO DANIEL BERRIGAN

Anti-war priest Daniel Berrigan has been granted parole after serving about 17 months of a three-year sentence for destruction of draft records at Catonsville, Md., in 1968. The U.S. Board of Parole announced the decision yesterday after its second parole review, which included new information concerning Berrigan's health. A previous application was denied in August.

Berrigan, 51, is the brother of the Rev. Philip Berrigan who, along with six other persons, went on trial Monday in Harrisburg, Pa., on charges of planning to kidnap Henry A. Kissinger, national security affairs adviser to President Nixon. The indictment also charges Philip and the others with a plan to blow up heating systems of federal buildings in Washington, and to vandalize draft boards.

Daniel was dubbed the "fugitive priest" in 1970, after he failed to appear to serve the records-destruction sentence. He eluded the FBI for four months, surfacing occasionally to make public appearances and speak against the Vietnam war. Federal agents finally arrested him at a private summer home on Block Island, R.I., in August 1970.

### WEEK'S HOSPITALIZATION

Berrigan reportedly is suffering from ulcers and a hernia. He was hospitalized for a week last year after suffering an adverse reaction to medication.

He is serving his sentence at the Federal prison in Danbury, Conn.

Berrigan was sentenced with eight others—including Philip—for burning draft papers. The group became known as the Catonsville Nine.

He also was named—but not charged—in the initial indictment concerning Kissinger and the Washington bomb plot. A second indictment, however, made no reference to him, so he is not connected with the Harrisburg trial.

The parole board said Berrigan's parole will be effective Feb. 24. He then will live at Woodstock College in New York City. Philip said news of his brother's impending release was "totally unexpected."

### SERVICE HELD

"Yet it was received with the utmost joy by myself, the defendants and lawyers. By all who know and love Dan, very simply, we thank God and our friends who worked so steadfastly for Dan's release."

Some 50 demonstrators held an interfaith religious service of celebration outside the main gates of the Danbury prison last night after parole announcement.

In Harrisburg, nine more persons were selected yesterday as possible jurors to hear the conspiracy trial.

Five other potential jurors were dismissed for cause by U.S. District Court Judge R. Dixon Herman. Questioning to select 12 jurors and six alternates was conducted by opposing attorneys and the judge.

Under a pretrial agreement, a panel of 46 potential jurors will be selected first, then narrowed down to the 12 who will hear the case and the six alternates.

The nine persons retained as potential jurors said they would not be swayed by personal feelings about the war in Indochina and would not be antagonistic to witnesses who might have long hair and beards and wear strange clothes.

The identities of those being questioned are being withheld at the request of Herman.

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## AN ANGRY INDIAN AT BAT

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. FRASER. Mr. Speaker, some baseball fans may think the whole thing is a big joke, but Russell Means is deadly serious when he talks about his $9 million damage suit against the Cleveland Indians baseball team. Means, an Oglala Sioux and national chairman of the American Indian movement, claims that the Cleveland team's Indian symbol is racist, degrading, and demeaning.

The Cleveland suit is only part of a national effort by Indian activists to eliminate the stereotype of the Indian as a clown and a savage, a stereotype perpetuated so unthinkingly by American sports.

Washington's own Redskins are a major target of this new effort. Redskin is a derogatory term, Means says. What if we called them the Washington Niggers or the Washington Rednecks or the Washington Polacks, he asks.

The following article from the Wall Street Journal discusses the Cleveland suit and the use of Indian symbols in American sports. Means and his group have raised some valid issues that deserve our attention:

### Is Chief Noc-A-Homa Racist? Many Indians Evidently Think He Is—The Chief and Other Symbols Used by Schools, Pro Teams Are Attacked as Offensive

(By William M. Carley)

The Cleveland Indians had better watch out. So had the Washington Redskins, the Atlanta Braves and countless other professional and college teams using Indian names, caricatures or mascots. Because the real Indians are on the warpath.

One of the opening shots was fired a few days ago when the American Indian Center of Cleveland sued the local baseball team for $9 million in damages. The target was the Cleveland Indians' symbol, a grinning, toothy Indian emblazoned on the club's shirts and on its stadium in a huge neon sign.

"That Indian looks like a damn fool, like a clown, and we resent being portrayed as either savages or clowns," says Russell Means, director of the Indian center and himself an Oglala Sioux.

Mr. Means adds that the suit against the Cleveland Indians is but the beginning of a national effort to change the stereotype of the American Indian, and he already has help. On college campuses—at Dartmouth, Marquette and Stanford, to name a few—Indian students have been attacking a variety of portrayals of their race that they find offensive.

Some schools are moving fast to make changes. Some professional teams, however, say they aren't worried much by the Indians' charges. "I don't think they'll start shooting any flaming arrows soon," says a spokesman for the Cleveland Indians.

#### INGRAINED RACIAL SLURS

But Indians like Mr. Means are dead serious. Racial slurs against Indians, he says, are "so ingrained in our society and institutions that they aren't even recognized."

Take the Washington Redskins, the capital's professional football team. "Redskin is a derogatory name," Mr. Means says. "What if we called them Washington Niggers, or Washington Rednecks, or Washington Polacks?"

An Atlanta Braves mascot also draws Mr. Means' ire. Whenever a Brave baseball player knocks a homer, Chief Noc-A-Homa strides out of his tepee near center field and does a war dance.

"That's ridiculous," says Mr. Means. "What if we called the team the 'Atlanta Storm Troopers,' and every time there was a home run a man in a German military uniform came out and knocked a few Jews over the head with a baseball bat? Or the 'Atlanta Negros,' and an old black man came out of a shack and did a soft-shoe dance?"

The teams hasten to say that no such racial slurs are intended. Chief Noc-A-Homa himself, who is actually an Indian named Levi Walker, says it's an honor for the team to be called the Atlanta Braves.

#### WHY NOT SKUNKS OR CRIMINALS?

"You don't call teams the Atlanta Skunks or the Chicago Criminals, do you? You call them names you can admire," Mr. Walker says. A spokesman for the Atlanta Braves maintains "there's absolutely nothing degrading about" the chief's victory dances on the field.

A Cleveland Indians spokesman says, "We consider the Indian name and image an honor, not a racist thing." And a Washington Redskin official asks, "Is the name 'Indian' discriminatory? Our logo portrays a very proud and distinguished Indian—there's no circus atmosphere about it."

Besides challenging the athletic teams, Mr. Means says he plans to attack prejudicial portrayals of Indians in school textbooks, in the mass media and in the entertainment field. "Every time there's a cowboy and Indian show on TV (portraying Indians in a degrading manner), we'll ask for equal time to rebut it," Mr. Means says.

On college campuses, Indian students are going after a variety of what they consider racial slurs. At Dartmouth, which was originally founded to educate and Christianize Indians and which has sought out Indian undergraduates in recent years, a group of students launched an attack a few weeks ago.

Dartmouth's Indian symbol for the athletic teams should be dropped, the students said. Indian symbols on Dartmouth sweatshirts, notebooks and glassware should be eliminated. And a huge mural in a faculty-administration dining room, depicting a mythical founding of Dartmouth with bare-breasted women and rum-drinking Indian men in the scene, must go, the students said. They also asked for improved financial aid for Indian students, for an Indian studies program, for Indian coeds, and for an Indian center.

The Dartmouth administration is caught between the students' demands and the alumni, many of whom prize the Dartmouth Indian tradition emphasizing strength and ruggedness. An administration spokesman says, "We've set up a committee to study the whole thing."

(Meanwhile, back at the Dartmout Co-op store, manager Dick Fowler says items with Indian imprints are selling as well as ever. "There has been no drop in sales of sweatshirts or ties" that show a profile of the noble-looking Dartmouth Indian, Mr. Fowler says.)

Other schools have moved earlier on the Indian issue. Marquette University students created "White Wampum" a few years ago. Willie consisted of a huge papier-mache Indian head worn by a buckskin-clad student at basketball games. When Marquette's top-ranked team drew well ahead of an opponent, Willie would cross the court during time-outs and "scalp" the opponents.

But Willie has already been tomahawked. When a group of Indian students protested his antics last year, Marquette, at the urging of the student government, put him out of existence.

The Indians are fighting an uphill battle in some areas, however. At the University of Oklahoma, for example, the mascot "Little Red" would do a dance every time the football team made a touchdown.

"Little Red would just go out and jump around," says Iola Hayden, a Comanche from Oklahoma who is now director of American Indians for Opportunity, an organization based in Washington, D.C. "Most people in Oklahoma actually felt Little Red was retaining the Indian culture, and they've even brainwashed some of the Indians to believe this," she says.

After Indian student protests, including a sit-in at the university president's office Oklahoma officials did away with Little Red for a brief period. But last year he reappeared, unnamed and dancing as part of the school's cheerleader contingent.

"There's no protest now—I think everything's going to be quiet," one University of Oklahoma official says with a note of hopefulness.

What is protested on some campuses, however, is accepted as the status quo at others. Stanford University recently abolished a bulbous-nosed, bug-eyed caricature of an Indian that had been used as an unofficial symbol of the Stanford Indians. But the school still has Prince Lightfoot, an Indian who has been a San Francisco dock worker and who continues to dance at football games without a trace of protest.

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## U.S. CAPITAL TO STRENGTHEN SOVIET WAR MACHINE

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 1972*

Mr. RARICK. Mr. Speaker, American attempts to expand trade with Soviet Russia have taken another turn.

Last night's paper carried a story headlined "U.S. Firms Pursuing Deal for Siberian Natural Gas."

The story's lead is shocking:

> Two major Texas-based natural gas suppliers have dispatched a team of specialists to the Soviet Union to study the feasibility of shipping liquified Siberian gas to the American east coast.

The American companies would supply the finances and the technical knowledge—they would, in effect, construct gasfields in Russia in exchange for the privilege of using Russian gas.

It seems that the Russian Bolsheviks do not object to American capitalism—so long as it strengthens Communist economy. Nothing in the article indicates that the Russians will not simply take over by "communizing" these natural gasfields after the Americans have built them and trained the Soviet workers in its operation. Nor does the report explain that again U.S. capital and technical knowledge will be used to strengthen the Soviet war machine.

This is certainly a distinct possibility—and the American taxpayer will take the loss through the Overseas Private Investment Corporation, a Government-operated and taxpayer-funded organization that insures American investments from losses resulting in overseas investments, regardless of the politics of the country.

I include a related news article to follow my remarks:

[From the Washington Star, Jan. 27, 1972]

### U.S. Firms Pursuing Deal for Siberian Natural Gas

(By Bernard Gwertzman)

Two major Texas-based natural gas suppliers reportedly have dispatched a team of specialists to the Soviet Union to study the feasibility of shipping liquified Siberian gas to the American East Coast.

In recent months, Soviet officials have suggested a massive, Soviet-American natural gas deal which would involve billions of dollars of investment by American companies in the gas-rich but climate-poor Siberian areas. The Russians have said they could guarantee the sale of from $800 million to $1 billion worth of gas for many years.

American natural gas suppliers, seeking new sources of the fuel for the U.S. market, have expressed tentative interest in the untapped Soviet gas fields, the largest in the world.

A spokesman for the Texas Eastern Transmission Corp. of Houston said yesterday that it and the larger Tenneco Corp. of Houston were "studying the possibility of importing Russian liquified natural gas."

There has been a stepped-up U.S. interest in expanding trade with the Soviet Union from the current $200 million yearly to billions of dollars a year. The Commerce Department, particularly interested in the possibilities of joint ventures such as the proposed natural gas arrangement, has proposed steps to remove trade barriers on both sides.

But the White House, awaiting a further improvement in the political climate, for the moment has postponed any dramatic action.

Because of heavy demand for natural gas, American suppliers have been seeking to increase the amount of liquified natural gas imported to either East or West Coast ports. This requires refrigeration plants at ports in the source country as well as special refrigerated ships.

In the Soviet case, pipelines would have to be laid to get the gas to either Baltic Sea or Arctic Ocean ports, and special equipment would have to be built to liquify it.

The principal factor involved is cost. At present, North African liquified gas costs about 85 cents per thousand cubic feet in the U.S. East Coast. If the Soviet Union can work out an arrangement by which total cost would not exceed $1 per thousand cubic feet, one gas expert said today, a deal might be feasible.

# HOUSE OF REPRESENTATIVES—*Monday, January 31, 1972*

The House met at 12 o'clock noon.

The Chaplain, the Reverend Edward G. Latch, D.D., offered the following prayer:

*The ways of the Lord are right and the just shall walk in them.*—Hosea 14: 9.

God of grace and God of goodness, whose presence stills our spirits in the quiet of the night and whose strength supports us in the struggles of each new day, keep our minds clear and our hearts clean as we set out upon the work of this week.

Give to each one of us the inspiration of the humble in spirit, the insight of the pure in heart and the industry of willing hands that we may add to the goodness of life and make this a great time in which to lead our beloved country.

Amid differences of opinion and divisions in relationships give us ears to hear the clarion calls of justice and freedom and hearing may we give heed with a hope that sends a shining ray far down the future's broadening way.

In the spirit of Him who is the way, the truth, and the life we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
*January 27, 1972.*

The Honorable the SPEAKER,
*House of Representatives.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:35 p.m. on Thursday, January 27, 1972, and said to contain the Sixth Annual Report of the Department of Housing and Urban Development for the calendar year 1970.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,
*Clerk, House of Representatives.*

## SIXTH ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–239)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Banking and Currency and ordered to be printed:

*To the Congress of the United States:*

I transmit herewith the Sixth Annual Report of the Department of Housing and Urban Development for the calendar year 1970.

RICHARD NIXON.

THE WHITE HOUSE, *January 27, 1972.*

## NO REPARATIONS FOR NORTH VIETNAM

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, I find it very difficult to believe the secret negotiations for peace between the United States and North Vietnam have included commitments for reparations, under the name of reconstruction, but apparently this is the case. This is a shocking development. We are under no obligation to rebuild North Vietnam. The damage which they have sustained, they brought on themselves. They should be required to pay reparations to us for the suffering and cost they caused us as a result of the war. And they should be paying reparations to the nations of Indochina for the destruction wrought by the Communist forces in their efforts to overturn the governments of other nations. Instead of paying reparations or providing reconstruction to the North Vietnamese, I am certain it would be more satisfying to the Congress and to our Nation to provide additional benefits to American servicemen of the conflict and to their families, particularly to the families of the dead, to the wounded, and to the families of those missing in action.

I strongly urge that the nonsense about reparations, by whatever name, to North Vietnam be dropped now.

## FCC REVERSES ITSELF AND REINSTATES A.T. & T. HEARINGS

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, last Thursday, January 27, the Federal Communications Commission did an about face, set aside its own order of December 23, which had dismissed the hearings on phase II of the A.T. & T. rate case, and ordered the hearing reinstated.

On December 23, the FCC abandoned its investigation of A.T. & T., which had been pending for 7 years, on the grounds of inadequate staff and funding. That decision constituted a default of the Commission's regulatory responsibility and was the target of widespread public outcry and criticism. The Commission was, in effect, saying that it did not have the resources to carry out its most basic responsibility—the investigation of the rate base and revenue requirements of A.T. & T.

On the opening day of this session of Congress, January 18, Senator FRED HARRIS and I held a press conference with FCC Commissioner Nicholas Johnson, who had dissented from the December 23 decision, and we introduced legislation authorizing $2 million to be used by the FCC to carry out this study—S. 3060 and H.R. 12423. The Commission's reversal and its reinstatement of the hearings demonstrate the importance of public pressure upon an agency to prevent it from shirking its fundamental responsibilities.

The FCC in its order of January 27 says that the President's budget for fiscal year 1973 will provide the funds to carry out this study. However, the new budget provides only 12 additional man-years for domestic telephone rate regulation. It should be noted that the Commission only asked for 10 additional man-years in its original fiscal year 1973 presentation to the OMB. Thus, the Commission has hardly exhibited any vigorous effort to obtain the resources required to conduct a thorough study of A.T. & T.

Certainly it is incumbent upon the Commission now to carry out a full study of A.T. & T., including but not limited to revenue requirements, the reasonableness of prices and profits, the amounts claimed for investment and operating expenses, and the internal rate structure of the interstate and foreign message toll telephone service.

It is essential that the FCC carry out this study without in any way slighting its other regulatory requirements. If its resources are believed to be insufficient to meet its responsibilities, the FCC has an obligation to ask the OMB and Congress for whatever funds are necessary.

## STRIKES IN THE TRANSPORTATION INDUSTRY

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ABERNETHY. Mr. Speaker, the west coast dock strike is probably the most costly in the history of the Nation. There is more involved here than just the situation as it relates to the strikers. The entire Nation is affected. Every industry and every consumer is feeling the effects. The strike is sorely damaging the American economy.

President Nixon in his state of the Union message faced up to the problem. He called on the Congress to give him the authority to do something about this intolerable situation. In fact, he has made such an appeal on several occasions. And in February 1970 he sought broad legislation to deal with strikes in the transportation industry, an industry which for the good of all must be kept moving at maximum capacity.

Legislation sought by the President is now pending before appropriate committees of the Senate and House. He has urged speedy action. The masses of this Nation are urging action.

As one who supports the position of the President on this very important issue, I strongly urge the Labor Committees of the Senate and House to promptly move this legislation out of committee and onto the floor so that the Congress may express its will thereon.

The President has done his part. The next move is up to the Congress. Time is running out.

## PRESIDENT'S PEACE PROPOSALS SHOULD BE PURSUED AND SUPPORTED

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, indications from both the Democratic and Republican sides are of hope and encouragement that the President's initiatives will lead quickly to peace in Southeast Asia.

As a strong supporter of the Mansfield amendment, I believe that the points proposed by the President show the administration coming closer to the consensus of the country that settlement of the prisoner of war issue should lead to a definite date for total withdrawal.

Support in the House is widespread, not necessarily on the specific eight points, but for the broad proposition which the President is pressing of achieving a settlement.

My hope is that the President's affirmative proposals will lead to serious discussions between ourselves and Hanoi in Paris, and a sincere effort by their country as well as ours to move toward a settlement, American withdrawal and an end of the war.

## CONTINUING RESOLUTION FOR WATER POLLUTION CONTROL

(Mr. KEMP asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KEMP. Mr. Speaker, the programs under the Federal Water Pollution Control Act have been carried out under the authority of two temporary resolutions since June 30, 1971. The latest extension expired on October 31, 1971. Since that time, the Environmental Protection Agency has been without authorization for important areas of the Federal Water Pollution Control Act.

The distinguished chairman of the House Public Works Committee (Mr. BLATNIK) an his committee have been working hard on the Federal Water Pollution Control Act Amendments. However, it will be some time until this vital bill is reported, considered by the House, and differences reconciled with the Senate version. Therefore, I have introduced today a continuing resolution which is cosponsored by my able and distinguished colleague from Buffalo (Mr. DULSKI) who is also deeply interested in the restoration of the Great Lakes. It is imperative that this continuing resolution be passed so that important environmental programs which are now being held up because of lack of authorization can get going again.

This resolution can also be the vehicle for a major crash program to restore Lake Erie and the other Great Lakes.

Dr. Robert A. Sweeney, the very able and dedicated director of the Great Lakes Laboratory of the State University College at Buffalo, has been working very closely with me on this project. Recently Dr. Sweeney stated:

> The costs of not instituting a program to abate pollution in the Great Lakes, particularly with respect to up-grading the effectiveness of municipal sewage collection and treatment systems, would incur damages which far exceed the expenses of such a program.

My distinguished colleague (Mr. BLATNIK) also serves as chairman of the Conference of Great Lakes Congressmen which has been a bipartisan effort since 1966 to initiate a comprehensive program to restore the Great Lakes. I know he shares my concern.

This authorization is urgently needed to enable the Federal water pollution control program to continue until permanent legislation is passed by the Congress.

Mr. Speaker, it has also been brought to my attention that salaries are being paid under section 5(n) for which no authorization exists.

I strongly urge immediate consideration and passage of this critical measure.

Mr. Speaker, with permission to revise and extend my remarks I shall include extraneous matter which will appear hereafter in the Extensions of Remarks.

## SUPPORT OF PRESIDENT NIXON'S STATEMENT ON THE VIETNAM WAR

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. WILLIAMS. Mr. Speaker, over the past weekend, I have studied the statement made by President Nixon January 25, 1972, on his efforts to make a lasting peace in Indochina. He has told the American people of his proposals to Hanoi which would resolve this war in a fair and acceptable manner to all sides.

It is clear to me that President Nixon has lived up to his promise to search for an end with honor to the conflict in Vietnam. I hope that all Americans will put aside partisan politics and support the eight-point initiative. There are many who are motivated to attack the President for purely political expediency, but this issue should be above politics. I would remind those who have attacked President Nixon's peace initiative that the issue is the lives of American soldiers and POW's. It is to be expected that the North Vietnamese will not readily accept any American proposal—their past record clearly indicates this fact. They will attempt to gain even more, but the President has made an entirely fair proposal and world opinion should be on our side.

I hope now that the private negotiations have been made public, all sides will be willing to begin serious negotiations at the Paris talks. I join with President Nixon and the vast majority of Americans in the hope that we will soon see the end of this war and the return of our POW's.

## ENCOURAGING ECONOMIC SIGNS

(Mr. CONABLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONABLE. Mr. Speaker, during the month of December the Government index of certain leading economic indicators posted the sharpest rise since January 1971 when in the aftermath of the strike against General Motors the index jumped 2.3 percent. Aside from the January 1971 increase, last month's 2.2 percent rise was the sharpest rise in the leading indicators since October 1968, when the indicators rose 2½ percent. According to Dr. Harold C. Passer, Assistant Secretary of Commerce for Economic Affairs:

> This provides important evidence that the economy will be expanding vigorously in the years ahead.

Of the eight indicators, four advanced during December. The average workweek of manufacturing employees increased, initial claims for unemployment insurance declined by 11.6 percent, and new housing permits rose by 14.3 percent. Stock prices, represented by Standard & Poor's average of 500 stocks, gained almost 7 percent. The four other indicators, which declined, did so only slightly, with the resulting strong increase for the eight indicators taken together.

Additionally, executives in the important steel industry are voicing optimism about 1972. According to a recent report in the Wall Street Journal, there is considerable agreement among steelmen that first quarter 1972 shipments will total around 22 million tons, with a jump of 10 percent or more to about 24 million tons in the second quarter of the year. Steel orders are coming in at a considerably higher rate than they were 1 or 2 months ago. The auto industry is expected to increase its order rate shortly because of the need to restock inventories. Mr. Speaker, I think that in light of the many encouraging economic signs which we have seen in the past month, there is sound basis for optimism about the future course of the economy.

## PROVIDING FOR CONSIDERATION OF H.R. 10086, INCREASES IN APPROPRIATION CEILINGS AND BOUNDARY CHANGES IN CERTAIN UNITS OF THE NATIONAL PARK SYSTEM

Mr. O'NEILL. Mr. Speaker, on behalf of the Committee on Rules, I call up House Resolution 782 and ask for its immediate consideration.

The Clerk read the resolution as follows:

### H. RES. 782

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10086) to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may been been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield myself such time as I may consume, and at the conclusion of my remarks I yield 30 minutes to the gentleman from California (Mr. SMITH).

Mr. Speaker, House Resolution 782 provides an open rule with 1 hour of general debate for consideration of H.R. 10086 providing for increases in appropriation ceilings and boundary changes in certain units of the national park system.

Title I of H.R. 10086 authorizes additional appropriations for the acquisition of lands at nine units of the national park system. On page 24 of the report are listed the units involved and the amount of increase for each. The total increase is $12,544,500.

Title II of the bill authorizes increased appropriations for development at four units of the national park system. These units and the increase for each are also listed on page 24 of the report. The total increase is $7,367,600.

Title III of the bill authorizes the Secretary of the Interior to revise the boundaries at 11 units of the national park system. These units and the estimated cost for each are listed on pages 24 and 25 of the report. The total acquisition costs are estimated at $1,176,500.

Title IV of the bill amends the Ozark Scenic Riverways Act to allow the United States to accept title to approximately 6,600 acres of State parkland subject to the retention by the State of a reversionary interest if the lands are not used to national scenic riverway purposes. Also in this title, the Cowpens National Battleground Site is redesignated as Cowpens National Battlefield and authorizes $2,363,900 for land acquisition and $3,108,000 for development.

Mr. Speaker, I urge the adoption of House Resolution 782 in order that H.R. 10086 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the interest of saving time, may I say the distinguished gentleman from Massachusetts (Mr. O'NEILL) has explained the contents of the resolution and bill very ably. House Resolution 782 does provide for 1 hour of debate under an open rule for consideration of H.R. 10086.

I think it is rather interesting to note, Mr. Speaker, that there may be a couple of points of order on this bill, and the distinguished chairman of the Committee on Interior and Insular Affairs did not request the Rules Committee to waive those points of order. He stated he would stand on the bill on the floor. There is, simply, possibly an appropriation in a legislative bill, and the committee in making some 22 changes that had to comply with the Ramseyer rule inadvertently missed one of them. Rather than request the waiver of points of order, the distinguished chairman had a supplemental report prepared to cover that instance. I certainly commend the gentleman and the committee for the fine attitude they have taken in that regard. I am happy to bring an open rule to the floor of the House.

Mr. Speaker, I urge the adoption of the resolution.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 11]

Abbitt
Abzug
Addabbo
Alexander
Anderson, Tenn.
Annunzio
Ashley
Badillo
Baring
Barrett
Bell
Biester
Blackburn
Blatnik
Brasco
Caffery
Camp
Carney
Carter
Celler
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Colmer
Conte
Conyers
Corman
Cotter
Culver
Curlin
Danielson
Davis, Ga.
Davis, S.C.
Dellums
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dulski
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eshleman
Evans, Colo.
Evins, Tenn.
Flynt
Foley
Ford, William D.
Fountain
Frey
Galifianakis
Gallagher
Giaimo
Grasso
Gray
Gude
Hagan
Halpern
Hansen, Idaho
Harrington
Hébert
Heinz
Hicks, Wash.
Hillis
Horton
Jacobs
Jarman
Kazen
Keating
Kee
Kuykendall
Lennon
Long, La.
McCloskey
McCormack
McDonald, Mich.
McKinney
Macdonald, Mass.
Madden
Mailliard
Mann
Metcalfe
Mikva
Mills, Ark.
Minshall
Moorhead
Murphy, N.Y.
Myers
Nix
O'Konski
Passman
Pettis
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Railsback
Rangel
Rarick
Rees
Robison, N.Y.
Rooney, N.Y.
Rostenkowski
Runnels
Ruth
St Germain
Sarbanes
Satterfield
Scheuer
Schwengel
Sebelius
Seiberling
Skubitz
Slack
Smith, Iowa
Staggers
Stanton, J. William
Steed
Steele
Stephens
Stuckey
Thompson, Ga.
Tiernan
Udall
Waggonner
Wampler
Whalley
Whitten
Wilson, Charles H.
Wolff
Wright
Wyman
Young, Tex.
Zion

The SPEAKER. On this rollcall 290 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## INCREASES IN APPROPRIATION CEILINGS AND BOUNDARY CHANGES IN CERTAIN UNITS OF THE NATIONAL PARK SYSTEM

Mr. TAYLOR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10086) to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H.R. 10086, with Mr. ROBERTS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina (Mr. TAYLOR) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. TAYLOR. Mr. Chairman, I yield 10 minutes to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, before we begin the formal debate on the bill now before us, I once again wish to commend the gentleman from North Carolina (Mr. TAYLOR), and his counterpart, the gentleman from Kansas (Mr. SKUBITZ), and the members of the subcommittee, especially for their detailed and constructive handling of this legislation. By bringing the bill before us in the manner in which it is presented, we can save a great deal of the time of the House and get the job accomplished, perhaps more expeditiously, and in just as good a manner, as if we were to have 22 separate bills before us.

Mr. Chairman, H.R. 10086 and its companion, H.R. 10110, were introduced by several Members of the House as a result of an Executive communication. The bill which was recommended by the committee by a voice vote, involves legislative changes at 22 existing units of the national park system.

All of the changes are designed to accomplish the original objective which some earlier Congress authorized or to resolve some problem at a park area where congressional action is required.

### BASIC PURPOSE

Basically, H.R. 10086, as amended, is an omnibus bill which brings together into one measure a fairly large number of routine matters which are important at the individual units involved. Individually, I believe that each item included in this bill can stand on its own merits, but, standing alone, some of these changes would probably find it difficult to successfully compete for the time and attention of the Congress.

To accomplish what H.R. 10086 seeks to accomplish, it would undoubtedly take many hours of discussion on the House floor. While congressional oversight requires that limitations be placed on the authority of administrative agencies, detailed changes should be handled as expeditiously as possible. The members of the authorizing committee feel that H.R. 10086 is a reasonable and sound method for disposing of such legislative necessities.

To qualify for inclusion in this bill, the Subcommittee on National Parks and Recreation established some reasonable standards which it applied to all of the items in the bill now being recommended. It suggested, and the full Committee on Interior and Insular Affairs agreed, that each element should meet four tests—

First, the item should be relatively free of controversy;

Second, the proposed change should be able to stand on its own merits;

Third, the item should be compatible in form with the other areas in the bill; and

Fourth, the legislative process should be complete and should include an open, public hearing so that everyone knows exactly what the issues are.

Mr. Chairman, we feel that all of the provisions of H.R. 10086 meet those tests. Every aspect of the legislation has been considered in detail by the subcommittee and reviewed by the full committee.

The general thrust of the bill is to provide additional authority for the appropriation of moneys needed to acquire lands or to complete development programs. In addition, the bill authorizes several important boundary changes which could not be made in the absence of favorable congressional action. The Members will find that the report discusses the changes recommended for each unit.

### COST

Altogether, Mr. Chairman, H.R. 10086 involves increased appropriation ceilings at about a dozen areas. The total increase is $26,560,000. Of this amount, about $16,165,000 is for land acquisition and the remaining $10,395,000 is for development. Probably no one in this House is more disappointed at the necessity for recommending these increases than are the members of the Committee on Interior and Insular Affairs.

It is important to remember that in almost every case, the appropriation limitation has been written into the original statute by the House on the recommendation of the committee. Those ceilings are not arbitrary figures drawn from a hat; they are almost always exactly the amounts which departmental spokesmen have said are needed to do the job. If they are wrong, then, with these limitations, they must come back to the Congress and justify their additional needs. While it may be impossible to reverse an action where a substantial investment has been made, we can take a look at what has been accomplished and determine what can reasonably be expected in the future.

### COMMITTEE ADDITIONS TO THE BILL

The committee has included several important items in H.R. 10086 which were not in the bill as introduced—

Assateague Island National Seashore, Md. and Va.;

Bighorn Canyon National Recreation Area, Mont. and Wyo.;

Cowpens National Battlefield, S.C.

Muir Woods National Monument, Calif.;

Ozark National Scenic Riverways, Mo.;

Piscataway Park, Md.; and

Wolf Trap Farm, Va.

All of these additions were considered in a public hearing on their individual merits. Spokesmen for the administration endorsed—in fact urged—the adoption of each of them, except for the Cowpens National Battlefield proposal. In that case, the Department reversed itself. Instead of recommending it, as it had done in the 91st Congress, it suggested that action be deferred until the administration could determine what the legislative priorities should be.

There is no question about the historical significance of the area where the Cowpens National Battlefield would be located. The Secretary's Advisory Board on National Parks and Historic Sites recommended its creation long ago. Our colleague from South Carolina, Representative GETTYS, has worked hard and waited patiently for the consideration of his legislation. The matter was considered by the National Parks Subcommittee during the 91st Congress and it was the subject of further hearings last year. The project is ready for the expansion which H.R. 10086 would authorize and should be approved along with these other changes that are being recommended.

### CONCLUSION

Mr. Chairman, H.R. 10086, as amended, represents many days of work. It was thoroughly considered and it should be approved as recommended. Undoubtedly, other areas will require similar consideration in the future and I expect that the authorizing committee will be bringing in a housekeeping bill of this kind from time to time.

Personally, I favor all of the items included in the bill, as recommended, but I could not support the inclusion of any additional items which had not been considered and justified in a public hearing. I urge my colleagues to support H.R. 10086, as amended.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in support of H.R. 10086, a bill providing for increases in appropriation ceilings and boundary changes in 22 different units of the national park system. Generally, each change provided for each park unit in this bill is in furtherance of a congressionally declared objective and is noncontroversial. Each change has been thoroughly reviewed by the Committee on Interior and Insular Affairs and hearings have been held. Each measure can stand on its own merits. In all instances, save one which I shall discuss later, the changes here authorized do not substantially alter the existing authorizations insofar as size or general character of the existing units are concerned. The committee's purpose in combining these authorizations into one bill is to achieve economy of time.

Title I of the bill involves nine units of the national park system and provides for increases in the statutorily authorized appropriations ceiling for land acquisition at each. In each of the nine instances, the administering agency has been unable to complete its land acquisition program, as contemplated by the enabling legislation, for a variety of reasons—the most common of which are rising land values and higher court awards in condemnation cases than anticipated. Each request for an increase in authorization ceiling has administration approval. Each increase is merited in the collective opinion of the Committee on Interior and Insular Affairs. The total amount involved is $12,544,500.

Title II of the bill involves increases in statutorily authorized development ceilings at four units of the national parks system and involves a total dollar increase of $7,367,600 based on March 1971 prices. Accordingly, the Committee on Interior and Insular Affairs has added language allowing adjustment of these increases by such amounts, if any, as are justified by reason of ordinary fluctuations in construction cost indicated by engineering cost indexes applicable to the types of construction involved for each area. In each instance, the increases here authorized were either requested by or approved by the administration.

Title III involves boundary changes at 11 units of the national parks system. Some of the changes sought are to authorize inclusion of donated lands and in two cases are to exclude unnecessary lands. The estimated value of privately owned lands to be acquired at seven of these areas is $1,176,500. Again, each request has administration approval except for one, which the administration did not disapprove and which the Committee on Interior and Insular Affairs considered worthy of and necessary to enlarge at this time—the Cowpens National Battleground Site, S.C. In that instance, this committee determined that redesignation of the site as a national battlefield is justified as is the authorization of $2,363,900 for land acquisition and $3,108,000 for development contained in title IV of the bill for those purposes.

The costs involved at the several units varies considerably. The total amounts authorized to be appropriated by this bill are $26,560,000. Of that amount, however, about $16,165,000 is to be used for land acquisition and will come from funds already "earmarked" for that purpose—land and water conservation fund moneys—leaving $10,395,000 to be appropriated generally.

It is my belief that the measures contained in H.R. 10086 before you today will go a long way toward furthering our responsibility to respond to the needs of the American people for conservation of our natural, cultural and recreation resources and opportunities even though any one measure, taken alone, is not a spectacular contribution of itself. Each change authorized by this bill is, in the opinion of the committee, both necessary to implement and consistent with the basic legislation authorizing the particular park service area. The omnibus bill vehicle permits us to review each proposal in the least possible amount of time, thereby facilitating the execution of our oversight responsibility regarding authorized programs. I am satisfied that each measure contained in this bill is worthy of enactment and is important to the mission assigned by the Congress to the National Park Service at the particular area involved. I urge your support of H.R. 10086.

Mr. TAYLOR. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the bill now before the House (H.R. 10086) was originally cosponsored by my friend, the ranking minority member of the National Parks Subcommittee, Mr. Skubitz, and myself. It is truly a nonpartisan bill which is designed to systematically and efficiently dispose of several of the relatively routine national park matters which require congressional attention from time to time.

### THE OMNIBUS APPROACH

This legislation is in the form of an omnibus bill because it involves problems at 22 different areas of the national park system. It does not authorize any new area. Instead it deals with specific problems at existing national park units. Normally we take these matters up one at a time, regardless of their magnitude or character, and spend a good deal of time considering them as they move through the legislative process. Undoubtedly, if we had used that procedure, it would have absorbed as much as 22 hours of the time of the House of Representatives to complete debate on them individually.

Each of the 22 proposals contained in this bill had to pass the following tests:

First. It had to be the subject of a public hearing. I hope that no Member today will endeavor to add to this bill a proposal which has not been the subject of hearing in our committee;

Second. It had to be relatively noncontroversial;

Third. It had to be able to stand on its own merits.

To summarize the bill very briefly, it does essentially three things:

First, it authorizes additional appropriations for the acquisition of lands at nine units of the national park system;

Second, it provides for increased appropriations for development at four additional national park units; and

Third, it makes various boundary revisions at 11 other areas.

The Committee on Interior and Insular Affairs brings many bills to the House floor—perhaps more than any other committee of the House. Some are large, new proposals; some deal with small problems. Combining many similar noncontroversial projects in an omnibus bill should save the Government money because it conserves the time of Congress.

We encouraged the administration to develop a bill which would combine several of these relatively simple housekeeping problems into one measure. Accordingly, on July 12, 1971, an Executive communication was forwarded to the Speaker which recommended the favorable consideration of an omnibus bill. As a result of this recommendation, H.R. 10086 was introduced.

The following month, the National Parks Subcommittee held hearings on the bill and on various individual measures which it embraced. Each item was explained and justified by spokesmen for the administration, but because the items in the bill involved areas already authorized, there was very little public participation in the hearings.

Following the consideration of the basic proposal, the subcommittee took from its calendar various other proposals which seemed to fit into the same general legislative framework of the bill to determine if it would be desirable to provide for their inclusion. Hearings were conducted on measures involving seven additional areas having problems similar in character to those involved in H.R. 10086. Subsequently, amendments were recommended to include them in the bill.

With this background, the members of the full Committee on Interior and Insular Affairs were able to judge the merits of the various proposed changes before recommending the legislation, as amended, to the House by a voice vote.

### ORGANIZATION OF THE BILL

Mr. Chairman, upon examination of the bill and report, I believe that the Members of the House will be able to readily understand the provisions of the legislation. Without going into too much detail, however, I would like to very briefly summarize the bill:

Title I provides for increased authorization ceilings for land acquisition at the following areas:

| | |
|---|---|
| Assateague Island National Seashore, Md. (including deficiency awards and interest thereon) | $4,800,000 |
| Big Hole National Battlefield, Mont | 22,500 |
| Bighorn Canyon National Recreation Area, Mont. and Wyo | 425,000 |
| Effigy Mounds National Monument, Iowa | 12,000 |
| Fort Donelson National Military Park, Tenn | 228,000 |
| Lincoln Boyhood Home National Memorial, Ind | 320,000 |
| Ozark National Scenic Riverways, Mo | 3,804,000 |
| Piscataway Park, Md | 2,840,000 |
| Shiloh National Military Park, Tenn | 93,000 |
| Total increase | 12,544,500 |

Altogether, this title of the bill authorizes the appropriation of $12,544,500. All of this money, of course, is to be appropriated, in accordance with the usual congressional procedure, from the land and water conservation fund.

Title II provides for increased development ceilings. Under the terms of this title, an additional $7,367,600 would be authorized at four existing units. They are:

| | |
|---|---|
| Herbert Hoover National Historic Site, Iowa | $1,850,000 |
| Booker T. Washington National Memorial, Va | 400,000 |
| Johnstown Flood National Memorial, Pa | 244,600 |
| Wolf Trap Farm Park, Va | 4,873,000 |
| Total increase | 7,367,600 |

Title III involves various boundary changes and it authorizes the appropriation of the sums needed in order to acquire any lands that are added. The areas affected are:

First, Adams National Historic Site, Mass.—to add 3.68 acres—$122,000.

Second, Cowpens National Battleground Site, S.C.—to add 84 acres—see section 402.

Third, Fort Caroline National Memorial, Fla.—to add 12.5 acres—donation.

Fourth, George Washington Birth Place National Memorial—to add 62.3 acres—$57,000.

Fifth, Glacier National Park, Mont.—to add 267.90 acres and to exclude 68.47 acres—$6,000.

Sixth, Isle Royale National Park, Mich.—to add 0.52 acre—$31,500.

Seventh, Johnstown Flood National Memorial, Pa.—to add 53.6 acres—$10,000.

Eighth, Lassen Volcanic National Park, Calif.—to exclude 482 acres.

Ninth, Muir Woods National Monument, Calif.—to add 49.7 acres—$950,000.

Tenth, Ozark National Scenic Riverways, Mo.—to add 1,670 acres—included in title I, 6.

Eleventh, Petersburg National Battlefield, Va.—to exclude 257,53 acres.

Total: $1,176,500.

Title IV covers two situations which require special language. One section deals with the acceptance of the donation of some 6,600 acres of parkland from the State of Missouri for the Ozark National Scenic Riverways subject to the retention by the State of a reversionary interest if the lands cease to be used for national scenic riverways purposes. The other redesignates the Cowpens National Battleground Site as a national battlefield and authorizes the appropriation of $2,363,000 for land acquisition and $3,108,000 for development at that area.

### CONCLUSION

Mr. Chairman, I do not want to impose any further upon the time of the Members of the House. I am sure that everyone understands the details of this measure. But I do want to assure my colleagues that the members of the authorizing committee have reviewed the legislation very carefully. We feel that the approach utilized in this instance is a sound one, that the legislation accomplishes worthy objectives, and that it represents a constructive effort to solve a large number of minor problems in the most efficient manner possible.

RECOMMENDATION

I urge the Members of the House to give H.R. 10086, as amended, their favorable consideration.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR. I would be glad to yield to the gentleman from Iowa.

Mr. KYL. I thank the gentleman for yielding and I shall just take a moment to endorse this concept the way it has been executed and I recommend passage of this legislation.

I thank the gentleman for yielding.

Mr. TAYLOR. I thank the gentleman from Iowa.

Mr. SAYLOR. Mr. Chairman, I have no further requests for time.

Mr. TAYLOR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wyoming (Mr. Roncalio).

Mr. RONCALIO. Mr. Chairman, I am proud to lend my wholehearted support to H.R. 10086, an omnibus bill from the Interior Committee which authorizes increased appropriations for a number of much-needed projects throughout the heartland of rural America. Many well-intentioned words have been spoken by political leaders on the need for rural redevelopment, both in order to forestall the senseless overcrowding of our cities and to refurbish and revitalize our less populous areas. Surely this is not a local issue, but in every sense a national one to which we must respond, if the past strength of this great land is to be recaptured.

Today, a bill which takes small steps toward realizing such a needed response is before the House. H.R. 10086 asks for positive allocations of funds for improving such diverse rural areas as are to be found in Montana, Virginia, Tennessee, North Carolina, and Iowa. I am naturally interested in that part of the bill under our consideration which relates to my own State of Wyoming. This section incorporates bills which were sponsored last May in this House by myself, H.R. 8512, and in the Senate by Senators Hansen, McGee, Mansfield, and Metcalf, S. 1878. It asks that Public Law 89-664, which established the Bighorn Canyon National Recreation Area, be amended so the ceiling allocation of funds for the purchase of land and right-of-way is raised from $355,000 to $780,000.

Such increased funds are to be expended toward the completion of a road—whose construction has unfortunately been held up altogether too long—from Lovell, Wyo., to Fort Smith, Mont. This road is to be part of a great loop, extending from northern Wyoming into southern Montana and down again into Yellowstone Park. Many benefits are expected to reach fruition through this project. The terrible traffic jams of tourists who have but one main artery into the park will be allayed. Surrounding areas, both in Montana and in Wyoming's Bighorn Canyon National Recreation Area, will benefit by becoming accessible tourist attractions in their own right.

If this is but one positive example of the good which many people can expect from H.R. 10086 in other areas of the country, and I think it is, I cannot more strongly recommend its passage today.

Mr. TAYLOR. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. Gettys).

Mr. GETTYS. Mr. Chairman, I want to thank Chairman Aspinall and Subcommittee Chairman Taylor and all the members of the Interior and Insular Affairs Committee for their consideration and approval of the merits of the Cowpens Battleground site proposal and for their courtesies to me personally during the several years the proposal has been before the committee.

Mr. Chairman, included in H.R. 10086 is an authorization for the enlargement and development of the Cowpens National Battleground in Cherokee, my district.

The Cowpens National Battleground has been recognized as one of the most important Revolutionary War battle sites. Here the southern strategy of Lord Cornwallis that was to end the Revolution met a crushing defeat and resulted in the winning of American independence. It was in January of 1871 that Lord Cornwallis began his grand march northward.

From his headquarters in Fairfield County, S.C., the British commander dispatched the finest of his soldiers under the dashing cavalry leader Bannistre Tarleton to destroy a band of militiamen and guerrillas under the command of Brig. Gen. Daniel Morgan.

On the morning of January 17, 1781, at Cowpens, the British force of 1,100 engaged the 600-man troop under General Morgan. In the 50-minute battle that followed, Morgan's small force executed the first and only successful double envelopment ever carried out on American soil and decimated the British forces. Only 200 of the British forces escaped.

From Cowpens, the British moved to Guilford where they won a costly victory and began the march to Yorktown where Cornwallis' surrender marked the end of the war.

Mr. Chairman, the Patriot victory at Cowpens has been recognized by historians as a crucial turning point in our War of Independence. It is fitting, therefore, that we should authorize plans for a comprehensive interpretive presentation of this historic engagement as we approach the bicentennial celebration of our national beginnings. It is also a practical necessity that we start now if we are ever to preserve this significant battlefield.

Residential development is crowding closer and closer to the battle site and, unless the needed land is acquired promptly, the costs may become prohibitive.

The National Park Service reports that today, with only an acre and a quarter site and a simple marker to commemorate this decisive battle, some 32,000 visitors come to the Cowpens battleground annually. With proper development, its location within short driving distance of two major Interstate Highways—I-85 and I-77—will insure its use by increasingly large numbers of Americans in the years ahead.

The Cowpens battlefield project has been on the drawing boards for several years and the master plan for its development was approved by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments in 1968.

That plan calls for the enlargement of the area to about 850 acres, which would include all of the original battlefield and enough surrounding land so that it can be restored to its condition at the time of the battle. The surrounding land would provide parking and picnicking areas, foot trails and bridle paths, and an environmental education area.

Park Service plans for riding stables as part of the development is particularly appropriate since the Battle of Cowpens was the only Revolutionary War engagement in which the cavalry played a decisive role.

It is my hope, Mr. Chairman, that the House will approve this bill.

Mr. MAILLIARD. Mr. Chairman, I appreciate the opportunity to speak on behalf of H.R. 10086 as amended, a bill which includes provisions comparable to my bill, H.R. 1439, dealing with Muir Woods National Monument in the State of California.

I would first like to express my appreciation of the consideration given to this legislation by the Interior Subcommittee on National Parks and Recreation and by the full Interior Committee. Everyone knows of the fine work done by the chairman of the committee, Mr. Aspinall, the chairman of the subcommittee, Mr. Taylor, and by their ranking counterparts on the other side of the aisle, Mr. Saylor and Mr. Skubitz.

H.R. 10086 as amended would provide for increases in certain appropriation ceilings and boundary changes in certain units in the national park system. As I mentioned before, Muir Woods is one of the units included in this bill.

Located just 17 miles north of San Francisco, Muir Woods has served as a national monument since 1908. Virtually surrounded by Mount Tamalpias State Park, only a small portion of the lands remain to be acquired to complete the monument. Acquisition of these lands, which approximate 50 acres, will permit the National Park Service to relocate visitor use, service and residential facilities; improve access to the monument; and control the scenic approaches to Muir Woods.

It may be of interest to note that in the last 2 years nearly 1.5 million people have visited this beautiful grove of redwoods, which gives emphasis to the desirability of moving out of the grove itself all services and facilities, so that visitors will be less crowded and better able to enjoy the beauty of the trees.

Public control of the area is a necessity if the scenic and environmental integrity of Muir Woods—and also of adjoining Mount Tamalpias State Park—is to be preserved.

In conclusion, Mr. Chairman, I endorse H.R. 10086 as amended and urge its approval by Members of the House.

Mr. SCHWENGEL. Mr. Chairman, I rise today in support of H.R. 10086. It contains the provisions of H.R. 6442 which I introduced last year. That bill and the legislation before us today increase the authorization ceiling for land acquisition and development at the Herbert Hoover National Historic Site from $1,650,000 to $3,500,000.

As most Members know, the Herbert Hoover Site is located at West Branch, Iowa. It is the site of the late President's birthplace and is the burial place of President and Mrs. Hoover.

Also located on the site is the Hoover Presidential Library, a replica of the blacksmith shop operated by President Hoover's father and the Quaker meeting house he attended while a boy in West Branch.

When Congress created the Herbert Hoover Historic Site in 1965, the monetary authorization was set at $1,650,000. Rising costs have made necessary an increase in this authorization. Presently, only $2,300 remains of the original authorization and a good deal of development work remains to be done. For that reason, I introduced H.R. 6442 which would increase the authorization by $1,850,000 to $3,500,000. Of course, I am pleased that is the figure included in the bill by the Interior and Insular Affairs Committee.

For the most part, the funds will be used to the completion of the restoration and development plans at West Branch, which includes the reconstruction of Second Street in the city of West Branch.

The restoration consists primarily of the retention and rehabilitation of 19 historic structures or period buildings. Other structures will be removed. The completed restoration will bring into being a village scene at West Branch of the town which Herbert Hoover knew as a boy.

There is one large parcel of land on the west side of the development which remains to be acquired. Originally, it was thought that a scenic easement on the property would be sufficient to protect the integrity of the historic site. Negotiations have not been successful and, as a result, the purchase of almost 45 acres is now necessary.

Mr. Chairman, as someone who has been interested in the Herbert Hoover Historic Site and Presidential Library for many years, beginning with my work with the Herbert Hoover Foundation while I served in the Iowa Legislature, I have been concerned that development work at West Branch be completed as soon as possible. The adoption of this legislation should remove one of the last obstacles remaining in the path of the completion of the historic site. I urge support of this bill.

Mr. SKUBITZ. Mr. Chairman, I rise in support of H.R. 10086, a bill providing for increases in appropriation ceilings and boundary changes in certain units of the national park system.

The purposes of this bill are fourfold:

First, to authorize increased or additional appropriations for the acquisition of lands at nine existing units of the national park system;

Second, to authorize increased appropriations for development at four units of the national park system;

Third, to revise boundaries at 11 units of the national park system; and

Fourth, to make other changes related to such areas.

The changes authorized by this bill for each unit of our national parks system are as follows:

At the Assateague Island National Seashore, Md., and Va., an increase of $4,800,000 is authorized in order to complete acquisition of about 3,644 acres within the seashore, estimated to cost $5.2 million, plus interest, and an estimated escalation in land values of 8 percent per year. The figure was computed using the formula used in a recent condemnation award in the area. This sum, added to the $819,802 remaining unexpended of the original authorization, is estimated to be sufficient to complete the administering agency's acquisition program.

For Big Hole National Battlefield, Mont., $22,500 are authorized. The area was created in 1910 by Executive order and enlarged and given statutory recognition in 1963. About 120 acres of an L-shaped private inholding need to be acquired to prevent usage adverse to the battlefield. No funds remain of the original authorization.

At Bighorn Canyon National Recreation Area, Wyo. and Mont., created in 1966 and enlarged in 1967, an increase of $425,000 is authorized to acquire about 7,685 acres of tribal and allotted Indian lands to provide adequate access to the areas added to the national recreation area by the voluntary inclusion of Crow Indian Reservation lands. The remaining 5,840 acres needed for that purpose are already in Federal and State ownership.

Effigy Mounds National Monument, Utah, was established in 1949 by Executive order; increased in size in 1952 by State donations and statutorily recognized in 1961 at which time 270 acres were added and $2,000 were authorized to be appropriated to acquire 94 privately owned acres containing Indian burial mounds. Land values have increased. For acquisition $12,000 additional are needed and are authorized to be appropriated by this bill.

Fort Donelson National Military Park, Tenn., established in 1928, increased in size in 1933 and increased again and legislatively sanctioned during the 86th Congress is to be increased by the acquisition of 22 acres of privately owned inholdings, needed to improve traffic safety and historic settings; $228,000 are needed. Land values have increased since the 1960 expansion.

At Lincoln Boyhood National Memorial, Ind., 72 acres need to be acquired to complete the restoration of farmlands originally patented by Thomas Lincoln in 1827. Estimated acquisition costs of $320,000 are authorized.

At Ozark National Service Riverways, Mo., 1,670 acres of lands need to be added to the riverway in addition to the Secretary's authority to make boundary changes and within existing statutory acreage authorizations; $3,804,000 are authorized to complete the acquisition program, including the added 1,670 acres, and to cover anticipated deficiency awards. Authorization is needed for the Secretary of the Interior to accept donation of three State-owned parks which are subject to reverter if used other than for the riverway.

In 1961 Congress authorized acquisition and administration of Piscataway Park in Prince Georges and Charles County, Md., to protect the view from Mount Vernon and Fort Washington; $937,000 were authorized. That amount was increased in 1961 to $4,132,000 when it became apparent that the acquisition program could not be completed. Acquisition is still not complete and land values in the Washington metropolitan area have increased tremendously. Information supplied the committee indicates that with the increase of $2,840,000, authorized by this bill, the acquisition program can be completed as originally intended.

The Shiloh National Military Park, Tenn., was congressionally recognized in 1897. In 1926, amounts authorized for land acquisition were increased by $7,000; 191.5 acres now in private ownership are historically associated with the battlefield and are needed for the Park Service to develop a one-way loop road through the park; $93,000 are authorized for that purpose.

At Herbert Hoover National Historic Site, Iowa, all but $2,300 of the existing authorization ceiling of $1,650,000 has been expended. The development plan at the site is not completed and is estimated to cost $1,772,000. One tract of farmland of 44.59 acres needs to be acquired. Total costs authorized are $1,850,000.

The 218-acre Booker T. Washington Farm is in Federal ownership. However, plans to develop a "living farm" at the site have not been implemented because of the limits on development imposed by the enabling legislation. In order to implement the development plan, a development ceiling increase of $400,000 is needed and is authorized by H.R. 10086.

At Johnstown Flood National Memorial, Pa., 53 acres, of which only 12 acres need be acquired, would be added to the present 56-acre national memorial in order to better interpret the 1889 flood disaster. A foot bridge would be constructed to provide visitor access across the river. Interpretative trails and visitor facilities would be constructed. Development costs are estimated at $244,600 are authorized.

At Wolf Trap Farm Park in Virginia, an increase in the development ceiling of $1,473,000 is needed to expand visitor facilities at or near the Filene Center, principally because of the phenomenal success of the park. H.R. 10086 increases the present development ceiling by that amount.

Authority to acquire 3.68 acres including the historic Beale home and carriage house which are adjacent to the present Adams National Historic Site, Mass., at cost to the National Park Foundation—$112,000—are authorized.

The Cowpens National Battleground Site, S.C., would be redesignated as a national battlefield commemorating that Revolutionary War battle; the battlefield site would be expanded from 1¼ acres to 850, and funds would be authorized for land acquisition—$2,363,900—and development—$3,108,000. The Secretary's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments indorsed the proposal in 1968.

At Fort Caroline National Memorial, Fla., 12.5 acres are proposed for addition to the present 128.29-acre site, and are to be donated.

At George Washington Birthplace National Monument, Va., 62.3 acres would be added to the existing 393.68-acre monument. These lands are presently being used as part of the "living farm" operation at the memorial with the consent of the owner. Purchase is expected to cost $57,000 and is authorized by the bill.

Boundary changes at Glacier National Park, Mont., consist of reestablishing a railroad right of way, the route of which was altered by a flood, as the park boundary line. 267.9 acres would be added and 68.47 acres deleted. Net increase would be 200 acres. Costs are about $6,100. Portions are presently in Federal ownership and would be acquired by exchange. This legislation is necessary because the enabling act does not contain authority to the Secretary of the Interior to make minor boundary adjustments.

At Isle Royal National Park, Mich., additional facilities are needed for administration and visitor use. This legislation would permit acquisition of a one-half acre lot and vacant building which bisect the present mainland headquarters for the park for the option price of $31,500 thereby permitting development of the needed facilities.

Adjustment of the Lassen Volcanic National Park, Calif., boundaries by transferring 481.23 unneeded acres to the Forest Service for administration as part of the existing Lassen National Forest would be facilitated by this legislation.

H.R. 10086 authorizes the Secretary to acquire 49.7 acres of private lands in between the Muir Woods National, Calif., Monument and a State park, otherwise adjacent to the monument. The Secretary is authorized to acquire the lands in fee but grant a revocable use permit to the present owners or acquire the lands subject to a life or 25-year estate in the present owners. Acquisition is desirable to prevent possible future adverse use. Cost for the authorized acquisition are $950,000.

At Petersburg National Battlefield, Va., 258 acres which are no longer needed would be eliminated and transferred to the city of Petersburg pursuant to an agreement that the city maintain them in their present park-like character. The lands to be excluded are principally two public roads of about 7 miles in length.

All of the items covered by this lengthy bill are relatively free of controversy, and all, except Cowpens National Battleground Site in South Carolina, were recommended for enactment. In the case of the Cowpens Battlefield Site, the Department recommended deferral until the administration could establish priorities for the national parks program. Nevertheless, after hearings, the Committee on Interior and Insular Affairs deemed the Cowpens Site worth of inclusion in this bill.

The bill is a good bill. It was carefully assembled. It represents, I think, an efficient method of handling a group of relatively small but necessary legislative proposals which time might not otherwise permit to be separately considered. I urge your support for its passage.

Mr. HOGAN. Mr. Chairman, this legislation before us today would affect appropriation ceilings and boundary changes in certain units of our national park system for California to my own State of Maryland.

As I have often pointed out in the past, our growing Nation needs the natural retreats and open spaces provided in our nationwide park system. Particularly great is this need in the northeastern urban corridor stretching from Metropolitan Boston, Mass., to Metropolitan Baltimore, Md., and Washington, D.C.

During the 91st Congress I suggested that any excess lands at the Agriculture Research Center in Beltsville, Md., in my congressional district, be made available as a parkland and animal refuge to provide enjoyment for urban and suburban youngsters.

Although this proposal is not included in the bill before us since the Department of Agriculture is still evaluating what acreage may be termed "excess," H.R. 10086 does include a provision to secure the purchase or acquisition of scenic easements on all the lands within the Piscataway Park boundaries in Prince Georges and Charles Counties in my congressional district. The purpose of this additional acquisition is to insure and protect the riverfront view from Mt. Vernon on the Virginia side of the Potomac River.

Originally some of the lands within the Piscataway Park boundaries were donated by public-spirited individuals and organizations. It has become apparent, however, that the remaining lands will have to be acquired through fee simple arrangements or purchase of scenic easements.

Certainly the landowners of this remaining property are concerned about the acquisition of their land, particularly since the plans have been redrawn and revised numerous times in the past few years. At the present time over 80 such landowners have joined together as the ROUR—Retain Our Rights—Committee. The committee is particularly concerned that they have not been advised or consulted about any changes with regard to their property in the Piscataway Park area since 1961. While they are vitally concerned about the environmental and ecological development of the area, they are also fearful that the Department of the Interior has plans to change the natural character of the area with paved roads, parking lots, visitors' centers, boat landings, and broadened highways.

The Department of the Interior has further indicated that Public Law 87-362 gives the Secretary of the Interior authority to condemn their properties in order to acquire the needed additional lands.

Mr. Chairman, with so few families involved in this particular parkland acquisition, it would appear that the Department of Interior officials might take a more considerate and concerned approach in their negotiations with these landowners. Certainly, some equitable and fair treatment might be achieved by rational discussion between the landowners or their representatives and the officials of the Department of Interior. At the very least, these residents deserve the right to be heard with respect to their own property and its use.

I earnestly hope that this request be heeded on the part of the Interior officials as well as by our colleagues during the deliberations of the Senate-House conference committee.

Mr. TAYLOR. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### H.R. 10086

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I—ACQUISITION CEILING INCREASES

SEC. 101. The limitation on appropriations for the acquisition of lands and interests therein within units of the national park system contained in the following Acts are amended as follows:

(1) Big Hole National Battlefield, Montana: section 5 of the Act of May 17, 1963 (77 Stat. 18), is amended by changing "$20,000" to "$42,500";

(2) Effigy Mounds National Monument, Iowa: section 5 of the Act of May 27, 1964 (75 Stat. 88), is amended by changing "$2,000" to "$14,000";

(3) Fort Donelson National Military Park, Tennessee: section 3 of the Act of September 8, 1960 (74 Stat. 875), is amended by changing "$226,000" to "$454,000";

(4) Lincoln Boyhood National Memorial, Indiana: section 4 of the Act of February 19, 1962 (76 Stat. 9), is amended by changing "$1,000,000" to "$1,320,000" and "$75,000" to "$395,000".

"(5) Shiloh National Military Park, Tennessee: section 1 of the Act of July 3, 1926 (44 Stat. 826), is amended by changing "$57,100" to "$150,100".

### TITLE II—DEVELOPMENT CEILING INCREASES

SEC. 201. The limitations on appropriations for acquisition and development of units of the national park system contained in the following Acts are amended as follows:

(b) Herbert Hoover National Historic Site, Iowa: section 4 of the Act of August 12, 1965 (79 Stat. 510), is amended by changing "$1,650,000" to "$3,500,000";

(2) Booker T. Washington National Monument, Virginia: section 4 of the Act of April 2, 1956 (70 Stat. 86), is amended by changing "$200,000" to "$600,000";

(3) Johnstown Flood National Memorial, Pennsylvania: section 5 of the Act of August 31, 1964 (78 Stat. 752), is amended by changing "$2,000,000" to "$2,244,600".

SEC. 202. The additional sums authorized to be appropriated for development in the

Acts as amended in section 201 are based on March 1971 prices and may be increased or decreased in appropriation Acts by such amounts, if any as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved for each area.

### TITLE III—BOUNDARY CHANGES

SEC. 301. The Secretary of the Interior is authorized to revise the boundaries of the following units of the national park system:

(1) Adams National Historic Site Massachusetts: to add approximately 3.68 acres;

(2) Fort Caroline National Memorial, Florida: to add approximately 12.5 acres;

(3) George Washington Birthplace National Monument, Virginia: to add approximately 62.3 acres;

(4) Glacier National Park, Montana: to add approximately 233.15 acres and to exclude approximately 68.47 acres;

(5) Isle Royale National Park, Michigan: to add approximately 0.52 acre;

(6) Johnstown Flood National Memorial, Pennsylvania: to add approximately 53.6 acres;

(7) Lassen Volcanic National Park, California: to exclude approximately 482 acres;

(8) Petersburg National Battlefield, Virginia; to exclude approximately 257.53 acres.

SEC. 302. The boundary revisions authorized in section 301 shall become effective upon publication in the Federal Register of a map or other description of the lands added or excluded by the Secretary of the Interior.

SEC. 303. Within the boundaries of the areas as revised in accordance with section 301, the Secretary of the Interior is authorized to acquire lands and interest therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. Lands and interests therein so acquired shall become part of the area to which they are added, and shall be subject to all laws, rules, and regulations applicable thereto. Lands and interests therein excluded from the areas pursuant to section 301 may be exchanged for non-Federal lands within the boundaries as revised, or they may be transferred to the jurisdiction of any other Federal agency or to a State or political subdivision thereof, without monetary consideration, as the Secretary of the Interior may deem appropriate. In exercising the authority in this section with respect to lands and interests therein excluded from the areas, the Secretary of the Interior may, on behalf of the United States, retrocede to the appropriate State exclusive or concurrent legislative jurisdiction subject to such terms and conditions as he may deem appropriate, over such lands, to be effective upon acceptance thereof by the State. Any such lands not so exchanged or transferred may be disposed of in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 304. There are hereby authorized to be appropriated not to exceed $228,000 for the acquisition of lands and interests therein added to the areas referred to in section 301.

SEC. 305. The authorities in this title are supplementary to any other authorities available to the Secretary of the Interior with respect to the acquisition, development, and administration of the areas referred to in section 301.

Mr. ASPINALL (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

### COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will read the committee amendment.

Committee amendment: Strike all after the enacting clause and insert in lieu thereof the following:

(1) Assateague Island National Seashore, Maryland: section 11 of the Act of September 21, 1965 (79 Stat. 824, 827) is amended by changing "$16,250,000" to "$21,050,000 (including such sums, together with interest, as may be necessary to satisfy final judgments rendered against the United States)";

(2) Big Hole National Battlefield, Montana: section 5 of the Act of May 17, 1963 (77 Stat. 18), is amended by changing "$20,000" to "42,500";

(3) Bighorn Canyon National Recreation Area, Wyoming and Montana: section 5 of the Act of October 15, 1966 (80 Stat. 913) is amended by changing "$355,000" to "$780,000";

(4) Effigy Mounds National Monument, Iowa; section 5 of the Act of May 27, 1961 (75 Stat. 88), is amended by changing "$2,000" to "$14,000";

(5) Fort Donelson National Military Park, Tennessee: section 3 of the Act of September 8, 1960 (74 Stat. 875), is amended by changing "$226,000" to "454,000";

(6) Lincoln Boyhood National Memorial, Indiana: section 4 of the Act of February 19, 1962 (76 Stat. 9), is amended by changing "$1,000,000" to "$1,320,000" and "$75,000" to "$395,000";

(7) Ozark National Scenic Riverways, Missouri: section 8 of the Act of August 27, 1964 (78 Stat. 608), is amended by changing "$7,000,000" to "$10,804,000";

(8) Piscataway Park, Maryland: section 4 of the Act of October 4, 1961 (75 Stat. 780, 782), as amended by section 2 of the Act of July 19, 1966 (80 Stat. 319), is amended by changing "$4,132,000" to "$6,972,000"; and

(9) Shiloh National Military Park, Tennessee: section 1 of the Act of July 3, 1962 (44 Stat. 826), is amended by changing "$57,100" to "$150,000".

### TITLE II—DEVELOPMENT CEILING INCREASES

SEC. 201. The limitations on appropriations for acquisition and development of units of the national park system contained in the following Acts are amended as follows:

(1) Herbert Hoover National Historic Site, Iowa: section 4 of the Act of August 12, 1965 (79 Stat. 510), is amended by changing "$1,650,000" to "$3,500,000";

(2) Booker T. Washington National Monument, Virginia: section 4 of the Act of April 2, 1956 (70 Stat. 86), is amended by changing "$200,000" to "$600,000";

(3) Johnstown Flood National Memorial, Pennsylvania: section 5 of the Act of August 31, 1964 (78 Stat. 752), is amended by changing "$2,000,000" to "$2,244,600"; and

(4) Wolf Trap Farm Park, Virginia: section 3 of the Act of October 15, 1966 (80 Stat. 950) is amended by changing "$600,000" to "$5,473,000".

SEC. 202. The additional sums authorized to be appropriated for development in the Acts as amended in section 201 are based on March 1971 prices and may be increased or decreased in appropriation Acts by such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved for each area.

### TITLE III—BOUNDARY CHANGES

SEC. 301. The Secretary of the Interior is authorized to revise the boundaries of the following units of the national park system:

(1) Adams National Historic Site, Massachusetts: to add approximately 3.68 acres;

(2) Cowpens National Battleground Site, South Carolina: to add approximately 845 acres;

(3) Fort Caroline National Memorial, Florida: to add approximately 12.5 acres;

(4) George Washington Birthplace National Monument, Virginia: to add approximately 62.3 acres;

(5) Glacier National Park, Montana: to add approximately 267.90 acres and to exclude approximately 68.47 acres;

(6) Isle Royale National Park, Michigan: to add approximately 0.52 acre;

(7) Johnstown Flood National Memorial, Pennsylvania: to add approximately 53.6 acres;

(8) Lassen Volcanic National Park, California: to exclude approximately 482 acres;

(9) Muir Woods National Monument, California: to add approximately 49.7 acres;

(10) Ozark National Scenic Railways, Missouri: to add approximately 1,670 acres; and

(11) Petersburg National Battlefield, Virginia: to exclude approximately 257.53 acres.

SEC. 302. The boundary revisions authorized in section 301 shall become effective upon publication in the Federal Register of a map or other description of the lands added or excluded by the Secretary of the Interior.

SEC. 303. Within the boundaries of the areas as revised in accordance with section 301, the Secretary of the Interior is authorized to acquire lands and interest therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. Lands and interests therein so acquired shall become part of the area to which they are added, and shall be subject to all laws, rules, and regulations applicable thereto. When acquiring any land pursuant to this Act, the Secretary (i) may tender, to the owner or owners of record on the date of enactment of this Act, a revocable permit for the continued use and occupancy of such land or any portion thereof subject to such terms and conditions as he deems necessary or (ii) may acquire any land pursuant to this Act subject to the retention of a right of use and occupancy for a term not to exceed 25 years or for the life of the owner or owners. Lands and interests therein excluded from the areas pursuant to section 301 may be exchanged for non-Federal lands within the boundaries as revised, or they may be transferred to the jurisdiction of any other Federal agency or to a State or political subdivision thereof, without monetary consideration, as the Secretary of the Interior may deem appropriate. In exercising the authority in this section with respect to lands and interests therein excluded from the areas, the Secretary of the Interior may, on behalf of the United States, retrocede to the appropriate State exclusive or concurrent legislative jurisdiction subject to such terms and conditions as he may deem appropriate, over such lands, to be effective upon acceptance thereof by the State. Any such lands not so exchanged or transferred may be disposed of in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 304. For the acquisition of lands and interests in lands which are added to the areas referred to in section 301, there are authorized to be appropriated such sums as may be necessary, but not more than the following amounts:

(1) Adams National Historic Site, $122,000;

(2) George Washington Birthplace National Monument, $57,000;

(3) Glacier National Park, $6,000;

(4) Isle Royale National Park, $31,500;

(5) Johnstown Flood National Memorial, $10,000; and

(6) Muir Woods National Monument, $950,000.

SEC. 305. The authorities in this title are supplementary to any other authorities available to the Secretary of the Interior with respect to the acquisition, development, and administration of the areas referred to in section 301.

TITLE IV—MISCELLANEOUS CHANGES

SEC. 401. The third sentence of section 2 of the Act of August 27, 1964 (78 Stat. 608) is amended to read as follows: "Lands and waters owned by the State of Missouri within such area may be acquired with the consent of the State and, notwithstanding any other provision of law, subject to provision for reversion to such State conditioned upon continued use of the property for National Scenic Riverway."

SEC. 402. For the purposes of the Cowpens National Battleground Site, which is hereby redesignated as the Cowpens National Battlefield, there are authorized to be appropriated not more than $2,363,900 for the acquisition of lands and interests in lands and not more than $3,108,000 for development.

Mr. ASPINALL (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I should like to direct a question to someone in charge of this bill with respect to raising the ceiling by some $4,873,000 on appropriations for the Wolf Trap Farm Park in Virginia. I would like to ask why this has been increased in that amount and why there should be this expenditure of Federal money on two theaters for the performing arts within a comparatively few miles of each other? The taxpayers of this country already have some $50 million invested in the cultural center in Washington, allegedly the Center for the Performing Arts. I cannot help but wonder why this substantial amount is to be invested in the Wolf Trap Farm Park in Virginia.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will be happy to yield to my friend, the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I thank my friend, the gentleman from Iowa (Mr. GROSS) for yielding to me.

May I say that as I consider the various theaters, areas and facilities in this field that we have around Washington, D.C., for this particular purpose that I do not like to bring them into any particular relative significance with each other. It so happens that I am one of the supporters and sponsors of the legislation having to do with the Wolf Trap Farm Park in Virginia. The lady from Kansas, Mrs. Jouette Shouse has given so much of her money in order to see that this facility has been made available to the people in this area, and there is really no comparison between any other facilities that we have and this particular facility.

Most of the money we have spent so far on this facility has been donated by the lady to whom I have made reference. The basic facilities have been constructed. Additional public facilities are required to complement the Filene Center.

I would say to my friend, the gentleman from Iowa, I think if it can be said to be a difficulty, one of the difficulties here is that this has been such an outstanding success for the purpose for which it has been constructed.

Mr. GROSS. If it has been such an outstanding success, why raise the appropriation ceiling by $4,800,000?

Mr. ASPINALL. I was just coming to that. A substantial portion of their funds are for facilities to complement the Filene Center. A visitor center, picnic area, an outside picnic area, an outside orchestra shell, walkways, and concession facilities are planned.

The plans also include a pedestrian tunnel under the Wolf Trap Farm Road which is essential for the safety of the visiting public.

Perhaps we should have thought of these facilities in the original authorization, but we did not. We did not understand the hazards that were going to be present because of the attendance at this place of both motorists and pedestrians. That is the reason we are at the present time back here asking for additional money.

May I also say that this is only right that the Federal Government contribute its share, as private donations in large amounts are coming in from many of those who are interested in this particular facility.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. KYL. This Wolf Trap Farm has been a great satisfaction to me, and for this basic reason. We used to have a colleague here who spoke of the "suede shoe boys" and the "one gallus boys." I know the gentleman from Iowa agrees with us, when we are trying to dispense culture to the people of the United States, we should make it available to the one gallus folks who just do not have the funds to participate at some other place where the meals cost a lot of money and where you almost feel ashamed if you do not drive up in a chauffeured limousine.

This is a center for the people and it has proven to be so. It started with about $4¼ million donation from Mrs. Shouse and others. The investment of the Government has been an excellent one.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. GROSS) has expired.

(Mr. GROSS asked and was given permission to proceed for 5 additional minutes.)

Mr. GROSS. Mr. Chairman, I have asked for the 5 additional minutes because this seems to be getting interesting.

Mr. KYL. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Yes, I am glad to yield to the gentleman.

Mr. KYL. The facilities which are there now are inadequate for the numbers of people who attend the performances.

One of the things proposed is an outdoor orchestra shell where a much larger audience can be accommodated and again in using of the clothing that one would wear during the season of the year when outdoor performances are held. This would be in the nature of that famous bandshell in Sioux City, Iowa which has been so attractive for so long.

It is the kind of cultural center that I believe the gentleman from Iowa would really appreciate because it does attempt to present cultural experiences to the people of the country.

Mr. GROSS. Let me ask the gentleman this question: When is Maryland going to ask for funds for a cultural center in the vicinity of the District of Columbia? Have you any advance warning that they will be here with a request?

Mr. KYL. If the gentleman will yield, I think the only thing in the wind at this moment is the private development in the nature of a Disneyland type of operation, close to Washington in the State of Maryland, but so far as I know Mr. Marriott is figuring that will be a totally private operation.

Mr. GROSS. The gentleman does not think the taxpayers of this country are going to have to underwrite that too; does he?

Mr. KYL. No, I certainly do not.

Mr. GROSS. I wonder if nearby Maryland is going to get into this act. It seems to me they are entitled to because they must travel all of 10 or 15 miles to get to that cultural edifice on the Potomac River in Washington and past which flows some of the worst pollution in the country.

Are we not becoming surfeited with culture around here? What is culture doing for the District of Columbia? I read in the newspapers that the rate of crime is increasing. Down perhaps a little now, but it is one of the worst crime-ridden cities in the Nation.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to my colleague from Iowa.

Mr. KYL. I would have to disagree, in the first place, that Wolf Trap Farm in Virginia, is a contribution by the Government to the State of Virginia. As a matter of fact, I have personal knowledge that a number of Iowans have attended performances at that center. This is a national unit. It is for all States.

I suppose there is a basic disagreement, which is quite apart from the merit of Wolf Trap Farm, as to how much money we should spend on those things we loosely call "culture" in the United States. I personally do not think we are spending enough. I would hope that the economic situation of the country might improve to the extent that we could expand the amount of money we are spending on cultural affairs. But the kind of culture that is being presented at Wolf Trap Farm is directed to the people of the country, not to a few individuals, and not to the State of Virginia It is a part of a national system, and so far the operation has been strictly in accordance with that purpose.

Mr. GROSS. I will say to my friend from Iowa I hope the money holds out and that we can take care of all the cultural centers whenever and wherever they spring up around the country, but I am afraid we are going to be fresh out of money soon for any but essential purposes. I am not opposed to culture, whatever that is, but life would go on in this country without expending millions upon millions of dollars as the taxpayers of the entire country are called up to do at the Cultural Center on the Potomac in Washington and now this. However, life cannot go on without the necessities of life. I hope the Committee on Interior and Insular Affairs will join with some of the rest of us in holding down these expenditures for nonessential purposes.

Mr. BURKE of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise today to urge my colleagues to give their support to H.R. 10086 as amended and as reported from the Committee on Interior and Insular Affairs. I want to pay special tribute on this occasion to the members of the committee and its Subcommittee on National Parks and Recreation who labored so diligently to put together this most worthwhile bill. I know I am speaking not only for the citizens of Quincy, Mass., whom I represent here in Washington, but also of the surrounding communities, the State of Massachusetts and indeed the whole Nation in expressing my gratitude to the committee for including in this bill under title 3 dealing with boundary changes provision to add approximately 3.68 acres of the Adams Historic Site. I was happy to testify before the Subcommittee on National Parks and Recreation to urge inclusion of this boundary change and acquisition of the adjacent property back in August just before the summer recess. Naturally, any Congressman is elated when his recommendation and a cause which he supports is agreed with by his colleagues, especially his experienced and distinguished colleagues who are members of the committee with jurisdiction in this area. So today I urge passage of the bill as reported from this committee with this provision. In doing so, I am hardly being local or provincial. The Adams' family contribution to our Nation's history is a matter of local and universal recognition. Every schoolchild knows the role the family played, not only in the Nation's early days, but right through to the present. In some senses, the family continues to be its own best memorial, a living continuous embodiment of public service and high ideals for the Nation. It is, however, altogether fitting and proper that we the heirs and beneficiaries of their efforts take steps to preserve for future generations what we have to enjoy in the way of an unspoiled piece of early American history in its natural setting; namely, the Adams Historic Site. I just want to conclude by way of summary and repeat here the gist of my testimony before the subcommittee as a matter of record:

### TESTIMONY OF THE HONORABLE JAMES A. BURKE BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION

Mr. Chairman, I am happy to appear before you today on the subject of legislation, which was submitted by the department on July 21.

Of particular concern to me is title III, section 301, article (1) providing for a boundary change to the Adams National Historic Site, Quincy, Massachusetts. The addition of approximately 3.68 acres would provide the necessary protection for the Adams property and insure that the historic site would be preserved much as it was in the time of the Adams.

The necessity of this land purchase was dramatized recently when the city of Quincy re-zoned property directly across from the site, allowing for the construction of a parking lot. The parcel in question today, known as the Beale estate, is presently zoned for residential purposes, but this is no guarantee that it will remain that way. Furthermore, the extension of the MBTA (subway), this month, which runs parallel to the site, would create pressures for new developments in the surrounding area.

As a gift of the Adams family, the mansion was meant to serve as a national monument to the American people. Local units of government have been unable to finance preservation and therefore it is incumbent upon us to do what we can to preserve its particular character. Cost of adding these acres and development is $122,000, an amount I'm sure you'll agree will be an investment well spent.

I have long been interested in protecting the site and filed legislation on numerous occasions to acquire the Beale property. I am confident that purchase can be made at this time without further delay.

Of particular historical significance to me is the fact that two residents of the mansion, John Quincy Adams and Charles Francis Adams were my predecessors in the U.S. House of Representatives.

History has indeed taught us that good intentions are not sufficient to protect our noble heritage. What we need and demand is a definite policy for our government to insure the preservation of this national monument.

### AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read the amendment as follows:

Amendment to the committee amendment offered by Mr. TAYLOR: Page 5, after line 16, insert:

"TITLE I—ACQUISITION CEILING INCREASES

"SEC. 101. The limitation on appropriations for the acquisition of lands and interests therein within units of the national park system contained in the following Acts are amended as follows:",

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. TAYLOR. Mr. Chairman, the amendment would correct an error that was inadvertently made in printing the language of the committee amendment in the bill. The first sentence, which appears on page 1 of the report, is not reflected in the bill. The amendment would insert that language.

The CHAIRMAN. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

### AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. TAYLOR:

Page 9, line 1, after "Scenic" strike out "Railways," and insert "Riverways".

Mr. TAYLOR. Mr. Chairman, the amendment would correct a printing error made by the Government Printing Office. The bill reflects the committee language on page 9, line 1, as referring to "Ozark National Scenic Railways." It should be "Ozark National Scenic Riverways."

The CHAIRMAN. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. Are there further amendments to be offered? If not, the question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROBERTS, Chairman of the Committee of the Whole House on the State of the Union, reported that, that Committee having had under consideration the bill (H.R. 10086), to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes, pursuant to House Resolution 782, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TERRY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 303, nays 2, not voting 126, as follows:

[Roll No. 12]

YEAS—303

Abernethy
Abourezk
Adams
Anderson, Calif.
Anderson, Ill.
Andrews
Archer
Arends
Ashley
Aspin
Aspinall
Baker
Baring
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Bingham
Blanton
Boggs
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Carey, N.Y.
Casey, Tex.
Cederberg
Chappell
Collier
Collins, Tex.
Colmer
Conable
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Diggs
Dingell
Dorn
Dow
Dowdy
Downing
Drinan

Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Fisher
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gallagher
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCulloch
McDade
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Mallary
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Roybal
Ruppe
Ryan
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Zablocki
Zwach

## NAYS—2

Devine
Hastings

## NOT VOTING—126

Abbitt
Abzug
Addabbo
Alexander
Anderson, Tenn.
Annunzio
Ashbrook
Badillo
Barrett
Bell
Biester
Blackburn
Blatnik
Boland
Brasco
Caffery
Camp
Carney
Carter
Celler
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Conte
Conyers
Corman
Cotter
Culver
Curlin
Danielson
Davis, Ga.
Davis, S.C.
Dellums
Derwinski
Dickinson
Donohue
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flynt
Foley
Galifianakis
Giaimo
Grasso
Gray
Gubser
Gude
Hagan
Halpern
Hansen, Idaho
Hansen, Wash.
Harrington
Hébert
Heinz
Hicks, Wash.
Hillis
Horton
Kazen
Keating
Kee
Leggett
Lennon
Long, La.
McCloskey
McCormack
McDonald, Mich.
McEwen
Madden
Mailliard
Mann
Metcalfe
Mikva
Mills, Ark.
Minshall
Moorhead
Moss
Myers
Nix
O'Konski
Passman
Pettis
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Railsback
Rarick
Rostenkowski
Runnels
Ruth
St Germain
Sarbanes
Scheuer
Schwengel
Sebelius
Seiberling
Smith, Calif.
Smith, Iowa
Steele
Stephens
Stuckey
Tiernan
Udall
Waggonner
Wampler
Whalley
Whitten
Wilson, Charles H.
Wolff
Wright
Wyman
Young, Tex.
Zion

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. McEwen.
Mr. Annunzio with Mr. Horton.
Mr. Waggonner with Mr. Hansen of Idaho.
Mr. Blatnik with Mr. Camp.
Mr. Moorhead with Mr. Biester.
Mr. Price of Illinois with Mr. Blackburn.
Mr. Rostenkowski with Mr. Findley.
Mr. Evins of Tennessee with Mr. Cleveland.
Mr. Donohue with Mr. Conte.
Mr. Culver with Mr. Ashbrook.
Mr. Celler with Mr. Fish.
Mr. Tiernan with Mr. Bell.
Mr. Charles H. Wilson with Mr. Del Clawson.
Mr. Wolff with Mr. Don H. Clausen.
Mrs. Hansen of Washington with Mrs. Dwyer.
Mr. Lennon with Mr. Carter.
Mr. Mikva with Mr. Chamberlain.
Mr. Moss with Mr. Smith of California.
Mr. Nix with Mr. Scheuer.
Mr. Rarick with Mr. Derwinski.
Mr. Evans of Colorado with Mr. Clancy.
Mr. Davis of Georgia with Mr. Dickinson.
Mr. Corman with Mr. Conyers.
Mr. Madden with Mr. Collins of Illinois.
Mr. McCormack with Mr. Eshleman.
Mr. Udall with Mr. Badillo.
Mr. Abbitt with Mr. Hillis.
Mr. Addabbo with Mr. Gude.
Mr. Brasco with Mr. Halpern.
Mr. Kee with Mr. Gubser.
Mr. Passman with Mr. Keating.
Mr. Preyer of North Carolina with Mr. Edwards of Alabama.
Mr. Flynt with Mr. McDonald of Michigan.
Mr. Foley with Mr. Metcalfe.
Mr. Caffery with Mr. McCloskey.
Mr. Carney with Mrs. Abzug.
Mr. Anderson of Tennessee with Mr. Minshall.
Mr. Clark with Mr. Heinz.
Mr. Fascell with Mr. Ruth.
Mr. Danielson with Mr. Pettis.
Mr. Barrett with Mr. Mailliard.
Mr. Alexander with Mr. Zion.
Mr. Giaimo with Mr. Myers.
Mr. Whitten with Mr. Sebelius.
Mr. St Germain with Mr. Wyman.
Mr. Gray with Mr. Railsback.
Mrs. Grasso with Mr. Steele.
Mr. Stuckey with Mr. Whalley.
Mr. Cotter with Mr. Powell.
Mr. Hicks of Washington with Mr. Schwengel.
Mr. Young of Texas with Mr. Wampler.
Mr. Wright with Mr. O'Konski.
Mr. Boland with Mr. Davis of South Carolina.
Mr. Harrington with Mr. Dellums.
Mrs. Chisholm with Mr. Seiberling.
Mr. Long of Louisiana with Mr. Hagan.
Mr. Clay with Mr. Sarbanes.
Mr. Kazen with Mr. Mann.
Mr. Mills of Arkansas with Mr. Curlin.
Mr. Galifianakis with Mr. Runnels.
Mr. Pryor of Arkansas with Mr. Smith of Iowa.
Mr. Stephens with Mr. Leggett.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2601), to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes, a similar bill to the bill just passed, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2601

An act to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I—ACQUISITION CEILING INCREASES

SEC. 101. The limitation on appropriations for the acquisition of lands and interests therein within units of the national park system contained in the following Acts are amended as follows:

(1) Assateague Island National Seashore—Maryland and Virginia: section 11 of the Act of September 21, 1965 (79 Stat. 824, 827), is amended by changing "$16,250,000" to "$20,650,000", and by adding the following sentence after the period: "Funds authorized to be appropriated for the acquisition of lands and interests in land may, notwithstanding the foregoing limitation, be increased in appropriation Acts by such amounts as may be necessary to pay interest and deficiency awards owed by the United States as determined in condemnation actions for the acquisition of such lands and interests.";

(2) Big Hole National Battlefield, Montana: section 5 of the Act of May 17, 1963 (77 Stat. 18), is amended by changing "$20,000" to "$42,500";

(3) Bighorn Canyon National Recreation Area, Wyoming and Montana: section 5 of the Act of October 15, 1966 (80 Stat. 913), is amended by changing "$355,000" to "$780,000";

(4) Effigy Mounds National Monument, Iowa: section 5 of the Act of May 27, 1961 (75 Stat. 88), is amended by changing "$2,000" to "$14,000";

(5) Fort Donelson National Military Park, Tennessee: section 3 of the Act of September 8, 1960 (74 Stat. 875), is amended by changing "$226,000" to "$454,000";

(6) Lincoln Boyhood National Memorial, Indiana: section 4 of the Act of February 19, 1962 (76 Stat. 9), is amended by changing "$1,000,000" to "$1,320,000" and "$75,000" to "$395,000";

(7) Ozark National Scenic Riverways, Missouri: section 8 of the Act of August 27, 1964 (78 Stat. 608), is amended by changing "$7,000,000" to "$11,111,000"; and section 2 of such Act is amended by revising the third sentence to read as follows: "Land and waters owned by the State of Missouri within such area may be acquired only with the consent of the State and, notwithstanding any other provision of law, subject to provision for reversion of such State conditioned upon continued use of the property for park purposes";

(8) Shiloh National Military Park, Tennessee: section 1 of the Act of July 3, 1926 (44 Stat. 826), is amended by changing "$57,100" to "$150,100".

### TITLE II—DEVELOPMENT CEILING INCREASES

Sec, 201. The limitations on appropriations for acquisition and development of units of the national park system contained in the following Acts are amended as follows:

(1) Herbert Hoover National Historic Site, Iowa: section 4 of the Act of August 12, 1965 (79 Stat. 510), is amended by changing "$1,650,000" to "$3,500,000";

(2) Booker T. Washington National Monument, Virginia: section 4 of the Act of April 2, 1956 (70 Stat. 86), is amended by changing "$200,000" to "$600,000";

(3) Johnstown Flood National Memorial, Pennsylvania: section 5 of the Act of August 31, 1964 (78 Stat. 752), is amended by changing "$2,000,000" to "$2,244,600".

Sec. 202. The additional sums authorized to be appropriated for development in the Acts as amended in section 201 are based on March 1971 prices and may be increased or decreased in appropriation Acts by such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs are indicated by engineering cost indices applicable to the types of construction involved for each area.

### TITLE III—BOUNDARY CHANGES

Sec. 301. The Secretary of the Interior is authorized to revise the boundaries of the following units of the national park system:

(1) Adams National Historic Site, Massachusetts: to add approximately 3.63 acres;

(2) Fort Caroline National Memorial, Florida: to add approximately 12.5 acres;

(3) George Washington Birthplace National Monument, Virginia: to add approximately 62.3 acres;

(4) Glacier National Park, Montana: to add approximately 267.90 acres and to exclude approximately 68.47 acres;

(5) Isle Royale National Park, Michigan: to add approximately 0.52 acre;

(6) Johnstown Flood National Memorial, Pennsylvania: to add approximately 53.6 acres;

(7) Lassen Volcanic National Park, California: to exclude approximately 482 acres;

(8) Muir Woods National Monument, California: to add approximately 49.7 acres;

(9) Petersburg National Battlefield, Virginia: to exclude approximately 257.53 acres.

Sec. 302. The boundary revisions authorized in section 301 shall become effective upon publication in the Federal Register of a map or other description of the lands added or excluded by the Secretary of the Interior.

Sec. 303. Within the boundaries of the areas as revised in accordance with section 301, the Secretary of the Interior is authorized to acquire lands and interest therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. Lands and interests therein so acquired shall become part of the area to which they are added, and shall be subject to all laws, rules, and regulations applicable thereto. Lands and interests therein excluded from the areas pursuant to section 301 may be exchanged for non-Federal lands within the boundaries as revised, or they may be transferred to the jurisdiction of any other Federal agency or to a State or political subdivision thereof, without monetary consideration, as the Secretary of the Interior may deem appropriate. In exercising the authority in this section with respect to lands and interests therein excluded from the areas, the Secretary of the Interior may, on behalf of the United States, retrocede to the appropriate State exclusive or concurrent legislative jurisdiction subject to such terms and conditions as he may deem appropriate, over such lands, to be effective upon acceptance thereof by the State. Any such lands not so exchanged or transferred may be disposed of in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

Sec. 304. There are hereby authorized to be appropriated not to exceed $1,328,000 for the acquisition of lands and interests therein added to the areas referred to in section 301.

Sec. 305. The authorities in this title are supplementary to any other authorities available to the Secretary of the Interior with respect to the acquisition, development, and administration of the areas referred to in section 301.

### AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR, Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Taylor: Strike out all after the enacting clause of S. 2601 and insert in lieu thereof the provisions of H.R. 10086, as passed, as follows:

### TITLE I—ACQUISITION CEILING INCREASES

"Sec. 101. The limitation on appropriations for the acquisition of lands and interests therein within units of the national park system contained in the following Acts are amended as follows:

(1) Assateague Island National Seashore, Maryland: section 11 of the Act of September 21, 1965 (79 Stat. 824, 827) is amended by changing "$16,250,000" to "$21,050,000 (including such sums, together with interest, as may be necessary to satisfy final judgments rendered against the United States)";

(2) Big Hole National Battlefield, Montana: section 5 of the Act of May 17, 1963 (77 Stat. 18), is amended by changing "$20,000" to "$42,500";

(3) Bighorn Canyon National Recreation Area, Wyoming and Montana: section 5 of the Act of October 15, 1966 (80 Stat. 913) is amended by changing "$355,000" to "780,000";

(4) Effigy Mounds National Monument, Iowa: section 5 of the Act of May 27, 1961 (75 Stat. 88), is amended by changing "$2,000" to "$14,000";

(5) Fort Donelson National Military Park, Tennessee: section 3 of the Act of September 8, 1960 (74 Stat. 875), is amended by changing "$226,000" to "$454,000";

(6) Lincoln Boyhood National Memorial Indiana: section 4 of the Act of February 19, 1962 (76 Stat. 9), is amended by changing "$1,000,000" to "$1,320,000" and "$75,000" to "$395,000";

(7) Ozark National Scenic Riverways, Missouri: section 8 of the Act of August 27, 1964 (78 Stat. 608), is amended by changing "$7,000,000" to $10,804,000";

(8) Piscataway Park, Maryland: section 4 of the Act of October 4, 1961 (75 Stat. 780, 782), as amended by section 2 of the Act of July 19, 1966 (80 Stat. 319), is amended by changing "$4,132,000" to "$6,972,000"; and

(9) Shiloh National Military Park, Tennessee: section 1 of the Act of July 3, 1926 (44 Stat. 826), is amended by changing "$57,100" to "$150,100".

### TITLE II—DEVELOPMENT CEILING INCREASES

Sec. 201. The limitations on appropriations for acquisition and development of units of the national park system contained in the following Acts are amended as follows:

(1) Herbert Hoover National Historic Site, Iowa: section 4 of the Act of August 12, 1965 (79 Stat. 510), is amended by changing "$1,650,000" to "$3,500,000";

(2) Booker T. Washington National Monument, Virginia: section 4 of the Act of April 2, 1956 (70 Stat. 86), is amended by changing "$200,000" to "$600,000";

(3) Johnstown Flood National Memorial, Pennsylvania: section 5 of the Act of August 31, 1964 (78 Stat. 752) is amended by changing "$2,000,000" to "$2,244,600"; and

(4) Wolf Trap Farm Park, Virginia: section 3 of the Act of October 15, 1966 (80 Stat. 950), is amended by changing "$600,000" to "$5,473,000".

Sec. 202. The additional sums authorized to be appropriated for development in the Acts as amended in section 201 are based on March 1971 prices and may be increased or decreased in appropriation Acts by such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved for each area.

### TITLE III—BOUNDARY CHANGES

Sec. 301. The Secretary of the Interior is authorized to revise the boundaries of the following units of the national park system:

(1) Adams National Historic Site, Massachusetts: to add approximately 3.68 acres;

(2) Cowpens National Battleground Site, South Carolina: to add approximately 845 acres;

(3) Fort Caroline National Memorial, Florida: to add approximately 12.5 acres;

(4) George Washington Birthplace National Monument, Virginia: to add approximately 62.3 acres;

(5) Glacier National Park, Montana: to add approximately 267.90 acres and to exclude approximately 68.47 acres;

(6) Isle Royale National Park, Michigan: to add approximately 0.52 acre;

(7) Johnstown Flood National Memorial, Pennsylvania: to add approximately 53.6 acres;

(8) Lassen Volcanic National Park, California: to exclude approximately 482 acres;

(9) Muir Woods National Monument, California: to add approximately 49.7 acres;

(10) Ozark National Scenic Riverways, Missouri: to add approximately 1,670 acres; and

(11) Petersburg National Battlefield, Virginia: to exclude approximately 257.53 acres.

Sec. 302. The boundary revisions authorized in section 301 shall become effective upon publication in the Federal Register of a map or other description of the lands added or excluded by the Secretary of the Interior.

Sec. 303. Within the boundaries of the areas as revised in accordance with section 301, the Secretary of the Interior is authorized to acquire lands and interest therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. Lands and interests therein so acquired shall become part of the area to which they are added, and shall be subject to all laws, rules, and regulations applicable thereto. When acquiring any land pursuant to this Act, the Secretary (i) may tender, to the owner or owners of record on the date of enactment of this Act, a revocable permit for the continued use and occupancy of such land or any portion thereof subject to such terms and conditions as he deems necessary or (ii) may acquire any land pursuant to this Act subject to the retention of a right of use and occupancy for a term not to exceed 25 years or for the life of the owner or owners. Lands and interests therein excluded from the areas pursuant to section 301 may be exchanged for non-Federal lands within the boundaries as revised, or they may be transferred to the jurisdiction of any other Federal agency or to a State or political subdivision thereof, without monetary consideration, as the Secretary of the Interior may deem appropriate. In exercising the authority in this section with respect to lands and interests therein excluded from the areas, the Secretary of the Interior may, on behalf of the United States, retrocede to the appropriate State exclusive or concurrent legislative jurisdiction subject to such terms and conditions as he may deem appropriate, over such lands, to be effective upon acceptance thereof by the State. Any such lands not so exchanged or transferred may be disposed of in accordance with the Federal Property and

Administrative Services Act of 1949, as amended.

SEC. 304. For the acquisition of lands and interests in lands which are added to the areas referred to in section 301, there are authorized to be appropriated such sums as may be necessary, but not more than the following amounts:

(1) Adams National Historic Site, $122,000;

(2) George Washington Birthplace National Monument, $57,000;

(3) Glacier National Park, $6,000;

(4) Isle Royale National Park, $31,500;

(5) Johnstown Flood National Memorial, $10,000; and

(6) Muir Woods National Monument, $950,000.

SEC. 305. The authorities in this title are supplementary to any other authorities available to the Secretary of the Interior with respect to the acquisition, development, and administration of the areas referred to in section 301.

### TITLE IV—MISCELLANEOUS CHANGES

SEC. 401. The third sentence of section 2 of the Act of August 27, 1964 (78 Stat. 608) is amended to read as follows: "Lands and waters owned by the State of Missouri within such area may be acquired with the consent of the State and, notwithstanding any other provision of law, subject to provision for reversion to such State conditioned upon continued use of the property for National Scenic Riverway."

SEC. 402. For the purposes of the Cowpens National Battleground Site, which is hereby redesignated as the Cowpens National Battlefield, there are authorized to be appropriated not more than $2,363,900 for the acquisition of lands and interests in lands and not more than $3,108,000 for development.

The SPEAKER. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 10086) was laid on the table.

## GENERAL LEAVE

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

## SUPPORT FOR THE CONTINUED DESIGNATION OF DENVER AS THE HOST CITY FOR THE 12TH WINTER OLYMPIC GAMES IN 1976

Mr. ASPINALL. Mr. Speaker, I offer a resolution (H. Res. 787) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

### H. RES. 787

Whereas the 11th Winter Olympic Games commence on February 3, 1972 in Sapporo, Japan, and

Whereas the 12th Winter Olympic Games have been awarded to Denver, Colorado coinciding with our Nation's 200th anniversary in 1976, therefore be it

*Resolved,* That the House of Representatives extends its good wishes to the citizens of Japan and the participants of the 11th Winter Olympic Games, and be it further

*Resolved,* That the House of Representatives affirms its support for the continued designation of Denver as the host city for the 12th Winter Games to be held in 1976.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, I take this time to ask my colleague from Colorado whether or not he would explain the resolution.

Mr. ASPINALL. Mr. Speaker, if my friend from Pennsylvania will yield. I shall be glad to explain.

Mr. SAYLOR. I yield to the chairman of the committee.

Mr. ASPINALL. May I say that when I finish my explanation, I shall also ask the gentleman to yield to the gentleman from Colorado (Mr. MCKEVITT) for a further explanation.

Mr. Speaker and Members of the House, there is presently in Sapporo, at Japan, the International Olympics Commission. They are having a meeting relative to a final designation of a place for holding the 12th Winter Olympic games, which heretofore were awarded to Denver to coincide with our 200th birthday. On February 3 this year there will be held in Sapporo the 11th Winter Olympic games.

Our athletes taking part are already assembled in that winter center in Japan.

This resolution does two things. It sends to the people of Japan our best wishes for a fine meeting of the games beginning with the 3d of February, and it also continues the support of the United States, and, if this resolution is passed by the House of Representatives, it agrees with the designation of Denver for the 12th Olympic games.

May I say to my friend, the gentleman from Pennsylvania, and my colleagues in the House, that the other body has already passed a similar resolution. I think our resolution is in order. I am sure everyone would like to see this great international event brought to the United States, and Denver, so I am advised, is in a position to host such an event.

Mr. MCKEVITT. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Colorado (Mr. MCKEVITT).

Mr. MCKEVITT. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, this week the 11th Winter Olympic games get underway in Sapporo, Japan, as I am sure the House is aware.

Because Denver, Colo., has been designated the host city for the 12th Winter Olympic games in 1976, I believe it appropriate that the House of Representatives join with the other body in extending best wishes to the participants in the 11th Winter Olympic games and to the people of Japan on the eve of the 11th Winter Olympic games, and affirm our support of Denver as the host city of the 1976 Winter Olympic games.

The 1976 Winter Olympic games, which Denver will host, coincides with our country's 200th anniversary and has been designated a part of the celebration.

Mr. BROTZMAN. Mr. Speaker, will the gentleman yield

Mr. SAYLOR. I yield to the gentleman from Colorado (Mr. BROTZMAN).

Mr. BROTZMAN. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

I concur with both of my colleagues, the gentlemen from Colorado (Mr. ASPINALL) and (Mr. MCKEVITT). I would point out to the Members of the House that we are, in fact, affirming actions we have taken heretofore. In January 1970, this body did support the bid of both Los Angeles for the summer games and Colorado for the winter games. So, as the resolution correctly states, this is a reaffirmation of that particular support.

I certainly urge the support of the Members of the House for this resolution which is consistent with our previous support.

Mr. SAYLOR. Mr. Speaker, I commend my colleague, the gentleman from Colorado, for offering this resolution. I think certainly it is fitting and appropriate to commend our athletes who are now in Sapporo, Japan, and I certainly look forward to that day in February 1976, when the winter Olympics will be held in the Mile-High City of Denver, Colo. I have read some of the planning literature regarding the 1976 event and am thoroughly convinced that the State of Colorado, the city of Denver, and the Olympic committee will make the 12th Winter Olympic Winter games the standard by which all future events will be measured. Surely, in the majestic Rocky Mountains, there could not be a better setting for this international sports and cultural event.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS, U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of 14 United States Code 194(a), the Chair appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following members on the part of the House: Mr. MONAGAN, of Connecticut and Mr. STEELE, of Connecticut.

## APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS, U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of 46 United States Code 1126c. The Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following members on the part of the House: Mr. WOLFF, of New York and Mr. WYDLER, of New York.

## APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS, U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of 10 United States Code 4355 (a), the Chair appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House: Mr. HULL, of Missouri, Mr. MURPHY of New York; Mr. DAVIS of Wisconsin, and Mr. PIRNIE, of New York.

## APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS, U.S. NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of 10 United States Code 6968 (a), the Chair appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House: Mr. FLOOD, of Pennsylvania; Mr. STRATTON, of New York; Mr. MINSHALL, of Ohio; and Mr. MILLS, of Maryland.

## APPOINTMENT AS MEMBERS OF THE U.S. GROUP, NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Chair appoints as members of the U.S. group of the North Atlantic Assembly the following Members on the part of the House:

Mr. HAYS, of Ohio, Chairman; Mr. RODINO, of New Jersey; Mr. CLARK, of Pennsylvania; Mr. BROOKS, of Texas; Mr. BURTON, of California; Mr. ARENDS, of Illinois; Mr. DEVINE, of Ohio; Mr. MATHIAS of California; and Mr. CHAMBERLAIN, of Michigan.

## APPOINTMENT AS MEMBERS OF U.S. DELEGATION, MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86–420, the Chair appoints as members of the U.S. delegation of the Mexico-United States Interparliamentary group the following Members on the part of the House: Mr. NIX, of Pennsylvania, Chairman; Mr. WRIGHT, of Texas; Mr. GONZALEZ, of Texas; Mr. DE LA GARZA, of Texas; Mr. KAZEN, of Texas; Mr. UDALL, of Arizona; Mr. WALDIE, of California; Mr. FRELINGHUYSEN, of New Jersey; Mr. THOMSON, of Wisconsin; Mr. STEIGER, of Arizona; Mr. WIGGINS, of California; and Mr. LUJAN, of New Mexico.

## APPOINTMENT AS MEMBERS OF U.S. DELEGATION, CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86–42, the Chair appoints as members of the U.S. delegation of the Canada-United States Interparliamentary Group the following Members on the part of the House: Mr. GALLAGHER, of New York, Chairman; Mr. JOHNSON, of California; Mr. RANDALL, of Missouri; Mr. MORGAN, of Pennsylvania; Mr. KYROS, of Maine; Mr. STRATTON, of New York; Mr. MEEDS, of Washington; Mr. HARVEY, of Michigan; Mr. McEWEN, of New York; Mr. VANDER JAGT, of Michigan, Mr. MORSE, of Massachusetts; and Mr. SMITH, of New York.

## APPOINTMENT AS MEMBERS OF BOARD OF VISITORS, U.S. AIR FORCE ACADEMY

The SPEAKER. Pursuant to the provisions of title 10, United States Code, section 9355(a), the Chair appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House: Mr. FLYNT, of Georgia; Mr. SIKES, of Florida; Mr. RHODES, of Arizona; and Mr. McKEVITT, of Colorado.

## DR. WILLIAM D. McELROY

(Mr. BOLAND asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BOLAND. Mr. Speaker, I want to take a moment to express my appreciation, and also the appreciation of many other Members of the Congress, to Dr. William D. McElroy for the outstanding leadership and service he has given to our country as Director of the National Science Foundation for the past two and a half years.

During that time he served as the third Director of the Foundation since its creation in 1950. Today he is leaving this post to become the chancellor of the University of California at San Diego.

Dr. McElroy for many years has been making notable contributions to our country's well-being, both as a citizen involved in public affairs and as a distinguished scientist.

Immediately before coming to the National Science Foundation he was chairman of the biology department at Johns Hopkins University.

At the Foundation, two of his first acts as Director were to reorganize the agency, in order to regroup programs around broad policy objectives, and to improve management, in order to assure that his policy directives would be translated into reality.

In his many appearances before the committees of the Congress, Dr. McElroy was always well prepared to discuss not only the programs of his agency, but the broader implications of science and technology for all mankind.

The President's budget message this year notes that the Foundation has increased its support for science by 48-percent since 1969. Federal funds for nondefense research and development activities have increased by 65 percent under the leadership of Dr. McElroy. As much as any other individual, he must be awarded credit for this substantial current increase in Federal support for science.

I would note that Dr. McElroy takes with him from the Foundation staff, another capable individual who has worked closely with him in the Foundation as the Assistant Director for Administration, Mr. Bernard Sisco. He will assume new responsibilities as the vice chancellor for administration at the university. He leaves behind a long and outstanding career with the Federal Government as a civil servant in many and varied capacities with several departments and agencies.

In closing, I congratulate the University of California at San Diego in acquiring a man of Dr. McElroy's demonstrated ability. This is certainly an unusually attractive opportunity offering a stimulating challenge to one who has spent a lifetime in higher education. With his interest in associating with young people in an academic setting, he is eminently qualified to fill the challenging post he is taking.

Those of us who know him feel confident that he will meet nobly and effectively the challenges of his new position, and we wish him well in this and all of his future endeavors.

## A PROMISING START FOR SPACE SHUTTLE

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, I was deeply pleased by the President's announcement earlier this month of plans to go forward with space shuttle, a highly imaginative program for exploiting our near-earth environment in space.

It will be at least 6 years before any of these reusable spacecraft are airborne. But the implications of what they will be able to do are already clear and exciting.

Take the weather. Everyone talks about it—but manmade satellites are doing something about it.

In 1960, the first meteorological satellite was orbited by the National Aeronautics and Space Administration. Since 1966, a network of spacecraft equipped with cloud-cover cameras have enabled man to observe the atmosphere on a continuous basis, a capability that has enabled us to predict and trace the origins, paths, and ultimate dissipation of hurricanes and other severe storms.

What's next? With the help of space shuttle, the sky is quite literally the limit. I for one can easily foresee a time when satellites will actually help us control the weather, through such techniques as fog and cloud clearance, suppression of lightning, and even tinkering with precipitation.

Regardless of what awaits us in the heavens, it will be a far cry from Hatfield the Rainmaker, the legendary brother act credited—or blamed, depending on the viewpoint—for the record floods which inundated parts of my home community of San Diego back in 1916. The Hatfields' equipment may have been primitive, but they sure got results and were chased out of the country by angry farmers.

Besides weather modification, satellites maintained by space shuttle should, by the late 1970's, also be equipped to extend the advance for accurate weather forecasts from 48 hours to 2 weeks or more. They will also prove valuable in monitoring air pollution, and charting action to alleviate these conditions.

Space shuttle, of course, will have many other exciting applications, in such areas as communications, navigation, astronomy, oceanography, and agricultural management.

All are good reasons for supporting the program, but the most basic reason is that space shuttle represents the logical next step in the overall space program. No one can describe the ultimate limits of space exploration. But we can all be certain of at least one thing: We are proceeding from the high drama and the great rewards we have experienced with the Apollo program to a follow-on effort that may be less dramatic, but promises even greater rewards.

First steps are always groping ones. First steps are always taken with hesitancy. We have taken these first steps and with magnificent success. The advances in technology that have been required for us to reach the moon's surface are already having their influence on the much more prosaic ways of our daily life. These rewards, these benefits to all of us, are only the beginning; we have only begun to realize the ways in which our lives here on earth can and will be benefited by both the technological surge that has been required for the space program, and the actual practical results that will come to all of us because of the program.

Let us get on with this magnificent adventure in space, to enhance the quality of life everywhere here on earth.

## SPACE SHUTTLE

(Mr. STEIGER of Arizona asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. STEIGER of Arizona. Mr. Speaker, even though the judge has not been selected nor the jury assembled, we are already seeing in the press the beginning of the trial of the space shuttle program. If I could believe that the prosecuting attorney really knew what he was talking about, I might find myself listening with a great deal more credence than I have been able to muster so far.

We read of analogies being drawn between the space shuttle program and SST; we hear that Congress has not gotten sufficient input from the scientists of the country, that NASA's activities are being presented to the Congress as scientific endeavors when all they are, are engineering feats.

All that I can say about these arguments is that they seem to be designed to confuse rather than inform the public. To me the only resemblance between the space shuttle program and the SST is that people would be carried in both vehicles. One is a scientific—and engineering—endeavor and the other was a very fast means of commercial travel. At this point the resemblance stops. As to the lack of input of the views of scientists, we will all recall that 2 years ago the President set up a task force to review the whole space program. On that task force were eminent scientists and engineers, and the task force during the entire period of study had available to it, and used, the most objective and far-reaching scientific advice that is available in the country.

Another one of the facile—and to my mind cynical—allegations made about the space shuttle program is that it is designed to bail out the aerospace industry.

The aerospace industry, like all industry in the United States, is you and me and all the people of the United States. Millions of Americans are affected in one way or another by the areospace industry. The aerospace industry is the source of most of the great advances that have been made during the lives of all of us present here today. If that industry—if those workers—will also benefit, along with the country generally, then all I can say is, "Let's get on with it." I feel that a much more sensible—and a much more fair—approach to the aerospace industry is to offer to it every encouragement rather than subject it to criticism. It is an industry like any other industry, and the healthier it is the healthier the economy of the country is; the more jobs there are, the more the money is spread among the working people of our country.

Perhaps there is a visualization of the aerospace industry as made up exclusively of executives at the top and scientists and engineers the level below—and nothing else. In actual fact, of course, the aerospace industry, although requiring a large number of scientific and engineering trained people, has assembly lines, has workers just exactly the same as the workers in virtually every other industry in the United States. And outside of the industry itself are all of the other people—the other segments of our economy—that benefit from a healthy aerospace industry. All of these people—whether in the industry itself or outside but affected by it—must build or buy houses; must buy food and clothing; must purchase transportation; and thereby spread throughout the whole of our economy the wages earned in the industry. And they must send their children to school. And they must pay taxes.

It is estimated that the space shuttle program will add some 50,000 jobs to industry. I would like to have someone explain to me why it would be better—as it is implied—if these jobs were added to some other area of our industrial or manufacturing, or any other part of our business activity. There is a lack of logic, a lack of good sense, it seems to me, to engage in this kind of unthinking criticism. Working people are people who are working and making wages, and spending money. Is this not what we are seeking? Is it not jobs—and more than that, is it not jobs in activities that cannot fail but improve our lives? This is no boondoggle that we are about to engage in, it is serious scientific and engineering endeavor. Are not the benefits that we have already seen from the space program so far a good criterion by which to judge the future?

It has been said often, and it will be said many times again: The space shuttle is the next logical step to take in order to continue to learn and use what is waiting for us in the laboratory that the space around our earth represents.

Indeed, I say, "Let's get on with it."

## BLACK PROGRESS UNDER NIXON BELIES CHARGES BY KENNEDY

(Mr. LATTA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LATTA. Mr. Speaker, I think all too often the KENNEDY speechwriters got carried away with themselves and forget the facts. No better example of this tendency can be found than the recent utterances of the Senator erroneously criticizing the administration for its progress with the blacks when the blacks have in fact made more progress under this administration than previous administrations. A good summary of this proggress was contained in an article written by Nick Thimmesch which appeared in the Toledo Blade on January 30, 1972.

### BLACK PROGRESS UNDER NIXON BELIES CHARGES BY KENNEDY

(By Nick Thimmesch)

Blacks make progress, and though some people resent this, the momentum of blacks into a better life is hard to stop. The anguished cries of the 1960s are behind us. Now is a time for work, not burned-out, demagogic rhetoric uttered by Sen. Edward Kennedy (D., Mass.) about the "race issue," as he calls it. He recently not only gave short shrift to President Johnson on his role in the 1964 civil rights bill, but also cut loose with falsehoods about the Nixon administration's record on blacks. Senator Kennedy declared that under Mr. Nixon "the chain has broken, progress has stopped, there are no achievements to cite." Every indicator shows life improving for blacks, and surveys report that black Americans are more optimistic about their future than whites. Yet Senator Kennedy talks of 25 million blacks "starving for the bread of hope and notice," and claims "you have to go back to the era of Reconstruction to find a comparable abdication by the Federal Government of its responsibility for civil rights." Black America, intones Senator Kennedy, "lies becalmed today, halfway between hope and desperation."

This is rubbish. The Nixon administration has not only maintained the momentum for blacks, but has added on plenty and put its deeds and money where Teddy's mouth is. Blacks are on the move.

The 1973 budget, for example, calls for $2.6 billion to be spent on federal civil rights activities, compared with $835 million in 1969 when Mr. Nixon took office. Outlays for civil rights enforcement have jumped from $75 million in 1969 to $295 million for 1972 and $602 million in the new budget. The Justice Department has doubled its staff of attorneys enforcing Title VI of the 1964 Civil Rights Act. Minority business enterprises got $200 million when Mr. Nixon came in, and 1973 called for $715 million. Federal purchases from minority firms increased tenfold under Mr. Nixon, from $13 million to $142 million currently.

More, the Administration asks for $1.5 billion to help desegregate schools in the next two years, in addition to $1.5 billion for assistance to schools in low-income neighborhoods. In asking for $200 million federal aid to black colleges, the Nixon administration would be doubling the outlay of three years ago. The 1973 budget also calls for a 33 per cent increase in the cost of administering fair housing programs.

Under the present administration the percentage of blacks in government employment reached a record 20 per cent. Moreover, the Nixon administration appointed a record number of blacks into the uppermost echelons of the bureaucracy. A White House staff assistant on domestic affairs is a Negro woman. The director of the Labor Department's women's bureau is black. A black woman now heads VISTA.

Mr. Nixon appointed the first black to the U.S. Court of Military Appeals. The navy got its first black admiral and assistant secretary in this administration, and the army added five black generals. A black man, Col. Vernon Coffey, army aide to the President, is close to Mr. Nixon, will accompany him to China.

It drives Nixon haters daffy, but in 1969 only 6 per cent of the nation's black children were in legally desegregated schools, and now the figure is 92 per cent. In 1969, there was no food stamp program in 500 counties; now it's down to 10. In 1969, food stamps went to 2.9 million: Mr. Nixon upped it to 11 million. And Senator Kennedy knows that the first family assistance program, including welfare reform, was proposed by the President.

He got only 9 per cent of the black vote in 1968 and won't get much more in 1972, so I have to conclude that his administration's good record on this matter results from his conviction that it's right and it's also part of the relentless movement of history.

If President Nixon is to be flawed, it should be for allowing G. Harrold Carswell to be nominated for the U.S. Supreme Court, and for not bragging up his administration's good civil rights activity record. But Mr. Nixon, like Senator Kennedy, can make mistakes.

## THE DOCK STRIKE ON THE WEST COAST

(Mr. BURTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURTON. Mr. Speaker, hearings have started in the appropriate House and Senate committees on the administration's antilabor proposal for imposing a forced settlement on the parties to the dock strike on the west coast. Events of the last week—see CONGRESSIONAL RECORD, January 20, page 510—demonstrated that the Pacific Maritime Association is determined to use every means available to force a settlement of the dispute on its own terms.

I wish to insert in the RECORD at this point a resolution adopted by the San Francisco Labor Council and the San Francisco Building Trades Council on January 24, 1972. The resolution states in the clearest terms the broad and united opposition of the groups of labor represented by the two councils, as well as the opposition of Mr. George Meany, president, AFL–CIO, to the imposition of compulsory arbitration.

In addition, the resolution requests that local and national elected officeholders state their positions on forced or "legislative settlements" of labor-management disputes. This is clearly a reasonable and justified request. My own position is unequivocal—I oppose the pending bill. The text of the resolution follows:

### RESOLUTION

Whereas, The Nixon Administration economic policies have been actively opposed by the labor movement; and

Whereas, President Nixon imposed a wage freeze and wage controls which have sabotaged hard-won union conditions gained through collective bargaining; and

Whereas, The Taft-Hartley Act has been used to break strikes; and

Whereas, The Nixon economic policies deliberately created unemployment; and

Whereas, The latest action of the Nixon Administration is to demand compulsory and forced arbitration against the striking Longshoremen which could affect every section of the American Labor Movement; and

Whereas, George Meany, President of the AFL–CIO, has condemned the President's request with a statement that, "our unions will never submit to compulsory arbitration;" now, therefore, be it

Resolved, That the San Francisco Labor Council, protest and oppose all attempts at compulsory arbitration, a "legislative settlement" for the striking Longshoremen or any other section of labor, and be it further

Resolved, That we request the Mayor and Board of Supervisors of the City of San Francisco to adopt similar stands through resolutions and statements of policy; and be it further

Resolved, That we ask all candidates for elective national office, their positions on compulsory arbitration or "legislative settlements;" and be it further

Resolved, That we call for an immediate emergency conference of all labor organizations, regardless of affiliation, to plan concerted action to defeat this latest threat to all of organized labor.

## POW'S AND MIA'S

The SPEAKER pro tempore (Mr. TAYLOR). Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 10 minutes.

Mr. TALCOTT. Mr. Speaker, the negative response of the Government of North Vietnam and the Vietcong to President Nixon's new proposal for peace should be illuminating to all U.S. citizens. It requires me to speak out concerning the actual situation of our POW's and MIA's.

Too many of us in the United States and other civilized countries of the world seem to misunderstand the POW/MIA situation.

Too many politicians are trying to make too much political capital out of a delicate, agonizing, and frustrating situation.

Our POW's in Southeast Asia are in fact and reality not prisoners of war—are not now and never have been.

Our military personnel captured by the Vietcong or North Vietnamese and now incarcerated in North Vietnam, South Vietnam, Laos, or Cambodia have never been considered to be prisoners of war by the enemy. They have never been called or referred to as prisoners of war by the enemy. They have never been treated as prisoners of war by any definition or common understanding of the term. They have never been accorded treatment or the status of prisoner of war as defined by the Geneva Convention, the International Red Cross, the Hague Convention, the United Nations, or by any agreements pertaining to prisoners of war signed by the official representatives of the Government of North Vietnam.

The men we refer to as prisoners of war are simply and clearly hostages; and they have been hostages from the beginning of their incarceration.

We need to recognize the difference between a prisoner of war and a hostage as well as to try to understand the mind and attitudes of the Vietcong and North Vietnamese Communists toward all human beings and particularly toward captured military personnel.

There are many distinctions between prisoners of war and hostages. POW's are entitled, by various international laws, agreements, protocols, and conventions, to certain prescribed treatment. There is no legal or contractual law which covers or defines the treatment to be accorded hostages. The Vietcong and North Vietnamese have complied with no law—not even common decency or humanitarian treatment of the hostages. Holders of hostages are outlaws in every society. Every nation considers the holding of hostages to be criminal. No nation considers the incarceration of prisoners of war, in compliance with international agreements, to be criminal.

Prisoners of war are customarily liberated by the victor or released by the terms of the settlement at the end of the war. Hostages are released upon acceding to the demands of ransom—or, possibly, when it becomes clear the ransom will not be paid and the care becomes a burden—or they must be rescued.

Because early on in this war we decided not to try to win a military victory—we now have no practical way to rescue or liberate our POW's. Our determination to not invade, or permit invasion of, North Vietnam precludes our opportunity to overtake or liberate their prison camps and release our personnel.

As soon as the Vietcong and North Vietnamese discovered that we had no intention of gaining a military victory over North Vietnam but that our only objective was to prevent a successful North Vietnamese invasion and takeover of South Vietnam, they knew that personal hostages could bring them as much or more than they could accomplish by guerrila or conventional war.

They, of course, will use any and all means to accomplish their objectives of domination over Southeast Asia—guerrila war, conventional war, subversion, terrorism, negotiation, waiting, delay, hostages, blackmail, welching, anything, everything.

What they cannot achieve by other means, they hope to achieve by holding out to us the conditional release of our hostages. Because our hostages are precious to us and we have power and influence in Southeast Asia, the value of our captured military personnel is extraordinarily high and now a principal stake in the Southeast Asia conflict.

Prisoners are returned at the conclusions of wars—hostages are not. Hostages are redeemed by the payment of the ransom.

Hanoi refuses to exchange other military personnel for our prisoners even though many have offered to change places with our prisoners. Even highly rated pilots have offered to change places with our prisoners—to no avail. If Hanoi was simply interested in "preventing warriors from returning to do battle against them"—the real and legitimate reason for retaining prisoners to the end of a war—they would exchange our prisoners for equally or more highly rated pilots.

Hanoi refuses to exchange prisoners with South Vietnam, 10 for 1 or even 100 for 1, because, even though they would gain a large personnel advantage, they would thereby dilute their hostage value.

Obviously many of our MIA are dead—either from illness, injuries, or the crash of the aircraft. The reason Hanoi does not give accurate information concerning deaths that are known to them is solely to maintain or enhance the hostage value. A pilot known to be dead has little hostage value so they keep us believing he might still be alive—no matter how cruelly agonizing the anxiety may be to his family.

Also hostage value is increased by such contrived techniques as publishing an obviously unclear photograph of a downed pilot—so that many will conclude—even if only out of an incredible hope—that the picture depicts a husband or son who has surely survived. Twenty some wives once identified the subject of one photograph as their husband. A poignant phenomenon which should help us understand both the incredible hope and the psychological torture the families endure.

Hostage value is also increased by severely restricting mail—because this enormously increases our curiosity to know more and our desire to relieve this awful state of agony and anticipation.

The escape of a POW is not too serious. Loss of a hostage, on the other hand, is costly. So our POW's—hostages—have been guarded and secured extraordinarily—even moved from prison to prison from time to time; and kept isolated or confined in small groups. Those few who have been released have been of the least hostage value—often believed dead. But their release after being believed deceased simply raises the hopes of other families that their servicemen who is MIA may still be alive and in custody—thereby increasing the hostage value even though he may in fact be dead.

Ordinarily POW's who are injured, sick or who have become mentally incompetent are repatriated—because they are no longer of any military value and are a great bother to their captors. But the sick and crippled still have value as hostages. This explains why very few of our sick or injured POW's—hostages—have been repatriated.

So we must conclude that our captured servicemen are hostages rather than prisoners of war. We must understand this distinction. We must deal with the situation realistically.

Cruelty is no deterrent to a hostage holder; to be initially successful, they must be uncaring and abjectly inhuman. Hostage holders always threaten—expressly or subtlely. Worry by his loved ones concerning the welfare of the hostage increases the hostage value. So Hanoi exploits every possible means and utilizes every technique to enhance the hostage value. This kind of exploitation is never carried out toward prisoners of war who have little or no hostage value.

Our POW's are hostages for many objectives: among others;

First. Total U.S. withdrawal from Southeast Asia,

Second. Overthrow of any non-Communist government in Southeast Asia, and

Third. Reparations—the payment of any initial amount will sharply escalate like blackmail.

We cannot capture enough Vietcong or North Vietnamese to accomplish any tradeoff of personnel. Their values of persons and life are too different from ours. In fact, loss of life alleviates many problems of support in North Vietnam.

Our only opportunity for an exchange of persons would have to involve very high ranking Communist officials or leaders.

Our only other bargaining chip would be the threat of certain destruction of large and valuable parts of North Vietnam. Bluffing would not succeed.

We cannot accede to blackmail to obtain the return of our hostages. The first concession would inevitably escalate every succeeding demand.

What to do? When to do it?

What if the Vietcong or North Vietnamese set a date certain, as the South American Tupamoros did—"You comply with our demands, our seven points, before July 1, 1972, or we will execute so many of the hostages." This could happen. Do not be deluded.

We are not dealing with civilized diplomats. We are dealing with unfeeling, uncaring, different people who are isolated from the free world by their almost total reliance upon the media for information, and who are under enormous pressure and on the verge of catastrophe.

There are at least two points which should be made and understood by all who are truly concerned about the plight of our POW's, MIA's, their families, and our Government's position pertaining to prisoners of war.

One, the international rules regarding prisoners of war, their status and treatment, desperately need to be revised, updated, and reformed. They are presently inadequate, misunderstood, and not applicable to present conditions. All nations should join and collaborate in drawing new, modern, and clear rules. With clear, appropriate, and comprehensive rules, all nations might be more willing to comply with them.

Two, Members of the Congress, candidates for public office, and proponents of various proposals for ending the war in Southeast Asia, should try to understand the true present conditions and circumstances of our prisoners of war. We must wage a negotiated settlement of the war. We can, with united support, achieve a settlement without surrender or sellout. The President's proposal is one more step toward a permanent peace with freedom for all peoples of this planet.

## TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER), is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's pioneers of progress and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

American Willis H. Carrier first devised air conditioning in 1911.

## PUBLIC BROADCASTING ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 30 minutes.

Mr. BROWN of Ohio. Mr. Speaker, tomorrow I will introduce the Public Broadcasting Act of 1972. Because hearings on public broadcasting legislation will begin in the Subcommittee on Communications and Power at 10 a.m. Tuesday, February 1, 1972, I want to take time today to discuss this proposal and ask that it be printed in the RECORD so my colleagues will have an opportunity to review the legislation.

Many of us who were involved in the legislative process that led to adoption of the Public Broadcasting Act of 1967 had signficant misgivings about the act. There were too many unanswered questions regarding the appropriate role of the Corporation for Public Broadcasting—CPB—the activities that should be authorized to the Corporation, and the nature and level of financing for CPB and for the public broadcasting system as a whole. Most of the witnesses who appeared before us were quite eager for the financial benefits they saw flowing from the legislation, but in that frame of mind, they did not wish to come to grips with the fundamental problems of who would manipulate the basic control and the direction that financial and organization control might take.

At that time I joined in a statement of minority views which urged a strengthing and clarification of the language limiting the powers of the Corporation, particularly as it referred to networking. We raised "the possibility that the Corporation could emerge as the high mogul of a new nationwide network."

Now that CPB has been in existence for some 5 years, we still have not resolved all the questions which were left unanswered in 1967 concerning CPB's objectives, its functions, and its financing. We do have the advantage, however, of seeing how CPB has organized itself and has carved out its own direction and emphasis within the field of noncommercial educational broadcasting.

Prior to the establishment of CPB by adoption of the Public Broadcasting Act of 1967, we saw a vigorous growth in the number of local noncommercial television stations, and this has continued since 1967, although at a diminished rate because so many markets had been saturated prior to that date. But before 1967 or after, most such stations were oriented to education with regard to both program content and basic sources of public support. And most of that educational orientation, in turn, involved financial support from or program support to institutions whose primary function was and is classroom instruction.

What we have seen from CPB, however, has been what must be considered the development a centralized national network system, only limited support for the operating needs of local ETV stations, and a preoccupation with "general interest" programing. This might lead one to conclude that CPB is more interested in being an example to commercial broadcasting than in breaking new ground in instructional or community education television, the areas of primary emphasis of most of the stations it was supposedly organized to serve. It is not unfair to conclude that the Corporation has emerged as the "high mogul" of a new nationwide network and that the thrust of that network is more accurately described as "public broadcasting" than "educational" or "instructional."

At the same time that this direction of CPB's influence has developed, it has been my conclusion that the real purpose of noncommercial broadcasting as envisioned by the Carnegie Commission and the Congress—that is, its role in strengthening and developing new thrusts into the educational broadcast field—both in classroom-utilized instruction and in general educational programing for those outside the formal education sphere.

The Carnegie Commission for educational television noted that educational television should undertake all facets of the educational process. While differentiating community education from the instructional programing of formal teaching, the commission carefully stated "that we look upon these two parts as constituting a single whole." Unfortunately, under CPB, instructional television has been relegated to the position of the second child receiving hand-me-downs from its more glamorous, favored brother.

As the congressional debate on the Public Broadcasting Act of 1967—which established CPB—indicated, however, the prospects of classroom and general instructional programs offered the strongest appeal to many Members of the Congress. It was my feeling at the time, and even more so now with the growing crisis in our schools, that both the local stations and CPB should give priority to developing programs for classroom instruction above either general community or cultural education. But in any event, education efforts should take priority over any ambition to be merely an artistic or philosophic competitor with existing commercial television. In an effort to fill the highest priority of need in the local communities they serve, this is the role being filled by most noncommercial television and radio stations. They have not dropped "education" from either their name or their purpose, in spite of the emphasis CPB has tried to bring for "public" broadcasting and in spite of the fact that CPB was established as the vehicle to finance the programing "software" of educational broadcasting.

By reversing the downward power flow on programing decisions from a federally well-heeled CPB to a hard-pressed locally financed station, and by limiting the influence of large outside sources of income, we can reestablish the balance of instructional and cultural programing as local communities want it. Local station control of the CPB board and local station financial independence of CPB will assure that CPB serves the local station rather than the local stations serving CPB. Above all, this would answer the concern about who makes the decisions in programing—local broadcasters and educators or centralized arbitors of national viewpoint.

In my view the time has come to deal with these unresolved issues of 1967 and modify the structure of our public broadcasting system based upon our experience with it over the past 5 years. The bill I have submitted accomplishes the purpose of redirecting the control and thrust of CPB's activities in order to achieve the economies in program production, localized service and freedom from central control of public educational broadcasting that was envisioned by the Carnegie report, the Congress and the Public Broadcasting Act of 1967. The Public Broadcasting Act of 1972 would accomplish these general purposes by the following particular amendments to the existing statute:

> Title I of the bill, in Section 101(a), amends the "Facilities" portion of the existing statute by substantially increasing, for a 5-year period, the amount of appropriated funds to be used by the Department of Health, Education, and Welfare—HEW—to support the construction and expansion of local public educational broadcasting facilities. This program has proven its worth in bringing the benefits of public broadcasting to many of our citizens who have previously been unserved or underserved by public broadcasting stations.

These amendments also add a new assistance program to HEW's responsibilities. They authorize the expenditure of substantial Federal funds—an average of $40 million annually—to support the general operating expenses of individual public radio and television broadcast stations. This modification is in line with the original recommendation of the Carnegie Commission for Educational Television, whose report established the framework for public broadcasting as it is reflected in the Public Broadcasting Act of 1967.

The Carnegie Commission stressed the critical need for Federal aid to local station operation, but opposed placing the responsibility for this support in CPB. The commission believed strongly that, without this separation of funding functions, the Corporation would become too big and too central and would dominate the local public broadcasting stations, since each station would have to look to CPB for its daily requirement of operating funds and of programing. But in 1967 the Congress rejected the Carnegie Commission approach and lodged with CPB responsibility for general operating support of local stations. Unfortunately, experience has shown that the fears of the Carnegie Commission were justified. CPB spends only about 12 percent of its budget on local station support, an amount that averages only 5 percent of the budget of the local stations. The time has now come to return to the original concept of the separate roles of the local stations and CPB, in order to restore some balance to the system by making the local stations financially viable and autonomous.

These operating support grants would come directly from HEW, much as facilities funds are now distributed. Within certain minimums and maximums designed to assure some equality of distribution, the funds would be provided on a matching basis to encourage a maximum of local initiative on the part of the stations. The funds would be made available to the stations without any discretion being exercised by HEW. Moreover, the goal of insulation of the Federal funds from programing activities would be furthered, since the operating funds could not be used for program production or procurement. Program development will be the primary function of CPB, as outlined in title II; but, of course, nothing would prevent program development by a local station from funds provided by local governments or from gifts or grants from individuals, corporations, foundations, or CPB.

Title II modifies the present Public Broadcasting Act by precluding CPB from activities, functions and means that it has used to assume an autocratic role in the public broadcasting system. It also legislatively proscribes CPB from underwriting the kind of programing for which use of Federal funds is inappropriate—even as the board of CPB has belatedly concluded as a result of public reaction to some of its recent activities.

In section 201(a), the bill would give local station managers a two-thirds majority on the Corporation board. Balance in the membership representation is called for with reference to the region of the country, the size of the city and the type of station. Local station operators would thereby exercise a dominant influence on program content sponsored by CPB. This would give appropriate emphasis to their own educational programing priorities without stifling innovative concepts of artistry and method which would also be contributed through the board.

Section 201(b) of the bill modifies the present act by adding to the general prohibition on political activity, specific preclusion of the Corporation from funding programs on matters of current, partisan political controversy. This change is necessary not only because it is inappropriate to use Federal moneys for such presentations, but also to protect the Corporation from the inevitable buffeting it would get in reaction to such involvement in the political arena. The Corporation can be a much more effective "insulator" of programing from excessive partisan zeal when it is not itself a subject of such controversy.

Section 201(b) further modifies the present act by extending to CPB the antilobbying restrictions applicable to tax-exempt, private foundations. Since CPB has foundation-like responsibilities with respect to program funding, there is no reason why it should not be subject to the same reasonable constraints. The taxpayers' money should not be used by a private organization to influence legislation, whether it is taxes collected or taxes expended.

Section 201(b) of the bill amends the 1967 act by removing the interconnection and advertising functions from CPB's authorized purposes and activities.

The original intent of the Public Broadcasting Act of 1967 was to preclude use of interconnection facilities to support a fixed schedule, real-time network. The resources have, however, been used for this purpose. When this use is combined with the corporation's programing responsibilities, it casts the corporation's network arm—the Public Broadcasting Service—into the mold of the three commercial television networks and allows the corporation to dominate the schedules of the local broadcast stations.

The local stations should have complete autonomy with respect to their schedules and should have unrestricted authority to present CPB-financed programing at times of their own choosing. The bill therefore removes the interconnection support functions from CPB and precludes it from controlling a network, even indirectly, as it exercises financial control over the Public Broadcasting Service. It is anticipated that the local public broadcast stations will use a portion of the operating funds they receive from HEW to organize themselves into a truly representative membership organization to provide for the kind of distributive interconnection system that was originally intended for the public broadcast system by the Congress.

The removal of CPB's advertising and promotional activities reflect a strong feeling that this is an inappropriate use of public moneys.

Many in the Congress were uneasy about authorizing CPB to engage in this activity, and CPB's plunge into extensive promotional campaigns confirms the original reluctance to give CPB this responsibility.

Section 201(c) continues the authorization for free or reduced rate interconnection services for public broadcasting, but makes clear that the stations, rather than CPB, are entitled to the advantages of organizing such a service.

In addition, subsection (g)(z)(a) under 201(C) prohibits CPB from accepting from any individual or entity an amount more than 10 percent of the federally appropriated funds for the given fiscal year. This is designed to assure that no single contributor influences CPB through the vehicle of providing finances. Item (g) (z) (f) under section 201(C) authorizing the encouragement of new noncommercial broadcast stations, methods and technologies, such as CATV, cassettes and the like, to enhance the service of educational broadcasting.

Section 201(d) provides a 5-year authorization of appropriations for CPB. The level of funding has been reduced to reflect the fact that CPB would no longer have to expend substantial portions of its budget for networking and advertising purposes, and that substantial support of operating costs of individual stations is provided from HEW under title I.

Section 201(e) makes mandatory an annual GAO audit, so that Congress may keep informed as to CPB's activities and operations and be certain that the letter and spirit of CPB's authority from the Congress is being adhered to completely.

In short, the Public Broadcasting Act of 1972 would eliminate the present perversion of the original purposes of the 1967 act by restoring overall balance to the public broadcasting system. This would be accomplished by strengthening and giving increased importance to the role of the local broadcast stations, and by taking from CPB's hands the tools that have led, inevitably, to its dominant role in the system. However, the essential role of CPB would be preserved, and in fact, strengthened. CPB would be able to devote its full resources and its full energies to the program creation role it was originally intended to serve, but the station-oriented board would assure the program software needs of local stations were served.

The public broadcasting system would be built on a bedrock of localism, and it can be. Issues that were left unresolved in 1967 have been dealt with by CPB in a manner that made the so-called bedrock a very shaky foundation for the system indeed. Final resolution of these issues in a manner consistent with the Congress original intent will serve to strengthen that foundation before the structure that has developed on it crumbles on its own weight.

The bill follows:

### PUBLIC BROADCASTING ACT OF 1972

A bill to amend the Communications Act of 1934 by authorizing general support grants to defray the ordinary operating costs of noncommercial educational radio and television broadcast stations and by establishing the long-range financing of public broadcast programing through the Corporation for Public Broadcasting in a manner consistent with the original intent of the Public Broadcasting Act of 1967

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Public Broadcasting Act of 1972."

### TITLE I—GRANTS FOR FACILITIES AND GENERAL SUPPORT

Sec. 101 (a) Sections 390 and 391 of Subpart A of Part IV of Title III of the Communications Act of 1934 (47 U.S.C. §§ 390–391) are hereby amended to read as follows:

"Sec. 390. DECLARATION OF PURPOSE—The purpose of this subpart is to assist (through matching grants) in the construction and operation of noncommercial educational television and radio broadcasting facilities and stations.

"Sec. 391. AUTHORIZATION OF APPROPRIATIONS FOR FACILITIES CONSTRUCTION GRANTS AND GENERAL SUPPORT GRANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS— "(a) There are authorized to be appropriated for the fiscal year ending June 30, 1973, and each of the four succeeding fiscal years such sums, not exceeding $120,000,000 in the aggregate, as may be necessary to carry out the facilities purposes of Section 390. There are also authorized to be appropriated for carrying out the said purposes of such section, $15,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975. There are also authorized to be appropriated for the fiscal year ending June 30, 1976, and for the succeeding fiscal year, $30,000,000 per fiscal year. Sums appropriated pursuant to this subsection shall remain available for payment of grants for projects for which applications, approved under Section 392, have been submitted under such section prior to July 1, 1977.

"(b) There are authorized to be appropriated to help defray the ordinary operating costs of existing and new noncommercial educational television and radio broadcast stations (except FM radio stations operating with no more than 10 watts transmitter power output) for the fiscal year ending June 30, 1973, and each of the four succeeding fiscal years such sums, not exceeding $250,000,000, in the aggregate, as may be necessary to carry out the general support purposes of section 390. There is also authorized to be appropriated for carrying out the purposes of said section, $35,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, $50,000,000 for the fiscal year ending June 30, 1975, $60,000,000 for the fiscal year ending June 30, 1976, and $65,000,000 for the fiscal year ending June 30, 1977. Sums appropriated pursuant to this subsection shall remain available for payment of station support grants for which applications approved under subsection 391 (b)(1) have been submitted under such subsection prior to July 1, 1977. Such sums shall be disbursed in the manner and for the purposes set forth below:

"(1) Each licensee or permittee of a noncommercial educational broadcast station seeking assistance under this subpart to defray the ordinary operating costs of its station(s) shall submit to the Secretary no later than September 30 each year an application for a general support grant and shall certify the amount of financial support received by the applicant from State or local governmental entities and the amount of funds contributed by private persons, corporate entities, and foundations during the preceding fiscal year. The applicant shall also provide such other information as the Secretary may by regulation require, including but not limited to assurances that the station(s) is qualified to receive construction and general support grants under this section, that the grant will not be used to produce or purchase the rights to present programing or to advertise or otherwise promote particular programs or program series.

"(2) Upon approving such applications, the Secretary shall distribute to each qualified applicant an amount equal to the amount of financial support and contributions (excluding corporate entities and foundations) certified by the applicant as having been received during the preceding fiscal year to support operation of its station(s), provided that no single noncommercial educational television broadcast station authorized to such applicant shall be entitled to a matching grant less than $30,000 or in excess of $150,000, and that no single qualified noncommercial educational radio broadcast station authorized to such applicant shall be entitled to a matching grant less than $1,000 or in excess of $25,000."

Sec. 101. (b) Sections 393 and 395 of subpart A of part IV of title III of the Communications Act of 1934 (47 U.S.C. 393–394) are hereby amended to read as follows:

"Sec. 393. RECORDS.—Each recipient of assistance under this subpart shall keep such records as may be reasonably necessary to enable the Secretary to carry out his functions under this subpart, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project, undertaking or operations in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project, undertaking or operations supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this subpart."

RULES AND REGULATIONS

"SEC. 394. The Secretary is authorized to make such rules and regulations as may be necessary to carry out this subpart, including regulations relating to the order of priority in approving applications for general support grants under section 391(b) or for projects under section 392 or to determine the amounts of general support or construction grants for such projects."

SEC. 101. (c) Subpart A of part IV of title III of the Communications Act of 1934 is further amended by striking of the heading of such subpart A and inserting in lieu thereof the following:

"SUBPART A—GRANTS FOR CONSTRUCTION OF FACILITIES AND STATION OPERATIONS"

TITLE II—SUPPORT FOR PUBLIC BROADCAST PROGRAMING THROUGH THE CORPORATION FOR PUBLIC BROADCASTING

SEC. 201. (a) Subsections (c) (1) and (c) (2) of section 396 of the Communications Act of 1934 (47 U.S.C. § 396(c) (1)–(2)) are hereby amended to read as follows:

"(c) (1) The Corporation shall have a Board of Directors (hereinafter in this section referred to as the 'Board'), consisting of fifteen members, ten of whom shall be station members and five of whom shall be public members. Board members shall be appointed by the President, by and with the advice and consent of the Senate. Not more than eight members of the Board may be members of the same political party.

"(2) The station members of the Board (A) shall be selected from among citizens of the United States (not regular full-time employees of the United States) who are, at the time of their appointment, managers of noncommercial educational television and radio broadcast stations; (B) shall be selected so as to provide a broad representation of various regions of the country, various size cities, various educational systems, and various types and sizes of stations. The public members of the Board (C) shall be selected from among citizens of the United States (not regular full-time employees of the United States) who are eminent in such fields as education, cultural and civic affairs, or the arts; (D) shall be selected so as to provide as nearly as practicable a broad representation of various regions of the country, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Corporation. (E) The above composition of the Board shall be accomplished within three years of the passage of this Act."

SEC. 201(b). Subsection (f) of section 396 of the Communications Act of 1934 (47 U.S.C. 396(f)) is hereby amended by adding the following paragraphs:

"(4) The Corporation shall not fund, through grants or contracts, directly or indirectly, the production of, or otherwise procure, programs or program series dealing in whole or in part with the coverage, presentation, discussion, or analysis of current news events or current issues that are the subject of partisan political controversy.

"(5) The Corporation shall not engage in any activity which, under section 508(e) (1) of the Internal Revenue Code (26 U.S.C. 508 (e) (1)) must be prohibited by the governing instrument of any foundation which seeks to be exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a))."

SEC. 201(C). Subsection (g) of section 396 of the Communications Act of 1934 (47 U.S.C. 396(g)) is amended to read as follows:

"PURPOSES AND ACTIVITIES OF THE CORPORATION

"(g) (1) In order to achieve the objectives and to carry out the purposes of this subpart, as set out in subsection (a), the Corporation is authorized to:

"(A) facilitate the full development of educational broadcasting in which programs of high quality, obtained from diverse sources, will be made available to noncommercial educational television or radio broadcast stations, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature;

"(B) carry out its purposes and functions and engage in its activities in ways that will most effectively assure the maximum autonomy and independence of the local noncommercial educational television or radio broadcast stations.

"(2) Included in the activities of the Corporation authorized for accomplishment of the purposes set forth in subsection (a) of this section, are, among others not specifically named:

"(A) to obtain grants from and to make contracts with individuals and with private, State and Federal agencies, organizations, and institutions except that no grants or contracts from a single private individual or entity shall amount in total during any fiscal year to more than ten percent of the amount of Federal funds appropriated to the Corporation under section 396(k) of this Act for such fiscal year.

"(B) to contract with or make grants to independent program production entities, individuals, and selected noncommercial educational broadcast stations for the production of, and otherwise to procure from diverse production sources, educational television or radio programs for distribution to noncommercial educational broadcast stations;

"(C) to make payments to existing and new noncommercial educational broadcast stations to aid in financing local educational television or radio programing costs of such stations, particularly innovative approaches thereto, and other costs of operation of such stations except for advertising and other promotional costs;

"(D) to establish and maintain a library and archives of noncommercial educational television or radio programs and related materials and to publish a journal;

"(E) to hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out the purposes of this section;

"(F) to encourage the creation of new noncommercial educational stations in order to enhance such service on a local, State, regional, and national basis, and to encourage the development of new communications technologies for educational and instructional uses which will be to the economic advantage of the public.

"(G) to contract with or make grants to non-profit entities for research, demonstrations, or training in matters related to noncommercial educational television or radio broadcasting.

"(3) To carry out the foregoing purposes and engage in the foregoing activities, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, except that the Corporation may not own, operate or exercise financial or other control, either directly or indirectly, over any television or radio broadcast station, interconnection system or network, cable television system, or interconnection or program production facility."

SEC. 201 (d). Subsection (h) of Section 396 of the Communications Act of 1934 (47 U.S.C. § 396(h)) is amended by deleting the phrase "for non-commercial educational television or radio services" and inserting in lieu thereof "to non-commercial educational television or radio broadcast stations."

SEC. 201 (e). Subsection (k) of Section 396 of the Communications Act of 1934 (47 U.S.C. § 396(k)) is amended as follows:

(1) By deleting paragraph (1) thereof and substituting the following:

"(1) There are authorized to be appropriated for expenses of the Corporation for the fiscal year ending June 30, 1973, the sum of $20,000,000, for the fiscal year ending June 30, 1974, the sum of $25,000,000; and for each of the three succeeding fiscal years, the sum of $30,000,000."

(2) In paragraph (2) thereof, by deleting the phrase "July 1, 1970, to June 30, 1972" and inserting in lieu thereof "July 1, 1972, to June 30, 1977."

SEC. 201 (f). Subsection 396 of the Communications Act of 1934 (47 U.S.C. § 396(1)) is amended by—

(1) Deleting paragraph (1) thereof in its entirety.

(2) Deleting the phrase "may be audited by the General Accounting Office" in subparagraph (2) (A) and inserting in lieu thereof "shall be audited annually by the General Accounting Office."

(3) Remembering paragraphs (2) and (3) thereof paragraphs (1) and (2), respectively.

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## THE GROWING INCIDENCE OF HEROIN BABIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I would like to call my colleagues' attention to the recent alarming increase of heroin-addicted babies. One of the blatant tragedies of our permissive society, where the drug scene is so prevalent, is that babies born of heroin-addicted mothers are themselves addicted to heroin. They begin withdrawal within the first 15 hours after birth. The number of such heroin babies born in New York City alone has risen from 200 in 1966 to 550 in 1971.

The baby experiences a coarse tremor during withdrawal. Its arms twitch and its knees jerk convulsively toward its chest. Sometimes the hands claw at the face and arms until they are raw. All the while, the baby cries out with a tense, high-pitched shriek. Detoxification, as with adults, takes 10 to 20 days. In more than a few instances, the babies must remain in the hospital for as long as 40 days due to complications, even after withdrawal, and usually at public expense.

An epidemic of heroin addiction is prevalent in this Nation, and unless more meaningful steps are taken to curb the situation, we will be faced with a white plaque that threatens to sweep across the country, preying upon those innocents who have not yet even been born.

No one knows at this point just how much damage is being caused by women who continue to take heroin while pregnant—will these children crave narcotics in later years? Will they become abnormally susceptible to the effects of drugs? The question of chromosome or brain damage has not even been determined yet.

What is involved here, Mr. Speaker, is the possibility of a dead child, or of a deformed and addicted child. It seems to me that a doctor has an obligation to the unborn child and to society to inform the appropriate agency of the mother's addiction when an examination during pregnancy reveals that she is using narcotics.

Where there is danger to society, such as an addicted or deformed child, then the doctor should be released from his privileged information obligation so that the mother can be placed on immediate withdrawal. This matter should be a priority subject for the AMA, Mr. Speaker, and for the legislative process. I intend to seek action on both these fronts.

Another development in this grim tragedy is the unabated flow of heroin-addicted GI's, back from Vietnam, into our city streets. It has been predicted that the 50,000 to 70,000 ex-GI's who have already returned to American society with their heroin habit intact can "turn on" as many as 3 million others by 1975. Many of these contacts will naturally be women. This cannot help but set the scene for a steady increase of babies hooked on heroin from birth.

How much further proof do we need before we realize that American society today is being threatened at its very roots by the ravaging menace of narcotics abuse? How much longer will we delay action on important drug bills presently before Congress?

And for how long will our citizens tolerate an Army policy which results in the return of addicted GI's to America with little or no attempt at rehabilitation? Mr. Speaker, now that our unborn children are falling victim to heroin addiction, perhaps we will realize that it is time to act.

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## EMERGENCY MEDICAL SERVICES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 5 minutes.

Mr. ROBISON of New York. Mr. Speaker, during the first session of this Congress, I introduced two bills to enhance and reorganize the present Federal effort to improve emergency medical transportation. The sequence of these bills parallels the drift of my thinking on this subject, and I would like to briefly explain the considerations which brought me here today to jointly introduce the Emergency Medical Services Act with my colleague from West Virginia.

As I have previously mentioned to this body, certain activities in my own congressional district directed my attention to the subject of ambulance services. Due to the success of the Chemung County "Shockmobile," a mobile emergency treatment facility, I was prompted to introduce legislation which would make this kind of comprehensive emergency treatment vehicle available to every area of the country. At that time I joined my colleague from New Jersey (Mr. DANIELS) in making this proposal, and I believe our enthusiasm for this kind of emergency treatment vehicle has proven out, as Chemung County, N.Y., prepares to put a second such vehicle into operation.

Even such a slight brush with the large and complex subject of emergency medical transportation was enough to impress me with the large gains which could be made in the saving of human life, if sufficient public attention were given to the improvement of these services. After reviewing the programs now undertaken by the Federal Government, as well as talking and corresponding with many of those involved in the planning, administration, and evaluation of these programs, I concluded that effective Federal participation in the improvement of emergency medical transportation would require some reorganization and some redirection of the present Federal effort. On the basis of that thinking, I introduced H.R. 11193, which would designate the division of Emergency Health Services, Health Services, and Mental Health Administration, HEW, as the single office responsible for the professional guidance and grant support of emergency medical transportation.

As I was preparing this latter bill, I was pleased to learn that my colleague from West Virginia (Mr. MOLLOHAN) had also devoted a great deal of study to the subject of emergency medical transportation. The bills which he introduced in Congress last July are clear indication that the Congressman from West Virginia has been conscientious in his study and determined in his desire to improve the Nation's ambulance services. For some months, I have had the considerable satisfaction of working with Mr. MOLLOHAN on the draft of a new bill which would translate our shared convictions into workable legislation. We have that bill ready, today, and we ask that our colleagues give the Emergency Medical Services Act their serious consideration.

This new proposal attempts to meet the most serious deficiencies in this country's emergency medical transportation capability in a direct and coordinated manner. We first propose that the division of Emergency Health Services within HEW be upgraded and redesignated the Emergency Medical Services Administration. In following action, all Federal Government functions and responsibilities relating to the improvement of emergency medical transportation would be centralized in this Administration. Among its most important duties, the new Emergency Medical Services Administration would be charged with setting up national standards for the operation of ambulance and related services. These standards would apply both to the fitness of ambulance equipment and to the training of ambulance personnel. Further, the new Administration would provide financial assistance, through the States, for the operation of local ambulance services which meet national standards. Funding would also be provided for the initial purchase of ambulance equipment, so that localities could bring their ambulance services up to the standards required by the Emergency Medical Services Act.

Mr. Speaker, I have taken some trouble during previous remarks to my colleagues to describe the extent to which accidents and consequent inadequate emergency medical services have inflicted physical and economic suffering on our citizens. It has not been my intention to berate my colleagues through statistics of suffering and death, and I have tried to avoid doing so, today. However, I was encouraged that the President used the forum of his state of the Union address to impress upon the Nation the need for improved emergency medical transportation services. In his January 20 message to Congress, President Nixon noted:

> Last year, more than 115,000 Americans lost their lives in accidents. Four hundred thousand more were permanently disabled and 10 million more temporarily disabled. The loss to our economy from accidents last year is estimated at over $28 billion. These are sad and staggering figures—especially since this toll could be greatly reduced by upgrading our emergency medical services. Such improvement does not even require new scientific breakthroughs; it only requires that we apply our present knowledge more effectively.
>
> To help in this effort, I am directing the Department of Health, Education and Welfare to develop new ways of organizing emergency medical services and of providing care to accident victims. By improving communication, transportation, and the training of emergency personnel, we can save many thousands of lives which would otherwise be lost to accidents and sudden illnesses.

Certainly we welcome the contributions which the HEW study can make to the improvement of these services. Yet, with all due respect, Congressman MOLLOHAN and I have studied this question—with the aid of many medical professionals—and we believe we already have a proposal which will save thousands of lives.

We encourage the interest and advocacy of the Emergency Medical Services Act by all of our interested and concerned colleagues.

Finally, Mr. Speaker, I would like to fortify these remarks by inserting a noteworthy analysis of the present status of this country's emergency medical services prepared by Dr. Gerald L. Looney, coordinator of emergency services, University of Arizona College of Medicine. Dr. Looney presents a battery of facts which depict the present serious state of emergency medical services and emphasize the urgency of corrective action:

### THE REAL CRISIS IN HEALTH CARE

(By Gerald L. Looney, M.D., M.P.H.)

It has now been roughly two years since President Nixon popularized the phrase "crisis in health care," and the net effect has been a rising crescendo of concern over health costs and a clamor for national health insurance proposals. However, even the best of these proposals offers to the citizen-consumer primarily convenience and comprehensive coverage of relatively routine (or non-emergency) medical services and leaves ignored and unchanged probably the most vital aspect of medical care—emergency medical services. National health insurance will cost literally billions and will add only gradually, if at all, to the average life span of Americans. A really comprehensive system of emergency medical service would add an immediate bonus in longevity to thousands of Americans at much less cost.

Like most other physicians, I am very much interested in pursuing the fountain of youth and eliminating heart disease, cancer, and stroke; but I am mystified by the universal lack of concern over the *number one* cause of death under age thirty-seven—accidental injury. By almost any standards, the loss of healthy, vigorous, and productive citizens is a much greater tragedy for society and offers much greater investment returns than trying to add a few weeks or months at the inexorable end of a life span. Yet, the priorities for attention and funding have been reversed, and we find that emergency medical services are distinguished only by their undisputed position at the bottom of the medical totem pole, remaining the most primitive area of an already archaic industry. Without a doubt, trauma is America's most neglected disease!

When one considers the future, this anachronism seems even more intolerable as the number of motor vehicles and machines steadily increase and as society witnesses an increasing use of violence in social problems. The permanence of trauma and accidental injury as the primary health problem of the United States now seems firmly established, and to combat it we have virtually the same emergency medical system that we had fifty years ago!

By 1975, how much will national health insurance help the 150,000 citizens who will die of accidental injury? How will national health programs bring patients to this marvelous and comprehensive coverage from remote regions or from areas where physicians are literally dying out and not being replaced? Or how will all of these wonderful prepaid benefits help the thousands of patients with heart attacks or strokes while they *wait and wait* at home or on the street for a mortuary vehicle staffed by grade school drop-outs or a police station wagon or van driven by rushed and harassed patrolmen with virtually no medical training or equipment for medical emergencies, while they *wait* as the vehicle slowly makes its way (sometimes recklessly, but rarely rapidly) through jammed city streets to the rear entrance of a hospital which adamantly refuses to admit that one of its most vital functions today is emergency care, and then *wait* some more after they enter a crowded and disorganized emergency room which is understaffed both in the quantity and quality of its medical personnel?

I urge the development of a new program for the re-training and re-orientation of these skilled individuals to meet changing needs in our society. This would not only help the unemployment statistics, but would allow great savings over the cost of training new medical and paramedical personnel from scratch. Furthermore, it would provide a rapid infusion of new ideas and enthusiasm into the rather stodgy and unimaginative area of health care. Medicine has the greatest collection of antique objects in the world: its systems to handle medical data, to monitor patients on a wide scale, to desseminate new medical advances quickly and efficiently, and to evaluate what man is doing outside the hospital (particularly to his environment) are still struggling through the Nineteenth Century and have had little exposure to Twentieth Century technology. It is imperative that medical planners and the health industry not become so engrossed in leaving the Nineteenth Century and belatedly entering the Twentieth that they overlook the fact that the Twenty-first Century is less than three decades away.

"In Moscow anyone without two kopeks to make a phone call can push the 'emergency' button and dial 03 for medical help. If the patient is suffering from a heart attack, a mobile cardiac unit manned by a heart specialist will arrive in minutes to take him to a hospital specializing in cardiac cases. A stroke case would be picked up by a stroke ambulance carrying a neurologist; a child by a children's ambulance staffed by women; a known case of shock by a shock ambulance; automobile accident victims are taken to a hospital specializing in traumatology or the Institute of Trauma. The crew can evaluate the problem on the spot and remove the patient to the proper facility, treat him and refer him to his regular health system, or treat and dismiss him."

Later, in October, *Time* reinforced this description:

"Perhaps the most impressive aspect of Soviet medicine is its system for emergency care. Each city has a central station (reached by dialing 03) that dispatches ambulances from local substations. Leningrad, which handles as many as 1,800 calls on a winter day, has 120 ambulances at 16 stations spotted about the city. Officials boast that an ambulance can be on the scene from seven to nine minutes after a call is received. Ambulances carry equipment for emergency surgery, care of cardiac patients and 'reanimation' in cases of near death. They also carry a medical doctor and a *feldsher*, or medical assistant, a combination that makes treatment more readily available than it is in most U.S. emergency rooms."

The Russians may not have put a man on the moon as quickly as we have, but they certainly can take better care of a man on earth and get him to medical care quicker than we can. I see no reason why the United States cannot do both if it really acknowledges and tackles the problem of emergency medical services and the support of life on earth as zealously as it tackled the problem of space and life-support systems on the moon. This would seem to be a much better bargain than the currently popular "moon shot" attack on cancer slated to receive $100,000,000 in President Nixon's proposed budget.

If there is one area of common agreement in the health-care field today, it is the consensus that there is a crucial and widespread need for medical manpower in practically all areas (not just emergency medical services), a need which is poorly met at the present in the more traditional modes of care and which will probably remain unfilled for several years (if not decades) as new modes of care are developed such as air mobility and remote telemetry and telecommunication.

To fill this need for medical manpower is a surplus of highly skilled persons with a sophisticated background in technology and education, a surplus which seems to have largely been ignored by health planners and recruiters. I am referring to the engineers and scientists unemployed since the cutback in military spending, the unplanned and uncontrolled expansion of graduate schools whose Ph. D. graduates now find that they are a glut on an already tight employment scene, and a similar oversupply of public school teachers from the state teachers' colleges.

These people usually have an excellent background for medical work, and, except for a course or two in biophysics or organic chemistry, could readily meet even medical school requirements. Why not make a concerted effort to allow the surplus (as a matter of free choice) to move over to fill the deficit in another area? I can't think of a better way to balance a troublesome budget in these days of tight finances.

"In Chicago, according to a study made public a few weeks ago by the Chicago Hospital Council, an average of 804 emergency cases are transported to hospitals weekly in police 'squadrols'—actually paddy wagons that may carry drunks and prisoners with the patients. 'Oxygen cannot be given to the 35 cardiac cases per week, nor to the 51 cases of seizures/convulsions, nor to the 21 unconscious cases per week,' says the council. 'The fractures of the 179 external limb injuries per week could not be splinted nor the 200 laceration cases per week temporarily cared for.' The situation, says the report, 'presents a substantial threat to the health and even life of the patients transported.'

"A 1968 University of Iowa study of ambulance service in that state revealed that 59.9% of the services were run by undertakers. Of these, only half required any first aid training at all of prospective employees, and 80% had no regular in-service training; 48.3% gave no first aid 'in bad cases' before the patient was picked up, and 29.5% gave none at all, 'because our business is transportation.' Some 29%of the vehicles were station wagons and another 29% of all ambulances were more than ten years old. About 60% carried no splints. Only 48% of the operators bothered to clean the medical equipment after each use. 'These data for Iowa are little different from those gathered in other states,' commented the study's author, Lyle L. Shook. 'The picture of ambulance service is very discouraging.'

"A University of Michigan team headed by surgeon Charles F. Frey examined the autopsy protocols of 159 patients who died of motor vehicle accidents in Washtenaw County. Of the victims, 28—18%—might have been salvaged and returned to society in much their previous state of health had the equipment and capability to start I.V. therapy and to perform endotracheal intubation and aspiration for tension pneumothorax been available at the accident scene or en route to the hospital. Another nine victims were listed as possibly salvageable.

"Commercial ambulance service varies from excellent to atrocious. Last June, the Chicago *Tribune* ran a blistering expose of some of the private services, calling them 'misery merchants' and 'profiteers of human suffering.' The articles told of attendants demanding $40 from a man suffering from an apparent heart attack; when they found he had only $2 in cash, they stole that and left him. Other incidents included the stories of an epileptic with a fractured hip who lay for two hours in a police 'squadrol' waiting for the arrival of a private ambulance whose crew paid off the cops with $10; of a woman who had just suffered a miscarriage being forced to walk downstairs from the third floor; of an attendant pretending to give a woman oxygen so that a $10 extra fee could be charged, but actually turning off the valve."

As in preparing a direct comparison, Dr. Patrick B. Storey described the situation in Russia in the *Journal of the American Medical Association* (January 12, 1970):

The real "crisis in health care" in this country is in the homes and on the streets—not in the doctors' offices or hospitals or community health centers, as most health planners would have you think. Somehow, medical spokesmen have become intoxicated with their own rhetoric as they rant and rave that our current system of episodic and crisis-type care has been polished and perfected and yet is still not enough, that we have to have a whole new comprehensive program of toupee-to-toenail care which will *prevent* disease and illness (but not accidental injury).

There are two major obstacles in accepting these arguments: first, the overall yield in the terms of health statistics from these "preventive maintenance programs" is going to be disappointingly small, and the inevitable escalation of demands for more money and medical personnel surprisingly large. Even the president of Blue Cross, Mr. Walter McNerney, has begun to publicly caution Dr. John Knowles and other medical spokesmen that the cost of preventive medicine on a routine and general basis will be expensive, and significant benefits will be very difficult to prove. The second obstacle is even more distressing: the medical system in this country still hasn't even mastered the art of really good crisis-care. We manage to spend billions on hospitalized patients and have developed some very sophisticated and expensive techniques and equipment to work on and watch over these patients, but the hospital is usually only half of the story of episodic crisis-care, and for those who don't get to the hospital in time, it's *none* of the story. The American Heart Association estimates that about 600,000 Americans die each year because of coronary heart disease, and nearly 70% of these deaths occur *outside* the hospital. The real crime in the streets is not the occasional human assault; it is the repeated loss of potentailly productive citizens who are suddenly and unexpectedly stricken or injured and die needlessly because life-saving personnel and equipment are not available.

Even the much-maligned military profession has more concern for the sick and injured than the civilian medical profession. No military medical planner would ever dream of devoting his budget and resources to television sets, air conditioning, and wall-to-wall carpeting for the base hospital, while leaving the emergency care and transport of patients to this fine facility totally up to happenstance and mainly untrained and unsupervised crews (with whom he rarely converses socially and never communicates medically). However, the most amazing phenomenon of this dilemma is the apparent complacency of the general public and the medical establishment in the face of steadily decreasing effectiveness of emergency medical care and transport. No one seems to be aware of the statistics which show a better chance of survival from injuries sustained in Vietnam than in Virginia or Vermont. In spite of the many marches and protests about the war, no one seems to be pointing out that a person in Saigon can reach a medical facility quicker than a person in Somerville or Seattle, that a soldier wounded in the jungles of South Vietnam can be brought to medical care quicker than a sailor injured in an auto accident in South Boston or South Dakota.

In a recent excellent review of "The Crisis in Emergency Care," *Medical World News* described the situation in other areas of the United States:

"In the 20 counties of northwestern Ohio, with a population of 1.5 million, 'ambulances with some exceptions have only enough room for the patient lying down, with little or no room for an attendant to function. Equipment on most ambulances consists merely of an oxygen tank and mask. There are no splints and backboards, no equipment for resuscitation, heart monitoring, keeping the patient's clogged-up windpipe open, or providing intravenous therapy." So wrote the Toledo *Blade* on May 6, 1970, adding that even had such equipment been available, attendants were not trained to use it."

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## EMERGENCY MEDICAL SERVICES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. MOLLOHAN) is recognized for 10 minutes.

Mr. MOLLOHAN. Mr. Speaker, on July 19 I introduced two bills designed to improve the quality of emergency medical care received by highway accident victims and others suffering from medical emergencies. The thrust of the legislation was to improve the Nation's ambulance services and I stated at that time that the quality of ambulance care, generally very poor across the Nation, had received very little consideration by all levels of government.

Today the situation is rapidly changing. An increasing number of leaders here in the Congress and in the administration are becoming aware of the deplorable condition of ambulance services and the thousands of lives which are being wasted each year because of inadequate and oftentimes nonexistent ambulance care.

The Public Health Service estimates that as many as 60,000 lives could be saved each year if the Nation had a truly effective ambulance and hospital emergency room system delivering professional medical care to patients as rapidly as possible.

The unwritten presumption behind those estimates is that people are dying needlessly at the hands of ambulance attendants who are so medically unskilled that they do not know how to deal effectively with many common medical emergencies. Furthermore, these people are dying because ambulances may not be equipped with such rudimentary lifesaving devices, such as oxygen respirators, that are essential to keep the patient alive.

The National Highway Traffic Safety Administration estimates that less than half of the ambulance attendants in the United States have received advanced first aid training, although such a course itself amounts to only 27 hours of training in the mere basics of first aid. The NHTSA also estimates that far less than half of the ambulance vehicles in the Nation are equipped with the kind of lifesaving devices recommended as the very minimum by the National Academy of Sciences.

President Nixon gave further impetus to emergency health care efforts in his recent state of the Union address when he announced that he was directing the Department of Health, Education, and Welfare to develop new ways of organizing emergency medical services and of providing care to accident victims.

The President said:

> By improving communication, transportation, and the training of emergency personnel, we can save many thousands of lives which would otherwise be lost to accidents and sudden illnesses.

There is substantial bipartisan agreement on recommendations for increasing the effectiveness of the Federal Government's role in trying to upgrade ambulance care.

For instance, one of my previous bills, H.R. 9876, which would establish a grant program within the Public Health Service to assist hospitals in operating top quality ambulance services, pointed out the need for greater participation in this area by the Department of Health, Education, and Welfare. This bill was closely followed by one from the Honorable HOWARD W. ROBISON to transfer all existing Federal programs dealing with ambulance services to the Department of Health, Education, and Welfare; then on January 24, Chairman PAUL ROGERS of the Public Health and Environment Subcommittee on the Interstate and Foreign Commerce Committee introduced H.R. 12563 establishing an expanded grant program under the Public Health Service Act. The trend in this series of bills represents a recognition that ambulance care is a health problem, rather than one confined solely to highway safety and transportation.

After months of research, the Honorable HOWARD ROBISON and I are joining in the introduction of legislation to establish an Emergency Medical Services Administration within the Department of Health, Education, and Welfare to direct and coordinate all Federal programs on emergency health care as well as to provide financial assistance to help qualified communities in the operation of their own ambulance corps as a third public service.

This is a bold step, but the deplorable conditions in ambulance care today and the inexcusable inaction and lack of coordination on all levels of government require this action to be taken to prevent the needless loss of thousands of lives. With such an organization the Nation will be able to have space age emergency health care rushed to the sick and injured. We will be able to utilize technological advances in the medical field, as well as the talent of a new breed of paraprofessional, the emergency medical technician. We will see an end to the present situation in which the sick and injured die waiting for ambulances that never come. We will put to an end the present situation in which the sick and injured are cared for in the back of a station wagon or a hearse by ambulance men who may have little or no medical skill.

Let me explain why this action is needed.

In the past—and unfortunately to a large extent today—when someone called an ambulance, he was likely to get a hearse driven by a funeral home worker. Patients have died because that hearse was unequipped with lifesaving devices and because the worker was medically unskilled.

Today, about half of all ambulances are operated by funeral homes and this is so all across the Nation, but primarily in the Midwest and the South. But, due to financial situations making the answering of emergency calls unprofitable, funeral homes are discontinuing such rescue calls at an alarming rate, so that many communities are left without any emergency ambulance service whatsoever.

But funeral directors still use their ambulances. They use them as medicare and welfare taxis, because the Federal and State governments pay for the ride. The equipment and personnel training requirements for getting this reimbursement under medicare are really far below what other Federal offices, chiefly the National Highway Safety Administration, the Division of Emergency Health Services, and the National Academy of Sciences recommend as the very minimum. The conclusion is that the medicare program is actually subsidizing substandard emergency health care and is directly responsible for the shift on the part of the funeral home industry from answering unprofitable emergency rescue calls to concentrating solely on the more lucrative medicare trade. This shift has left many communities without emergency ambulance care.

Furthermore, in all but a handful of States, there are no regulations for ambulance services, no requirements that attendants have any degree of medical training, no requirements that any lifesaving equipment be carried aboard an ambulance, and no requirements to insure that the vehicle which responds to an emergency is not in fact a station wagon with only a flashing red light as its sole pretense of being an ambulance.

This is where the Federal Government comes in, for under the Highway Safety Act, the Department of Transportation has the power to cut off 10 percent of highway construction funds to any State which does not have an acceptable highway safety program designed to save lives. The Department has achieved very little progress in getting States to regulate ambulance services although it has the authority to disapprove a highway safety program its finds unsatisfactory. Ambulance programs are recognized by law as a required ingredient in a State's highway safety program, but the officials of the Department of Transportation who deal daily with ambulance programs confess quite openly that they are discouraged by the lack of State action in this vitally important field.

Although the Transportation Department has drawn up detailed recommendations for the operation of ambulance services, and although it has done much to show State officials just how an ideal ambulance service should operate, I doubt seriously that the "concrete and wheels" philosophy inherent in the Department itself has much business handling ambulance care which is essentially a health problem.

That is the trend in the progress of ambulance care. We are moving away from the transportation approach which gave us the underequipped ambulance hearse, and we are moving toward a health care approach which will give us a mobile hospital emergency room that will bring advanced lifesaving devices and qualified paramedics to the rescue of the sick and injured.

Unfortunately, the health aspect has been largely ignored by the Federal Government. The Department of Health, Education, and Welfare has not provided the kind of leadership necessary to emphasize this. The Division of Emergency Health Services represents the Department's sole concern with ambulance care, and the Division itself is an ignored and powerless guardian of unfunded programs.

Although the Division recommends certain high standards for ambulance services, such recommendations have been ignored by the higher officials of the Department. As an example, the Social Security Administration in its handling of medicare reimbursement programs does not follow the guidelines on ambulance care established by its sister organization within the Department of Health, Education, and Welfare—the Division of Emergency Health Services.

Furthermore, the 1973 budget contains an increase of only a $1,000 from $4,267,000 to $4,268,000 for the entire operation of the Division. Now this is surprising for it comes at a time when the President himself has called upon the Department of Health, Education, and Welfare to play a greater role in ambulance care. This oversight—if it is one—should be corrected.

The discrepancies between ambulance program handled by the Division of Emergency Health Services and the Social Security Administration is an example of the lack of coordination between Federal offices in this field. This is exaggerated even further in the rivalry between the Transportation Department and the Division of Emergency Health Services. Needless to point out, the Transportation Department now has the upper hand.

But there must be coordination. That is why the Nation needs an Emergency Medical Services Administration to set guidelines and standards for eligibility in the participation in all Federal programs dealing with ambulance care. I think this new administration should have an underlying philosophy and orientation toward health care.

Furthermore, although I have concerned myself only with ambulance care, I must emphasize that emergency health care itself is not confined to that field alone; it encompasses disaster work and primarily hospital emergency departments. The new administration I am proposing should encompass these fields as well, and that is another reason why I think the administration must be established within the Department of Health, Education, and Welfare. But the Department must give more than just lipservice to such programs. It must do more than it has in the past and in this respect I am in complete agreement with the President.

My colleague, the Honorable Howard Robison, presents an article by Dr. Gerald L. Looney, director of the emergency service section of the University of Arizona Medical Center. That article, I believe, will give a brief explanation of the problems in ambulance care and the direction the Nation should be following to improve the delivery of emergency health care.

I would like now to submit the full text of the Emergency Medical Services Act:

### H.R. —

A bill to establish an Emergency Medical Services Administration within the Department of Health, Education, and Welfare to assist communities in providing professional emergency medical care

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Emergency Medical Services Act".

### FINDINGS; DECLARATION OF POLICY AND PURPOSE

Sec. 2. (a) The Congress finds that countless lives have been and are being lost through the lack of prompt and professional ambulance care, and that many of these lives could be saved if such care were more readily available.

(b) It is the policy of the Congress and the purpose of this Act to prevent this needless loss of life by upgrading the quality of ambulance care in the United States through the establishment of a Federal entity having the power to set standards for ambulance vehicles, equipment, and personnel training and the authority to provide financial assistance to qualified ambulance services operated by or under the supervision and auspices of local political subdivisions or combinations thereof.

### ESTABLISHMENT OF EMERGENCY MEDICAL SERVICES ADMINISTRATION

Sec. 3. There is established within the Department of Health, Education, and Welfare an Emergency Medical Services Administration (hereinafter referred to as the "Administration"). The Administration shall be headed by a Director (hereinafter referred to as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate.

### DIRECTOR OF THE ADMINISTRATION; TECHNICAL AND PROFESSIONAL PERSONNEL

Sec. 4. (a) The Director, under the general direction and supervision of the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary"), shall carry out the functions and responsibilities vested in or transferred to him or the Administration by or under this Act, and shall perform such related duties as may be prescribed by the Secretary to carry out the purpose of this Act.

(b) The Director shall serve at the pleasure of the President and shall receive basic pay at the rate prescribed for level 18 of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code.

(c) With the approval of the Secretary, the Director shall appoint such technical and professional personnel as he deems necessary, in addition to the regular personnel of the Department under his jurisdiction and control, to carry out the functions of the Administration, and shall fix the pay of the personnel so appointed, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

### ESTABLISHMENT OF STANDARDS FOR OPERATION OF AMBULANCE AND RELATED SERVICES

Sec. 5. The Director shall establish, keep current, and from time to time publish standards to govern the operation of ambulance and other emergency medical services. Such standards, which shall be designed to ensure that such services are professionally provided and effectively available on the widest possible basis, shall include (without being limited to) standards and minimum requirements for—

(1) the licensing of ambulance services based (in the case of any entity providing such services) upon periodic inspection of its vehicles and equipment, and periodic review of the training level of its personnel and the adequacy of its dispatching and communications system;

(2) the licensing of ambulance drivers, and of ambulance attendants (taking into account the extent to which they meet the standards established by the Director with respect to level of medical training);

(3) the type and amount of equipment to be carried aboard ambulance vehicles;

(4) adequate liability insurance to cover ambulance operations;

(5) the performance of advisory and monitoring functions by physicians in connection with ambulance operations;

(6) the filing of reports on all calls to which response is made in the provision of ambulance services; and

(7) the revocation of licenses, or the imposition of other penalties, for violation of any of the standards established under this section.

### FINANCIAL ASSISTANCE FOR OPERATION OF LOCAL AMBULANCE SERVICES

Sec. 6. (a) In order to make funds available to local communities and regional combinations thereof to assist them in the development and operation of ambulance services meeting the standards perscribed under section 5, the Director is **authorized** to allot funds to qualified States for distribution among their political subdivisions as provided in this section.

(b)(1) The Director shall allocate and pay to each State which qualifies for assistance under this section with respect to any fiscal year, from the funds appropriated pursuant to section 11(a) for such year, an amount (based on the population of the State and other conditions, such as population density and the availability of physicians and hospital facilities, demonstrating or bearing upon the adequacy of ambulance services in the State) which reflects the needs of such State and its political subdivisions for improved ambulance services relative to the corresponding needs in other qualified States.

(2) A State is qualified for assistance under this section with respect to any fiscal year if (and only if) it has in effect throughout such year a fully implemented comprehensive ambulance program, submitted by the Governor of the State and approved by the Director, which provides for financial assistance to political subdivisions of the State or regional combinations thereof for the development and operation of ambulance services, and for the licensing of such services, based on vehicle design standards, personnel training standards, equipment standards, and other standards designed and established to improve the quality of ambulance care.

(c) Subject to subsection (d), funds made available to a qualified State with respect to any fiscal year under subsection (b) shall be disbursed by the appropriate agency of such State, in accordance with the State's comprehensive ambulance program and on such additional terms and conditions (consistent with such program) as such agency deems appropriate, to political subdivisions of the State or regional combinations thereof for the development and operation of improved ambulance services by or under the supervision and auspices of such subdivisions or combinations.

(d)(1) No funds shall be disbursed by a State to any political subdivision or regional combination of subdivisions under subsection (c) unless and until the Director has specifically approved such disbursement as suitably contributing to the achievement of the purpose of this Act on the basis of (A) reports submitted by such subdivision or combination along with its application for funds, and (B) any on-site inspections, review, and other information and data which the Director may deem necessary.

(2) The amount of the funds disbursed by a State to any political subdivision or regional combination of subdivisions under subsection (a) with respect to any fiscal year for the development and operation of ambulance services shall not exceed one-third of the costs incurred or to be incurred by such subdivision or combination during such year for the development and operation of such services.

(e) Under regulations prescribed by the Director, any funds which have been disbursed by a State to a political subdivision or combination of subdivisions with respect to any fiscal year for the development and operation of ambulance services, and which remain unexpended and unobligated, may be withdrawn from such subdivision or combination (and redistributed to other political subdivisions or regional combinations of subdivisions in that State, or to other qualified States) if the Director deems the withdrawal of such funds warranted on the basis of subsequent inspections made or information received.

### FINANCIAL ASSISTANCE FOR INITIAL PURCHASE OF AMBULANCE EQUIPMENT

Sec. 7. In addition to providing financial assistance for the development and operation of improved ambulance services under section 6, the Director is authorized to assist in the establishment of new ambulance services in any political subdivision or regional combination of political subdivisions in a qualified State by making grants to such subdivision or combination of subdivisions for the initial purchase of ambulance vehicles, equipment, and communication systems to be used in the provision of ambulance services by or under the supervision and auspices of such subdivision or combination. A grant under this section shall be in an amount not exceeding 50 per centum of the cost of purchasing the ambulance vehicles, equipment, and communication systems involved, and shall be made only to a political subdivision or combination of political subdivisions which demonstrates to the satisfaction of the Director that, with the acquisition of such vehicles, equipment, and systems, it will rapidly be able to provide ambulance services fully complying with the standards established by the Director under section 5.

### TRANSFER OF CERTAIN HIGHWAY SAFETY FUNCTIONS TO DIRECTOR

Sec. 8. (a) All functions, power, and duties of the Secretary of Transportation and the National Highway Safety Bureau relating to emergency medical services (Standard No. 11) which are being exercised under, in connection with, or as a part of the Uniform Standards for State Highway Safety Programs are transferred to and vested in the Secretary of Health, Education, and Welfare, to be exercised and carried out by him through the Director and the facilities and other personnel of the Administration.

(b) So much of the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of authorizations, allocations, and other funds of the Secretary of Transportation and the National Highway Safety Bureau as were employed, held, used, or available for use exclusively or primarily in connection with the functions, powers, and duties transferred by subsection (a) shall be transferred to the Secretary of Health, Education, and Welfare along with such functions, powers, and duties.

(c) The transfers under subsections (a) and (b) shall be made in accordance with such regulations as the Director of the Office of Management and Budget may prescribe to carry out this section.

(d) With respect to any functions, power, or duty transferred by subsection (a) and exercised after the date of the enactment of this Act, any reference in any law, document, or record to the Secretary of Transportation or the National Highway Safety Bureau shall be deemed to be a reference to the Director of the Emergency Medical Services Administration.

### APPLICATION OF STANDARDS TO FEDERAL PROGRAMS

Sec. 9. (a) The standards established by the Director under section 5 shall apply to and govern the operation of all ambulance and other emergency medical services which are provided or assisted in any way under Federal law or under programs established, carried on, or supported under Federal law.

(b) No loan, grant, or other assistance in any form shall be provided under any Federal law, directly or indirectly, to any public or private agency, organization, or other entity engaged in furnishing ambulance services, or to any State or local governmental agency exercising jurisdiction, control, or regulatory authority over any such entity, unless such services meet the applicable standards established by the Director under section 5.

(c) The Director shall consult with and provide technical and other advice and services to the heads of the various Federal departments and agencies having jurisdiction over programs or activities involving the provision of ambulance or other emergency medical services or the provision of assistance in any form, directly or indirectly, to entities furnishing such services, in order to ensure that the requirements of this section will be met and that all such programs and activities of the Federal Government will be effectively coordinated with a view to the widest possible achievement of the purpose of this Act.

### GENERAL PROVISIONS

Sec. 10. (a) In administering the provisions of this Act, the Director is authorized to utilize the services and facilities of any other agencies of the United States and of any non-Federal public or nonprofit private agencies or institutions, in accordance with agreements entered into between the Director and the heads of such agencies or institutions, on a reimbursable basis or otherwise.

(b) The Director is authorized to conduct or contract with others to conduct studies and research projects on the problems and conditions of emergency medical care and on methods of upgrading emergency medical services. Any such studies or projects shall particularly be directed toward the utilization of technological advances in the improvement of ambulance care.

(c) The Director, with the approval of the Secretary, shall prescribe such regulations as may be necessary or appropriate to carry out this Act.

(d) The Director shall annually submit to the President and the Congress a full and complete report on activities under this Act, including such recommendations as he may consider necessary or desirable for legislative or administrative action to improve and make more effective the program under this Act.

### AUTHORIZATION OF APPROPRIATIONS

Sec. 11. (a) For assistance under sections 6 and 7, there is authorized to be appropriated the sum of $100,000,000 for the fiscal year ending June 30, 1973, the sum of $125,000,000 for the fiscal year ending June 30, 1974, and the sum of $150,000,000 for the fiscal year ending June 3, 1975.

(b) For other expenses incurred by the Director and the Administration in carrying out this Act, there is authorized to be appropriated the sum of $50,000,000 for the fiscal year ending June 30, 1973, the sum of $60,000,000 foor the fiscal year ending June 30, 1974, and the sum of $70,000,000 for the fiscal year ending June 30, 1975.

(c) Any amounts appropriated pursuant to this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1975.

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## ECONOMISTS ENDORSE "JOBS NOW" PROGRAM TO PROVIDE 500,000 PUBLIC SERVICE JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, on December 2, 1971, I introduced legislation, H.R. 12011, that would create 500,000 federally-financed public service jobs by amending and expanding the Emergency Employment Act of 1971—to Congressional Record, p. 44358. This legislation is cosponsored by 60 Democratic Congressmen, and is being introduced in the Senate today by Senator Walter Mondale and 20 other Democratic Senators. The 60 House cosponsors are:

### List of Cosponsors

James Abourezk (S. Dak.), Brock Adams (Wash.), Les Aspin (Wis.), Herman Badillo (N.Y.), Nick Begich (Alaska), Jonathan B. Bingham (N.Y.), Frank J. Brasco (N.Y.), Phillip Burton (Calif.), Hugh L. Carey (N.Y), Charles J. Carney (Ohio).

Frank M. Clark (Pa.), George W. Collins (Ill.), William R. Cotter (Conn.), George E. Danielson (Calif.), Ronald V. Dellums (Calif.), Robert F. Drinan (Mass.), Thaddeus J. Dulski (N.Y.), Don Edwards (Calif.), Joshua Eilberg (Pa.), Walter E. Fauntroy (D.C.).

William D. Ford (Mich.), Donald M. Fraser (Minn.), Sam Gibbons (Fla.), Ella T. Grasso (Conn.), William J. Green (Pa.), Richard T. Hanna (Calif.), Michael Harrington (Mass.), William D. Hathaway (Maine), Ken Hechler (W. Va.), Henry Helstoski (N.J.).

Joseph E. Karth (Minn.), Peter N. Kyros (Maine), Robert L. Leggett (Calif.), Romano L. Mazzoli (Ky.), Lloyd Meeds (Wash.), Ralph H. Metcalfe (Ill.), Abner J. Mikva (Ill.), Parren J. Mitchell (Md.), Morgan F. Murphy (Ill.), David R. Obey (Wis.).

Edward J. Patten (N.J.), Claude Pepper (Fla.), Bertram L. Podell (N.Y.), Melvin Price (Ill.), Charles B. Rangel (N.Y.), Peter W. Rodino, Jr. (N.J.), Robert A. Roe (N.J.), Benjamin S. Rosenthal (N.Y.), Edward R. Roybal (Calif.), William F. Ryan (N.Y.).

Fernand J. St Germain (R.I.), Paul S. Sarbanes (Md.), John F. Seiberling (Ohio), B. F. Sisk (Calif.), Louis Stokes (Ohio), Frank Thompson, Jr. (N.J.), Robert O. Tiernan (R.I.), Charles A. Vanik (Ohio), Jerome R. Waldie (Calif.), Lester L. Wolff (N.Y.).

On December 6, I wrote to a number of eminent economists seeking their views on the economic merits of this "Jobs Now" program, and asking their suggestions for possible changes and improvements in the bill.

The response thus far has been encouraging.

From Professor James Tobin of Yale University, a member of the President's Council of Economic Advisers during the Kennedy administration:

I am very much in favor of your proposal for 500,000 federally financed public service jobs.

From Professor R. A. Gordon of the University of California at Berkeley:

I fully support your amendments to the Emergency Employment Act of 1971.

From Dr. Sar A. Levitan, director of the Center for Manpower Policy Studies at George Washington University:

I believe that the proposed amendments of the Emergency Employment Act are grounded in impeccable logic and sound economics.

From Professor Robert M. Solow of MIT:

I am glad to endorse H.R. 12011 as an effective means to create badly needed jobs.

From Robert R. Nathan:

I believe that such a program is highly desirable and fully merited on a number of grounds.

From Garth L. Mangum of the Center for Manpower Policy Studies at George Washington:

I would be happy to endorse an expansion of the public service employment provided under the Emergency Employment Act of 1971.

From V. Lewis Bassie, director of the Bureau of Economic and Business Research at the University of Illinois:

I believe this proposal has a great deal of merit and favor it.

From Prof. Lester Thurow of MIT:

I think that the idea of a public service jobs program is a good idea that can be used as an anti-recessionary weapon.

From Prof. Otto Eckstein of Harvard, a member of the Council of Economic Advisers during the Johnson administration:

Under the present circumstances, it is only common sense to try to put together a program which would use federal money to hire some of the unemployed to help the quality and quantity of public services provided by the states and localities.

From Prof. Robert Eisner of Northwestern University:

I can report general sympathy with the proposal to create additional federally financed public service jobs.

From Prof. Gardner Ackley of the University of Michigan, Chairman of the Council of Economic Advisers in the Johnson Administration:

I . . . favor measures which will quickly and directly increase employment, and yours is such a proposal.

### PRESENT POLICIES UNLIKELY TO REDUCE UNEMPLOYMENT

Most of these economists made the point that present policies and programs, including the current token 130,000 job, public service jobs program, will not be enough to reduce unemployment significantly.

Professor Tobin:

In my opinion unemployment is the most serious economic problem now facing the country, and even the most optimistic forecasts for 1972 do not contemplate substantial improvement in the rate of unemployment.

Professor Gordon:

Given the Administration's present game plan, few economists expect unemployment to be as low as 5 percent by the end of 1972. The consensus among 76 forecasts by business, government, labor, and academic economists puts the unemployment rate at 5.3 per cent in the fourth quarter of 1972, and the average rate for the entire year 5.5 per cent.

Professor Eckstein:

It is already evident that a major unemployment problem will still exist a year from now, and our projections indicate that even in 1973 there will be too much unemployment.

Professor Ackley:

My own present forecast is that the rate of unemployment, based on present and expected Federal policies, is unlikely to fall much below 5½ percent by the end of 1972. I regard this prospect as unacceptable and, indeed, socially dangerous.

Professor Solow:

I fully agree that the Administration's economic program to date is insufficiently expansionary, and will leave us with a hangover of excessive unemployment at least into 1973. The Emergency Employment Act of 1971 is obviously utterly inadequate to the problem.

Professor Eisner:

I consider the current rate of unemployment, still as high as 6% by last reports, a major failure of our economic policy. It is indeed a much more important failure than the rate of inflation which has apparently been the major concern of the Nixon Administration. Unemployment means a real loss in current output and untold further losses in destroyed human capital.

The Administration's presumed efforts to meet the problem of unemployment have consisted overwhelmingly of long run tilting of the tax program in favor of business and hence the generally wealthy owners of business. The equipment tax credit is quite misnamed as a job development credit, will do little to relieve short run problems of unemployment and in the long run may even be counterproductive. Similarly, the asset depreciation range revisions of our tax laws will mean billions of dollars of lower business taxes and hence higher earnings and capital gains to stockholders but relatively little for capital expansion and even less for employment.

Professor Bassie:

There is an immediate need for reducing unemployment and nothing in the present situation indicates that this need will be taken care of automatically by other programs. An unemployment rate of six percent is far too high, and I think that attempts to justify it on the basis that the teenagers, women, and other unemployed workers are not qualified for available employment are shocking rationalizations.

Unemployment is not likely to decrease as a result of general economic developments in 1972. Business prospects are not favorable. On the contrary, we shall probably experience the same sickly economic performance this year as last.

Mr. Nathan:

It seems to me quite clear that the weakest part of the President's program of August 15th, 1971 related to the recovery of the economy . . . Therefore, I believe it is important to stimulate the economy much further than is called for under the President's program.

### "JOBS NOW" PROGRAM IS BEST WAY TO CREATE JOBS WITHOUT INFLATION

The administration's hope that unemployment can be reduced by simply running enormous budget deficits reflects a kind of vulgarized Keynesianism. It is not the size alone of the budget deficit that is crucial; it is necessary to pay attention also to the kind of tax and expenditure policies which produce the deficit. To take an extreme example, it would without doubt create a very large budget deficit if all those earning over $100,000 a year were excused from paying Federal taxes and supplied with free yachts by the government. This might create a few jobs for yacht builders and deck boys, but the overall impact on the unemployment rate would be scarcely measurable. Job-creating efforts must be direct to be effective. Trickle-down methods may be congenial to the tricklers, but they are not much help to the tricklees.

The economists who commented on the "Jobs Now" program frequently made this point, emphasizing that an expanded public service jobs program was the kind of direct, rifle-shot method that was needed to reduce unemployment quickly and without inflationary side effects.

Professor Bassie put it this way:

Direct employment of workers as in your proposal is the most effiecient method of dealing with the unemployment problem. For any given number of new jobs, trickle-down procedures are more costly—whether by tax relief, subsidies, or expenditures on sophisticated programs such as military-space hard ware. With the federal deficit running at a rate of over $30 billion, efficiency in job creation becomes increasingly important. The use of inefficient methods of stimulating employment will result in increasingly greater deficits. This is undesirable because building up the deficit too much will merely replace one kind of instability with another.

Professor Gordon went into greater detail:

Federal financing of local public service jobs works rapidly to increase employment. Most of these job slots have already been designed by local governments but have been left unfilled due to lack of revenue. As soon as Federal funds are allocated, local governments can immediately begin to hire individuals for these positions. This direct and immediate hiring contrasts with the employment effects generated either by Federal purchases of goods and services or by increased private expenditures resulting from a tax cut. Private employers do not necessarily and immediately respond to increased spending by increasing employment. To some extent, they can reduce inventories, increase hours for the existing work force, and even raise prices to some extent. Only gradually, as employers are convinced that the increase in spending is permanent and as they come more effectively to utilize those already employed, will they hire new workers. And the delays in hiring will be significant as the increase in demand works its way backward from retailers and manufacturers of finished goods to the suppliers of parts and raw materials. In contrast, for the same amount of government expenditure, public service employment would put a larger number of people to work considerably more promptly.

Public service vacancies bid directly for the unemployed, for labor which by definition is in surplus. A general increase in spending, in contrast, bids across the board for all kinds of labor and also for capital. Skilled labor is likely to become scarce while unskilled labor is still in surplus. The increase in demand needed to absorb the unskilled presses on capacity, tends to raise prices and creates new bottlenecks. The creation of low-skilled public service jobs is an alternative to this inflationary expansion of general demand. It selectively bids for the labor still in surplus, without overbidding for skilled labor. Thus, it is the best way to achieve low levels of unemployment with minimum inflation.

Professor Tobin agreed:

Your proposal has the special merit that these jobs can be targeted for those unemployed who are least likely to be put to work by general economic recovery. Experience shows that the unemployment of these disadvantaged workers does very little to retard wage inflation, and by the same token the creation of jobs to employ them will not significantly increase wage-inflationary pressures.

The full text of all the letters I have received thus far follows:

CENTER FOR MANPOWER POLICY STUDIES,
*Washington, D.C., December 10, 1971.*
Hon. HENRY S. REUSS,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN REUSS: In response to your letter of December 6, I would be happy to endorse an expansion of the public service employment provided under the Emergency Employment Act of 1971.

The present program has proven the need and the potential. Naturally there have been a few areas lagging in the filling of their "slots" and there have been a few abuses. But these are minor in the whole. Most jurisdictions has grasped the opportunity to provide jobs for their unemployed while simultaneously meeting critical need for public services. In the areas where I have had the opportunity to observe, I have been impressed with the quality and usefulness of the jobs provided.

No one knows at this point how many people can be usefully absorbed in this fashion but it is apparent that it is far more than at present authorized. As you have wisely observed, when over five million people need jobs and more than that need better jobs while all 200 million of us need more and improved public services, it is only logical to marry those needs.

In an economic, if not budgetary sense, it is costless to employ the unemployed.

Sincerely,
GARTH L. MANGUM.

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MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
*Cambridge, Mass., December 10, 1971.*
Congressman HENRY S. REUSS,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN REUSS: This letter is in response to your request for comments on HR 12011.

I think that the idea of a public service jobs program is a good idea that can be used as an anti-recessionary weapon, but a device that should not be thought of primarily as a countercyclical weapon. To limit it to countercyclical periods would be to destroy its usefulness.

First, the goods and services that are to be provided are needed in full employment periods as well as periods of unemployment.

Second, bureautically, it is very difficult to make programs rise and fall with the business cycle.

Third, there are a large number of people who want to work, but need semi-sheltered employment in that they cannot earn above poverty lines incomes in the private economy even in periods of full employment. In a work-ethic economy, governments should seek to fulfill these desires to work.

Fourth, to provide motivation for learning new skills and for doing a good job, it is necessary to convince the workers that they are doing something important with a future. If the program is to be abandoned whenever unemployment hits 4.0 percent, they will all know that they are not doing anything worth doing. Like some of our current programs, it will become a defacto income transfer program and nothing more.

As a consequence, I do not like the provision calling for the elimination of the program when unemployment hits 4.0 percent. Such a provision is also partly unnecessary since the number of people wanting such jobs will drop as private job opportunities expand as the economy reaches and exceeds 4.0 percent unemployment.

Sincerely yours,
LESTER C. THUROW,
*Professor of Economics and Management.*

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HARVARD UNIVERSITY,
DEPARTMENT OF ECONOMICS,
*Cambridge, Mass., December 16, 1971.*
Congressman HENRY S. REUSS,
*House of Representatives, Rayburn House Office Building, Washington, D.C.*

DEAR HENRY: Thank you for sending me the material on the legislation to create 500,000 federally financed public service jobs. It is already evident that a major unemployment problem will still exist a year from now, and our projections indicate that even in 1973 there will be too much unemployment. At the same time, the ability of state and local governments to provide public services has been severely affected by the recession and the slow recovery. Revenues have fallen far short of normal growth, education budgets have been cut, and the average effective tax rates on the property base and other traditional revenue sources have gone up.

Under these circumstances, it is only common sense to try to put together a program which would use federal money to hire some of the unemployed to help the quality and quantity of public services provided by the states and localities. Such a program solves two problems with one stroke.

There still are some unsolved problems in the design of an effective program. The initial program under the Emergency Employment Act of 1971 spreads the money thinly over a large fraction of all localities, so that the administrative burden in terms of grant applications, community coordination for joint applications, screening of numerous job applicants and selection of positions to be filled has become totally out of line with the magnitudes of the grants actually being made. This at least has been the experience that I could observe in my own home area. A larger program, administered with objectives more clearly defined, is likely to show better results.

With best wishes,
Sincerely yours,
OTTO ECKSTEIN.

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ROBERT R. NATHAN ASSOCIATES, INC.,
*Washington, D.C., December 22, 1971.*
Hon. HENRY S. REUSS,
*House of Representatives,*
*Washington, D.C.*

DEAR HENRY: I have your letter of December 6th concerning the legislation you have introduced to create a half million Federally financed public service jobs. I believe that such a program is highly desirable and fully merited on a number of grounds.

First of all, it seems to me quite clear that the weakest part of the President's program of August 15th, 1971 related to the recovery of the economy. There can be a great deal of controversy about the techniques under which stabilization was to be pursued and is being pursued and also concerning the techniques in the international exchange and trade field but these can be corrected. However, I think that there was a negative element in the expansion program and, even though it did appear that for a time Congress might rescue the program by changing the emphasis in the President's proposals, this does not now seem likely to take place. Therefore, I believe it is important to stimulate the economy much further than is called for under the President's program.

What is particularly distressing is the emphasis in the President's program of private spending over public spending. Every time we need a stimulus in the economy there is too much emphasis on tax reduction and not enough on spending for truly essential public needs. It wouldn't be so bad to provide the tax relief for the very low or lower middle income levels but we are giving huge tax benefits to the higher income groups as well as to corporations and this is going to impair public revenue resources for a long time to come and make it difficult to undertake the essential public facility and public service program so desperately needed.

I agree that there are many, many public services that are being neglected and that a half a million jobs could do a great deal to improve our environment and to provide much greater satisfaction and to fulfill many of our unsatisfied public wants. It certainly is a direct and desirable way to reduce unemployment and it will serve the country's needs more fully than practically any other method.

I would add another point concerning the relationship between economic expansion and stabilization. We do have tremendous underutilization of capacity and I am convinced that the rapid recovery will bring with it a very rapid and sustained rise in the rate of output per man hour. This sharp increase in productivity should make it possible for us to slow the pace of price increase quite materially and help overcome inflation. There isn't much prospect for excess aggregate demand for the next year or probably two years and therefore quick expansion will stimulate productivity and the price stability.

You have emphasized the important element of equity and this certainly is deserving of serious consideration. Tax reductions seep through to the unemployed in a slow and highly uncertain and often purely spurious manner. On the other hand, providing public jobs means direct assistance to those who are unemployed and in need of an income. It's an equitable way to afford opportunities for the less fortunate to participate in the production of our economy and also it will provide the kinds of goods and services needed by so many people as distinct from helping those at the top and hoping that benefits will trickle down.

There is perhaps only one thought I might suggest and that would be for pushing the program up as rapidly as possible in the earlier part of the two years for which provision is made. I think we need more jobs in '72. The year '73 is still somewhat uncertain and, while I do believe that continued public service employment will be needed, it may well be that if this kind of a program and others like it are introduced early in 1972, there may be some vigorous overall expansion which might necessitate a leveling off or a decline in such program in '73. Therefore, the levels for 1973 should be subject to some flexibility as the measures of economic activity are made available.

I think on the whole you are proposing something exceedingly worthwhile and I hope it gets positive and widespread support.

Best wishes.

Sincerely,

Robert R. Nathan.

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Massachusetts Institute of Technology, Department of Economics,
*Cambridge, Mass., December 23, 1971.*

Representative Henry S. Reuss,
*Rayburn House Office Building,*
*Washington, D.C.*

Dear Mr. Reuss: Thank you for sending me material on H.R. 12011. I fully agree that the Administration's economic program to date is insufficiently expansionary, and will leave us with a hangover of excessive unemployment at least into 1973. The Emergency Employment Act of 1971 is obviously utterly inadequate to the problem. I am glad to endorse H.R. 12011 as an effective means to create badly needed jobs—badly needed in two senses.

I'm not in any position right how to produce a careful analysis. Two thoughts occur to me, however. The first is that the President is unlikely to let January go by without some expansionary moves in the Budget. He can hardly want to face the November election with unemployment still at some 5½% of the labor force. Budget moves made in January, however, are unlikely to have much effect on the economy by Fall. Your legislation has the merit that if the administrative details are already working smoothly, if states and localities already have a list of jobs they would like to fill under the law, then a job is created as soon as a man or woman is hired. If the President implicitly or explicitly acknowledges the need for stimulation in January, you could perhaps press this legislation as one of the few devices that can have a quick effect. (Will this appeal to the President? I doubt it.)

The second point I would like to make has to do with the wage to be paid people hired under the legislation. I don't remember what the Act itself specifies. Discussion of employment guarantees usually talks about paying the statutory minimum wage. This has the advantage that it interferes very little with private employment. One must remember that an effective guarantee of employment at a specified wage means that no lower wage can be paid by anyone who hopes to find workers. The disadvantage of paying the minimum wage is that some of the jobs available would "naturally" pay more. Perhaps some method of job classification could be found for setting wages. I merely suggest this problem needs study.

With best wishes for the legislation,

Sincerely yours,

Robert M. Solow.

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The University of Michigan,
Department of Economics,
*Ann Arbor, Mich., January 3, 1972.*

Hon. Henry S. Reuss,
*House of Representatives,*
*Washington, D.C.*

Dear Mr. Reuss: I am happy to reply to your letter of December 6, asking my views on the merits of your bill, H.R. 12011, amending the Emergency Employment Act of 1971.

My position on this proposal can be summarized as follows:

1. My own present forecast is that the rate of unemployment, based on present and expected Federal policies, is unlikely to fall much below 5½% by the end of 1972. I regard this prospect as unacceptable and,

2. I therefore favor measuers which will quickly and directly increase employment, and yours is such a proposal. The Emergency Employment Program has the great merit that its effects automatically terminate once an adequate number of jobs becomes available from other sources. I believe, however, that your proposal to reduce from 4½ to 4% the unemployment level which will terminate the program is mistaken, and I would oppose this part of your bill.

3. I have two reservations. It is conceivable—although I do not expect it—that the Administration's Budget for 1972–73 might involve so large a proposed increase in expenditures or reduction in taxes as to change materially the outlook for economic expansion and employment growth. In that event, your proposal might appear unnecessary or even unwise. My only other reservation relates to the ability of State and local governments to make good use of the expanded funds provided. It is my impression that some localities have apparently still not used the funds made available under the Act. However, I am not in a position to evaluate the significance of this failure on a national basis.

With warm regards and best wishes.

Sincerely,

Gardner Ackley,
*Henry Carter Adams University Professor of Political Economy.*

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Center for Manpower Policy Studies,
*Washington, D.C., January 5, 1972.*

Hon. Henry S. Reuss,
*Rayburn House Office Building,*
*Washington, D.C.*

Dear Congressman Reuss: In response to your recent request inviting comments on H.R. 12011, I believe that the proposed amendments of the Emergency Employment Act are grounded in impeccable logic and sound economics. Based on the persuasive assumption that the best way to combat unemployment is to create jobs, the bill proposes a direct attack on the problems of unemployment.

The Emergency Employment Act has amply demonstrated the flaws of the conventional wisdom about the snail's pace of governmental activity. Government can act not only as fact but more massively than can private decisionmakers. Within four months after Congress appropriated funds for the Emergency Employment Act, state and local governments hired some 79,000 persons, most of whom would have been unemployed in the absence of the legislation; and many more could have been hired if funds were available. Obviously, much unemployment would have been avoided during 1971 if President Nixon had not vetoed the Employment and Manpower Act of 1970.

By providing a trigger mechanism which would automatically release federal funds when unemployment rises above 4 percent, H.R. 12011 avoids future debate about the need to create public employment and saves future administrations from the embarrassment of admitting that the economy is not functioning as well as it might.

Although H.R. 12011 has much to contribute, it suffers from a familiar ailment of promising more than it can deliver. Although H.R. 12011 may be an effective weapon to fight unemployment, the bill as it now stands lacks the flexibility necessary in a countercyclical tool. Section 5 of the Emergency Employment Act would trigger $3 billion of public employment expenditures as long as unemployment remains above 4 percent, but would become completely inoperative when unemployment falls below that level. The annual outlays for public employment would remain unchanged if unemployment remains at 4.1 percent or rises to 5 or 6 percent. The formula should be revised to avoid the notch problem of an abrupt cutoff of federal aid when unemployment drops below 4 percent and also the danger that the emergency employment subsidies might become a source of inflation.

There is a very definite limit to the number of useful jobs that can be created on short notice, and the number of jobs generated by the federal government should vary with the extent of unemployment. The trigger mechanism proposed in Section 5(b) could be perfected by adjusting the amount of funds released according to the level of "excessive" unemployment. The amended Act might provide that enough funds be triggered to absorb a given percentage of the total job deficiency. In round figures, the "interim goal" of 4 percent unemployment connotes 3.2 million persons unemployed. Thus, at the current (December 1971) level of unemployment, there is a 1.6 million job deficit. At $8,000 annually per job, as suggested in the illustrative material explaining H.R. 12011, the cost of absorbing the total excess unemployment would be $12.8 billion. For the federal government to generate enough employment to absorb one-fourth of this excess unemployment, the annual price tag would be $3.2 billion.

There should be little concern that the need for the additional funds would suddenly disappear because experience has shown that unemployment is slow to drop during a period of recovery. The federal funds could not only help unemployed workers but also provide needed public services.

Provision should be made, however, to adjust gradually to the reduction in unemployment. Consequently, if unemployment drops by the end of 1972 to 5 percent, for example, then the excess forced idleness would amount to 800,000; if the federal government should provide for only one-quarter of all the unemployed, the annual federal outlays for 1973 would be reduced to $1.6 billion ($8,000 per job for 200,000 unemployed).

Many unemployed will remain stranded in depressed areas—either complete labor markets for central cities—when unemployment drops below 4 percent. These unemployed will be provided for under Section 6. Here again the flat $1 billion appropriation might be adjusted in accordance with the formula proposed for Section 5.

The desirability of making every community with a thousand unemployed persons eligible to apply directly for emergency employment funds is also open to question. Although this provision is not much different from the current measure which allows communities with a population of 75,000 to apply directly for aid, it seems to complicate unnecessarily the administration of the program. Under the amended provision, a community with a population of 60,000 would yield, on the average, a labor force of 24,000 and, at 4.2 percent unemployment rate, would qualify for direct assistance. But if unemployment drops to 4.1 percent, the community would no longer be eligible for direct assistance. Obviously, if the unemployment rate is higher, even smaller communities would be eligible for assistance. Changing economic conditions would therefore make some communities ineligible for direct assistance as their economic conditions improve. Such potential volatility would be a further obstacle to orderly administration of the Emergency Employment Act. The surer responsiveness to local needs promised by greater decentralization must be balanced against the administrative benefits of more centralization. Direct pass-through to communities of 75,000 population already yields some 700 direct prime sponsors. The goal should be to reduce paper shuffling and red tape rather than to compound the difficulties of the federal administrators in helping the unemployed.

The need for job creation when unemployment rises above an acceptable level is persuasive. Such a bill might have avoided billions of dollars of deficit financing which spurred inflation and the current regrettable controls. With the wisdom of hindsight, we can assert that if H.R. 12011 had been in effect two years ago when the recession began it would have been sound economic policy.

Sincerely,

SAR A. LEVITAN.

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NORTHWESTERN UNIVERSITY,
DEPARTMENT OF ECONOMICS,
*Evanston, Ill., January 7, 1972.*

Hon. HENRY S. REUSS,
*Congress of the United States,*
*House of Representatives,*
*Washington, D.C.*

DEAR HENRY: While I am not able to respond in detail, I can report general sympathy with the proposal to create additional federally financed public service jobs.

I consider the current rate of unemployment, still as high as 6% by last reports, a major failure of our economic policy. It is indeed a much more important failure than the rate of inflation which has apparently been the major concern of the Nixon Administration. Unemployment means a real loss in current output and untold further losses in destroyed human capital.

The Administration's presumed efforts to meet the problem of unemployment have consisted overwhelmingly of a long run tilting of the tax program in favor of business and hence the generally wealthy owners of business. The equipment tax credit is quite misnamed as a job development credit, will do little to relieve short run problems of unemployment and in the long run may even be counterproductive. Similarly, the asset depreciation range revisions of our tax laws will mean billions of dollars of lower business taxes and hence higher earnings and capital gains to stockholders but relatively little for capital expansion and even less for employment.

While fiscal and monetary policy should be directed to maintaining full employment by a variety of means, including adequate stimulus to private demand for goods and services, I have long felt that government has a particular obligation to provide employment as well as an obligation to provide the public goods, which we cannot expect from the private sector of the economy. We have finally apparently broken the ties of the dollar to gold and in a sense it has no formal backing. What better backing than the value of human labor?

I would argue that the government should be ready to buy labor services at some fixed price scaling up from the minimum wage. No person should be involuntarily unemployed. If he can find no better alternative, he should always be able to get employment from the government.

Ideally, I would have no limit on the amount of such employment available. It would provide an automatic fiscal corrective to unemployment elsewhere. For the increased government employment would not only relieve unemployment directly but would increase aggregate spending and thus increase the private demand for goods and services, thus indirectly increasing private employment.

It would of course be important that such public employment not be wasteful. There is much in the way of provision of public demand planning for such public production so that public service jobs can prove rewarding to the individual and fruitful to society. There should also be provision of adequate training facilities so that applicants for public service jobs who are not qualified for public services employment or perhaps any other employment can receive appropriate preparation. This training would itself be treated as employment in production by government of the human capital that is so important to long term growth and prosperity.

I hope this is of help to you. Please let me know if I can be of any other assistance by way of correspondence or personal appearance.

Sincerely,

ROBERT EISNER,
*Professor of Economics.*

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IRVING H. SIEGEL,
CONSULTING ECONOMIST,
*Bethesda, Md., January 10, 1972.*

Hon. HENRY S. REUSS,
*House of Representatives,*
*U.S. Congress,*
*Washington, D.C.*

DEAR MR. REUSS: This replies to your letter of December 6 regarding H.R. 12011.

Since I expect the national unemployment rate to remain above 4 percent and many local rates to remain above 6 percent in the next few years despite a broad gain in economic activity, I do not think that the country would best be served by the mere revision and enlargement of an "emergency" act addressed to a "temporary" (if not "transitional") problem and promising "countercyclical" benefits.

There is room indeed for a sizable, nonemergency, long-term "public service" job program designed to overcome our well-advertised domestic blights, but such a program should envisage government as "employer of *first* resort", not last resort. I spelled out this preferred government role in my testimony before the Joint Economic Committee on the *Kerner Report* in 1968 and in a paper published by the Committee in the hearings on the 1970 *Economic Report* (Exhibits A and B, respectively).

If requested, I shall be glad to amplify these brief remarks.

Sincerely,

IRVING H. SIEGEL.

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### EXHIBIT A

Excerpt from statement by I. H. Siegel before the Joint Economic Committee, published in *Employment and Manpower Problems in the Cities: Implications of the Report of the National Advisory Commission on Civil Disorders*, 1968, pp. 129–138:

A comment is required on public-service jobs. It is a mistake to think only of new low-skill and low-training employment opportunities when we consider the induction of the hard-core unemployed into the world of work. Actually, significant jobs could be provided for a very wide assortment of occupations and at all levels of skill if the various layers of government saw themselves as the logical *employers of first resort*, not last resort, for certain services that the private sector cannot or would not normally supply. These new or expanded services pertain to health, education, antipollution, recreation, police and fire protection, mail delivery, urban development and reconditioning, and many other categories of public interest. Although governments alone are the potential entrepreneurs, they could enlist extensive private participation on a contract basis. These government-operated or government-sponsored undertakings could provide on-the-job training opportunities and career ladders for new workers as well as jobs for better qualified manual, service, office, technical, professional, and managerial employees. But, of course, time would still be required—and a "new will," too—to meet these long-neglected public needs. Thus, "new will" is demonstrably absent to meet perennial, accumulating, public-service requirements in general. The "white society," in short, neglects itself too; it does not tend to neglect the area of the Kerner Commission's primary concern on racist grounds merely.

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### EXHIBIT B

Excerpt from paper by I. H. Siegel and A. H. Belitsky, "The Changing Form and Status of Labor", prepared for *Journal of Economic Issues*, March 1970, and also published by the Joint Economic Committee in *The 1970 Economic Report of the President*, Part 2, 1970, pp. 405–414:

The most significant change that we expect is the emergence of government—federal, state, and local—as a dominant *employer of first resort* (not "last resort") in meeting critical and social needs. Government is the natural medium for improving the quality of living on behalf of society at large. It is the logical agent of the people for the performance of tasks that would not normally attract private firms. Such tasks may lack clear profitability, or require large capital outlays for long periods, or demand a coordination of opposing interests. Indeed, government could collaborate with private companies in setting up joint ventures of appropriate structure, power, and scope for the achievement of public objectives. Precedents already exist that offer suitable incentives for private participation. Collaborative public ventures that involve more than one governmental jurisdiction are also familiar, and their proliferation could be encouraged by the adoption of various revenue-sharing schemes. Incidentally, although we say "employer of first resort," we do not mean the term to exclude related roles of governmental leadership—for example, as financier or guarantor.

In seeking amenities for themselves through government, majorities would also improve the quality of living for others—and significantly strengthen the sense of community in additional ways. In particular, majorities would be opening up realistic paths for the incorporation of the disadvantaged into the larger economic, social, and political life. Thus, the pursuit of comprehensive, non-crash programs to improve air and water supplies, to revive cities, to make adequate health care widely available, and so forth would incidentally provide "meaningful" training situations and career ladders for the less skilled and less educated members of the labor force. These special opportunities could not be prestigmatized as low-grade since government would be functioning as the instrument of first resort for meeting widely recognized problems endowed with new high priority.

The corrective programs, furthermore, would entail the definition of jobs and the hiring of employees over a wide spectrum of skills, occupations, and salaries. Educated social dropouts and volunteers could be accommodated, in addition to the disadvantaged, in work having clear social importance. Furthermore, many initial volunteer tasks could be supplemented with ladders to subprofessional and professional employment; the provision of pay could help assure a sufficient supply of personnel. The new respectability of the entire public enterprise would spread to all the parts.

UNIVERSITY OF CALIFORNIA,
DEPARTMENT OF ECONOMICS,
*Berkeley, Calif., January 17, 1972.*
The Honorable HENRY S. REUSS,
*House of Representatives,*
*Rayburn House Office Building,*
*Washington, D.C.*

DEAR CONGRESSMAN REUSS: This is in reply to your letter of December 6, in which you request my views regarding new legislation which you have introduced to amend the Emergency Employment Act of 1971 and thereby create 500,000 new federally financed public service jobs.

I fully support your amendments to the Emergency Employment Act of 1971. I do so for a number of reasons. First, the Administration's fiscal measures will not bring unemployment down to a satisfactorily low level, and it will take a relatively long time to bring about even this reduction in unemployment. Secondly, the creation of Federally financed public service jobs will rapidly increase employment. Third, this employment increase should generate minimal inflationary pressures. Fourth, public service jobs aimed at the unskilled should, in my opinion, be a permanent component of our stabilization policy, not transitory. Fifth, the services created by these jobs are urgently needed at the local level. Sixth, there will be no problem of absorbing this labor with 100% Federal financing, in the range of 500,000 jobs. Seventh, local governments are well situated to reach the hard core unemployed, once the program is expanded enough to reach these individuals. Indeed, I suggest that probably more than 500,000 public service jobs may be needed, given the magnitude and character of present unemployment.

I shall elaborate on each of these points in turn.

Given the Administration's present game plan, few economists expect unemployment to be as low as 5 per cent by the end of 1972. The consensus among 76 forecasts by business, government, labor, and academic economists puts the unemployment rate at 5.3 per cent in the fourth quarter of 1972, and the average rate for the entire year at 5.5 per cent.

Federal financing of local public service jobs works rapidly to increase employment. Most of these job slots have already been designed by local governments but have been left unfilled due to lack of revenue.

As soon as Federal funds are allocated, local governments can immediately begin to hire individuals for these positions. This direct and immediate hiring contrasts with the employment effects generated either by Federal purchases of goods and services or by increased private expenditures resulting from a tax cut. Private employers do not necessarily and immediately respond to increased spending by increasing employment. To some extent, they can reduce inventories, increase hours for the existing work force, and even raise prices to some extent. Only gradually, as employers are convinced that the increase in spending is permanent and as they come more effectively to utilize those already employed, will they hire new workers. And the delays in hiring will be significant as the increase in demand work its way backward from retailers and manufacturers of finished goods to the suppliers of parts and raw materials. In contrast, for the same amount of government expenditure, public service employment would put a larger number of people to work considerably more promptly.

Public service vacancies bid directly for the unemployed, for labor which by definition is in surplus. A general increase in spending, in contrast, bids across the board for all kinds of labor and also for capital. Skilled labor is likely to become scarce while unskilled labor is still in surplus. The increase in demand needed to absorb the unskilled presses on capacity, tends to raise prices and creates new bottlenecks. The creation of low-skilled public service jobs is an alternative to this inflationary expansion of general demand. It selectively bids for the labor still in surplus, without overbidding for skilled labor. Thus, it is the best way to achieve low levels of unemployment with minimum inflation.

For this reason, public service jobs will also be important in prosperity. As recovery occurs, unemployment will remain substantial for particular groups. I have done considerable research on the dispersion of unemployment rates among different groups in the labor force. For example, the effort to reduce unemployment among ghetto residents to acceptable levels by merely expanding aggregate demand will cause inflation. Certainly, a better policy is to hire many of these individuals directly, without indiscriminately bidding for other labor in short supply. This can effectively be done through Federal financing of local public service jobs. Thus, the elimination of the word "transitional," and the change from 4.5% to 4.0% are completely justified.

These services are needed at the local level. Experience with the Emergency Employment Act in San Francisco, for example, indicates that urgent departmental requests substantially exceed the current EEA allocations. By reducing tax revenues, the recession has compounded the usual financial difficulties of local governments. Thus, there is no danger of make-work.

While there may be difficulties, in prosperity, in absorbing the truly "hard core" unemployed (although I am inclined to think these can be overcome by intelligent planning), no such obstacle will confront the current proposal for 500,000 more jobs. With high unemployment, there are many unemployed who are reliable, competent workers, who are simply victims of the current recession. They do not require special training, nor are they psychologically averse to work. Indeed, the EEA experience in San Francisco indicates that many of the new hires had recently been laid off. Not until unemployment falls much further will the absorption of unemployed labor become a more difficult problem.

Finally, part of our unemployment problem, even in prosperity, is geographic. Jobs are leaving the central city while the underprivileged remain. Similarly, rural Appalachia loses private employment, but many of the people remain. Unlike private industry, local government stays in the central city, and in rural Appalachia. These governmental units are thus able to reach these pockets of unemployment. Indeed, the employment center can easily locate in the center of the high unemployment area. Jobs can be created within reasonable reach of the individual's residence.

Although an important step in the right direction, 500,000 public service jobs will still leave unemployment too high. You might well seek to provide for a larger number of jobs. If the local governments incur capacity constraints, then not all the funds will be allocated. As prosperity gradually returns, some of the new hires will choose to leave for private employment. The creation of these slots, however, will then make it easier to absorb the hard core. In this connection, it is important to recognize that more additional jobs will appear to be created than in fact occurs. This is because the local government will *partly* substitute Federal funds for local revenues. The Federal funds will "free up" local funds for other uses (purchase of other inputs, hiring of employees at salaries above $12,000, etc.), including possibly some reduction in the size of the tax increase that would have occurred without the Federal program. While the Secretary of Labor is supposed to prevent this, this is almost certain to happen to some extent. Thus, the increase in jobs under $12,000 above that which would have occurred anyway will be less than 500,000. This leakage is not to be regretted, since it substitutes financing by more progressive Federal income taxes for financing by regressive local property taxes. The leakage does mean, however, that 500,000 is an overestimate of the net increase in public service employment to be expected. To offset this attrition and secure a net increase of 500,000 jobs, a larger number of jobs should be provided for in your bill.

You are free to make such use of this statement as you wish.

Sincerely yours,

R. A. GORDON,
*Professor of Economics.*

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YALE UNIVERSITY,
DEPARTMENT OF ECONOMICS,
*New Haven, Conn., January 17, 1972.*
The Honorable HENRY S. REUSS,
*Congress of the United States,*
*Rayburn House Office Building,*
*Washington, D.C.*

DEAR HENRY: Thank you sincerely for the copy of the Congressional Record in which I read your public-service proposal with much interest. I will take the liberty of sending you in a few days a piece of analysis of mine on the subject (I am out of copies at the present moment).

To me it seems that the main difficulty standing in the way of a reasonable long-run employment policy arises because we become faced with acute shortages in some specific labor categories before we succeed in reducing the unemployment rate of other categories to the desired extent. Basically this results from rigidities in our real-wage structure but while we should be able to reduce these rigidities we cannot in practice reduce them to insignificance.

Consequently, a public-service program would be helpful in the long run only if it were selective in the sense of reducing the excess supply of worker categories that will have high unemployment rates even when we have arrived at low unemployment rates for the most-demanded categories. A public-service program that is not selective in this regard would aggravate the shortages in the most-demanded categories by the time we get down to lower national unemployment rates, and would thus force us to stop at a time when the unemployment rates of the vulnerable categories are still very high.

With repeated thanks for your interesting letter and its enclosure I remain,

Sincerely yours,

WILLIAM FELLNER.

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UNIVERSITY OF ILLINOIS, BUREAU OF
ECONOMIC AND BUSINESS RESEARCH,
*Urbana, Ill., January 21, 1972.*
Congressman HENRY S. REUSS,
*Rayburn House Office Building,*
*Washington, D.C.*

DEAR CONGRESSMAN REUSS: I am writing in response to your letter of December 6 concerning the proposed legislation to amend the Emergency Employment Act of 1971. I believe this proposal has a great deal of merit and favor it for the following reasons:

1. There is an immediate need for reducing unemployment and nothing in the present situation indicates that this need will be taken care of automatically by other programs. An unemployment rate of six percent is far too high, and I think that attempts to justify it on the basis that the teenagers, women, and other unemployed workers are not qualified for available employment are shocking rationalizations.

2. Unemployment is not likely to decrease as a result of general economic developments in 1972. Business prospects are not favorable. On the contrary, we shall probably experience the same sickly economic performance this year as last. Enclosed is a short article which I have prepared for our *Illinois Business Review*. It is a critique of the current optimistic forecasts as well as an explanation of why I

believe unemployment is likely to rise in the months ahead.

3. There are so many aspects of the current situation with similarities to 1929 and 1930 that the threat of a deeper recession has to be taken seriously. The economy does not hold steady for long. If it cannot progress, downside instabilities will come into play, and if these are not dealt with promptly they will cumulate to such an extent that it will be very difficult to counteract them later. Therefore it is desirable to have some remedial mechanism operating and capable of expansion in the event that adverse conditions so dictate.

4. Direct employment of workers as in your proposal is the most efficient method of dealing with the unemployment problem. For any given number of new jobs, trickle-down procedures are some costly—whether by tax relief, subsidies, or expenditures on sophisticated programs such as military-space hardware. With the federal deficit running at a rate of over $30 billion, efficiency in job creation becomes increasingly important. The use of inefficient methods of stimulating employment will result in increasingly greater deficits. This is undesirable because building up the deficit too much will merely replace one kind of instability with another.

5. The experience with the WPA program in the 1930s confirms the effectiveness of the direct approach: When the number of WPA jobs was cut severely in 1937, the economy fell back into a new recession. When jobs were again built up to the three million level, the economy recovered to new highs in 1939.

I should also like to make two comments that may suggest modifications of the proposed legislation:

First, even though the new version is an improvement, we should be concerned not to make any cutoff of the funding too abrupt. Any cutoff on the basis of three months experience with reduced unemployment tends to incorporate the fallacies of pump-priming that were exposed by the 1937 recession. To avoid a setback, a more extended period for program reductions may be desirable, beginning, say, when the national average was down to the 4.5 percent rate—with immediate impact in communities that were then down to 4 percent—but with funds continuing until it became clear that the private economy was capable of sustaining output at a level equivalent to the 4 percent rate. Thus, the "reconversion" period might run for a year or more, or even indefinitely if conditions in the private economy did not meet adequate expansionary goals. Since the jobs are designated for areas of desirable public service, their indefinite continuation would not be unwarranted; rather, they would help maintain more favorable economic conditions on a continuing basis.

Second, by reason of the necessity for making government expenditures efficient, every effort should be made to protect the federal treasury against abuse by state and local government units. The jobs provided should as far as possible be additions rather than replacements for other government workers. I know this is the present intention; however, there are so many ways to reclassify and divert jobs that such practices could become a serious problem. This means that there should be some restriction on reductions of work forces financed by other means during the period when this program is in effect. Regular reporting of employment by each participating government unit, by program and source of funds, would be necessary to enforce this restriction. Some requirements for reporting should therefore be made, and the reports should be frequent enough to make window-dressing changes on the reporting date difficult.

I trust you will find the above helpful and suggestive. Please let me know if I can be of further service.

Sincerely yours,

V LEWIS BASSIE, *Director*.

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YALE UNIVERSITY,
DEPARTMENT OF ECONOMICS,
*New Haven, Conn., January 24, 1972.*
Hon. HENRY S. REUSS,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR HENRY: I am very much in favor of your proposal for 500,000 federally financed public service jobs. In my opinion unemployment is the most serious economic problem now facing the country, and even the most optimistic forecasts for 1972 do not contemplate substantial improvement in the rate of unemployment. Your proposal has the special merit that these jobs can be targeted for those unemployed who are least likely to be put to work by general economic recovery.

Experience shows that the unemployment of these disadvantaged workers does very little to retard wage inflation, and by the same token the creation of jobs to employ them will not significantly increase wage-inflationary pressures. At the same time, it is clear that expansion of public service jobs can provide needed and useful social product; we need not engage in boondoggling.

I know this reply is late; I hope not too late.

Sincerely,

JAMES TOBIN.

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## THE BUREAU OF OUTDOOR RECREATION IS VITAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI), is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, the Bureau of Outdoor Recreation (BOR), within the Department of the Interior, has been, since its inception in 1962, a vital and integral part of our national recreation and parks network. Besides having the responsibility for administering the Nation's largest Federal recreation grant program—the land and water conservation fund—BOR is also the principal catalyst for both the coordination and implementation of the more than 100 national summer youth recreation programs. It has been the mission of the BOR to untangle the conglomeration of programs which are scattered throughout eight different Federal agencies in order to make them functional and productive instruments for servicing the public—particularly America's youth.

Mr. Speaker, inadequate recreation facilities ranked fourth on a 12-point scale in a 1971 grievance survey of poor urban residents of cities that were ravaged by the riots of 1967. To date, Federal recreation investments have obviously not met the needs of our poor and urban residents. Congressional efforts have been both sporadic and grossly underfunded, and, most crucially, they have not adequately served those areas where the need for recreational services is paramount.

Mr. Speaker, if these recreation programs have been effective at all, it is mainly because of the overriding influence of the BOR. Although the bureau does not have the power to fund any of the programs and can work only in an advisory capacity, the role they play has been of immeasurable importance to the survival of our national recreation scheme. The sole concern of BOR is recreation and its place in society. Unlike those agencies who presently administer summer programs, BOR has a vested interest only in insuring that recreation fulfills its intended role.

Despite this perennially late and often inadequate funding, and despite the confusion that seems to surround the numerous agencies involved in recreation support, it is a great credit to BOR and to the Department of the Interior that summer youth programs have been as effective as they have been over the past 5 years. But, the BOR will not be able to compensate for the shortcomings of our recreation system much longer. The lack of city moneys needed to match Federal grants, the costly and frustrating duplication of program efforts, and the inevitable late and inadequate funding of programs, all add up to a loose network that becomes progressively more porous with each summer. Something must be done to consolidate this bureaucratic mishmash. Something must be done to reorganize and reestablish guidelines and objectives for recreation in the United States. If we allow 1 more year to pass without attending to this desperately needed housecleaning, we will find ourselves in a most untenable position. All that will be left for the Congress to do will be to mop up the remains of what was once a potentially effective means of fulfilling a major national need.

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## COST OF LIVING COUNCIL'S DECISION TO EXEMPT FROM CONTROLS WAGES ONLY UP TO $1.90 AN HOUR A FLAGRANT VIOLATION OF CONGRESSIONAL INTENT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the Cost of Living Council has frustrated the will of Congress by refusing to implement the low-wage worker exemption enacted as part of the economic stabilization legislation. Despite the legislative history, it announced on January 29 that the exemption would apply only to workers earning up to $1.90 an hour—or $3,968 annually. The clear intent of Congress was that the exemption be keyed to the level of annual earnings of $6,960.

The provision involved is title II, section 203(d) of the Economic Stabilization Act Amendments of 1971 which provides:

> (W)age increases to an individual whose earnings are substandard or who is amongst the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor.

The legislative history of this provision makes it quite clear that the intent of Congress was to define "substandard earnings," and "working poor," to mean a level of income of $6,960 annually, or approximately $3.35 an hour.

The language exempting low-paid workers originated in the House—my bill H.R. 11406. The House Banking and Currency Committee report states with respect to this language:

> It is the intention of the Committee that this exemption from control apply to all persons whose earnings are at or below levels established by the Bureau of Labor Statistics

> in determining an income necessary to afford adequate food, clothing, and shelter and similar necessities. (Report No. 92-14, p. 5).

The Bureau of Labor Statistics 1970 cost estimate for a family of four in an urban area is $6,960 annually. This was based on 1969 data.

Yet in the face of this clear legislative history, the Cost of Living Council has decreed that only workers earning up to $1.90 an hour—$3,968 a year, assuming a 40-hour workweek, 52 weeks a year—will be exempted from wage controls. The Council arrived at this $1.90-an-hour figure through a tortured process of reasoning. It first explicitly conceded that the Congress intended the annual $6,960 figure as a definition of substandard earnings. It then subjected this figure to a series of statistical computations, making supposed corrections in the BLS methodology relating to assumptions about typical family size and number of workers in a family. The upshot of this statistical exercise was to reduce the $6,960 figure to $3,968 annually. This constitutes a reduction of $3,000, or over 40 percent from the BLS figure. Congress certainly did not intend that the BLS figure be distorted by the Cost of Living Council to set the exemption at the poverty line. In fact, the Conference Committee specifically rejected any reference to the OMB poverty line.

In enacting this legislation, Congress made a determination that the exemption should apply to earnings which would yield a minimum budget for a family of four in an urban area. It determined that the BLS figure should be applied to insure that those members of the population who were below a minimal standard of living should not be subjected to wage controls. Congress specifically made reference to the widely accepted, methodologically sound BLS budget cost for an urban family of four at a lower level, which provides $6,960 a year. This is the figure which must be used to define substandard earnings.

Furthermore, the decision by the Cost of Living Council to exempt workers earning only up to $1.90 an hour was reached in the face of a unanimous opinion by the Pay Board on January 19 that the figure of $1.90 an hour was so low as to be violative of congressional intent. The Cost of Living Council had, early in January, submitted this $1.90 figure to the Pay Board and asked for the Pay Board's views on it. The Pay Board rejected this figure unanimously saying:

> It is the sense of the Pay Board that the $1.90 figure recommended by the Cost of Living Council is inconsistent with the purposes of the Amendments to the Economic Stabilization Act and supporting analysis. (Pay Board Press Release, January 19, 1972).

Yet the Cost of Living Council has now promulgated the figure of $1.90 an hour, contrary to the unanimous recommendation of the Pay Board.

In reaching this decision the Cost of Living Council has broken faith with Congress and with millions of working poor people in this country. It is inequitable to control the wages of the working poor, preventing them from receiving wage increases sufficient to lift them out of poverty. I have called upon President Nixon to rescind this unfair decision and abide by the law which Congress passed and which he signed.

## FIREMAN'S STORY

(Mr. O'NEILL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, the tradition of the professional firefighter in America represents the epitome of courage and stamina in serving the interests of the community. The Nation's full-time firemen, whether they be from a small rural town or municipality or from the large cities, have devoted their lives and efforts to the saving of lives and property from the ravages of fire. Joseph E. Galvin, who authored an article which appeared in the Boston Globe of January 21, 1972, points up the unusual dilemma which firemen of the Nation face. While Congress appropriates millions of dollars to aid local towns and communities in the problems of law enforcement, there is little being done to aid and assist the fireman who braves not only the physical dangers concomitant to fighting a blaze, but must also brave the collateral hazards of hostility by certain community members, and the malicious acts of arsons, false alarms, and actual assaults.

I believe that any Member truly interested in promoting the important role which the firefighter plays in our overall scheme of social responsibility will want to read this article. Mr. Galvin makes a good case for increased concern on the part of the legislative branch in an area whose importance to the community and the Nation cannot be overemphasized.

[From the Boston Globe, Jan. 21, 1972]

### FIREMAN'S STORY . . . PLEA

(By Joseph E. Galvin)

During my firefighting career I've been blown from the roof of a blazing pier, have had the man next to me on a hose line gasp and die as we tried to advance into a burning tenement, have had a woman relieve herself as we carried her down an aerial ladder from a blazing Harlem tenement in a snowstorm.

I've worked seven hours in a blizzard while soaked to the skin, and had to be taken to a hospital as a result; I once literally tore the arms from a dead firefighter who was trapped beneath a truck.

I've saved lives and have had mine saved several times by my brother firefighters. I've suffered injuries ranging from scalds and burns to a form of "combat fatigue." I've been taken to the hospital, unable to walk, due to the swelling in my heels resulting from sliding the firehouse pole over 20 times during one single night tour in Harlem. I've been in building collapses to assist in the removal of victims when the building was threatening to collapse over our heads and bury us.

I've also been cursed, punched, assaulted and insulted by so-called "toughs" so many times that, incredibly, I'm almost inured to it. I've fought off a group of hoodlums who had surrounded our apparatus and were attempting to steal our tools and equipment. However, and this is quite important, I am not alone nor am I unique. Many other professional firefighters have endured much more than I, and will carry terrible physical and emotional scars to their graves.

To be a member of a ladder company crawling around the smoke-filled rooms of an occupied tenement, searching for possible fire victims, while three or four rooms are afire in the apartment directly below, is one of the most demanding tasks required of a human being. To be given the assignment of cutting a hole in a building's roof to effect ventilation so that the engine company down below can advance its line, when every enlargement of the hole allows superheated smoke and gases to blast into one's face, demands the ultimate in dedication and raw guts.

The human body is subjected to such a high level of punishment during the performance of these tasks that no one, and I mean no one but a firefighter, would place his body in close proximity to the immediate area. You see, professional firefighters as a rule have life spans approximately seven years less than the average male.

Few of this city's citizens realize that some fire units respond to over seven thousand alarms during the year, and that each time they do the firefighters are subjected to tremendous emotional strain—not knowing whether the alarm will be a tragedy or a false alarm. I've seen some of my men leave their firehouses after the completion of their tour of duty almost disoriented from fatigue and the effects of noxious gases. To respond to over 20 alarms during one night tour and get three or four tough fires, back to back, is a terrible experience. What motivates men to perform this task?

After almost 20 years of working with and observing firefighters in every conceivable emergency, I've concluded that the glue which holds this great department together is a combination of brotherhood and love. The misery, suffering and pain which we firefighters share creates a bond which those outside the fire service cannot comprehend. Wives, mothers, sweethearts—none can intrude into this unique fraternity that comes from being truly brothers. This spirit of comradeship grows from the development of mutual respect and admiration which each man has for another; and is a form of love. And that special love which men in combat develop for one another is indeed a wonderful thing to share in, or even to observe.

We firefighters endure hardships and share experiences which we'll never forget even if we live to be 200. The crucible of arduous fire duty welds us into a tough steel-like chain, which may be strained, but never parted.

In recent years we have all but been inundated by television shows, newspaper and magazine articles, movies and books describing the problems of the law-enforcement officer (all valid) during this era of "crime in the streets." This has resulted in hundreds of millions of dollars being granted by both state and Federal agencies to police departments throughout this country.

Doesn't "crime in the streets" and the Safe Streets Act relate to the malicious false alarms, arson, assaults on and shooting at professional firefighters? Cannot we in the fire service acquire the aid of someone to forcefully bring to the attention of our citizens a truly honest picture of the firefighter's life? And death? Does it have to be left to a nonerudite individual like myself, so obviously out of my element, to attempt to get across the message that this noble calling—the saving of lives— takes a terrible toll?

What is needed is the effective spotlighting of the firefighter's problems; the unique skills required of the job and the need for aid—new equipment, research and development programs, a newer type of lightweight mask (the mask widely used new, developed for World War II, weighs 30 pounds and can be used up in less than 10 minutes).

It should be just as easy for a firefighter to attend a course at a university as it is for a policeman, but the work schedules now in effect in the New York City Fire Department make it very difficult for a fireman and almost impossible for an officer.

Won't someone please come forward to help us?

## THE SUGAR ACT PROVES ITS VALUE

(Mr. ABERNETHY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ABERNETHY. Mr. Speaker, the world's sugar crop is short. The supply is very tight. With sugar being a basic food needed by virtually every person in the world, world prices have soared. In some areas it has more than doubled. Prices might soar to even greater heights. Many nations and many people will feel the high price and the shortage.

Thanks to the National Sugar Act, the sugar situation in the United States is normal. The supply is adequate. The price in our marketplaces is reasonably steady. We will not feel the current shortage.

This is the very situation that the Sugar Act, which was first enacted many years ago, was designed to bring about in the United States—a guaranteed steady supply at reasonably steady prices. Contrary to the criticisms of a few—some who do not understand the act, others who simply refuse to understand it and others who demagog over the legislation every time it is before the Congress—the Sugar Act has once again proved its worth and great value to the American consumer.

Mr. Speaker, as a part of my remarks, I include a report of the world supply and market situation which appeared in the New York Times on January 23, 1972, entitled "Sugar Price Soars." In this article the matter I have just dealt with is reported in further detail. The article follows:

### SUGAR PRICE SOARS

(By Elizabeth M. Fowler)

If commodity price charts were fever thermometers, the almost vertical rise in sugar prices in the four recent weeks would spell disaster. As a matter of fact, it indicates that the world is thriving.

Demand for sugar increases about 3 per cent a year, and this year will be no exception. The increase may even be about 4 per cent, despite discouragingly high world sugar prices.

Sugar is a basic food needed by virtually every person in the world. Its use measures to a certain extent living standards because sugar also goes into such consumer items as chocolate candy '(cocoa plus sugar)', soft drinks, dessert and other food extras that make life more enjoyable for many. And this is not even to mention the inevitable sugar in coffee cups.

Why the sudden price increase that took world sugar quotations from about 5.1 cents a pound for nearby delivery early in December to 8.97 cents on Jan. 5? This was more than double the year's low in 1971 of about 4.25 cents a pound.

A multitude of factors conspired to propel the price upwards, to the amazement of many sugar experts, who hadn't seen such a rise since 1963. Even then the rise did not occur within such a short space of time.

The chief reasons:

Every year Cuba is inclined to exaggerate her crop estimates, and a guessing game begins. The current consensus is that Cuba, which has begun to harvest its cane sugar, cannot expect more than 4.5 to 4.6 million metric tons. Lack of experienced cane cutters, overaged equipment and other factors have cut Cuban production well below the yearly 8 to 10 million tons it would like to produce. The Soviet Union the world's largest sugar producer (beet sugar) and Cuba's major buyer, has had a "shortfall" this year, not a disaster but a smaller crop than expected. In bountiful years, the Soviet Union buys Cuban sugar and "dumps" it on the world market where possible. However, just a few weeks ago it surprised the experts by placing a big order for sugar for nearby delivery in Brazil. According to Farr, Whitlock & Dixon, a large sugar brokerage firm, about 350,000 tons are being shipped or will be shipped soon to the Soviet Union from Brazil and some Caribbean countries. In addition, Fabio Freyre, the company's vice president, speaks of 115,000 tons bought from Australia.

Other Eastern European nations have been buying more sugar, perhaps to satisfy growing insistence for more consumer items such as candy and soft drinks.

The quick flareup in Pakistan also impelled world sugar prices upward. Generally wars make sugar buyers nervous because of shipping space problems.

Dollar devaluation wrought an upswing in world commodity prices, including sugar.

World production has not been keeping pace with demand. In some nations land values have been increasing for real estate and industrial use so much that it is more profitable to build on land than to harvest sugar.

To confuse matters, F. O. Licht, the world sugar statistical firm, and the Department of Agriculture have been quite far apart in sugar production estimates, with one putting the 1971–1972 output at 74.8 million tons and the other insisting on 72.4 million tons. Consumption figures have been put at about 78 million.

Carryover stocks could run about 18 million tons, but much of this might not be available to the world market.

Where does this leave the United States consumers? With very little to worry about. For years the United States has operated under a Sugar Act that provides a flexible quota system for imported sugar based on demand and target prices. It also sets limits on the amount of homegrown beet and cane sugar that can be used domestically.

It is designed to help underdeveloped nations friendly to the United States by assuring them good prices, usually over the world level, and a stable market for their sugar. So, while world sugar prices were zooming the past year's range for United States sugar was about 8.67 to 9.16 cents a pound.

As the price rises the Secretary of Agriculture increases the quota to help depress it and to meet demand. Recently, for example, he raised the quota by some 400,000 tons. Other major nations such as Great Britain and France also have such arrangements to help underdeveloped sugar-producing nations.

While some suppliers might complain at having to supply sugar here when world prices are so high, they won't be likely to renege because that would "jeopardize" the continuation of the Sugar Act, according to Bache & Co.

After all, the beet and cane growers in this country clamor for larger shares of the total United States market.

World sugar prices at today's high level naturally are vulnerable to a fast turnaround. However, C. Czarnikow, London sugar brokers, said recently that "the outlook is one of increasing tightness." High prices, however, eventually discourage some buying and encourage greater production efforts.

A look back at 1963 shows that prices rose with roller-coaster sharpness in about two months from about 6.7 cents a pound to just under 14 cents, and then plummeted to about 6.2 cents in a few more months.

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## FCC REINSTITUTES INVESTIGATION OF A.T. & T.

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, as a Member of Congress from New York, where telephone rates are skyrocketing, I am encouraged by the Federal Communication Commission's apparent renewed commitment to an investigation of A.T. & T.'s internal structure and finances. Such an investigation is essential if consumers are to be protected from unjust increases in telephone rates. Today's reinstatement by the Commission of the investigation which it recently terminated for lack of funds and personnel achieves the immediate purpose of legislation I introduced on January 18 with more than 20 House cosponsors. In that sense, it certainly is a first-step victory.

But the Commission's announcement today does not firmly convince me that this will amount to anything more than a resumption of the charade the Commission has been engaged in on this matter since 1965.

The last full investigation of A.T. & T. by the Commission, from 1935–39, involved at its peak over 300 professional staff. The Common Carrier Bureau of the FCC, which will presumably have most of the responsibility for this investigation, currently has a total staff of only about 150 professionals, only a handful of which are economists needed to analyze A.T. & T.'s internal corporate finances. The Commission apparently now has an exemption from the general White House freeze on hiring. But more than a token exemption will be needed to do this job right, and the Commission is disturbingly vague on that point.

If the Commission now has the power and the will to put together the extensive expert manpower required to make this the vigorous and penetrating investigation it ought to be, as I certainly hope is the case, then this is a most significant and promising development for consumers and the communications industry. That, however, is not yet clear.

The Commission should reassure the Congress and the public, and thereby improve prospects for congressional approval of the requested extra funds for the project, by releasing specific details of its plans for this investigation as soon as possible.

A report on this matter from today's—January 31—Wall Street Journal entitled "FCC Wrestles on How To Push Study of A.T. & T." follows:

### FCC WRESTLES ON HOW TO PUSH STUDY OF A. T. & T.: AGENCY, HAVING REVERSED ITS DECISION TO DROP INQUIRY, PONDERS ITS NEXT MOVES—CASH AND STAFF BIG QUESTION

WASHINGTON.—The Federal Communications Commission begins this week to face the tough aspects of its off-again on-again decision to investigate American Telephone & Telegraph Co.

Deciding to reverse itself and reinstitute the formal AT&T inquiry, as the FCC did last week, was relatively simple. It cost the agency little except the embarrassment of having to publicly change its mind in the wake of sharp criticism of its earlier stand.

But this week the commission begins the process of discovering whether anything except its mind has really changed. The FCC called off a portion of the investigation in December, citing a shortage of staff and money. Now it will try to do some internal rearranging of staff and money to get the inquiry going again. It also will appear before a Senate commerce subcommittee on communications tomorrow, trying to explain its position and problems. And it will be worrying even more about whether Congress is going to give the agency extra funds.

"Everything depends on whether we get some more bodies around here," says an FCC source.

Debate already is emerging over the significance of the FCC's latest action. The commission, itself, seemed confident of moving ahead with a meaningful AT&T inquiry, noting that President Nixon's 1973 budget proposed an increase in funds for regulation of communications common carriers such as AT&T.

"This will require affirmation of Congress," the FCC conceded, but we believe it is reasonable to expect that we will be able to build up the staff resources of our Common Carrier Bureau and to devote a major part of these resources" to the AT&T proceeding.

That position drew some support outside the agency. "The inquiry is going to get back on the track in a hurry," argued one Washington communications attorney involved in the proceeding. "It's the real McCoy this time," he added.

### JOHNSON IS SKEPTICAL

Others weren't so sure. FCC Commissioner Nicholas Johnson called the agency's reversal a "retreat under pressure, with absolutely no guarantees that the resources will be asked for and received by the FCC to carry out its obligations, or that the agency's historic willingness to trust all the Bell System tells us has been replaced with the healthy regulatory requirements of testing and proof."

Mr. Johnson was one of two FCC commissioners who dissented from the original decision to drop part of the inquiry. The decision to reinstitute the proceeding was unanimous. Mr. Johnson made the comments in a concurring statement.

What the commission originally decided to drop was the so-called "Phase 2" of its investigation. This was to have dealt with the reasonableness of the prices and profits of Western Electric Co., the AT&T subsidiary that makes equipment for the Bell System, and with the amounts claimed by AT&T for investment and operating expenses. The commission said it would deal with those matters in an informal way, rather than the more costly formal hearing.

The decision prompted intense criticism from several Congressmen, plus a raft of petitions for reconsideration. The commission's decision to reinstitute the inquiry technically was in response to those petitions.

### AT&T CHIEF RESPONDS

In New York, H. I. Romnes, AT&T chairman and president, responded: "The decision to reinstate Phase 2 is just fine with us. We didn't seek its dismissal in the first place and we aren't in the least dismayed now that it is back on the track.

"We are confident that a rigorous examination of the Phase 2 issues will reassure the public that its interests have been well served. We have been ready all along to respond to the commission's interest in whatever aspect of our operations the regulators might want to look into. We are ready now," Mr. Romnes added.

Sen. Fred Harris (D. Okla.), who sharply criticized the agency's original decision, warned that its latest action could become a "hollow victory" unless the FCC gets more money and staff. Another critic, Rep. Jonathan Bingham (D., N.Y.), echoed that concern, adding that the reversal "doesn't fully reassure me that this will amount to anything more than a resumption of the charade the commission has been engaged in on this matter since 1965."

A decision is expected soon on the first phase of the AT&T inquiry, which dealt with the rate of return the company should be allowed to earn on its interstate operations. AT&T has asked for 9.5% but an FCC hearing examiner, after several weeks of formal hearings, recommended only 8.25%. The company has been earning a rate of about 8.15% since the FCC granted an interim $250 million a year long-distance telephone rate increase last January. Still pending at the commission is AT&T's original request for a rate increase that would produce $545 million a year in revenue.

## ADDRESS OF JOHN S. KNIGHT, EDITORIAL CHAIRMAN, KNIGHT NEWSPAPERS, ON MONDAY, JANUARY 17, 1972, UPON AWARD TO HIM OF 1972 GOLD MEDAL OF ACHIEVEMENT BY POOR RICHARD CLUB OF PHILADELPHIA

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on Monday, January 17, 1972, before the Poor Richard Club of Philadelphia, the Honorable John S. Knight, editorial chairman of the Knight Newspapers, one of the great newspaper groups of America, was given the 1972 Gold Medal of Achievement award.

The address Mr. Knight made on this occasion, coming out of his rich and broad experience as a newspaper editor and publisher—and dealing primarily with the role of the press in our Nation today—was most interesting, informative, and stimulating.

Few men can speak with greater knowledge of the subject than Mr. Knight. He has been an eminently successful publisher and a very able, farsighted, and courageous editor.

Mr. Knight symbolizes, in his own papers, the integrity which he believes most of the press in America today possesses. Mr. Knight clearly sets forth the obligations of the press in a free society like ours and the manner in which, in his opinion, those duties should be discharged. He holds the press to a high standard of excellence, integrity, and performance, but, at the same time, he minces no words in his adverse criticism of those who do injustice to the press in their criticisms of the press.

Speaking on the historic occasion representing the 266th anniversary of the birth of Benjamin Franklin, great editor and publisher, Mr. Knight's address commanded wide attention in the country. Mr. Knight recognizes the public interest in a free and fearless press, especially in these critical times, when so many are influenced by the press in the discharge of their heavy duties as citizens of our country, and Mr. Knight vigorously presents his views that the survival of our country, as Thomas Jefferson thought, is dependent upon the survival of a free and fearless press.

Mr. Knight also, in his Poor Richard Club address, made some very significant predictions and comments about the state of the Nation. He said:

> I still cling to my prediction that the 1970's may well become a decade of maturity when extremism and anarchy will not rest well with the American people.

And Mr. Knight movingly spoke of his faith in our country—a faith founded upon the dangers we have conquered and the obstacles we have surmounted in our difficult past. He calls for a new generation of leaders who have the dedication, the wisdom, and the courage of those who guided our destinies through many critical periods.

Mr. Knight finds a calmer mood in America today on the campus, in the ghettos—a return to the fundamental principle of our Republic—peaceful protest and use of the ways of a free country for the solution of problems.

And out of our problems, and protests, and crises, Mr. Knight finds an emerging America, stronger, more stable, with clearer vision and deeper dedication than before.

The voice of Mr. Knight is one of America's strongest voices. It commands respect and thoughtful consideration by all Americans.

Therefore, Mr. Speaker, I commend Mr. Knight's able address to my colleagues and to my fellow countrymen:

### POOR RICHARD CLUB SPEECH

I am proud indeed to be so honored by the Poor Richard Club on this, the 266th anniversary of the birth of Benjamin Franklin.

Until today, I had made but two public speeches in Philadelphia: The first in 1946 upon receiving the Poor Richard Club's Citation of Merit; the second just two years ago following our acquisition of the Inquirer and the News from Amb. Walter Annenberg.

And then, there were several private "speeches," such as advising Wendell Willkie in 1940 at the Warwick Hotel against taking Sen. Charles McNary of Oregon as his running mate.

This observation was made on the theory that McNary couldn't campaign and would gain no votes from the great Northwest.

Another "speech" to my associates concerned the fact that Joe First and Fred Chait, representing Mr. Annenberg, were driving too hard a bargain for the Philadelphia newspapers.

My admonition to Willkie fell on deaf ears; my counsel to several of the Knight people present here today was politely brushed aside.

For, as Benjamin Franklin observed in Poor Richard's Almanack, "Who says Jack is not generous?—he is always fond of giving, and cares not for receiving,—what?—why, advice."

So what happened? Well, Willkie lost, and Annenberg won.

But now, at least, we have Fred Chait in harness for the long pull. As a Vice President of Knight, he is enjoined by Benjamin Franklin to "enjoy the present hour, be mindful of the past; And neither fear nor wish the approaches of the last."

As for Joe, the First, I understand that he is carefully "watching things" for Walter, and making sure that we meet both interest and principal payments on time. Brother Jim Knight advises me that if we do this, Walter plans to add another nine holes to his golf course in Palm Springs.

Since I am told that considerable curiosity still exists about Knight—both corporately and otherwise—may I say that I have been a newspaperman for more than 50 years. As with the late Ralph McGill, I have had a love affair with newspapers for most of that time, while practicing and preaching the need for excellence in journalism.

From long experience in newspapering, ample exposure to politics and the world of business, I have developed the following philosophy of newspaper management—as stated to a civic gathering in Philadelphia on January 20, 1970:

We endeavor to meet the highest standards of journalism.

*We try to* present the news accurately with a high priority on fairness and objectivity.

We don't play politics, are not beholden to any political party, faction or special interest.

Political endorsements, when made, are determined solely by our judgments of the candidates' qualifications for the offices they seek.

I am certain that there are present in this audience a number of people who may take exception to that last statement. But even so, Mayor Rizzo was kind enough to write me a nice letter which said in effect that I was "esteemed as a leader dedicated to the public welfare, as an independent thinker and as a thorough professional."

By way of reply, I sent the mayor my best wishes in his efforts to solve the grave problems facing Philadelphia, an expression of hope which I am sure is shared by everyone present.

Mayor Rizzo also said he felt that "Freedom of the press is one of our most cherished rights." I applaud that statement, but hasten to add that circumstances may develop when "freedom of the press" may need interpretation and clarification as arguments continue to arise between newspapers and City Hall.

As a final note on publishing philosophy, our chief executives and policy makers studiously avoid conflicts of interest. We serve on no corporate boards or committees other than appropriate civic or cultural organizations, and in the fields of education and communications.

Outside directorships can also prove to be embarrassing, as all Philadelphians know so well.

So we stick to the profession we know best—newspapering.

* * * * *

The role of the press in our society is not always fully understood. The chief function of the press—and I am speaking broadly of all media both print and electronic—is to disseminate information.

Beyond that, and I am talking now only as a newspaper editor, well reasoned commentary and definite expressions of opinion aid in stimulating thought.

The experienced and thoughtful reader is able to differentiate between news and editorial opinion, but sadly, a goodly number either fail or are unable to make the distinction.

As I am sure you know, newspapers are not very popular these days. The current complaint goes something like this: "All you do is to print the bad news; why can't we have more good news?" And then, when we have something which by its very nature could be termed "sensational," the cry goes up that "all you want to do is to sell newspapers."

To the first charge, I would make reply that if editors printed only the bland and sanitized versions of the news our critics say they want, who would read us?

As for "good news" and "bad news," we publish a goodly ration of the former which somehow goes largely unnoticed by critical readers who enjoy instructing the editor.

"Bad news," being in ample supply owing to the fact that we live in an uncivilized world of war, uncontrollable passions and the mendacity of public and private men, tends to overwhelm "good news" by its very volume alone.

Beyond that, the newspaper is rightly the conscience of the community—ferreting out wrongdoing and incompetence in public affairs while building constructively through well reasoned and "plain talk" commentary.

We likewise honor the opinions of our readers, listen to what they have to say and endeavor, if possible, to redress their grievances.

Some have attacked us for sensationalism when newspapers of the Knight group were winning a dozen Pulitzer prizes or because we fight against injustice, audit the government at all levels and denounce plunderings by the privileged as well as by the poor.

What really must concern the editors of today is how well they are able to distinguish between the important and the unimportant news. Equally compelling is the ability to interpret the news fairly, accurately and perceptively.

As you ladies and gentlemen know so well, the name of the game in Washington and in every state and local community is to raise serious doubts about the credibility of the press.

In large part, the aspersions cast upon us by the Vice President and other disgruntled public officials are calculated to make us unbelievable to the general public. We should, I think, accept such criticism philosophically while endeavoring to set the record straight at all times.

An editor, who must or should take vigorous editorial positions on the great issues of the day, is not meant to be loved. If he seeks affection and popularity, he should be in public relations. Newspapermen who formulate policy must base their conclusions upon the facts at hand. The unvarnished truth is frequently unpleasant reading since it so often differs from the reader's preconceived notions of what the truth should be.

At times, I fear, what is popularly known as the press media provide, through their own lack of commitment and perception, some inexcusable transgressions upon the code of truth and accuracy. In these instances, criticism is certainly merited and can not be dismissed with lofty disdain from the ivory tower.

In our newspapers, we do more than endure the shafts and arrows of our critics. Critical comment is carefully evaluated as to its veracity, pertinence and justification. It overcomes smugness, helps keep us alert.

As one Knight Newspaper editor expressed it so aptly: "As long as we have men such as those guiding our newspapers—men who are sometimes proud, sometimes ashamed, and never satisfied, we will make tomorrow's newspaper better than today's.

The press—both print and electronic—is certainly not without fault but in its relentless pursuit of the truth, it stands today as the best if not the only protector of your precious freedoms.

Obviously, all readers do not agree that we try to be fair and accurate. And if an editor wishes to avoid controversy, I suggest that he forego tangling with the powerful education lobby and the police department.

Rank and file readers can put it bluntly, too. Just the other morning my secretary handed me this terse note: "A Mr. Paul Stoy of Homestead, Florida telephoned and asked that you call him. His reason for calling? To raise hell."

Yet I point with pride to the fact that it was the press—not the government—which long years ago and since has been presenting the truth about Vietnam, pointing out the stark tragedy of our involvement and demanding new standards of accountability.

How demeaning it must have been for Gen. Paul Harkins, once our commanding general in Vietnam, to have to admit on NBC's excellent documentary—"Vietnam Hindsight"—that he really didn't know what was going on in Saigon until many years later when he read the Pentagon Papers.

The adversary relationship between government and the press is nothing new. It has existed throughout our history.

Fortunately, the press of today is far more responsible than the editors who called George Washington "treacherous, mischievous, inefficient, and guilty of the farce of disinterestedness."

Or the underserved attacks upon the martyred Lincoln who was described by a Charleston, S.C. editor as "a horrid-looking wretch, sooty, scoundrelly in aspect, a cross between the nutmeg dealer, the horse swapper and the night man. He is a lank-sided Yankee of the uncleanest visage and of the dirtiest complexion."

Even the great Benjamin Franklin, whose memory we honor today, was not without his critics. His biographer, Carl Van Doren, says Franklin "was the target of cartoons, squibs in the newspapers, and malicious tongues."

Today, we have laws of libel and slander to protect the innocent.

* * * * *

With notable exceptions, today's press is not maliciously motivated. An editor may and does disagree with elected public officials without injudicious name calling. Moreover, the offended public servant or private citizen is accorded the right of reply.

For many years, newspapers have exposed the absurdity of so-called "background" and "off-the-record" discussions with highly ranked Washington officials.

These planned sessions are calculated attempts to use the press—either to float trial balloons, or to mislead reporters into conclusions attributable only to "an authoritative source."

Furthermore, the federal government has a propaganda apparatus estimated several years ago by the Associated Press to cost taxpayers about $425 million a year. This is more than double the combined outlay spent at that time for news gathering by the two major U.S. news services, the three major television networks and the 10 largest American newspapers.

* * * * *

So when this or previous administrations have complained about adverse stories in the press, let us remember that the overly abused press carries about five times as much of the government's views as are presented by the administration's critics.

Our best Washington correspondents are never satisfied with government press releases but keep digging for more information to which the public is entitled. The loudest cries of "foul" come from bureaucrats who have been singed in the journalistic fires.

Former President Lyndon Johnson once expressed surprise that "any citizen would feel toward his country in a way that is not consistent with the national interest."

I would agree, but would also ask: "Whose national interest?" The national interest is not the President's alone to decide.

It comes from dialogue and debate not only at the White House and on Capitol Hill, but in every place in the land where two citizens can meet to speak freely.

On the whole, I believe the Nixon administration has had—if not an uncritical press—at least a press which has not defaulted on its responsibility to print all of the news.

Those who would prefer a fawning press, a press virtually subservient to government—misconstrue and fail to grasp the role of the press as a public defender.

In my humble opinion, the Nixon administration has fared far better in press coverage than Mr. Agnew would have you believe.

I had hoped to have something to say about "The State of the Nation," but President Nixon is scheduled for that role next Thursday, and I would not presume to intrude upon his territory.

But perhaps we can talk about where we are and where we are headed in the question and answer period.

Two years ago in this city, I predicted that despite the grave questions which plague us domestically and abroad, my instinct was that the 1970s may usher in an era of maturity in which extremism and anarchy will not rest well with the American people.

But then came the avoidable tragedy at Kent State, the Mayday demonstrations at Washington, and the pervading sickness which for a time had enveloped our country.

"We have become," I then said, "an ill-mannered society in which rational dialog is all but submerged in a sea of assertiveness. Let us not be deluded by those who cloak themselves in the masks of freedom while forging manacles to deny us our constitutionally guaranteed liberties. We of the press believe in freedom, not repression; and in bringing the truth of light to prevent the darkness of tyranny."

In retrospect, and despite the torment we have endured, I still cling to my prediction that the 1970s may well become a decade of maturity when extremism and anarchy will not rest well with the American people.

And for those who are properly perturbed over the complex problems which now beset us, I ask: Has There Ever Been a Time When We Didn't Have Problems?

The sacrifices made by the Washingtons, Jeffersons, Franklins and a host of patriotic citizens brought this country through the Revolutionary days.

And more than a hundred years ago, our nation was torn apart by a war which turned fathers against sons, brothers against brothers. Yet we endured.

Four decades ago, a depression shattered the security of millions of citizens. Yet we endured.

Today, we are facing some of the most horrendous problems in our history. And yet the most serious problem of all is a loss of faith in our ability to endure as a Republic.

By contrast with the problems of disease, hunger and poverty prior to and during the American revolution, our own vexations stem from the softness of an affluent society.

We are hell-bent on what we can get from the government, and not, as Jack Kennedy said so aptly, on what we can do for our country.

Even during that period when Lyndon Johnson was escalating the Vietnam war and our kids were being killed for an uncertain cause, there was no evidence of any sacrifice at home.

Nor, in fact, were any sacrifices demanded of the people by an administration infected with a super-rich complex.

No, life has never been simple in this country. It never will be. Each new generation will face an array of new problems.

Sorrowfully, we presently have no national leaders with the wisdom, foresight, patience and persuasive traits of a Franklin.

Will they emerge from the new generations of Americans? We need men who not only have faith in themselves but who can instill faith in others by their virtues and qualities of leadership.

Well, there are signs of hope. A few years ago, the mood of America was one of almost unrelieved despair. Students were burning and rioting not only in New York, California and Wisconsin but right in the heart of Kansas.

Routine ghetto riots were so common that we found them on the inside pages. Eldridge Cleaver, Huey Newton, Rap Brown, Stokely Carmichael, Bobby Seale, William Kunstler, Abbie Hoffman and their scrubby counterparts were dominating the headlines.

Today, students are not bombing and burning. The leaders are using an old American device—peaceful political organization. The star of the violent black revolutionaries is being dimmed, as wiser men strive for truth and justice.

Could it be that America is adjusting to change without armed civil combat? Could it be that we bend but do not break? Is the flexibility of our system—and Ben Franklin had a deft hand in that—helping us to recover?

Could it be that while rigid systems collapse, ours does not although it scares the hell out of us sometimes?

Could we liken ourselves to a sick patient? Because a man is sick does not mean that he is going to die, if he has a strong constitution, and the U.S. does have one.

And there, ladies and gentlemen, are some thoughts that all of us might well ponder.

I for one, remain convinced that if we can find the faith and sustain it in ourselves as a nation, we will not only endure . . . we shall prevail.

## CONTROL OF PUBLIC SCHOOLS SHOULD BE RESTORED TO LOCAL GOVERNMENTS

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALEY. Mr. Speaker, recently the President spoke of a "value added" tax to run the Nation's schools. In the following letter to the President, Mr. S. Loyal Frisbie IV, a constituent of mine, expresses the wishes of many in this country that the President not do us any more favors such as establishing new ways to fund our schools. Mr. Frisbie points out that instead of talking about new funding techniques and ways of keeping control of schools locally, the administration should be addressing the problem of restoring control of our public schools to local governments. I commend this article to our colleagues.

[From the Polk County Democrat, Bartow, Fla., Jan. 24, 1972]

### LET'S MAKE A DEAL, PREZ

(By S. L. Frisbie IV)

HON. RICHARD M. NIXON,
*President,*
THE WHITE HOUSE,
*Washington, D.C.*

DEAR PREZ: Down here in Florida, home of sun, sand and the four per cent sales tax, your idea about a classy "value added" (otherwise known as sales) tax to run the nation's schools isn't likely to win you a whole lot of new fans.

We like the sound of replacing the property tax, but with all due respect, Sir, we've been there before.

You see, we had a three per cent state sales tax to help pay the state's share of local education, and the property tax to pay the county's share.

We raised the sales tax by 33 per cent (not one per cent, as a lot of people called it) but we haven't seen any remarkable drop in the property tax.

And we voted for a new corporate profits tax, which is supposed to let us reduce the property tax, and while it's too early to judge that one yet, the property tax still hasn't gone down.

Please understand us, Prez. Us folks down here in Florida believe in the sales tax, because it's something we can share with the tourists and the transient laborers and everybody else who enjoys our state without owning a piece of it.

And we're all for relief from the property tax.

But gee whiz, Sir, we just can't stand much more relief.

And there's another part of that state of the union message I'd like to talk to you about for a minute.

According to the wire services (I couldn't listen to your speech in person, Prez—we're busier than a pepper shaker at a fish fry down here on Thursday afternoons) you figure to put in a national sales tax for education and still "keep control in the schools in the hands of local boards."

Pardon, Sir, but your age is showing. You obviously don't have any kids in school any more (except for Julie, and she's a teacher, and that's different).

In 1954, the Supreme Court said that segregated schools had to go. Well, Sir, a lot of us down South got uptight over that, but we've adjusted to it pretty well, now. (In fact, Prez, your national statistics show that the Northern schools are more segregated than our Southern ones, but that's a side issue.)

In 1962, the Supreme Court said it was unConstitutional to pray in school. Now admittedly a lot of good churchmen agreed with the decision (and a lot of others didn't) but the fact is, this decision was removed from the hands of local school boards.

Those two decisions, unpalatable though they were to most of us, we've learned to live with.

But now, your federal courts, with their unflagging zeal to do something . . . anything . . . in the name of civil rights are coming up with increasingly absurd requirements that kids be bussed cross-country without regard for their education, their safety, or their simple right not to have their government give them a hard time in order to test some judge's sociological theories.

Mr. President, it's too late to talk about "keeping" control of our schools in local hands. It's time to talk about "restoring" control to the local governments which have always provided the bulk of tax support for education in this country.

You do that much for us, Sir, and we'll find a way to raise all the taxes it takes to run local schools at the local level.

Respectfully,

THINKING OUT LOUD.

## LONDONDERRY MASSACRE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, a tragedy of huge dimensions occurred in Londonderry, Northern Ireland, yesterday. Death came to at least 13 persons who were shot by British troops. Fifteen other civilians were taken to the hospital with gunshot wounds, two of them women. It appears from news reports that about 15,000 demonstrators from all parts of Northern Ireland were marching on the center of Londonderry when they were stopped by a British paratroop regiment. The news reports indicate that at first the British soldiers used tear gas, water cannons, and rubber bullets. Then the paratroop regiment is reported to have driven its armored cars through the marchers and commenced firing with real bullets.

The British Army defended the action of its soldiers, saying they were fired on by snipers. This is a common excuse for violent behavior on the part of officials with the authority to control civil demonstrations. At the present time there is no proof to substantiate the charge that snipers fired on British soldiers. In fact, one member of Northern Ireland's Parliament, Ivan Cooper, a Protestant, and two Members of the English Parliament, Bernadette Devlin and Lord Fenner Brockway—Labor M.P.—who were apparently eyewitnesses to this tragedy, have accused the British soldiers of cold-blooded murder.

Even if later evidence indicates there were snipers, surely we must condemn the indiscriminate shooting by British soldiers. Police and soldiers trained in crowd-control tactics are required to exercise the greatest restraint in an effort to preserve innocent lives and this the British paratroopers failed to do. Too often we have seen those in official authority—not limited to Northern Ireland alone—use their authority in this barbaric way. Two similar situations come to mind immediately: One was the murder by shooting by the South African Army of 72 black demonstrators in Sharpsville in 1960 and the other was the 1965 incident when Dr. Martin Luther King led a civil rights march from Montgomery to Selma. The marchers were stopped by Alabama state troopers. There were no deaths, but men, women, and children were viciously beaten, resulting in 17 people being seriously hurt and 40 people undergoing hospital treatment. The whole world was appalled by both of these incidents.

Tragically, despite Sharpsville, South Africa continues its repressive policy, while in the United States we have at least passed important civil rights legislation as a result of the civil rights marches in the South.

Mr. Speaker, in 1968, the Northern Ireland Civil Rights Association, made the following demands for change in Northern Ireland endorsed and supported by the National Association of Irish Freedom:

First. That there be legislation providing for one man, one vote.

Second. That there be legislation to outlaw incitement to religious hatred.

Third. That there be legislation to end discrimination in housing and employment.

Fourth. That there be repeal of the Special Powers Act which permits the concentration camps in which are now held 850 Northern Irish civilians.

Fifth. That an ombudsman be appointed.

This same organization takes the position, and all of us should, too, that no matter what the ultimate resolution is of the thorny question of reunification, no one can deny that the Catholics in Northern Ireland are entitled to full citizenship protected by the British crown now.

While legislation has been enacted to put into effect the principle of one man, one vote, and to outlaw incitement to religious hatred, there has been no implementation of those laws; and the other demands, all reasonable, have not ever been the subject of legislation.

I am a sponsor of H.R. 653, known as the Kennedy-Carey bill, which would, if enacted, request the U.S Government at the highest level to urge implementation of the following:

First. Termination of the current internment policy and simultaneous release of all persons detained thereunder.

Second. Full respect for the civil rights of all the people of Northern Ireland and the termination of all political, social, economic, and religious discrimination.

Third. Implementation of the reforms promised by the Government of the United Kingdom since 1968, including those reforms in the field of law enforcement, housing, employment, and voting rights.

Fourth. Dissolution of the Parliament of Northern Ireland.

Fifth. Withdrawal of all British forces from Northern Ireland, and the institution of law enforcement and criminal justice under local control acceptable to all parties.

Sixth. Convening of all interested parties for the purpose of accomplishing the unification of Ireland.

Mr. Speaker, there need not be any more investigations. The facts are known. What is required is action and action now. Until such time as the internment policy is terminated and all prisoners detained thereunder released, those held in what amounts to be British concentration camps should be placed under the protection of the International Red Cross. I have written to the International Red Cross today urging that they make a request for permission to enter these camps.

It may very well be, Mr. Speaker, that these killings will be the turning point in the Ulster crisis. Surely the English Parliament will recognize that liberty cannot ever be eradicated no matter what the force. It is the responsibility of all leaders of democratic nations to speak out and condemn the British Government's use of this callous and violent suppression which is in stark contrast to its own tradition of democracy and liberty.

## LEAVE OF ABSENCE

By unanimous request leave of absence was granted to:

Mr. CARTER (at the request of Mr. GERALD R. FORD), for today and tomorrow, on account of the death of a medical associate.

Mr. ESHLEMAN (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of continued illness with influenza.

Mr. HORTON (at the request of Mr. GERALD R. FORD), for the week of January 21, on account of official business.

Mr. GUDE (at the request of Mr. GERALD R. FORD), for today through February 3, on account of official business.

Mr. DANIELSON (at the request of Mr. O'NEILL), for today, on account of official business in his district.

Mr. ALEXANDER (at the request of Mr. O'NEILL), for today through February 3, on account of illness.

Mr. KEE (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. CORMAN, for the week of January 31, on account of official business.

Mr. WOLFF (at the request of Mr. ZABLOCKI), for today and the balance of the week, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. REUSS, for 1 hour, on Wednesday, February 2.

Mr. GIBBONS (at the request of Mr. REUSS), for 1 hour, on February 2.

Mr. TALCOTT, today, for 10 minutes.

(The following Members (at the request of Mr. TERRY) and to revise and extend their remarks and include therein extraneous matter:)

Mr. ROBISON of New York, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. BROWN of Ohio, for 30 minutes, today.

Mr. HALPERN, for 5 minutes, today.

(The following Members (at the request of Mr. MATHIS of Georgia) and to revise and extend their remarks and include therein extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. MOLLOHAN, for 10 minutes, today.

Mr. REUSS, for 30 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAILLIARD (at the request of Mr. TAYLOR) to include his remarks during the debate on H.R. 10086 today.

(The following Members (at the request of Mr. TERRY) and to include extraneous matter:)

Mr. SCHERLE in 11 instances.
Mr. GUBSER.
Mr. WIGGINS.
Mr. LATTA in two instances.
Mr. KING in four instances.
Mr. KEMP.
Mr. DULSKI.
Mr. HOSMER in two instances.
Mr. SHRIVER.
Mr. THOMSON of Wisconsin.
Mr. ANDERSON of Illinois.
Mr. FORSYTHE.
Mr. GROSS.
Mr. ASHBROOK in three instances.
Mr. DUNCAN.
Mr. ZWACH.
Mr. CRANE in five instances.
Mr. PELLY.
Mr. FINDLEY.
Mr. SCHMITZ in two instances.
Mr. GOLDWATER.

(The following Members (at the request of Mr. MATHIS of Georgia) and to include extraneous matter:)

Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. GIAIMO in 10 instances.
Mrs. HANSEN of Washington in two instances.
Mrs. ABZUG in 10 instances.
Mr. DRINAN.
Mr. HAGAN in three instances.
Mr. FLYNT in three instances.
Mr. FOUNTAIN in three instances.
Mr. KLUCZYNSKI in three instances.
Mr. EDWARDS of California.
Mr. PIKE in two instances.
Mr. WILLIAM D. FORD in five instances.
Mr. ANDERSON of Tennessee in two instances.
Mr. HAMILTON in two instances.
Mr. BEGICH in three instances.
Mr. MAZZOLI in two instances.
Mr. ANNUNZIO in three instances.
Mr. ABOUREZK in five instances.
Mr. LONG of Maryland in two instances.
Mr. MCKAY in two instances.
Mr. HUNGATE in two instances.

Mr. Roush.

Mr. Anderson of California.

Mr. Macdonald of Massachusetts in two instances.

Mr. Dorn in three instances.

Mr. Flowers in four instances.

Mr. Miller of California in five instances.

Mr. Denholm in three instances.

Mr. Pickle in five instances.

Mr. Waldie in two instances.

Mr. Mathis of Georgia.

## ADJOURNMENT

Mr. MATHIS of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 1, 1972, at 12 o'clock noon.

## OATH OF OFFICE OF MEMBER

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 92d Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C. title 2, sec. 25), approved February 18, 1948:

Richard W. Mallary, At Large District of Vermont.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1500. A communication from the President of the United States, transmitting his findings regarding the importation of marble, travertine, and articles of marble suitable for use as monumental, paving, or building stone, pursuant to section 351(a)(2) of the Trade Expansion Act (H. Doc. No. 92-237); to the Committee on Ways and Means and ordered to be printed.

1501. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to repeal certain acts relating to exportation of tobacco plants and seeds, naval stores, and wool; to the Committee on Agriculture.

1502. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for "Forest protection and utilization," Forest Service, for fiscal year 1972, has again been reapportioned on a basis which indicates the need for a further supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1503. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriations to the Department of Transportation for "Operating expenses" and "Reserve training" for fiscal year 1972, have been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriations, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1504. A letter from the Assistant Secretary of Defense (Manpower and Reserve Affairs), transmitting the report of the 1971 quadrennial review of military compensation, pursuant to 37 U.S.C. 1008(b); to the Committee on Armed Services.

1505. A letter from the Assistant Secretary of the Navy, transmitting notice of the proposed transfer of the surplus T-boat, Hull No. T-513, to the Department of General Services of the State of Illinois, pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

1506. A letter from the Assistant Secretary of the Navy, transmitting notice of the proposed transfer of the submarine U.S.S. *Requin* (SS 481) to the city of Tampa, Fla., pursuant to 10 U.S.C. 7308(c); to the Committee on Armed Services.

1507. A letter from the Deputy Chief of Naval Material (Procurement and Production), transmitting the Department of the Navy's semiannual report of research and development procurement actions of $50,000 and over, covering the period ended December 31, 1971 pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

1508. A letter from the Secretary of Labor, transmitting a report on fair labor standards in employments in and affecting interstate commerce, pursuant to section 4(d) of the Fair Labor Standards Act of 1938, as amended; to the Committee on Education and Labor.

1509. A letter from the Secretary of Labor, transmitting a report of Department of Labor activities in connection with the Age Discrimination in Employment Act of 1967, covering 1971, pursuant to section 13 of the act; to the Committee on Education and Labor.

1510. A letter from the Director, Federal Mediation and Conciliation Service, transmitting the 24th annual report of the Service, covering the fiscal year 1971; to the Committee on Education and Labor.

1511. A letter from the Director, U.S. Information Agency, transmitting the Agency's 36th semiannual report, covering the period ended June 30, 1971; to the Committee on Foreign Affairs.

1512. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly report on deliveries of excess defense articles at acquisition cost and at the value specified in section 8(c) of Public Law 91-672, covering the first quarter of fiscal year 1972, pursuant to section 8(d) of the act; to the Committee on Foreign Affairs.

1513. A letter from the president and chairman, Little League Baseball, Inc., transmitting the audit of financial statements and annual report of Little League Baseball, Inc., for 1971, pursuant to Public Law 88-378; to the Committee on the Judiciary.

1514. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard; to the Committee on Merchant Marine and Fisheries.

1515. A letter from the Librarian of Congress, transmitting a report of scientific and professional positions in the Library of Congress, covering calendar year 1971, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

1516. A letter from the Director, Federal Bureau of Investigation, Department of Justice, transmitting a report on positions in grades GS-16, GS-17, and GS-18 in the FBI during 1971, pursuant to 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

1517. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 24, 1971, submitting a report, together with accompanying papers and an illustration, on Sturgeon Bay and Lake Michigan Ship Canal, Wis., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted May 10, 1945; to the Committee on Public Works.

1518. A letter from the Federal Cochairman, Four Corners Regional Commission, Department of Commerce, transmitting the annual report of the Commission, pursuant to section 509 of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

1519. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

1520. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of certain distributions and sales pursuant to the Bank Holding Company Act Amendments of 1970; to the Committee on Ways and Means.

1521. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report of the Health Insurance Benefits Advisory Council on the medicare program for fiscal year 1971, pursuant to section 1867 (b) of the Social Security Act; to the Committee on Ways and Means.

1522. A letter from the Chairman and members, U.S. Atomic Energy Commission, transmitting the 1971 annual report of the Commission, pursuant to the Atomic Energy Act of 1954; to the Joint Committee on Atomic Energy.

### RECEIVED FROM THE COMPTROLLER GENERAL

1523. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the National Flood Insurance Program, Federal Insurance Administration, Department of Housing and Urban Development, for fiscal year 1970, pursuant to 31 U.S.C. 841 (H. Doc. No. 92-238); to the Committee on Government Operations and ordered to be printed.

1524. A letter from the Comptroller General of the United States, transmitting a report on ways to increase U.S. exports under the trade opportunities program implemented by the Departments of State and Commerce; to the Committee on Government Operations.

1525. A letter from the Deputy Comptroller of the United States, transmitting a report on positions in grades GS-16, GS-17, and GS-18 in the General Accounting Office during 1971, pursuant to 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DONOHUE: Committee on the Judiciary. S. 1857. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; with an amendment (Rept. No. 92-802). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 12736. A bill relating to the nullification of certain criminal records; to the Committee on the Judiciary.

H.R. 12737. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

By Mrs. ABZUG (for herself, Mr. Matsunaga, Mr. Rosenthal, Mr. Halpern, Mr. Danielson, and Mr. Mitchell):

H.R. 12738. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, control multinational corporations, and for other purposes; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 12739. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI (for himself, Mr. Alexander, Mr. Bevill, Mr. Brasco, Mr. Burton, Mr. Byrne of Pennsylvania, Mr. Carter, Mr. Danielson, Mr. Davis of Georgia, Mr. Denholm, Mr. Eilberg, Mr. Giaimo, Mr. Garmatz, Mrs. Grasso, Mr. Halpern, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Jones of North Carolina, Mr. Madden, Mr. Rosenthal, Mr. Scheuer, and Mr. Yatron):

H.R. 12740. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide benefits to survivors of police officers, firemen, and correction officers killed in the line of duty, and to police officers, firemen, and correction officers who are disabled in the line of duty; to the Committee on the Judiciary.

By Mr. BLATNIK (for himself, Mr. Jones of Alabama, and Mr. Harsha):

H.R. 12741. A bill to extend the Federal Water Pollution Control Act through June 30, 1972; to the Committee on Public Works.

By Mr. CAREY of New York:

H.R. 12742. A bill to amend the Vocational Rehabilitation Act to provide for the establishment of a National Center for the Homebound; to the Committee on Education and Labor.

By Mr. COLLINS of Texas (for himself, Mr. Denholm, Mr. Duncan, and Mr. Hillis):

H.R. 12743. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Wisconsin:

H.R. 12744. A bill to repeal the provisions of law which relate to the checkoff procedure for financing presidential election campaigns; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 12745. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE:

H.R. 12746. A bill to provide for the establishment of the Clara Barton House National Historic Site in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 12747. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. ICHORD:

H.R. 12748. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California (for himself, Mr. Aspinall, Mr. Hosmer, Mr. Baring, Mr. McClure, Mr. Roncalio, Mr. Dellenback, Mr. Abourezk, and Mr. McKevitt):

H.R. 12749. A bill to authorize appropriations for the saline water conversion program for fiscal year 1973 to delete section 6(d) of the Saline Water Conversion Act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEMP:

H.R. 12750. A bill to provide for the control of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. KEMP (for himself and Mr. Dulski):

H.R. 12751. A bill to extend the Federal Water Pollution Control Act until June 30, 1972; to the Committee on Public Works.

By Mr. KYROS:

H.R. 12752. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of California:

H.R. 12753. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. MILLS of Maryland:

H.R. 12754. A bill to provide for the establishment of a national cemetery in the State of Maryland; to the Committee on Veterans' Affairs.

By Mr. MURPHY of New York:

H.R. 12755. A bill to amend the Federal Power Act to establish procedures designed to balance reasonable power needs and reasonable environmental factors in planning and authorizing the construction and operation of bulk electric power facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Boggs, Mr. Danielson, Mr. Dellums, Mr. Fauntroy, Mr. Gallagher, Mr. Galifianakis, Mr. Madden, Mr. Podell, Mr. Robison of New York, Mr. Roe, Mr. Rooney of Pennsylvania, Mr. Rosenthal, and Mr. Stubblefield):

H.R. 12756. A bill to promote research and development of drugs or chemical compounds for use in the cure, prevention, or treatment of heroin addiction; to the Committee on Interstate and Foreign Commerce.

By Mr. RANGEL (for himself, Mr. Burton, Mrs. Grasso, and Mr. Seiberling):

H.R. 12757. A bill to establish minimum prisoner treatment standards for prisons in the United States and to create an agency to hear complaints arising from alleged infractions of such standards; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 12758. A bill making an appropriation to the Federal Communications Commission to carry out an investigation of the American Telephone & Telegraph Co. and its subsidiaries; to the Committee on Appropriations.

By Mr. SCHERLE:

H.R. 12759. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business or any business, having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. STUBBLEFIELD:

H.R. 12760. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

H.R. 12761. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (by request):

H.R. 12762. A bill to raise the Veterans' Administration to the status of an executive department of the Government to be known as the "Department of Veterans' Affairs"; to the Committee on Government Operations.

H.R. 12763. A bill to provide that Interstate Route No. 70 shall be known as the "Disabled American Veterans Memorial Highway"; to the Committee on Public Works.

By Mr. TERRY:

H.R. 12764. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALLEY:

H.R. 12765. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. WYATT:

H.R. 12766. A bill to amend the Economic Stabilization Act of 1970 to exempt from its coverage individuals whose annual earnings are below $10,000, except with respect to the portion of any increase which raises their annual earnings above $10,000; to the Committee on Banking and Currency.

By Mr. ZWACH:

H.R. 12767. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois:

H.J. Res. 1036. Joint resolution to amend title 5, United States Code, in order to designate November 11 of each year as "Veterans Day"; to the Committee on the Judiciary.

By Mr. CRANE:

H.J. Res. 1037. Joint resolution authorizing the President of the United States to issue a proclamation designating the week beginning October 22, 1972, as "National Records Management Week"; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. ABOUREZK, Mr. HICKS of Washington, and Mr. LEGGETT):

H.J. Res. 1038. Joint resolution to suspend for 80 days the continuation of any strike or lockout arising out of the labor dispute between the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union; to the Committee on Education and Labor.

By Mr. MINSHALL:

H.J. Res. 1039. Joint resolution proposing an amendment to the Constitution of the United States to insure the right of States to establish and prescribe the powers of their local educational agencies; to the Committee on the Judiciary.

By Mrs. ABZUG:

H. Res. 788. Resolution relating to the authority of certain standing committees of the House of Representatives to meet while it is in session; to the Committee on Rules.

By Mr. ICHORD:

H. Res. 789. Resolution authorizing the expenditure of certain funds for the expenses of the Committee on Internal Security; to the Committee on House Administration.

## MEMORIALS

Under clause 4 of rule XXII,

301. The SPEAKER presented a memorial of the Legislature of the State of Vermont, relative to the death of U.S. Senator Winston L. Prouty, which was referred to the Committee on House Administration.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HAMMERSCHMIDT introduced a bill (H.R. 12768) for the relief of U.S. Forgecraft Corp.; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

182. The SPEAKER presented a petition of the City Council, Spokane, Wash., relative to Federal-State revenue sharing, which was referred to the Committee on Ways and Means.

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# SENATE—*Monday, January 31, 1972*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, the source of all power and the giver of all wisdom, we lift our eyes upward to behold Thy holiness, we turn our eyes outward and behold the world's need, we look inward and feel our need of Thee. Qualify us for service by the gift of clean hands and pure hearts and souls receptive to the guidance of Thy spirit. Keep the humblest and the mightiest among us under the shelter of Thy grace that as "one nation under God" we may further the coming of Thy kingdom. Amen.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, January 28, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## ATTENDANCE OF A SENATOR

Hon. JAMES L. BUCKLEY, a Senator from the State of New York, attended the session of the Senate today.

## WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## THE CALENDAR

Mr. MANSFIELD. Mr. President, without any reference to the Pastore rule of germaneness, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 568.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## INTEGRATED PEST CONTROL RESEARCH

The Senate proceeded to consider the bill (S. 1794) to authorize pilot field-research programs for the control of agricultural and forest pests by integrated biological-cultural methods which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

S. 1794

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purposes of this Act—

(a) The term "integrated control" means a pest management system that, in context of the associated environment and the dynamics of the pest species, utilizes all suitable techniques and methods in as compatible a manner as possible and maintains the pest at levels below those causing economic injury.

(b) The term "pest" means insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, which are determined by the Secretary of Agriculture to cause economic injury to agricultural and forest crops to the extent that suppression is necessary.

SEC. 2. (a) The Secretary of Agriculture is authorized and directed to carry out, through the Agricultural Research Service of the Department of Agriculture, pilot field-research programs for the purpose of (1) developing and testing the suppression of agricultural and forest pests by the employment of integrated control methods, (2) determining the economic and environmental consequences of predicting and modifying agricultural and forest pest occurrences through utilization of integrated control methods, and (3) developing methods of collecting, handling, and interpreting data obtained from such field research.

(b) The Secretary of Agriculture is authorized to reimburse farmers and ranchers for any losses sustained by them as a result of any research authorized under this Act being conducted on their lands, crops, or livestock.

(c) There are hereby authorized to be appropriated to the Secretary of Agriculture to carry out the provisions of this section during the fiscal year ending June 30, 1972, the sum of $2,000,000, and such sum as may be necessary for each of the five succeeding fiscal years.

SEC. 3. There are hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1972, the sum of $2,000,000, and such sum as may be necessary for each of the five succeeding fiscal years for the purpose of expanding its fundamental research on integrated control principles and techniques to suppress agricultural and forest pests.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize pilot field-research programs for the suppression of agricultural and forest pests by integrated control methods."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–595), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### SHORT EXPLANATION

This bill—

(1) directs the Secretary of Agriculture to carry out pilot field research programs in integrated methods of controlling agricultural and forest pests;

(2) authorizes him to reimburse farmers for losses sustained as a result of such research being conducted on their lands, crops, or livestock; and

(3) authorizes expanded research on integrated control by the National Science Foundation.

### HEARINGS

Hearings were conducted on this bill by the Committee's Subcommittee on Agricultural Research and General Legislation on September 30 and October 1, 1971. Witnesses were generally favorable. The hearings have been printed.

### PURPOSE

The purpose of the bill is to develop and encourage the use of a wide variety of pest control measures which will result in protection of the environment, the continued production of high quality foods and other agricultural commodities in abundant quantity, and reduction in the cost of producing such commodities. Such measures would include the use of insect predators, parasites, pathogens, insect sterilization, attractants, hormones, varieties of crops resistant to insect and diseases, crop morphology, chemicals, and various combinations of such techniques for integrated control of pests.

The following abstracts from the testimony of witnesses for the Department of Agriculture appearing at pages 12 through

18 of the hearings will throw further light on the objectives of the bill:

"Mr. EDMINSTER. * * *.

"The purpose of the bill is to authorize pilot-field-research programs for the control of agricultural and forest pests by integrated biological control methods.

"The Department of Agriculture is totally committed to the integrated biological control approach to the suppression of pests and diseases of importance to producing the quantity and high quality of food, feed, and fiber in our Nation, as well as for the protection of our environment.

"The American farmer has been active in developing and applying many programs that will protect our environment. For an outstanding example, we have only to look to the soil and water conservation programs. Programs that are supported and led by farmer-oriented associations in concert with the technical agencies of the State and Federal Government. These successful programs came out of the early research findings that provided an array of integrated conservation practices. Our research programs for pest control are geared to provide a similar array of integrated pest control practices. The agricultural sector with the tools at hand can then take similar leadership in applying biological and cultural methods of controlling pests and diseases.

* * * * *

"Dr. KNIPLING. Mr. Chairman and members of the committee, for more than 15 years the Entomology Research Division of the Agricultural Research Service has been orienting its fundamental and applied research efforts to the development of alternative ways to control insects, with particular emphasis on those insects that are responsible for the most extensive use of insecticides. We recognize the great contributions to agriculture, forestry, and health that modern chemical pesticides have made. The need for many of the pesticides will continue for years to come if we are to cope with the thousands of pests that attack crops, forest, livestock, and which affect man's comfort and health. Yet, we also recognize that our goal for the future must be to achieve the same or even a higher degree of efficiency in pest control but by methods that will not adversely affect the quality of our environment.

"In the intensified efforts that have been underway for some years to develop ecologically acceptable methods for insect control, some progress has already been made. The screw-worm, a major pest for livestock, was eliminated by a unique method which utilizes the insect itself as a biological agent for its own destruction. The same technique is now employed to operate a barrier zone to keep screw-worms in Mexico from reinfesting this country. Each week from 100 million to 150 million screw-worm flies are being reared and sterilized by exposure to atomic radiation and then released in a broad band about 200 miles wide along the U.S.-Mexico border region from the Gulf of Mexico to the Pacific Ocean.

"The success of the sterile male method stimulated research efforts to develop the technique for use against other insect pests. As a result, the technique is now used along the California-Mexico border area to control the Mexican fruit fly. Each week several million sterilized Mexican fruit flies are released to prevent the establishment of this dangerous pest of fruit and vegetables. These sterile insect releases have replaced the use of insecticides which were formerly used to prevent the establishment of this pest in southern California fruit and vegetable growing areas. That year the USDA and the California Department of Agriculture jointly financed a program to rear, sterilize, and release more than 100 million pink bollworm moths in the San Joaquin Valley of California in an effort to prevent the spread of this dangerous and costly pest of cotton into this important cotton-growing region. When the pink bollworm spread from Texas to cotton-growing areas in Arizona, New Mexico, and the Imperial Valley in California, it immediately posed a serious problem to growers, because chemical insecticides now provide the only effective way to control the pest under conditions that cotton is now grown in these areas. It is the hope that the sterile pink bollworm release technique will continue to keep the pest from getting a foothold in the San Joaquin Valley and thus obviate the need for an intensive use of insecticides in this large cotton-growing area in California.

"We recognize that the use of sterile or genetically altered males for their own destruction will not solve all or even most of our major insect pest problems. Yet, our research has advanced to the stage that we see excellent possibilities of developing the techniques to help solve or alleviate a number of other major insect problems. Research on the insect sterilization method has advanced to the point that this technique shows promise when integrated with other methods for the control of low populations of such major pest species as the boll weevil, codling moth, Mediterranean fruit fly, oriental fruit fly, melon fly, Caribbean fruit fly, corn earworm, tobacco budworm, tobacco hornworm, gypsy moth, horn fly of cattle, and other pest species. However, we will not know if or how the technique can be employed effectively against these and other species until suitable pilot field tests are conducted against isolated populations.

"There is a big jump from laboratory and small pilot type of research to practical operational scale field testing. As an example of the type of pilot testing research that needs to be undertaken to develop some of the new techniques for insect suppression, I would like to cite a test program on the boll weevil now under way, which is jointly sponsored and financed by the Agricultural Research Service, the Cooperative State Research Service, the States of Mississippi, Alabama, and Louisiana, and the cotton industry. A pilot test is now underway to determine if insecticides, attractants, and sterile males employed in an integrated program can be used to eliminate isolated populations of the cotton bowl weevil, one of the Nation's most damaging pests. The large-scale field test will cost $2 million each year for 2 years. However, if the procedures used prove successful, we may have the means of eliminating a pest that alone costs cotton farmers about $75 million per year on the average to control the boll weevil with chemical insecticides.

"The genetic approach to insect control is just one of several approaches that offer more acceptable solutions to insect pest problems. Insects have many natural enemies. One of the most important goals of Federal and State scientists is to use insecticides more judiciously so as to obtain maximum help from the biological agents that already occur naturally in our agricultural and our forested areas. We know through many years of experience and long before insecticides were used intensively, that these natural agents, as valuable as they are, do not provide adequate control for many pests. Therefore, USDA is investigating a number of parasites and predators with a view to rearing certain species by the hundreds of millions, or even billions, so that enough of them can be released on a programed basis into crop environments to assure effective controls of some of our major pests. One of our scientists located at Texas A. & M. University has shown that the release of large numbers of eggs or larvae of a predator called chrysopids on cotton will effectively control cotton bollworms.

"To explore fully this biological method, we need to develop low-cost methods of rearing the predator in large numbers and determine its usefulness in well-planned pilot field tests. A tiny natural biological agent called *Trichogamma* is known to be an effective parasite for suppressing a wide variety of crop pests. However, like many natural enemies, this parasite seldom produces a high degree of control until the pest has already exceeded the economic damage level. We are taking a new look at this parasite and there is good reason to believe that the release of from 50,000 to 100,000 of these tiny parasites per acre each week on crops attacked by such insects as the bollworm, tobacco budworm, sugarcane borer, cabbage looper, and imported cabbage worm can lead to the control of pests. Again, however, we will not know how effective and how practical this biological agent can be as alternatives to chemicals without conducting suitable pilot field tests on a community size scale. Similar exploratory studies are underway on parasites of such important crop pests as the greenbug on sorghum, the pea aphid on peas, and the green peach aphid on potatoes. Parasites that attack aphids often control aphid poulations but too late to prevent damage to the crops. This is typical of many parasites, thus our goal is to develop ways to rear potentially useful parasites on a large scale and conduct pilot field tests on a sufficient size scale to determine their value as a biological control procedure to replace chemical pesticides.

"Insects are also affected by a number of insect diseases. Thus, we have another type of biological agent to exploit. Insect viruses are known that seriously affect such pests as the cabbage looper, cotton bollworm, tobacco budworm and the gypsy moth. Several strains of the bacterium *Bacillus thuringiensis* are under investigation, which are more virulent than the strain now sold for the control of certain vegetable pests. Fortunately, most insect diseases are highly selective against a given pest or a closely related pest complex; therefore, the use of insect pathogens offers a way to control some of our important pests without adversely affecting other natural biological agents or fish and wildlife. We believe that such pathogens can eventually provide effective ways to control a number of important pests; but again, pilot tests are needed to determine how effective some of the insect viruses and the different strains of *Bacillus thuringiensis* are for the control of such pests as bollworms on cotton, the cabbage looper, gypsy moth, and other species.

"Another approach to insect control involves the use of attractants. There is a special interest in the use of insect sex attractants for insect detection and control. In a strict sense the use of sex attractants would not involve a biological method because the attractants are chemicals. But they are chemicals of natural origin and are highly selective in action, generally only against the insects that produce them naturally. Chemists with Federal and State research institutions have made remarkable progress in recent years in the isolation, identification, and synthesis of these highly active chemicals. Sex attractants have been synthesized for such important pests as the gypsy moth, cabbage looper, boll weevil, codling moth, redbanded leafroller, European corn borer, and pink bollworm. Other major insects are known to produce powerful sex attractants and chemists are now trying to isolate, identify, and synthesize the compounds. They include such pests as the peach tree borer, Japanese beetle, tobacco hornworm, tobacco budworm, and sugarcane borer. We are hopeful that insect sex attractants will eventually offer a way to control a number of important pests without causing any harm to other organisms in the environment. However, we are finding it to be difficult and costly to conduct the type of tests that are needed to determine how effective insect attractants can be for insect control. Most of the insects are strong fliers and it is not possible to demonstrate effective control by the use of attractants unless the test area is sufficiently large to minimize the influence of previously mated insects immigrating into the experimental area.

"One of the most desirable ways to control insects is to develop crop varieties that tolerate or resist insect attacks. This approach to insect control is by no means new, but there has been a renewed interest in developing this method for more insect problems. Good control is now obtained by growing wheat resistant to the Hessian fly; growing alfalfa that is resistant to the spotted alfalfa aphid and the pea aphid, and corn that is resistant to the European corn borer. Research has been expanded on this approach in recent years. Promising lines of cotton are known that possess a high degree of resistance to the boll weevil, the cotton bollworm, tobacco budworm, and the flea hopper. It requires long and painstaking research by plant breeders and entomologists to expect to find and develop crop varieties that are resistant or tolerant to insect attack. But even after promising germ plasm is found, it becomes necessary to grow resistant lines in special field tests and on a sufficient size scale to fully evaluate their agronomic qualities and to measure their effectiveness against the pest. One of the special problems is to be sure that such varieties, while resistant to one pest, will not be more susceptible to some other pest or diseases. Small scale tests do not always provide the information needed to fully evaluate the performance of new varieties. Mr. Chairman, I would just like to add the eventual goal is to determine how we can integrate these alternative methods to achieve the highest degree of control possible that will be sound from an ecological standpoint."

* * * * *

### DEPARTMENTAL VIEWS

The Department of Agriculture and the National Science Foundation strongly support the objectives of the bill, but advise that its enactment is unnecessary because adequate authority already exists. The Committee feels that the importance to the environment and the national welfare of improved methods of pest control is such that the bill should be passed, and the Secretary of Agriculture should be given the clear and specific direction provided by the bill to carry out these pilot research programs.

On January 14, 1972, the Secretary of Agriculture announced a program along the lines provided for by the bill, as shown by the following release:

### "NEW PEST MANAGEMENT PROGRAM TO HELP FARMERS ANNOUNCED

"WASHINGTON, January 14.—Secretary of Agriculture Earl L. Butz today announced a broad new pest management action program and an expanded research program to help farmers control pests more economically and effectively. At the same time it will reduce the amount of DDT and other chemical pesticides currently being used.

"The new program provides for a combination of chemical, biological and cultural pest control techniques as well as long-range pest control research. This should enable farmers to reduce pesticide use in 1972 and later years.

"The program will be conducted jointly by the U.S. Department of Agriculture, the National Science Foundation, and the Environmental Protection Agency, in cooperation with State Departments of Agriculture, and State Agricultural Experiment Stations and Extension Services.

" 'We are well aware of the need to continually examine our methods of pest control and make modifications when possible. This program will help farmers develop integrated control techniques for protecting crops and livestock from insects and diseases while reducing farmer's production costs and protecting the Nation's consumers from increased costs for food and clothing," Secretary Butz said.

" 'The program will have other benefits. It will help protect the environment from the effects of currently used pesticides, as well as protecting farmers, farm workers and their families, and the public from the possibly harmful effects of more toxic materials that might be used as substitutes for DDT or other chemicals.' "

"The initial pest management program effort will be directed toward cotton because of the amount of chemical pesticides currently required to control cotton pests, the mounting ineffectiveness of some of these insecticidal chemicals and their side effects on beneficial insects and the environment. Later the program will be broadened to include insect pests affecting other agricultural crops.

"The accelerated pest management program generally calls for assessment of pest population levels by organized scouting programs, selective use of pesticides, placing greater reliance on beneficial insects, utilizing special cultural practices, and in the case of the cotton boll weevil, applying insecticides late in the growing season to control the population of the diapausing weevils—a period in the fall when the weevils' development is interrupted.

"Cotton is grown on about 11 million acres in 19 States, and is subject to attack by more than 130 species of insects or spider mites. The boll weevil alone infests over 8 million acres in the cotton belt, with annual losses exceeding $200 million. Currently, cotton producers must make 10 to 20 pesticide applications annually at a cost of $15 to $35 per acre to control these pests.

"Under the new program, on-the-farm pest management efforts which have previously been field-tested in a number of cotton producing areas will be expanded. A total of $2,250,000 in existing funds has been allocated by the USDA to this phase of the program in 1972. It is expected that each of the pest management activities will be financially self-supporting at the farm level three years after initiation of the program. This would allow reallocation of the funds to pest management programs for other crops.

"In addition to the on-farm phase of the program, a total of $3.5 million will be allocated in 1972 to expand the research needed to field test new pest control and detection techniques, and to develop the tools necessary for initiating still other methods of control. Of these funds, $1.7 million will be provided by USDA, $900,000 by the Environmental Protection Agency, and $900,000 by the National Science Foundation."

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## PRESIDENT NIXON'S PEACE PLAN

Mr. MANSFIELD. Mr. President, over the weekend, a commentary by TRB, which was published in the Baltimore Sun on January 29, 1972, and a lead editorial published in the New York Times on Sunday, January 30, 1972, contained, I think, some pertinent comments relative to the President's proposals seeking to bring an end to the war in Vietnam.

I am impressed by both article and editorial, as I was impressed by the concluding remarks made by Dr. Kissinger in his on-the-record appearance last week with the press.

I should like to quote from Dr. Kissinger at this time. He said:

> The new proposal was accompanied, in the speech, first by a renewed offer to discuss the military issues alone, . . .

I stress that word "alone" because, as I have indicated, I believe that the military aspects should be separated, but I think the RECORD should be clear.

Dr. Kissinger continues:

> Just in case the North Vietnamese have changed their minds on this, which we think is unlikely, but we just want to make sure that this was true; and secondly, we have offered, on October 11th, and we will repeat that offer tomorrow in Paris, a staged approach to the implementation of this agreement by which the withdrawal and exchanges could begin while the other details were still in the process of negotiation, as long as they were completed within the six-month period.

That is the end of the statement by Dr. Kissinger.

Mr. President, I think that there is a good deal of merit in both commentaries by TRB and the New York Times editorial, and I ask unanimous consent that they both be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Jan. 29, 1972]

### U.S. PUBLIC SEEKS PULLOUT WITH FEWEST SCARS POSSIBLE

WASHINGTON.—We are prepared to believe that President Nixon wants to get out of Vietnam. He feels that he has made a generous offer in the terms of the secret negotiations with Hanoi which last week he revealed have been going on since 1969. The fact that at long last almost in despair he disclosed these negotiations indicates that there is small chance of their being accepted so long as Gen. Nguyen Van Thieu remains president. In fact we now know what we are fighting for; it is to preserve General Thieu, though he must run the seemingly small risk of a new election.

The difficulty is that North Vietnam, we imagine, has not the slightest confidence in the proposed democratic process of holding an election, despite all the bait that Mr. Nixon has spread around—General Thieu's resignation one month ahead of time, participation by the Viet Cong and impartial supervision. The Yale political scientist, Robert Dahl, once observed that of 150 nominally independent countries in the world today the people in only about two dozen regularly exercise the right to free elections. We cannot force the system on other nations, he argues. Certainly South Vietnam hardly appreciates it in the farcial affair where General Thieu ran by himself; an instance of "one man, one vote" if we ever saw it.

Furthermore, the North Vietnamese probably believe that they are winning; that time is on their side; that the Americans are interlopers. They have the perverse notion that it is their country and that we have no business being there.

Yet it would be wrong, we think, for Hanoi to misinterpret the Nixon speech. Some of our friends here hate the war so much that they want the lesson against imperialism driven home by the abject defeat of America. This is a luscious morsel of I-told-you-so and revenge to roll over the tongue, but we cannot buy it. We guess that

Mr. Nixon's earnest, injured broadcast is going to mute some critics, and produce a substantial feeling of sympathy—for a time at least. We think the leaders of North Vietnam should appreciate this. They will make a mistake not to explore this possible opening or to ignore the fact that many Americans who loathe the war are not prepared to see their country humiliated. For Americans it is a question now, we think, of getting out with the fewest scars possible so that we can get back to our own agonizing internal problems.

It is time to take some thought about what the war has done to us. Not merely all those lives lost and treasury spent—they are the brutal obvious costs. Some penalties have been less glaring—Mr. Nixon's $40 billion deficit for example, announced last week.

And what caused the deficits and dollar devaluation? Primarily it was the war; inflation caused by the war, with inflation started by Mr. Johnson's failure to pay for the war with adequate taxes.

In perspective the war is the longest one America has ever fought and one of the most important in some of its consequences. It forced Mr. Johnson out of office, and probably defeated Hubert Humphrey, and has bedeviled Mr. Nixon for three years. More important are subtler developments, widespread alienation of youth; a greater than normal distrust of politicians, a loss of faith in the very instruments of government, a malaise, a sourness, a feeling that the nation is in great trouble, a questioning of democracy itself. A year ago a Gallup Poll showed 73 per cent of the public wanted troops out; there is no greater danger for the spirit than to go on fighting a war which the people think is wrong.

There is also the erosion of congressional power. This has been going on for half a century but Vietnam sped it up, it underlined the humiliating downgrading of the legislature; Congress was gulled into whooping through the Tonkin Gulf resolution; it was not consulted about the Cambodia invasion; it only learns now that for 30 months secret White House negotiations with the enemy have been going on. What does Congress count? It debates ineffective resolutions about ending the war by fixing a "date certain." Its job is to vote funds; not interfere.

The war brought notable statements, too: such windy comments as Mr. Johnson's in 1965, "No other people in no other time has had so great an opportunity to work and risk for the freedom of all mankind." And Mr. Humphrey in October, 1967, "The threat to world peace is militant, aggressive Asian communism, with its headquarters in Peking, China."

American global evangelism is now at a discount but it was shared by the press.

The war brought from Mr. Nixon that tocsin announcement on the Cambodian "incursion": "Tonight, American and South Vietnamese units will attack the headquarters of the entire Communist military operation in South Vietnam . . ." We never did find it.

Here is London correspondent Peregrine Worsthorne a year ago reporting from personal interviews with the President, "No wonder a mood of infectious optimism pervades the White House today . . . poised on the brink of succeeding in its long struggle." And here is columnist Joseph Alsop, giving the good news, datelined Saigon, a year ago: "Hanoi's problems now appear so horrible that they are almost certainly beyond solution . . ."

Well, well. We can tell our children about it. The myth of innocence and invincibility. Disruption of the 1968 Chicago convention. Repeated examples of civil disobedience. Catch words like Tiger Cages, My Lai, Lieutenant Calley, Kent State, Protective Reaction, Moratorium March, Body Count. Yes, as some cynic said, "Vietnam has given war a bad name."

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[From the New York Times, Jan. 30 1972]

### THE PEACE PLAN

President Nixon's peace plan, as revealed to the world in general and to the American electorate in particular last Tuesday night in his own special brand of TV spectacular, does represent a significant advance of the American position in the complex negotiating effort to bring an end to the Vietnam war. While Mr. Nixon's dramatic announcement may indeed have been timed to soften up American and world opinion for a massive renewal of aerial bombing in response to the anticipated major Tet offensive on the part of Hanoi, the fact remains that the proposals are substantial enough, and are flexible enough, to warrant more serious exploration from the naturally suspicious enemy than has yet been publicly evidenced.

Mr. Nixon's plan is certainly not foolproof, and it is perfectly clear why the other side has not rushed to accept it. He has not abandoned the Thieu regime, as not only Hanoi but also many of Mr. Nixon's most earnest domestic critics insist must be done before peace can be expected in Indochina; but what he has proposed is a series of steps that could lead to a change of government in South Vietnam through a process in which all shades of opinion—Communist as well as anti-Communist—would have a part, while the fighting came to an end.

But on the political arrangements, the cease-fire, the withdrawal in exchange for prisoners of war, and other issues as well, the Nixon plan clearly leaves room for negotiation. Though the steady withdrawal of American ground troops and the continued failure of Vietnamization place the United States in an increasingly difficult bargaining position, it would be too much to expect Mr. Nixon to come forward with a plan immediately acceptable to Hanoi. What can be expected and now has at least been partially accomplished is a plan that should invite serious response from Hanoi in a forward-moving negotiation.

In fact, the secret Kissinger meetings last year in Paris with Le Duc Tho, member of the North Vietnam Politburo, did much to advance these negotiations by undertaking detailed discussions on a political settlement in South Vietnam, something that Washington had not been willing to talk about with Hanoi alone in the past.

This does not mean that the Administration has given up its hope that the Communists ultimately will accept, or at least negotiate, the detailed terms of a political solution with the Saigon Government. Nor have the Communists backed away from their refusal to talk to the Saigon Government—even to negotiate its replacement. But, for the first time, there has been a serious exchange about the central issue of the conflict: How power is to be exercised in South Vietnam when the war ends.

Ostensibly, Washington and Hanoi are poles apart on this issue. But some progress has been made toward closing the gap. The critical divergence has to do with how South Vietnam shall be governed in the transitional period between an agreement—which, in the view of both sides, must include a cease-fire—and the holding of elections.

The Communists propose an interim coalition government made up one-third of their representatives, one-third of representatives of a new Saigon Government without President Theiu and one-third of other factions. But they insist on a veto over the participants they do not name. Essentially, they favor elections that confirm an outcome known in advance and achieved by negotiations. The United States has been proposing a process meaningful to Americans but less so to Vietnamese—elections leading to an unknown outcome.

In the secret conversations, the United States for the first time evidently discussed with Hanoi, without commitment, the composition of the interim coalition government the Communists were proposing. It was made clear to Hanoi that the representative "independent" body the United States and Saigon want to run the elections could have powers approaching that of an interim coalition government. Washington evidently is prepared to have equal representation on the commission of the Vietcong, the Saigon Government and third groups chosen jointly by the two chief adversaries.

Hanoi's answer is still awaited on this critical point. Other points of difference between Washington and Hanoi appear to be negotiable, including the terms of American withdrawal and prisoner release.

For the first time in four years of effort the way seems open for serious negotiation of a peace settlement—if both sides are really prepared to accept a political compromise rather than a continued effort to achieve a military victory.

## WEST COAST DOCK STRIKE

Mr. SCOTT. Mr. President, it is high time for the Senate to live up to its responsibilities and deal with the west coast dock strike. Continuance of this strike forces up food prices and results in hardship on consumers.

Action by Congress might serve to save face on the part of both labor and management. At least we should try some legislation. The committee should be working on it and, if necessary, we could surely work out some way of getting action on the floor of the Senate in between this and our other bills.

Thus, I think it is desirable that the President's urgent request be considered in the same context of urgency. It is really not doing the cause of industrial peace any good by failing to act or to consider this matter.

## THE "SURRENDER NOW" TECHNIQUE

Mr. SCOTT. Mr. President, I note with interest that many columnists are veering now toward a "surrender now" technique. These are our U.S. boys, our unconditional surrender boys.

Their case is weak. Their cause is bad. They serve no American interest and they should be identified accordingly.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

## SENATOR COOPER OF KENTUCKY—A BLUE-RIBBON SENATOR

Mr. BYRD of Virginia. Mr. President, the Norfolk Virginian-Pilot of January 26, 1972, has published an excellent editorial headlined "Blue-Ribbon Senator." It deals with the announcement by JOHN SHERMAN COOPER, of Kentucky, that he will not be a candidate for reelection.

The editorial ably reviews Senator

COOPER'S career and his accomplishments and ends with this sentence:

> He has been a blue-ribbon Senator for 20 years.

Most certainly, Mr. President, JOHN SHERMAN COOPER, of Kentucky, has been a blue-ribbon Senator for 20 years.

As an independent Democrat, I have no hesitancy in saying that I feel Senator COOPER'S pending retirement from the Senate will be a great loss to the Senate. As the senior Republican Senator from Kentucky he will be not only greatly missed by his colleagues, but his abilities will also be greatly missed by the Senate.

I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### BLUE-RIBBON SENATOR

Senator John Sherman Cooper (R-Ky.) made it official the other day: he isn't going to run for reelection this year.

Mr. Cooper, who was 70 last summer, is one of the most respected men on Capitol Hill and will be missed in the Senate.

And it won't be the first time that he's been missed in the Senate. Few men have had as much trouble staying there, and few have been as persistent in returning there, as Mr. Cooper, a Republican in what used to be a Democratic state.

He was first elected to the Senate in 1946, to fill the unexpired term of Albert B. (Happy) Chandler, who resigned to become Baseball Commissioner. He was defeated in 1948 by Democrat Virgil Chapman. He was returned in 1952 for the balance of the Chapman term after Mr. Chapman's death. He was defeated in 1954 by Alben W. Barkley; Mr. Cooper was much admired even then, but Alben Barkley, the former "Veep," was unbeatable. After Mr. Barkley's death, Mr. Cooper once more was re-elected to fill the unexpired term, and re-elected in his own right thereafter in 1960 and 1966.

During the periods when he was out of the Senate, he served as delegate to the United Nations (1949–51) and as Ambassador to India (1955–56).

Mr. Cooper was never a partisan Republican, and often was found voting with the Democrats when he disagreed with his own party. Essentially, he was an internationalist as a Senator. His chief interest was foreign affairs and he long served on the Foreign Relations Committee, where he has been an active foe of the fighting in Indochina in recent years. His name has been on amendments to limit the use of American troops there. But despite his efforts opposing the Vietnam War, Mr. Cooper has remained on good terms with the White House.

But then he always was highly respected. In 1963, when Lyndon Johnson wanted a blue-ribbon commission to investigate the assassination of John F. Kennedy, he chose John Sherman Cooper and Richard Russell from the Senate. That is the measure of the man. He has been a blue-ribbon Senator for 20 years.

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## QUORUM CALL

Mr. MONDALE. Mr. President, I observe the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Michigan is recognized for 3 minutes.

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## STOP THE KILLING

Mr. GRIFFIN. Mr. President, at the White House the other night, a young woman who had been hired as a substitute to perform with the Ray Conniff Singers, suddenly pulled out a cloth sign and held it up. The sign read: "Stop the killing." Needless to say the incident disrupted the program at the White House and focused a great deal of news media attention on the woman and her message.

I rather suspect that a number of President Nixon's critics read the news about this incident with some degree of amusement; perhaps, with some satisfaction that the incident could have happened and did happen. I suspect that many of the President's critics found themselves identifying with the young woman and her message.

As I read the news story, I could not help recalling some of the criticism that was voiced following the President's historic address to the Nation last Tuesday night, when he revealed for the first time the details of some of the Vietnam negotiations that have taken place in secret.

I recall that a number of those who criticized the President following his address—or who found fault with his peace offer—seized upon the fact that he proposed a cease-fire in connection with the offer of withdrawal and an exchange of prisoners.

The President proposed, in other words, that both sides in the war "stop the killing."

It seems incredible but some of those identifying with and silently applauding the young woman who held up the sign are the same people who berate President Nixon for his proposal that both sides stop the killing.

Apparently, those people are suggesting or implying that only one side should stop the killing. But, of course, that would not stop the killing.

It should be obvious to all except any who insist upon abject surrender that President Nixon has been working very diligently to achieve exactly what the young woman seeks with her sign: "Stop the killing."

Mr. President, without intending to refer to any particular critic, I think a column entitled "A Sick Reaction to Nixon," written by William Raspberry, and published in the Washington Post this morning, is very interesting. Mr. Raspberry focuses attention upon a troubling position taken by some with respect to President Nixon's peace proposal. Columnist Raspberry refers to the views of some who seem to take the position that America does not deserve an honorable exit from the Vietnam war and must not be permitted to have one.

He goes on to say:

> Nor is it a new feeling. Its most blatant manifestation came in the chants of "Ho, Ho, Ho Chi Minh, NLF is gonna win" that used to mark the big peace demonstrations.
>
> But it also showed up in some of the reactions to such military initiatives as the Cambodian and Laotian "incursions," not merely that the initiative couldn't work for this or that military reason, nor even that the initiative amounted to an immoral widening of the war.
>
> Those reactions were there of course. But also there was the feeling—the fear—that these gross actions might work, and since their success would be vindication for immorality, they must be opposed.

At another point, Mr. Raspberry, a very perceptive columnist says:

> But you can treat sick people who insist on punishing themselves. A nation cannot afford to indulge in that sort of self instruction.

At another point he writes:

> But it is sick to work at delivering your own comeuppance, and that is what some of those who oppose the war and Richard Nixon's handling of it are proposing.

Mr. President, I ask unanimous consent that the full text of Mr. Raspberry's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### A SICK REACTION TO NIXON

(By William Raspberry)

Two of the three primary reactions to the President's recent revelation of his secret Vietnam negotiations are fairly easy to talk about. They are more or less clearcut and have more or less articulate spokesmen.

First is the reaction of triumph (or chagrin, depending on your point of view) that for the past several months Mr. Nixon was doing precisely what his most respected critics were accusing him of refusing to do: Offering American withdrawal—even by a "certain date"—in exchange for the return of American POWs.

The President's announcement embarrassed those (particularly the Democratic presidential hopefuls among them) who had been demanding just that sort of proposition.

It vindicated those whose faith was that the President really did want to extricate his country from the war and was sparing no effort to do so. In either case, it must be counted a political plus for Mr. Nixon for the time being, although it may blow up in his face between now and November.

The second reaction is that the President's eight-point proposal, whether sincerely offered or not, cannot work—for the simple reason that Hanoi can gain more heavily by not agreeing to anything.

America clearly is getting out of Vietnam without the benefit of negotiation, the argument goes. In light of that irrevocable trend, Hanoi could only lose by entering into serious negotiation. The smart thing from Hanoi's point of view would be to avoid anything drastic—either at the bargaining table or on the battlefield—and simply permit the continuing withdrawal of the American forces.

The first two reactions are essentially practical, and have to do with whether this plan or that can work.

There is a third, more troubling position that is difficult to document because it has no respected spokesman. It is that America does not deserve a graceful exit from the war and must not be permitted to have one.

The American involvement in Vietnam was immoral from the very beginning, the feeling seems to be, and it is immoral for immorality to go unpunished.

It is the same reaction some of us have to "liberal" talk about prison reform or rehabilitation of criminals. It is the same feeling some of us would have had if Hitler had been able to negotiate an honorable end to World War II.

Someone (maybe it was Sam Smith of the

D.C. Gazette) once said that the notion of America getting out of Vietnam with honor is like a prostitute getting out of her profession with her virginity intact.

Nor is it a new feeling. Its most blatant manifestation came in the chants of "Ho, Ho, Ho Chi Minh, NLF is gonna win" that used to mark the big peace demonstrations.

But it also showed up in some of the reactions to such military initiatives as the Cambodian and Laotian "incursions": not merely that the initiative couldn't work for this or that military reason, nor even that the initiative amounted to an immoral widening of the war.

Those reactions were there of course. But also there was the feeling—the fear—that these gross actions might work, and since their success would be vindication for immorality, they must be opposed.

I suppose it is the psychological equivalent of those sick people who keep finding new ways to fail because they subconsciously feel that they don't deserve success.

But you can treat sick people who insist on punishing themselves. A nation cannot afford to indulge in that sort of self-destruction.

I don't argue with those who say the war was—is—wrong, nor even with those who say a proper comeuppance for our folly might be a good thing.

But it is sick to work at delivering your own comeuppance, and that is what some of those who oppose the war and Richard Nixon's handling of it are proposing.

Extrication from the war—even without honor—is going to be difficult enough under any circumstance. The moralistic posturing of self-righteous critics won't make it any easier.

## ELEVENTH WINTER OLYMPIC GAMES

Mr. ALLOTT. Mr. President, I submit a resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

### S. Res. 246

Whereas the Eleventh Winter Oympic Games commence on February 3, 1972, in Sapporo, Japan, and

Whereas, the Twelfth Winter Olympic Games have been awarded to Denver, Colorado, coinciding with our Nation's 200th Anniversary in 1976: therefore, be it

*Resolved*, That the Senate extends its good wishes to the citizens of Japan and the participants of the Eleventh Winter Olympic Games, and be it further

*Resolved*, That the Senate affirms its support for the continued designation of Denver as the host city for the twelfth Winter Games to be held in 1976.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 246) was considered and agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

### Duties on Certain Marble and Travertine

A communication from the President of the United States, relating to tariff on finished structural marble and travertine; referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

The White House,
*Washington, January 28, 1972.*

Hon. Spiro T. Agnew,
*President of the Senate,*
*Washington, D.C.*

Dear Mr. President: On September 13, 1971 the Tariff Commission reported to me, following its investigation conducted under Section 301(b) of the Trade Expansion Act of 1962 (TEA), that its members were equally divided, 2–2, as to whether marble, travertine, and articles of marble suitable for use as monumental, paving or building stone are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or similar products. The imports in question are all classified under items 514.65, 514.81 and 515.24 of the Tariff Schedules of the United States. The rates of duties on these items are 3.5%, 10.5% and 10.5% respectively.

After careful consideration, I have decided, under authority provided in Section 330(d) of the Tariff Act of 1930, as amended, to adopt as the finding of the Tariff Commission, the finding that the domestic industry is threatened with serious injury. Also, I have provided that the firms and the workers of the domestic industry may request the Secretary of Commerce and the Secretary of Labor, respectively, for certifications of eligibility to apply for adjustment assistance, as recommended by the two Commissioners who found a threat of injury.

It is my view that, in addition to adjustment assistance, the costs of the domestic industry could be reduced and its ability to compete more successfully against imports could be enhanced by eliminating certain of the customs duties the industry now pays on blocks and semifinished structural products of marble and travertine imported for fabrication by U.S. firms and workers. After obtaining further advice from the Tariff Commission, I intend to send to the Congress a legislative proposal for the elimination of such duties as a means of strengthening the domestic industry and safeguarding the jobs of its employees.

Although the petitioners for escape clause relief in this case have requested tariff increases on finished structural marble and travertine, I have decided not to proclaim the increase of duties found and reported by the Tariff Commission, and, therefore, pursuant to Section 351(a) (2) of the Trade Expansion Act, I am submitting this report to the House of Representatives and to the Senate stating why I am not proclaiming such increase in duties.

The marble and travertine covered in the Commission's investigation are building materials of a luxury and/or aesthetic character. They are more durable than cheaper competitive materials. Many factors in addition to price determine whether domestic or imported marble and travertine will be used in a particular building. The most important element usually is the personal preference of a building owner and/or his architect's specifications.

It is difficult to determine whether imports of finished structural marble and travertine have increased in recent years. Based on available data, the only conclusion that can be drawn is that on a quantity basis imports of finished structural marble and travertine have been increasing but apparently only slightly.

Testimony before the Tariff Commission and information in the Commission's report makes it fairly clear that increasing rates to the statutory level or to 50 per cent above the statutory level, as proposed by the two Commissioners who found a threat of injury, generally would not raise the prices of imported structural marble and travertine to the level of prices offered by domestic producers. Such tariff increases would bring imported prices closer to domestic prices, but the price differential together with other demand factors would generally continue to dictate the source of supply.

Raising tariffs on semifinished marble and travertine as proposed by two of the Commissioners would place the estimated 300 independent fabricators in a very difficult position. Their costs for imported stock would be raised. Since their ability to bid on building projects would be severely limited, it appears possible that increasing tariffs would cause the loss of more jobs among independent fabricators than would be created among the petitioning domestic quarrier-fabricators.

In addition, raising tariffs on finished structural marble and travertine would result in an increase in construction costs in those buildings using marble and travertine. Such increased costs might discourage the use of marble and travertine and could result in a decline in the limited demand for those materials.

Though the marble and travertine industry has been and is experiencing difficulties which may be due in part to import competition, it is difficult to justify increases in tariff protection as a remedy since the maximum possible increase in tariffs will not appreciably affect the ability of the domestic industry to compete with imports.

Sincerely,

Richard Nixon.

### Proposed Transfer of Surplus Boat

A letter from the Assistant Secretary of the Navy, reporting, pursuant to law, on the proposed transfer of surplus T-boat, hull No. T–513, to the State of Illinois; to the Committee on Armed Services.

### Proposed Authorization of Appropriations Relating to the Coast Guard

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard (with an accompanying paper); to the Committee on Commerce.

### Report on Medicare Program

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the medicare program, for the fiscal year 1971 (with an accompanying report); to the Committee on Finance.

### Report of U.S. Information Agency

A letter from the Director, U.S. Information Agency, transmitting, pursuant to law, a report of that Agency, for the 6-month period ended June 30, 1971 (with an accompanying report); to the Committee on Foreign Relations.

### Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements of the National Flood Insurance Program Fiscal Year 1970," Federal Insurance Administration, Department of Housing and Urban Development, dated January 28, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Ways to Increase U.S. Exports Under the Trade Opportunities Program," Department of Commerce, Department of State, dated January 28, 1972 (with an accompanying report); to the Committee on Government Operations.

### REPORT RELATING TO FAIR LABOR STANDARDS

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on fair labor standards in employments in and affecting interstate commerce, dated January 1972 (with an accompanying report); to the Committee on Labor and Public Welfare.

### REPORT RELATING TO ACTIVITIES IN CONNECTION WITH THE AGE DISCRIMINATION IN EMPLOYMENT ACT

A letter from the Secretary of Labor, transmitting, pursuant to law, a report relating to activities in connection with the Age Discrimination in Employment Act of 1967, dated January 1972 (with an accompanying report); to the Committee on Labor and Public Welfare.

### REPORT ON POSITIONS IN GRADES GS-16, GS-17, AND GS-18

A letter from the Deputy Comptroller General of the United States, transmitting, pursuant to law, a report on positions in grades GS-16, GS-17, and GS-18, within the General Accounting Office, for the calendar year 1971 (with an accompanying report); to the Committee on Post Office and Civil Service.

### REPORT OF U.S. ATOMIC ENERGY COMMISSION

A letter from the Chairman and Members of the U.S. Atomic Energy Commission, transmitting, pursuant to law, a report of that Commission, for the year 1971 (with an accompanying report); to the Joint Committee on Atomic Energy.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the United Daughters of the Confederacy, Atlanta, Ga., expressing resentment at the passage of H.R. 140, providing for a so-called National Historic Site at Andersonville, Ga.; to the Committee on Interior and Insular Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Public Works, with amendments:

S. 3033. A bill to provide that the lock and dam referred to as the "Columbia Lock and Dam" on the Chattahoochee River, Ala., shall hereafter be known as the George William Andrews Lock and Dam (Rept. No. 92-599).

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Rear Adm. David H. Bagley, U.S. Navy, for appointment as Chief of Naval Personnel in the Department of the Navy; and

Rear Adm. David H. Bagley, U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of vice admiral while so serving.

Mr. SAXBE. Mr. President, from the Committee on Armed Services I report favorably 33 flag and general officers in the Army, Navy, and Marine Corps. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Rear Adm. Douglas C. Plate, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. Robert S. Salzer, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. Stansfield Turner, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Vice Adm. Robert L. Townsend, U.S. Navy, for appointment to the grade of vice admiral when retired;

Lt. Gen. Donn J. Roberston, U.S. Marine Corps, when retired to be placed on the retired list in the grade of lieutenant general; and

Maj. Gen. Kenneth Howard Bayer, Army of the United States (brigadier general, U.S. Army), and sundry other officers, for promotion in the Regular Army of the United States.

Mr. SAXBE. Mr. President, in addition I report favorably 178 promotions to lieutenant colonel in the Army and 131 promotions in grade of colonel and below in the Air Force. Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing in the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Godfrey D. Adamson, Jr., and sundry other officers, for promotion in the U.S. Air Force; and

Fausto Acosta-Natal, and sundry other officers, for promotion in the Army of the United States.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MONDALE (for himself, Mr. CRANSTON, Mr. BAYH, Mr. BURDICK, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. HUMPHREY, Mr. JACKSON, Mr. KENNEDY, Mr. MCGOVERN, Mr. METCALF, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. RANDOLPH, Mr. STEVENSON, Mr. TUNNEY, and Mr. WILLIAMS):

S. 3092. A bill to amend and expand the Emergency Employment Act of 1971 to reduce national unemployment and stimulate noninflationary economic growth. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS:

S. 3093. A bill to amend Section 1039 of the Internal Revenue Code of 1954 (relating to certain sales of low-income housing projects). Referred to the Committee on Finance.

By Mr. ANDERSON (for himself and Mr. CURTIS) (by request):

S. 3094. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. Referred to the Committee on Aeronautical and Space Sciences.

By Mr. PROXMIRE:

S. 3095. A bill to amend title II of the Interstate Commerce Act in order to exempt from certain provisions of such title motor vehicles used in carrying processed milk products. Referred to the Committee on Commerce.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3096. A bill to convey to the Ely Indian Colony the beneficial interest in certain Federal land. Referred to the Committee on Interior and Insular Affairs.

By Mr. BYRD of West Virginia (for Mr. JACKSON) (for himself and Mr. ALLOTT) (by request):

S. 3097. A bill to authorize appropriations for the Saline Water Conversion program for fiscal year 1973, to delete section 6(d) of the Saline Water Conversion Act, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mrs. SMITH:

S.J. Res. 192. A joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress. Referred to the Committee on the Judiciary.

## STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MONDALE (for himself, Mr. CRANSTON, Mr. BAYH, Mr. BURDICK, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. HUMPHREY, Mr. JACKSON, Mr. KENNEDY, Mr. MCGOVERN, Mr. METCALF, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. RANDOLPH, Mr. STEVENSON, Mr. TUNNEY, and Mr. WILLIAMS):

S. 3092. A bill to amend and expand the Emergency Employment Act of 1971 to reduce national unemployment and stimulate noninflationary economic growth. Referred to the Committee on Labor and Public Welfare.

### EMERGENCY EMPLOYMENT ACT AMENDMENTS

Mr. MONDALE. Mr. President, I introduce for myself and the Senator from California (Mr. CRANSTON), and for a number of other Senators, a bill to increase substantially the authorizations under the Emergency Employment Act of 1972. Such action is desperately needed to reduce national unemployment and stimulate noninflationary economic growth.

Last year's unemployment rate averaged close to 6 percent and the year closed with a 6.1 percent level in December. The average rate of unemployment for 1971 was the highest in 10 years, while the annual rate of inflation averaged close to 4 percent. By now, we should be convinced that high unemployment is not the cure for inflation. Yet, some economists suggest that we will have to learn to live with 5 percent or even 6 percent unemployment.

I am glad that the President has endorsed the goal of full employment. But he has given us no plan or program to achieve that goal, as traditionally defined—that is, with only 4 percent unemployed. His economic report does not forecast such a level. In fact, the Chairman of the Council of Economic Advisers, CEA, Dr. Stein, has said it may be dangerously inflationary to reach the 4 percent level through economic stimulus. I refuse to accept 6 percent unemployment as a necessity. I am unwilling to accept even a 5-percent rate of unemployment as a new definition of full employment. And I reject the theory that getting the unemployment rate below 5 percent means accepting a higher rate of inflation. I am offering a bill which can reduce unemployment without contributing to inflation, because it will put unemployed people to work without creating upward pressure on wage rates.

A breakdown of unemployment into its basic elements focuses on transitional, cyclical, and structural components. Economists generally call "cyclical" that unemployment which results from a general decline in the rate of economic activity. "Structural" unemployment is caused by technological and geographical changes in industry. "Transitional" unemployment relates to workers who are merely between jobs. When aggregate demand picks up, cyclical unemployment declines as laid off employees are recalled, and new jobs open up for others. But the structurally unemployed worker must either find a new skill or a new location in which to practice his skill, or both. And the CEA alleges that transitional unemployment has expanded greatly. In that connection, it concludes that there is a need to deal more directly with the problem—annual report, page 116.

Clearly, all three kinds of unemployment are present. Whether they are unemployed miners of Appalachia, unemployed aircraft workers of California or Washington, unemployed engineers in Massachusetts or Minnesota, unemployed teachers or salesmen, or unemployed youths or women just entering the labor market, we can and must do something for them—and for America—because we need their talents and their contributions to national growth.

A look at recent governmental action reveals efforts in both fiscal and monetary realms aimed at reducing unemployment. But it is clear that the effects will not be significant, even according to spokesmen for the administration. The annual report of the CEA forecasts a decline only to the neighborhood of 5 percent by the year's end—page 26.

The thrust of the administration's international monetary policy—first the 10-percent subcharge, and then devaluation of the American dollar—was twofold. The primary aim was to reduce our balance-of-payments deficit. But another benefit should be growth in employment here at home.

The administration has forecast that the devaluation of the dollar and resultant increase in exports would create 500,000 to 675,000 jobs in the United States, but that it might take 2 years to come about. However, during the period that these jobs are being created, there will be 1.5 to 2 million new entrants into the labor force annually. So this development, welcome as it is, cannot even assure us of standing still.

In the fiscal policy realm, Congress has passed the Revenue Act of 1971, including most of the President's recommendations. One of the cornerstones of the Revenue Act is said to be job development. The 7-percent investment tax credit for industry was designed to provide a stimulus toward the creation of jobs. However, since industry is operating well below capacity, the incentive to invest in increased capacity is dubious. Significantly, we have had few estimates of the additional jobs we should expect from this measure.

In a nutshell, the problem we are trying to solve is that of 5 million unemployed Americans—people who want to work. Instead, we are spending billions of dollars on unemployment compensation and welfare payments. We paid out $78 million in unemployment benefits in Minnesota, alone, last year. But we have, as yet, no plan or program to give them the work they would prefer to do.

What, then, is the answer? It seems to me to be public service employment. The industry of public service is one in which there is tremendous need for jobs to be done. At the same time, creating new jobs is, without a doubt, the most reliable way of counteracting the unemployment problem. I am glad that the CEA's annual report recognized this by stating that:

> When unemployment is high, the development of additional jobs in areas of unmet public needs is possible and desirable (p. 109).

The actual number of jobs needed to accomplish objectives at the local government level has been estimated by several sources. The Commission on Technology, Automation, and Economic Progress estimated in 1966 that 5.3 million new jobs could be created through public service employment. Greenleigh Associates, in a 1965 study for the Office of Economic Opportunity entitled "A Public Employment Program for the Unemployed Poor," estimated that 4.3 million jobs could be filled in public service activities.

Mr. Harold Sheppard, in a study for the Urban Coalition, in cooperation with the U.S. Conference of Mayors, reported in 1969 that in 130 selected cities, mayors estimated that 280,000 positions could be promptly created to provide needed services. Clearly, the same needs are present in other cities and in State and county governments all across the country.

As Mr. Sheppard said in his paper:

> Unfortunately, this need (for public services) has been obscured by the use of such terms as "government as employer of last resort", which implies that such employment should be advocated and provided only *after* private enterprise has failed to employ everyone; that these jobs with government agencies are only temporary, pending the rise in demand for workers in private enterprise; and that such jobs are not very desirable for the individual or useful and worthwhile to the community.

Studies have shown that the need and capacity for public service workers and creation of public service jobs within local government far exceeds the funds available to provide for such jobs. We are now in a period when city and local governments are feeling the increasing pinch of lack of funds to accomplish needed objectives. At the same time, unemployed workers are willing to work for the going level of wages. What better opportunity than to match up these resources with the work that needs to be done in such areas as pollution control, sanitation, recreation, police and fire protection, health services, child care, and education.

Statistics show that the current public service employment program developed under the Emergency Employment Act of 1971 is progressing very well. Already, approximately 100,000 have been employed. Ninety-one percent of these were unemployed before obtaining the public service employment job. The remaining 9 percent were underemployed. Thirty percent of the workers in such jobs are Vietnam-era veterans. Thirteen percent are professionals, including 6 percent who are teachers. Forty-four percent are high school graduates, 18 percent have attended college, and another 18 percent are college graduates.

These statistics show that the individuals who are finding employment in these public service jobs are a different group from those whom welfare and other manpower training programs are reaching. They are basically individuals who have good work records but who, because of circumstances beyond their control, find themselves incapable of obtaining employment.

While I think that this new public service employment program is excellent, I also believe that because of its limited size, it has caused serious frustrations. It frustrates governments which are in great need of having public services performed, and it frustrates individuals who are out of work, unable to find jobs, and who are ready, qualified, and eager to hold responsible positions providing public services to those in their communities. To take an example from my own State: Duluth, a city of 100,000, is experiencing substantial unemployment. In November, about 1,200 people were thrown out of work when a steel plant closed down part of its operation. Duluth has been allocated a mere 33 jobs under this new program.

My bill will make the following changes in this excellent program:

First. Increase the fiscal 1972 authorization under the national triggered program from $750 million to $1.5 billion and the 1973 authorization from $1 billion to $3 billion.

Second. Increase the authorization for special assistance in localities with 6 percent unemployment from $250 million to $500 million for fiscal 1972 and $1 billion for fiscal 1973.

Third. Reduce the unemployment level at which the national program is authorized from 4.5 percent to 4 percent.

Fourth. Generally require that the funds authorized to be distributed to States and localities be apportioned strictly on the basis of their share of unemployment.

Fifth. Provide that voluntary combinations of units of local government may be eligible for receiving grants.

Sixth. Eliminate the requirement that the jobs provided under the program be transitional.

Seventh. Eliminate the 10-percent fund-matching requirement by States and local areas, to allow local governments suffering from financial pressures to take greater advantage of available funds.

This bill should make it possible to increase employment under the program to at least 400,000 by June and to 500,000 later in the year. If administration forecasts are correct, we will still have more than 4 million unemployed by the end of the year. Therefore, there is clearly room for all of these jobs—and more—without contributing to inflation. I hope the bill will be enacted speedily.

### TIME FOR A TRUE FULL EMPLOYMENT STRATEGY: MERGING THE URGENT NEEDS FOR PUBLIC SERVICES AND NEW JOBS

Mr. CRANSTON. Mr. President, I am delighted to join today with the distinguished Senator from Minnesota (Mr. MONDALE) in introducing S. 3092. This bill, a companion measure to one introduced in the other body (H.R. 12012), would expand the Emergency Employment Act of 1971, the basic provisions of which are operative when national unemployment exceeds 4.5 percent. Instead of the 145,000 jobs the Department of Labor estimates will be created under the Emergency Employment Act, Senator MONDALE's bill proposes a program that would provide some 500,000 jobs. I will shortly introduce legislation for a permanent program to provide 1.25 million new public service jobs, regardless of the rate of unemployment.

With over 5 million Americans unemployed, and at least 13.7 million underemployed—according to the Cost of Living Council—the need for jobs in public service cannot be doubted.

Mr. President, the time has come for this Nation to face up to its responsibilities to provide opportunity for work at decent wages for all its citizens.

This has been our stated goal for decades. Franklin Roosevelt made it the keystone of his economic bill of rights, proposed in those hopeful days when the last world war was drawing to a close.

We have not fulfilled that promise. And the price we pay is the national humiliation and individual and family tragedy of American poverty. Think of it: The most prosperous Nation the world has ever known must face the fact that poverty is its most pressing and persistent domestic problem.

We claim that our society is just and democratic. We want it to be nothing less. Yet the social fabric of our inner cities and rural backlands is torn apart by desperate human need in the midst of extraordinary private affluence. The danger and disastrous consequences touch the lives of each of us.

Aerospace engineers, who have built their lives upon service to our Nation in space and defense, are now exhausting their unemployment insurance, and then finding themselves on welfare—where that is available—with their children hungry, their pride gone, and their families collapsing.

Veterans who have risked their very lives—and often lost limbs or been otherwise maimed—in the Nation's service are unable to find jobs upon returning to this great, generous Nation.

Last month, December 1971, unemployment for Vietnam era veterans 20 to 29 years old stood at 8.1, meaning that 325,000 returned veterans were then out of work. Moreover, unemployment among nonwhite Vietnam era veterans was running 13.8 percent in the last 3 months of 1971, almost double the rate—7.1—for their white veteran counterparts. And during all of 1971, one quarter of all unemployed recent veterans had been job-hunting for an average of 15 weeks.

The latest figures available to me for California's unemployment among Vietnam era veterans is that in the third quarter of 1971 over 55,000 were jobless.

For aerospace engineers and for returned veterans the Nation, at least, is turning a sympathetic ear even though there is not always thoroughgoing followthrough. But for those thousands and thousands of people, forced from farms and rural areas in the decades since World War II, for these people who have faced a generation of joblessness and hopelessness the country is less understanding, feels less responsible, and hence is less responsive in terms of programmatic reforms.

The crisis in welfare is the ugly fruit of our long neglect of real solutions, while offering only paliatives, to the problem of poverty.

Why are most Americans hostile to welfare? Because they believe people ought to work and support their families. And most Americans have been simply unaware of the number of those on welfare who could not work even if jobs were available, and of the extent of the total lack of adequate job opportunities and the shocking scale of unemployment and subemployment in poverty neighborhoods over the past decades.

The problem of job-associated poverty is much more serious than most people realize. In 1966, Secretary of Labor W. Willard Wirtz surveyed the poverty neiborhoods of 10 major cities. He found that the problem was not simply unemployment, but part-time and low paying jobs—jobs that paid below the minimum wage. He also found that many, many workers were so discouraged that they had ceased even to look for work.

Secretary Wirtz put these factors into a "subemployment" index, and determined that over 30 percent of the inner city residents were not able to earn above poverty wages in the ghetto labor market.

In a memo to President Johnson, Wirtz said:

> If a third of the people in the nation couldn't make a living . . . there would be a revolution. This is the situation and the prospect unless action is taken in the nation-within-a-nation, the slums and ghettos.

The Bureau of the Census has just released a followup study of poverty neighborhoods in 60 cities conducted as part of the 1970 census. The Government did not calculate a "subemployment" index, but all the factors Wirtz considered are available. For Oakland, Calif., for instance, if you add together the unemployed, the hopeless, and discouraged workers who no longer seek jobs, the part-time workers seeking full-time jobs and those working full time but earning less than $2 an hour, we find that a staggering 34 percent of the work force of Oakland is unemployed or underemployed. This is the shocking situation in all too many cities all across our land. Thus, even after 4 years of the poverty program and special manpower training programs aimed at ghetto unemployment, the problem continues to grow more serious.

It is underemployment—as much as unemployment itself—that is at the roots of the poverty and welfare crisis.

The crisis that faces the aerospace worker's family and the returned veteran has been the gray, hopeless reality faced for the past 20 years by those Americans who have come to the inner city in hopes of better things.

Between the end of World War II and President Kennedy's administration, the problem was ignored. Under Kennedy, modern economics began to gain acceptance in Washington. Now even a Republican President declares himself a Keynsian.

How have the new methods worked? They have had some success in stimulating the economy as a whole. But they have not been effective in fighting unemployment where it hurts the worst, among the poor, the black, the Chicano, the Indian, the disadvantaged. They have not produced significantly more jobs and they have contributed to a runaway inflation which convinced even a President who had long spoken in classical economic terms of the advisability of wage and price controls.

Treasury Secretary Connally in September suggested that perhaps 5 percent unemployment is the best we can do in peacetime. That would mean 4.2 million Americans unemployed with our present work force. As the work force grows in the coming years, it would mean still more unemployed.

What does the good Secretary suggest we do with these people: stamp them surplus and put them in mothballs? Shall we place them on a permanent dole?

If this Nation were now as prosperous in public goods—in housing and schools, and hospitals and transportation, in parkland and recreation facilities—as some segments of our population are in the goods of private life, then perhaps it would be time to consider resting on our oars and sharing the leisure some enjoy.

But that is not the case. The Nation is, in fact, starved for many public goods in the midst of private oppulance.

The fact of the matter is, we need the mind and muscle and the hard, good work of all our citizens if we are to meet the enormous challenges of the last quarter of this century if we are to make a highly technological and growing society a living habitate for democratic man. We need full employment, not just to provide work and income to individuals, and to sustain their families, but to meet the Nation's needs.

The administration—while basing its full employment annual budgeting on the assumption that government income would provide a surplus if the unemployment were down to 4 percent, is now seriously suggesting that that 4 percent is an unrealistic goal.

The President's Council of Economic Advisors now suggests that persistent high unemployment accompanied by rapid inflation has become a structural feature of the American economy.

If the pursuit of full employment through stimulation of the economy as a whole has failed as a policy, if we are reaching unacceptable levels of inflation before coming close to achieving full employment through expansionary economic policies, then the time has come to go beyond such traditional job-stimulation policy.

We must not despair of achieving full employment. We must find other means of achieving it.

A full employment policy at decent wage rates for decent jobs will require very broad scale economic and social policy. It will require broad programs, including economic growth strategies for depressed areas, funded at a level that promises success. It will require a new policy in housing construction and in transportation. It will require a higher minimum wage, and expanded training programs.

But such a broad strategy can be planned and carried out only by an administration that takes full employment as the highest domestic priority. An administration that sought for 2 years to fight inflation by deliberately increasing unemployment is not likely to be drawn to such a course. But even this administration is beginning to sense the inadequacies of its standard approaches.

The President's Council of Economic Advisors itself has at last begun to recognize that fiscal and monetary policy alone will not bring us to full employment. The Council states in its 1972 annual report:

> When unemployment is high, the development of additional jobs in areas of unmet public needs is possible and desirable. Initiation of the . . . Emergency Employment Act was a major step forward in this area (Page 109).

The Council attributes much of our current unemployment—too much, I believe—to the large percentage of teenagers and women now in the labor force. The Council points out that unemployment, especially among these groups, has not responded, as economic theory would predict, to expansion of the general economy. The report stated:

> The persistence of this large difference (between unemployment rates for teenagers and those for married men) in both good times and bad suggests that factors other than lack of aggregate demand cause the differential.

It is my belief, Mr. President, that the nagging persistence of unemployment, not only for teenagers and women, but for blacks and all persons living in poverty communities in our inner cities and rural areas, is the result of the structure of our economy.

The administration has just taken official note of the seriousness of the underemployment problem. Congress in extending authority to impose controls on the economy required that no ceiling be imposed on pay raises given those who are paid a substandard wage. The Cost of Living Council has now set the level of substandard wage at any pay below $1.90 an hour. The fact is that 15 percent of the labor force—some 13.7 million Americans—now work for wages beneath the Cost of Living Council's standard.

In a story yesterday, the Washington Post tells how the $1.90 an hour figure was reached. The Pay Board recognized that the Bureau of Labor Statistics low adequate budget—$6,960 for an urban family of four—represents a reasonable figure. The Pay Board lowered that figure to take into account tax cuts and other factors and recommended a substandard wage level of $2.20 an hour.

The Cost of Living Council lowered that figure to $1.90 an hour by calculating that there are an average of 1.7 workers in every American family. However, the fact of the matter is, that for poverty families there are only 0.88 workers per family, so the substandard wage level ought to be considerably above the $2.20 level, if anything. Whatever the administration's calculations are, it is very significant that it has now officially recognized the poverty line—now set at $4,000 a year for an urban family of four—is not a level of income adequate to support family life.

The administration's family assistance plan, FAP, sets the maximum level for assistance at $4,320, slightly higher than the poverty level. Both the poverty level and the FAP level, however, are arbitrary. They are not based on any actual measure of what it costs to live. In contrast, the Bureau of Labor Statistics' figure of $6,960 is based on an actual market basket of goods needed for an adequate life. The BLS figure comes much nearer to defining the true extent of poverty in this Nation than the commonly accepted "poverty line" indicator. The Senate in passing child developments legislation last year in S. 2007 used the BLS figures to establish the level for free child care services. I am pleased to welcome the administration to the ranks of those who recognize that these figures are sound.

Last summer, we had the privilege of welcoming the administration to our ranks in support of the Emergency Employment Act which the President had strongly opposed during the winter and spring of 1971.

It is clear, if we are to provide an adequate supply of jobs at decent wages to all Americans, that the Government must undertake direct job-creation efforts. We must continue the beginning we have made. Thus, we have the bill I join in introducing today with Senator MONDALE to extend the Emergency Employment Act.

However, important as emergency employment jobs are, I do not believe that they are enough. It is time to move beyond "transitional" programs and to begin seriously to consider ways of providing decent jobs at decent pay for all Americans who seek work.

Thus, I will introduce within the next few weeks a bill to establish a continuing nationwide public service employment program, regardless of national or regional unemployment rates. The program I propose would be similar in structure to that which the Senate passed in September 1970, as part of the Employment and Training Opportunities Act of 1970.

The bill would authorize spending $10 billion, enough for more than 1.25 million jobs. These jobs are needed if the Nation is to achieve full employment. We now have 5.2 million unemployed. And according to Bureau of Labor Statistics figures, there are at least another 788,000 discouraged workers, men who are not seeking work because they despair of finding it. This is a real unemployment total of 6 million persons. Add to that the 13.7 million Americans working for substandard wages, and we have the enormous dimension of the need—almost 20 million decent jobs. This lack of employment opportunities affects 72 million Americans, taking into accounts the 3.6 person average family. One and a quarter million jobs would hardly be an overreaction to this great need.

During 1971, average unemployment for all male workers 20 and over was 2,086,000. My legislation would provide help for many unemployed Americans. But for recent veterans the Federal Government must carry a compelling responsibility. We have asked these men to risk their lives. At a time when they might have been learning the trades of peaceful commerce, we have required them to master the arts of war. My bill would provide special recognition of the unemployment problems of Vietnam era veterans by according them a preference for public service jobs. Most every veteran has received some military training which should enhance his job skills. The Nation owes these men a quick transition to a decent civilian job.

Our experience with the Emergency Employment Act indicates that jobs cost an average of $7,200 each under that program. However, that bill is very restrictive, providing little funding for training or for administration. A continuing program would require funds for training, administration—kept to a minimum necessary—tools, and light equipment.

Where would the money come from? In my opinion, full employment is this Nation's only hope if we are to avoid a society divided between the working citizens and a permanent welfare class. We cannot afford continued, everlasting high rates of unemployment. It is not a question of affording jobs. We cannot afford high unemployment.

The Nation needs full employment a good deal more than it needs a $6.3 billion increase in the already swollen defense budget. We have cut costs in Vietnam from a recent high of $29 billion a year ago to perhaps as little as $8 billion in the fiscal year 1973 budget. That money could be much better used meeting our public needs than lost in the labyrinth of the Pentagon budget.

Under my bill the employment program would be designed and controlled at the local level, but 90 percent of the funds would come from the Federal Government. Cities and counties of 50,000 population would organize public service employment councils, representing government, business, labor, poverty organizations, veterans, schools, and private service groups.

The council would inventory public service and economic development needs, establish priorities and design programs. Mayors, county executives and other eligible sponsors would file the applications for Federal funds to operate programs.

Federal standards would seek to insure that programs were: well designed and planned; provide special preferences for Vietnam-era veterans and persons on welfare; provide equitable treatment for significant population groups, such as the disadvantaged, blacks, chicanos, Indians, older workers and youth; provide for job redesign and civil service reform to assure that entry and advancement in civil service are based on true merit and not on arbitrary standards and tests; and paid the minimum wage, $1.60, or the prevailing wage, whichever is higher.

Under my bill, public service jobs could be carried out not only by governmental units, but also through such organizations as community action agencies, community development corporations, United Fund agencies and other private organizations.

The bill will differ substantially from the Emergency Employment Act.

It will not be transitional. The Emergency Employment Act would end when national unemployment fell below 4.5 percent. But 4.5 percent is not full employment. Even 4 percent is too high. In any event, with the national rate down to some acceptable level, in pockets of poverty we would still be faced with destructively high levels of unemployment. What is needed is a continuing program of public service jobs.

For individuals, however, every effort would be made to move them from federally subsidized jobs into permanent jobs in the civil service or appropriate employment in the private sector. Normal turnover in public payroll jobs should make it possible for most of those hired on public payrolls under this act to move on to unsubsidized jobs. For others, the expansion of economic activities in their communities, in part stimulated by this legislation, will afford new job opportunities in the private sector.

This bill will be more like the section 6 program in the Emergency Employment Act that provides funds for areas with 6 percent or higher unemployment even after the national EEA program ends. The Labor Department has identified over 700 areas with such high and unacceptable levels of unemployment in the Nation.

Is the proposal realistic?

Two years ago, many did not take us seriously when Senator NELSON, chairman of the Employment, Manpower, and Poverty Subcommittee and other members of the subcommittee proposed a modest public service employment program as part of the comprehensive manpower legislation then being considered. In fact, the President vetoed that legislation after it had passed Congress. But within 6 months Congress had enacted an even larger, though still modest, public service employment program, and the President signed it into law. Many months have passed. Various policies have been launched and tested. Yet we are still afflicted with an average unemployment rate of 6 percent.

And, as I have pointed out, the administration's latest pronouncements reveal a dawning understanding of the need for new employment strategies.

President Nixon is not an inflexible man. The President astonished the Nation by reversing lifetime policies and announcing his trip to Peking. In his search for peace, he surprised the Nation by abandoning long-held views to embrace Keynesian economics in order to deal with the recession. It is not inconceivable that he will startle the Nation by reversing lifetime policies and deciding to support large-scale public service employment as the way to really deal with unemployment.

Many questions remain to be answered.

How much stimulation to State and local economies can we expect from a great local expansion of public service employment opportunities? In other words, what will be the multiplier effect in terms of job creation of providing funds for one and a quarter million new jobs?

What is the proper mix of jobs on public payrolls and jobs with private agencies carrying out public service employment programs?

What percentage of the jobs ought to be allocated to teenagers, middle-aged and older workers, minority groups, migrants, those on welfare, and other especially hard-hit groups?

How can we best insure more movement of workers from public service employment jobs onto unsubsidized employment?

How can a major public service employment policy fit into larger national economic planning efforts?

We hope that experience with the Emergency Employment Act and hearings in the bill we introduce today and the measure I will shortly introduce will provide answers to these and other questions that remain to be answered.

However, the need for more public services and the need for more jobs is desperate. The need is now. The time to act is now.

America's promise of democracy, equality before the law, and economic opportunity is not a promise for only some of its citizens. It is the promise of hope and opportunity for all.

Mr. President, for too long we have relied upon the vast natural resources of the country and the autonomous workings of the economy to meet our obligations for providing adequate employment opportunity. Just as today we are debating the merits of strengthening Federal Government powers to strike out against job discrimination, we can no longer continue to avoid our responsibility to provide enough jobs.

To continue to rely on prescriptions of the past will be to divide this Nation into the separate worlds of the jobless, employed, and the satisfied, on the one hand, and the jobless and the resentful on the other. It is long past the time when we must develop remedies equal to the seriousness of the problem. It is time for a true full employment strategy for the Nation.

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By Mr. JAVITS:

S. 3093. A bill to amend Section 1039 of the Internal Revenue Code of 1954 (relating to certain sales of low-income housing projects). Referred to the Committee on Finance.

Mr. JAVITS. Mr. President, in the Tax Reform Act of 1969 section 1039 relating to sales of low-income housing projects was added to the Internal Revenue Code. The purpose of this section is to provide for nonrecognition of gain if a "qualified housing project" is sold by a taxpayer and within a certain specified period the taxpayer constructs or acquires another qualified housing project. The term "qualified housing project" was defined as one in which a mortgage is insured under section 221(d)(3) or 236 of the National Housing Act and which is limited as to rate of return on investments and as to rentals charged for units in the project.

This section allows an initial investor in a federally assisted housing project to sell the property to the occupants or to a tax-exempt organization managing the property without paying tax on any gain that might be involved in the transaction. This would allow private developers to construct housing and turn it over to nonprofit groups or to tenants for their use.

At the time the Tax Reform Act was passed by the Senate I offered an amendment, which was accepted on the Senate floor by the managers of the bill, to apply section 1039 to State and local programs which contained the same controls as the Federal programs, and which would be approved by HUD. My amendment was deleted in conference and did not become law.

I believe that this tax incentive should be extended to housing under State or local programs which are assimilated to the Federal program and which are based upon guaranteed mortgages, direct loans or which operate through tax abatement. In New York State this would apply to programs such as those operated by the State urban development corporation and the State Mitchell-Lama program. According to the Department of Housing and Urban Development approximately 19 other States beside New York have enacted legislation establishing viable State assisted housing programs. Under my bill State programs would be eligible for the same preferential tax treatment in section 1039, which is now granted to the Federal programs. I believe that this would further encourage the development of housing for low- and moderate-income persons. Much greater use could be made of section 1039 than is presently being done.

I have written to the Department of Housing and Urban Development and the Treasury Department asking them to comment on this legislation and both have indicated that the extension of section 1039 to State and local programs would be a desirable step. I would hope that this legislation could be enacted as soon as possible so that greater use could be made of section 1039.

I ask unanimous consent that my letters to the Treasury Department and HUD, together with their replies be placed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NOVEMBER 19, 1971.

Hon. GEORGE W. ROMNEY,
*Secretary, Department of Housing and Urban Development, Washington, D.C.*

DEAR MR. SECRETARY: The Tax Reform Act of 1969 as enacted into law contained a provision allowing for nonrecognition of gain to the initial investor in a housing project insured under Section 221(d)(3) of Section 236 where the properties are sold to the occupants or a tax-exempt organization managing the property, but only to the extent that the investor reinvests the sale proceeds in other similar housing.

At the time this legislation was considered in the Senate I offered an amendment to extend this favorable tax treatment to projects which are insured under state or local programs which have been certified by the Secretary of Housing and Urban Development to be in accord with the standards used in approving the sale or disposition of a qualified housing project under federal programs. Unfortunately this amendment was deleted in the Conference Committee and did not become law.

I am planning to submit the amendment again on the pending tax legislation since many states, like New York State, now have responsible state programs for low and moderate income housing. I believe it is essential to extend Section 1039 to these state-assisted programs so that it can work more effectively.

I would appreciate your comments as to the merits of my amendment and any other suggestions you might have on the matter.

With warm regards,
Sincerely,
JACOB K. JAVITS.

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THE SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,
*Washington, D.C., December 9, 1971.*

Hon. JACOB K. JAVITS,
*U.S. Senate,*
*Washington, D.C.*

DEAR JACK: This letter is in response to your letter of inquiry of November 19, 1971, regarding a proposed amendment to Section 1039 of the Internal Revenue Code. I appreciate your desire to obtain our opinion prior to the introduction of such a measure.

At the present time the Department "certifies" state and local programs for the purpose of qualifying them to receive interest subsidy payments under Section 236(b) of the National Housing Act. Our certification for that purpose does not include any review of the standards used in approving the sale or disposition of a qualified housing project. Perhaps the legislation should call for a separate certification by the Department to the Internal Revenue Service of the fact that the standards used by the state and local program in question for such purposes are in accord with the standards used under Federal programs.

I certainly agree that the extension of Section 1039 to the state and local programs, where they qualify, would be in our interests in assisting the growth of those programs. I would also like to suggest that you consider a further extension of Section 1039 to include non-profit sponsors.

I appreciate your inquiry.

Sincerely,
/s/ George
GEORGE ROMNEY.

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NOVEMBER 22, 1971.

Mr. JOHN B. CHAPOTON,
*Tax Legislative Counsel Department of the Treasury, Washington, D.C.*

DEAR MR. CHAPOTON: The Tax Reform Act of 1969 which is now Section 1039 in the Internal Revenue Code which allows for nonrecognition of gain to the initial investor in a housing project insured under Section 221(d)(3) or Section 236 of the National Housing Act where the properties are sold to the occupants or a tax-exempt organization managing the property, but only to the extent that the investor reinvests the sale proceeds in other similar housing.

At the time this legislation was considered in the Senate I offered an amendment to extend this favorable tax treatment to projects which are insured under state or local programs which have been certified by the Secretary of Housing and Urban Development to be in accord with the standards used in approving the sale or disposition of a qualified housing project under federal programs. Unfortunately this amendment did not become law.

I am planning to submit the amendment again this year to an appropriate tax bill since many states, like New York State, now have responsible state programs for low and moderate income housing. I believe it is essential to extend Section 1039 to these state-assisted programs so that it can work more effectively.

I would appreciate your comments as to the merits of my amendment and any other suggestions you might have on the matter. I am enclosing a copy of the amendment language for your review.

With best wishes,
Sincerely,
JACOB K. JAVITS.

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OFFICE OF THE SECRETARY
OF THE TREASURY,
*Washington, D.C., December 10, 1971.*

Hon. JACOB K. JAVITS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR JAVITS: This is in response to your letter of November 22, 1971, in respect to a proposed amendment to section 1039 of the Internal Revenue Code of 1954.

Section 1039 generally provides for nonrecognition of the gain realized on the sale of a "qualified housing project" to the extent the proceeds are reinvested in another qualified housing project. Under section 1039 (b) a "qualified housing project" is a project with respect to which the owner is limited as to the rate of return and limited to rate of occupancy charges; and with respect to which a mortgage is insured under section 221(d)(3) or section 236 of the National Housing Act. Thus, section 1039 is presently limited to Federally-sponsored housing projects.

Your amendment would extend section 1039 to apply to state or local housing projects which have been certified, under standards approved by the Secretary of Housing and Urban Development, as being comparable to qualified housing projects under Federal programs. A similar amendment to the Tax Reform Act was introduced in 1969, but did not become law.

I agree that there is no meaningful distinction between housing projects sponsored under Federal programs and similar housing projects sponsored under state and local programs. In either case, the statute is primarily concerned that the project have a limited rate of return and that rental or occupancy charges also be limited. Where a state or local program meets these conditions, and where the program has been certified in accordance with standards approved by the Secretary of Housing and Urban Development as being consistent with the standards applied under the Federal programs, I can see no objection to extending the benefits of section 1039.

Section (b) of the proposed amendment would make these changes apply to "taxable years" beginning after December 31, 1971. Since section 1039 itself applies to "dispositions" of qualified housing projects after the effective date, you may wish to revise section (b) of your amendment to apply to dispositions after the date of enactment of the amendment.

Sincerely,
JOHN E. CHAPOTON,
*Tax Legislative Counsel.*

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By Mr. ANDERSON (for himself and Mr. CURTIS) (by request):

S. 3094. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. Referred to the Committee on Aeronautical and Space Sciences.

Mr. ANDERSON. Mr. President, on behalf of myself and the Senator from Nebraska (Mr. CURTIS) by request, I introduce for appropriate reference a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. I ask unanimous consent that the bill be printed in the RECORD together with a letter from the Administrator, National Aeronautics and Space Administration, requesting the proposed legislation and a sectional analysis of the bill.

There being no objection, the bill, letter, and analysis were ordered to be printed in the RECORD, as follows:

S. 3094

A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Apollo, $128,700,000;

(2) Space flight operations, $1,094,200,000;

(3) Advanced missions, $1,500,000;

(4) Physics and astronomy, $156,600,000;

(5) Lunar and planetary exploration, $321,200,000;

(6) Launch vehicle procurement, $191,600,000;

(7) Space applications, $194,700,000;

(8) Aeronautical research and technology, $163,440,000;

(9) Space research and technology, $64,760,000;

(10) Nuclear power and propulsion, $21,100,000;

(11) Tracking and data acquisition, $259,100,000;

(12) Technology utilization, $4,000,000.

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Rehabilitation and modification of aeronautical, airborne science and support facilities, Ames Research Center, $1,065,000;

(2) Rehabilitation of Unitary Plan wind tunnel model supports, control systems, and model preparation areas, Ames Research Center, $760,000;

(3) Rehabilitation and modification of utility systems, Goddard Space Flight Center, $590,000;

(4) Rehabilitation and modification of roadway system, Jet Propulsion Laboratory, $610,000;

(5) Modifications of, and additions to, spacecraft assembly facilities, Kennedy Space Center, $3,100,000;

(6) Modification of Titan Centaur facilities, Kennedy Space Center, $2,040,000;

(7) Rehabilitation of full scale wind tunnel, Langley Research Center, $2,465,000;

(8) Modification of central air supply system, Langley Research Center, $1,175,000;

(9) Environmental modifications for util-

ity operations, Langley Research Center, $650,000;

(10) Modification of high temperature and high pressure turbine and combustor research facility, Lewis Research Center, $9,710,000;

(11) Modification of fire protection system, Manned Spacecraft Center, $585,000;

(12) Warehouse replacement, Wallops Station, $350,000;

(13) Space Shuttle facilities at various locations, $27,900,000;

(14) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $11,580,000;

(15) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $1,720,000;

(16) Facility planning and design not otherwise provided for, $8,000,000.

(c) For "Research and program management," $700,800,000.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $10,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of $25,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (15), inclusive, of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (16) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next Authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. These funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences.

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee, unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

**SEC. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.**

(b) If an institution of higher education determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c) (1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

Sec. 7. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1973."

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National Aeronautics
and Space Administration,
*Washington, D.C., January 26, 1972.*

Hon. Spiro T. Agnew,
*President of the Senate,*
*Washington, D.C.*

Dear Mr. President: Submitted herewith is a draft of a bill, "To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes," together with the sectional analysis thereof. It is submitted to the President of the Senate pursuant to Rule VII of the standing rules of the Senate.

Section 4 of the Act of June 15, 1959, 73 Stat. 73, 75 (42 U.S.C. 2460), provides that no appropriation may be made to the National Aeronautics and Space Administration unless previously authorized by legislation. It is the purpose of the enclosed bill to provide such requisite authorization in the amounts and for the purposes recommended by the President in the Budget of the United States Government for the fiscal year ending June 30, 1973. The bill would authorize appropriations totaling $3,379,000,000 to be made to the National Aeronautics and Space Administration as follows:

(1) for "Research and Development" amounts totaling $2,600,900,000; (2) for "Construction of facilities" amounts totaling $77,300,000 and (3) for "Research and program management," $700,800,000.

The enclosed draft bill follows the format of the National Aeronautics and Space Administration Authorization Act, 1972 (Public Law 92–68), except for the omission of section 7 of that Act, which section is permanent law, having amended the National Aeronautics and Space Act of 1958. However, the bill does differ in substance from the prior Act in several respects. First, subsections 1 (a), 1(b) and 1(c), which would provide the authorization to appropriate for the three NASA appropriations, differ in the dollar amounts and the "Construction of facilities" projects for which authorization to appropriate is requested.

Second, subsection 1(a) contains a numerical realignment of the program line items related to the activities of the former Office of Space Science and Applications, so that all of the program line items related to the new Office of Space Science are grouped together. To this end, the program line item "Launch vehicle procurement" precedes (rather than follows, as in the prior Act) the "Space applications" program line item. This latter line item relates to the program activities of the new Office of Applications.

Third, subsection 1(b) contains two line items covering minor construction and rehabilitation and modification of facilities which relate to classes of activity (delimited as hereinafter discussed) to some extent covered within the authorizations for subsections 1(a) and 1(c) in prior years.

Fourth, subsection 1(c) omits the limitation contained in the prior year's Act on the amount available for personnel and related costs. Such limitation is deemed unnecessary for the fiscal year starting July 1, 1972.

Fifth, there are changes in statutory language related to the implementation of certain of the recommendations of the NASA Facilities Management Review Committee which I have approved. Copies of this Committee's report have previously been furnished to the respective Congressional Committees having cognizance over legislation and appropriations for NASA. The changes in statutory language consist of (1) the line items in subsection 1(b) covering limited construction and rehabilitation and modification activities, alluded to above; (2) the addition of language to subsection 1(d) clarifying that such provision relates to items of a capital nature, particularly facilities, at locations other than NASA installations; and (3) an overall revision to the language of subsetcion 1(g) which has the effect of restricting the use of "Research and development" and "Research and program management" funds for certain facilities purposes.

The report of the NASA Facilities Management Review Committee previously alluded to make several recommendations of a fundamental nature, each of which I have approved. As indicated above, certain limited changes to the statutory language were required to implement them; however, their main impact is to be found in a revised approach to the management of NASA's facilities activities. The NASA budget, which would be implemented by the proposed bill, is structured in accordance with such approach, the principal points of which, as related to the changes in statutory language, are as follows.

One major area dealt with by the Committee involves the method of presenting for approval facilities projects (i.e., all projects involving the acquisition of new, or the enhancement of existing, facilities consisting of real property and equipment connected therewith). All such projects comprehended within the instant proposed bill have been presented—and any other such projects proposed after the date of enactment of the NASA Authorization Act, 1973 (without regard to the fiscal year during which the funds therefor became, or become, available), will be presented—for approval and ultimate funding under a full disclosure concept. That is, all elements required for the initial stated operational use of that facility, whether construction or equipment, will be fully disclosed to the extent that each of these elements has been or can be identified and quantified and estimates prepared therefor. (To the extent that elements can be identified but not quantified, and/or meaningful estimates cannot be prepared therefor, this also will be disclosed.) However, for purposes of funding under the applicable facilities authorities, only those elements constituting actual construction trades activity (i.e., "brick and mortar"), together with collateral equipment (i.e., equipment which is an inherent part of the structure, or is built in, or is large and substantially affixed to the structure) will be considered a part of the facility project. All other equipment, while it is to be disclosed as being related to the facilities project, will, nevertheless, be funded from sources otherwise available therefor. Also, greater emphasis than has been accorded in the past will be given to identifying the funding source for all equipment.

The above concept is not directly reflected in the enclosed draft bill other than by the term "collateral equipment" in subsections 1(d) and 1(g), which would take on the redefined meaning described above. However, the concept is followed in the NASA Budget which the enclosed draft bill would implement.

An additional recommendation of the Facilities Management Review Committee, which is also reflected in the enclosed draft bill, is that any facilities project (defined as above), the estimated cost of which at the time of approval is above a very minimal level (i.e., $10,000 for construction of new, or additions to existing, facilities, and $25,000 for rehabilitation or modification of facilities) will be funded from the "Construction of facilities" appropriation; provided, however, that a project required to satisfy unforeseen programmatic needs, the estimated cost of which project at the time of approval does not exceed $250,000, will continue to be funded from the "Research and development" appropriation. Projects involving maintenance or repair of facilities will continue to be funded from the "Research and development" and "Research and program management" appropriations without a per project dollar limitation.

The implementation of this second major recommendation is evidenced (1) by subsection 1(g) of the enclosed draft bill; and (2) by the language of the three NASA appropriations as recommended by the President in the Appendix to the Budget of the United States Government, 1973. The enclosed draft bill would further provide for two line items under the "Construction of facilities" head covering (a) the construction of new, and additions to existing, facilities, the estimated cost of which (including collateral equipment) is not in excess of $500,000 for each project at the time of approval; and (b) the rehabilitation and modification of facilities, the estimated cost of which (including collateral equipment) is not in excess of $500,000 for each project at the time of approval. Any project for these purposes, the estimated cost of which exceeds the applicable project limitation, would be separately stated as a budget line item and justified as such.

It will be noted that under subsection 1(g), revised in accordance with the above, "Research and development" funds would continue to be legally available for facility projects, required to satisfy unforeseen programmatic needs at NASA installations and other locations, the estimated cost of which projects, including collateral equipment, does not at the time of approval exceed $250,000. Any unforeseen requirement, the estimated cost of which exceeds the stated amount, would be funded from the "Construction of facilities" appropriation using, where necessary and appropriate, one of the statutory flexibility provisions (unless, of course, it is fundable under the provisions of subsection 1(d)).

It will also be noted that subsection 1(d) has been revised so as to clarify that the use of "Research and development" funds thereunder for items of a capital nature is limited to locations other than NASA installations, and that the reporting requirement, which is a part of such subsection, relates only to construction of a major facility in accordance with the subsection.

It will be noted further that none of the specific flexibility provisions included in prior NASA Authorization Acts has been substantively affected by any of the foregoing. It is NASA's view that such flexibility provisions are essential to NASA's dynamic and evolving research and development activity.

Where required by section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), environmental impact statements covering NASA installations and the programs to be funded in fiscal year 1973 have been furnished to the Committee on Science and Astronautics.

The National Aeronautics and Space Administration recommends that the enclosed

**bill be enacted. The Office of Management and Budget advises that such enactment would be in accord with the program of the President.**

**Sincerely,**

**JAMES C. FLETCHER,**
***Administrator.***

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### SECTIONAL ANALYSIS

[Of a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.]

#### SECTION 1

Subsections (a), (b), and (c) would authorize to be appropriated to the National Aeronautics and Space Administration funds, in the total amount of $3,379,000,000, as follows: (a) for "Research and development," a total of 12 program line items aggregating the sum of $2,600,900,000; (b) for "Construction of facilities," a total of sixteen line items aggregating the sum of $77,300,000; and, (c) for "Research and program management," $700,800,000.

Subsection 1(d) would authorize the use of appropriations for "Research and development" without regard to the provisions of subsection 1(g) for: (1) items of a capital nature (other than the acquisition of land) required at locations other than NASA installations for the performance of research and development contracts; and (2) grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities. Title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Moreover, each such grant shall be made under such conditions as the Administrator shall find necessary to insure that the United States will receive benefit therefrom adequate too justify the making of that grant.

In either case no funds may be used for the construction of a facility in accordance with the subsection the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator notifies the Speaker of the House, the President of the Senate and the specified committees of the Congress of the nature, location, and estimated cost of such facility.

Subsection 1(e) would provide that, when so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) contracts for maintenance and operation of facilities and support services may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

Subsection 1(f) would authorize the use of not to exceed $35,000 of "Research and program management" appropriation funds for scientific consultations or extraordinary expenses, including representation and official entertainment expenses, upon the authority of the Administrator, whose determination shall be final and conclusive.

Subsection 1(g) would provide that of the funds appropriated for "Research and development" and "Research and program management," not in excess of $10,000 per project (including collateral equipment) may be used for construction of new, or additions to existing facilities, and not in excess of $25,000 per project (including collateral equipment) may be used for rehabilitation or modification of, existing facilities; however, of the funds appropriated for "Research and development," not in excess of $250,000 per project (including collateral equipment) may be used for construction of new facilities or additions to, or rehabilitation or modification of, existing facilities required for unforeseen programmatic needs.

Subsection 1(h) would provide that no part of the funds appropriated for "Research and development" may be used for grants to any nonprofit institution of higher learning unless the Administrator determines that recruiting personnel of any of the Armed Forces are not being barred from the premises or property of such institution. Subsection 1(h) would not apply if the Administrator determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense would be required to furnish to the Administrator on the dates prescribed the names of any nonprofit institutions of high learning which the Secretary of Defense determines are barring such recruiting personnel from premises or property of any such institution.

#### SECTION 2

Section 2 would authorize the 5 per centum upward variation of any of the sums authorized for the "Construction of facilities" line items (other than facility planning and design) when, in the discretion of the Administrator, this is needed to meet unusual cost variations. However, the total cost of all work authorized under these line items may not exceed the total sum authorized for "Construction of facilities" under subsection 1(b), paragraphs (1) through (15).

#### SECTION 3

Section 3 would provide that not more than one-half of 1 per centum of the funds appropriated for "Research and development" may be transferred to the "Construction of facilities" appropriation and, when so transferred, together with $10,000,000 of the funds appropriated for "Construction of facilities," shall be available for the construction of facilities and land acquisition at any location if (1) the Administrator determines that such action is necessary because of changes in the space program or new scientific or engineering developments, and (2) that deferral of such action until the next authorization Act is enacted would be inconsistent with the interest of the Nation in aeronautical and space activities. However, no such funds may be obligated until 30 days have passed after the Administrator or his designee has transmitted to the Speaker of the House, the President of the Senate and the specified committees of Congress a written report containing a description of the project, its cost, and the reason why such project is necessary in the national interest, or each such committee before the expiration of such 30-day period has notified the Administrator that no objection to the proposed action will be made.

#### SECTION 4

Section 4 would provide that, notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences;

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c); and,

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House, the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

#### SECTION 5

Section 5 would express the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

#### SECTION 6

Subsection 6(a) would provide that if an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of the Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution, then the institution would be required to deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the first sentence of subsection 6(a), then any institution which such individual subsequently attends would be similarly required to deny for the remainder of the two-year period any further payment to, or for the direct benefit, of such individual.

Subsection 6(b) would provide that if an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of the Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution would be required to deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to the Act.

Subsection 6(c)(1) would provide that nothing in the Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

Subsection 6(c)(2) would provide that nothing in section 6 shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent disciplinary proceeding pursuant to existing authority, practice, and law.

Subsection 6(c)(3) would provide that nothing in section 6 shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

### SECTION 7

Section 7 would provide that the Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1973."

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By Mr. PROXMIRE:

S. 3095. A bill to amend title II of the Interstate Commerce Act in order to exempt from certain provisions of such title motor vehicles used in carrying processed milk products. Referred to the Committee on Commerce.

### MILK PRODUCERS AND THE INTERSTATE COMMERCE ACT

Mr. PROXMIRE. Mr. President, last October 1, I introduced legislation to clarify the confusion that has arisen under the Interstate Commerce Act as to what dairy products shipments are exempt from the act.

As I indicated at that time the shipment of buttermilk is not regulated by the act while the shipment of butter is regulated. Powdered milk is not regulated but condensed milk is regulated. I could give other examples.

Today I am reintroducing this legislation in revised form. The bill makes it very clear that processed dairy products are exempt from the act. It is an improvement over last year's proposal, S. 2635. I ask unanimous consent that it be printed in the Record at this point:

There being no objection, the bill was ordered to be printed in the Record, as follows:

### S. 3095

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second proviso in section 203(b)(6) of the Interstate Commerce Act (49 U.S.C. 303(b)(6)) is amended by inserting after "shall be deemed to include" the following: "products derived from the processing of milk, cream, skim milk, or whey into dairy products and".

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By Mr. BIBLE (for himself and Mr. Cannon):

S. 3096. A bill to convey to the Ely Indian Colony the beneficial interest in certain Federal land. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of myself and my distinguished colleague, Senator Cannon, I introduce for appropriate referral a bill to convey to the Ely, Nev., Indian Colony the beneficial interest in some 90 acres of land in White Pine County, Nev., to be used for the benefit of these native Americans.

At the present time, the land available to this particular colony is less than 10 acres. This was purchased in 1930 by the United States for Indian village purposes. It was contemplated at that time that it would be occupied by some five Indian families with a population of about 30.

Today, the tribal membership is near 100 and the need for additional land and facilities is urgent if this low-income minority group is to have the advantages that have accrued to their more prosperous neighbors.

Enactment of the legislation will make sufficient land available to take care of the tribal members and also permit them to take advantage of programs that enable these people to construct their own homes and provide sanitary facilities and living conditions that give them an opportunity to enjoy the same type of living standards that are available to most of us. I trust that early approval from the administration and favorable committee action will not be delayed.

I ask unanimous consent that resolution No. 71–E–2 of the governing body of the Ely Colony Council, dated November 12, 1971, be included as a part of my statement at this time.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

### Resolution No. 71—E–2

Resolution of the governing body of the Ely Colony Council

Whereas, this organization is an Indian organization located in Ely, White Pine County, Nevada known as the Ely Colony Council, and

Whereas, the Ely Indians need to acquire a suitable site for housing, and commercial development to enhance their economic opportunities, and

Whereas, there exists a parcel of land south of the City of Ely described as the N½NW¼SE¼ and NE¼NE¼SW¼ and NW¼NE¼SE¼ Sec. 22, T. 16 N., R. 63 E.

Whereas, there also exists a parcel of vacant Public Domain land adjacent to the parcel above described which is the S½ NW¼ SE¼ and E½NE¼SE¼ and SW¼NE¼SE¼ Sec. 22, T. 16 N., R. 63E., embracing approximately 50 acres.

Now, therefore, be it resolved that all prior resolutions in connection with this withdrawal action are hereby rescinded.

Be it further resolved that we request the herein described lands be withdrawn for the Ely Indian Colony to be held in trust by the United States of America.

Be it further resolved that the Nevada Congressional Delegation is requested to introduce appropriate legislation that will convey this land to the Ely Indian Colony.

Be it further resolved that the Tribal Secretary is authorized to send copies of this resolution to the Nevada Congressional Delegation; the Superintendent, Nevada Indian Agency, the Inter-Tribal Council of Nevada; the Commissioner of Indian Affairs; and the Secretary of the Interior.

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By Mr. BYRD of West Virginia (for Mr. Jackson) (for himself and Mr. Allott) (by request):

S. 3097. A bill to authorize appropriations for the Saline Water Conversion program for fiscal year 1973, to delete section 6(d) of the Saline Water Conversion Act, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished Senator from Washington (Mr. Jackson), I send to the desk for appropriate reference a bill to authorize appropriations for the saline water conversion program for fiscal year 1973, to delete section 6(d) of the Saline Water Conversion Act, and for other purposes, on behalf of the Senator from Washington (Mr. Jackson) and the Senator from Colorado (Mr. Allott).

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent, on behalf of Senator Jackson, that the executive communication accompanying the proposal from the Secretary, including their insert on the President's memorandum, be printed in the Record at this point in my remarks.

The PRESIDING OFFICER (Mr. Weicker). The bill will be received and appropriately referred; and, without objection, the material requested will be printed in the Record.

The material ordered to be printed in the Record is as follows:

U.S. Department of the Interior,
*Washington, D.C., January 24, 1972.*

Hon. Spiro T. Agnew,
*President of the Senate,*
*Washington, D.C.*

Dear Mr. President: Enclosed is a draft of a proposed bill "To authorize appropriations for Saline Water Conversion Program for fiscal year 1973, to delete section 6(d) of the Saline Water Conversion Act of 1971, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

### FISCAL YEAR 1973 APPROPRIATION AUTHORIZATION

The legislation under which the Office of Saline Water conducts its program, the Saline Water Conversion Act of 1971 (Public Law 92–60; 85 Stat. 159), authorizes "to be appropriated such sums, to remain available until expended, as may be specified in annual appropriation authorization acts." In order to meet fiscal year 1973 program requirements, we propose an appropriation of $26,871,000 to be authorized to conduct the desalting research and development program as follows:

I. Research expense, $5,850,000;

II. Development expense, $12,131,000;

III. Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, $5,085,000;

IV. Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, $1,075,000; and

V. Administration and coordination, $2,730,000.

The amount appropriated for FY 1972 included $2,500,000 for the construction of two test beds ($2,100,000) and for modifications to test beds ($400,000). Since these are nonrecurring items, the amount requested for FY 1973 represents an increase of $2,443,713 over the FY 1972 net program. This increase also includes funds to cover first-year costs of projects initiated during FY 1972 such as operation of the two net test beds, the Fountain Valley Test Facility, and VTE/MSF Module Operation.

Major changes in each of these categories from the fiscal year 1972 program of $26,927,287 are described as follows:

Research expense shows an increase of $415,000. Increases are required to conduct an intensive research program on sea water membrances, geothermal brines, heat transfer and materials, and new freezing processes.

Development expense contains a net increase of $1,958,513. The increase in this program includes construction of a new process freezing pilot plant, development of sea water and brackish water reverse osmosis systems, operation of reverse osmosis and distillation pilot plants, and test components being constructed during FY 1972. Funds are also provided for development work on desalting geothermal waters. Preliminary desalting investigations and cooperative studies will continue.

Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities reflects a decrease of $2,209,800. For FY 1972 this category included authorization for two reverse osmosis test beds and modifications to existing plants amounting to $2,500,000, which is not included in the category this year. But increases for the category are shown for first-year operation of the two reverse osmosis test beds, increased maintenance and operating cost, and modernization of facilities that have been operating for as long as 9 years without being updated to modern technology.

Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules is decreased by $340,000 due to reductions in the operating requirements of the multistage flash distillation module.

Administration and coordination shows an increase of $120,000. No additional positions are requested. Additional funds are requested to cover cost of increased man-years of employment in positions previously authorized.

Environmental effects—The program that will be carried out under Public Law 92–60 during FY 1973 will not have significant environmental effects beyond those described in the environmental statement submitted with this Department's proposed legislation "To expand and extend the desalting program being conducted by the Secretary of the Interior" forwarded to the Congress by executive communication dated April 1, 1971. Such legislation is substantially in accord with P.L. 92–60. Should future actions under this program involve significant environmental effects are not previously covered by an environmental impact statement prepared under section 102(2) (C) of the National Environmental Policy Act of 1969, such a statement will be prepared and circulated in accordance with the Act's requirements.

### *Deletion of section 6(d) of the Saline Water Conversion Act of 1971*

In addition to authorizing FY 1973 appropriations, the proposed bill would delete section 6(d) of the Saline Water Conversion Act of 1971 under which the OSW program is carried on. Section 6(d) provides:

(d) All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this Act, shall be provided for in such manner that all information, uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public. This subsection shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder. Within six months of the date of this Act, the Secretary shall publish rules in the Federal Register to give effect to the provisions of this subsection and shall subsequently publish all revisions in the same manner.

The effect of deleting this provision from the Act would be to bring "information, uses, products, processes, patents and other developments resulting from . ... research developed by Government expenditure" in the Saline Water Conversion Program under general Federal policy. For inventions and discoveries made under Government sponsored grants and contracts, Federal policy is currently embodied in a Presidential Memorandum of August 23, 1971, dealing with Government Patent Policy (36 FR 16887–16892), a copy of which is attached hereto. This policy applies "subject to specific statutes governing the disposition of patent rights of certain Government agencies" such as section 6(d) of the Act.

In the opinion of the Solicitor's Office of this Department, section 6(d) precludes the application of general Federal policy and inventions and discoveries developed under the Saline Water Conversion Program must be made "available to the public" on a royalty-free, nonexclusive basis. Situations have, however, arisen in the program where we believe the public interest would best be served through a grant of patent rights to contractors and others as provided for by the general Federal policy memorandum. In such circumstances, granting greater rights to inventions and discoveries may result in their more rapid development in accordance with the public interest. The Presidential Memorandum provides appropriate guidelines, desirable flexibility and consistent treatment for the use of information developed under Federal sponsorship and we believe it is superior to the present provisions of section 6(d).

The Office of Management and Budget has advised that this proposed legislation is in accord with the program of the President.

Sincerely yours,

JAMES R. SMITH,
*Assistant Secretary of the Interior.*

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### TITLE 3—THE PRESIDENT: MEMORANDUM OF AUGUST 23, 1971, GOVERNMENT PATENT POLICY

#### MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

THE WHITE HOUSE,
*Washington, August 23, 1971.*

On October 10, 1963, President Kennedy forwarded to the Heads of Executive Departments and Agencies a Memorandum and Statement of Government Patent Policy for their guidance in determining the disposition of rights to inventions made under Government-sponsored grants and contracts. On the basis of the knowledge and experience then available, this Statement first established Government-wide objectives and criteria, within existing legislative constraints, for the allocation of rights to inventions between the Government and its contractors.

It was recognized that actual experience under the Policy could indicate the need for revision or modification. Accordingly, a Patent Advisory Panel was established under the Federal Council for Science and Technology for the purpose of assisting the agencies in implementing the Policy, acquiring data on the agencies' operations under the Policy, and making recommendations regarding the utilization of Government owned patents. In December 1965, the Federal Council established the Committee on Government Patent Policy to assess how this Policy was working in practice, and to acquire and analyze additional information that could contribute to the reaffirmation or modification of the Policy.

The efforts of both the Committee and the Panel have provided increased knowledge of the effects of Government patent policy on the public interest. More specifically, the studies and experience over the past 7 years have indicated that:

(a) A single presumption of ownership of patent rights to Government-sponsored inventions either in the Government or in its contractors is not a satisfactory basis for Government patent policy, and that a flexible, Government-wide policy best serves the public interest;

(b) The commercial utilization of Government-sponsored inventions, the participation of industry in Government research and development programs, and commercial competition can be influenced by the following factors: the mission of the contracting agency; the purpose and nature of the contract; the commercial applicability and market potential of the invention; the extent to which the invention is developed by the contracting agency; the promotional activities of the contracting agency; the commercial orientation of the contractor and the extent of his privately financed research in the related technology; and the size, nature and research orientation of the pertinent industry;

(c) In general, the above factors are reflected in the basic principles of the 1963 Presidential Policy Statement.

Based on the results of the studies and experience gained under the 1963 Policy Statement certain improvements in the Policy have been recommended which would provide (1) agency heads with additional authority to permit contractors to obtain greater rights to inventions where necessary to achieve utilization or where equitable circumstances would justify such allocation of rights, (2) additional guidance to the agencies in promoting the utilization of Government-sponsored inventions, (3) clarification of the rights of States and municipal governments in inventions in which the Federal Government acquires a license, and (4) a more definitive data base for evaluating the administration and effectiveness of the Policy and the feasibility and desirability of further refinement or modification of the Policy.

I have approved the above recommendations and have attached a revised Statement of Government Patent Policy for your guidance. As with the 1963 Policy Statement, the Federal Council shall make a continuing effort to record, monitor and evaluate the effects of this Policy Statement. A Committee on Government Patent Policy, operating under the aegis of the Federal Council for Science and Technology, shall assist the Federal Council in these matters.

This memorandum and statement of policy shall be published in the FEDERAL REGISTER.

RICHARD NIXON.

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### STATEMENT OF GOVERNMENT PATENT POLICY—BASIC CONSIDERATIONS

A. The Government expends large sums for the conduct of research and development which results in a considerable number of inventions and discoveries.

B. The inventions in scientific and technological fields resulting from work performed under Government contracts constitute a valuable national resource.

C. The use and practice of these inventions and discoveries should stimulate inventors, meet the needs of the Government, recognize the equities of the contractor, and serve the public interest.

D. The public interest in a dynamic and efficient economy requires that efforts be made to encourage the expeditious development and civilian use of these inventions. Both the need for incentives to draw forth private initiatives to this end, and the need to promote healthy competition in industry must be weighed in the disposition of patent rights under Government contracts. Where exclusive rights are acquired by the contractor, he remains subject to the provisions of the antitrust laws.

E. The public interest is also served by sharing of benefits of Government-financed research and development with foreign countries to a degree consistent with international programs and with the objectives of U.S. foreign policy.

F. There is growing importance attaching to the acquisition of foreign patent rights in furtherance of the interests of U.S. industry and the Government.

G. The prudent administration of Government research and development calls for a Government-wide policy on the disposition of inventions made under Government contracts reflecting common principles and objectives, to the extent consistent with the missions of the respective agencies. The policy must recognize the need for flexibility to accommodate special situations.

#### POLICY

SECTION 1. The following basic policy is established for all Government agencies with respect to inventions or discoveries made in the course of or under any contract of any Government agency, subject to specific statutes governing the disposition of patent rights of certain Government agencies.

(a) Where

(1) a principal purpose of the contract is to create, develop or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations; or

(2) a principal purpose of the contract is for exploration into fields which directly concern the public health, public safety, or public welfare; or

(3) the contract is in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and the acquisition of exclusive rights at the time of contracting might confer on the contractor a preferred or dominant position; or

THE PRESIDENT

(4) the services of the contractor are

(i) for the operation of a Government-owned research or production facility; or

(ii) for coordinating and directing the work of others, the Government shall normally acquire or reserve the right to acquire the principal or exclusive rights throughout the world in and to any invention made in the course of or under the contract.

In exceptional circumstances the contractor may acquire greater rights than a nonexclusive license at the time of contracting where the head of the department or agency certifies that such action will best serve the public interest. Greater rights may also be acquired by the contractor after the invention has been identified where the head of the department or agency determines that the acquisition of such greater rights is consistent with the intent of this Section 1(a) and is either a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application or that the Government's contribution to the invention is small compared to that of the contractor. Where an identified invention made in the course of or under the contract is not a primary object of the contract, greater rights may also be acquired by the contractor under the criteria of section 1(c).

(b) In other situations, where the purpose of the contract is to build upon existing knowledge or technology, to develop information, products, processes, or methods for use by the Government, and the work called for by the contract is in a field of technology in which the contractor has acquired technical competence (demonstrated by factors such as know-how, experience, and patent position) directly related to an area in which the contractor has an established nongovernmental commercial position, the contractor shall normally acquire the principal or exclusive rights throughout the world in and to any resulting inventions.

(c) Where the commercial interests of the contractor are not sufficiently established to be covered by the criteria specified in Section 1(b) above, the determination of rights shall be made by the agency after the invention has been identified, in a manner deemed most likely to serve the public interest as expressed in this policy statement, taking particularly into account the intentions of the contractor to bring the invention to the point of commercial application and the guidelines of Section 1(a) hereof, provided that the agency may prescribe by regulation special situations where the public interest in the availability of the inventions would best be served by permitting the contractor to acquire at the time of contracting greater rights than a nonexclusive license.

(d) In the situations specified in Sections 1(b) and 1(c), when two or more potential contractors are judged to have presented proposals of equivalent merit, willingness to grant the Government principal or exclusive rights in resulting inventions will be an additional factor in the evaluation of the proposals.

(e) Where the principal or exclusive rights in an invention remain in the contractor, he should agree to provide written reports at reasonable intervals, when requested by the Government, on the commercial use that is being made or is intended to be made of inventions made under Government contracts.

(f) Where the principal or exclusive rights in an invention remain in the contractor, unless the contractor, his licensee, or his assignee has taken effective steps within three years after a patent issues on the invention to bring the invention to the point of practical application or has made the invention available for licensing royalty-free or on terms that are reasonable in the circumstances or can show cause why he should retain the principal or exclusive rights for a further period of time, the Government shall have the right to require the granting of a nonexclusive or exclusive license to a responsible applicant(s) on terms that are reasonable under the circumstances.

(g) Where the principal or exclusive rights to an invention are acquired by the contractor, the Government shall have the right to require the granting of a nonexclusive or exclusive license to a responsible applicant(s) on terms that are reasonable in the circumstances (i) to the extent that the invention is required for public use by governmental regulations, or (ii) as may be necessary to fulfill health or safety needs, or (iii) for other public purposes stipulated in the contract.

(h) Whenever the principal or exclusive rights in an invention remain in the contractor, the Government shall normally acquire, in addition to the rights set forth in Sections 1(e), 1(f), and 1(g),

(1) at least a nonexclusive, nontransferable, paid-up license to make; use, and sell the invention throughout the world by or on behalf of the Government of the United States (including any Government agency) and States and domestic municipal governments, unless the agency head determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments; and

(2) the right to sublicense any foreign government pursuant to any existing or future treaty or agreement if the agency head determines it would be in the national interest to acquire this right; and

(3) the principal or exclusive rights to the invention in any country in which the contractor does not elect to secure a patent.

(i) Whenever the principal or exclusive rights in an invention are acquired by the Government, there may be reserved to the contractor a revocable or irrevocable nonexclusive royalty-free license for the practice of the invention throughout the world; an agency may reserve the right to revoke such license so that it might grant an exclusive license when it determines that some degree of exclusivity may be necessary to encourage further development and commercialization of the invention. Where the Government has a right to acquire the principal or exclusive rights to an invention and does not elect to secure a patent in a foreign country, the Government may permit the contractor to acquire such rights in any foreign country in which he elects to secure a patent, subject to the Government's rights set forth in Section 1(h).

SEC. 2. Under regulations prescribed by the Administrator of General Services, Government-owned patents shall be made available and the technological advances covered thereby brought into being in the shortest time possible through dedication or licensing, either exclusive or nonexclusive, and shall be listed in official Government publications or otherwise.

SEC. 3. The Federal Council for Science and Technology in consultation with the Department of Justice shall prepare at least annually a report concerning the effectiveness of this policy, including recommendations for revision or modification as necessary in light of the practices and determinations of the agencies in the disposition of patent rights under their contracts. The Federal Council for Science and Technology shall continue to

(a) develop by mutual consultation and coordination with the agencies common guidelines for the implementation of this policy, consistent with existing statutes, and to provide overall guidance as to disposition of inventions and patents in which the Government has any right or interest; and

(b) acquire data from the Government agencies on the disposition of patent rights to inventions resulting from federally financed research and development and on the use and practice of such inventions to serve as bases for policy review and development; and

(c) make recommendations for advancing the use and exploitation of Government-owned, domestic and foreign patents.

Each agency shall record the basis for its actions with respect to inventions and appropriate contracts under this statement.

SEC. 4. Definitions: As used in this policy statement, the stated terms in singular and plural are defined as follows for the purposes hereof:

(a) *Government agency*—includes any executive department, independent commission, board, office, agency, administration, authority, Government corporation, or other Government establishment of the executive branch of the Government of the United States of America.

(b) *States*—means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam and the Trust Territory of the Pacific Islands.

(c) *Invention, or invention or discovery*—includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States of America or any foreign country.

(d) *Contractor*—means any individual, partnership, public or private corporation, association, institution, or other entity which is a party to the contract.

(e) *Contract*—means any actual or proposed contract, agreement, grant, or other arrangement, or subcontract entered into with or for the benefit of the Government where a purpose of the contract is the conduct of experimental, developmental, or research work.

(f) *Made*—when used in relation to any invention or discovery means the conception or first actual reduction to practice of such invention in the course or under the contract.

(g) *To the point of practical application*—means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

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## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

### S. 1615

At the request of Mr. BIBLE, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 1615, a bill to amend the Internal Revenue Code of 1954 to provide income tax simplifications, reform, and relief for small business.

### S. 1637

At the request of Mr. METCALF, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 1637, a bill to establish uniform standards and procedures for Government advisory committees.

### S. 1964

At the request of Mr. ROTH, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 1964, a bill to authorize the Office of Management and Budget to establish a system governing the creation and operation of advisory committees throughout the Federal Government which are created to advise officers and agencies of the Federal Government.

### S. 2895

At the request of Mr. TALMADGE, the Senator from Mississippi (Mr. EASTLAND) and the Senator from South Dakota (Mr. MCGOVERN) were added as cosponsors of S. 2895, a bill to enable producers of commercial eggs to consistently provide an adequate but not excessive supply of eggs to meet the needs of consumers for eggs and to stabilize, maintain, and develop orderly marketing conditions for eggs at prices reasonable to the consumers and producers.

### S. 2981

At the request of Mr. AIKEN, the Senator from Maryland (Mr. BEALL), the Senator from Idaho (Mr. CHURCH), the Senator from Hawaii (Mr. FONG), the Senator from Michigan (Mr. HART), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. INOUYE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maine (Mrs. SMITH), the Senator from Pennsylvania (Mr. SCOTT), the Senator from New Hampshire (Mr. MCINTYRE), the Senators from Iowa (Mr. MILLER and Mr. HUGHES), the Senator from Minnesota (Mr. MONDALE), and the Senator from Utah (Mr. MOSS), were added as cosponsors of S. 2981, a bill to provide for environmental improvement in rural America.

### S. 3056

At the request of Mr. DOMINICK, the Senator from Colorado (Mr. ALLOTT), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of S. 3056, a bill to amend Public Law 92-178, the Revenue Act of 1971.

### SENATE JOINT RESOLUTION 180

At the request of Mr. ROTH, the Senator from Pennsylvania (Mr. SCOTT) was added as a consponsor of Senate Joint Resolution 180, to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

## SENATE RESOLUTION 247—SUBMISSION OF A RESOLUTION AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

(Referred to the Committee on Rules and Administration, by unanimous consent.)

Mr. MONDALE. Mr. President, I send to the desk a resolution authorizing expenditures by the Select Committee on Equal Educational Opportunity. The resolution has been agreed to unanimously by the Select Committee.

Under usual procedures of the Senate, this resolution would be referred first to the Committee on Labor and Public Welfare and then to the Committee on Rules and Administration. I have spoken with the chairman of the Labor and Public Welfare Committee (Mr. WILLIAMS) and ranking minority member, Senator JAVITS, and with their agreement I ask unanimous consent that the resolution be referred to the Committee on Rules and Administration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution is as follows:

### S. RES. 247

*Resolved,* That (a) in studying the effectiveness of existing laws and policies in assuring equality of educational opportunity in accordance with Senate Resolution 359, Ninety-first Congress, agreed to February 19, 1970, as amended and supplemented, the Select Committee on Equal Educational Opportunity is authorized from March 1, 1972, through May 31, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpoena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Adminstration, to use on a reimbursable basis the services of personnel, information, and facilities of any department or agency, (5) to interview employees of the Federal, State and local governments and other individuals, and (6) to take depositions and other testimony.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

SEC. 2. The expenses of the committee under this resolution shall not exceed $104,000.

SEC. 3. The committee shall make the final report required by such Senate Resolution 359, together with such recommendations as it deems advisable, at the earliest practicable date, but not later than May 31, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

## SENATE RESOLUTION 248—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

(Referred to the Committee on Rules and Administration.)

Mr. McGEE, from the Committee on Post Office and Civil Service, reported the following resolution:

### SENATE RESOLUTION 248

*Resolved,* That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Post Office and Civil Service, (or any subcommittee thereof), is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and administration, to use on a reimbursable bases the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $250,000.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

## SENATE RESOLUTION 249—ORIGINAL RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON PUBLIC WORKS

(Referred to the Committee on Rules and Administration.)

Mr. RANDOLPH, from the Committee on Public Works, reported the following resolution:

### S. RES. 249

*Resolved,* That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Public Works, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with prior consent of the Government department or agency concerned, and the Committee on Rules and Administration to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $685,000,000 of which amount not to exceed $17,500.00 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

## SENATE RESOLUTION 250—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON SMALL BUSINESS

(Referred to the Committee on Rules and Administration, by unanimous consent.)

Mr. BIBLE. Mr. President, I submit for myself, and the Senator from New York (Mr. JAVITS) a resolution authorizing additional expenditures by the Select Committee on Small Business and ask unanimous consent that it be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

The resolution is as follows:

S. RES. 250

*Resolved*, That the Select Committee on Small Business, in carrying out the duties imposed upon it by S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended and supplemented, is authorized to examine, investigate, and make a complete study of the problems of American small and independent business and to make recommendations concerning those problems to the appropriate legislative committees of the Senate.

SEC. 2. For purposes of this resolution, the committee, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, (4) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, and (5) to provide assistance for the members of its professional staff in obtaining specialized training, in the same manner and under the same conditions as any such standing committee may provide that assistance under section 202(j) of such Act.

SEC. 3. The expenses of the committee under this resolution shall not exceed $158,000, of which amount (1) not to exceed $500 shall be available for the procurement of the services of individual consultants, or organizations thereof, and (2) not to exceed $1,000 shall be available for the training of the professional staff of such committee.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

### SENATE RESOLUTION 251—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

(Referred to the Committee on Rules and Administration, by unanimous consent.)

Mr. CHURCH. Mr. President, I submit a resolution authorizing additional expenditures for the Special Committee on Aging. I ask unanimous consent that the resolution be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution is as follows:

S. RES. 251

*Resolved*, That the Special Committee on Aging, established by Senate Resolution 33, Eighty-seventh Congress, agreed to on February 13, 1961, as amended and supplemented, is hereby extended through February 28, 1973.

SEC. 2. (a) The committee shall make a full and complete study and investigation of any and all matters pertaining to problems and opportunities of older people, including but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing and, when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(b) A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

SEC. 3 (a) For purposes of this resolution, the committee is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate, (4) to require by subpena or otherwise the attendance of witnesses and the production of correspondence, books, papers, and documents, (5) to administer oaths, (6) to take testimony orally or by deposition, (7) to employ personnel, (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, and (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

SEC. 4. The expenses of the committee under this resolution shall not exceed $375,000, of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

SEC. 5. The committee shall report the results of its study and investigation, together with such recommendations as it may deem advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973. The committee shall cease to exist at the close of business on February 28, 1973.

SEC. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

### SENATE RESOLUTION 252 AND SENATE RESOLUTION 253—ORIGINAL RESOLUTIONS REPORTED RELATING TO EXPENDITURES BY COMMITTEE ON ARMED SERVICES

(Referred to the Committee on Rules and Administration.)

Mr. STENNIS. Mr. President, I report two resolutions from the Committee on Armed Services.

One resolution authorizes expenditures in the amount of $25,000 for the full committee during the second session for routine purposes.

The other resolution authorizes expenditures in the amount of $455,000 for the purpose of preparedness inquiries and investigations during the second session.

The PRESIDING OFFICER. The resolutions will be appropriately referred.

The resolutions are as follows:

S. RES. 252

*Resolved*, That the Committee on Armed Services is authorized to expend from the contingent fund of the Senate, during the 92d Congress, second session, $25,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

S. RES. 253

Resolution authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations

*Resolved*, That, in holding hearings, reporting such hearings, and making investigations as authorized by section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Armed Services, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) common defense generally;

(2) the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally;

(3) soldiers' and sailors' homes;

(4) pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces;

(5) selective service;

(6) size and composition of the Army, Navy, and Air Force;

(7) forts, arsenals, military reservations, and navy yards;

(8) ammunition depots;

(9) maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone;

(10) conservation, development, and use of naval petroleum and oil shale reserves;

(11) strategic and critical materials necessary for the common defense; and

12) aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 2. The expenses of the committee under this resolution shall not exceed $455,000, of which amount not to exceed $30,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent funds of the Senate upon vouchers approved by the chairman of the committee.

### SENATE RESOLUTION 254—RESOLUTION SUBMITTED AUTHORIZING PRINTING OF ADDITIONAL COPIES OF COMMITTEE PRINT

(Referred to the Committee on Rules and Administration.)

Mr. McCLELLAN submitted the following resolution:

S. Res. 254

***Resolved,* That there be printed for the use of the Committee on Government Operations ten thousand additional copies of the committee print entitled "International Negotiation—The Impact of the Changing Power Balance," issued by that committee during the Ninety-second Congress, first session.**

### ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 232

At the request of Mr. Chiles, the Senator from South Carolina (Mr. Hollings), the Senator from Alaska (Mr. Gravel), the Senator from Wisconsin (Mr. Proxmire), the Senator from Washington (Mr. Jackson), the Senator from Utah (Mr. Moss), and the Senator from Wisconsin (Mr. Nelson), were added as cosponsors of Senate Resolution 232, expressing the sense of the Senate that the remainder of the amount appropriated for the rural electrification program for fiscal 1972 be immediately released by the Office of Management and Budget.

### AGREEMENTS WITH PORTUGAL OR BAHRAIN FOR MILITARY BASES OR FOREIGN ASSISTANCE—AMENDMENT

AMENDMENT NO. 847

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. CASE. Mr. President, I submit an amendment in the nature of a substitute for Senate Resolution 214, introduced by me on December 16, 1971. As amended, it would read as follows:

S. Res. 214

Whereas the Constitution states that the President of the United States must have the advice and consent of the Senate in order to make treaties;

Whereas an agreement with Portugal, which would provide for the stationing of American troops overseas and which would furnish Portugal with large amounts of foreign aid, is clearly a matter of sufficient importance to necessitate its submission to the Senate as a treaty;

Whereas an agreement with Bahrain, which would provide for the establishment of a new American military base on foreign territory and the stationing of American troops overseas, is clearly a matter of sufficient importance to necessitate its submission to the Senate as a treaty; Be it

*Resolved by the Senate,* that any agreement with Portugal or Bahrain for military bases or foreign assistance should be submitted as a treaty to the Senate for advice and consent.

I also ask unanimous consent that the following Senators be listed as cosponsors of Senate Resolution 214: Senators Bayh, Bentsen, Brooke, Burdick, Church, Cooper, Cranston, Eagleton, Fulbright, Gravel, Harris, Hart, Hughes, Humphrey, Javits, Kennedy, McGovern, Mondale, Moss, Muskie, Nelson, Packwood, Proxmire, Symington, Tunney, Weicker, and Williams.

Finally, Mr. President, I ask unanimous consent that the statement I made on January 6, 1972, on this question be included in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Senator Case's Statement on the Bahrain Naval Base Agreement

It is extremely disturbing that without seeking the advice and consent of the Senate, the United States already has entered into an "unpublicized" agreement to establish a naval base on the island of Bahrain in the Persian Gulf.

It is contrary to our Constitution to settle such a matter with the stroke of a diplomat's pen.

The framers of the Constitution wrote in the requirement for advice and consent of the Senate on treaties as an integral part of our system of checks and balances.

Despite a State Department spokesman's statement that "all we are doing is changing landlords," the establishment of an American base in a foreign country is a very serious matter.

The stationing of American troops overseas can lead to war. Explicitly or implicitly, it may involve the United States on a commitment toward the host country. In the Persian Gulf area, it could potentially entangle us in the bitter dispute raging among Iran, Iraq, Saudi Arabia, and several other states on which countries have rights to what territories. The recent Iranian occupation of islands in the Persian Gulf only points up the volatility of that part of the world. Moreover, could this agreement with Bahrain be just one step in the assumption by the U. S. of responsibility for defense of the Persian Gulf as well as the adjacent sea lanes of the Indian Ocean?

Before such an agreement is entered into, these and other questions should be thoroughly aired and the intentions of our Government with respect to these issues should be ascertained.

The Bahrain agreement comes on the heels of last month's pact with Portugal for military bases in the Azores. At that time we learned that the Administration intended to give the Portuguese $435 million in economic assistance and credits in return for continued use by the United States of air and naval bases in the Azores. The Administration made it clear that it did not intend to submit the Portuguese pact to the Senate as a treaty but instead intended to handle the whole affair as an executive agreement.

Now again, the Administration's apparent intention is to use the device of an executive agreement, as opposed to a treaty, to establish permanent base facilities in Bahrain.

In the Portuguese case, the Administration maintains that an executive agreement sufficed for renewing U. S. base rights, since the American presence in the Azores had originally been established by executive agreements. I do not accept this argument myself, for I believe it to be constitutionally clear that any agreement, new or renewed, with a foreign government for the stationing of American troops overseas and the furnishing of hundreds of millions of dollars in assistance should be submitted to the Senate as a treaty.

On December 16, with the co-sponsorship of four senior members of the Foreign Relations Committee (Fulbright, Javits, Church, and Symington), I introduced a resolution calling for the submission of the Portuguese base agreement to the Senate as a treaty. I plan to expand this resolution to include Bahrain or to introduce separate legislation.

The Senate's treaty making role is so clearly defined in the Constitution that it should be redundant to be introducing resolutions calling for the Senate to give its advice and consent to treaties. Yet the Senate's role in the treaty making process has become so eroded that we have no choice.

### ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 832

At the request of Mr. Kennedy, the Senator from South Dakota (Mr. McGovern) and the Senator from New York (Mr. Javits) were added as cosponsors of amendment No. 832, intended to be offered to H.R. 12067, the foreign aid appropriation bill.

## ADDITIONAL STATEMENTS

### CONGRESS SHOULD IMPOSE A CEILING ON FEDERAL SPENDING

Mr. PROXMIRE. Mr. President, Congress should act on the President's proposal for a ceiling on Federal spending. But it should be a tough, no loophole, no exception ceiling, not merely a token.

Not only should Congress limit Federal spending, but the $246.3 billion proposed by the President should be cut.

The main problem in staying within the budget does not lie with Congress but with the executive agencies. Since the end of World War II, or for more than 25 years, Congress has given every President every year less money than he has asked for. So far this year we have appropriated $3 billion less than the President requested. And last year we appropriated $3.5 billion less than the President asked for.

The problem lies with the executive branch. By a stroke of the pen or a verbal order to the Office of Management and Budget, the President can reduce the Pentagon's bloated spending, stop the space shuttle, cut back on wasteful projects, and restrict subsidies.

By cutting back in the wasteful and low priority areas, we could provide needed funds for the cities, education, and anti-pollution programs and still spend less than the President's proposed budget.

The $90 billion in Nixon budget deficits was not caused by Congress going on a drunken spending spree. It was caused primarily by the administration induced recession which brought two catastrophic, budget-busting effects.

First, the recession caused an immense drop in budget receipts. Unemployed workers and businesses in the red do not pay taxes.

Second, the recession caused an increase in payments for unemployment benefits, social security, and welfare.

Congress should impose a rigid ceiling. It should do this by law.

But more important, the President should cut back on the fat and waste in both civilian and Pentagon programs, examine and cut the billions in subsidies which go to special interest groups, close the scandalous tax loopholes, and get the economy moving again.

The billions saved by these actions could be used to finance needed programs, reduce the deficit, and give the American taxpayer a break as well.

## NATIONALIZATION OF TRANSPORTATION SYSTEM

Mr. SCOTT. Mr. President, the question of nationalizing our transportation system has arisen more and more often recently as air, rail, and ground systems have been plagued with minor and not so minor problems.

John A. Creedy, president of the Water Transport Association, in pertinent remarks to the Rotary Club in Louisville, Ky., addressed himself to this issue.

Mr. Creedy says wisely that:

> The force of competition is the single most important stimulant to improved efficiency. Remove the prod of competition and a nationalized industry does not struggle for improvement.

As detriments to a nationalized system of transportation, he cites significantly higher costs and the elimination of the discipline of the profit and loss report.

I commend this excellent address to Senators and ask unanimous consent that it be printed in its entirety in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

### Remarks of John A. Creedy—A New Strategy to Prevent Nationalization of Transport

A peaceful, gain-loving nation is not often far-sighted. Admiral A. T. Mahan complained about that when he was trying to persuade the United States of the critical importance of sea power. In the end, his ideas prevailed.

Today we are urgently looking for far-sighted policies to make nationalization of transportation unnecessary.

I was in Washington last week and was alarmed by the extent to which many government officials are beginning to believe that nationalization is inevitable.

Sure, they say, we're against nationalization. But, they continue, every other nation has had to nationalize its transportation network. Why should the U.S. be different? The shock effect of the idea of nationalization has worn off. Policy makers very high in government are beginning to think the unthinkable.

The distant evils of nationalization are vague and insubstantial beside the urgent problems of today, particularly the ICC's report last year that 18 railroads are in danger of bankruptcy. Many policy makers have become discouraged by the complexity of the problems and have become defeatists. And naturally if one feels defeatist one is much more than half licked.

Why should anyone bother if transportation is nationalized? First, there is the precedent. Freight transportation in this country is a very large and important segment of the economy, accounting for 10 per cent of the gross national product. The policy-makers are talking about nationalizing railroads, but they recognize that nationalizing railroads would be only a preliminary to nationalizing the competitors of railroads. And if all transportation is nationalized why not rely on that solution when problems arise in utilities, in coal, or in steel? Once one major segment of the economy is nationalized, why stop? The rubicon is crossed. A fundamental start will have been made on large scale nationalization of the entire economy.

Second, the shipper and consumer will not be benefited. By definition, a nationalized system is one in which competition is eliminated. The force of competition is the single most important stimulant to improved efficiency. Remove the prod of competition and a nationalized industry does not struggle for improvement. Costs inevitably rise.

Third, under nationalization, the ultimate, objective discipline of the profit and loss report disappears. Managers become bureaucrats and politicians or report to them. Decisions would be centralized in Washington; there would be no competition of ideas among many businessmen in different parts of the country as there is today. Mistakes made in Washington would be imposed all over the country and magnified throughout the economy.

We do not need to speculate on the effect of nationalization. We can look at the nationalized systems and see that costs are significantly higher than they are in the U.S. With all its numerous faults, transportation in the U.S. is still far and away the most efficient and flexible system operating anywhere in the world. It is interesting that those who have gone the nationalization route are now trying to reverse the process. The British government, which operates a nationalized airline industry, has recently recognized the virtues of competition. It has authorized large scale new expansion and strengthening for a private enterprise airline to compete with the Government airlines for the express purpose of creating a second force to improve the efficiency of the national aviation system.

Last year I would have thought it unnecessary to warn against nationalization, but this year the climate appears to be different. The drift toward nationalization has gained speed.

What then is the correct strategy for the producers and consumers of transportation to adopt to make nationalization of transportation unnecessary?

An essential pre-requisite to the development of a sensible program is an open-minded approach to solutions both on the part of the producers and the consumers of transportation. Unfortunately, the transport industry and its shippers have been notorious more for the acrimony of their disputes than for their ability to find common ground. Under the pressure of necessity, however, perhaps 1972 can be a year of significant progress.

The transportation industry has led the way toward new thinking. Last March, at the University of Louisville, on behalf of the water carriers, I suggested in a speech that the transportation industry should make common cause on a program of improvement. I outlined how such a program might be developed. I suggested we put together all those ideas which would benefit all segments of transportation and all those ideas which would help one mode and not hurt any other and that we should put aside temporarily those ideas on which we couldn't agree.

The time was ripe and it turned out to be a successful formula. For the first time in history, water carriers, truckers and railroads—traditional enemies—were able to agree on a common program.

Most of this program was favorably received by shippers and investors. This does not mean there is full agreement on all details, but there is agreement in principle on a government emergency loan guarantee program for railroads, liberalization of standards for abandonment of unneeded facilities, elimination of discriminatory state taxation of common carriers, tax incentives, more investment in the elimination of highway grade crossings of railroads, and better financial support for the ICC.

But helpful as these parts of the program will be when adopted, they will not save the industry from nationalization unless revenues and earnings are adequate and, of course, in this area there is plenty of controversy.

Having successfully made common cause among the various segments of transportation, it would be significantly helpful to explore what common ground there may be on this issue with the consumers of transportation—the shippers. Will they meet us halfway?

I believe common cause can be achieved. The shipper is naturally suspicious of anything which might result in the payment of more money for transportation services. At the same time, he badly wants improved and expanded transport services and he knows this costs money. It's a paradox. He may feel he automatically should oppose increases in rates and yet he knows that, in his own enlightened self-interest, modernizing and the transport plant is the only sound way to lower cost transport services.

Adequacy of revenues and earnings are of course crucial to the health of the transportation industry. At the same time, there can be no doubt that efficiency is best promoted in any industry by healthy competition. So far, there is agreement. But, of course, there is, up to now, no agreement on what one means by adequacy of earnings and healthy competition. Representatives of the shippers and of the industry have made fine speeches as part of the preliminary skirmishes, but so far there has been no meaningful exchange of ideas. The time has now come, in my view, for shirt sleeve sessions of those who are not afraid to face real problems. Fortunately, particularly in the shipper group working with the carriers in the Transportation Association of America, there are a number of shippers who, over the years, have, in my opinion, demonstrated the patience and open-mindedness necessary to reach common ground.

There can be no question that, so far, the shippers have had the best of the rate level argument. The problem in transportation is not excessive profits; it is the reverse, earnings so low that financing of needed new equipment and facilities has reached a crisis stage for broad segments of the industry.

The sort of thing that troubles the carriers has just occurred in the service to Alaska. Ten years ago, shippers trying to sell goods in Alaska had available to them only a very expensive service involving many costly re-handlings of the shipment. In the middle sixties, the Alaska trade was revolutionized by very heavy new investment of carriers in a modern containerized service eliminating re-handling and a tug and barge system capable of transporting 112 railroad freight cars in a single trip—better than a unit train. The two systems required millions in new investment. They compete vigorously with each other. New technology and competition have resulted in a drastic lowering of rates. Average rates are today 25 per cent below the 1964 levels. At the same time, service has improved dramatically.

Serving Alaska is not particularly easy and the risks are high. The traffic is mostly northbound, with very little coming back. It is seasonal, but service is maintained year round. The weather is extremely difficult causing rapid deterioration of the equipment.

But in microcosm, the service to Alaska is the kind of transport service the country would like to see everywhere. There is heavy new investment, technological and service innovations, vigorous competition, very successful voluntary coordination among trucks, railroads and water carriers and a rate level which reflects the sharing of improved productivity with the consumer.

After a period of drastic rate reductions, the blast of inflation caught up with the Alaska service. Rate increases to reflect cost increases became necessary. A decision has just been announced by the ICC. For one of the carriers, a rate ceiling has been set providing a return of 3.3 per cent.

Since one could take the investment to a savings bank and make more without taking any risk whatever, such a decision amounts to confiscation of the investment. Put another way, the carrier is being required to subsidize the shippers.

A decision of that kind is damaging not only to the carriers but is also against the interests of the shippers. A shipper has only to ask himself whether he would be inclined to invest millions in his own business for a return of barely over 3 per cent to understand the problem.

It is an extraordinary fact that in all the vastly complicated structure of surface transportation regulation, the ICC has been given no statutory standards by which to measure the adequacy of revenues and earnings. It is not barred from taking into account a proper rate of return and indeed does pay lip service to the notion, but it is also not required to consider rate of return and there are no criteria for determining what the rate should be.

The shipper should not be against the establishment of proper criteria. The carriers believe that rates should cover the true costs of providing the service plus a return that enables them to compete in the capital markets with the rest of the economy. Naturally, the shippers will want safeguards. They should be protected against underwriting all costs just because they are incurred. Also they shouldn't have to underwrite non-transportation adventures. A proviso which said that the carriers were entitled to recover costs incurred under honest, economical and efficient management for needed facilities and earn a fair and reasonable return would cover those problems in principle. There should not be too much difficulty in defining "fair and reasonable." I think of it as the economic return, the return that does the job of keeping the investors interested.

Covering true costs and providing an adequate and competitive rate of return is, it seems to us, the minimum required if transportation is to remain a free enterprise operation. It also seems reasonable. What other approach do the shippers have to suggest?

The shippers should be willing to meet the carriers' legitimate financial needs. It is unrealistic for shippers to expect to be subsidized indefinitely. In their own long range interest, they should not want it.

At the same time, the carriers should be willing to meet legitimate suggestions for improving competition. Of course, adequate earnings would result in heavy new investment in technological improvement and cost reduction. New technology has always been a potent force for starting competitive activity.

The water carriers have long thought that there is much to be learned from antitrust experience in defining and eliminating those practices which suppress the free play of competition. Certain principles have been established over the years in the antitrust policy which are now part of the mainstream of national competition policy. They have relevance for transportation.

As a general proposition, it is the objective of the antitrust laws to prevent practices which artificially shut a competitor out of the market place regardless of efficiency. Thus, in transportation, there should be no objection to flexibility in pricing so long as the opportunity of the more efficient operator to compete is not artificially suppressed by the abuse of inordinate market power.

The details of putting into practice such a principle may be complex, but the principle is not and it may well be the basis for meeting the requirements of the shippers for greater rate flexibility.

The unity which has been achieved by the transportation industry in the past year demonstrates an ability to accept new ideas on the part of the carriers. This is an opportunity for further progress which should not be dismissed lightly.

There were many who said that the carriers would never reach a common position, but they demonstrated the flexibility to do so, much to the annoyance of some shippers and the Department of Transportation. There will be plenty of people who will say that the shippers and the carriers have nothing in common. I disagree. A major breakthrough was achieved last year by the carriers. A similar one can be achieved this year between the carriers and the shippers.

If we can agree on two simple principles—rate levels adequate to provide a competitive return on capital for transport and rate flexibility which does not have the effect of suppressing the competition of the more efficient operator, we may have a basis for action this year on a successful strategy for making nationalization unnecessary.

In the light of the importance of the issue, I think it is worth while to make a major new effort to resolve as many differences as we can. We have a common interest in preserving an efficient system under private enterprise. In my experience the shippers are not so benighted, are not such poor businessmen, that they believe investment will flow into the service they urgently need at rates of return which are a fraction of that demanded in the capital markets.

It's a case for the shippers to extend the golden rule—do unto transport as you would have others do unto you.

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## CONSUMER SUBCOMMITTEE HEARINGS ON TOBACCO

Mr. JORDAN of North Carolina. Mr. President, tomorrow morning the Senate Commerce Consumer Subcommittee will initiate hearings on proposals for additional Government restrictions on cigarette advertising, on product standards, and even on the areas in which an individual will have the right to smoke.

Because I consider these proposals unwarranted, excessive, and an unjustified economic threat to my State which leads the Nation in tobacco production and manufacture, I wish to voice my strong opposition in testimony at the opening session.

It is not my purpose to discuss those issues in detail at this point.

There is one aspect of the hearings, however, which I think it appropriate to bring to the Senate's attention before they begin and to which I want to address myself now.

That concerns what I consider to be a wholly unjustified and improper attack on the R. J. Reynolds Tobacco Co., and its subcommittee's intent to consider amending the Cigarette Smoking Act of 1969 to include little cigars.

The statement called direct attention to what it described as—

> The unconscionable over-reaching now being practiced by certain cigarette companies, notably R. J. Reynolds with its new Winchester.

The statement further alluded to such products as "cigarettes masquerading as cigars."

The implications of that statement, Mr. President, are inaccurate as well as intemperate.

Both the U.S. Justice Department and the Internal Revenue Service have officially ruled that Winchesters are, in fact, properly classified as cigars.

That is fully documented in a letter I have received from Mr. William S. Smith president of R. J. Reynolds Tobacco Co., and a copy of correspondence between officials of the firm and the Justice Department.

In the interest of fairness to this outstanding North Carolina corporation and in order that Members of the Senate may have all the facts about this question in advance of the subcommittee hearings, I ask that the full text of these letters be placed in the Congressional Record as a part of my remarks.

There being no objection, the letters were ordered to be printed in the Record, as follows:

R. J. Reynolds Tobacco Co.,
*Winston-Salem, N.C., January 21, 1972.*
Hon. B. Everett Jordan,
*U.S. Senate, New Senate Office Building,*
*Washington, D.C.*

Dear Senator Jordan: We were recently supplied a copy of a December 13, 1971, letter from John F. Banzhaf, III, Executive Director of Action on Smoking and Health, which was sent to you and the other members of the United States Senate. In his letter, he leveled very serious charges against R. J. Reynolds Tobacco Company and, in particular, its marketing of a new product—Winchester Little Cigars. The charges were the same as those made by Mr. Banzhaf on October 1, 1971, in a document filed with the Department of Justice captioned "Petition for Instituting Proceedings for Injunctive Relief and Criminal Prosecution," a copy of which Mr. Banzhaf has apparently supplied to you.

As soon as we learned that Mr. Banzhaf had filed his October "Petition," we immediately sought a conference with the Department of Justice and laid before it the facts regarding Winchester Little Cigars. We also supplied the Department with a written answer to the "Petition," For your information, we are enclosing herein a copy of that answer which, we believe, summarizes the true facts relating to the product and its category and demonstrates that Mr. Banzhaf's allegations are without basis in fact.

Winchester was classified as a little cigar in January, 1971, by the Internal Revenue Service, the Agency which has the statutory responsibility for categorizing smoking products. In making that determination, IRS extensively analyzed the constituents of the product and passed on our proposed packaging, labeling, and promotion. Its statutory standard for classification (26 U.S.C. Sec. 5702) is the same as that of the Public Health Cigarette Smoking Act of 1969 (15 U.S.C. Sec. 1332).

The most serious and obviously erroneous assertion by Mr. Banzhaf in his letter to you is that Winchester Little Cigars are "wrapped in brown paper which apparently contains small traces of tobacco." Clearly, if such were the case, the product could not and would not have been classified as a little cigar. There is absolutely no cigarette paper in the Winchester wrapper. It is made entirely of reconstituted cigar tobacco and certain constituents to provide tensile strength, as are the wrappers on all the other little cigars, and a number of other cigars, presently on the market. As noted, the wrapper, as well as the cigar tobacco filler used in the product, were submitted to the IRS for approval.

Mr. Banzhaf also advised you that Winchesters are being advertised on television, which is correct. We are presently testing the product in the areas of Boston, Massachusetts; Dayton, Ohio; New York City; Providence, Rhode Island; Springfield, Massachusetts; and Albany, New York; and we are using the broadcast medium as part of our marketing effort. Since the product is a cigar, and not a cigarette, we are lawfully able to do so. In our broadcast messages, as well as in print advertising, we affirmatively state that Winchester is "not a cigarette," but is a little cigar.

Little cigars have been marketed for well over 50 years. (There are at least 28 brands, according to Mr. Banzhaf.) Although they are within the size ranges of a cigarette (70 millimeters-100 millimeters in length), which they *must* be to meet the statutory defintion of little cigar, they differ from cigarettes in a number of significant ways. In the first place, they contain cigar type tobacco, rather than cigarette tobacco. Secondly, the wrapper is made of tobacco and not cigarette paper. Thirdly, they are generally different in taste than most cigarettes, and their tobacco and smoke have a distinctive cigar aroma. Finally, the cigar tobacco used in Winchester is a much darker tobacco than that found in American blend cigarettes.

Winchester has all of the above-noted characteristics. In addition, the packaging, labeling, and marketing of the product clearly identifies it as a little cigar. For these reasons, we are able to use the broadcast medium to advertise Winchester.

As you may be aware, the Justice Department has issued a press release announcing an agreement between it and Reynolds regarding the marketing of Winchester Little Cigars. We had not considered it necessary to make any changes in the Winchester packaging or promotional materials to advertise on the broadcast medium and be in compliance with both the spirit and the letter of the Public Health Cigarette Smoking Act of 1969. Nevertheless, in an effort to cooperate as much as possible with the Government and still retain the marketing independence to which we were entitled, we agreed to make certain changes in Winchester packaging and point-of-sale materials. The changes did not include any revisions of broadcast advertising.

We feel that the recent action by the Justice Department, like the ruling of the Internal Revenue Service before it, fully demonstrates that our Winchester product is truly a little cigar and, thus, can be lawfully advertised on television. Mr. Banzhaf, and others, such as your colleague, Senator Moss, are continuing their zealous efforts to effectively eliminate all forms of tobacco usage. Unfortunately, in seeking that end, some of them write letters and issue statements containing allegations which are contrary to fact. We trust that this communication, with its enclosure, will set the record straight.

If we can supply you with additional information on the subject, please do not hesitate to contact us.

Sincerely,

WILLIAM S. SMITH.

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R. J. REYNOLDS TOBACCO CO.,
*Winston-Salem, N.C., October 12, 1971.*

HOWARD EPSTEIN, Esquire,
*Acting Chief, Consumer Affairs Section, Antitrust Division, Department of Justice, Washington, D.C.*

DEAR MR. EPSTEIN: I wish personally to thank you for the courtesy you and your staff extended to me and the officials of R. J. Reynolds Tobacco Company when we met in your office on the morning of October 7, 1971, to discuss the "Petition" filed by Mr. John F. Banzhaf, III, regarding this Company's product, Winchester Little Cigars.

Prior to investing the millions of dollars necessary to develop and test market Winchester, we felt compelled to take all reasonable steps to make sure that the product would constitute a little cigar—both for the lower tax rate which would be assigned and so that we would be allowed to advertise and promote the product on any medium we chose.

Section 5702(b) of the Internal Revenue Code provides a definition of what constitutes a cigarette for tax purposes as opposed to a cigar. This statute has been implemented by Regulations 26 CFR 270.11, 275.11. It should be noted that the statutory language under which the Revenue Service makes a determination is identical to the language found in 15 U.S.C. § 1332(1). While we were not required to obtain an advance ruling prior to marketing our product, we felt it desirable to do so because there was very little guidance as to exactly what specific criteria the Revenue Service would consider in making a classification. Thus, to protect the investment necessary to test market this product, this question was submitted to the Revenue Service for an advance determination. As indicated below, all information pertaining to the makeup of the product, packaging, labeling and then existing advertising materials were submitted and considered by the Revenue Service prior to its classification of Winchester as a little cigar.

In view of the wide range of the discussions in our meeting last week, I thought it best to restate for you, in writing, our Company's response to Mr. Banzhaf's "Statement of Allegations Constituting A Violation Of The 1969 Act," and I shall do so below seriatim:

(1) Reynolds, indeed, is a major cigarette manufacturer engaged in interstate commerce. In fact, it is the nation's leading producer of cigarettes, pipe tobacco, and plug chewing tobacco.

(2) Reynolds does manufacture a little cigar product under the brand name "Winchester."

(3) Winchesters do have the identical shape of a cigarette. They are 85 millimeters long and have a *circumference* of 25 millimeters. Most cigarettes have this circumference although their length may vary from 70 to 101 millimeters. The 11 little cigar brands which accounted for over 95% of the 1970 little cigar sales volume have a length of 85 or 100 millimeters and are 25 millimeters in circumference. However, in order to be in the category "Little Cigar," 1,000 units of finished product may not weigh more than 3 pounds. Thus, in order to be included in that category, a product must approximate the size and the shape of a standard cigarette.

(4) Winchester does use a cellulose acetate filter with a covering which has the appearance of simulated cork. Although the Winchester filter is not identical to the filter found on cigarettes, such as Reynolds' "Winston" brand, it is true that cellulose acetate is used in common. However, at least 8 of the 11 leading little cigars use cellulose acetate filters, as does a leading Class A small cigar. These 8 little cigars constitute approximately 74% of the market, and, of them 4 (including the top-selling brand) utilize a covering which has the appearance of simulated cork.

Contrary to the allegation in Mr. Banzhaf's Statement, Winchester does not use cigarette paper on its product. Its wrapper is made only of reconstituted cigar tobacco and certain constituents to provide tensile strength—the same materials used as wrappers on all little cigars presently on the market and a number of small cigars as well. The color is brown, the traditional color of cigar wrappers, which clearly distinguishes Winchesters from the conventional white wrapped cigarette.

Moreover, the color of the Winchester tobacco filler is strikingly darker than the standard golden hue of American-made cigarettes. The filler in Winchester is cigar and air cured tobacco common to other little cigars. The filler has a distinctive cigar odor, as does the odor emanating from the smoke of the product. The Internal Revenue Service, I might add, in reaching a determination that Winchesters are little cigars, carefully measured all of the above-noted characteristics.

(5) Winchesters are sold in packages containing 20 cigars, as are the 11 leading little cigar brands on the market.

(6) Winchester packages are the same size and shape of a conventional 85-millimeter soft pack. The Internal Revenue Service viewed our name and full color package and carton designs prior to making its classification of the product. Ten of the leading 11 little cigar brands, which accounted for 82% of the category's 1970 sales volume, are sold in a conventional soft pack (60%) or a cigarette-type crushproof box (22%). Winchester does not bear any health warning since the 1969 Act applies only to cigarettes.

(7) Winchesters began being test marketed on September 7, 1971, in the Boston, Massachusetts, and Dayton, Ohio areas.

(8) Winchesters are displayed in retail outlets in Boston on merchandising racks from which cigarettes traditionally have been marketed. During the course of our submission to the Internal Revenue Service, we advised that Agency of our intention to do so. We were told that this would not present a problem as long as the product was clearly identified as a little cigar. Cigar products have always been sold contiguous to cigarettes, and often in racks attached to cigarette carton and package merchandising fixtures. Moreover, in a number of stores little cigars are marketed on such fixtures in the same fashion as Winchesters. Winchesters, in addition, are also displayed with other little cigars wherever we have been allowed to do so.

Cigarettes are a high volume, fast turnover item and are given prime display locations in most retail stores, such as supermarkets. This prime space is limited, and few, if any, retail stores carry every brand and variety of cigarettes. (The Federal Trade Commission reported some 121 in its August 12, 1971 "Tar" and nicotine report.) Little Cigars, as a category, have not generally created enough demand to justify being marketed in these prime locations, although there have been some exceptions. Aggregately, as a comparison to cigarette volume, the existing little cigar brands have generated annual sales equal to approximately two-tenths of one percent of the number of cigarettes sold, although the category is growing.

It has been Reynolds' marketing strategy from the outset to create a high volume, high demand, quality little cigar. Accordingly, the price of Winchesters to our customers was set substantially below the prices quoted on competitive little cigars. (In fact, our price is significantly below our cigarette brands.) As a result, Winchesters are being sold in Boston at retail at approximately one-half the retail price of other little cigars (and one-half the price of cigarettes). If this strategy is successful in generating high volume, then *each retailer must decide* whether this volume is sufficient to justify permanent placement in prime display locations. As we demonstrated to you, where Winchester is being marketed on cigarette package fixtures, we are placing point of sale pieces which clearly identify and distinguish the product as a little cigar.

(9) A number of cigarette vendors in Boston have agreed to market Winchester in their machines. However, this is not the first time that cigars (including little cigars) have been sold along with cigarettes in vending machines. We supplied you with some evidence of that fact. As in the case of sales of the product in retail stores, each vending column containing Winchester is clearly labeled and designated "Little Cigars," and a "Little Cigar" notice has been provided to vendors to be put next to each coin slot. The Internal Revenue Service was also told of our plans to seek vending distribution, and we received the same assurance as noted above with respect to fixtures. Winchesters are also sold in vending machines for close to one-half the price of cigarette brands.

The available space in cigarette vending machines is such that only the leading brands can be carried, for the average machine has but 22 columns. We were able to convince a number of vendors that the demand for our little cigar product would be great enough to justify its inclusion in their machines. We were banking particularly on the dramatic price difference along with the high quality of the product. For these reasons, along with the fact that the package could easily be dispensed in a machine, the product was accepted.

(10)-(11) Winchesters' advertising schedule began in Boston on September 7, 1971, and a typical television advertisement did appear on September 25, 1971, at approximately 11:01 p.m. on WHDH-TV, Channel 5, Boston. A sample 60 second storyboard, visually depicting the action and related audio was submitted to the Internal Revenue Service and was considered as part of its approval of the product. There are no significant differences between that sample storyboard and the television commercials for Winchester currently on the air. As we advised you, other little cigars, as well as several small cigars, have had commercials on the broadcast media since January, 1971.

(12) The advertising for Winchester was designed to appeal primarily to men, our target market. The format used in its advertising contains some of the same elements in use in the advertising for other male-oriented products, such as beer, men's toiletries, automobiles, motorcycles, little cigars, small cigars, and large cigars.

(13) The so-called "theme" of Winchester contains certain descriptive words about taste often used in cigar advertising which may also have been used in the promotion of some cigarettes, but it is fundamentally different from any cigarettte advertising. In both broadcast and print, it is repeatedly stated that Winchester is "not a cigarette." We clearly advise viewers, listeners, and readers that the product is a little cigar—a prime example being the superimposed copy "20 little cigars" at the conclusion of all television commercials. It is also said that the product is "not just another little cigar"—"it's a whole 'nother smoke"—"it's something else." The latter statements are substantiated by the fact, as has been indicated, that the product is selling for half the price of other little cigars on the market. Furthermore, experts in the Company who are schooled in the art, along with specially assembled test panels, have concluded that Winchester is the best tasting little cigar of the brands now being sold. We were able to achieve these breakthroughs only after several years of research, repeated testing, planning, and a considerable monetary investment.

(14) Winchester has been promoted in Boston newspapers and, in particular, was advertised in the September 27, 1971 issue of the *Boston Herald Travel* at page A-19. In that ad, the theme "new kind of smoke," "not a cigarette," and "not just another little cigar" was also followed. The ad was designed to focus the reader's attention on the price of the product—"25¢ or less *per pack of 20 little cigars.*" The point is that we clearly state in all of our advertising that the product is not a cigarette and is, in fact, a little cigar.

(15) I have discussed earlier that all but one of the existing little cigars currently being marketed are sold in conventional soft packs or crushproof packs of 20. I have also spoken to the question of the place and manner in which the product, and others in its category, have been sold, and have noted that other little cigar brands have been advertised on the broadcast media since January, 1971.

We had no motives in developing a little cigar other than the marketing and sale of a new high quality smoking product. As Mr. William S. Smith, the President of our Company, recently stated in a telegram to the *National Observer:*

"The idea of entering the growing little cigar market—one estimate puts this year's sales growth at 20 percent—was one that came to us long before the radio-TV ban. Development of the product has been underway since 1968, for we realized that it would be good business for Reynolds, the nation's largest tobacco company, to have an entry in the little cigar market." *

* I am enclosing a copy of a recent article from the *U.S. Tobacco Journal* which discusses the little cigar market.

I trust that the above response will be of some assistance to you. However, as we have indicated, it is our sincere belief that Winchester is, in fact, a little cigar as defined in the 1969 Act, 15 U.S.C. § 1332(1).

If I can be of further assistance to you, please do not hesitate to contact me.

Very truly yours,

MAX H. CROHN, JR.,
*Secretary.*

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[From the Tobacco Journal, Sept. 30, 1971]

### MAXWELL: "THE LITTLE CIGAR IS WHERE THE ACTION IS"

John Maxwell, the U.S. financial community's best known tobacco industry analyst, has published his annual report on the cigar market with the observation that "the little cigar is where the action is, and . . . this section of the industry could well be up another 20 per cent plus in 1971." (The report was written in May.)

"The overall cigar industry," Mr. Maxwell reported, "is showing some of the same trends as the cigarette industry. Sales of filters and 100mm's appear to be increasing while the straights decline.

"This is particularly true," the Maxwell survey continues, "in the case of the little cigars (IRS definition under 3lbs. per thousand), with American Cigar showing almost a 50 per cent jump in units in 1970, moving the company into second place behind Lorillard. This growth has been mainly centered in Antonio y Cleopatra; however, American is in the process of introducing two new Roi-Tan 100's little cigars in regular and cherry flavor, which could accelerate the growth of this brand grouping . . .

"Lorillard's Omega continues ahead, led by the 100mm (variety of this brand). Stephano's newly introduced Action continues to move strongly ahead. It, too, has a filter offering two types of flavor: (a) cherry with a hint of menthol and (b) aromatic.

"We feel that the little cigar is where the action is, and that this section of the industroy could well be up another 20 per cent plus in 1971. The industry feels that it is attracting new smokers that otherwise might have become cigarette users or non-smokers."

Turning to the "straights," Mr. Maxwell reported: "Production figures for large cigars were relatively flat in 1970, showing a 1.7 per cent gain, but we feel that consumption for the year was off slightly. We believe production figures for 1970 are misleading because of the many new introductions, centered mainly in Class B (IRS definition), i.e., Tijuana Smalls, Cigar-Let, etc. This particularly overstates consumption figures.

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## NUCLEAR POWER

Mr. PACKWOOD. Mr. President, many of us saw the editorial in Monday's Washington Post entitled "Nuclear Power: Questions That Need Answers." It is helpful having a major national newspaper editorialize in this manner, but what we have needed most in this whole controversy is a calm, reasonable voice articulately discussing the complexities of the nuclear power issue. It is frustrating to say the least to have "experts" talk to us in "reassuring highly technical terms," while at the same time we are burdened with the serious concerns of many reputable environmentalists backed by their own experts. But a calm, reasonable voice has spoken out, and it is even more gratifying to me that the voice is of my respected friend, Pete Henault of Idaho Falls, Idaho. Perhaps one reason Pete can so intelligently assess the nuclear situation is that he occupies a unique position in this somewhat confused world of ours. He is an atomic scientist at the National Reactor Testing Station in eastern Idaho, who simultaneously enjoys the role of an active conservationist. His record in conservation/environmental areas is as impeccable as his qualifications as an atomic scientist are unquestionable. At 35 years of age, Pete has covered a lot of ground.

I first met Pete because of his unyielding desire to preserve the Middle Snake River and Hells Canyon. He has guided the Hells Canyon Preservation Council through many a treacherous pass over the past few years, with patience, perseverance and dedication seldom witnessed on any issue.

Over Memorial Day weekend last year, I joined with him and many of our mutual conservation friends on a "Snake River float" which I will never forget. During that time the bonds of mutual interests in conservation matters in general and in preserving the Middle Snake River in particular were welded in a warm friendship between Pete and De Anna Henault and Bob and Georgie Packwood.

The discussion that Pete has provided in a four-part series in the Intermountain Observer, of Boise, Idaho, is the clearest statement on the nuclear power question that I have found anywhere. Both Pete and the Intermountain Observer should be commended for so needed a contribution. I urge all those who have qualms, unanswered questions, biased thoughts, or limited information on the subject of nuclear power to read this series by Pete Henault.

Mr. President, in order to make this series available to all who read the CONGRESSIONAL RECORD, I ask unanimous consent that Mr. Henault's four articles, together with the editorial by Mr. Sam Day of the Intermountain Observer be printed in the RECORD. I would also ask that the editorial from the January 24, 1972, Washington Post be printed following Mr. Henault's series.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Intermountain Observer, Dec. 18, 1971]

### NUCLEAR POWER: ENERGY FOR THE FUTURE OR ENVIRONMENTAL NIGHTMARE? WHILE THE AEC PLODS ON AND CONSERVATIONISTS CRY ALARM, THE PUBLIC WONDERS IF THE ATOM IS REALLY SAFE

(Editor's note: This is the first of a four-part series about the safety of nuclear energy as a source of electric power. The author is an atomic scientist at the National Reactor Testing Station in eastern Idaho who has also been active in environmental causes in this and other states. The views he expresses in the series are his own and should not be presumed to reflect the views of his employer, Argonne National Laboratory. For more about his background and the significance of the series, see the editor's column elsewhere in this issue.)

(By Pete Henault)

Searching through the archives of America's first experimental breeder reactor, an Atomic Energy Commission facility known in the nuclear profession as ERB–I, an entry in the log-book for December 20th, 1951, can be found which reads:

*At 1:23 p.m. Load dissipators from the Generator were connected—Electricity flows from atomic energy.*

With these simple words, peaceful nuclear power was born on an unlikely sagebrush desert 18 miles southeast of Arco, Idaho. "The atom had been harnessed."

The electricity on that historic day, 20 years ago next Monday, was used to light four 200-watt lightbulbs. On the following day, the supply of outside power to ERB–I was cut off and the reactor produced in excess of 100 kilowatts, enough power to supply all of the facility's electrical requirements.

ERB–I was shut down several years ago and was designated a National Historic Landmark when President Johnson visited the site in 1966. The facility is soon to be turned over to the National Park Service.

Today there are 120 nuclear power plants in operation or under contract throughout the United States and many more throughout the world. Nuclear plants are being built today which are capable of producing more than 1,000,000 kilowatts, an electrical generation capacity more than 2½ times that of Hells Canyon Dam and 50 times that proposed for the controversial Teton Dam not very far from ERB–I.

Two of these plants are capable of producing more power than is now generated by all the dams on all the rivers in Idaho. They don't drown wild rivers and scenic canyons. They don't pollute the atmosphere with tons of ugly fly ash and acid-producing $SO_2$ for you and me to breathe. They don't need to strip mine the sacred lands of the Navajo and the Hopi. They can be located almost anywhere, far away from Hells Canyon and Canyonlands and Black Mesa.

One would expect environmentalists to be grateful for that historic day in eastern Idaho 20 years ago. But they are not.

Last June, in a message to the Congress on national energy needs, President Nixon said, "Our best hope today for meeting the nation's growing demand for economical clean energy is with the fast breeder reactor." He asked Congress to make "a commitment to complete the successful demonstration of the liquid-metal fast-breeder reactor (LMFBR) by 1980" and requested an additional $50 million to achieve the goal.

The National Wildlife Federation called the President's program a "wholesale commitment to federal promotion of the breeder reactor program, long a favorite Frankenstein of the Atomic Energy Commission" and termed the program "extremely costly and dangerous."

Shortly before the House was to vote on the appropriation, Friends of the Earth (FOE), a highly-respected national conservation organization, sent a letter to every member of Congress urging them to vote against the appropriation bill. The letter claimed that "little is known about the social and environmental hazards" and that FOE was "firmly opposed to the development of such a new and hazardous technology without the full participation of the Congress and the public in the decision-making process." Development of the LMFBR now, FOE said, was "premature."

Rep. Craig Hosmer, minority leader of the Joint Committee on Atomic Energy, responded with his own letter to each member—a very terse, indignant letter. He said, "It is an uncontroverted fact that our country is running out of power." He referred to FOE as "an organization naming itself 'Friends of the Earth' " and to their letter as a "demand." He termed their request "ridiculous."

FOE's letter, very polite actually, had said, "We urge you to vote against passage of the bill *in its present form*." (emphasis added)

Hosmer's letter concluded with three paragraphs:

"It is both *possible* and *provident* to develop a *safe breeder reactor*.

"It would be suicidal for any *modern industrial nation* to refuse to do so.

"*Your* enlightened *support* of the *necessary funding* is solicited."

The House, apparently not wanting to be considered unenlightened and certainly not wanting the nation to commit suicide, approved the appropriation. The AEC and the President got what they asked for and FOE was ignored. But the debate over the merits of nuclear power, and especially the fast breeder, continues.

And it is growing. The Scientists Institute for Public Information (SIPI) has recently sued the AEC for not examining the environmental impact of the LMFBR. Bills have been introduced in the Pennsylvania and Delaware legislatures calling for a moratorium on all nuclear plant construction in those states. Senator Mike Gravel of Alaska, an increasingly vocal critic of the AEC and nuclear power, has proposed a nation-wide moratorium.

Last July 23rd environmentalists won a major victory when the U.S. Court of Appeals in Washington, D.C. ruled in their favor on a suit involving the Calvert Cliffs reactor in Maryland. The Court severely criticized the AEC, charging that it had made "a mockery" of the National Environmental Protection Act (NEPA). The AEC was not only ordered to implement the full intent of NEPA, making the Commission responsible for evaluating the total environmental impact, including the non-nuclear aspects of all nuclear power plants, but it was also ordered to consider the environmental issues in connection with all nuclear-power licensing actions that took place after January 1st, 1970, the effective date of NEPA.

This landmark victory by a few environmentalists is changing the whole course and structure of the Atomic Energy Commission. It will affect the licensing of scores of nuclear reactors, several of which are already in operation. Plants are expected to be delayed on an average of one year and cost estimates for the delays range up to $5–6 billion. Senator Gravel indicated a possibility that "the long-term implication of the court decision may be a permanent halt to the nuclear electricity program."

Still the debate goes on. Last month a coalition of environmental groups, led by the Southern Vermont Conservation Society, filed a class action suit challenging the very constitutionality of the 1954 Atomic Energy Act.

Maybe it's about time we began to wonder what the environmentalists are concerned about.

What are the real facts behind all the uproar? Is the LMFBR a hazard and is its development premature as FOE claims? Is it an undeniable fact that the U.S. is running out of power as Congressman Hosmer claims and would it be "suicidal" for the nation not to develop the fast breeder? Is the breeder really our "best hope" for "economic clean energy" as the President has claimed?

Unfortunately, the answers are not simple. And also unfortunately, too many critics and too many proponents have been attempting to give the public simple answers.

But, for the environmentalists at least, getting the truth isn't easy. Where can they go with their questions?

Obviously the AEC is the most qualified to provide the public with straight-forward, understandable answers. They're the experts and it's our tax dollars that pay for their operations.

The American Nuclear Society should be answering the public's questions too, and, while the majority of members often seem mainly interested in talking to themselves and commending each other's achievements, the society does address the issues through a number of periodicals and several symposia each year.

The nuclear industry and the power utilities stand to gain the most from nuclear power and, since their gain may be at the expense of public health and safety and a decrease in the quality of the public's environment, they *should* be helping, possibly more than any other group, to provide the public with candid answers. But their main concern is profit and corporate growth, not safety or the environment, and in our capitalistic society, it is naive to expect the profiteers to be candid.

The responsibility for informing the public must, of course, reside with the AEC. But the AEC, born in an aurora of bomb-making secrecy and still with one arm hidden in that secrecy, has found it difficult to talk to the public about what the peaceful arm is doing. Too often it has hidden behind a questionable screen of classification or retreated with a barrage of atomish language that no layman could decipher. Too often it has simply been silent, apparently hoping the uproar would go away. When it has been forced to speak the tone of its dialog has been "Don't worry about a thing, we have everything under control."

To evaluate the questions and answers surrounding the nuclear power controversy, and to see them in their proper perspective, it is necessary to have some knowledge of the basic facts about nuclear reactors.

A nuclear reactor derives its power from the direct conversion of mass into energy according to Einstein's famous equation, $E=mc^2$, or energy equals mass times the square of the velocity of light. Most types of energy or heat-producing reactions are chemical, reactions where the atoms that make up matter move around and change their "preferences" for each other. In a nuclear reaction, the atom itself changes its composition.

Two special types of nuclear reactions are "fission" and "fusion." The term "fission" comes from the splitting of heavy atoms such as plutonium and uranium. The term "fusion" comes from the combining or fusing together of light atoms such as hydrogen. In each case the mass of the subatomic particles, after the reaction, is less than before and the difference is converted to energy according to Einstein's equation. The energy is seen in the form of heat, actually caused by friction of the atomic particles moving within the fuel structure at high velocities. The heat of course, can be used to produce electricity. Of the several ways to convert the heat to electricity, by far the most efficient is through the use of boiling water and a steam turbine.

Nuclear power reactors, as we know them today, are really fission reactors. The atomic bomb, or A-bomb, is also a fission-power reaction but is not a controlled reaction.

An example of a fusion reaction is the hydrogen bomb, or H-bomb. Man has not yet been able to achieve a controlled, power-producing, fusion reaction although a great deal of effort has been expended in this country, the United Kingdom, and the USSR in the attempt to do so. Controlled fusion power holds a lot of promise because its fuel might come from the almost infinite supply of hydrogen in ocean water. But fusion power as a means of supplying the nation's energy needs is probably 30 years away, at least.

The heavy uranium and plutonium atoms are split, or fission, when bombarded by neutrons, one of the subatomic particles that make up all atoms. From the fission reaction, two new atoms are created and usually two or three neutrons are released. The new atoms are called "fission products" and the released neutrons are used to bombard new heavy atoms and keep the fission process going.

*It is these fission products that are the cause of most of the environmentalists' concern today. They are the waste product of the nuclear reaction.*

Fission products are often created in an unstable and highly-excited state. They immediately begin to decay or stabilize, giving off high-energy radiation in the process. Hence the terms "radioactive" and "radioactivity."

The radiation from this nuclear waste is much the same as X-rays but greater in intensity. If exposed to the human body in excessive amounts, changes in the molecules of the body cells can result. An altered behavior or death of the cells is likely to follow.

Too much radiation over a prolonged period can cause leukemia, anemia, leukopenia, cancer, cataracts, or genetic mutations. Exposure to extremely high levels of radiation *can* cause instant death but this is well controlled and is not a serious problem. It is the *prolonged exposure to the low-level radiation,* much like the long-term exposure to cigarette smoke or smog, that environmentalists are concerned about.

Nobody knows how much radiation is too much. We all eat, drink, breathe, and absorb some radiation every day. Most of it is "natural or background" radiation, coming from naturally-occurring unstable atoms and from cosmic rays. Medical and dental X-rays, and even television watching, add to the natural radiation we have learned to accept without concern.

The AEC has established a limit for the radioactivity released to the environment from a nuclear plant such that a person who lived on the boundary, drank the water in the effluent canal, and breathed the downwind air 24 hours a day every day of his life, would receive an exposure from the plant of no more than 500 millirem per year to his whole body. (A millirem is simply a unit of exposed radiation dose.) If there is a community near the nuclear plant, then the exposure can be no more than 170 millirem per year.

Recently, as a result of pressure from environmentalists, the AEC stated that the radioactivity released to the environment must always be as "low as practicable" in addition to never exceeding the above limits. Honest attempts are now being made to lower the routine release to "zero."

Drs. John Gofman and Arthur Tamplin, the two researchers of the Lawrence Radiation Laboratory that have caused much of the present unroar, refer to the AEC's limit as a permit for mass murder. They say the AEC limit should be reduced to one-tenth its present level, that exposure at the present level would produce 32,000 additional cancer deaths every year.

Dr. Linus Pauling, professor of chemistry at Stanford University and winner of the Nobel Prize in Chemistry in 1954 and the Nobel Peace Prize in 1963, supports Gofman and Tamplin:

"The arguments that have been presented by Gofman and Tamplin and that are supported by (my) calculations seem to me to require that a decrease be made immediately in the Federal Radiation Council guidelines for radiation exposure of the American people."

The AEC insists, "There is no accepted evidence of any sort of genetic or tissue damage to any human being exposed to these maximum levels." It disputes the calculations of Gofman and Tamplin, pointing out a number of factual errors and misinterpretations on which the calculations are based. One such "error," made in arriving at the 32,000 deaths figure, was the assumption that all 200 million people in the United States would be exposed to the AEC limit. This is, of course, impossible since any activity leaving the site boundary dissipates just as smoke does from a conventional power plant.

And so the debate goes on, growing larger, with experts on both sides making claims and counter-claims. The environmentalists, concerned about the quality of life but often not trained in the area of radiation biology or medical physics, are caught in the middle. Who should they believe?

One thing the environmentalists could do is ask how the AEC limit compared with the background levels of radiation, the levels we have learned to live with every day without question.

Cosmic rays and natural radioactivity expose every American to an average of 130 millirem per year. So the AEC limit, in effect, allows for doubling or tripling the dose that an average American might receive.

But the background level can vary greatly depending on altitude (more cosmic rays penetrate the thinner atmosphere at higher altitudes), local mineral deposits, etc. While the nation's average is 130 millirem per year, the lowest state average is 100 (Texas) and the highest is 250 (Colorado). The average in Idaho is 170.

A person living in a brick home can receive 25–30 millirem per year more than his neighbor in a wood home. A person traveling across the country by plane can get an additional dose of 2–3 millirem just from the higher level of cosmic radiation at an altitude of 30,000 feet. An ordinary chest X-ray may involve exposure to 200 additional millirem. Seen in this light, the AEC limit seems low.

But missed in much of the controversy are a few bigger questions, questions which a few responsible environmentalists are asking and which the AEC can give no satisfactory answer. What are the long-term and cumulative effects? Isn't it possible that even with this low level of fission products, certain species may lead to an eventual, harmful buildup due to concentrations in various organisms, or parts of the body, or in certain species of the food chain? We know it happens with mercury, DDT, and other contaminants. Why not fission products?

The AEC has sponsored extensive research in this area and knows that some species do concentrate, such as radioactive iodine collecting in the thyroid, and several species do not concentrate. But there are still some species for which there is not enough evidence, not enough data.

In 1871, when there weren't many factories, air pollution wasn't a national problem; will radioactive pollution be a problem when there are 1,000 nuclear plants across the country? No one knows the answers to these questions.

The mercury we've put in our lakes and rivers will always be there; we can't clean it up. Lake Erie is dead and the sludge that killed it is too deep to remove. We've made too many mistakes from which we cannot turn back the clock.

And we know that those who are urging caution, the experts like Linus Pauling and the environmentalists like Mike McCloskey of the Sierra Club, have little to gain if the limit is lowered. But many among those who say the limit is sufficiently low, who reassure us there is nothing to worry about, have a lot to gain by leaving the limit at the higher level. An extra two or three million dollars on the cost of a nuclear plant may only slightly be seen in the homeowner's electrical bill but it may easily cut into corporate profits or affect the decision on whether or not a power plant can obtain the financial backing for its proposed plant.

To environmentalists, the defenders of the present AEC limit have a superficial view: "The solution to pollution is dilution," they seem to be saying. "If the radioactivity is too high, mix it with more water before dumping it into our rivers. Any amount of radioactivity mixed with twice as much water will cut the activity per gallon in half.

"If the gaseous activity in the exhaust air is too high, build the boundary fence a little farther away then the activity will be diluted more when it passes the nuclear plant boundary.

But a Scotch and Soda, while it doesn't taste as strong, contains just as much scotch as a Scotch on the Rocks!

Technically, it would be simple for nuclear plants to operate with a lower limit, lower even than Gofman's proposed level. Many plants in fact routinely release only one per cent of the AEC limit. Economics might suffer slightly but cost would be passed on to the consumer. The additional cost of a homeowner's electricity would be negligible.

On the other hand, is it right to hamper the utilities with restrictions that are not necessary? No, it is not right but the key here is that *we do not know* that it is not necessary. In the past, we have always decided in favor of the polluter and today we are incapable of cleaning up the mess we have made and continue to make at an increasing rate every day.

Maybe it is time we gave our environment the benefit of the doubt.

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[From the Intermountain Observer,
Dec. 25, 1971]

### The Great Salt Mine Fiasco—Kansas Disposal Site Proved To Be a Poor Bet, But AEC May Yet Lick the Radioactive Waste Problem

(Editor's note: This is the second in a series of articles about the impact of nuclear power production on the environment. The author is a nuclear scientist at the National Reactor Testing Station in eastern Idaho and also a director of the Idaho Environmental Council.)

No significant impact on the environment resulting from either the construction or operation of the proposed repository is anticipated.—AEC Environmental Impact Statement, Radioactive Waste Repository, Lyons, Kansas.

The overwhelming sentiment in Kansas is to get the AEC out of the State. Under no circumstances should the AEC be relied on to speak for the future generations in Kansas. This project is so bad that no other state will accept it, and the people of Kansas are beginning to get information concerning the poor prior record of the AEC in this area.—Ron Baxter, Chairman, Kansas Sierra Club.

(By Pete Henault)

It takes about nine septillion fissions every day, or more than a billion trillion every second, to produce the power of today's large nuclear reactor. Even with the atom as small as it is, one might suspect these fissions would produce a lot of radioactive waste.

Most of the waste of serious concern is separated into "low-level" and "high-level" waste, terms which refer to the intensity of radioactivity per unit volume. Another term that is used is "unrestricted waste" and refers to the waste having concentrations of radioactivity so low, that it offers no environmental threat or hazard based on all available information. There are no restrictions, from the radioactivity standpoint, on the disposal of these wastes.

Still another type of radioactive waste, and the one which many consider the most hazardous, is "alpha waste," the waste containing small amounts of plutonium. Plutonium is an extremely hazardous material because of its radioactivity and the fact that on entering the human body it concentrates in the bones and is excreted very slowly. The time for any amount of plutonium to decay to one-half of its original amount is 24,400 years.

There are two types of "disposal" methods for radioactive waste: (1) dilution and controlled dispersion to the environment; and

(2) concentration and burial or storage. High-level and alpha wastes are invariably buried or stored. The term "high-level" is often used to refer to both.

Although nuclear power plants are the source of nearly all the radioactive waste (some radioactive waste comes from the concentration of naturally-occurring radioactive atoms during the mining and fuel-fabrication processes), the plants themselves release only the tiniest fraction of the waste to our environment. More than 99.9 per cent of the radioactivity generated by a nuclear plant remains locked in the fuel elements until they are reprocessed to restore a high grade of heavy, fissionable atoms. The end product of the reprocessing, therefore, makes up most of the radioactive waste.

The problems associated with control of the low-level waste at the reprocessing plant are similar to those of the operating nuclear plant. The environmental concern is the possible, long-term, gradual effects on human health and our ecosystem. But of even greater concern is the high-level and alpha waste.

We know that these wastes contain the potential to completely destroy or change all life as we know it today. And we know that the alpha waste will not completely decay for hundreds of thousands of years. What we do not know is whether we can adequately package all this waste and guarantee that it will never escape into our environment.

The need for a national radioactive waste disposal site, called a "repository" by the AEC, has been growing more critical every year. A report released two years ago showed that 93 million gallons of high-level liquid waste was then stored at the Hanford, Wash., Savannah River, S.C., and Arco, Idaho, sites.

As reported in this newspaper by A. Robert Smith last April, a good deal of this was leaking into the ground from the Hanford site, where most of the waste was located. As much as 227,400 gallons were reported to have leaked from 10 of the 49 underground storage tanks which did not have provisions for secondary containment.

At the Savannah River plant, where 17 million gallons were stored, leakage occurred from four tanks, but only in one case did high-level waste seep into the ground. None of the 1.6 million gallons stored in Idaho leaked.

The AEC has been studying the problem of permanent disposal for the high-level radioactive waste for many years. It established several important criteria: The site must be in a location that would be stable for a million years or more and would not be affected by earthquakes, war, natural disasters, or sabotage. The waste must not be able to come in contact with man's water supply or his food chain. It must be free of surveillance and maintenance and the cost must not be prohibitive.

For the past 16 years the AEC has been studying one proposal that has appeared increasingly more promising. It proposed to bury the waste in vast salt beds just outside of Lyons, Kansas, a town of 4,300 about 60 miles northeast of Wichita.

The salt beds are located far from the earthquake zones of America's mountainous regions and are known to have been stable for 250 million years. If left undisturbed by man there is no reason to believe that they wouldn't remain stable for another 250 million years, well beyond the potentially hazardous lifetime of the radioactive waste.

This sounded pretty good and when the AEC told of its plan at various international meetings, the world was impressed—and jealous. Few locations can be found in the world with such stable deposits of any substance.

The AEC plan called for converting the liquid waste at the reprocessing plants into a solid ceramic material, about one-tenth the liquid volume, and encasing it in stainless steel cylinders 10 feet long and six inches in diameter. The cannisters would be transported by rail from reprocessing centers in New York and Illinois to an abandoned salt mine near Lyons which would serve until the year 2000. The cannisters would then be lowered into holes in the floor of an excavated room in the mine 1,000 feet below the surface.

Because the decaying waste generates an extensive quantity of heat, 20 of the cylinders in a 30 by 300 foot room would produce an ambient temperature of 400° F. The room would be back-filled with loose salt and sealed off. Heat would cause the back-fill to recrystalize and flow plastically, causing it to merge with the bedded salt thus sealing off the waste.

The salt beds seemed to be the answer.

But the Kansas Sierra Club and a number of other state and citizen environmental groups didn't feel good about the AEC's proposal.

They discovered that a number of test holes had been drilled through the salt beds in search of oil below. While most of these had been mapped and later leased, not all were recorded. What if ground water seeped down through these holes and dissolved large portions of the salt below?

Then they discovered that the steel containers in which the high-level waste was to be stored would corrode within as little as six months. The combination of heat, salt, and 0.5 per cent water naturally occurring in salt would make short work of the stainless steel. The waste would then be left as bare, localized deposits in the salt. What if something happened someday to crack or dissolve the salt beds, maybe something in 5,000 years that we can't even imagine now?

The AEC replied that there was no intention of ever relocating the waste. However, it said, "The burial locations for each container will be accurately surveyed and recorded so that precise location of the wastes will be known. Retrieval through the use of remotely controlled automatic mining equipment would then be possible. Concepts for retrieving the stored wastes will be examined."

The AEC didn't hide the fact that the steel containers would corrode in six months; it just was not candid about it. And it wasn't very candid about the hydraulic salt mine just a few miles away on the other side of Lyons, either.

Digging deeper, the concerned public discovered that the commercial mine, which planned to continue its operations for 30 to 40 more years, had a tunnel that came within 1,500 feet of a tunnel extending from the AEC mine. How long would it take water to dissolve through the 1,500 feet of salt, thus making it possible for uncontrolled migration of the radioactive waste?

A few months ago it was reported publicly that 175,000 gallons of water once pumped down into the hydraulic mine during a salt-recovery operation had disappeared instead of coming to the surface as brine. Neither the AEC experts nor the mining, company could explain where the water had gone. Still not known publicly as this is written is that the water-vanishing incident happened six years ago, in 1966, and the AEC has known about it since that time.

After all this and much more digging by non-AEC environmentalists, the AEC finally announced in October that it was having second thoughts about the Lyons, Kansas, disposal site. Work was stopped and the AEC sent a letter to the Joint Congressional Committee on Atomic Energy explaining its action. The letter noted the possibility of flush-out of the radioactive waste by the adjoining salt company's operations and the fact that the solution-mining would eat away at the underground salt pillars. The AEC letter said there is a potential of "sudden and dramatic collapse of a fairly large area not far from the repository site, with the formation of a surface lake which could be several hundred feet deep."

These, of course, are not all of the environmental impacts the AEC might have been more concerned about. What about all the heat from the decaying waste—where does it go? The AEC says it'll produce a maximum temperature rise of 1° F at the surface of the site approximately 800 years after burial and a maximum rise of 32° F in an underground stream 285 ft below the site, also 800 years after burial. But the State Geological Survey says a thermal explosion is possible and that faults in the overlying rocks could result.

The AEC's environmental impact statement, however, gives assurance that the radioactive wastes will remain safely locked away from the reaches of man for the 500,000 to one million years it will take them to decay. It begins with the following introduction:

*No significant impact on the environment resulting from either the construction or operation of the proposed repository is anticipated. Minor environmental effects anticipated on or below the 1,000 acre proposed site as well as those beyond the site boundaries are described below.*

Today virtually every newspaper in the State of Kansas is opposed to burial of nuclear wastes in their salt beds or are opposed to it until further studies can be conducted. The Governor is opposed also and has asked that the project be stopped. In the state legislature, 48 members of the House and nine Senators have sponsored bills calling for the Governor, President Nixon and Congress to reject the project.

Congressman Joe Skubitz of Pittsburg, Kansas, said, "How ironic it is for a member of Congress to find it necessary to sit here today and plead that an agency of government not pollute the environment while at the same time Congress will be asked to consider the expenditure of billions of dollars to clean up pollution that already exists. How ironic it is to be required to make a case against a new kind of pollution so hazardous and so lethal that all existing pollution seems almost inconsequential."

But Congressman Craig Hosmer of the Joint Atomic Energy Committee, who last June told us it would be suicidal to delay the fast breeder reactor, has steadfastly supported the AEC throughout the dialogue on the repository issue. "I get the impression that we should never have invented the wheel if we had thought about it before hand," he said.

If becoming aware of the facts is disturbing, that is as it should be. We Americans are on the verge of making decisions about the future of nuclear power that will drastically affect the future of man, either for better or worse.

If becoming aware of these facts causes us to turn against the AEC and nuclear power, if it makes us want to rush out and say stop, that would be an unwarranted reaction. *We don't yet know the whole story.* To do so would be to confirm what the AEC has feared all along: "Nuclear power is too complex for the public to understand and we can better serve the nation by deciding for them what is best rather than scaring them with the awesome possibilities."

It appears now that the AEC made some poor decisions in regard to the abandoned salt mine near Lyons. But this in itself is no reason to condemn the AEC nor is it any reason to abandon the concept of using salt beds for high-level radioactive waste disposal. Most of the problems uncovered and made public by environmentalists are unique to the Lyons site.

Some solution, however, *must* be found for the radioactive waste. Like it or not, and whether or not we keep it, nuclear power *is* here. Total generating capacity is already over 7,000,000 kilowatts and in the next year or so, capacity will surpass that of hydroelectric power.

There are, of course, other ways to dispose of the radioactive waste. We could dump it into deep ocean trenches where it may eventually disperse, increasing background levels of radiation somewhat. We could send it to the sun by rocket or to some safe orbit in space. We could, through other types of nuclear reactions, convert it to safe non-radioactive materials.

These are not wild ideas but sound, technical concepts that have been studied and evaluated. Taking into consideration all the desirable criteria, none appear today as practical as burial in stable Earth locations.

Overlooked in most of the controversy, however, is whether or not we should even try to dispose of the waste now. Unlike other methods of producing power, the AEC has so far done an outstanding job of controlling the harmful effects of nuclear power. We know we have the technology to continue containing and storing the waste safely for 30 or 100 more years. Who's to say we will never find a beneficial use for the waste? We Americans, when we want to or are forced to, have a knack for finding ways to make money out of things we once thought were useless. And possibly in a few years we might even find a better solution for permanent disposal than the salt mines.

One thing we should do, if we decide to wait, is to put some of the profits aside, possibly the equivalent cost of burial in the salt beds. When the ultimate solution is agreed to, we would then not be faced with the problem of finding new sources of money as we are today in our desire to clean up air and water pollution.

The problem bothering environmentalists most about the salt-mine disposal method, is the irreversible nature of the decision. There is no way to guarantee that the poisonous waste will never return to man's living environment. If we decide in 50 or 100 years that we made a mistake in burying the waste, as we have decided it was a mistake to bring slaves to America, or to annihilate the Indians, or to fight a war in Southeast Asia, we could, at some staggering cost, recover the waste. But what if we don't find out it was a mistake for a thousand years or ten thousand years?

The social and environmental impacts of the commitment we are now making to nuclear power are staggering. There is no reason to turn away from the commitment but we must examine the alternatives and make our decisions with all aspects in mind. We should not let a few technologists enthusiastic about their own proposals, or a few power companies enthusiastic about their profits, make such far-reaching decisions for all of us.

Most of all, we must find a path, taking into consideration the present mess we have made of our planet, which will give man the greatest chance of surviving during the next few hundred years and of preserving some quality of life that is desirable. We are not doing that now and the lack of concern on the part of many of us is very disturbing.

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[From the Intermountain Observer, Jan. 1, 1972]

## THE SEARCH FOR AN ANSWER TO THE WATER HEAT PROBLEM—THE PUBLIC MUST MAKE SURE NUCLEAR POWER DOES NOT SETTLE FOR THE CHEAPEST WAY

(Editor's note: This is the third in a series of four articles about the impact of nuclear power production on the environment. The author is a nuclear scientist at the National Reactor Testing Station in eastern Idaho and also a director of the Idaho Environmental Council.)

(By Pete Henault)

The environmental impacts of nuclear power fall into two broad categories: those caused by the release of radioactivity and those caused by the release of waste heat.

The impact of released radioactivity, if indeed it is not adequately controlled and some day becomes an impact, will be long-term in character, something that will affect future generations. And the impact will be seen first in a biological way, affecting our health and the health of life around us. We might see it first as a gradual increase in the cancer rate, or in infant mortality, or in the decline of some non-human population as in the case of eagles declining because of the effects of DDT on eggshells.

But the most harmful environmental impact of nuclear power, in the coming years at least, the one that is already changing our quality of life and the one promising to be the most difficult to control, is the effect of waste heat. And while it is a very real problem of nuclear power, it is not the fault of nuclear power that it is a problem.

Most of the environmental effects of waste heat today are harmful effects and are, therefore, called "thermal pollution" by the critics and ecologists. The power companies, the Atomic Energy Commission, and those who equate more power with progress prefer to use the term "thermal effects," partly to give the public a more favorable image of their power plant and partly because the waste heat is not always harmful or does not have to be harmful. But for the next 20 years or so, it appears that "thermal pollution" will be by far the more accurate term to use.

The highest efficiency that most conventional fossil-fueled plants achieve is about 41 per cent. Today's nuclear plants, because they cannot operate as hot as conventional plants, have an efficiency of only about 30 per cent. This means that 70 per cent, or nearly three fourths, of all the energy produced by nuclear reactors is thrown away—dumped into our environment as waste heat.

Thirty per cent versus 41 per cent doesn't appear too bad and nuclear power proponents are quick to point out that what ecologists and environmentalists are calling "thermal pollution" has been around for a long time. Technically, they aren't lying and most environmentalists, not trained in the dialogue of British thermal units and thermal efficiencies, find it hard to rebut their argument. But looking at the facts in perspective yields a different picture.

A typical size for electrical generating plants in the next few years, whether nuclear or conventional, is one million kilowatts. Plants two and three times larger are being built, but the one million size will be more or less standard.

In order to generate one million kilowatts, a nuclear plant, because of the 30 per cent efficiency, must produce 3,333,000 kilowatts of heat. A conventional plant, with 41 per cent efficiency, must produce 2,440,000 kilowatts of heat to generate the same amount of electricity. Looking at the difference between the total heat produced and the electrical output, one can see that the waste heat is 2,333,000 kilowatts for the nuclear plant and 1,440,000 kilowatts for the conventional plant. Today's nuclear plants, therefore, waste about 893,000 kilowatts, or a full 60 per cent, more heat than the conventional plants.

Looked at this way, today's nuclear plant is by far the bigger thermal polluter.

What really bothers environmentalists and professional ecologists, however, is not just the much greater thermal pollution potential of nuclear plants, but *the growth of all thermal pollution.*

Our present consumption of electricity is growing at the rate of 9.25 per cent per year, completely doubling every 7.8 years. And use has been accelerating during the past 10 years with no sign of leveling off soon.

"Doubling every 7.8 years" sounds innocent enough and to some it even has the sound of prosperity. But to those who spend their lives studying the balance of nature and see how thermal pollution is already affecting our quality of life, this doubling rate is an awesome and frightening statistic. *It should frighten us all.*

In any one doubling period, the growth quantity—be it energy, population, or the amount of land covered by highways—*increases by an amount equal to its growth during its entire past history.* By late 1979, therefore, only 7.8 years from now, we must install as much electrical generating capability as we have installed in all our previous history.

Our present electrical generating capacity in the United States is about 362,770,000 kilowatts and is growing at the rate of 2.6 million kilowatts every month. By January 1982, if we continue at the present rate of growth, our capacity will be 878,700,000 kilowatts and growing at the rate of 6.5 million kilowatts per month.

By comparison, the generating capacity of the entire state of Idaho is approximately 1.9 million kilowatts, or only about 70 per cent of the present monthly growth rate of the nation.

The city of Idaho Falls normally consumes about 40,000 kilowatts and on a recent cold day established a new record of 51,000 kilowatts. Our nation is presently installing an average of 51,000 kilowatts of *new* generating capacity every 14.3 hours. In ten years, we will be installing that much new capacity every 5.7 hours if the trend continues.

This growth, in the Northwest alone, is going to cost us an average of $2,500,000 per day, every day, for the next 20 years, just to provide new generation and transmission facilities—an investment of $21 billion by the end of 1991.

Already the cooling water needed to cool the steam condensers of today's generating plants adds up to 2,300 billion gallons per day, an amount of water equal to twice the daily runoff of the entire nation. Most of this is used as "once-through" cooling and is returned immediately to the nearby river or water source from which it is taken and is available for use again further on downstream. But about 60 billion gallons per day is lost as evaporation and not returned. For all uses, the United States is today consuming about 310 billion gallons per day or about 26 per cent of its entire daily runoff.

Obviously, when we're using such substantial fractions *of all there is,* we cannot continue with the doubling process very long.

By the year 2000, when the majority of today's population will still be under 55 years of age, the waste heat from power generating plants, if we were to follow the present trend, would be 18 times what it is today. Eighteen times the 60 billion gallons per day we are now using is more than all the water available in the United States for all uses.

There are three principle ways for a power plant installation to rid itself of the waste heat: 1) dumping it directly into the nearest river, lake or bay; 2) dumping it into the atmosphere through a specially designed "wet cooling tower"; and 3) dumping it into the atmosphere by use of a special "cooling pond."

The cheapest, and the most environmentally threatening to the Northwest, is the direct dumping to the nearest source of fresh water.

A typical one-million-kilowatt power plant, dumping its waste heat into a river carrying a flow of 3,000 cubic feet per second (cfs), will raise the temperature of the river by about 10 degrees Fahrenheit. It may take several miles for the water to return to its natural temperature.

By comparison, the minimum allowable flow downstream of the proposed Teton Dam, if built, will be 300 cfs. The minimum allowable flow of the Middle Snake in Hells Canyon, one of America's mightiest rivers, is 5,000 cfs.

Since water above 93 degrees is uninhabitable for all fishes in the U.S. except certain southern species, it wouldn't take many plants dumping their heat into Idaho streams before our trout and salmon began to disappear.

Although temperatures above a certain

level would cause direct fish kills (the lethal limit for trout is 75–77°F), thermal discharges well below the limit can have a profound effect on aquatic life. Higher than normal temperatures can adversely affect a fish's metabolism, respiration and heartbeat. This results in a greater need for oxygen while, at the same time, dissolved oxygen content in the water is decreasing. The combined effect is often detrimental.

As the water temperature is changed abnormally, the entire food chain is thrown out of balance. Reduction in supply of a living organism that is part of the food chain of a fish species may lead to the depletion of that species. Often the elimination of one species is following by the establishment of an undesirable species.

Not surprisingly, fish activity slows down at high temperatures. At a water temperature of 63°F, trout will slow down in pursuing food; at 70°F, they are incapable of pursuing food. Preferred environmental temperature for trout is about 58°F.

Effects on reproduction can be adverse also. The temperature requirements for spawning are usually much more limited than for adult survival. For example, the Federal Water Pollution Control Administration recommends a maximum temperature of 48°F for the spawning of lake trout and about 55°F for other species of trout. The Oregon Game Commission states that a rise of 5.4°F in the Columbia River could be disastrous for the eggs of the Chinook salmon.

While thermal discharges near a lake shore tend to disrupt spawning areas and kill eggs, thermal discharges into a river or reservoir impose a thermal block that prevents fish from reaching the spawning areas.

Migrating salmon, for example, which do not feed during migration, will tend to avoid the thermal block, become confused, and die without ever reaching the spawning beds. Those that do pass the thermal block expend an excessive amount of body fuel due to increased metabolic rates in the higher temperature water and may not have sufficient energy to reach the spawning area.

These are only part of the adverse effects that might occur from large-scale thermal discharges. Changes in algae species could eventually lead to eutrophication, as in Lake Erie. Because fish are very sensitive to sudden and rapid temperature changes, especially a temperature drop, the sudden shutdown of a power plant would have an adverse effect on the fish in the vicinity of the discharge.

In all this discussion, it is important to remember that it is really the more subtle, ecological effects of thermal discharges that must be studied, effects which may occur to the life processes in a body of water over several years.

Getting rid of the waste heat from power plants by the use of wet cooling towers employs the principle of removing heat by evaporation. The heated effluent is discharged into a high tower (400 to 500 ft.) with sloping sides; as the water falls in a thin film over a series of baffles it is exposed to the air rising through the tower and is cooled by evaporation. Most of the water, cooled by up to 20°F, collects in the basin below the tower and is pumped back to the power plant condensers.

The main drawback is the amount of water lost to the atmosphere. The towers for a typical one-million-kilowatt plant would eject as much as 20,000 to 25,000 gallons per minute of evaporated water or about 30,000–40,000 acre feet per year. A series of these plants in Idaho, while losses would likely be somewhat less because of the cooler climate and lower water temperature, *would be little different from full-scale water diversion to other states.*

While alleviating problems associated with thermal pollution, this high rate of evaporation would raise the humidity of our dry mountain air, something we who love Idaho's climate should not consider lightly. Extreme fogging would occur during periods of temperature inversion, making visibility difficult, causing icy roads during cold weather, and possibly raising auto insurance rates.

Other problems would likely be caused by the tons of chemicals added to the cooling water to control hardness, algae and scale buildup, etc., in both the cooling tower and the condenser. This writer doesn't know what effect these chemicals would have on the surrounding environment except that a large portion would be carried into the atmosphere by the evaporating water while most would eventually be dumped back to the nearby source of water that is used to replace evaporation losses.

Another way to get rid of the waste heat is to use artificial lakes or "cooling ponds." Size of the ponds, a principle drawback, would be 1,000 to 2,000 acres. A 2,000-acre pond would be one mile wide by three miles long, a few feet deep at one end and sloping to a depth of 50 feet at the other end. Water for cooling would be drawn from the deep end and the warm water discharged at the shallow end.

A steady inflow of water would be required to replace evaporation but losses would be somewhat less than that for the cooling towers. Fog in cold weather would be a problem as in the case of the cooling towers. Chemical addition to the atmosphere would not be a problem but buildup in the artificial lake would be.

Power plant proponents are proud of their artificial lakes. Where only a small meandering stream might exist, they move in with bulldozers and before long they have a "lake." The "lake" is stocked with warm-water fish, boat-ramps are installed, "campsites" are constructed—benefits abound. Soon the power plant is said to have a "positive environmental impact."

Speaking about the benefits of these ponds in Coeur d'Alene recently, a nuclear-power company executive said, "Whereas this new lake will create a fishing and recreation resource where none now exists I have yet to see anyone catch a bass—or water ski—or take a swim—or camp overnight in a cooling tower."

He said this in Idaho, only 150 feet from the shores of Lake Coeur d'Alene.

While the problem of waste heat presents a very dark picture for the years ahead, it would not serve the purpose of this discussion to leave the impression that things are totally black. There are environmentally-acceptable ways to get rid of the waste heat. For large power plants on the coast, where much of the power will be needed, it appears that the heat from a limited number of plants can be discharged to the ocean with negligible adverse effects, provided of course, it is dispersed in a careful manner.

For plants located inland, a method having no apparent adverse effect would be through the use of dry cooling towers which avoid evaporation and chemical release to the environment. The hot water is channeled through tubing that is exposed to an air flow, and gives up its heat to the air much the same as an automobile radiator. A few dry cooling towers have been built and put into operation in Europe but dry towers are expensive. Wet cooling towers typically run 6 to 10 per cent of the total cost of a power plant and dry cooling towers cost two to three times as much as the wet towers. There is little talk of using dry cooling towers in the foreseeable future.

Still another way to get rid of waste heat is to use it in some beneficial way and numerous proposals are currently being considered One of the most promising uses appears to be for the desalination of ocean water. Irrigation or drinking water for a city could be supplied from such a plant. Extensive research has been done in this area and it appears desalination as a use of waste heat is on the verge of becoming economical.

One potential use in the Northwest might be for warm-water irrigation. The intent here would be to lengthen the spring and fall growing seasons or to even keep the ground warm all year round, thereby increasing the number of crops harvested each year. Another possibility might be greenhouse heating. By extending the growing season and providing a hot, moist environment, it is estimated that very large quantities of vegetables could be raised.

Aquaculture is still another much talked about use. In England, three times the normal shrimp production has been obtained in the warmed water near one nuclear power plant. Experiments on Long Island and in Maine have indicated increased growth rates and yields of oysters and lobsters with controlled, warmed water. By using warm water throughout the year, it is estimated that yields of catfish of 5,000 to 10,000 pounds per acre can be expected. Aquaculture is, in fact, a promising potential use for the waste heat and maybe some day a prime source of food and protein.

Unfortunately, most of these promising possibilities are only in the preliminary study stage at the present time and even the most optimistic studies do not envision nearly enough uses for the quantities of waste heat we can expect. The most economical solution for getting rid of the waste heat is still to dump it into the surrounding environment as simply and as cheaply as possible. Unless the public demands that a better solution be found, that's going to mean adverse environmental effects.

For us in the Northwest, who still enjoy a large share of unaltered, high-quality environment, the prospects of this waste heat present a sad picture. We *are* going to see the artificial cooling ponds stocked with bass and catfish while our trout and salmon streams grow fewer and fewer; and we *are* going to see the fog-making cooling towers that ice up our highways and raise the local humidity. And our grandchildren will probably learn to accept them as a way of life.

There is little we can do to stop the near-term growth of electrical power, short of a major disaster. Population control may help for the year 2000 and beyond, if we act soon, but not for the next two or three doubling periods. The people who are going to want all this power are already here. We could, if enough people become aware in time, and cared, insist on the more costly environmental safeguards but our past history with dams and conventional power plants gives little room for optimism.

The environmental impact of thermal power plants, both nuclear and conventional, will affect our lives greatly in the next few years. Neglecting the strip mines and oil slicks; the hazy, acid air; the threat of released radioactivity; power lines across sacred Indian lands; and much more; the environmental impact of thermal pollution alone is going to change our lives. Most of the changes we are not going to like.

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[From the Intermountain Observer,
Jan. 8, 1972]

### THE FAST BREEDER—LEAST OF THE EVILS?—TECHNOLOGY AND PROFITS ARE CALLING THE SHOTS NOW. BUT PUBLIC MUST WEIGH THE FACTS AND DECIDE

(Editor's note: This is the last of a series of four articles about the impact of nuclear power production on the environment. The writer, an environmentalist, is also a nuclear scientist for Argonne National Laboratory at the Nuclear Reactor Testing Station in eastern Idaho. The views he expresses cannot be assumed to reflect those of his employer. For back copies or reprints of the series, write The Intermountain Observer.)

Our best hope today for meeting the nation's growing demand for economical clean energy lies with the fast breeder reactor. Because of its highly efficient use of nuclear fuel, the breeder reactor could extend the life of our natural uranium fuel supply from decades to centuries with far less impact on the environment than the power plants which are operating today.—President Richard M. Nixon.

Environmentalists have also been raising questions that transcend the issues involved in individual plants. The question has been raised, by Michael McCloskey of the Sierra Club among others, whether our society for environmental reasons viewed broadly ought not curb its appetite for energy and for electrical power. It is a legitimate social question. It is not unreasonable to question whether neon signs or even air conditioning are essential ingredients in the American way of life. More fundamentally, it is not unthinkable to inquire whether energy production should be determined solely in response to market demand.—Dr. James R. Schlesinger, chairman, U.S. Atomic Energy Commission.

If we think ahead realistically to the economic and environmental conditions that face us in the decades ahead, the breeder takes on a new significance. It becomes far more than a technology designed to provide incremental improvements in our social and economic system. In a world of natural resources being rapidly depleted and degraded, of an environment perhaps being irreversibly stressed and of societies committed to raise the quality of life of their peoples, such an energy system could perhaps be a key to ultimate survival.—Commissioner William O. Doub, U.S. Atomic Energy Commission.

(By Pete Henault)

The liquid metal fast-breeder reactor, or LMFBR, is really not very different from any other nuclear reactor. It is a *fission* reactor, like all other nuclear reactors in the country today, deriving its power from the heat of the split atom and using the heat to produce steam which drives a turbogenerator. It does, however, have several important differences.

The term "liquid metal" refers to the fact that a liquid metal, like mercury is used as the *primary reactor coolant*. The primary coolant is simply the fluid which passes through the reactor and enables the heat of fission to be collected and transferred to the boiler where the steam is produced. Some reactors in use today are gas-cooled but most are *light-water* thermal reactors meaning that ordinary water is used as the primary coolant. Use of a liquid metal, usually *sodium* which is molten above 208° F and weighs about as much as water, makes it possible to operate the reactor at a much higher temperature, thereby improving the thermal efficiency of the whole system.

The term "fast" implies nothing about the speed of the reactor but rather refers to the fact that it operates on fast, high-energy neutrons rather than slow, or thermal, neutrons. (Hence *fast* reactor as opposed to *thermal* reactor.) Neutrons, remember, are one of the subatomic particles that make up all atoms and keep the fission process going by bombarding and breaking up the heavy uranium and plutonium atoms.

The use of fast neutrons makes it possible for "breeding" to take place.

The only fissionable material occurring in nature is uranium-235, the lighter of the two uranium metals. Uranium-238 makes up 993 out of every one thousand naturally-occurring uranium atoms and is not a fissionable material. Nearly all reactors today use uranium enriched in the lighter, uranium-235 component. The enrichment process requires vast amounts of energy and leaves a lot of waste. It is not very different from using only a rare species of some tree, and only in a certain size, to fuel a wood fire. Obviously, it is not a very efficient way to use uranium. Nuclear engineers and scientists have long been searching for a way to use the more plentiful uranium-238.

As nature would have it, uranium-238, when bombarded with *fast* neutrons, undergoes a nuclear change and eventually decays to plutonium, a fissionable material which does not occur naturally. By putting a "blanket" of uranium-238 around a "core" of uranium-235 fuel, enough fissionable plutonium can be recovered from the blanket (over a period of about 20 years) to more than replace the original uranium-235 fuel. Technologists refer to this process as "breeding" and widely publicize the fact that "a breeder reactor can produce more fuel than it consumes."

No one can deny that the fast breeder reactor is one of the man's most ingenious developments. It eliminates the need to use large amounts of energy to concentrate the rare uranium-235, it eliminates the wasting of more than 99 per cent of all naturally-occurring uranium, and it extends the potential lifetime for nuclear reactors as a source of energy from about 300 years to about 30,000 years.

The fast breeder has a number of environmental advantages, too, advantages which many environmentalists have not been recognizing. Allowing more efficient use of the natural resource is of course one. Another important advantage is the higher operating temperature made possible by the liquid-metal coolant. This results in a much higher operating efficiency for the whole plant, as high as today's conventional, fossil-fuel plants, and thereby reduces thermal pollution greatly. Still another advantage is the fact that the release of radioactive effluents is much more easily controlled. President Nixon, in fact, has directed the AEC to design fast reactors such that *no* radioactive effluents will be emitted and steps have already been taken to reduce such effluents from experimental breeder reactors to zero.

But the always-pessimistic environmentalists are looking at the bad points of the LMFBR rather than the much-publicized good points. As usual, they are about the only ones that are. And while Congressman Craig Hosmer, the power companies, and many other nuclear power enthusiasts, prefer to write them off as "extremists", "disaster merchants", and "soothsayers of doom", this fast-reactor technologist finds a lot of justification for their pessimism!

Plutonium, remember, is the extremely hazardous material that collects in the bones, causing cancer, leukemia, and half-a-dozen other diseases, and takes hundreds of thousands of years to decay. If this plutonium is not contained and kept away from man and his life processes, it could make Earth uninhabitable. If we follow the course that President Nixon has set for us, we can expect, in 30 years or so, to be producing thousands of tons of plutonium annually.

Can we contain all this plutonium and keep it away from man's environment for half a million years? We've never done anything like it before, of course. The Pharoahs did a pretty good job with their pyramids, keeping things out of man's reach for 25 centuries or so. We've done a pretty good job of containing our gold at Fort Knox for 100 years or so. And we've done a pretty good job for the last 30 years of keeping our weapons, some of which are just as harmful as the plutonium from nuclear reactors, from adversely affecting the environment. But half a million years is a lot longer than 30 or 100 years or 25 centuries.

One way in which some of this plutonium might escape into our living environment is through the consequences of a major nuclear reactor accident.

No one knows how severe the consequences could be because we do not yet know what the worst possible accident is. A number of irresponsible journalists and nuclear-power critics have given the impression that a nuclear reactor can explode like an atomic bomb but this is impossible. A nuclear reactor *cannot* explode because the fuel is too dilute, just as dynamite or gunpowder, if we mixed it with the right amount of sand, might burn but would be too dilute to explode.

The question of what the worst possible nuclear reactor accident might be has been studied and researched since before the first experimental reactor was conceived on a drawing board. The AEC has probably spent more effort on this aspect, trying to determine the ultimate consequences, and designing reactors to prevent such accidents, than any other government agency has ever spent on any other concern relating to public safety.

Some scientists think the worst possible accident would be one in which the reactor temperature increases rapidly and uncontrollably, causing the primary coolant, or possibly even the fuel itself, to boil, flash to vapor, and eventually make the reactor blow itself apart much as a pressure cooker might blow apart if it becomes too hot. If this thermal "explosion" was great enough to eject fuel components through the structure of the building which contained the reactor, the surrounding area would be contaminated and people in the area might be killed.

Whatever the worst possible nuclear reactor accident is, this environmental writer does not believe it belongs in a discussion on the environmental aspects of nuclear power.

The probability of such accidents happening is so low, or can be made so low, that they will only happen very infrequently. Infrequent reactor accidents, and we believe they can be kept to one *serious* accident every 100 years or so, are not going to alter our environment or adversely affect our ecosystem.

When we discuss the environmental effects of automobiles, we do not discuss the 50,000 lives that are lost annually. When we discuss the environmental effects of airplanes, we do not concern ourselves with the threat of two Boeing 747's colliding over the Rose Bowl during half-time on New Year's Day. The risk is there, of course, but we look at it as a *safety* problem rather than an *environmental* problem and we try to reduce the risk as much as technology will allow us, and then we accept it as a way of life.

We may be wrong, of course; the serious accidents could happen every year or two. If this occurs, then the plutonium and radioactivity leaking to the environment *would* create an ecological problem. But based on what we know, we just don't think this is a real threat. Many critics of nuclear power do not agree with us.

There are other more probable ways by which plutonium might escape and contaminate our environment. If the time comes when our electrical power comes mainly from the LMFBR, we will have thousands of shipments of plutonium in transit at any time, hundreds of thousands of shipments each year. With so much plutonium in transit and in inventory, can we be sure that there will be an acceptably low number of accidents in which plutonium is permanently lost?

And what about the possibility of diversion by criminal or alien forces? Although plutonium for reactors is too dilute to explode, it can be concentrated and used to make bombs and we therefore have to face the possibility that some unfriendly party will be willing to pay a high price to gain access to it. Can we prevent all this material from getting into irresponsible hands?

We are a pretty responsible nation and it is likely that we can do a pretty good job of preventing plutonium from contaminating the environment. But if we develop the fast breeder, other nations will follow suit. Can we expect them to be as concerned about the environment as we are?

Another aspect of the fast breeder that we might be concerned about is the effect on radioactive waste. We already know that the permanent storage of nuclear reactor waste is a serious environmental problem. Will the fast breeder make the problem worse?

In a sense, yes. A good deal of the very-long-lived waste consists of plutonium not completely removed during the fuel reprocessing stage. But the used fuel from water reactors contains only the tiniest fraction of plutonium. Used fuel from the breeder will be primarily plutonium and so the waste after reprocessing is bound to have a much greater percentage of plutonium. Whether or not this makes the breeder "worse" environmentally depends on how well we contain the waste and permanently isolate it from the ecosystem. If we contain it all, then it is no worse. If we only contain some high percentage, then indeed, the fast breeder may be a greater environmental threat in this respect.

The Four Corners plant is one of America's larger power plants—2,075,000 kilowatts—more than all the power being generated by Idaho's dams. It is a lot of power from a single plant and it is only one of several new plants in the area either already in operation or under contract. There are the Mojave plant near Bullhead City, Ariz., and the Navajo plant near Page, Ariz. There is the San Juan plant in New Mexico. There are the Huntington Canyon and Kaiparowitz plants in Utah.

The Four Corners plant is near Fruitland, N.M. It is the first of six plants to be completed near the Four Corners region, that part of the United States where Colorado, Utah, New Mexico, and Arizona all come together at a single point. When the last plant goes into operation in 1977 the six plants will have a total generating capacity of about 14,000,000 kilowatts, about 40 times the capacity of Hells Canyon Dam. By 1985 the plan calls for increasing the capacity to 36,000,000 kilowatts. That's about 100 times the capacity of our Hells Canyon Dam.

The radioactivity released from each of these plants will probably meet the AEC standards but, biologically, the harmful effects will be greater than the radioactivity coming from most of today's nuclear plants.

The water needed to cool these plants is staggering: 34,000 acre feet per year for the Four Corners plant alone, 225,000 acre feet per year for the whole complex.

But the valuable southwest water used to cool these plants is only a fraction of the total environmental impact of these six monstrous power plants; the radioactivity released to the environment is only a small footnote at the bottom of a long list. For these six plants are not nuclear plants but conventional, coal-fired plants. From this writer's viewpoint, they are the most environmentally devastating electrical-generating nightmares ever created by man.

The Four Corners plant alone consumes 22,000 tons of coal per day, the equivalent weight of nearly 1,000 Volkswagens every hour. Unlike nuclear plants, the fuel that goes into a coal-fired plant must come right back out. At the Four Corners plant, it comes out as 320 tons of fly ash, 385 tons of acid producing $SO_2$, and about 200 tons of nitrogen oxides every day.

The radioactivity released consists of naturally occurring radon gas normally locked in the tons of coal burned every minute. It is very small in quantity, but because the biological effects of radon are much more harmful than the effects from gases of the type released from a nuclear plant, the health hazard is about comparable to a nuclear plant with the same generating capacity. The Four Corners plant is more than twice as large as today's largest nuclear plants.

Altogether the six plants will bring a profound environmental change for the worse to more than 100,000 square miles of our land in the southwest—our land now advertised by the tourist industry as the Enchanted Wilderness of the Colorado Plateau. the air, water and landscape will be effected, as will the environmental quality of six national parks, 28 national monuments, two national recreation areas, scores of national historic landmarks and state parks, and 39 Indian reservations.

Already the blanket of dirty brown smoke spewing forth continuously, every day, from the Four Corners plant contains more particulate matter than is let loose by all the stationary sources of air pollution in New York and Los Angeles combined. At times the pollution hangs over an area of 10,000 square miles, creating an ugly, smoky haze over the Rio Grande Valley and reaching as far away as Santa Fe and Albuquerque. At other times a thick, fifthy plume extends like a wall across the multi-colored desert for 150 miles. This writer had an occasion to see the Four Corners plant recently, with its tons of smoke obscuring the mesas outlined against a setting sun. It was a very depressing sight.

None of this pollution is good for man, of course, nor his animals, nor his soil, nor the intangible things in his life. A number of recent studies, including one by the National Air Pollution Control Administration, provide evidence that a dangerous health situation and damage to vegetation are already facts of life in the area.

To fuel these monstrous plants the power companies are strip-mining coal from the surrounding Indian reservations and from anywhere else they happen to find it. Much of it will come from Black Mesa, a magnificent 3,000 square miles "island in the sky" in northeastern Arizona. The mesa, rising 1,500 feet above the surrounding Navajo Indian countryside, is an arid place, like all the region, and water is a precious commodity. Springs and wells scattered on the mesa top are carefully used by the Hopi to tend their corn and bean fields and by the Navajo who graze sheep and cattle in the north.

The rims of the mesa are black with juniper and pinon. To the Hopi and Navajo it is a sacred land of shrines and spirits where man comes close to unity with nature and the supernatural. It is an awesome and timeless region of solitude, wonder, and beauty not experienced in man's more populated areas. Black Mesa, to the Indians, is their Life. "If the mountains are damaged," traditionalist Navajo leaders warn, "the Navajo Way will be doomed."

The power companies, caring more about profits than ancient Indian ways, have moved in and, with the help of the Interior Department and Bureau of Indian Affairs, have convinced the tribal councils to lease their lands for strip mining. Sixty-five thousand acres on the mesa top have already been leased to get at the hundreds of millions of tons of bituminous coal lying in seams up to 8 feet thick near the surface and perhaps up to 65 feet thick a little lower down. With giant drag line and huge buckets that scoop up overburden, piling it in towering ridges of dirt and rocks beside the gaping trenches, the power companies will obtain their coal for the Mojave plant 275 miles away—ten tons of coal every minute, five million tons every year.

### REMOVING THE WATER

To get all this coal to the Mojave plant, located on the Colorado River near Boulder Dam, where the power companies can find enough water to cool the plant's condensers and then distribute the power via the already-built transmission routes, the coal is pulverized, mixed with water, and then pumped as a slurry through an 18-inch underground pipeline across Black Mesa and across northern Arizona. The water to make the slurry comes from wells more than 2,000 feet deep in the mesa. It is removed from the Navajos and Hopis underground water table, a source which has taken ages upon ages to build up, at the rate of 2,000 to 4,500 gallons per minute. The Hopis are not just a little bit worried about what may happen if the springs and wells begin to dry up because of all the water being removed for the coal. If the Hopi cannot grow their corn and beans, they will have to leave their present villages. The spiritual base of their existence would disappear.

The Hopis are among the oldest people in the Southwest and they have lived on Black Mesa for centuries, long before the Navajo migrated from the Northwest. For their coal, they will receive about 25 cents a ton, for their water, $1.67 per acre foot. The Navajos newcomers who have only lived on the mesa for 500 years, did a little better, about $1 per ton and $5 per acre foot.

There are many other environmental impacts of the coal-fired conventional plants in the Four Corners region—from the homes that must be moved to make way for the strip mines to the transmission lines that will string like nets across sacred Indian lands—but they are too numerous to list here.

It is easy to speak of the bad points of something or the good points. It is not so easy to put all the good and bad into their proper perspective.

Are nuclear plants bad for the environment? We don't think the Hopi would say so.

We have been discussing these past few weeks the environmental bad points of nuclear power as we see them today and even some of the faults of the AEC which oversees the development of nuclear power. But we have been presenting a very one-sided story. And we have been discussing the bad that is, not necessarily the bad that has to be

We aren't going to present the good side—the power companies, the AEC, the Congressional Committee on Atomic Energy, the nuclear industry, the chambers of commerce, and a lot of others are doing that.

But there *is* a good side and anyone who accepts the privilege, or right, to voice a judgment for the public, or even for himself if he is going to use it to make a choice in the ballot box, should accept also the responsibility of looking into that good side. Too many critics of nuclear power have not accepted that responsibility.

On the other hand, we have seen far fewer proponents of nuclear power accept the responsibility of looking into the bad side before they offer all sorts of judgments for the public's benefit.

But apart from the good and bad, and their relation to other goods and bads, there are a whole realm of other questions we ought to be concerned about.

Do we really need all that power? Does more power necessarily mean a higher standard of living? Higher for whom? The power company executives? Us? The Hopi? What is a higher standard of living, anyway? Is the bad that we see an inherent fault of the technology or a fault of the men who control the technology?

If we really do need all that power (and there are good grounds for believing we do not), are the options that the power companies present the only options?

Is the LMFBR a hazard and is its development premature as FOE (Friends of Earth) claims? Yes, it is a hazard but its development is not premature. The first reactor ever to produce electricity, remember, was a fast breeder reactor. The breeder has been studied and researched exhaustively during the past 20 years.

It is an undeniable fact that the U.S. is running out of power, as Congressman Hosmer claims, and would it be suicidal for the nation not to develop the fast breeder? *No, it is not an "undeniable fact"* and, in fact, this writer is among the many who deny it. And it would, of course, *not* be suicidal for the nation to abandon the fast breeder. Congressman Hosmer makes all sorts of judgments for the public without wondering about the bad side.

Is the breeder really our best hope for economic clean energy, as the President has claimed? Yes, *if*. *If* we are talking about the next 30 years, and *if* we are willing to accept the risk of producing all the poisonous, radioactive waste which may make Earth uninhabitable in a thousand or ten thousand years, then President Nixon is right. The alternatives which promise to provide so-called "clean" energy (they include solar power and fusion power) cannot be developed as soon as the LMFBR. Our own guess is that 30 years, even if we spend the money we ought to be spending, is a reasonable time in which to expect good, usable alternatives.

### MANY IMPLICATIONS

Producing radioactivity in a nuclear power plant, whether we think of the plutonium for other power plants or the plutonium for bombs, or whether we thing of all the fission products and waste that must be "disposed" of, is an awesome responsibility. It raises a long list of social implications that this writer is not willing to pass judgment on. Debating whether or not we should produce the radioactivity in a fast breeder reactor or a thermal water reactor is really not very significant in comparison.

We know we can do a lot of good for mankind, today, by producing the radioactivity while at the same time we are creating the risk of making Earth uninhabitable for future mankind. We must remember, though, that it is only a risk and not a certainty, and that we may anyway be already making Earth uninhabitable by some other means.

A very few technologists and profiteers are making nearly all the decisions today. Thanks to a few environmentalists who are beginning to ask some questions, there might yet be a chance for us all to participate in making the decisions. And maybe if enough of us, with all our different insights, have an input to those decisions, we may even make the right ones.

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## A Foot in Both Camps

(By Sam Day)

Two years ago, when it appeared that Idaho's Middle Snake River was on the verge of being written off as a free-flowing stream in the interests of hydroelectric power production, an *Intermountain Observer* reader wrote a long letter which asked, "why block the nation's deepest gorge when nuclear power is just around the corner?"

The argument, a detailed analysis of the environmental and economic case against further dam construction in Hells Canyon, was considered a novel one in those days. But in recent times it has become part of the arsenal with which environmentalists are stopping dam builders in Idaho and elsewhere.

The letter-writer, Pete Henault of Idaho Falls, went on to become one of the prime movers in the environmental movement in Idaho, both as a writer and an activist. He is president of the Hells Canyon Preservation Council, a director of the Idaho Environmental Council, an active member of the Sierra Club, an occasional witness at congressional hearings on environmental bills and an unflagging cajoler of senators, congressmen and secretaries of the interior.

As a writer and photographer, Henault has pressed his case for environmental sanity through a variety of publications. He has written major articles for this newspaper presenting arguments against the proposed Lynn Crandall Dam on the Upper Snake River and in favor of a bill by Sen. Robert Parkwood of Oregon to set aside the Middle Snake and its approaches as a national river.

Henault's best remembered journalistic contribution to *The Intermountain Observer* was an illustrated account, last January, of an eastern Idaho rabbit drive. It demonstrated both the futility and the barbarity of such events, and it was reproduced in newspapers and magazines around the world.

Henault's record as a critic of environmental abuses is one of the qualifications he brings to the four-part story which begins this week in *The Intermountain Observer:* the impact of nuclear power production on the world in which we live. Growing national concern over the disposal of radioactive waste and the safety of nuclear reactors has deepened the urgency of the subject. It is a controversy which finds the environmental and nuclear power communities increasingly at loggerheads.

Henault's other major qualification for the task is that he has feet firmly planted in both communities. He is a nuclear scientist whose specialty is the experimental breeder reactor—the electric power producer which lies at the very heart of the controversy.

Born at Hyannisport, Mass., Henault graduated from the University of Idaho in physics in 1961. He went to work at the National Reactor Testing Station in eastern Idaho in 1964 for Bettis Atomic Power Co. (a division of Westinghouse) as a test engineer on the Navy's prototype of the U.S.S. Enterprise reactor. Since 1967 he has been conducting safety-oriented experiments on EBR–II, the nation's only operational fast breeder power reactor, for Argonne National Laboratory.

In this series, undertaken at the request of *The Intermountain Observer*, and timed to coincide with the 20th aniversary of the first production of electricity from the atom, Henault sifts through the welter of conflicting opinion from the Atomic Energy Commission and environmental groups to arrive at an appraisal of the hazards involved in continued nuclear power production. He was assisted in the research and preparation by his wife, De Anna.

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[From the Washington Post, Jan. 24, 1972]

## Nuclear Power: Questions That Need Answers

The atomic age has been around for more than a quarter of a century now but the vision it has always held out of providing cheap, plentiful, and clean energy has yet to be fulfilled. Nuclear power plants are only beginning to be an important part of the nation's electricity generating complex, and disputes about them seem to be growing as they become more common. These disputes, you might say, themselves generate more heat than light. Yet, some crucial decisions are in the process of being made now which will have great implications for the future so far as this nation's use of its energy resources is concerned.

A few days ago, for example, the State of Pennsylvania asked the Atomic Energy Commission to bar construction of a nuclear plant on an island in the Delaware River 11 miles from Philadelphia. Its complaint is that such a plant would impose too much danger on too many people by being located in so densely settled an area. This complaint, it seems to us, creates questions just as difficult as the one it asks the AEC to resolve. If the plant is too dangerous to be located near Philadelphia, where would it not be dangerous? Is it fair for an area, like Philadelphia, which will be the ultimate consumer of the electricity to insist that the risks involved in its production be placed in another area because fewer people live there? Two quite different and very difficult issues are thus raised by Pennsylvania's action. One involves the amount of danger inherent in nuclear power plants. The other involves the location of any kind of generating plant—because all of them, regardless of the kind of fuel they use, have some harmful effects on the nearby environment.

Everybody, it seems, wants the electricity that generating plants produce but nobody wants the plants. Southern California Edison has had a terrible time finding building sites because of the protest of environmental or community groups each time one is selected. Yet, if it doesn't get the plants built, it won't be able to supply as much electricity as the residents of Southern California want. One answer, seriously proposed in some circles, is to hold down the rate at which individuals and industries increase their use of electricity. In recent years, that rate of increase has been almost 10 per cent a year. Some of this electricity does go to power things of marginal value, but most of it goes into equipment designed to improve the quality of life (like air conditioning) or to power industry.

As a matter of fact certain of those changes in daily life now being urged to help clean up the air would require even more electricity. Washington's Metro system, for example, will require most of the capacity of one plant. A switch to electric cars, while reducing air pollution sharply, would require much more electricity. What is needed then is a long-range program of allocating sites for power plants on an area basis. Fortunately, Congress is looking into this problem, and the power companies have begun to realize that this process of picking sites must be done in such a way as to balance their own desires against overall community needs. It is also time for the environmental groups to realize that a balancing process has to be developed between the need for electricity and the need for protecting our surroundings.

The safety question raised by Pannsylvania's action is even more difficult to grapple with, but the need to do so has been underlined by two other recent actions. One is the AEC's announcement of plans to build the first large fast breeder reactor somewhere in the Tennessee Valley Authority's generating system. This kind of reactor is inherently more dangerous than those now in use but its potential in terms of providing the electrical power the atomic age has always promised is far greater. While the AEC is convinced the danger can be made negligible, some scientists disagree. Related directly to this is a law suit filed by several environmental groups in an effort to split the AEC—organizationally—in two. They contend that this Commission cannot constitutionally be given the task of both promoting the use of atomic energy and setting the safety standards under which it is to be used. Underlying this case is the fear that the AEC will not set adequate safety standards if such standards would interfere with expanding the use of atomic power.

We don't purport to have answers to these questions, but we do believe they ought to be settled only on the basis of a wide and intelligent public discussion of them. Much of the current distrust of the AEC, the power industry and atomic energy itself has arisen because questions such as these have been thought either too sensitive or to difficult for public debate. Since the whole atmosphere of the AEC has changed considerably in the last few months, we look forward to having these hard questions aired and argued in public—not settled in quiet courtrooms or hearing rooms. Too much is at stake in terms of the environment and the industrial potential of the country for them to be left solely to the experts or litigants.

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## EULOGY TO THE LATE HONORABLE WILLIS A. ROBERTSON

**Mr. ALLEN.** Mr. President, news of the death of Hon. Willis A. Robertson, one of Virginia's great U.S. Senators, on November 1, 1971, left me with a feeling of personal loss and profound regret.

It was not my privilege to have served with Senator Robertson during his long Senate tenure which extended from November 6, 1946, to January 3, 1967. However, Willis Robertson was drawn back to the Senate on many occasions by the strong bonds of lasting friendships and from time to time he met with those of us who join together at Wednesday morning prayer breakfasts. He was always warmly and affectionately welcomed and it was here that I came to know and to admire that distinguished gentleman and statesman.

Mr. President, Willis Robertson devoted a long and fruitful life to the service of his country and to his beloved State of Virginia. I came to see in him the extraordinary qualities of character which, throughout the history of our Nation, have characterized political leaders which the great State of Virginia has contributed to our Nation. For Willis Robertson was a true son of Virginia, steeped in her proud traditions and true to her high ideals. He garnered an impeccable record of selfless service such as to make proud the people of Virginia and the Nation.

What a distinct honor it was for him to be chosen by the people of Virginia to succeed and to pick up the reins from the hands of the great Carter Glass in the U.S. Senate, and what an honor it was that he was privileged to work in close harness with his close friend, the great and beloved Senator Harry Flood Byrd, father of our distinguished colleague (Mr. BYRD).

Mr. President, the parallels in the political lives of Senator Willis Robertson and Senator Harry Flood Byrd are indeed remarkable. Both were born in Martinsburg, Berkeley County, W. Va.—Willis Robertson on May 27 and Harry Byrd a few days later on June 10 of the same year—1887. Both served in the Virginia Senate—Harry Byrd from 1915 to 1925 and Willis Robertson from 1916 to 1922. Both began their congressional careers on March 4, 1933, Senator Byrd in the U. S. Senate and Senator Robertson as a Representative in the 73d Congress. He served continuously in that capacity until his election to the Senate in 1946 to fill the unexpired term of Carter Glass and served until January 3, 1967. In the meantime, Senator Byrd served continuously in the U.S. Senate until his resignation in 1965.

Mr. President, the institution of the U.S. Senate as well as the State of Virginia and our Nation have been vastly enriched by the life and service of Willis Robertson. On behalf of the people of Alabama, I offer this humble tribute to his memory and extend condolences to his family and loved ones.

## TRIBUTE TO DR. PHILIP E. MOSELY

Mr. DOMINICK. Mr. President, I was deeply saddened to learn of the passing of Dr. Philip E. Mosely on January 13, 1972.

Dr. Mosely spent most of his career in the academic field, but he also played a major role in the foreign policy community. He was called the father of Russian studies in this country by Marshall D. Shulman, the current director of the Russian Institute at Columbia University.

I was privileged to have known Dr. Mosely in my capacity as an advisory member of the board of the Center for Strategic and International Studies, where he served as chairman of the research council and, until his retirement just over a year ago, as chairman of the executive committee.

Dr. Mosely made outstanding contributions to the center and to the country, and the center will deeply miss him and his expertise on the Soviet Union, now so formidable with its ever expanding strike forces.

I ask unanimous consent that Dr. Mosely's detailed obituary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 14, 1972.

MY DEAR COLLEAGUES: With great sadness, I have to inform you this morning of the passing of Dr. Philip E. Mosely yesterday, January 13. In case it escaped your attention, I am enclosing a xerox copy of the rather detailed obituary which appeared this morning in the *New York Times*.

As you will remember, Dr. Mosely relinquished his responsibilities with the Center just over a year ago to undergo surgery, and we had hoped that a period of rest and convalescence would have made it possible for him to return to full strength and his many scholarly responsibilities.

Professor Mosely's contribution to the Center was great. A distinguished scholar, he approached his work with unusual dedication and care. Many of the successes of the Center bore the mark of his invaluable contribution, and he has been sorely missed.

As the Chairman of the Research Council and as Chairman of the Executive Committee during his last association with the Center, his leadership in the affairs of the Center left a record of performance that will long be remembered.

I felt that close associates of the Center would like to have this word, as sad as it is, in case you missed it in the public announcement.

Yours sincerely,
Ambassador JOHN M. STEEVES,
*Chairman.*

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### DR. PHILIP E. MOSELY, SCHOLAR OF SOVIET AFFAIRS, DEAD AT 66

(By Israel Shenker)

Philip Edward Mosely, Adlai E. Stevenson Professor of International Relations at Columbia University and a leader of Russian studies in this country, died yesterday morning at his home, 29 Claremont Avenue, after a long illness. He was 66 years old.

As a founder (1946) and director (1951–55) of the Russian Institute at Columbia, Dr. Mosely was instrumental in establishing that institution as a center of advanced scholarship.

Most of his career was in academic life, but he spent many years—officially as a member of the State Department, unofficially as a senior figure in the foreign policy community—advising on affairs of state.

The Russian Institute's current director, Marshall D. Shulman, called him "the father of Russian studies in this country." There were some grandfathers as well, but Dr. Mosely did a good deal more than most for students, encouraging them, even writing personal checks to tide them over personal difficulties.

He was a small, dark-haired man of normally equable temperament, but occasionally he could be roused to striking exhibitions of temper, as happened when an offhand allusion by the scholar E. H. Carr to American motives roused his fury.

#### STUDIED THE NUANCES

Dr. Mosely was a charter member of that band of scholars, called Sovietologists or Kremlinologists, who are expected to do more with less than perhaps any other specialists save archeologists of remotest prehistory. Prof. David Joravsky of Northwestern has defined Kremlinology as "the effort to do archival research in Soviet politics without access to the archives."

From subtle shifts in the way leaders are addressed or applause recorded, from dribbles of doctored statistics, from the very mien of a man glimpsed through the miasma of newspaper reproduction, these archivists without archives are expected to elaborate political theories and venture daring predictions.

Like his colleagues, Dr. Mosely had to contend with the subordination in the Soviet Union of reported fact to official political judgment.

Others spread themselves thin in works of massive scholarship; he was more the man of the article and the reviews. As a teacher, he helped turn thousands of students to the elusive enterprise of discerning and ordering the facts of the past and of influencing the policies of the future.

Andrew W. Cordier, dean of the School of International Affairs, called Dr. Mosely "one of the most thorough and knowledgeable members of the entire Columbia faculty."

In a statement Dr. Cordier said: "He regarded teaching, student counseling, and his uniquely effective relationship with students as the top priority of his schedule."

But he was capable of extending his strictures and warnings to any target, however highly placed. In a review in the New York Times Book Review in 1961 he took Nikita S. Khrushchev, Premier of the Soviet Union, to task for having failed to understand "the forces of freedom," and said it was urgent for the Communist leader "to broaden his perspective."

After earning bachelor's and doctorate degrees from Harvard University, Dr. Mosley—with time out for research in the Soviet Union and the Balkans—taught at Princeton, Union College, Cornell and Hunter. In 1940 he joined the Columbia faculty but spent 1942 to 1946 in the State Department.

An adviser to Secretary of State Cordell Hull at the Moscow Conference in 1943, he was a political adviser in the United States delegation to the European Advisory Commission (1944–45), to the Potsdam Conference (1945) and to the Council of Foreign Ministers (London and Paris, 1945–46). He was United States representative on the four-power Commission for Investigation of the Yugoslav-Italian boundary (1946). The Commission rendered a divided verdict, the West on one side, the Soviet Union on the other.

After returning to Columbia as a professor of international relations, Dr. Mosely left once more, in 1955, to become director of studies at the Council on Foreign Relations. He returned to Columbia in 1963 as director of the European Institute and as associate dean of the School of International Affairs.

He was the author of "Russian Diplomacy and the Opening of the Eastern Question in 1838 and 1839" and of a collection of articles entitled "The Kremlin and World Politics," and he edited "The Soviet Union, 1922–1962."

Under his chairmanship the Joint Committee on Slavic Studies, in 1949, began its publication of a weekly Current Digest of the Soviet Press.

Dr. Mosley was a talented, even facile

linguist who spoke more than half a dozen foreign languages. It was said of him, for example, that "he learned Bulgarian going through the * * * in a train."

He is survived by his widow, Ruth Bissel Mosley; two daughters, Mrs. John (Ann) Lesch of Princeton, and Mrs. Philip (Patricia) T. Jackson of Oberlin, Ohio; a brother, James M. Mosely of Boston; a sister, Mrs. Edward (Eleanor) Rust Collier of Harrisville, N.H., and one granddaughter, Laura Jackson.

The interment, in the family plot in his home town of Westfield, Mass., will be private. A memorial service will be held on Feb. 5 at 3 P.M., in the auditorium of Columbia's School of International Affairs, 420 West 118th Street.

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## PREDATORY ANIMAL DAMAGE RESEARCH

Mr. McGEE. Mr. President, back in December, my Subcommittee on Agriculture, Environmental and Consumer Protection held 5 days of hearings on the subject of predatory animal control. Although those hearings were thorough. I arrived at no definite conclusions by the time they were recessed. What was very apparent to me was the mass of conflicting statistics and data generated by the witnesses from both the public and private sectors concerning such elemental questions as the numbers of predators, the extent of sheep and lamb losses, and solid information on which to base a judgment of the predators' habits.

Despite the fact that the Federal Government's so-called animal damage control program is more than 40 years old, there were simply no reliable statistics in some areas. On other questions there was a wide gulf separating the data presented by different sources, whether representatives of Government agencies, conservation organizations, or associations of wool-growers were the witnesses. Stockmen reported massive depredations by predators, and conservationists charged these figures were wildly exaggerated. Government witnesses could not satisfactorily reconcile these great differences. In short, it appeared that the research necessary to do so had never been undertaken.

Over the years, of course, the Federal Government, States, and stockmen have expended truly great sums in carrying out the predatory animal control programs. That program has been, I believe it fair to say, predicated on the thesis that predators do cause severe losses on the range. I cannot say that thesis has been proved or disproved once and for all.

In all of our testimony over the 5 days of hearings in December, Mr. President, the subcommittee was fortunate to hear from one witness whose approach to the problem appeared to promise significant information predicated, not on a notion that predators were "good" or "bad," but on dispassionate and scientific inquiry. The witness was Sander Orent, director of the Predator Ecology Laboratory of the University of Michigan. Interestingly, I would note for my colleagues that the testimony offered by Mr. Orent resulted from the relatively small investment of $25,000 by the National Science Foundation in a research effort conducted by both graduate and undergraduate students from a number of institutions and a variety of disciplines.

For myself, I found it somewhat dismaying—but also, in a sense, refreshing—that a band of 14 students with little in the way of operating funds had accomplished more significant research than larger and richer agencies, public and private, had over four decades.

Mr. President, Mr. Orent's testimony was carefully reasoned. In a sense, it points the way for future efforts to resolve the question of predatory animal control. That is an effort I intend for the subcommittee to continue in the hope of finding a workable solution that will serve all segments of the public.

I ask unanimous consent that Mr. Sander Orent's statement before the Senate Appropriations Subcommittee on Agriculture, Environmental, and Consumer Protection on December 16, 1971, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT OF SANDER ORENT

My name is Sander Orent, director of the Predator Ecology Laboratory of the University of Michigan, a research organization funded by the National Science Foundation under the Student Originated Studies program. We are an interdisciplinary team of graduate and undergraduate students from a multitude of institutions and a variety of fields, including Ecology, Wildlife Management, Human and Veterinary Medicine, Biochemistry and Zoology.

This past summer I and fourteen others took to the field to investigate the problem of predator control. Our previous searches through the literature assured us that there was little if any research available on the actual impact of predators, particularly the coyote, on domestic sheep bands in the West.

In spite of the increasing frequency of heated debates as to the efficacy and safety of various predator control measures, when the question arises of why kill predators in the first place, no one is able to point to scientific data actually documenting predator kill numbers. Stockmen report massive depredations on their stock by coyotes, and conservation groups accuse them of gross exaggeration. Of most relevance to these hearings, however, is the primary operating thesis of the Division of Wildlife Services of the Bureau of Sport Fisheries and Wildlife—that coyotes (and other predators) do in fact cause severe and economically crippling losses to stockmen, and are the major contributors to domestic sheep mortality. To the best of our knowledge, no one, including this agency, has in the past made any attempt to validate or refute this claim.

This, then, was our goal.

When confronted with the idea of our research, numerous land management agencies, upon whom often falls the greatest burden of reconciling conflicting interests, and who must bear the brunt of the backlash resulting from decisions not wholly acceptable to all parties, were intensely interested, and gratified that they might now have some data upon which to base their decisions. These organizations included the National Forest Service, the Bureau of Land Management, the National Park Service, and many non-governmental agencies, such as the Colorado Woolgrower's Association, the Sierra Club, Defenders of Wildlife, etc. Numerous individual ranchers appeared anxious to receive our input into the problem, as well.

On the basis of this interest, a secondary goal was established for the project, namely to issue recommendations on the various control methods now in use, and to attempt to establish criteria for implementation of these, and any other alternative forms we were able to envision.

We set about attempting to discover causes of sheep mortality on the Western range by first selecting an area that fit the following four characteristics:

(1) The area must be uncontrolled in large part for coyotes—this defined as an area where sodium fluoroacetate (1080), thallium, and other poisons were not in use. Some control, it was found, is inevitable in all regions; acceptable levels were the use of steel traps on an occasional basis, or hunting for sport of the major predators.

(2) The area must have high sheep and predator densities. These predator densities were estimated a priori by conversations with local inhabitants.

(3) There should be a reasonable number of standing complaints about stock loss to predators by the local inhabitants.

(4) The area must be suitable for implementation of proposed experimental design.

Essentially, then, what we desired was an area where demands for control were high because of alleged high sheep loss, but the service was not permitted or unavailable.

The study area selected was in Northwestern Colorado, in the high mountain country. Much of the region lay within the Routt National Forest, where numerous sheep allotments were held from the period of June 1 to September 1, the duration of our study.

Appropriately 2,500 ewes and an equal number of lambs were maintained under observation throughout this period. All were introduced to the allotments after our arrival, and removed just prior to or a few days following our departure. Three distinct bands of sheep were studied, two on adjoining National Forest allotments, one on private land. Loss claims in previous years ranged from 35 head per day in one instance to 10–20 percent of the lamb crop in the others. The National Forest Service had not permitted control of this area for the last three years, and did not institute any such program during our study period.

In addition to observing these three bands of sheep, we attempted to broaden our perspective by making an agreement with regional officials of the National Forest Service, the Bureau of Land Management, and several sheep ranchers over a wide area, that in the event of large numbers of kills within their jurisdiction or upon their sheep, we would be contacted and permitted to necropsy carcasses and evaluate the situation.

Techniques involved use of high power day spotting scopes and army Starlight Night observation devices to maintain long distance surveillance of the sheep bands. In addition, a coyote census effort was undertaken, as well as scat collections and analyses, the results of which are before you.

I must of necessity place a constraint upon the interpretation of the following material; the data collected are for a highly localized area, and must be taken in such a context. I will return to this point later.

One of our earliest findings was that observation of range sheep is a difficult undertaking—due primarily to their scatting tendencies. However, we did manage to log an enormous number of man-hours of effective observation, and supplemented this with horseback and on foot carcass searches. The results are before you in Table I. The primary cause of sheep deaths was not, in fact, a function of predation; in fact, it ranked equally and in some cases was greatly exceeded by disease and a phenomeon we have chosen to call "displacement". This is simply a situation, often repeated throughout the summer, of sheep straying and remaining lost.

Predator losses did not approach previous claims—however, actual total loss did. Why, then, the discrepancy? Two reasons:

(1) The many displaced sheep reported to us by herders this summer may well have been attributed to predators, for at times the only method a rancher has of assessing his loss is by subtracting the number of sheep retrieved at the end of the season from the *total* turned out. It appears to us that the coyote may in fact be a catch-all excuse for unaccounted herd loss or the inefficiency of the herder. Herders mentioned that their bosses might make at best a cursory effort to retrieve strayed sheep or those stranded at earlier bed grounds. Further, some local residents reported sighting small groups of sheep on the mountain long after the bands were withdrawn from the allotment.

Though our actual experience with this type of displacement loss was limited, the implications are clear, and we feel large numbers of sheep grazed on areas of this nature are lost in such a manner. In fact, our data suggest that, at least locally, such displacements constitute an overwhelming proportion of total loss. It is perhaps natural for a rancher to blame missing sheep on predators, but we believe there is good cause to question such assertions.

(2) The discovery of a few predator killed carcasses may lead a rancher to extrapolate numbers of slaughtered sheep as in the instance where a rancher reported loss to us of 100 sheep to a bear. Further investigation showed that he had in fact seen only three or four carcasses, and assumed that "if there are four dead sheep here, there must be a hundred scattered over the mountain." An intensive carcass search involving eleven of of our personnel for two days revealed only one carcass—it was coyote killed. The rancher's herder stated he had only seen three or four. Yet the rancher's claims was sufficient justification for official authorization of a bear hunter, though the damage was slight, unseen and unproven. If you look at the third column of Table I, you will see this rancher's total loss, numbering 12.

We have two justifications for extrapolating our mortality data to other areas, and broadening the implications of our research:

(1) Terrain and management practices appear to be quite similar over much of the high mountain summer range, at least in Colorado, and hence we believe that displacement as a cause of sheep mortality is in fact a common phenomenon.

(2) By maintaining contact with many sheep ranchers and local land management agencies we were able to indirectly follow many operations over a wide area throughout the summer. Our repeated requests for reports of predator damages from any of these parts met (significantly) with no response. Therefore, we must infer that there were few if any instances of significant predation losses over much of the northwestern Colorado sheep ranges this summer.

We do not mean to infer that predators in any instance do not cause significant mortality to range sheep. There may in fact be instances in which predation is severe enough to economically destroy the rancher, however, we were unable to document any such and hence believe that these are rare occurrences.

Occurrences such as the aforementioned bear incidents, in which the rancher's arithmetic was shoddy at best, coupled with the actual fact of numerous sheep turning up missing at season's end may give insight into the genesis of the high predator loss claims reported by some operators. Therefore, we find serious cause to question the assumption that coyotes are in fact responsible for large numbers of sheep deaths, but feel rather that much mortality may be due to management practices.

However, the active role of the predator in domestic sheep loss *is* difficult to state precisely. We do know that coyotes kill sheep. Their reasons for doing so are at times clearly for food sources, and at other times obscure at best.

The next point which merits some attention is the question of whether sheep killing is a universal activity among coyotes. As far as we could ascertain by observation, kills were perpetrated by 2–3 individuals out of a considerably larger predator population within hunting range. One dramatic incident involved an animal who killed four sheep and was later trapped. It was found that this coyote was severely incapacitated by what seemed to our veterinarian to be a previously ingested sub-lethal dose of thallium poison. This was tentatively confirmed by a poison analysis laboratory. After her demise, killing ceased. Due to poor dentition and widespread systemic lesions, it is quite possible this coyote was unable to obtain food in another manner. The low incidence of kills in both Moore's and the Circle A bands concomitant with great amounts of howling activity and numerous scats in these allotments lead us even further to suggest that killer coyotes are true miscreants and are the exception rather than the rule.

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### Attitudes, Opinions, and Recommendations on Predation Loss and Control—Part II

Throughout the course of the summer, rapport was established and maintained with several sheep ranchers throughout the area whose operations varied in size from 350 lambs and ewes to well over 8,000.

It is of interest to note the conflicting nature of the views held on predation by the small and large operators. (A small operation is defined as less than 1,000 ewes and lambs.) There was a strong concurrence of opinion among small ranchers that predation damage was caused primarily by one or two local coyotes, the rest playing no role whatsoever in their losses. Many of them felt that a well tended herd has greatly reduced losses from those under less careful management. Further the majority of these individuals were opposed to the use of broad spectrum poisons and were of the opinion that specific control through use of rifles or steel traps was effective in reducing the predation loss.

The large ranchers were quite diametrically opposed to this view and made such statements as, "Without 1080 (i.e. sodium fluoroacetate), our outfits would go broke. It is this poison that has saved our lives." On the whole, the large operators feel that all coyotes are killers and that they must be largely eliminated in order to reduce stock loss.

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## DOLPHINS: ANOTHER ENDANGERED SPECIES

Mr. PERCY. Mr. President, one area of our ocean's ecology which has generally been ignored, is the one concerning marine mammals. In February, the Senate Commerce Committee will hold hearings on S. 1315, the Ocean Mammal Protection Act; other bills dealing with this conservation issue have been introduced in both the House and Senate.

It is in the light of this growing concern that I noted with special interest, and would like to share with my colleagues, the excellent article by Lewis Regenstein which appeared on January 11 in the Washington Post. The writer is the Washington coordinator for the Committee for Humane Legislation, a group organized to help conserve wildlife and save endangered species.

Mr. President, I ask unanimous consent that the article entitled "Dolphins and Porpoises Face Threat of Extinction" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Abused by the Tuna Fishing Industry—Dolphins and Porpoises Face Threat of Extinction

(By Lewis Regenstein)

Dolphins and porpoises are among the most intelligent and highly evolved of all the world's creatures. It is easy to see why these friendly and fascinating animals have captured the imagination and interest of a large segment of the American public, for they have become the subject of countless movies, television programs, and children's stories, as well as the star attractions at oceanariums. Unfortunately, they have also become the major victims of a new type of fishing technology invented and utilized by the U.S. tuna industry; and in recent years, over a million dolphins have been killed by U.S. tuna fishermen. As a result, schools of dolphins and porpoises are decreasing in size and numbers at an alarming rate; and several species of these animals may shortly be threatened with extinction.

There are about 80 different types of dolphins and porpoises, and they belong to the same biological family as the whales, the mammal order *cetacea*. These animals exhibit many qualities that we like to think of as "human": they are warm blooded, air-breathing mammals which nurse their young and usually bear a single calf every three to four years.

Man has traditionally enjoyed a friendly, cooperative relationship with dolphins; and in some areas such symbiotic arrangements, celebrated in local folklore, still exist. Some aboriginal tribes living along the coastlines of Australia, New Zealand, and the Mediterranean have for generations utilized the help of dolphins to drive fish into their nets. Naturalist Tom Garrett, a wildlife consultant for Friends of the Earth, has described how tribes in the Amazon basin cultivate the friendship of fresh water dolphins to protect them against such dangers as piranha fish.

Some natives reportedly refuse to enter the water without first "calling" a friendly dolphin by knocking on the side of the boat. Moreover, the countless sea legends of dolphins saving the lives of drowning people may have some scientific basis, since these animals instinctively swim under their young and buoy them up to the surface so that they will not drown during their infancy period.

The ancient Greeks had a deep and frequently awed appreciation for dolphins. Aesop, writing some 600 years B.C., made favorable references to these animals; and Oppian, in the second century A.D., called the killing of dolphins "an offense to the gods . . . as execrable as the murder of a human." Pliny the Elder has described how the Greeks used dolphins to lead them to schools of fish and then shared their catch with these friendly cetaceans. According to him, the dolphins even waited in the area until the following day, to be rewarded for their efforts with bread dipped in wine.

Aristotle has written that "this creature is remarkable for the strength of its parental affection"; and females do indeed show great concern for their young, nursing them until they are about 18 months of age. This mother-young relationship lasts for several years, and dolphins 4 to 6 years old have been known to seek out their mothers from a group when they become tired, sleepy or frightened. Adult dolphins also exhibit strong protective traits towards one another; and the killing or capture of one sends a shockwave of trauma through the entire herd.

Scientific studies of dolphins have confirmed their extraordinary intellectual capabilities. The brain of the dolphin is quite convoluted, even more so than that of man. Moreover, Colin Taylor of the Port Elizabeth, South Africa, oceanarium has studied adult dolphins teaching their young and believes that the infants learn close to 1,000 "words."

The U.S. Department of Defense has also made extensive studies of dolphin intelligence, primarily for such things as locating sunken ships and in anti-submarine warfare projects. (Some dolphins even developed uclers from the strain of learning their missions!) In one such experiment, a female dolphin, using its sonar system, has learned to differentiate between copper and aluminum plate by echo ranging.

Interestingly, the Soviet Union not only studies dolphins but has also banned the killing or capture of these animals; the Minister of Fisheries, Alexander Ishkov, calls them "marine brother to man." In urging that worldwide protection be accorded these creatures, Ishkov pointed out that "the teeth of a dolphin could turn him into a dangerous enemy. But, no dolphin has ever attacked or molested a man, even in self-defense."

Yet these fascinating creatures are rapidly being wiped out, in large part by the American tuna fishing industry. The fishing practices in U.S. tuna fleets are similar to that of the ancient Greeks in that dolphins are used to locate and follow schools of tuna. However, after leading the fishermen to the tuna, the dolphins are entrapped in the tuna nets and killed. In 1970, in one area of the Eastern Tropical Pacific, between 250,000 and 400,000 dolphins are estimated to have perished in the huge "purse-seine" tuna nets which only recently came into widespread use. These nets sometimes entrap as many as 2,000 dolphins at a time along with the yellow-fin tuna with which they are usually found. After being netted, the dolphins usually swim about wildly in a desperate effort to escape. They then huddle together "singing" in one corner of the net; those that instinctively "sound" or dive to the bottom usually become ensnared in the meshing and drown. Other dolphins become so frightened that they go into a state of shock and also drown. The rest make little attempt to jump out of the nets and escape, since they will not, as a rule, abandon their infants or desert a fellow dolphin that seems to be injured or in distress. The majority of dolphins killed in this manner have been females and infants, primarily of the spinner (*Stenella longirostris*), spotter (*Stenella graffmani*), and common dolphin (*Delphinus delphis*) species.

The result of these tuna fishing operations has been a serious reduction in the numbers and composition of the dolphin schools, and they are becoming much harder to approach than in the past. Many scientists concerned with this problem fear that the above types of dolphin may soon face a very real danger of extinction, particularly since Mexico, France, Spain and fleets operating under the Panamanian flag are increasingly turning to purse-seine technology. Moreover, with the rapidly approaching extinction of the great whales, dolphins and porpoises may well become an economically feasible (albeit temporary) substitute source for the products of the larger whales, particularly since they are already being "harvested" in such extraordinary numbers. The Japanese, for example, have already established a dolphin "fishery" and in 1970 are estimated to have "taken" some 200,000 of these animals.

The powerful tuna industry has been vigorously lobbying in Congress in an attempt to exempt itself from pending legislation which would protect ocean mammals. While claiming (without convincing evidence) that new nets and techniques have been developed which will reduce dolphin mortality, the industry has been successful in obtaining legal permission to continue their wasteful fishing methods. A marine mammal "protection" bill, originally introduced by Rep. Glenn Anderson (D-Cal.), whose district includes the port of Los Angeles where most of the tuna boats are based, was reported out of Rep. John Dingell's Wildlife Conservation Subcommittee in December, 1971. The act contains provisions which give the Secretary of Commerce broad discretion to allow the tuna industry to continue killing dolphins, including the use of "general" blanket permits which may be issued to the fishermen for the "taking" of these animals. Such language was reportedly insisted upon by the Nixon administration, acting through the Commerce Department and the Republican members of the subcommittee, whose senior member, Rep. Thomas Pelly (R-Wash.) represents a district which includes the builders of the tuna fleets as well as many Commerce Department bureaucrats based in Seattle.

Representative David Pryor (D-Ark.) and other congressmen plan to offer strengthening amendments to this bill when it comes up for a vote this month or next. However, the Senate has not yet taken any action on the ocean mammal legislation pending before it; and Senator Ernest Hollings (D-S.C.) subcommittee of the Commerce Committee has so far refused to even schedule hearings on these bills. In the meantime several conservation groups are threatening to launch a boycott of tuna products unless the industry takes immediate steps to solve the problem.

Because of the limitations of human intelligence, man may never perceive the real nature, the true significance, of these unique creatures that he is so needlessly destroying. A hint of this vast and untapped wealth of knowledge is contained in the writings of a Russian delphinologist, Professor Yablakov:

"Dolphin societies are extraordinarily complex, and up to 10 generations coexist at one time. If that were the case with man, Leonardo Da Vinci, Faraday, and Einstein would still be alive . . . Could not the dolphin's brain contain an amount of information comparable in volume to the thousands of tons of books in our libraries?"

Dolphins play an integral if little understood role in the health and stability of the oceans' ecology—ecosystems that are fundamental to the survival of man's own environment. If we allow selfish men to destroy or alienate the dolphin before we have had a chance to learn what it can teach us, then we will compound the inherent evil of human nature with a foolishness which may, in the end, hasten our own doom.

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## TEST BAN RESOLUTION ENDORSED

Mr. KENNEDY. Mr. President, I recently introduced Senate Resolution 230 calling for a new diplomatic initiative by the United States to seek a comprehensive nuclear test ban treaty. The resolution also urges the President to announce a moratorium of underground nuclear weapons testing to remain in effect so long as the Soviet Union abstains from testing.

I believe it is time to conclude negotiations that began 9 years ago. We pledged at the time of the Partial Test Ban Treaty to pursue negotiations leading to a comprehensive nuclear weapons test ban treaty. Five years later we reaffirmed that pledge in the Nonproliferation Treaty.

In 1963, military concerns about maintaining our deterrent and technological concerns about verification prevented the conclusion of a comprehensive treaty.

Today, those concerns no longer are valid. Our deterrent is totally adequate against any strategic threat. Any change therefore in the nuclear balance of power is likely to produce less security rather than more security.

Also, continued testing increases the possibility of a breakthrough in weapons technology which would permit a truly cheap nuclear weapon to be developed. Such a development would encourage smaller nations to develop nuclear weapons, increasing the risk of nuclear accidents.

Perhaps equally important is the impact of uncontrolled testing on any strategic arms limitations agreement. A ban on testing would make it unlikely that any qualitative change in warhead development could affect the parity written into a SALT agreement. For instance, the inability to undertake extensive testing would make it unlikely that the Soviet Union could deploy a second generation MIRV.

Thus, a comprehensive test ban treaty would do the following: First, it would act to assure the maintenance of our deterrence; second, it would prevent nuclear proliferation; and third, it would support and strengthen any SALT agreement.

The administration has also repeatedly affirmed its desire for a test ban if adequately verified.

In this regard, recent developments both in seismological detection and in satellite intelligence-gathering provide the rationale for pursuing new negotiations without demanding the same level of onsite inspection as in 1963.

There have been numerous scientific reports of late noting our increased capacity to detect underground nuclear explosions and to distinguish them from earthquakes. I ask unanimous consent to place in the RECORD articles by Walter Sullivan of the New York Times and by Jack P. Ruina of Science on this subject. It is particularly noteworthy that Mr. Ruina, former head of the Pentagon's Advanced Research Projects Agency, stated in his article:

> The improvements in seismic detection reduce substantially the need for on-site inspection. The now manifest technical limits to the effectiveness of on-site inspection further reduce its significance both as a means of verification and as a deterrent to treaty violations.

Thus, he adds:

> Now on-site inspection seems hardly relevant to the important considerations involved in assessing the risks and benefits of a CTB.

With verification no longer the obstacle that it was 9 years ago, I believe the United States has the opportunity to remove past obstacles to a comprehensive test ban treaty.

In that effort, my resolution proposes that the President announce a moratorium on U.S. underground nuclear testing so long as the Soviet Union abstains from testing.

It is my hope that such an initiative will provide the same impetus to negotiating a comprehensive agreement as President Kennedy's action 9 years ago. Two months after announcing that moratorium, the two nations signed the partial test ban treaty.

I believe it is important to note that my resolution has received impressive support from some of the leading figures in American arms control activities of the past decade.

Thus, I ask unanimous consent to place in the RECORD a telegram supporting my resolution from Marvin L. Goldberger, chairman of the Federation of American Scientists and a former Chairman of the Strategic Weapons Panel of the President's Science Advisory Committee; Adrian Fisher, former Deputy Director of the Arms Control and Disarmament Agency under Presidents Kennedy and Johnson; Morton H. Halperin, former Deputy Assistant Secretary for Arms Control and Policy Planning under President Johnson and senior staff member of the National Security Council under President Nixon; Franklin A. Long, former Assistant Director for Science and Technology of the Arms Control and Disarmament Agency; George Rathjens, former Deputy Director of ARPA; Herbert Scoville, Jr., former Deputy Director for Science and Technology of the Arms Control and Disarmament Agency; and Herbert F. York, former Director of Defense Research and Engineering under Presidents Eisenhower and Kennedy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 30, 1972]

### TEST DETECTION: HOW TO TELL A QUAKE FROM A BLAST

(By Walter Sullivan)

More than a decade ago Soviet and American experts in seismology—the study of earth tremors—sat down in Geneva to explore possible methods for policing a ban on testing nuclear weapons underground. The Americans presented data from earthquake monitors of that period to show that it was impossible to discriminate reliably between earthquakes and nuclear explosions. Consequently the United States insisted on being allowed to inspect places in the Soviet Union from which "suspicious" seismic waves had originated. The Russians refused and ever since the issue of on-site inspection has stood in the way of a total ban on nuclear testing.

But today methods for discriminating between the tremors induced by explosions and those caused by earthquakes are much more sophisticated. And as evidence by a number of analyses published in scientific journals in recent weeks, such as one in Science co-authored by Jack P. Ruina, former head of the Pentagon's Advanced Research Projects Agency, there appears to be a general conviction among specialists that the problem should no longer stand in the way of a total ban on nuclear explosions. The one remaining obstacle, they say, is political.

The basis for the scientific claims is rooted in a new technique that makes it possible, at remote stations, to discriminate between tremors induced by an explosion and those resulting from a natural earthquake. The method is considered reliable for any explosion large enough to play a role in changing the "balance of terror" of the nuclear powers.

Earthquakes and explosions generate different tremor patterns. When something jostles the earth, be it the rupturing of rock in an earthquake or an explosion, two classes of waves are generated: body waves and surface waves. The surface waves are analogous to those that radiate on the surface of water when a stone is dropped into a pond. The body waves are like those that travel through the body of the water, startling fish at even the greatest depths.

It has been found that explosions differ from natural quakes in being relatively inefficient producers of surface waves. Thus at a distant station it is possible to determine the nature of an event by comparing the strength of surface waves that it produced with the body waves. If the surface waves are strong in relation to the body waves, it was a natural earthquake; if they are weak, it was an explosion.

While many in the scientific community believe that only politics is holding up a total test ban, military advocates of continued testing argue that there are compelling reasons to do so. These include the need to make certain that warheads, long in storage, have not deteriorated; the need to develop warheads with special effects (such as intense radiation or blast to destroy incoming missiles); the need to improve systems to avoid accidental detonation and the need to keep the weapons development establishment vigorous.

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[From Science, Jan. 14, 1972]

### A COMPREHENSIVE BAN ON NUCLEAR TESTING

(By Robert Neild and J. P. Ruina)

The technical, strategic, and political aspects of a comprehensive test ban (CTB) treaty have changed since they were debated in the negotiations leading up to the limited test ban (LTB) treaty of 1963. Progress in the technical art of seismic monitoring may now permit nations to overcome the verification obstacle that blocked the CTB in the past. The gradual realization that new nuclear bomb technology is not critical to the strategic balance between the superpowers has also reduced concern about the risks of entering into a CTB.

In this article, we review the range of issues involved in the consideration of a CTB. Often the negotiations at Geneva and the internal debates in the United States have been so dominated by technical issues, notably those regarding verification, that the political and military significance of a CTB has been lost or ignored.

#### BACKGROUND

Any history of the LTB must consider the dimensions of the process of negotiations. The most obvious dimension is the record of official statements and the formal negotiating process itself—that process in which the parties to the negotiations make evident their policy decisions regarding negotiations. Much of the written history of this dimension is available (1) However, what is less evident is the nature of the intragovernmental negotiations that necessarily precede and accompany intergovernmental negotiations. We know a good deal about the United States' internal process. We know almost nothing about the Soviet Union's, but we must assume nevertheless that, in that country too, there was internal argument and debate on the test ban issue. The international negotiations consisted largely of sparring rounds on a few issues—the test ban's relation to more general disarmament and on-site verification. What we know about the internal debate in the United States and what we surmise about debate in the Soviet Union point up political and military issues that were never stated in the international negotiating process, but that were, nevertheless, motivating forces behind each country's position.

A test ban was proposed in 1954 after both the United States and the Soviet Union had tested thermonuclear devices and after the fallout from a particularly large U.S. test (15 megatons) in February 1954 had affected the crew of a Japanese fishing boat. From then until 1963, when the LTB treaty was signed, there were periods of serious negotiations, periods devoted to technical analyses, and a test cessation lasting almost 3 years—during which each side agreed to refrain from testing if the other did likewise—often punctuated by unilateral proclamations or bitter accusations, or both.

The United States was worried that a nuclear test ban would be a prelude to a ban on the use and even the possession of nuclear weapons and that this would eliminate the West's nuclear superiority, which was considered necessary to balance Soviet superiority in conventional forces in Europe. A test ban was therefore held to be detrimental to the West unless limitations on nuclear forces were tied to limitations on conventional forces. In 1959, the United States dropped its requirement that the test ban be linked to other disarmament measures. It focused its "anxieties" on the technical questions involved in verification. American technical analyses indicated that monitoring nuclear explosions would be particularly difficult if the tests were underground. As a consequence, the United States insisted that, before it would sign a comprehensive test ban treaty, it must have the right of on-site inspection. The Soviets, for their part, viewed this U.S. requirement very suspiciously and claimed that this was required not for technical reasons, but for the U.S. intelligence services. However, for a short time in the course of the negotiations, the Soviet Union took the significant step of agreeing to permit a certain small number of on-site inspections. Considering previous Soviet attitudes toward any foreign intrusion, this appears to have reflected great interest on their part in reaching an agreement at that time.

When resolving the Cuban missile crisis in 1962, both powers recognized the need for détente and a demonstration of reconciliation. A nuclear test ban treaty, which was ripe for conclusion after years of negotiation, was mentioned in this connection in the exchange of messages during the crisis. In renewed negotiations, the Soviet Union revived its willingness to accept a small number (that is, two or three) of on-site inspections per year. For its part, the United States reduced the requirement from between 12 and 20 inspections per year to seven per year. An agreement seemed virtually in hand. However, existing doubts and internal pressures found expression in arguments about the exact number of on-site inspections required. A compromise between three and seven was not reached. In retrospect, it is difficult to see how U.S. security could have been dependent on precisely seven on-site inspections or how Soviet security could have been more compromised by seven (or five) inspections per year than by three. But this numbers game became a politically insuperable obstacle to an agreement that banned underground testing. Fortunately, the leaders of both sides salvaged some of the spirit of the negotiations and agreed to the LTB. On 10 October 1963, the LTB, with no prohibition on underground testing, came into force. It included a commitment to continue negotiations for a CTB.

The Soviet Union later withdrew its offer permitting on-site inspections. Looking back, we can see that not only was the opportunity to reach a CTB agreement missed, but also, and perhaps more important, the opportunity to introduce reciprocal on-site inspections in the Soviet Union and the United States was missed. If the precedent of on-site inspections had been established, subsequent disarmament negotiations might have been more fruitful.

The internal debate in the United States was much less about on-site inspection per se than about the ease with which the Soviet Union could secretly violate a test ban agreement. Those who were particularly suspicious of the Soviet Union believed it folly to agree to anything that limited U.S. freedom to test. Looking back at the late 1950's and early 1960's, we can see that ambiguous positions, vacillation, and slow decision-making reflected internal differences over the general wisdom of a treaty, as well as over specific aspects of a treaty, such as the danger of fallout and the military necessity for underground tests.

When, after the Cuban crisis, President Kennedy determined that a treaty was important, he was willing and able to resolve some of the internal differences; thus the LTB resulted. We know from public statements and from the changes in the Soviet Union's position that they, too, had some internal problems. Khrushchev later recounted his struggle to persuade his Council of Ministers to agree to three on-site inspections when he felt that the United States would accept this too (2).

Before the LTB went into effect, the United States and the Soviet Union were almost totally preoccupied with the issues as they affected their relationship to each other. Other countries, by and large, took positions that can be explained in part by their places in the nuclear hierarchy. Britain generally seemed to want to eliminate the political and technical obstacles that arose, but until the completion of its weapons test series in 1958, Britain was less positive about immediate cessation of tests. France felt that its position demanded that it pursue the development of nuclear weapons unless there was going to be complete nuclear disarmament; France started its testing program in 1960, during the U.S.-Soviet testing moratorium. China likewise advocated full nuclear disarmament. However, in July 1963, when the LTB was being concluded, China publicly denounced the agreement. This seems to have been a major step in the breach in Sino-Soviet relations. The LTB was negotiated without the participation of China and France, and this no doubt added to their annoyance. The remaining countries were generally without nuclear weapons and without nuclear ambitions, and they supported a test ban as a way to prevent nuclear fallout and as a door to arms limitation.

Since the LTB, nuclear testing by the superpowers has not ceased, but has gone underground. The total number of tests reported by U.S. authorities before and since the LTB, as of 1 January 1971, are United States, 539 (310 before, 229 since); Soviet Union, 173 (126 before, 47 since); Britain 25 (23 before, 2 since); France, 37 (7 before, 30 since); and China, 11 (all after the LTB). Swedish Defence Research Establishment figures indicate Soviet tests to be 236 (163 before, 73 since). There are indications that the actual number of U.S. and Soviet tests may be substantially higher than the numbers officially announced.

### VERIFICATION

For over a decade, the presumed obstacle to a CTB was whether or not national means of verification were sufficient to monitor tests and verify that a CTB was not being violated. Specifically, the question centered on whether on-site inspections were necessary to verify compliance with a treaty.

The U.S. position has been that the main means of monitoring underground nuclear explosions is analysis of seismic signals. This involves two steps—*detection* (that is, a signal must be detected, thus indicating that there has been a seismic event and, as far as possible, locating it) and *identification* (that is, analyzing seismic signals generated by the event to see whether the source was an explosion or an earthquake). Not all detected signals can be identified (*3*). Therefore some on-site inspections were demanded as a means of spot-checking that detected but unidentified signals were not caused by nuclear explosions. The United States has always been prepared with a mass of technical evidence to support its position that seismic identification without on-site inspection was an inadequate means of verification.

The Soviet Union has engaged in technical discussion but has not linked its technical arguments directly to its position that on-site inspection is not necessary for verification.

Since it was recognized that only seismic evidence could be used to demand an on-site inspection, this form of verification was limited to tests that could be detected by seismic means. This seems to indicate that the United States was willing to risk possible Soviet treaty violations stemming from both very low yield tests and from intermediate yield tests that, in theory, could be seismically concealed, but was unwilling to risk possible violations from seismically detectable tests.

At the time of the signing of the LTB, the United States estimated (*3*) that:

(1) A seismic detection system could be built, with instruments placed outside the Soviet Union, which would have a high probability of detecting underground tests of about 1 to 2 kilotons in hard rock, as well as earthquakes giving comparable signals. Underground tests in softer materials such as dry alluvium generate signals that are smaller by as much as a factor of 10 and therefore would have to be 10 to 20 kilotons in yield before being detectable.

(2) Such a system would detect about 170 earthquakes annually in the Soviet Union. Of these, only about 20 would be clearly identifiable as earthquakes by seismic techniques then in hand.

(3) Concealment methods, such as muffling seismic signals by testing in very large cavities or masking signals by making tests coincide with earthquakes, could, in principle, make it possible to test at much higher yields—perhaps up to 100 kilotons—without seismic detection. Such concealment methods were costly and fraught with practical engineering difficulties, but they might be feasible on some scale. They would also increase the likelihood of detection by nonseismic means.

Since the LTB has been in effect, progress in seismology has demonstrated that the detection threshold can be somewhat lower than the level of 1- to 2-kiloton explosions in hard rock. Of far greater importance is the discovery that explosions almost always produce smaller long-period surface waves than do shallow focus earthquakes of the same body wave magnitude. This means that, if desired, systems can be built which can identify explosions and earthquakes extremely well, down to a level equivalent to about a 5-kiloton explosion in hard rock, leaving only a small number of detected but unidentified events annually (*4*). Moreover, improvements in identification give promise of continuing down to levels equivalent to 1- to 2-kiloton explosions in hard rock, although it will never be possible to identify all seismic events that are detected, since identification requires more information than detection (*5*). To go further in improving seismic means for monitoring underground explosions, it would be necessary to lower the detection threshold, which will become ever more difficult. Thus, the point of diminishing returns for seismology research in nuclear test monitoring may soon be reached. Meanwhile, the systems installed and now operating lag some way behind the technical possibilities described here.

The problems of concealment are pretty much the same as they were. Any analysis of the significance of concealment must take account of the fact that making progress in nuclear weapons technology poses serious practical difficulties and that these are compounded by the requirements of clandestine testing. What is often forgotten is that the primary goal of a nuclear testing program is advancing nuclear weapons technology—not avoiding detection per se. Clandestine testing is not predominantly a game of "hide and seek." No country is going to embark on necessarily costly, complicated, and risky concealment measures unless it judges the gains to be great.

In addition to the progress in seismology, research carried on in the United States on the technical aspects of on-site inspection has shown that visual observation and radiochemical analysis are the only useful techniques, but that even these techniques are not effective when a test explosion is sufficiently deep to prevent surface disturbances and seepage of radioactive gases to the surface (*6*).

The improvements in seismic detection reduce substantially the need for on-site inspection. The now manifest technical limits to the effectiveness of on-site inspection further reduce its significance both as a means of verification and as a deterrent to treaty violations.

However, interest in on-site inspection has not disappeared, since the door to possible violation with tests above the seismic detection threshold cannot be completely closed by seismology. Every method, including on-site inspection, that offered any hope of aiding verification and increasing the difficulties and risks for a potential violator would be grasped, if great military importance were to be attached to the occasional tests that might be detected, but not identified, seismically.

Recognized but rarely discussed are nonseismic means for detecting and identifying underground explosions. Satellite sensors can be exploited for this purpose, as can traditional means of intelligence, although how helpful either of these methods is in supplementing the seismic means is not known to the public. They can be helpful in detecting clandestine tests and in directing careful examination of seismic records relating to specific times and locations. They may also be significant in helping to identify suspicious events first detected seismically.

The significance of nonseismic means is that they are varied and secret and that they may not diminish in effectiveness with smaller tests in the same way as seismic means. It will be hard to find ways to deceive them all, and a potential violator will not feel secure, no matter how much effort he puts into seismic evasion.

Although the need for on-site inspections was a key issue to both the United States and the Soviet Union, the character and details of on-site inspections were but little discussed. How intrusive need they be? How well would they work? The lack of discussion of these issues may indicate that neither nation expected to be allowed an on-site inspection at a real test site, and that, at most, they regarded the right of on-site inspection as only a deterrent to cheating. But it may also be that on-site inspection was mainly a proxy issue for other apprehensions that the superpowers had about signing a treaty or for their inability to have their disparate constituencies face up to accepting a treaty. Now on-site inspection seems hardly relevant to the important considerations involved in assessing the risks and benefits of a CTB.

There are very few references to the problems of verification for countries other than the superpowers. This is so for a combination of reasons.

(1) The superpowers are no doubt interested in observing the military activities of other countries, including, in particular, the testing of nuclear weapons and their delivery systems. But if they observe tests by Britain, China, France, or any other country that "goes nuclear," this is not likely to influence strongly their own highly advanced programs for testing nuclear warheads.

(2) The acquisition of nuclear weapons has been an overt act from which governments sought to derive political advantage. Most countries would not go nuclear by clandestine testing.

(3) Countries going nuclear are likely to start with tests large enough to detect. To

date, such tests have usually been around 20 kilotons. For technical reasons, this appears to be the easiest and the most economical size for a first weapon.

It is important to note that there are great variations in the technical difficulty of monitoring different countries. Israel, a very small and barren country, should be very easy to monitor; Japan, large and highly seismic, relatively hard to monitor. Also, the great variation in political openness of different countries allows very different levels of collateral intelligence to be obtained about nuclear developments.

### MILITARY SIGNIFICANCE OF TESTS

The next question to consider is the nature of the miiltary attractions to the two superpowers of continuing nuclear tests and, in particular, what, if anything, could be gained by illicitly conducting nuclear tests after a CTB was introduced.

Nuclear tests are conducted to maintain confidence in existing stockpiles, to prove the feasibility of new weapons designs, to measure nuclear explosion effects, or to contribute to research and development in weapons technology. Some tests serve more than one purpose.

Confidence tests are occasional tests for the purpose of maintaining confidence in weapons already stockpiled. Since materials age and inadvertent changes may occur in production, military authorities frequently insist on sampling the performance of their weapons. These tests are not intended to advance the state of the art.

It is not clear that such tests are really needed, since a bomb need not have any moving parts and tests of the entire device, short of going nuclear can be carried out. Nuclear fuels work, as the world knows all too well, and their chemical integrity can be checked by conventional chemical means. If all tests were prohibited, steps would surely be taken to minimize the possible deterioration in the reliability of the weapons. Bomb designs, material standards, production methods, and so on would be rigidly frozen. But to the extent that confidence diminishes, it is more likely to affect the attitude of those who plan a first use than of those who plan retaliation only. The effect, if any, is to widen the firebreak between nonnuclear and nuclear weapons and to shift nuclear weapons gradually toward the role of weapons that are useful only to deter nuclear attack.

Proof tests are tests of newly designed weapons who designs are based on accepted and established principles. New designs are needed to meet size, weight, shape, or other performance requirements. Before stockpiling, it is necessary to test a new weapon to see whether it works as intended and expected.

Tests without nuclear explosives or at less than full yield will give less than full confidence. Occasional single tests can do the job; but full diagnostic instrumentation, which raises the risk of detection by nonseismic means, is not necessary, although useful in the event of failure.

Without proof tests it would probably be necessary to design new weapons systems around existing nuclear bomb designs (7). The effect is different for weapons intended to deter attack than it is for those intended to enhance the capability for fighting wars.

For the purpose of maintaining a credible deterrent, the case of continued upgrading and redesign of nuclear weapons is hardly persuasive for several reasons: (i) deterrent weapons tend to be in the larger yield class, in which warheads of high efficiency are already available to both superpowers; (ii) several different bomb designs can be used to make up a deterrent force, thus minimizing the possibility of a catastrophic failure in the force's retaliatory capability; (iii) so much overkill already exists that greater efficiency in the nuclear arsenals of either power is hardly needed for deterrent capability.

It is interesting in this regard to speculate on whether or not the deterrent capability of either power would have suffered if a CTB had been in effect for the last decade. For example, in the development of MIRV's (multiple, independently targetable reentry vehicles), the most significant advance in long-range nuclear weapons in the past decade, it is safe to assume that a system could have been made using warheads of existing design and that testing has merely permitted a better combination of the numbers and sizes of warheads for a given missile.

Another argument for the need to continue testing is that it may lead to the design of a new and effective defensive system that would be critical to the strategic balance. But for the superpowers, improvements in warheads are not likely to be as important as developments in other parts of the present defensive systems. This can be seen in the fact that, in many U.S. debates about technical limitations of the ABM (antiballistic missile), the limits imposed by nuclear technology are not mentioned—all the emphasis is on the deficiencies of radar, computers, component reliability, and so on (*8*).

For military systems intended for fighting wars, the case for continued upgrading of nuclear weapons is stronger, but is still not compelling. Since these systems are designed to battle with an adversary's system, superior performance makes military sense. Technical improvements in nuclear warhead design can make for superior weapons systems. However, other technical aspects of the system (for example, speed, agility, and range), in addition to such factors as military tactics and troop training, will generally be more important to the performance of the system than the precise character of the nuclear bomb it delivers. Moreover, it can be argued that the superpowers, with their long history of intensive research and development and with their many tests, already have so complete an arsenal of weapons designs that a suitable, though probably not optimal, design can be found to fit almost any particular requirement.

In effects tests, nuclear explosions are used to provide a realistic nuclear environment in which to test materials, electronic devices, the survival of weapons against defense measures, and so on.

Tests of this kind are now conducted underground and are primarily for the purpose of improving designs of warheads for ABM interceptors and for missiles intended to penetrate ABM defenses. By now, the superpowers have had so much experience with underground tests that they could pursue a serious (though limited) program of effects tests even if they were restricted to yields below the seismic detection threshold. With time for even more testing and with growing disillusionment about the military utility of ABM's, the need for effects tests should become less compelling. An international limitation of ABM's, if stringent, would certainly reduce the argument for effects tests.

Some effects tests are ruled out now by the LTB's prohibition on atmospheric testing. For example, existing missile silos appear not to have been subjected to air-induced ground shock from nuclear explosions by either superpower; nor has the phenomenon of radar blackout, induced by nuclear explosions, been fully explored experimentally.

Research and development tests, including tests to investigate entirely new principles in weapons design, would be needed to advance the state of the art toward pure fusion bombs, neutron bombs, or major advances in yield-to-weight ratios for very small weapons. Large weapons are already very close to their theoretical maximum in yield-to-weight ratios, and improvement by a factor of 2 is probably all that we can reasonably expect. This is quite insignificant compared with the advances made to date; for example, the yield of current weapons per unit of weight is about 1000 times greater than that of the bomb dropped on Hiroshima (7).

Vigorous research and development appears to be continuing on the assumption that a breakthrough, comparable in significance to the original development of the A-bomb and the H-bomb, may lie around the next scientific corner. Before the LTB, advocates of the importance of nuclear research and development to military security came up with the possibility of a "clean" bomb, which would minimize radioactive fallout, for strategic use, and a "neutron" bomb, which would reduce blast effects but maximize lethal neutron radiation, for tactical use. Neither of these potential weapons now seems significant in the military equation, and the advocates of tests have not come up with anything "exciting" since then—perhaps because the test ban issue has been quiescent. But of course it is impossible to prove that something of significance will *not* be invented. Fears of the undiscovered will undoubtedly persist, although they lose a great deal of their strength as time passes and nothing spectacular emerges from research programs. It is now about two decades since the H-bomb was developed. Progress has not stopped, but research and development in nuclear bomb technology seems, as might have been expected, to be yielding diminishing return. Much of the technical cream was skimmed in the first decade after the A-bomb was developed.

Research and development in nuclear weapons technology can continue without nuclear testing, but, of course, with a very reduced scope.

In the light of considerations like these, it is a matter of judgment as to how highly one should value, in military-cum-political terms, the results now derived by the superpowers from nuclear tests. It seems clear that the results are not as important as the results of the first tests undertaken by these or any other nations. Both the military and political returns may now be low. If they are low, the benefit of a CTB as a direct step to stop the arms race between the two superpowers is low, but so are the obstacles to achieving that step. If the returns are high, the benefits are high and so will be the obstacles—in terms of the arguments about what the other side might gain if it tested clandestinely. In either case, those who work in the nuclear weapons and test programs will press for continued tests.

While there are no particular grounds for assuming that if either superpower chose to break a CTB it would do so secretly rather than openly, it is interesting to speculate about the conceivable character of a clandestine test program. If one assumes that a violator would risk nonseismic detection, but not seismic detection and identification—an assumption for which there is no strong foundation—then small tests will be safer than big ones. A clandestine program might, in such a case, include a series of underground tests in soft, dry material to muffle the seismic signal, in carefully chosen locations and at a fraction of a kiloton, and perhaps occasional tests in the 20- to 80-kiloton range once every year or two, perhaps in the shadow of an earthquake.

A program of this kind would permit continued research and development and the measurement of effects to be carried further than would be possible with no tests, but probably not as far as is possible now with unlimited underground testing.

On the other hand, it would not be possible to have proof or confidence tests of very large warheads. Also, except for warheads of small yield, it would not be possible to develop warheads fully by using new technology, since such development would probably require many tests.

This suggests that, as far as the superpowers with their huge armories of nuclear weapons are concerned, the testing and development of small nuclear weapons could scarcely be expected to change the balance of power. The military in the superpowers might show an interest in improving those small weapons that they believe might improve their ability to fight nuclear wars short of a major nuclear exchange involving their homelands; however, it is questionable whether the notion of a limited nuclear war is realistic, let alone desirable.

It can be argued that the nation that had continued small tests would be able to keep its nuclear weapon design teams together and to maintain the vigor of its weapons laboratories. In this way, it would have a lead over a nation that had not continued testing, if and when a treaty was not renewed or was abrogated. The substance of this argument rests on the highly questionable premise that a lead of this kind could give one superpower a significant political and military advantage over the other, even though each of them already has such a vast and variegated arsenal of nuclear weapons.

For China, France, and the United Kingdom, however, the situation may be very different. These countries do not possess the variety of nuclear weapons that the superpowers possess. The state of nuclear technology in France and China is considerably behind that of the superpowers. The point of diminishing returns has certainly not been reached in efforts to provide more variety for their arsenals and in improving weapons. Although to be in the same "nuclear class" as the superpowers would mean building up the quality and quantity of delivery vehicles, which presents more serious obstacles than progressing in nuclear technology, these countries would be substantially limited in their ultimate capability if they stopped nuclear testing now.

The interest and need for testing may be different for each of the nonnuclear powers. Some could probably develop and store a small nuclear arsenal without any nuclear tests. With knowledge about fission weapons now available to anyone, it is feasible to design simple weapons and be confident that they will work, even if they are not tested. Most of the fundamental design work and essential laboratory tests can be carried out without having any nuclear explosions. However, if the desire were to stockpile weapons of a more advanced design without any nuclear tests, it could only be at the cost of diminished confidence in such weapons.

### PEACEFUL NUCLEAR EXPLOSIONS

Possible peaceful uses of nuclear explosives were first explored in the United States as Project Plowshare. Applications investigated include earth moving and excavation, natural gas and mineral extraction, extraction of geothermal energy, creation of underground storage areas, and so on. The enthusiasm of U.S. scientists for peaceful applications of nuclear explosives stimulated interest in exploiting this technology elsewhere in the world. But in recent years, U.S. enthusiasm for peaceful nuclear explosions has diminished. Preliminary experiments and detailed analysis now suggest that the potential of nuclear explosions for peaceful purposes is limited and that often other methods can be found for accomplishing the same things.

Contributing to the disillusionment with peaceful applications of nuclear explosions is the realization that full explosions for each feasible application would require very large numbers of explosions. For example, it may take hundreds of nuclear explosions to extract significant amounts of gas or other minerals. If several countries were to exploit nuclear explosions for such purposes, thousands of explosions could occur. This might again raise concerns about radioactive contamination.

But the major question here is whether it would be possible to separate civilian from military nuclear explosions and hence whether it would be possible to prohibit military explosions in a CTB while permitting peaceful explosions.

It may be that verification procedures could be devised to ascertain that no military purposes were being served in a particular program of nuclear explosions—that is, that the peaceful explosion was not also serving the purpose of a proof or confidence test or that new bomb technology was not being tested in peaceful applications. Even if such procedures could be devised, they would undoubtedly involve some detailed disclosures about the explosive device to all participants—nuclear and nonnuclear—and thereby work counter to the purposes of the nonproliferation treaty. They would also involve observation by foreign technicians, sampling and analyses of the products of the explosion, and so on. All of these means of verification could be considered intrusive and would probably be difficult to negotiate. On the other hand, without verification, peaceful nuclear explosions make violation so easy that any country might eventually succumb to exploiting a peaceful program for some military purposes.

From what we now know, the benefits from a program of peaceful explosions hardly seem to match the costs, particularly if the costs include ruling out a CTB. But a CTB need not rule out possible peaceful applications forever. One approach would be to ban all nuclear explosions initially, stipulating that for a period of several years parties to the agreement should jointly investigate methods of verifying that military applications are not being pursued in a program of peaceful nuclear explosions. If further analyses suggest that peaceful explosions are more promising than they now seem, the incentive to exploit them constructively while having a ban on military tests might encourage unprecedented international cooperation.

### CONCLUSIONS

Our foregoing analysis of the role of a comprehensive test ban leads us to the following conclusions.

(1) A CTB by itself will have little direct effect on the arms race between the superpowers. It would not hinder their nuclear arms production and deployment nor would it necessarily present a significant obstacle to the development of new nuclear weapons systems, despite limiting the development of new nuclear warheads designs. It can hardly make a dent in the destructive capability of the superpowers or in their ability to step up the pace of the arms race.

(2) The chief merits of a CTB reside in the political sphere. It would help promote détente and could help to escalate interest in arms control agreements of broader scope. But in neither of these effects would it be as significant as a successful SALT (strategic arms limitation talks) agreement. The CTB also lingers as a piece of *unfinished business* since the signing of the LTB in 1963. The question can be and has been raised. "If the superpowers are serious about arms control, why have they not accepted the CTB, which is simple in concept and in form and is also free of serious military risks?" Such doubts about the sincerity of the superpowers' willingness to limit their own arms development will persist as long as there is no CTB. Substantial agreement at SALT would lessen some of this effect too, but would not eliminate it completely.

(3) Recent progress in seismic identification has been impressive, and other means of obtaining technical intelligence about nuclear testing have probably also improved greatly. In addition, research on the technical means of on-site inspection has demonstrated its limited effectiveness. Therefore, the role of on-site inspections as an added deterrent to cheating on a CTB has diminished substantially. This is not to say that detection and identification of all nuclear tests is possible now, or ever, but only that on-site inspection would add very little to the other technical means now available for verification.

(4) It will become increasingly difficult in the United States to oppose the CTB on the basis of risks that accompany possible Soviet evasion of a treaty that does not include the right of on-site inspection. The opposition to a direct argument that nuclear testing is important to keep pace with continuing worldwide technical and military developments. The justification for U.S. testing is only in part because of advances in Soviet nuclear technology per se. Those opposing a CTB may argue that it makes little sense, and may even be courting danger, to freeze nuclear technology alone and that banning nuclear tests should await an agreement that copes with all military research and development and all qualitative improvements in weapons systems. This directly confronts the argument that the unique virtue of a CTB is that it provides a simple and feasible first step in the very complicated problems of controlling military technology.

(5) The mutual deterrence of the superpowers will not be compromised if a CTB agreement is reached and one side or the other clandestinely violates such an agreement. The state of nuclear technology in both countries is mature, and the destructive capability of their nuclear arsenals can be easily maintained. Whatever small improvements can come as a consequence of clandestine testing would hardly affect the strategic balance.

(6) It seems unlikely that China and France will agree to stop testing in the near future. These countries refused to join the nonproliferation treaty, which did not affect their nuclear programs, and it is doubtful that, proceeding from military considerations alone, they would join a CTB. Their nuclear programs are still not mature, and a CTB would freeze their positions of inferiority with respect to the superpowers. There may, however, be wider political and security arrangements to induce them to participate. Cessation of tests by the other nuclear powers might serve as an inducement to China and France to refrain from testing.

(7) The key near-nuclear powers, such as Japan, India, and Israel, are much more concerned with the military activities of their neighbors than they are with those of the superpowers. The modest nuclear restraints that a CTB imposes on the superpowers are hardly likely to have a direct impact on the approach of these countries to their own security. However, for these critical near-nuclear countries a CTB may be much more acceptable than the nonproliferation treaty. A CTB would not prohibit the production of fissionable material, the development of nuclear weapons technology short of testing, nor the stockpiling of untested nuclear weapons, and is therefore less restrictive. Consequently, these powers may be willing to ratify a CTB, but not the nonproliferation treaty. On the other hand, the CTB may provide them with a ready excuse for not succumbing to the pressure to ratify the nonproliferation treaty, if indeed they need excuses or would bow to such pressure.

(8) A CTB is of very little added, direct significance to other nonnuclear powers who have already ratified or are about to ratify the nonproliferation treaty. It may only lessen their pique about the treaty's being highly discriminatory—the treaty imposes no restraints on the nuclear weapons programs of the nuclear powers, while the CTB restricts all parties to the agreement.

(9) Peaceful nuclear explosions do not now show great promise and significance for eco-

nomic development. * * * Explosions can often be done by other means, although possibly at a slightly higher cost. On the other hand, making allowance for peaceful explosions greatly complicates a CTB. A useful approach to the problem of banning military tests but not foregoing indefinitely the use of peaceful explosions might, therefore, be to ban all nuclear explosions for a period of several years and to stipulate in the agreement that in that time there would be negotiations on how peaceful explosions may be controlled in a way that would not jeopardize the CTB.

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2. N. Cousins, *Sat. Rev.* (7 November 1964), pp. 16–21, 58–61.
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4. See the working paper (Conference of the Committee on Disarmament, document No. 330, 30 June 1971) at Geneva by S. Lukasik, director of the Advanced Research Projects Agency. This paper was also introduced in the record of U.S. Senate, Foreign Relations Subcommittee on Disarmament, *Hearings on the Comprehensive Test Ban* (92nd Cong., 1st sess., 1971), pp. 111–115; J. F. Evernden, W. J. Best, P. W. Pomeroy, T. V. McEvilly, J. M. Savino, L. R. Sykes, *J. Geophys. Res. 73* (No. 32) 8042 (1971).
5. See testimony of J. Brune (*4*, pp. 139–149).
6. See testimony of S. Lukasik, U.S. Congress, Joint Committee on Atomic Energy, 27 October 1971, in press.
7. J. C. Merk, in *The Impact of New Technologies on the Arms Race*, B. T. Feld, T. Greenwood, G. W. Rathiens, S. Weinberg, Eds. (M.I.T. Press, Cambridge, Mass., 1971), pp. 133–139.
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JANUARY 24, 1972.

Senator EDWARD M. KENNEDY,
*Washington, D.C.:*

As you know, we argued in the January Federation of American scientists newsletter that national means of certification are now adequate even for a permanent comprehensive test ban treaty. Thus your resolution urging the President to announce a temporary moratorium on underground nuclear tests, for so long as the Soviet Union complies with it, is completely consistent with our position.

You seek, as we do, a permanent treaty. But you have added to our underlying technical and strategic analysis, a political initiative that we consider statesmanlike and wholly admirable.

MARVIN L. GOLDBERGER,
ADRAIN FISHER,
MORTON H. HALPERIN,
FRANKLIN A. LONG,
GEORGE W. RATHJENS,
HERBERT SCOVILLE, JR.,
HERBERT F. YORK.

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## UKRAINIAN INDEPENDENCE

Mr. PELL. Mr. President, Friday, January 22, marked the 54th anniversary of the date upon which the people of the Ukraine declared their independence of the Russian state by proclamation of a national council at Kiev in 1918. The Ukrainian Republic existed for only 3 short years before the dream of independence was rudely shattered in November and December 1920, when the Bolshevik armies reasserted Russian rule. The many Americans of Ukrainian descent dedicate January 22 each year to the memory of the brief time their ancestral homeland was free.

This anniversary is a reminder to other Americans also of the many contributions that Ukrainian-Americans, with their rich cultural heritage, have made to this country. These proud people began arriving in the 1870's, fleeing the Russian oppressors of their homeland. As they continued to come in ever increasing numbers, they formed part of the industrial sinew which has made this country what it is today. Thus, it is entirely fitting that we join with our Ukrainian-American brothers in celebrating this important part of their heritage.

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## THE RENWICK GALLERY

Mr. FULBRIGHT. Mr. President, the opening of the restored Renwick Gallery was an occasion that should please everyone. It was a beautiful restoration of one of the more graceful buildings of our Capital City and will give much pleasure to our people.

It is encouraging to see our Government support the arts.

I ask unanimous consent to insert in the RECORD an article by Miss Sarah Booth Conroy, published in the Washington Post of January 30, 1972.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### THE RESTORATION OF JAMES RENWICK

(By Sarah Booth Conroy)

Hugh Newell Jacobson, the Washington-based contemporary architect, probably came as close as any historian to knowing James Renwick Jr., the perpetrator of some of the wackiest and most interesting buildings in New York and Washington. Jacobson designed the interiors for the 19th century architect's Renwick Gallery, which opened last week as the Smithsonian Institution's museum of arts, crafts, and design. In working inside Renwick's ornate Second Empire building on Pennsylvania Avenue, diagonally across from the White House and next door to the Blair Lee, the presidential guest house, Jacobson became something of an intimate of Renwick the craftsman, and of a style of life and decorative art that seems to be on its way back, having departed more than half a century ago.

"It's nutty stuff," Jacobson allows. "But once you get into the esthetic, you begin to dig it. You find that Renwick took the rules and instead of copying them, kicked them. It's designed very deliberately, no accident, to make you feel smaller and the building grander. In photographs, the rooms look vast.

"For instance, you're accustomed to an 8-inch baseboard. But some of these are 14 inches. The Chair rails are not all at 36 inches: some are at 30, 48, even 52 inches high. Doorknobs, you reach for at 36 inches, but some of those 12-foot doors have the knob at 30. The sill line of the windows downstairs are above your head. You have to look up—and feel smaller."

Going over Renwick's specifications for the building, Jacobson also found himself admiring an architect who could specify: "The window should be fitted with one tasteful screen."

"I could just see him sitting in the room, legs crossed, leaning on his cane, while a workman came in bearing one tasteful screen," Jacobson says: " 'Hey boss, this thing looks something like what you drew,' And Renwick would turn up his nose and say, 'not tasteful enough.' "

Renwick was a prodigy in his time. He was only 27 when he designed another Washington landmark, the Smithsonian's original building, that comic, ante-Walt Disney castle on the Mall. Before that he had won the competition to design Grace Church in New York, at Broadway and 10th Street, the wealthiest, most fashionable and highest Episcopal church of its day.

To look at, Renwick was a handsome man with eyes like skylights. He had more hair on the bottom of his face than on top, and his nephews said he dyed his beard. It was blacker than the artistically gray locks that seemed to wave over his ears. He was well over 6 feet tall, with shoulders, ego and temper on the same grand scale. You could tell by looking at him that he belonged to the "first circle:" the well-bred, well-fed and well-read.

You were likely to meet him at the homes of his wealthy friends, Charles Morgan and Courtland Palmer, in New York. Or in the watering places where every other 30-room "cottage" was his design. Sunday he was visible as senior warden at Grace Church, where you could be pious and posh at the same time.

Renwick's mansion in New York City was at 10th Street and University Place. Everybody said "it looks like a museum"—though not all who said it knew what a museum looks like. Renwick had been everywhere, and brought most of it home. He collected paintings, rugs, furniture, china, object d'art and a number of things whose identification was difficult.

He was an early collector of Chinese and Japanese furniture, objects and paints. (He left it all to the Metropolitan Museum at his death. But by the time his will was probated—he and his wife had no children—the century had turned and the Metropolitan turned down the collection on the grounds it was dated.) His heirs (his nephews) dispersed the collection.

His Northern yacht was called *Jean*, not named for his mother, sister or wife. You might find him aboard the *Jean*, watching to see if they were polishing up the brass engine so carefully. Or he might be in Florida fishing on his steam yacht, the *Victory*. He held pilot's licenses in four districts of Florida and was a member of the New York and Larchmont yacht clubs.

In 1869 and 1870, you would have to look for him in Italy or in Egypt. In 1855, he and William Wilson Corcoran could be found at the Paris Exposition. The next year you could have seen Renwick and his wife in Edinburgh, where the doctors were reputed to be the best for "female complaints."

If you were looking for Renwick in the 1840s and '50s, a good place to look would have been on Lafayette Square at H Street in Washington, the home of his friend and patron, William Wilson Corcoran, Washington's first millionaire. Corcoran had made his fortune in the Mexican War and with it had opened a bank, Corcoran and Riggs.

Renwick had designed the elaborate additions of salon, library and dining room to the Corcoran house, once owned by Daniel Webster.

The place to dine in Washington was at Corcoran's house. A contemporary social chronicler, Benjamin Ogle Tayloe—a neighbor of Corcoran's—said of him (as quoted in the National Trust for Historic Preservation book, *Decatur House*):

"When Mr. Webster left Mr. Tyler's cabinet (he was Secretary of State for both William Henry Harrison and John Tyler) Mr. Corcoran became its purchaser, and greatly improved the house and grounds, making it altogether the most splendid town establishment in the country. Mr. Corcoran, by his magnificient entertainments, threw all others in the shade. In General Pierce's time, Mr. Corcoran wielded a great influence in Washington. His splendid dinners are well remembered; the most grand, with a file of Senators on each side of the table, or intermixed with the foreign and Cabinet ministers; but the most beautiful when he occasionally assembled pretty women, for Mr. Corcoran had an eye to beauty. His taste in all respects is excellent."

In the '40s and '50s, there were lots of things to talk about at Corcoran's parties: President Van Buren's invitation to Fanny Elssler to come to the White House after the Viennese ballerina's dance performance. The repaving of Pennsylvania Avenue with cobbles. The Indian paintings of George Catlin. The underground railroad (with a station off MacArthur Boulevard) smuggling escaped slaves out of the South and into Canada. Tippie Canoe and Tyler too. The triumphant tour of Jenny Lind, under the auspices of P. T. Barnum. The cows grazing on the Mall. The need to increase the police force to 57 men. Whether John James Audubon, who drew birds, was or was not the lost French dauphin. Miss Amelia Bloomer's pantaloons worn on walks down Pennsylvania Avenue. The death of the Secretaries of Navy and State when a gun exploded unaccountably aboard the new steam warship, the *Princeton*, on a voyage down the Potomac. Corcoran's interview with President Filmore to promote a plan for the Mall by Andrew Jackson Downing. The increase in the number of free Negroes in Washington, many of whom drove hacks or worked as chefs. The $60,000 President Van Buren spent for gold plates, cut glass, Royal Wilton carpets, and outrider coach, marble mantels and some things he didn't account for. Mrs. Zachary Taylor's corncob pipe. The alarming influx into town of Irish immigrants.

The drunken Indians at Beveridge Hotel, a few doors down from the Temperance Hotel. Thoreau, who marched to the beat of a different drum. The mysterious deaths at the National Hotel at Pennsylvania Avenue and 3rd Street, where Andrew Jackson and Henry Clay were regular patrons. (Said to have been caused by arsenic in the wallpaper, poison in the food or a plot in the parlor.) The growth of the Lombardy poplar trees which Jefferson had planted along Pennsylvania Avenue. The new photographer, Matthew Brady. The impossibility of getting by all those building blocks and Ionic columns piled up in the street where the Treasury Department was abuilding. The breakfast robes, heavily laced, at Harper and Mitchell's. The necessity of dispatching a messenger to the Palace of Fortune gambling hall when a quorum was needed in the Senate. The $2,000 appropriated by Congress to water the dust on Pennsylvania Avenue. The exact location of the Mason-Dixon line. Pishey Thompson's bookstore. The black American actor Ira Aldridge's triumph as Othello at Stratford upon Avon. Daniel Webster, buying venison and giant terrapin at Center Market. The number of dead animals in the Washington Canal. Gautier's spun sugar nest for swans. Corcoran's speech at the cornerstone laying for the Washington Monument with Mrs. Alexander Hamilton, 91, and Dolley Madison, 80, in attendance.

Renwick was into all these things of his time. He knew everybody and everybody knew him. But back then, there weren't all that great a number of people whom one deigned to know.

Donald McClelland, National Collection of Fine Arts staffer, speculates that Renwick met Corcoran through the banker William H. Aspinwall. Aspinwall and Corcoran were two of the seven or eight men in the country at that time who had money and time to collect art. In consequence, their collections were always outgrowing their houses. Renwick added a wing to Aspinwall's Fifth Avenue house and married (Dec. 16, 1861) his daughter, Anna.

It is one of fate's curious chain letters that Corcoran was influential in getting Renwick the job of designing the Smithsonian Institution's original building. Corcoran was the Smithsonian's banker. The Smithsonian's secretary, Joseph Henry, wrote letters of introduction for Corcoran's art-buying sprees in Europe.

According to research by James M. Goode, the Smithsonian castle's curator, rival architects charged Renwick was given the contract for the Smithsonian because of his connections. Goode thinks they were probably right.

Renwick's Grace Church in New York was not admired by everyone. There were those who called it pointedly, "Renwick's toothpick."

But anyway, the commission to choose an architect liked Renwick's work, and his plan for the Smithsonian was accepted in 1846.

Renwick obviously went way out when he designed the building. He gave it everything he could think of: nine towers, three principal entrances, one chapel and more whoop-de-doos than a covey of curators could count.

Renwick's nominally Norman design for the building may be the monumental example of an architect giving the client what he thought was good for him.

The client, in the body of the Congress of the United States, in a bill introduced by Ohio Senator Benjamin Tappen, ordered:

". . . a suitable building of plain and durable structure without unnecessary ornament and of sufficient size . . ." Congress added that it should be fireproof. (It was finished in 1855 and burned up 10 years later. Earlier, on Feb. 26, 1850, a number of the durable materials, the center of the interior, fell into the basement.)

But Corcoran thought Renwick was a splendid architect. They shared a taste for the newest thing, the fashionable, the in. They went to Paris Exposition of 1854 and both were thunderstruck with the great beauty of the Second Empire style of the Louvre's new addition, the Visconti-and-Lefuel-designed Pavillon Colbert.

According to one story, researched by McClelland, the Princess Eugenie asked Garnier, who designed the Paris opera, what its style was, "Louis XIV, Louis XV or Louis XVI?" "Garnier replied with both tact and accuracy: *c'est du Napoleon III.*"

Corcoran and Renwick came back to the United States as spiritual captives of the Second Empire. Corcoran had Renwick try out the style in a chapel for a cemetery he was establishing in Georgetown, Oak Hill. Renwick used the style in a grander fashion for the Charity Hospital, New York City (1858–61, now being restored).

Later (1860) Renwick also used Second Empire for the main building at Vassar College. But likely his most charming French gesture is the gallery he designed for 17th and Pennsylvania Avenue, originally the Corcoran Gallery of Art, after Renwick's patron, and, as of last week, the Renwick Gallery.

Mansard roofs of purple Welsh slate. Ornately ornamented orders. Baltimore red-face brick. Cutstone work of Beleville freestone. Iron beams cast at the Cooper Hewitt Foundry (arriving late).

The roof was on. The windows in. But the interior was still a mess of wet plaster when the Civil War (which Corcoran, a Southern sympathizer, might have called the War for Southern Independence) began.

The Lafayette chronicler Tayloe writes what happened: "Mr. Corcoran's house, with all its costly furniture and art treasures, was most unjustifiably seized by the Secretary of War, in 1862, as a hospital for the soldiers. By some magic, the French Minister, M. Mercier, telegraphed from New York that the house was his. Afterwards, on his going to the State Department, Governor Seward asked the Minister if "the French flag was broad enough to cover Mr. Corcoran's house?" "If it is not," M. Mercier replied, "we will make it so."

But the French flag wasn't elastic enough to cover the unfinished gallery. Quartermaster General Montgomery C. Meigs occupied the building and it was almost 10 years later before Corcoran got his building back.

But having kept his wits, his cool and his money throughout the war, he was able afterward to regain his gallery, his house and his friends. The first major social event in Washington after the war to be attended by both Southern sympathizers (old Georgetown and Washington society) and Grant's reconstruction government officials was the grand ball preview of Corcoran's art gallery on Feb. 20, 1871.

The carnival season ball celebrated George Washington's birthday, was a benefit for funds to complete the Washington Monument, as well as previewed Corcoran's Gallery. Contemporary accounts suggest that the wine and food cost Corcoran more than was raised. President Grant attended. Two Frenchmen, ballroom decorators, bedecked the halls. Everything went well, with the single exception of a bit of stage business criticized by a New York society reporter of the day: When the President entered the ballroom, the gas jets (a Renwick invention, which encircled the hall) were dimmed. When he was seated, the lights blazed bright. The reporter wrote critically:

"Unfortunately when private theatricals are undertaken, rehearsals are necessary to insure a success and as no previous drill had been attempted, neither the actors in the little piece nor the gas itself were in accord."

There was still much to be done to turn the building into a gallery. It was three more years before it opened.

Meanwhile, Corcoran kept on buying. And in 1897, shortly after his death, the collection had outgrown the building, so a new Corcoran Gallery was built at 17th Street and New York Avenue to a design of Ernest Flagg.

The French Empire building was bought by the government for use as the U.S. Court of Claims from 1899 to 1964.

* * * * *

## SLAUGHTER IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, once again, the killing and violence in Northern Ireland occupy the headlines of the world. Decent people everywhere are appalled at the senseless and terrible new sacrifice of innocent human life that took place yesterday in Londonderry.

If any one event can be singled out as the cause that has precipitated the current reign of terror in Ulster, it was the ominous decision last August to launch the disastrous and repressive policy of internment. And now, by some cruel and tragic irony, the most wanton slaughter of all has occurred in the course of what began as a peaceful demonstration against that very policy itself.

Can anyone now doubt that internment is a failure? Can anyone now doubt that the presence of British troops is compounding the violence instead of contributing to peace? How much more innocent blood must be shed before the Governments of Britain and Northern Ireland realize the error of their policy and take the steps that are needed to prevent the rising daily flow of blood in the streets of Northern Ireland?

## ANNOUNCEMENT OF POSITION ON A VOTE

Mr. MILLER. Mr. President, while I was necessarily absent on January 28, the Senate voted on amendment No. 829 to S. 2515 which would have prohibited the Federal Government from requiring an employer to employ persons of a particular race, religion, or national origin in either fixed or variable numbers, proportions, or percentages. If present I would have voted "nay," and I ask that the permanent RECORD reflect my position.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIAL FOR GENOCIDE: NO INTERNATIONAL COURT

Mr. PROXMIRE. Mr. President, some people who oppose the Genocide Convention do so because they fear that American ratification of this treaty will subject American citizens to trial before the International Court of Justice without any of their rights and protections under our Constitution.

This fear is not warranted by the facts. The International Court of Justice was established after World War II to arbitrate disputes between nations. Should two countries have a disagreement that they can not settle by negotiation, they can agree to submit the matter to the International Court. After hearing both sides, the Court renders an opinion. Should one party to the dispute decide not to abide by the Court's opinion, the Court has absolutely no power to enforce its opinion. Only the good will of the parties to the dispute enforces the opinion.

Article IX of the Genocide Convention says that any disputes over the meaning of this treaty will be decided by the International Court of Justice. Nothing is said about giving the Court the power to try individuals, a power the Court has never had. Instead the Court is to issue an opinion as to what the treaty says. Should any party to the dispute disagree with the Court's opinion, the Court still has no power to enforce its opinion.

Article VI of the Genocide Convention does speak of an international tribunal to try individuals, but in the 22 years that the Convention has been in force such a tribunal has never been established. The reason is because neither article VI, nor any other part of the Convention, establishes such a tribunal. Rather, article VI makes it clear that if the nations of the world should desire an international tribunal to try persons for genocide, they will have to enter into a separate agreement. Such an agreement would have to be approved by each nation before it was in force for that nation. Thus the Senate would have to ratify that agreement before the United States was bound by it. There is no movement to attempt to establish an international tribunal.

We see, Mr. President, that the Genocide Convention does not provide for the trial of individuals by the International Court of Justice or any other international body. Rather the trial must occur in a competent tribunal of the country where the crime allegedly occurred. The time has come for the Senate to ratify the Genocide Convention.

## SUDDEN INFANT DEATH

Mr. MONDALE. Mr. President, on Tuesday, January 25, the Subcommittee on Children and Youth had a very moving and informative hearing on the sudden infant death syndrome.

Among our witnesses were Dr. Abraham B. Bergman and Mrs. Judith Choate, president and executive administrator, respectively, of the National Foundation for Sudden Infant Death, Inc.; Dr. Jay M. Arena, president of the American Academy of Pediatrics; Dr. Merlin K. DuVal, Assistant Secretary for Health and Scientific Affairs at HEW; Mr. Saul Goldberg, president of the International Guild for Infant Survival; and Mr. Frank Hennigan and Mr. Arthur Siegal, fathers of children who died suddenly for no apparent reason.

Because of the virtual ignorance surrounding this major killer of young children, I ask unanimous consent that the testimony of our witnesses and other relevant materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### STATEMENT OF SENATOR WALTER F. MONDALE, CHAIRMAN, SENATE SUBCOMMITTEE ON CHILDREN AND YOUTH

This morning's hearing is the first of a series the Subcommittee will hold concerning "the rights of children." Today we will explore the most fundamental right of all—the right of a child to live.

Every night several million American mothers feed their babies, put them in their cribs, and say goodnight. The next morning they return, greet their children and begin another day of care.

Yet every morning anywhere from 30 to 60 mothers return to find their babies lying dead in their cribs—victims of a mysterious and frightening disease that takes the lives of at least 10,000 infants each year.

Some people know this disease by the name of "crib death" or "cot death". Others call it "Sudden Infant Death Syndrome." By any name it is an elusive disease which strikes not only the child, but his whole family. Sometimes the victim's parents and brothers and sisters never recover from the shock, guilt and self-incrimination that follow.

The death of any baby, any child, is a tragedy. But consider the tragedy of the mother who has fed her healthy child as usual and put him to bed. She awakes in the middle of the night, looks in on the baby and finds him dead. Can she ever hope to escape the gnawing feeling that she was in some way responsible for that death . . . the tortured thoughts that if she had only checked one more time, that the death could have been prevented?

Consider the woman who wrote: "I lost my son almost 24 years ago . . . with this syndrome. An autopsy was not performed. I have since divorced and my ex-husband has told both my daughters that I killed the baby. I fed him at 3 a.m. and at 6 a.m. he was dying when I went in to check on him . . . I have seen two psychiatrists but I still have terrible guilt feelings."

Crib death is not an isolated occurrence. It is the leading cause of death of infants between one month and one year old, striking 3 out of every 1,000 children born in this country. It strikes silently and unexpectedly at healthy babies who are sleeping peacefully in their cribs one minute and found dead there a few hours later. When an autopsy is performed—and this does not always happen—no specific cause of death can be identified.

Although it touches thousands of American families every year, most Americans know little about it.

Although medical researchers have explored a variety of hypotheses on the causes of crib deaths, none of them has been confirmed.

Although the National Institute of Child Health and Human Development calls it the largest cause of death in infants from one to twelve months old, SIDS is not even mentioned in government statistics on infant mortality.

Although Sudden Infant Death Syndrome was finally identified and described as a specific disease in 1969, large numbers of medical and legal authorities are not up to date on the research findings and implications of SIDS.

We need to review our efforts to discover the medical cause of these deaths . . . and ways to prevent them. And, we need to examine the extent to which families who lose their babies to this mysterious killer are receiving the help and support they need from the doctors and nurses, medical examiners and policemen, coroners, and rescue squad officials they encounter following their child's death.

This is why we are holding this hearing today:

To learn about past and present research efforts;

To explore the prospects for discovering the cause—and preventing future occurrences—of SIDS;

To understand the scope of activity within HEW, to inform the public and professions about this disease;

To learn from government officials, medical experts, and parents—what more we can do both to determine the cause and provide assistance to those families who have been the victims of this deadly disease.

### STATEMENT OF DR. MERLIN K. DUVAL, ASSISTANT SECRETARY FOR HEALTH AND SCIENTIFIC AFFAIRS, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON SUDDEN INFANT DEATH SYNDROME, BEFORE THE SENATE LABOR AND PUBLIC WELFARE SUBCOMMITTEE ON CHILDREN AND YOUTH, JANUARY 25, 1972

Mr. Chairman, I am pleased to appear before the Committee this morning to discuss with you the sudden infant death syndrome, also known as "crib death," and report the efforts of the Department of Health, Education, and Welfare through its component, the National Institutes of Health, and specifically the National Institute of Child Health and Human Development, to increase our understanding of this tragic medical problem about which so little is known.

Let me first outline briefly for you some of the obstacles to explaining accurately and fully the occurrence of crib death, what we have learned about it so far, and then describe the Institute's plans for future research on sudden infant death syndrome.

Since its establishment in 1963, the NICHD has been increasingly concerned with the syndrome and has directed its efforts to enlarging our understanding the syndrome. But progress has been slowed by three critical factors:

(1) There is a paucity of scientists interested in the phenomenon of suddent infant death. In the last nine years, only a very small number of applications dealing specifically with sudden infant death syndrome have been submitted to the NICHD for con-

sideration. Eight of these were disapproved by the initial review group because of their poor scientific merit; of the five approved, all were funded.

(2) There is currently no code in the International Classification of Diseases for this syndrome. These deaths according to the classification system may have been categorized as mechanical suffocation, pneumonia, ill-defined conditions, and accidental deaths. We recognize the need to gain valid, reliable vital statistics in certifying cause of death for these babies. The NICHD is working closely with the Director of Health Statistics Analysis of the National Center for Health Statistics of the Health Services and Mental Health Administration to identify more accurately infant deaths attributed to sudden infant death syndrome and to establish a separate category for suddent infant death syndrome in the ninth edition of the International Classification of Diseases. The definition of sudden infant death syndrome as put forth in the Second International Conference on Causes of Sudden Death in Infancy will be used as a basis for this classification.

(3) Finally, an even more serious limitation on our understanding of sudden infant death syndrome is the very nature of the syndrome. Its starting point is the death of an infant, which is instantaneous and without warning. There is no opportunity to observe the forces and interrelationships leading up to the baby's death. It has been necessary first to gather information on the nature of the syndrome and the characteristics of the victims and their environment. Much of this has now been accomplished; we now have a better understanding of who the vulnerable baby is (i.e., premature infant, the sleeping baby), and the environment from which he is most likely to come (i.e., low socio-economic level and minority group).

In an effort to generate interest in the sudden infant death phenomenon, and to provide a focus for the exchange of the knowledge we do have about it, the NICHD has supported two conferences on sudden infant death, one in 1963 and another in 1969. As a result, it was possible to identify the condition as a disease, not a mystery killer, and both conferences recommended certain types of research which were needed to provide the most helpful data. Proceedings of the two conferences are available and have been submitted to you. A pamphlet designed for general public information is now being prepared.

On the basis of three carefully controlled studies in the United States[1] and one in the United Kingdom,[2] it appears that the sudden infant death syndrome may result in up to 10,000 deaths each year in those countries (about 3 per 1,000 live births), and is the major cause of death in infancy after the first month of life.

Table 1, attached at the end of my statement, details the number of deaths per 1,000 live births attributed to SIDS by each of these researchers, and the infant subjects observed.

It is generally agreed that "crib death" is the unexpected demise of an infant not known to have had a serious disease whose death remains unexplained after complete autopsy. Sudden unexplained infant death occurs in the young infant who is apparently in good health. In the majority of cases, the baby does not have a cold or infection and takes his feeding without difficulty. The infant is then placed in his crib for a nap or for the night; several hours later, or in the morning, the baby is found dead.

It occurs more frequently in nonwhite babies than in white babies; in families of lower socio-economic status than in the higher socio-economic status; in premature infants, particularly those with gestational ages between 34 and 35 weeks, than in full-term infants; and in babies who have had recent infections. Twins may have increased risk of SIDS, but it is difficult to be certain of this because twins are frequently of low birthweight and low gestational age. Victims are mostly between the ages of two and six months; the frequency is highest around the third month of life.

The baby is most frequently found dead during sleeping hours. The largest number of the deaths occur in the winter, between the months of November and February. There is some suspicion that sudden changes in temperatures may be influential in triggering the syndrome. Risk of sudden infant death syndrome appears to be highest in crowded dwellings and among younger mothers who have several other children. All known associations, however, are intertwined with one another; therefore it is not known which one of the associations is most important.

A number of hypotheses have been proposed for the cause of this syndrome. None has yet been proven correct. In the past, single-factor explanations were advanced, but no single factor has been causally related to SIDS. Table II, which I have attached to the end of my statement, lists the more important single-factor theories. More recently, multifactorial theories of SIDS etiology have been advanced. For example, an important current theory involves a combination of factors involving infection; instability of the nervous system, and sleep. This theory holds that inflamation of the respiratory tract, that could be caused by an upper respiratory infection, may trigger a nervous system response that results in a spasm of the muscles controlling the airway opening to the lungs. This laryngeal spasm effectively keeps oxygen from getting to the lungs and the infant dies. This hypothesis is difficult to test since no animal model exists that will permit us experimentally to define the interaction of the immune response and the autonomic nervous system. Table III shows several factors which could lead down a final common pathway to acute heart failure.

During fiscal year 1971, 43 grants relating to SIDS and totalling $1.8 million were supported by the NICHD. Of these, one is directed specifically to the cause of SIDS and is funded at a level of $46,258. The other grants are in areas of research which have been identified by scientists working in the field as being relevant to the sudden infant death syndrome, for example:

At Stanford University, a study of the relationship of oxygen to temperature stability is being supported. It has been confirmed through epidemiologic investigation that the risk of premature infants becoming victims of SIDS is significantly greater than for full-term infants. Premature infants have multiple problems related to the relative immaturity of vital physiologic functions, and a major problem in these infants is the maintenance of temperature stability. Because both low environmental temperature and oxygen lack due to nasal or pharyngeal obstruction have been implicated in the onset of the syndrome, this study is highly relevant to the sudden infant death syndrome.

It is also well documented that SIDS occurs much more frequently in cold weather months than at other times in the year. This observation has resulted in questions about the relationship between cold and thermal regulating processes to the phenomenon. In this area, an NICHD-supported investigator at the University of Washington has found that heat production and temperature control of premature infants and young infants is unstable, and that rapid changes in environmental temperature can affect respiratory state and function, frequently resulting in a temporary loss of breath.

Sudden infant death occurs most frequently when the infant is in a sleeping state. He apparently does not wake up or cry out. This observation has led to the suspicion that the sleep mechanism is closely tied to the pathogenesis of this phenomenon. A study of the relationship between heart rate, eye movements, respiratory rate, and bodily movement in three-month-old infants is being supported at the University of California at Los Angeles. This investigation will describe neural developments in premature and full-term infants, and the relationship of nervous system development to the stability of sleep and the wake/sleep cycle.

In addition to grants for research on SIDS, the NICHD has initiated two contracts specifically concerned with the sudden infant death syndrome. One was a contract with the Children's Hospital in the District of Columbia to study the role of viral and other infections in the etiology of the syndrome. Although no specific virus was incriminated, the investigators frequently found evidence of viral infection either in the victim or his family.

The other was a contract for a review of world literature on sudden infant death syndrome covering the years 1954 through 1966. This was published in *Pediatrics* in 1967. In the follow-up of this review of the literature, the Institute is currently working on an annotated bibliography of sudden death syndrome for the years 1960–1971. This bibliography will be available by midyear.

On August 16, 1971, the NICHD held a research planning workshop to define new directions in research into the causes of the syndrome utilizing the data presented at the February 1969 conference as well as more recent research findings. As a result of this workshop, a plan for an integrated program of research for the prevention of sudden infant death syndrome has evolved which will serve as a basis for an active, Institute-sponsored program of scientific research in this area. We will distribute this document in the scientific community in an effort to stimulate research grant proposals.

As a result of the August 1971 NICHD workshop on sudden infant death syndrome and an earlier NICHD-sponsored conference on growth and development, an age parallelism between risk of sudden infant death syndrome and pattern of sleep physiology development was identified. Death rate for SIDS peaks at about three months of age, just when chaotic infant sleep patterns change to the more regular adult rhythms. Because of the probable involvement of sleep physiology in the etiology of this syndrome, we feel that a descriptive study of sleep physiology would be valuable, and a longitudinal study of sleep parameters in a selected population is planned. High risk (or SIDS) and low-risk subjects will be studied prenatally, immediately postpartum, and at monthly intervals during the first half year of life. We hope that parallels between sleep physiology and SIDS risk will give strong indications of the etiology of this syndrome.

In addition to exploring the interrelationship of age and sleep patterns with SIDS, the NICHD is now reviewing a proposal to identify possible relationships between the events of sudden infant death syndrome and physiologic, demographic, meteorological, and environmental factors. This area of research is important because of the possible relationship between abrupt and sharp temperature changes and the occurrence of sudden, unexplained, infant death that has been reported by several investigators.

Finally, the NICHD plans to undertake a national survey of death certificates to determine the incidence of the syndrome in the United States, based on the techniques developed in a 1966 study of SIDS in King County, Washington. Examination of death certificates confirmed the incidence of SIDS reported by an earlier detailed pathological study in the same area. The close corrollation of SIDS incidents in these studies leads us to believe that a careful examination of death certificates for the entire United States would yield useful and valid data on the incidence of SIDS.

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[1] Fitzgibbons et al. (1969), Valdes-Dapena et al. (1968), and Peterson (1966) (Second International Conference on Sudden Infant Death Syndrome, p. 3).

[2] Froggatt et al. (1968) Ibid.

Thank you, Mr. Chairman, I would be happy to answer any questions you may have.

TABLE 1.—INCIDENCE OF SIDS

| Author | Year | Place | Number per 1,000 live births | Subjects |
|---|---|---|---|---|
| Fitzgibbons et al | 1969 | Olmstead County, Minn. (Mayo Clinic). | 1.2 | All infants. |
| Ministry of Health of Great Britain | 1965 | England and Wales (overall) | 1.4 | Do. |
| Carpenter | 1965 | England and Wales (overall) | 2.2 | Exclusively twins. |
| Froggatt et al | 1968 | Northern Ireland | 2.3 | All infants. |
| Valdés-Dapena et al | 1968 | Philadelphia | [1] 2.55 | Do. |
| Peterson | 1966 | Seattle | [2] 2.87 | Do. |
| Steele et al | 1967 | Canada | 3.00 | Do. |

[1] 1.41 Caucasians: 4.32 Negro.

[2] 2.71 Caucasians; 4.66 Negro and American Indian.

TABLE II.—*Sudden unexpected death in infants: Etiologic theories that involve the heart—hypotheses and particular explanations*[1]

Reflex vagocardiac inhibition.

Subendocardial fibroelastosis.

Congenital heart disease.

Primary and secondary myocarditis.

Arrhythmias consequent to an exaggerated "diving reflex" or myocardial electrolyte disturbance.

Inherited conduction anomalies.

Myocardial hypocalcemia.

Infantile arrhythmias.

[1] Taken from Froggatt, *et al:* Amer. J. Cardiology, 22:457, 1968.

TABLE III.—*Sudden unexpected death in infants: Etiologic theories other than those involving the heart*[1]

PRINCIPAL HYPOTHESIS

Mechanical suffocation.

Respiratory infection plus abnormal response.

Antigen hypersensitivity.

SUBSIDIARY HYPOTHESES AND PARTICULAR EXPLANATIONS

Thymic death.

Fulminating septicemia.

Suffocation by milk feeds or vomit.

Mass viscerovisceral reflex.

Low serum gammaglobulin.

Adrenal insufficiency.

Anaphylactic pulmonary edema.

Renal anaphylaxis.

Protein intoxication.

Enteritis-enterocolitis.

Laryngo- and bronchospasm.

Pulmonary thrombi.

Thymus dysfunction.

[1] Taken from Froggatt, *et al:* Amer. J. Cardiology, 22:457, 1968.

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### TESTIMONY OF AMERICAN ACADEMY OF PEDIATRICS, JANUARY 25, 1972.

I am Dr. Jay M. Arena of Durham, North Carolina, here today in my capacity as President of the American Academy of Pediatrics. The American Academy of Pediatrics is the world's largest association of board certified physicians providing care to infants, children and adolescents. Since establishment in 1930, the Academy and its membership have been committed to working for the welfare of children and to establishing and maintaining the highest possible standards for pediatric practice, education and research.

It is a great personal honor for me to appear here today. I wish also to convey the appreciation of the Academy to appear again before this Subcommittee on behalf of children. We in the pediatric community feel a special attachment to you, for despite the fact that many committees within the Congress have within their purview activities affecting the safety, health and welfare of children and youth, this Subcommittee is the only unit within the Legislative Branch which identifies its relationship to children and youth in its very title.

Mr. Chairman, if I were to leave today having imparted through my presentation only one impression, I would hope that it might be this: Children must have greater visibility within our national priorities. There are many impediments which deprive children of a full share of life; they must be more closely scrutinized, and more vigorous efforts must be mounted to conquer them. Sudden Infant Death Syndrome, which we are to discuss today, is but one example of a phenomenon affecting children which must become the object of relentless efforts to understand and overcome.

Sudden Infant Death Syndrome (SIDS) claims one of every 330 infants. Although there are seasonal variations in the incidents, the magnitude of this disease might be even more greatly appreciated if expressed in the daily toll of young lives—which is approximately twenty-seven, or if expressed in the term of approximately 190 deaths per week. How long might such a situation be tolerated without an indication of a commitment to reduce these incidents. Well, today there is a great restlessness within government, within the medical community and among the public; a restlessness which is making it abundantly clear that greater attention must be devoted to the number one killer of children between one month and one year of age. These proceedings are but one manifestation of that concern.

Crib death is not yet preventable, there are no symptoms, there is no known treatment. Although the correlation of information from research efforts is helping us to better understand this phenomenon, nonetheless SIDS is one of medicine's mysteries yet to be solved. The scientific community has been perplexed, but it has not given up. Within the medical community, our information has been scanty, and our understanding at best has been incomplete. But much the same way cancer research and the conquest of outer space have challenged this nation, so too must we zero in our efforts to understand more fully the developmental phenomenon of the fetus, growth and development of the newborn, the early life process and the interrelationship of these various facets with man's environment. Therein we are likely to find the answers we seek.

A task of this magnitude and nature is not beyond our ability. One need only look at our efforts in the space program, wherein an ideal environment has been manufactured for our astronauts traveling beyond the influences of earth. Truly a remarkable feat. Yet, we note how much we must still uncover regarding man's first environment—intrauterine life—and how much there is still to be done in perinatal biology and conquering the causes of infant mortality. The question is not can we do it, the issue is whether we have the will to do it—the will as a nation to commit our resources to assure children their right to the quality of life.

#### RESEARCH

The pediatric community has followed with intense interest the development of the NIH and particularly NICHD in the past decade. Although NICHD's fiscal year 1972 budget request submitted last year by the President to the Congress contained a $10 million increase, nonetheless few appreciate that there was a net decrease for child health research. The responsiveness of the Congress was heartening, and $5 million was added to remedy this shortcoming. However, in a letter to Secretary Richardson on December 13, 1971 I conveyed our frustration over the fact that the increase for child health research grants had been frozen by the Administration. These monies are now available for allocation I'm pleased to note. For the information of the Committee and the public I wish to include my letter in the record of these proceedings and the response thereto. My letter underlines the discrepancy between needs in support for child health research and the not yet adequate measure of support provided.

Research into the Sudden Infant Death Syndrome is part and parcel of our entire child health research effort. While further exploring the physiology of the young child, we may come to understand the interrelationship of prematurity, the infant's response to the stresses of labor, temperature, sleep physiology, infection, etc. and the relationship of each to SIDS. Prematurity, postnatal asphyxia, and congenital malformations account for more than half of the deaths of children under one year of age. The majority of these instances occur during the perinatal period (twentieth week of gestation thru twenty-eighth day of life), while SIDS accounts for the majority of deaths among infants beyond one month of age. There is a correlation among these phenomenon, and a greater understanding of one will enhance our knowledge to deal more effectively with early life.

The Academy would recommend that the Administration and the Congress identify child health research as a national priority, and that these efforts be particularly directed at the perinatal period and postnatal periods (through one year of age). The dedication of our financial resources to research should be viewed not as an effort to save a life, but to save a lifetime; not as an effort to eliminate a disease or conquer a handicap, but as an effort to improve the quality of life for all Americans.

The corollary of this must also be mentioned (only in passing), for not all within our capacity now to prevent or eliminate has gotten off the shelf and has reached the people. Health care for many is wanting, diseases which should have been eliminated run rampant, and our capacity to train qualified professionals and allied health personnel has not been taxed. While research is important, the entire compendium of activities in child health must be more fully supported, including service programs and training activities.

NICHD has been attentive to meeting its responsibilities to support outside research efforts, and it has supported professional and public education activities. The 1963 and 1969 Conferences supported by NICHD are further tangible manifestations of our federal government's responsiveness to meeting its responsibilities. However, in consequence of the paucity of fundable applications for SIDS research, the Academy would recommend that an extensive intramural research effort be developed by NICHD, facilites be allocated, and trained personnel be engaged to foster quality work.

#### PROFESSIONAL EDUCATION

The Academy itself has attempted to be responsive in the area of professional education regarding SIDS. Our official publication

Pediatrics is the principal professional publication for physicians caring for children and at least a half dozen references to SIDS may be found in the past few years. Much the same as quality research applications are wanting, so too there is a paucity of writings.

Within the past few months a Committee of the Academy has been charged to prepare a statement on SIDS for the pediatric community. Although the work is not yet completed, I understand the statement will discuss the lack of professional education, the physician's role to counsel victim parents so that self incrimination might be averted, and the need for humane treatment of family members.

I anticipate the promulgation of this statement among the Academy members will be accompanied by a recommendation to our state chapters that they identify and establish liaison with the principal parent groups, and become more actively involved with this problem within the community.

Since SIDS is a phenomenon occurring at home, attempts must be made to have physicians at teaching hospitals and medical centers become more interested in work in this field. Hopefully renewed emphasis placed upon SIDS by the AAP will stimulate interest in research efforts by the academic and research community. Along these lines, the utilization of hospital pediatric departments and medical schools for autopsies may help to provide more complete information on SIDS.

### PUBLIC EDUCATION

The contribution which might best be made by the Academy in the area of public education, in addition to our cooperative efforts with government and parent groups, is to continue to stress the value of prenatal care, proceed with our program of education regarding parental care of children, and continue to emphasize the value of health supervision and preventive medicine. Until we know more about SIDS, we must simply continue to help parents understand the essentials of good child care.

The federal government might continue to play a role in supporting periodic conferences and publishing timely reports and articles. Although we have not explored the feasibility of a federal agency becoming the cornerstone of a nationwide program to assist SIDS parents, the Office of Child Development in the Office of the Secretary of HEW might develop a program capable of responding to the needs of SIDS parents with appropriate and timely information. Perhaps simply augmenting the efforts of SIDS parent groups and aiding them in education efforts of parents and professionals would be sufficient. Even though no cure is immediately at hand, parents who in the past have spent hellish dawns blaming themselves may find it easier to live with an explanation rather than only with an unanswerable why.

There also may be a role for government in the education and training of personnel who most frequently come in contact with parents soon after tragedy strikes, such as police, corners and medical examiners, physicians, social workers, and perhaps attorneys. The objective of such an educational effort would be to assure respectful and humane treatment of family members.

The peculiar nature of SIDS is such that it strikes without warning. There is no prevention, there is nothing which the parent can do to avert its coming. Consequently, we endorse the approach of the Children's Bureau of not discussing SIDS in its publications for parents. Other than to raise apprehension and fear, there is little to be benefited.

It is appropriate at this point to acknowledge the tremendous efforts of the parent groups, most notably The National Foundation for Sudden Infant Death, Inc. I wish to express my high admiration for parents who have experienced SIDS and who are diligently working to somewhat lighten the burden and grief for other parents.

### DATA

Incidents of SIDS should be reported, but measures must be taken to facilitate data collection. The Academy is considering the feasibility of recommending that SIDS be classified as a term in the International Classification of Diseases and that cases be reported and recorded. I anticipate we will be exploring this issue with the National Center for Health Statistics in the coming months.

Earlier I alluded to the need for the medical community to become more deeply involved and interested in this disease. The potential for unlocking the mystery of SIDS through a greater participation of hospital and medical center based physicians cannot be underestimated. At this time we are unable to recommend whether a nationwide standard procedure might be developed, such as the program in Washington State, wherein the medical institution plays an important role by performing autopsies on deceased persons under three years of age. Certainly this is an avenue which might be further explored and hopefully will be discussed by other witnesses. Perhaps two needs now existing are (1) standardization in procedure and agreement upon the criteria for postmortem diagnosis and (2) the need for autopsies among all unexplained infant deaths.

Mr. Chairman, thank you again for this opportunity to appear here today on behalf of the American Academy of Pediatrics. I will be sure that you are kept apprised of our efforts in this field, and you have our pledge of further cooperation and assistance whenever possible. If you or other members of the Subcommittee have questions, I will be pleased to attempt answering them. Thank you.

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## SUDDEN INFANT DEATH SYNDROME

(Statement by

Senator LOWELL P. WEICKER, JR.)

JANUARY 25, 1972.

I am honored to have the opportunity today to introduce representatives of an organization that has provided support to thousands of families whose children have died of Sudden Infant Death Syndrome.

Nine years ago I was present at the founding of the Mark Addison Roe Foundation, the predecessor of the National Foundation for Sudden Infant Death. The original foundation was formed by my friends, Mr. and Mrs. Jedd Roe, following the crib death of their infant son, Mark. Their tragic experience in losing Mark and subsequent creation of the foundation has resulted over the years in greater public awareness of Sudden Infant Death and its sad implications for families.

I only regret that despite the years of effort by the Roes, the Foundation, the International Guild for Infant Survival and other dedicated individuals, we still do not know the cause of crib death. We know that 10,000 babies can be expected to die mysteriously this year; and that we will be able neither to predict nor prevent these innocent deaths and so we know that much work remains to be done.

Mr. Chairman, I commend you for taking an interest in this serious problem, and for bringing it to the attention of your colleagues in the Senate and the general public.

I am pleased now to introduce Dr. Abraham Bergman and Mrs. Judie Choate, who serve respectively as President and Executive Administrator of the National Foundation for Sudden Infant Death.

## SUDDEN INFANT DEATH SYNDROME IN THE UNITED STATES

(Testimony of Abraham B. Bergman, M.D.)

MR. CHAIRMAN: I am Abraham B. Bergman, M.D., President of the National Foundation for Sudden Infant Death. I am Director of Outpatient Services at Children's Orthopedic Hospital and Medical Center and Associate Professor of Pediatrics and Health Services at the University of Washington in Seattle.

I first want to express my deepest appreciation to you, sir, on behalf of all of us interested in the problem of sudden infant death. The very fact that you have convened these hearings in the United States Senate on this tragically neglected problem is a signal event which could well mark the turning point in efforts to remove the destructive veil of ignorance which surrounds the disease.

### WHAT IS THE SUDDEN INFANT DEATH SYNDROME?

Sudden infant death syndrome (SIDS) is best defined by describing a typical case. An apparently healthy infant, usually between the ages of three weeks and six months, is put to bed without the slightest suspicion that things are out of the ordinary. He may have signs of a slight cold. Some time later, without any warning, the infant is discovered lifeless. The autopsy reveals a minor degree of inflammation of the upper respiratory tract and some congestion of the lungs. Otherwise, there are no lesions sufficient to account for death. In about 10% of cases where infants die suddenly and unexpectedly, a definite cause of death *is* identified at autopsy, such as a bacterial infection, an inflammation of the heart or bleeding in the brain. All of these can cause sudden death, and such children should not be considered to have SIDS. Approximately 90%, therefore, of infants who die suddenly and unexpectedly are victims of a disease which we call sudden infant death syndrome.

### INCIDENCE

We estimate that approximately 10,000 infants a year die in the United States of SIDS. This figure was derived from communities where all infant deaths were carefully monitored (e.g. Philadelphia, Cleveland, Seattle, San Diego, Kingston, Ontario; Belfast, Northern Ireland; Prague, Czechoslavakia). Interestingly, the incidence of three per 1,000 live births, or one out of every three hundred babies, seems to be constant in all of these communities spread around the globe. An interesting exception is a study from Olmstead County, Minnesota where an exceptionally low rate of 1.2 cases per 1,000 live births was recorded. The figure 10,000 then is reached by plugging in the total number of births per year in the United States. (A map estimating the number of crib deaths in each state for the year 1969 is attached to this testimony.)

How does this figure compare to other causes of death in children. The largest group of infants who die, do so during the first week from complications of prematurity. When the first week of life is excluded, however, SIDS ranks by far as the greatest cause of death during the first year of life and second only to accidents as the greatest killer under age fifteen years. SIDS outranks deaths from all types of birth defects including heart disease. Over twice as many children die of SIDS than cancer. (A table showing the causes of death in children in King County, Washington for a three year period is attached.)

### HISTORY OF SIDS

SIDS is not a new disease. References are made to "overlaying" in the Bible. A Scottish physician by the name of Templeman wrote an article about SIDS in the *Edinburgh Medical Journal* in 1892. Regretfully, he described his cases as suffocation, ascribing the cause to carelessness of parents. Because of the aura of mystery which has surrounded this condition both among the lay public and medical profession, virtually all parents feel themselves to be responsible for their child's death. The resultant toll of broken spirits and mental illness from needless guilt reactions has been enormous.

Theories have abounded to explain why previously well infants are suddenly found dead in their cribs. The first international conference on the causes of sudden death in infants held in Seattle in 1963 marked a turning point in SIDS research. What little organized research that had been conducted took place mostly in overworked and underfinanced coroner's offices. To this day, the amount of research being conducted on SIDS is still minuscule in relation to its importance.

### THE TWO INTERNATIONAL CONFERENCES ON SIDS

The two international conferences in 1963 and 1969, both sponsored by the National Institute of Child Health and Human Development, were extraordinarily productive.

The proceedings of the first conference in 1963 were notable for cataloging and critically evaluating available theories about sudden infant death and charting pathways of future research needed to answer the questions raised. At that first conference it was not possible even to say that sudden infant death syndrome was a distinct disease entity. Several of the research paths recommended at the 1963 conference were subsequently followed resulting in significant advances, particularly in the fields of epidemiology; pathology and virology. By the time of the second international conference in 1969, held near Seattle, it was finally possible to say that sudden infant death syndrome is a real disease entity that is readily definable and not some vague mystery killer.

### KNOWN FACTS ABOUT SIDS

In epidemiology we learned that the incidence of one out of 300 live born babies was amazingly constant in different parts of the world. SIDS is more apt to occure in babies born prematurely and in those living in overcrowded conditions. We learned about the peculiar age incidence, namely, that it rarely occurs before the age three weeks or after eight months. The peak incidence is at the two or three month age period. It occurs more often in winter months and almost always during sleep.

The distinguished pathologists at the conference spelled out the criteria whereby a positive diagnosis of SIDS could be made. No unusual or expensive tests are required. The diagnosis can be made on a routine type of post mortem examination. Finally, it was shown that no single killer virus is involved; the same viruses that cause common colds are associated with SIDS.

As was also the case at the first conference, future research pathways were recommended. Among them being, the need to come up with some type of animal model of SIDS and concentration in elucidating the exact mechanism of death. Also, as was the case following the first conference, the proceedings were edited, published and widely disseminated throughout the scientific community. These two publications, both subsidized by NICHD, are invaluable resources for all who seek knowledge about the disease.

### CURRENT STATUS OF RESEARCH

My colleagues, Drs. J. Bruce Beckwith, C. George Ray, and I, in Seattle, have studied every single case of sudden infant death syndrome occurring in our area since January 1, 1965. To date, we have intensively investigated approximately 470 cases. We feel that SIDS occurs because of a sudden closure of vocal cords during sleep shutting off the airway. For reasons that I shall not detail here, we feel that this catastrophic event is mediated through nerves that control the vocal cord and that the presence of a viral infection somehow causes them to be more sensitive and susceptible to spasm. Certainly not all investigators agree with us. Others, such as Dr. Edward Shaw in San Francisco, feel that the airway suddenly becomes obstructed at a higher level than the vocal cord and that the babies who die are those who have not learned to open their mouths when their nasal passages close. Still other investigators feel that something goes wrong with the nerves that control the heart.

I report two very hopeful developments that should certainly be classed as preliminary observations. Dr. Alfred Steinschneider at the Upstate Medical Center in Syracuse who has long studied the development of the autonomic nervous system in infants has found distinct changes in the behavior of certain infants at the two to three month age period during sleep while they have colds. This and other observations have led to the planning by NIH of an important collaborative study by sleep physiologists (scientists who study different bodily functions during sleep) in Los Angeles and New York.

At the University of Washington, Dr. Orville Smith, a physiologist who heads the Primate Center, and his associates have observed that some infant monkeys die during sleep. Dr. Beckwith, a pathologist, has found their autopsy findings closely resemble those of human infants dying of SIDS. I should emphasize that a great deal more work must be done to confirm these preliminary findings. But if, in fact, they pan out, we could have our long sought after animal model of SIDS. Drs. Ray, Smith and Beckwith plan to make intensive observations on the infant monkeys in an attempt to simulate SIDS, a requisite step before possible preventive measures can be postulated.

### FEDERAL SUPPORT OF SUDDEN INFANT DEATH RESEARCH

Mr. Chairman, I am of two minds about the adequacy of research support for SIDS. Firstly, I am extremely grateful for what NIH has done in the past and yet believe a great deal more could have been done and, indeed, should be done in the future. From its very inception, the National Institute of Child Health and Human Development has placed a top priority on supporting research into sudden infant death. As I mentioned previously, NIH sponsored both international conferences and supported the publishing of the proceedings. In fiscal year 1971, NICHD supported forty-three extramural research grants pertinent to SIDS totaling about $1.8 million. One grant, the one in Seattle with Dr. Ray as the principal investigator, is the only one directed specifically to the cause of SIDS. The others are in areas of research that have been identified by scientists working in the field as being relevant to SIDS.

To my knowledge, NIH has never turned down a request for funds for a qualified research project in SIDS. What does that mean? It has to do with the review mechanism for grants at NIH which I wholeheartedly support. All applications are studied by panels of distinguished scientists, respected by their peers, outside of government service. These panels, called study sections, evaluate whether the purposes of a proposed study are worthwhile, whether the proposed methods are likely to achieve the desired results, and whether those making the proposal possess the necessary expertise to do what they say they want to do. Though, doubtless, mistakes have been made, this system of passing upon grants has received universal acclaim in the scientific community; and I submit that it is the only way in which taxpayers money can wisely be spent in scientific research.

I can also testify that the first Director of the National Institute of Child Health and Human Development, Dr. Robert Aldrich, now Vice President for Health Affairs at the University of Colorado, and his successor, the present Director, Dr. Gerald LaVeck, have had deep personal commitment to SIDS research. The problem simply has been that scientists capable of performing quality research work, for the most part, have remained ignorant about the very existance of SIDS and have not turned their attention to its solution.

Could more have been done? Certainly! When it was known that there were not enough qualified investigators working in the infant death field, active efforts to solicit them should have been made. The Institute should have taken the initiative in contracting for scientific work that needed to be done instead of passively waiting for grant applications to come in. In the last few months, this effort is finally being made; the collaborative study in sleep physiology is one result.

What about funds? That's big problem. Though the National Institute of Child Health and Human Development received an increase in its budget during the past fiscal year, most of it went for population research. There was no increase in funds for child health research.

Frankly, the supporters of child health research carry very little clout either with the people who draw up the NIH budget, the Office of Management and Budget or you legislators up here on the Hill. Though this hearing was not called to examine how research priorities are decided in the United States, it is interesting to note that there is no research going on in accident prevention and only a miniscule amount of research on SIDS, the two big killers of children. I would venture to guess that this has something to do with the fact that those who make budgetary decisions are either heading into or already in their golden years. Kids don't vote!

### HUMAN ASPECTS OF SIDS

Mr. Chairman, I have talked about the scientific aspects of sudden infant death syndrome; I should now like to turn to the human aspects. While much has been learned from research in the past decade and future prospects look hopeful, virtually no progress whatsoever has been made in the handling of suddden infant death cases in the United States. Virtually every parent whose infant dies suddenly and unexpectedly feels responsible for that death. The aura of mystery that surrounds crib death services only to reinforce and perpetuate this needless guilt. Moreover, the callous and inhumane handling of sudden infant death cases throughout the United States wreaks an incredibly large toll of broken spirits. Ten thousand infants perish every year in this country: they are gone. Ten thousand sets of guilty, grief stricken parents, however, are created every year and they live on.

Earlier I described a typical clinical picture of a case of SIDS. Now let me describe how that typical case is probably handled. When an infant is discovered lifeless, a call for help goes out responded to by police or firemen. Frantic resuscitation efforts are undertaken while the shocked parents hover in the background. A thoughtless comment like "it looks like another case of suffocation" or "probably choked on his food" are uttered.

Being that all sudden unexpected deaths come under the jurisdiction of a medical examiner or coroner, the body is removed to the local morgue. Police detectives come by to "just ask a few questions." "Did the baby give you any trouble?" "Could the other kids in the family have hit it?" Maybe an autopsy is performed and maybe not. A coroner's inquest is held. "What kind of care did you give this baby?" The verdict comes back, "death by suffocation," "smothering," "overlaying," "aspiration." The results of the autopsy may come back a week, two weeks, a month, six months. a year later.

The wife of a young doctor in Chicago last summer tearfully handed me a crumpled piece of paper labeled "death certificate" and asked me what the words meant. On it were the words "tracheo-bronchitis." There had been a public coroner's inquest. I asked her what her husband thought and she dissolved in more tears. "He won't talk about it." If this type of treatment is afforded physician's families, picture if you will a family in an urban ghetto or on an Indian reservation. Picture a family where there is no father in the home, or where a babysitter was involved. It's ugly!

A woman called me from St. Louis last week asking for help. Her baby's death certificate read "aspiration pneumonia." I asked her if she had discussed the matter with her physician. She broke down and cried and said, "Why do you think I'd be calling you long distance in Seattle if I were able to talk to my physician; he refuses to speak to me." Lest the members of this Committee feel that I am exaggerating, I would respectfully invite you to examine the hundreds of letters that the National Foundation receives every month—letters that break one's heart.

Such letters break my heart because it is all so needless. The fact that survivors of crib death victims in the United States are treated like criminals is a national disgrace. With our present state of knowledge, crib death itself is neither predictable nor preventable. The divorces, the mental illnesses, the torment of unrelieved guilt are completely preventable. How? By the humane handling of infant death cases.

### WHAT CONSTITUTES HUMANE TREATMENT?

Mr. Chairman, no longer should we have to tolerate callous coroners' or medical examiners' administrative procedures whereby families are kept waiting months for autopsy results or subjected to cruel inquests. Sudden infant death syndrome must be recognized as a disease entity. No family should be denied autopsies because of lack of funds. No longer should we have to tolerate the lack of instruction about sudden infant death among health professionals. Without knowledge there will be no impetus for new research nor will young health professionals be prepared to deal with the syndrome should it occur during the course of their careers. Every doctor in the United States should be prepared to offer the family more than the consolation of "these things just happen."

The National Foundation for Sudden Infant Death proposes a standardized procedure in every community in the United States for the handling of cases of infants who die suddenly and unexpectedly that is both compassionate and medically sound. Autopsies must be performed and parents promptly informed of the results. The criteria for the diagnosis of sudden infant death syndrome should be disseminated to coroners and medical examiners throughout the United States, and the term "sudden infant death syndrome" should be utilized on death certificates.

Every family should receive authoritative information about SIDS from a physician, nurse or other health professional who is both knowledgeable about the disease and skilled in dealing with characteristic grief reaction. These services should not be denied to families because of lack of funds.

I regret to inform the Committee that the Department of Health, Education and Welfare, with its multi-billion dollar budget, has been totally derelict in dealing with the human suffering created by sudden infant death. Strong action by this Committee would do much to alter their neglectful posture.

A major effort should be undertaken to increase the amount of research being conducted on SIDS by the National Institute of Child Health and Human Development. Consideration should be given to the establishment of regional infant death research centers. Such centers could perform autopsies on infants from localities that lack adequate facilities and provide skilled counseling for families. Technical assistance could be provided to coroners and medical examiners offices from these centers and, of course, the research effort in infant death would be boosted tremendously.

The major goal of our Foundation is that physicians and other health professionals, as well as the lay public possess sufficient knowledge about sudden infant death syndrome so that families who lose babies feel no more guilty than those who lose children to heart disease, cancer or meningitis. I respectfully submit that this objective is readily achievable.

Thank you for the privilege of appearing before you.

TABLE IV.—*Causes of death of children in King County during 1965–67, demonstrating the numerical significance of SIDS*

| | |
|---|---|
| First year (excluding first week of life): | |
| Sudden Infant Death Syndrome | 139 |
| Congential Malformations | 66 |
| Diseases of Early Infancy | 47 |
| Influenza and Pneumonia | 36 |
| Accidents | 24 |
| First 14 years (excluding first week of life): | |
| Accidents | 192 |
| Sudden Infant Death Syndrome | 139 |
| Congential Malformations | 110 |
| Malignant Neoplasms | 63 |
| Influenza and Pneumonia | 41 |

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## SUDDEN INFANT DEATH SYNDROME

(By Judith Choate)

The National Foundation for Sudden Infant Death, Inc., established in 1962 as the Mark Addison Roe Foundation, Inc., was the first lay organization to propose a plan of public education about the sudden infant death syndrome as well as to provide understanding and information to SIDS families. The NFSID was begun by parents who had lost an infant to the syndrome and SIDS families continue to be the major contributors to its growth. Volunteer parents, officers and Board of Trustees have led the Foundation from a family basement office in Connecticut to national headquarters in New York City, offering support and information to parents across the country; guidance to seventeen established chapters (plus many in formation); factual literature to the general public, medical and allied health organizations; promotion of SIDS educational projects and aid to qualified research projects.

The financial support of these same volunteers has kept its literature free of charge and paid the salary of the one staff member. The concern of the knowledgable volunteer worker holding out a hand to others in time of crisis has alleviated the guilt and grief most often associated with SIDS for thousands of other SIDS families.

I began my work with the National Foundation for Sudden Infant Death, Inc. in 1965 after the death of my healthy, thriving five month old son. He was found dead in his crib in the early morning after his normal night time sleep. Unlike most families who are faced with the death of their infant to SIDS, we were aware of both "crib death" and the Foundation. We immediately notified the fire and police resuscitating units and our own pediatrician, and it was, of course, useless.

If we had not been aware of the problem, our case would be much like the cases of most families in the United States. Our baby's body was left in our house, in a closed room, with a policeman guarding the door until late in the afternoon at which time a medical investigator from the Medical Examiner's office interviewed us and observed the baby. If a death is unexpected and unexplained, one is, at first, suspect; and we were, in fact, suspected of criminal neglect and not treated as parents grieving over the death of their child. We were asked such questions as "How many times did you hit the baby?", "Did your other child choke or in any way abuse the infant?", "Did you let your dog bite the baby?" If we had not been confident that our child was a victim of SIDS, one can imagine the guilt and self-accusation such questions can ellicit as is the case for most families.

In the seven years I have been involved in the work of the National Foundation for Sudden Infant Death, I have spoken to, consoled and informed hundreds of families, Families who have not only suffered the loss of a loved infant but agonized over their own feelings of responsibility for it, the ignorance of their communities, the accusations of infanticide by neighbors or relatives, the lack of knowledge of their physicians and countless other emotional strains. In many areas of the United States autopsies are not performed on SIDS victims. In others, if they are performed, a substantial fee is charged the family. It is the rule rather than the exception that families must wait months to hear the results of an autopsy from a medical examiner's or coroner's office. The latter was made especially poignant recently when I received a call from a mother who had seen me on a local television show. She had lost a son on the same day and in the same year that I had and, seven years later, is still waiting to hear from the medical examiner's office as to the cause of death. All of these only reinforce the natural guilt that parents feel after losing an infant suddenly, unexpectedly and with no explanation.

Each day, we receive correspondence from families in every area of the United States who have lost children to the sudden infant death syndrome asking for help and information. Families who feel abandoned by their communities and by their physicians. I quote, "Do you think I killed my baby or did she really die from 'crib death' and what is 'crib death'? Please help me, I don't want to kill my new baby." "It wasn't until a few months ago, two years after our daughter's death, that we found out about your organization. It is a long time to go around wondering and feeling guilty." "The guilt we feel is tremendous, please help us." "We had an autopsy performed. They listed the cause of death as 'bronchial pneumonia' which the doctor said was a common use for 'crib deaths'. Why would they say 'bronchial pneumonia' if it was 'crib death'? Why don't they say 'sudden infant death syndrome'?" "Our pediatrician said 'She's dead, what do you want me to do?' "

"The police beat us to the emergency room and the homicide detective began questioning me even before the doctor had pronounced the baby dead."

Only time and concerted research efforts will find a cause and cure for the syndrome; however, much can be done now to alleviate the guilt and suspicion of the victim family. Particularly with involvement of national, state and local governments to promote SIDS research, upgrade autopsy procedures, disseminate the criteria for the post mortem diagnosis of SIDS to coroners and medical examiners throughout the country, to enforce the use of the term "sudden infant death syndrome" on death certificates, distribute authoritative information through health departments, coroner's and medical examiner's offices and law enforcement agencies and to insure that no family is assumed guilty of criminal neglect until such accusations are proven, the burden of the victim family will be eliminated.

The National Foundation for Sudden Infant Death, Inc. asks that each and every family experiencing an SIDS be given the chance to face the death with knowledge and dignity. We have pledged our entire resources to this end. We request the assistance of all agencies and individuals concerned with the welfare of not only the child, but the entire family unit, to help us make dignity a part of the lives of 10,000 families a year.

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### Statement for Hearing on "Sudden Infant Death Syndrome"

(By Frank Hennigan)

On the morning of August 5, 1969, my wife and I rose from our bed and set about our daily routines. While I was shaving, Diana, my wife, checked on our still sleeping six children (aged 10 years to 7 months) only to find, to her horror, that our infant son was apparently dead.

In my panic, I seized the child from her arms and screamed for her to get the keys to the car. I ran outside to the car, yelling all the way for her to hurry. While waiting for Diana, I attempted to give mouth to mouth resuscitation but Jimmy's jaws and lips were tightly drawn together. I laid him down on the car's front hood and jammed the fingers of both my hands into his mouth and forced it open. I knew he was dead but my emotions still ruled over my intellect and I again attempted mouth to mouth resuscitation. I continued this activity as my wife drove to the hospital. Needless to say, there was no positive response from my child—only a sound resembling pulmonary edema caused by my own breath being forced into his lungs.

At the hospital, it was immediately obvious to those unemotional, unexcitable, calm, "professional" medical authorities that the child was dead and therefore there was a more interesting subject to be discussed. "Had the child fallen?" "Were there symptoms of illness? Etc." The doctor who pronounced Jimmy "Dead On Arrival" stated to me that "He looks like he's been squeezed. How about that, Mr. Hennigan?" My answer was "Go to Hell!"

We returned home and told our remaining children the sad news and set about making funeral arrangements. A few hours later we were notified that the dead child we had just taken to the hospital was now at the city morgue and that we were obliged to report there and identify the body. Under the circumstances, I felt this was extremely cruel as well as unnecessary but, of course, we did as directed.

About mid-afternoon, we noticed an unmarked car pull up in front of our house and a man get out and head toward our door. He had no jacket on. The thing that made him look conspicuous was the revolver jammed down, half exposed, under his belt. He introduced himself as Detective Goldberg of the Criminal Investigations Department and explained that it was his job to determine whether there was foul play involved in the death of our child. His line of questioning was typical of what Joe Friday employs on "Dragnet". I was asked "When you saw your child was not breathing, why didn't you call the fire department?" My answer was "Because the house wasn't on fire. I thought my son needed a doctor not a fireman."

In Detective Goldberg's report which was read at the Coroner's Jury Inquest he stated words to the effect that "Mr. and Mrs. Hennigan have five other children. They appeared to be well fed and cared for. There was no evidence of abuse or maltreatment. They were clean and well-clothed. The house was neat and fully furnished. There was every indication of a pleasant harmonious household." We were told that there would be an inquest in a few weeks which would require our presence.

The cruelest part of this whole nightmare was the inquest. I asked that my wife be spared this additional assault to her emotional stability and mercifully, she was excused. The supposition is that a panel of experts, forming a jury, is to listen to all the facts associated with the death of the child and then decide whether the evidence warrants prosecution. In actual fact, the coroner's jury consists of aging political appointees who are neither expert in law nor medicine and who rubber stamp the conclusions made by the States Attorney's office.

I stood tearfully as the official read the "facts"—"Caucasian male, two feet, four inches long, twenty eight pounds; no social security number . . . cerebral spinal fluid negative for arsenic . . . evidence of healed fractured rib probably sustained at delivery . . ." His conclusion, following his statement of all the facts, was that there was "No evidence of foul play." The jury retired to their deliberation room and returned within five minutes to report their agreement that indeed no crime had been committed.

My feeling is that it *is* a crime to subject loving parents, grieving for their child who has been stricken by "crib death," to such treatment. Sudden unexpected death in children should not be handled by the intern on duty in the hospital emergency room and the disposition of the body left to clerical aids. An elected coroner speaks well for his own personal charm but says nothing for his qualifications as a forensic pathologist.

It is my understanding that in a Medical Examiner's System as opposed to Chicago's Coroner's System children who are received "Dead on Arrival" at any hospital must be examined by a forensic pathologist on the spot. If, in his opinion, based on both medical and legal training, there is need for legal action, so be it but for an intern, fresh out of medical school who has had no training about or contact with Sudden Infant Death Syndrome, to be playing detective is ludicrous. A Medical Examiner's System, with qualified and knowledgeable pathologists, will save hundreds of parents who are confronted with this dread disease each year from unnecessary and unwarranted criminal investigations. As one can well imagine they have enough to deal with managing to maintain their sanity and marriage and family and attempting to explain to their not too understanding relatives how their happy, healthy infant could possibly have died.

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### Sudden Infant Death Syndrome

(By Arthur A. Siegal)

On the evening of December 24, 1966, our sixteen month old happy, healthy son, Danny, was put to bed, along with his older sister, at their usual bedtime after spending a normally hectic day. I looked into his room at approximately 12 midnight before going to bed and he was sleeping peacefully. Since he was still in a crib, he had kicked his blanket off and I can remember covering him.

When I got up at 7:00 a.m. the following morning, I went in to check the children. I first went over to Danny's crib and realized that he was not breathing. I picked him up and listened for a heart beat. There was none. Danny was dead. Although I knew rationally that he was dead, I called to my brother-in-law, who was our houseguest, and he tried by mouth-to-mouth resuscitation to revive him while I called the police and our pediatrician. The police arrived within minutes. My brother-in-law met them at our front door with Danny and they (the police) placed the mask of a resuscitation unit over Danny's face and took him directly to the Emergency Room of the hospital which was five minutes from the house. My brother-in-law, wife, and I followed in our car.

We arrived at the hospital a few minutes after the police, and were met at the Emergency Room door by the nurse on duty who simply said, "I'm sorry." The two policemen also expressed their sympathy before they left. We were treated with every kindness but received no facts until our pediatrician arrived a few minutes later. He was visibly badly shaken. He said that he felt that Danny had died from "crib death" and asked that we allow an autopsy to be performed. He told us that he had had two other "crib deaths" in his practice over the last six years and continually stressed that we were in no way to blame and that his death could not have been predicted or prevented.

We did, of course, allow the autopsy to be performed and the results (which took approximately 10 months to receive) revealed all findings to be negative and the cause of death was stated as "Hemorrhagic Pneumonia" with sudden, unexpected death in parenthesis.

As we had only lived in New Jersey a short time, we still maintained a very close relationship with our pediatrician in New York. When my wife called to tell him of Danny's death, he again assured us that we were in no way to blame and that he had had several SIDS in his own practice. In fact, his brother, who was also a pediatrician, lost his child to SIDS.

Both my wife and I were indeed fortunate that on the day of Danny's death and the days following, we were surrounded by informed, understanding and kind professional people. We were also fortunate in the fact that we had been aware of SIDS before Danny died, and therefore could accept the facts and not blame each other or ourselves for his death.

Even with the intellectual knowledge that there was nothing we could have done, guilt feelings still occur especially when family members and friends cannot accept the fact that a beautiful, healthy child is found dead for no apparent reason.

None of our immediate family or close friends had ever heard of SIDS and there was then, and still is today, the doubt in some of their minds that we were neglectful to our son and that if we had been "better parents" Danny might still be alive today. Many of our friends, some of them who had children the same age as Danny, could not handle the situation and could not face us. As a matter of fact, one couple never spoke to us again.

SIDS, as it's name implies, leaves the immediate family with a "high grief" reaction. With SIDS there is no extended illness or time to prepare for the child's death. Death is instantaneous and in many cases is not accepted until weeks later. Our only strength came from the one fact that we knew we were not to blame and that there was nothing that could have been done to save him.

Approximately four weeks after Danny's death, my sister-in-law sent us an article entitled, "Crib Deaths: Search For A Mystery Killer", that had appeared in the Saturday Evening Post. This article mentioned the Mark Addison Roe Foundation. My wife immediately called and was fortunate enough to talk to Mrs. Judith Choate who is now the Executive Director of the NFSID, and had herself lost a son to SIDS. All the consolation, understanding and comfort given SIDS parents by professionals and friends cannot replace talking to another parent who has experienced this tragedy.

In the years following Danny's death, we have been in contact with many families whose children have been the victims of SIDS. Although we were fortunate in the way our case was handled by the professional people we had contact with, we seem to be very much in the minority. We know the urgent need for public education about SIDS, and for reforms in the Medical-Legal system in regard to this disease.

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### Sudden Infant Death

(Statement of the International Guild for Infant Survival, Inc., Baltimore, Md.)

Thank you, Senator, for this opportunity to exercise my participation in our democratic form of government. Accordingly, I speak before you as a private citizen, as a father for his family, as a parent who has personally experienced the tragedy of Sudden Infant Death, and as President of The International Guild for Infant Survival and

Chairman of the International Council for Infant Survival. In all these capacities, I thank you and the Committee for your interest in what we call Sudden Infant Death and for your holding this hearing. On behalf of everyone I represent here today, we greatly and gratefully appreciate your concern for the very lives of our young children.

I need not dwell on the characteristics and details of Sudden Infant Death for I would like to assume we all understand something of its nature and tragedy. But I would like to say a personal word for background purposes.

My family experienced our own Sudden Infant Death tragedy when we suddenly lost our daughter Suzanne on Wednesday, December 4, 1963, a scant 12 days after the tragic assassination of President Kennedy. If you can recall the magnitude of your own shock and our nation's grief at the loss of this great leader, then you have some insight into the magnitude of our own personal shock and grief at the loss of our normal, healthy, beautiful little 2-month-old girl! Multiply this by the thousands of similar sudden deaths of equally precious babies and you begin to obtain some idea of the disastrous proportions and extent of this major problem of infant mortality.

In trying to discover as much as possible about this unknown killer of infants, we were frustrated as individuals to learn that little or nothing was being done anywhere to get to the bottom of this phenomenon, and that very, very few people, including physicians and public health officials, knew anything about it. In fact, many never heard of it before, or had some misconception about it. So, in the true spirit of American togetherness, friends and strangers banded together for common purpose in pursuit of this killer in our midst.

And so The Guild for Infant Survival was founded in Baltimore in late 1964 . . . to fight this killer, to help solve the mystery of Sudden Infant Death, to eradicate it from the face of the earth and save the lives of thousands of infants here in our own country and around the world as well. From the beginning, we established three main purposes: to help families understand about Sudden Infant Death and its ramifications, to educate and arouse the general public to an awareness of its seriousness and scope, to support and encourage medical and scientific interest and activity in the study of this puzzling mystery.

The Guild for Infant Survival has grown to 10 affiliated autonomous groups, 25 regional representatives in various states and communities from coast to coast, plus personal or medical contacts in almost a dozen countries over the globe. The Guild is a membership organization of both stricken parents who know first-hand about Sudden Infant Death and those who have the good fortune to be spared but share our concern—who have a voice in what we do and how we do it. Their work is done on a voluntary, spare-time, unpaid basis. In addition to members and contributors, there are many who serve and support us in a variety of ways individually and through other groups and organizations, so that there are literally thousands of citizens involved with us.

In communities where Guild groups are most active, the problem of Sudden Infant Death is no longer unheard of. For people have come to realize that, instead of sticking their heads in the sand, or ignoring this problem, the way to solve a problem is to face it, honestly . . . squarely . . . meaningfully. At least 4 research projects have been given impetus due to the efforts of our Guild groups, and there may be more. We estimate that Guild contributions directly for Sudden Infant Death research now approximate $30,000 without large corporate, foundation, or public funds, donated by ordinary, wonderful people who really care about our kids.

The Guild reaches out its hand of friendship and its heart full of understanding to hundreds, perhaps thousands of "crib death" families. You can imagine how heavy the burden of self-guilt must hang over the family and anyone else with the baby at the time, and how important it is to relieve that unnecessary weight with information and compassion. Our Guilds bring these parents and the public in closer contact with researchers themselves and their facilities, sponsor meetings with health personnel, and held the first parent-medical conference in 1969.

We have succeeded in bringing our own state health officials to recognize Sudden Infant Death as a legitimate cause of death on medical certificates, to undertake special studies and statistical tabulations, and to call on us in time of need and cooperation. In Maryland, state appropriations to complete the research floor of the new Medical Examiners Building were obtained with Guild help so there would at least be a place in which research could begin, and in which it has.

Our Guild groups are satisfied that we can successfully aid and console the families of these young victims, provided we can expect the cooperation of medical authorities and public health officials, especially in verifying the serious extent of Sudden Infant Death. Much of this is also true when we reach out to the general public but the need for greater Government participation is more so. This is because the mass media which influence public knowledge and opinion so dramatically and extensively turn to those in a position to know and inform.

In the first few years of Guild for Infant Survival activity, it was very important for us to impress upon those we contacted that there was such a phenomenon as Sudden Infant Death and that it was serious. Although much correspondence were exchanged with Federal health officials and visits made to the National Institutes of Health, we could not obtain a relatively simple written statement acknowledging the true nature and extent of Sudden Infant Death. Nor could we find even one reference to this problem in any available Government publication on health, infant care, or mortality statistics. And I am speaking in general terms, not in specifics more difficult to come by. In fact, it wasn't until a year or two ago that we finally received statements in writing that were pertinent and helpful. I don't think these services of Government, which exist for public good, should be so withheld, and I certainly shudder to think that the National Institutes of Health has a "head in the sand" attitude.

Beyond this, most of the problems we have encountered lie in the direction of skimpy medical activity to stamp out this killer, and our intention as a Government to seriously pursue this goal. In order to ascertain the status of basic knowledge and information known about Sudden Infant Death, our Guild in Baltimore undertook a nationwide survey. A questionnaire concerning Sudden Infant Death was mailed to the chief health official of each of the 50 states and the District of Columbia in June 1971. Within 2 months or so, replies had been received from all but 9 states. Thirty-nine (39) states and the District of Columbia returned completed questionnaires and two states submitted their information in letter form. I should like to refer to the preliminary analysis of this survey in this statement now.

It seems logical to assume that before we attack a problem, we should all understand what the problem is. This involves terminology, definition, description. In the 8 years of our involvement, there is still no uniform, accepted definition, no standardization description—and worse, no universally designated name or term. We are all familiar with the variety of names in current use: Sudden Infant Death, Sudden Unexplained Infant Death, Sudden Death Syndrome, Sudden Death in Infancy, etc. It is difficult to believe that we have yet to take this obvious initial step in official recognition.

Our questionnaire replies revealed 16 different names or phrases being used to identify what is essentially the same phenomenon. "Crib death" was most frequently named, by 20 of the 42 jurisdictions replying; Sudden Infant Death was second with 7 states. Nine (9) states used no official designation at all and 6 states were guided by the certified cause of death or pathological diagnosis. In only 14 states was a single designation employed, but there were still 7 different terms used among those 14 states! Nine (9) states used two terms and 4 states used 3. This illustrates a confusing situation in naming the problem we are talking about and trying to solve.

The Guild for Infant Survival recommends use of the term "Sudden Infant Death" in cooperation with other parent groups. To use "crib death" implies death in the crib, but this is not always true and may be misleading if officially adopted. It may, however, have value in colloquial usage. Sudden Infant Death is simple, direct, and easily understood by stricken parents and scientific researchers.

Along with a name should be a definition. No uniform or standard phraseology exists. I understand that just recently the National Institute of Child Health and Human Development has circulated a suggested one. But earlier this year, the Guild delved into this shortcoming with our medical advisors and proposes the following working definition: The death of an ostensibly healthy infant or young child which occurs suddenly and unexpectedly and which remains unexplained after post-mortem examination.

Before any name and definition agreed upon can be of value, their use must be recognized and accepted by the state filing information. In our survey, 5 states replied that no term is acceptable. Twenty-seven (27) states said they did recognize and accept one of the terms but 8 more qualified their affirmative response; for example, only if no other cause could be found or if the certifying authority used it.

Another fundamental piece of information needed before a logical attack can be made on Sudden Infant Death is, we think, to know the frequency and its relation to other health problems and causes of infant mortality. We all known about the International Classification of Diseases and Causes of Death (Adapted) and its detailed classification of all health problems with accompanying code number identification. One would expect to find some specific category within this system for our subject today. Sudden Infant Death (or some related terminology). There is none. Yet if we look far enough, we find a catch-all category of ill-defined causes or conditions.

Our survey revealed use of two such categories in this section frequently mentioned by state health officials. The state of Indiana put it the best way: "Sudden Infant Death is recorded in accordance with the 8th Revision International Classification of Diseases and with instruction from the National Center on Vital Statistics. SID is classified in the Symptoms and Ill-Defined Conditions Category '795 Sudden death (cause unknown).' A crib death diagnosis is charged to '796.2 Found dead (cause unknown).' If a more specific cause is indicated the death is charged to that category; e.g., interstitial pneumonitis, asphyxia, etc. . . ." In our discussion here, I think it is agreed among the experts that Sudden Infant Death and crib death are one and the same. Yet the International Classification is used to split these into two parts (above). Note also that neither category makes any reference to age. Adults as well as infants can and do become tabulated in both classifications. In the Guild survey, 8 states use both categories, 18 states use one or the other, 4 states use some variation of the two, 2 use a supplemental number, a couple of states use the accidential death category (E913); one used other conditions of newborn (778.9) for crib deaths under 28 days. Thirty-one (31) states mentioned some code number, 5 mentioned none, 5 were indefinite. Mention was also made of the imprecise or vague specification as to age, as not being sufficient for Sudden Infant Death.

The Guild for Infant Survival believes it is important for the National Center for Health Statistics to officially propose before the forthcoming Revisions Committee of the International Classification of Diseases a separate and specific classification term and code number for Sudden Infant Death. With the Federal health authorities showing the way for the states—as formally proposed by resolution of the state assembly of California—this revision would be a monumental step in the right direction.

This special classification and coding is essential to the accurate state tabulations of crib deaths. Fifteen (15) states reported no official tabulation in state health statistics; 25 said they do, especially when age is considered, but noted variables. Minnesota responded when asked if SID's are tabulated in state statistics: "Yes but, the variations in methods of certification and coding lead to some confusion. ICDA 795 should include the total—but some are coded 796.2 for various reasons." Tennessee said: "Those rules for selecting and classifying the cause of death are quite sensitive to the manner in which the medical certification is completed. Thus, in interpreting data regarding cause of death it is important to remember that a slight variance in the statement of cause of death may result in an appreciable difference in the cause to which the death is assigned by using the standard rules."

North Dakota noted the extra effort required: ". . . No separate tabulation has been made of 'crib deaths' or 'sudden death of infants' other than the fact that these would be in the total of 'ill-defined' causes. To tabulate differently would require individual examination of each infant death certificate by a qualified medical person which service is not available to the Division of Vital Statistics (N. Dak.) at this time."

The National Institute of Child Health and Human Development is fond of quoting statistics which we believe are, in reality, too low. References are continually being made to projections based on 2 to 3 sudden infant deaths per 1,000 live births, to rationalize estimates as low as 7500 and as high as only 12,000. We believe even the higher estimate to be too low in the overall significance of the problem. Our reasons are these: Projections for the entire country are based on only 2–3 study areas like Seattle and Philadelphia. Yet the Chief Medical Examiner of Maryland noted the Sudden Infant Death rate in Baltimore as 6 per 1,000 live births. Since we are told there is a correlation between Sudden Infant Death incidence and general infant morality, it would seem that SID incidences would be higher in areas with greater infant morality, as in the South, thus increasing the total annual number.

Then there is the problem of finding and tabulating every Sudden Infant Death. Even as successful and enlightening as we have been in Maryland, there are still occasions when there is no official record of a Sudden Infant Death which we have discovered privately, as through a hospital or the family itself or a relative or neighbor. It is likely these "hidden" cases are more frequent in less enlightened communities. It is not difficult to accomplish this, especially where affluence and influence coincide. Finally, no consideration of this syndrome can be complete without regard for the phenomenon of "near" Sudden Infant Deaths . . . when normal, healthy infants suddenly are found near death but for some unexplained reason pull out of this situation, recover, and return to normal. Yet competent medical examination cannot explain this strange occurrence. These, too, should be included in the SID count. For all these reasons, our Guilds and our local advisors believe it is quite possible the frequency of Sudden Infant Death could reach as high as 25,000 infants/yr.

For all this concern, with all these uncertainties and lack of knowledge, relatively little research funding has been granted by the National Institute of Child Health and Human Development (NICHD) down through the years. Here again, we have never been able to ascertain the exact extent of research funding. This continuing inability to pin down specific information, which should be available to the public, may lead to suspicious conclusions.

As of last year, the Guild was able only to estimate the extent of specific SID research funding by NICHD at about $700,000 in the 8 years of Institute existence. It is also conceivable at the time that up to 200,000 American babies were lost to SID in 8 years. Simple arithmetic reveals that only $3.50 per lost child was being spent. Even if we conceded the Institute's upper estimate of 12,000 SID losses per year, we would still be spending only about $7.00 each.

In an honest attempt to prove or disprove our $700,000 figure, we asked the Institute to provide us with a yearly breakdown of funding since its inception. It would seem logical that an index of research grants by title or specific subject would yield this data conveniently. Yet it took more than 2 months to obtain these statistics, and then only for the 1971 fiscal year. The information sheet listed 43 grants totalling $1.8 million relating to infant mortality/SID, but only one specifically for Sudden Infant Death of $46,000 (or $2-4 per child). In 1970, there was only one grant, for $33,000 ($1.50–$3 per child). Yet the total NICHD budget rose from $76 million to $94 million in 1971, with a $5.7 million increase for support of general child health research, which includes crib death.

It is our position that the problem of Sudden Infant Death is too devastating and horrible to be explained away by 43 funding grants which may indirectly relate to the problem—that the magnitude and significance of the problem are so great as to demand commensurate and specific funding.

This lack of substantial funding is further explained by Government officials by a lack of "meritorious research ideas" or "qualified researchers." There are many potential researchers ready and willing to investigate SID in new and potentially promising directions. Although they may not meet the established standards of scrutinizing study sections, there are respected men of competence and position in their own fields and are worthy of a chance to explore their theories. It just may be that such a bizarre problem may require a bizarre or non-conformist approach, instead of standard or restricted technique.

We say this for two good reasons: First, we must always keep in mind the lives which are lost every day. I find it indecent and inhuman to wait for just the proper meritorious ideas to come along for consideration while our babies are being struck down before our eyes day in and day out. Second, the funds to support research are public funds, derived from us the taxpayers. The very fact that these same taxpayers in many numbers voluntarily and anxiously contribute their own monies to our private efforts to fund research serves as a mandate to public officials to put their taxes to use to save lives now!

Our proposal is sensible and meaningful: Establish a certain substantial sum of money earmarked specifically for Sudden Infant Death research. Invite all interested researchers to apply for funding. Then choose those most capable and promising for funding. Make the most of what there is now; don't wait for an ideal who may never come. Only in this way will we know that our Government really cares about our babies!

Down through the years, NICHD has calmed us with repeated phrases that Sudden Infant Death has a high priority for attention and action. That it is the greatest single killer of infants from one month to one year of age. And more. Looking back, however, relatively little has been undertaken and even less has been accomplished. It is almost as if there were no such entity as Sudden Infant Death if you search the records and literature . . . even though thousands of empty cribs, tiny graves, and broken hearts bear mute evidence of the total destruction of this killer in our midst.

Is this, then, the record of a Government which serves the people? In seeking to solve every problem of man's development from prenatal care to geriatrics, does a problem like Sudden Infant Death get lost in the overwhelming responsibilities of this comprehensive health Institute? Is Government's priority and present preoccupation with birth control and population growth conflicting with the saving of the lives of newborn babies? The time has come for our Government to back up its words and intentions with dollars and sense! We spend millions in research to perfect birth control devices, but paltry thousands to save new human lives we love so much. Where is our sense of values?

Experience indicates that Government does not act on its own initiative to solve serious problems, but only reacts when some unexpected, disastrous episode compels it to positive action. Are these daily unexpected disastrous episodes too commonplace to attract urgent, serious action? Are these infant tragedies therefore being compounded by inaction?

We of The Guild for Infant Survival cannot keep silent and watch more children die in vain without lifting a finger and raising our voices. We cannot ignore these daily tragedies happening before our very eyes . . . watching these precious babies slip through our hearts and homes! And America cannot afford to sit idly by while millions of hours of manpower and talent which could be put to peaceful and productive purpose are buried forever.

These departed children can no longer speak for themselves . . . so we of The Guild for Infant Survival speak for them, so they shall *not* have died in vain. We come to plead for the lives of future generations who face this same horrible threat of sudden death at the very beginning of life.

No one can say who will be touched in the weeks and months ahead. We do know there will be many; unfortunately, far too many. How much longer will our babies—yours and mine—die so tragically and so unnecessarily? How much do we really value life itself?

Today, you have a golden opportunity given to very few: to save thousands of lives every year in every future generation of mankind . . . by considering and acting on what we have said here today . . . to speed the day when no more babies will die . . .

John Donne said it best:

"No man is an island, entire of itself. Every man is a piece of the Continent, a part of the main . . . Any man's death diminishes me, because I am involved in Mankind. And therefore never send to know for whom the bell tolls, it tolls for thee. . ."

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## FACTS ABOUT SUDDEN INFANT DEATH SYNDROME

### THE BASIC FACTS ABOUT SIDS

SIDS is a definite disease and is the number one cause of death in infants after the first week of life.

SIDS cannot be predicted or prevented, even by a physician.

The cause is not suffocation, aspiration or regurgitation, although sometimes death certificates use such terms in error.

A minor illness such as a common cold may be present, but many victims are entirely healthy prior to death.

There is no suffering; death occurs within seconds, usually during sleep.

SIDS is not contagious in the usual sense. Although a viral infection may be involved, it is not a "killer virus" that threatens other family members or neighbors. SIDS rarely occurs after seven months of age.

SIDS is not hereditary; there is no greater chance for it to occur in one family than in another.

The baby is not the victim of a "freakish disease." About 10,000 to 15,000 babies die of SIDS every year in the United States (two or three per 1,000 live births).

SIDS is at least as old as the Old Testament and seems to have been at least as frequent in the 18th and 19th centuries as it is now. This demonstrates that new environmental agents, such as birth control pills, fluoride in the water supply and smoking, do not cause SIDS. Despite increased attention in the literature in recent years, the incidence of SIDS is not rising.

Recent research shows that SIDS causes over 85 per cent of sudden unexpected death in infants.

## MOST FREQUENTLY ASKED QUESTIONS

### *What is SIDS?*

SIDS (Sudden Infant Death Syndrome), commonly known as "crib death" or "cot death," is a disease which causes from 10,000 to 15,000 infant deaths annually in the United States. SIDS has been with us since Biblical times, but only in recent years has it been recognized to be a "specific disease entity." It is best defined by describing a typical case.

An apparently healthy infant, usually between the ages of three weeks and seven months, is put to bed without the slightest suspicion that things are out of the ordinary. He may have signs of a slight cold. Some time later the infant is found dead. Often there is no evidence that a struggle has taken place, nor did anyone hear the baby struggling. Sometimes, though, the child has obviously changed position at the time of death. An autopsy reveals, at most, a minor degree of inammafition of the upper respiratory tract, but no lesion sufficient to account for death. Often the autopsy reveals absolutely no evidence of illness.

In about ten per cent of crib death cases, careful examination does demonstrate a previously unsuspected abnormality or a rapidly fatal infectious disease, such as meningitis or pneumonia. These particular children are not victims of SIDS. If death results from an infectious disease for instance, the family may need to have protective medication. A thorough autopsy can put the family at ease about this.

### *How can a healthy baby die so suddenly without finding a cause at autopsy?*

Unravelling the mystery of death can be extremely difficult. A typical picture is seen which consists mainly of changes in the tissues of the respiratory system. The consistent pattern has in itself now established a definition of death as due to SIDS.

### *Was it my fault?*

Virtually every parent feels responsible for the death of his child, until the facts are known. In untold thousands of cases much needless blame has been placed by one parent upon the other, by relatives upon the parents, upon a babysitter who happened to be with the infant at the time it died, or upon the family doctor who pronounced the infant healthy shortly before it died. We know of families that have been broken up by repercussions arising from this problem. Therefore, it is important to make clear that recent research proves that *SIDS cannot be predicted*, and in the light of present knowledge *SIDS cannot be prevented.* The disease has no specific symptoms and occurs in the best families, to the most competent, careful and loving parents. Indeed, we often feel that the victims of SIDS are unusually robust, healthy, and obviously well cared for. Even when the infant has recently shown signs of a slight cold and has been taken to the doctor, nothing has been found that would lead him to anticipate SIDS. Regardless of how thorough the examination or of the treatment prescribed, SIDS cannot be predicted even by a physician. SIDS sometimes even occurs in hospitals to well babies admitted for minor surgery.

### *Did my baby suffocate in its bedding?*

It is not uncommon for victims to be found wedged into the corner of their cribs or with their head covered by blankets. Sometimes their face is turned down into the pillow or mattress or is discolored. Under such circumstances, it is natural to assume the baby smothered. However, SIDS also occurs under conditions where there is *no* possibility of smothering. The baby is found without any articles of bedding, clothing, toys or pets around or near the face. The autopsy findings are identical in both types of cases. Investigators have found that even when infants are covered by bedding, the amount of oxygen is not reduced to the point of causing suffocation. Thus it is possible to say with certainty that *SIDS is not caused by external suffocation.*

### *Could my baby have vomited and choked after his last feeding?*

SIDS is not caused by vomiting and choking. Sometimes milk or even blood-tinged froth is found around the mouth or on the bedding. This has been shown usually to occur after death, and at autopsy is found not to block the internal air passages.

### *Can SIDS be prevented?*

There is no known way to prevent its occurrence. No symptoms exist, so extreme anxiety will serve no useful purpose. Although SIDS is not infectious in the usual sense, there are many health reasons why it is better to avoid taking a young infant into crowds of people.

This does not mean infants should be kept away from small family groups or kept away from others in their family. Babies need company and thrive on meeting others outside the immediate family. But this can be done without undue exposure to crowds.

### *What causes SIDS?*

There have been many theories through the years as to the cause of SIDS. None of these have yet been proven and most have been discounted. Years ago an enlarged thymus gland was believed to block off the infant's airway. We know now that this does not happen. This assumption was made because the thymus gland of a healthy infant is large compared to that of an infant who has been ill. In the past, examining physicians were accustomed to seeing only those thymus glands of infants who had died of disease because few autopsies were done. We now find that some causes of SIDS had small thymus glands due to recent illnesses from which the infants had recovered.

Allergy to cow's milk has been suspected by some to bring on sudden reaction severe enough to cause death. However, recent studies on antibodies in SIDS cases have failed to support this theory, and some SIDS babies have received no cow's milk.

Other theories that have been discounted are: bacterial infection, radiation fall-out, use of modern machines and drugs, smoking, adding bleach to the diaper wash, "whiplash" injury to the spinal cord, air pollution, and fluoridation. It is important to emphasize that SIDS is not a new disease and is no more frequent now than it was centuries ago.

### *Did my baby suffer?*

It is known that SIDS can occur within five minutes. It is probably almost instantaneous. There may be some movement during the last few seconds of life, accounting for the displaced blankets or unusual positions that are sometimes evident. However, the babies do not cry out and very often show not the slightest trace of having been disturbed in their sleep. Therefore, it is safe to conclude that *SIDS does not cause pain or suffering* to the baby.

### *Was it something infectious? Is the immediate family in danger?*

SIDS is not contagious in the usual sense of the word. For example, sometimes one of twins in the same bed is taken by SIDS, yet the other is spared. There are seasons during which SIDS is more commonly seen but there is no reason for unusual concern in cases where an infant is exposed to an SIDS case.

SIDS virtually never happens after the first year of life, so older children are not at risk. There is no need to be concerned about contamination from clothing, bedding, or furniture of an SIDS baby. The common viruses which appear to play a leading role in SIDS do not survive outside living bodies.

### *Would it have helped if I had breast fed my baby?*

Breast feeding does not prevent SIDS. Literature of previous centuries, when nearly all babies were breast fed, mentions the problems of sudden infant death. Recent research shows SIDS occurs to breast fed as well as to bottle fed babies. Breast feeding is recommended to mothers because the breast milk is usually well tolerated by the baby. Some additional antibodies are received from the mother in the colostrum which is present before the actual breast milk comes in. However, a baby is born with his major supply of antibodies that help him fight infection.

### *What about babies we might have in the future?*

About two to three of every 1,000 newborn babies will die of "crib death" yearly in the United States. According to the best available data, *SIDS is not hereditary.* Therefore, it is probable that any future babies in a family will run no more than the random risk of two to three per 1,000. This is quite a small risk. *More harm than good may be done to a subsequent child by excessive anxiety over SIDS.*

### *Is this a new disease? Aren't there more deaths of this kind now?*

There is evidence that SIDS has been with us since antiquity. In Biblical times it was referred to as "overlaying." Then, as in some cultures today, mothers slept with their infants. When a mother woke to find her child dead, she assumed she must have rolled over on him and caused his death. Any new mother, however, knows how aware she is of the new baby and how impossible it would be for her to do this.

We do not believe there has been an increase in the number of SIDS cases in recent years, but there is more publicity about them than in the past. Studies in many areas of the world consistently show the figures of two to three SIDS deaths per 1,000 live births. Enlightened communities list the cause of death as SIDS or "crib death"; other areas list them as "suffocation," etc. This is a tragedy for the family as it leaves them with a lifelong feeling of guilt by indicated neglect. This is absolutely untrue and unnecessary. In some communities, confusion still exists about this disease. Only recently have the research facts about SIDS been added to medical school texts.

### *Do these deaths occur all over the world?*

There is evidence that SIDS is an extremely widespread condition. Studies of the syndrome in England, Ireland, Australia, Czechoslovakia, Canada, Denmark, as well as New York, Washington, D.C., Pennsylvania, Ohio, Washington, Orgeon and elsewhere in the United States have all revealed similar rates of occurrence. We know that SIDS occurs in tropical climates of Florida and the heat of southern California as well as in the cooler climates of the Northwest and the Northeast.

With present day communications and transportation, researchers are able to keep informed of other studies and can meet together to discuss the course of further research with the hope that the solution to this problem will be found soon.

## PROBLEMS OF GRIEF

### *About parents' grief*

After the initial shock and the numbness of the first few days begins to wear off, parents find that they are left with a prolonged depression. There will be "ups and downs" that can be brought on by a thoughtless or innocent remark from someone who doesn't understand the disease or by remembering that it is the same day of the week or date in the month that the baby died. At these low points, it is often very helpful for them to talk to a member of the "parents group." (See section on "Sources of Help and Information.") Only another parent who has had this same experience can convincingly say that things won't always look as they do today, that time really does make a difference. If there is no such person available, the family physician or minister can be reassuring.

Parents find that it is *difficult* to concentrate for any length of time. The mind wanders making it difficult to read, write, or make decisions. Some experience a "whirling around" sensation or pressure in the head. This is very normal and does not indicate that a person is losing his mind. *Sleep is difficult,* often leaving parents fatigued. If they have a family to care for or a job to get back to, they may need some temporary help from their doctor in the form of mild medication in order to get some rest. Even with sleep, the feeling of exhaustion persists.

Those in grief may experience muscular problems or other *physicial symptoms* centering around the heart or in the stomach. Often there is no appetite, and they eat only because they know they must. They may feel "tied in knots" inside. Mothers nearly always say their arms "ache to hold their baby."

There may be an irresistable urge to get away, a fear or dread of being alone, or unreasonable fears of danger. If there are other childen, parents fear for their safety and don't want to let them out of their sight, but at the same time may be afraid of or shun the responsibility of caring for them. Even with this concern about their children, there may be feelings of extreme irritation and impatience with their behavior. Parents rely a great deal on family and friends, but at the same time may resent their help and feel guilty about this. The situation is made even more difficult when the community around them does not understand SIDS. Friends or relatives who are trying to help seem to say the wrong things or do not understand the disease.

### *The grief reaction of husband and wife may be different*

It is quite normal that husbands and wives express their grief in different ways and this is not always understood. For instance, mothers generally need to "talk out" their grief while fathers tend to suffer more in silence. Husbands are diverted by their work while wives are usually at home surrounded by constant reminders. Very often the loss of the infant is the first grief situation either parent has faced.

### *Children's reaction to death*

Children will be affected in some way by a death in the family. *A small child* who is too young for explanations needs mainly to be shown love and affection by his parents for his own security. Little ones may have some very frightening thoughts that they cannot express. They may cling to the parents and do naughty things to get the attention they need. If there are *older brothers and sisters* in the family, one can expect special kinds of grief reactions. Children often feel terribly guilty about the death of a sibling. They often fear their own thoughts towards the baby could have caused its death. An older child should be told as much about the facts as he is able to understand. He should feel that this is an open subject in the family and that he can express his thoughts or questions about death as they arise.

Children may not show their grief in obvious ways. Because they cannot deal effectively with tragedy, they may deny it and seem quite unconcerned. *It is important to talk with brothers and sisters about the death and to discuss the fact that this was a disease.* It is best not to say "the baby 'went away' in sleep." It is important to explain that the reason the baby died is because of a disease that strikes suddenly to only a *few* infants of *that* particular age. Brothers and sisters should be assured that older members of the family including themselves are immune. (In cases where there is a surviving twin, the entire family should receive special counseling.)

Many youngsters have been a source of strength for the family. They have written poetry and verse and often have a very simple, unshakeable faith about the pattern of life and death. Some children, on the other hand, because of circumstances or age or emotional make-up have felt great insecurity after an infant's death. This has manifested itself by nightmares, bed wetting, difficulty in school, and other disturbances. Any such problems should be discussed with the child's doctor.

### *Close relatives, babysitters, etc.*

Occasionally the baby is in the care of relatives or babysitters when the death occurred. This is a special problem and counseling should be made available to them also. It is often helpful for them to have literature or talk with the doctor. At first parents may tend to blame the babysitter or to blame themselves for having left the baby at all. On occasion the mother has been blamed by the husband or relatives for the death of the baby. So it is important that everyone understands about the disease. Often giving literature is more helpful than trying to explain.

## SOURCES OF HELP AND INFORMATION

The National Foundation for Sudden Infant Death, Inc., 1501 Broadway, New York, NY 10036, Phone: (212) 563-4630.

This is a national organization with chapters in many areas of the United States. It maintains contact with and makes referrals to other groups and individuals concerned about Sudden Infant Death Syndrome, some of whom are not directly affiliated with it. (See "Role of Parent Groups," Appendix I, *Proceedings of the Second International Conference on Causes of Sudden Death in Infants.*) The purpose of the NFSID, Inc., is to assist parents, educate the community about SIDS, and promote SIDS research.

The Foundation was the first organization to call attention to the need for research and has awarded grants to assist several studies. It promotes and sponsors programs of professional counseling, publishes a quarterly newletter and distributes literature. It financially supports the mailing of information to various community agencies and medical groups. Many prominent physicians and lay people serve on its advisory board and as officers. It formerly was named the Mark Addison Roe Foundation and was started by the Jedd Roe family whose son Mark was a victim of SIDS when they lived in Greenwich, Connecticut.

Administered by a board of trustees composed at present of sixteen doctors and laymen, the Foundation is a tax-exempt charitable corporation supported by contributions from the public and from a small number of private philanthrophic foundations.

In keeping with its national character, there are trustees on the board from Seattle, Denver, Chicago, Toledo and Philadelphia as well as from New York, New Jersey and Connecticut metropolitan areas. A medical board appointed by the trustees advises them on all medical matters and recommends action on applications for research grants.

The medical board consists of: Marie A. Valdes-Dapena, M.D., Chairman, M. Renate Dische, M.D., J. Bruce Beckwith, M.D., James R. Patrick, M.D., Eli Gold, M.D.

Donations should be mailed to the New York address above or to any local chapter. (Local group information may be included with this brochure.) The Foundation sends an acknowledgement card to the donor and to the family of the person being memorialized.

### *Scientific information*

Two major sources of scientific information regarding SIDS are:

*Sudden Death in Infants: Proceedings of the Conference on Causes of Sudden Death in Infants* (1963), National Institute of Child Health and Human Development, Bethesda, MD, 20014.

*Proceedings of the Second International Conference on Causes of Sudden Death in Infants* (1970, University of Washington Press, Seattle, WA 98105.

## MISINFORMATION

A great deal of misleading information and erroneous interpretation about sudden infant death finds its way into print. The most recent items serve as examples:

A newspaper filler that we see every few months states, "suffocation in the crib is the number one killer of infants under one year . . ." This is of course referring to SIDS, and we know now for certain that external suffocation is *not a cause of SIDS* and that babies do not suffocate in bedding, no matter how any one incident might appear at the time.

Many "theories" are among seven completely discounted in the proceedings of the Second International SIDS Conference.

If you read such obvious errors in the press, *you can help correct them.* Clip the statement or article out of the newspaper or magazine; identify the publication, date of appearance and page number; and mail to the National Foundation for Sudden Infant Death, 1501 Broadway, New York, NY, 10036. It is extremely cruel and confusing for these statements to keep reappearing in print. If you feel qualified, you might write the publication yourself, *particularly* when articles suggest accidental causes such as the statements printed above. Your note should state that SIDS is *not accidental,* but a definite disease entity which is, at this time, *not preventable.* Refer them to the National Foundation for further information and strongly urge them to print a correcting statement as soon as possible.

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## SUDDEN INFANT DEATH SYNDROME—THE EXTENT OF THE PROBLEM IN THE UNITED STATES

Problem: The sudden infant death syndrome—the death of an apparently healthy infant which remains unexplained after a complete post mortem.

Incidence: Annually, 10,000 thriving, well-cared for infants die as victims of the sudden infant death syndrome. This is three in every 1,000 live births, almost one sixth of all infant mortalities in the United States. In a large metropolitan area, such as New York City, one baby dies every day. The attached map illustrates the incidence of SIDS, per state, yearly.

Victim: SIDS has no regard for race or economics; it strikes babies in every level of our society. However, babies who are black, Indian, Mexican or poor white Americans and whose families live in urban ghettos will more frequently be SIDS victims than babies of the more privileged classes. This is also the case with babies born prematurely or of a low birth weight.

Psychological trauma: Virtually every family losing an infant to SIDS feels responsible for the death, due to ignorance of the disease on the part of health professionals and the lay public. Without immediate understanding, the problems of guilt and deep grief are long lasting and destructive to the entire family unit.

Medicolegal system. Since SIDS strikes without warning and without a physician in attendance, infant victims are delegated to the medical examiner or coroner for investigation. In many areas of the United States, autopsy is neither mandatory nor is it performed on SIDS victims. Deaths are often certified by the neighborhood funeral director or a coroner unskilled at pediatric pathology. Consequently SIDS is too often dealt with as a criminal case or certified as suffocation (or other unsubstantiated theories) which carry a connotation of negligence on the part of the family. For accurate statistics, new medical data and an ethical standard in dealing with the SIDS family, there must be a concerted effort to revise the entire medico-legal system.

Medical awareness: SIDS warrants only perfunctory discussion in medical textbooks and is almost never examined in the classroom. Since the victims are not hospitalized, rarely are they seen in teaching hospitals where the major thrust of modern medical ideas originate. In every community, in private practice or in clinics, physicians and nurses are completely unprepared to deal with the death of a healthy infant or to offer understanding and knowledge to the family.

Research status: Although support of research on sudden infant death syndrome is a high priority at the National Institute of Child Health and Human Development, there are few applicants for the available funds. As long as SIDS continues to be nonexistent in medical training, there will be no new impetus for research.

Model system: In the entire United States, there is but one community committed to an organized, humane system of dealing with SIDS. In King County, Washington (Seattle), every SIDS is autopsied at a teaching hospital, the family is immediately contacted by the attending pathologist, a visit is made to the family by a public health nurse and a subsequent visit, two weeks later, is again made. With cooperative efforts of the NFSID and government agencies, this system could exist nation-wide and no family would have to face the torment of not knowing why their baby died.

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[From the Washington Post, Jan. 26, 1972]

### INQUIRY INTO "SUDDEN INFANT DEATH"

(By Stuart Auerbach)

It is perhaps the most horrible death of all. At midnight the infant is sleeping easily. By morning—suddenly, without explanation—he is dead.

At least 10,000 children a year—three of every 1,000 babies born in America—die this way. Each morning, as many as 60 American mothers walk to their babies' crib only to find them dead of a disease called sudden infant death syndrome (SIDS) or more simply, crib death.

Medical science does not know what causes SIDS. And since its only symptom is death, they have no way to treat it. There is not even an official classification for the disease on medical records, and it is often listed by doctors as pneumonia or suffocation.

"It's almost as if there were no such entity as sudden infant death if you search the records and literature—even though thousands of empty cribs, tiny graves and broken hearts bear mute evidence of the total destruction of this killer in our midst," said Saul Goldberg of Baltimore, president of the International Guild for Infant Survival.

He and three other parents of infants who died of SIDS testified yesterday before the Senate Subcommittee on Children and Youth headed by Sen. Walter F. Mondale (D-Minn.), where they pleaded for more federal money for research into the causes of the disease.

Dr. Abraham B. Bergman of the University of Washington in Seattle, head of the National Foundation for Sudden Infant Death, said the government has neglected research into SIDS.

Dr. Merlin K. DuVal, assistant secretary of Health, Education and Welfare for health affairs, said few scientists seek grants to study SIDS.

Of 13 grant requests submitted to the National Institute of Child Health and Human Development over the past nine years, five passed initial review and all were funded—a total of $700,000. In addition, he said, 43 projects relating to SIDS costing $1.8 million were funded in 1971.

SIDS occurs more frequently among the poor and the non-white than the affluent and white; it especially hits premature infants and rarely occurs after a baby is one year old. It is the largest cause of death in children between one month and one year.

Most deaths occur between November and February, leading some doctors to believe that changes in temperature trigger the disease.

But most researchers now believe there is no single cause for SIDS. The best current theory, DuVal said, involves a combination of infection and the instability of the nervous system during sleep.

The parents told Mondale's subcommittee that their children's deaths left them guilt-ridden—feeling that perhaps they were somewhat to blame.

"There still is today," said Arthur A. Seigal of Closter, N.J., "doubt in some of the minds (of family and friends) that we were neglectful to our son (who died five years ago) and that if we had been 'better parents' Danny might still be alive."

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[From the Washington Post, Jan. 26, 1972]

### THE MYSTERY OF CRIB DEATH

Among the many baffling mysteries of the human body, few remain as persistently unsolvable as crib death. The disease is known medically as sudden infant death syndrome (SIDS). Estimates vary on how many victims die every year; the National Institute of Child Health and Human Development believes between 7,400 to 10,500 occur annually, while two private groups—the National Foundation for Sudden Infant Death and the Guild for Infant Survival—put the figures between 10,000 and 20,000. Whatever the number, little argument exists that SIDS is a definite disease and is the number one cause of death in infants after the first week of life. Mystery is present because it can neither be predicted nor prevented. The infant is usually under six months of age. Typically, the baby is healthy and normal, though sometimes a common cold may be present; he or she has been put to bed routinely but some hours later, with neither a cry or any indication of pain, is found dead.

On Tuesday, the Senate Subcommittee on Children and Youth held one day of hearings on crib death. One expected and much needed result of these hearings is that greater public attention will now be focused on this dangerous and widespread disease. Dr. Abraham Bergman of Children's Orthopedic Hospital in Seattle and president of the National Foundation for Sudden Infant Death, believes that the urgent problem about SIDS "is ignorance among the medical profession and lay public. In the vast majority of communities, parents who lose children to SIDS are treated as criminals . . . Many medical examiners and coroners are still calling the disease suffocation or a variety of other names." In addition to normal reactions of grief, parents of SIDS victims often suffer guilt or emotional pain unmatched by other diseases. "The toll of broken families around the country for sudden infant death is shocking," said Dr. Bergman.

As a beginning sign of congressional interest in SIDS, the hearings were useful. As Sen. Walter F. Mondale, the subcommittee chairman noted, it was only three years ago that crib death was finally identified and described as a specific disease. What needs to be done now is for NIH to examine its research possibilities, first to discover the causes of SIDS and then to see how it may be prevented. Neither goal will be easy to reach, but with annual deaths ranging in the 10,000 area, the reduction of infant mortality should at least be a major concern of both Congress and the government. No one can deny that SIDS is surely a major concern to tens of thousands of parents.

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[From the New York Times, Jan. 26, 1972]

### SENATE PANEL TOLD "CRIB DEATH" IS UNSOLVED DESPITE HIGH TOLL

WASHINGTON, January 25.—"Crib death," a mysterious disease that kills seemingly healthy babies while they sleep, claimed at least 10,000 lives last year, but the Federal Government spent only $46,000 on research and prevention of the disease, a Senate panel was told today.

A series of witnesses at a hearing of the Senate Subcommittee on Children and Youth offered little hope that a cure would be found soon to end the disease—also called Sudden Infant Death Syndrome—or even that causative factors of the disease would be learned.

"Consider the tragedy of the mother who has fed her healthy child as usual and put him to bed," said Senator Walter F. Mondale, chairman of the subcommittee.

"She awakens in the middle of the night, looks in on the baby and finds him dead," the Minnesota Democrat continued. "Can she ever hope to escape the gnawing feeling that she was in some way responsible for that death?"

Medical witnesses said parents had no reason for guilt. Dr. Merlin K. DuVal, Assistant Secretary of Health, Education and Welfare for scientific affairs, said progress in research on the cause of crib death had been slowed because few scientists were interested and beause of the nature of the phenomenon itself.

"Its starting point is the death of the infant, which is instantaneous and without warning," Dr. DuVal said. "There is no opportunity to observe the forces and the interrelationships leading up to the baby's death."

He said there apparently were many factors involved and said a current theory involved infection, instability of the nervous system, and sleep.

Dr. DuVal added that the theory was difficult to test because no animals were available for laboratory research.

But Dr. Abraham B. Bergman of Seattle, president of the National Foundation for Sudden Infant Death, reported that Dr. Orville Smith of the University of Washington had discovered that some infant monkeys die during sleep and that autopsy results closely resembled that of infants whose deaths were similar.

Dr. DuVal said research at the National Institute of Child Health and Human Development directed specifically at the cause of the syndrome is funded at the level of $46,258.

He said $1.8-million was spent on related research.

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[From the Washington Post, Dec. 31, 1971]

### Neither Predictable Nor Preventable—The Sudden Infant Death Mystery

(By Colman McCarthy)

Perhaps no other death is more difficult for the survivors to bear or the community to understand than the death of an infant. The special kind of funeral—the white coffin the size of a toy box—the mother's grief on carrying a baby inside her for nine months only to lose the child after it is soon outside, the straining of religious faith that says the infant's death is somehow in "God's plan": little of this helps. Yet, about 10,000 to 15,000 babies die of what is called sudden infant death syndrome (SIDS) every year in the U.S. One infant in 350 is a victim. According to HEW figures, 77 infants died of SIDS in the District of Columbia in 1969; 220 died of it in Virginia and 169 in Maryland. Popularly called crib death, SIDS is a major American health problem. Excluding the first week of life when infants die from complications of prematurity, SIDS is the nation's largest cause of death in infants under one year and second only to accidents as the largest cause of death to children under age 15. A news story occasionally appears on the subject and magazine "health columns" refer to it periodically; but the ones who know it best are the parents of the victims. The subject is topical this week because the National Foundation for Sudden Infant Death in New York has announced that Dr. Abraham Bergman is its new president. Bergman is a Seattle pediatrician who for years was a leader in the fight to get flammable clothing off the market.

The mystery of crib death is that it always occurs in sleep. It is neither predictable nor preventable. Parents who give their infant its last feeding of the day—either by bottle or breast—never dream that death is about to strike. The child runs no fever, is not coughing and sounds no louder than usual in the final cry before falling off to sleep. Not many parents even know about SIDS, but, even if they did, obsessive worrying about it would be neurotic. Research groups at the University of Washington and Children's Orthopedic Hospital in Seattle, where Bergman teaches, believe that SIDS babies die from a sudden spasm of the vocal cords that close off the airway during sleep. This is often associated with a viral infection. Yet the viral infection does not cause the death, only causes the vocal cords to be more susceptible to a sudden spasm. Even more mysterious is why a viral infection in a 2- or 3-month baby is different than in a 3- or 4-year-old, or an adult. One researcher has reported that sudden unexplained infant deaths "tend to occur most frequently during cold weather in a sleeping 2- to 4-month-old infant born prematurely or of low birth weight, who at the time had an upper respiratory infection. However, one of the major problems that continues to require solution concerns the means by which these characteristics result in or lead to SIDS."

Two international conferences, in 1963 and 1969, were held on crib death, but research is only beginning. Although Bergman reports that some critics say the federal government is purposely doing nothing in the field, he believes the opposite is true. To date he says the National Institutes of Child Health and Human Development has never turned down a qualified research application on SIDS. "The problem," notes Dr. Gerald LaVeck, the institute's director, "is mostly a lack of trained scientific investigators interested in conducting research into the problem."

While the physical mysteries of crib death are explored, there is no confusion about the emotional and social pains suffered by the surviving family. "There is a large amount of ignorance in the U.S. medical profession and the lay public about SIDS," says Bergman. "In the majority of communities, parents who lose children to SIDS are treated as criminals. In many places, they can't get autopsies or else must pay themselves. Usually, families must wait many months to hear the results of these autopsies from a medical examiner's or coroner's office. Many examiners and coroners still call the disease 'suffocation' or a variety of other wrong names. This only reinforces the natural guilt that parents feel anyway. Many are subjected to coroner's inquests and questioned by police. This is a national scandal and must cease."

The destructive emotional effects of crib death can last long after the regular mourning period. Tremendous after-guilt may be felt by fathers or mothers who did not "go in to check" when the baby cried during its last night; physically, though, it would have made no difference, because crying does not occur during the baby's agonal period. Other parents suffer excessive guilt at not having taken the infant to the pediatrician, especially if coughing or a fever was present. If they did just visit the doctor and the baby dies, parents wonder "what the doctor missed." Curiously, Bergman reports, "physicians themselves harbor the same doubts, often for many years. A discussion of SIDS at a medical meeting invariably turns into a confessional for physicians who feel the need to stand up and re-live their traumatic experience and be convinced of the known facts."

It is not that easy for parents. Occasionally, divorce follows a crib death, the father refusing to live with the mother who "let a baby die." If a babysitter or relative was home at the time, they may be blamed, with the parents always feeling guilty about going out for the evening. "In the weeks following the death," Bergman says, "there is often marked change of moods. The parents have difficulty concentrating and frequently express hostile feelings toward their closest friends and relatives. Denial of death is common; the mother may continue to draw the baby's bath or prepare his food. Dreams about the dead child are common, as is a fear of being left alone in the house . . . Other common reactions are anger, helplessness and loss of meaning of life. Parents are fearful, particularly about the safety of their surviving children. A fear of 'going insane' often occurs in the first few days and may last for several weeks. Guilt is universal and pervasive. Whether they say so or not, most if not all the parents feel responsible for the death of their babies."

The last point is the most crucial if the surviving parents are to lead normal lives. In medical fact, they are not responsible. Doctors, medical examiners, counselors and friends have the obligation to inform the parents that they did nothing wrong and could *not* have prevented the death. Guilt or anxiety may never be totally removed, but at least it can be lessened so that life can go on. If families can be consoled after a member dies of cancer, a car crash or other common cause of death, why not with SIDS? Perhaps if the disease is recognized as a disease, and not as a form of suffocation or pneumonia, more can be learned about it. Preventive medicine has conquered other diseases of mystery; it can conquer this one too.

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[From the Congressional Record, Jan. 19, 1970]

### "Crib" Death—The Mysterious Killer

Mr. Tydings. Mr. President, on December 2, 1969, Mr. Saul Goldberg, president of the International Guild for Infant Survival, Inc., of Baltimore, Md., presented some very important testimony before the Senate Appropriations Subcommittee on Labor, Health, Education, and Welfare. The guild, which I have the privilege of serving as a member of the honorary advisory board, is a nonprofit charitable and educational organization comprised of citizens across America who are deeply concerned with the tragedy of thousands of infants who died each year soon after birth.

In his presentation before the Appropriations Committee, Mr. Goldberg discussed a little known and little understood form of infant mortality called "crib" death. It takes the lives of 15,000 to 25,000 infants a year; yet we understand nothing of its cause or its prevention. In a Nation that prides itself on its medical advancement and scientific sophistication, this situation its nothing short of criminal. As Mr. Goldberg so eloquently points out, it is clearly time we began devoting the attention and the research resources to this mysterious killer that it demands.

To all who are interested in this critical problem, I strongly recommend Mr. Goldberg's excellent statement. Therefore, I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

### Statement by Saul Goldberg

I have been asked to be brief in my testimony. I wish I were not here at all for the purpose I must be. I come before this distinguished subcommittee as president of The International Guild for Infant Survival, Inc., a non-profit charitable and educational organization of parents and other citizens throughout the United States tragically bereaved or deeply concerned by the horrible loss of helpless infants who are not here to speak for themselves. I speak to you now in their name: the tens and hundreds of thousands—perhaps millions—of innocent babies who have died suddenly and unexpectedly in years past. I speak to you also in the name of the 15,000–25,000 normal, healthy babies in our 50 states who are dying in this same bizarre manner this year of 1969. More importantly, I speak for the untold thousands and hundreds of thousands of the babies in future generations who face this same terrible fate at the very beginning of life.

These precious babies of ours are with us no longer. There is no "poster child" for us to bring here to remind you of this tragic problem. There is no handicapped youngster to accompany me to evoke your sympathy and help. Their passing comes so quickly and silently, these infants have little time to become known outside their own family and the general public is thus unaware that this dilemma even exists. Yet, for every victim, death is final. And all that remain are an empty crib . . . a tiny grave . . . and broken hearts.

Who will speak for these departed children? Who will come forward to plead for the lives of future generations? A group of stricken parents and some who have been spared but feel a deep compassion, a deep empathy, have banded together as The International Guild for Infant Survival to serve as the voice of all these dear children, to provide comfort and information to bereaved families, to give encouragement and support to scientific research activities in this field, and to bring the seriousness and scope of this major health problem to the widest public attention.

We cannot keep silent and watch more children die in vain without lifting a finger. We cannot ignore what is happening before our very eyes, seeing these loveable babies slip through our hearts and homes. We cannot stick our heads in the sand in the mistaken belief that somehow all this tragedy will disappear. And America can no longer afford to sit idly by while millions of hours of manpower and talent which could be put to peaceful and productive purposes are buried forever.

Our growing group of Americans represents an important point of view in many parts of this great country which I would like to respectfully bring to your attention at this time.

1. I would like to inform you, first of all, of the actual existence of this mysterious phenomenon which concerns our most precious asset—our babies and their very lives. It is know only as sudden infant death, or sudden death syndrome, or "crib death." So little is known about it, there is not even a medical or scientific name to describe it.

2. Sudden infant death kills infants from 10 days to 2 years old, most being between 2–3 weeks and 6 months of age, without any warning and for no apparent reason.

3. From all reports given by parents, pediatricians, and medical examiners, these babies were perfectly normal and healthy. Some had been given a medical examination a few days before. Some had fathers who were physicians themselves—at home at the time—and they could do nothing. Yet the same set of circumstances is repeated over and over again. A mother puts her young child to sleep or to nap and, when she goes to check on the child later on, the baby is found dead.

4. This distressing mystery is all the more puzzling because it persists in an era when babies have been made more safe from fatal diseases today than ever before. Years ago, families were purposely large because it was expected that one or two babies would die in infancy. The old scourges like diphtheria, whooping cough, typhoid fever, polio, and others now have all been eliminated. Yet our infant mortality rate remains too high. It is the very success of modern medicine today that has ironically exposed this serious sudden infant death problem—for which there is still no known cause, no prevention, no treatment, no cure.

5. Sudden infant death provokes serious feelings of guilt, self-recrimination, and inadequacy. After the first few moments of stunned disbelief, the stricken parents usually start blaming themselves and wondering what they did wrong. How else can you explain the loss of such a beautiful little baby? The emotional impact of such a traumatic experience can have lasting effects: disrupting families, unbalancing other children, wrecking marriages, and fostering personal chaos to such an extent that some will dare not think or speak about it for years. Others think this tragedy is something of a personal stigma to hide from and forget. Some place the guilt on an innocent third party, such as the doctor, the baby-sitter, or a housekeeper.

6. Yet, there is no foundation in fact for these feelings of guilt, frustration, and failure. Upon medical investigation and detailed autopsy, the vast majority of reports in these cases reveal no explanation to account for death. Sometimes there may be some evidence of a slight infection or a cold in the family, but nothing to medically cause death itself. Frequently, there is no clue at all. Everything is negative and normal.

7. Experts and investigators cannot tell us how extensive this problem actually is. The most conservative estimates start at 10,000 deaths each year in the United States alone. More realistic estimates range between 15,000–25,000 deaths a year, while some refer to incidences as high as 35,000 annually. This then represents from 10% to 25% of *all* infant mortality after the first few days following birth. One reason it is not known how many sudden infant deaths there are is because most states do not permit the frank term, "death unexplained" or "sudden unexplained infant death", to officially appear on certificates as the cause of death, even though most high medical authorities recognize this dilemma for the tragedies they are. To place these figures in better perspective, this frequency of sudden infant death is almost as high *each year* as the total number of Americans killed in Vietnam over *several* years!

8. Sudden infant death can strike any home, any time, any place. It is no respecter of race, color, religion, creed, nationality, national origin, geography or socio-economic status. It does strike all kinds of families from every background—from the poor ghetto family to that of your colleague from Connecticut Senator Ribicoff.

9. How significant is this sudden infant death problem? The National Institute of Child Health and Human Development, specifically involved with this problem, helped to support only the Second International Conference on sudden infant death, bringing together over 40 medical experts and concerned scientists in infant mortality earlier this year. From this important meeting came the news that sudden infant death is the leading cause of death among all health problems of young children. In some communities, it was mentioned, sudden infant death even surpassed accidents as the number one cause of death among all children.

10. So challenging and disturbing is this mystery that some medical men have taken it upon themselves to do some investigation on their own without signficant progress thus far. Several theories have been offered, but none as yet withstand the test of careful scrutiny. However, it now appears certain that suffocation and neglect are not the answers, nor did anyone with the baby at the time do anything to contribute to his death. More recognized experts have become concerned in recent months and have spoken of their theories and research ideas, hoping for the financial resources to pursue their interest in saving these young lives. Regrettably, the National Institute of Child Health and Human Development specifically, and the Department of Health, Education, and Welfare generally, have such comprehensive responsibilities and such limited budgets that up until now there has been too little incentive to encourage these efforts, interests, and plans.

11. In summary, therefore, sudden infant death is a leading killer of our most precious asset—our children. Yet so little is known about it, there is no scientific name, no exact accounting of the number of these deaths, no known cause or prevention, let alone a cure, and this tragedy contributes significantly to our high infant mortality rate. Knowledgeable medical men and health officials recognize these losses of young life as one of the most distressing and puzzling problems in the entire field of medical practice—and want to devote their time and effort to this kind of research in the fact of a limited research budget for this specific dilemma.

12. It seems apparent to us that there is a definite need for this distinguished panel to seriously consider an increased research budget to find out all we can about what sudden infant death really is once and for all. It seems vital to us that larger research appropriations are required through the National Institute of Child Health and Human Development and the Department of Health, Education, and Welfare commensurate with the magnitude and scope of these deaths in today's infant mortality picture and the extent of medical ignorance to this day. This is a major health problem which is concerning a growing number of citizens and professional men—that we respectfully suggest deserves your fullest attention and consideration.

The President has stated that one of this administration's major concerns is the first 5 years of life. His predecessor was equally concerned with our high infant mortality rate. The Vice President has generously given us and the lives of our dear babies his personal support, as has our own Maryland Congressional delegation led by Senator Tydings. Senator Ribicoff's family knows of this tragic experience first-hand.

No one can say who will be touched in the weeks and months ahead. We do know there will unfortunately be many, far too many. How much longer will our babies die so tragically and so unnecessarily? How much do we really value life itself? Today, you have a golden opportunity given to very few . . . the opportunity to save thousands of lives every year! Speaking for all our children, you hold in your hands and minds the power to speed the day when no more happy, healthy, precious babies—so full of life—face this terrible fate of sudden death.

For those who may question personal involvement, permit me to quote from John Donne's famous paragraph (Devotions, XVII): "No man is an island, entire of itself. Every man is a piece of the Continent, a part of the main. . . . Any man's death diminishes me, because I am involved in Mankind. And therefore never send to know for whom the bell tolls, it tolls for thee."

For those who see the task too difficult, allow me to recall the words of Senator Robert Kennedy: "Some men see things as they are and say, Why? I dream things that never were and say, Why not?"

Our dear babies can be given *life*. For as another of our great Presidents once said: ". . . here on earth, God's work must surely be our own."

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## ULMS AND AWACS: IS THERE A SOUND RATIONALE?

Mr. PROXMIRE. Mr. President, the new defense budget presented to Congress earlier this week by the administration includes large funding requests for a number of major strategic weapon systems. Some of these requests call for a further step-up on programs to which sizable commitments have already been made. Examples are the ABM—which remains in limbo at a cost of $1.5 billion pending a SALT agreement which would allow a cutback—and the B–1 bomber—up to $440 million in the third year of its prototype development program. Also included, however, are major step-ups on two other strategic programs which have been funded in the past at a relatively low research and development effort. I refer to the undersea long-range missile system—ULMS—which is budgeted to rise from $103 million to $942 million and the airborne warning and control system—AWACS—which is slated for a jump from $140 to $470 million.

### YEAR OF DECISION

This budget session in Congress will be a year of decision for both ULMS and AWACS. The new budget requests involve production funds for the first time, and history has shown us the great difficulty in cutting back later on programs for which production funds have once been authorized. The point is well taken in an editorial of the Washington Post. Mr. President, I ask unanimous consent that a copy of this editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, Jan. 28, 1972]

### Funds for Strategic Weapons Systems

Q: Here, when you talk procurement, you're talking R&D procurement as opposed to deployment procurement?

A: Yes.

Q: No deployment decision?

A: No deployment decision.

Q: Same as on AWACS [airborne warning and control system], no deployment?

A: No deployment.

Q: Does this mean you're going to build one of these things?

A: It is $942 million. The answer is that you do not move this fast unless you intend to build submarines and new missiles. . . .

The exchange between Assistant Secretary of Defense Robert C. Moot and newsmen who were being briefed on the fiscal 1973 defense budget at the Pentagon the other day casts a few flickering rays of light on a murky—yet absolutely crucial—aspect of that budget: the manner in which it may create commitments to vast and costly new weapons systems well in advance of any formal decision to proceed with them. In fact, these are commitments of time, money and technological skill that tend to render subsequent decisions superfluous, representing an investment of resources that is in itself a decision and generally an irreversible one. What makes this so important in relation to the fiscal '73 defense budget is the fact that Mr. Nixon is requesting a great leap forward in several strategic systems all at once, and their cost for the coming fiscal year—a few billion dollars—high as it is, will be as nothing to their costs if and when real deployment occurs.

In dealing with this particular aspect of the defense budget, then, it seems to us pertinent to wonder where the money for these projects is taking us, as distinct from arguing about where it has (or will) come from. That the so-called Vietnam peace dividend would prove illusory has long been known: dwindling expenditures for the Vietnam war have been, in large part, absorbed by congressionally approved pay increases for the military and these and related maintenance and operations costs, constituting as they do the bulk of military outlays, are best discussed in the context of other policy choices—specifically, those dealing with the desirability of an all-volunteer army and with the size and deployment of our general purpose forces as a whole. The "hardware" decisions are something else again.

Of the proposed budgetary increases for nuclear weapons systems, the most striking and significant is that which would add about $1 billion in new obligational authority for work on the undersea long range missile system—or ULMS. This ICBM-bearing nuclear-powered submarine has almost twice the range of the Polaris/Poseidon system that is being deployed now, and an increased missile-bearing capacity. Although no one supposes that the roughly $1 billion the President is requesting in spending authority for this project will in fact be spent in the coming fiscal year, neither can anyone suppose that Mr. Nixon is being tentative or restrained as regards a commitment to it—he is requesting authority for a decisive investment.

The "crash program" aspect of the ULMS request has provoked surprise and, in turn, speculation as to why the President has chosen to accelerate this project so dramatically at this time. One answer that has a degree of plausibility is that the President's hefty request for funds for this specific system goes a certain way to meeting a number of separate challenges at once. It could, after all, be regarded as a signal to the Soviets who are balking on bringing submarine-based missiles under the restrictions of a SALT agreement that, failing a mutually accepted limitation on these systems, the United States means to proceed apace with their development. It offers—owing to the sheer and somewhat illusory size of the authorization request—some assurances to those increasingly alarmed critics who believe Mr. Nixon has let our defenses slip in the face of the Soviet buildup. And, on the other side, it could present some of the President's Democratic/liberal defense critics with a dilemma, since it has long been an article of faith among many of them that U.S. offensive nuclear weaponry should be phased out from a three-part system (bombers, land- and sea-based missiles) to one primarily composed of an underwater system such as that Mr. Nixon is moving on now.

Whether all (or any) of this can be expected to have the desired effect on the Soviets and/or on the critics in Congress seems at least doubtful. In any event, via the SALT negotiations and forthcoming action on the Hill, they will make their own responses. Our own reaction is that the pending Defense posture statement by Secretary Laird and the administration testimony to follow will have to go a long way beyond anything said in connection with the budget presentation to make a compelling case for this kind of commitment to proceed with ULMS now. Perhaps such a case can be made, but two particular elements in the budget presentation cast serious question on the impetus for this investment. One is that the administration seems to be working on a "force matching" principle, rather than a principle of need. That is to say, so far it has argued the urgency of our keeping equal to or more precisely ahead of a prospective enemy in the number and design of such offensive weapons—it has *not* demonstrated that progress in Soviet antisubmarine warfare techniques is anywhere near to presenting a threat to our invulnerable and lethal Polaris/Poseidon force.

The second disturbing aspect of the presentation is that the ULMS acceleration does not appear to reflect a trend to emphasize our relatively secure sea-based deterrent so much as it seems to reflect a trend to move forward in a big way on all systems, to move across the board at a stepped-up rate of modernization and new investment. There is $444 million for the controversial B–1 strategic bomber meant to replace the B–52. There is close to half a billion dollars for AWACS, the rather dubious air defense against the Soviets' relatively small and not very modern long range strategic bomber force. Safeguard ABM will absorb around $1.5 billion. Conventional systems, including some highly costly tactical aircraft are also scheduled for big increases. There is, in short, evidence that the administration has not so much made hard and realistic choices as simply moved on a broad front to inject funds into programs that may or may not be wise or effective, but which promise without exception to be costly.

In the past couple of years Senator Proxmire and some of his colleagues have been giving the Pentagon budget the kind of scrutiny it demands. And Senator Stennis' Armed Forces Committee has been doing invaluable work of its own—looking into the genesis of contractual commitments to questionable programs, obliging the Pentagon to justify its requests and its performance under increasingly tough standards, cutting back authorizations it deems half-baked or imprudent. The Stennis committee will get first crack at the 1973 requests. We have great confidence that the committee, not exactly a hotbed of "radiclibs," will—whatever its final disposition of these requests—take a very hard look at the ULMS, AWACS and other big-step programs in this budget, especially in view of its own appreciation of the manner in which these "undecided" decisions have a way of getting made somewhere along the line in the R&D process. Conceivably, the case is there for such an across-the-board move on a variety of weapons systems that will commit this country to the expenditure of unprecedented billions of dollars in the next decade. That case has yet to be made—and it is far from obvious.

Mr. PROXMIRE. Mr. President, as the Post editorial indicates, the administration and the Defense Department owe the Congress a sound justification for their decision to move out on the ULMS and AWACS programs. Frankly, I have grave doubts whether such a justification exists. I intend to make a detailed study of the ULMS and AWACS programs in the months ahead before coming to any detailed conclusions. But I would like to flag at this point a number of factors which warrant in-depth scrutiny, in the hope that my colleagues will join with me in giving them the examination which they need.

### ULMS

I have long supported the need for increased reliance on sea-based strategic systems. The reasons for such reliance have seemed self-evident. Sea-based systems do not suffer from the growing vulnerability which both land-based missiles and bombers have experienced. In addition, they pose no first strike threat to any potential adversary, thus providing an element of stability in the precarious nuclear balance.

Accordingly, I have been favorably disposed to the ULMS program in the past, regarding it as a study and design effort directed toward finding an eventual successor to our Polaris and Poseidon submarines. There are several things I find disturbing, however, about the crash program for ULMS development which the administration has just revealed.

For one thing, it is not accompanied by any cutback in other programs, all of which continue full steam ahead. It is therefore difficult to see in the ULMS program a real indication that greater reliance will be placed on our sea-based deterrent any time in the near future.

### DANGEROUS TIMETABLE

I am also troubled by the timetable implied in the extremely high funding level which the administration has requested. Last year long-range Navy planning was oriented to an initial operating capability—IOC—date for ULMS of 1984, with enough flexibility in its funding plans to permit an acceleration to a 1981 IOC. The present schedule, on the other hand, points squarely to a 1978 deployment. What this means is that a 12-year development program has suddenly been condensed to roughly 6 years. Under this revised schedule, ULMS, which has not yet entered engineering development, would be deployed a year before the B–1 bomber, which is about to enter its third year of engineering development.

This revised schedule insures that there would be considerable concurrency between the development and production stages of work on ULMS, the same kind of concurrency which has led to massive cost overruns in the F–111, C–5, and F–14 programs. A similar experience with ULMS would have devastating consequences, since costs per submarine are already estimated at a cool $1 billion, with total program costs expected to exceed the costs of the other three programs combined.

In fact, funding for long-lead-production items—some $394.5 million—are already included in this year's budget. I recognize that there are substantial differences between the normal development and production schedules for aircraft and submarine programs, but I am also convinced that the present tight schedule for ULMS foreshadows major problems ahead.

### POLARIS-POSEIDON SECURE

And I see no need for anything approaching this tight a schedule. There are no breakthroughs in antisubmarine warfare technology now on the horizon which threaten the survivability of our Polaris and Poseidon boats. And these boats certainly have enough nuclear firepower for the foreseeable future, since the multiple-warhead Poseidon program was itself designed to penetrate a thick Soviet ABM system, the kind of system which it now appears will never be built.

Moreover, we still have great advantages over the Soviet Union in the quality of our sea-based strategic deterrent, notwithstanding the fact that the Soviets have pulled even in actual numbers of submarines. The Soviets have yet to deploy a sea-based missile equal in range to the Poseidon and they have not yet even begun testing a sea-based missile with an MRV or MIRV capability such as the Poseidon has.

Under these circumstances, I am hard pressed to find justification for any acceleration of the ULMS program over the schedule planned last year. And if we do move forward more quickly—and I am not advocating that—many believe it advisable to concentrate on a new missile system rather than a submarine itself. They argue that an expanded range missile alone would tremendously expand the ocean area in which our submarines could effectively operate and in which the Soviets would have to find them.

### ULMS COULD BE OBSOLESCENT

There is one other thing to consider in deciding to move ahead with a new boat, a factor I have not yet mentioned but which might in the long run be more important than all the other considerations combined. We do not know yet what improvements in antisubmarine warfare technology the 1980's will produce. Under the circumstances, it is difficult to design a submarine to counter those as yet unknown improvements. We do know, however, that the Navy's plans for ULMS call for a huge submarine—much bigger than the Polaris—and that many kinds of ASW techniques on which we and the Soviets are working could be much more effective against large rather than small targets for detection.

Accordingly, the Navy's proposed ULMS design should be subjected to a searching evaluation before any go-ahead is given to it. The ULMS is touted by the Navy as the backbone of our strategic nuclear deterrent from the time it is deployed until well past the year 2000. Yet there is a grave danger that breakthroughs in ASW technology could render the present design obsolete shortly after it has been deployed.

These are just some of the factors to be considered in scrutinizing the administration's ULMS request. And it is imperative that such scrutiny begin at once. For in addition to the $942 million request for ULMS in the fiscal 1973 budget, Congress will also have to act on the $35 million request in the fiscal 1972 supplemental. I hope that before acting on that portion of the supplemental request the Armed Services Committee will conduct a penetrating examination of the whole ULMS program. Unless such an examination is made and the merits of the overall program debated, we may find ourselves locked in to portions of that program without even realizing it has happened.

### AWACS

AWACS is only a small part of the modernized bomber defense system which the Air Force and the Army have been advocating. Other components are a new over-the-horizon radar system—OTH-B—a new interceptor, and SAM-D. The total costs of the system are presently estimated at roughly $5 billion, but this is clearly a too optimistic evidence. One indication of its optimism is the fact that its interceptor component is currently budgeted at a fraction of the actual cost of the two interceptor candidates—the F-14B and the F-15.

### IS BOMBER DEFENSE STILL NEEDED?

I have long questioned the need for a new bomber defense system. The long-range Soviet bomber force is comprised of only 150 planes, all older than our own B-52's of which we have almost three times as many. Even more important, the whole concept of bomber defense seems irrelevant in the absence of a large-scale ABM system. What sense does it make to defend against enemy bombers when enemy missiles can still get through, and when any lives saved by defending against bombers could be lost again by a small, inexpensive build-up in the enemy missile force?

Other people have raised similar doubts about the bomber defense concept, and they have been reflected in the actions taken by the last three administrations. Our existing bomber defense system was erected in the 1950's when Soviet bombers constituted the sole weapon in their nuclear arsenal, and it reached its peak in 1961. Since that time fully 60 percent of the existing system has been gradually dismantled, in tacit recognition that it did not justify its large operating costs. As a result, annual bomber defense operating costs have been reduced from a level of $2.5 billion to under $1 billion, if adjustments for inflation are considered.

Congressional approval of the new AWACS request could reverse this trend. The first three production aircraft could be the opening wedge in a $5 to $10 billion expenditure program which would contribute nothing to our actual security.

The administration is contending, of course, that these three production aircraft would not commit us to eventual deployment of AWACS, that they would be used primarily for test purposes. And there is another article in the Washington Post which indicates that the administration is revising downward its estimates of long-term bomber defense requirements. Mr. President, I ask unanimous consent that this article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Jan. 28, 1972]

## UNITED STATES TO LIMIT ANTIBOMBER AIR DEFENSES

(By Michael Getler)

The Nixon administration has come to the conclusion that spending billions of dollars to rebuild U.S. air defenses against attack by an aging and declining force of Soviet bombers is a losing proposition.

Despite a proposed election-year increase in overall military spending—including a rise in one major new bomber defense project—a number of high-ranking officials say privately that a longer-range decision has been made not to pour additional billions into the extensive new shield against bomber attack that the Air Force—and to a lesser extent the Army—have been pressing for.

Behind the decision lie these factors:

Acceptance of the logic expressed in the mid-1960s by former Defense Secretary Robert S. McNamara that it was pointless to defend heavily against Moscow's relatively small fleet of 150 heavy bombers when it was impossible to defend against thousands of Soviet missiles that could reach American cities in 15 to 30 minutes.

An assessment that the Soviets clearly are continuing to concentrate on ocean-spanning missiles and missile-carrying submarines—rather than long-range bombers—as the cornerstone of their arsenal.

An assessment that the threat posed by the existing long-range Soviet bomber force continues to shrink and that a new medium-range Soviet bomber now being tested has "almost no capability against the United States, even one-way."

"The Soviet bomber threat just isn't there," says one top official.

Another senior defense specialist says that the way the Russians train and the intensity of that training is another telltale sign of the role of their heavy bomber force. "They are doing less training now. Their whole strategic aviation picture is shrinking."

The older squadrons of medium bombers are assigned to targets in Europe or China, in the view of these officials.

### RADAR NETS BUILT

Fearing a huge Soviet bomber buildup in the late 1950s, the United States built hundreds of radars along the U.S. coasts and across Canada. Thousands of Nike antibomber missiles were installed around the country, and the Air Force built up a force of 1,500 interceptor planes.

Since the early 1960s, however, those defenses have declined steadily to about a third of their former level—a de facto recognition by successive U.S. administrations that the ICBM had made much of the anti-bomber defense obsolete.

Now, the Air Force, backed by some strong supporters in Congress, wants to modernize those defenses. The ingredients include a $2.7 billion fleet of 42 Airborne Warning and Control System (AWACS) planes stuffed with radars and computers and able to keep watch over the enemy bomber approach routes without being vulnerable to missile attack.

The Air Force also wants to replace its aging interceptor squadrons with more modern jets, and the Army wants to replace at least some of its old Nike missiles with a new and extremely costly weapon known as SAM D.

The total cost of this has been estimated at above $5 billion by Pentagon officials.

The Fiscal 1973 defense budget just sent to Capitol Hill does include $470 million for the AWACS project, an increase of some $330 million over last year. This will buy the first three planes for testing, but officials stress that this does not represent a decision to proceed to build a fleet of 42 planes.

### CHALLENGE INDICATED

While high-level sources will say no more than that there has been a decision not to make any heavy, new longrange investments in bomber defense, they indicate that the AWACS project will face a strong challenge within the Nixon administration next year.

These sources hint that only a relatively small number of these planes will actually be built, to be used primarily as airborne control centers for tactical warfare, or perhaps to fill a few gaps in ground-based early-warning radars.

Similarly, while the Army intends to field its SAM–D missile overseas to help shoot down enemy planes over a European battlefield, the decision to deploy the missile for bomber defense in this country is being held in abeyance. As for new interceptors for the Air Force, officials indicate the most likely prospect is to use existing F–4 Phantom jet fighters, or perhaps divert a small number of the newer F–15 fighter, which is just now going into production.

The future U.S. air defense posture is described broadly by one official as sort of a "Coast Guard of the air." This means the United States will continue to modernize some parts of its ground-based radar network—including the addition of new over-the-horizon type radars that can look beyond the curvature of the earth and see targets hundreds of miles away.

The United States these officials point out, wants to maintain its ability to know when unidentified planes of any kind are entering U.S. airspace, and wants to maintain some capability to go up and take a look, or even to shoot down these planes if necessary.

But the total defenses now envisioned are far short of the forces that the Air Force's Air Defense Command is pushing for.

### SPECIFIC QUESTIONS

Mr. PROXMIRE. Mr. President, even if this story about administration plans is true, it raises more questions than it answers. Why is the Nixon administration planning a full-scale review of AWACS next year rather than this year, especially since close to $1 billion will have been committed to the project by that time, including almost a half billion dollars in this year alone? What sense does it make to buy a limited number of AWACS for use in tactical warfare, where their slow speed and easy detectability make it unlikely that they will survive the initial moments of an engagement and thus be able to direct that tactical air battle in the manner the Air Force envisions?

These questions are made the more urgent by the historical tendency of programs, once approved, to expand well beyond their initial planned proportions. They demand serious scrutiny in the days ahead.

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## THE CONTINUING TRAGEDY OF ULSTER

Mr. RIBICOFF. Mr. President, the tragic killings yesterday in Londonderry of 13 persons and the wounding of another 16 is another dark blot on Great Britain's sorry record in Northern Ireland. This bloody incident makes it even more obvious that the current British policies in Northern Ireland have failed, and that their continuation can only prolong the agony of Ulster. I hope that any official inquiry into this tragedy will go beyond the terrible events of January 31 and go to the root causes of the mounting violence in Northern Ireland.

Last October, when I introduced Senate Resolution 180 with the cosponsorship of Senator KENNEDY, the loudest criticism was aimed at the provision calling for "withdrawal of all British forces from Northern Ireland and the institution of law enforcement and criminal justice under local control acceptable to all parties."

But the presence of these troops in increasing numbers is a crucial element. Had British paratroopers and armored cars, according to the Washington Post, not "stormed into the Catholic Bogside ghetto in pursuit of demonstrators at a banned protest march" this slaughter would not have taken place. From the first newspaper reports of the killings, including an eyewitness account by a Manchester Guardian correspondent, it appears that British troops deliberately fired into the crowd and at people fleeing the scene. The British army commander's allegations that his men came under a sustained attack by snipers and grenade throwers are refuted by the very fact that only a single British trooper was reported wounded.

What is perfectly clear, however, is that more of the same repressive policies, such as internment without trial and brutal interrogation, and more British troops are not solutions for the festering of problems of Northern Ireland. It has been said that the British genius for policies seems to disappear when it comes to Ireland. This was tragically evident yesterday.

I realize that there are no quick and easy solutions here, and I can sympathize with Prime Minister Heath's dilemma—but I must sympathize more with the families of the dead and wounded. Unless new, more enlightened and forward looking policies are followed, the only future for Northern Ireland is continued violence, repression, and hate. A system built upon the deliberate subjugation of an oppressed minority cannot, and must not, endure. It is no longer being tolerated by Catholic men and women in Northern Ireland, and it must be condemned by decent men everywhere.

The steps outlined in Senate Resolution 180 which would be urged by our Government upon Britain are more applicable and more necessary today than ever before. They are:

First. Termination of the current internment policy and the simultaneous release of all persons detained thereunder.

Second. Full respect for the civil rights of all the people of Northern Ireland, and the termination of all political, social, economic, and religious discrimination.

Third. Implementation of the reforms promised by the Government of the United Kingdom since 1968, including reforms in the fields of law enforcement, housing, employment, and voting rights.

Fourth. Dissolution of the Parliament of Northern Ireland.

Fifth. Withdrawal of all British forces from Northern Ireland and the institution of law enforcement and criminal justice under local control acceptable to all parties.

Sixth. Convening of all interested parties for the purpose of accomplishing the unification of Ireland.

Unless actions along these lines are taken soon, yesterday's tragic events will be repeated, and all those who chose to avert their eyes, and consciences, from what is going on in Northern Ireland will share the blame.

I ask unanimous consent that this morning's Washington Post and New York Times accounts of the Londonderry killings be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 31, 1972]

### ARMY RAIDS ULSTER RALLY; 13 SHOT DEAD

LONDONDERRY, NORTHERN IRELAND, January 30.—Thirteen Irishmen were killed today as British troops stormed into the Catholic Bogside ghetto in pursuit of demonstrators at a banned protest march.

Sixteen demonstrators, including two women, were wounded and about 50 were reported arrested.

Irish civil rights leaders accused the British troops of mass murder, and a spokesman for the outlawed Irish Republican Army said British soldiers would be shot in reprisal for the victims of the street fighting.

It was the bloodiest incident involving British troops since they were sent to Northern Ireland in August, 1969, to try to restore order between warring Protestants and Roman Catholics.

An army statement issued tonight said the British troops had opened fire only at identified targets and only after more than 200 shots had been fired in their general direction. The British casualty toll was one soldier wounded, according to the army.

Northern Ireland Prime Minister Brian Faulkner blamed the IRA and the organizers of the rally for the shooting. Public demonstrations have been banned in Northern Ireland but a peaceful one was held yesterday despite the ban.

Maj. Gen. Robert Ford, commander of British land forces in Northern Ireland, said those who died as his men stormed into the Bogside "might not have been killed by our troops."

In a television interview, Ford said there was "absolutely no doubt" that the paratroopers opened up only after they had come under fire.

Controversy over who started shooting first erupted shortly after the half-hour gunbattle. It broke out near the William Street Guildhall Square on the edge of Londonderry's old city as demonstrators marched to the site of a rally where Bernadette Devlin, 24-year-old civil rights leader and member of parliament was to speak.

The army said between 15,000 and 20,000 persons—"the majority perfectly orderly"—had gathered for the rally. Other reports estimated that the crowd totalled about 3,000.

The demonstration was staged to protest Britain's internment without trial of more than 700 security suspects, most of them suspected members of the IRA.

The army said paratroopers moved into the crowd to snatch youngsters who were hurling rocks and bottles. The soldiers came under guerrilla sniper fire from a high apartment block, officers reported, and the exchanges began.

"At no time did any of our units open fire on the British army prior to the army's opening fire," countered a leader of the Irish Republican Army.

"The British army murdered innocent civilians in Derry today," he added. "We leave the world to judge who are the real terrorists."

The extremist provisional wing of the IRA swore to avenge the deaths.

Witnesses said most victims were shot during gunfire near the scene of the rally, in Londonderry's Roman Catholic Bogside district—long a hotbed of Catholic activism.

Ivan Cooper, a Londonderry Social Democratic and Labor Party member of the Northern Ireland provincial parliament who was among those to come under fire in the Bogside area, declared: "I was shot at even though I had raised a white flag as I tried to help a wounded man.

"I could see innocent people being shot down," he said. "I saw the shots coming from the army."

Another eyewitness, party member William O'Connell, said he saw a detachment of three armored personnel carriers drive up Rossville Street.

"Paratroopers jumped out and started to fire at the people, including people lying on the ground. It was completely indiscriminate," he declared.

"After a while they shouted 'Move and you're dead' and everybody who had been running away when the paratroopers arrived stopped running," O'Connell said.

"Troops told the people to come towards them and arrested them."

Miss Devlin and another speaker were standing on a truck being used as a speaker's platform when the first shots rang out.

Civil rights leader Finbar O'Kane said Miss Devlin had just picked up the microphone and started to speak when a bullet struck a wall opposite.

"People didn't realize what it was at first. But more shooting followed and everybody hit the ground. The shooting seemed to stop after a bit and everybody got up on all fours and started to crawl away. But it started again," O'Kane said.

"I've never seen anything like it. Everybody was trying to crawl away, hitting walls and stumbling . . ."

Manchester Guardian correspondent Simon Winchester said the first outbreak of violence occurred after crowds going to the rally were blocked by barricades. The crowds stoned the British troops who retaliated with tear gas and spray from a water cannon.

The struggle continued to escalate with troops using rubber bullets.

The Guardian correspondent said four or five British armored vehicles raced into the area and troops piled out. Some made arrests but about 20 opened fire with their rifles. About 10 minutes earlier, he said, one shot had been fired, presumably by a sniper, but it had been ignored.

William Cardinal Conway, Roman Catholic primate of all Ireland, said he was "deeply shocked at the news of the awful slaughter in Derry this afternoon."

"An impartial and independent public inquiry is immediately called for and I have telegraphed the British prime minister to this effect," Cardinal Conway said in a statement.

But Miss Devlin charged that an official inquiry would only come up with a whitewash. "This is mass murder by the British army," she added.

Catholics charged that a priest was arrested by paratroops as he gave the last rites to a dying man.

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[From the New York Times, Jan. 31, 1972]

### British Soldiers Kill 13 as Rioting Erupts in Ulster—Deaths Come as Catholics Defy Ban on Londonderry March

Belfast, Northern Ireland, January 30.—At least 13 persons were shot dead by British troops in Londonderry today when rioting broke out after a civil rights march held in defiance of a Government ban.

It was the worst day of violence since the disorders first broke out in Ulster three years ago, and it brought the total number of dead to 230. Already this year 25 have died.

The army said that the dead were snipers who had fired at troops trying to break up rock-throwing mobs with nausea gas and rubber bullets. But local people contended that the soldiers had panicked and fired wildly.

#### I.R.A. VOWS VENGEANCE

At the city hospital a spokesman said that the dead men were all in their twenties. Fifteen civilians were also taken to the hospital with gunshot wounds, two of them women. Three soldiers were reported injured, one with gunshot wounds.

A spokesman for the militant Provisional wing of the Irish Republican Army said that all guns had been cleared from the route of the march and that no shots had been fired until the troops opened fire. "The deaths will be avenged," he said.

The British Army chief on the spot, Maj. Gen. Robert Ford, maintained that the soldiers fired only at snipers and grenade-throwers.

A member of the Northern Ireland Parliament, Ivan Cooper, said that the meeting had just begun and Bernadette Devlin, the fiery civil rights leader, was speaking when the shots rang out.

"The speakers threw themselves to the platform and I shouted for people to keep down," he said. "I could see the army systematically picking off people who had got up to run away.

"There was complete panic and confusion," he went on, "and I thought the best thing I could do was to tend to the injured with a friend. I was carrying a white pillowcase. We were both fired on and my friend was hit on the side of the face. Many of those who died were friends of mine, people I've known all my life.

"I can state absolutely positively that there were no snipers whatsoever. There had been stone-throwing, which had been taken care of. Sniper fire came 10 minutes later from local terrorists.

"The British Army shot down unarmed people and I hope no one has the audacity to stand up and say they were firing at snipers. They murdered innocent men."

#### DEATHS CALLED MURDER

Another local member of Parliament, John Hume, said that the soldiers had opened fire indiscriminately in an act that was "nothing short of coldblooded murder." He said that the city was numb with shock, revulsion and bitterness.

The March began quietly in a city housing development overlooking the historic city of 50,000 where the Protestant garrision held out successfully against the Catholic army of James II in 1689 and where the civil rights movement was born in 1968.

About 15,000 demonstrators from all parts of Northern Ireland marched on the city center. When their way was blocked by an army barricade about a quarter of a mile from their destination, the organizers diverted the parade toward a meeting point in the Bogside, a Roman Catholic area. But some marchers wanted a confrontation and showered stones and later nausea gas cartridges, stolen from the British Army, on the soldiers.

The soldiers replied with volley after volley of gas and rubber bullets and called in water cannon to spray the demonstrators with a purple dye.

The Paratroop Regiment, especially hated by Roman Catholics for their methods, then drove armored cars through the rioters and it was at this stage that rifle fire was heard over the duller thud of rubber bullets.

Civilians were shot down and one report said that a priest giving the last rites to a dying man was arrested and taken away for questioning.

The Roman Catholic Bishop of Londonderry, Dr. Neil Farren, sent a telegram to Prime Minister Heath demanding a public inquiry. William Cardinal Conway, Roman Catholic Archbishop of Armagh and Primate of All Ireland, also called for an independent and impartial public inquiry. "I am deeply shocked at the news of the awful slaughter in Derry this afternoon," he said.

He called on Catholics to maintain their calm and dignity in the face of "this terrible news."

In Belfast, Brian Faulkner, the Ulster Prime Minister, issued a statement saying that the day's events "illustrate precisely why it was found necessary, with the full support of the government at Westminster, to impose a general ban on all processions throughout Northern Ireland." He said that the deaths today arose from "a meaningless and futile terrorist exercise."

The army headquarters, in a statement late tonight from Lisburn, near Belfast, said that the troops had come under nail-bomb attack and a fusillade of from 50 to 80 rounds.

"Fire was returned at seen gunmen and nail bombers," the statement continued. "Subsequently, as the troops deployed to get at the gunmen, the latter continued to fire. In all a total of well over 200 rounds was fired indiscriminately in the general direction of the soldiers."

In Londonderry, Miss Devlin, who is a member of the British Parliament, described the deaths as "mass murder" by the British Army. "This is our Sharpeville," she said, referring to the massacre of 72 black demonstrators in South Africa in 1960. "We will never forget it."

She said the soldiers had shot at a peaceful meeting and declared there was no point in calling for "whitewash" inquiries.

"All we can do is to continue the struggle to rid ourselves forever of this savagery," she said, calling for a general strike until the British Army was withdrawn. Other civil rights leaders have called for a day of mourning in Londonderry tomorrow.

In Belfast the killings are seen as a possible turning point in the Ulster crisis. Already there is speculation in political circles that if the Irish Republican Army retaliates the British may be forced to take over responsibility for security from the Northern Ireland Government. In extreme circumstances, the government here might have to be suspended and Ulster ruled directly from London.

Many have predicted a clash like today's and there will be little criticism in Protestant quarters for the army's action.

A clear warning was issued yesterday that the march would be stopped by force if necessary and it was on this assurance that militant Protestant leaders in Londonderry called off a counterdemonstration.

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## SPACE SHUTTLE IS WRONG

Mr. PROXMIRE. Mr. President, the Janesville Gazette argues persuasively that the space shuttle is wrong at the present time, and should be voted down. The Gazette admires as all of us do, the tremendous achievements in space during the last decade. But it notes:

> That success has gone to our heads. We are a bit giddy. While we do not have the funds, we are challenged by the desire, (1) to be first again with the "mostest" in space; (2) to gain knowledge of what is out there; and (3) to prove to the world that we are still the greatest nation on earth, regardless of costs.

Mr. President, the Gazette is absolutely right. We simply do not have the funds to commit ourselves to this enormous expenditure now. At a minimum, the shuttle will cost $5½ billion to develop, $900 million for additional procurement, $300 million for construction of new facilities, and $3 billion for flight operations. And this does not include the tens of billions of dollars of additional payload that will be needed to justify the shuttle's development cost.

Mr. President, I ask unanimous consent that the editorial entitled "Space Shuttle Is Wrong" from the Janesville Gazette of January 11, 1972, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### Space Shuttle Is Wrong

Plans for a space station, which United States space scientists envision for take-off in 1974 or 1975, are in the practicability stage. And President Nixon has lent the tremendous weight of his office to it.

The space art has progressed to the point where man now is ready to put on the drawing boards the designs for both a space ship and the necessary shuttle rockets which would supply that orbital plane.

American citizens, accustomed to space rockets, manned landings on the moon, space dockings with a mother ship, and safe returns to earth, can hardly argue with the imagined realities of a space shuttle. If NASA can achieve the impossible, already proved possible, we can accept the probability of such a project—given the people's consent to spend what may perhaps be $10 billion or $20 billion, which they do not have.

The people consented—rather, their representatives in Congress consented without their strong opposition—to the spending of billions for the rocketry, the vast complex of scientists and mechanics at Houston and Cape Kennedy. The flights to this date have been unbelievably successful while all the world stood in awe.

That success has gone to our heads. We are a bit giddy. While we do not have the funds, we are challenged by the desire, (1) to be first again with the "mostest" in space; (2) to gain knowledge of what is out there; and (3) to prove to the world that we are still the greatest nation on earth, regardless of costs.

There is nothing new in pointing to the fact that, while our scientific and mechanical genius is "way out" our society is retrogressing. We are sacrificing man to matter.

The Janesville Gazette agrees with Sen. William Proxmire in calling this project at this time a monumental distortion of budgetary priorities.

There are two simple reasons: (1) Americans desperately need full concentration upon the human ills of their society, lest it fail, and (2) they do not have the funds. The costs would simply be loaded upon the already tremendous national debt, with all its billion dollar demand for the interest rat hole.

The White House declares the project will cost up to $6.5 billion just to develop. Then additional billions would be needed to support the operation of the shuttle which scientist Werner von Braun said would fly at least every 14 days.

Perhaps this project should be put to referendum. It is our guess that the American people are more concerned with their own troubles at home than with sending a space car back and forth from here to Station X or to Mars.

## EXPANDING THE VOTING FRANCHISE

Mr. MOSS. Mr. President, one of the surest movements afoot in our Nation for quite some time has been the movement toward a broader based democracy. Despite this expansion of the rights of full citizenship, however, Americans have not measured up to the citizens of most other Western democracies in terms of participation at election time. In 1968, for instance, more Americans of voting age failed to cast ballots than voted for either of the major candidates. Afterward, Pollster George Gallup's organization concluded, following a survey, that:

> It was not lack of interest but rather the residency and other registration qualifications that proved to be the greatest barrier to wider voter participation in our nation.

Pending before the Senate, soon to be debated, is a bill, S. 2574, sponsored by my colleague from Wyoming (Mr. McGee), that would lower this barrier. Saturday's Washington Post carried an editorial supporting this legislation. The Post agrees that the expansion of democracy is a compelling need in our country today and can find no persuasive reason why a vote should be cast against this ingenious bill which the Post feels "would probably do as much to expand the franchise in this country as anything since the abolition of the poll tax."

Mr. President, I ask unanimous consent that the Washington Post editorial of January 29 entitled "Enlarging Democracy" be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### Enlarging Democracy

Senator Gale McGee's interesting and ingenious bill to lower the barriers to voting in the United States by providing for voter registration through the mails is due to come to the Senate floor for a vote in the near future. Fourteen senators have joined Senator McGee in sponsorship of the bill, five of whom, it happens, are announced aspirants for the Democratic Party's presidential nomination. The bill would probably do as much to expand the franchise in this country as anything since the abolition of the poll tax. George Gallop observed, after a study of the voting patterns in the 1968 presidential election that "it was not a lack of interest but rather the residency and other registration qualifications that proved to be the greatest barrier to wider voter participation in our nation."

A variety of circumstances, apart from apathy, may operate to keep eligible voters from casting their ballots at the polls. Sickness, inclement weather, absence from home, work obligations, family needs may make it awkward or impossible to get to the polling place on Election Day. The hazards are at least doubled by the requirement in nearly every state that a voter must personally appear for registration at some appointed time and some prescribed place in advance of Election Day in order to become eligible to vote. A lot of states make registration quite troublesome for citizens who live in rural areas at some distance from the nearest courthouse and for citizens whose jobs make it difficult to get to registration places at times when registrars are ready to register them. The result is that the registration requirement cuts heavily into exercise of the voting franchise. Nine out of ten *registered* Americans go to the polls and vote. But only six out of ten voting age Americans actually cast ballots. By contrast, three-fourths of those old enough to vote in Canada do so; and the figure runs to 80 per cent in England, 85 per cent in Germany.

The McGee bill would simplify the process by providing for a system of postcard registration throughout the country to be run by the states with some assistance from a National Voter Registration Administration to be established in the Bureau of the Census. The Postal Service would deliver postcard registration forms to every household, enabling citizens to register for voting, at least in federal elections, by mailing these cards to their local election officials. Questionable registration forms could be checked just about as effectively as questionable registrants appearing in person. In Texas, where a similar system has been in effect for a number of years, there has been no perceptible increase in fraud.

The answer to the question Why in relation to this bill finds an easy answer. In 1968, some 47 million adult Americans did not participate in the national election—more than the number who actually cast ballots for any single presidential candidate. We do not see any persuasive answer to the question Why not. The expansion of democracy in America is now a compelling national need.

## TRIBUTE TO SENATOR CARL HAYDEN

Mr. THURMOND. Mr. President, Carl Hayden's death saddens us all; however, it is with fond admiration that I reflect upon the years in which I knew him and served with him in the Senate.

We who served with him remember him as the real "dean" of the Senate. When he retired in 1969 he had served as the chairman of the important Senate Committee on Appropriations for the last 14 years of his tenure, and had served as the President pro tempore of the Senate for the last 12 years.

Mr. President, when we speak of public service we will always remember the name Carl Hayden. He served as a member of the city council of Tempe in the Arizona Territory until he was elected as treasurer and later as sheriff of Maricopa County. When Arizona became a State on February 14, 1912, Carl Hayden was elected as its Congressman at Large. He served in that capacity until 1926 when he was elected to the U.S. Senate and served until his retirement in 1969.

Mr. President, during Carl Hayden's service in Congress, Arizona progressed from a Territory to a State—from a population of only 200,000 to one of over 1.75 million today. Much of the progress of Arizona can be attributed solely to the work and diligence of Carl Hayden. He labored continuously for projects of various types which would benefit his State. His labors were successful as can be evidenced by the project for which he probably worked the hardest—the central Arizona water project which he saw signed into law in 1968. It is fitting that the two Senators from Arizona, Senator Goldwater and Senator Fannin, have proposed this project be renamed the Carl Hayden project.

Mr. President, those of us who knew Carl Hayden were indeed privileged. We were fortunate to have been associated with a man of great ability, whose greatness was also evidenced by his compassion for mankind. The passing of this distinguished public servant gives us a feeling of sorrow, but we, as well as his family, can be proud of his service and his many contributions to our country.

Mr. President, I ask unanimous consent that an editorial appearing in the January 27, 1972, edition of the News concerning Senator Carl Hayden be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### Carl Hayden, D-Ariz.

It is possible that until his obituary notices appeared in yesterday's papers, Carl

Hayden was only barely known outside Arizona, Washington, and some of the more senior political circles.

Mr. Hayden's best-known distinction was his long tenure in Congress, 15 years in the House and 41 years in the Senate, 56 all told. His longevity is a record, both in total and in the Senate.

Several years ago Mr. Hayden told Richard Starnes, Scripps-Howard Washington writer, about making his first speech in the House—in 1912. When he sat down an elderly fellow member told him: "There are two kinds of congressmen, show horses and work horses. If you want to get your name in the newspapers, be a show horse. But if you want to gain the respect of your colleagues, keep quiet, be a workhorse, and speak only when you have the facts."

Mr. Hayden elected to be a workhorse. He indulged himself utterly in the business of Congress, and only rarely made a speech.

He overstayed his time in the Senate; failing health and age had impaired his abilities. But when he retired in 1968 at age 90 everybody in Congress knew that this was the end of a career which had been marked by great power, nimble political footwork, decades of high respect and a constituent popularity hardly excelled by any.

Mr. Hayden had been a territorial sheriff in Arizona when the state was admitted to the union. He was the state's first congressman, and over the years he seldom had to campaign for re-election. No opposition could touch him. In the Senate, his long chairmanship of the Appropriations Committee gave him enormous influence, which he used with tact and effectiveness. As a champion of government irrigation and reclamation projects in the West, Mr. Hayden, as an associate once said, "probably brought water to more desert land than any man since Moses."

And all the while, he stuck to the workhorse pattern, never, never permitting himself to resemble a show horse. In that sense alone, the present Congress could use several dozens like him.

## LOCAL GOVERNMENT IN JEOPARDY

Mr. BEALL. Mr. President, our Founding Fathers, in their extraordinary wisdom, patterned this country on a model of federalism. Different levels of government were set up to handle different types of problems. It was to be a system where each step—local, State, and Federal—would work in harmony, neither one of which should take a preponderant position in the affairs of its citizens. The reasoning behind this unique concept was that government functioned best when under the close and watchful eyes of its citizenry.

But now, Mr. President, the very survival of this grassroots democracy is being threatened. Good Federal Government requires a strong, viable local government, able to cope with their own problems in their own way. But as these problems increase, the ability of localized government to effectively deal with them decreases at an alarming rate. These agencies are left with growing difficulties that they have neither the responsibility nor the authority to correct themselves.

One man who knows of this in an acute fashion is James P. Gleason, the able county executive of Montgomery County, Md. Mr. Gleason outlined the problems of local government recently in a keynote address to the annual winter meeting of the Maryland Association of Counties, meeting in Easton, Md., on January 20, 1972. In his remarks, the county executive spoke of our present system, which allocates problems to the local government, powers to the States, and money to the Federal Government. Hence, the localities have been incapable of effectuating positive change in their areas, because they have not been given the means necessary to respond.

The hallmark of a vital governmental system is meaningful citizen participation, but this involvement is being greatly hindered by the removal of responsibility to higher and higher levels. For example, Mr. Gleason points to the rapid growth of grant-in-aid programs. In the last 10 years the number of programs increased over three times while expenditures, now at $38 billion, show an upward jump of 475 percent. Yet, regretfully, the results in too many cases have not met the expectations. Goals have not been reached, and Mr. Gleason offers some compelling reasons for these failures.

Local government has an innate governmental advantage in its closeness to people, but this proximity goes to waste if needed authority and responsibility are not granted. I believe, as County Executive Gleason does, that local government can and will work if given the chance. Only through effective utilization of governments closest to the people can we realize the full potential of public service.

I ask unanimous consent that the address by County Executive Gleason before the Maryland Association of Counties be printed in the RECORD, so that my colleagues might have the opportunity to read of these positive proposals.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### FUTURE SHOCK—LOCAL GOVERNMENT IN JEOPARDY

(By James P. Gleason)

Mr. Sullivan, Judge Sweeney, Mayor Purdy, distinguished ladies and gentlemen . . .

As elected representatives of local government, I want to discuss with you today the critical state of jeopardy which confronts the residents of our 23 counties and the City of Baltimore. The great issue at stake here—not only in Maryland, but throughout the country at-large—is the survival of grassroots democracy.

Two years ago, Mr. Alvin Toffler wrote the bestselling work Future Shock, in which he analyzed the effects of change on modern society. One of Mr. Toffler's major thesis is that changes affecting our citizens are growing at such a rapid rate and that governmental responsiveness to such changes is so limited that we are "in a churning, goal-cluttered environment, staggering future shocked from crisis to crisis . . ."

Government's only response to the new problems of modern society has been to expand and spend. During the decade just concluded, total governmental expenditures have increased 130% while the population has increased only 13.5%.

The people have responded by demonstrating a growing distrust of their government leaders as evidenced by recent national public opinion surveys.

The National League of Cities recently surveyed citizen opinion on taxes and services in ten cities throughout the United States. In Baltimore the results revealed a consensus among its citizens that taxes were too high and services were too low. This crisis threatens the very existence of the institution of which most of us at this conference are a part. From my vantage point as the Chief Executive of one of our larger counties, I view this crisis as one which allocates problems to local government, power to the states, and money to the federal government.

It is against this background that I speak to you today.

Let us review briefly the case for county government. Two hundred years ago, Thomas Jefferson said, "Our country is too large to have all its affairs directed by a single government. Public servants at such a distance and from under the eye of their constituents must . . . be unable to administer all the details necessary for the good government of the citizens . . ."

Proximity is the great advantage of local government, but this proximity is meaningless if local government is not given the authority and responsibility it needs to serve its citizens effectively.

The nationwide erosion in the authority of local government has produced a situation in which the individual citizen finds himself paying more and more in taxes each year only to receive less and less back in real service.

Service is the primary product of government in a democratic society. Government at all levels exists to deliver services. Over the years, the range of services which government has been called upon to provide has grown enormously, but government's principal function still remains the delivery of those services demanded by the people.

In a free society, however, service must never be imposed upon the citizen without his consent or participation. But, as the responsibility for delivery of government services is removed to higher and higher levels, the opportunities for meaningful citizen participation are correspondingly reduced.

As the opportunities for citizen involvement in the design and administration of programs intended to serve him are reduced, his apathy is increased and his confidence is decreased.

Local government, on the other hand, is by its very nature more visible, more accountable and, when given the chance, more responsive than either state or federal.

It is for this reason that the average citizen should care about the future of local government. Its future is his future.

The trend of federal programs in areas which traditionally have been the province of local jurisdictions has shown, as you are probably aware, a marked acceleration in the past decade. During that time, a vast assortment of federal programs have reached down to the local level where they have frequently usurped the authority and initiative of local authorities.

I am not here to question the motives behind the programs or the sincerity of the men who design and administer them. I would point out, however, that increased federal involvement in what were once areas of exclusively local concern has not been good for local government. This, in turn, has not been good for our citizens.

Let me cite a few examples which illustrate how the growth of federal influence on our localities can affect the quality of government service available to our citizens.

Many of you have probably had first hand experience with the Department of Housing and Urban Development comprehensive planning grants. HUD's requirements for comprehensive planning are contained in a thick handbook which must be followed carefully in order to qualify for federal aid. Specifically, each locality must prepare an overall program design outlining all planning projects it expects to undertake for a period of three years. This must be done regardless of the source of the funds. Even after all this work is completed, the application must then go to the State where priorities are set—often in contradiction to the priorities set by the local governments. In Montgomery County we are still waiting for approval of a planning application which was prepared and submitted 18 months ago. Thus, the needs of the people go unmet, having fallen victim to government bureaucracy.

The Onmibus Crime Control and Safe Streets Act is another example of a federal program which dilutes the ability of local governments to respond effectively to the law enforcement needs of the residents. Here again the federal government requires a state comprehensive plan, thus giving the states the ultimate authority in determining what programs will be financed at the local level.

I could catalog a long list of programs where the federal government has used its financial power to bring about state and regional control over the affairs of local government.

Comprehensive health planning, environmental programs, the Cooperative Area Manpower Planning System and OEO programs all require the establishment of area wide or regional bodies, the effect of which is to impose an additional level of decision making power over local governments.

In the same way, the federal "point evaluation system" for water, sewer and open-space grants frequently makes it difficult for local jurisdictions to effectively serve the needs of their citizens as they see it and still score high enough to qualify for federal aid. Local control is thus effectively removed and local government's authority is seriously undercut.

To provide you with some scale of the federal efforts in local matters, I cite the record that ten years ago, there were 160 grant-in-aid programs with appropriations of 8 billion dollars. Today, there are 530 such programs with a price tag of 38 billion dollars of federal money.

The goals of these programs are laudable. Unfortunately, based on past performance, there is no reason to conclude they will work satisfactorily now. In the light of federal accomplishments we can only conclude that our health problems will be greater a decade from now, crime will continue to increase and the judicial and correctional systems will still be unable to contend with the increasing demands placed upon them. In spite of the well-intentioned programs to promote comprehensive planning, we will still see urban sprawl, damage to the environment, and horrendous transportation problems.

Why is this so? Why hasn't the federal solution worked? And why can't it? The reason is that the decisions are being made and the programs controlled at the wrong level of government.

In Maryland as in many states, the increased involvement of the federal government in local programs has been matched by an increased involvement of state government. What programs were not taken over by the federal establishment were, in many cases, taken over or complicated further by the states.

According to expert opinion, one of the principal reasons that the proposed new Constitution recently went down to defeat was the fear of many persons that regional government, which could have been created under the proposed changes, would have destroyed local government. I wonder today, three years since the proposed Constitution has been dead and buried, how many people realize that local government is possibly being destroyed because the state government is taking over or trying to take over many local government activities. We are experiencing transfers and proposed transfers of governmental programs from the counties and Baltimore City to the State of Maryland with unprecedented magnitude. These transfers usually have been cloaked behind the trappings of "Blue Ribbon" study commissions, Governor's "Task Forces," improved economies and efficiencies, uniform programs or interim measure. But as Al Smith used to say, "No matter how thin you slice it, it's still baloney."

Here is the recent record:

1. In 1971, the General Assembly enacted legislation for the state to assume the full cost and, as we are seeing, a great deal of control, for school construction. Proposals are now constantly being made for the state to assume the total funding for education. Those urging this program always talk of preserving local control but this we know from past experience will not be the case if the state furnishes the funds.

2. A state takeover of health programs is proceeding on many fronts.

3. In the water, sewer and solid waste areas, every county has been mandated by the state to produce a county water and sewer master plan. Such plans and any amendments to them are subject to approval by the State Health Department. Each county is required to produce a solid waste master plan by 1974. Such plans also must receive approval by the State Health Department. In addition, the Maryland Environmental Service has been authorized to create service regions and districts outside of county boundaries to provide state-wide treatment and disposal service.

4. In the area of parks and recreation, the state invaded the traditional sources of revenue for local government—a property transfer tax—to move into the field of park acquisition. This so-called open space program from which the state has collected $28 million dollars for parkland acquisition has resulted in an expenditure back to the counties of only $3½ million dollars.

5. In the housing area, the state is now authorized to enforce a state-wide certification and inspection system for industrialized housing and mobile homes. It has authorized the development of a statewide plumbing code for enforcement in local jurisdictions.

6. In the field of taxation, the state has refused to grant any tax flexibility to local jurisdictions and recently removed the authority of county governments to impose certain sales taxes.

7. The judiciary functions which were almost entirely locally administered and controlled, appear destined for complete state funding and control in this decade.

8. In the area of land use planning and zoning, we already have imposed a state control over sediment and erosion control programs, and the State Planning Department has been discussing land use developments in an organizational framework which will make major modifications traditionally local zoning concepts.

9. In the area of property assessments, the Governor has been pressing to have transferred to the state the entire administration of the assessment program.

The above record could cover many other areas of activities which have traditionally been matters of local jurisdiction and responsibility. It does, however, illustrate the trend of the state toward reducing local governments to collectors of trash and patchers of potholes and effectively diluting the voice of citizens in the administration of governmental programs. If the role of the state government—such as it has been in the fields of penal detention, juvenile services, mental health, hospital care, and others—had given any evidence of responsiveness to citizen concern and input, perhaps we would not be so frustrated by the above developments.

The problem essentially is that the state refuses to recognize that not all administrative expertise and wisdom resides in Annapolis; not all local programs are improved by unification and standardization; and all policy should not be made by the Governor or the General Assembly.

Why have state and federal governments failed to recognize the problem of diminished citizen interest and why do they instead insist on assuming more and more of the responsibilities of local government?

It must be recognized that after World War II, local government (and in many cases, state government) was not equipped to deal with the rapid growth and changes it faced. It lacked the power; it lacked the money. This was a new era and the federal government stepped into the vacuum. The federal assumption of many of the problems faced by local and state government in this period of accelerating growth and change *was* helpful.

However, as is often the case, we got too much of a good thing and grew to depend too heavily on federal help to do everything for us. We in local government neglected to take the initiative ourselves in areas where we could.

Now we have the means to deal with our problems. But the dilemma today is that the federal and state governments do not understand what local government can do and why it often can do it better. They assume, I think, that local government is incapable of handling the serious problems it faces, and in making this assumption they ignore something of which we in Maryland should be well aware.

Local government on the county level can work and work well if it is only given the chance.

The urban counties of Maryland are prime examples, but unfortunately our own state government often fails to recognize the great potential sitting on its very doorstep.

Priceless opportunities are being missed because the state government is not tapping the potential of its urban county governments.

We badly need responsible local government not only to deal with the problems which have traditionally been the province of local jurisdictions, but also as conduits to channel state and federal service to the citizens. In bypassing the counties in a state where the potential for responsive and effective county government exists, the state and federal authorities risk a further separation of the citizen from the focus of authority for programs which affect his life and a corresponding decrease in his confidence in government as a whole.

Maryland is blessed with counties which, in most cases, are natural regions. These counties are free, for the most part, of complicated internal subdivisions. Our urban counties possess some of the most progressive forms of county government in the country.

Maryland, however, has not awakened to its good fortune and has not taken advantage of a situation many other states would justifiably envy.

For Montgomery County the result has been a decline in the quality of service in many areas which the county itself believes it should provide. But even for counties where state takeover of school construction, courts, public defender systems, and other programs, may mean a momentary improvement in service, the removal of citizen participation and local responsibility poses a serious threat.

Montgomery and the other urban counties have had their "future shock." For us, the future is now. But the rest of our counties will also face a very real shock if they are stripped of the means to confront and deal with their destiny of growth and development.

We all share the risk of being overwhelmed by growth, a risk made greater by the erosion of our right to local government. The as yet undeveloped counties, however, are in the greatest danger because, for the most part, they have not yet felt the shock of growth. Those of you who represent counties which have not yet had to cope with rapid growth and urbanization should note that the problems faced in local government in Montgomery County today will face you tomorrow.

If the trend I have discussed this morning continues gentlemen, County Executives, County Councilman and other elected and appointed officials of local government in Maryland and throughout the nation will soon find themselves with meaningless jobs.

We face the very real prospect of becoming little more than ceremonial ribbon cutters for state and federal projects, ribbon cutters who will neither conceive nor implement nor administer the programs our citizens deserve in a new decade. Such a situation will certainly not be in the best interests of those we are sworn to serve and it is our responsibility today to see that it does not come to pass.

I have attempted to outline some of the major problems confronting county government and the citizens of our respective communities. The time is late for appropriate governmental reform. I submit for your consideration two specific recommendations. First, the General Assembly approved a Commission established by the Legislative Council to make an in-depth study of the functions of government that should be performed by the state government and those that should be performed by local government. The Commission was also directed to review and recommend the fiscal resources required to support these functions. The Assembly approved and called for the implementation of this Commission over seven months ago. I would urge that this Association insist on the activation of this Commission, which was supposed to report its findings to the General Assembly by January 1, 1972—three weeks ago.

Second, I would urge you to resist any further erosion of local government responsibilities.

The citizens of our country and Maryland badly need effective and responsible local government and local government needs our best efforts if grassroots democracy is to survive.

Thank you.

## VIEWS OF JUSTICE FELIX FRANKFURTER ON THE EQUAL RIGHTS AMENDMENT

Mr. ERVIN. Mr. President, many years ago the late Justice Felix Frankfurter wrote to the New Republic magazine which I feel expresses a great deal of truth about the equal rights amendment that will soon be considered by the Senate. Justice Frankfurter certainly expresses my feelings in his letter when he states that he "cares as deeply as a man can care for the elimination of unjustifiable differentiations in law between men and women," but Justice Frankfurter goes on to criticize the strenuous efforts of the equal rights for women advocates to remove all differences in the law in the treatment of women and men. Justice Frankfurter concludes his letter by stating that—

> The Woman's Party cannot amend nature. But it can add considerably to the burdens already weighing too heavily upon the backs of women, the industrial workers, who are least able to bear them.

I certainly agree with Justice Frankfurter and I hope every Member of the Senate will read his letter as a contribution of a very wise man to the up-and-coming debate on the amendment. Realistically, I feel the soundness of his pronouncements are evidenced by the fact that most labor unions in this country, including AFL–CIO, strongly oppose the equal rights amendment.

Mr. President, I ask unanimous consent that the letter by Justice Felix Frankfurter which appeared in the New Republic be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

University of Chicago,
*Chicago, Ill., April 6, 1971.*

Representative Don Edwards,
*House Judiciary Committee,*
*Rayburn House Office Building,*
*Washington, D.C.*

Dear Mr. Edwards: If the record on the equal rights amendment hearings is not yet closed, I should like to append thereto a letter by Felix Frankfurter, written to the New Republic way back in 1924 but which still has, I think, great relevance to the issues pending before the committee.

I regret very much that my mother's very serious illness prevented me from attending the hearings.

Sincerely yours,
Philip B. Kurland.

### THE EQUAL RIGHTS AMENDMENT

Miss Crystal Eastman challenges the gallantry of men by offering as a poser, in connection with the "equal rights" amendment of the Woman's Party, the question: "How would you feel about it if you were a woman?" Her question assumes a power of imagination which, alas, has been denied to mere man just because he can only think within his own skin. Therefore, I can't tell her how I would feel about it as a woman. It may be more relevant for me to tell her how I feel about it as one who cares, I suspect, as deeply as a man can care for the elimination of unjustifiable differentiations in law between men and women, but one who also happens to be a lawyer and perhaps familiar with what law can do and what law cannot do, in the significant details that matter.

The legal position of woman cannot be stated in a single simple formula, especially under our constitutional system, because her life cannot be expressed in a single simple relation. Woman's legal status necessarily involves complicated formulation, because a woman occupies many relations.

The law must have regard for woman in her manifold relations as an individual, as a wage-earner, as a wife, as a mother, as a citizen. Only those who are ignorant of the nature of law and of its enforcement and regardless of the intricacies of American constitutional law, or indifferent to the exacting aspects of woman's industrial life, will have the naivete or the recklessness to sum up woman's whole position in a meaningless and mischievous phrase about "equal rights." (I am aware that Crystal Eastman once upon a time knew something about law; but that was long ago and far away. Now she disregards her former learning and writes as a "feminist.") Nature made man and woman different: the Woman's Party cannot make them the same. Law must accommodate itself to the immutable differences of nature. For some purposes men and women are persons and for these purposes the law should treat them as persons, subjecting them to the same duties and conferring upon the same rights. But for other vital purposes men and women are men and women—and the law must treat them as men and women, and, therefore, subject them to different and not the same rules of legal conduct.

The unjustifiable legal differentiations as to women still existing in different States vary greatly from State to State. Now that women have the vote, these discriminations will readily yield to correction by appropriate State action, provided the attempts at reform are preceded by an effective analysis of the legal situation in each State, an understanding formulation of remedies and an adequate educational exposition of the evils and remedies as a preliminary to legislation. But in a binding effort to remove remaining differences in the law, in the treatment of women as compared with men, which do not rest on necessary policy based on inherent differences of sex, the Woman's Party would do away with all differences which arise from the stern fact that male and female created He them. The Woman's Party cannot amend nature. But it can add considerably to the burdens already weighing too heavily upon the backs of women, the industrial workers, who are at least able to bear them.

## SENATOR WILLIS ROBERTSON

Mr. THURMOND. Mr. President, it is an honor for me to speak on this floor in praise of our late colleague, Senator Willis Robertson. Many things can be said of him, but two things stand out in my mind. The first is that Willis Robertson was a man of impeccable integrity. The second is that he was a man of intellect and learning.

In my judgment, it was these two qualities which combined to make Willis Robertson a devoted and effective public servant for his State of Virginia and for the Nation.

Mr. President, Senator Robertson was known for his strong stand in favor of a sound fiscal policy and he propounded this position with great skill and with a thorough knowledge of his subject.

So extensive was his expertise in the field of finance that after he left the Senate he served as a consultant to the International Bank for Reconstruction and Development and, of course, many of us in the Senate know of his great contribution to this body's deliberations on financial matters.

Before ecology and environment became household words, Willis Robertson knew of the importance of both and devoted much of his energy and constructive efforts to preserve the beauty and quality of our natural resources. He was an avid outdoorsman; he loved the mountains and the streams of his native Virginia. He worked hard for swordfish and game policies and many people throughout the United States are today enjoyed hunting and fishing areas because of cooperative State-Federal programs which Willis Robertson promoted.

It has been said that Willis Robertson came from the same mold which produced Virginia's early statesmen. Those of us who knew him and admired him can attest to this. He possessed that combination so essential in a statesman: Great moral character and purpose on one hand, and the knowledge and ability to shape events on the other.

Mr. President, we miss him as a Senator and as a friend and hope that our words may be of comfort to his family.

## THE MEANING OF A 6-PERCENT UNEMPLOYMENT RATE

Mr. PERCY. Mr. President, an unemployment rate as high as 6 percent is a serious human and economic problem in a nation whose objective is fullest possible employment. Accordingly, the Nation's unemployment situation has received substantial attention and a major objective of economic policy has been to increase jobs at a still faster pace and decrease the number of the Nation's unemployed.

But the unemployment statistics are aggregate statistics, and as with any such statistics, the aggregate figure hides several trends which when understood tend to reduce some of the impact of the aggregate figure. An article by John O'Riley in the January 17 edition of the Wall Street Journal makes this clear. Mr. O'Riley points out that teenage unemployment represents 26 percent of 5.2 million unemployed in December, even though teenagers are only a fraction of the total work force. The point is that teenage unemployment gives a boost to the overall unemployment rate drastically out of line with the teenagers' working role in the economy.

About one-third of the unemployed in December were women. This is not to say that women are not important as full-time employees, many of whom provide the entire support for their families. But Mr. O'Riley points out that in November the Labor Department figured 15 percent of the jobless adult women had quit their jobs voluntarily, and another 44 percent "had actually been out of the labor market for some time, and, deciding to work again, had not found jobs to their liking."

These facts should cause us to treat the 6-percent rate with less alarm. Unemployment remains a serious problem and economic policy should be geared to creating fullest possible employment. But an understanding of the facts behind the aggregate figure makes it seem less awesome and more manageable.

I ask unanimous consent that the article referred to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### APPRAISAL OF CURRECT TRENDS IN BUSINESS AND FINANCE

Unemployment. Of all the economic numbers tossed about with minimal understanding these days, the one representing the unemployment rate probably tops the list of the most-used and least-comprehended. Few political speeches can do without it. Reformers trumpet it. Talk about it is heard from the pulpit and in the seminar. It besprinkles the chitchat of the cocktail hour. Even school kids refer to it. But there is, withal, much more talk than clear thought on the subject. And maybe another try at keeping it in perspective is warranted.

Fluctuating within a fraction of a point for more than a year, the much-mouthed figure now stands at 6.1%. Contrasting this with manpower-tight wartime rates (more men in the armed services, more workers in defense plants), most commentators seem to take it for granted that this represents a very bad situation indeed.

But others are beginning to wonder: Looking about them for other evidences of really large-scale joblessness, they find themselves confused. The following paragraph reflects this confusion. It is excerpted from a letter among those flowing across this writer's desk.

"There is something wrong—radically wrong—with the unemployment figures. With all the unemployed reported, it would be reasonable to assume that you could get a car washed, that you could get a house painted, that an electrical contractor could hire helpers, that it would be possible to employ people for clerical positions such as bank clerks. . . . But I have checked many sections of the country and they all report the difficulty in finding people *to take jobs.*"

The letter writer may be guilty of exaggeration. And his cross-country survey may have been less than scientific. But he has a point. And it is this: Sure, there are people out of work today—there always are. But is the situation now anything like as bad as it is commonly painted? And if it is indeed so bad, why is it that would-be employers so often find it hard to hire people?

These questions aren't easy to answer. But an honest effort can be made.

The best starting point is a look behind the 6.1% figure at the total number of people classified as unemployed, and a breakdown as to who they are. The Labor Department's estimates for December are as follows:

| Age-Sex Groups: | *Jobless* |
|---|---|
| Males, 20 yrs and over | 2,141,000 |
| Females, 20 yrs and over | 1,710,000 |
| All Teenagers (16-19 yrs) | 1,365,000 |
| Total | 5,216,000 |

As a source of public befuddlement on this overall unemployment picture, the most important figure by far in the above table is the one for teenagers. The teenagers, of course, represent only a tiny fraction of the working manpower in the nation, but it will be noted that they account for more than a fourth—26 out of every 100—of the "unemployed."

Over half of all employed teenagers quite logically only work part-time—on after-school jobs and such. But if any one of these kids is looking for even an after-school job in the overall unemployment total as an out-of-work head of a family.

Under this system of calculation, the teenage unemployment rate, now about 17%, gives a boost to the overall unemployment rate drastically out of line with the teenager's working role in the economy. The December jobless rate for adult men was actually only 4.4%—and for married men only 3.3%.

Teenage unemployment heavily concentrated in big-city slums is a serious thing. Hundreds of thousands of deprived youths, oppressed by grinding poverty, frustrated by idleness, tempted by drugs—their plight adds up to a dangerous, crime-breeding rash of sores on the social body. Only the blind can fail to see the evil in it and be concerned about finding a remedy. But to use this situation to help paint a picture of massive joblessness among bread-winning adults is plainly misleading.

Now note the womenfolk in the unemployment breakdown. Women play a far greater role in today's payroll working force than they did just a few years ago. Wage-earning females have increased by nearly 10 million in the past decade—a gigantic leap of some 50%. And just as they have increased their role in the work force, they have increased as a factor in the unemployment totals.

It will be noted in the table above that more than 1.7 million, or roughly a third of the total unemployed, are adult women. And, more important, they account for 44 of every 100 adults classified as unemployed.

But there are not many women electrical workers. Or house painters. Or car washers. Or TV repair technicians. Or auto mechanics. The list of jobs where womenpower, swollen as it is today, just doesn't fit importantly into the picture goes on and on.

Thus when you remove from the unemployed the largely unskilled and largely part-time available teenagers, plus the women, who are not trained for so many occupations, you begin to get at least a partial answer to the man who wonders why, "with all the unemployed reported, "it is often so hard to hire people.

It should be noted that adult women, as a source of family income, are not to be compared with the teenagers. Many women today provide the sole support for their families. And many more provide a sizable part of it.

But as a group (a now big group, remember) they are still to a much greater degree in-and-outers in the labor market than are the men. Far less than half of the women labeled unemployed are so classified because they lost jobs. A recent (November) Labor Department estimate figured 15% of the jobless adult women were thus listed because they had quit their last jobs voluntarily, And another whopping 44% had actually been out of the labor market for some time, and, deciding to work again, hadn't found jobs to their liking.

No, the "6.1% unemployed" figure is not one to be happy about. But the public misconception it engenders is probably too big to measure.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, S. 2515, to further promote equal employment opportunities for American workers.

Amendment No. 812 is the pending amendment.

The time between now and 2 p.m. will be equally divided between the manager of the bill (Mr. WILLIAMS) and the Senator from North Carolina (Mr. ERVIN), with the vote on the amendment to occur at 2 p.m.

Time on any amendment, appeal, or point of order relative to the amendment will be limited to 20 minutes, to be divided between the mover of the amendment and the manager of the bill, if he is opposed to it; otherwise, the time will be under the control of the minority leader or his designee.

Time on any amendment to the amendment or appeal or motion is to come at the end of the time on amendment No. 812.

The clerk will state the amendment.

The legislative clerk read the proposed amendment as follows:

1. On page 32, strike out lines 8, 9, and 10.
2. On page 32, line 18, insert the words "a State or political subdivision thereof" between the comma following "United States" and the words "an Indian tribe."
3. On page 33, strike out lines 4 and 5.
4. On page 33, strike out lines 11, 12, and 13.
5. On pages 32 and 33, renumber (2) and (4) as (1) and (2), respectively.
6. On pages 36 and 37, strike out everything from the beginning of line 22 on page 36 through the end of line 12 on page 37, and re-letter the remaining subsections appropriately.
7. On pages 38 and 39, strike out everything from the word "In" on line 18 on page 38 through the word "hearing" on line 2 on page 39.
8. On page 48, strike out everything from the word "upon" on line 14 through the word "importance" on line 24.
9. On page 49, strike out everything between "Subsection (c)" and the words "or the efforts" on line 2.
10. On page 49, strike out everything between "Subsection (f)" on lines 6 and 7 and the words "or the Commission" on line 8.

11. On page 54, strike out everything from the word "or" on line 16 through the word "Subdivision" on line 17.

The PRESIDENT pro tempore. Who yields time?

Mr. HUGHES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. HUGHES. Mr. President, I ask unanimous consent, with the Senator's permission, that the time consumed during the call for the quorum be equally divided between both sides.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. I yield myself the time that I shall consume.

I stated on Friday that this bill, insofar as it seeks to extend this coverage to all the employees of States or the political subdivisions of States, is inconsistent with our federal system of government and that it represent the greatest grab for power ever made by the Federal Government.

The people opposed to this extension of power of the Federal Government over the States are not simply sinful Southerners like the Senator from North Carolina. They are found in the offices of the attorneys general of the States of Montana, Tennessee, Oregon, Utah, and Washington.

I read a letter from Slade Gorton, attorney general of the State of Washington:

DEAR SENATOR ERVIN: Thank you for your thoughtful letter on the subject of the above-numbered bill.

The state of Washington already has a statute comparable to the proposal contained in that bill, covering state and local government employment as well as private employment. Personally, I prefer an approach through state legislation, coupled with firm and fair state enforcement.

I read a letter from Robert B. Hansen, deputy attorney general of the State of Utah:

DEAR SENATOR ERVIN: In response to your letter of Dec. 1, it is the view of this office that the subject bill would be an unwise extension of Federal bureaucracy into state affairs. The principle of the bill, as you note, is commendable, but the mechanics of implementing it is directly contrary to traditional concepts of the right of a sovereign state to manage its own affairs.

It has been our observation that many Federal programs unduly interfere with the proper sphere of local government activities and does so at a cost which is greatly disproportionate to the value conferred.

For instance, in Utah, we have had only three cases of claimed discrimination brought to our attention during the past three years, each of which was settled by a phone call plus a personal interview in one of them. If these cases had been processed by a bureaucrat on the Federal payroll supported by the usual office and staff the cost to the taxpayer would be an astronomical multiple of the cost actually necessary to resolve these problems here.

If we can be of any further help in connection with this matter, I will appreciate hearing from you.

Lee Johnson, attorney general of the State of Oregon, wrote me as follows:

DEAR SENATOR ERVIN: Pursuant to your request to share my views on the above-proposed legislation, please be advised that, although I am the chief law officer of the state, and am familiar with Oregon's civil rights legislation, I am not the administrative agency which enforces that legislation. As far as my office is concerned, Oregon already has complete coverage of governmental employers under our own civil rights statutes. Therefore, there is no need for S. 2515 to solve problems in Oregon.

I am enclosing a copy of Oregon's civil rights statutes (ORS 659.010 to 659.110). You will note therefrom that all levels of government, except federal, are encompassed within the definition of an "employer," although they may employ as little as only one employee [ORS 659.010(6)].

In addition, Oregon's law covers all classes of discrimination covered by federal legislation (race, religion, color, national origin, sex and age). Only in the area of age discrimination is the Oregon law not broad enough to cover all private and governmental employers.

Investigatory, conciliatory and adjudicatory jurisdiction over complaints of discrimination are granted by our state statutes to an administrative agency, with the right of appeal to the State Court of Appeals and the State Supreme Court.

If you have any further inquiries, please do not hesitate to contact me.

I also read a letter from David M. Pack, attorney general of the State of Tennessee:

DEAR SENATOR ERVIN: I am writing to acknowledge with appreciation your letter of December 1st with which you enclose a copy of S. 2515, being entitled a bill "to further promote equal employment opportunities for American workers." Please be advised that I am entirely in accordance with the sentiments expressed in your letter and in the remarks made by you on the Senate floor when a similar bill was considered by the 91st Congress. It is my firm conviction that the effect of this measure would be deleterious to the federal concept of government and that it would further curtail the constitutional prerogatives of the respective states and increase the impersonal bureaucratic control which weighs so heavily upon the nation today.

As the foremost constitutional authority in the United States Senate you are eminently qualified to bring the dangerous and pernicious characteristics of this legislation to the attention of the Congress and the nation. Please be assured of my complete and unqualified support and of my opposition to this proposal as it is presently drafted. It is my purpose to communicate these views when it appears that an expression of my opinion may be effective.

I read a letter from the attorney general of Montana, Robert L. Woodahl:

DEAR SENATOR ERVIN: I have reviewed the materials you sent concerning Senate Bill No. 2515, the proposed Equal Employment Opportunities Enforcement Act of 1971.

Although this legislation is quite detailed in terms of enforcement procedures, I feel that it is lacking in clarification relative to its potential impact on state governments. This is indeed unfortunate, since the possible ramifications on individual state governments could be extremely detrimental.

I would agree that the inclusion of state governments, governmental agencies and governmental activity within the scope of the Equal Employment Opportunity Act amounts to a broad extension of the powers given the Equal Employment Opportunity Commission under the Civil Rights Act of 1964. The regulation of employment practices within state government is a matter which should properly be left to the individual states, since state governments certainly are in a better position to handle, on an informed basis, employment difficulties arising in their respective jurisdictions. Also, and perhaps more significantly, I believe as you do that the principle of federalism as expressed in the Tenth Amendment to the United States Constitution would suffer serious impairment by the enactment of Senate Bill No. 2515.

I strongly support the maintenance of the concept enunciated by the Tenth Amendment, and I appreciate your sharing your thoughts on this matter with me.

Mr. President, as was pointed out in the last letter I read, there is nothing in the bill that clarifies who is a State employee or an employee of a local political subdivision of a State. Does it include the Governor of the State? Does it include the supreme court justices of the State? Does it include the members of the State legislature? Does it include all those elected sheriffs in the various counties? Does it include the various clerks of the court and other men who exercise executive and judicial power?

This would give the Federal judge a broad mandate to go out and subject to his domination all the employees of a State and all the employees of a political subdivision of a State.

As I argued last Friday, and I think my argument cannot be successfully contradicted, this would make Federal judges into employment bureaus for States, even though they lack capacity to determine many of the State's employment problems, such as who is competent—as I argued last Friday—to say who should teach such subjects as anthropology in a State institution of higher learning.

Mr. President, this bill represents the greatest assault ever attempted in any legislative proposal upon the liberties of all the American people for the supposed benefit of only one segment of the American people.

It is said to be a bill to promote equality in employment. That is a hypocritical designation. The bill would destroy equality because it would place employers, both public and private, throughout the length and breadth of the land, if they employ as many as eight persons, under subjection to a government agency for the supposed benefit of only one segment of the American people. That would be exalting the privilege of this segment of the American people above the liberties of all of the American people.

Now, Mr. President, I yield such time as he may need to the distinguished Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Mr. President, I thank the distinguished Senator from North Carolina for yielding to me. I am honored that I have this opportunity to speak alongside the able and distinguished senior Senator from North Carolina (Mr. ERVIN), who is the greatest constitutional authority in the Senate—and I say that without fear of contradiction—and one of the most renowned constitutional lawyers in the entire country.

Mr. President, I oppose the passage of S. 2515, not because I do not want to see equal employment opportunities for all our citizens, for every Member of the Senate, every fairminded person in the country, favors the concept of fair and equal opportunity by all our citizens to obtain employment and to earn a livelihood.

One would think, from hearing some of the debates in the Senate, that a large number of jobs or positions that are open for filling are being denied to people.

Let me point out that the bill does not create one single job or position of any sort, aside from the hundreds of Federal bureaucrats who would obtain jobs if the bill is passed.

The bill seeks to make the EEOC, the so-called Equal Employment Opportunity Commission, the court, the jury, and the prosecutor all rolled into one.

Some 7 years ago, originally, when the law was passed, and at the present time, the EEOC was an advisory and conciliation agency, one that sought to eliminate unfair labor practices by investigating charges, by considering them, by seeking to work out differences between the employer and the employee, but not to issue its own orders and not to be a prosecutor, jury, and judge.

But the concept of conciliation will take second rank behind the function of forced compliance with its order.

Is it fair for the same agency which receives the complaint, which investigates the complaint, which prefers charges based upon that complaint, to sit as the judge to determine the validity of the complaint?

Mr. President, I submit that it is not.

This bill is an arrogant effort to extend the scope of operation of the EEOC, to extend its coverage, to extend the powers of the EEOC. It will bring, for the first time, if the bill is passed, and if this amendment of the distinguished Senator from North Carolina and myself is not adopted, the despotic powers of the commission to every State, county, and city employee, every employee of a State, county, or city public agency, bringing in some 10 million additional citizens covered by this act.

Mr. President, I might say at this point that the bill does provide a somewhat different procedure as regards the county and city employees in negotiating and prosecuting unfair labor practices from what is provided for employment in business and industry.

They must have felt that the Senate and the House of Representatives would not go along with the same sort of rule for State, county, and city employees that there is for employees of business and industry. So, in effect, there have what we might call something on the order of a Dominick amendment for State, county, and city employees in that the forum for deciding the controversy with regard to the alleged unfair labor practices would not be just the Commission itself, but would be the Federal court.

That was what the Dominick amendment sought to do, to require the Commission to go into the Federal court to prosecute the alleged unfair labor practices. So, the proponents of the bill were wise enough to set up this procedure with regard to the State, county, and city employees. But they should not have any jurisdiction whatever. The Federal court should not. There should be a field of operation for the Federal Government, a field of operation for the State government, and, as my distinguished colleague, the distinguished senior Senator from North Carolina, has said, the Federal judge should not be the employment agency for the State.

So, Mr. President, it is very unwise in the judgment of the junior Senator from Alabama to seek to extend coverage of the EEOC to State, county, and city employees. The amendment now pending would eliminate the coverage of State, county, and city employees from the committee amendment. In other words, it would not change the law as it exists now at all. It would just say, "All right; you are seeking to lower the number of employees required for coverage by the EEOC, from 25 to eight; that in all small businesses you are moving over to the EEOC the power of the Justice Department to bring practice and pattern suits against employers where it is alleged that the employer is not just discriminating in isolated cases, but that it has a practice and pattern by which it engages in unfair employment practices, and transferring that power over to the EEOC."

It has broadened the coverage to include every single educational institution in the entire country. They are not now covered. The pending amendment does not seek to correct those abuses by which there are extensions of the power and jurisdiction of the EEOC over these other agencies. All it seeks to do is to prevent the EEOC from reaching out and grabbing control of State, county, and city governments and their employment practices.

It would leave the other matters to be settled by subsequent amendments. It does not withdraw any jurisdiction from the EEOC. It would merely prevent the EEOC from obtaining jurisdiction of the local governments.

Mr. President, this amendment, in the judgment of the junior Senator from Alabama, is the most important amendment yet remaining to be acted upon by the Senate. Possibly the most important amendment was the Dominick amendment, which finally failed by a vote of 48 to 46. That amendment would have required that the charges of unfair labor practices be presented and considered and adjudicated in the lower Federal court.

That was a most meritorious amendment. However, the Senate by a very narrow margin turned it down. I hope that this amendment, keeping the EEOC from taking over the local government, will be accepted. It will not make the bill acceptable to the junior Senator from Alabama and the senior Senator from North Carolina and many other Senators. However, it would be an improvement if we were to just prevent the EEOC from running roughshod over the rights, the functions, and the obligations of local governments.

Mr. President, when Thomas Jefferson remarked that "eternal vigilance is the price of liberty," he had in mind a vigilance by free men against encroachments of governmental authority.

Mr. President, I am going to direct the remainder of my remarks not just to the amendment, but in opposition to the entire bill, S. 2515.

In adopting the restraints which the Bill of Rights imposed upon the National Government, the authors of the U.S. Constitution espoused the cause of individual liberty against arbitrary, governmental intrusion. In so doing, the patriots who survived the bitter ordeal of tyrannical rule exercised by King George III and his ministers declared to all the world that those who were to be governed knew best how they should be governed and that government should move only as consent flowing from the people.

The words of Jefferson are no less true today, particularly when we view the bill before us. It is an affront, to be sure, to the concept of the authors of the American Constitution and the idea of limited governmental authority which they sought to safeguard.

When legislation similar to S. 2515 was before the Senate during the last Congress, I stated that it was the most dangerous and indefensible measure presented in this Chamber since I came to the Senate. My views have not changed.

I have never personally witnessed such a bold and colossal grab for naked power which is represented by the combined impact of S. 2515. We are being asked to endorse a blank legislative check to vest in an agency of the Federal Government totalitarian authority over the employment practices and internal administration of free enterprise, labor unions, educational institutions, and State and local governments.

This bill is deliberately designed to deny basic rights of the American people and to grant special privileges to a few. Its punitive and oppressive provisions are patently directed at the destruction of the rights of the majority. Its far-reaching and drastic provisions will destroy and negate many more individual rights and liberties than they could possibly protect. If enacted, the measure would, in fact, cripple, and in some instances destroy, the very institutions which brought this great Nation into being and which helped to make it great.

Mr. President, I may say parenthetically, that the EEOC, in seeking to take over the employment practices of institutions of higher learning, is treading, it seems to the junior Senator from Alabama, on dangerous ground. It is hard for our institutions of higher learning to survive in the terrific cost crunch that is affecting our colleges and schools. Not only would the EEOC takeover colleges and universities; it would take over educational institutions of any other sort, whether they be private schools, church-supported schools, or even public grade schools, for that matter—any institution that would come within the phrase "educational institution."

Already, Federal courts are pretty well serving as employment agencies for teachers in Alabama and the rest of the South, because the Federal courts say whom the school boards may employ, whom they may not employ, and where they shall teach. So we do not need any further dictation by still another branch or department or agency or bureau of the Federal Government to exercise still more control over our educational institutions in Alabama and the rest of the South.

It has long been known that one of the things that accreditation boards and other agencies which have the power to accredit or to withdraw accreditation from institutions of higher learing, or of secondary schools, for that matter, consider very carefully is whether an institution is dominated by politics, whether politicians are in control of the educational institution or whether educators are in control of the institution. If we turn the employment practices of colleges and universities over to the EEOC and let it decide who shall teach what subject, let it decide who is going to be on the faculty of the institution of higher learning, what chance will an institution of that sort have of continuing its accreditation if it is so embroiled in control, not by educators at the school, but by a bureau of the U.S. Government? I feel that it is certainly a weakening of our higher institutions of learning to turn over their employment practices to the EEOC.

The distinguished Senator from North Carolina (Mr. ERVIN) was remarking that even as to religious schools, the only exemption given from the EEOC is the control of employment insofar as it affects the teaching of religious subjects and the carrying on of religious activities. The EEOC would not exempt the school from its employment practices with regard to persons who might teach history, languages, mathematics, or philosophy. All courses outside of religion would be under the control of the EEOC.

So a church-supported school which might desire to have only members of its particular denomination on the faculty to teach not only religion, but also all other subjects, will find that under the bill its employment practices with regard to teachers of subjects not having a direct connection with the promulgation and carrying on of its religious activities will be covered. Under the bill, the very foundation stones of our American system would be denied. The proposed legislation is a direct assault upon the free enterprise system.

The number of employees that would be required to bring an enterprise, a business, or an office, for that matter, under the provisions of EECO is reduced from 25 to eight. Many small businesses today are having a time keeping their doors open for the purpose of carrying on their business. Competition from large corporations, governmental redtape, investigations, and heavy taxes are forcing many small businesses to close their doors. All of this combines to make it very difficult, indeed, for a small buisenss to remain in business.

Under the provisions of the bill, if a man employs as few as eight persons, he is covered by every single one of the outrageous provisions of the bill. The bill does not merely require large corporations to maintain fair employment practices. It requires that coverage be extended to small businesses, as well. There will be harassment, there will be investigations, charges will be filed against many thousands of small businesses; and I predict that literally hundreds of such businesses will be crowded to the wall. I have in mind an incident that occurred in my State of Alabama. A small industry, employing some 250 persons, is barely making ends meet. A proceeding against it is pending right now before the EEOC. In talking with some of the officials of the company, I was told within the last week that it looked like they were not going to be able to carry on against all of the attacks by the Federal bureaucracy, including, in particular, the EEOC.

Mr. President, if we give the EEOC the power not only to point out these alleged practices to an employer but to sit in judgment on those charges and issues orders of cease and desist, we are going to find that this company, in all likelihood—a small company employing 250 people—is not going to be able to survive.

While I was home during the Christmas recess a man called me from another section of my State, and he was registering his protest against some of the trends in Washington. He said, "Senator ALLEN, we are getting to the point where we are afraid of our Government." Mr. President, that sums up the feeling of many thousands of people throughout this country. They are afraid of their Government.

Governments used to protect the rights of the people, but this man, being buffeted about by redtape, by heavy taxes, by government inquisition, is just cringing, wondering what the Government is going to do against him next. I hated to tell him that they are going to extend the powers of the EEOC against him and his small business. I just did not have the heart to tell him what was in store for him. That is what is worrying the people, Mr. President.

We have so many problems facing this country—the dock strike on the west coast, the war in Vietnam and Indochina—and we have been talking here for some 10 days on this pernicious bill.

The EEOC has managed to get along without the cease and desist authority for 7 years. Why cannot it limp along without that authority now?

It is said that without this bill, there will be 32,000 complaints filed with the EEOC in the year which will end June 30, and it is estimated that for the next year starting July 1 they will have 45,000 complaints. They must be doing some good in calling these matters to the attention of employers. Why cannot the EEOC limp along like it has done for 7 years without this added authority, and let the Senate get on to more important business?

I dare say when the head of the EEOC appeared before the Appropriations Committees of the House and the Senate he did not say, "Why, Mr. Chairman, we are not accomplishing anything over in the EEOC." He said, "We are doing a good job," I dare say.

Let us leave the EEOC where we find it. Let us not circumscribe its powers. Let us not curtail its powers. Let us not make it harder for them to act. Let us appropriate all the money they can properly use. But, Mr. President, let us not extend their power over 10 million local government employees. Let us not extend their power over every educational institution in the country. Let us not extend their power over every employer of as many as eight persons. Let us not give them the power to sit as prosecutor, judge, and jury, and sit in judgment after they have already decided the case, or they would not have bothered to prefer the charges. That would show they had already decided the matter, or they would not have preferred the charge. Why let them sit in judgment on a charge that they themselves preferred?

The measure contains a self-starter provision vesting in the Equal Employment Opportunity Commission authority to initiate investigations and inquiries either on its own motion or whenever an anonymous person or organization merely requests the filing of a charge that an unlawful employment practice has occurred.

There is no requirement of "reasonable cause" as a condition precedent to the filing of a charge; therefore, the Commission is given carte blanche authority to conduct roving inquiries into the private books and records of a company, a labor union, an educational institution, or State and local governments, regardless of whether there is any logical preexisting cause for believing there has been a violation of the law. S. 2515 is, in essence, a civil "no knock" bill.

What the people are afraid of is the Government coming in and harassing him by checking over a man's books and checking on him. That is one fear they have of the actions of their Government.

Right at that point, Mr. President, this bill has a provision in it that is one of the most amazing provisions present in any bill. We have had in the United States for 100 years a law that provides the Federal Government, the agencies and employees of the Federal Government, cannot accept the services for the Federal Government of volunteer or uncompensated employees. In other words, a man shows up at the Justice Department and says, "Look, I want to volunteer my services and work in the Department of Justice." Well, the law is that such a person's services cannot be used by the Justice Department. A man shows up at the Internal Revenue Service, the Treasury Department, and says, "I want to volunteer my services and work for the Government. I do not want to be paid anything. I am just interested in carrying on the work of the Federal Government." Under the law, such a person cannot have his services used. He has got to become a Federal employee. He has got to take a civil service examination in many cases. He has to be checked out by this Government. He has got to be needed in the department and employed as a Federal employee.

But the bill that is before us now

would take the EEOC out from under this law. Other departments are covered by it. I have not been cited to any other agency that is not covered by it. It is a law that has been on the books, apparently, for 100 years. We have not had any other bill, since I have been here, seeking to take any bureau or agency out from under this law. But we find it now in this EEOC bill. It provides that the EEOC can avail itself of volunteer or uncompensated employees. Is that right, Mr. President?

It was brought out here on the floor that at present the EEOC has some 1,000 employees. It is anticipated that in the next year or so, it is going up to 2,000. Well, there is no limit on the number of volunteer or uncompensated employees that they could get.

Already, even before they get the authority, the distinguished manager of the bill, the Senator from New Jersey (Mr. Williams) stated that they have some 300 volunteer employees. He stated that they were used largely in public relations work. But I submit, Mr. President, there is nothing anywhere in this measure that would prevent 500, 1,000, or 5,000 people, with prejudice, with bias, from coming forward and saying: "I am so definitely committed to this concept of equal and fair employment opportunity that I want to volunteer my services, so that I can go out over the country and check employers and see if they are engaged in unfair employment practices."

Mr. President, that is what this bill would allow, and I feel that it should be pointed out again and again. We sought to knock that provision out, but the Senate in its wisdom saw fit to defeat the amendment.

As I have stated, Mr. President, the amendment at the desk that is the pending business would not cure all of these other defects that I am seeking to point out, but it would prevent the EEOC from taking over State and local governments, and for that reason it ought to be adopted by the Senate.

Under the inquiries and investigations directed by the bill, business would be vexed and harassed to the point where orderly plant management and efficient production could become impossible.

The bill brings within its orbit every person in the United States who hires eight or more employees. Thus, the small businessmen—already overburdened—would encounter new regulations, investigations, hearings, and appeals far beyond his time, his energy, or his finances.

The bill even goes farther. It says that the Commission can act as the complainant's lawyer and prepare his testimony for him on the very case which will be presented to and ruled upon by the Commission itself.

What about a little fair play there, Mr. President? That is denied here. This is consistent with the entire one-sided and dictatorial philosophy of S. 2515. Its potentialities have seeds of malignancy which it would be folly to ignore.

Mr. President, S. 2515 is a delusion designed to create a false sense of security in that it does not create one new job except those in Federal bureaucracy. I repeat, other than the additional army of bureaucrats that would be set up, this bill does not create one new job in the private sector.

Yet, the bill is presented to us when we are confronted with our most serious economic crisis in four decades.

We have the first peacetime wage-price freeze in our history. We are constantly faced with what some have called the "twin sixes"—6-percent unemployment and 6-percent increase in inflation per annum. The growth in our gross national product has been alarmingly small and capital goods expenditures have hardly grown at all. All of this has been compounded by our serious adverse balance of trade and the accompanying crisis in the position of our dollar abroad.

I am sure all will agree that there is an urgent, if not crying, need to devise means to bring an early end to economic stagnation in our country, to curb inflation, and to reduce unemployment levels by putting idle capacity to work and by creating new capacity.

But at the very time production is so badly needed to restore sound and vigorous economic conditions, this bill would create fear and suspicion, friction and division in the business houses, plants, and factories of America.

If this bill should become law, Mr. President, it would give license for a bureaucrat, clothed with all the power of the Federal Government, to come out of Washington and to walk into a business or labor union hiring hall and to dictate to the employer or the business agent whom he could employ and whom he could not employ.

Mr. President, touching again on this arm of volunteer employees: Those people would have to eat, I suppose, even if they were volunteering their services. Somebody is going to be paying them, we can rest assured of that. They are not going to volunteer their services unless somebody is paying the way. Mr. President, to allow this army of volunteer employees, with the indicia, the power, and the authority of the Federal Government behind them, is something we ought not to do. What check would be made about their criminal background, if any? What check would be made about their fitness to work in a delicate position of this sort? What check would be made on their general ability? What check would be made on their bias or prejudice?

If for no other reason than that it has this vicious provision, the bill should be defeated.

There is just one other step which could in any way be worse than the step I have just described, and that would be for one of those bureaucrats to go into a man's home—his castle—and try to tell him whom he should have around his dining room table or his fireside.

But this is not all. The bill could also punish first and prove the offense subsequently. It would permit a Federal judge—a single judge acting without a hearing and without any showing by the Government of irreparable injury—to issue a temporary restraining order against the respondent for an alleged unlawful employment practice.

Mr. President, that would be an alternate remedy they would have. That would be in addition to the remedy they have of sitting as prosecutor, judge, and jury. In addition to that, if they could not move rapidly enough by that method, if they have too large a backlog of cases, mark my words, Mr. President, we are going to have the EEOC coming in here and saying, "With this mass of added work we have got, we do not need just 2,000 employees, we need 4,000, 6,000, or 8,000." Mark my words.

Mr. President, with regard to the advisability of leaving all this power in the EEOC, or requiring it to go into Federal court to have the complaints adjudicated, I might remark that there are 398 Federal district judges in the country, and by dividing this workload up among 398 Federal judges, it would seem to me to be a better way of handling it than to have one Commission here in Washington, with five board members, handle all of these complaints from all over the United States.

But, in addition to the right to decide the matter itself, when it gets to it, and running ahead of the backlog of cases, it can go into the Federal court. This is an alternate and additional remedy that the EEOC would have—to get the Federal judge to issue a temporary restraining order against the respondent for an alleged unlawful employment practice. We thus see a reversal of the age-old maxim that a man is presumed to be innocent until he is proven guilty.

All they have to do is to go into Federal court and have the judge issue a restraining order preventing the employers from engaging in an alleged unlawful employment practice, without ever deciding the matter. The order will be issued, and then they will wait until they have time to hear it, at the bottom of the docket, and all that time they would be restrained from doing what good business judgment required them to do.

The temporary restraining order could be followed by a preliminary injunction. The preliminary injunction could require affirmative action on the part of the employer, such as the reinstatement of former employees and the hiring of new employees with back pay.

Under these provisions of the bill, it would be possible, Mr. President, for an American to be imprisoned if he disagreed with the order of a Federal judge, without the benefit of trial by jury.

No wonder the powers sought under this bill have been compared with the English court of the star chamber.

Frankly, I am somewhat surprised to see that some of the people who for many decades were subjected to the injustices of the injunctive process prior to the passage of the Norris-La Guardia Act in 1932 are among those who now come before Congress and clamor for a return to the dark days of the past.

Mr. ERVIN. Mr. President, will the Senator yield for a question on that point?

Mr. ALLEN. I yield.

Mr. ERVIN. The Norris-LaGuardia Act was enacted at the behest of labor to free labor from what was called "government by injunction."

Mr. ALLEN. That is correct.

Mr. ERVIN. And the Norris-LaGuardia Act is still in force.

Mr. ALLEN. Oh, yes.

Mr. ERVIN. Under its terms, a man who suffers a genuine wrong which only an injunction can prevent is denied the right to obtain an injunction to protect his rights and prevent that wrong, is he not?

Mr. ALLEN. That is correct.

Mr. ERVIN. Notwithstanding that labor has sought and obtained for itself protection against government by injunction, labor joins the organizations which have appointed themselves guardians of the minority race in demanding the passage of a bill which places every other person within the borders of the 50 States, employing as many as 8 people, under the tyranny of government by injunction.

Mr. ALLEN. That is correct. It is rather inconsistent.

Mr. ERVIN. It would seem that the freedoms which they would cherish for themselves, they would wish the other people to enjoy.

Mr. ALLEN. Yes. I thank the distinguished Senator from North Carolina for the point he has raised and commented upon.

Samuel Gompers, the pioneer and towering leader in the American labor movement, declared in 1911:

> Modern American Courts assume the right to issue injunctions interfering with the personal rights of men in exercising free speech, free press, peaceable assemblage, and in their personal relationship with each other. The right of free speech, free press, peaceable assemblage are specifically guaranteed by the Constitution. They are the fundamental safeguards of a free people, which neither a Court, king, nor cajolery should be permitted to destroy. The personal relationship between man and man comes clearly within the jurisdiction of the law Courts and has no place in the Courts of equity unless on the assumption of the Court that man is property, an assumption repugnant to the sense of all civilized communities and specifically forbidden by the 13th Amendment to the Constitution of the United States. Our contention is that when an injunction is issued in a labor dispute, irreparable injury is done to the parties involved and to the cause of labor, which no court can compute and no bond can indemnify.

Mr. President, I am sure there are few among us who will not say that perhaps the most shameful chapters of our judiciary history were written by judges in labor relations cases prior to the enactment of the Norris-La Guardia Act. Indeed, the susceptibility to abuse by judges of the injunctive process is clearly illustrated by the example of the years prior to 1932 when judges, acting without juries, in an almost unbroken line of cases, used the injunction to frustrate the efforts of labor to secure fair wages and safe working conditions.

It would be well for those representing labor who advocate S. 2515 to pause and ponder the wise words of Samuel Gompers and to thoroughly review the cases involving labor disputes prior to 1932.

Mr. President, this bill would provide a different type of injunction. It would provide an injunction against the employer.

The PRESIDING OFFICER. All time of the proponents of the amendment has now expired, and the committee chairman has all the remaining time.

Mr. ALLEN. I appreciate the Chair's indulgence, and I will conclude my remarks on the bill at a later time.

Mr. WILLIAMS. Mr. President, first, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS. The remaining time before the vote that is fixed for 2 p.m. is all to be allocated by the manager of the bill?

The PRESIDING OFFICER. That is correct.

Mr. WILLIAMS. And the vote is at a time certain—2 p.m. Is that correct?

The PRESIDING OFFICER. That is correct—under the order.

Mr. WILLIAMS. It is my understanding that the time for the quorum call that started the proceedings was equally divided between the proponents of the amendment and the manager of the bill.

The PRESIDING OFFICER. That is correct.

Mr. WILLIAMS. There will be another quorum call shortly. I will not ask for equal division.

Mr. ALLEN. We have no time to contribute.

Mr. WILLIAMS. Following a statement, I will be happy to work out an equity of time if not many speakers demand time from the manager of the bill. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, I yield myself such time as I may need.

Mr. President, one of the most vital provisions of S. 2515 is the part which would amend section 701 to broaden the jurisdictional coverage of title VII of the Civil Rights Act of 1964 to include State and local government employees. Besides including State and local government employees, S. 2515 also creates a special enforcement mechanism for handling complaints against State and local government units.

At this time in our country's history, it should be beyond question that the employees of State and local governments are entitled to the same benefits and protections in equal employment as are employees in the private sector. In fact, the well-documented and widespread discrimination among State and local government employees is a shameful condition that should be eliminated wherever and whenever possible.

In a report released in 1969 by the U.S. Commission on Civil Rights, "For All the People—By All the People," that Commission concluded that:

> * * * State and local governments have failed to fulfill their obligation to assure equal job opportunity * * * Not only do State and local governments consciously and overtly discriminate in hiring and promoting minority group members, but they do not foster positive programs to deal with discriminatory treatment on the job.

The report's findings indicate that the existence of discrimination is perpetuated by both institutional and overt discriminatory practices, and that past discriminatory practices are maintained through de facto segregated job ladders, invalid selection techniques, and stereotype misconceptions by supervisors regarding minority group capabilities. The study also indicates that employment discrimination in State and local governments is more pervasive than in the private sector.

In another report issued by the U.S. Commission on Civil Rights in 1970, "Mexican-Americans and the administration of Justice in the southwest," the Commission found that in the five Southwestern States with the highest concentration of Spanish-speaking Americans, their representation in the vital area of law enforcement was significantly disproportionate to their demographic distribution. The report shows that in these five Southwestern States, Spanish-speaking Americans, who constitute approximately 12 percent of the population account for only 5.2 percent of police officers and 6.1 percent of civilian employees associated with law enforcement agencies.

Mr. President, I ask unanimous consent that excerpts of these two reports be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILLIAMS. Mr. President, this failure of State and local governmental agencies to accord equal employment opportunities is particularly distressing in light of the importance that these agencies play in the daily lives of the average citizen. From local law enforcement to social services, each citizen in a community is in constant contact with many local agencies. The importance of equal opportunity in these agencies is, therefore, self-evident.

In our democratic society, participatory government is a cornerstone of good government. Discrimination by government, therefore, serves a doubly destructive purpose. The exclusion of minorities from effective participation in the bureaucracy not only promotes ignorance of minority problems in that particular community but also creates mistrust, alienation, and all too often hostility toward the entire process of government. The public sector should lead the way in the fight to insure equal employment opportunity for all in our society.

The Federal Government's interest in State and local government operations cannot be underestimated. There are approximately 10 million employees of State and local political subdivisions. The Federal Government alone will distribute more than $43 billion of its tax revenues to these levels in the next year.

Mr. President, in order to understand the pervasive influence of the Federal Government on the State finances, I ask unanimous consent to have printed at the conclusion of my remarks a summary of expenditures from the current Federal budget for fiscal year 1973.

The PRESIDING OFFICER (Mr. Cranston). Without objection, it is so ordered.

(See exhibit 2.)

Mr. WILLIAMS. Mr. President, it is clear that with the expenditure of such sums comes the responsibility of making sure that the distribution and use of the funds is without discrimination. The failure to have adequate minority representation in those agencies of Government responsible for expending those funds is an element of this discrimination.

S. 2515 seeks to establish a fair and effective means for bringing about this result, within the boundaries established by our Federal system. At present, the more than 10 million State and local government employees, constitute the largest class of persons exempt from the operation of Federal nondiscrimination laws. By amending the present section 701 to include State and local governmental units within the definition of an "employer" under title VII, all employees of these units would have access to the remedies proposed in the bill.

In addition to the moral issues raised, the Constitution is imperative in its prohibition of discrimination by State and local governments. The 14th amendment guarantees equal treatment of all citizens by States and their political subdivisions, and the Supreme Court has reinforced this directive by holding that State action which denies equal protection of the laws to any person is in violation of the 14th amendment. It is thus clear that the guarantee of equal protection must extend to discriminatory practices of State and local governments, where such discrimination is based upon race, color, religion, sex or national origin.

Through use of the enabling clause of the 14th amendment, the promise of equal protection can become a reality. The last sentence of the 14th amendment enables Congress to enforce the amendment's guarantees by appropriate legislation.

The inclusion of State and local government employees within the jurisdiction of title VII protections will fulfill the congressional duty to enact the "appropriate legislation" to ensure that all citizens are treated equally in this country.

S. 2515 provides a legislative program for fulfilling this duty through an extension of coverage and a special procedure for enforcement. In those cases involving a respondent which is a "government, governmental agency, or political subdivision," the Equal Employment Opportunity Commission is given the authority to attempt to secure voluntary compliance under its normal procedures, including deferral of the charge to the appropriate State fair employment practice agency, if one exists. I might note at this point that at least 33 States have provisions in their antidiscrimination laws that provide enforceable coverage to State and local government workers.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks a list of such State laws.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. WILLIAMS. Mr. President, if the Commission is unable to secure a conciliation agreement it shall refer the case to the Attorney General for further action, specifically for filing of a civil action against the respondent in the appropriate U.S. district court. This is the authority that was requested by the President in his state of the Union message on January 20 of this year. Further, the bill gives the aggrieved State or local government employee or employees the right to intervene in such civil actions. By placing the full weight of the U.S. Attorney General and the authority of the U.S. district courts behind equal employment opportunity in State and local governments, the machinery has been provided to insure equal rights. In short, this special enforcement procedure, when State and local governments are respondents, provides the necessary power to achieve results without the needless friction that might be created by a Federal executive agency issuing orders to sovereign States and their localities. To underscore the importance of this provision in the bill, I would like to offer for inclusion in the record, a copy of a resolution from the International Association of Official Human Rights Agencies, endorsing the bill in its entirety. This organization is the group that represents the State agencies charged with administering State equal employment laws.

The committee has gone to great lengths to create a fair and equitable enforcement program that is capable of achieving the desired results. We have done so with the conviction that such a program is essential to the viability of State and local governmental units. This conviction is based in large part on the very practical consideration that employment discrimination at the State and local government level reflects very unfavorably upon the ability of those governmental units to deal equitably in their contracts with those groups against whom they discriminate in employment. State and local government employees are in constant contact with the citizens in their jurisdiction. If they are to carry out their jobs with any success whatever, public confidence in their impartiality is vital. This confidence cannot help but be shaken by the widespread existence of employment discrimination in the public sector.

Added importance must be placed upon this latter point if revenue sharing and welfare reform are ever going to maximize their potential. Under both programs, State and local government employes make many important policy and administrative decisions. If these decisions are to be responsive to the needs and desires of the people, it is essential that those making the decisions be truly representative of all segments of the population. Only if such representation prevails can we hope to inspire the confidence in our governmental institutions vital to the success of revenue sharing and welfare reform.

One other practical consideration bears noting. Whenever the State or locality is engaging in activities also engaged in by private parties, the potential for labor strife is increased where enforcement of antidiscrimination laws is available in the private sector but not available for similar employees in the public sector.

This potential, with its concomitant effect upon interstate commerce, gives ample reason for imposition of Federal equal employment standards on State and local governmental units. In fact, just such an argument was persuasive to the U.S. Supreme Court in the case of Maryland against Wirtz, regarding extension of the Fair Labor Standards Act to certain classes of public employees. The full impact of this case is to suggest that there are proper situations and proper means to impose Federal standards upon State and local governments. I would suggest that the insurance of equal employment opportunity is just such a situation. The means employed by this bill authorize minimal contacts between the Federal Government and State and local governments; public employers will be able to hire whomever they please, so long as it is done in a nondiscriminatory manner.

In summation, I believe that the moral, legal, and practical considerations have for some time demanded that State and local governmental units meet their responsibilities to insure equal employment opportunity under the law. S. 2515 is a means to that end.

Mr. President, I ask unanimous consent that all the items I have requested to have printed in the Record be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The material was ordered to be printed in the Record as follows:

EXHIBIT 1

## FOR ALL THE PEOPLE . . . BY ALL THE PEOPLE—A REPORT ON EQUAL OPPORTUNITY IN STATE AND LOCAL GOVERNMENT EMPLOYMENT

(A report of the U.S. Commission on Civil Rights, 1969)

### FINDINGS

### *Background of the problem*

1. In recent years State and local government employment has grown rapidly in total numbers, in the range of services provided, and in the occupational categories required to perform these services. Because they are relatively large institutions, have broad potential, and need a variety of talent, State and local governments can provide an important source of jobs for members of minority groups.

2. State and local governments are the largest single group of employers in the United States for which no comprehensive information is available on the racial and ethnic composition of their work force. These governments also are the only large group of employers in the Nation whose racial employment practices are almost entirely exempt from any Federal nondiscrimination requirements.

### *Extent of equal opportunity*

3. Minority group members are denied equal access to State and local government jobs.

(*a*) Negroes, in general, have better success in obtaining jobs with central city governments than they do in State, county, or suburban jurisdictions and are more successful in obtaining jobs in the North than in the South.

(*b*) Negroes are noticeably absent from managerial and professional jobs even in those jurisdictions where they are substantially employed in the aggregate. In only two central cities, out of a total of eight surveyed, did the overall number of black employees in white-collar jobs reflect the population patterns of the cities.

(*c*) Access to white-collar jobs in some departments is more readily available to minority group members than in others. Negroes are most likely to hold professional, managerial, and clerical jobs in financial administration and general control.

(*d*) Negroes hold the large majority of laborer and general service worker jobs—jobs which are characterized by few entry skills, relatively low pay, and limited opportunity for advancement.

(*e*) Spanish Americans hold a substantial number of State and local jobs in the Houston area governments but hold proportionately fewer State and local jobs in the San Francisco-Oakland area governments. They have been more successful in obtaining higher level jobs than Negroes but less successful than majority group members.

(*f*) Oriental Americans are more successful in obtaining State and county jobs than central city jobs. Although the distribution of Oriental Americans in professional and clerical occupations is equal to or better than that of the majority group. Oriental Americans have not obtained full access to managerial positions.

### *Barriers to equal opportunity*

4. State and local government employment opportunities for minorities are restricted by overt discrimination in personnel actions and hiring decisions, a lack of positive action by governments to redress the consequences of past discrimination, and discriminatory and biased treatment on the job.

(*a*) A merit system of public personnel administration does not eliminate discrimination against members of minorities. It proclaims objectively, but does not assure it. Discrimination occurs both in recruiting and in selection among final applicants.

(*b*) Governments have undertaken few efforts to eliminate recruitment and selection devices which are arbitrary, unrelated to job performance, and result in unequal treatment of minorities. Further, governments have failed to undertake programs of positive action to recruit minority applicants and to help them overcome barriers created by current selection procedures.

(*c*) Promotional opportunities are not made available to minorities on an equal basis by governments that rely on criteria unrelated to job performance and on discriminatory supervisory ratings.

### *Barriers in police and fire departments*

5. Barriers to equal employment are greater in police and fire departments than in any other area of State and local government.

(*a*) Negroes are not employed in significant numbers in police and fire departments.

(1) Although 27 percent of all central city jobs surveyed are in police and fire departments, only 7 percent of the black employees in central cities are policemen and firemen.

(2) Fire departments in most of the cities surveyed employ even fewer uniformed personnel than do the police departments.

(3) Negro policemen and firemen hold almost no positions in the officer ranks.

(4) State police forces employ very few Negro policemen. Four of the States employed no Negro policemen in the metropolitan areas surveyed.

(*b*) Spanish Americans are employed as policemen and firemen on the average less than half as frequently as Anglos.

(*c*) Police and fire departments have discouraged minority persons from joining their ranks by failure to recruit effectively and by permitting unequal treatment on the job including unequal promotional opportunities, discriminatory job assignments, and harassment by fellow workers. Minority group hostility to police and fire departments also deters recruitment, and this has not been overcome by the departments.

### *Impact of the Federal Government*

6. The Federal Government has established no effective Federal requirements for equal opportunity in State and local government employment, and no effective standards and guidelines for affirmative action to correct past discriminatory practices and increase opportunities for minority groups. The limited efforts to do so have not been successful.

(*a*) The nondiscrimination clause, included in the Federal merit standards since 1963, applies only to a small fraction of State and local government employment and has had no discernible effect in increasing employment opportunities for minority groups in State and local government. Present enforcement of the clause provides neither effective protection, nor effective avenues of redress to members of minority groups who encounter discrimination. The Office of State Merit Systems has provided no guidelines for State action either to eliminate discrimination or to increase opportunities.

(*b*) Federal housing agencies have made virtually no efforts to enforce the nondiscrimination clause included since the 1950's in their contracts with local public housing and urban renewal agencies. Neither have they assured that affirmative action has been taken to increase opportunities for minorities.

## RECOMMENDATIONS

### *I. Action needed to achieve equality in State and local government employment*

A. Every State and local government should adopt and maintain a program of employment equality adequate to fulfill its obligation under the equal protection clause of the 14th amendment to assure—

1. that current employment practices are nondiscriminatory; and

2. that the continuing effects of past discriminatory practices are undone.

This report has found that State and local government employment is pervaded by a wide range of discriminatory practices. These practices violate the requirements of the equal protection clause of the 14th amendment and accordingly must be eliminated. Unconstitutional practices include not only those which are purposefully discriminatory, but also those which have the effect of creating or reinforcing barriers to equal employment opportunity. Such barriers will persist until affirmative action is taken to overcome them. For this reason, a public employer can assure that its employment practices are nondiscriminatory only if it maintains a comprehensive, well-planned program of equal employment opportunity.

The following are examples of discriminatory barriers to equality in public employment which may arise in the absence of an effective program of employment equality. Evidence of the effects of many of these discriminatory barriers may be found in the pages of this report.

a. Recruitment through schools or colleges with a predominantly non-minority makeup discriminates against minorities wherever comparable recruitment is not done at predominantly minority institutions.

b. Unless special precautions are taken, use of recruitment sources such as private employment agencies, informal community contacts, or other sources, may incorporate into the employer's recruitment system the discriminatory practices or prejudices of the sources used.

c. Whenever a work force, or significant levels or components of it, is predominantly nonminority in makeup, recruitment practices which rely upon employee "word-of-mouth" contact for new applicants may discriminatorily perpetuate the majority predominance.

d. Unless special precautions are taken, a past history of overt discrimination may continue to deter minority applications for employment or advancement, particularly with respect to positions which have not traditionally been held by minority persons. Such a history also may signal to outside employment sources that the employer does not welcome minority referrals, at least for nontraditional positions.

e. Unless special precautions are taken, harassment or unfair treatment by nonminority supervisors or coworkers, or other discrimination not countenanced by the employer, may discourage minority applications for employment or advancement.

f. Where minority persons have less access than nonminority persons to informal networks of employment information—such as through present employees or officials—relating to such matters as available openings, hiring procedure, or the basis for rejection or other action taken with respect to applications, this may impede access of minorities to available opportunities.

g. Since minority persons, competing for positions at the entry level or elsewhere in the work force, frequently may have limited education or job experience, the employer may unfairly penalize minority applicants wherever he imposes qualifications not likely to be possessed by minority applicants and not substantially related to the needs of the job.

h. Selection standards may be applied reasonably to nonminority applicants, but unfair if extended on the same terms to minority persons. For example, the level of academic achievement—such as the level of verbal skill—may be one measure of an applicant's native ability, but when applied on the same basis to a group whose schools afford a markedly inferior education, it may cease to be a fair and equal measure of ability.

In the case of many State and local governments, such discriminatory barriers, or other discriminatory practices, have given rise to patterns of minority underutilization, including concentration of minority employees at lower job levels.

Such discriminatory patterns of minority underutilization themselves give rise to denial of the 14th amendment right to equal protection of the laws. Such patterns, for example, mean unequal enjoyment by minorities of those public funds which are paid as salaries to public employees. Also, since public employees shape the conduct of their government, discriminatorily created underutilization of minorities in public employment weakens the ability of government to reflect equally the interests of all segments of the governed. Finally, as shown in this report, discriminatorily created patterns of minority underutilization tend to be self-reinforcing and self-perpetuating; for this reason such patterns themselves constitute vehicles of discrimination which must be corrected.

Accordingly, whenever in public employment discriminatorily created patterns persist, the Constitution requires that they be remedied by measures aimed at giving the work force the shape it presently would have were it not for such past discrimination. It should be recognized that such measures are not a "preference" but rather a restoration of equality; one can see inequality in such remedies only by being blind to the past injustices which they cure.

B. Though the programs of employment equality adopted by individual State and local governments will vary widely with the particular needs and problems of each, all such programs should include the following three elements:

1. An evaluation of employment practices and employee utilization patterns adequate to show the nature and extent of barriers to equal opportunity for minorities and of any discriminatory underutilization of minorities.

The first step in the program of employment equality is an assessment of needs and problems. This requires a thorough evaluation by the State or local government of the employment practices of each of its constituent agencies, to determine the effect of its practices on utilization of minorities. Though the principal aim is to identify barriers to equal opportunity, the evaluation also should make note, for continuation and strengthening, of those policies which have the positive effect of overcoming such barriers.

In order to make this assessment, and to identify patterns of minority underutilization, the State or local government will need to gather and review comprehensive information, by nonminority-minority classification, on employee distribution among the various agency components, job levels and locations, as well as data on referrals, applications, acceptances, promotions, and other personnel action.

This initial evaluation should culminate in a written analysis of discriminatory barriers to equal employment opportunity in the State or local government, as well as an analysis of any patterns of minority underutilization which have resulted from the operation of such discriminatory barriers.

2. Preparation and implementation of a program of action which is calculated—

(a) to eliminate or neutralize all discriminatory barriers to equal employment opportunity; and

(b) to undo any patterns of minority underutilization which have been brought about by past discrimination.

Having evaluated employment practices and assessed patterns of minority underutilization, the next step is to formulate a program which will overcome barriers to equal employment opportunity and, in addition, will bring about whatever changes in minority utilization are necessary to undo the effects of past discrimination. Where patterns of minority utilization are to be changed, the program should include specific goals, or estimates, to be achieved within a specified period of time.

Even in those cases where evaluation has disclosed that the present employment practices of a government or of one of its component agencies fully overcome all barriers to equal employment opportunity and that no pattern of discriminatorily created underutilization of minorities is present, formulation of relevant practices into a program is still desirable in order to help assure that nondiscriminatory practices continue to be followed.

Affirmative programs should be developed in a form which makes clear the obligations of each component agency of the government. Programs should be put in writing and made available upon request to public employees, minority leaders, and others with a legitimate interest in the status of minorities in public employment. Staff responsibilities for implementing the program should be allocated clearly, and employees informed of the program and of their rights, duties, and obligations under it.

The adoption of affirmative programs by State and local governments may be subject to limitations imposed by statute, State constitution, city charter, or the like, which inflexibly mandate that certain employment policies be followed. Similar limitations may be created by the amount or terms of budgetary allocations made to governments or to their component agencies.

Questions of the right or duty of individual public agencies or officials faced with such restrictions can be resolved only on a case by case basis. However, inherent in the supremacy clause of the Constitution is the requirement that State and local governments must alter any laws, regulations, or practices which stand in the way of achieving the equality in public employment which is required by the equal protection clause of the 14th amendment.

There follows a sampling of the kind of actions which State and local governments will need to include in programs of employment equality. Use to some degree of most of these techniques will be necessary to assure that all barriers to equal employment opportunity are eliminated. In addition, public employers with discriminatorily created patterns of employee utilization should use the techniques to a degree sufficient to undo the effects of past discrimination.

### *Recruitment*

a. Maintain consistent continuing communication with the State employment service and schools, colleges, community agencies, community leaders, minority organizations, publications, and other sources affording contact with potential minority applicants in the job area.

b. Thoroughly and continually inform sources affording contact with potential minority applicants about current openings, about the employer's recruiting and selection procedures and about the positions (together with personnel specifiactions) for which applications may be made.

c. Inform all applicant sources, both generally and each time a specific request for referral is made, that minority applicants are welcome and that discrimination in referrals will not be tolerated.

d. Fully inform each applicant of the basis for all action taken on his or her application. Supply in detail the basis for rejection, including evaluation of tests and interviews. Suggest to rejected minority applicants possible methods for remedying disqualifying factors.

e. Make data on minority employment status available on request to employees, to minority leaders in the job area, and to others with a legitimate interest in nondiscrimination by the employer.

f. Invite minority persons to visit State and local government facilities; explain employment opportunities and the equal opportunity program in effect.

g. Have minority persons among those who deal with persons applying for employment, with clientele, or with other members of the public, in order to communicate the fact of minority equal opportunity.

h. Coordinate the employment and placement activities of the various components of the State or local government, at least for the purpose of facilitating minority applications or requests for transfer. To the same end, maintain minority applications or transfer requests on an active basis for a substantial period of time.

i. Participate in Neighborhood Youth Corps, New Careers, other Federal job training or employment programs, or similar State or local programs. In connection with such programs, or otherwise, make a particular effort to structure work in a way which gives rise to jobs which are suitable for minority persons who are available for employment.

j. Independent of outside training programs, institute on-the-job training or work-study plans, in which persons are employed part-time while studying or otherwise seeking to satisfy employment requirements; this may include summertime employment for persons in school.

k. Solicit cooperation of academic and vocational schools to establish curricula which will provide minority candidates with the skills and education necessary to fulfill manpower requirements.

### *Selection*

a. Take steps to assure that tests used for the purpose of selecting or placing applicants are demonstrated to be valid in forecasting the job performance of minority applicants.

b. Pending validation, discontinue or modify the use of tests, minimum academic achievement, or other criteria which screen out a disproportionate number of minority applicants.

c. Do not in all cases gives preference to nonminority applicants on the basis of higher performance on tests or other hiring criteria, as long as it is apparent that competing minority applicants, especially where they have waiting list seniority, are qualified to do the job.

d. Where tests are used, employ them as a guide to placement rather than as the determinant of whether an applicant is to be hired.

e. Make increased use of tests comprised of a sampling of work to be performed on the job.

f. Make increased use of the probationary period, affording an opportunity for on-the-job training and enabling the applicant's ability to be judged on the basis of job performance.

### *Placement and Promotion*

a. Make available to minority applicants and to present minority employees a complete description of positions for which they may be eligible to apply.

b. In the initial placement of said newly hired employees, wherever possible place minority employees in positions or areas with low minority representation.

c. Broaden job experience and facilitate transfers of minority employees by creating a system of temporary work experience assignments in other positions or areas of work. Such a system may include temporary assignment between jurisdictions, such as a suburban-inner-city interchange.

d. Individually appraise the promotion potential and training needs of minority employees, and take action necessary to permit advancement.

e. Announce all position openings on a basis which brings them to the attention of minority employees and makes clear that minority persons are eligible and encouraged to apply.

### *Discipline*

a. Formulate disciplinary standards and procedures in writing, and distribute them to all employees.

b. In case of proposed disciplinary action, inform the employee of the infraction alleged and afford an opportunity for rebuttal. If the rebuttal is deemed unsatisfactory, clearly state the reasons why.

### *Facilities*

Assure that facilities, including all work-related facilities and those used in employer-sponsored recreational or similar activities, are not subject to segregated use, whether by official policy or by employee practice.

3. A continuing review of employment practices and of the status of minority persons in employment.

This third step of the program responds to the need for a continuing review of employment practices—particularly those related to the affirmative program—and of their effect upon minority persons. Such a review requires the regular collection and evaluation of data on employee distribution and personnel actions, such as that described under paragraph 1, above.

These data afford an important measure of the effectiveness of steps taken to overcome barriers to minority employment, by showing the actual impact of employment practices on minorities; the data may indicate points at which changes are needed in the affirmative program to make it more effective. Similarly, where patterns of minority under-utilization which arose from past discrimination are being corrected, such comparative nonminority-minority data show the extent to which required changes in minority utilization are in fact being made.

Like the affirmative program itself, current data on minority employment should be made available to persons and groups with a legitimate interest in the status of minorities in public employment.

The following are illustrations of the steps necessary for an effective continuing review by State and local governments of their employment practices and of the status of minorities in employment.

a. Maintain records containing for the period covered, and indicating nonminority-minority classifications and the positions involved, complete data on inquiries, applications, acceptance, rejections, promotions, terminations, and other personnel actions, as well as data as of the end of the period, by nonminority-minority classification, on employee distribution within the work force.

b. Maintain for a reasonable period of time, with nonminority-minority classification, a file on each applicant (including those listed on a civil service register) adequate to document the specific grounds for rejection or passing over of the applicant.

c. Maintain a record, with nonminority-minority classification, of applicants by job source, to facilitate review of the impact of each source upon minority utilization.

d. Where there are a substantial number of separate components within the State or local government, make periodic inspection and review of employment practices and minority status in the various component agencies.

e. Regularly interview minority employees upon termination to determine whether discriminatory acts or policies played a role in the termination.

### *II. Methods of enforcement and assistance by the Federal Government to advance equality in employment in State and local government*

A. Congress should amend Title VII of the Civil Rights Act of 1964 (1) by eliminating the exemption of State and local government from the coverage of Title VII and (2) by conferring on the Equal Employment Opportunity Commission the power to issue cease and desist orders to correct violations of Title VII.

(1) Eliminating the exemption of State and local governments from the coverage of Title VII.

The present exemption of State and local governments from the nondiscrimination requirements of Title VII is anomalous since it precludes effective action against discrimination in the one type of employment—public employment where nondiscrimination clearly is mandated by the Constitution.

It is true that even without the proposed amendment, indviduals have the right under the Constitution and Federal statutes to obtain judicial relief against discrimination in public employment. Experience in such areas as votng discrimination and school segregation, however, has shown that it is both unjust and unwise to impose upon individual victims the entire burden of correcting widespread noncompliance with constitutional obligations. To do so makes compliance depend upon the determination and financial ability of the victim to wage a time-consuming and expensive lawsuit and his success in obtaining the evidence necessary to sustain the charge. The fact that the victims often are impoverished members of minority groups who are ignorant of their rights makes such a remedy even more unsuitable. Even with willing litigants, private lawsuits are an ineffcient mode of effecting widespread compliance. Enforcement efforts are not coordinated so as to achieve maximum effectiveness but are instead governed by random suits in which the identity of the defendant and the nature of the relief sought are determined by a litigant whose main concern is redress of his particular grievance.

As amended. Title VII would provide a means of attacking employment descrimination in State and local governments since it provides an administrative agency (the Equal Employment Opportunity Commission) with authority to receive complaints of unlawful employment practices and to conciliate such complaints, and authorizes the Attorney General to bring suit whenever be believes that a person or persons are engaged in a pattern or practice of resistance to the rights secured by the Title. The Title also provides assistance to individual complaints in providing for court-appointed attorneys and the suspension of normal court costs.

(2) Conferring on the Equal Employment Opportunity Commission the power to issue cease and desist orders to correct violations of Title VII.

EEOC's present lack of power to compel corrective action severely handicaps its ability to obtain voluntary compliance, for the employer knows that EEOC can do nothing if he refuses to agree to its recommendations and that only aggrieved persons and the Attorney General may sue to compel compliance. Many of the cases in which EEOC has found probable cause to believe discrimination was practiced have not been successfully conciliated under the present law.

The experiences of State fair employment practice agencies shows that adequate enforcement machinery is indispensable to an effective equal employment opportunity law. Of the States presently having fair employment practice laws, the vast majority give the State commission administering the law power to issue cease and desist orders. Giving EEOC similar power would enhance its conciliation role by strengthening its bargaining power and make it a far more effective agent in ensuring equal employment opportunity.

B. The President should seek and Congress should enact legislation authorizing the withholding of Federal funds from any State or local public agency that discriminates against any employee or applicant for employment who is or would be compensated in any part by, or involved in administering the program or activity assisted by, the Federal funds.

The receipt of Federal grant-in-aid funds and the accompanying responsibility for implementing the Federal program supported by the funds engender numerous job opportunities with the recipient State and local agencies. The obligations of the Federal Government with respect to discriminatory actions by these recipients are based on the Due Process Clause of the fifth amendment which prohibits governmental support or involvement in discriminatory activities. Its involvement in grant programs as financier, prescriber of standards, and supervisor of execution imposes a duty on the Federal Government to ensure that there is no discrimination in the job opportunities provided by the funds.

The only Federal law directly dealing with discrimination by recipients of Federal financial assistance. Title VI of the Civil Rights Act of 1964, prohibits employment discrimination only in those programs in which the provision of employment is a primary objective. Accordingly, the recipients of funds under a large number of grant programs are not presently subject to nondiscriminatory employment requirements.

Responsibility for determining whether discrimination exists could be vested in the agency administering the grant program, as in Title VI. Alternative, this responsibility could be given to the Federal agency with greatest expertise in the area of employment discrimination, the Equal Employment Opportunity Commission. If, as previously recommended, Title VII is amended to include State and local governments and to provide the EEOC with power to issue cease and desist orders, the agency also would be empowered to direct that Federal funds be withheld in those cases in which the respondent is a recipient of such funds.

Congress also might provide that in those instances where EEOC finds discriminatory employment practices by such a recipient it must give the administering Federal agency a period of time to ensure correction of the practices before the funds are withheld.

C. Pending congressional action on Recommendation II B, the President should (1) direct the Attorney General to review each grant-in-aid statute under which Federal financial assistance is rendered to determine whether the statute gives the agency discretion to require an affirmative program of nondiscrimination in employment by recipients of funds under the program; and (2) require all Federal agencies administering statutes affording such discretion to impose such a requirement as a condition of assistance. In the event the Attorney General determines that under a particular statute the agency does not have the discretion to impose such a requirement, he should advise the President whether he has power to direct the agency to do so. If the Attorney General advises the President that he lacks such power in a particular case, the President should seek appropriate legislation to amend the statute.

As stated in the comment to Recommendation II–B, the Constitution forbids the extension of Federal grant-in-aid funds to recipients who discriminate in their employment practices. If Congress has neither expressly forbidden such discrimination by recipients in a grant program nor given the Federal agency administering the program discretion to impose such a condition, the Attorney General should determine whether the President, in fulfilling his constitutional duty to "take Care that the Laws be faithfully executed . . . ," has the power and obligation to independently impose such a requirement.

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### Mexican Americans and the Administration of Justice in the Southwest: A Report of the U.S. Commission on Civil Rights, March 1970

The U.S. Commission on Civil
Rights,
*Washington, D.C., March 1970.*

The President,
The President of the Senate,
The Speaker of the House of Representatives.

Sirs: The Commission on Civil Rights presents this report to you pursuant to Public Law 85–315 as amended.

Under authority vested in this Commission by the Civil Rights Act of 1957 as amended, we have appraised allegations that American citizens of Mexican descent in five Southwestern States are being denied equal protection of the law in the administration of justice. We have found, through extensive field investigations during 1967 and 1968, three State Advisory Committee meetings in 1968, and a Commission hearing in 1968, all in that section of the country, that there is widespread evidence that equal protection of the law in the administration of justice is being withheld from Mexican Americans.

Our investigations reveal that Mexican American citizens are subject to unduly harsh treatment by law enforcement officers that they are often arrested on insufficient grounds, receive physical and verbal abuse, and penalties which are disproportionately severe. We have found them to be deprived of proper use of bail and of adequate representation by counsel. They are substantially underrepresented on grand and petit juries and excluded from full participation in law enforcement agencies, especially in supervisory positions.

Our research has disclosed that the inability to communicate between Spanish-speaking American citizens and English-speaking officials has complicated the problem of administering justice equitably.

We urge your consideration of the facts presented and of the recommendations for corrective action in order to assure that all citizens enjoy equal protection as guaranteed by the Constitution of the United States.

Respectfully yours,
Rev. THEODORE M. HESBURGH, CSC,
*Chairman.*
STEPHEN, HORN,
*Vice Chairman.*
FRANKIE M. FREEMAN,
HECTOR P. GARCIA, M.D.*
MAURICE B. MITCHELL,
ROBERT S. RANKIN,
HOWARD A. GLICKSTEIN,
*Staff Director.*

PREFACE

The U.S. Commission on Civil Rights undertook this study against a background of written complaints and allegations at Commission hearings and at meetings of the Commission's State Adviosry Committees that Mexican Americans [1] in the Southwest [2] were being subjected to discrimination by agencies of law enforcement and in the administration of justice.[3] The alleged discrimination included physical and verbal abuse and harassment by law enforcement officers; exclusion from grand and petit juries; improper and discriminatory use of bail; lack of and inadequate representation by counsel; and employment of disproportionately low numbers of Mexican Americans in law enforcement agencies—particularly in higher ranking positions.

The objective of this Commission study was to determine what, if any, factual basis existed for these allegations. In the course of the study, Commission staff attorneys conducted field investigations beginning in the latter part of 1967 and continuing in 1968, in which they interviewed approximately 450 persons in Arizona, California, Colorado, New Mexico, and Texas. Persons interviewed included law enforcement officers, probation officers, prosecuting attorneys, judges, public defenders, attorneys in private practice, leaders of Mexican American organizations, and private citizens. Two State Advisory Committee meetings were held in 1968 in New Mexico specifically to gather information for this study. At these meetings 46 persons, including law enforcement officers, attorneys, and private citizens made statements and were questioned by Committee members and staff. A similar State Advisory Committee meeting was held in California in August 1968, at which 21 persons appeared.

At a Commission hearing held in San Antonio, Texas, in December 1968, which dealt exclusively with the problems of Mexican Americans, sworn testimony was received from 17 witnesses, including private citizens, law enforcement officers, and attorneys, concerning the administration of justice.

The resources of the Commission did not permit a comprehensive survey in response to allegations of exclusion of Mexican Americans from juries. The Commission, however, contracted with the California Rural Legal Assistance, Inc. (CRLA), for a study of service by Mexican Americans on grand juries in selected California counties. The CRLA report, which is printed as an appendix to this report, is summarized in the text.

A questionnaire was mailed to 793 law enforcement agencies in the five States, including nine State agencies, 168 county sheriffs' offices, and 616 municipal police departments seeking information regarding procedures for recruitment and selection of officers, the extent to which Mexican Americans were employed, policies on officer assignment and training, procedures for dealing with complaints against officers, as well as information on police-community relations. The counties selected were those having a minimum of 10 percent Spanish surnamed population and the municipalities selected were municipalities within these counties having a minimum total population of 3,000. A total of 331 questionnaires was returned to the Commission, of which 280 contained sufficient information for tabulation.

INTRODUCTION

*Some vital statistics*

The Mexican Americans living in the five States of Arizona, California, Colorado, New Mexico, and Texas constitute the largest minority group in that part of the United States.[4] In 1960 there were three and one-half million Spanish surname persons in those five States, and the current estimate is four million. The largest concentrations of Mexican Americans are in California and Texas, whose Spanish surname populations in 1960 were 1,426,358 and 1,417,810 respectively. Each of the five States has a substantial Spanish surname population, ranging from 9 percent in Colorado to more than 28 percent in New Mexico.[5]

Mexican Americans share with most other ethnic and racial minorities the twin problems of discrimination and poverty. Although this report concentrates on discrimination based on ethnic origin many of the problems discussed—including equal accesss to bail and counsel—are closely related to the widespread incidence of poverty among Mexican Americans. More than one-half (52 percent) of the rural Spanish surname families of the Southwest and not quite one-third (31 percent) of Spanish surname families living in urban areas had less than $3,000 incomes in 1959.[6] Like other low-income groups, Mexican Americans are overrepresented in unskilled occupations [7] and have a high incidence of unemployment.[8] Their educational attainment falls substantially below that of both other whites and nonwhites in the Southwest.[9]

The poverty of Mexican Americans in the Southwest cannot be attributed to their recent immigrant status. About 85 percent of the persons of Spanish surname in the five Southwestern States were born in the United States and more than half were native-born of native parents. The Mexican American population has grown rapidly in recent years and it is a younger group, on the average, than the Anglo population.[10]

Mexican Americans are becoming increasingly urbanized. In 1960, 79 percent of the Spanish surname population lived in cities.[11] Racial discrimination and economic segregation restrict them in large numbers to identifiable neighborhoods, frequently referred to as "barrios", within these cities.[12]

This bare statistical outline suggests the social context in which Mexican Americans encounter the problems in the administration of justice which are discussed in this report.

*A capsule history*

A brief historical background of the Mexican American group is helpful in understanding the basis for its separate ethnic identity within the American "melting pot." [13]

The Spanish heritage of the Southwest is older than the American Union. The culture was Spanish and the land a Spanish colony until Mexico gained independence in 1821. As early as 1538, the Spanish had set up a printing press in Mexico City. By 1551, they had established a university in Mexico City. By 1609, the Spanish had left a series of missions along the California coast, established Santa Fe, and ranged as far north as Kansas.

There was little cohesion among the Spanish colonies of North America. Royal power was represented by the Viceroy in Mexico City. Spaniards seldom brought wives or families to the New World. In contrast to the British, who usually emigrated as families, or even as communities, the Spaniards married Indian women. Thus they created a fusion of races known as the *mestizo*, the ethnic wellspring of the Mexican American.

Not until the 19th century, and then only in Texas, was there any appreciable settlement by immigrants from the United States in territory under Mexican sovereignty. The newly independent Mexican Government offered grants of farm and grazing land to encourage American settlers. Yet by 1834 the English-speaking population of Texas probably did not exceed 18,000 persons.

The Mexicans encouraged the Anglo-Americans to settle in the Southwest. When the first Anglo arrived, the Mexican taught him to survive in the desert, to irrigate and cultivate the land, to raise cattle, to use the horse, the lariat, and the western saddle. He gave him a new vocabulary—bronco, stampede, arroyo, mesa, savvy, cowboy. He gave him an architecture suited to the climate and the land.

The very immigration of Americans into Texas which the Mexican encouraged was their undoing. As the American population grew, so did problems between the Mexican and American Governments. A new Mexican Constitution of 1835 swept away many local rights; the Americans joined by some Mexicans revolted and proclaimed the Republic of Texas. In 1845, Texas became the 28th State of the United States. Mexico regarded the admission of Texas to the Union as a hostile act and the two Nations went to war. Hostilities ended following the occupation of Mexico City in 1847 with the treaty of Guadalupe-Hidalgo in 1848. Except for the territory later acquired through The Gadsden Purchase of 1853, all Mexican territory north of the Rio Grande was ceded to the United States. This embraced all or parts of the present States of Colorado, Utah, Nevada, New Mexico, Arizona, Texas, and California.

Mexican citizens living in the area were given the choice of returning to Mexico under no penalty or tax, or of remaining and becoming American citizens automatically after 1 year following the ratification of the treaty. Property rights were to be respected and protected during the interim period and all rights of citizenship were conferred upon those who elected to stay.

The majority of Mexicans north of the Rio Grande chose American citizenship, even though Mexico offered resettlement and land grants. Constitutional guarantees of their rights as United States citizens, continuing political instability in Mexico, and a 300-year history of settlement in the territory ceded to the United States by Mexico were factors affecting the decision.

Soon after the Mexican War the people of the United States swept westward to the Pacific. The growth of cattle and cotton empires in Texas and the discovery of gold in California brought Anglo-Saxons into the Southwest at such a rate that the Mexican Americans were soon outnumbered. Only New Mexico maintained a majority of Mexican Americans for years after becoming a United States territory. The slower pace of American settlement in New Mexico has been attributed, in part, to the extraordinary hostility of Indian tribes there and to the fact that New Mexico contained few apparent economic opportunities. The few Anglos who settled in the territory generally stayed in the urban areas in the southern half, intermar-

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Footnotes at end of article.

ried at the upper economic levels, and made a pleasant and profitable accommodation with the Mexican Americans.

In Texas, however, hostility toward Mexicans, born of the war for Texas independence and the Mexican War, continued. The entire area between the Nueces and the Rio Grande was the scene of lawlessness and countless border raids by Mexicans, and Texans alike. An imported slave culture influenced Anglo attitudes. Although Mexicans were not considered in as low a category as Negroes, they were regarded as racialy inferior to Anglo-Americans.

To California, meantime, came Anglo-Saxon banking, land, and business practices which were foreign to traditional Spanish ways. Ancient land titles dating from the 16th century were difficult to validate, and the American system of land taxation, which was on an assessed value of the land rather than the value of the produce of the land, all but stripped the original Californians of their lands. Drought and the mining industry helped to destroy the great *rancho* cattle empires, and by the 1860's, five-sixths of the land in southern California was reported to be delinquent in tax payments. More than 40 percent of the land owned by the once wealthy and influential Mexican families went for as little as 25 cents an acre. With the decline of economic influence, Mexican American political power waned.

After 1930 more than 750,000 persons emigrated from Mexico to the Southwestern States.[14] Two principal reasons are cited for this movement. One is the political instability of Mexico during the 1910–1920 revolution. During this period, many thousands came over as refugees. The second is the fact that there has never been an immigration quota system for Mexico. As economic opportunity waxed in the United States, or waned in Mexico, traffic would flow across the border. The rise of cotton cultivation in Texas, the growth of mining in Arizona and agriculture in Colorado, and the rapid expansion of the citrus and vegetable industries in California—all these created enormouse demands for cheap labor which the Anglo population could not or would not supply.

Manpower shortages in two World Wars redoubled these demands. Mexican immigrant laborers became the principal work force for California agriculture. Essentially migrant, they increasingly returned at season's end to Los Angeles, making it their home base. The same pattern developed in Texas, with El Paso and San Antonio serving as winter homes for migratory workers.

The cotton boom spread into Arizona during World War I, drawing substantial numbers of Mexicans to that State. When the demand dropped after 1918, some of the workers returned to Mexico. But a considerable number stayed to work in copper mines. By 1930, Mexican Americans represented 25 percent of Arizona's population.[15]

The displacement of Anglo tenant farm workers by cheaper Mexican immigrant labor fed prejudices in Texas. Mexican American children often were sent to separate schools and discrimination was widely practiced. Violence against Mexican citizens and Mexican Americans became so widespread that, in 1922, the Secretary of State warned the Governor of Texas that action would have to be taken to protect Mexicans.

The Mexican American population was extremely hard hit by the nationwide depression of the 1930's. Traditionally ill-paid, with little or no financial reserves, a large number were on relief. Some welfare agencies, notably in the Los Angeles area, forcibly repatriated Mexicans to get them off relief rolls. Labor unrest was common and there were serveral instances of strikes by Mexican American agricultural workers in southern California. The use of violence to break up strikes and inhibit union activity was not uncommon.

The problems of the depression years were not the exclusive burden of the Mexican Americans. Mexican Americans undoubtedly did, to some degree, share in the benefits of the labor and welfare programs of the thirties such as TVA, CCC, and AAA; the Fair Labor Standards Act, Social Security Act, and the Wagner Labor Act; and the major advances in farm and housing legislation.

At the same time, the Mexican Americans were not singled out for special benefits or attention during this period. One reason may have been the absence of political organizations and politically active leaders among the Mexican Americans; another, the almost total concentration of the Mexican American population in the Southwestern States.

As the depression eased, some improvements began to appear. In New Mexico, efforts were made to better schools and health services. On a lesser scale, similar advances were begun in California, Arizona, and Colorado.

Texas lagged behind, however. Educational and health levels for Mexican Americans in Texas were the lowest in the Southwest. As late as 1943, the Mexican Government refused to permit Mexican laborers to work in Texas because of discriminatory practices against Mexican nationals and Americans of Mexican ancestry. This led the Governor to establish a Good Neighbor Commission; the State legislature also adopted a resolution which, without naming Mexican Americans, recognized them as Caucasians and entitled them to enjoyment of "white-only" public accommodations.[16]

Mexican American relations with the majority community were jarred in that same year by the notorious "zoot suit" riots which occurred in June in Los Angeles. Anglo sailors claimed to have been attacked by a gang of Mexican American youths dressed in a foppish style of the time which affected heavily padded shoulders, wide lapels, and pegged pants—so-called "zoot" suits. In retaliation for the alleged attack, about 200 sailors, later joined by other servicemen and by civilians, roamed the streets, attacking Mexican Americans.

On June 13, 1943 a special committee appointed by Governor Earl Warren recommended that all participants be punished, whether zoot suiters or military; that the community be made safe for all, regardless of race; that no group be allowed to act as vigilantes; and that the large number of Mexican American youths arrested created a distorted picture, since juvenile delinquency was lower in that group than any other group in the community. The committee also recommended that racial and ethnic data be deleted from arrest information, that the press show more cooperation, that law enforcement agencies provide special training for officers dealing with minority groups, that recreational facilities in minority areas be increased, and that discrimination in public facilities be abolished.

World War II had a multiple impact on Mexican Americans. Thousands of Mexican American men in military service were exposed to attitudes, mores, and ways of life which differed from those of the Southwest. After the war the G.I. bill offered Mexican American veterans educational training opportunities which they otherwise would not have received.

The period since the end of World War II has also seen the growth of political awareness and participation by Mexican Americans. Such organizations as the Political Association of Spanish Organizations (PASO) in Texas; the Mexican American Political Association (MAPA) in California; and various branches of the National G.I. Forum (Mexican American veterans organization) have successfully promoted the candidacy of Mexican Americans in Texas, California, and New Mexico.

Although these political movements have contributed to progress in obtaining equal opportunity for Mexican Americans, a number of major issues remain unresolved. Among these is the ever-present problem of Mexican American relations with law enforcement agencies, which constitutes the basis for this report.

### FOOTNOTES

*No longer member of the Commission.

[1] The term "Mexican American" refers to persons living in the United States who are themselves of Mexican origin or whose parents or more remote ancestors came to the United States from Mexico or whose antecedents resided in those parts of the Southwestern United States which were once part of the Mexican Nation. This is the most common designation used in the Southwestern States. Others are "Spanish American," "Latin," and "Latin American."

The term "Spanish surnamed or surname" is used in this report where material is from a secondary source which uses this term or is based on the 1960 Census of Population of the United States which used this term to designate persons with Spanish surnames. In the Southwestern States, the vast bulk of this group is Mexican American.

The term "Anglo" is used in this report, as it is in the Southwest, to refer to white persons who are not Mexican American or members of another Spanish surnamed group. The term has no derogatory connotations as used in the Southwest or in this report.

[2] Arizona, California, Colorado, New Mexico, and Texas.

[3] Section 104(a)(2) and (3) of the Civil Rights Act of 1957, (71 Stat. 634), as amended, provide:

"Sec. 104. (a) The Commission shall—

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, or national origin, or in the administration of justice;

"(3) appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, or national origin, or in the administration of justice. . . ."

Prior reports of the Commission dealing with the administration of justice include *Justice*, Vol. 5, 1961 Statutory Report; *Civil Rights: Interim Report of the U.S. Commission on Civil Rights (1963)* and *Law Enforcement: A Report on Equal Protection in the South (1965)*. Reports of the Commission's State Advisory Committees which deal with this subject include: *Report on California: Police-Minority Group Relations, 1936; Police-Community Relations in Peoria, Illinois (1966); The Administration of Justice in Starr County, Texas (1967); Employment, Administration of Justice, and Health Services in Memphis-Shelby County, Tennessee (1967); Civil Rights in Oakland, California (1967)*.

[4] In 1960, the combined population of those five States was 11.8 percent Spanish surname and 7.1 percent Negro. U.S. Bureau of the Census, *U.S. Census of Population: 1960. Subject Reports. Persons of Spanish Surname*. Final Report PC(2)-1B (1963) [hereinafter cited as Persons of Spanish surname].

[5] The distribution of Spanish surname persons within the five Southwestern States is shown by the following table:

SPANISH SURNAME POPULATION—5 SOUTHWESTERN STATES 1960

| State | Total State population | Spanish surname population | Percent Spanish surname |
|---|---|---|---|
| California | 15,717,204 | 1,426,358 | 9.1 |
| Texas | 9,579,677 | 1,417,810 | 14.8 |
| New Mexico | 951,023 | 269,122 | 28.3 |
| Arizona | 1,302,161 | 194,356 | 14.9 |
| Colorado | 1,753,947 | 157,173 | 9.0 |

Source: Persons of Spanish surname.

[6] U.S. Dept. of Agriculture, Economic Research Service, Agricultural Economic Report No. 112, Low Income Families in the Spanish Surname Population of the Southwest p. 10–11 (1967). The average income level of the Spanish surname population in 1959 was higher than that of non-whites in the five Southwestern States. Particularly in New Mexico and Arizona, where there are large concentrations of Indians, median non-white incomes were considerably below those of persons of Spanish surname. Nevertheless, average incomes for Spanish surname fell appreciably below that of the total white population and this pattern was general throughout the Southwest. The income pattern is illustrated by the following table taken from the U.S. Census of 1960:

PERCENTAGE OF SPANISH SURNAMED, WHITE NONSPANISH AND NONWHITE FAMILIES WITH INCOME LESS THAN $1,000 AND $10,000 OR MORE IN 5 SOUTHWESTERN STATES

| | Spanish surname | | White non-Spanish surname | | Nonwhite | |
|---|---|---|---|---|---|---|
| | Under $1,000 | $10,000 or over | Under $1,000 | $10,000 or over | Less than $1,000 | $10,000 and over |
| Arizona | 7.2 | 4.6 | 3.7 | 16.9 | 26.9 | 2.8 |
| California | 4.5 | 10.8 | 2.9 | 23.8 | 6.3 | 9.7 |
| Colorado | 6.4 | 4.8 | 3.2 | 15.6 | 6.3 | 6.5 |
| New Mexico | 11.3 | 5.4 | 3.6 | 18.7 | 28.2 | 3.4 |
| Texas | 13.6 | 2.7 | 5.2 | 14.6 | 18.0 | 1.5 |

U.S. Bureau of the Census. U.S. Census of Population: 1960 Supplementary Reports, Series PC(S1)–55. "Population Characteristics of Selected Ethnic Groups in 5 Southwestern States." Table 7.

[7] In 1960, 76 percent of Mexican American males were manual workers, compared to 54 percent of employed white males. Computations from 1960 census data in Heller: *Mexican American Youth: Forgotten Youth at the Crossroads* (1966), p. 12.

[8] In 1960, the unemployment rate for Mexican American urban males was 8.5 compared to 4.5 for Anglo-Americans. Fogel: *Mexican Americans in Southwest Labor Markets*, p. 20 (U.C.L.A. Mexican American Study Project, Advance Report No. 10, 1967).

[9] In 1960, the median number of school years completed was 8.1 years for Mexican Americans over 14 compared to 12.0 years for Anglos and 9.7 for nonwhites in the Southwest. Grebler: *The Schooling Gap: Signs of Progress* (U.C.L.A. Mexican American Study Project Report No. 7, 1967).

[10] The median age of Mexican Americans in the Southwest in 1960 was 20, while the median age of Anglo-Americans was 30, Heller, *supra* at 27.

[11] Agricultural Economic Report No. 112, *supra* n. 3.

[12] See, generally, Moore and Mittelbach: *Residential Sergregation in the Urban Southwest* (U.C.L.A. Mexican American Study Project, Advance Report No. 4, 1966). This report shows that although residential segregation of Mexican Americans is less severe than of Negroes, it is quite prevalent in southwestern cities.

[13] See generally, Maisel: *They All Chose America* 172–184 (1957); Morison and Commager: *The Growth of the American Republic v.* 1., 13–37, 578–597 (1942); McWilliams: *North From Mexico*, 26. 49–50 (1948); McWilliams: *Brothers Under the Skin*, 119–121; Perrigo: (rev. ed. 1951) *Our Spanish Southwest*, chs. III & IV (1960).

[14] U.S. Bureau of Census, Historical Statistics of The United States, Colonial Times To 1957, Wash., D.C. (1960) Series C88–114.

[15] U.S. Bureau of Census, *Abstract of the Fifteenth Census of the United States*, 84 (1933).

[16] State of Texas House Concurrent Resolution No. 105, approved May 6, 1943.

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## PARTICIPATION BY MEXICAN AMERICANS IN LAW ENFORCEMENT AGENCIES

### IMPORTANCE OF PARTICIPATION

In the course of this study, the opinion was voiced that fear and distrust of Mexican Americans toward law enforcement agencies could be reduced by increasing the number of Mexican American law enforcement officers. For example, a Mexican American probation officer who had been a policeman in Phoenix for 6 years, stated that more Mexican American police officers were needed in that city.[1] He thought police teams could operate more effectively in Mexican American neighborhoods if at least one of the members was a Mexican American. The Mexican American officer, he believed, could put Mexican American citizens at ease, serve as an on-the-spot interpreter when necessary, and thus defuse tense police-citizen encounters and avoid miscarriages of justice.

The director of public safety for the city of Las Cruces, New Mexico, a Mexican American, stressed the importance of placing Mexican American law enforcement personnel at many levels of responsibility to secure the trust and confidence of the Mexican American community. He pointed out that in Albuquerque, no Mexican American law enforcement officer held a high ranking or policy-making position. In the same city the Spanish-speaking community continuously complained of police misconduct. By way of contrast he pointed to another large city in New Mexico where Mexican Americans held positions as police lieutenants and captains. Here police-community relations were excellent because the Spanish-speaking community, represented at all levels within the police department, was convinced that it would receive fair treatment from the police.[2]

Extent of participation—In order to obtain information of the employment of Mexican Americans in law enforcement agencies, the Commission included questions on employment statistics in the questionnaire sent in October 1968 to 793 law enforcement agencies. These included 616 police departments, 168 county sheriffs, and nine State agencies in Texas, Arizona, California, Colorado, and New Mexico. The communities represented by these agencies ranged in size from less than 10,000 population up to and including metropolitan areas of more than 500,000 persons. The larger cities included Phoenix and Tucson, in Arizona; Los Angeles, San Francisco, San Diego, Oakland, and Sacramento, in California; Denver, Colorado Springs, and Pueblo, in Colorado; Albuquerque and Santa Fe, in New Mexico; Dallas, Houston, Ft. Worth, San Antonio, El Paso, and Austin, in Texas. Responses were received from 280 law enforcement agencies—about 35 percent of the recipients. There were 243 responses from police departments, 32 from sheriffs' offices, and six from State law enforcement agencies.

POLICE EMPLOYEES—UNIFORMED, PLAINCLOTHES, AND CIVILIAN

| Position | Uniformed | | | Plainclothes | | | Civilian employees | | |
|---|---|---|---|---|---|---|---|---|---|
| | Total | Mexican American | Percent Mexican American | Total | Mexican American | Percent Mexican American | Total | Mexican American | Percent Mexican American |
| Patrolman | 17,946 | 1,001 | 5.6 | | | | 8,375 | 518 | 6.11 |
| Detective | | | | 1,554 | 151 | 9.7 | | | |
| Sergeant | 2,625 | 132 | 5.0 | 396 | 33 | 8.3 | | | |
| Lieutenant | 898 | 29 | 3.2 | 133 | 11 | 8.3 | | | |
| Captain | 413 | 25 | 6.0 | 95 | 6 | 6.3 | | | |
| Inspector | 68 | 3 | 4.4 | 33 | None | 0 | | | |
| Chief inspector | 27 | 2 | 7.4 | 4 | None | 0 | | | |
| Deputy chief | 60 | 2 | 3.3 | 32 | 2 | 6.3 | | | |
| Chief | 195 | 12 | 6.0 | 52 | 1 | 2.0 | | | |
| Unclassified | 1,712 | 41 | 2.4 | 99 | 20 | 20.0 | | | |
| Total | 23,944 | 1,247 | 5.2 | 2,398 | 224 | 9.3 | | | |

| | |
|---|---|
| Total civilian employees | 8,375 |
| Total police employees | 26,342 |
| Total all employees | 34,717 |
| Total Mexican American civilian employees | 518 |
| Total Mexican American police employees | 1,471 |
| Total MA employees | 1,989 |
| Percent MA's overall total | 5.7 |

Note: Cumulative statistics obtained from answers to Commission October 1968 questionnaires.

### POLICE DEPARTMENTS

Total employment in 243 police departments—uniformed, plainclothes, and civilian—was 34,717. Of this number, 1,989 or 5.7 percent, were Mexican American. This contrasts with the Mexican American proportion of the five-State region's population—11.8 percent.[3] There were found to be 23,944 uniformed officers, of whom 1,247 or 5.2 percent were Mexican American. Of the uniformed policemen, 10,648, or 45 percent, had never been on duty with a Mexican American officer at any time in their police careers.

Among plainclothes officers, 244 or 9.3 percent were Mexican American out of a total of 2,398. Of the 8,375 civilian employees, Mexican Americans totaled 518, or 6.11 percent.

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Footnotes at end of article.

Significant variations appeared in the extent to which Mexican Americans were employed by police departments. In some cities the Mexican American proportion of the police force approached the Mexican American proportion of the population. For example, in a Texas city with a Mexican American population of about 40 percent, 165 of the 623 uniformed police officers, or 26.5 percent, were Mexican Americans, and 40 of the 131 plainclothesmen [30 percent] were Mexican American. In a large city in New Mexico, with a 28 percent Mexican American population, about 20 percent of the uniformed policemen and 31 percent of the plainclothesmen were Mexican Americans.

Other cities—and these were in the large majority—had significantly poorer records. In a large Texas city which estimated its Mexican American population at 7 percent of the whole, less than 3 percent of the uniformed policemen and only 2 percent of the plainclothesmen were Mexican American. A large Colorado city with an approximate 30 percent Mexican American population had a uniformed police force that was 13.4 percent Mexican American.

Ethnic breakdowns were not received from the police departments of either Los Angeles or San Francisco—the two largest cities in California. The Los Angeles Chief of Police sent a letter to the Commission's Acting Staff Director in October 1968, in which he stated that much of the requested information was unavailable in his office, and that the assembling of what information he did have would require excessive man-hours. He further indicated that if the Commission would send a staff member to Los Angeles, a representative from his community relations office would assist him in gathering some of the information. According to the Los Angeles Human Relations Bureau, total employment in the Los Angeles Police Department for 1968 was 5,937 persons. The bureau was unable to provide any ethnic breakdown of this total, stating that employment statistics by race and ethnic origin were no longer kept by the police department.[4] An official Los Angeles publiction for fiscal year 1967–68 indicates that there were 1,844 new appointments to the police department during that year, of whom 153, or 8.3 percent were Mexican Americans.[5] The 1960 census indicates that 10.5 percent of Los Angeles' population is Mexican American.

The Human Rights Commission of San Francisco informed the Commission that as of May 31, 1968, there was a total of 2,240 police department employees in San Francisco, of whom 33—slightly over 1.4 percent—were Spanish surnamed. There were 1,722 uniformed policemen, of whom 22—slightly under 1.3 percent—were Spanish surnamed.[6] Seven percent of San Francisco's population is Mexican American, according to the 1960 census.[7] In May 1967, the Commission held a public hearing in the Bay Area cities of San Francisco and Oakland. A staff report prepared in connection with that hearing concluded that:

"In the Bay Area, Spanish Americans are underrepresented in local governmental employment as well as in Federal employment. . . . Of 1,722 uniformed policemen, only 22 are Spanish-speaking, of whom 19 are policemen-entrants. [There are 1,253 persons in the police-entrants' category.]" [8] According to 1967 figures collected by the Commission for its study of patterns of minority group employment in State and local government, in Oakland, which had a Spanish surnamed population in 1960 of 6.8 percent, only 0.6 percent of the uniformed police were Mexican American.[9]

In another large California city, where Mexicans constituted an estimated 10 percent of the population, only 23 of the 700 uniformed officers, or 3.3 percent, and only two of the 123 plainclothes officers, or 1.6 percent, were Mexican American. In another large city in California, the Mexican American percentage was 15 percent of the total population. Of this city's 370 uniformed policemen, 14, or 3.8 percent and of its 79 plainclothes investigators, four, or 5 percent, were Mexican American.

A number of inquiries in the questionnaire related to recruitment and selection practices. The first question asked was whether the agencies had established qualifications for appointment. Of tht 277 agencies which responded, 274 answered affirmatively. The requirements of only 164 agencies, however, were in printed form and available to the public.

A majority of the responding agencies required that as a condition of employment officers live in the jurisdiction. Of 271 agencies responding to a question regarding minimum educational requirements for initial appointment, 193 required high school graduation. The great majority of agencies stated that applicants were required to take physical, written, and oral examinations.

More than 40 percent of the responses listed failure to pass written examinations as the primary reason for disqualification of Mexican American applicants. Nearly 30 percent listed failure to meet physical requirements,[10] 25 percent reported failure to meet educational requirements, almost 25 percent listed inadequate character references, and about 17 percent mentioned lack of facility with the English language as the primary reason for disqualification.

There were 56 agencies which stated that no Mexican American applicants had applied in the previous 3 years; 157 responded that from 1 to 10 percent of their applicants had been Mexican Americans. These 213 responses constituted almost 80 percent of the 271 responses to this question.[11] The questionnaire asked the agencies for their views as to the reason why relatively few applications had been received from Mexican Americans. Inability to meet the educational requirements was the most frequent response. Of the 271 respondents, 193 indicated that a high school degree was required for police applicants. The second most important factor was the existence of written examinations. The third factor, cited in almost as many responses as the second, was an unfavorable impression of police work by Mexican Americans.

This last factor frequently was cited during the Commission's field investigations. Rev. John Luce and Rev. Charles White stated that Mexican Americans in Los Angeles were reluctant to become policemen for fear of being regarded with disfavor by other Mexican Americans. The main reason for this fear, they said, is that Mexican Americans do not trust the Los Angeles police and are convinced that the police do not trust them. Most of the Mexican American police officers in Los Angeles, they said, are looked upon as "sell-outs" and are often described as having become anglicized in their attitudes and practices.[12]

Similarly, a Spanish surnamed police officer in Denver, referring to the attitude of the Mexican American community toward any Mexican American police applicant, stated: "He is considered to be a defector." [13] The officer's superior, an Anglo division chief, supported this view, saying: "A stigma attaches to a minority individual when he becomes a member of a police department." [14] According to an official of the community action program in Roswell, New Mexico, Mexican American community leaders there are unwilling to furnish names of potential Mexican American applicants to the police chief because the leaders are apprehensive of subsequent criticism and abuse by the Mexican American community.[15]

Community leaders in each of the five States suggested that special efforts must be made to attract qualified Mexican Americans into law enforcement work. A majority of the departments, however, have no recruitment program, much less programs designed to attract Mexican American and other minority applicants. Of the 272 agencies responding to the question as to whether the agency had a recruitment program, 162 stated that they had none, and 177 said they had made no special efforts to recruit Mexican American applicants during the past 2 years.

Queried as to which methods the agency utilized to inform the Mexican American community of its desire to receive applications, 56 out of 141 agencies responding, or 40 percent, indicated that they had made announcements which were distributed by Mexican American community organizations. Only nine agencies, however, indicated that they had arranged for the publication of such information in local Spanish language newspapers; only 16 had made arrangements for such announcements to be broadcast over local Spanish language radio and television stations; and only two had printed such announcements in Spanish and had had them distributed in the Mexican American communities.

The larger cities have the poorest records. Of the 141 responses, 17 came from cities with populations of 250,000 to 500,000. Of these 17, only one stated that it had made an announcement in a Spanish language newspaper or on a Spanish language radio or television station.[16]

### SHERIFFS

Twenty-seven of the 32 responses from county sheriffs furnished statistics concerning their law enforcement personnel by ethnic category. Eleven came from Texas, seven from California, four from New Mexico, three from Colorado, and two from Arizona. In these 27 counties the sheriffs and their deputies and other law enforcement personnel totalled 5,251. Of this number 292, or 5.5 percent, were Mexican American.[17]

In several counties in Texas the Mexican American proportion of the deputies in the sheriff's office equaled or exceeded the Mexican American proportion of the county's population. Thirty-seven out of 39 sheriffs' deputies in Webb County [Laredo] Texas—where Mexican Americans constitute 77 percent of the population—and 36 out of 73 in El Paso County [49 percent Mexican American] were Mexican Americans. In both of these counties, the sheriffs also were Mexican Americans. In Bernalillo County, New Mexico—where Albuquerque is located—15 of the 27 sheriff's deputies were Mexican Americans.

These are exceptions to the rule, however. Commission staff members received information that a relatively low number of Mexican Americans were employed as law enforcement personnel by sheriffs in the majority of areas visited.

For example, in both of the two largest cities in Arizona, the sheriffs had only token numbers of Mexican Americans on their staffs.[18] One Mexican American attorney in Texas pointed out that there were few Mexican American deputy sheriffs in many of the counties located in the Rio Grande Valley, where Mexican Americans constitute a significant portion or even a majority of the population.[19]

A Texas county where the population exceeds 22,000, of which Mexican Americans constitute about 25 percent, had no Mexican American deputies on the sheriff's staff, according to a community leader.[20] The sheriff's response to the questionnaire confirmed this statement. A similar situation existed in Reeves County, Texas [population approximately 14,000], where the population is about 50 percent Mexican American. According to a prominent community leader in Pecos, the county seat of Reeves County, there had not been a Mexican American deputy sheriff for many years.[21] Similarly in Culberson County,

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Footnotes at end of table.

Texas, where 45 percent of the population is Mexican American, the sheriff had no Mexican Americans on his staff.[22]

### STATE LAW ENFORCEMENT AGENCIES

Six State law enforcement agencies responded to the Commission questionnaire—two from California and one from each of the States of Arizona, Colorado, New Mexico, and Texas. The response of the Texas Department of Public Safety indicated that 28 of its 1,740 uniformed and plainclothes officers were Mexican Americans—1.6 percent of the total officer force—in sharp contrast to the Mexican American proportion of the State's population [14.8 percent].

Testifying at the Commission's San Antonio hearing, Col. Wilson Speir, director of the Texas Department of Public Safety, reported that there were no Mexican Americans among the 62 Texas Rangers in his department. He said that there were 38 Mexican American patrolmen and two Mexican Americans on the intelligence staff.[23] In response to the Commission's questionnaire, the total number of patrolmen was given as 1,432, of whom only 26 were Mexican Americans—1.8 percent. At the hearing, in response to Commissioner Hector Garcia's questioning, Colonel Speir admitted that he arrived at the figure 38 by classifying uniformed officers serving in the drivers' license service and the motor vehicle inspection service as "patrolmen."

At the hearing Speir testified: "We have had in past year a captain of the Texas Rangers that was a Mexican American, Captain Gonzales, one of the most famous of all Ranger captains, who is now retired after 30 years of service." [24] In response to a question by Commissioner Garcia, himself a Texan, about the spelling of this former Ranger's last name, Speir responded "G-o-n-z-a-u-l-l-e-s." When Commisioner Garcia expressed the view that this man was never considered to be a Mexican American by the statewide Mexican American community, Speir responded that he was considered to be a Mexican American by the Texas Department of Public Safety.[25]

The name of the former Ranger captain actually was spelled "G-o-n-z-a-u-l-l-a-s." [26] In a newspaper account of an interview with Gonzaullas, [which took place the day after the hearing], who had retired in 1951 after 30 years' service with the Texas Rangers, he is reported to have stated that his father was of Spanish-Portuguese descent, that his mother was of German descent, and that he considered himself to be an American. He also was reported to have said that he could never recall a Mexican American holding a high rank in the Texas Rangers during his 30 years service although he did know of one regular Mexican American Ranger.[27]

The California Highway Patrol listed an overall total of 5,010 uniformed officers, including 4,364 State traffic officers. It failed to indicate whether any of these uniformed personnel were Mexican American. Its covering letter accompanying its response stated in part:

"Under State law, race, descent, or ethnic group affiliation has no bearing on securing employment with this Department". Similarly, the California Department of Justice, which returned the Commission's questionnaire unanswered, stated in a letter that it had two law enforcement bureaus within the department—the bureau of criminal identification and investigation with 33 special agents, and the bureau of narcotics enforcement with approximately 100 peace officers. It did not indicate how many were Mexican American, stating only that there were a "substantial number" of Mexican Americans in each of these bureaus.

The Colorado State Patrol response indicated that it had 418 uniformed officers of whom 350 were patrolmen. All of the 12 Mexican Americans were patrolmen and they constituted slightly more than 2.8 percent of the total 418.

The New Mexico State Police response showed 248 law enforcement personnel. Sixty-one of the 229 uniformed officers and 13 of the 19 plainclothesmen were Mexican American. Thus, Mexican Americans constituted 74 of the 248 personnel—or nearly 30 percent of the law enforcement officers in the agency. The statistics from this one agency compare favorably with the 1960 Population Census for New Mexico which indicates that ican Americans were patrolmen and they 28.3 percent of its total population is Mexican American.

### SUMMARY

Public officials and private citizens, including judges, lawyers, probation officers, all expressed the belief that the fear and distrust which many Mexican Americans feel toward law enforcement agencies could be significantly dispelled by increasing the number of Mexican American law enforcement officers at all levels of authority.

The majority of the law enforcement agencies responding to a Commission questionnaire stated that they had made no special efforts to recruit Mexican American applicants in the past 2 years. Many of these agencies indicated that the prerequisite of a high school degree, the existence of written tests, and the high physical fitness requirements were major deterrents against application by Mexican Americans and the reason why many of those who did apply failed to qualify. While this may, in part, account for the low number of Mexican American applicants, the failure to establish specially designed minority recruitment programs and to utilize Spanish language advertising media such as newspapers, radio, and television to publicize such programs undoubtedly contributes significantly to the fact that so few Mexican Americans apply for police jobs.

### PARTICIPATION

#### *Recommendation 1—Affirmative recruitment program*

The Commission recommends that State and local law enforcement agencies establish:

(a) affirmative recruitment programs specially designed to increase the number of Mexican American law enforcement personnel;

(b) training programs to increase the ability of Mexican Americans and other minority persons employed by law enforcement agencies to obtain promotions to supervisory positions.

#### *Justification*

Additional Mexican American officers can contribute significantly in reducing the present feeling of apprehension and distrust which generally pervades the Mexican American community toward law enforcement agencies. Such officers often can serve as on-the-spot interpreters and thus ease tense situations even, in some instances, preventing miscarriages of justice which result from misunderstandings.

In the report of the Kerner Commission a reference is made to the Crime Commission Police Task Force's finding that Negro policemen help provide insight into ghetto problems; often can provide advance information in anticipation of tensions and grievances that might lead to disorders; and are particularly effective in bringing disorders under control once they do break out.[28] The Kerner Commission's report continued by pointing out that more Negro police officers were needed at all levels and ranks, and recommended that police departments intensify their efforts to recruit more Negroes, review their promotion policies to ensure that Negro officers are afforded equitable promotion opportunities, and ascertain that Negro officers are assigned on a fully integrated basis visible to the Negro community.[29] These finding and recommendations by the Kerner Commission support the Commission's recommendation for efforts to increase the number of Mexican American law enforcement officers at all levels of authority. In its recent report on State and local employment, the Commission discussed in detail the component elements of a successful affirmative action program. That discussion may be useful to agencies seeking to implement this recommendation.[30]

We recognize that in some cases police departments will have difficulty recruiting members of minority groups. The recent report of the Commission on equal employment opportunity in State and local government, indicated that . . . "The tension, suspicion, and hostility which exists between the Negro community and the police department are obstacles to the recruitment of black policemen." [31]

Nevertheless, those departments that have made an effort to reverse their image in the minority communities and who have used special recruiting efforts designed to attract minority communities and who have used success.[32] The Commission believes that similar efforts especially designed to attract Mexican American applicants will have a similar effect in increasing the number of Mexican American law enforcement personnel.

Recruitment of more Mexican Americans by law enforcement agencies would not affect the agencies' policies unless Mexican Americans also have opportunities to be promoted to supervisory positions. If they are not qualified for promotion because of lack of education or training, agencies should provide them with opportunities to make up for such deficiencies. Such programs should offer training both to recruits and to present law enforcement officers desirous of advancing to supervisory positions. Federal funds under LEAA are available for this purpose.[33]

#### *Recommendation 2—Qualifications*

Law enforcement agencies should review their qualifications for appointment and eliminate those which may not be job-related and which may tend to discriminate against Mexican American applicants.

#### *Justification*

Both Federal and private industry officials have informed the Commission in the past that many job requirements have little or no relationship to the actual work to be performed. For example, many private companies have abolished some of their application requirements, since they have determined that they had little or no bearing on actual job requirements of new employees was readily attainable through on-the-job training. If such techniques can be utilized to train semi-skilled and skilled technicians, the Commission believes that similar techniques can be developed and employed to properly train Mexican American law enforcement applicants.

In its report *For All the People*, the Commission on Civil Rights has pointed out the difficulty that many police applicants encounter in taking lengthy written intelligence tests. Furthermore, the validity of such tests has not been proven and at least one police department in a major city—Detroit—is now using a general intelligence test, which takes only 12 minutes to complete, in contrast to the former 2½ hour intelligence test.[34]

Age, weight, height and vision requirements are invariably more stringent for police applicants than elsewhere in State or local government employment. However, when police departments have made special efforts to recruit minorities they have seen fit to make many of these requirements more flexible. For example, in an effort to recruit more Negro officers, Detroit has recently liberalized its age, height, and vision requirements.[35] Other large cities have reduced their height requirement from 5'9" to 5'7", in response to pressure from their Spanish-speaking communities.[36]

The elimination of lengthy written tests

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Footnotes at end of article.

and the substitution of shorter, more meaningful job-related tests, together with the relaxation of certain physical qualifications, can result in the ultimate hiring of greater numbers of Mexican American applicants.

*Recommendation 3—Judges*

The President of the United States and the Governors of the five Southwestern States of Arizona, California, Colorado, New Mexico, and Texas should use their powers to appoint qualified Mexican American attorneys to the Federal and State courts.

*Justification*

The Commission is aware that, with the exception of Colorado, virtually all of the State judges and justices are elected. However, deaths, resignations, and retirements do afford Governors some opportunity for judicial appointments, and the Commission urges them to use their appointive powers to increase the number of Mexican American judges.

*Recommendation 4—Department of Justice*

The Department of Justice, including the Federal Bureau of Investigation, should take affirmative action under its continuing equal employment opportunity program both to hire additional Mexican Americans in the Southwest and particularly to train and promote their present Southwestern Mexican American employees into supervisory and professional level positions. The Civil Service Commission should review and evaluate the equal employment opportunity of the Department of Justice to ensure that this program will:

> . . . provide the maximum feasible opportunity to employees to enhance their skills so they may perform at their highest potential and advance in accordance with their abilities; . . .[37]

*Justification*

The employment statistics furnished the Commission on Civil Rights by the Department of Justice clearly show the disparity that exists in the middle and higher grades categories, which include supervisors, lawyers, and other professional personnel. Virtually no Spanish surnamed employees are found in any of these categories.

Robert E. Hampton, Chairman of the United States Civil Service Commission, stated on August 8, 1969:

> Despite significant gains in overall employment of minority group persons in the Federal service, too many of our minority employees are concentrated at the lower grade levels, victims of inadequate education and discrimination. . . .

On this same date, August 8, 1969, President Nixon issued Executive Order 11478, which restated the long standing Federal Government policy of equal employment opportunity, pointing out that each department and agency had the duty and responsibility of establishing and maintaining affirmative action programs designed to achieve the goals of equal employment opportunity. In this same Executive order, the President ordered the Civil Service Commission to provide leadership and guidance in the operations of such programs, and to review and evaluate such programs periodically to determine their effectiveness.

FOOTNOTES

[1] Staff interview.

[2] Albuquerque T. at 193–94.

[3] See introduction, p. x.

[4] Telephone interview with Charles Sierra, Advisor to the Director, Los Angeles Human Relations Bureau, June 4, 1969.

[5] Los Angeles City Personnel Department—Fair Employment Practices Survey, 1967–68.

[6] Telephone interview with Jack Casford, Human Relations Analyst, San Francisco Human Rights Commission, June 4, 1969.

[7] San Francisco has a number of Filipinos and persons from Central and South America the majority of whom have Spanish surnames, *Id.*

[8] *Hearing before the U.S. Commission on Civil Rights, San Francisco, Calif., May 1–3, 1967, and Oakland, Calif., May 4–6, 1967,* at 823.

[9] U.S. Commission on Civil Rights. *For ALL the People . . . By ALL the People,* A Report on Equal Opportunity in State and Local Government Employment. (1969) [hereinafter cited as For ALL the People] at 25.

[10] On Aug. 17, 1968, the Commission's California State Advisory Committee held a meeting on administration of justice problems in Los Angeles. One of the Committee members, Daniel L. Fernandez, questioned city councilman Thomas Bradley about the physical requirements for police recruits and what could be done to make them less restrictive. Councilman Bradley responded:

"The Civil Service Commission establishes the standards, but they take directions from the police department. For a long time Chief Parker was unwilling to drop the minimum height from five-ten down to five-nine, and finally down to five-eight. This was a long and agonizing fight that went on. Now, I have not seen that the officers . . . were handicapped by the fact that their height was reduced. There was a time when they have—I've forgotten the exact number of teeth, but the question was asked one time, "What are they going to do, bite people?"

Councilman Bradley further pointed out that at one time the police department required that a recruit have a four-inch chest expansion, and that one almost had to be a good athlete to meet this standard. He concluded his comments on physical requirements by observing, "I think the reduction in the height from five-eight to five-seven would not impair the ability of the officer to do his job. They don't need muscle and massiveness so much as they need tact." Los Angeles T. at 106–08.

[11] Twenty-four responses showed applications from Mexican Americans amounted to between 11 to 25 percent of the total; 12 responses indicated that Mexican American applicants constituted between 26 to 50 percent of the total; 10 responses indicated that the Mexican American applicants constituted between 51 to 75 percent of the total; and 12 responses indicated that more than 75 percent of their applicants were Mexican Americans.

[12] Los Angeles T. at 39. Arthur Garcia of the Police Malpractice Complaint Center of the Los Angeles American Civil Liberties Union, stated that Mexican American police officers are often more brutal than Anglo officers in their treatment of Mexican Americans. Both Luce and White expressed the belief that this is one way in which the Mexican American officer tries to show Anglo officers that he thinks as they do and is not prejudiced in favor of his own people. *Id.* at 61, 71–72.

[13] Staff interview.

[14] Staff interview.

[15] Roswell T. at 157–58.

[16] Sixteen of the 141 responses came from cities in the 100,000 to 250,000 population category. Only one response indicated that an announcement had been made in a Spanish newspaper and only three indicated that Spanish radio and television stations had been utilized. Cities in the category of 50,000 to 100,000 population accounted for 18 of the responses; of the 18 agencies only two had made announcements in the local Spanish language newspapers, and only one had used the local Spanish language radio and TV stations.

[17] Unlike police departments, which use the merit system for appointment and promotion, many deputy sheriffs are hired on the basis of political patronage with merit and qualifications considered to be of secondary importance.

[18] Staff interviews with representatives of sheriffs' offices.

[19] Staff interview.

[20] Staff interview.

[21] Staff interview.

[22] Staff interview.

[23] San Antonio Hearing at 717, 726.

[24] *Id.* at 719.

[25] *Id.* at 728.

[26] San Antonio Express & News, Dec. 15, 1968 at 3–A.

[27] *Id.*

[28] Report of the Advisory Commission on Civil Disorders at 165.

[29] *Id.* at 166.

[30] For ALL The People at 121–23.

[31] *Id.* at 72.

[32] *Id.* at 72–73.

[33] Section 301(b) and 406(b) of the Omnibus Crime Control and Safe Streets Act of 1968.

[34] For ALL the People at 74.

[35] *Id.* at 75.

[36] *Id.* at 76.

[37] Sec. 2, E.O. 11478, Aug. 8, 1969.

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## EXHIBIT 2

## SPECIAL ANALYSES OF THE U.S. GOVERNMENT, FISCAL YEAR 1973

In 1973, Federal aid to State and local governments will total $43.8 billion. This amount will be $4.4 billion more than in 1972—a 12% increase in 1 year, and five times the amount in 1963. Since 1968, major progress has been made in restructuring Federal aid programs to increase their flexibility and effectiveness. Proposals in the President's 1973 legislative program call for even greater changes:

Sharing Federal revenues with State and local governments in the form of unrestricted *General* Revenue Sharing, and six broad purpose *special* revenue sharing programs without matching requirements.

Reforming the welfare system to provide national eligibility standards, improved work incentives, broaden coverage to the working poor, and eventual fiscal relief to the State.

Strengthening the grant-in-aid delivery system through the Federal Assistance Review program (FAR), including; decentralizing decisionmaking to Federal field offices; and expanding the Integrated Grant Administration program from four to 24 major projects, thus enabling State and local governments to apply for several related grants through a single application.

The fastest growing major Federal aid programs in 1973, as in each of the years since 1969, are those related to law enforcement, income support, services for the poor, and environmental protection.

### HISTORICAL PERSPECTIVES

Federal aid to State and local governments has been a part of the American federal system since the country's earliest days. Under the Articles of Confederation, Congress provided grants of Federal land in 1785 to support education in the Northwest Territory.

Although Federal grants have a long history, the major growth in the number of grant programs and amounts of money provided has occurred only in the past two decades. The composition of the total grant program has changed significantly since 1960, as shown in table P–1. The functions comprising human resource programs—education and manpower, health, and income security—show a rapid growth during the 1960–73 period, rising from 47% of Federal aid in 1960 to an expected 55% in 1973. On the other hand, commerce and transportation programs declined from 43% of the total in 1960 to 14% in 1973.

TABLE P-1.—PERCENTAGE DISTRIBUTION OF FEDERAL AIDS TO STATE AND LOCAL GOVERNMENTS BY FUNCTION

| Function | Actual | | | | | 1973 estimate |
|---|---|---|---|---|---|---|
| | 1950 | 1955 | 1960 | 1965 | 1970 | |
| Agriculture and rural development | 5 | 8 | 4 | 5 | 3 | 2 |
| Natural resources and environment | 2 | 3 | 2 | 2 | 3 | 4 |
| Commerce and transportation | 21 | 19 | 43 | 40 | 21 | 14 |
| Community development and housing | (1) | 3 | 3 | 5 | 11 | 10 |
| Education and manpower | 11 | 14 | 10 | 10 | 18 | 17 |
| Health | 5 | 4 | 4 | 7 | 15 | 11 |
| Income security | 55 | 47 | 33 | 29 | 26 | 27 |
| General revenue sharing | | | | | | 11 |
| Other | 1 | 2 | 1 | 2 | 3 | 4 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

[1] Less than 0.5%.

While Federal grants have been growing, State and local governments presently raise from their own sources about four times the amount of aid they receive from the Federal Government.

TABLE P-2.—STATE AND LOCAL GOVERNMENT FINANCES, CALENDAR YEARS 1951 AND 1971

[Dollars in billions]

| Source | 1951 | 1971 | Average annual percentage increase |
|---|---|---|---|
| Revenue: | | | |
| Own revenue | $18.8 | $114.8 | 9.5 |
| Federal aid | 2.3 | 26.9 | 13.1 |
| Total | 21.1 | 141.7 | 10.0 |
| Expenditures | 22.3 | 141.7 | 9.7 |

Note: This table is based on the National Income Accounts to permit comparison between levels of government, and differs slightly from the measure of aid used in other parts of this analysis. For a more complete discussion of different measures of aid, see the section on definitions in this analysis.

### STATE AND LOCAL FISCAL PROBLEMS

State and local governments have been faced with critical financial problems in recent years. An imbalance has existed between the need for higher levels of public services and funds available to finance these services. State and local government receipts from their own sources (excluding Federal grants) rose from a war-time low of 4.8% of GNP in 1944 to 11% in 1971, but the need for expanded services and the cost of providing these services rose even faster.

State and local governments rely principally on consumer and property taxes, which have not grown at a rate sufficient to keep up with the growth in demand for public services. Thus, States have been forced to raise tax rates frequently—instituting new taxes or raising tax rates in more than 514 instances since 1959, and 64 instances in 1971 alone. These latter actions will augment tax receipts by about $5 billion. This is significantly larger than the $1.3 billion and $2.5 billion added to State tax receipts in 1965 and 1967, and the record $4 billion in 1969. It was only through drastic budget cutting, and tax increases, that State and local governments achieved an estimated surplus of $25 million in 1971.

The response of the Federal Government to the fiscal problems of State and local governments has been to increase Federal grants from 71 programs and $2 billion in 1950 to 530 programs and $24 billion in 1970. The results have been that while Federal grants have paid for several services previously paid for from State and local revenues, such as a highway network, this rapid growth has been accompanied by many problems, including:

Overlapping programs at the State and local level;

Program delays and uncertainty caused by unnecessarily detailed and costly application requirements;

Unnecessary limitations on the authority and responsibilities of Governors, mayors, county executives, and city managers;

The creation of competitive State and local governmental institutions; and

Rigid funding arrangements which are unable to adjust to changes in priorities over time, such as matching fund requirements.

While Federal grant programs were aimed at problems deemed by their sponsors to be of national interest, they often ignored their impact on the strength and ability of the State and local governments to carry out their own particular responsibilities.

### REFORM OF THE GRANT SYSTEM

In recognition of these problems, the administration has proposed basic reforms in Federal Government programs and institutions, and in the structure of Federal aid to State and local governments. These changes embrace three basic concepts: sorting out appropriate governmental roles, improving the basic programs, and modernizing management.

Basic reform is being undertaken in such major functional areas as welfare, pollution control, unemployment insurance, and mass transit. The proposed welfare reform should help to alleviate the financial pressures on State and local governments after it is enacted and should provide substantial savings in the long run. It will also be a major step toward reducing poverty in America. An Environmental Financing Authority has been proposed which will assist financing expanded pollution control facilities for those communities which are unable to borrow for this purpose at reasonable interest rates. The administration has also designed the first fundamental reform of the unemployment compensation system since the 1930's.

A long-needed overhaul of management processes in Federal aid and other programs is being carried out. The regional boundaries of the major domestic departments of the Federal Government have been modified so that their headquarter cities and the regions that they cover conform. This facilitates cooperation between Federal agencies and makes it easier for grant recipients since the agencies' regional offices are in the same cities. A new Office of Intergovernmental Relations was created in the Office of the Vice President. In order to foster better decision-making on the whole range of domestic programs, the administration has established a Domestic Council, which provides a forum for considering all of the various Federal activities and functions that affect the States and their subdivisions, and reorganized the Bureau of the Budget into the Office of Management and Budget.

Government operations are being simplified and decentralized in several ways—through revised grant program procedures, through a proposed overhaul of the manpower training programs, and most importantly, through the introduction of revenue sharing. In the grant area, the administration has also recommended legislation that would:

Authorize the President to consolidate closely related programs;

Simplify funding of those grant programs that are closely related and in the same agency;

Authorize joint funding of projects across agency lines; and

Offer assistance to Governors and mayors in improving their policy planning and implementation capacity in social welfare programs.

### REVENUE SHARING

One of the most innovative and far-reaching reforms of the federal system is the proposal for a program of sharing Federal revenue with State and local governments. In describing the revenue sharing program, the President stated: "The time has come for a new partnership between the Federal Government and the States and localities—a partnership in which we entrust the States and localities with a larger share of the Nation's responsibilities, and in which we share our Federal revenues with them so that they can meet those responsibilities."

The major characteristics of the administration's revenue sharing plan are:

A new program of *General* Revenue Sharing with State and local governments without any program or project restrictions with the amount granted to grow each year as the personal income tax base of the Federal Government grows;

Six *special* revenue sharing programs for State and local governments in special broadly defined areas of national concern, without any requirement of matching funds or Federal approval of project plans; and

Maintenance of those existing grant programs for which there is a clear, continuing national requirement.

The major features of the *General* Revenue Sharing proposal are:

*Predictability.*—The amounts to be shared will be based on 1.3% of the personal income tax base.

*Expanding scale.*—Because of the natural growth in the base, the absolute amounts are proposed to rise from a budget authority of $5.3 billion and outlays of $5 billion in 1973 to an estimated $10 billion in outlays for 1980.

*Unconditional.*—Revenue sharing funds will not be tied to specific programs because the funds are for use by State and local governments in accordance with their program priorities. The allocation of funds will be based on formulas prescribed by law and linked to data prepared on a regular basis by the Census Bureau. No costly, time-consuming applications will be required.

*Distribution by need and effort.*—The amount to be shared with any given State will be based on State population, adjusted for combined State and local revenue effort. States with greater relative revenue effort will get more than they would otherwise.

*Guaranteed funds for cities and counties.*—To place a minimum guarantee on the share of funds that cities, counties, and townships will receive, the administration's bill stipulates that States must "pass through" to each such local jurisdiction its appropriate share.

*Special* revenue sharing will consist of six broad-purpose programs providing State and local governments with funds for use in the functional area for which they are designated—transportation, education, urban and rural community development, manpower training, and law enforcement. The proposed effective dates for two of these programs—education and urban community development is July 1, 1972. These funds will be distributed on the basis of formulas appropriate for each broad program area. Funds for *special* revenue sharing will come from the conversion of a set of narrower categorical grants into the new program, and from additional funds requested by the President.

Characteristically, the programs recommended for conversion to *special* revenue sharing deal with high priority national problems which require State and local solutions. In these areas, State and local governments are in a better position to design and implement responsive and effective programs. Eliminating Federal administration of these programs will relieve State and local governments of many Federal requirements—including the elimination of matching requirements on the categorical grants converted to *special* revenue sharing. Federal civil rights requirements will be retained.

TABLE P-3.—REVENUE SHARING, BUDGET AUTHORITY, 1ST FULL YEAR

| Description | Billions |
|---|---|
| General revenue sharing | $5.3 |
| Special revenue sharing: | |
| Urban community development | 2.3 |
| Rural community development | 1.1 |
| Education | 3.2 |
| Manpower training | 2.0 |
| Law enforcement | .9 |
| Transportation | 2.8 |
| Total | 17.6 |

SIGNIFICANT FEATURES OF FEDERAL AID IN 1973

Federal aid expenditures for grants and shared revenues will grow from $29.8 billion in 1971 to $43.5 billion in 1973. In addition, there will be an estimated $1.9 billion in loan disbursements resulting in $309 million of net lending to State and local governments. This does not include the lending activity that is being encouraged in the non-Federal sector with Federal interest subsidies and guarantees.

In total, Federal aid programs provided about 18% of State and local revenues in 1971, and will provide an even greater percentage in 1972 and 1973. The largest portion of direct Federal aid is administered by the Department of Health, Education, and Welfare. Due to extreme fiscal pressures on State and local governments, in 1972 the department will make an advance payment to those governments of about $1 billion for welfare payments and services.

SPECIAL ANALYSES

TABLE P-4.—FEDERAL-AID EXPENDITURES BY AGENCY

[In millions of dollars]

| Agency | 1971 actual | 1972 estimate | 1973 estimate |
|---|---|---|---|
| Funds appropriated to the President | 1,468.2 | 1,286.4 | 1,064.3 |
| Department of Agriculture | 3,198.3 | 3,916.0 | 4,223.2 |
| Department of Commerce | 184.9 | 174.6 | 206.1 |
| Department of Defense—Military | 34.2 | 36.2 | 45.6 |
| Department of Defense—Civil | 6.9 | 5.0 | 3.0 |
| Department of Health, Education, and Welfare | 14,650.9 | 18,511.6 | 17,665.4 |
| Department of Housing and Urban Development | 2,140.2 | 2,573.7 | 3,502.4 |
| Department of the Interior | 296.7 | 405.8 | 441.8 |
| Department of Justice | 195.8 | 361.5 | 501.7 |
| Department of Labor | 1,866.1 | 2,918.8 | 3,465.4 |
| Department of State | 5.4 | 5.7 | 7.8 |
| Department of Transportation | 4,882.5 | 5,143.5 | 5,524.3 |
| Department of the Treasury | 143.2 | 2,409.9 | 5,169.8 |
| Environmental Protection Agency | 520.0 | 964.6 | 1,178.7 |
| Veterans Administration | 19.0 | 21.2 | 24.4 |
| District of Columbia | 139.0 | 180.0 | 202.0 |
| Other | 94.0 | 165.0 | 253.0 |
| Total outlays for Federal aid | 29,844.0 | 39,079.8 | 43,478.9 |

Note: Detail may not add to totals due to rounding.

Apart from direct Federal aid, many other Federal activities that are not included in this analysis affect the finances of State and local governments. For example, the exemption of interest on State and local bonds from Federal income taxes reduced interest costs to State and local governments by $2.0 billion in 1971. This exemption results in about $3.0 billion in "lost" revenues to the U.S. Treasury. Similarly, since taxpayers may deduct State and local taxes from Federal taxable income, a portion of State and local taxes is offset by a reduction in the taxpayers' Federal liability. In 1971, the value of this deduction in terms of tax savings to individuals was approximately $8.5 billion. In addition, in 1971 the Federal Government donated an estimated $405 million in excess property to State and local governments for civil defense, public health, and educational purposes. The Federal Government has also donated Federal land for State and local recreation uses, such as for parks and beaches. It is estimated that between 1971 and 1973 the Federal Government will have donated 40,000 acres, worth over $56 million, to State and local governments.

TABLE P-5.—FEDERAL-AID OUTLAYS IN RELATION TO TOTAL FEDERAL OUTLAYS AND TO STATE-LOCAL REVENUE

| | Federal aid | | | |
|---|---|---|---|---|
| | | As a percent of— | | |
| Fiscal year | Amount (millions) | Total Federal outlays | Domestic Federal outlays [1] | State-local revenue |
| 1959 | $6,669 | 7.2 | 15.9 | 12.3 |
| 1960 | 7,040 | 7.6 | 16.4 | 11.6 |
| 1961 | 7,112 | 7.3 | 15.4 | 11.0 |
| 1962 | 7,893 | 7.4 | 15.8 | 11.3 |
| 1963 | 8,634 | 7.8 | 16.5 | 11.6 |
| 1964 | 10,141 | 8.6 | 17.9 | 12.4 |
| 1965 | 10,904 | 9.2 | 18.4 | 12.4 |
| 1966 | 12,960 | 9.7 | 19.2 | 13.2 |
| 1967 | 15,240 | 9.6 | 19.5 | 14.2 |
| 1968 | 18,599 | 10.4 | 20.9 | 15.8 |
| 1969 | 10,255 | 11.0 | 21.3 | 15.3 |
| 1970 | 23,954 | 12.2 | 21.9 | 15.9 |
| 1971 | 29,844 | 14.1 | 23.5 | 17.9 |
| 1972 estimate | 39,080 | 16.5 | 25.8 | 21.1 |
| 1973 estimate | 43,749 | 17.6 | 27.0 | 21.1 |

[1] Excluding outlays for defense, space, and international programs.

[2] "Governmental Finances in 1969–70." Bureau of the Census.

THE IMPACT OF FEDERAL AID

The rapid increase in Federal aid has become an increasingly important factor in the finances of all levels of government. Federal aid has risen from 7.8% of total Federal outlays in 1963 to an estimated 17.6% in 1973. In terms of civilian domestic programs, 27.0% of Federal outlays will take the form of aids to State and local governments in 1973. Because State and local revenues from their own sources have increased at a much more rapid rate than Federal outlays, the impact of the relative increase in Federal aid has not been quite as marked on their budgets as it has been on the Federal budget. Nevertheless, Federal aid has risen as a proportion of State and local revenues, from 12% in 1960 to an estimated 18% in 1971.

The pattern of State and local spending has been influenced by those Federal grants that require the recipient government to match Federal aid funds with its own resources. In 1966, State and local governments provided an estimated $5.5 billion of their own funds to match the $13 billion of Federal grants spent in that year. In the last few years, State and local government matching funds have accounted for about 10% of general expenditures out of their own revenue sources. This could amount to an estimated $11 to $13 billion in 1971, and an estimated $13 to $16 billion in 1973. The elimination of matching requirements for the programs absorbed by *special* revenue sharing will save State and local governments about $4.2 billion and allow them greater freedom in the use of their resources.

In 1970, the distribution of Federal aids on a regional basis ranged from a high of more than $5 billion in the Southeast and Mideast, to a low of $0.77 billion in the Rocky Mountain area. On a per capita basis, however, the Rocky Mountain area ranked highest with grant payments of $154 per capita, while the Great Lakes with $82 and Plains region with $104 per capita were lowest. Population density and per capita income are the two major factors that accounted for this wide variation. Generally, the level of per capita aid is inversely related to population density primarily because of aid for highway construction and shared revenues to thinly populated Western States. The population density of the Rocky Mountain area is the lowest of the regions, the holdings of Federal lands are extensive and per capita aid is the highest. At the other end of the scale, per capita aid is lower in the regions where population density is greatest, and Federal land holdings are small.

TABLE P-6.—REGIONAL DISTRIBUTION OF FEDERAL AID, FISCAL 1970

| Region | Total (millions) | Per capita | Percent of State and local government general revenue |
|---|---|---|---|
| New England | $1,406 | $118.65 | 18.4 |
| Mideast | 5,180 | 122.22 | 16.7 |
| Great Lakes | 3,329 | 82.70 | 13.5 |
| Plains | 1,707 | 104.55 | 17.1 |
| Southeast | 5,299 | 120.96 | 23.8 |
| Southwest | 2,013 | 121.68 | 22.1 |
| Rocky Mountain | 770 | 153.92 | 23.1 |
| Far West | 4,013 | 148.55 | 17.3 |
| United States | 23,954 | 117.89 | 18.6 |

Sources: "Federal Aid to States—Fiscal year 1970." Department of the Treasury, and "Governmental Finances in 1969–70." Bureau of the Census. These reports provide additional information concerning State distribution of Federal grants.

Per capita aid is also inversely related to per capita income. There are two reasons for this relationship. Some grant programs require lower matching ratios for the relatively poorer States. Other programs such as those for public assistance and elementary and secondary education, are designed as aids to the disadvantaged and tend to flow to States having proportionately more individuals with lower incomes. This reflects the growing impact of fiscal equalization provisions characteristic of a number of the more recent grant programs. For a State-by-State, program-by-program accounting of Federal grants, see the forthcoming Treasury Department publication "Federal Aid to States—Fiscal Year 1971".

Within the rising total of Federal assistance to State and local governments, another important qualitative shift is taking place—the increasing emphasis on urban areas. Between 1960 and 1970, the major population growth in America occurred in the metropolitan complexes. Today, about 70% of the population lives in 268 metropolitan areas. In 1973, approximately $31.5 billion of the $43.5 billion of total Federal grants will be spent in, or directly affect, standard metropolitan statistical areas (SMSA's). This is an increase of about $27 billion, or nearly 700% over the amount of aid provided to these urban areas in 1961, and $17.4 billion in the last 4 years. The major increases in Federal grants for urban areas occurred in law enforcement and public assistance.

SMSA areas include the bulk of that urban population which places heavy pressure on public service requirements—areas where population growth and population density are high. The amounts shown in table P–7 are estimates based on the best information available.

TABLE P-7. FEDERAL-AID OUTLAYS IN SMSA AREAS

| Function and program | 1961 actual | 1964 actual | 1969 actual | 1973 estimate |
|---|---|---|---|---|
| National defense | 10 | 28 | 30 | 38 |
| Agriculture and rural development: | | | | |
| Donation of surplus commodities | 128 | 231 | 313 | 446 |
| Other | 27 | 40 | 104 | 115 |
| Natural resources and environment: | | | | |
| Environmental protection | 24 | 8 | 79 | 884 |
| Other | 30 | 10 | 101 | 200 |
| Commerce and transportation: | | | | |
| Economic development | | 158 | 104 | 152 |
| Highways | 1,398 | 1,948 | 2,225 | 2,842 |
| Airports | 36 | 36 | 83 | 160 |
| Urban mass transportation | | | 122 | 351 |
| Other | 1 | 5 | 5 | |
| Community development and housing: | | | | |
| Urban community development revenue sharing | | | | [1] 450 |
| Community action and related programs | | | 432 | 531 |
| Urban renewal | 106 | 559 | 786 | 750 |
| Public housing | 105 | 136 | 257 | 770 |
| Water and sewer facilities | | 36 | 52 | 98 |
| Model Cities | | | 8 | 590 |
| Other | 2 | 17 | 75 | 567 |
| Education and manpower: | | | | |
| Education revenue sharing | | | | [1] 77 |
| Head Start and Follow Through | | | 256 | 270 |
| Elementary and secondary | 222 | 264 | 1,262 | 1,520 |
| Higher education | 5 | 14 | 210 | 81 |
| Education and manpower—Continued | | | | |
| Vocational education | 28 | 29 | 179 | 480 |
| Employment security | 303 | 344 | 449 | 745 |
| Emergency employment assistance | | | | 1,082 |
| Manpower activities | | 64 | 530 | 1,115 |
| Other | 3 | 7 | 77 | 879 |
| Health: [2] | | | | |
| Health services and planning | 48 | 66 | 109 | 252 |
| Health services delivery | 47 | 82 | 219 | 437 |
| Mental health | 4 | 8 | 77 | 254 |
| Preventive health services | | | | 35 |
| Medical assistance | | 140 | 1,731 | 2,104 |
| Health manpower | | | 107 | 256 |
| Other | | 4 | 54 | |
| Income security: | | | | |
| Vocational rehabilitation | 37 | 61 | 247 | 521 |
| Public assistance | 1,170 | 1,450 | 3,022 | 5,985 |
| Child nutrition, special milk and food stamps | 131 | 168 | 482 | 1,983 |
| Other | 3 | 16 | 148 | 77 |
| General government: | | | | |
| Law enforcement | | | 17 | 440 |
| National Capital region | 25 | 38 | 85 | 202 |
| Other | | 9 | 27 | 216 |
| Other functions | | 2 | | 14 |
| General Revenue Sharing | | | | [3] 3,500 |
| Total, aids to urban areas | 3,893 | 5,588 | 14,045 | 31,468 |

[1] Tentative estimate; excludes outlays in 1973 from programs planned for conversion to special revenue sharing.

[2] See footnote 5 to table P-9.

[3] Tentative estimated impact calculated on the basis of population includes both direct pass-through and discretionary State allocations.

TYPES OF GRANTS

Federal aid to State and local governments, as reflected in budget outlays, take several forms: grants; shared revenues, usually counted as grants; and loans. Shared revenues (not to be confused with the President's revenue sharing programs) are payments of a share of Federal revenues from a particular source—such as receipts from timber sales—which are paid to State and local governments. These payments are frequently in lieu of taxes which would be paid if the Federal land were privately held. Grants are nonrepayable resources provided by the Federal Government in support of a State or local program of service to the public.

In practice, there are two types of grants—those with "strings" attached, or conditional grants, and those with "no strings" attached, or unconditional grants. Only the former type is presently in use in the United States, but the President's revenue sharing proposal is designed to change this.

Conditional grants may be divided into project grants and formula grants. Project grants are a relatively recent development in the United Sates and are designed to meet specific problems. That is, a project grant is given for a specific program need, such as demonstration grants for education. The recipient must take the initiative in applying for the grant, and it is up to the discretion of the granting agency whether or not the particular project merits funding. Project grants accounted for an estimated $9.4 billion in 1969 and $11.7 billion in 1970 of total Federal aid.

In contrast, formula grants are allocated to all eligible jurisdictions for selected functions on the basis of some formula. The formula criteria may include the fiscal capacity of the recipient government, total or relevant population in the area, such as the number of poor people, or both. Hospital construction grants, and *special* revenue sharing programs are examples of formula grants.

Matching requirements on Federal grants specify the portion of the project or program cost that the recipient is required to provide in order to receive the Federal grant. Matching requirements vary widely depending on the program. For some programs, the matching rates are uniform for recipient governments. In other cases, differential rates have been established so that governments with lower fiscal capacity are required to meet lower matching requirements than those with higher fiscal capacity.

Revenue sharing, a third type of grant, has been discussed in another part of this analysis.

Three different statistical series showing Federal aid to State and local governments are produced by the Federal Government. Table P–8 shows the principal differences between these three series over a 6-year period.

As the table indicates, there is a growing divergence between the series shown in this analysis and the other series. The principal cause of this divergence over these years was the treatment of payments by the Office of Economic Opportunity, research payments, and the distribution of surplus agricultural commodities. Although these payments will be relatively stable in the years 1970–72, the continued growth of food stamps will continue to widen this gap.

TABLE P-8.—3 MEASURES OF FEDERAL AID TO STATE AND LOCAL GOVERNMENTS 1965–70

[In billions of dollars]

| | 1965 | 1966 | 1967 | 1968 | 1969 | 1970 |
|---|---|---|---|---|---|---|
| Budget (Special Analysis P) | 10.9 | 13.0 | 15.2 | 18.6 | 20.3 | 24.0 |
| Principal exclusions: | | | | | | |
| Agricultural commodities | −.5 | −.3 | −.3 | −.5 | −.7 | −.5 |
| Food stamps | (1) | −.1 | −.1 | −.2 | −.2 | −.6 |
| Certain OEO payments | (1) | −.2 | −.5 | −.8 | −.8 | −.8 |
| Add payments for research | .9 | .9 | 1.0 | 1.1 | 1.1 | 1.2 |
| All other (net) | −.2 | −.2 | −.3 | −.1 | −.3 | (1) |

| | 1965 | 1966 | 1967 | 1968 | 1969 | 1970 |
|---|---|---|---|---|---|---|
| Federal payments (Census) | 11.1 | 13.1 | 15.0 | 18.1 | 19.4 | 23.3 |
| Exclude low-rent public housing | −.2 | −.2 | −.2 | −.3 | −.3 | −.4 |
| All other (net) | (1) | −.2 | (1) | −.1 | .3 | −.4 |
| Grants-in-aid (National Income Accounts) | 10.9 | 12.7 | 14.8 | 17.8 | 19.4 | 22.5 |

(1) Less than $50,000,000.

(See: Special Analysis A.)

The series used in this analysis is focused on showing Federal aid for programs either operated directly by State or local governments or coordinated through or approved by State agencies. It includes outlays whether cash payments or in-kind, and includes aid to Governments of Puerto Rico and the Virgin Islands. The basic focus is on programs aimed to serve the public but not directly administered by the Federal Government. Therefore, it excludes payments for purchases of services to the Federal Government, such as research conducted by public universities.

Both the census and the national income accounts (NIA) definitions of grants are designed to match their other definitions for data encompassing the entire economy. They exclude payments to private, nonprofit agencies even if coordinated under a State plan, since this money is reported in the private sector. The principal example of this is OEO, where a considerable amount of money the budget includes as grants goes to private nonprofit entities.

Both the census and the NIA definitions exclude payments in-kind from grants—such as commodities donated under the school lunch program—and also exclude payments to territories or possessions. However, they focus on cash payments, so payments for research conducted by public universities are included in their data, as the universities are included as part of the State/local sector in their various tabulations. These payments are not considered grants in this analysis.

There are various other—relatively minor—differences between the three series. The one major outlay included in the budget and census series but excluded from the NIA series is payments for low-rent public housing, which the NIA counts as purchases by the Federal Government rather than grants.

Further information on the NIA series may be found in Special Analysis A.

TABLE P-9.—FEDERAL AID TO STATE AND LOCAL GOVERNMENTS [1]

[Expenditures in millions of dollars]

| Agency and program | Functional code | 1971 actual | 1972 estimate | 1973 estimate |
|---|---|---|---|---|
| National defense: | | | | |
| Department of Defense—Military: | | | | |
| Civil defense shelters and financial assistance | 051 | 25.7 | 29.9 | 37.3 |
| Construction of Army National Guard centers | 051 | 8.4 | 6.2 | 8.3 |
| Atomic Energy Commission | 058 | 7.6 | 4.8 | 4.7 |
| Total, national defense | | 41.7 | 40.9 | 50.3 |
| International affairs and finance: | | | | |
| Department of State: | | | | |
| East-West Cultural and Technical Interchange Center | 153 | 5.4 | 5.7 | 7.1 |
| International Center, Washington, D.C | 151 | | | .7 |
| Total, international affairs and finance | | 5.4 | 5.7 | 7.8 |
| Agriculture and rural development: | | | | |
| Department of Agriculture: | | | | |
| Commodity Credit Corporation and Consumer and Marketing Service: Removal of surplus agricultural commodities and value of commodities donated | 351 | 387.4 | 638.2 | 714.9 |
| Rural water and waste disposal facilities | 352 | 35.9 | 53.2 | 48.8 |
| Mutual and self-help housing | 352 | .1 | 2.5 | 3.0 |
| Rural housing for domestic farm labor | 352 | 3.5 | 4.0 | 3.0 |
| Resource conservation and development | 354 | 11.7 | 15.7 | 19.7 |
| Consumer protective programs | 355 | 28.9 | 20.6 | 32.6 |
| Cooperative agricultural extension service | 355 | 133.6 | 149.7 | 154.6 |
| Water Bank Act Program | 354 | | 1.9 | 2.9 |
| Agricultural Research Service | 355 | 1.3 | 1.4 | 1.4 |
| Cooperative State Research Service | 355 | 67.3 | 74.8 | 79.9 |
| Total, agriculture and rural development | | 659.7 | 972.0 | 1,060.9 |
| Natural resources: | | | | |
| Department of Agriculture: | | | | |
| Watershed protection and flood prevention | 401 | 73.7 | 87.3 | 96.2 |
| Grants for forest protection, utilization, and basic scientific research | 402 | 20.8 | 27.2 | 25.7 |
| National forest and grassland funds: payments to States and counties (shared revenue) | 402 | 72.2 | 57.5 | 86.8 |
| Assistance to States for tree planting | 402 | .7 | .8 | .8 |
| Department of Defense—Civil: Corps of Engineers: | | | | |
| Flood control | 401 | 4.2 | 2.2 | |
| Payments to States, Flood Control Act of 1954 (shared revenue) | 401 | 2.7 | 2.8 | 3.0 |
| Department of the Interior: | | | | |
| Payments to States and counties (shared revenue) | 402 | 85.1 | 90.7 | 97.9 |
| Bureau of Reclamation | 401 | | .8 | .9 |
| Mine drainage and solid waste disposal | 403 | (*) | .2 | .3 |
| Fish and wildlife restoration and management | 405 | 44.9 | 62.3 | 62.1 |
| Outdoor recreational areas (Land and Water Conservation Fund) | 405 | 62.0 | 110.0 | 129.0 |
| Preservation of historic properties | 405 | 1.3 | 6.2 | 7.7 |
| Office of Water Resources Research | 401 | 8.3 | 8.5 | 8.7 |
| Federal Power Commission: Payments to States (shared revenue) | 401 | (*) | (*) | .2 |
| Tennessee Valley Authority: Payments in lieu of taxes (shared revenue) | 401 | 20.0 | 25.7 | 29.0 |
| Water Resources Council | 401 | 3.5 | 3.6 | 3.4 |
| Environmental Protection Agency | 401 | 520.0 | 964.6 | 1,179.0 |
| Total, natural resources | | 920.4 | 1,450.4 | 1,731.7 |
| Commerce and transportation: | | | | |
| Funds appropriated to the President: | | | | |
| Public works acceleration | 507 | .4 | 1.7 | |
| Appalachian development | 507 | 229.3 | 279.4 | 285.6 |
| Department of Commerce: | | | | |
| State marine schools | 502 | .5 | .5 | .5 |
| Regional development | 507 | 2.0 | 6.6 | 20.4 |
| Promotion of tourism | 506 | | .6 | 1.4 |
| National Bureau of Standards | 506 | 2.2 | .5 | |
| National Oceanic and Atmospheric Administration | 506 | 4.5 | 4.5 | 4.5 |
| Economic development assistance | 507 | 175.6 | 166.5 | 183.8 |
| Department of the Interior: Resources management | 507 | 2.0 | 2.6 | 2.3 |
| Commerce and transportation—Continued | | | | |
| Department of Transportation: | | | | |
| Forest and public lands highways | 503 | 22.4 | 32.8 | 37.4 |
| Highway beautification | 503 | 9.4 | 28.9 | 38.7 |
| Highway safety | 503 | 68.9 | 85.0 | 84.0 |
| Federal-aid highways (trust fund) | 503 | 4,562.8 | 4,595.5 | 4,801.3 |
| Urban mass transportation facilities | 503 | 154.1 | 261.3 | 352.7 |
| Federal aid for airports and airways [2] | 501 | 61.5 | 131.0 | 200.0 |
| Other | 503 | 3.6 | 7.4 | 4.0 |
| Total, commerce and transportation | | 5,299.3 | 5,604.8 | 6,016.6 |
| Community development and housing: | | | | |
| Funds appropriated to the President: | | | | |
| Office of Economic Opportunity: Community action programs | 551 | 714.7 | 655.9 | 656.9 |
| Department of Housing and Urban Development: | | | | |
| Model city grants | 551 | 320.3 | 439.2 | 622.0 |
| Urban renewal | 551 | 1,025.9 | 1,000.0 | 1,000.0 |
| Open space land and urban beautification | 551 | 38.8 | 69.4 | 79.9 |
| New community assistance | 551 | | 2.0 | 3.7 |
| Grants for basic water and sewer facilities | 551 | 120.6 | 130.0 | 150.0 |
| Grants for neighborhood facilities | 551 | 22.5 | 35.0 | 35.0 |
| Urban planning grants | 551 | 49.5 | 49.5 | 91.3 |
| Community development training programs | 551 | 2.8 | 3.0 | 3.0 |
| Low-rent public housing programs | 555 | 558.6 | 844.9 | 1,026.4 |
| Urban community development revenue sharing | 552 | | | [3] 490.0 |
| Total, community development housing | | 2,853.8 | 3,228.9 | 4,158.4 |
| Education and manpower: | | | | |
| Funds appropriated to the President: | | | | |
| Office of Economic Opportunity [4] | 601 | 401.5 | 202.7 | 25.1 |
| Department of Health, Education, and Welfare: | | | | |
| Elementary and secondary education | 601 | 1,797.9 | 1,872.4 | 1,868.1 |
| Education revenue sharing | 604 | | | [3] 110.0 |
| Assistance to schools in federally affected areas | 601 | 492.6 | 473.1 | 432.7 |
| Education of the handicapped | 601 | 29.0 | 40.2 | 37.2 |
| Civil rights education | 601 | 6.9 | 9.1 | 8.8 |
| Higher education activities | 602 | 308.7 | 223.2 | 125.0 |
| (Portion to private institutions) | 602 | (86.3) | (53.3) | (27.3) |
| Vocational education | 603 | 409.9 | 507.8 | 545.0 |
| Libraries and community services | 605 | 71.4 | 77.4 | 90.8 |
| Educational renewal | 605 | 112.0 | 128.0 | 143.1 |
| National Foundation for Higher Education | 602 | | 1.0 | 30.0 |
| Work incentive activities | 607 | 122.8 | 186.7 | 261.6 |
| Emergency school assistance | 601 | 51.4 | 89.6 | 313.4 |
| Department of Labor: | | | | |
| Manpower development and training activities | 607 | 1,107.1 | 1,428.8 | 1,495.8 |
| Grants to States for administration of employment security programs (trust fund) | 607 | 759.0 | 831.7 | 887.0 |
| Emergency employment assistance | 607 | | 650.8 | 1,082.7 |
| Department of Interior: Bureau of Indian Affairs: | | | | |
| Education and welfare services | 601 | 21.4 | 22.7 | 24.4 |
| National Foundation on the Arts and the Humanities | 608 | 4.9 | 6.4 | 6.9 |
| Corporation for Public Broadcasting | 605 | 23.0 | 35.0 | 45.0 |
| Equal Employment Opportunities Commission | 609 | 1.1 | 1.3 | 2.5 |
| Other | | 1.5 | 9.6 | 2.7 |
| Total, education and manpower | | 5,721.9 | 6,797.5 | 7,537.8 |
| Health: [5] | | | | |
| Mental health: | | | | |
| Development of health resources | 651 | 105.4 | 115.0 | 110.4 |
| Prevention and control of health problems | 652 | 60.1 | 109.4 | 211.1 |
| Health services planning and development | 651 | 341.5 | 317.3 | 327.9 |
| (Portion to private, nonprofit institutions) | | (156.2) | (133.2) | (107.9) |
| Health services delivery | 652 | 330.1 | 469.1 | 496.6 |
| Preventive health services | 653 | 5.1 | 7.1 | 49.4 |
| Health manpower | 651 | 262.5 | 253.2 | 298.4 |
| Medical assistance | 652 | 3,362.3 | 4,400.9 | 3,432.5 |
| Total, health | | 4,467.0 | 5,672.0 | 4,926.3 |

Footnotes at end of table.

TABLE P-9.—FEDERAL AID TO STATE AND LOCAL GOVERNMENTS [1]—Continued

[Expenditures in millions of dollars]

| Agency and program | Functional code | 1971 actual | 1972 estimate | 1973 estimate |
|---|---|---|---|---|
| Income security: | | | | |
| Funds appropriated to the President: | | | | |
| Disaster relief | 703 | 122.3 | 146.8 | 96.6 |
| Department of Health, Education, and Welfare: | | | | |
| Income maintenance payments | 702 | 5,527.5 | 7,196.9 | 6,884.9 |
| Social services for welfare recipients | 703 | 743.9 | 1,439.5 | 1,192.3 |
| Vocational rehabilitation | 703 | 507.5 | 587.6 | 694.3 |
| Department of Agriculture: | | | | |
| Food stamp | 702 | 1,536.5 | 2,022.1 | 2,274.8 |
| Child nutrition program and special milk | 702 | 831.7 | 749.1 | 679.1 |
| Social Security Administration: | | | | |
| Special benefits for miners | 701 | .9 | 1.7 | |
| Total, income security | | 9,270.3 | 12,143.7 | 11,822.0 |
| Veterans benefits and services: | | | | |
| Veterans' Administration: | | | | |
| Aid to State homes | 804 | 15.5 | 16.6 | 18.5 |
| Grants for construction of State nursing homes | 804 | 2.9 | 4.0 | 5.3 |
| Administrative expenses | 804 | .6 | .6 | .6 |
| Total, veterans benefits and services | | 19.0 | 21.2 | 24.4 |
| General government: | | | | |
| Department of the Interior: | | | | |
| Grants to territories | 909 | 59.5 | 85.9 | 88.8 |
| Internal revenue collections, Virgin Islands (shared revenue) | 909 | 13.2 | 15.6 | 16.7 |
| Department of Justice: Law enforcement assistance | 908 | 195.8 | 361.9 | 501.7 |
| Treasury Department: Tax collections for Puerto Rico (shared revenue) | 909 | 84.9 | 90.0 | 95.0 |
| National Capital region: | | | | |
| Federal payment to District of Columbia | 909 | 139.0 | 180.0 | 202.0 |
| Washington Metropolitan Transit Agency | | 34.8 | 89.4 | 163.7 |
| Other | | 58.3 | 69.9 | 74.8 |
| Total, general government | | 585.5 | 892.8 | 1,142.7 |
| General revenue sharing | 940 | | 2,250.0 | 5,000.0 |
| Total, grants and shared revenues | | 29,844.0 | 39,079.8 | 43,478.9 |

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[1] Grants-in-aid unless otherwise specified. Excludes loans which are shown separately in table P-10.

[2] Federal funds in 1970; trust funds in 1971 and 1972.

[3] Amounts added to categorical programs folded into special revenue sharing.

[4] Manpower programs transferred to Labor Department.

[5] Health services planning and development incorporates health services research and development, regional medical programs, and medical facilities construction. Health services delivery incorporates comprehensive health planning and services, maternal and child health, and patient care and special health services.

*Less than $100,000.

TABLE P-10.—FEDERAL LOANS TO STATE AND LOCAL GOVERNMENTS

| Agency and program | Disbursements 1971 actual | Disbursements 1972 estimate | Disbursements 1973 estimate | Net outlays 1971 actual | Net outlays 1972 estimate | Net outlays 1973 estimate |
|---|---|---|---|---|---|---|
| Natural resources: | | | | | | |
| Department of the Interior: | | | | | | |
| Reclamation loans | 6.5 | 15.7 | 17.0 | 5.0 | 14.0 | 15.2 |
| Total, natural resources | 6.5 | 15.7 | 17.0 | 5.0 | 14.0 | 15.2 |
| Commerce and transportation: | | | | | | |
| Department of Commerce: | | | | | | |
| Economic development assistance | 16.6 | 20.7 | 16.6 | 13.2 | 15.7 | 12.3 |
| Department of Transportation: | | | | | | |
| Mass transportation facilities | | | | –.2 | –.2 | –.2 |
| Right-of-way revolving fund | 32.9 | 51.0 | 55.0 | 32.9 | 51.0 | 55.0 |
| Total commerce and transportation | 49.5 | 71.7 | 71.6 | 45.9 | 66.5 | 67.1 |
| Community development and housing: | | | | | | |
| Department of Housing and Urban Development: | | | | | | |
| Low-rent public housing fund | 710.2 | 825.0 | 900.0 | –.1 | 10.0 | 10.0 |
| Housing management: | | | | | | |
| Revolving fund | 1.5 | | | 1.5 | –1.0 | –7.2 |
| Community development | 576.4 | 613.6 | 656.8 | 10.1 | 39.0 | 35.1 |
| Total, community development and housing | 1,288.1 | 1,438.6 | 1,556.8 | 11.5 | 48.0 | 37.9 |
| Education and manpower: | | | | | | |
| Department of Health, Education, and Welfare: Higher education activities | 17.7 | 11.6 | 4.1 | 15.5 | 9.8 | 4.5 |
| Department of Housing and Urban Development: College housing | 79.7 | 55.8 | 49.5 | 48.3 | 23.2 | 15.9 |
| Total, education and manpower | 97.4 | 67.4 | 53.6 | 63.8 | 32.0 | 20.4 |
| General government: | | | | | | |
| Department of Defense—Civil | | | | –.4 | –.4 | –.4 |
| Department of the Interior: | | | | | | |
| Administration of territories | 2.5 | 7.0 | 5.0 | 2.2 | 6.5 | 4.3 |
| General Services Administration: General activities | | | | –8.3 | –1.1 | –1.2 |
| District of Columbia | 91.9 | 217.8 | 217.8 | 57.5 | 167.3 | 166.0 |
| Total, general government | 94.4 | 224.8 | 222.8 | 51.0 | 172.3 | 168.7 |
| Total | 1,535.9 | 1,818.2 | 1,921.8 | 177.2 | 332.8 | 309.3 |

## EXHIBIT 3

### STATES WITH ANTI-DISCRIMINATION STATUTES COVERING STATE EMPLOYMENT (33 STATES INCLUDING DISTRICT OF COLUMBIA)

Arizona, California, Colorado, Connecticut, Delaware, Florida, Illinois, and Idaho.

Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, and Minnesota.

Missouri, Montana, Nebraska, Nevada, New Hamsphire, New Mexico, New York [1], Ohio, and Oklahoma.

Oregon, Pennsylvania, Utah. Washington, West Virginia, Wisconsin,* Wyoming, and District of Columbia.

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[1] By interpretation.

### SUMMARY OF COVERAGE

*Number of States covered*

| | |
|---|---|
| Specifically covered by legislation | 31 |
| Covered by interpretation of legislation | 2 |
| Total | 3 |
| *[Not Covered by Legislation]* | |
| Covered by Governor's Code | 2 |
| Not mentioned in Act of code | [2] 5 |
| No Statute or code | 11 |
| Total | 18 |
| Grand Total | [3] 51 |

*Other information—Age*

| | |
|---|---|
| States wtih specific statutory coverage of State employment with regard to age discrimination | 5 |
| States with specific exclusion | 0 |

[2] Louisiana and North Dakota have age discrimination laws which make no mention of the State as an employed. Both have no other fair employment coverage. For this report they are included among those states with no act or code.

[3] Total of 51 States includes the District of Columbia.

COVERED

I. States specifically covering state employment under the terms of their fair employment practice legislation: (total of 27).

1. Arizona—Arizona Civil Rights Act (effective 7/20/65).

(a) "employer" means . . . the term shall include the state and any political subdivision thereof. (Sec. 41–1461. Definitions.)

2. California—California Fair Employment Practice Act (effective 11/8/67).

Sec. 1413(d) "employer", except as hereinafter provided, includes . . . the State or any political or civil subdivision thereof and cities. (California FEPA)

3. Colorado—Colorado Anti-Discrimination Act of 1957, as amended (effective 5/6/65).

(2) "Person" shall mean the State of Colorado and all political subdivisions and agencies thereof . . . (5) "employer" shall mean the State of Colorado or any political subdivision or board, commission, department, institution or school district thereof . . . (Colorado Anti-Discrimination Act of 1957 Sec. 80–21–2. Definitions)

4. Connecticut—Connecticut Fair Employment Practice Act (effective 5/19/67), amended 6/29/67).

(b) "Person" shall mean the state and all political subdivisions and agencies thereof . . . (f) "employer includes the state and political subdivisions thereof . . . (Conn. FEPA, Sec. 31–122. Definitions)

5. Idaho—Idaho Fair Employment Practices Act (effective 5/2/61).

(a) "every person" shall be construed to include this state and its political subdivisions, boards and commissioners, engaged in or exercising control over the operation of any place of public resort, accommodations, assemblage or amusement. (Sec. 2, Chap. 309, Laws of Idaho 1961).

6. Illinois—Illinois Fair Employment Practices Act (approved 7/21/61. Last amendment effective 7/21/68).

(d) "employer" includes and means . . . (ii) the state and any political subdivisions, municipal corporation or other governmental unit or agency thereof, without regard to the number of employees . . . (Sec. 2(d) (ii) Illinois FEPA)

7. Indiana—Indiana Civil Rights Act (last amendment approved 3/11/67).

The term "employer" includes the state, or any political or civil subdivision thereof, and any person employing six or more persons within the state . . . (last amendment approved 3/11/67)

8. Iowa—Iowa Civil Rights Act of 1965 (effective 5/7/65).

(1), (2) "person" means . . . and the State of Iowa and all political subdivisions and agencies thereof.

(5) "employer" means the State of Iowa or any political subdivision, board, commission, department, institution, or school district thereof . . . (Sec. 2 ICRA).

9. Kansas—Kansas Act Against Discrimination (approved 4/13/61).

(b) the term "employer" includes . . . and the State of Kansas and all political and municipal subdivisions thereof . . . (Sec. 44-1002).

10. Kentucky—Kentucky Civil Rights Act (effective 7/1/66).

(a) "Person includes" . . . the State, any of its political or civil subdivisions or agencies . . . (Sec. 201).

11. Massachusetts—Massachusetts Fair Employment Practices Act (effective 7/27/67).

(1) the term "person" includes . . . the commonwealth and all political subdivisions, boards and commissioners thereof . . . (Sec. 1).

(5) the term "employer" . . . shall include the commonwealth and all political subdivision, boards, departments, and commissions thereof.

12. Michigan—Michigan Fair Employment Practices Act (approved 6/29/55).

(b) the term "employer" includes the State or any political civil or subdivision thereof, (Sec. 423.302 definitions).

13. Minnesota—Minnesota State Act Against Discrimination (effective 7/1/5).

"Person" includes . . . and the State and its departments, agencies, and political subdivisions . . . (Subd. 7, AAD).

14. Missouri—Missouri Fair Employment Practices Act of 1961 (effective 10/13/61).

(3) "employer" includes the state, or any political or civil subdivision thereof. (Sec. 296.010 FEPA).

15. Montana—Montana Fair Employment Practices Act (approved 3/6/65).

(a) "Every preson" shall be construed to include any owner, lessee, proprietor, manager, agent or employee whether one or more natural persons, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees, receivers, of this state and its political subdivisions, boards and commissions, engaged in or exercising control over the operation of any place of public resort, accommodation, assemblage or amusement.

16. Nebraska—Nebraska Fair Employment Practices Act (effective, as amended, October 23, 1967).

(Copy of the most recent Nebraska amendment not available at the time of this writing. Amendment covers the State and its political subdivisions, as confirmed by a telephone call to Emmett Dennis, Executive, Director, Nebraska Equal Employment Opportunity Commission on March 5, 1968.)

17. Nevada—Nevada Fair Employment Practices Act (effective 7/1/67).

(4) "person" includes . . . the State of Nevada or any of its political subdivisions, as well as a natural person.

18. New Hampshire—New Hampshire Law Against Discrimination (effective 9/5/65.)

(1) the term "person" includes . . . and the State and all political subdivisions, boards and commissions thereof . . . (5) term "employer" does not include . . . but shall include the State and all political subdivisions, boards, departments and commissions thereof. (Sec. 354–A:3, L.A.D.).

19. New Mexico—New Mexico Equal Employment Opportunity Act (effective 6/10/49).

(b) the term "employer" includes the State, or any political subdivision thereof . . . (Sec. 59–4–3 EEO Act).

20. Ohio—Ohio Fair Employment Practices Act (effective 12/9/67).

(b) "employer" includes the state or any political or civil subdivision thereof. (Sec. 4112.01 FEP).

21. Oklahoma—Fair Employment Practices Act (effective 6/27/63).

It is hereby prohibited for any department or agency of the State of Oklahoma, or any official employees of the same for or on behalf of the State of Oklahoma.

The Oklahoma FEP Act provides that complaints may be filed with the State Personnel Board which is empowered to make investigations and hold hearings. The Human Rights Commission may file a complaint with the Board and appear before it also.

Oklahoma—Civil Rights Act (effective 5/17/69) Sec. 201(5) "person" includes . . . the state or any governmental entity or agency.

22. Pennsylvania—Pennsylvania Human Relations Act (effective 1/26/68).

(b) the term "employer" includes the commonwealth or any political subdivision or board, department, commission or school district thereof . . .

23. Utah—Utah Discrimination Act of 1965 (effective 5/11/65).

(2) "Person" shall mean the State of Utah and political subdivisions and agencies thereof . . .

(5) "employer" shall mean the State of Utah or any political subdivision, board, commission, department, institution or school district thereof . . . (Sec. 34–17–2. Definitions, Anti-Discrimination).

24. Washington—Washington Law Against Discrimination in Employment (approved 3/19/49).

"Person" includes any political subdivisions of the state and any agency or instrumentality of the state or of any political subdivision thereof . . . (Sec. 49.60.040 L.A.D.)

25. West Virginia—West Virginia Human Rights Act (effective 7/1/67).

(d) the term "employer" means the state, or any political subdivision thereof, (Sec. 5–11–3 HRA).

26. Wyoming—Wyoming Fair Employment Practice Act of 1965.

(2) "employer" shall mean the State of Wyoming or any political subdivision or board, commission, department, institution or school district thereof, (sec. 2, FEP).

27. District of Columbia—District Police Regulations (Order No. 61–846, 5/9/61).

28. Delaware—Fair Employment Practices Act amendments (approved by Governor 7/15/71).

"Employer includes the State or any political subdivision or board, department, commission or school district thereof and any person employing four or more persons within the State . . ."

29. Oregon—Fair Employment Practice Act as amended (effective 8/23/69).

(6) "Employer" means any person, including state agencies, political subdivisions and municipalities, who in this state, directly or through an agent, engages or utilized the personal service of one or more employees."

*II. States with laws not mentioning the state as an employer which includes such coverage by interpretation*

1. New York (a)—Law Against Discrimination (effective as amended, 6/1/67).

2. Wisconsin (b)—Fair Employment Practices Act (effective as amended, 12/21/67).

(a) Confirmed by an Attorney General's Opinion issued February 14, 1946.

(b) Commission interpretation confirmed by telephone call to Steve Reilly, Executive Secretary, March 5, 1968.

*III. States which cover statement employment only by Governor's Code*

1. Alaska (except age discrimination, which is covered specifically by statute)—Governor's Code of Fair Practices for State Agencies (Article I, Para. I).

2. New Jersey—Governor's Code of Fair Practices (Article I).

*IV. States which include reference to state government, with limitations on enforcement*

1. Maryland—Maryland Anti-Discrimination Act (effective 6/1/67).

18(b) "the term "employer" means a person engaged in an industry or business who has twenty-five or more employees . . . and any agency of such a person; such term does include the State of Maryland to the extent as may be provided in this Article. . . ."

11B. "No officer or employee of a State agency, department or board shall discriminate in the hiring, firing or discriminate in any other manner against any person because of race, creed, color, sex, age or national origin; provided however, that no employment practice not unlawful under Sections 17, 18, and 19 of this Article shall be deemed as unlawful employment practice by the State.

If the Commission has received reliable information from any individual or individuals, and after a proper investigation by the Commission, it shall be determined by the Commission that an officer or employee of a State agency . . . has engaged in discrimination . . . against any person . . . and if the Commission is unsuccessful in resolving the complaint, then the Commission shall report such act to the Governor, and he shall review the case and findings of the Commission. If the Governor is satisfied that an act of discrimination has taken place, he shall remove or suspend said officer or employee or take such action as he deems appropriate under the circumstances. Provided, however, that any removal, suspension, or other action affecting any officer or employee who is covered by the State Merit System shall be subject to all rules and regulations pertaining thereto. The authority of the Commission relating to discrimination in State agencies, boards or departments shall be limited to investigation, conciliation, mediation and reporting to the Governor as provided in this Sec. 11B.

2. Florida—Fair Employment Practices, amended (effective 6/26/69).

Bars discrimination against State and municipal employees, and says that a complaint of discrimination should be filed with the offending governmental agency for an administrative hearing, and judicial review, as provided in the State Administrative Procedure Act.

*V. The following states have FEP statutes or codes but no mention is made in them of the state:*

1. Hawaii.
2. Maine.
3. Rhode Island (covered in Age Law).
4. Tennessee.
5. Vermont.

*VI. The following states have no FEP statute or codes covering state employment practices:*

1. Alabama.
2. Arkansas.
3. Georgia.
4. Louisiana.
5. Mississippi.
6. North Carolina.
7. North Dakota.
8. South Carolina.
9. South Dakota.
10. Virginia.
11. Texas.

OTHER INFORMATION—AGE

*VII. States which have specific statutory coverage of state employment with respect to age discrimination:*

1. Alaska—has separate age discrimination provisions which became effective 6/5/63. Regular FEP statute does not mention the state.

2. Rhode Island—has separate age discrimination provisions which became effective 4/17/62. Regular FEP statute does not mention the state.

3. Texas—has exclusive age discrimination provisions. No regular FEP statute whatever.

4. Delaware—FEP statute specifically covers age in state employment.

5. Oregon—FEP statute specifically covers age in state employment.

U.S. DEPARTMENT OF COMMERCE, BUREAU OF CENSUS

PUBLIC EMPLOYMENT IN 1969

TABLE 5.—NUMBER OF PUBLIC EMPLOYEES, BY LEVEL OF GOVERNMENT AND BY STATE: OCTOBER

| | All employees (full-time and part-time) | | | | | Full-time equivalent employment of State and local governments | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | State and local governments | | | Number | | | Number per 10,000 population [2] | | |
| State | All governments | Federal (civilian)[1] | Total | State | Local | Total | State | Local | Total | State | Local |
| U.S., total | 12,553,911 | 2,837,827 | 9,716,084 | 2,613,645 | 7,102,439 | 8,159,735 | 2,179,227 | 5,980,508 | 404.1 | 107.9 | 296.1 |
| Alabama | 205,432 | 58,092 | 147,340 | 44,284 | 103,056 | 128,258 | 37,777 | 90,491 | 363.2 | 106.9 | 256.2 |
| Alaska | 31,996 | 15,350 | 16,646 | 8,837 | 7,809 | 14,780 | 7,962 | 8,818 | 524.1 | 282.3 | 241.7 |
| Arizona | 113,374 | 27,644 | 85,730 | 26,083 | 59,647 | 72,195 | 19,935 | 52,260 | 426.4 | 117.7 | 308.6 |
| Arkansas | 100,545 | 17,494 | 83,051 | 28,005 | 55,046 | 70,238 | 23,113 | 47,125 | 352.0 | 115.8 | 236.2 |
| California | 1,364,131 | 326,338 | 1,037,793 | 230,139 | 807,654 | 863,388 | 191,591 | 671,797 | 444.0 | 98.5 | 345.5 |
| Colorado | 168,397 | 44,143 | 124,254 | 39,951 | 84,303 | 100,359 | 30,605 | 69,754 | 477.8 | 145.7 | 332.1 |
| Connecticut | 144,063 | 20,065 | 123,998 | 41,459 | 82,539 | 109,722 | 37,264 | 72,458 | 365.7 | 124.2 | 241.5 |
| Delaware | 30,282 | 4,712 | 25,570 | 11,343 | 14,227 | 23,409 | 10,666 | 12,743 | 433.4 | 197.5 | 235.9 |
| District of Columbia | 269,982 | 220,966 | 49,016 | ---------- | 49,016 | 44,884 | ---------- | 44,884 | 562.4 | ---------- | 562.4 |
| Florida | 380,216 | 72,488 | 307,728 | 72,420 | 235,308 | 275,130 | 66,597 | 208,533 | 433.0 | 104.8 | 328.1 |
| Georgia | 284,570 | 79,655 | 204,915 | 53,157 | 151,758 | 181,359 | 47,424 | 133,935 | 390.7 | 102.1 | 288.5 |
| Hawaii | 69,472 | 29,213 | 40,259 | 30,305 | 9,954 | 35,039 | 25,389 | 9,650 | 441.2 | 319.7 | 121.5 |
| Idaho | 48,252 | 8,428 | 39,824 | 12,782 | 27,042 | 30,701 | 9,796 | 10,905 | 427.5 | 136.4 | 291.1 |
| Illinois | 621,978 | 118,339 | 503,639 | 122,215 | 381,424 | 410,136 | 97,987 | 312,149 | 371.2 | 88.7 | 282.5 |
| Indiana | 275,179 | 44,931 | 230,248 | 67,331 | 162,917 | 188,510 | 50,540 | 137,970 | 368.3 | 98.7 | 269.5 |
| Iowa | 169,419 | 18,588 | 150,831 | 41,215 | 109,616 | 117,857 | 32,612 | 85,245 | 423.7 | 117.2 | 306.5 |
| Kansas | 154,738 | 23,988 | 130,750 | 39,433 | 91,317 | 101,485 | 29,834 | 71,651 | 437.2 | 128.5 | 308.7 |
| Kentucky | 172,005 | 38,647 | 133,358 | 41,771 | 91,587 | 112,695 | 37,172 | 75,523 | 348.6 | 115.0 | 233.6 |
| Louisiana | 214,036 | 29,869 | 184,167 | 67,507 | 116,660 | 158,281 | 54,001 | 104,280 | 422.6 | 144.1 | 278.4 |
| Maine | 66,919 | 16,931 | 49,988 | 16,543 | 33,535 | 39,360 | 15,312 | 24,048 | 402.4 | 156.5 | 245.8 |
| Maryland | 296,686 | 124,551 | 172,135 | 46,506 | 125,629 | 158,791 | 44,116 | 114,675 | 421.7 | 117.1 | 304.5 |
| Massachussetts | 316,092 | 68,048 | 248,044 | 57,754 | 190,290 | 219,675 | 54,620 | 165,055 | 401.8 | 99.9 | 301.9 |
| Michigan | 494,629 | 55,275 | 439,354 | 115,287 | 324,067 | 349,844 | 88,118 | 261,726 | 399.0 | 100.5 | 298.5 |
| Minnesota | 229,064 | 29,914 | 199,150 | 54,998 | 144,152 | 152,939 | 42,019 | 110,920 | 413.3 | 113.5 | 299.7 |
| Mississippi | 125,660 | 21,194 | 104,466 | 30,295 | 74,171 | 88,964 | 25,742 | 63,222 | 376.9 | 109.0 | 267.8 |
| Missouri | 276,933 | 68,620 | 208,313 | 62,845 | 145,468 | 174,248 | 50,732 | 123,516 | 374.6 | 109.0 | 265.5 |
| Montana | 50,146 | 10,878 | 39,268 | 15,844 | 23,424 | 31,302 | 12,261 | 19,041 | 451.0 | 176.6 | 274.3 |
| Nebraska | 105,901 | 16,296 | 89,605 | 24,968 | 64,637 | 71,474 | 20,588 | 50,886 | 493.2 | 142.0 | 351.1 |
| Nevada | 36,454 | 9,027 | 27,427 | 7,426 | 20,001 | 23,930 | 6,493 | 17,437 | 523.6 | 142.0 | 381.5 |
| New Hampshire | 41,768 | 5,188 | 36,580 | 12,170 | 24,410 | 25,498 | 9,714 | 15,784 | 355.6 | 135.4 | 220.1 |
| New Jersey | 365,724 | 70,460 | 295,264 | 60,364 | 234,900 | 253,458 | 53,263 | 200,195 | 354.5 | 74.5 | 280.0 |
| New Mexico | 83,320 | 26,974 | 56,346 | 22,812 | 33,534 | 47,102 | 18,202 | 28,900 | 473.8 | 183.1 | 290.7 |
| New York | 1,203,820 | 187,767 | 1,016,053 | 192,443 | 823,610 | 895,688 | 177,316 | 718,372 | 488.8 | 96.7 | 392.1 |
| North Carolina | 251,623 | 38,874 | 212,749 | 64,918 | 147,831 | 183,043 | 56,462 | 126,581 | 351.6 | 108.4 | 243.1 |
| North Dakota | 54,005 | 7,942 | 46,063 | 14,139 | 31,924 | 27,568 | 10,264 | 17,304 | 448.2 | 166.8 | 281.3 |
| Ohio | 573,588 | 105,793 | 467,795 | 103,730 | 364,065 | 378,955 | 83,088 | 295,867 | 352.8 | 77.8 | 275.4 |
| Oklahoma | 183,710 | 57,718 | 125,992 | 47,179 | 78,813 | 103,075 | 35,741 | 67,334 | 401.3 | 139.1 | 262.2 |
| Oregon | 139,813 | 24,936 | 114,877 | 40,360 | 74,517 | 92,012 | 30,585 | 61,427 | 452.8 | 150.5 | 302.2 |
| Pennsylvania | 618,041 | 149,183 | 468,858 | 128,488 | 340,370 | 403,966 | 114,458 | 289,508 | 342.2 | 96.9 | 245.2 |
| Rhode Island | 55,131 | 16,143 | 38,988 | 15,747 | 23,241 | 33,799 | 13,466 | 20,333 | 371.0 | 147.8 | 223.1 |
| South Carolina | 144,290 | 31,314 | 112,976 | 34,991 | 77,985 | 94,503 | 30,645 | 63,858 | 351.0 | 113.8 | 237.2 |
| South Dakota | 55,738 | 9,979 | 45,759 | 13,217 | 32,542 | 32,217 | 10,002 | 22,215 | 488.8 | 151.7 | 337.1 |
| Tennessee | 217,312 | 42,686 | 174,626 | 50,893 | 123,733 | 157,828 | 44,474 | 113,354 | 396.0 | 111.6 | 284.4 |
| Texas | 631,514 | 153,409 | 478,105 | 123,161 | 354,944 | 421,809 | 101,124 | 320,685 | 377.0 | 90.3 | 286.6 |
| Utah | 100,968 | 41,247 | 59,721 | 23,022 | 36,699 | 44,722 | 16,410 | 28,312 | 427.9 | 157.0 | 270.9 |
| Vermont | 26,192 | 3,811 | 22,381 | 8,774 | 13,607 | 16,818 | 7,580 | 9,238 | 383.0 | 172.6 | 210.4 |
| Virginia | 348,267 | 140,798 | 207,469 | 74,966 | 132,503 | 180,751 | 64,009 | 116,742 | 387.1 | 137.0 | 250.0 |
| Washington | 248,313 | 58,100 | 190,213 | 64,953 | 125,260 | 154,040 | 51,947 | 102,093 | 452.7 | 152.6 | 300.0 |
| West Virginia | 94,529 | 13,706 | 80,823 | 34,749 | 46,074 | 68,265 | 28,976 | 39,289 | 375.2 | 159.2 | 215.9 |
| Wisconsin | 270,880 | 26,701 | 244,179 | 63,822 | 180,357 | 176,529 | 44,801 | 131,728 | 417.0 | 105.8 | 311.1 |
| Wyoming | 28,814 | 5,414 | 23,400 | 8,134 | 15,266 | 19,126 | 6,434 | 12,692 | 597.6 | 201.0 | 396.6 |

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[1] Federal civilian employees with the United States as of June 1969. Total accordingly differs from Federal data reported on table 1, which pertain to October 1969 and include employees working outside the United States.

[2] See table 10.

Note: Statistics for local governments are subject to sampling variation; see text. Because of rounding, detail may not add to totals.

HARTFORD, CONN.,
*January 30, 1972.*
Senator HARRISON A. WILLIAMS, Jr.,
*Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.:*

Whereas, the membership of the Association of Official Human Rights Agencies is composed of official state, city and county agencies charged with the responsibility for improving relations between various groups in our society and, particularly, for the elimination of discrimination in, among other areas of national concern the vital field of employment; and

Whereas, many of the member agencies of the aforementioned association have specific responsibility for the elimination of discrimination in employment; and

Whereas, said agencies have come to the realization that their attempts to eliminate such discrimination in employment are substantially more effective where they possess adequate enforcement powers to obtain compliance with laws prohibiting such discrimination; and

Whereas, title VII of the Civil Rights Act of 1964 established the Federal Equal Employment Opportunity Commission and designated it as the Federal agency with responsibility for the elimination of discrimination in employment nationwide; and

Whereas, title VII of the Civil Rights Act of 1964 failed to give the Federal Equal Employment Opportunity Commission adequate enforcement powers to implement this important national mandate of eliminating discrimination in employment; and

Whereas, the international association of official human rights agencies and its member agencies are desirous of estblishing a more effective mechanism for the elimination of discrimination in employment,

Be it hereby resolved:

1. The Association of Official Human Rights Agencies supports enforcement with cease and desist power for the Equal Employment Opportunity Commission under title VII of the Civil Rights Act of 1964; and

2. The association supports Senate Bill 2515 of the 92nd Congress, first session, as reported by the Senate Committee on Labor and Public Welfare on October 28, 1971; and

3. The association specifically supports legislation which would give the Federal Equal Employment Opportunity Commission the power to seek direct enforcement of that statute through the conduct of hearings and the issuance of cease and desist orders; and

4. The association specifically opposes weakening amendments to that legislation which would curtail the rights of an individual charging party to file a suit in court if the Equal Employment Opportunity Commission fails to bring enforcement activities; or which would limit the back pay relief available as part of a remedy; or which would circumscribe the rights of EEOC and the Federal courts to provide a remedy eliminating discrimination for an entire class aggrieved by discrimination; or which would provide that any particular proceeding is exclusive for dealing with employment discrimination; or which would limit the right of the Equal Employment Opportunity Commission to control its own litigation in court; or which would circumscribe the right of the Federal Equal Employment Opportunity Commission to initiate a commissioners charge on its own motion; and

5. Specifically, the association supports retention in title VII of the Civil Rights Act of 1964 of the provisions in section 706(b) and (c) thereof which provide that State administrative agencies administering enforceable State legislation prohibiting discrimination in employment shall have a first opportunity to process any charge alleging discrimination in employment; and

6. Directs that this resolution be communicated to the chairman of the Senate Committee on Labor and Public Welfare, the chairman of the House Committee on Education and Labor and to such other members of Congress as shall be appropriate.

ARTHUR GREEN,
*Chairman,*
*International Association of Official Human Rights Agencies.*

### MARYLAND V. WIRTZ. SYLLABUS. MARYLAND ET AL. V. WIRTZ, SECRETARY OF LABOR, ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

No. 742. Argued April 23, 1968.—Decided June 10, 1968.

The Fair Labor Standards Act, as enacted in 1938, required every employer to pay each of his employees "engaged in commerce or in the production of goods for commerce" certain minimum wages and overtime pay. The definition of employer excluded States and their political subdivisions. In 1961 the Act's coverage was extended beyond employees individually connected to interstate commerce to include all employees of certain "enterprises" engaged in commerce or production for commerce. In 1966 the Act was amended to cover certain hospitals, institutions, and schools, and to modify the definition of employer to remove the exemption of the States and their subdivisions with respect to employees of hospitals, institutions, and schools. Appellants, 28 States and a school district, sought to enjoin enforcement of the Act as it applies to schools and hospitals operated by the States or their subdivisions. They argued that the "enterprise concept" of coverage and the inclusion of state-operated hospitals and schools were beyond Congress' power under the Commerce Clause, that the remedial provisions of the Act, if applied to the States, would conflict with the Eleventh Amendment, and that school and hospital enterprises do not have the statutorily required relationship to interstate commerce. A three-judge district court declined to issue a declaratory judgment or an injunction, and concluded that the adoption of the "enterprise concept" and the extension of coverage to state institutions do not, on the face of the Act, exceed Congress' commerce power. That court declined to consider the Eleventh Amendment and statutory relationship contentions.

*Held:*

1. The "enterprise concept" of coverage is clearly within the power of Congress under the Commerce Clause. Pp. 188–193.

(a) A rational basis for Congress' finding the scheme necessary to the protection of commerce was the logical inference that the pay and hours of employees of an interstate business who are not production workers, as well as those who are, affect an employer's competition with companies elsewhere. *United States* v. *Darby*, 312 U.S. 100, followed. Pp. 188–191.

(b) Another rational basis is the promotion of labor peace by the regulation of wages and hours, subjects of frequent labor disputes. Pp. 191–192.

(c) The class of employers subject to the Act, approved in *Darby, supra*, was not enlarged by the addition of the "enterprise concept." P. 193.

2. The commerce power provides a constitutional basis for extension of the Act to state-operated schools and hospitals. Pp. 193–199.

(a) Congress has "interfered with" state functions only to the extent that it subjects a State to the same minimum wage and overtime pay limitations as other employers whose activities affect commerce. Pp. 193–194.

(b) Labor conditions in schools and hospitals can affect commerce and are within the reach of the commerce power. Pp. 194–195.

(c) Where a State is engaging in economic activities that are validly regulated by the Federal Government when engaged in by private persons, the State may be forced to conform its activities to federal regulation. *United States* v. *California*, 297 U.S. 175. Pp. 195–199.

3. Questions concerning the States' sovereign immunity from suit and whether particular state-operated institutions have employees handling goods in commerce are reserved for appropriate concrete cases. Pp. 199–201.

269 F. Supp. 826, affirmed.

Alan M. Wilner, Assistant Attorney General of Maryland, and Charles Alan Wright argued the cause for appellants. With Mr. Wilner on the brief for appellant the State of Maryland et al. were the Attorneys General for their respective States as follows: Francis B. Burch of Maryland, Crawford C. Martin of Texas, MacDonald Gallion of Alabama, Darrell F. Smith of Arizona, Joe Purcell of Arkansas, Duke W. Dunbar of Colorado, David Buckson of Delaware, Earl Faircloth of Florida, Bert T. Kobayashi of Hawaii, William G. Clark of Illinois, Richard C. Turner of Iowa, Robert C. Londerholm of Kansas, James S. Erwin of Maine, Elliot L. Richardson of Massachusetts, Joe T. Patterson of Mississippi, Norman H. Anderson of Missouri, Clarence A. H. Meyer of Nebraska, Arthur J. Sills of New Jersey, Boston E. Witt of New Mexico, T. Wade Bruton of North Carolina, Helgi Johanneson of North Dakota, William B. Saxbe of Ohio, G. T. Blankenship of Oklahoma, Daniel R. McLeod of South Carolina, Frank L. Farrar of South Dakota, James L. Oakes of Vermont, Robert Y. Button of Virginia, and James E. Barrett of Wyoming; and A. J. Carubbi, Jr., Executive Assistant Attorney General of Texas, Hawthorne Phillips, Assistant Attorney General of Texas, and James V. Noble, Assistant Attorney General of New Mexico. With Mr. Wright on the brief for appellant the State of Texas were Messrs. Martin, Carubbi, and Phillips, and Nola White, First Assistant Attorney General. Cecil A. Morgan filed a brief for appellant Fort Worth Independent School District.

Solicitor General Griswold argued the cause for appellees. With him on the brief were Assistant Attorney General Weisl, Louis F. Claiborne, John S. Martin, Jr., and Morton Hollander.

Briefs of amici curiae, urging affirmance, were filed by J. Albert Woll, Laurence Gold, and Thomas E. Harris for the American Federation of Labor and Congress of Industrial Organizations, and by Henry Kaiser and Ronald Rosenberg for the American Federation of State, County, and Municipal Employees, AFL-CIO.

Mr. JUSTICE HARLAN delivered the opinion of the Court.

As originally enacted,[1] the Fair Labor Standards Act of 1938 required every employer to pay each of his employees "engaged in commerce or in the production of goods for commerce"[2] a certain minimum hourly wage, and to pay at a higher rate for work in excess of a certain maximum number of hours per week. The Act defined the term "employer" so as to exclude "the United States or any State or political subdivision of a State . . . ."[3] This case involves the constitutionality of two sets of amendments to the original enactment.

In 1961, Congress changed the basis of employee coverage: instead of extending protection to employees individually connected to interstate commerce, the Act now covers all employees of any "enterprise" engaged in commerce or production for commerce, provided the enterprise also falls within certain listed categories.[4] In 1966, Congress added to the list of categories the following:

"(4) is engaged in the operation of a hospital, an institution primarily engaged in the care of the sick, the aged, the mentally ill or defective who reside on the premises of such

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Footnotes at end of article.

institution, a school for the mentally or physically handicapped or gifted children, an elementary or secondary school, or an institution of higher education (regardless of whether or not such hospital, institution, or school is public or private or operated for profit or not for profit)."[5]

At the same time, Congress modified the definition of "employer" so as to remove the exemption of the States and their political subdivisions with respect to employees of hospitals, institutions, and schools.[6]

The State of Maryland, since joined by 27 other States and one school district, brought this action against the Secretary of Labor to enjoin enforcement of the Act insofar as it now applies to schools and hospitals operated by the States or their subdivisions. The plaintiffs made four contentions. They argued that the expansion of coverage through the "enterprise concept" was beyond the power of Congress under the Commerce Clause. They contended that coverage of state-operated hospitals and schools was also beyond the commerce power. They asserted that the remedial provisions of the Act,[7] if applied to the States, would conflict with the Eleventh Amendment. Finally, they urged that even if their constitutional arguments were rejected, the court should declare that schools and hospitals, as enterprises, do not have the statutorily required relationship to interstate commerce.

A three-judge district court, convened pursuant to 28 U.S.C § 2282, declined to issue a declaratory judgment or an injunction.[8] Three opinions were written. Judges Winter and Thomsen, constituting the majority, concluded for different reasons that the adoption of the "enterprise concept" of coverage and the extension of coverage to state institutions could not be said, on the face of the Act, to exceed Congress' power under the Commerce Clause. Both declined to consider the Eleventh Amendment and statutory contentions. Judge Northrop dissented, concluding that the amendments exceeded the commerce power because they transgressed the sovereignty of the States.

We noted probable jurisdiction of the plaintiffs' appeal, 389 U.S. 1031. For reasons to follow, we affirm the judgment of the District Court.

## I

We turn first to the adoption in 1961 of the "enterprise concept." Whereas the Act originally extended to every employee "who is engaged in commerce or in the production of goods for commerce," it now protects every employee who "is employed in an enterprise engaged in commerce or in the production of goods for commerce."[9] Such an enterprise is defined as one which, along with other qualifications, "has employees engaged in commerce or in the production of goods for commerce . . . ."[10] Thus the effect of the 1961 change was to extend protection to the fellow employees of any employee who would have been protected by the original Act, but not to enlarge the class of *employers* subject to the Act.

In *United States* v. *Darby,* 312 U.S. 100, this Court found the original Act a legitimate exercise of congressional power to regulate commerce among the States. Appellants accept the *Darby* decision, but contend that the extension of protection to fellow employees of those originally covered exceeds the commerce power. We conclude, to the contrary, that the constitutionality of the "enterprise concept" is settled by the reasoning of *Darby* itself and is independently established by principles stated in other cases.

*Darby* involved employees who were engaged in producing goods for commerce. Their employer contended that since manufacturing is itself an intrastate activity, Congress had no power to regulate the wages and hours of manufacturing employees. The first step in the Court's answer was clear: "[Congress may] by appropriate legislation regulate intrastate activities where they have a substantial effect on interstate commerce."[11]

The next step was to discover whether such a "substantial effect" existed. Congress had found that substandard wages and excessive hours, when imposed on employees of a company shipping goods into other States, gave the exporting company an advantage over companies in the importing States. Having so found, Congress decided as a matter of policy that such an advantage in interstate competition was an "unfair" one, and one that had the additional undesirable effect of driving down labor conditions in the importing States.[12] This Court was of course concerned only with the finding of a substantial effect on interstate competition, and not with the consequent policy decisions. In accepting the congressional finding, the Court followed principles of judicial review only recently rearticulated in *Katzenbach* v. *McClung,* 379 U.S. 294, 303–304:

"Of course, the mere fact that Congress has said when particular activity shall be deemed to affect commerce does not preclude further examination by this Court. But where we find that the legislators . . . have a rational basis for finding a chosen regulatory scheme necessary to the protection of commerce, our investigation is at an end."[13]

There was obviously a "rational basis" for the logical inference that the pay and hours of production employees affect a company's competitive position.

The logical inference does not stop with production employees. When a company does an interstate business, its competition with companies elsewhere is affected by all its significant labor costs, not merely by the wages and hours of those employees who have physical contact with the goods in question. Consequently, it is not surprising that this Court has already explicitly recognized that Congress' original choice to extend the Act only to certain employees of interstate enterprises was not constitutionally compelled; rather, Congress decided, at that time, "not to enter areas which it might have occupied [under the commerce power]." *Kirschbaum Co.* v. *Walling,* 316 U.S. 517, 522.

The "enterprise concept" is also supported by a wholly different line of analysis. In the original Act, Congress stated its finding that substandard labor conditions tended to lead to labor disputes and strikes, and that when such strife disrupted businesses involved in interstate commerce, the flow of goods in commerce was itself affected.[14] Congress therefore chose to promote labor peace by regulation of subject matter, wages, and hours, out of which disputes frequently arise. This objective is particularly relevant where, as here,[15] the enterprises in question are significant importers of goods from other States.

Although the Court did not examine this second objective in *Darby,* other cases have found a "rational basis" for statutes regulating labor conditions in order to protect interstate commerce from labor strife. The National Labor Relations Act[16] had been passed because "[t]he denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce . . ."[17]

In *Labor Board* v. *Jones & Laughlin,* 301 U.S. 1, this Court held that the National Labor Relations Act (NLRA) was within the commerce power. The essence of the decision was contained in two propositions: "the stoppage of those [respondent's] operations by industrial strife would have a most serious effect upon interstate commerce," *id.,* at 41; and "[e]xperience has abundantly demonstrated that the recognition of the right of employees to self-organization and to have representatives of their own choosing for the purpose of collective bargaining is often an essential condition of industrial peace." *Id.,* at 42.

The Fair Labor Standards Act, including the present "enterprise" definition of coverage, may also be supported by two propositions. One is identical with the first proposition supporting the NLRA: strife disrupting an enterprise involved in commerce may disrupt commerce. The other is parallel to the second proposition supporting the NLRA: there is a basis in logic and experience for the conclusion that substandard labor conditions among any group of employees, whether or not they are personally engaged in commerce or production, may lead to strife disrupting an entire enterprise.

Whether the "enterprise concept" is defended on the "competition" theory or on the "labor dispute" theory, it is true that labor conditions in businesses having only a few employees engaged in commerce or production may not affect commerce very much or very often. Appellants therefore contend that defining covered enterprises in terms of their employees is sometimes to permit "the tail to wag the dog." However, while Congress has in some instances left to the courts or to administrative agencies the task of determining whether commerce is affected in a particular instance, *Darby* itself recognized the power of Congress instead to declare that an entire class of activities affects commerce.[18] The only question for the courts is then whether the class is "within the reach of the federal power."[19] The contention that in Commerce Clause cases the courts have power to excise, as trivial, individual instances falling within a rationally defined class of activities has been put entirely to rest. *Wickard* v. *Filburn,* 317 U.S. 111, 127–128; *Polish Alliance* v. *Labor Board,* 322 U.S. 643, 648; *Katzenbach* v. *McClung, supra,* at 301. The class of employers subject to the Act was not enlarged by the addition of the enterprise concept. The definition of that class is as rational now as it was when *Darby* was decided.

## II

Appellants' second contention is that the commerce power does not afford a constitutional basis for extension of the Act to schools and hospitals operated by the States or their subdivisions. Since the argument is made in terms of interference with "sovereign state functions," it is important to note exactly what the Act does. Although it applies to "employees," the Act specifically exempts any "employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools) . . . ."[20] We assume, as did the District Court,[21] that medical personnel are likewise excluded from coverage under the general language.

The Act establishes only a minimum wage and a maximum limit of hours unless overtime wages are paid, and does not otherwise affect the way in which school and hospital duties are performed. Thus appellants' characterization of the question in this case as whether Congress may, under the guise of the commerce power, tell the States how to perform medical and educational functions is not factually accurate. Congress has "interfered with" these state functions only to the extent of providing that when a State employs people in performing such functions it is subject to the same restrictions as a wide range of other employers whose activities affect commerce, including privately operated schools and hospitals.[22]

It is clear that labor conditions in schools and hospitals can affect commerce. The facts

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Footnotes at end of article.

stipulated in this case indicate that such institutions are major users of goods imported from other States. For example:

"In the current fiscal year an estimated $38.3 billion will be spent by State and local public educational institutions in the United States. In the fiscal year 1965, these same authorities spent $3.9 billion operating public hospitals. . . .

"For Maryland, which was stipulated to be typical of the plaintiff States. 87% of the $8 million spent for supplies and equipment by its public school system during the fiscal year 1965 represented direct interstate purchases. Over 55% of the $576,000 spent for drugs, X-ray supplies and equipment and hospital beds by the University of Maryland Hospital and seven other state hospitals were out-of-state purchases."[23]

Similar figures were supplied for other States.[24] Strikes and work stoppages involving employees of schools and hospitals, events which unfortunately are not infrequent,[25] obviously interrupt and burden this flow of goods across state lines. It is therefore clear that a "rational basis" exists for congressional action prescribing minimum labor standards for schools and hospitals, as for other importing enterprises.[26]

Indeed, appellants do not content that labor conditions in all schools and hospitals are without the reach of the commerce power, but only that the Act may not be constitutionally applied to state-operated institutions because that power must yield to state sovereignty in the performance of governmental functions. This argument simply is not tenable. There is no general "doctrine implied in the Federal Constitution that 'the two governments, national and state, are each to exercise its powers so as not to interfere with the free and full exercise of the powers of the other.'" *Case* v. *Bowles*, 327 U. S. 92, 101.

In the first place, it is clear that the Federal Government, when acting within a delegated power, may override countervailing state interests whether these be described as "governmental" or "proprietary" in character. As long ago as *Sanitary District* v. *United States*, 266 U. S. 405, the Court put to rest the contention that state concerns might constitutionally "outweigh" the importance of an otherwise valid federal statute regulating commerce. Congress had imposed statutory limits on the diversion of water from Lake Michigan. A unanimous Court, speaking through Mr. Justice Holmes, declared that the sanitary district's alleged need for more water than federal law allowed was "irrelevant" because federal power over commerce is "superior to that of the States to provide for the welfare or necessities of their inhabitants." *Id.*, at 426. See *Oklahoma* v. *Atkinson Co.*, 313 U. S. 508.

There remains, of course, the question whether any particular statute is an "otherwise valid regulation of commerce." This Court has always recognized that the power to regulate commerce, though broad indeed, has limits. Mr. Chief Justice Marshall paused to recognize those limits in the course of the opinion that first staked out the vast expanse of federal authority over the economic life of the new Nation. *Gibbons* v. *Ogden*, 9 Wheat. 1, 194–195. Mr. Chief Justice Hughes, speaking only one Term after he delivered the opinion for the Court in *Jones & Laughlin, supra,* put the matter thus:

"The subject of federal power is still 'commerce,' and not all commerce but commerce with foreign nations and among the several States. The expansion of enterprise has vastly increased the interests of interstate commerce but the constitutional differentiation still obtains." *Santa Cruz Co.* v. *Labor Board*, 303 U.S. 453, 466.

The Court has ample power to prevent what the appellants purport to fear, "the utter destruction of the State as a sovereign political entity."[27]

But while the commerce power has limits, valid general regulations of commerce do not cease to be regulations of commerce because a State is involved. If a State is engaging in economic activities that are validly regulated by the Federal Government when engaged in by private persons, the State too may be forced to conform its activities to federal regulation.

This was settled by the unanimous decision in *United States* v. *California*, 297 U.S. 175. The question was whether a railroad, operated by the State, and entirely within the State, as a nonprofit venture for the purpose of facilitating transportation at a port, was nevertheless subject, like other railroads, to the Safety Appliance Act. The Court first held that although the railroad operated only between points in California, it was within the reach of federal regulation of interstate rail transportation, 297 U.S., at 181–183. The Court then proceeded to consider the claim that the State "is not subject to the federal Safety Appliance Act," and reasoned as follows:

"[W]e think it unimportant to say whether the state conducts its railroad in its 'sovereign' or in its 'private' capacity. That in operating its railroad it is acting within a power reserved to the states cannot be doubted. The only question we need consider is whether the exercise of that power, in whatever capacity, must be in subordination to the power to regulate interstate commerce, which has been granted specifically to the national government. The sovereign power of the states is necessarily diminished to the extent of the grants of power to the federal government in the Constitution.

* * * * *

"[W]e look to the activities in which the states have traditionally engaged as marking the boundary of the restriction upon the federal taxing power. But there is no such limitation upon the plenary power to regulate commerce. The state can no more deny the power if its exercise has been authorized by Congress than can an individual." 297 U.S., at 183–185 (citations omitted).

See also *Board of Trustees* v. *United States*, 289 U.S. 48, where the Court rejected a claim of "state sovereignty" and held that a state university that imported scientific apparatus from abroad could be made to pay import duties imposed pursuant to the power over foreign commerce.

The principle of *United States* v. *California* is controlling here. Appellants' argument that the statute involved there was somewhat more directly and obviously a regulation of "commerce," and that the state activity involved there was less central to state sovereignty, misses the mark. This Court has examined and will continue to examine federal statutes to determine whether there is a rational basis for regarding them as regulations of commerce among the States. But it will not carve up the commerce power to protect enterprises indistinguishable in their effect on commerce from private businesses simply because those enterprises happen to be run by the States for the benefit of their citizens.[28]

### III

Appellants raise two further issues, both of which the District Court found it inappropriate to explore fully in a declaratory judgment proceeding. We agree. In each case we conclude that no showing has been made that warrants declaratory or injunctive relief. In neither instance, however, do we mean to preclude future consideration on the facts of individual cases.

The first question is whether the Act violates the States' sovereign immunity from suit guaranteed by the Eleventh Amendment.[29] The Act provides as follows:

"Any employer who violates the provisions of section 206 [wages] or section 207 [hours] of this title shall be liable to the employee or employees affected in the amount of their unpaid minimum wages, or their unpaid overtime compensation as the case may be, and in an additional equal amount as liquidated damages. Action to recover such liability may be maintained in any court of competent jurisdiction. . . ." 29 U.S.C. § 216 (b).

The Act also provides for suits by the Secretary of Labor to recover unpaid minimum wages or overtime compensation, 29 U.S.C. § 216(c) and for injunctive relief against violations, 29 U.S.C. § 217.

Percolating through each of these provisions for relief are interests of the United States and problems of immunity, agency, and consent to suit. Cf. *Parden* v. *Terminal R. Co.*, 377 U.S. 184. The constitutionality of applying the substantive requirements of the Act to the States is not, in our view, affected by the possibility that one or more of the remedies the Act provides might not be available when a State is the employer-defendant. Particularly in light of the Act's "separability" provision, 29 U.S.C. § 219, we see no reason to strike down otherwise valid portions of the Act simply because other portions might not be constitutional as applied to hypothetical future cases. At the same time, we decline to be drawn into an abstract discussion of the numerous complex issues that might arise in connection with the Act's various remedial provisions. They are almost impossible and most unnecessary to resolve in advance of particular facts, stated claims, and identified plaintiffs and defendants. Questions of state immunity are therefore reserved for appropriate future cases.

Appellants' remaining contention presents similar problems. In order to be covered by the Act, an employer hospital or school must in fact have "employees engaged in commerce or in the production of goods for commerce, including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person . . . ." 29 U.S.C. § 203 (s) (1964 ed., Supp. II).

Appellants ask us to declare that hospitals and schools simply have no such employees. The word "goods" is elsewhere defined to exclude "goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof." 29 U.S.C. § 203(i). Appellants contend that hospitals and schools are the ultimate consumers of the out-of-state products they buy, and hence none of their employees handles "goods" in the statutory sense.

We think the District Court was correct in declining to decide, in the abstract and in general, whether schools and hospitals have employees engaged in commerce or production. Such institutions, as a whole, obviously purchase a vast range of out-of-state commodities. These are put to a wide variety of uses, presumably ranging from physical incorporation of building materials into hospital and school structures, to over-the-counter sale for cash to patients, visitors, students, and teachers. Whether particular institutions have employees handling goods in commerce, cf. *Walling* v. *Jacksonville Paper Co.*, 317 U.S. 564, may be considered as occasion requires.

The judgment of the District Court is
*Affirmed.*

Mr. Justice Marshall took no part in the consideration or decision of this case.

Mr. Justice Douglas, with whom Mr. Justice Stewart concurs, dissenting.

The Court's opinion skillfully brings employees of state-owned enterprises within the reach of the Commerce Clause; and as an exercise in semantics it is unexceptionable if congressional federalism is the standard. But what is done here is nonetheless such a serious invasion of state sovereignty protected

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Footnotes at end of article.

by the Tenth Amendment that it is in my view not consistent with our constitutional federalism.

The case has some of the echoes of *New York* v. *United States*, 326 U.S. 572, where a divided Court held that the Federal Government could tax the sale of mineral waters owned and marketed by New York. My dissent was in essence that the decision made the States pay the Federal Government "for privilege of exercising the powers of sovereignty guaranteed them by the Constitution." 326 U.S., at 596.

The present federal law takes a much more serious bite. The 1966 amendments to the Fair Labor Standards Act require the States to pay school and hospital employees a minimum wage escalating to $1.60 per hour in 1971.[30] As a general rule, the amendments make the States pay their employees who work over 40 hours a week overtime compensation of 1½ times their regular wage.[31] There are civil sanctions against the State and its political subdivisions,[32] and state officials may apparently, be subjected to criminal penalties.[33] The impact is pervasive, striking at all levels of state government. As Judge Northrop said in his dissent below, 269 F. Supp. 826, 852:

"By this Act Congress is forcing, under threat of civil liability and criminal penalties, the state legislature or the responsible political subdivision of the state

"1. to increase taxes (an impossibility in some of the political subdivisions without a state constitutional amendment); or

"2. to curtail the extent and calibre of services in the public hospitals and educational and related institutions of the state; or

"3. to reduce indispensable services in other governmental activities to meet the budgets of those activities favored by the United States Congress; or

"4. to refrain from entering new fields of governmental activity necessitated by changing social conditions."

There can be no doubt but that the 1966 amendments to the Fair Labor Standards Act disrupt the fiscal policy of the States and threaten their autonomy in the regulation of health and education. Yet, the Court considers it irrelevant that these federal regulations are to be enforced against sovereign States and limits its consideration to "whether there is a rational basis for regarding them as regulations of commerce among the States."

The States are not totally immune from federal regulation under the commerce power of Congress. *Parden* v. *Terminal R. Co.*, 377 U.S. 184, and *United States* v. *California*, 297 U.S. 175, subjected state-owned railroads to the Federal Employers' Liability Act, 45 U.S.C. § 51 *et seq.*, and the Safety Appliance Act, 45 U.S.C. § 1 *et seq.*; *Board of Trustees* v. *United States*, 289 U.S. 48, required a state university to pay federal customs duties on educational equipment it imported. In *Oklahoma* v. *Atkinson Co.*, 313 U.S. 508, the Federal Government was permitted to condemn 100,000 acres of state land for a reservoir to control commerce-paralyzing floods. In *Sanitary District* v. *United States*, 266 U.S. 405, a State was prohibited from diverting water from the Great Lakes necessary to ensure navigability, a phase of commerce.

In none of these cases, however, did the federal regulation overwhelm state fiscal policy. It is one thing to force a State to purchase safety equipment for its railroad and another to force it either to spend several million more dollars on hospitals and schools or substantially reduce services in these areas. The commerce power cases the Court relies on are simply not apropos.

In the area of taxation, on the other hand, the Court has recognized that the constitutional scheme of federalism imposes limits on the power of the National Government to tax the States. *E. g.*, *New York* v. *United States*, 326 U. S. 572. The Court will not permit the Federal Government to utilize the taxing power to snuff out state sovereignty, *Metcalf & Eddy* v. *Mitchell*, 269 U. S. 514, recognizing that the power to tax is the power to destroy. *M'Culloch* v. *Maryland*, 4 Wheat. 316, 431. The exercise of the commerce power may also destroy state sovereignty. All activities affecting commerce, even in the minutest degree, *Wickard* v. *Filburn*, 317 U. S. 111, may be regulated and controlled by Congress.

Commercial activity of every stripe may in some way interfere "with the [interstate] flow of merchandise" or interstate travel. *Katzenbach* v. *McClung*, 379 U. S. 294, 299–300. The immense scope of this constitutional power is demonstrated by the Court's approval in this case of regulation on the basis of the "enterprise concept"—which is entirely proper when the regulated "businesses" are not essential functions being carried on by the States.

Yet state government itself is an "enterprise" with a very substantial effect on interstate commerce, for the States spend billions of dollars each year on programs that purchase goods from interstate commerce, hire employees whose labor strife could disrupt interstate commerce, and act on such commerce in countless subtle ways. If constitutional principles of federalism raise no limits to the commerce power where regulation of state activities are concerned, could Congress compel the States to build superhighways crisscrossing their territory in order to accommodate interstate vehicles, to provide inns and eating places for interstate travelers, to quadruple their police forces in order to prevent commerce-crippling riots, etc.? Could the Congress virtually draw up each State's budget to avoid "disruptive effect[s] . . . on commercial intercourse."? *Atlanta Motel* v. *United States*, 379 U.S. 241, 257.

If all this can be done, then the National Government could devour the essentials of state sovereignty, though that sovereignty is attested by the Tenth Amendment. The principles which should guide us in this case are set forth in the several opinions in *New York* v. *United States*, *supra*. As Mr. Chief Justice Stone said there, the National Government may not "interfere unduly with the State's performance of its sovereign functions of government." 326 U.S., at 587. It may not "impair the State's functions of government," *id.*, at 594 (dissenting opinion of MR. JUSTICE DOUGLAS, joined by MR. JUSTICE BLACK). As Mr. Justice Frankfurter observed, "[t]here are, of course, State activities . . . that partake of uniqueness from the point of view of intergovernmental relations." *Id.*, at 582.

Whether, in a given case, a particular commerce power regulation by Congress of state activity is permissible depends on the facts. The Court must draw the "constitutional line between the State as government and the State as trader . . . ." *New York* v. *United States*, *supra*, at 579 (opinion of Mr. Justice Frankfurter). In this case the State as a sovereign power is being seriously tampered with, potentially crippled.

I would reverse the judgment below.

FOOTNOTES

[1] 52 Stat. 1060.

[2] §§ 6(a), 7(a), 52 Stat. 1062, 1063.

[3] § 3(d), 52 Stat. 1060.

[4] The minimum wage requirement, 29 U.S.C. § 206 (1964 ed., Supp. II), now reads as follows: "(a) Every employer shall pay to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages at the following rates . . . ." The maximum hours requirement, 29 U.S.C. § 207 (1964 ed., Supp. II), now contains a similar definition of covered employees. The term "enterprise engaged in commerce or in the production of goods for commerce" is defined by 29 U.S.C. § 203(s) (1964 ed., Supp. II) to mean "an enterprise which has employees engaged in commerce or in the production of goods for commerce, including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person, and which—[falls in any one of four listed categories] . . . ."

[5] 80 Stat. 832, 29 U.S.C. § 203(s)(4) (1964 ed., Supp. II).

[6] 80 Stat. 831, 29 U.S.C. § 203(d) (1964 ed., Supp. II).

[7] 29 U.S.C. §§ 216(b), 216(c), 217.

[8] 269 F. Supp. 826.

[9] U.S.C. §§ 206(a), 207(a) (1964 ed., Supp. II).

[10] 29 U.S.C. § 203(s) (1964 ed., Supp. II).

[11] 312 U.S., at 119. The Act prohibited both the interstate transportation of goods produced under substandard labor conditions, and the maintenance of such conditions themselves. The first prohibition, a restraint on commerce itself, was upheld against the contention that its real motive or purpose was to regulate manufacturing. The language quoted in the text answered a challenge to the second prohibition.

[12] Section 2 of the Act, 52 Stat. 1060, 29 U.S.C. § 202, reads in part as follows:

"The Congress hereby finds that the existence, in industries engaged in commerce or in the production of goods for commerce, of labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers (1) causes commerce and the channels and instrumentalities of commerce to be used to spread and perpetuate such labor conditions among the workers of the several States; (2) burdens commerce and the free flow of goods in commerce; (3) constitutes an unfair method of competition in commerce. . . ."

[13] In *Katzenbach* v. *McClung*, it appeared that Congress had undertaken extensive investigation of the commercial need for the statute there involved. A major contention of the appellants in the present case is that the legislative history of the amendments now before us lays no factual predicate for extensions of the original Act. To the extent that this is true, it is quite irrelevant. The original Act stated Congress' findings and purposes as of 1938. Subsequent extensions of coverage were presumably based on similar findings and purposes with respect to the areas newly covered. We are not concerned with the manner in which Congress reached its factual conclusions.

[14] Section 2, 29 U.S.C. § 202, declares in part that the existence of substandard labor conditions "leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce."

[15] See *infra*, at 194–195.

[16] 49 Stat. 449, as amended, 29 U.S.C. § 151 *et seq.*

[17] § 1, 49 Stat. 449.

[18] 312 U.S., at 120–121.

[19] *Ibid.*

[20] 29 U.S.C. § 213(1) (1964 ed., Supp. II).

[21] See 269 F. Supp., at 832 (opinion of Judge Winter).

[22] In the court below, Judge Thomsen was troubled by the application of the overtime provisions to school and hospital personnel, who may have different arrangements for hours of work than employees of other enterprises. 269 F. Supp., at 851. Congress indicated its attention to this problem in 29 U.S.C. § 207 (1964 ed., Supp. II), which provides special means of computing hospital overtime. That this provision may seem to some inadequate, and that no similar provision was made in the case of schools, are matters outside judicial cognizance. The Act's overtime provisions apply to a wide range of enterprises, with differing patterns of worktime; they were intended to change some of those patterns. It is not for the courts to decide that such changes as may be required

are beneficial in the case of some industries and harmful in others.

[23] 269 F. Supp., at 833 (opinion of Judge Winter).

[24] See *ibid.*

[25] See U.S. Department of Labor, Summary Release, Work Stoppages Involving Government Employees, 1966.

[26] Both under the present Act and the National Labor Relations Act, numerous cases have held that the engagement of an enterprise in interstate commerce may consist of importation. *E. g. Wirtz* v. *Hardin & Co.*, 253 F. Supp. 579, affd. 359 F. 2d 792 (FLSA); *N. L. R. B.* v. *Baker Hotel*, 311 F. 2d 528 (NLRA).

[27] The dissent suggests that by use of an "enterprise concept" such as that we have upheld here, Congress could under today's decision declare a whole State an "enterprise" affecting commerce and take over its budgeting activities. This reflects, we think, a misreading of the Act, of *Wickard* v. *Filburn*, *supra*, and of our decision. The Act's definition of "enterprise" reads in part as follows:

"'Enterprise' means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose . . . but shall not include the related activities performed for such enterprise by an independent contractor. . . ." 29 U. S. C. § 203(r).

We uphold the enterprise concept on the explicit premise that an "enterprise" is a set of operations whose activities in commerce would all be expected to be affected by the wages and hours of any group of employees, which is what Congress obviously intended. So defined, the term is quite cognizant of limitations on the commerce power. Neither here nor in *Wickard* has the Court declared that Congress may use a relatively trivial impact on commerce as an excuse for broad general regulation of state or private activities. The Court has said only that where a general regulatory statute bears a substantial relation to commerce, the *de minimis* character of individual instances arising under that statute is of no consequence.

[28] Nor is it relevant that Congress originally chose to exempt all state enterprises and later partially removed that exemption. Congress was as free to include state activities within the general regulation at a later date as it would have been to omit the exemption in the first place.

[29] "The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State."

[30] 29 U.S.C. §§ 203(d), 206(b) (1964 ed., Supp. II).

[31] 29 U.S.C. § 207(b) (1964 ed., Supp. II). Special rules are applicable to hospitals under § 207(j) based on an 80-hour, 14-day work period. No special rules apply to school employees. See discussion of the overtime pay provisions by Chief Judge Thomsen, 269 F. Supp., at 851–852.

[32] 29 U.S.C. §§ 203(d), 216(b).

[33] 29 U.S.C. §§ 203(a), 215, 216(a).

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TAFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, I yield to the Senator from Ohio such time as he may require.

Mr. TAFT. Mr. President, I associate myself with the remarks of the distinguished Senator from New Jersey. I feel very strongly that there is another issue involved that he touched upon, one that, it seems to me, is more important to this amendment, perhaps, than perhaps any other issue that is raised, and that is the exemplary nature of the amendment. In other words, how can we expect patterns of discrimination in private employment to be changed to promote full and equal employment of all Americans if Government itself does not set an example in this regard. It seems clear to me that that example should be set. In fact, I feel very strongly that if any truly effective progress is to be made in this area, it will be made more as a matter of volition, more as a matter of example, than by means of compulsion, even though compulsion, or at least legal endorsement of the principle, may be necessary to effect progress.

What I should like to mention particularly in this regard is that in the committee, with regard to the employing of personnel by State and local governments, there were a good many comments and a great deal of discussion as to whether or not constitutional problems that might occur from the Federal Government's attempting to regulate State and local governments might be serious and might result in some vindictive aspects in the bill itself.

As the Senator from New Jersey has stated, there are already court holdings on this subject. However, we went further than that in our discussions.

The Senator from Missouri offered an amendment, and I and other members of the committee on the minority side, as well, questioned the mechanics under which the Federal Commission might issue orders to a State or a local government. We felt that in order to avoid any problem in that respect, we should establish separate procedures, and this is indicated in the language of the report, page 25, from which I should like to read:

> This enforcement scheme provides the necessary power to achieve results without the needless friction that might be created by a Federal executive agency issuing orders to sovereign States and their localities. In short, the committee believes that the objective of equal employment opportunity can best be achieved by providing this particular means of enforcement where State or local governmental units fail to comply with the law.

We required that there be direct access or direct referral to U.S. district court in these cases, rather than to go through the procedures of the commission.

I feel that with that practical problem, whether or not it will be a constitutional problem, having been resolved, the provisions of the bill are desirable and necessary and will achieve, in a measure of time, the exemplary nature of open and equal employment opportunity in State and local governments, an opportunity that is so necessary to the success of this program, overall, and throughout our society.

For that reason, I feel I must oppose the amendment offered by the distinguished Senator from North Carolina (Mr. ERVIN).

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. JAVITS. Mr. President, one thing that interests me greatly, whatever may be our differences with the administration on the question of cease and desist, is that it is a fact that the President's state of the Union message says:

> I also support legislation to strengthen the enforcement powers of the EEOC by providing the Commission with authority to seek court enforcement of its decisions and by giving it jurisdiction over the hiring practices of State and local governments.

So I think it is important to point out that the administration itself has this feeling about this particular proposition; and we have findings of fact, which I am sure the Senator from Ohio has discussed, not only of the U.S. Civil Rights Commission, but from our own hearing record, as well, which indicate that this remedial power is needed, so far as actual serious discrimination is concerned, which is of a kind inhibited by the Constitution and statute in respect of State and local employment, since we are dealing with an enormous number of employees—10 million. So it is really a very necessary part of the bill.

I am very grateful that we have support of our position by the Senator from Ohio.

Mr. TAFT. I thank the Senator from New York and certainly concur in his remarks.

Supplementing those remarks, I might read briefly at this point in the same connection from the summary of the Report of the U.S. Commission on Civil Rights, on page 2, under:

> PATTERNS OF MINORITY GROUP EMPLOYMENT IN STATE AND LOCAL GOVERNMENT
>
> The basic finding of this study is that State and local governments have failed to fulfill their obligation to assure equal job opportunity. In many localities, minority group members are denied access to responsible government jobs and often are totally excluded from employment except in the most menial capacities. In many areas of government, minority group members are excluded almost entirely from decisionmaking positions, and, even in those instances where they hold jobs carrying higher status, these jobs usually involve work only with the problems of minority groups and tend to limit contact largely to other minority group members. Examples include managerial and professional positions in human relations commissions or in welfare agencies.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. ERVIN. The Senator from Ohio, as I understand, was a member of the committee which phrased this bill.

Mr. TAFT. The Senator is correct.

Mr. ERVIN. The Senator from North Carolina has read the bill very carefully and has found that there is no express limitation whatever on the employees of States and political subdivisions of States that are subjected to the jurisdiction of Federal courts under the bill. Can the Senator from Ohio tell me whether there is any implied limit upon the jurisdiction of Federal courts to ultimately control the employment practices in respect to any State employees or employees of political subdivisions of States?

Mr. TAFT. As far as I know, there is no such limitation. I understand the Senator from North Carolina has an amendment which is pending which would go into the subject further, and I have studied that amendment, and, with certain changes in the amendment, I might well be inclined to go along with the Senator from North Carolina to work out some practical alternatives, but I will not agree to taking out the guts of the particular provision he is attempting to eliminate.

Mr. ERVIN. Is the Senator from North Carolina correct in inferring from the statement just made by the distinguished Senator from Ohio that the bill in its present form would give Federal district courts the ultimate power to compel States and subdivisions of States to yield to their decrees with respect to the employment of persons who exercise the legislative, executive, and judicial powers of the States and political subdivisions of States?

Mr. TAFT. As to elected officers, we certainly think not, under the Constitution of the United States. I think as to elected officers that would not be true. As to any other positions, I believe it would be true.

Mr. ERVIN. Why would it not be true with respect to elected officers, because elected officers are undoubtedly employees of the States, and elected officers of counties are undoubtedly employees of the State and the counties?

Mr. TAFT. The selection process there is by the voters of the State. I do not believe there is any inference in the legislation proposed which would include elected officers. As I have indicated to the Senator from North Carolina, I would be quite willing to go considerably further and perhaps to cover other personnel as well, and to cover those at the top decisionmaking levels in the executive and judicial branch as well.

Mr. ERVIN. Does the Senator from Ohio take the position that an officer of the State is not an employee of that State?

Mr. TAFT. No, I do not take that position. I say there is an inference in the bill that it does not transcend what I think would be the constitutional limitations involved.

Mr. ERVIN. Is it not a fact that constitutional legislation by Congress supersedes the State constitutions and the laws of the States?

Mr. TAFT. It might supersede it if not prescribed in the State constitution. In this case, I believe the State constitution would be the limiting factor that would be involved.

Mr. ERVIN. The U.S. Constitution authorizes the Congress to enact legislation in the form in which this bill is at present, giving Federal courts the ultimate power to determine the employment practices of States with respect to all State employees and the Governors of the States and the supreme court justices of the States and members of the State legislatures, who are employees of the States, as I understand the Senator has admitted.

Mr. TAFT. I think the Senator from North Carolina well knows, with his tremendous knowledge of the Constitution—and I respect his knowledge of that document more than almost anyone in this body—that the Federal Constitution does guarantee to the States a republican form of government—with the little "r"—this, it seems to me, implying the fact that elected officers can be elected only by the people of the State involved, under its constitution.

Mr. ERVIN. The Constitution of the United States also says that the Constitution and the acts of Congress enacted pursuant thereto will be the supreme law of the land, and, as the supreme law of the land, will supersede all State constitutions and all State laws. If this were a constitutional enactment, then the Federal courts would be given jurisdiction to control the ultimate decision as to who is to be the Governor of a State or the members of the supreme court of the State or the legislators of the State. I think that conclusion is inescapable.

Mr. TAFT. With all due respect to the legal ability and experience of the Senator from North Carolina, I respectfully disagree with that conclusion. I believe the Federal Constitution would be clear on that. In addition, under its interpretation, no court would make a decision that under this bill a Federal commission could require a State to elect a certain individual, because it would deprive that individual or his rights and privileges and immunities, as well as that of all citizens.

Mr. ERVIN. Perhaps the Senator from Ohio will agree with the Senator from North Carolina on one thing: That if the Federal Government is to take the jurisdiction of exercising the ultimate power to determine who the officers and employees of the States are to be, the old statement of Chief Justice Salmon Chase, in Texas against White, that the Constitution and all its provisions look to an indestructible Union composed of indestructible States, has ceased to have validity. Is that not correct?

Mr. TAFT. I would not say that. I think the Senator from North Carolina may not have been on the floor when I quoted from a section of the committee report earlier, but there is another section to which I particularly call his attention. I think the question of legislative intent of the committee would control in any event, but I call the Senator's attention to page 11 of the committee report in which it states:

> A question as raised in the Committee concerning the application of Title VII in the case of a Governor whose cabinet appointees and close personal aides are drawn from one political party. The Committee's intention is that nothing in this bill should be interpreted to prohibit such appointments unless they are based on discrimination because of race, color, religion, sex or national origin. That intention is reflected in sections 703(h) and 706(w) of the law.

While it goes to the State elective office, I think it does infer that when we are talking about people appointed as personal aides of those individuals, it certainly was not intended to cover the officers themselves.

Mr. ERVIN. Unfortunately, however, there is nothing to that effect in the bill, and where there is a conflict between a piece of legislation and a committee report, the piece of legislation controls and the committee report's effect becomes null and void.

Mr. TAFT. Well, of course, I am not saying, and the Senator I am sure will recognize that I am not saying, that the language of the bill in any way is in conflict with the committee report. In fact, I think quite the contrary is true. I think that the bill, within the Constitution, makes it perfectly clear, although there is no specific language to that effect, as to whether there is any intent to cover them, that there is in fact no intent to cover elected officials.

Mr. ERVIN. The bill in its amended form says that political subdivisions and States are employers, and then it says that an employee is anyone who is employed by an employer. The Senator from Ohio admits that the Governor of a State is employed by the State, and that the assistants to the Governor are employed by the State, and they are clearly covered by the provisions of the bill, and cannot be excluded from the provisions of the bill by any notions which may have been expressed by a committee member in the committee report.

Mr. TAFT. Well, I suspect that discussion of the subject has been pretty well extended. I cannot agree with the Senator's interpretation of the Constitution. I think it is a point which we ought to discuss when we get to a later amendment. I may not agree with the Senator on the exact language of that amendment, but if he would like to offer an amendment to make the language of the bill consistent with the committee report, I would be happy to go along with him to achieve that purpose.

Mr. ERVIN. The committee report says, in effect, that we do not intend to cover members of a Governor's cabinet who are appointed on the basis of politics. I have difficulty knowing just exactly what man in a State is appointed on the basis of politics. I do not take too much consolation out of the reference of the Senator from Ohio to the clause of the Constitution which guarantees to every State a republican form of government. My Constitution says that all powers not granted by the Constitution to the Federal Government are reserved to the States, or to the people.

Mr. TAFT. Well, of course, the powers——

Mr. ERVIN. Perhaps that no longer means anything.

Mr. TAFT. The powers intended to be exercised are already exercised, as a matter of fact, I think, under the Equal Employment Opportunity Act. We have already resolved that question; the courts have resolved and are resolving the question as to whether that power is exercised in accordance with the Federal Constitution. If the question is not fully resolved, the remedy lies in the courts.

Mr. ERVIN. I suppose that logically

we might just as well repose all the powers with the Federal Government.

As to the Senator's reference about the Constitution guaranteeing to each State a republican form of government, having lived in a State which has long had a democratic form of government, I have difficulty understanding what such a constitutional provision guaranteeing a republican form of government would mean.

Mr. TAFT. I believe the Supreme Court would be glad to help the Senator out, if we pass this provision.

Mr. ERVIN. I have read the previous decisions on this point, and they have left me in a state of total unenlightenment.

Mr. TAFT. I thank the Senator from North Carolina for his remarks.

Mr. STENNIS. Mr. President, will the manager of the bill yield me a few minutes? I wish to speak in favor of the amendment.

Mr. WILLIAMS. Yes, Mr. President, under the situation existing, since the opponents have no time remaining, and since we do have time, I am happy to yield 3 or 4 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I hope that this amendment can be adopted by a majority vote of this body. Otherwise we are going to have all the counties in this Nation, large and small, all the villages and towns large and small, the cities large and small, and the States, even the drainage districts and the little township governments that still exist in some places, the school districts, and every other subdivision of our various States, subject to the control and the regulations of this bill.

I make my remarks on this basis, Mr. President. I am ashamed to admit it, but as I see things, the quality of work that is being performed by a great many people, a great many employees today, is not living up to the standards that it did a few years ago. I think pride in work is either deteriorating or totally lacking. We do not have the sense of responsibility—I am not trying to paint a bad picture, but as I see it and feel it, there is not that sense of responsibility in the minds and attitudes of a great number of employees, public and private, that this great country used to have. The sense of gratitude as I used to see it manifested is lacking now, and this trend is nationwide.

I think one of the reasons for that is that there is so much government regulation and so much direction to employers as to what they are required to do that so many of the employees feel so independent, as I say, that they are lacking in gratitude, and they are lacking in the sense of responsibility that we used to try to instill and could instill in almost everyone.

I believe that this measure is just another step in that direction. I have been doing recently some reading about the Constitutional Convention. I do not believe it would be possible to have a provision of law that would be further from the intent of all the delegates. They disagreed on many points, but this bill, in many of its points, is just the reverse of the intent of the original founders, and I do not think there has been any amendment on this subject that has become a part of the Constitution since then.

So I believe, if we are going to go on with these trends, if in the little county, the little village or town, if there is nothing left there for their officials to do or to control because of being harassed at every turn about whom they will employ, we will be unable to get people to run for those offices.

I think they are doing a fairly good job, by and large. They feel a responsibility to the electorate. The people have a way of getting out of office a man who does not have the right attitude toward humanitarian problems, who does not have some compassion. Such an official does not last long. It just seems to me we are piling problem on top of problem for those little officials and boards. We are taking away the basis for pride and gratitude and the things that go to make quality in our people, and that have been the distinct American strength, in my opinion, for almost 200 years.

On top of all this, the people themselves are being taxed to death with taxes, taxes, and more taxes, and they are being regulated at every turn. I think this bill goes a long way—a long way—in accentuating those evils that are causing the deterioration in the attitudes of a great many of our people; and I lament that.

I am not just bringing up troubles, but we have got to meet those troubles, in my view.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. STENNIS. I am happy to yield to the Senator from North Carolina, if I have time.

Mr. ERVIN. Does not the Senator from Mississippi agree with the Senator from North Carolina that Woodrow Wilson was the most knowledgeable student of the American Government who has ever occupied the White House?

Mr. STENNIS. I believe the Senator is correct. I noticed his picture in the White House the other day, in the Cabinet Room.

Mr. ERVIN. Woodrow Wilson once stated this:

> Liberty has never come from government. Liberty has always come from the subjects of government. . . . The history of liberty is a history of the limitations of governmental power, not the increase of it.
>
> When we resist . . . concentration of power, we are resisting the powers of death, because concentration of power is what always precedes the destruction of human liberties.

Does not the Senator from Mississippi agree with the Senator from North Carolina that the passage of this bill would do more to destroy human liberties than any piece of legislation that has come before Congress throughout its history?

Mr. STENNIS. The Senator from North Carolina has stated the case well. I agree wholeheartedly. In fact, I shudder to think of this bill being enacted into a law that is enforceable. With all deference, I believe it is invalid on its face.

Mr. President, in addition to these matters, people do not know where to turn. People are afraid of their own Government, and they have not committed any crime. There are so many regulations that they are afraid to go into a little business, because they hear people already in business talking about the difficulties, the obstacles, and the regulations.

I think that we absolutely must make a turn in going in the other direction. This entire bill tends to accentuate the very evils to which I have referred.

Let us leave people in the little villages, townships, districts, towns, and States, and subdivisions thereof—most of whom are chosen by the people and are up for reelection in a very short time—some responsibility. Let us leave them some obligation, and let us leave a little control of these affairs in the hands of the people. Otherwise, what will be the reason for even registering to vote or to go to the trouble to get involved in these elections? Let us do all these things by adopting this amendment.

I thank the Senator from New York for the time he has given me.

Mr. WILLIAMS. Mr. President, I yield whatever time he requires to the Senator from New York.

Mr. JAVITS. Mr. President, it is very important, as we are about to vote on this amendment, that we recognize that of all the provisions in this bill, this has the most solemn congressional sanction, because it is based not on the commerce clause, which relates to the relationships between individuals as well as with governments, but is based on the 14th amendment. This is a paramount right which is created for all Americans.

The 14th amendment has been held applicable to just employment discrimination by the States. Also, in Maryland against Wirtz, in 1968, the Court upheld the application of the Fair Labor Standards Act to certain classes of public employees as a legitimate exercise of congressional regulatory authority under the commerce clause.

Mr. President, this is critically important, because of all the people who were just referred to as having the right to feel they would be protected in terms of any inquisitorial denial of equal opportunity, it certainly is the employees of units of Government elected by them but which often do not operate in such a way as to serve them—all of them—including minorities.

This is no fanciful thing. This involves an enormous block of employees—10 million—of whom almost 3 million are dealing with education. As recently as 1969, this was the subject of special consideration by the U.S. Commission on Civil Rights, as a factfinder, which held flatly—and I read from page 10 of the committee's report:

> State and local governments have failed to fulfill their obligation to assure equal job opportunity.

The States, themselves, have recognized this; and 33 of the 34 States which have fair employment practices statutes have made those statutes applicable to State and local employees; and indeed they must, in the most common and obvious equity.

So the Constitution is imperative not only in respect of employment but also in respect of all other matters dealing with the equal protection of the laws by all citizens of States and their political subdivisions. The Supreme Court has reinforced this directive in a whole host of cases. One could go through a list of citations that would take 3 days, as to the cases in which the 14th amendment has been applied to the relationships between the citizen and his State. What more sacred or more important relationship is there in terms of the life of the individual than the extent to which he shall have a fair and even break in respect of employment?

Not only is this applicable to minorities; it is also applicable on the ground of sex. The committee report reflects that very clearly in terms of the differentiation not only between members of minorities and others in respect of income, and so forth, and having opportunities in the higher levels of employment by States and their local subdivisions, but also, it applies to women where, based upon overall figures, it is obvious that something is not right in terms of the way in which the alleged concept of equal opportunity is being administered now.

It is for that reason, Mr. President, that one of the greatest reforms in this bill is its applicability to those who are engaged in State and local employment—I repeat, 10 million employees, the largest single block in any one calling of all the employees, as there are now about 80 million in the entire American work force. If anybody, as a matter of morality, is entitled to equal employment opportunity, it certainly is those people; and the only way they can get it, because the authority so far as they are concerned is the State, is at the hands of the United States, under the 14th amendment. Section 5 of the 14th amendment, giving the power to Congress to enforce by appropriate legislation the provisions of this article, it seems to me, makes it mandatory, not discretionary, in terms of the highest morality, that we act affirmatively on this aspect of this bill.

For all those reasons, with the highest respect for the State and local governments—because in this case there is no cease and desist power, but there is simply the power to litigate—that is the very least we can give the individual—the aid of the Attorney General in litigating a case through the courts, insofar as the paramount rights under the 14th amendment are concerned. I think this is the very least we can do. To me, it is one of the most unchallengeable parts of this bill.

For those reasons, I hope very much that the Senate will reject this amendment.

Mr. COOPER. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. COOPER. I have listened to part of the Senator's argument, and I understand its reasoning and rationale. I ask the Senator this question: I think it is evident that there is discrimination in employment by a State when there is a clearcut case of State action. Is it not possible, following another course and a very simple remedy, for the courts to proceed against the State to require compliance with the 14th amendment?

Mr. JAVITS. That is entirely right, and the thrust of this bill is consistent with that approach. In other words, we feel that where the individual who is being denied equal opportunity under the 14th amendment faces the power of his own State, of which he is an employee, he is entitled to have the aid of the United States in order to assert a right which the United States gives him—a constitutional right. The Senator is perfectly right. There is a legal right and a legal remedy, except that the legal remedy is not affected in the absence of this kind of backing which this particular statute gives it.

Mr. COOPER. It would seem to me that a court decision against a State requiring the termination if there is discrimination in employment would be one of the clearest and simplest remedies which could be used and which could be enforced by the courts.

Mr. JAVITS. When the individual is an employee of a State, he is being asked to take on a very tough assignment if he is asked to proceed against that State; hence, the high desirability of the interposition of the United States in the process to protect these rights.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry—how much time remains?

The PRESIDING OFFICER (Mr. CRANSTON). All time has now expired. The yeas and nays have not been ordered.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Pursuant to the previous order, the hour of 2 o'clock having arrived, the Senate will now proceed to vote on the pending amendment.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FULBRIGHT (when his name was called.) On this vote I have a pair with the Senator from Missouri (Mr. EAGLETON). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. HOLLINGS (when his name was called). On this vote I have a pair with the Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. GRIFFIN (after having voted in the negative). On this vote I have a pair with the Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

On this vote, the Senator from South Dakota (Mr. MCGOVERN) is paired with the Senator from Arizona (Mr. FANNIN). If present and voting, the Senator from South Dakota would vote "nay" and the Senator from Arizona would vote "yea."

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from California (Mr. TUNNEY), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Illinois (Mr. STEVENSON), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. FANNIN), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from Tennessee (Mr. BROCK), the Senator from Wyoming (Mr. HANSEN), and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illenss.

On this vote, the Senator from Arizona (Mr. FANNIN) is paired with the Senator from South Dakota (Mr. MCGOVERN). If present and voting, the Senator from Arizona would vote "yea" and the Senator from South Dakota would vote "nay."

The pair of the Senator from Texas (Mr. TOWER) has been previously announced by me.

The result was announced—yeas 16, nays 59, as follows:

[No. 20 Leg.]

YEAS—16

Allen
Bennett
Buckley
Byrd, Va.
Curtis
Eastland
Ellender
Ervin
Gurney
Hruska
Jordan, N.C.
Long
McClellan
Stennis
Talmadge
Thurmond

NAYS—59

Aiken
Allott
Anderson
Bayh
Beall
Bellmon
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Dole
Dominick
Fong
Gambrell
Goldwater
Hart
Hatfield
Hughes
Inouye
Javits
Jordan, Idaho
Kennedy
Mansfield
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Symington
Taft
Weicker
Williams

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Fulbright, for.
Griffin, against.
Hollings, for.

NOT VOTING—22

Baker
Bentsen
Brock
Cotton
Eagleton
Fannin
Gravel
Hansen
Harris
Hartke
Humphrey
Jackson
Magnuson
Mathias
McGovern
Mundt
Muskie
Sparkman
Stevenson
Tower
Tunney
Young

So Mr. Ervin's amendment (No. 812) was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

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## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Gambrell) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

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## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) to further promote equal employment opportunities for American workers.

### AMENDMENT NO. 833

Mr. GAMBRELL. Mr. President, I call up my amendment No. 833.

The PRESIDING OFFICER (Mr. Weicker). The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 50, line 19, add the following new section:

(e) Subsection (w) of section 706 of such Act, as redesignated by this section is amended to read as follows:

"(w) In any action or proceeding under this title the Commission or court, as the case may be, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee as part of the costs. Any respondent that is an employer of less than twenty-five employees or a labor organization of less than twenty-five members shall, upon application to the Commission, be indemnified by the United States for the cost of his defense against the charge in an amount not to exceed $5,000, including all reasonable expenses and attorney's fees incurred after the serving of notice on him of the charge.

"Any respondent that is an employer of twenty-five to one hundred employees whose average income from such employment is less than $7,500, or a labor organization with twenty-five to one hundred members, shall, upon application to the Commission, be indemnified by the United States for one-half of the cost of his defense against the charge not to exceed $2,500, including all reasonable expenses and attorney's fees incurred after the serving of notice on him of the charge. The costs evidenced by respondent's vouchers of his expenses and attorney's fees shall be deemed reasonable so long as they are comparable to the total amount of the expenses and attorney's fees incurred by the Commission in investigating and prosecuting the charge. Disallowance of any part of such request shall be made a part of the Commission's order in such proceedings. Any United States court before which a proceeding under this title shall be brought may upon request by the respondent make the determination provided for in this subsection.

"The Commission and the United States shall be liable for costs as provided for in this section the same as a private person. No enforcement procedure under this title may be initiated against a respondent employer or union until the costs provided for herein shall have been paid in full. No such costs shall be paid in the event that the Commission or court having jurisdiction of such proceeding shall determine that a respondent has conducted his defense in a manner inconsistent with the achievement of the purposes of this title."

Mr. GAMBRELL. Mr. President, the amendment I have offered at this time extends relief to small businesses under the pending bill. That is to say, it provides for an allowance for attorneys' fees for certain prescribed small businesses against whom enforcement proceedings are brought under this act.

I have under discussion with the committee the possibility of a time limitation on the amendment. I am agreeable to limiting the time. As soon as the committee members have conferred, perhaps we could get together on that matter. I would say that if any Senator is interested in supporting the amendment and would like to speak on it, I would appreciate it if he would let me know before a time limitation is agreed to.

Mr. President, the amendment I have offered is a revision of an amendment which I filed on January 21. At that time I made a statement in the Record describing the amendment and my reason for offering it. I would not at this time repeat at great length my thinking on that subject as expressed at that time other than to say that I contemplate as we go into the situation, particularly with respect to cease-and-desist procedures, that more and more businesses, and particularly those smaller businesses, will be imposed upon, not in an effort to destroy them but with that effect, by the court proceedings under this act.

I think that Senators will recognize that it is not uncommon for all the businesses under Federal investigation under various pieces of legislation to find themselves in a position from an economic point of view of being unable to compete with the tremendous and overwhelming resources available to the Federal Government with such enforcement procedures.

As a result, rather than to fight it out and determine the issues of a particular investigation or enforcement and to submit proof to make a comparison—which I think is an un-American type of proceeding—with a large corporation against whom proceedings are brought, a corporation which is able to set aside a certain amount of money for the purpose of defending itself to wear the Government out, if that be possible, in order to fight the impact of the legislation, the imbalance of ability to defend against the Government means that small businesses are imposed upon in the enforcement of various types of Federal legislation.

There is no question that this imbalance of relative strength denies small businesses a fair opportunity for self-defense against Government regulations.

In specific terms, the amendment provides that a business or a union which has 25 or fewer employees or members will get its entire expense and attorney's fee reimbursed by the Federal Government through the EEOC in any proceeding against it.

Under the act, businesses and unions having from 25 up to 100 members or employees would be reimbursed up to $2,500. But in each case, the Commission or the court before which a proceeding is pending would have to determine, before the amount could be paid, that the defenses made by small businesses were put on for purposes inconsistent with the purposes of the act itself. That is to say, the court or the EEOC would have an opportunity to determine whether the union or the small business was defending itself in bad faith. If so, the payment of fees and expenses could be denied.

The amendment also provides that this compensation would have to be paid prior to any enforcement proceedings being brought against the small business or the small union. In other words, after the investigation, or after the Commission proceedings, the Commission would determine the amount of award of a fee, and that fee would have to be paid in cash before the Commission could go to court to get a restraining order.

It seems to me that this is only fair, in order to give small business or small unions an opportunity to say, "Well, up to at least $2,500 or $25,000, I can fight the matter equally with the Federal Government. I am the first, the fourth, the seventh, the 10th, or the 100th person being proceeded against under the act. I have some genuine questions of fact or question of law that I want to litigate. I have a competent attorney who advises me that I am not obligated to do what the Government says I am supposed to do, and I should like to have that question determined.

Of course, I would prefer to have the case determined in court, but under the law I have got to go through the Commission. In any event, I do have an opportunity, within those limits, to defend myself in good faith against the overwhelming economic power at the command of the Federal Government.

Mr. President, the Civil Rights and Equal Employment Opportunity Acts themselves, which are being amended under the pending legislation, already provide discretionary authority for the Commission to pay costs and attorney fees to a prevailing party in such a case. In other words, if I am proceeded against, and I win, the Commission can say, "We are sorry about the harassment we have caused, and we will pay your costs and attorney fees."

We make this change or this addition: We leave the amendment without change except that we provide for discretionary authority in the case of the prevailing party. We say that any respondent—that is, a labor union or an employer—who qualifies as a small business or a small union can be compensated for his expenses, or expenses and fees, even if he loses or even if he is found at fault, so long as it is not determined that he conducted his defense in a manner inconsistent with the achievement of the purposes of the act.

Our thought in offering the amendment is simple. We feel that if a small business or a small union in good faith wishes to test some of the questions that are raised, it should have a right to do so without bankrupting itself. It should not have to depend upon its ultimately prevailing, because it could be wrong in good faith about the law, or it could be wrong in good faith about the facts. It seems to me that certainly in the early stages of enforcement under the act these questions should be subject to exploration by small businesses in the same manner as they would be by large businesses.

It has been demonstrated time and again that what we fear will come to pass. I should like to give some examples of the type of thing that concerns me.

I think the Senate is aware that northwest Georgia is the tufted carpet capital of the world. More tufted carpet is manufactured in that area than in any other single area of the world. In the fall of last year, a second march through Georgia took place—in this case, not by General Sherman, but by the Federal Trade Commission, under the Flammable Fabrics Act. Virtually all of the manufacturers in this fine industry undertook to comply with the standards applied by the Federal Trade Commission, under this act, for reducing the flammability of textile materials. The smaller manufacturers had a little more trouble complying with the standards than the larger ones. All of a sudden, the Federal Trade Commission announced that it was going to initiate enforcement proceedings and in that connection were going to require those who had not complied to invite their customers to return their carpeting in the manner we are all familiar with in connection with the automobile industry.

We immediately began to receive calls of concern, stating, "Well, we are trying our best to comply with this and we would like to go through this procedure, but if we make a public announcement that some or part of our carpet does not comply, we might as well go into bankruptcy, because we would not be able to tell the carpet while it is under this shadow."

There was a lot of going back and forth and filling and reevaluating with the Trade Commission. We finally developed a concept from the Commission: It felt they could not give any exception to smaller businesses because it would interrupt the consistency of their law enforcement procedures. They say they have to apply the uniform, regular standards to small businesses that they apply to large businesses, and if it bankrupts a few along the way, that is their problem, and not ours.

I would not charge the Trade Commission people in that instance with undertaking to act unfairly or insensitively. They thought it was consistent with good enforcement practices that they should apply the same standards to everyone. But it seems to me—and I think it is obvious—that small businesses cannot meet the changing standards of Government regulation as quickly and as completely and to the satisfaction of the regulatory authorities as large businesses can, and I think it is very important that the law make a distinction between large and small businesses if the purpose is—and in fact I think the purpose and intent of our laws relating to small businesses is—to make such a distinction.

In this connection, I should like to bring to the Senate's attention some comments of the Senator from Nevada (Mr. Bible), as reported in the hearings before the Subcommittee on Small Business of the Committee on Banking, Housing and Urban Affairs on April 21, 1971. The Senator from Nevada said:

> Small businesses, which constitute 95 percent of every line of commerce, have played an indispensable part in the growth of the country. As we come further into the period of multiplying environmental and consumer concerns, however, it is natural that the role of small business would require some redefinition at this point, and continuing evaluation in the future.

I shall not read the quotation in its entirety at this point, but I ask unanimous consent that the statement, which appears on page 38 of the report, be incorporated at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

[Reprinted From the Congressional Record, Dec. 17, 1970]

### The 91st Congress Action Gives Historic Recognition to Small Business in Environmental and Consumer Era

Mr. Bible. Mr. President, as chairman of the Senate Small Business Committee, it is gratifying to be able to report that the 91st Congress has distinguished itself by granting what I feel should be considered an historic recognition of the role of small business in this era of increasing environmental and consumer concerns.

Small businesses, which constitute 95 percent of every line of commerce, have played an indispensable part in the growth of the country. As we come further into the period of multiplying environmental and consumer concerns, however, it is natural that the role of small business would require some redefinition at this point, and continuing evaluation in the future.

Those who work with small business are aware of its valuable place in the new economic circle if we want to make our daily life more livable and pleasant. We know that small businesses make merchandise and amenities widely and conveniently available in every part of our cities and small towns. We have seen that they can combat inflation by competing to keep prices lower and quality higher. They give services which tend to be more personal and reliable; they maintain community control and local flavor and variety in our commercial life. New and small firms are a natural outlet for young people and the energetic and imaginative of all ages with better ideas. In short, we need more and stronger small businesses to improve the quality of life in America.

However, the long list of worthy consumer, health, safety, pollution, and sanitary standards which Congress has placed on the statute books during the past 5 years has had the unintended and unfortunate side effect of imperiling the very existence of entire segments of the small business community.

Deadline dates were imposed, and Government administrators were given the power to permanently shut down noncomplying firms without compensation. As a result literally thousands of firms—about 7,000 in the meat packing industry alone—in the small business community felt threatened, and actually were threatened, at many points by our citizens who sincerely wished to upgrade our common life through the avenue of legislating higher environmental and consumer standards.

Accordingly these two groups appeared to be in direct conflict. This situation was aggravated when businessmen setting out to comply with the new standards ran into record high-interest rates and tight money at their banks, coupled with a sharp cutback of Small Business Administration loans. As compliance deadlines approached inexorably interest rates touched peaks not seen since the Civil War. Loan funds for the required new plants and equipment were virtually unavailable in some parts of the country. As firms struggled under these conditions, we found an increasing atmosphere of desperation among small business.

#### SACRIFICE OF SMALL BUSINESS WOULD BE A TRAGEDY

It was my feeling that it would be a national tragedy if the country's obvious desire to upgrade our technical standards greatly diminished the quality of our economy and commerce, and eventually the quality of daily life for all of us. It seemed to me a manifest injustice for the Federal Government to be closing down without legal recourse, thousands of small businesses which were making every reasonable effort to comply with the laws.

Thus, during the 90th Congress—in May 1968—I submitted a resolution—Senate Resolution 209—asking the Small Business Administration to study the impact of the new laws, as exemplified by the Wholesome Meat Act, on small business. Of course, the new meat standards were having a direct impact in my own State of Nevada and other neighboring Western States. Then, on April 1, 1969, I was joined by the distinguished chairman of the Senate Banking and Currency Committee (Mr. Sparkman) and 11 other Senators from every part of the country in introducing a bill which would provide emergency loan assistance through the disaster loan program of the SBA. This bill, S. 1750, was designed to allow the small business community to adjust to the environmental and consumer era; and to continue their record of good service to their owners and employees, their customers and communities.

#### CONGRESS RISES TO THE QUESTION

Mr. President, I am proud of the record of the 91st Congress in this regard.

Three committees each in both the House and the Senate accorded recognition to these questions. Hearings were held followed by deliberations in executive session which brought legislation to the floor of both of these great bodies. Then, the Senate and House of Representatives, in Congress assembled, acted decisively.

Let me cite the milestones in this record:

First. In December, 1969, Congress approved the Federal Coal Mine Health and Safety Act—Public Law 91-173—which provided relief to small mine operators required to meet the new requirements imposed by this legislation;

Second. In mid-December of this year, the House-Senate Conference considered two occupational safety and health bills—H.R. 19200 and S. 2193—and approved a final version which contains similar provisions for relief to small firms in complying with this measure; and

Third. On December 14, the Senate completed congressional enactment of H.R. 19888, which extended similar emergency loan eligibility to firms affected by the Wholesome Meat Act of 1967, the Wholesome Poultry Products Act of of 1968, and the Egg Products Inspection Act of 1970.

By the terms of the legislation we have proposed, the loans will be for the purpose of complying with specific standards erected by Federal—or equivalent State—legislation under definite deadlines. The loans will not be subsidized but are intended to be at an interest rate equal to the cost of money to the Federal Government plus one-fourth of 1 percent.

However, the significant point is that Congress has acted to resolve the conflict between consumers, conservationists, and all concerned with our environment on one side and businessmen on the other. Congress has accorded this recognition to small business not only in rhetoric, but in a tangible way, by making money available to ease the dilemma. This series of enactments will, in my opinion, make small businessmen full partners in progress again rather than its imminent victims.

I am pleased that our Small Business Committee could play a part in this drama by its work in the technical drafting of the language which served as a vehicle for the wider congressional consideration of the issues, and by providing background to those committees and Members who were interested. We can all rejoice at this kind of creative lawmaking.

I believe the committees concerned, the leadership of both the House and the Senate, and Representative Neal Smith of Iowa, Representative Graham Purcell, of Texas, and Representative Tom Foley, of Washington, as House sponsors of the agribusiness provision, should be commended by all corcerned with these matters.

### FOCUS NOW SHIFTS TO IMPLEMENTATION

These enactments will leave some gaps, which we can attempt to fill in the coming years. We also have still ahead the implementation of these statutes by the SBA and the executive branch of the Government. It will be of prime importance to inform small firms under Federal deadlines of their alternatives, and to have simple and workable procedures so that the needed loan capital can be obtained in time.

I have conferred with the House sponsors of these measures, and we have agreed that the next step to be taken is to ask the Small Business Administration for its views on how these acts should be implemented without delay.

With the background of Senate Resolution 290, the Small Business Administration has been pursuing its study of the financial needs of the meat industry in complying with the deadlines of the Wholesome Meat Act of 1967. We feel that this work should now be well along toward completion. This extensive effort will give the agency an excellent factual basis for prompt recommendations to the Congress and the President to keep small meat, egg, and poultry businesses, as well as small coal mines and others subject to new occupational safety standards, in the business in cities and towns across the Nation.

I have undertaken to make this request of the Small Business Administration, stating that we wish to be helpful in bringing about prompt and full implementation of these relief laws.

### STEP TOWARD COMPASSIONATE GOVERNMENT

In my opinion the precedents have now been established by the three acts which I have cited. Congress has shown it continues to care about small business as a part of our national life in the environmental and consumer era, and that it will back up this concern by appropriate action. By doing so, a giant step has been taken toward keeping our Government and our economy more compassionate and more serviceable for all of our people.

Mr. GAMBRELL. Mr. President, the substance of those remarks had to do with what the Senator from Nevada describes as a long list of worthy consumer health, safety, pollution, and sanitary standards which Congress has placed on the statute books, but wherein the administration of those acts threatens to destroy our small business community.

In particular, in connection with the clean rivers bill, which the Senate passed late last year, an amendment was adopted granting specific relief to smaller businesses to aid them in complying with the provisions of that act.

Here again is an illustration of this Congress' and this Government's intention not to impose on small businesses through the provisions of any regulatory legislation.

One other instance that I would like to call to the Senate's attention in this area is in the Safety Standards Act; and this has been brought to my attention on a number of occasions. It appears that the regulations published by the Department of Labor under and pursuant to the Construction Health and Safety Act has worked a tremendous hardship on those contractors and builders who are engaged in light construction, and particularly in residential construction.

Again, I would assume that this harm is unintentional and unwitting on the part of the Department of Labor; that the Department of Labor has no discriminatory intent against small businesses in this field; but from all the reports received in my office—and I am sure in the offices of other Senators—compliance with these regulations has made the cost of construction of small residences or residences intended for lower-income people go up tremendously. These people typically employ what we call casual labor, labor that may be available one day and not the next day, or that may be available two or three days. As one man told me, "I have to buy a $13 helmet and give it to him on Monday, when he may not be back Tuesday, and this total day's wage may not be more than $13."

It is in this type of thing and this type of regulation that Congress, in enacting bills, and the regulatory agencies, in carrying out those intentions, should be more sensitive to the impact of such legislation on smaller businesses.

It has been said that the amendment which I have offered will encourage litigation, will encourage small businesses in the classification referred to, to be more litigious, and to insist on a lot of unworthy defenses and that type of thing. We have tried to deal with that possibility in the act in a number of ways, although I do not conceive of it as a real difficulty, because the average businessman has much more to do than to want to go before the EEOC or a Federal court on an unfair employment practices charge.

But the limits that are built into the amendment, aside from the practical restrictions on what one will do and what he is to do, are, first, that the provision applies only to small businesses. Someone who employs up to 25 gets full compensation. Someone who employs between 25 and 100 gets only half of his fees and expenses taken care of. So, first, it applies only to small businesses. Second, there are limits built into that. A very small one can get only up to $5,000 in total, and the slightly small one, you might say, gets only $2,500. But there again there are some practical limits built into it. The man going into litigation can see there is no bonanza of fees and expenses with which to defend himself.

Another limitation is that the reasonableness of the charges that he submits must be comparable to those which the EEOC itself has spent in prosecuting the charges against him.

So if the EEOC has spent only $1,000 on the claim, he would be entitled to only $2,500 or $5,000.

My guess is that, in most cases, the EEOC will spend enormously more money in dealing with any of these claims than any private business could possibly afford to do. But there are limits—that he cannot receive more for defending himself as was spent against him.

Finally, a limitation which is most important is that he does not get anything if the manner in which he conducts his defense is found by the Commission or the court to be inconsistent with the purposes of the act.

In my judgment, this amendment will encourage settlement rather than discourage it. The reason for that is this: A small businessman might go into litigation thinking in good faith that he has a defense or that he has a question of fact that would be adjudicated in his favor, and then ultimately find that he was mistaken.

So, Mr. President, I think the amendment will encourage settlement, because a man, in considering whether to settle with the EEOC some claim that is under adjudication, would be entitled to be compensated if he will admit that he was in the wrong.

He might say, "Well, yes, you have proved to my satisfaction that I did violate this act, and rather than going to the Commission or before the courts and have a knockdown, drag-out lawsuit about the matter, I would like to enter into consent, but I have these expenses and attorneys' fees incurred, and I would like for you to allow them."

Under the present law, as I understand it, with a consent of that type, the Commission could not allow expenses and attorneys' fees, because the respondent in the case would not have been a prevailing party. This amendment says that so long as he has conducted his defense in a manner consistent with the purposes of the act itself, he can and in fact must be paid his expenses and attorneys' fees.

On this basis, from my own experience in observing the conduct of people in litigation, if a man found out that he was in the wrong, he would hurriedly admit it if he could just make himself whole on the question of his outlays for expenses and attorneys' fees at that point.

The limitations I have referred to would prevent anyone from being what we call, in our State law, "stubbornly litigious," simply fighting and blustering around in order to delay the day of ultimate justice.

Mr. President, I would suggest to the committee that they accept this amendment, because it would in fact encourage the settlement of cases when the respondent has found himself to be in the wrong. Therefore, Mr. President, I submit that the amendment should be agreed to.

Mr. WILLIAMS. Mr. President, I have reservations about some of the details of the amendment, including the fact that the assessment of fees and costs in certain areas is mandatory and not discretionary, and the fact that they must be paid in advance. These are the two major reservations I have. Yet, a provision for the fair assessment of costs and fees certainly is a principle that I would like to agree to, and it should be included in this legislation.

As it stands, the fact that the fees and the costs are mandatorily assessed, win, lose, or draw, cause me to hesitate.

I should like to state to the Senator from Georgia, who is probably a lot closer to the practice of law than I, that I cannot think of any situation that we can look to for guidance from experience, any other area of law where there is an advance assessment of fees and costs before trial, where it is mandatory and it has no relationship to the outcome of the litigation.

Is there such an area?

Mr. GAMBRELL. First, Mr. President, I should like to clarify the interpretation that the Senator has put on the matter. I think he is mistaken in saying that it is payable in advance. In fact, I know he is, because as I understand the bill, you do not go to court and you do not have any rendering of any kind of decision until after there has been a very thorough investigation or until after the conciliation——

Mr. WILLIAMS. I said in advance of litigation, or I meant to say that.

Mr. GAMBRELL. The Senator did say before going to court, but the way the committee has insisted on doing it, in setting up a procedure, there will be a full scale, knock down and drag out fight before the Commission itself, and the court proceedings will be a simple aftermath, the court has its hands tied, and there will not be much for the law students to make of it. Under the type of cease-and-desist procedure the committee insists on, I think it should be recognized that the whole ball game is there in front of the Commission itself. This amendment is not to provide for payment prior to that, but it is a provision for payment under the order issued by the Commission in the proceeding itself.

Mr. WILLIAMS. Mr. President, if the Senator will yield, that is helpful in clarifying it. I had read the amendment, on page 2 at line 24, to mean something different than the Senator has just described it. Where the amendment says, "No enforcement procedure under this title may be initiated against a respondent employer or union until the costs provided for herein shall have been paid in full," I interpreted that to mean payment before the hearing on the complaint before the trial examiner under cease and desist, at the Commission level. Am I in error? Is this to be paid only on appeal, then, to the circuit court of appeals?

Mr. GAMBRELL. Of course, at the time we drew this, we did not know what type of enforcement procedure would be adopted; but the intention of that language is to mean an enforcement procedure in court.

In other words, I do not interpret the proceedings before the Commission to be an enforcement procedure, in my own terminology, because it is not self-executing; it has to be taken to court to be made operative. But I would certainly not object to some clarifying change being made in that language, in order to make it clear that we are talking about at the end of the Commission proceedings, rather than in the beginning.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I send to the desk an amendment in the form of a substitute to the pending amendment, No. 833, and I ask unanimous consent that the reading of the substitute amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the substitute amendment will be printed in the RECORD.

The substitute amendment is as follows:

In lieu of the language in amendment No. 833, insert the following new section:

"(e) subsection (w) of Section 706 of such Act, as redesignated by this section is amended to read as follows:

" '(w) in any action or proceeding under this title the Commission or Court, as the case may be, may allow the prevailing party, other than the Commission or the United States, a reasonable attoney's fee as part of the costs, and the Commission and the United States shall be liable for costs the same as a private person. Any prevailing party that is an employer of less than twenty-five employees or a labor organization of less than twenty-five members shall, upon application to the Commission, be indemnified by the United States for the cost of his defense against the charge in an amount not to exceed $5,000, including all reasonable expenses and attorney's fees incurred after the serving of notice on him of the charge."

" 'Any prevailing party that is an employer of twenty-five to one hundred employees whose average income from such employment is less than $7,500, or a labor organization with twenty-five to one hundred members, shall, upon application to the Commission, be indemnified by the United States for one-half of the cost of his defense against the charge not to exceed $2,500, including all reasonable expenses and attorney's fees incurred after the serving of notice on him of the charge. The costs evidenced by respondent's vouchers of his expenses and attorney's fees shall be deemed reasonable so long as they are comparable to the total amount of the expenses and attorney's fees incurred by the Commission in investigating and prosecuting the charge. Disallowance of any part of such request shall be made a part of the Commission's order in such proceedings. Any United States court before which a proceeding under this title shall be brought may upon request by the respondent make the determination provided for in this subsection. The Treasurer of the United States shall indemnify the respondent as provided for herein upon certification by the Commission.' "

Mr. MONDALE. Mr. President, I ask unanimous consent that there be a 30-minute limitation on the proposed substitute, to be evenly divided between the proposer of amendment No. 833, the distinguished Senator from Georgia, and the floor manager of the present proposal, the distinguished Senator from New Jersey.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MONDALE. Mr. President, I ask unanimous consent that following that, should the substitute not prevail, there be a limitation of 10 minutes on the amendment offered by the distinguished Senator from Georgia, to be equally divided and controlled by the same parties.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, what is the request?

Mr. GAMBRELL. Mr. President, reserving the right to object——

The PRESIDING OFFICER. In response to the Senator from New York, as the Chair understands it, a substitute amendment to the amendment of the Senator from Georgia has been sent to the desk by the Senator from Minnesota.

Mr. MONDALE. The Chair is correct.

The PRESIDING OFFICER. The Senator from Minnesota requested that there be 30 minutes on the substitute amendment, to be equally divided. Then he made a further request that if the substitute amendment does not prevail, there be 10 minutes, to be equally divided, on the original amendment of the Senator from Georgia.

Is there objection? The Chair hears none, and it is so ordered.

Mr. GAMBRELL. Mr. President, reserving the right to object, I should like the record to show that I object to the substitute, but I do not object to the time limitation.

The PRESIDING OFFICER. As the Chair understands the Senator from Georgia, he has not objected to the unanimous-consent request of the Senator from Minnesota.

Mr. GAMBRELL. That is right. He stated it all together, and I want it to be clear that I object to the substitute.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. CRANSTON. I simply want to request the Senator from Minnesota to list my name as a cosponsor of his very fine substitute amendment.

Mr. MONDALE. Mr. President, I ask unanimous consent that that request be granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MONDALE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I ask for the yeas and nays on my substitute amendment.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President, I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. MONDALE. Mr. President, the amendment offered by the Senator from Georgia, for which I wish to offer my amendment in the form of a substitute, is designed to preserve a basically valid proposition in that amendment—but seeks to substitute language which I think is essential.

The underlying law, which is unchanged by the bill, provides that in any action or proceeding under this title, the court, in its discretion, may allow the prevailing party—other than the Commission or the United States—a reasonable attorney's fee as part of the cost; and the Commission and the United States shall be liable for the costs the same as a private person.

The proposed substitute would liberalize that provision in two basic respects. First, it would add authority to award costs to the prevailing party with respect to the cost of a proceeding before the Commission. The underlying law to which I have referred does not permit the awarding of fees with respect to proceedings before the Commission. So it liberalizes the fee awarding powers in that respect.

Second, it makes awarding of such fees mandatory for small businesses and for unions, when they prevail before the Commission or before the court, rather than leaving it discretionary as it now is.

It would provide that employers having between eight to 25 employees or unions having between eight to 25 members, could receive reasonable attorneys' fees up to $5,000; and large employers and unions, those having employees or union members in a number between 25 and 100, would receive up to $2,500—if they are the prevailing party.

Principally, Mr. President, my objection to the amendment offered by the Senator from Georgia is that while I think it justifiably recognizes the question of costs that may be visited on small businesses or small unions, it has built within it an unfortunate demension—a dimension allowing Government funds to be used to finance resistance to legitimate cases; under the original amendment, it is not necessary that the small business or the union be the prevailing party. Thus, they can take a case that is without any foundation and, at Government expense and for long periods of time, hold proceedings before the Commission or hold proceedings before the courts and be awarded fees—no matter how groundless the case is.

It seems to me that this could encourage, at Government expense, resistance through the assertion of groundless claims; and it could encourage litigation in cases that should otherwise be settled. Our substitute would bring much needed relief to small business and small unions in cases where there was some hope that they would be the prevailing party. It would bring relief to that extent, and also bring relief for the cost of such proceedings before the Commission as well as before the courts.

I think that modification retains the basic validity of the amendment offered by the Senator from Georgia without risking, in addition, the problem to which I have made reference.

Mr. JAVITS. Mr. President, will the Senator from Minnesota yield for one or two questions?

Mr. MONDALE. I yield.

Mr. JAVITS. These questions need to be answered. Does the amendment take into consideration where the Commission or the Attorney General is not a party to litigation, where it is strictly private litigation between a complainant and a respondent? Is it then expected that the United States will reimburse the prevailing party if he is a small business?

Mr. MONDALE. It is not contemplated that that be the case. If there is some vagueness in the amendment, it should be modified to avoid that possibility.

Mr. JAVITS. I think the amendment will have to be clarified if that is the intention of the moving party.

Mr. MONDALE. We can prepare a modification——

Mr. JAVITS. That will have to be submitted by someone as an amendment to the amendment by unanimous consent——

Mr. MONDALE. I realize that; but I do not believe there will be any objection to it.

Mr. JAVITS. We should try, and time may not allow, but we should try, before we wind this up, to put some estimate on record as to the expected cost. Someone should get in touch with the Commission and get some estimate. After all, this is not an inappreciable sum of money. There are 20,000 complaints before the Commission already, so that if the cost there would be $5,000 apiece, it could well run into a considerable sum of money and we should have some idea on record as to how frequently this is likely to occur.

Mr. ERVIN. Mr. President, I hate to see my good friend from New York grieving over the problem of lack of money. I understand that we are going to have a national debt limit of some $480 billion, so that we will have plenty of deficit in which to finance anything.

Mr. MONDALE. I think the Senator from North Carolina is correct.

Mr. GAMBRELL. Mr. President, I object to the amendment, because it would wholly thwart the purpose of the amendment, which is to offer some relief, some meaningful relief, to small business. I can appreciate the concern of the Senator from New York over the cost of this to the Government. I think that no one can claim to have expressed any greater concern over the cost of the Government than I have during the past year. However, I think that as long as we are going to inquire about what the cost of this is to anybody, we might get the Small Business Administration or even the EEOC, if it has any feeling for small business, to ascertain the cost of the 20,000 investigatory proceedings that the Senator from New York has mentioned to the small businesses around this country, which small businesses have defended themselves in good faith in these proceedings.

I suggest to the Senate and to the Senator from New York that this has a devastating impact on small business which we are undertaking to relieve. And we are talking about small business. We are not talking about proceedings against someone who has enormous resources.

We are talking about small businesses that are going to be used as guinea pigs in determining the force and effect of this act. There is not any question, as the Senator from Minnesota has indicated, about encouraging groundless defenses. In many cases, as the Senator from Minnesota and other lawyers know and clients know, we do not know whether the defenses are groundless or not until they have been submitted for adjudication.

The limits that I have mentioned provide that only so much can be put into this. And specifically the limit that the respondent should have of conducting his defense in a manner consistent with the purpose of this power will prevent any groundless defenses.

In other words, the Senator from Minnesota said they would be without any foundation or for a long period of time. Actually his substitute would encourage people to prevail in a case rather than pursuing an effort to settle. If we hold out that he has a mandatory fee coming to him if he wins, and he has a 50–50 chance by either settling or continuing, he will say, "By golly, I have a 50–50 chance if I get my case litigated and win." And even if he has defended himself in good faith, even though he would lose, my experience would be that he would say, "Let's settle this case. I will agree that I have violated the act in certain minor particulars. I will have my fees allowed."

It seems to me the incentive is entirely different from that suggested by the Senator from Minnesota. That, in fact, perfectly clearly indicates the intention of my amendment and the defects of his, referring to the incentive built in under the measure he advocates.

whereas the incentive is to try to settle the case and get it out of the way.

To give that discretion to the Commission, as he has indicated, is simply to say that the Commission can use this as bait to get people to agree to things that they would not otherwise agree to.

I think the Commission already has too much discretion and that this should be put into statutory law, because the courts and the Legislature ought to tell the people what their rights are and they ought not to have to be weighed in the balance on a case-by-case basis to see what today's discretion or today's Commission might say.

For that reason I very strongly oppose the substitute amendment offered by the Senator from Minnesota, because it actually runs in the face of making any fair provision for small business.

Under the situation suggested, in legal aid cases where we have, under our legal services program, provisions in the Federal law for paying the fees for defendants in Federal courts, if a defendant is found guilty of a bank robbery, the court cannot allow the lawyer any fee. However, if he is found to be innocent, the lawyer will get a big fee.

I submit that if a man enters a plea of innocent, he is entitled to a fair defense regardless. And the same principle applies here if the Government has any commitment at all against the abuse of small business.

Mr. President, I hope the substitute amendment is rejected.

Mr. MONDALE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Minnesota has 7 minutes remaining, and the Senator from Georgia has 10 minutes remaining.

Mr. MONDALE. Mr. President, I ask unanimous consent to modify my amendment to add in the second sentence of subsection (w) of my substitute amendment, following the words "Any prevailing party" the words "in any proceeding brought by or against the Commission or the United States under this title," and further to add in the first line of the second paragraph of subsection (w) after the words "Any prevailing party" the words "in such a proceeding."

The modification is designed to deal with a problem which the Senator from New York brought up; namely, a wholly private proceeding in which the Commission is not involved. I would hope that there would be no objection.

The PRESIDING OFFICER. Will the Senator from Minnesota send his modification to the desk?

Is there objection? The Chair hears none, and the amendment is so modified.

Mr. MONDALE. Mr. President, I hope that there is no misunderstanding on the desirability of bringing relief to the small businesses and small unions in legitimate cases where they are the prevailing party. What we have proposed by way of substitute here greatly liberalizes that relief. To the credit of the Senator from Georgia, it was his amendment which helped to make the need for such action apparent.

We do so in two ways.

First, we make fees available on a discretionary basis with respect to proceedings before the Commission, as well as to proceedings before the court.

Second, we make the provision of such costs mandatory for small businesses and for small unions when they are prevailing parties; these fees would not be discretionary for small unions and for small businesses.

To go beyond that is to bankroll resistance and to encourage baseless litigation. It would put the Government in the business of financing resistance to the very legislative objective we seek to obtain here.

Mr. President, both the Senator from Georgia and I are attorneys. We know that one of the sobering realities in the practice of law, and one which prevents many groundless lawsuits from being brought or defended, is the practicalities and the legitimacy of the case itself. A lawyer is not likely to take a case which has no basis to it simply to resist or to delay or to slow down justice.

Under the principle embodied in the amendment offered by the Senator from Georgia, we would be saying, "Never mind how baseless your lawsuit is and never mind how discriminatory you have been in your employment practices, you will get your fees anyway, as long as you do not act in an unethical fashion, up to $5,500." We say, instead, "If you are the prevailing party, you will be entitled to part or all of the cost of this litigation."

That encourages litigation of responsible lawsuits. But to go beyond that, in my opinion, would be to encourage and to bankroll resistance to the objectives of this legislation. I, therefore, hope that my amendment in the nature of a substitute will be adopted.

Mr. GAMBRELL. Mr. President, if it is appropriate, I should like at this time to offer a clarifying amendment to the pending amendment, No. 833, in accordance with the comments of the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. The Chair advises the Senator from Georgia that an amendment to the amendment would be in the third degree and would not be in order. It is possible to modify the amendment by unanimous consent.

Mr. GAMBRELL. Mr. President, if it is in order at this time to clarify the amendment, I ask unanimous consent, in accordance with the comments of the Senator from New York, to modify the amendment.

The PRESIDING OFFICER. The Chair wishes to ask the Senator from Georgia whether his amendment is to the amendment of the Senator from Georgia.

Mr. GAMBRELL. It is to the amendment of the Senator from Georgia.

The PRESIDING OFFICER. That would be in order. The Chair withdraws his comments as to the proposed amendment being in the third degree.

Mr. GAMBRELL. Mr. President, I will state what the amendments are.

The first amendment would be on line 7, page 1. After the word "respondent," insert "in a proceeding brought by Commission or by the United States under this title."

On page 2, line 4, after the word "respondent," insert "in such proceeding."

On line 24, prior to the words "no enforcement," insert "following a final determination whether respondent engaged in an unlawful employment practice."

The purpose of the amendments is to make it clear that the fees would be payable only in the event that the proceeding was brought by the Commission or the United States, and also to make it clear that fees would not be payable until after the Commission had made its determination in such proceeding.

I ask unanimous consent that the modifications be made.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Will the Senator please send his modifications to the desk?

Mr. GAMBRELL. I send the modifications to the desk. I yield back the remainder of my time.

Mr. MONDALE. I yield back the rest of my time.

The PRESIDING OFFICER. All time has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. TUNNEY), the Senator from Illinois (Mr. STEVENSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Washington (Mr. MAGNUSON), the Senator from Washington (Mr. JACKSON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. FANNIN), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from Tennessee (Mr. BROCK), the Senator from Wyoming (Mr. HANSEN), and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Nebraska (Mr. CURTIS), and the Senator from Maryland (Mr. BEALL) are detained on official business.

On this vote, the Senator from Nebraska (Mr. CURTIS) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 54, nays 21, as follows:

[No. 21 Leg.]

YEAS—54

Aiken
Allott
Anderson
Bayh
Bellmon
Boggs
Brooke
Buckley
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cranston
Dole
Dominick
Fong
Goldwater
Gurney
Hart
Hatfield
Hruska
Hughes
Inouye
Javits
Kennedy
Mansfield
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Symington
Weicker
Williams

NAYS—21

Allen
Bennett
Bible
Byrd, Va.
Chiles
Eastland
Ellender
Ervin
Fulbright
Gambrell
Griffin
Hollings
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Spong
Stennis
Taft
Talmadge
Thurmond

NOT VOTING—25

Baker
Beall
Bentsen
Brock
Cotton
Curtis
Eagleton
Fannin
Gravel
Hansen
Harris
Hartke
Humphrey
Jackson
Magnuson
Mathias
McGee
McGovern
Mundt
Muskie
Sparkman
Stevenson
Tower
Tunney
Young

So Mr. MONDALE's amendment to Mr. GAMBRELL's amendment was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Georgia (Mr. GAMBRELL) as amended.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President, I ask unanimous consent that the name of the distinguished Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of the substitute amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator's observation is well taken. The Senate will be in order. Senators will take seats or retire to the cloakroom.

Mr. GAMBRELL. Mr. President, may I inquire what the time situation is?

The PRESIDING OFFICER. There is no limitation on time. The 10-minute agreement was entered into as between the Senator from Minnesota and the Senator from Georgia on the amendment to the amendment of the Senator from Georgia. There is no time limitation on the amendment of the Senator from Georgia as amended by the amendment of the Senator from Minnesota.

Mr. GAMBRELL. Mr. President, I would like to state, then, while other Senators are here, that I consider the substitute offered by the Senator from Minnesota to be a tremendous improvement on the present law, and while still not adequate in accordance with the amendment which I offered, it is certainly an improvement in favor of the interests of small business. Therefore, I shall vote in favor of the amendment as amended by the substitute amendment offered by the Senator from Minnesota, and encourage my colleagues to do likewise.

I do not intend to take up the time of the Senate in dealing further with the matter, unless someone else wishes to speak.

The PRESIDING OFFICER (Mr. WEICKER). The question is on agreeing to the amendment of the Senator from Georgia (Mr. GAMBRELL) as amended by the amendment of the Senator from Minnesota (Mr. MONDALE). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. EASTLAND) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. FANNIN), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from Tennessee (Mr. BROCK), the Senator from Wyoming (Mr. HANSEN), and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Nebraska (Mr. CURTIS) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 72, nays 2, as follows:

[No. 22 Leg.]

YEAS—72

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Dole
Dominick
Ellender
Ervin
Fong
Fulbright
Gambrell
Goldwater
Gurney
Hart
Hatfield
Hollings
Hruska
Hughes
Inouye
Javits
Jordan, Idaho
Kennedy
Long
Mansfield
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Symington
Talmadge
Thurmond
Weicker
Williams

NAYS—2

Griffin
Taft

NOT VOTING—26

Baker
Bentsen
Brock
Cotton
Curtis
Eagleton
Eastland
Fannin
Gravel
Hansen
Harris
Hartke
Humphrey
Jackson
Jordan, N.C.
Magnuson
Mathias
McGee
McGovern
Mundt
Muskie
Sparkman
Stevenson
Tower
Tunney
Young

So Mr. GAMBRELL's amendment, as amended, was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WILLIAMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### AMENDMENT NO. 830

Mr. CHILES. Mr. President, I send to the desk a modification of my amendment No. 830 and ask that it be stated.

The PRESIDING OFFICER. The amendment as modified will be stated.

The assistant legislative clerk read as follows:

> On page 59, line 25, following the comma, insert the following: "for the limited purpose of publicizing in the media the Commission and its activities".

Mr. CHILES. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CHILES. Mr. President, last week, the distinguished Senator from Alabama (Mr. ALLEN) offered an amendment to section 705, subsection (e), to strike that section, whereby the Commission could, contrary to present statutes, accept voluntary and uncompensated services. That amendment was rejected.

At that time, the distinguished chairman of the committee, the Senator from New Jersey (Mr. WILLIAMS), made statements in the RECORD to the extent that it was necessary or that they felt it was good for the Commission to be able to accept voluntary services solely to be able to publicize the work and activities of the Commission. I think the example was given that it was valid to have a provision whereby a personality like Bill Cosby could say on television, "If you don't think you have been treated fairly, there is a Commission, and you can go to that

Commission and find out what your rights are."

Mr. President, I am not sure that it is necessary to have any language in the bill, regardless of our present statutes, for any person to be able to speak through any of the media to pubicize anything that is the law of the United States.

The first amendment of the Constitution and the other provisions would certainly give to every citizen the right to speak but, at the same time, I was concerned that the amendment by the Senator from Alabama did fail, and the language now in the present law certainly is sufficiently broad which would lend itself to the Commission, regardless of what the present purpose is today, and regardless of what Congress is today. Certainly the language was there, and sufficiently broad, and would allow the Commission to accept any number of volunteers up into the thousands for anyone, regardless of what the motivation and the interest is, to go to the Commission and, the way the law is now framed, have the right not only to make findings of fact but also to issue cease-and-desist orders of those findings.

If that is not the purpose, and we say it is not, then we should narrow the scope of the law. That is what the amendment I have introduced proposes to do. In the language, where we seek to accept voluntary or uncompensated services, we would strike the express limitation or limiting language for the limited purpose of publicizing in the media the Commission and its activities. This would allow the Bill Cosby situation—it is allowable anyway—but if we strike the whole thing it is allowable, but certainly allowable under the language and, at the same time, we would narrow it, as I think the Senator from Alabama was attempting to do in his amendment; that is, to clarify that we would not have this open for any group of volunteers which felt it had to, or expressed itself as wanting to, come in and be clothed with authority to investigate and perhaps to prosecute activities of the Commission when we do not do this anyway in any agency of Government.

I first considered that we bring this to the attention of the Senate by way of drawing up an amendment which would say that any of these volunteers who were so accepted by the Commission would also be entitled to be volunteers with the FBI or the Internal Revenue Service. I think, when we think in those terms, none of us would consider having volunteers for any purpose; and yet the express purpose of this, we are told, is not for that but only to publicize it. If that is so, then I would think this amendment would clarify and narrow it.

I urge adoption of my amendment.

Mr. WILLIAMS. Mr. President, there was an amendment offered to strike from the bill the provisions that permitted acceptance of volunteer services. It was an amendment which did not carry. This provision stayed, in. Notwithstanding that vote, there has been some discussion of just what services are contemplated under the provisions in the bill.

As I have listened to the Senator from Florida, it seemed to me that some of the anxieties expressed were expressed in extravagant terms as to what it really meant.

As I debated, in opposition to the original amendment, I indicated that it was the basic purpose of the provisions in the bill to permit the Commission to receive the services of volunteers who wanted to publicize the work of the Commission and what it was all about. I mentioned certain people who do work and are prominent in the media. I recall mentioning particularly Bill Cosby. It may be my impression but the limitations we were contemplating is that this is an amendment that clarifies in bill language the purpose that I thought were the intentions in the bill and, for that reason, it clarifies and pinpoints the activities that can be accepted publicizing in the media the Commission and its activities. It is certainly acceptable to me. The Senator from New York and I have discussed this and he shares my view. It is acceptable to him as well.

The Senator's clarification is in good order.

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## AUTHORIZATION FOR COMMITTEES OF THE SENATE TO HAVE 10 MORE DAYS TO FILE THEIR ANNUAL EXPENDITURE RESOLUTIONS FOR 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that committees of the Senate which have not filed their annual expenditures authorization resolutions for 1972, pursuant to 133(g) of the Legislative Reorganization Act, have 10 more days to file their resolutions, since this is the last day under the act.

The PRESIDING OFFICER (Mr. Weicker). Without objection, it is so ordered.

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## ORDER FOR RECOGNITION OF SENATORS BYRD AND SPONG OF VIRGINIA ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday next, immediately following the recognition of the two leaders under the standing order, the distinguished senior Senator from Virginia (Mr. Byrd) and the distinguished junior Senator from Virginia (Mr. Spong) each be recognized for not to exceed 15 minutes, and in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## QUORUM ROLL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

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## REPORT OF STUDY AND SURVEYS OF HAZARDS TO HUMAN HEALTH AND SAFETY FROM COMMON ENVIRONMENTAL POLLUTION—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Weicker) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

*To the Congress of the United States:*

The Department of Health, Education and Welfare and the Environmental Protection Agency have jointly studied the health effects of environmental pollution in accordance with Title V of Public Law 91–515. Their findings, which appear in this report, deserve the attention of the Congress and of all Americans who are concerned about environmental quality and its impact on the health of our people.

This study gives further evidence of the need for new legislation in this vital field. I have forwarded to the Congress a number of recommendations for meeting this challenge, and I again urge that they be given early and favorable consideration. My proposals include:

Toxic Substances Control Act of 1971.

Federal Environmental Pesticide Control Act of 1971.

The Department of Human Resources Act.

The Department of Natural Resources Act.

Marine Protection Act of 1971.

Noise Control Act of 1971.

Health Maintenance Organization Assistance Act of 1971.

These measures, together with proposals which were contained in my Health Message of February 18, 1971, and my Environmental Message of February 8, 1971, and other actions which I will propose to the Congress this year, would, in my view, provide the essential tools for dealing with the health effects of environmental pollution in the years ahead.

This report identifies important needs concerning the determination of hazards to human health and safety resulting from common environmental pollution. It also sets forth a number of specific recommendations for meeting these problems. I am directing the Secretary of Health, Education and Welfare and the Administrator of the Environmental Protection Agency to see that these needs are promptly and thoroughly addressed.

As I take this action, I would also note that impressive progress has already been made in coordinating the efforts of these two agencies. For example, the joint establishment of the National Center for Toxicological Research will do much to improve our knowledge in this area. I would also point out that the Director of the Office of Science and Technology, in cooperation with the Chairman of the Council on Environmental Quality, has established a new interagency panel to improve the coordination and utilization of environmental health research, and that we have been taking a number of other steps to improve the surveillance and monitoring of environmental hazards.

The problems which this report discusses cannot be addressed effectively without the full attention and cooperation of both the legislative and executive branches. I pledge that this administration will continue to give a high priority to the task of preventing hazards to human health arising from environmental pollution, and I look forward to working closely with the Congress in achieving this goal.

Richard Nixon.

The White House, *January 31, 1972.*

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. All time on the pending amendment has been yielded back.

The question is on agreeing to the amendment, No. 830, as modified, of the Senator from Florida (Mr. Chiles).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that the Senator from Alabama (Mr. Sparkman), the Senator from Illinois (Mr. Stevenson), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. Eastland), is absent because of illness.

I further announce that, if present and voting, the Senator from California (Mr. Tunney), the Senator from Washington (Mr. Magnuson), the Senator from Washington (Mr. Jackson), the Senator from Minnesota (Mr. Humphrey), and the Senator from Illinois (Mr. Stevenson) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from New Hampshire (Mr. Cotton), the Senator from Arizona (Mr. Fannin), the Senator from Texas (Mr. Tower), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The Senator from Tennessee (Mr. Brock), the Senator from Wyoming (Mr. Hansen) and the Senator from Maryland (Mr. Mathias) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), and the Senator from Pennsylvania (Mr. Scott) are detained on official business.

If present and voting, the Senator from Nebraska (Mr. Curtis), the Senator from Pennsylvania (Mr. Scott), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 67, nays 3, as follows:

[No. 23 Leg.]

YEAS—67

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bennett
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Dole
Dominick
Ellender
Ervin
Fong
Gambrell
Griffin
Gurney
Hatfield
Hollings
Hruska
Hughes
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Mansfield
McClellan
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Smith
Spong
Stafford
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Weicker
Williams

NAYS—3

Bayh
Hart
Kennedy

NOT VOTING—30

Baker
Bentsen
Brock
Cotton
Curtis
Eagleton
Eastland
Fannin
Fulbright
Goldwater
Gravel
Hansen
Harris
Hartke
Humphrey
Jackson
Long
Magnuson
Mathias
McGee
McGovern
McIntyre
Mundt
Muskie
Scott
Sparkman
Stevenson
Tower
Tunney
Young

So Mr. Chiles' amendment, as modified, was agreed to.

Mr. CHILES. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 815

Mr. ERVIN. Mr. President, on behalf of the distinguished Senator from Alabama and myself, I call up amendment No. 815 and ask that it be stated.

The assistant legislative clerk read as follows:

> On page 33, strike out everything from the word "or" on line 20 through the word "activities" on line 24, and insert the following in lieu thereof: "or to the employment of any individuals by any educational institution or by any religious corporation, association, or society."

Mr. BYRD of West Virginia. Mr. President, for the information of Senators, there will be no more rollcall votes today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. Byrd of West Virginia at this point, on the introduction of S. 3097, on behalf of the Senator from Washington (Mr. Jackson), are printed in the earlier part of the Record under Statements on Introduced Bills and Joint Resolutions.)

## ORDER FOR ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the two leaders tomorrow morning, the distinguished senior Senator from Virginia (Mr. Byrd) be recognized for not to exceed 15 minutes, and that he be followed by the distinguished Senator from South Carolina (Mr. Hollings) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, before moving to adjourn, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:15 a.m. After the two leaders have been recognized under the standing order, the following Senators will be recognized for not to exceed 15 minutes each, and in the order stated: Senators Byrd of West Virginia, Hollings, Pearson, Fannin, Ellender, Goldwater, and Young.

There will then be a period for the transaction of routine morning business not to extend beyond 11:30 a.m.

At 11:30 a.m. the unfinished business will be laid before the Senate, and the 1 hour for debate on the motion to invoke cloture, under rule XXII, will begin to run.

At 12:30 p.m. the automatic quorum call will begin, to be followed immediately by a mandatory rollcall vote.

The rollcall vote on the motion to invoke cloture should come, therefore, at about 12:40 or 12:45 p.m.

## ADJOURNMENT UNTIL 9:15 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:15 a.m. tomorrow.

The motion was agreed to; and (at 4:36 p.m.) the Senate adjourned until tomorrow, Tuesday, February 1, 1972, at 9:15 a.m.

## NOMINATIONS

Executive nominations received by the Senate, January 31, 1972:

### COUNCIL OF ECONOMIC ADVISERS

Marina von Neumann Whitman, of Pennsylvania, to be a member of the Council of Economic Advisers, vice Paul W. McCracken, resigned.

### DEPARTMENT OF THE TREASURY

William B. Camp, of Maryland, to be Comptroller of the Currency, reappointment.

### DEPARTMENT OF THE JUSTICE

Wilbur H. Dillahunty, of Arkansas, to be U.S. attorney for the eastern district of Arkansas for the term of 4 years, reappointment.

### SUBVERSIVE ACTIVITIES CONTROL BOARD

John S. Patterson, of Maryland, to be a member of the Subversive Activities Control Board for the term expiring August 9, 1976, reappointment.

### U.S. AIR FORCE

The following-named officers for temporary appointment in the United States Air Force under the provisions of Chapter 839, Title 10 of the United States Code:

*To be brigadier general*

Col. Solomon E. Lifton, [redacted] FR, Regular Air Force, Medical.

Col. Stanley H. Bear, 17–12–5613FR, Regular Air Force, Medical.

Col. George E. Reynolds, [redacted] FR, Regular Air Force, Medical.

Col. Paul Krause, [redacted] FR, Regular Air Force.

Col. Howard E. McCormick, [redacted] FR, Regular Air Force.

Col. Hilding L. Jacobson, Jr., [redacted] FR, Regular Air Force.

Col. William H. Fairbrother, [redacted] FR, Regular Air Force.

Col. Leslie J. Campbell, Jr., [redacted] FR, Regular Air Force.

Col. Paul W. Myers, [redacted] FR, Regular Air Force, Medical.

Col. John R. Kelly, Jr [redacted] FR, Regular Air Force.

Col. Frank O. House, [redacted] FR, Regular Air Force.

Col. William B. Yancey, Jr., [redacted] FR, Regular Air Force.

Col. William F. Georgi, [redacted] FR, Regular Air Force.

Col. John G. Albert, [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Charles L. Wilson [redacted] FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Clyde R. Denniston, Jr., [redacted] FR, Regular Air Force.

Col. Timothy I. Ahern, [redacted] FR, Regular Air Force.

Col. Harold E. Confer, [redacted] FR, Regular Air Force.

Col. Robert L. Moeller, [redacted] FR, Regular Air Force.

Col. Ethel A. Hoefly, [redacted] FR, Regular Air Force, Nurse.

Col. Glenn R. Sullivan, [redacted] FR, Regular Air Force.

Col. William A. Temple, [redacted] FR, Regular Air Force.

Col. David D. Bradburn [redacted] FR, Regular Air Force.

Col. Ranald T. Adams, Jr., [redacted] FR, Regular Air Force.

Col. John W. Burkhart [redacted] FR–Regular Air Force.

Col. Carl G. Schneider [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Richard C. Henry [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Raymond L. Haupt, [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Lucius Theus, [redacted] FR, Regular Air Force.

Col. Robert C. Thompson, [redacted] FR, Regular Air Force.

Col. John M. Rose, Jr., [redacted] FR, Regular Air Force.

Col. Kenneth E. Allery [redacted] FR, Regular Air Force.

Col. Lawrence N. Gordon, [redacted] FR, Regular Air Force.

Col. Guy E. Hairston, Jr. [redacted] FR, Regular Air Force.

Col. Louis W. La Salle [redacted] FR, Regular Air Force.

Col. John R. Spalding, Jr., [redacted] FR, Regular Air Force.

Col. Benton K. Partin [redacted] FR (lieutenant colonel, Regular Air Force) United States Air Force.

Col. Mervin M. Taylor, [redacted] FR, Regular Air Force.

Col. Walter F. Daniel [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Robert S. Berg, [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Lloyd R. Leavitt, Jr. [redacted] FR (lieutenant colonel, Regular Air Force) United States Air Force.

Col. Ralph J. Maglione, Jr., [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Eugene B. Sterling, [redacted] FR, Regular Air Force.

Col. Lyle E. Mann, [redacted] FR, Regular Air Force.

Col. Robert E. Sadler, [redacted] FR, Regular Air Force.

Col. James S. Murphy [redacted] FR, Regular Air Force.

Col. William H. Ginn, Jr., [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Bennie L. Davis, [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. James A. Young, [redacted] FR, Regular Air Force.

Col. Charles G. Cleveland, [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Charles A. Gabriel, [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Winfield W. Scott, Jr., [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Thomas P. Stafford, [redacted] FR (major, Regular Air Force) U.S. Air Force.

Col. Richard M. Baughn [redacted] FR Regular Air Force.

Col. Richard H. Schoeneman, [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Robert F. Titus, [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Thomas M. Sadler [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Kenneth P. Miles [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Fred A. Treyz, [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. David E. Rippetoe, Jr., [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Freddie L. Poston [redacted] FR (major, Regular Air Force) U.S. Air Force.

Col. Lovic P. Hodnette, Jr., [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Hoyt S. Vandenberg, Jr., [redacted] FR (major, Regular Air Force) U.S. Air Force.

Col. Billy F. Rogers, [redacted] FR (major, Regular Air Force) U.S. Air Force.

Col. Richard L. Lawson, [redacted] FR (major, Regular Air Force) U.S. Air Force.

Col. Walter D. Druen, Jr., [redacted] FR (major, Regular Air Force) U.S. Air Force.

Col. James R. Brickel, [redacted] FR (major, Regular Air Force) U.S. Air Force.

Col. James O. Putnam, [redacted] FR (major, Regular Air Force) U.S. Air Force.

Col. Leland C. Shepard, Jr., [redacted] FR, Regular Air Force.

Col. Rupert H. Burris, [redacted] FR, Regular Air Force.

Col. George M. Wentsch, [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. John C. Toomay, [redacted] FR, Regular Air Force.

Col. James R. Hildreth [redacted] FR (major, Regular Air Force) U.S. Air Force.

Col. Louis G. Leiser, [redacted] FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. John F. Barnes, [redacted] FR (major, Regular Air Force) U.S. Air Force.

Col. Henry J. Meade, [redacted] FR (major, Regular Air Force) U.S. Air Force, chaplain.

### U.S. NAVY

The following named officers of the Naval Reserve for temporary promotion to the grade of rear admiral subject to qualification therefor as provided by law:

#### LINE

Judson L. Smith
Anthony A. Braccia
John D. Gavan
Hugh R. Smith, Jr.
Robert A. Hobbs
Burnett H. Crawford, Jr.

#### MEDICAL CORPS

David B. Carmichael, Jr.

#### SUPPLY CORPS

Raymond Hemming
Bernard S. Browning

#### CHAPLAIN CORPS

Mark R. Thompson

#### DENTAL CORPS

Roman G. Ziolkowski

### IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

*To be major*

Perry, Joseph L., [redacted].

*To be captain*

Ader, Adelinda C., [redacted].
Brown, Kent O., [redacted].
Cary, Richard B., [redacted].
Coltrane, Carl W., Jr., [redacted].
Hickling, James E. B., [redacted].
Hogan, Edward M., [redacted].
Lunsford, Richard J., Jr., [redacted].
McDonald, Louis M., [redacted].
Merle, Jack E., [redacted].
Muller, Richard H., [redacted].
Pavlicek, Raymond N., [redacted].
Sweeden, William E., [redacted].
Vines, Bobby L., [redacted].

*To be first lieutenant*

Basilotto, John P., [redacted].
Campbell, Julian M., Jr., [redacted].
Carpen, Lindsay E., [redacted].
Dally, Floyd E., [redacted].
Danforth, Robert D., Jr., [redacted].

Davis, Floyd J., [redacted].
Dewey, Thomas F., Jr., [redacted].
Dirska, Henry J., [redacted].
Edwards, Michael D., [redacted].
Flythe, Richard T., Jr., [redacted].
Forbes, Catherine A., [redacted].
Fraipont, Patricia A., [redacted].
Francis, John R., [redacted].
Franzello, Arty J., [redacted].
Frazier, Richard T., [redacted].
Frost, Jerry D., [redacted].
Funderburg, James C., [redacted].
Gibson, Stephen C., [redacted].
Gilbert, Richard H., Jr., [redacted].
Gornto, Ronald E., [redacted].
Harter, Michael L., [redacted].
Haynes, Armand P., [redacted].
Helms, Theresa D., [redacted].
Herian, Robert C., [redacted].
Hess, Robert E., [redacted].
Hill, Dennis K., [redacted].
Jackson, Quarlie, [redacted].
Langford, William D., [redacted].
Lewellyn, William E., Jr., [redacted].
Lewis, James E., [redacted].
McCaffery, Edward J., Jr., [redacted].
McCaskill, Jack G., [redacted].
Nabors, Robert L., [redacted].
Pasqualini, Walter L., [redacted].
Petrovich, Joseph, [redacted].
Pinette, Gary R., [redacted].
Pomeroy, Charles J., [redacted].
Reichert, David E., [redacted].
Riggs, Jerry W., [redacted].
Rizzato, Bruno F., [redacted].
Rutledge, Jerald C., [redacted].
Sagartz, John W., [redacted].
Senter, Richard L., [redacted].
Solomonson, Daryl K., [redacted].
Spain, Timothy P., [redacted].
Stevens, T. J., [redacted].
Toten, William L., [redacted].
Urick, George M., [redacted].
Weber, William D., [redacted].
Williams, Negal F., [redacted].
Youngblood, Carl E., [redacted].

*To be second lieutenant*

Allaman, Everett D., Jr., [redacted].
Bellino, Vincent C., [redacted].
Boothman, James R., [redacted].
De Vault, Dean L., [redacted].
Griffith, Paul L., [redacted].
Hays, Gilbert N., [redacted].
Hebert, Joseph P., [redacted].
Jones, Ronald V., [redacted].
Mauro, Kathleen B., [redacted].
Miller, Kathleen Mary, [redacted].
Murray, Margaret A., [redacted].
Naccarato, Timothy E., [redacted].
Phillips, Thomas K., [redacted].
Romanik, Bernard J., Jr., [redacted].
Shupack, Stephen L., [redacted].
Sprowls, John F., Jr., [redacted].
Taylor, James W., Jr., [redacted].
Tyler, Gary J., [redacted].
Wood, Bruce F., [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Ader, Ernest C., [redacted].
Adkins, Samuel L., [redacted].
Adrian, James C., [redacted].
Alderson, Leslie G., Jr., [redacted].
Alequin, Reinaldo, [redacted].
Alexander, Joseph P., [redacted].
Almero, Daniel A., [redacted].
Alvarado, Hector H., [redacted].
Anderson, Andrew C., [redacted].
Anderson, Terry M., [redacted].
Andrews, Paul P., Jr., [redacted].
Archer, James E., [redacted].
Arledge, Robert C., Jr., [redacted].
Arp, Charles D., [redacted].
Audi, Anthony J., [redacted].
Austin, William C., [redacted].
Azbill, William G., [redacted].
Bailer, Richard O., [redacted].
Bailey, Bruce E., [redacted].
Barlow, Ingram P., Jr., [redacted].
Barnett, Philip E., [redacted].
Barr, David A., [redacted].
Barth, Christopher L., [redacted].
Barth, John D., [redacted].
Bash, Norman F., [redacted].
Battles, Gary D., [redacted].
Bates, David E., [redacted].
Baylor, Curtis A., [redacted].
Belknap, Raymond M., [redacted].
Bell, Robert D., Jr., [redacted].
Bellman, Robert J., [redacted].
Bene, Donald A., [redacted].
Benedict, Jonathan H., [redacted].
Bennett, Douglas M., [redacted].
Bentle, Mark E., [redacted].
Berle, Charles A., [redacted].
Berry, Jeffrey C., [redacted].
Bethea, Thomas M., [redacted].
Biggerstaff, William D., [redacted].
Bilas, Boris J., II, [redacted].
Bishop, Edward D., [redacted].
Blanchard, Frank T., Jr., [redacted].
Blanhnik, Robert P., [redacted].
Blaser, Stephen J., [redacted].
Blom, Stephen D., [redacted].
Boatwright, George W., [redacted].
Boettcher, Dwayne R., [redacted].
Boles, Larry D., [redacted].
Bowser, Terry A., [redacted].
Brady, Thomas M., [redacted].
Brand, Joseph J., [redacted].
Brawley, Richard D., [redacted].
Brinkley, Phillip L., [redacted].
Brocketti, John J., [redacted].
Brown, David C., [redacted].
Brown, David M., [redacted].
Brown, Walter A., [redacted].
Brumbaugh, Kenneth L., [redacted].
Bruns, Gary D., [redacted].
Bruscato, Frank E., [redacted].
Bryant, Byron D., [redacted].
Bultsma, John H., [redacted].
Burell, Glenn R., [redacted].
Burns, Terrence M., [redacted].
Byland, Thomas E., [redacted].
Campos, Eduardo J., [redacted].
Caplenor, Philip A., [redacted].
Capraro, Thomas A., [redacted].
Carey, William G., [redacted].
Carlson, Lee C., [redacted].
Carlton, Jeffrey S., [redacted].
Carmody, Francis X., [redacted].
Carpenter, Gregory T., [redacted].
Carroll, John L., [redacted].
Carter, Ken W., [redacted].
Cary, John N., [redacted].
Cascio, Thomas J., [redacted].
Cassil, Danny R., [redacted].
Ceresini, Edward P., [redacted].
Chachulski, Joseph D., [redacted].
Chalkey, Walter L., [redacted].
Chandler, Gerald L., [redacted].
Chapel, William J., [redacted].
Chappell, John T., [redacted].
Charlesworth, Dennis W., [redacted].
Chriske, Gary P., [redacted].
Christen, Joe L., [redacted].
Christopher, Harold J., [redacted].
Cipriani, Dominic G., [redacted].
Cisneros, Armando A., [redacted].
Clark, Forrest G., [redacted].
Clay, Cary S., [redacted].
Close, Kenneth R., [redacted].
Cofer, Jonathan H., [redacted].
Coleman, Aaron R., [redacted].
Coleman, Nelson W., [redacted].
Coleman, Ronald R., [redacted].
Connor, John P., [redacted].
Cook, David L., [redacted].
Costello, Thomas J., [redacted].
Coven, David R., [redacted].
Cowan, David M., [redacted].
Crane, David M., [redacted].
Critz, James W., [redacted].
Crook, Robert L., [redacted].
Crownover, Jimmy G., [redacted].
Culpepper, Michael H., [redacted].
Cunningham, Thomas R., [redacted].
Current, Thomas W., [redacted].
Curry, Leon Jr., [redacted].
Cygrymus, Robert M., [redacted].
Dalton, Brian W., [redacted].
D Amico, Phillip J., [redacted].
Dambrosio, Alfred, [redacted].
Damron, Danny R., [redacted].
Daniel, William E., III, [redacted].
Dart, Clifford B., [redacted].
Daugherty, Wayne E., [redacted].
Davis, Lawrence E., [redacted].
Dawkins, Peter R., [redacted].
De Baca Frank A., [redacted].
De Baun, Robert B., [redacted].
Deery, Kevin J., [redacted].
Deickman, John P., [redacted].
Demers, Richard R., [redacted].
Dempster, Robert S., [redacted].
Destefano, Louis T., [redacted].
Dillon, Francis H., III, [redacted].
Dinella, Harry D., [redacted].
Dinsick, Robert G., [redacted].
Dittmer, Robert E., II, [redacted].
Dodson, Ricky L., [redacted].
Doyle, William A., Jr., [redacted].
Drew, Thomas E., [redacted].
Drotos, Louis J., [redacted].
Duckworth, Rocky L., [redacted].
Dufoe, William S., [redacted].
Duhaime, Paul F., [redacted].
Dunn, Rodney K., [redacted].
Dvorsky, Paul A., [redacted].
Earnest, Alonzo B., [redacted].
Easter, James H., Jr., [redacted].
Eddleman, William R., [redacted].
Eley, Adrian S., [redacted].
Engel, Richard A., [redacted].
England, William M., [redacted].
English, Stephen L., [redacted].
Ervin, Darrel, [redacted].
Esposito, Rocco, Jr., [redacted].
Estep, Bobby D., [redacted].
Estes, Glenn H., Jr., [redacted].
Evenden, James J., [redacted].
Faircloth, William R., [redacted].
Ferguson, Otis B., Jr., [redacted].
Ferguson, Victor L., [redacted].
Field, Robert M., [redacted].
Fields, William E., [redacted].
Fisher, Edward D., [redacted].
Flatau, Larry S., [redacted].
France, Edward W., [redacted].
Frank, Donald F., Jr., [redacted].
Frantz, Thomas R., [redacted].
French, Charles T., [redacted].
Frunzi, Nicholas M., [redacted].
Frutchey, Robert S., [redacted].
Gainer, Gregory M., [redacted].
Garcia, Anthony R., [redacted].
Garcia, Gregory T., [redacted].
Gates, David M., [redacted].
Gaulding, Michael E., [redacted].
Gee, Lawrence R., [redacted].
Gemmell, Daniel R., [redacted].
Gerke, Kipley M., [redacted].
German, John R., [redacted].
Gerow, Millen H., [redacted].
Gettys, Mark M., [redacted].
Gianturco, Charles J., [redacted].
Gillin, James G., [redacted].
Gilmore, Willie H., [redacted].
Glazier, Andrew J., [redacted].
Gonzales, Ralph, [redacted].
Gould, Walter, [redacted].
Graham, Robert P., [redacted].
Grams, Douglas M., [redacted].
Grandjean, Patrick H., [redacted].
Gras, Wayne L., [redacted].
Greening, Gary T., [redacted].
Gregory, Douglas S., [redacted].
Grisbell, James E., Jr., [redacted].
Griffith, Dennis M., [redacted].
Grod, David, [redacted].
Grubbs, Gerald W., [redacted].
Gustafson, Daryl L., [redacted].
Haas, Nathanael M., [redacted].
Haas, Scott T., [redacted].
Hahe, Joseph F., [redacted].
Hamblin, Dennis A., [redacted].
Hamilton, Kell R., [redacted].

Hamilton, Thaddeus, [redacted].
Hammond, Richard W., [redacted].
Hanley, Kevin F., [redacted].
Hardin, James R., [redacted].
Hardin, Robert L., [redacted].
Harkey, Wilburn C., [redacted].
Hart, James F., III, [redacted].
Hansen, Thomas P., [redacted].
Hatfield, Joe T., Jr., [redacted].
Hathaway, Thomas C., III, [redacted].
Hawkins, Douglas L., [redacted].
Hazlewood, Mark E., [redacted].
Heaston, Richard A., [redacted].
Hefner, Alan L., [redacted].
Heubach, Edward C., II, [redacted].
Hibbs, John C., [redacted].
Hill, Lee O., Jr., [redacted].
Hilmo, Glen D., [redacted].
Hirsch, Steven N., [redacted].
Hitchens, George R., Jr., [redacted].
Hoffer, Edward E., [redacted].
Holland, Roger C., [redacted].
Hollowell, Monte J., [redacted].
Hopson, Richard D., [redacted].
House, Paul L., Jr., [redacted].
Hover, Kenneth C., [redacted].
Hubbard, Brian D., [redacted].
Huch, Craig J., [redacted].
Huebner, Michael F., [redacted].
Hummel, William R., [redacted].
Hunter, Eddie, [redacted].
Hurley, James R., Jr., [redacted].
Hutton, Christopher W., [redacted].
Lannarella, Peter A., [redacted].
Irby, William, [redacted].
Isaacson, Marvin W., [redacted].
Iseman, Robert H., [redacted].
Ives, Stewart M., [redacted].
Jaloway, Danny C., [redacted].
Janer, Enrique A., [redacted].
Jenkins, Jerald F., [redacted].
Jensen, David P., Jr., [redacted].
Jerson, Jack T., [redacted].
Jobe, David A., [redacted].
Johnson, Alan W., [redacted].
Johnson, Daniel L., [redacted].
Johnson, Harry S., [redacted].
Johnson, James S., [redacted].
Johnson, Paul G., [redacted].
Jordan, Joseph R., Jr., [redacted].
Juncer, Dennis A., [redacted].
Kantor, James C., [redacted].
Kaye, John A., [redacted].
Kelly, Thomas J., [redacted].
Kelsay, Kenneth S., [redacted].
Kennedy, Richard M., [redacted].
Kennedy, William R., [redacted].
Keppel, Arthur B., [redacted].
Kic, Edward J., [redacted].
Kidd, Douglas O., [redacted].
Kiessling, Edward H., [redacted].
Kight, Richard T., Jr., [redacted].
Kitchen, Ollie W., Jr., [redacted].
Klaiber, Brian J., [redacted].
Kloecker, Robert L., [redacted].
Klug, Duane F., [redacted].
Klund, Timothy B., [redacted].
Kluth, Greg G., [redacted].
Knapp, Raymond W., [redacted].
Knightly, William S., [redacted].
Knuble, Vitauts J., [redacted].
Kortz, James S., [redacted].
Kraus, Russell B., [redacted].
Kuhn, Donald M., [redacted].
Kunkel, Oscar E., Jr., [redacted].
Kuzell, Charles M., [redacted].
Lamothe, Brian R., [redacted].
Langlie, Gordon C., Jr., [redacted].
Lantz, Kenneth F., [redacted].
Lavoie, James E., [redacted].
Leach, Robert P., [redacted].
Leahy, Christopher M., [redacted].
Lebsack, Dale E., [redacted].
Lee, Stanley A., [redacted].
Levy, Cesar, [redacted].
Lew, Morris H., [redacted].
Lievsay, Alvin L., [redacted].
Lilly, Robert A., [redacted].
Lnenicka, Wade S., [redacted].
Locke, Thomas C., [redacted].
Lowry, Robert W. Jr., [redacted].
Lupien, Arthur L., [redacted].
Luques, Jeffrey R., [redacted].
Lurker, Dean E., [redacted].
Mabry, George L., III, [redacted].
Machany, Anton L., [redacted].
Madden, David P., [redacted].
Maestas Alan H., [redacted].
Mager, Georges, A., [redacted].
Majauskas, Richard R., [redacted].
Maldon, Alphonso, Jr., [redacted].
Malloy, James T., [redacted].
Mariani, George E., Jr., [redacted].
Maxwell, John M., [redacted].
May, Bruce W., [redacted].
Mazzanti, Edwin W., [redacted].
McBride, Jasper L., [redacted].
McCaig, Albert M., Jr., [redacted].
McCarthy, Gregory C., [redacted].
McClure, Glen S., [redacted].
McConnell, David S., [redacted].
McConnell, Jerry D., [redacted].
McConnell, William G., [redacted].
McDonald, Harry A., [redacted].
McFarlin, William R., [redacted].
McLeod, James A., [redacted].
McMullen, William L., [redacted].
McNamara, Robert W., [redacted].
McLeod, Samuel, L., III, [redacted].
McManus, Wade H., Jr., [redacted].
McMillan, Patrick M., [redacted].
McNair, Martin B., Jr., [redacted].
McNutt, William A., [redacted].
McRae, Freddie W., [redacted].
Meadows, Nolan R., [redacted].
Medlock, Henry T., [redacted].
Melia, Joseph J., [redacted].
Mendoza, Niceforo S., [redacted].
Meno, Donald S., [redacted].
Mikolashek, James J., [redacted].
Miller, Douglas W., [redacted].
Miller, Ronald D., [redacted].
Miller, Wesley C., [redacted].
Miller, William H., III, [redacted].
Milton, Thomas H., [redacted].
Mitchell, Richard B., [redacted].
Mitchusson, James D., [redacted].
Mixon, Lawrence B., [redacted].
Mizushima, Rikio R., [redacted].
Moe, James M., [redacted].
Monday, William D., Jr., [redacted].
Moore, Larry D., [redacted].
Morrison, Kenneth E., Jr., [redacted].
Morrison, Rodger L., [redacted].
Moyers, Larry D., [redacted].
Mullen, Francis M., III, [redacted].
Mulrooney, Gary S., [redacted].
Murray, Robert A., III, [redacted].
Napier, John T, [redacted].
Nelson, Chris O, [redacted].
Nelson, David G., [redacted].
Nesler, Robert D., [redacted].
Newkirk, William D., [redacted].
Nino, Robert M., [redacted].
Noonan, Francis X., [redacted].
Norbeck, John C., [redacted].
Norby, Galen O., [redacted].
Nordby, William J., [redacted].
Norris, Robert O., [redacted].
OBrien, John H., [redacted].
Odea, Dennis T., [redacted].
O'Donnel, William J., II, [redacted].
Oliver, Donald D., [redacted].
Olson, Reed C., [redacted].
Omori, Dexter H., [redacted].
Orifici, John Jr., [redacted].
Oslin, David R., [redacted].
Otteson, Michael F., [redacted].
Owens, Ralph T., [redacted].
Paciorek, Alan E., [redacted].
Parker, Leon A., III, [redacted].
Patrick, George R., [redacted].
Pearl, Harry B., [redacted].
Peck, Terryl K., [redacted].
Pena, Eduardo L., [redacted].
Penrod, James R., [redacted].
Perkins, Philip E., [redacted].
Peterson, Allan T., [redacted].
Peterson, James W., Jr., [redacted].
Peterson, Kenneth M., [redacted].
Pinkerton, Robert K., [redacted].
Podbielski, Peter J., [redacted].
Porter, Donald R., [redacted].
Potter, Richard M., [redacted].
Potter, Terrence M., [redacted].
Poynter, Robert L., [redacted].
Quinlan, Kenneth J., Jr., [redacted].
Quintal, Paul N., [redacted].
Quirk, Michael R., [redacted].
Raines, Boyd W., [redacted].
Rapp, Philip P., [redacted].
Redmond, Ralph A., [redacted].
Reed, Marshall C., [redacted].
Reed, Steven L., [redacted].
Reeder, Thomas Dale, [redacted].
Reese, Larry D., [redacted].
Reese, William A., [redacted].
Reiland, Ronald W., [redacted].
Reuter, Robert D., [redacted].
Rice, Leonard S., [redacted].
Riffle, Rex A., [redacted].
Ritch, William V., [redacted].
Roberts, Wade M., Jr., [redacted].
Rodgers, David G., [redacted].
Rodriguez, Leonel A., Jr., [redacted].
Rodriguez, Melecio R., [redacted].
Rogers, Richard S., [redacted].
Rogers, William S., [redacted].
Rooney, Thomas F., [redacted].
Rose, William D., [redacted].
Rudd, Gordon W., Jr., [redacted].
Russ, William H., [redacted].
Ryan, Ernest S., [redacted].
Sabine, Randall T., [redacted].
Samek, Mark F., [redacted].
Sanfilippo, Philip, [redacted].
Sanford, William V., [redacted].
Sankey, Michael H., [redacted].
Santos, Hector R., [redacted].
Sargent, Douglas C., [redacted].
Schaps, Michael R., [redacted].
Scherer, Robert T., [redacted].
Schertz, Stuart L., [redacted].
Schmiedl, Joseph F., III, [redacted].
Schmitt, Richard F., [redacted].
Schneider, Eric G., [redacted].
Schwing, Fred K., [redacted].
Scott, Bruce L., [redacted].
Scott, John E., Jr., [redacted].
Scott, Ronald F., [redacted].
Servinsky, David E., [redacted].
Sharon, Gary A., [redacted].
Sheehan, Terry L., [redacted].
Shipe, James W., III, [redacted].
Shipe, John P., [redacted].
Shoup, William L., [redacted].
Sick, William M., [redacted].
Sienko, Kenneth W., [redacted].
Sikora, Robert G., [redacted].
Sivula, Kenneth E., Jr., [redacted].
Sligar, Michael J., [redacted].
Slone, George T., [redacted].
Smith, Dennis D., [redacted].
Smith, Edward L., [redacted].
Smith, Malcolm M., [redacted].
Smith, Steven L., [redacted].
Smith, Thomas J., [redacted].
Snide, William H., [redacted].
Snow, Andrew P., [redacted].
Soby, Charles S., [redacted].
Spangler, David M., [redacted].
Spann, Walker A., [redacted].
Spencer, Monroe D., Jr., [redacted].
Spring, Robert W., [redacted].
Stanger, Terry L., [redacted].
Stanhagen, William D., [redacted].
Steele, Jackie, [redacted].
Stefani, Gary J., [redacted].
Sterbling, Philip R., [redacted].
Stevenson, Gradie E., [redacted].
Stilo, Glen E., [redacted].
Stine, Daniel R., [redacted].
Stoebe, William H., Jr., [redacted].
Stratman, Henry W., [redacted].
Stryker, Robert C., [redacted].
Stuart, Henry P., [redacted].
Stupp, John P., Jr., [redacted].
Sutton, James E., [redacted].
Tallman, Gerald G., [redacted].
Tanaka, Allan K., [redacted].
Taplin, Glenn W., [redacted].
Taylor, Craig L., [redacted].

Stine, Daniel R., [redacted].
Taylor, Eric R., [redacted].
Taylor, Troy N., [redacted].
Teague, Gregory D., [redacted].
Temple, Robert L., [redacted].
Thomas, David A., [redacted].
Thomas, Isaac, [redacted].
Thompson, Jerry W., [redacted].
Thumma, Earl Q., Jr., [redacted].
Thurman, Edward E., [redacted].
Toney, Frank J., Jr., [redacted].
Toops, David H., [redacted].
Traynham, Jerry W., [redacted].
Treubert, Steven J., [redacted].
Trimberger, Joseph A., Jr., [redacted].
Tucker, Henry T., Jr., [redacted].
Tuckey, Thom E., [redacted].
Turner, Hilton A., Jr., [redacted].
Turner, Peter T., [redacted].
Tyler, David D., [redacted].
Unterzuber, Travis B., [redacted].
Vanden Bloomen, Dennis R., [redacted].
Vanvoast, Ronald L., [redacted].
Vanwey, Dennis A., [redacted].
Vaught, James W., Jr., [redacted].
Vawter, Robert J., [redacted].
Vazquez, Jaime, Jr., [redacted].
Viets, Wesley T., [redacted].
Villacorta, Stephen F., [redacted].
Vines, Warren D., [redacted].
Vogel, Gregory C., [redacted].
Von Behren, Ronald R., [redacted].
Voss, Harry F., III, [redacted].
Wade, John P., [redacted].
Walker, Charley H., [redacted].
Walker, Paul C., Jr., [redacted].
Walker, Shadrick L., [redacted].
Wallace, James T., [redacted].
Walsh, Michael A., [redacted].
Walsh, Patrick J., [redacted].
Walters, Doyle L., [redacted].
Walton, George C., [redacted].
Ward, Joseph, [redacted].
Ware, Charles C., [redacted].
Waters, Benjamin B., III, [redacted].
Waters, Sumner H., Jr., [redacted].
Watson, Nolan, Jr., [redacted].
Welch, Michael K., [redacted].
Wellman, Gerald T., [redacted].
Wentlent, Mark S., [redacted].
Whitney, Richard W., Jr., [redacted].
Wideman, James T., Jr., [redacted].
Wigal, Michael R., [redacted].
Wiley, William A., [redacted].
Williams, Bennie E., [redacted].
Williams, Clyde W., [redacted].
Williams, Edward H., [redacted].
Wills, Wesley O., Jr., [redacted].
Wilson, Franklin M., [redacted].
Wilson, Richard W., [redacted].
Witschi, David F., [redacted].
Wojtyna, Edward F., [redacted].
Wood, Leonard T., [redacted].
Wright, Ralph F., [redacted].
Wyckoff, James E., [redacted].
Young, Harry C., [redacted].
Yuill, Robert G., [redacted].
Zamperini, Mark E., [redacted].
Zelch, Fredric R., [redacted].
Ziegler, Jacob I., [redacted].
Zoubek, Charles E., Jr., [redacted].

**The following-named scholarship students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:**

Aberle, James R., [redacted].
Abington, Kerry S., [redacted].
Abney, Donald E., [redacted].
Adkins, Paul F., Jr., [redacted].
Adams, James M., [redacted].
Adank, Daniel, [redacted].
Aguilar, David, [redacted].
Ahsens, Robert J., III, [redacted].
Aker, Stephen K., [redacted].
Albers, Lester H., Jr., [redacted].
Alcott, Henry S., [redacted].
Algner, John A., [redacted].
Allen, Thomas J., [redacted].
Almon, Orville, Jr., [redacted].
Ampey, Ronald C., [redacted].
Anderson, George W., [redacted].
Archer, Bruce F., [redacted].
Ardoin, Terran J., [redacted].
Arnold, Edwin J., [redacted].
Aucott, Walter R., [redacted].
Auer, Joseph A., Jr., [redacted].
Auker, Daniel B., [redacted].
Austin, Brian J., [redacted].
Bachmann, Timothy C., [redacted].
Bailey, Harry, Jr., [redacted].
Bailey, Robert M., [redacted].
Baker, Edward I., [redacted].
Ballard, Charlie Joseph, III, [redacted].
Barbee, John P., [redacted].
Barbee, Luther D., [redacted].
Bardowski, Stephen Z., [redacted].
Barnes, Ricky C., [redacted].
Barnes, John S., [redacted].
Barniea, William H., III, [redacted].
Barrett, Raymond D., Jr., [redacted].
Basquill, Timothy M., [redacted].
Batty, Thomas G., [redacted].
Baughman, Mark W., [redacted].
Baur, Daniel J., [redacted].
Baylor, Robert K., [redacted].
Becker, George H., Jr., [redacted].
Bedford, James Z., [redacted].
Bell, Stephen N., [redacted].
Benjamin, David J., Jr., [redacted].
Bennett, John D., [redacted].
Benson, Robert A., [redacted].
Berry, Larry, [redacted].
Berryman, Steve N., [redacted].
Berry, Robert P., [redacted].
Berry, Robert W., [redacted].
Bertholf, Jan C., [redacted].
Bertsch, Charles J., [redacted].
Bias, James W., [redacted].
Bielert, George J., [redacted].
Bitner, Teddy D., [redacted].
Black, William M., [redacted].
Blakney, Robert R., [redacted].
Blatti, Michael A., [redacted].
Blomstrom, John J., [redacted].
Boarman, David M., [redacted].
Borokhovich, Kenneth A., [redacted].
Boyee, William F., [redacted].
Boyer, Lloyd L., [redacted].
Bozo, William A., [redacted].
Brady, Thomas P., [redacted].
Brandt, Kevin L., [redacted].
Braun, James N., [redacted].
Bressler, Stephen A., [redacted].
Broadwater, Colby M. III, [redacted].
Brooks, Howard M., [redacted].
Brooks, Johnny T., [redacted].
Brosseau, Howard W., [redacted].
Brown, Robert M., [redacted].
Brown, Steven W., [redacted].
Brown, Thomas R., [redacted].
Browning, Frankie C., [redacted].
Bull, Geoffrey L., [redacted].
Burgy, Ronald T., [redacted].
Burroughs, Michael K., [redacted].
Butt, William J., II, [redacted].
Cain, Francis M., III, [redacted].
Calvert, David R., [redacted].
Campbell, James E., [redacted].
Campbell, Roscoe W., [redacted].
Cannon, Thomas A., Jr., [redacted].
Capka, David M., [redacted].
Carlson, Gary C., [redacted].
Carrick, Christopher T., [redacted].
Carrico, Francis J., [redacted].
Carter, William G., [redacted].
Caughey, Daniel M., Jr., [redacted].
Causey, Joseph F., [redacted].
Chambers, Richard D., [redacted].
Chambers, Larry L., [redacted].
Chamness, Christopher L., [redacted].
Chapman, Scott, [redacted].
Chesley, Joseph W., Jr., [redacted].
Chin, William, [redacted].
Ching, Marshall L., [redacted].
Christopher, Paul P., [redacted].
Chuda, Robert A., [redacted].
Clark, David L., [redacted].
Clark, Robert J., [redacted].
Clayborne, Ernest C., [redacted].
Clevenger, Kenneth H., [redacted].
Coffey, Douglas R., [redacted].
Cole, Donald F., [redacted].
Collier, William C., [redacted].
Collins, David C. III, [redacted].
Condit, Richard G., [redacted].
Coniglio, Timothy F., [redacted].
Connors, Michael P., [redacted].
Cook, Robert J., [redacted].
Cooper, Winthrop H., [redacted].
Corbin, Vernon E., [redacted].
Cordes, Stephen P., [redacted].
Corey, Claren S., Jr., [redacted].
Cotterman, Bruce W., [redacted].
Crinean, James C., [redacted].
Cronin, Kenneth J., [redacted].
Curb, Richard D., [redacted].
Curl, John E., [redacted].
Curtin, Richard D., [redacted].
Dailey, James D., Jr., [redacted].
Dalessandro, Robert E., [redacted].
Damiani, John J., [redacted].
Daniel, James P., [redacted].
Daniels, William J., [redacted].
Dannaker, Michael A., [redacted].
Danner, Joseph F., [redacted].
Daves, Joseph H., [redacted].
Davis, Lynn D., [redacted].
Day, Paul L., [redacted].
Decker, Robert L., [redacted].
Dekeukelaere, Karl B., [redacted].
Dennis, Larry J., [redacted].
Depuydt, Gregory L., [redacted].
Dewitt, John P., [redacted].
Diehl, William H., [redacted].
Dill, Joe M., [redacted].
Dillinger, Robert C., [redacted].
Dinning, Michael B., [redacted].
Dobbins, Lloyd, [redacted].
Dobler, Michael T., [redacted].
Donelson, Robin L., [redacted].
Dormeyer, Michael J., [redacted].
Doughty, Ronald H., [redacted].
Douglas, Rigby P., Jr., [redacted].
Doyle, Daniel D., [redacted].
Drake, Charles R., Jr., [redacted].
Drake, Thomas D., III, [redacted].
Driggers, Charles L., [redacted].
DuBois, Gary T., [redacted].
DuBois, Richard D., [redacted].
Dudley, Michael T., [redacted].
Duecaster, Robert L., [redacted].
Duhaime, Jimmy R., [redacted].
Dunfield, Robert E., [redacted].
Dunlap, Joseph H., III, [redacted].
Eastman, Mike T., [redacted].
Edwards, Rollie J., [redacted].
Edwards, Thomas A., [redacted].
Elder, James E., [redacted].
Ellers, Link O., [redacted].
Ellis, Larry D., [redacted].
Ellison, Robert R., [redacted].
Erb, John J., III, [redacted].
Erschen, Christopher H., [redacted].
Ervin, Joseph R., Jr., [redacted].
Ervin, Kent E., [redacted].
Eshelman, Bradford D., [redacted].
Eskridge, Samuel E., III, [redacted].
Estes, David R., [redacted].
Etchemendy, Stephen A., [redacted].
Evans, Frank C., [redacted].
Evans, John J., III, [redacted].
Fagan, David A., [redacted].
Ferrell, Roger A., [redacted].
Fiala, Franklin L., [redacted].
Field, Gary W., [redacted].
Fleming, Gary J., [redacted].
Flick, Dale M., [redacted].
Floyd, Charles R., [redacted].
Ford, James M., [redacted].
Fowler, Billy G., [redacted].
Frank, Jon S., [redacted].
Freeman, Richard T., [redacted].
Fulcher, Robert J., Jr., [redacted].
Gallo, Dante S., Jr., [redacted].
Gates, Lawrence A., [redacted].
Gay, Walter E., Jr., [redacted].
Gayle, Timothy J., [redacted].
Geery, Allan W., [redacted].
George, Francis E., [redacted].
Gersh, Doneal G., [redacted].

Gerukos, Pete G., [redacted].
Gibbs, Leslie W., [redacted].
Gibbs, Harold J., [redacted].
Giblin, Michael R., [redacted].
Gier, Dennis M., [redacted].
Gilchrist, Jeffrey L., [redacted].
Githerman, Larry W., [redacted].
Glassner, Craig H., [redacted].
Glover, Benjamin A., [redacted].
Goldstein, Stuart I., [redacted].
Goulait, David J. K., [redacted].
Grasela, Joseph J., Jr., [redacted].
Gray, Dwight, [redacted].
Gray, Gerard P., [redacted].
Green, Donald L., [redacted].
Gresham, Obediah C., Jr., [redacted].
Griffith, Gregory M., [redacted].
Grimes, Richard A., [redacted].
Gritton, Edwin H., [redacted].
Grubb, Steven Y., [redacted].
Gutesha, Michael L., [redacted].
Hale, Michael L., [redacted].
Hambly, Robert J., Jr., [redacted].
Hamilton, Henry L., [redacted].
Hamm, Jerry W., [redacted].
Hammersen, Frederick P. A., [redacted].
Hanselman, Samuel J., [redacted].
Hanson, Dale M., [redacted].
Harber, Dale L., [redacted].
Harned, Glenn M., [redacted].
Harper, Oscar, [redacted].
Harrigan, William J., [redacted].
Harris, Larry D., [redacted].
Harrison, Brinton K., [redacted].
Hartel, Robert J., [redacted].
Hathaway, Willard B., [redacted].
Haug, Arden D., [redacted].
Hays, Wayne E., [redacted].
Heil, Thomas A., [redacted].
Helbert, Gregory J., [redacted].
Hemming, Robert F., [redacted].
Henselman, Miles L., [redacted].
Herron, Frederick J., [redacted].
Higgins, James H. Jr., [redacted].
Hightower, Richard J., [redacted].
Hill, Stephen K., [redacted].
Hill, Bruce R., [redacted].
Hindmarch, Thomas M., [redacted].
Hewitt, Donald O., [redacted].
Hollingsworth, Edgar A., Jr., [redacted].
Holmes, Jeffrey L., [redacted].
Hopkins, John M., [redacted].
Hopper, Gerald A., [redacted].
Horak, Bernard J., [redacted].
Howard, Richard S., [redacted].
Howarth, Allan D., [redacted].
Hoyer, John P., [redacted].
Hu, Albert W. T., [redacted].
Hudock, Thomas J., [redacted].
Hudson, Clarence A., Jr., [redacted].
Huffman, Michael L., [redacted].
Hughes, Sidney C., Jr., [redacted].
Hugley, Clarence L., [redacted].
Hurst, Stephen G., [redacted].
Hyndman, Norman L., [redacted].
Jakobs, David W., [redacted].
Jackson, James A., [redacted].
Jahn, Sheldon L., [redacted].
Jefferis, Jerry L., [redacted].
Jensen, Peter D., [redacted].
Johnson, Dennis K., [redacted].
Johnson, David E., [redacted].
Johnson, Keith P., [redacted].
Johnson, Melvin L., [redacted].
Johnson, Noble T., [redacted].
Jones, Christopher R., [redacted].
Jones, David W., [redacted].
Jones, Richard F., [redacted].
Jones, Thomas M., [redacted].
Joseph, Peter C., [redacted].
Joshua, Alfred T., [redacted].
Julia, Francis T., Jr., [redacted].
Jungwirth, Barry F., [redacted].
Kafkalas, Peter N., [redacted].
Kalb, John F., [redacted].
Kalman, Keith K., [redacted].
Karpinsky, Michael W., [redacted].
Kelleher, James W., [redacted].
Keller, Dennis E., [redacted].
Kennedy, Walter W., Jr., [redacted].
Ketchel, Paul J., Jr., [redacted].
Key, Thomas S., [redacted].
Kincaid, Stuart B., [redacted].
Kindel, James E., II, [redacted].
Kindred, Gary R., [redacted].
Kirwan, Christopher H., [redacted].
Kleckley, Edgar G., [redacted].
Klingler, Paul S., [redacted].
Knapik, Stephen J., [redacted].
Knightner, Larry, [redacted].
Knowles, William Z., [redacted].
Koach, Stephen F., [redacted].
Kolber, Eric J., [redacted].
Konish, Richard F., [redacted].
Koury, Robert R., [redacted].
Kraft, George E., [redacted].
Kramer, James S., [redacted].
Kramer, Michael A., [redacted].
Krammer, Frank K., [redacted].
Krejci, Michael F., [redacted].
Kryschtal, Myron P., [redacted].
Laberge, Davir W., [redacted].
Langston, Michael A., [redacted].
Lash, Glen R., [redacted].
Latimer, John C., [redacted].
Lau, Michael R., [redacted].
Lavoie, Guy I., [redacted].
Lazzaro, Stephen J., [redacted].
Lecy, Rodger C., [redacted].
Leifheit, Steven H., [redacted].
Leightley, Lawrence T., [redacted].
Leisner, Raymond J., [redacted].
Leskiw, Myron J., [redacted].
Lewis, Stephan C., [redacted].
Linde, Herbert M., [redacted].
Liszkay, Charles T., [redacted].
Lodi, Roger R., [redacted].
Long, David M., [redacted].
Long, Michael G., [redacted].
Long, Richard D., [redacted].
Lord, Charles N., [redacted].
Lustig, Michael L., [redacted].
Lutz, Steven H., [redacted].
Lynde, Gary G., [redacted].
Mac Crimmon, John D., [redacted].
Mahoney, Michael D., [redacted].
Malone, Richard N., [redacted].
Mantini, John C., [redacted].
Marshall, Douglas A., [redacted].
Marshment, Kelvin C., [redacted].
Matheny, Michael R., [redacted].
Martinez, Martin, [redacted].
Martinez, John G., [redacted].
Matthewson, David W., [redacted].
Mauldin, Michael C., [redacted].
Mault, James P., [redacted].
Maurer, Michael L., [redacted].
May, Gary R., [redacted].
Mayes, Tommy W., [redacted].
Maynard, Larry D., [redacted].
Mazzucchi, Michael R., [redacted].
McCulloch, Gary L., [redacted].
McGee, Michael L., [redacted].
McKennon, Alexander J., II, [redacted].
McKinney, Arthur J., III, [redacted].
McKinney, Warren B., [redacted].
McLaughlin, Paul M., [redacted].
McMichael, Scott R., [redacted].
McKenzie, Michael F., [redacted].
McLaughlin, Paul M., [redacted].
McNair, Donald C., [redacted].
McLeod, Richard E., Jr., [redacted].
McNallen, Stephen A., [redacted].
McNicholl, Daniel G., [redacted].
McQuade, John C., [redacted].
McWalter, John B., [redacted].
Medina, Jose I., [redacted].
Melton, Glenn M., [redacted].
Mende, John R., [redacted].
Mendenhall, Robert D., [redacted].
Merkle, Edward F., [redacted].
Merryman, Patrick D., [redacted].
Meyer, Dennis R., [redacted].
Meyer, Robert W., [redacted].
Mezera, John M., [redacted].
Michell, Stephen V., [redacted].
Michener, Donald L., [redacted].
Miller, Joe C., [redacted].
Millican, Randall, [redacted].
Milner, Robert W., [redacted].
Mitchell, Harold L., [redacted].
Moholy, John F., [redacted].
Moon, William A., Jr., [redacted].
Moore, Larry, [redacted].
Moorhead, Daniel O., [redacted].
Morgan, James C., [redacted].
Morrow, Donald L., [redacted].
Mouriz, Lazaro J., [redacted].
Mulhaul, Daniel J., [redacted].
Mundie, William L., Jr., [redacted].
Munson, Thomas D., [redacted].
Nalewajek, Robert A., [redacted].
Nelson, John G., III, [redacted].
Nelson, John S., [redacted].
Nelson, Richard F., [redacted].
Newman, Theodore C., [redacted].
Niles, Bruce C., [redacted].
Nonemaker, Randall C., [redacted].
Noonan, Joseph M., [redacted].
Novak, Thomas J., [redacted].
Nyre, Robert P., [redacted].
Ochs, Harold S., [redacted].
Ogborn, Leonard W., [redacted].
Ogilvie, Vicente C., [redacted].
Oldaker, Bruce G., [redacted].
Oneill, Peter M., [redacted].
Onuschak, John E., [redacted].
Orourke, Michael J., [redacted].
Osby, Reginald L., [redacted].
Padgett, David L., [redacted].
Page, Brent S., [redacted].
Pamperl, Ronald W., [redacted].
Panarese, Peter J., [redacted].
Pearson, Craig H., [redacted].
Perceval, Robert B., [redacted].
Perez, Ernest, [redacted].
Perez, Gines, Jr., [redacted].
Perry, John B., [redacted].
Peterson, Joseph F. H., [redacted].
Phillips, David L., [redacted].
Pigg, Charles A., [redacted].
Pinkston, Keith S., [redacted].
Placek, Gary R., [redacted].
Plamann, Bradley J., [redacted].
Plummer, Larry W., [redacted].
Pollard, Robert C., Jr., [redacted].
Pollock, Clifford R., [redacted].
Polonsky, Stanford I., Jr., [redacted].
Pouliot, Ronald E., [redacted].
Prather, Carl B., [redacted].
Purath, Michael D., [redacted].
Quan, Anthony F., [redacted].
Quinn, James R., [redacted].
Racelis, Pedro E., III, [redacted].
Radloff, Daniel M., [redacted].
Radzyminski, John W., [redacted].
Rapiejko, Robert J., [redacted].
Reed, James W., [redacted].
Reif, Willi W., Jr., [redacted].
Reiley, William R., [redacted].
Reilly, Patrick J., [redacted].
Richards, John W., Jr., [redacted].
Riedel, Donald R., [redacted].
Riggs, Gary H., [redacted].
Ripley, Bruce G., [redacted].
Rishel, Darrell D., [redacted].
Ritter, James W., [redacted].
Roberson, Kelly C., [redacted].
Robert, Douglas B., [redacted].
Roberts, Larry D., [redacted].
Roberts, Perry V., [redacted].
Robinson, Geoffrey A., [redacted].
Rochat, Larry L., [redacted].
Rochelle, Michael D., [redacted].
Rockafellow, Glenn R., [redacted].
Rodd, Larry G., [redacted].
Rodgers, Steven L., [redacted].
Rogers, Larry D., [redacted].
Romanoski, Frank A. Jr., [redacted].
Roman, Thomas A., [redacted].
Rose, Jack M., [redacted].
Rossi, John J., [redacted].
Rowan, Terrell W., [redacted].
Rowe, Gregory L., [redacted].
Rudman, John F., [redacted].
Rupert, Murray J., [redacted].
Russ, David W., [redacted].
Russell, Charles A., [redacted].
Ryan, Joseph T., [redacted].
Rylander, Fredrick A., [redacted].
Sabochik, Robert P., [redacted].
Sanderson, Harold R. Jr., [redacted].
Sandusky, Richard M., [redacted].

Scala, Philip P., [redacted].
Schany, Michael L., [redacted].
Schmitt, Robert J., [redacted].
Schoolcraft, Joe W., [redacted].
Schroder, Dennis K., [redacted].
Schulz, Robert J., [redacted].
Scott, Eric J., [redacted].
Scott, Richard H. Jr., [redacted].
Sedlacek, Rickard R., [redacted].
Seery, Ronald E., [redacted].
Semler, John M., [redacted].
Sessoms, David C., [redacted].
Severe, Kenneth J., [redacted].
Sexton, Rodger R., [redacted].
Sheridan, Dennis M., [redacted].
Sherrill, Jody R., [redacted].
Shirron, Robert L., [redacted].
Sickler, David W., [redacted].
Simpson, Steven R., [redacted].
Skiles, Dale L., [redacted].
Slominski, Martin W., [redacted].
Smalls, Silas C., [redacted].
Smith, Rodney R., [redacted].
Smith, Thurman M., [redacted].
Smith, Craig F., [redacted].
Snyder, David B., [redacted].
Spencer, Richard L., [redacted].
Spencer, James M., [redacted].
Spinelli, Ralph P., Jr., [redacted].
Spinler, Mark F., [redacted].
Spivey, James T., Jr., [redacted].
Staggers, Robert L., [redacted].
Stahl, Daniel L., [redacted].
Stamets, Eric C., [redacted].
Stanley, Thomas M., [redacted].
Stanley, Richard D., [redacted].
Stansbury, Richard D., [redacted].
Staples, James W., [redacted].
Stark, Gail W., [redacted].
Steers, John G., [redacted].
Stephenson, John A., [redacted].
Stetler, Milton A., [redacted].
Stewart, Thomas F., [redacted].
Sticco, Nicholas F., [redacted].
Stine, Stephen L., [redacted].
Stober, James A., [redacted].
Stoos, William, [redacted].
Stordahl, James R., [redacted].
Stotts, Larry G., [redacted].
Stringham, Shand H., [redacted].
Strunk, Richard T., [redacted].
Stuart, Paul A., III, [redacted].
Sturgeon, Douglas E., [redacted].
Stutler, Kenneth M., [redacted].
Sullivan, Denis R., [redacted].
Sutton, Albert T., III, [redacted].
Taggart, John C., [redacted].
Takeshita, Lloyd S., [redacted].
Taphorn, James G., [redacted].
Taylor, Jimmy G., [redacted].
Teetsell, Gary W., [redacted].
Tenney, Leon Walter, [redacted].
Terry, Philip C., [redacted].
Teston, Harvey A., Jr., [redacted].
Thacker, John W., Jr., [redacted].
Thomson, Patrick B., [redacted].
Tidwell, Mark O., [redacted].
Todd, John M., [redacted].
Todt, Thomas A., [redacted].
Tolson, George S., [redacted].
Tom, Melvin G., [redacted].
Toone, Roy C., Jr., [redacted].
Topper, George L., II, [redacted].
Tyson, Shelly J., [redacted].
Tystad, Douglas L., [redacted].
Ullrich, Louis B., III, [redacted].
Unti, Michael L., [redacted].
Urner, Gregg E., [redacted].
Udovich, Norman J., Jr., [redacted].
Van Cleve, William C., [redacted].
Varhol, Charles S., [redacted].
Veasey, Michael J., [redacted].
Verrastro, Pasquale T., [redacted].
Vreeland, Kenneth R., [redacted].
Wade, Gerald T., [redacted].
Waitschies, Gary E., [redacted].
Walker, David K., [redacted].
Wamsted, Ronald D., [redacted].
Waskom, William W., [redacted].
Weaver, Joseph H., [redacted].
Weaver, Timothy A., [redacted].
Weihrauch, Lynn S., [redacted].
Weimer, Kirby V., [redacted].
Weiss, James R., [redacted].
Wheeler, Michael E., [redacted].
Whitley, Terry F., [redacted].
Wigner, Charles G., [redacted].
Wilkinson, Stephen A., [redacted].
Wilcox, Scott R., [redacted].
Wiley, Warren J., [redacted].
William, Carter J., Jr., [redacted].
Williamson, Harold E., Jr., [redacted].
Wilson, Charles P., [redacted].
Wilson, Roger C., [redacted].
Woodhouse, Don C., [redacted].
Wolfe, Jack L., Jr., [redacted].
Wolford, Stephen W., [redacted].
Wright, Eugene J., [redacted].
Wunder, Robert D., [redacted].
Yakobitis, Edward C., Jr., [redacted].
Yakuma, Wayne T., [redacted].
Yolda, James J., Jr., [redacted].
Young, Jimmy L., [redacted].
Yuknis, Christopher A., [redacted].
Zabecki, David T., [redacted].
Zahaczewsky, George, [redacted].
Zebrowitz, Thomas, [redacted].
Zimmermann, Michael E., [redacted].
Zipf, Carl H., III, [redacted].
Zolner, Eric C., [redacted].

The following-named cadets, graduating class of 1972, United States Military Academy, for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 541, 3284 through 4353:

Abrahamsen, Thomas J., [redacted].
Adamczyk, Joseph W., [redacted].
Adams, Scott C., [redacted].
Akers, Robert W., [redacted].
Albers, Paul W., [redacted].
Aldrich, Michael M., [redacted].
Alex, William N., [redacted].
Allbright, Robert W., [redacted].
Amstutz, Richard D., [redacted].
Anderson, Edgar L., [redacted].
Anderson, John C., [redacted].
Apo, Douglas K., [redacted].
Ardleigh, Hugh C., [redacted].
Ash, Robert W., [redacted].
Asker, Eric H., [redacted].
Asper, Roger D., [redacted].
Aubrecht, Lawrence A., [redacted].
Augustenborg, Jay M., [redacted].
Augustyniak, Edward F., Jr., [redacted].
Azama, Rodney S., [redacted].
Babington, James D., [redacted].
Bailey, Gene W., II, [redacted].
Baker, John E., [redacted].
Balderman, Michael D., [redacted].
Baltezore, Lawrence A., [redacted].
Bantz, Eric W., [redacted].
Bappe, Daniel E., [redacted].
Baranzyk, Stephen T., [redacted].
Barker, Michael B., [redacted].
Barlow, Bruce H., [redacted].
Barlow, Charles A., III, [redacted].
Barnes, James T., Jr., [redacted].
Barnes, Lee R., Jr., [redacted].
Barnhart, Herbert D., [redacted].
Barton, Gene C., [redacted].
Batchelder, Arthur E., III, [redacted].
Baumberger, Gene C., [redacted].
Becker, Virgil V., Jr., [redacted].
Bellino, Michael D., [redacted].
Belmonte, Judson R., [redacted].
Benko, James R., [redacted].
Benner, James H., Jr., [redacted].
Bentley, John H., [redacted].
Bergin, Donald J., [redacted].
Berrey, Bedford H., Jr., [redacted].
Best, Laurence J., [redacted].
Beumer, Robert, [redacted].
Bilodeau, Mark B., [redacted].
Birkhimer, James E., [redacted].
Bishop, Christopher A., [redacted].
Bixby, William G., [redacted].
Black, Clifford P. Jr., [redacted].
Blair, Philip W. Jr., [redacted].
Blakley, Charles E., [redacted].
Blount, Benroe W., [redacted].
Bodre, Ronald A., [redacted].
Bolding, Felix R., [redacted].
Bolling, Alexander R., [redacted].
Bonin, John A., [redacted].
Bookout, Randall D., [redacted].
Borders, Brian T., [redacted].
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Buntz, Edward C., [redacted].
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Conlin, Shaun S., [redacted].
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Kim, Andrew H. N., [redacted].
Kimmitt, Joseph H., [redacted].
Kimsey, Melbourne, II, [redacted].
Kinder, Richard A., [redacted].
King, Jeffrey L., [redacted].
King, John E., [redacted].
Kinnison, Henry L., IV, [redacted].
Kirk, David C., [redacted].
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Kirkbride, Wayne A., [redacted].
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Kobbe, Michael, [redacted].
Koger, Milton E., II, [redacted].
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Mac Arevey, Robert W., [redacted].
Mac Michael, Donald C., [redacted].
Maday, Roy E., [redacted].
Magee, Allan H., [redacted].
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Mahowald, Robert L., [redacted].
Main, Stephen C., [redacted].
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North, Gentry S., III, [redacted].
North, William C., [redacted].
Northrop, John H., [redacted].
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Squire, Percy, [redacted].
Stacchini, Aaron O., [redacted].
Stafford, Michael F., [redacted].
Stambaugh, Kweon I., [redacted].
Staser, Jeffrey B., [redacted].
Staudenmeier, William J., Jr., [redacted].
Stedge, Leland B., Jr., [redacted].
Stein, Bernie R., [redacted].
Stein, Randall L., [redacted].
Steinman, Marvin A., [redacted].
Sterns, Reginald H. W., [redacted].
Sterrett, William N., Jr., [redacted].
Stilgenbauer, Clifford W., [redacted].
Stillman, Gereth B., [redacted].
Stinson, Lee C., [redacted].
Stonecipher, Philip S., [redacted].
Strong, Robert A., [redacted].
Strong, Robert H., [redacted].
Strother Donald K., [redacted].
Stumpf, Harry D., [redacted].
Sturgeon, John C., [redacted].
Sullivan, Daniel K., [redacted].
Sullivan, John S., III, [redacted].
Summers, George E., [redacted].
Sweeney, Thomas O. P., [redacted].
Talafuse, David W., [redacted].
Tallman, Stephen B., [redacted].
Tanner, James M., [redacted].
Taylor, Joseph R., [redacted].
Tejan, Thurman B., [redacted].
Thomas, Harold G., [redacted].
Thomassen, Thom S., [redacted].
Tierney, William V., Jr., [redacted].
Tillman, Christopher P., [redacted].
Tilton, Don D., [redacted].
Timboe Richard R., [redacted].
Timmerberg, Paul D., [redacted].
Toler, Michael M., [redacted].
Topp, Peter A., [redacted].
Travis, Brian L., [redacted].
Troy, Leo J., Jr., [redacted].
True, Gregory R., [redacted].
Tucker, Jeffrey T., [redacted].
Tulkki, Burton W., [redacted].
Turek, Frank R., [redacted].
Turner, Lawrence K., [redacted].
Ueda, Roger M., [redacted].
Vaccaro, John A., [redacted].
Vaeni, Arthur S., [redacted].
Van Antwerp, Robert L., [redacted].
Van Dam, Bruce E., [redacted].
Van Vurst, Frederick, [redacted].
Veeder, James A. R., [redacted].
Vinson, William N., [redacted].
Vogel, Kenneth L., [redacted].
Voland, Howard M., [redacted].
Vross, Edward W., Jr., [redacted].
Vuksich, Paul M., [redacted].
Wade, Dean E., [redacted].
Wagner, Dennis A., III, [redacted].
Wagnon, Russell C., [redacted].
Walborn, Gary S., [redacted].
Waldbueser, William D., [redacted].
Walker, James D., [redacted].
Walker, Jerry L., [redacted].
Walker, Kenneth T., [redacted].
Waller, Thomas G., Jr., [redacted].
Walsh, William E., [redacted].
Walter, George R., Jr., [redacted].
Walter, James V., [redacted].
Walton, Thomas K., [redacted].
Wampler, Richard L., [redacted].
Wank, Robert H., [redacted].
Ward, Ray E., [redacted].
Warner, Charles O., III, [redacted].
Waters, Tommy W., [redacted].
Webb, George S., [redacted].
Webb, William L., III, [redacted].
Weber, Alfred J., Jr., [redacted].
Weekley John C., [redacted].
Welch, William G., [redacted].
West, Sterling G., [redacted].
Westphal, James L., [redacted].
Wheelock, John G., IV, [redacted].
Whitaker, Michael J., [redacted].
Whitley, Ted D., [redacted].
Whitney, Floyd G. III, [redacted].
Wicker, David E., [redacted].
Wightman, William E., [redacted].
Wildes, David G., [redacted].
Wildrick, George C., [redacted].
Wilhelmy, Geoffrey J., [redacted].
Willey, Barry E., [redacted].
Williams, Allen J., [redacted].
Williams, Charles A., [redacted].
Williams, Edgar B., Jr., [redacted].
Williams, Garry A., [redacted].
Williams, Richard J., [redacted].
Willis, Clifford K., [redacted].
Wilson, Albert R., [redacted].
Wilson, Frederick G., [redacted].
Wilson, Howard C., [redacted].
Wilson, Thomas J., Jr., [redacted].
Wilson, Tod J., [redacted].
Wilson, William J., [redacted].
Wines, Robert C., [redacted].
Wise, Douglas H., [redacted].
Wishcamper, Joe E., [redacted].
Wismann, Joseph B., [redacted].
Wittman, Robert J., [redacted].
Wohleen, David B., [redacted].
Wojdakowski, Walter, [redacted].
Wold, James R., [redacted].
Wong, Gregory K. M., [redacted].
Wood, John R., [redacted].
Woodside, Robert E., [redacted].
Woznek, Keith W., [redacted].
Wyatt, Robert L., [redacted].
Wylie, James R., [redacted].
Yestrumsky, Michael A., [redacted].
Zimmerman, Charles A., [redacted].
Zmolek, Gerry R., [redacted].
Zurian, Steven A., [redacted].

### IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

*To be major*

Bogard, Bobby E., [redacted].
Hamberger, Michael J., [redacted].

*To be captain*

Alderfer, Gill R., [redacted].
Baker, John W., [redacted].
Bates, Robert E., [redacted].
Bowen, Gail O., [redacted].
Brosch, Gary E., [redacted].
Bryant, Clyde M., Jr., [redacted].
Carroll, John J., [redacted].
Ferguson, Lorenzo, [redacted].
Huttner, Robert F., [redacted].
Marshall, John W., [redacted].
Nettles, Edward L., Jr., [redacted].
Owen, Felix E., [redacted].
Peace, Theopolis, [redacted].
Prowant, Delmar L., [redacted].
Ray, Ronald E., [redacted].
Reed, Lowell K., [redacted].
Reich, Hans W., [redacted].
Stamper, Walton B., [redacted].
Williams, Gregory T., [redacted].
Willis, Mary C., [redacted].
Wilson, Charles C., [redacted].

*To be first lieutenant*

Abrams, John N., [redacted].
Adams, Robert L., [redacted].
Allard, John W., [redacted].
Allen, Gerald W., [redacted].
Amiot, Robert J., [redacted].
Armstrong, Joe C., [redacted].
Bailey, Charles L., [redacted].
Baker, Richard I., [redacted].
Beauchamp, Charles E., Jr., [redacted].
Brockington, Anthony L., [redacted].
Bynum, Welfert L., [redacted].
Cole, Clyde N., [redacted].
Cox, Everett F., [redacted].
Davis, Alfred J., [redacted].
Davis, Guy W., [redacted].
Debree, William P., [redacted].
Demartini, John D., [redacted].
Duda, Dennis E., [redacted].
Deuster, Kathryn P., [redacted].
Elmore, James D., [redacted].
Elsey, David P., II, [redacted].
Enloe, Edmond J., Jr., [redacted].
Fick, Daniel J., [redacted].
Finley, Gibson R., Jr., [redacted].
Fitzsimmons, Richard H., [redacted].
Ford, Robert L., [redacted].
Franklin, Cleo R., [redacted].
Freeman, John E., [redacted].
Gaub, Steven D., [redacted].
Gerard, William F., Jr., [redacted].
Graham, Kent N., [redacted].
Harms, Robert R., [redacted].
Harrington, Peter B., [redacted].
Harris, Robert D., [redacted].
Hayes, Lynn H., [redacted].
Heath, George E., [redacted].
Henderson, Raymond W., [redacted].
Hoffman, Lawrence W., [redacted].
Hollar, Reinhardt, [redacted].
Jackson, Jimmy D., [redacted].
Jagenow, John L., [redacted].
Jenkinson, Earl H., [redacted].
Kelley, Charles E., [redacted].
Klaput, Edward N., [redacted].
Lagrange, Gary L., [redacted].
La Hue, Richard G., [redacted].
Lefebvre, Normand E., [redacted].
Long, Donald W., [redacted].
Markham, Robert E., II, [redacted].
Marsteller, Clyde C., [redacted].
Marty, Larry J., [redacted].
McAllister, John M., [redacted].
McNulty, John J., III, [redacted].
Miesner, William H., Jr., [redacted].
Monahan, Carole, [redacted].
Moore, Clayton H., III, [redacted].
Moore, Jerry N., [redacted].
Nance, Steven S., [redacted].
Parratt, Stephen W., [redacted].
Peterson, Raymond W., [redacted].
Phillips, James D., [redacted].
Pickar, Jerry F., [redacted].
Place, Paul C., [redacted].
Price, Kenneth L., [redacted].
Priest, William P., [redacted].
Rackstraw, James T., [redacted].
Sambolich, Paul, [redacted].
Scoggins, James E., [redacted].
Smith, Terry L., [redacted].
Stanley, Gary P., [redacted].
Stone, Carl E., [redacted].
Sullivan, Michael R., [redacted].
Szabo, Bela A., III, [redacted].
Taylor, William L., [redacted].
Tucker, Gary L., [redacted].
Wagner, Nelson R., [redacted].
Waller, Charles R., [redacted].
Webster, Robert L., [redacted].
Whitsell, Raymond B., [redacted].
Woods, Gerry W., [redacted].
Yamamoto, Richard Y., [redacted].

*To be second lieutenant*

Ankley, William J., [redacted].
Aylor, Cortez C., [redacted].
Barson, George K., III, [redacted].
Cadwallader, Ralph E., [redacted].
Clark, James E., [redacted].
Conk, Michael J., [redacted].
Elliott, William W., [redacted].
Engelhardt, Thomas R., [redacted].
Faulkner, Sanford W., [redacted].
Gay, William K., [redacted].
Guthrie, Michael C., [redacted].
Hill, Frederick W., [redacted].
Ingram, Robert L., [redacted].
Johnson, Donald E., [redacted].
Kunkle, Donald W., [redacted].
Maher, John J., III, [redacted].
Mitchiner, Dwane R., [redacted].
Olson, Walter L., [redacted].
Palmer, Ragena, [redacted].
Toth, Joseph K., [redacted].
Trez, Joseph W., [redacted].
Wilkinson, Gene C., [redacted].
Zetti, James H., [redacted].

IN THE NAVY

The following named lieutenant commanders of the line and staff corps of the Navy for temporary promotion to the grade of commander pursuant to title 10, United States Code, section 5787, while serving in, or ordered to billets for which the grade of commander is authorized and for unrestricted appointment to the grade of commander when eligible pursuant to law and regulation subect to qualification therefor as provided by law:

LINE

Akers, Max N.
Fuller, Robert H.
Ivey, Clarence G., Jr.
Klinedist, Paul R., Jr.
Konkel, Harry W.
Peters, John D.
Erner, Eugene J.
Hoel, Jack I.
Jackson, Morse R.
Knapp, Norman E., Jr.
Newton, George B., Jr.
Stubb, George R.

MEDICAL CORPS

Bercier, Charles H., Jr.

SUPPLY CORPS

Cunningham, Philip T.
Haver, David J.
Desmarais, Norman D.
Tack, Curtis A.

CIVIL ENGINEER CORPS

Wood, William L.

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# EXTENSIONS OF REMARKS

## BETTS RECORD EARNS "A" MARKS

### HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. LATTA. Mr. Speaker, soon after our good friend and colleague, the Honorable JACKSON BETTS of Ohio announced that he planned to retire from Congress, his hometown newspaper, the Republican Courier, ran an editorial concerning him which I am certain everyone in this Chamber would like to read. The person who wrote this editorial truly knows JACK BETTS and I wish to commend him for its excellence. The editorial follows:

BETTS RECORD EARNS "A" MARKS

Rep. Jackson E. Betts has made official his decision not to seek re-election to Congress. The Findlay legislator thus plans to bring to close a record of public elective service which is highly distinguished.

He is presently completing his 11th term in the U.S. House of Representatives, where he has risen to a position of great influence and unusual prominence. He is currently the second ranking Republican on the powerful House Ways and Means committee, regarded as one of the two or three most important committees in all Congress.

Betts' assignment to that select committee was solid evidence of the esteem in which he has regularly been held by his colleagues, and of the widespread respect throughout Washington for his ability and judgment.

Perhaps even a more significant indication of the prestigious character of Betts was his assignment a few years ago as the senior member of the House of Representatives committee on Standards of Official Conduct. His own exemplary sense of ethics and public trust was inevitably a major criterion in his selection to this post.

* * * * *

A major share of Betts' adult life has been dedicated to public service. He launched his political career as Hancock County prosecutor in 1933. He later served as the county's representative to the Ohio House of Representatives, reaching that chamber's highest office of Speaker of the House in 1945.

He was successful in an uphill district-wide battle for the Republican nomination for Congress in 1950, winning such a substantial majority in his home county of Hancock, that he overtook his opponents who carried every other county in the district in that initial balloting. He has since consistently received district-wide majorities and has been unopposed in several general elections.

Highly respected, even by members of the opposition party, he has enjoyed the esteem and admiration of a substantial majority of his constituents throughout the year.

Congressman Betts' history of political service is exemplary. Scrupulously honest and sincere, he has never attempted to build influence for his own benefit or glory. Rather, he has used his considerable prestige and political power to serve what he considers the best interests of the United States.

Perhaps locally, he will be remembered particularly for his ability to maintain a genuinely modest, unassuming manner. Though he has met with Presidents, dined with diplomats, and walked with illustrious figures of modern history, he is still the calm, friendly representative of Ohio's 8th Congressional district, which he has served so well.

His amiable, gracious manner will make it easy for Jackson E. Betts to retire to Findlay and practice law. But unpretentious as he is, Congressman Betts is leaving behind him a solid record of public service which forever distinguishes him here and abroad with the well earned title, "Statesman."

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## SUPPORT FOR THE PRESIDENT

### HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

*Monday, January 31, 1972*

Mr. BOGGS. Mr. President, the President of the United States recently revealed the far-reaching offers that have been made in the effort to end the war in Vietnam. I, for one, believe it is a most logical and honorable proposal, one that no reasonable nation could reject. It is encouragement to note that many people are in agreement with it.

The House of Representatives of the Delaware General Assembly last week adopted a resolution of support for the President's initiative. I ask that this resolution, offered by Representative Thomas L. Little, be printed at the end of my remarks.

Also, this morning I was interested to read in the Washington Post a column by Mr. William Raspberry. Mr. Raspberry, an astute observer of the American scene, offers some thoughts on the President's proposal. He is opposed to our involvement in Vietnam, but he has an interesting commentary about some forms of opposition. His column says, in part:

> But it is sick to work at delivering your own comeuppance, and that is what some of those who oppose the war and Richard Nixon's handling of it are proposing.

Mr. President, I also ask that Mr. Raspberry's thoughtful column be printed.

There being no objection, the resolution and the article were ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION NO. 75

**Congratulating the President of the United States on his efforts for world peace**

**Whereas, the President of the United States made public his long standing offer of peace to our enemy in North Vietnam; and**

**Whereas, these proposals include—a total cease fire throughout all of Indochina, the immediate release of all prisoners of war, the total withdrawal of all American and allied forces within six months of acceptance of this proposal by Hanoi, and the resignation of the political regime of South Vietnam to be followed by free elections including the National Liberation Front; and**

**Whereas, these proposals have been offered secretly in good faith for many months in direct private negotiations between the United States and Hanoi; Now therefore:**

**Be it resolved that the House of Representatives of the State of Delaware congratulate the President for his efforts and sincerely encourage his continued efforts to bring world peace and the safe return of all our American fighting men from North and South Vietnam as soon as possible.**

**Be it further resolved that the text of this resolution be spread upon the House Journal and that the original be forwarded to President Richard M. Nixon, with copies to U.S. Senators J. Caleb Boggs and William V. Roth, Jr., Congressman Pierre S. DuPont, IV, to the leadership of the North Vietnam government in Hanoi, and to the members of the North Vietnam negotiating team in Paris.**

[From the Washington Post, Jan. 31, 1972]

A SICK REACTION TO NIXON

(By William Raspberry)

Two of the three primary reactions to the President's recent revelation of his secret Vietnam negotiations are fairly easy to talk about. They are more or less clearcut and have more or less articulate spokesmen.

First is the reaction of triumph (or chagrin, depending on your point of view) that for the past several months Mr. Nixon was doing precisely what his most respected critics were accusing him of refusing to do: Offering American withdrawal—even by a "certain date"—in exchange for the return of American POWs.

The President's announcement embarrassed those (particular the Democratic presidential hopefuls among them) who had been demanding just that sort of proposition.

It vindicated those whose faith was that the President really did want to extricate his country from the war and was sparing no effort to do so. In either case, it must be counted a political plus for Mr. Nixon for the time being, although it may blow up in his face between now and November.

The second reaction is that the President's eight-point proposal, whether sincerely offered or not, cannot work—for the simple reason that Hanoi can gain more heavily by not agreeing to anything.

America clearly is getting out of Vietnam without the benefit of negotiation, the argument goes. In light of that irrevocable trend, Hanoi could only lose by entering into serious negotiation. The smart thing from Hanoi's point of view would be to avoid anything drastic—either at the bargaining table or on the battlefield—and simply permit the continuing withdrawal of the American forces.

The first two reactions are essentially practical, and have to do with whether this plan or that plan can work.

There is a third, more troubling position that is difficult to document because it has no respected spokesman. It is that America does not deserve a graceful exit from the war and must not be permitted to have one.

The American involvement in Vietnam was immoral from the very beginning, the feeling seems to be, and it is immoral for immorality to go unpunished.

It is the same reaction some of us have to "liberal" talk about prison reform or rehabilitation of criminals. It is the same feeling some of us would have had if Hitler had been able to negotiate an honorable end to World War II.

Someone (maybe it was Sam Smith of the D.C. Gazette) once said that the notion of America getting out of Vietnam with honor is like a prostitute getting out of her profession with her virginity intact.

Nor is it a new feeling. Its most blatant manifestation came in the chants of "Ho, Ho, Ho Chi Minh, NFL is gonna win" that used to mark the big peace demonstrations.

But it also showed up in some of the reactions to such military initiatives as the Cambodian and Laotian "incursions": not merely that the initiative couldn't work for this or that military reason, nor even that the initiative amounted to an immoral widening of the war.

Those reactions were there of course. But also there was the feeling—the fear—that these gross actions *might work*, and since their success would be vindication for immorality, they must be opposed.

I suppose it is the psychological equivalent of those sick people who keep finding new ways to fail because they subconsciously feel that they don't deserve success.

But you can treat sick people who insist on punishing themselves. A nation cannot afford to indulge in that sort of self-destruction.

I don't argue with those who say the war was—is—wrong, nor even with those who say a proper comeuppance for our folly might be a good thing.

But it is sick to work at delivering your own comeuppance, and that is what some of those who oppose the war and Richard Nixon's handling of it are proposing.

Extrication from the war—even *without* honor—is going to be difficult enough under any circumstance. The moralistic posturing of self-righteous critics won't make it any easier.

## NEW THRUST IN SPACE

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. TEAGUE of Texas. Mr. Speaker, in the editorial section of the Evening Star Wednesday, January 26, 1972, an analysis is made of the importance of proceeding with the space shuttle program. This editorial succinctly describes the important gains that this Nation will make by investing in a low cost earth orbital transportation system. The editorial further points out that the benefits and opportunities available through pursuing a space shuttle program will far out weight its relatively low initial costs. I commend this editorial to your reading:

NEW THRUST IN SPACE

Just in the nick of time, President Nixon has re-ignited the fizzling U.S. space program, and the benefits from the new venture he approved the other day promise to be substantial and stimulating. The space shuttle program represents a new era that will appeal to many Americans as bringing more practical applications of space science and technology.

In any event, most should agree that the country's massive investment in that field cannot now be written off and the program dismantled. There already has been too strong a drift in that direction; the aerospace industry is hanging by a thread and 200,000 space-related jobs have been eliminated. With the last two Apollo moon shots scheduled for this year, the whole space enterprise has been rapidly losing speed.

That's good, some people will say. After all, Americans have kicked around on the moon enough and Mars is out of the question, so why not proclaim the conquest of space and save the money? The answers are several. Certainly much money *will* be saved, in comparison to the peak Apollo development years. The space shuttle will cost $5 or $6 billion over a six-year period, and that is not an exorbitant outlay, it seems to us, for the continued gleaning of knowledge from space.

Moreover, the shuttle's function also will be, in very large measure, to broaden man's knowledge of the earth. It will be an orbiting runabout, in which the crew may peer at their leisure at the natural and human phenomena below and conduct studies of potentially great value. There is, needless to say, some national security advantage in the maneuverability it will afford and the improved surveillance capability.

And in addition, the shuttle will be sort of a repair truck of the heavens, making possible the fixing of broken-down satellites and the servicing of space laboratories. It could even be an ambulance, rescuing astronauts in trouble. Like an airplane, it would soar back down for earth landings after the completion of lengthy orbital missions.

Some of the costs would, of course, be recovered through economic expansion generated by the program—mainly through restoration of 50,000 aerospace jobs and prevention of the loss of others. Perhaps, too, the administration will succeed in its laudable efforts to bring some European countries in on the endeavor, to the tune of 10 or 15 percent of the cost.

Congress should go along with this proposed investment, knowing that if the country's highly efficient space organization is killed, it will not easily be revived. There's still much work to be done on those peaceful cosmic frontiers that can spread many benefits and much inspiration on this troubled earth.

## UNITED STATES SEEKS EUROMART FARM ACCORD

### HON. VERNON W. THOMSON

IN THE HOUSE OF REPRESENTATIVES

OF WISCONSIN

*Monday, January 31, 1972*

Mr. THOMSON of Wisconsin. Mr. Speaker, I read with considerable pleasure the remarks of Secretary of Agriculture Earl L. Butz recently made on agricultural trade with the European Common Market.

Many of us in Congress have been seriously concerned over the implications of the highly protectionist and discriminatory community agricultural policy. This became particularly acute when it became evident Denmark, Ireland, Norway, and the United Kingdom would soon become members of the Common Market. To express our concern, nearly 50 Members of Congress introduced resolutions urging the United States to demand our agricultural trade rights with the EEC. Over 50 later signed a joint letter to President Nixon expressing approval with our initial negotiations position on the issue, but cautioning against retrenchment.

Secretary Butz' remarks would indicate the administration is standing firm on American agriculture trade rights.

At this time, I would like to include in the RECORD an article from the January 27 edition of the Washington Post:

UNITED STATES SEEKS EUROMART FARM ACCORD

Agriculture Secretary Earl L. Butz suggested yesterday that the United States delay implementation of its agreement to devalue the dollar pending an agreement from Common Market countries not to post high tariffs on American agricultural exports.

Speaking to reporters over breakfast, Butz said the White House is "pressuring now" for such an understanding before sending devaluation legislation to Congress.

He said that the United States could serve as a constructive force in convincing some Common Market members, notably West Germany, to reform their domestic agricultural economies by developing larger farms.

Butz predicted a substantial rise in farm income this year and said that the Office of Management and Budget had begun releasing impounded agricultuarl funds appropriated by Congress.

He acknowledged that "it's the right time" to release such funds because 1972 is an election year. He also endorsed the decision of his predecessor, Clifford Hardin, to raise milk support prices last year.

## CONGRESSMAN ANNUNZIO INTRODUCES NATIONAL BLOOD BANK ACT OF 1972

### HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. ANNUNZIO. Mr. Speaker, the successful transfusion of blood from one human being to another stands as one of the great achievements of modern medicine. Lifesaving transfusions, however, have not always been routinely successful. Although they were tried on an experimental basis for hundreds of years, it was not until Landsteiner discovered blood groups in 1901 that transfusions could be given with reasonable assurance of safety. Today, over 6.6 million pints are collected, processed and distributed annually in this country. Sophisticated cross-matching techniques have virtually eliminated problems arising from incompatibility. Improved techniques for freezing and storage have permitted collection and retention of blood for both short and long-term storage in thousands of blood banks across the country. But the fact remains that blood, as a unique human resource, falls far short of its potential to save lives. The problem now lies in the fact that transfusion of improperly screened, contaminated blood annually causes thousands of cases of a serious and often fatal disease known as serum hepatitis.

In the past 30 years, we have witnessed the emergence of several hundred independent profit and nonprofit blood banks throughout the country. While most of these banks have performed valuable, lifesaving services, many—in attempting to meet immediate problems of critical blood shortages—have failed to properly screen the individuals who donate their blood. This is particularly true of profitmaking blood banks which purchase blood from donors who rely on the sale of their blood as a source of income. Unlike "voluntary" donors who contribute their blood for the good of the community, these "commercial" donors are often prisoners, alcoholics and narcotics addicts who are seeking early parole or support for their various habits. All too often they are unaware or unable to relate histories regarding previous diseases or personal habits which might predispose them to be carriers of the hepatitis agent. Yet studies show that their blood is at least 10 times more likely to transmit hepatitis than is that of the "volunteers." As a result, many unsuspecting recipients of this "commercial" blood develop debilitating if not fatal cases of posttransfusion hepatitis. According to the National Academy of Sciences, over 30,000 cases of clinically identifiable posttransfusion hepatitis occur each year and between 1,500 and 3,000 of these result in death.

The problem is obviously not insoluble and can be reduced in large part by the elimination of these paid donors. Progress in dealing with this problem to date has been hindered primarily by the lack of centralization and national regulation of the blood banking system. Inadequate inspection and supervision of the Nation's blood banks has allowed these questionable practices to continue. State laws have been inadequate to the task—in fact, 17 States have no laws whatsoever in blood banking. The part which the Federal Government has played to date in regulating these areas is negligible. Of the 7,000 blood banks in this country, the Division of Biologics Standards at the National Institutes of Health licenses only 166; and no provision is made for screening the vast quantities of blood now imported by our country.

Mr. Speaker, I wish to join today with those who would correct this problem by introducing the National Blood Bank Act of 1972. This piece of legislation is essentially identical to H.R. 11828, introduced by Congressman VEYSEY of California whose excellent work and attention to the Nation's needs in this area will do much toward eliminating this national disgrace. To his bill I am adding two amendments which would serve to encourage both public and private employers to permit their employees to participate in voluntary blood programs and would make it easier for blood bank personnel to gain access to space in Federal buildings for the purpose of collecting blood.

The purpose of the National Blood Bank Act of 1972 is twofold: first, to encourage the donation of "voluntary" blood and to provide for donor screening and blood testing so as to insure an adequate supply of uncontaminated blood; and second, to provide for Federal oversight of the Nation's blood banks in order to see that they live up to standards established for the benefit of the entire population. In order to help stem the hepatitis problem, the bill calls for education of the public with regard to the desirability of giving blood on a nonremunerative basis. It provides for a national program to recruit donors, and requires that the source of each pint of blood—voluntary or commercial—must be clearly labeled. The bill also calls for the establishment of a national registry of undesirable donors so that those who do not meet the requisite health standards may be prevented from contributing to the Nation's blood supply. In addition, the bill would require all blood banks to utilize the latest testing techniques for the detection of the serum hepatitis antigen. Although the present tests are only 25–30 percent effective, their application to each pint of blood collected in this country could reduce the incidence of posttransfusion hepatitis by one-third.

Mr. Speaker, under this proposal, there would also be established a National Blood Bank program in the office of the Secretary of HEW. The time has certainly come for the creation of an agency devoted specifically to the task of seeing that all blood banks are licensed and regulated. This organization will not only be responsible for licensing all of the Nation's blood banks but also for setting standards for the selection of donors. Until enough volunteers can be recruited to meet the Nation's needs, the Director of the National Blood Bank program will be able to set limits on the number of paid donors to be allowed for each blood bank. In addition, a centralized agency such as this will be able to collect hard data on the Nation's blood banking system—data which are now sadly lacking.

Mr. Speaker, the proposal which is now before you will do much toward providing the Nation with an adequate supply of safe and pure blood. I urge its early consideration.

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## SCHOOL CHANGES ARE LATE

## HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. HUNGATE. Mr. Speaker, the House Judiciary Committee will soon be holding hearings on the question of constitutional amendments affecting schools, school busing, and judicial abolition of district lines.

Accordingly, I thought the views of Washington Post columnist, William Raspberry, appearing on Wednesday, January 26, 1972, should be considered.

The article follows:

### SCHOOL CHANGES ARE LATE

(By William Raspberry)

America can never seem to figure out what to do about its poor and its black citizens.

It forces them into concentrations, whether through economics, commercial manipulation or outright segregation. And then it announces that it would be possible to deal with their problems if only the people weren't so concentrated.

Even when some reasonably logical solution does suggest itself, it is almost an article of American faith that no attempt will be made to implement it until it is too late for it to be effective.

We try scattered-site public housing (or cash housing subsidies) as an alternative to public housing concentration camps, but only after the problem has grown so large that there aren't enough sites left in which to scatter the poor.

We decide to move against crime and narcotics in the ghettos only after they have become virtually intractable (and after they have become a problem for the nonblack and nonpoor).

And particularly have we moved too late in public education.

When some basic education would have been a desirable thing for blacks, white Americans made it illegal to teach blacks to read and write.

When blacks would have been ecstatic over really good segregated schools, they got schools that were separate but awful.

Local authorities are now willing to desegregate their schools, but only after the courts have said desegregation isn't enough: You have to integrate.

Always one step behind. It would be almost laughable, except for the fact that the problems keep growing worse. Remedies that would have worked a few years ago become inadequate when they are applied too late. And we've finally reached the point where no one, white or black, has any clear idea of what will work now.

Virtually no one wants busing on the level it would take to integrate the schools in most metropolitan areas.

I, for one, would be willing to take one step backward, to honest desegregation. That is, let us move forthrightly against any attempt at official discrimination. But at the same time, let us end the humiliation of chasing after rich white children.

And it is humiliating. For one thing it says to black children that there is something inherently wrong with them, something that can be cured only by the presence of white children. Some of us don't believe that.

Some of us believe that given adequate resources, financial and otherwise, black children can learn, no matter what color their seatmates happen to be.

We started off chasing after white people because that was (we thought) the sure way to get the resources we needed. Now some of us are continuing the chase although we've forgotten why it started.

As provocative as Judge Merhige's Richmond degree was, I would have preferred a ruling that said not that pupils must be bused without regard to city boundary-lines but that school money and resources must no longer stop at those boundaries.

It may still come to that. If the current trend continues, there will likely be an end to property taxes as the chief means of financing schools. And one result will be that all the schools within a state will be on equal footing, no matter whether they are in rich neighborhoods or poor.

When the white and the rich discover that they cannot finance good public schools for their own children and lousy ones for the rest, we will see the beginning of equality in public education or we will see the end of public education.

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## NATIONAL COMMITTEE SUPPORTS FINANCING OF PUBLIC BROADCASTING

## HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. MACDONALD of Massachusetts. Mr. Speaker, I call the attention of my colleagues to some of the support which has been announced today for the legislation which I have introduced to provide long-range financing for public broadcasting (H.R. 11807).

As I have said many times in the past, the need to insulate public broadcasting from governmental pressure has become increasingly imperative. The bill which I have introduced and on which the Subcommittee on Communications and Power will begin hearings tomorrow is an overdue step in the direction of permanent financing—a type of financing which will provide this insulation.

I include the statement issued today by the Advisory Committee of National Organizations of the Corporation for Public Broadcasting. Also included is the list of separate organizations which have specifically endorsed my bill.

The material follows:

### National Committee Supports Financing of Public Broadcasting

WASHINGTON, D.C., January 31.—Representatives from 30 major national organizations have endorsed a resolution supporting long-range financing for public broadcasting.

The resolution was unanimously passed by delegates attending the meeting of the Advisory Committee of National Organizations of the Corporation for Public Broadcasting on January 11. (A list of the organizations and a copy of the resolution are attached.)

The Advisory committee resolution specifically expressed support for H.R. 11807, legislation sponsored by Rep. Torbert H. Macdonald (D-Mass.), which contains some aspects of long-range financing.

Rev. William F. Fore, executive director of the Broadcasting and Film Division of the National Council of Churches and chairman of the CPB Advisory Committee, said the resolution was being released now to coincide with the opening of hearings by the House Subcommittee on Communications and Power on H.R. 11807 and other financing legislation. Congressman Macdonald is chairman of the subcommittee.

In addition to the action by the Advisory delegates, 13 of the member organizations have taken official action individually in support of long-range financing for public broadcasting. These include the AFL-CIO, American Association of University Women, American Bar Association, American Jewish Committee, National Association of Counties, National Council of Churches Broadcasting and Film Commission, National Council of Senior Citizens, National Council of Women, National Education Association, National Grange, National League of Cities, United Auto Workers and U.S. Conference of Mayors.

Members of the CPB Advisory Committee have been meeting with Corporation leaders regularly to provide counsel on both policy issues and programming since CPB became operational in 1969.

### Resolution Enacted by CPB Advisory Committee of National Organizations, January 11, 1972

Whereas Congress, by enactment of the Public Broadcasting Act of 1967, declared that involving public broadcasting as "an expression of diversity and excellence" was a matter of national importance, that would help raise the educational level and public welfare of the nation generally, and;

Whereas, in 1967, the Carnegie Commission urged that the Corporation for Public Broadcasting be financed on a long-term basis in order to permit its operation to be free from "political interference.", and;

Whereas, the full promise of public broadcasting cannot be achieved until a plan for permanent financing is put into effect, and continued delay in providing such long-range financing threatens the very existence of public broadcasting, and;

Whereas, the Corporation has provided substantial financial assistance to all qualified public television and radio stations through its program of annual community service grants, and recognizes the need for a sizeable increase in this kind of support in order to strengthen local stations;

Therefore be it resolved that the Advisory Committee of National Organizations of the Corporation for Public Broadcasting urges Congress and the Executive Branch for Public Broadcasting possible to provide long-range financing for the Corporation for Public Broadcasting in order to enable CPB to effectively build and strengthen the public broadcasting system that best serves the greatest number of American listeners and viewers.

Be it further resolved that those constituent organizations which have representatives on the Advisory Committee of National Organizations and which are in a position to do so, be asked to endorse and advocate the concept of long-range financing for CPB and the adoption of H.R. 11807, "Public Broadcasting Act of 1971" or similar legislation which provides long-term financing for the Corporation for Public Broadcasting.

Delegates from the following organizations voted for the CPB Advisory Committee resolution on the Macdonald bill for long-range financing:

AFL-CIO.
American Bar Association.
American Association of University Women.
American Jewish Committee.
Associated Councils of the Arts.
Boy Scouts of America.
Consumer Federation of America.
General Federation of Women's Clubs.
Girl Scouts of America.
League of Women Voters.
National Association of Counties.
National Association of Manufacturers.
National Audubon Society.
National Conference of Christians and Jews.
National Congress of Parents and Teachers.
National Council of Churches of Christ.
National Council of Negro Women.
National Council of Senior Citizens.
National Council of Women.
National Education Association.
National Grange.
National 4-H Club.
National League of Cities.
National Legal Aid and Defender Association.
National Recreation and Park Association.
National Urban League.
U.S. Catholic Conference.
U.S. Conference of Mayors.
U.S. Jaycees.
U.S. National Student Association.

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## DOCK STRIKE HANGS ON

## HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. SCHERLE. Mr. Speaker, the intolerable west coast dock strike continues to hang on. In the next few days, the Taft-Hartley injunction will expire in the east coast and gulf ports disputes. The following editorial by the Iowa Farm Bureau Spokesman entitled "Dock Strike 'Obsession'" graphically illustrates the economic burden that these work stoppages have placed on the innocent third parties to these strikes. Legislation to bring about a permanent solution to these strikes has been introduced by me. I urge Congress to adopt such a measure as soon as possible.

The editorial follows:

### Dock Strike "Obsession"

Some have charged that Farm Bureau and others have an obsession with dock strikes and imply that this is being used as an escape from grappling with the real agricultural issues.

If you call it an obsession to being concerned with the ability to move production from 1 out of every 4 acres harvested to overseas markets, then we plead guilty.

Export markets are extremely important to agriculture. Without export markets farmers and the nation would have to retire another 35 to 40 million acres of land besides the announced goal of 50 million acres under the 1972 feed grain and wheat programs. And we would have to retire or find other uses for 45 million acres now devoted to soybean production.

Farmers know that $1 out of every $7 of farm income comes from the export market.

We wish we could be as complacent as some that the export movement of feed grains, wheat and soybeans will be as great as it would have been without the dock strikes.

First, this doesn't help the farmer who sold at harvest time when the dock strikes depressed prices and estimated 10 cents per bushel on corn and an estimated 25 cents per bushel on soybeans.

Second, this complacency ignores the report that our foreign customers are turning to other markets for these products because we couldn't supply them when they wanted the products and the uncertainty about future deliveries.

No one argues that the enormous production in 1971 is not a factor in the low corn prices. But that is the very reason for the extra concern about the dock strikes. With extra large production and possible stiff foreign competition, we need to be in a position to move the feed grains, wheat and soybeans when our customers want them. It is much better to sell this surplus and get it off our backs than to pile it up in government storage, have the costs of this storage charged against farmers in the federal budget and then depress the market when stocks come back on the market—as they always have.

Farm Bureau does have an obsession in doing everything possible to improve farm income, including fighting hard for legislation to put an end to the devastating and costly transportation strikes, such as the present dock srikes.

An effort is being made to make changes in the present government farm program to retire additional acreage to bring adjustments in the supply demand situation for corn. In its policy resolutions and other actions, Farm Bureau has urged the Secretary of Agriculture to use his broad authority under the 1970 agicultural act in such a manner that farmers will have economy opportunities more comparable to those of persons in other segments of our national economy.

But while there is adequate legislation if properly administered to handle the supply and adjustment in agriculture, there is not now satisfactory legislation to handle the problems of transportation industry strikes that are costly to agriculture, the public and the nation.

And we intend to be obsessed with the need for action on this issue until Congress demonstrates that it is concerned and acts.

## SALUTE TO JAYCEES

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. CRANE. Mr. Speaker, this past weekend, much of the political news generated by the presidential candidates originated in Florida, at the annual meeting of the Florida Jaycees. It should come as no surprise that the candidates are sharing their views with the Jaycees and hoping for their support in return. As I, and many of my colleagues, know very well, the jaycees are among the more influential and dedicated citizens in thousands of communities throughout the Nation.

I am fortunate to have more than a dozen hard-working jaycee chapters in my district. Each year, during January, the jaycees observe the founding of their organization and I would like to take this opportunity to salute the jaycees, particularly those in the north region of Illinois.

I have attended several jaycee functions and have been deeply impressed by their hard work and their dedication to their communities. These young men, who range in age from 21 to 35, spend countless hours of volunteer time in service to their fellow men. In so doing, they not only receive great personal satisfaction, but they also are developing the important qualities of leadership and public service.

Mr. Speaker, earlier this month, President Nixon, a former jaycee, paid tribute to the jaycees by declaring a "National Jaycee Week." I would like to offer my best wishes to the jaycees and, for my colleagues who are not familiar with the jaycees, I include the Jaycee Creed. Its message is one I think very worth spreading.

THE JAYCEE CREED

We believe:

That faith in God gives meaning and purpose to human life;

That the brotherhood of men transcends the sovereignty of nations;

That economic justice can best be won by free men through free enterprise;

That government should be of laws, rather than of men;

That earth's great treasure lies in human personality;

And that service to humanity is the best work of life.

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## SECRET GOP LINK PROVEN

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. ASPIN. Mr. Speaker, on Friday, January 22, I inserted into the CONGRESSIONAL RECORD a series of documents that revealed the link between the Republican National Committee and the leadership of the National League of Families of American Prisoners of War and Missing in Action in Southeast Asia.

Additional information that I have received conclusively proves that the Republican National Committee had already taken command of the league's fund-raising activities before the Democratic Party was even contacted. Final arrangements for Republican fund raising management of the league were finalized 8 days before the league even requested similar assistance from the Democratic National Committee.

I believe that the belated letter to the Democratic National Committee was a Republican coverup hiding the link between the Republican National Committee and the league. The GOP took over fund raising activities for the league secretly without any notification to the general memership of the organization.

With the league receiving fund-raising advice and help from the Republican National Committee, it comes as no surprise that they followed the administration's line on the Mansfield-Boland amendment which was considered by this House in November. It was no mere coincidence that the position of the Nixon administration and the league were identical.

The connection between the league and the Republican National Committee has apparently become so close that the national coordinator of the league and Senator ROBERT DOLE, of the Republican National Committee, have made similar statements to the press.

I have renewed my call to Senator DOLE to immediately pull his advisers out of the league affairs so that the league can operate in a truly nonpartisan manner. I applaud the decision of the league to form a nonpartisan political committee to study the positions of various presidential candidates on POW issues. My only hope is that the GOP is removed from the affairs of the league so that this nonpartisan political committee can truly be nonpartisan.

The documents follow:

WASHINGTON, D.C.,
*April 14, 1971.*

DEAR BOARD MEMBER: The attached outline was submitted to us by Bob O'Dell and Wayne Bradley who volunteered to help us in direct-mail soliciting. Bob O'Dell is Republican National Committee (Finance) Executive Director, and Wayne Bradley is Executive Director of the American Medical Association in Washington, D.C.

Both, when we first met with them, believed that we paid very high prices for our last campaign, though the results were fairly good. We were given an outline of costs, which is as follows:

| | *Per thousand* |
|---|---|
| Postage | $16 |
| Mailing services | 8 |
| Letter printing | 4 |
| Printing card (computer) | 10 |
| Enclosure | 5 |
| Lists | --- |
| Envelopes (750,000 already printed and unused per thousand) | --- |
| Total | 43 |

Mr. Bradley will have the solicitation letter written, and we believe paper for the letters and the enclosures will be donated.

Most importantly, no one will know that we are using the lists owned by the Republican National Committee. The Committee itself has got to protect its donors. So the mailing will be done in such a way that the Republican donors will not know that their names have been supplied by the Republican National Committee.

Mr. Havens, Mr. Wagner, and Dr. Ladley feel that we must make another appeal for donations *soon*. Thus, we ask you to consider this carefully, discuss it with the other Board members, and send or phone your votes in to Jane Denton (703) 340-6349 as soon as possible.

JOAN.

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APRIL 14, 1971.

Memorandum for: The League of Families.
From: Robert P. Odell, Jr.
Subject: League solicitations.

I. COMPUTER SERVICES

Maurice DuFour, President of IBMI, has agreed to maintain and print the necessary documents for the past contributors to the League. Someone on the staff of the League should call Mr. DuFour at 965-5015 to make the necessary arrangements for transferring the tape from the facility that Gorman was using.

II. MAINTENANCE OF PAST CONTRIBUTOR FILE

(a) Certain statistical counts should be made of the current file including the total number of names, breakdown of individual contribution amounts, etc.

(b) The League should determine whether or not each and every individual who contributed something through the direct mail program has actually been thanked and provided with an action pack. Those who have contributed $100 or more should be extracted from the file and a special letter of appreciation sent to them.

(c) Approximately 6 months after the initial solicitation, it would be appropriate and worthwhile to re-solicit these individuals for a contribution. The letter should indicate that the League recognizes their past support and is returning to its friends with the hope that they may be able to help out again. This solicitation should also indicate, in rather specific terms, what the money will be used for.

III. NEW SOLICITATIONS

(a) It is my suggestion that the League develop a solicitation program for new contributors. The program should include the selection and use of lists which might be made available to the group on a free basis.

(b) Copy should be developed by a professional on a no fee basis.

(c) A knowledgeable and experienced individual on a volunteer basis should purchase supplies and coordinate the physical arrangements for the mailing.

(d) A group of informed volunteers should act as a steering committee to set overall policy and direction for the mail solicitation.

It should be always understood that the solicitation mailing also spreads the word about the POW-MIA situation. Therefore, great care should be taken to insure that the message in the mail is very very clear.

IV. FULFILLMENT

(a) Each and every contributor should receive a receipt and/or thank you letter for their contribution. Those who contribute a substantial sum should receive a personal letter from the head of the League.

(b) If it is the purpose of the League to send its message to as many people as possible and to enlist support for its cause across the country, it should either on a regular or continuing basis, mail to its contributor list information on its activities. Individuals who have already contributed have indicated their support, but should be kept up to date on the problems and the work of the League on a continuing basis.

NATIONAL LEAGUE OF FAMILIES OF
AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA,
*Washington, D.C., April 22, 1972.*
Mr. LARRY O'BRIEN,
*Chairman, Democratic National Committee,*
*Washington, D.C.*

DEAR MR. O'BRIEN: As you know, the League has certain expenses in its continuing efforts to remind the American people and arouse world opinion to the situation involving the prisoners of war and missing in action in Southeast Asia. While these financial needs are not great, nevertheless, they are real.

Through a groups of volunteers in the direct-mail business, we are planning to solicit funds from a wide range of the American public. In an earlier fund-raising effort, we were charged for the use of lists. Our advisors suggested that we contact you in your post as Chairman of the Democratic National Committee to ask if it would be possible to use the Committee's donor lists. We were advised by our consultants that your names can be used in such a way that the donors will be unaware that the names are furnished by the Democratic National Committee.

We would be most grateful for your consideration of this request.

Very sincerely,

JOAN M. VINSON,
*National Coordinator.*

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CBS INTERVIEW WITH ROBERT DOLE, JUNE 29, 1971

CRONKITE. The Senate's mandate last week for an end of American involvement in Indochina—if the prisoners are released—puts new pressure on President Nixon to announce a withdrawal date. But as it was written by Majority Leader Mansfield, it is a statement of Senate policy; it is not binding law. Even if the House had not rejected it yesterday, Mr. Nixon could have refused to implement its nine-month deadline. And present indications are he will reject any such deadline.

It also now appears that the Administration is de-emphasizing the POW issue it has espoused so ardently during the last two years, and is putting more emphasis on the ability of Saigon to survive. Republican National Chairman Robert Dole indicated as much in an interview with Bob Schieffer.

DOLE. We have to be very candid about it, we don't want to stay there just for the prisoners, we don't want to get out just for the prisoners. They're very important, but they represent less than one-half of one percent of the Americans who've died in South Vietnam.

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STATEMENT OF MRS. JOAN VINSON, NATIONAL COORDINATOR

174 of our members returned Sunday after an 8-day mission to Geneva, Paris and 9 other European capitals. The main goal of the first portion of the trip, in Geneva, was to ask the representatives of some 35 countries to respect and insure respect for the Geneva Conventions of 1949 Relative to the Treatment of Prisoners of War. Though we have no way of knowing at this time the ultimate results of our efforts, we do know that on the first day of the conference, the matter of prisoners of war—which had not previously been on the agenda for discussion—was introduced by another country.

On May 27, in Paris, our entire group observed the arrivals of the four parties involved in the Peace Talks. Reporters present asked the North Vietnamese and the Provisional Revolutionary Government delegates if our members would be permitted an audience with either of their delegations. The PRG representative refused. The North Vietnamese representative stated that he did not feel that members of his delegation would have enough time to meet with us. He did indicate that he believed a meeting could be arranged between some of our members and their embassy. Immediately thereafter, we contacted the North Vietnamese embassy, requested an appointment for five of our members, and were told that they would call us back with an answer. In toto, we contacted them seven times—each with the answer, "No appointment has yet been arranged."

Needless to say, we were extremely disappointed in the other side's refusal to see us. We believe that if they are sincere in their desire for a lasting peace, they would open their door to the people who have truly felt the effects of this tragic war.

Because the President said that he wanted a commitment from the communists, regarding the release of prisoners, we attempted to contact the North Vietnamese and the PRG to ask them to make this commitment publicly to Ambassador Bruce. We have been deeply frustrated by the reports of various congressmen and newsmen and other groups who sincerely believe that the other side has made a commitment for the release of prisoners of war. However, no such statement is on the official record, although those words would clear the way for the President to announce total withdrawal of troops from Indochina. We urge the communists to make this clarification.

In no other war in history have prisoners been used to this degree to bargain for political concessions. It seems to us that the whole question of peace in Indochina has now been focused, by both sides, on the prisoner of war issue. If the handling of the prisoners truly is the major stumbling block, then it seems to us that it can be solved very easily by relatively minor moves by both sides.

It's difficult to imagine that our relatives in Southeast Asia can survive any more extended wranglings and negotiations. The North Vietnamese have told us that they do not intend to take the first step. They do not intend to release and account for our relatives until after the date for total withdrawal has been set. We can, therefore, only hope that the President and his negotiators in Paris are prepared to initiate other means of resolving the war in Indochina and securing the release and accounting for our men.

We would like to see both sides demonstrate more flexibility and conciliation than is represented by the over-simplified "Set a withdrawal date, and we'll discuss release of prisoners," and "Promise to release the prisoners, and we'll discuss a withdrawal date." Surely there is room for negotiations somewhere between these two undeviating positions.

It has also been charged that the prisoner of war qeustion is not the real issue. That it is being used as an excuse by one side or the other to prolong the war and avoid a settlement at this time. We resent the possibility that our men's lives have become meaningless ciphers in the manipulation of international politics. Their lives mean too much to us.

If the prisoners are not the real issue, then it is time for both sides to start talking about what may be the real problems in achieving a settlement of this war. It has been speculated that there are issues beneath the surface, beyond troop-withdrawal dates and discussion for release of prisoners. Some say the North Vietnamese will demand concessions in the area of American air power, military advisors and coalition governments as well as settlements in Laos and Cambodia.

If these are root issues, they should be dealt with directly. The prisoners should be removed from such bartering and afforded the protections dictated by humanitarian law.

We would like to have the POW/MIA issue put in its proper perspective.

We do not want the prisoners to be the only reason we remain in Vietnam, nor do we want them to be the only reason we leave.

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JANUARY 26, 1972.

Hon. ROBERT DOLE,
*Republican National Committee,*
*Washington, D.C.*

DEAR SENATOR DOLE: It has come to my attention that the Republican National Committee finalized plans to, in effect, take on the management of the League of Families of American Prisoners and Missing in Action in Southeast Asia before the Democratic National Committee was even notified.

The memorandum from the Republican National Financial Committee giving detailed advice on fund-raising was dated April 14. On April 22 the League asked the Democratic National Committee for help only as an afterthought and as a cover up for Republican control.

The League supposedly is a non-partisan organization. How can the League pretend to be non-partisan or to represent the real views of the POW families when it is dependent on Republican funds and political advice?

I renew my call for you to immediately pull your advisors out of the League's affairs, so that it can operate in a truly non-partisan manner.

Sincerely,

LEE ASPIN,
*Member of Congress.*

## PUBLIC OPINION POLL OF LEGION OF ESTONIAN LIBERATION

## HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. HOGAN. Mr. Speaker, the Legion of Estonian Liberation recently conducted an opinion poll among its members to determine their feelings about a wide variety of current issues.

Mr. Maido Kari, executive secretary of the legion, wrote to President Nixon following the compilation of the results, saying that he believed the statistics to be indicative of the general views of Estonians in the United States, and I now insert the results of the questionnaire into the RECORD:

LEGION OF ESTONIAN LIBERATION, INC.,
*Gaithersburg, Md., December 14, 1971.*
Hon. RICHARD M. NIXON,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: It is a pleasure to forward for your information the results of the second annual opinion poll among the members of the Legion of Estonian Liberation, Inc. The mailed poll was conducted during the mid and latter part of November with a 21.9% return. The average age of the respondents was 54.3 years.

It is clear from the poll that our members support the recently initiated economic programs and opposed the Congressional withdrawal of funds for the SST.

Your overtures toward the Peoples Republic of China as well as your trip to Peking are opposed by the majority. The same holds true for the trip to Moscow and increasing of trade with the Soviets.

Our membership supported the administration in its policies to admit the Peoples Republic of China to the United Nations while retaining Nationalist China as a UN member.

They disapprove the Mayday demonstrations in Washington, D.C. and think that the best deterent to crime is stiffer punishment.

The respondents to the questionnaire thought that the biggest threat to the national security is from the Soviet Union and that the most pressing internal problem facing the Nation is inflation.

Your performance in office was rated either excellent or good by 66.4% of our members and 55.1% would have voted for you as President during the polling period.

Respectfully,

MAIDO KARI,
*Executive Secretary.*

[In percent]

| | Yes | No | No opinion | No answer |
|---|---|---|---|---|
| 1. Do you support the President's troop withdrawal program in Vietnam? | 64.8 | 31.8 | 1.8 | 1.8 |

| | Favor | Oppose | No opinion | No answer |
|---|---|---|---|---|
| 2. Do you favor or oppose a firm deadline (Mar. 31, 1972) for complete withdrawal of all U.S. troops from Vietnam? | 8.4 | 84.2 | 5.6 | 1.8 |
| 3. Do you favor or oppose the President's price, wage and rent freeze? | 86.0 | 10.3 | 3.7 | 0 |

| | Agree | Disagree | No opinion | No answer |
|---|---|---|---|---|
| 4. Do you agree or disagree with the phase II of the freeze program to control inflation? | 82.3 | 11.2 | 5.6 | .9 |

| | Favor | Oppose | No opinion | No answer |
|---|---|---|---|---|
| 5. Do you favor or oppose a freeze on interest rates? | 72.9 | 17.8 | 7.5 | 1.8 |
| 6. Do you favor or oppose a freeze on corporate profits? | 65.9 | 19.2 | 13.1 | 1.8 |
| 7. Did you favor or oppose the action of Congress in withdrawing Government financial support for development of the supersonic transport (SST)? | 21.4 | 62.7 | 13.1 | 2.8 |
| 8. Do you favor or oppose President Nixon's overture to the Peoples Republic of China? | 32.7 | 51.5 | 14.9 | .9 |
| 9. Do you favor or oppose the President's proposed trip to Peking? | 32.7 | 55.1 | 12.2 | 0 |
| 10 Did you favor or oppose the admission of the Peoples Republic of China to the United Nations, provided Nationalist China (Taiwan) retained its seat in the United Nations? | 54.4 | 35.5 | 5.6 | 4.5 |
| 11. Did you favor or oppose the admission of the Peoples Republic of China to the United Nations, even if it resulted in Nationalist China's withdrawal or removal from the United Nations? | 6.5 | 84.2 | 6.5 | 2.8 |
| 12. Do you favor or oppose an amendment to the U.S Constitution which would require that no public school student shall because of his race, color, or creed be assigned to or required to attend a particular school? | 41.3 | 38.3 | 15.9 | 4.5 |

| | Yes | No | No opinion | No answer |
|---|---|---|---|---|
| 13. Do you believe Israel should withdraw from occupied territories as a precondition to peace negotiations? | 30.8 | 56.1 | 13.1 | 0 |
| 14. The FBI has become the subject of recent controversy: | | | | |
| (a) Are you satisfied with the FBI's general performance? | 82.2 | 8.4 | 9.4 | 0 |
| (b) Do you think the FBI Director J. Edgar Hoover should retire now? | 17.7 | 64.6 | 14.9 | 2.8 |

| | Approve | Disapprove | No opinion | No answer |
|---|---|---|---|---|
| 15. In general, do you approve or disapprove of the Mayday demonstration against the war in Washington, D.C. this spring? | 1.9 | 93.4 | 4.7 | 0 |
| 16. Do you approve or disapprove of the way the Washington police handled the demonstration? | 84.1 | 4.7 | 6.5 | 4.7 |

| | Too much | Right amount | Too easy | No opinion | No answer |
|---|---|---|---|---|---|
| 17. Do you think the Washington police used too much force in handling the demonstrations, about the right amount, or were the police too easy on the demonstrators? | 0 | 33.6 | 59.0 | 6.5 | .9 |

| | Favor | Oppose | No opinion | No answer |
|---|---|---|---|---|
| 18. Do you favor or oppose Congress enacting a national health insurance program to cover catastrophic or prolonged illness? | 73.8 | 11.2 | 10.3 | 4.7 |

| | Yes | No | No opinion | No answer |
|---|---|---|---|---|
| 19. What do you think are the best 3 means to cut the crime rate: | | | | |
| (a) Provide better police training and selection? | 77.6 | 9.3 | ---------- | 13.1 |
| (b) Stiffer punishment? | 92.6 | 3.7 | ---------- | 3.7 |
| (c) Increase the capacity of courts to handle criminal cases? | 83.2 | 5.6 | ---------- | 11.2 |
| (d) Improve rehabilitation programs in prisons? | 43.0 | 28.0 | ---------- | 29.0 |

| | Favor | Oppose | No opinion | No answer |
|---|---|---|---|---|
| 20. Would you favor or oppose the legalization of marihuana? | 14.0 | 76.6 | 9.3 | 0 |

| | Yes | No | No opinion | No answer |
|---|---|---|---|---|
| 21. Do you support the concept of an all volunteer army? | 17.7 | 74.8 | 7.5 | 3.7 |
| 22. Do you support a constitutional amendment which would allow prayer in the public schools? | 84.1 | 3.8 | 8.4 | 3.7 |
| 23. Should the U.S. Constitution be amended to guarantee equal rights for men and women? | 59.0 | 22.4 | 14.9 | 3.7 |
| 24. The biggest (rank in order from 1 to 5) threat to our national security in the next 5 years will come from: | | | | |
| 1. Soviet Union 53.4 | | | | |
| 2. International communism 41.0 | | | | |
| 3. Peoples Republic of China 2.8 | | | | |
| 4. The Middle East 2.8 | | | | |
| 5. North Vietnam 0 | | | | |
| 25. Foreign aid: | | | | |
| (a) Should the United States continue to extend military aid to non-Communist nations? | 76.7 | 4.7 | 2.7 | 15.9 |
| (b) Should the United States continue to extend economic aid to other nations? | 36.6 | 46.7 | 9.3 | 7.4 |
| 26. Should the Federal Government enact laws to prevent strikes by public employees? | 88.1 | 2.7 | 6.5 | 2.7 |
| 27. Do you favor or oppose stepped-up Federal spending programs to combat water, air, and noise pollution? | 76.7 | 8.4 | 11.2 | 3.7 |
| 28. Do you think your local newspapers (other than in editorials) report the news impartially? | 37.6 | 45.6 | 11.2 | 5.6 |

| | Favor | Oppose | No opinion | No answer |
|---|---|---|---|---|
| 29. Do you favor or oppose President Nixon's trip to Moscow? | 28.9 | 62.7 | 3.7 | 4.7 |

| | Yes | No | No opinion | No answer |
|---|---|---|---|---|
| 30. Do you favor increasing trade between the United States and Soviet Union? | 11.2 | 81.3 | 5.6 | 1.8 |
| 31. Do you support the continuation of the space program at its present level? | 79.8 | 9.3 | 8.2 | 2.7 |
| 32. In your opinion what are the most pressing problems facing the Nation? (please number in order of importance): | | | | |
| 1. Inflation 39.3 | | | | |
| 2. Crime 36.5 | | | | |
| 3. Unemployment 17.8 | | | | |
| 4. Drug addiction 3.7 | | | | |
| 5. Vietnam war 2.7 | | | | |
| 6. Pollution 0.9 | | | | |

| | Excellent | Good | Fair | Poor |
|---|---|---|---|---|
| 33. How do you rate President Nixon's and Vice President Agnew's performance in office? | | | | |
| President Nixon | 27.2 | 39.2 | 21.5 | 12.1 |
| Vice President Agnew | 58.0 | 32.7 | 9.3 | 0 |
| 34. If Presidential elections were held tomorrow whom would you vote for President? | | | | |
| 1. Richard Nixon 55.1 | | | | |
| 2. Spiro Agnew 24.3 | | | | |
| 3. Governor George Wallace 14.1 | | | | |
| 4. Senator Jackson 1.9 | | | | |
| 4. Governor Nelson Rockefeller 1.9 | | | | |
| 5. Lyndon B. Johnson 1.8 | | | | |
| 6. Representative Wilbur Mills .9 | | | | |

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## HAVRE DE GRACE GI KILLED IN INDOCHINA

## HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. LONG of Maryland. Mr. Speaker, a fine young man from Maryland, Army Sp4c. Ronald A. Spudis, was recently killed in action in Vietnam. I would like to commend his courage and to honor his memory by including the following article in the RECORD:

The article follows:

HAVRE DE GRACE GI KILLED IN INDOCHINA

Army Spec. 4 Ronald A. Spudis, 21, son of Mr. and Mrs. Albert A. Spudis, of Havre de Grace, was killed in action in Indochina Saturday, the Department of Defense announced yesterday.

Neither the family's parish priest nor the Army chaplain who brought the news of the infantryman's death to the family were able to furnish any details other than that "he was killed in Southeast Asia as a result of hostile action."

A native of Havre de Grace, Specialist Spudis was president of his class at John Carroll Senior High School. While there he participated in all sports, according to his mother, and was a member of the Glee Club.

Before he was drafted in August, 1970, he was attending Harford Junior College. He was active in the affairs of St. Patrick's Church.

Specialist Spudis is survived by his parents, a sister, Mrs. Barbara Bullock, of Edgewood, Md., two nephews, David and Anthony Bullock and a niece, Claire Bullock.

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## YOU CAN TRUST MUSKIE

## HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. DUNCAN. Mr. Speaker, I read a very interesting editorial in the January 22, 1972, Knoxville, Tenn., News-Sentinel. I think it provokes some deep thought about our presidential candidates and their credibility. I would like to share it with my colleagues by placing it in the RECORD. The article follows:

YOU CAN TRUST MUSKIE

So say the signs that blossom when Sen. Edmund S. Muskie of Maine takes his candidacy for the Democratic presidential nomination across the land.

Scripps-Howard's chief political writer, Ted Knap, reports Muskie braintrusters set great store by polls which show their man's credibility quotient is higher than President Nixon's.

Thus, in what has come to be known as the "packaging" of the candidate, the political packagers and the candidate himself are seeking to exploit the "down-home" image of Muskie as a man whose word is his bond.

Fair enough. Not all Administration promises have been kept.

But at this relatively early stage of the game we would suggest that the Muskie packagers supply the candidate with some words more readily bondable than a good deal of the simplistic pap he has been offering.

For example:

1. "The surest way to make jobs is to make jobs."

2. "I believe we should bring American troops home by bringing all of them home."

This sort of "wisdom" might send a Zen Buddhist into rapturous contemplation of his navel, but it's hardly adequate for the American taxpayer-citizen who wants to know precisely how these things are to be done, how much they will cost and what their long-range domestic or international effects will be.

The "jobs" issue, it turns out, amounts merely to expanding the existing program of making the Government the employer of last resort.

And the "bring the troops home" issue, Muskie says, means he'd stop bombing North Vietnam and offer to withdraw all U.S. forces from South Vietnam by a fixed date in exchange for release of American prisoners and guaranteed safety of the withdrawing forces. This seems to be a tactical, rather than strategic difference with an Administration that already has made significant strides toward bringing the troops home.

Likewise Muskie proclaims: "I think what we want once again is a country we can love, a country we can believe in, fight for and die for. If we build that kind of country nobody will have to die for it."

We think even the candidate himself might have axed that ringing line if he had had an opportunity to think about it a bit.

The only way to construe that statement is that Muskie thinks that right now "we" no longer love our country, no longer believe in it and are unwilling to fight and die for it as we once did.

That, in our opinion, is hogwash. The fact that Muskie and a horde of fellow Democrats are scrambling for the nomination is evidence that the great majority of the citizenry loves and believes enough in the American dream to work toward it through the two-party system.

To simply, as Muskie does, say that "we" are unwilling to fight and die is a gross insult to the hundreds of thousands of American military men who as careerists or draftees today serve the nation at home and abroad.

Credibility is a legitimate enough issue. But the candidate who chooses to make it one carries an extra burden of proof of his own credibility. And we suspect Muskie is a more credible man than much of his oratory thus far would indicate.

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## WBBM RADIO SPEAKS OUT ON THE NEED FOR VOCATIONAL EDUCATION

## HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. PUCINSKI. Mr. Speaker, WBBM radio in Chicago has a reputation as one of the most influential molders of public opinion in my city. That station through its editorial series has spoken out forcefully and responsibly on most of the major issues faced by Chicagoans.

Therefore, it was with great pleasure that I heard WBBM add its influential voice to the call for a more realistic attitude toward vocational education in our society. I have been advocating the same idea for years and it is therefore with a great measure of pride that I bring to the House's attention the editorial endorsing this position.

Mr. Speaker, the editorial follows:

VOCATIONAL EDUCATION

WBBM feels it's time for a more realistic attitude toward vocational education. What's wrong with working with your hands? A major newspaper reports that by 1980 some eighty per cent of all jobs will require less than a college degree. But these jobs will require skills. This demand is going to have to be met and it seems unlikely that a person who has spent years studying the Romance Languages would have these skills.

Certainly there will always be a need for a student who has mastered the Romance Languages. But what we're talking about is what we might call the average student. Bright . . . but not brilliant. Brilliant . . . but in a different way. Goaded by his parents he might go to college to become an accountant when he really wanted to be a barber.

Everyone doesn't have to go to college to be successful. Perhaps we were all shaken in the 50's when the Russians launched the sputnik. America, the world leader, was being outstripped. In more recent years young people have attended colleges and graduate schools to avoid being drafted.

Polls indicate that Americans are most concerned about the economy. The economists talk about a thing called "proper allocation of resources." Youth is probably our most vital resource. We aren't going to achieve this favorable balance with a society of tradesmen . . . nor will we achieve it with a society of eggheads.

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## THE SOVIET NAVY

## HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. HARRINGTON. Mr. Speaker, in this year of the administration's escalating requests for military appropriations we shall be hearing much about the threat of the expanding Soviet Navy and the need for a massive buildup of the U.S. Navy in response. The public and Members of Congress will be bombarded with the latest exciting details of Soviet submarine construction, antiship missiles, merchant marine tonnage, deployments to the Indian Ocean and the Mediterranean, and ominous hints that the Soviets are finally, at last, building a genuine aircraft carrier. We will certainly be made aware of the threat in all its infinite detail.

What we will not be given is a coherent framework for understanding what the growth of the Soviet Navy really means for the national security of the United States. We will not know what reasonable and necessary steps should be taken on our part. There is a clear danger of an aimless, tit-for-tat reaction that is based on nothing more than a primitive intuition that we must constantly have more and better, matching the Soviets ship for ship, sub for sub. The astonishingly gigantic increase in funding for the ULMS submarine program in the fiscal 1973 defense budget, responding to the alleged threat from an almost totally ineffective Soviet antisubmarine warfare effort, is a first indication of the trend toward overreaction to the Soviet Navy. We may confidently expect that there is more to come, unless we stop and think.

There are very few Western experts on Soviet naval developments to whom one can turn with some confidence that one will receive an informed and balanced appraisal. The former British naval commander Michael MccGwire is a fortunate exception to the rule. Mr. MccGwire served in the Royal Navy for some 25 years and was assistant naval attaché in Moscow. He is currently visiting professor of military and strategic studies at Dalhousie University, Halifax, Nova Scotia.

Michael MccGwire's writings provide an insight into Soviet naval activities that can be found almost nowhere else in unclassified discussions. In the July 1, 1971, RECORD, I previously brought to my colleagues' attention two papers by Mr. MccGwire published by the Royal United Service Institution, "Soviet Naval Capabilities and Intentions" and "Soviet Naval Procurement." Today I would like to insert in the RECORD an article by Mr. MccGwire that appeared in the October-November 1971 issue of NATO's Fifteen Nations, "Russian Maritime Requirements." I am also inserting a paper by Robert Weinland of the Center for Naval Analyses, "The Changing Mission Structure of the Soviet Navy," that provides an interesting critique of some of Michael MccGwire's work. The material follows:

[From NATO's Fifteen Nations, October–November 1971]

## RUSSIAN MARITIME REQUIREMENTS

(By Michael MccGwire)

(NOTE.—Michael MccGwire is visiting Professor of Military and Strategic Studies at Dalhousie University, Halifax, Nova Scotia.

(As a Commander in the Royal Navy he served in the function of Assistant Naval Attache in Moscow. He is a Russian Interpreter. Latterly he has been "lecturer on Russian Affairs" in the Department of International Politics at the University of Wales.)

In the past, Russia's maritime policy has been dictated by her extended coastline and the fact that four quite separate seas wash her shores, requiring four self-sufficient fleets to defend them. This has meant that although Russia is predominantly a land power, for the last 200 years her navy has generally been the third or fourth largest in the world. The Revolution did not alter the essential basis of Russian naval requirements; what did change was her position in the international system and the new dogma that all capitalist states were adversaries. Changed, too, was the style of government; this enabled ruthless decisions on relative national priorities and an un-Russian persistence in their application.

But continuity, if not persistence, has been a basic feature of Russian naval policy. Until the late 1950's, their operational concepts were substantially those established in the 1937 "Fighting Instructions" (BUMS-37, pronounced "booms", not "bums"); and it is symptomatic that the post-World War II reconstruction of the navy was the fourth such Twenty-Year Programme to have been started in 65 years.

The question which concerns us here, is whether this continuity was broken in the early sixties, and whether we are now faced with a radically new style of Soviet naval policy, seeking to pursue what we, in the West, see as the traditional policies of a maritime power.

The short answer is no, *but*. The evidence for this assertion lies in Soviet warship building programmes, the composition of their navy and the pattern of operational deployments. The fundamental change has not been in the aims of Russian naval policy, but in the nature of maritime warfare; most particularly the range from which devastating military force can be launched against strategic targets on land. *But;* the question does not lend itself to short unqualified answers, and must be viewed in perspective.

### PERSPECTIVE

If we bear in mind such factors as the Russian Navy's flair for technical innovation and the sorry record of poor administrative support, it will be sufficient to start with the rebuilding of the Red Fleet. During the 1930's work was put in hand to more than double Soviet naval building capacity, and for the first time a sustained and sucessful effort was made to establish four largely self-sufficient fleets. The Twenty Year Programme (1928–47) provided for about 9 capital ships, 30 cruisers, 200 destroyers, 400 submarines and large numbers of torpedo boats and naval aircraft. The scale of construction was not excessive, either by comparison with pre-revolutionary programmes (e.g. 1970) or the threat which faced the Soviet Union. What was unusual by contemporary standards was the composition of the Red Fleet, with its seemingly disproportionate number of submarines, torpedo-boats and aircraft, backed by coastal surveillance systems.

This reflected the operational concepts derived from the so-called "young school" of naval strategy; these had been incorporated in BUMS-37, and emphasised the navy's role as one component of combined military operations. They encouraged withholding engagement, and co-ordinated attacks, relatively close to shore. Of longer-term imporance was the "young school's" pragmatic approach, which challenged the "western" doctrine of command of the sea, questioned the relevance of fleet actions such as Jutland, denied the existence of some universal maritime strategy applicable to all nations, and argued that it was not necessarily best to match like against like. The post-war evolution of the Soviet Navy suggests that this iconclastic approach was thoroughly assimilated by the present high command, who were then in their formative years as naval officers.

### 1945

Although the "young school's" concept of maritime defence was by-passed by the German land offensive, it was directly relevant to the threat which faced the Soviet Union after the war. Her likely opponents were now the "traditional maritime powers", who had just demonstrated their capacity to project and sustain continental-scale armies by sea. Operational concepts and, to a lesser extent, building programmes were carried over wholesale from before the war, and the Soviet Navy's two main tasks continued as before, but with the recent wartime priorities inverted. The likelihood of invasion by the West was seen as a substantial threat and the task of defending the fleet areas determined the size and shape of the twenty-year building programme; no shipyard capacity was allocated to the task of supporting military operations ashore.

Strategic delivery was added as a third, new task. Being the only weapon available, the submarine-torpedo was the original delivery vehicle, but a submarine-launched ballistic missile (SLBM) had been developed by 1955. The task of strategic delivery was given priority in the allocation of nuclear propulsion within the fleet.

### 1954

The first major adjustment to Soviet maritime policy came after Stalin's death in early '53. This engendered a review of national defence, which concluded that the primary threat was from surprise nuclear attack, and belittled the likelihood of major maritime invasion. At this period, the post-war naval building programme had just reached full production; besides her submarine force (planned to be 1200 strong by 1965) the Soviet Union was building a large and reasonably well-balanced surface fleet. Horizon-range cruise missiles were ready to enter service aboard surface ships, and the Soviet Navy had reason to believe that they were ahead of the US Navy in submarine-launched ballistic missiles (SLBM), and running level on nuclear propulsion.

If the Soviet Union had chosen to continue the existing allocation of resources to naval new-construction, this would have yielded a surplus of capability over her re-assessed defensive requirements. It is therefore significant that her political leaders chose instead to shift resources into the domestic economy and into building up the merchant and fishing fleets. The allocations of resources to strategic delivery was not diminished and it was maritime defence which bore the brunt; this involved re-assigning the remaining 7 cruiser-ways and really savage cuts in current and projected naval building programmes, including halting the construction of medium-type submarines. This cut-back in warship production was made possible by the Soviet leaders' willingness to gamble on the successful development of long-range cruise missiles for shipboard application, which replaced the need for large numbers of individual units. It was the present C-in-C of the Navy, Admiral Gorshkov (then only 45), who was promoted by Khrushchev to force through these controversial decisions.

### 1957–58

The Soviet Navy came to realise that it had been geographically and technologically outflanked; the maritime threat once more became a national, rather than a single-service, problem. The US Navy's A3D carrier-borne nuclear strike aircraft could reach Russia's industrial areas from the South Norwegian Sea and the Eastern Mediterranean; the US Navy's submarines had a much higher performance than the Soviet classes about to begin delivery; and the US Navy was establishing an anti-submarine area-defence system off its seaboard which would largely counter Soviet strategic delivery units. The repercussions of the consequential short-term decisions were considerable; they included curtailment or outright cancellation of programmes which had been newly projected in 1954 (*Kynda*, J-Class and *Longbin*), the cancellation of the second generation SSBN and the re-allocation of nuclear hull/propulsion units to what was now the top priority task of countering the carrier.

The quantum jump in the range of carrier-borne aircraft had fundamental policy implications. The maritime defence of Russia had until then been synonymous with the task of defending the separate fleet-areas. Soviet operational concepts and naval force requirements had therefore been predicated on the assumption that the main engagement zone with Western units (including carriers) would always lie within range of shore-based air cover; this was no longer valid. A nuclear submarine was the only naval unit capable of meeting the new requirement that carriers must be countered in distant sea areas; hence the decision to build-up a force of nuclear submarines as the main offensive arm of the fleet. As a corollary, cruise-missile armed units would have to rely on their own sensors for target location, which meant that horizon-range systems must be developed.

The inadequacies of the original classes of strategic delivery units meant an increase rather than a cut-back in the construction of SSBN (nuclear-powered ballistic-missile submarines). With this additional requirement it necessitated a threefold increase in nuclear submarine building capacity; this was scheduled to begin deliveries to the fleet in 1968.

A very different type of consequential development was the establishment in 1958 of a forward submarine base in the Mediterranean, whereby a tender and (ultimately) 8 W-Class were deployed to Valona in Albania.

### 1961

The third, and most far-reaching shift in naval policy took place in 1961[1] and was prompted by three developments; (the international climate at this period is typified by the U-2 incident and the Berlin wall). Before Polaris was deployed, there were widely held doubts about its usefulness, and the Soviet navy was not alone in assuming that it was primarily intended to close the northern arc of threat against Russia; hence the reconfiguration of the cancelled *Stalingrads* to produce the *Moskva* class of "anti-submarine cruiser" (the Soviet designation) which was intended to extend helicopter coverage and the anti-submarine defense zone in the Barents Sea. However, by 1961 it was clear that the threat from Polaris would cover 270° of arc, of which the northern sector was probably the least significant.

Second, the Soviet naval leadership also perceived the particular nature of "nuclear-missile war" at sea. The essential distinction between sea-borne strategic delivery systems is that it is practical to with-hold the former from the initial exchange with a fair assurance that the weapons will remain available for a deferred strike. Nuclear war is a possibility inherent in mutual deterrence, and although the Soviet Union wishes to avoid such a war, should it happen she intends to prevail; one might assume that her plans allow for the occupation of a largely undamaged Western Europe. This intention could be thwarted if the USA retained a monopoly of sea-borne nuclear weapons, with which she could dictate the final outcome.

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[1] I.e. before September 1962; the Cuban crisis only served to confirm that in American waters a diesel submarine is a dead submarine.

The Soviet Union was not able to rely on matching this monopoly with an equivalent force of her own; her recent experience had shown that she could not be certain that her new-design submarines would have the margin of performance which would guarantee their evasion of US counter-measures. In consequence, if the Soviet Navy was to foreclose the US option of withholding naval systems from the initial exchange, it had to provide for at least the possibility of the destruction of such units at the outbreak of war, irrespective of whether or not the effective reaction time was likely to prevent the actual launch of these strategic weapons.

The third imperative to action was the Soviet Navy's eviction from its Albanian base in mid-1961.

### FORWARD DEPLOYMENT

The most far-reaching policy implication was the shift to forward deployment. Faced by the maritime preponderance of the West, this was no simple decision, and Gorshkov has mentioned the need to "meet the qualitatively new requirement" which involved the "organic restructuring of traditional naval policy." The Soviet Navy appears to have evolved a new operational concept which depends on the fact that where nuclear missiles are concerned, the shift from peace to war is instantaneous. Hence, if Soviet naval units are within weapon-range of their Western opponents at the outbreak of war, they only have to survive long enough to discharge their weapons. This concept could be described as posing a permanent counter using the protection of peace. The central (and radical) decision, to by-pass the basic naval requirement to be able to survive in a hostile environment, is fundamental; it has allowed the Soviet Navy to base its future plans on the forward support of unprotected units on distant deployment. Militarily, it is only tenable in the context of mutual deterrence.

An important adjunct to this concept of marking Western strategic delivery units, was the physical extention of the existing Soviet zones of maritime defence (their separate "fleet areas") to cover the more vital sea-areas of threat, such as the Norwegian Sea and the Eastern Mediterranean. This would deny Western units the advantage of unimpeded access, simplify the problem of countering carriers in the area and enable the Soviet Navy to apply certain of its tactical procedures for area defence. These extensions and the requirement to provide forward support to units on distant deployment necessitated the partial rehabilitation of the surface ship as a vital component of the fleet; this was evidenced by various high-ranking statements in early 1962, and the decision to convert *Kotlin* and *Krupneyj* to SAM-armed ASW ships. But this did not diminish the exposed nature of the forward deployments, or the danger that the West would see them as convenient hostages to Soviet good behaviour. It was considered imprudent to rely too heavily on the protection of peace, and future new-construction surface units were to be adequately armed, in order to discourage a pre-emptive strike or seizure.

### 1967

The Arab/Israeli war in June 1967 provides a final insight into Soviet naval policy. There are good indications that between 1961–67, increasing but unavailing pressure was brought on Egypt to provide sheltered berths and limited support facilities ashore. After Egypt's defeat, both port and maritime air facilities became available and the quantum jump in the scale, quality and effectiveness of the Soviet naval presence in the Mediterranean was notable. This was a significant development, not least in the unprecedented commitment of the Soviet Flag. It raises far-reaching questions as to whether similar base facilities will be essential in other areas, and the extent to which Soviet foreign policy will be influenced by these requirements.

### CONTEXT

So much for perspective. Now a few facts to set Soviet policy in context.

### STRATEGIC FACTORS

1. To quote Admiral Gorshkov's assessment, in 1967 one third of the United States strategic strike capability was seaborne, and by 1970 the proportion would rise to one half.

2. For the last 14 years Western aircraft carriers have simulated launching nuclear strikes against Russian territory, in the course of major NATO exercises in the South Norwegian Sea.

3. With the increased range of strategic delivery systems, the eastern basin of the Mediterranean is now in many ways of greater defensive concern to the Soviet Union than her Arctic Seas. Moscow is equidistant between the two, but whereas the population and industry thin out to the north, to the south and east of the capital lies the greater part of Rusisa's industrial strength. A3D strike aircraft were operating from carriers in the Mediterranean by 1958; *Polaris* deployed on patrol in the Mediterranean in March 1963.

4. The Arabian Sea is the optimum area from which to target both Russia and China with the 3000 nm *Poseidon* missile; it also provides good *Polaris* coverage of industrialized central Russia, reaching to just west of Moscow. Well publicised US/Australian discussions began in 1961, resulting in the 1963 agreement that the US Navy should build a VLF station (i.e. to communicate with submerged submarines) at N.W. Cape in Australia.

5. If "Soviet" submarines deployed to mark U.S. naval strike units, had a *point d'appui* in the Carribean, this would permit a substantial reduction in transit time to the attachment area off the U.S. Navy's East Coast bases. This would enable an increase in time-on task of 20%–40% (depending on the standard length of deployment) allowing either a corresponding reduction in the number of units required or an increase in the density of cover.

### MATERIÉLE FACTORS

1. As a measure of the allocation of resources to Naval power, in the 13 years 1958–70, Western nations (i.e. NATO plus Australia, New Zealand and Japan; excluding Sweden and Spain) built 2–3 times as many surface ships of 1000 tons or more, as did the Warsaw Pact countries. If account is taken of the considerable disparities in size and capability at every level of comparison, Western resource allocation has been 3–4 times as great.

2. Until 1968, the USA was building more nuclear submarines per annum than the Soviet Union; thereafter the Soviet rate has been rising to about 16–18 a year (a three-fold increase) while U.S. construction dropped to about five. During the last 13 years the West built more nuclear submarines, but the Soviet Union built more diesel units.

3. As a measure of the problems which have hampered Soviet post-war naval construction, at least 13 surface and eight submarine building programmes have been cancelled or curtailed, comprising over half of those projected. In Russian eyes at least, the performance of these classes was inadequate to meet the changed requirements since they were first designed. Many of what might seem to be the Soviet Navy's proudest ships, fall within this category.

### ECONOMIC FACTORS

1. In 1953, the Soviet Union's merchant tonnage was barely adequate for intra-Russian coastal trade, and if she was not to remain completely in hostage to the West for the carriage of aid as well as trade, she had to build up her own merchant fleet. By 1959 the Soviet Union was managing to carry over half her own trade, but this had fallen back to 37% in 1961, by which time the annual currency drain was running at about $100 Mn. The proportion rose again to 50% in 1965, but despite the volume of new shipping tonnage, was back to 47% in 1967. It is planned to carry 75% of Soviet trade in Soviet ships by 1980, but this will still leave some 70 million tons of Soviet exports to be shipped in foreign bottoms.

2. Fish provides about 20% of the protein consumed in Russia; fish products now earn foreign currency and are a welcome form of aid.

### MARITIME POLICY

It will help us determine whether, or in what way Soviet naval policy has changed if we consider it in terms of their maritime strategy.

Maritime strategy is concerned with the *use* of the sea; both for a nation's own purposes and the way in which others may use it to harm the nation's interests. A nation's maritime policy reflects the relative importance it attaches to both these strategic aspects (which I will call "purposive" and "preventive" respectively), and its material capacity to pursue effective policies in support.

Western theory has tended to equate maritime strategy with maritime control, but this reflects our particular experience and circumstances. *Use* of the sea is not synonymous with the use of *force* at sea, nor is control of the sea always essential to its use. Sea power is only one element of maritime strategy, and its influence is variable.

By tradition, and through force of circumstances, Russian maritime policy has been less concerned to pursue a purposive strategy than to prevent others from using the sea to her disadvantage; but Tsarist policy was frequently ineffective because of lack of political will and inadequate material support.

During the inter-war years the Soviet Union pursued a traditional Russian maritime policy but with a difference; her leaders were convinced of the policy's vital importance and made strenuous efforts to ensure the necessary material capacity to implement an effective preventive strategy. This process was carried through to the post-war years, when the great bulk of the navy's resources were allocated to maritime defence.

By the middle fifties, Soviet maritime policy had developed two purposive elements, and needed to use the world's oceans:

a. For the deployment of strategic delivery submarines.

b. For fishing, trade and aid.

Between 1957–61, there was a five-fold increase in the range from which maritime attack could be launched against targets on land. Shifting the engagement zone to far distant waters changed the substance of preventive strategy, and the advent of nuclear missiles meant that what were essentially wartime tasks, had to be discharged continuously in peacetime. But, it did not change the *type* of strategy.

This is not just semantics. The *why* of an action is quite as important as the *what*, since it determines the degree of political commitment. In terms of Soviet maritime strategy, this has two major implications.

1. National security takes priority over all other Soviet interests, and defence of the homeland is the irreducible core of any na-

tional strategy. Political commitment to the preventive strategy of a forward naval deployment is therefore likely to be high. The requirements of this strategy are likely, therefore, to influence Soviet foreign policy, and justify action which in other circumstances might be seen as running counter to Russia's long term interests; (eg the deep embroilment in Egypt.)

2. The Soviet Union will naturally extract the maximum political advantage from the enforced presence of Russian naval units in distant sea areas. But options which might lead to a need for positive action will be cautiously pursued and she will be particularly chary of any initiative which might prejudice her primary maritime interests. To a considerable extent, these rely on continuing maritime stability and the freedom of the seas, both of which lie within the gift of the West.

There are both dangers and opportunities to NATO in this situation. On the one hand, Soviet naval action in support of their main preventive strategy will be backed by a far greater degree of political commitment than were it a case of traditional maritime expansionism or an urge to gunboat diplomacy. On the other hand, lesser categories of Soviet naval initiative will be subject to considerable constraints, and the degree of political commitment will be even lower than could otherwise be expected. In this respect the Soviet Union will be more responsive to clear-cut statements of Western interest, and sensitive to prompt and positive Western reactions to a probing initiative.

There remains the question of whether the Soviet Union, now that her fleet has been drawn forward, will be tempted by the political opportunities to develop a traditional world-wide maritime capability in support of an expansionist policy. On balance, for several reasons, this does not seem likely. The sheer scale of Western maritime preponderance; the cost in men and resources of a large all-purpose modern navy; the present structure of her fleet with its emphasis on submarines; the questionable utility of traditional naval power by comparison with the cheaper and more effective instruments of political persuasion which are available to her. But the most convincing reasons still lie in the pattern of her warship building programmes. There are as yet no indications of the considerable diversion of resources which would be required to implement such a shift in policy, and it appears as if the priorities which were so clearly demonstrated in 1954, still persist through today. Certainly, she will use the ships she has, to our maximum discomfiture, encouraging political turbulence and Western maritime hyperchondria. But except where the security of the homeland is threatened, Soviet maritime policy is more concerned with the political advantages which can be gained from the *use* of the sea, than from the use of *force* at sea.

It would seem, therefore, that there has been no break in the Soviet Union's traditional maritime policy, in terms of its underlying aims and intentions. What has changed is the substance of the consequential strategies, and with it, the potential range of maritime options which are now open to her.

A final note of caution. Soviet naval requirements are determined in terms of the Western maritime threat to Russia. Any cutback in Western strike units must automatically release an unscheduled surplus of capability over requirements, which the Soviet Union may be tempted to exploit. Meanwhile, we should reflect that if present trends continue, in 15 years time the Soviet Union will have a force of 300 nuclear submarines; whatever the underlying strategy, this is a capability to be concerned about.

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## THE CHANGING MISSION STRUCTURE OF THE SOVIET NAVY

(By Robert G. Weinland)

Robert G. Weinland is a member of the professional staff of the Center for Naval Analyses, Arlington, Virginia. The ideas expressed in this paper are those of the author. The paper does not necessarily represent the views of either the Center for Naval Analyses, the United States Navy, or any other sponsoring agency.

This discussion makes two basic points:

1. the character of Soviet naval operations has changed significantly over the last few years, and these changes reflect a modification of the navy's mission structure.

2. we in the West should be more aware of this change, and its implications, than we are at present.

The essence of the argument to be presented is that, while the defense of the homeland against attack from the sea has been, is now, and will undoubtedly continue to be its *primary* mission, the Soviet navy has recently acquired an *additional* responsibility—a responsibility for the "protection of the state interests of the USSR on the seas and oceans"—and it has begun to carry out that mission. As a result, it can no longer be regarded as simply one component of the more or less reactive Soviet defense establishment, it must also be considered an active instrument of Soviet foreign policy—and hence the proper subject of greater concern to the West than has heretofore been the case.

There are two questions that must be addressed before this argument can be taken up, however. The first concerns the relationship of this to *other* explanations of recent Soviet behavior. The second concerns the likely adequacy of *any* explanation of Soviet behavior.

For far too long, the Soviet navy received much less attention from the analytical community in the West than it deserved. Today it may be receiving more attention from everyone than it deserves—whether or not that is the case remains to be seen.

It is nevertheless clear that our failure to closely monitor the several stages of its development has proved very costly. Had we been watching more carefully along the way, we would undoubtedly know more fully today why it evolved the way it did, and hence what the Soviets intended that it become. This was not done, however, and we are now faced with considerable uncertainty and large gaps in our knowledge of Soviet capabilities and intentions.[1]

To talk about uncertainty and gaps in knowledge is not to say that we are operating "in the dark." Quite the contrary; reconstruction and analysis of the history of Soviet naval development has already provided much useful information, and we are currently keeping a very close eye on their activities, which provides more information. We do not, however, have an integrated *corpus* of clearly articulated, and demonstrably valid and reliable knowledge in this area—especially in the public domain. We need precisely that.

It would therefore be a mistake to undertake a discussion such as this without specific reference to one of the few systematic analyses of this subject published in the open literature to date. Traditionalists should note that I said "systematic," not "quantitative." I am referring here to the recent work of Commander Michael McGwire, RN (ret.).[2] However controversial his theses may be, he has nevertheless made a significant contribution to our understanding of Soviet naval developments—and it is now clearly incumbent upon those who would speak to this subject to at the very least specify the nature and degree of divergence between their arguments and his.

In addition to his timely and telling comments on the origins and generally counterproductive consequences of alarmism, a charge which I hope cannot be leveled against my remarks here today, McGwire makes a set of observations concerning Soviet naval policy and practice that upon close examination appear to be generally consistent with the available evidence, and well worth repeating. At the risk of telling you something you already know, let me briefly list what one might take to be his principal points.

1. Post World War II Soviet naval development has taken place in response to, and has therefore been shaped by, the threat perceived posed to the USSR by Western naval capabilities.

2. The primary mission of the Soviet fleet is the defense of the homeland against attack from the sea; their attention is consequently focused on at least blunting, if not negating, the principal threat of such attack—Western seabased strategic strike capabilities—and their force is designed to perform this task in the period when that threat is most imminent—the transition to, and initial period of, a general war; the dominant element in this strategy is essentially that of damage-limitation, and involves, to use McGwire's wording, "posing a permanent counter under the protection of peace"; and it is in order to be able to pose this "permanent counter" that they have adopted a posture of forward deployment.

3. Their ability to exploit this forward deployment for purposes other than strategic defense is limited by:

a. the very requirements of strategic defense that originally brought them forward,

b. the lack of balance in their force structure, which precludes maintenance of forward deployments in a hostile environment, and

c. the overall balance of naval forces, which continues to weigh in favor of the West

4. Their predominant interest in the avoidance of general war, and actions that might lead to general war, enforces their adoption of low-risk policies.

5. The combination of these limitations on their ability to exploit forward deployment, and their predominant interest in avoiding war, makes them susceptible to Western counterpressure—i.e., the expansionist content of their behavior can be influenced.

6. Their forward deployment posture nevertheless does cause both military and political problems for the West—some of which have been exacerbated by the Western response.

McGwire actually states a number of these points far more strongly than have I.

This is the principal defect in his argument. Most of what he says is right. Some of what he says, on the other hand, is so right that it is wrong.

Soviet naval policy and practice are in fact predominantly reactive in character and defensive in orientation. In McGwire's argument, however, they are only that—the imperatives of strategic defense are depicted as all-powerful and totally pervasive, and the Soviets are clearly denied freedom of initiative. Strategic defense is the reason for, and explanation of, all that they do.

This is determinism par excellence; and single-factor explanations of this nature-especially explanations of the behavior of organizations as large and multifaceted as

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the Soviet navy—require a considerable amount of direct empirical evidence in their support before they can be accepted. That kind of evidence simply does not exist in this case.

As indicated, the evidence does support the interpretation of Soviet naval policy and practice as predominantly reactive in character, and defensive in orientation. Some of their actions, however, require other explanations, since they clearly represent initiatives rather than responses, and are directed at the expansion of Soviet influence in the world rather than the defense of the homeland. Other actions require a different explanation, since, while they are reactive in nature, they are reactive to stimuli other than those presented by Western seabased strategic strike capabilities.

This leads us to the reason my McGwire's argument cannot be accepted *in toto:* it does not pay adequate attention to the context in which the Soviet navy was developed and now operates. The Western naval threat certainly represents the most significant aspect of that context, but other aspects of the context-Soviet domestic politics, other Soviet external behaviors, and events in the international political environment—are by no means insignificant, and must be taken into consideration if valid and reliable explanations of Soviet behavior are to be produced.

This obviously complicates the problem. Unfortunately, there is no way around it. We are dealing with complex questions; and there is no reason to believe that they will have other than complex answers.

Any attempt to describe and explain recent Soviet naval activities must explicitly come to grips with two major problems that lie at the heart of this complexity. The first is our imperfect knowledge of the subject. The second is the fact that, while for purposes of analytical convenience we tend to treat the Soviet navy as a more or less homogenous and distinct, even autonomous, entity, in reality it is not that at all.

For a variety of reasons, our knowledge of Soviet naval policy and practice is at best imperfect. In the first place, our information base consists primarily of observations of those things that are more or less readily observable—the statements and actions which are the end products of the policy process. The farther back up that policy chain we attempt to go in analyzing their behavior, the less we are able to rely on empirical evidence, and the more dependent we become on *inference*. The most directly observable phenomena—operations conducted outside Soviet waters—turn out to be those furthest removed from their policy origins, and thus most susceptible to intervening factors. We can see how deployed forces are used, and learn quite a bit from such observation, but we can't see the antecedent decisions being made and policies being articulated—and these are, of course, the very things we need to know most about in order to understand why the Soviets act as they do.

Secondly, this imperfection in our knowledge is unevenly distributed throughout the analytical community. For obvious reasons, most of what *is* known does not appear in the public record. Furthermore, most people have no way to assess the quality of that information which *is* in the public domain. Even if it is assumed that most of this information is accurate, there is no way for them to tell how representative it is of Soviet behavior as a whole.

These two factors acting in combination have severely constrained systematic analysis of Soviet naval policy and practice. Not only has the circle of those directly engaged in such research generally been restricted to the relative few who have access in one way or another to official data sources, the unequal distribution of information has also inhibited the development of a working dialog with those outside this circle—a dialog which could facilitate development of the kind of rigorous conceptual thinking we urgently need to both link together the islands of knowledge we do possess, and fill in the gaps between them. That is one reason why, right or wrong, McGwire's work is so important—it makes dialog possible.

Even if our knowledge of Soviet naval policy and practice were perfect, however, we would still be faced with a difficult problem in gaining an understanding of why they act as they do in any one instance. Were the Soviet navy a unitary system, our task would be much simpler, but it isn't. It is a large, complex organization—a congeries of more or less interrelated components, each of which has its own outlook, objectives, and operating procedures—and it therefore enjoys the same institutional irrationalities and inefficiencies as any other large, complex organization. Were the Soviet navy a closed system, our task would also be much simpler, but it isn't. Like any organ of the state, it is not an independent actor. It is told what to do; and the way in which it eventually does what it is told is influenced not only by its internal constitution but also by a whole host of external factors, both domestic and international.

Consequently, in order to insure that our explanations of their naval actions are meaningful, we have to consciously disaggregate our subject of study into its various component factors and actions, and clearly recognize:

First, that some portion of their behavior is the result of explicit decisions of the Soviet government, some the result of general naval policies, and some the result of the initiative of local commanders—and we often can't tell which is which; and

Second, we have to recognize that *much* of their behavior cannot be explained as the result of some one or another rationally articulated and implemented policy, since it is the product of physical and organizational constraints—some of which we can identify, and some of which we cannot.

The antecedents of most of the external behavior of complex organizations such as this are woefully difficult to recognize. This is especially so when our access to the internal goings-on of these organizations is limited, and we are forced to infer antecedents from their observable consequences—remembering all the while that any action can, and most actions probably do, have more than one antecedent.

In some instances, both the action and the context in which it occurs will be sufficiently unambiguous to permit identification of the relevant antecedents. In other instances, however, that will simply not be the case.

This is because—as indicated several times already—*most* of these actions will be in fact *reactions*, responses to changes in the international environment. Again, as already indicated, *most* of these environmental changes will be changes in the military postures of the West—in particular, seabased strategic strike capabilities. Perhaps as little as five years ago—certainly ten years ago—one could have stated with very high confidence that, not most, but *all* of the changes that elicited such Soviet reactions would have been changes in Western seabased strategic strike capability. That cannot be said today.

Today the Soviets are responding not only to Western strategic forces, they are also responding to events in the international political arena that have no bearing whatsoever on the strategic balance—and their actions are not only responsive, but initiatory as well. At the onset of this discussion it was stated that "the character of Soviet naval operations has changed significantly over the last few years, and these changes reflect a modification of the navy's mission structure." This increase in the political content of their naval operations in the change to which that statement referred; and the indicated modification to the Soviet naval mission structure is the addition of the responsibility for "protecting the state interests of the USSR on the seas and oceans." [3]

Exactly what this mission entails is not yet clear. The Soviets have not explicity defined it for us, and we have all been so aborbed with the *very* real military problems posed by their acquisition of new weapon systems, and the adoption of a forward deployment posture, that this aspect of their activities has not received the attention it deserves.

Not only have they not defined this mission for *us*, they may not have completely defined it for themselves either; nevertheless, they have begun to carry it out, and an examination of some of their recent operations permits us to see its major outlines. We will of necessity be dealing exclusively with observables here; hence the unknowns will be many, and the residual uncertainty large—but not so large as to prevent our making some inferences, and gaining a reasonably clear understanding of what they probably mean by "protection of the State interests," as well as a hint of what this might imply for the West.

A "reasonably clear understanding" should not, of course, be portrayed as certainty. As the preceding discussion has attempted to establish, however, a "reasonably clear understanding" is probably all that we can expect to acquire at this juncture.

There are two ways to examine this change in the character of their operations, and illuminate the extent to which their forward deployments serve not only strategic defensive but other ends as well. One way is to examine the Soviet forward deployment posture as a whole, and see where and how closely it parallels the disposition of Western strategic strike forces—colocation presumably being the *sine qua non* of a capability to counter these forces. The other way involves the identification and examination of specific cases in which the Soviet navy has clearly acted, not in defense of the homeland, but to protect state interests. Let us go as far as we can down *each* of these paths, and see how close we can come to a plausible explanation of their behavior to date, and a forecast of what they appear likely to do in the future.

With the exception of an abortive attempt to circumvent the restrictive provisions of the Montreux Convention by stationing submarines in Albania in the late 1950's, the Soviets did not establish a significant combatant presence outside their home waters until 1964, when they began to deploy surface forces into the Mediterranean on a regular basis. Although they had been making occasional cruises to foreign ports since the mid 1950's, had been conducting annual exercises in the North and Norwegian Seas since the late 1950's, and had caused quite some consternation around Cuba in 1962, 1964 must nevertheless be regarded as the starting point for what we see today.

Since 1964, they have effected a better than ten-fold increase in their out-of-area deployments—with the major portion of this increase occurring during and after 1967, and concentrated in the Mediterranean. Steady-state deployment in the Indian Ocean began in 1968, and periodic cruises to the Caribbean were initiated in 1969. Operational days in the Atlantic and Pacific are accounted for primarily by periodic deployments for their own exercises and monitoring of Western exercises, as well as by inter-fleet transfers—the principal steady-state deployments here are those of intelligence collectors and their own strategic strike forces.

The question at issue—whether these forward deployments are related to the presence of Western strategic strike forces or are undertaken for other purposes—must be approached region by region. With the exception of operations in the Gulf of Tonkin,[4]

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the general deployment patterns of U.S. forces capable of launching strategic strikes against the Soviet Union—in effect the attack aircraft carriers and ballistic missile launching submarines—have not appreciably varied since *before* the Soviets began moving forward.

The CVA's have been operating in the Mediterranean and Western Pacific for more than two decades. The first SSBN went on patrol in the Atlantic in 1960, the Mediterranean patrol area was established in 1963, and patrols from Guam were initiated in 1964.

There is no point in attempting to contest the attribution of a strategic defensive motive to Soviet Mediterranean deployments. The West maintains significant strategic strike capabilities there, and the Soviets have good reason to be concerned about them. If we were in their shoes we would be concerned as well.

Having just granted a strategic defensive mission for the Soviet forces in the Mediterranean, if only on the basis of colocation, the following points should nevertheless be made:

CVA's had been there for at least 15 years before the Soviets responded with a permanent counter, and the Soviets cannot have thought them any less dangerous to themselves when first deployed there than they think them to be today;

SSBN's had been deployed there for over a year before the Soviets undertook anything that could conceivably be regarded as a counter-deployment, and for five years before the anti-submarine cruiser Moskva came out;

The initial Soviet combatant deployment coincided with the 1964 Cyprus crisis, and the major escalation in their deployment coincided with the 1967 Arab-Israeli war—but neither coincided with a major change in CVA or SSBN operations, because there *was* no such change; and finally

While some of the Soviet forces in the Mediterranean may be performing a strategic defensive function *all* of the time (e.g., shadowing carriers), and most if not all of their forces may act in that capacity *some* of the time (e.g., as they did during the invasion of Czechoslovakia), some of these forces indisputably perform other missions (e.g., deterring Israeli strikes on Port Said and Alexandria) in no way connected with the defense of the Soviet homeland, but clearly in defense of Soviet interests in the region.

Furthermore the Soviets have not been reluctant to discuss their Mediterranean deployments in public. While admitting a strategic defensive mission for these forces, they put equal or greater stress on another, essentially political mission: neutralizing Western interventionary capabilities, particularly as represented by the U.S. Sixth Fleet, and directed against their Arab clients.

As stated earlier, a deployment such as the Soviets have effected in the Mediterranean can have more than one antecedent, and therefore be intended to perform more than one mission. Consequently, given the complexity of the context, and the ambiguous nature of many Soviet actions there, while we clearly must grant the Mediterranean Squadron a strategic defensive mission, we must also grant it other functions—in this case political in character.

In most of the other regions where they have assumed a forward deployment posture, the situation is more clear cut, and the context and content of their operations makes identification of their motives comparatively easy. As already indicated, Soviet operations in the North Atlantic and Pacific are clearly governed by strategic offensive and defensive considerations. The establishment of a permanent presence in the Indian Ocean, on the other hand, cannot be regarded as motivated by the same considerations—unless we regard the Soviets as grossly uninformed, or more paranoid than is usually thought the case, or both. I would hesitate to do either.

Western strategic strike forces are not now, and never have been, stationed in the Indian Ocean; and, given the exigencies of geography and the current and foreseeable strategic balance, there is little incentive for the West to place its offensive capabilities there. We could do it, of course, but it would cost more than it would buy, and the Soviets can calculate this as well as we can.

Since they cannot be operating in defense of the homeland, there being no strategic threat against which to defend, the Soviets must be doing something else in the Indian Ocean. As their actions to date have shown, this "something else" is essentially political in character.

Their periodic deployments to Cuba remain somewhat enigmatic. Had they been allowed to run their course, the purpose of these operations might have become clearer—but U.S. actions have obviously distorted the situation.

Soviet operations off the west coast of Africa, on the other hand, leave little to the imagination; and provide ample evidence of the changing character of their activities. There are two aspects to this change: a significant increase in the scope and intensity of their operations in the region, and an equally if not more significant increase in the political content of these operations.

Prior to the changes, Soviet naval activity off the West African coast was both infrequent and unrelated to events on the littoral. Their naval presence in the area was accounted for primarily by various R&D activities, and the passage of units in transit elsewhere. Within the last two years, however, this situation has come to be the exact opposite. Soviet naval activity off the West African coast has become more or less continuous, and directly related to events on the littoral. Their naval presence in these waters is now accounted for primarily by operations undertaken in defense of established Soviet state interests in the region, and the navy has been employed in active support of Soviet foreign policy undertakings aimed at the establishment of *new* state interests there.

Before identifying and examining a set of cases in which naval operations in this area have been conducted in defense, not of the Soviet homeland, but its overseas interests—one in tempted to say its imperial, if not imperialist, interests—the parallel between Soviet activities off West Africa and their operations in the Indian Ocean should be made clear. Just as there are no Western strategic strike forces deployed in the Indian Ocean, and hence no need to defend against such a threat from that quarter, there are no Western strategic strike forces deployed along the West African littoral, and no reason to suspect that there ever would be. Once again, the costs of operating there outweigh the likely gains, and the Soviets are just as capable as are we of calculating those costs and gains.

It is conceivable that the Soviets might ultimately want to establish some sort of basing structure of their own in the area, perhaps to support forward deployments elsewhere in the Atlantic. Doing so would have much to recommend it; but the chances of their acquiring the necessary rights appear slim indeed, and they would probably be reluctant to pay the costs involved. In any event, this is not what they appear to be doing at the moment—and it is not likely that they will attempt it in the near future.

Their recent naval activities in this region can be classified in at least three categories—each of which apparently represents a different aspect of the overall mission of protection of their state interests. These activities are:

1. protection of their own resources—personnel and equipment—operating in the area,

2. protection of their clients against threats both foreign and domestic, and

3. assistance in the establishment or enhancement of political influence with non-clients.

Some operations apparently have more than one such objective.

As indicated, what is said here about these operations is based on reported observables—overt Soviet activities and public statements—and on inferences linking these Soviet activities with the contexts in which they occurred. Reporting on these operations in the press has been rather minimal, but enough has been revealed to permit the following three undertakings to be pieced together.[5]

The first—a case in which the Soviets apparently acted to protect their own resources—occurred in February-March 1969, and involved the attempted application of "pressure" to Ghana to expedite the release of two Soviet fishing vessels impounded the preceding October. The evidence is purely circumstantial, but two facts lead one to suspect a resort to classic gunboat diplomacy here: (1) the unprecedented deployment of three combatants to this area was undertaken after a series of less radical moves—including strongly-worded protests and the imposition of significant economic sanctions—had not effected release of these trawlers, (2) the release of the trawlers coincided with the obvious presence of the Soviet units in the Gulf of Guinea, most likely directly off the Ghanian coast (they took 13 days to go from an unusually well-publicized visit to Conakry, to a hastily-arranged visit to Lagos, a trip that normally takes about 4 days). This is, of course, only an inference. There is no direct evidence. It is, however, a plausible explanation for an otherwise amazing set of coincidences.

The second operation—a case in which the Soviets have apparently been acting to protect a client—is equally if not more significant than the first. Until the *Daily Telegraph* lifted the lid somewhat, there was next to no information available on this operation.[6] What information there is suggests that, in the aftermath of the Portuguese-supported attack on Conakry last November 22nd, the Soviets established and have since maintained a regular combatant patrol off the coast of Guinea, to deter or prevent a recurrence of such events—perhaps something roughly analogous to our MARKET TIME operation off the coast of Vietnam. If this *is* the case, it represents a significant departure from their previous caution—since in acting *for* Guinea, they are of course acting *against* Portugal, one of the least powerful members of NATO, but nevertheless a member. I will return to this point in a moment.

The Third operation, in which the Soviets acted to establish their influence with a non-client, is well documented in the public media. It occurred this May, and involved an ostensible "business call" to Freetown, Sierra Leone, by a Kashin-class DLG (possibly detached from the Guinea Patrol for this purpose). There is nothing especially remarkable about most Soviet "business calls"—*they* require fuel, water, provisions, and an opportunity for crew R & R just as does everyone else. This "business call," on the other hand, is remarkable on two grounds—the activities undertaken by the Soviets while in Freetown (which were not at all those typical of "business calls") and the local political situation in which the visit took place (which was extraordinarily receptive to outside influence).

Siaka Stevens, who had just declared Sierra Leone a republic and engineered his own elevation to the Presidency, was at that moment in deep trouble—seriously in need of

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Footnotes at end of article.

some means of establishing the legitimacy of his regime in the eyes of his constituents and heading off what was widely believed to be an impending coup. The Soviets provided at least the requisite legitimization, and possibly also a visible deterrent to the coup. What was announced to the outside world to be a routine "business call" by the Kashin was pointedly portrayed to the people of Sierra Leone as what is normally referred to as an "official visit"—involving all of the customary formalities and protocol exchanges, with their implied recognition of Stevens' legitimate status and visible demonstration of Soviet solidarity with him. It seems to have worked.

Now it is admittedly tempting upon hearing about these three relatively obscure undertakings to say "so what?". With the exception of the purported Guinea patrol, these actions are in and of themselves insignificant. Their importance, of course, lies in the fact that they are not just isolated instances of the use of naval forces for political purposes. In the first place, they continue a trend initiated in 1967, when the Soviets established a permanent naval presence in the Port Said and Alexandria areas—openly committing themselves to the defense of Egypt, and attempting thereby to deter further Israeli strikes. The process by which they have subsequently become ever more closely identified with the defense of Egypt, particularly in the first two years, is too well known to require exposition here.

Secondly, these are not the only instances, and West Africa is not the only arena, in which they have undertaken such operations over the last two years. They have, for example, done essentially the same thing in the Indian Ocean—the principal target there apparently being the Somali Republic. That, however, is the proper subject of discussion at another time and place.

For a variety of reasons, politically oriented operations such as these have not received the attention they deserve. Five reasons why this might be so come readily to mind:

1. most such activities, far from being insidious attempts to export Communism, are rather straightforward exercises in the application of seapower for influence purposes, long a common feature of international intercourse;
2. the principal areas in which these operations are currently being conducted—the East and West African littorals—are not considered of vital import to the West today;
3. these operations have very low military content, present little if any immediate threat to vital Western interests, and do not directly affect the strategic balance;
4. and this is the principal point of this discussion—this change in Soviet behavior is sufficiently recent, and sufficiently at variance with their previous *modus operandi*, so that, coupled with the relative paucity of information on Soviet operations in general, few observers would recognize these activities for what they are unless looking specifically for such behavior; and
5. thus far, the Soviets have been lucky—none of these operations has backfired.

To a certain extent, by being exceedingly cautious in selecting their course of action in each case, and by being very discrete in discussing such activities in public, they have manufactured this luck. They have, nevertheless, been lucky.

One of these days, their luck might run out. This being a non-zero-sum world—in which Soviet loss does not necessarily signify Western gain—it is quite possible, and if the West does not take the appropriate steps beforehand it is quite likely, that whatever losses are incurred will be mutual.

It is no accident that the three-fold classification of their activities in defense of state interests presented earlier in given in order of what might be termed ascending adventurousness—from reaction to initiative, from self-protection to at least internationalism if not rank imperialism. This is the direction in which they appear to be going, and it appears to be the result of conscious choice on their part.

The most recent step in that direction—the proclamation of a "policy of active counteraction to Imperialist aggression" in the wake of the 24th CPSU Congress—has not yet been put to the acid test. If they mean what they say, however, and their behavior in Egypt demonstrates beyond doubt that they are willing, under certain circumstances, to commit their own forces to combat in defense of a client, it would appear that sooner or later a situation might arise—perhaps off the coast of Guinea, perhaps off the horn of Africa—in which both East and West, acting in defense of their own interests, or in support of Third World clients, meet on at sea—perhaps inadvertently, certainly well away from the accustomed arenas and established patterns of confrontation in the Northern Hemisphere, and probably in a situation over which each has at best only partial control.

Both the Soviets and NATO have demonstrated some ability to control the course of events on the center stage in Europe and in the Mediterranean, where the stakes and risks are clearly very high. One wonders if both will be able to exercise the same restraint out on the periphery, where the stakes and risks appear to be much lower.

Some may not find this scenario particularly appealing. There are, of course, many factors which make it unlikely of realization—not least of which is the growing inclination on the part of both the United States and the other major NATO powers to studiously avoid becoming involved in local conflicts in the Third World.

It is not, however, an incredible scenario—especially if the Soviets are, as just depicted, becoming increasingly adventurous.

Much more likely—and I would submit only slightly less dangerous in the long run—is a situation in which a NATO member with clearly defined and strenuously defended interests south of the Tropic of Cancer—Portugal for instance—winds up facing the Soviets down there *alone*. Portugal's policies and practices in Africa are not universally popular, and the Tropic of Cancer is clearly defined as the Southern boundary of NATO responsibility—both factors which would make it easy for the other NATO members to opt out of whatever might ensue.

Could the Alliance—or what is left of the Alliance—take the strain that such a situation would engender? I don't propose to answer that question; I simply propose that we take *now* whatever steps appear to be appropriate to insure that such a situation does not arise *in the future*.

FOOTNOTES

[1] Let me note here that the "we" refers in very cavalier fashion to that amorphous collective of organizations and individuals, both private and official, which provides information and advice to policymakers.

[2] In particular, his paper on "Soviet Naval Capabilities and Intentions," presented at a joint RUSI-Southampton University seminar, Milford-on-Sea, 23–25 March 1970, and subsequently published by the RUSI in: *The Soviet Union in Europe and the Near East: Her Capabilities and Intentions*, London, 1971. (Reprinted in: Congressional Record, vol. 117, pt. 18, pp. 23362–23370.)

[3] That this change has occurred should come as no surprise. James Cable has recently discussed this type of activity at some length, in particular in his very recent book: *Gunboat Diplomacy: Political Applications of Limited Naval Force*, London: Chatto and Windus, 1971. This paper is an attempt to reinforce much of what he has said, and carry the argument somewhat further.

[4] Which, it should be noted, have elicited no Soviet countering actions.

[5] These descriptions are based on the information presented in: James M. McConnell, *The Soviet Navy in the Indian Ocean*, CNA Professional Paper No. 77, August 1971 (Unclassified).

[6] Cf. *The Daily Telegraph* (London), 27 September 1971; 4 October 1971; 11 October 1971.

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## APOLOGY TO DR. KISSINGER

### HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. McKAY. Mr. Speaker, there has been some discussion recently about the uses which have been made of the Extensions of Remarks section in the CONGRESSIONAL RECORD. While I frequently find myself in disagreement with some of what is printed in this section, I generally have felt that it serves a useful purpose in disseminating information to both Members of Congress and the general public. A recent insert, however, does neither. It serves no useful purpose. In fact, it adds only to increasing distrust and suspicion about Government. Such an attitude eventually discredits all of us and does nothing to uplift our already sagging spirits.

The article to which I refer was entitled in the RECORD, "Herr Kissinger Swings Secretly in Harlem." While I have not always agreed with the President's foreign policy nor with the role of Dr. Kissinger in the formulation of foreign policy, surely Dr. Kissinger deserves more than to reprint a scandalous notation from a newspaper of dubious repute. The article has overtones of attitudes which Congress should work to discourage, not encourage through reprinting.

There is always room in Government for legitimate criticism. It is even in the best interests of good Government. But it is not necessary to bring imputations against another man's character, integrity, or honor. I have always felt that persons who occupy positions of public trust and responsibility, of whatever party, are entitled to some measure of sympathy and understanding in the discharge of their duties. It is difficult to please everyone and the best of policies adversely affect someone. However, there is no justification for personal attack either against someone's character or loyalty. I for one wish to apologize to Dr. Kissinger for the unnecessary and uncalled for slur.

## CONGRESSMAN OTIS G. PIKE REPORTS TO HIS CONSTITUENTS ON FIRST SESSION, 92D CONGRESS

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## HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. PIKE. Mr. Speaker, the first session of the 92d Congress convened on January 21, 1971, and did not finally adjourn until the week before Christmas. Accordingly, my 11th annual report to my constituents could not be placed in the RECORD until the second session began. This, however, is it, and although it is not as attractive as a Christmas card, people should have a bit more time to peruse it now.

The first session of the 92d Congress was not the longest on record, because of summer and election recesses, but it did result in more record votes than any other session in history by a wide margin. During the year-long session, 320 record votes were held on almost every vital issue concerning America and Americans. This compares with only 177 record votes 2 years ago and with only 116 in 1961, the year I entered Congress. Most Americans would agree that the three issues most concerning Americans are the continuing war in Vietnam, an economy combining recession and inflation, and the preservation of our environment, and these were indeed the issues on which the greatest controversy, the most debate, and the largest number of votes took place. Other very serious issues on which the Congress took at least some action included crime control, drug abuse, health, civil rights generally and women's rights in particular, consumer protection, education, including the peripheral issues of school prayer and schoolbusing, election reform, welfare reform, and all the myriad problems which confront our Nation, seemingly in ever-increasing numbers.

The Congress started slowly, as committees were assigned new members and began hearings on new bills, but by the end of the session votes were coming at such a frantic pace on the floor of the House that all Members of Congress were finding it difficult getting their other work done. While legislation is a major job of the Congressman, no less important is the job of acting as a liaison man between his constituents and the Federal Government. While after the 1960 census our district had approximately 415,000 persons in it, the 1970 census shows that it has today approximately 850,000 people, making it the second largest in the Nation and more than twice as large as some. Our offices in Washington and Riverhead received over 200 letters, telegrams, postcards, and phone communications each day, much of it pertaining to legislation, but more of it pertaining to other problems people were having with the Federal Government. Young people were concerned with their chances of being drafted, older people were concerned about a lost social security check. Grade school students wrote concerning the preservation of the wild mustangs, high school students wrote about the possibility of getting college loans, college students wrote about the 18-year-old vote. Defense workers wrote about unemployment, Federal workers and teachers wrote about pay and pay freezes, retirees wrote about inflation and the cost of living. Despite the huge volume of mail, we answered it, and we tried to help where we could.

Many issues which were of national concern were of immediate concern to eastern Long Island, too. The national concern over the preservation of our environment was made more specific at home by the threat of drilling for oil off our south shore and by oil spills in the sound. Suffolk County's unemployment rate ran well above the national average because of the stronger slump in the aerospace industry. The F–14 program was under attack in some quarters in Congress, and remains in difficulty today, not because of the performance of the aircraft, but simply because of its cost.

The immediacy and importance of these problems caused a flood of meetings, correspondence, and legislation which had to be attended, written, and sponsored. I have done and shall continue to do all that I can responsibly and usefully do to prevent any drilling for oil off our shores at this time for I believe that there is no way in which present technology can conduct such drilling without serious danger of great damage to our waters, our beaches, and our marine life.

As to the problems of the F–14, I have been in constant communication with both the heads of the Grumman Corp. and the Navy officials responsible for the program. For the best interests of both our national security and our local economy it is essential that Grumman continue to produce an aircraft with all of the capabilities which the F–14 contains in the most efficient and least expensive manner possible. Any further curtailment of the program would have very serious effects on our whole Long Island economy and on our aerospace industry.

One issue which involves both national legislation, conservation, and eastern Long Island in particular is the bill I have introduced to create a Gardiner's Island National Monument from Gardiner's Island, some small outlying islands, and over 1,000 acres of land at Napeague on the south shore of Long Island. My hope is to carefully preserve the wildlife and trees and buildings of the island by restricting access to it, while providing additional swimming, camping, and recreational facilities for our exploding population on the Napeague property. As with any major issue, some voices were heard in opposition, but the general concept has now been endorsed by the Audubon Society, the Wilderness Society, the Open Space Institute, the Suffolk County Planning Commission, the Nassau-Suffolk Planning Board, the East Hampton Conservation Advisory Council, and other conservation groups. It has been opposed by the Daughters of the American Revolution, but supported by such diverse groups as the American Legion and the International Ladies Garment Workers Union. Just for the record, Gardiner's Island is owned by the estate of Sarah Diodati Gardiner and the United States Trust Co. of New York is the executor of the estate. Under the bill the two people who now have the life use of the property could continue to hold it for life or for 25 years. The proposal is a long-term one but in view of our population pressure I believe we must plan for the future and preserve some open spaces for our children.

As we look forward to 1972, we can expect many of the same issues to be before Congress this year. It will probably be another busy year as far as votes are concerned and it will surely be a controversial one. Election years, particularly presidential election years, are frequently so rife with maneuvering for partisan advantage that very little gets done. As you know, I am a Democrat, but I supported the President more than half of the time in the first session. I will continue to do so when I believe his proposals are sound, but I will not support them all. For example, during the current fiscal year we anticipate a huge deficit of approximately $40 billion in our Federal budget. The budget just presented to Congress already anticipates another $25 billion deficit for the fiscal year which begins on July 1, and January predictions are notoriously optimistic. This is no time for an insolvent government to be talking about sharing revenue it does not have or of guaranteeing an annual income to others when it cannot guarantee its own. We must cut down on waste in our Federal spending, from the defense budget to the welfare budget. We can, and we can make more money available for our elderly, our deprived, and our handicapped, our unemployed, and our environment, without bankrupting the Nation. By the same token, I felt obliged to vote against tax cuts which would only increase the deficit.

Congress has all too often avoided issues rather than meeting them. On votes as vital as the Mansfield amendment and the contempt citation of CBS, all our votes were procedural rather than "yes" or "no" votes on the merits of the issue. For example, I voted against sending the CBS contempt citation back to the committee, not because I thought that CBS should have been cited for contempt of Congress, but because we should have faced the issue.

With these general philosophies in mind, I hope you will look at the voting record appended hereto. This does not include all of the votes we had—with 320 votes it would take a book—but it does include the most important, the most controversial, and the toughest ones. One other explanation is necessary. On every law which requires the spending of your money, we have four separate votes. First, we authorize a certain amount of money. The Senate usually authorizes a somewhat different figure and then the House and Senate get together in a conference and work out a compromise. We then have a second vote on the compromise on the authorization. The compromises are called "conference reports." When the authorizing process is through we have a third vote on an appropriation bill which actually provides the money and a fourth and last vote on the conference report on the appropriation. It is a cumbersome procedure, but that is the way Congress operates. In reporting my votes I am not reporting them all four times if I voted the same way all four times. If we had a record vote on the conference report on the appropriation, that vote is used, as it was the final and most accurate figure. If the fourth vote was a nonrecord vote, the third one is used, and so forth. I apologize for this lengthy explanation, but during my last election campaign a lurid document proclaimed in screaming red ink that Congressman Pike did not tell you about almost $43 billion of spending he voted either for or against. Congressman Pike did tell you, and does tell you in this report; he just does not repeat it four times.

In addition to legislation and taking care of constituents' requests, work in the Armed Services Committee kept me very busy last year. Work on the draft legislation, military pay legislation, the annual military procurement and research and development legislation, caused lengthy hearings by the full committee throughout the year. In addition to those, I was made the chairman of a subcommittee which drafted a bill to aid the widows and children of career military personnel. This bill passed both the committee and the House and is currently pending in the Senate. As soon as that job was done, another interesting assignment came as chairman of a committee investigating the question of whether the military utilizes its manpower—and womanpower—effectively or not. In addition to the two subcommittees of which I was chairman, there were also two other subcommittees on which I served, the Research and Development Committee and the Special Investigating Committee, so committee work took up a great deal of our time.

All the work was rewarding. On three separate occasions last year we were able to help eastern Long Island concerns get Federal contracts for which they were qualified, but as to which they were having difficulty with the Government. The contracts involved millions of dollars and meant hundreds of jobs. Equally rewarding was appointing qualified young men to service academies, or simply helping an elderly person with a problem on social security. Our office and my most efficient staff continues to stand ready to help you when we can.

Of the 320 record votes held in the House last year, your Congressman was present and voting 98 percent of the time. No other Congressman in the State of New York can make that statement. I try to vote in a manner which is responsible and responsive to the greatest problems confronting our Nation and our area. I would appreciate hearing your views both as to these issues and these votes. My address is room 2428, Rayburn House Office Building, Washington, D.C. 20515.

My voting record follows:

### Pike Voting Record

### DATE, ISSUE, AND PIKE VOTE

January 21: Election of Speaker (Albert 250; Ford 176), Albert.

March 3: Increase permanent debt ceiling from $395 billion to $430 billion (yea 228; nay 162), Yea.

March 10: Extend Presidential authority to impose a freeze on wages and prices and ceiling on interest rates (yea 382; nay 19), Yea.

March 16: Adopt conference report providing 10 per cent across-the-board increase in Social Security benefits, a $70.40 minimum benefit and increase in special payments to persons 72 years old and over (yea 360; nay 3), Yea.

Appropriate $50,675,000 for unemployment compensation for federal workers and former servicemen (yea 355; nay 0), Yea.

March 18: Delete $134 million for development of the supersonic transport from Transportation appropriations (yea 217; nay 204), Yea.

March 23: Amend Constitution to give 18-year-old citizens right to vote (yea 401; nay 19), Yea.

March 31: Repeal President's authority to induct men into the armed forces effective July 1, 1971 (yea 62; nay 331), Nay.

Extend the draft for one year instead of two (yea 198; nay 200), Yea.

April 1: Prohibit involuntary assignment of draftees to Indochina after Dec. 31, 1971, and involuntary extension of duty of those serving in Indochina after that date (yea 122; nay 260), Yea.

Prohibit use of draftees in any war unless declared by Congress (yea 96; nay 278), Nay.

Extend draft two years, increase military pay (yea 293; nay 99), Yea.

April 7: Add $728.6 million for education programs (yea 187; nay 191), Yea.

Delete from education appropriations section forbidding school districts from assigning pupils to schools over the protests of parents (yea 149; nay 206), Yea.

April 19: Amend Immigration Act to permit aliens over 50 who have lived in the U.S. for 20 years to become U.S. citizens regardless of English literacy (yea 192; nay 84), Yea.

April 20: Authorize $507,650,000 for maritime programs, including subsidies for construction of 22 merchant ships (yea 360; nay 11), Yea.

April 22: Extend Public Works Acceleration and Appalachian Regional Development Act (yea 320; nay 67), Yea.

April 28: Amend Railroad Retirement Act of 1937 to provide a 10 per cent increase in annuities (yea 379; nay 0), Yea.

April 29: Increase investigative funds for the House Internal Security Committee (yea 257; nay 129), Nay.

Provide $570,000 for House Internal Security Committee (yea 298; nay 75), Yea.

May 3: Extend for two years President's authority to submit plans for reorganizing executive branch agencies (yea 301; nay 20), Yea.

May 5: Raise ceiling on Small Business Administration loans by $900 million and continue five SBA programs through fiscal 1972 (yea 383; nay 0), Yea.

May 6: Authorize additional foreign travel authority for four subcommittees of the Education and Labor Committee (yea 156; nay 172), Nay.

May 10: Extend penalties for assaults on D.C. police officers to assaults on firemen, and provide criminal penalties for interfering with firemen in performance of their duties (yea 312; nay 0), Yea.

May 12: Provide that $85.3 million in supplemental appropriations bill for termination of supersonic transport be used for continued construction of two prototypes (yea 201; nay 195), Nay.

May 17: Authorize $4 million in appropriations for the U.S. Commission on Civil Rights (yea 262; nay 67), Yea.

Authorize the Secretary of Agriculture to provide additional $150 million for free school lunch programs for needy children (yea 332; nay 0), Yea.

Establish an environmental data system (yea 304; nay 18), Yea.

Provide criminal penalties for shooting at certain types of wildlife from aircraft (yea 307; nay 8), Yea.

Establish National Advisory Committee on the Oceans and Atmosphere (yea 293; nay 10), Yea.

May 18: Provide a 13.5 percent pay increase for signalmen and extend period of negotiations in railroad strike (yea 264; nay 93), Yea.

May 20: Provide $155.8 million for termination of the supersonic transport (yea 118; nay 156), Nay.

Adopt conference report on Second Supplementary Appropriations bill totaling $6,889,152,545 (yea 264; nay 28), Yea.

May 24: Authorize House Post Office and Civil Service Committee travel to Europe and Far East (yea 201; nay 88), Nay.

May 25: Resolution to disapprove President's proposal to merge Peace Corps, VISTA and other volunteer organizations (yea 131; nay 224), Nay.

Set up Select Committee on Energy Resources (yea 128; nay 218), Yea.

June 2: Authorize $4.9 billion through fiscal 1975 to provide approximately 150,000 public service jobs for the unemployed at State and local level (yea 245; nay 141), Yea.

June 3: Authorize $3,433,080,000 for NASA in fiscal year 1972, including $125,000,000 for space shuttle (yea 303; nay 64), Yea.

June 4: Appropriate $449,899,605 for legislative branch operations (yea 259; nay 26), Yea.

June 7: Extend authority for government procurement of articles produced by the blind to articles produced by other handicapped persons (yea 309; nay 0), Yea.

Authorize $622 million for National Science Foundation (yea 319; nay 8), Yea.

June 10: Extend Sugar Act for three years and modify quotas for foreign and domestic sugar producers (yea 229; nay 128), Nay.

June 14: Provide payment of costs of medical care for D.C. police and firemen and members of the U.S. Secret Service totally disabled in course of duty (yea 311; nay 1), Yea.

June 16: Limit ABM funding to completion of present sites (yea 129; nay 267), Yea.

Delete $370.2 million for the B–1 bomber from defense procurement bill (yea 97; nay 307), Yea.

Amend defense procurement bill by limiting total procurement and R & D authorization to fiscal 1971 appropriated level (yea 118; nay 278), Yea.

June 17: Amend defense procurement bill by barring funds provided for military in and over Indochina after December 31, 1971, giving the President right to change the cutoff date if he could gain support of Congress (yea 158; nay 255), Nay.

Amend defense procurement bill by cutting off funds for military in and over Indochina for materials after June 1, 1972, provided that all POW's had been released 60 days prior to that date (yea 147; nay 237), Nay.

Authorize $21 billion for defense procurement and research (yea 331; nay 58), Nay.

June 18: Authorize additional foreign travel for members of four subcommittees of the House Education and Labor Committee and attendance by two members of each party at ILO conference (yea 183; nay 119), Nay.

Extend for one year student loan and scholarship provisions of Public Health Service Act (yea 299; nay 0), Yea.

June 21: Motion to prohibit amendments to Welfare-Social Security Act (yea 200; nay 172), Nay.

June 22: Delete the guaranteed annual income provisions from Social Security bill (yea 187; nay 234), Yea.

Increase Social Security benefits and assistance programs for the needy aged, blind and disabled and establish a family assistance program (yea 288; nay 132), Yea.

June 23: Set $20,000 limitation on subsidy payments for farm products except for sugar and wool (yea 214; nay 198), Yea.

Bar food stamps to households which need assistance solely because some member is taking part in a labor strike (yea 173; nay 225), Nay.

June 28: Table motion instructing House conferees on draft bill to accept Mansfield amendment (yea 219; nay 175), Yea.

Appropriate $4,487,676,190 for Treasury Department, the Postal Service, the Executive Office and certain independent agencies for fiscal 1972 (yea 380; nay 6) Yea.

June 29: Appropriate $2,350,145,035 for Interior Department for fiscal 1972 (yea 400; nay 5), Yea.

June 30: Table resolution requesting President Nixon to furnish text of Defense Department's secret Vietnam study for years 1945–67 to the House (yea 273; nay 112), Nay.

Adopt conference report on Office of Education appropriations of $5,146,311,000 (yea 376; nay 15), Yea.

July 1: Adopt conference report on Emergency Public Service Employment Act authorizing $2.25 billion to provide public service jobs for unemployed at state and local level (yea 343; nay 14), Yea.

Provide increased manpower for the health professions (yea 343; nay 3), Yea.

Continue for three years programs to train nurses (yea 324; nay 0), Yea.

July 7: Table motion directing Secretary of State to give Congress documents on policy decisions on military operations in Laos (yea 261; nay 118), Nay.

July 7: Establish definitions of obscene material to prohibit delivery of such material to minors and others through the mail (yea 356; nay 25), Yea.

July 8: Delete language in Export Expansion Finance Act permitting Export-Import Bank with the President's approval to finance exports to countries supplying or aiding countries in armed conflict with U.S. forces (yea 207; nay 153), Yea.

July 13: Recommit resolution citing Dr. Stanton and CBS for contempt of Congress for refusing to provide certain film edited from "The Selling of the Pentagon" to the House Interstate and Foreign Commerce Committee (yea 226; nay 181), Nay.

July 19: Authorize drug treatment and rehabilitation program in Veterans Administration (yea 379; nay 0), Yea.

Authorize Veterans Affairs Administrator to provide assistance in establishment of new state medical schools and improvement of existing VA-affiliated medical schools, and develop cooperative agreements between VA and other institutions to train health-care personnel (yea 371; nay 2), Yea.

July 20: Consider bill establishing Joint Committee on the Environment (yea 372; nay 18), Yea.

July 21: Motion to recommit bill increasing bus-width limit on interstate highways (yea 178; nay 213), Yea.

July 27: Adopt conference report on Agriculture appropriations totaling $13,276,900,050 (yea 230; nay 162), Nay.

Add $200 million to Labor-HEW appropriations for various programs (yea 169; nay 215), Nay.

Add $82.4 million to Labor-HEW appropriations for vocational rehabilitation programs (yea 236; nay 153), Yea.

Add $64 million to Labor-HEW appropriations for child welfare services (yea 185; nay 201), Yea.

July 28: Authorize $3,992,500,000 through fiscal 1978 for Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act (yea 376; nay 27), Nay.

July 29: Adopt conference report on Department of Housing and Urban Development, NASA, VA and Independent Office appropriations bill totaling $18,339,738,000 (yea 363; nay 30), Yea.

Adopt conference report on Department of Transportation appropriations totaling $8,156,105,000 (yea 393; nay 15), Yea.

Bar funds for Project Cannikin nuclear test at Amchitka Island, Alaska (yea 108; nay 275), Yea.

Delete $100,000 for restudy of proposed Dickey-Lincoln School hydroelectric power project in eastern Maine (yea 199; nay 181), Nay.

July 30: Authorize federal guarantee of bank loans for Lockheed (yea 192; nay 189), Nay.

August 2: Adopt conference report on State, Justice, Commerce Departments appropriations totaling $4,067,116,000 (yea 337; nay 35), Yea.

Require Secretary of Health, Education, and Welfare to furnish House with documents relating to school desegregation and busing (yea 351; nay 36), Yea.

Require equal treatment for married women employed by the Federal government (yea 377; nay 11), Yea.

Continue in force existing appropriations for activities for which appropriations bills had not yet been passed (yea 350; nay 6), Yea.

August 3: Authorize $3,444,350,000 for foreign aid in fiscal 1972 (yea 202; nay 192), Yea.

August 4: Adopt conference report extending draft and expressing sense of Congress that U.S. troops be withdrawn from Indochina (yea 298; nay 108), Yea.

Appropriate $1 billion for Emergency Supplemental Labor bill to provide public service jobs at the state and local level (yea 321; nay 76), Yea.

August 5: Adopt Export Expansion Finance Act conference report (yea 219; nay 140), Yea.

August 5: Adopt Labor-HEW appropriations conference report totaling $20,804,662,000 for fiscal 1972 (yea 280; nay 56), Yea.

September 9: Establish controls over dumping of waste materials in the oceans and setting up a marine sanctuaries program in the Commerce Department (yea 304; nay 3), Yea.

September 14: Repeal Title II of Internal Security Act of 1950 and provide that no citizen shall be imprisoned or detained by the U.S. except pursuant to an act of Congress (yea 356; nay 49), Yea.

September 16: Authorize the Equal Employment Opportunity Commission to bring suit against recalcitrant discriminatory employers in federal court (yea 285; nay 106), Yea.

September 22: Adopt conference report on Public Works-AEC Appropriations totaling $4,706,625,000 for fiscal 1972 (yea 377; nay 9), Yea.

September 23: Amend Peace Corps bill by cutting over-all authorization by $27 million (yea 113; nay 232), Nay.

September 30: Delete provision in Economic Opportunity Act creating a nonprofit independent National Legal Services Corporation to take over OEO's Legal Services program (yea 152; nay 210), Nay.

Establish a comprehensive child-care program to provide educational, nutritional and health services free of charge for disadvantaged children from families with an annual income of $6,960 or less and setting fees on a graduated scale for children from families with a higher annual income (yea 186; nay 183) Yea.

Recommit Economic Opportunity Act to Education and Labor Committee with instructions to report it back with an amendment coordinating fees levied in the child-care section of the bill with fees charged in other federal government day-care programs, and making annual family income $4,320 as a maximum level entitling disadvantaged children to free services (yea 191; nay 180), Yea.

September 30: Extend Office of Economic Opportunity for two years and authorize $5 billion for its programs, creating a comprehensive child-care program and establishing a National Legal Services Corporation to replace OEO Legal Services program (yea 251; nay 115), Nay.

October 4: Veto President Nixon's alternative federal pay plan ordering scheduled salary increases for federal employees delayed until July 1, 1972 (yea 174; nay 207), Yea.

Adopt resolution calling for humane treatment of Americans held prisoner of war by North Vietnam and endorsing efforts to win their release (yea 370; nay 0), Yea.

Provide for new career training programs and early retirement benefits for air traffic controllers (yea 294; nay 0), Yea.

October 6: Appropriate $270,500,000 in supplemental Department of Labor funds and federal unemployment benefits in fiscal 1972 (yea 394; nay 9), Yea.

Continue through Nov. 15, 1971, appropriations for government departments whose fiscal 1972 appropriations had not yet been enacted into law (yea 387; nay 12), Yea.

October 12: Approve Equal Rights amendment guaranteeing equal rights for men and women (yea 354; nay 24), Yea.

October 14: Broaden Consumer Protection Agency's authority to intervene on behalf of consumers in proceedings of other federal agencies and providing the agency additional authority to act when other federal agencies refused to investigate consumer complaints (yea 160; nay 218), Yea.

Establish independent Consumer Protection Agency and a White House Office of Consumer Affairs (yea 345; nay 44), Yea.

October 19: Instruct conferees not to accept any nongermane Senate-passed amendments on Defense Procurement bill (yea 192; nay 216), Nay.

October 20: Amend Alaskan Natives Land Claims bill to set aside 125 million acres for possible inclusion in national park systems and establishing a federal-state planning commission to review land selection by the state and natives (yea 177; nay 217), Yea.

October 21: Create a Survivor Benefit Plan to allow career military personnel opportunity to leave a portion of their retired pay to their survivors (Pike bill) (yea 372; nay 0), Yea.

October 27: Appropriate $2,012,446,000 for military construction (yea 354; nay 32), Yea.

November 1: Authorize $1.5 billion for desegregating school districts (yea 135; nay 222), Nay.

Provide Law Enforcement Assistance Administration funds for treatment of drug addicts confined to or on parole from state or local correctional facilities (yea 350; nay 2), Yea.

Amend the definition of treatment in the Narcotic Addict Rehabilitation Act of 1966 to allow use of methadone in federal narcotics treatment programs (yea 354; nay 0), Yea.

November 3: Establish a Uniformed Services University of Health Sciences to overcome shortage of career-oriented military personnel in health professions (yea 351; nay 31), Yea.

Strike out Title VIII of Higher Education Act of 1971 authorizing general federal aid for institutions of higher education (yea 84; nay 310), Nay.

Delete language in Higher Education Act establishing an Interns for Political Leadership program (yea 229; nay 149), Yea.

November 4: Exempt undergraduate admissions policies of all institutions from the sex discrimination ban on education programs receiving federal funds (yea 194; nay 189), Nay.

Postpone effectiveness of any federal court order requiring busing for racial, sex, religious or socioeconomic balance until all appeals—or the time for all appeals—had been exhausted (yea 235; nay 125), Yea.

November 4: Bar use of federal funds for busing students or teachers to overcome racial imbalance or to buy buses for such purpose (yea 233; nay 124), Yea.

Exempt from the ban on sex discrimination undergraduate admissions policies of all institutions of higher education (yea 186; nay 181), Nay.

Extend Higher Education Act of 1971, providing for program of general aid, creating a National Institute of Education and authorizing $1.5 billion in aid to desegregating school districts (yea 332; nay 38), Yea.

November 8: Discharge House Judiciary Committee from further consideration of School Prayer Amendment (yea 242; nay 156), Yea.

Adopt School Prayer Amendment providing it was constitutionally permissible for persons in public buildings to participate in voluntary prayer (yea 240; nay 162) (⅔ majority vote required), Yea.

Approve Federal Environmental Pesticide Control Act of 1971 (yea 288; nay 91), Yea.

November 10: Extend disability benefits to orphans of families in which the father had died of black lung disease and the mother is deceased (yea 312; nay 78), Yea.

Amend continuing appropriations bill by prohibiting Department of Defense from further expenditure of funds for fiscal 1972 (yea 10; nay 356), Nay.

November 15: Expand National Cancer Institute to permit intensified cancer research program (yea 350; nay 5), Yea.

Increase limit on U.S. dues for membership in the International Criminal Police Organization (INTERPOL) (yea 346; nay 0), Yea.

Liberalize provisions of existing law covering payment of military disability and death pensions (yea 351; nay 0), Yea.

November 16: Delete $801,600,000 for purchase of F-14 aircraft during fiscal 1972 (yea 76; nay 311), Nay.

November 17: Set July 1, 1972, cutoff date for funds supporting our military in Southeast Asia and call for withdrawal of all U.S. military by a specified date subject to the release of POW's (yea 163; nay 238), Nay.

Limit net defense expenditures to 95 per cent of the funds budgeted for fiscal 1972 (yea 74; nay 307), Nay.

Reduce total defense appropriations to fiscal 1971 level (yea 114; nay 278), Nay.

November 19: Authorize $36 million in fiscal 1972 and $38,520,000 in fiscal 1973 for interim financing of Radio Free Europe and Radio Liberty (yea 271; nay 12), Yea.

November 29: Repeal for all candidates for federal office the "equal time" provision of the Communications Act of 1934 (yea 95; nay 277), Nay.

November 30: Define more clearly role unions and corporations might take in political campaigns (yea 233; nay 147), Yea.

Approve Federal Election Campaign Practices Act limiting campaign expenditures by or on behalf of candidates for Congress and the Presidency (yea 372; nay 23), Yea.

December 2: Add $72.5 million to D.C. appropriations bill for D.C.'s share of construction costs of a rapid transit system (yea 196; nay 183), Yea.

Halt above funding until the transit authority complied with provision of National Environmental Policy Act requiring submission of an environmental impact statement (yea 163; nay 205), Yea.

Provide supplemental appropriations of $786,282,654 for various federal departments for fiscal 1972 (yea 271; nay 20), Yea.

December 6: Authorize loan of certain submarines and destroyers to Spain, Turkey, Greece, Korea and Italy (yea 260; nay 116), Nay.

December 6: Authorize $5 million in additional funds to conduct Transpo 72, an international transportation exposition at Dulles Airport May 27, 1972 (yea 202; nay 173), Yea.

Extend authority of Secretary of Housing and Urban Development to set maximum interest rates on Federal Housing Administration mortgage insurance programs and modify provisions of the National Flood Insurance Act (yea 357; nay 4), Yea.

Set up a weak program to regulate the killing of marine mammals (yea 199; nay 150), Nay.

December 7: Adopt conference report extending Office of Economic Opportunity for two years, authorizing $6.3 billion for OEO (yea 211; nay 187), Nay.

December 8: Increase to $91 million foreign aid appropriations for contributions to international organizations, and provide $50 million of that amount for the U.S. contribution to the United Nations Development Fund (yea 119; nay 268), Nay.

Appropriate $3,003,461,000 for foreign economic and military assistance (yea 214; nay 179), Nay.

Kill amendment to Strategic Grain Reserve bill limiting individual farm subsidy payments to $20,000 (yea 204; nay 164), Nay.

Establish a national grain reserve of 300 million bushels of wheat and 25 million tons of feed grains (yea 182; nay 170), Nay.

December 9: Adopt conference report reducing federal individual and business taxes and establish a federal presidential election campaign fund effective in 1973 (yea 321; nay 75), Nay.

Adopt conference report providing supplemental appropriations of $3,406,385,371 for various federal departments (yea 301; nay 73), Yea.

December 10: Limit mandatory payment of pay raises scheduled under pre-freeze contracts to those for which prices or taxes had already been raised (yea 209; nay 151), Yea.

Adopt conference report setting federal payment to the District of Columbia at $173 million for fiscal 1972 and $178 million for fiscal 1973 (yea 242; nay 93), Yea.

Extend Economic Stabilization Act (yea 326; nay 33), Yea.

December 15: Adopt conference report appropriating $70,518,463,000 for Defense Department (yea 293; nay 39), Yea.

Adopt conference report appropriating $932,512,700 for District of Columbia (yea 260; nay 79), Yea.

Adopt conference report on Unemployment Compensation providing one-half unemployment compensation payments for an additional 13 weeks to persons who had exhausted their regular benefits in states with unemployment rates at least 6.5 percent for a 13-week period (yea 194; nay 149). Nay.

Provide continuing appropriations to February 22, 1972, for foreign aid and other federal departments and agencies whose appropriations had not yet been approved by Congress (yea 235; nay 86), Nay.

December 16: Table motion instructing House conferees to accept Mansfield amendment) yea 130; nay 101), Nay.

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## FROM THE MAN WHO GAVE YOU CENTRAL PARK

## HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. ROSTENKOWSKI. Mr. Speaker, at this time, I would like to place in the RECORD an article by Wolf Von Eckardt, which appeared on Saturday, January 29, 1972, in the Washington Post. The article commemorates the 150th anniversary of the death of landscape artist Fredrick Law Olmsted. Olmsted was the original designer of New York City's Central Park and San Francisco's Golden Gate Park, but, more important, he was one of the original practitioners of the art of esthetic urban planning. As Mr. Von Eckhardt aptly states:

> Today we see that Olmsted's approach to (city) planning . . . might have saved us much of the misery of slums, ghettos, traffic jams, urban disorders, physical and mental health problems and other urban disasters.

It is fitting that we honor a man whose foresight was unfortunately ignored for a century and a half. The article follows:

[From the Washington Post, Jan. 19, 1972]

### FROM THE MAN WHO GAVE YOU CENTRAL PARK

(By Wolf Von Eckhardt)

A new national hero is emerging.

Frederick Law Olmsted, whose sesquicentennial will be celebrated this spring, has so far occupied only a relatively minor place in the American pantheon.

People interested in the history of our cities know him as "the father of landscape architecture" and the designer of New York's Central Park, the first park to bring generous open space, sunshine and fresh air into a modern industrial city.

What promises to make Olmsted a hero whom school children will be taught to admire along with Benjamin Franklin and Thomas Alva Edison, is that the nation's new concern for the quality of urban life is finally catching up with his.

We are now beginning to realize that protecting the natural environment, the traditional kind of conservation, is not enough. The principles of conservation, of "sympathetic cooperation with nature," as Olmsted called it, must also be applied to the man-made environment—the city and metropolitan area—if both man and nature are to survive. Man is part of the much-talked about natural ecology.

And this, in essence, is what Olmsted preached and practiced in the course of a long (1822 to 1903), varied and productive lifetime that has left its mark all around us. People still enjoy not only Central and Prospect Parks in New York and the Golden Gate Park in San Francisco, but also the great parks that act as the "lungs" of Chicago, St. Louis and a dozen or so other American cities.

More importantly, perhaps, are Olmsted's theories on city planning. They herald those of the English "garden city movement," Lewis Mumford and Jane Jacobs, and are just now beginning to make their influence felt. Olmsted saw the need to create new communities, and designed one at Riverside, Ill. He recognized the need to make whole urban regions wholesome, showing how this can be done with his proposal for an "emerald necklace" of urban parks and parkways in Boston.

Olmsted, in fact, stands at the beginning of a new urban vision, a new concept of how we must guide rapid urbanization and, in the face of mechanization and pollution, make our place to live human and livable. He was a pioneer in civilizing American cities.

Truly great men make a new contribution to every new age that succeeds their own. Every generation discovers some new aspect of the great man's wisdom. In his own time, Olmsted was mainly looked upon as a successful landscape architect who rode a fashionable wave of romantic love for nature and the picturesque. The fashion was partly a reaction to "the shame of the cities." It was exemplified by the paintings of Monet and the architecture of H. H. Richardson.

The last generation saw him primarily as an artist, who, in contrast to the rigid formality of baroque park design, created Monet landscapes complete with random rocks, meandering roads and brooks, dreaming meadows and utterly natural-looking artificial lakes, in the center of the city.

Today we see not only the esthetic, but the social implications and intentions of his work. Olmsted foresaw that Central Park, which was out in the sticks when he and his partner, Calvert Baux, laid it out in 1858, would be hemmed in by a wall of skyscrapers. He foresaw the crush of traffic and was the first to separate people and vehicles by way of under- and overpasses in his park designs.

Today we see that Olmstead's approach to urban planning, had it been more fully accepted, might have saved us much of the misery of slums, ghettos, traffic jams, urban disorders, physical and mental health problems and other urban disasters. Olmsted warned, a hundred years ago, against building cities "little by little and chiefly to suit the views of landowners, acting only individually and thinking only of how what they do is to affect the value in the next week or the next year of the few lots that each may hold at the time."

But that, of course, is exactly what we did and are still doing.

The answer to the resulting chaos is comprehensive community planning that is focused, much as Olmsted prescribed, around parks and open spaces. This prescription is now being returned to us from England where it was developed and refined by the "garden city" movement and its "new towns" which Ebenezer Howard launched at the turn of the century.

But it seems that Howard, who visited America as a young man, was inspired by Olmsted's new community at Riverside. Howard is very likely to have visited this first modern, American "new town" according to Walter L. Creese, an eminent urban historian.

Olmsted, at any rate, was surely concerned with far more than beauty and commodious urban design. He stood as Lewis Mumford quotes Charles Eliot Norton as saying of him, "first in the production of great works which answer the needs and give expression to the life of our immense and miscellaneous democracy."

He knew that life as an inveterate traveler and early in his career, as a reporter, writer and editor who worked for a number of newspapers and publications, including The New York Daily Times, Putnam's and The Nation. His reports on the state of the South before the Civil War are among the most valuable historic sources we have.

Olmsted's "very temperate picture of the beating of a young Negress," writes Mumford, "calmly, coolly, by a matter of fact overseer, was far more damning than the violent melodramatics of Mrs. Harriet Beecher Stowe. Olmsted's account of the antebellum South has well been compared with Young's picture of France before the Revolution."

A number of determined environmentalists, historians and other admirers of Frederick Law Olmsted's led by architecture historian Frederick Gutheim, are busy planning an "Olmsted Sesquicentennial" celebration in honor of this remarkable man.

Plans include the issue of a commemorative postage stamp, forums and symposia in various cities where Olmsted works are found and a comprehensive exhibition, designed by William Alex, to be held at New York's Whitney Museum next summer.

The exhibition is to be shown in a number of cities, including Washington. The Architect of the Capitol, George M. White, has expressed interest in showing it on the Capitol's West Front Terrace, which Olmsted designed. An extension of the West Front would inevitably destroy this design.

Gutheim sees the sesquicentennial as one of his committee's most important tasks, however, to raise funds for the preservation of the Olmsted office, house and grounds in Brookline, Mass., and to microfilm its fund of letters and drawings. The Library of Congress has recently acquired 400 boxes of these papers. But far more are still inadequately stored and in danger of deterioration and fire.

Another central idea of the Olmsted celebration is to call public attention to the plight of our troubled urban parks, said Gutheim. "In a way they are the victims of their success. They mirror such national problems as crime, delinquency, overcrowding, drugs, traffic and environmental pollution.

"The result is an extensive invasion of chain-link fences, blacktopped play areas, bright illumination, highways and parking. These piecemeal responses by hard-driven park administrators can eventually destroy the original creations of a century ago."

But the main focus is on the man. The 150th anniversary of Olmsted's birth, says William Alex, "marks nothing less than a rededication to the idea of human survival. It is against this American that we must measure the captains who must now guide spaceship Earth."

## MOTOROLA SHIFTING WORK BACK TO THE UNITED STATES

## HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. GAYDOS. Mr. Speaker, I would like to call the attention of my colleagues to a most significant and important news article which appeared in the January 31, issue of the Pittsburgh Press.

Written by Milt Freudenheim and datelined Wolfsburg, Germany, home of the Volkswagen auto, the article reports one of America's best known names in radio manufacturing—Motorola—is going to transfer its production facilities in Japan back to the United States. The reason given for the shift is the higher exchange rate for the Japanese yen combined with the devalued U.S. dollar.

The report is significant because Volkswagen buys nearly 500,000 car radios a year from Motorola. It is important because those radios now will be stamped "Made in U.S.A." and that spells jobs in our electronic industry.

Mr. Speaker, I say in all sincerity to Motorola: "Welcome Home!"

The news article follows:

### MOTOROLA SHIFTING WORK BACK TO UNITED STATES

(By Milt Freudenheim)

WOLFSBURG, GERMANY.—Major radio manufacturing facilities are being transferred from Japan back to the United States by Motorola, it is reported here.

Reliable sources in this world headquarters of Volkswagen automobiles said Motorola is switching production of its car radios supplied to VW.

Volkswagen buys in the neighborhood of 500,000 car radios a year from Motorola, they said.

While no figures were available here, the order obviously runs to millions of dollars.

One likely factor behind Motorola's decision to move out of Japan is the new higher exchange rates for Japanese yen plus the devalued dollar agreed to in Washington Dec. 18.

The yen went up nearly 8 per cent and the dollar dropped about the same amount. This adds a nearly 16 per cent price advantage to buying in the United States compared to Japan.

The rise in the yen comes on top of steadily increasing costs in Japan. Some electronics and textile manufacturers have been leaving Japan for Tiawan, Hong Kong and other lower-cost areas. Among those moving or building new foreign plants have been Japanese firms.

Sources here said Volkwagen is actively considering other American built parts and accessories for their cars. Under study is a big order for car electric generators, they said.

The West German Deutsche mark also went up in comparison with the devalued dollar a total of over 12 per cent.

In addition, wages at Wolfsburg actually are higher than those paid by some Volkswagen suppliers in the United States (although certainly not in Detroit), the sources said.

## FBI HITS THE SKY

## HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. DENHOLM. Mr. Speaker, Director J. Edgar Hoover and the special agents of the Federal Bureau of Investigation—FBI—recorded in a quiet manner the successful apprehension of another hijacker over the weekend. Those apprehensive moments are events that often go by without notice when they end without damage to property or injury to innocent people. So it is with many, many acts of law enforcement and grave issues of security in the public interest. Millions of events are occurring each day and thousands of men in law enforcement stand ready for action—action that requires the courage and commitment of life to duty, honor, and country.

The success stories of the "man on the beat" or the "riders in the sky" seldom receive the notoriety equal to one error of less importance.

In recent years the new game of "hijacking" invaded the sky—and the Congress and the people of this country again turned to the FBI. Thousands of ships in the air, on land, and over the seas leave almost as many ports at home and abroad—and the cargoes are innocent, farepaying passengers as riders in the sky. It is a sense of satisfaction to know that along the route—there is the FBI.

I commend J. Edgar Hoover and his associates in the effective control of security in the sky. The task is most difficult—the risk is high but never do the men of the FBI shrink from the challenge to do or die. That commitment—that courage—that leadership is the hallmark of almost 50 years of the FBI. The crackpots, criminals, kooks, and Castro-Commies should take notice that the FBI has hit the sky.

Mr. Speaker, I am but one small voice among the humdrum silence of millions but I know that I am not alone when I say here "God's speed to the gentlemen of the Federal Bureau of Investigation—for the good of us all—and the security of our country at all times."

## AMENDMENTS ARE NOT EASILY MADE

## HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to call the attention of my colleagues to an excellent article in one of my local newspapers on the subject of the current petition to discharge the Judiciary Committee from consideration of House Joint Resolution 620, one of many proposed antibusing constitutional amendments now pending before the House.

The article was written in the form of a column by Jim Carravallah, in the Daily Eagle, published in Wayne, Mich., on January 20. He wrote the column after local NAG—Neighborhood Action Group—members picketed my district office to protest my refusal to sign the discharge petition.

Mr. Carravallah, suggesting that the picketers should take a lesson in civics, analyzed the entire situation with cool logic and understanding. It was indeed refreshing to read such an analysis in light of the hysteria, confusion, and misunderstanding which has surrounded the busing issue.

I am including the article at this point in the RECORD:

### AMENDMENTS AREN'T EASILY MADE

(By Jim Carravallah)

After a prolonged absence, probably dictated by holidays which breed understanding and good will among men, NAG has reared its head.

Sixty people recently showed up at Congressmen William Ford's office in Wayne to protest his reluctance to sign a House petition to by pass normal procedure and force a constitutional amendment through Congress. The amendment would ban busing as a means of achieving racial balance in the United States.

The citizens should take a lesson in civics.

There have been only 26 constitutional amendments since the paper, which lays the foundation of American government was adopted in 1787, and none have been passed in short order.

Cong. Ford has said that his reluctance to sign the petition was based partially on this precedent. Any time a proposal to change the 185-year-old document appears, it can't be taken lightly, was his contention.

In fact, it can't be taken so lightly that certain legislative procedures, such as public hearings and committee reports, should be bypassed.

Despite busing being possibly the most important issue of race relations in the 70s, it isn't of sufficient weight that time honored procedures, which won such treasures as the Bill of Rights, women's suffrage and lowering the age of majority, should be bypassed for expediency.

In fact, there is an indication that special amendments, drawn to prevent social evils have a shorter life expectancy than amendments drawn to refine the government processes. The 18th amendment to the Constitution, which banned liquor in the United States, had to be repealed after only 14 years because the public could not, or would not, abide by its measures.

This is the only amendment to the Constitution repealed during the document's existence.

In addition, a proposed amendment to the Constitution which would protect a child's rights when employed has been lying dormant since the turn of the century.

I can understand NAG's concern with busing, as most suburban parents would not like to see their children carted to the ghettos under the banner of equal education, but then, NAG ought to try and understand a bit of civics and history.

A case in point may help.

It has taken six years, and 50,000 deaths for Congress to consider action against the war in Vietnam.

During that time, public pressure has reached a much higher degree than any group such as NAG could hope to mount at this time.

Considering the results of 50,000 deaths, and marches of hundreds of American citizens against the war, I can't believe that NAG's effort to change the constitution will carry much force to change the demeanor of Congress.

And I can't say I would hope it would happen.

Congress will move in due time, and hopefully, it will move to the benefit of the entire country, not the 60 vocal residents who marched on Cong. Ford.

Opinions expressed are those of the columnist and not necessarily those of this newspaper.

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## IS WOMEN'S LIB A ONE-WAY STREET?

## HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. GUBSER. Mr. Speaker, Mr. Dick Barrett, a respected reporter for the San Jose Evening News, recently raised a point which I believe provides food for thought on the women's rights issue.

In my opinion, Mr. Barrett's article, which follows, makes a cogent point for retention of the provision in the House-passed version of H.R. 1 which would equalize treatment of men and women with respect to the "age-62 computation point" for determining social security benefits.

I commend Mr. Barrett's article to the attention of readers of the CONGRESSIONAL RECORD.

The article follows:

### EQUAL RIGHTS FOR MEN IN SOCIAL SECURITY?

(By Dick Barrett)

Well, fellow members of Men's Lib, let us build fires in the street, raise a glass of cheer and celebrate. The United States Supreme Court has rendered an opinion that the 14th Amendment grants everyone equal rights. In doing so, it gave us men the chance to pull an option play, the like of which has never been seen on the gridiron.

You may recall that some years ago Congress amended the Social Security law to permit women to collect full benefits at age 62, but still requiring the male to labor until he is 65, or falls over into his grave, whichever is first. This is plainly discriminatory and in defiance of the 14th amendment. Or are women to remain more equal than men in this special situation?

But as I say, if we want to make a test case out of it and throw the Social Security financing for a loop, we have our options:

1. We can file suit demanding that the federal government allow us to retire at age 62 with full benefits, the same as the women.

2. We can sue to have women required to work until age 65, too, before they collect their social security. Along with this we can allege that all monies paid so far to women under the 62-year ruling were illegally expended and should be recovered with interest.

I would suggest that the latter alternative is the better one, because it gives us a chance to compromise our case and settle in return for a lowering of the male retirement age to 62 and the sequestering of the recovered fund solely for the purchase of chaise lounges for men who will rush to lay down their burdens and bodies.

I am mindful of the fact that the Supreme Court decision in the Idaho case said that women can be treated differently when "the purpose is reasonable." Is their lower retirement age reasonable when the figures show that women are longer-lived than men? If you don't believe the statistics—just go traveling and see how many more widows than widowers you encounter.

Who wants to have the honor of being the first to sue the government for equal rights for men under the Social Security law? Or will Congress hasten (does it ever?) to recognize the situation without being hauled into court?

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## CONTINUING EDUCATION

## HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. ZWACH. Mr. Speaker, one of the problems facing rural America is the out-migration of its young people, it was pointed out at a 10-county conference held at Wothington, Minn., on January 18.

One of the papers presented at that conference by A. F. Gertjejansen, Interstate Power Co., of Fulda, dealt with the matter of education for the young people of the area.

With your permission, and for the benefit of my colleagues and those people who read it, I would like to insert into the CONGRESSIONAL RECORD Mr. Gertjejansen's paper:

### CONTINUING EDUCATION

(By A. F. Gertjejansen)

The Storden Times recently carried an editorial with the caption, "A Ghost Town is Still a Ghost Town, even with sewers and running water." It goes about farms getting larger, run by less people and about less and less business places in our small towns.

The booklet you received at the entrance tells a sad story of what is happening in this area of Southwest Minnesota and Northwest Iowa. And, it forecasts a very grim future for our economy and well being, unless we can do something to change it.

We came together today to discuss our mutual problems and to try to find answers if we can, to these two questions:

1. How can we provide the opportunities necessary to keep people from leaving the area?

2. How do we go about improving the quality of life so that one out of every four families need not live in poverty?

At the turn of the century this was a booming area. The land was opening up, the towns were flourishing. We grew even through the great depression. Up to about 1960 we were pretty well holding our own. Today it's a different story.

In its heyday my home town boasted three hardware, five blacksmith shops, three restaurants, a millinery store, theatre, banks, and mind you, five saloons.

Today it's down to a handful of businessmen. Main street has more than its share of vacant buildings, and about half of its homes house retired people. The young people have gone and vacant farms dot the countryside. With the exception of a few of our larger towns, this is true of the whole area.

How in the world could we go from boom to almost bust in 70 short years?

From my own experience I can tell you about *one* contributing factor.

My grandfather brought his family from Germany to *this* area of "Cornbelt" in 1895. He came because he wanted a better opportunity for his family than he had in Germany. My father who only managed a 4th grade education told me, "I'm going to see that you get a better education so you can have a better life." And he did. I went to school and learned a trade and went into the electrical business.

I told my children—"Go to college—get a good education so you can get a good job." And they did. And—they no longer live in the Cornbelt. This is the story of most families.

From our grandfathers down to us we wanted more and better things for our children. In this we were highly successful. They work shorter hours for more money and have more of the comforts of life than we ever thought possible.

We have encouraged higher education to the point where they want to leave the land and the small towns to seek their fortunes where they can work for someone else, in a ready made job.

We have not instilled in them a desire to stay and start their own businesses from scratch. They have not gone through some of the hardships we did, so they *really* don't know the good feeling of carving out a slice of the economy for themselves. We *wanted* them to start at or near the top. Now they are gone. And those that did not seek higher education are gone also. The high salaries of factory production lines in the Metro areas hold more glamor for them than the good life in the rural area.

Two things have happened—

1. We have over-emphasized college education to the point where we now have a surplus of degree bearing people. For the last 20 years we taught the youngsters that if you didn't have a college education you may as well resign yourself to being a nobody.

2. We have under-emphasized vocational and special education—especially for those who could not afford—or refused to go to college. In the meantime the cornbelt area goes begging for trained and skilled craftsmen and technicians, both male and female.

Let me give you a few examples. One high school I checked sheds some light on where most of our young people go. In the last five years 44% of their graduating classes headed for college. After graduation from college very few will find opportunities in our area. In this same school, of the 1966 and 1967 graduates, another 20% went to vocational or business schools. In the last three years of the five year period—35% went to business and vocational schools. This is an improvement and there are other area schools where the percentage to vocational schools is higher and the percentage to college lower. As I see it, this trend is favorable and I'll dwell more on it a little later on.

If you decide to build a house or any other good sized building, you have fairly good success in getting carpenters, brick layers, plumbers, and electricians. But, try to make some small extensions to your house wiring, plumbing, or a small remodeling job and you are apt to get on that waiting list sometimes for quite a period. There *are* job opportunities in the area for skilled mechanics, body men, carpenters, electricians, plumbers, and right on down the line. Some opportunities lie in jobs that are unfilled. Other towns could support a new small business. In our own business of supplying electric power, we have in the past taken high school graduates or men returning from the service and made linemen, plant operators and technicians out of them by on the job training. The office clerks and stenos were recruited the same way with only basic training in high school. Until the last few years very few came from vocational and business schools.

Technicians are driving out here from the Twin Cities and Omaha to service our hydraulic equipment. What a field this would be to start a business in.

In our own ten county area we have one of the best tools available to help reduce outmigration and to improve the areas living standards. *That tool* is the training available at our vocational schools and Junior College. In less than an hours drive from any corner of the area you can be at the door of one of the vocational schools or the Junior College.

In the 1930's vocational technical training was available mainly from a few private schools in both states. In 1945 the Minnesota Legislature passed the vocational school law. Today there are 32 area vocational-technical schools in Minnesota with two of them located in our area at Pipestone and Jackson.

The Iowa law was passed in 1966. Today there are fifteen area schools in Iowa that offer vocational technical education with one of them located in our area at Sheldon.

This may come as a surprise to some of you but the Worthington Junior College was established in 1936. It is now a *State* Junior College and part of an 18 school Junior College System.

Tuition is low in these schools, and the state line is no barrier. Out of state tuition is slightly higher, of course. For most vocational courses high school diplomas are not required. In fact, training is available to give you a high school equivalency certificate.

The vocational schools offer a wide variety of courses in trades and occupations for both men and women of *all* ages. The junior college has been mainly geared to preparation for further college work, however, many occupational programs are now available. For instance, their catalog lists programs in production agriculture, agribusiness-management or sales and service, and business management, as well as tuition-free programs in clerical, secretarial, and practical nursing.

Here is an interesting example of what the vocational-technical schools are doing.

In the last four years in the fields of auto mechanics, fashion designing, business, agricultural banking, carpentry, food merchandising and supermarket management, and meat cutting, the Pipestone vocational school graduated 703 full-time students. Of these 403 or 57% took jobs in rural rather than metro areas. And, of this number, 20 went into business for themselves.

Education is not just for the young. Adults can secure further training in their present field. They can retrain at night for a job or trade they are more interested in without loss of time from their present work.

Last year Jackson had over 2,000 adults enrolled in various courses, mostly at night. Sheldon had about 3,000. Pipestone trained over 600 last year in their Adult Program.

The schools are run by very dedicated people and they are willing to teach most anything the people of the area are interested in. On visiting the schools I was amazed at the number of courses being offered.

The schools are attempting to keep abreast of the times, reshaping their programs as needed.

One way or the other, our education continues from the cradle to the grave.

Formal education is really the knowledge and experience of many people over many years, compiled into text books and passed on to us through instruction. By using our area schools we can take advantage of this vest store of knowledge and increase our earning power at a much faster rate than we can through the school of experience and hard knocks.

For purposes of this afternoons workshops and discussions I would ask these questions of all the segments of the economy represented here:

Can you secondary school board members do more to update and expand your basic vocational offerings, so that you expose your students to the benefits of staying in the rural area. How about having your counselors talk about rural life, at least to some extent, rather than counseling all students possible toward bachelors, masters, and doctor degrees in some far off specialized position? True, we *need* well educated people in all fields but shouldn't we try for more of a balance especially when our rural area is at stake?

Are you people in business and industry getting acquainted with *your* area school? Can you give them more cooperation in the way of furnishing competent members of your firm to help with instruction in special classes? Are you encouraging your employees to take additional training to improve both their lot and yours?

Can you help your area school in getting them acquainted with new equipment and new techniques? Remember, their best source of information is you.

What can you mayors and councilmen and you folks in the civic and church organizations do to furnish the best possible municipal, recreational, educational, and social services to make *your* town attractive to small businessmen, professional people, and tradesmen? The news media has always had a deep concern for the areas economy and problems. Certainly they should never relax in promoting what is good and speaking out sharply against whatever appears to be detrimental.

Can the farm organizations do *more* to encourage people to train for and start agri-related business and services in our area?

Development corporations are continually on the lookout for new industry in their towns. I would ask you men to consider *back up financing* for the *individual* that has had the *training* and *ability* but little or no money to start in business.

Our State and Federal officials, both elected and appointed, have a tremendous responsibility, and their decisions are not easily made. It is important, however, that an equitable tax balance be maintained between rural and metro areas to keep from draining away too many dollars that could be used by individuals and industry to pour back into the economy of the area.

I ask these questions, not in criticism, but in the interest of the welfare of the Cornbelt and of making the afternoons workshops more productive and meaningful.

The continuing education group discussion will be held in Room 215. Staff members and administrators from the area schools will be there. Your questions are welcome and your ideas and suggestions will be most helpful. We invite you to attend to help us help you make continuing education a real benefit to the area.

## A KANSAS DAY TOAST

## HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. SHRIVER. Mr. Speaker, Kansas observed its 111th anniversary of statehood on Saturday, January 29. Traditional Kansas Day festivities were held in our State capital of Topeka. Mr. Robert Gadberry of Wichita served as chairman of the Kansas Day committee. Dr. Dolf M. Droge, a member of the staff of the National Security Council, was featured speaker at the annual banquet.

It is customary at this yearly event to have the toast delivered by a young Kansan. We believe that our young people constitute one of our greatest assets and resources in Kansas. Mr. Mike Murray, of Junction City, presented the toast to Kansas on Saturday night. He eloquently described the wonders of our great State and set forth a challenge for all Kansans.

Under the leave to extend my remarks in The RECORD, I include the Toast to Kansas by Mike Murray:

Fellow Kansans: This evening we are here to toast the Great State of Kansas.

The time has long passed to praise sunflowers, buffalo, cottonwood trees, and meadowlarks.

Now, the time has come to praise the spirit and enthusiasm that has made Kansas great.

We must go forward from this hall tonight united in the purpose of not just keeping this driving spirit alive, but to once again move ahead to better Kansas government, economy and way of life.

This spirit and enthusiasm is embodied in a state of mind. Years in age have nothing to do with it.

This state of mind is one of action, and getting the job done.

The oil, aircraft and agricultural industries of Kansas did not just happen.

They were built by men and women of action.

In the same spirit, winning political parties in Kansas are not born, they are built by hard work and determination.

As we reach this gala conclusion of the Kansas Day festivities, we toast this spirit of action, and resolve that tonight the buck stops with us.

## UKRAINIAN INDEPENDENCE DAY

### HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. GIAIMO. Mr. Speaker, January 22, 1972, marked the 54th anniversary of the Ukraine, a nation within the U.S.S.R. from which a proud and spirited people came to the United States in search of the better life. Like the Italians, the Irish, the Jews, the Swedes, the Poles, and the Germans, the people of the Ukraine melded with American society while maintaining an individuality and a momentum of purpose that has brightened and enriched the towns and cities where they have settled. Today, the sons and daughters of our original Ukrainians are among America's finest citizens.

On January 22, in my district, the Third Congressional District of the State of Connecticut, I had the privilege of attending a celebration honoring Ukrainian day and the Ukraine's 54th anniversary. At this function, I observed in the Ukrainian people not only an earthy and proud love of heritage but also a firm commitment to the American promise and to those ideals that cause us to be a cohesive nation of many peoples. Should our country ever falter, I am certain that the Ukrainians will be among the first to become a pillar of support.

Coming to these shores before the terrible depression, serving overseas to defend the land and its principles, struggling along with the rest of us to build a viable society, the Ukrainians are Americans of the best grain. As they are capable of relating to their past by wearing the rich costumes of their earlier land and performing those unique Ukrainian dances, I noted that America's Ukrainians also sing the "Star-Spangled Banner" with moistened eyes.

In my district, many Ukrainians serve in responsible positions and as skilled workers of a high order. I am pleased and grateful that they have chosen to live and work in Connecticut, and I take pride in their accomplishments.

## WATER FACTORY 21

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. HOSMER. Mr. Speaker, last Thursday, I had the privilege of participating along with Interior Secretary Rogers Morton in the ground-breaking ceremonies for the Water Factory 21 desalting plant in Fountain Valley, Calif., which is located in my new congressional district.

Water Factory 21—for 21st century—is an exciting concept. It will demonstrate the technology necessary to desalt large quantities of seawater and mix it with reclaimed water.

It is being funded as a joint project by the Office of Saline Water and the Orange County Water District. I was particularly pleased that the project also has the strong support of the Sierra Club as an effort to improve the quality of our environment.

What this project means to Orange County, the State of California, and the Nation was appropriately described in the January 27 issue of Water Desalination Report, by William E. Warne, former director of the California Department of Water Resources. I include Mr. Warne's fine article in the RECORD at this point:

#### ORANGE COUNTY DESALTING PLANT DEDICATED AS WATER TECHNOLOGY OF 21ST CENTURY

(By William E. Warne)

Water Factory 21 of the Orange County Water District will show the way in which California water industry will be ushered into the 21st Century. While the project will demonstrate the test module vertical tube evaporator, multi-stage flash at a capacity of 3 MGD, it is much more than a sea water desalter.

#### IMPORTANT IMPACTS

The project is more intricately impacted by and will have more numerous impacts upon rapidly changing environment of the Southern California Coastal Plain than any other water project presently under consideration. The latest technological advances in other fields are combined with desalting in the plan worked out by Langdon W. Owen, Secretary-Mgr., and the District's staff and approved by the District's farsighted Board.

Financing of the $31,000,000 cost of the project has been assembled from Federal, State and local sources, almost as intricately as the engineering plan was put together.

The project sponsors have picked a way through the gamut of environmental review during a period when standards, requirements and procedures are only partially firm. Many less well-prepared proposals have simply failed to survive these scrutinies.

#### RESISTANCE OVERCOME

Resistances in the legal, institutional and cultural environments have been overcome. Some of these were encountered and mitigated by the District earlier in pursuit of programs that are now being climaxed by Water Factory 21.

Technically, Water Factory 21 at the outset will combine the 3 MGD production of the desalter test module with 15 MGD of water reclaimed from the trickling filter secondary effluent of Treatment Plant No. 1 of the Orange County Sanitation District. These combined sources will be supplemented as needed by pumping from a fresh water aquifer 800 ft. below sea level, and a total of 30,000 acre-ft. of water a yr. of acceptable drinking water quality will be injected into an underground fresh water barrier. The barrier will prevent intrusion of salt water from the sea into the groundwater basin upon which the population of the District depends. It will also augment total supply of the groundwater reservoir as it percolates to the depressed water table. In 1976, the desalter will be increased in capacity to 15 MGD.

#### AQUIFERS AT STAKE

The barrier to sea water intrusion in the Talbert and Santa Ana Gaps was begun in 1967. The injection, extraction and observation wells, together with the water lines, have cost $600,000. At stake is the continued viability of an underground reservoir with a usable capacity of at least 500,000 acre-ft., provided it is properly recharged and managed. When the aquifers were over-pumped in the past, saline waters moved inland to a distance of as much as three and one half miles from the Pacific Ocean.

The District already has several unique achievements to its credit in meeting the threat that over-use of the groundwaters posed to the whole community. Among them has been the purchase of large quantities of water imported from the Colorado River by the Metropolitan Water District of Southern Calif. and the percolation of this Colorado River water through gravels of the Santa Ana River bed into the groundwater basin that is the principal source of supply for the District's customers.

#### PUBLIC CONFIDENCE

The use of aquifers as the channels for water distribution was unique when begun. Methods of taxing pumps using the groundwaters in order to finance the recharging operations and as a part of the program to manage the underground basin were also new. The success of these operations has provided public confidence required to enable the District to take the next logical step, Water Factory 21.

Even beyond these problems the District encountered resistances in legal, institutional and cultural environments that were equally formidable. Among these were (1) public distaste for the deliberate mixing of effluent from sewage treatment plants, no matter how carefully reclaimed, into domestic water sources, (2) conjunctive use of surface and groundwaters and management of underground water storage, (3) taxing of pumpage from the common groundwater source which previously had been used freely by many individuals whose lands overlie the basin, (4) use for popular recreational purposes of lands and waters employed in the unique system of recharge of groundwaters and (5) relatively loose content of the delivery of domestic supplies underground to the households and other water users in the

District. An additional measure of the success of the District in its pioneering work in these fields is fact that to date it is the only one among more than 1100 such public agencies in the State to have worked out practicable answers to all of these problems.

#### POPULOUS ORANGE

Necessity, again, has been the mother of the inventions of the Orange County Water District. Orange County is 48th in size among Calif.'s 58 counties, but its 1.4 million people make it the second most populous county in the State. Between 1960 and 1970, Orange County grew faster than any other county in Calif., having a rate of growth of 101 per cent.

Orange County is semi-arid. It's at the end of the water supply systems that serve it, the Colorado River through the Colorado River Aqueduct; the Santa Ana River, over developed primary source of supply for Orange County; and the State Water Project's Calif. Aqueduct, which in any event, is not expected to bring Feather River water to the areas of the Orange County Water District until 1980. Waters of the Santa Ana River, used and reused in the basin above the Orange County line, presently average about 750 ppm TDS on arrival in Orange County. The Colorado water also contains 750 ppm at the point above Parker Dam at which diversions are made into the Colorado River Aqueduct. Each reuse of water in Orange County adds up to 250 ppm.

Hence, the most severe assault on the environment of Orange County is not made by pollution of the waters, but by the progressive almost imperceptible degradation of the water quality through increasing the burden of dissolved solids that the water carries. And those who would protect the environment by urging recycling of the waters, as by reclaiming the sewage waters that are discharged into the sea, are engaged in a self-defeating contest unless a source of high quality water can be provided to improve the average quality of the supply. About one more use and the reclaimed sewage, though free of all contaminants, nevertheless would become unhealthful.

#### WF–21 GENIUS

This is the genius of Water Factory 21. It makes feasible recapture and reuse through as many as two or three additional cycles of as much reclaimed sewage as the desalting water that it provides.

#### DUPLICATE PLANTS

The significance here is not found in the 3 MGD of desalted water that the VTE/MSF test module will provide, but rather in the fact that WF–21 will open the door to ways to restore and enhance the environment of many areas much larger than Orange County. WF–21 could be usefully duplicated anywhere in the Southern Calif. coastal plain, where 11 million people live. Almost no one living in the coastal plain enjoys drinking water of recommended quality, unless he can afford to have it brought to him in a 5-gal. glass jar and fed to him through a private fountain. The water factories wouldn't all be identical. But they would be similar and they would enhance environments to which they were adapted, just as WF–21 will enhance environment of the Orange County Water District.

The whole of the lower Colorado River Basin, including most of Arizona, Southern Nevada, northern Baja California, as well as Southern California, suffers water quality problems as severe as those afflicting Orange County. Deficiencies of as much as 4,000,000 acre-ft. of water a yr., as well as lowered water quality are foreseen for Central Arizona unless the waters of the Colorado River are augmented by massive desalting projects or diversions from other river basins within 50 yrs. Type I Framework Water and Related Land Use studies just completed paint gloomy pictures of the future Southwest unless massive demonstrations of desalting are made in order to preserve environment of the vast region.

Frequently, Federal and State reviewers look at such projects as WF–21 as potential contributors to degradation of the existing environment. But in this case, a careful impact study of WF–21 was made and the project was found satisfactory up through the highest level of review (WDR, 4 Nov. '71, 1). No problem of thermal pollution of the ocean, noxious odors, air pollution, or noise abatement was foreseen that could not practically be resolved, and for which solutions were not incorporated into the plan. The time has arrived in the maturity of America when such environmental precautions should be taken with respect to the construction of every project, especially one like WF–21 which will be a key element in the environmental enhancement of the region that it will serve.

#### CONTINUITY DEMANDED

In an arid and semiarid land, such as the Southwest, in which Orange County is but an impacted spot on the map of the whole, population growth and economic development inexorably demand development of the water and related land resources. Once started, the processes of development must be continuous because early solutions become later problems in resources use and management in a never ending progression as growth proceeds.

It's far too early to foresee what Water Factory 22 may be, when it is proposed 100 yrs. from now. But those interested in the maintenance of a satisfactory quality of life in the Southwest Region may clearly recognize WF–21 as the next answer required of the present generation.

The threshold of urgency has been reached first in the Southwest because of the aridity of the region and because of the intense impact of population growth. But other regions will not lag far behind.

WF–21 may find sites where it will be duplicated on the Merrimack, the Androscoggin, and Lake Erie as well as in the Southwest in the waning yrs. of this century.

## DELAY ON POLLUTION CONTROL

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. DULSKI. Mr. Speaker, the Federal water pollution control program is in the awkward position of having funds available, but no authorization to spend them.

Twice, the Congress has enacted continuing resolutions to keep the programs operating under supervision of the Environmental Protection Agency, the second one expiring last October 31. The House approved another 3-month extension, but the Senate cut it back to a month and then the measure became moot as it got lost in the end-of-the-session maze of legislation.

Today, I have joined my colleague from New York (Mr. KEMP) in introducing a new continuing resolution which would extend the water pollution control program authorization to June 30, 1972.

Of course, what we really need is final Congressional action on the main legislation to continue the program. The continuing resolution is only stop-gap.

But we must have the stop-gap in the meanwhile in order to keep the program going. We cannot afford to let the momentum slide back.

Already the result of the Federal delay on authorization has become apparent as programs have been deferred right and left. New York State has invested heavily on the assurance of Federal reimbursement, but now the hard-pressed State has clamped the lid on any further prefinancing and programs all over the State have been shelved indefinitely.

The Public Works Committee has ordered a basic bill reported and has indicated it expects to be ready for floor action within a month. Then, the measure goes to the Senate. Final action thus is at least 2, maybe 3, months away

It is essential that there be new interim action through another continuing resolution. The pollution problem is great; the need is clear.

## THE MEDICAL SITUATION IN SOUTH VIETNAM

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mrs. ABZUG. Mr. Speaker, I recently received from a group of medical personnel—doctors, nurses, and paramedics—who have worked in South Vietnam two most upsetting letters. It would appear that in "Vietnamizing" that war-torn country, Mr. Nixon is withdrawing medical personnel and humanitarian programs at a faster rate than combat troops and materials.

The letters also point out that the reduced American casualty rate does not mean that the war itself is being reduced. All that it means is that more of the killing in Indochina is of and by people with yellow skin, and that nonwhites are being victimized to protect American interests and the nonelected Thieu government.

The United States, having laid waste much of Indochina, cannot just pack its bags and go home. We bear a serious responsibility with regard to restoring the health and vitality of the peninsula and its people. The attached letters point this out, and I include them at the conclusion of my remarks:

JANUARY 24, 1972.

Congresswoman BELLA ABZUG,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSWOMAN ABZUG: The enclosed open letter documents the tragic medical situation in south Viet-Nam today. It was written by doctors, nurses, and paramedical personnel from seven countries whose cumulative experience in south Viet-Nam goes back as far as 1967. Several of the doctors are working for AMA and USAID sponsored programs, and the majority of these twenty-five persons speak and understand the Vietnamese language—more, probably, than in the entire AMA/USAID medical apparatus.

The letter is based on available USAID/RVN statistics and our feelings of horror at the vastly increased suffering of the Vietnamese people that is occurring because of Mr. Nixon's "Vietnamization" of the war *and* his arrangement of withdrawal priorities, as well as the following premises:

(1) Recent attempts at power politics, without regard for the collective will of the object peoples, have proven to be poor poli-

tics; witness the alienating effect (probably the only effect) of the display of U.S. Naval power in the Bay of Bengal, not to mention the disastrous efforts to maintain a string of unpopular Saigon governments by military and police power. Even in its own selfish interests, the U.S. government would be far more successful in the international arena if it displayed a sincere and concrete concern for the needs and desires of foreign peoples—as interpreted by those people themselves. Need anyone be reminded that if Americans had responded to pleas for aid from a certain bearded Asian representing his people in 1945–46, the U.S. might well have been spared a long and ignominious involvement in wars that have cost the lives of millions?

(2) Almost every aggressive act performed in Indochina by the Nixon administration, even the continuation of war itself, has been justified by Nixon as "necessary to protect our remaining American troops." In the eyes of millions of Asians, this means that the United States government considers Indochinese people to be expendable—to be sacrificed in "rear guard" actions to protect the "more valuable" American lives. If our government does not regard the Indochinese as precious human beings of equal value to ourselves, then who shall we Americans turn to in Asia when we need friends in the future?

We ask not only your support in this effort to change these Nixon "doctrines," but also for new initiatives in this direction from your office.

Thank you.

Sincerely,

JOHN G. CHAMPLIN, M.D.

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### OPEN LETTER TO PRESIDENT NIXON AND THE AMA

DEAR SIRS: We, the undersigned members of the international medical community working in South Vietnam, vigorously protest the already bad and now rapidly deteriorating medical situation in South Vietnam.

We address this letter to the leaders of the U.S. government and the American Medical Association (AMA) because we feel they bear a major responsibility for the intolerable health conditions now prevalent in Cambodia, Laos, and South Vietnam: first, the U.S. government because of its devastating political and military policies, and secondly, the AMA because it has consistently supported U.S. policy in Indochina, and because though intimately involved with the Vietnamese health care system and familiar with its deficiencies, the AMA has failed to make more than token efforts to help resolve the real problems. The U.S. government and the AMA are also ultimately responsible for the incredibly inadequate health care program of the Republic of Vietnam (RVN).

Although we urge a rapid and complete withdrawal of the American military, we beseech the American government and people to remember the Indochinese victims still suffering from the U.S. government's tragic mistakes. We believe that medical humanitarian programs should be among the last to be withdrawn.

In addition to the undersigned, many other foreign medical personnel in Vietnam have concurred with all or most of this letter, but are under obligation not to engage in actions in Vietnam which might be construed as "political" in nature. They are primarily concerned with continuing their work, and previous protests from concerned foreign civilians in Vietnam have often resulted in threats or harassment, and in some cases expulsion from the country.

In a society where a citizen can be "legally" imprisoned and sentenced to death for "spreading rumors" or "weakening the will of the army to fight," it should be obvious why we have not invited our Vietnamese friends and counterparts to sign this letter.

#### WE ARE OPPOSED TO THE FOLLOWING POLICIES AND POLICY RESULTS

U.S. government support of medical aid programs, including voluntary agencies, and Province Hospital Assistance Program teams is being withdrawn before American pilots, warplanes, and bombs. This policy has already caused serious shortages in many province hospitals that were inadequately manned even before withdrawal began. Many patients who might have been saved in these hospitals a few months ago are now dying.

The South Vietnamese government (RVN) health care system is not effectively filling these significant new gaps left by departing foreign medical teams.

The remaining U.S. military hospital facilities are being too rapidly closed to Vietnamese civilians, even when the capability to help still exists in many of these hospitals. The number of civilian war casualties admitted to U.S. military hospitals in the latter part of 1971 is only 1/8 to 1/6 the number admitted during the first months of '71. Compared to 1½ years ago the civilian war casualties admitted to U.S. military hospitals have decreased by about 95% while the casualty rate itself has only decreased by about 20%.

All the above has occurred at a time when the Nixon doctrine *forces* Asians to kill and injure more and more Asians. Despite the decreased U.S. involvement in ground combat, and the general lull in South Viet-Nam, the number of civilian war casualties admitted to RVN Ministry of Health hospitals during 1971 continued at approximately the 1967 (just prior to the large scale Tet Offensive) rate of 3,000–4,000 per month.

The Army of the Republic of Viet-Nam (ARVN) continues its policy of hoarding physicians despite attempts at joint utilization, while far too few doctors are left for the civilian population.

The RVN Ministry of Health doctors are paid so little that the system encourages them to neglect indigent patients in province hospitals in order to spend more time in private practice.

Even during war years, a time of greatest need, the Saigon government spends only about 2½% of its national expenditures on health, while most developing countries spend close to 5%. WHO recommends that developing countries spend at least 10% on health care. (According to official WHO records, the Colombian and Nigerian governments spent 11% and 12% respectively in 1963–1964. All health expenses in the U.S. amounted to 4.7% of national expenditures in those years.)

The percentage of U.S. financial aid to so-called "public safety" (which includes political assassination programs like Phoenix) is increasing while the percentage of aid to medical teams is decreasing.

The U.S. financing of prison construction (including new tiger cages) continues while money is withdrawn from medical programs.

Despite *any* U.S./RVN statistical claims regarding money spent for health care in South Viet-Nam, *the South Vietnamese people are not receiving anything close to adequate medical care.*

These policies reveal a savage disregard for the Indochinese people whose lives are being damaged and destroyed by the prolongation of this war. Together with the continued hostilities they result in the following additional facts which characterize the present health care situation in southern Viet-Nam:

(1) The crowded, filthy conditions in poorly staffed RVN province hospitals have often been a source of comment, but these conditions have not changed appreciably in the past five years—until recent policies have imposed new hardships.

(2) Preventive medicine programs should be given the highest priority, but they are presently haphazard and ineffective. Large numbers of Vietnamese children still contract poliomyelitis and other preventable diseases in an era when polio and other vaccines are effective, inexpensive, and readily available.

(3) Illness and death among thousands of refugees still occurs because of forced migration.

(4) Inadequate numbers of Vietnamese doctors, nurses, and medical technicians are being trained.

(5) There is a severe shortage of specialists and specialist facilities in all medical fields (e.g. only one mental hospital for eighteen million people).

(6) Showcase hospitals are built in cities while many province hospital buildings have no electricity, no potable water, and no sanitary toilet facilities, not to mention the lack of sufficient beds, hospital supplies, equipment, and funds for maintenance.

We are also concerned for the health of Political prisoners (eg. *Huynh Tan Man*—a medical student recently arrested without warrant and now held incommunicado) and POW's of both sides who must continue to endure more months or years of confinement because the war is being prolonged.

In keeping with the humanitarian goals implied above, we urge Americans to respond to invitations from whatever governments emerge after the cessation of hostilities in Indochina, to continue medical aid programs as long as they are welcome by the recipients. There will be people injured or dying from unexploded bombs, land mines, and artillery shells for a long time to come. Rehabilitation of all war victims will require generations.

Respectfully,

John Champlin, M.D.; Heinz Palla, M.D.; Norman P. Blair, M.D.; Allen J. Stuckey, M.D.; Gert Junker, M.D.; Hermann Ober, M.D.; and Margaret Fast, M.D.

Yoshihiko Ureshino, M.D.; Sakae Watanabe, M.D.; Keith Arnold, M.D.; Susan Forlenza, M.D; Torao Fujii, M.D.; Ann O'Neill, M.D.; and Ernst Tenambergen, M.D.

Edward Allen; Robert Redig; Jane Barton; David Paul Barton; and Caroline Elliot.

David Bailey; Michael R. Jones; Roger D. Marshall, L.B.I.S.T.; Ernest Brunner, R.N.; Mistuhiro Hasegawa; and Brigitte Wilmer, R.N.

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## SALUTE AGRICULTURE PROFESSOR

### HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. FINDLEY. Mr. Speaker, cooperation between the United States and the Soviet Union in our effort to establish an improved relationship has been aided by actual and potential agricultural trade. The sale of feed grains in 1971 and the potential sales of U.S. soybean products are good indications of discussions which can lead to improved relationships between our two nations.

Another excellent method of improving the understanding and relationships between our two countries is through an exchange of information.

Prof. D. E. Alexander, geneticist at the University of Illinois, has been honored for his contribution in this effort through his work with Russian graduate students attending our university. Professor Alexander has been named to the Russian All-Union Academy of Agricultural Sciences for his contribution in developing corn with higher oil and protein content. He visited Russia in 1962 upon the invitation of the Minister of Agriculture and spent 10 days as a maize consultant.

Election to the academy is the highest honor Russians give agricultural scientists. Professor Alexander is the first American to be so honored.

A spokesman for the Soviet Embassy, in making the presentation, called Alexander's election to the academy "an omen of a very bright future for the improvement of relations between our two countries." I agree and salute Professor Alexander for his contribution to improved relations between the people of the United States and the Soviet Union.

## MAJOR INDUSTRIES NOT LIKELY TO CURB THE UNEMPLOYMENT RATE IN THE UNITED STATES

## HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. PUCINSKI. Mr. Speaker, the New York Times of January 30 carried a front-page story indicating that our major industries are not likely to curb the high unemployment rate in the United States.

While we have gone through three budget deficits in a row and a variety of economic game plans before the President's new economic policy was announced last August 15, I submit these plans merely attempt to treat the symptoms of inflation rather than the causes.

Other news accounts report that foreign automobile manufacturers have absorbed the added costs of their cars because of the dollar devaluation, and they will be selling their cars at about the same price as before in the United States, thus negating any advantage we may have in this area. It is expected that other foreign manufacturers will do likewise since the United States is still the biggest export market for Europe and Japan.

Mr. Speaker, the excellent New York Times article follows:

### BIG INDUSTRIES NOT LIKELY TO CUT DOWN JOBLESS RATE

(By Jerry M. Flint)

DETROIT, January 29.—Some of the nation's largest industries, even those especially favored by the Nixon Administration's new economic policies, will do little to bring down the nation's unemployment rate this year.

These industries, including steel, automobiles, electronics and textiles, have been big job producers in the past and expect major gains this year in the things they make and sell. But they are not expecting to add substantially to employment in the months to come.

Indeed, some may not have as many workers in mid-1972 as in mid-1971, and some may have fewer workers than only two or three years ago.

There are a variety of reasons for the dim job prospects. In some cases productivity is going up, meaning that more jobs will not come with added business; in others imports are expected to pluck the fruit of an economic pickup, and in still others the present production rate can handle increased consumer buying without new hiring.

This does not mean there is no hope for reducing unemployment in the new year. The entire manufacturing segment of the economy accounts for only a fifth of the nation's work force. The number of jobs in services, wholesale and retail trades, and local governments continues to grow even in the recession.

And, the failure of big industries to add significantly to the employment rolls does not mean that President Nixon's new economic program is a failure. Some of the actions of the last five months may have saved the industries from major production cutbacks and more layoffs.

But it does help explain why high unemployment has persisted as the economy swings up and why the jobless rate remains burdensome in the old manufacturing centers that depend on such industries even as the nation prospers.

The nation's unemployment rate averaged 5.9 per cent in all of 1971 and 6.1 per cent in the month of December. Economists are predicting some decline this year, generally to a rate close to 5.5 per cent, higher at the beginning of the new year, lower at the end.

In the steel industry, according to an analyst of the United Steel Workers at the union's Pittsburgh headquarters, "Even under the added levels [of steel making expected in 1972] you're not going to get above depression levels of employment."

Last fall the steel industry's job number fell to 430,000 hourly and salaried workers from 536,000 in the summer—the lowest employment level since the Depression days before World War II.

There were special troubles: A strike threat meant steel users built up inventory last year but there was no strike. The users then worked down their hoard rather than buy new metal while imports from abroad soared far beyond voluntary quota agreements.

#### MORE TONS, FEWER WORKERS

Last year the nation's steel makers produced 120 million tons of the metal. This year, an industry analyst in Washington predicts, tonnage is expected to climb to 131 million tons, perhaps more.

But in 1965 the steel makers used 584,000 employes to produce 131 million tons; in 1968 they used 522,000 for that tonnage; in 1970 they used 531,000 for the same total, and this year, the industry analyst predicts, 131 million tons could be produced with 520,000 employes—not even as many as were at work last spring.

"As volume goes up, output per man hour will go up," he predicts, with the steel makers finally cashing in on billions of dollars in capital spending over the last decade.

Even the currency changes, which halved the price advantage of imported steel, and expected steel imports restrictions, which are being negotiated now, will still leave imports at high levels, better than 10 per cent of the market.

In December the Administration said the currency revaluations could alone add between 500,000 and 750,000 to the nation's job total. But the figures came from no industry-by-industry survey but rather from general theories that for every billion-dollar improvement in the balance of trade—and the currency changes would bring that turnaround—60,000 to 80,000 are added to the employment total. Steel, clothing and furniture were among the industries mentioned that could gain.

However, the American Federation of Labor and Congress of Industrial Organizations, says it sees no evidence that the devaluation will create the jobs and Peter G. Petersen, the President's assistant for international affairs, said it might take two years for the changes to show up.

Another disappointment for those hoping to whittle down unemployment will be the automobile industry. An extra million vehicle sales would mean a quarter-million jobs, the Administration announced last fall as it moved to help the industry.

The 7 per cent auto excise tax was removed. And the '72 new car price increase was rolled back to 3 per cent instead of 4 to 5 percent, meaning that the 1972 new cars are priced under the 1971's.

Currency changes completely wiped out the price advantage of small foreign imports over the American made small cars. And it is possible that a half-million or even a million more American-type cars could be sold in the nation this year over 1971. But the return in new jobs will be low through much of the year.

"We built 400,000 vehicles over retail demand in 1971," said a high-ranking executives of the General Motors Corporation. That added production was to make up for strike loses in 1970. But it means that G.M. requires a big sales increase in 1972 just to keep production and employment at last year's levels.

#### CALLBACKS AND LAYOFFS

The company is calling back or hiring 3,900 workers in the first three months of this year—and will add 1,400 more by fall to increase production—but laying off 1,000 others because it does less new model styling.

But the G.M. executive said the year's employment would probably be around the level of 1968 for the big automaker, or 425,000 hourly workers, not much above the 421,000 at the end of 1971.

Other carmakers promise no more in the job field. Stocks of new cars are high and if modest production increases are needed they can come from overtime.

Just as important, the high and steady production rate expected this spring is counted on, as in steel, to make for productivity gains. New plants and equipment, too, add to those giants in high production periods. Ford's new foundry at Flat River, Mich., is an example; it replaces a 50-year-old plant a few miles north and will produce as many engine blocks and other castings with 15-to-20 per cent fewer workers.

#### ROLE OF FOREIGN CARS

In the consumer electronics field, analysts predict 3.5-million more television sets, home radios and tape recorders and players will be sold this year over 1971, but 4-million more will be imported from abroad, meaning fewer manufacturing jobs.

Major electronics companies do not expect employment gains. The Westinghouse Electric Corporation in Pittsburgh said it started 1971 with 145,000 employes and ended this year with 5,000 fewer and is not predicting any job gain in 1972.

The General Electric Corporation, with nearly 300,000 United States workers at the start of last year, was down 2.5 to 3 per cent at the year's end, and early this month closed plants in Buffalo and Cleveland.

#### SEES A STABLE JOB LEVEL

Motorola, which raised its United States employment by 7,000 in 1971, said it expected the job level to be stable this year. An industry committee has complained that 121,000 jobs have been lost in the industry to foreign competition in five years.

The textile industry, too, is looking for more sales in 1972. Analysts predict clothing sales will go up 8 per cent or so and while employment gains may come they will not be that large.

The job force in apparel making dropped to 1.3 million last year from 1.4 million in 1968.

Stanley Nehmer, Deputy Assistant Secretary of Commerce, said the textile industry employment had declined by 100,000 workers in less than three years, and without recent quotas set for imports "this figure could have been expected to rise to as high as a quarter of a million jobs lost by the end of this year."

The quotas, however, will not stop the import growth, but slow it down. Man-made fiber, textile and clothing imports to the United States permitted under the agreement with Asian nations are still allowed to grow by 5 per cent to 7.5 per cent a year, which is larger than the recent growth in the United States market.

#### SHIRT MARKET CAPTURED

But that is "only one-tenth of the abnormally high growth rates which these countries had experienced in our market last year," Mr. Nehmer, said.

The low labor-cost nations of Asia captured the market for low cost men's and boy's shirts and girl's sportswear.

But a bright spot is that industry analysts figure new agreements with Japan and other nations aimed at slowing the growth of textile and clothing imports will at least give American companies a bigger share of the expected gain in sales this year.

That is true in the other industries, too, which means that the employment prospects are better than they would be without an economic revival or without the devaluations that raised the price of foreign products or without agreements limiting imports.

And the men in these industries also note that selling more things—cars or TV sets or slabs of steel—creates jobs outside of the basic manufacturing industry in the department store floors for example, or at the repair shops.

But the thrust of these industries appears to be to increase productivity, which can mean fewer workers per unit of inflation.

"The real message is to worry about productivity," said a General Motors executive. "If we can get that kind of job accomplished we'll create opportunities, and the employment will take care of itself."

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## CURRENT HOUSING BOOM SEEN LIKELY TO FADE SOON

### HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. HANNA. Mr. Speaker, in this political world of Washington, one finds two types of people—either those who view with alarm or those who point out with pride—and also two types of subject matter—again that which is viewed with alarm or that which is pointed to with pride.

What one rarely finds is an individual and a subject matter to which both of these activities can be ascribed—yet this is precisely which I propose to do today. My actions and fears are prompted immediately by a recent article in the Wall Street Journal, which I am also inserting in the RECORD, and, more generally, by my long involvement and sincere concern for the needs of the people of this country for adequate and economical housing.

Those of us who have been following the subject are aware that the year of 1971 was a record year in the number of housing units constructed—well in excess of 2 million, an often elusive goal set by this Congress many years ago. We are also aware that predictions of an equally productive 1972 have been quite freely offered. I am, however, endeavoring to look beyond this year and, in my considered opinion, I cannot at this time share in the general optimism currently in vogue.

There is no doubt in my mind—and I will shortly be addressing this body further on the more general aspects of this weakness—that the money market in the United States is facing a severe and abrupt disruption. The information which I am presently compiling indicates we will soon see a drastic upswing in the demand for money in the open market, a demand which cannot but drive up the bellwether of the construction industry, the interest rate.

Many observers of the housing industry cite the coming of age of the war babies as an indication of the health and continued well-being of the home industry. I feel compelled to point out, however, that without financing, homes are not built, regardless of demand. Also, when interest rates climb as the supply of money declines, those who control the money automatically look to investments with higher and more immediate returns than can be realized from long-term home mortgages.

It is thus that I point with pride to the accomplishments of the housing industry yet simultaneously view with alarm the apparent and severe problems that industry is facing in a future all but upon us. And it is thus that I call on this Congress and this Government to reevaluate its policies and role in meeting this need of our people and to consider possible alternatives to these policies, policies conceived in the past with now outdated inputs. If we are to respond to the demands for housing in a responsible fashion, we must explore new vehicles, vehicles which recognize today's realities.

In the area of low income housing, at once both the most demanding yet most neglected market, entirely new institutions and relationships may be necessary. As Chairman PATMAN of the House Banking and Currency Committee and I have both noted, revisions of the existing financing appartus may be in order if we are to preserve the commitment of the industry to this vital need. It has been suggested, for example, that the Government ought to insert itself into the financing aspect of housing construction in an effort to guarantee a continued supply free from market-imposed depressions. We also should consider the development of a more structured and formal partnership between the Government and the suppliers of this market as another alternative.

If we respond to this need, if we take appropriate and timely action after open discussion of the problems and alternative solutions, then we may again point with pride to our accomplishments. The aforementioned article from the Wall Street Journal follows:

[From the Wall Street Journal, Jan. 27, 1972]

#### CURRENT HOUSING BOOM IS SEEN LIKELY TO FADE BEFORE END OF THE YEAR

(By Danforth Austin and James Tanner)

HOUSTON.—The current home-building boom is being freshly fueled by the housing demands of the post-World War II babies who have come of age. But the hot pace of housing construction, a key to reviving the economy in this election year, is beginning to show signs of overheating and could turn sluggish by next fall.

These conclusions, which aren't really as contradictory as they appear, emerge from interviews and discussions with a broad sampling of the 50,000 builders, materials suppliers and housing analysts attending the meeting here of the National Association of Home Builders.

"Sales of housing continues to climb, and much of this is in response to young first-home buyers—the postwar baby crop," says Michael Sumichrast, chief economist of the NAHB. But Mr. Sumichrast adds that the current rate of housing starts is about as high as it will go and that a leveling-off could come as early as the second half of this year.

Echoing Mr. Sumichrast, many housing experts here agree that a plentiful supply of mortgage money combined with housing needs as yet unfulfilled are providing the momentum to carry the home-building industry in 1972 to its second straight year of two million new dwellings. But despite this heady possibility, many of the builders say their bullishness extends only until November.

#### POSTELECTION POSSIBILITIES

November, of course, is election month; and after the elections, the builders say, there is the possibility that home building may be ignored by the administration in power or may become a victim of further efforts to curb inflation. "The building industry is always the casualty when the government needs a tool to manage the economy," asserts G. E. Harrington, a San Antonio builder.

Housing, indeed, has historically moved in cycles counter to the economy. The industry has often helped pull the country out of a recession. Then, however, as the economy has gained steam, people have spent more and saved less. A tight-money situation has then ensued, and housing has suffered as its financing was siphoned off by corporate and government borrowing.

Despite government assurance to the contrary, some housing analysts here are saying current federal budget deficits will lead to increased government borrowing at rates sufficiently competitive to attract funds away from residential-construction lending agencies. The NAHB's Mr. Sumichrast anticipates that, as the nation's economic activity increases, pressure on mortgage funds will be evident by the second half of this year. "Housing will be subject to the same old pressures of monetary and fiscal policies as in the past," he says.

#### FLUSH WITH CASH

For the moment, however, the thrift institutions that make mortgage loans are flush with cash, and interest rates have dropped as low as 7%. Purchases of new houses have therefore become possible for families who couldn't afford to buy at the previously higher rates. For example, studies by the Larwin Group, a home-building subsidiary of CNA Financial Corp., show that in 1970, when mortgage interest rates were near 9%, less than 22% of the families in metropolitan Los Angeles could afford the payments on a house that cost $32,000; but in 1971, after interest rates had declined, nearly 32% of the families could afford to buy the house—even though its price had climbed to $33,300.

While it's expected that mortgage lenders will lower their interest rates still further in the near future, many lenders nevertheless say rates will probably start rising again by next fall. For example, Lloyd Bissell, assistant vice president in charge of real estate loans for First National Bank of Oregon in Portland, says, "We look for another quarter-point drop in our prime lending rate for mortgage loans soon, but we don't anticipate that the resulting 7¼% rate will last any longer than October."

Adding to builder worries is a threat from key administration officials to trim the government subsidies that help low-income families to buy and rent homes. While the Department of Housing and Urban Development could approve as many as 550,000 dwellings for subsidies this year, HUD Secretary George Romney nevertheless earlier this week told the home builders here that his department will hold authorized subsidized units to as low as 350,000 unless weaknesses in the programs, such as graft, corruption and kickbacks, are corrected.

Depending on HUD's decision, Mr. Romney went on, housing starts this year could range between 2.1 million and 2.3 million. (It was Secretary Romney who, despite skepticism on the part of many builders, accurately predicted a year ago that 1971 housing starts would reach the level of two million, about one-quarter of which were subsidized.)

### OMINOUS SIGN

Beyond the possible subsidy cutoff, the industry has become increasingly concerned with signs of overbuilding—primarily in rental apartments—in several regions. "There are perceptible changes in the multifamily sector (of housing) that one should read very carefully," says Michael Tenzer, senior vice president of the Larwin Group. Mr. Tenzer and other housing producers say areas overbuilt with rental apartments currently include Dallas, Houston, Cleveland, St. Louis, Chicago and parts of California and Florida.

"Evidence of market weakness has become quite apparent in the recent rising level of vacancies," says Saul B. Klaman, vice president and chief economist of the National Association of Mutual Savings Banks. "There could well be a downturn in multifamily construction after midyear, which could carry total starts below the two-million level."

Richard W. O'Neill, a New York housing consultant, says he foresees a decline this year of 20% from last year's starts in rental apartments. "I'm inclined to be bearish," Mr. O'Neill says. "By my estimates, we've got 200,000 new 'empties' as a consequence of two million starts this year."

Other housing analysts say any decline in apartment starts will be more than offset by the expected rising sales of houses. However, the surge in housing construction that began more than a year ago has had an important adverse side effect for the industry by creating severe shortages of construction craftsmen in some areas (despite published reports of an 11% unemployment rate in the industry as a whole).

"We are paying bricklayers $6 to $6.50 an hour, up $1 within the past year—when we can get them," says L. A. Westenskow, an Ogden, Utah, builder. "Because we can't get skilled help, we are behind six months on the construction of the condominiums we have already sold."

While all these difficulties may ultimately take their toll, most of the builders interviewed here still say they expect to construct more homes this year than in 1971. Los Angeles-based Kaufman & Broad Inc., one of the biggest national housing producers, says it anticipates its starts this year will be 30% above last year's 8,200 units. As a result, says Eugene S. Rosenfeld, president, Kaufman & Broad's revenues this year should rise by 25% or more from last year's $226 million.

"The atmosphere is right for our business this year," says Mr. Rosenfeld. The "atmosphere" has also encouraged new entrants in the field of home building. For example, Charles R. Brown, who sold office buildings in Atlanta last year, has now turned to building houses. With his partner, a former aerospace engineer, Mr. Brown plans to construct up to 100 houses before the end of this year.

While the future of the industry is uncertain, this very uncertainty has encouraged some home builders new to the field. One such builder is Milio Brunetti, who until two years ago was a cotton farmer but is now building houses on his farm. "Since money got loose, people are doing without other things so that they can get a house—they're scared interest rates are going back up," Mr. Brunetti says.

## PLEADS FOR SENSIBLE REGIONAL BOUNDARIES

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. DRINAN. Mr. Speaker, I am happy to bring to the attention of my colleagues a perceptive and challenging article written by Mr. Joseph A. Califano, Jr., of the Washington law firm of Williams, Connolly & Califano. Mr. Califano, who was President Johnson's Special Assistant for Domestic Affairs, published this article in the Washington Post of January 30, 1972.

Mr. Califano's very cogent presentation of the irrelevance of municipal and county boundaries and his eloquent plea for the establishment of sensible regional boundaries should be read by everyone who is involved in seeking a resolution of our urgent national problems.

The article follows:

### How Should We Change Central and Local Governments?

(By Joseph A. Califano, Jr.)

The Founding Fathers designed our federal system as a deliberate balance between the original 13 states and the federal government. They wisely recognized the need to counterpoint local power against the central government to help preserve the individual liberty essential for human development and provide the foundation for an enduring democratic political system. The states were left to work out their own relationships with the local communities within their boundaries.

The notions of decentralization and the distribution of government power remain practical imperatives to limit the power of the central government and thus provide a political structure that will permit the enhancement of our democratic values. But our experience over the past decade makes it increasingly doubtful whether we need 50 states with their existing boundaries to achieve this balance; and the empirical evidence of domestic programs frustrated by fragmentation establishes beyond reasonable doubt that our nation and its people would be far better off with more rational local jurisdictions than the haphazard menagerie of some 25,000 cities and counties that stifle social and environmental progress.

In the formative years of our republic, states and cities were regarded somewhat like shells to embryonic chicks; they provided essential protection for early development. Today, the natural, technological and social forces at loose in our troubled society have left those shells shattered on the ground. Too much of the work of our national, state and local political leaders today resemble quixotic efforts to piece the shells together.

Congested populations now make many cities larger than many states. Some corporations have greater capital investments and spend more than most state and city governments. The federal government collects and spends about two-thirds of the funds devoted to the public sector of the economy and is the major source of financial support in local communities across this country for programs ranging from birth control to flood control.

Our problems with nature have been complicated enormously by technological advances and human congestion. They can no longer be controlled within the confines of political boundaries drawn by Pilgrims and frontiersmen and gerrymandered by local political battles of succeeding generations without regard to the clashes between nature and modern technology.

A century ago, it made no difference that rivers ran through the politically inspired boundaries of several states. Today we know that we cannot clean pollution from part of a river any more than we can purge leukemia from part of a bloodstream.

Air moves in airsheds, a fact not known or considered over most of the past 200 years of political and bureaucratic maneuvering by mayors and governors to establish state and local jurisdictional lines. Today, we recognize that it is no more possible to clean the air in Chicago without cleaning the airsheds and currents in the surrounding suburbs and Gary, Indiana, than it is possible to clear cigarette smoke only from the driver's seat of an automobile.

The boundary lines of the 50 states and the 25,000 cities and counties are simply not drawn to accommodate present day environmental problems. To the extent they inspire and encourage parochial loyalty, more often than not they complicate and impede the solution of these problems.

Modern technology, with its corporate corollary of capital concentration, is a significant element of the case against the present federal structure in America. The automobile, the bus and the airplane have added a dimension in mobility and human congestion never conceived by the Founding Fathers.

Mass transportation problems cannot be effectively eased by the center city alone, for most of the traffic comes from suburban areas. If that city center is Manhattan, then solution of the mass transit problem and traffic congestion involves lower Connecticut and portions of New Jersey and Pennsylvania. As the congestion spreads into suburban areas, metropolitan transit authorities have begun to form across our nation and erode, at least for this limited purpose, the relevance of state and local jurisdictional lines.

Communication, production and computer technology has precipitated unprecedented concentrations of capital in a relatively small number of national corporations. Not only consumer advocates, but most thoughtful academicians and commentators on corporate America recognize that few states, if any, are equipped to protect the public interest vis a vis such large concentrations of corporate power. It is more than the fact that General Motors has a gross product and gross income that far exceeds the gross product and tax income of individual states. Today, virtually all companies on the Fortune 500 list have far more resources, power and single-mindedness of profit-oriented constituency than the State of Delaware, where most of them are incorporated. The formal recognition of this fact through a federal incorporation law displacing our current system of state incorporation is long overdue.

The profusion of consumer protection activity by the federal government constitutes recognition of the irrelevance of state and local boundaries in the manufacture, distribution and consumption of most American products, which today are produced and distributed nationally, and advertised on network television. Indeed, to corporate managers themselves state and local lines have become unnecessary irritants except to the extent that they provide the safe harbor of tax benefits when new plants are located within their boundaries. To network television, such boundary lines have never been—and are likely never to be—of any relevance.

Our economic and social planners are increasingly aware of the inhibitions state and local boundaries impose on economic development and social progress. The trend is for the federal government to set up regional bodies, like the Appalachia and New England Commissions, which recognize the environmental and population changes that have taken place during the past 50 years and attempt to accommodate those changes to the natural characteristics of different regions. Thus, the development program for Appalachia involves all of some states and portions of others.

The increasing lack of financial resources in the public sector has already begun to put pressure on states and cities to regionalize some of the public services and programs once considered sacredly local. The Safe Streets Act of 1968, as originally conceived and proposed, contemplated the establishment of regional training centers for state and local police forces. The fire safety legislation proposed in 1967 was designed in part to make uniform, on a regional or national basis, fire-fighting training and equipment.

As the courts have placed state property taxes in constitutional jeopardy, a Republican President has indicated that he will propose a national system of taxation to finance local public school systems. Interestingly, the most discussed technique is a value added tax, to be placed on each element of incremental value in the production and distribution of goods, a tax which renders irrelevant the states and localities in which goods are produced and distributed.

Similarly to Revenue Sharing, the federal government will collect the money and disburse it through the states, cities, counties and school districts. As with Revenue Sharing, a key question in my mind is whether these funds should be allocated through the jigsaw puzzle of state and local jurisdictions that now exist or through some independently drawn regional apparatus that disregards state and local boundaries in the interest of giving the taxpayer something that approaches a dollar of value for a dollar of tax paid.

The federal judiciary has not limited its involvement in the relevance of state and local boundaries to the property tax area. Judge Merhige's recent Richmond school decision reflects a constitutionally mandated recognition of the irrelevance of municipal and county boundaries to the achievement of school desegregation in Virginia. That decision is a symbolically significant piece of evidence in the increasingly convincing case that the forces and events of the 1960s and the 1970s have presented to establish the artificiality of state and local boundaries in America.

At least one federal district court will ignore city and county jurisdictional lines within a state where they impede social and constitutional equality. But the imperatives of racial integration and the recognition of equal opportunity imbedded in our Constitution cannot be contained within the boundaries of a single state. To achieve equality of educational opportunity and school desegregation in the metropolitan areas of Washington, D.C., or New York City requires that school systems be recast in parts in neighboring Virginia and Maryland, or Connecticut, New Jersey and perhaps even Pennsylvania.

Moreover, school desegregation is only one battlefield in the fight for social justice that presses all three branches of the federal government to pierce the state and local veil. The plight of thousands of blacks and poor whites in Harlem, Detroit and Chicago did not begin in those cities, any more than it is likely to end there. It began in large measure in the rural poverty of Alabama, Mississippi and Louisiana, and in the hills and mountains of Appalachia. Social justice for these disadvantaged Americans requires commitment and action on a scale that has nothing to do with the lines on maps that define the geographic limits of Northern cities and Southern states.

During the past ten years, legislators and political leaders have acted in gingerly, piecemeal fashion to circumvent state and local boundaries: in establishing regional commissions for economic development; in the clean river and clean air legislation of the Johnson administration; in the educational parks to provide specialty secondary education for metropolitan areas regardless of state and city lines; and in the forthcoming Nixon program to finance public school education.

It may now be time for our scholars and foundations—to say nothing of our national Congress and Executive—to confront systematically and head on the issue of how the country should be organized to preserve the balance between central and local government, and at the same time encourage the establishment of sensible regional and local boundaries that will facilitate, rather than impede, the resolution of urgent national problems and the achievement of worthy political and social goals.

In Thomas More's Utopia there are 54 perfect, identical and permanent city-state, "all spacious and magnificent, identical in language, traditions, customs and laws." The city-states in More's Utopia have passed beyond progress and beyond change, because they have achieved perfection. There the city of man has very nearly become the city of God.

Our cities and states will never achieve perfection. For them, significant improvement remains an elusive goal and each change that brings them closer to improvement carries problems ever more difficult and challenging. The least we can ask of our political leaders is to recognize that this nation is not made up of 25,000 and 50 perfect and static Utopian city-states and to begin to look at the question of when and how to change them.

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## A KENTUCKY TAXPAYER DEMANDS INFORMATION ABOUT WELFARE

## HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. MAZZOLI. Mr. Speaker, the issue of welfare reform remains one of the major subjects of legislation still pending before the 92d Congress. Although the House has taken action and sent a bill to the Senate, our deliberations in this important area are far from complete.

Accordingly, I commend to the attention of my colleagues the following research report compiled by the Human Resources Committee of the League of Women Voters of Kentucky.

These interested citizens and taxpayers, many of them residents of my district, took it upon themselves to look behind the standard rhetorical questions we hear asked so often about welfare recipients. They decided to try to seek out some factual answers rather than accept the answers implied by the questioners.

For much of their information, they turned to the Kentucky Department of Economic Security and Mr. Merrit S. Deitz, who was then the department's commissioner.

The answers they received are quite revealing. Since many of the questions are ones that frequently are asked here in Congress, I include the following report in the RECORD:

### A KENTUCKY TAXPAYER DEMANDS INFORMATION ABOUT WELFARE

". . . the people who are forced to pay for these handouts have some questions we want answered. We want an accounting of how many of these children are legitimate, how many illegitimate, how many were born so the parents could get a welfare bonus of more tax money.

"How many of these parents spend most of their time and money in some beer joint; how many are disabled and receive little or no help because of the criminals, deadbeats and social misfits who are on welfare."[1]

#### HOW MANY OF THESE CHILDREN ARE LEGITIMATE?

Accurate statistics on the sexual behavior of any group of people are difficult to obtain, but recent studies indicate that the percentage of children conceived out of wedlock is much the same in the population at large as it is among recipients of Aid to Families of Dependent Children. The national figures on AFDC children show that about one third are illegitimate. Kentucky estimates that 25,500[2] of the 100,919[3] AFDC children in the state are illegitimate, or about one in four.

But a year ago the *Boston Sunday Globe* reported that "one third of all first-born American children, born between 1964 and 1966, were conceived out of wedlock."[4] At higher social levels such situations are more frequently concealed by shotgun marriages, abortions, and adoptions, leaving us with the impression that the poor have many more illegitimate children than those who are well-off.

In any case children born out of wedlock cannot in justice be held responsible for the behavior of their parents. If as a society we wish to penalize such parents for illegitimate behavior we must find some means that does not starve or degrade their children.

#### HOW MANY OF THESE CHILDREN WERE BORN SO THE PARENT COULD GET A WELFARE BONUS OF MORE TAX MONEY?

Families on welfare in Kentucky have an average of 2.5 children.[5] The average payment to an AFDC family is $30.36 per person monthly[6] (the maximum amount for a four-person family is $187[7]), or seventy-three percent of the amount our state calculates is needed for minimum health standards. No one can feed, clothe, and house a growing child on less than seven dollars per week and get a "bonus" out of it. Welfare recipients know this.

Kentucky denies aid to families with two able-bodied parents in residence unless the father is in a work training program. If he is unable to find work after his training is finished he can get support for his children only by deserting them. It is not likely that deserted mothers *plan* to have more children, especially since the amount of money allotted per person generally decreases as the size of the family increases.

Persons on welfare, including the blind, aged, and disabled, comprise four percent of the total population of Kentucky,[8] and receive about seven percent of the state's General Fund.[9] Surely this is not a disproportionate amount for the government to spend on Kentuckians who need the basic necessities of life, especially when the great majority of them are over sixty-five or under eighteen. (In the state of Massachusetts, twenty-five percent of the budget goes into public assistance; in contrast, less than two percent of the Federal budget is accounted for by welfare payments.)

Children who are not adequately fed or cared for often are impaired mentally, physically, or emotionally. If we do not see to their well-being at an early age it is likely that we will be maintaining them at great expense in one of our state institutions.

### HOW MANY OF THESE WELFARE PARENTS SPEND MOST OF THEIR TIME AND MONEY IN SOME BEER JOINT?

In May 1971, 40,996 adults in Kentucky were members of AFDC families. The Department of Economic Security considers about eighty percent of these persons unable to work, usually because they are ill, disabled, or parents of small children.[10] Research on Kentucky's AFDC parents in 1967 showed that of the persons studied only 2.3 percent of the mothers and 3 percent of the fathers were known to "use alcoholic beverages excessively."[11]

Seven and a half percent of AFDC parents are already doing some kind of work. Anywhere from three to five thousand more might be hired if jobs they can handle were available.[12]

But jobs are not available. In February 1971, 6.4% of Kentucky's work force (75,300) was unemployed. The number of high school dropouts looking for work comes to about twice the number of AFDC recipients who could be employed. In addition we have 114,000 workers who are below the poverty line although they have full-time jobs.[13] Under these circumstances the six thousand "potentially employable" adults receiving assistance face stiff **competition.**

### HOW MANY ARE DISABLED AND RECEIVE LITTLE OR NO HELP BECAUSE OF THE CRIMINALS, DEADBEATS, AND SOCIAL MISFITS WHO ARE ON WELFARE?

Kentucky spends nine million dollars more on the aged, blind and disabled than on AFDC. The totally and permanently disabled receive 100% of their estimated need; the average monthly payment is $78.82.[14] However, a man who loses his leg in a mining accident is not eligible because he can be trained to do some other job with his hands if he can find an employer willing to train and hire a handicapped man. If he is a veteran, he can get a pension even though his disability has no connection whatsoever with his military service. Otherwise he must depend on relatives or charitable organizations.

A criminal racket of almost any description pays better than a welfare check. HEW studies on the subject suggest that welfare recipients seldom give false information about their circumstances to the government:

In 1969, about .3% (3 cases in 1000) of *all* individuals and families in Aid to Aged, Blind, Disabled and Dependent Children programs were considered by state agencies to be suspected of fraud.

This extremely low incidence of suspected fraud may be contrasted with Internal Revenue frauds which have been estimated to run between three and thirty-four percent.[15]

It is possible to consider that all welfare recipients are misfits but the obvious fact that they have not been successful in our economic structure may often be as much a failure of our society as of their ability to cope with it. The most optimistic thinkers do not seriously expect that the human race will ever be without members who are seriously flawed by low intelligence, criminal tendencies, inadequate training, or other disabilities. No doubt Hitler would solve the problem by liquidating them. Kentuckians would be horrified if social workers decided that a small number of welfare recipients were simply deadbeats or social misfits and should be executed. Is it better to insist that they beg, steal, or die of exposure and hunger?

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## ZERO DISCHARGE: NATIONAL GOAL OR NATIONAL CALAMITY?

## HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. DORN. Mr. Speaker, the Honorable John T. Connor, U.S. Secretary of Commerce in 1965 to 1967, delivered a dynamic and challenging address on January 6 to the Synthetic Organic Chemical Manufacturers Association luncheon.

Secretary Connor very ably and forcefully pointed out the danger in the Muskie water pollution bill which passed the Senate by a vote of 86 to 0. Governor Nelson Rockefeller of New York, testified before the House Public Works Committee that the Muskie bill could well cost the American people two to three trillion dollars. The House will soon consider a water pollution bill reported from my Committee on Public Works where we have worked long and hard to write legislation the American people can live with. Before the Congress again considers this legislation, I commend to my colleagues a careful and serious study of the following outstanding address of Secretary Connor:

### ZERO DISCHARGE: NATIONAL GOAL OR NATIONAL CALAMITY?

(By Secretary John T. Connor)

I'm happy to be here to take part in your first meeting of the New Year. In view of the season, I wish I had an optimistic, upbeat message for you, but I don't. My mixed feelings about the water pollution control legislation now entering the final stages of Congressional consideration are well expressed in the title of my talk—"Zero Discharge: National Goal or National Calamity?"

My concern is not just for my own company or even just for the chemical industry. I am concerned that, if the legislation emerges in the form of the Muskie Bill which passed the Senate by a vote of 86 to zero, considerable damage will be done to American industry, to our entire economy, to Federal, State and local government credibility, and to all taxpayers. In my view that damage will far outweigh the beneficial effects on our waterways.

Let me start by saying again what most industrial leaders have been trying to make clear. Most of us in industry, and particularly those of us in the chemical industry, not only accept but actively support the goal of a clean, healthy environment. The chemical industry alone has spent well over a billion dollars on pollution controls and is currently spending at a rate of more than a quarter of a billion dollars a year to improve the environment. In support of a constructive program for the whole environment, I wholeheartedly agree with the general objective of upgrading U.S. waters to a quality which will sustain a well-rounded aquatic life and allow full use for recreational purposes, as well as the efficient utilization of our water resources in a country with a growing population and an ever-increasing gross national product.

And I fully support a national program that has a goal of attaining those objectives by a reasonable date—say 1980—and to help reach that goal I support the establishment of necessary effluent limitations by the Federal Government and the States. I am willing to give this support even though the attempt to attain that objective will be extremely costly. It could very well have far-reaching consequences on our economic, social and political lives in terms of job dislocations, the cost of financing large capital expenditures, operating and maintenance expenses, community dislocations, foreign trade imbalances and a reordering of national priorities.

But I strongly oppose "flying blind" in such a serious undertaking by setting up a goal of zero discharge of all pollutants into all our waterways by 1981 or 1985. And that's exactly what the Muskie Bill (S. 2770) would have us do. That bill requires us to set our course in 1972 towards that zero discharge goal and requires the Federal and state administrators to continue to drive all of us forward towards that goal as quickly as possible. True—the bill does provide for the development of an inventory of information and data that conceivably could lead to a "mid-course correction" if the Congress decides to pass an amendatory law in 1976, or later, but as the bill now stands, all of us, and particularly the governmental administrators, have to proceed towards the zero discharge goal. The fatal error in that approach is that none of us, and particularly not the members of the American public who must pay the cost, have the foggiest notion of what that cost will be in terms of human and financial resources.

Somewhat more preferable is the approach which seems to have been taken by the House Committee on Public Works in the legislation that it approved before Christmas and will report to the full House early this year. The House bill (H.R. 11896) will require the National Academy of Sciences and the National Academy of Engineering, acting through the National Research Council, to submit to the Congress, not later than two years after enactment of the law, a full and complete investigation and study of all aspects of the total social, technical and economic effects of achieving, or not achieving, the effluent limitations and goals. Also, the Secretary of Commerce (poor man!) is ordered to investigate and report back within six months on the cost impact as related to the competitive position of U.S. manufacturers vis-a-vis foreign producers. Of the greatest possible significance is the fact that no actions are required beyond the 1976 deadline unless and until the Congress takes further action. Even the House formula imposes great uncertainties on corporate and governmental planning, and may require the incurring of significant costs for projects that have to be redone later as requirements and objectives are changed. But at least it would require the Congress to act after—not before—it had assembled the facts and realistic projections and estimates of total costs required to fix ultimate goals. The Senate Committee itself, in its reports on the Muskie Bill, recognizes that "no one is under any illusion that the $12 billion investment (authorized for) municipal waste treatment plants will implement existing water quality standards in many areas of the Nation, much less meet the goals of this Act."

One thing should be understood by everyone who joins in this environmental debate. Whatever the costs of our pollution control programs, and they will be in the hundreds of billions of dollars, they will be borne eventually by the general public, the consumers and taxpayers of America. This applies specifically to programs that will be mandated under the Muskie Bill. Quite clearly in view of other demands for funds and their weakened financial conditions, the Federal, State and local governments will have to impose drastically higher taxes, and float bond issues, to pay their shares of the costs. There is no way that the huge sums can be absorbed by industry; if industry is to survive at all, and of course it must if our system of competitive economic enterprise is to endure, these expenditures will have to be passed on indirectly to the consumer in the prices industry gets for its products. Also, additional taxes will be necessary because of important reductions in tax revenues paid to the governments from industry profits, since undoubtedly industry profits will be affected adversely by added non-productive costs that cannot be absorbed in price increases. As we realize all too well, about one half of all corporate profits go to the federal government in taxes, and taxes on business make up a very substantial percentage of the revenues of all governments.

The people, then, must be given the chance to know and understand what kind of environmental program is being legislated into existence by the Muskie Bill. They should know its ultimate cost to them, and its other economic consequences and benefits, so they, acting through their legislative representatives, can make a sensible cost-benefit judgment. Unfortunately, the truth is that right now neither the public nor the Congress is well informed on these consequences of the Muskie Bill. The Senate Public Works Committee, it is true, debated the proposals over a period of months, but the most critical decisions were made at the last minute and without public hearings. In particular, the change in the enforcement mechanism of the Federal program from water quality standards to effluent limits was adopted at the last minute without public hearings. The same thing is true of these important goals and objectives:

(1) In Phase I, to be implemented by 1976, all industrial pollution sources must apply the "best practicable technology," and communities will be required to have secondary sewage treatment construction programs by June 30, 1974.

(2) In Phase II, to be implemented by 1981, communities and industries will be required to apply, where the goal of no-discharge cannot be attained, the "best available technology."

And (3) the policy is stated that the discharge of all "pollutants" should be eliminated by 1985 and that the natural chemical, physical, and biological integrity of the nation's waters be restored.

How can we refuse to sympathize with the business people and the governors of our states and mayors of our municipalities who have nightmares about being required to build or alter a plant in 1974 using the "best practicable" technology and then being required in 1979 to alter it, or build a new plant at a different location, using the then "best available" technology, as defined by the government administrative people?

After the Muskie Bill emerged from Committee, its 190 pages of complex material were approved by the Senate by a vote of 86 to zero only five days after the Committee reported it on October 28, 1971. It's fair to say that the Senate acted hurriedly and there was no real consideration and debate. The bill then was sent to the House and apparently would have shot right through Committee action and final House vote had it not been for efforts of the Administration and some slowly awakening industry representatives who cried out in outrage for at least some kind of hearing. And that's exactly what was given—some kind of hearing. It lasted just four days. Exactly one day was allocated to industry witnesses.

I urge all of you here today—with all the force and persuasive power at my command—to study the Senate bill, and the House bill when it becomes available. For those who don't have the time to read the full bill and the Senate report, a summary of the main provisions affecting industry is available to you here today. I urge you to estimate the effects of this legislation on your business, the businesses of your customers and your suppliers, on your communities, on the employment situation, and on costs and necessary tax increases, and to give this the concentrated attention that you rarely give to any legislative proposal. And then, if you are as concerned about its probable consequences on your businesses as I am on the business of Allied Chemical, and on the chemical industry generally, get in touch with your Congressmen and your Senators and tell them so—in plain, unvarnished English.

I think we in industry must also do all we can—through our plant executives and their contracts with community leaders—to carry this story directly to the people, so that they will discover that this kind of environmental measure is not in their interest, either.

The Muskie Bill simply promises too much. It raises hopes on which it can't possibly deliver. The bill sets forth the goal of no discharges of any pollutants into any body of water in this country by 1985, and for technological reasons, this just can't be done. The Muskie Committee report quotes an Administration estimate that a 95 to 99 percent reduction in pollutants would require a capital expenditure of more than $35 billion in the next 10 years and operating and maintenance costs of more than $83 billion over a 20 to 25-year period. The Committee acknowledges that these figures may be conservative, and it notes that the Administration estimates the capital cost of achieving 100 percent pollution control at more than $94 billion, which undoubtedly also is too low an estimate. The chemical industry has provided the House Committee with a responsible estimate of costs for chemical companies alone. The estimate is $25 billion in capital expeditures by 1985, plus an additional $10 billion a year to operate these nonproductive facilities. Just multiply those figures by the costs that will be incurred by the metals industries, the pulp and paper industries, the utilities, the oil, coal and other energy businesses, and by all the other industries that now contribute to the nation's pollution problem. Then add the enormous price of trying to achieve zero discharge in all our municipal sewage treatment plants and other public facilities. Governor Nelson A. Rockefeller, testifying last month before the House Committee on Public Works, estimated the cost of zero discharge in New York State alone at $230 billion and between two and three trillion dollars for the entire country.

Of course, no one can state now with any precision what the total costs will amount to, but undoubtedly they will be high, very high. And because they will, it is vitally important that we set a different kind of goal for ourselves—not zero discharge. It is important also that we ask other questions. What is the quality of the water that is essential for recreational uses and to support aquatic life? What kind of limits must be set on the discharge of pollutants to achieve this quality level? Should it be 90 percent? 95? Or, more likely, a whole range of percentages, depending on the nature of the particular pollutant, the stream into which it's being discharged and a number of other factors.

If the American people understand what is involved, they will say that they are not willing to pay in increased local, state and federal taxes, and in higher product costs, the astronomical cost of trying to achieve the zero discharge goal, on top of the rising government expenditures for so many other worthy public objectives. I make those predictions flatly because I have been around to see the credibility gaps, bitterness and disillusionments that have set in among the people when other goals were announced by earlier Administrations and Congresses and which proved to be unattainable or undesirable. Some examples of earlier goals that were not attained as advertised are: the Alliance for Progress, the "crash" cancer research program after World War II, the Urban Development program, the Housing program, the Model Cities program, the higher education and research program, the health programs, the economic development programs for underdeveloped parts of the United States, and many others that were passed or announced with great flourishes and then killed or mortally wounded later because of inadequate appropriations or lack of public support. Why add to the list now and build up false hopes that cannot be realized, when a more realistic program could have unreserved support and be successful in a reasonable time?

A classic case of the "promise too much" credibility gap happened recently right here in New York City and involves the water pollution field. The New York Times on December 31, 1971, carried a long tale of woe about the belated announcement by Mayor John Lindsay—fresh from Florida—concerning the award of a $228 million contract for the legendary North River Pollution Plant, first proposed in 1967 at an estimated cost of $70 million. The plant is now estimated to cost at least $750 million and is expected to be completed in 1979—mark that date! When it is completed, the plant will treat for the first time the 220 million gallons of sewage that pours raw each day into the Hudson River from most of Manhattan's West Side.

Everyone should be overjoyed at the news, particularly the people who use the beaches around New York Harbor or like to go boating or fishing in the waters. But there were some critical voices, according to the Times article. Two-thirds of the money for the contract is due from Federal and New York State sources, and the Mayor was critical that "only a token contribution by the Federal government" of $7 million has so far been made. Mr. Henry L. Diamond, the State's Environmental Conservation Commisisoner, also criticized the Federal effort and said that New York State not only is putting up $231 million of State grant money, but also is committing an additional $224 million of State funds until "our Federal friends can add to the $7 million they are now contributing."

The unkindest cuts of all came from Mr. Jerome Kretchmer, New York City's Environmental Protection Administrator. He first pointed out that New York State assistance was available for sewage plant construction through the $1 billion Pure Waters bond issue of 1965 that was to have cleaned up all water pollution by 1972. On that point the Times writer's understated conclusion was that the 1972 goal will not be met. But Mr. Kretchmer went on to question whether the money should be spent on the plant at all, in view of other priorities. He said that, as an example, mass transit should have a higher claim on construction funds. He did not say how the Hudson would be cleansed of the City's raw sewage if the plant were not built. Nor did he explain what he would say to the people who want to use the beaches and the waters for recreational purposes, or to the business people who, at their own expense, have been doing their part in trying to clean up the Hudson by improving or closing down factory operations to meet the new water discharge standards.

As I have indicated, I question the principal concept in the Muskie bill, switching the enforcement mechanism of the federal water pollution control program from water quality standards to a simplistic zero discharge goal—with no showing that this costly goal is necessary to achieve the water quality we all want.

The so-called "mid-course correction" that might or might not be made by the Congress is not a sufficient answer to these serious questions. Henry Ford II, chairman of the Ford Motor Company, commenting last month on the Muskie bill, said:

"There are some who say that industry should not complain about legal requirements that cannot be met—that such standards are needed to frighten industry into doing its utmost—and that standards that really turn out to be impossible will be modified when the time comes." Mr. Ford continues: "I say that it is wrong in principle to establish legal requirements that cannot be obeyed and are bound to cause conflict and controversy. To leave management uncertain of what it must do to obey the law until the last moment before the law becomes effective is to create waste and chaos and to trifle with the jobs and income of American workers."

William D. Ruckelshaus, Administrator of the Environmental Protection Agency, pointed to another defect in the philosophy behind the Muskie bill in a speech to the National Press Club on December 16, 1971. Mr. Ruckelshaus said it is unwise to aim at zero discharges into our waterways without considering what happens to those pollutants that are kept out of the water. The EPA Administrator suggests they will go into the air and the land, and he asks: "Is this the best place to put them? The bill assumes yes. Such an assumption is unwise and unsupportable."

I certainly agree with Mr. Ruckelshaus that "we cannot deal with water pollution alone and set a national goal without consideration for the whole state of the environment."

Perhaps even more fundamental is the conviction that we cannot act wisely on matters so complex if we treat them within the framework of ordinary political issues, worrying about whether President Nixon or Senator Muskie or Senator Kennedy or someone else will get the most credit. Matters of such magnitude, affecting the lives of all of us, deserve objective, nonpartisan, informed solutions which cannot possibly develop in an environment of political opportunism.

I think the Congress can and must do much better by all of its constituents on this issue. The Congress and the people need many more facts and far more expert opinions before they can move constructively to set down attainable goals and a course of action to meet them. Frankly, I see no good reason why this issue shouldn't be taken out of the inevitable politics of a national election year. That can be done if the Congress defers final action on the legislation for a time, and instead asks the National Research Council to develop a comprehensive, nonpartisan, technical investigation of the nation's need for water resource use, control and preservation, as well as related environmental problems. The Council should consider the important questions of environmental goals and costs; it could examine the assumptions behind pending legislation; it should retain and consult all the experts it thinks desirable, and it could then make specific recommendations to the Administration and the Congress on the form our water control legislation should take, fully considering the effects on air and land. In the meantime we can continue to make progress toward cleaner and cleaner waterways under the existing laws and regulations.

We *do* need further legislation to insure a real environmental cleanup. But we don't need and can't support narrowly conceived legislation forcing us into a futile attempt to attain the perfection of zero discharge into our waterways. And there is no real evidence that such perfection is necessary to make our lakes and rivers swimmable for people, livable for fish and other aquatic life and enjoyable for esthetic purposes. We *do* need the most careful consideration of the environmental aspects of our water resources, but it should be provided within the framework of an adequate long range development of our water supply and its better utilization in a growing America.

## PRIVATE CITIZEN STORMS FROM POSTAL HEARING WHEN OFFICIALS REFUSE ANSWERS

## HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. GROSS. Mr. Speaker, in a recent issue of the Wall Street Journal appears the story of how a Virginia housewife appeared on January 17, 1972, at a Postal Service "public forum" in Washington, sought to obtain information on the operation of the Postal Service, and stormed from the meeting room when officials refused to answer her questions.

This clearly indicates that the House Post Office and Civil Service Committee needs to exercise its oversight function and ascertain whether the new postal corporation is serving as efficiently and well as it was supposed to do when it was so enthusiastically created by Congress.

The newspaper story follows:

LONE PRIVATE CITIZEN QUESTIONS, STORMS FROM POSTAL HEARING—OFFICIALS REFUSE TO ANSWER HOUSEWIFE AT PUBLIC FORUM ON RECLASSIFICATION OF MAIL

WASHINGTON.—Only one member of the public showed up to speak at the Postal Service's public forum on mail classification yesterday, and she stormed out of the session when assembled postal officials refused to answer her questions.

Mrs. Doris Behre, a housewife and mother of five who heads the Virginia Citizens Consumer Council, was the only person who addressed the panel of seven top postal officials, meeting to allow private citizens a chance to offer suggestions on changes in the familiar first, second, third and fourth classes of mail. Reclassification of postal services, required under law by next January, is one of the touchiest problems facing the Postal Service.

Although about 50 persons attended the forum, almost all were postal employees or representatives of large mailer groups who attended merely to hear the citizen comments.

"HURRIEDLY CALLED MEETING"?

The soft-spoken, articulate Mrs. Behre said she wasn't surprised at the poor turnout because the meeting wasn't announced until last Thursday. "Certainly one hurriedly called meeting here in Washington provides little opportunity to determine how consumers across the country feel about proposed or pending changes," she asserted. And, she added, few private citizens have the means or time to make a trip to Washington for such a meeting.

Then, conceding she knew little about the question of mail classification, she asked a series of questions: Would consumers be given information "as to just what the department is thinking about" on mail classification? What will be the program's scope? Has an outline already been formulated that will be a pattern for mail classification?

Postal officials were silent.

"How much time will we have to prepare the material and suggestions as to the new mail classification program? Mrs. Behre wondered. Ron Lee, Assistant Postmaster General, customer development, who chaired the meeting, didn't respond.

Mrs. Behre continued her questions: How many other meetings have been held and how many are planned? Are all the meetings for the public to be held in Washington?

Mr. Lee quietly stood behind the podium in the huge Postal Service auditorium and didn't reply. The audience, including Mrs. Behre, fidgeted.

"DISILLUSION" CITED

She told the postal officials that consumers are "already disillusioned with things that have happened" since the Postal Reorganization Act, creating the semi-independent Postal Service, was approved in August 1970. She cited the substantial postal rate increases that went into effect on a temporary basis last year and she asserted that mail service continues to deteriorate. "There doesn't seem to be anybody in authority who can review unsubstantiated and unnecessary costs incurred in the new Postal Service," she said.

When no postal official responded after several minutes, Mrs. Behre marched from the auditorium.

Mr. Lee said the meeting wasn't to be a "give-and-take session, a discussion, between Postal Service and private citizens." Rather, he said, the Postal Service only wanted to gather suggestions.

After the 15-minute meeting, Mr. Lee said he would respond to Mrs. Behre's questions by mail. He indicated, however, that he didn't think further public meetings would be necessary. "We've received many calls and letters from the public on this classification issue," he said. He also defended the four-day notice of the meeting, saying it was adequate.

## CONTINUING RESOLUTION FOR WATER POLLUTION CONTROL

## HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. KEMP. Mr. Speaker, the programs under the Federal Water Pollution Control Act have been carried out under the authority of two temporary resolutions since June 30, 1971. The latest extension expired on October 31, 1971. Since that time, the Environmental Protection Agency has been without authorization for important areas of the Federal Water Pollution Control Act.

The distinguished chairman of the House Public Works Committee (Mr. BLATNIK) and his committee have been working hard on the Federal Water Pollution Control Act amendments. However, it will be some time until this vital bill is reported, considered by the House, and differences reconciled with the Senate version. Therefore, I have introduced today a continuing resolution which is cosponsored by my able and distinguished colleague from Buffalo (Mr. DULSKI) who is also deeply interested in the restoration of the Great Lakes. It is imperative that this continuing resolution be passed so that important environmental programs which are now being held up because of lack of authorization can get going again.

This resolution can also be the vehicle for a major crash program to restore Lake Erie and the other Great Lakes.

Dr. Robert A. Sweeney, the very able and dedicated director of the Great Lakes Laboratory of the State University College at Buffalo, has been working very closely with me on this project. Recently Dr. Sweeney stated:

> The costs of not instituting a program to abate pollution in the Great Lakes, particularly with respect to up-grading the effectiveness of municipal sewage collection and treatment systems, would incur damages which far exceed the expenses of such a program.

My distinguished colleague (Mr. BLATNIK) also serves as chairman of the conference of Great Lakes Congressmen which has been a bipartisan effort since 1966 to initiate a comprehensive program to restore the Great Lakes. I know he shares my concern.'

Section 1 of the bill extends section 5(n) of the Federal Water Pollution Control Act and provides an additional authorization of $45 million for the period ending June 30, 1972, for research, investigations, training, and information programs.

Section 2 authorizes $7 million in addition to funds previously appropriated for financing research and development grant programs under section 6(e).

Section 3 provides an additional $6 million for section 7(a) of the Federal Water Pollution Control Act—a total of $15 million for the 12-month period ending June 30, 1972. This will permit the States to continue the planning of their programs in an orderly fashion.

Section 4 increases the authorization for the basic grant program for waste treatment facilities under section 8(d) to $2 billion.

In addition, section 4 provides for extending section 8(c) of the Federal Water Pollution Control Act. Under this section certain States are eligible to be reimbursed for the Federal share on such projects as have been prefinanced under section 8(c). This section provides in part that:

In the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section, but was constructed without such assistance, such allotments for any fiscal year ending prior to July 1, 1971, shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if such project has been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if adequate funds had been available.

The two temporary resolutions extending this act beyond June 30, 1971, did not include provision for continuing the reimbursement policy. Therefore, no new projects could be initiated with the contemplation of subsequent reimbursement. The House Public Works Committee fully recognizes the need to deal with this problem and has considered this need carefully in the legislative hearings. It is expected that this question will be handled in connection with the permanent legislation. Until permanent legislation is passed I believe that the policy established by the Congress in section 8(c) should be continued since it will materially assist the States in their financial planning. Therefore, section 4 will extend the existing reimbursement provision until July 1, 1972.

The waste treatment program has been accelerating for the past 2 years and this precious momentum must not be lost.

This authorization is urgently needed to enable the Federal water pollution control program to continue until permanent legislation is passed by the Congress.

Mr. Speaker, it has also been brought to my attention that salaries are being paid under section 5(n) for which no authorization exists.

I strongly urge immediate consideration and passage of this critical measure.

At this point, Mr. Speaker, I would like to include a letter from Dr. Robert A. Sweeney, director of the Great Lakes Laboratory of the State University College at Buffalo. I believe this letter is illustrative of the very deep concern which many dedicated individuals and environmental organizations in my district share for the future of not only Lake Erie, but for the Great Lakes and our total environment as well.

STATE UNIVERSITY COLLEGE
AT BUFFALO,
GREAT LAKES LABORATORY,
*Buffalo, N.Y., January 24, 1972.*

Congressman JACK KEMP,
*Congress of the United States,*
*Washington, D.C.*

DEAR JACK: I share your disappointment regarding the President's decision concerning the Great Lakes clean-up program. As a result, I have compiled the following information, which I hope will be of value to you in preparing your address in the House. Since we neither had a copy of EPA's proposal or the reason why it was turned down by the administration, my remarks are not as specific as I would have liked them to be.

The costs of not instituting a program to abate pollution on the Great Lakes, particularly with respect to up-grading the effectiveness of municipal sewage collection and treatment systems, would incur damages which far exceed the expenses of such a program. Before we postpone the clean-up of these lakes, which contain more than a third of the available freshwater in the world, we must examine the price of postponement of these abatement plans.

The pollution of the Great Lakes, and particularly Lake Erie, has been an environmental focal point for more than a decade. No other body of water has been given more attention by the media. As early as 1960 the then Secretary of the Interior declared that Lake Erie had the highest priority with respect to cleanup over any other river or lake in the nation. Numerous elected and appointed officials, as well as most of the leading aquatic scientists in the world, have stated that the rejuvenation of Lake Erie will be the model and incentive for the saving of our nation's water resources. To curtail this effort would be a serious blow to the morale of our country as well as a serious blow to Canadian-United States relations. The Canadian federal, provincial and local governments have kept their pledges made at meetings of the International Joint Commission and other conferences. The percentage of their economy which has been and will continue to be expended on water pollution is more than triple even the most costly of the proposed United States plans. Most of the Canadian efforts, as well as the nearly one-half billion dollars of previous abatement efforts by the public and private sector of our economy will be for naught if we do not implement the proposed clean-up program.

It is imperative that we keep in mind two essential facts. First, we have the technology and manpower to abate the pollution. The only factor blocking our path is the lack of funding. . . . Secondly, the actual cost of not abating the pollution or postponing our efforts far exceeds the cost of clean-up. I would like to give some examples of the latter.

The cost of municipal sewage plant construction has more than doubled during the past five (5) years. Even with inflation under restraint, it will cost considerably more two (2) years from now if we put off construction. At least one of the lakes—Lake Erie—is on the brink of an ecological cliff. A joint 1970 study by the governments of Canada and the United States—Project Hypo—has shown that unless the wastes being added to the lake, particularly from cities and towns, is substantially reduced in the next five (5) years, Lake Erie may go beyond the point where it can be changed from a liability to an asset. These scientists found that a larger section of the lake bottom was becoming devoid of oxygen for a longer period of time each summer. This was due to the death and decay of algae, whose overpopulation had been caused by municipal wastes. When the oxygen level at bottom reached zero, the nutrients that had accumulated on the bottom for more than a hundred years were released. Swept up into the water, these nutrients induced the growth of more algae. This perpetuated the vicious cycle. Conditions are now being approached that the amount of nutrients released may be sufficient to perpetuate a year-round algae bloom. If this occurs, even if we cease all pollution of the lake, it will remain a festering pot of foul smelling slime.

Under oxygen-less conditions, other undesirable processes occur. Mercury and other heavy metals are released in the water. The mercury that was added to Lake Erie and the Niagara and Detroit Rivers probably would have caused little problem if it were not for the low dissolved oxygen in the bottom of these waters.

The mercury pollution damage to the Lake Erie fishing industry, which was the most profitable of all the Great Lakes for both the United States and Canada, will exceed $60 million. The costs on the sports fishing industry probably will exceed $100 million.

The impact of pollution on recreation should not be ignored, particularly from an economic point of view. Despite the fact that more boats are owned by people residing in the Great Lakes basin than any other area in the country, the percentage of those people who sail on the Great Lakes is less than 25 percent. Instead, they trailer their boats to other areas, particularly Canada. One survey, conducted by the Great Lakes Laboratory of the State University College at Buffalo, demonstrated that the money spent by Americans who crossed into Canada via three bridges on the Niagara Frontier for summer boating vacations in Canada, far exceeded the amount spent by Americans in Europe during a comparable number of months. When asked why they had not taken a similar vacation on the Great Lakes, the overwhelming reply was that they did not like the pollution.

The closing of beaches along Lakes Michigan, Erie and Ontario has not only resulted in the loss of revenue for local governments but it has induced further spending for the construction and maintenance of municipal and private pools. Likewise, the closing of motels and other tourist oriented businesses along the Great Lakes in Wisconsin, Michigan, Ohio, Pennsylvania and New York has dealt serious economic blows to these areas. If the problem is not checked, even more losses can be expected.

It is clearly evident that when all the costs are examined, it is far less expensive to abate pollution of the Great Lakes now, rather than postpone our efforts.

Hope the above is some aid to you. Please no not hesitate to contact me for clarification and/or additional material.

Respectfully,
Robert A. Sweeney, *Director*.

# STATE DEPARTMENT COMMENTS ON AID TO BANGLADESH AND INDIA

## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. HAMILTON. Mr. Speaker, I have just corresponded with the State Department regarding U.S. policy toward Bangladesh and India. The letters, of January 10 and 28, 1972, should be of interest to my colleagues.

The State Department did not respond to points three and five in my letter, but the response is informative nonetheless.

The letters follow:

January 10, 1972.

Hon. William Pierce Rogers,
*Secretary of State,*
*Department of State,*
*Washington, D.C.*

Dear Secretary Rogers: I would like to know what the policy of the United States is going to be toward Bangla Desh.

More specifically:

1. Will the U.S. recognize Bangla Desh?
2. Will we offer it aid? If so, how—through West Pakistan, a third country, international agencies, or directly?
3. Can aid funds earmarked for West Pakistan be used for Bangla Desh? If not, what kind of enabling legislation is needed?
4. What use will be made of multilateral channels to aid Bangla Desh?
5. What assistance efforts will be made by other countries, e.g., Western Europe and Japan?
6. What is our policy regarding aid to India?

Thank you for your consideration of these questions.

Sincerely,
Lee H. Hamilton,
*Member of Congress.*

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Department of State,
*Washington, D.C., January 28, 1972.*

Hon. Lee H. Hamilton,
*House of Representatives,*
*Washington, D.C.*

Dear Mr. Hamilton: The Secretary has asked me to reply to your letter of January 10 requesting information on our policies regarding Bangladesh and India.

The United States has taken no position on the question of recognition of Bangladesh. We have, however, kept a small group of consular personnel at our Consulate General in Dacca. We believe there is a good basis under international law to expect them to continue consular functions on a limited basis, without prejudging the issue of recognition. We will continue to watch and assess developments in the Subcontinent in the months ahead, with careful consideration of their effect on U.S. interests in the area.

It would be premature to consider extending regular developmental assistance to Bangladesh since such aid requires formal government-to-government agreements. However, there is still some United States assistance (mainly PL 480 food) in the pipeline for East Bengal, and the USG is prepared to consider new requests for humanitarian assistance channeled through the United Nations. The U.N. is presently in the process of assessing the relief and rehabilitation needs of the area and resuming its relief activities which were interrupted by the fighting in December. We expect that the Secretary General will soon be making an appeal for international contributions, to which the USG can respond.

Regarding our policy toward India, on December 6, 1971 general economic assistance in the pipeline for India was suspended to the extent it was not firmly committed to suppliers or banks. This type of assistance, not tied to particular projects, is normally provided to support the general economy of an aid recipient and thus support a development effort. The suspension was undertaken on the basis of a determination that, in the existing circumstances in India, the objective of supporting a development effort could not be secured. The amount of aid affected by the temporary suspension is about $87.6 million, while about $135 million, consisting of $105 million in firmly-committed nonproject aid and $30 million in project aid, remained unaffected. The suspension remains in effect while we keep the entire situation in India and the neighboring areas under close review.

I hope this information has been responsive to your inquiry. Please do not hesitate to call on me again if you believe I may be of further assistance.

Sincerely yours,
David M. Abshire,
*Assistant Secretary for*
*Congressional Relations.*

# MAN'S INHUMANITY TO MAN—HOW LONG?

## HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

# SURVEYING AND MAPPING IN ALASKA

## HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. BEGICH. Mr. Speaker, the week of February 1 through 5 has been set aside as Surveying and Mapping Week in Alaska. This occasion, proclaimed by the Governor of Alaska, William Egan, falls simultaneously with the Seventh Annual Alaska Surveying and Mapping Convention, that will be held in Anchorage.

I rise to point out the importance of these men of the surveying and mapping professions, and the contributions they have made to the development of my State and this Nation. I ask my colleagues to join with me in honoring these men for their great work.

The proclamation of the Governor of Alaska follows:

### Proclamation: Surveying and Mapping Week in Alaska

Alaska can only be assured of obtaining full value and benefits from its subsurface wealth of natural resources if we adequately identify and appraise our land areas with proper surveying and mapping techniques.

The contribution of science and industry toward the development of equipment and methods makes it possible to properly survey and map the expanse of this great State with speed, accuracy, and economy heretofore unattainable.

Surveying and Mapping professions have made major contributions to past and present development in the State of Alaska, and will continue with greater efforts in the future, by employment of the evolving techniques, to improve the comfort, health, and living standards of our people.

The Seventh Annual Alaska Surveying and Mapping Convention will be held in Anchorage, February 1–5, 1972, sponsored by the Alaska Region of the American Society of Photogrammetry, the Alaska Section of the American Congress on Surveying and Mapping, and the Alaska Society of Professional Land Surveyors. This important Convention will direct public attention to the accomplishments of the professional societies involved in surveying and mapping Alaska's vast areas.

As Governor of the State of Alaska, I, William A. Egan, do hereby proclaim the week of February 1 through 5, 1972, as "Surveying and Mapping Week in Alaska" and urge all libraries, schools, and all citizens of Alaska to join in extending recognition and honor to our surveyors and mappers.

Dated this 3rd day of January, 1972.

William A. Egan,
*Governor.*

## DEVOTED YOUNG PATRIOT KATHY CONNELLY BEGLEY

## HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. BIAGGI. Mr. Speaker, I wish to call the attention of my colleagues to the tragic and untimely death earlier this month of a young American patriot from my district, Kathy Connelly Begley.

Following the first moratorium day in November 1969, Kathy, then a 21-year-old secretary, realized that the morale of our American fighting men was at a low ebb.

With the energy of a little dynamo, Kathy founded a group called Support Our Servicemen and organized a Support Our Servicemen parade in New York on November 15, 1969. As a result, over 1,500 Bronxites including myself, the only public official present, marched down the Grand Concourse to an Honor America Day rally at Poe Park.

At a time in our country's history marked by flag burning, confrontation, and intimidation, Kathy's position was a courageous one. The success of that day, however, and the morale that it provided for our men in uniform was largely attributed to the organizational talents of Kathy Connelly Begley. At the time, she described her reasons for organizing S.O.S.—Support our Servicemen—in the following words: "It's not a political thing." She said:

> We exist solely for the purpose of letting our servicemen know that we back their efforts 100 percent.

Her efforts, however, did not fall on deaf ears. As a result of her untiring hard work, Kathy became vice president of the nationwide silent majority, a group dedicated to expressing concern and support for the American prisoners of war. Consequently, servicemen all over the world were comforted.

In addition, she was presented with two citations for patriotism by the William E. Irwin American Legion Post 774 and the Hendrik Hudson Memorial Post 3300, Veterans of Foreign Wars.

Her energetic efforts soon won her the admiration of enlisted men and officers alike, including Lt. Comdr. Francis J. Robinson—U.S. Navy (retired)—an aide to the former 7th Fleet commander, the late Adm. J. J. "Jocko" Clark.

So great was their admiration and respect for Kathy that both men, leaders in their branch of the service, were among the onlookers at the St. Simon Stock Church in the Bronx when Kathy was married to Dennis Begley in June 1970.

Dennis, an ex-marine, and his bride of less than a year were blessed with a baby daughter 10 months ago. Donna Jean, many say, looks just like her mom. But the arrival of the baby and returning to work did not alter Kathy's feeling of patriotism or dedication to Americanism. She still attended events in support of our Government and its fighting men and was present for a VFW parade in the Kingsbridge area.

Kathy, once called one of the most patriotic young ladies by Admiral Clark, fell unconscious while dancing with her husband at a New Year's Eve dinner-dance in New York. She died a short time later at Montefiore Hospital.

Kathy is gone; the world is less for her passing, but her indomitable spirit will prevail—it must—for America will always have servicemen who thirst for the knowledge that the folks back home really care.

I am sure that my colleagues will join with me in extending our deepest condolences to Kathy's husband Dennis, her parents Harry and Elizabeth Connelly, and her brothers Sgt. William Connelly USAF, and Richard Connelly at home.

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## T-38 TALON SUPERSONIC TRAINER

## HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. GOLDWATER. Mr. Speaker, today at Palmdale in my district in southern California, the Air Force is accepting delivery of the final T-38 Talon supersonic trainer built by Northrop Corp., and the T-38 production line closes down. I would like to call attention to the little-known success story of the T-38 because it stands in such sharp contrast to the accounts of defense cost overruns and stretchouts we hear so often these days.

Delivery of the last Talon brings to 1,187 the number produced by Northrop for the Air Force since 1961. Every one of those planes was delivered on schedule, or ahead of it. The plane has surpassed its guaranteed performance on speed, range, maintenance requirements and reliability. And all contract cost commitments were met, or bettered.

The T-38 has returned other cost dividends, while logging more than 3.7 million hours and training some 20,000 pilots. It has the lowest major accident rate of any supersonic aircraft in the Air Force inventory, and attrition has been only a fraction of original estimates. Man-hours needed to maintain the Talon also are less than half those forecast. These savings in attrition and maintenance alone can be translated into cost dividends of more than $500 million—in effect, a savings to the U.S. taxpayer.

This Air Force-industry team effort stands as a model in military aircraft procurement, a well-run, effective program resulting in a high-performance product at the lowest cost. The taxpayer would stand to gain if all of our Federal programs, nondefense as well as military, met the same standards of efficiency.

At this point I would like to insert the text of a news release about today's delivery ceremony at Palmdale:

NORTHROP DELIVERS THE LAST TALON

One of the most successful U.S. military aircraft procurement programs ever conducted culminated today with delivery to the U.S. Air Force of the last T-38 Talon Supersonic Trainer, built by Northrop Corporation, in a ceremony at Northrop's Palmdale, California facility.

The milestone aircraft was the 1,187th to be built by Northrop. Each Talon was delivered on or ahead of schedule and production cost commitments were met.

The final Talon was accepted from Thomas V. Jones, Northrop President and Chairman, by Brig. Gen. Donald G. Nunn, Commander of the Air Force Contract Management Division. General Nunn then officially turned over the aircraft to Brig. Gen. Michael C. McCarthy, Chief of Staff of the Air Training Command, prime user of the T-38.

General Nunn, whose command oversees all USAF procurement contracts, said that Northrop's record in building T-38s has been outstanding in terms of "on schedule, on cost, and trouble-free deliveries."

General McCarthy, in accepting the aircraft, noted that the T-38 has "etched its way into Air Force history by consistently achieving one of the best safety records of any supersonic aircraft in the Air Force inventory."

Prior to the action delivery, Col. J. R. Lindsay, Deputy Director for the International Fighter Program, cognizant office for T-38 procurement, Aeronautical Systems Division, said that the success of the T-38 program can be attributed to a long period of cooperation between Northrop and the Air Force.

The delivery ceremony marked the end of an era for Northrop, an era of continuously building T-38 aircraft for the past 14 years. During peak production, in the 1960s, more than 3,800 Northrop employees in Hawthorne, California, and the Antelope Valley were working on the T-38. In addition, the Talon program generated more than 16,000 jobs throughout the state of California.

Civilian, military and company officials at the event were welcomed by Welko E. Gasich, Northrop's Aircraft Division and one of the original designers of the T-38.

Following the ceremony, the final Talon was flown to Randolph Air Force Base, Texas, by General McCarthy and Lt. Col. Vincent Roy.

The T-38's career in the Air Force began with delivery of the first production aircraft in March, 1961. Since that time more than 24,000 student pilots have been graduated in the Talon, and more than 3.7 million flight hours have been logged by the aircraft.

The Talon is symbolic of Northrop's heritage of technology in designing lightweight, simple and easy-to-maintain aircraft. The integrity of the preliminary design has been demonstrated by the fact that no basic configuration changes have ever been required and all airframe subsystems have exceeded the reliability standards originally set by the Air Force.

In 1959, the T-38 became the first supersonic aircraft in the USAF's history to complete its flight testing without incurring a major accident, a record equalled only by Northrop's F-5 Freedom Fighter.

The compact and highly maneuverable Talon has held a number of world time-to-climb speed records. It is powered by two General Electric J85-5 turbojet engines.

The T-38's history of safety, easy maintainability and performance has also made it the choice of the Federal Republic of Germany for its air force pilot training in the United States, the U.S. Navy for test operations, and the National Aeronautics and Space Administration for astronaut flight proficiency training.

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## PRISONERS OF WAR

## HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. PUCINSKI. Mr. Speaker, Mr. Peter Reich, aviation-space editor for Chicago

Today, undertook a humanitarian project during the holiday season by interviewing and writing a story about two families in the Chicago suburbs who have POW's-MIA in Southeast Asia.

Mrs. Mildred Pilkington of Morton Grove, whose son is a Navy pilot, and Mrs. Peggy Lane of Winnetka, whose brother is an Air Force pilot, both wear bracelets inscribed with the names of their loved ones and the date they disappeared in Southeast Asia.

These commemorative bracelets, made available through the National League of Families of Americans Missing in Action or Prisoners of War in Southeast Asia, bear the name of one of the 47 Illinois men known to be a POW or MIA, and the date he was captured or disappeared.

This symbolic gesture of human tragedy serves as testimony that we must do everything possible to bring our POW's/MIA's back home to their loved ones. It is my hope that the first priority on the President's agenda on his upcoming trip to Peking and Moscow is the release of our men held captive by the Communist tyrants.

The heart-rending story by Mr. Reich follows:

AMERICAN PRISONERS OF WAR

(By Peter Reich)

The slim, nickel bracelet on Mrs. Mildred Pilkington's wrist is inscribed: "Lt. Thomas Pilkington—9-19-66"

Lt. Pilkington is her son. Sept. 19, 1966, is the day his Phantom II jet disappeared on a night flight over North Viet Nam. For the past five years, he has been one of the 1,199 Americans missing in action in the Viet Nam war.

No word from any of them ever has been received by their families.

Mrs. Pilkington says she intends to wear the bracelet until she receives some official news—good or bad—about her son. She hopes other Americans will join her in a similar gesture.

The National League of Families of Americans Missing in Action or Prisoners of War in Southeast Asia is making the commemorative bracelets available at cost to anyone requesting them. The charge is $2.50 for a nickel bracelet, $3 for a copper one. All bear the name of one of the 47 Illinois men known to be M.I.A. or P.O.W. in Southeast Asia, and the date he was captured, or disappeared.

Mrs. Pilkington said anyone desiring a bracelet may write to: National League of Families, Glenview Naval Air Station, Glenview, Ill. 60026.

If he still is alive, Mrs. Pilkington noted, this will be the sixth Christmas that her son has spent in captivity. He was 25 when he failed to return to his carrier, the Coral Sea. He will be 31 soon.

Her son attended Notre Dame High School in Niles and graduated from Loyola University before becoming a navy pilot, she said. Mrs. Pilkington still lives at 9408 Normandy Av., in Morton Grove.

Mrs. Peggy Lane, of 766 Prospect Av., Winnetka, wears a bracelet inscribed with the name of her brother, Lt. John F. Conlon III, an air force jet pilot missing over South Viet Nam since March 4, 1966. Neither his light observation aircraft nor his body ever was found, so he is presumed to have fallen into the hands of the Viet Cong or the North Vietnamese. He, too, was 25 when he disappeared, and will be 31 soon.

Mrs. Lane pointed out that in addition to the 1,199 Americans officially listed as missing, another 460 are known to be prisoners of war—however the North Vietnamese have acknowledged holding only 339, and the Viet Cong and the Laotian communists have denied all knowledge of the 79 and 3 Americans, respectively, known to be their prisoners.

Both Mrs. Pilkington and Mrs. Lane pleaded with Americans not to forget our missing or captured men, some of whom have had to endure unspeakable conditions for seven long years.

These conditions—amply documented by the handful of Americans who have managed to escape from Communist captivity in Southeast Asia—have taken their toll already.

Mrs. Lane told of one P.O.W.'s wife who noticed that her pilot husband's handwriting on the 6-line notes the North Vietnamese permitted him to send her every few months was becoming progressively less legible.

The last letter she received, just this month, bore a notation from a Defense Department analyst who had examined the writing for authenticity:

"Your husband has given up hope; we regret to inform you that he has become simple-minded."

Mrs. Lane requested that the P.O.W.'s name not be published.

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## WASHINGTON STATE SENATE COMMENDS PRESIDENT NIXON FOR HIS NEW PEACE EFFORT

## HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. PELLY. Mr. Speaker, the Washington State Senate has passed a resolution commending President Nixon for his eight-point peace plan and urged the Washington State congressional delegation to pledge all possible support for his efforts. This is a nonpartisan request, Mr. Speaker, because the Washington State Senate is controlled by the Democratic Party.

Speaking for myself, I do pledge my support for the President's peace plan, and I am inserting the aforementioned resolution at this point in the RECORD:

RESOLUTION

Whereas, The President's speech of January 25, 1972 revealing secret negotiations covering twelve separate meetings over a period of thirty months, in addition to the previously publicized acts and offers, demonstrates that the President's efforts are responsive to his pledge to the American people, and to their demands for action by their government and his administration, in connection with the disengagement of our armed forces from South Vietnam; and

Whereas, The offers made public provide the North Vietnamese the essential options to consummate a compact for peace in Southeast Asia;

Now, therefore, be it resolved, That the Senate of the State of Washington commends the President for his efforts, acknowledges its gratitude therefor, and urges the congressional delegation from the State of Washington to pledge all possible support for his efforts; and

Be it further resolved, That the Secretary of the Senate cause copies of this resolution suitably embossed to be transmitted to the President and the members of the congressional delegation from the State of Washington.

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## CHRISTMAS SHARING

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. WALDIE. Mr. Speaker, each year, during early December, the Christmas spirit descends upon us and the spirit of sharing, which has been hidden all year, again reappears.

I recently read an article by Norma Gray in the Oakland, Calif., Catholic Voice entitled "Christmas Sharing." The article described a very special manifestation of the spirit of giving. Bob Hughes and Dick Martin, well-known nightclub entertainers, have given their time to organize a boys choir which performs each Christmas season. Despite the demands made on them and their successes, Mr. Hughes and Mr. Martin will accept none of the credit for their choir. They give all the credit for the choir's success to the boys who are members.

Mr. Speaker, I feel that the time and efforts given by these two men and the boys in the choir deserve to be recognized. In an age when too many people are concerned only with themselves, this group has given of themselves to spread the joy of Christmas. I feel that my colleagues will enjoy and benefit from this story.

The article follows:

CHRISTMAS SHARING

Each year as the holiday approaches we find ourselves, perhaps for the first time all year, thinking more about others than about ourselves. Talents grown rusty with disuse are polished up and shared freely. Almost forgotten friends and relatives, those who have touched our lives, however briefly, are remembered. All of a sudden, even hearts locked up or held back all year long, spill over with love and joy that cries out to be shared—through gifts and cards, through song, through self.

Being human, we grumble about the extra work, the extra expense, the extra time this burst of loving and sharing takes. But would we change it?

Certainly not Dick Martin and Bob Hughes of St. Mark's parish, Richmond. Each Christmas season, these professional entertainers clear their calendars of commitments to return to their Richmond parish where they go about transforming 50 healthy normal boys, ages eight and up—boys of diverse races and backgrounds from 14 public schools in the city—into the very popular St. Mark's Boys Choir.

A crash program of 40 hours of rehearsal readies the boys for singing the joys of Christmas in hospital wards, homes for the sick and aged, cathedrals, parish churches, famous hotels, city streets and squares, radio stations and this year a special appearance at the Oakland Chancery Office. They expect to perform for 150,000 people this season. 14 appearances are scheduled for Dec. 21 alone.

Performances are gratis. The boys earn money for the chartered buses they use for transportation by singing on the street corners near the parish church on the first Sunday of Advent.

One of the highlights of the rehearsal period is a "laundromat party" during which the boys themselves clean and press the surplices, scapulars and big red ties which they wear.

Climax of each season comes on Christmas Eve when the choir sings the Midnight Mass in St. Mark's Church. It is on this evening that many former members return to visit or sing along. Of the original group founded eleven years ago with nine boys, seven have finished college; six have been to Vietnam and back safely.

New boys must serve one year as postulants before being received into full membership in a special church ceremony.

Bob and Dick consider it a privilege to be able to share some of their talents with others.

"To us it's missionary work, and it might be a square idea, but we believe we are all missionaries," says the pair, whose work with the boys has brought Christmas delight to thousands.

## CHICAGO TRANSIT AUTHORITY

## HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. ANNUNZIO. Mr. Speaker, as a member of the House Banking and Currency Committee, which has jurisdiction over all authorizing legislation for the Department of Transportation, I am delighted to call to the attention of my colleagues an editorial, entitled "Free Rides on the CTA?" which appeared in the January 28 edition of Chicago Today.

Mr. Michael Cafferty, who is chairman of the Chicago Transit Authority, formerly served as Assistant Secretary for Environmental and Urban Systems at the Department of Transportation and received in 1970 from Secretary of Transportation John A. Volpe a meritorious achievement award for his outstanding service.

Since becoming chairman of the CTA last spring, Mr. Cafferty has offered many new ideas for improving public transportation in the city of Chicago. He is to be commended for his leadership and for the innovations he has suggested. I know in the years ahead the citizens of Chicago will derive great benefit from his excellent planning.

The editorial follows:

### FREE RIDES ON THE CTA?

Free rides are about the most delightful prospect the Chicago Transit Authority could offer. And apparently it isn't such a wild idea; CTA chairman Michael Cafferty suggests that it might be tried soon—perhaps when the distributor subway system is completed in 5 or 6 years, maybe even sooner.

It would only apply downtown, within limits not yet described. But financially speaking, it would make getting from one part of the business district to another as painless as riding elevators. "We should have this concept in the Loop," Cafferty said, "with people able to get on and off at any point."

Everyone, including the CTA, benefits from good business. Making it cheap and easy for people to get around downtown is the best business the CTA could get into.

Some cities including New York are weighing the possibility of totally free systems. That could happen eventually, but it would be an immense gamble to start with. The CTA's version, which pins its hopes on increased patronage thru the downtown free-ride bonus, would test the idea at much less risk. But the possibilities are dazzling, and we hope to hear more of this plan soon.

## LOST CORD CLUB AIMS AT REHABILITATION

## HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. MAZZOLI. Mr. Speaker, I wish to insert in the RECORD the following article from the Louisville Courier-Journal about a courageous group of people in my home community who have not allowed a serious physical handicap to stop them from being heard.

I refer, Mr. Speaker, to the members of an organization called the Lost Cord Club of Kentuckiana. These good citizens share the common misfortune of having undergone surgery for the removal of the larynx.

The profound effect of this operation is a total loss of the ability to speak. The club's president, Mrs. John Beha, says it is a shattering experience "when you come out of that operation and you open your mouth and there's nothing there."

The purpose of the Lost Cord Club is to cushion this postoperative shock and to assist patients in regaining the gift of speech through the use of the esophagus.

Among the prime movers in this most worthwhile organization are Mrs. Robert Waldron, Mr. Phil Michels and Mr. George T. Warren. I think their commendable activities are worthy of the notice of my colleagues in the House. I therefore request that the following article entitled "Speaking of People, Lost Cord Club Aims at Rehabilitation," written by reporter Joan Kay, be inserted in the RECORD.

The article follows:

### LOST CORD CLUB AIMS AT REHABILITATION

(By Joan Kay)

At most meetings of the Lost Cord Club of Kentuckiana, the business session is brief and then the members just sit around and talk.

Talking is the main purpose of the club for it is made up of people who have lost their larynx (or voice box) through surgery and are learning to talk by using their esophagus.

The chief aim of the group "is to get people together and let them know they are not alone with their problem—to provide emotional support," said Hazel (Mrs. Robert) Waldron, one of the founders of the club and instructor of post-laryngectomy voice at the Rehabilitation Center.

Club get-togethers give laryngectomees (those who have had their larynges removed) "a chance to express their feelings and a chance to try their new voice," she continued. "When they first learn they do not talk well and don't like to talk in front of strangers."

Newly elected club president Mrs. John Beha attended her first meeting two months after surgery in 1965 and she has been going regularly ever since.

It is quite a shattering experience "when you come out of that operation and you open your mouth and there's nothing there," said Mrs. Beha. "If you go to those meetings, you feel like you're not the only one.

"If you take advantage of everything Hazel and the others at the club tell you and practice with it, you've got no problem."

In a laryngectomy all of the larynx, which includes the vocal cords, is removed. Though sometimes the larynx is removed because of acid burns or a fracture resulting from an accident, the major cause is a malignant tumor.

To explain in simple terms how a laryngectomee talks, said Mrs. Waldron, "we learn to get air in the upper part of the esophagus and cause the air to vibrate" as a substitute for the vibration of the vocal cords which have been removed.

When Mrs. Waldron had surgery in 1946, "there was nothing in the area in the way of rehabilitation," and she didn't talk for a year and a half. After initial speech therapy at Northwestern University, she had further training from Miss Miriam Robinson, a trained speech therapist, who at that time was teaching public speaking and drama at the Southern Baptist Theological Seminary. (Miss Robinson now teaches at Belmont College in Nashville.)

Later the two began visiting surgical patients in hospitals and teaching laryngectomees in Mis Robinson's office. In 1951 they formed the Lost Cord Club.

The club, sponsored by the Kentucky division of the American Cancer Society, meet in its offices in the Medical Arts Building on the third Monday of every month.

In the beginning there were six or eight people. Now there are 15 to 20 dues-paying members and the club has a mailing list of about 150. "People come and go," said Mrs. Waldron. "Once they are back at work and feel less need, they drop out." But there are some longtime members.

Other officers in addition to Mrs. Beha are Phil Michels, vice president, and George T. Warren, secretary-treasurer.

The Kentuckiana club is a charter member of the International Association of Laryngectomees, founded in 1952 and sponsored by the American Cancer Society. From 11 chapters, it has grown to 165 clubs.

Mrs. Waldron is secretary of the international group, and Robert F. Watts of Lexington, who formed the Bluegrass Lost Cord Club in 1961, is vice president. He is expected to be elected president at the August meeting in Florida.

Another club is in the process of forming in Owensboro.

#### ORGANIZE SPRING MEETING

Mrs. Waldron hopes to organize a regional meeting in the spring mainly "to find out if there are people we aren't reaching for therapy or help. We have no idea how many people there are in the state we have never heard of."

Many times doctors will alert Mrs. Waldron or other club members about patients facing laryngectomies, and they will visit them in hospital to offer information and evidence that a person can learn to talk again.

"We want to know early enough," said Mrs. Waldron, "so we can see people while they are in a state of depression. People always say, 'If only I could have talked to you before the operation or right after.' We feel club members can do so much to reassure these people."

Though the club has some social activities, such as a summer picnic, "We think of the club as a service organization rather than a social club."

Mrs. Waldron, who was a volunteer teacher for about eight years with Miss Robinson, attended workshops of the international association on teaching laryngectomees to speak and has read widely in the field. She joined the Rehabilitation Center in 1957 as instructor of post-laryngectomy voice in a program sponsored by the Kentucky Division of the American Cancer Society.

Though people vary widely in their ability to master the new speech technique, with a normal post-operative recovery she estimates that generally it takes three to four months of therapy once or twice a week to have usable speech. "Control and loudness improve over the years with practice."

One important barrier a person must cross is shyness "because the voice has a most unusual quality and many are reluctant to use it." She often encourages a patient at first by taking him around the Rehabilitation

Center and introducing him to other staff members.

In 1967 Mrs. Waldron was honored by the Kentucky Commission on Employment of the Handicapped as "handicapped individual of the year."

"Sometimes I've said that my life has been much richer since I've been laryngectomized because a lot of new doors have opened up to me." Before the operation as a housewife and mother of two sons, she did some community work, but "through the years I've had so many wonderful experiences through the work I've done. I think this is the attitude most laryngectomees have taken." Though some never adjust, "most jump in with both feet to help others."

Mrs. Waldron is particularly pleased about a local industry executive who began therapy last June and now has resumed all his job responsibilities, including conferences with other businessmen. A 6-year-old boy she once trained to talk is now 17, holding a part-time job and involved in many school clubs.

"And I am just one of many people in the field who feel this glow about it. . . . I think this is the philosophy that most laryngectomees have—they want to help others who have been through the same experience."

## VIETNAMESE REFUGEE RELOCATION VIOLATES ARTICLE 49 OF THE GENEVA CONVENTION

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mrs. ABZUG. Mr. Speaker, last Friday's New York Times carried on its "Op-Ed" page an article by John Isaacs, a young man who recently resigned from the U.S. Foreign Service. During the year that Mr. Isaacs worked with refugees in South Vietnam, he had ample opportunity to observe the coercion attendant upon their "voluntary" agreements to be relocated.

These people—South Vietnamese citizens—are the individuals whom we are supposedly protecting. With friends such as we, they hardly need any enemies.

Mr. Isaacs' article follows:

[From the New York Times, Jan. 28, 1972]

A NATION OF WRETCHED WANDERERS

(By John Isaacs)

WASHINGTON.—About 1,400 Vietnamese refugees were recently moved from wretched refugee camps in Quangtri Province of I Corps, the northernmost region of South Vietnam, to another camp 450 miles to the south. Vietnamese refugees have never before been resettled so far from their former homes.

This latest move points up the continuing ground war and again reveals the failure of Vietnamization to guarantee the security of the peasants in their home areas. The relocation may be the first of many totaling hundreds of thousands of refugees as the South Vietnamese try to clear land for military operations.

Large-scale relocations of refugees from I Corps have been planned for many years. I was involved in such planning while in Vietnam, and saw other American preparations dating back to 1966 and 1968 for resettling up to 200,000 people.

Only a year ago, the American head of the War Victims Directorate in Saigon announced plans to move 200,000 to 400,000 refugees from I Corps, although premature publicity and the resulting outcry killed the move.

Forced relocations have long played a key role in the war in Indochina. Previous schemes have been entitled "agrovilles," "strategic hamlets" and "new life hamlets."

By whatever name, hundreds of thousands of Vietnamese have been uprooted from their traditional lives and forced into barren camps.

Each new relocation indicates a continued lack of South Vietnamese governmental confidence in its political control of the countryside, while directly violating Article 49 of the Geneva Convention which prohibits "individual or mass forcible transfers."

State Department officials claim that this latest movement, labeled "don dien," is different from those of the past. Only those Vietnamese who agree to move will go.

Yet the circumstances of the movement raise serious doubts about how voluntary the moves will turn out to be in the future. The people at one of the two camps involved wrote a letter last July 21 to a Vietnamese Cabinet Minister asking to be moved. The free will of those making the request is called into question by their plea: "You witnessed the miserable life of the inhabitants and told us that the Government has intention to move the people in Hathanh resettlement center."

A survey conducted by the Americans five months before that request stated that "The people are opposed to any move outside of Military Region I [I Corps]."

By July the refugees supposedly had changed their minds. There are sufficient precedents to show that the South Vietnamese Government has means to get the people "willingly" to follow its desires.

The motives of the South Vietnamese officials involved are also suspect. When questioned about the move last Sept. 17, Dr. Phan Quan Dan, Minister of State in Vietnam and director of this movement, told me about improved land and better security as reasons why Saigon favors the relocation.

These reasons make some sense in light of the miserable conditions in the two camps of 8,200 people at Hathanh and 20,000 at Camlo, with refugees living on sandy soil which prevents all but the most elementary farming. Yet while the refugees want most of all to return to their ancestral lands, strategic considerations clearly outweigh human ones.

These further considerations were admitted by Dr. Dan, who said: "When the refugees are moved out of their camps, the Government can turn much of the land into a free-fire zone. Then it will be much easier to fight the Communists."

It is doubtful how limited the move will remain or how much free choice there will be because the same minister expressed a desire to move as many as 330,000 people by the end of 1972.

Moreover, the refugees who are moving constitute a suspect group for their long-held sympathies with the Vietcong. An April, 1970, "Survey of the Attitudes of Refugees in Twelve Selected Camps in I Corps" found: "There are large numbers of Vietcong sympathizers among the refugees in I Corps in general, but the most critical problems pointed up by this survey are in the large camps of Camlo and Hathanh." The move only makes sense if there is a desire to get the people out of the militarily sensitive I Corps region threatened by North Vietnamese troops to the north and west.

## HAROLD J. GIBBONS, RECIPIENT OF THE HERITAGE OF LIBERTY AWARD

### HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. PUCINSKI. Mr. Speaker, recently, Mr. Harold J. Gibbons, vice president of the International Brotherhood of Teamsters, was honored in Chicago by the Anti-Defamation League Appeal.

Mr. Gibbon was presented with the first annual Heritage of Liberty Award sponsored by the Anti-Defamation League.

The award was presented to Mr. Gibbons in recognition of his outstanding labor leadership, his vanguard role in the struggle against bias, his commitment to social justice, his distinguished public service, and in appreciation of his championship and generous support of Israel.

The Heritage of Liberty Award has been established by the Anti-Defamation League in recognition of labor's leading role in the advancement of the Nation's heritage. It was conferred upon Harold Gibbons at a dinner in his honor for his steadfast advocacy of labor's rights, his leadership in the struggle against bigotry, and his untiring support of Israel's cause.

Cochairman for the dinner was the very highly respected Chicago industrialist, Mr. Lester Crown. The honorary chairman was Dore Schary and dinner cochairman was Ray Schoessling, vice president of the International Brotherhood of Teamsters and president of the District Council 25. Rabbi Eric Friedland delivered the invocation and the Rev. Robert Reicher delivered the benediction. Remarks were made by Seymour Graubard, national chairman of the Anti-Defamation League. Mr. John W. Gardner was the principal speaker and America's No. 1 satirist, Mr. Alan King, provided a lighter touch to the evening.

Mr. Gibbons richly deserves the honor bestowed upon him at McCormack Place in Chicago, Ill.

## THE ECOLOGY OF SOCIETY

### HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. DORN. Mr. Speaker, the Honorable John Lumpkin, a distinguished attorney, president of the South Carolina State Chamber of Commerce, and chairman of the board of the South Carolina National Bank, delivered a splendid address to the annual chamber of commerce banquet in my hometown of Greenwood, S.C. It was a very special privilege for me to hear Mr. Lumpkin's eloquent and timely address. It is thought provoking and challenging. I commend this great speech to the attention of my colleagues in the Congress and to the American people:

THE ECOLOGY OF SOCIETY

I'd like to touch upon a matter that is a bit more serious and current, a matter that affects us all these days. We have now solidly embedded in our working vocabularies, the word "ecology", and while I haven't looked it up since school days, I seem to have it associated with the balance and/or interrelation of things in nature. And, I understand that when any species of ecology's vast network is reduced or eliminated, its loss affects the entire system. Ecologists tell us they are concerned about keeping all plant and animal species alive and intact not so much for the sake of preservation as for the sake of perpetuating all life. All of us, they say, should be greatly concerned by the excessive tinkering with plant and animal life, lest the entire structure give way.

There is a similar danger in tampering with the ecology of society. This ecology is maintained by two important basics: One, a system of laws protecting the social fabric, and two, a healthy marketplace. Both are constantly undergoing changes, but neither is immune to destruction. *Excessive* change is a thing we must guard against.

Two great interrelated forces work within the system—the individual and society itself. Between the two there is an ever-present interplay of war and love, of rejection and acceptance, of aggression and cooperation.

We are all endowed with a fiercely self-centered nature. It is our weakness that forces us to seek cooperation with each other. But our untamed, unconscious drives, our selfish ways constantly threaten to disrupt our social partnerships.

In primitive society, the struggle between aggression and cooperation is taken care of by the environment; when the specter of starvation looks a community in the face every day—as with the Eskimos or the African hunting tribes—the pure need for self-preservation pushes society to the cooperative completion of its daily tasks. But in an advanced community, this tangible pressure of the environment is lacking. When men no longer work shoulder to shoulder in tasks directly related to survival—indeed when half or more of the population never touches the tilled earth, enters mines, keeps cattle or builds with its hands—the perpetuation of the human animal becomes a remarkable social feat.

The very existence of society is at the mercy of a thousand dangers. It can feel immediately the effects of excessive governmental control. When trade union strikes or consumer boycotts or civil strife come upon the scene, we all are affected. The network of markets is so intricate and interwoven that the whole is affected by a small part . . . just as the tiny sting of a bee can cause pain to a 200-pound man. In the extreme, if our farmers should fail to plant enough crops or if too few men should suddenly offer their services as stevedores, miners or doctors or engineers, or if any of the millions of intertwined tasks of society should fail to get done, industrial life would soon become hopelessly disorganized. We face the possibility of such a cataclysm daily—not from the forces of nature, but from sheer human unpredictability.

In the market system, the lure of gain steers each man to his task. And yet, although he is free to go where his acquisitive nose directs him, the interplay of one man against the other results in the necessary tasks of society getting done.

But through history, industry and profit have been under attack and suspicion. Throughout, there have been attempts to discredit and destroy the process.

Boston—1644. A trial is in progress; Robert Keane, "an ancient professor of the gospel, a man of eminent wealth and having but one child, and having come over to conscience's sake and for the advancement of the gospel," is charged with a heinous crime. He has made over sixpence profit on the shilling, an outrageous gain. Question: Whether to excommunicate him for his sin. However, in view of his spotless past, the court finally relents and dismisses him with a fine of two hundred pounds. But poor Mr. Keane is so upset that before the elders of the Church he does "with tears acknowledge his covetous and corrupt heart." A minister of Boston cannot resist this golden opportunity to profit from the living example of a wayward sinner and he uses the example of Keane's avarice to thunder for in his Sunday sermon on some false principles of trade. Among them are these:

"(1) that a man might sell as dear as he can, and buy as cheap as he can;

"(2) if a man lose by casualty of sea, and so on, in some of his commodities, he may raise the price of the rest, and

"(3) that he may sell as he bought, though he paid too dear . . ."

All false, cries the minister; to seek riches for riches sake is to fall into the sin of avarice.

To this day, the notion is handed down that to seek riches for riches sake is a thing of the devil.

Therefore, one of the great dangers in our social ecology is psychological. Puritan and primitive mores dictate feelings of modern men. He rails excessively against the profit system or the market system. He causes laws to be passed, judgments to be made and utterances voiced to the detriment of the market.

Then, there is the matter of regulations and rules.

France—1666. A regulation has been sent out warning against a dangerous and disruptive tendency of too much initiative being displayed of late. The regulation says that henceforth the fabrics of Diyon and Selangey are to contain 1,408 threads, neither more nor less. In four other manufacturing towns, the threads are to number 1,376; at Chatillon, 1,216. (Any cloth found to be objectionable is to be pilloried. If it is found three times to be objectionable, the merchant is to be pilloried instead.)

There is something common to all these scattered fragments of bygone worlds. It is this: First, the idea of the propriety (not to say the necessity) of a system organized on the basis of personal gain has not yet taken root. Second, a separate, self-contained economic world has not yet lifted itself from its social context. The world of practical affairs is inextricably mixed up with the world of political, social and religious life.

Even in this late 20th century these worlds have not yet fully separated. And, while the physical separation isn't really necessary, is it not important that we differentiate them in our minds and our reactions to their functions.

There is sometimes the notion that the system owes the individual a living, must guarantee him a pension, must protect him from cradle to the grave. Paradoxically, this same notion says that enterprise can be sinful. In the Middle Ages, the Church taught that, "No Christian ought to be a merchant."

In banking—in all industry for that matter—we frequently run across these primitive reactions to the system of marketing.

In recruiting, we sometimes find the young collegian is reluctant to join a corporation. He believes that in so doing he may lose his personal identity. He cannot find himself in a corporate enterprise, and he does not want to be guided by what he considers impersonal policies and procedures. It is, in a sense, a kind of snobbery. It is brought on probably by the diminishing individuality in our modern society. As the world grows smaller by faster transportation and instant communications, and as the population soars, and as mass production continues to turn out all manner of goods and materials, we get the idea that each one of us is too much like all the rest of us. And, we don't especially like that. I'm told that brand names don't have the appeal of a few years ago. Perhaps it's because people now search for the offbeat, something with which to make them different from the masses. People seem to want to maintain an individual sovereignty. This includes a personal interpretation of behavior, of morals and of rules and laws.

There appears to be a strong sentiment for the individual's rights over the rights of society. Laws are passed, judicial decisions are made and writings support the individual's role against society's order. It is more popular today to protect the criminal's rights after the crime than it is to protect society against the criminal's acts. Even the overt revolutionary today can draw the sympathy because he acts as an individual against an "oppressive" society. If his plight continues, he is often lionized.

The ancient Greek and Roman societies were built on the conception of subordination of the individual to the community, of the citizen to the state; it set the safety of the commonwealth, as the supreme aim of conduct, above the safety of the individual whether in this world or in the world to come. When Oriental religions came along, all this was changed. The center of gravity was shifted from present to future life, and a general disintegration of the body politic set in. The ties of the state and the family were lessened; the structure of society tended to resolve itself into its individual elements and thereby to relapse into barbarism; yet civilization is only possible, says the historian Toynbee, through the active cooperation of the citizens and their willingness to subordinate their private interests to the common good. The obsession with Oriental philosophies lasted for a thousand years. Men refused to defend their country and even to continue their own kind. The revival of Roman law marked the return of Europe to native ideals of life and conduct, to saner, manlier views of the world. The tide of the Oriental invasion had been turned.

Here in the 20th century, we have witnessed a remarkable flirtation with these same philosophies. The Woodstock set finds a new god in "love", a new purpose in burning draft cards, and a new manifestation in drugs. The affectation of flowing robes and long hair and the propensity to occult teachings reminds us of the ancient Oriental influence. It is again a rebellion against society and a gratification of personal likes and desires. The premise seems to be that man is a noble creature corrupted only by the society surrounding him. It is remindful of the thesis propounded by Jean-Jacques Rosseau, intellectual godfather of the French Revolution. As you know, that revolution left us along with many lofty sentiments a memory of one of the bloodiest conflicts in history.

The Russian Revolution, built on the same premise, led to the same result. *There are no contrary examples.* Edward Bloomberg, author of Student Violence, reminds us that, "No government founded in the 'man is good' principle (as opposed to society is good) has ever ended otherwise than in tyranny and blood."

The healthy balance of our society, as we have said, is dependent upon a system of laws and a healthy marketplace. Each of these is experiencing pressures unequalled in modern civilization. Our laws are challenged by revolutionaries and anarchists. Our police are vilified and our traditional institutions are under bombardment. There is an impatience with the due process of law. The marketplace is impaired by an overzealous protection of the consumer's interest, by excessive taxes, tax bookkeeping and general regulatory procedures.

We say and we believe that this ecology can and will withstand this tampering, but there is a warning in the words of Chief Justice Charles Evans Hughes, speaking decades ago before a joint session of Congress:

". . . Forms of government, however well contrived, cannot assure their own permanence. If we owe to the wisdom and restraint of the fathers a system of government which has thus far stood the test, we all recognize that it is only by wisdom and restraint in our own day that we can make that system last. If today we find ground for confidence that our institutions which have made for liberty and strength will be maintained, it will not be due to abundance of physical resources or to productive capacity, but because these are at the command of people who still cherish the principles which underlie our system and because of the general appreciation of what is essentially sound in our governmental structure."

These are rather alarming words, but they are intended only as another recognition of what might be—not what will be. Just as the reasonable men of science tell us about the balance of nature, we should give heed to those who warn us about the ecology of our society. The society we know today in America, despite its avowed shortcomings, is the best man has ever devised. While changes and refinements are constantly needed, we should always be aware and remind ourselves of Justice Hughes words, "forms of government cannot assure their own permanence."

We the benefactors must have the wisdom for this assurance.

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## THOSE WHO SERVE

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. WALDIE. Mr. Speaker, the withdrawal of American forces from South Vietnam has been greeted with enthusiasm and relief by most Americans. But there are some men who realize that this country cannot extract its troops and then assume the problem is over.

Mr. Speaker, the war-ravaged people of Southeast Asia have suffered for centuries. A young man from Concord, Calif., realizes this fact, and is trying to do something about it. Sgt. Edward A. Artis has spent 8 years in the Army—almost 2 of those years in Vietnam where he was a medical corpsman. He requested another extension of his duty in the war zone but the Army denied that request. It is ironic that one of the few men who wanted to stay and use his medical skills to help the people was sent home, while other men who did not want to go in the first place were sent in his place.

Sergeant Artis wanted to stay in Vietnam, Mr. Speaker, not because he likes war, but because he felt he could help the people. He is especially concerned about the Cambodian refugees. In Vietnam, Sergeant Artis used his free time to work as a volunteer in a hospital emergency room and as part of a civic action group working with the civilian population.

Sergeant Artis is now back in the States, Mr. Speaker. In his hometown of Concord, he has started a project to collect clothing and soap for those refugees. He is trying to get civic clubs, church organizations and other groups to donate the clothing and soap to be sent to Vietnam.

The work this young man is performing is already receiving the notice of local Concord citizens, but I feel it needs to be brought to the attention of my colleagues in Congress and everyone who reads the RECORD.

With that thought in mind, Mr. Speaker, I include the following article by Tom Debley of the Concord Transcript for inclusion in the CONGRESSIONAL RECORD.

### AID FOR CAMBODIANS LOCAL SOLDIER'S GOAL

(By Tom Debley)

Sgt. Edward A. Artis has been home from Vietnam less than a week. And he'll only be in Concord for a little more than 40 days, a brief period of time in which he hopes to launch an ambitious project with the help of area residents.

The sergeant, a medical corpsman who graduated from Clayton Valley High School in 1962, has spent eight years in the Army, the last 23 months in Vietnam.

And now the 26-year-old, thrice wounded soldier would like to go back to war ravaged Southeast Asia, but the Army has said no. Artis' desire to return is not because of any love for war. In fact, if you ask, he has definite views on the politics of war.

But Artis is not interested in the politics. He is concerned about people. Two small infants, for example, whom he found in garbage cans.

Of prime concern to him are Cambodian refugees who are suffering and dying from the effects of decades of war in Southeast Asia. Their plight, Artis says, is just as bad as the Bangladesh, but people have forgotten about the war victims of Cambodia as attention has focused on this new world problem.

"If there's a new thing, people look at it more than the old," he says.

As a medical corpsman, Artis became interested in the poor conditions of the refugees in his spare time by becoming involved in "civic action."

"I hate busy work and I'd rather be doing something that's beneficial," he says, explaining how he began working as a volunteer in the hospital emergency room while stationed in Tay Ninh.

From there, Artis and members of a civic action team that was formed began working in their free time as volunteers with the civilian population in other ways. One of the men he met and who is now part of the group was another Concordite, Bob Rogers, son of retired Concord Police Capt. Sam Rogers.

Although Artis can now tell many stories, and show hundreds of pictures, about what he has seen, it boils down one problem he's hoping to solve: clothing and soap for the refugees.

And that's where he hopes to have the help of the people here at home. Right now, he's looking for the donation of office space and a telephone so he can get his project started.

As for getting the materials to Vietnam, he's not worried. "I'll pay for that myself if I have to," he says.

But to get the donations of materials, he wants to meet with groups of people—civic clubs, fraternal organizations, church groups, anyone who wants to help.

In 10 to 14 days, the notes, slides and films he has shot will arrive and he hopes to get audiences to show them to in order to literally show the need.

In explaining this need, Artis says food is not the major problem of Cambodians nor the Vietnamese. In fact, as far as the Vietnamese are concerned, "free world sources are carrying them" and they don't need the help the Cambodian refugees need.

Artis explains that as the North Vietnamese Army (NAV) moves through Cambodia, imposing taxes and conscripting soldiers, refugees are being evacuated into South Vietnam. At one village, Katum, the population jumped from 700 to 2,500 people in just two weeks.

As a result, people are sleeping anywhere they can, including holes in the ground.

It is at this village that Artis has been working. And clothing and soap are in prime need. Soap, especially, because it is a medical necessity, since skin disease is one of the worst problems of the people.

The children and the old, as is often the case in war zones, suffer the most, he says in explaining how mammoth the problems are in this way:

"In two days we saw over 1,000 people. We went through all of our medical supplies."

Artis, Rogers and three officers, Capt. Douglas Hagen, MD, Joe Maryluf, Mike Feenye, and Pehn Young, have been working at Katum, supplementing a public health team.

Artis says as long as he can get materials to the others, most easily by mail, they can be distributed and help the people.

And even though he has to leave for a new base back east in just over 40 days, Artis believes that if he can get things rolling, "the people can carry the ball from there."

What he needs now are the people interested in helping.

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## PROCLAMATION: ALIEN REGISTRATION MONTH IN ALASKA

## HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. BEGICH. Mr. Speaker, William A. Egan, Governor of Alaska, has proclaimed the month of January 1972, as Alien Registration Month in Alaska.

He has done so in an effort to bring the attention to those visiting the United States from other countries that registration is required by law.

I wish to share with all of my colleagues Governor Egan's proclamation. The proclamation follows:

### PROCLAMATION: ALIEN REGISTRATION MONTH IN ALASKA

Under the Immigration and Nationality Act, most aliens in the United States are obliged to report their address to the Immigration and Naturalization Service during the month of January each year.

Aliens living in Alaska may comply with this law by completing an address report card that is obtainable from post offices throughout the State, or from the Immigration and Naturalization Service office.

If sick or disabled, a friend or relative can obtain the address report card, which should be returned to the post office or Immigration and Naturalization Service. Parents should fill out cards for alien children under age 14.

As Governor of the State of Alaska, I, William A. Egan, urge all aliens who reside in this State to remember that the month of January, 1972, is hereby designated to be Alien Registration Month in Alaska and to properly register as required by law.

Dated this 27th day of December, 1972.

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## A NATION STILL STRUGGLES

## HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 31, 1972*

Mr. FORSYTHE. Mr. Speaker, last week the people of the Ukraine, who are not free, celebrated the 54th anniversary of their nation's declaration of independence.

Their courage and hunger for freedom are examples of patriotism that should be noted and remembered by some of America's own critics.

For, here is a nation of peace forced to exist behind the curtain of communism, and its people still love to be free.

The Ukrainian people have never accepted Soviet rule, although it was imposed upon them in an invasion of the Ukraine, ending in 1920 with Soviet domination.

Last week, the official celebration was held. But all freedom-loving people the world over will join throughout the year in praying for the eventual emergence of independence in the Ukraine.

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# SENATE—*Tuesday, February 1, 1972*

The Senate met at 9:15 a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

## PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who has promised that wherever two or three or ten thousand are gathered in Thy name Thou art there, be with this Nation and its leaders at prayer. Teach us when to pray, what to pray, and how to pray. Help us each to live the life of prayer, to be a nation at prayer. Give us strength and wisdom for the tasks of this day. Hear the prayers which we utter and the deeper prayers which our lips never frame.

In His name who taught us to pray. Amen.

## DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., February 1, 1972.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
*President pro tempore.*

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, January 31, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ATTENDANCE OF A SENATOR

Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, attended the session of the Senate today.

## COMMITTEE MEETINGS DURING SESSION OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## THE DEEP-SEA MINERALS

Mr. MANSFIELD. Mr. President, the January 1972 issue of the Mining Congress Journal, published by the American Mining Congress, included an interview with the distinguished Senator from Montana (Mr. METCALF), who is the principal sponsor of S. 2801, the deep-sea minerals bill.

I call the attention of my colleagues to Mr. METCALF's remarks about the legislation and importance of encouraging U.S. nationals to take advantage of their present rights to mine the deep-sea bed. I ask unanimous consent that the interview be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SENATOR METCALF DISCUSSES DEEP SEA MINERALS BILL

(On November 2 Senator Lee Metcalf of Montana introduced S. 2801, a bill to provide the Secretary of the Interior with authority to promote the conservation and orderly development of the hard mineral resources of the deep seabed, pending adoption of an international regime. The measure is cosponsored by Senator Henry Jackson of Washington, Senator Gordon Allott of Colorado, Senator Henry Bellmon of Oklahoma and Senator Ted Stevens of Alaska. The bill is strongly supported by the American Mining Congress.

(In a candid interview with the AMC's J. Allen Overton, Jr., Senator Metcalf discusses S. 2801 and other aspects of undersea mineral development for Mining Congress Journal.)

Senator Metcalf, I suppose it would be correct to say that S. 2801 is, in a very real sense, an outgrowth of a series of hearings you chaired for the Senate Interior Committee.

(1) Why did you introduce S. 2801?

As I indicated in my remarks on the Senate floor upon the introduction of S. 2801 on November 2, it was in response to a suggestion made by Mr. T. S. Ary (chairman, AMC Ad Hoc Committee on Undersea Mineral Resources, and vice president, Union Carbide Exploration Corp.), during his testimony before my subcommittee.

Mr. Ary testified that U.S. industry was close to being capable of exploiting the sizable quantities of hard minerals on the seabeds beyond the continental margins and that domestic legislation was needed. He indicated that such legislation, if adopted in substantially similar form by other nations, could, through the principle of international reciprocity, "become the basis for common rules among nations regarding freedom of development and security of tenure among—ocean—miners."

I then advised Mr. Ary that if his organization, the American Mining Congress, would prepare legislation which dealt with the subject matter, I would introduce it for circulation and discussion.

(2) S. 2801 addresses itself to the deep seabed beyond the limits of the continental shelf. Is this not beyond the limits of national jurisdiction?

What ultimate agreement concerning the limits of exclusive national jurisdiction the international community may reach is not yet entirely clear. Our subcommittee concluded that the entire continental margin should be included within the limits of national jurisdiction. Several nations have supported a 200-mile limit. In any event, S. 2801 is intended to apply to seabed areas beyond the limits of national jurisdiction.

(3) What are the key provisions of this legislation?

Without going into the technical details of the bill which we intend to review during the hearing process, the bill incorporates and combines several well recognized international law doctrines, including the right of a sovereign state to regulate the activities of its nationals no matter where in the world they may be, the freedom of the high seas; mutuality and reciprocity between sovereign states, among others. Through the combination of these doctrines as included in S. 2801, the U.S. ocean mining industry will be encouraged to undertake serious and far-reaching commercial undertakings on the deep sea bed. This would be a boon to the maintenance of U.S. leadership in deep ocean technology.

(4) In December 1969, the United Nations General Assembly adopted a resolution which declared a moratorium on all exploitation of deep sea bed resources pending establishment of an international deep sea regime. What are your views regarding this?

My views and the views of the Committee were made clear during our hearings in 1970 and made especially clear in the report of our special subcommittee. The so-called moratorium resolution like others of its kind was a mere paper majority motivated by a policy of confrontation on the part of its sponsors and as such was no more than a weak recommendation without binding force of law.

(5) Does the State Department take a similar position?

Yes, basically, and that was made clear to us through correspondence with the State Department.

Responding to my December 23, 1969 letter of inquiry about the moratorium resolution, John R. Stevenson, legal advisor to the Department of State, responded as follows in reference to this point:

"The Department does not anticipate any efforts to discourage U.S. nationals from continuing with their current exploration plans. In the event that U.S. nationals should desire to engage in commercial exploitation prior to the establishment of an internationally agreed regime, we would seek to assure that their activities are conducted in accordance with relevant principles of international law, including the freedom of the seas and that the integrity of their investment receives due protection in any subsequent international agreement."

(6) Senator, the President has urged that exploration and exploitation of the deep seabed go forward and has called on other nations to join the United States in an interim policy. Has the Administration submitted any legislation to implement this policy?

The answer to your question is No, but I believe that the premise upon which it was based was slightly misstated. The President urged that nations share their revenue derived from mineral production which occurs beyond the 200-meter depth contour. He said to other nations that, if they would share their revenues derived from beyond the 200-meter depth contour with the international community, he would seek legislation authorizing the U.S. to share with the international community its revenues derived from beyond the 200-meter isobath. There has been no production beyond 200 meters on the U.S. continental margin largely because of the condition the President inadvertently attached to such mineral development. He said that the rights of U.S. leases would be subject to a regime to be agreed upon. That condition was just too much of a risk for the industry to take. I am hopeful that, in light of international development, the "subject-to" condition will be lifted so that necessary development can take place.

(7) S. 2801, therefore, is the only bill now pending before Congress to accomplish this purpose.

S. 2801 is the only bill designed to encourage U.S. nationals to take advantage of their present rights to mine the deep seabed. But, S. 2801 has nothing to do with encouraging development operations on the U.S. continental margin beyond 200 meters.

(8) The mining industry is anxious to establish a legal framework as reflected in S. 2801 as soon as possible. Did your Subcommittee conclude that such a system should be promptly established?

Speaking only for myself, I have been disappointed in the delays and lack of real progress being made by the U.N. Seabed Committee to develop an ocean mining treaty. U.S. deep ocean technology has progressed to the point where it is now ready to undertake ocean mining operations. I don't think it is fair to hold it back until an ocean mining treaty enters into force. That might take ten years. Thus, S. 2801 is designed to provide an interim basis for deep ocean mining by U.S. nationals until a treaty can be agreed upon, ratified and enter into force.

(9) Senator Henry Jackson, Chairman of the Senate Interior Committee, assigned Charles F. Cook, Jr., the Committee's Minority Counsel, and Merrill Englund, your administrative assistant, to observe the July-August 1971 session of the U.N. Seabed Committee meeting in Geneva. What was their assessment of the progress being made in the development of an international regime?

Their report should soon be printed as a report to the Committee. Rather than summarize it here, just let me extend an invitation to your members to write to my office and request a copy and I will be happy to send them one to read for themselves.

(10) Do you believe deep seabed mining by U.S. nationals may be in jeopardy?

No, I do not. No other nation has yet reached our level of technological sophistication in deep seabed mining capability so there is no real threat. However, as I indicated in my remarks upon the introduction of S. 2801, there is increasing evidence that some of the more militant nations represented on the U.N. Seabed Committee would deny U.S. industry effective access to the minerals of the deep seabed. Accordingly, I think that passage of S. 2801 or legislation like it could do much to persuade such nations that the U.S. does not intend to forfeit its present rights to mine the deep seabed.

(11) Does the Senate Interior Committee plan to hold hearings on S. 2801, Senator Metcalf?

Yes, I hope that we will have hearings on S. 2801 sometime this Spring.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the acting minority leader seek recognition?

Mr. SAXBE. No; I do not.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished senior Senator from Virginia (Mr. Byrd) will be recognized for not to exceed 15 minutes.

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## WELFARE REFORM

Mr. BYRD of Virginia. Mr. President, last Friday the distinguished Senator from Connecticut (Mr. Ribicoff) made some comments during the session of the Committee on Finance. He discussed the administration's welfare proposals. I might say that the senior Senator from Connecticut and the senior Senator from Virginia take a different view as to the merits of the proposed legislation.

The Senator from Connecticut (Mr. Ribicoff) favors the principle of a guaranteed annual income, while the Senator from Virginia questions the wisdom of such legislation.

Mr. President, the Senator from Connecticut, in his remarks the other day, addressed himself not to the merits of the legislation, but to procedural matters connected with the handling of this legislation.

I feel that his comments have so much good sense that I obtained a transcript of his statement before the committee in open hearing, and I think it appropriate, at a later time, to place the text of his remarks in the Record.

First, I feel that the Senator from Connecticut (Mr. Ribicoff) is not only one of the finest persons with whom I have been associated, but also one of the ablest, most certainly in the field of public welfare. He has had unique experience: as Governor of Connecticut; then as Secretary of Health, Education, and Welfare during the administration of President Kennedy; and now as U.S. Senator.

What Senator Ribicoff was saying is that before such a gigantic new program is put into effect nationwide, pilot tests should be conducted in two or three areas of the Nation. To me, that makes sense. It seems to me that before a program which will increase the cost of public welfare by 40 percent in 1 year, a program that will double the number of people on welfare, is put into effect nationwide, it should be tested in several areas of the Nation.

I have, in the past, been willing to support whatever appropriation might be necessary—$200 million or whatever amount it might be—for pilot projects. I offered to do that 2 years ago. Since that time, and since thinking more about this gigantic welfare proposal submitted by Secretary of Health, Education, and Welfare Richardson, I am a little less inclined to the pilot projects, because I think the whole thing is of very questionable merit. But I do not say that I will not go along with the pilot project.

I think that Senator Ribicoff gave the committee—and the Senate, too, for that matter—valuable views that can be helpful in trying to solve the problem of how to reform our welfare laws rather than to expand the welfare rolls.

I think we must change our present system; but before doing so, I want to be certain that we are getting something better, not merely compounding the bad features of the present system.

During the course of his remarks, the distinguished Senator from Connecticut said that he is not convinced that the President is really for the new program.

I do not know whether the President is for it or not. He says he is. Maybe Senator Ribicoff is right in his appraisal that President Nixon is not for it. Frankly, I do not know.

But I will say this: He ought not to be for it. It goes directly counter to every speech Candidate Nixon made in 1968.

Yes, the proposed new program would double the number of people on welfare. Senator Ribicoff points out that 14 million persons will be added to the welfare rolls under such a program.

Mr. President, there are 99 Senators, not counting the Senator from Virginia. Certainly if the question I am going to ask can be answered, there should be some among the 99 Senators who can answer the question.

The question is this: How do you reverse the trend of the welfare state by doubling the number of people on welfare?

I have asked that question in this Chamber a dozen times, and not a single Senator has attempted to say how the trend toward the welfare state can be reversed by doubling the number of people on welfare.

I think that Senator Ribicoff, while I disagree with him on the merits of the proposal, rendered the Committee on Finance, the Senate, and the Nation a great service when he strongly recommended to the committee that such a program not be put into effect until it has been piloted out.

Another thing the proposal would do—and the Senator from Connecticut mentioned it in his remarks—is that it would increase the number of employees of the Department of Health, Education, and Welfare by 80,000. Senator Ribicoff said:

> I don't want 80,000 Federal employees running the whole welfare system around the country.

Neither does the Senator from Virginia. Then the Senator from Connecticut said this:

> As a matter of fact, I think the bureaucracy is too large, and I think HEW is too large. I thought that one week after I became Secretary of HEW, and I could never get any other Secretary to agree to it until he got out; and then he said, "You were right, Abe."

I agree with Senator Ribicoff: The HEW is too large; and now there is talk about adding 80,000 more persons to this gigantic department, a department which cannot even be run with efficiency now.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 4 minutes remaining.

Mr. BYRD of Virginia. Yes, Mr. President, although some of the newspapers have been critical of the Senator from Connecticut, I think the newspapers and the public should applaud the Senator from Connecticut.

The only thing he is trying to do is warn the Nation that the people had better understand the full ramifications of this program before putting it into effect nationwide. To me, that is logical, sound, and sensible.

Mr. President, I ask unanimous consent that the text of the comments by the Senator from Connecticut before the Finance Committee last Friday be published at this point in the RECORD, to be followed by brief comments I made at that time in regard to Senator RIBICOFF's statement, to be followed by remarks that I made on the floor of the Senate on December 11, 1971, concerning the same matter of welfare expansion, to be followed by excerpts of hearings before the Committee on Finance dealing with welfare on August 3, 1971, that being a colloquy between the Secretary of HEW, Mr. Richardson, and the Senator from Virginia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### TEXT OF COMMENTS BY SENATOR RIBICOFF

Senator Talmadge?

Senator TALMADGE. I concur in that, Mr. Chairman. Maybe one solution might be—we are talking about revenue sharing and the federal government assuming additional burdens. We haven't had but two or three balanced budgets in 20 years. The deficit this year will be $45 billion. Maybe a good solution would be to authorize the states to print money like the federal government does.

(Laughter.)

The CHAIRMAN. Senator Jordan?

Senator JORDAN. No questions.

The CHAIRMAN. Senator Ribicoff?

Senator RIBICOFF. You three gentlemen are out in the field with a lot of experience. With this bit of discussion around this table, I am sure you must be very discouraged at the prospect of H.R. 1 ever seeing the light of day; and I am not so sure that that discouragement isn't in line with what is actually going to happen.

I don't think that the Administration has done a very good job of rallying public opinion or even explaining what they are trying to do. They really talk with a forked tongue and they have been talking with a forked tongue right from the beginning from the President down and this is what the end result is.

Now, you three gentlemen, have a good deal of practical experience. If the federal government passes H.R. 1, the Family Assistance Program, some 14 million people more will be added to welfare rolls. One of the big mistakes the Administration made was to put the working poor in the same category as welfare recipients, giving the false impression that these people you are talking about who are working day and night trying to make ends meet are traditional non-working welfare recipients. The potential working poor recipient is doing the best he can but he has a low paid job and is just not making it; no matter what he does he just is not making it.

This is a very complicated field because again, the President and the Secretary have never told the American people, but we are really developing in a new philosophy of public assistance in this nation, and instead of being frank with the American people we have misled them. H.R. 1 to be honest, is sending this nation into a guaranteed annual income or an income maintenance program; that is what it is and the people ought to know what they are voting on. I can understand that the overwhelming majority of this committee want no part of that. They don't believe in that philosophy and they are sincere men and I don't know whether the American people want this philosophy.

But a new philosophy is being projected and the Executive Branch doesn't have the courage to tell the American people what it is trying to do. Instead they try to do it clandestinely and kid the American people. The public will get wise and see that they are not being told the truth, you see.

Suppose you have a program; let's say something passes. The Chairman has promised the leadership and the President he would bring out a bill by March 1st; it may not be March 1st but he has kept all his promises. Let's say he makes it March 15th.

A debate like this on the floor will take a month at least. Then we go to conference with the House. So if any bill passes it will be pretty close to June 1st. This plan is supposed to go into effect July 1, 1973.

From your experience, you who live with these social programs, do you think it is possible for the federal government to put into effect across this nation a new concept of family assistance programs to aid the working poor in the space of one year?

Mr. WYMAN [George K. Wyman, President, American Public Welfare Association]. No, sir.

Senator RIBICOFF. The three of you?

Mr. SCHMIDT [Wilbur J. Schmidt, National Council of State Public Welfare Administrators]. No, sir.

Senator RIBICOFF. Do you think they can do it in a year?

Mr. RADAR [Lloyd E. Rader, Director, State Department of Institutions, Social and Rehabilitation Services, Oklahoma]. No, sir.

Senator RIBICOFF. Now, hasn't the time come for all of us—we have lived with this and I am just as guilty as anybody else; I was a governor and I was Secretary of HEW and I am just as responsible for many of these programs—don't we have an obligation to the American people and ourselves before we embark upon a national program committing billions of dollars, with a new direction, to test this program out to see if it works?

Mr. WYMAN. A very prudent thing to do, Mr. Senator.

Senator RIBICOFF. All right.

Now, do you think it would be wiser to take these opportunities for families program and give the Administration a year to pilot it out? I think one of the greatest mistakes this Administration made when they first came up here was to reject the idea of pilot programs even though the Committee was virtually unanimous in favor of pretest programs.

Senator Williams who opposed it tooth and nail out of sincerity and belief because he didn't believe in it, a man for whom I have the greatest respect, although our political philosophies are different, would have been willing to vote any amount of money necessary to pilot it out; and we could have finished that pilot program in two years if the Administration had not fought that. So now there are proposals for the working poor that we have that I conceive of from my experiences in every phase of government would be impossible for this country to put into effect without having one Godawful snarl and tying the nation into a knot.

Aren't we better off, then, to face realities—to have a pilot? And, may I say, Mr. Chairman, I don't think the Administration is even playing fair with us. It came to my attention there are some studies being made in this field, studies being made in Georgia; Cook County, Illinois; the State of Colorado, New Jersey, Seattle, Denver and Gary and Vermont. And I think even before we contemplate this, I think the Administration should come up to this committee and tell us what they have found out in these studies and I would hope that you would ask the Administration to explain these studies to us. Some of these studies were to be three-month studies, some two years, some three years; they have some information.

Now, also, Mr. Chairman, the present new budget provides for $450 million to do the planning for welfare reform.

We don't know how programs for the working poor are going to work. My philosophy is different from the chairman's and I would say the overwhelming majority on this committee.

I think that there can be no greater objective for any nation than to eliminate poverty. We have hedged these programs around with confusion and rhetoric and I don't know how they are going to work out, shouldn't we pilot out the working poor program. Two years ago it should have been done—to still do it, to pilot out the family assistance program.

There are many thoughts that the different senators have here that I may disagree with but I respect their opinions and they have got some good ideas. There isn't a man around this table who hasn't come up with what I have considered some very thoughtful suggestions.

Would you advocate that this committee should, first, do the necessary reform on welfare itself that has to be done—and there are many of them. Take in many of the adult categories and put them under social security. Provide the states with relief. I go along now with the chairman's point of view that I don't want 80,000 federal employees running the whole welfare system around this country. I think that there are governors and men like yourselves with experience in the field that can do a much better job than an 88-thousand man bureaucracy centered here. As a matter of fact, I think the bureaucracy is too large and I think HEW is too large. I thought that one week after I became Secretary of HEW and I could never get any other Secretary to agree to it until he got out and then he said, "You were right, Abe."

But I am unwilling to create an agency to deal with humans made up of a hundred or two hundred thousand people to run the lives of 201 million Americans. It just can't be done.

I am trying to salvage something out of this. I personally think that the President's concept of family assistance aid to the working poor is good. The thing that I quarrel with is I don't think the President believed in it. If he believed in it he could have done something with it. He was sold an idea that was a good idea but in his heart he didn't believe it was right.

But I still think the idea is good.

Now, this committee two years ago would have piloted this out to see how it would have worked. I don't know whether they feel that way anymore, whether they would still go for a pilot program. I think the pilot program is worth trying and I think it has to be understood by the Administration, that as a practical matter even if we gave them everything they wanted, they would bog down with one of the greatest social and economic failures of the entire American social and economic system and I don't want to see that happen because my feeling is, Mr. Chairman, that if we had piloted out Medicare and Medicaid we never would have had so many problems. All I can say to you, Mr. Chairman, if I am still on this committee and if I am still a U.S. Senator and we have a health insurance program, I am going to insist that before any health insurance program comes out we pilot it out before we enact a universal, general health insurance program.

Now, I respect you men; I know you; I have worked with all of you. I know you by your reputations and I have worked with you in other fields. I would like for the three of you to answer, do you think the most practical way is to pass this bill or to pass a pilot program and find out whether the thing works?

Mr. Wyman. Mr. Chairman, and Senator Ribicoff, speaking for myself and I think it would generally reflect their views, however, Mr. Schmidt and Mr. Rader certainly should have an opportunity to express their own views, I would agree with that concept, with one proviso and that is that the burden of the increasing costs of welfare and Medicaid on state and local government makes it absolutely imperative that while such a program, a pilot program, is under way that there be an increase in the federal share of the present——

Senator Ribicoff. Sir, I have introduced an amendment which I will fight for on the floor. I have not talked to the chairman. I don't know if it has his support. Anyway, I foresee the state welfare costs at the 1971 level and provide that thereafter any increased costs over the 1971 level would be assumed by the federal government.

I don't know what the committee and Senate will do but it is the same proposal that Chairman Mills has introduced in the House and I have introduced it in the Senate because I realize that every state is in a desperate situation right now.

Mr. Wyman. I think that is absolutely essential and should go hand in glove with any pilot testing of the family assistance program. I gathered this is what you have in mind for a pilot program, while the aged, blind and disabled, the social services concepts, those would move with the legislation.

Senator Ribicoff. You see, there are two things we can do here—Will you pardon me for taking the extra time, Mr. Chairman, because we might be straightening out a lot of things around this table.

The Chairman. Very interesting, worthwhile contribution, Senator; take all the time you want; it is a worthwhile contribution.

Senator Ribicoff. You see, first, if we get bogged down in one of those deep confrontations on the family assistance program, almost all welfare reform is going down the drain with that; and the family assistance program for the working poor, from my experience in different categories of government, could not be put into effect nationwide in one year's time; it just can't be physically done, you see.

If that is the case, then we have got two problems we can work on in this committee: We can clean up the many reforms in the social security system, in the present welfare system which wouldn't be a tough job. Then we can take the opportunities for families program and pilot it; let's see how it works before we make it nationwide.

Then, at the same time, we can look at the financial problem of the states that you men are struggling with and give you the necessary fiscal protection.

This would cost about $1 billion a year, to freeze you into the 1971 level.

I have lived with this thing now, as Senator Long has, and I am constantly trying to work out all kinds of ideas as to how we can make this work. And the more I think about it the more I believe that I can't honestly say that the program that I advocate or the President advocates can be made to work in one year's time. I think the time has come when we have to stop that and start looking at the priorities of social programs and if the chairman will allow me, let me take one step ahead along the same line.

There are 168 so-called poverty programs. These cost some $31 billion. Now, some of them are good; we should keep many of them; they are important. But as I analyze those programs, the thing that keeps coming back to me time and time again is that poverty in the last year has gone up 5 percent in America.

Now, the programs that you men administer in your states, do you think that each one of those 168 programs is necessary or effective?

Mr. Schmidt. Well, I think that to whatever extent we are involved in some number of the mentioned 168, that presently they are too fragmented and they are, therefore, splintered and create problems of coordination in the sense that one has impact on another and that is viewed in this total dimension; and I think we do need to consolidate program activities.

This is one of the things that we are concerned about, really, in the format of H.R. 1, is the distribution of responsibility in this to different jurisdictions. So I think that we could cite in our positions instances where some of the programs would not be producing as much as could fully be expected from them were they to have been more completely put together.

Senator Ribicoff. The federal government passes a program and goes to you and your governor and they say, "Now, look, we have got a program. We are going to make it matching 90–10, 80–20, 60–40, 50–50 and if you gentlemen want this program, if you put up so much money you can participate." You are not sure of the program but all of a sudden you see the federal dollars coming in and you say, "Hey, we ought to have a piece of the action."

Mr. Schmidt. Right.

Senator Ribicoff. But that piece of the action may not be what you want in your state. You would be very much better off without it.

Mr. Schmidt. We are very much pushed in that direction.

Senator Ribicoff. If you looked at those 168 programs and started consolidating them and looked at them, I have a hunch you couldn't save $31 billion, but on the basis of priority you could probably find $10 billion in that $31 billion spent to alleviate poverty.

The real irony is if you took that $31 billion and divided it among people in poverty in this country that every family of four on poverty would be receiving $1,000 above the poverty line.

Now, people are poor because they haven't got money.

Senator Byrd. I just want to make a brief comment on Senator Ribicoff's remarks.

I have long felt that Senator Ribicoff was not only one of the finest men with whom I have been associated but also one of the ablest. I watched his record as Governor of Connecticut. When he was appointed by President Kennedy to the cabinet in 1961, in every speech I made in Virginia I predicted that certainly from my view he was the ablest member of President Kennedy's cabinet.

I remember well two years ago when some of the members of this committee, at President Nixon's request, flew to California to the Summer White House, and Senator Ribicoff suggested at that time that there be pilot projects to test out the family assistance plan. In my remarks at that same meeting I associated myself with Senator Ribicoff's views.

When you talk about a gigantic program such as this one is, where it doubles the number of eligible persons on public welfare, where it increases the costs in one year by 40 percent to the federal government, when you consider the fact that the government is now running huge deficits, gigantic deficits, it seems to me that this Congress had better know what it is doing before it passes a welfare program the ramifications of which, anyway you look at it, are terrific.

Senator Ribicoff mentioned a possibility of a month's debate in the Senate. Whether the Senate passes or does not pass it, my only hope is that the members of the Senate will understand it, understand the full ramifications of this program.

I don't believe that the members of the Senate are going to understand this program in one month's time and I doubt if they are going to be able to understand it in two or three or four months' time.

As I say, the ramifications are so great, I think Senator Ribicoff has thrown out an idea today that hasn't been expressed around this table for almost two years, I believe.

I remember in this room next door, in our executive sessions, with the Under Secretary of HEW, and I think with the Seecretary of HEW also, both Secretary Finch and Secretary Richardson, Under Secretary Veneman, this committee urged him two years ago to permit legislation setting up pilot projects and they absolutely turned that down, they refused to consider it, refused to consider it unless the committee and the Congress simultaneously would give them the right to put the program into effect, and make it go into effect mandatorily regardless of what the pilot project showed.

Of course, the committee wouldn't approve such a proposal as that and it came to nought.

Until today, I think, it is the first time that such a possibility has been mentioned. I think it is well to give consideration to this proposal thrown out today by the Senator from Connecticut.

Thank you, Mr. Chairman.

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[From the Congressional Record, Dec. 11, 1971]

### HEW's New Welfare Program

Mr. Byrd of Virginia. Mr. President, as the Senate and House of Representatives prepare to adjourn, I would like to again invite the attention of the Senate to the new welfare program benig advocated by the Department of Health, Education, and Welfare.

It is very important, Mr. President, that the Senate and the Nation understand the facts regarding this new program. Secretary Richardson in his official statement to the Senate Finance Committee put the new program in capsule form when he termed it "revolutionary and expensive."

Before discussing the new program, let me say that I think the present outdated welfare system should be changed; and most certainly the administration of the program must be tightened.

But in changing the present system it is important that we be sure we are getting something better and not just an expanded and more expensive program.

After considering the matter for 18 months, I have concluded that I cannot support the administration's revolutionary and expensive new welfare program.

For 2 consecutive years—1970 and again in 1971—the Committee on Finance refused to approve this program. Of course, it will come up again in 1972.

I cannot support the revolutionary and expensive program for the following reasons:

One. It lacks adequate work incentives.

Two. I doubt the wisdom of writing into law the principle of a guaranteed annual income.

Three. The annual cost of the new program would be at least $5 billion greater than the present program.

Four. The number of welfare recipients would be increased from 12 million persons in 1970 to 26 million persons.

Five. Richard P. Nathan, Deputy Under Secretary for Welfare, says the Government would need to hire an unprecedented 80,000 new Federal employees to administer the program.

With 101,000 employees, the Department of HEW already is so huge that it is almost impossible to effectively administer. One can well imagine the added confusion and chaos if 80,000 more workers are added to that Department.

I feel that the Government has an obligation to our fellow citizens who are physically or mentally unable to earn a living. But the "revolutionary and expensive" proposal of Secretary Richardson goes far beyond that. It does not have adequate work incentives, nor does it have adequate provisions to keep off the welfare rolls able-bodied citizens who should be seeking jobs instead of handouts.

The new "revolutionary and expensive" welfare plan is not in keeping with—and, indeed, runs directly counter to—the President's anti-inflation efforts.

It is not welfare reform. It is welfare expansion.

I submit we are not going to be able to lick inflation until the Government puts its own fiancial house in order.

The Government had a Federal funds deficit last year of $30 billion; it will have a Federal funds deficit this year of $35 billion.

The "revolutionary and expensive" program of Mr. Richardson will add an additional $5 billion to the deficit—and to the national debt, which is now $412 billion.

But an even more important objection, in my view, is that Secretary Richardson's "revolutionary and expensive" welfare plan would double the number of welfare recipients. Yes, Mr. President, it would double the number of welfare recipients.

With the huge deficits the Government has been running, it is neither logical nor sound to attempt to double the number of people drawing public assistance.

If the Government cannot now effectively administer the present welfare program, how can it effectively administer a program with twice as many persons drawing Government checks?

One evidence of the difficulty of administration is this: In New York City at the present time 1,000 welfare families are being housed in New York City hotels.

I wrote the Department of HEW to ascertain the average monthly rental being paid by the taxpayers for those families.

I was informed in a letter from HEW that the average monthly rental per family is $763.

I have devoted hours and hours of time in an effort to obtain accurate cost figures—and accurate figures as to the number of full-time permanent employees of HEW.

Mr. President, I have prepared a table showing the cost of public welfare in billions of dollars for the fiscal years 1962 through 1972. I ask unanimous consent that the table may be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

*Federal costs for public welfare*

[In billions of dollars]

| | |
|---|---|
| 1962 | $2.7 |
| 1963 | 3.0 |
| 1964 | 3.2 |
| 1965 | 3.5 |
| 1966 | 3.8 |
| 1967 | 4.5 |
| 1968 | 5.6 |
| 1969 | 6.8 |
| 1970 | 8.6 |
| 1971 | 11.6 |
| 1972 | 14.2 |

(Source: U.S. Department of Health, Education, and Welfare.)

(Note.—According to testimony of Secretary Richardson of HEW, the total welfare cost for FY 1973, under H.R. 1, would be $19.7 billion.)

Mr. Byrd of Virginia. Mr. President, if the proposal advocated by Secretary Richardson, namely, H.R. 1, is approved by the Senate, the total cost for fiscal year 1973 of welfare, of public assistance, would be $19.7 billion, or a 40-percent increase over the cost for fiscal year 1972.

Mr. President, the above figures I have submitted, the tabulation and the figures in regard to H.R. 1, all include the cost of medical aid to the indigent. I want to submit a full and complete picture of the total cost to the Federal Government of the Federal welfare program, or public assistance as some prefer to call it.

As to the number of full-time permanent employees of HEW, when the Department was established in 1953 the employees numbered 35,000 persons. By the end of 1970 the figure had increased to 101,000, according to figures submitted to me by Secretary Richardson.

Mr. President, I think that the figures and arguments I have cited today show that the proposal advanced by the administration would in fact move this Nation closer to the condition of a welfare state.

When President Nixon was a candidate for President in 1968, he stated again and again that he wanted to reverse the trend to the welfare state.

I applauded those statements by then-candidate Nixon at that time. But the administration's proposal for revising the welfare laws would double the number of welfare recipients thus going directly counter to the statements of candidate Nixon.

The question I have been asking for the last 18 months—and I ask it again in the Senate today—is this: How does one reverse the trend to the welfare state by doubling the number of people on welfare?

There are 99 Members of the Senate besides the Senator from Virginia, so it would seem that if that question can be successfully answered, one Member of the Senate would be able to say how to reverse the trend of the welfare state by doubling the number of people on welfare.

I have asked this question in the Senate many times but none has answered it.

I say that this new program, termed "revolutionary and expensive" by Secretary Richardson, is a gigantic program. It doubles the number of public welfare recipients.

It is one that the Senate and the Nation need to consider very, very carefully before going into this huge program, termed by its sponsor as revolutionary and expensive. I think it should be fully debated, with adequate time taken by the Senate, if and when the proposal reaches the floor of the Senate.

So far as the Senator from Virginia is concerned, as a member of the Committee on Finance I would just as soon that it does reach the floor of the Senate; but if and when it does, I hope the leadership on both sides of the aisle will give adequate time for discussion. The people of this country should understand the ramifications of this gigantic program submitted by Secretary Richardson, which he himself terms "revolutionary and expensive."

I ask unanimous consent that excerpts from the hearing of August 3, 1971, before the Committee on Finance on H.R. 1 be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

## Excerpts of Hearings Before the Committee on Finance on Welfare, August 3, 1971

Senator Byrd. Assuming your program is enacted into law by the present Congress, what will be the total costs of the welfare program; this is, the Federal share of the welfare program for fiscal year 1973.

Secretary Richardson. The total cost, including some expenditure for services, would be $14.9 billion.

* * * * *

Senator Byrd. I want to be sure we are clear about this, that is your judgment as to what the total costs will be for fiscal 1973.

Secretary Richardson. Yes, this does not include medicaid.

Senator Byrd. It does not include medicaid. Let's get the medicaid figure, if you will.

Secretary Richardson. That is $4.5 billion.

Senator Byrd. Let's see if we understand this now, the costs of the welfare program (H.R. 1) will be $14.9 billion, and in addition to that, there will be $4.5 billion for medicaid, namely medical aid for welfare recipients.

Secretary Richardson. Yes.

Senator Byrd. I am correct in that statement.

Secretary Richardson. Yes, let me be sure we have it. Yes; that is correct, Senator.

* * * * *

### INCREASE IN ESTIMATE COSTS OF WELFARE PROPOSAL

Senator Byrd. Now, you responded last year that the estimated cost for fiscal 1972, assuming this program had been in effect would be $11.8 billion. So the arithmetic would indicate that then in a 1-year period, between fiscal 1972 and fiscal 1973 the costs of this program will have increased 25 percent in that 1-year period.

Secretary Richardson. I am sure that $11.1 billion figure did not include medicaid.

Senator Byrd. No, it did not include that.

Secretary Richardson. So the comparable figures would be $11.1 and $14.9 billion.

Senator Byrd. Excuse me 11.8.

Secretary Richardson. 11.9 and 14.9.

Senator Byrd. You will find that figure comes to roughly 25 percent.

Secretary Richardson. Well, there are differences which explain this that are not differences simply resulting from the markup of our estimates. In the first place there is the Federal assumption of basic benefits, of administration, and of the adult categories; there are increases projected in H.R. 1 for public service jobs, in child care, training, supportive services.

Senator Byrd. So you are expanding the program beyond last year's proposal.

Secretary Richardson. The work related provisions have been expanded.

Senator Byrd. You are expanding—the program as a whole is being expanded beyond last year's program.

Secretary Richardson. Yes, in the sense that we are more determined than ever to convince this committee that the provisions of the program are capable of getting people off the welfare rolls and into jobs.

Senator Byrd. I don't think this committee has demanded that the program be expanded.

Secretary Richardson. Some members of the committee have felt we did not provide enough public service jobs in last year's program, and some other members of the committee have thought that we didn't provide adequately for the development of day care services, and these are among the increases.

* * * * *

Senator Byrd. Did you, in fact, reduce the number of employees or just not fill the vacancy?

Mr. Cardwell. The latter.

Senator Byrd. In other words, you don't go to the full authorized strength.

Mr. Cardwell. That is right, sir.

Senator Byrd. But actually you did not reduce the number of employees.

Mr. Cardwell. Essentially that is correct, sir. There may be a few isolated instances where this policy forced reduction but as a general proposition, you are right.

### INCREASE IN NUMBER OF DEPARTMENT EMPLOYEES NEEDED TO ADMINISTER H.R. 1

Senator Talmadge. Will the Senator from Virginia yield at that point. Do I understand the answer to be that if H.R. 1 is passed you will reduce your Federal employees handling this act.

Mr. Cardwell. No, sir; definitely not.

Senator Talmadge. There would be a substantial increase.

Mr. Cardwell. Yes, sir.

* * * * *

Senator Byrd. Well, now, with a $77 billion budget that would mean that your department would have the largest budget of any department of Government, including Defense, would it not?

Secretary Richardson. Yes.

* * * * *

Senator Byrd. Let me ask you this, what is the national debt now?

Secretary Richardson. I have lost track. It is over $300 billion. (Laughter.) (Debt is $409 billion.)

Senator Byrd. As the Administrator of the largest department dollar wise in the Government. I am just interested in your philosophy, interested in your deep concern about the cost of Government. Let me ask you this question what was the fiscal year just ended, what was the Federal funds deficit?

Secretary Richardson. $23.3 billion.

Mr. Veneman. It is between $21 and $23 billion, there are diverse opinions.

Senator Byrd. Is that your guess?

Secretary Richardson. I would say it is plus or minus $23 million but we will get the exact figure.

Senator Byrd. It was $30 billion, and I will insert the figures in the record. What you are speaking of is the unified budget which takes the surplus from the trust funds in order to make the deficit appear less large.

Let me ask you this. What is the projected Federal funds deficit for the current fiscal year?

Secretary Richardson. I don't know, Senator.

Senator Byrd. I will give you that figure. It is $30 billion. So under the administration's own figures, and I think you can say the projection is conservative, there will be a back-to-back Federal funds deficit of $60 billion. That has never occurred since the end of World War II.

Two records have been established. In fiscal 1971 the largest Federal funds deficit occurred. In fiscal 1972 a similar deficit will occur, which will establish two records.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Byrd of Virginia). Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished Senator from Ohio (Mr. Saxbe) may, for the moment, control the time which, under the order, is to be controlled by the distinguished Senator from South Carolina (Mr. Hollings).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## RECOGNITION OF BANGLADESH

Mr. SAXBE. Mr. President, the Senator from South Carolina (Mr. Hollings) and I introduced last week a concurrent resolution for the recognition of Bangladesh. This morning the Senator from South Carolina asked for time, and we were to have a colloquy engaged in by the Senator from Massachusetts (Mr. Kennedy), the Senator from Idaho (Mr. Church), and other Senators, for the purpose of adding cosponsors and also to comment on the reasons for the importance of this concurrent resolution. The Senator from South Carolina has been delayed at a prayer breakfast, but he will be along very soon.

### ADDITIONAL COSPONSORS OF SENATE CONCURRENT RESOLUTION 55

Mr. SAXBE. Mr. President, I should like to read into the Record at this time time and ask unanimous consent to have included as cosponsors of Senate Concurrent Resolution 55 the names of the following Senators: Senators Cranston, Weicker, Pell, Church, Fulbright, Kennedy, Hart, Chiles, Tunney, Hughes, Muskie, Allott, and Stevens.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, today I am joining in cosponsoring Senate Concurrent Resolution 55. This is a sense of the Congress resolution urging the President to extend diplomatic recognition to Bangladesh.

There are three reasons why this amendment is prudent and timely:

First. It demonstrates a pragmatic and realistic approach to foreign policy. Bangladesh is an accomplished fact. It will not go away and there is no reason for us to wish it would go away.

Second. This resolution will be a signal to the world that we harbor no ill will toward the parties to that conflict, and that we are ready to take a positive interest in the problem of that area.

Third. This resolution will demonstrate Congress' continuing determination to play a positive and responsible role in the formulation of foreign policy. It will demonstrate Congress has the will and the capacity for a role that extends beyond reacting to, and ratifying Executive decisions.

For these reasons I hope that the Senate will act promptly and favorably with regard to the resolution.

Mr. SAXBE. Mr. President, the reason for proposing this resolution is certainly not to embarrass the administration, and certainly not to involve ourselves in affairs of foreign relations that would not contribute to the peace of the world. We believe that the establishment of Bangladesh is a great accomplishment, and we are pragmatic enough to believe that there is no turning back for this country.

At the time of introducing the resolution I included a piece by James A. Michener that appeared in the New York Times Magazine section which pointed out the options that were available with respect to Bangladesh.

The first was to continue as a country to be recognized. Second in importance, it seemed to me, and the one that he placed the most emphasis on, was to be a state of India, which I think, however desirable, is just as impracticable as its being a state of Pakistan.

Another option, of course, would be to become a state of Pakistan, which is an impossibility after the bloodshed, after the genocide, and after the unfeeling attitude of the leaders of West Pakistan; and I think that those who hope that this might occur are indulging in the worst kind of wishful thinking.

The recognition that we ask for, we ask for in the light of what has happened in regard to some of the other countries that we failed to recognize at the time when they established themselves as countries. For example, after World War II, we hesitated and then failed to recognize the establishment of what we call Red China, the People's Republic of China. Today we find ourselves in a situation of a complete impasse, where we are trying to bridge this 25 years of neglect of a situation that the rest of the world recognized much sooner than we did.

Bangladesh is a country. It has all the difficulties and problems of a new country, combined with an impossible economic situation, because it has no base. The country's economy is based on jute, and jute is no longer a product in demand. They must reorganize so as to feed themselves. Jute must give way to rice and other grain crops. They need all the help they can get.

I think we have seen a change in our economic policy in this country in regard to foreign aid. We are not going to be able to buy friends, nor should we attempt to. Any aid that we give should be humanitarian, and based on the regard of one person for another. We are not going to buy the friendship of India; we are not going to be able to buy the friendship of Bangladesh, or any of the other disadvantaged countries of the world. But I do think we should recognize that a worldwide consortium of peoples who are concerned about Bangladesh should get together on a humanitarian basis. It is going to take a long while for people and their attitudes to change, but I believe we do not want to put ourselves at the disadvantage of not recognizing a new country at a time when it needs help, but rather waiting, as we have in China, until they do not need help, and then trying to buy their friendship by a belated recognition.

These are some of the reasons. But more important, this concurrent resolution will have to go before the Foreign Affairs and Foreign Relations Committees of both Houses, where lengthy hearings will be held. This is not something that is going to happen this afternoon. We want the process to begin. We want to demonstrate to the world that there are no hard feelings here, that if mistakes have been made, we are not going to buy these things and wipe them out, but nevertheless, we are going to get started on a reasonable approach in regard to the existence of a new and desperate country.

Mr. President, I yield to the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator.

Mr. President, I join in cosponsoring this resolution, for I believe it is long past due that the United States should recognize Bangladesh. I think the Administration's handling of the subcontinent has been one of the great mistakes in our foreign policy in recent times, and I think it is time for our country to turn our policy around—to recognize Bangladesh, a recognition it is entitled to by any of the tests used in international law. Moreover, I feel it is entitled to recognition because the people of Bangladesh have indicated so completely, so wholeheartedly, and almost unanimously their own feeling about the future of their country—that it should be independent.

All one has to do is to look back to the election of December, 1970, where the Awami League Party won 167 out of 169 delegate seats, and Sheikh Mujibur Rahman had sufficient votes to be elected Prime Minister of Pakistan. Those elections were held under marshal law, even at a time when President Yahya Khan was having his agents attend all meetings of the party.

Mr. President, there has rarely been such an overwhelming endorsement for a political party as we have seen in Bangladesh, not only at the national level, but at the local levels as well, in carrying some 285 out of 300 districts. I do not think we have ever seen in any of the western nations the kind of political support that Sheikh Mujib now has. Unfortunately, when he was put in jail and was being tried by the Pakistan military in secret, this great Nation of ours identified with those forces carrying out the policy of repression. How extraordinary it must seem to Americans, particularly the parents of those who have lost some 55,000 young men in Southeast Asia, in a country some 5,500 miles away, East Bengal, when we say we are for self-determination in South Vietnam, and yet, when we saw an exercise of self-determination in Bangladesh, with the 75 million people of that country voting so overwhelmingly for one political party, how ironic it is that the United States identified with those forces which repressed that self-determination at the same time we professed to support self-determination in Southeast Asia.

So I believe, Mr. President, that the people of that country have indicated their desire to follow a political course of action for the future of their nation. I think under any of the interpretations of international law—control of a geographic area, recognition by other countries, language, tradition, culture—the people of Bangladesh fall within the purview of the right to be recognized. I join my colleagues from Ohio in hoping we will have immediate recognition—and I hope that this administration will speak out as to what they think the American people should understand as their role in helping and assisting the United Nation's relief organization now in Bangladesh.

I think we ought to try to indicate to the Bangladesh Government our willingness to include them in the World Bank consortium which now includes Pakistan and India, for the common development of all those countries, and to help in the development of the great riverways which are common to India and Bangladesh, on which their future development depends. I feel that we should also consider the resumption of economic assistance to India, which has been terminated.

Finally, Mr. President, let me add this: Our President is going on a mission which I feel is terribly important for the peoples of this country and of the world when he travels to China to try to achieve at least some kind of reduction of tensions between the Peoples Republic of China and the United States. There are some 800 million Chinese; but we have to realize also that there are some 700 million people who live in India and 73 million who live in Bangladesh, so that, in terms of the total population, that of the latter two countries is equal if not larger to that of all China.

I would hope that in the attention that all of us are giving to the success of the China trip, that we are not going to turn our backs on a matter which I feel has tremendous importance to the future of the subcontinent—namely, the recognition of Bangladesh.

I think that recognition is the least that can be done as a first step. For too long we have been, so to speak, on the wrong side of the issue in that part of the world, and I would certainly hope that we could now move ahead and recognize the importance of granting diplomatic recognition to the people and nation of Bangladesh, and to its leader, Sheikh Mujib.

I thank the Senator from Ohio for yielding to me.

Mr. SAXBE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Ohio has 2 minutes remaining.

Mr. SAXBE. I yield the remainder of the time to the original reserver, the Senator from South Carolina (Mr. HOLLINGS).

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 minutes.

Mr. HOLLINGS. Mr. President, I apologize for being late this morning. I have been at the prayer breakfast, and it was very inspirational.

I appreciate the leadership allowing the distinguished Senator from Ohio (Mr. SAXBE) and the Senator from Massachusetts (Mr. KENNEDY) an opportunity to carry on in my absence and deliver their remarks. The Senator from Idaho (Mr. CHURCH) will be here shortly to do the same.

Mr. President, I rise today to urge the speediest possible recognition of the new nation of Bangladesh. One week ago, I introduced a resolution calling upon the President to accord Bangladesh full diplomatic recognition. I am heartened to report that response to that resolution both within the halls of Congress and without has been very favorable. The American people realize what the administration refuses to see—that the courageous people of Bangladesh have given rise to a new nation. The people of that country have fought for and won their freedom. They have earned their nationhood. Surely the future of Bangladesh is fraught with problems. The road ahead will not be easy. But those brave people have earned the right to try. And they have the right to expect that the world's most powerful nation will not throw roadblocks in their way.

We hear a lot these days about the realism of America's foreign policy. The covers of Time and Newsweek parade stories about Realpolitik and its practitioner in the White House basement. Nevertheless here is a case where the reality is clear. A new nation has been born in the fire and bloodshed of war. It has a leadership which clearly expresses the will of the people. It is 75 million citizens strong. It exists, plain and simple. But the administration continues to act as if it does not exist. And they call the policy—"realism."

Mr. President, I have studied this matter deeply. I have conferred with Government agencies and recognized experts. No one has been able to tell me why we should not recognize Bangladesh and recognize it now.

We have suffered a serious setback in south Asia. There can be no doubt of that. But we can at least try to right the wrong we have done. We can at least deal with the facts as they exist. If we act promptly, I believe we can yet salvage our relationship with the world's largest democracy—India. And we can develop a relationship with the world's newest democracy—Bangladesh. If we act promptly, we can still recognize in south Asia what we have been fighting for in Vietnam for over a decade—the self-determination of people. A year ago, the people of East Pakistan expressed their will, and they did so in a free election. When West Pakistan chose to ignore the results of that election, the United States closed its eyes, too. Now, many millions of lives later, we have the unearned luxury of deciding again. I hope we decide correctly this time.

With all the obstacles it faces physically and economically, Bangladesh needs no political ambush. We want to be viable. We look forward to a government of, by, and for the people of Bangladesh. By granting it American recognition now, we would be doing our best to encourage that outcome. The argument that other Western nations have not yet acted impresses me not at all. Since when do we wait for others to take the initiative? Since when do we play follow-the-leader with other nations? Do we not remember our history when our leaders refused to come in as a cockboat to the policy of the European nations?

I hope it will not be written that, at a time of clear moral choice, the world's most powerful democracy suddenly became the world's most timid; or that on the way to China, we lost our touch with the people of India and Bangladesh.

Mr. President, this is not a partisan political issue. It must not become one. If it does, the politics of partisanship will paralyze us once again. It is not necessary to be either Republican or Democrat to oppose genocide. It is not necessary to be Republican or Democrat to open your eyes and see the world around you as it really exists. Americans, regardless of party, never understood why their Government continued shipping arms to aid in the slaughter. They do not understand the administration denials of that policy—the outright deception. They never understood why, if the test of free elections is good enough for Vietnam, it is not good enough for Bangladesh.

Mr. President, these remarks are brief

because the issue is clear. We need not get bogged down in the nuances of language or in political attacks. We are faced with a clear issue—an issue when right and realism are at one in urging the swiftest possible recognition of Bangladesh. We must take a stand on the simple merits of the case. We must do so now. We are not asked to grant independence to a struggling people. We are only recognizing what a brave people have done for themselves. And they have done it in much the same spirit we did the same thing nearly 200 years ago.

From the very beginning of our involvement in Vietnam, the thrust has been to try to save the cause for which so many have given their lives. I will not join those who want to find our country wrong. I am the first to admit to a mistake, but I do not admit to a wrong motive in Southeast Asia. We began there some 12 years ago: the richest helping the poorest, the western nation for the eastern, and the cause of the most oppressed being taken up by the most free.

Yet, I saw just the same situation in Bangladesh. During the past year I have wondered why we did not move forthrightly, to try at least to stay neutral, or to recognize and take up the cause of Bangladesh.

Mr. President, to determine right from wrong in foreign affairs is not very easy, and perhaps in some instances is not desirable. Lord Palmerston, some years ago, said that a nation has no friends; it has no enemies; it only has interests. When we have the happy coincidence of having our interests as well as the obvious merits on the same side, I think we have even more reason to move promptly and adroitly, without hesitation. We have failed to do that in this case.

Obviously, we cannot guarantee the future of Bangladesh; we do not know what kind of government will finally rule. Nor is it for us to decide what others may desire. Pursuant to this feeling, I have met with representatives of East Pakistan, India, and West Pakistan; I have been briefed by our CIA and our State Department, and I have stopped, looked, and listened. I have done my very best to inform myself of all possible points of view. No one yet has questioned the clear fact that the people of Bangladesh did hold a free election and they have selected the government which they desire. I must conclude that recognition of this government by the United States is in our interest and is consistent with our constant support for free nations. I see nothing to be gained by hesitation.

I am delighted that Senator SAXBE, Senator KENNEDY, and others have joined as sponsors of this resolution calling for recognition. I left Senator PERCY a moment ago, and he wishes to add his name and he will be including his comments in the RECORD. Other Senators also wish to be heard. This is a bipartisan issue and we now have 17 or 18 cosponsors, from both sides of the aisle.

This country should be leading the way, not following reluctantly behind. In all probability, Great Britain and West Germany will recognize Bangladesh this week and then the rest of the free world will follow. I hope we can move forward quickly, so that several weeks or several months hence, the United States will not be brought kicking and screaming into the room of freedom.

Mr. CHURCH. Mr. President, the time has come for the U.S. Government to accept the existence of the newly independent country of Bangladesh and to formally recognize the government of that country. Diplomatic recognition is fully warranted by both the canons of international law and the requirements of international justice. I fully support Senate Concurrent Resolution 55.

With Sheikh Mujibur Rahman installed as Prime Minister in Dacca, there is no longer any doubt as to legitimacy of the new government of Bangladesh. The Pakistan election of December 1970, indisputably established him as the popular leader of the 75-million Bengalis in what was then East Pakistan. His sweeping victory at the polls in Pakistan's first free elections caused the military junta in Islamabad to seize Sheikh Mujib and imprison him in West Pakistan for 9½ months.

However, events have freed him—and his people. His return to Dacca is a vindication of his selection as the chosen leader of his people; his towering stature throughout Bangladesh confirms the claim of the fledging government that it rests upon a popular mandate.

Mujib's well-known belief in nonviolence and the rule of law furnishes Bangladesh with a prescription for the restoration of peace and good order. As Thomas Jefferson said on another occasion: "The will of the Nation" has been "substantially declared."

Commonsense summons the United States to come to terms with the reality of Bangladesh's existence. Her independence, after all, was born of a revolutionary war not unlike our own.

Indeed, the provocation which led to the war and the dismemberment of Pakistan was far greater than any tyranny practiced by George III against the American colonies. The Pakistan Army was turned upon the Bengali people. A million or more may have been killed. In panic, another 10 million fled into India. In November 1971, I journeyed the Jessore Road from Calcutta to the Bengal border at Bongaon; I witnessed the endless procession of these refugees as they sought to escape the reign of terror in their own land. Yet, the White House ignored detailed dispatches by its own diplomats as well as journalists who reported these facts. Seemingly, the President could not rise above his pro-Pakistan bias.

But neither peevishness nor personal preference have any proper place in the formulation of our foreign policy. Facts do. Bangladesh, with 70 to 75 million citizens, is the eighth largest country in the world. Twenty nations now recognize Bangladesh; five others have announced the same decision in principle. Canada, the United Kingdom, and other Commonwealth countries plus an assortment of Western European countries are expected to come out for full recognition very shortly.

We have had, over the years, an unfortunate habit of refusing to recognize established governments. After 1917, the United States tried to ignore the existence of the Soviet Government in Moscow; after World War II, we attempted to ignore the existence of the Peking government, following the victory of Mao Tse-tung over Chiang Kai-shek. President Roosevelt rectified our position in respect to the Soviet Union; President Nixon is now undertaking to normalize our relations with Peoples' Republic of China. It will be ironic indeed, if we now hold out against recognizing the government of Bangladesh, which is a democratic, not a Communist, regime.

Here practicality coincides with principle. The Pakistani generals were unable to destroy Bengal's will to be free. Our Government has an opportunity now to uphold the right of self-determination, in the name of which we have fought a protracted war in neighboring Vietnam.

The Bangladesh Government, moreover, meets the three requirements of statehood: a defined territory, a government in administrative control, and consent of the people governed. Dacca has also indicated its willingness to carry out its obligations under international law and applicable international agreements.

Apprehensions do exist in regard to the present occupation of Bangladesh territory by the Indian Army and the role it played in the defeat of Pakistan.

In the long history of revolutionary war, however, India's intervention is by no means unique. Many examples abound, the most poignant being our own for independence. France actively supported the cause of the colonies against Great Britain—protecting our ships in their ports, buying and selling our manufactured goods, and shipping to General Washington needed articles like blankets, warm clothing, tents, and medicines. Extraordinary friends such as Beaumarchais directed a steady stream of supplies from French ports to the seccessionists. Then, in 1778, the rebels signed treaties of alliance and commerce with France, which, in turn, recognized the new American government and nation. Finally, France entered the war against England. Spain joined the struggle in 1779; Holland entered the conflict in 1780.

Most important for us here is to remember that French naval assistance made possible the final defeat of the British at Yorktown. When General Cornwallis surrendered in that historic autumn of 1871, there were more Frenchmen in the area than continentals, local militia, British, Loyalists, and Hessian mercenaries combined. And remember, those foreign military officers—Lafayette, Rochambeau, deKalb, von Steuben, Kosciuszko—whose support of our cause is commemorated in bronze statuary dominating prominent squares in this very city.

France's military presence in the colonies did not end with Cornwallis' capitulation. Only in January, 1783, did Rochambeau finally depart for Paris, while the last contingents of the French army embarked from America's shores in May 1783.

The situation is analogous in South

Asia. Close relations between the Indian and Bangladesh Governments were dramatized by Sheikh Mujib's New Delhi stopover enroute from London to Dacca, at the personal invitation of Prime Minister Indira Gandhi. Both governments have agreed to a definition of the Indian Army's role; both have stated that Indian armed forces are stationed in Bangladesh at the request of the Dacca Government and will be withdrawn whenever asked, which if press accounts are accurate, will likely occur this spring. When Sheikh Mujib reached Dacca airport, he made a special effort to shake the hands of the Indian generals who led the liberation forces. It is just possible that, in due time, Generals Manekshaw, Aurora, and others of the Indian Army may be remembered in statuary form in the parks and streets of Dacca.

As for the problem posed by secession, Bangladesh undeniably came into existence in this way. Misgivings on this score were reflected in the votes cast in the United Nations during the India-Pakistan-Bangladesh war. However, distinctions must be made in respect to each instance of secession; each should be judged on its merits.

In the case of Bangladesh, a majority of the whole country of Pakistan voted for the Awami League as the majority party and Sheikh Mujibur Rahman as the prime minister-to-be. Subsequently, the cruel repression of the Pakistan army converted the original six-point program for autonomy into a single movement for complete independence. Can one validly object when the majority opts to split from a minority which refuses to recognize the results of a legitimate election?

Singapore broke from the Malaysia federation in 1967 when it became apparent that relations between the Malay and the Chinese populations could not be kept amicable, and that the resources of the country could not be divided in any fair manner. As a result of that split, the people of the Malay peninsula presently enjoy more peace and prosperity than when the country was larger. A case, too, can be made that Algeria's secession from France was the best solution to that political union.

The Nigerian and Congo experiences, on the other hand, were very different. The Biafran people were strongly motivated to be independent of Nigeria, but they were physically contiguous to the rest of the nation and comprised only 20 percent of the population. The will of the majority won out.

Katanga's move against the central Congo Government was another effort by a minority, in this case led by Europeans, who were trying to maintain control of the region's copper resources. The Free Katanga movement was supported by a mercenary army. The Congo Government's position was sound and, I submit, the U.N. intervention at the request of the Congolese was justified.

In summation, the case in favor of U.S. recognition of Bangladesh is compelling. So is the recognition, I might add, of our own blunders. We should never have "tilted" toward Pakistan during the recent war. It is time to make amends; to change course; to extend the hand of recognition to this new democratic government in Asia.

I hope that the Senate Foreign Relations Committee will soon hold hearings on Senate Concurrent Resolution 55.

I ask unanimous consent that related articles and statements be inserted at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

### NATIONS RECOGNIZING BANGLADESH

Australia.
Austria.
Barbados.
Bhutan.
Bulgaria.
Burma.
Cambodia.
Cyprus.
Czechoslovakia.
East Germany.
Fiji.
Hungary.
Iceland.
India.
Mongolia.
Nepal.
New Zealand.
Poland.
U.S.S.R.
Yugoslavia.

### NATIONS RECOGNIZING BANGLADESH IN PRINCIPLE

Denmark.
Finland.
Indonesia.
Norway.
Sweden.

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[From the New York Times, Feb. 1, 1972]

### U.N. AND WORLD BANK DEFY PAKISTAN VIEW

New Delhi, January 31.—The United Nations and the World Bank apparently are treating East Pakistan as a separate entity in defiance of the attitudes of United States and Pakistan.

This became clear today as the World Bank's President, Robert S. McNamara, ended a nine-day visit to the subcontinent. After a trip to Dacca earlier in the day, Mr. McNamara left New Delhi for Washington.

At a news conference before his departure, a spokesman for Mr. McNamara said the visit to Dacca was at the behest of the United Nations Secretary General, Kurt Waldheim, who had asked for an assessment of the "emergency needs" of East Pakistan, which has been proclaimed the nation of Bengladesh by Bengali seccessionists.

The spokesman, William Clark, the bank's Director of Information and Public Affairs, said the decision to visit Dacca was made in New Delhi and there was "no need to consult with Rawalpindi or to get the concurrence" of the Pakistani Government. Pakistan, which still claims East Pakistan, has been reacting sharply to recognition of Bangladesh by other countries.

The World Bank is a United Nation-affiliated agency that lends money for economic development.

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[From the Washington Evening Star, Jan. 29, 1972]

### RECOGNIZING BANGLADESH

Until now there have been a number of reasons for the refusal of the American government to recognize the newly-proclaimed state of Bangladesh in what used to be known as East Pakistan.

There was, to begin with, stern American diapproval of India's invasion of East Pakistan in support of the Bengali rebels. To some extent at least the conquest of East Pakistan by Indian forces impaired the legitimacy of the new government headed by Sheik Mujibur Rahman. As long as that government depended on the continuing presence of the Indian army in Bangladesh, a good case could be made for withholding recognition.

Another consideration was the reaction of West Pakistan. The government in Islamabad responded by severing relations with the first two European states to recognize Bangladesh, East Germany and Bulgaria. The United States has not wished to provoke a break with Pakistan. It would have preferred to see some ties re-established between Bangladesh and the new Pakistani government headed by Zulfikar Ali Bhutto.

Finally, there has been the problem of Chinese reaction. Peking, like Washington, supported Pakistan in the recent conflict and has withdrawn its consular mission from Dacca, the capital of the new nation. In recent weeks, the Nixon administration has shown an extreme sensitivity to taking any action that might offend the leaders in Peking whom the President will be visiting soon.

These various objections to recognition, however, are losing their original force. Mujibur has rapidly consolidated his position and is unquestionably supported by an overwhelming majority of the population. Indian troops are expected to withdraw rapidly in the coming weeks. In the wake of Soviet recognition of Bangladesh, Bhutto has not severed relations with Moscow, and many Western countries are preparing to recognize the new nation shortly.

It seems unlikely, to say the least, that the administration would compromise its chances with Peking by following suit. American recognition, on the contrary, would do much to repair our badly eroded relations with India and permit the United States to play a major role in the enormous task of reconstructing a country ravaged by war and natural disaster. Recognition of Bangladesh is a constructive step that should not be postponed.

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[From the New York Times, Jan. 28, 1972]

### SOUTH ASIAN REALITY

Secretary of State Rogers has given welcome notice that the Administration will try to straighten out the mess it has made of policy toward the nations of the Indian subcontinent. A first step toward the "realistic relations" Mr. Rogers defines as the United States goal ought to be early recognition of the new state of Bangladesh.

It is beyond dispute that Sheik Mujibur Rahman has established a going government in Dacca. The surrender of guerrilla arms throughout the country, the rapid return of millions of refugees from India and the gradual withdrawal of Indian troops all testify to the popularity and effectiveness of the new Bengali regime.

It is also clear that there is no hope of any lingering Bengali political ties with Pakistan, however desirable some form of continuing association might have been. The Bengali insistence on full independence is amply explained and justified by continuing reports from Bangladesh of unspeakable atrocities committed by Pakistani troops in opposing the nine-month liberation struggle.

Soviet recognition of Bangledesh early this week undoubtedly will spur similar action by other nations. This is especially true since Pakistan's new Prime Minister, Zulfikar Ali Bhutto, has prudently refrained from breaking relations with Moscow as he had done with some smaller nations that preceded it in recognizing the Dacca regime.

Prompt United States recognition of the new south Asian reality will not hurt Washington's relations with the pragmatic Mr. Bhutto. Such action could help restore confidence in the United States among millions of Indians and Bengalis who have been bitterly disappointed by this country's failure to support principles of democracy and decency on the subcontinent.

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[From the Christian Science Monitor, Jan. 26, 1972]

### BANGLADESH GAINING STATURE: UNITED STATES FACES DACCA RECOGNITION POSER

(By Henry S. Hayward)

DACCA.—As other countries join the parade of recognitions for Bangladesh, the United States official position here becomes more exposed and awkward.

To the Nixon administration and to Americans half a world away maintaining a diplomatic presence here may seem of minor importance amid the pressing affairs of the world.

The pertinent fact, moreover, is that some of the items Bangladesh needs most—heavy equipment, an industrial base, massive infusions of aid—are of a magnitude it can only hope to obtain with continuing American participation here.

Before this new nation was proclaimed in the wake of the Pakistan surrender to Indian forces, 15 powers maintained consulates in Dacca.

With the exception of the United States and Communist China, most of the other 13 either have already established formal relations with Bangladesh, or have indicated they have the question under consideration. Now that the Soviet Union has broken the big-power logjam, not only will others follow Moscow's lead but the basic situation has changed. Nonrecognition is rapidly becoming untenable for those who would continue to maintain any presence here.

And now that the Chinese have left, there will be those who will see no reason why the Americans should not follow suit.

Some 40 members of the Chinese consulate left Dacca Jan. 24 in two special Burmese planes. This is in line with the Peking policy of removing its diplomats quickly from areas it does not recognize.

The prompt Chinese departure leaves the American position here that much more tenuous. When all the other nations maintaining consulates here have taken steps to recognize Sheikh Mujibur Rahman's government, it is hard to conceive that the Bangladesh leader will not sooner or later have to remind the American mission here that it has no legal status whatever.

The official Bangladesh attitude toward the United States, meanwhile, has just been reiterated here by Foreign Minister Abdus Samad Azzad. The salient point is that the government wants full diplomatic relationships with Washington "as an independent sovereign nation."

Americans here know Sheikh Mujibur has been conciliatory and moderate in his public statements since his return to Dacca—and has indicated his desire to see friendly relations with the United States established.

At any rate, there has been no repetition of an earlier statement attributed to a high official but never verified that the official would not favor accepting American aid even if it were forthcoming.

Indeed the sheikh indicated he would take aid for Bangladesh wherever possible, provided no strings were attached. He also warmly thanked the American people for their support.

While they are grateful to India, the Soviet Union, and other powers for moving quickly to express their support of Bangladesh in tangible ways, some Bengalis make no secret of their hope that American interest and influence in this area soon will be resumed—if only as a counterbalance to control by other power centers.

"Bengalis want to keep their options open to the West," says a Western diplomat. "That means American involvement is wanted in this area. They don't want long-term control established only by Delhi and Moscow because America holds back."

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[From the New York Times, Jan. 28, 1972]

### UNITED STATES HINTS BETTER TIES WITH INDIA

(By Benjamin Welles)

WASHINGTON, January 27.—Secretary of State William P. Rogers hinted today at an imminent easing of tension between Washington and New Delhi that arose from the recent Indian-Pakistani war.

Addressing a national policy conference for editors and broadcasters at the State Department, Mr. Rogers noted that he had "read a good deal of criticism about the U.S. position."

"We are going to try to have realistic relations with the countries in the area," he said, "We're trying to remedy things."

Mr. Rogers pointed out that Kenneth B. Keating, the United States Ambassador to India, and Joseph S. Farland, United States Ambassador to Pakistan, were here for consultations combined with home leave.

Meanwhile, Lakshmi K. Jha, Indian Ambassador to the United States, told an audience at the National Press Club that India was ready for a resumption of friendly relations with the United States. Asked how "communications" between the two governments could be improved Mr. Jha, who was the club's guest of honor, replied with a smile: "The way to improve communications is to start talking."

#### DIFFICULTIES DISCOUNTED

Mr. Jha discounted suggestions that restoration of close relations might prove difficult because President Nixon was partial toward Pakistan in the recent conflict.

"Mr. Nixon is President of the United States," Mr. Jha observed. "India wants good relations with President Nixon—and with any President of the United States."

Concurrently, United States officials, who asked not to be identified, confirmed that a major policy review of American relations with the subcontinent was under way. President Nixon, they said, ordered the National Security Council to start coordinating it "several" weeks ago and call on the State and Defense Departments, the Central Intelligence Agency and other departments for policy suggestions.

One official noted that the Administration was conducting a review of global policies in preparation for the President's annual State of the World message to Congress.

"No decisions have been finalized yet regarding the subcontinent," he said. "That's up to the President. But obviously we're looking at a whole range of options, including our future relations with Bangladesh, the future of our suspended aid to India, and so forth."

Another well-placed official said that there was no likelihood of early United States recognition of Bangladesh. The question of United States recognition was on the Administration's "back burner," he said.

Mr. Jha rebutted—politely but firmly—"myths" about Indian policy that, he said, had been propagated by Administration and other United States sources.

First, he said, there is no inherent hostility between India and Pakistan stemming from religious differences. India, he said, has the "third largest Moslem population in the world" and maintains friendly relations with many Islamic states.

#### PAKISTANI TROOPS BLAMED

Mr. Jha denied charges that India had sent troops into East Pakistan in order to "dismember" Pakistan. "It was not Indian troops that dismembered Pakistan," he said, "but Pakistan troops themselves through their policy of bloodshed and repression in the east."

The Indian envoy also denied published charges—widely believed to have been inspired by White House officials—that India had intended to occupy or otherwise "destroy" West Pakistan.

"Just as we didn't go east in 1965 when we could have," Mr. Jha said, referring to the Indian-Pakistani war that year, "we didn't go west in 1971."

Responding to questions, Mr. Jha made the following points:

India has received no request for and has no intention of furnishing military bases to the Soviet Union or to any other nation. "We're rejecting any form of alliance," he said.

Indian troops are remaining in Bangladesh at the request of Sheik Mujibur Rahman, the Prime Minister, and will be fully withdrawn when he so requests.

India regards Bangladesh as fully sovereign. India has advanced Bangladesh approximately $33 million in economic aid but expects the rest of the world—including the United States—to help the new country get on its feet economically.

The dispatch of the aircraft carrier U.S.S. Enterprise and a United States naval task force to the Bay of Bengal at the height of the crisis was a "profound shock" to Indian opinion and had been widely interpreted as United States "pressure" on India.

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### MUJIB WARNS UNITED STATES

(By Sydney H. Schanberg)

DACCA, PAKISTAN, January 27.—Sheik Mujibur Rahman, Prime Minister of Bangladesh, said today that he would close down the American diplomatic mission in Dacca if all other major Western nations recognized his country and the United States did not.

The United States supported Pakistan througout the Indian-Pakistani war last month, which ended in Indian victory and the proclamation by Bengali-separatists in East Pakistan of the independent country of Bangladesh. The United States had also supported Pakistan throughout the previous nine-month period, during which the Pakistani Government imposed a repressive military occupation on East Pakistan, killing at least several hundred thousand Bengalis, in an attempt to crush the autonomy movement.

As late as last week Ronald L. Ziegler, the Presidential press secretary, said that recognition of Bangladesh "is not under active consideration at this time."

Sixteen nations, including the Soviet Union, have so far recognized Bangladesh. Most are from the Indian subcontinent or the Soviet bloc, but three smaller Western nations—Denmark, Sweden and Norway—have also extended recognition, and France, Britain and other important members of the Western bloc are expected to do so soon.

Sheik Mujib, asked in an interview today what he would do about the American diplomatic mission here if the Nixon Administration still withheld recognition after other Western powers had granted it, said: "How could I allow them to keep an agency here? Why should they be represented in my country and not in theirs?"

Today was a holiday here—the Moslem holiday of Id Al Adha—and the sheik was interviewed on the patio of his official residence as he greeted a steady stream of Bengalis, including the very poor, who had come to pay respects to Bangapita," the father of Bengal.

His voice grew angrier as he continued to talk about American policy.

#### BIDS UNITED STATES "RECOGNIZE REALITY"

"Tell your government to recognize the reality of my nation," he said. "Why should they have a mission here? To create confusion how can I help a government who has helped the Pakistanis kill my people, who has given them arms and everything?"

The United States diplomatic mission, formerly a consulate general accredited to the Government of Pakistan, is now in a kind of legal limbo, as are the consulates of other countries that have not yet recognized Bangladesh, such as Japan, West Germany, Indonesia and Iran.

The United States Consul General, Herbert D. Spivack, recently brought his wife to Dacca—apparently a sign of his confidence in the stability here and also of his hope that the mission would be able to continue operations.

Sheik Mujib, ever since his return to Dacca on Jan. 10, after more than nine months' imprisonment in West Pakistan, has praised the American public, press and Congress for their support while criticizing the Nixon Administration.

### Canadian Step Expected

Ottawa, January 27 (UPI).—External Affairs Minister Mitchell Sharp said today that he expected Canada and a number of West European, Scandinavian and Commonwealth countries to announce recognition to Bangladesh soon.

### Cyprus Gives Recognition

Nicosia, Cyprus, January 27.—(Reuters).—The government recognized Bangladesh today.

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[From the Washington Post, Feb. 1, 1972]

## Bengali Guerrillas Turn in Weapons

(By Lee Lescaze)

Dacca, January 31.—The time of the guerrilla officially ended in Bangladesh today as thousands of armed youths jammed into Dacca stadium and turned their weapons over to the government.

Throughout the day, guerrillas arrived by trains, trucks and buses for a ceremony at the stadium marking the end of the two-week period Prime Minister Sheikh Mujibur Rahman had set for Bangladesh's disparate guerrilla groups to surrender their weapons.

Disarming his countrymen became the sheikh's top priority because guns were everywhere in Bangladesh after its liberation from Pakistani military control Dec. 16. Some weapons had been taken from the Pakistani army, some ancient rifles and pistols were acquired individually and thousands of guns had been supplied by India during the nine months of civil war that preceded the Indian invasion here.

No one knows what percentage of these weapons is being held back in defiance of the government. Members of splinter guerrilla groups speak darkly of other bands they mistrust which they claim are hiding guns for future use. They reason that they must keep some weapons too for self-defense.

A captain in the Bangladesh regular army (formerly the East Bengal Regiment of the Pakistani army) conceded that many weapons are not being turned in. "My job will be much harder from today on," he said. His job will be to follow through on the government's order that anyone with a gun after today will no longer be able to claim a valiant record as a guerrilla as his reason, whether he had such a record or not.

Instead, as the sheikh has publicly explained, he will be considered an "undesirable element," a phrase which covers those who collaborated with Pakistan, the small groups of Maoist guerrillas and ordinary hoodlums.

Government officials in Dacca and other towns report impressive totals of weapons have been collected and most say they are satisfied that the number of arms still to be rounded up by police and soldiers is not too large. At the stadium today, it was impossible to count the number of weapons, but 20,000 is a conservative guess.

The guerrillas couldn't resist their last opportunity to fire their guns, so as thousands watched from the concrete tiers of the stadium the cheerful throngs of young men that almost filled the soccer field fired round after round into the air. Yesterday, a guerrilla walked into the police station of Jamalpur, about 95 miles from Dacca, with a sten-gun. Had he come to surrender his sten? he was asked. "No, I'm keeping it for the trip to Dacca," he replied.

Many others had clearly kept their weapons as a ticket to Dacca for one last celebration of the guerrilla movement, in which every young Bengali now claims he played a role.

Today's ceremony was for the "Mujib Bahini" (Mujib's army) which, as its name indicates, is theoretically more personally loyal than other guerrilla units to the leadership of Shiekh Mujib. Its detractors among other guerrilla groups charge that the Mujib Bahini did no fighting but was formed in India to impose order on the country in the days immediately following liberation.

The distinction between contending guerrilla groups tend to blur, however, and it is easy to meet young men who have belonged to several armies at different times.

Members of all guerrilla factions are being urged to resume their education. Those who were not students, however, have been promised preferential consideration for places in the army, police and civilian government posts. "Other things being equal, we will take a freedom fighter over someone who did not fight," a government official said.

The policy strikes observers as wise since so many youths feel they deserve some reward for their service as guerrillas. However, it has added incentive for many to invent war records. "Our main problem will be with self-styled guerrillas," one government official said. And there are a good number of them.

In receiving arms from the guerrillas, Mujib promised that he would reissue guns if a new threat to the Bangladesh arose. But the sheikh is also aware that Bangladesh has no need of a large standing army and cannot afford to spend large sums on defense.

Bangladesh is almost entirely bordered by India, which is its greatest friend at present and too powerful to fight should it turn hostile in the future.

The prime minister has also used arms surrender ceremonies, of which today's was the last, to stress that all Bangladesh citizens are needed to help in the reconstruction of the countryside. Refugees who fled to India are returning to find their homes and sometimes entire villages demolished.

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[From the Christian Science Monitor, Jan. 27, 1972]

## Seeds of Hope Amid Anguish of Bangladesh

(By Henry S. Hayward)

Dacca.—Knowledgeable observers of Bangladesh challenge one widely quoted Washington description of the new nation as "an international basket case." Poor though the country is, says a veteran foreign resident, "Bangladesh has possibilities" in the form of certain available resources.

"It has very fertile land," he added, "and its products can be improved. For a starter it can sell fresh vegetables and jute to other nations."

Experts here say this former province of East Pakistan has 800,000 bales of jute currently on hand that can be sold to India or Britain. Both Indian and Scottish jute merchants have already have visited Bangladesh to see for themselves what is available.

Difficulties are certain to be encountered in getting some of this jute to ports, considering the state of Bangladesh's roads, railways, bridges, and waterways. But that an eager market awaits the jute crop seems certain.

Sales of jute are expected to provide Sheikh Mujibur Rahman's government with badly needed foreign exchange.

### CURRENCY CREDITS GRANTED

As underpinning for the country's currency the government, meanwhile, has received 25 crores of credit (approximately $33 million) from India plus £5 million sterling.

At present former Pakistan money still is the only currency circulating here, revalued to the same rate as the Indian rupee, which also is usually acceptable. But no monetary bullion reserves were left in East Pakistan when the Pakistan military surrender took place last December.

The needs of Bangladesh nonetheless are formidable.

In addition to the obvious capital sums and heavy equipment needed for repairing transportation, communications, industry, and housing, there are the smaller, simpler necessities such as corrugated iron or heavy plastic sheets, to put on the roofs of countless new huts now topped only by woven bamboo.

The bamboo is cheap, and Bangladesh craftsmen know how to use it, but it won't keep out the water when the monsoon rains start in the months to come.

### MANY SUPPLIES NEEDED

On the national shopping list also are quantities of electric motors, pumps, fertilizers, pesticides, bicycles, trucks, buses.

Some of these items, experts claim, can come as a by-product of the Indian economy, which produces them in massive quantities for its own needs—and probably can spare some.

"Sure, the economic picture here is going to be ghastly in months to come," a Western official said. "People will be hungry, unemployed, homeless. But still the situation will not be hopeless. The Bengalis are used to getting along on a shoestring."

Pointing out that preliminary surveys show as many as 40 percent of the country's dwellings have been destroyed, he added that people here nevertheless seem able to reconstruct homes and shops out of nothing.

"They are resilient. They grow rice and do what comes naturally and somehow most of them manage to survive," he added.

### FARMERS SOMEWHAT BETTER OFF

Indications are that farmers in the rural areas may be better off than city folk.

"You can't grow rice on sidewalks," it is pointed out. But even in places like Dacca City, city dwellers have pulled the useless water hyacinths out of local ponds and planted rice there instead.

Meanwhile Soviet and East European delegations are making the most of their head start in recognizing the new regime.

"The place is swarming with Russians," grumbled an American construction man as he sought to pay his hotel bill.

This week two Soviet planes brought in modest loads of supplies which received warm acclamation from Bangladesh officials. "Moscow brings in two plane loads and they get a big response," complained a European aid official. "Actually 60 percent of the aid Bangladesh is receiving right now is still coming from U.S. sources and stockpiles of American goods.

But the United States gets no credit because of Washington's attitude."

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[From the Washington Post, Jan. 15, 1972]

## Bangladesh To Be Nonalined

(By Lewis M. Simons)

Dacca, January 14.—Sheikh Mujibur Rahman, prime minister of Bangladesh, said today the new nation will remain nonaligned in world politics and said it would accept direct assistance from the United States if it were offered.

"I will accept anything anyone gives me to save my people," Mujibur said in reply to a question at his first news conference since returning last Monday from nine months captivity in West Pakistan. But, he cautioned, not with any strings attached."

Mujibur did not elaborate on what he considered "strings." However, his assertion that he would accept direct government-to-government U.S. aid was a clear departure from policies stated by members of the interim government which stepped down Wednesday. Until today, government officials have repeatedly stated that the only way U.S. assistance would be accepted here would be through the channels of the United Nations and international voluntary agencies.

Mujibur went to great pains to demonstrate his hopes to make Bangladesh nonaligned. Several times he said he wanted to make the new country "the Switzerland of the East." He also repeated that "both he and his government believed in a foreign policy of friendship to all and malice toward no one."

Illustrating this policy, Mujibur extended an invitation to the Peking government to recognize Bangladesh, as well as offering special thanks to India and the Soviet Union for their support of the independence struggle. "I would also like to express gratitude to Poland, Bulgaria and other Eastern European countries, France and the United Kingdom". Mujibur said in a statement he read at the start of the one-hour news conference. "I would also like to thank the freedom-loving people, journalists and leaders of thought and opinion throughout the world, including those of the United States of America, who supported our cause."

The reference to the United States did not appear in the text of the prepared statement.

It was evident that the primary basis for Mujibur's saying he would accept U.S. aid is that Bangladesh is a shambles economically, as well as physically.

"The economy is in a shattered state," he said. "The most urgent task is that of reconstructing and restructuring the economy. The economy must be restored."

At the same time, Mujibur appeared to be indicating to the world and to the members of his new government that he intended to keep Bangladesh free of inordinate dependence upon India as well as the Soviet Union and the Communist bloc.

Within the 12-man cabinet at least two ministers stand considerably to the left of the rest—interim Prime Minister Tajuddin Ahmed, who now holds the finance, revenue, and planning portfolios and foreign minister Abdus Samad.

According to reliable sources, Mujibur will soon take the finance assignment from Tajuddin and give it to the current head of the Bangladesh mission in Washington, M. R. Siddiqui. Mujibur confirmed today that he was planning to expand the cabinet.

Siddiqui, an urbane businessman from Chittagong, has impressed observers in Washington and Dacca as a levelheaded, reasonable administrator.

The entire cabinet was present at the crowded news conference, held on an open porch of the President's House, which was the official residence in then-East Pakistan of former dictators Ayub Khan and Yayha Khan.

Mujibur said that under conditions now extant in Bangladesh—the grinding poverty of its 75 million people, the country's limited natural resources, "and the basic economic realities with which we are confronted"—the only form of economy possible would be socialist. However, he refused to be drawn out on just how socialist it would be; whether for instance, he would nationalize foreign industries, other than except for those owned by Pakistanis.

"Comprehensive blueprint" for a new economy was now being drawn up, Mujibur said. The plan would seek to maximize production while narrowing social and economic inequalities, he added.

While the "blueprint" was being formed, he said, relief and rehabilitation of the 30 million refugees inside Bangladesh and in India was being treated on an emergency basis.

"Mobilization of resources from home and abroad must immediately be undertaken," he said. We urgently need assistance from abroad to supplement our own resources for this purpose. "I appeal to all states, to the freedom-loving people of the world and to international humanitarian organizations generously to come to our assistance in all spheres including assistance in maintaining supply of commodities, which are urgently required," he said.

Seeking to demonstrate that his government was coming to grips with handling the national security of the new nation, Mujibur said he was taking "immediate steps" to get the judicial system operating. While assuring the populace that persons who committed atrocities and collaborated with the Pakistan forces would not go unpunished, he stressed that this would be done through due process of law.

Discussing the future of the nation's 1.5 million non-Bengalis, Mujibur said, "If they become Bengalis like the rest of us, they will have no trouble."

He said he would welcome an exchange arranged by an international agency of the non-Bengalis in Bangladesh for the four million Bengalis now in Pakistan."

Some observers believe that once the Indian Army, which is now protecting the minorities, leaves Bangladesh, the Bengalis will massacre them. Mujibur is caught between the options of satisfying the blood-lust of his ravaged people and maintaining semibalance of law and order, particularly as a means of proving his government's stability to the world.

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### Burma Announces Ties With Bangladesh

BANGKOK, January 14.—Burma has recognized Bangladesh, according to an official announcement received in Bangkok from Rangoon.

Diplomatic sources said recognition was a momentous decision for Burma—which studiously avoids entanglements in foreign affairs—but had been granted for practical reasons.

Burma has a 200-mile western frontier with Bangladesh and faces two serious problems on its western border which could only be solved with the goodwill and cooperation of whoever was in power there, the sources said.

The problems are a rebellion by Moslems of Bengali extraction who are demanding autonomy for two Moslem-populated townships and wholesale smuggling of rice from these towns to what used to be East Pakistan.

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[From the Washington Post, Jan. 13, 1972]

### Bangladesh

The tumultuous homecoming accorded Sheikh Mujibur Rahman in Bangladesh leaves no doubt that he has a powerful grip on the hearts of his countrymen. Having achieved its prime goal of creating a nation, his Awami League doubtless will start cracking along ideological lines. And the guerrillas who did the fighting are bound to jostle the politicians like Sheikh Mujib who sat out the war in exile or jail. But the Sheikh, now Prime Minister, has formidable resources. He is not only the duly elected leader but the single figure of towering popular stature. His declaration that "all links with Pakistan are snapped for good," made upon arrival in Dacca, could have been made by no other Bengali politician. He enjoys the confidence of India, the foreign country whose policy is most crucial to Bangladesh. Indeed, his presence will surely hasten the hour when Indian occupying forces will withdraw. Their withdrawal, in turn, will elicit diplomatic recognition of Bangladesh sooner or later from the many governments, including our own, reluctant to consider it while Bangladesh remains occupied by foreign troops.

Already the conventional wisdom, outside the White House as well as inside, holds that Bangladesh is fated to be an international "basket case." The judgment may be premature. The considerable damage to the country's transport and communications is hardly beyond the competence of India's good army engineer corps to repair. The reuniting of Bangladesh with its natural economic partner, Indian West Bengal, should ease the economic break with Pakistan. Emergency requirements are high but the war did not destroy the land; self-sufficiency in food grains is on the horizon. To put together an effective administrative corps—many of its former members were West Pakistanis who fled or Hindu refugees who may linger in India—will be difficult. Bangladesh is terribly poor and overpeopled; it was before the crisis. But we all might do well to recall how Nigeria, after its civil war, defied similar widespread expectations of disaster. Nations, like individuals, can draw on their adrenalin and perform prodigous tasks.

Wisely, the Nixon administration continued humanitarian aid to Pakistani refugees during the crisis. American aid was directed at India, not Bangladesh. It was largely due to American pressure that the United Nations relief presence in Dacca stayed put. The various nations concerned with development in the subcontinent—in the whole subcontinent, we might add, including both Pakistan and India—can now resume work. The World Bank is quietly helping put together a framework that will enable an aid-Bangladesh consortium to be formed once its likely members, the United States among them, get around to recognizing the new state. The Soviet Union has taken some trade/aid steps already. We would like to believe that when Henry Kissinger said (in one of the Anderson papers) that Bangladesh would not be *"our* basket case," he meant there would be an international approach to its relief, rehabilitation and development.

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[From the New York Times, Jan. 30, 1972]

### Homecoming in Bangladesh—Some Hindus Say: "If You Have Been Bitten by a Snake You Are Scared of a Rope"

(By Khushwant Singh)

"Where are you going, Abba?" asked 5-year-old Akbur of his father.

"I am going to the mosque to pray."

"Pray to whom, Abba?"

"To Allah, of course!"

"Allah! Haven't the Pakistani soldiers killed Him?"

That opening of the story "The Longest Night," by the East Bengali writer Abou Ahmed, sums up the feelings of the people of Bangladesh. "There is not one family in the country which has not lost some relative, or had its home burned or looted or its womenfolk insulted," said Abdus Salam, editor of The Bangladesh (formerly Pakistan) Morning News. "They will pay a heavy price for it," he added bitterly.

The ricksha puller who took me through the maze of Dacca's bazaars pointed out places where razakars (a paramilitary force raised by the Pakistani Government) had gunned down people suspected of being supporters of Sheik Mujibur Rahman. "We have caught many of these swines. We will teach them a lesson," he said. A cabby who drove me to a distant suburb, where in a derelict brick kiln three rotting corpses lay sprawled in the mud, said, "Here the *Al Badr* (right-wing Moslem fanatics) killed a hundred teachers, doctors and newspapermen. Relatives have taken away other bodies; these three are beyond recognition. The *Al Badr* will be destroyed like vermin."

At a store reputed for its collection of silk saris, the owner apologized for the poor selection. "Pakistani Army officers took the best. Many ran an account with me, but my bills were seldom paid," Back at the Hotel International, the boy who came to do my room talked excitedly of the crimes perpetrated by the Biharis (by which he meant all non-Bengalis). "Now it is our turn to take badla (revenge). These Biharis will be exposed like frogs in a dry season."

Two words I heard more than any others in Bangladesh were the English "genocide" and the Hindustani "*badla.*" No one is sure how many perished in the genocide. But they have no doubt who will answer for the crimes: "You Indians look after the Pakistani soldiers. We'll take care of the others. We know who they are."

At the time everyone was agitated about the Pakistani plan to eliminate Bengali intellectuals. The slaughter of 125 men in the brick kiln I had visited was said to have been the first of these planned executions. The rest were frustrated by the capture of Dacca by Indian Army.

A lingering tragedy grows out of the mass rapes that took place. Accurate figures are hard to come by. Bengladesh officials put the figure as high as 200,000; most social workers give 50,000 as "a conservative estimate," though the Roman Catholic relief agency Caritas puts it as low as 4,000. When Indian forces entered Dacca, they found 564 girls in the military cantonment. Their hair was cropped and, instead of saris, they wore shorts. They explained that after some girls had used their braids to strangle themselves, they had been shorn and deprived of garments with which they could commit suicide.

Particularly among Moslems, deep shame attaches to a woman who has been ravished. Sheik Mujibur and other Bangladesh leaders have appealed to the people to accept innocent victims back into their homes, but women who have become pregnant or diseased have slight hope of being accepted. The unmarried have as little chance of finding husbands as those who have been widowed. "That this should have been done by Moslems to Moslem women shows what little there is left of the great teachings of Islam in Pakistan," said Matia Chowdhry, a well-known woman leader of the community. "Our women come from an orthodox society. Their dishonor is worse than death."

Jasimuddin is the best-known intellectual of Bangladesh. His poems have been translated into several European languages. The road on which he lives is named after him. The poet is 70. His wife, Mumtaz Begum, a matronly, good-looking woman, is in her early 60's. They have six children. At the time I called on them they were celebrating the visit of their son, Kamal Anwar, who works with German television in Hamburg. The Jasimuddins reside in a neighborhood whose winding lanes and ancient banyan trees proclaim its age and respectability. It is an upper-middle-class residential area consisting of bungalows surrounded by small gardens. Jasimuddin has named his villa "*Palas Bari*" (abode of the flame of the forest).

Jasimuddin embraces me warmly and introduces me to his family. I shake hands and greet them with "*Salam valaikum*" ("Peace be upon you"). They are pleased with the Moslem greeting and respond warmly, "*valaikum assalam*" ("And upon you also be peace"). We sit in their drawing room. It is like the drawing room of any litterateur in India—shelves crammed with books and art objects, mainly consisting of statuettes of Hindu gods and goddesses, a marble head of Buddha and old prints of Calcutta on the walls. "How were you allowed to get away with all these emblems of idolatry?" I ask him.

"The Saviour is more powerful than the killers," replies Jasimuddin with a smile.

The Jasimuddins use a language replete with proverbs, poetic allusions and epigrams.

"He didn't save the four chaps who were bayoneted on the race course," I say, referring to the public executions of *razakars* the day before.

"They were collaborators," answers Kamal Anwar, "It is only the beginning of the night of long knives. We have a saying in Bengali: 'Felled timber awaits the fire.' "

"It will take a lot of scrubbing to wash the charcoal stains off the faces of the perpetrators of these heinous crimes," adds his sister, Anna. "Scrubbing" is another word for vengeance that is being meted out to collaborators.

"How many were killed in this genocide?" I ask.

"Who knows!" replies Kamal Anwar. "They did not kill in tens or twenties, but in hundreds and thousands. Our streets ran with human blood."

"Who do you think was responsible for it?"

For some time the question floats in the air. The Jasimuddins look at each other before the father replies. "At first it was the Pakistani Army. Then it was the army and the *razakars*. Finally it was the army, the *razakars* and the *Al Badr*. Which of these committed what crimes would be hard to tell. They were like black fowl flying in the night. It was not easy to distinguish between them."

The Jasimuddins have come out of the holocaust unscathed. Kamal Anwar explains, "It was because Daddy is too well-known." His father lists the names of his friends who have disappeared and adds, "Not since the days of Hitler has the world known anything of its kind. It was a nine-month nightmare which began on the 25th of March and ended on the 6th of December with the liberation of Dacca. It is hard to believe it is over."

"How will the refugees be rehabilitated in this state of turmoil?" I ask.

"Why not? Thousands have already returned. Bangabandhu [Bengal-friend—i.e., Sheik Mujibur Rahman] will see that every one of the 10 million gets back his home and property."

The poet suggests names of people whom I should meet. One has been underground for many months and surfaced only a few days ago. Others are Hindus who had fled to India and have come back. I take my leave.

My escorts are two young Moslems. Khalilur Rahman is a staff reporter on The Bangladesh Observers; Fazlul Karim Majumdar is an insurance salesman in Narayanganj, 12 miles down the river Burhi Ganga. He also owns a small Fiat. In Dacca cabs are scarce and expensive.

We drive to the main street, named Jinnah Avenue after the founder of Pakistan. At one end is the magnificent mosque called Baitul Mukarram. Facing it is an oval stadium with shops on the ground floor. The roads are full of rickshas, cycles and pedestrians. On the pavements hawkers have spread out their wares. The commodity in greatest demand is the green-and-gold flag of Bangladesh. Every car, scooter, richsha and cycle flies it. Most people wear it on their caps or lapels. Two Sikhs in Indian Army uniform stride along having their hands shaken by passers-by. "A Pakistani soldier would not have dared to walk unarmed through the bazaar," says Rahman, "and look at today!" He shouts "*Joi Bangla*" (Victory to Bangladesh) to the Sikhs. The Sikhs wave back: "*Joi Bangla.*"

We enter a Bengali-Moslem restaurant with the un-Bengali name of Cafe Rex. It is a meeting place of writers, poets and journalists. My escorts wave to their friends. They come over and join our table. They vie with one another in offering me cups of tea and biscuits. The only topic of conversation is atrocities committed by the Pakistani Army, the *razakars* and the *Al Badr*. One man tells how one evening a Pakistani officer came to his family's house and asked his elder brother to accompany him to the cantonment. He stops talking, covers his face with his hands and starts to cry. Another tries to fill the embarrassed silence. He tells us of his neighbor, who had a pretty daughter training to be a nurse. A Pakistani Army doctor came and demanded that she report for duty at his hospital. The father knew what the doctor had in mind. So he went inside and shot his daughter. The narrator does not tell us what they did with the father. He begins to sob into his handkerchief. A third one starts with his story. It is like a goblet full of tears being passed around the table.

We leave the Cafe Rex. The bazaar looks more crowded than before. If the Pakistanis really killed two million people and ten million fled to India, the loss of the twelve million is hardly noticeable. Bangladesh still remains one of the most crammed countries in the world, 2,000 people to a square mile. We drive through narrow lanes full of people. After some searching we arrive at Gandaria and locate the street where Hindu emigrants are said to have recently returned to their homes.

There is nothing to indicate that we are in a Hindu neighborhood. In India entrances to Hindu houses have some religious emblem like a swastika painted on the door, or an idol of the elephant-headed god Ganesa in a niche, or at least a string of mango leaves hung over the entrance. Here it seems that Hindus are reluctant to display their religious identity. Men wear the same dress as the Moslems. They do not smear caste marks on their foreheads. Their women do not wear a red dot between the eyes nor vermillion in the parting of their hair to indicate their married status. As a matter of fact, the only way I discover that we are in a Hindu and not in a Moslem locality is that I notice a group of urchins bathing under a municipal tap. They are not circumcized.

A crowd gathers around me. "Are you Hindus?" I ask them. They answer in chorus, "Yes. We are fisherfolk." A dark man with white stubble on his chin pushes the others back and introduces himself. "I am Kishto Malar. We are 16 families of Hindus living here." He explains why and when they left. "We heard what the Pakistani Army did to those boys and their teachers at their colleges last spring. We were very frightened. Then news came that they were looking out for Hindus. Our Moslem neighbors advised us to go away for a while. So we went across the Burhi Ganga. We did not have much trouble. We sold our catch to Moslem fishermen who sold it in Dacca. As soon as we heard that the Pakistanis had been defeated we returned to Gandaria."

"Did you lose anything?"

Kishto Malar smiles. "What has a naked man to lose? All they could take from us were our loin cloths." Everyone is amused by his answer.

"You have no fear living in a Moslem locality?"

It is not a fair question. Kishto Malar looks around at the crowd. "They are our brothers, and there is Bhagwan [God] above," he replies pointing to the sky.

We leave Gandaria amidst shouts of "*Joi Bangla.*" We go eastward along the Burhi Ganga. It is a warm, golden sunny afternoon. Sailboats float lazily on the broad bosom of the river. A paddle steamer crammed with passengers sloshes its way upstream toward Dacca. On the other side of the road are swamps thickly grown over with water hyacinth. And beyond the swamps, stretching up to the palm-fringed horizon, are square after square of flat fields with stubs of harvested rice and jute.

"Beautiful country," I remark. "*Sonar Bangla,*" replies Majumdar and begins to hum the national anthem, "*Amar Sonar Bangla*" (My Golden Bangladesh). Rahman interrupts him to resume the tales of rapine, rape and murder. They point to villages where all this had taken place. There is little evidence left. The monsoon has washed away the stains of blood. Mud huts with thatched roofs have been rebuilt.

We arrive in Narayanganj, the town of Vishnu. The temple stands on the main road, but the image of the Preserver God was smuggled out to India to avoid desecration at the hands of Pakistani vandals. Narayanganj (population 56,000) is largely Moslem. The city boasts of the biggest jute mill in Asia, some textile mills and a thriving cottage industry to make hosiery. Many of the mills' executives, foremen and workers are Biharis. They and their families have been moved into the compounds of two mills which are guarded by Indian soldiers against the wrath of militant Bengalis.

We are led through a narrow, winding lane. Every time a cycle-ricksha sounds its bell I have to stand astride an open sewer to let it pass. My escorts tell me we are in a Hindu neighborhood. Here, too, I discern no emblems of Hinduism on any building. We are conducted inside an emporium and introduced to its owner, Debesh Chandra Fotdar. He asks us to be seated on the floor and orders tea to be served. Though Fotdar is a Hindu, he has no pictures of Hindu gods on his walls, not even a joss stick burning. The only way I can tell that this is not the home of a Moslem is that it does not have pictures of Mecca or sayings from the Koran.

Fotdar tells me his and his neighbors' story. The news of what had happened in Dacca on the night of March 25 trickled to Narayanganj by the morning. They waited another two days. They heard that the Pakistani Army was out for Hindu blood. On March 28 they shut their shops and stole out of Narayanganj. They traveled by night avoiding roads and crossed over into India at Agartala. They spent nine months in a refugee camp. Fotdar and three other Hindus have come as a reconnaissance party to find out if it is safe for the others to return. During their absence their houses and shops were occupied by Biharis. As the Indian Army advanced toward Narayanganj, the squatters fled, taking everything with them. Bangladesh authorities sealed the empty houses to hand them back to their true owners.

"We have to restart from nothing. Although we were given free food and shelter by the Indians, there were so many other expenses. We have no money left. All banks are closed; there is no one else we can turn to for a loan. In any case, we have no security to offer."

"Do you know who was in your house when you were away?"

Fotdar keeps quiet, but his Moslem friends reply: "They were those Bihari *shalas* [brothers-in-law—a term of abuse]. Bangabandhu will make them give back what they have stolen."

I am taken on a tour of the neighborhood to see what were once homes of Hindus. Many have been padlocked and sealed by the Government. Those that are open consist of bare rooms and verandas; not a bed, chair or stool has been left. Some even have had their doors and windows ripped off.

While we are still on our rounds we hear the roar of thousands of voices yelling, *"Joi Bangla,"* and see people running down the lane toward the railway station. A trainload of Pakistani prisoners of war is halted at a siding. Platoons of Indian soldiers with drawn bayonets are keeping the surging crowd at a safe distance. The crowd vents its spleen in hurling abuse at their erstwhile tormentors and then breaking into a thunderous chant of *"Joi Bangla, Joi Bangla."*

An officer permits me to go through the cordon. "Talk to anyone you like," he says, "but don't say who gave you permission to do so." The Pakistani prisoners are a sullen lot. I find some who are from my home district, Sargodha (now in West Pakistan). After an exchange of courtesies, I ask Group Capt. Ahmed Nawaz how it was they "began like the Israelis and ended like the Egyptians." He does not like the analogy but explains how they were outmaneuvered and their air force destroyed in the first three days. "But it was these *Mukti Bahini* boys [Bangladesh liberation forces] who kept sneaking behind our lines which made it impossible to fight your chaps."

"How do you explain your total alienation from the Bengalis?"

"They are a race of *namak haramas* [bastards untrue to their salt]," replies Nawaz. "They'll betray you as they betrayed us."

I protest that the Indians have not come to stay. He does not believe me. "The Bengalis talk of atrocities committed by your men, of dishonoring their women. How else can you explain this hatred against you?" I ask, pointing to the crowd. "If the Indian Army was not here, they would lynch you." Nawaz remains silent, but one of the older soldiers replies: "They have magnified a whisper into a roar. Some of our chaps may have misbehaved—not all fingers of the hand are the same size. They've given us all a bad name." Nawaz glowers at the man. He shuts up. We change the subject. I extend my hand and say, "Let's hope next time we meet as brothers and not as enemies." They shake my hand but do not respond to the sentiment.

We return to Dacca. I have a date with Bengali journalists. At the Dacca Press Club I am introduced to Khondarkar Ghulam Mustafa. His name had been mentioned by the editor Abdus Salam and the poet Jasimuddin.

Mustafa looks much younger than his 47 years. "That is because I have dyed my hair. I grew a long beard which I also dyed black. Even my friends could not recognize me. The Pak police did their best to catch me. If they had, I wouldn't be here talking to you today."

Mustafa's father is a religious leader of a Moslem sect in Sirajganj. Mustafa was raised as an orthodox Moslem and sent to Islamic College in Calcutta. He became an ardent member of the Moslem League, which subscribed to the view that Moslems and Hindus could not live in the same state. While studying for his degree he also began to write for the Bengali monthly Azad (Independence) supporting the demand for an independent Pakistan. He became a leader of Moslem students and led many strikes in his college.

When Pakistan came into existence in August, 1947, he continued to live in Calcutta to organize Moslem trade unions. Indian police found his presence irksome and compelled him to leave India. Mustafa continued his union activities in Dacca. In January, 1949, he joined Sheik Mujibur Rahman in leading a strike of government employes and was sent to prison for six months. Thereafter, his life alternated between jobs with a succession of Bengali periodicals and going to jail. Newspaper owners were reluctant to employ him because of his trade-union activities. In later years, it was his wife, Sabera Khatun, a professor of Bengali literature, who supported the family. In May, 1971, he went to Lahore to attend a meeting of the Journalist Wage Board. He utilized the opportunity to tell West Pakistani newspapermen of the reign of terror that the Pakistani Army under Gen. Tikka Khan had let loose in East Pakistan. On his return to Dacca he was interrogated by the military police. He was ordered to report again next morning. A sympathizer in the intelligence department warned him that he had been marked out for execution. The next day, his wife dyed his white hair black and he slipped out unnoticed from his house. When the police came for him, his wife said blandly. "How many husbands tell their wives where they are going in the evening?"

"I never stayed in the same place for more than one night," Mustafa told me. "I never went to friends' houses because I knew the police were watching them. I let my beard grow and kept dying my hair and beard regularly. Not even members of my family could recognize me. I did not see my wife and children for four months."

Mustafa spent most of the four months underground in Dacca and the neighboring towns. "Would it not have been safer for you to have gone to India?" I asked him.

"With my record?" asks Mustafa with a broad smile. "In the eyes of the Indian police I am probably still registered as a Pakistani agitator. They might have clapped me in gaol. I had not thought of leaving Bangladesh. We have a saying in Bengali: 'However high a paddybird soars it always settles on a buffalo's back.'" He continues, "The *razakars* and the *Al Badr* were looking for me, but the people never betrayed me."

"Would it have been the same if you had been a Hindu?"

Mustafa thinks for a while before he answers. "I can't say. But our views have changed. We now believe in a secular state. Hindus and Moslems will have to live as brothers."

"Do you think Hindu refugees will be rehabilitated in Bangladesh?"

Mustafa again pauses a long time before he answers. "It is going to be a very big problem. But I am sure Bangabandhu will be able to solve it. He is the only one who can do it."

Everyone in Bangladesh pins his hopes on Sheik Mujibur Rahman. Even Biharis (estimated at between one or two million) now living in terror of reprisals, hope that he will restore law and order; those actually guilty of collaboration with the Pakistanis will be separated and the innocent allowed to resume their occupations. Biharis have no choice except to live in Bangladesh or perish. India will not take them; 1,800 miles of sea separate them from Pakistan.

As pressing as the problem of the Biharis is that of the refugees. More than nine million who fled from East Pakistan to India are Hindus. Hindus had never felt secure in Pakistan and had been migrating to India long before the planned genocide and mass expulsion launched in the spring of 1971. Will they feel any easier now that the Pakistani Army and the *razakars* are out of the picture?

I returned to India to find out the answer.

Six months ago the big refugee encampment near Calcutta was known by the name of the locality, Salt Lake. It has since then been shifted three miles farther from the city and is today known as the Joi Bangla Camp. The track leading to it is made of red bricks stuck in soft sand. If the wind is in the right direction you can smell the camp long before you can see it. In any case, when the encampment looms into view it is advisable to cover your nose with a handkerchief.

Groups of urchins are always at the entrance gate to watch the coming and going of visitors. One remark they have picked up and repeat in an impeccable American accent is, "Oof! It stinks!"

And well it might! The settlement (50,000 refugees) is ringed with latrines. But most of the refugees prefer to relieve themselves alfresco in the adjoining fields. Running criss-cross through the rows of shelters are sewers with stagnant, dark-green slimy ooze along which children squat and defecate. As you tiptoe warily avoiding blobs of human dung, they laugh and shriek joyfully, "Oof! It stinks!"

The camp already wears the look of a circus after its last performance. Some tents have been pulled down. Trucks lined along the road are being loaded with bed rolls and cooking utensils. A man stands on a chair yelling through a megaphone. He is reading out names of people who must leave for Bangladesh the next day. A few yards away, three officials are seated at a table scribbling in their registers. Facing them are serried waves of human beings patiently waiting to be called. When their names are called, they walk to the table and turn in their identity cards. In return they get a bundle of clothes—a dhoti for the man, a sari for the woman, shirts and shorts for the children—and a ration card for 15 days' food for the journey. "It is the dowry Indira Ma [Mrs. Gandhi] is giving us," they say.

It is not easy to find out how they feel about it. I go to the ubiquitous tea stall. Two men and a woman with a child in her lap are sitting at the tables talking. I ask the stall owner if he is a refugee. "We are all refugees," he replies. "I am from Kulsar Village, District Jessore." The others volunteer information as though I had ordered them to do so. "I am Krishna Pada Pal from Bagarhat, District Khulna. I am a tailor." "I am Hari Das Sen from Bagna, District Khulna. I am a teacher." The woman with the child speaks very softly. "I am Ranjana Kitania from Kadaur Bari, District Faridpur. My man is a farmer."

I order tea for everyone and give the woman's child a palmful of nickel paisas. "When are you people leaving?" I ask them.

The stall owner, Rang Lal Bhowmik, answers for all of them: "When it is safe for us Hindus to go back."

"I have just come back from Dacca. It is safe," I tell them. They are not reassured. They ask me if I have met any people who have returned. I tell them I have. "They must be Moslems; it is different for them." I assure them that I have met some Hindus and that the Pakistani Army and the *razakars* are behind bars. "It is your own Government. How long do you expect to live off charity?" I ask them.

They are stung by my remark. "I earn my living," says Bhowmik. "And I mine," adds the tailor, Pal. "I can teach here in India as well as I can in Bangladesh," says Hari Das Sen. "What will we go back to?" asks Ranjana Kitania. "They burned down our houses in front of us. They killed nine Hindus and told us that if we ever came back, they would kill us too."

I repeat that the Pakistanis and the *razakars* are in jail. "They were not Pakistanis or *razakars* or Biharis who killed and looted in our villages, they were Bengali Moslems," says Ranjana Kitania. The men agree with her. "Who will protect us from the Moslems? Will your army remain in Bangladesh?"

"No, the Indian Army will return within a few months. Haven't you been told you have to leave? Your rations will be stopped. This camp will be demolished within a few weeks," I say in a tone of exasperation. "The Moslems who drove you out are not the same."

"How can a Moslem change?" demanded the stall-owner. "Can you make a crow white by washing it with rose water?"

"That is no way to talk," I admonish him. "In India we have 60 million Moslems and we live in peace with them. You must learn to do likewise. You have to because the Government will not allow you to stay here any longer."

They look very dejected. Ranjana Kitania says very sadly, "We know we have to go. But, you understand, once your house is burned, you are even frightened by the red in the sky."

Rang Lal Bhowmik has the last word. "If you have been bitten by a snake you are scared of a rope. We have to tread very warily. We have sent some of our men to Bangladesh to find out the conditions. Let us see what Bangabandhu will do."

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[From Sea Power, Feb. 1972]

## "A THOUSAND FEINTS"—GEORGE WASHINGTON LEARNS THE LESSONS OF SEA POWER AND A FRENCH FLEET TIPS THE BALANCE

(By William J. Humphreys)

William J. Humphreys went to Europe early in 1940 as a war correspondent for the Associated Press. He later joined the New York Herald Tribune and covered Western Europe for that paper until 1960. Until 1967 he ran a public relations office in Paris, when he retired to write a forthcoming book on French intervention in the American Revolution. He now lives in Brittany.

Histories of the American Revolutionary War are long on the valor of its heroes but short on the strategy guiding them, and the emphasis is not a little deceptive.

Needless to say, the dictionaries of the American language contain no words for overstating the bravery with which the outgunned and outmanned Continental Army and Navy outlasted the enemy. But in putting so much stress on battle action, meritorious though it was, and in paying so little attention to planning and operations, with all their setbacks, our chronicles accentuate episodes without telling us how independence was really won.

The most important by-product of this unbalanced approach is the prevailing, landlubber school of history. A basic misconception, where the Revolution is concerned.

This off-target idea is the assumption, when it is not being chauvinistically presented as a contention, that the Revolution's success already had been fully assured before the first French sail was sighted off our shores, in response to the Franco-American Alliance of 1778. This delusion maintains that naval operations were never decisive in the game plan, or high-command strategy. It would have us believe that naval operations were so secondary that victory, apart from its merely political formalities, already had been achieved three years before Yorktown.

George Washington's correspondence as Commander-in-Chief, from Boston in 1775 bidding his officers farewell, is a direct and complete contradiction of this cockleshell opinion.

The vast collection of his daily reflections of the war shows that the longer the struggle lasted, the more convinced the Commander-in-Chief became that disaster was overtaking the Fight for Freedom on a go-it-alone basis.

The justification for this perspective was his growing understanding of how sea power was dictating every strategic turn of the battle. The Revolutionary War was for Washington a progressive education in the imperative need of a French naval presence in American waters both before and after the signing of the Alliance on February 6, 1778.

### "WAR FOR AMERICAN INDEPENDENCE"

European historians display more awareness of Washington's dire requirements than our own authorities. They do so by prefering the term, "War for American Independence," while "American Revolutionary War," with its built-in suggestion of self-salvation, is seldom encountered.

The difference is an accurate reflection of European thought between 1776 and 1783, when Old World high commands saw the Revolution merely as a police action taken by England against a colonial economy which had neither an armaments industry nor convertible currency with which to buy arms. To offset these handicaps, the benevolent intervention of France was held to be essential.

Thus, the War for American Independence, engulfing the Revolution as one of its many theaters of operations, was a worldwide naval contest to force England to disperse her fleet and eventually surrender the Anglo-American Colonies. The respected naval thinker, Captain Alfred Thayer Mahan, USN, fully appreciated this viewpoint:

". . . the alliance with France and subsequently with Spain brought to the Americans that which they above all needed—a sea power to counterbalance that of England. Will it be too much for American pride to admit that, had France refused to contest control of the sea with England, the latter would have been able to reduce the Atlantic seaboard? Let us not kick down the ladder by which we mounted nor refuse to acknowledge what our fathers felt in their hour of trial."

Washington's writings are an unrelenting and poignant witness to his schooling in this problem limned by Captain Mahan; one of his earliest lessons received in March, 1776, when the British decided to yield Boston to its Patriot besiegers. At that time, Revolutionary spirits were still buoyed up by the action at Lexington and Concord the previous year. Optimism reigned, but was untutored.

Thus, there were cheers when the enemy garrison sailed away from Boston, even though there were no Patriot warships of sufficient firepower or tonnage to say nay to the departure or even to annoy it. Ashore in Boston, Washington was left under the misapprehension that the British Fleet's destination was New York, where, it was logical for him to hope, this same force could again be engaged.

### NOVA SCOTIA'S LOYALTY

But as he learned to his disadvantage, the English had set their course for Halifax where they used Nova Scotia's loyalty to the Crown to screen the embarkation of reinforcements and provisions for the Battle of Long Island. It was this confrontation within the limits of modern Brooklyn that cost the United States the loss of Manhattan Island and its port—both invaluable to all the enemy's future operations. So deeply did the British dig in there, that they still were in the process of evacuation months after the 1783 peace treaty was signed.

Certainly, the loss of New York City's harbor was a *fortissimo* lecture on the advantage of amphibious operations and the facility with which the enemy could conduct them.

Thereafter, as his own handwriting confirms time and time again, Washington was never unaware of the essential, maritime character of the war. And it was inevitable that he saw that his handicap, the *sine qua non* weapon missing from the United States arsenal and absolutely unobtainable on a purely self-help basis, was a navy. A real navy.

We had none. Not so much as a single ship-of-the-line to defend our coasts or to suggest an incipient battle fleet. That fleet never was and never could be, until victory and independence could give the nation the time to build line-of-battle ships and the expertise to fight them.

On the other side of this coin with an empty face, the legend was capable of staggering men who were both contemplative and intrepid. The enemy of the newly declared United States was internationally rated as the world's only superpower, a distinction that rested exclusively on the Royal Navy's proven reputation of invincibility. None of this reputation was to be impaired by the consecutive losses of New York and Philadelphia and by Washington's inability to offer any effective resistance to these amphibious operations, a technique which his correspondence describes as "naval co-operation."

### NEITHER INFORMATION NOR TIME

There had been 150 enemy sails counted when the British appeared off Sandy Hook prior to the Battle of Long Island. When Philadelphia's turn came, 260 vessels had 15,000 troops aboard when they left Staten Island in July, 1777, executed a feint at the mouth of the Delaware, disappeared and then reappeared in the Chesapeake. Obviously, Washington had neither the information nor the time it alone could provide to enable him to oppose the enemy's landing on Maryland's Eastern Shore, at the head of the Elk River.

Hermann Maurice, the Comte de Saxe, a Marshal of France, and one of that nation's more cherished heroes, used to say that his secret for winning battles was "in the legs."

But it seems evident that his dictum was intended to apply solely to Fontenoy and other dry-land actions, and not to the footsore pursuit of sea power.

Indeed, it would be surprising if a man of Washington's perception had failed to see that the inviolate mobility of the enemy's troop transports under the Royal Navy's care was imposing a hopeless destiny upon him: always to react without being able to initiate. Nonetheless, the Commander-in-Chief bravely set about defending Philadelphia as best he could. When his line on the Brandywine was turned by the invasion forces, the way to Philadelphia was cleared. Before Washington could fail in his counterattack at Germantown, Cornwallis had already marched into what was then the second largest city in the English-speaking world.

Like Singapore nearly two centuries later, the Delaware River forts that were supposed to defend Philadelphia from a naval assault were taken from the rear.

Once again, England had demonstrated that she had to employ only a fraction of her sea power to preserve the impunity with which her ground troops could be moved up and down the coastline, striking where and when they would.

### COMMONSENSE ARGUED

Ships-of-the-line, vessels with 74 guns or more, were the solution to Washington's predicament, but our yards, without peer in the construction of lighter craft, lacked the skills and experience to build the heavyweights capable of interfering with the enemy's freedom of movement. Frigates, a few of which our shipwrights could manage, were the cruisers of the 17th and 18th Centuries. They were speedy enough to run away from the heavier guns of the heavier ships-of-the-line, but it was suicidal for the faster, lighter frigates to dare to stand and trade blows with the dreadnaughts that were able to create. Proof of this shortcoming in our shipbuilding category was the 74-gun *America*. Several years were spent in assembling her, but she was destined never to fire a shot in anger.

Thus common sense argued that our frigates and other vessels should avoid engagements with heavier tonnage.

Before going into action, John Paul Jones and other naval heroes served their country best by scouring the horizons for odds that were no worse than even. Men were easier to replace than the sails they set and the guns they fired. Bluntly inventoried, the American war effort at sea added up to no more than what it was ashore. At best, the struggle consisted of hit-and-run tactics, or the mere harassment of the world's leading industrial and naval power. As such, it might sustain hopes of wringing a settlement of sorts from Parliament, but in the event of England's full mobilization, it could never be expected to exhaust her arsenal and so impose American independence by arms. Only what Washington called "a naval cooperation," a battle fleet strong enough to challenge the English invulnerability to sea, could dignify the American Revolution with a strategy and a chance for outright victory.

Washington's comprehension of this situation was never more apparent than when the enemy convoy of 260 vessels were embarking men and supplies at Staten Island in July, 1777, preparatory to capturing Philadelphia. It was an awesome spectacle. The Congress may be pardoned for nagging Washington to discover the expedition's destination.

But the port of embarkation had been effectively sealed off, and our spies were unable to crack the secret. Accordingly, on July 2nd, Washington was forced to write a note to John Hancock, then President of Congress, that sustained the suspense rather than relieved it. The strain showed in Washington's terse reminder to Hancock that the United States, with no navy of its own, was fighting the formidable sea power of England. "Their Fleet," the Commander-in-Chief wrote, "gives them the most signal advantages, and opportunity of practicing a thousand feints."

### DESTINATION STILL UNKNOWN

On July 25th, when Hancock was advised that the Staten Island armada had sailed but that its destination still was unknown, Washington again seized the opportunity to remind Congress that it was up against the world's number 1 maritime nation.

"The amazing advantage the Enemy derive from their Ships and the Command of the Water," Washington wrote, "keeps us in a State of constant perplexity and the most anxious conjecture."

If Philadelphia's fall trumpeted the value of sea power, its deliverance from English hands the following year was no less instructive. Without so much as a solitary Continental trooper knocking at the gates, the British evacuated the city, bag and baggage. The surrender without a fight seemed almost magical. More than 10,000 enemy troops quit their prize with much haste and no dignity. By the morning of June 18, 1778, they were across the Delaware and hurrying across the Jersey flatlands to the safety of their Manhattan Island fortress.

However, it was not magic but *sea power* that explained the precipitous exodus from Philadelphia. France, the number 2 maritime nation, had signed the alliance with the United States the previous February 6th, and there was good reason to believe that Spain, honoring her share of the *Pacte de Famille*, would soon join the other Bourbon Crown.

As soon as London received confirmation March 25th, the fastest frigate in Portsmouth was dispatched to America on a voyage that might be compared with Paul Revere's ride. A paraphase of the message for urgent delivery in occupied Philadelphia may be fairly stated in the following words:

The French are coming! Their intervention means Admiral d'Estaing's Toulon fleet may have already sailed for the Delaware to sever your own only line of communications. Head for New York! Get out of town before it's too late!

### TREATED AS A FAILURE

Our analysts are wont to treat d'Estaing's cruise as a notable failure. They cite his reluctance to storm New York harbor's bristling defenses and his withdrawal from Newport, R.I., after the August hurricane of that year had knocked several of his vessels out of action.

Admiral d'Estaing, whose mere appearance in American waters was later credited with the British withdrawal from Newport, is more kindly treated by the Admiralty and War Office records in London. They are in no doubt about the cause of Philadelphia's bloodless liberation a success story hard to find in our own history books.

In any event, Washington recognized the significance of d'Estaing's rather modest reconnaissance. He became more positive than ever that the salvation of the fight for independence hinged solely on massive intervention by the French Navy. Therefore, he had no hesitation in approving LaFayette's application for a furlough to return to France, when the approach of cold weather ended the 1778 campaigning. Obviously, no one was better qualified than M. le Marquis to plead the Commander-in-Chief's case in Paris and in Versailles.

As it had been for hundreds of years, the army was the senior service in France, and it was a comforting thought that Lafayette was not only a part of it but also an established hero of the United States struggle for freedom. If anyone could be articulate about the reason why American battles were holding actions, the veteran of the fiercest ones should be the man of understanding.

M. le Marquis did much more than plead Washington's case. If we may believe his *Memoires*, he deliberately disobeyed Congress in the process. As explained in his own account of his Paris mission, his insubordination was intended because it was the surest way to provide a strategic weight of French naval assistance for the United States.

The *Memoires* explain that Congress was fearful of enmities left over from the French and Indian War, and for this reason, it specifically directed Lafayette not to ask for ground troops to be sent to the United States. French soldiers in the United States could provoke "anxiety and discontent," according to the *Memoires*. Petitioning France to send troops to America was actually a device to circumvent apathy at the topmost level of government, Lafayette's own words relate. They charge that Louis XVI, Vergennes and other ministers did not lead the nation into war but were dragged into it by public opinion.

Since French Army units were officered by nobility like himself, the Marquis was entitled to assume that soldiers going to the United States would be under the command of some of the Versailles Court's favorites, and that once the favorites were ashore in far-off America, the naval support without which the war could not be won would be much easier to obtain.

The *Memoires* speak of the author in the third person, and the Marquis has this to say about his intrigue against his King and Court:

"Lafayette knew that by employing young officers of the Court and by attracting in this way the attention of the French people to this little corps, the Ministers would be forced sooner or later to make use of it by giving it naval superiority on the American coastline."

Sufficient sea power to alter the course of the war, the *Memoires* add, had been Lafayette's "principal objective." But other operational claims on the Navy had been making the naval support "difficult to get."

Thus, "it was not achieved before 1781, and then just for a few weeks. The event (i.e. the Battle of the Chesapeake Capes in which Admiral de Grasse made possible the victory at Yorktown) had proved how right Lafayette was to exhort day after day the necessity of naval superiority."

On his return to Boston in April, 1780, after a year's absence, the Marquis brought word that "the little corps" of 5,000 men under Rochambeau soon would follow him across the Atlantic, but there was no Congressional rebuke for his disobedience. There was irony in this development. While Lafayette had been in France trying to wind up the war, it had been winding down in America.

### ITS LASTING CONTRIBUTION

The currency of the period, then in the act of coining a lasting contribution to the American language, was "not worth a Continental;" inflation was rampant.

Feeding on the economic misery keeping step with the nearly worthless paper money, discontent was abroad in the land but it had nothing to do with the imminent presence of French soldiers. Moreover, the unrest was not merely a manifestation by civilians, as the mutinies in the Pennsylvania and New Jersey Lines soon were to verify. Not surprisingly then, Washington and Lafayette were most anxious to give immediate employment to the seven French ships-of-the-line escorting Rochambeau's men across the Atlantic to Rhode Island.

As soon as M. le. Comte stepped ashore at Newport in July, 1780, the Marquis de Lafayette was on hand as Washington's welcoming emissary and also to propose a joint attack on New York City without delay, with the seven ships-of-the-line providing the essential naval support. In this way, the war could be won in a single blow, and American resistance saved from sagging into defeatism.

Rochambeau declined, asking for a face-to-face meeting with Washington before deciding any major moves. It was a wise precaution. As Rochambeau had good reason to suspect, the Royal Navy had not been far behind him during his Atlantic crossing. In fact, a squadron under Admiral Graves put into New York just three days after the French convoy's arrival. "The tables were thus completely turned as regards naval supremacy," it is said by noted naval historian Captain Dudley W. Knox, USN (Ret.)

On this account, the Washington-Rochambeau conference at Hartford, Conn., the following September had little to do except to agree formally on the inability of the Franco-American armies to take a decisive action without "a constant naval superiority" to guard against an amphibious operation by the enemy hitting their flanks.

### VIRTUALLY IMPOSSIBLE TO OVERLOOK

As a matter of fact, it was virtually impossible to overlook this fundamental. The participants had to break off their discussions and dash back to their respective stations when a courier dashed in on a lathery horse and reported that Rodney had just enhanced the enemy's naval advantage by dropping anchor in New York harbor. The situation looked more critical than ever. Ever since the conclusion of the Franco-American Alliance, the Royal Navy had been growing at the rate of more than 2,000 seamen each month, and in submission to these and other menacing developments, including the economic and financial plight of all of the original states, the Comte de Rochambeau decided to send his son, the Vicomte, back to France to solicit both hard cash and the Navy.

Lafayette also put his pen to work for the same cause. Writing to Vergennes on January 30th, 1781, he spoke for Washington and others in authority here when he said that "Everyone . . . it is physically imposible for us to support offensive units without ships." For the campaign months ahead in 1781, "a solid maritime superiority" had to be provided in the United States, "the true theater of war."

Like Rochambeau, Washington felt compelled to send a personal representative to France to request a special delivery of specie (coined money) and naval assistance. His instructions to his delegate, Lieutenant Colonel John Laurens, were to lay before Louis XVI and his Ministers the following grim survey of the United States:

"That next to a loan of money a constant naval superiority on these coasts is the object most interesting. This would instantly reduce the enemy to a difficult defensive and, by removing all prospect of extending their acquisitions, would take away the motives for prosecuting the war."

On March 5th, the King's Ministers bowed to the logic of these arguments, and Admiral de Grasse was issued his orders to concert his actions during the summer ahead with the Franco-American armies in the United States.

In preparation of that concert, Washington and Rochambeau paraded their men through cheering throngs of Philadelphians on September 3rd. It was a stunning display of confidence in French naval power, because the Battle of the Chesapeake Capes was not to be fought until two days later.

### PROMISE TO SHOW HIS FLAG

As a matter of fact, the trusting generals of the Franco-American coalition did not know then whether de Grasse was weatherbound in the distance or nearby. All they had in hand was the French Admiral's promise to show his flag in the Chesapeake, where Cornwallis was also waiting for naval intervention to save him.

The Allied troops were already south of Philadelphia and its cheers of "On to Yorktown!" and "Vive le Roi!" when word was received near Chester that the French Fleet, led by the 100-gun "VILLE DE PARIS," the flagship, had entered the Bay and was disembarking 4,000 French troops from the West Indies to help Lafayette seal off Yorktown by land.

With one exception, the sea, all of Cornwallis' escape routes were now closed. The trap was almost sprung, and this responsibility was up to de Grasse when the Royal Navy was sighted off Cape Henry with the intention of succoring the Yorktown garrison.

Admiral de Grasse's eagerness to meet the challenge may be measured by the fact he left 90 officers and 1,800 men ashore who were directing the beachhead landing of the West Indian troops. Although this constituted a handicap, which his officers later described as putting them on the defensive, the 24 French ships-of-the-line shot up Admiral Graves' 19 vessels so badly that the English admiral chose to return to New York.

Some historians have compared the Battle of the Chesapeake Capes with the dry-land action at Waterloo, where the rest of Europe gave Napolean his comeuppance. Others, in the naval tradition, have said that it was more important than Trafalgar, where Nelson died reasserting England's naval superiority over its enemies.

Had Washington lived long enough to form his own opinions about Waterloo or Trafalgar, it seems unlikely that he would have quarreled with any of these analogies. For him Yorktown, coming after the Battle of Chesapeake Capes, must have seemed an anticlimax.

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[From the New York Times, Jan. 16, 1972]

### "MY GOLDEN BENGAL," BY TAGORE NAMED BANGLADESH'S SONG

DACCA, Pakistan, January 15 (Reuters).—The newly proclaimed state of Bangladesh has adopted as its anthem a patriotic song by the Nobel Prize poet Rabindranath Tagore. The song is titled "Amar Sonar Bengal" ("My Golden Bengal").

Tagore's poems are quoted frequently by Bangladesh's Prime Minister, Sheik Mujibur Rahman. The poet, who died in 1941, won the Nobel Prize for Literature in 1913.

He also composed the Indian national anthem. His songs were banned in East Pakistan during Pakistanis military rule there. Tagore was a hindu, whereas Bangladesh is mainly Moslem.

### "I OFFER AT YOUR FEET"

In a translation by Edward C. Dimock, Jr., a Bengali scholar at the University of Chicago, the anthem says in part:

My golden Bengal, I love you.
Your skies, your breezes, ever with my breath play the flute.
O mother, in Phalgun the perfume of your mango groves drives me mad.
Ah, mother,

What honeyed smile have I seen in your laden fields in Aghran.

What light, what shadc, what boundless love, what changing bonds, what sari's border have you spread round roots of banyan trees or banks of rivers.

Oh mother, the flow of words from your lips strikes my ear like a stream of nectar.

* * * * *

Ah, mother, all of my brothers are your cowherds and planters.

O mother, I offer at your feet this my covered head;

Give me O mother the dust of your feet to be the jewel upon my head.

O mother, whatever wealth this poor man has, I place before your feet.

O mother, no more shall I buy in the houses of others this so-called finery of yours, a noose around my neck.

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### PROCLAMATION OF INDEPENDENCE OF BANGLADESH, APRIL 10, 1971

Whereas free elections were held in Bangla Desh from December 7, 1970 to January 17, 1971, to elect representatives for the purpose of framing a Constitution and

Whereas at these elections the people of Bangla Desh elected 167 out of 169 representatives belonging to the Awami League, and

Whereas Gen. Yahya Khan summoned the elected representatives of the people to meet on the 3rd of March, 1971, for the purpose of framing a Constitution, and

Whereas the Assembly so summoned was arbitrarily and illegally postponed for an indefinite period, and

Whereas instead of fulfilling their promise and while still conferring with the representatives of the people of Bangla Desh Pakistan authorities started an unjust and treacherous war, and

Whereas in the facts and circumstances of such treacherous conduct, Bangla Bandhu Sheikh Hupibur Rahman, the undisputed leader of 75 million of people of Bangla Dash, in due fulfillment of the legitimate right of self-determination of the people of Bangla Desh duly made a declaration of independence at Dacca on March 26, 1971, and urged the people of Bangla Desh to defend the honour and integrity of Bangla Desh, and

Whereas in the conduct of a ruthless and savage war, the Pakistani authorities committed and are still committing numerous acts of genocide and unprecedented tortures, amongst others, on the civilian and unarmed people of Bangla Desh, and

Whereas the Pakistan Government by carrying on an unjust war and committing genocide and by other repressive measures made it impossible for the elected representatives of the people of Bangla Desh to meet and frame a Constitution, and give to themselves a Government, and

Whereas the people of Bangla Desh by their heroism, bravery and revolutionary fervour have established effective control over the territories of Bangla Desh,

We the elected representatives of the people of Bangla Desh, as honour-bound by the mandate given to us by the people of Bangla Desh whose will is supreme, on this day of April 10, 1971, duly constitute ourselves into a Constituent Assembly, and

In order to ensure for the people of Bangla Desh equality, human dignity and social justice,

Declare and constitute Bangla Desh to be an Sovereign People's Republic and thereby confirm the declaration of independence already made by Banga Bandhu Sheikh Mujibur Rahman, and

Do hereby affirm and resolve that till such time as a Constitution is framed, Banga Bandhu Sheikh Mujibur Rahman shall be the President of the Republic and that Syed Nazrul Island shall be the Vice-President of the Republic, and

That the President shall be the Supreme Commander of all the armed forces of the Republic, and

Shall exercise all the Executive and Legislative powers of the Republic including the power to grant pardon,

Shall have the power to appoint a Prime Minister and such other Ministers as he considers necessary, shall have the power to levy taxes and expend moneys,

Shall have the power to summon and adjourn the Constituent Assembly, and

Do all other things that may be necessary to give to the people of Bangla Desh an orderly and just Government,

We the elected representatives of the People of Bangla Desh do further resolve that in the event of there being no President or

> the President being unable to enter upon his office or being unable to exercise his powers and duties due to any reason whatsoever, the Vice-President shall have and exercise all the powers, duties, and responsibilities herein conferred on the President,
>
> We further resolve that we undertake to observe and give effect to all duties and obligations devolved upon us as a member of the family of nations and by the Charter of the United Nations,
>
> We further resolve that this proclamation of Independence shall be deemed to have come into effect since 26th day of March 1971,
>
> To give effect to this our resolution, we further authorize and appoint Prof. M. Yusuf Ali, our duly constituted Potentiary to give to the President and Vice-President oaths of office.

### EARLY U.S. RECOGNITION OF BANGLADESH WOULD BE AN AID TO RESTORATION OF STABILITY IN SOUTH ASIA

Mr. PERCY. Mr. President, since I visited East Pakistan last August and witnessed the results of the excesses of the West Pakistan Army, I have been deeply concerned about events there. The tragedy of the ensuing war between India and Pakistan further aggravated the human misery in East Pakistan.

However, out of that war one central fact emerged: Bangladesh is free and is determined to pursue her destiny as an independent nation. Already Bangladesh has been recognized by 17 nations, and others will soon recognize her. The facts of life dictate a realistic American response to the independence of Bangladesh.

Bangladesh must be taken seriously. It is a nation of 75 million people, the eighth largest nation in the world. It occupies a strategic area of South Asia. Its relations with its neighbors and with Pakistan will affect the peace of the area. It is in the interest of peace that Bangladesh's independence be recognized by the other nations of the world.

Recognition of Bangladesh by the United States would be of special importance, because it would bring U.S. foreign policy toward South Asia into line with the situation which obtains there. It would serve as an aid to the restoration of stability in South Asia. And it would signify that we do not intend to abandon Bangladesh to the mercies of other world forces.

In addition to recognition, I recommend that the United States also offer to assist Bangladesh in the restoration of transportation and communications systems which were destroyed in the recent war. And I believe that the United States should join with other nations to provide food relief to avert famine in Bangladesh this year. Hundreds of thousands of tons of food are needed.

I will cosponsor Senate Concurrent Resolution 55 which calls for recognition of Bangladesh. I will work for assistance to Bangladesh in the fields of transportation, communications, and food relief. Having personally witnessed the misery suffered by the people of Bangladesh last August and knowing that the subsequent war further devastated the country, I feel that this is a moral imperative. There are already adequate funds in the budget for Pakistani refugee relief to accomplish this purpose.

Mr. President, the most recent Senator to visit Bangladesh has been my distinguished colleague, Senator STEVENSON. He has also observed the devastation of that country. His visit has been much more recent, and he has seen those conditions following the war between India and Pakistan. He has seen clearly the need for our taking the position that we should recognize Bangladesh.

It would be my hope that Pakistan would also recognize the desirability of doing this. I know it is hard now. They released Sheik Mujibur Rahman sometime ago because they recognized that he was the only leader who could help pull the country together and provide a degree of stability in that area of the world.

The only way we can create a condition of stability is to recognize, just as other countries are now recognizing, that it is a country that needs help. The 75 million people who have suffered what they have suffered have a right to determine their future destiny.

One can never forget what I saw evidence of—almost a million people slaughtered in a relatively short space of time. One can never forget hundreds of thousands of children and women and older people whom I saw in the refugee camps of India.

This morning Senators, Representatives, members of the executive branch, members of the judicial branch, and many people from all over the United States participated in a national prayer breakfast. The President spoke eloquently, as did Mayor Washington.

Mayor Washington spoke of the need for unification and conciliation. The President talked specifically about the children of the world and said that this is what it is all about, that it is on behalf of all the children of the world that we must work.

In this regard, I believe that the United States should be prepared to help people who desperately want to make it on their own for the benefit of their own children and future generations, and to establish stability in the world.

Mr. PELL. Mr. President, during the interval between the first and second sessions of the 92d Congress, a new nation arose from the violent conflict in South Asia. The formation of the new nation of Bangladesh represents the culmination of the hopes and aspirations of millions of people.

The new nation of Bangladesh did not arise peaceably from an agreement among men. It arose rather from a violent and bloody conflict.

We in the United States, a nation that was forced to turn to violence to secure its sovereign independence, should have a special and deep understanding of the forces that led to the establishment of Bangladesh.

In our Declaration of Independence, our Founding Fathers stated well the principles that justify a people's struggle to be their own masters.

They recognized that a people should not change long-established governments for light and transient causes, but they added:

> When a long train of Abuses and Usurpations, pursuing invariably the same object, evinces a Design to reduce them under absolute despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security.

The people of Bangladesh did not throw off their governments for light and transient causes. As with the leaders of the American colonies, the leaders of Bangladesh did not first seek independence. Rather they sought an equitable voice in their affairs within the established government through peaceful democratic means. But when just representation had been assured them through a democratic election, there began a murderous oppression of the people of Bangladesh by the Government of West Pakistan. In the struggle that followed, the nation of Bangladesh was born.

In our own War of Independence, we had the assistance of a foreign ally, as did Bangladesh in her war of independence. But our own Government was not among those who aided in the formation of Bangladesh, or even maintained neutrality. Instead our Government alined itself with the opponents of Bangladesh.

I believe the policy of the United States during the terrible civil war within Bangladesh, and during the later conflict between Pakistan and India, was tragically mistaken. In the Senate, I supported the strongest measures to assure that our country would not directly or indirectly continue military or economic support to the Government of Pakistan while its oppression of Bangladesh continued.

Whatever the reasons for the past policy of the United States, I believe it is now time to recognize the new realities that have emerged in South Asia. As a first step in that process, I believe the United States should as soon as possible extend diplomatic recognition to the new nation of Bangladesh.

In doing so, our Government need not admit error in its past policy, although error I believe there has been. Our Government in recognizing the Government of Bangladesh need only recognize reality.

I have long contended that diplomatic recognition of a government should not be extended or withdrawn as a symbol of agreement or disagreement with the policies of a foreign government. Diplomatic recognition should be but formal acknowledgment that the government of a foreign nation is indeed a legitimate government, in de facto control of the area and population within its boundaries.

There is no question that this is true in the case of the Government of Bangladesh.

Recognition of the Government of Bangladesh would help retrieve the American position on the subcontinent and would indicate to the world that we believe in self-determination and that we do not condone or support regimes that engage in massive genocide as did West Pakistan.

It would be to the great advantage of the United States to establish formal relations with Bangladesh. I urge the President to do so at the earliest possible time.

## PROPERTY TAXES: AN UNFAIR BURDEN ON OLDER AMERICANS

Mr. PEARSON. Mr. President, of the many burdens older Americans must bear, one of the heaviest is a tax on their homes. In the United States, about 70 percent of all persons over 65 own their homes, yet the 40-percent increase in property taxes since 1963 is forcing too many of these 14 million senior citizens to sell the homes which they have worked so long and hard to purchase. This burden must be eased and eased promptly.

Of the many inequities of the property tax, one of its greatest is the unfair burden it places on older Americans who own their homes and who often live on social security, small pensions, or other sources of fixed income. This inequity is particularly great in my own State of Kansas because it leads the Nation in the proportion of its senior citizens owning their homes. In Kansas, 81.7 percent of persons over 65 own their homes while the national average is about 70 percent.

For those older Americans who have worked hard to buy their own homes, the increase in property taxes has added an almost intolerable strain to their budgets. It is small wonder that senior citizens are reluctant to vote for school bond issues when their finances are already strained by increased costs of food and medicine, and other essential items.

This country owes its senior citizens a retirement of dignity and purpose, including an active involvement in the mainstream of American life they helped create. Yet, too often, older Americans have been sent to the sidelines to exist on the edge of an inflation-produced poverty.

The cruel dilemma of the property tax is that it most directly affects the old and the young, for it is the old who have to pay high taxes on low incomes and the young whose education is currently dependent on property taxes.

We must find a better way to pay for the education of our youth. Decisions in courts and ballot boxes across the country have clearly marked the beginning of the end in our use of propetry taxes for education.

In school districts throughout the Nation, voters have been rejecting bond issues for public education. Voters in 1960 rejected 11 percent of the school bond issues put before them; in 1965 the rejection rate was 33 percent; last year the rate leaped to 52 percent. Schools in several States have closed after voters turned down school levies and many more school systems, some in our Nation's largest cities, may have to close during this school year.

In some of the most far-reaching court decisions since the 1954 Brown against Board of Education, State and Federal courts have found that the property tax system of school finance is in violation of the equal protection clause of the 14th amendment. A California court ruled that taxation of local property to finance schools "invidiously discriminates" against the poor because the quality of the districts schools are dependent on its wealth. In the opinion of the court, a child living in a school district in which property values are low will not have access to educational resources equal to those of children living in wealthier districts. Federal courts in Texas and Minnesota have rendered similar opinions.

I do not believe that we can afford to wait for courts to reform our school finance system. If we do, we may end up with the financial equivalent of forced busing. State legislatures and the Congress of the United States must act promptly to assure adequate financing for public schools and to relieve the unfair school tax burdens placed on some of our people.

Relief can come in several forms. I have proposed legislation to provide a Federal tax credit to all citizens over 65 who pay real or property taxes. This bill is still pending and I am optimistic that it will pass during the second session of the 92d Congress.

General relief both for property owners and our schools can be gained by adopting legislation increasing Federal aid to education. This increased Federal aid should be contingent upon a lowering of the property taxes. Such aid would insure the financial stability of public schools while at the same time relieving the unfair tax burdens of homeowners.

Elderly Americans have few opportunities to ease their tax burdens with writeoffs and tax credits. They pay, and pay in full, for education and other public services. We must heed their clear signal of distress. We must act now to provide an alternate system for financing education—on the State and, most importantly, on the national level.

Reduced property taxes would most certainly ease the financial strain on older Americans, while increased Federal aid could help provide a quality education for all children of our country. Clearly, we owe this to our old as well as our young.

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## CARL HAYDEN—IN MEMORIAM

Mr. FANNIN. Mr. President, history is exceedingly slow in judging the greatness of men. Few of those who hold public office find success early enough in life or live long enough for an accurate judgment to be made at their death as to the importance of their lives in the overall scheme of history.

Carl T. Hayden was an exception.

When people from Arizona and around the Nation gathered last Saturday to bid a final farewell to our former colleague, his greatness was already established.

The Hayden name dominates the first half century of Arizona history. Monuments to his foresight and wisdom are spread far and wide over the West—these monuments are dams and reclamation projects, military bases, highways and buildings which have brought us the West we know today.

Those of us from Arizona who attended the services for Senator Hayden last Saturday could not help recalling the tremendous progress which had been made in his 94 years.

Who in the year 1877, when Carl Hayden was born, could have dared to dream of what wondrous events would take place in the next nine decades and what a role this son of pioneer parents would play in the development of his State and Nation?

Carl T. Hayden was born October 2, 1877, in the town of Tempe which his parents founded on the banks of the Salt River. In the early days it was known as Hayden's Mill, or Hayden's Ferry or Hayden's Landing since this was where one usually crossed the river.

He graduated from Tempe Normal School—now Arizona State University, a nationally respected institution with more than 25,000 students. It was on the ASU campus that Carl Hayden had his office in these last few years after leaving Congress.

And it is on the ASU campus, in the ultramodern Grady Gammage Auditorium, that the funeral services were held last Saturday.

Carl Hayden went on from Tempe Normal to Stanford University in California, where he suffered his first and last defeat in an election for public office. He was upset in the contest for student body president.

He was fond of recalling that election, and in later years he liked to say: "I have been running scared ever since."

The defeat at Stanford did not stop him from jumping quickly into politics in territorial Arizona.

He took over his father's water-powered flour mill in 1902 and was elected to the Tempe City Council in the same year.

Two years later he was a delegate to the Democratic National Convention and he made another successful bid for office himself, this time Maricopa County Treasurer.

From 1907 to 1911 he was Maricopa County sheriff.

Carl Hayden had been active in organizing the Arizona National Guard, and it was his buddies in the guard who talked him into running for Congress in 1911 after word was received that Arizona would become a State.

Hayden was elected, of course, and came to Washington in February 1912. It was almost 57 years before he went back to Arizona to stay.

Early in his career in the House of Representatives he helped win Federal backing for Coolidge Dam and the San Carlos project in Arizona.

Throughout his long career in the House and Senate, he was a champion of the reclamation cause. Without these projects, the development of the West would have been virtually impossible.

Congressman Hayden became Senator Hayden in 1927, and it was in this Chamber that he recorded the majority of his great accomplishments.

If there is anything the West needed almost as much as water, it was good highways. Senator Hayden was acutely aware of this need.

Recently, in an interview with Phoenix Gazette reporter Esther Clark, Carl Hayden recalled enlisting the help of President Franklin D. Roosevelt to put over a road-building program:

> There was one talk with him (Roosevelt)

I recall in particular and of how he joshed me. It was during the time I was in charge of a Senate Committee on Highways and Road Construction.

I had figured out a way for state highway departments to get better roads by doubling federal money and for which they had to provide matching funds.

I'd been telling him that if Arizona had better roads he could come out and visit the northern part where we have the Petrified Forest and the wonderful Grand Canyon, and then he could come to the southern part where there is the finest winter climate in the world.

Well, he asked me then why I wanted all the money for Arizona. I told him that it would be a good way to get him out there.

The result was he wanted to know how much money was needed, and when I said $400 million, he didn't bat an eyelash.

And he did come to Arizona several times, but not by highway.

In 1934, when new legislation was passed setting up a Federal aid system for roads, it was known as the Hayden-Cartwright Act.

During his years in Congress, Carl Hayden built a reputation as a man who worked hard and kept quiet.

Authorities say that, except for a filibuster in 1937, Hayden made only three floor speeches during his first 50 years in Congress.

That 1937 filibuster concerned legislation to build what is now Hoover Dam. As a result of the filibuster, Arizona's claim to a fair share of Colorado River water was preserved.

It was Senator Hayden who carried the major burden in the long fight for the much-needed central Arizona project. I was most pleased to be a part of this fight and work with Senator Hayden when we finally won the authorization. It was during his last year in the Senate, 1968, when President Johnson signed the bill. With this accomplished, Carl Hayden capped his illustrious career in the Congress.

My earnest hope is that we will give the central Arizona project the appropriate name—that of Carl Hayden. Senator GOLDWATER has advocated many times that this be done.

Throughout these years in Washington, Senator Hayden stuck by his motto—he was a workhorse, not a showhorse. He was devoted to his work and to his wife, the former Nan Downing. They had been married more than 51 years when Mrs. Hayden died in 1961.

Carl Hayden's contributions to Arizona, to the West, to Congress, and to the Nation are too numerous to try to catalog. It must suffice to say that we are a much richer people for having benefited from his dedicated service for so many years.

It was very appropriate that Senator GOLDWATER and former President Lyndon B. Johnson give the eulogies at Senator Hayden's services. Lyndon Johnson served in the U.S. Senate with Senator Hayden and was Vice President and President of the United States. During the later years of Senator Hayden's services as President pro tempore of the Senate. Senator GOLDWATER, a long time dear friend of Senator Hayden, also served with him for 12 years and was closely associated with him during almost all of his lifetime.

No other State that I know about can reflect on such leadership that has been given by two families. The Goldwater and Hayden families have been outstanding throughout Arizona's history in politics, business and industry, cultural development and civic enterprises. For over 100 years these two families have walked side by side in carrying Arizona forward.

Senator Hayden had a way of doing things for his State that were very much to the good of everyone in our country. He encouraged the location of military air training bases in Arizona. This provided ideal training conditions for our World War II pilots, it benefited the economy of our State, and it gave many thousands of men and women a taste of western life that would draw them back to Arizona permanently after military service.

Carl Hayden was a member of the Appropriations Committee during all of his years in the Senate, and he was the chairman for 14 years. He also was our President pro tempore during his last two terms.

Despite this immense power, Senator Hayden always sought to be fair. He was deeply dedicated to Senate traditions, he was unpretentious, he had unquestioned integrity, and he was courteous.

During his 56 years 10½ months in Congress, Senator Hayden served under 10 Presidents from President Taft through President Johnson.

Mr. President, thousands of persons from all walks of life were present in Tempe for Carl Hayden's funeral. I ask unanimous consent to have printed in the RECORD articles from the Phoenix Gazette and the Arizona Republic reporting on the services in which Senator BARRY GOLDWATER and former President Lyndon B. Johnson delivered very impressive eulogies.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### SENATOR CARL HAYDEN

(By Ben Avery)

Former Sen. Carl Hayden was eulogized as the "third" senator of every state and then his ashes were buried in the family plot in Double Butte Cemetery yesterday.

The venerable Democrat, who was elected at statehood and served 57 years in Congress, first in the House, then after 1927 in the Senate, retired early in 1969. He spent his last years working on historic memory at Arizona State University.

In an unprecedented 50-minute funeral ceremony in Grady Gammage Auditorium on the ASU campus, the two men who bitterly opposed each other in the 1964 presidential campaign, former President Lyndon Johnson and Sen. Barry M. Goldwater, R-Arizona, took turns eulogizing Arizona's most illustrious ten.

Johnson spoke 15 minutes and Goldwater 10.

Surviving members of Senator Hayden's family, nephews Hayden C. Hayden of Tampa, and Larry Hayden of Tucson, and their families sat on the first row seats. With them were long time family friends, Mr. and Mrs. James Minotto. He was at the senator's bedside when he died Tuesday night in Mesa Southside Hospital at age 94.

But, somehow, it didn't seem like Senator Hayden was gone, except when Goldwater's voice broke as he paid final tribute.

"Whenever my service in the Senate is terminated, I hope it equals but a small fraction of Sen. Hayden's" Goldwater repeated from a tribute he paid his long-time friend in the Senate when Hayden retired. "That is still my hope," he said as his voice broke.

"I say goodbye and thanks," he sobbed.

Former President Johnson made the service just like old times, pouring out from his heart the kind of tribute that might have come from any of the other nine presidents Carl Hayden served, counseled, and at times curbed.

The tall, gray-haired man from Texas, who flew here from Austin where he left his wife to pinch-hit for him at a Texas Board of Regents meeting, depicted Sen. Hayden as the nation's senator.

"He stood tall and straight before many generations of his followers." Johnson said. "Now that he is gone, he leaves a lonesome spot against the sky."

In death, Sen. Hayden's ashes were returned to the soil he loved, in the little Tempe cemetery plot where his father and mother, Charles Trumbull Hayden and Sallie Davis Hayden, lie.

Also buried in the family plot are Sen. Hayden's sister, Anne Spencer Hayden, who died in infancy, and two friends, one an unnamed indigent who had no place to be buried, and the other Howard Holmes, who died of tuberculosis in the Hayden home many years ago. Mr. Holmes was the father of two illustrious Arizonans, the late Dr. Fred Holmes and L. Carl Holmes.

A plaque will be erected at the family plot to the senator and his wife, Nan, and his other two sisters, Miss Sallie Hayden and Mary Spencer Hayden. Ashes of the three were scattered over the nearby South Mountains they had loved.

More than 2,500 mourners filed into Gammage Auditorium to honor Sen. Hayden.

And more than 2,500 were the stories they could have told in match the flowing tributes to his wisdom, his humor, his kindness and his generosity that came from Goldwater and Johnson.

Probably the greatest tribute to Carl Hayden, however, could not be spoken. It was there for all to see.

It was the picture of Goldwater and Johnson, political enemies in 1964, sitting side by side, heads bowed for the man they both loved, and who in his generous way loved both of them.

"We have come here today to say farewell," Johnson began. "And in a sense we are also saying farewell to a time in history when independence and integrity and simple faith in America seemed to be a part of our birthright."

The former president called Sen. Hayden one of the last frontier sheriffs, but emphasized that he never had to fire his gun in the line of duty.

"In Washington," Johnson recalled with the kind of humorous twinkle that brought a ripple of laughter Sen. Hayden would have enjoyed, "he was known as "the fastest gun in the West."

"And he was that kind of senator, too," he added. "I never knew a man that didn't love him."

"He went to Congress when I was 3 years old," the former president said, "and he left Washington the same month I did. He became an authentic American institution.

"An eighth-grade schoolgirl once was asked to name the three branches of government, and she replied, "The President, the Superb Court and Carl Hayden."

"He was a man who wielded immense power, commanded instant respect and yet he never lost the common touch. Above all he was a national senator . . . he was the third senator of every state."

Again with a touch of humor, Johnson recalled that as a young senator he once asked Hayden for more office space.

"He smiled his way through my three little rooms," the former president recalled. "Then he said: "You must realize you are new here. You are just coming to the Senate and you don't have as much seniority as a jackrabbit.' "

Other anecdotes were recited in Johnson's best form to build the kind of friendly atmosphere in that great auditorium that was fitting for Sen. Hayden's funeral.

"He was a senator's senator. He was Mr. Integrity from Arizona. He was a warm man, a sweet man, a kind man, a thoughtful man," Johnson said with every word ringing true. "He was a friend who never left your side . . .

"He was in every sense of the word a gentleman . . . a gentle man."

Goldwater could not find the eloquence of his former rival for the presidency, plainly because his emotions would not be controlled. He told of Sen. Hayden's modesty, his work to complete the book about his father and leaving his own biography to others, of how his family and Sen. Hayden's had shared Arizona history for the past 100 years.

The Rev. John Atwood, former Scottsdale minister and a family friend who came here from his Pacific Beach University Methodist Church to give the sermon, chose the Senator's favorite scriptures to intercede with God on his behalf, and to proclaim, we rejoice in his life."

And the music of Dr. David N. Johnson at the organ, and the lyrical "23rd Psalm" sung by Marion Smith lent beauty and meaning to the service.

Then in the manner of "Uncle" Carl's Arizona, the members of his family now headed by the senator's nephew served lunch to Sen. Hayden's closest friends, many of whom had journeyed from across the country to pay their last respects.

It was a friendly gathering. Nowhere else could Lyndon Johnson have held court for less than a half-dozen old friends under a palm tree in the Hayden patio, while a hundred others gathered in little clusters, nearly all talking about the works and times and deeds of Carl Hayden.

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### FAREWELL TO CARL HAYDEN

(By Esther Clark)

Arizona said farewell today to an illustrious native son, former Sen. Carl Hayden.

The beloved and revered statesman was paid full tribute at rites in Grady Gamage Auditorium on the Arizona State University campus.

Both 1964 presidential candidates, former President Lyndon B. Johnson and his unsuccessful challenger, Sen. Barry Goldwater, R-Ariz., delivered eulogies.

The great and near-great—but mostly ordinary citizens—filled the massive auditorium to overflowing in the first balcony.

After cremation the ashes of the longtime Democratic lawmaker, who died Tuesday in Mesa Southside Hospital at 94, will be placed in the family plot in nearby Double Butte Cemetery where his wife, Nan, is buried.

In the front of the auditorium, with the family party, including nephews, Hayden C. Hayden of Tempe and Larry Hayden of Tucson, were Mr. and Mrs. James Minotto of Phoenix. A long-time friend, Minotto was at the former senator's bedside when he died.

Dignitaries from out of state included Sen. Frank Moss, D-Utah, Sen. Howard Cannon, D-Nev., and Judge Homer Ferguson of the U.S. Military Court of Appeals.

Among other mourners were Governor and Mrs. Williams, Sen. Paul Fannin, R-Ariz., Rep. John J. Rhodes, R-Ariz., Secretary of State Wealey Bolin, several Arizona state senators and representatives, and Bishop Edward A. McCarthy, Catholic bishop of Phoenix.

Always one to shun the limelight, Hayden in death was accorded accolades he shied from in life.

Recognition of him as a friend to the high and low, of his unswerving loyalty to his country and as an architect builder of Arizona, set the themes for the eulogies by Johnson and Goldwater, both of whom knew him well.

"We have come here today to say farewell to a rather remarkable man, Carl Hayden, and also to say farewell to part of the past," Johnson said.

Standing at the podium near the American flag-draped oaken casket, on a matching bier, the former president added: "I never knew a man who did not love or respect him: I do not think he ever had an enemy."

The venerable senator was described by Johnson as "an authentic American institution and valued adviser to 10 presidents" during the 57 years Hayden served in Congress.

Johnson said Hayden, while loving Arizona, also was national senator and acted as a third senator for every state.

Goldwater termed Hayden "humble and modest and with overwhelming aura of self effacement."

The life-long friend of Hayden said "he never forgot the welfare and well-being of Arizona. He saw himself as a workhorse, not a show horse."

Goldwater closed by saying he hoped when his service to state and country were over, he would have done as good a job as Hayden did.

At that point, Goldwater's voice broke as he said: "I say goodbye and thanks."

The presiding minister, the Rev. John Atwood, pastor of Pacific Beach United Methodist Church in San Diego, referred to Hayden's life as one "full of years and good work."

Tenor Marion Smith of the ASU Music Department sang a family favorite, "The 23rd Psalm."

As early as 10 a.m., mourners arrived at the auditorium which was bathed in the kind of golden sunshine topped by a cobalt sky Hayden had loved so much.

Pallbearers were members of the Arizona Department of Public Safety.

As mourners filed out of the auditorium, chords from Bach's "Chorale" played by ASU organist Dr. David Johnson, swelled to a crescendo.

The musical salute, eloquently said what was in everyone's heart:

"Well done, good and faithful servant."

The site of the service was near the office Mr. Hayden occupied after his retirement in 1969.

Mr. Hayden's office was in the Charles Trumbull Hayden Library, named for his father, a pioneer Arizona merchant.

The site also was a few blocks from the former senator's boyhood home, now converted into a restaurant, La Casa Vieja (The Old House).

Mr. Hayden served as acting vice president to President Johnson after President John F. Kennedy's assassination in 1963.

Goldwater served with Mr. Hayden in the Senate during the latter part of Hayden's 57 years in Congress.

Friends and fellow workers paid their respects yesterday as Mr. Hayden's body lay in state in the Arizona Capitol rotunda.

Mr. FANNIN. Mr. President, the funeral of Carl Hayden truly marked the end of an era. Carl Hayden was a grand link with the past. He personified the best of virtues of our pioneers, and yet he had the wisdom and the capability to utilize progress, to benefit from and employ that which was good in modern America.

In talking about the services, former President Johnson said:

> We have come here today to say farewell to a rather remarkable man, Carl Hayden, and also to say farewell to part of the past.

I think this is very appropriate because it does mark a change from the West that former Senator Carl Hayden knew, especially in the early years of his service.

Former President Johnson also said:

> I never knew a man who did not love or respect him; I do not think he ever had an enemy.

Former Senator Hayden was described by the former President as "an authentic American institution and valued adviser to 10 Presidents."

He said that Hayden, while loving Arizona, was also a national Senator and acted as a third Senator for every State.

Then Senator GOLDWATER, who had been so closely associated with former Senator Hayden for all of these years, recalled the fact that Senator Hayden was the one responsible for the formation of the Arizona National Guard and that Senator GOLDWATER was responsible for the Arizona Air National Guard.

Senator GOLDWATER said that Senator Hayden was "humble and modest and with overwhelming aura of self-effacement."

Is there ever going to be a time when any other man will serve under 10 Presidents? I doubt that such a time will ever come.

President Johnson said:

> He stood tall and straight before many generations of his fellow men. Now that he is gone, he leaves a lonesome spot against the sky.

He referred to Senator Hayden as "Mr. Integrity from Arizona. He was a warm man, a sweet man, a kind man, a thoughtful man. He was a friend who never left your side. He was in every sense of the word a gentleman—a gentle man."

Many tributes have been paid in this Chamber, fitting tributes to persons who have served their States and the Nation. I do not know of any man who is more deserving of recognition than Senator Hayden.

When we said farewell to Senator Hayden in the great auditorium at Tempe, Ariz., it was perhaps the largest service that had ever been held in the State of Arizona, certainly the most impressive one.

It is hard to see a man who has served the Nation so well leave us. At the same time, Senator Hayden, who served almost 57 years, was a man who did not seek recognition. He was the last one who would talk about his accomplishments. I can recall over the years when it was difficult to get him to come back to Arizona during a campaign. He was always ready and willing to return at other times, when he was needed on any project or any work that had to be done; but he would say, "Unless I have business to do in Arizona, I have my job to do in Washington for Arizona and for the Nation."

Mr. President, the Phoenix Gazette carried an outstanding article on Senator Hayden's recollections of his service under 10 Presidents. I ask unanimous consent that this article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### TEN PRESIDENTS

(By Esther Clark)

(EDITOR'S NOTE.—This was perhaps Sen. Carl Hayden's last interview. He had agreed to do a series of articles for The Phoenix Gazette in collaboration with Staff Writer Esther Clark. Failing health prevented him from completing more than two. At his later request, the articles were to be held until after his death.)

The quietly spoken assertion, "I got along with them all," summarizes the rapport Sen. Carl Hayden had with the 10 Presidents under whom he served during 57 years in Washington.

Furthermore, the statement keys the character of the nation's beloved and respected politician, most notably for brevity of speech in his public pronouncements and the gift of harmonious association with his fellow human beings.

The Senator, a man with an engaging grin and twinkle in his brown eyes, could recite anecdotes by the dozen about friends and associates. Especially relevant to a long career of public service were memory standouts of a close relationship with five Republican and five Democrat Presidents.

In an exclusive interview in the living room of his Tempe home, Sen. Hayden talked about each President. The recall was punctuated frequently by chuckles, but remembered clouds of tragedy that hovered over some Presidents shadowed his face with sadness:

Franklin Delano Roosevelt was one I particularly remember as a man with a great sense of humor.

There was one talk with him I recall in particular and of how he joshed me. It was during the time I was in charge of a Senate Committee on Highways and Roads Construction.

I had figured out a way for state highway departments to get better roads by doubling federal money and for which they had to provide matching funds.

I'd been telling him that if Arizona had better roads he could come out and visit the northern part, where we have the Petrified Forest and the wonderful Grand Canyon, and then he could come to the southern part, where there is the finest winter climate in the world.

Well, he asked me then why I wanted all the money for Arizona. I told him that it would be a good way to get him out here.

The result was that he wanted to know how much money was needed, and when I said $400 million, he didn't bat an eyelash.

And he did come to Arizona several times, but not by highway. The first time, I remember, was during his 1932 campaign and I had the privilege of introducing him from the rear car of his train at Prescott.

President Eisenhower's death made me very sad. I had occasion to go to his office quite a few times and we became good friends. He was a good man, a fine American.

In a way, I had something to do with making it possible for Eisenhower to become commander-in-chief of troops in Europe during World War II.

At the time, Gen. George Marshall was the top man of our armed forces. He came to my Senate Appropriations Committee and asked for money to conduct military maneuvers in Louisiana in order to pick the best performer as commander-in-chief. Eisenhower turned out to be the best man, the one with the most ability to command troops.

It's a long way back to Feb. 12, 1912, only two days before Arizona became a state. That was when I went to Washington for the first time as a representative. William Howard Taft was President then and I remember that he was a tall, very heavy man who liked to laugh.

I'll never forget the story about him when he was governor of the Philippines and rode a horse up into the mountains. Well, Secretary of State Elihu Root heard about that and cabled Mr. Taft to let the horse ride him back.

I didn't get to know Warren Harding and Woodrow Wilson very well. In fact, I had very little business with them. But, what impressed me about Wilson was that he was very highly educated.

Calvin Coolidge, now was a man who did have humor and he smiled often although he seldom was photographed smiling. I never went to the White House to ask him to do anything for me, but he was a good Yankee trader and he let me know when I could help him.

Speaking of Mr. Coolidge reminds me of a story that went around Washington about when he and his wife took a walk and looked into shop windows. One of the Secret Service men noticed that Mrs. Coolidge was lagging behind, looking into a window. He mentioned it to the President and he said, "That's all right. She'll 'ketch' up."

A couple times while I was in the Senate I tried to suggest somebody else for committee work. Once was when Vice President Henry Wallace said he was going to appoint me to the Committee to Investigate National Defense. I said I didn't want it but he named me anyhow, and the next morning I found out that I'd be working with Sen. Harry S. Truman, the committee chairman.

Mr. Truman and I became good friends and we still are. I still have the photograph taken at a reception for him after his inauguration. I have to smile when people ask me about his piano playing because I've never heard him play and so can't say anything about it.

I recall that on April 12, 1943, I was with him when he was called to the telephone. He was vice president then. The message was that President Roosevelt had died and he was needed in the White House.

One of the most likeable Presidents I have known was John F. Kennedy. He had a beautiful speaking voice; it was a pleasure to hear him talk. I first became acquainted with him when he was a senator. Our friendship was deep.

Of course, the last President under whose administration I served was Lyndon Johnson. And, although I ate with him several times, on no occasion was any of his famous Texas food served.

In my opinion, Mr. Johnson will go down in history as a great President. That's what I think he was. The last time I saw him was in December when I was laid up with the flu in Bethesda Naval Hospital. He had come in for a routine checkup and dropped by to visit me.

Herbert Hoover graduated from Stanford in June and I went there in September. And, as it happened, I saw two girls on the campus, Nan Downing and Lou Henry, I found out later.

The tall girl in a red dress was the one I was interested in. I started inquiring about her and she was Nan Downing. We got acquainted after we were married.

It was Mr. Hoover I went to see, after he became President, and said, "Now, you're from California, so why don't you name somebody with a big name to head the Colorado River Compact?" Swing from Southern California and I were building the compact. Mr. Hoover picked me as committee chairman even if I didn't have a big name.

Mr. FANNIN. Mr. President, I appreciate this opportunity to pay tribute to Carl Hayden, and I yield the floor to my colleague from Arizona (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. President, I am in charge of the floor for the ensuing half hour to yield to Senators who wish to pay tribute to Senator Carl Hayden, but I ask unanimous consent that remarks I made at the services for Senator Hayden be placed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

### REMARKS OF SENATOR BARRY GOLDWATER AT THE SERVICES FOR SENATOR CARL HAYDEN, JANUARY 29, 1972, TEMPE, ARIZ.

Members of the Hayden family, President Johnson, my colleagues in government and my fellow Arizonans.

This is a sad honor that I have accepted but I am proud, more proud than I can say to have been asked by members of the family to say goodby to Carl.

My family and the Hayden family started their friendship before Arizona was a territory of either the Confederacy or the Republic and down through the years all of us have treasured that friendship. It is rather useless for me to try to eulogize Carl for his eulogy is written, engraved and known by every Arizonan and every American.

My words today will be as futile as the prediction of tomorrow's sunrise over the land he loved, as futile as knowing tonight the glories of the heavens over his native land. His accomplishments rival the sun in their brilliance. His life reflected the softness and beauty of the night.

The pages of history already have recorded the stature of Carl Hayden. No man in our national history has ever served as long as he in the Congress—57 years—and it is unlikely that ever again such an opportunity will be provided an American.

Carl Hayden was only 34 years old, completing a second term as sheriff of Maricopa County, when he was elected Arizona's first Representative in the Lower House. He served there from the opening days of statehood in 1912 until March of 1927, when the people of Arizona elevated him to the United States Senate. And there he served continuously for 36 years, until—like George Washington—having served his country with "upright zeal"—he concluded that he should retire to his home and "the sweet enjoyment of sharing the benign influence of good laws under a free government."

So far only a broad outline of the history of Carl Hayden's remarkable service to our state and nation has been written. Historians and biographers have yet to study in detail and thoroughly analyze the countless good works and services he performed in behalf of his constituents and fellow citizens. His accomplishments through this unparalleled period of service are not as well known as they shall be in time—largely because of the modest character of the man we honor here today. Along with that zeal with which Carl Hayden attacked his responsibilities and opportunities as a public servant, he was surrounded by an overwhelming aura of self-effacement and humility.

He did not boast or brag. He was as modest as he was calm, quiet and dedicated to his work. His own opinions were rarely quoted. He did not choose to be a show horse—he was a work horse. If politicans are given to exaggeration and hyperbole, Carl Hayden, the master of understatement, stands above all of his contemporaries as a statesman.

As a life-long student of history and as a collector and writer of the history of the pioneer residents of Arizona, he was aware that the true worth and importance of a man's service may be revealed until the passage of time has spread a patina of perspective and durability over the obvious and the apparent. Time will show him greater than we realize in this hour of grief and of tribute.

In all things, but in particular in his own service, he was humble and modest. Carl would want us to use the greatest restraint in what we say here.

Senator Hayden left Washington with unequalled tribute from the Senators and Congressmen with whom he had served. The praise for Carl Hayden on the occasion of his 50th anniversary of Congressional service on February 19, 1962—a few years before his retirement—filled a 136-page booklet published by the Congress in recognition of the esteem and love he had earned there. Few men who served in Congress ever have had as many close friends on both sides of the Senate chamber. Certainly no man of achievement ever left the Congress with fewer foes than Carl Hayden. His character shone clearly in all his public life. There was never an evil or unhappy story told of his private or public life. Carl Hayden was probably the most revered and cherished individual who ever served in Congress, as well as its dean in point of longevity.

Carl Hayden was a man who fully and completely exemplified and lived by the Golden Rule, whose activities day by day in 57 years of national service were characterized by the elements of Brotherly Love, good will and Charity towards all in distress or need, and who had Truth as a divine attribute, the foundation of his virtue. He was a temperate, a prudent, and a just man. He possessed a fortitude which provided him with that noble and steady purpose of mind that enabled him to undergo all the misfortunes and setbacks of political life without detracting him from the goal of achievement that he had set for himself. We all know that Carl Hayden never forgot the welfare and well-being of the people of Arizona who permitted him to serve them in the national capital. No person ever wrote to Carl Hayden on any problem without receiving from him a prompt and courteous answer followed up by immediate efforts of his staff to solve the person's problem in the maze of Washington agencies and bureaus.

But finally, with advancing age slowing his walk and insisting upon lesser responsibilities than the relentless pace of those 57 faithful years, he did retire to come home. In the beautiful library named for his father, the founding father of Arizona State University, Carl Hayden supervised the arrangement of the office in which he continued to work on his pioneer papers these last few years. On his desk—the desk the Senate Appropriations Committee had voted him upon his retirement, and which we doubly cherished because it had been the desk at which an admiring predecessor Marcus A. Smith, had labored as Arizona's Delegate to bring the Territory to Statehood—on this desk he placed a photograph of his father and two small busts—of the last two presidents under whom he had served—Kennedy and Johnson. Both of them had been his friends as Democratic Senators.

On the walls of his office he asked that there be displayed other pictures he prized. There was the young Carl Hayden and his classmates of 1896 at the Arizona Territorial Normal School. There were photographs of the Appropriations Committee. Pictures of the majority and minority leaders—Mike Mansfield and Everett Dirksen. Of loyal staff members.

Of Presidents Franklin D. Roosevelt, Harry Truman, Dwight D. Eisenhower, and Lyndon Baines Johnson. Of Vice-president Richard Nixon. A portrait of himself in the garb of a Western sheriff, as he looked in 1911 when he stepped out of that role to become a Congressman. And a bucolic desert scene with a prospector and his burro—a favorite reminder to him of both the pioneer tradition into which he was born in 1877, and of the depression years when artists were included among citizens given a helping hand by federal cultural programs. That picture was given to him as an example of the lasting value of the WPA artists' program.

Until the last few months Carl made two or three trips each week to his office, answering mail he received from old friends and from citizens who somehow failed to remember that he was no longer obligated to present their problems to government agencies. And there he worked, with affection and devotion, in the Arizona pioneer files he had accumulated as the only hobby during his long federal service. Within the past several weeks he completed a historical sketch recounting the pioneering accomplishments of his father, Charles Trumbull Hayden. That is now in the hands of printers and soon will be published by the Arizona Historical Society.

Still uncompleted is the planned multivolume Arizona Pioneer Sketches as compiled by Carl Hayden. Work on it will go forward as he wished that it should. In his calm and modest way, Carl indicated to me in our last visit that he placed a higher priority on his pioneer historical sketches than on the biography of his own career that is planned by others.

He was always that way—thinking of Arizona ahead of himself. Gentle, quiet, determined—he saw himself as a work horse instead of a show horse. He was in fact a great American.

Upon the occasion of Carl's 50th anniversary in Congress I made a simple observation about my relationships with him and my debt to his friendship and helpfulness. I repeat it now, with the same conviction as before, but with greater emphasis, because in these intervening years I have learned lessons that confirm advice he had given me as an elder statesman speaking wisdom to the junior senator from his own state:

"Whenever my service in the Senate is terminated, I hope that my service to my country and my State equals a small fraction of what Carl Hayden has provided in both areas."

That is still my hope as I say:

Goodby and thank you, Carl.

Mr. GOLDWATER. Mr. President, I want to join in the remarks of my senior colleague (Mr. Fannin) relative to what transpired in Carl Hayden's home town last week. I have, of course, a lifelong collection of very fond memories of this man, memories that go back throughout my 63 years of life, and memories of relationships of our two families that started before Arizona was a territory of either the Confederacy or the Union.

I remember Senator Hayden used to tell, with a chuckle, about the time when his mother and father were traveling by buckboard and they came into the town of Aaronburg on the Colorado River and there was no place for them to stay. So my grandfather let them sleep in the back of the saloon. I hope it was a clean one.

I recall the days when my uncle, who was one of the founders of the Democratic Party in the Territory of Arizona, used to visit with Senator Hayden, and I was privileged on many occasions to sit through these meetings as a rather young man—in fact, a boy. People have often asked how I as a Republican could sound so much like a Jeffersonian Democrat. I have to say that a lot of the philosophy of Senator Hayden and my uncle rubbed off on me, but more of the philosophy of my mother, who was a Republican, stayed with me.

I recall, of course with a great deal of pleasure, the fact that part of the courting I did with my wife was in Senator Hayden's house in Phoenix and part of it on the ranch near Tempe. This was occasioned by his absence from Arizona most of the time and the fact that his sisters and I were very, very close friends.

So it was a sad honor that was mine to deliver a eulogy to my lifelong friend and to participate in his eulogies with former President Lyndon Johnson, who delivered a beautiful eulogy. I hope a record was made of it and that it can be put in the Record. He did it just from notes. In his usual complete and sincere way, he paid Senator Hayden a great tribute.

I know that many Members of this body love and respect the memory of Carl Hayden, and I am willing to yield the floor to any Senator who desires to make such remarks.

If there be no Senator to do so at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I yield to the distinguished Senator from North Dakota (Mr. Young).

Mr. YOUNG. Mr. President, it is most appropriate that the Senate of the United States set aside this special time to pay deserved tribute to one of its most beloved and respected colleagues, the late Senator Carl Hayden of Arizona.

Carl Hayden not only served longer than any other Member in the history of the Senate, but he served exceptionally well and left an indelible imprint on his State, the Nation, and the Senate.

He was a quiet man as he went about his work here, but one of the most effective I have ever known. He was kindly and considerate—but firm in his convictions. He was a generous man but prudent, particularly in the handling of Federal funds. Above all, he was a warm, honorable, and loyal friend. It was just beyond Carl Hayden to do a dishonorable thing. I doubt if there was ever a time in his life when he was not willing to go the "extra mile" to help a friend if he thought he was right.

Carl Hayden worked tirelessly for his beloved State of Arizona but, if there was ever a conflict between the interests of his State and those of his Nation, the national interest came first. He was an intensely loyal and patriotic American.

Probably one of Carl Hayden's greatest areas of interest was that of bringing the all-important water to the deserts and semiarid areas of the West. More than any other person he was responsible for bringing reclamation and water for other important uses, not only to Arizona, but to all of the areas of the West. It was this vision, foresight and hard work on his part that made possible what is now the great empire of the Western States. More than any other one thing, reclamation and water for other uses made opportunities for untold millions of people in this great western area of the United States.

Because of Carl Hayden the important central Arizona project is well on its way to becoming a reality. I think it is most appropriate that legislation is pending to name this project in honor of him. This is a tribute he richly deserves and I know the kind he would appreciate most.

It was a great honor and privilege to have served with Carl Hayden for about 24 of my 27 years in the Senate. I served with him on the Senate Appropriations Committee for approximately 22 years and, during the last 2 years of his long and distinguished service as chairman of the Senate Appropriations Committee, I was the ranking minority member.

The closer one worked with Carl Hayden, the more one came to love and respect him. He was an exceptionally good chairman of the Senate Appropriations Committee—always courteous, fair, and considerate. He never failed to give you a full opportunity to express your views and your rights as a member of the committee. He always extended the same fair and courteous consideration to all witnesses who appeared before his committee.

In some respects Carl Hayden might have been considered to favor a liberal point of view, especially where human needs were involved—but he was always the prudent and watchful guardian of the Treasury.

I never knew him to act in an unfair manner in his conduct as chairman of the committee or in any of his other Senate activities. I am proud I had the opportunity to serve with him those many years. My life was richer and more enjoyable because of him—and I feel I am a better Senator because of him. He was a good and helpful friend whom I shall miss very much.

Carl Hayden's departure from the Senate and his recent death have taken from our midst a good man and a truly great man.

Mr. MANSFIELD. Mr. President, I have already made some remarks on the floor of the Senate following the death of our late beloved colleague Carl Hayden of Arizona. There is not much that I can add to what I have already said. Certainly there is not anything I can add to what the two Senators from Arizona (Mr. Goldwater and Mr. Fannin) and the distinguished senior Senator from North Dakota (Mr. Young) has said. All I can do is corroborate their statements, and say that Carl Hayden was a true friend of the West primarily, but a true friend of the Nation as a whole.

He was a man of understanding and courtesy. He was a man who never flaunted his power—and he was one of the few Senators, in my years of service in this body, who had real power. He was a man who took into consideration the needs of other Senators, regardless of party; and he was a man who did his best to try to accommodate the situations which developed among the Senators from the several States.

That does not mean that Carl Hayden just said "yes" to any Senator who came to him, because there had to be a legitimate reason for what a Senator advocated. In my State of Montana, the monuments which attest to the consideration of this great man can be enumerated in the projects known as the Hungry Horse Dam, the Yellow Tail Dam in the Crow country in southeastern Montana, and the Libby Dam now under construction. Without the active support and encouragement of Carl Hayden, I am afraid that all of those projects would still be on the drawing board rather than the realities which they are at the present time.

He was a man who understood the need for water. To Carl Hayden, water was more important than oil, because water is the life blood of the Western States, and without it we would not be able to survive except on a very sketchy basis. What Carl Hayden did, not only for Arizona but for the West as a whole, was to bring about the corraling of the waters, so that they could be diffused expeditiously and logically, to the end that the greatest good could be achieved for the greatest amount of land, arid and semiarid, and for the greatest number of people.

Carl Hayden retired voluntarily after more than five decades of service in the Congress of the United States. He was a link with the past, because he was also an elected official in the Territory of Arizona before he came to Congress in 1912. In his person, he was a monument himself, because he typified the greatness of the Nation, and he put into practice the thoughts which he felt would do the Nation the most good in its development, especially in the reclamation States.

So we miss Carl Hayden. To paraphrase what the distinguished Senator from Arizona has said, he was not a showhorse but a workhorse. His monuments are many, but the greatest monument of all was the man himself.

Mr. GOLDWATER. Mr. President, I thank both the distinguished majority leader and my distinguished friend from North Dakota for the generous remarks they have made about Carl Hayden, late a Senator from Arizona. I express not only my own thanks, but those of the people of my State and, I know, of the people of the Nation for what they have said.

Legislation has been introduced to change the name of the central Arizona project to the Carl Hayden project. I hope the proper committee will give it hearings shortly, so that we can give this great man the recognition he deserves.

Mr. BYRD of West Virginia. Mr. President, it is always sad when we lose a valuable link with the past, and when that link is in the person of an admired and valued friend, the loss is much the greater.

When Carl Hayden came to Washington from Arizona 6 years before I was born, he represented what was truly the American West. His name is synonymous with the history of Arizona. It is perhaps a measure of the man, his unquestioned integrity, his devotion to the life work he had chosen, and his extraordinary capacity for performing the maximum of work with the minimum of fanfare, that he rose from treasurer of a county in a Western territory to the chairmanship of the U.S. Senate Committee on Appropriations. I had the honor to serve on that committee with this great American, and I have not the slightest doubt that he handled the relatively minor fiscal affairs of Maricopa County in 1904 with the same high level of competence and conscientiousness with which he regarded his responsibilities for hundreds of billions of dollars half a century later.

Carl Hayden had a deep love and admiration for his father, who was truly one of the pioneers of the Southwestern United States. He spoke of his father with the greatest affection and respect, and the stories he and other contemporaries told of Charles Hayden leave me in no doubt as to why Senator Hayden possessed the qualities he did as a man and as a human being. Carl Hayden was the personification of the knowledge that there is no substitute for blood and heritage.

No other man has served his State and his country in Congress for as long as did Senator Hayden. He gave to both a lifetime of dedication. He did both honor. I am proud to have been his colleague. I am grateful to have been his friend.

The work that Carl Hayden did over the span of 56 years in the House of Representatives and the U.S. Senate will live long after him, and the benefits of his industriousness will be felt by generations of Americans to come.

Mr. GOLDWATER. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. GOLDWATER. On behalf of the Hayden family and other Arizonans, I want to thank the distinguished majority whip for the remarks he has just made about a fellow Arizonan and a great American.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

Mr. HOLLINGS. Mr. President, no man in the annals of Congress witnessed as much history and participated in as much change as Carl Hayden. Yet few careers have shown more stability and continuity than that of the esteemed legislator from Arizona. And that, in the final analysis, is why we honor him today. In a public career spanning nearly 70 years, Carl Hayden kept his beliefs and kept his moorings. He was brought up in the traditions of frontier America, and to his dying day he maintained the spirit which brought America to greatness.

In an age when change seems to be the rule and skepticism the norm, it is fitting to reflect on Carl Hayden's life.

The work ethic of our pioneer ancestors brought Arizona's favorite son success and influence. More importantly, it brought his State and his Nation countless benefits.

The individuality of the frontier gave him steadfastness of purpose and the courage to fight for the principles he believed.

The sense of community that built settlements and towns across the West gave him the tolerance and the civility to maintain friendships through a long lifetime, even when the fires of politics burned hottest.

And the quiet determination which made a nation convince him that actions speak louder than words, and that performance is more eloquent than the loftiest rhetoric.

"Don't be a showhorse—be a workhorse," he advised hundreds of novice legislators. He practiced what he preached. And that is why he became one of the most influential men ever to sit in Congress.

In eulogizing our departed friend, we are not bidding farewell to the traits of character and dedication which took him to greatness. We are, I hope, breathing fresh life into them. He was an old man, it is true. But the principles he believed in were timeless—true to the past, vital to the future.

Mr. President, Carl Hayden's importance is not the length of his service. His impact was not the product of simple endurance. He served long. But infinitely more important, he served well. Chronologically, he and the Nation grew older together. But in point of fact, they worked together to preserve the spirit of young America. His is not the story of age, but of youth. Not a chapter of the past, but a lesson for the future. He was not the last vestige of a vanished frontier, but proof that the only real frontier is the spirit of the individual. The sooner we come to that realization, the better off we will be. And the sooner we do, the more quickly we will vindicate the hopes and dreams of two centuries of national life.

Mr. GRIFFIN. Mr. President, I wish to associate myself with these fine tributes to our late friend and former colleague, Carl Hayden.

As a relative newcomer, I count it a great privilege to have had the opportunity to serve even for 2 years in the Senate with Carl Hayden. I was fortunate enough to arrive in the Senate in the spring of 1966; and a little more than 2 years later, in the twilight of his long and distinguished career of public service, our friend decided to retire and return home to his beloved State of Arizona.

He left behind him an enduring monument of service which was longer, in terms of years, than any man who has served in the Congress.

As we know, he first came to the House in 1912, 5 days after Arizona was admitted to the Union. He served seven terms in the House and then was elected to the U.S. Senate where he served—and established another record as far as the Senate is concerned—for 42 years. It is difficult for some of us to imagine that when he retired he had served nearly 57 years in Congress.

Let me hasten to add, that it is not the years of service that distinguished Carl Hayden's presence here. As I have read about his record—and witnessed it here briefly, it was the quality of his service which set Carl Hayden apart from most who have been chosen to represent their States in Congress.

He was a quiet but fiercely dedicated servant of his State, of the West which he loved, and of the Nation and the free world.

In one of his essays Emerson wrote:

> All history revolves itself easily into the biography of a few stout and earnest persons.

So far as the history of Arizona is concerned—and the Nation as well—Carl Hayden was one of those persons.

In his long life and service here he knew, as few men have been privileged to know, the extent and the inevitability of change in the world in which we live.

When he first came to Congress the frontiers of our country were still the western plains where he once served as sheriff. When he retired, the frontiers were the moon and the infinite space beyond. And throughout his career, he had the remarkable capacity to keep pace with such changes.

Late in his Senate career he had an occasion to remark, with a characteristic understatement:

> I guess I have seen a great piece of history.

Much more than that, he was a part of that history. During four wars, the emergence of the nuclear age and the shift from a rural to an urban society, he helped make, through legislation, the history of our times.

His record of service will long be remembered.

Mr. BIBLE. Mr. President, today we mourn not only the passing of a great American and distinguished U.S. Senator but a colorful chapter in our Nation's history. For Carl Hayden was a living link with another era—a man whose congressional service spanned America's greatest period of growth and change. But when we pay tribute to Carl Hayden we honor not so much a record of longevity as an astonishing record of legislative achievement.

As I said in 1968 when Senator Hayden retired from the Senate, his public service was an enduring bridge fashioned of laws, an arc of achievement connecting today's America with the America of the early 20th century.

Carl Hayden, statesman and scholar—a great man for the extraordinary resources of his mind and the remarkable persuasion of his legislative skill.

Carl Hayden, conservationist—a pioneer in protecting and conserving our Nation's great natural resources decades before words like "environment" and "ecology" became the formation of popular phrases and causes.

Carl Hayden, westerner—an Arizona native whose career began in the pioneer West, a frontier sheriff and Arizona's voice in Congress since its statehood. He spent the majority of his years here in Washington, D.C., but he never lost his intimate ties to the mountains and mesas of his home.

During his lifetime, man progressed from horses and buggies to jets and nuclear power. During his congressional service, he helped lead his Nation through two world wars and from the depths of economic depression to the heights of economic abundance. He saw his country become the greatest in the world, and his record is studded with his own magnificent contributions to that achievement.

I can remember very little of Carl Hayden's early days in Congress. I was 3 years old when he began representing the new State of Arizona. When he moved to the Senate and took his place on the Appropriations Committee I was still in my teens. And I was in my early twenties when he assumed the chairmanship of the Interior Appropriations Subcommittee, the post it was my high honor to fill when he left the Senate.

It was with a great measure of awe as well as respect that I began working beside this great American. My respect only increased as I came to know him as an associate and a close personal friend.

I would not attempt now to review Carl Hayden's great contributions to his beloved State and Nation. Words are truly insufficient. His is a record that transcends tribute. It is a monument. It towers above us all.

As he prepared to retire in 1968, Carl Hayden once commented:

> Contemporary events need contemporary men.

But Carl Hayden, whether freshman Congressman in 1912, or senior statesman in the Senate in 1968, was always a contemporary man. He had a great scope of history and progress to draw upon, but he was as capable of viewing the challenges of the future as he was the lessons of the past.

Throughout his tremendous career in Congress, he was always an eagle among us, a first soldier of democracy and a unique and respected figure in American history. The depth of our grief at his passing is one small measure of the Nation's great loss.

Mr. ALLOTT. Mr. President, I count myself especially fortunate to have been privileged to serve with Senator Hayden on the Appropriations Committee. Senator Hayden was a tough fighter for the people of his State, but he never lost sight of the fact that a Senator is a United States Senator, obligated to strike a statesmanlike balance between the interests of his constituents, and the permanent interest of the Republic.

I am sure I speak for all those who worked closely with Senator Hayden when I say that we are all better Senators for having shared responsibilities with him.

Mr. President, Senator Carl Hayden of Arizona has died. We mourn his passing but we celebrate his life, which was full and rich and productive.

Senator Hayden was a man of the West, a man incarnating the best virtues of his region, and of two distinct centuries, and a very great United States Senator.

Mr. President, we in the West, like to think that our beautiful region, alternatively hospitale and austere, produces a certain kind of man, a man both stern and just, public spirited yet devoted to the proposition that a good country allows ample latitude for men to follow their private dreams.

We, in the West, Mr. President, believe that our various States are perhaps more true to the original American vision of open, mobile societies which liberate the energies of free men and women.

Mr. President, Senator Hayden was the last of a very singular breed. He was the last of that authentic breed of pioneer-statesmen, the men who served the Nation and, in the process, built their States. When Carl Hayden grew to manhood, Arizona was an untamed territory.

When Senator Hayden died, Arizona was a prosperous modern State. But not just another prosperous modern State. No, Arizona retains the stamp of Carl Hayden and the other pioneers who made the American West.

The tradition of service to Arizona which Senator Hayden established lives on in the two great Arizonans who today serve in this body. For that, too, the people of Arizona can thank Senator Hayden.

Never again shall the Senate be privileged to receive a man who is also the founding father of a continental State. We shall not see his like again; we are diminished by his loss; but we are infinitely better—as men and as a Nation—for having known him.

#### HE NEVER FORGOT THE PEOPLE

Mr. ELLENDER. It is not easy to say farewell to a man with whom you have served 32 years in the U.S. Senate. Carl Hayden had already been a Member of this august body for almost 10 years when I entered the Senate in January 1937.

Together we served under five presidents—Mr. Roosevelt, Mr. Truman, Mr. Eisenhower, Mr. Kennedy, and Mr. Johnson. And we both served with President Nixon when he was a Member of this body.

I shared with Carl Hayden and the late Senator Richard Russell of Georgia, a front row seat in three of the most significant and exciting decades in history. It was our privilege to witness first hand the tremendous ability of this Nation to withstand attack from both outside and within. It was our privilege to experience this Nation's great ability to absorb change, and to grow in both strength and maturity even in those periods when its very ability to survive was being tested.

You do not forget men with whom you share such experiences.

Carl Hayden and I were members of the same political party. But, I will not tell you today that we always agreed. We came from different backgrounds and we represented States that sometimes differed widely in their attitudes. He was not the kind of man who sought controversy. But I am sure he would not want me to say today that Carl Hayden and ALLEN ELLENDER were in constant agreement.

Our disagreements over the years never affected my deep respect for the Senator from Arizona. I saw him at work during his 30 years on the Senate Appropriations Committee. After serving 1 year as chairman of that committee, I have great respect for the burden that he carried as chairman for 14 years.

Carl Hayden was known as a Senator's Senator. He was not flamboyant on this floor. He did not like to make speeches. He made them only when it was necessary. He worked quietly behind the scenes. He wielded his great influence where it did the most good—across the committee and conference tables.

He came to the Halls of Congress directly from the sheriff's office of Maricopa County in 1912. He was Arizona's first Representative in the House. In the 57 years that followed, he rose to the chairmanship of the Appropriations Committee and to the presidency of this Senate. Although he became the third man in line for the Presidency of the United States, he never allowed his influence and high position to let him forget the people who sent him to Congress. He always worked hard for Arizona, particularly in the field of land reclamation.

Mr. President, Carl Hayden should serve as an inspiration to those of us who serve in the Senate now and those who will serve in the future.

Mr. GOLDWATER. Mr. President, because of the busy activity of all Senators, particularly today, with so many committee meetings and subcommittee meetings taking place, and with the approaching vote on cloture, I know it has been very difficult for Members who would like to eulogize Carl Hayden to be here.

So I ask unanimous consent that remarks of Senators can be made through the month of February; and at the end of that time, as has been agreed to by unanimous consent, these remarks will be printed in a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the hour for the beginning of morning business occur at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, beginning with "New Reports."

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations on the executive calendar will be stated, beginning with "New Reports."

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## U.S. ARMY

The legslative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

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## U.S. NAVY

The legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

## U.S. MARINE CORPS

The legislative clerk read the nomination of Lt. Gen. Donn J. Robertson, U.S. Marine Corps, when retired, to be placed on the retired list as lieutenant general.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

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## NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE AND ARMY

The legislative clerk proceeded to read sundry nominations in the Air Force and the Army which had been placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

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## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BYRD of West Virginia) laid before the Senate the following letters, which were referred as indicated:

#### PROPOSED REPEAL OF CERTAIN ACTS

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to repeal certain acts relating to exportation of tobacco plants and seed; naval stores; and wool (with an accompanying paper); to the Committee on Agriculture and Forestry.

#### REPORT OF POTOMAC ELECTRIC POWER CO.

A letter from the vice president and comptroller, Potomac Electric Power Co., Washington, D.C., transmitting, pursuant to law, a balance sheet of that company, as of December 31, 1971 (with an accompanying report); to the Committee on the District of Columbia.

#### REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "System for Buying Spare Parts for Initial Support of New Military Aircraft Needs Substantial Improvements," Department of the Air Force, dated January 31, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report to the Joint Committee on Atomic Energy entitled "Management Improvements Needed in the Review and Evaluation of Applications To Construct and Operate Nuclear Power Plants." Atomic Energy Commission, dated January 31, 1972 (with an accompanying report); to the Committee on Government Operations.

### Proceedings of Judicial Conference

A letter from the Chief Justice, transmitting, pursuant to law, a copy of the proceedings of the meeting of the Judicial Conference held in Washington, D.C., on October 28–29, 1971 (with an accompanying document); to the Committee on the Judiciary.

### Report on Conditional Entry of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, reporting, pursuant to law, on the conditional entry of certain aliens, for the 6-month period ended December 31, 1971; to the Committee on the Judiciary.

### Safety of Food Additives

A letter from the Director, Office of Legislative Services, Public Health Service, Food and Drug Administration, transmitting, for the information of the Senate, a copy of an order relating to the safety of food additives (with an accompanying document); to the Committee on Labor and Public Welfare.

### Report on Positions in Grades GS–16, GS–17, and GS–18

A letter from the Director, Federal Bureau of Investigation, transmitting, pursuant to law, a report on positions in grades GS–16, GS–17, and GS–18, within that Department, for the calendar year 1971 (with accompanying papers); to the Committee on Post Office and Civil Service.

### Report on Positions in Grades GS–16, GS–17, and GS–18

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on positions in grades GS–16, GS–17, and GS–18, within that Department, for the year 1971 (with accompanying papers); to the Committee on Post Office and Civil Service.

### Report of Coastal Plains Regional Commission

A letter from the Federal Cochairman, Coastal Plains Regional Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the period July 1, 1970, to June 30, 1971 (with an accompanying report); to the Committee on Public Works.

### Report of Four Corners Regional Commission

A letter from the Federal Cochairman, Four Corners Regional Commission, Department of Commerce, transmitting, pursuant to law, a report of that Commission (with an accompanying report); to the Committee on Public Works.

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## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia (for Mr. Anderson), from the Committee on Aeronautical and Space Sciences, with an amendment:

H.R. 11487. An act to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Florida (Rept. No. 92–600).

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## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ROTH (for himself and Mr. Boggs):

S. 3098. A bill to prohibit assaults and other crimes on State law enforcement officers, firemen, judicial officers, and prison guards. Referred to the Committee on the Judiciary.

By Mr. BUCKLEY:

S. 3099. A bill for the relief of Michele Koton. Referred to the Committee on the Judiciary.

By Mr. Scott:

S. 3100. A bill for the relief of Salvatore Di Bella, his wife, Providencia Di Bella, and their children, Carmelo Di Bella and Santo Di Bella. Referred to the Committee on the Judiciary.

By Mr. BENNETT:

S. 3101. A bill for the relief of Manuel Nelson Gonzalez and his wife, Norma Silvia Gonzalez, and their minor children, Norma Ingrid Gonzalez and Nelson Antonio Gonzalez. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3102. A bill for the relief of Nancy Nurani Kaul. Referred to the Committee on the Judiciary.

By Mr. PASTORE (by request):

S. 3103. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Referred to the Joint Committee on Atomic Energy.

By Mr. GURNEY (for himself and Mr. Chiles):

S.J. Res. 193. A joint resolution to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral. Referred to the Committee on Interior and Insular Affairs.

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## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH (for himself and Mr. Boggs):

S. 3098. A bill to prohibit assaults and other crimes on State law enforcement officers, firemen, judicial officers, and prison guards. Referred to the Committee on the Judiciary.

Mr. ROTH. Mr. President, a policeman—a fireman—a judicial officer—a prison guard—all are components of our criminal justice system, yet they are human beings just like the rest of us, with families, friends, mortgages, auto payments, and the rest. Men like the rest of us except for one thing: every day their lives are in danger during the performance of the job we have assigned to them.

The sharp rise in the number of unprovoked attacks on policemen and firemen is hideous and has rightly provoked national concern.

One hundred and twenty-five police officers were killed by criminal action during 1971. Only days after the new year began, an incident occurred in my home State of Delaware which left two State troopers dead. Ronald Leslie Carey and his partner David C. Yarrington were apparently shot by two bandits in the parking lot of a motel as a man and woman were fleeing the hold-up scene. Carey died immediately leaving behind his wife and three young children. Only hours later, Yarrington, in critical condition, died in a nearby hospital leaving behind his wife and small baby. A disturbing fact is that the robber-killer, Irving R. Hogg, Jr., 30 had been in trouble with the law since he was 18 and had twice served penitentiary terms, declaring to fellow inmates prior to his 1970 parole, "When I get out, I'm going to get me a pig, and after I get me a pig, they'll never get me alive." Hogg was killed by a bullet in the head while trying to elude Maryland State police later the same day of the police shootings. His wish "to get me a pig" shows in a pathetic, twisted way the real threat posed to policemen today by those elements of society who are resentful and contemptuous of the law.

In 1968, Congress enacted legislation which extended to certain law enforcement officers or their survivors benefits which were otherwise available to Federal employees in case of injury or death. To be eligible, the non-Federal officer had to have been killed or sustained an injury as a result of action involving a Federal offense. It would appear that the survivors of the two young Delaware State Police officers who were killed earlier this year may qualify for benefits under existing Federal law, and I have asked the Secretary of Labor to investigate this matter to determine whether they are eligible.

I mention this provision, which appears as 5 U.S.C. 8191, because I believe many local law enforcement officers are not aware that they may be eligible for these Federal benefits in certain instances. In addition I have cosponsored legislation which would provide up to $50,000 for the survivors of a police officer who has been killed in the line of duty. This legislation has been made a part of S. 2994, the Victims of Crime Compensation Act of 1972, which I trust will receive prompt and favorable action by the Senate.

The bill I am introducing today, in conjunction with my colleague, the senior Senator from Delaware (Mr. Boggs) would make assaults and other crimes on law enforcement officers a Federal crime. It is similar to legislation I introduced in the House of Representatives during the last Congress, but which was not acted upon.

This bill is limited to State and local policemen, firemen, judicial officers, and prison guards because the Federal law already provides assistance to Federal officials who are killed during or on account of the performance of their official duties. Although State laws also view such offenses as crimes, I believe that the particular nature of the offense demands that it be made a Federal crime in that it strikes at our basic ability to continue as a nation.

An element of danger is an inescapable feature of a policeman's life, since he represents the organized force society has created to enforce the law and protect citizens against predators of all kinds. But the new unprecedented danger he lives with daily is disgusting. Personal danger also confronts the firefighter of this Nation, bringing anxiety to their families as well. The International Association of Firefighters has cited the new peril of felonious attacks on firemen in testimony to the Senate Subcommittee on Criminal Laws and Procedures.

The Federal Government's own investigation into the loss of life and injury during the riots of Watts, Detroit, Newark, and Cleveland showed that firefighters suffered more casualties than police officers.

From 1967 to 1969, over 600 firefighters were injured during civil disorders. In 1970, 195 firefighters were injured during such disturbances and an additional 113 sustained injuries due to acts of individual violence.

I need only mention the name Attica, or Marin County courthouse, to suggest that correctional officers and judicial employees also face danger while serving to protect society. It is not only policemen and firemen who are threatened, but all persons involved in law enforcement, public safety work, and the administration of criminal justice, along with their families, have become the victims of fear in today's troubled world.

Anonymous, embittered, disorganized attention-seekers, driven by what they feel are injustices, are attacking the symbol of our system of government, the law enforcement officer, to a degree and frequency we have not dared to imagine.

Enactment of this legislation would permit the FBI to assist State and local authorities in investigating these crimes and tracking down criminal suspects. A colleague of mine has made the point well:

> When a class of individuals such as law enforcement officers starts to become a special target of antisocial violence, then it is time to act on the Federal level.

I emphasize that this bill is designed to apply to situations where an official is singled out and attacked as a symbol of the establishment because of his official position.

The penalties for such crimes will be the same as are currently provided for in the United States Code for like acts against Federal officials. The adoption of this legislation would be a major addition to existing laws governing the killing of Federal officials, attacks on Federal, State, and local officials during civil disorder situations, and Federal antiassassination laws.

When we lose a dedicated law enforcement officer, I cannot help but feel that a portion of the law we respect dies with him.

Swift action is called for in protecting our public servants. They deserve no less. I urge the prompt consideration of this proposed legislation which would deal severely with those who flaunt our law and our society by murdering or assaulting law-enforcement personnel.

Mr. President, I ask unanimous consent that this proposed legislation be printed as a part of my statement at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. Section 111 of title 18, United States Code, is amended by inserting after "in section 1114" the following: "or 1116".

SEC. 2. (a) Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, judicial officers, or prison guards because of their official positions

"(a) Whoever commits murder, manslaughter, or attempts to commit murder or manslaughter, or aids or abets another in the commission of such murder, manslaughter, or attempt to commit such murder or manslaughter, of any State law enforcement officer, fireman, judicial officer, or prison guard because of his official position as a law enforcement officer, firemen, judicial officer, or prison guard having traveled in or used a facility of interstate commerce for that purpose, shall be punished as provided under section 1111, section 1112, or section 1113 of this title.

"(b) As used in this section, the term—

"(1) 'law enforcement officer' means any officer or employee of any State who is charged with the enforcement of any criminal laws of such State;

"(2) 'fireman' means any person serving as a member of a fire protective service organized and administered by a State or a volunteer fire protective service organized and administered under the laws of a State;

"(3) 'judicial officer' means any judge, officer, or other employee of a court of any State;

"(4) 'prison guard' means any officer or employee of any State who is charged with the custody or control in a penal or correctional institution of persons convicted of criminal violations;

"(5) 'interstate commerce' means commerce (A) between any State or the District of Columbia and any place outside thereof; (B) between points within any State or the District of Columbia, but through any place outside thereof; or (C) wholly within the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; and

"(6) 'State' means any State of the United States, the Commonwealth of Puerto Rico, any political subdivision of any such State or Commonwealth, the District of Columbia, and any territory or possession of the United States." (b) The chapter analysis of such chapter is amended by adding immediately after item 1115 the following new item:

"1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, judicial officers, or prison guards because of their official positions."

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**By Mr. GURNEY (for himself and Mr. CHILES):**

S.J. Res. 193. A joint resolution to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral. Referred to the Committee on Interior and Insular Affairs.

Mr. GURNEY. Mr. President, on behalf of Senator CHILES and myself, I am today introducing a joint resolution that would accomplish two purposes—redesignate the area, now known as Cape Kennedy, as Cape Canaveral and make the John F. Kennedy Space Center the permanent name of the NASA facilities now located on Merritt Island, Fla.

This is an issue that is important to the people of Florida. I represented the congressional district in which the Cape is located for 6 years, and I can say with certainty that the people in the area are overwhelmingly in favor of such a proposal. In fact, a poll run by the Gannett newspapers in 1969, showed that 93 percent of the people in the area favored the name Canaveral. Also in 1969, the Florida Legislature unanimously passed a resolution endorsing the name change. The prestigious Florida Historical Society came out in support of restoring the name Canaveral as did many of the State's newspapers. In the two and a half years that have passed since a joint resolution calling for the restoration of the name Canaveral was introduced into both houses of Congress, sentiment for change, if anything, has grown.

Such sentiments should not, however, be taken as an indication of the feelings Floridians have for the late President; they honor his memory, recognize his contribution to the space program, and are wholeheartedly in favor of having the space center named after him. Like most Americans, Floridians remember with pride President Kennedy's speech of May 25, 1961, when he appeared before Congress to ask that the Nation make landing on the moon a goal to be reached before the end of the decade. But unlike most Americans many Floridians realized, as President Kennedy himself realized, that the limited acreage—only 15,000 acres—and facilities of the Cape itself were inadequate to meet the goal the President had set. After consideration of other areas, NASA announced, on August 24, 1961, its decision to launch lunar flights from expanded facilities north and west of the Cape and also announced its intention to purchase some 80,000 acres of land for this purpose. The same day agreement was reached—the Webb-Gilmartin agreement—between the Department of Defense and NASA relating to the moon launch site. The first step had been taken to move the moon landing program—with which President Kennedy is so intimately associated—away from the Cape proper. Final agreement between NASA and the Department of Defense on the changeover came on January 17, 1963, some 10 months before the President was assassinated. Construction began on the spaceport and the first employees moved into the new headquarters on Merritt Island—across the Banana River from the cape—in April 1965. A flag-raising on Merritt Island took place May 26, 1965, and by mid-1967 the move to Merritt Island was substantially completed. Two years later, two courageous U.S. astronauts landed on the moon.

Thus it seems most fitting that the Kennedy Space Center on Merritt Island, Fla., be so named, by act of Congress. And since it was from here, and not from the Cape itself, that President Kennedy's dream was realized, it would seem that both the wishes of the people of the area and the desire for a lasting memorial to the President can be accommodated without offense to anyone. From a historical standpoint, no greater justice could be done.

It is generally agreed that credit for the discovery of Cape Canaveral belongs to the famous Spanish explorer, Ponce de Leon. According to Chronicler Antonio de Herrera, Ponce de Leon—on his first expedition to Florida in 1513—sailed up the east coast of Florida and then back south again. On his way down the coast, he picked up rough currents as a result of a sandy promontory jutting out into the Atlantic. Ponce de Leon noted the Cape, but apparently he did not actually come ashore. Instead, based on the evidence available from those early days, it seems he made landfall a bit south of the Cape in May 1513. However, the

Cape itself was not forgotten; Herrera's account of the expedition attached to it the name Punta de Arracifes. Several years later Punta de Arracifes was given a new name, Cabo de Canaveral—Cape Canaveral—by another explorer, most probably Lucas Vasquez de Ayllon who seems to have explored the Florida Peninsula in 1526 and who later discovered the Carolinas.

Maps showing the Cape listed under the name Canaveral go back as far as 1536—we have reproductions of one done in that year by Alonzo de Chavez—and claims are made for several of an even earlier date. Most all the maps after 1536 show Cape Canaveral; the fact that it is the only significant promontory on the Florida east coast made it a landmark of immediate geographic and navigational importance. As colonial trade routes developed that importance increased.

By 1526, Spanish colonial trade had become extensive enough so that Spain had to organize it to provide protection from French, English, and Dutch sea raiders. All ships were required to travel in groups. By the 1560's regular convoys were arranged. Two fleets a year came from Spain; after they had unloaded their wares and picked up the riches of the New World. They combined forces for the return trip. This return fleet gathered in Havana and then would proceed up the Bahama channel until it reached Cape Canaveral, whereupon, the ships would turn east for Europe knowing that the cape signified that they had passed north of the dangerous Bahama Shoals. This shipping route, which poured hitherto unknown wealth into Spain and Europe, continued to be used by the Spanish throughout the colonial period.

Settlement of Florida did not really begin until the 1560's, but when it did the Cape Canaveral region was one of the first areas occupied. The French established a settlement in the Fort Matanzas region, but shortly thereafter, in 1565, Pedro Menendez de Aviles drove them out and founded St. Augustine. During the same year, Menendez led a party on foot some 90 nautical miles south to Cape Canaveral and drove the French out of a position they had established there. Subsequently, the Spanish built a fort in the general area, naming it Santa Lucia de Canaveral. Unfortunately, however, the Spaniards never made an extensive colonizing effort in Florida in succeeding decades, so the main significance of the cape continued to be its tremendous usefulness as a navigational landmark. Little changed after the British took over in 1763 or after the Spanish returned for a second try at ruling the peninsula in 1783. American control, which began in 1819, did not bring any immediate changes either; a lighthouse was built in 1847 but settlement was practically nonexistent.

But in the mid-20th century, the relative isolation of the area, plus its excellent geographical advantages caused the U.S. Government to select it as a site for a missile facility. In 1949 the joint long-range proving ground was opened on Cape Canaveral and on July 24, 1950, the first missile was launched. In 1956 the cape became a major launch area when the Vanguard, Atlas, and Jupiter missile programs were moved there in preparation for the first U.S. efforts to put a satellite into space. Ever since then, Cape Canaveral has been a household word among those who have followed the space program.

I recount this information to point out to the Senate the long history of Cape Canaveral and the obvious historical and geographical significance of that name to the people of the area.

Mr. President, this question of historical significance is of the utmost importance in this whole discussion. No one is debating the merits or desirability of naming the space center itself after President Kennedy; what is in question was the propriety of the decision, made in a moment of national grief, to change the traditional historic name of an entire geographic area. No one would dream of changing the name of Cape Hatteras or Cape Cod, yet both were discovered later—1584 and 1602, respectively—then Cape Canaveral and neither name is any more famous or any less revered.

Let me discuss for a moment how this name change was implemented. Early on November 27, 1963, President Johnson suggested to Secretary of the Interior Stewart Udall that the name of Cape Canaveral be changed to Cape Kennedy in honor of the late President. Less than 12 hours later, after completion of a telephone poll, Udall replied, indicating his approval and the unanimous support of the names committee of the Board of Geographic Names, for such a change. The next day, President Johnson made a speech in which he announced that station No. 1 of the Atlantic missile range and the NASA launch operation center in Florida would be called the John F. Kennedy Space Center and that the name of Cape Canaveral would be changed to Cape Kennedy. On the following day, November 29, President Johnson issued Executive Order 11129 designating the NASA and Air Force facilities on the cape as the John F. Kennedy Space Center. Following up on this the Board of Geographic Names—in December 1963—issued Bulletin No. 6303 which formally designated the geographic area, which for over 400 years had been known as Cape Canaveral, as Cape Kennedy. Subsequently, to eliminate any confusion, James Webb, NASA Administrator, designated the NASA launch operations center as the John F. Kennedy Space Center and Air Force Chief of Staff Curtis LeMay designated the Cape Canaveral missile test annex as Air Force Station No. 1 at Cape Kennedy.

Several points need to be made at this juncture. First of all, the Board of Geographic Names, in order to comply with a 1947 act to standardize geographic names, had issued, and is obligated to abide by, 15 regulations covering changes in such names.

For the Canaveral name change to have been thoroughly evaluated, in accordance with these regulations, in 12 hours—as the committee of the board in effect did on November 27, 1963—was not possible. And even if it had been, there is a problem; four of the regulations have obviously been disregarded. These four call for retention of: First, names dominant in local use generally; second, euphonious and suitable names of Indian or foreign origin; third, existing names unless there is duplication; fourth, names supported by acts of State or local governing bodies unless there is a conflict. Now, all four of these are pertinent to this situation and if these guidelines are to mean anything they should be upheld. But the Board of Geographic names later ruled that its decision of November 27, 1963 was final.

Even at the time the change was made, there were objections for historical reasons. The Florida Historical Society and the Pinellas Historical Commission went on record as opposing it, but due to the desire of Floridians to honor the memory of the late President, it was not deemed appropriate to press the issue. But the matter was not forgotten. Now that most of the NASA Space Center facilities have been moved from the Cape to Merritt Island and now that over 8 years have passed since the tragic assassination, it is past time to rectify a wrong committed at a time of national anguish.

On July 10, 1969, the late Senator Holland and myself introduced a bill, exactly like the one Senator CHILES and I are introducing today, calling for a restoration of the name Cape Canaveral. This bill, despite the best efforts of Senator Holland and myself, remained in the Committee on Interior and Insular Affairs even though, at committee hearings, many witnesses testified for the name change and none testified against it. Now, the bill is being reintroduced and it is my understanding that the distinguished chairman of the Committee of Interior and Insular Affairs—Senator JACKSON—has promised that it will be considered carefully and promptly. Favorable consideration and quick Senate passage of this bill will be most appreciated by the overwhelming majority of Floridians.

Let me reiterate again, Mr. President, that this action in no way detracts from the memory of the late President and it is not the intention of Floridians that it should. In fact, the Florida Legislature, in adopting the resolution supporting the name restoration, specifically stipulated that it should meet with the approval of Senator EDWARD M. KENNEDY. Senator KENNEDY, in a letter dated February 3, 1970, to Col. Asa M. Gibbs, president of the Missile Range and Space Pioneers, stated that—

> It is my conviction that this is a matter primarily to be decided by the people of Florida.

The people of Florida have spoken—loudly and clearly—on this; they want the Space Center to continue to be named after President Kennedy and they want the cape to have its historic name restored. In view of the fact that John F. Kennedy was a historian of some note, I think he would fully support such a change and his memory is best honored by continuing to name the NASA space facilities after him wherever they might move. Those of us in Florida hope the Kennedy Space Center forever remains a part of the State and occupies a prominent place, along with Cape Canaveral, in the State's history.

Mr. CHILES. Mr. President, Senator GURNEY and I are today introducing a bill to redesignate the area in Florida known as Cape Kennedy to Cape Canaveral. A similar bill introduced 2 years ago by the late Senator Holland and Senator GURNEY was strongly backed by the people of Florida. In fact, in a statewide poll, 95 percent of Florida's citizens wanted the cape's old name back. And it really is an "old" name.

The first reference to that area as Canaveral was most probably made in the original logbook of explorer Ponce de Leon. A photograph of a chart of the world, by Veconte de Maggiolo, bears the name of the cape and the date, "1530." And Father Alonso de Escobedo, when he came to Florida in 1587, found the name "Cabo Canaveral" in use and incorporated it into a poem in which he describes the pilot of a fleet who realizes his navigation has been good when he "sees a great point which is called Cape of Canebrake—Canaveral—of lush vegetation.[1] The Spanish word, "canaveral," means canebrake or a place overgrown with canes or reeds—an expression used to describe a shallow-reeded shore which is still an accurate description of portions of the cape's coastline.

This area was the sight of the construction of a Spanish fort built in 1565 by Captain Medrana. It was named Santa Lucia de Canaveral, from which the present St. Lucie County got its name. The area slowly developed along with its surrounding areas over the next 400 years. And, as we all know, when military personnel recognized the potential of missiles as the weapons system of the future, an Armed Services Committee set out to find a good place to test these weapons systems. The place they chose was historical Cape Canaveral—perfect as a place for missile testing because it was remote, near to many inactive military bases valuable for support of the site; and, there was a chain of islands running in a generally straight line southeast into the Atlantic Orean—excellent for building tracking stations.

The joint long-range proving ground was established in the historic Cape Canaveral area. And later the Canaveral area was used by NASA for launching most of its unmanned satellites.

I believe it is a fitting tribute to the leadership President John F. Kennedy provided in developing our space program, that the space center be named and remain named after him. It was under President Kennedy that our manned space flight program was greatly expanded and his leadership and great efforts were instrumental in the United States becoming the world leader in the exploration of outer space.

But, I believe it is also fitting that the original name of this area, which played so important part in the history of our State and our Nation, be retained.

Since earliest geographic recording, the area now known as Cape Kennedy was called Canaveral. There is no effort, nor do I believe there should be—to change the name of the space center itself. I strongly believe the center should retain its name and stature as a tribute to our late President. But I also strongly urge the Senate to restore the original name to the geographic area in which the center is located. Cape Canaveral is the oldest landmark on our Atlantic Coast. As long as 400 years ago, seafarers placed great navigational value on that stretch of land overgrown with reeds. Cape Canaveral served as a beacon to seafarers sailing the east coast of the United States to the Bahama Islands, Central and South America, and for all ships sailing the sea lanes north and south. Today, citizens of Florida place great historical and traditional value on that same area and would like to see it get back its original name.

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

### S. 3025

Mr. STEVENSON. Mr. President, on December 15 I introduced S. 3025, a bill to prohibit recorders of deeds from giving implicit recognition to racially restrictive covenants. In the statement I made accompanying the introduction of the bill, I mentioned the names of 20 cosponsors. At the top of the bill, however, the names of two cosponsors—the Senator from New York (Mr. JAVITS) and the Senator from Massachusetts (Mr. BROOKE)—were inadvertently omitted.

I, therefore, ask unanimous consent that the names of Senator JAVITS and Senator BROOKE appear as cosponsors on the next printing of the bill.

I also ask unanimous consent that the Senator from Indiana (Mr. HARTKE) be added as a cosponsor of S. 3025.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

### S. 3070

At the request of Mr. THURMOND, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 3070, a bill to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes.

### SENATE JOINT RESOLUTION 169

At the request of Mr. HOLLINGS, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of Senate Joint Resolution 169, to pay tribute to law-enforcement officers of this country on Law Day, May 1, 1972.

### SENATE JOINT RESOLUTION 189

At the request of Mr. BROCK, the Senator from Wyoming (Mr. MCGEE), the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. FANNIN), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. JORDAN), the Senator from New Jersey (Mr. CASE), the Senator from North Carolina (Mr. JORDAN), the Senator from New York (Mr. BUCKLEY), the Senator from Nebraska (Mr. CURTIS), the Senator from Illinois (Mr. PERCY), the Senator from Utah (Mr. MOSS), and the Senator from Arkansas (Mr. MCCLELLAN) were added as cosponsors of Senate Joint Resolution 189, to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War, Missing in Action," and to designate Sunday, March 26, 1972, as a National Day of Prayer for these Americans.

## ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

### SENATE CONCURRENT RESOLUTION 33

At the request of Mr. BROCK, the Senator from Wisconsin (Mr. PROXMIRE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maine (Mr. MUSKIE), and the Senator from Ohio (Mr. TAFT) have been added as cosponsors of Senate Concurrent Resolution 33 regarding the persecution of Jews and other minorities in Russia.

### SENATE CONCURRENT RESOLUTION 55

At the request of Mr. SAXBE, the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. WEICKER), the Senator from Rhode Island (Mr. PELL), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. HART), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. TUNNEY), the Senator from Iowa (Mr. HUGHES), the Senator from Colorado (Mr. ALLOTT), the Senator from Alaska (Mr. STEVENS), the Senator from Hawaii (Mr. INOUYE), and the Senator from Utah (Mr. MOSS) were added as cosponsors of Senate Concurrent Resolution 55, providing for the recognition of Bangladesh.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENTS

### AMENDMENTS NOS. 848 THROUGH 851

(Ordered to be printed and to lie on the table.)

Mr. JAVITS submitted four amendments intended to be proposed by him to the bill (S. 2515) to further promote equal employment opportunities for American workers.

## SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENT

### AMENDMENT NO. 852

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted an amendment intended to be proposed by him to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

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[1] Translated by Professor Owre, Hispania, Vol. XLVII, No. 2, May 1964, "Alonso de Escobedo and 'La Florida' ", by J. Riis Owre, Professor of Spanish, Department of Foreign Languages University of Florida.

## ADDITIONAL STATEMENTS

### DEFENSE EXPENDITURES

Mr. GOLDWATER. Mr. President, we are about to hear more nonsense about defense expenditures being a waste of money and a provocation for war in connection with the Defense Department budget for the next fiscal year. Once again, we will be bombarded with arguments to the effect that the money spent for arms and for military systems would better be used for welfare and other domestic requirements.

There is nothing new about this approach. It is as old as Government expenditures for military equipment. And it is just as phony today as when it was first raised.

The whole world understands that strength is a basic necessity for the maintenance of national freedom. It seems strange that our liberals in this country have so much trouble absorbing this fundamental fact of history.

Just to remind them, Gen. Bruce K. Holloway, Commander of the Strategic Air Command, has once again stressed the fact that survival as a free country depends upon modern weapons. His interview, which was published in the U.S. News and World Report, December 27th, 1971, provides an expert look at this Nation's aerial defense needs and the reasons for them. I ask unanimous consent that the Holloway interview be printed in the Record.

There being no objection, the interview was ordered to be printed in the Record, as follows:

### "Survival as a Free Country" Depends on Modern Weapons

(Interview With Gen. Bruce K. Holloway, Commander of the Strategic Air Command)

Why the need for more big bombers in this day and age? Is it really vital to match or surpass the Russians at every turn? What's behind resistance to spending billions for new arms? General Holloway came to the conference room of "U.S. News & World Report" to answer those and other questions in this interview.

Q. General Holloway, with so many nuclear missiles in the U.S. arsenal, why is there any need for bombers?

A. The bomber has a lot of advantages. It's a tested weapon—tried in peace and proven in war. The intercontinental ballistic missiles—ICBM's—and submarine-launched ballistic missiles are not. So there are some unknowns with missiles, even though we have great faith in them.

Another factor is that the bomber can be launched for security, keeping it airborne and relatively safe from attack. There is no mobile security as good as air-mobile security, just by virtue of the speed and the dimensions the bomber operates in.

I can launch it. If right now I decided it was a good idea to launch the bomber force—put a portion of it on airborne alert for security—I could do it without asking anybody. If it turned out that such action was not considered justified, I'm sure I'd get fired.

But the point is I can do it. Launching a bomber doesn't require a decision by the Commander in Chief, the President, who personally must give the order to use nuclear weapons. A launched bomber automatically returns home with its weapons, unless it gets such an order—which is something you can't do with missiles.

That's why we need bombers.

I say all this in the context that I'm a great believer in the triad of strategic offensive forces: bombers, intercontinental ballistic missiles and submarine-launched ballistic missiles. Each one has advantages and disadvantages—and the collective advantages very much outweigh the individual disadvantages.

Taken all together, the three weapons systems add up to a very effective deterrent against attack. Having three systems also provides a fine hedge against some future technological breakthrough by the enemy which would negate or substantially reduce the effectiveness of any one of them.

Q. Does the bomber have to be manned? Couldn't it be directed by radio from the ground?

A. It has to have somebody on board who thinks, to preserve the flexibility that it represents.

Q. How many bombers does this counntry have now?

A. We have approximately 400 B–52s and 70 FB–111s in our active operational force.

Q. If the bomber is so important, why aren't there more—on the scale of the much bigger force we had a decade ago?

A. I'd like to have more. One reason for the shrinkage is that the missile force has been built up over the decade.

The peak year of the bomber force in the Strategic Air Command was 1960, when there were over 1,800 B–47, B–52 and B–58 bombers.

Q. Are 470 bombers enough to meet America's strategic commitments?

A. I'd feel more secure with more. In the last two or three years, people were saying that the United States and Russia were in a state of approximate parity in strategic offensive forces. In some areas, they are ahead now, but they're not ahead, for example, in sub-launched ballistic missiles, where we have more submarines than they do and better ones—in some ways, anyway.

Let me cite some figures:

In mid-1971, the Soviets had about 1,500 ICBM's; we have 1,054. But that's not the end. Secretary of Defense Laird revealed not long ago construction of new, large missile silos which may be for a modified SS–9 or SS–11 or for a new ICBM system.

They also have roughly 700 medium bombers and some 200 heavy bombers some of which are presently configured as tankers.

We're ahead in submarine-launched missiles now, with 41 Polaris/Poseidon submarines. They have about 25 of their new "Yankee Class" missile submarines operational. They are building about eight to 10 a year.

I would like to see us with more bombers. We're not ahead of them in the bomber force, in my opinion, because when you count their medium bombers, their bomber force is bigger than ours; and those medium bombers can reach our country. The strength of our strategic missile systems has somewhat offset the decrease in the number of our bombers. But considering how fast the Soviet Union has built up its forces, I would personally like us to have more bombers.

Q. How long will the B–52 remain an effective weapon?

A. The later models—the B–52G's and B–52H's—will be reasonably effective against an enemy's defenses for at least the rest of this decade. That's because we're doing things to improve them. For one thing, we will be outfitting these B–52s with the SRAM—the short-range attack missile. It is very fast and extremely accurate. It is designed primarily to knock out enemy defenses and targets which they protect.

Another improvement in work is the subsonic-cruise armed decoy, or SCAD. Its primary mission is to simulate the bomber in radar signature, speed, altitude and all other characteristics possible. This would help more bombers to get through an emeny's defenses.

The third advance is the electrovisual system which uses infrared and television to allow lower flight altitudes under the defense coverage. It also provides more precise information on damage to the targets.

Q. Why do you need the B–1?

A. Every day it's getting a little tougher to be sure we could penetrate the enemy's ever-improving defenses. The B–1 will be a combination of improvements over the B–52, foremost of which is defense penetration.

Other advanced characteristics are bigger and more versatile payload, higher speed, the ability to fly at both lower and higher altitudes, and electronic countermeasures against enemy defenses.

It will, over all, have a greater ability to put weapons on the target.

Q. How much money will a fleet of B–1 bombers cost?

A. We estimate now that a production order of 240 bombers would cost about 35 million dollars apiece. This figure is in estimated "then year" dollars for the years in which we might spend the money.

Q. Why can't you just build more FB–111s?

A. For one thing, they won't carry enough. And they're expensive in tanker support just to get to targets that are relatively close. Some of the farther targets they won't get to at all.

Q. Was it a mistake to build the FB–111?

A. I'll put it this way: We're happy to have this many. They definitely are an advancement. They present any enemy a new system to cope with, and they give us a training and operating base for learning how to make use of the technological improvements—in spite of their limitations of range and payload. I wouldn't say they were a mistake, but I would not recommend any more of them now.

Q. General, why is it important to match or surpass the Russians? Some people say it doesn't really matter, since we already have enough weapons to ruin any country—

A. That argument is terribly oversimplified. And it's even more than that—dangerous slide-rule thinking.

In 1962, we had a confrontation with the Russians over missiles in Cuba. The best estimates then were that our strategic nuclear power was roughly five times theirs. But still, they had enough nuclear weapons—if we had just sat and let them have at it without defending ourselves in any way—to damage us severely. But a decision involving risk of nuclear war cannot—then or now—be made without fundamental reckoning with our strength, readiness and resolve.

The Russians learned a big lesson from us. We put enough general-purpose forces down in Florida to make the place almost sink. We also had the back-up—a superior nuclear force structure. They pulled their missiles out, and it was a terrible loss of prestige and face.

I don't think it's coincidental that very shortly after that they started having a real breach with China. China started getting independent and defying Russia.

The Russians' preferred grand strategy, in my opinion, is to keep on as they've done the last many years: fomenting trouble that we are drawn into—and thus weakened by—but without any significant force commitment on their part. What they really want is to remove us as the major roadblock to their influence in the world, and if possible, to add present free-world human and material resources to the Communist side of the ledger.

Deterrence is the name of the game we must play—most certainly deterrence of nuclear attack, but also deterrence of the loss of our way of life. If they were to achieve a preponderant advantage over us, we would see some hard times ahead. They could test us in the Mediterranean, the Middle East, Berlin, and maybe Korea again, if they decided they had a sufficient advantage. If we can't negotiate from a position of at least partity, I don't know what will happen, but it will not go well with us.

Q. How well has bombing by the B-52s paid off in Vietnam?

A. In doing what they have been directed to do, I think their performance is magnificent. But it's not, in my view, the best way to use strategic air power.

I am not going to get into the business of why we fought the Vietnam war the way we did. On strictly military considerations, nobody in uniform that I have ever heard of would have done it that way.

I think the quickest way to get the North Vietnamese to negotiate would have been to go after their Achilles' heel—their war-supporting logistics. But for reasons beyond my bailiwick—and perhaps good reasons—we didn't do it that way.

The B-52s, where they are operating now and under the rules that are prescribed, are doing great. It's hard to measure analytically exactly what their damage effectiveness is because that is so difficult. That's bomb-damage assessment—actually going in there to see what they have done. In many cases that has not been accomplished—has not been possible.

The biggest boosters we have are the ground commanders, starting out with General Abrams and General Westmoreland and going on down through the corps and division commanders—right down to the guys out there in the foxholes. They say they couldn't have possibly achieved what they did without the B-52s.

Q. What kinds of new weapons would you like to see developed?

A. What we need to do to redress the alarming change in the balance of strategic power is to improve the quality of our weapons. That's more important than building lots of less effective weapons.

We have some good things going on in the qualitative sense, but I would like to see more.

### WHERE UNITED STATES HAS A BIG ADVANTAGE

Q. How accurate are our missiles?

A. Here's a place where, through our technology—which is the best in the world—we could further improve our military posture. We've got to make sure our research-and-development program doesn't dwindle any further. *It must not*. Technological ingenuity is one of our most magnificent advantages.

Q. What's happened to other proposed weapons systems—such as the mobile strategic missile?

A. There have been a lot of schemes considered for a mobile ICBM by the United States, and there's good evidence that Russia has looked into that, too. As somebody once put it, "We come out with a new scheme every other August." It started with the rail-mobile Minuteman, which went further than any other one. In fact, we had a couple of trains built, and an operating prototype. But every one of the schemes has been found wanting—generally, because of logistic considerations. They just get monumental.

We had an idea once of putting them in trucks and running them on public roads, but the logistics were pretty awful and the security would have been a problem. How are you going to maintain the necessary security then when it's already hard enough if you've got the missile in a hole in the ground or in a large submarine?

On the other side of it, the advantages aren't sufficient to outweigh the rather large cost elements and disadvantages.

One of the ideas was to put them in relatively small areas—say, a 10-by-10 or a 5-by-5 mile area—and have a number of shelters, maybe hardened to some degree. You would have one or perhaps as many as three missiles in maybe up to 15 shelters, and you would be able to move them around among those shelters after warning of an impending attack. But to do it within the time span of warning, you've got to achieve practically the speed of light, and the ground-vehicular system gets to be a tremendous consideration in cost and complexity.

These land mobility schemes, after you make them work, just aren't very appealing to me.

We do have a type of mobile missile in the submarine-launched ballistic missile. It's there because it's presently secure—plus some other advantages—but principally security through mobility and cover under the water.

Now, as a specific technological improvement for the future, I would like to see priority effort on a good air-mobile ballistic missile, because an airplane can move in three dimensions over the entire earth at high speeds. Thus, an airplane-based ballistic missile could become, in my view, the most secure missile of all.

Q. What kinds of new systems are you working on to control Strategic Air Command forces in an emergency?

A. We think it's very important to get an advanced airborne-command control system. It could embrace the control of all strategic forces as a secure system, because if we are ever struck with nuclear weapons, I'm sure all of the principal ground-control centers would be very-high-priority targets, and we could not be sure they would survive. So we are pressing that, and I think the need for it is pretty well supported.

Q. General, what's the reason for so much resistance to new weapons systems?

A. It's because of a lot of things.

The broad unpopularity of Vietnam—and the associated tendency of many to regard all United States defense needs with suspicion by virtue of this disenchantment—is one.

Another is cost, and the strong competition for increased Government appropriations for internal problems that have assumed large proportions.

I think the biggest one, however, is lack of understanding. A great many Americans—to include some of the so-called silent majority—simply do not understand that weapons modernization is a mandate for survival of the United States as a free country. It is unequivocally necessary if we are to have a sufficiency of strategic forces—which the President and Secretary of Defense have declared our paramount military requirement and responsibility. This is so whether we are concerned about being blown to bits or being coerced or blackmailed to bits—and it could happen either way if we were to fail to keep strong through modernization and a healthy research-and-development base.

### ALL-OUT ATTACK: A REAL THREAT

Q. Do you sense a growing feeling of isolationism?

A. Yes. I think it's mainly, again, a lack of understanding of what isolationism means, and disbelief that we really have to worry about an Armageddonlike attack from the other side.

The first point is we *do* have to worry about it, until somehow control or limitation of strategic armaments can be realized.

The second point is that there are other ways to lose—perhaps even more degrading than being bombed.

Either way, the fundamental requisite is the same—and the existential thinking which scares me most about today's isolationism is the belief that we could possibly be left alone if we turn inward.

Q. Have the strategic-arms-limitation talks in Vienna affected SAC planning?

A. The SALT talks are a great hope, a great hope, but they're not going to have an instant, magical effect. You won't hear both sides saying, "Yes, let's all be good guys and lay down our weapons," because that isn't the way it works.

If we're going to be successful in SALT, we're got to have the strength to support our negotiating posture. If we were to permit the advantage in strategic forces to move more and more in favor of the Communists, we could see some pretty awful things happen.

We'd be hard pressed to find a proper solution to those problems if we didn't have the basic strentgh from which to reason and to negotiate.

Q. What sorts of new weapons are the Russians building?

A. They have a brand-new bomber. It's a very modern design with variable-sweep wings. We don't know how many they have or whether they're in production. But I think they will maintain a bomber force and modernize it.

Q. How good are Soviet air defenses?

A. They have a tremendous array of defenses against airplane attack. They have very good and extensive anti-aircraft artillery, which is radar controlled. They have two particularly effective surface-to-air [SAM] missile systems—the SA-2, which is the one they have used and improved in Vietnam, and the SA-3, which is a low-altitude system.

They also have the SA-5, which is extensively deployed. There is a difference of opinion on what the SA-5 is. Basically, it is an antiaircraft system, but I think it is also has an anti-ballistic-missile use.

They have the Moscow anti-ballistic-missile defense system, and as far as we can tell, it's a pretty good one.

They have a network of fighter bases all over the satellite countries and throughout the Soviet Union. In Western Russia and the Warsaw Pact countries, they are as dense as the fighter bases were in Western Europe in World War II.

They have brought out a new type of fighter aircraft on the average of once every 18 months for the past 10 to 15 years. They have many times more of them than we do—more interceptors, more radar equipment, more antiaircraft, more SAM's. We don't have anything like the SAM's, except a declining force of NIKE Hercules and BOMARC antiaircraft missiles.

Q. General, have the problems of morale, racial disturbances and other troubles like those in other branches of the services been a problem in the Strategic Air Command?

A. We've been lucky. I don't think we have any serious morale problems, and we are having considerable success in working on those that we do have. We have some agitation you might call racially motivated. We have occasional bomb threats. But I think the morale in SAC is extremely high. I am proud that it is. It's a tribute to our commanders, our people, and their appreciation of our mission.

Q. How many people are in SAC?

A. We have 159,000 right now.

Q. How would you describe your over-all state of readiness?

A. I think it's good. I think it's at least as good as it's ever been—although as I've said, we're approaching the point where we vitally need some modernization.

Q. Are you working on a plan to disperse SAC forces more?

A. Yes, sir. We are most enthused about that. We call it satellite basing.

This is a day-to-day condition. We have 12 satellite bases now, and we will eventually have at least 20. These are bases that we can fly in and out of when we need to, and we keep aircraft and crews on the alert there. The beauty of this is that, basically, it proliferates the target structure for the enemy and it doesn't disturb the mission of the host base at all. Our planes there just sit on the alert. They don't fly. They don't even taxi, except when we replace them—unless, of course, they are actually launched by proper authority.

Altogether these active satellites accommodate about 40 alert aircraft. Furthermore, we have facilities for additional alert aircraft at bases well inside the United States. The main reason for this is to keep these planes as far away as possible from the enemy's missile-carrying submarines.

Q. Are SAC's overseas bases contracting or expanding?

A. They are contracting. We now have two bases—Goose Air Base, Labrador, and Andersen Air Force Base, Guam—and we also operate out of four other bases in Okinawa, Thailand, Spain, and England.

## SENATOR MANSFIELD APPEARS ON "ISSUES AND ANSWERS"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the "Issues and Answers" program of January 23, 1972, be incorporated at this point in the Record.

There being no objection, the text of the program was ordered to be printed in the Record, as follows:

### Issues and Answers

Guest: Senator Mike Mansfield, Senate Majority Leader.

Interviewed by: Bob Clark, ABC News Capitol Hill Correspondent, and Ted Koppel, ABC News State Department Correspondent.

Mr. Koppel. Senator, even as the United States is pulling out of Vietnam, things are going badly in Laos and Cambodia. Is there anything that could or should be done by the United States at this point?

Senator Mansfield. No, I think they were both mistakes. I think what we ought to do is have a peace conference which would include the appropriate representatives from Cambodia and Laos, and sort of lengthen the table or extend it so we can bring about a decision if possible on the entire Indochina question.

Mr. Koppel. Where would that take place, you just invite delegates from Laos and Cambodia to go to Paris?

Senator Mansfield. Delegates should be selected, the meeting I think has probably outlive its usefulness in Paris and very likely should be removed someplace closer to the scene of activity, perhaps at Rangoon, in Burma.

Mr. Clark. Senator, for the next month the spotlight is going to be on Peking and the President's visit to Peking. Do you think the proposal you have just made should be formally taken to Peking by the President?

Senator Mansfield. No, the President has his responsibilities. These are just suggestions on my part. If they have any merit, I would hope the President would give them consideration and act accordingly.

Mr. Clark. Do you think the People's Republic of China should be involved in an expanded peace conference that would include Laos and Cambodia?

Senator Mansfield. Only if we return to the Geneva Accords which seem to be a thing of the past.

Mr. Koppel. Senator, one thing concerns me about this expanded notion and that is the peace talks in Paris have already been paralyzed into inactivity over the past couple of years. Don't you think that by bringing in four more—I mean it would amount to at least four delegations—you are just going to make it so cumbersome nothing could possibly come out of it?

Senator Mansfield. Not if you pick the right people and create the right format. All they are talking about now is Vietnam, but what about Cambodia, what about Laos where the war is being lost and lost badly. These are two countries, I think, which the North Vietnamese and the Cambodians in Cambodia and the Pathet Laos and North Vietnamese in Laos could take over almost for the taking.

Mr. Koppel. Do you think the United States has any moral responsibility toward these two countries, toward Laos and Cambodia?

Senator Mansfield. Only in the case of rehabilitation after the war is concluded because we have helped to despoil their culture, we have defoliated the countries concerned, we have created a refugee class. We have disrupted their society and I think we have a moral obligation after the war is over to bring about the rehabilitation of that entire area.

Mr. Clark. Senator, the Congress this past year voted a ceiling on American aid to both Laos and Cambodia, about $350 million in each case, with big loopholes that did not include the cost of American air support, or the troops of South Vietnam, and it has been rather ineffective for that reason.

Do you think this new session of Congress should reimpose a lower ceiling or take some other affirmative action to keep the war from spreading more widely in Laos and Cambodia?

Senator Mansield. Yes, I do. I wish the Congress would reimpose a lower ceiling. As far as I am concerned, I don't intend to vote for funds for Laos or Cambodia.

Mr. Clark. Would you personally get involved in proposing and supporting a lower ceiling of aid to Laos and Cambodia?

Senator Mansfield. I do not anticipate doing so at the moment because, as I said, I intend to vote against funds for both.

Mr. Koppel. Now, Senator, you have proposed several times over the past several years a six months U.S. troop withdrawal from Vietnam in return for the return of American prisoners of war. Is that kind of resolution still necessary now when the President is obviously phasing out American troops?

Senator Mansfield. Yes, I think it is because the President, while he is obviously phasing out the American troop strength in Vietnam, has indicated, if I have interpreted his remarks correctly when he announced the last draw-down, that it was his intention to keep a residual force there. But what is happening is as we are withdrawing, we are getting no quid pro quo. What I want to see is the prisoners of war and the recoverable missing in action taken into consideration and released at the same time, if such a proposal is possible and such a proposal has not yet been made in Paris.

Mr. Koppel. Why do you think it would be easier now to get your kind of resolution passed in Congress? It would seem to me that it would become harder as more and more troops come back.

Senator Mansfield. Oh, no. The Senate has expressed itself, I believe, on three occasions, and it appears to me that the feeling in this respect is increasing in both houses of the Congress. Furthermore, it would be in accord with what the President himself has stated, that he wanted the POWs released before the final withdrawals were made. We had better continue to make attempts in that direction. We aren't doing so at the moment.

Mr. Clark. The President, in his State of of the Union Address this past week said he will ask for an increase in the defense budget. The word from the Pentagon is that that requested increase will be between $4 and $5 billion. Will this Congress vote that much more money for defense?

Senator Mansfield. I hope not. I think it is entirely too much. I think we spend too much on defense because we waste too much on defense. We are involved in the creation of exotic weapons and I think we can simplify our defense systems to a considerable extent and save a great deal of money. Money alone isn't the answer. $82 billion for defense, with the problems we have at home, is entirely too much. We are spread too far, too wide, too thin throughout the world anyway.

Mr. Clark. Specifically, Senator, the President said he will ask for $900 Billion more to expand and improve our missile-carrying submarine fleet. Will you support that request?

Senator Mansfield. I think that has some merit because I think the punch in our defense system lies in the missile-carrying submarines, but I would like to see deductions and eradications in other areas.

Mr. Clark. Well, despite, Senator, your strong views against an escalating defense budget, would you agree that there is cause for concern about the rapid advances made by the Soviet Union in some areas, including their expanding fleet of nuclear and missile-carrying subs?

Senator Mansfield. Not as much as the Pentagon would like to have us believe because I think at the present time we still have superiority. At the least, we have a stand-off and it is my belief we have superiority. We ought to get away from spending money for F–111s, C–5As and other planes of those types which have cost so much and gone way beyond cost estimates and get back to simplicity in building and in reducing the application of funds.

Mr. Clark. Well, Senator, to convert all this into a practical prediction, would you say it is likely that Congress will approve a small increase in defense spending, will vote this money for an expanded submarine fleet, an increase of perhaps a billion or two dollars but will not give the President all he has asked?

Senator Mansfield. No, he will not get all that he has asked. One thing the public hasn't been aware of is that John Stennis and his Armed Services Committee have been doing a tremendously effective job over the past two or three years in reducing the budget requests, I think somewhere between one and two billion dollars over the past two years and about two billion dollars three years ago.

Mr. Clark. Would you think it is likely that Congress will vote some increase in the defense budget?

Senator Mansfield. I wouldn't be surprised, but my vote will not go in that direction.

Mr. Koppel. Well, Senator, one thing concerns me about that. For all these years we have been in Vietnam, we have been hearing talks about the peace dividends that will accrue once the war is over. All this money that was to be made available for domestic programs. What has happened to that?

Senator Mansfield. Well, the Administration tells us that it goes for additional weapons—exotic weapons, I would assume—that it goes to pay the pay raises which the Congress has voted three times in the last year, or year and a half. That eats up the difference plus, of course, the inflation, which has been plaguing us over the past several years, going back into the previous Democratic administration. All those are factors to be considered.

But you know I think we ought to really look at the facts about the war in Vietnam and Southeast Asia. This is the longest war in the history of this Republic. In casualties it is second to the Second World War and in cost it is second to the Second World War.

Mr. Clark. Senator, there is considerable evidence that the Soviet Union wants to establish a strong Naval presence in the Indian Ocean. There is also some evidence that the United States is responding.

Are we in danger, do you think, of building up a new area of confrontation between the United States and the Soviets in that part of the world?

Senator Mansfield. Oh, yes. We are building a communications station at Diego Garcia in the middle of the ocean and I noted with surprise that we have taken over the lease which the British had on Bahrein in the Persian Gulf. It appears to me we are following the same old policy.

As the British vacate, we step in. We haven't got the resources and we shouldn't have that responsibility.

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Mr. Koppel. Senator Mansfield, I'd like to get back to your proposal for expanded peace talks. Realistically, how would this begin? How would you go about expanding the peace talks in Southeast Asia?

Senator Mansfield. Well, I think we ought to bring in Laos and Cambodia and we ought to have the appropriate representative from those states. After all, you can't settle the Vietnamese War on its own without taking into consideration Cambodia and Laos.

Mr. Koppel. What I am wondering is, whom do you consider to be the representative of, let's say, Cambodia?

Senator Mansfield. I would say that Sihanouk ought to be given consideration as far as Laos is concerned that it would be that king, Savang Vathana.

Mr. Koppel. He is sitting up in Luang Prabang and has taken no active role thus far in any of this?

Senator Mansfield. That is right. He has the religious and patriotic loyalty of all factions. I think he is the only man who can step in and do something in that pitiful war-ridden country. It is about time for somebody to step forth and take the responsibility which Souvanna Phouma and the others cannot seem to effectuate at the present time.

Mr. Koppel. Wouldn't you, for example, from Cambodia have anyone who could represent what could be called in quotes, "The allied cause?"

Senator Mansfield. No, I think Sihanouk represents the people of Cambodia, always has and still does.

Mr. Clark. Senator, the President noted in his State of the Union Message this week there are some ninety of his legislative recommendations, including some major programs, still awaiting action in Congress. What do you see as the "must" items in this new session of Congress; the areas where you can assure the President that there will be action on his programs?

Senator Mansfield. The Welfare bill, Revenue Reform, Higher Education, all the appropriation bills. There are some others which he hasn't recommended such as the voter registration. That is about all I can think of at the moment, but there are others as well.

Mr. Clark. But you are saying there will be action on welfare reform; there will be a revenue-sharing bill produced by this Congress?

Senator Mansfield. Oh, yes. Another one is government reorganization, which I am for, but I think the President has bit off too large a chunk to expect us to do anything in that area this year. He ought to cut that down to make a start in one area so we can go ahead and handle it as we go along. All these bureaus and departments which he wants to either eradicate or consolidate with others have their vested interests, people who are interested in them, in commerce and agriculture and what-not. They will make it difficult—they will make it impossible to achieve the overall types of reorganization which the President wants, which I advocate, during a session of the Congress, or during a Congress.

Mr. Clark. The President, in his State of the Union address this year sounded a new theme on revenue-sharing, where he talked about urgent action necessary to ease the burden of the property tax, that the taxpayers were in near revolt in some areas of the country, and to help channel more money into schools.

His expected solution to this, White House sources said that the President will probably propose a so-called value-added tax and you and other Democrats and almost all the presidential contenders promptly opposed the value-added tax.

Senator Mansfield. It is a sales tax and with all sales taxes it is the poor people who pay the most and who keep the kitty full.

Mr. Clark. With this strong Democratic opposition, would you say that a value-added tax is dead before it is even proposed by the President?

Senator Mansfield. I don't think it is going to get very far, no.

Mr. Clark. Will there be a Democratic alternative to value-added tax?

Senator Mansfield. Well, I don't know, but I, for example, would have no objection to increasing gasoline, liquor and tobacco taxes.

Mr. Koppel. Well, Senator, this seems to be one of the problems. You have a gaggle of Democratic candidates for President, each of them with his own pet plans. Is there anything that could be construed as a Democratic counter-proposal to everything that the President is talking about?

Senator Mansfield. Not now. Maybe later in the year.

Mr. Koppel. How is that ever going to come about? Do you mean after people have——

Senator Mansfield. In the Policy Committee and an appropriate Democratic caucus—not the next one—we will see what we can come up with.

Mr. Clark. Well, Senator, if you don't come up with constructive alternatives—and I think most impartial observers of Congress would say that the Democrats did not do a very good job in this area this past year—

Senator Mansfield. Oh, we didn't do too bad a job.

Mr. Clark. I am talking about coming up with constructive Democratic alternatives and financial proposals.

Senator Mansfield. We did, we came up with some constructive proposals. I think by and large we did a respectable job in the first session and we will do as well in the second, if not better.

Mr. Clark. If you don't do more this year aren't you going to invite the President to run against a do-nothing 92nd Congress just as Harry Truman ran against a do-nothing Republican Congress—

Senator Mansfield. Well, he had better study that picture very carefully because his people on the Finance Committee are the ones who are the main roadblocks to bringing out a welfare program which he advocated and about which, incidentally, I have some questions too.

Mr. Koppel. A number of leading Democrats have already criticized the President's State of the Union Address in rather partisan terms. Do you think that already lays to rest the rhetorical question that President Nixon raised about whether or not it is possible in a political year like this, to handle things in nonpartisan terms—

Senator Mansfield. It isn't possible, but I hope that we can reduce it to a minimum. The address was temperate—it didn't say much, it made practically nothing in the way of recommendations but held out promises which might be said to include the value added tax and a few other matters. Unfortunately, we have so many candidates running from the Senate that politics is bound to become involved. I would hope that as far as the Senate is concerned, that there would be no politicking, or at least a minimum of politics—this applies to Republicans as well as the Democrats—and that the politicking would be done outside the Senate chamber, not in it.

Mr. Koppel. Is it going to make your job much more difficult during this coming year?

Senator Mansfield. It is tough anyway.

Mr. Clark. Senator, isn't one of your problems going to be, with all of the Democrats running for President, they each have their own platforms that are evolving in the campaign and we have a Muskie anti-pollution plan and a Kennedy health plan and a McGovern plan to cut the defense budget and a Wilbur Mills revenue sharing plan. Now how are you going to blend all of these together into something voters can recognize as a Democratic plan?

Senator Mansfield. Oh, I am not looking that far ahead because all these proposals have to get out of committees and once they get out of committees then we will get down to the nub of your question.

Mr. Clark. Is it really a matter of looking that far ahead? We are right on the verge of these Democratic primaries now. The political season is already under way. Where does this Democratic platform of constructive alternatives come from?

Senator Mansfield. That has been happening all along since this Administration has been in power and we have offered proposals which we thought would be helpful to the Administration. Unfortunately, it seems that down there they go into adversary proceedings and think what we are trying to do is undermine them when in fact we are trying to help them.

But I wouldn't worry too much about that platform yet. We will work out that particular procedure in time. Just as the Republicans will, because their platform isn't steady by any means at this moment.

Mr. Koppel. Senator Mansfield, approximately a year ago on this program you said that Senator Muskie was by far the strongest Presidential contender in the Democratic Party. Has anything happened during the past year to make you change your mind?

Senator Mansfield. No, except that more candidates have come in. I think the field is filled by now. Some of those candidates will drop out. The others will bunch together and I think that it will develop into a horse race and that the lead which Senator Muskie has, while it might be maintained—and it is considerable at the moment—might be bitten into depending on events as they develop.

Mr. Koppel. There is a new Gallop Poll, as you may know, that just came out taken among Democratic voters, showing for the first time Senator Muskie leading the field. He is now ahead of Senator Kennedy.

Senator Mansfield. That is right.

Mr. Koppel. You don't think he has got it wrapped up yet, though?

Senator Mansfield. No, I don't think so because there will be lots of questions asked in the meantime, some of them will be tough and it will be up to the delegates, the people in the states concerned, to make up their minds. But at the moment, Senator Muskie is considerably ahead.

Mr. Clark. Senator, are there any of the Democratic contenders for President which you could not support?

Senator Mansfield. Well, wait until the Convention decides.

Mr. Koppel. We will ask you about one of them, now. Would you support George Wallace if by some chance he was the nominee?

Senator Mansfield. No, I wouldn't support Governor Wallace. I think Wallace is, in effect, running under the Democrat banner for purposes of his own but if he doesn't get it then I imagine he will go back to his American Party or the other parties which got together last time to nominate him. He is a man you can't ignore because he pulled about 13 million votes three years ago.

Mr. Koppel. Senator Mansfield, the most emotional issue the Democrats are facing as they campaign around the country now is school bussing. Do you think that the Congress will take any action to block or delay court-ordered school bussing?

Senator Mansfield. That I can't say. Efforts will be made, amendments offered to either the pending legislation, the Equal Opportunities Act, or the Higher Education Bill, which will come before us when the EEOC is disposed of. What will happen at that time remains to be seen.

Mr. Koppel. As it stands right now, which party do you see benefitting the most or is it such an explosive issue that neither party is likely——

Senator Mansfield. I don't think it will benefit either party because it isn't just a Southern issue, it is a national issue and I think that what Senator Ribicoff, along with Senator Stennis tried to do last year, recognized that fact on a de jure and de facto basis.

Mr. Clark. Well Senator, how do you as Majority Leader of the Senate, feel personally about the antibussing amendment that the House tacked last year onto the Higher Education Bill—and these would include amendments forbidding the use of federal funds for bussing to achieve racial balance and an amendment postponing Federal Court orders for bussing until all appeals have been exhausted?

Senator Mansfield. Well, I don't know what the Senate will do in that respect. I didn't get the first part of your question.

Mr. Clark. How do you as Majority Leader of the Senate personally feel about these amendments?

Senator Mansfield. I don't think they should be on there because I think they are part of the law of the land. They are based on the '54 Brown vs. Board of Education decision and it isn't a matter of whether you like it or not, it isn't a matter as much of racial balance as it is a matter of quality education.

Mr. Clark. Well, Senator, do you agree or disagree with President Nixon in his opposition to bussing solely to achieve racial balance in schools? And there is the crux of the problem.

Senator Mansfield. I don't think anybody believes that the purpose is just to achieve racial balance but it is to achieve equality in education, quality education. As far as our citizens are concerned, may I say that bussing is not a new factor. It has been in effect in this country since the turn—well, since the beginning of the automobile, really, and this is a step on the way to quality education, equally applicable to all races.

Mr. Clark. Well, Senator, it has been eighteen years now since that 1954 Supreme Court school desegregation decision that you mentioned, and still in the great ghettos of the north there are hundreds and hundreds of schools that are all black. Would you go into a massive bussing—and I know some people regard that as a trigger word, but would you go into a massive bussing program to achieve school integration in the north?

Senator Mansfield. I don't think massive busing is necessary. Equality of education; quality education, is why I voted for the Ribicoff-Stennis Amendment, which would apply the same standards to all the states, the north and the south east and west—and, after all, education is a state responsibility and a state function.

Mr. Koppel. Well, how do you get quality education, Senator?

Senator Mansfield. By busing if need be, or by the local school boards themselves raising up the standards and the school boards themselves can bring about bussing if they desire to do so. That was allowed under the '54 decision.

Mr. Clark. Well, Senator, one of the Democratic presidential candidates, Senator Jackson, interprets this move to quality education as meaning that he would—in essence, you would bus black children into white schools but not white children into black schools if they were inferior. Is that what you are talking about, one-way bussing.

Senator Mansfield. No, not one-way bussing, because I think busing, if it is going to be applicable, has to work both ways, but then you get back to the nub of the question and that is quality education. That is the thing which should be done. If you do that you won't have any bussing. Bussing is a passing phase.

Mr. Koppel. Realistically, Senator, can you think of any circumstances under which the black school would be better than the local white school a few miles away?

Senator Mansfield. No, except through an intermingling of the pupils of all races. Don't talk of black schools only because remember the Chinese situation in San Francisco, think of the chicanos, the Puerto Ricans and the others as well.

Mr. Koppel. While you are on the west coast, the President has asked Congress for immediate legislation to end the west coast dock strike, legislation that would provide for compulsory arbitration. You have always been considered a friend of labor. Could you support such a move?

Senator Mansfield. I don't know. The President sent his proposal up. We will see what comes out of the Committee on Labor. I am ordinarily opposed to enforced arbitration. Something has to be done, so I will endeavor to keep an open mind and if the committee reports out a bill it will be given expeditious consideration.

Mr. Clark. The President says he wants action this week because of what he regards——

Senator Mansfield. But the committee says they won't start holding hearings until the middle of next week and we can't act until they report out something.

Mr. Clark. Senator, we wanted to ask you one quick final question. The Congressional Quarterly recently ran its tabulation of the support given the President in 1971. On 82 votes last year you supported him only 28 per cent of the time and opposed him on 55 per cent of the votes. Do you think you can better that record in 1972?

Senator Mansfield. I never heard those figures. I am delighted to have them but, as always, I will exercise my own independent judgment and do the best I can as a Senator for the State of Montana, for the people of that state and this nation.

Mr. Clark. Senator, as always, it has been a pleasure having you with us. Thank you for being our guest on Issues and Answers.

Senator Mansfield. Thank you.

## THE PACKARD GIFT TO COLORADO COLLEGE

Mr. ALLOTT. Mr. President, in these days of financial crisis for many of our institutions of higher education, it is comforting and heartwarming to read of an unusual large private gift to one of our colleges. Mr. David Packard, former Deputy Secretary of Defense, and Mrs. Packard have made a remarkable gift of approximately $7.5 million to Colorado College, an outstanding private institution in Colorado Springs. The gift is part of the distribution of capital gains on Mr. Packard's holding of Hewlett-Packard Co. stock which he placed in trust for the period of his Government service. The trustees of Colorado College correctly called it "an immeasurable act of generosity which not only helps to assure the future of Colorado College, but expresses an extraordinary confidence in the liberal arts college as a vital part of higher education."

Mr. President, so that the Members of the Congress can have the benefit of reading all of the details of this remarkable gift, I ask unanimous consent to have the Colorado College announcement of it printed in the Record.

There being no objection, the announcement was ordered to be printed in the Record, as follows:

### The Packard Gift to Colorado College

Colorado Springs, Colo.—A gift to Colorado College of approximately $7.5 million from David Packard, former deputy secretary of defense, and Mrs. Packard was announced here today by President Lloyd E. Worner. The gift is the largest single grant in the 98-year history of the independent liberal arts college.

A native of Pueblo, Colorado, Mr. Packard was a trustee of the college before he joined the Department of Defense in 1969. His parents were alumni.

The gift is part of the distribution of some $18.8 million in capital gains on Mr. Packard's holdings of Hewlett-Packard Company stock which he placed in trust for the period of his government service. Other gifts announced from the fund to date include $2.2 million to Wolf Trap Farm Park for the Performing Arts near Washington, D.C., and $2.6 million to Stanford University, Palo Alto, California.

The grant to Colorado College will consist of 156,000 shares of Hewlett-Packard common stock which was valued at approximately $6.8 million at the termination of the trust. It has since risen in value, and at the close of the market on Wednesday, January 19, was worth $7.6 million.

The announcement followed a special meeting of the Colorado College board of trustees at which the board formally accepted the gift and adopted a resolution citing Mr. and Mrs. Packard for "an immeasurable act of generosity which not only helps to assure the future of Colorado College but expresses an extraordinary confidence in the liberal arts college as a vital part of higher education."

Between $1 million and $1.5 million of the grant will provide new music and art facilities on the campus, and approximately $6 million will go into endowment for scholarships and for faculty and library support. The Trustees accepted the gift as a "Centennial Challenge" to be matched by $7 million in additional endowment funds to be raised by the College's centennial year. 1974.

Endowment is the term used to describe investments which earn income annually to support a college's educational programs.

Russell T. Tutt of Colorado Springs, chairman of the college board of trustees, said the Packard gift "could not have been designated for more important needs." He explained that music and art facilities have had high priority in the college's building program and that a substantial increase in endowment has been a key objective in the college's long-term funding plans.

Current market value of the college endowment fund is approximately 14 million. Successful completion of the challenge matching fund program will mean a virtual doubling of the fund by the centennial.

"The trustees speak for the entire Colorado College constituency—students, faculty, staff, alumni, parents, and other friends—in expressing to Mr. and Mrs. Packard our most heartfelt gratitude," Mr. Tutt said.

President Worner characterized the gift as "the kind of support which encourages us in the liberal arts colleges to take new reassurance that our distinctive kind of education is in a position to flourish as never before."

He said the added endowment would provide a firmer base for the college's continuing programs to obtain funds for special projects and to supplement the Colorado College Annual Fund in helping to make up the difference between what is charged in tuition and what it actually costs the college to educate its students. He said detailed planning will start promptly for the music and arts facilities and that the college will immediately begin efforts to raise the matching funds.

Mr. Packard's late parents, Sperry S. and Ella Graber Packard, were graduated from Colorado College in 1902. His father served as a trustee of the college from 1920–24.

Mr. Packard was awarded the honorary degree of doctor of science at the Colorado College commencement in 1964 and joined the board of trustees in 1966. Before entering government service he was chairman of Hewlett-Packard Company, a leading manufacturer of electronic equipment, which has a major plant in Colorado Springs. He resigned the defense position last month.

Colorado College is an undergraduate institution with a coeducational enrollment of 1750 students. In a period when a number of colleges have experienced enrollment declines, Colorado College has seen admission applications rise sharply, with some 4000 applying for 500 places in last fall's class. Much of the college's recent notice has come from an innovative educational program which enrolls a student in one course at a time instead of the usual four or five.

## PEACE CORPS APPROPRIATIONS

Mr. HARRIS. Mr. President, the Peace Corps is in crisis.

The crisis is not because host governments are displeased with the volunteers or their work; the Peace Corps has received a renewed interest and an increase in the number of requests for Volunteers from the host countries.

The crisis is not because Americans are no longer interested in volunteer jobs; the Peace Corps has experienced a dramatic increase in the number of applications for the second year in a row.

The crisis comes because Congress is making the Peace Corps what Carl Rowan has called, an innocent and untimely victim of the foreign aid mess.

The Peace Corps is an immensely popular program with the American people. I believe it is equally popular with an overwhelming majority of the Members of Congress. The controversy over the total issue of foreign assistance has allowed the Peace Corps to slide out of focus. Lack of positive action by its supporters has allowed a small minority of critics to put the Peace Corps in its present budget crisis and push it to the brink of destroying its credibility and effectiveness to work with and be accepted by people around the world.

Because the Peace Corps was authorized to spend at the rate of $82 million in the first quarter and at the rate of $77.2 million in the second quarter, the $72 million passed in the continuing resolution for the third quarter and a similar budget for the remainder of the fiscal year leaves the Peace Corps with what is, in effect, a 37-percent budget cut for the rest of the fiscal year. Peace Corps unique people-to-people operations will not allow them to slash large grants or delay the purchase of material. Staff in Washington and overseas has been seriously reduced as Peace Corps reaction to previous budget cuts. Fear of a low budget appropriations by Congress has put an indefinite freeze on inviting new volunteers to training.

In order to operate within the $72 million budget, Peace Corps officials have outlined contingency plans which call for the withdrawal of some 4,000 volunteers, or nearly half of the total volunteer force overseas. To accomplish this recall, the Peace Corps will have to cancel agreements for all the volunteers in some 15 countries and a large percentage of the volunteers in several other countries.

The agreement between the Peace Corps and the government of the host countries is a commitment on the part of the U.S. Government and the American people. It is as important to honor this commitment as any other commitment we make around the world. While we continue the war in Vietnam in the face of unprecedented dissent from the people and their leaders, we are about to end our Peace Corps commitments with many countries without a peep.

This is wrong.

The priorities of the American people and their Government are all out of kilter. I am struck by the fact that in the past 10 years we have sent fewer than 45,000 volunteers overseas to work in peaceful development with other peoples, while during approximately the same time we have sent more than 45,000 Americans to their death in Vietnam. We are now asked to tax ourselves to the tune of nearly $80 billion to increase our capabilities for war. If we reduced the military budget to $60 billion, as I believe we should, the savings we would realize in 1 year will operate the Peace Corps, at its present level, for more than 200 years.

Mr. President, I enthusiastically support the Appropriations Committee's report to grant the full $77.2 million authorized for the Peace Corps.

But my support is not enough. The fight for the survival of Peace Corps programs must come from the Members of Congress.

I have today sent letters to each Senator asking that they take positive action to support the Peace Corps in the impending budget appropriations.

Additionally, I have written President Nixon, urging him to take immediate and dramatic steps in support of the Peace Corps appropriations at the authorized $77.2 million.

Mr. President, I believe that any reduction of Peace Corps volunteer strength overseas will be a tragic error on the part of the United States. At a time when the gulf between the rich nations and the poor nations is the widest in history, we cannot reduce our technical assistance to their programs which they consider essential to their development. At a time when we have brought criticism and mistrust from so many peoples of the world as a result of our military, economic, and diplomatic posture in the world, we cannot reduce one of the few people-to-people programs designed to promote understanding at the grassroots level.

Former President Frei of Chile once said to me:

> You Americans invented public relations, but you are now the world's worst practitioners of it.

A dramatic reduction of the Peace Corps activities around the world will be one of the more serious blunders in recent years.

## THE USE OF WATER IN ARIZONA

Mr. GOLDWATER. Mr. President, it always astounds me to discover how little some people who write for newspapers in the East know about problems that beset our States in the West. But some kind of a record must have been established on January 17, when the New York Times published an article accusing the people of Arizona of being sloppy and wasteful in their use of water.

Mr. President, you have to live in the West—and in the arid portion of the West in particular—to understand the reverence with which most people in the State of Arizona regard their most limited, most needed, and most precious natural resource. Our cities in Arizona meter the water delivered to every customer. Our city water systems are among the most efficient in the Nation. Our use of water in agriculture methods is the most advanced anywhere in the world. To give you an example, the irrigation water used in Arizona is carried in many instances from pumps to field in concrete-lined ditches to reduce seepage.

Mr. President, we do not need the New York Times to tell us how to handle water. I dare say New York City could take some useful lessons from the State of Arizona in this respect.

In all events, Gov. Jack Williams of Arizona, has put the record straight in a letter to the editor of the New York Times, dated January 26. I ask that the Governor's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 26, 1972.

The EDITOR,
*The New York Times,*
*New York.*

DEAR SIR: It must indeed be very difficult for people living on the eastern seaboard to comprehend the water problems of Arizona, and an article which appeared in your newspaper on January 17 contributes very little if anything at all to a better understanding.

For nearly a century now Arizona and the Southwest at large have been receiving the ambitious, the courageous and the visionary immigrants from the eastern half of the United States who search for a better life. We are proud of what they have done here to make our arid land a good and productive part of our Nation.

Why, now that we have become an important part of America's economic and social structure by developing our natural resources, are we accused of being sloppy and wasteful in the use of the water which is the most precious of our resources because it is the most limited?

Our cities in Arizona meter the water delivered to every customer. Our city municipal water delivery systems are among the most efficient in the nation. Our agricultural methods are most advanced; for example, irrigation water is carried more and more from pumps to fields in concrete lined ditches to reduce seepage.

Yes the greater part of our total water supply is used for farm irrigation. I must point out we have only about one million acres of irrigated land in all of Arizona. That's only about one and one-quarter percent of our total land area; it is the more important to us because it is so little. And, yes, it does take a lot of water per acre because our warm climate permits year-round crop production.

Fruits and vegetables produce a larger income than any other kind of crop grown on our irrigated farms. We grow a lot of feed grains and forage, of course to feed and fatten the cattle grown on our ranches. And Alfalfa renews soil fertility for other crops as any good farmer knows.

Arizona does use large amounts of groundwater drawn from largely irreplaceable reserves. In the Salt River Valley where Phoenix is situated, groundwater accounts for about half the total supply, and it is used in addition to stored surface water to support a population of nearly one million people and to irrigate less than 500,000 acres of farm land. That 500,000 acres of irrigated farms form the green belts that contribute to the quality of our oasis type of environment.

We have known for many years that it is not good to draw as heavily as we must upon groundwater reserves. That is why we need the Central Arizona Project to bring a supplemental supply of Colorado River water into Central Arizona. It will be used to reduce the amount of groundwater pumped. By law, none of the water delivered by the Project can be used to irrigate new farm land except on Indian reservations. If land speculators are buying desert land along the Central Arizona Project aqueduct route hoping to make a fortune from use of Project water, they are doomed to failure.

Of course, there are a few shortsighted people in Arizona who have doubts about the value of bringing in more water. The fact that the writer of your article failed to find any prominent men who were willing to be quoted in opposition only confirms that they are very much in the minority.

As for the position of the Sierra Club, I call your attention to the fact that its chief spokesmen who appeared before congressional committees before our Project was authorized admitted many times that Arizona needs the water which the Project will deliver. It was these same Sierra Club spokesmen who, in opposing the construction of hydroelectric dams on the Colorado River, suggested that power for the Central Arizona Project be generated by thermal plants as a substitute for dams. Arizona accepted that compromise, but now that a thermal plant is under construction the Sierra Club is opposing it too.

If all efforts to satisfy the water and power needs of Americans, whether they live in Arizona or New York, are to be blocked by economic environmental and social theorists, then there is little room for optimism about the Nation's future.

We can make a beginning now in the right direction by at least trying to understand the problems of each of our states, rather than promoting misunderstanding through publication of less than the whole truth.

Sincerely,

JACK WILLIAMS,
*Governor of Arizona.*

## SOVIET HARASSMENT OF RHODE ISLAND LOBSTER FISHERMEN

Mr. PELL. Mr. President, during the day yesterday I received a series of reports from Rhode Island lobster fishermen, home ported at Galilee, that for the past several weeks they have been the victims of harassment by vessels of the large Soviet fishing fleet.

A member of my staff traveled to Galilee and interviewed the boatowners and captains at length. They gave him very disturbing accounts of extensive losses to their gear—their lobster pots, their lines, and their buoys—caused by harassment by Soviet vessels.

A spokesman for the boatowners and captains told my staff member that the losses of gear totaled $16,000 during January.

In addition, they claim that the Russian harassment has also caused a sharp drop in the lobster catch by Rhode Island lobster fishermen. The loss in dollars between December and January was estimated at $175,000.

Mr. President, I find these allegations shocking.

Last fall there were similar allegations by New England lobstermen, most of them from Massachusetts, that the Soviets were steaming across their fixed lines, severing the lines from the pots.

At that time an enterprising television station from Rhode Island sent a film crew out with one of the American vessels and they filmed the Soviets in the act of such high-sea vandalism.

After those incidents last fall there were discussions between American fishermen and officials of the large Soviet fishing fleet. These discussions were aided by the good offices of the Department of State and the Coast Guard. From all reports these discussions were amicable and they led those of us concerned about this problem to have some hope that the Soviets were prepared to respect the rights of the fixed-gear lobstermen.

Mr. President, it appears that this has not been the case. I find the latest Soviet acts of vandalism, as reported to me, to be deplorable acts. An end must be put to them so that our fishermen, who depend on these waters for their livelihood, will be able to fish in peace.

Last Saturday one of the Rhode Island captains saw 19 Russian vessels in the fishing grounds south of Block Island. He radioed the Coast Guard and two Coast Guard vessels responded promptly. The Soviet vessels promptly dispersed.

I am pleased that the Coast Guard responded so promptly, Mr. President, but I believe the situation is serious enough to warrant the stationing of a Coast Guard vessel in the area to dissuade the Russians from any further hostile actions. I plan to make such a request of the Coast Guard today.

Secondly, I call on the Department of State to take the most vigorous action in pressing the Soviet Government for restitution to all of the fishermen involved for their losses. Fishing is a most precarious business and the loss of equipment for even a short period can cause serious financial hardship.

I also ask that the Department of State again protest this latest series of hostile actions to the proper Soviet authorities and seek firm assurances that this vandalism will cease.

Finally, Mr. President, I have contacted the Small Business Administration so that they will make available whatever assistance they can to our fishermen so that they can quickly replace their gear and return to their livelihood.

## THE PRISONERS OF WAR

Mr. DOMINICK. Mr. President, this week families of American prisoners of war and missing-in-action in Southeast Asia are visiting Members of Congress to plead their case for making every effort to obtain the release of these men.

Certainly no one in Congress—or in the rest of the Nation—could turn aside their arguments. There is nothing that weighs more heavily on our minds as we search for peace in Southeast Asia. President Nixon has made it very clear that this is his primary consideration in negotiating a settlement and he has made very generous terms to open the way to constructive negotiations with the Communists.

The families of these men have suffered an ordeal which I am sure none of us can fully imagine—the agony of not knowing if a husband is dead or alive, the uncertainty of a loved one's well-being when reports filter through of malnutrition and mistreatment of prisoners, children not knowing if their father will be home for Christmas next year, but always that small ray of hope that he is alive and that maybe his release is just around the corner.

To give the American people some idea of the courage that the POW-MIA wives have passed along to their children and to show the sensitivity of other children to the issue, a Colorado publisher active in the cause of gaining release of American prisoners has compiled a sampling of the letters written by children of all ages to President Nixon, to Hanoi and to H. Ross Perot, a selfless contributor to the POW/MIA cause.

Mr. John L. Herzog of Colorado Springs edited the book, entitled "Daddy Won't Be Home for a Long Time," and all royalties from the book are being donated to the cause of securing freedom for the men. As Mr. Herzog says in his introduction:

> People of all ages were and are involved in the campaign—to win freedom for the men. But it was the innocents, the children, with their simplistic interpretation of international politics, who wrote the most poignant letters. These "letters to Hanoi" expressed their idealism toward humanity for all men, their hopes for lasting peace, their interpretation of war and their insight into the role of a nation's leader.

I would like to place in the RECORD a few of the letters that touched me particularly, and I commend the book to anyone concerned about American prisoners and the truly human side of the issue.

I ask unanimous consent that the letters be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

### EXCERPTS FROM DADDY WON'T BE HOME FOR A LONG TIME

To Mr. H. ROSS PEROT:

DEAR MR. PEROT: I am 6. My Daddy is an Air Force pilot. We can't find him. We pray he is a P.O.W.

Thank you very much for trying to help him. I love you.

PATTY.

DEAR MR. PEROT: We want the men back alive. Dad is one of the men. There are 3 of us and my Mom. David does not know Dad. He's my brother, he's 4 this year and John is 6 right now and I am Molly and I am 7 right now. I'll pray for you.

MOLLY AND JOHN AND DAVID.

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LETTERS TO HANOI

DEAR MISTER PRESIDENT: Please let all the prisoners free.

You wouldn't like it if you were missing in action.

If you let the prisoners of war go we promise that we will let your men free.

One of the prisoners of war is my father. He has been missing since I was five. I am eight now. It is not very fun without a father.

Please let my father and all the rest of the prisoners free.

Sincerely,

TRACY.

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Office of the PRESIDENT,
*Democratic Republic of Vietnam,*
*Hanoi, North Vietnam.*

MISTER PRESIDENT: This war, or so called, may not be right, but at least this goes to show we keep our promises. And since we promised help, even though it would mean the cruel murder of many of our men, we kept that promise. It looks as though something as simple as revealing the names of prisoners of war and agreeing to at least keep your prison camps up to par. If we can, so can you.

Sincerely,

LINDA.

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DEAR MISTER PRESIDENT: We demand our POWs released. But if I can't demand that then please give them good food and medical care and let them get mail. They are not animals, they are humans. How would you feel if your dad was a POW. Please do it for us.

Sincerely,

DENNY,
*Third Grade.*

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*To the President or whom it may concern in North Viet Nam:*

I am writing in behalf of the Peyton Pals 4-H Club, El Paso County, Colorado, United States of America.

Our National 4-H motto this year is: WE CARE! This letter is to let you know that we 4-H'ers and all Americans care about our prisoners of war in Indo China!

We are concerned about their treatment, and conditions they live in. We think they should be allowed to write their families freely and their letters should not be censored!

We wish you would abide by the rules of the Geneva Convention.

Sincerely,

JERRY.

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MR. PRESIDENT: Sir, I implore you to reconsider your position concerning the treatment of American prisoners. I am told that the war will end by the year 1972. Please let it be over for all and release the prisoners at the end of the war or at least comply with the Geneva Convention rules on the treatment of prisoners and let their families know whether their sons, brothers or fathers are alive or dead. Is that really asking too much? After all your country did sign the agreement on the treatment of war prisoners, or is it to be said around the world that Hanoi is not a country of its word.

Sincerely,

CHARLES.

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NOVEMBER 13, 1970.

LEADERS,
*Democratic Republic of Viet Nam,*
*Hanoi.*

SIRS: Your country is fighting for a cause and so is my country. It doesn't even matter who wins, so long as they don't forget the cause and don't give up the fight. I, and many other people, are fighting for a cause too. We haven't given up the fight, and that's why I'm writing this letter to you. I want to help the war prisoners. There's a word in my country that means a lot. I don't know if it means anything in your country, but the word is "Please". Please help our prisoners. Some very important ways that they need help are:

(1) fair treatment of prisoners;
(2) medical care for the prisoners;
(3) allowed to write to family;
(4) send letters and cards every month;
(5) receive mail, food packages, and medical supply; and
(6) have a healthy diet.

These are only six requests of list of them. I can't expect to have all of these granted, and a compromise is all I can hope to expect. Any improvement would be extremely appreciated. If I didn't think this letter would help, I wouldn't waste this piece of paper and my time. There's also another word that means a lot in America. The word is "Thank You." Thank You for reading this.

A concerned American Citizen,

fighting for a worthy cause.

(NOTE.—Spelling and other errors are as contained in original hand-written copy of children's letters.)

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## NATIONALIZATION

Mr. ALLEN. Mr. President, I am indebted to Mr. Stuart X. Stephenson, Jr. of Birmingham, Ala., for calling to my attention an article entitled "Plunging Toward the Monolith," which appeared in the Wall Street Journal of January 18, 1972. The author of the article is George Melloan, an editorial page staff member of the Journal.

Mr. President, the article is a timely commentary on the accelerating trend toward nationalization of our society. One or two questions and observations in the article will indicate its relevance to problems presently under consideration by the Senate. For example:

> But the imperative question that arises is "how far do we want this movement to go?" Perhaps even more to the point, "Will we have the power to stop it when it is in danger of going too far?"
>
> In specific terms, it would appear that we are rapidly heading toward nationalization of basic institutions that heretofore have largely resisted nationalization—primarily education and law enforcement.
>
> The real danger that arises from centralization and the breakdown of traditional pluralism is that a massive, monolithic structure upon which millions of people are dependent is in many ways more vulnerable to colossal damage through error.
>
> And the track record of federal social programs so far (such as public housing, Medicaid, and the like) is not one to inspire confidence that there is higher wisdom in Washington that will avoid mistakes.
>
> "Whither are we tending" as a nation.

Mr. President, I hope that every Senator will ponder the important issues and implications in the article and I request unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### PLUNGING TOWARD THE MONOLITH

(By George Melloan)

Since discussions of "nation building" usually focus on the emerging countries of the world, it is easy to forget that older countries, and most particularly our own, are still engaged in nation building, too.

A question of considerable importance in this period of rapid change is, what kind of nation are we building, or trying to build? Without some idea of broad national goals, it is very difficult to assign priorities and values to the narrower and shorter-range goals of government, business and the other institutions of our society.

The question is not being entirely neglected, particularly by the growing coterie of intellectuals who style themselves as "futurists," students of what the future has in store. And there would appear to be a certain consensus developing, with substantial support from some recent events, on the kind of nation we may become by, say, the year 2000. There are some disturbing things about the vision, which could easily be self-fulfilling, in that it suggests a further centralization of economic, political and social power with the national government.

#### DR. BELL'S VIEW

One of the best starting points for coming to grips with the "whither are we tending" question is offered by Harvard sociologist Daniel Bell. It is Professor Bell's view that in the last 30 years, the U.S. has moved from being merely a political entity held together by a common identity and a common symbolism and has become a true "national society."

Professor Bell has a somewhat high-powered academic definition of what he means, saying that a national society is one in which "changes taking place in one section of the society have an immediate and repercussive effect in all others." He credits the change to the revolution in communication and transportation—the rise of national network television, coast-to-coast telephone dialing, simultaneous publication of national news media and jet transport.

Another way of putting it might have to do with the daily experiences that Americans share in common as a national community, with the same retail chains, the same network news programs, the same televised sports events, the same type of large employers, either business or government. For those many Americans who have become rootless through frequent job transfers and who inhabit urban cliff dwellings or suburban tracts where there are few local community traditions, the experiences of national community may be more frequent and real than experiences of local community.

The coalescence into a national society has some profound political implications, all of which are familiar enough but which are seldom viewed as a whole. It has led to efforts toward national, rather than regional and local, solutions to social problems and, by definition, the expansion of central government into the field of social policy.

An interesting, if not always satisfying discussion of the implications of this development can be found in a new book called "The Future of the United States Government" (subtitled "Toward the Year 2000"), published by George Braziller Inc., (374 pages, $7.95). The book, edited by Harvey S. Perloff, dean of UCLA's School of Architecture and Urban Planning, is a report from a working group of the Commission on the Year 2000, set up in 1965 by the American Academy of Arts and Sciences. Most of the 18 contributors to the report are academicians, although there are also two Congressmen, Henry Reuss (D., Wis.) and John Brademas (D., Ind.).

Professor Bell of Harvard, in a foreword to the book, says that, "Just as the New Deal, in the 1930s, had to grapple with the problem of a national economy—and create institutions for the regulation and management of the economy—so the Great Society has had to deal with a national society in welfare, education, health, housing and environment.

"The institutions we set up now will shape our lives for the next 30 years, just as the regulatory mechanisms of the last 30—the Securities and Exchange Commission (SEC) for finance, the National Labor Relations Board (NLRB) for collective bargaining, the Council of Economic Advisors for employment policy shaped the present economic structure."

It is Professor Bell's view that the change that has taken place has made the traditional structure of federal, state and local government obsolete. "In a national society, what is the rationale for a structure with 50 quasi-sovereign states, each with tax powers resting on varied and often inadequate tax bases?" Professor Bell asks. "What is the rationale for the present crazy-quilt pattern of townships, municipalities, counties and cities, plus multifarious health, park, sewage and water districts? The functioning of any society necessary depends on the efficiency of its administrative structure. In the United States that structure is largely out of step with the needs of times."

### THE MORAL ATTACK

In addition to this kind of attack on the rationality of the traditional forms of government, there has been another kind of attack and it, too, is having the effect of weakening the power of state and local government. It is, in essence, a moral attack.

Some local and regional political and social entities have been on the wrong side of the great moral issue of civil rights for minority groups. With the development of a national society they have been overridden. Now the momentum of that moral crusade threatens to wipe out two fundamental sources of local government power, the local property tax and zoning laws. Court rulings in California, Texas and Minnesota last year held that existing systems of supporting schools with property taxes violate the equal-protection clause of the Constitution. Waiting in the wings to supplant the local property tax are bills that would provide an enormous infusion of federal money and influence at all levels of education.

Zoning regulations in local communities are under attack in the courts and from higher levels of government in New Jersey and elsewhere around the nation.

Even law and order, traditionally a concern of local government, has been coopted by the federal government. Last week Attorney General Mitchell and Vice President Agnew announced a federal program to allot $160 million in federal money to fighting crime in eight cities. Significantly, mayors of the eight cities involved, Dallas, Newark, Baltimore, Atlanta, St. Louis, Cleveland, Denver and Portland, Ore., showed little evidence that they had been privy to the plans for federal intervention.

Obviously, the country is going through a rapid adaptive process that would be difficult to reverse even if there were a strong and evident national will to do so. But the imperative question that arises is "how far do we want this movement to go?" Perhaps even more to the point, "Will we have the power to stop it when it is in danger of going too far?"

In specific terms, it would appear that we are rapidly heading toward nationalization of basic institutions that heretofore, have largely resisted nationalization—primarily education and law enforcement.

Concomitantly, there has been an unprecedented expansion of the national government's power through direct intervention, by means of Phase 2, in the workings of the traditional market economy.

The U.S. has had a traditional philosophical resistance to concentrations of power and a traditional belief in the merits of a pluralistic society. Even today, despite the rapid centralization trend in government, some academicians believe that other forms of pluralism—mainly pressure groups that seek influence in national policy—are replacing the old forms. But this sort of change contains many unknowns, and there can be wide doubts whether the new pluralism is a suitable substitute for the old, particularly with regard to its ability to provide widespread representation to individual citizens.

It cannot be argued with full certainty that the human rights and aspirations to freedom of individuals will suffer from the trend toward strong central government and a national society. The rights and aspirations of black people, for example, have almost certainly benefited. There is no direct relationship between the size of social organizations and the governments that manage them and the amount of personal freedom they permit. A small government and a small society can be repressive, as can a large one; a large society and its government can offer wide freedom.

In many parts of our country, there may well be less direct and personal tyranny employed against individuals today than at any time in our history.

But that does not deal with the entire question. The real danger that arises from centralization and the breakdown of traditional pluralism is that a massive, monolithic structure upon which millions of people are dependent is in many ways more vulnerable to colossal damage through error. A mistaken policy in Sioux Falls, S.D., when it had a great deal of local autonomy under a more pluralistic system, had repercussion only in Sioux Falls. But national mistakes are very big mistakes indeed, capable of rapidly dissipating a nation's resources and destroying its self-confidence.

### IMAGINING THE MISTAKES

And the track record of federal social programs so far (such as public housing, Medicaid, and the like) is not one to inspire confidence that there is higher wisdom in Washington that will avoid mistakes.

It is not even hard to imagine the kind of mistake that could occur. Can uniformity be introduced into education on a national scale without the risk that the whole system will sink into bureaucratic ennui? Couldn't a too-vigorous attempt to dismantle social barriers create new kinds of social conflicts that will prove to be politically unmanageable? Won't a central government's attempt to manage and manipulate the economy lead to stagnation and aimlessness in the nation's economic life?

All of these, as it happens, are not questions for the year 2000 but are very much questions for the year 1972. This election year might be a good time for everyone to pause and ask the question President Lincoln asked over 100 years ago: "Whither are we tending" as a nation.

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## WATER POLLUTION CONTROL

Mr. ALLOTT. Mr. President, we generally think of water pollution control in terms of massive projects involving large industry, and millions of dollars in public expenditure.

However, an announcement within the past few days from Administrator James V. Smith, of the Farmers Home Administration illustrates, through a project of Colorado, a significant but little noticed line of action that is going forward in rural areas.

The announcement concerns a combination of smalltown projects for construction of new community sewage disposal systems that will clean up and protect one of the principal streams of the Denver area, known as Clear Creek.

The projects announced will keep its water fit, not only for use as domestic water supply but also for recreation use in the area west of Denver. It will be possible to prevent Clear Creek from feeding contaminated water into the South Platte River, one of the major rivers of Colorado and Nebraska.

No amount of concentration on urban sources of pollution would have solved the situation on Clear Creek. It was polluted by raw sewage from smaller towns that lacked modern sanitary waste disposal systems. More serious pollution has been averted only by enforcing curbs on new home building in several communities where the installation of more private septic tank systems would result in further sewage overflow. These restraints on building have held back progress in one of the most promising rural development areas west of Denver.

The Clear Creek problem will be solved by installing three sewer systems for four communities—Black Hawk, Central City, Empire, and Silver Plume. Federal grants toward the $1,157,400 combined cost will total just $479,400. The rest of the cost, totaling $678,000, will be met by the local communities through loans from the Farmers Home Administration that they will pay back from proceeds of the local sewage disposal services.

This is an example of the value, not always sufficiently acknowledged and appreciated, of the rural community facilities program and its excellent administration by the Farmers Home Administration under the leadership of Administrator John Smith.

The action with respect to Clear Creek typifies an effort being made by this agency in Colorado to deal with the entire problem of a river or drainage area, rather than to stop short with scattered projects that leave some sources of pollution uncorrected.

The plan for Clear Creek represents good use of public funds and a maximum contribution by the local communities.

We commend Administrator Smith, our State director of FHA in Colorado, Leo French, and their staff throughout our State. They consistently apply this high standard of service in the community facilities, rural housing, and farm credit programs they administer.

These programs deserve and are receiving firm support from the President and the Congress. We will do well to insure that rural areas continue to be served as an able and experienced agency such as Farmers Home—one that is geared to the conditions and problems of rural areas, and fully aware of the degree to which rural development is in the interest of all the Nation.

Mr. President, I ask unanimous consent to insert in the RECORD the text of a release from the Farmers Home Administration describing the projects I have referred to in these remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### RURAL COMMUNITY SEWER PROJECTS CURB POLLUTION OF CLEAR CREEK, COLO.

A loan and grant for the third of three rural community sewer systems needed to prevent pollution of Clear Creek in the area west of Denver, Colorado, has been approved by the Farmers Home Administration, Administrator James V. Smith announced today.

The agency has reserved funds for a $115,000 loan and a $50,000 grant to the town of Silver Plume in Clear Creek County. The loan and grant will enable Silver Plume to install a modern sewage collection and disposal system, and also to improve the water treatment and storage facilities of its town water system.

Plans previously approved this year call for FHA to provide a $400,000 loan and $275,000 grant to the Black Hawk-Central City Sanitation District for a sewage system serving the neighboring communities of Black Hawk and Central City in Gilpin County, and a $63,000 loan and $62,000 grant for a sewer system in the town of Empire in Clear Creek County.

The three projects will assure that all towns on Clear Creek and its tributaries above Denver have sewer systems adequate to prevent pollution of the stream. Georgetown is the only town in the Clear Creek drainage area that now has a sewer system.

Clear Creek, formed by streams rising in the mountains west of Denver, becomes a source of domestic and industrial water at Golden in Denver's western suburbs, and flows on into the South Platte River in Denver. Raw sewage from Black Hawk and Central City now drains into Clear Creek. Both towns have been under orders from the Colorado State Health Department to stop their contamination of the creek. Their joint sewage disposal system will enable them to comply with those orders.

In Empire and Silver Plume, new building has been curtailed due to curbs on the installation of more private septic tank systems so as to avoid overflow that would affect Clear Creek. Installation of sewer systems will help to revive building activity and equip the towns with a public service needed for new business development.

Engineering and other final planning for the Silver Plume, Empire and Black Hawk-Central City sewer systems can be completed now that Farmers Home Administration loan and grant funds are reserved. All three projects are expected to go into construction next spring.

Farmers Home, a Department of Agriculture rural credit service, administers the Rural Community Facilities program of loans, supplemented when necessary by grants, for development of modern water and waste disposal systems in rural areas. The loan portion of project financing is repaid by the communities within 40 years at an interest rate of 5 percent.

Budgets for the three Clear Creek area projects contemplate additional grants from the Environmental Protection Agency totaling $21,100 for Silver Plume, $36,700 for Empire, and $34,600 for Black Hawk-Central City.

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## THE RETURNING VIET VETERAN

Mr. THURMOND. Mr. President, Senator VANCE HARTKE, my distinguished colleague and chairman of the Senate Veterans' Affairs Committee, has an excellent article entitled "What Should We Do for the Returning Vietnam Veteran?," which appeared in the Jewish Veteran's November 1971 issue.

I believe all Members of the Senate would find this article most interesting and informative, and ask unanimous consent that it be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### WHAT SHOULD WE DO FOR THE RETURNING VIETNAM VETERAN?

(By Senator VANCE HARTKE, chairman, Committee on Veterans' Affairs)

After World War II, the United States provided a system of veterans' benefits and services far better and more comprehensive than any veterans' assistance program in history. Hundreds of thousands of servicemen were effectively demobilized over a brief span of years and—with the aid of veterans' readjustment and other federal assistance—enabled to re-enter civilian life and establish productive lives. Legislators, administrators, and veterans' organizations worked together to tailor this new program to the needs of the returning World War II veteran.

That was the 1945–era: this the 1971–era and the needs of today's returning Vietnam veteran are different. But the same type of cooperation among legislators, administrators and veterans' organizations is essential if we are to meet his unique needs. He faces different obstacles than did his World War II counterpart.

In the first place, instead of returning home to bugles, crowds and waving flags, he is returning home like a stepchild to indifference, apathy, even suspicion. So we must consider expanding existing veterans' programs or formulate new ones to meet the special needs of today's forgotten veteran. There have been more than 5 million Vietnam–era veterans who have returned from the jungles since 1964. They need special attention.

The Vietnam veteran simply lacks some of the benefits and services accorded to other veterans and, in many cases, does not get assistance tailored to his particular needs or equal in value to earlier assistance. Much of this results from the inflationary period in which he is returning. The increased cost of living has outstripped disability compensation payments so greatly that it now needs to be increased and updated to keep pace with the inflation. The staff of the Veterans Affairs Committee is presently considering legislation in this regard and appropriate action should be forthcoming early next year.

And then there is the problem of unemployment. The returning Vietnam veteran is having an especially difficult time in locating work in an already-tight job market. In many cases, the veteran is being turned away simply because he IS a veteran—carrying all the stigma and suspicion that have become tragic offshoots of this tragic misadventure: dope addiction, and all the rest; as a result the unemployment rate among Vietnam veterans is much higher than among non-veterans. The rate among veterans in the 20–29-year-old age group, for instance, has increased in the past year from 6.0 to 8.3 percent. Non-veterans in this age group are experiencing an unemployment rate of only 6.6.

And then there is the matter of unemployment insurance. The Vietnam veteran is not receiving the full support he should be getting. World War II veterans, for example, were eligible for unemployment benefits of $20 per week for a maximum of 52 weeks. Self-employed veterans were eligible for $100 a month, less their monthly net income. Under the present program, however, unemployment benefits for the veteran depend upon the state in which he applies and are based on his earnings in cash and kind while in military service—that is, they are geared to his particular rank and earnings while in service. Minimum weekly unemployment benefits now range from $3 to $25, with 37 states having minimum benefits between $10 and $15 and five states having minimums under $10. Maximum benefits range from $40 to $86 per week for individuals without dependents. Most unemployed veterans are receiving about $50 per week for 20 to 26 weeks. But many veterans in the lower pay grades can only qualify for the maximum benefit period (usually 26 weeks) in the states paying lower benefits. This leaves the average veteran today with twice the weekly unemployment compensation of his World War II counterpart for a benefit period about half as long. Due to the price inflation (over 100%) and rapidly rising wages (more than 300%) since 1946, the veteran receiving unemployment assistance is not eligible for the same overall assistance paid out after World War II—relative to prices and wages—though his weekly benefits may have more than doubled, on the average. In addition, only one-third of the more than 300,000 currently unemployed Vietnam-era veterans are receiving unemployment assistance. And these payments vary from state to state. It is time we studied the feasibility of a definite "uniform basic amount" for the "uniformed men" to provide them with sufficient resources until they find employment or begin a training program.

And how about the disabled veteran? A separate set of rules ought to be initiated for him under unemployment compensation. If seriously disabled, a veteran could not always meet the ability requirements or be immediately available to travel to any location for interviews. And sometimes he cannot even meet the specific requirements of the job itself. Perhaps we should consider under a special category—"Assistance to the Vietnam and Disabled Veteran for Immediate Readjustment to Civilian Life"—possibly an extended 52-week unemployment program, similar to that of World War II.

And then there is the area of hospitalization and medical care. Although the year 1971 has seen a big advance in the hospital and medical programs for all veterans, we can still go further. In too many instances, the Vietnam veteran does not receive the services he needs. He finds himself in a medical care program that is directed—because of many years of tradition and experience—at the older veterans of earlier wars. As Dr. Benjamin Wells, Deputy Chief Medical Director of the VA system, put it: "In caring for the youthful, rebellious Vietnam veteran, the VA has had to face up to the fact that it is—well, middle-aged. . . ."

Another area where change ought to be considered is in the use of the outpatient treatment for service-connected disabilities. War veterans with 100% disability may also receive outpatient treatment for non-service connected conditions. It has been proposed that the latter provision be lowered to cover veterans rated 50% or more disabled. It has also been suggested that the Administrator, within the limits of VA facilities, be authorized to furnish such medical services as found to be reasonable to the wife or child of a veteran who has a total permanent disability, resulting from a service-connected disability; and to widows and children entitled to death compensation or dependency and indemnity compensation—to the extent that they do not interfere with furnishing of such services to veterans.

Although the VA is trying to change the direction of its medical care system, treatment in areas such as psychological counseling and drug rehabilitation are not fully developed or are non-existent—seven years after Vietnam veterans began returning, needing medical assistance. The VA system, which had expected a generally decreasing patient load concentrated in the long-term-care area, now finds itself with thousands of young patients—and thousands more outside—who need medical assistance of a very different type from the established pattern. It is this non-convergence of needs and assistance that denies the full benefit of a basic veterans' service to many young Vietnam veterans.

The VA also has 32 drug centers operating. I am afraid this might not be enough to handle such a serious problem—or there might be side factors cropping up that would need more servicing.

Another area in which veterans' benefits today fall short of the needs of Vietnam veterans is educational assistance. Maximum benefits for an eligible Vietnam veteran with no dependents annually total $1575—$175 per month for nine months, with a scale of additional allowances above the $175 for dependents. This money is used for tuition, fees, and as a subsistence allowance. At the same time, the 1970–71 school year average tuition and fees were $343 in public institutions and $1649 in private universities. This means that a Vietnam veteran can only probably hope for, at best, about $1200 a year to live on if he goes to an "average" public university—and no subsistence money if he pays tuition and fees at a normal private university. To get through their years in college, many veterans are almost required to take at least a part-time job in today's tight job market to make ends meet. And, with a wife and family, that task becomes even more difficult. In contrast veterans without dependents after World War II could receive a maximum of $1175 annually, including up to $500 in tuition and fees paid directly to the school. Thus, all veterans taking advantage of educational assistance were guaranteed at least $675 per year to live on and more if they had dependents.

Then, too, it seems to me more emphasis should be placed on the advantage to veterans of vocational-type training. Many veterans are not qualified—or just don't aspire to—higher education. They prefer to work with their hands, to keep active in a manner that will relieve the tensions of the past. There are many vocations crying for trained help: auto or plane mechanics, computer trainees, the electronic device industry, health services, etc. One vocation especially close to disabled veterans is that of the manufacture of prosthetic appliances. We have in the United States many companies engaged in this particular line. Why, then, couldn't we propose that some veterans be trained in this field? There also is great need for additional research in improving these appliances. The government could set up workshops and establish the proper research and training programs.

At the same time, the disabled who needs to use prosethetic appliances has the added problem and expense of the wear and tear on clothing. Under present law, the disabled veteran has to obtain authorization from the VA to have his clothing repaired, has to find someone to do the job, wait for the return of the clothing, either pay the tailor and wait to be reimbursed, or the tailor waits to be paid by the VA. Whichever way, there is a waiting period involved. (Actually, most veterans aren't even aware of the existing law regarding clothing repair.) What is needed are clothing-repair allowances, for disabled veterans wearing prosthetic devices, thus alleviating all the time-consuming factors now involved. No provision, up to now, has been made for actual "Replacement of Clothing." This is a must, because repair jobs often do not hold—or can only be done so many times before new clothing is required—a tremendous expense to a hard-pressed veteran. A replacement of clothing allowance of not less than $300 yearly should be provided for disabled veterans using such prosthetic devices.

These are only some of the examples of the inequities facing the returning Vietnam war veteran. These are others:

1. Guaranteed Loans—Both World War II and Vietnam veterans are eligible for Veterans' Administration guaranteed loans (or, in some cases, loans made directly by the VA) to enable them to purchase a home. The VA may also guarantee certain loans to buy or enlarge businesses for World War II veterans.

### BUT NOT FOR THE VIETNAM VETERAN

2. Special Grants—Veterans of World War II who have suffered a service-connected loss or loss of use of a hand or foot—or who have severe service-connected impairment of eyesight—may qualify for a VA grant toward purchase of a specially equipped automobile.

But not the Vietnam veteran. For him, the same benefit is provided, but the disability must not only be service-connected—it must be a direct result of the performance of military duty.

3. Rehabilitation Benefits—The only requirement for a World War II veteran to obtain vocational rehabilitation benefits was a disaiblity for which compensation could be paid.

But not so for the Vietnam veteran. He can obtain such benefits only if the qualifying disability is rated at 30% or more—or can be "clearly shown to have caused a pronounced employment handicap."

4. Cooperative Educational Programs—These programs must be expanded and improved to meet the needs of many of the youthful returning Vietnam veterans—especially that great number who are part of the socio-economically deprived who would benefit most from such a cooperative plan of education. Such a plan would allow them to combine their schooling with meaningful experience in the business and trade worlds, providing a smoother transition from military to civilian life.

5. Life Insurance—Members of the Armed Forces are covered by Servicemen Group Life Insurance. But the returning Vietnam veteran needs a longer period than the present 120 days to pick up and convert this insurance. Particularly, in view of today's unemployment, many veterans cannot possible find a job within that period of time—and yet, they and their families are certainly deserving of such coverage. The Committee has been told conversion time should be at least doubled or made to extend for a year.

6. Cemeteries—We need to study the operation of the national cemeteries and resolve the question whether they should be turned over completely to the VA; while, at the same time, there must be an examination of the proposals calling for the study of an expansion of existing national cemeteries so veterans may be buried close to their homes.

Taken together, the limitation of benefits and services provided to Vietnam-era veterans, as I have delineated, form a significant handicap for the veteran who seeks to return to an active and productive civilian life. It is a disgrace. We must create more of an opportunity for today's returning veteran to a speedier readjustment to civilian life. Unfortunately, the areas in which he is being denied full support and benefits compared to his post-World War II counterparts, are usually the areas most critical to his readjustment process. We must do more to make his transition from war to peace an easy, painless one.

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## CAMPAIGN FINANCING

Mr. HARRIS. Mr. President, Walter Pincus, a brilliant investigative journalist, has just written an article on campaign financing which every member of this body should read. The issues he poses raise questions about the very integrity of our electoral process.

Appearing in the January 31, 1972, issue of the New York Magazine, the article discusses the enormous sums which American corporations are now channeling into political campaigns. And as Mr. Pincus stresses, unlike the labor movement which regularly reports to the Congress the money it contributes, corporations are able to hide their contributions from the American people.

The reason for this is some fancy legal footwork. Under Federal law, corporations and unions alike are barred from contributing their own funds to political candidates or committees involved in Federal elections. To avoid this provision, the labor movement and some business groups like the AMA or many banks have openly operated voluntary political committees which collect money from individual members for the specific purpose of making contributions to candidates sympathetic to certain causes. These contributions are reported to the Congress.

In addition, however, a great number of businesses operate under-the-table slush funds for political campaigns. Corporations collect "voluntary" contributions from their executives. They then distribute these funds to various candidates often after "checking" with the executive in question to get his approval. The name of the individual making the contribution may be filed with the Congress but it is never made clear that the contributor in every true sense of the word is the corporation organizing this campaign.

There are a variety of legal arguments corporations use to defend this practice. Some of those cited by Mr. Pincus include a contention by one corporation, Union Oil, that it does not have to file reports under the Corrupt Practices Act because it contributes not to candidates directly, but only to election committees. Mr. Pincus quickly points out that, under this interpretation, just about none of the labor union funds would be required to file since almost all these funds also go to candidates' committees. Yet the unions do honor the spirit of the law by reporting publicly while the corporations do not.

Another reason cited by some corporations is the contention that their funds need not be revealed because the individual contributor retains complete control of his funds up until the time they are sent to a candidate. Yet Mr. Pincus also reports that some executives complain they are not informed until after their money has been contributed. And in any event there is no real check on the degree to which individual executives are in fact informed about the use to which a corporation may put their money.

How much money is involved here? Mr. Pincus, after a 10-week research effort involving a laborious cross-checking of individual contributors and lists of corporate executives, arrives at an estimate of at least $5 million in hidden contributions in 1970. This is $1 million more than the $4 million contributed by labor organizations in the same year, which they properly and openly reported to the Government.

Mr. President, I strongly believe this which we treat union political contributions and corporation contributions should be ended. To permit it to exist is only to give rise to gross distortions about the role of labor versus business in our political system. Critics of labor point with eagerness to the size of labor's political contributions and remain silent about the much larger sums which corporations secretly contribute to various candidates.

I wish that I could say that the provisions of the Federal Election Campaign Act of 1971 will end all of these abuses. But this is far from certain.

The new law does provide that a contributor must list his business address. But all the contributions from the executives of a particular corporation will not be grouped in any report made available to the public. Consequently, a journalist, for example, will not be able to see readily how much a particular corporation in effect contributed.

Annual contributions under $100 will not have been reported. And corporations will be quick to exploit this loophole. In fact, Mr. Pincus quotes from a BankPac solicitation letter concerned with the existing law which reads:

> Conveniently, you and your associates can get together and remit for all by one personal check (not more than $99 in any individual check to avoid Federal reporting requirements) to BankPac and mail to me.

Some corporations may collect $100 a year from their executives over a 4-year period in order to build up an unreported campaign slush fund. Salaries may be boosted on an understanding that a specific sum be contributed to the corporation's campaign fund.

Mr. President, I request unanimous consent that Mr. Pincus' article at this point be inserted in the RECORD. I urge other Senators to give its contents careful study. I believe others will agree the practices he discloses make clear that with the most recent law the Congress has only taken the first step toward real reform.

There being no objection, the article was ordered to be printed in the RECORD, as follows.

### SILENT SPENDERS IN POLITICS—THEY REALLY GIVE AT THE OFFICE

(By Walter Pincus)

One day quite soon, if the past is any guide to the future, several hundred executives of Union Carbide Corp., one of the giants in the chemical industry, will receive a letter from their respective division managers urging them to make "voluntary" campaign contributions through a system run by the company itself, to political candidates and/or their parties during this election year. If past practice continues, most of those in top management who receive such a letter will reply with pledges or checks averaging upwards of $200 per executive. A few will specify the candidate they want to support. Some will designate a party. But most will leave the choice of recipient to the company officials who run the program. Thus Carbide will have a substantial pool of funds from which it can direct campaign checks to candidates who, in the words of one Carbide executive, "do the corporation the most good."

How much is involved within this one corporation? An official at Carbide guessed "for quotation" that the 1970 Senate/House election fund ran "about $20,000" distributed to "40 or 50 candidates." A former Carbide official thought the sum was twice that much or more. Though the exact figure is circulated within the top levels of the corporation (along with a list of recipients), such information is not made public. In fact, little if anything is known outside the company about the details of the highly-organized Carbide contributing system, and individual officials are reluctant even to confirm that it exists.

Their secrecy is understandable. The Federal Corrupt Practices Act, on the books since 1925, requires committees that raise funds in two or more states and distribute those funds to Federal candidates in two or more states to file reports regularly with the Clerk of the House of Representatives in Washington. It is in response to that law that national labor organizations file reports, as do a handful of corporations. But Union Carbide's fund, which would seem to be covered by the law, has never filed such reports.

It took a ten-week study by six researchers using campaign fund records of individual candidates in nine states plus those on file in Washington to gather enough information to prove the existence of the Carbide fund. The task involved cross-checking hundreds of contributor names with lists of corporate officials.

Research also proved that Carbide was by no means alone among the major U.S. corporations in operating such a program. At the U.S. Steel Corp. there are no letters. Rather, organized contributing by "upper management," as William Whyte, a Washington-based vice president, delicately put it—pooled in such a way "as to be recognized" by candidates who are "important to the steel industry"—has gone on for years. At General Electric, management at a certain level can become members of an "Effective Citizens Association" which, separate from the company and using its own letterhead, serves as a vehicle for "contributing nominal amounts to candidates," Westinghouse Electric seeks to avoid the idea of an organized fund, but groups of Westinghouse officials' checks, gathered together after in-company telephone solicitations, go out with a covering letter to candidates around the country.

The fact that some corporations systematically channel executives' political contributions to favored candidates is not new. Stories printed in newspapers and magazines over the years have described individual company and even industry-wide programs. But the *scope*—the existence of such programs in, it is likely, hundreds of corporations—and thus the total impact of these activities has never been documented.

A search of public records and interviews with knowledgeable corporate executives disclosed that Republic Steel, Procter & Gamble, the Ethyl Corp., Kaiser Industries, Bethlehem Steel, Martin Marietta, Libbey-Owens-Ford, and Pittsburgh Plate Glass are involved in unpublicized contributing programs.

In addition, such companies as Ling-Temco-Vought, Union Oil, TRW Corp., Aerojet-General, Hughes Aircraft, Fluor Corp., McDonnell-Douglas, Northrop, Olin Corp., and Thiokol Chemical Corp., openly operate employee and executive "citizenship" committee campaign contributing funds. But none report—and thus none disclose—how much money they raise and distribute, and thereby keep from the public the wide-ranging extent of their activities.

What is more important, efforts by journalists to date to get complete public reporting of corporate programs under appropriate provisions of the Federal Corrupt Practices Act have gone nowhere. In 1970, for example, both Morton Mintz of *The Washington Post* and James Polk, then of the Associated Press, described Ling-Temco-Vought's fund, called CITIGO, and Union Oil's Good Citizen fund, as raising at least $100,000 apiece and contributing to Senate and House candidates in several states during that year's Congressional elections. Both reported the views of corporate officials that, according to their lawyers' interpretations of the statutes, they were not required to file public reports. Neither the Clerk of the House, who has custodial responsibility under the current law, nor the Department of Justice, which has the enforcement role, took even the first step of asking the two corporations what their campaign fund programs were all about after the Mintz and Polk stories appeared.

For 47 years now the Federal Corrupt Practices Act should have been protecting us from hidden influences that can accrue to big spenders at campaign time. The act places limits on amounts that may be raised and, as noted, it requires an accounting of funds. In practice, though, it is more loophole than law.

Late last year Congress revised the disclosure provisions and placed limits on how much candidates may spend on television—the greatest single item in a campaign budget these days. A compromise bill will shortly be voted upon by the House and Senate. If Congress approves, President Nixon is expected to sign the measure. But whether the new legislation will work, however, will depend on the law's being enforced. It cannot work, for example, if the disclosure provisions provide meager information, or if the information is late in coming to voters.

There is plenty to know about. Our very limited survey in the District of Columbia and eight states (Florida, Maryland, Massachusetts, Ohio, Pennsylvania, Texas, Virginia and West Virginia), using records that were far from complete, showed that the two common forms of political fund-raising by corporations—the systematic collecting of executives' checks and the single fund made up of individual contributions—accounted for at least $1 million in campaign funds in only that handful of states in 1970. On that sample (particularly since we did not cover such major states as New York, California and Illinois), it seems fair to estimate that such corporate fund programs accounted for at least five times the $1 million we could identify in 1970.

Under Federal law, corporations and labor unions alike are barred from contributing *their own* funds to political candidates or committees involved in Federal elections. To get around that provision, unions have for years openly operated voluntary political committees which collect money from individual members for the specific purpose of making contributions to candidates sympathetic to union causes. The success of these committees—COPE for the AFL-CIO, DRIVE of the Teamsters, the Good Government Fund of the United Auto Workers—inspired open business-oriented political contributing groups such as AMPAC from the American Medical Association ($693,000 in 1970), and BIPAC out of the National Association of Manufacturers ($539,000 in 1970). In time, the union pattern also inspired the quiet individual corporate programs.

The publicly reported contributions made by national labor organizations totaled more than $4 million in 1970, according to the Americans for Constitutional Action. Corporate executive programs were already so extensive that they chipped in at least as much that year. When added to the nationally pooled campaign funds of professional and industry organizations such as the bankers, doctors, milk producers, and truckers, the total of business-oriented campaign money in 1970 surely surpassed that of labor.

But organized labor's money is reported and therefore publicized. The only business campaign funds commonly reported are the large individual contributions of a few top company officials, directors and rich investors.

The secrecy that surrounds the whole subject of corporate contributing programs stems not only from a desire to avoid publicity, but because of the untested and thus gray legal and tax areas in which all these programs operate. Westinghouse, with headquarters in Pittsburgh, insists that it has no structure because its lawyers' readings of Pennsylvania corporate law bar such activities on the part of companies. Union Oil says its fund does not have to file reports under the Corrupt Practices Act because it contributes not to candidates directly, but to other committees. Under that interpretation, just about none of the labor union funds which now report publicly would be required to file since almost all their funds go to candidate committees.

A Union Carbide official says his company's program, "cleared by conservative lawyers," is not required to file under Federal law because "the individual contributor retains complete control of his funds" up until the time they are sent to a candidate. "That's the distinction in our mind," he says.

Senator Barry Goldwater in a Senate debate last year may have put his finger on yet another reason for secrecy—although the point he was making went to the question of corporations using their own funds. "A corporation cannot give money to a political campaign," he said, "and the basic reason why that law was passed was that they could not represent the stockholders. The stockholders might be opposed to the candidate they would support." If the stockholders are unaware a corporation has a program, albeit a "voluntary" one, no embarrassing questions will be raised at the annual meeting.

The secrecy that obscures the extent of corporate political fund-raising to outsiders nevertheless has its effects within the corporations themselves. It shapes the way executives look at the contributing program and how they view the political process it supports. By going to extremes to avoid filing public reports, the corporations create and then perpetuate the aura of illegality that hangs over such activities. Executives who give often believe they *have* to. More important, the clandestine way in which some funds are passed to the candidates creates the impression among the executives that their companies are buying something, or someone, with the money.

Here is how the system works at Union Carbide Corp. An individual Carbide executive sends his pledge or a check to an office at corporate headquarters in New York. Although the public affairs department of Carbide runs the program, Mr. J. E. Tobin, manager of employee benefit plans in New York, has acted as financial agent and maintained a special bank account for the pooled funds.

When a decision is made to support a candidate, according to one Carbide official, those executives who have pledged money to the fund are called by a public affairs staff member and asked, "Will you support Joe Doakes?" Reasons are given, such as, "We have a plant in his district." If the executive agrees—and "he specifically must approve," this executive says—his money and that of like-minded colleagues are combined and one check is drawn on the Carbide fund account for the candidate. It is either mailed or more likely hand-carried by a Carbide official, along with names and addresses of the executives involved in the total contribution. The list does not indicate the individual's connection with Carbide, and it is left up to the candidate whether or not the names are filed on public reports. Another former Carbide executive confirmed this description of the system's operation except on one point. When he sent along a check without specifying a candidate, he said, it was not until after his funds were allocated that he learned where the money went.

Carbide officials—and executives at other corporations who would discuss the matter frankly—recognized a variety of questions, both legal and otherwise, raised by the very existence of such programs. But the first question is, why have such programs at all?

"It was set up to meet the demands," says a Carbide official, who goes on to describe the requests for campaign funds from candidates that flow into Carbide's local plant offices and into their Washington office and New York corporate headquarters. "As citizens we feel we have an obligation to support candidates [in states and districts] where we have production facilities. That is our first obligation . . . When we have problems as constituents, we go talk. Therefore they [candidates] have a right to ask" for funds at election time. In one week last September—more than a year before election time—Carbide officials received four invitations to campaign fund-raising affairs from Congressmen who will be up for re-election this fall. Three were from districts where Carbide had facilities. "If they are going to win, if they have been helpful in the past, reasonable on issues, we will find people in the corporation who will help these guys," one Carbide man candidly said.

How much does Carbide give, and to whom? The Carbide fund is rarely used in local or state campaigns. One rule of thumb for Federal elections seems to be $1,000 for a Senate race and $300 for a House seat. To a candidate with real opposition, that is not much more than a gesture. In practice, the amount appears to be flexible. Our research identified $1,025 from Carbide executive funds going to Representative John Slack, a Democrat from West Virginia's Third District, who serves on the powerful Appropriations Committee. Making up that total were the names of 25 Carbide officials (though their company connection was not specified) residing in New York, New Jersey, Connecticut, Virginia and Washington, D.C. The total included $50 from the corporation's chairman, F. P. Wilson; $25 from J. F. Shanklin, vice president and secretary of Carbide; and $100 from F. R. Lyon Jr., a New York-based vice president.

The contribution to John Slack was described by one Carbide official as "unusual." But the same man agreed it was related to the "three Carbide installations which make us the largest employer in his district." In turn, the identifiable Carbide money made the corporation Representative Slack's third largest contributor, based on Slack's reported total fund of $12,015. The only higher contributions were, interestingly, $1,500 from the AFL–CIO's COPE funds and a $1,500 contribution from the Hughes Aircraft Corp. (Slack, as it happens, serves on the Appropriations subcommittee which handles the Defense Department budget.)

Other identifiable 1970 Carbide executive fund contributions in the states reviewed were to the senatorial campaigns of Republicans J. Glenn Beall Jr., of Maryland ($400); George Bush in Texas ($270); and the re-election campaigns of Republican Congressmen Lou Frey of Florida ($300) and J. William Stanton of Ohio ($475).

Although our samples were far from complete and our resources limited, our discovery of Carbide contributions in half the states surveyed gives some indication of the wide distribution of the company's funds. In contrast to these unacknowledged funds, some corporations openly admit that their executives contribute to political campaign committees. They are worth knowing about.

### OPEN CORPORATE COMMITTEES

Ling-Temco-Vought, the Dallas-based defense contractor, has operated its Citizens for Good Government (CITIGO) fund since 1965. According to C. J. (Jake) Benner, one of four trustees of the fund and vice president/administration for LTV Aerospace, approximately 750 management supervisory personnel, mainly in the Dallas area, "voluntarily pool their resources as a group" to make contributions to candidates or political parties. Cash from individuals goes into a trust account maintained in CITIGO's name at the National Bank of Commerce in Dallas. Although executives may suggest potential recipients, the final decision on contributions by CITIGO is made by the four trustees, all LTV men. Checks that go out to the candidates bear the CITIGO name rather than that of individual LTV executives, although a covering letter may be signed by a top corporate official.

The fund began, Mr. Benner recalled, because LTV executives were "being plagued locally" by candidates and parties wanting contributions. "We needed to get organized," he said, not only "to avoid solicitations" but also so that the company could meet its responsibilities at the national, state and local levels.

Although LTV openly operates CITIGO, the company has no desire to publicize details of the fund's activities. CITIGO makes no public reports on the money it raises or disburses. There is, however, a discreet annual report—"not widely circulated . . . informal, to key management personnel," according to Mr. Benner. When asked why such information should not be made public, Mr. Benner replied, "If you are a private individual, you would not broadcast whom you are donating to. . . . It is just that fundamental." Though he described as "reasonably accurate" an Associated Press estimate that CITIGO contributed about $100,000 in 1970, Mr. Benner would not provide a list of recipients.

Our limited research turned up a not surprising emphasis by CITIGO on defense-related legislators: $1,000 to Mollohan for Congress Committee (Representative Robert H. Mollohan, Democrat of West Virginia, a member of the House Armed Services Committee); $500 to Citizens for Minshall (Representative William E. Minshall, Republican of Ohio and ranking GOP member of the Defense Appropriations subcommittee); $500 to Californians for Murphy (former Senator George Murphy, Republican of California and a member, before his defeat, of the Senate Armed Services Committee). There also were contributions of $2,000 to House Minority Leader Gerald Ford of Michigan and $1,000 to Representative Ray Roberts, the Democrat who represents the Dallas District where LTV headquarters are located.

Only a full public report of all CITIGO contributions, of course, could show what the company's emphasis really is. The failure of the LTV committee to file with the Clerk of the House under provisions of the Corrupt Practices Act was specifically raised in an April, 1971, Associated Press story. In response, the company put out a press release which said in part, "Contrary to the allegations made in the Associated Press article, an independent legal counsel some time ago advised trustees in a written opinion that CITIGO did not constitute a political committee as such and therefore reports to Congress were not required."

Mr. Benner says LTV's independent legal opinion argues that if it is not a committee which influences a specific election, if it supports all kinds of candidates, and if it gives to other committee rather than directly to candidates, it does not have to file reports under Federal law. When it was suggested that under that definition COPE and other union groups, which only give to committees rather than candidates, would *also* not have to report (as they now do), Mr. Benner said, "I guess that is right." Asked if the Justice Department agreed with the LTV legal opinion, Mr. Benner said, "The question has never been raised"—not even following the AP story.

The Union Oil Co. of California runs a fund—the Union Oil Employees Bi-Partisan Political Fund—similar in size and approach to that of CITIGO. One difference: employees participating can have campaign contributions automatically deducted from their paychecks. The same payroll-deduction system is used by the Cleveland-based Thompson-Ramo-Woolridge, Inc., another large defense contractor, whose TRW Good Government Fund has distributed more than $100,000 during election years. R. A. Newman, TRW's director of corporate relations and spokesman for the Good Government Fund, said frankly in a recent interview that executives in other corporations were "incredulous" that TRW gets directly involved in campaign fund-raising by authorizing payroll deductions. "Even some (TRW) management don't think we have any business doing this," he said.

The reason, of course, runs back to the gray area of corporation campaign funds, taxes and the law. If the corporate administrative machinery helps gather campaign funds—as it does when a deduction system is in effect—there is no denying the corporation's involvement. Though such a clear situation—and the legal questions therefore—has been blurred by, for example, the programs of U.S. Steel and Westinghouse, Mr. Newman says TRW's program has been "blessed by IRS."

Perhaps the most publicized of the open corporate employee contributing programs was that begun in 1958 by Aerojet-General Corp. The then president of Aerojet, Dan Kimball, was at the same time a leading fund-raiser for the Democratic National Committee. At its height, in 1964, the fund reportedly raised $136,000, co-mingling both employee and executive funds. The company claimed that 72.5 per cent of its more than 20,000 employees participated, giving an average of $6.85. Such reports, which implied broad-based support for the fund, were often used in the mid-1960s by those who wanted to reform campaign fund-raising through tax gimmicks which, they said, would motivate the small donor. By the 1970 election, however, the publicized Aerojet-General fund had been discontinued because employment had dropped below 8,000. But executives have apparently held up their end in the program, at least for the General Tire part of the corporation. And a report filed with the Ohio Secretary of State by the General Tire Good Citizenship Fund, based in Akron, throws into question just how broad-based the entire Aerojet program ever was. The fund disclosed that it raised $21,368 in 1970 from just 31 executives—an average contribution of almost $700 per person.

The very existence of a General Tire public fund report, filed under provisions of Ohio law, is an indication that all similar funds not only could, but should, be asked—or required—to report under the Federal Corrupt Practices Act when their activities cover more than one state. Of course, General Tire did not volunteer its filing. The Ohio Secretary of State's office noticed a contribution from the fund of $1,500 to the 1970 re-election campaign committee of former Representative William Ayres, a Republican from Akron. A letter requesting that the General Tire Good Citizenship Fund file under Ohio law was sent out by Secretary of State Ted Brown on February 10, 1971. One month later, the report came in.

### INDUSTRYWIDE COMMITTEES

In the fall of 1970, 30 employees of the Citizens Bank of Sheboygan, Wisconsin—officers, cashiers, even auditors—each contributed from $25 (bank president Dayton Pauls) to $5 (Roger Williams of the bank's car loan department) to an in-house campaign fund that eventually forwarded $667.50 to a statewide banking industry political fund-raising organization called Wisconsin BankPAC. According to available records, similar fund-raising efforts across the state in some 47 banks in 32 cities raised a total of $19,667 for Wisconsin BankPAC. More than 1,000 bank employees contributed, ranging from First Wisconsin National's $2,470 (from five branches) to Oshkosh National's $80 ($10 apiece from eight employees).

In Ohio in 1970, *that* state's bank campaign fund-raising organization, called Bankers Action Now Committee (BANC), put together a fund of $32,019 made up of contributions of $100 and up from hundreds of top banking officials. The president and four vice presidents of the First National Bank of Akron, for example, are listed as giving $100 apiece.

Both these organizations contributed to candidates in their own states. But a good chunk of the funds they raised—$14,000 from Wisconsin and $11,750 from Ohio—went to the Bankers Political Action Committee (BankPAC), a national campaign fund-raising group newly organized for the 1970 House and Senate elections. BankPAC reported that it raised a Congressional campaign kitty of more than $200,000 for the 1970 elections, its first effort.

The stated reason for this marshaling of political funds by the national banking industry was summed up in a draft solicitation letter dated September 25, 1970, prepared for submission to banking industry leaders across the country by the organizers of Bank PAC. "The purpose is to support financially the campaigns of those candidates for the U.S. Congress who have demonstrated and expressed a real understanding of the proper function and structure of our banking system and its necessary part and contribution to our society and our economy."

According to one banking industry executive with wide experience in Washington, the real cause of the industry-wide concern were the actions undertaken within Congress by the hyper-active chairman of the House Banking and Currency Committee, Wright Patman. The banking industry, which for years had faced little if any interference from Congress, suddenly found itself in 1970 with critical pieces of legislation on the House floor, such as the Bank Holding Act, and little, if any, leverage with a majority of the individual House members.

Determined to prevent that from happening again, national BankPAC and 47 state organizations were established with the help of sophisticated legal advice on how to operate within the letter, if not the spirit, of the campaign fund reporting laws. "Conveniently," suggested the BankPAC solicitation letter, "you and your associates can get together and remit for all by one personal check (not more than $99 in any individual check to avoid Federal reporting requirements) to BankPAC and mail to me. It will take only a dollar or two per person—'Peanuts'—and still by a combined effort we can practically and effectively contribute to proper legislation and supervision for the financial system which can best serve our people and our communities."

At the state level, the general approach for campaign funds mirrored the national Bank PAC pitch. "The need for a BankPAC," said a letter sent to promote a proposed Washington (State) Bankers Political Action Committee, "should be evident to all who have paid attention to the legislature in recent years. The many areas in which we have a unity of interest must be served at least equally with other interests. There must be one organization which speaks for the entire industry on industry-wide issues which is not infected with internal differences. A BankPAC organization serves that objective."

The evident enthusiasm of the bankers for the 1970 program had its embarrassments, however. An October interview in The American Banker describing the program was picked up by Morton Mintz of The Washington Post. Chairman Patman gathered material on the bank fund-raising efforts and, in late October, 1970, wrote a letter to Attorney General John Mitchell asking that he "immediately launch an investigation to determine the extent of political fund-raising activities carried on by individual commercial banks and banks acting within associations and committees." Finally, in another story, only days before the election, Mintz identified 21 of 35 members of the House Banking and Currency Committee and four members of the Senate Banking Committee as recipients of bank industry funds. In the ensuing uproar, thirteen originally designated Congressional recipients of contributions refused to accept them and returned the checks to BankPAC.

The former executive director of BankPAC, Ralph Stickle, an official of American Bank and Trust Company, East Lansing, Michigan, said recently that his group was "naive" in the way it made its initial contributions. "They were sent in the mail with no time to write letters in advance with an explanation." Because of the bad publicity at the time, BankPAC distributed only $85,000 of the more than $200,000 it raised, giving it what Stickle described as a "nest egg" for the 1972 elections. "We're in pretty good shape financially," he said, and he expected to do "a more thorough job this year."

Another big money-raising industry group that first appeared in the 1970 elections was the dairymen—a group whose income is directly dependent on Federal and state price-support and marketing programs drawn up by Congress and administered by the executive branch. In 1970, organizations such as the Agricultural Cooperative Trust and the Agriculture and Dairy Education Political Trust raised $10,000 apiece from smaller milk producing co-operatives around the country for the Congressional election. But providing the big funds for the industry effort was the Trust for Agricultural Political Education (TAPE), based in San Antonio, Texas, which gathered $535,422 in 1970, primarily from members of the American Milk Producers, Inc., a national co-operative involving more than 40,000 farmers. Another $111,786 in dairy industry campaign funds was raised by the Trust for Special Political Agricultural Community Education which, behind the flowery name, turns out to be a Kentucky-based co-operative dairymen's organization.

With a kitty of more than $650,000 the dairymen in 1970 were able to make substantial contributions to no fewer than 96 House candidates and 37 of the men running for the Senate. House Agriculture Committee members were, obviously, among the major recipients. One of the first contributions made by TAPE was $5,000 in January, 1970, to Committee Chairman W. R. Poage. (Poage, as it turned out, ran unopposed.) In October, they gave an equal amount to Representative Page Belcher, the ranking Republican on the committee. Representative Watkins Abbitt, the Virginia Democrat who ranks fourth on the committee, got $8,000, while three lower-ranking Democrats each received substantial amounts: John Melcher of Montana, $8,500; Ed Jones of Tennessee, $7,800; and Bill Alexander of Arkansas, $6,000.

A number of Senate candidates got $10,000 from the dairy groups. Among them were GOP Minority Leader Hugh Scott, and Republicans William Brock of Tennessee, the late Winston Prouty of Vermont, and the unsuccessful GOP candidates Bill Cramer of Florida, John Wold of Wyoming, Thomas Kleppe of North Dakota and Nelson Gross of New Jersey. On the Democratic side, Hubert

Humphrey's return to the Senate was helped by $10,625 from dairy industry committees. Other big Democratic recipients were William Proxmire of Wisconsin, $8,160; Ed Muskie of Maine, $7,132; and Lloyd Bentsen of Texas. In the latter race, the dairymen also gave $5,000 to Republican George Bush, Bentsen's opponent.

While they put contributions into specific Congressional races, the dairymen were also major donors to both the Republican and Democratic national party organizations. They bought $22,000 worth of tickets to the Democratic Gala of 1970 and $15,000 worth to the Republican Senate-House dinner the same year.

According to a Wall Street Journal article last September, the dairymen in 1971 continued fund-raising efforts with one eye on the Nixon Administration's price support policies and the other on the 1972 campaign. According to the Journal's Jerry Landauer, at the time Agriculture Secretary Clifford Hardin reversed policy and raised government price supports on manufactured milk, in March of 1971 the dairymen began to put funds "mostly through secret channels" into paper organizations chartered to "work for the renomination of President Richard M. Nixon." As of December 31, 1971, the total exceeded $325,000.

Although they may be big and obvious, the bankers and milk producers are not unique in what they are doing. Instead, they represent a growing element in political campaign financing. For while individual corporate executive programs have been slowly and quietly expanding, industry groups and associations—such as the bankers and dairymen—faced with wider Federal and state government controls, and thus direct involvement in their operations, have been at an ever increasing rate.

Traditionally, behind the scenes, individual businessmen, industry leaders and even corporations have always been suppliers of funds and other assistance to candidates. But the pooling of their funds and the open national solicitation of like-minded businessmen and their employees have recently taken on major significance. Although the success of the AFL–CIO's fund-raising through COPE provided a model for such activities, businessmen didn't take real note of such a technique until 1961, when the American Medical Association's political contributing offshoot, AMPAC, put millions of dollars into Congressional campaigns and had some success in delaying the Kennedy Administration's Medicare program.

Since 1963, new industry groups have been turning up with some regularity. The owners of trucking fleets for years informally collected checks at regional meetings, then passed them on to House and Senate campaign committees to be accumulated for later distribution in election years to candidates who needed money and were congenial to the big national highway program. Today there is a Truck Operators' Nonpartisan Committee (it distributed a reported $38,522 in 1970), but the groups of individual checks from truckers continue to flow into other party fund-raising organizations.

A review of the records filed with the Clerk of the House of Representatives under provisions of the Corrupt Practices Act gives some indication of the national business interest groups openly active in campaign fund-raising. There is a restaurant owners' political action committee ($71,000 distributed in 1970 with emphasis on Congressmen dealing with taxes and minimum wages); the Life Underwriters Political Action Committee ($38,245 distributed in 1970); a Forest Products Political Education Committee ($28,150 raised from lumbering interests in 1970). The securities industry has both the Securities Industry Campaign Committee ($59,396 in 1970) and the Effective Government Association (whose $25,400 distributed in 1970 came almost exclusively from employees of Merrill Lynch, Pierce, Fenner & Smith, the giant among stock brokerage houses). The construction industry has a Committee for Action ($67,100 in 1970). And even individuals involved in the rural electrification program are gathered together in the Action Committee for Rural Electrification (a whopping $131,068 distributed in 1970, primarily to liberal Democrats).

In addition, new but smaller organizations became visible for the first time in 1970 representing cable television, the canning industry, nursing homes, insurance, automobile retailers, the coal industry, construction equipment, food processors, manufacturers of home furnishings, real estate brokers, mortgage bankers, and even the co-operative movement. Just last month it was announced that the one-million-member National Education Association, made up of schoolteachers across the nation, has hired a political consultant to organize its campaign contribution fund. Peace groups and environmentalists are organized into contributing groups.

Thus, with public-interest groups seeking government action in areas that directly affect more and more businesses, increased campaign fund activity should not remain a corporate secret between the donors and the recipients. "Speaking broadly," the late Justice Felix Frankfurter wrote in his 1957 opinion on the campaign fund laws, "what is involved here is the integrity of our electoral process, and not less the responsibility of the individual citizen for the successful functioning of that process."

The process is deteriorating, not just because corporations have come up with a new way to get around the law, but also because thousands of corporate executives are mechanically participating in the conspiracy by keeping silent about what they are doing although many believe it immoral if not illegal.

Reform is needed for the entire political financing system. A marginal first step would be for compliance with today's laws—and thus disclosure of what America's biggest corporations are already doing. To ignore their actions is to encourage the deterioration of the political system.

### GENERAL ELECTRIC

General Electric Company, the nation's fourth largest industrial enterprise, has both public and private executive fund-raising systems. The public one, part of the corporation's Constructive Citizenship Program, began several years ago to encourage all employees openly to give through preelection dollar fund drives. At more than a hundred plants, several envelopes were distributed to G.E. workers which permitted the mailing of funds directly to Democratic or Republican committees. At some locations, banks were designated as special neutral receiving points to guarantee that the funds reached the designated recipient committees. With all that, and despite considerable publicity, the results were disappointing.

Accordingly, several years ago, while the public programs were being pushed, a special private group called the Effective Citizens Association was formed within G.E. Its membership was made up of corporate management-level personnel who as individuals contribute what one executive described as "nominal" amounts to the Association. In turn, the Association becomes the "auspices" through which contributions are directed to candidates. Thus, for example, on October 12, 1970, Americans for Taft, a campaign organization set up to support the election of Robert Taft to the U.S. Senate from Ohio, reported receiving $100 contributions from five individuals in New York City, four of whom were listed with the same address—570 Lexington Avenue, headquarters of G.E. The five individuals included Fred Borch, chairman of the board; J. S. Parker and H. L. Weiss, vice chairmen of the board; and Robert Estes, senior vice president of the company.

G.E. management refuses to discuss "on the record" even the existence of the Association. Information on it could be gained only if the identity of the G.E. official speaking was withheld. But, according to this anonymous executive, the Association goes to extremes to divorce itself from the corporation proper. Its correspondence is on its own letterhead and all its activities are undertaken outside company time. Contributions go to both Federal and state candidates, but the checks involved are personal, coming from the management-level personnel around the country who make up the Association membership.

How much is involved? The informant had no idea, although he identified Steve Galpin, manager of G.E.'s national community and government relations department, as one of the principals in the Association. At this writing Mr. Galpin has refused to be interviewed.

### TELEDYNE-RYAN

This billion-dollar defense contractor operates what Leon Parma, a vice president on the group staff at Teledyne headquarters in San Diego, calls a volunteer political participation plan. Designed as "a vehicle for employees," the plan features a trust—named the Caligan Trust—which serves as the interim recipient for funds contributed by employees. In order to have any funds withdrawn from the trust, the employee must authorize it himself. "He retains full control," Mr. Parma, one of the three trustees, emphasized in an interview.

How are candidates selected? At the time he puts his money in the trust, the Teledyne employee can specify "where he wants it to go." Or, Mr. Parma explained, "candidates express an interest" in receiving funds. The company then circulates a letter to its executives indicating "the request we have received." Checks come back or authorizations to draw on trust balances are obtained. Together they then are sent on to the candidate with notice that receipts should go to individual givers, not the company. "It is not transmitted on company letterhead," notes Mr. Parma.

Research turned up two recipients of Teledyne-Ryan funds. On October 1, 1970, Citizens for Minshall, a committee supporting the re-election of the veteran Ohio Republican Congressman, reported receipt of nine contributions from California residents in amounts ranging from $50 to $200 and totaling $800. All were executives of Teledyne-Ryan.

One month earlier, according to a report filed with the Clerk of the House by Representative F. Edward Hébert, Democrat from Louisiana, nine Teledyne-Ryan executives contributed anywhere from $50 to $200, adding $1,010 to his campaign—although their connection to the company was not disclosed. Hébert, of course, is chairman of the House Armed Services Committee with legislative jurisdiction over Teledyne-Ryan's main product area. Minshall is the ranking Republican member of the House Appropriations subcommittee which handles the Defense Department budget.

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## TRIBUTE TO SENATOR HATFIELD

Mr. CURTIS. Mr. President, it was with interest that I observed the remarks of the distinguished Senator from Maryland (Mr. MATHIAS) a few days ago in reference to the service of our distinguished colleague from Oregon, Senator

MARK HATFIELD. I have a very high regard for Senator HATFIELD. He has the No. 1 qualities, which in my opinion are absolutely necessary to be a public official. They are honesty and integrity. Without these qualities our work comes to naught and the needs of the public go unmet. Furthermore, my friend MARK HATFIELD is consistent.

## WILL OUR POW'S BE TRIED FOR GENOCIDE?

Mr. PROXMIRE. Mr. President, some people who oppose the Genocide Convention do so because they believe that American ratification of this treaty will allow North Vietnam to try our prisoners of war for genocide. They feel that Hanoi is prevented from doing so by our failure to ratify this treaty. As soon as the Senate gives its advice and consent to this treaty, they feel Hanoi will be able to proceed to try our men.

However, North Vietnam has not been restrained by international law. North Vietnam has repeatedly violated the 1954 Geneva Accord on Indochina, the Geneva Convention of the treatment of prisoners of war, and other treaties and international agreements. So why should we believe that North Vietnam would want to try our POW's until we ratified the Genocide Convention? Hanoi holds our men prisoner and as a practical matter can try them on whatever trumped-up charge it wishes any time it wishes.

The Republic of France ratified the Genocide Convention in 1950. It was in force for them during the entire time they fought the North Vietnamese in the early 1950's. Many French soldiers were held prisoner by the Communists. None of them were ever tried for genocide. French ratification of the Genocide Convention added no greater danger to the French troops fighting or being held prisoner in Indochina. Thus, if past experience is any criteria American ratification of this treaty will not add to the dangers faced by our soldiers in Vietnam.

The presence or absence of the Genocide Convention will not affect how Hanoi treats the POW's it holds, any more than the presence of the Geneva Convention on treatment of prisoner of war does. Hanoi has a habit of doing whatever it wants. The best protection for our POW's is not to reject the Genocide Convention, but rather to work diligently for their release. They will be safe only when they are home.

Mr. President, I call upon the Senate to ratify the Genocide Convention as soon as possible.

## A "FAIR SHARE" OF INTERNATIONAL RESPONSIBILITIES

Mr. DOMINICK. Mr. President, I am gratified to see that the Appropriations Committee has adopted a restraint stance very similar to one which I advocated earlier as concerns our contributions to international organizations in terms of an equitable sharing internationally of responsibilities which in fact and truth cross national boundaries.

I quote from pages 4 and 5 of the committee's report:

> The Committee is fully aware of the unanswered need for development assistance in the underdeveloped countries of the world and is prepared to support the United States' shouldering a "fair share" of this and other international responsibilities. It should now be abundantly clear, however, that what was a "fair share" for the United States twenty-five or even five years ago is not a "fair share" today. . . . As a general rule it is the sense of the committee that a "fair share" for the United States should not exceed 20 to 30 percent of true multinational programs, and it is within this range that it shall endeavor to allocate United States contributions to international and financial institutions beginning with fiscal 1973.

Last session, during the Senate consideration of H.R. 9910, the 1971 Foreign Assistance Act, I introduced an amendment which would have limited our voluntary contributions to the United Nations to the same percentage of total contributions as our assessed payments.

Certainly, the Appropriations Committee apparently agrees with the logic that much of the benefit being derived in whole or in large part from our financial assistance internationally accrues to many nations other than just our own. If other countries are receiving the dividends of many of our foreign contributions, it is only equitable that there should be a broader sharing of the burden. Certainly all nations have a stake in and should be concerned with programs which add to the peace and economic well-being through the alleviation of poverty and suffering, for the end result is harmony and prosperity in the community of nations. Other nations must no longer look to America to carry not only our share of the burden but also theirs.

America will always recognize its responsibility in the international community of nations and we stand ready and willing to meet those responsibilities which must be equally borne by all nations. The Appropriations Committee is to be commended for its action in defining America's international contributions in terms of our share of the responsibility which falls on all countries.

## UKRAINIAN INDEPENDENCE

Mr. ALLOTT. Mr. President, beginning in 1917 and extending into 1918 and 1919, a series of cataclysmic upheavals took place in Eastern Europe, all the way to the Urals. As the First World War ended, the death—some say of suicide—of old empires occurred.

In the resulting chaos, a number of great peoples and nations attained freedom and independence. For all too many of these peoples the freedom and independence was short lived. All too often one repressive and reactionary empire was replaced by an even more despotic imperialism. This was the unhappy case of the Ukraine.

This week we are commemorating the 54th anniversary of the independence of the Ukraine. This is the week when all Americans join with Americans of Ukrainian descent, and with Ukrainians everywhere, in pledging our renewed dedication to the cause so vividly illuminated by our own history—the cause of national independence.

The whole world knows that the Soviet Union is a state without ever having been, and without ever having the hope of being, a real nation.

The whole world knows that the Soviet Union exists for the purpose of oppressing real vigorous nations, peoples, and cultures.

The whole world is watching, with undiminished contempt, as the brutish men who run the Kremlin continue their vicious, futile, and doomed attempts to "solve"—as they like to say—the "nationalities question" which, happily, has vexed the Soviet tyranny from the beginning.

Today it is my privilege to join in this pledge: There will be no lasting accommodation between the United States and the Soviet leaders until Soviet tyranny is less repugnant. And we serve notice: Soviet tyranny can never appear less repugnant until the Ukrainian people are given their rights as a people.

## THE DOCK STRIKE

Mr. SCOTT. Mr. President, in the January 31, 1972, Harrisburg, Pa., Patriot, the editorial, "Dock Strike, Congress Can Prevent Cripplers," spells out clearly whose responsibility it is to step in and do something about this economy-damaging situation. These conditions worsen day by day as consumer prices rise.

I commend the entire editorial for my colleagues to reflect upon its meaning and urge those who have the authority and the responsibility to act promptly to bring about a settlement to this dock strike.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### DOCK STRIKE—CONGRESS CAN PREVENT CRIPPLERS

It didn't take Canada long to settle a national air traffic controllers' strike. Ten days after the men shut down that nation's airports on Jan. 17, they headed back to their towers agreeing to submit their dispute to binding arbitration.

How different the U.S. dockworkers, whose potential for crippling the economy of this country is far more serious than anything the air traffic controllers could do to Canada. The International Longshoremen and Warehousemen Union (ILWU), a West Coast organization headed by left-leaning Harry Bridges, called its members out for 100 days last summer until a government-obtained court order under the Taft-Hartley Act sent them back for an 80-day cooling off period. Now they are on strike again over makework and other demands which, if granted, could well put many of the 122 members of the Pacific Maritime Association out of business.

Shippers, desperate to move essential cargoes, have been diverting ocean-going traffic to Vancouver, B.C., or to Ensenada, Mexico, and trucking consignments into the U.S. But Friday Canadian longshoremen at Vancouver voted to embargo any further cargo destined for the U.S., while ILWU officials are urging Mexican dockworkers to do likewise. Meanwhile Teamster Union members set up a picket line at the U.S.-Mexican border which 95 per cent of the truck drivers are refusing to cross.

The dockers have rejected a 37 per cent retroactive pay raise over the length of their contract. Basically they want the right to unload pre-packed containers at dockside, repack them and put a $1-a-ton union tax on them—even when the containers were loaded in the first place by union labor.

Ten days ago President Nixon deviated from the prepared text of his State of the Union message to declare that "the nation cannot and will not tolerate that kind of irresponsible labor tieup in the future." Within 24 hours, Labor Secretary Hodgson had legislation prepared which would provide for the appointment of a three-man arbitration panel to dictate a settlement. The President asked for congressional action in three days. Instead, hearings of a desultory sort have begun which almost certainly will put off any definitive action for some time.

In testimony last week, the Secretary of Agriculture told a Senate Labor subcommittee that he was "growing weary of having our farmers bloodied in scraps entirely outside their areas. We want to get legislation that will prevent erosion of another billion dollars of farm income this year."

And it is true. Grain rots on the docks, in elevators and even on the streets of small towns. Buying nations are ordering elsewhere instead of from the U.S. Manufactured goods pile up, ships are idled—and a minimum of a million dollars a day is lost to the 12 West Coast ports and the states they serve.

Why this economic carnage?

Because unions involved with essential transportation of the nation make grandiose demands which are almost always met when the suffering public can stand it no longer.

Because gun-shy, weak-kneed legislators lack the guts to stand up to labor lobbyists, labor money and labor threats and enact the laws this nation desperately needs.

Labor has its place and its rights in the American scene but it is time for its abuse of power to be ended. Congress can throw off the shackles which labor is rapidly fashioning for it by passing some measure this week to end the destructive West Coast dock strike and, in the very near future, give active consideration to President Nixon's long-stalled "Crippling Strike Prevention Act" which will protect millions of Americans from being harmed by such debacles hereafter.

## BIG INCREASE IN FUNDS FOR THE SACB

Mr. PROXMIRE. Mr. President, buried in the 1973 budget which was released last week is a very substantial increase in funds for the Subversive Activities Control Board. Last year we appropriated $450,000 for the Board. This year the President is asking for $706,000—a whopping 57-percent increase in appropriations.

In fact, this is far and away the largest single appropriation ever requested for the Board.

What justifies this increase? How does the Board plan to spend these new funds? What new causes will it investigate; what new organizations will it seek to register?

Last summer, President Nixon signed Executive Order 11605, which empowers the Board to compile the Attorney General's List. The Board is to determine whether an organization is "totalitarian, Fascist, Communist or subversive," and whether an organization "has adopted a policy of the commission of acts of force or violence to deny others their rights under the Constitution or the laws of the United States or any State."

Mr. President, the Subversive Activities Control Board has been in existence since 1950. During its 21-year existence, it has not registered a single subversive—not one. It has only designated one organization as a Communist action organization—the Communist Party of the United States.

The reason for this history of inaction: the courts have repeatedly held the SACB's procedures to be unconstitutional. The most recent case was Boorda against SACB, in which the U.S. Court of Appeals for the District of Columbia held that the Board's procedures violated the freedom of association guarantees of the first amendment. The case was upheld on appeal, when the Supreme Court denied certiorari.

Mr. President, Executive Order 11605 is an attempt to infuse new blood into the Board. And the President's 1973 budget amounts to the same thing. The budget would increase the number of permanent positions at the Board from 15 to 26; it would increase personnel compensation from $349,000 to $489,000; it would increase "travel and transportation of persons" from $15,000 to $50,000; and it would increase the outlay for "other services" from $41,000 to $88,000.

It might be intriguing to speculate why the Board needs three times as much this year for "travel and transportation of persons," or why the Board has more than doubled its planned expenditures for "other services." How many new groups does the Board plan to come up with that are "totalitarian, fascist, communist, or subversive" in nature? What new organizations are to be characterized as adopting "a policy of the commission of acts of force or violence to deny others their rights"?

Mr. President, we have been through all this before. Congress has repeatedly attempted to amend the Internal Security Act to have it comply with the Constitution, only to have courts strike down each new revision. And I submit, Mr. President, that the same thing will happen this time. Why must we waste another $706,000—and perhaps another $706,000 the year after—until the next case is decided by the court of appeals?

It has become clear that the SACB, and all it stands for, is inconsistent with the first, fifth, and 14th amendments to the Constitution. I hope that this year we can rally enough support behind an amendment deleting funds for the SACB to bring an end to this anachronistic witch-hunting agency once and for all.

Mr. President, last week the Washington Post carried an excellent editorial about the SACB. I ask unanimous consent that the editorial, entitled "Greater Love Hath No President . . .", be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### Greater Love Hath No President

Unpredictable as the way of a maid with a man is the love of a father for his brainchild, puny, warped and unprepossessing though it may be. Long, long ago in the hot season of his youth when he was Congressman Nixon and a member of the House Committee on Un-American Activities, the President sired something called the Mundt-Nixon bill. Though itself stillborn, this measure nevertheless managed to pass its essence on to a sibling of sorts titled the McCarran Act which, during the postwar neurosis over domestic communism, came to life under the alias of the Internal Security Act of 1950 and spawned a mongoloid offspring known as the Subversive Activities Control Board. Spurned by the Congress that created it as soon as that body's emotional health was restored, termed illegitimate by the courts, regarded with repugnance by lovers of liberty, the SACB somehow managed to preserve a precarious existence as a sinecure for political castoffs and otherwise unemployable hangers-on.

But Mr. Nixon never forsook it. On Monday, in a budget message embellished with warnings to Congress against over-spending, he asked that funds for the SACB be increased from a current level of $405,000 to $706,000 and that the number of its employees—who, at present, have nothing whatever to do except cash their fat, fortnightly paychecks—be increased from 15 to 26.

But the President does not intend that the agency continue to be totally idle. He would like the SACB to investigate the groups and organizations which free citizens have chosen to join, and to determine whether these voluntary associations are to be designated desirable or undesirable, permissible or impermissible. He would turn the SACB into a kind of Federal Trade Commission in the area of political ideas.

If the sheer un-Americanism of this check upon the free exercise of the constitutional right of association is not apparent to the President, it surely ought to be recognized for what it is by the United States Congress. Political lists are the trappings of totalitarianism; they have no place in a free country. It is more than time to let the SACB slip back into the relatively innocuous desuetude which its members found so comfortable for so long—or, better still, to grant it the gift of legislative euthanasia when an appropriation for it is next proposed in Congress.

## WELFARE REFORM

Mr. HARRIS. Mr. President, welfare reform is a major issue now before the Finance Committee and soon to be before the full Senate. The glaring deficiencies of H.R. 1 have not, I believe, been fully exposed to Members of the Senate. I ask unanimous consent to have printed in the Record two articles by noted experts in the field of welfare reform with the hope that my colleagues will find them informative. The first is by Elizabeth Wickenden, professor of urban studies of the City University of New York, which deals articulately and effectively with the question of restrictive controls and violations of individual rights incorporated into H.R. 1. Professor Wickenden's article was published in the Welfare Law News, November 1971, published by the Center on Social Welfare Policy and Law. The second article is by Alice Rivlin, senior staff associate at the Brookings Institution, and former Assistant Secretary for Program Planning at the Department of Health, Education, and Welfare. The article appeared in the Washington Post on January 31, 1972, and deals with the restrictive work requirement and ineffective work incentive provisions of H.R. 1.

There being no objection, the articles were ordered to be printed in the Record, as follows:

### HR 1: Welfare Policy As An Instrument of Control [1]

(By Elizabeth Wickenden, professor of urban studies, City University of New York)

The essential character of HR 1 is to use conditioned minimal income payments to the poor as an instrument of control and coercion with respect to their employment, child rearing, family relationships, health care, drug use and other behavioral patterns. While these controls are minimal with respect to the aged, the blind, and the permanently disabled (groups whose poverty is assumed to be beyond their own control), they fall heavily on families with children and the marginally disabled (i.e. those groups whose poverty is popularly attributed to their own failures of effort or moral conformity.) In effect the deprivation of children is used as a goad on the behavior of their parents. Since 19.4 million individuals are considered potentially eligible for these family benefits, this constitutes the consolidation of a very substantial subclass in the total population. Over 70% of these fall in the groups assigned to the Labor-administered Opportunities for Families (OFF) program for those expected to work where the control factors are the most obvious. The other 30% remain in the HEW-administered Family Assistance Program (FAP) until they are considered available for work. This article undertakes to enumerate the controls in both programs.

The low level of benefits has tended to overshadow in public discussion the coercive impact of the bill but these low benefits are themselves a factor of control. Thus, for example, the basic federal annual level of $2400 for a family of four can be reduced to $1600 if a presumptively employable member of the family refused a work for training assignment (including job reassignment for an employed recipient), failed to cooperate in a rehabilitation program, or failed to maintain a monitored drug-free condition in the case of an addict. Thus it is reasonable to state that $1600 is the basic guarantee,[2] assuming always the possibility of the penalty provision. This is lower than present assistance payments as supplemented by food subsidies in any state of the union (i.e. $57 a month assuming a $912 food stamp supplement.) On the other hand, a cooperative beneficiary could raise his net income to about $4000 by combining public benefits with earnings and/or successful child support actions. Thus the mother, for example, who feels her presence is required at home for the benefit of her children and cannot bring a successful support action is penalized in order to reward and encourage the conforming mother.

The control function of differential benefits has been camouflaged in HR 1 by features generally regarded as desirable such as a Federal floor and inclusion of the working poor. It is, however, clearly "demonstrated" in the proposed New York demonstration project whereby families in three selected districts are to have their grants cut to the proposed HR 1 Federal level. (This constitutes a cut below New York budgets of from 46% to 60% plus the penalty provision of a further $800 reduction for failure to accept work or training.) This could then be "earned" back through a system of incentive points for a wide range of acceptable behavior, including but not limited to work. While this project proposal goes beyond the provisions of HR 1 it clearly illustrates the coercive intent of low, differential benefits controlled by an all-powerful bureaucracy.

The impact of low benefit levels in HR 1 is intensified by the absence of any requirements, provisions for financial sharing, or real incentives for state supplementation of federal payments even up to present AFDC levels. The explicit authority for states to impose a one year residence requirement on supplementary payments without endangering the basic Federal payment runs directly counter to the Supreme Court decision in Shapiro v Thompson and is a clear invitation to the control of free movement.

The controlling impact of low benefits is further sharpened by the extraordinary requirement that outside income over the prior nine months' period be considered in determining initial eligibility and the continuing level of benefits regardless of the present financial circumstances of the family. Thus the former concept of public assistance as an answer to current need is superseded by its new role as an ostensible spur to the retroactive enforcement of thrift, job stability, and family cohesion.

The work requirements of HR 1 are arbitrary as to individuals and advantageous to potential employers, assuming that such exist in a period of general unemployment. About 70% of potential benefiting families are considered to be "in the labor market" and, therefore, assigned to a special program called Opportunities for Families (OFF) administered by the Labor Department, either directly or through the state employment offices. The Labor Department assumes virtually complete control over their lives: paying their benefits; assigning them to jobs or training; purchasing child care in their behalf; providing health, social services, counseling, transportation to new locations, etc. as needed; and penalizing them for failures of compliance. The Labor Department becomes the modern day "old marse" of the plantation.

The inclusion of the so-called "working poor", the work coercion authorities, and the partial disregard of earned income means, in effect, the supplementation of sub-standard wages. Only a strong minimum wage and other work standard requirements could safeguard individuals from exploitation and labor standards generally. But a minimum standard of $1.20 an hour was incorporated in the House version making wage subsidization a virtual certainty.

Chairman Russell Long of the Senate Finance Committee (in a speech to the Governor's Conference) throws new light on the philosophy involved by proposing an outright and virtually unlimited subsidy for employers of domestic labor as an answer to the so-called "welfare mess." This is at best a form of indenture, a clear invitation to caste consolidation.

Definitions of presumptive employability are absolute and arbitrary leaving no discretion to the mother of children over three (six until 1974) as to her home obligations, the suitability of the care—if any—available to her children, or the kind of job she is able to reconcile with her children's needs. The arbitrary and discriminatory character of the job obligation on single mothers is evidenced by the exemption from obligation on the wives of male beneficiaries still in the home. The prohibition against benefits to family heads who are full-time students is also an example of short-sighted punitive controls. Many AFDC mothers have made heroic efforts to upgrade their employment qualifications by completing their higher education. Furthermore the prohibition of payments in behalf of an unborn child, long permitted under Federal AFDC regulations, assumes both that the pregnant woman is employable up to the fact of her delivery and is to be punitively restrained from those measures which might be necessary to her own and her child's health.

While many confusing provisions are made in the bill for financing child care, there is no statutory requirement that such care be available prior to the mother's job assignment, no freedom of choice for her in its selection, and virtually no protection for its quality.

Child Support provisions in HR 1 are a major but largely ignored element in its controlling purpose. In all respects a different standard of parental support and penalty for failure is applied to beneficiary (i.e. poor) families than to others, with the Federal government usurping functions normally handled by state laws and courts. These are briefly outlined below:

1. The applicant mother must "cooperate" in identifying a father as a condition of receiving a benefit. (See p. 191 of the Ways and Means Committee report and p. 305, Under Secretary Veneman, in the Senate hearings.) She is "expected" to bring a support action.
2. Such a putative father is guilty of a criminal offense if he crosses a state line.
3. Such a putative father likewise has a lien against any future Federal entitlements, including old age insurance benefits, for any amounts paid his alleged family.
4. Men in the role of stepfathers are held responsible for the children of their wives without regard to relevant state law and the ruling of the Supreme Court on the Man-in-the-House case.
5. Protective payments, made to a third party or in the form of restricted payments, are a further punitive measure toward the non-conforming parent.
6. Criminal penalties applicable to persons who "having made application to receive any such benefit for the use and benefit of another and having received it knowingly and willfully converts such benefit or any part thereof to use other than for the use and benefit of such other person" has extremely serious implications when applied to welfare benefits for child members of a family group.

Administration of the program, by intention, is tightly controlling and effectively eliminates rights of beneficiaries built into the original Social Security Act and expanded through court and administrative rulings of the past ten years. These controls operate at every point in the program.

1. Initial application and eligibility determinations are to be made by individual investigation, including collateral inquiries, and application by declaration is proscribed.
2. Income determinations for initial applicants or readjustment of benefits are to be based on the averaging of income over a twelve month period. Thus new applicants could be subjected to a waiting period or substantially reduced benefits regardless of their current financial situation.
3. Social Security numbers are required for all applicants and beneficiaries, including infants, and are to be used as a primary source of identification. Criminal penalties for duplicate numbers are authorized and fingerprinting has been discussed. (See Senate Finance Committee hearings p. 307.)
4. Failure to report outside income results in a penalty provision (in addition to the deduction of that income from the benefit payment) of $25 in the first instance, $50 in the second, and $100 in the third or subsequent instances.
5. Reapplication is required every two years.
6. The right of appeal is applicable at various points but should an appeal be lost by the beneficiary he is liable for all payments made to him during the period of the appeal. This is an extremely effective deterrent for those with no resources outside their benefit.

Comment: It is impossible in an article of this length to spell out the total potential for interacting bureaucratic controls implicit in H.R. 1. But even this imperfect enumeration makes clear that the primary purpose of this so-called "welfare reform" is not to improve the well-being and dignity of the beneficiary, but to so control and harass his behavior at every point that he (and more often "she") will be either coerced into conformity or driven from the program altogether. While the alternatives for survival in a period of growing unemployment and polarization between the haves and the have-nots (quaint terminology from another day) are not bright, for many they may well offer more dignity than these controls.

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[1] HR 1, Social Security Amendment of 1971, passed the House of Representatives, now pending in the Senate Finance Committee.

[2] Although this figure could be lower if more than one "uncooperative" family member is involved.

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[From the Washington Post, Jan. 31, 1972]

## Welfare Reform: 2½ Years of Debate—Should the Poor Be Encouraged, or Compelled To Work?

(By Alice M. Rivlin)

Does it seem like a long time ago that President Nixon first started pushing for welfare reform? Well, it was. It was August 1969 when the then new President went on national television to declare the welfare system a failure and to propose its overhaul. In the two and a half years since then, the administration's proposal has been debated and discussed, praised and reviled, in countless speeches, articles and TV talk shows. It has been revised several times and has passed the House twice, but it has never passed the Senate.

The Senate Finance Committee, somewhat wearily one suspects, has opened yet another series of hearings on welfare reform. Once more the earnest citizen spokesmen—the League of Women Voters and Common Cause, the business groups and the labor unions, the Christians and the Jews, the representatives of the poor and the welfare "experts"—are trooping to the Hill to give their views. And this time there is likely to be some action. Chairman Russell Long has promised to report a bill out of his committee by March, so that the full Senate can act and there can be some hope of reaching agreement with the House before the Congress goes home for the election. Despite Sen. Ribicoff's unexpected change of heart last week, there is still a good chance that some variant of the administration's proposal will become law by November.

Unfortunately, two and a half years of national debate have failed to produce a consensus either on what the welfare problem is or what to do about it. Indeed, much of the discussion seems only to have hardened entrenched positions.

The biggest obstacle to agreement on reform of the welfare situation is the fact that the American people, and their representatives in Congress, have widely divergent views about how to make sure that able bodied poor people work. The divergence is not so much over whether it is *desirable* for the able bodied poor to work—most people think it is—but over how this desirable state is to be ensured.

To oversimplify somewhat, there are two competing views. One group believes in compulsion—that poor people must and should be compelled to work by means of legal work requirements and punitive withholding of assistance from those who refuse jobs. The other group believes in incentives—that poor people should be encouraged to work by creation of jobs, provision of day care, training and placement services and—above all—by making work financially attractive so they are clearly better off working than not working.

To be sure, some voices are raised against the work ethic itself. A few visionaries see a future society so productive and so automated that only a handful of workers are needed to push the buttons, or a society so unmaterialistic that little production is desired. But people who think that way are not very numerous and are entirely without spokesmen in the Congress. Our legislators, like the vast majority of their constituents, uniformly regard work as both necessary and good for people. They may differ, as do their constituents, over whether mothers of small children should work outside the home, but they have no differences over where able bodied men belong—they belong on the job.

The divergence between the compulsion advocates and the incentives proponents is deep and pervasive. It involves not just philosophy, but a whole set of perceptions about what poor people are like and what they want.

The compulsion advocates really believe that poor people are lazy and do not want to work. They cling to the myth—despite all statistical evidence to the contrary—that the welfare rolls are loaded with able bodied men who refuse to take jobs. They point to "help wanted" ads as evidence that jobs exist if only the poor would take them. And they predict that any increase in welfare benefits or extension of assistance to new groups will simply produce a greater crop of loafers and malingerers. With this perception of reality it is not surprising that they believe stiff work requirements must be written into welfare laws and aid denied to those who refuse employment.

At the moment, the compulsion group is in the majority in Congress and probably in the nation. Before it even got around to acting on the President's welfare reform proposal, the Congress passed a law stiffening work requirements under present welfare programs. The Talmadge amendment, passed just before Christmas, specifies that public assistance recipients must accept work or training or lose their benefits unless they are aged, incapacitated or mothers of children under six. (Prior to the amendment specification who had to accept work was left up to the states.)

The incentives advocates believe that many more poor people want work than can find jobs. They point out (rightly) that only a tiny percentage of families on welfare have able bodied male heads. Heads of welfare families are almost all aged, disabled or mothers with children to care for—indeed the law is written to ensure this result. Many welfare mothers do work and more would like to, but most are not qualified for jobs that pay enough to cover the costs of day care for their children. Moreover, present welfare programs are not set up to encourage work. A welfare mother who takes a job finds her cash, medical and other benefits reduced so rapidly, as her earnings rise, that her family may actually be worse off if she works—even if she does have to pay for day care.

With this perception of the facts, the incentives proponents favor making sure there are plenty of jobs—a high level of demand to create employment in the private sector and new service jobs to increase employment in the public sector—as well as manpower training, better placement services and day care. Above all, they favor restructuring the welfare system to make it more advantageous for people on welfare to seek employment. They generally favor a system under which a family with no other income receives an allowance based on family size and as family earnings rise the payment is reduced and *not* by as much as earnings. The family is thus allowed to keep a fraction of its earnings and is better off working than not working. If the rate at which payments are reduced as earnings rise (the so-called "marginal tax rate") is kept low, welfare families will have a substantial inducement to take and hold jobs.

When the Nixon welfare reform was first proposed, it looked like an ingeneous compromise—befitting a middle-of-the-road President—between the compulsion and incentives positions. For the compulsion advocates there were more explicit work requirements—recently legislated in the Talmadge amendments. Able bodied adults, except mothers of pre-school children were to be required to register for work and training or lose their benefits. For the incentives proponents there was more money for training and day care (and, more recently, a small number of public service jobs), and above all, there appeared to be a reduction in the marginal tax rate from 67 per cent (under current law) to 50 per cent. The original Nixon proposal for a "family assistance plan" allowed a family of four with no other income $1,600 a year to live on and reduced that payment by 50 cents for each dollar earned.

But in the two and a half years since it was first proposed, the Nixon plan has been altered so that the bill now being debated by the Senate (H.R. 1) relies heavily on compulsion and hardly at all on incentives to encourage poor people to work.

Among the changes made in the original proposal are (1) an increase in the allowance for a family of four with no other income from $1,600 to $2,400 a year (not a real increase because it includes the value of food stamps worth about $800 to such a family) and (2) an increase in the "marginal tax rate" from 50 per cent to 66⅔ per cent. This means that families on welfare have their benefits reduced by two dollars for every three dollars they earn, which is what the current law does.

In fact, however, as Jodie T. Allen of the Urban Institute has pointed out recently H.R. 1 as it has been modified gives welfare families considerably less incentive to work than current law:

"Under current law the first $360 a year and ⅓ of earnings above that amount are disregarded in computing welfare benefits. Furthermore a *full credit* is given for all work related expenses including income and payroll taxes, so that essentially such costs and taxes are paid by the welfare office for welfare recipients. Thus the recipient, in this case a female head of family with 3 children and hypothetical actual work related expenses of $360, would suffer no loss in benefits at all until an earnings level of $900 is achieved. Beyond that benefits are reduced by 67 cents for every dollar earned until the transfer is reduced to zero at $5,700 of total income. Thus current law actually provides rather liberal work incentives . . . in H.R. 1 the tax rate on earnings is raised from the originally proposed 50 per cent to 67 per cent, ostensibly the same as under current law. In fact, however, most working recipients will face far higher taxes. This is because HR 1, unlike current law does not provide a credit or even a deduction for other taxes or for work related expenses."

One problem is that since almost all wage and salary earners must pay Social Security taxes—now 5.2 per cent of earnings up to $9,000—the combined marginal tax rate beyond the first $720 of earnings is 72.2 per cent. A further problem is that at $4,300 of earnings, even under the liberalized exemptions allowed under the recent income tax changes, a family head begins to pay income taxes of 14 per cent on incremental income, so that the combined marginal tax rate rises to 86.2 per cent. In other words, workers in this range would net less than $0.14 on each incremental dollar earned. In terms of work incentives, H.R. 1 represents a significant step backward from current law.

Moreover, as the Senate Finance Committee brought out clearly in its hearings last year, welfare recipients often lose other benefits, such as medical care and public housing, as their earnings rise, so that the effective marginal tax rates facing particular families may well be over 100 per cent, meaning that the family would definitely be worse off if members increased their work effort.

All of this seems preposterous in a country that prides itself on a free enterprise system and use of market place incentives rather than compulsion and coercion to order people's lives. It is downright un-American to require people to accept jobs and at the same time rig the system so that they get little or nothing for their labors and may even have a monetary incentive to evade the requirement. Moreover, with a sluggish economy and six million people out of work, enforcing work requirements against welfare mothers is not likely to produce any net increase in employment of the poor. The work requirements will merely provide unsympathetic public officials with an additional weapon for harassing the needy.

There are a number of ways in which the Senate could improve on the House-backed version of H.R. 1. The basic allowance of $2,400 for a family of four is too low and should be raised—at least to $3,000. There should also be stronger inducements to the states with current benefits above that level to keep their payments up. But the most important contribution the Senate could make to welfare reform would be to restore some degree of work incentive by lowering the marginal tax rate at least back to the 50 per cent originally proposed by the administration. This change would make the program more expensive, but the cost seems well worth it. Unless poor families are allowed to keep at least half their wages—after payroll taxes and other direct expenses of working—it is ludicrous to pretend they have incentives to increase their earnings.

## THE INTERMOUNTAIN OBSERVER

Mr. CHURCH. Mr. President, with its edition of January 29, the Intermountain Observer of Boise, Idaho, celebrated its 21st anniversary.

This newspaper has won a national reputation for its advocacy journalism, with praise from publications as diverse as Time magazine and the Columbia Journalism Review.

Sadly, however, its future is clouded. Its present owners—who have subsidized the paper heavily for a decade—have decided that they must sell the Observer. Its editor, Sam Day, has notified the owners that he will remain "as editor and manager only long enough to assist them in selling or making other disposition of the paper."

Mr. President, I sincerely hope that the Observer will continue. In Idaho, it has come to play a highly significant role in the life of our State. Though often criticized and always outspoken, the paper has nevertheless been in the forefront of virtually every significant issue to come before our people.

I ask unanimous consent, Mr. President, that an open letter to his readers from Sam Day, published in the January 29 issue, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

### Twenty-One Years of Advocacy Journalism

(By Samuel H. Day, Jr.)

Editor's Foreword.—*The Intermountain Observer* this month turned 21 years old, which traditionally marks one's coming of age. It had been our intention to celebrate the occasion by announcing in this issue the *Observer's* final emergence from parental support and custody. Although still lacking the strong economic base which would be necessary for it to stand on its own feet, the paper was psychologically ready for independence. And so, too, were the present owners. At a meeting of the Boise Valley Broadcasters, Inc., directors' group which has responsibility for the paper, it was decided early in December that the interests of KBOI and *the Intermountain Observer* both would be best served by separation of the two no later than the end of 1972.

As editor and manager of the paper since 1964, I asked for and was given an opportunity to bid for its purchase. The owners' terms were very reasonable, considering the substantial sums they have invested in this enterprise since acquiring it a decade ago. I set about raising the capital and was successful by mid-January in securing pledges sufficient to buy the paper and assure it a minimum income supplement through 1972. This would have guaranteed the continuation of the paper under my editorship for at least another year, but it was by no means certain that our hopes of having it self-sustaining by that time would have born fruit. In fact, a realistic appraisal of our circumstances suggested the strong likelihood that further solicitation of funds would be necessary in later years.

Although the initial pledges—in the form of long-term loans—were to the *Observer* itself and not to me, it was my feeling that I, as the owner of the enterprise, could not escape a personal obligation for return of the investors' money. A full realization of the implications of this came upon me during the process of raising funds for the purchase. It was my final conclusion, after much thought, that this would be too great a burden on me and my family. Accordingly, I came to the reluctant decision not to purchase the paper. I have released my friends from their commitments, withdrawn my offer to Boise Valley Broadcasters and notified the company that I will remain as editor and manager only long enough to assist them in selling or making other disposition of the paper. Quite possibly the present owners may elect to continue publishing the paper indefinitely under a new editorship, in which case they shall have my encouragement and good wishes. Whether I am to continue as editor and manager under a new ownership is a matter for them and me to decide.

Despite the uncertainties which the future holds, we still have a birthday to celebrate. We of the *Observer* and its predecessor publications can be proud of the job we have done during times when survival itself was an accomplishment of no small proportions. We are glad to have come this far, and we hope to keep going farther, one way or another. In the meantime, we shall mark this moment of sweetness and sorrow in what seems to us an appropriate manner: the chronicling of 21 years of advocacy journalism in Idaho.

## AMERICAN FOLKLIFE FOUNDATION ACT

Mr. HARRIS. Mr. President, I am placing in the Record today the transcript of a hearing I held on S. 1930, the American Folklife Foundation Act, at the Grand Ole Opry in Nashville, Tenn., on December 4, 1971.

S. 1930 would create an American Folklife Foundation within the Library of Congress. Through the foundation, vital public support would be lent to a wide-ranging effort designed to foster both a broader and deeper understanding of this country's rich folklife. This legislation would give American citizens—whether they be Southwestern Indians, Polish Americans in Chicago, Italian Americans in Boston, or Scots in Appalachia—a chance to express themselves through the unique cultures that have brought such diversity and strength to our Nation. It says that America's folklife, for which we have had no national policy of appreciation and support, is a vast cultural treasure, and that our society will be a better one if we focus on that treasure and build on it. Most importantly, this legislation is an effort to invest in the culture of America's common man.

Mr. President, one criticism to which we in Congress are particularly vulnerable is that we spend too much of our time talking to each other here in Washington, and that we do not spend enough time finding out what is really on people's minds. Although we debate issues, pass laws, and listen to "expert testimony" at hearings, all too often it seems that we fail to involve the active participation of the majority of Americans in the governmental processes which so vitally affect their lives. Washington is a long way from my home State of Oklahoma, or for that matter, it is a long way even for most people from the nearby States of Maryland and Virginia.

That is why, Mr. President, I decided to hold a hearing on the American Folklife Foundation Act at the Grand Ole Opry in Nashville, Tenn. Because I realize that more than any Senator or Congressman, the people who can speak most eloquently about the need to preserve and promote the cultural heritage of America are the people who themselves have created that heritage. So on the stage of the Grand Ole Opry, in historic Ryman Auditorium, I listened to men and women, such as Bill Monroe, Roy Acuff, and Jean Shepard, whose lives and music have become a part of America. I heard them talk and perform with pride and a kind of living awareness about their ancestors, about the cultural heritage in which they grew up, and about the one which they would like to pass on to their children. What I saw at the Grand Ole Opry, and what we are talking about with this legislation, is a part of America. And we are not talking about simply preserving it as it was, but rather about allowing it to remain alive and vibrant—like it is every Saturday night at the Grand Ole Opry and in hundreds of music halls throughout the country.

Mr. President, the sense of pride and spirit that I saw at the Grand Ole Opry can be found all over this country, in music as well as in other folk arts. Just this past summer, Congressman Frank Thompson—the House sponsor of S. 1930—and I held a hearing on our bill as part of the Smithsonian's annual Festival of American Folklife. The Smithsonian Festival is a great example of what we can do, and ought to do more of, to preserve and promote America's folklife heritage. A visitor to the festival got a taste of Indian and other ethnic foods, Moravian folk dancing, glassblowing, and other folk arts and crafts.

Mr. President, I urge every Member of the Senate to read the transcript of the Grand Ole Opry hearing. And I guarantee that it will be more interesting than the usual congressional hearing. This was a "people's" hearing, Mr. President, on a "people's" bill. If my colleagues will read this transcript, they will hear average people in this country talking about their lives, their music, their humor. And after they have read the transcript I hope some of my colleagues might be able to attend one of the future hearings I plan to hold on the folklife bill such as the one scheduled for Saturday night, February 19, at the Jamboree, U.S.A. in Wheeling, W. Va.'s Capital Music Hall. Because printed words just cannot convey the excitement, the warmth, and most of all, the sound of good country music.

Mr. President, I ask unanimous consent that the transcript of the Grand Ole Opry hearing be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

### Transcript of Hearing Held on S. 1930, the American Folklife Foundation Act, at the Grand Ole Opry, Nashville, Tenn., December 4, 1971

Announcer **Grant Turner**. Good afternoon ladies and gentlemen. For the first time in its 46 year history, the Grand Ole Opry is to be the scene of a Congressional hearing. On our Grand Ole Opry stage now is Senator Fred Harris, Democrat of Oklahoma, who along with Representative Frank Thompson, Democrat of New Jersey, is sponsoring a bill to establish an American Folklife Foundation within the Library of Congress. A number of Grand Ole Opry performers have been invited to attend today and they, along with other spokesmen for country music in the area, are expected to talk informally about their life, their music and their careers with the Senator—and also will perform a song or two. Also invited to participate today is Congressman Richard Fulton, longtime associate of many Grand Ole Opry performers, who is especially knowledgeable in the field of country music. It is now my extreme pleasure to introduce a man who is working untiringly to preserve American folklife for the good of all the people through his introduction of the American folklife bill. And now to tell us something about the bill, here is the distinguished Senator from Oklahoma, Fred Harris.

Senator **Harris**. I want to say thanks, first, to Grant Turner. I've been a Grand Ole Opry fan for 30 years or more, I suppose. I know Grant Turner as a man who for years has been an announcer with the Opry and who's with us tonight linking the great past of country music to the present.

It's true that several of us in the Congress, in the Senate and House, have introduced a bill to set up a Folklife Foundation, which has two purposes. First of all, we're interested in preserving the heritage of this country. The dialects, for example, in the Appalachians—in Kentucky and West Virginia and elsewhere—are very much like the English that was spoken centuries ago in England and Scotland. The same is true of a lot of the music of this country that is unique to America. Part of that is what I used to call when I was a kid, "hill-billy" music. Now they've dressed it up somewhat and call it "country and western" music.

I like country and western music and hillbilly music of all kinds. I remember when I was a kid listening to the music of Jimmie Rodgers, the Singing Brakeman, Uncle Dave Macon, who was here at the Grand Ole Opry I suppose when it started. A lot of the music has changed since then. It's a living art. There's a lot of amplification now. In some places like Wheeling, West Virginia, at the Jamboree USA, they play kind of a country rock, but I notice they still have a blue grass band every Saturday night as well.

I think country music is a living kind of thing. I'm interested not only in preserving it as it used to be, but I'm also interested in promoting it both as it used to be and as it is—and that's the idea of the Folklife Foundation legislation we've introduced. We want to set up a Foundation to preserve this kind of music and we have several people here tonight who we want you to hear from.

We are going to record what's said here tonight, as well as what's sung and performed. This is really an informal, country hearing about this legislation. We're going to transcribe it and have it printed in the *Congressional Record* so that the committees in the House and Senate can read this and help us pass this legislation, and also so they can know how important this kind of heritage is for the strength of America. It's a part of America; it's part of the culture of America. That's what this legislation is about.

Right now we've got with us Jimmy Driftwood, who has a name that's awfully well known throughout this country. He's an old-time musician himself from over in Timbo, Arkansas. In Mountain View, Arkansas, he's been responsible for one of the great developments in country music, trying to preserve and promote country music by presenting country people the way they really are and by presenting what they have to say. Jimmy Driftwood, when I talked to him yesterday, said, "I'll drive the 400 miles in order to be there," because of his interest in country music. Jimmy, you've got a man with you tonight. Maybe you could introduce him, and then I'd like to talk with you a little bit.

**Jimmy Driftwood**. This is Mr. Tommy Simmons who is Project Director of our Folk Cultural Center that we are building at Mountain View.

Senator **Harris**. Tell us about what you are doing over at Mountain View.

**Jimmy Driftwood**. Senator Harris, we started in 1941. We had our first folk festival back under a big bluff in the hills. Then, of course, World War II came along and that stopped it. In 1963, we started again, and each Friday night the people come in from all over the hills and they play the type of music their grandfathers and grandmothers played, and, of course, things that are written today. They play the old-time banjo and the old-time fiddle, mandolin, dulcimer—any kind of folk heritage music that you could about think of. We're building an auditorium there now in which this kind of music will be played. And we're building a crafts building.

Senator **Harris**. Mr. Simmons, could you tell us a little about the project?

**Tommy Simmons**. Senator, we have under construction a $3½ million folk cultural center. It's called the Ozark Folk Cultural Center. This will encompass not only music but the crafts of the Ozark region. I feel, of course, that they are important. They're part of our folk heritage. Just as we have national forests to preserve our trees, it's just as important to preserve our music, our folk tales, our folk ways. I guess what we are really trying to do is what the Grand Ole Opry was doing back in the early 30's. We have each Friday night on our program all of the farmers and the bricklayers and the timber cutters and whoever come to our Friday night show and play. People have asked me why we started having this program on Friday night and I said that's rather obvious—so we could all go home and hear the Opry on Saturday night. We couldn't have got the folks out if we hadn't. We feel it's really important. We've had a great deal of cooperation from the federal government. The Economic Development Administration is funding this program for us and the city is sponsoring it. The company I work for are the leasees. We're anxious to open up in the spring of 1973.

**Jimmy Driftwood**. What we're trying to do is keep this type of thing, music and crafts, alive until the federal government can really get into this thing and help people all over the United States do the same thing.

Senator **Harris**. You're doing a wonderful thing to preserve that kind of heritage and pride in crafts and songs and music. Jimmy, what's your own background? How did you learn to play and sing?

**Jimmy Driftwood**. My father and mother and grandfathers and all the neighbors around. You know, most everybody back in the country when I was a lad, and that was a long time ago, played or sang or danced or did something. I just wanted to learn all of it. I had a yen for that sort of thing. And that's my background.

Senator **Harris**. Can you play an instrument besides the guitar?

**Jimmy Driftwood**. Oh yes. I play the fiddle and the banjo.

Senator **Harris**. The songs that you like to sing—what is their background? Do a lot of them go back to the British Isles?

**Jimmy Driftwood**. Yes. The British ballads like "Barbry Allen," "William and Mary." There are many, many British ballads that go back, even some of them 400 years—like "Froggie Went A-Courtin." That's a very, very old song. We sing those on Friday night; we sing early American folk songs; we sing songs that have been written in our part of the country even in the past 100 years.

Senator **Harris**. Would you mind telling us what the rules are you have at Mountain View?

**Jimmy Driftwood**. We formed the Rackensack Folklore Society. Rackensack is an old Indian name—I'd wish you'd find out what tribe—for the Arkansas River and the little rivers that run into it. One of the rules is that we sing and play the tunes that our fathers or mothers or grandfathers sang and played, a heritage thing. It's a rule that members of the Rackensack have to play the type of instruments that our forefathers played, too. If there should be a new instrument come out we'll not play that because our grandfathers didn't. We're holding tight to the American heritage thing. One of the rules we have that I think you'll like—and I noticed that the Florida Folk Festival has the same rule—is that everybody shall dress so that it is very obvious to see whether he is male or female.

Senator **Harris**. You don't allow amplified instruments?

**Jimmy Driftwood**. No, we don't have amplified instruments; we've got to hold on to that.

Senator **Harris**. You agree with me, I'm sure, that music including country music is like a language—it's a living thing. But we also think there's a lot of magic in the old way things were played and sung as well. Could you give us a song here and maybe tell us something about it?

**Jimmy Driftwood**. If Mr. Simmons will help me, we'll sing a little of what might be called a regional ballad. It's called "Down in the Arkansas":

### Down in the Arkansas

(Guitar and vocals)

I had a cow that slobbered bad, down in the Arkansas
I took her to my great grandad, way down in the Arkansas

I asked him what to do fer it, down in the Arkansas
Grandpa said, "Teach that cow to spit," way down in the Arkansas.

CHORUS

Down in the Arkin, down in the Arkin, down in the Arkansas
The sweetest girl I ever saw was down in the Arkansas
Down in the Arkin, down in the Arkin, down in the Arkansas
The sweetest girl I ever saw was down in the Arkansas.

When I was just a little lad, down in the Arkansas
I caught a bear as big as dad, way down in the Arkansas.

Grandad got mad and cussed awhile, down in the Arkansas
Grandma said, "Hush, that's the latest style," way down in the Arkansas.

CHORUS

I had a girl, her name was Lil, down in the Arkansas
I hugged that gal all over the hill, way down in the Arkansas
Her pa ran up and called me son, down in the Arkansas
He tied the knot with his rifle gun, way down in the Arkansas.
Chorus (two times).

Senator HARRIS. Jimmy, do you know anything about your own ancestry, where your folks came from when they came to this country?

JIMMY DRIFTWOOD. My people came from East Tennessee. On my father's side from McMinnville, and on around Morristown and over in the Smokies. They're Scotch, Irish, English, and of course got mixed up with the Indians a little.

Senator HARRIS. Do you have a song that came from Scotland, Ireland or England?

JIMMY DRIFTWOOD. We'll just do a little of this one:

BARBRY ALLEN

(Guitar and vocals)

Oh, way lo down in Scarlettown
Young William lay a-dying
They sent a runner to Stoneytown
After Barbry Allen

Young man, young man
What's the matter with you
It seems that you've been running
Oh, yes, young miss
I've come for you
If your name is Barbry Allen

Senator Harris, this is an old, old Scottish ballad. It's very long. We don't ever sing all of it because it's 156 verses. It would take all night to do it. But it's nice to have the collection somewhere. At home and in college audiences I do six or eight verses of this song.

Senator HARRIS. That's really great. I want to bring in here to meet you and also to introduce to our live audience as well as to WSM radio's audience a man who is awfully well known here and who is a great fan of the Opry, as I am. He's a member of Congress from this district in Tennessee, and that's Congressman Richard Fulton.

Dick, say a word about your own interest in the Opry and country music. I suppose you've been interested in it all your life.

Representative FULTON. At least since I was 5 or 6 years old, Senator. First, I would like to say how pleased I am to have you visit the Fifth Congressional District, or metropolitan Nashville, Tennessee, the home of the Grand Ole Opry, the plush city, the Athens of the South. I very much regret that Congressman Frank Thompson, whom I like to refer to as Topper, his nickname, could not be here with us tonight. But I congratulate the two of you for originating this legislation and I am very proud to be, as of recent date, a cosponsor of it.

Senator HARRIS. We're pleased you are too, Dick. Frank Thompson couldn't be here. He and I held some hearings sort of like this on the Mall by the Smithsonian at their folk festival last summer. Jimmy Driftwood has been involved with the Smithsonian festival. I suppose they got the idea for their summer festival from what you're doing at Mountain View.

JIMMY DRIFTWOOD. I would like to say now that if it had not been for the Grand Ole Opry I never would have gotten anything started. I was having such a hard time making a living teaching school. I wrote some songs to use in school, one of them was the "Battle of New Orleans" and another "The Tennessee Stud." They brought me over to Nashville and we recorded these and that gave me a chance then to try to help with these other things.

Senator HARRIS. Dick, have you ever tried to sing, or do you play an instrument yourself?

Representative FULTON. I've had the privilege of being a guest of Roy Acuff and the Grand Ole Opry and singing a couple of times.

I think one of the good things about the legislation that you're proposing is that it doesn't just involve country music, western music, hilly-billy music, jazz—it encompasses all of them. This is what is important to a nation that has so many ethnic groups and so much to preserve—that we encompass all of them and establish, as you are proposing, in the Library of Congress a Foundation to allow those who will live in future generations an opportunity to enjoy what we enjoy so much today.

Senator HARRIS. Thank you, Dick.

Jimmy, before we turn to Mac Wiseman who is here with us, is it possible you could give us just a little piece of the "Battle of New Orleans." That's become such a classic that a lot of people think that it's a very old song. But it is a Jimmy Driftwood song and it's a great classic of modern folk music. I'd hate to have you on here without asking you to sing some of it:

BATTLE OF NEW ORLEANS

(Guitar and vocal)

Well, in 1814 we took a little trip along with Colonel Jackson down the Mighty Mississip.

We took a little bacon and we took a little beans,

We met the bloody British near the town of New Orleans.

CHORUS

We fired our guns and the British kept a-coming, but there wasn't nigh as many as there was awhile ago.

We fired once more and they began a-running on down the Mississippi to the Gulf of Mexico.

Well, we fired our cannon til the barrel melted down, so we grabbed an alligator and we fought another round.

We filled his head with cannon balls and powdered his behind, and when we touched the powder off the gaitor lost his mind.

CHORUS

Well, we'll march back home but we'll never be content til we make Old Hickory the people's President.

And every time we think about the bacon and the beans we'll think about the fun we had way down in New Orleans.

CHORUS

Well, they ran through the briars and they ran thru the brambles and they ran thru the bushes where a rabbit couldn't go.

They ran so fast the hounds couldn't catch 'em down the Mississippi to the Gulf of Mexico.

CHORUS

Senator HARRIS. Jimmy Driftwood, thank you very much, and Tommy Simmons and Congressman Dick Fulton for being here. I want to introduce now Mac Wiseman. As everybody who's listening in on WSM Nashville know, and as everybody here in Ryman Auditorium knows, he has been a dynamic force in country music for years. He got his early start on this very stage, I believe, with Bill Monroe and the Blue Grass Boys.

MAC WISEMAN. I was in the business some years before that, but I came here first in 1949 with the Blue Grass Boys.

Senator HARRIS. Where's your home originally?

MAC WISEMAN. I'm from the heart of the Shenandoah Valley. I was born up near Waynesboro, Virginia, right at the foot of the Blue Ridge Mountains. My folks still live there.

Senator HARRIS. Did you grow up in a musical family?

MAC WISEMAN. Well to some extent. My mother had been a student of the old singing teachers that went through and played the pump organ in church. That was a great influence on my early years, I'm sure.

Senator HARRIS. What kind of old time songs do you remember as a boy? I remember, for example, songs like "Cowboy Jack" and "Tracing Little Footprints in the Snow."

MAC WISEMAN. I remember those quite well too. And old songs like Jimmy was just mentioning like "Barbara Allen" and the old "Preacher and the Bear." We always had a lot of songs on the lighter side if you recall. A lot of the serious songs and the gospel songs played a big part in my life. The songs that told a story I always thought were very important, because if the experience hadn't happened to you, you could relate to it if it happened to someone you knew. Actually this is the pattern of music that is my favorite and I think it has been a big influence in my recordings and such over the years.

Senator HARRIS. When you were growing up did you call that type of music, hillybilly music?

MAC WISEMAN. Oh, definitely.

Senator HARRIS. I suppose it's kind of a blend, as you said. There's a lot of gospel music in it and a lot of Scottish music in it. For instance you listen to old-time fiddle tunes and you can almost hear bagpipes.

MAC WISEMAN. Oh yes. And of course the Irish reels and jigs. There's a great foreign influence in all of our music, I think.

Senator HARRIS. Were there people around Waynesboro who played the zither, for example? Were there any of the old-time instruments around there?

MAC WISEMAN. Yes. Of course, they played the saw and the washboard in those days.

Senator HARRIS. How did you get your start? How did you come to be on the Grand Ole Opry?

MAC WISEMAN. It was a long ways from the foot of the Blue Ridge Mountains to the Grand Ole Opry really for me. I started as most people did back then. We played at local church socials and lawn parties. Just whenever there wasn't somebody looking, why we did a song. We wound up at square dances and on the local radio stations when I was going to high school. And from there I got into it professionally. For a long time it was beyond my fondest dream, then I looked around and I was in it. We enjoyed it so much we were willing to sacrifice to be a part of it.

Senator HARRIS. I wonder if you could do a number for us now.

MAC WISEMAN. Yes, if I may. This song I'd like to do was one of the first songs I remember hearing when I was collecting songs. It was by the Carter Family, who I am sure you remember as being one of the pioneer groups in this industry of ours, and a big influence on it. I've recorded this song and several of the songs done by the Carter Family. And as happens quite often in our country music, a fellow hears it a little bit differently from the way he first heard it and maybe changes it a wee bit. And that's what I did with this one. It's the same song basically, other than I put a little minor tag on it. It's a song about "Jimmy Brown the Newsboy":

JIMMY BROWN THE NEWSBOY

(Guitar and vocal)

I sell the morning paper, sir, my name is Jimmy Brown.
Everybody knows I am the newsboy in the town.

You can hear me yelling "Morning Star" as I run along the street.
I have no hat upon my head, no shoes upon my feet.
I have no hat upon my head, no shoes upon my feet.

I'm awful cold and hungry, sir, my clothes are torn and thin.
I wander about from place to place, my daily bread to win.

Never mind, sir, how I look, don't look at me and frown.
I sell the morning paper, sir, my name is Jimmy Brown.
I sell the morning paper, sir, my name is Jimmy Brown.

My father died a drunkard, sir, I've heard my mother say.
And I am helping mother, sir, as I journey on my way.
Mother always tells me, sir, I've nothing in this world to lose.
I'll get a place in heaven, sir, to sell the gospel news.

Never mind, sir, how I look, don't look at me and frown.
I sell the morning paper, sir, my name is Jimmy Brown.
I sell the morning paper, sir, my name is Jimmy Brown.

Senator **Harris**. Thank you, Mac.

(Station break.)

**Grant Turner**. We'll return to the Senator, who is now bringing on another group of people. We have divided our program into three segments, and we will have three different sets of guests during the hour and a half of this Congressional hearing.

This is WSM–Nashville, Tennessee, the broadcasting service of the National Life Insurance Company. Now we'll return to the hearing and Senator Fred Harris.

Senator **Harris**. Thank you, Grant Turner. My thanks to WSM–Nashville for broadcasting this hearing live. As I said earlier we are also transcribing this hearing. Congressman Dick Fulton of this district in Tennessee is with us. We're going to have these proceedings printed in the *Congressional Record*. What we're talking about here is the need to preserve a lot of the heritage of America, particularly including its music, but not only preserve it as a dead thing but to promote it as a live thing. And that's why we're here on the stage of Ryman Auditorium at the Grand Ole Opry. We're very pleased to have with us right now Ralph Rinzler, who is Director of the Folklife Festival of the Smithsonian Institution. A lot of you people who are here and those listening have had a chance in July to be at the Smithsonian. My family and I try to take off at least two days, maybe three, and get in some comfortable clothes and spend the days on the Mall. Ralph has been manager of such country music stars as Bill Monroe, who is here with us, and Doc Watson.

Ralph, tell us something about the Folklife Festival at the Smithsonian and also how you got involved in country music.

**Ralph Rinzler**. I guess I almost grew up listening to as much country music as you did, Senator. As a young boy I had a chance to listen to old-time music on records. But I never thought I'd get to meet some of the people who played it. Those were records that were made by the Library of Congress back in the 30's in a program that was pretty much like the one you are suggesting be established now, except it was a much smaller program. The Library of Congress dealt only with music at that point and still does. But it was enough for me to get a chance to listen to old-time musicians and to whet my appetite for it. And when I got a chance to meet people like Bill Monroe, the McGee Brothers, and Jimmy Newman at places like Rising Sun, Maryland, when I was a student in college, I realized that old-time music and traditional country music was as alive in those days as it is today and as it always will be. That really for me was grass-roots America at its best.

Senator **Harris**. Tell us something about the McGee Brothers. Sam and Kirk McGee are old-time country musicians. The McGee Brothers have played their guitar and banjo and sung on the Grand Ole Opry longer than any other act playing today. Ralph, tell us about when you first ran on to the McGees.

**Ralph Rinzler**. Well, I first ran on to them on a bunch of records. They played along with Dave Macon and then they played some solos of their own on old-time records back in the 20's and 30's. I thought that was some of the best things I'd ever heard. I went down to Rising Sun, Maryland, one Sunday and there were Sam and Kirk playing on a show with Grandpa Jones. They played, "Roll On, Buddy, Roll On" and they played the "Railroad Blues" the way they recorded it. I was about ready to leave college and follow them around making tape recordings of them just to get a chance to hear them. I didn't realize the McGee Brothers were playing the same good old-time music they were playing before I was born.

Senator **Harris**. Mr. McGee, Sam or Kirk, tell us how you came on your ability to sing. Where did the songs come from?

Mr. **McGee**. Well it was just by accident. That's about the way we came by it. That was when radio was young. We used to come down here on Saturday nights. We didn't play every Saturday night. We'd alternate. That's kind of the way we got started.

Senator **Harris**. Well it's great music. Did you come from a musical family, or did you just pick it up? How did you learn to play?

**Sam McGee**. That was about all we had to do in the winter months was play, dance and feed livestock and cut wood. There wasn't no pay to it, but if you had money there wasn't no place to spend it, you know.

Senator **Harris**. What did your folks do for a living?

**Sam McGee**. They farmed, right here in Williamson County, Tennessee. But I don't guess we was ever in Nashville until we was 16 or 17 years old, and we were right here within 30 miles of it.

Senator **Harris**. I wonder if we could ask you to play something you like and that's typical of the kind of music you grew up liking.

**Sam McGee**. This number that Ralph was talking about, that was one of my first numbers. And I learned it from Bill Monroe. That's "Roll On, Buddy." Bill wrote the words and gave them to me one Saturday night down here. That's the way I learned it. We won't do much of it because we haven't done it in 4 or 5 years.

Senator **Harris**. Ladies and Gentlemen, Sam and Kirk McGee.

**Sam McGee**. We'll do this song. This tune is kind of like the Grand Ole Opry used to be. It's quite different now but we still do some of this same old stuff. So we'll do you just a little of it.

**Kirk McGee**. The only difference in the Grand Ole Opry now and back when we started is there wasn't any electrical instruments then. I have the first electrical steel guitar at my house now that was ever played on the Grand Ole Opry. That was about 46 years ago.

**Sam McGee**. This is "Roll On, Buddy."

**Kirk McGee**. This is sho'nuff country.

ROLL ON BUDDY

(Guitar, banjo, and vocals)

CHORUS

Well roll on buddy, roll on
Roll on buddy, roll on
You know'd what I know
You wouldn't roll so slow
Roll on buddy, roll on.
Well my home is down in Tennessee
Yeah, my home is down in Tennessee
(Mine, too, but it's a mighty poor one)
Down in Tennessee, that's where I long to be
My home is down in Tennessee.

CHORUS

Senator **Harris**. Thank you. We're going to call on you for another one before we let you get away from here. Ralph, do you have anything in particular you'd like to hear?

**Ralph Rinzler**. I think one of the things people have copied of yours more than anything Sam is the "Railroad Blues". Everyone's copied your style of playing it.

**Kirk McGee**. This is the "Railroad Blues," a tune I made up in the 20's when I was out pickin' blackberries for a living:

RAILROAD BLUES

(Guitar and vocals)

Went to the depot; looked up on the board
Went to the depot; and I looked up on the board.

It reads, "good times here, but better down the road."

Where was you, mama, when the train left the shed?

Where was you, mama, when the train left the shed?
Standing in my back door wishing I was dead.

(Get right close now and you can hear the the train Whistle as she goes thru Nashville.)

Well I'm leaving tomorrow if I have to ride the blinds.
I'm leaving tomorrow if I have to ride the blinds.
Goin' to catch me a freight train special; tell the engineer to lose no time.

Two little monkeys playing up in the tree.
One said to the other, "come on let's make hoopee."
(Oh yes, me an' the monkey)

Well I met a little gypsy in a fortune telling place.
I met a little gypsy in a fortune telling place.
She read my mind, then she slapped my face.
(Lord yes, she liked to kill me)

Senator **Harris**. Thank you very much.

Representative **Fulton**. I would just like to take this opportunity to say that I have been in Congress now for 9 years and I have had the opportunity to have many witnesses before our committees, but this is the most enjoyable night of committee hearings I have ever had. I just wish some of the witnesses we have before the Ways and Means Committee involving tax measures would be as entertaining as those we are having before us here tonight at the Grand Ole Opry.

Senator **Harris**. I agree. Sometimes we worry about witnesses going on too long, but we certainly wouldn't with these witnesses.

Louisiana has produced an awful lot of music. I have relatives up in the north end of Louisiana. I remember some years ago I was around Monroe where some of my people come from, and Shreveport. I went out to visit a great uncle of mine who played the fiddle and old-time fiddle tunes. My great aunt got broom straws and played the straws on the fiddle case. I don't know whether anybody ever saw that much. He played old-time fiddle tunes like "Leather Britches" and others. There's a lot of music in the southern part of Louisiana as well. Jimmy C. Newman comes from the Cajun country of Louisiana and he brings that kind of high, strong Cajun sound into the Grand Ole Opry today. Jimmy, we're glad you're here. Tell us something about your background and where you come from in Louisiana and how you picked up on the kind of music you play and sing.

**Jimmy Newman**. First let me say it's a pleasure to be here on this occasion. I was brought up near a little town called Big Mamou. It wasn't a very big town but they called it *Grand Mamou*, translated, of course, means Big Mamou. I was brought up with the traditional Cajun music which is played with a fiddle and a sort of concertina looking accordian and a little triangle and maybe the straws you were talking about. I, of course, had been listening to the Grand Ole Opry all of my life too, and was interested in singing country music. I tried to pick and sing the styles I heard on the Opry. Of course, I could do "ayee" pretty good, but I couldn't sing as high as Bill Monroe. I learned a few Ernest Tubb songs, but I couldn't sing that low.

I had to grow my own style so to speak. For a long time I tried to record, but they wouldn't record me here in Nashville because of my Cajun accent. I can understand that. I imagine up here in Nashville they couldn't "understood" me when I tried to "spoke" good English, you know. I had a lot of fun picking and singing with a local band down in southwest Louisiana. They put up with me for a long time, until I caught on to the ropes. We did a lot of Western swing. We did Tennesese type music and we did Cajun music. We had to do "Jolie Blonde" about 5 times a night.

Senator Harris. You bet! That's a good old song.

Jimmy Newman. For many years I picked and sang around there, and later on we got a record contract. I wrote a song called "Cry, Cry Darling," which got me to the Louisiana Hayride in Shreveport, which was way up north for us. Later on I came to the Grand Ole Opry. I've been here since 1956.

Everywhere I perform it's natural for me to do Cajun music and to speak of my part of the country. I love Cajun food. It's hard for me to get away from rice. I love rice and gravy. I go three days in a row without rice and I'm starving.

Senator Harris. Did you come prepared to do a number?

Jimmy Newman. I've got a small guitar here.

Senator Harris. Well, good. I didn't see your guitar.

That's what I was looking for.

Jimmy Newman. I've got an orchestra with me, too.

Senator Harris. Great. Folks, let's welcome Jimmy C. Newman.

Jimmy Newman. This is a song I wrote. I spoke about the Louisiana food I love so much. Typically in our dialect and language we tend to have song titles and food and expressions that are sort of deceiving, I suppose. I wrote a song about a type of food down in Louisiana which is a rice dressing, actually. It's the same as you might make a cornbread dressing, except we use rice. Down home we have a Louisiana French word for it, but if you speak about it in English it's either called "rice dressing" or "dirty rice." This is it:

LOUISIANA DIRTY RICE

Let me tell you about a dish that will really knock you out
If you come to Louisiana then you just gotta try eatin' dirty rice, Louisiana dirty rice
It'll whet your appetite, it'll make you feel so nice, Louisiana dirty rice.

See those pretty little girls with their pretty eyes
See their pretty Cajun moms watch their ugly husbands fight for each others dirty rice, Louisiana dirty rice
It'll whet your appetite, it'll make you feel so nice, Louisiana dirty rice.

Any little Cajun boy at the age of three or two can whip an alligator or the boy named Sue
Just from eating dirty rice, Louisiana dirty rice
It'll whet your appetite, it'll make you feel so nice, Louisiana dirty rice.

Well it's down in Louisiana by the Gulf of Mexico
Gonna brought my Cajun self so I'll see you while ago
Gonna get some dirty rice, Louisiana dirty rice

It'll whet your appetite, it'll make you feel so nice, Louisiana dirty rice.
It'll whet your appetite, it'll make you feel so nice, Louisiana dirty rice.

Senator Harris. Thank you very much, Jimmy.

We've got a man with us here I mentioned awhile ago, Bill Monroe, who is the real father of blue grass music, and longtime performer with the Grand Ole Opry. Bill's a member of the Country Music Hall of Fame, and a great hero of mine. Bill, the kind of music you've been playing for a long time has really shaped country music. How'd you get started in country music generally; what's your background in it?

Bill Monroe. Well, my mother could play fiddle, and I have an uncle, Uncle Pen Vandiver. I learned to play from Uncle Pen back when I was a real small boy. And then we started out as the Monroe Brothers, and I worked along with my brothers up until 1938, and in '39 I originated blue grass music. So, it's gone over good, and I've been on the Grand Ole Opry 32 years.

Senator Harris. How would you describe blue grass—or can you other than play it. I love to hear it played. But how would you describe it as compared with other kinds of country music or folk songs and so forth?

Bill Monroe. Well, it takes a fiddle, as the king instrument, and a mandolin and a banjo, for three lead instruments, with a good guitar rhythm man and a bass and some people in it that can really get up and hit a high note, with a good clear lead singer and a good clear tenor singer—that really makes good blue grass music.

**Senator Harris. Ralph, how did you meet** Bill Monroe?

**Ralph Rinzler. I stood on the side and listened for about 10 years before I had the nerve to talk to him.**

**Senator Harris. You mentioned Uncle Pen, and you said you had a song that had to do with him.**

**Bill Monroe. I wrote this song about him; he was a great uncle, wonderful man, and this is a true song. Every word in it's true, about Uncle Pen. I'd like to do it on this program.**

**Senator Harris. All right! Bill Monroe! We'd be pleased to have it.**

**Bill Monroe. Would you mind if I called the Blue Grass Boys out?**

Senator Harris. Oh, that'd be great! Bill Monroe and the Blue Grass Boys, let's give them a welcome:

**UNCLE PEN**

**(Fiddle, banjo, mandolin, guitar, string base, and vocals)**

**Oh, the people would come from far an' away**
**They'd dance all night till the break of day**
**When the caller hollered, "do-see-do,"**
**You knew Uncle Pen was ready to go.**

**CHORUS**

**Late in the evening, about sundown;**
**High on the hill and above the town.**
**Uncle Pen played the fiddle,**
**Lordy how it would ring.**
**You could hear it talk,**
**You could hear it sing.**

**He played an old piece called "Soldier's Joy"**
**And one he called "Boston Boy"**
But the greatest of all was "Jennie Lind"
**To me that's where fiddlin' began.**

**CHORUS**

**Oh, I'll never forget that mournful day**
**When Uncle Pen was called away**
**They hung up his fiddle, they hung up his bow**
**They knew it was time for him to go.**

**CHORUS**

Senator Harris. I know one of your Uncle Pen's fiddle tunes is "Going Up Caney," and before you Blue Grass Boys get away, I wonder if we might get you to do that one?

Bill Monroe. I believe that we could do that. We'll let Kenny fiddle it for you. Kenny, we will do the number that we recorded of Uncle Pen's, called "Going Up Caney." You just take hold of the fiddle and stick right in there and fiddle it for us:

GOING UP CANEY

(Blue Grass instrumental, featuring Kenny Baker on the fiddle)

Senator Harris. Could you do another vocal number? That was so good. Bill Monroe and the Blue Grass Boys, as I said before, really shaped country music. Blue Grass is an authentic American folk music. It's in the archives of this country. But not only in the history of this country. It lives and that's why we're glad to have you here and, Bill, we'd be pleased to hear maybe another vocal number before we let you go. Bill Monroe and the Blue Grass Boys.

Bill Monroe. Thank you, Senator. We will do the number that I started on the Grand Ole Opry with 32 years ago called the "Muleskinner Blues.":

MULESKINNER BLUES

Good mornin' captain, good mornin' son.
Do you need another muleskinner
Out on your new mud run?

(Yodel.)

Workin' on that railroad, dollar and a half a day
My little woman in town every Saturday night, you'd almost lose your pay.

(Yodel.)

Hey, you little water boy, won't you bring that water 'round?
If you don't like your job, set your water bucket down.

(Yodel.)

Senator Harris. The Blue Grass Boys! Thank you very much.

Grant Turner. Senator, we have another guest who's been invited to come in. This is Bruce Shine, who is Chairman of the Tennessee Arts Commission. Bruce, I believe you have a few words to say to the Senator.

Bruce Shine. We in Tennessee have a State Arts Commission, Senator, which is the official State agency for the arts. We want you to know that we hope that Tennessee is the first State in the Union to officially, as a State agency, endorse the American Folklife Foundation Act. We're awfully glad you came here to Nashville tonight to work on it and we think an awful lot of it and we hope it passes.

Senator Harris. Thank you, Bruce, thank you very much. It's great to be here at the Grand Ole Opry.

Let me just say again that what we're doing here tonight is holding a hearing, an ad hoc hearing, which is being transcribed. We're pleased to have Congressman Dick Fulton of Tennessee with us. This hearing is being transcribed and will be printed in the *Congressional Record* to help pass a bill to establish a folklife foundation, not only to preserve but to promote country music, the various crafts and heritages that make America strong. That's what has brought us here tonight, and I appreciate this chance not only to tape the hearings here but also to broadcast them over WSM-Nashville and to be in Ryman Auditorium with the Grand Ole Opry. Grant Turner, we're glad you're here with us and we appreciate your help tonight.

Grant Turner. Thank you very much, Senator. A reminder that this is WSM-Nashville, Tennessee. All the proceedings of this hearing are being taped for inclusion in the *Congressional Record*. Now we'll return to Senator Fred Harris and his next group of guests.

Senator Harris. Thank you, Grant Turner, who's known throughout Grande Ole Opry land, and I suppose that now that stretches all over America.

We're awfully pleased to have Roy Acuff with us. He's really the king of country music. He's been on this stage for years. He's been taking songs like the "Wabash Cannonball" and the "Great Speckled Bird" that I remember into the homes throughout the country. Now Roy is a member of the Country Music Hall of Fame. I believe, Mr. Acuff, that there are now some 700 all-country music stations throughout America, and another thousand radio stations that broadcast some country music. That's a long way from when you started, isn't it?

**Roy Acuff.** Senator, it's a long, long ways from when I started. When I started back in Knoxville, Tennessee, on WRL and WNOX, there were very few stations at that time playing country music. That is, that were getting any attention, let me say it that way. A lot of the boys and girls were performing on a noontime show and some of the small programs, but no one was listening to them, no one was paying them any attention. We had maybe three programs at that time. I'm speaking of about 35 to 38 years ago. The Grand Ole Opry here was the big program. WLS in Chicago; then later Dallas, Texas, came in; then Richmond, Virginia, was playing a program, and also Wheeling, West Virginia. And those were about the only programs that I know. Also, up in Kentucky, there was Renfro Valley, a wonderful station that had a lot of listeners. But that was it. And that's the reason I made every effort to come to the Grand Ole Opry.

Senator **Harris.** Congressman Fulton, were you going to say or ask something?

Representative **Fulton.** I was just going to comment on the role that Roy Acuff has played in country music, the building of our Country Music Hall of Fame, visited weekly by thousands of people. And the role that he has played along with WSW and the Grand Ole Opry, and the National Life and Accident Insurance Company in the development of Opry Land that will be open in the spring of next year, open to the many tens and hundreds of thousands of people that will be visiting Nashville just to go out and to view what you're trying to preserve—the folklife, the folklore of our American society. I'd just like to ask Mr. Acuff to comment for the Record as to what he thinks about the legislation that has been proposed to preserve this great heritage that we have for those generations of the future.

**Roy Acuff.** Thank you, Congressman Fulton. I do want to say this before I make any comment on that. I don't think that I have accomplished and gone near as far as a little paper boy from Davidson County and Nashville here to be in Congress today. You've done a great job. We're very proud of you.

I'm very much interested in this legislation. I read what the Senator had proposed to the Senate in the literature that was sent to me. I was very interested. I think it's a great thing that should be done. Someone should take an interest and put in the archives and keep the authentic things that these boys and girls are doing here at the Grand Ole Opry and all over the country, singing these country songs. There should be some way to preserve them so that younger people would get some way to preserve them so that younger people would get some way to hear these things. They're just becoming gone. We're doing them on the air and trying to live out of it, but we need something done to take care of this for us and to preserve it so that our children and our grandchildren and their children can understand what we are trying to preserve here at the Grand Ole Opry. I think that Senator Harris is on the right track. I hope that you can get the bill done in every respect.

Senator **Harris.** Thank you very much. Let me ask you about how country music has changed. I remember the kind of great music that you used to do and still do. What's that song—"Joy Here on Earth, Jewel in Heaven"—that's one of yours.

**Roy Acuff.** "Precious Jewel."

Senator **Harris.** Yeah, that's a great one. Now we hear a lot of different kinds of songs. Some people span the whole time as you do. Mother Maybelle Carter and June Carter Cash do old-time and new-time songs. We've got Kris Kristofferson writing "Sunday Morning Comin' Down" and this new Roger Miller song, "Loving Her Was Easier than Anything Else I've Ever Done." How has country music changed and how is it still the same?

**Roy Acuff.** The only way that I could answer that is that country music has really not changed. They're presenting it a little bit different. I'm still singing the "Great Speckled Bird" and the "Wabash Cannonball" exactly as I did before I came to the Opry. And sitting to my left here is "Stringbean," that's David Akeman, and to my right here is one of our very fine little artists, Jeannie Shepard. They are performing country music just as they did. Jeannie sings it just as she did when she was a child. Where the people get misled on this, I think, is the fact that the recording industry puts a big band behind them to record in order to sell a lot of recordings. But when we put them here on the Grand Ole Opry they don't have that same sound that they did on the record and it's a little bit disappointing to some of the people. We're not trying to do it. Let me lay it back in the laps of the people who are in the recording industry that they are taking away from us what we have within our hearts and trying to sell it out over the world in a different basket. We've got it in one basket, they put it in another and sell it. They come here to the Grand Ole Opry and to the places we appear in front of audiences and they see the real Jeannie Shepard, Dave Akeman (Stringbean) and Roy Acuff. They see that. But it's the recording industry that's playing a great part in this, I'll promise you.

Senator **Harris.** Well, you're wonderful to be here. I'm awfully honored myself to be here with you at these hearings and have a chance to record your words and to present them to the Congress of the United States.

Stringbean, as you said, is known throughout the country as the "Kentucky Wonder." He's delighted audiences for dozens of years with his banjo and his singing and his antics in a style somewhat similar to Uncle Dave Macon. He appears now on the television show "Hee Haw," which has taken country music into a lot wider audience. What about being on national television like that, is that a good thing for country music?

**Stringbean.** Well it's been good for me. I don't know whether it's good for country music or not.

Senator **Harris.** What's your background? Where do you come from?

**Stringbean.** I'm from out of the eastern part of Kentucky, up in Jackson County in a little town called Annville, Kentucky.

Senator **Harris.** When did you start to play the banjo and sing?

**Stringbean.** I started working for a living in 1935.

Senator **Harris.** Could you give us a number?

**Stringbean.** Oh yeah. I just happen to have one right here.

Senator **Harris.** Folks, here's Stringbean. He's known all over the world.

### Five Hundred Miles

(Banjo, guitar, and vocal)

Well you ought to've been up town
When that noon train come down
You could hear the whistle blow 500 miles.

Hear the whistle blow, how lonesome she sound
Cause she blowed like she never blowed before

I'm walkin' these ties, with tears in my eyes
I'm tryin' to read a letter from my home.
If this train runs right
I'll see my little woman Saturday night
Lord I'm 500 miles away from home.

Senator **Harris.** Could you give us another number before you get away?

**Stringbean.** OK. "Nine Pound Hammer." One of my big, big numbers; really big, really big.

### Nine Pound Hammer

(Banjo, guitar, and vocal)

Nine pound hammer, you're a little too heavy
For my size, for my size.

CHORUS

Yeah, roll on buddy
Don't you roll so slow
Baby how can I roll
When the wheels won't go?

Goin' up on the mountain, gonna see my baby
And I ain't a comin' back, no I ain't a comin' back.

CHORUS

Well a nine pound hammer, killed John Henry
But it won't kill me, but it won't kill me.

CHORUS

Senator **Harris.** Thank you very much. I want to say that in these hearings, which, as I said we are recording, and which will be transcribed and printed in the *Congressional Record,* we're awfully grateful to Mr. Jim Hightower of Washington, D.C., and to Ralph Rinzler of the Smithsonian Institution, both of whom have helped in the development of the bill which we're having these hearings about—a bill to establish a Folklife Foundation to help to preserve and promote the heritage of this country of which a real part is country and western music. That's what has brought us to the stage here of the Grand Ole Opry, Ryman Auditorium. We're greatful to WSM–Nashville, for broadcasting these hearings.

I'm pleased to have with us here a man who's also been very helpful to us with these hearings, a folklorist from Indiana University, Bill Ivey, who serves today as the Executive Director of the Country Music Foundation, located here in Nashville. Bill, tell us what the Country Music Foundation is doing.

**Bill Ivey.** The Country Music Foundation is a non-profit, educational organization dedicated to the study and dissemination of all material pertinent to the history of that aspect of American popular song known as Country Music. The Foundation operates a museum—The Country Music Hall of Fame—and a research facility—the Foundation Library and Media Center. The Country Music Foundation serves the general public through its museum facility, and offers material to the scholar and journalist through its research library. Though the Foundation has had considerable success in the operation of its museum and library, there is little doubt that our ability to document and preserve the entire Country Music story—which is national and even international in scope—is necessarily limited.

There can be no question that Country Music—whether Old Timey, Bluegrass, Western Swing, rockabilly, or "countrypolitan"—is a proper subject for students of American Folklife. A direct line can be drawn connecting modern Country Music with American and British folksong, and the contemporary Nashville product continues to reflect the life style and world view of a large segment of the American population. In fact, some of our finest recordings of native American ballads were issued as commercial records in the Country field in the nineteen-twenties, thirties, and nineteen-forties. It is surprising that, in a nation always interested in its historical roots, the documenation of its indigenous music has been relegated to the uncertain region of the marketplace. It seems clear that our national government has a responsibility to support the collection, study and deposition of American folk music—including all aspects of the Country Music tradition.

Perhaps our long-standing commitment to the image of America as "melting pot" has obscured our vision of the varied cultural treasures which lies within our grasp. As the result of more than a decade of social and political conflict, our American society has begun to see itself as it really is: not as a homogeneous mass of faceless pop-culture consumers, but as a vital matrix of ethnic, regional, and social identifications involved in constant interaction. It is now time to take a further step, and affirm that the diversity of American society is, in fact, its greatest strength, and that the nation as a whole has a stake in the understanding of diverse styles of folklife.

This is not to suggest that the passage of this measure will in any sense correct what are seen as contemporary social problems. Scholarship, if it is accurate and not ideologically tinged, rarely provides a specific program for social change. The material, however—especially the material in the area of Country Music—is well worth studying for its own sake. The diversity of American folklife presents the researcher with a field of inquiry surpassed nowhere in the world.

The raw material for a significant folklife research project is now in existence. American folklorists—organized in the American Folklore Society—have established a reputation for high-quality scholarships. National organizations like the Smithsonian Institution and the Library of Congress are engaged in folklife research to the limits of their budgets. State and local agencies as well as specialized research organizations like the Country Music Foundation are now conducting specific projects. A national effort is required, however, to coordinate the activities of the various institutions and to provide financial support of their efforts.

The Country Music Foundation is an almost unique feature on the American academic landscape. It is an educational organization founded and supported by the very institution it is involved in studying—the Country Music industry. Individuals and businesses within this industry have considered it a duty to collect, house, and display materials related to their particular part of American folklife—the Country Music scene. Certainly, with our present awareness of the exciting diversity of American culture, coupled with the academic talent available for research projects, our national government must be prepared to make a similar commitment to the preservation and study of American folklife in all its forms.

Senator HARRIS. That's great. How are those people chosen, for instance Bill Monroe and Roy Acuff, for the Country Music Hall of Fame?

BILL IVEY. The Country Music Hall of Fame is actually regulated by the Country Music Association, which is a separate organization from the Foundation. It's a trade group, and they have a complicated election procedure. They nominate a group of men, five or six, and then have elections among their membership. This is announced, usually during the CMA awards show, which is in November of each year. I think they've done a fine job in electing men who have been truly significant in the history and development of modern country music.

Senator HARRIS. How would you define country music?

BILL IVEY. That's a difficult question. You can define it in various ways. Mr. Acuff, here, anything he sings is a country song as far as I'm concerned. Sometimes you can take a song and say it has certain chraracteristics—it's very down to earth; it has very direct lyrics; it perhaps uses instruments like a peddle-steel guitar, banjo fiddle. You can take these characteristics and say this is what makes a country song. But really there are many different things that make a song country. Its mood, its style, and really the people who sing it.

Senator HARRIS. I grew up listening to the music of Roy Acuff. Ernest Tubb was one of my great old favorites and still is. I like people like the late Hank Williams. But I'm what's called pretty eclectic in my tastes. I'm strong for people like Roger Miller, Ray Price, Loretta Lynn, Johnny Cash, Buck Owens and Hank Snow and a lot of those people. I suppose "country" would be defined pretty broadly as you say.

BILL IVEY. That's right, it really depends on who's doing the defining for you. You can go at it from about any direction you want. It is a large field and it is capable of encompassing many different musical styles.

Senator HARRIS. The music has a lot to do with reality. It talks about a fellow who drinks too much or about families breaking up or about sin and honky-tonking, as we used to say down home. I guess it spread a great deal, didn't it, not only in World War II when people came in contact with it, but when a lot of people had to move out of the South because the farms and the mines or whatever declined and they went into places like Detroit. There's a great old song called "Detroit City" that says a lot about that.

BILL IVEY. In fact, country music today is national and even international in scope. And we need something like the folklife bill that we're talking about here this evening, because an institution like the Country Music Foundation can only do so much. Our resources are limited. We can work with country music. We can gather material, gather artifacts and operate our museum to the best of our ability. But to really cover the full scope of the country music story and Anglo-American folk song and everything that's related to it we need some kind of large, overriding organization to provide financing for projects and also leadership for ideas. I think many foundations like the Country Music Foundation are scattered around the country, involved in their own projects. We need direction on a national level.

Senator HARRIS. Well thank you, Bill, for those comments, which I think will be very helpful to us as these hearings are transcribed.

Jean Shepard needs no introduction to this audience here at the Grand Ole Opry or to those who regularly listen in on WSM Radio. She's from my home state, from Pauls Valley, Oklahoma. She carries on the great tradition of female singers in country music. In the late 1950's, Jean was featured on the great Red Foley television show out of Missouri, and since she's been a star here in Nashville with the Grand Ole Opry. Jean, how did you get your start and how did you come to be in Nashville?

JEAN SHEPARD. I came here in 1956 and was given a chance for the Grand Ole Opry, which was about the biggest thrill of my life. But I got my start in country music through a fellow Oklahoman, Hank Thompson. He asked that Capitol Records give me a contract and they did and I've been with them ever since, which is almost 20 years.

Senator HARRIS. Did you sing as a girl? Did you sing church songs?

JEAN SHEPARD. I came from a large family—ten children. We all sang in the church choir. I learned to sing off the old Jimmie Rodgers records and learned to yodel off his records.

Senator HARRIS. Jean, could you sing a number for us now?

JEAN SHEPARD. If I can get my group out here, we'll do one going back to the Korean War, if that's ok with y'all.

Senator HARRIS. Folks here is Jeannie Shepard to do us a number.

JEAN SHEPARD. We'll get Mr. Ray Emmett to talk a little bit on this one. Here's one called, "Dear John Letter":

### DEAR JOHN LETTER

Shepard (singing):

Dear John, oh how I hate to write
Dear John, I must let you know tonight
That my love for you has died
Away like grass upon the lawn
And tonight I'll wed another,
Dear John.

Emmett (talking):

I was overseas in battle when the postman came to me
And he handed me a letter, happy as I could be.
For the fighting was all over and the battle had been won
And I opened up the letter, and it started, "Dear John."

Shepard (singing):

Dear John, oh how I hate to write
Dear John, I must let you know tonight
That my love for you has died
Away like grass upon the lawn
And tonight I'll wed another,
Dear John.

Emmett (talking) and Shepard (singing chorus in the background):

Won't you please send back my picture, my husband wants it now
When I tell you who I'm wedding, it won't matter anyhow
Now the ceremony has started, and I'll wed your brother, John
But he wishes happiness forever, Dear John.

Senator HARRIS. That's Jeannie Shepard. I'm Senator Fred Harris and together with Congressman Dick Fulton we've been holding hearings to be transcribed for the *Congressional Record*. We're promoting a bill to establish an American Folklife Foundation that would help to preserve and promote the heritage of this country, including country music which has brought all you here, which has been a big part of my own background and which has been a big part of the strength and history of this country.

If you'd like a copy of the hearings, please write my office, Senator Fred Harris, Washington, D.C. We'll send you a copy of these hearings. I want again to thank Ralph Rinzler of the Smithsonian Institution, Jim Hightower, Bill Ivey with the Country Music Foundation, Roy Acuff, Bill Monroe and so many others who've helped to put together these hearings. We feel that everybody can't go to Washington, D.C., for what are often very dull and dry hearings, so that's why we've had these kind of "peoples' hearings" to bring the hearings out here where country music is and where the people are. We've brought them to this great Ryman Auditorium of the Grand Ole Opry, which has been so important to many of us all our lives. Again, I want to say thanks to everybody, to Grant Turner, to WSM Radio, and to everybody who helped us put on these hearings. To wind this up, let's hear another number from a good ole Oklahoma girl, Jeannie Shepard.

JEAN SHEPARD. Thank you, Senator. I'd like to say you have all of our support. It's a great and beautiful thing that you're trying to do. We're behind you 100 percent.

One of the boys asked me awhile ago if I could yodel, and I'm going to try:

### PLAYING SECOND FIDDLE

Once we were so happy, you were my very own
But then you bought that guitar and you ruined our happy home
You told me that you're going to pick, you're going to be a star
I'm tired of playing second fiddle to an old guitar.

CHORUS

You gaze at that guitar on your knee in a way that you ain't never looked at me
This love affair of yours has gone too far
And I'm tired of playing second fiddle to an old guitar.

You said it wouldn't be long til you'd be number one
That we'd have lots of money and we'd have lots of fun
Well all you've done is pick and grin and sing off key so far
I'm tired of playing second fiddle to an old guitar.

CHORUS

I've talked and preached and fought with you and tried most everything
If you keep picking that old guitar then I'm a-gonna sing.
(Yodel.)

Grant Turner. That's Jeannie Shepard and that was our final number on our program this evening. During the past hour and a half you have been listening to quite a first in Grand Ole Opry presentations. This has been, from the Grand Ole Opry House in Nashville, Tennessee, a Congressional hearing conducted by Senator Fred Harris of Oklahoma in the interest of American folklife and the American Folklife Foundation bill, now cosponsored by Senator Harris and Representative Frank Thompson of New Jersey. Also appearing on this program was Representative Richard Fulton of our own district here in Tennessee. The proceedings were taped and are to be included in the *Congressional Record*. The hearing was held before the early arriving audience here to attend tonight's Grand Ole Opry presentation, which will be heard in just about one minute's time.

From clear channel 650, WSM-Nashville, Tennessee, broadcasting service of the National Life and Accident Insurance Company.

## SENATOR HAYDEN

Mr. COTTON. Mr. President, there are times when the old cliche that the record speaks for itself is especially true. Such is the case when we think of our late former colleague Carl Hayden, for the record shows the following: Carl Hayden, born 1877, died 1972; served 57 years in the Congress. Much more can be said but no more is necessary. Therefore, I shall merely add the personal note that I had the privilege of serving under Carl Hayden on the Senate Appropriations Committee and consequently acquired a special respect and admiration for one of the greatest Americans I have ever known. Our Nation is stronger and richer because he lived.

## URBAN MASS TRANSPORTATION

Mr. ALLOTT. Mr. President, a recent speech by Carlos C. Villarreal, Urban Mass Transportation Administrator, has come to my attention. The speech was delivered before the 51st annual meeting of the Highway Research Board in Washington, D.C., January 19, 1972.

Mr. Villarreal's presentation was balanced, and while it is understandable that he should emphasize bus transportation since he was speaking before a highway group, the speech on the whole represented a very reasonable point of view which I commend to my colleagues.

For that reason, Mr. President, I ask unanimous consent that Mr. Villarreal's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

### Remarks by Carlos C. Villarreal

I want to thank my colleague for that generous introduction. Frank and I rode over here to the Sheraton Park together. When he invited me to share the ride, I forgot that Frank takes the bus to work. So we came over in my car. Several buses passed us on the way.

A week or so ago I was visiting with Mayor Daley in his office in Chicago. He mentioned that John Lindsay had been in to see him the day before: Sam Yorty the day before that. What, he wondered, could he do for me?

I told the good mayor that I hoped to do something for him, and for those other fellows, too. Because while they are running, a lot of traffic in their cities is not. Peak hour traffic in New York and Los Angeles is almost as congested as the Democratic Presidential primary. As you and I know, it's not much better in most of our other major cities, Washington included.

I welcome this opportunity to participate in your 51st annual meeting. As an ex officio member of your executive board, I have at least a sideline appreciation for the vast amount of work accomplished by the highway research board. I also have the greatest admiration—and, believe me, I am sincere in saying this—for the superb highway system in our country. It is unquestionably the greatest "mass transportation" system we have.

Regrettably, all too often it moves masses of vehicles, not people. And wherever highways are traffic-saturated, most notably in urban areas, travelers, city fathers, and transportation planners alike are feeling the strain.

Now, I am not here today to suggest that national and local highway programs must be overturned in favor of public transit construction programs. We are not faced with an "either/or" situation, although there are those who infer that highway and public transit programs cannot co-exist. Not only can they exist together, but a partnership of the modes is absolutely essential if we are to provide the transportation capacity we need, and attain the environmental objectives we all consider important.

Curiously, the public transit system and the private auto/highway system have both served the public well—and failed the public badly—all in the course of this century.

Seventy years ago, construction began on the New York subway system, the idea being that public rail transit would best serve the city's transit needs. Fifty years later, Los Angeles opted for freeways, persuaded that the private automobile was the people's choice. Neither alone has been satisfactory or sufficient.

In between these extremes can be found city-by-city gradations of dependence on public versus private transportation. Yet today we still have no ideal solution—in most cases, not even an adequate solution—to the dilemma of urban mobility.

Frank Turner and I have our respective convictions about the relative merits of the modes we represent. We couldn't do our jobs if we didn't believe in what we are advocating. But there is no disagreement between us in regard to our common objective—which is the attainment of better, cleaner, more cost-effective transportation for more people: and no competition, only cooperation, in using all the resources available to us to achieve that goal.

There are two things we both have learned: One, that no single mode of transportation can prevail in solving our cities' needs; and, two, that transportation programs alone can't solve our transportation problems.

Let me elaborate on those two observations, just briefly.

First, the matter of the single mode:

The Nation's investment in roads and highways has paid huge economic and transportation dividends. The 42,500-mile interstate system, now 76 per cent complete, has cut travel time, saved lives, and spurred commerce. And we have not come to the end of the road in highway development and construction, or in the realization of its benefits. Yet the fact remains that the streets of our cities are ill-designed, and even less prepared, to accept the volume or the speed of cars flowing from the interstates, the freeways, and the suburban expressways.

In 1971 the United States logged 1,170 billion vehicle miles, up 4.4 per cent over 1970. Twenty of the nation's largest states, containing the nation's largest cities, accounted for three-fourths of the total vehicle miles. Moreover, Frank tells me that today's 110 million motor vehicles may grow to 150 million by 1985, generating over one-and-one-half trillion vehicle miles. Little wonder that Secretary Volpe, Administrator Turner, and I all agree that "the Nation's transportation problem is too gigantic to be solved by a single mode."

The question remains, then, what modes, in addition to the private car, should be employed, to what degree, and in what combination?

Leaving interurban train and air transportation aside, since we are concerned here primarily with the problems of our cities, we have only three alternatives: bus systems, rail rapid systems, and any new or innovative systems that may come along. None of these today matches or promises to match the personal mobility value of the car. But things are changing. Already there are indications that the advantages of operating a motor car in an urban environment are diminishing, while the opportunities for enhancing the attractiveness of the alternatives are increasing.

Actually, the automobile and the city have never been well-mated. Cars in large numbers consume land in quantity, and contribute substantially to pollution. Since the supply of land is limited, the costs of acquiring real estate or using it for the movement and storage of automobiles inevitably go higher. The commuter pays the price of traffic congestion in terms of lost time and frayed nerves. Pollution controls most certainly will come, but they will just as surely show up in higher auto purchase and maintenance costs. In short, neither the typical automobile nor the modern highway is well designed for city use. Adjusting one to the other has become a painful process.

One obvious solution is to use our streets and highways in a more efficient manner. Car pools help, and commercial and civic incentives which encourage the wider use of car pools are certainly a step in the right direction.

But the best prospect for relieving urban transportation congestion, at least in the near-term, is a broader and wiser use of the city bus. In short, more traffic-ways of the future must be dual-mode.

The bus perhaps comes closest to the flexibility of the private car. As the Shirley Highway experiment demonstrates, the exclusive bus lane affords commuters the speed expressways were built to deliver, even in rush hours. Two buses can carry as many passengers as a mile-long line of automobiles traveling at one-third the speed, with perhaps one-twentieth the horsepower.

There is little doubt that the bus can improve the efficiency of existing and future roadways. But before bus travel can make significant inroads on today's traffic problems, several things have to happen.

One: We must preserve urban bus systems

before the species become extinct. To date, UMTA Capital Grants have preserved or stabilized bus transit systems in 60 U.S. cities, purchased or assisted in the purchase of 7,829 new buses, and financed 47 bus garages and service facilities.

Two: There must be a better partnership between the bus and the auto. In addition to the exclusive bus lanes and frequent rush-hour schedules, strategically-placed fringe parking lots can put bus transit in reach of more commuters.

Three: Bus routing will have to do a better job of going where the people are. Despite Federal and municipal efforts to sustain or upgrade urban bus service, the curves plotting Federal dollars and transit ridership continue to move in opposite directions. One of the problems is that present-day mass transit systems are geared to serve the central city where growth for the most part has slowed. The suburbs, where growth and development are extensive, are poorly served by the public mode. The suburbs themselves, especially the shopping center complexes, are becoming the scenes of massive traffic jams once seen only in the cities.

Then, fourth, I think it's clear we need better equipment—buses that are clean, quiet, and comfortable; that ride easy and run on time; perhaps even buses customers can call on command. As many of you no doubt know, several new prototype buses have been built, including a steam-powered bus—and a whole new family of buses is on the way. The time is coming close when good highways and good buses will make a sensible combination, affording commuters transportation that is faster, cheaper and actually competitive with the comfort and convenience of the car.

Along with the bus, we must also consider the potentials of rail service for meeting a need we are agreed that no single mode can satisfy.

There are perhaps 20 U.S. metropolitan areas with sufficient population, and sufficient population densities, to make rail rapid transit systems financially feasible. In response to local initiatives, we are already assisting six cities in the development or expansion of rail transit service. Those cities are Boston, New York, Cleveland, Chicago, San Francisco, and Washington, D.C.

In recent years we have picked up the tab, in full or in part, for 1,072 rail rapid transit cars, 885 commuter railroad cars, financed 181 miles of commuter railroad modernization projects, and committed Federal aid for 70 miles of rail rapid track extensions.

Additional Federal assistance for these and other cities will depend on the will of the voters in the communities concerned.

Because of the costs involved, it is our opinion that only a limited number of large cities are likely to propose new rail systems. Baltimore is one, where work will begin next year. Atlanta has voted the local share of funds for its system. Other possibilities include Miami, Houston, Seattle, Los Angeles, Buffalo, and the Twin Cities. We will continue to support new public systems, bus or rail, as they are proven by development and demonstration, and as they represent the free choice of the people of the cities involved.

There is a third possibility for bettering urban transportation, and that is the development of totally new systems. The people-mover is an example.

Personal rapid transit, as it will be demonstrated in the Morgantown project and displayed to the public at Transpo 72, has great appeal for the urban environment. Essentially a pedestrian shuttle, the people-mover could (I do not say "should") replace the car in the downtown business district. By extension, the people-mover concept could link the city with the airport, sports center, shopping complexes, and even suburban parking lots.

Just as no single mode can supply all our needs for mobility, neither can we expect transportation programs alone to solve all our transportation problems. That is the second observation I would share with you today.

The priority President Nixon has given to transportation progress is multimodel. His objective is to make transportation a true servant of people. The programs proposed by the President and passed by Congress provide new impetus and larger resources for all the modes—airways and airports, roads and highways, railroads and urban mass transit. In signing the Urban Mass Transportation Assistance Act, the President said we must meet the "challenge of our urban frontiers."

Indeed we must meet that challenge, before urban paralysis saps the vitality of our cities by crippling the mobility of our citizens.

One of the problems, I believe, has been an almost universal failure to include public transportation needs in overall urban planning and development.

In aerospace programs, the "systems approach" has had great success. As planners, we can take a lesson, employing the systems approach to help cities improve their *L over D* (lift over drag). In this sense, transportation must be equated with other social, economic and technical action programs, and incorporated into the total community game plan.

Just last week, in a speech in Massachusetts, Secretary Volpe said, and I quote: "We are continually trying to encourage metropolitan areas to have a single planning agency for transportation and land use—for the planning that is necessary to insure a productive urban environment. Our aim is to integrate transportation plans and programs with community goals and objectives. The important thing is *the kind of communities people want*. This is what should determine transportation planning." End of quote.

The special talent of transportation—for bringing people together, enriching a community, and promoting civic progress—is why the transportation function is included in the Department of Community Development, as proposed under the President's reorganization program, and why that reorganization makes eminently good sense.

The DOT mission, today or in the future, cannot be fulfilled by a single mode. Neither will we ever satisfy our needs—Federal, State or local—by simply multiplying the road, rail, and air facilities we already have. Our common objective must be to put transportation back on its feet in *all* modes, and improve the efficiency of our system and efficacy of our planning. What we all want is a new agility of mobility, motion without emotion, travel without *travail*, transportation without frustration—to keep the country moving.

Frank Turner and I can share this platform, and we can talk with highway and public transit groups alike, *because* we are both working for the same thing: a transformation of transportation—a larger franchise for the fifth freedom, the freedom of mobility.

In many places throughout our country today, there is no real choice of transportation. Frank Turner and Alf Johnson and Charlie Shumate—yes, and my boss John Volpe who was the Nation's first Highway Administrator—and all the good people who have built our highways have done such a magnificent job that there is little wonder the car is so popular today.

Yet there is unmistakable evidence that even the finest freeways can be clogged—the widest streets saturated by traffic. Our desire for personal mobility may ultimately and irreversibly be thwarted *unless*: We upgrade public transit, unless we divert some commuters from private car to public conveyance, unless we learn how to share the ride and the right-of-way, and unless we do a better job nationwide of total urban planning.

Only then will we have a balanced transportation system capable of moving masses of people as well as vehicles smoothly, efficiently and safely.

That day will come, I am confident, and it need not be far off, because we have *never* faltered in the face of a challenge or failed to make the most of an opportunity for progress.

Thank you.

In his remarks, Mr. Villarreal states:

> There are perhaps 20 U.S. metropolitan areas with sufficient population, and sufficient population densities to make rail rapid transit systems financially feasible.

Mr. Villarreal did not name these 20 metropolitan areas, but most of us would agree that no more than 20 cities in the United States will eventually operate rail rapid transit systems. I would certainly include Denver among the 20 potential areas because the metropolitan area now has sufficient population to justify some kind of private right-of-way system.

Various areas in Arapahoe County have a considerably greater population density than the outer stations of the highly successful Lindenwold rapid transit line in New Jersey. Incidentally, it is the outer stations, with less density, which provide most of the ridership on the Lindenwold line, and not the inner stations which have a much higher density. I believe we will witness a similar phenomenon when BARTD begins operations in San Francisco later this year.

I do hope, however, that the administration's performance is up to its rhetoric. In a speech on the Senate floor on October 20, I warned that forces within and without DOT are pressing for a policy which would preclude financing rail or new technology transit operations. As these "highway only" advocates would have it, future "rapid transit" systems would consist of buses running on freeways. Now I would be the last to suggest that buses on private right-of-way have no place in transit systems of the future. I believe such a concept has an important role to play, particularly in medium-sized metropolitan areas. But buses on freeways, contrary to the latest publications of highway-oriented groups, are not the only solutions which cities ought to consider.

Mr. President, as I said last year, I believe local communities ought to make their own determinations, and the Federal role should be limited to insuring that taxpayers' dollars are not spent on unworkable schemes.

In my speech of October 20, I said:

> Senators know the Federal bureaucracy as well as I do. The Department of Transportation need not formalize a policy favoring busways. It would simply have to do what has been done with other urban programs to encourage cities to apply for funds for projects being promoted by the Federal Government rather than those most desired by the communities. The word would be passed through channels that the Federal Government would process an application for funds for busways much more readily and speedily than it would for another kind of system. This sort of suggestion is all that would be needed to discourage cities, always

pressed for funds, from adopting a system other than buses.

Mr. President, I hope these words were not prophetic. Reports reaching my office from Detroit and St. Louis indicate that the rail systems envisioned for those cities are being subtly discouraged by the Federal Government. The voters in Atlanta last year voted approval of a rail rapid transit system, but I am told that Federal officials are now hedging on financial support for the rail operation.

The Federal Highway Administrator recently visited Dayton, Ohio, where he directly and bluntly discouraged plans for a rail system there.

Mr. President, all of the rhetoric and assurance in the world will not be helpful unless the words are exactly matched by performance. I am most concerned about this situation, because when these reports are combined with moves by the Office of Management and Budget to develop criteria which some transit experts believe are so strict that it would preclude Federal funding of a nonbus system, it all adds up to a developing problem of grave proportions.

Mr. President, a policy of discrimination in favor of one mode of transportation over another does not square with the intent of Congress when it passed the various urban mass transportation bills. I do not believe such a policy will be supported in this body or the House of Representatives. Therefore, Mr. President, I stand ready to offer such amendments as may be necessary to stop such discrimination if I see evidence that it is developing further.

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## PROGRESS REPORT OF FEDERAL COMMUNICATIONS COMMISSION

Mr. HATFIELD. Mr. President, this morning, Dean Burch, Chairman of the FCC testified before the Communications Subcommittee of the Commerce Committee, chaired by our able colleague from Rhode Island (Mr. PASTORE). While I am not a member of this subcommittee, I do believe that Mr. Burch's comments are worth the study and review of all of us in this body. The range of issues before the FCC points up the breadth of the involvement in critical matters of the communications industry, and I urge my colleagues to study them carefully.

I ask unanimous consent that the opening statement of Mr. Burch appear at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT OF CHAIRMAN DEAN BURCH, FEDERAL COMMUNICATIONS COMMISSION BEFORE THE SENATE SUBCOMMITTEE ON COMMUNICATIONS

### REVIEW OF COMMISSION ACTIVITIES

Mr. Chairman and Members of the Committee: I welcome the opportunity to review with you today significant Commission activities of the past year. With me are Commissioners Robert T. Bartley, Robert L. Lee, Nicholas Johnson, and two colleagues who are sitting at the head table for the first time—Charlotte T. Reid and Richard E. Wiley. Commissioner H. Rex Lee, as you know, suffered a mild coronary on Christmas Day. Fortunately, he is well on the way to recovery, and should be back on the job around mid-March.

Principal staff members are also here: the Executive Director, John Torbet; our new General Counsel, John Pettit; Chief Engineer Raymond Spence; the Chief of the Broadcast Bureau, Wallace Johnson; the Chief of the Cable Bureau, Sol Schildhause; the Chief of the Common Carrier Bureau, Bernard Strassburg; the Chief of the Field Engineering Bureau, Curtis Plummer; and the Chief of the Safety and Special Radio Services Bureau, James Barr. We are all prepared to provide you with whatever information and backup you might call for.

Not very surprisingly, I would like at the outset to discuss our common carrier regulatory program—letting the factual record speak for itself. My intention is to explain the basis of our decision of December 23rd to set aside formal hearings in Phase II of the AT&T rate case, our decision of last Friday to reinstitute these hearings at the earliest feasible date, and to place both decisions in the perspective of the Commission's and the Bureau's overall mission.

### *The current AT&T rate proceeding*

As you will recall, a Joint FCC–NARUC Board adopted new separations procedures effective January 1, 1971. As a practical matter, this meant that about $130 million of annual revenue requirements would be transferred from the intrastate to the interstate operations of the telephone industry—the culmination of six such separations since 1952, which cumulatively transferred almost one billion dollars in Bell System revenue requirements from intrastate to interstate operations.

On November 20, 1970, AT&T filed proposed tariff changes—to be effective January 19, 1971—calling for increased rates for interstate message toll telephone service designed to produce some $545 million in additional net income before taxes. In support, AT&T cited the revised separation procedures that would have the immediate impact of reducing its interstate rate-of-return by one-half of one percent. Moreover, the company contended that it requires a 9.5 percent rate-of-return as against the 7.0 to 7.5 percent range that the Commission found to be appropriate in 1967. AT&T stressed the changes in general economic conditions and substantial increases in its costs of debt, as well as claimed increases in the cost of equity capital since the 1966 test-period on which our earlier decision was based.

In light of such substantial proposed increases both in rate-of-return and actual rates, the Commission asked AT&T voluntarily to postpone the effective date and urged them to file revised rates that would produce $250 million in additional net income before taxes—less than half its original proposal. And even these lesser rate increases were to be subject to our accounting and refund procedures. Finally, the Commission pledged that it would hold expedited hearings on AT&T's revenue requirements. The company complied with our request and filed rates in the lesser amount. The net result of this approach is that the rate-paying public has already benefited—to the extent of nearly $800,000 a day in its payments for interstate services.

The Commission designated the entire proceeding for hearing late in January, 1971, and to assure all possible speed separated the issues into two phases. Phase I would address principally AT&T's claim that it requires a higher rate-of-return. And resolution of this issue, of course, would be critical to determining whether rate increases could be justified, and by how much. If the answer was "no" then the resolution of the Phase II issues—the propriety of Western Electric prices, for example—would not be relevant in the context of a hearing on rate increases. If "yes", if *some* increase in rate-of-return were found to be warranted, the public would still be protected by our accounting and refund procedures while the Phase II issues were being adjudicated.

Our ability to proceed this way was enhanced because rate-making principles and precedents already had been established in earlier proceedings. In 1967, for example, the Commission determined the principles that would govern the Bell System's capital structure and the allowable components of its rate-base. Rules and regulations were formulated in 1967 and 1969 to govern the allocation of plant and expenses between interstate and intrastate services. These basic rate-making principles could be laid down as "givens". And we also stated in our Hearing Order, any decisions we reached would be subject to our findings in Docket 18128—concerned with formulating the principles to be used in the allocation of the Bell System's interstate revenue requirements among its various classes of service.

The burden of proof, of course, is on the carrier seeking rate increases. Thus, Phase I was designed to examine AT&T's claim that it must have higher rates. And although Phase I was expedited, it was exhaustive. There were 33 days of hearing, 20 witnesses, and a record of 5000 pages plus. The Hearing Examiner's initial decision was issued in record time and was then the subject of oral argument before the Commission *en banc*. Our decision in Phase I will be determinative of some of the most critical questions involved in passing on the merits of AT&T's case for rate increases.

As part of its direct case in Phase I, AT&T submitted voluminous testimony and data on the operations, prices, and profits of Western Electric—the Bell System's manufacturing and supply organization—to demonstrate that Bell company payments for equipment and services are fair and reasonable, and constitute no undue burden on the rate-paying public. Because of the complexities of this Bell System-Western Electric relationship—because of the intensive staff-work that is required to produce a meaningful examination of this aspect of the total record—the Commission reserved treatment of this issue to Phase II. It was contemplated that these follow-on hearings would consider this and other issues that obviously bear on our determination of AT&T rates and revenue requirements. Let me reiterate, Mr. Chairman, that these matters require intensive investigation and analysis of the carrier's operations—some but not all of which can be derived from our continuing program of surveillance.

When the Hearing Examiner indicated that he was ready to proceed with the hearings in Phase II, we had to face facts—and, candidly, we simply were not ready to embark on formal hearings with respect to the Phase II issues with any real prospect of tangible benefit to the public. As of that moment in late December of last year, we judged that moving at once into Phase II would have been a perversion of the hearing process and, pragmatically, a fraud on the public. I realize that I've so far begged the fundamental question—which remains, *why* were we not ready? And just as important, what do we now intend to do about it?

The first question has many answers. We were not ready because, through lack of foresight, we had spread our available staff resources to the point of no return. We lacked resources for several reasons: in part because we had separated the Trial Staff totally from all other decisionary aspects of the AT&T rate case; in part because of unanticipated losses in principal staff; and in part because of budgetary retrenchment as required by the President's economic stabilization program. And thin as it was, moreover, the Common Carrier Bureau staff was simultaneously confronted with many other issues of very great urgency (to some of which I'll turn later in this statement). Putting all these factors together, it meant that the steady incremental build-up in common carrier staff on which we embarked a few years ago—a build-up, Mr. Chairman, that you and the Appropriations Subcommittee have fully supported in both of the last two fiscal years—simply was no longer good enough. It was not possible to compile the record that the Phase II issues demand on some "crash" basis. Nor was it possible to build a staff overnight. We felt we had no real choice, in December, but to set aside the planned Phase II hearings and to reserve the issues for examination when we were ready to move forward. Let me repeat—it was the hearing we dismissed, not the issues.

Candidly—or perhaps "naively" would come closer—I did not foresee the intensity of public concern that our decision brought forth. And whatever the degree of misunderstanding or even of deliberate misrepresentation that may have entered into the equation, I can only interpret that concern as genuine. On both sides of the bench, we are public servants and duty bound to respond. It may even turn out that the entire matter has been for the good—because we have been forced back to the drawing board, to re-examine every option, and to put together every conceivable resource in order to get the job done. Thus, Mr. Chairman, our decision of last week was a "reconsideration" in every sense of the word.

We have reinstituted hearings on the Phase II issues to begin at the earliest possible date. The President's fiscal "73 budget calls for a solid incerase in Common Carrier Bureau staff—some 20 new positions and of particular importance, OMB has waived average-grade limitations on these positions. This means that we can go after qualified economists, accountants, engineers, and attorneys. Furthermore, we are simply going to take part of the new effort out of our own hide—by reallocating existing staff and reprogramming 1972 funds for contracts and consultants, to bring public utility experts on board at once. Finally, we are already engaged in discussions with OMB to see if it is possible to recapture some of our "frozen" '72 funds in order to begin the staff-recruitment process well before the beginning of fiscal '73.

I cannot promise to pass any miracles, Mr. Chairman. I cannot even set a date for the Phase II hearings. But the critical job of developing the issues and compiling the record will not be intensified, well beyond the normal product of our continuing surveillance program, and we are able to look forward to a meaningful examination of the Phase II issues in the hearing process, as soon as feasible.

I've observed already that, to get this job done, we will have to take some of the resources out of our own hide—and I would not want to minimize the risks that this entails. The FCC has regulated, is regulating, and will continue to regulate AT&T. But this giant enterprise is but one segment of an immense common carrier industry, whose growth in recent years has been nothing short of explosive. The job we have to do in the common carrier field is huge and getting bigger and ever more complex.

Consider just a bare statistical profile. At the close of the '40s, revenues of the communications common carrier industry amounted to some $3 billion, with an investment in plant and equipment of about $10 billion. In 1971, comparable figures were $22 billion and $78 billion respectively. The Bell System alone has a gross plant investment in excess of $60 billion, operating expenses of about $15-and-a-half billion, and service revenues of more than $18 billion—about 30 percent of which are derived from interstate and foreign services subject to federal regulation. And of these revenues, approximately 86 percent is produced by long-distance message telephone service. Interstate calls in 1971 totalled almost three billion, the greater part of them from residence phones. The fact is, owing in large measure to Commission initiatives during the last decade and consequent rate reductions, its costs have made long-distance telephone service almost as accessible to the average American household as the local telephone call.

As demand grows, so too does the construction of new facilities throughout the common carrier industry—at a rate that outpaces any other major segment of the national economy. Again, the Bell System is out in front with $8.5 billion in new construction projected for 1972, a three-fold increase in the past ten years. It is reasonable, and in all likelihood conservative, to anticipate that by the end of the '70s the common carrier industry will have doubled its present investment and revenues.

This is the environment—explosive technological development, accelerating and changing consumer demand—within which the Commission's regulatory activities must be conducted in the common carrier field. We never have the luxury of *just* an AT&T rate case, however complex and staff-consuming that may be: it's such a proceeding, *plus* domestic satellites *and* computer inquiries *and* interconnections *and* specialized common carrier policies *and* international communications, and all of them at once. These are just the highlight issues, Mr. Chairman, and I would like now to review them with you and the Committee.

### *Domestic satellites*

Early in 1970, the Commission recognized the potential contribution of satellite technology for domestic purposes. We concluded that we have the authority to authorize such facilities for common carriers, non-common carriers, or some combination of both, but that governing policies could not be developed in a vacuum. The issues of whether the public interest would be better served by one or more multi-purpose systems, specialized systems, a combination of both, or by an "open entry" policy would be most effectively treated if potential applicants were to submit concrete proposals. At the same time, we instituted rule making looking toward the resolution of technical or economic conflicts among the applicants, and we solicited views on an appropriate role for AT&T, procurement policies, access to earth stations, and other significant policy matters.

As I have reported previously to this Committee, we received eight applications for complete systems, and some additional applications for earth stations only. The proposals ranged widely in capacity, numbers of earth stations, contemplated services, and initial investment; together, they total about $1.2 billion.

One technical but clearly fundamental policy question is the number of systems that might be authorized—whether competitive or complementary—given the limited orbital arc and spectrum available. Claims have been made in the course of the proceeding that each of the applicants should be disqualified on a variety of policy grounds. Beyond these basic issues, other key questions have to be resolved. Is competition possible or even desirable in this field? If there is to be competition, should it involve entire systems or categories of service? What role should economic viability play? Will the television networks decide to make use of satellites? What should be the role of AT&T? And who should own the earth stations?

The basic record is now complete and, with NASA's assistance, the preliminary evaluation is in its final stages. The Commission has already received one comprehensive staff briefing; another is scheduled for next week; and our realistic target is a decision on fundamental questions within 60 days.

### INTERNATIONAL COMMUNICATIONS

During the past year, the Commission has been deeply involved in a series of international communications policy issues. The first of these was the negotiation of Definitive Arrangements for INTELSAT. The United States were host-country to conferences, committee meetings, and working group sessions that consumed about nine months during the period from February 1969 to May 1971. Senior Commission staff played a major role throughout, in devising, supporting, and winning acceptance of agreements that this nation considered vital to its interests.

Second, we are formulating policy concerning additional telecommunications facilities, both trans-Atlantic and trans-Pacific, to meet rapidly growing needs. With the opening of the TAT–5 cable in the spring of 1970, trans-Atlantic traffic growth increased from a rate of 20 percent a year to 30 percent; and the desirability of longterm rather than *ad hoc* policy became apparent. AT&T then filed an application for a second 840-circuit trans-Atlantic cable. The Commission rejected this application but, at the same time, indicated that it would welcome a proposal for a 4000-circuit high capacity cable to be installed late in 1975 or early 1976. (This application has now been received and is under staff study.) The Commission also laid down policy guidelines, including the principle of "reasonable parity" between cable and satellite traffic, to govern international facilities through the present decade. Understandably, the European entities at the other end of the cable wanted to have a voice in these important policy determinations and two meetings were held—one in Paris in February, another in Washington in September. I believe we were able to defuse some misunderstandings, by giving a little on both sides, and come closer to a genuine consensus on the future of trans-Atlantic telecommunications facilities.

Similar problems exist with respect to the Pacific basin, compounded by the availability of only two relatively low-capacity cable paths, the presence of a high capacity INTELSAT IV-type satellite over the Pacific, and the fact that Hawaiian and Alaskan traffic to the other 48 states can also be handled by domestic satellite systems. The Commission is now considering the relative roles to be filled by these three types of communications vehicles between the contiguous states on the one hand, and Hawaii and Alaska on the other hand. We are also facing unresolved problems, affecting the Pacific basin as a whole, of cable routes and capacities, timing of facility requirements, and the proper mix of cables and satellites.

The third of our international communications issues involves the first record investigation we have undertaken into COMSAT's investments, operating practices, and rate-making policies. In this proceeding we will attempt to fix an appropriate rate-of-return for COMSAT. In addition, the Commission must review the earnings of international terrestrial telegraph carriers and consider the long-pending matter of how pick-up and delivery in the U.S. of international telegrams can be handled with greater efficiency and economy.

### *Additional common carrier activities*

There are three additional common carrier regulatory matters that deserve attention in this overview, all of them essentially follow ups of recent Commission decisions.

*Specialized common carriers.*—The MCI decision of 1969—authorizing a point-to-point microwave system to provide specialized private line services between Chicago and St. Louis—resulted in 46 similar proposals by 33 different applicants to provide 1,877 such systems. To avoid an endless succession of hearings, the Commission decided last May to establish basic policy guidelines resolving issues common to all the applications. We decided on "open entry" of new carriers into the specialized field and we believe this will have beneficial effects on both rates and quality of service, without adverse impact on existing carriers. Existing carriers may also compete, fully and fairly, and we are adapting our rate making procedures to further this objective.

The pace at which these applications can be processed is initially under the control of the applicants. They have been making amendments to remove frequency conflicts and to comply with new technical standards. One applicant, Interdata, has already done so, and we granted a construction permit in October 1971 for specialized services between New York City and Washington, D.C. Resolution of the threshold policy issues has brought the problem within manageable bounds, but the sheer volume of applications and amendments imposes a substantial processing burden. And our goal of insuring *fair* competition between new and established carriers is a difficult one to bring off; it involves complex problems that are being treated in pending rate making proceedings.

*Computer inquiry.*—The Commission began in 1966 to explore the regulatory problems that might be involved in the use of communications services and facilities for data transmission. We concluded last March that there is no need at this time to assert common carrier regulatory authority over the sale of data processing services either by common carriers or non-common carriers, whether communications facilities are used or not. (I should note here that the Bell System is not involved.) But we did determine that the public interest requires certain measures and thus promulgated rules permitting carriers to engage in the sale of data processing services, subject to safeguards for preserving the competitive marketplace in such services. Our rules are also designed to insure that carrier participation will not be at the expense of their legal obligation to provide adequate communications services at reasonable charges. The key is our requirement of "maximum separation" of a common carrier's regulated activities and its non-regulated data processing services. This decision is on appeal to the U.S. Court of Appeals, Second Circuit, but the Court has stayed its proceeding pending Commission disposition of a number of Petitions for Reconsideration; we should act on them within the next six to eight weeks.

*Interconnection.*—Information collected in the Computer Inquiry pointed up widespread concern with allegedly restrictive policies of common carriers as to the interconnection of customer-owned facilities and systems with the carriers' own networks. In *Carterfone*, as you'll recall, the Commission decided that restrictive policies were unlawful insofar as they foreclosed the use of non-carrier equipment without distinguish-between the harmful and the harmless. This was followed in January 1969 by revised tariff regulations in which a degree of interconnection was permitted, subject to the requirement that customers rent various kinds of protective devices from the carriers. These conditions, in turn, were challenged as too costly and anti-competitive.

The Commission next contracted with the National Academy of Sciences for a detailed evaluation of the technical problems, put out its recommendations for comment, and set up two Interconnection Advisory Committees—one concerning PBX systems, and a second automatic dialing and answering and recording devices. We are also considering a third such committee, this time on data systems. And we expect soon to institute a formal proceeding to evaluate the recommendations of the various Advisory Committees and assist in the resolution of the basic problems. This proceeding will then be referred to a Federal-State Joint Board to make sure that state commissions have a chance to participate. To give direction to all these programs and proceedings, I recently designated Bob Lee as Interconnections Commissioner—and I should note, Mr. Chairman, that this is a share-the-management technique I intend to utilize more and more in these longterm, complex Commission programs.

*Cable television*

In the time left over from regulating the carriers, we have been laboring long and hard to hammer out a program to govern the evolution of cable television, as an integral part of the nation's communications structure. Our objective throughout this in-depth proceeding—which stretches back three years at least—has been to bring to the public the benefits and the promise of cable technology while, at the same time, preserving what we already have in over-the-air broadcasting. As you know, Mr. Chairman, it has been no easy job. The equities are persuasive on both sides. But in terms of the public interest in diverse voices and vehicles of communication, I believe it has been altogether worthwhile. And I can report to you today that by the end of this week or the beginning of next, we should be ready to bring the baby home.

The regulatory program we have been refining and polishing very largely parallels the one we outlined in the Letter of Intent that we sent to this Committee on August 5, 1971. But since that date there has been a most significant new development. A consensus agreement has been reached by the principal industries themselves—cable, broadcasting, and copyright—and we regard this agreement as fundamental to cable's orderly evolution. So long as its relationship to the competitive television program market has been in doubt, cable's future has necessarily also been in doubt. And the chief obstacle to cable copyright legislation has been the failure of the principal industries to compromise their differences. Both you, Mr. Chairman, and your colleague, Senator McClellan, have I believe repeatedly made this very point—and now the principals have reached an agreement and pledged to support cable copyright legislation. We feel that the consensus agreement clears the way for this essential step and that is why we are incorporating its key provisions—on exclusivity protection, leapfrogging, and a significant viewing standard—in our new rules.

Because our new program does closely parallel the August Letter, I'll not go into detail but simply sketch the high points. On the key matter of distant signal importation, the rules establish an "adequate minimum service" formula based on the size of the television market and its ability to withstand additional competition; we will authorize a sufficient number of distant signals to meet that formula—and in any event two such signals in the top markets. We have given particular attention to the effect of cable penetration in such sparsely-populated areas as the Rocky Mountain region, and will be careful to monitor future trends, and prepared to afford special relief.

As part of our treatment of the distant signal problem, the rules also reflect the central provision of the consensus agreement—namely, extensive syndicated program protection in television markets 1 through 50, and more limited exclusivity protection in markets 51-to-100. We stated in the August letter that we would study the issue, and on reflection, I must say that we should have built such exclusivity into our program in the first place.

Many believe—and I personally very strongly share that belief—that cable's real promise lies not simply in the carriage of broadcast signals but in the provision of new and diverse services to the public. Thus, we have tied our carriage rules in the major television markets to expanding channel capacity for public access, educational and government uses, and leased channel availability. Distant signals will give cable a necessary initial boost. But we believe its ultimate success will and should be made dependent on these access services.

In the difficult area of federal-state/local relationships, our rules will provide for a measure of dual jurisdiction. Clearly, some aspects of cable regulations are properly left to state and local entities, while the Commission must lay down broad standards and guidelines in the interests of a national communications structure. We will establish basic standards for franchise specifications and fees, as well as uniform technical standards, leaving to local authorities the selection of franchisees and the determination of appropriate franchise areas and subscriber rates. We will also set up a special Advisory Committee—with state, local, and public representation—to help us iron out the wrinkles in this important area of cable regulation.

Our intention is to put the new rules into effect on March 31st of this year, a period beyond the required 30 days after publication in the Federal Register. We will do this, Mr. Chairman, out of an abundance of caution and to give some preliminary study to any Petitions for Reconsideration before the rules go into effect; and as the rules themselves provide, there will always be the opportunity for special petitions for special relief. But our feeling is that it is time, and long past time, to get cable moving in an orderly, conservative way—to begin serving the public with its benefits and its promise.

CHILDREN'S TELEVISION

In the broadcast area, we are devoting more effort—and whatever resources it may take—to the critical problems of children's television and, more broadly, the impact of television generally on young viewers. As you know, although Saturday morning is considered prime time in effect for children, it constitutes barely 15 percent of the hours they spend in front of the tube. Most children spend most of their viewing hours watching late afternoon and early evening television shows.

This is a problem I've already discussed with Dr. Steinfeld, the Surgeon General, and both of us are looking forward to meeting with this Committee in March to consider in detail the findings of his select panel—the recent report on "Television and Growing up: the Impact of Televised Violence". As a first step, the Commission has asked Dr. Steinfeld to a special meeting in about two weeks time, to brief us on the report and some of the backup research. We are all aware of the critical importance you attach to this matter, Mr. Chairman, and we're anxious to consult with you on the Commission's appropriate response.

Since my appearance before this Committee last September, there have been some encouraging developments with regard to children's television. Our own Children's Television Unit has been gathering information, maintaining close liaison with other government agencies (HEW's Office of Child Development and Office of Education, for example, and the Federal Trade Commission), and working with other Commission staff toward a presentation on the pending ACT petition for our consideration. This unit has been in regular contact with advertisers, program creators, the networks and independent broadcasters, as well as with child phychologists and citizen groups, to prepare optional courses of action that the Commission might adopt—all within the context, of course, of constitutional strictures. Anything we might want to do in this area, as you well know, raises very real First Amendment questions.

There have also been important developments within the broadcast industry itself, and I want to mention a few of them. The NAB's Television Board voted last month to reduce the amount of commercial time on programming designed mainly for children—7 a.m. to 2 p.m. on Saturdays and Sundays—from the present limit of 16 minutes to 12 minutes per hour. The number of program interruptions will be cut in half, and program hosts and cartoon characters will not be utilized to deliver commercials either within or adjacent to the programs on which they appear. All these code changes will become effective January 1, 1973.

The NBC television network will soon begin a new half-hour Monday-through-Friday children's program service—a preschool program for both children and their parents. It will be shown at various afternoon times by affiliated stations. This program will also cut the amount of commercial time and cluster ads at the beginning and end of the half-hour. The CBS pre-school show, Captain Kangaroo, will soon be featuring three-minute spots on good health habits, effective education, pro-social behavior and the like—prepared by Sutherland Learning Associates under contract with HEW's Office of Child Development.

The creators and syndicators of the Romper Room show made several format changes, as of last December, that should effectively separate commercial and program material. No brand-name toys will be used on the Romper Room set, and it has been strongly recommended to all stations presenting local Romper Rooms that no commercial announcements be made by the teachers.

Candidly, Mr. Chairman, there is a long way to go before any of us will be satisfied that commercial television is serving its young viewers in the affirmative manner of which, at its best, it clearly is capable. But these are, in my view, encouraging signs. And we at the Commission will continue to monitor the situation closely, and define our own best role.

### *Fairness inquiry and political broadcasting*

A second broadcast matter of particular importance is our inquiry into the Fairness Doctrine and the implementation of the Communications Act's public interest standard. We instituted this comprehensive review last June in response to the new and complex issues, many of them having to do with access and the implications of commercial messages, that have been arising in recent years. This is the first such overview in more than 20 years, and our objective quite simply is to measure the doctrine's efficacy under present Commission policies and procedures—to find out if it positively encourages the airing of controversial issues of public importance, and if not why not.

We divided the inquiry into four parts. First, there is the Fairness Doctrine generally in which comments were invited on the operation of the Commission's personal attack and political editorializing rules, on the *Cullman* rule, and on the extent to which the doctrine has had the practical effect of fulfilling the high standards of *Red Lion*. Second, we are inquiring as to whether free or paid access to the media should be permitted for the discussion of public issues, directly or indirectly raised by the presentation of product commercials. Third, we asked for comment on whether there is a right of access to the broadcast media for those wishing to express views on controversial issues and comment on this aspect has been delayed somewhat because of the pending litigation in the *BEM* case.

Fourth, we invited comment on the application of the Fairness Doctrine to political broadcasting and, specifically, whether the quasi-equal opportunities doctrine—that a licensee who sells or gives time to one party or candidate should sell or give comparable time to rival parties or candidates—should in any way be modified or revised.

This represents a huge job. And the response has been helpful by and large. Comments have come in from more than 50 different parties—from the broadcasting industry, station licensees, advertisers, labor organizations, religious groups, public interest and other law firms, law schools, and the interested public itself. We have been offered novel ideas and approaches and some of them, like the FTC's recent filing on access time for counter-advertising, have already stirred up heated controversy.

It is a huge job, a vitally important one, and very, very tough—so that, again, we can promise no miracles. But we do promise all possible expedition and an end-result that is exhaustive and comprehensive. We have assigned senior staff to the project, and I have asked Dick Wiley (who as General Counsel was in on it from the start) to oversee the entire proceeding as Fairness Inquiry Commissioner. Among other procedures, we are planning to convene public panels sometime this spring. We learned in our cable television deliberations that the panel format is a most useful way to bring the interested parties together and, by knocking heads, to sharpen the issues at controversy. We will complete the inquiry this year, and some aspects by late spring or early summer.

I should add one note about political broadcasting. Commission staff is already considering the specific actions that will be required to implement the recently-enacted Federal Elections Campaign Act of 1971. Meetings have been held with representatives of the Comptroller General to coordinate our efforts in this regard. More generally with respect to political broadcasting, I want to mention that I have asked Commissioners Bartley, Wiley, and Bob Lee to come up with a format for instant-response by the Commission to the flood of 315 and fairness complaints that we anticipate this election year.

### *Broadcast license renewals*

Third and finally in the broadcast area, I want to report to you briefly on the Commission's re-examination of its renewal processes for commercial broadcast licensees. Over the recent past, there has been a real upsurge in the number of petitions and complaints directed to license renewal applications—and a great many of them involve the licensee's efforts to discover and then serve the needs and interests of his community. In most instances, the contentions raised in the filings were not communicated to the licensee during the license period and, in fact, there was little or no prior dialogue between petitioner and licensee.

Last year, as a consequence, we issued a Notice of Proposed Rule Making to seek some remedy for this situation—which is fair neither to the licensee nor to community groups. What we hope to do in general is simplify the renewal process by concentrating on essentials, encourage a continuing dialogue on community needs and interests, and finally—if there is ultimate resort to Commission processes—to provide for more orderly procedures that will be fair to all parties. We recently received an all-day staff presentation on the comments received in this docket, and a final Report and Order is now being drafted.

At the same time, we are attempting to supply more nearly definitive guidelines on the quality of past broadcast record that will entitle a renewal applicant to a "plus of major significance" and the reasonable expectation of renewal if challenged in a comparative hearing. As the court indicated in *Citizens Communication Center*, incumbent licensees should and probably must be judged primarily on their past performance, and if the record warrants a "plus of major significance", that may be the determinative factor. We initiated an inquiry to see if we could define the pertinent criteria, to help us evaluate what strong and solid program service means as a practical matter—and to help both licensees and potential challengers at the same time. Would some statistical standard be useful as a general guideline? And if so, what criteria should the statistics measure? We are now in process of reviewing the comments and a staff presentation will be made to the Commission in the very near future. We hope, by means of both these inquiries, to bring some order out of the uncertainty into which the renewal process has fallen.

### *Spectrum management and land mobile developments*

We are able to report today on substantial progress in our Spectrum Management Program—although not as much and not as fast as we hoped we could a year ago.

In February of last year, a rule making was instituted on new systems, techniques, and methodologies of land mobile spectrum management on a regional basis. The first Regional Center, as you will recall, is to be located in Chicago. In October, the Commission approved a new and extremely comprehensive application form that will enable us to establish an adequate data base and make informed judgments about the land mobile environment within which the Chicago Regional Center will ultimately operate.

The mobile monitoring van that was scheduled for delivery in July will not now arrive until March of this year. The contractor ran into technical problems in the design of the receivers that will be used in the van. With respect to a computer for the Chicago operation, we are in the final stages of negotiation and anticipate that an award will be made in a week or two. This will mean delivery and installation by late spring or early summer. Commission staff members are already occupying temporary space in downtown Chicago, and a lease for permanent space will be signed in our behalf by GSA within the present month.

One of the serious obstacles to getting the project on the track has been our inability to find the personnel we need according to the original schedule. And the general problem has been compounded, of course, by last fall's temporary freeze on all hiring and by our continuing efforts to keep average grade levels in line. We have been permitted to exempt some key slots from the grade average, however, and the program is moving forward. We anticipated a July 1972 operational date but, for all these reasons, that date has slipped to the end '72 or early '73.

The Chicago pilot project and the entire regional approach represent the only realistic long-range solution to effective spectrum management—but we have taken significant steps to meet more immediate land mobile needs. Our plan for the shared use of one of two UHF television channels in the nation's ten largest urban centers has now been put partially in effect with new and improved frequency assignment criteria. We began to assign these new frequencies in a limited number of cities in August, which in some cases means that as many as 240 new land mobile channels are now available. We are considering an extension of this sharing plan to other urban centers.

New rules have been adopted and others proposed to permit the introduction and development of new and more efficient communications techniques in the land mobile services. This involves digital communications, radio-teleprinters, radio-facsimile, and the remote control of industrial processes, heavy equipment, and railroad locomotives. Land mobile communications are also being used increasingly to improve the delivery of medical services to the public, and we have proposed to allocate frequencies within the limits of frequency resources to aid in that effort. Finally, we are continuing to provide for improvements in police communications. Additional frequencies have been made available for police use in the larger cities, not only to improve conventional systems but also for emerging new technology. A case in point is automatic information retrieval from central computers by police patrol cars, which now is possible in a matter of seconds.

### *Management improvements*

Somehow or other, Mr. Chairman, it always seems that a report on management improvements comes at the tail end. This is almost certainly a case of putting first things last, and I want to assure you that this does not parallel our operating procedures. We're well aware that the Commission internally has not caught up with the workload and the technology of the '70s, and we intend to close the gap. I want to give you and the Committee a brief report on progress so far.

A top-drawer OMB task force has been at work for the past several months on a preliminary review of our organization and operations, to diagnose problems and recommend follow-up action. We should have its report in hand very soon, and this will provide the basis both for immediate corrective action and for a comprehensive study by an outside independent source. Some major actions may call for a substantial amount of additional data and analysis. But the task force will make at least interim recommendations that we can begin to implement this Fiscal Year.

Our current workload of 850,000 applications a year represents a major challenge to an agency the size of the FCC—but we are gradually getting out from under the deluge. The largest volume of applications occurs in Safety & Special where about 38,000 are handled monthly, and approximately 77 percent of these in 21 days or less. In the broadcast and common carrier services, applications are increasingly complex, requiring extensive financial, legal, and engineering analysis; and the public is becoming more actively involved in Commission processes year by year. But we are cutting into the backlog of applications more than three months old. For example, the backlog of broadcast applications for new service and major changes has been cut by 27 percent in the past 18 months, and assignment and transfer applications by 30 percent. The backlog of domestic land mobile radio applications was reduced last year by about 40 percent.

The computer has enabled us to handle this increasing workload with far fewer people that would otherwise have been required. But much greater use must be made of computer technology to improve our operating effectiveness. An agencywide study to determine total computer requirements will be completed this summer. Then we will be able to computerize those areas that promise the best pay-off in cost reductions, improved information handling, and more thorough decision-making processes. To complement the computer, we are also expending our use of microfilm to store and retrieve documents, and to increase useable office space.

As I've just noted, we have already come to grips with the productivity problem, but we are convinced that more can and should be done. Next Fiscal Year we will have under way an agencywide manpower utilization program that should enable us to put out available resources to better use—from top professionals to clerical, and everything in between.

A year ago, Mr. Chairman, I reported that the goal of our fees collection program was to recover 100 percent of our FY–72 budget request. A lagging economy through much of the first half of FY–72 has made it necessary to revise the estimated return to about 81 percent, or $25 million. This contrasts with 59 percent in FY–71. But I do anticipate, with the decision on domestic satellites, an increase in specialized common carrier applications, and an economic upturn generally, that we can look forward with some confidence in reaching the 10 percent target in the next year.

The Committee has been furnished copies of Major Policy Problems pending before the the Commission—and this simply underscores the fact that today's report has touched on only a fraction of our concerns. I hope I have at least addressed those of greatest interest to the Committee, and now we are prepared to respond to any questions you may have.

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## WELFARE REFORM

Mr. CURTIS. Mr. President, the distinguished Governor of California, the Honorable Ronald Reagan, made one of the finest statements on welfare reform of any public official. I ask unanimous consent that it be placed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT BY THE HONORABLE RONALD REAGAN, GOVERNOR OF CALIFORNIA, TO THE SENATE FINANCE COMMITTEE, FEBRUARY 1, 1972

Mr. Chairman, members of the Committee, I appreciate the opportunity to testify here today—particularly since I have never before had this privilege and honor—and also because I consider the welfare problem the gravest domestic issue our Nation faces.

Two years ago welfare was out of control nationally and California was no exception. At that time HR 16311, and later HR 1, were presented as a solution to the problem. One of its authors responded publicly to critical question by answering that "It's better than sitting on our hands and doing nothing."

I share the President's desire to reform welfare and certainly share his belief that there should be a restoration of the work ethic. However, as you are aware, I have had some very serious reservations about several of the approaches to welfare reform embodied in HR 1.

In August 1970 I presented to this Committee a statement regarding the version of HR 16311 which was pending before your Committee. Many of the provisions of that bill to which I objected in my statement are in HR 1.

My remarks today will concentrate on 6 areas of major concern I have with HR 1 and with the need for federal action in achieving real welfare reform. I believe that:

1. States are better equipped than the federal government to administer effective welfare reforms if they are given broad authority to utilize administrative and policy discretion.

2. A system of a guaranteed income, whatever it may be called, would not be an effective reform of welfare, but would tend to create an even greater human problem.

3. A limit should be set on the gross income a family can receive and still remain eligible for welfare benefits.

4. For all those who are employable, a requirement be adopted that work in the community be performed as a condition of eligibility for welfare benefits *without additional compensation*.

5. The greatest single problem in welfare today is the breakdown of family responsibility. Strong provision should be made to insure maximum support from responsible absent parents.

6. A simplified system of pensions should be established for the needy aged, blind, and the totally and permanently disabled.

In August of 1970 the size and cost of welfare had grown into a monster which was devouring many of California's programs and was failing to meet the needs of those who, through no fault of their own, have nowhere else to turn but to government for subsistence. We didn't just become aware of this problem in 1970 but our earlier efforts to deal with it weren't too successful; perhaps because we relied on professional welfare experts to propose solutions and all too often they were more familiar with what they were sure they could not do, so the situation became worse instead of better. Finally, to avert a fiscal and human disaster, I asked several members of my administration, who had proven themselves in other state administrative posts, to form a task force and to devote full time for as long as it took to see if and how real reform of welfare could be developed and implemented. They expanded their task force to include experienced attorneys and other management and fiscal experts from the private sector. These men and women served on a volunteer basis for four months reviewing federal laws, state laws, and federal and state regulations. They interviewed over 700 people involved in administering welfare in California at all levels, and developed proposals and ideas for a realistic and humane reform of welfare.

In early March of 1971, not quite a year ago, we presented the legislature with the most comprehensive proposal for welfare reform ever attempted in California and perhaps the nation. All in all, there were over 70 major points involving administrative, regulatory, and legislative changes.

We had already gone ahead in January with those changes we could make administratively and we continued through the spring and summer until the legislature finally agreed to most of the statutory changes we'd asked for, plus others which were negotiated.

It should be pointed out that we weren't exactly exploring uncharted land. Our task force findings had led to the conclusion that the basic original structure of the welfare system was sound. It was based on a concept of aid to the needy aged, the blind and disabled and to children deprived of parental support. Able-bodied adults were expected to support themselves, their children and their aged parents to the extent of their capabilities. The system was meant to be administered by the states and counties with the federal government sharing the cost.

But we had also learned that, almost from the start, this basic structure had been undermined. Sometimes by federal or state law, but more often by regulations, state and federal. Regulations drawn up by the federal agency administering welfare reflected the philosophy of the permanent employees rather than an interpretation of the law. Thus the original legislative intent was often distorted.

Back in January when we began, there were plenty of experts telling us that no state could reform welfare; that the statutory, regulatory and administrative constraints were too many and too inflexible. Figures now indicate that they were wrong.

According to HEW, national welfare and Medi-caid costs combined increase last year by 27%. In California, we estimate an increase in welfare and Medi-caid costs of only 5.9% next year. And that doesn't tell the full story of what has happened and is still happening because of our reforms. We suspect we may be playing it too safe.

For several years up until last April, California's case load increased more than 40,000 persons per month. This held true even when the economy was booming and we had full employment. Our projections were that by this last December we would have added another 319,000 to the rolls. Not only did this not happen, but in December we had 176,000 fewer welfare recipients than we had in

March, 1971. In that nine month period we have reduced spending, federal, state and local, by more than $120,000,000 below what it would have been without the reform. Though the December figure increased by a few hundred recipients, it was 60,000 less than the increase in December of 1970, and the lowest December increase in 30 years.

Because of these savings, we have achieved one of our primary goals—we have been able to increase the grants to the truly needy. An AFDC family of four, to cite an example, receiving $221 last spring now receives $280 a month. A cost of living increase was granted in December to the aged, blind, and disabled. In the current fiscal year, we will spend $338,000,000 less in federal, state and county funds than would have been necessary without the reform. In our 72–73 budget I mentioned a moment ago, we are asking for $708,000,000 less than would have been required without reform.

Let me stress once again—the important thing is we didn't find any new magic formula. We simply overhauled the present structurally sound welfare system. We insured adequate aid to the aged, the blind, the disabled, and children who are deprived of parental support and reduced aid to the non-needy with realistic work incentives so that funds could be redirected to the truly needy. Our program requires employable recipients to accept work if offered, and that if jobs are not available, to work in the community in order to remain eligible. Absent fathers are now legally indebted to the county for benefits paid to their families with a provision for wage attachments and property liens, if necessary. Fiscal incentives are provided to help counties trace absent fathers.

But maybe most important is the fact that the California plan retains most of the administration and responsibility for an effective and efficient welfare program at the level closest to those who benefit and those who must pay the bill.

Members of our task force found that with provision for reasonable administrative discretion, combined with fiscal responsibility and discipline, the most effective administrative efforts in California were those carried on in the medium and smaller sized counties. We retained the concept of state supervision and county administration of welfare on a partnership basis.

In spite of our reforms, many of the greatest loopholes which still permit abuse, inhibit effective state action, and which have led to a loss of public confidence, remain in federal law and federal regulations—mainly regulation. We see a fiscal and administrative disaster if the administration of the welfare system is centralized here in Washington as proposed in HR 1. As you've already heard, HEW claims that HR 1 would save California $234,000,000. Actually, it would increase our costs by nearly $100,000,000.

We are presently being challenged in court on nine of our eighty-four changes on the grounds that we are in violation of federal law. Regardless of the outcome, we believe we are not in violation of Congressional intent before it was reinterpreted in regulations.

To get back to the matter of H.R. 1, I respectfully urge this Committee to eliminate the proposal to provide welfare benefits to intact families with employed fathers. I am not unaware of nor insensitive to the plight of the low earner but I believe relief to those families can be provided in the form of Social Security and income tax exemptions. It doesn't seem right to reduce a man's take-home pay with taxes and then send him a government dole which robs him of the feeling of accomplishment and dignity which comes from providing for his family by his own efforts. By the same token, we feel that the able-bodied recipient should be given the maximum opportunity to support his family by doing work in his community which will benefit the community. At the same time it develops and maintains his ability to perform effectively in a regular job when it becomes available. We don't suggest this in any punitive way nor are we advocating useless make-work chores. Not only will the individual benefit from participating in useful work, but those who foot the bill will be more apt to approve if they see community services being performed. If I could anticipate a possible question concerning the usefulness of such a community work force let me just mention one of the many possibilities. The Los Angeles school system reported last week that vandalism was costing that one city alone $50,000,000 a year. Night watchmen might change that.

I was pleased to see that the Talmadge amendment to the tax bill was adopted by Congress and signed into law by the President. Most of the features of the Talmadge amendment parallel very closely the "separation of employables" portion of our California welfare reform program. However, many of the so-called work incentives in the present system, and in H.R. 1 as passed by the House of Representatives, continue to *insure* aid to the non-needy, and able-bodied adults are not required to work in the community.

We recommend that a realistic and absolute ceiling be placed on the income that a family may have and still be eligible for welfare. The experts tell us on one hand (and I believe them) that all but a few welfare recipients would prefer to work if work or jobs were available. Yet, on the other hand, they tell us that we cannot expect someone to be willing to take a job or go to work if his welfare grant is significantly diminished. These expert opinions obviously are in conflict. I propose a combination of work incentives including a mandatory work requirement and, in the case of a mother-headed family, reasonable child care expenses and a portion of her income could be exempted until she has stabilized her work situation. However, an absolute ceiling on the gross income a family may receive and still be eligible for welfare should be set at 150% of the standard of need. The proposed limitation of work-related expenses contained in H.R. 1 should be retained.

We believe that the present grant sharing ratio between the state and the federal government should be retained. However, since eligibility of 85% of the caseload is due to an absent father, real fiscal relief can be provided the states by helping them solve this problem. We propose that the federal government adopt a plan similar to California's which would finance the effort to locate absent fathers and enforce compliance with child-support laws. The best source of funds would be to permit the states or counties to retain 100% of the federal share of grants recovered through collections from absent fathers and through efforts of fraud control units.

I support the concept of a simplified system of pensions for the needy aged, blind, and totally and permanently disabled. Sums of money spent on costly and complicated eligibility and grant determination systems for these categories would be better spent in increasing benefits to these people, many of whom have provided adequately for themselves during their productive and working days, but who have found that inflation has wiped out the fruits of their past accomplishments.

The effectiveness of the states' and counties' administration of welfare has come under heavy criticism and attack. Perhaps in a number of instances this may be justified. However, it is almost impossible to hold a state accountable for effective administrative practices and policies under the present straight jacket of federal statutes, court interpretations, regulations, and abuses of administrative discretion. Give the states the broadest authority to administer the system with proper goals and objectives and then hold us accountable for our effectiveness in meeting these goals and objectives. Senator Curtis' approach in S-2037 to severely constrain the power of federal administrators and return authority to the states is definitely going in the right direction.

I am submitting at this time to you a more detailed listing of amendments that we would offer to HR 1 and urge your favorable consideration of them. They are the product of our experience with an actual reform program that is succeeding in California, they are not theory. I believe that we have demonstrated in California that a responsible approach to reform of the present welfare system is possible and that given tools, discretion, and adequate financial assistance, states and counties are in the best position to provide a welfare system patterned to meet the real needs of those in America who, though no fault of their own, have nowhere else to turn but to government.

What California has done—other states can do.

Welfare needs a purpose—to provide for the needy of course—but more than that, to salvage these our fellow citizens, to make them self-sustaining and as quickly as possible, independent of welfare. There has been something terribly wrong with a program that grows ever larger even when prosperity for everyone else is increasing.

We should measure welfare's success by how many people leave welfare, not by how many more are added.

Thank you.

## CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, I would like to report that according to current Census Bureau approximations, the total population of the United States as of today is 208,714,259. This represents an increase of 154,867 since January 1, or roughly the size of Tacoma, Wash. It also represents an addition of 2,029,025 since February 1, last year, an increase which is equal to four new cities the size of Atlanta, Ga.

## THE ENVIRONMENTAL PROTECTION AGENCY

Mr. BROCK. Mr. President, a good example of an open public policy may be found at the Environmental Protection Agency as it has been implemented by its fine Administrator, William D. Ruckleshaus. The EPA, as it is commonly known, was established through a reorganization plan submitted by the President in July 1970. Since that time, EPA has established an extremely creditable record of achievements.

In addition to this public-spirited policy, the importance of agency commitment to public involvement must be underscored. For without this essential ingredient, such a policy would not only be unnecessary, but would atrophy from disuse.

With the significance of these two elements in mind, I would like to share with my colleagues an article by Mr. Michael Frome, conservationist editor of the Field and Stream magazine. The article, entitled "Environmental Protection Agency: Plain Talk and a Strong Arm," appears in the current issue of Field and Stream and emphasizes the great need for "openness" and public commitment.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### ENVIRONMENTAL PROTECTION AGENCY: PLAIN TALK AND A STRONG ARM

(By Michael Frome)

A policy that cannot be enunciated openly and defended in public debate is almost certainly bad policy. The public must be actively involved, from the very outset, in the process of decision-making. William D. Ruckelshaus, administrator of the Environmental Protection Agency, whom I have learned to know and respect, expresses this idea in other words. "The more open attitude toward the public and the press, the better off we are going to be," he declares. "It's been my experience that the quickest way to get into trouble is to appear to be not entirely open about what you are doing, including mistakes as well as progress you are making. A bigger mistake than the mistake itself is trying to hide it."

You might expect that such a straightforward concept would prevail throughout the Federal agencies in Washington. After all, how can administrators fail to benefit from an open input of ideas from the public they profess to serve? Even with serious criticism—only better programs can emerge.

Still, that's not how it works. Over at the Department of the Interior, it is very difficult, if not impossible, to obtain early draft environmental impact statements or agency comments, as provided for under the National Environmental Policy Act and the guidelines of the Council on Environmental Quality. The public is given the runaround or held at arm's length until, as the National Wildlife Federation aptly put it recently, the reports are "culled and sanitized."

Even the Council on Environmental Quality has taken the position that the advice it gives the President is privileged and confidential. The public simply does not learn about viewpoints taken by the Council but rejected by the President. In his excellent book, "Defending the Environment," Professor Joseph Sax criticized this procedure: "The Council's public position will in essence be that of a spokesman for the administration, rather than—as had been widely hoped—a spokesman for the public openly expressing views which might at times be at odds with the administration's position and thereby using its prestige and public constituency as leverage to induce the administration to adopt sounder environmental policies."

The adversary system—evoking independent, critical ideas—must be built into the government structure. The voice of the adversary from without who speaks the public cause should be welcomed as a counterbalance to the dominant voices of the entrenched self-perpetuating bureaucracy and the economic-political power structure.

Ruckelshaus is refreshing because he appreciates these needs. In a speech before the American Chemical Society, for instance, he said that Government decisions on the use of DDT cannot be based only on the reports of scientists, but rather on the input of people on the kind of social and physical life they desire and the risks they are willing to accept to achieve it. "If a decision regarding the use of a particular chemical is to have credibility with the public, and with the media that may strongly influence that public judgment," he declared, "then the decision must be made in the full glare of the public limelight."

EPA is a little more than one year old. It came into being with the assigned mission of treating environmental problems—air pollution, water quality, solid wastes, pesticides, and radiation—as one interrelated whole, by pulling together fifteen agencies scattered throughout the Government. This is not exactly an easy job, in the face of contradictory Federal laws, the old states' rights cop-out, political fire and crossfire as to who should get the credit (or the blame), and the pressures of big industry thoroughly accustomed to having its own way. Then, too, consider the outlook of EPA employees, finding themselves on the firing line after long years of training in the fine art of studied inaction and buck-passing.

Ruckelshaus and his agency have been subject to criticism, serious questions and misgivings, even from their friends. Why doesn't he ban the use of DDT, particularly in the light of his most recent scientific report that it constitutes a hazard to the environment? Why did he give support to pesticide legislation which actually sets back the cause of effective control? Representatives Henry S. Reuss and Guy Vander Jagt, of the House Subcommittee on Conservation and Natural Resources, have derided the "snail-like pace of our anti-pollution program." Is EPA, therefore, really making full use of the Refuse Act of 1899 to stop stream pollution? Why did it turn its back on the promising pilot program of sewage disposal at Muskegon, Michigan, which it originally encouraged? Is the multi-billion dollar expenditure for waste treatment plants catering to archaic concepts that promote further use of waterways as public sewers? Above all, have business-minded staff members at the White House undermined EPA efforts to get tough, with Ruckelshaus knuckling under in order to conform to the party line?

Regardless of what the answers may be, these questions underscore the urgency of public awareness and involvement. It's no longer enough for sportsmen, or sportsmen's organizations, biologists, birdwatchers, or other protectors of the outdoors to be content with the allocation of X or Y number of acres or miles of stream set aside for use and enjoyment. Not with the inevitable impacts of pollution and land use around them.

Secretary of Commerce Maurice Stans has taken the clearcut position that environmental concerns must not interfere with business profits. He derives built-in support from President Nixon's National Industrial Pollution Control Council (call it Nip-cee for short), composed of sixty-three members, about one-fourth of whom represent firms with civil or criminal pollution abatement proceedings pending against them. That's a constituency of plainly defined objectives, if ever there was one.

Ruckelshaus and EPA have their constituency, too: the broad movement of young and old, of all of us working and hoping for a better environment. Thus it was encouraging last October when the EPA staff conducted a briefing in Washington for representatives of citizen groups from various sections of the country, explaining activities, objectives, where and how they can be reached, answering questions. No other agency dealing with resources or the environment has conducted a program of this nature designed to deal the public in. Though impressed with the concept of the affair, I came away with certain reservations. For too many of the EPA assistant administrators, while expressing a desire for public input and involvement, then proceeded to warn against "backlash," "extremism," and pleaded the need for "balance"—as though they themselves lack understanding and commitment.

One of the most hopeful signs of citizen participation in the EPA process is the existence of a Youth Advisory Board in each region, with a National Advisory Board counseling directly with Ruckelshaus and his staff. Recently I met with John Shiner and Robert Bannister, the coordinators of this program, both of whom were active in Earth Day 1970, both part of the host of young who speak with courage and conviction in voices that need to be heard. Their participation represents the adversary system of which I wrote above. And EPA is the only agency with the imagination and sufficient will to put it in action.

It's only the beginning, I hope. What we need is a national environmental surveillance program—a youth program of inquiry, investigation, and inventory, designed to evaluate what's good and bad about the landscape in every city and state, with observations recorded on paper and film. There need to be questions asked, lots of them, and the answers given in (as Ruckelshaus puts it) "the full glare of the public limelight." I can't think of anyone more entitled to straight answers than America's young, or an agency better fit to sponsor such a program than EPA.

As to the future of the agency, its administrator has the knack of delivering serious speeches of depth and breadth, happily minus the usual political double-talk. Before the World Energy Conference, he departed from the Nixon line, demanding that power companies stop promoting the use of electricity until related environmental problems are closely analyzed; he urged the recycling of energy, elimination of waste, and challenged the philosophy of growth for its own sake—language we need to hear more from leaders in government. When EPA moved in last fall to shut down the factories of over-polluted Birmingham, it was the first use of injunction powers under Clean Air Act—showing there is muscle to mobilize behind the punch. Now we need more of the same, a consistent, hard-hitting program that signals to all levels of government and industry the urgency of shifting into high gear.

Miracles overnight may be too much to expect, but the age of alibis and evasion is finished. Given public understanding and involvement, there is no turning back from the age of commitment and environmental cleanup.

## THE PRESIDENT'S PEACE PROPOSALS

Mr. SCOTT. Mr. President, following the outstanding and revealing peace proposal speech to the Nation by President Nixon, I introduced into the RECORD a series of editorials from major newspapers. I will continue to place in the RECORD other editorials as they come to my attention.

Mr. President, today I ask unanimous consent to insert in the RECORD editorials: "Nixon Goes 'Extra Mile'," Pittsburgh Post-Gazette, January 27, 1972, and "Nixon Clears the Decks," the Pittsburgh Press, January 26, 1972.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Pittsburgh Post-Gazette, Jan. 27, 1972]

### NIXON GOES "EXTRA MILE"

President Nixon's eight-point plan for peace in Indochina is reasonable and fair. It goes even farther than the "extra mile" to which he referred in explaining how he proposes to obtain a political settlement rather than surrender to the communists.

The plan includes concessions which Mr. Nixon's critics have insisted we should make. He proposes that within six months of an agreement all U.S. and allied forces will be withdrawn from South Vietnam, that there shall be a ceasefire throughout Indochina, and there shall be a new presidential election in South Vietnam.

The only thing the plan doesn't do, the President said, is to join the enemy to overthrow our ally, "which the United States will never do." Even so, by providing for a free and democratic presidential election and the resignation of the present leaders a month before the election, the President goes far to meet the overthrow demand.

Two results were inevitable from the moment the President opened his mouth. One was that the communists would reject the plan, at least publicly, with a propaganda blast. The other was that the President would be accused of playing domestic politics.

Communist rejection reflects the enemy's belief that he is winning the war while our position deteriorates through troop withdrawals, and his further conviction that widespread American opposition to a continuation of the conflict will hasten our surrender.

Attacks on the plan by Americans (many critics waited in the wings to fault whatever the President said) will encourage communist obduracy. If, on the contrary, American sentiment rallied behind the plan, there would be better hope of a negotiated settlement. The trouble is that by now so many domestic critics depend upon a communist victory for vindication that it is exceedingly difficult to develop anything like unanimity behind the President's proposals, however reasonable they may be.

As for the charge of politics, here again it is impossible for the President to avoid criticism. Secret negotiations are damned by those who will go so far as to steal highly classified government documents to expose them. But if after 30 months of secret negotiations, the President's latest proposals are ignored and he takes them to the public, then he is accused of playing politics. How can he win?

We are among those Americans who think that it was a dreadful mistake for this country ever to have intervened in Indochina. But we are not among those who think that whatever our government says must be false and that what the communists say must be true.

On the contrary, we have believed all along that the President was making a sincere effort to achieve an early political settlement of the war. His statement Tuesday night reinforces that belief.

His efforts have little chance of success, however, unless the great majority of Americans accepts his proposals as fair and lets the enemy know that we stand behind them.

[From the Pittsburgh Press, Jan. 26]
1972]

### NIXON CLEARS THE DECKS

President Nixon's Vietnam speech last night should change a lot of thinking about that frustrating, infernal war and the extraordinary efforts to end it.

The settlement plan he said had been privately offered the North Vietnamese and rejected is eminently fair, even generous.

If they believe what they have been saying, that they want "self-determination" by the people of South Vietnam, Mr. Nixon gave them the chance to get it.

The offer of South Vietnam's President Nguyen Van Thieu and his vice president to resign a month before new elections is more than the Communists of the North had any right to expect.

If, as the Communists say, it is the right of the South Vietnamese to choose, once again, their own leaders they cannot object to an election supervised by an international agency.

President Nixon said he offered last May to pull out all U.S. and allied forces by a definite date in exchange for the release of all prisoners of war (on both sides) and a ceasefire.

What can be fairer or more practical than that?

The President revealed he has been privately negotiating with the North Vietnamese for 30 months. His latest offers of a settlement have not been rejected, only ignored.

The last contact with the North Vietnamese was Nov. 17, Mr. Nixon said. No word since. In that light, he decided to make public details of the secret talks in the hope that this might "break the deadlock."

It's difficult to tell whether this will succeed—but if you can't get a breakthrough up one street, the only thing to do is try another.

Just a few days ago, the North Vietnamese, while withholding an answer to Mr. Nixon's push for negotiations, officially were broadcasting from Hanoi a demand that the United States set a "definitive" date for withdrawing all forces "unconditionally."

The United States cannot withdraw "unconditionally." It cannot wholly withdraw without an agreement on the release of the prisoners of war.

It cannot, on the way out, wantonly scuttle the Thieu government.

Mr. Nixon's course, as he outlined it last night, is the only honorable, decent course he could follow.

In view of the obviously deliberate stalemate set up by Hanoi, his decision to make public the long series of secret talks was a necessary decision—it just might be productive.

In Washington, and perhaps elsewhere, the first question, of course, was: Why did the President choose this time to reveal the secret and futile talks?

Was it to still the political clamor for a definite date for final withdrawal? No doubt he had that in mind. But judging by the reaction to his speech, obviously it hasn't altogether had that effect. But his disclosures do make the carping sound pretty puny. And destroy its validity.

Was the timing of this speech politically motivated? All one can say is that it is an election year and the President is a politician.

However, the job is to get the war ended, American forces home safely and, most important, release of the prisoners of war.

Anything which accomplishes that the people can support, political overtones or not. Besides, anything a president does, in any year, invariably has political overtones, intended or suspected.

The essence of it is that the President has been trying. He already has brought home the overwhelming majority of U.S. forces in Vietnam.

This has been accomplished, up to now, on a practical although rapid basis, and without loss of honor or betrayal of commitment.

This is one place, despite anything else, where the President has been faithfully keeping a promise. On that basis Americans can hope for an ultimately satisfactory and conclusive solution to this tragic adventure.

## PROBLEMS OF THE METROPOLITAN AREAS

Mr. ALLOTT. Mr. President, I rise today to call to the attention of my colleagues a statement by Secretary of Housing and Urban Development, George Romney, relative to the Government's approach to a problem of our metropolitan areas. The problems of multiple autonomous local governments in metropolitan areas is especially acute in the area of housing. Housing abandonment which is taking place in increasingly larger numbers in our core cities has become of growing concern to me. I commend Secretary Romney for his attempts to create dialog and in seeking to join with local officials in approaching solutions to urban problems on a metropolitan basis.

Mr. President, I ask unanimous consent that a portion of Secretary Romney's remarks be placed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD as follows:

### STATEMENT BY SECRETARY GEORGE ROMNEY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, JANUARY 4, 1972

Good afternoon and New Year greetings.

You have received a handout listing HUD's accomplishments in the three-year period just ended. Let me give some of the highlights of 1971.

As you know, '71 was a record year for housing production. As shown by the chart, we attained an all-time high as total production—including mobile homes—exceed 2½ million units. HUD helped by the pace we set in assisted housing and by support of the mortgage market. Over the past three years, the Government National Mortgage Association has provided $12.5 billion in assistance to aid in the financing of 660,000 units of housing, most of them for lower income families.

Organizationally, we made substantial progress in realigning and decentralizing the Department. We have installed a functionalized management structure, delegated a large share of decision-making and project-approval authority to our 39 new area offices, and generally created a field organization that can respond to local needs more quickly and effectively.

Our Operation Breakthrough is stimulating a revolution in housing construction, marketing, land use, and management. Stimulated by the Breakthrough lead, more and more companies are entering the field of industrialized housing. I renew my prediction that by 1980, two-thirds to three-fourths of all housing production will be prefabricated, either on a component basis or as complete housing systems.

In the field of housing management we have concentrated on seeking improved techniques of management and developing improved tenant-management relationships. We propose the establishment of a prototype housing management training center to train some of the 40,000 professional managers who will be needed by 1980 to augment the present force of 20,000.

Efforts to strengthen the thrust toward equal opportunity in housing were accelerated by the President's historic statement of last June 11. In the wake of that statement, we have sent to the Federal Register for publication this week the project selection criteria and affirmative marketing guidelines that give us formal means for fostering our equal opportunity goals and policies.

All HUD programs intended to assist in community development were placed under a single assistant secretary in 1971. In keeping with this functional grouping, we have completed annual arrangements progress agreements through which resources from all HUD programs are earmarked to assist communities in developing their locally-planned improvement programs. Agreements have been completed in 16 localities, and many more are under negotiation.

A two-year demonstration program of planned variations has modified the Model Cities program so as to give 20 cities much greater flexibility in the use of Model Cities funds.

We have actively promoted the growth of areawide planning and coordination. Our estimate is that, by the end of this fiscal year, areawide planning agencies assisted by HUD will include more than half of the Nation's 3,100 counties and three-fourths of our population.

A New Community Development Corporation was created in 1971. The five-man board is headed by the Secretary of Housing and Urban Development.

In 1971, our Federal Insurance Administration designed and put into operation a completely new program: crime insurance. The National Flood Insurance Program was extended to cover 900 communities in 47 States and Puerto Rico.

In the research area, in addition to Operation Breakthrough, we have:

Designed a test for solid waste collection system and a total energy system.

Issued a design guide for home safety.

Established interim standards of acceptable noise exposure.

Conducted an experiment on the homeownership potential of low-income people.

Commissioned two major studies on the problem of housing abandonment.

The New Year of 1972 has brought us to a turning point in our efforts to help meet the nation's housing needs.

We have set new records in housing production. We have helped great numbers of American families to secure decent housing or achieve home ownership.

Predictably, we have found deficiencies in the programs we administer, and we have had to correct defects in the way we administer them. We have learned, and we have stressed repeatedly to our employees who carry out the programs, that volume housing production is not to be achieved at the cost of lowered housing quality or slipshod administrative practices.

Achievement of national objectives in housing for low and moderate-income families within the inner cities, as well as without, has confirmed the seriousness of weaknesses and defects in the assisted programs themselves, particularly as they operate in metropolitan areas. On December 22nd in a joint press conference with Secretaries Morton, Richardson, and Volpe, I pointed out:

"On the negative side, millions of central city families will face threatening social, economic, and racial strains and tensions. The accelerating decay of core cities, with loss of human and economic resources and continuing rural migration, has not been reversed. Fragmented local governments, weakened state governments, and too numerous and complex separately-financed federal programs are not equal to the challenge. Furthermore, the rotting of central cities is beginning to rot the surrounding suburbs."

It is time to be even more specific.

Congressionally mandated home ownership programs in existing housing in the inner cities for the "neediest families" not only are not working satisfactorily in certain cities; they are clearly contributing to housing abandonment.

Poor families have been victimized by unscrupulous speculators who took advantage of a number of factors simultaneously: the inherent character of programs; the uninformed and unprepared character of the buyers; the removal of previous program safeguards in the late 1960's in response to Congressional and public insistence for ending "red-lining"; as well as the time it takes in a bureaucratic framework to re-establish necessary administrative effectiveness.

"No doubt there is both Congressional and administrative responsibility for the urgent problems which have now become obvious in a few cities, but which could exist in any other metropolitan area where there is a central city surrounded by suburbs.

We would be fortunate if the housing problem in central cities could be solved simply by HUD's further tightening of its administrative procedures—including the requirement for larger down payments, maintenance reserves, counseling, and city inspection to insure compliance with local building codes. Beyond this, actions could be taken to terminate our programs in the central cities, or to limit their use to homeowners who are selling their own homes to other prospective homeowners and thus reduce the unscrupulous activities of speculators.

Mr. ALLOTT. Mr. President, Secretary Romney points out basic fundamentals that are frequently overlooked in seeking answers to the problem of our cities, which are:

1. The housing problem in our central cities results from all the social, economic and physical problems now afflicting our urban areas.

2. The worst problems in our urban areas are largely concentrated at this point in our central cities because of the multiple autonomous governments that impede or prevent metropolitan areas from developing metropolitan solutions for metropolitan problems.

3. State responsibility for the creation, maintenance and supervision of local governments, is fundamental, and they must exercise that responsibility in ways which will help overcome the mounting human and economic costs that result from the balkanization of metropolitan areas among multiple general purpose governments.

4. The widespread abandonment of the central city, except for the downtown business district, by private investors and private leadership, is continuing.

5. Housing programs alone cannot solve the housing problem in the central cities. The housing problem in the central cities cannot be solved totally without solving the social problems of crime, drug addiction, inadequate education, health and other public services—as well as the economic problems of soaring taxes and disproportionate inner city unemployment, a considerable part of which results from the flight of industry and business to the suburbs.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the remainder of Secretary Romney's speech be included in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Under these circumstances and facing these fundamentals. I cannot in good conscience take action that would add to the already disproportionate problems of the central cities. Yet it is time to act. It is time to at least determine whether the action to be taken can be based on joint federal, state, metropolitan-wide, public and private effort. or whether it must for the immediate future be limited to federal and central city action.

To help make this determination, I will convene meetings in the immediate future in Boston, Detroit, Philadelphia, St. Louis and, Wilmington, to which we will invite representatives of the federal departments whose programs fund social, economic and physical urban programs, the Governors and Mayors of central cities and suburbs, country and area-wide officials, and representative private leadership.

The purpose of these meetings will be to determine the extent to which available resources and leadership can be applied more effectively in preventing spreading abandonment in the central cities. HUD will be prepared to devote some additional resources in those cities where promising possibilities develop.

It is time to determine whether state, suburban and private leadership are willing to recognize that if the central cities continue to rot it will gradually spread throughout the area. Perhaps it is time these leaders were more aware of the future possibility of a relationship between the funding of federal programs and the degree of effective metropolitan area planning and development they carry out.

As Vice President Agnew pointed out in his November 30 speech to the National League of Cities:

"The basic solution to the city's problems must begin with the acceptance of responsibility by those who live off the city, who benefit from its commerce, who enjoy its conveniences and unique facilities. I don't mean just the city's residents; I mean those who live around it—who work in it by day and leave it by night; all of those who visit it to shop, who ride its transit vehicles, enjoy its theaters, museums, restaurants, zoos, clubs, and sports arenas, and expect to walk or ride through its streets in safety. They will have to pay for, as well as enjoy, the city's benefits.

"There must be adopted in America a truly metropolitan approach to the city's problems. And this is going to require great changes in attitude by mayors and city councilmen, as well as by county and State officials. These governmental units can no longer view themselves as isolated enclaves, independent of each other's problems. A new spirit of cooperation is essential if we are to solve this Nation's domestic problems. While the city's problems may be isolated in a geographical sense, their effect permeates the entire metropolitan area, and the entire metropolitan area should assist in eliminating them.

"In short, the suburban resident who thinks he has fled the city's problems, but can still enjoy its benefits, must realize that if the city dies—if the core rots—then the whole apple goes. He can't intelligently take the attitude, 'I've moved out; to hell with it."

In the meantime, we will sacrifice production of assisted housing in 1972, if necessary, in order to insure good quality in what is produced. Having achieved unprecedented production volume in 1971, in 1972 we will emphasize, as well, quality in production of housing, quality in processing of our housing programs, and quality in the living environments where HUD housing programs operate.

Mr. President, we must all realize, as does Secretary Romney, that housing programs cannot exist in a vacuum. Constructing huge projects often serves to create future "island slums," places where the poor reside, lacking basic ingredients of life. A job base, commercial facilities, health and public services must be integrated with new and improved housing. I am certain that all Senators join with me in wishing the Secretary luck as these meetings progress in search of a solution to the spreading abandonment in our central cities.

## NOISE POLLUTION

Mr. CRANSTON. Mr. President, one of the major environmental problems today is the rising level of urban noise. Noise pollution is a serious source of tension and stress, impairing our physical and psychological health. Some experts predict that every city dweller in America will be completely deaf by the year 2000.

Jet aircraft noise alone adversely affects over 10 million people in the United States. In addition, noise from motor vehicles, construction equipment, and household appliances every day disrupts the lives of all Americans.

The technology exists to eliminate a large measure of our noise pollution. However, meaningful noise standards have not been set. We can no longer tolerate this situation.

An editorial which appeared in the January 31, 1972, issue of the Los Angeles Times calls attention to the seriousness of the noise pollution problem and the need for congressional action.

The agenda before the Senate includes a comprehensive noise control bill, S. 1016, to deal with industrial, transportation, and equipment noise. I have sponsored an amendment to strengthen the measure by requiring the Administrator of the Environmental Protection Agency to set noise control standards for all major sources of noise. It also requires that household products bear labels indicating their actual level of noise generation. In addition, I have introduced legislation, S. 1566, to require noise retrofit of commercial aircraft engines.

I hope that the Congress can proceed promptly in the direction suggested by the Los Angeles Times editorial. The time has already passed since we can afford the luxury of uncontrolled noise pollution.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Jan. 31, 1972]

### CONGRESS SHOULD BE HEARD ON NOISE POLLUTION

This is the year for Congress to act against noise pollution.

The U.S. Environmental Protection Agency has told Congress that technology now exists to control most forms of noise pollution but federal noise standards enforcement procedures are not yet adequate.

It wants from Congress authority to set limits on noise from transportation and construction equipment, as well as requiring product-labeling on noise-producing machinery and appliances so that consumers could see which are quieter than others.

Among other things, the EPA wants for itself the authority to approve standards set by the Federal Aviation Administration on aircraft engine noise. The question of authority is deeply involved with the argument over whether the technology to reduce aircraft noise to any meaningful degree is in fact currently available. The FAA says it is not. The airline industry, on its part, is concerned over the $1 million-a-plane cost of refitting engines to make them quieter, especially since improved technology could in a few years make possible much more appreciable reduction in engine noise.

Aircraft noise is only part of the problem, however. There are more cars, trucks and motorcycles on the roads now than ever before. There is more construction equipment at work, more chain saws cutting, more home appliances humming than ever before. All contribute to raising the noise level.

Noise is more than an annoyance, it is a health problem. Medical evidence mounts of the adverse effects of loud and constant noise on our physical, and psychological well being. Excessive noise not only harms hearing and interferes with sleep. It may have effects on the heart, the circulatory and respiratory systems. Too much noise is indisputably bad for people, and most of us are exposed for varying parts of the day to too much noise.

Hearing tests were given recently to more than 40 rock musicians; half were found to have some impairment. The doctors who conducted the examinations noted, however, that audiences at rock concerts actually were exposed to higher noise levels than the performers, because of amplifying equipment. Hearing impairment is becoming not only an occupational risk, it would appear, but a cultural one as well.

Part of the noise problem is educational, informing people of the dangers of excessive—and frequently avoidable—noise. A vacuum cleaner manufacturer introduced a quiet model a while back and found it didn't sell well; housewives associated noise with power. Dealers say that motorcycle buyers do the same.

Substantial noise reduction can be achieved in most powered products at only a small added cost. A main problem up to now, as the EPA told Congress, has been "inadequate social, economic or governmental pressures" for noise abatement. The legislation for doing something has been proposed and the need to do something is evident. Just listen.

## A SERGEANT SPEAKS OUT

Mr. SCOTT. Mr. President, a constituent of mine, Air Force M. Sgt. John F. Harte, called his local newspaper the other day—from Japan—to defend President Nixon and what he had to say in his state of the Union address. Sergeant Harte tried to call the Democrats on their special television show, as per their suggestion, but they would not accept charges. So, Sergeant Harte placed a call to the Delaware County Daily Times at Chester, Pa., where he asked:

> Why do they not comment on how well President Nixon is getting people out of Vietnam and why do they not comment on what he is trying to do for the poverty program?

Mr. President, I ask unanimous consent to insert into today's RECORD a copy of the news story written on Sergeant Harte's experience.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### CALLS FROM JAPAN TO BACK NIXON—WOODLYN SOLDIER PAYS $20 TO GIVE HIS 2 CENTS' WORTH

(By Joe Zelnik)

"I'm calling from far away, so you'll have to talk loud," said the distant voice on the other end of the wire Friday afternoon.

"Uh-huh," said the reporter, accustomed to practical jokes from friends in Media.

"I'm telephoning from Japan," continued the clear voice.

"Yeah," nodded the reporter, ready to cut off the wise guy.

"My name is John Harte, with an 'e'," said the voice, "and I just tried to call the Democrats who attacked President Nixon, but they wouldn't accept my call."

"Well why are you calling us?" asked the reporter, waiting for the punch line.

"Because I'm from Woodlyn." he replied, "and you're my hometown paper."

And that's how John F. Harte came to spend $20 to defend his President.

Harte, a master sergeant in the Air Force stationed at Wakkanai, Japan, had listened over American Forces Radio to a transmission of "Your Voice Counts," a Democratic Party reply to President Nixon's State of the Union Message.

When moderator Sen. Thomas F. Eagleton of Missouri invited viewers and listeners to phone their questions, collect, to the panel of Democrats in Washington, Sgt. Harte tried to place a call.

The Democrats, acknowledged to be in rough shape financially, declined to accept a collect call from Japan. So, Harte decided to call his hometown paper, 6,500 miles away. The cost to him was $4-a-minute for a five-minute call.

"Some of us who have put our time in the service would like to hear both sides," said Harte, obviously disgruntled with the Democratic program.

"I have two questions," he continued. "First, why do they not comment on how well President Nixon is getting people out of Vietnam? Second, why do they not comment on what he is trying to do for the poverty program?"

The reporter agreed that the sergeant's questions would go into print.

Pressed as to just where in Japan he was, Harte said he was in northern Japan. "You don't get any further north," he said.

"Your time is up," said a very Japanese female voice.

"I will pay for the additional time," said the sergeant.

"I am sorry," said the operator, "I cannot do that."

And then he was gone.

Harte's parents died when he was young and he was reared by two aunts, Mrs. Anna Carpenter and Mrs. Margaret Abbott of 1414 Grant Ave. in Woodlyn, Ridley Township.

He is 37, a graduate of Ridley Township High School, worked at Westinghouse for a brief time, and has been in the Air Force for 18 years.

"He's on an island 15 miles from Russia," said Mrs. Abbott.

And Mrs. Carpenter pointed out that they had received a package from him, earlier that day, containing two figurine dolls and a tea set.

Harte and his wife were home for a week this summer and his aunts remembered that he was very interested in the upcoming elections, but they did not recollect that he committed himself to either party.

Harte also has an uncle in Delaware County, E. Joseph Hegarty of Knowlton Road, Village Green, Aston and a sister, Mrs. Robert (Helen) Rodgers of 912 Truepenny Road, Media.

Mrs. Rodgers said her brother had called from Japan once before, to inquire about the family's safety when he heard of the County's September floods.

Each of Harte's relatives, told about his phone call, had the same thing to say: "That's Jackie!"

"He's a nice boy," said Mrs. Hegarty, "but sort of headstrong. If he wanted to put in his two cents, he find a way."

He did. But it cost $20.

## GOOD SPORTSMANSHIP AND FRIENDSHIP

Mr. CURTIS. Mr. President, an outstanding reporter on the Omaha World Herald, Mr. Tom Allan, wrote a touching story involving good sportsmanship and friendship. His story was published soon after the Orange Bowl game on January 1, 1972, in which the Nebraska football team maintained its No. 1 position.

The sports commentator, Joe Garagiola, thought that this story was worth retelling. He did this on NBC's radio program last Sunday.

Mr. President, this story originally reported by Tom Allan does merit retelling. It is of interest to every American. We all knew that Johnny Rodgers was a great football player, but this account shows him as a great person also. For that reason, I ask unanimous consent to have printed in the RECORD Joe Garagiola's statement as reprinted in the Omaha World Herald, January 30, 1972.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### JOHNNY'S BIGGEST MOMENT CAME IN DRESSING ROOM

The following is the script of a sports commentary that announcer Joe Garagiola will give today on NBC radio's "Monitor" program:

It's doubtful if a college football game ever got more coverage than the meeting between Nebraska and Alabama in the Orange Bowl on New Year's night. Still, there was something that happened that night that you might not have heard about. If you didn't, I think there is something in the story for all of us.

I learned about it from the column of Tom Allan of The Omaha World-Herald.

It's a story of two men. One is a former Nebraska split end, Rex Lowe. He wasn't in uniform on New Year's night in Miami, but he was there. He sat on the sidelines in his wheelchair, which has been his means of transportation since he was stricken with Hodgkin's disease.

The men on the field had been his teammates, and he was proud of all of them, as they nailed down the lid on their rating as the nation's No. 1 team. It had to be a thrill for him. It was a thrill for me, as I sat in the stands that night. The whole Nebraska team was exciting to watch, especially Johnny Rodgers.

In writing about that night, Tom Allan said, "In future years, cold statistics in sports record books will show Johnny's biggest moment in the Orange Bowl was his game-breaking 77-yard punt return for a touchdown.

"But such 'impossible' scampers have become a tradition for Johnny R. He pulls stadium crowds to their feet in expectancy every time he fields the ball. It has become the trademark of a supremely talented athlete. What moment could be finer?"

Then Tom Allan tells us of an even finer moment. After the game, the Nebraska dressing room was crowded and noisy. Off to one side, quietly enjoying it all, was Rex Lowe in his wheelchair.

In the middle of all the attention was Johnny Rodgers, holding the game ball. Suddenly Rodgers jumped up on a bench. Over the noise he started to yell. He said, "Hey, guys, give me your attention. I know we always put it to a vote to see who gets the game ball. But I say it should go by acclamation to one of the greatest guys there is, Rex Lowe."

The approval came quick and loud, and Johnny Rodgers slipped through the crowd as gracefully as he had gone through the Alabama team. He gave the ball to Lowe.

The young man accepted it, and the tears began to come. Then the two men embraced each other, and both cried openly.

In these days when we hear so much of hate, I might point out that Johnny Rodgers is black, and Rex Lowe is white. Although in that beautiful moment in the Nebraska dressing room, neither man seemed to notice that.

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## THE SCOPE OF A MUSEUM'S ACTIVITIES

Mr. PELL. Mr. President, in the February issue of Museum News an opinion page was presented by George C. Seybolt, president of the board of trustees at the Boston Museum of Fine Arts and president of the William Underwood Co. Mr. Seybolt holds the view that a museum trustee should take an active, not a passive, role in insuring that a museum's services are meeting the demonstrated needs of an ever-increasing public. In his own words:

> Since a substantial part of every museum's collections and endowments are derived from our method of tax deductions, the trustee is . . . responsible to the taxpayer, and by extension, to every citizen. It follows that in executing his commitments properly, a trustee must possess reasonable ability to guide the future of his institution.

The heart of Mr. Seybolt's discussion lies in a proposal for change, which will broaden the scope of a museum's activities in line with its responsibilities, in the contemporary world. This proposal embodies what I believe to be a most important emphasis—an emphasis on exposure outside rather than merely inside the museum. No longer can a museum's resources be made available to scholars and the public only through the direct museum visit. Mr. Seybolt sees proper exposure in today's world as the utilization of "all communications media, present and future, to expose the museum's own collections and loaned material to the largest possible public in the most effective and imaginative way." Focus should be placed on auditory techniques combined with the visual elements, such as in television.

Our communications capabilities have already made our world small in the areas of news and the dialog between nations. Why not utilize these same capabilities in the field of art? As Mr. Seybolt succinctly put it, "It is not unreasonable to anticipate an explosion of museum-inspired cultural knowledge which will parallel the explosion of technical knowledge which we have experienced in the last quarter century," and what broad new dimensions of meaning are added to our lives by such cultural knowledge.

I think the Senate will find this statement most interesting, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### OPINION—A MUSEUM TRUSTEE'S PROPOSAL FOR CHANGE

(By George Seybolt)

(NOTE.—George C. Seybolt, president of the William Underwood Co., is president of the board of trustees at the Museum of Fine Arts, Boston. He has been a trustee of the Museum since 1966. A member of the Business Committee for the Arts, Seybolt is currently a trustee, director or elected member of 19 national or New England organizations and has, in the past, served nearly twice that number. A native of New York City, he has been a Bostonian for the past 25 years and currently resides in the historic Dexter House, Dedham, Mass.)

The museum trustee represents the public and is committed to the protection of museums, their collections and buildings as well as their endowments. Since a substantial part of every museum's collections and endowments are derived from our method of tax deductions, the trustee is also responsible to the taxpayer, and by extension, to every citizen. It follows that in executing his commitments properly, a trustee must possess reasonable ability to guide the future of his institution. This is a broad obligation and the trustee who accepts it must vary with tradition and assume a slightly different stance when he asks, "How well are we discharging our responsibilities?" He must go further. Since he is setting policy and authorizing the expenditure of funds, which in a sense are taxpayers' funds, he must also ask, "How good is our management?" "How efficient are we in meeting the demonstrated needs of a broad public for the services of museums?" The answers are not easy.

At the Boston Museum of Fine Arts we reached the answers by establishing a special *ad hoc* trustee committee to review the Museum's first century of existence, to assess its resources and capabilities in order to set a course for the start of its second century of service.

The population of the United States is now passing 200 million. Outside our borders, incalculable hundreds of thousands are beginning to move around the world easily and rapidly. An appreciable percentage of the world population is interested in art and museums, including our own. In time, it will be impossible for our museum to accommodate a larger visitor population. In addition, the safety of the objects, visitor comfort and costs of operation and maintenance will be endangered.

All of these considerations led to the conclusion, by the *ad hoc* trustee committee, that multiplication of the uses of the museum's resources can no longer come only through the direct museum visit. Other means must be found to develop a museum's full importance and educational potential.

The thrust of the conclusions reached by the *ad hoc* committee was that the four basic museum precepts are acquisition, preservation, exhibition and interpretation. Interwoven with all of these, a fifth precept is should be added: exposition. terwoven with all of these, a fifth precept simply to employ all communications media, present and future, to expose the museum's own collections and loaned material to the largest possible public in the most effective and imaginative way. This is one man's answer and it may not be an original idea. Full use of communications media has a number of merits since it complements museum activities—the procedures developed over the past century for the expert and skillful presentation of works of art. It heightens other activities—the scholarly and curatorial skills of the professionals who staff the museum. It balances the needs of the scholar with service to our partners, the general public, and enables the trustees to discharge their policy responsibilities of making the museum even more responsive to the needs of a changing society, without jeopardizing the safety of the irreplaceable works of art entrusted to their care. Finally, this style and degree of exposition adds a new dimension on a large scale to current museum techniques.

The concept of exposition calls for supplementing the present museum staff by a corps of communications technicians, highly skilled and educationally motivated, who can employ all technical variations and developments of the media to link the museum's resources with an ever increasing audience *outside* the museum. The programs they produce on paper, tape, film, filament or whatever the technical future may bring, will augment the traditional in-museum presentations which have done so much to make the fine arts accessible to the public.

Art education and art appreciation still rely primarily on print for their presentation. The presentation can be augmented by the broadcast voice, which has obvious limitations for visual materials, but it can be immeasurably enhanced by television. Here voice and image are combined in a form which is readily available throughout the world and can be used direct and live, or stored and repeated at will. The advantages of utilizing communications media in the educational process, which in museums is not fully realized, are as manifold as they are obvious.

The availability of good art collections is limited to a few institutions directly serving a relatively small proportion of our total population. Located in major cities for the most part, where the Communications media have reached a high state of development, these museum collections can be turned to the advantage of the world community. Communications capabilities can make it possible for communities all over the world to become, in effect, neighborhoods of existing major institutions. Thus museums can take advantage of the surging interest in art, while avoiding the hazards and expense of physically saturating their galleries. It is not unreasonable to anticipate an explosion of museum-inspired cultural knowledge which will parallel the explosion of technical knowledge we have experienced in the last quarter century.

The costs of presenting art in volume through the media will be enormous—yet far less than the cost of standard teaching by traditional means. Costs will be borne by a limited number of institutions, and of necessity will be forced to confine themselves to certain media to achieve familiarity and effectiveness, and to develop appropriate styles and techniques. The communication process will be beyond the financial reach of any but the largest institutions, but will be shared with smaller museums in the same way that art objects and exhibitions are now shared.

In my view, one which is reinforced by the findings of the Museum's *ad hoc* committee, museums will, in the future, be well-advised to expend funds to develop a technical communications staff. Such a staff will be responsible for the educational mission of projecting to a broad audience the collections a museum owns or borrows, as interpreted by the special and rare talents of the curatorial staff. In so doing, these technicians will multiply and remultiply the presentation for audiences in the thousands and the millions, thus making the most efficient and productive use of a museum's resources. Thus they will enable a museum and its trustees to discharge fully their responsibilities to a new and changing world society and to answer satisfactorily the demonstrated demand for broader museum services. It is a challenge which all of us should meet eagerly. Given the talents and capabilities of the remarkable people who staff our museums, I have no doubt that the challenge will be met triumphantly.

## SENATOR A. WILLIS ROBERTSON

**Mr. COTTON.** Mr. President, our late former colleague, A. Willis Robertson, was an especially effective statesman since to his legislative knowledge and ability he added a deep sense of dignity, honesty, and patriotism.

While serving with him on the Senate Appropriations Committee I had the privilege of getting to know him not only as an accomplished legislator but also as the personification of all that is implied when one person refers to another as "a true Southern gentleman." I can assure you that this particular Yankee from New Hampshire will miss the Southern gentleman from Virginia, Willis Robertson, who represented his State so long and so well.

## THE AMERICAN DREAM

**Mr. BYRD of West Virginia.** Mr. President, the celebrated Scottish poet, Robert Burns, voiced a very basic human wish when he wrote:

> Oh would some power the giftie gie us,
> To see ourselves as others see us . . .

The next best thing to having that knowledge is to read and pay attention to what intelligent and objective people who are not Americans and whose life style is different from ours write about us. I am not impressed with the violently critical any more than I am with the overly effusive opinions we so frequently encounter in the communications media today. However, I do appreciate the occasional honest analysis emanating from a source that is neither beholden nor hostile. Such a view was published in the New York Times of Monday, January 31, 1972. It was written by Peter Petersen, a Member of the West German Parliament representing Württemberg-Baden and I commend it to my colleagues as something to read and ponder.

I ask unanimous consent that Mr. Petersen's article be inserted at this point in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### THE AMERICAN DREAM

(By Peter Petersen)

BONN.—I am prejudiced when writing about America.

America saved my people from starvation not so very long ago. No German called that U.S. imperialism. Thousands of American soldiers—225,000, to be exact—are stationed in my country and because of this commitment and their loaded guns, we are still a free people.

Where I come from, we still know what freedom means—because seventeen million of us are locked up behind barbed wire, walls and mine fields—behind what amount to the ugliest and most inhuman border of the world. Some four hundred of my people have been shot and killed because they wanted to go from one part of our country to another.

The American commitment to freedom and the price Americans are paying for that every day saves us from the fate of our neighbors the Czechs who are the victims of imperialism.

Yes—I am prejudiced, and I don't apologize for the fact that I love America.

Yet, I am worried. Recently I talked to officers and soldiers on a big Air Force base in the deep South. I moved around in the most confusing of all American cities, Los Angeles. I had dinner with the president of a big corporation who laid off 80,000 people, and I spent an evening in the home of an old friend who is unemployed now. His two boys are at a university. He makes ends meet by fixing things up in neighboring homes (he is an engineer) and his wife got a job in a shop selling antiques the Americans like so much.

This friend considers himself lucky. A man driving my taxi was not so lucky—seventy dollars a week unemployment compensation. His savings are gone, and he is now cheating by driving a taxi for a few hours every day.

And then I looked at the headlines of the papers—there was a pitched battle in a jail somewhere—another city reports on the dope problem, and in many cities, parents protest busing their children from their neighborhood school to another part of the city to get integrated. No one has been able to explain to me yet this busing scheme.

When I was in this country twenty years ago, the people in whose homes I stayed never locked their doors. This time I was warned not to walk back to the hotel after a concert.

Americans are not very articulate—even though they might talk a great deal. So they leave the forming of their image as a nation to Madison Avenue and to Hollywood. Americans are probably the world's greatest salesmen of material goods, but they are very inept in selling ideas.

Of course, these ideas are all there—in the history of America there are the forces that made America a great country and inspired a dream to peoples all around the world.

There was a time twenty years ago when Americans often got on our nerves because they were so sure of themselves. Now we get nervous because Americans seem to be losing faith in their own destiny, and so a student—what Americans would call a "nice kid"—would in all sincerity talk about U.S. imperialism. That boy—a student in a seminar on current history—and many of his friends don't realize that the problem is exactly the other way around. We have a crisis in the Free World because Americans appear to us to shrink back from the responsibility that goes with being the strongest power in the world. It is clear to us that the Soviets don't have such qualms—and that is why they fill every vacuum America and its allies are leaving. Vietnam, I should think, proves my point. A truly imperialistic power as this "nice kid" believes America to be would have carefully calculated the risk and the price, and then if the price seemed right and the aim worthwhile, it would have gone in with no holds barred.

I know from many conversations in Communist countries that the people there understand that basically freedom is indivisible, and they dream the American dream—not of Coca Cola or two cars in every garage but of freedom as conceived in this country in 1776. Because it is not "American" freedom in a national sense, it is the basis of human dignity everywhere.

When I mingled in the crowd in the airport in San Francisco, I wished I had a way to shake these people to remind them of what they are and to convince them of what we expect from them. Not because they are better or more intelligent perhaps than the people who would crowd the airport in Düsseldorf or Berlin, but because they have in their own heritage the hope of the world. I believe it is the only hope we have—because if America fails, the world fails, and I hope I will not again meet an American who apologizes for the fact that he is American.

## QUORUM CALL

**Mr. MANSFIELD.** Mr. President, I suggest the absence of a quorum.

**The PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

**Mr. BYRD of West Virginia.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**The PRESIDING OFFICER** (Mr. HARRIS). Without objection, it is so ordered.

## RECESS TO 11:30 A.M.

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 11:30 this morning.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

Thereupon, at 11:16 a.m., the Senate took a recess until 11:30 a.m.; whereupon the Senate reconvened when called to order by the Presiding Officer (Mr. INOUYE).

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

**The PRESIDING OFFICER.** The hour of 11:30 having arrived, and pursuant to the unanimous-consent agreement, the remaining time from now until the hour of 12:30 will be equally divided between and controlled by the manager of the bill, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from North Carolina (Mr. ERVIN).

The clerk will report the pending business.

The legislative clerk read the bill by title, as follows:

**A bill (S. 2515) to further promote equal employment opportunities for American workers.**

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, acting for the distinguished senior Senator from North Carolina (Mr. Ervin), I yield myself 6 minutes.

The best way to save the time of the Senate and of the Congress is to vote against the cloture motion. If cloture fails today and fails tomorrow, in all likelihood the proposal will be laid aside, and the Senate can go on to more important matters. We have a west coast dock strike. We are in the midst of a recession. We are in a period of inflation. We are at war. The Secretary of the Treasury has requested an increase in the debt limit by $50 billion. Yet we spend the time of the Senate on a proposal which is a power grab on the part of the EEOC, a proposal that would seek to make of this Federal Bureau or Agency a court, a jury, a judge, and a prosecutor in investigating and adjudicating complaints of unfair labor practices.

Mr. President, if cloture should prevail, the proponents of this measure can write any bill that they see fit to write. Out the window will be any chance of knocking out the cease-and-desist provision, even though the House used the court enforcement procedure. The House bill, which we sought to substitute on the floor for the committee amendment, provides for enforcement of such complaints through court procedures. Forty-six Members of the Senate, out of 94 Senators voting, voted for the same plan. More than 48 percent of the Senators voted for the court procedure rather than for making this Commission a court and jury and prosecutor.

It is not often that a Senator or a Member of the House has an opportunity to cast a vote which is so important as this cloture vote. It will be striking a blow against expanding, mushrooming Federal bureaucracy. It will be striking a blow against further control of our everyday lives by Federal bureaus and agencies here in Washington. It is a most important vote, and if the 46 Members of the Senate who voted to adopt the amendment substituting court procedure for Commission determination will stand together on this vote and on the succeeding vote, we will be able to kill this bill.

Mr. President, some suggestion has been made that possibly a return will be made to the House plan. If the Senate votes for cloture, there will be no chance of returning to the House plan of court action, court determination, court adjudication, court enforcement, because all bars will be down. There is a majority in the Senate that wants cease-and-desist powers for the EEOC, but 46 Members of the Senate do not, along with a majority of the Members of the House.

So, Mr. President, if cloture is invoked, if the debate does end, what then will be the procedure? In time, the bill will be passed in the Senate, with cease-and-desist powers for the EEOC. It will go to the House, where there will be additional debate. On passage of the bill in the House, it will return to the Senate, where further lengthy debate can be held on whether to concur in the House amendment or send the bill to conference. After that issue has been debated for days on end, then, in all likelihood, the bill would go to conference, and then, on the question of agreeing to the conference report on its submission to the two bodies, there again there will be an opportunity to debate this issue.

On the other hand, if 34 Members of the Senate will vote against the cloture motion today and tomorrow, the chances are that will be the end of this pernicious bill, which is the biggest grab for power that has been asserted by those who wish to lodge all power in Government, all power over our everyday lives in bureaus and agencies here in Washington.

I urge my fellow Senators to vote "no" on the cloture motion.

I reserve the remainder of my time.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of 10 U.S.C. 9355(a), the Speaker had appointed Mr. Flynt, Mr. Sikes, Mr. Rhodes, and Mr. McKevitt as members of the Board of Visitors to the U.S. Air Force Academy, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 10 U.S.C. 6968(a), the Speaker had appointed Mr. Flood, Mr. Stratton, Mr. Minshall, and Mr. Mills of Maryland as members of the Board of Visitors to the U.S. Naval Academy, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 10 U.S.C. 4355(a), the Speaker had appointed Mr. Hull of Missouri, Mr. Murphy of New York, Mr. Davis of Wisconsin, and Mr. Pirnie as members of the Board of Visitors to the U.S. Military Academy, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 46 U.S.C. 1126c, the Speaker had appointed Mr. Wolff and Mr. Wydler as members of the Board of Visitors to the U.S. Merchant Marine Academy.

The message further informed the Senate that, pursuant to the provisions of section 1, Public Law 86–42, the Speaker had appointed Mr. Gallagher, chairman, Mr. Johnson of California, Mr. Randall, Mr. Morgan, Mr. Kyros, Mr. Stratton, Mr. Meeds, Mr. Harvey, Mr. McEwen, Mr. Vander Jagt, Mr. Morse, and Mr. Smith of New York as members of the U.S. Delegation of the Canada-United States Interparliamentary Group, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 886–420, the Speaker had appointed Mr. Nix, chairman, Mr. Wright, Mr. Gonzalez, Mr. de la Garza, Mr. Kazen, Mr. Udall, Mr. Waldie, Mr. Frelinghuysen, Mr. Thomson of Wisconsin, Mr. Steiger of Arizona, Mr. Wiggins, and Mr. Lujan as members of the U.S. Interparliamentary Group, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Speaker had appointed Mr. Hays, chairman, Mr. Rodino, Mr. Clark, Mr. Brooks, Mr. Burton, Mr. Arends, Mr. Devine, Mr. Mathias, and Mr. Chamberlain as members of the U.S. Group of the North Atlantic Assembly, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 14 U.S.C. 194(a), the Speaker had appointed Mr. Monagan and Mr. Steele as members of the Board of Visitors to the U.S. Coast Guard Academy, on the part of the House.

The message announced that the House had passed the bill (S. 2601) to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

## REPORT OF NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–239)

The PRESIDING OFFICER (Mr. Inouye) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

*To the Congress of the United States:*

In transmitting this Sixth Annual Report of the National Endowment for the Humanities, I particularly commend to your attention the new programs begun by the Endowment during fiscal year 1971. These programs, created in order to broaden the uses of the humanities by the American public, include an experimental program on a statewide basis for informal adult education in the humanities and the Jefferson Lecture on the Humanities, a national series which will bring humanistic learning directly to bear on public affairs.

These new programs and the expansion of existing programs described in this report were made possible by the strong support in increased funding given by the Congress to the Endowment at my request. Both the executive and legislative branches have now recognized that the humanities—languages, history, philosophy, literature and ethics among others—are an essential tool for restoring contemporary problems and that the Endowment can eventually place this tool within the grasp of more Americans than ever before.

Federal support of the National Endowment for the Humanities has had the desired effect of stimulating private giving and private initiative. I am therefore happy to report that in fiscal year 1971 the Endowment received a total of 517 separate gifts, about four times the number received the previous year. These gifts or pledges, amounting to $2.5 million, made it possible for the Endowment for the second year in a row to draw the full amount of Federal matching funds appropriated for that purpose.

It is my pleasure, too, to note that the Humanities Endowment's Sixth Annual Report is printed on recycled paper as a part of this Federal Agency's effort to make use of the Nation's natural resources.

Richard Nixon.

The White House, *February 1, 1972.*

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) to further promote equal employment opportunities for American workers.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

Who yields time?

Mr. WILLIAMS. I yield myself 5 minutes.

Mr. President, the Senate is now in its 10th day of debate on S. 2515, a bill to further promote equal employment opportunities for American workers. For a good deal of the time we have been engaged in extremely productive and valuable analysis of the most appropriate and efficient way to provide the Equal Employment Opportunity Commission with enforcement powers.

To date the Senate has given this legislation extremely careful and close consideration. In doing so it has achieved a number of worthy objectives:

First. It has required the exhaustion of administrative remedies prior to contract cancellations;

Second. It has required that Commission findings be based on a preponderance of the evidence;

Third. It has created an independent General Counsel;

Fourth. It has provided financial assistance to small business and small union defendants; and

Fifth. It has limited the use of voluntary services to publicity in the media.

Over and above these achievements the committee itself in reporting the bill took into account the views of a majority of the Members of this body by:

First. Providing for a special Attorney General procedure for the enforcement of the law against State and local governments;

Second. Retaining the functions of the Civil Service Commission in Federal employment while authorizing individual lawsuits in the Federal courts;

Third. Permitting a phase-in period for the transfer of "pattern and practice" jurisdiction from the Department of Justice to the EEOC; and

Fourth. Eliminating the provision authorizing a Commissioner's charge.

We have already had 18 rollcall votes on this legislation. We have even had substantial debate on two significant amendments which have not yet been volted on; the coverage of educational and religious institutions and the coverage of employers and unions with between eight and 25 employees and members.

Mr. President, the ultimate goal of this debate has been to increase the employment opportunities of our minorities and women by providing the necessary machinery to bring an end to job discrimination once and for all in our country.

I very much respect the views that have been expressed in this Chamber about the merits of court enforcement as opposed to the administrative cease-and-desist hearing approach together with court review.

It seems to me that no useful purpose is served by continuing the dialog on the subject of enforcement powers or at least on the mechanism of the enforcement powers any longer. The Senate has worked its will and it is my sincere desire to respectfully suggest that we get on with the legislative process, mindful particularly of the very heavy and burdensome load of legislation which awaits us at the end of this debate.

There should be no doubt that the Senate has decided the issue and that the Members of this body have had ample opportunity to register their views.

Two years ago, after debate, the Senate voted for cease and desist. This year the Senate has already had six rollcall votes on that one aspect of this legislation.

I recognize that the Senate was closely divided on which procedure would be more effective. But, under our principles of Government, the Senate has decided. And now again I respectfully suggest that we should move on.

However, Mr. President, the debate in the past few days has taken on a very ominous and undesirable tone to my way of thinking. I am afraid that many of the arguments that have been presented before this Chamber have been an attempt to revisit the past in all its sadness and wastefulness of human resources.

Mr. President, those days are gone. That era is passed. The question of whether or not employment discrimination is unconstitutional and should be proscribed by statute has long since been passed. It has been put to rest. It should stay at rest. For the good of the country, it should not be resurrected.

We are no longer debating whether or not employment discrimination is evil. We are no longer debating whether employment discrimination should be outlawed. The simple truth is that this debate for 2 years has been limited to the scope and kind of enforcement powers that the Government of the United States should have to enable minorities and women to secure their rights to equal job opportunities.

Mr. President, the Committee on Labor and Public Welfare was unanimous in its views that an enforcement mechanism was needed. The President of the United States, in his state of the Union message, delivered only a little over a week ago, agreed that an enforcement mechanism is needed.

Mr. President, I think it is time to get on and pass this bill and provide that enforcement mechanism.

I recognize and appreciate that my distinguished colleague from North Carolina agreed to a time limitation on one of his major issues, the coverage of State and local governments. Time limitations have also been agreed upon on several other votes.

However, I find it ominous to note that 47 amendments have now been offered most of which are duplicative in nature. We have even had an amendment offered which is almost identical, and I repeat that, almost identical, to one which the Senate voted to table by a rollcall vote of 45 to 32.

Even more important, this debate has really lasted almost 9 years now. The original Kennedy administration bill provided this method of enforcement. It was compromised out of the bill, because of extended debate or a filibuster. And here we are today still debating the issue.

Mr. President, the time has long since passed for debate. We have had ample debate. It is time for the Senate to act.

I certainly urge the Senate to bring to a close the debate and vote for the cloture motion now pending before the Senate on S. 2515.

Mr. ALLEN. Mr. President, I yield 6 minutes to the distinguished Senator from California (Mr. Cranston).

The PRESIDING OFFICER (Mr. Chiles). The Senator from California is recognized for 6 minutes.

Mr. CRANSTON. Mr. President, I rise to speak very briefly on the cloture motion on S. 2515, the pending bill to strengthen the Equal Employment Opportunity Commission, a bill which I enthusiastically cosponsor.

This cloture motion has been filed by the distinguished chairman of the Committee on Labor and Public Welfare, the Senator from New Jersey (Mr. Williams), and the distinguished ranking minority member of the committee, the Senator from New York (Mr. Javits).

I have the greatest respect for both these gentlemen, and share their devotion to the cause of equal employment opportunity and other civil rights.

Nonetheless, I intend to vote against this cloture motion.

In doing so, I remain fully committed to the purposes and provisions in the bill reported by the committee along with the few excellent floor amendments thus far adopted.

I continue to disagree most strongly with the several amendments which have been offered and have been defeated by the Senate. These amendments would, in my view, destroy the essential thrust of this bill.

I will vote against cloture at this time, because I do not believe substantive disagreement with those attempting to prolong debate, in order to present fully and forcefully to the Senate and to the public at large the basis for their opposition to a pending measure, provides an adequate justification for shutting off debate at such a relatively early stage in the discussion.

The opponents of the bill are entitled to be heard in the Senate and in the country setting forth their position for longer than the scant 2 weeks which have elapsed in the debate thus far.

The points they have been making and the amendments they have been offering have been reasonable ones from their points of view. I believe it would be unfair of the majority to silence dialog on such a major piece of legislation at this point in the deliberations and in the efforts of those who wish to make their case further.

I point out also that one of the substitute and modifying amendments which has been offered has improved and strengthened the bill. This occurred in one case yesterday in the substitute amendment offered by the distinguished Senator from Minnesota (Mr. MONDALE) which I cosponsored.

Mr. President, the last cloture vote before this body occurred approximately 6 weeks ago on another matter with strong civil rights implications. This was the pending nomination of now Mr. Justice William H. Rehnquist to be Associate Justice of the Supreme Court. I opposed cloture at that point, because I felt those of us—in a minority—were entitled to continue our attempt to explore as fully as possible and dramatize both to the Senate and the Nation our very deeply felt concerns. I was grateful at the early point of debate that the Senate chose not to invoke cloture against those of us so deeply concerned about human rights and liberties.

In closing, Mr. President, I wish to note what a very difficult vote this is for me today. I recognize how strongly the proponents of this bill feel about the need to move ahead with it promptly in the Senate. I share this concern. I wish to make clear that at such time as I am convinced that failure to invoke cloture on this bill will threaten timely Senate action—that is, lead to a decision to lay the bill aside and proceed to other business—I will then vote for cloture. I just do not believe we are at that point today.

I urge my colleagues not to shut off debate today. In the name of those same rights and liberties, despite the great importance of the pending measure and the need for congressional action soon.

Mr. President, I yield back whatever time remains that was allocated to me.

Mr. JAVITS. Mr. President, will the Senator from New Jersey yield me 5 minutes?

Mr. WILLIAMS. I am happy to yield to the Senator from New York such time as he may need within our time limit.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, as the Senator from California has properly stated, the cloture motion is essentially presented by those who have managed the bill on the floor, the Senator from New Jersey and myself.

As we approach the first vote on cloture, we very well know that there will probably be another one and perhaps another one after that.

We owe the Senate an accounting of why we did what we did, and why we feel that we are entitled to the support of at least a majority of Senators for our efforts.

As debates go, this debate has gone on about its normal length of time—about 10 working days.

Mr. President, with unanimous-consent agreements, which generally ensue about this time, we could have finished the bill in 10 or 11 working days which, considering the timing of the bill, in the early days of the session, is all right. The difficulty is that we have had a very clear statement by the opponents of the measure—they have as much right to oppose as we have to propose, and I make no moral judgments whatever—that they will use the power they have under the rule. Again, I do not say that invidiously. The Senator from California has just said that he feels that that is a beneficient rule and is a good thing. However, they feel that they should make use of that power in order to reverse a decision taken by five votes by a majority of the Senate. And they have told us, "Gentlemen, if we can help it, there will be no bill if you do not accept basically the proposition which was defeated."

Mr. President, it seems to me that this poses the issue very sharply to us. Is the Senate of the United States to be run according to the dictates of the Constitution, that a majority shall determine in he final analysis what shall or shall not be done, or is the Senate of the United States to be run by former Senator Calhoun's rule of a concurrent majority, which means that we cannot do anything around here unless two-thirds of the Members present and voting agree to it?

Mr. President, that is because of rule XXII and not because of the Constitution. It has always been argued, when we have argued with respect to the provisions of rule XXII, that if the Senate really wants to work its will, it can do so. We will see about that.

Mr. President, that just is not so unless there are enough Senators who feel that should not be the rule, notwithstanding their votes on a particular measure. Obviously unless some of the proponents of the Dominick amendment vote for cloture, there will be no EEOC bill except on the terms of those who refuse to agree with the majority.

Mr. President, this is the issue, starkly and clearly stated. Can a minority successfully frustrate the majority, notwithstanding the fact that the majority after a decent length of debate calls for the invocation of rule XXII? The answer is decidedly yes, unless Senators will rise above their opinions on a particular measure to the highest degree and see that the Senate is permitted to function according to its constitutional duty, not just its right.

We have already voted on a number of amendments. I, myself, supported the decision to strike out the transfer of the Office of Federal Contract Compliance which was an issue that was debated very much.

We have supported the reasonable disposition of the volunteers question. We have supported the reasonable disposition of the affirmative action plan and the small business indemnification question.

Mr. President, there are a few other amendments which will come up which we will do our utmost to deal with reasonably according to the best sensibilities of the Senate. They can be disposed of within 48 hours, as can be seen from an inspection of the amendments.

Mr. President, as we come to the first vote on cloture, the issue is clear. Does the Senate function by the concurrent majority? The Senate cannot pass anything unless two-thirds are willing. Are there now enough Senators who will rise above their personal feelings on a measure and subserve the total national interest so that the Senate will not be immobilized by the minority.

That is the issue, Mr. President. We will begin to decide it and the country will have a very important influence on that decision, because when at the beginning of every session, as I have noted now since 1957 when I first came here, a concurrent periodic effort is made to amend rule XXII, that is not the time to argue. That is not the time to state the issues. That is not the time when the case is made or unmade.

The case is made or unmade in every session as we approach an issue on which opinions are deeply held or felt by an enormous majority of the population. And if they see themselves frustrated by the application of a Senate rule which can be undone by a majority of the Senators in the beginning of the Congress, it is there that the cumulative wrath of the country can manifest its will, and not until that.

The case is not made, Mr. President, in the beginning of these successive Congresses. The case is made now, in each February, March, April, and May when the majority feels it is frustrated and not able to perform its constitutional duty because of the presence of this rule on our books, a rule which has nothing to do with complete and honest debate.

That has not been denied in this Chamber. There is no gag rule here. But it has a lot to do with the feelings of the minority that it can frustrate the majority. That is built into the rule. That is not the way it ought to be.

I hope very much that the Senate, in the absence of a change of the rule—

which it cannot make now—will exercise its duty, patriotism, and fidelity to its own responsibility so that the hands of the majority may be unmanacled and there can be given a decent opportunity for debate of amendments with complete reasonableness and freedom so that the Senate may be in a position to act.

For those reasons, Mr. President, I hope that Senators who have any doubt in their minds, like those voiced by the Senator from California, will vote for cloture this first time out. The case has got to be built. And we cannot build it without the necessary support.

Mr. President, I thank my colleague for yielding.

Mr. ALLEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alabama has 9 minutes remaining.

Mr. ALLEN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, I do not see the need for all of these important and basic changes in the law the EEOC has been operating under for some 7 years. It has not had the powers that the proponents seek to give to it. It has not had the power to deal with employers of as few as eight people.

The distinguished Senator from New Jersey ticked off a number of amendments that have been adopted, making major changes. But the amendments that have been adopted do not affect in any way the power grab of this bill that would make it applicable to employers of as few as eight people.

They do not eliminate the expansion of power of the EEOC over every State, county, and city employee or every agency of every State, county, and city.

They have not amended out the grab for power by which the EEOC is seeking to assert its will over every single educational institution in this country.

They have not amended out of the bill the provision transferring from the Justice Department over to this department the authority to bring pattern and practice suits against employers throughout the country.

Mr. President, this is just a case of the EEOC asking for too much. They ask for all of these changes and all of these expansions of their authority. Then, how do they want to enforce the substantive and basic rights of individuals? Are they satisfied to go into court?

What we are asking is that these complaints, these charges, be tried, be adjudicated, be determined, and be enforced through a Federal district court rather than to have them determined by the Commission which will continue to serve as a prosecutor, as a judge, and as a jury.

Mr. President, the EEOC seeks power over State, county, and city employees. It seeks power over educational institutions. It seeks power over employers of as few as three persons. But that does not satisfy their reaching out for more power. If they do not get all those powers, what will they do? They will do as they have done for the last 7 years. If the bill shall be defeated, no power will have been taken away from the Commission.

We can vote in favor of the passage of the House bill. The House bill was passed and is on the Senate calendar. It calls for court enforcement of complaints of unfair labor practices. I dare say that if the bill allowed court enforcement, court adjudication of these complaints, there would be no difficulty in passing the bill. But the Senate proponents of the bill are insisting on setting up a tremendous bureaucracy having almost unlimited power.

It occurs to the junior Senator from Alabama that, truly, as the distinguished Senator from New York (Mr. JAVITS) has said, this is, in effect, a vote up or down on the effort to provide court adjudication rather than determination by the Commission. Senators who want court enforcement of the basic substantive rights should vote against cloture.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. ALLEN. I yield myself 1 additional minute.

Mr. President, the best way to dispose of the bill is to vote against cloture today and to vote against cloture tomorrow. That will save the Senate, in all likelihood, many days of debate upon this issue.

I am hopeful that the proponents of the bill will come to the thought and idea of providing for court enforcement of these basic rights. But if we invoke cloture, that wish and that hope will have gone forever, because a majority will then be able to write the bill in any terms it so desires.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, as time runs out and we approach the vote, the rhetoric of the Senator from Alabama suggests some heavy-handed and unconscionable grabbing for power by the Equal Employment Opportunity Commission. Nothing could be clearer than the history with respect to the Equal Employment Opportunity Commission and whether it should have effective enforcement powers.

This is no 12th-hour grab by a hungry agency. Sixty-three Senators who are Members of the Senate today were here on the day in 1964 when the civil rights bill was passed, when title VII was included, and when the Commission was created. Sixty-three of us went through that long period after the day when the messages came from President Kennedy asking for equal employment and for an effective commission having cease and desist powers. We went through the debate in 1964. We went through what was known to be a filibuster—584 hours of debate.

Sitting in the chair across the aisle to my right, the minority leader, Everett Dirksen, finally said, "If you will take from the bill the cease-and-desist enforcement powers of the EEOC, we will be able to support it." After that decision was reached, cloture was voted, and we went to the compromise bill of 1964.

We know what has happened since then. We know that discrimination in employment is still tragically rampant throughout the country. People are discriminated against because of their national background, because of where their parents came from, because of where they themselves have come from. Women are discriminated against. Black people are discriminated against.

I will say that cases that have finally worked through the long and interminable process of getting to court have been a ray of hope to those who have been discriminated against. But it is a long, long, expensive journey; and those 30,000 people who are now complaining to the EEOC have no chance of carrying their cases all the way through the full procedures of the district courts. But if the EEOC is given the power that all other agencies have, to hold hearings, with all the due process on a complaint, and to reach a finding, a finding that can be reviewed in a circuit court of appeals, I suggest that the hope of 1961, when the plan was first suggested by President Kennedy for the Nation, will be alive again for the millions of people who now know that they live in a country where they are not fully protected against discrimination. That is all that the bill is about—that is, a constitutional right through statutory enactment.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

The Senator from Alabama has 2 minutes remaining.

Mr. ALLEN. Mr. President, I was not one of the Senators present at the time to which the distinguished Senator from New Jersey has alluded. He spoke of a compromise having been reached. Apparently, that compromise no longer exists, because what was compromised out is now coming forward again.

No one disagrees with the need or the right of every individual in the country to have a fair and equal opportunity to obtain employment where job opportunities exist. All advocate that substantive right. The difficulty arises in the manner of enforcement of that right.

The proponents would have that right enforced by a commission that first accepts or receives charges and then investigates, prosecutes, and passes judgment on those charges. Whether that is fair, whether that is due proces, or whether, accepting all the rights that each citizen has, whether those rights should be enforced in a court of law—in a Federal district court. District courts throughout the country have not been lacking in compassion, or lacking in the enforcement of civil rights. All that the Senator from Alabama is suggesting is that those substantive rights be enforced in the Federal courts, not by an agency that serves in all capacities.

I hope that the Senate will reject the cloture motion.

The PRESIDING OFFICER. All time has expired. The hour of 12:30 p.m. having arrived, pursuant to rule XXII, and under the unanimous-consent agreement, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

1. Harrison Williams.
2. Walter Mondale.
3. Richard S. Schweiker.
4. George McGovern.
5. Thomas J. McIntyre.
6. Claiborne Pell.
7. J. Glenn Beall, Jr.
8. Mark O. Hatfield.
9. J. Javits.
10. Clifford P. Case.
11. Charles McC. Mathias, Jr.
12. Edward W. Brooke.
13. Charles Percy.
14. P. A. Hart.
15. Harold E. Hughes.
16. Gaylord Nelson.
17. Edward M. Kennedy.
18. Jennings Randolph.

## CALL OF THE ROLL

The PRESIDING OFFICER. Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The second assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 24 Leg.]

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eastland

Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Hollings
Hruska
Hughes
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya

Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Williams
Young

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from California (Mr. TUNNEY), and the Senator from South Dakota (Mr. MCGOVERN), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from Connecticut (Mr. WEICKER), is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER (Mr. CHILES). A quorum is present.

## VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 2515, a bill to further promote equal employment opportunities for American workers, shall be brought to a close?

On this question, the yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN) and the Senator from California (Mr. TUNNEY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. MATHIAS) is absent on official business, and, if present and voting, would vote "yea."

The Senator from Connecticut (Mr. WEICKER) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The yeas and nays resulted—yeas 48, nays, 37, as follows:

[No. 25 Leg.]

YEAS—48

Aiken
Allott
Anderson
Beall
Bellmon
Bentsen
Boggs
Brooke
Burdick
Case
Church
Cook
Cooper
Dole
Fong
Harris

Hart
Hatfield
Hughes
Inouye
Javits
Jordan, Idaho
Kennedy
Mansfield
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore

Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Stevenson
Symington
Taft
Williams

NAYS—37

Allen
Baker
Bennett
Bible
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cotton
Cranston
Curtis

Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska

Jordan, N.C.
Long
McClellan
Miller
Roth
Spong
Stennis
Talmadge
Thurmond
Tower
Young

NOT VOTING—15

Bayh
Eagleton
Gravel
Hartke
Humphrey

Jackson
Magnuson
Mathias
McGee
McGovern

Mundt
Muskie
Sparkman
Tunney
Weicker

The PRESIDING OFFICER. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is not agreed to.

### AMENDMENT NO. 815

The pending amendment is amendment No. 815, by the Senator from North Carolina (Mr. ERVIN) for himself and the Senator from Alabama (Mr. ALLEN).

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

## PROGRAM

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, it is my understanding that there is a possibility that another cloture motion will be filed, though not necessarily today.

In view of the schedule which confronts us, I should like to suggest to the Senate that it proceed on a so-called two-track basis and that beginning tomorrow afternoon, at approximately 3 or 4 o'clock, the Senate turn to the consideration of H.R. 12067, an act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972.

I make this suggestion because the pending legislation is taking considerably more time than anticipated, because we have a difficult and contentious schedule ahead of us, and because, in effect, a pledge, or at least a half promise was made that we would try to dispose of the foreign aid appropriation bill by no later than February 8. Today is February 1. The bill has to pass the Senate, go to conference, and then it has to pass both Houses. Therefore, unless there is strenuous objection, it would be the intention of the joint leaders to start somewhere between 3 and 4 o'clock tomorrow afternoon on a two-track basis, so that, if at all possible, we might be able to dispose of the pending legislation and the foreign aid bill before the Senate recesses at the conclusion of business a week from Wednesday next.

Mr. JAVITS. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. The Senator called for a violent objection? If so, I assume he means not in the shape of any individual but in the shape of more than one Member.

Mr. MANSFIELD. I said "strenuous objection."

Mr. JAVITS. Yes, strenuous objection. The classic way to deal with extended debate, by which the minority wishes to force the majority to its will rather than the other way around, has been to keep the Senate in long sessions to concentrate on the business at hand, which hurts people who want other business to be transacted. I know that this has been done—as I have been here a long time—by other leaders. It does not seem to be the style of the majority leader of this particular Senate.

For that, naturally, he is answerable to his own constituency, and his own conscience and character. I have no comment upon it except to accept the ultimate fact. But I would like to make this point, and I am grateful to the Senator from Montana for his customary decency in allowing me to make it.

It imposes a strong responsibility on the rest of us. If we really want this bill, it will not happen by late night sessions or all night sessions—I have slept here, as have many other Members who have been here for a long time—or by hurting other business, in order to make people feel the heat. It will be done only because two-thirds of the Senate, under our peculiar rules—and they are peculiar—are convinced that they want this particular measure.

Mr. President, I merely rise, not that I have any illusions that my own protest, strenuous protest that it is, will deter the leader, but only to make it clear to the membership that this matter will have to be decided by the membership's not playing games with themselves or their own consciences. Every Member who wishes to vote for cloture and really feels that he wants this bill, in sincerity and in honor, and in representation with the cause of those so intimately affected, had better, on the next go-around, vote it, not with the idea in mind that there will be another chance, or that people will get worn out, or that there will be a great appeal to "loving kindness," because there "ain't gonna be." The minority can easily frustrate the majority, notwithstanding the fact that the Constitution expects us to rule by majority. This is the first step in the process.

Again I emphasize that I find no fault whatever here. This is the style of the distinguished majority leader. He is running true to his own style and conscience, but for those of us who feel strongly about this bill, let me remind them that the bell is tolling very quickly. We must understand that.

I thank my colleague for yielding to me.

Mr. MANSFIELD. Mr. President, I appreciate the remarks of the distinguished Senator from New York. I know the depth of his feelings about this particular proposal which is the pending business. I share his feelings in that respect.

May I say that I do not know when the next cloture motion will be filed, whether it will be this afternoon or tomorrow, but it will be some day this week.

May I say further that the reason the hours between 3 and 4 o'clock were selected was that for the past 3 or 4 days the Senate, while coming in early, has been going out at approximately 4 p.m. or shortly thereafter. Thus, I am grateful to the Senate for its evident concurrence.

I serve notice that, beginning tomorrow, under the conditions outlined, we will begin to take up the Foreign Aid bill. May I say also for the interest of those who are concerned about the three nominations on the calendar, that they will be taken up before the Senate goes into recess at the close of business on Wednesday week next.

I thank the distinguished Senator from North Carolina (Mr. ERVIN) for yielding to me to make these observations.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) to further promote equal employment opportunities for American workers.

Mr. ERVIN. Mr. President, in lines 18 to 24, both inclusive, on the bottom of page 33 of the bill present a drastic proposal. These lines provide:

> SEC. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its religious activities.

Mr. President, as I construe those words, they attempt to do an impossible thing, that is, to separate the religious activities of a religious corporation, association, educational institution, or society, from those of its activities which can be said to be not religious, nonreligious, or unreligious.

As Supreme Court Justice Douglas so well declared in one of the school prayer cases, it is impossible to separate the religious and nonreligious activities of a religious corporation or religious association or religious educational institution or religious society from its other activities. This is so because the whole religious organization is one body, and yet the bill would attempt to divorce the two kinds of activities each from the other and give a Federal agency the power to dictate, or at least ultimately to control, the employment practices of religious corporations, religious associations, religious educational institutions, and religious societies from each other.

## ORDER OF BUSINESS—UNANIMOUS-CONSENT AGREEMENT

Mr. LONG. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I am delighted to yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I have been hoping to be able to make a statement about the trade deficit problem facing our country. The hearings being held by the Finance Committee both before and during the sessions of the Senate have made it difficult. I wonder if the Senator from North Carolina would be so kind as to let me make a statement at this time?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Louisiana so that he can make the statement to which he has referred without losing my right to the floor.

Mr. JAVITS. Mr. President, reserving the right to object, could we have some idea as to the length of the statement?

Mr. LONG. Mr. President, I have a statement here that is triple spaced and is about 10½ pages long. That would be about 3 pages of text.

Mr. JAVITS. It would take less than a half-hour?

Mr. LONG. The Senator is correct. It would take possibly 15 minutes.

Mr. JAVITS. That is all right.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I will ask the Senator from Louisiana if he will be good enough to suggest the absence of a quorum when he completes his statement. I have some things to attend to that I have not had time to attend to.

Mr. LONG. Mr. President, I ask unanimous consent that I might proceed for 10 minutes to make a statement that I have had here for some time concerning the trade deficit problem.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and I shall have to object—for which I am sorry—I have already told another Senator today that the Pastore rule would not expire until 1:55 in the afternoon. Therefore, I would have to object and I do object, for which I apologize.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask unanimous consent that I might proceed for not to exceed 15 minutes to discuss the trade deficit facing this Nation today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## TRADE PROBLEMS AND PROSPECTS

Mr. LONG. Mr. President. The newspapers in the last several days reported a trade deficit of $2 billion for the calendar year 1971. It is reported that this is the first trade deficit the United States has experienced since 1888. Well, Mr. President, it is no surprise to me—actually our international trade position has been in deficit since 1967 to the tune of about $15 billion, and the $2 billion deficit reported for 1971 is actually closer to $8 billion when measured the way other countries keep their trade books. Most countries calculate their trade balance to include the cost of insurance and freight in the value of their imports. Furthermore, it is fair to separate the foreign giveaway exports from our commercial or cash exports in assessing our competitive position. So trade deficits are no shock to me—we have had them for the past 5 years.

There is a ray of hope, however, in our dismal trade performance. The executive branch, under the leadership of Secretary of the Treasury John Connally and Mr. Pete Peterson of the White House Council on International Economic Affairs, has seized the initiative in the foreign trade area. They have elevated foreign economic policies to receive priority attention at the highest level of Government. It is a hopeful sign that Mr. Peterson has now been nominated to be Secretary of Commerce. That is one more bright sign that we might start at the same area in solving the distressing trade problem that exists at this time. Nothing is more important to our Nation's economy than to develop a long-term program to make the United States more competitive in international markets. We hope to get the help and the leadership of the executive in judging long-term solutions to our competitive problems; otherwise, Congress will adopt its own solution.

The President has indicated in his state of the Union message that we are entering a new era in international economic relations—an era in which responsibilities and burdens will be shared and not borne disproportionately by the United States. This new era began on August 15 when the President severed the convertibility between the dollar and gold and let the dollar "float" to seek its own level in international money markets. Predictably, the dollar was devalued in relations to other currencies. This de facto devaluation was, in effect, formalized at a conference here in Washington at the Smithsonian Institution in November.

The legislation which would formally change the dollar price of gold has not yet been submitted to Congress. The Secretary of the Treasury has wisely indicated that trade concessions from our allies would be a prerequisite for having this legislation considered by the Congress. He has been criticized in some quarters as being too tough as a negotiator, but, believe me, after experiencing balance of payments deficits for over 20 years and seeing the unwillingness of our trading partners to give up their surpluses, we needed a John Connally around to level with them.

He understands well that the exchange-rate changes which have taken place, will not, in and of themselves, correct our dismal balance of payments and balance-of-trade positions. If a foreign country maintains a quota or a variable levy against American exports, changes in the parity of currencies are not going to have any effect on trade flows.

A quota provides assured protection by limiting the market share of imports irrespective of price; a variable levy acts like a quota in protecting a market irrespective of price changes. The Japanese and Europeans have quotas and variable levies to frustrate any hoped for effects that might have resulted from exchange rate changes.

Moreover, looking at the composition of our trade, we export a lot of raw materials, food, and capital equipment including aircraft and heavy machinery and import finished consumer goods. A dollar devaluation, if it serves to reduce the cost of importing these commodities from the United States may only serve to make foreign manufacturers of finished products more competitive, without appreciably increasing the value of our exports. This is because, to some extent, our exports are price and demand inelastic—raw materials, machinery, and aircraft are needed and, in many cases, we are the only, or most efficient, producers. If you can import your raw materials or machinery more cheaply from the United States because of a devaluation, you may be able to export your finished product back here without any appreciable change in price, irrespective of the currency changes. I do not suggest that the exchange rate changes that have taken place will hurt the U.S. competitive position but I am suggesting that the degree to which they may help us has been exaggerated.

Moreover, if these exchange rate changes are not reflected in the changes in export and import prices, which, after all, are what all international trade transactions are based upon, there will be little change in the direction of trade. I ask unanimous consent to have printed in the RECORD after my remarks an article published in a recent issue of Forbes magazine which indicates that the dollar devaluation may turn out to be a big disappointment.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. LONG. Mr. President, I, for one, have indicated that the Finance Committee is very concerned about how far foreign countries are willing to go in eliminating their surpluses by reducing their unfair trade advantages. Therefore, it is entirely proper that trade concessions should be studied by the Congress during the consideration of the legislation which would authorize a change in the dollar price of gold.

There should be no rush to fix a definite new gold price. The United States is not losing any more international reserves and is not supporting the dollar price in international markets. If the dollar plummets in international markets as a result of speculation against it, that will tend to help American industries and force other countries either to support the rate or to continue to let it decline.

Furthermore, I do not think the United States should ever return, as foreign countries would have us do, to a system where the dollar is the only currency which is automatically convertible into gold. That would be a return to the old era of disproportionate burdens borne by the United States.

We still have plenty of bargaining leverage left in these negotiations. This bargaining leverage includes not only access to our market which is the largest and generally the freest in the world, but also our political and military expenditures abroad for protecting the defense of Europe and Japan. We also know, for example, that the French and the British are anxious to sell us, and gain landing rights for, their supersonic transport which cost them billions of dollars to develop and produce, and for which there is no effective market outside of the United States. U.S. carriers will not buy them until they are assured of gaining landing rights. They may not buy them even then. Before permitting the landing rights for such an enormous plane, I am confident that the executive branch would seek very broad trade concessions from these countries who are now all part of the Common Market, including a substantial reduction in agricultural protection, and elimination of preferences and Government procurement policies. If they, that is, the French and the British, are unwilling to give us adequate concessions, then let them fly the SST between Paris and London all day long, at great financial cost to themselves.

Mr. President, I return to the position I stated at the outset. Our trade position is dismal and has been dismal for many years. I have confidence, however, that we now have a realistic, pragmatic, and determined approach to restore competitiveness to our economy. In this regard, the Secretary's strong comments to industry and labor officials, I believe, were necessary and appropriate. The Government cannot solve all their problems. Only if they themselves are willing to put their shoulders to the plow and end their constant rivalry and derisive attitudes, can we ever hope to compete in international markets.

It is interesting to know that the countries which are highly competitive in international markets, namely, the Japanese and the Germans, have no serious unemployment and no welfare problems.

Their people work, and they work hard with a sense of national purpose. The cooperation between all segments of society is something to emulate, not criticize. We can learn a lot from our trading partners, but they in turn must understand that the United States has its problems and that they have an important role to play in helping us to solve them.

They can tell our negotiators in English and French, "We owe you nothing." But let them not complain if, after the Congress acts to protect our industries and our jobs, we say, "We owe you nothing." The United States is a patient and forebearing nation, still by far the most powerful economic entity in the world. But if it gets backed into a corner and comes out swinging, somebody is going to get hurt. And it is going to be those who refused to cooperate with us in resolving our international trade problems.

EXHIBIT 1

### FIZZLE?—WHEN IT COMES TO SLOWING THE GROWTH OF FOREIGN IMPORTS, DOLLAR DEVALUATION MAY TURN OUT TO BE A BIG DISAPPOINTMENT

Here's good news for consumers but possibly bad news for American manufacturers: Devaluation of the dollar relative to other currencies may have only a spotty and marginal effect on the attractiveness of foreign goods sold in the U.S.

The simple fact is: You can talk of markets in Western Europe and in the developing countries and behind the Iron Curtain, but the truth is the U.S. still is the best export market in the world—and is going to remain so for years to come. The Europeans and the Japanese can't afford to lose market share here as a result of revaluation. Name it: TV sets, bone china, Scotch whiskey, motorcycles, textiles, the U.S. is where the action is.

For that reason, both Western European and Japanese corporations are taking steps to offset the reshuffling of currencies. Most of them have decided to absorb in whole or part the price increase, in terms of dollars, that resulted. The French franc has gone up 7.8%, but the list price of a Renault 16 has risen only from $3,000 to $3,100, and there's hardly a Renault dealer who won't swallow that extra $100 himself. The value of the Italian lira has increased by 6.9%, but the list price of the Fiat has risen by only $20 to $30, and again, dealers seem ready to absorb it. Although the deutschmark is now worth about 31 cents, 11.9% more than it was, Volkswagen hasn't raised prices.

Actually, the U.S. balance-of-payments problem is not as widespread as it might seem. The U.S. sells more than it buys in most of the world: in Western Europe, in Latin America, in Africa. Only with Canada and Japan is the U.S. running substantial trade deficits. The Canadian problem is more apparent than real because most U.S. imports from there are manufactured by subsidiaries of U.S. companies; we are simply importing from ourselves. But Japan is different. Japan is a truly serious problem.

In 1970 the U.S. imported $5.9 billion worth of goods from Japan but exported only $4.6 billion. The Japanese were shaken by the abrupt way in which the U.S. forced a readjustment of the world's currencies, but they are convinced that it will not slow the flow of Japanese goods into the U.S.

### HIGHER PRICES, BUT—

From January to August 1971, the last month for which figures are available, Japan exported $4.9 billion worth of goods to the U.S. They included $2.5 billion worth of "machinery." Under this heading came TV sets ($236 million), radio sets ($281 million), motor vehicles ($661 million) and motorcycles ($264 million). Prices on all these products are going to rise because of the 16.88% rise in the value of the yen. On TV sets, they may rise as much as 15%, says a top executive at a Japanese TV maker. Says Hank Siegers, who runs the largest motorcycle distributor in New Jersey, Slegers-Forbes: "I've heard the price of Japanese bikes may rise as much as 20%."

The new prices for Japanese automobiles already have been posted. They are up between 6.5% and 11% over pre-freeze prices.

Theoreticaly these increases should hurt the sales of Japanese TV sets, radios, motor vehicles and motorcycles in the U.S. In practice they may hurt only slightly. "That's how I see it," says Koji Omi, Japanese Consul in New York, an official in the Ministry of Trade & Industry, whose specialty is the U.S. economy. "The price rise won't hurt much," says Slegers. "The initial shock will wear off as U.S. prices continue to rise," says Ruben Shohet, a first vice president of Burnham & Co. Inc. and a specialist on the Japanese economy.

One reason: TV sets made in the U.S. contain so many Japanese components that they will have to rise in price along with those made in Japan.

Another reason: The Japanese make products (like Sony's miniature TV sets) that no U.S. manufacturer has on the market.

A third reason: The Japanese have been stressing, quality above price; Americans are willing to pay more for Japanese cameras, for example.

A fourth reason: In the case of motorcycles, the Japanese, by putting out a product that is low in price and high in quality, have established what almost amounts to a monopoly in the U.S. "Harley-Davidson really isn't a competitor of Honda," says Slegers. "Even if Honda raises prices by 20%, a Honda will still be cheaper than almost any motorcycle Harley-Davidson markets. The only inexpensive line Harley-Davidson has are motorcycles made in Italy by Aermacchi, and they're going to rise in price, too, because of the devaluation of the dollar."

What about iron and steel? From January to August 1971, Japan exported $713 million worth to the U.S. Will the rise in value of the yen stem these exports?

Not at all. The Japanese companies will simply absorb the added 16.88%. "You have to understand this," says Omi. "Nowhere else in the world can my country sell iron and steel at such a high price. Nowhere else in the world can Japanese companies make the profits per ton they make here. The only thing holding back Japanese exports of steel to the U.S. is what we call 'voluntary restraint.' Of course, it's not voluntary. The U.S. forced Japan to agree not to increase steel exports by more than 3% a year".

Omi does admit that certain Japanese exports will be hurt by the readjustment of currencies. One: heavy machinery, "for example, generators. We were just beginning to become competitive in the U.S. We had great hopes for exports of heavy machinery to the U.S. This is going to delay us," he says. Hard hit will also be Japanese textiles—but not for the reasons Americans think. "We're in competition in the U.S. market with South Korea, Taiwan and Hong Kong," Omi points out. "Those nations haven't revalued their currencies. The result is the Japanese yen has risen approximately 9% in relation to them. We are now afraid they will follow the dollar down. That will put Japan at a 16.88% disadvantage."

In short, the Japanese fear a loss of their share of the U.S. textile market to the other Asian nations. They will be hurt, but this will not help U.S. textile manufacturers.

Japanese Consul Omi says that Japan is already adjusting nicely to the changed situation. "Our labor costs," he says, "are rising so fast that we know we cannot continue to make—what should I call them?—primitive products—that is, products requiring a great deal of labor. We are switching to highly sophisticated products. In the long run, I think, this will be good for Japan."

A U.S. expert agrees. Stewart Scheuer, president of Industrecon Associates, consultant to Japanese and American companies trading with Japan, says: "The yen is still undervalued, and productivity will make it up in most industries. Most Japanese companies will upgrade their lines.

"Moreover, American inflation is certain to continue.

"At the beginning, the Japanese companies will absorb some increases to see how the market is going. They will gradually raise prices and allow for interim gains in productivity. They already have abdicated the low end of the market to underdeveloped countries.

"The companies in low-end stuff like novelties, umbrellas and baseball gloves, these guys who are going to be hurt, would have gone under anyhow. The Japanese government already has been weeding them out."

To sum up, it looks as if the Japanese and the Europeans have returned the ball to the American court. They are regaining the initiative. Meanwhile, at home, the newer labor contracts look almost as inflationary as the old ones, and the advantages of devaluation seem to be slipping away.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## APPOINTMENT BY THE CHAIR

The PRESIDING OFFICER (Mr. Stevenson). The Chair, on behalf of the Vice President, appoints the Senator from New York (Mr. Buckley) as an alternate to the United Nations Conference on the Human Environment to be held in Stockholm, Sweden, June 6 to 16, 1972.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1972

The Senate continued with the consideration of the bill (S. 2515) to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina (Mr. Ervin).

Mr. ERVIN. Mr. President, I have much concern about any bill which takes away, from any segment of the American people, freedom. I happen to think that freedom is the greatest blessing which people can enjoy on this earth. I also happen to think that it is unwise to take away freedom from some people on the theory that robbing them of their freedom will promote the interests of other people.

I respectfully submit that any law which gives any agency of Government the right to compel employers to employ persons selected by the Government rather than by themselves should be restricted to those who employ persons in great numbers.

This bill proposes that the EEOC shall have the power to ultimately control the hiring, the promotion, and the firing of every employer within the borders of the 50 States who employs as few as 8 persons. I happen to believe that an employer of such a small number of persons who invests his resources or his talents in a business has the right, in any free society, or should have the right in any free society, to employ the persons who he himself thinks are best qualified to make his business a success rather than a failure.

I also think that when you get down to a small number of employees like 8, 9, or 10, whether a business is going to be a success is largely going to depend on whether the personal relationships among that small group of employees are amicable, and that it is a great hazard to the success of the business for a governmental agency to say to that employer of so few persons that he has to employ persons selected by the Government, even though their employment will destroy the congeniality of the employees of that establishment and in that way imperil the success of the employer.

As one who loves his country, I am distressed as I go abroad in this land to find that the Federal Government has undertaken to dictate to the people of this country in respect to so many of their affairs, and that many of the Government agents who exercise this power of the Government are so arbitrary that a very substantial part of the people of this country have grown to fear the Federal Government.

I also find, as I go to and fro, a growing contempt among people in general for many of the activities of government. For example, a short time ago a Federal judge sitting in the city of Richmond usurped—and I use that word advisedly—and exercised the power to require the Old Dominion to consolidate two independent counties and an independent city into one school district, and to deny 78,000 little children, black and white, what I consider to be their right to attend their neighborhood schools, and required the authorities of the State of Virginia in that independent city and those two independent counties to bus those 78,000 little children, black and white, away from their homes, not for the purpose of enlightening their minds but merely for the purpose of integrating their bodies.

It has been stated in the public press that this judge made it impossible for any Federal judge to visit such political tyranny upon his own children, but avoided it by sending his own children to private schools, which are not subject to such tyrannical power on the part of Federal judges. I am somewhat at a loss to comprehend how anyone who believes in justice and fairplay could fail to entertain a contempt for governmental action of that nature.

Under this bill, employers of small groups of employees, numbering approximately the same as the number of staff members that U.S. Senators and Representatives have, would be subjected to a law which gives an agency of the Federal Government, namely, the EEOC, the power to determine whom they shall hire, whom they shall promote, whom they may fire, and whom they must retain in their employment.

It is worthy of notice that the Members of the Senate are not asked to impose upon themselves the same tyranny that they would impose upon private employers of similar numbers of employees. In fact, the bill, by a provision which appears on page 32, exempts the entire U.S. Government from the provisions of this bill.

How are we going to enhance the respect which the people of the United States, so we think, ought to have for the Senate of the United States, when the Senate emulates the example of the old doctor who prescribed medicine for his patients which he would not take himself?

Several days ago, I called attention to the assertion made by the Founding Fathers to the preamble to the Constitution. They asserted in that portion of that great document that they ordained and established the Constitution to secure the blessings of liberty for themselves and their posterity.

I dislike to say this, but truth compels me to do so. Since I came to the Senate of the United States 17 years ago, one of the principal occupations of Congress has been to rob the posterity of the Founding Fathers of the blessings of liberty which the Constitution was ordained and established to secure to them.

We are told by laws such as this that men must think like the Government thinks and that they are going to be penalized in their employment practices if they fail so to think.

For example, I entertain an honest conviction that a small businessman ought to have the liberty to employ a person of his own race instead of a person of another race. I do not think there is any evil or any wickedness or any iniquity in a small businessman enjoying that right.

Furthermore, I happen to think that a person who is of American origin has an inherent right to employ a person of American origin instead of a person of some other national origin. I think that when a person of American national origin does that, he commits an entirely natural act, an act which is in no respect evil or iniquitous or sinful.

I also happen to believe that a person of a particular religion ought to have—and that he will have, in a free society—the right to employ a person whose religious beliefs are similar to his. I do not believe that when a person prefers to employ a person of his own religion, rather than a person of another religion, he does anything evil or anything iniquitous.

Yet, under this bill, a person commits an illegal act if he does any of these things and in so doing is actuated to any degree whatsoever by a preference for a person of his own race or his own religion or his own national origin.

This bill undertakes to deprive small businessmen of basic rights which they have enjoyed in this land ever since George Washington took his first oath of office as President of the United States. We are told that this bill is to promote equality. I deny it. If the law compels A to work for B against A's will, that is slavery, within the purview of the 13th amendment. If the law says to B, "You must employ A, even though you prefer to employ some person of your own race or religion or national origin," that does not make A and B equal. It subordinates the rights of B to the artificially created privilege of A, and no amount of sophistry can erase this plain truth.

Mr. President, in my judgment, it would be bad enough to rob the small businessman, who invests his resources and his talents in a lawful business, of his right to select his own employees; but the deprivation of freedom which this bill envisages is made worse because the Government agency which is to exercise this autocratic power has ordinarily been staffed in the past—and will almost certainly be staffed in the future—by crusaders for a cause. That, too, is pretty bad. But this bill establishes procedures which are designed to prevent the courts, when they review the decisions of these agencies, from basing their decisions upon the truth. The law is specifically designed to handicap the courts and place them in a straitjacket in their search for truth, by saying that they are bound by the findings of the Commission if those findings are supported by substantial evidence—that is, merely more than a scintilla—even though the greater weight of the evidence, the more convincing evidence, the evidence which shows the probability that the findings are false, is to the contrary and that, to my mind, is a prostitution of the judicial process. I know that no greater evil can be done in the name of justice than to prostitute the judicial process.

Mr. GAMBRELL. Mr. President, will the distinguished Senator from North Carolina yield for a question.

Mr. ERVIN. I am delighted to yield to the Senator from Georgia.

Mr. GAMBRELL. I was interested in the Senator's comments with reference to the imposition on small businesses. That was a concern I understook to express yesterday in an amendment I offered which, with a modification, was eventually adopted. The Senator will recall that the thrust of the amendment which I offered was to provide financial assistance to small businesses to defend themselves when under investigation or prosecution by the EEOC under the bill. The proposal was, according to my amendment, to provide that assistance to a small business defending itself as long as that small business did not conduct itself in a manner inconsistent with the purposes of tne act, regardless of whether it eventually won or lost the case. The Senator recalls that amendment?

Mr. ERVIN. Yes. I was pleased to support that amendment, because I think it is necessary to achieve a balance in the financial structure. The applicant for employment or the person selected by the Commission for employment has all the wealth of the United States arrayed against the small businessman.

Mr. GAMBRELL. The Senator will recall that the committee offered a substitute or an amendment to my amendment which limited its application only to those small businesses or unions which became the prevailing parties in litigation; that is to say, if the small business or the union succeeded in establishing that it was not guilty of the charge, then it was in a position to be reimbursed for its expenses. The Senator recalls that?

Mr. ERVIN. That is true. After the amendment of the Senator from Georgia was modified by the amendment of the Senator from Minnesota (Mr. MONDALE), I supported the modified amendment not because I thought it was a better solution to the problem, but because I thought it would serve justice better.

Mr. GAMBRELL. The Senator will recall that the opposition to the amendment as originally offered and the basis for the modification which tied this benefit to small business or a union which might be unsuccessful, even though they offered to settle, recognized and agreed that they had been in violation of the act, that denial of the benefit to such small business or union was based on the thought or the observation that this would be financed to obstruct enforcement of the act and that the Government should not finance anyone who might, even in good faith, because they believed in their defense, be in error, or find themselves to be in error and so could not receive such assistance.

I ask the Senator, as the Senator from North Carolina is a distinguished constitutional authority and recognizing, I am sure, that he has supported the provisions of adequate assistance for the defense of an accused criminal in Federal court——

Mr. ERVIN. I am proud to say that I am one of the authors of the Criminal Justice Act and amendments to the Criminal Justice Act designed entirely to accomplish that purpose.

Mr. GAMBRELL. I would ask the Senator—I was not here at the time when all of that was passed—whether there was a hue and cry raised at the time the Criminal Justice Act was passed, along the lines that provision of money to an accused criminal might promote the obstruction or the administration of criminal justice? Was there any such objection made on the part of the Senator from Minnesota or others who took that position here yesterday?

Mr. ERVIN. No. At that time, the Senators who now disagree with the Senator from North Carolina were wise enough to accept the sound notion of the Senator from North Carolina to support his endeavor.

Mr. GAMBRELL. This is a matter of deep concern to me, that we should find a small businessman or a small union who happens to be going about its business in good faith and who may by accident, through lack of knowledge, lack of information, lack of good advice, or something else, accidentally violate this act, be considered to have obstructed justice by defending itself; whereas the most disreputable criminal in our society, from murderer right on up and down the scale of justice, accused of serious crimes, infamous crimes, can get Federal financial assistance to defend himself, whereas a small business or a union is not permitted to defend itself with Federal assistance. Is that not the utmost hypocrisy, in the Senator's opinion?

Mr. ERVIN. It certainly is. If the Senator from North Carolina was not such a trusting individual and was not so charitable in his opinions of his colleagues, I would suspect that perhaps the reluctance to have a law that gives a small businessman reasonable opportunity to defend himself is that it is desirous the small businessman, no matter how righteous he may believe his cause to be, will throw out the white flag and make complete obeisance to the Federal bureau in Washington, because the little man in Georgia or in North Carolina is in no financial condition to contest his Government with all its wealth arrayed against him on the side of his adversary.

Mr. President, I have pointed out that this bill takes from small businessmen the liberty that they have always enjoyed and which they should continue to enjoy if the United States is to remain a free society.

I have pointed out that if the law is to be enforced against them by an agency which is notorious for the biased attitude of its members, they will be greatly injured.

I have pointed out that the procedures which those who operate the agency pursue are incompatible with any fair system of justice. I would like to make the further observation at this point that the men who constitute the members of the Commission and who selects the people that they will compel the small businessman to employ are usually without experience, without knowledge, and without understanding of the business in which the small businessman is engaged or what it takes to make that business a success instead of a failure.

So much for the small businessman and private industry. This bill goes a long way beyond the businessmen. It even gives this Commission jurisdiction over all the private institutions of learning in this country. It gives them the final say-so as to who will be the members of the faculty of those private institutions of learning. But it is not content with arrogating all of this power to the EEOC. It even gives the EEOC the power to lay the political hands of Caesar upon the institutions of God.

I pointed out previously that the amendment offered by the distinguished Senator from Alabama (Mr. ALLEN) and myself, which is now under consideration, is to lines 18 through 24, both inclusive, at the bottom of page 33 of the bill. These lines comprehend section 702 and read as follows:

> This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its religious activities.

This section would split the activities of a religious organization into two segments, although they are irretrievably held mainly by the organization itself. It would be so generous to the good Lord as to permit the good Lord to retain jurisdiction over those employees of the religious organizations who did work strictly in the religious field, but it would arrogate to the Commission jurisdiction of those employees of the religious organizations whose work was more of a mundane nature.

For example, under the bill in its present form, the EEOC would have the power to compel a Christian church to employ a Mohammedan or an atheist or an agnostic as secretary. When the Federal Government begins to grasp the power of things of the Lord, it is reaching a state of governmental intemperance which is alien to the first amendment. The first amendment was designed to build a wall of separation between church and state; the bill proposes to tear down, in part, that wall of separation and to give to Caesar some of the jurisdiction over the affairs of the Lord. The first amendment reads:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

In order that the Senate might understand what that provision means, and why it was designed to build an impregnable wall of separation between church and state, I invite the attention of the Senate to the case of Everson against Board of Education of the township of Ewing, which is reported in 30 U.S. Reports at page 1. I read from that opinion, first from the brief statement of facts contained in it:

> In a suit by a taxpayer, the New Jersey Supreme Court held that the state legislature was without power under the state constitution to authorize reimbursement to parents of bus fares paid for transporting their children to schools other than public schools. 132 N.J.L. 98, 39 A. 2d 75. The New Jersey Court of Errors and Appeals reversed, holding that neither the statute nor a resolution passed pursuant to it violated the state constitution or the provisions of the Federal Constitution in issue. 133 N.J.L. 350, 44 A. 2d 333. On appeal of the federal questions to this Court, *affirmed*, p. 18.

I do not read this case for the purpose of judging the soundness of applying the first amendment to the facts in the case, but for the purpose of disclosing to the Senate how the first amendment was attempted to build an impregnable wall of separation between the State—that term being applied here to the Federal Government—and religion. Mr. Justice Black delivered the opinion of the Court. His opinion starts on page 3 and reads as follows:

> A New Jersey statute authorizes its local school districts to make rules and contracts for the transportation of children to and from schools. The appellee, a township board of education, acting pursuant to this statute, authorized reimbursement to parents of money expended by them for the bus transportation of their children on regular busses operated by the public transportation system. Part of this money was for the payment of transportation of some children in the community to Catholic parochial schools. These church schools give their students, in addition to secular education, regular religious instruction conforming to the religious tenets and modes of worship of the Catholic Faith. The superintendent of these schools is a Catholic priest.
>
> The appellant, in his capacity as a district taxpayer, filed suit in a state court challenging the right of the Board to reimburse parents of parochial school students. He contended that the statute and the resolution passed pursuant to it violated both the State and the Federal Constitutions. That court held that the legislature was without power to authorize such payment under the state constitution. 132 N. J. L. 98, 39 A. 2d 75. The New Jersey Court of Errors and Appeals reversed holding that neither the statute nor the resolution passed pursuant to it was in conflict with the State constitution or the provisions of the Federal Constitution in issue. 133 N. J. L. 350, 44 A. 2d 333. The case is here on appeal under 28 U.S.C. § 344 (a).
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> Since there has been no attack on the statute on the ground that a part of its language excludes children attending private schools operated for profit from enjoying State payment for their transportation, we need not consider this exclusionary language; it has no relevancy to any constitutional question here presented. Furthermore, if the exclusion clause had been properly challenged, we do not know whether New Jersey's highest court would construe its statutes as precluding payment of the school transportation of any group of pupils, even those of a private school run for profit. Consequently, we put to one side the question as to the validity of the statute against the claim that it does not authorize payment for the transportation generally of school children in New Jersey.
>
> The only contention here is that the state statute and the resolution, insofar as they authorized reimbursement to parents of children attending parochial schools, violate the Federal Constitution in these two respects, which to some extent overlap. *First*. They authorize the State to take by taxation the private property of some and bestow it upon others, to be used for their own private purposes. This, it is alleged, violates the due process clause of the Fourteenth Amendment. *Second*. The statute and the resolution forced inhabitants to pay taxes to help support and maintain schools which are dedicated to, and which regularly teach, the Catholic Faith. This is alleged to be a use of state power to support church schools contrary to the prohibition of the First Amendment which the Fourteenth Amendment made applicable to the states.

*First.* The due process argument that the state law taxes some people to help others carry out their private purposes is framed in two phases. The first phase is that a state cannot tax A to reimburse B for the cost of transporting his children to church schools. This is said to violate the due process clause because the children are sent to these church schools to satisfy the personal desires of their parents, rather than the public's interest in the general education of all children. This argument, if valid, would apply equally to prohibit state payment for the transportation of children to any non-public school, whether operated by a church or any other non-government individual or group. But, the New Jersey legislature has decided that a public purpose will be served by using taxraised funds to pay the bus fares of all school children, including those who attend parochial schools. The New Jersey Court of Errors and Appeals has reached the same conclusion. The fact that a state law, passed to satisfy a public need, coincides with the personal desires of the individuals most directly affected is certainly an inadequate reason for us to say that a legislature has erroneously appraised the public need.

It is true that this Court has, in rare instances, struck down state statutes on the ground that the purpose for which tax-raised funds were to be expended was not a public one. *Loan Association* v. *Topeka,* 20 Wall. 655; *Parkersburg* v. *Brown,* 106 U. S. 487; *Thompson* v. *Consolidated Gas Utilities Corp.,* 300 U. S. 55. But the Court has also pointed out that this far-reaching authority must be exercised with the most extreme caution. *Green* v. *Frazier,* 253 U. S. 233, 240. Otherwise, a state's power to legislate for the public welfare might be seriously curtailed, a power which is a primary reason for the existence of states. Changing local conditions create new local problems which may lead a state's people and its local authorities to believe that laws authorizing new types of public services are necessary to promote the general well-being of the people. The Fourteenth Amendment did not strip the states of their power to meet problems previously left for individual solution. *Davidson* v. *New Orleans,* 96 U. S. 97, 103–104; *Barbier* v. *Connolly,* 113 U. S. 27, 31–32; *Fallbrook Irrigation District* v. *Bradley,* 164 U. S. 112, 157–158.

It is much too late to argue that legislation intended to facilitate the opportunity of children to get a secular education serves no public purpose. *Cochran* v. *Louisiana State Board of Education,* 281 U. S. 370; Holmes, J., in *Interstate Ry.* v. *Massachusetts,* 207 U. S. 79, 87. See opinion of Cooley, J. in *Stuart* v. *School District No. 1 of Kalamazoo,* 30 Mich. 69 (1874). The same thing is no less true of legislation to reimburse needy parents, or all parents, for payment of the fares of their children so that they can ride in public busses to and from schools rather than run the risk of traffic and other hazards incident to walking or "hitchhiking." See *Barbier* v. *Connolly, supra,* at 31. See also cases collected 63 A.L.R. 413; 118 A.L.R. 806. Nor does it follow that a law has a private rather than a public purpose because it provides that taxraised funds will be paid to reimburse individuals on account of money spent by them in a way which furthers a public program. See *Carmichael* v. *Southern Coal & Coke Co.,* 301 U. S. 495, 518. Subsidies and loans to individuals such as farmers and home-owners, and to privately owned transportation systems, as well as many other kinds of businesses, have been commonplace practices in our state and national history.

Insofar as the second phase of the due process argument may differ from the first, it is by suggesting that taxation for transportation of children to church schools constitutes support of a religion by the State. But if the law is invalid for this reason, it is because it violates the First Amendment's prohibition against the establishment of religion by law. This is the exact question raised by appellant's second contention, to consideration of which we now turn.

*Second.* The New Jersey statute is challenged as a "law respecting an establishment of religion." The First Amendment, as made applicable to the states by the Fourteenth, *Murdock* v *Pennsylvania,* 319 U.S. 105, commands that a state "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ." These words of the First Amendment reflected in the minds of early Americans a vivid mental picture of conditions and practices which they fervently wished to stamp out in order to preserve liberty for themselves and for their posterity. Doubtless their goal has not been entirely reached; but so far has the Nation moved toward it that the expression "law respecting an establishment of religion," probably does not so vividly remind present-day Americans of the evils, fears, and political problems that caused that expression to be written into our Bill of Rights. Whether this New Jersey law is one respecting an "establishment of religion" requires an understanding of the meaning of that language, particularly with respect to the imposition of taxes. Once again, therefore, it is not inappropriate briefly to review the background and environment of the period in which that constitutional language was fashioned and adopted.

A large proportion of the early settlers of this country came here from Europe to escape the bondage of laws which compelled them to support and attend government-favored churches. The centuries immediately before and contemporaneous with the colonization of America had been filled with turmoil, civil strife, and persecutions, generated in large part by established sects determined to maintain their absolute political and religious supremacy. With the power of government supporting them, at various times and places, Catholics had persecuted Protestants, Protestants had persecuted Catholics, Protestant sects had persecuted other Protestant sects, Catholics of one shade of belief had persecuted Catholics of another shade of belief, and all of these had from time to time persecuted Jews. In efforts to force loyalty to whatever religious group happened to be on top and in league with the government of a particular time and place, men and women had been fined, cast in jail, cruelly tortured, and killed. Among the offenses for which these punishments had been inflicted were such things as speaking disrespectfully of the views of ministers of government-established churches, non-attendance at those churches, expressions of non-belief in their doctrines, and failure to pay taxes and tithes to support them.

These practices of the old world were transplanted to and began to thrive in the soil of the new America. The very charters granted by the English Crown to the individuals and companies designated to make the laws which would control the destinies of the colonials authorized these individuals and companies to erect religious establishments which all, whether believers or non-believers, would be required to support and attend. An exercise of this authority was accompanied by a repetition of many of the old-world practices and persecutions. Catholics found themselves hounded and proscribed because of their faith; Quakers who followed their conscience went to jail; Baptists were peculiarly obnoxious to certain dominant Protestant sects; men and women of varied faiths who happened to be in a minority in a particular locality were persecuted because they steadfastly persisted in worshipping God only as their own consciences dictated. And all of these dissenters were compelled to pay tithes and taxes to support government-sponsored churches whose ministers preached inflammatory sermons designed to strengthen and consolidate the established faith by generating a burning hatred against dissenters.

These practices became so commonplace as to shock the freedom-loving colonials into a feeling of abhorrence. The imposition of taxes to pay ministers' salaries and to build and maintain churches and church property aroused their indignation. It was these feelings which found expression in the First Amendment. No one locality and no one group throughout the Colonies can rightly be given entire credit for having aroused the sentiment that culminated in adoption of the Bill of Rights' provisions embracing religious liberty. But Virginia, where the established church had achieved a dominant influence in political affairs and where many excesses attracted wide public attention, provided a great stimulus and able leadership for the movement. The people there, as elsewhere, reached the conviction that individual religious liberty could be achieved best under a government which was stripped of all power to tax, to support, or otherwise to assist any or all religions, or to interfere with the beliefs of any religious individual or group.

The movement toward this end reached its dramatic climax in Virginia in 1785–86 when the Virginia legislative body was about to renew Virginia's tax levy for the support of the established church. Thomas Jefferson and James Madison led the fight against this tax. Madison wrote his great Memorial and Remonstrance against the law. In it, he eloquently argued that a true religion did not need the support of law; that no person, either believer or non-believer, should be taxed to support a religious institution of any kind; that the best interest of a society required that the minds of men always be wholly free; and that cruel persecutions were the inevitable result of government-established religions. Madison's Remonstrance received strong support throughout Virginia, and the Assembly postponed consideration of the proposed tax measure until its next session. When the proposal came up for consideration at that session, it not only died in committee, but the Assembly enacted the famous "Virginia Bill for Religious Liberty" originally written by Thomas Jefferson. The preamble to that Bill stated among other things that—

"Almighty God hath created the mind free; that all attempts to influence it by temporal punishments of burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either . . .; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern. . . ."

And the statute itself enacted:

"That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief. . . ."

This Court has previously recognized that the provisions of the First Amendment, in the drafting and adoption of which Madison and Jefferson played such leading roles, had the same objective and were intended to provide the same protection against governmental intrusion on religious liberty as the Virginia statute. *Reynolds* v. *United States, supra* at 164; *Watson* v. *Jones,* 13 Wall. 679; *Davis* v. *Beason,* 133 U.S. 333, 342. Prior to the adoption of the Fourteenth Amendment, the First Amendment did not apply as a restraint against the states. Most of them did soon provide similar constitutional protections for religious liberty. But some states persisted for about half a century in imposing re-

> straints upon the free exercise of religion and in discriminating against particular religious groups. In recent years, so far as the provision against the establishment of a religion is concerned, the question has most frequently arisen in connection with proposed state aid to church schools and efforts to carry on religious teachings in the public schools in accordance with the tenets of a particular sect. Some churches have either sought or accepted state financial support for their schools. Here again the efforts to obtain state aid or acceptance of it have not been limited to any one particular faith. The state courts, in the main, have remained faithful to the language of their own constitutional provisions designed to protect religious freedom and to separate religions and governments.

Mr. President, I would like to emphasize the portion of Justice Black's opinion which I have just read that these State constitutional provisions similar to the first amendment are designed to protect religious freedom and to separate religion from government, which this bill undertakes to wed in some respects.

I resume the reading:

> Their decisions, however, show the difficulty in drawing the line between tax legislation which provides funds for the welfare of the general public and that which is designed to support institutions which teach religion.
>
> The meaning and scope of the First Amendment, preventing establishment of religion or prohibiting the free exercise thereof, in the light of its history and the evils it was designed forever to suppress, have been several times elaborated by the decisions of this Court prior to the application of the First Amendment to the states by the Fourteenth. The broad meaning given the Amendment by these earlier cases has been accepted by this Court in its decisions concerning an individual's religious freedom rendered since the Fourteenth Amendment was interpreted to make the prohibitions of the First applicable to state action abridging religious freedom. There is every reason to give the same application and broad interpretation to the "establishment of religion" clause. The interrelation of these complementary clauses was well summarized in a statement of the Court of Appeals of South Carolina, quoted with approval by this Court in *Watson* v. *Jones*, 13 Wall. 679, 730: "The structure of our government has, for the preservation of civil liberty, rescued the temporal institutions from religious interference. On the other hand, it has secured religious liberty from the invasion of the civil authority."

I disgress from reading the opinion to emphasize that statement, that the gist and effect of the first amendment and similar constitutional provisions in the constitutions of the States is to secure religious liberty from the invasion of the civil authorities. I respectfully submit that we are not securing religious liberty from the invasion of the civil authorities when we give the civil authorities power to regulate whom religious institutions, such as religious corporations, religious educational institutions, and religious societies, can employ, whom they must promote, whom they must retain in employment, and whom they may fire.

I resume the reading of the decision:

> The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and *vice versa*. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and State." *Reynolds* v. *United States*, *supra* at 164.

Mr. President, I should like to emphasize that statement, that, in the words of Jefferson, the clause against the establishment of religion by law was intended to erect a wall of separation between church and state. I respectfully submit that we do not erect a wall of separation between church and state when we permit the agents of the state to tell a religious corporation, a religious association, a religious educational institution, or a religious society, whom it is to employ for any purpose, whom it is to promote for any purpose, or whom it may discharge for any reason.

So this bill is an assault on the wall of separation which the first amendment was intended to build between civil government and religion.

I resume the reading of the opinion:

> We must consider the New Jersey statute in accordance with the foregoing limitations imposed by the First Amendment. But we must not strike that state statute down if it is within the State's constitutional power even though it approaches the verge of that power. See *Interstate Ry.* v. *Massachusetts*, Holmes, J., *supra* at 85, 88. New Jersey cannot consistently with the "establishment of religion" clause of the First Amendment contribute tax-raised funds to the support of an institution which teaches the tenets and faith of any church. On the other hand, other language of the amendment commands that New Jersey cannot hamper its citizens in the free exercise of their own religion. Consequently, it cannot exclude individual Catholics, Lutherans, Mohammedans, Baptists, Jews, Methodists, Non-believers, Presbyterians, or the members of any other faith, *because of their faith, or lack of it*, from receiving the benetfis of public welfare legislation.

Under the provisions of this bill, the EEOC, which is given jurisdiction over certain aspects of the employment practices of religious organizations, can deny to members of those organizations employment by those religious organizations for purposes not connected with the actual dissemination of religious doctrines.

I resume the reading of the opinion:

> While we do not mean to intimate that a state could not provide transportation only to children attending public schools, we must be careful, in protecting the citizens of New Jersey against state-established churches, to be sure that we do not inadvertently prohibit New Jersey from extending its general state law benefits to all its citizens without regard to their religious belief.
>
> Measured by these standards, we cannot say that the First Amendment prohibits New Jersey from spending tax-raised funds to pay the bus fares of parochial school pupils as a part of a general program under which it pays the fares of pupils attending public and other schools. It is undoubtedly true that children are helped to get to church schools. There is even a possibility that some of the children might not be sent to the church schools if the parents were compelled to pay their children's bus fares out of their own pockets when transportation to a public school would have been paid for by the State. The same possibility exists where the state requires a local transit company to provide reduced fares to school children including those attending parochial schools, or where a municipally owned transportation system undertakes to carry all school children free of charge. Moreover, state-paid policemen, detailed to protect children going to and from church schools from the very real hazards of traffic, would serve much the same purpose and accomplish much the same result as state provisions intended to guarantee free transportation of a kind which the state deems to be best for the school children's welfare. And parents might refuse to risk their children to the serious danger of traffic accidents going to and from parochial schools, the approaches to which were not protected by policemen. Similarly, parents might be reluctant to permit their children to attend schools which the state had cut off from such general government services as ordinary police and fire protection, connections for sewage disposal, public highways and sidewalks. Of course, cutting off church schools from these services, so separate and so indisputably marked off from the religious function, would make it far more difficult for the schools to operate. But such is obviously not the purpose of the First Amendment. That Amendment requires the state to be a neutral in its relations with groups of religious believers and non-believers; it does not require the state to be their adversary. State power is no more to be used so as to handicap religions than it is to favor them.
>
> This Court has said that parents may, in the discharge of their duty under state compulsory education laws, send their children to a religious rather than a public school if the school meets the secular educational requirements which the state has power to impose. See *Pierce* v. *Society of Sisters*, 268 U.S. 510. It appears that these parochial schools meet New Jersey's requirements. The State contributes no money to the schools. It does not support them. Its legislation, as applied, does no more than provide a general program to help parents get their children, regardless of their religion, safely and expeditiously to and from accredited schools.
>
> The First Amendment has erected a wall between church and state. That wall must be kept high and impregnable. We could not approve the slightest breach. New Jersey has not breached it here.
>
> *Affirmed.*

I digress from reading further opinions in this case to emphasize these words:

> The first amendment has erected a wall between church and state. That wall must be kept high and impregnable.

I respectfully submit that this bill would destroy in part the wall between church and state. I submit that it would not keep that wall high and impregnable.

I cannot understand why the EEOC or those who support it are so anxious to extend its powers so that it will have jurisdiction over who is employed by a church to be a janitor, or who is employed to be a secretary for a church, or who is employed—as is done in many instances where religious organizations have fundraising drives—to raise money for them. Yet, this bill would extend the power of the EEOC over these employees of churches; and, as I have said, it would lay the political hands of Caesar upon the things of God.

Other opinions in this case illustrate the truth that the first amendment was a design to raise a wall of separation between church and state and was designed to keep the state's hands off the church and the church's hands off the state. Certainly, a bill which is designed to lay the hands of the state on the employment practices of religious denominations is not keeping the hands of the state off the church.

Mr. Justice Jackson wrote a dissenting opinion in the Everson case which has some very strong statements on the aspect of the first amendment. I read from the dissenting opinion:

> I find myself, contrary to first impressions, unable to join in this decision. I have a sympathy, though it is not ideological, with Catholic citizens who are compelled by law to pay taxes for public schools, and also feel constrained by conscience and discipline to support other schools for their own children. Such relief to them as this case involves is not in itself a serious burden to taxpayers and I had assumed it to be as little serious in principle. Study of this case convinces me otherwise. The Court's opinion marshals every argument in favor of state aid and puts the case in its most favorable light, but much of its reasoning confirms my conclusions that there are no good grounds upon which to support the present legislation. In fact, the undertones of the opinion, advocating complete and uncompromising separation of Church from State, seem utterly discordant with its conclusion yielding support to their commingling in educational matters. The case which irresistibly comes to mind as the most fitting precedent is that of Julia who, according to Byron's reports, "whispering 'I will ne'er consent.'—consented."
>
> I
>
> The Court sustains this legislation by assuming two deviations from the facts of this particular case; first, it assumes a state of facts the record does not support, and secondly, it refuses to consider facts which are inescapable on the record.
>
> The Court concludes that this "legislation, as applied, does no more than provide a general program to help parents get their children, regardless of their religion, safely and expeditiously to and from accredited schools," and it draws a comparison between "state provisions intended to guarantee free transportation" for school children with services such as police and fire protection, and implies that we are here dealing with "laws authorizing new types of public services . . . ." This hypothesis permeates the opinion. The facts will not bear that construction.
>
> The Township of Ewing is not furnishing transportation to the children in any form; it is not operating school busses itself or contracting for their operation; and it is not performing any public service of any kind with this taxpayer's money. All school children are left to ride as ordinary paying passengers on the regular busses operated by the public transportation system. What the Township does, and what the taxpayer complains of, is at stated intervals to reimburse parents for the fares paid, provided the children attend either public schools or Catholic Church schools. This expenditure of tax funds has no possible effect on the child's safety or expedition in transit. As passengers on the public busses they travel as fast and no faster, and are as safe and no safer, since their parents are reimbursed as before.
>
> In addition to thus assuming a type of service that does not exist, the Court also insists that we must close our eyes to a discrimination which does exist. The resolution which authorizes disbursement of this taxpayer's money limits reimbursement to those who attend public schools and Catholic schools. That is the way the Act is applied to this taxpayer.
>
> The New Jersey Act in question makes the character of the school, not the needs of the children, determine the eligibility of parents to reimbursement. The Act permits payment for transportation to parochial schools or public schools but prohibits it to private schools operated in whole or in part for profit. Children often are sent to private schools because their parents feel that they require more individual instruction than public schools can provide, or because they are backward or defective and need special attention. If all children of the state were objects of impartial solicitude, no reason is obvious for denying transportation reimbursement to students of this class, for these often are as needy and as worthy as those who go to public or parochial schools. Refusal to reimburse those who attend such schools is understandable only in the light of a purpose to aid the schools, because the state might well abstain from aiding a profit-making private enterprise. Thus, under the Act and resolution brought to us by this case, children are classified according to the schools they attend and are to be aided if they attend the public schools or private Catholic schools, and they are not allowed to be aided if they attend private secular schools or private religious schools of other faiths.
>
> Of course, this case is not one of a Baptist or a Jew or an Episcopalian or a pupil of a private school complaining of discrimination. It is one of a taxpayer urging that he is being taxed for an unconstitutional purpose. I think he is entitled to have us consider the Act just as it is written. The statement by the New Jersey court that it holds the Legislature may authorize use of local funds "for the transportation of pupils to any school," 133 N. J. L. 350, 354, 44 A. 2d 333, 337, in view of the other constitutional views expressed, is not a holding that this Act authorizes transportation of *all* pupils to *all* schools. As applied to this taxpayer by the action he complains of, certainly the Act does not authorize reimbursement to those who choose any alternative to the public school except Catholic Church schools.
>
> If we are to decide this case on the facts before us, our question is simply this: Is it constitutional to tax this complainant to pay the cost of carrying pupils to Church schools of one specified denomination?
>
> II
>
> Whether the taxpayer constitutionally can be made to contribute aid to parents of students because of their attendance at parochial schools depends upon the nature of those schools and their relation to the Church. The Constitution says nothing of education. It lays no obligation on the states to provide schools and does not undertake to regulate state systems of education if they see fit to maintain them.

I digress here, Mr. President, to say that that statement seems to have been drawn out of the Constitution and lost in a legal garbage can somewhere.

> But they cannot, through school policy any more than through other means, invade rights secured to citizens by the Constitution of the United States. *West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624. One of our basic rights is to be free of taxation to support a transgression of the constitutional command that the authorities "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ." U.S. Const., Amend. I; *Cantwell* v. *Connecticut*, 319 US 296.
>
> The function of the Church school is a subject on which this record is meager. It shows only that the schools are under superintendence of a priest and that "religion is taught as part of the curriculum." But we know that such schools are parochial only in name—they, in fact, represent a world-wide and age-old policy of the Roman Catholic Church. Under the rubric "Catholic Schools," the Canon Law of the Church, by which all Catholics are bound, provides:
>
> "1215. Catholic children are to be educated in schools where not only nothing contrary to Catholic faith and morals is taught, but rather in schools where religious and moral training occupy the first place. . . . (Canon 1372.)"
>
> "1216. In every elementary school the children must, according to their age, be instructed in Christian doctrine.
>
> "The young people who attend the higher schools are to receive a deeper religious knowledge, and the bishops shall appoint priests qualified for such work by their learning and piety. (Canon 1373.)"
>
> "1217. Catholic children shall not attend non-Catholic, indifferent, schools that are mixed, that is to say, schools open to Catholics and non-Catholics alike. The bishop of the diocese only has the right, in harmony with the instructions of the Holy See, to decide under what circumstances, and with what safeguards to prevent loss of faith, it may be tolerated that Catholic children go to such schools. (Canon 1374.)"
>
> "1224. The religious teaching of youth in any schools is subject to the authority and inspection of the Church.
>
> "The local Ordinaries have the right and duty to watch that nothing is taught contrary to faith or good morals, in any of the schools of their territory.
>
> "They, moreover, have the right to approve the books of Christian doctrine and the teachers of religion, and to demand, for the sake of safeguarding religion and morals, the removal of teachers and books. (Canon 1381.) (Woywod, Rev. Stanislaus, The New Canon Law, under imprimatur of Most Rev. Francis J. Spellman, Archbishop of New York and others, 1940.)
>
> It is no exaggeration to say that the whole historic conflict in temporal policy between the Catholic Church and non-Catholic comes to a focus in their respective school policies. The Roman Catholic Church, counseled by experience in many ages and many lands and with all sorts and conditions of men, takes what, from the viewpoint of its own progress and the success of its mission, is a wise estimate of the importance of education to religion. It does not leave the individual to pick up religion by chance. It relies on early and indelible indoctrination in the faith and order of the Church by the word and example of persons consecrated to the task.
>
> Our public school, if not a product of Protestantism, at least is more consistent with it than with the Catholic culture and scheme of values. It is a relatively recent development dating from about 1840. It is organized on the premise that secular education can be isolated from all religious teaching so that the school can inculcate all needed temporal knowledge and also maintain a strict and lofty neutrality as to religion. The assumption is that after the individual has been instructed in worldly wisdom he will be better fitted to choose his religion. Whether such a disjunction is possible, and if possible whether it is wise, are questions I need not try to answer.
>
> I should be surprised if any Catholic would deny that the parochial school is a vital, if not the most vital, part of the Roman Catholic Church. If put to the choice, that venerable institution, I should expect, would forego its whole service for mature persons before it would give up education of the young, and it would be a wise choice. Its growth and cohesion, discipline and loyalty, spring from its schools. Catholic education is the rock on which the whole structure

rests, and to render tax aid to its Church school is indistinguishable to me from rendering the same aid to the Church itself.

III

It is of no importance in this situation whether the beneficiary of this expenditure of tax-raised funds is primarily the parochial school and incidentally the pupil, or whether the aid is directly bestowed on the pupil with indirect benefits to the school. The state cannot maintain a Church and it can no more tax its citizens to furnish free carriage to those who attend a Church. The prohibition against establishment of religion cannot be circumvented by a subsidy, bonus or reimbursement of expense to individuals for receiving religious instruction and indoctrination.

The Court, however, compares this to other subsidies and loans to individuals and says, "Nor does it follow that a law has a private rather than a public purpose because it provides that tax-raised funds will be paid to reimburse individuals on account of money spent by them in a way which furthers a public program. See *Carmichael* v. *Southern Coal & Coke Co.*, 301 U.S. 495, 518." Of course, the state may pay out tax-raised funds to relieve pauperism, but it may not under our Constitution do so to induce or reward piety. It may spend funds to secure old age against want, but it may not spend funds to secure religion against skepticism. It may compensate individuals for loss of employment, but it cannot compensate them for adherence to a creed.

It seems to me that the basic fallacy in the Court's reasoning, which accounts for its failure to apply the principles it avows, is in ignoring the essentially religious test by which beneficiaries of this expenditure are selected. A policeman protects a Catholic, of course—but not because he is a Catholic; it is because he is a man and a member of our society. The fireman protects the Church school—but not because it is a Church school; it is because it is property, part of the assets of our society. Neither the fireman nor the policeman has to ask before he renders aid "Is this man or building identified with the Catholic Church?" But before these school authorities draw a check to reimburse for a student's fare they must ask just that question, and if the school is a Catholic one they may render aid because it is such, while if it is of any other faith or is run for profit, the help must be withheld. To consider the converse of the Court's reasoning will best disclose its fallacy. That there is no parallel between police and fire protection and this plan of reimbursement is apparent from the incongruity of the limitation of this Act if applied to police and fire service. Could we sustain an Act that said the police shall protect pupils on the way to or from public schools and Catholic schools but not while going to and coming from other schools, and firemen shall extinguish a blaze in public or Catholic school buildings but shall not put out a blaze in Protestant Church schools or private schools operated for profit? That is the true analogy to the case we have before us and I should think it pretty plain that such a scheme would not be valid.

The Court's holding is that this taxpayer has no grievance because the state has decided to make the reimbursement a public purpose and therefore we are bound to regard it as such. I agree that this Court has left, and always should leave to each state, great latitude in deciding for itself, in the light of its own conditions, what shall be public purposes in its scheme of things. It may socialize utilities and economic enterprises and make taxpayers' business out of what conventionally had been private business. It may make public business of individual welfare, health, education, entertainment or security. But it cannot make public business of religious worship or instruction, or of attendance at religious institutions of any character. There is no answer to the proposition, more fully expounded by MR. JUSTICE RUTLEDGE, that the effect of the religious freedom. Amendment to our Constitution was to take every form of propagation of religion out of the realm of things which could directly or indirectly be made public business and thereby be supported in whole or in part at taxpayers' expense. That is a difference which the Constitution sets up between religion and almost every other subject matter of legislation, a difference which goes to the very root of religious freedom and which the Court is overlooking today. This freedom was first in the Bill of Rights because it was first in the forefathers' minds; it was set forth in absolute terms, and its strength is its rigidity. It was intended not only to keep the states' hands out of religion, but to keep religion's hands off the state, and, above all, to keep bitter religious controversy out of public life by denying to every denomination any advantage from getting control of public policy or the public purse. Those great ends I cannot but think are immeasurably compromised by today's decision.

This policy of our Federal Constitution has never been wholly pleasing to most religious groups. They all are quick to invoke its protections; they all are irked when they feel its restraints. This Court has gone a long way, if not an unreasonable way, to hold that public business of such paramount importance as maintenance of public order, protection of the privacy of the home, and taxation may not be pursued by a state in a way that even indirectly will interfere with religious proselyting. See dissent in *Douglas* v. *Jeannette*, 319 U.S. 157, 166; *Murdock* v. *Pennsylvania*, 319 U.S. 105; *Martin* v. *Struthers*, 319 U.S. 141; *Jones* v. *Opelika*, 316 U.S. 584, reversed on rehearing, 319 U.S. 103.

But we cannot have it both ways. Religious teaching cannot be a private affair when the state seeks to impose regulations which infringe on it indirectly, and a public affair when it comes to taxing citizens of one faith to aid another, or those of no faith to aid all. If these principles seem harsh in prohibiting aid to Catholic education, it must not be forgotten that it is the Same Constitution that alone assures Catholics the right to maintain these schools at all when predominant local sentiment would forbid them. *Pierce* v. *Society of Sisters*, 268 U.S. 510. Nor should I think that those who have done so well without this aid would want to see this separation between Church and State broken down. If the state may aid these religious schools, it may therefore regulate them. Many groups have sought aid from tax funds only to find that it carried political controls with it. Indeed this Court has declared that "It's hardly lack of due process for the Government to regulate that which it subsidizes." *Wickard* v. *Filburn*, 317 U.S. 111, 131.

But in any event, the great purposes of the Constitution do not depend on the approval or convenience of those they restrain. I cannot read the history of the struggle to separate political from ecclesiastical affairs, well summarized in the opinion of MR. JUSTICE RUTLEDGE in which I generally concur, without a conviction that the Court today is unconsciously giving the clock's hands a backward turn.

MR. JUSTICE FRANKFURTER joins in this opinion.

Mr. President, I would like to emphasize what Justice Jackson said in his opinion in these words, speaking of the first amendment:

> It was intended not only to keep the states' hands out of religion, but to keep religion's hands off the state.

Congress does not keep the state's—that is, the Government's—hands out of religion by enacting a bill which says that the Government can regulate and control the employment practices of all of the religious groups in this country and all of the religious schools in this country; that is, all of the religious institutions in this country, in respect to all of their employees who are not strictly engaged in carrying out the religious affairs of those institutions.

I submit, without fear of successful contradiction, that if Congress were to enact the bill and thereby say that the Commission can control the employment practices of all religious groups in the United States in respect to what persons may be employed by them, other than those who are engaged strictly in preaching and activities of that kind, that is not keeping the hands of the state off religion. For the life of me, I cannot comprehend why the EEOC and why those who are championing this cause are so greedy for power that they want to lay the political hands of Caesar on the employment practices of churches of God.

At the risk of rereading this case, I want to point out exactly what the amendment does. The amendment would change the wording of section 702, as set forth in lines 8 to 24, both inclusive, at the bottom of page 33, so that it would read as follows:

> SEC. 702. This title shall not apply to an employer with respect to the employment of agents outside any State or for the employment of any individuals by any educational institution or by any religious corporation, association, or society.

The amendment, if adopted, would take away the jurisdiction of this Commission over the employment practices of all religious corporations, of religious associations, of religious educational institutions, and of religious societies. In addition, it would take away the Commission's jurisdiction over educational institutions in general, both state and private.

Mr. WILLIAMS. Mr. President, will the Senator from North Carolina yield for an observation?

Mr. ERVIN. I yield.

Mr. WILLIAMS. If the Senator should yield the floor at this point or soon, representatives of the National Council of Churches and other organizations are in the reception room and would be glad to see the Senator and express their reasons for being opposed to his amendment.

Mr. ERVIN. I happen to be familiar with some of the activities of the National Council of Churches. The National Council of Churches represents certain Protestant religious organizations, including my own, which happens to be the Southern Presbyterian Church.

If the National Council of Churches were to speak to me on a religious subject, I would probably listen to them. But when the National Council of Churches starts talking, as it so often does, about the affairs of Caesar, I do not give very much mind to what it has to say on that subject.

I remember that on one occasion a man who wore the cloth came before a committee and stated that he represented the National Council of Churches, and that the National Council of Churches represented 40 million Protestants;

hence, he said he spoke for 40 million Protestants.

I said to him, "You may say that you represent 40 million Protestants, but you do not speak for hundreds of thousands of them; you do not speak for me."

So he said, "Maybe I have taken in a little too much territory."

That was the only time I ever heard a representative of the National Council of Churches concede that they took in too much territory.

But I have followed their work. Years ago, the predecessor organization, the Federal Council of Churches, changed its name to the National Council of Churches, and I expressed the opinion that the National Council of Churches was a political organization with very slight religious leanings.

My minister, who was a great advocate of the Federal Council of Churches, the predecessor of the National Council of Churches, suggested to me that I get their publications and read their committee reports, and that that might change my mind and cause me to be a strong advocate of the National Council of Churches.

I did so, and I found, in committee report after committee report, that, in substance, there was no evidence that the free enterprise system of America was better than the collective systems of Communist Russia.

I also found among the reports statements that committees had passed resolutions telling the Governor of Tennessee and the courts of Tennessee exactly how they ought to deal with a certain riot that had taken place in Columbia, Tenn., before the trial was begun and before the evidence was disclosed.

The National Council of Churches, time after time, undertook to speak for Protestants whom they did not represent, so far as political beliefs were concerned, on political questions.

So I am not interested in the slightest degree to hear what the National Council of Churches has to say on this subject, because I would say that I am more interested in what Justice Jackson said: That the first amendment was designed to keep the hands of the state out of religion. I have enough understanding of the English language and the terms of the bill to know that when the Federal Government, acting through the EEOC, undertakes to prescribe or control the employment practices, in general, of religious organizations, the Federal Government is not keeping the state's hands out of religion.

Mr. WILLIAMS. Mr. President, will the Senator yield for one more observation?

Mr. ERVIN. I yield.

Mr. WILLIAMS. It is clearly in the law that, where the question is religion, this legislation does not apply. I would make one further observation before we deal with that: That the representatives of the National Council of Churches would be happy to greet the Senator from North Carolina in the reception room. Representatives of the U.S. Catholic Council and also, I understand, representatives of the Jewish faith are in the reception room, and they also oppose the amendment.

Mr. ERVIN. I will restrict my remarks to the political activities of the National Council of Churches. I do not condemn such religious actions as they practice; but I believe in the separation of church and state. I do not believe that the church ought to dictate to Caesar or that Caesar ought to control the church.

Will the Senator from New Jersey tell the Senator from North Carolina what this language means:

> This title shall not apply to . . . a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its religious activities.

Why is the language restricted to religious activities? Churches print bulletins. They employ people to print bulletins. They employ secretaries. They sometimes employ professional fundraising groups.

Mr. WILLIAMS. I must say that it seems to me that, for good reason, we are perhaps building on the spirit of the first amendment, that the Government should not be involved in religious activities.

Therefore, where we are saying that nobody should be discriminated against in employment, we will not carry that into an area where we have a first amendment situation, where we have religious activities.

Mr. ERVIN. Under this very provision, if the clause I have just read becomes law, it would provide that the EEOC could compel a Christian denomination to employ a Mohammedan secretary or to employ an atheist as a secretary or to employ an agnostic as a secretary. If the Senator from New Jersey interprets that to the contrary, all I am asking him to do is to accept an amendment that says the EEOC shall have no jurisdiction at all over religious institutions.

Mr. WILLIAMS. Is the Senator inquiring of the situation in an educational institution that is operated by a religious organization?

Mr. ERVIN. I am inquiring about religious corporations. I take the word "religious" in line 20. It says religious corporation, association, education, or society. I think the word "religious" applies to corporation. It applies to association. It applies to educational institutions. It applies to society.

Mr. WILLIAMS. First of all, let us deal with the situation where we have an educational institution which is owned, operated, and sponsored by a religious order, faith, or whatever the proper word would be. Let us take Catholic University, where the name tells us the sponsor of that great university. The law is crystal clear, and we do not disturb that law in any way. If the president, or the governing body, at Catholic University desired to hire only people of the Catholic faith, that they can do. That they will be able to do if the bill passes and becomes law.

Mr. ERVIN. The section to which my good friend from New Jersey alludes applies only to educational institutions. This applies to churches, convents, monasteries; it applies to religious corporations, whether they are running a school or not. It applies to religious associations. It applies to religious societies. Under this provision, it could be held to be illegal for a Catholic convent to employ a Catholic to be the janitor there because the janitor happened to be a Catholic in religion. That is exactly what it could do.

Mr. WILLIAMS. Does the Senator's amendment limit itself to the opportunity of a religious organization to have the right to hire people of its own faith? Is that the limitation of the amendment?

Mr. ERVIN. I would allow the religious corporation to do what it pleased. That is what my amendment would allow it to do. It would allow it liberty. It would take it out from under the control of the EEOC entirely.

This is not the amendment to which I referred, because this is an amendment to section 702, and the provision to which the Senator from New Jersey referred is section 703, an entirely different section, subsection (2), which applies only to educational institutions. It applies only to schools, colleges, universities, or other educational institutions.

I am trying to take the political hands of Caesar off all religious corporations, off all religious associations, and off all religious societies. I am trying to take them even off the National Council of Churches.

Mr. WILLIAMS. Does the Senator deal with any activity that a religious organization might be engaged in—any activity?

Mr. ERVIN. Any activity.

Mr. WILLIAMS. I am going to tread onto an area now where I know little, but I will tread on it perhaps knowing of my limited knowledge in that area. Let us hypothesize a situation in which a religious order has a distillery and produces an alcoholic beverage. Would the Senator say that business activity of the religious order should be wholly exempt from the provisions or would he say it cannot discriminate because of a person's race, religion, color, or sex?

Mr. ERVIN. I think section 702 in the bill would exempt it if it used the alcoholic beverage for the purpose of communion.

Mr. WILLIAMS. I am certain that is true. Again, I am talking in an area where, perhaps, I do not know as much as I should to risk the opportunity to debate it, but I believe I am right that there is a religious order that goes well beyond producing such a beverage for communion.

Mr. ERVIN. Well, I would take the hands of Caesar off it entirely, and if they wanted to carry out the injunction of St. Paul to take a little wine for the stomach's sake and to make a little wine for the stomach's sake, I would have no objection. I am trying to take those activities out from under the EEOC and put them under the religious organizations themselves.

Mr. WILLIAMS. Apparently in this area the Senator from North Carolina knows more about the subject matter than the Senator from New Jersey, so I will withdraw myself from that arena.

Mr. ERVIN. The reason why I mentioned the National Council of Churches is that I give my contribution to my church, and that church gives a contribution to the National Council of Churches, and, in a way, I might claim that they ought to act as my religious agent, but I do not think a religious agent should tell me how to vote on political matters in Congress. I make no statement about any of the other religious organizations, because I am not a member of them. I express no opinion about them. I am sure their activities are concentrated entirely in the affairs of the Lord and they do not mess too much in the affairs of Caesar.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BYRD of West Virginia. Would the Senator from North Carolina indicate whether he might be willing to reach an agreement as to a time for voting on the amendment today?

Mr. ERVIN. Yes. If it is satisfactory to my good friend the cosponsor of the amendment, the Senator from Alabama, I should be glad to vote on the amendment at 4:30.

Mr. BYRD of West Virginia. Would the able manager agree to that time for a vote on it?

Mr. WILLIAMS. I certainly would. If there were a possibility of moving it up by 15 minutes, there are Members of the Senate who would appreciate it because they have other activities scheduled.

Mr. ERVIN. Just to show I am not aggravated with my good friend from New Jersey because he does not share the sound views I have as to what should be done with section 702, I would agree to move the time for voting to 4 o'clock.

Mr. WILLIAMS. Four o'clock. That would be agreeable to many Members of this body. I dislike to shut this debate down by a half hour, because I appreciate the opportunity to listen to the Senator from North Carolina, to learn from him, and to learn his reasons for supporting an amendment that I find very objectionable.

Mr. ERVIN. Of course, I would find the original provision entirely in order if I thought Caesar ought to lay his political hands on the things that belong to God, but not believing that, I cannot accept the original wording of section 702.

Mr. BYRD of West Virginia. Mr. President, would the Senator allow me to make a unanimous-consent request to effectuate the understanding we have reached?

Mr. ERVIN. On the understanding that I do not lose the floor.

Mr. BYRD of West Virginia. May I ask the Senator whether or not the time between now and 4 o'clock should be equally divided, or would the Senator want more time?

Mr. ERVIN. I am going to yield in a moment to the Senator from Alabama, and I will leave the answer to that question to him.

You know, the Scriptures speak about the man who sowed seed on stony ground, and I would have to speak of the Senate, which is noteworthy at this moment for the absence of Senators, as being stony ground. I do not care to talk too much longer on this subject for that reason.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the pending amendment occur at 4:10 p.m. today, and that the time—to wit, 30 minutes—between now and 4:10 p.m. be equally divided between the manager of the bill and the distinguished Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I have been reading the opinion of Justice Rutledge in the Everson case. It is a very illuminating opinion on the question of the necessity, under the first amendment, of keeping church and state separate. I ask unanimous consent that Justice Rutledge's opinion, which begins on page 29 and ends on page 74, be printed in the RECORD at this point.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

### EVERSON V. BOARD OF EDUCATION—RUTLEDGE, J., DISSENTING

MR. JUSTICE RUTLEDGE, with whom MR. JUSTICE FRANKFURTER, MR. JUSTICE JACKSON and MR. JUSTICE BURTON agree, dissenting.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . ." U.S. Const., Amend. I.

"Well aware that Almighty God hath created the mind free; . . . that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; . . . .

"*We, the General Assembly, do enact,* That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief . . . ."[1]

I cannot believe that the great author of those words, or the men who made them law, could have joined in this decision. Neither so high nor so impregnable today as yesterday is the wall raised between church and state by Virginia's great statute of religious freedom and the First Amendment, now made applicable to all the states by the Fourteenth.[2] New Jersey's statute sustained is the first, if indeed it is not the second breach to be made by this Court's action. That a third, and a fourth, and still others will be attempted, we may be sure. For just as *Cochran v. Board of Education,* 281 U. S. 370, has opened the way by oblique ruling[3] for this decision, so will the two make wider the breach for a third. Thus with time the most solid freedom steadily gives way before continuing corrosive decision.

This case forces us to determine squarely for the first time[4] what was "an establishment of religion" in the First Amendment's conception; and by that measure to decide whether New Jersey's action violates its command. The facts may be stated shortly, to give setting and color to the constitutional problem.

By statute New Jersey has authorized local boards of education to provide for the transportation of children "to and from school other than a public school" except one operated for profit wholly or in part, over established public school routes, or by other means when the child lives "remote from any school."[5] The school board of Ewing Township has provided by resolution for "the transportation of pupils of Ewing to the Trenton and Pennington High Schools and Catholic schools by way of public carrier. . . ."[6]

Named parents have paid the cost of public conveyance of their children from their homes in Ewing to three public high schools and four parochial schools outside the district.[7] Seminannually the Board has reimbursed the parents from public school funds raised by general taxation. Religion is taught as part of the curriculum in each of the four private schools, as appears affirmatively by the testimony of the superintendent of parochial schools in the Diocese of Trenton.

The Court of Errors and Appeals of New Jersey, reversing the Supreme Court's decision, 132 N. J. L. 98, 39 A. 2d 75, has held the Ewing board's action not in contravention of the state constitution or statutes or of the Federal Constitution. 133 N. J. L. 350, 44 A. 2d 333. We have to consider only whether this ruling accords with the prohibition of the First Amendment implied in the due process clause of the Fourteenth.

#### I.

Not simply an established church, but any law respecting an establishment of religion is forbidden. The Amendment was broadly but not loosely phrased. It is the compact and exact summation of its author's views formed during his long struggle for religious freedom. In Madison's own words characterizing Jefferson's bill for Establishing Religious Freedom, the guaranty he put in our national charter, like the bill he piloted through the Virginia Assembly, was "a Model of technical precision, and perspicuous brevity."[8] Madison could not have confused "church" and "religion," or "an established church" and "an establishment of religion."

The Amendment's purpose was not to strike merely at the official establishment of a single sect, creed or religion, outlawing only a formal relation such as had prevailed in England and some of the colonies. Necessarily it was to uproot all such relationships. But the object was broader than separating church and state in this narrow sense. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion. In proof the Amendment's wording and history unite with this Court's consistent utterances whenever attention has been fixed directly upon the question.

"Religion" appears only once in the Amendment. But the word governs two prohibitions and governs them alike. It does not have two meanings, one narrow to forbid "an establishment" and another, much broader, for securing "the free exercise thereof." "Thereof" brings down "religion" with its entire and exact content, no more and no less, from the first into the second guaranty, so that Congress and now the states are as broadly restricted concerning the one as they are regarding the other.

No one would claim today that the Amendment is constricted, in "prohibiting the free exercise" of religion, to securing the free exercise of some formal or creedal observance, of one sect or of many. It secures all forms of religious expression, creedal, sectarian or nonsectarian, wherever and however taking place, except conduct which trenches upon the like freedoms of others or clearly and presently endangers the community's good order and security.[9] For the protective purposes of this phase of the basic freedom, street preaching, oral or by distribution of literature, has been given "the same high estate under the First Amendment as . . . worship in the churches and preaching from the pulpits."[10] And on this basis parents have been held entitled to send their

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Footnotes at end of article.

children to private, religious schools. *Pierce* v. *Society of Sisters*, 268 U.S. 510. Accordingly, daily religious education commingled with secular is "religion" within the guaranty's comprehensive scope. So are religious training and teaching in whatever form. The word connotes the broadest content, determined not by the form or formality of the teaching or where it occurs, but by its essential nature regardless of those details.

"Religion" has the same broad significance in the twin prohibition concerning "an establishment." The Amendment was not duplicitous. "Religion" and "establishment" were not used in any formal or technical sense. The prohibition broadly forbids state support, financial or other, of religion in any guise, form or degree. It outlaws all use of public funds for religious purposes.

## II.

No provision of the Constitution is more closely tied to or given content by its generating history than the religious clause of the First Amendment. It is at once the refined product and the terse summation of that history. The history includes not only Madison's authorship and the proceedings before the First Congress, but also the long and intensive struggle for religious freedom in America, more especially in Virginia,[11] of which the Amendment was the direct culmination.[12] In the documents of the times, particularly of Madison, who was leader in the Virginia struggle before he became the Amendment's sponsor, but also in the writings of Jefferson and others and in the issues which engendered them is to be found irrefutable confirmation of the Amendment's sweeping content.

For Madison, as also for Jefferson, religious freedom was the crux of the struggle for freedom in general. Remonstrance, Par. 15, Appendix hereto. Madison was coauthor with George Mason of the religious clause in Virginia's great Declaration of Rights of 1776. He is credited with changing it from a mere statement of the principle of tolerance to the first official legislative pronouncement that freedom of conscience and religion are inherent rights of the individual.[13] He sought also to have the Declaration expressly condemn the existing Virginia establishment.[14] But the forces supporting it were then too strong.

Accordingly Madison yielded on this phase but not for long. At once he resumed the fight, continuing it before succeeding legislative sessions. As a member of the General Assembly in 1779 he threw his full weight behind Jefferson's historic Bill for Establishing Religious Freedom. That bill was a prime phase of Jefferson's broad program of democratic reform undertaken on his return from the Continental Congress in 1776 and submitted for the General Assembly's consideration in 1779 as his proposed revised Virginia code.[15] With Jefferson's departure for Europe in 1784, Madison became the Bill's prime sponsor.[16] Enactment failed in successive legislatures from its introduction in June, 1779, until its adoption in January, 1786. But during all this time the fight for religious freedom moved forward in Virginia on various fronts with growing intensity. Madison led throughout, against Patrick Henry's powerful opposing leadership until Henry was elected governor in November, 1784.

The climax came in the legislative struggle of 1784–1785 over the Assessment Bill. See Supplemental Appendix hereto. This was nothing more nor less than a taxing measure for the support of religion, designed to revive the payment of tithes suspended since 1777. So long as it singled out a particular sect for preference it incurred the active and general hostility of dissentient groups. It was broadened to include them, with the result that some subsided temporarily in their opposition.[17] As altered, the bill gave to each taxpayer the privilege of designating which church should receive his share of the tax. In default of designation the legislature applied it to pious uses.[18] But what is of the utmost significance here, "in its final form the bill left the taxpayer the option of giving his tax to education." [19]

Madison was unyielding at all times, opposing with all his vigor the general and nondiscriminatory as he had the earlier particular and discriminatory assessments proposed. The modified Assessment Bill passed second reading in December, 1784, and was all but enacted. Madison and his followers, however, maneuvered deferment of final consideration until November, 1785. And before the Assembly reconvened in the fall he issued his historic Memorial and Remonstrance.[20]

This is Madison's complete, though not his only, interpretation of religious liberty.[21] It is a broadside attack upon all forms of "establishment" of religion, both general and particular, nondiscriminatory or selective. Reflecting not only the many legislative conflicts over the Assessment Bill and the Bill for Establishing Religious Freedom but also, for example, the struggles for religious incorporations and the continued maintenance of the glebes, the Remonstrance is at once the most concise and the most accurate statement of the views of the First Amendment's author concerning what is "an establishment of religion." Because it behooves us in the dimming distance of time not to lose sight of what he and his coworkers had in mind when, by a single sweeping stroke of the pen, they forbade an establishment of religion and secured its free exercise, the text of the Remonstrance is appended at the end of this opinion for its wider current reference, together with a copy of the bill against which it was directed.

The Remonstrance, stirring up a storm of popular protest, killed the Assessment Bill.[22] It collapsed in committee shortly before Christmas, 1785. With this, the way was cleared at last for enactment of Jefferson's Bill for Establishing Religious Freedom. Madison promptly drove it through in January of 1786, seven years from the time it was first introduced. This dual victory substantially ended the fight over establishments, settling the issue against them. See note 33.

The next year Madison became a member of the Constitutional Convention. Its work done, he fought valiantly to secure the ratification of its great product in Virginia as elsewhere, and nowhere else more effectively.[23] Madison was certain in his own mind that under the Constitution "there is not a shadow of right in the general government to intermeddle with religion" [24] and that "this subject is, for the honor of America, perfectly free and unshackled. The government has no jurisdiction over it . . . ." [25] Nevertheless he pledged that he would work for a Bill of Rights, including a specific guaranty of religious freedom, and Virginia, with other states, ratified the Constitution on this assurance.[26]

Ratification thus accomplished, Madison was sent to the first Congress. There he went at once about performing his pledge to establish freedom for the nation as he had done in Virginia. Within a little more than three years from his legislative victory at home he had proposed and secured the submission and ratification of the First Amendment as the first article of our Bill of Rights.[27]

All the great instruments of the Virginia struggle for religious liberty thus became warp and woof of our constitutional tradition, not simply by the course of history, but by the common unifying force of Madison's life, thought and sponsorship. He epitomized the whole of that tradition in the Amendment's compact, but nonetheless comprehensive, phrasing.

As the Remonstrance discloses throughout, Madison opposed every form and degree of official relation between religion and civil authority. For him religion was a wholly private matter beyond the scope of civil power either to restrain or to support.[28] Denial or abridgment of religious freedom was a violation of rights both of conscience and of natural equality. State aid was no less obnoxious or destructive to freedom and to religion itself than other forms of state interference. "Establishment" and "free exercise" were correlative and coextensive ideas, representing only different facets of the single great and fundamental freedom. The Remonstrance, following the Virginia statute's example, referred to the history of religious conflicts and the effects of all sorts of establishments, current and historical, to suppress religion's free exercise. With Jefferson, Madison believed that to tolerate any fragment of establishment would be by so much to perpetuate restraint upon that freedom. Hence he sought to tear out the institution not partially but root and branch, and to bar its return forever.

In no phase was he more unrelentingly absolute than in opposing state support or aid by taxation. Not even "three pence" contribution was thus to be exacted from any citizen for such a purpose. Remonstrance, Par. 3.[29] Tithes had been the lifeblood of establishment before and after other compulsions disappeared. Madison and his coworkers made no exceptions or abridgments to the complete separation they created. Their objection was not to small tithes. It was to any tithes whatsoever. "If it were lawful to impose a small tax for religion, the admission would pave the way for oppressive levies." [30] Not the amount but "the principle of assessment was wrong." And the principle was as much to prevent "the interference of law in religion" as to restrain religious intervention in political matters.[31] In this field the authors of our freedom would not tolerate "the first experiment on our liberties" or "wait till usurped power had strengthened itself by exercise, and entangled the question in precedents." Remonstrance, Par. 3. Nor should we.

In view of this history no further proof is needed that the Amendment forbids any appropriation, large or small, from public funds to aid or support any and all religious exercises. But if more were called for, the debates in the First Congress and this Court's consistent expressions, whenever it has touched on the matter directly,[32] supply it.

By contrast with the Virginia history, the congressional debates on consideration of the Amendment reveal only sparse discussion, reflecting the fact that the essential issues had been settled.[33] Indeed the matter had become so well understood as to have been taken for granted in all but formal phrasing. Hence, the only enlightening reference shows concern, not to preserve any power to use public funds in aid of religion, but to prevent the Amendment from outlawing private gifts inadvertently by virtue of the breadth of its wording.[34] In the margin are noted also the principal decisions in which expressions of this Court confirm the Amendment's broad prohibition.[35]

## III.

Compulsory attendance upon religious exercises went out early in the process of separating church and state, together with forced observance of religious forms and ceremonies.[36] Test oaths and religious qualification for office followed later.[37] These things none devoted to our great tradition of religious liberty would think of bringing back. Hence today, apart from efforts to inject religious training or exercises and sectarian issues into the public schools, the only serious surviving threat to maintaining that complete and permanent separation of religion and civil power which the First Amend-

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Footnotes at end of article.

ment commands is through use of the taxing power to support religion, religious establishments, or establishments having a religious foundation whatever their form or special religious function.

Does New Jersey's action furnish support for religion by use of the taxing power? Certainly it does, if the test remains undiluted as Jefferson and Madison made it, that money taken by taxation from one is not to be used or given to support another's religious training or belief, or indeed one's own.[38] Today as then the furnishing of "contributions of money for the propagation of opinions which he disbelieves" is the forbidden exaction; and the prohibition is absolute for whatever measure brings that consequence and whatever amount may be sought or given to that end.

The funds used here were raised by taxation. The Court does not dispute, nor could it, that their use does in fact give aid and encouragement to religious instruction. It only concludes that this aid is not "support" in law. But Madison and Jefferson were concerned with aid and support in fact, not as a legal conclusion "entangled in precedents." Remonstrance, Par. 3. Here parents pay money to send their children to parochial schools and funds raised by taxation are used to reimburse them. This not only helps the children to get to school and the parents to send them. It aids them in a substantial way to get the very thing which they are sent to the particular school to secure, namely, religious training and teaching.

Believers of all faiths, and others who do not express their feeling toward ultimate issues of existence in any creedal form, pay the New Jersey tax. When the money so raised is used to pay for transportation to religious schools, the Catholic taxpayer to the extent of his proportionate share pays for the transportation of Lutheran, Jewish and otherwise religiously affiliated children to receive their non-Catholic religious instruction. Their parents likewise pay proportionately for the transportation of Catholic children to receive Catholic instruction. Each thus contributes to "the propagation of opinions which he disbelieves" in so far as their religions differ, as do others who accept no creed without regard to those differences. Each thus pays taxes also to support the teaching of his own religion, an exaction equally forbidden since it denies "the comfortable liberty" of giving one's contribution to the particular agency of instruction he approves.[39]

New Jersey's action therefore exactly fits the type of exaction and the kind of evil at which Madison and Jefferson struck. Under the test they framed it cannot be said that the cost of transportation is no part of the cost of education or of the religious instruction given. That it is a substantial and a necessary element is shown most plainly by the continuing and increasing demand for the state to assume it. Nor is there pretense that it relates only to the secular instruction given in religious schools or that any attempt is or could be made toward allocating proportional shares as between the secular and the religious instruction. It is precisely because the instruction is religious and relates to a particular faith, whether one or another, that parents send their children to religious schools under the *Pierce* doctrine. And the very purpose of the state's contribution is to defray the cost of conveying the pupil to the place where he will receive not simply secular, but also and primarily religious, teaching and guidance.

Indeed the view is sincerely avowed by many of various faiths,[40] that the basic purpose of all education is or should be religious, that the secular cannot be and should not be separated from the religious phase and emphasis. Hence, the inadequacy of public or secular education and the necessity for sending the child to a school where religion is taught. But whatever may be the philosophy or its justification, there is undeniably an admixture of religious with secular teaching in all such institutions. That is the very reason for their being. Certainly for purposes of constitutionality we cannot contradict the whole basis of the ethical and educational convictions of people who believe in religious schooling.

Yet this very admixture is what was disestablished when the First Amendment forbade "an establishment of religion." Commingling the religious with the secular teaching does not divest the whole of its religious permeation and emphasis or make them of minor part, if proportion were material. Indeed, on any other view, the constitutional prohibition always could be brought to naught by adding a modicum of the secular.

An appropriation from the public treasury to pay the cost of transportation to Sunday school, to weekday special classes at the church or parish house, or to the meetings of various young people's religious societies, such as the Y.M.C.A., the Y.W.C.A., the Y.M.H.A., the Epworth League, could not withstand the constitutional attack. This would be true, whether or not secular activities were mixed with the religious. If such an appropriation could not stand, then it is hard to see how one becomes valid for the same thing upon the more extended scale of daily instruction. Surely constitutionality does not turn on where or how often the mixed teaching occurs.

Finally, transportation, where it is needed, is as essential to education as any other element. Its cost is as much a part of the total expense, except at times in amount, as the cost of textbooks, of school lunches, of athletic equipment, of writing and other materials; indeed of all other items composing the total burden. Now as always the core of the educational process is the teacher-pupil relationship. Without this the richest equipment and facilities would go for naught. See *Judd v. Board of Education*, 278 N.Y. 200, 212, 15 N.E. 2d 576, 582. But the proverbial Mark Hopkins conception no longer suffices for the country's requirements. Without buildings, without equipment, without library, textbooks and other materials, and without transportation to bring teacher and pupil together in such an effective teaching environment, there can be not even the skeleton of what our times require. Hardly can it be maintained that transportation is the least essential of these items, or that it does not in fact aid, encourage, sustain and support, just as they do, the very process which is its purpose to accomplish. No less essential is it, or the payment of its cost, than the very teaching in the classroom or payment of the teacher's sustenance. Many types of equipment, now considered essential, better could be done without.

For me, therefore, the feat is impossible to select so indispensable an item from the composite of total costs, and characterize it as not aiding, contributing to, promoting or sustaining the propagation of beliefs which it is the very end of all to bring about. Unless this can be maintained, and the Court does not maintain it, the aid thus given is outlawed. Payment of transportation is no more, nor is it any the less essential to education, whether religious or secular, than payment for tuitions, for teachers' salaries, for buildings, equipment and necessary materials. Nor is it any the less directly related, in a school giving religious instruction, to the primary religious objective all those essential items of cost are intended to achieve. No rational line can be drawn between payment for such larger, but not more necessary, items and payment for transportation. The only line that can be so drawn is one between more dollars and less. Certainly in this realm such a line can be no valid constitutional measure. *Murdock* v. *Pennsylvania*, 319 U.S. 105; *Thomas* v. *Collins*, 323 U.S. 516.[41] Now, as in Madison's time, not the amount but the principle of assessment is wrong. Remonstrance, Par. 3.

## IV.

But we are told that the New Jersey statute is valid in its present application because the appropriation is for a public, not a private purpose, namely, the promotion of education, and the majority accept this idea in the conclusion that all we have here is "public welfare legislation." If that is true and the Amendment's force can be thus destroyed, what has been said becomes all the more pertinent. For then there could be no possible objection to more extensive support of religious education by New Jersey.

If the fact alone be determinative that religious schools are engaged in education, thus promoting the general and individual welfare, together with the legislature's decision that the payment of public moneys for their aid makes their work a public function, then I can see no possible basis, except one of dubious legislative policy, for the state's refusal to make full appropriation for support of private, religious schools, just as is done for public instruction. There could not be, on that basis, valid constitutional objection.[43]

Of course paying the cost of transportation promotes the general cause of education and the welfare of the individual. So does paying all other items of educational expense. And obviously, as the majority say, it is much too late to urge that legislation designed to facilitate the opportunities of children to secure a secular education serves no public purpose. Our nation-wide system of public education rests on the contrary view, as do all grants in aid of education, public or private, which is not religious in character.

These things are beside the real question. They have no possible materiality except to obscure the all-pervading, inescapable issue. *Cf. Cochran* v. *Board of Education, supra.* Stripped of its religious phase, the case presents no substantial federal question. *Ibid.* The public function argument, by casting the issue in terms of promoting the general cause of education and the welfare of the individual, ignores the religious factor and its essential connection with the transportation, thereby leaving out the only vital element in the case. So of course do the "public welfare" and "social legislation" ideas, for they come to the same thing.

We have here then one substantial issue, not two. To say that New Jersey's appropriation and her use of the power of taxation for raising the funds appropriated are not for public purposes but are for private ends, is to say that they are for the support of religion and religious teaching. Conversely, to say that they are for public purposes is to say that they are not for religious ones.

This is precisely for the reason that education which includes religious training and teaching, and its support, have been made matters of private right and function, not public, by the very terms of the First Amendment. That is the effect not only in its guaranty of religion's free exercise, but also in the prohibition of establishments. It was on this basis of the private character of the function of religious education that this Court held parents entitled to send their children to private, religious schools. *Pierce* v. *Society of Sisters*, supra. Now it declares in effect that the appropriation of public funds to defray part of the cost of attending those schools is for a public purpose. If so, I do not understand why the state cannot go farther or why this case approaches the verge of its power.

In truth this view contradicts the whole purpose and effect of the First Amendment as heretofore conceived. The "public function"—"public welfare"—"social legislation"

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Footnotes at end of article.

argument seeks, in Madison's words, to "employ Religion [that is, here, religious education] as an engine of Civil policy." Remonstrance, Par. 5. It is of one piece with the Assessment Bill's preamble, although with the vital difference that it wholly ignores what that preamble explicitly states.[43]

Our constitutional policy is exactly the opposite. It does not deny the value or the necessity for religious training, teaching or observance. Rather it secures their free exercise. But to that end it does deny that the state can undertake or sustain them in any form or degree. For this reason the sphere of religious activity, as distinguished from the secular intellectual liberties, has been given the twofold protection and, as the state cannot forbid, neither can it perform or aid in performing the religious function. The dual prohibition makes that function altogether private. It cannot be made a public one by legislative act. This was the very heart of Madison's Remonstrance, as it is of the Amendment itself.

It is not because religious teaching does not promote the public or the individual's welfare, but because neither is furthered when the state promotes religious education, that the Constitution forbids it to do so. Both legislatures and courts are bound by that distinction. In failure to observe it lies the fallacy of the "public function"—"social legislation" argument, a fallacy facilitated by easy transference of the argument's basing from due process unrelated to any religious aspect to the First Amendment.

By no declaration that a gift of public money to religious uses will promote the general or individual welfare, or the cause of education generally, can legislative bodies overcome the Amendment's bar. Nor may the courts sustain their attempts to do so by finding such consequences for appropriations which in fact give aid to or promote religious uses. Cf. *Norris* v. *Alabama*, 294 U.S. 587, 590; *Hooven & Allison Co.* v. *Evatt*, 324 U.S. 652, 659; *Akins* v. *Texas*, 325 U.S. 398, 402. Legislatures are free to make, and courts to sustain, appropriations only when it can be found that in fact they do not aid, promote, encourage or sustain religious teaching or observances, be the amount large or small. No such finding has been or could be made in this case. The Amendment has removed this form of promoting the public welfare from legislative and judicial competence to make a public function. It is exclusively a private affair.

The reasons underlying the Amendment's policy have not vanished with time or diminished in force. Now when it was adopted the price of religious freedom is double. It is that the church and religion shall live both within and upon that freedom. There cannot be freedom of religion, safeguarded by the state, and intervention by the church or its agencies in the state's domain or dependency on its largesse. Madison's Remonstrance, Par. 6, 8.[44] The great condition of religious liberty is that it be maintained free from sustenance, as also from other interferences, by the state. For when it comes to rest upon that secular foundation it vanishes with the resting. *Id.*, Par. 7, 8.[45] Public money devoted to payment of religious costs, educational or other, brings the quest for more. It brings too the struggle of sect against sect for the larger share or for any. Here one by numbers alone will benefit most, there another. That is precisely the history of societies which have had an established religion and dissident groups. *Id.*, Par. 8, 11. It is the very thing Jefferson and Madison experienced and sought to guard against, whether in its blunt or in its more screened forms. *Ibid.* The end of such strife cannot be other than to destroy the cherished liberty. The dominating group will achieve the dominant benefit; or all will embroil the state in their dissensions. *Id.*, Par. 11.[46]

Exactly such conflicts have centered of late around providing transportation to religious schools from public funds.[47] The issue and the dissension work typically, in Madison's phrase, to "destroy that moderation and harmony which the forbearance of our laws to intermeddle with Religion, has produced amongst its several sects." *Id.*, Par. 11. This occurs, as he well knew, over measures at the very threshold of departure from the principle. *Id.*, Par. 3, 9, 11.

In these conflicts whatever success has been obtained it has been upon the contention that by providing the transportation the general cause of education, the general welfare, and the welfare of the individual will be forwarded; hence that the matter lies within the realm of public function, for legislative determination.[48] State courts have divided upon the issue, some taking the view that only the individual, others that the institution receives the benefit.[49] A few have recognized that this dichotomy is false, that both in fact are aided.[50]

The majority here does not accept in terms any of those views. But neither does it deny that the individual or the school, or indeed both, are benefited directly and substantially.[51] To do so would cut the ground from under the public function-social legislation thesis. On the contrary, the opinion concedes that the children are aided by being helped to the religious schooling. By converse necessary implication as well as by the absence of express denial, it must be taken to concede also that the school is helped to reach the child with its religious teaching. The religious enterprise is common to both, as in the interest of having transportation for its religious purposes provided.

Notwithstanding the recognition that this two-way aid is given and the absence of any denial that religious teaching is thus furthered, the Court concludes that the aid so given is not "support" of religion. It is rather only support of education as such, without reference to its religious content, and thus becomes public welfare legislation. To this elusion of the religious element from the case is added gloss in two respects, one that the aid extended partakes of the nature of a safety measure, the other that failure to provide it would make the state unneutral in religious matters, discriminating against or hampering such children concerning public benefits all others receive.

As will be noted, the one gloss is contradicted by the facts of record and the other is of whole cloth with the "public function" argument's excision of the religious factor.[52] But most important is that this approach, if valid, supplies a ready method for nullifying the Amendment's guaranty, not only for this case and others involving small grants in aid for religious education, but equally for larger ones. The only thing needed will be for the Court again to transplant the "public welfare-public function" view from its proper nonreligious due process bearing to First Amendment application, holding that religious education is not "supported" though it may be aided by the appropriation, and that the cause of education generally is furthered by helping the pupil to secure that type of training.

This is not therefore just a little case over bus fares. In paraphrase of Madison, distant as it may be in its present form from a complete establishment of religion, it differs from it only in degree; and is the first step in that direction. *Id.*, Par. 9.[53] Today as in his time "the same authority which can force a citizen to contribute three pence only . . . for the support of any one [religious] establishment, may force him" to pay more; or "to conform to any other establishment in all cases whatsoever." And now, as then, "either . . . we must say, that the will of the Legislature is the only measure of their authority; and that in the plenitude of this authority, they may sweep away all our fundamental rights; or, that they are bound to leave this particular right untouched and sacred." Remonstrance, Par. 15.

The realm of religious training and belief remains, as the Amendment made it, the kingdom of the individual man and his God. It should be kept inviolately private, not "entangled . . . in precedents"[54] or confounded with what legislatures legitimately may take over into the public domain.

## V.

No one conscious of religious values can be unsympathetic toward the burden which our constitutional separation puts on parents who desire religious instruction mixed with secular for their children. They pay taxes for others' children's education, at the same time the added cost of instruction for their own. Nor can one happily see benefits denied to children which others receive, because in conscience they or their parents for them desire a different kind of training others do not demand.

But if those feelings should prevail, there would be an end to our historic constitutional policy and command. No more unjust or discriminatory in fact is it to deny attendants at religious schools the cost of their transportation than it is to deny them tuitions, sustenance for their teachers, or any other educational expense which others receive at public cost. Hardship in fact there is which none can blink. But, for assuring to those who undergo it the greater, the most comprehensive freedom, it is one written by design and firm intent into our basic law.

Of course discrimination in the legal sense does not exist. The child attending the religious school has the same right as any other to attend the public school. But he foregoes exercising it because the same guaranty which assures this freedom forbids the public school or any agency of the state to give or aid him in securing the religious instruction he seeks.

Were he to accept the common school, he would be the first to protest the teaching there of any creed or faith not his own. And it is precisely for the reason that their atmosphere is wholly secular that children are not sent to public schools under the *Pierce* doctrine. But that is a constitutional necessity, because we have staked the very existence of our country on the faith that complete separation between the state and religion is best for the state and best for religion. Remonstrance, Par. 8, 12.

That policy necessarily entails hardship upon persons who forego the right to educational advantages the state can supply in order to secure others it is precluded from giving. Indeed this may hamper the parent and the child forced by conscience to that choice. But it does not make the state unneutral to withhold what the Constitution forbids it to give. On the contrary it is only by observing the prohibition rigidly that the state can maintain its neutrality and avoid partisanship in the dissensions inevitable when sect opposes sect over demands for public moneys to further religious education, teaching or training in any form or degree, directly or indirectly. Like St. Paul's freedom, religious liberty with a great price must be bought. And for those who exercise it most fully, by insisting upon religious education for their children mixed with secular, by the terms of our Constitution the price is greater than for others.

The problem then cannot be cast in terms of legal discrimination or its absence. This would be true, even though the state in giving aid should treat all religious instruction alike. Thus, if the present statute and its application were shown to apply equally to all religious schools of whatever faith,[55] yet in the light of our tradition it could not stand. For then the adherent of one creed

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Footnotes at end of article.

still would pay for the support of another, the childless taxpayer with others more fortunate. Then too there would seem to be no bar to making appropriations for transportation and other expenses of children attending public or other secular schools, after hours in separate places and classes for their exclusively religious instruction. The person who embraces no creed also would be forced to pay for teaching what he does not believe. Again, it was the furnishing of "contributions of money for the propagation of opinions which he disbelieves" that the fathers outlawed. That consequence and effect are not removed by multiplying to all-inclusiveness the sects for which support is exacted. The Constitution requires, not comprehensive identification of state with religion, but complete separation.

VI.

Short treatment will dispose of what remains. Whatever might be said of some other application of New Jersey's statute, the one made here has no semblance of bearing as a safety measure or, indeed, for securing expeditious conveyance. The transportation supplied is by public conveyance, subject to all the hazards and delays of the highway and the streets incurred by the public generally in going about its multifarious business.

Nor is the case comparable to one of furnishing fire or police protection, or access to public highways. These things are matters of common right, part of the general need for safety.[56] Certainly the fire department must not stand idly by while the church burns. Nor is this reason why the State should pay the expense of transportation or other items of the cost of religious education.[57]

Needless to add, we have no such case as *Green* v. *Frazier*, 253 U.S. 233, or *Carmichael* v. *Southern Coal Co.*, 301 U.S. 495, which dealt with matters wholly unrelated to the First Amendment, involving only situations where the "public function" issue was determinative.

I have chosen to place my dissent upon the broad ground I think decisive, though strictly speaking the case might be decided on narrower issues. The New Jersey statute might be held invalid on its face for the exclusion of children who attend private, profit-making schools.[58] I cannot assume, as does the majority, that the New Jersey courts would write off this explicit limitation from the statute. Moreover, the resolution by which the statute was applied expressly limits its benefits to students of public and Catholic schools.[59] There is no showing that there are no other private or religious schools in this populous district.[60] I do not think it can be assumed there were none.[61] But in the review I have taken, it is unnecessary to limit grounding to these matters.

Two great drives are constantly in motion to abridge, in the name of education, the complete division of religion and civil authority which our forefathers made. One is to introduce religious education and observances into the public schools. The other, to obtain public funds for the aid and support of various private religious schools. See Johnson, The Legal Status of Church-State Relationships in the United States (1934); Thayer, Religion in Public Education (1947); Note (1941) 50 Yale L. J. 917. In my opinion both avenues were closed by the Constitution. Neither should be opened by this Court. The matter is not one of quantity, to be measured by the amount of money expended. Now as in Madison's day it is one of principle, to keep separate the separate spheres as the First Amendment drew them; to prevent the first experiment upon our liberties; and to keep the question from becoming entangled in corrosive precedents. We should not be less strict to keep strong and untarnished the one side of the shield of religious freedom than we have been of the other.

The judgment should be reversed.

APPENDIX

### *Memorial and remonstrance against religious assessments*

To the Honorable the General Assembly of the Commonwealth of Virginia. A Memorial and Remonstrance.

We, the subscribers, citizens of the said Commonwealth, having taken into serious consideration, a Bill printed by order of the last session of General Assembly, entitled "A Bill establishing a provision for Teachers of the Christian Religion," and conceiving that the same, if finally armed with the sanctions of a law, will be a dangerous abuse of power, are bound as faithful members of a free State, to remonstrate against it, and to declare the reasons by which we are determined. We remonstrate against the said Bill,

1. Because we hold it for a fundamental and undeniable truth, "that Religion or the duty which we owe to our Creator and the Manner of discharging it, can be directed only by reason and conviction, not by force or violence."[62] The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable; because the opinions of men, depending only on the evidence contemplated by their own minds, cannot follow the dictates of other men: It is unalienable also; because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to him. This duty is precedent both in order of time and degree of obligation, to the claims of Civil Society. Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governor of the Universe: And if a member of Civil Society, who enters into any subordinate Association, must always do it with a reservation of his duty to the general authority; much more must every man who becomes a member of any particular Civil Society, do it with a saving of his allegiance to the Universal Sovereign. We maintain therefore that in matters of Religion, no man's right is abridged by the institution of Civil Society, and that Religion is wholly exempt from its cognizance. True it is, that no other rule exists, by which any question may divide a Society, can be ultimately determined, but the will of the majority; but it is also true, that the majority may trespass on the rights of the minority.

2. Because if religion be exempt from the authority of the Society at large, still less can it be subject to that of the Legislative Body. The latter are but the creatures and vicegerents of the former. Their jurisdiction is both derivative and limited: it is limited with regard to the coordinate departments, more necessarily is it limited with regard to the constituents. The preservation of a free government requires not merely, that the metes and bounds which separate each department of power may be invariably maintained; but more especially, that neither of them be suffered to overleap the great Barrier which defends the rights of the people. The Rulers who are guilty of such an encroachment, exceed the commission from which they derive their authority, and are Tyrants. The People who submit to it are governed by laws made neither by themselves, nor by an authority derived from them, and are slaves.

3. Because, it is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of citizens, and one of [the] noblest characteristics of the late Revolution. The freemen of America did not wait till usurped power had strengthened itself by exercise, and entangled the question precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We revere this lesson too much, soon to forget it. Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? That the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?

4. Because, the bill violates that equality which ought to be the basis of every law, and which is more indispensible, in proportion as the validity or expediency of any law is more liable to be impeached. If "all men are by nature equally free and independent,"[63] all men are to be considered as entering into Society on equal conditions; as relinquishing no more, and therefore retaining no less, one than another, of their natural rights. Above all are they to be considered as retaining an "*equal* title to the free exercise of Religion according to the dictates of conscience"[64] Whilst we assert for ourselves a freedom to embrace, to profess and to observe the Religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offence against God, not against man: To God, therefore, not to men, must an account of it be rendered. As the Bill violates equality by subjecting some to peculiar burdens; so it violates the same principle, by granting to others peculiar exemptions. Are the Quakers and Menonists the only sects who think a compulsive support of their religions unnecessary and unwarrantable? Can their piety alone be intrusted with the care of public worship? Ought their Religions to be endowed above all others, with extraordinary privileges, by which proselytes may be enticed from all others? We think too favorably of the justice and good sense of these denominations, to believe that they either covet preeminencies over their fellow citizens, or that they will be seduced by them, from the common opposition to the measure.

5. Because the bill implies either that the Civil Magistrate is a competent Judge of Religious truth; or that he may employ Religion as an engine of Civil policy. The first is an arrogant pretension falsified by the contradictory opinions of Rulers in all ages, and throughout the world: The second and unhallowed perversion of the means of salvation.

6. Because the establishment proposed by the Bill is not requisite for the support of the Christian Religion. To say that it is, is a contradiction to the Christian Religion itself; for every page of it disavows a dependence on the powers of this world: it is a contradiction to fact; for it is known that this Religion both existed and flourished, not only without the support of human laws, but in spite of every opposition from them; and not only during the period of miraculous aid, but long after it had been left to its own evidence, and the ordinary care of Providence: Nay, it is a contradiction in terms; for a Religion not invented by human policy, must have pre-existed and been supported, before it was established by human policy. It is moreover to weaken in those who profess this Religion a pious confidence in its innate excellence, and the patronage of its Author; and to foster in those who still reject it, a suspicion that its friends are too conscious of its fallacies, to trust it to its own merits.

7. Because experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation. During almost fifteen centuries, has the legal establishment of Christianity been on trial. What

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have been its fruits? More or less in all places, pride and indolence in the Clergy; ignorance and servility in the laity; in both, superstition, bigotry and persecution. Enquire of the Teachers of Christianity for the ages in which it appeared in its greatest lustre; those of every sect, point to the ages prior to its incorporation with Civil policy. Propose a restoration of this primitive state in which its Teachers depended on the voluntary rewards of their flocks; many of them predict its downfall. On which side ought their testimony to have greatest weight, when for or when against their interest?

8. Because the establishment in question is not necessary for the support of Civil Government. If it be urged as necessary for the support of Civil Government only as it is a means of supporting Religion, and it be not necessary for the latter purpose, it cannot be necessary for the former. If Religion be not within [the] cognizance of Civil Government, how can its legal establishment be said to be necessary to civil Government? What influence in fact have ecclesiastical establishments had on Civil Society? In some instances they have been seen to erect a spiritual tyranny on the ruins of Civil authority; in many instances they have been seen upholding the thrones of political tyranny; in no instance have they been seen the guardians of the liberties of the people. Rulers who wished to subvert the public liberty, may have found an established clergy convenient auxiliaries. A just government, instituted to secure & perpetuate it, needs them not. Such a government will be best supported by protecting every citizen in the enjoyment of his Religion with the same equal hand which protects his person and his property; by neither invading the equal rights of any Sect, nor suffering any Sect to invade those of another.

9. Because the proposed establishment is a departure from that generous policy, which, offering an asylum to the persecuted and oppressed of every Nation and Religion, promised a lustre to our country, and an accession to the number of its citizens. What a melancholy mark is the Bill of sudden degeneracy? Instead of holding forth an asylum to the persecuted, it is itself a signal of persecution. It degrades from the equal rank of Citizens all those whose opinions in Religion do not bend to those of the Legislative authority. Distant as it may be, in its present form, from the Inquisition it differs from it only in degree. The one is the first step, the other the last in the career of intolerance. The magnanimous sufferer under this cruel scourge in foreign Regions, must view the Bill as a Beacon on our Coast, warning him to seek some other haven, where liberty and philanthropy in their due extent may offer a more certain repose from his troubles.

10. Because, it will have a like tendency to banish our Citizens. The allurements presented by other situations are every day thinning their number. To superadd a fresh motive to emigration, by revoking the liberty which they now enjoy, would be the same species of folly which has dishonoured and depopulated flourishing kingdoms.

11. Because, it will destroy that moderation and harmony which the forbearance of our laws to intermeddle with Religion, has produced amongst its several sects. Torrents of blood have been spilt in the old world, by vain attempts of the secular arm to extinguish Religious discord, by proscribing all difference in Religious opinions. Time has at length revealed the true remedy. Every relaxation of narrow and rigorous policy, wherever it has been tried, has been found to assuage the disease. The American Theatre has exhibited proofs, that equal and complete liberty, if it does not wholly eradicate it, sufficiently destroys its malignant influence on the health and prosperity of the State. If with the salutary effects of this system under our own eyes, we begin to contract the bonds of Religious freedom, we know no name that will too severely reproach our folly. At least let warning be taken at the first fruits of the threatened innovation. The very appearance of the Bill has transformed that "Christian forbearance,[65] love and charity," which of late mutually prevailed, into animosities and jealousies, which may not soon be appeased. What mischiefs may not be dreaded should this enemy to the public quiet be armed with the force of a law?

12. Because, the policy of the bill is adverse to the diffusion of the light of Christianity. The first wish of those who enjoy this precious gift, ought to be that it may be imparted to the whole race of mankind. Compare the number of those who have as yet received it with the number still remaining under the dominion of false Religious; and how small is the former! Does the policy of the Bill tend to lessen the disproportion? No; it at once discourages those who are strangers to the light of [revelation] from coming into the Region of it; and countenances, by example the nations who continue in darkness, in shutting out those who might convey it to them. Instead of levelling as far as possible, every obstacle to the victorious progress of truth, the Bill with an ignoble and unchristian timidity would circumscribe it, with a wall of defence, against the encroachment of error.

13. Because attempts to enforce by legal sanctions, acts obnoxious to so great a proportion of Citizens, tend to enervate the laws in general, and to slacken the bands of Society. If it be difficult to execute any law which is not generally deemed necessary or salutary, what must be the case where it is deemed invalid and dangerous? and what may be the effect of so striking an example of impotency in the Government, on its general authority.

14. Because a measure of such singular magnitude and delicacy ought not to be imposed, without the clearest evidence that it is called for by a majority of citizens: and no satisfactory method is yet proposed by which the voice of the majority in this case may be determined, or its inuflence secured. "The people of the respective counties are indeed requested to signify their opinion respecting the adoption of the Bill to the next Session of Assembly." But the representation must be made equal, before the voice either of the Representatives or of the Counties, will be that of the people. Our hope is that neither of the former will, after due consideration, espouse the dangerous principle of the Bill. Should the event disappoint us, it will still leave us in full confidence, that a fair appeal to the latter will reverse the sentence against our liberties.

15. Because, finally, "the equal right of every citizen to the free exercise of his Religion according to the dictates of conscience" is held by the same tenure with all our other rights. If we recur to its origin, it is equally the gift of nature; if we weigh its importance, it cannot be less dear to us; if we consult the Declaration of those rights which pertain to the good people of Virginia, as the "basis and foundation of Government,"[66] it is enumerated with equal solemnity, or rather studied emphasis. Either then, we must say, that the will of the Legislature is the only measure of their authority; and that in the plenitude of this authority, they may sweep away all our fundamental rights; or, that they are bound to leave this particular right untouched and sacred: Either we must say, that they may control the freedom of the press, may abolish the trial by jury, may swallow up the Executive and Judiciary Powers of the State; nay that they may despoil us of our very right of suffrage, and erect themselves into an independent and hereditary assembly: or we must say, that they have no authority to enact into law the Bill under consideration. We the subscribers say, that the General Assembly of this Commonwealth have no such authority: And that no effort may be omitted on our part against so dangerous an usurpation, we oppose to it, this remonstrance; earnestly praying, as we are in duty bound, that the Supreme Lawgiver of the Universe, by illuminating those to whom it is addressed, may on the one hand, turn their councils from every act which would affront his holy prerogative, or violate the trust committed to them: and on the other, guide them into every measure which may be worthy of his [blessing, may re]dound to their own praise, and may establish more firmly the liberties, the prosperity, and the Happiness of the Commonwealth.

II Madison, 183–191.

SUPPLEMENTAL APPENDIX

*A bill establishing a provision for teachers of the Christian religion*

Whereas the general diffusion of Christian knowledge hath a natural tendency to correct the morals of men, restrain their vices, and preserve the peace of society; which cannot be effected without a competent provision for learned teachers, who may be thereby enabled to devote their time and attention to the duty of instructing such citizens, as from their circumstances and want of education, cannot otherwise attain such knowledge; and it is judged that such provision may be made by the Legislature, without counteracting the liberal principle heretofore adopted and intended to be preserved by abolishing all distinctions of pre-eminence amongst the different societies or communities of Christians;

*Be it therefore enacted by the General Assembly,* That for the support of Christian teachers, — per centum on the amount, or — in the pound on the sum payable for tax on the property within this Commonwealth, is hereby assessed, and shall be paid by every person chargeable with the said tax at the time the same shall become due; and the Sheriffs of the several Counties shall have power to levy and collect the same in the same manner and under the like restrictions and limitations, as are or may be prescribed by the laws for raising the Revenues of this State.

*And be it enacted,* That for every sum so paid, the Sheriff or Collector shall give a receipt, expressing therein to what society of Christians the person from whom he may receive the same shall direct the money to be paid, keeping a distinct account thereof in his books. The Sheriff of every County, shall, on or before the — day of — in every year, return to the Court, upon oath, two alphabetical lists of the payments to him made, distinguishing in columns opposite to the names of the persons who shall have paid the same, the society to which the money so paid was by them appropriated; and one column for the names where no appropriation shall be made. One of which lists, after being recorded in a book to be kept for that purpose, shall be filed by the Clerk in his office; the other shall by the Sheriff be fixed up in the Court-house, there to remain for the inspection of all concerned. And the Sheriff, after deducting five per centum for the collection, shall forthwith pay to such person or persons as shall be appointed to receive the same by the Vestry, Elders, or Directors, however denominated of each such society, the sum so stated to be due to that society; or in default thereof, upon the motion of such person or persons to the next or any succeeding Court, execution shall be awarded for the same against the Sheriff and his security, his and their executors or administrators; provided that ten days previous notice be

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Footnotes at end of article.

given of such motion. And upon every such execution, the Officer serving the same shall proceed to immediate sale of the estate taken, and shall not accept of security for payment at the end of three months, nor to have the goods forthcoming at the day of sale; for his better direction wherein, the Clerk shall endorse upon every such execution that no security of any kind shall be taken.

*And be it further enacted,* That the money to be raised by virtue of this Act, shall be by the Vestries, Elders, or Directors of each religious society, appropriated to a provision for a Minister or Teacher of the Gospel of their denomination, or the providing places of divine worship, and to none other use whatsoever; except in the denominations of Quakers and Menonists, who may receive what is collected from their members, and place it in their general fund, to be disposed of in a manner which they shall think best calculated to promote their particular mode of worship.

*And be it enacted,* That all sums which at the time of payment to the Sheriff or Collector may not be appropriated by the person paying the same, shall be accounted for with the Court in manner as by this Act is directed; and after deducting for his collection, the Sheriff shall pay the amount thereof (upon account certified by the Court to the Auditors of Public Accounts, and by them to the Treasurer) into the public Treasury, to be disposed of under the direction of the General Assembly, for the encouragement of seminaries of learning within the Counties whence such sums shall arise, and to no other use or purpose whatsoever.

This Act shall commence, and be in force, from and after the — day of —— in the year

*A Copy from the Engrossed Bill.*

JOHN BECKLEY, C. H. D.

*Washington Mss. (Papers of George Washington, Vol. 231)*; Library of Congress.[67]

### FOOTNOTES

[1] "A Bill for Establishing Religious Freedom," enacted by the General Assembly of Virginia, January 19, 1786. See 1 Randall, The Life of Thomas Jefferson (1858) 219–220; XII Hening's Statutes of Virginia (1823) 84.

[2] *Schneider v. State,* 308 U.S. 147; *Cantwell v. Connecticut,* 310 U.S. 296; *Murdock v. Pennsylvania,* 319 U.S. 105; *Prince v. Massachusetts,* 321 U.S. 158; *Thomas v. Collins,* 323 U.S. 516, 530.

[3] The briefs did not raise the First Amendment issue. The only one presented was whether the state's action involved a public or an exclusively private function under the due process clause of the Fourteenth Amendment. See Part IV *infra.* On the facts, the cost of transportation here is inseparable from both religious and secular teaching at the religious school. In the *Cochran* case the state furnished secular textbooks only. But see text *infra* at note 40 *et seq.,* and Part IV.

[4] Cf. note 3 and text Part IV; see also note 35.

[5] The statute reads: "Whenever in any district there are children living remote from any schoolhouse, the board of education of the district may make rules and contracts for the transportation of such children to and from school . . . other than a public school, except such school as is operated for profit in whole or in part.

"When any school district provides any transportation for public school children to and from school, transportation from any point in such established school route to any other point in such established school route shall be supplied to school children residing in such school district in going to and from school other than a public school, except such school as is operated for profit in whole or in part." Laws of New Jersey (1941) c. 191.

[6] The full text of the resolution is given in note 59 *infra.*

[7] The public schools attended were the Trenton Senior High School, the Trenton Junior High School and the Pennington High School. Ewing Township itself provides no public high schools, affording only elementary public schools which stop with the eighth grade. The Ewing school board pays for both transportation and tuitions of pupils attending the public high schools. The only private schools, all Catholic, covered in application of the resolution are St. Mary's Cathedral High School, Trenton Catholic Boys High School, and two elementary parochial schools, St. Hedwig's Parochial School and St. Francis School. The Ewing board pays only for transportation to these schools, not for tuitions. So far as the record discloses, the board does not pay for or provide transportation to any other elementary school, public or private. See notes 58, 59 and text *infra.*

[8] IX Writings of James Madison (ed. by Hunt, 1910) 288; Padover, Jefferson (1942) 74. Madison's characterization related to Jefferson's entire revision of the Virginia Code, of which the Bill for Establishing Religious Freedom was part. See note 15.

[9] See *Reynolds* v. *United States,* 98 U.S. 145; *Davis* v. *Beason,* 133 U.S. 333; *Mormon Church* v. *United States,* 136 U.S. 1; *Jacobson* v. *Massachusetts,* 197 U.S. 11; *Prince* v. *Massachusetts,* 321 U.S. 158; also *Cleveland* v. *United States,* 329 U.S. 14.

Possibly the first official declaration of the "clear and present danger" doctrine was Jefferson's declaration in the Virginia Statute for Establishing Religious Freedom: "That it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order." 1 Randall, The Life of Thomas Jefferson (1858) 220; Padover, Jefferson (1942) 81. For Madison's view to the same effect, see note 28 *infra.*

[10] *Murdock* v. *Pennsylvania,* 319 U.S. 105, 109; *Martin* v. *Struthers,* 319 U.S. 141; *Jamison* v. *Texas,* 318 U.S. 413; *Marsh* v. *Alabama,* 326 U.S. 501; *Tucker* v. *Texas,* 326 U.S. 517.

[11] Conflicts in other states, and earlier in the colonies, contributed much to generation of the Amendment, but none so directly as that in Virginia or with such formative influence on the Amendment's content and wording. See Cobb, Rise of Religious Liberty in America (1902); Sweet, The Story of Religion in America (1939). The Charter of Rhode Island of 1663, II Poore, Constitutions (1878) 1595, was the first colonial charter to provide for religious freedom.

The climactic period of the Virginia struggle covers the decade 1776–1786, from adoption of the Declaration of Rights to enactment of the Statute for Religious Freedom. For short accounts see Padover, Jefferson (1942) c. V; Brant, James Madison, The Virginia Revolutionist (1941) cc. XII, XV; James, The Struggle for Religious Liberty in Virginia (1900) cc. X, XI; Eckenrode, Separation of Church and State in Virginia (1910). These works and Randall, see note 1, will be cited in this opinion by the names of their authors. Citations to "Jefferson" refer to The Works of Thomas Jefferson (ed. by Ford, 1904–1905); to "Madison," to The Writings of James Madison (ed. by Hunt, 1901–1910).

[12] Brant, cc. XII, XV; James cc. X, XI; Eckenrode.

[13] See Brant, c. XII, particularly at 243. Cf. Madison's Remonstrance, Appendix to this opinion. Jefferson of course held the same view. See note 15.

"Madison looked upon . . . religious freedom, to judge from the concentrated attention he gave it, as the fundamental freedom." Brant, 243; and see Remonstrance, Par. 1, 4, 15, Appendix.

[14] See Brant, 245–246. Madison quoted liberally from the Declaration in his Remonstrance and the use made of the quotations indicates that he considered the Declaration to have outlawed the prevailing establishment in principle, if not technically.

[15] Jefferson was chairman of the revising committee and chief draftsman. Corevisers were Wythe, Pendleton, Mason and Lee. The first enacted portion of the revision, which became known as Jefferson's Code, was the statute barring entailments. Primogeniture soon followed. Much longer the author was to wait for enactment of the Bill for Religious Freedom; and not until after his death was the corollary bill to be accepted in principle which he considered most important of all, namely, to provide for common education at public expense. See V Jefferson, 153. However, he linked this with disestablishment as corollary prime parts in a system of basic freedoms. I Jefferson, 78.

Jefferson, and Madison by his sponsorship, sought to give the Bill for Establishing Religious Freedom as nearly constitutional status as they could at the time. Acknowledging that one legislature could not "restrain the acts of succeeding Assemblies . . . and that therefore to declare this act irrevocable would be of no effect in law," the Bill's concluding provision as enacted nevertheless asserted: "Yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right." 1 Randall, 220.

[16] See I Jefferson, 70–71; XII Jefferson, 447; Padover, 80.

[17] Madison regarded this action as desertion. See his letter to Monroe of April 12, 1785; II Madison, 129, 131–132; James, cc. X, XI. But see Eckenrode, 91, suggesting it was surrender to the inevitable.

The bill provided: "That for every sum so paid, the Sheriff or Collector shall give a receipt, expressing therein to what society of Christians the person from whom he may receive the same shall direct the money to be paid . . . ." See also notes 19, 43 *infra.*

A copy of the Assessment Bill is to be found among the Washington manuscripts in the Library of Congress. Papers of George Washington, Vol. 231. Because of its crucial role in the Virginia struggle and bearing upon the First Amendment's meaning, the text of the Bill is set forth in the Supplemental Appendix to this opinion.

[18] Eckenrode, 99, 100.

[19] *Id.,* 100; II Madison, 113. The bill directed the sheriff to pay "all sums which . . . may not be appropriated by the person paying the same . . . into the public Treasury, to be disposed of under the direction of the General Assembly, for the encouragement of seminaries of learning within the Counties whence such sums shall arise, and to no other use or purpose whatsoever." Supplemental Appendix.

[20] See generally Eckenrode, c. V; Brant, James, and other authorities cited in note 11 above.

[21] II Madison, 183; and the Appendix to this opinion. Eckenrode, 100 ff. See also Fleet, Madison's "Detached Memoranda" (1946) III William & Mary Q. (3d Series) 534, 554–562.

[22] The major causes assigned for its defeat include the elevation of Patrick Henry to the governorship in November of 1784; the blunder of the proponents in allowing the Bill for Incorporations to come to the floor and incur defeat before the Assessment Bill was acted on; Madison's astute leadership, taking advantage of every "break" to convert his initial minority into a majority, including the deferment of action on the third reading to the fall; the Remonstrance, bringing a flood of protesting petitions; and the general poverty of the time. See Eckenrode, c. V, for an excelent short, detailed account.

[23] See James, Brant, *op. cit. supra* note 11.

[24] V Madison, 176. Cf. notes 33, 37.

[25] V Madison, 132.

[26] Brant, 250. The assurance made first to his constituents was responsible for Madison's becoming a member of the Virginia

Convention which ratified the Constitution. See James 154–158.

[27] The amendment with respect to religious liberties read, as Madison introduced it: "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or any pretext, infringed." 1 Annals of Congress 434. In the process of debate this was modified to its present form. See especially 1 Annals of Congress 729–731, 165; also note 34.

[28] See text of the Remonstrance, Appendix; also notes 13, 15, 24, 25 *supra* and text.

Madison's one exception concerning restraint was for "preserving public order." Thus he declared in a private letter, IX Madison, 484, 487, written after the First Amendment was adopted: "The tendency to a usurpation on one side or the other, or to a corrupting coalition or alliance between them, will be best guarded agst. by an entire abstinance of the Govt. from interference in any way whatever, beyond the necessity of preserving public order, & protecting each sect agst. trespasses on its legal rights by others." Cf. note 9.

[29] The third ground of remonstrance, see the Appendix, bears repetition for emphasis here: "Because, it is proper to take alarm at the first experiment on our liberties . . . The freemen of America did not wait till usurped power had strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We revere this lesson too much, soon to forget it. Who does not see that . . . the same authority which can force a citizen to *contribute three pence* only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?" (Emphasis added.) II Madison 183, 185–186.

[30] Eckenrode, 105, in summary of the Remonstrance.

[31] "Because the bill implies either that the Civil Magistrate is a competent Judge of Religious truth; or that he may employ Religion as an engine of Civil policy. The first is an arrogant pretention falsified by the contradictory opinions of Rulers in all ages, and throughout the world: The second an unhallowed perversion of the means of salvation." Remonstrance, Appendix, Par. 5; II Madison 183, 187.

[32] As is pointed out above, note 3, and in Part IV *infra, Cochran* v. *Board of Education,* 281 U.S. 370, was not such a case.

[33] See text *supra* at notes 24, 25. Madison, of course, was but one of many holding such views, but nevertheless agreeing to the common understanding for adoption of a Bill of Rights in order to remove all doubt engendered by the absence of explicit guarantees in the original Constitution.

By 1791 the great fight over establishments had ended, although some vestiges remained then and later, even in Virginia. The glebes, for example, were not sold there until 1802. Cf. Eckenrode, 147. Fixing an exact date for "disestablishment" is almost impossible, since the process was piecemeal. Although Madison failed in having the Virginia Bill of Rights declare explicitly against establishment in 1776, cf. note 14 and text *supra,* in 1777 the levy for support of the Anglican clergy was suspended. It was never resumed. Eckenrode states: "This act, in effect, destroyed the establishment. Many dates have been given for its end, but it really came on January 1, 1777, when the act suspending the payment of titles became effective. This was not seen at the time. . . . But in freeing almost half of the taxpayers from the burden of the state religion, the state religion was at an end. Nobody could be forced to support it, and an attempt to levy titles upon Anglicans alone would be to recruit the ranks of dissent." P. 53. See also pp. 61, 64. The question of assessment however was revived "with far more strength than ever, in the summer of 1784." *Id.,* 64. It would seem more factual therefore to fix the time of disestablishment as of December, 1785–January, 1786, when the issue in large was finally settled.

[34] At one point the wording was proposed: "No religion shall be established by law, nor shall the equal rights of conscience be infringed." 1 Annals of Congress 729. Cf. note 27. Representative Huntington of Connecticut feared this might be construed to prevent judicial enforcement of private pledges. He stated "that he feared . . . that the words might be taken in such latitude as to be extremely hurtful to the cause of religion. He understood the amendment to mean what had been expressed by the gentleman from Virginia; but others might find it convenient to put another construction upon it. The ministers of their congregations to the Eastward were maintained by the contributions of those who belonged to their society; the expense of building meeting-houses was contributed in the same manner. These things were regulated by by-laws. If an action was brought before a Federal Court on any of these cases, the person who had neglected to perform his engagements could not be compelled to do it; for a support of ministers or building of places of worship might be construed into a religious establishment." 1 Annals of Congress 730.

To avoid any such possibility, Madison suggested inserting the word "national" before "religion," thereby not only again disclaiming intent to bring about the result Huntington feared but also showing unmistakably that "establishment" meant public "support" of religion in the financial sense. 1 Annals of Congress 731. See also IX Madison, 484–487.

[35] The decision most closely touching the question, where it was squarely raised, is *Quick Bear* v. *Leupp,* 210 U.S. 50. The Court distinguished sharply between appropriations from public funds for the support of religious education and appropriations from funds held in trust by the Government essentially as trustee for private individuals, Indian wards, as beneficial owners. The ruling was that the latter could be disbursed to private, religious schools at the designation of those patrons for paying the cost of their education. But it was stated also that such a use of public moneys would violate both the First Amendment and the specific statutory declaration involved, namely, that "it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school." 210 U.S. at 79. Cf. *Ponce* v. *Roman Catholic Apostolic Church,* 210 U.S. 296, 322. And see *Bradfield* v. *Roberts,* 175 U.S. 291, an instance of highly artificial grounding to support a decision sustaining an appropriation for the care of indigent patients pursuant to a contract with a private hospital. Cf. also the authorities cited in note 9.

[36] See text at note 1.

[37] ". . . but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States." Const., Art. VI, § 3. See also the two forms prescribed for the President's Oath or Affirmation. Const., Art. II, § 1. Cf. *Ex parte Garland,* 4 Wall. 333; *Cummings* v. *Missouri,* 4 Wall 277; *United States* v. *Lovett,* 328 U.S. 303.

[38] In the words of the Virginia statute, following the portion of the preamble quoted at the beginning of this opinion: ". . . even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind. . . ." Cf. notes 29, 30, 31 and text *supra.*

[39] See note 38.

[40] See Bower, Church and State in Education (1944) 58: ". . . the fundamental division of the education of the whole self into the secular and the religious could not be justfied on the grounds of either a sound educational philosophy or a modern functional concept of the relation of religion to personal and social experience." See also Vere, The Elementary School, in Essays on Catholic Education in the United States (1942) 110–111; Gabel, Public Funds for Church and Private Schools (1937) 737–739.

[41] It would seem a strange ruling that a "reasonable," that is, presumably a small, license fee cannot be placed upon the exercise of the right of religious instruction, yet that under the correlative constitutional guaranty against "an establishment" taxes may be levied and used to aid and promote religious instruction, if only the amounts so used are small. See notes 30–31 *supra* and text.

Madison's objection to "three pence" contributions and his stress upon "denying the principle" without waiting until "usurped power had . . . entangled the question in precedents," note 29, were reinforced by his further characterization of the Assessment Bill: "Distant as it may be, in its present form, from the Inquisition it differs from it only in degree. The one is the first step, the other the last in the career of intolerance." Remonstrance, Par. 9; II Madison 183, 188.

[42] If it is part of the state's function to supply to religious schools or their patrons the smaller items of educational expense, because the legislature may say they perform a public function, it is hard to see why the larger ones also may not be paid. Indeed, it would seem even more proper and necessary for the state to do this. For if one class of expenditures is justified on the ground that it supports the general cause of education or benefits the individual, or can be made to do so by legislative declaration, so even more certainly would be the other. To sustain payment for transportation to school, for textbooks, for other essential materials, or perhaps for school lunches, and not for what makes all these things effective for their intended end, would be to make a public function of the smaller items and their cumulative effect, but to make wholly private in character the larger things without which the smaller could have no meaning or use.

[43] Whereas the general diffusion of Christian knowledge hath a natural tendency to correct the morals of men, restrain their vices, and preserve the peace of society; which cannot be effected without a competent provision for learned teachers, who may be thereby enabled to devote their time and attention to the duty of instructing such citizens, as from their circumstances and want of education, cannot otherwise attain such knowledge; and it is judged that such provision may be made by the Legislature, without counteracting the liberal principle heretofore adopted and intended to be preserved by abolishing all distinctions of pre-eminence amongst the different societies of communities of Christians; . . . ." Supplemental Appendix; Foote, Sketches of Virginia (1850) 340.

[44] "Because the establishment proposed by the Bill is not requisite for the support of the Christian Religion. To say that it is, is a contradiction to the Christian Religion itself; for every page of it disavows a dependence on the powers of this world. . . . Because the establishment in question is not necessary for the support of Civil Government. . . .

What influence in fact have ecclesiastical establishments had on Civil Society? . . . in no instance have they been seen the guardians of the liberties of the people." II Madison 183, 187, 188.

[45] "Because experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation." II Madison 183, 187.

[46] "At least let warning be taken at the first fruits of the threatened innovation. The very appearance of the Bill has transformed that 'Christian forbearance, love and charity,' which of late mutually prevailed, into animosities and jealousies, which may not soon be appeased." II Madison 183, 189.

[47] In this case briefs *amici curiae* have been filed on behalf of various organizations representing three religious sects, one labor union, the American Civil Liberties Union, and the states of Illinois, Indiana, Louisiana, Massachusetts, Michigan and New York. All these states have laws similar to New Jersey's and all of them, with one religious sect, support the constitutionality of New Jersey's action. The others oppose it. Maryland and Mississippi have sustained similar legislation. Note 49 *infra*. No state without legislation of this sort has filed an opposing brief. But at least six states have held such action invalid, namely, Delaware, Oklahoma, New York, South Dakota, Washington and Wisconsin. Note 49 *infra*. The New York ruling was overturned by amendment to the state constitution in 1938. Constitution of New York, Art. XI, 4.

Furthermore, in this case the New Jersey courts divided, the Supreme Court holding the statute and resolution invalid, 132 N. J. L. 98, 39 A 2d 75, the Court of Errors and Appeals reversing that decision, 133 N. J. L. 350, 44 A. 2d 333. In both courts, as here, the judges split, one of three dissenting in the Supreme Court, three of nine in the Court of Errors and Appeals. The division is typical. See the cases cited in note 49.

[48] See the authorities cited in note 49; and see note 54.

[49] Some state courts have sustained statutes granting free transportation or free school books to children attending denominational schools on the theory that the aid was a benefit to the child rather than to the school. See *Nichols* v. *Henry*, 301 Ky. 434, 191 S. W. 2d 930, with which compare *Sherrard* v. *Jefferson County Board of Education*, 294 Ky. 469, 171 S. W. 2d 963; *Cochran* v. *Board of Education*, 168 La. 1030, 123 So. 664, aff'd, 281 U.S. 370; *Borden* v. *Board of Education*, 168 La. 1005, 123 So. 655; *Board of Education* v. *Wheat*, 174 Md. 314, 199 A. 628; *Adams* v. *St. Mary's County*, 180 Md. 550, 26 A. 2d 377; *Chance* v. *State Textbook R. & P. Board*, 190 Miss. 453, 200 So. 706. See also *Bowker* v. *Baker*, 73 Cal. App. 2d 653, 167 P. 2d 256. Other courts have held such statutes unconstitutional under state constitutions as aid to the schools. *Judd* v. *Board of Education*, 278 N.Y. 200, 15 N. E. 2d 576, but see note 47 *supra*; *Smith* v. *Donahue*, 202 App. Div. 656, 195 N.Y.S. 715; *State ex rel. Traub* v. *Brown*, 36 Del. 181, 172 A. 835; *Gurney* v. *Ferguson*, 190 Okla. 254, 122 P. 2d 1002; *Mitchell* v. *Consolidated School District*, 17 Wash. 2d 61, 135 P. 2d 79; *Van Straten* v. *Milquet*, 180 Wis. 109, 192 N. W. 392. And cf. *Hlebanja* v. *Brewe*, 58 S.D. 351, 236 N. W. 296. And since many state constitutions have provisions forbidding the appropriation of public funds for private purposes, in these and other cases the issue whether the statute was for a "public" or "private" purpose has been present. See Note (1941) 50 Yale L.J. 917, 925.

[50] *E. g., Gurney* v. *Ferguson*, 190 Okla. 254, 255, 122 P. 2d 1002, 1003; *Mitchell* v. *Consolidated School District*, 17 Wash. 2d 61, 68, 135 P. 2d 79, 82; *Smith* v. *Donahue*, 202 App. Div. 656, 664, 195 N.Y.S. 715, 72; *Board of Edcation* v. *Wheat*, 174 Md. 314, dissenting opinion at 340, 198 A. 628 at 639. This is true whether the appropriation and payment are in form to the individual or to the institution. *Ibid.* Questions of this gravity turn upon the purpose and effect of the state's expenditure to accomplish the forbidden object, not upon who receives the amount and applies it to that end or the form and manner of the payment.

[51] The payments here averaged roughly $40.00 a year per child.

[52] See Part V.

[53] See also note 46 *supra* and Remonstrance, Par. 3.

[54] Thus each brief filed here by the supporters of New Jersey's action, see note 47, not only relies strongly on *Cochran* v. *Board of Education*, 281 U.S. 370, but either explicitly or in effect maintains that it is controlling in the present case.

[55] See text at notes 17–19 *supra* and authorities cited; also Foote, Sketches of Virginia (1850) c. XV. Madison's entire thesis, as reflected throughout the Remonstrance and in his other writings, as well as in his opposition to the final form of the Assessment Bill, see note 43, was altogether incompatible with acceptance of general and "nondiscriminatory" support. See Brant, C. XII.

[56] The protections are of a nature which does not require appropriations specially made from the public treasury and earmarked, as is New Jersey's here, particularly for religious institutions or uses. The First Amendment does not exclude religious property or activities from protection against disorder or the ordinary accidental incidents of community life. It forbids support, not protection from interference or destruction.

It is a matter not frequently recalled that President Grant opposed tax exemption of religious property as leading to a violation of the principle of separation of church and state. See President Grant's Seventh Annual Message to Congress, December 7, 1875, in IX Messages and Papers of the Presidents (1897) 4288–4289. Garfield, in a letter accepting the nomination for the presidency said: ". . . it would be unjust to our people, and dangerous to our institutions, to apply any portion of the revenues of the nation, or of the States, to the support of sectarian schools. The separation of the Church and the State in everything relating to taxation should be absolute." II The Works of James Abram Garfield (ed. by Hinsdale, 1883) 783.

[57] Neither do we have here a case of rate-making by which a public utility extends reduced fares to all school children, including patrons of religious schools. Whether or not legislative compulsion upon a private utility to extend such an advantage would be valid, or its extension by a municipally owned system, we are not required to consider. In the former instance, at any rate, and generally if not always in the latter, the vice of using the taxing power to raise funds for the support of religion would not be present.

[58] It would seem at least a doubtfully sufficient basis for reasonable classification that some children should be excluded simply because the only school feasible for them to attend, in view of geographic or other situation, might be one conducted in whole *or in part* for profit. Cf. note 5.

[59] See note 7 *supra*. The resolution was as follows, according to the school board's minutes read in proof: "The transportation committee recommended the transportation of pupils of Ewing to the Trenton and Pennington High Schools *and Catholic Schools* by way of public carrier as in recent years. On Motion of Mr. Ralph Ryan and Mr. M. French the same was adopted." (Emphasis added.) The New Jersey court's holding that the resolution was within the authority conferred by the state statute is binding on us. *Reinman* v. *Little Rock*, 237 U.S. 176; *Hadacheck* v. *Sebastian*, 239 U.S. 394, 414.

[60] The population of Ewing Township, located near the City of Trenton, was 10,146 according to the census of 1940. Sixteenth Census of the United States, Population, Vol. 1,674.

[61] In *Thomas* v. *Collins*, 323 U. S. 516, 530, it was said that the preferred place given in our scheme to the great democratic freedoms secured by the First Amendment gives them "a sanctity and a sanction not permitting dubious intrusions." Cf. Remonstrance, Par. 3, 9. And in other cases it has been held that the usual presumption of constitutionality will not work to save such legislative excursions in this field. *United States* v. *Carolene Products Co.*, 304 U. S. 144, 152, note 4; see Wechsler, Stone and the Constitution (1946) 46 Col. L. Rev. 764, 795 *et seq.*

Apart from the Court's admission that New Jersey's present action approaches the verge of her power, it would seem that a statute, ordinance or resolution which on its face singles out one sect only by name for enjoyment of the same advantages as public schools or their students, should be held discriminatory on its face by virtue of that fact alone, unless it were positively shown that no other sects sought or were available to receive the same advantages.

[62] Decl. Rights, Art: 16. [Note in the original.]

[63] Decl. Rights, Art 1. [Note in the original.]

[64] Art: 16. [Note in the original.]

[65] Art. 16. [Note in the original.]

[66] Decl. Rights-title. [Note in the original.]

[67] This copy of the Assessment Bill is from one of the handbills which on December 24, 1784, when the third reading of the bill was postponed, were ordered distributed to the Virginia counties by the House of Delegates. See Journal of the Virginia House of Delegates, December 24, 1784; Eckenrode, 102–103. The bill is therefore in its final form, for it never again reached the floor of the House. Eckenrode, 113.

Mr. ERVIN. Mr. President, I yield the floor.

Mr. WILLIAMS. Mr. President, I am opposed to the amendment offered by the distinguished Senators from North Carolina and Alabama. This amendment broadens the present exemption of section 702 of title VII in two respects. Section 702 now exempts religious organizations employing individuals of a particular religion for religious activities and provides an exemption for the educational activities of educational institutions.

This amendment would allow religious organizations and educational institutions a complete exemption from title VII coverage. A religious organization would be exempt whether or not it is engaged in religious activities; and the present authority to hire employees of a particular religion for religious activities would be expanded to include race, color, sex, or national origin for any activity. An educational institution would be made exempt from title VII whether or not it is engaged in educational activities.

As to religious organizations, it is not clear to me that the religious integrity of these institutions would be compromised by equal employment opportunities for employees in positions unrelated to religious activities of such institutions.

It should be emphasized that religious corporations and associations often provide purely secular services to the general public without regard to religious affiliation, and that most of the many thousands of persons employed by these institutions perform totally secular functions. In this regard, employees in these "religious" institutions perform jobs that are identical to jobs in comparable secular institutions. It seems appropriate, therefore, that these persons employed by religious corporations and associations should be given the same equal employment opportunities as those persons employed in comparable positions by secular employers.

For example, religious organizations in this country own and operate a substantial number of hospitals open to the public. These hospitals employ a broad range of persons to staff them. Without expounding on all of the job classifications at a hospital, I will just note that the categories of employment range from nurses and hospital administrators to dieticians and housekeeping personnel. There is no justification, in my judgment, for such hospitals to be permitted to discriminate against a janitor, for example, on any grounds.

Further, in my judgment, it might be very well unconstitutional for Congress to permit such discrimination. I recognize that the first amendment protects the free exercise of religion. I believe it is reasonable for Congress to permit an institution such as Catholic University to require its employees to be Catholic. The major function of that university is the propagation of its faith and we should not interfere with that program. However, the major purpose of hospitals and other service agencies is to provide public service. In providing this service they should not be allowed to become instruments of invidious and unreasonable discrimination in employment.

I would note for the record that at this point a similar issue has been resolved in an almost identical manner by the administration. The Occupational Safety and Health Act, passed by this Congress in 1970, provided no exemptions for employers. In defining the term "employer engaged in the business affecting commerce," for purposes of this act, the Department of Labor of necessity faced the question of coverage of churches as employers. Let me read for the RECORD a portion of the interpretation made by that agency just 2 weeks ago. It apears in the Federal Register of Friday, January 21, 1972, at page 930:

> * * * Churches or religious organizations, like charitable and nonprofit organizations, are considered employers under the Act where they employ one or more persons in secular activities. As a matter of enforcement policy, the performance of, or participation in, religious services (as distinguished from secular or proprietary activities whether for charitable or religion-related purposes) will be regarded as not constituting employment under the Act. Any person, while performing religious services or participating in them in any degree is not regarded as an employer or employee under the Act, notwithstanding the fact that such person may be regarded as an employer or employee for other purposes—for example, giving or receiving remuneration in connection with the performance of religious services.
>
> * * * Some examples of coverage of religious organizations as employers would be: A private hospital owned or operated by a religious organization; a private school or orphanage owned or operated by a religious organization; commercial establishments of religious organizations engaged in producing or selling products such as alcoholic beverages, bakery goods, religious goods, etc.; and administrative, executive, and other office personnel employed by religious organizations. Some examples of noncoverage in the case of religious organizations would be: clergymen while performing or participating in religious services; and other participants in religious services; namely choir masters, organists, other musicians, choir members, ushers and the like.

I have read that citation from another bit of legislation that is now law to point out the analogous situation that we are dealing with here on another point of law in another department of government activity.

Mr. President, just a few days ago in a colloquy with the Senator from North Carolina, the following exchange occurred:

> Mr. ERVIN. It also enables the political hands of Caesar to be laid upon the sacred things of God. And each one of these cases where any of these things occur is subject to be reviewed in the Federal courts, is it not?
>
> Mr. WILLIAMS. I would say that the equality of rights has nothing to do with Caesar, and maybe had more to do with God.
>
> Mr. ERVIN. I would say you do not get equality of rights by robbing the majority of their rights, and that is what this bill will do to the majority of the people of this country. But apart from that—
>
> * * * * *
>
> Mr. ERVIN. I do not think Congress has a right to authorize Caesar to lay his political hands upon the affairs of God, and that is exactly what the bill does.
>
> Mr. WILLIAMS. I interpret God's mandate to man differently than the Senator from North Carolina.

I reiterate my judgment expressed that day—of all the institutions in this country who should be setting the example of equal employment opportunity, of equal opportunity for that matter in all aspects of life, it is America's religious institutions. I am confident that the Houses of God in this country do not shirk that responsibility nor should we.

The impact of this amendment on educational institutions is also not in keeping with our purpose to strengthen the EEOC. Broadening the exemption instead of eliminating it will serve only to continue existing discriminatory practices against the teachers and other staffs of this Nation's educational institutions.

It is our aim, Mr. President, in considering the present legislation, to strengthen the provisions of title VII and to eliminate the inconsistencies and insufficiencies which we allowed into that law in 1964. It is not our purpose to reaffirm existing loopholes.

At present, there are approximately 2,865,000 teachers and full-time faculty in 120,000 educational institutions in our Nation. There are also approximately 1.5 million nonprofessional staff employed by these institutions.

Most of the teachers and staff are public employees, the remainder are employed by private institutions. And, yet, under the present law, most of these employees are without an adequate and effective Federal remedy. But I submit, Mr. President, that these 4 million are no different from other employees in the Nation and deserve to be accorded the same protections. To continue the existing exemption for these employees would not only continue to work an injustice against this vital segment of our Nation's work force, but would also establish a class of employers who could pursue employment policies which are otherwise prohibited by the law.

The existence of discrimination in the employment practices of our Nation's educational institutions is well known, and has been adequately demonstrated by overwhelming statistical evidence as well as numerous complaints from groups and individuals. Minorities and women continue to be subject to blatant discrimination in these institutions.

As regards minorities, statistical studies show that minorities are generally underrepresented in teaching positions in educational institutions, and those that are employed are relegated to the lower paying and less prestigious positions. For example, in elementary and secondary schools, Negroes hold only about 10 percent of all available positions, Spanish-speaking Americans about 0.8 percent and all other minorities about 0.5 percent. This underrepresentation becomes more pronounced when we look at the institutions of higher learning where Negroes account for only 2.2 percent of all faculty, Orientals 1.3 percent, and all other minorities only 0.3 percent.

Perhaps the most extensive discrimination in educational institutions, however, is found in the treatment of women. While women are generally well represented statistically in terms of numbers employed, they are generally relegated to the lowest paying and least prestigious jobs. Women account for the majority of teachers in elementary and secondary schools but they are virtually totally excluded from positions as principals and other administrative or decisionmaking positions.

In institutions of higher education women are almost totally absent in the position of academic dean, and are grossly underrepresented in all other major faculty positions. Also, I would add, that this discrimination does not only exist as regards to the acquiring of jobs, but that it is similarly prevalent in the area of salaries and promotions where studies have shown a well-established pattern of unlawful wage differentials and discriminatory promotion policies.

And yet, Mr. President, despite the existence of this obvious discrimination, this entire segment of our working population has not been provided with adequate Federal relief.

Not only have educational institutions been excluded from the protections of title VII, but teachers and other professionals have similarly been excluded from the protection of the Equal Pay Act, which has been used successfully by other employees to halt discriminatory wage differentials. What this means is that for most employees of educational institutions, the only available remedy has been an individual suit under the antidiscrimination provisions of the Constitution. However, as has been noted by the committee in reporting out S. 2515;

this method of relief is very time consuming and costly, and does not guarantee complete relief in every case.

Mr. President, I cannot help but feel that we have been very remiss in allowing the employees of this Nation's educational institutions to go without an adequate Federal remedy against job discrimination for as long as we have.

The exclusion of educational institutions from the protections offered by title VII is a major factor in the discrimination which exists in our educational institutions today. There does not appear to me to be any reason, therefore, why this legislative oversight should be continued. We must correct this important defect of title VII immediately, and provide employees of educational institutions the same protections that we accord the rest of the Nation's work force.

Mr. President, I ask unanimous consent to have printed in the Record at this point a list of organizations which support the bill before the Senate without the amendment offered by the Senators from North Carolina and Alabama. From A to U, the list indicates the religious organizations that, by supporting the bill as it was reported to the Senate, oppose the pending amendment.

From the African Methodist Episcopal Church through the United Synagogue of America—as I rapidly refresh my recollection and scan the list—all the organizations listed here are religious organizations, and they cover the gambit of faith in this country.

There being no objection, the list was ordered to be printed in the Record, as follows:

### List of Organizations

African Methodist Episcopal Church.

African Methodist Episcopal Zion Church.

American Baptist Convention—Division of Social Concern.

American Jewish Committee.

American Jewish Congress.

Anti-Defamation League of B'nai B'rith.

B'nai B'rith Women.

Christian Methodist Episcopal Church.

Church of the Brethren—Brethren Service Commission.

Church Women United.

Episcopal Church—Division of Christian Citizenship.

Franciscan Social Action Team.

Friends Committee on National Legislation.

Hadassah.

Lutheran Church in America—Board of Social Ministry.

National Baptist Convention, U.S.A.

National Catholic Conference for Interracial Justice.

National Council of Catholic Men.

National Council of Catholic Women.

National Council of Churches—Department of Social Justice.

National Council of Jewish Women.

Presbyterian Interracial Council.

Unitarian Universalist Association.

Unitarian Universalist Women's Federation.

United Christian Missionary Society.

United Church of Christ—Committee for Racial Justice Now.

United Church of Christ—Council for Christian Social Action.

United Methodist Church—Board of Social Concern.

United Presbyterian Church—Commission on Religion & Race.

United Presbyterian Church—Office of Church & Society.

U.S. Catholic Conference—Department of Social Development.

United Synagogue of America.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. JAVITS. Mr. President, the real question here is the size of the exemption which is being sought. Senator Williams has very splendidly argued the merits, and I believe that the remaining factor which is important to Senators, as they vote, is the size of this exemption. It is estimated that some 4,300,000 employees are concerned in educational institutions. That is an enormous exemption to drop from this act. That fact appears at page 11 of the committee's report:

> There are at present over 120,000 educational institutions, with approximately 2.8 million teachers and professional staff members and another 1.5 million non-professional staff members. Yet all of these employees are, in effect, without an effective Federal remedy in the area of employment discrimination.

Mr. President, that represents 4,300,000 workers. It points out, too, that this is not a fanciful matter on our part but that there are critically important evidences of discrimination in these institutions.

Senators are invited to read on, on the next page of the report, which indicates the tremendous disproportion—the courts have held that that is a perfectly proper item of evidence—between the percentages of positions held by blacks and other minorities and the percentage which they represent in population.

In addition to the discrimination on the ground of color, there are tremendous evidences of discrimination based upon the same criteria against women, bearing in mind that sex is also covered as an important item of discrimination in this bill.

For all those reasons, because we are dealing with enormous numbers of people—a worker for an educational institution or a religious institution is still a worker—while we understand the responsibility of dealing with respect for the establishment of religion as such—and we very amply safeguard them in the exemption to 702 contained in the bill at page 33—there is no reason for allowing those cover words to take out of the operation of common justice and equal opportunity for a job, which is the essence of this bill, some 4,300,000 workers. Yet, that would be the effect of this amendment.

So, for the reasons I have stated, plus those eloquently stated by the manager of the bill, Senator Williams, I hope very much that the Senate will reject this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I yield the remainder of the time of the proponents of this amendment to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, one of the most horrendous provisions of S. 2515 is section 3, which removes the existing exemption for employees of educational institutions, as presently contained in section 702 of the Civil Rights Act of 1964. This overzealous proposal attempts, first, to subvert academic freedom and, second, violate the prohibition contained in the first amendment which guarantees the free exercise of religion.

In addition, if this section of the bill is passed, it invites a further expansion and continuation of the practices of harassing local school officials and interfering with local school systems that have been running rampant since the adoption of title VI of the 1964 Civil Rights Act. Enactment of section 3 of S. 2515 could destroy academic freedom. Objective criticism, independent judgment, the search for truth unhampered by transient political interests—all of which are vital to academic freedom—could be altered and reshaped by the EEOC. Academic tenure—the very cornerstone of academic freedom—would be placed in serious jeopardy if Federal hiring and promotion practices are substituted for those of local school administrators.

It would be hard to imagine any Federal law more at odds with the guarantee of religious freedom than EEOC supervision of employment practices of church-supported educational institutions.

History tells us that it was largely because of religious persecution that many of our forefathers left England and Europe to settle in American colonies.

Religious freedom in the New World lighted man's way to political freedom. The revelation of spiritual freedom created a passionate desire in the hearts of the colonists for freedom from political bondage, ecclesiastical privilege, and royal favor. It was because they recognized that secular and religious authority must be rigorously separated that the founders of our Nation did not consider the Constitution of the United States to be complete until there was adopted a Bill of Rights in which they made a flat prohibition in the very article that:

> Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof . . .

It was not a new idea for it was written long ago:

> Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's.

Under our system of religious freedom which would be violated by this EEOC bill, religious organizations have seen fit to use their own resources to establish church schools at every level of education—elementary, secondary, and institutions of higher education. They did so because they wanted youth taught in a religious atmosphere and by Christian instructors. Indeed, the establishment of church-related educational institutions in the embodiment of the free exercise of religion. This form of religious activity has always been recognized to occupy the same high estate under the first amendment as worshipping in the churches and preaching from the pulpits.

The argument has been made and pressed with vigor that section 3 of the bill continues the exemption for church-supported schools, colleges, and universities with respect to the employment of individuals of a particular religion to perform work or teach subjects connected with religious activities.

The argument is lacking in both intellectual and constitutional strength. It rests solely upon the fallacy that the only "free exercise" of religion at a church-related school is restricted to schools of theology and the teaching of religious subjects at lower levels. It concludes, therefore, that all other activities and teachings at church-supported schools are secular rather than religious activities.

To this argument, Mr. President, I submit that the reasoning of the proponents of section 3 is not the constitutional standard, nor are their preferences for that matter. The constitutional standard is separation of church and state. And so far as interference with the "free exercise" of religion, the separation must be full and complete. The first amendment prohibition is absolute. The power and authority sought in section 3 is just the type of Government invasion that the first amendment was designed to prevent.

Thus, the question in connection with section 3 of S. 2515 which the amendment offered by the Senator from North Carolina and myself seeks to reach is not whether its language has entered too far into the sacred area of religious freedom, but whether it has entered it at all.

It is enough here to quote Mr. Justice Jackson in his famous opinion in *West Virginia State Board of Education* v. *Barnett* (319 U.S. 624) when he said:

> If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

It should be called to the attention of the Senate that none of the Presidents or heads of public, private, and church-supported schools appeared before the committee in hearings on S. 2515. This is even more strange when it is remembered that this is the Senate committee which also handles the great bulk of legislation here in the Senate relating to programs for our schools and, therefore, it already had available to it a wealth of names of distinguished educators at every level of education who could have been requested to appear at the hearings with respect to section 3 and, undoubtedly, a number of them would have been happy to do so.

Why were not spokesmen for the educational arms of our great religious denominations requested to verbally apprise the committee how they felt about section 3 and how they viewed it as a possible encroachment upon religious freedom, and what effect, if any, the proposal would have upon the charters of their respective institutions?

In connection with this latter point, many will recall that when legislation similar to S. 2515 was before the Senate during the 91st Congress, the distinguished Senior Senator from North Carolina (Mr. ERVIN) pointed out that he once served on the board of trustees of Davidson College, a liberal arts school founded and supported by the Presbyterian Church. The Senator from North Carolina further pointed out that Davidson had, and presumably still does have a regulation which stipulates that no professor would teach any course at that institution unless he is a member of an Evangelical Church. The Senator from North Carolina went on to say:

> Mr. President, I think in any free society, if the members of the Presbyterian Church, or the members of the Catholic Church, or the members of the Lutheran Church, or the members of any other religious body see fit to establish, through their own resources, an institution of learning for the instruction of youth, and they want the youth of that institution to be taught by persons they regard as Christian professors, even in nonreligious subjects such as mathematics or trigonometry or philosophy, they should have the unqualified right to do that.
>
> "Yet the bill before the Senate will take away from institutions like Davidson College the right to select professors who are members of evangelical churches because that would be discriminating against other professors on account of their religion. The Equal Employment Opportunity Commission, under this bill, could actually require the Board of Trustees of Davidson College to hire a Mohammedan, for example, to instruct the youth attending the college.
>
> "That is the extent of the tyranny which this bill would inflict upon the people of America. We might as well recognize it. This is the most tyrannical proposal ever submitted to the Congress of the United States. It destroys the right of people to exercise their religion, because that is exactly what these denominational colleges are doing when they make a requirement that professors shall be members of a particular church, even though they are teaching nonreligious subjects.

We all know that the distinguished senior Senator from North Carolina is acknowledged as one of the greatest living authorities on constitutional matters. The Senator from Alabama considers him to be one of the greatest of all time. His brillance on constitutional law has been witnessed many times in this Chamber. I deem it a great privilege to serve with him here in the Senate and to stand shoulder to shoulder with him in defense of the freedoms and rights which the framers of our Constitution deemed indispensable to liberty. Like Thomas Jefferson, the senior Senator from North Carolina knows that eternal vigilance is the price of liberty. I commend him on the excellent speech he made in the Senate 2 years ago against the EEOC expansion bill from which I have just quoted, and I commend his wise and trenchant words to each member of this body.

I wish to read into the record at this point a letter I received from Dr. Leslie S. Wright, president of Samford University; a Baptist-supported university in Birmingham, Ala., which bears on section 3. It reads:

> SAMFORD UNIVERSITY,
> *Birmingham, Ala., December 20, 1971.*
>
> Hon. JAMES B. ALLEN,
> *United States Senate,*
> *Washington, D.C.*
>
> DEAR JIM: My absence from the office and from the country for a part of the time has delayed unduly this opportunity to acknowledge and thank you for your letter of November 9 regarding an amendment which you proposed to introduce to S2515.
>
> All of us at Samford University deeply appreciate your thoughtfulness in sharing this information with us. We want you to know we wholeheartedly support your amendment to remove schools, colleges and other educational institutions from coverage under a bill recently approved by the Senate Labor and Public Welfare Committee. If enacted without the amendment, the legislation would destroy our educational institutions by giving an agency of the federal government complete power over such matters as the employment of faculty, the academic program, etc.
>
> We are in full accord with your belief that the power sought under the EEOC expansion bill is clearly a spiritual and constitutional violation of the first amendment to the Constitution.
>
> We will appreciate very much receiving such information as you can give us concerning the present status of this legislation. We certainly want to support this amendment in every possible way.
>
> We deeply appreciate your close attention to this matter and your support of our Christian institutions.
>
> With warmest personal regards and best wishes for the holiday season, I am
>
> Sincerely your friend,
> LESLIE S. WRIGHT,
> *President.*

Mr. President, our oath of office enjoins us from enacting into law a bill which would license the EEOC, under cover of the soft euphemism of "equal employment opportunity" to steal into the forbidden area of religious freedom. I submit that the constitutional language that ours is a government which allows no statute that prohibits the free exercise of religion extends to the activities and teachings of a church-related school as a whole. The concern for separation of church and state which inspired and prompted submission of the first amendment in 1789 continues to be as meaningful today when overzealous legislation threatens to destroy the freedoms which the first amendment enshrines. If this is not true, the first amendment is but an empty pledge expressed in idle words.

Mr. President, the total unconcern of the Equal Employment Opportunity Commission for individual freedoms, property rights, and constitutional principles that would lie trampled in the dust under its grab for power, is indeed shocking.

Mr. President, I hope the Senate will agree to the pending amendment.

Mr. STENNIS. Mr. President, I shall briefly discuss amendments No. 815. The present law exempts educational institutions from the provisions of the act. The bill as reported would cover those who select and employ teachers, professors, faculty administrators, deans, college presidents, and janitors. Some of the more liberal campuses of this country, which have been preoccupied with the ramifications of academic freedom, might be a little surprised at what this bill could do to them.

A broader area of concern, however, that has an effect in every neighborhood, and every family is that of the faculties of elementary and secondary schools. Let me say that we in the South are well aware of what is involved here. The schools in Southern States are under court orders or HEW instructions to establish racial balance in school faculties. These orders are being carried out. Sometimes the consequences are difficult to accept but it is being done.

As the Members of this body know, I have for some time been advocating that there be a single national policy to be applied uniformly in all regions of the United States in dealing with conditions of segregation by race, without regard to the origin or cause of such segregation. Twice the Senate has passed this amendment. The Senate education bill contains it, and a modification of it that is in the education bill passed by the House will be a matter of discussion soon, together with the busing amendments.

I believe that all parts of the country should be treated alike in all matters, including the requirements as to school faculties. If racial balance in faculties is required in one area, it should be in all areas. The provisions of this bill could move in that direction, but I do not think this bill is the right vehicle. However, should these provisions become law, it will be interesting to see how they are received in the school districts of the North, where the first few busing decrees have resulted in an aroused and incensed citizenry.

I repeat, however, this bill is not the proper vehicle for such action, if it is to be taken. This bill can only add to the turmoil and confusion that already exists in the Nation's school systems, if the exemption from the EEO Act now afforded educational institutions is removed.

The PRESIDING OFFICER. The question now occurs on the amendment of the Senator from North Carolina.

Mr. ALLEN. Mr. President, I ask for the yeas and nays if they have not already been ordered.

The yeas and nays were not ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from California (Mr. TUNNEY), the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Louisiana (Mr. LONG), are necessarily absent.

I further announce that the Senator from Mississippi (Mr. EASTLAND), is absent because of illness.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from Washington (Mr. JACKSON), and the Senator from California (Mr. TUNNEY), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from Connecticut (Mr. WEICKER) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) is detained on official business.

The result was announced—yeas 25, nays 55, as follows:

[No. 26 Leg.]

YEAS—25

Allen
Baker
Bennett
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cotton
Curtis
Dole
Ellender
Ervin
Fannin
Fulbright
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
McClellan
Stennis
Talmadge
Thurmond
Tower

NAYS—55

Aiken
Allott
Anderson
Beall
Bellmon
Bentsen
Bible
Boggs
Brooke
Burdick
Case
Chiles
Church
Cook
Cooper
Cranston
Dominick
Fong
Gambrell
Griffin
Hart
Hatfield
Hughes
Inouye
Javits
Jordan, Idaho
Kennedy
Mansfield
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Williams
Young

NOT VOTING—20

Bayh
Cannon
Eagleton
Eastland
Gravel
Harris
Hartke
Humphrey
Jackson
Long
Magnuson
Mathias
McGee
McGovern
Mundt
Muskie
Packwood
Sparkman
Tunney
Weicker

So Mr. ERVIN's amendment was rejected.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. ERVIN. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

AMENDMENT NO. 813

Mr. ERVIN. Mr. President, on behalf of the distinguished Senator from Alabama (Mr. ALLEN) and myself, I call up amendment No. 813.

The PRESIDING OFFICER. The clerk will read the amendment.

The Assistant Legislative Clerk read amendment No. 813 as follows:

1. On page 32, line 13, insert the words "twenty-five" between the word "has" and the word "or".
2. On pages 32 and 33, strike out everything from the word "during" on line 25 on page 32 through the figure "1971" on line 1 on page 33.
3. On page 33, strike out lines 6, 7, 8, 9, and 10.
4. Renumber (5) as (4).

Mr. BYRD of West Virginia. Mr. President, will the Senator yield, without losing his right to the floor?

The PRESIDING OFFICER. Does the Senator from North Carolina ask unanimous consent that the amendments be considered en bloc?

Mr. ERVIN. Mr. President, it is really one amendment. I will ask unanimous consent to consider them en bloc, but they strike the figure "8" and restore the figure "25" as a measure of the number of employees a person must have to be subject to the jurisdiction of the commission.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc——

Mr. JAVITS. Mr. President, just a minute. We have not heard that unanimous-consent request, and we have had no opportunity to object or not object.

Mr. ERVIN. The Senator can object and have four votes instead of one.

Mr. JAVITS. The Senator from New York does not wish to object, but Senators ought to know about it before the Chair passes on the matter.

Mr. President, reserving the right to object—and I shall not object——

Mr. ERVIN. Mr. President, I will withdraw the request.

Mr. JAVITS. No. What we wish to do, if the Senator will allow us to, because we need unanimous consent for this, is move to reconsider the previous vote.

Mr. ERVIN. I would have no objection to that.

Mr. JAVITS. Then I have no objection to this request.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the last amendment was rejected.

The PRESIDING OFFICER. The Chair understands there is another amendment before us. By unanimous consent, a motion to reconsider the previous vote is in order.

Mr. JAVITS. Mr. President, I ask unanimous consent that it be in order to move to reconsider the vote on the previous amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WILLIAMS. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, will the Senator from North Carolina yield, without losing his right to the floor?

Mr. ERVIN. I yield.

Mr. BYRD of West Virginia. May I inquire, for the benefit of Senators who may be waiting on the floor, if the Senator intends to reach a vote on the pending amendment tonight?

Mr. ERVIN. No. I have been going since 6 o'clock this morning, and I feel I have put in a full day's work.

Mr. BYRD of West Virginia. A further inquiry, if the Senator will allow me: Does the Senator intend to ask for the yeas and nays on the pending amendment?

Mr. ERVIN. Yes.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Then, for the information of the Senate, there will be no more rollcall votes today.

I thank the able Senator from North Carolina.

## APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Brock). The Chair, on behalf of the Vice President, appoints the following Senators to the Canada-United States Interparliamentary Conference to be held in Ottawa, Canada, February 17–20, 1972: The Senator from Idaho (Mr. Church); the Senator from North Dakota (Mr. Burdick); the Senator from South Carolina (Mr. Hollings); the Senator from Virginia (Mr. Spong); the Senator from Vermont (Mr. Aiken); the Senator from Kentucky (Mr. Cooper); the Senator from Alaska (Mr. Stevens); and the Senator from Vermont (Mr. Stafford).

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

## REPORT ON AUTOMOTIVE PRODUCTS TRADE ACT OF 1965—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Brock) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

*To the Congress of the United States:*

I hereby transmit the fifth annual report on the Automotive Products Trade Act of 1965. That act authorized implementation by the United States of an automotive agreement with Canada which was designed to create a broader U.S.-Canadian market for automotive products. Included in this annual report is information on automotive trade, production, prices, employment and other information relating to activities under the act during 1970.

Richard Nixon.

The White House, *February 1, 1972.*

## REPORT ON EARTHQUAKE INSURANCE—A MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Brock) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Public Works:

*To the Congress of the United States:*

Pursuant to the requirements of Section 5 of the Southeast Hurricane Disaster Relief Act of 1965, I am hereby transmitting the "Report on Earthquake Insurance" prepared by the Department of Housing and Urban Development under the direction of Federal Insurance Administrator George K. Bernstein.

As indicated in the introduction, submission of this report has been delayed to allow coordination with a special study of natural disaster insurance and to incorporate the experience following the February 1971 earthquake in San Fernando, California.

I am also enclosing for your attention copies of the transmittal letters of Secretary Romney and Administrator Bernstein.

Richard Nixon.

The White House, *February 1, 1972.*

## THE VIRGINIA SCHOOL DISTRICT CASE

Mr. BYRD of Virginia. Mr. President, the Attorney General of the United States yesterday gave an interview to Matt Cooney, of the Westinghouse Broadcasting Stations. At the appropriate time, I shall ask unanimous consent that the text of the interview be inserted in the Record at the conclusion of my remarks.

The question put to the Attorney General was this:

> Mr. Attorney General, a judge has ordered the merger of several predominantly white Richmond, Virginia suburban school districts with a predominantly black intercity system. Would you personally favor having the Justice Department join opponents of the decision in their appeal to higher courts?

The Attorney General replied thusly:

> Well, that decision on the Richmond case, of course, is 325 pages long. It has a lot of legal implications. It has a lot of educational implications which, of course, are being looked at in other parts of the government. And so again at this particular moment I cannot give you a specific answer to your stated question.

Now the significant part comes. The Attorney General is still speaking:

> I would, however, point out that if the result of that decision would wind up contrary to the position that the President has taken with respect to this subject matter, whereby quality education is destroyed in the process of bringing about racial balance through extensive busing or other processes, why, then, necessarily I would be obligated to follow the President's determinations and take that side of the case.

That is the end of the quotation from Attorney General Mitchell of yesterday.

I commend the Attorney General for indicating that he may have the Justice Department intervene in this case. I think that the conditions that he set forth are there. He said that—

> If the result of that decision would wind up contrary to the position that the President has taken with respect to this subject matter, whereby quality education is destroyed in the process of bringing about racial balance through extensive busing or other processes, why, then, necessarily I would be obligated to follow the President's determinations and take that side of the case.

Mr. President, the situation is this: A Federal judge, for the first time in history, has ordered the consolidation of the school districts of an independent city, the city of Richmond, and two adjoining counties, the county of Henrico and the county of Chesterfield. The city of Richmond has a population of approximately 260,000. Henrico County has a population of slightly under 200,000. I think it is 180,000 now. Chesterfield County has a population of over 100,000. This Federal judge has decreed that the county and city lines will be abolished insofar as the school districts are concerned. He is demanding that the students from Henrico and Chesterfield Counties be bused into Richmond and that the students from Richmond be bused into the surrounding counties of Henrico and Chesterfield.

Mr. President, if that will not be disruptive of the educational process, I do not know how the educational process could be disrupted.

And what do you do about local government? If a Federal judge can say we are going to abolish the district lines of two counties, which are independent under Virginia law, and of a city which is independent under Virginia law, and bring them all together into a gigantic metropolitan district with one school board—I am not a lawyer, but it seems to me if he can do that—he can then take the next step to abolish the city government in Richmond and to abolish the county governments in each of those two counties and put them all together.

As a matter of fact, he may have to do that if he is going to make this one metropolitan school district work. So I am very pleased, as a Virginian, to note the attention being paid to this matter by the Attorney General.

It is true he did not say categorically that he will have the Justice Department intervene to set aside this action of the district judge, but he has indicated that he was following it very closely, and that if quality education is being damaged by this compulsory busing, then "necessarily," he said, "I would be obligated to follow the President's determination and take that side of the case," meaning the side of the case against Judge Merhige.

I hope he will do that. I think those people in that area deserve consideration. As a matter of fact, I would think that every Member of Congress, from whatever State he may represent, should have very, very grave concern as to this action taken by that Federal district judge in the city of Richmond. Certainly, this will establish a precedent all over the United States. I admit the constitutional question is different when you cross State lines as compared to crossing county and city lines, but if this decision of the Richmond Federal court is not reversed by a higher court, it seems inevitable to me that the same groups who brought that suit in Richmond will not only bring similar suits in many other cities and counties throughout the Nation, but will bring a similar suit to urge the courts to force the consolidation of the school system of the District of Columbia with the school systems of the suburban Virginia and Maryland communities. Of course, that would be tragic, as it is tragic, in my judgment, to have abolished the county school lines and the city school lines in Richmond, Henrico County, and Chesterfield County, and thrown all of those into one huge, sprawling metropolitan school district.

The county of Henrico is one of the truly great counties, as is Chesterfield County. They are metropolitan counties which surround the city of Richmond. The city of Richmond is a wonderful community, the capital of our State.

Those people in those three communities are making every effort to bring quality education to their children; yet this district judge comes along, in an unprecedented decision, takes action which is certain, if not completely, to sharply and severely disrupt the public schools of those three areas.

I think a very tragic thing happened when that decision was made by the Federal judge in Richmond, and I think it is cause for concern that a Federal judge should go to the extremes that that judge has gone.

I know that my lawyer friends in Congress do not agreee with me, but I think that one thing that needs to be done in this country is to bring about a greater sense of responsibility and accountability to the people on the part of the Federal judges of our Nation. They are appointed for life, and they are accountable to no one. They are the only individuals in the world with life tenure except kings, queens, emperors, maharajas, and Generalissimo Franco of Spain.

I do not know why anyone in a democracy should have life tenure. Every Member of the House of Representatives submits himself to the people every 2 years. Every President submits himself to the people every 4 years. Every Member of the Senate submits himself to the people every 6 years. Yet we have a group of Federal judges, from the Supreme Court down, who have life tenure, accountable to no one, and they come along and suppress the people, just as they have suppressed the people of Henrico and Chesterfield Counties and the city of Richmond.

I think it is time that Congress gives some attention to the dicta of these Federal courts. If it can happen in Richmond and Henrico and Chesterfield Counties, it can happen in many, many other areas of our Nation. If the courts can abolish school district lines by the stroke of a pen, what is to prevent them from abolishing county and city lines altogether, and from abolishing States lines in a situation which, they will say, is a very unusual one? What will prevent them from abolishing the State lines here between Virginia, Maryland, and the District of Columbia?

So I say this decision of Judge Merhige is highly dangerous. It is very far-reaching. I am pleased that the Attorney General apparently is giving very close attention to it, and has indicated that he may have the Department of Justice intervene on the side of the people of Henrico and Chesterfield Counties and the city of Richmond. I certainly hope he will do just that, because those people are entitled to some help. They are entitled to some consideration, and they now find themselves in the judicial clutches of one individual—one individual appointed for life and accountable to no one.

Mr. President, I want to make clear that I believe in an independent judiciary. Every State in the Union has an independent judiciary. But I think every State in the Union also has fixed tenures for its judges. So, while this is a slightly different question than the question of what might be done in the future to bring greater accountability to Federal judges, I feel so strongly about the matter that I wanted to mention it today.

I ask unanimous consent to have printed in the RECORD the full text of the Attorney General's interview with Matt Cooney.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

### ATTORNEY GENERAL'S INTERVIEW WITH MATT COONEY JANUARY 31, 1972

Question. Mr. Attorney General, a judge has ordered the merger of several predominately white Richmond, Virginia suburban school districts with a predominately black intercity system. Would you personally favor having the Justice Department join opponents of the decision in their appeal to higher courts?

ATTORNEY GENERAL. Well, that decision on the Richmond case, of course, is 325 pages long. It has a lot of legal implications. It has a lot of educational implications which, of course, are being looked at in other parts of the government, and so again, at this particular moment, I cannot give you a specific answer to your stated question. 1 would, however, point out that if the result of that decision would wind up contrary to the position that the President has taken with respect to this subject matter, whereby quality education is destroyed in the process of bringing about racial balance through extensive busing or other processes, why then necessarily I would be obligated to follow the President's determinations and take that side of the case.

MATT COONEY. How would you go about doing that?

ATTORNEY GENERAL. Well, as you are well aware, the Department of Justice has intervened in law suits. We are not a party to the Richmond law suit, but the Justice Department has intervened in law suits—desegregation of school cases on both sides of the issues—over the years, so that would be the process that would be followed.

MATT COONEY. Generally speaking, sir, how do you feel about mixing suburban and city school systems to desegregate them?

ATTORNEY GENERAL. Well, I don't think that is basically the question. What we are really faced with, at least so far as the law has come in this particular area, is the removal of the so-called de jure school systems and those are school systems that are segregated by legal action of their governing body, whatever it might be. This is the state of the law at this particular time to which we have been addressing ourselves. The concept of breaking up governmental units for the purpose of bringing about racial balance does not appeal to me in the slightest. It seems to me that in this particular case, the federal courts are imposing their mandates upon state and local governments that are charged with providing the education system, and as long as those state and local governments do not violate any existing Constitutional principles, I do not believe that the courts should impose their will upon that local option.

Mr. GRIFFIN. Mr. President, will the Senator yield for a comment?

Mr. BYRD of Virginia. I yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. I commend the Senator for bringing this matter to our attention, and sharing with us the information about the Attorney General's response to the question as to whether or not the Justice Department might intervene in the Richmond case.

I can tell the Senator from Virginia, although it will not be much consolation, that the news of the Federal district judge's decision in Richmond is as big news in Detroit as it is in Richmond. There a Federal judge but whose case has not yet reached the same stage as the case in Richmond, has made a finding that the Detroit school district, although integrated for many years, is guilty of both de jure and de facto segregation—a rather shocking finding on the evidence. He has indicated, but has not yet ruled, that he wants plans submitted which would involve cross-city and cross-county busing. This would affect some 83 communities in three counties.

It is interesting—I shall ask my office to send an article over and insert it in the RECORD—that recently the New Detroit Committee, which was established after the Detroit riots and is broad-based in terms of its composition, and on which responsible black leaders are well represented, commissioned a survey to be taken of the blacks in the Detroit area and tried to get their answers to questions relating to this matter. The committee found that a large majority of blacks were very interested in quality education, better education. But interestingly enough—and not surprisingly, because it is consistent with other surveys that have been taken around the country—the majority of the blacks in this poll do not want their children bused beyond their neighborhood school to some other school in order that they may be integrated.

Busing is not an acceptable remedy for what is admitted to be a very serious problem. It is a remedy which, in my judgment, is counterproductive. It will work against the goals we want to achieve, and those goals are racial harmony and quality education.

I have also spoken with the Attorney General and have urged him to intervene in the Detroit case. I have not received a response one way or the other, but I am glad to know of the response in the Richmond case. Perhaps he will see fit at some point, also, to have the Justice Department intervene in the Detroit case and press vigorously the arguments that the President already has made against the use of busing.

I am aware of the fact that when we take up the higher education bill, we probably will be considering a number of amendments to that legislation dealing with the subject of busing. I suppose that many of us will vote for those amendments. I will do so—with mixed feelings.

As a lawyer, I realize that these Federal judges are basing their decisions on an interpretation of the Constitution as they see it—a constitutional interpretation by the Supreme Court. I am rather concerned, frankly, that the attempts to provide a legislative remedy may mislead many people into thinking that we have done something effective. If the Supreme Court does not alter its views, it may ultimately find that legislation unconstitutional, and we will not have accomplished anything.

I think that the right course, the better course, is to insist that the Committee on the Judiciary proceed with hearings on a constitutional amendment, bring such an amendment before the Senate, and let us have an opportunity to vote on it. It may well be that if we can get moving toward a constitutional amendment, even the Supreme Court might not be oblivious to what is going on, and perhaps at some point—it might well be the Richmond case—the Court would make it clear that such constitutional amendment would not be necessary.

I certainly do not like to clutter up the Constitution with more amendments. I do not think it should be necessary. But at the present time it seems to me that that is the route we should take; and I hope that the debates and the votes on amendments of a legislative nature will not deter us or lessen the support for moving along with a proposed amendment to the Constitution.

I thank the Senator for yielding.

Mr. BYRD of Virginia. I thank the Senator from Michigan. I feel, as he does, that we need to approach this matter both from the point of view of legislation and from the point of view of a constitutional amendment. I think it is going to take both.

The Senator mentioned that his observation is that in Detroit the black parents do not favor busing for that artificial purpose, and my observation has been that the same situation exists in Virginia. I think it is rather interesting that CORE—the Congress of Racial Equality—in Richmond, is opposed to Judge Merhige's decision and is considering intervening in the case. It cannot be said that they do not favor equal opportunity. Of course, they favor equal opportunity, and they have been fighting for it for many, many years. But equal opportunity is not the question.

As I see it, what we want to do is to build people up, not to tear down other people. We want to build up all the people of our Nation. I submit that it does not help anybody to bus the children vast distances for the simple reason of creating an artificial racial balance. I think it is a great error to do that.

I want to read another paragraph from Attorney General Mitchell's interview. He said this:

> The concept of breaking up governmental units for the purpose of bringing about racial balance does not appeal to me in the slightest. It seems to me that in this particular case the Federal courts are imposing their mandates upon State and local governments that are charged with providing the educational system; and as long as those State and local governments do not violate any existing constitutional principles, I do not believe that the courts should impose their will upon that local option.

Amen, Mr. President. I subscribe completely to that assertion by the Attorney General. The district court is attempting to force its mandate upon State and local governments, and the State and local governments are not violating any existing constitutional principle. Like the Attorney General, I do not believe that the courts should impose their will upon that local option.

I am glad to yield to the distinguished Senator from Wyoming.

Mr. HANSEN. I thank the Senator.

Mr. President, I compliment the distinguished Senator from Virginia for his honesty and his candor and his forthrightness.

I come from a State that, admittedly, has very few minority groups. About one-half of 1 percent of the population of Wyoming is black. We have two and a half times as many red people—Indians—as blacks in Wyoming. We do have a very important and fine Spanish-American constituency, also.

Coming from Wyoming, as I do, I cannot help thinking that a great deal of hypocrisy has been displayed in the Halls of Congress in the last several years as bill after bill has passed these Chambers with the stamp of approval and has been signed into law. I say that because we all must be very aware of the fact that not very many Members of either body practice what they are preaching. Most of them get up and talk about the virtues of integration, the virtues of busing at times, and then very promptly move out of the district if they have youngsters. This applies not only to Members of the legislative branch of Government but also, as we all know, to other members of Government, both in the executive and the judiciary levels.

I am concerned, though, for quite another reason. Wyoming happens to make a great effort in order to bring as good a quality of education as it possibly can to its young people. During the time I was Governor of Wyoming, we spent, in one of those years, more per capita on education than was spent by any of the other 50 States. Yet I am the first to admit that the quality of education was not the best. It is not the best now and it was not the best then. The plain truth of the matter is that it is a costly exercise trying to bring quality education to the people of Wyoming because of the conditions that confront us out there. We are a widely scattered people over an area encompassing more than 97,000 square miles. The population comprises about a third of a million people. But we do something else in Wyoming that I suspect is done in most States as well and that is we have ad valorem taxes and from those taxes come the major share of the funds with which we educate our children.

The courts seemingly are taking a position now that the revenues raised through ad valorem taxes are not equal and that perhaps that concept should be struck down. As my distinguished colleague from Virginia is a member of the Finance Committee, he knows altogether too well, having listened, as I have, to witness after witness discussing welfare reform, that it is not too unrealistic to assume that before long the Federal Government could try to preempt all authority in education. I think that the decision of this judge in Richmond certainly moves us in that direction. It moves us very far along the road in that direction.

I have served on a local school board. I suspect it makes little difference whether one lives in Wyoming, Virginia, Mississippi, New York, or Alaska, I believe that most of us would agree we find participation on a school board the first opportunity that comes to most people and, indeed, the only opportunity that comes to a great many people, ever actively and personally to participate in government.

I do not think it matters where one lives, it can be said that most school board members are dedicated individuals. They try to do the very best they can to see that their children shall receive the very best education that they can. They also have the unique advantage over any Federal administrator, in that they know local conditions.

I do not believe, I have not believed, and I do not now believe that picking up little children, whether they are black, white, or red—as a number of our children are in Wyoming—and moving them across town or somewhere else in order to get a proper racial mix adds anything to the quality of education.

In fact, I submit, Mr. President, that it detracts from the ability of funds otherwise available to make possible the very best school system that we could have.

I think I speak for a lot of black people in saying that they are just as opposed to having their little first graders, their little kindergarten youngsters put on a bus and hauled off to another part of town where they know very few pupils in the new school to which they will go. As a matter of fact, it is likely that they will know none of them.

I think that the ability of mothers and fathers who are concerned enough about their youngsters to talk with teachers admittedly has been lessened by the busing process. It is a very costly process not only in terms of the dollars it actually takes, which I think could better be spent for other purposes, but also in the time it takes out of the lives of young people.

If we take an hour a day or an hour and a half a day hauling a youngster around on a bus, I do not believe that he is making the best use of his time that he could be making of that time. I think also it is strange, indeed, that the courts now call upon citizens and administrators to identify people according to racial characteristics and ethnic groups.

It was not too long ago that there were some rigidly enforced Federal laws that specifically denied public officials the right to make any reference at all to a person in terms of his ethnic background; yet we see now a complete reversal of that concept.

Mr. President, I am a cosponsor of several amendments that I think make good sense. I share the interest that the distinguished Senator from Michigan (Mr. GRIFFIN) has and the concern he has expressed in believing that, despite the possibility of amending laws now being passed this session that would circumvent the thrust of Judge Merhige's decision, the right way to approach the problem is to recognize the wisdom of a constitutional amendment.

Now I know that there are those who say, "Let us not clutter up the Constitution with too many amendments." But I do not believe there are very many amendments that have been proposed that would have more widespread support than this sort of amendment. I shall do all I can to try to see that this amendment to which I have referred, or others similar to it, are given early consideration by the Committee on the Judiciary, as I believe indeed it should; and I will do all I can to make available as much money as we can in order to improve the educational system in America.

I believe that the best way to help all of us is to see that the money we spend on education goes toward educating our children and not to trying to achieve other social objectives which in the minds of some may have some merit.

I would now like to ask my distinguished colleague from Virginia whether what I have been told is true; namely, does he know whether the judge who rendered the decision in this particular case happens to find the public schools of that area of such merit and value as to feel he can entrust them with the education of his own family?

Mr. BYRD of Virginia. Mr. President, the particular judge in question has stated publicly on television in an interview that his own child—I think it is his son—is going to a private school in the city of Richmond. He has also stated that, as a judge, he handles his judicial problems but as a parent and father he is obligated to see that his child gets the best possible education. So his child is going to a private school. I think the name of it is the Collegiate School—my sister went there many years ago—the Collegiate School in the city of Richmond.

What the Senator from Wyoming says makes such good sense to me that I wish the judge in question would read what the Senator from Wyoming has had to say, as well as the Senator from Michigan (Mr. GRIFFIN).

I hope, too, that the Department of Justice will intervene in the Michigan case as well as in the Richmond case.

It seems to me that some way or other the average citizen of this country has got to have some protection against the extremes to which our Federal courts have gone. I do not believe that any sensible person would deny the fact that the destruction of neighborhood schools is bound to weaken and deteriorate quality education. What we need in this country is more education, more quality education. And all of these peripheral matters and all of these social experiments such as the compulsory busing to achieve racial balance has taken away from quality education. It has taken money away from it. It has taken the attention of the pupils and the parents away from it. The pupils and the parents, and particularly the parents, are now less willing to pay taxes for public schools when they see the extremes that are being forced on them by the Federal courts.

I mentioned a moment ago that I am not a lawyer, and I know that the lawyers will not agree with me—and 75 percent of Congress is made up of lawyers—but I think the time has come to pass a constitutional amendment to have a fixed tenure for Federal judges, for the Supreme Court and for all Federal judges.

I do not know why in a democracy any individual should be appointed for life. I submit he is accountable to no one. Most of the Federal judges have not abused their offices, however, a good many have, and more and more are throwing judicial restraints to the winds. More and more of them are refusing to follow the sound judicial restraint advocated by the great jurists such as Brandeis, Cordozo, Holmes, and Chief Justice Hughes. These judges along with Justice Frankfurter are my particular favorites among the many persons who have served on the Supreme Court.

I think it is important that the distinguished Senator from Michigan brought up the fact about the schools in Detroit and how they are being attacked by the courts and being forced into compulsory busing which is destroying the schools in that area just as it is destroying the public schools in Richmond, Va., and Chesterfield and Henrico Counties.

Mr. HANSEN. Mr. President, will the Senator yield at that point?

Mr. BYRD of Virginia. I yield.

Mr. HANSEN. Mr. President, I would like to ask, if it strains the imagination of the Senator to conclude that in the event the ad valorem tax base as a major block in the support of the structure that provides this is struck down by the courts, as now seems to be a great likelihood, would the Senator feel that it would take too much further imagination to conclude that the validity of the State's life should not also crumble if a far larger portion of quality education should pass from school district to county, to State taxing districts and be taken over by the Federal Government?

Does it seem to tax te imagination of the Senator to anticipate that given most of the support coming from the Federal Government, it might follow very logically that courts could strike down these artificial barriers?

Reference has been made to the District of Columbia, and the only thing that is unique about the area is that while most of the people living in the peripheral areas of Virginia and Maryland go into the District for one reason or another, the schools so far, simply because these State boundaries do exist, have stood as a barrier to the sort of busing operation that they have in Los Angeles and the sort of thing that has now resulted in the situation in Richmond and Henrico and Chesterfield Counties.

Does it not seem quite probable that, given larger Federal funding of the schools, the Federal Government might not also consider that State boundaries should be struck down in order to achieve a real, honest racial mix and that we would have to bring children from this area into Maryland and Virginia and take students from those two areas and bring them into the District to square with the thrust of Judge Merhige's decision?

Mr. BYRD of Virginia. The Senator is correct. I would say that that is a very possible aftermath of the Merhige decision. If that decision is sustained by the higher courts, it is so far reaching that I do believe it would serve as a precedent leading toward the crossing of State lines, just as the Senator from Wyoming has so ably brought out.

I doubt that the country fully realizes just how precedent-shattering this Merhige decision is, just how far reaching it is, just how dangerous it is. With one sweep of the pen a district judge, appointed for life and accountable to no one says, "We will abolish three school districts, three independent units of government, and throw all of those into one."

How is he going to apportion taxes? Is the court going to apportion taxes between those three units to support the schools? Is he going to order the board of supervisors or the city council to appropriate $x$ number of dollars from the city of Richmond and order Henrico County to appropriate $y$ number of dollars and Chesterfield County to appropriate $z$ number of dollars?

I think we are getting into a hornets' nest. I think it is a case that the Justice Department not only would be justified in getting into on behalf of the people of the Richmond area, but I feel there is also an obligation beyond that to the people of our country for the Justice Department to enter into the case and file a case on behalf of the people. The Attorney General indicates that he is thinking along this line. I have no knowledge other than the text of this interview which just came into my hands an hour or so ago. I know how far reaching this matter is. I believe if the decision is sustained by the higher courts, there will be a great demand to expand that decision beyond State lines.

With reference to the District of Columbia, I want to say that I thought we had been providing enough money. I thought that Congress had been providing enough money. I want to see the District of Columbia have a good school system. I believe we appropriate enough money to give them a good school district. We have certainly been giving them an awful lot of money if we compare the money being spent to operate the government of the District of Columbia with that being spent to operate other cities of comparable size. I thought that enough money has been put into the District of Columbia to enable them to have a good school system. I want to see a good school system in the District of Columbia. I want to see a good school system across the Potomac in my State, in Arlington, Fairfax, and Alexandria. They have good school systems there.

I will fight to the bitter end against taking the children from Arlington, Alexandria, and Fairfax and bringing them to the school district of the District of Columbia and taking children from the school district of the District of Columbia and busing them across the river into Fairfax, Arlington, and Alexandria.

So long as I have the responsibility of representing the people of Virginia, including the people of Arlington, Fairfax, and Alexandria, in the Senate of the United States, I am going to do everything possible to see to it that that does not come about.

That is one of the many things that worry me about the Richmond decision. It is bad enough as it affects the people down there; but it will expand all over the country if firm and definite steps are not taken to override the decision. I think that if the Department of Justice and the President enter the case—if the Department of Justice on behalf of the President enters the case—it will focus such great public attention on the problem that the decision will be reversed. The President has stated that he is strongly opposed to compulsory busing. He has stated that time and time again. Here is an opportunity for our Government to enter the case and to carry out the views of the President in regard to this very serious problem which is affecting children and parents all over our Nation.

I yield to the Senator from Michigan.

Mr. GRIFFIN. I referred earlier to a survey that was taken in Detroit. I think it was very interesting to show that all of us, black and white, are primarily interested in quality education for the children. This particular random survey of black Detroiters indicates that they are much more concerned about the quality of their children's teachers than they are about integrating all of the city's schools. The survey results were released on Thursday, January 20. The survey was conducted by Market Opinion Research, a group which has done many of Michigan's surveys in recent years. I shall place the entire article in the Record.

I read from the article:

> Good teacher performance was ranked No. 1 by those surveyed, while they gave second place to the idea that the "same amount of money should be spent on every child with similar needs in every school in Michigan."

The article continues:

> The idea of a black studies program ranked 11th while the suggestion for a racially integrated student body was listed in 12th position.
>
> Another part of the survey started with the assumption that teachers and school facilities at integrated and segregated schools are equal. It asked black parents how many of them would like their children to attend an all-black school (12.3 percent) or would prefer a school which had both black and white students (81.3 percent). The other 6.3 percent said they were undecided.

In other words, 81.3 percent, under those circumstances, would prefer to have an integrated school.

I continue to read:

> The next question was considered one of the key points of the poll, conducted in a city where arguments have waxed hot over a recent U.S. District Court decision in Detroit holding that the city's school system has been segregated by law by the city and the State of Michigan.

Reading further in the article:

> New Detroit, which commissioned the survey, asked:
>
> "Would you be willing to have your children and children in this neighborhood go to school at a further distance from home than the schools they now attend in order to go to an integrated school?"
>
> "No" votes came from 62.9 percent of those polled while 29 percent favored the busing.

Mr. BYRD of Virginia. That is astonishing.

Mr. GRIFFIN. This survey was limited to blacks in the city of Detroit.

Mr. BYRD of Virginia. That is a tremendously interesting survey. If I correctly recall the figure, 81 percent wanted an integrated school system?

Mr. GRIFFIN. That is correct; 81 percent.

Mr. BYRD of Virginia. But 62 percent did not want an integrated school system if it meant busing their children a vast number of miles to achieve that purpose. Am I correct?

Mr. GRIFFIN. That is correct. They were against busing their children beyond neighborhood schools.

Mr. BYRD of Virginia. They favored the neighborhood school concept?

Mr. GRIFFIN. That is correct.

Mr. President, I ask unanimous consent that the complete text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Grand Rapids Press (Mich.), January 21, 1972]

DETROIT BLACKS STRESS GOOD TEACHING, SURVEY SAYS

DETROIT.—New Detroit, Inc., says a random survey of black Detroiters indicates they are much more concerned about the quality of their children's teachers than they are about integrating all the city schools.

New Detroit, a committee of white and black community leaders, was formed after the 1967 Detroit riots to help heal the wounds left by the fiery violence.

The survey, results of which were released Thursday, was carried out by Market Opinion Research, a group which has done many of Michigan's preelection surveys in recent years. Some 300 persons were interviewed.

One part of the interview consisted of giving a respondent 17 cards listing a variety of subjects ranging from teacher ability to school financing, from the quality of school buildings to the need for black study classes. He was asked to list their importance.

Good teacher performance was ranked No. 1 by those surveyed, while they gave second place to the idea that the "same amount of money should be spent on every child with similar needs in every school in Michigan."

The idea of a black studies program ranked 11th while the suggestion for a racially integrated student body was listed in 12th position.

Another part of the survey started with the assumption that teachers and school facilities at integrated and segregated schools are equal. It asked black parents how many of them would like their children to attend an all-black school (12.3 per cent) or would prefer a school which had both black and white students (81.3 per cent). The other 6.3 per cent said they were undecided.

The next question was considered one of the key points of the poll, conducted in a city where arguments have waxed hot over a recent U.S. District Court decision in Detroit holding that the city's school system has been segregated by law by the city and the State of Michigan.

Local and state school officials are under court orders to come up with proposed solutions and the idea of busing students across district lines to the suburbs has been among those mentioned most frequently.

New Detroit, which commissioned the survey, asked:

"Would you be willing to have your children and children in this neighborhood go to school at a further distance from home than the schools they now attend in order to go to an integrated school"?

"No" votes came from 62.9 per cent of those polled while 29 per cent favored the busing.

"Don't know" answers came from 4.8 per cent, while the remaining 3.2 per cent said their children already attend an integrated school at a distance.

Market Opinion said in its summary:

"Members of the black community see qualified teachers as the most important ingredient in educational quality."

Mr. BYRD of Virginia. Mr. President, I think that nationally the people do favor the neighborhood school concept. I know that people in the State I have the honor to represent favor that principle. It seems to me that the school is really the vitally important part of a community, particularly the smaller community. Much of community life is built around the school. Yet if the children of a community are placed in a school in another community, that will certainly reduce community opportunities and will not be conducive, in my judgment, to the community life that I think the people of our Nation want.

I think it is just tragic to extremes—and "extremes" is the only word I know to use—when we consider the extremes to which the Federal courts have gone in trying to force compulsory busing for the sole purpose of achieving so-called racial balance upon the American people. As the poll placed in the RECORD a moment ago by the distinguished and able Senator from Michigan shows, insofar as Michigan and Detroit are concerned, the blacks in that area do not want to be bused. They do not want their children to be bused vast distances. I think the black parent is just as solicitous of the welfare and the safety of his children as is the white parent. There is no difference. We are all parents. I do not think that either the white parent or the black parent wants to have his children taken vast miles away from their homes, away from their communities, away from their neighbors, away from their friends, merely to conduct some artificial sociological experiment.

I say again that I think the President, who has come out strongly against compulsory busing, and the Attorney General, are correct. I want to read again the sentence of the Attorney General:

> The concept of breaking up governmental units for the purpose of bringing about racial balance does not appeal to me in the slightest.

Those are exactly my sentiments; the Attorney General has expressed my thought better than I could. Those are my sentiments concerning what a Federal judge in the city of Richmond has done. He is breaking up governmental units for the purpose of bringing about racial balance. The Attorney General says that that does not appeal to him in the slightest. I say it does not appeal to the people of Henrico County in the slightest; it does not appeal to the people of Chesterfield County in the slightest; it does not appeal to the people of the city of Richmond in the slightest; it does not appeal to the people of Virginia in the slightest. I will not attempt to speak beyond Virginia, but I know the great State of Virginia pretty well.

Five million persons live in that State. Virginia is now the 13th most populous State in the Union. Virginia is a highly diversified State. It has the great area of northern Virginia, which all of us know so well, an area which is rapidly growing in population. It has Tidewater, the great shipbuilding and maritime commerce area. It has the coal mines of southwest Virginia. The deepest coal mine in North America is in Buchanan County, Va. It has the Shenandoah Valley, with its apple orchards, peach orchards, and the grain farms. And it has southside Virginia, where tobacco and peanuts are grown. So this is a highly diversified State of 5 million persons.

I do not claim to know everything except I think I do know a little something about Virginia, and I think I know a little something about the people of Virginia, and I say the people of Virginia are strongly and firmly opposed to compulsory busing of their children all over creation for one single purpose—to create an artificial racial balance in the schools. In doing that the courts are destroying the neighborhood schools, destroying quality education, hurting the black children, hurting the white children, and helping no one.

Mr. JAVITS. Mr. President, now will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from New York.

Mr. JAVITS. I have waited about 40 minutes to be yielded to, and I am glad the Senator has yielded, because I do not think it would be fair to me or the way I feel, or fair to the Senator from Virginia, not to have at least something spread on the record other than his statement.

In the first place, I yield to no one in my respect to the Senator from Virginia and to his people. His State was the cradle of the Union. That was one fact that moved me to rise.

It would be, I think, rather narrow to focus our debate with the Senator on the merits or virtue of this particular judge's decision, because I appreciate the Senator's forensic sweep, but the fact is that this judge cannot, and will not, and the Senator from Virginia will not let him, and other Virginians will not let him, with one sweep of the pen do anything. Undoubtedly his order will be stayed, and it will go through the circuit court of appeals, and to the Supreme Court, as have other cases, and be fully heard, as the Senator has said, if not reversed. So let us not get euphoric about how powerful one district judge can be.

Mr. BYRD of Virginia. A district judge is very powerful, until he is overruled. The Senator from New York is a very able lawyer. I cannot argue the technicalities of this question with so distinguished and able a lawyer as the Senator from New York, but I think I know enough to say that unless this case is overruled, unless a superior court overrules him, then what this judge does will become the so-called law of the land.

Mr. JAVITS. The point the Senator from New York was going to make was substantive. We will argue about these things. This is the opening salvo in what will be an extended argument. But the Senator from New York thinks, in all fairness, a few facts should be clear. One is that there is a Constitution of the United States, which Virginia was so instrumental in drawing up.

Mr. BYRD of Virginia. And which this judge circumvented, as well as other judges.

Mr. JAVITS. Which Constitution protects the rights of individual Americans, and the law of the land is, according to the way in which we develop the law, that until there is a constitutional amendment or some change, every child shall have an opportunity for an equal education——

Mr. BYRD of Virginia. Every child in Virginia has an opportunity for an equal education.

Mr. JAVITS. No, he has not.

Mr. BYRD of Virginia. He has.

Mr. JAVITS. I am sorry. I have been here 15 years and I have heard the seamy facts—not just in the southern districts, but in the northern districts as well—of leaving children in ignorance for decades, bypassed, being bused right past schools which were next door, so they could go to schools elsewhere and get a deficient education. So there was busing in the old days. Let us not be in such an uproar just now; 18 million children are being bused right now.

Mr. BYRD of Virginia. This Senator is going to be in an uproar about busing.

Mr. JAVITS. The Supreme Court has put a restraint on busing. It has said children cannot be bused for miles and miles if it would destroy their health and take them away from their firesides. The Court, in Swann, has held—and the case in Virginia must meet this test—that the busing of children cannot interfere with the health, education, well-being, comfort, or welfare of the children. Of course not. No one is for that. But it is proposed to rule out busing completely as a tool for getting Americans where they have a reasonable opportunity for a good education, which the Constitution gives, until a group here or together with the other body change the Constitution, which makes it another matter.

Lastly—and I am through—Virginia is one of the States that taught most clearly that, if you really wanted freedom, you had to curb the oppressive power of a government or of a majority, and that there are some inalienable rights of individuals that belong to minorities, whether they be black or of a religion different from the majority. We are all minorities, and the Constitution protects minorities.

Whatever the Senator from Virginia may be willing to lay down his life for, I am willing to lay mine down for the protection of the individual against an omnipresent government or against an omnipresent majority which would suppress the individual. That is the real issue here. We will have a lot of time to debate it, but that is the real issue.

I do not have to assure the Senator of the deep respect I have for him and the people of his State, but I did not want the Senator's eloquent words to stand on the record without anything else being said. We will debate this matter, and, as typical—and I hope this will be true all my life—we will work this out, but I thought at least the whole case, as long as it was being brought up—as the Senator has a perfect right to do—should be set out on the record.

Mr. BYRD of Virginia. I say to the Senator from New York that I would lay down my life for the same principle he enunciated he would lay down his life for, but that is not what is involved here. That is not involved here at all. This is an entirely new constitutional concept that this Federal judge has thrown out. I admit, not being a lawyer, I am not in a position to discuss, as many Senators are, the legal aspects of it, but I just know this: that when these Federal courts begin, as they have done, to throw all self-restraint to the wind, and begin, as they have done, to enforce more and more demands—unreasonable, extreme demands—on the people, then the people's liberty is in danger—the liberty of the black people, the liberty of the white people, the liberty of all of us.

I have said this before, and I will say it again: By a stroke of the pen, and until it is overridden by the stroke of another judicial pen, it is the law, a Federal district judge has wiped out three school districts of three independent governmental units, the city of Richmond, the county of Henrico, and the county of Chesterfield. By doing that, he has done just what the distinguished and able Attorney General says:

> The concept of breaking up governmental units for the purpose of bringing about racial balance does not appeal to me in the slightest.

I will say it does not appeal to the Senator from Virginia in the slightest, and I will say again, too, that it does not appeal to the people of Virginia in the slightest. I know it appeals to a lot of people in the Congress, but I have a feeling that as time goes on, more and more people in the Congress are going to change when they have to face an electorate who feel that they are being oppressed—and I think they are being oppressed—by taking their children and destroying the neighborhood schools, destroying quality education, and doing that all in the name of creating an artificial racial balance.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, I certainly do not mean to belabor the issue, but it seems as though some facts cry out to be pointed out.

No. 1, the Senator from Virginia is not defending de jure segregation. I know of no one in this body today who defends the evils of the past, who tries to say that we should continue to pick up, as was referred to earlier, the children in one neighborhood and bus them past schools in order that they can go to an integrated school. In all honesty, Mr. President, I must say that I am not impressed by that argument. I do not believe that having recited that old situation presents very good justification for doing the reverse today.

I do agree with my distinguished colleague from Virginia that neither blacks, whites, nor Indians like the situation that we have in this country today, and I think it ought to be pointed out, as the distinguished Senator from Virginia has very ably pointed out this afternoon, that sometimes a judge, being responsible to no one in particular—and I am not trying to impugn the integrity or the intellectual honesty of the judge in this Richmond-Henrico-Chesterfield case at all—in trying to interpret what other people have interpreted the Constitution to mean, can lead us down the wrong path; and I think that is where we are headed today.

I think that is why what is being said by the Senator from Virginia becomes so overwhelmingly important. The distinguished junior Senator from Michigan called attention to a poll that was taken, not among all the people in a Michigan town, but among the blacks only; and, as he pointed out, 81 percent of those interviewed felt that there would be merit in their youngsters attending schools where all races, or at least the white and black races, were present; but when they were asked specifically whether they would favor busing their own youngsters—black youngsters, if you please—past the nearest school in order to attend a school farther away where integration would be possible, about two-thirds said "no."

I am inclined to believe, Mr. President, that there are those in this country who say to the American people, "Despite what you think, despite what has been said time after time after time by blacks, whites, reds, and yellow people living in this country, despite all of these things, we know best what is good for you, and we are going to have it our way, not your way."

That is not my way, Mr. President; because, if there is one thing that can be said about the uniqueness of education in America, I think it must be said, first of all, that our system is unique because, as the migration moved westward, as we settled this great country, the first public buildings built in America invariably were churches and schools. The early pioneers knew, as we now know, that without education there is little hope for democracy; there is little hope that people may wisely govern and control themselves. And I still believe that 99.9 percent of all of the Americans serving on school boards throughout all of these United States ought, first of all, to see that the money that it is within their power to spend and to allocate goes for making the school systems under their direct control as good as they can be made. And, despite what any Federal judge says, it seems to me that the evidence is overwhelming that most Americans of every race have denounced this ill-conceived and educationally destructive system of busing in order to achieve racial integration.

As the Senator from New York has predicted, this problem will be discussed and debated more and more. I have no doubt of that. And, Mr. President, I also have no doubt that as more Americans understand what is happening in some parts of the United States, and have time to reflect upon what could happen if this doctrine were to spread to all of the areas of the United States, they will become more vocal, they will be heard from, and I dare say, Mr. President, that once the people of America have been heard from, there will be no doubt in the minds of most of those who represent all of the people in the two bodies in this great building, and they will understand, as they have so far failed in every instance clearly to understand, what most Americans want.

Very simply, what they want, I believe, is the best possible education for their children. They are interested in their children, no matter what their skin color or what their background may be, and in their acquiring all of the skills and talents possible, making the best use of all of the dollars that are spent on education in order that they may be the best-educated young people that could result from that single focus on the purpose of education.

Let me close, Mr. President, by saying that to this end, to the end of a more clear understanding, of an unclouded and undimmed vision of what may be down the road ahead, all of us are indebted to the distinguished Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I am deeply grateful to the able and distinguished Senator from Wyoming for his comments. I certainly express accord with his belief that what the average American family wants is the best possible education for its children, be they black children or white children, as the case may be. They want a good education. I think it is very important that they be permitted to get a good education.

This past Sunday I was in the city of Fairfax for the dedication of the Fairfax High School, a magnificent high school taking up 47.7 acres of land. They had 2,500 people at that dedication ceremony in the gymnasium this past Sunday. Those people had built that school with their taxes. They had built that school because they wanted to give their children a quality education. Those people were doing what they thought and felt was best for their children; namely, taxing themselves to build a school, to get good teachers—and they do have good teachers there—and to have a good school system for their children.

What has happened in Fairfax City has happened all over our State and all over our Nation. I think it is a common goal for all Americans to make every effort to see that their children get a good education.

I want to comment on one other aspect of the remarks of the Senator from Wyoming. He mentioned that he was not in any way impugning the integrity of any of the judges—the judge in Richmond—and that certainly applies to me, also. I think it is more the system that is at fault. Suppose each of us had a lifetime appointment, and was responsible to no one. Suppose we were elected to the Senate for life—my goodness, what consideration would the people of this country get? People get consideration from the Senators and the Members of the House of Representatives because we have to submit ourselves to the people periodically—every 2 years in the House and every 6 years in the Senate. And they get consideration from the President because he has to submit himself to the electorate every 4 years.

So perhaps it is the system that needs to be changed. Perhaps each of us, if we get in the category of a lifetime appointment, will lose a little of what might be called our down-to-earth association with the citizens of our Nation, because we will not have to do anything except what we want to do. We will be accountable to no one.

That is why I have introduced a constitutional amendment to have a fixed tenure for Federal judges from the Supreme Court on down. I realize that, in a legislative body with 75 percent lawyers, it is going to be very difficult to get the lawyers to do much about judges, for various reasons; but I am going to do what little I can to focus attention on the need to change our system of lifetime appointments for Federal judges.

I make this prediction: If there were any way we could get that question on the ballot—I hesitate to speak for the entire United States—if that were put on the ballot in the State of Virginia, 85 percent of the people would want a fixed term for Federal judges—for the Supreme Court and every other Federal judge. I have an idea that the people of Virginia are not much different from the people of the other 49 States in that regard.

I am deeply grateful to my wonderful friend, the Senator from Wyoming, for participating in this discussion this afternoon.

Mr. President, I yield the floor.

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## ORDER FOR RECOGNITION OF SENATOR ROTH TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the distinguished Senator from Florida (Mr. GURNEY), the distinguished Senator from Delaware (Mr. ROTH) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW—ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the unanimous consent orders recognizing Senators on tomorrow, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR HARRIS ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday, at the conclusion of the remarks by the distinguished junior Senator from Virginia (Mr. SPONG), the distinguished Senator from Oklahoma (Mr. HARRIS) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RURAL DEVELOPMENT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–240)

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a message from the President of the United States on problems of rural America be jointly referred to the Committees on Agriculture and Forestry, Finance, and Government Operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

*To the Congress of the United States:*

From the very beginnings of our history, the vitality of rural America has been at the heart of our Nation's strength. It is essential that we preserve and expand that vitality in the years ahead. For America will not be able to look eagerly to the future with a sense of promise and hope unless those who live in its rural areas are able to share in this vision. To help improve the quality of life in the American countryside, I am today presenting a series of proposals designed to marshal more effectively the energies of the private sector and of government at all levels in a cooperative program of rural development.

### THE PROBLEMS OF RURAL AMERICA

All Americans have a high stake in rural development. For the problems which many rural areas are now experiencing are directly linked to those of our cities and suburbs. Changing patterns of life in rural America have changed the pattern of life in all of America.

A central cause of these changing patterns has been the increasing mechanization of agriculture and of other natural resource industries such as mining and lumber—a process which has resulted in a substantial reduction in jobs in these occupations in recent years. While employment opportunities in other occupations have more than offset these declines, the overall growth of economic opportunity in rural America has lagged far behind that of our urban areas. Today, dramatic disparities exist between metropolitan and rural areas in such indices as per capita income, housing standards, educational attainment and access to medical care.

At the same time, political institutions designed to deal with simpler problems in simpler times have frequently been unable to cope with these new challenges. The Federal Government often finds that it is too remote and too unwieldy to respond with precision to State and local needs. State and local governments are frequently too impoverished or too fragmented to undertake the necessary planning and development activities. Their problems are accentuated by the fact that widely dispersed rural population inevitably means a higher expenditure per person for most government programs.

One result of all these factors is that semi-deserted country towns—once centers of life for the surrounding countryside—stand today as stark reminders of unused and abandoned rural resources. In each of the three decades since 1940, half of our counties (not always the same ones) have lost population. Two out of every five of our counties lost population in all three decades. As I said in my State of the Union Message two years ago, many of our rural areas are being emptied of their people and their promise.

In many cases, those who have left the countryside have simply taken their problems with them. Indeed, many have seen their problems intensify as they have settled in over-crowded urban areas.

It is striking to realize, as I noted in this year's Message on the State of the Union, that even if we had a population of one billion—nearly five times the current level—our area is so great that we would still not be as densely populated as many European nations are at present. Our problems are not so much those of numbers as of distribution. And their solution requires the revitalization of the American countryside.

### CHANGING OUR APPROACH

In seeking to solve the problems of rural areas, we must not simply seek more money from the Congress and the taxpayers. In the past decade we have seen the folly of pouring money into projects which were ill-considered and lacking in local support. What we must now seek instead is a fundamental change in the way government approaches the entire developmental challenge.

The Federal Government has spent considerable sums on rural development. Programs which we have recommended for inclusion in our rural development Revenue Sharing plan alone are spending almost $1 billion this year and this is only a small part of our overall rural development spending. And yet, despite this substantial funding, the problems have continued to grow. What is it that has been missing from our rural development programs?

### MORE CONTROL AT THE STATE AND LOCAL LEVEL

I believe that a major missing ingredient has been effective control of development programs at lower levels of government. Because we have relied so exclusively on Federal funds—handed out through bureaucratic processes and through narrow categorical grants—too many decisions have been made in Washington and too few have been made in rural America. I believe this is wrong. I believe we should return power to officials who are selected at the State and local levels.

As long as the Federal Government sets rigid rules, both through legislative and administrative guidelines, there is little room for local initiative. Under our present system, a project that does not meet Federal standards does not get funded. This means that the talents of local government officials, of leaders in the private sector, and of public-spirited citizens cannot be fully utilized. Almost all of the success stories that can be found in rural economic development have occurred because local officials and private leaders have entered into a public-spirited partnership and have taken the initiative. We must do all we can to encourage such partnerships.

### IMPROVED PLANNING

Even as we seek to decentralize, we must also work to improve planning. In many respects these goals represent two sides of the same coin. For plans which are developed at levels close to the people are likely to be more realistic, more imaginative and more useful than abstract blueprints which are drawn up far away from the scene of the action or which are altered to meet rigid Federal rules. Effective development does not require plans that can survive the scrutiny of Washington. Effective development requires plans that people believe in and will work to accomplish.

### MORE ADEQUATE PUBLIC AND PRIVATE RESOURCES

More adequate development also requires more adequate resources. This does not simply mean more Federal money; it also means that Federal funds now available must be freed from the inhibiting restrictions within which they are now entangled. Funds which are free of these restrictions can be used in each locality where the needs are greatest, eliminating a great deal of inefficiency and waste.

But Federal grant money provides only a part of the Federal contribution to rural America. Adequate credit resources can also be extremely important in developing community facilities and in attracting private investment. In the end it is not Federal money, nor even the vast sums spent by State and local governments, which hold the key to rural development. The private sector has an enormous role to play and public efforts must keep this fact centrally in mind.

### HELPING THE FARMER AND PROTECTING THE ENVIRONMENT

Rural America cannot move forward effectively into the future unless it respects those elements which have been the base of its strength in the past. We cannot build a stronger rural economy, for example, unless we also build a stronger agricultural economy. While we must work to change the American countryside, we must never do so at the expense of those who produce our food and fiber. We must work to create a better life for American farmers even as we provide an expanded range of opportunities for those who are no longer needed on the farm.

Even as we do more to promote agricultural prosperity, so we must do more to protect the rural environment. Just as development must not come at the expense of the farmer, so it must not come at the expense of environmental concerns. We cannot fully develop the American countryside if we destroy the beauty and the natural resources which are so much a part of its essential value.

### BASIC PRINCIPLES

These then are the basic principles which should guide our new approach to rural community development:

We must treat the problems of rural America as a part of a general strategy for balanced growth.

We must reverse the flow of power to the Federal Government and return more power to State and local officials.

We must fight the rigidities of narrowly focused categorical grants.

We must facilitate more adequate advance planning.

We must reorganize the Federal Government so that it can more effectively support planning and execution at the State and local level.

We must provide adequate resources and credit in ways which attract greater private resources for development.

We must develop rural America in ways which protect agriculture and the environment.

On the basis of these principles, we have prepared the following recommendations for action—including proposals which have been submitted earlier and a number of new initiatives.

### PROPOSALS ALREADY SUBMITTED TO THE CONGRESS—DEPARTMENT OF COMMUNITY DEVELOPMENT

One of the most significant barriers to effective planning and coordination in rural areas has been the fragmentation of Federal efforts. Too many programs which should be closely related are operating as very separate entities. As a result, State and community leaders must often run a complex obstacle course in order to obtain development assistance. Frequently there is poor coordination and wasteful duplication and in some cases the action of one Federal agency actually conflicts with that of another.

The principal reason for this fragmentation has been the failure of the Government to recognize the inter-relationship among rural, suburban and urban problems and the need to strengthen the essential social and economic partnership between rural America and our great metropolitan centers.

I believe the proper solution to this problem is to gather the principal Federal programs which support community development within a single new Department of Community Development.

This new department would both simplify and expedite the tasks of State and local governments through a broad range of program and technical support efforts. Because fewer questions would have to be resolved in Washington at the interagency level, the new department would also expedite the decentralization of Federal decision-making which this administration has already begun. The new Department of Community Development would take over most of the functions now performed by the Department of Housing and Urban Development; some of the functions of the Department of Transportation, the Office of Economic Opportunity and the Small Business Administration; and the responsibilities of the Department of Commerce with respect to the Title V regional commissions.

Under our revised plan for executive reorganization, the Department of Agriculture would remain as a separate department focusing on the needs of farmers. But a number of present Department of Agriculture development functions would be moved to the new Department of Community Development, including the Farmers Home Administration loan and grant programs for rural community water and sewer systems and for rural housing; the Rural Electrification Administration loan programs for electric and telephone systems; the recently established Rural Telephone Bank; research programs related to rural community development conducted by the Economic Development Division of the Economic Research Service; and the programs of the recently established Rural Development Service.

Comprehensive reorganization would mean that every Federal dollar spent on rural development could have a far greater impact. I again call on the Congress to establish this new department, which would be uniquely capable of launching a well-developed, well-coordinated campaign to achieve the nation's community development goals.

### A REVENUE SHARING PLAN FOR RURAL AMERICA

Our revenue sharing plan for rural America proposes to unite the funding for a number of existing programs into a single more flexible resource for rural community development. Our proposed program would add $179 million to the various programs to be consolidated, bringing the total annual program to a level of $1.1 billion. Each State would receive at least as much under revenue sharing as it receives under the current system of categorical grants. The program would take effect at the beginning of Fiscal Year 1974.

Rural community development revenue sharing funds would be paid out to the States and to Puerto Rico, the Virgin Islands and Guam according to a formula which takes three factors into account: the State's rural population, the State's rural per capita income in comparison to the national average, and the State's change in rural population compared to the change in population in all States. In addition, every State would receive a minimum amount to assure that all States participate in the program.

The revenue sharing proposal incorporates a requirement for statewide development plans to ensure that activities carried on under the rural community development revenue sharing program could be coordinated with activities under the other general and special revenue sharing proposals, including those for urban community development and for transportation. Each year the States would prepare a comprehensive statewide development plan which would outline spending intentions for programs in rural areas and smaller cities, as well as in metropolitan and suburban areas. It would be the responsibility of the Governor of each State to draw up this statewide plan. This process would be supported by another major administration initiative, our proposed $100 million planning and management grant program.

The development plan would be formulated through a consultative process which would consider plans submitted by multi-jurisdictional planning districts, which the Governors could establish with rural revenue sharing funds. These local planning organizations would be composed of local elected officials and would be established in all areas of the State. One member from each of these district planning bodies would sit on a panel to assist the Governor in the comprehensive planning process.

This process for developing a statewide plan would ensure that public officials and the general public itself would focus attention on the inter-relationships between rural and urban development within each State. The plan would identify potential growth areas and development sites as well as areas which are of special environmental concern. The plan could also take into account interstate projects and programs developed through the regional commission mechanism.

The rural community development revenue sharing program represents a reaffirmation of faith in State and local governments. It is based on the concept that local people have the best understanding of local problems and on the belief that they have the will and the ability to move vigorously and intelligently to solve them. The revenue sharing approach removes the often stifling and always frustrating strictures which require that Federal grants be used for narrow purposes. It provides the flexibility which State and local governments need in order to fund those projects which they themselves believe would best ensure rational development in their areas and most effectively enhance the quality of life.

The development plans drawn up under this program would cover an entire State. Rural revenue sharing funds would be spent largely outside metropolitan areas while urban revenue sharing funds would be used within those areas. It is important to note, however, that rural areas include almost 2800 of the more than 3100 counties in the United States.

Last March, when I submitted the rural community development revenue sharing proposal for the first time, I said that "the major challenge facing rural America is to diversify its economy and to provide full opportunity for its people to enjoy the benefits of American life." I still believe that revenue sharing can do a great deal to help rural America meet that challenge.

### NEW PROPOSALS

Revenue sharing and reorganization can have a great long-range significance for rural America. But we must also take a number of other steps which I am outlining today, including two major new proposals. The first involves a new approach to rural financial assistance. The second concerns added authorities for improving the environment and attaining conservation objectives in rural America.

### EXPANDED CREDIT FOR RURAL AMERICA

I am recommending today a new rural community development credit sharing authority which would give the Secretary of Agriculture and the State Governors new tools to help revitalize rural areas. Under this proposal, a new Rural Development Credit Fund would be established to provide loans, loan insurance and loan guarantees to the States for their use in assisting development. This credit would be made available through the Farmers Home Administration for up to 80 percent of the cost of establishing or improving businesses which help create economic growth in rural areas. This fund would also make loans and guarantees for sewer and water facilities and other public works and community facilities, such as industrial parks and community centers, which work directly or indirectly to improve employment opportunities.

Loans and guarantees would be made in accordance with the State development plan required under rural revenue sharing. The States would select specific projects which are consistent with this development plan.

A significant new feature of this credit-sharing proposal is the requirement that most of the authorizations be divided among the States according to the same formula established for rural community development revenue sharing. Specifically, 80 percent of the loan funds for commercial and industrial development and for community facilities would be allocated to the States on a formula basis. The remaining 20 percent of loan authorities would be administered by the Secretary of Agriculture. A large portion of the authorization—65 percent in each fiscal year—would be reserved for commercial and industrial development uses and the remainder would be available for community development purposes. Each State would know in advance the amount of grants and credit it could commit according to its plan each year.

This proposal would involve private lending institutions as fully as possible in the rural revitalization effort. Financial assistance would not be provided under the program unless it was clear that firms and communities could not obtain credit elsewhere. Fully three-quarters of each year's authorization would have to be in the form of a guarantee of loans made by private financial institutions. Hopefully, almost all loans could be made by this sector of our economy. In addition to the direct involvement of private banks, this program would also emphasize loans to private entrepreneurs for job creation through commercial and industrial development. Since some equity would be required, these business decision-makers would be far more likely to make realistic, workable development decisions than far-removed Federal bureaucrats can now do. It is also likely that these market-oriented decisions would provide sounder, long-term employment opportunities. This combination of Federal funding, local initiative and statewide planning utilizing the private market economy should produce a far more productive use of our resources.

I am proposing an authorization level for this credit-sharing program, which includes the existing Farmers Home Administration water and sewer program, of $1.3 billion in fiscal year 1974.

My new proposals also involve additional features and technical improvements which would streamline and improve the effectiveness of farm and rural loan programs now administered by the Department of Agriculture. Among these are proposals to increase the farm operating loan limit to $50,000 and to increase the limit on new loans to be held in the agricultural credit insurance fund from $100 million to $500 million. This latter provision would provide adequate levels to ensure that the expanded loan and guarantee program would have a substantial impact on rural areas.

In summary, this new approach to credit assistance contains several advantageous features:

(1) It would establish a direct link between credit assistance and revenue sharing since both programs would be administered according to the same statewide plan.

(2) It would expand the role of private lending institutions. Firms otherwise unable to obtain credit would have a chance to mature under this plan so that they could borrow from private lending institutions at a later time without Federal guarantees.

(3) The plan could work through a delivery system for servicing loans which is already in operation—the Farmers Home Administration, which has offices in more than 1,700 counties. There is an office within a relatively short distance of practically every rural community in the United States. This whole system, moreover, could be readily transferred to a new Department of Community Development.

(4) Projects could be jointly financed by a number of Federal agencies, such as Small Business Administration, the Department of Housing and Urban Development, and the Environmental Protection Agency, as well as by other private and public State and local agencies.

(5) Improved planning and program coordination would be possible under statewide plans which grow out of the needs and suggestions of multi-jurisdictional planning districts already established in more than half of the States. These planning bodies would also provide expertise for communities that are too small to employ their own development experts.

### IMPROVING THE RURAL ENVIRONMENT

To help carry out our environmental concerns, I propose that the Secretary of Agriculture be authorized to share the costs of long-term conservation in watershed areas. Such an authorization has worked most successfully under the Great Plains program. This measure would foster the orderly establishment of needed land treatment measures within the small watershed areas of the country.

In addition, technical and cost-sharing assistance should be authorized within watershed areas for the improvement of water quality. This would mean that, for the first time, Federal cost-sharing would be made available to improve water quality on a year-round basis. Such technical and cost-sharing assistance should also be provided in Resource Conservation and Development Project areas.

Finally, the Secretary of Agriculture should be authorized to inventory and to monitor soil, water, and related resources and to issue a national land inventory report at five-year intervals. Such data could be used at all levels of government in land use policy planning.

All these proposals would broaden the dimensions of Federal service and would give new impetus to the entire rural development task. But I would emphasize again that this task must be one in which the people themselves are directly involved—and it must begin in rural America. Our proposals would provide rural people and communities with the tools they need to achieve their goals and I hope these recommendations will receive early and favorable consideration.

### RESULTS OF OUR INCREASED EMPHASIS ON RURAL DEVELOPMENT

These essential steps now depend on action by the Congress. But while action on past proposals has been pending, we have also been taking a number of administrative steps to improve our rural development programs and have substantially increased program funding. For example:

—The funding of principal rural development programs in the Department of Agriculture this year ($2.8 billion) is more than four times that of fiscal year 1961 and twice that of fiscal year 1969. Twenty-nine of the thirty-four rural development programs in that department have been expanded since 1969.

—Since 1969, the Department of Housing and Urban Development has nearly tripled its grants for nonmetropolitan planning districts. It funded 155 districts which received $3.4 million in grants in the last complete fiscal year.

—Rural housing assistance, with an emphasis on low and moderate income families, has reached a record level of $1.6 billion under the Farmers Home Administration program—more than triple the 1969 level.

—Research on rural development and housing is estimated at $9 million this year, more than double that of 1969.

—Funding for community sewer and water facilities has reached a record high level of $300 million in loans, plus $42 million in direct grants. This represents an increase of almost 80 percent over the level provided two years ago.

—Soil Conservation Service resource conservation and development, flood prevention, and watershed programs have expanded from $103 million in fiscal year 1969 to an estimated $156 million this year.

—With the recent release of an additional $109 million in funds for rural electrification, total available funds for the Rural Electrification Administration have been increased to $438 million for the current fiscal year. REA loans from 1969 to 1971 totaled more than $1.4 billion. Since 1969, REA-financed systems connected 700,000 new electric services and 420,000 telephone users—the largest three-year growth since the 1950's.

—The Rural Telephone Bank, with an initial Federal subscription of $60 million in the first two years, has been established to provide new credit resources for telephone cooperatives seeking to improve rural communications.

—Extension Service community development activities this year attained a funding level estimated at $12.7 million, an increase of $3.7 million over 1969 levels.

—To broaden the role of the employment service in serving our rural population, a Rural Manpower Service has been established in the Department of Labor.

—A cooperative program called Concerted Services in Training and Education has involved several Federal agencies as well as local organizations in helping individuals better utilize Federal programs.

—A special office has been created within the Department of Health, Education, and Welfare to focus on special problems of human resource development in rural areas.

This expansion of Federal efforts to stimulate the development of rural communities has been paralleled by the increased efforts of individual citizens, civic organizations, private enterprise and government at the State, county and municipal level. There are many evidences of the resulting overall progress.

—Outmigration from rural communities slowed from 4.6 million during the 1950's to 2.4 million during the 1960's. Most of the population losses during the 1960's occurred in the Great Plains and inter-mountain areas of the West, but gains were realized in parts of the Southern Piedmont, the middle Tennessee Valley, eastern Oklahoma, and northern and western Arkansas. This is evidence that the migratory tide can be slowed—and in some instances even reversed.

—Income per capita in rural America is growing faster than in metropolitan America, though it still remains below the urban level.

—While the incidence of poverty is greater in rural than in urban America, its reduction rate is nearly twice as fast.

—Non-farm employment outside the metropolitan centers has generally grown at a slightly faster rate than employment in metropolitan areas. Manufacturing employment is expanding more rapidly in rural areas than in the large cities.

—Although rural America still contains about two-thirds of our inadequate housing, the ratio of inadequate to adequate rural housing units has been reduced from one-third to one-seventh in recent years. Rural electric and telephone services have improved; more than 98 percent of America's farms are now electrified.

—During the past three years, per capita farm income has averaged about 75 percent that of non-farm workers. This is still too low, but it represents a significant improvement over the past decade.

—The median years of school completed by persons 25 to 29 years of age is now about the same—12 years plus—in metropolitan and non-metropolitan areas.

All of these signs of progress are most encouraging. But this record is not something to stand on—it is something to build on. Much significant work has already been done—but the most important tasks are still before us.

The longer we put off these tasks the more difficult they will be. With the cooperation of the Congress we can promptly take up this work, opening new doors of opportunity for all who seek a better life in rural America.

RICHARD NIXON.

THE WHITE HOUSE, *February 1, 1972.*

## CONVENTION ON TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS—REMOVAL OF INJUNCTION OF SECRECY

Mr. **BYRD** of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention on Taking of Evidence Abroad in Civil or Commercial Matters—Executive A, 92d Congress, 2d session—transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The message from the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters adopted at the Eleventh Session of the Hague Conference on Private International Law on October 26, 1968, and signed on behalf of the United States of America at The Hague on July 27, 1970.

This convention supplements the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters to which the Senate gave its advice and consent on April 14, 1967. Both are tangible results of our participation in the Hague Conference on Private International Law, as authorized by Public Law 88–244 (77 Stat. 775) approved December 30, 1963.

The provisions of the convention are expained in the report of the Secretary of State which accompanies this letter. In broad terms, the convention is designed to facilitate the obtaining of evidence abroad in a form admissible in municpal courts. The convention is fully consistent with the United States policy of judicial assistance embodied in Public Law 88–619 (78 Stat. 995), approved October 3, 1964; its acceptance by this country will require no amendments to that legislation. On the other hand, ratification of the convention will require many other countries, particularly civil law countries, to mae important changes in their judiical assistance practice.

This convention is a signficant step forward in the field of internatonal judicial cooperation. It will permit our courts and litigants to avail themselves of a number of improved and simplified procedures for the taking of evidence. Its ratification is supported by such national legar ordaniaztions as the American Bar Association, the Judicial Conference of the United States, the National Conference of Commissions on Uniform State Laws, and by a number of State, local, and specialized bar associations.

I recommned that the Senate of the United States promptly give its advice and consent to the ratification of this convention.

RICHARD NIXON.

THE WHITE HOUSE, *February 1, 1972.*

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) to further promote equal employment opportunities for American workers.

## CLOTURE MOTION

Mr. **WILLIAMS**. Mr. President, I file a motion for cloture, and I ask that it be read.

The **PRESIDING OFFICER**. The cloture motion having been filed under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistanst legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

Harold E. Hughes    Jennings Randolph

Gaylord Nelson
Claiborne Pell
Edward M. Kennedy
Philip A. Hart
Lee Metcalf
Joseph M. Montoya
Jacob K. Javits
Charles H. Percy
Gordon Allott
Mark O. Hatfield
Harrison A. Williams, Jr.
Robert T. Stafford
Richard S. Schweiker
J. Glenn Beall, Jr.
Ted Stevens
Marlow W. Cook

## ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 10 A.M., THURSDAY, FEBRUARY 3, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 10 o'clock on Thursday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRANSACTION OF ROUTINE MORNING BUSINESS—ORDER FOR THE UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the unanimous-consent orders for the recognition of Senators on Thursday, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR TIME TO BEGIN RUNNING ON CLOTURE MOTION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the 1 hour for debate on the motion to invoke cloture, under rule XXII, begin running on Thursday of this week at 12:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that the time for debate of the motion to invoke cloture on Thursday be equally divided between and controlled by the distinguished manager of the bill, the Senator from New Jersey (Mr. WILLIAMS), and the distinguished senior Senator from North Carolina (Mr. ERVIN).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, the vote on the motion to invoke cloture will occur about 2 p.m. on Thursday, by virtue of the fact that the 1 hour, under rule XXII, would expire at 1:45 p.m. at which time the mandatory quorum call would begin; and considering the fact that it would take 10, 12, or 15 minutes for the establishment of a quorum, this would then mean that once the presence of a quorum was established, the mandatory rollcall vote would begin—which would mean about 2 p.m.

## ORDER FOR AMENDMENTS AT THE DESK TO QUALIFY AS HAVING BEEN READ IN ACCORDANCE WITH RULE XXII

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all amendments at the desk at the time the mandatory quorum call begins, under rule XXII, on Thursday may qualify as having been read, so as to meet the requirements of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

## ORDER FOR PRINTING OF PROGRAM IN THE RECORD

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that for the remainder of the second session of the 92d Congress I may be permitted to submit the program for the following day; that the program appear just before the motion to adjourn, recess, or whatever it may be; and that the program appear in the RECORD as though I had stated it orally.

The PRESIDING OFFICER (Mr. BENTSEN). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I do this in order to save the time of the Senate and, at the same time, that the program may be in the RECORD so that all Senators may see it if they have need to do so.

Mr. GRIFFIN. Mr. President, I wonder will the majority whip have a copy of that at the time that he can give to us on this side of the aisle?

Mr. BYRD of West Virginia. For the most part, I will probably continue to state it orally as a general rule, but there are occasions when I think Senators need to get out to meet appointments, and so forth, and I will not then take the time of the Senate.

Mr. GRIFFIN. I think that the distinguished majority whip has been performing a great service to the Senate each day, in taking a brief period of time to outline with precision and in detail what the program will be for the following day.

I want to commend him for doing it, and I want to encourage him to continue to do it. But I can say that there may be times when he may want to proceed as he has just indicated.

When he does, I hope that he will give this side of the aisle the necessary information so that we can notify our Members.

Mr. BYRD of West Virginia. I thank the distinguished assistant Republican leader. I am glad to know that he feels the program—as it has been stated in the past—is helpful to Senators on his side of the aisle. I shall do everything I can therefore, to accommodate him in that respect in the future.

## PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After recognition of the two leaders under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the following order: Senators CHILES, GURNEY, and ROTH.

At the conclusion of the remarks of these Senators under the unanimous consent orders, there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair will lay before the Senate the unfinished business, the pending question being the amendment No. 813 offered by the distinguished Senator from North Carolina (Mr. ERVIN). The yeas and nays have been ordered on the amendment, although there is no limitation of time thereon, as yet.

The able majority leader has stated today that at no later than 4 p.m. tomorrow, the Senate will begin to operate on the so-called multiple track system, and the Senate will then proceed, for the remainder of the day, to the consideration of the foreign aid appropriation bill, on which a time agreement was reached last December 17, 1971.

Senators can expect rollcalls tomorrow.

## ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 6:03 p.m.) the Senate adjourned until tomorrow, Wednesday, February 2, 1972, at 10 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate February 1, 1972:

### U.S. ARMY

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3284 and 3307:

*To be major general*

Maj. Gen. Kenneth Howard Bayer, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Ralph Longwell Foster, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Morgan Garrott Roseborough, [redacted] Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Robert Edmondston Coffin, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Henry Blakefield, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Robert Bruce Smith, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Donald Harry Cowles, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Mayo, Jr., [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Samuel Beatty, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Robert Clinton Taber, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Howard Elder, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Warren Cobb, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Edwin I. Donley, [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Erwin Montgomery Graham, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Daniel McLaughlin, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Sammet, Jr. [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Alden Burke, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Warren Kennedy Bennett, [redacted] Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Harris Whitton Hollis, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Washington Putnam, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Robert Paul Young, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Francis Paul Koisch, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Thomas Matthew Rienzi, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Russell Kraft, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Charles Wolcott Ryder, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Edgar Shedd III, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Joseph Edward Pieklik, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Bennison Fulton, [redacted] Army of the United States (brigadier general, U.S. Army).

### U.S. NAVY

Rear Adm. David H. Bagley, U.S. Navy, for appointment as Chief of Naval Personnel in the Department of the Navy for a term of 4 years.

Rear Adm. David H. Bagley, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Dougals C. Plate, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Robert S. Salzer, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 4231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Stansfield Turner, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice Adm Robert L. Townsend, U.S. Navy for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

### U.S. MARINE CORPS

Lt. Gen. Donn J. Robertson, U.S. Marine Corps, when retired to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

### IN THE AIR FORCE

The nominations beginning Godfrey D. Adamson, Jr., to be colonel, and ending Raymond E. P. Zimmerman, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on Jan. 21, 1972.

### IN THE ARMY

The nominations beginning Fausto Acosta-Natal, to be lieutenant colonel, and ending Thomas F. Zuck, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on Jan. 21, 1972.

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# HOUSE OF REPRESENTATIVES—*Tuesday, February 2, 1972*

The House met at 12 o'clock noon.

Rabbi Samuel Rosenblatt, Beth Tfiloh Congregation, Baltimore, Md., offered the following prayer:

Master of the universe, as another daily session of our National Legislature opens we turn to Thee for guidance in the discharge of its grave responsibilities. Blessed beyond other nations, we pray for the wisdom to share our good fortune. May the laws that will be passed by this year's Congress further the realization of the ideal of liberty and justice for all envisaged by the Founding Fathers of our Republic. May our example of unselfishness, tolerance, and humility serve so to improve communications in the world that across the no man's land of human distress understanding hearts may speak to understanding hearts. May the conviction that universal brotherhood is far more effective in resolving international as well as internal conflicts than battleships, tanks, and guns gain such wide acceptance that mankind in its entirety will at long last unite to do Thy will with a perfect heart.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1794. An act to authorize pilot field-research programs for the suppression of agricultural and forest pests by integrated control methods.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
*January 31, 1972.*

The Honorable the SPEAKER,
*House of Representatives.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:05 p.m. on Monday, January 31, 1972, and said to contain the President's Report of Study and Surveys of the Hazards to Human Health and Safety from Common Environmental Pollution.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS,
*Clerk, House of Representatives.*

## ENVIRONMENTAL POLLUTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–241)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

*To the Congress of the United States:*

The Department of Health, Education, and Welfare and the Environmental Protection Agency have jointly studied the health effects of environmental pollution in accordance with Title V of Public Law 91-515. Their findings, which appear in this report, deserve the attention of the Congress and of all Americans who are concerned about environmental quality and its impact on the health of our people.

This study gives further evidence of the need for new legislation in this vital field. I have forwarded to the Congress a number of recommendations for meeting this challenge, and I again urge that they be given early and favorable consideration. My proposals include:

Toxic Substances Control Act of 1971

Federal Environmental Pesticide Control Act of 1971

The Department of Human Resources Act

The Department of Natural Resources Act

Marine Protection Act of 1971

Noise Control Act of 1971

Health Maintenance Organization Assistance Act of 1971

These measures, together with proposals which were contained in my Health Message of February 18, 1971, and my Environmental Message of February 8, 1971, and other actions which I will propose to the Congress this year, would, in my view, provide the essential tools for dealing with the health effects of environmental pollution in the years ahead.

This report identifies important needs concerning the determination of hazards to human health and safety resulting from common environmental pollution. It also sets forth a number of specific recommendations for meeting these problems. I am directing the Secretary of Health, Education, and Welfare and the Administrator of the Environmental Protection Agency to see that these needs are promptly and thoroughly addressed.

As I take this action, I would also note that impressive progress has already been made in coordinating the efforts of these two agencies. For example, the joint establishment of the National Center for Toxicological Research will do much to improve our knowledge in this area. I would also point out that the Director of the Office of Science and Technology, in cooperation with the Chairman of the Council on Environmental Quality, has established a new interagency panel to improve the coordination and utilization of environmental health research, and that we have been taking a number of other steps to improve the surveillance and monitoring of environmental hazards.

The problems which this report discusses cannot be addressed effectively without the full attention and cooperation of both the legislative and executive branches. I pledge that this administration will continue to give a high priority to the task of preventing hazards to human health arising from environmental pollution, and I look forward to working closely with the Congress in achieving this goal.

RICHARD NIXON.

THE WHITE HOUSE, *January 31, 1972.*

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## THE PROBLEMS OF RURAL AMERICA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-240)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

*To the Congress of the United States:*

From the very beginnings of our history, the vitality of rural America has been at the heart of our Nation's strength. It is essential that we preserve and expand that vitality in the years ahead. For America will not be able to look eagerly to the future with a sense of promise and hope unless those who live in its rural areas are able to share in this vision. To help improve the quality of life in the American countryside, I am today presenting a series of proposals designed to marshal more effectively the energies of the private sector and of government at all levels in a cooperative program of rural development.

### THE PROBLEMS OF RURAL AMERICA

All Americans have a high stake in rural development. For the problems which many rural areas are now experiencing are directly linked to those of our cities and suburbs. Changing patterns of life in rural America have changed the pattern of life in all of America.

A central cause of these changing patterns has been the increasing mechanization of agriculture and of other natural resource industries such as mining and lumber—a process which has resulted in a substantial reduction in jobs in these occupations in recent years. While employment opportunities in other occupations have more than offset these declines, the overall growth of economic opportunity in rural America has lagged far behind that of our urban areas. Today, dramatic disparities exist between metropolitan and rural areas in such indices as per capita income, housing standards, educational attainment and access to medical care.

At the same time, political institutions designed to deal with simpler problems in simpler times have frequently been unable to cope with these new challenges. The Federal Government often finds that it is too remote and too unwieldy to respond with precision to State and local needs. State and local governments are frequently too impoverished or too fragmented to undertake the necessary planning and development activities. Their problems are accentuated by the fact that widely dispersed rural population inevitably means a higher expenditure per person for most government programs.

One result of all these factors is that semi-deserted country towns—once centers of life for the surrounding countryside—stand today as stark reminders of unused and abandoned rural resources. In each of the three decades since 1940, half of our counties (not always the same ones) have lost population. Two out of every five of our counties lost population in all three decades. As I said in my State of the Union Message two years ago, many of our rural areas are being emptied of their people and their promise.

In many cases, those who have left the countryside have simply taken their problems with them. Indeed, many have seen their problems intensify as they have settled in over-crowded urban areas.

It is striking to realize, as I noted in this year's Message on the State of the Union, that even if we had a population of one billion—nearly five times the current level—our area is so great that we would still not be as densely populated as many European nations are at present. Our problems are not so much those of numbers as of distribution. And their solution requires the revitalization of the American countryside.

### CHANGING OUR APPROACH

In seeking to solve the problems of rural areas, we must not simply seek more money from the Congress and the taxpayers. In the past decade we have seen the folly of pouring money into projects which were ill-considered and lacking in local support. What we must now seek instead is a fundamental change in the way government approaches the entire developmental challenge.

The Federal Government has spent considerable sums on rural development. Programs which we have recommended for inclusion in our rural development revenue sharing plan alone are spending almost $1 billion this year and this is only a small part of our overall rural development spending. And yet, despite this substantial funding, the problems have continued to grow. What is it that has been missing from our rural development programs?

### MORE CONTROL AT THE STATE AND LOCAL LEVEL

I believe that a major missing ingredient has been effective control of development programs at lower levels of Government. Because we have relied so exclusively on Federal funds—handed out through bureaucratic processes and through narrow categorical grants—too many decisions have been made in Washington and too few have been made in rural America. I believe this is wrong. I believe we should return power to officials who are selected at the State and local levels.

As long as the Federal Government sets rigid rules, both through legislative and administrative guidelines, there is little room for local initiative. Under our present system, a project that does not meet Federal standards does not get funded. This means that the talents of local government officials, of leaders in the private sector, and of public-spirited citizens cannot be fully utilized. Almost all of the success stories that can be found in rural economic development have occurred because local officials and private leaders have entered into a public-spirited partnership and have taken the initiative. We must do all we can to encourage such partnerships.

### IMPROVED PLANNING

Even as we seek to decentralize, we must also work to improve planning. In many respects these goals represent two sides of the same coin. For plans which are developed at levels close to the people are likely to be more realistic, more imaginative, and more useful than abstract blueprints which are drawn up far away from the scene of the action or which are altered to meet rigid Federal rules. Effective development does not require plans that can survive the scrutiny of Washington. Effective development requires plans that people believe in and will work to accomplish.

### MORE ADEQUATE PUBLIC AND PRIVATE RESOURCES

More adequate development also requires more adequate resources. This does not simply mean more Federal money; it also means that Federal funds now available must be freed from the inhibiting restrictions within which they are now entangled. Funds which are free of these restrictions can be used in each locality where the needs are greatest, eliminating a great deal of inefficiency and waste.

But Federal grant money provides only a part of the Federal contribution to rural America. Adequate credit resources can also be extremely important in developing community facilities and in attracting private investment. In the end it is not Federal money, nor even the vast sums spent by State and local governments, which hold the key to rural development. The private sector has an enormous role to play and public efforts must keep this fact centrally in mind.

### HELPING THE FARMER AND PROTECTING THE ENVIRONMENT

Rural America cannot move forward effectively into the future unless it respects those elements which have been the base of its strength in the past. We cannot build a stronger rural economy, for example, unless we also build a stronger agricultural economy. While we must work to change the American countryside, we must never do so at the expense of those who produce our food and fiber. We must work to create a better life for American farmers even as we provide an expanded range of opportunities for those who are no longer needed on the farm.

Even as we do more to promote agricultural prosperity, so we must do more to protect the rural environment. Just as development must not come at the expense of the farmer, so it must not come at the expense of environmental concerns. We cannot fully develop the American countryside if we destroy the beauty and natural resources which are so much a part of its essential value.

### BASIC PRINCIPLES

These then are the basic principles which should guide our new approach to rural community development:

We must treat the problems of rural America as a part of a general strategy for balanced growth.

We must reverse the flow of power to the Federal Government and return more power to State and local officials.

We must fight the rigidities of narrowly focused categorical grants.

We must facilitate more adequate advance planning.

We must reorganize the Federal Government so that it can more effectively support planning and execution at the State and local level.

We must provide adequate resources and credit, in ways which attract greater private resources for development.

We must develop rural America in ways which protect agriculture and the environment.

On the basis of these principles, we have prepared the following recommendations for action—including proposals which have been submitted earlier and a number of new initiatives.

## PROPOSALS ALREADY SUBMITTED TO THE CONGRESS

### DEPARTMENT OF COMMUNITY DEVELOPMENT

One of the most significant barriers to effective planning and coordination in rural areas has been the fragmentation of Federal efforts. Too many programs which should be closely related are operating as very separate entities. As a result, State and community leaders must often run a complex obstacle course in order to obtain development assistance. Frequently there is poor coordination and wasteful duplication and in some cases the action of one Federal agency actually conflicts with that of another.

The principal reason for this fragmentation has been the failure of the Government to recognize the inter-relationship among rural, suburban and urban problems and the need to strengthen the essential social and economic partnership between rural America and our great metropolitan centers.

I believe the proper solution to this problem is to gather the principal Federal programs which support community development within a single new Department of Community Development.

This new department would both simplify and expedite the tasks of State and local governments through a broad range of program and technical support efforts. Because fewer questions would have to be resolved in Washington at the inter-agency level, the new department would also expedite the decentralization of Federal decision-making which this administration has already begun. The new Department of Community Development would take over most of the functions now performed by the Department of Housing and Urban Development; some of the functions of the Department of Transportation, the Office of Economic Opportunity and the Small Business Administration; and the responsibilities of the Department of Commerce with respect to the Title V regional commissions.

Under our revised plan for executive reorganization, the Department of Agriculture would remain as a separate department focusing on the needs of farmers. But a number of present Department of Agriculture development functions would be moved to the new Department of Community Development, including the Farmers Home Administration loan and grant programs for rural community water and sewer systems and for rural housing; the Rural Electrification Administration loan programs for electric and telephone systems; the recently established Rural Telephone Bank; research programs related to rural community development conducted by the Economic Development Division of the Economic Research Service; and the programs of the recently established Rural Development Service.

Comprehensive reorganization would mean that every Federal dollar spent on rural development could have a far greater impact. I again call on the Congress to establish this new department, which would be uniquely capable of launching a well-developed, well-coordinated campaign to achieve the nation's community development goals.

### A REVENUE SHARING PLAN FOR RURAL AMERICA

Our revenue sharing plan for rural America proposes to unite the funding for a number of existing programs into a single more flexible resource for rural community development. Our proposed program would add $179 million to the various programs to be consolidated, bringing the total annual program to a level of $1.1 billion. Each State would receive at least as much under revenue sharing as it receives under the current system of categorical grants. The program would take effect at the beginning of Fiscal Year 1974.

Rural community development revenue sharing funds would be paid out to the States and to Puerto Rico, the Virgin Islands and Guam according to a formula which takes three factors into account, the State's rural population, the State's rural per capita income in comparison to the national average, and the State's change in rural population compared to the change in population in all States. In addition, every State would receive a minimum amount to assure that all States participate in the program.

The revenue sharing proposal incorporates a requirement for statewide development plans to ensure that activities carried on under the rural community development revenue sharing program could be coordinated with activities under the other general and special revenue sharing proposals, including those for urban community development and for transportation. Each year the States would prepare a comprehensive statewide development plan which would outline spending intentions for programs in rural areas and smaller cities, as well as in metropolitan and suburban areas. It would be the responsibility of the Governor of each State to draw up this statewide plan. This process would be supported by another major administration initiative, our proposed $100 million planning and management grant program.

The development plan would be formulated through a consultative process which would consider plans submitted by multi-jurisdictional planning districts, which the Governors could establish with rural revenue sharing funds. These local planning organizations would be composed of local elected officials and would be established in all areas of the State. One member from each of these district planning bodies would sit on a panel to assist the Governor in the comprehensive planning process.

This process for developing a statewide plan would ensure that public officials and the general public itself would focus attention on the inter-relationships between rural and urban development within each State. The plan would identify potential growth areas and development sites as well as areas which are of special environmental concern. The plan could also take into account interstate projects and programs developed through the regional commission mechanism.

The rural community development revenue sharing program represents a reaffirmation of faith in State and local governments. It is based on the concept that local people have the best understanding of local problems and on the belief that they have the will and the ability to move vigorously and intelligently to solve them. The revenue sharing approach removes the often stifling and always frustrating strictures which require that Federal grants be used for narrow purposes. It provides the flexibility which State and local governments need in order to fund those projects which they themselves believe would best ensure rational development in their areas and most effectively enhance the quality of life.

The development plans drawn up under this program would cover an entire State. Rural revenue sharing funds would be spent largely outside metropolitan areas while urban revenue sharing funds would be used within those areas. It is important to note, however, that rural areas include almost 2,800 of the more than 3,100 counties in the United States.

Last March, when I submitted the rural community development revenue sharing proposal for the first time, I said that "the major challenge facing rural America is to diversify its economy and to provide full opportunity for its people to enjoy the benefits of American life." I still believe that revenue sharing can do a great deal to help rural America meet that challenge.

### NEW PROPOSALS

Revenue sharing and reorganization can have a great long-range significance for rural America. But we must also take a number of other steps which I am outlining today, including two major new proposals. The first involves a new approach to rural financial assistance. The second concerns added authorities for improving the environment and attaining conservation objectives in rural America.

### EXPANDED CREDIT FOR RURAL AMERICA

I am recommending today a new rural community development credit sharing authority which would give the Secretary of Agriculture and the State Governors new tools to help revitalize rural areas. Under this proposal, a new Rural Development Credit Fund would be established to provide loans, loan insurance and loan guarantees to the States for their use in assisting development. This credit would be made available through the Farmers Home Administration for up to 80 percent of the cost of establishing or improving businesses which help create economic growth in rural areas. This fund would also make loans and guarantees for sewer and water facilities and other public works and community facilities, such as industrial parks and community centers, which work directly or indirectly to improve employment opportunities.

Loans and guarantees would be made in accordance with the State development plan required under rural revenue sharing. The States would select specific projects which are consistent with this development plan.

A significant new feature of this credit-sharing proposal is the requirement that most of the authorizations be divided among the States according to the same formula established for rural community development revenue sharing. Specifically, 80 percent of the loan funds for commercial and industrial development and for community facilities would be allocated to the States on a formula basis. The remaining 20 percent of loan authorities would be administered by the Secretary of Agriculture. A large portion of the authorization—65 percent in each fiscal year—would be reserved for commercial and industrial development uses and the remainder would be available for community development purposes. Each State would know in advance the amount of grants and credit it could commit according to its plan each year.

This proposal would involve private lending institutions as fully as possible in the rural revitalization effort. Financial assistance would not be provided under the program unless it was clear that firms and communities could not obtain credit elsewhere. Fully three-quarters of each year's authorization would have to be in the form of a guarantee of loans made by private financial institutions. Hopefully, almost all loans could be made by this sector of our economy. In addition to the direct involvement of private banks, this program would also emphasize loans to private entrepreneurs for job creation through commercial and industrial development. Since some equity would be required, these business decision-makers would be far more likely to make realistic, workable development decisions than far-removed Federal bureaucrats can now do. It is also likely that these market-oriented decisions would provide sounder, long-term employment opportunities. This combination of Federal funding, local initiative and statewide planning utilizing the private market economy should produce a far more productive use of our resources.

I am proposing an authorization level for this credit-sharing program, which includes the existing Farmers Home Administration water and sewer program, of $1.3 billion in fiscal year 1974.

My new proposals also involve additional features and technical improvements which would streamline and improve the effectiveness of farm and rural loan programs now administered by the Department of Agriculture. Among these are proposals to increase the farm operating loan limit to $50,000 and to increase the limit on new loans to be held in the agricultural credit insurance fund from $100 million to $500 million. This latter provision would provide adequate levels to ensure that the expanded loan and guarantee program would have a substantial impact on rural areas.

In summary, this new approach to credit assistance contains several advantageous features:

(1) It would establish a direct link between credit assistance and revenue sharing since both programs would be administered according to the same statewide plan.

(2) It would expand the role of private lending institutions. Firms otherwise unable to obtain credit would have a chance to mature under this plan so that they could borrow from private lending institutions at a later time without Federal guarantees.

(3) The plan could work through a delivery system for servicing loans which is already in operation—the Farmers Home Administration, which has offices in more than 1,700 counties. There is an office within a relatively short distance of practically every rural community in the United States. This whole system, moreover, could be readily transferred to a new Department of Community Development.

(4) Projects could be jointly financed by a number of Federal agencies, such as Small Business Administration, the Department of Housing and Urban Development, and the Environmental Protection Agency, as well as by other private and public State and local agencies.

(5) Improved planning and program coordination would be possible under statewide plans which grow out of the needs and suggestions of multi-jurisdictional planning districts already established in more than half of the States. These planning bodies would also provide expertise for communities that are too small to employ their own development experts.

### IMPROVING THE RURAL ENVIRONMENT

To help carry out our environmental concerns, I propose that the Secretary of Agriculture be authorized to share the costs of long-term conservation in watershed areas. Such an authorization has worked most successfully under the Great Plains program. This measure would foster the orderly establishment of needed land treatment measures within the small watershed areas of the country.

In addition, technical and cost-sharing assistance should be authorized within watershed areas for the improvement of water quality. This would mean that, for the first time, Federal cost-sharing would be made available to improve water quality on a year-round basis. Such technical and cost-sharing assistance should also be provided in Resource Conservation and Development Project areas.

Finally, the Secretary of Agriculture should be authorized to inventory and to monitor soil, water, and related resources and to issue a national land inventory report at five-year intervals. Such data could be used at all levels of government in land use policy planning.

All these proposals would broaden the dimensions of Federal service and would give new impetus to the entire rural development task. But I would emphasize again that this task must be one in which the people themselves are directly involved—and it must begin in rural America. Our proposals would provide rural people and communities with the tools they need to achieve their goals and I hope these recommendations will receive early and favorable consideration.

### RESULTS OF OUR INCREASED EMPHASIS ON RURAL DEVELOPMENT

These essential steps now depend on action by the Congress. But while action on past proposals has been pending, we have also been taking a number of administrative steps to improve our rural development programs and have substantially increased program funding. For example:

—The funding of principal rural development programs in the Department of Agriculture this year ($2.8 billion) is more than four times that of fiscal year 1961 and twice that of fiscal year 1969. Twenty-nine of the thirty-four rural development programs in that department have been expanded since 1969.

—Since 1969, the Department of Housing and Urban Development has nearly tripled its grants for nonmetropolitan planning districts. It funded 155 districts which received $3.4 million in grants in the last complete fiscal year.

—Rural housing assistance, with an emphasis on low and moderate income families, has reached a record level of $1.6 billion under the Farmers Home Administration program—more than triple the 1969 level.

—Research on rural development and housing is estimated at $9 million this year, more than double that of 1969.

—Funding for community sewer and water facilities has reached a record high level of $300 million in loans, plus $42 million in direct grants. This represents an increase of almost 80 percent over the level provided two years ago.

—Soil Conservation Service resource conservation and development, flood prevention, and watershed programs have expanded from $103 million in fiscal year 1969 to an estimated $156 million this year.

—With the recent release of an additional $109 million in funds for rural electrification, total available funds for the Rural Electrification Administration have been increased to $438 million for the current fiscal year. REA loans from 1969 to 1971 totaled more than $1.4 billion. Since 1969, REA-financed systems connected 700,000 new electric services and 420,000 telephone users—the largest three-year growth since the 1950's.

—The Rural Telephone Bank, with an initial Federal subscription of $60 million in the first two years, has been established to provide new credit resources for telephone cooperatives seeking to improve rural communications.

—Extension Service community development activities this year attained a funding level estimated at $12.7 million, an increase of $3.7 million over 1969 levels.

—To broaden the role of the employment service in serving our rural population, a Rural Manpower Service has been established in the Department of Labor.

—A cooperative program called Concerted Services in Training and Education has involved several Federal agencies as well as local organizations in helping individuals better utilize Federal programs.

—A special office has been created within the Department of Health, Education, and Welfare to focus on special problems of human resource development in rural areas.

This expansion of Federal efforts to stimulate the development of rural communities has been paralleled by the increased efforts of individual citizens, civic organizations, private enterprise and government at the State, county and municipal level. There are many evidences of the resulting overall progress.

—Outmigration from rural communities slowed from 4.6 million during the 1950's to 2.4 million during the 1960's. Most of the population losses during the 1960's occurred in the Great Plains and inter-mountain areas of the West, but gains were realized in parts of the Southern Piedmont, the middle Tennessee Valley, eastern Oklahoma, and northern and western Arkansas. This is evidence that the migratory tide can be slowed—and in some instances even reversed.

—Income per capita in rural America is growing faster than in metropolitan America, though it still remains below the urban level.

—While the incidence of poverty is greater in rural than in urban America, its reduction rate is nearly twice as fast.

—Non-farm employment outside the metropolitan centers has generally grown at a slightly faster rate than employment in metropolitan areas. Manufacturing employment is expanding more rapidly in rural areas than in the large cities.

—Although rural America still contains about two-thirds of our inadequate housing, the ratio of inadequate to adequate rural housing units has been reduced from one-third to one-seventh in recent years. Rural electric and telephone services have improved; more than 98 percent of America's farms are now electrified.

—During the past three years, per capita farm income has averaged about 75 percent that of non-farm workers. This is still too low, but it represents a significant improvement over the past decade.

—The median years of school completed by persons 25 to 29 years of age is now about the same—12 years plus—in metropolitan and non-metropolitan areas.

All of these signs of progress are most encouraging. But this record is not something to stand on—it is something to build on. Much significant work has already been done—but the most important tasks are still before us.

The longer we put off these tasks the more difficult they will be. With the cooperation of the Congress we can promptly take up this work, opening new doors of opportunity for all who seek a better life in rural America.

RICHARD NIXON.

THE WHITE HOUSE, *February 1, 1972.*

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## SIXTH ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

*To the Congress of the United States:*

In transmitting this Sixth Annual Report of the National Endowment for the Humanities, I particularly commend to your attention the new programs begun by the Endowment during fiscal year 1971. These programs, created in order to broaden the uses of the humanities by the American public, include an experimental program on a statewide basis for informal adult education in the humanities and the Jefferson Lecture on the Humanities, a national series which will bring humanistic learning directly to bear on public affairs.

These new programs and the expansion of existing programs described in this report were made possible by the strong support in increased funding given by the Congress to the Endowment at my request. Both the executive and legislative branches have now recognized that the humanities—languages, history, philosophy, literature and ethics among others—are an essential tool for restoring contemporary problems and that the Endowment can eventually place this tool within the grasp of more Americans than ever before.

Federal support of the National Endowment for the Humanities has had the desired effect of stimulating private giving and private initiative. I am therefore happy to report that in fiscal year 1971 the Endowment received a total of 517 separate gifts, about four times the number received the previous year. These gifts or pledges, amounting to $2.5 million, made it possible for the Endowment for the second year in a row to draw the full amount of Federal matching funds appropriated for that purpose.

It is my pleasure, too, to note that the Humanities Endowment's Sixth Annual Report is printed on recycled paper as a part of this Federal Agency's effort to make use of the Nation's natural resources.

RICHARD NIXON.

THE WHITE HOUSE, *February 1, 1972.*

## PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

## PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

## MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigi Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, a parliamentary inquiry. May I ask which calendar number this is?

The SPEAKER. This is Calendar No. 69.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## FRANK J. McCABE

The Clerk called the bill (H.R. 1862) for the relief of Frank J. McCabe.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5586) for the relief of Mrs. Marina Munoz De Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## VITO SERRA

The Clerk called the bill (H.R. 5579) for the relief of Vito Serra.

There being no objection, the Clerk read the bill as follows:

H.R. 5586

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in the administration of the Immigration and Nationality Act, Vito Serra shall be deemed to be an immediate relative within the meaning of section 201(b) of that Act and may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act.

With the following committee amendment:

On page 1, line 4, after the words "shall be deemed to" strike out the remainder of the bill and substitute the following: "have a priority date of October 12, 1960, on the fifth preference foreign state limitation for Italy."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## ANTONIO BENAVIDES

The Clerk called the bill (H.R. 2394) for the relief of Antonio Benavides.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## MRS. CONCEPCION GARCIA BALAURO

The Clerk called the bill (H.R. 2703) for the relief of Mrs. Concepcion Garcia Balauro.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## ALBINA LUCIO Z. MANLUCU

The Clerk called the bill (S. 559) for the relief of Albina Lucio Z. Manlucu.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

## RABBI SAMUEL ROSENBLATT

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. LONG of Maryland. Mr. Speaker, we have just listened with reverence to the prayer by Rabbi Samuel Rosenblatt, spiritual leader of the Beth Tfiloh Congregation in Baltimore since 1927.

Rabbi Rosenblatt graduated magna cum laude from City College of New York, and earned his Ph. D. from Columbia University at the age of 25. He has a long and illustrious career of service as a religious and civic leader, and is highly respected in both religious and lay circles in Maryland and in the Nation. He has written 10 books, and is associate professor of oriental languages at the Johns Hopkins University. In fact, I recall my service with him on the Johns Hopkins faculty in the years before I was elected to Congress. Dr. Rosenblatt is honorary president of the Baltimore Board of Rabbis and board member of the Associated Jewish Charities of Baltimore.

Mr. Speaker, I am privileged to welcome Rabbi Rosenblatt to the House of Representatives. He has honored us with his presence and inspired us with his words.

I include the following biographical material:

### Biographical Sketch

Dr. Samuel Rosenblatt, the oldest son of the world renowned Cantor Josef Rosenblatt and Taube Kaufman, came to the United States from Hamburg, Germany at the age of ten. When he was 19 years old he obtained his A.B. from the College of the City of New York, magna cum laude, heading the Phi Beta Kappa list for the year and carrying off prizes for distinction in English, French, Latin, German, Spanish, mathematics and oratory. At 23 the Jewish Theological Seminary of America conferred upon him the title of rabbi "with distinction". The award of the Hazard Fellowship of the American Schools of Oriental Research enabled him to spend a year of further study at the American School of Archeology in Jerusalem and attend classes simultaneously at the Hebrew University and the rabbinical school of Chief Rabbi A. I. Kook, who together with two associates bestowed upon him the traditional ordination (Semicha).

Upon returning to the United States he was appointed lecturer in Semitic Languages at Columbia University, where he secured his Ph. D. on May 5, 1927, the date of his 25th birthday. In the fall of that same year, after having served for twelve months as rabbi of the Adath Israel Congregation of Trenton, New Jersey, he accepted the call of the Beth Tfiloh Congregation of Baltimore, Maryland to become its spiritual leader, a position he holds today. He joined the faculty of the Oriental Seminary of the Johns Hopkins University in February, 1928 and since 1947 he has been serving as Associate Professor of Oriental Languages.

Dr. Rosenblatt is the author of the following books:

*The High Ways to Perfection of Abraham Maimonides* (N.Y. 1927)

*The Interpretation of the Bible in the Mishnah* (Balt. 1935)

*The High Ways to Perfection of Abraham Maimonides II* (Balt. 1938)

*Our Heritage* (New York 1940)

*This Is the Land* (New York 1940)

*The People of the Book* (New York 1943)

*The Book of Beliefs and Opinions of Saadia Gaon* (New Haven 1948)

*The History of the Mizrachi Movement* (New York 1951)

*Yossele Rosenblatt* (New York 1954)

*Hear, Oh Israel* (New York 1958)

In 1961 he made a recording of a complete Passover Seder service entitled "This Night Is Different" featuring four generations of Rosenblatts, including his illustrious father.

Dr. Rosenblatt has travelled and lectured in the United States, Canada, Latin America, North Africa, Europe and Israel. There is hardly a phase of Jewish or communal life in which he has not been active. A champion of Orthodox Judaism, he has stood for understanding and cooperation with all religious denominations as well as the furtherance of the cause of democracy. He is at present honorary president of the Baltimore Board of Rabbis and a member of the board of the Associated Jewish Charities of Baltimore. He served for two years as president of the Baltimore Branch of the American Jewish Congress and for seven years as president of the Mizrachi Organization of Baltimore.

On October 3, 1926 he married Miss Claire Woloch, and is the father of three sons, David, Judah and Josef.

## TRIBUTE TO THE HONORABLE HOWARD W. SMITH, OF VIRGINIA

(Mr. COLMER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include a resolution.)

Mr. COLMER. Mr. Speaker, on tomorrow a very distinguished former Member of this House and chairman of the House Rules Committee will observe his 89th birthday in his beloved State of Virginia.

The House Rules Committee has seen fit—and appropriately so—to pass a resolution in the committee commemorating this happy occasion, the birthday of this distinguished American and distinguished Virginian, Howard W. Smith.

Mr. Speaker, I include with my remarks the resolution unanimously adopted by the Committee on Rules.

### Resolution of the Committee on Rules of the House of Representatives on the 89th Birthday of the Honorable Howard W. Smith, Former Representative From the Eighth District of Virginia

Whereas, Howard W. Smith served with allegiance to the principles of democracy for thirty-six years as a Member of the House of Representatives; and

Whereas, he served with dedication and untiring concern for the Commonwealth of Virginia and the United States; and

Whereas, he served with distinction on the Committee on Rules for thirty-four years and as its Chairman for twelve years; and

Whereas, he served in the United States Congress longer than any other Virginian; and

Whereas, he is a warm, cordial, helpful man; a man of indefatigable labors; a man of varied interests and eminent accomplishments; and

Whereas, he is one of the most dedicated, respected, and beloved Members ever to serve in the Halls of Congress; and

Whereas, he has been sorely missed by us in his retirement; and

Whereas, it is the Nation's good fortune that he has been with us and in good health for so long; and

Whereas, February 2, 1972, will mark the eighty-ninth anniversary of the birth of Howard W. Smith: Therefore, be it

*Resolved*, That we, the Members of the Committee on Rules, extend to Judge Smith our heartiest congratulations and best wishes on the occasion of his eighty-ninth birthday and congratulate him on achieving this landmark in life; and, be it further

*Resolved*, That this resolution be entered in the journal of the Committee, an engrossed copy be sent to Howard W. Smith, and that arrangements be made to include a copy in the proceedings of the House of Representatives on February 1, 1972.

Unanimously adopted by the Committee on Rules this 27th day of January, 1972.

## AMENDMENT TO TITLE II OF THE SOCIAL SECURITY ACT

(Mr. ROUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROUSH. Mr. Speaker, today I am introducing a bill to amend title II of the Social Security Act to provide for voluntary agreements between ministers and their churches to treat ministers as employed persons thereof.

Prior to taking this step I contacted over 300 clergymen in the congressional district I represent, the Fourth District of Indiana. Many of them responded fully to my request for their advice and counsel on this legislation and a great variety of denominations were represented.

Some of the clergy who responded offered specific suggestions about the form the bill should take. Others recommended problems to be avoided in drafting the legislation. Some few opposed the proposal altogether; the vast majority welcomed the idea. I have given careful attention to all the suggestions.

Of major importance in the proposal I introduce today is the fact that the change in classification from self-employed to employed for social security purposes will only come about through voluntary decision on the part of both the church and the clergyman.

I do not believe that this change would bring undue expense to the churches and I do believe that ministers deserve this consideration. I am convinced that most congregations would be willing to make provision for this additional expense and it would be their choice whether to do so or not.

Certainly the ministry is one of the most highly respected professions in this Nation and has been since the colonists first landed on this shore in search of a place to practice their religion freely. But the clergy, like everyone else, have to meet certain expenses of day-to-day living; they have families and the resultant expenses; they have to be provided for when they retire. While in no way can they be fully compensated for the kind of work they do and the dedication and sacrifice they experience, we should not ignore the material needs of the clergy and their families.

I hope that this legislation I introduce today will in a small way indicate a recognition of these facts.

## DIRECTOR OF VA LOAN GUARANTEE PROGRAM RETIRES

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Mr. Speaker, Mr. John M. Dervan, the director of the Veterans' Administration's guaranteed home loan program retired at the end of January after 6 years of very distinguished service with the Veterans' Administration.

John Dervan headed the Veterans' Administration's home loan program for the past 11 years and is probably more responsible than anyone for the great success and popularity that this outstanding program has enjoyed over the past 25 years. Because of men like John Dervan, hundreds of thousands of veterans and their families now enjoy the benefits of low-cost, no-downpayment mortgages without which most of these families would never have been able to own their own home. John is one of those unsung heroes of the Federal Establishment without whom so much good could never have been accomplished.

I was pleased to note that John has been recently awarded the Veterans' Administration's distinguished career certificate, and certainly he deserves every honor that the Veterans' Administration can bestow on him. I certainly hope that he will keep close to the housing scene in the future in order that his great knowledge and experience will not be lost to the American public.

## PERMISSION FOR SPECIAL SUBCOMMITTEE ON LABOR TO MEET THIS AFTERNOON

Mrs. MINK. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Labor may be given permission to meet at 2 o'clock this afternoon while the House is in session.

The SPEAKER. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

## PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO FILE REPORT ON OFFICE OF ECONOMIC OPPORTUNITY AMENDMENTS, UNTIL MIDNIGHT FRIDAY

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor have until Friday midnight to file a report on the Office of Economic Opportunity amendments and notwithstanding there may be no session on Friday.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

## PROVIDING FOR CONSIDERATION OF S. 748, INTER-AMERICAN DEVELOPMENT BANK ACT AMENDMENTS

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 784 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 784

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 748) to authorize payment and appropriation of the second and third installments of the United States contributions to the Fund for Special Operations of the Inter-American Development Bank. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 784 provides for consideration of S. 748, which, as reported by our Committee on Banking and Currency, would provide for certain amendments to the Inter-American Development Bank Act. The resolution provides an open rule with 1 hour of general debate, with the time being equally divided and controlled by the chairman and the ranking minority member of the committee. After general debate, the bill shall be read for amendment under the 5-minute rule, after which the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall then be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. Speaker, the bill S. 748 is the first of three measures scheduled for consideration today which are designed to meet U.S. commitments in the field of multilateral lending and development agreements. Each of the three measures relates to a different international banking institution, each with a different geographic scope of operations. S. 748 contains a major funding authorization and what might be called two ancillary provisions with respect to our commitments to the Inter-American Development Bank, the major instrument in our own hemisphere for development financing. The measure would authorize the U.S. Governor of the Bank to pay to the Fund for Special Operations two annual installments of $450 million for each of the next 2 years. Loans from the Fund for Special Operations, one of two separate and distinct funds administered by the Bank, are generally made to developing Latin American nations to help finance their programs in such areas of need as agriculture, transportation, communication, housing, sanitation, and education. These loans are made for periods from 15 to 30 years and bear interest at the rate of 3 percent or 4 percent per annum, depending on the nature of the project.

The two ancillary provisions in effect are instructions to U.S. officials who are concerned with the operations of the Inter-American Development Bank. The first of these provisions would authorize the U.S. Governor of the Bank to agree to the proposed Board of Governors resolutions which provide for an expansion of the Bank's membership and for changes in the number of Executive Directors.

Under the second ancillary provision, which was adopted as a committee amendment, the Secretary of the Treasury is directed to instruct the U.S. Executive Director of the Bank to vote against any loan by the Bank to a country that expropriates property owned by, or violates contracts with, U.S. citizens, unless compensation arrangements have been made, the dispute submitted for international arbitration, or good faith negotiations are in progress.

Mr. Speaker, I urge the adoption of House Resolution 784 in order that S. 748 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I simply say that the gentleman from Hawaii (Mr. MATSUNAGA) has explained the rule and the bill in detail, and I concur in his remarks and urge the adoption of the resolution.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF S. 749, ASIAN DEVELOPMENT BANK ACT AMENDMENTS

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 785 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 785

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 749) to authorize United States contributions to the Special Funds of the Asian Development Bank. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 785 provides for consideration of S. 749, which, as reported by our Committee on Banking and Currency, would authorize the Secretary of the Treasury, in his capacity as U.S. Governor of the Asian Development Bank, to enter into an agreement with the Bank providing for a U.S. contribution to the Bank's consolidated special funds of $100 million, payable in unequal annual installments of $60 million and $40 million, commencing in fiscal year 1972. The resolution provides an open rule with 1 hour of general debate, with the time being equally divided and controlled by the chairman and the ranking minority member of the committee. After general debate, the bill shall be read for amendment under the 5-minute rule, after which the committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall then be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. Speaker, S. 749, contains built-in safeguards in connection with the use of the proposed contribution which is to be called the U.S. special resources. These special resources, together with contributions of other developed Bank member nations, will be used to finance high priority development projects and programs in developing member countries, particularly those in the Southeast Asia region. Loans from special funds are for periods as long as 40 years, and at annual interest rates ranging from 1.5 to 3 percent.

The U.S. special resources will be provided to the Bank in the form of nonnegotiable, non-interest-bearing letters of credit on which withdrawals will be made only as funds are required to meet the costs of eligible goods and services, or to defray certain administrative expenses. The U.S. contribution will be tied to purchases of U.S. goods and services, but sufficient flexibility is provided to permit procurement outside the United States if it is compatible with the U.S. balance-of-payments position.

As in S. 748, the House committee has amended the Senate-passed version of the legislation by adding a provision which directs the Secretary of the Treasury to instruct the U.S. Executive Director of the Asian Development Bank to vote against any loan by the Bank to a country that expropriates property owned by, or violates contracts with, U.S. citizens, unless compensation arrangements have been made, the dispute submitted for international arbitration, or good faith negotiations are in progress.

Mr. Speaker, I urge the adoption of House Resolution 785 in order that S. 749 may be considered.

Mr. SMITH of California. Mr. Speaker, I concur in the remarks of the gentleman from Hawaii and urge the adoption of House Resolution 785.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF S. 2010, AMENDING THE INTERNATIONAL DEVELOPMENT ASSOCIATION ACT

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 786 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 786

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2010) to provide for increased participation by the United States in the International Development Association. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment recommended by the Committee on Banking and Currency now printed on page 2, line 6 through page 3, line 10 of the bill, and all points of order against said committee amendment for failure to comply with the provisions of clause 7, Rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 786 provides for consideration of S. 2010, the last of three bills scheduled for today and reported by our Committee on Banking and Currency to provide for the fulfillment of U.S. commitments to multilateral development loans. The resolution provides an open rule with 1 hour of general debate, with the time being equally divided and controlled by the chairman and the ranking minority member of the committee. After general debate, the bill shall be read for amendment under the 5-minute rule, following which the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall then be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. Speaker, S. 2010 would authorize the Secretary of the Treasury, in his capacity as the U.S. Governor of the International Development Association, to agree on behalf of the United States to contribute to the International Development Association three annual installments of $320 million each. The International Development Association provides long-term, low-interest loans to finance high priority development projects and programs of the least developed of its member countries. The total membership now consists of 107 nations, representing a substantial increase from the original 68.

The U.S. share to the International Development Association's third replenishment, as it is called, will elicit $3 of contributions from other nations for every $2 of the U.S. contribution. The participating donor countries include almost every major industrial nation in both the Eastern and Western Hemispheres. Recipients of the loans, the developing countries, called part II members, as distinguished from the wealthier countries which are in the category of part I members, may be found throughout the world. These part II countries urgently need capital, but they cannot depend entirely on private capital or official financing at essentially commercial rates of interest.

As in the case of S. 748 and S. 749, S. 2010 also contains an expropriation amendment that was adopted in committee. The amendment directs the Secretary of the Treasury to instruct the U.S. Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan to a country that expropriates property owned by, or repudiates contracts with, U.S. citizens, unless compensation arrangements have been made, the dispute submitted for international arbitration, or good faith negotiations are in progress.

Mr. Speaker, I urge the adoption of House Resolution 786 in order that S. 2010 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman spoke of two groups. Was that the category he used to grade countries—group 1 and group 2—or what was it?

Mr. MATSUNAGA. I mentioned the categories of countries which are members of the association, group 1 including those that are less in need, and group 2, those who are in dire need of assistance.

Mr. GROSS. I thought the gentleman referred to group 1 as the wealthier or wealthy countries.

Mr. MATSUNAGA. Group 1 includes those member countries which are in less need of assistance, such as the United States.

Mr. GROSS. Does the gentleman say "wealthy countries"? I believe that is what the transcript would show.

Mr. MATSUNAGA. I might say to the gentleman the term "wealthy" was used in a relative sense, as compared to poor countries.

Mr. GROSS. My question is, which country was the gentleman referring to as being wealthy? Was he by any chance referring to the United States as being wealthy?

Mr. MATSUNAGA. The United States is considered as being relatively wealthy, as compared to group 2 countries, and I was including the United States within group 1, yes; the gentleman is correct.

Mr. GROSS. What do you mean by "relatively?" By comparison with Timbuktu, Guam, or some other outlying territory, state, or country?

Mr. MATSUNAGA. The gentleman's perception is keen and accurate, except for his inclusion of Guam, which is a part of the United States.

Mr. GROSS. You say we are relatively wealthy, although the President's budget indicates that we will be very close, at the end of the next fiscal year, to a $500-billion Federal debt, and the President's economic message just released a week ago indicates that this country has a net public and private debt of approximately $2 trillion.

I wonder again what wealthy nation or nations the gentleman is talking about?

Mr. MATSUNAGA. I believe the question has been answered, that relatively, despite the national debt, we are considered a wealthy nation in this world. Insofar as going further into debt is concerned, I would suggest to the gentleman from Iowa that he discuss the matter with President Nixon who is the one who recommended the deficit budget and under whose administration we have gone deeply into debt, as we have never gone into debt in the history of our Nation.

Mr. GROSS. If the gentleman will yield further, then I will be through.

Mr. MATSUNAGA. I gladly yield to the gentleman.

Mr. GROSS. I thought the gentleman from Hawaii was merchandising this rule, and therefore making in order this bill. I had assumed he was supporting the rule and the bill from the way he talked.

Mr. MATSUNAGA. The gentleman is correct. I am supporting the rule, and I will support the bill when we resolve ourselves into the Committee of the Whole. I hope the gentleman from Iowa with all his power and wisdom will also come to the support of the bill.

Mr. GROSS. That is a vain hope, I would say to my colleague.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in view of our financial situation—in fact, we will have a bill before us before too long to increase our national debt ceiling by possibly $50 billion—I doubt that I will support this bill or the previous two. However, I believe the Members have a right to consider this measure, and accordingly urge the adoption of the rule.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 335, nays 30, not voting 66, as follows:

[Roll No. 13]

**YEAS—335**

Abbitt
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews
Annunzio
Archer
Arends
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Carey, N.Y.
Carney
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Cotter
Coughlin
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Devine
Dickinson
Diggs
Dingell
Donohue
Dow
Downing
Drinan
Dulski
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Landrum
Leggett
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCulloch
McDade
McDonald, Mich.
McFall
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Montgomery
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Poff
Price, Ill.
Pucinski
Quie
Railsback
Randall
Rangel
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Spence
Springer
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion
Zwach

**NAYS—30**

Abernethy
Ashbrook
Bennett
Brinkley
Camp
Crane
Dent
Dorn
Dowdy
Duncan
Gaydos
Gross
Hagan
Haley
Hall
Hutchinson
Ichord
Landgrebe
Latta
Miller, Ohio
Mizell
Price, Tex.
Quillen
Rarick
Rogers
Rousselot
Runnels
Schmitz
Snyder
Thompson, Ga.

**NOT VOTING—66**

Alexander
Ashley
Baring
Bell
Blackburn
Boggs
Byrnes, Wis.
Caffery
Carter
Celler
Clawson, Del
Clay
Conte
Conyers
Corman
Culver
Derwinski
Dwyer
Edwards, La.
Esch
Evins, Tenn.
Foley
Galifianakis
Gude
Hansen, Idaho
Hansen, Wash.
Hawkins
Hébert
Hogan
Horton
Jacobs
Kazen
Kyros
Lennon
McCloskey
McClure
McCollister
McCormack
McEwen
McKay
Mills, Ark.
Moorhead
O'Hara
O'Konski
Passman
Pirnie
Powell
Preyer, N.C.
Pryor, Ark.
Purcell
Rees
Sarbanes
Seiberling
Sikes
Smith, Iowa
Staggers
Steele
Steiger, Wis.
Stokes
Stratton
Thompson, N.J.
Thone
Tiernan
Waggonner
Wolff
Young, Tex.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Del Clawson.
Mr. Waggonner with Mr. McEwen.
Mr. Kyros with Mr. Pirnie.
Mr. Boggs with Mr. Horton.
Mr. Alexander with Mr. Hansen of Idaho.
Mr. Celler with Mr. Stokes.
Mr. Culver with Mr. Esch.
Mr. Evins of Tennessee with Mr. Passman.
Mr. O'Hara with Mr. Conte.
Mr. Preyer of North Carolina with Mr. Carter.
Mr. Foley with Mr. Clay.
Mr. Purcell with Mr. Bell.
Mr. Moorhead with Mr. Steele.
Mr. Thompson of New Jersey with Mr. Gude.
Mr. Stratton with Mrs. Dwyer.
Mr. Sikes with Mr. Blackburn.
Mr. Staggers with Mr. Byrnes of Wisconsin.
Mr. Ashley with Mr. McCollister.
Mr. Lennon with Mr. Derwinski.
Mr. Hawkins with Mr. Baring.
Mr. Smith of Iowa with Mr. McClure.
Mr. Tiernan with Mr. Hogan.
Mr. Wolff with Mr. McCloskey.
Mr. Corman with Mr. Conyers.
Mr. Young of Texas with Mr. O'Konski.
Mr. Caffery with Mr. Powell.
Mrs. Hansen of Washington with Mr. Steiger of Wisconsin.
Mr. Pryor of Arkansas with Mr. Thone.
Mr. Rees with Mr. Galifianakis.
Mr. Jacobs with Mr. Kazen.

Mr. Mills of Arkansas with Mr. McKay.
Mr. McCormack with Mr. Seiberling.

Mr. SCOTT changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

## INTER-AMERICAN BANK ACT AMENDMENTS

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 748) to authorize payment and appropriation of the second and third instalments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 748, with Mr. NEDZI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Banking and Currency Committee has favorably reported out a bill authorizing a U.S. contribution of $900 million to the Fund for Special Operations of the Inter-American Development Bank. I fully support this bill and urge that it be given prompt House approval.

My distinguished colleagues will recall that Public Law 91-599, December 30, 1970, authorized only $100 million, a fraction of the $1,000 million FSO authorization request put forward by the administration. The House gave its approval in 1970 to that full request. The present bill now asks for the balance of $900 million. It is not, therefore, a new request. To the contrary, it represents an integral part of an overall replenishment agreement, which has already been approved by virtually every other member of the Bank. The replenishment agreement, which was negotiated in 1970, also provided for an increase in the ordinary capital of the Bank, and those funds have been authorized.

What remains is the full authorization of the U.S. contribution to the Fund for Special Operations. The amount of this contribution has been based on the resource needs of the Latin American countries and on the proven capability of the Bank to expand its lending for appropriate projects. Currently, FSO projects totaling more than $300 million are being considered by Bank management. Other projects, also totaling more than $300 million, are under preliminary review. As of December 31, 1971, the Fund for Special Operations had about $160 million available for commitment. This will run out by June 1972.

Assuming all of the $100 million we have already authorized is appropriated, the resulting $260 million in resources would still fall considerably short of both Latin American needs and the demonstrated capacity of the Bank to produce effective assistance. For example, in 1970 $443 million was committed and in 1971 $400 million was committed. I do not believe these lending levels can be reduced without seriously affecting the economic growth of Latin America. Useful projects are already in the FSO pipeline and the Bank must have the means to carry them out. This will not be possible unless we approve the bill now before us.

The $900 million herein requested would be appropriated over a 2-year period. It is expected that an appropriation request for $450 million will be submitted for fiscal year 1973 and the remaining $450 million will be requested during fiscal year 1974. I want to emphasize that these funds will not add to the liquid balances of the Inter-American Development Bank. They will be made available in the form of non-interest-bearing letters of credit which will not be drawn down until actually needed by the Bank to cover its disbursements. As a result, their budgetary impact will be spread out over a much longer period. In fact, there will probably be no budgetary impact as a result of this legislation in fiscal year 1972 and the impact is projected to be only $10 million for fiscal year 1973.

In conclusion, Mr. Chairman, I again urge rapid and favorable action on this bill. The funds are needed by the Bank to make commitments and this can only be accomplished by our approval here today. Already 20 of the 23 members have completed legislative actions. The House approved this request in 1970; today I ask that that decision be reaffirmed.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I thank the distinguished chairman. The purpose of this legislation is to allow the Inter-American Development Bank to continue its operations and expand them. This bank is the most important source of development capital in the hemisphere; its importance is beyond question and its achievements warrant our full confidence and support.

At the outset, I want to say that in this matter we ought to lay partisanship aside. The Inter-American Development Bank had its beginnings under the Eisenhower administration. It made its first loan at about the same time John F. Kennedy became President. It grew to full stature during the Johnson Presidency. Now President Nixon has reaffirmed his belief in this institution and committed the United States to its continued support. This institution has known its beginnings and had its growth under four Presidents—two Democrats and two Republicans. All have endorsed its concept, all have supported it, and all have found it worthy of their confidence.

Eleven years, almost to the day, have passed since the Inter-American Development Bank made its first loan commitment. In that time it has made more than 666 loans totaling $4.5 billion. Slightly fewer than half those loans—307—have been made from the soft-loan window, the Fund for Special Operations, and these soft loans have a total value of $2.3 billion. During the past year the Inter-American Development Bank made some 46 commitments totaling $475 million, of which 30 were from the Fund for Special Operations, totaling $333 million.

The bill before us today would authorize the United States to pay in $900 million that remains of a $1 billion pledge to replenish and expand the resources of the Inter-American Development Bank soft-loan facility. This would be two-thirds of the total replenishment—the Latin American countries themselves are providing $500 million. I want to point out that the Latin American countries have substantially increased their share of the burden. Whereas in the original replenishment the United States has contributed at rates of 11 to 1, then 8 to 1 in the present proposal, the developing countries themselves would provide one dollar for each two we contribute.

I want to point out that the House has previously approved this legislation. The question before us today is therefore not a new one. Nothing in the interim has happened that would impeach our judgment, and indeed much has happened to confirm it.

As matters now stand, the Congress has approved $100 million of our $1 billion pledge. The other body insisted on closer study, and now has gone ahead and approved this remaining $900 million authorization. In other words, both the House and Senate have previously approved this full $1 billion contribution. Our action today would merely reaffirm the earlier judgment of the House and complete the final action on this matter.

This is a loan program—first, last, and foremost. The loans from this fund are repayable in 15 to 20 years, and they carry an interest rate of 3 to 4 percent, including service charges. These are by no means the easiest terms in the world.

Among other things, if this U.S. commitment is made, the Inter-American Development Bank has agreed that loans from the Fund will be repayable in dollars rather than local currency. Moreover, the Bank is committed to give priority for these loans to the lesser developed countries, thereby assuring that those who most need these soft loans will have first call on them. The proof of this is in the pledge of the larger Latin countries themselves, who have agreed to let the Fund apply a substantial part of their resources to projects outside their own borders; these countries are not merely "buying in" to the Fund in order to enhance their own prospects, but are contributing, at considerable self-sacrifice, to the good of the whole hemisphere. We could ask no greater evidence than this of the maturity of the Bank, or of the importance it has for every country in the hemisphere.

The interest of Canada in joining the Inter-American Development Bank is further proof of the importance and vitality of the organization. This bill would, in addition to providing the $900 million authorization requested for the Bank's soft-loan window, allow the United States to support the entry of Canada into the Bank.

This legislation is necessary because the Bank charter restricts membership to those countries that are in the Organization of American States. Canada is not a member, but obviously shares the interest of the United States in the progress of our hemisphere. The entry of Canada would not change the relative voting strength of the members of the Inter-American Development Bank in any material way, but it would bring into the Bank a country that is fully industrialized and which can provide considerable impetus to the Bank and its programs. The interest of Canada in the Inter-American Development Bank is eloquent testimony of the progress the Bank has made, and of its promise for the future.

I believe that I should also point out to the House that this bill provides a definite U.S. policy in the matter of expropriation.

I am the author of the expropriation amendment. No one, myself included, would say that a country has no right to undertake expropriation. There may be cases where expropriation is in the interest of the country concerned, and there may be compelling reasons for such action. But at the same time, I believe, and the majority—the overwhelming majority—of my colleagues on the committee agree with me, that expropriation should involve fair compensation. Any government that assumes the control or ownership of individual or corporate property owes that individual or firm a fair compensation for it. We expect no less of our own government, and should expect no less of others.

Briefly, my amendment provides that when there has been an expropriation, the Secretary of the Treasury shall instruct the U.S. executive director of the Inter-American Development Bank to oppose any loan or other assistance from the Bank to the expropriating country, unless prompt, adequate and effective compensation has been paid, or unless the matter has been submitted to impartial arbitration under the provisions of the International Convention for Settlement of Investment Disputes, or there are in progress good-faith negotiations leading to a fair settlement.

In the case of the fund for special operations, a two-thirds majority is needed before a commitment can be made. The U.S. voting strength is 44.05 percent of the total, so that if the United States opposes, or merely abstains, from supporting a soft-loan project of the Inter-American Development Bank, no favorable action is possible. Should my amendment become law, the clear policy of the United States would be spelled out, and so would the policy of the Bank itself, inasmuch as the United States maintains presently a voting strength amounting to full veto power in soft-loan projects.

My amendment would leave it within the power of the administration to determine when an expropriation has taken place, and spells out the conditions under which the Secretary of the Treasury could waive the penalty provisions. But at the same time it makes plain the intention of Congress that expropriation, while the right of any country, requires fair treatment of our citizens, if that country is to receive assistance from other resources.

This amendment is in line with the policy of the President, and supports his position. I believe that the need for the amendment is clear, and urge that it be adopted.

The Inter-American Development Bank has come a long way in just a few years. Today it has a billion dollars in projects, and if we approve this legislation today the Bank can expand its current lending by a very considerable amount. If we fail to approve this legislation the Inter-American Development Bank will shrink and shrivel, and we will have gone back on a clear commitment of our Government.

This legislation is vital to our interests. It maintains the support of our country for the principle of international development. It recognizes the validity of self-help, for it is our partners in the Bank who have sacrificed most to help themselves and each other, under the aegis of the Bank. This bill has the support of the President. It has fully earned his respect and support, and ours as well. I join him in supporting the Inter-American Development Bank's expansion and continuation, and urge my colleagues to do likewise.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Thank you, Mr. Chairman.

At this time I yield myself such time as I may require.

Mr. Chairman, the House will have before it today legislation to authorize U.S. contributions to the Inter-American Development Bank, the Asian Development Bank, and the International Development Association. Passage of this legislation, which has already been passed by the other body, would allow these institutions to carry on the task of promoting economic progress in the developing world. This legislation is in the vital interest of the United States and I urge its adoption by the House.

The legislation authorizing a $900 million U.S. contribution to the Inter-American Development Bank is fully familiar to the Members of this House. It passed the House in 1970 by an overwhelming vote. It was held up by the other body in the closing days of the 91st Congress. However, the Senate passed it last session and it is now again before the House.

In the intervening period, the Banking and Currency Committee has had an opportunity to review the operations of the Inter-American Development Bank under the management of its new President, Antonio Ortiz Mena, the former Finance Minister of Mexico. The committee is well pleased with the work that he has been doing and wishes him well in the management reforms that have already begun. Moreover, the Bank has a new Executive Vice President, Mr. Henry Costanzo, who was formerly U.S. Executive Director of the Bank. Mr. Costanzo is a man of deep knowledge of development finance problems and a man of high integrity. The committee believes that under the management of these men the Bank deserves the continued confidence of the Congress.

We are again late in meeting this contribution to the Inter-American Development Bank. We were supposed to have pledged our share of $1 billion to the Fund for Special Operations, and the Latin countries their share of $500 million, in June 1971. Because the U.S. contribution was not fully authorized by Congress, the date for pledging was postponed to December 30, 1971. However, because this date could not be met, the time for pledging and for payment of the first installment of $100 million has been put off to June of this year. Thus, there has been an effective year's delay in the initiation of a program agreed upon by all member countries of the Bank.

I think it is important that we delay no longer. I think it is important that we act today to authorize our contribution to the Fund for Special Operations of the Inter-American Development Bank.

Second, we are considering today a contribution to the Special Funds of the Asian Development Bank. The House is also fully familiar with this contribution. Like the Inter-American Development Bank bill, this Asian Bank legislation was passed by the House in 1970, the final action being delayed in the other body. Again, as in the case of the IDB bill, the Senate acted late last year and now the Asian Bank contribution is before us.

Again, we are late in making this contribution. In various forms, this proposal has been before the House since 1967. In that time, the Asian Bank has proved itself to be an effective development institution which has the confidence not only of bond markets in the United States and overseas but also of its developing member nations. It has shown that it has the capability for sound and effective planning of development. A special fund which will enable the Bank to finance desperately needed projects which cannot be financed on hard lending terms is urgently needed.

Other countries have already contributed $179 million to this special fund of which Japan has to date contributed $100 million. Thus a form of burden sharing has already developed in this special fund operation.

I strongly recommend that the House now authorize a $100 million contribution to the Special Funds of the Asian Development Bank.

As to the third bill before the House today, the U.S. contribution to the International Development Association is part of a larger replenishment of the resources of that institution by 18 developed countries. The U.S. contribution will be $960 million payable in letters of credit in three equal installments of $320 million each. Our share is 40 percent of the total contributions and other countries will contribute almost $1½ billion, making a total replenishment of $2.4 billion. This is, indeed, the type of burden sharing that eases the job of providing development assistance.

Unfortunately, the United States is far behind in making its contribution. By June of 1970, IDA had committed all of its funds from the second replenishment. It was expected that the third replenishment would become effective by the middle of 1970. Since Congress had not acted to authorize the U.S. contribution, the replenishment could not go into effect, and it was only because of advance contributions totalling $314 million, as well as $110 million from transfers from World Bank earnings, that IDA has been able to remain in business since the middle of last year.

In a few weeks all of IDA's resources will have been fully committed. Unless the third replenishment becomes effective, IDA will have no more resources available.

Thus, we are faced with an urgent situation. By fulfilling U.S. commitments we can act to keep IDA in business and to bring forth almost $1½ billion of development contributions from other countries.

The criticism has been raised that a large part of IDA resources go to India and Pakistan. Although it is true that India and Pakistan were the major recipients of assistance from IDA during the first years of its operations, their percentage share of total loans—called credits—has dropped 15 percent from 1967 to 1971. Your committee has been assured that it is settled IDA policy to provide a substantially lower portion of IDA credits to India and Pakistan with a consequent increase in the volume of funds available to other developing countries. IDA is truly a worldwide institution; 274 loans—credits—in the total amount of $3.34 billion have been made to 58 countries.

I wish to make it clear that these contributions are fully consistent with our fiscal requirements. First, all of the contributions are made in letters of credit which will be drawn upon over a period of years as the funds are actually needed for disbursement. Until then, no funds leave the U.S. Treasury. Moreover, disbursements will be quite limited in fiscal years 1972 and 1973 and are not expected to exceed $100 million for all three programs.

For similar reasons, these contributions are expected to have only a very limited impact on our balance of payments. Provision is made in the case of the Inter-American Development Bank FSO contribution for procurement to be made only in the United States and in other members of the Bank, and the United States has received on a cumulative basis over half of all FSO procurement. The ADB special fund contribution will be initially tied to U.S. goods and services and will be untied only if this is consistent with the U.S. balance-of-payments position. Finally, in the case of IDA, which is based on the principle of worldwide competitive bidding, there is only expected to be $30 million in balance-of-payments cost to the United States in fiscal year 1972–73 as a result of this contribution. An improved U.S. competitive position in the world as a result of recent monetary agreements should help to improve the U.S. share of procurement.

Finally there is the question of lending by these institutions to finance projects in countries that have expropriated U.S.-owned property without compensation. The President has recently announced a new policy in which he declares that it would be the intention of the United States to withhold its support from loans in multilateral institutions in cases where there has been expropriation of significant U.S.-overseas interest without compensation. The committee welcomes this policy but believes that it would be useful to embody this policy in a legislative direction. Thus, the committee has amended the administration bill by requiring a negative vote on loans to countries that expropriate U.S.-owned property without compensation unless the Secretary of the Treasury finds: First, that arrangements have been made for compensation; second, that the dispute has been submitted to arbitration; or third, that good faith negotiations are in progress. We believe this amendment should lay to rest any fears that by voting for funds for multilateral financial institutions we may be voting to finance countries that expropriate U.S.-owned property without compensation.

In conclusion, I have often emphasized before the House the benefits that we receive from multilateral development institutions. The shared contributions, the high expertise and effective use of the funds available to them are a great advantage for the United States. I strongly recommend that the contributions under consideration here today be authorized by the House of Representatives.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Barrett).

Mr. BARRETT. Mr. Chairman, S. 748, the Inter-American Development Bank Act amendments, which we are now considering is of great importance to our country and its relationship to the other nations of the Western Hemisphere. The details and effects of this measure have been fully explained by the very able chairman of the Committee on Banking and Currency, the gentleman from Texas (Mr. Patman).

I would like to point out that this bill will enable the U.S. Governor of the IDB to meet our pledge, made to the Bank in April 1970; that is, to increase the Fund for Special Operations. As the only major industrial nation with membership in the Bank, we agreed to two-thirds of the amount of the increase with the Latin American countries providing one-third.

What is important to note in this regard is that this method of aid to developing nations is through a multinational organization. A mechanism which is more and more being advocated as the preferable mode of assisting other countries.

To safeguard American interests in these nations the committee has added an amendment which directs the U.S. Governor of the Bank to cast a negative vote on any loan to a country that expropriates property or violates contracts with U.S. citizens or corporations half-owned by U.S. citizens unless compensation arrangements have been made or the dispute submitted for international arbitration or good faith negotiations are in progress.

I urge the House to approve this measure as a continued sign of our concern for the countries of Latin America and for our hemisphere prestige.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. Reuss) such time as he may use.

Mr. REUSS. Mr. Chairman, I, too, vigorously support the legislation before us.

Mr. Chairman, I commend the leadership on both sides: the gentleman from Texas (Mr. Patman); and our colleague, the gentleman from Texas (Mr. Gonzalez); and the ranking minority leader, the gentleman from New Jersey (Mr. Widnall); and the gentleman from Pennsylvania (Mr. Johnson), the ranking minority member on the subcommittee, for their responsible leadership in bringing the bill before us.

Mr. Chairman, we consider today three bills to support the lending activities of the Inter-American Development Bank, the International Development Association, and the Asian Development Bank. I support these bills, and the administration's policy for greater U.S. reliance on multilateral development institutions. These institutions should be the cornerstone of our efforts to help the two-thirds of the world population living in developing nations to advance economically. They should also be the cornerstone for such efforts by every nation. I applaud the farsightedness of this approach to foreign aid.

The United States—in a fair proportion with other nations—should increasingly channel its foreign development assistance through these institutions. At the same time, it is right and timely that other nations bear an increasing share of the cost of economic development assistance to the poorer nations.

Nations once recipients of foreign aid are now providing assistance in steadily increasing amounts. This is apropriate and should be encouraged by the Congress. Other nations now promote our concept of sharing together the burden of development aid as well as other kinds of assistance.

The pooling of resources and know-how of the more affluent and the less developed countries of the world is essential to assure that each country does its share in an effective and systematic effort to bring about orderly and enduring world prosperity.

Mr. Chairman, the burden-sharing benefits in both monetary and technical contributions of a multilateral approach to foreign assistance fully justifies the bills we are considering today.

Mr. WIDNALL. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. Johnson).

Mr. JOHNSON of Pennsylvania. Mr. Chairman, in light of recent growing concern on the part of many Members of Congress and the business community in general, I for one am pleased to learn of the President's recent statement outlining the administration's approach to the problem of expropriation or nationalization without adequate compensation of private U.S. investment holdings overseas. The full text of the January 19, 1972, statement is included at the end of my remarks.

Clearly a principal objective of foreign economic assistance programs whether bilateral or multilateral, is to assist developing countries in attracting private investment. A nation's ability to compete for this scarce and vital development ingredient is improved by programs which develop economic infrastructure, increase literacy, and raise health standards. Private investment, both domestic and foreign, is critical to economic development as it brings with it technology, trade opportunities, and capital itself, all of which in turn become major factors in promoting industrial and agricultural development. However, from the investor's point of view, foreign private investment must have a good chance of yielding financial benefits to him over time, or it ceases to be available.

In recent and important instances, the concept of this mutually beneficial relationship has apparently been lost sight of. U.S. enterprises and those of other nations operating abroad under valid contracts, negotiated in good faith and within the established legal codes of certain foreign countries have found their contracts revoked and their assets seized with either inadequate compensation or none at all.

As a result of the President's statement, therefore, I am pleased to see that in the future when a country expropriates a significant U.S. interest without making a reasonable provision for such compensation to U.S. citizens, it will be presumed that the United States will not extend new bilateral economic benefits to the expropriating country, unless and until it is determined that the country is taking reasonable steps to provide adequate compensation; I also welcome the President's statement that the U.S. Government will withhold its support from loans under consideration in multilateral development banks to such countries under these circumstances.

With this clarification clearly enunciated, Mr. Chairman, I urge rapid and favorable action on the bills presently before us. With this new and clear direction given to our representatives in the various international financial institutions, we should now be prepared to give our full and encouraging support to these agencies in their attempts to assist responsible developing nations throughout the world.

The statement referred to follows:

### POLICY STATEMENT: ECONOMIC ASSISTANCE AND INVESTMENT SECURITY IN DEVELOPING NATIONS

We live in an age that rightly attaches very high importance to economic development. The people of the developing societies in particular see in their own economic development the path to fulfillment of a whole range of national and human aspirations. The United States continues to support wholeheartedly, as we have done for decades, the efforts of those societies to grow economically—out of our deep conviction that, as I said in my Inaugural Address, "to go forward at all is to go forward together;" that the well-being of mankind is in the final analysis indivisible; and that a better-fed, better-clothed, healthier, and more literate world will be a more peaceful world as well.

As we enter 1972, therefore, I think it is appropriate to outline my views on some important aspects of overseas development policy. I shall discuss these matters in broader compass and greater detail in messages to be transmitted to the Congress in the coming weeks. Nineteen seventy-one saw great changes in the international monetary and trade fields, especially among the developed nations. A new economic policy was charted for the United States and a promising beginning was made on a broad reform of the international monetary system—starting with a realignment of international exchange rates. Now, in 1972, the problem of how best to assist the development of the world's emerging nations will move more to the forefront of our concern.

Any policy for such assistance is prompted by a mutuality of interest. Through our development assistance programs, financing in the form of taxes paid by ordinary Americans at all income levels is made available to help people in other nations realize their aspirations. A variety of other mechanisms also serves to transfer economic resources from the United States to developing nations.

Three aspects of U.S. development assistance programs received concentrated attention during the past year. These were:

Continuing a program of bilateral economic assistance.

Meeting our international undertakings for the funding of multilateral development institutions.

Clarifying the role of private foreign investment in overseas development and dealing with the problem of expropriations.

As to our bilateral economic program, it is my intention to seek a regular and adequate fiscal year 1972 appropriation to replace the present interim financing arrangement which expires February 22. I urge that this be one of the first items addressed and completed by the Congress after it reconvenes. Looking beyond this immediate need, I hope the Congress will give early attention to the proposals which I submitted last year to reform our foreign assistance programs to meet the challenges of the '70s.

In regard to our participation in multilateral institutions, I attach the highest importance to meeting in full the financial pledges we make. In 1970, the U.S. agreed with its hemispheric partners on replenishing the Inter-American Development Bank. Our contributions to this Bank represent our most concrete form of support for regional development in Latin America. While the Congress did approve partial financing for the Bank before the recess, it is urgent that the integrity of this international agreement be preserved through providing the needed payments in full.

These Inter-American Bank contributions—together with our vital contributions to the International Development Association, the World Bank and the Asian Development Bank—are the heart of my announced policy of channeling substantial resources for development through these experienced and technically proficient multilateral institutions. These latter contributions also require prompt legislative action, and I look to the Congress to demonstrate to other nations that the United States will continue its long-standing cooperative approach to international development through multilateral financial mechanisms. . . "

I also wish to make clear the approach of this administration to the role of private investment in developing countries, and in particular to one of the major problems affecting such private investment: upholding accepted principles of international law in the face of expropriations without adequate compensation.

A principal objective of foreign economic assistance programs is to assist developing countries in attracting private investment. A nation's ability to compete for this scarce and vital development ingredient is improved by programs which develop economic infrastructure, increase literacy, and raise health standards. Private investment, as a carrier of technology, of trade opportunities, and of capital itself, in turn becomes a major factor in promoting industrial and agricultural development. Further, a significant flow of private foreign capital stimulates the mobilization and formation of domestic capital within the recipient country.

A sort of symbiosis exists—with government aid efforts not only speeding the flow of, but actually depending for their success upon, private capital both domestic and foreign. And, of course, from the investor's point of view, foreign private investment must either yield financial benefits to him over time, or cease to be available. Mutual benefit is thus the *sine qua non* of successful foreign private investment.

Unfortunately, for all concerned, these virtually axiomatic views on the beneficial role of and necessary conditions for private capital have been challenged in recent and important instances. U.S. enterprises, and those of many other nations, operating abroad under valid contracts negotiated in good faith, and within the established legal codes of certain foreign countries, have found their contracts revoked and their assets seized with inadequate compensation, or with no compensation.

Such actions by other governments are wasteful from a resource standpoint, shortsighted considering their adverse effects on the flow of private investment funds from all sources, and unfair to the legitimate interests of foreign private investors.

The wisdom of any expropriation is questionable, even when adequate compensation is paid. The resources diverted to compensate investments that are already producing employment and taxes often could be used more productively to finance new investment in the domestic economy, particularly in areas of high social priority to which foreign capital does not always flow. Consequently, countries that expropriate often postpone the attainment of their own development goals. Still more unfairly, expropriations in one developing country can and do impair the investment climate in other developing countries.

In light of all this, it seems to me imperative to state—to our citizens and to other nations—the policy of this Government in future situations involving expropriatory acts.

1. Under international law, the United States has a right to expect:

That any taking of American private property will be nondiscriminatory;

That it will be for a public purpose; and

That its citizens will receive prompt, adequate, and effective compensation from the expropriating country.

Thus, when a country expropriates a significant U.S. interest without making reasonable provision for such compensation to U.S. citizens, we will presume that the U.S. will not extend new bilateral economic benefits to the expropriating country unless and until it is determined that the country is taking reasonable steps to provide adequate compensation or that there are major factors affecting U.S. interests which require continuance of all or part of these benefits.

2. In the face of the expropriatory circumstances just described, we will presume that the United States Government will withhold its support from loans under consideration in multilateral development banks.

3. Humanitarian assistance will, of course,

continue to receive special consideration under such circumstances.

4. In order to carry out this policy effectively, I have directed that each potential expropriation case be followed closely. A special inter-agency group will be established under the Council on International Economic Policy to review such cases and to recommend courses of action for the U.S. Government.

5. The Departments of State, Treasury, and Commerce are increasing their interchange of views with the business community on problems relating to private U.S. investment abroad in order to improve government and business awareness of each other's concerns, actions, and plans. The Department of State has set up a special office to follow expropriation cases in support of the Council on International Economic Policy.

6. Since these issues are of concern to a broad portion of the international community, the U.S. Government will consult with governments of developed and developing countries on expropriation matters, to work out effective measures for dealing with these problems on a multilateral basis.

7. Along with other governments, we shall cooperate with the international financial institutions—in particular the World Bank Group, the Inter-American Development Bank, and the Asian Development Bank—to achieve a mutually beneficial investment atmosphere. The international financial institutions have often assisted in the settlement of investment disputes, and we expect they will continue to do so.

8. One way to make reasonable provision for just compensation in an expropriation dispute is to refer the dispute to international adjudication or arbitration. Firm agreement in advance on dispute settlement procedures is a desirable means of anticipating possible disagreements between host governments and foreign investors. Accordingly, I support the existing International Center for the Settlement of Investment Disputes within the World Bank Group, as well as the establishment in the very near future of the International Investment Insurance Agency, now under discussion in the World Bank Group. The Overseas Private Investment Corporation will make every effort to incorporate independent dispute settlement procedures in its new insurance and guarantee agreements.

I announce these decisions because I believe there should be no uncertainty regarding U.S. policy. The adoption by the United States Government of this policy is consistent with international law. The policy will be implemented within the framework of existing domestic law until the Congress modifies present statutes, along the lines already proposed by this administration. The U.S. fully respects the sovereign rights of others, but it will not ignore actions prejudicial to the rule of law and legitimate U.S. interest.

Finally, as we look beyond our proper national interests to the larger considerations of the world interest, let us not forget that only within a framework of international law will the developed nations be able to provide increasing support for the aspirations of our less developed neighbors around the world.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, the provisions of S. 748 are familiar to virtually all of my colleagues and, therefore, I will not take their time by explaining in great detail its provisions. Briefly, the bill as passed by the Senate last session and reported favorably last week by the Banking and Currency Committee would authorize two installments of $450 million each for payment of the U.S. share in contributions to the Fund for Special Operations of the Inter-American Development Bank. The bill would also authorize the U.S. Governor of the IDB to agree to amendments of the articles of agreement of the IDB as provided in proposed Board of Governors resolutions which provide for the expansion of the Bank's membership and for changes in the number of Executive Directors. Finally, as reported to the floor by the Banking and Currency Committee, the bill contains a provision which directs a negative U.S. vote on any funds to countries that expropriate U.S. private investment without compensation, unless a compensation arrangement is reached, the dispute is submitted to the arbitration under the rules of the International Commission for the Settlement of Investment Disputes, or there are good faith negotiations in progress aimed at providing prompt, adequate, and effective compensation.

Mr. Chairman, much has already been said on the floor of this Chamber regarding the virtues and the shortcomings of the multilateral approach to foreign aid. However, I doubt that few, if any, other cases can be raised in the multilateral context where the need is so compelling and our responsibility is so clear as it is in the case of Latin America.

It should be emphasized that we are considering now increases in U.S. contributions only to the Fund for Special Operations, or the soft-loan window, of the Bank. The concessional loans provided by the FSA, and which are made on a long-term basis, are of particular importance to our Latin American neighbors since they do not exert excessive debt-service and balance-of-payments pressures on the debtor country. Furthermore, on the basis of revised Bank lending criteria, the poorer Latin American countries will have a first priority claim on the soft loan resources which will become available as a result of this replenishment, and the stronger borrower countries will hereafter rely on ordinary capital or hard loan financing. It is enough to note that FSO funds have traditionally been used to finance basic investments in agriculture, transportation and communication, as well as sanitation, housing, and education, to realize how indispensable these credit lines are for Latin America.

Whereas FSO resources, which represent the largest single source for Latin American development financing on concessional terms, have been provided to date in large part by the United States, the trend toward self-help within the Bank is an encouraging one. In 1964 the United States was putting in $8 for every $1 contributed by the Latin American countries for concessionary lending purposes. Under the current $3 billion replenishment proposal, however, the Latin American countries together are putting up 50 percent as much for concessionary lending as is the United States, making the ratio 2 to 1 instead of 8 to 1. Greater participation by our Latin neighbors and reduction of our commitment has been this Nation's goal—the ratio of contributions refunded by this legislation shows we are accomplishing that objective. In addition dollar loans from FSO resources in the future are to be repayable in dollars instead of local currencies. It should be understood, in this connection that the United States holds over 40 percent of the voting power relating to approval of each and every project from the FSO. Since these projects require a two-thirds vote of approval before they can go forward, the United States retains a veto power over the operations of the Fund for Special Operations.

Mr. Chairman, the authorizations sought in S. 748 were actually first approved by the House in September 1970 when it passed H.R. 18306, which, if it had also been passed by the other body in the same form, would have authorized the U.S. Governor of the IDB to pay to the FSO $1 billion in three annual installments of $100 million, $450 million, and $450 million, respectively, as provided by the replenishment resolution. The companion legislation passed by the Senate, however, made payment of the second and third installments subject to further congressional authorization, and the House conferees subsequently receded to the Senate version in conference with the explanation that the delay in authorizing payment of the second and third replenishment installments would afford the House and the Senate an opportunity to review fully IDB operations after a year's experience with the current replenishment. Both the Bank's experience and Congress' review are history and a part of the record now. The Senate passed S. 748 in October of last year following hearings conducted by the Senate Foreign Relations Committee. The Subcommittee on International Finance of the House Banking and Currency Committee held hearings on this bill in October of 1971, and has reported it favorably with the statement that it was fully satisfied that authorization for payment of the second and third installments to the FSO is totally justified and that serious damage might result from further delay.

Even though the replenishment funds are needed by the IDB for commitment now, the balance of payments impact of the U.S. contribution to the FSO can be expected to be substantially delayed. It is projected that none of the funds authorized by this bill will be disbursed in fiscal 1972 and that only $40 million will be expended in fiscal 1973. Furthermore, the net impact on the balance of payments will be considerably less than our total contribution, since a major portion of the loans will be expended in U.S. procurement. Under Bank rules, resources from the FSO may be used only for external procurement in the United States and in other member countries of the Bank. The United States to date has accounted for in excess of 55 percent of all FSO procurement.

The amendment to S. 748 which has been added by the Banking and Currency Committee reflects the belief of many of us that Congress should make it abundantly clear what the U.S. position is with respect to illegal and confiscatory expropriations. Accordingly, the bill directs the U.S. Executive Director in the IDB to vote against any loan or other utilization of Bank funds for the benefit of any country which has expropriated U.S.-owned property without prompt and adequate compensation. This amendment is, of course, entirely compatible with the President's January 19 expropriation policy statement.

Mr. Chairman, I cannot impress upon my colleagues too strongly how essential the proposed FSO replenishment is to the maintenance of an effective and sensible U.S. multilateral lending and development policy. The overall question of our relationships with our Latin American neighbors is at stake, and I urge the House to support this legislation.

At this time of uncertainty concerning the political and economic alinement of nations when traditional associations and antagonisms are being reexamined and reformed, it would be grossly unwise for us to leave any doubt about our willingness to cooperate with our Latin neighbors.

Mr. PATMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. Dow).

Mr. DOW. Mr. Chairman, I merely wish to say that at the time the Committee, operating under the 5-minute rule, offers the amendment in relation to the expropriation provision, I will oppose it because I think it is arrogant of the United States to impose an amendment of that kind on countries that are pretty much impoverished. They are in difficulty. At the proper time I will explain my position.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HANNA).

Mr. HANNA. I thank the chairman.

Mr. Chairman, I take this time to say that I support the bill, but more specifically I wish to speak on the subject just brought up by the gentleman from New York in relation to the expropriation provisions.

The expropriation provisions in our legislation are never inserted by choice. They come about in the natural sense of reaction and the desire on the part of our colleagues to fulfill the obligations owed to our citizens doing business abroad. Anyone who will take the time to plod through the foreign aid legislation, beginning with the Marshall plan, cannot help but notice the emphasis put on private investment overseas. This was encouraged and facilitated, sometimes despite opposition from the executive branch by the gentlemen who sit in this House.

Therefore, we in Congress have a special responsibility to the private sector of our economy operating overseas on that basis alone.

However, there is a far greater reason for congressional responsibility in this whole area, and that is the tremendous contribution that has been made by American private enterprise throughout the world. Too often this record is obscured by a few isolated cases of admittedly very poor performance. But on the whole, the record of the private sector has been very good. I have no hesitation whatsoever in saying that the private participation has been in our national interest and, on the whole, the mutual best interests of the recipient countries.

If this were not so, there would not have been so many inviting foreign investments.

Nevertheless, there are occasions when a country will expropriate for valid rational reasons and then proceed to a fair and equitable settlement within a reasonable time. There are some instances when a country will confiscate, an entirely different matter, and perhaps by some characterized as a reprehensible matter. In other cases, under the guise of expropriation and a pretended desire to settle, a country will offer ridiculous settlement terms or make exaggerated and untrue allegations so as to discredit the other side and thereby secure a one-sided settlement or no settlement at all. The devices are too numerous to mention here.

When we contemplate the magnitude of many of the projects performed by American companies and enterprises overseas, it is not surprising that the paperwork should be staggering. We lawyers know how even a simple contract can be the subject of honest difference of interpretation. How then can we expect large international projects always to be free of controversy?

It is therefore to the great credit of men of good will on both sides, who can get together and through the input of patience, perseverance, and understanding, bring about a settlement. This, for example, has been true in Peru, where one by one outstanding matters are being settled, the most recent being the Grace Lines' claim. According to my information this is a matter which Congress wrestled with during its consideration of the sugar bill. If Members will recall, there was an amendment attached to that bill. Now they have reached settlement on this matter, and it shows this can be done when approached in a constructive manner. There remains a few matters still to reach final settlement, it is admitted, and I am thinking in terms of the joint venture "Conselva" made up of four American construction companies and three Peruvian companies. That is on road construction, and it is being moved with a great deal of patience and perseverance. There is controversy involved, but I think if they move it on the basis we have described here, there can be a settlement.

We must criticize where this is warranted, and we should commend where it is merited. To all those involved in the Peruvian settlement negotiations, we can only offer our commendation and sincere hope for an early settlement fair to both sides. We hope that these will be the patterns more often than not.

Finally, I want to emphasize that this whole matter of expropriation, in all its variations, is a very serious subject which the Congress will deal with on every occasion in a very practical, fair and just way. Also, it will be a vital factor in what the United States will do in international financial forums and institutions. The language of the conferees in the conference report on the Sugar Act enacted last year serves as advance notice to sugar quota-seeking countries that this whole matter will be a factor when the act comes up again 2 years from now. We are serving this notice now.

Mr. WIDNALL. Mr. Chairman, I yield to the gentleman from Michigan (Mr. HARVEY) such time as he may consume.

Mr. HARVEY. Mr. Chairman, I rise in support of this bill (S. 748) as well as the other two bills. It has been 12 years since the concept of multilateral lending institutions first gained widespread acceptance in Congress. During this time span, they have become an integral and essential part of our country's foreign assistance program. We have made a strong and, I believe, very necessary financial commitment to their success, and today the House has the opportunity to continue its support of these organizations by approving additional contributions to the International Development Association, the Inter-American Development Bank, and the Asian Development Bank. I strongly urge my colleagues to approve these three pieces of legislation without delay. At a time when our own foreign policy commitments are undergoing serious review in the Congress, multilateral lending institutions become more important than ever, for they can provide the most effective vehicle for international cooperation and economic progress in the developing nations.

The decade of the 1960's saw the creation of several of these multilateral lending institutions. Their achievements, even in this short time, have been widespread and enormous. To the developing nations whose economic health is directly proportional to the availability of outside resources, multilateral lending institutions supply the much-needed capital and expertise that will result in economic development and an increased standard of living for all their people. Countless millions throughout the world have benefited directly from the agricultural projects, the transportation systems, and the electric power generators that have been created by funds from these organizations. The International Development Association, for one, has extended 274 credits totaling $3.3 billion to 58 countries in its 11 years of service. The relatively newborn Asian Development Bank, only in operation for 5 years, has provided 15 countries with $412 million for 53 technical assistance projects, a clear indication of the need and importance of multilateral lending institutions.

Multilateral financial institutions have many advantages over bilateral foreign aid. They permit a more equitable sharing of development assistance costs, and at the same time, they permit economic development without claims that particular donors are unduly influencing or restricting the development opportunities of particular countries. Through multilateral lending organizations, the world community can accumulate knowledge and expertise on development problems thereby permitting flexibility in particular situations for performance standards and repayment terms. In short, these institutions use the collective judgment and experience of numerous nations and experts to guide the development plans of member nations.

These organizations are successful, not only because they provide developing nations with the much-needed capital, but because their base of support is widening. As other nations can afford to contribute more to the fund, the U.S. percentage of the total contributions is declining. For example, the ratio of U.S. contributions for soft-loan operations in the Inter-American Development Bank has declined from 11:1 in 1964 to 2:1 for present contributions. This increase in developmental burdens assumed by other countries is also evident in the International Development Association. The initial U.S. contribution to this organization was 43.1 percent of the total; our share of this third replenishment request, however, has decreased to 39.3 percent. The concept underlying multilateral lending institutions is "sharing the financial burden." The success of these institutions, therefore, can be measured by broadened participation; the best evidence of this success is the declining percentage of American contributions to the total multilateral lending institution fund.

During the International Finance Subcommittee's hearings on multilateral lending institutions, Under Secretary of the Treasury Charls E. Walker pointed to eight advantages of the multilateral approach. Included in this list were: First, burden of sharing; second, multinational expertise; third, assistance on the basis of development need; fourth, collective judgment on development policies; fifth, flexibility in imposing performance standards; sixth, open economics and fair treatment of foreign investment; seventh, shielding devices; eighth, the encouragement of self-help. Certainly, multilateral lending institutions offer tremendous advantages to the developing countries, while providing the industrialized nations with a very efficient means of channeling their foreign assistance funds. I have long been an advocate of multilateral foreign aid, especially as provided by these multilateral institutions, and I urge this Congress to continue our commitment to these worthy goals by promptly passing the three bills under consideration today.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Chairman, I hope this House will recognize the need of all mature countries to help the developing nations of the world achieve economic growth. For the past quarter century the United States has borne most of the burden of this responsibility. I look upon the support of these bills as an opportunity to bring other nations into taking a greater share of their responsibility in this development project. The multilateral lending institutions and these bills before us today are designed to do just that.

The Treasury Department has provided me with a graph illustrating the effect of this increased burden sharing, and at the proper time I will request permission in the House to insert this graph into the Record.

It illustrates the leverage or "multiplier effect" of U.S. financial assistance through the multilateral development finance institutions over the past decade, and projected out through 1973.

Because other nations share the burden along with us, the international financial institutions in 1965, for example, were able to make about $1.6 billion in new loan commitments, more than three times the $500 million in support appropriated by Congress for that year. In that year only $312 million was the actual cash commitment of U.S. "taxpayers' money." The rest was in callable guarantee capital, none of which has been called, and we hope it will never be called.

In 1970 the "multiplier" increased to 4.6 times our $686 million input when the IFT's made over $3 billion in loan commitments. And the U.S. taxpayers' cost was much less, $480 million.

Mr. Chairman, the three bills before us today call for $1.96 billion in authorization. I believe, however, we should consider that in fiscal year 1973 only about $110 million will be required under the bills before us. This of course, lessens the impact on the balance-of-payments and balance-of-trade problems. And at the same time, our authorizations provide loans which stimulate expenditures for U.S. goods and services, which also tends to reduce the effect on our balance of payments.

Mr. Chairman, I sincerely feel that these institutions should continue to play a major role in development assistance and we should make this possible by supporting the funding of these activities.

Direct foreign assistance now seems to be out of favor.

I hope that the multinational self-help approach, embodied in the Inter-American and Inter-Asian Development Banks and the International Development Agency will continue to enjoy the support of this body.

Mr. WIDNALL. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. Pelly).

Mr. PELLY. Mr. Chairman, I rise to applaud the committee for indicating its concern for the trend toward increasing expropriation without compensation of American-owned property overseas. I firmly support the provision that the United States votes will be cast against lending to countries which expropriate and fail to take appropriate steps for compensation.

Mr. Chairman, it is my understanding that at the appropriate time, under the 5-minute rule, the gentleman from California (Mr. Anderson) will offer an amendment. I believe that his amendment will provide in addition to the expropriation of property without compensation that likewise our American votes should be cast against any nation which seizes our fishing vessels illegally on the high seas.

I want to indicate I hope that this committee will support that amendment. I believe it deserves the support of this Congress.

Mr. ANDERSON of Illinois. Mr. Chairman, this Chamber has recently agonized much about foreign assistance. A sense of ingratitude has been felt, a sense that foreign nations little appreciate what we have done for them. The idea that aid could "buy us friends" was probably never valid. The desire to turn societies around towards developed status in the space of decades has proved unrequited. Now we have come to a more sober view. We now know that we cannot achieve development for any country; that it has to spring from that country's own human and material resources. This awareness of our own limitations signals a welcome maturity but it should not extend so far as to deny the utility of any foreign assistance.

The President, in his policy statement of Jan. 19, 1972, on economic assistance, stated a rationale for development assistance which I think is valid:

> The well-being of mankind is in the final analysis indivisible; and . . . a better-fed, better-clothed, healthier, and more literate world will be a more peaceful world as well.

We can still hope to make significant contributions to the world's development on a selective basis in those countries where, in the President's phrase, it makes a real difference.

The heyday of bilateral aid in the 1960's—and our subsequent disillusionment—has led to renewed consideration of multilateral lending programs. Multilateral loans for development have long been desired by the developing nations, and, more recently, donor countries have come around to see their benefits. Multilateral assistance presents a number of advantages over bilateral aid: multinational expertise, collective judgment, consistent burden sharing, relative freedom from political coercion, shared responsibility for assistance with the resultant diffused criticism from recipients.

The Inter-American Development Bank represents one of the soundest multilateral vehicles for the promotion of development. The U.S. contribution to the IDB signifies our continuing commitment to a viable lending institution with a proven record of growth and accomplishment in this hemisphere over more than a decade. It means moneys toward projects in vital sectors—agriculture, transportation, housing, education, sanitation—not trivial expenditures for Latin American rulers on ego trips. This is no giveaway; loans are given to priority projects defined by the Latin American countries themselves but subject to serious planning, solid documentation, and critical performance standards.

The bill before us also represents an American commitment we must meet. The authorization replenishes the IDB's Fund for Special Operations, the Bank's so-called soft window which offers loans on concessional terms. An IDB resolution of April 1970, concurred in by the American representative, established a new level of working capital for the Fund of $1.5 billion. In September 1970 this House approved an authorization of $1 billion as the U.S. contribution to the Fund, to be paid in three installments. The substance of this bill confirms that pledge.

The legislation contains safeguards. The balance-of-payments impact will be mitigated by procurement of items by the Latin donees in the United States and by the fact that funds will be disbursed over considerable time. Further, the bill carries a firm statement on expropriation policy, calling for a negative U.S. vote on loans to countries which nationalize American property without compensation. It avoids rigidity, however, by admitting of international arbitration of expropriation disputes and of good faith negotiations toward a compensation agreement.

The President's aforementioned policy statement also specifically addressed the Inter-American Development Bank. He attached the "highest importance" to meeting the full financial promise we have made to the bank. Support for the IDB means far more than simple "aid"; it involves our most earnest pledge to peaceful hemispheric development. I urge House Members to back it.

Mr. LLOYD. Mr. Chairman, I have always been a supporter of multinational aid to developing nations through a bank loan concept and have been hopeful that the needs of the developing countries of the world could be met to a continually greater degree by the cooperative efforts of all of the free industrialized nations, rather than to depend entirely on bilateral effort.

The bill before us today is a better bill than the one which passed the Senate because it has come to grips with the problem of expropriation of American investment without fair compensation.

I am amazed that the proposition would be offered here to relieve a borrowing country from its obligation to pay proper compensation for property expropriated from citizens of this country. The advantage of a bank loan concept is that it is better supervised, with greater chance for collection and it places the borrower in the responsible position of paying back his debts as he acquires the payback ability. For it to be seriously suggested on this floor that a bank should continue to loan money to a loan applicant who is deliberately causing the bank's principal supporter great damage is ridiculous. Through OPIC, money from the Federal Treasury is appropriated to help pay the losses of American private investors abroad. These insurance losses will probably be substantial. Through the expropriation of their properties, the capacity of these American investors to pay taxes into the Federal Treasury is reduced. These are just two of many reasons we are staring into the face of a $25.5 billion deficit in the coming fiscal year. It is therefore right and proper and a position which should be respected by the borrowers from the international banks that loans shall be withheld on the basis of responsible business practices from those countries expropriating investments from this country without either paying or submitting to negotiation, appropriate compensation for the property so taken.

Mr. VAN DEERLIN. Mr. Chairman, I am pleased to add my support to the proposal of our colleague, GLENN ANDERSON, to inhibit loans by the Inter-American Development Bank to countries that interfere with our American fishing men.

Mr. ANDERSON has advised us that last year alone the Bank loaned $30 million to Ecuador. Since the United States provides most of the operating capital for the Bank, it seems cruelly ironic that Ecuador should have been dealt with so generously during a period when she was extracting more than $2 million in illegal fines and other penalties from our fishing fleet.

The Anderson amendment would instruct the U.S. representative at the Bank to vote against any loan to nations which illegally seize American fishing boats.

In my view, this is a sound proposal which merits the enthusiastic support of our colleagues. Adoption of this amendment would also be a logical sequel to the House action of last December in voting to cut off all U.S. aid to Ecuador.

Since the Inter-American Development Bank is largely funded by the United States, the same principle of withholding aid from those who would make our fishermen political pawns should also be applicable to loans proffered by the Bank.

I think most of us here in the House are getting fed up with countries that try to have it both ways: shaking down our citizens on the one hand while taking in generous quantities of U.S. aid with the other.

Let's show these countries we mean business by adopting the Anderson amendment.

Mr. PATMAN. Mr. Chairman, does the gentleman from New Jersey desire to use further time?

Mr. WIDNALL. No.

Mr. PATMAN. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Inter-American Development Bank Act (22 U.S.C. 283 et seq.) is amended by adding at the end thereof the following new sections:

"SEC. 19. (a) The United States Governor of the Bank is authorized to pay to the Fund for Special Operations two annual installments of $450,000,000 each in accordance with and subject to the terms and conditions of the resolution adopted by the Board of Governors on December 31, 1970, concerning an increase in the resources of the Fund for Special Operations and contributions thereto.

"(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of the two annual installments of $450,000,000 each for the United States share of the increase in the resources of the Fund for Special Operations of the Bank.

"SEC. 20. The United States Governor of the Bank is authorized to agree to amendments to the provisions of the articles of agreement as provided in proposed Board of Governors resolution entitled (a) 'Amendment of the Provisions of the Agreement Establishing the Bank With Respect to Membership and to Related Matters' and (b) 'Amendment of the Provisions of the Agreement Establishing the Bank With Respect to the Election of Executive Directors'."

### COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 2, line 18, strike out the quotation mark.

Page 2, insert immediately below line 18 the following:

"SEC. 21. The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationality, expropriating, or otherwise seizing ownership or control of property so owned; unless the Secretary of the Treasury determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time to ask a question or two of the gentleman from Texas (Mr. PATMAN) the chairman of the new foreign give-away committee of the House.

I am surprised to read this report and find no departmental statement of any kind. Can the gentleman enlighten the House as to why there are no departmental or agency reports?

Mr. PATMAN. Will the gentleman yield to me?

Mr. GROSS. I certainly do.

Mr. PATMAN. The Under Secretary of the Treasury, Mr. Walker, came up before the committee and supported the legislation for all the Cabinet members and the President unequivocally.

Mr. GROSS. Well, that is just wonderful, but the fact remains that we who are not members of the committee have no knowledge whatsoever of their official position on this bill.

Mr. PATMAN. The hearings disclose it. They are available to a Member. Any Member can call up the agency.

Mr. GROSS. But the gentleman has been here for several years at least, and he knows very well reports usually contain some statement on the part of the various departments and agencies of this Government with respect to their attitude and position on the legislation.

This report is utterly and completely bereft of any such information.

Mr. PATMAN. Will the gentleman yield now?

Mr. GROSS. And, where are the tables showing the payments on the part of the U.S. taxpayers to the Inter-American Bank over the past 11 years? I believe it has been in operation for about 11 years.

Mr. PATMAN. Will the gentleman yield?

Mr. GROSS. Where is the information that we ought to have if we are to properly consider this legislation?

Mr. PATMAN. We have a volume here of 174 pages which contains the information that the gentleman would like.

Mr. GROSS. You put the tables in one of your reports on another bill but you left them out on this bill. What makes the report on this bill different from the others?

Mr. PATMAN. This is the same bill that passed the House 2 years ago.

Mr. GROSS. So, we are supposed to rely upon information that we can recall from 2 years ago in the consideration of this bill?

Mr. PATMAN. It is in the hearings.

Mr. GROSS. The fact remains that the committee, insofar as some Members of this House are concerned—at least I can speak for myself—did not exactly do its homework in the handling of this legislation.

Mr. PATMAN. Will the gentleman yield now?

Mr. GROSS. No; I do not want to yield any further at this time. Your report shows it is completely lacking information that we ought to have. Now, I would like to spend a little time discussing other matters in connection with this bill.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will have a question for the gentleman from Michigan in a minute, but for the time being I feel these should be asked of the chairman of the committee.

The gentleman from Texas (Mr. GONZALEZ) says that we are considering this bill today with a "sense of urgency."

I am considering this bill with a "sense of urgency" in behalf of the taxpayers of this country.

We are today, all of us in this country, confronted with an admitted $40 billion deficit at the end of this fiscal year on July 1. And, the chairman of the House Appropriations Committee (Mr. MAHON) in a speech to the House the other day said he would put that figure more nearly at $44.7 billion.

We are looking at a self-admitted, built-in deficit in the 1973 budget of $25.5 billion, and I doubt that there is anyone in this Chamber who would stake a plugged nickel on the fact that it will not be far more than $25.5 billion at the end of the 1973 fiscal year.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. GROSS. Yes; a sense of urgency, but somebody had better begin thinking in terms of a sense of urgency as to the financial situation of this country before you give another handout of $900 million, almost $1 billion to the Inter-American Bank. I do not care whether you describe it in English, Latin, or Pig Latin. That is a hell of a lot of money. The budget of this country, the fiscal affairs of this country, dictate to every one of us in this room that this kind of handout has got to stop. There is not a better time or place to stop it than here today.

Now, I would like to ask the gentleman from Michigan, since he seems to want to answer a question, how much have we put into the Inter-American Bank through the 11 years? I have a few figures here. I will read you one.

The ordinary capital account, of which the U.S. share is $1,173 million, or 37.3 percent of the total, could that be right?

Mr. BROWN of Michigan. Yes, that could be right.

Mr. GROSS. And the funds for special operations, and I guess that is what we are dealing with today—the funds for special operations, of which the U.S. share is $1.8 billion, or 77.3 percent of the total; is that about right?

Mr. BROWN of Michigan. Well, the gentleman knows that the ratio of our contribution has been regularly reduced. Is that the overall contribution you are saying?

Mr. GROSS. I am asking you to confirm or correct me, confirm or deny or correct the figure that I have given.

Mr. BROWN of Michigan. Would the gentleman restate the figure? Is that the total contribution for the funds for the special operations throughout the course of this program and is that the overall percentage?

Mr. GROSS. The Library of Congress tells me that the U.S. share is $1.8 billion or 77.3 percent.

Mr. BROWN of Michigan. That would be approximately correct, I would say; yes.

Does the gentleman realize that the fund for special operations started out with the American share or the U.S. share at approximately $8 to every dollar that the Latin Americans contributed? And that gradually through our effort to have the Latin Americans commit a greater proportion of their resources to this activity and for us to reduce our commitment, this ratio has been brought down to 2 to 1. This supports I am sure the very thing that the gentleman is urging and that is that we stop picking up a disproportionate share of the burden for assistance to underdeveloped and less-advantaged nations?

Mr. GROSS. Would it not be awfully nice if you and I could go back to our districts, you go back to Michigan and I go back to Iowa and tell the taxpayers in our districts that we were no longer putting up 1 for 1 or 1 for 3 or 77.3 percent of the money for this fund? Would it not be nice?

Mr. BROWN of Michigan. I agree there would be many who would applaud.

Mr. GROSS. Do you not think they would appreciate that in Michigan?

Mr. BROWN of Michigan. I am certain that is true for many.

Mr. GROSS. Possibly they would not in Texas, but I think they would in Michigan, and I know they would in Iowa.

Mr. BROWN of Michigan. If the gentleman will yield further, I am sure the taxpayers in Iowa and in Michigan would much prefer to have their tax burden reduced across the board, not just in the fund for special operations of the Inter-American Development Bank, but it would include farm subsidies and many other things. I am sure they would like to see their taxes reduced. But I am not sure we have made as much progress in proportionately reducing our commitments in those other areas as we have in these financial areas.

Mr. GROSS. Give me a little help because I am not on this committee, and I do not come easily by this information.

Then there is a social progress trust fund to which the United States contributed 100 percent, for a total contribution of $525 million.

Could that be true; does the gentleman know?

Mr. BROWN of Michigan. Yes; that could be true.

Mr. GROSS. Then could the gentleman help me with where——

Mr. BROWN of Michigan. I would add if the gentleman will yield, that the fund to which he has referred, has been discontinued, and those activities to the extent they are carried out are financed through the special operations fund.

Mr. GROSS. It has now been absorbed.

Mr. BROWN of Michigan. There is no longer that additional fund, it comes under the fund for special operations.

Mr. GROSS. Can the gentleman tell me how much we have put into Latin America through this Inter-American Development Bank and its predecessor, how much we have put in, in 11 years?

Mr. BROWN of Michigan. I do know the 11-year total. I know it is a very substantial sum but I am sure it does not begin to compare with other funds that the gentleman from Iowa or others of his beliefs voted for, such as the Marshall Plan and some of the other international assistance efforts we have made.

Mr. GROSS. That I voted for?

Mr. BROWN of Michigan. I do not know that the gentleman voted for it——

Mr. GROSS. That I voted for? I suggest the gentleman examine my voting record.

Mr. BROWN of Michigan. But I think the gentleman has been a Member of those Congresses which supported our extensive programs of bilateral aid. In my opinion, multilateral aid is so much better than bilateral aid, there is no comparison.

Mr. GROSS. Either way it is a matter of billions of dollars, is it not?

Mr. BROWN of Michigan. This Nation has always been generous.

Mr. GROSS. Where did the $10 million come from that the General Accounting Office says we gave to the Organization of American States because the members would not pay their dues and assessments?

Does the gentleman have any idea where I should address that question? I am sure it was brought up in your hearings.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(Mr. GROSS asked and was given permission to proceed for 2 additional minutes.)

Mr. PATMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. GROSS. Yes, of course.

Mr. PATMAN. That is not under the jurisdiction of our committee.

Mr. GROSS. What is not under the jurisdiction of your committee?

Mr. PATMAN. The OAS is not under the jurisdiction of our committee.

Mr. GROSS. Do you not take this into consideration when you beef up these foreign so-called banks or lending institutions? Do you not inquire into how much money they have gotten from all sources?

Mr. PATMAN. Yes.

Mr. GROSS. So you have some idea whether they are deserving another $900 million or a billion dollars? Do you not go into that?

Mr. PATMAN. Yes, the gentleman is correct, if it is a banking institution, but the OAS is not a banking institution.

Mr. GROSS. All you are interested in is how much you can shovel out to them; is that right?

Mr. PATMAN. No, I did not say that—those are the gentleman's words.

Mr. GROSS. Well, I see here we are spending $10 million to pay dues and assessments for delinquent members of the Organization of American States, according to the General Accounting Office.

I just wonder perhaps if somebody could help me with some other phase of this wonderful, wonderful give-away.

Mr. PATMAN. Will the gentleman yield further?

Mr. GROSS. I yield to the gentleman.

Mr. PATMAN. You know, these hearings have been available for about 5 months and we have had plenty of time to go into it and get all the information we wanted. Five months is an unusually long time and if the gentleman has not done it within 5 months, I do not think we ought to take just a few minutes and try to go through the whole thing here.

Mr. GROSS. I notice that earlier you were trying to shorten up the consideration of this bill.

Mr. PATMAN. No, we will take all the time that is needed. Nobody has objected to the gentleman's extensions of time.

### AMENDMENTS OFFERED BY MR. ANDERSON OF CALIFORNIA TO THE COMMITTEE AMENDMENTS

Mr. ANDERSON of California. Mr. Chairman, I have several amendments which I offer to the committee amendments.

The Clerk read as follows:

Amendments offered by Mr. ANDERSON of California to the committee amendments: Page 3, line 7, strike out "or".

Page 3, line 12, insert "or" after the semicolon.

Page 3, after line 12, insert the following new paragraph:

"(4) seized a vessel of the United States on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States and a fine, license fee, registration fee or any other direct charge has been paid in order to secure the prompt release of the vessel and crew;

Mr. ANDERSON of California. Mr. Chairman, this amendment broadens the circumstances under which the Secretary of the Treasury shall instruct the U.S. Executive Director of the Inter-American Development Bank to vote against any loan of the funds of the Bank.

The committee bill directs the Executive Director to vote against a loan to a country which expropriates U.S. property.

My amendment extends these instructions to include the seizure of U.S. vessels which are fishing on the high seas.

On December 7, 1971—on the Foreign Assistance Appropriations Act for fiscal year 1972 (H.R. 12067)—the House adopted an amendment by Mr. VAN DEERLIN which would prohibit any of the funds in that act to be used to provide assistance to Ecuador. Ecuador, as you know, illegally seized over 50 U.S. tuna vessels in 1971 and, thus far in 1972, has seized six U.S. fishing vessels. The Senate has not yet acted on the appropriation bill.

Last year, the Inter-American Development Bank loaned $30 million to Ecuador. This year, Ecuador has projects pending before the Bank which require loans totaling $20 million.

Mr. Chairman, our policy on expropriation is clear. Hopefully, it will resolve the problem.

But, we must clarify our policy regarding the illegal seizure of U.S. fishing vessels. Because of inaction by the State Department, foreign governments continue to hijack our vessels which are fishing well beyond the recognized 12-mile limit.

Because of the success of Ecuador in collecting over $2 million in fines last year, on January 22, the Foreign Minister of Costa Rica proclaimed his government's intention to claim exclusive fishing rights within 200 miles of Costa Rica.

Mr. Chairman, unless we act to clearly state our policy on fishing rights on the high seas, we will not only continue to subsidize piracy, but we will also be inviting other countries to take advantage of this "back door foreign aid."

The adoption of my amendment would make it clear that our Government will not tolerate piracy any more than we tolerate expropriation.

Mr. DOW. Mr. Chairman, I rise in opposition to the amendments offered by the Committee on Banking and Currency and to the amendments thereto offered by the gentleman from California (Mr. ANDERSON).

My point relates not only to S. 748, for the Inter-American Development Bank, now before this body, but also like amendments in the bill S. 749, for the Asian Development Bank, and the bill S. 2010, for the International Development Association.

Section 21 and its counterparts in the other bills are an attempt to restrain the use of funds for the Inter-American Development Bank and the banks which are being funded in the other two bills.

The new sections would require the U.S. Executive Director of the Bank to vote against any loan or funds for a country giving financial offense to a U.S. corporation.

Mr. Chairman, it is this kind of retaliation, with vindictive overtones about it, which is going to lose us the good will and friendship of the nations in the underdeveloped parts of the world. This is the kind of medicine that will turn them into the camp of the Communist or other radical doctrines.

We can have no doubt that these qualifications to American generosity appear to the people south of the equator and even some this side of it, to be restraints upon their sovereignty. I am sure that these restraints are all the more gall and wormwood to these peoples who are just now emerging from the colonial world and savoring the pride of nationalism for the first time.

Is it not true, Mr. Chairman, that these restraints are really class legislation? They are clearly aimed to help large American corporations to avoid the pinch that is put upon them by the measures for nationalization and expropriation that that some of the underdeveloped nations feel obliged, within the rights of their own sovereignty, to apply.

At the same time, I cannot fail to note that amendments offered on this floor in the past to help the poor people in these faraway nations do not succeed on this floor. I myself have offered amendments aimed at helping the black people in South Africa. This House has also voted down an amendment to restrain the purchase of chrome from Rhodesia or account of the racial policies followed there.

In voting down these efforts to aid the poor people in Africa, the opponents invariably make the point that it is interference in the sovereignty or affairs of South Africa or Rhodesia or whatever other nations are involved. If they are to be consistent then let them oppose these instant amendments of the Banking and Currency Committee, which are certainly subject to the same criticism. They exert leverage against the sovereignty and internal affairs of other nations.

It seems to me, Mr. Chairman, that the play of the marketplace will discourage the lending of funds to these nations that habitually ignore their obligations. They will suffer the consequences of their own failings. In a good many cases, it is quite apparent that the expropriations are carried out with some form of compensation. I submit that the amendments before us are really designed to influence the level of compensation and that total expropriation is the exception rather than the rule.

Members of the House and Mr. Chairman, we are entering into an era of the world when the underdeveloped people are pulling themselves up by their bootstraps. I submit that the amendment before us here is truly a knife to cut the bootstraps, and I urge that it not be adopted.

Mr. HANNA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HANNA. Mr. Chairman, we should keep in mind that the thrust of the amendment which has been offered is to encourage just compensation and negotiations on a reasonable basis entered into at reasonable times. This amendment should not be looked upon as an infringement on the rights of a nation in eminent domain. In fact it would be impossible for us in our legislative halls to do so. What is accomplished in this amendment is to make clear our reluctance to support flows of funds from multinational banks of which we are a substantial supporter in funds to those countries which exercise a ruthless type of confiscation which does not allow for a reasonable process for setting and paying a just compensation predicated on a balanced consideration of all operative facts. We do not ask that our citizen be always pleased or ever favored but that the processes are available to them and fair in its weighing and dealing with the subject matter under dispute.

We have that right within our own country, and we exercise it, but we do so with the constitutional mandate that there be just compensation. What we are seeking is to extend that right to our people wherever they might go, especially where they have been induced to go by our own legal support, by the policies we pursue, and by the invitation of the countries into which they go. We are not by this amendment suggesting that there are not instances in which there will be difficult, prolonged, protracted argument that comes from the basis of reasonable misunderstanding, but this is not to say we should not have legislation that suggests and urges that there be this kind of reasonality and this kind of approach in trying to come to a finding of just compensation for what has been expropriated.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. Mr. Chairman, I associate myself with the remarks of the gentleman from California. I think further he would agree with me in this particular amendment that we will get into making the Treasury Dement the policeman of the world. There are others of us in this and the other body who do not want this. My own personal opinion is this does not belong in the bill.

Mr. HANNA. That is correct. As the amendment seeks to extend this to fishing vessels, let me suggest we go into an entirely different field when we go into this. I certainly would not say we would not want to support our California fishermen in their problems. However, let me say this brings up a great many other considerations that are not in this bill at the present time, and which should not be in this bill.

There are a great many things involved in our dispute in trying to maximize the freedom of the seas and the whole thrust of the future of our Nation and other nations in conservation. Actually there has been and there are now being made approaches in trying to settle this problem on the basis of treaties. Those treaties have been very tortuous in their discussions and the meetings have not been always in good faith, but they are now in a posture where I think they can move forward.

I hope our Navy will take the kind of attitude on this that will allow us to come into agreement with the other people involved. As a Californian, I only wish we had had a greater conservation arrangement for the sardines which we used to have in great numbers between San Diego and San Francisco. Because we did not have conservation provisions, we and the Japanese and all who could get their boats into those waters have taken all those fish, and there is no such fishery now for any of us.

Certainly the people in South America have a concern. Whether they have gone about it legitimately in exercising that concern is a question which should be determined on the basis of a treaty if possible. I would hope we could take up this matter with hearings in depth and consideration in depth rather than acting on it on the floor right now as an amendment to this bill. I urge support for the committee amendment and opposition to the amendment to the amendment at this time.

Mr. BROWN of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I concur in the objections to the amendment expressed by the gentleman from California who has just spoken. I think the substance of the amendment may have merit, but the practical problems involved in the enforcement of the amendment make it impractical to include it in this legislation. If the sponsor of the amendment wants to pursue this question, I am sure that there will be ample opportunity for him to present his concern to the appropriate committee and appropriate legislation, in turn, can be adopted but there is a great deal of difference between what the gentleman is proposing in his amendment and what the committee has adopted in this bill with respect to expropriation of property. Because of the practical difficulties involved in the enforcement of the gentleman's amendment, I urge that the amendment be defeated.

Mr. ANDERSON of California. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Chairman, the committee amendment deals with expropriation. My amendment would extend the act to the seizing of fishing vessels on the high seas. I am told if a fishing vessel is seized by a foreign nation for the third time, they then threaten expropriation and thus would then fall under the provisions of this bill. What my amendment actually does is take care of the situation before it gets that far, so if a foreign nation illegally seizes U.S. fishing vessels on the high seas, the first time, we would then instruct our representative to vote against any loan for that nation.

I do not believe my proposed amendment is too far away from the proposal made by the committee.

Mr. BROWN of Michigan. I appreciate what the gentleman has to say. I believe he has analyzed the situation very well.

However, I believe we can have confidence in the way in which this country will exercise its prerogatives under the expropriation language, so that even if there is no legal requirement in the statute for the United States to follow, where there has been arbitrary and capricious action by another nation, it will be able to have the influence necessary to discourage such action.

Mr. ANDERSON of California. Mr. Chairman, will the gentleman yield further?

Mr. BROWN of Michigan. Certainly.

Mr. ANDERSON of California. Does the gentleman believe that—say, in the case of Ecuador, which last year seized 50 of our vessels, and this year thus far has seized six of our vessels, that we should allow or by indirection suggest to our Director of the Bank that he vote to extend to Ecuador a $20 million loan as a reward?

Mr. BROWN of Michigan. I do not say that at all.

Mr. ANDERSON of California. That is the situation that my amendment tries to cure.

Mr. BROWN of Michigan. All I am saying is that I am satisfied with the control that will be exercised by the United States through its voting power on approving loans under the fund for Special Operations, and I believe the action at which the gentleman's amendment is aimed, can be taken into consideration without specific legislative authority, because we do not have to give reasons for vetoing loans. We can still veto a loan.

I just do not believe we ought to bind our authorities into recognizing a statutory obligation every time a vessel is seized when the real merits of that seizure have not as yet been determined.

Mr. BADILLO. Mr. Chairman, I rise in opposition to this amendment.

I also want to indicate my strong opposition to the intent of the entire section 21 of this measure. It is indeed unfortunate that the committee chose to amend this legislation to require the IDB's U.S. Governor to take negative action against the loan request of a nation which may have expropriated U.S. property or violated contracts with U.S. citizens and not made compensation arrangements. I believe very strongly that all nations must strictly adhere to the international principle of providing prompt, adequate and effective compensation for expropriated property. I am fearful, however, that this provision will be misunderstood by many of our Latin neighbors—who are already understandably resentful of such ill-conceived devices as the Hickenlooper and Pelly amendments—and that it will tend to add an unnecessary pressure to our already strained relations. Further, the committee amendment has the potential of hanging like a Sword of Damocles over international arbitration efforts or bilateral negotiations and that it will tend to intimidate Latin American nations. As undesirable as the committee amendment may be, however, it should not be permitted to impede the progress of this legislation. The continued support of the IDB and its Fund for Special Operations must be given overriding consideration.

I hope that all of us in the Congress and in this country will understand that what is occurring in Latin America today is of very great importance to the future of the United States. This administration and this Congress may be remembered not so much as the administration and the Congress that brought about an end to the war in Indochina but as the administration and the Congress that lost Latin America.

What is going on in Latin America today is an attempt by many countries in varying stages of development to move into the 20th century. Any economist of whatever persuasion will tell us that a country can only become developed if a certain proportion of its total investment is in capital goods.

At the present time these countries do not have a large enough industrial plant to be able to enter the 20th century. If this development is not going to be accomplished through communism the only way industrial development can occur is through aid from outside sources, and specifically from the United States.

We have been fortunate in this country that the development of Cuba under Castro has been such a disaster, because more and more Latin American countries are beginning to realize that Russia is not really interested in helping to develop Latin American nations. For that reason, not because of anything we have done, the United States still has some good will left in Latin America.

But if we are going to try to move those countries toward developing economies we cannot at the same time impose political requirements upon them.

What section 21 seeks to do is, in effect, to mandate policies by the Congress upon the administration of those countries. It makes it difficult for them to accept aid.

What we have to do is to recognize that the issues we are talking about in the entire section 21 are complex. They should be left to the discretion of the leaders of the respective countries to decide. We will be making a tragic mistake if we believe that Latin American countries are going to accept help under any circumstances from the United States with such intimidating provisions.

They are still independent sovereign countries; they still believe that they can resolve their own battles; and they are going to do it with or without the help of the United States.

Mr. J. WILLIAM STANTON. Will the gentleman yield?

Mr. BADILLO. Yes; I yield to the gentleman.

Mr. J. WILLIAM STANTON. I have been listening to the gentleman and trying to follow your logic. Do I understand that you mean to say it is all right for countries in South America to expropriate or take over an American-owned company and not pay for it?

Mr. BADILLO. No; I did not say that at all. I say we should leave the negotiation of those issues with the appropriate officials in those countries. What I say is there are countries who would have no intention at all of taking over a foreign vessel or doing any of the acts mentioned under section 21. The mere fact of the existence of section 21, however, will make it difficult for representatives of those countries to work with the United States. To many countries of Latin America this appears as political interference with the affairs of those countries; not that it would happen but that it makes it difficult to maintain the kind of relations which I think all of us would want to see with Latin American countries. If we leave it to the discretion of the executive, then there is ample leeway to negotiate on these matters as particular problems may arise.

Mr. J. WILLIAM STANTON. Will the gentleman yield further?

Mr. BADILLO. Yes; I yield to the gentleman.

Mr. J. WILLIAM STANTON. I simply want to point out that if a country in South America expropriates an American firm and pays for it, then we have no problem whatsoever.

Mr. BADILLO. I am not arguing against that. I am answering your question by saying that my point is that we are making a precondition which, in terms of the politics of Latin America, makes it difficult for those who are trying to move the country ahead to operate with the help of the United States and to work with us. It is that precondition which the sponsor of this amendment would try to have the Congress establish today. I do not think we should do it, and for that reason I oppose it.

Mr. Chairman, a prevailing sentiment in many sectors indicates that Washington does not understand or appreciate what is happening in Latin America. There is a strong feeling in the capitals of the Americas and elsewhere that this Nation is insensitive to the needs and aspirations of the Western Hemisphere. As the result of generally inept diplomacy and a lack of commitment, relations with our southern neighbors at the present time have deteriorated to their lowest level in many years.

Today, we have an opportunity to begin to correct this deplorable situation. We can take steps to return the United States to those principles and goals which underscored the Good Neighbor Policy and the Alliance for Progress. By supporting the legislation authorizing payments of $900 million to the Inter-American Development Bank's Fund for Special Operations we will not only be fulfilling an international commitment but will also demonstrate to our sister republics that we actively support efforts to assist in the economic and social development of Latin America. In authorizing these payments we will be partially implementing recommendations of our Inter-American Affairs subcommittee which, 2 years ago, called for an increased emphasis on long-term technical aid and support for those programs covered under the Fund for Special Operations and to aid in supporting Latin America's economic development efforts. Also, we will be clearly indicating that we listen to the suggestions of our Latin neighbors by effecting a suggestion contained in the 1969 Consensus of Viña del Mar that multilateral financial cooperation should be strengthened.

In its 11 year history the Inter-American Development Bank (IDB) has made many and important contributions to the economic, social and technical progress of Latin America. Although its achievements may not be as spectacular as some may desire, the IDB is this hemisphere's major development financing instrument. Through it has flowed, as of last June, over 200 individual loans alone, amounting to over $1.5 billion, for productive or infrastructure projects in industry, agriculture, transportation and electric power.

The Fund for Special Operations (FSO) was established to provide financing for economic and social development when lending on conventional terms is not appropriate. These FSO loans are made on easy repayment terms and are extended entirely from resources provided by the IDB. Almost 300 FSO loans, totaling $2.2 billion, had been authorized as of June 30, 1971. I believe we should especially note the comment by the Banking and Currency Committee in its report that these loans are of "particular importance since they do not exert excessive debt-service and balance of payments pressures on the debtor country."

These FSO loans are utilized to finance basic investments in a wide variety of areas—in agriculture, transportation and communications. They also aid in a number of social development efforts, formerly administered by the Social Progress Trust Fund, such as sanitation, housing, education, land settlement and improved land use and water supply. These urgently needed and, in many cases, long overdue economic and social development programs are critical for growth and stability in Latin America. They cannot be permitted to fail for the lack of financial support.

Mr. Chairman, last summer our former Ambassador to the Organization of American States, Sol Linowitz, aptly observed that the 270 million Latin Americans are at a critical decision point and that they are anxious to fulfill the hopes and aspirations which this country has helped to raise in the hemisphere in this great area of rising expectations. Commenting that our Latin neighbors will accomplish the goals which have been established either through peaceful means or violent revolution, Ambassador Linowitz cautioned that:

> We in the United States can play a decisive role in urging the peaceful path with the assurance of our cooperation, understanding and support. If we fail to do this . . . then we may well find future explosions on our own doorstep.

Mr. Chairman, we have both a moral and legal obligation to aid our sister republics of this hemisphere in achieving healthier, better educated, more productive lives for their citizens and in maintaining the momentum to secure real social and economic progress. We must not ignore this obligation and should give meaning to our commitments by actively supporting self-help efforts. I urge our colleagues to support S. 748 and hope this legislation will be enacted without further delay.

Mr. PATMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wonder if we could vote on these amendments to the committee amendment now?

Mr. McCLORY. Mr. Chairman, reserving the right to object, I want to address just a few remarks on this subject.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that all debate on these amendments to the committee amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Chairman, I object.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that all debate on these amendments to the committee amendment close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Thank you, Mr. Chairman.

Mr. Chairman, I rise in support of the amendment to the amendment offered by the gentleman from California (Mr. Anderson).

It seems to me that what Ecuador and other countries are doing is the taking of the law into their own hands. There is a good basis for reestablishing the rights of countries in and to territorial and international waters, but for any country to undertake to stop our fishing vessels and decide for themselves that their territorial limits extend to a distance of 200 miles is quite inconsistent with international law and a direct affront to this Nation.

And, it is a great affront to this Nation, and for us to continue to pour money into a country which at the same time acts in that way. It seems to me that boarding and commandeering our vessels amounts to the same thing as the expropriation of our properties.

Mr. Chairman, there is a great deal of private money that would go into South America right now if the leaders would change their attitude toward the private American firms which want to invest there.

It seems to me this is a two-way street. While we want to see economic development in South America we must tell the Latin American leaders that they must act in a manner consistent with international law and consistent with the rights of our Nation and its citizens, as well. I am hopeful that we can support this amendment and have it embodied as a part of the law. I commend the gentleman from California (Mr. Anderson) for offering this important amendment to the law.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Rees).

Mr. REES. Mr. Chairman, I would oppose this amendment because it confuses present international conferences where the nations of this world are trying to deal with the problem of where each nation draws its territorial boundaries in the ocean.

We have, for example, Brazil going out to a 100-mile limit. We have the case of the United States seizing the Soviet trawler which was out to a limit of 5 miles when, supposedly, we only recognize 2 miles.

I think that when the nations of the world are trying to negotiate a reasonable ocean territorial accord, it would not be proper to put this type of restriction in this bill.

You have to remember that countries such as Ecuador and Peru have as major industry fishing and they feel they have to protect this industry in their own national interest and for their own national survival. I think we should be very tolerant during this period of time and that we should wait to see what happens in the international negotiations in order to see if the nations of this world cannot agree upon what should be the correct territory to assert in the oceans, these areas of great interest to them.

So I would urge a "No" vote on this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Chairman, I rise in opposition to the Anderson of California amendment because I think it imposes upon the Department of the Treasury unusual and new duties which it is ill equipped to carry out.

I believe that the determination as to whether a vessel has been fishing illegally on the high seas is simply beyond the current ability of this particular department.

On the other hand, I do want to support the committee's expropriation amendment which I feel certainly will not punish any country which wishes to expropriate, as long as it is willing to enter into negotiations for reasonable payments for its expropriations.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, when the Congress was meeting in Philadelphia in 1798, a Member of the House, I believe he was from South Carolina, and I believe his name was Harper, arose and said something to this effect:

> Millions for defense but not one cent for tribute.

In this campaign that is being carried on by some Latin American countries, seizing American fishing vessels and their crews on the high seas, I say the time has come to ignore the striped-pants crowd in Foggy Bottom and turn to the Navy for a demonstration of gunboat diplomacy.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. DENT. I support this amendment, because I just came back from a tramp cruise on the Atlantic. Eighteen miles off the New Jersey shore from Atlantic City we counted on our scope 258 Soviet, Yugoslav, and other vessels. On the North Banks we counted 192 of the same type ships, mother vessels, supply vessels and others. They are dragging everything out of that ocean that crawls, swims, or runs. But, they do not eat them. They turn them into meal or fertilizer. They process it all on the offshores of the United States. Two or three days later we had to escort into one of our ports two Russian fishing trawlers. And that is the worst kind of involvement in destroying the sealife and seafood for the larger fish that move up and down the coast of the United States.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Barrett).

Mr. BARRETT. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. Pelly).

Mr. PELLY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. Anderson). I hope that the Members of this Committee recognize that we signed treaties with these Latin American countries as far back as 1909 providing that any differences would be adjusted through an impartial conference. They have refused to participate in any such conference. We have asked them to try and settle our fishing disputes by submitting the issue to the International Court of Justice. This they have refused to do. We have asked them to have the matter mediated and they have refused to do so. They will not discuss the subject.

I think the Members of this House should recognize that this issue is one that can go in one or two directions. Either we are going to have those who are affected adversely by this seizure, in other words our American fishermen, satisfied by deterring these seizures of their property by these Latin Americans, or we are going to have boycotts and the people are going to have to take matters into their own hands through picketing ships from those countries.

Mr. Chairman, I think this is a fair amendment, just asking our U.S. representative on the Board of the Bank to vote against a loan to those countries who seize our boats. I do hope the Members of this Committee of the House will support the amendment.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the Anderson amendment relating to the limiting of these funds in the Inter-American Development Bank Act to any country that is presently making, or has made, a definitive practice of expropriating American property. I know full well that my colleague from California (Mr. Anderson) has continually worked for legislation to reduce this kind of piracy on the high seas that Ecuador and other nations have practiced against tuna boats and other forms of American property. My colleague (Mr. Anderson) has been diligent and persistent in his efforts to see that legislative action is taken to do something about this problem rather than just uttering words of complaint. This amendment is a vote to protect American property of all kinds and should be added to the legislation since we are asking the American taxpayers to put up their hard earned money under this act.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Patman).

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to my colleague, the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman for yielding, and I rise in opposition to the amendment offered by the gentleman from California (Mr. Anderson). I think the issue is being confused into thinking in terms of the opposition of the gentleman from New York (Mr. Dow), to the amendment we have already attached in committee, which I think covers the ground that has been needed and is long overdue, calling for congressional policy which we seek to do by that amendment. The Anderson amendment is really not germane to this in that it refers to fishing vessels whereas we are talking about investments through the Bank in an entirely different type of activity.

I would suggest to the gentleman from California (Mr. ANDERSON) that if he really wants to do something about the seizure of fishing boats that he should introduce a bill or go to the gentleman from Iowa in the Committee on Foreign Affairs and get some kind of amendment that would affix a tax to the imports into the United States from those countries who are violating American property rights. That would be meaningful and that would really say something. This amendment even if it were to be adopted into this particular bill would be meaningless. It would do nothing to stop or help or give any relief for the seizure of ships.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. ANDERSON) to the committee amendments.

The amendments to the committee amendments were agreed to.

The CHAIRMAN. The question is on the committee amendments, as amended.

The committee amendments, as amended, were agreed to.

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANGEL: At the end of the bill, add the following new section:

SEC. 2. The Inter-American Development Bank Act is amended by adding at the end thereof the following new section:

"SEC. 22. The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances."

Mr. RANGEL. Mr. Chairman and my colleagues, we are all aware that the amendment which was offered by the Committee on Banking and Currency to direct that our representatives on the Inter-American Development Bank cast a negative vote as to loans for those countries that attempt to seize American investments in their country without paying prompt, adequate, and effective compensation is a way for America to demonstrate its deep concern about these acts of countries whose economies development we are attempting to assist.

To this extent, it seems fitting and proper that when we find out that those countries we are helping to build a better way of life for their citizens demonstrate a lack of concern about the international trafficking in drugs, allow the opium crops to grow, to be grown within their borders, allow the seeds and morphine to be processed, and allow heroin to be transported right through their countries—knowing that the target will be the people of the United States of America—certainly we should do the same thing when the President of the United States has made a determination that they are not cooperating with this Government. That is to direct the Secretary of the Treasury to instruct our representatives to cast that negative vote.

On January 25, the House of Representatives took a historic step forward by authorizing the President of the United States to cut off all foreign aid to those nations not assisting us in our drug control efforts.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the distinguished gentleman from Texas.

Mr. PATMAN. The Members on this side are willing to accept your amendment.

Mr. RANGEL. Thank you, Mr. Chairman.

I thank the chairman for his consideration of this amendment, and hope that, in view of the gentleman's statement, my colleagues will agree. I thank you very much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NEDZI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 748), to authorize payment and appropriation of the second and third installments of the U.S. contributions to the fund for Special Operations of the Inter-American Development Bank, pursuant to House Resolution 784, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 285, nays 102, not voting 44, as follows:

[Roll No. 14]

YEAS—285

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bergland
Betts
Biaggi
Biester
Bingham
Blanton
Blatnik
Boland
Bolling
Bow
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Cleveland
Collins, Ill.
Collins, Tex.
Colmer
Conable
Cotter
Coughlin
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Diggs
Dingell
Donohue
Dow
Drinan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Hosmer
Howard
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
King
Kluczynski
Koch
Kyl
Landrum
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nix
Obey
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Peyser
Pirnie
Poage
Podell
Poff
Price, Ill.
Pucinski
Quie
Railsback
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Schneebeli
Schwengel
Shoup
Shriver

Sisk
Skubitz
Smith, N.Y.
Springer
Stanton, J. William
Stanton, James V.
Steiger, Wis.
Stephens
Stokes
Stratton
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Ware
Whalen
Whalley
White
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wyman
Yates
Young, Fla.
Zablocki
Zwach

### NAYS—102

Abbitt
Abernethy
Archer
Ashbrook
Baker
Baring
Bennett
Bevill
Bray
Brinkley
Broyhill, Va.
Burke, Fla.
Burlison, Mo.
Camp
Clancy
Collier
Crane
Daniel, Va.
Denholm
Dennis
Dent
Devine
Dickinson
Dorn
Dowdy
Downing
Dulski
Duncan
Flynt
Fountain
Fuqua
Gaydos
Goodling
Gross
Hagan
Haley
Hall
Hammerschmidt
Harsha
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jones, N.C.
Kemp
Kuykendall
Landgrebe
Latta
Long, La.
McClure
McMillan
Martin
Mathis, Ga.
Mazzoli
Miller, Ohio
Mills, Md.
Mizell
Montgomery
Myers
Natcher
Nichols
Pettis
Pickle
Pike
Price, Tex.
Quillen
Randall
Rarick
Roberts
Robinson, Va.
Roe
Rogers
Rousselot
Runnels
Ruth
Sandman
Satterfield
Scherle
Schmitz
Scott
Sebelius
Shipley
Slack
Smith, Calif.
Snyder
Spence
Steed
Steiger, Ariz.
Stubblefield
Stuckey
Teague, Tex.
Terry
Thompson, Ga.
Waggonner
Wampler
Whitehurst
Whitten
Wylie
Yatron
Zion

### NOT VOTING—44

Alexander
Anderson, Tenn.
Bell
Blackburn
Boggs
Byrnes, Wis.
Carter
Casey, Tex.
Clawson, Del
Clay
Conte
Conyers
Corman
Culver
Derwinski
Dwyer
Edmondson
Edwards, La.
Evins, Tenn.
Galifianakis
Gude
Hansen, Idaho
Horton
Kyros
Lennon
McCloskey
McCormack
Mills, Ark.
Moorhead
O'Hara
O'Konski
Passman
Powell
Preyer, N.C.
Pryor, Ark.
Purcell
Seiberling
Sikes
Smith, Iowa
Staggers
Steele
Ullman
Wolff
Young, Tex.

So the bill passed.

The Clerk announced the following pairs:

On this vote:

Mr. Kyros for, with Mr. Passman against.

Mr. Staggers for, with Mr. Sikes against.

Mr. Horton for, with Mr. Blackburn against.

Mrs. Dwyer for, with Mr. Del Clawson against.

Until further notice:

Mr. Boggs with Mr. Gude.

Mr. Moorhead with Mr. Conte.

Mr. O'Hara with Mr. Bell.

Mr. Evins of Tennessee with Mr. Byrnes of Wisconsin.

Mr. Culver with Mr. Carter.

Mr. Casey of Texas with Mr. Derwinski.

Mr. Wolff with Mr. McCloskey.

Mr. Young of Texas with Mr. Hansen of Idaho.

Mr. Clay with Mr. McCormack.

Mr. Galifianakis with Mr. Conyers.

Mr. Alexander with Mr. O'Konski.

Mr. Smith of Iowa with Mr. Powell.

Mr. Ullman with Mr. Steele.

Mr. Lennon with Mr. Seiberling.

Mr. Corman with Mr. Anderson of Tennessee.

Mr. Edmondson with Mr. Pryor of Arkansas.

Mr. Purcell with Mr. Preyer of North Carolina.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## ASIAN DEVELOPMENT BANK ACT AMENDMENTS

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 749) to authorize United States contributions to the special funds of the Asian Development Bank.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 749, with Mr. NEDZI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, in the 1970's Asia may hold the key to world peace. No other geographical area has such potential for conflicts. Economic growth is essential if Asia is to avoid further conflict in the 1970's. And one major method of achieving growth is to assist Asian nations in creating the conditions for economic progress. Roads and ports must be built, the agricultural sector must be improved, power and electricity must be furnished, industry must be supported, and schools must be built and equipped. With improvements in infrastructure, per capita income should rise, and many Asian nations can take steps to assuage the poverty so prevalent in their countries.

The Asian Development Bank is well equipped to help create a sound economic infrastructure in Asian countries. As a multilateral institution, it may make loans free from the domination of a single country. It brings to its lending operations technical skills and expertise in the problems of Asian development. It provides an institutional setting in which developed nations—both Asian and non-Asian—can contribute to Asian development. This permits an equitable sharing of the burden of developmental financing. Most importantly, the Asian Development Bank, in its first 5 years of operation, has a sound record of achievement, and has prudently managed the resources made available to it.

Of the lending facilities of the Bank, the special funds may be of increasing and critical importance in this decade. From the special funds the Bank makes loans on concessional terms, charging 2 to 3 percent interest on loans as long as 40 years. These loans may be a key element in the economic development of the lesser developed Asian countries. We are all familiar with the enormous debt-servicing burdens of these countries—and these costs will rise dramatically—if these countries must borrow at commercial rates of interest. Loans on concessional terms are also designed to support projects to improve the economic infrastructure of the developing countries. These projects do not yield immediate short-term economic benefits, which would normally justify borrowing on commercial terms. Instead, the benefits are long range.

Loans from the special funds resources will do much to promote development in Asia. A loan already committed to Nepal, for example, will assist in financing the importation of tractors, which will be made available to more than 1,000 farmers. A loan to Singapore will aid the expansion of a technical college; this was the first of the Bank's loans for education. As of June 30, 1971, the Bank had extended 21 special funds loans to 11 countries, in the total amount of $71 million. The Bank has also used specially pledged funds to provide technical assistance to some 15 countries.

I strongly endorse S. 749 because economic development in Asia will be so critical to its political stability in the 1970's. The bill provides for a U.S. contribution to the ADB's special funds of $100 million, payable in two annual installments of $60 and $40 million.

The United States will not be alone in making contributions to the Asian Development Bank, for nine other countries have pledged or contributed more than $174 million to the special funds. Six European countries are contributors, and Canada has made a commitment of $25 million. Japan has contributed $100 million. In making their pledges and contributions, other countries have relied on the proposed $100 million contribution by the United States.

The bill now before the House also contains numerous safeguards to protect U.S. interests. The U.S. balance of payments will not be significantly affected because the U.S. contribution will initially be tied to U.S. procurement, and because the U.S. letter of credit will be drawn against only to meet specific procurement contracts, or to defray certain administrative expenses. Procurement in other countries is possible only pursuant to procedures described in the bill. A committee amendment, finally, requires the Secretary of the Treasury to implement a U.S. expropriation policy in accordance with the principles of international law. In certain conditions, thus, he must direct the U.S. Executive Director to vote against a loan to a country which has nationalized property beneficially owned by U.S. citizens.

The manifest need for concessional funds for Asian development, and the wisdom of channeling development financing through the Asian Development Bank, led the House in 1970 to pass a bill which was substantially the same as the bill now before us. Events of the last year make it imperative that the House take similar action this year. Failure of the United States to play a key role in adding to the special funds will jeopardize the concessional lending activities of the Bank. It is imperative, thus, that the House vote again to authorize a U.S. contribution to the special funds of the Asian Development Bank.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from Texas (Mr. Gonzalez) such time as he may use.

Mr. GONZALEZ. Mr. Chairman, this bill would authorize the United States to contribute $100 million to the Asian Development Bank Special Funds, which is the soft loan facility of the Asian Development Bank. Other countries have already contributed $174 million, many on the expectation that the United States would contribute. The House has previously approved this authorization, but the other body did not agree. I am glad to report to you that the Senate last year approved this authorization, and has receded from its former position. Favorable action by the House today would enable us to conclude this matter.

The Asian Development Bank is a new institution, having begun in 1966, but its development to date has been most promising. Its leadership has been outstanding and its programs sound. The bank has attracted considerable support from Japan, which has made contributions to it equal to our own, and 12 European countries have likewise demonstrated their support. Indeed, to date the U.S. contribution amounts to only 20 percent of the Asian Development Bank resources—and we have contributed nothing to the special funds.

I believe that the Asian Development Bank has earned our support, and that we should contribute to the special funds facility, just as have other nations. They have proved willing to assume their share of the burden, and that merits our respect and indeed our support.

This authorization is tied to the procurement in the United States; no money from our authorization can be spent for procurement outside this country unless there is some special circumstance—and in no event, even then can the funds be spent elsewhere, save on the specific assent of our Government. This means that our contribution to the Asian Development Bank soft loan facility will have little or no adverse effect on our balance-of-payments situation. Indeed, the effect should be to help open Asian markets more fully to our companies, so it is not inconceivable that our balance of payments picture will actually be helped by this authorization.

As in the case of the Inter-American Development Bank, the funds authorized by this bill would be advanced through the letter of credit procedure, whereby funds are only drawn against as project needs arise. It is not expected that any of the U.S. funds would be drawn against this year, and only a few millions next year. Budgetary impact will therefore be very small, and in any case will be spread over a period of years.

This bill provides an expropriation amendment, identical to the amendment attached to S. 748. As in the case of the Inter-American Development Bank, this amendment provides a clear U.S. policy on expropriation, one that is consistent with the position of the President, and which is easily workable. The amendment simply provides that in the case of a country that has expropriated U.S. property, the U.S. executive director will be instructed to vote against use of any ADB resources in the expropriating country until and unless there has been prompt, adequate, and effective compensation, or the matter has been submitted to arbitration, or there are good faith negotiations in progress aiming at a fair settlement.

Mr. Chairman, the House has approved this authorization before, so I need not belabor the issue further here. I feel certain that the Asian Development Bank has proved its potential, and that it has demonstrated its capacity to attract international support and contributions. It has earned our support, and I urge adoption of the bill.

Mr. J. WILLIAM STANTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of S. 749. We are considering today a bill to provide for a U.S. contribution of $100 million to the multipurpose special funds of the Asian Development Bank. I want to make clear my strong support for this bill, which has just been reported favorably out of committee. In my view, the Asian Development Bank in the 4½ years since its founding, has amply and visibly demonstrated that it is a fully viable and soundly managed institution, one which merits our trust and support.

Let me summarize very briefly the record of its accomplishments: it has made 84 loans totaling more than $632 million—as of December 31, 1971—on both conventional and concessional terms, undertaken 60 technical assistance projects in 15 regional member countries. The bank has provided long range studies and surveys in the fields of transportation, agriculture and industry. In short, Mr. Chairman, this bank is making a significant contribution as a lending institution and as a catalyst for economic development for the free countries of Asia and the Far East.

At the same time, it has firmly established itself as a reputable borrower in the private capital markets of the world. Last year for the first time, the Bank entered the U.S. private capital market, following successful borrowing operations in Japan, Germany, Austria, and Switzerland. In addition, the Bank has borrowed from regional central banks in Asia. There is every indication that it will be welcome again to these markets and to others as yet untapped to replenish its ordinary capital lending resources.

Unfortunately, the private capital markets of the world cannot provide the bank with resources it needs for lending on concessional terms. By their nature, loans of this type to the least developed member countries—which finance roads, schools, hospitals, and other similar projects with indirect but highly valuable economic returns—must be provided from member government resources.

This is the purpose of the bill we are now considering, a bill to provide a U.S. contribution of $100 million to the special funds for concessional lending of the Asian Development Bank. Other major donor countries—including Australia, Belgium, Canada, Denmark, Germany, Italy, Japan, the Netherlands, and the United Kingdom—have already made available more than $174 million. The favorable decision of the House in 1970 on this legislation was a proper action then, and is now. I urge prompt and favorable action on this bill.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from California (Mr. Hanna) such time as he may consume.

Mr. HANNA. Mr. Chairman, I appreciate the gentleman yielding me this time.

Mr. Chairman, having had the opportunity to travel in Asia with Eugene Black, one of the great statesmen of this country, in helping to set up this institution and having watched it as a member of this great committee as the Bank has developed and has lived up to the great expectations which we held for it, I think this is an appropriate move for us to make.

I suggest that in this approach we do several things to overcome the criticisms that were being leveled against our foreign aid program.

Even though this is a so-called soft window, this is still a controlled loan situation in which the project first has to be justified. The money comes from many nations besides our own, and they must have local money in every one of these projects. So, many of the things we have sought for are in this Bank, and they are getting our policies carried out in the places where we need assistance.

In 1970 the House voted that a $100 million contribution be made to the special funds of the Asian Development Bank. The Senate acted favorably on this legislation last year and now it is again before us. It should be passed, because of the manifest need to encourage economic development in Asia through an international institution familiar with Asian problems.

Concessional lending will probably be the key to Asian economic development in this decade. Concessional loans are at interest rates substantially lower than the ordinary commercial rates, and for terms that may run as long as 40 years. Only loans on concessional terms can support improvements in the infrastructure of developing nations. Although remarkable economic progress has been made by Taiwan, South Korea, and a few other Asian countries, the infrastructure of these and the poorer countries needs major development. The agricultural sector of most Asian countries requires modernization. Better transportation will aid farmers and small industry in bringing their products to the city. Improved power transmission facilities will mean better irrigation, and will set the stage for industrial and educational development. Additions to port facilities will allow freer exchange of goods.

Ordinary commercial lending will usually not support improvements in the infrastructure of a developing country. Interest rates are often too high—in South Korea recently they reached 30 percent—and infrastructure improvements yield long-range and often nonquantifiable benefits for a country, rather than income which can be used to service commercial loans.

Even the relatively low interest rates of ADB ordinary capital lending may prevent countries from making essential investments in their infrastructure. ADB loans from ordinary capital are made from borrowings by the Bank, and thus must reflect—and even exceed—its cost of borrowing. Loans on softer terms are necessary. These loans will themselves encourage further improvement in the infrastructure of developing countries, and will limit the high debt servicing costs which these countries now bear.

It was precisely to enable the ADB to make soft loans that the special funds were established. In its first 4½ years of operation the ADB has committed more than $71 million in 21 special funds loans to 11 countries. These loans have supported irrigation improvement, land development, rubber and oil palm development, fisheries improvement, agricultural development, a technical college expansion, beef cattle development, and air transport and highway projects. The major recipients of loans from the special funds have been Indonesia, Ceylon, Afghanistan, Nepal, and Laos. A loan of $2.5 million has been made to Vietnam for fisheries development.

The special funds require additional capital. The present amount—approximately $174 million pledged or contributed, including $100 million from Japan—is far too low to support major economic development projects so urgently required in the 19 developing Asian nations which are Bank members. To supplement the special funds, the bill now before the House authorizes a U.S. special funds contribution of $100 million, payable in annual installments of $60 million and $40 million.

If enacted, the present bill would not have a significantly adverse impact on U.S. balance of payments. Under the bill, the U.S. Governor will enter into an agreement with the Bank, which will provide that the U.S. contribution will be used for procurement of goods and services in the United States, and to defray certain administrative expenses. Procurement may be made in other countries only if the U.S. Governor, after consultation with the National Advisory Council on International Monetary and Financial Policies, determines—inter alia—that such procurement is compatible with the international financial position of the United States. The U.S. contribution, it should be noted, will take the form of letters of credit, which will be drawn against only when dollars are required for project disbursements. And dollar loans from the U.S. contribution will be repaid in dollars.

The present bill also insures that the United States will not bear the principal responsibility for financing development projects through the special funds. Burden sharing is its key note. At the time letters of credit are issued, the U.S. contribution must be less than 50 percent of the total resources of the special funds, and must be matched by one other country. This condition has now been fulfilled by Japan's commitment of $100 million.

The bill does not merely focus on concessional lending. An amendment by the Banking and Currency Committee will work to enhance private investment in developing countries by discouraging expropriation of property beneficially owned by U.S. citizens, without payment of compensation in accordance with international law. In certain circumstances the Secretary of the Treasury is required to direct the U.S. Executive Director to vote against a loan to a country which has so expropriated U.S. property.

The numerous safeguards written into the present bill are one reason justifying its passage. A far more important reason is that, in its first 5 years of operation, the Bank has demonstrated its ability to prudently manage its resources. It has earned the confidence of the international financial community, which has backed its borrowings in five major capital markets, including the United States. The Bank staff has recognized expertise in the development problems of Asia, and has successfully employed this expertise in both advising about loan projects, and in deciding on particular loan applications.

Most importantly, the Bank has demonstrated that it has all the advantages associated with lending through multilateral institutions. The sharing of developmental burdens is clearly reflected in the Bank's membership and capital structure. Twelve European countries and Canada are Bank members. Of the regular authorized capital of the Bank of $1.1 billion, regional members have subscribed to $625 million, and nonregional members other than the United States, to an additional $180 million. The U.S. contribution is less than 20 percent of the total subscribed capital and has been matched by Japan.

A corollary of this sharing of development burdens is that no one country bears responsibility for the financing of particular development projects. The politics of lending are largely removed from the Bank's operations.

For all these reasons it is imperative that the House vote in favor of passing S. 749, and thereby authorize a long-awaited and much needed U.S. contribution to the special funds of the Asian Development Bank.

Mr. BARRETT. Mr. Chairman, the bill, S. 749, entitled the Asian Bank Act amendments is a bill which we cannot afford not to pass. Needless to say conditions in the Far East are in a state of flux and uncertainty. The President's announced visit to mainland China is the cause of much consternation in the Far East. At the same time, the Soviets are in the process of expanding their efforts to increase their influence in that part of the world—as witness the recent visit of Andre Gromyko to Japan, reportedly to discuss trade relations with that nation.

This bill, just as the preceding measure, S. 748, provides for assistance to developing nations through a multinational organization. In this regard it is important to note that the member nations are not all Asian. There are 14 nonregional countries made up of the United States, Canada, and 12 European countries; three developed nations in the Far East: Australia, New Zealand, and Japan, and 19 developing Asian nations.

The bill provides for our contribution to the special funds of the Bank, to assist in the financing of high priority development projects and programs in developing countries which are Bank members. A goodly number of contributions and pledges have already been made by other developed nations—many on the assumption that a U.S. contribution would be forthcoming. The Bank has been operating for 3 years and has proven to be a sound financial institution.

This bill, like S. 748, protects American interests in the case of expropriation.

I cannot too strongly urge that my colleagues support and vote for S. 749.

Mr. PATMAN. Mr. Chairman, in view of the fact that any Member who wishes may get 5 minutes, under the 5-minute rule, and there is no demand for time on this side, and I understand none on the other side, I ask that general debate now close.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

S. 749

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled* That the Asian Development Bank Act (22 U.S.C. 285–285h) is amended by adding at the end thereof the following new sections:

"Sec. 12. (a) Subject to the provisions of this Act, the United States Governor of the Bank is authorized to enter into an agreement with the Bank providing for a United States contribution of $100,000,000 to the Bank in two annual installments of $60,000,000 and $40,000,000, beginning in fiscal year 1972. This contribution is referred to hereinafter in this Act as the 'United States Special Resources'.

"(b) The United States Special Resources shall be made available to the Bank pursuant to the provisions of this Act and article 19 of the Articles of Agreement of the Bank, and in a manner consistent with the Bank's Special Funds Rules and Regulations.

"Sec. 13. (a) The United States Special Resources shall be used to finance specific high priority development projects and programs in developing member countries of the Bank with emphasis on such projects and programs in the Southeast Asia region.

"(b) The United States Special Resources shall be used by the Bank only for—

"(1) making development loans on terms which may be more flexible and bear less heavily on the balance of payments than those established by the Bank for its ordinary operations; and

"(2) providing technical assistance credits on a reimbursable basis.

"(c)(1) The United States Special Resources may be expanded by the Bank only for procurement in the United States of goods produced in, or services supplied from, the United States, except that the United States Governor, in consultation with the National Advisory Council on International Monetary and Financial Policies, may allow eligibility for procurement in other member countries from the United States Special Resources if he determines that such procurement eligibility would materially improve the ability of the Bank to carry out the objectives of its special funds resources and would be compatible with the international financial position of the United States.

"(2) The United States Special Resources may be used to pay for administrative expenses arising from the use of the United States Special Resources, but only to the extent such expenses are not covered from the Bank's service fee or income from use of United States Special Resources.

"(d) All financing of programs and projects by the Bank from the United States Special Resources shall be repayable to the Bank by the borrowers in United States dollars.

"SEC. 14. (a) The letters of credit provided for in section 15 shall be issued to the Bank only to the extent that at the time of issuance the cumulative amount of the United States Special Resources provided to the Bank (A) constitute a minority of all special funds contributions to the Bank, and (B) are no greater than the largest cumulative contribution of any other single country contributing to the special funds of the Bank.

"(b) The United States Governor of the Bank shall give due regard to the principles of (A) utilizing all special funds resources on an equitable basis, and (B) significantly shared participation by other contributors in each special fund to which the United States Special Resources are provided.

"SEC. 15. The United States Special Resources will be provided to the Bank in the form of a nonnegotiable, non-interest-bearing, letter of credit which shall be payable to the Bank at par value on demand to meet the cost of eligible goods and services, and administrative costs authorized pursuant to section 13(c) of this Act.

"SEC. 16. The United States shall have the right to withdraw all or part of the United States Special Resources and any accrued resources derived therefrom under the procedures provided for in section 8.03 of the Special Funds Rules and Regulations of the Bank.

"SEC. 17. For the purpose of providing United States Special Resources to the Bank there is hereby authorized to be appropriated $60,000,000 for fiscal year 1972 and $40,000,000 for fiscal year 1973, all of which shall remain available until expended."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 22, strike out the quotation mark.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, following line 22, insert the following:

SEC. 18. The Secretary of the Treasury shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the Secretary of the Treasury determines that (A) arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate and effective compensation under the applicable principles of international law."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I should like to ask the chairman of the Committee on Banking and Currency, who brought this foreign handout bill to the House floor, why there are no departmental reports to accompany it?

Mr. PATMAN. I agree with the gentleman. But this is an administration bill. But when we ask the agencies for a report and they do not send us a report but say, "We are ready to testify," and they prefer to come up, and we hear them, and the hearings are printed and made available, we have permitted that to suffice.

Really, I do not see where one could have too much complaint about that, when everything is available in the hearings, and even more than a report could contain.

Mr. GROSS. Am I to understand that this same Bureau of the Budget, which projects a $38 billion or $39 billion deficit at the end of the current fiscal year June 30, and another built-in deficit of $25.5 billion for the next fiscal year, approves this legislation?

Mr. PATMAN. Yes, the Bureau of the Budget approved this bill, and the President of the United States supports it.

Mr. GROSS. And the gentleman from Texas approves this legislation, of course?

Mr. PATMAN. Yes, sir.

Mr. GROSS. Tell me why this Government is putting up at least 35 percent of the funds for this Bank.

Mr. PATMAN. The bill is much smaller than any other international authorization bill.

Mr. GROSS. Yes, but we still put up 35 percent, do we not?

Mr. PATMAN. Well, we take a minority position in the Bank. We get recognized according to our payments into the fund. We paid in 35 percent, and that gives us a minority position. If we paid in 51 percent, of course, that would be different.

Mr. GROSS. We are in the minority in voting strength too, are we not?

Mr. PATMAN. That is correct, and we have contributed in the minority.

Mr. GROSS. And we have contributed in the minority?

Mr. PATMAN. That is right. We are getting exactly what we are paying for.

Mr. GROSS. If this is such a good deal, how much have we paid into this particular Bank so far, what are the contributions of any other large single country, and what has it accomplished?

Mr. PATMAN. I would like to yield to the gentleman from Texas (Mr. GONZALEZ) to answer that.

Mr. GROSS. I yield to the gentleman.

Mr. GONZALEZ. I made the statement earlier that we have not yet participated in this special fund. This is our first authorization, if we do, to participate in this special fund. We have subscribed to the Bank, naturally. We were the initiators of it. But we are really a minority compared to our position in the other international banks.

Also you asked a question about how much have we participated to it. Well, we have subscribed in ordinary capital $100 million and in callable guaranteed capital $100 million, making a total of $200 million.

But what we are debating here today is the authorization to participate for the first time in a special fund. The other nations have.

Mr. GROSS. What is the difference between the special fund and the capital fund of the Bank?

Mr. GONZALEZ. I think the gentleman knows the difference. It deals with the differences in lending and the variety of operations involved.

Mr. GROSS. What are they doing with the capital fund of the Bank to which we have subscribed 35 percent?

Mr. GONZALEZ. We are disappointed that the gentleman did not listen to the presentation I made earlier. I gave what I thought was a pretty succinct statement about what has been accomplished and why it has been accomplished.

Even though we exerted leadership, we have been a minority participant thus far in this particular Bank.

Mr. GROSS. We have accomplished getting rid at least of all of part of the $200 million, have we not?

Mr. GONZALEZ. Not exactly, no, sir.

Mr. GROSS. We are really working on it, are we not?

Mr. GONZALEZ. We have subscribed

to it, but what has been drawn on from that has been considerably less.

What we ought to keep in mind here is we are talking about not foreign aid as the gentleman has attempted to describe this in the sense that we talk about foreign aid in our participations in a bilateral way. This is a multilateral enterprise. This is one of the areas in which we have been eminently successful in attracting cooperative achievements in Southeast Asia. I believe it is very important for us to realize, even though we exerted leadership, that our actual participation has been minimal. This fiscal year it is not much. Through a departmental report you cannot get much more from the Secretary of the Treasury, because there will be no outlay of American dollars.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 3 additional minutes.)

Mr. GROSS. Whether it is bilateral or multilateral aid, we are getting rid of money that we desperately need in this country. Is that not true?

Mr. GONZALEZ. No, sir. There is a difference. What you are talking about bilaterally is a different type of aid from your loan situation which these banking institutions represent. We are not giving, but we are lending money.

Mr. GROSS. We are lending money.

Mr. GONZALEZ. Yes.

Mr. GROSS. For 30, 40, and up to 50 years; is that correct? Well, make it 40 years as an example.

Mr. GONZALEZ. In some cases.

Mr. GROSS. The gentleman would not want to bet a lead nickel on the fact that we will collect those 40-year loans, would he?

Mr. GONZALEZ. Yes, I would bet on it.

Mr. GROSS. We are already being warned that we are going to see all kinds of defaults on the soft loans already made and they are just now——

Mr. GONZALEZ. Well, if the gentleman will yield further——

Mr. GROSS. Just a minute. The first soft loans that were made to foreign countries are just beginning to reach the point of payments on principal and we are being warned now that there will be defaults on those payments.

Mr. GONZALEZ. Will the gentleman yield for a question?

Mr. GROSS. Yes.

Mr. GONZALEZ. In which case? In the case of the Inter-American Development Bank or some other institution, or in the case of the bilateral loan programs? I am not clear.

Mr. GROSS. Of course, as long as this Government foolishly keeps pumping billions of dollars in other forms of foreign aid into these countries, they may not default on these loans, but there must come a day in this country—and if the gentleman does not recognize it he had better begin to recognize it—when we are going to be faced with financial collapse and then what is going to happen around the world to these 30-year, 40-year, and 50-year so-called loans with a 10-year grace period on which they pay not a dime of interest and do not begin to pay a dime on the principal of the loan for 10 years?

Mr. GONZALEZ. I would like to ask the gentleman this question: In what cases are you referring to about this notice of default? What kind of cases?

Mr. GROSS. In all cases of soft loans. We have them all over the world, and they are not limited to any single lending institution.

Mr. GONZALEZ. We must.

Mr. GROSS. There are only one or two that do not have soft loan windows.

Mr. GONZALEZ. I beg to disagree, because in the case of the Inter-American Development Bank not only is it operating extremely conservatively, but it shows a net profit of $30 million.

Mr. GROSS. There are billions in 30-, 40-, and 50-year loans out with a 10-year grace period before any repayment starts and you are just now beginning to come down to the wire.

Mr. GONZALEZ. You could not possibly have a default if they have had a return of $30 million.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. GROSS. The gentleman and I are not going to resolve anything. The gentleman cannot convince me that these are sound loans; that any part of them are sound loans, or that we will ever get anything back, even a pittance of what we put into them. You cannot convince me and I cannot convince you. I am well aware of that.

Let me ask you this question: Can this bank use any of its assets, special funds or capital funds of the Asian Bank—can they be used in any way to make good on Henry Kissinger's promise that we are going to put out $2.5 billion to bribe the North Vietnamese?

Mr. GONZALEZ. No, sir; not at all. They are not members of this association. They could not possibly be.

Mr. GROSS. That is not the question. The question is, can any of the money in this Bank, under any circumstances, be used to carry out what has been reported as his proposal to do this humiliating thing, one of the most humiliating proposals I have ever heard of in my life, to pay the North Vietnamese $2.5 billion if they will end the war?

Mr. GONZALEZ. No.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from California.

Mr. TEAGUE of California. Would the gentleman say to the Members of the House that you oppose subsidized REA cooperative loans in order to establish a telephone system in this country and that the Members should be opposed to these subsidized loans?

Mr. GROSS. Does the gentleman know of any default by the REA on any loans?

Mr. TEAGUE of Texas. That is not the question. The question is if a Member did not oppose subsidized loans to the REA, we should oppose this?

Mr. GROSS. I would be perfectly willingly to loan money to foreign governments, if available, if I could be sure they would repay it on schedule.

Mr. TEAGUE of California. At subsidized rates?

Mr. GROSS. No; the going rate of interest, and that is what the REA ought to be paying.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is very interesting to listen to this conversation, especially after receiving the latest figures from the Treasury Department that I received about a month ago.

The United States owes to foreign countries at this moment $63 billion. These $63 billion stem from the adverse trade balances in spite of the deliberate lies and false figures fed to this House from the very first day that I came into this Congress by each succeeding administration. Aside from the $63 billion we are owed from foreign countries, $27 billion of which only $3 billion are collectable on demand. The rest are soft loans, subsidized loans to the agencies of the various international development funds. These are subsidized exports that they are not paying for on demand, but are part of forgivable debts.

We have also just finished a meeting with Kosygin in Russia, and he has demanded as a preagreement contract with the United States for export-import trade that, first, the Soviet Union be given a favored nation status. Second, that the Soviet Union be eligible for all loans and all credits now given to any other trading nation, including the Export-Import Bank credits. He has also asked, in the face of what he says is a dire need in the Soviet Union, for certain types of industries. His proposition is that the United States go into Soviet Russia and build certain types of industries using our credit and not theirs. As a precontract agreement they demand that in 5 years we buy back from Soviet Russia the products of these new industries equal to the cost of the plants so that the plant and the industry is paid for.

Then a further stipulation is that we continue to buy in the same volume that we bought in the first 5 years from them the products of these industries for the next 20 years.

This agreement I think is already secretly agreed to—because we are in the kind of government today where all agreements have to be secretly worked out.

For this we are going to have the great privilege of selling agricultural products, particularly protein foods for their feedlots, since they have a shortage of protein and need meats. We will sell these feed grains at 17 to 20 cents a bushel less than we sell to our own feedlot operators in the United States.

Then there is the further stipulation that these will have to be shipped in Soviet bottoms, setting aside the 50-percent allowance we have for the American merchant marine at this moment under the so-called subsidized exportation of foreign aid products.

I asked for a trade covering all of the years since 1960. The Commerce Department gave me a list showing the balance of trade on a census basis and the balance of trade on a balance-of-payment basis, and I find that from 1960 to 1971 every year, according to the Commerce Department, except 1971 there has been a surplus balance of payments in our favor. However, in a recent publication I discovered, backed up by dates and statistics, that in the years 1960, 1961, 1962, and 1963 the Commerce Department shows a balance-of-payments surplus in our favor.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. DENT was allowed to proceed for 3 additional minutes.)

Mr. DENT. The balance of payments in our favor according to the Department of Commerce figures of 19 billion plus dollars for this 4-year period. But in the statistics of a public document now available to every Member of the Congress, it shows in the same period of 1960, 1961, 1962, and 1963 a balance-of-payments deficit of $10,600,000,000 in that 4-year period.

On the floor of this House in 1962, I put in the RECORD what I said was the deficit for 1960, 1961, 1962 of $6,700,000,000. The House was told that I did not know what I was talking about. I am telling you at this moment that we are nearer to bankruptcy than any other nation in the world; that we owe more money today than all of the other nations combined; that we are losing on the basis of actual trade figures which are true, an amount equal to the budgets of a majority of the countries trading with us.

Mr. HANNA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think we have just heard from a gentleman who has shown more than adequate credentials in the field of international trade and poses a very important consideration on a question of specific trade.

Of course, this bill does not seek to deal with the problems he has discussed.

I would like to redirect your attention to the fact that this bill is talking about a process that we cannot help but take a part in. It is a process of regional development predicated on the proposition that if there is too wide a gap or too long a time of continued separation between those that have and those who have not, it jeopardizes not only the peace but jeopardizes the economic viability of the world itself.

As a large nation, one of the greatest nations in the world, it would seem to me imperative upon us that we take a reasonable and responsible position in terms of regional development.

We are never going to be able to change this world and put it together the way we want to put it as a whole. We may not even be able to do it by regional development, but the effort we are making I think is the most promising. We are asking for participation by those within the region and by those outside of the regions who have the resources which they can afford to put them to work so that we can all go forward.

We have yet to commit as much as 1 percent of our gross national product to the great effort in regional development in those areas where millions of people are so far below the standard of the developed part of the world.

Our effort has to be maintained and it has to be continued and we are not going to be able to sit back and say that we do not want to take part in this world any more.

Whatever there is in the future for our trade and whatever there is in the future for a balanced peaceful world, and whatever there is in the future in terms of taking economic advantage of the great overcapacity that our country has created, lies in our backing these kinds of institutions.

Let me say this—our money does not go out of our country. For the most part, we have that money come back here for our goods—and it is our goods that are going out of the country, and they are goods that represent the overcapacitance that we have built up in this great Nation. It represents a reflection of our great productivity.

So I would suggest that we support the bill with the sensible amendment by the gentleman from Texas, and I hope that this bill will pass.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Are there any further amendments to be proposed? If not, under the rule, the Committee rises.

Mr. RANGEL. Mr. Chairman, I offer an amendment which is at the desk.

The CHAIRMAN. The Clerk will report the amendment.

Mr. J. WILLIAM STANTON. Mr. Chairman, I demand the regular order.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. J. WILLIAM STANTON. Mr. Chairman, I make the point of order that the Committee had risen.

The CHAIRMAN. The Chair failed to observe the gentleman from New York, who was on his feet.

### AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANGEL: At the end of the bill, add the following new section:

SEC. 2. The Asian Development Bank Act is amended by adding at the end thereof the following new section:

"SEC. 19. The Secretary of the Treasury shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, may I ask the gentleman if the amendment is the same amendment that he offered to the bill that was previously considered by the House?

Mr. RANGEL. Yes, it is, Mr. Chairman.

Mr. PATMAN. Concerning narcotics. I think we would all be willing to accept it. We did before in connection with the preceding bill.

Mr. RANGEL. I thank the gentleman.

Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments to be proposed, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NEDZI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 749) to authorize U.S. contributions to the special funds of the Asian Development Bank, pursuant to House Resolution 785, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 256, nays 132, not voting 43, as follows:

[Roll No. 15]

**YEAS—256**

Abourezk
Abzug
Adams
Addabbo
Anderson,
  Calif.
Anderson, Ill.
Andrews
Annunzio
Arends
Ashley
Aspin
Badillo
Barrett
Begich
Belcher
Bergland
Biaggi
Biester
Bingham
Blanton
Blatnik
Boland
Bolling
Bow
Brademas
Brasco

Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Mass.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Chisholm
Cleveland
Collier
Collins, Ill.
Conable
Conte
Conyers
Cotter
Coughlin
Curlin
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Diggs
Dingell
Donohue
Dow
Drinan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Pa.
Griffin
Griffiths
Gubser
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Hosmer
Howard
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Kastenmeier
Keating
Kee
Keith
Kluczynski
Koch
Kyl
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Madden
Mahon
Mailliard
Mallary
Mathias, Calif.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Peyser
Pirnie
Poage
Podell
Poff
Price, Ill.
Pucinski
Purcell
Quie
Railsback
Rangel
Rees
Reid
Reuss
Rhodes
Robison, N.Y.
Rodino
Roncalio
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Schneebeli
Schwengel
Seiberling
Sisk
Smith, N.Y.
Springer
Stanton, J. William
Stanton, James V.
Steiger, Wis.
Stephens
Stokes
Stratton
Sullivan
Symington
Talcott
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Ware
Whalen
Whalley
White
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Yates
Zablocki
Zwach

### NAYS—132

Abbitt
Abernethy
Archer
Ashbrook
Aspinall
Baker
Baring
Bennett
Betts
Bevill
Bray
Brinkley
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Cabell
Caffery
Camp
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collins, Tex.
Colmer
Crane
Daniel, Va.
Daniels, N.J.
Delaney
Denholm
Dennis
Dent
Devine
Dickinson
Dorn
Dowdy
Downing
Dulski
Duncan
Fisher
Flynt
Fountain
Frey
Fuqua
Gaydos
Goodling
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Harsha
Hays
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Kemp
King
Kuykendall
Landgrebe
Landrum
Latta
Long, La.
McClure
McMillan
Mann
Martin
Mathis, Ga.
Mazzoli
Michel
Miller, Ohio
Mills, Md.
Mizell
Montgomery
Myers
Nichols
Nix
Pettis
Pickle
Pike
Price, Tex.
Randall
Rarick
Roberts
Robinson, Va.
Roe
Rogers
Rooney, Pa.
Rousselot
Roy
Runnels
Ruth
Satterfield
Scherle
Schmitz
Scott
Sebelius
Shipley
Shoup
Shriver
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Steed
Steiger, Ariz.
Stubblefield
Stuckey
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Waggonner
Wampler
Whitehurst
Whitten
Wylie
Wyman
Yatron
Young, Fla.
Zion

### NOT VOTING—43

Alexander
Anderson, Tenn.
Bell
Blackburn
Boggs
Byrnes, Wis.
Carter
Clay
Corman
Culver
Derwinski
Dwyer
Edwards, La.
Esch
Evins, Tenn.
Galifianakis
Green, Oreg.
Gude
Hansen, Idaho
Hébert
Horton
Karth
Kyros
Lennon
McCloskey
McCormack
Macdonald, Mass.
Mills, Ark.
Moorhead
O'Konski
Passman
Powell
Preyer, N.C.
Pryor, Ark.
Quillen
Riegle
Sikes
Smith, Iowa
Staggers
Steele
Wolff
Young, Tex.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Kyros for, with Mr. Passman against.

Mr. Staggers for, with Mr. Sikes against.

Mrs. Dwyer for, with Mr. Hébert against.

Mr. Gude for, with Mr. Evins of Tennessee against.

Mr. Moorhead for, with Mr. Quillen against.

Mr. Boggs for, with Mr. Blackburn against.

Mr. Wolff for, with Mr. Galifianakis against.

Until further notice:

Mr. Macdonald of Massachusetts with Mr. Clay.

Mr. Karth with Mr. Bell.

Mr. Young of Texas with Mr. Byrnes of Wisconsin.

Mr. Alexander with Mr. Hansen of Idaho.

Mr. Corman with Mr. Esch.

Mr. Culver with Mr. McCloskey.

Mrs. Green of Oregon with Mr. Horton.

Mr. Pryor of Arkansas with Mr. O'Konski.

Mr. Lennon with Mr. Carter.

Mr. Smith of Iowa with Mr. Derwinski.

Mr. Preyer of North Carolina with Mr. Powell.

Mr. McCormack with Mr. Riegle.

Mr. Anderson of Tennessee with Mr. Steele.

Mr. GOODLING changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## FURTHER MESSAGES FROM THE PRESIDENT

Further messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries.

## GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## AMENDING THE INTERNATIONAL DEVELOPMENT ASSOCIATION ACT

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2010) to provide for increased participation by the United States in the International Development Association.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, S. 2010, with Mr. Nedzi in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Patman) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. Widnall) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, I rise today to urge my colleagues in the House to join me in support of S. 2010, a bill authorizing the United States to participate in the third replenishment of the International Development Association. The IDA, which is an affiliate of the World Bank, is designed to provide flexible financing to its underdeveloped member nations in an effort to aid them in gaining a foothold into the future.

Briefly, the measure before the House would authorize a total appropriation of $960 million, spread over 3 years, with annual payments of $320 million.

This, however, is not the only contribution. Eighteen other nations are joining us in a replenishment totaling $2.4 billion. Even before we have acted advance contributions totaling $314 million have been made by nine countries. This demonstrates their confidence in IDA, their confidence in our contribution, and their willingness to assume an appropriate role in helping underdeveloped countries help themselves.

The IDA's program for action employs governmental contributions in a manner both efficient and effective. Concentrating on the infrastructure, the program seeks to establish the groundwork on which to build a viable economic community. Little foresight is required to see that industry cannot survive in a vacuum. Before factories can be built, there must be electricity to run them. In addition, there must be transportation to bring the goods to market, and housing and education for the workers. IDA recognizes that these projects cannot be supported by hard-term loans. IDA therefore underwrites these projects with 50-year soft-term loans including a 10-year grace period.

Mr. Chairman, I urge my colleagues to join with me in placing the United States in the forefront of this vital multination endeavor to aid these nations in their struggle to take their place among the developed nations of the world.

Mr. Chairman, I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, this bill authorizes the United States to contribute $960 million to the International Development Association, which is the soft-loan window of the World Bank.

This contribution would be the U.S. share of the third replenishment of the IDA resources, and would be 39.3 percent of the total replenishment. Some 17 other industrialized nations would provide the rest. I would like to point out at the outset that our relative share of the burden in this replenishment would be 4 percent less than our initial contribution, so our relative burden is less. Other countries are carrying the majority of the load, and this proves that the concept of the burden sharing as envisioned by President Eisenhower, and as endorsed and nurtured by Presidents Kennedy and Johnson, has worked admirably well. The present administration fully recognizes the value and validity of this burden sharing, and has brought forward this request.

The International Development Association started its operations in 1960, after some years of consideration by this and other countries. The concept of a concessional loan facility for the World Bank was recognized by our country, and by both political parties. The record of achievement for IDA has been impressive, and fully vindicates the judgment of those who founded and supported it. From an original membership of 68, IDA has 107 member nations. Of those, 18 are so-called part I countries, which provide the actual resources that IDA uses for its lending. The recipient countries provided some $263 million in IDA's initial resources, but have not been required to contribute to the replenishment resources. Again, I want to point out that the United States, even though it is the single largest donor, contributes less than half the resources that IDA has. Our 17 partners in the part I category of membership will contribute more than 60 percent of this, the third replenishment.

The United States is behind on its pledge, and IDA is currently being supported by the advance contributions of our partners. These advance contributions will run out this spring, so that if IDA is to remain as the strong and viable institution it is, favorable action on this bill is absolutely essential.

We are not being asked to contribute more than a fair share, but only an amount equal to our relative wealth in the world. Moreover, the World Bank is not asking for a free gift; it contributes about $100 million annually to IDA through transfers from the earnings it has in its regular lending operations. If we seek fairness, surely this is it, for the record shows that our partners in IDA faithfully increased their pledges and payments as their ability has increased. Moreover, our partners have also made advance contributions to IDA, to enable it to continue operations in this past year, even though they had no clear duty or responsibility to do so, since action had not been completed on the third replenishment. More eloquent, more convincing proof could not be asked for than this, that IDA has made itself a tool that our partners and allies consider essential for the development of the world. It is the largest of the multilateral concessional lending agencies, with 107 members, and it is the very embodiment of international cooperation and mutual self-help.

At the end of the last fiscal year, IDA had made 274 commitments, totaling $3.34 billion, scattered through 58 countries. Of these commitments about $2 billion had actually been disbursed. These commitments included $177 million in credits to Latin American countries, thus providing additional assistance above and beyond that available through the Inter-American Development Bank. Most of the funds have gone to the areas of greatest need—some $2.3 billion to countries in Asia and the Middle East. Some $666 million in assistance has gone to countries in Africa, and $177 million to Turkey.

Much IDA assistance has gone to India and Pakistan, but their share of IDA credits has dropped considerably in recent years—15 percent between 1967 and 1971, and IDA now reports that as a matter of policy this trend will continue, thus making IDA resources available to a larger number of developing countries.

IDA makes the basic development loans without which development cannot take place. These are the infrastructure loans—the roads, the dams, the electrical power projects, the agricultural projects that are at once costly and difficult to finance by ordinary means. IDA provides the funds that make the crucial difference between a country's ability to finance a project or having to abandon it—for although countries generally provide most of their own development capital, there is often a gap that absolutely cannot be covered except through a concessional loan of the type IDA can offer.

IDA loans go to the sectors where they are most needed—some 25 percent to agriculture, and another 25 percent to transportation projects. Electric power projects, education, and telecommunications projects receive about 6 to 8 percent of IDA credits.

These development projects are the kind of works that we in our own country support with soft loans, through such immensely successful operations as the rural electrification program. Concessional lending terms are familiar to us in our own domestic operations, so we have a sound basis for understanding the need of such programs in other countries. The difference is that we have been blessed with the capacity to finance the domestic programs from our own resources, whereas developing countries must turn to the industrial countries for at least some assistance. IDA provides essentially the crucial difference between what a country can afford to do on its own and what it must do in order to progress and develop.

As in the cases of other international lending institutions, the contribution authorized in this bill would take the form of a letter of credit, to be drawn against only as need arises. During the first 2 years, drawings against our letter of credit probably would not exceed $60 million, which is a very small fraction of our total contribution for those years. Most of the drawing down will take place in the midseventies or later. The great advantage of this procedure is that it not only protects us against excessive expenditures in any one year, but also protects our balance-of-payments position. In fact, the adverse balance-of-payments impact of IDA operations probably will not exceed $30 million during the first 2 years of operations under this replenishment. If, as I believe might happen, the United States becomes more competitive in international markets, we should win a higher share of IDA procurements, and that, together with the fact that IDA operates out of a headquarters in Washington, should mean that our long run balance-of-payments impact will be positive. Overall, the World Bank actually makes a net return to this country—and it is a bargain investment.

I have written, and the committee approved, an amendment on expropriation which is included in this authorization bill. The amendment is identical to the one attached to S. 748 and S. 749. As in those cases, it provides a clear U.S. policy on expropriation.

With particular respect to IDA, however, I would like to emphasize that the expropriation amendment will provide much encouragement for the use of the International Center for the Settlement of Investment Disputes, which is set up in the World Bank for the exact purpose of arbitrating differences involving international investments. IDA nations involved in expropriation problems are already familiar with the Center, and many have signed the Convention which created it. I believe that the amendment will go far toward making it plain that the United States expects only fair treatment in expropriation matters, and that we are more than willing to allow impartial international arbitration to settle disputes.

We have a duty to protect the rights of our citizens, and to assure their fair treatment by other countries. Expropriations may be necessary from time to time, and in the national interests of the countries involved. Yet unjustified actions must be discouraged, because private investment is essential to the development of many countries around the world. If unjustified, capricious expropriations take place we can expect to see a decline in private investment, which will adversely affect the prospects of developing countries. These nations need to effectively utilize all the capital they can save internally, to attract the international assistance that they can, and to encourage prudent private investments whenever this is possible. A fair, sensible international policy on foreign private investment may be a key to this, and that is why I have offered this expropriation amendment. I believe it is as sensible as it is simple, and I hope that it will be adopted.

The World Bank has been in business for almost three decades. It has proved its worth and value. The Bank, in its ordinary lending operations, earns a good rate of return. About half its earnings are plowed into the soft-loan operations of IDA—and the contributions of the Bank itself now total better than $595 million, $110 million last year alone. The World Bank believes in IDA, and supports it with a healthy investment every year.

Our 17 partners in IDA contributions contribute a healthy share—in fact, will contribute more than ourselves to this replenishment.

Our own country believes in IDA. We helped formulate the agency, and it has received two replenishments in resources from us. Four Presidents have supported it, including President Nixon. I believe that the House should approve this bill, and urge favorable action today.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wholeheartedly endorse this bill that is now pending before us. I think it is needed. It is thoroughly justified. It has been well explained by the gentleman from Texas (Mr. Gonzalez).

However, Mr. Chairman, I would like to emphasize one thing in connection with it. On page 4 of the report you will find that prompt action by the United States is essential if the third replenishment is to achieve its goals. Under the terms of the pertinent agreement, the third replenishment cannot become effective until donors pledging not less than $1.9 billion and including at least 12 of the 18 part I members have notified IDA that they will make the specified contributions. The third replenishment cannot become effective, thus, unless the United States commits its share.

Numerous countries have already committed funds to IDA in advance of the replenishment coming into effect on the expectation that the United States will make its agreed contribution. Australia, Canada, Denmark, Finland, Germany, Japan, Kuwait, the United Kingdom and Yugoslavia have pledged or formally committed in advance more than $314 million. These advance contributions and pledges have been made in the expectation of early action by the United States to make the third replenishment effective. In addition, the World Bank has made its normal annual transfer to IDA out of Bank net profits. This year's transfer amounted to $110 million.

This, it seems to me, exemplifies what we have been asking that should be done by our representatives in connection with participation in multilateral agencies, an increased sharing in the burden by other nations and a decrease in the share that the United States has put into its participation. The U.S. participation is going down while at the same time major increases are being made by other countries.

Mr. Chairman, I urge the adoption of the bill. I think it would be wise to pass it as soon as possible.

Mr. Chairman, I now yield 5 minutes to the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Chairman, at the outset I would like to compliment the House on the action taken thus far for the very substantial margin by which the first two bills were approved this afternoon. The vote on the Inter-American Development Association was 285 to 102 and in the case of the Asian Development Bank the vote was 255 to 132.

The vote in each case was a strong affirmation of the backing of the United States and the Congress on behalf of these two organizations. At this point I would like to urge the members of the committee to equally strongly support the bill before the committee at the present time, the proposed amendments to the International Development Act.

In my hand, Mr. Chairman, I have a letter from the President which I would like to read, indicating the support of the President for all three of the measures that have been before the House this afternoon. As indicated earlier, the first two measures have already passed, and we now have the third before us at the present time. The action of the President in supporting this legislation follows the action originally taken by President Eisenhower, supported by President Kennedy, likewise supported by President Johnson and now by President Nixon. With your indulgence I will read this letter from the White House. It is dated February 1, 1972:

February 1, 1972.

Dear Jerry: My January 19, 1972 policy statement on "Economic Assistance and Investment Security in Developing Nations" expressed the great importance I attach to meeting in full the pledges we make to the international financial institutions that play so vital a role in financial development abroad.

I wish to stress now, as I did then, that our contributions to the Inter-American Development Bank represent our most concrete form of support for regional development in Latin America. Together with our vital contributions to the International Development Association, the World Bank and the Asian Development Bank, they are essential elements in our development assistance policy.

The three bills that are now on the calendar of the House of Representatives, providing for contributions to the Inter-American Development Bank (S. 748), the Asian Development Bank (S. 749) and the International Development Association (S. 2010), are precisely the items of authorizing legislation to which my January 19 statement referred. I strongly urge Congressional passage of these bills—bills which are truly a cornerstone to our search for peaceful development in the world.

Sincerely,

Richard Nixon.

Mr. Chairman, as I said at the outset, we have done a good job this afternoon, thus far with an overwhelming approval of the first of the two bills on the agenda. I urge at this point a favorable consideration of the legislation now before the Committee.

I add in justifying a favorable vote an important point that has been made by two previous speakers. This is a case, as was the case in the other two, of an instance where if we put up one U.S. dollar, we get considerably more financial cooperation from other contributing nations. In this instance, for every 2 U.S. dollars utilized, there will be $3 contributed by the other members of the organization. I think this is a good investment. It will pay off in the future as it has in the past. I urge favorable consideration of this legislation.

Mr. PATMAN. Mr. Chairman, we have had some excellent speeches made on this bill from both sides of the committee, and I feel that under the 5-minute rule, the Members will have adequate protection on this particular bill, so I hope we can agree to dispense with further general debate at this time, and that the Members can rely upon the 5-minute rule.

The CHAIRMAN. Does the gentleman from New Jersey desire to yield further time?

Mr. WIDNALL. Mr. Chairman, I said that I would yield 5 minutes to the gentleman from Texas (Mr. Archer) and I would like to do so at this time.

Mr. ARCHER. Mr. Chairman, I must rise in opposition to this bill as it is now written. I cannot in conscience pass on to future generations in this country the burden of paying an additional $480 million which will be put into IDA during the next 3 years—over and above what the annual commitment would be if it were continued at the present level.

I think it is important for this House to distinguish between this bill and the two bills which have just been passed. The loans under IDA do not provide for sound and realistic repayment. They are so-called soft loans—and the repayment experience will not be good.

We now hear about the decreasing percentage of American involvement. But this decrease is actually very small. What we are not told by the proponents is that this bill provides for a one hundred percent dollar increase in our annual commitment.

I do not call this a decrease—I call it adding fuel and fire to the flames of inflation, deficit spending, and our deficit balance of payments in the world.

When this bill last passed in 1969, I believe, there were over 150 votes against it. I think today it is even more critical in this country than it was at that time. Ten years have now expired since we commenced contributions to IDA. The beginning of repayments, if they are going to come, as we have been promised, should be occurring today; so it should cut down the amount of new commitments and additional contributions to be made to this fund.

There is ultimately no provision for any return of these dollars to the Treasury of the United States of America—even if they were repaid which I doubt that they will be.

Mr. Chairman, when the bill is being read and is open for amendment, I will offer an amendment to reduce our commitment—as our colleague, the gentleman from Texas, said previously last year—to its pristine purity, to the amount of money which we are currently contributing today on a per annum basis which is $160 million rather than doubling it to $320 million. I do not believe this country can afford to do so at this time.

Mr. WIDNALL. Mr. Chairman, I yield

3 minutes to the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Chairman, as a former member of the Committee on Banking and Currency and as one who served on the International Finance Subcommittee, I have had considerable opportunity to evaluate the superb achievements of IDA.

Now as a member of the Committee on Foreign Affairs, I can view the activities of the Association with an even broader perspective and I am convinced that our participation in the Association is a vital and effective part of our foreign policy.

Mr. Chairman, the International Development Association is a cornerstone of our efforts in the area of peaceful cooperation. I urge my colleagues to vote in favor of the present bill before us providing for replenishment of IDA's resources.

This bill reflects a reasonable and carefully negotiated international understanding among a larger number of sovereign nations—among which we are important but only one. It represents a plan for orderly financing over a 3-year period of an institution that most of us regard as the leading multilateral institution providing assistance to the poorest nations on concessionary terms appropriate for these countries. Other countries—whose combined contributions exceed the amount we are considering today—have already taken the steps to carry out this multiyear plan; the United States however, has been tardy in allowing the understanding to come into effect and forced IDA to reply upon advance contributions from other countries—contributions which have already been committed.

I think Congress should approve the bargain we struck in fair negotiations with other nations and allow this important replenishment of IDA resources to go forward. Our failure to so act would have important foreign policy implications—far out of line with the cost to us. The replenishment represents a package; other countries agreed to their proposed contribution because we agreed to make a certain contribution. If we refuse now, the replenishment, if it went forward at all, would have to be renegotiated at a greatly reduced level. The probabilities would be—in fact—that we would be denying the poorest countries resources amounting to $5 for every $2 we fail to provide, a most undesirable outcome.

Furthermore, the $320 million per year for 3 years that is our share would affect our budget only over an extended period of years—10 or more. The budgetary impact of our contributions are delayed through the use of letters of credit instead of cash for making subscription payments. There is no budgetary impact until these letters of credit are encashed by IDA to meet its disbursements—which happens only over the next decade or more. The anticipated budget impact for fiscal year 1972 is $10 million and $55 million for fiscal year 1973.

Mr. Chairman, this bill symbolizes the "burden-sharing" we are seeking from other countries a point so well made by the minority leaders. The benefits from our participation far outweigh the costs. Let us not be so shortsighted as to refuse to bear our fair share in this major effort to help the developing world.

Mr. BARRETT. Mr. Chairman, we now have before us S. 2010, which will provide additional funds to the International Development Association. This organization, established in 1960 as an affiliate of the World Bank, has a proven track record of effective operation and accomplishments. It is the world's largest single multinational institution extending credit on concessionary terms to finance high priority development projects and programs of the least developed of its member nations. The initial membership of 68 has grown to 107 nations. This institution has been a major force in attacking the gap between the developed and developing nations.

I believe it is very important to note several facts. Each dollar contributed by the United States will generate the equivalent of a dollar and a half in contributions by other nations. In comparison with the initial U.S. contribution, the U.S. share authorized in this bill attests to a gradual increase in the development burdens assumed by other countries.

The U.S. contribution takes the form of letters of credit, providing for procurement in the United States. In that regard the executive is currently studying measures to enhance procurement in the United States in respect to projects financed by IDA and plans to increase the flow of information to potential U.S. suppliers. It is also expected that a realignment of international exchange rates should contribute significantly to the competitiveness of U.S. suppliers.

Here again, in this bill, we have the advantage of a multinational organization as a means of our assisting developing nations. And again, we have the committee amendment protecting American interests in the expropriation of American property.

Again I urge the Members of the House to continue their support of this successful international organization and to vote for passage of S. 2010.

The CHAIRMAN. If there is no further request for time, the Clerk will read.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the International Development Association Act is amended by adding at the end thereof the following new section:
>
> "SEC. 11. The United States Governor is hereby authorized to agree on behalf of the United States to contribute to the Association three annual installments of $320,000,000 each as recommended in the 'Report of the Executive Director to the Board of Governors on Additions to IDA Resources: Third Replenishment,' dated July 21, 1970. There is hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of three annual installments of $320,000,000 each for the United States share of the increase in the resources of the Association."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

### COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

> Committee amendment: Page 1, line 5, strike out "section" and insert in lieu thereof "sections".

The committee amendment was agreed to.

### AMENDMENT OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ARCHER: On page 1, line 8, strike out "$320,000,000" and insert "$160,000,000 each", and strike out lines 9 and 10 and through to period on line 11. On page 2, line 4 strike out "$320,000,000" and insert "$160,000,000".

Mr. ARCHER. Mr. Chairman, at a time when the United States is suffering from a serious balance-of-payments deficit, it is, in my opinion, inappropriate for the Congress to authorize a 100-percent increase in our country's contribution to the International Development Association. Through the 10 years that it has existed, the IDA has caused a drain on the U.S. balance of payments. Mr. Chairman, I therefore offer this amendment which would keep our contribution to IDA at the present level of $160 million per year instead of increasing it to $320 million per year.

As we are well aware, the United States has not yet brought our balance of payments into equilibrium. In fact, we are now even experiencing a trade deficit. The administration has taken significant and encouraging steps to curb the balance-of-payments deficit and the trade deficit, but we are still going to face this problem in the years to come. A doubling of the U.S. contribution to IDA is hardly in keeping with those measure to improve our trade and balance of payments, and no one can predict with certainty, in spite of what you have heard today, the results of this legislation on our balance of payments, particularly since there is no provision in this act assuring that the funds will be spent in the United States, as was previously in the law.

In the 10 years that IDA has existed the United States has extended over $1 billion in credit. Of this over $1 billion, IDA has used $611 million. Project procurement and administrative expenses in the United States have amounted to only $328 million, however, or a deficit of $283 million in our balance of payments.

This week once again Congress has been asked to increase the ceiling on the national debt limit from $430 billion to $480 billion. With Federal spending at unprecedented heights, it has been evident for some time that the United States is now overextended. In the face of this situation, we are now requested to increase this particular type of foreign aid by a whopping 100 percent per year. Make no mistake about it, contributions to IDA are another form of foreign aid.

IDA, which is the "soft-loan" affiliate of the World Bank, makes development loans on a 50-year basis with no interest other than a three-quarter percent per year service charge and no repayment for the first 10 years.

As a recent editorial in the Washington Post indicates, there is every possibility that a majority of these loans will never be repaid.

The American public, in recent years, has expressed its opposition to increasing foreign aid outlays. Now is the time for the Congress of the United States to reverse the process of "spend now and pay later"—thus passing on an ever-increasing tax burden to generations yet unborn. I call upon the House to adopt this amendment to maintain our contributions to IDA at the present level.

Holding the program at the existing level, of course, would require negotiation among IDA member nations concerning the third replenishment agreement. But renegotiation has occurred before. This is not a precedent—and it can be done now.

Perhaps the most important facet of this legislation is that most of our contributions will never be repaid, and in this it differs greatly from the two bills already passed today. I include for the record the January 1972 editorial from the Washington Post which sounds the warning that most lenders and borrowers in this program alike have shut their eyes to the day of reckoning:

### THE POOR NATIONS' DEBTS

The development decade, as optimists called the 1960s, is being followed by the debt decade, as realists might call the 1970s. It figured. Eager to lead their peoples into a new world, the governments of the poor nations earlier shopped the world for loans, looking for the cheapest, taking the best they could get. The rich loaned practically everywhere: public lenders did it to buy friends and influence, to create markets for their own exports, even to do good; private lenders did it to make money. Of $43 billion owed by the developing countries to public lenders, $20 billion comes due in 1970–75, the World Bank says, and of $16 billion owed to private lenders, $13 billion. Until the war crisis, India's debt repayments amounted annually to half of its new loans. The problem has been thoroughly studied and anticipated: Lester Pearson called it "explosive," Rudolph Peterson called it "urgent." Yet most lenders and borrowers alike have simply shut their eyes to the day of reckoning. Now, for an increasing number of countries, it's here.

The symptoms are easily visible. Politically, debt problems mean political tension; economically they mean economic tension. The coup the other day in Ghana, for instance, can be traced quite clearly to Prime Minister Busia's inability to meet his people's demands for a better life, and his creditors' demands for their money. The colonel who ousted him shows no promise of being able to do any better. If the experience of other coup-struck countries is a guide, he will merely use his power to try to repress the discontent that otherwise would have flowed out through democratic channels. He has his work cut out for him because the price of cocoa, the main source of Ghana's export earnings, is sharply down.

Chile's case is interesting, not to say calamitous. Its scheduled debt payments amount to a giant 35 per cent of its export earnings. Currently it's trying to "renegotiate" payments of debts totaling $3 billion. But lender governments, the international agencies such as the World Bank which they dominate, and the private banks which they influence, are more likely to reschedule debt payments for friendly governments than for a country like Chile whose relations with Washington are rather bleak. Pakistan last year declared a "moratorium" on its debt service—with no pretense at "renegotiation" and the United States took it in stride.

Anyway, governments, like Indonesia's, which do get their debts rescheduled usually must pay a price—in terms of austerity measures or privileges for foreign investors—which can become very onerous and politically unpalatable, if not at the moment, then later. Borrowers may not like it but the lenders tend to believe in the words of the World Bank, that the answer to the debt problem lies not in "inappropriate terms" but in "the borrowing country's management of its economy."

President Nasser, when asked if Egypt were not falling into thrall to Egypt's Kremlin creditors used to answer with a laugh that the debtor had the upper hand. This was of course, nonsense. A lender can perhaps be defined as someone who can afford to lose his money, but the borrower is not so fortunate. A country like China, apparently alone among nations in having no foreign debt, may dissent, but for others it is surely true that, as the World Bank says, "To be able to borrow abroad is an important advantage." To keep open that advantage for the underdeveloped countries, and to keep it open on terms compatible with their progress and their dignity, is the common challenge the rich and the poor now face.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. ARCHER was allowed to proceed for 2 additional minutes.)

Mr. ARCHER. No one, of course, can argue that the goals of this program are not noble, but now, as never before, our attention must be directed to our urgent domestic priorities. Doubling our contribution by an extra amount of $480 million is an idea whose time should not come now.

I wonder if Will Rogers was not right when he said ironically: "We'll show the world we're prosperous even if we have to go broke to prove it."

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the gentleman's amendment. I think your amendment is a reasonable suggestion against a very unreasonable demand on the American taxpayers and properly reduces our American commitment by one-half. In discussing, as the gentleman has, "the soft-loan window" which this legislation really provides the gentleman from Texas has correctly called attention to some of the terms which are available under this program. No matter how worthy some of these projects may be, you have shown by your testimony what the real effect actually is on the basis of what we are voting money for here today. This program provides the kind of long-term loans that none of our constituents can get in their own banking or financial community here at home. So we are taking money from our taxpayers with one hand and giving it to an international institution that turns around and makes liberal and extremely favorable loans available for others, in many cases interest free. Yet our own constituents are unable to obtain this kind of loan at home. In addition our constituents are required to pay 6 to 10 percent on their loans.

Mr. ARCHER. I could not justify it to my constituents.

Mr. ROUSSELOT. A vote for this would be a vote to take money from our constituents to give to another bank that provides extremely liberal terms, while our own constituents cannot get those terms.

I think the gentleman is to be complimented on the very responsible way he recommends that this be cut back to its present level and not be increased by 100 percent. I give my support, for whatever that may be worth, to the gentleman's amendment.

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to the amendment.

Under other normal circumstances I would not debate at this point, but the facts as evidenced by the record are so contradictory to what my colleague from Texas just attempted to present to the House I feel compelled not only to set the record straight but also to give a complete picture of our contributions, their net impact, their merit plus their demerit.

As a matter of fact, since this operation has been in existence, some 11 years, the payments have begun to come in. If my colleague from Texas had bothered to look at the annual report from the World Bank he would have seen this item had a net income last year of over $7 million; a net positive, affirmative income, not a loss.

Anybody will tell us—and the gentleman from Texas has been in the banking industry or associated with it—that some banks sooner or later make some bad loans. If such has been the case here, I defy any Member to present it.

According to the best available estimates, during the 10 years or more of its operation, IDA has had a negative impact on the U.S. balance of payments of about $275 million, or, if we want to average it out, $25 million a year, though last year the adverse effect was about $3.5 million.

But IDA has also given developing countries resources of $2 billion, so our losses have been miscroscopic in relation to the total benefits generated by the IDA contributions. In other words, for the investments made through this particular mechanism the overall results have been multiplied quite a number of times, as we can see, as differentiated from our bilateral aid type agreements.

Moreover, the World Bank must be taken as a whole We must remember that IDA is a soft window of the World Bank; it is not standing over on its own. When we take the World Bank as a whole, we have had a positive impact on our balance of payments. IDA, after all, is just a part of that Bank.

All during its lifetime, the combined operations of the World Bank and IDA have resulted in $2.5 billion in positive flow to our balance of payments. I believe that ought to be on the record.

During the next 3 years the estimates are that the combined IDA-World Bank operation will adversely affect our balance of payments by about $12 million a year, but at the same time the institutions will be generating $860 million a year in assistance. In short, if we look at the long run we will be making money, and even if we just consider the short run our balance-of-payments losses as a result of the World Bank-IDA operations are simply microscopic. The return on our investment is literally impressive. Any investor would be happy to have this kind of leverage under any circumstances.

Mr. ARCHER. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Texas.

Mr. ARCHER. The gentleman prefaced his comments with the fact that my facts were inaccurate. I wondered just what those facts were, because the gentleman has confirmed what I stated in my presentation as to the balance-of-payments deficit.

The Library of Congress furnished me with information that during the time of its existence we have had a balance-of-payments deficit of $283 million from IDA alone. One cannot compare IDA to the World Bank, although it is a part of the World Bank. The other part of the World Bank is run on a realistic basis, but it can exist without the enormous increase of new funds committed to IDA.

I wonder just where in my presentation the gentleman feels I presented the facts inaccurately?

Mr. GONZALEZ. I believe the gentleman left out the very important question that we have to look at the total operation of the World Bank as it affects the IDA operations as well in its impact on our balance-of-payments deficit, if we want to give a complete picture.

Also, in all fairness, I believe the gentleman failed to point out or failed to note that the IDA today is operating at twice its capacity compared to what it was at the beginning. He is asking for the same contribution for half of the membership, whereas we have twice as many today.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words, and I will probably ask for some additional time before I get through.

Does the gentleman from Florida wish me to yield to him?

Mr. HALEY. Yes; I do.

Mr. GROSS. I am glad to yield to my good friend from Florida.

Mr. HALEY. Of course, this Member is a little confused here about many things. I understand that this bill calls for approximately $1 billion. I would like to direct a question to the chairman of the Committee on Banking and Currency.

It is my understanding—and correct me if I am wrong, Mr. PATMAN—that you today or yesterday appeared before the Committee on Ways and Means opposing the raising of the debt ceiling by $40 billion. If you oppose that and you are successful in it, then where are you going to get this money?

We are now running at a terrific deficit. I cannot understand your thinking and the thinking of other people here who are going to oppose the raising of the debt ceiling, because you are voting for all of these things.

Mr. PATMAN. Will the gentleman yield to me?

Mr. GROSS. Yes, for a lucid, quick answer.

Mr. PATMAN. Yes. Of course, you do not give quick answers to questions like that, except that his information is incorrect. I have never voted against raising the debt limit when it was necessary to pay our bills. I only suggested that they go at it partially and not give them the whole thing for a whole year and then not see them again for a year but, instead, give them something for 3 months or 6 months and let them come back here. I did not oppose the raising of the debt limit.

Mr. GROSS. In other words, he wants to delay paying for it. That is all.

Mr. HALEY. What the gentleman says is just about the same as what the lady says about being a little bit pregnant. Is that right?

Mr. PATMAN. That is a farfetched illustration.

Mr. GROSS. Well, I will be surprised if the distinguished chairman of the Committee on Banking and Currency does not come around soon asking Congress for money to buy some more of those high-speed British printing presses that we have used to produce our printing press money. I will be surprised, if he gets many more spendthrift bills like this through the Congress if he does not come in with a bill to spend some money for faster production of greenbacks.

The gentleman from New Jersey (Mr. WIDNALL) said that he rose in wholehearted support of this $960 million bill, the third foreign handout bill of the afternoon, which will bring the outlay for foreign aid for this one afternoon—because I am sure it will be approved by the House—right close to $2 billion. I am in wholehearted opposition to it.

And I notice with interest that it has the warm support of the minority leader (Mr. FORD).

Now, Mr. Chairman, this Nation is awash and afloat in red ink. How in the world this House can vote this afternoon to beef up the International Development Association to the tune of $960 million is beyond me. If there is any concern whatsoever in this House for the desperate financial situation in this country, if there is any concern whatsoever for the generations to come who are going to have to bear the burden of the debt that you are helping pile on their backs here this afternon, I cannot begin to understand how you can do this.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I would be glad to yield to my friend from Ohio.

Mr. HAYS. I would say the only way you can believe these kinds of bills, especially the one for the Japanese, the so-called Asian Bank, you have got to be a believer in Alice in Wonderland. You have got to understand that soft loan does not mean "loan." It means "gift." Nobody is going to pay it back.

And then you have got to understand that a Budget Director who estimates there will be a $6.5 billion deficit and turns out with a $40 billion deficit is the greatest Budget Director in the history of this country. That is what the President says. And you know if you take the figures and take the President's statement and if you believe both of them, you have got to be a fan of Lewis Carroll, you have go to believe in Alice in Wonderland. There is no other way you can do it and keep your sanity.

Mr. GROSS. I thank the gentleman from Ohio.

A little while ago the gentleman from California (Mr. HANNA) talked about how this money comes back to the United States in one way or the other; how they buy our products in this country. Let me give you an example of what happens by reading from the United Press wire service today and the news item is from Caracas, Venezuela.

But first let me say that I made a hurried check a few moments ago on the telephone and found that the United States has given Venezuela somewhere in the neighborhood of $400 million in foreign aid.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. GROSS. We have given through this foreign handout program some $400 million to Venezuela. What happens?

> CARACAS.—First deliveries of FC5 fighter planes acquired by Venezuela from Canada will arrive in Caracas this week, Air Force Chief General Luis Arturo Ordonez said.
>
> Sixty-five Venezuelan technicians are presently in Canada and in Europe being trained in handling new equipment being acquired by the Air Force, the general said.
>
> In addition to the FC-5s, Venezuela is also buying Mirage aircraft from France.

And, you stand here and tell me that the money has been spent in the United States that we are ladling out to these countries?

If we only knew the truth, if the public only knew the truth about all of the shenanigans that go on in the expenditure of this money, I am sure they would be down here, if they were farmers, with pitchforks trying to prick the conscience and other parts of the anatomy of the individual Members of Congress into some awareness of what they are doing to them and to this country.

How anyone can stand on the floor of the House this afternoon, I say again, and support this kind of business, is beyond belief.

If I read the tables right in this report, we have contributed from the beginning until today more than 40 percent of all the money that has been put into this program. And, if the gentleman from New Jersey (Mr. WIDNALL) or the gentleman from Texas (Mr. PATMAN) can stand before the public of this country and justify putting more than 40 percent into any of these so-called lending institutions, I would like to see them do it.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course I yield.

Mr. BROWN of Michigan. I think the gentleman makes a very good point, that there are nations that are using multilateral aid for purposes for which it was not intended.

Mr. GROSS. Let me interrupt the gentleman. I do not care whether it is multilateral or bilateral aid. We do not have the money in this country to do what is proposed here today without further inviting bankruptcy and you know it if you have any sense of fiscal responsibility.

I yield to the gentleman.

Mr. BROWN of Michigan. There is no question but what we disagree with the way in which some of the funds are used, whether they are bilateral, multilateral, or whatever they may be. This Congress on occasion has either formally or informally with regard to the Export-Import Bank and with regard to the Inter-American Development Bank indicated its displeasure not only with the use of the multilateral funds that have been supplied in part by this Nation, not only with regard to credit that is extended by the Export-Import Bank but in all ways, using multilateral funds of this Nation for the purpose of arms when they should be using those funds for other purposes more consistent with the needs of that country.

In fact we have gone so far in many of these cases to indicate to those countries that we do not permit and we will not permit the use of a substitution process whereby although our funds are not used for arms, but our funds are used for their development purposes, they then use their own funds not for development purposes but for the purchase of military arms.

So I think we are not unaware of the problem to which the gentleman has directed himself and I think the Congress should keep a careful watch on this. But the Congress cannot have it both ways. The Congress cannot say, "You cannot use any part of this money for the purchase of arms," and at the same time say, "Buy your arms from us." It just does not fit.

Mr. GROSS. I found in my experience that what multilateral aid does best is to permit people to sweep under the rug the sad results on how the money is spent. It is a good way to keep us from obtaining information.

Here again, Mr. Chairman, is another report on another bill, the third bill considered this afternoon without a single departmental report to go along with it. Not a single word from any agency or department of government. Is the Bureau of Budget ashamed of this bill? Is the administration ashamed of this bill? Why is there nothing in this report to state the position of any official of this administration?

Mr. Chairman, I urge the defeat of the bill.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Michigan.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(On request of Mr. BROWN of Michigan, and by unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. BROWN of Michigan. Mr. Chairman, I have asked my colleagues to permit the gentleman from Iowa to proceed for 1 additional minute because the gentleman has raised a good point and that is that the report in this case does not include some of the information which the gentleman thinks it should. I think he is correct on that. However, with regard to the Inter-American Development Bank Bill which we considered this afternoon, the first bill we took up, the report filed in the fall of last year when the Congress acted on the same legislation and passed it, fully covered the information the gentlemen sought today.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope that I am practical, and I have voted for a lot of these bills for a number of years, but now I want to talk especially to my friends on my left. Last week in the most Republican town and in the most Republican county in my district, with a Republican mayor and all six Republican councilmen, they were turned down for $250,000 that they asked to go along with a couple of million of their own, or a million and a half in order to upgrade their sewage plant so as to meet the standards of the Environmental Protection Agency.

Now if anybody thinks that I am going to stand here today and vote to give almost a billion dollars—$960 million, or 4,000 times that much—or maybe it is 40,000—I am not very good with mathematics—as a soft-loan window, with no means for getting it back, and then go out and try to explain to those Republicans why they cannot get $250,000 but these people can get almost $1 billion—well, I am not quite that foolish. And I want to say to my friends that if any of you would like to go out to my district and tell them how it is done and why it is done, then I will set up a meeting for you with a good dinner and take you out there. But I am not going to be stupid enough to try to do that.

Now then, we passed a bill here a little bit ago. I voted for the first one. I went along with the so-called Latin American Bank through which we are supposed to try to keep prosperity in this hemisphere, I am told. But I did not go along with that Asian one, and I will tell you why.

I would have made this speech before, but I was upstairs in committee on an appointment. When I got down the Speaker had just resumed the Chair and I did not have a chance to do so.

I had a next door neighbor when I lived out at Lake Barcroft who quit a job with the World Bank to take a job then being formed in the newly developed Asian Development Bank.

He came to see me after 2 years and I said, "How are you getting along?" He was out at the headquarters out in the Far East and he said, "I quit. I am hunting a job." I said, "What is the matter?" He said, "That thing is run by the Japanese; with the Japanese; and for the Japanese." He said, "The head of it is a Japanese and they have not made a loan that has not been used to throw American businesses out of a contract and give it to the Japanese."

Those are his words. I know because I have looked into it—that is exactly what has happened. It might as well be an agency and a branch of the Japanese Government.

We talk about our balance-of-payments deficit. The President slapped a surcharge on everybody. I will just pick one—France—which has an $800 million balance of trade in our favor—we sell them that much more than they sell to us. He slapped it on that.

But our problem is with the Japanese. They are the ones who are causing our trouble. If you want to apply a specific remedy, you ought to be putting some kind of remedy on them. Then we can get used to that without spending a lot more money.

I suppose if the truth were known, they are going to make a lot of soft loans for industries which are Japanese controlled and Japanese owned and which are Japanese operated in a lot of these so-called underdeveloped countries. If a crash comes and we wonder what happened to us, well you can say that we were just a little bit too stupid to deal with our friends on the other side of the Pacific.

In addition to that, we have supplied all of their national defense in toto, and are doing so today.

If you want to figure out how much that costs, that is probably another $15 billion or $20 billion if they had to provide an air force, and army, and a navy of their own.

So if you think we are not being taken you are mistaken. I want to tell you, my friends, we are coming into a campaign and we well know it. The American people are not so stupid that they do not know what is going on. I supported the President on his Vietnam policy and I supported the President where I could on foreign policy, but I am not going down this road on this bill and the previous bill. I think I know enough to explain it to the American people.

Those of you from either side of the aisle who subsequently vote against appropriations for housing and sewerage and for clean water and for clean air and then vote for this one—well, somebody might just complete a list, and there will be some very tough questions to answer.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. GROSS. Mr. Chairman, I might point out that only a comparatively short time ago, perhaps 2 weeks or 3 weeks ago, this International Development Association made a line of credit available to India in the amount of $75 million. This was after the U.S. Government was supposed to have cut off all aid to India.

Mr. HAYS. India probably used that money to buy jet planes from the Soviet Union.

Mr. GROSS. Yes.

Mr. HAYS. Now, these Latin American countries—if they ever got into a war—they could not have a war without our weapons. What else would they use them for?

In the recent fracas out on the subcontinent between Pakistan and India, it was fought almost exclusively with American weapons—and I guess they can get some more from this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ARCHER).

The question was taken; and on a division (demanded by Mr. ARCHER) there were—ayes 36, noes 33.

TELLER VOTE WITH CLERKS

Mr. PATMAN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. BROWN of Michigan. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. ARCHER, GONZALEZ, PATMAN, and ROUSSELOT.

The Committee divided, and the tellers reported that there were—ayes 165, noes 191, not voting 75, as follows:

[Roll No. 16]

[Recorded Teller Vote]

AYES—165

Abbitt
Abernethy
Archer
Ashbrook
Aspinall
Baker
Baring
Bennett
Betts
Bevill
Blanton
Bray
Brinkley
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Cabell
Caffery
Camp
Carney
Casey, Tex.
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
Edmondson
Fisher
Flowers
Flynt
Fountain
Frey
Fuqua
Gaydos
Goodling
Grasso
Griffin
Griffiths
Gross
Grover
Haley
Hall
Hammerschmidt
Harsha
Hays
Henderson
Hicks, Wash.
Hogan
Hull
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kemp
Kyl
Landgrebe
Landrum
Latta
Link
Lujan
McClure
McCollister
McKevitt
Mahon
Mann
Martin
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Ohio
Mills, Md.
Mizell
Mollohan
Montgomery
Murphy, Ill.
Myers
Natcher
Nichols
Nix
Pickle
Pike
Pirnie
Poage
Poff
Price, Tex.
Purcell
Randall
Rarick
Roberts
Robinson, Va.
Roe
Rogers
Roncalio
Rooney, N.Y.
Roush
Rousselot
Roy
Runnels
Ruth
Sandman
Satterfield
Scherle
Schmitz
Scott
Sebelius
Shipley
Shoup
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Steed
Steiger, Ariz.
Stubblefield
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Veysey
Vigorito
Waggonner
White
Whitehurst
Whitten
Wiggins
Wilson, Charles H.
Winn
Wydler
Wylie
Yatron
Young, Fla.
Zion

NOES—191

Abourezk
Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews
Annunzio
Arends
Aspin
Badillo
Begich
Belcher
Bergland
Biaggi
Biester
Bingham
Boland
Bolling
Bow
Brademas
Brasco
Brooks
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burton
Carey, N.Y.
Cederberg
Celler
Chamberlain
Collins, Ill.
Conable
Conte
Conyers
Cotter
Coughlin
Curlin
Daniels, N.J.
Danielson
Davis, Wis.
Dellenback
Dellums
Dingell
Donohue
Dow
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Fulton
Gallagher
Garmatz
Gettys
Giaimo
Gonzalez
Green, Pa.
Gubser
Halpern
Hamilton
Hanley
Hanna
Harrington
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Hicks, Mass.
Hillis
Hosmer
Howard
Johnson, Calif.
Johnson, Pa.
Karth
Kastenmeier
Kee
Keith
Koch
Lent
Lloyd
McClory
McDade
McDonald, Mich.
McEwen
McFall
McKay
Macdonald, Mass.
Mailliard
Mallary
Mathias, Calif.
Matsunaga
Meeds
Melcher
Metcalfe
Mikva
Mink
Minshall
Mitchell
Monagan
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Nedzi
Nelsen
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Railsback
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Saylor
Schneebeli
Schwengel
Seiberling
Shriver
Sisk
Stanton, J. William
Stanton, James V.
Steiger, Wis.
Stephens
Stratton
Sullivan
Symington
Talcott
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waldie
Ware
Whalen
Whalley
Widnall
Williams
Wilson, Bob
Wright
Wyatt
Wyman
Yates
Zablocki
Zwach

NOT VOTING—75

Alexander
Ashley
Barrett
Bell
Blackburn
Blatnik
Boggs
Buchanan
Byrne, Pa.
Byrnes, Wis.
Carter
Chisholm
Clark
Clay
Corman
Culver
Diggs
Dowdy
Dwyer
Edwards, Ala.
Edwards, La.
Evins, Tenn.
Frenzel
Galifianakis
Gibbons
Goldwater
Gray
Green, Oreg.
Gude
Hagan
Hansen, Idaho
Hansen, Wash.
Hawkins
Hébert
Helstoski
Holifield
Horton
Ichord
Jones, Ala.
King
Kluczynski
Kuykendall
Kyros
Leggett
Lennon
Long, La.
Long, Md.
McCloskey
McCormack
McCulloch
McKinney
McMillan
Madden
Miller, Calif.
Mills, Ark.
Minish
Moorhead
O'Konski
Passman
Powell
Pryor, Ark.
Quillen
Scheuer
Sikes
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Steele
Stokes
Stuckey
Teague, Tex.
Thompson, N.J.
Wampler
Wolff
Young, Tex.

So the amendment was rejected.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 5, strike out the quotation mark and insert the following:

"SEC. 12. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan or other utilization of the funds of the Bank and the Association for the benefit of any country which has—

"(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

"(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

"(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the Secretary of the Treasury determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANGEL:

At the end of the bill, add the following new section:

SEC. 2. The International Development Association Act is amended by adding at the end thereof the following new section:

"SEC. 13. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan or other utilization of the funds of the Bank and the Association for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, as so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances."

Mr. PATMAN (during the reading). Mr. Chairman, this is the same amendment that was passed in the two preceding bills. It deals with narcotics. I do not think there is any objection to it.

I ask unanimous consent that further reading of the amendment be dispensed with, that it be printed in the RECORD, and be open to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentlemen from New York (Mr. RANGEL).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. NEDZI), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 2010) to provide for increased participation by the United States in the International Development Association, pursuant to House Resolution 786, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 208, nays 165, not voting 58, as follows:

[Roll No. 17]

YEAS—208

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Begich
Bergland
Biaggi
Biester
Bingham
Blanton
Boland
Bolling
Bow
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burton
Carey, N.Y.
Cederberg
Celler
Chamberlain
Clark
Collins, Ill.
Conable
Conte
Conyers
Cotter
Coughlin
Curlin
Danielson
Davis, Ga.
Davis, Wis.
Dellenback
Dellums
Diggs
Dingell
Donohue
Dow
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Gallagher
Garmatz
Gettys
Giaimo
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gubser
Halpern
Hamilton
Hanley
Hanna
Harrington
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Hicks, Mass.
Hillis
Hogan
Holifield
Hosmer
Howard
Johnson, Calif.
Johnson, Pa.
Karth
Kastenmeier
Kee
Keith
Koch
Lent
Lloyd
Lujan
McClory
McDade
McDonald, Mich.
McFall
McKay
McKevitt
Madden
Mailliard
Mallary
Mathias, Calif.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mikva
Mink
Mitchell
Mollohan
Monagan
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Nedzi
Nelsen
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Peyser
Pickle
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Railsback
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Schneebeli
Schwengel
Seiberling
Sisk
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Steiger, Wis.
Stephens
Stokes
Stratton
Sullivan
Symington
Talcott
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Ware
Whalen
Whalley
White
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Wright
Wyatt
Yates
Zablocki
Zwach

NAYS—165

Abbitt
Abernethy
Archer
Ashbrook
Baker
Baring
Belcher
Bennett
Betts
Bevill
Bray
Brinkley
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Cabell
Caffery
Camp
Carney
Casey, Tex.
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Crane
Daniel, Va.
Daniels, N.J.
Davis, S.C.
de la Garza
Delaney
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
Edmondson
Fisher
Flowers
Flynt
Fountain
Frey
Fulton
Fuqua
Gaydos
Goldwater
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Harsha
Hays
Henderson
Hicks, Wash.
Hull
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kemp
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Link
McClure
McCollister
McEwen
Macdonald, Mass.
Mahon
Mann
Martin
Mathis, Ga.
Mazzoli
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Murphy, Ill.
Myers
Natcher
Nichols
Nix
Pettis
Pike
Poage
Price, Tex.
Purcell
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Roncalio
Roush
Rousselot
Roy
Runnels
Ruth
Sandman
Satterfield
Scherle
Schmitz
Scott
Sebelius
Shipley
Shoup
Shriver
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Springer
Steed
Steiger, Ariz.
Stubblefield
Stuckey
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Veysey
Waggonner
Wampler
Whitehurst
Whitten
Wiggins
Winn
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Zion

NOT VOTING—58

Alexander
Barrett
Bell
Blackburn
Blatnik
Boggs
Byrne, Pa.
Byrnes, Wis.
Carter
Chisholm
Clay
Corman
Culver
Dowdy
Dwyer
Edwards, Ala.
Edwards, La.
Evins, Tenn.
Galifianakis
Gibbons
Green, Oreg.
Gude
Hansen, Idaho
Hansen, Wash.
Hawkins
Hébert
Helstoski
Horton
Ichord
Jones, Ala.
King
Kluczynski
Kyros
Leggett
Lennon
Long, La.
Long, Md.
McCloskey
McCormack
McCulloch
McKinney
McMillan
Miller, Calif.
Mills, Ark.
Minish
Moorhead
O'Konski
Passman
Powell
Pryor, Ark.
Quillen
Sikes
Smith, Iowa
Staggers
Steele
Thompson, N.J.
Wolff
Young, Tex.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Kyros for, with Mr. Passman against.

Mr. Staggers for, with Mr. Sikes against.

Mr. Moorhead for, with Mr. Hébert against.

Mr. Wolff for, with Mr. Evins of Tennessee against.

Mr. Thompson of New Jersey for, with Mr. Dowdy against.

Mr. Minish for, with Mr. Galifianakis against.

Mr. Barrett for, with Mr. Long of Louisiana against.

Mr. Byrne of Pennsylvania for, with Mr. McMillan against.

Mr. Blatnik for, with Mr. Lennon against.

Mrs. Dwyer for, with Mr. Blackburn against.

Mr. Horton for, with Mr. Quillen against.

Mr. Gude for, with Mr. King against.

Until further notice:

Mr. Young of Texas with Mr. Byrnes of Wisconsin.

Mr. Jones of Alabama with Mr. Edwards of Alabama.

Mr. Kluczynski with Mr. Hansen of Idaho.

Mr. Culver with Mr. McCloskey.

Mr. Miller of California with Mr. Bell.

Mr. Gibbons with Mr. McCulloch.

Mr. Pryor of Arkansas with Mr. O' Konski.

Mr. McCormack with Mr. Powell.

Mr. Alexander with Mr. McKinney.

Mr. Leggett with Mr. Clay.

Mr. Corman with Mrs. Chisholm.

Mr. Boggs with Mr. Carter.

Mr. Helstoski with Mr. Steele.

Mr. Smith of Iowa with Mr. Long of Maryland.

Mrs. Green of Oregon with Mr. Hawkins.

Mr. Ichord with Mrs. Hansen of Washington.

Messrs. McCOLLISTER and BUCHANAN changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have the privilege of revising and extending their remarks on the bill just passed, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

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## FIFTH ANNUAL REPORT ON THE AUTOMOTIVE PRODUCTS TRADE ACT OF 1965—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Ways and Means:

*To the Congress of the United States:*

I hereby transmit the fifth annual report on the Automotive Products Trade Act of 1965. That act authorized implementation by the United States of an automotive agreement with Canada which was designed to create a broader U.S.-Canadian market for automotive products. Included in this annual report is information on automotive trade, production, prices, employment and other information relating to activities under the act during 1970.

RICHARD NIXON.

THE WHITE HOUSE, *February 1, 1972.*

## REPORT ON EARTHQUAKE INSURANCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works:

*To the Congress of the United States:*

Pursuant to the requirements of Section 5 of the Southeast Hurricane Disaster Relief Act of 1965, I am hereby transmitting the "Report on Earthquake Insurance" prepared by the Department of Housing and Urban Development under the direction of Federal Insurance Administrator George K. Bernstein.

As indicated in the introduction, submission of this report has been delayed to allow coordination with a special study of natural disaster insurance and to incorporate the experience following the February 1971 earthquake in San Fernando, Calif.

I am also enclosing for your attention copies of the transmittal letters of Secretary Romney and Administrator Bernstein.

RICHARD NIXON.

THE WHITE HOUSE, *February 1, 1972.*

## STAGEHANDS AT KENNEDY CENTER SAID TO EARN UP TO $1,500 A WEEK

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include a newspaper article.)

Mr. GROSS. Mr. Speaker, in the New York Times of this morning there is a story from which I read the first paragraph:

> Stagehands at the Kennedy Center are making as much as $1,500 a week under a union contract—apparently the richest in the American theater—that has become the management's biggest embarrassment and headache.

Mr. Speaker, this is not only an embarrassment and a headache; it is an outrage. I hope that the Members of the House, when the pending bill to provide $1.5 million from the pockets of all the taxpayers of this country to take care of the operating expenses of the Kennedy Cultural Center comes before the House, will defeat it out of hand.

Mr. Speaker, I include the entire article which I have previously referred to:

[From the New York Times, Feb. 1, 1972]

### STAGEHANDS AT KENNEDY CENTER SAID TO EARN UP TO $1,500 A WEEK

(By Christopher Lydon)

WASHINGTON, Jan. 31.—Stagehands at the Kennedy Center are making as much as $1,500 a week under a union contract—apparently the richest in the American theater—that has become the management's biggest embarrassment and headache.

For 125 members of the International Association of Theatrical and Stage Employes, there are at least four factors that make for a bonanza:

1. Hourly rates that are the highest, on average, in the country; $7.70 for the head electrician, carpenter and property man in each of three theaters, down to a minimum $6.60 for their subordinates. The comparable hourly wages in Los Angeles are $6.25 and $4.35. On Broadway department heads get $8.65 an hour, but their more numerous assistants get $5.85, or 75 cents less than their counterparts here.

2. A rule requiring four hours of pay for each assignment or "call." At the Kennedy Center—particularly in the frantically busy, multipurpose Concert Hall—there may easily be four or five calls a day. Stagehands get a full four hours of pay for each of the first two calls and time and a half, or six hours of pay, for each one thereafter.

3. A minimum complement of three department heads during each use of each theater and a "fly man" to handle scenery in the Opera House and Eisenhower Theater.

4. An apparent shortage of stagehands to work Washington's booming schedule of performing arts, so that by midweek the available help has clocked its 40 hours and continues at time and a half or double time.

#### UNION AGENTS SILENT

William Bennett, the stagehand's business agent here for more than 30 years, does not discuss his contracts with outsiders.

As a reporter introduced himself last week, Mr. Bennett proffered his calling card and altered the German shepherd that guards his office on New York Avenue.

"I hope I can do you a favor some day," said Mr. Barrett, smiling cordially. "I know why you're here, but I have nothing to tell you."

Kennedy Center officials, who say paychecks in the neighborhood of $1,000 a week are commonplace, offer this example of how paychecks get fattened up:

The day's first assignment in the Concert Hall, a four-hour call to set up the platforms and chairs on stage for the National Symphony Orchestra, might start at 9 A.M. and be completed by 10:30 A.M. Another four-hour call for heads of the three stagehands departments might be for a one-hour children's concert at midmorning. At noon there could be a third call for a two-hour National Symphony rehearsal, and at 2:30 P.M. there could be a fourth to rehearse the next day's jazz show for an hour and a half. In the evening, of course, there is a separate call for the National Symphony's concert, which lasts perhaps two hours.

At the end of a day that had spanned 13 hours and included eight hours work, each department head would have had five calls—three at overtime—and would have been paid over $200, and more if he had already worked 40 hours that week before the day began.

All Sunday work is paid at time and a half unless, as is usually the case, stagehands are already on overtime by Sunday. The Sunday rate then goes to double time.

#### SHIFTS ARE OVERLAPPING

The fact that three theaters are clustered together in the single Kennedy Center works to the stagehands advantage in the overlapping calculation of overtime.

A man who puts in 40 hours during the week in the Concert Hall starts any weekend work in the Opera House at time and a half, even though he is working in a different theater for a different producer on a different show.

Thus the local sponsors of the Ballet Folklorico of Mexico last weekend had to pay 16 stagehands time and a half and double time for moving the show in and out of the center for two performances.

The stagehands negotiated their contract only weeks before the Kennedy Center's September opening, when tickets to performances had already been sold. They were in a strong bargaining position at the start and appear to have pressed their advantage.

One afternoon during the American Ballet Theater's first visit in September, for example, as stagehands worked on the lighting, dancers came onstage for a workout. The union insisted on being paid for a rehearsal, charging the Kennedy Center for eight hours lighting and a four-hour rehearsal call, at overtime.

In New York, the American Ballet theater dancers are allowed to use the City Center stage while stagehands are out to lunch. But at the Kennedy Center, stagehands returning from lunch found dancers on stage and billed the center for another four-hour call.

There have been other fights about what constitutes a rehearsal, but the union always seems to win. Last October, when Garay Graffman, the piano soloist, walked onstage before a concert with the National Symphony, ran his fingers up and down the piano, the union promptly billed for the services of three department heads at a full four-hour rehearsal call. The Kennedy Center protested but paid.

Patrick Hayes, managing director of the Washington Performing Arts Society, speaks hopefully of a new contract in which rehearsals would be redefined to exclude warm-ups and the calculation of overtime hours could not overlap from one show to another.

But Roger L. Stevens, chairman of the center, says he is probably stuck with the contract, though he wishes he never signed it. The stagehands contract has clearly cut the occasional profits and increase the typical losses on Kennedy Center shows, but there is no evidence that it has driven attractions away.

## BUDGETARY RESERVES AND IMPOUNDMENT

(Mr. ANDERSON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Tennessee. Mr. Speaker, I have received an up-to-date 20-page report from the Office of Management and Budget, dated January 25, 1972, entitled "Budgetary Reserves and 'Impoundment.'"

In this report, OMB has attempted to differentiate between what it considers placing funds in "reserve" and funds that are "impounded." The report continues and lists 14 items OMB considers impounded which total $1,748,000,000. It also lists 99 items considered as placed in reserve which total $10,558,778,000.

The report further states that under the Department of Agriculture $58 million is impounded from the Farmers Home Administration under its sewer and water grant program "to be used for continuation of the water and sewer grant program in fiscal years 1973 and 1974." Also, under the Department of Agriculture, $107 million is being impounded for loans within the Rural Electrification Administration and OMB states that "apportionment of this entire amount is planned on July 1, 1972."

I have stated on several occasions that my office has discovered the intent of the Nixon administration to impound $500 million in the vital water and sewer program of the Department of Housing and Urban Development. The OMB report I have referred to clearly shows that $500 million indeed is being impounded for use in the next 2 fiscal years. In checking further with sources downtown, my office has learned that in fiscal year 1973 OMB plans to obligate only $200 million, therefore continuing to impound $300 million of water and sewer funds at the end of fiscal 1973. Because of the decentralization of this program in 77 field offices within 10 HUD regions throughout the Nation, it has been nearly an impossibility to check the number of current applications for water and sewer grants. However, one HUD official informed my office that we could safely assume that the present need for these funds exceeds $1 billion.

Mr. Speaker, what is the sense of priority within this administration? Mr. Nixon asks for no appropriations for water and sewer in his latest budget—only intends to obligate $200 million next year—intends to impound $300 million to be brought into fiscal year 1974—and the present need for these funds exceeds $1 billion.

This is not pork barrel legislation. We are dealing with the lives of thousands, hundreds of thousands, indeed millions of people, their health and sanitary conditions. We are dealing with vital environmental questions.

The administration, through the OMB report submitted to my office, states four reasons which give the executive branch the right to impound. They are:

First, to help keep total Government spending within a congressionally imposed ceiling;

Second, to help meet a statuatory limitation on the outstanding public debt;

Third, to develop a Government-wide financial plan for the current year that synchronizes program-by-program with the budget being recommended by the President for the following year; or

Fourth, to otherwise carry out broad economic and program policy objectives.

It is hard for me to notice any meaningful economic and program policy objectives of this administration. It persists in treating domestic programs and the many people affected by them as second order while it continues its efforts toward more spectacular measures such as an unproven ABM system.

It is true that we in Congress set the ceiling on the Nation's public debt and it is true that we establish "upper limits" for expenditures in various programs, but it is equally true that the administration fails consistently to come near these limits and makes public debt ceilings increase because of waste, cost overruns, and a warped sense of priorities.

It is abundantly clear that Mr. Nixon intends his budget to look good by impounding funds from previous fiscal years and not to request funds in an election year—funds for programs where great needs exist.

In addition, my office has found out that there are currently pending 627 applications with REA for electric and telephone loans totaling nearly $1 billion. Under the FHA's water and waste disposal program there are approximately 1,800 applications for financial assistance totaling over $148 million. In my home State of Tennessee alone there are over $13 million in applications now pending before the Department of Agriculture for these two programs.

To stress—these are pending applications and obviously do not include the hundreds of future applications between now and July 1973.

It will be hard put for us, as representatives of the American people, to explain to constituent localities both urban and rural why these applications for financial assistance for these vital programs are being held up.

I am against waste in Government and for keeping expenditures down in the hope of balancing a seemingly runaway budget. But, Mr. Speaker, we must insist that the practice of withholding by the OMB, especially in the realm of essential domestic programs, cease.

Again, as I have stated on a number of occasions, a grave constitutional question exists here. The House and Senate under our Constitution have the responsibility of investigating through our legislative process the urgent needs of our fellow countrymen. We make appropriations to meet these needs and it is the duty to the executive to move with dispatch to implement programs to solve the problems.

Many basic questions should be asked: Do we really need a $6 billion increase in the Department of Defense? Do we really need an unproven ABM system? Do we really need an increase of 64 percent in the budget of the Subversive Activities Control Board as Mr. Nixon has requested? The answers to these questions and others are debatable.

But, do we really need full funding for water and sewer programs in rural and urban America? Do we really need full funding to feed the poor and do we really need an accelerated urban mass transportation program and programs for low-rent housing? The answers to these questions are not debatable. The answers are yes.

Let us put our financial resources where it will do the most good and where the needs are the greatest.

The issue of impoundment by the Executive has prompted me to introduce last Wednesday a bill which would require the President to notify Congress if he impounds or authorizes the impoundment of appropriated funds. Congress would then have 60 days in which to approve of the President's action. If Congress does not approve, then the President would be required to release the funds.

Response to this proposed legislation has been overwhelming with at least 40 colleagues already requesting to be listed as cosponsors.

This bill had previously been introduced in the Senate by the Honorable Sam Ervin of North Carolina whom I consider the finest legislative authority on the separation of powers.

Passage of this legislation, I believe, would restore congressional prerogatives over our Nation's revenue. It will make the executive responsive to the will of Congress and to the people we represent.

As things stand now, the OMB, by virtue of its uncontrolled powers, has surpassed the Congress in fiscal importance. It is apparent indeed that it has become the second most powerful office in the land and by its actions has become the fourth branch of Government.

Many of the items that the aforementioned OMB report list as being placed in "reserve," I believe are legitimate and knowing the time it takes for plans and specifications to be drawn up—it is necessary to reserve such funds, but the "reserve" section of the report also shows a real lack of administrative imagination and initiative.

OMB claims that funds are being "reserved" for many programs because the amount of funds in reserve are "in excess of current estimates of 1972 needs." Such programs listed under this category are farm labor housing grants and mutual and self-help housing grants under FHA. Also, for consumer protective, marketing and regulatory programs of the Department of Agriculture and the food stamp program.

I would hope that those responsible for administering such programs would seek out every possible means, even to the extent of spending the appropriated limits, to solve the obvious problems in these areas.

Mr. Speaker, I am in total agreement with the assertion by OMB that the practice of impoundment or withholding is one that has occurred under both Republican and Democratic administrations. It has reached a high point, however, under the present administration to the degree where the lives of many citizens both in rural and urban communities are being unduly affected. And just as important—it is contrary to the separation of powers doctrine under which we are governed.

It makes no difference to me if the President is a Republican or Democrat. The practice of impoundment is just not right and is not in accord with the provisions of our Constitution.

## VICE ADM. PAUL FREDERICK FOSTER

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, a great American who served his country with love and dedication for over half a century died yesterday. The distinguished career of Navy Vice Adm. Paul Frederick Foster ended on Sunday with his death in Virginia Beach, Va. Services will be held on Wednesday at Arlington Cemetery.

I have known Admiral Foster for over 20 years and I have worked closely with him due to our mutual interest in nuclear energy and national defense. He never lost interest in either of these fields. Up to the time of his death he was actively working in areas that kept him in close contact with defense programs.

As a naval officer and as a civilian Paul Foster served his country in peace and war in important positions.

Admiral Foster was the first naval officer to receive the Medal of Honor, Navy Cross, and Distinguished Service Medal—the Nation's three highest military awards for heroism.

His service as a civilian was recognized by his appointment by President Eisenhower as the U.S. Representative on the governing body of the International Atomic Energy Agency—a position carrying with it the rank of ambassador. Previously he had served as deputy general manager of the Atomic Energy Agency, coordinating its international programs. He was closely identified with the atoms for peace program.

As a young naval ensign he participated in the Mexican campaign of 1914. He won the Medal of Honor in that campaign for rescuing wounded sailors under enemy fire at Vera Cruz.

He received the Distinguished Service Medal during World War I when he commanded the submarine AL–2 which forced a German submarine to the bottom after an underwater encounter. He won the Navy Cross in 1924 when, on the cruiser *Trenton* he entered a burning gun turret and put out the fire.

Mrs. Price and I extend our most sincere sympathy to his wife, the former Isabelle Lowe, and to his son, Navy Capt. Paul L. Foster.

## MESSAGE OF MAYOR WALTER E. WASHINGTON TO NATIONAL PRAYER BREAKFAST

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, in conformance with what has become a tradition, those of us who attended the National Prayer Breakfast this morning were rewarded with a truly magnificent program. As the observance progressed I thought to myself that if only every American could have been personally present in the Washington Hilton ballroom, their confidence in the morality of America, its Government, and those who serve in it would be greatly strengthened.

The remarks of those who shared the podium transmitted a very positive message, the philosophy of which, I believe, was shared by everyone in the audience, if their reaction was an indicator. The remarks of our President were eloquent and substantive, as was Billy Graham's message; in fact, each participant contributed measurably.

It is not my intention to single any one of them out, but I do believe that the thoughts offered by Mayor Walter Washington will be of interest to so many, and with that thought in mind I offer his text:

### Unity and Reconciliation

(Message of Mayor Walter E. Washington)

I come this morning to this convocation of great leaders to speak in the name of all who seek unity and reconciliation.

I bring a message of hope from those to whom "time and chance" have given little reason for hope—from those who have seen violence, from those who have known hatred, and from those who have struggled against disillusion, despair and alienation.

The message I bring is not new. It has come before. It came from One who said, "By this all men will know that you are my disciples, if you have love for one another." It came in the words of Abraham Lincoln when he said that we must, ". . . finish the work we are in, to bind up the nation's wounds." And it came to us again a few days ago when President Nixon said: "Never has it mattered more that we go forward together."

The same message has come to us from the hearts of humble Americans whose voices are not often heard. They are not heard because they speak in different tongues, or in strange cadences, or in barely audible sounds.

But I say to you: We must hear them, too. We must listen to the voices of calm; not just to those who speak loudly, but also to those who speak softly. We must listen to the poor as well as the rich; to the sick as well as the sound; to the young as well as the old.

We must listen to the hope that cries out from the hearts and souls of a people with a great heritage. It is the heritage set forth in the Declaration that, "All men are created equal, . . . they are endowed by their Creator with certain inalienable rights, . . . among these are life, liberty and the pursuit of happiness."

There have been times when some Americans believed that these promises would come true only after death. But that time is past. We are in a different world today. We are in a world where the poor, the hungry, the helpless, are no longer content to wait until the end of life to claim what we have said is rightfully theirs.

Today those words are read as a promise of the liberation of the human spirit on this earth in the here and now. The great strides of science have cast doubt on the value of a dream deferred. These achievements have also convinced us that we can, if we will, make good today that great American commitment to everyone.

Those words inspire. But words require action. The Scripture tell us that, at the day of Judgment, it will be asked not what did you believe, but were you doers or talkers only.

Science, technology, art and ideas are changing man. And man is changing the world. In our lifetime, change itself has caused some men to fear the unknown future. Others, endowed with courage, see in change great opportunity for mankind.

Fear is father to suspicion, to hate, to racism, and to emotions that drive men apart, one from the other.

Courage is itself a force for reconciliation. Courage is a Divine force urging us toward unity. Courage breaks the shackles that bind us to those emotions that would destroy us.

And the shackles must be broken. We must be honest with each other. We must give up suspicion for trust; prejudice, for respect; meanness, for love. We must do this for those who cry out in pain and hunger, and for those who search for decent homes, for jobs, for opportunity. But most of all, we must do this for ourselves to hasten the day when we shall truly be free.

On that great day, we shall raise our voices together, crying out in spiritual liberation: "Free at last! Free at last! Great God Almighty! Free at last!"

Now, I close with a call for Divine help—a prayer for unity and reconciliation for the peoples of our nation and the world.

Heavenly Father: We give thanks for the simplicity of the Gospel. And yet we realize that these great simplicities, transferred into the light of our time, have the power to remake the world.

If we have lost our sense of unity, one with the other; if we have fled from ourselves and hence from Thee, help us to find the way. In that way, we may do our part in changing the world.

Today, we bow in humility when we remember the Love that went to the Cross and acknowledged our unworthiness at so great a sacrifice. Help us all to be worthy.

Help us in our times to keep our faith in God and in each other.

Amen.

## CONSTITUENTS WHO HAVE LOST PENSION BENEFITS

(Mr. HILLIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. HILLIS. Mr. Speaker, I do not believe there is a Representative in this Chamber who does not have numerous constituents who, through no fault of their own, have lost pension benefits for which they have saved many years. These people need protection, so they can plan for their retirement years, secure in the knowledge their planning will mean something.

I am submitting for the Record a newsstory which appeared in the Indianapolis Times of January 24 regarding this matter of pensions and documenting several cases where pensions have been lost in Indiana for lack of adequate protection. The news item, part of a series on problems facing the elderly, was written by Robert Peirce of the Star staff.

One good point the article makes is that fewer and fewer people today are worrying about planning for their retirement—it seems to be an old fashioned idea, either because people assume Uncle Sam will take care of them in their old age, or because they assume it is a hopeless task. I do not think this Nation can afford, either fiscally or morally, to let either of these assumptions take hold or become a reality.

Private pensions are an excellent means of planning for an adequate retirement income—if a worker is assured he will eventually receive the benefits to which he is entitled. To strengthen this system, I plan to introduce a piece of comprehensive pension protection legislation in the near future. I hope several of my colleagues will join me in that effort and that we can eventually eliminate the pension uncertainties outlined in the following article:

### Retiree's Dreams Go Glimmering as Pension Fails To Materialize

(By Robert L. Peirce)

Henry Rohlfing thought a lot about the "golden years" as he neared 65.

After 34 years as a blacksmith for Indianapolis Drop Forging Company, he figured he had earned those trips to Florida, or maybe a leisurely drive out West.

He still thinks that the pension of $119 a month he would have received, plus Social Security, could have paid for those little dreams.

But on March 15, 1969, the plant at 1300 Madison Avenue closed, catching Rohlfing four months and four days short of 65, the age at which he would have been entitled to a full pension.

When the final settlement came, Rohlfing discovered that instead of $119 a month for the rest of his life he was to receive one lump-sum payment of $1,400.

The money is about gone, but Rohlfing, a German immigrant, is a practical man of few words:

"Sure, it's just about the dirtiest deal you can think of. But I don't give it much thought. What can you do about it? My wife (53 and unable to work because of arthritis) had some family in Florida we had wanted to visit. And I've always wanted to go out West.

"I don't suppose we can afford that now But we get along. I get $200 a month from Social Security and the house is paid for. You just have to stretch it a little and leave those expensive items alone on the grocery shelf.

"Oh, I've got a few shrubs I take care of in front of my home (4505 West Ohio Street). But it does get kind of boring."

"I can't tell you how often these kinds of things happen in Indiana," said Joseph M. Hannah, supervisor of the pension and profit division of the Internal Revenue Service here, "but it happens a lot."

Unlike the pension plan at Drop Forging, many company benefits now make workers eligible for full retirement income before age 65, Hannah said.

But he said there is even a catch to these plans. If a business goes under without first having a long period to invest money into the plans, there may not be enough funds to pay all those who are eligible for benefits.

IRS regulations, under which companies are granted tax deductions for pensions, require only that enough money is paid into the plan to cover years of service to the firm after the plan went into effect, Hannah said.

No money has to be paid to cover years of service before the plan's adoption, he observed, although workers receive retirement credit for those preplan years.

As long as money is paid into the plan for 20 or 30 years, there will be enough funds to cover all employes, he said.

But if a company dies before that time, there can be a huge shortage in pension money, he said. The older workers get what money there is, the younger ones are left with table scraps.

The United Steel Workers is wrestling with two defunct Indianapolis companies which left "vast shortages" in pension benefits because the retirement plan was young, according to a union representative, William Springer.

The pension plan at Drop Forging Company, owned by Federal Drop Forging Company of Lansing, Mich., was adopted in 1961, and the company did pay more money into it than required by the IRS, Springer said.

The reason companies don't pay the money for "past service liability" is that it would be tremendously expensive, explained Eldon H. Nyhard, pension consultant at Howard E. Nyhard Inc.

Pension negotiators assume that a plan will remain in effect for 20 or 30 years, he said. Even if some amount is paid for past service liability each year, unions will allow companies to pay less in this category to free more money for increased overall retirement benefits, he added.

Enough companies with young pension plans go out of business each year to prompt union leaders to push for Federal insurance to cover retirement benefits.

They also are asking for legislation to allow employes to have "portability" in transferring accrued retirement benefits from one company to another.

"Now companies can use retirement benefits as a hammer over the heads of employes to force them to stay on an unsatisfactory job," said Max Wright, executive secretary of the state AFL–CIO.

Springer also suggested a national pool of retirement money funded by all companies with pension benefits. Enough money would be on hand to pay retirement claims even of those companies who go out of business too soon, he contended.

Many union pensions in Indiana, governed under provisions of the Taft-Hartley Law, already are funded by several companies paying into one pool, said Len Teeuws, executive vice-president of Russell M. Tolley and Associates, consulting actuaries.

But even if pension funds are adequate today, most plans do not call for increased benefits if inflation sends prices skyward.

One way pension plans in the past have fought inflation was to purchase variable annuities, investment plans whose returns vary with profits made on the stock market, Nyhard said.

It had been assumed that as inflation rises, stock market returns would also, he explained. But, recent events have shown that the stock market can nose-dive while inflation continues upward, so that "annuities aren't nearly so popular anymore."

Beyond problems with funding pensions, Nyhard estimated that little more than half of the Hoosier work force is covered by them.

Recent figures from a Senate labor subcommittee study showed that the average monthly benefit from pensions is $99. Average Social Security payments are $129 a month, the study showed.

It observed that a retired couple getting the average pension and Social Security check would receive $228 a month. However, the Bureau of Labor Statistics figures that $241 monthly is needed to maintain even a low minimum budget for a retired couple.

At least "eight or nine bills" are pending before Congress for pension reform, Teeuws said.

Included is legislation, indorsed by President Richard M. Nixon, to give tax deductions for employes paying into plans. An objection to present employe contributions is that those dollars already have been taxed once as income.

Questions of pensions and income are the "number one priority" of the Indiana Commission for Aging and the Aged, said the agency's director, Dr. George Davis.

He feels, too, that schools are falling short in teaching the young to save for the future.

"I recently sat beside an honors student at a Purdue University dinner. I asked him when he planned to retire. He looked first like he didn't know what I was talking about. Finally, he said, 'well, I guess at 65, like everyone else.'

"He wasn't even aware that people are retiring a lot earlier these days. And he will have to save now if he is going to live comfortably later."

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## CHANGE IN FOGGY BOTTOM

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRELINGHUYSEN. Mr. Speaker, rarely does a reorganization of a Government department make news. This has proven to be the case with the recent major changes in the State Department. I feel, however, that these particular changes are of genuine interest. For that reason I should like to insert the remarks of the Honorable William B. Macomber into the RECORD.

The remarks follow:

### CHANGE IN FOGGY BOTTOM: AN ANNIVERSARY REPORT

My colleagues in the Department of State: Two years ago this month this Department launched an unprecedented program of management reform and modernization; and in this same period we have seen it move in a number of very important ways towards a more equitable and effective system of human relations.

On this second anniversary it is appropriate to take stock, to examine what working together we have accomplished in this period of ferment and change, and to focus on what remains to be done.

First let's look at the program of management reform and modernization.

This has been a unique and far-reaching effort. It has been unique in the sense that Secretary Rogers did not, as is traditional in an effort of this kind, turn the job over to a team of experts from outside. Instead, in an unprecedented step, he chose the career professionals themselves to draw the plans. He was convinced that you could do the job better than anyone else.

You responded to his challenge and produced the most comprehensive and searching critique ever written about this Department.[1] If one wants to really understand our problems (and our strengths), no other document can match it. More importantly, after months of consultation with colleagues in the Department and abroad, with other Government agencies, and with many institutions and experts outside of the Government, you produced an extraordinary blueprint for reform. This blueprint consists of over 500 recommendations, about 400 of which have been, or are now being, implemented.

This effort has not received the attention it deserves, which is perhaps understandable. Major changes in management techniques and philosophy are not the stuff of exciting newspaper copy.

It is a significant story, nonetheless.

For in the past two years, through this unique effort in self-analysis and creativity, important new foundations of a modern American foreign office have been laid.

### I

It has been argued that developments over the last twenty-five years—the new involvement of most departments of government in foreign affairs and the development of national security council staffs or their equivalents—have lessened the importance of foreign offices everywhere. Nothing could be further from the truth.

The diplomat's job is more important and more complicated than it ever was. He carries his old responsibilities and needs all his old skills; but because of the vastly increased complexity and diversity of our foreign affairs, we need a broader range of skills and expertise; and because of the participation of so many other elements of our government in foreign affairs, our diplomats must now be managers, coordinators and leaders, to a degree undreamed of by their predecessors of a simpler age.

The collective wisdom, experience, and judgment in the foreign affairs field of the people in the United States Department of State is unmatched elsewhere in our Government or in any other government. The job therefore has been to find ways to unfetter those abilities and to bring them more effectively to bear on the Department's evolving responsibilities.

The significance of what has been happening within the State Department during the past two years is this: The career professionals (aware that all foreign offices tend to have a better understanding of what their job used to be than what it is today) have made a major effort to explore and define the new and expanded dimensions of their role. Further, they have determined that the management of the State Department and of the Foreign Service is not just the concern of the administrators. They also have concluded that to meet their new responsibilities, something more is required than the traditional adherence to a low profile and traditional reliance on native ability, experience, old fashioned intuitive judgment and "trying harder."

As a result, here is how far we have come:

We have for the first time a Policy Analysis and Resource Allocation system (PARA) in operation throughout the Department—a systematic process for the identification of issues, interests and priorities, the allocation of our resources in accordance with those priorities, and the periodic review of our policies.[2]

We have a new concept of team operation among the Seventh Floor principal officers which affords increased control of the Department's planning, decision-making, and allocation of resources. The team concept has permitted a more flexible utilization of the principals' time by breaking the relatively

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Footnotes at end of article.

narrow field of specialization that each principal has been assigned. The Seventh Floor team is served by common staffs, operates under the aegis of the Secretary, and is directed by the Under Secretary.[3]

We have a new management evaluation capability in the expanded Inspector General's staff, which will now evaluate our policies as well as our performance.[4]

We have a new balance between competition and job tenure in our Foreign Service officer promotion system which preserves its competitive nature but provides increased stability and security in the middle years of an officer's career.[5]

We have made major changes in our recruiting activities which are already bringing a much wider range of skills into the Foreign Service Officer Corps than ever before.[6]

We have adopted the concept of a new Foreign Affairs Specialist Corps which has been very popular with our career specialists. Over 870 of these have applied for entrance into this new Corps. Legal objections have been raised against this Corps. I am very hopeful these will be overcome shortly so that this important innovation will play a key role in our modernization effort.[7]

We have established a "Mustang" program to identify clerical and staff support employees with unused talent or undeveloped potential and provide opportunities to them for advancement to officer-level positions through special training and assignments.[8]

We have encouraged the flow of information, new ideas, divergent opinion, and creative dissent within the Department and at our posts abroad through the mechanisms of special message channels, new staff functions, and the continued use of the Secretary's Open Forum Panel.[9]

In a quite different area, and in order to improve our service to the ever-increasing numbers of Americans traveling abroad, we have initiated a program in conjunction with the Postal Service to take passport applications in several hundred first-class post offices throughout the country. This will enable us to expand and improve our service dramatically without incurring the costs involved in establishing more federal facilities.

So on the managerial side these have been two very productive years. Much remains to be done, but much has been accomplished.

## II

But modernization and reform, if it is to be really effective, requires more than improved management in these areas I have been discussing.

Of critical importance, as well, is the development of an increasingly effective, fair, and enlightened system of human relations within the Department. Here, too, we have had a remarkable two years, with much progress being made—and with much still left to be done.

To begin with, we have been operating on the simple, unassailable assumption that women possess approximately half the brain power in this country. We have therefore sat down with women employees and designed and implemented a program for encouraging rather than deterring career prospects for women officers. They are now assured equal consideration for assignments, training opportunities, and perquisites, without regard to sex or marital status. Indeed one of the more interesting aspects of programs to enhance career possibilities for women is the development of working family teams in which both the wife and husband are career Foreign Service employees. Over 30 such teams are now in the Department's Foreign Service, and more may be expected soon.[10]

The changes we have made in this area have been well publicized. They were made not only in justice to women but in the Department's own self interest, for we can ill afford to ignore this major brainpower pool. I am pleased to report that this fall nearly three times as many women applied to take the Foreign Service exams as applied in 1969—the year before this program began.

Efforts are also underway to accord increased recognition of the professional status and rights of secretaries—still one of the largest and most important groups of women in the Department's Civil and Foreign Services.

We have also addressed the problem of a bill of rights for the spouses and dependents of Foreign Service employees. The voluntary unpaid support that wives have traditionally given to our embassy efforts overseas has constituted one of the great strengths of our Service and also, from a family point of view, one of its most rewarding aspects. But there have been occasions when this tradition was abused and when its voluntary basis was not properly understood. Working first with wives and later with the Secretary's Open Forum Panel we have now spelled out the rights of Foreign Service spouses and dependents—and I am confident that rather than weakening the traditional teamwork of Foreign Service families, this bill of rights will strengthen it.[11]

In the past two years we have continued to emphasize our minority recruitment program despite our personnel cuts and the resultant reductions in our over-all recruitment.

In addition we recognize that there are many persons, some from minority backgrounds, some not, who have the ability to rise to positions of considerable responsibility but who have been denied their opportunity because of inadequacies in their education. With this in mind we have, as I mentioned earlier, created the "Mustang" program which each year will provide opportunities for specially selected employees to advance to officer rank.

Within this critical area of the Department's human relations, however, I believe the creation of a formal employee-management relations system for the Foreign Service is of overriding importance.

Following changes in Civil Service procedure, this new system has just been promulgated by the President.[12] It is a pioneering effort specially designed for the Foreign Service and is the result of extensive debate and consultation between the management of the Department and representatives of the Foreign Service. For the first time members of the Foreign Service will have an important and formal voice in the development of all personnel policies—policies which play such an important part in their lives and careers.

Under this system members of the Foreign Service can elect an organization to be their exclusive representative, and administrative officials in the Department are required to consult with that organization on personnel policies which either the Department or the employees wish to change. If these consultations do not result in agreement, the employee's representative can appeal over the heads of the Department's administrative officials to the Board of the Foreign Service.

The Board of the Foreign Service will have two subgroups to help it carry out its responsibilities. Both of these groups are independent of the administrative side of the Department. First is the three-member Employee-Management Relations Commission made up of representatives of the Department of Labor, Civil Service Commission, and Office of Management and Budget. This Commission will have the final say with respect to the supervision of elections and the adjudication of unfair labor practice complaints.

The second group, working directly under the Board of the Foreign Service, is known as the Disputes Panel. It is made up of one member from the Department of Labor, one from the Federal Services Impasses Panel, one from the public, and two from the Foreign Service. Thus the majority of this Disputes Panel comes from "outside" the Department of State. In addition, the two Foreign Service representatives cannot be part of the management of the Department. When the administrative authorities of the Department are unable to reach agreement in their consultations with the representatives of the Foreign Service employees, it is the function of this disputes group, acting on behalf of the Board of the Foreign Service, to establish the facts and seek a solution through mediation. If this fails, the Panel must then recommend an appropriate solution to the Board of the Foreign Service.

With the development of this employee-management relations system we have passed an historic milestone in the continuing development of the Foreign Service. But this milestone was not reached easily. There were strong differences of views, and much hard bargaining and public controversy.

But what has emerged in the judgment of both the management of the Department and the leadership of the American Foreign Service Association is "a system well adapted to the Foreign Service, and a system under which the men and women of the Foreign Service can have a real voice in the policies and regulations affecting their careers."

Here again, the past two years have seen an important breakthrough. But the job is just beginning, not ending. If this new system is to fulfill its promise, it is incumbent upon all members of the Foreign Service to pay close attention to the positions taken by the employee organization chosen as their exclusive representative. It is incumbent on that organization and the administrative officials of the Department with whom it will be dealing to make every effort to see that this new system works in a fair, constructive and responsible manner.

However, it is not enough simply to build a system where members of the Foreign Service, in the collective sense, will have a stronger and more effective voice in the development of personnel policies. In addition, there is the need for each individual member to have access to a meaningful grievance procedure independent of the Department's personnel authorities, and in which the individual's rights are clearly defined and understood. Until recently such a system did not exist. There was in its stead a formal system of limited scope and an informal system in which every effort was made to be fair, but which was neither independent of the personnel authorities nor characterized by any specific definition of the rights of an aggrieved employee.

We have now instituted an interim grievance procedure which is a major step forward.[13] The Interim Grievance Board is chaired by William Simkin, who from 1961 to 1969 was Director of the Federal Mediation and Conciliation Service, and is made up of distinguished public members as well as career officials with considerable experience in the Foreign Service. Unlike the earlier arrangements, it is set up and operates independently of the personnel and administrative officials of State, AID and USIA.

It is an "interim" grievance procedure because we believe that the definitive grievance procedure should be bargained out in the employee-management relations system—which is just what such a system is for. Once the definitive grievance procedure has been hammered out, the Department will support legislation which incorporates the basic principles of that procedure as an amendment to the Foreign Service Act.

Another crucial area of the Department's human relations is that of involuntary retirement or "selection-out." I believe that such a system, presently required by law, is an essenial ingredient of a strong Foreign

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Footnotes at end of article.

Service, and I believe that this view is shared by the great majority of Foreign Service Officers.

But this system has recently come under increasing attack. We now have in the employee-management relations system a particularly appropriate means for the representatives of Foreign Service employees to sit down with the Department's management for a careful and thorough reexamination of the selection-out system. I am confident that out of the re-examination will come reaffirmation of the need for a continued involuntary retirement system; and I am equally confident that in this re-examination we are going to find ways to make it a fairer and stronger system. Fewer than 10 officers are presently scheduled for involuntary retirement between now and June 30th. In view of this upcoming re-examination, the Department has suspended all final selection-out actions between now and that date.

In summary then, the most critical ingredients in the human relations field are the development of a strong employee-management relations system to deal with the development of personnel policies, and the establishment through the employee-management relations system, and ultimately by an amendment to the Foreign Service Act, of a definitive grievance procedure. Under the employee-management relations system we will also be re-examining involuntary retirement procedures and here, as elsewhere, looking for areas where we can strengthen the role of due process.

Some have said that in taking these actions we are undermining the basic discipline of the Foreign Service. Of course, the exact opposite is true. The way to guarantee the continuation of a disciplined Service is to make certain that its basic safeguards and fairness are apparent to all.

But as we move into this new era of the Department's human relations, let me make it clear that I do not believe the old system was as unfair as has sometimes been alleged. In a highly competitive system such as ours, there are bound to be disappointed persons. And while our involuntary retirement system has been run by human beings and is therefore fallible, it is my personal belief that those who manned the system earlier made every effort to make it as fair as possible.

But there is no denying that the system has been a paternalistic one. And even if it was far fairer than its critics give it credit for, it is not—because of its paternalism and its inadequate recognition of both the collective and individual rights of Foreign Service employees—a credible or acceptable system for today.

III

The past two years have been a time of tumult. There has been criticism, disagreement, and public controversy. This is understandable. When a major reform and modernization program is launched, it is predicated on the assumption that things are wrong and need correcting. One should not be surprised, therefore, when there is considerable public focus on what is wrong—and vigorous debate over proposed solutions. This controversy may appear unseemly by earlier standards of State Department decorum. It is, however—except when disfigured by unjust and personal attacks on a dedicated career Foreign Service Officer—a very healthy and useful process.

It would be a mistake to allow the turmoil which has been a part of these last two years or the controversy and clash of views which will accompany the forthcoming employee elections, to obscure what is really going on in this Department. Controversy is an integral part of the progress we are all working for. There have been years in this Department when there has been very little tumult and very little progress. We are in a much better era now.

And now my final point: No effort of this kind starts without antecedents. Much of the credit must go to those career officers among you who in increasing numbers in the years immediately preceding January 1970 pressed for reform and set the stage for what has followed. To you and to the many who joined you in the past two years, we owe a considerable debt.

The question I put to you now is this: Will your commitment to this effort be sustained? Important decisions lie ahead, and modernization is a task which, by definition, is never done. Even in the specific areas I have been reporting on today, the record is one of useful and important beginnings—not final accomplishments.

Modernization as a process will continue in the Department. That is inevitable. The question is whether you, the career professionals will continue to lead it. If you do, and for as long as you do, this critically important work will be in the best of hands.

FOOTNOTES

[1] *Diplomacy for the 70's, A Program of Management Reform for the Department of State*. Department of State Publication 8551, December 1970. Superintendent of Documents, United States Government Printing Office, Washington, D.C.

[2] "Policy Analysis and Resource Allocation in the Department of State", Management Reform Bulletin #26, July 2, 1971, Department of State, Wash., D.C.

[3] "The Seventh Floor", Management Reform Bulletin #24, July 2, 1971, Department of State, Wash., D.C.

[4] "The Evaluation Process: Office of the Inspector General", Management Reform Bulletin #25, July 6, 1971, Department of State, Wash., D.C.

[5] "Promotion Reform: Threshold Review and Mid-Career Tenure", Management Reform Bulletin #27, Department of State, Wash., D.C.

[6] "Broadening the Foreign Service's Recruitment Base", Management Reform Bulletin #2, January 6, 1971, Department of State, Wash., D.C.

[7] "Toward a Unified Personnel System: The Foreign Affairs Specialist Corps," Management Reform Bulletin No. 8, February 16, 1971; and, "Toward a Unified Personnel System: The Foreign Affairs Specialist Corps" (Supplement to MRB No. 8), Management Reform Bulletin No. 18, May 19, 1971, Department of State, Wash., D.C.

[8] "The 'Mustang' Program: Identifying and Developing Talent Within," Management Reform Bulletin No. 28, July 2, 1971, Department of State, Wash., D.C.

[9] "Policy on Security Practices and Expression of Views," Management Reform Bulletin No. 7, February 11, 1971; "Openness at Missions and Creative Dissent," Management Reform Bulletin No. 9, February 23, 1971; "Domestic Public Opinion: Informing the Policy Makers," Management Reform Bulletin No. 12, March 30, 1971; "Public Affairs in the Decisionmaking Process," Management Reform Bulletin No. 13, April 13, 1971; "Stimulation of Creativity," Management Reform Bulletin No. 32, November 17, 1971; Department of State, Wash., D.C.

[10] "Implementing Policy on Equal Opportunities for Women and Employment Abroad of Dependents of Employees," Department Notice, August 12, 1971, Department of State, Wash., D.C.

[11] "Policy on Wives of Foreign Service Employees," Department Notice, January 21, 1972, Department of State, Washington, D.C.

[12] "Employee-Management Relations in the Foreign Service of the United States," Text and Analysis of Executive Order 11636, Department of State Newsletter Special Supplement, January 1972. Department of State, Washington, D.C.

[13] "Foreign Service Grievance Procedures for State/USIA/AID," Department Notice, August 12, 1971, Department of State, Wash., D.C.

## IF THE PAST IS PROLOG, CONGRESS WILL INCREASE THE PUBLIC DEBT LIMIT ONCE AGAIN

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 30 minutes.

Mr. SAYLOR. Mr. Speaker, the yearly minidebate on the subject of raising the national debt limit is upon us once again. I am resigned to the fact that, whatever I say here and publicly, the Congress is going to look for the "easy way out" of the current fiscal mess by passing the deflated buck back to the public.

In spite of this dismal prognostication, I am heartened that a minirevolt has started among some of those Members who, heretofore, were first in line to help saddle the country with more debt. Incredible as it may seem, this minirevolt comes at the outset of an election year. I wonder if these same solons are going to introduce legislation to raise taxes this year? I will believe that when I see it.

To buttress my contention that the outcome of the current debate is foregone, I have compiled a brief chart which shows the votes in the House of Representatives concerning debt limitation legislation. You will note that in some years, we voted more than once to raise the limit. The chart follows:

*To raise the "temporary" and "permanent" debt limitation: votes in the House, 1960–71*

| Year of vote: | *Yeas* | *Nays* |
|---|---|---|
| 1960 | 223 | 134 |
| 1961 | 231 | 148 |
| 1962 | 251 | 144 |
| 1962 | 211 | 192 |
| 1963 | 213 | 204 |
| 1963 | 221 | 175 |
| 1963 | 187 | 179 |
| 1964 | 203 | 182 |
| 1965 | 229 | 165 |
| 1966 | 199 | 165 |
| 1967 | 215 | 199 |
| 1967 | 197 | 211 |
| 1967 | 217 | 196 |
| 1969 | 313 | 93 |
| 1970 | 236 | 127 |
| 1971 | 227 | 162 |

The first overall debt ceiling was established in 1917, when the limit was fixed at $11.5 billion. By 1945, the act had been amended 16 times, and the ceiling had been pushed up to $300 billion. In June 1946, the World War II debt limit was reduced to a "permanent" $275 billion. In 1954, 1955, and 1956, Congress voted "temporary" increases to bring the ceiling down to $278 billion. A "temporary" increase to $280 billion was approved in February 1958 and in that same year, the "permanent" limit was raised to $283 billion. From 1960 through 1966, Congress had approved 13 "temporary" increases on the "permanent" ceiling, carrying the ceiling for fiscal year 1967 to $330 billion. In 1968, the "permanent" limit was raised to $358 billion and the "temporary" limit jumped up to $367 billion by congressional action.

In this morning's mail, each Member of the House received a copy of the latest U.S. News & World Report and therein is an impressive and interesting chart/article entitled "Red-Ink Budgets over the Years." The pressure on the debt ceiling is ably reflected in the chart; the important point is that congressional action is necessary to implement the progressive deficits requested of the administration. The article is summed up with the following:

> What's ahead? As the business recovery picks up, Government tax revenues will rise. But new spending programs are being added and old ones expanded. From all sides come demands for still other ways to spend Government money. The upshot: No end to the floods of red ink is in sight.

That is, of course, unless Congress decides to put a stop to deficit financing.

Concurrent with the debate on the debt ceiling, I wish to bring two more articles to our colleagues' attention which appeared yesterday in respected national publications.

The first, an editorial in the Wall Street Journal entitled, "A Use for the Debt Ceiling," calls a spade a spade when stating:

> Even then, of course, the lawmakers chose to overlook the fact that it was they, not the President, who held true control over federal spending. No matter what the President wants to spend, it's pretty hard for him to do anything unless Congress chooses to vote the money. Congress certainly has chosen to vote a lot of money, on occasion a good deal more than Presidents have requested.

The full text of the editorial follows:

### A USE FOR THE DEBT CEILING

In 1941 Congress attempted to control federal spending by imposing a limit on federal debt. The exercise has always had its weird aspects but this year it just possibly might serve a useful purpose.

The 1941 ceiling was aimed at President Franklin D. Roosevelt, who by the standards of those times was considered a free-spending President. The biggest outlay for any prewar year totaled only $14 billion, which even after adjustment for subsequent inflation now seems like small potatoes.

Even then, of course, the lawmakers chose to overlook the fact that it was they, not the President, who held true control over federal spending. No matter what the President wants to spend, it's pretty hard for him to do anything unless Congress chooses to vote the money.

Congress certainly has chosen to vote a lot of money, on occasion a good deal more than Presidents have requested. Time and again various administrations have had to go to Congress to ask new increases in the debt ceiling so that the government could go on operating, and time and again the legislators have done what was asked.

To be sure, the ceiling-boosting operation always provides lawmakers with fresh opportunities to lecture the administration on the virtues of economy. The hope is to score a few political points at home with voters who aren't exactly comfortable with the idea of all-out federal profligacy.

At the moment the debt ceiling stands (or quivers, if you prefer) at $430 billion, and the actual debt is already within $5 billion of the limit. The way things are going it seems sure that the debt will push through the present ceiling before very long.

The federal budget is expected to show $38.8 billion of red ink in the year ending June 30, and the administration puts the deficit for fiscal 1973 at $25.5 billion, even if Congress comes up with no new spending initiatives. So the administration has gone to Capitol Hill for a new boost in the ceiling and Congress has no choice but to approve an increase.

In passing it's surely worth noting that even if the budget is balanced next fiscal year on the so-called full-employment basis, as administration officials expect it to be, that result will be of no help whatsoever in this area. The debt will grow even if the economists assure us the budget would be balanced if unemployment were only equal to 4% of the work force.

This is an election year, and President Nixon's Democratic critics in Congress are anxious for any ammunition they can find. It has already occurred to some of the lawmakers that it would be fun to lecture the President, who professes to believe in federal economy, for having so much trouble making income and outgo meet.

If the administration is wise it will decide that this is the sort of debate that it should encourage. Although the administration hasn't been exactly bashful about coming up with new spending proposals, the chief Democratic reaction often has been that the proposals aren't big enough. The administration's health-care plan, for instance, is expensive—but not nearly as costly as some of the Democratic alternatives.

If the administration could get the Democrats to prate loud and long enough of the need for federal economy, some of the voters might take them seriously and try to get them to match actions to words. If the lawmakers didn't, November could provide a time for retribution.

In a still uncertain economy, a little federal economizing is surely in order. The huge and continuing budget deficits are putting enormous federal pressure on the money markets, which are trying to finance a business recovery.

At the least this is likely to produce upward pressure on interest rates. The Federal Reserve System still worries about rising rates and, in any case, it has to see to it that the banks have enough money that the heavy outflow of new Treasury offerings will not fail. It's hard to imagine a situation more conducive to a resurgence of inflation.

The debt ceiling is still a pretty silly way to control federal spending. But if argument over another increase centers on the true issues, it could just serve a useful purpose.

The second article, entitled "Taxes Bite Deeper; No Relief Foreseen," is from yesterday's New York Times. In that article, the consequences of the fiscal leadership at the national level is recounted with a survey of the State and local tax increases throughout the country during 1971. The article quotes the Commerce Clearing House as calling 1971 the "year of the dog because so many citizen taxpayers were so painfully bitten." The full text of the article follows:

### TAXES BITE DEEPER; NO RELIEF FORESEEN

(By Seth S. King)

CHICAGO, January 30.—Phase One of President Nixon's economic stabilization program has passed and Phase Two is struggling at the inflation barricades. But neither has included any restraints on state or local taxes, and these burdens are rising at record rates in almost every part of the nation.

Homeowners, apartment renters, mobile-home dwellers, welfare clients and beachcombers are being hit by more taxes in almost every imaginable form.

The Commerce Clearing House, a private organization in Chicago that surveys the nation's tax changes, called 1971 the "Year of the Dog" because so many citizen taxpayers were so painfully bitten.

Observers see no end to the spiraling tax burdens.

The roll-call of tax increases has been awesome. Last fall, 30 states raised their tax rates in some form, as did most of the nation's larger municipalities.

#### TOBACCO TAXES RAISED

Fifteen of these states raised personal and corporate income taxes and five others—Delaware, Florida, Ohio, Pennsylvania, and Rhode Island—adopted new forms of these taxes.

Five states increased their sales tax rates. Eighteen increased tobacco taxes. Eight decided that, if a resident taxpayer could not refrain from drinking alcohol he should pay a higher levy to do it. And 16 others tapped motorists, either by raising gasoline taxes or vehicle-use taxes or both.

New York State was again the national taxing champion increasing every one of these taxes except those on motor-vehicle use.

So rapid was the rise in tax collections in the fiscal year ended last June that the total take from state levies reached $51.5-billion, a 7.3 per cent increase over the previous fiscal year.

By the beginning of 1971, state and local tax levels were so high that the average per capita payment rose to $427 a year, which was $47 more per taxpayer than the year before.

New York again was the nation's leader, with an average of $652, marking the first time that the $600 level had been passed. Arkansas, with $252, was the low state. Hawaii, California, the District of Columbia, Nevada, and Wisconsin broke the $500 barrier.

Three years ago, only New York and California had the distinction of being above the $500 mark.

These Commerce Clearing House statistics on per capita payments, it should be noted, were compiled before many of the tax-raising states had enacted new levies. The per capita bite is almost certain to rise even higher.

Only six Southern states—Alabama, Arkansas, Kentucky, Mississippi, South Carolina, and Tennessee—have such generally lower expenditures for education and welfare that they remain below the $300-per-year level.

#### QUALITY QUESTIONED

Taxpayers and homeowners complain constantly that they are paying more for services that are at best no better than what they were five years ago. In fact, the costs of every service they depend on has skyrocketed in that time.

The general cost of living rose 21 per cent from mid-1965 through mid-1970. In the same period, in the more populated areas, public welfare costs rose 184 per cent; health and hospital expenses, 96 per cent; police protection, 77 per cent, and sanitation costs, 39 per cent.

The Tax Foundation, a private organization, reports that virtually every community over 10,000 population now has more teachers, policemen, garbage men, and dog catchers on its payrolls than five years ago. In many communities, the increases in these numbers have reached 70 per cent or more. From 1960 to 1970, the number of jobs opened and filled in Federal, state and city governments grew at a rate almost twice that of private industry, the watchdog foundation says.

#### SCHOOLS A KEY FACTOR

The costs of schools represent one of the most notable of these upward pressures. The Tax Foundation has found that economy-inspired efforts at consolidation have reduced the number of school districts in the nation by 50 per cent and the school-age population has increased by only a fifth in the last decade. But the spending for primary and secondary instruction is now 150 per cent greater than in 1961.

In its continuing observations of state and local taxing, the Commerce Clearing House has found that the biggest tax bites are made in the odd-numbered (nonelection) years. This premise should offer the hope of at least a holding of the line in 1972, an even-numbered (election) year.

But warnings are in order. The Bureau of the Census has estimated that state revenues from all sources, including Federal grants, for the fiscal year ending next July should reach $96-billion. The bureau expects more than $102-billion to be spent by the states.

The omens from this are clear: it will only be a matter of time, unless inflation ends tomorrow and the economy booms the day after, until another round of tax increases will be needed.

### NEW MEXICO SURPLUS

Some states may prove the exception. In New Mexico, where stricter enforcement of tax laws has produced higher collections, the state entered 1972 with a $19-million surplus. But the Legislature is already talking of imposing a new statewide property tax for use in getting a more even balance in expenditures for schools.

Public resentment of seemingly endless tax increases is growing and lawmakers at all levels are becoming more fearful of provoking outright rebellion against new levies. By last February, the Tax Foundation determined that tax increases totaling $6.5-billion had been proposed. There was a reversal to lower rates that were expected to raise about $5-billion more this summer. Even this would be a record.

Most payers of local and state taxes, if they have children, are apparently more willing to pay higher school levies than most other taxes. If they do not have children, a recent survey of taxpayers in St. Cloud, Minn., showed, they rank willingness to pay higher taxes for police protection first, then for streets and traffic improvement, and finally for parks and recreation.

In all parts of the country, the taxes on property, both personal and corporate, are the most disliked.

"I'd hate to cut down on any services," Loyd Long of Monticello, Ind., said. "But I'd much rather pay more sales taxes than property taxes if there has to be a replacement of revenue. At least with the sales tax, if you don't want to pay it, you don't have to buy anything."

Ken Ross, owner of a Denver neighborhood business, bitterly objects to home and corporate property tax rates.

"This tax thing is killing us small guys," he said. "The property taxes go on whether you're making a profit or not. You'd have to pay it even if you locked your doors."

### BOND ISSUES VETOED

Indeed, payers of local property taxes have become the most aroused group in the nation. In the last two years, property owners have voted down bond issues of all stripes, even those for schools.

The newest fashion in taxes is relief from new property levies. From President Nixon on down, officials are indignantly declaring that the limit has been reached and something must be done to provide new funds and spare the property owners.

But old taxes rarely die; they don't even fade away. Any time there is more revenue promised from one source, somebody will have to pay more taxes to provide it.

In Minnesota, Gov. Wendell R. Anderson persuaded the Legislature to increase state income and sales taxes to raise $580-million in state aid by 1973. In return, a lid was placed on local property taxes for education and a promise was made that property taxes would be reduced.

The Minnesota Department of Taxation estimated that the average Minnesota homeowner, with a wife and two children and a salary of $13,000 a year and a house worth $16,770, would pay the following: His property taxes would drop $68.06. However, his state income tax would rise by $142.07. His sales tax would rise by $27. So this would leave him paying $101.01 more in total taxes, a 9.9 per cent increase over last year.

In the smaller communities, where property tax burdens are the heaviest, the relief will be greater. In the cities, where there is no ceiling on costs for pensions and welfare and where owners of older homes are facing reassessment, the outlook is grim.

One Minneapolis homeowner counted his new blessings recently and found that he would pay $16.80 less in property taxes but would pay $200 more in state income taxes. He said he was afraid to calculate how much more he might pay in sales taxes.

### EXAMPLE IN ILLINOIS

Illinois imposed its first state income tax three years ago. In selling it to a reluctant Legislature, Gov. Richard B. Ogilvie, a Republican, promised more aid to municipalities and an end to the small but annoying personal (nonresidential) property tax.

In 1970, Illinois state aid to education rose from 27 per cent of local costs to 35 per cent, and last year this rose another 3 per cent.

But in many localities, such as in suburban DuPage County, home property taxes have gone up about $100 each year since 1969, even though a number of school bond issues have been defeated by weary taxpayers.

The voters outlawed the personal property tax in 1970. But this fall, the Illinois Supreme Court ruled that the referendum was unconstitutional on the ground that, if corporations were taxed on corporate belongings, the people should be, too. The Governor is appealing this judgment.

Further, the city of Evanston, Ill., as just one instance, has warned that, unless the threatened loss of income from personal property taxes are made up by something else, it will have to increase municipal property taxes by 26.3 per cent.

Chicago granted increases in teachers' salaries last year on the assumption that more state aid for education would be forthcoming.

Now, even though property taxes have been increased and assesed valuations in the city and Cook County have been raised by more than $500-million, the Chicago Board of Education is facing a deficit of at least $83-million and expects to have to curtail the length of the current school year.

A new element has appeared in the local and state tax pictures. Courts in at least four states have declared that support of education primarily from property taxes is unfair to the less affluent communities.

The forecasters expect these rulings, if they are upheld, to cause massive changes in taxing methods, and taxpayers through some different manner of collection.

The difficulty is that most state and local governments have already tested their ingenuity in devising new taxes. Virtually every source, from a taxpayer's necessities to his pleasures, seems to have been tapped.

The only new source being discussed at state as well as the Federal levels is a value-added tax, which President Nixon has indicated he favors. This is nothing but an elaborate sales tax. But it would be levied at the manufacturing and wholesaling stages, as well as at the retail stage. The added cost would be passed on to the citizen buyers in a new form of tax bite.

Observers concede that speculation about new taxes and old taxes—could be thrown out of focus by the effects of Phase Two's wage and price controls.

PER CAPITA TAX BURDEN 1960–70

| State | 1970 | 1960 | Increase | |
|---|---|---|---|---|
| | | | Percent | Amount |
| Alaska | $417 | $161 | $256 | $159 |
| Virginia | 340 | 134 | 206 | 154 |
| Kentucky | 299 | 119 | 180 | 151 |
| Maryland | 482 | 199 | 290 | 142 |
| Hawaii | 572 | 237 | 335 | 141 |
| District of Columbia | 517 | 217 | 300 | 138 |
| Illinois | 487 | 206 | 281 | 136 |
| Wisconsin | 509 | 216 | 293 | 136 |
| Pennsylvania | 401 | 173 | 228 | 132 |
| Connecticut | 485 | 213 | 272 | 128 |
| Nebraska | $397 | $174 | 223 | $128 |
| Mississippi | 296 | 130 | 166 | 128 |
| North Carolina | 311 | 137 | 174 | 127 |
| New York | 652 | 288 | 364 | 126 |
| Delaware | 450 | 199 | 251 | 126 |
| Missouri | 343 | 152 | 191 | 126 |
| Georgia | 312 | 142 | 170 | 120 |
| Alabama | 259 | 118 | 141 | 119 |
| New Jersey | 447 | 207 | 340 | 116 |
| Iowa | 436 | 205 | 231 | 113 |
| South Carolina | 274 | 129 | 145 | 112 |
| Massachusetts | 497 | 234 | 263 | 112 |
| Vermont | 471 | 223 | 238 | 111 |
| Michigan | 456 | 217 | 239 | 110 |
| West Virginia | 301 | 145 | 156 | 108 |
| Tennessee | 279 | 135 | 144 | 107 |
| Rhode Island | 408 | 198 | 210 | 106 |
| New Mexico | 359 | 175 | 184 | 105 |
| Minnesota | 442 | 217 | 225 | 104 |
| Arizona | 425 | 208 | 217 | 104 |
| California | 559 | 278 | 281 | 101 |
| South Dakota | 398 | 198 | 200 | 101 |
| Arkansas | 252 | 126 | 126 | 100 |
| Indiana | 357 | 180 | 177 | 98 |
| Maine | 380 | 193 | 187 | 97 |
| Texas | 316 | 162 | 154 | 95 |
| Washington | 443 | 228 | 215 | 94 |
| North Dakota | 376 | 198 | 178 | 90 |
| Utah | 375 | 197 | 178 | 90 |
| Nevada | 517 | 273 | 244 | 89 |
| Florida | 347 | 184 | 163 | 89 |
| New Hampshire | 333 | 177 | 156 | 88 |
| Ohio | 343 | 185 | 158 | 85 |
| Wyoming | 434 | 236 | 198 | 84 |
| Idaho | 347 | 189 | 158 | 84 |
| Montana | 398 | 219 | 179 | 82 |
| Kansas | 395 | 218 | 177 | 81 |
| Colorado | 419 | 234 | 185 | 81 |
| Oregon | 400 | 225 | 175 | 78 |
| Louisiana | 331 | 188 | 143 | 76 |
| Oklahoma | 306 | 177 | 129 | 73 |
| U.S. average | 427 | 201 | 226 | 112 |

Source: Tax Foundation Inc.

The point of this Mr. Speaker is only to call attention to the fact that "someone, someplace, sometime," must begin to call a halt to runaway public spending. President Truman used to say, "the buck stops here." Unfortunately, that is not the case with the national debt and the spiraling debt ceiling—the buck never stops. Perhaps if the Congress applied the brakes to Federal expenditures, the effect would be emulated throughout the country.

On a few occasions recently I have informed my colleagues about the growing size of the public debt. These comments would not be complete without bringing the matter up-to-date. As of January 25, the gross public debt stood at $425,608,928,541.83.

## HOW WE LOST SUPERIORITY AND ACCEPTED INFERIORITY

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, our national security is not a subject of partisan politics. Our survival as a nation is above politics. All Americans want to survive in this turbulent world. Many Americans differ as to the intentions of the Soviet Union and whether or not our basic self-interest demands military superiority or not. These are proper areas of debate. I believe most Americans want superiority and believe that we are only secure when we are the strongest nation in the world.

Those who reject superiority as a national goal have, unfortunately, been in the ascendancy in government for the past 11 years. This bridges three national administrations. Those of us who have advocated superiority and reject unilateral disarmament, parity, sufficiency, and all of the theories which have been used to cover up our decline as a military power are more alarmed today than at any time in our postwar history. What we are confronted with in 1972 is no longer a theoretical debate. We are hard against an actual condition which even now is not understood by many Americans because our leaders choose not to present the facts to them. I take this time today to detail this 25-year decline in our military capabilities and to present the realities as they face us in the seventies.

The facts are there, the challenge is there. Many Americans have spoken out on the dangers of our current deterioration in defense posture. A few weeks ago, Dr. Edward Teller, the famed nuclear scientist, charged that he is "convinced that within a few years" we will not have the basic strategic forces to deter a Soviet nuclear attack. He made this solemn pronouncement on the ABC television program "Issues and Answers" and added the warning that—

> The Russians are building very rapidly. We are in slow motion. Sometimes in no motion. They are getting head of us. They are ahead of us, even today, in every field, except possibly we may yet have an edge in sea power, and we are losing rapidly.

This is not idle talk. The facts which I present in this address clearly support this contention.

Statements by the score could be cited here to buttress my charge that our Government leaders are presiding over a deliberate deterioration of our defenses. Vice Adm. Hyman Rickover has bluntly warned that the United States faces "national extinction" unless major steps are taken to rebuild our defenses. The Dallas Times Herald of January 13, 1972, quotes Senator JOHN TOWER as saying:

> We still have an edge but I could not begin to tell you how tenuous that edge is.

Whether or not we have an edge, it is clear that defense-minded experts like Senator TOWER are vitally concerned at the trend. He went on to say that decisive Russian superiority in armaments could "force the United States into an isolationist position whether we wanted it or not." Many of us have made these same warnings over the years, yet our situation has become more precarious each year.

Why have all of our warnings gone unheeded? Because Presidents Kennedy, Johnson, and Nixon during their terms of office chose to follow the advice of those who counseled against superiority and accepted what I believe to be an incorrect assessment of the role of the Soviet Union in the future and whether or not the Communists are a threat to our future security.

Let me bring the issue into perspective in another way. For the past 10 years, Americans such as myself have debated other Americans on the question of whether or not the Soviet Union could develop the military capabilities to catch us and pass us. Unfortunately, we won that argument. While those who rejected superiority presided over deliberate policies of disarmament in the past three administrations, the U.S.S.R. coldly and surely developed the capabilities to threaten our survival. To use Dr. Teller's term, while we were in "no motion," they aggressively moved with determination to become the No. 1 military power in the world. Now what happens? The debate shifts and the liberal now says, in effect, "So what, they have developed the capabilities—we lost that debate—but you can be sure that their intentions are honorable and they will not use this clearly developed military superiority to threaten us." Will we be required to debate 10 years on their intentions? What if the liberal is wrong on this issue, too? What will it take to convince them or this administration that they are wrong? A nuclear blackmail in some future confrontation with the U.S.S.R. in which the tables are reversed and we, not they, must back down? Or an attack by the Soviet Union? How ridiculous can we be in so foolishly playing Russian roulette with the survival of this Nation? But let me detail the strange story of how we lost superiority and accepted inferiority.

### DEFENSE DEPARTMENT DECEPTION

A nine-page statement written December 29 on the letterhead of the Secretary of Defense proves that 205,000,000 Americans are being left naked to Communist strategic attack or nuclear blackmail, and confirms that the disastrous policies of Secretary Robert McNamara have been continued under the Nixon administration. This statement, which apparently represents the best rebuttal the Defense Department can make to its critics, is a combination of revealing admissions, omissions, and false statements.

The key concept to keep in mind in discussion of U.S. defense policies and the Soviet missile threat is strategic superiority. By strategic superiority, we mean that America should be superior to every other nation in weapons which are capable of hitting the enemy in his homeland—so superior that any prospective enemy knows in advance that it is total folly to commit acts of aggression against us. Because we live in the nuclear-space age, strategic superiority means, more precisely, superiority in nuclear weapons.

Why do we need superiority? Because, unfortunately, we live in a world where there are international criminals who take advantage of weakness. The evidence of all recorded history provides emphatic proof that weakness invites attack and that the best way to live in peace and freedom is through superior military strength.

> When a strong man armed keepeth his palace, his goods are in peace.[1]

So long as there are criminals in our streets, we will need the protection of our local police. So long as there are international criminals in possession of giant nuclear weapons, we will need U.S. nuclear superiority. History, logic, and commonsense all tell us that the safest road to peace is through military superiority.

Hitler started World War II when he thought he could win quick easy victories because the West was disarmed under the influence of the Kellogg-Briand Pact and the London and Washington naval disarmament treaties. The umbrella-carrying officials of 1939 naively thought that we had moved from an age of confrontation to a new age of negotiation. The negotiations at Munich, however, only convinced Hitler that England and France were too weak to resist and whetted his appetite to devour other countries.

We have been told by some spokesmen that "parity," or nuclear equality, is enough to protect America because this would provide a "balance of terror" which neither side would dare to upset. For some nations in some circumstances, where both sides act according to the Golden Rule or the Marquis of Queensberry Rules for a fair fight, parity might be adequate.

### SURPRISE ATTACKS

But everyone knows that the United States will never strike first, whereas the Soviets have a long history of always striking first—and without warning. The Soviets committed surprise, sneak attacks on Poland and then Finland in 1939, on Latvia, Lithuania, and Estonia in 1940, on Hungary in 1956, and on Czechoslovakia in 1968.

The test of U.S. nuclear strength is not our before-attack inventory, but how much nuclear power we would have left after a surprise Soviet attack. Under conditions of parity, the side which has a policy of surprise attack, has at least a 2-to-1 advantage over the side which does not practice surprise attacks. Therefore the only rational policy is for the United States to have decisive superiority which is known in advance by all prospective aggressors. As the Father of our country, George Washington, said:

> If we desire to secure peace . . . it must be known that we are at all times ready for war.[2]

Under the Eisenhower administration, military superiority was our established and recognized national defense policy. This policy worked. It was a proven success. President Eisenhower was not afraid of pacifist catcalls about "escalating the arms race." He preached and practiced the policy of overwhelming superiority.

The Eisenhower years were the years when we ordered all our Minuteman missiles, our Atlas and Titan missiles, our Polaris submarines, and our B–52 bombers. Virtually, every strategic nuclear weapon which protects the United States today was built or ordered under the Eisenhower administration.

The results of this policy were plain to see. No American boy was sent to die in any foreign war. No fifth-rate dictatorship such as North Korea captured any U.S. ships, such as the *Pueblo*, on the high seas. No Soviet missiles or submarines threatened us from Cuba. No Cuban pirates hijacked ships off the coast of Florida and imprisoned American citizens. In short, the United States was safe.

### THE CUBAN MISSILE CRISIS

When the Kennedy-Johnson administration took office in January 1961, it

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Footnotes at end of article.

inherited the vast strategic superiority built up under the Eisenhower administration. This is why we were successful at the time of the Cuban missile crisis in October 1962. Let no one think that the Soviets took their missiles off their launching pads in Cuba merely because President Kennedy looked eyeball-to-eyeball to Khrushchev. The only reason why the Soviets backed down in that nuclear confrontation was that, after our U-2 flight discovered the Soviet missiles, our great Strategic Air Command went on airborne or 15-minute alert with 50,000 megatons of nuclear striking power. We had a 5-to-1 superiority in nuclear striking power—and the Soviets knew it.

As we look back on the years of the Kennedy and Johnson administrations, we can see that the policy of strategic superiority was deliberately—although covertly—abandoned after the Cuban missile crisis. The years following the Cuban missile crisis saw a steady dismantling of U.S. nuclear power—even in the face of a large-scale buildup of nuclear weapons by the Soviet Union.

### PAUL NITZE'S PLAN

The rationale for this policy of scrapping U.S. nuclear striking power was laid out on April 29, 1960, by a New York investment banker named Paul Nitze. Speaking at the important Asilomar National Strategy Seminar in California before a distinguished audience of more than 500 scholars and strategists, Nitze made these far-reaching proposals: First, that we abandon "a true class A nuclear capability"; and, second, that "we scrap the fixed base vulnerable systems that have their principal utility as components of a class A capability."

As soon as Kennedy became President, Paul Nitze was brought into the Defense Department as Assistant Secretary of International Security Affairs. Subsequently, he was promoted to Secretary of the Navy, and finally to Deputy Secretry of Defense, the No. 2 job in the Defense Department, second only to McNamara.

Nitze's 1960 Asilomar speech seemed incredible when he made it, and even for several years thereafter. As we look back with the benefit of hindsight, we can see that it was a perfect preview of the McNamara policies which were to be carried out during the 8 years of the Kennedy and Johnson administrations.

Here are the elements of the class A strategic nuclear power which McNamara and Nitze scrapped: three-fourths of our multi-megaton missiles—149 Atlas and Titan I missiles—all our intermediate- and medium-range missiles—based in Europe and Turkey—three-fourths of our strategic bombers—30 B-52's, 1,400 B-47's, and 600 carrier heavy-attack bombers which were stripped of their nuclear weapons—the 24-megaton bomb—our largest weapon—our airborne alert, 23 antibomber missile batteries—called Nike-Hercules—and our missile and bomber bases close to Soviet borders—in Turkey, Italy, North Africa, and England.

Here are the class A nuclear weapon-systems which McNamara and Nitze abandoned or refused to build: the second thousand Minuteman missiles which had originally been scheduled by the Eisenhower administration, an advanced supersonic strategic bomber which was actually built and successfully flown as early as 1965, an advanced bomber interceptor, the Skybolt air-to-surface long-range missile, the antimissile system, space weapons—such as the Soviet FOBS—Pluto, Dynasoar, Orion, and all plans to make our missiles mobile by putting them on surface ships and freight trains.

By 1967, our once overwhelming nuclear superiority was gone. The proof was provided by a report called "The Changing Strategic Military Balance"[3] written by a distinguished committee headed by Gen. Bernard Schriever who had been in charge of the development and deployment of all our Minuteman missiles. Published by the House Armed Services Committee, the heart of this report was a chart which showed a comparison between the nuclear striking power of the United States and the Soviet Union. The chart formed a large "X." It showed that in 1962 the United States had a 5 to 1 superiority over the Soviets. Since that date, U.S. strength has gone steadily downhill, while Soviet strength has gone steadily uphill.

The chart showed that 1967 was the crossover year when the United States and the Soviet Union were roughly equal in megatonnage delivery capability, or nuclear striking power. The chart then projected into the future and predicted that by 1971 the positions of the United States and the Soviets would be completely reversed, with the Soviets having a 5 to 1 superiority over the United States.

### RICHARD NIXON'S PROMISES

In the presidential campaign of 1968, candidate Richard Nixon addressed himself forthrightly to this issue. He warned in a radio network broadcast on October 19 that the Johnson administration by "shortsighted defense policies" had dissipated the strategic advantage left by the Eisenhower administration. He said:

> As a result even where the thinly stretched forces of the United States can be deployed, they no longer are backed by the decisive nuclear superiority which in past crises made our power fully credible.

Continuing, Mr. Nixon warned that the Soviet Union has "very nearly achieved its goal of superiority in strategic nuclear power."

On October 24, 1968, candidate Nixon charged in a nationwide radio speech that under the Democratic administrations since 1961, when McNamara took over the Defense Department, "a gravely serious security gap" had developed that could grow to a "survival gap" by 1970 or 1971. Citing decreases in percentages of American superiority over the Russians in modern weaponry, Mr. Nixon charged that—

> In recent years our country has followed policies which now threaten to make America second best both in numbers and quality of major weapons.

Mr. Nixon said that if elected President he would undo the sweeping Pentagon reorganization of former Secretary of Defense McNamara.

Richard Nixon then blasted what he called the Democratic administration's "peculiar, unprecedented doctrine called 'parity'." He said he intended to "restore our objective of clearcut military superiority," and "do away with wishful thinking either as to the capability or the intent of potential enemies."

These emphatic promises were a major reason why large numbers of voters believed "Nixon's the one" and voted for him in November 1968.

The Democratic platform at recent conventions has not stressed superiority. The American people had reason to believe, however, that Republicans would return to a policy of superiority. It is important to note that the Republican Party position on defense has always been for "superiority." The Republican Party never settled for any vague phrases such as "keeping America strong," or "strategic sufficiency," or "assured destruction capability," all of which are subject to a hundred different definitions. The last five Republican platforms clearly called for U.S. military power to be the greatest in the world—and everyone understands the meaning of being in first place.

For example, the 1968 Republican platform said:

> We pledge . . . a comprehensive program to restore the *pre-eminence* of U.S. military strength.

The 1964 Republican platform said:

> We will maintain a *superior, not merely equal,* military capability as long as the Communist drive for world domination continues.

The 1960 Republican platform said:

> The Republican Party is pledged to making certain that our arms, and our will to use them, remain *superior to all threats.*

The 1956 Republican platform said:

> We have the *strongest striking force in the world.*

The 1952 Republican platform said:

> We should develop . . . such power as to deter sudden attack or promptly and decisively defeat it.

Richard Nixon ran on four of these five platforms, twice as a vice presidential candidate, and twice as a presidential candidate. Thus he pledged that he supported this consistent Republican policy of military superiority, especially when combined with his radio speeches of October 1968.

### NIXON ADMINISTRATION RECORD

When the Nixon administration went into office, we expected it to move quickly to restore our superiority. We waited—and we waited—and we waited. In December 1970, the White House mailed out a brochure entitled "The Nixon Administration's First 2 Years." One page in this booklet was entitled "Keeping America Strong."

The first section brags about how President Nixon has "reordered priorities"

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Footnotes at end of article.

from defense to social welfare. The second section tells how President Nixon's "reoriented defense" emphasizes the Safeguard ABM which he "substituted" for Lyndon Johnson's ABM. The fact is that the Nixon ABM calls for defending only two sites; the Johnson ABM called for defending 12 sites. The third part of "Keeping America Strong" concerns the draft lottery system which has nothing whatsoever to do with our overall military strength or superiority. Then, there is a blank space—the administration was unable to list even one action it has taken to restore U.S. superiority, as solemnly promised.

President Nixon issued his state of the world message on February 25, 1971, a very lengthy document called "U.S. Foreign Policy for the 1970's." This document was admittedly written by Henry Kissinger, who has been called the second most powerful man in our Government.

The state of the world message is written in very sophisticated language, but the meaning is clear to anyone who studies it. It admits the decision by the Nixon administration "to pursue a policy of strategic sufficiency rather than strategic superiority."[4] The message includes a chart which clearly shows that the Soviets have many more missiles than we have, and it contains no program to build any more U.S. missiles.

Who made this decision to repudiate President Nixon's solemn promises and platform of 1968? When was it made? Did President Nixon make the decision? Or is Mr. Kissinger powerful enough to call the shots and reverse Republican policy?

The word "sufficiency" was carefully chosen by Mr. Kissinger in the hope that the American people will infer that it is "sufficient' to protect us. When we examine the content of this tricky term "sufficiency," we find it can cover a weakness worse even than parity. It can even mean decisive inferiority. In the face of the Soviet missile buildup, the only posture which is sufficient for American survival is effective superiority. The Kissinger doctrine is "sufficient" only as a sop for Americans and appeasement for the Soviets.

### ADMINISTRATION REJECTS SUPERIORITY

On August 26, 1971, a letter written by the Assistant Secretary of Defense, Lawrence S. Eagleburger, stated the policy of the Nixon administration even more bluntly. This letter clearly states that the Nixon administration policy "is a defensive one" and that "it rejects the aim of strategic superiority." The letter goes on to admit that "the Soviet Union presently does maintain a larger navy than the United States," but indicates no U.S. plans for restoring our former lead.

Of course, there was hardly anything else the Defense Department could do except admit Soviet naval superiority after the Joint Congressional Committee on Atomic Energy published its 278-page report on May 14, 1971, setting forth the official figures. The U.S. Navy has 563 surface units compared with the Soviet navy of 2,009 surface units. The United States has 142 submarines compared with the Soviet submarine strength of 355. This prestigious committee concluded that unless prompt measures are taken to build up a nuclear navy, America will have "to give in on all issues." It said:

> There may be no future. . . . We will soon find ourselves unable to defend our national interests.[5]

Meanwhile, the Republican Congressional Committee newsletter inadvertently revealed other aspects of the Nixon administration policy. The March 22, 1971, issue asked the question "What truth is there to the reports that the Russians are once again building up their military capabilities in Cuba?" The answer says that President Nixon is relying on an "understanding" which President Kennedy had with the Soviets in 1962 that they will not install any nuclear missiles or submarine bases in Cuba. President Nixon is then quoted as saying:

> We're watching the situation closely . . . and we will, of course, bring the matter to their attention if we find that the understanding is violated.

This makes the changed strategic military balance very clear, indeed. In 1962, President Kennedy could tell Khrushchev, "Take the missiles out," and Khrushchev took them out. In 1972, all President Nixon can do is to "bring the matter to their attention"—as if they did not already know it. The plain fact is that we no longer have the power to protect our country from nuclear missiles which can kill scores of millions of Americans. All President Nixon can do is call up on the hot line and say, "Please Mr. Brezhnev, don't fire."

The Republican Congressional Committee Newsletter of July 26, 1971, contains a chart which brags that, whereas President Eisenhower spent 49.7 percent of the Federal budget on defense, and President Kennedy spent 45.1 percent on defense, and President Johnson spent 45 percent on defense, President Nixon is spending only 33.8 percent of the Federal budget on defense. Obviously, there are no plans to restore our military superiority when the administration is boasting about so drastically reducing funds for defense and diverting them to welfare programs. President Nixon's budget message presented on January 24, 1972, shows that defense will receive only 29.2 percent of the budget for fiscal year 1972–73.

### BLUE RIBBON REPORT

Shortly after his election, President Nixon appointed a blue ribbon defense panel to study the workings of the Defense Department. Seven members of that panel became so alarmed about the loss of U.S. superiority that they wrote a supplemental statement called "The Shifting Balance of Military Power." This report was signed by seven of the most distinguished business and professional men in the country, including the new Supreme Court Justice Lewis Powell, Jr., who is reported to have been the principal author.

This blue ribbon statement deplored "the abandonment by the United States of its former policy of maintaining strategic superiority," and concluded that "in the seventies neither the vital interests of the United States nor the lives and freedom of its citizens will be secure." The statement warned that—

> The world order of the future will bear a Soviet trademark, with all peoples upon whom it is imprinted suffering Communist repression.

The blue ribbon statement concluded that, if we want to avoid this fate—

> *The only viable national strategy is to regain and retain a clearly superior strategic capability.* . . . The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive.[6]

The other six men who signed the blue ribbon supplemental statement were George Champion, president of the Economic Development Council in New York and former president of the Chase Manhattan Bank; William P. Clements, Jr., president of the Southeastern Drilling Co. in Dallas; John M. Fulke, president of the John M. Fulke Manufacturing Co. in Seattle; Hobart D. Lewis, president of the Reader's Digest Association in Pleasantville, N.Y.; and Wilfred J. McNeil, director of Fairchild Hiller Corp.

This blue ribbon supplemental statement was submitted to the President on September 30, 1970, whereupon it was suppressed by the Nixon administration for nearly 6 months. It was finally quietly released on March 12, 1971, without any explanation, comment, or refutation.

### DEFENSE DEPARTMENT REBUTTAL

A nine-page statement written December 29 on the letterhead of the Secretary of Defense is the first attempt by the Nixon administration to answer the blue ribbon supplemental statement or other criticisms of the Nixon defense policies. This Defense Department statement proves that the blue ribbon defense panel members were wholly justified in their alarm about the state of U.S. defenses and our inability to defend ourselves against Soviet nuclear power.

It seems to be human nature, when charged with responsibility for a disaster, to rely on one of two excuses: First, it is not true; or second, it is someone else's fault. The Defense Department statement falls into a hopeless trap by making the mistake of trying to use both excuses. It says, in effect; first, it is not true that our strategic defenses are in bad shape; and second, the reason why our defenses are in such bad shape is that Congress cut so much from Nixon's budget requests.

The obvious conclusion is: why blame Congress for cutting budget requests when the Nixon administration says, in effect, do not worry, our defenses are OK? The Defense Department statement is shot through with attempts to place all the blame on Congress for cutting the budget; yet the letter paints a rosy picture of our defenses which would entice almost any Congressman to slash spending.

Let us take the Defense Department statement and point out some of its revealing statements, omissions, and falsehoods. The numbered headings below are the subheads used in the December 29 Defense Department statement.

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Footnotes at end of article.

First. "The changing balance of strategic forces." This section of the Defense Department statement confirms "the recent rapid growth of Soviet nuclear forces" and admits that the figures cited in the blue ribbon statement and other criticisms of our present policy "are not significantly different from those provided by Secretary of Defense Laird" and in other public statements by the President and officials of his administration.

The Defense Department statement reminds us that the blue ribbon statement said that—

> The President and the Secretary of Defense are fully aware of the trends.

That is right, they are fully aware of the trends. The trouble is that they are not doing anything about it. Nobody claims the President does not know about the Soviet nuclear threat; he proved in his 1968 campaign speeches that he does know about it. Nobody claims that Secretary Laird does not know about the need for U.S. nuclear superiority; he proved in his book "A House Divided" that he fully understands the Soviet nuclear threat. The problem is that they are not doing anything to protect the United States by rebuilding our superiority.

The Defense Department statement denies that the Nixon administration "is willing to settle for second place," and again denies that the Nixon administration "is willing to settle for a status quo posture in developing U.S. strategic forces." The proof that these statements are wrong is that the Defense Department is unable to cite one single new strategic weapon that the Nixon administration has built in 3 years. Just yesterday, my friend Senator BARRY GOLDWATER blasted the Defense Department for this very shortcoming. It has not built a single new ICBM, a single new Polaris or nuclear-missile-firing submarine, a single new strategic bomber, a single space weapon. When you do not order a single missile launcher in three long years, that is certainly settling for the status quo. In the face of the Soviet buildup, it is settling for second place.

Second. "Alleged superiority of Soviet Union." This section contains the kernel of the deception practiced by the Defense Department. The Defense Department statement denies that the Soviet Union is now the world's first military power, and makes the misleading claim that—

> The U.S. today has more strategic nuclear weapons than does the Soviet Union.

The Defense Department statement offers absolutely no proof, no figures that can be checked. Let us look at the facts:[7]

| | United States | U.S.S.R. |
|---|---|---|
| ICBM's | 1,054 | 1,600 |
| IRBM's and MRBM's | 0 | 700 |
| Space weapons | 0 | [1] FOBS |
| Sub-launched ballistic missiles | 656 | 387 |
| Sub-launched cruise missiles | 0 | 350 |
| Heavy bombers | 450 | 200 |
| Medium bombers (which can be refueled in air so as to hit the enemy) | 0 | 700 |
| Antiballistic missiles | 2 | 64 |

[1] Number unknown.

The Defense Department statement says that the numbers of strategic weapons "is only one of several elements that must be considered." That is correct. Numbers alone are wholly inadequate to give an accurate picture of the strategic balance. But the Defense Department statement implies that the other factors support the proposition that the United States is stronger. That implication is false: these other factors add overwhelming proof that the Soviet Union now has nuclear superiority, and that the United States has been reduced to decisive inferiority. Here are four vital factors which the Defense Department statement conveniently ignores:

Rate of construction. Because of the enormous leadtime required for nuclear weapons, we know now what the relative strengths of the two nations will be 2 or 3 years hence. The United States has not built a single additional strategic weapon since 1967. The Soviets, on the other hand, are building at a crash wartime rate. They have 100 big holes already dug for new and larger missiles.[8] They have greatly increased the capacity of their shipyards and are turning out Polaris-type submarines at a rate that next year will equal our frozen total of 41.

Megatonnage. The amount of explosive firepower that nuclear weapons can rain on the enemy is the most important factor of all. When we compute the deliverable megatonnage totals of the weapons listed above, the Soviets have decisive superiority. Each giant Soviet SS–9, of which the Soviets have more than 300, has 25 times the explosive power of each of our Minuteman missiles.

In January 1971, Lt. Gen. Glen Martin, deputy commander of our Strategic Air Command, said:

> The Russians today have three times the nuclear megatonnage of the U.S.[9]

Since then, the Soviet building program has continued at such a rapid rate that most authorities now estimate that the Soviets have a superiority of 5-to-1 over the United States in deliverable nuclear megatonnage. Stewart Alsop writing in Newsweek on November 1, 1971, stated that "in terms of missile megatonnage, they have between five and 10 times the thermonuclear capacity we have."

Refire capability. Many Soviet missile launchers have it, but U.S. missile launchers do not. Refire capability greatly increases the total number of deliverable Soviet missiles.

Reliability of delivery. Since the Soviets have an extensive antimissile system already deployed with 64 ABM launchers, and thousands of SAM's which can be upgraded swiftly to ABM use, we have no reliability that any significant number of our surviving missiles can get through and hit their targets.

Our bombers have even less reliability of delivery. Before launch, they are vulnerable to Soviet SLBM's, especially their low trajectory missiles, and to FOBS and OBS missiles. Because McNamara canceled the Skybolt, our bombers cannot deliver any payloads unless they actually reach the area of the Soviet Union. There they are up against some 10,000 SAM's, the world's most extensive and complex radar systems, and more than 2,000 Soviet interceptor and fighter aircraft.

Footnotes at end of article.

One of the most incredible sentences in the Defense Department statement is this:

> The specific claim that the Soviet Union is now the world's first military power is not supported by the Supplemental Statement of some Blue Ribbon Defense Panel Members nor is it supported by the Defense Department's analyses of the current threat.

There has always been something drastically wrong with "Defense Department analyses" and estimates. President Nixon specifically stated that our intelligence estimates were 60 percent under actual Soviet missile deployment.

In regard to the blue ribbon supplemental statement, however, it appears that the Defense Department "experts" have not even read it. Here are some relevant quotations from the blue ribbon statement:

> In a dramatic shift in the balance of power, largely unnoticed by the public, the quarter century of clear U.S. strategic superiority has ended. The Soviet Union has moved significantly ahead of the United States in ICBM's, the principal weapon system of the nuclear age. . . . *No informed person now* denies that the period of clear U.S. superiority has ended. . . . The Soviet SS–9 ICBM force alone is capable of delivering a megatonnage of nuclear warheads several times greater than that of the entire U.S. force of ICBM's and SLBM's. . . . The Soviet Union has attained for the first time a superior strategic capability—where it counts the *most*—in ICBM's. . . . More serious than the numerical superiority is the substantial megatonnage advantage enjoyed by the Soviet Union. The enormous payloads of the SS–9's have a destructive capacity incomparably greater than any U.S. missile."[10]

Third: "Military strengths." Buried in a mass of vague and meaningless words is a most revealing admission. The Defense Department statement quotes Secretary of Defense Laird as saying in April 1969 that—

> The Soviet Union has the capacity of achieving by the mid-1970's, a superiority over the presently authorized and programmed forces of the United States in all areas—offensive strategic forces, defensive strategic forces, and conventional forces.

That statement made in April 1969 is tantamount to admitting that the Soviet Union now has that superiority because of the very rapid rate of Soviet buildup during the last 3 years—a rate which was far in excess of 1969 Pentagon estimates—plus the fact that "the presently authorized and programed forces of the United States" have not changed. Even as late as the President's state of the Union message on January 20, 1972, the Nixon administration has no plans for actually producing any additional strategic weapons.

On August 27, 1971, Gen. B. K. Holloway, commander in chief of our Strategic Air Command, told the Commonwealth Club of California—

> The U.S.S.R. exceeds us in every major offensive and defensive strategic weapon system, except missile submarines.[11]

On October 8, 1971, the Pentagon's Research Chief, Dr. John S. Foster, stated that even that slim edge in missile submarines is gone because, counting what the Soviets have at sea and what they have under construction, the Soviet fleet of Polaris-type missile-firing submarines is now "roughly equal" to the U.S. force.[12]

Fourth. "National security policy." In this section, the Defense Department statement attempts to diffuse responsibility for maintaining U.S. superiority by shifting the argument to pretend that somehow we are safeguarded by "overall free world strength." Secretary Laird is quoted as saying that "America will no longer try to play policeman to the world, but will expect other nations to provide more cops on the beat in their own neighborhood."

Let us examine the facts. The Soviet Union has 700 intermediate and medium-range nuclear missiles targeted on Western Europe. There is absolutely no way that Western Europeans can provide "cops on the beat" to protect themselves against this nuclear threat. Western Europe does not have any antimissile defense system whatsoever, nor any missiles to serve as a deterrent to the 700 Soviet nuclear missiles. Most of our free world allies cannot build nuclear weapons to protect themselves because we prohibited them from doing that when President Nixon promoted and signed the nuclear nonproliferation treaty.

If we compare conventional military forces, the NATO powers are hopelessly outnumbered and outgunned by the Warsaw Pact powers. There is no way Western Europe can be protected without the U.S. nuclear umbrella.

The unpleasant truth is that, since President Nixon took office, overall free world strength has receded badly in the Mediterranean, Libya—where President Nixon meekly surrendered our giant Wheelus Air Base—Berlin, Taiwan, the Indian Ocean, Southeast Asia, and South Asia.

Five. "Military spending." This section of the Defense Department statement blames all cuts in defense spending on the winding down of the Vietnam war or congressional cuts. This evades the issue. The important part is what we are spending on strategic weapons—weapons to protect 205,000,000 Americans against the Soviet missile threat. A chart in the report called "The ABM and the Changed Strategic Military Balance," prepared by a distinguished committee including Nobel prize winners Dr. Willard F. Libby and Dr. Eugene P. Wigner, Dr. Edward Teller, developer of the H-bomb, and Dr. William J. Thaler, developer of over-the-horizon radar, shows the great superiority over the United States of Soviet spending for strategic weapons.[13]

This section brags that the winding down of the Vietnam war is "probably the most efficient and orderly withdrawal of both military forces and resources in our history." This boast is simply not true. In the 3 years since President Nixon took office, 20,000 American servicemen have been killed in Vietnam. President Eisenhower took office in 1953 under practically identical circumstances. Because he took affirmative action and warned the Reds that there would be no more privileged sanctuaries, he ended the Korean war in 6 months with few additional American casualties.

The Defense Department statement is unable to point out any significant spending it has done on strategic weapons. It has not added a single additional land-based or sea-based missile launcher, built a single strategic bomber, or developed a single space weapon. Its rate of spending on the two lone ABM sites is so slow that it will still be several more years before they are operational, although they were approved in 1969. If the Defense Department were on the job, it ought to be able to point to some new strategic weapons to show for the $75 billion it has been spending each year.

The real clue to the deception practiced by the Nixon administration was provided in October 1971 when Senator JAMES BUCKLEY proposed three crucial amendments to authorize a mere $42 million in research and development so the United States would have the option in the early 1970's to expand the range of our Minuteman missiles, and improve Poseidon missiles. The Defense Department lobbied strenuously against these amendments and brought about their defeat. It was not the Senate liberals who defeated these crucial amendments; it was the Nixon administration and the Defense Department.

Dr. John S. Foster, Jr., Director of Defense Research, stated that the Soviets are spending 40 percent more than the United States on military research, and that this "will lead almost certainly to some very serious military surprises." Dr. Foster said that U.S. military research has leveled off since 1968—that is, since President Nixon took office—while the Soviet effort has not only continued to increase but has shifted from space to military technology.[14]

The Defense Department statement ends this section boasting about the Nixon administration's "increased emphasis on our security assistance programs." Military aid in conventional weapons provided to other countries is irrelevant in the absence of the U.S. nuclear umbrella, which is the only way any of the free world can protect itself from the Soviet Union.

Six. "Alleged first-strike capability of Soviet Forces." In this section, the Defense Department statement plays on the general confusion of the American people in regard to what "first-strike capability" means. It means a counterforce capability, or the capability of effectively knocking out the enemy's strategic weapons.

The first thing to note about this section is that the Defense Department does not claim that the United States has a first-strike, or counterforce, capability against the Soviet Union. A U.S. first-strike capability was specifically rejected by the Paul Nitze proposal in 1960, and scrapped by the McNamara-Nitze team during its nearly 8 years of U.S. unilateral strategic disarmament. The United States has no effective capability to knock out Soviet strategic weapons in significant numbers.

Remembering that a first-strike capability means the ability to knockout enough of the enemy's strategic weapons to prevent devastating retaliation, we should heed the statement by Dr. John S. Foster, Jr., Pentagon Research Chief, that when the Soviets have "a little over 400 SS–9's," they can knock out all but a small fraction of our Minutemen.[15] We know they already have at least 300, and they have 100 large new missile holes already dug.

The Defense Department statement relies on the old McNamara "numbers game" to throw us off the track of the real meaning of the Soviet first-strike capability; namely, that "in numbers of deliverable warheads, the United States still has a substantial numerical advantage." The blue ribbon defense panel supplemental statement in commenting on this "numbers game" about warheads said:

> It would be difficult to conceive of a better way to mislead the public than to present—without precise definition and analysis—comparative figures of this kind. Those who present such distortions contribute to the confusion rather than enlightenment of our people.[16]

To which I say, Amen.

The writer of the Defense Department statement added:

> We are confident that the Soviet Union does not have an effective first-strike nuclear attack capability. . . .

The writer simply is not able to pass that "confidence" along to the rest of us because he offers no proof of his comment, nor does he even attempt to refute the hard evidence of the horrendous fact that the Soviets do have a first-strike capability.

Seventh. "Strategic arms limitations talks—SALT." This section makes the admission that the United States has "exercised restraints" during the period of the SALT talks in the hope of obtaining an agreement. Indeed we have exercised restraints. We have not added a single new missile or submarine or strategic bomber since the SALT talks were proposed in 1968. Meanwhile, the Soviets have raced ahead. They have added 1,000 ICBM's including at least 200 SS–9's. The longer we talk, the more missiles the Soviets build.[17]

The Defense Department statement tries to confuse the fact of our failure to increase our strategic forces by a paragraph which might sound impressive to those who are not well informed. Let us examine what it really says.

The Defense Department statement claims that we are replacing 550 Minuteman I missiles with "the much more versatile MIRVed Minuteman III." The fact is that the MIRV is not a Nixon project but a McNamara project. It does not add a single missile launcher to our strategic forces. The MIRV project cuts our deliverable megatonnage drastically because the MIRVed missiles can carry only a fraction of the megatonnage that our earlier Minuteman missiles could carry. We made the choice to MIRV our missiles in extremis in order to secure some hope of penetration of the already existing and rapidly expanding Soviet ABM. The Soviets can out-MIRV us 5 to 1 if they want to, but they have no need of

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Footnotes at end of article.

the "versatility" of the MIRV because we have no ABM defense at all now.

The Defense Department statement claims that we are deploying the Safeguard ABM to protect a portion of the Minuteman force. The facts are that we are beginning to prepare to deploy an ABM at only two Minuteman sites, that we will not have them operational for several years, and that no ABM defense for 205,000,000 American people against Soviet missiles is even planned. Mr. Nixon has said that it would be "provocative" to the Soviets for us to give protection to the American people against nuclear incineration.

The Defense Department statement says that we are converting 31 of our Polaris submarines to the MIRV'ed Poseidon. Poseidon is not a new weapon or an additional weapon. It is merely a modernization of the Polaris. The "conversion" project is not a Nixon project, but a McNamara project, and will take years to complete.

The Defense Department statement claims that we are dispersing alert bombers to more bases to enchance their survivability. The fact is that we are not adding a single bomber to our bomber fleet, but keep reducing the number of our strategic bombers every year. The fact is that McNamara stripped our country of all its antibomber defenses, and the Nixon administration has done nothing to restore them. Most important, McNamara terminated the airborne alert of our strategic bombers and this has not restored by the Nixon administration.

The Defense Department tries to give the impression that our bombers are superior to the Soviets in ability to penetrate enemy defenses. The DOD statement claims that we are "equipping our bombers with improved air-to-surface missiles to enhance their ability to penetrate enemy defenses." The fact is that the Soviets do not need any improved penetrability because we have not any defenses for them to penetrate. A January 11, 1972, report of the House Armed Services Committee told about a Cuban airliner which flew to within 25 miles of New Orleans without being detected until its pilot radioed the airport for landing instructions. Chairman F. EDWARD HÉBERT commented:

> Since our potential enemies know of the gaping holes in our air defenses, I think it is high time that the American people were let in on this open secret.

The "improved air-to-surface missiles" which the Defense Department statement mentions are not a Nixon project, but a McNamara project that was no good. The great weapon which we should have built, but which McNamara canceled after the Eisenhower administration spent millions on its development, and which Nixon is not building, is the Skybolt. McNamara canceled this great weapon and replaced it with the SRAM, which can go only 100 miles instead of 1,000. Its very name brands it with this weakness, since SRAM is an acronym for "short range attack missile." It is such a poor substitute for Skybolt that SRAM is sometimes referred to as SHAM.

The Defense Department statement says that we are "developing" the undersea long-range missile system—ULMS. Note that the statement does not say anything at all about producing the ULMS. This is the same typical kind of stall that McNamara used for 7 years. He always talked about "developing" and "keeping the option," but the years went on and nothing was ever produced.

The Defense Department statement says that we are "developing" the B-1 strategic bomber. Note again that we are only "developing" and not producing. We have needed to go into production on an advanced strategic bomber for 10 years, but the Nixon administration is continuing the McNamara stall under which we get only words and wooden mockups, but never any strategic aircraft. The Nixon administration should have ordered the production of the B-1 in 1969, but the Defense Department statement confirms not only that we have not started production, but that the Nixon administration has not yet even made the decision ever to order the B-1 into production. Meanwhile, the Soviets have test flown their own "B-1," called the "Backfire." According to the New York Times, this puts them at least 5 years ahead of us in this field.[18]

The Defense Department statement claims—

> We are developing them (the B-1) at the optimum rate consistent with effective management.

This is absolutely untrue. At the rate the Nixon administration is proceeding, it will be at least 5 or 6 years before we have what the Soviets have now. It is a pitiful confession of failure to admit that the U.S. "optimum rate" of development is 5 years behind the Soviets.

### NIXON'S AFL-CIO SPEECH

I wish we could assume that this Defense Department statement were the handiwork of some lameduck bureaucrat who is a hangover from the McNamara regime, and whose words do not reflect the views of the President. Unfortunately, the evidence is rather clear that the Defense Department statement has taken its cue directly from the President in misrepresenting the defense of the United States.

For example, on November 19, 1971, President Nixon spoke to the AFL-CIO Convention in Miami Beach. According to the UPI news account of what Nixon actually said in that speech:

> He said that the Soviet Union's land-based missiles are presently equal to the United States "and possibly even a bit ahead."

Now let us reexamine the facts about land-based missiles. The United States has 1,054 land-based ICBM's, a number frozen since 1967. According to Pentagon sources quoted by the Associated Press on October 9, 1971, the Soviets have 1,600 land-based ICBM's, a number which is constantly increasing. This means that in numbers of land-based missiles, the Soviets already have 50 percent more than we do.

The megatonnage, or explosive firepower of these U.S. missiles is 1,270. Each of our 1,000 Minutemen has 1 megaton, and each of our 54 Titans have 5 megatons. The megatonnage of the Soviet missiles, however is about 9,400. This is based on 25 megatons for each SS-9, 1 megaton each for the SS-11's and SS-13's and approximately 5 megatons each for the SS-6's, SS-7's and SS-8's.

This means that in explosive power of land-based missiles, the Soviets have at least 640 percent more than we do.

Not by any stretch of the English language can a numerical superiority of 50 percent and a megatonnage superiority of 640 percent be described as "possibly even a bit ahead." There is no way to read this statement except as a falsehood calculated to deceive the AFL-CIO whose votes President Nixon wants, as well as the American people.

Actually, his falsehood is even greater than this because the term he used, "land-based missiles," also includes intermediate and medium-range ballistic missiles as well as ICBM's. In this additional category the Soviets have 700 missiles, but the United States has none at all.

### UNPREPAREDNESS FOR WAR

On the keel of nuclear aircraft carrier that bears the name of President Dwight Eisenhower are his great words:

> Until war is eliminated from international relations, unpreparedness for it is well nigh as criminal as war itself.

I charge that this administration is leaving us unprepared in the face of the greatest threat ever to confront America: The Soviet missile threat. We are truly caught in the "survival gap" which Candidate Richard Nixon predicted in his campaign in 1968.

President Nixon's state of the Union speech on January 20, 1972, made clear that he is continuing the disastrous McNamara policies of spending more billions on nonstrategic items, but stalling in building the strategic weapons we need for the protection of 205,000,000 Americans. His failure to call for the restoration of our military superiority proves again that he has repudiated his solemn campaign promise of October 24, 1968, to restore our "clearcut military superiority." A slight increase in defense spending for research and development does not begin to come to grips with the Soviet ICBM force which is today 50 percent larger than ours in numbers, and 640 percent greater in explosive power.

Words and blueprints cannot defend America against this threat. Only weapons can do this. Yet, Mr. Nixon has kept us in a self-imposed missile freeze ever since he became President. His failure to call for the immediate production of additional strategic weapons is a shocking abandonment of the constitutional duty of our Federal Government; namely, to "provide for the common defense."

Instead of rebuilding U.S. power to protect us from the Soviet missile threat, the Nixon administration is relying chiefly on the fruitless SALT talks in Helsinki and Vienna to persuade the Soviets to stop increasing their offensive and defensive weapons. To represent the United States in these talks, President Nixon appointed the two men who were most responsible for carrying out the disastrous McNamara disarmament policies

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Footnotes at end of article.

from 1963 through 1968 which threw away our great U.S. missile, bomber, and naval superiority. These two men are Paul Nitze, who was L. B. J.'s Secretary of the Navy for 4 years, and then Deputy Secretary of Defense—second only to McNamara—and Harold Brown, L. B. J.'s Director of Defense Research and Engineering, and then Secretary of the Air Force.

### LEADERSHIP GAP?

The blame can not be shifted. Those of us who consistently opposed the McNamara policies must in equal vigor oppose this administration's policies which are even more disastrous. I say more disastrous because, as pointed out before, we are not now dealing with theories or a debate over whether the Communists can develop the capabilities to threaten us. They have, in fact, developed these capabilities while we have been asleep. Three points indicate how far we have gone in moving away from policies of superiority.

First, this administration admits it has adopted self-imposed restraints to induce SALT talk concessions from the Soviet Union. In his July 13, 1971, testimony before the Senate Committee on Foreign Relations, former Deputy Secretary of Defense David Packard succinctly stated:

> This Administration made a deliberate decision *not* to improve the accuracy of our MIRV, thereby improving hardened target destructive capability to what was and is technically possible.

He admited this was done out of diplomatic rather than military considerations. Has this policy been successful? Listen to his terse observation in the same testimony:

> In all candor, I must unfortunately report to this Committee that a similar restraint has not been evidenced on the other side.

Need I say more? How much does it take to convince this administration and the public that our dangerous course charted by the diplomats has failed? Will we come to realize too late that military considerations of survival rather than diplomatic estimates of the intentions of our enemy must guide American military decisions starting right now?

Second, probably the best indication of the lack of urgency in this administration to the military threat to our Nation is seen in the recent top level appointment of a successor to Mr. Packard. Many of us had hoped that someone knowledgeable in the field of defense would take Mr. Packard's place as the No. 2 man in the Defense Department. Instead, it went to a man from the diplomatic service, Kenneth Rush, who negotiated the Berlin Treaty. This clearly indicates that those who stress disarmament and negotiations with the Russians will be firmly in the saddle at the very time our crisis dictates that more realistic, national security-minded leaders should be appointed to key policy positions.

A third postscript is the almost tragically pathetic report which Senator HUGH SCOTT had published on December 13, 1971. Billed as "The Republican Report," its title is as follows:

> The Republican Goal: Peace—With a Chance to Survive.

Note that he is not saying that a Republican analysis of the current world situation indicates that we have at best a chance to survive. Many might agree with that. He indicates, quite improperly, that the Republican goal is to have a mere chance to survive. This further indicates the debilitating nature of our leadership at the very time when the American people must be summoned to a commitment to restore military superiority.

President Nixon must repudiate the Defense Department statement of December 29 which paints a very inaccurate picture of U.S. security—a picture so rosy that it would persuade any Congressman to slash away at the defense budget and transfer those funds into domestic giveaways. If President Nixon does not repudiate this deceptive Defense Department statement, then he must take full responsibility for all the cuts Congress may make in strategic forces appropriations, and full responsibility for lulling the Nation into an apathy which will lead to national disaster.

Every American is threatened. Every American has a stake in our survival. Every American should demand a national policy of clear-cut military superiority, the time is now. We have passed from superiority to sufficiency to insufficiency. Irretrievability is just a short time away. Our Nation must be summoned to this challenge and this is one challenge that must be met if America is to enter its third century as a free and powerful nation.

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[3] Published by U.S. House Armed Services Committee, July 1967. See pp. 27–31.

[4] Part IV. Page 169 of the official bound edition.

[5] Hearing on Naval Nuclear Propulsion Program, dated Mar. 10, 1971, pp. xx, xxi, 91, 100, 101.

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[7] Figures compiled from statement by Dr. John Foster, Jr., Defense Department Research Chief, Oct. 8, 1971; *U.S. Naval Institute Proceedings*, Aug. 1971, pp. 61–79; and *Jane's Weapon Systems*, 1971–1972, London.

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[15] *U.S. News & World Report*, Nov. 30, 1970, p. 29.

[16] P. 12.

[17] "Lemming Strategy" by Dr. Stefan T. Possony, *Washington Report*, Nov. 5, 1971.

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## SIX-YEAR PRESIDENTIAL TERM

**The SPEAKER.** Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 15 minutes.

**Mr. FRENZEL.** Mr. Speaker, former President Lyndon B. Johnson last Thursday on national television again announced his support for a single-term, 6-year Presidency.

As the sponsor of House Joint Resolution 736, a constitutional amendment to establish a 6-year, single-term Presidency, I would like at this point to submit a statement elaborating on my position.

I introduced House Joint Resolution 736, a constitutional amendment providing for a single 6-year term for President, because I believe that such a change will strengthen the Executive's ability to run his department, that public confidence in the Executive will be increased, and, at the same time, the strength of the Congress in our three-legged governmental structure will be increased.

When the framers of our Constitution agreed in 1787 to 4-year terms, both life and the Government were relatively uncomplicated. Nearly 200 years later, we live a highly complex life on a shrunken globe with our $250 billion a year government influencing nearly every aspect of our lives. From the standpoint of effective management of our enormous bureaucracy, I believe that a 6-year term is far superior to 4 years.

In addition, in terms of putting Presidential policy to work, 4 years is not enough to develop a legislative program, pass it in the Congress and test it in operation. The leadtimes required now have simply made a 4-year term obsolete.

Back in the old days, 2-year gubernatorial terms were also much in vogue. Many States have found that they had to extend terms for their Governors just as I seek now to extend the term of the President, and for the same reasons.

Perhaps the strongest reason for the 6-year single term is to reduce partisan attacks on the President and Presidential partisanship itself. Now, the President's greatest critics are his competitors in the Congress who are struggling to be elected to his job. It is to their advantage to destroy or weaken the credibility of his program whether it serves the national interest or not. An unfriendly Congress can force vetoes by overburdening good bills or by not allowing the President to achieve any of his programs, particularly in the 2 years before a campaign. Perhaps worse than causing legislative mischief, such action cannot help but undermine public confidence in any President.

On the other side of the coin, the President is always thought to be acting in a very political way prior to the reelection year. Whether he is doing so or not, he is accused of so doing. Rightly—sometimes—or wrongly—sometimes—a President standing for reelection is accused of developing short-run programs which are principally calculated to return him to office.

In addition, every President standing for reelection makes some use of his office for campaign purposes. This is unavoidable even with the best of motivations.

Even a totally unselfish President is supported by a large executive staff which feels a great need to reelect its boss. Even if the President is not taking advantage of his Office, frequently his staff may be.

House Joint Resolution 736, in my

judgment, would enable a President to hire better help. After election it takes a little time to assemble a first-rate team. A 6-year term would open up a larger selection for the President. No appointee would have to accept the uncertainty of a possible second term which may be desired very badly, or, not at all. The maximum work contract term would be fixed absolutely.

There have been times in our country's history where the advantage of the incumbency is almost enough to reelect automatically. There have been other times when it is risky to be an incumbent no matter how good the President is. With a single team, no President need get an undue advantage from his incumbency, nor need he be forced to spend a good deal of his time campaigning for reelection. When all his time is needed to manage the affairs of the country. It is unfair to ask a President to stand for reelection and then begrudge him the time necessary to take his programs to the people. It is unfair to the challenger to have to overcome the obvious advantages which are the exclusive province of the incumbent.

The single 6-year term acknowledges the complexity and difficulty of managing the executive apparatus of this country. We have extended widely the powers of the Presidency over the past forty years. Thus increases in power have been absolutely necessary, but they should now be balanced by a limitation of term to 6 years. The 6-year limitation will, in my judgment, give the Congress a chance to reattain its equality in our governmental decisionmaking. The 6-year term on one hand gives the President a better chance to run his department, and on the other gives the Congress a better chance to reassert itself on prerogatives in determining governmental policy.

Much criticism of the single term has centered on the erroneous argument that the President will be removed from politics. Many people, even those who think politics is a dirty word, acknowledge that politics is necessary to the successful operation of our representative, democratic Republic. The single 6-year term will give the President less interest in personal political survival, and make him less suspect, but it cannot take him out of politics. A political animal, he will naturally be interested in his party's success in future years. He will also be interested in seeing that some of his programs and policies are maintained in the future. He will not be removed from politics, he will simply be elevated from the lowest level of the arena where his motivations are most suspect.

It has also been contended that a "lame duck" President has no power. Every President is a potential lame duck. Certain of our Presidents have not sought reelection even when it was available to them. Every President in his second term is a lame duck. This single 6-year term would force a President to rely more heavily on the merit of his programs and appointments, but that is certainly not all bad.

I concur most heartily with President Woodrow Wilson's statement that 4 years is much too long for a bad President and not nearly long enough for a good one. To that I add that in this day and age 4 years is hardly long enough for any President. The 6-year term has had a variety of supporters which date back as far as Jefferson and extend through such differing philosophies as Presidents Cleveland, Taft, and Lyndon Johnson. It now enjoys the diverse support of Senators AIKEN and MANSFIELD in today's Senate.

The framers of our Constitution gave us a means by which the Constitution could be amended. Properly, it is a difficult amending process. Changes should not be considered lightly. Nevertheless, I do believe that, when the single 6-year term is examined from all standpoints, a majority of people in this country will conclude that it would be advantageous for us to make the change soon.

## PRESS ASSOCIATION AWARDS

The SPEAKER. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 15 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, recently the New England Press Association paid special tribute to two very fine newspapers and one outstanding editor in the 10th Congressional District of Massachusetts.

The much-deserved honors went to Howard N. Fowler, managing editor of the Mansfield News, to the Foxboro Reporter, and to the Attleboro Sun Chronicle.

Fowler received a plaque recognizing his 50 years as a newspaperman and the enormous contribution to his town, his State, his country, and his fellow man that represents.

The weekly Foxboro Reporter was given first prize for the best editorial page in its category among New England newspapers.

The judges cited the page's writing imagination, effectiveness and impact, commenting that the Reporter "dares to be different, has good local flavor and impact."

The Reporter also received a second place award for the general excellence of a feature series, entitled "Focus on the Foxboro State Hospital," written by associate editor Jack Authelet.

Of this the judges said:

> It is obvious that both the Foxboro State Hospital and the people of Foxboro would benefit greatly from the presentation of such a series.

First prize for the best feature story of 1971 went to the Sun Chronicle for its nine-part series, "Where Did Your Money Go?" which compared municipal spending and analyzed the cost and return of taxes in the Attleboro area. Written by Mark Melady and Oreste D'Arconte, it was hailed as a major journalistic achievement.

Mr. Speaker, the Foxboro Reporter and the Attleboro Sun Chronicle are fine newspapers in the best traditions of American journalism. They cover their communities fairly and thoroughly, present the news imaginatively and attractively and perform a very real service in their spheres of influence. They were justly honored and I would like to add my congratulations to both and my very best wishes for future achievements and future prizes.

Mr. Fowler is a living monument in his own town. His life and work are his own testimonial. Very little better can be said of any man. He also justly deserved his tribute. I wish him the best.

## BIOLOGICAL PERILS OF PROPOSED SEA LEVEL CANAL ACROSS CENTRAL AMERICA JUSTIFY ABANDONMENT OF THE IDEA

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 20 minutes.

Mr. FLOOD. Mr. Speaker, on December 1, 1970 the report of the Atlantic-Pacific Interoceanic Study Commission under Public Law 88–609, approved September 22, 1964 (78 Stat. 990), headed by Robert B. Anderson, was submitted to the President. That report took about 5 years to prepare and cost about $24 million. As required by the terms of the statute and as long foreseen, it recommended the construction of a new Panama Canal of so-called sea level design. It is proposed to equip it with two tidal locks about 25 miles long and locate the canal about 10 miles west of the existing canal. Its initially estimated cost is $2,800,000,000, exclusive of the costs of acquiring the right-of-way and the inevitable indemnity to Panama, all of which would have to be paid by the taxpayers of the United States.

To a unique degree the report was the fulfillment of an organized drive for the predetermined objective of a small engineering-financial-industrial group that has long sought authorization of the extravagant and irrelevant sea level proposal, regardless of the costs, biological and other consequences that would inevitably follow.

Serious students of isthmian canal history and problems always find such study a challenging task because it is an inexhaustible subject. Among its newest angles are the indicated ecological one on which an extensive literature is now developing. Among the recognized scientists in this field are Dr. John C. Briggs of the University of South Florida at Tampa, Dr. Anthony T. Tu of Colorado State University at Fort Collins, Dr. Ira Rubinoff of the Smithsonian Marine Research Laboratory in the Canal Zone, Dr. William A. Dunson and Dr. Jon Weber, both of Pennsylvania State University at University Park, and others. Their writings in scientific journals and various periodicals are sources of reliable information concerning the grave biological consequences that would be involved in constructing a salt water sea level channel between the oceans, which have been separated for millions of years and cannot be ignored. Some of the authorities have described the sea level proposal as the conservation challenge of the century.

Since opening of the Panama Canal in 1914 the Atlantic and Pacific Oceans have been protected against mutual biological infestations by the fresh water barrier of Gatun Lake about 85 feet above mean sea level, which has a water area of 163.4 square miles; and ecologists have known that individual specimens of marine life have succeeded in crossing the isthmus. With one exception, they have not done so in sufficient numbers to form colonies and ecological balances have remained undisturbed.

Although the report of the Anderson panel does include consideration of the biological problems of a sea level project it cavalierly dismisses them as an "acceptable" risk and recommends a new canal treaty with Panama as the "first step" toward its construction.

Information on the ecological angle is now permeating the mass news media as illustrated by a recent syndicated article by Francis B. Kent in the Washington Post on "The Biological Unknowns of a New Panama Canal." In this news story, he charges that United States and Panamanian treaty negotiators are nearing agreement for a new canal treaty to authorize construction of a sea level canal "without really knowing what the ecological consequences will be."

Mr. Speaker, as to this I wish to stress that in view of current knowledge so ably summarized in the writings of the previously mentioned authorities and others, a canal of sea level design across the American Isthmus should never be constructed under any circumstances. Hence, the present diplomatic negotiations with Panama for surrendering U.S. sovereignty over the U.S.-owned Canal Zone for an option to construct a water level canal that even some of its leading advocates have admitted may never be built are entirely without merit. The best thing that the President could do at this time is to terminate these ill-advised negotiations as an exercise in diplomatic futility.

At this point, I wish to emphasize that Panama is now under a Communist revolutionary regime, which has liquidated that country's national assembly despite the fact that this agency is the only body authorized by the Constitution of Panama to "approve or reject treaties signed by the executive." Thus any agreement approved by such government would be unconstitutional from Panamanian standpoints and hence null and void. Moreover, the U.S. Constitution, article IV, section 3, clause 2—vests the power to dispose of territory and other property of the United States in the Congress, which includes the House of Representatives, and the President is bound by oath to "preserve, protect, and defend the Constitution of the United States."

As to the projected disposal it is safe to say that the House is conscious of its constitutional power in the premises and will never give its consent to the perfidious proposal to transfer any part of the Canal Zone or its invaluable installations either to Panama or to any international agency.

As previously indicated the commonsense, economic, operationally, engineeringly, diplomatically, and ecologically superior solution of the canal problem when evaluated from all angles is the major modernization of the existing high level canal by providing an additional set of larger locks for larger vessels coupled with the reconstruction of the Pacific end of the canal to eliminate the bottleneck Pedro Miguel locks and to create a summit level terminal lake by consolidating all Pacific locks near Aguadulce, which is just south of Miraflores. This is precisely what was recommended by John F. Stevens in 1906 and strongly supported by Col. W. L. Sibert in 1907. It is the plan contemplated in pending legislation introduced by Senator THURMOND and myself, S. 734 and H.R. 712, respectively, on which subject hearings are now being conducted by the Subcommittee on the Panama Canal under the able chairmanship of Representative JOHN M. MURPHY of New York.

In a recent letter to the editor of the Washington Post, Capt. Franz O. Willenbucher, an able naval officer of extensive experience who while on duty in the Navy Department in the office of the Chief of Naval Operations was charged with the protection of national defense interests during the negotiations of the 1936 Hull-Alfaro Treaty and has subsequently kept in close touch with Isthmian Canal policy matters, corroborates the views expressed in the Kent article and supplies additional information.

Although the Washington Post declined to publish the Willenbucher letter, I quote its full text along with the Kent article as both should be of unusual interest to all concerned with the Isthmian question, especially Members of the Congress:

### THE BIOLOGICAL UNKNOWNS OF A NEW PANAMA CANAL

(By Francis B. Kent)

PANAMA CITY, PANAMA.—Within a relatively short time, possibly before the end of the decade, U.S. engineers are expected to begin blasting a sea-level canal here from the Atlantic to the Pacific—without really knowing what the ecological consequences will be.

Guesses have been set forth. Engineers with little or no knowledge of biology tend to insist that nothing will happen. A number of scientists have responded with dire predictions that the interchange of marine life will have far-reaching and disastrous effects. No one, however, really knows. The hard information gathered here to date has established only that facts are in short supply, that the subject warrants much more intensive research.

Dr. Ira Rubinoff, a marine biologist at the Smithsonian Institution's Marine Research Laboratory here, has probably examined the problem more carefully than any other scientist. Years of collecting, mixing and observing species from both oceans have convinced him that providing free access from Atlantic to Pacific will indeed produce significant change.

"Some will suffer," he observes cautiously, "others will benefit. To what extent, we simply don't know."

J. C. Briggs of the University of Miami is one of those with a pessimistic outlook. In a paper published by the periodical Science he predicts the irrevocable extinction of thousands of species of marine life.

This point of view has been echoed in the U.S. Congress, notably Rep. Daniel J. Flood of Pennsylvania.

"Why," he demanded to know in a recent hearing before a House subcommittee, "does the State Department ignore the marine ecological angle involved in constructing a salt water channel between the oceans, which recognized scientists predict would result in infesting the Atlantic with the poisonous Pacific sea snake and a predatory Crown of Thorns starfish and have international repercussions?"

Dr. Rubinoff, an articulate, Harvard-trained New Yorker, concedes that the two predators would probably migrate to the Atlantic and would probably stir up some mischief. How much, he doesn't know, and he thinks no one else really knows.

The Crown of Thorns starfish, he told an interviewer, could cause extensive damage to the Atlantic coral reefs that support much of the commercially valuable shellfish in the area.

The reptile, commonly known as the yellow-bellied sea snake, preys on young fish, is eaten by virtually nothing and could, according to some experts, wreak havoc in the breeding grounds of scores of varieties of marine life.

Because high tide on the Atlantic side of the Isthmus of Panama rarely exceeds one and a half feet above the mean level, as opposed to 18 feet and more on the Pacific side, the migration would be largely from the Pacific to the Atlantic. In effect, Rubinoff said, creatures migrating to the Atlantic would thus get a free ride through the canal.

Once in the Atlantic, he said, the sea snake could be expected to move as far east as the English Channel, where the warm water of the Gulf Stream would permit it to survive. Roughly three feet long at maturity and about one inch in diameter, the sea snake has few equals in virulence. Its venom, Rubinoff estimates, is 50 times as potent as that of the fer-delance. Fish that make the mistake of eating the snake die immediately, presumably from internal wounds.

In connection with the project under consideration here, Rubinoff cites as a parallel the construction of Welland Canal, which links the western Great Lakes with the eastern Great Lakes and the Atlantic. This canal he says, gave the Atlantic lamprey access to Lakes Huron and Michigan. In time, the lamprey all but exterminated the lakes' whitefish and trout. The lamprey has forced the U.S. and Canadian governments to spend upward of $12 million a year in joint efforts to control it, he adds.

To discourage interocean migration, Rubinoff is recommending the construction of a barrier, somewhat similar to the fresh water Gatun Lake that effectively controls the migration of most species in the existing canal. But since a sea-level channel would permit no lake, Rubinoff suggests an artificial barrier of superheated water.

Not only would the barrier reduce and possibly eliminate the odds for a disastrous interchange, he contends, it would provide science with the opportunity to make a thorough study of marine life as it exists on both sides of the isthmus. If the canal is put through without such a barrier, the opportunity would be lost forever.

Time is a factor. Although men have dreamed of a sea-level canal here since the Spanish first came ashore in the early 16th century, the pressure is now mounting rapidly to get one built. The present canal, which was opened to traffic in 1914, is rapidly becoming obsolete. Spokesmen for the canal company say it will probably be adequate through the end of the century but others question this estimate. Already some 1,400 huge bulk carriers are too long or too wide to fit into the canal's locks.

U.S. and Panamanian negotiators are described as nearing agreement on arrangements for the new canal and Rubinoff said the National Academy of Sciences has appointed a committee to evaluate the ecological problems.

JANUARY 21, 1972.

LETTERS TO THE EDITOR:
*The Washington Post,*
*Washington, D.C.*

DEAR SIR: The Washington Post and Francis B. Kent deserve high commendation for the publication on Jan. 18 of Kent's timely and informative article "The Biological Unknowns of a New Panama Canal" which warns that a "sea-level" canal across Central America could cause ecological consequences by the migration of marine life, throughout the warmer waters of the Atlantic, extending even to the English Channel, via the Gulf stream. This vital information is timely, since it comes when we are almost daily being reminded that the oceans are dying as the result of man's progressive pollution and natural phenomena.

Fortunately, the question of what should be done to increase canal capacity and improve trans-Isthmian transit of vessels of all nations has, since November 29, 1971, been the subject of extensive hearings, still in progress, before the Panama Canal Subcommittee of the House Merchant Marine and Fisheries Committee. It has received extensive testimony, concerning predictable ecological consequences from the construction of a sea-level canal, concerning which Subcommittee Chairman, Congressman John M. Murphy (D-NY), said prior to its receipt:

"The ecology of the Atlantic and Pacific oceans will be the subject discussed by other witnesses. It has been said that building a new sea level canal in Panama could result in a 'potential biological catastrophe' due to the passage through the canal of the yellow bellied poisonous sea snake and the crown of thorns starfish. Charges have been made that within a short time after a sea level canal was built predators from the Pacific side of the canal would infest the East Coast and make Florida's famous beaches unsafe for human recreation.

"Dr. William A. Dunson of Pennsylvania State University will testify on the dangers to the fish and the coastlines of the Atlantic if the sea snake were allowed to traverse the canal and Dr. Jon Weber of the same university will testify on the coral consuming 'Crown-of-Thorns' starfish."

Gordon Rattray Taylor, noted author, journalist, a Cambridge student of the natural sciences and a specialist in making use of the findings of the social sciences in order to interpret the trends of contemporary society, and an authority on ecology whose best seller "The Biological Time Bomb" received international acclaim, in his recent (1970) volume, "The Doomsday Book," turned his attention to the nightmare world of modern technology. Concerning the very question of potential ecological disaster to the Atlantic Ocean areas which could be caused by a sea-level canal at Panama, Mr. Taylor wrote:

"Finally, there is the ecological risk. Since the tides on the Pacific side run to much greater heights than the Atlantic tides, strong current would flow through the channel, carrying many species from one ocean to the other, and perhaps lowering the temperature of the Caribbean. Ira Rubinoff, the Assistant Director of the Marine Biology Department of the Smithsonian Tropical Research Institute at Balboa, says that only one fish is known to have gone through the existing canal and to have bred. The fresh-water lake in the middle is the real barrier, not the locks; similarly in the Suez Canal, the salty Bitter Lakes constitute a barrier. He adds that when two species interbreed, the result can sometimes be extinction of both, if the 'crosses' which result are inferior to the parent lines.

"When the Welland Canal to the Great Lakes was opened, the sea lamprey got in. Nearly a hundred years later, a lamprey population explosion occurred, decimating the white fish and trout in the lakes. The fishing industry lost millions of dollars, and the US and Canada chipped in $16m. in an attempt to solve the problem. Says Rubinoff: 'Spectacular as some of these cases may have been, they are minor by comparison with what would be expected to result from the construction of a sea-level canal in Central America. The mutual invasions of Atlantic and Pacific organisms should be much more extensive, numerous and rapid, and their ultimate consequences should be quite incommensurable with any biological changes ever recorded before.' "

Taylor further wrote:

"It was only in 1969 that biologists became aware of the fact that a large starfish known as the Crown of Thorns had undergone a population explosion and a change of habits and was eating up, at a rapid rate, all the coral in the Pacific. A rumour that such starfishes were multiplying in the Red Sea had been heard back in 1963 but had not caused much attention. In 1966, reports came in that they were beginning to crunch up the Great Barrier Reef. But it was not until Richard Chesher of the University on Guam wrote to the internationally-read weekly SCIENCE in mid-1969 that the scientific community was shocked into attention. In Guam itself, he said, 90 per cent of the coral had been destroyed over a 38-mile shoreline in 2½ years.

"The Crown of Thorns is a large sixteen-armed spiny sea-star, consisting of a 6-inch disc set with 2-inch spines. It eats twice its own area in a night, and destroys a square metre of coral in a month. In some areas Chesher reported that creatures are as thick as one per square metre. When they have eaten all the coral in one bay they move systematically on to the next. Normally, the Crown of Thorns . . . eats only at night, but the swarming populations of the Pacific have abandoned such leisurely methods and now, with a truly Protestant devotion to work, eat all day too. By the spring of 1968, Chesher noted, all the coral in Tumon Bay was dead; by the autumn the creature had invaded Double Reef. Winter storms prevented observation of its progress between December and March, but when the scientists went out again, another 4 kilometres of reef was missing."

Are we now about to be stampeded into the construction of a sea-level canal in the face of such potentially dire disaster? The predictable result could prove so disastrous as alone to require final rejection of this ancient proposal, even though there might be no other feasible plan to increase transit facilities.

Mr. Kent's first paragraph states that United States engineers are expected to begin work on a new sea-level canal from the Atlantic to the Pacific in the relatively near future—"without really knowing what the ecological consequences will be." His concluding paragraph states "U.S. and Panamanian negotiators are described as nearing agreement on arrangements for the new canal and Rubinoff said the National Academy of Sciences has appointed a committee to evaluate the ecological problems." It should be noted that in the course of the recent canal inquiry the National Academy of Sciences was requested by the Atlantic-Pacific Inter-Oceanic Canal Study Commission to study the ecological problems, but the final report of the Commission, disregarded a warning of the Academy's Subcommittee of the dangers involved which the Commission chose to regard as an "acceptable risk". Is there now to be a new study by another committee of the Academy of Sciences in the hope that a more favorable report can be obtained to overcome the mass of existing highly competent evidence?

At every turn, during the long considerations, both by the Inter-Oceanic Canal Study Commission and by our treaty negotiators with those of Panama, concerning proposals for change in the presently controlling twice-revised Hay-Bunau-Varilla Treaty of 1903, there has been mounting evidence of a predetermination by the negotiators, the State Department and the White House that U.S. sovereignty over the Canal Zone is to be ceded to Panama and that a sea-level canal is to be constructed come what may and that the Congress should perfunctorily approve a new proposed treaty on faith that our negotiators could do no wrong.

Fortunately, in line with powers under the Constitution (Art. IV, Sec. 3) responsible committees of the House of Representatives have indicated that there will be insistence upon the fullest consideration by the House of any new canal proposal and participation by the House in any proposed disposition of territory and property belonging to the United States by gift to Panama. It is especially to be hoped the House will oppose the construction of any sea-level canal which could have such disastrous ecological consequences.

The protection against infestation of the Atlantic is not in locks or other devices, however cleverly designed, but in maintaining the fresh water barrier between the oceans. When the canal problem is evaluated from all crucial angles, the true solution for increased transit facilities is the Terminal Lake-Third Locks Plan for the major modernization of the existing Panama Canal, as provided by the Thurmond-Flood bills (S. 734 and HR 712, 92nd Congress) on which formerly congressionally authorized modernization plan $171,000,000 have been expended, $76,000,000 on the suspended 1939 Third Locks Project and $95,000,000 on the enlargement of Gaillard Cut and correlated channel improvements.

The only further consideration that the sea level dream idea merits is to refute its advocates. The Congress, without further delay, should authorize resumption of construction on the suspended third set of locks, modified to include the Terminal Lake solution. Such action would promptly clear away the fog of confusion which has so long obscured that common sense solution of the canal question. This requires no new treaty, would be in the best interests of all nations, including Panama, and, of course, the users of the Canal.

Sincerely,

FRANZ O. WILLENBUCHER,
*Captain, U.S.N. (Ret.).*

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## SUBCOMMITTEE ON IMMIGRATION AND NATIONALITY

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 15 minutes.

Mr. RODINO. Mr. Speaker, the first session of the 92d Congress was a very active period for the Immigration and Nationality Subcommittee of which I am chairman.

During that time numerous meetings were held by the subcommittee and through the diligent attendance and efforts of the members, the large backlog of pending private bills that existed at the beginning of the 92d Congress was eliminated. That backlog caused much concern, not only to the members of the subcommittee, but to the Members of the House as well, since considerable time—even years—would pass from the time of introduction of a private bill until that bill could be heard by the subcommittee. Now, the subcommittee is able to consider a private bill within a reasonable time.

Furthermore, the subcommittee initiated and commenced a detailed investigation into the very complex and significant problem of the illegal alien. In addition to hearings held in Washington, D.C., the subcommittee has conducted field hearings in Los Angeles, Calif.; Denver, Colo.; El Paso, Tex., and Chicago, Ill. The subcommittee's investigation on illegal aliens has generated extensive press coverage and interest throughout the United States, as well as great concern in the Congress. The subcommittee has scheduled hearings for New York on March 10 and 11, to be followed by concluding hearings in Washington shortly thereafter.

In order that the House may have a comprehensive view of the activities of Subcommittee No. 1, I enclose a report at this point in the RECORD:

### REPORT OF SUBCOMMITTEE NO. 1 ACTIVITIES DURING THE 92D CONGRESS, FIRST SESSION

Subcommittee No. 1, Immigration and Nationality, has jurisdiction over legislation on immigration, nationality, and related matters, as well as other legislation which may be assigned. In carrying out this assignment, the Subcommittee must process and consider a large number of private immigration bills, adjustment of status cases, and cases referred to the Subcommittee by the Attorney General in which he has exercised his discretionary authority to waive certain provisions of the Immigration and Nationality Act or his special authority to parole into the United States or to grant conditional entries to certain refugees. The Subcommittee review approved petitions granting preference status in the issuance of immigrant visas to certain workers and specialists, analyzes numerous general immigration and nationality bills and other assigned public bills, and exercises oversight jurisdiction which requires continuous consultation with both government and private agencies, as well as field investigations. Furthermore, the staff of the Subcommittee devotes considerable time in answering telephone inquiries and correspondence from the Members' offices, as well as analyzing individual immigration problems and cases referred to the Subcommittee by Members of Congress.

During the Ninety-second Congress, first session, Subcommittee No. 1 held 34 committee meetings. Fourteen of these meetings were public hearings on pending general legislation to amend the Immigration and Nationality Act. Four meetings were full day public hearings to consider proposed constitutional amendments to grant the District of Columbia voting representation in the Congress. Thirteen meetings were held on private immigration bills.

A summary of the activities of the Subcommittee follows:

#### I. PUBLIC LEGISLATION

A. The following public legislation has been favorably reported by both the Subcommittee and the full Committee:

H.R. 1534—to change the critical age for automatic acquisition of U.S. citizenship by children through the naturalization of a parent or parents from 16 to 18 years. The bill was reported by the Subcommittee on March 18, 1971, was reported by the full Committee on March 30, 1971, and passed the House on April 19, 1971. No action has been taken by the Senate.

H.R. 1535—to exempt any alien over 50 years of age, and who has been living in the U.S. for 20 years or more at the time an application for naturalization is filed, from the requirement of an understanding of the English language. The bill was reported by the Subcommittee on March 18, 1971, was reported by the full Committee on March 30, 1971, and passed the House on April 19, 1971. No action has been taken by the Senate.

H.R. 1729—to give the consent of Congress to consider the land acquired by the United States as a result of the Convention Between the United States and the United Mexican States for the Solution of the Problem of the Chamizal, to be a geographical part of the State of Texas and that that State shall have civil and criminal jurisdiction over the land. The bill was reported from the Subcommittee on March 4, 1971, was reported by the full Committee on March 30, 1971, and passed the House on April 19, 1971, passed the Senate on June 21, 1971, and was signed into law (Public Law 92-412) on June 30, 1971.

H.R. 9615—(1) to make additional special immigrant visas available annually to each country of the Eastern Hemisphere equal to 75 percent of the 1955–65 average of immigrant visas issued, less visas issued each year under the permanent provisions of the Immigration and Nationality Act, but not exceeding 7,500 visas per country per fiscal year; and (2) to reduce the backlog in visa issuance in the fifth preference category—brothers and sisters of United States citizens. Public hearings were held on April 27, 28 and 29, 1971, and testimony was received from various representatives of the Department of State concerning the effect of the Act of October 3, 1965 on immigration from Ireland and Northern Europe and the backlog in the fifth preference category. After a series of executive sessions, this clean bill, H.R. 9615, was ordered reported from the Subcommittee on July 1, 1971, was reported from the full Committee on September 23, 1971, and is presently pending in the Rules Committee.

H. Con. Res. 417—to commend the Intergovernmental Committee for European Migration for successfully performing valuable humanitarian work on the occasion of its twentieth anniversary. The resolution was reported by the Subcommittee on October 28, 1971, was reported by the full Committee on November 1, 1971, and passed the House on November 3, 1971. No action has been taken by the Senate.

B. The following public legislation has been favorably reported by the Subcommittee:

H.R. 213—to repeal the "cooly trade" laws which prohibit the procuring, transportation, disposition, sale, or transfer of Oriental persons as servants or apprentices, or to be held to service or labor (8 U.S.C. secs. 31–339). The bill was ordered reported by the Subcommittee on November 11, 1971 and was approved by the full Committee.

H.R. 6420—to increase the amount of naturalization fees which may be retained by the clerks of state courts from $3,000 to $7,500. The bill was ordered reported by the Subcommittee on November 11, 1971 and was approved by the full Committee.

H.J. Res. 253—to amend the Constitution to provide for representation for the District of Columbia.

Public hearings were held on this proposed constitutional amendment on July 19, 20, 21 and 22, 1971. Testimony was received from 34 witnesses. Of this number, 7 were Members of Congress and the remaining were public and private witnesses. The resolution was ordered reported by the Subcommittee on November 11, 1971 and is pending before the full Committee.

#### II. PRIVATE BILLS

| A. Private laws: | |
|---|---|
| House bills | 15 |
| Senate bills | 10 |
| Total | 25 |

| B. On private calendar: | |
|---|---|
| House bills | 9 |
| Senate bills | 1 |
| Total | 10 |

| C. Bills acted on by subcommittee awaiting full committee action. | |
|---|---|
| Unfavorable: | |
| House bills | 206 |
| Senate bills | 7 |
| Favorable: | |
| House bills | 11 |
| Total | 224 |

| D. Deferred by subcommittee for further consideration: | |
|---|---|
| House bills | 42 |
| Senate bills | 7 |
| Total | 49 |

| E. Pending before subcommittee: | |
|---|---|
| House bills | 81 |
| Senate bills | 8 |
| Total | 89 |

| F. Preliminary adverse action by subcommittee No. 1: | |
|---|---|
| House bills | 17 |
| Total | 17 |

| | |
|---|---|
| G. House bills pending in Senate: | |
| Total | 14 |
| H. House bills tabled: | |
| Total | 1,057 |
| I. House bills temporarily deferred pending approval of public legislation which has been favorably reported: | |
| Total | 296 |
| J. House bills awaiting receipt of departmental reports: | |
| Total | 49 |
| K. No requests for reports on House bills. (Not considered pending bills): | |
| Total | 135 |
| Total private bills | 1,965 |

#### III. GENERAL LEGISLATIVE OVERSIGHT

In fulfilling its responsibility to oversee the operation, administration and enforcement of the Immigration and Nationality Act by the Bureau of Security and Consular Affairs, Department of State, the Immigration and Naturalization Service, Department of Justice, and the Department of Labor, it is necessary for the Subcommittee to maintain close and continuous contact with these departments.

Furthermore, numerous informal and formal meetings have been held with the executive departments to discuss problem areas that have developed in the implementation of this Act. One significant achievement resulting from these meetings was the agreement of the Attorney General on September 30, 1971 to parole Soviet Jews into the United States. This was done at the request of members of the Judiciary Committee who agreed that the Attorney General possessed sufficient authority under section 212(d)(5) of the Immigration and Nationality Act (parole provision), to parole classes or categories of aliens if the public interest would be served.

In addition, consultations were arranged with representatives of the State and Justice Departments and voluntary agencies to clarify the scope of the Attorney General's agreement and to describe those situations necessitating the exercise of parole.

#### IV. SPECIFIC LEGISLATIVE OVERSIGHT

A. Suspension of deportation cases: Under section 244 of the Immigration and Nationality Act, the Attorney General is authorized to adjust the status of certain deportable aliens to that of aliens lawfully admitted for permanent residence through the procedure of suspension of deportation. However, such action by the Attorney General is subject to congressional review.

In accordance with the provisions of section 244(a)(1) of the Immigration and Nationality Act, the Subcommittee reviewed 267 cases referred by the Attorney General and no cases were disapproved.

Under the provisions of section 244(a)(2) of the Immigration and Nationality Act, wherein affirmative action by the Congress is necessary in order to approve the Attorney General's suspension order, the Subcommittee reviewed 20 cases referred by the Attorney General and approved S. Con. Res. 35 (which entertained the cases reviewed) on October 7, 1971. The full Committee approved the resolution on October 28, 1971. The resolution was recommitted to the Committee from the Private Calendar on December 7, 1971.

B. "13(c)" Cases: Furthermore, under the provision of section 13 of the Act of September 11, 1957 (Public Law 85–316), the Attorney General is empowered to adjust the status of certain aliens who entered the United States in various diplomatic categories and who have failed to maintain their official status. The number of aliens whose status may be adjusted under this provision is limited to 50 in any fiscal year. Each of these (13(c)) cases necessitates a detailed investigation of the facts involved, and requires a determination on the merits as to whether suspension of deportation and adjustment of status are warranted. Twenty-five cases in this category were reviewed by the Subcommittee during the Ninety-second Congress, first session.

C. Excludable alien cases: Certain provisions of the Immigration and Nationality Act grant to the Attorney General the discretionary authority to waive various provisions of the Act. In such cases, however, he is required to submit detailed reports on his action to the Congress. Under section 212 (d)(6) of the Act, the Attorney General is required to report cases of those aliens who are temporarily admitted to the United States under section 212(d)(3), although they are otherwise excludable. The Subcommittee staff reviewed the 6,349 cases referred to Subcommittee in the first session of the Ninety-second Congress.

Section 212(a)(28)(I) of the Immigration and Nationality Act authorizes the Attorney General to admit certain aliens to the United States for permanent residence, who are otherwise excludable because of their former membership in the communist party or other subversive organizations; provided it is established to his satisfaction that they are bona fide defectors. Thirty-nine cases in this category were referred in the Ninety-second Congress, first session.

Each of these cases is carefully reviewed by the staff of the Subcommittee in order to determine whether the Attorney General's exercise of his discretionary authority is in conformity with the legislative intent of the Immigration and Nationality Act.

D. Review of adminstrative action cases: In accordance with the provision of section 203(e) of the Immigration and Nationality Act, the Attorney General submitted to the Congress 4,178 reports on January 1, 1971 and 4,515 reports on June 30, 1971 of approved applications for conditional entry. These reports were reviewed by the Subcommittee staff in carrying out the Committee oversight jurisdiction.

Furthermore, under section 204(d) of the Immigration and Nationality Act as amended by the Act of October 3, 1965 (Public Law 89–236), the Attorney General is required to submit to the Congress on the first and 15th day of each calendar month in which Congress is in session a complete report in each case where petitions for preferences are approved under section 203(a)(3) or section 203(a)(6) of that Act. During the first session of the 92nd Congress, 21,825 such reports were submitted and referred to the subcommittee.

### V. ILLEGAL ALIENS

The Subcommittee commenced on May 5, 1971, a detailed investigation of aliens illegally in the United States, and nonimmigrants who obtained unauthorized employment. During two days of Washington hearings, testimony was received from the following officials of the Immigration and Naturalization Service: Raymond F. Farrell, Commissioner, Immigration and Naturalization Service; James L. Hennessey, Executive assistant to the Commissioner, and Charles Gordon, General Counsel; and James F. Greene, Deputy Associate Commissioner.

In view of the testimony which was received, the Subcommittee decided to conduct field hearings to consider this problem. As of this date, hearings have been held in the following cities:

June 19, and 21, 1971—Los Angeles, California; June 24 and 25, 1971—Denver, Colorado; July 9 and 10, 1971—El Paso, Texas; and October 22 and 23, 1971—Chicago, Illinois.

Testimony was also received from 114 witnesses.

The Subcommittee has discussed various recommendations relating to the imposition of criminal sanctions against employers who knowingly hire illegal aliens and against nonimmigrants who obtained employment without the permission of the Immigration and Naturalization Service.

## TAX SIMPLIFICATION BILL COSPONSORED BY 70 MEMBERS

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, today a bipartisan group of 69 members of the House are joining me in cosponsoring the Tax Simplification Act of 1972.

This legislation would set up a 10-man select joint committee, which would be directed to make recommendations to Congress on specific methods for simplifying income tax returns in time for the filing of next year's returns. This resolution also directs the Government Accounting Office and the Internal Revenue Service to conduct tax simplification studies and report directly to the joint committee.

I am extremely pleased with both the number and bipartisan nature of the cosponsors of this legislation. Of the 70 cosponsors, 24 are Republicans. I think that this is impressive evidence that there is widespread concern on the part of both the public and Congress over finding ways of uncomplicating the entire Federal income tax return process.

The fact that over 50 percent of the people who file tax returns have to turn to professional tax return services for help is convincing proof that the tax return process is far too complicated and that a comprehensive study for radically reforming it is badly needed. I do not think there is any question but that we can make the whole tax return process far simpler and less frustrating to the average taxpayer than it presently is.

Thirty-nine million Americans who turn to professional tax return services for assistance are forced, in essence, to pay an additional tax. The Federal income tax is burdensome enough without making it so complicated that the taxpayer has to pay to fill out his returns. Congress has a most basic responsibility to make the tax return system as simple, understandable, and rational as possible. I think we should take that responsibility seriously and immediately begin to correct a system that has gotten out of hand.

The following is a list of the cosponsors of the tax simplification legislation:

James Abourezk (S. Dak.), Bella Abzug (N.Y.), Brock Adams (Wash.), Joseph Addabbo (N.Y.), John Anderson (Ill.), Herman Badillo (N.Y.), Nick Begich (Alaska), Jack Brinkley (Ga.), Phillip Burton (Calif.), Goodloe Byron (Ind.), Shirley Chisholm (N.Y.), John Culver (Iowa).

W. C. Daniel (Va.), George Danielson (Calif.), John Dent (Pa.), Edward Derwinski (Ill.), John Dingell (Mich.), Thomas Downing (Va.), Don Edwards (Calif.), Marvin Esch (Mich.), Edwin Forsythe (N.J.), Bill Frenzel (Minn.), Joseph Gaydos (Pa.), Ella Grasso (Conn.).

Charles Gubser (Calif.), Seymour Halpern (N.Y.), Michael Harrington (Mass.), William Hathaway (Maine), Ken Hechler (W. Va.), Henry Helstoski (N.J.), Louise Day Hicks (Mass.), Lawrence Hogan (Md.), Craig Hosmer (Calif.).

Richard Ichord (Mo.), Jack Kemp (N.Y.).

Arthur Link (N. Dak.), Manuel Lujan, Jr. (N. Mex.), James Mann (S.C.), Spark Matsunaga (Hawaii), Romano Mazzoli (Ky.), Paul McCloskey (Calif.), James McClure (Idaho), Mike McCormack (Wash.), Joseph McDade (Pa.), Abner Mikva (Ill.), Parren Mitchell (Md.), F. Bradford Morse (Mass.).

Charles Mosher (Ohio), John Moss (Calif.), Melvin Price (Ill.), Tom Railsback (Ill.), Charles Rangel (N.Y.), Donald Riegel (Mich.), Benjamin Rosenthal (N.Y.), Edward Roybal (Calif.), Paul Sarbanes (Md.), James Scheuer (N.Y.).

Fred Schwengel (Iowa), John Seiberling (Ohio), John Slack (W. Va.), Robert Steele (Conn.), Louis Stokes (Ohio), James Symington (Mo.), Charles Thone (Nebr.), Robert Tiernan (R.I.), Victor Veysey (Calif.), John Ware (Pa.), Lawrence Williams (Pa.), Sidney Yates (Ill.).

## SLAUGHTER IN NORTHERN IRELAND

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Mrs. Abzug) is recognized for 5 minutes.

Mrs. ABZUG. Mr. Speaker, I am shocked and dismayed by the mindless slaughter of 13 civilians Sunday in Northern Ireland. When so many lie dead and a dozen more wounded there can be no question that British troops occupying that shattered country provoke more violence than they prevent.

The long and bitter experience of the United States in Southeast Asia should have taught not only this country but the rest of the world that the intervention of foreign troops into the domestic strife of another nation solves nothing and serves only to increase the bloodletting.

The time is long past for the withdrawals of the British troops from Northern Ireland and for a convening of all parties to this anguished conflict so that further senseless violence may be avoided and the underlying political questions be resolved.

Self-determination is a principle solidly entrenched in the history of the United States and one this country has long honored, if sometimes in the breach. The right of any minority within a country to freely exercise its civil rights, unhampered by political, economic, religious, racial, or any other kind of discrimination, has also long been a bedrock tenet of our society—if also honored often in the breach. I do not doubt that exercise of these principles in Northern Ireland—return of local control to the affairs of the area, and free determination by the people of their own future—will lead to a restoration of peace in that troubled land, as application of the same principles in Indochina on our part would lead to peace there.

One would have thought that Great Britain might have learned from its long history of attempting to deny the right of self-determination in the American colonies, Israel, and India that such a course of action is doomed to failure in Northern Ireland as well.

## FULTON SEEKS BROADENED YOUTH CONSERVATION CORPS PROGRAM

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 10 minutes.

Mr. FULTON. Mr. Speaker, throughout our Nation's history, the lure of freedom in the great outdoors and personal satisfaction of sampling mother nature's goodness while challenging her barriers to man have urged Americans "back to the land."

In the summer of 1971, these considerations plus an interest in conservation and good fellowship helped bring 2,200 young Americans "back to the land"—to serve as first-year participants in the 3-year Youth Conservation Corps pilot program.

Born in 1970 with passage of the Youth Conservation Corps Act, this Interior/Agriculture Department summer program allowed these youngsters "of both sexes, of all social, economic, and racial classifications" to work for not more than 90 days, for about $300, in national forests, national parks, and wildlife refuges. Operating from 63 camps in 36 States, these 15- to 18-year-olds cleared trails, improved campsites and landscaping, planted trees, restored historic sites, aided wildlife management, and built everything from picnic tables to bridges.

The program proved itself a great success. Certain limitations, however, were noted. While 2,200 young people were able to take part, more than 120,000 other would-be participants had to be turned away. This was at a time when manpower shortages left many Federal and State conservation projects unfinished or unstarted. This was at a time when 17 percent of our teenage population was unemployed.

To bring this YCC effort from its promising experimental stage to an effective, widescope program demands "second-step" action, legislation that would:

First. Create for 100,000 15- to 18-year-old Americans—including permanent residents of U.S. territories and possessions—work opportunities maintaining and developing our country's natural resources. To reduce transportation costs, Corps members would work on projects as close as possible to their residences.

Second. Fund these work slots from a $150 million authorization, made available annually to the Secretaries of Interior and Agriculture—program is a joint effort with funding shared.

Third. Establish a Youth Conservation Corps Interagency Committee to administer the YCC. This six-person committee, consisting of two representatives each from the Departments of Agriculture, Interior, and Labor, would select work sites, determine appropriate Corps projects and education programs, and set rates of pay, hours, and working conditions for Corps members.

Fourth. Allow the Secretaries of Agriculture and Interior to contract with any public agency or organization—providing that agency or organization has existed for not less than 5 years—for operation of any YCC project.

Authorize the YCC Interagency Committee to institute a pilot cost-sharing program, making State, territorial, and possession programs, qualified to meet act objectives and requesting program participation, eligible for act funding.

Require that the total of Corps employees involved in cost-sharing programs run by the States shall not be less than 10 percent nor more than 25 percent of the total YCC employees in any program year. The Federal share of the State programs shall not be more than 80 percent in any year.

Fifth. Seek, upon approval of involved agencies, use of such agencies' already existing, but unoccupied Federal facilities and equipment.

Provide that, where possible, YCC camps and facilities be made available to educational institutions for use as environmental/ecological education camps. Such use would take place during periods of YCC nonuse and costs for non-YCC facility operation would be incurred by those organizations using them—not the Federal Government.

Sixth. Require the Interagency Committee to prepare a YCC progress report, due within 180 days after each summer's program completion.

Seventh. Keep in force Corps exemptions from title II, Revenue and Expenditure Control Act of 1968, and from bans on nepotism.

The YCC program has promise and clearly serves a purpose. As Edward Cliff, Chief of the U.S. Forest Service, reported to the Christian Science Monitor:

> We could use a group of these young people working with each of our rangers across the country right now.

Progress in this program has been made; now the logical legislative second step should be taken. Therefore, Mr. Speaker, I now introduce this amendment to the Youth Conservation Corps Act of 1970.

## TIME FOR CONGRESS TO BE INVOLVED WITH THE ECONOMY

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, yesterday and today important hearings have been underway on the administration's request to raise the debt ceiling an additional $50 billion. If the past is anything to go by, I think we can safely ignore the label "temporary" in their application. This just happens to be the largest single request for an increase in the debt ceiling in the history of the country, and yet, I wish that my colleagues here in this House could have witnessed with me yesterday's performance by the two chief administration spokesmen on economic matters, Secretary of the Treasury Connally and Director of the Budget Shultz. It was an incredible performance. One would have thought after listening to these gentlemen that this request was the most natural thing in the world, so conditioned apparently has the Congress become to receiving requests to raise the debt ceiling.

What could be easier than to take a morning off one's busy schedule of chores in the Treasury and the Office of Management and Budget—where such matters as this are supposed to be being regulated and controlled—and to take a run up to the Hill and request a further margin for error of some $50 billion, answer a few questions which are not supposed to be too tough and avoid giving too many specific commitments about such potentially significant matters as tax increases, further budget deficits, balance-of-payment deficits, revenue shortfalls, unemployment statistics, and then get back to your desk downtown in the early afternoon.

To be serious, I have never witnessed in all my years in the Capitol such a bold performance as that which I witnessed yesterday and today, in the Ways and Means Committee hearing room. As if the prospect of an additional $50 billion worth of debt in the next 12 months were not sufficient cause for a pause, we were actually invited to speculate with the administration spokesmen that in all likelihood this $50 billion would not begin to get us through the next fiscal year; that in all likelihood these same administration spokesmen, or some other administration spokesmen, would be back to us to request an additional amount of perhaps similar magnitude before the fiscal year has had 7 or 8 months of life.

I think my fellow colleagues in this House know that it is not my practice to come running to the House with problems that perhaps should well be solved in my committee, but today I am making an exception because to be honest, I am disturbed about the whole atmosphere which has prevailed during these hearings.

I have not been able to detect a serious resolve to take this serious and worsening situation seriously enough, to come to grips with it, even at a minimum to make those responsible for the conduct of this Nation's economic policies responsive to the elected Representatives of the people in Congress. To question after question, all we got yesterday and today were glib responses. Not one iota of concrete information has been forthcoming. Not one really solid prediction based on the estimates and the figures this administration itself has put together was forthcoming. Certainly nothing was trotted out yesterday which, in my opinion, would justify continuing faith and confidence in this administration's conduct of our economic policies.

And yet, what we were being asked, if you can believe it, was to give this administration a blank check for the next 12 months to continue to operate our economy free of the unpleasant experience of having to come to Congress, hat in hand, to explain and give an accounting for why the national debt should be increased by additional huge sums.

Mr Speaker, I am fearful that we are witnessing the atrophy of yet another one of our forefathers' brilliant insights into how government should operate. I feel certain that in requesting an administration—any administration—to come hat in hand to Congress at regular intervals to justify such a serious request as adding to the Nation's national debt, there was in fact a deliberate decision to make such action as difficult as possible—to give the people one of their rare opportunities to seriously cross-examine, and call to an accounting, the bureaucracy and the administration in power on matters of economic policy. After witnessing yesterday's spectacle, I just do not think that the people have been given that much of an accounting and what is worse, they remain in the dark as much after these hearings as they were before.

Mr. Speaker, because I feel so strongly that the economy is so important to every man and woman in this land, because it leaves none of us untouched with its impact, because I feel so strongly about the economy, I feel strongly that the time has come for Congress to reassert one more area of its abandoned authority and serve notice on this administration, and any to follow, that we intend to be much more a part and parcel of the conduct of this Nation's economic affairs. It seems to me, Mr. Speaker, that an appropriate beginning would be to cut back on both the amount of increase in the debt ceiling requested today and consequently, to reduce the interval of time before it will be necessary for the administration to have to come back to us with a detailed explanation of what they have done during their stewardship of the economy. In other words, Mr. Speaker, I feel that 1 year is far too long a time between hearings on the debt ceiling.

I am hopeful that not only the committee but this House, will reassert its authority and insist on having this administration come back to Congress in 6 months time rather than 1 year's time. It seems to me that this course of action would have two notable merits: First, in 6 months time we will know much more about how the administration's policies are working out than we do now. Some of the returns will be in which are missing right now. There will be less conjecture, less guesstimating, less stargazing than is the case now; second, it seems to me September is a better time to have a second look at the economy, an interim report, if you will, than February.

If the administration's conduct of this Nation's economic affairs is going to necessitate a tax increase in all likelihood, further increases in the Nation's debt, further increases in the already staggering unemployment rate, further deterioration in this Nation's balance of trade and deficit payments, then Congress and the people should be presented this information before November of 1972.

If this is being political, then it is being political in the purest, most responsible sense of the word. It is calling those in office to give an account in time for the people to exercise their will with as much information as is possible in our system. Who knows? It might go a long way toward restoring the people's confidence in their Government's ability to level with them to give them the facts. It would give them an alternative to government by deception and subterfuge. It might even narrow the credibility gap. In any event, it seems to me we, the watchdogs of the administration in power, have a responsibility in this area and it is time we begin to exercise it.

Much has been said about restraint. This is all to the good. Such an appeal needs reemphasizing from time to time. But I just want to point out at this time that restraint works both ways. Restraint would advise as much against granting a $15 billion tax cut to the corporate interests in this country as much as it would against "wild and reckless" spending programs in Congress.

The fact of the matter is that a large part of the reason we are in the hole we are in today with the national debt is that revenues have not lived up to expectation, not because Congress has been on a spending spree. The administration's repeated use of the veto against progressive legislation which would address itself to those in need around the country, to the small man and his tax problems, is not what I feel is meant when the people ask for greater restraint by the leaders of Government.

This $15 billion tax reduction to our corporate sector is the reason that so many good worthwhile projects in the environmental, social, educational, and health fields are being turned down. Mr. Speaker, it all boils down, it seems to me, once again, to a matter of priorities. And where priorities are involved, then Congress has a vital and constitutional role to play. The debt hearings are a vital element in what must be a continuing process.

## INCREASED FEDERAL SHARE IN SCHOOL LUNCH PROGRAM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am introducing a bill today which would amend the Child Nutrition Act of 1966 to permit the waiver of matching requirements in special and unusual circumstances for schools applying for funds under the nonfood assistance program. At this time, the Federal Government contributes 75 percent of the funds if the school contributes 25 percent of the cost.

A parochial school in my district, St. Francis de Sales, is unable to provide the needed 25 percent toward the purchase of kitchen equipment for the school lunch program. If they had this kitchen equipment, the quality of the lunches could be increased and hot lunches could be supplied to the 450 children in the school giving them a more nutritious meal than they are now getting. The present diet is starchy because it consists of sandwiches and often is less nutritious than the meals offered at public schools participating in the school lunch program and having the equipment. With the equipment, soup and hot meals could be provided.

Since this is a parochial school, the city of New York is barred by law from assisting in the 25-percent local contribution required by Federal law. The parish is comprised of low-income families who would find it impossible to raise these funds. If this were a school receiving public funds, the 25 percent would be available from the school budget. In the school 85 percent of the children are from poor families, many of whom are receiving public assistance. It seems to me that the primary concern should be that these children are receiving good nutritious lunches, regardless of whether they attend a parochial or public school.

I urge our colleagues to support this measure which would in such circumstances as this permit the waiver of the 25-percent local contribution of funds.

## AN APPEAL TO THE INTERNATIONAL RED CROSS ON BEHALF OF NORTHERN IRISH POLITICAL PRISONERS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the tragedies in Northern Ireland continue and one of the most heartbreaking of these tragedies is the continued detention of Irish civilians in British concentration camps without due process of law. They are held without trial and without charges and without the right of habeas corpus or appeal to the courts for release. They are, in effect, prisoners of war.

I have written to the International Red Cross urging that they inspect these prisoner of war camps. Appended is the letter for the information of our colleagues:

NORTHERN IRELAND,
*January 31, 1972.*

INTERNATIONAL RED CROSS,
*Geneva, Switzerland.*

GENTLEMEN: I'm writing to you with the hope that your organization would seek to intercede on behalf of the more than eight hundred political prisoners held in British concentration camps in Northern Ireland. It would appear that what is taking place in

Northern Ireland today could be described as a civil war particularly so since the shooting yesterday of thirteen civilians by the British paratroopers. The reports emanating from Norhern Ireland indicate that brutalities against the prisoners are taking place in those concentration camps into which civilians are placed without trial and without the right of redress to the courts.

I urge you to consider requesting permission to enter the camps immediately and then on a regular basis to report on the conditions that you find in these camps. Your very presence would have the effect of inhibiting the tortures and brutalities that are alleged to be taking place now.

I would appreciate knowing what, if anything, you can do in a matter of this kind.

Sincerely,

Edward I. Koch.

## ON THE SENSELESS TRAGIC DEATH OF IRIS KONES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on January 26 in New York City an incendiary bomb exploded in the offices of Sol Hurok at 1370 Avenue of the Americas. This senseless, terrorist act killed one young woman of 27 and injured 13 other persons. For me, this meaningless murder and destruction is especially upsetting.

Yesterday I learned that Iris Kones, the woman who was killed was the sister of a very good friend of mine. In addition to this personally distressing fact, I am further shocked and angered by this bombing because while we do not yet know who is responsible, anonymous callers said the attack was made to protest "the deaths and imprisonment of Soviet Jews."

As you know, Mr. Speaker, I deplore the repressive actions of the Soviet Union vis-a-vis its Jewish citizens, and I seek the liberation of all those Jews who would leave Russia. But what twisted logic can conclude, that the wanton attack on Mr. Hurok's offices, chosen because he brings Russian artistic talent to perform in our country, can in any way improve the plight of Soviet Jewry? To the contrary, they do not help their brethren by this violence; they only make the plight of Soviet Jews worse.

When these so-called acts of Soviet harassment end in the death of an innocent individual who is in no way involved with the Soviet Union's barbarism toward its own people, that terrorist act becomes even more insane.

I believe it to be of paramount importance that the United States use every police resource available to us, including those of the Justice Department and of the FBI to seek out and apprehend those responsible for this tragedy. And when they are apprehended they must be punished to the fullest extent of the law. The senseless death of Iris L. Kones should not and must not be forgotten or forgiven.

## ANTIHEROIN DRUG RESEARCH SUPPORTED BY 103 HOUSE MEMBERS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it gives me great pleasure to announce that 102 Members of the House—including the distinguished majority leader and majority whip—have joined the 11 members of the Select Committee on Crime to propose Federal research funds to develop desperately needed drugs to treat the Nation's half million heroin addicts.

We now have a total of 103 sponsors on the legislation. We also continue to get letters of commendation and support from city and State officials as well as newspaper, television, and radio editorials favorably commenting on the committee's latest report "A National Research Program To Combat Heroin Addiction Crisis."

Maryland Gov. Marvin Mandel wrote, in part:

> I heartily concur in your recommendation to step up funding for research in this area. The problem is one of frightening dimensions and we desperately need solutions.

South Carolina Gov. John C. West said:

> The heroin addiction problem has been given considerable attention in South Carolina. . . . I have read your report and strongly endorse the proposed program.

Another Governor, Delaware's Russell W. Peterson, wrote the committee:

> I concur with your findings that research in this field is most primitive. The fact that no exhaustive, sustained research effort has taken place bears testimony to the need for such research. . . . I am very much in favor of this approach and feel that this could lead to a major breakthrough in the area of heroin addiction control.

I was particularly pleased with an editorial that appeared in the Denver Post which I would like to enter into the Record in its entirety. The editorial follows:

### Give Top Priority to Drug Fight; Costs of Failure Much Too High

An anti-heroin program which should be given the same urgent priority as the Manhattan Project in World War II has been proposed by a Congressional committee.

In a report submitted to the House last week, the Select Committee on Crime, headed by Rep. Claude Pepper, D-Fla., said that after more than a year of investigation and study it had concluded that the federal government must launch an immediate and massive campaign against heroin addiction.

The Committee recommended an appropriation of $50 million for the 1972 fiscal year to be used on an emergency basis.

The Committee said it had concluded "that there is only one solution which has almost universal support and acceptance by all the experts in the field."

That solution, the report added, is "a concentrated national effort of emergency priority . . . to find a nonaddictive, safe, long-lasting drug to combat heroin addiction."

To meet this need, the committee advised that the $50 million appropriation should be used to:

1. Contract with drug manufacturers for the necessary research, with the government paying 90 per cent and the private firms 10 per cent of the costs. The government contributions would be refunded by the companies if and when they make profits from sale of drug addiction control agents.

2. Expand the clinical testing facility at the government's Addiction Research Center in Lexington, Ky.

3. Accelerate and expand federal anti-drug programs now being implemented by the National Institute of Mental Health.

Although we have been told often and convincingly in the past several years of the crying need for ways and means to fight drug addiction—President Nixon declared it a national emergency in June—the committee's report adds a new dimension to the message of doom for thousands—perhaps even millions—of Americans unless something is done about it.

Statistics only hint at the story, because they do not deal with the misery and degradation that accompany drug addiction, but even a sample figure is chilling: drug arrests increased 700 per cent nationally during the 1960s.

The extent of drug addiction may be subject to exaggeration, but the effects are not. Every day there is new evidence of horrors that afflict the addict. And they are not the only ones who suffer; so do relatives, friends, and society in general.

The cost to society of heroin-related crime—estimated at more than $3 billion a year by the Bureau of Narcotics and Dangerous Drugs—makes the $50 million program proposed by the House Committee seem small. In addition the country is paying increasingly exhorbitant costs annually for the hospitalization, treatment, incarceration and rehabilitation of drug addicts.

As the committee pointed out, "an investment of $50 million now may well save the expenditure of billions of dollars in the next few years."

For both humanitarian and financial reasons, then, the report of the committee should be given careful and prompt study by Congress. If the recommended program seems as likely to yield results as the committee thinks, the appropriation should be authorized as soon as possible so that work may begin.

The new sponsors of H.R. 11927 are our colleagues Joseph P. Addabbo, Herman Badillo, Jonathan B. Bingham, Bertram L. Podell, Howard W. Robison, Benjamin S. Rosenthal, George E. Danielson, Ronald V. Dellums, Cornelius E. Gallagher, Robert A. Roe, Ray J. Madden, Fred B. Rooney, Frank A. Stubblefield, and David R. Obey.

As we all know, the legislation to create the Special Action on Drug Abuse Prevention, H.R. 12089, will be before this House this week. I am honored, as a member of the Rules Committee, to have the opportunity to handle the rule for debate on the floor.

For the sponsors of H.R. 11927, there is a significant section that the House Subcommittee on Public Health and Environment, chaired by my friend and colleague Paul Rogers of Florida, added to the Senate bill which passed by a 92 to 0 vote in the other body. That section would authorize the expenditure of $45 million in the next 2 fiscal years for medical research, to find new antagonist drugs to treat the Nation's half million heroin addicts. The section additionally provides that grants and contracts to develop new drugs be made available to private industry, universities, organizations, foundations, and individuals.

I would personally prefer, and I believe I speak for the 103 sponsors of the Crime Committee bill in making this suggestion, that the money be made immediately available. It makes more sense to incorporate that degree of flexibility than to rigidly state that a limit will be set of $20 million will be set for next fiscal year and $25 million for 1974 regardless of the demand on the part of those scientific researchers who hold the key to solving this terrible national shame of heroin addiction.

## AMPHETAMINE POLITICS ON CAPITOL HILL

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the January issue of Trans-Action magazine contains an article which records the early history of the Select Committee on Crime's efforts to establish reasonable quotas on the outrageous overproduction of amphetamines.

Early in the existence of the Crime Committee we discovered that the production was 6 to 8 billion capsules a year, enough to provide a month's supply for every man, woman, and child in the United States.

As a result of the Crime Committee's investigation, it was shown that many of these amphetamines were being illegally diverted and resold on the black market. The worst of these—methamphetamines or "speed"—was claiming the lives of many young people. In the last several years we have urged that a strict drug quota be imposed by the Bureau of Narcotics and Dangerous Drugs on the production of amphetamines. The proposed quota announced in December calls for 8,652 kilograms or 1.5 billion dosage units in 1972, down from 24,991 kilograms or 4.5 billion dosage units in 1969. This is still not good enough.

We recently read of the Justice Department's crackdown on Pennwalt Corporation, the Nation's largest exporter of amphetamines, when it was discovered that most of its capsules were showing up in large quantities in the U.S. black market. As a result, Director John Ingersoll of the Bureau of Narcotics and Dangerous Drugs announced that the 1972 quota would be further reduced to 4,680 kilograms—a 50-percent reduction from the 1971 production. Evidence before our committee has led us to the conclusion that amphetamine production should and must be further curtailed. While necessary in the treatment of narcolepsy and hyperkinetic behavior in children, the total medical need has been estimated to be no more than several hundred thousand dosage units.

More than 80 percent of all prescriptions written for amphetamines are for weight control. Witness after witness before the Crime Committee testified to their dubious value in short-term obesity control and their dangerous effects over extended periods. Indeed, when contrasted with their potential for abuse, amphetamines should not be prescribed at all in a bona fide weight reduction program.

While there have been some significant developments—including quotas—since the attached article was written for Trans-Action magazine, it is important to recall the activities in Congress that began the drive to limit the production of amphetamines.

The article by Mr. James M. Graham follows:

### AMPHETAMINE POLITICS ON CAPITOL HILL

(By James M. Graham)

The American pharmaceutical industry annually manufactures enough amphetamines to provide a month's supply to every man, woman and child in the country. Eight, perhaps ten, billion pills are lawfully produced, packaged, retailed and consumed each year. Precise figures are unavailable. We must be content with estimates because until 1970, no law required an exact accounting of total amphetamine production.

Amphetamines are the drug of the white American with money to spend. Street use, contrary to the popular myths, accounts for a small percentage of the total consumption. Most of the pills are eaten by housewives, businessmen, students, physicians, truck drivers and athletes. Those who inject large doses of "speed" intravenously are but a tiny fragment of the total. Aside from the needle and the dose, the "speed freak" is distinguishable because his use has been branded as illegal. A doctor's signature supplies the ordinary user with lawful pills.

All regular amphetamine users expose themselves to varying degrees of potential harm. Speed doesn't kill, but high sustained dosages can and do result in serious mental and physical injury, depending on how the drug is taken. The weight-conscious housewife, misled by the opinion-makers into believing that amphetamines can control weight, eventually may rely on the drug to alter her mood in order to face her monotonous tasks. Too frequently an amphetamine prescription amounts to a synthetic substitute for attention to emotional and institutional problems.

Despite their differences, all amphetamine users, whether on the street or in the kitchen, share one important thing in common—the initial source of supply. For both, it is largely the American pharmaceutical industry. That industry has skillfully managed to convert a chemical, with meager medical justification and considerable potential for harm, into multihundred-million-dollar profits in less than 40 years. High profits, reaped from such vulnerable products, require extensive sustained political efforts for their continued existence. The lawmakers who have declared that possession of marijuana is a serious crime have simultaneously defended and protected the profits of the amphetamine pill-makers. The Comprehensive Drug Abuse Prevention and Control Act of 1970 in its final form constitutes a victory for that alliance over compelling, contrary evidence on the issue of amphetamines. The victory could not have been secured without the firm support of the Nixon Administration. The end result is a national policy which declares an all-out war on drugs which are *not* a source of corporate income. Meanwhile, under the protection of the law, billions of amphetamines are overproduced without medical justification.

#### HEARINGS IN THE SENATE

The Senate was the first house to hold hearings on the administration's bill to curb drug abuse, The Controlled Dangerous Substances Act (S-3246). Beginning on September 15, 1969 and consuming most of that month, the hearings before Senator Thomas Dodd's Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary would finally conclude on October 20, 1969.

The first witness was John Mitchell, attorney general of the United States, who recalled President Nixon's ten-point program to combat drug abuse announced on July 14, 1969. Although that program advocated tighter controls on imports and exports of dangerous drugs and promised new efforts to encourage foreign governments to crack down on production of illicit drugs, there was not a single reference to the control of domestic manufacture of dangerous drugs. The president's bill when it first reached the Senate placed the entire "amphetamine family" in Schedule III, where they were exempt from any quotas and had the benefit of lesser penalties and controls. Hoffman-LaRoche, Inc. had already been at work; their depressants, Librium and Valium, were completely exempt from any control whatsoever.

In his opening statement, Attorney General Mitchell set the tone of administrative policy related to amphetamines. Certainly, these drugs were "subject to increasing abuse"; however, they have "widespread medical uses" and therefore are appropriately classed under the administration guidelines in Schedule III. Tight-mouthed John Ingersoll, director of the Bureau of Narcotics and Dangerous Drugs (BNDD), reaffirmed the policy, even though a Bureau study over the last year (which showed that 92 percent of the amphetamines and barbiturates in the illicit market were legitimately manufactured) led him to conclude that drug companies have "lax security and recordkeeping."

Senator Dood was no novice at dealing with the pharmaceutical interests. In 1965 he had steered a drug abuse bill through the Senate with the drug industry fighting every step of the way. Early in the hearings he recalled that the industry "vigorously opposed the passage of (the 1965) act. I know very well because I lived with it, and they gave me fits and they gave all of us fits in trying to get it through."

The medical position on amphetamine use was first presented by the National Institute of Mental Health's Dr. Sidney Cohen, a widely recognized authority on drug use and abuse. He advised the subcommittee that 50 percent of the lawfully manufactured pep pills were diverted at some point to illicit channels. Some of the pills, though, were the result of unlawful manufacture as evidenced by the fact that 33 clandestine laboratories had been seized in the last 18 months.

* * * * *

The amphetamine wholesalers were not questioned in any detail about diversion. Brief statements by the National Wholesale Druggists Association and McKesson Robbins Drug Co. opposed separate inventories for dangerous drugs because they were currently comingled with other drugs. Finally, the massive volume of the drugs involved—primarily in Schedule III—was just too great for records to be filed with the attorney general.

#### DODGING THE DIVERSION ISSUE

The representative of the prescription drug developers was also not pressed on the question of illicit diversion. Instead, the Pharmaceutical Manufacturers' Association requested clarifications on the definitional sections, argued for formal administrative hearings on control decisions and on any action revoking or suspending registration, and endorsed a complete exemption for over-the-counter nonnarcotic drugs.

With some misgivings, Carter-Wallace Inc. endorsed the administration bill providing, of course, the Senate would accept the president's recommendation that meprobamate not be subjected to any control pending a decision of the Fourth Circuit as to whether the drug had a dangerously depressant effect on the central nervous system. On a similar special mission, Hoffman-LaRoche Inc. sent two of its vice-presidents to urge the committee to agree with the president's recommendation that their "minor tranquilizers" (Librium and Valium) remain uncontrolled. Senator Dodd was convinced that both required inclusion in one of the schedules. The Senator referred to a BNDD investigation which had shown that from January 1968 to February 1969, three drug stores were on the average over 30,000 dosage units short. In addition, five inspected New York City pharmacies had unexplained shortages ranging from 12 to 50 percent of their total stock in Librium and Valium. Not only were the drugs being diverted, but Bureau of Narcotics information revealed that Librium and

Valium, alone or in combination with other drugs, were involved in 36 suicides and 750 attempted suicides.

The drug company representatives persisted in dodging or contradicting Dodd's inquiries. Angry and impatient, Senator Dodd squarely asked the vice-presidents, "Why do you worry about putting this drug under control?" The response was as evasive as the question was direct: There are hearings pending in HEW, and Congress should await the outcome when the two drugs might be placed in Schedule III. (The hearings had begun in 1966; no final administrative decision had been reached and Hoffman-LaRoche had yet to exercise its right to judicial review.)

In the middle of the hearings, BNDD Director Ingersoll returned to the subcommittee to discuss issues raised chiefly by drug industry spokesmen. He provided the industry with several comforting administrative interpretations. The fact that he did not even mention amphetamines is indicative of the low level of controversy that the hearings had aroused on the issue. Ingersoll did frankly admit that his staff had met informally with industry representatives in the interim. Of course, this had been true from the very beginning.

The president of the American Pharmaceutical Association, the professional society for pharmacists, confirmed this fact: His staff participated in "several" Justice Department conferences when the bill was being drafted. (Subsequent testimony in the House would reveal that industry participation was extensive and widespread.) All the same, the inventory, registration and inspection (primarily "no-knock") provisions were still "unreasonable, unnecessary and costly administrative burden(s)" which would result in an even greater "paper work explosion."

For the most part, however, the administration bill had industry support. It was acceptable for the simple reason that, to an unknown degree, the "administration bill" was a "drug company bill" and was doubtless the final product of considerable compromise. Illustrative of that give-and-take process is the comparative absence of industry opposition to the transfer of drug-classification decision and research for HEW to Justice. The industry had already swallowed this and other provisions in exchange for the many things the bill could have but did not cover. Moreover, the subsequent windy opposition of the pill-makers allowed the administration to boast of a bill the companies objected to.

When the bill was reported out of the Committee on the Judiciary, the amphetamine family, some 6,000 strong, remained in Schedule III. Senator Dodd apparently had done some strong convincing because Librium, Valium and meprobamate were now controlled in Schedule III. A commission on marijuana and a declining penalty structure (based on what schedule the drug is in and whether or not the offense concerned trafficking or possession) were added.

### DEBATE IN THE SENATE—ROUND 1

The Senate began consideration of the bill on January 23, 1970. This time around, the amphetamine issue would inspire neither debate nor amendment. The energies of the Senate liberals were consumed instead by unsuccessful attempts to alter the declared law enforcement nature of the administration bill.

Senator Dodd's opening remarks, however, were squarely directed at the prescription pill industry. Dodd declared that the present federal laws had failed to control the illicit diversion of lawfully manufactured dangerous drugs. The senator also recognized the ways in which all Americans had become increasingly involved in drug use and that the people's fascination with pills was by no means an "accidental development": "Multi-hundred million dollar advertising budgets, frequently the most costly ingredient in the price of a bill, have, pill by pill, led, coaxed into the 'freaked-out' drug culture. . . . and seduced post-World War II generations Detail men employed by drug companies propagandize harried and harassed doctors into pushing their special brand of palliative. Free samples in the doctor's office are as common nowadays as inflated fees." In the version adopted by the Senate, Valium, Librium and meprobamate joined the amphetamines in Schedule III.

### HEARINGS IN THE HOUSE

On February 3, 1970, within a week of the Senate's passage of S. 13246, the House began its hearings. The testimony would continue for a month. Although the Senate would prove in the end to be less vulnerable to the drug lobby, the issue of amphetamines—their danger and medical justification—would be aired primarily in the hearings of the Subcommittee on Public Health of the Committee on Interstate and Foreign Commerce. The administration bill (HR 13743), introduced by the chairman of the parent committee, made no mention of Librium or Valium and classified amphetamines in Schedule III.

As in the Senate, the attorney general was scheduled to be the first witness, but instead John Ingersoll of the BNDD was the administration's representative. On the question of amphetamine diversion, Ingersoll gave the administration's response: "Registration is . . . the most effective and least cumbersome way" to prevent the unlawful traffic. This coupled with biennial inventories of all stocks of controlled dangerous drugs and the attorney general's authority to suspend, revoke or deny registration would go a long way in solving the problem. In addition, the administration was proposing stronger controls on imports and exports. For Schedules I and II, but not III or IV, a permit from the attorney general would be required for exportation. Quotas for Schedules I and II, but not III or IV, would "maximize" government control. For Schedules III and IV, no approval is required, but a supplier must send an advance notice on triple invoice to the attorney general in order to export drugs such as amphetamines. A prescription could be filled only five times in a six-month period and thereafter a new prescription would be required, whereas previously such prescriptions could be refilled as long as a pharmacist would honor them.

The deputy chief counsel for the BNDD, Michael R. Sonnenreich, was asked on what basis the attorney general would decide to control a particular drug. Sonnenreich replied that the bill provides one of two ways: Either the attorney general "finds *actual street abuse* or an interested party (such as HEW) feels that a drug should be controlled" (Speed-freaks out on the street are the trigger according to Sonnenreich; lawful abuse is not an apparent criterion.)

The registration fee schedule would be reasonable ($10.00—physician or pharmacist; $25.00—wholesalers; $50.00—manufacturers). However, the administration did not want a formal administrative hearing on questions of registration and classification, and a less formal rule-making procedure was provided for in the bill.

Returning to the matter of diversion, Sonnenreich disclosed that from July 1, 1968 to June 30, 1969 the BNDD had conducted full-scale compliance investigations of 908 "establishments." Of this total, 329 (or about 36 percent) required further action, which included surrender of order forms (162), admonition letters (38), seizures (36) and hearings (31). In addition to these full-scale investigations, the Bureau made 930 "visits." (It later came to light that when the BNDD had information that a large supply of drugs was unlawfully being sold, the Bureau's policy was to warn those involved and "90 percent of them do take care of this matter.") Furthermore, 574 robberies involving dangerous drugs had been reported to the Bureau.

Eight billion amphetamine tablets are produced annually, according to Dr. Stanley Yolles, director of the National Institute of Mental Health, and although the worst abuse is by intravenous injection, an NIMH study found that 21 percent of all college students had taken amphetamines with the family medicine cabinet acting as the primary source—not surprising in light of the estimate that 1.1 billion prescriptions were issued in 1967 at a consumer cost of $3.9 billion. Of this total, 178 million prescriptions for amphetamines were filled at a retail cost of $692 million. No one knew the statistics better than the drug industry.

Representing the prescription-writers, the American Medical Association also recognized that amphetamines were among those drugs "used daily in practically every physician's armamentarium." This casual admission of massive lawful distribution was immediately followed by a flat denial that physicians were the source of "any significant diversion."

The next witness was Donald Fletcher, manager of distribution protection, Smith Kline & French Laboratories, one of the leading producers of amphetamines. Fletcher, who was formerly with the Texas state police, said his company favored "comprehensive controls" to fight diversion and stressed the company's "educational effort." Smith Kline & French favored federal registration and tighter controls over exports (by licensing the exporter, not the shipment). However, no change in present record-keeping requirements on distribution, production or inventory should be made, and full hearings on the decisions by the attorney general should be guaranteed.

The committee did not ask the leading producer of amphetamines a single question about illicit diversion. Upon conclusion of the testimony, Subcommittee Chairman John Jarman of Oklahoma commented, "Certainly, Smith Kline & French is to be commended for the constructive and vigorous and hard-hitting role that you have played in the fight against drug abuse."

Dr. William Apple, executive director of the American Pharmaceutical Association (APhA), was the subject of lengthy questioning and his responses were largely typical. Like the entire industry, the APhA was engaged in a massive public education program. Apple opposed the inventory provisions, warning that the cost would be ultimately passed to the consumer. He was worried about the attorney general's power to revoke registrations ("without advance notice") because it could result in cutting off necessary drugs to patients.

Apple admitted organizational involvement "in the draft stage of the bill" but all the same, the APhA had a "very good and constructive working relationship" with HEW. Apple argued that if the functions are transferred to Justice, "We have a whole new ball game in terms of people. While some of the experienced people were transferred from HEW to Justice, there are many new people, and they are law-enforcement oriented. We are health-care oriented." Surely the entire industry shared this sentiment, but few opposed the transfer as strongly as did the APhA.

Apple reasoned that since the pharmacists were not the source of diversion, why should they be "penalized by costly overburdensome administrative requirements." The source of the drugs, Apple said, were either clandestine laboratories or burglaries. The 1965 Act, which required only those "records maintained in the ordinary course of business" be kept, was sufficient. Anyway, diversion at pharmacy level was the responsibility of the pharmacists—a responsibility which the APhA takes "seriously and (is) going to do a better job (with) in the future."

Congress should instead ban the 60 mail-order houses which are not presently included in the bill. (One subcommittee member said this was a "loophole big enough to drive a truck through.") The corner druggist simply was not involved in "large-scale diversionary efforts."

The Pharmaceutical Manufacturers' Association (PMA) was questioned a bit more carefully in the House than in the Senate. PMA talked at length about its "long and honorable history" in fighting drug abuse. Its representative echoed the concern of the membership over the lack of formal hearings and requested that a representative of the manufacturing interests be appointed to the Scientific Advisory Committee. Significantly, the PMA declined to take a position on the issue of transfer from HEW to Justice. The PMA endorsed the administration bill. PMA Vice-President Brennan was asked whether the federal government should initiate a campaign, similar to the one against cigarettes, "to warn people that perhaps they should be careful not to use drugs excessively." Brennan's response to this cautious suggestion is worth quoting in full:

"I think this is probably not warranted because it would have the additional effect of giving concern to people over very useful commodities. . . . There is a very useful side to any medicant and to give people pause as to whether or not they should take that medication, particularly those we are talking about which are only given by prescription, I think the negative effect would outweigh any sociological benefit on keeping people from using drugs."

### LIMITED MEDICAL USE

There was universal agreement that amphetamines are medically justified for the treatment of two very rare diseases, hyperkinesis and narcolepsy. Dr. John D. Griffith of the Vanderbilt University School of Medicine testified that amphetamine production should be limited to the needs created by those conditions: "A few thousand tablets (of amphetamines) would supply the whole medical needs of the country. In fact, it would be possible for the government to make and distribute the tablets at very little cost. This way there would be no outside commercial interests involved." Like a previous suggestion that Congress impose a one cent per tablet tax on drugs subject to abuse, no action was taken on the proposal.

The very next day, Dr. John Jennings, acting director of the Food and Drug Administration (FDA), testified that amphetamines had a "limited medical use" and their usefulness in control of obesity was of "doubtful value." Dr. Dorothy Dobbs, director of the Marketed Drug Division of the FDA further stated that there was now no warning on the prescriptions to patients, but that the FDA was proposing that amphetamines be labeled indicating among other things that a user subjects himself to "extreme psychological dependence" and the possibility of "extreme personality changes . . . (and) the most severe manifestation of amphetamine intoxication is a psychosis." Dr. Dobbs thought that psychological dependence even under a physician's prescription was "quite possible."

Congressman Claude Pepper of Florida, who from this point on would be the recognized leader of the antiamphetamine forces, testified concerning a series of hearings which his Select Committee on Crime had held in the fall of 1969 on the question of stimulant use.

**Pepper's committee had surveyed medical deans and health organizations on the medical use of amphetamines. Of 53 responses, only one suggested that the drug was useful "for *early* stages of a diet program." (Dr. Sidney Cohen of NIMH estimated that 99 percent of the total legal prescriptions for amphetamines were ostensibly for dietary control.) Pepper's investigation also confirmed a high degree of laxness by the drug companies. A special agent for the BNDD testified that by impersonating a physician, he was able to get large quantities of amphetamines from two mail-order houses in New York. One company, upon receiving an order for 25,000 units, asked for further verification of medical practice. Two days after the agent declined to reply, the units arrived. Before Pepper's committee, Dr. Cohen of NIMH testified that amphetamines were a factor in trucking accidents due to their hallucinatory effects.**

**Dr. John D. Griffith from Vanderbilt Medical School, in his carefully documented statement on the toxicity of amphetamines, concluded "amphetamine addiction is more widespread, more incapacitating, more dangerous and socially disrupting than narcotic addiction." Considering that 8 percent of all prescriptions are for amphetamines and that the drug companies make only one-tenth of one cent a tablet, Dr. Griffith was not surprised that there was so little scrutiny by manufacturers. Only a large output would produce a large profit.**

Treatment for stimulant abuse was no easier than for heroin addiction and was limited to mild tranquilization, total abstinence and psychiatric therapy. But, **heroin has not been the subject of years of positive public "education" programs nor has it been widely prescribed by physicians or lawfully produced. A health specialist** from the University of Utah pointed out that **the industry's propaganda had made amphetamines: "One of the major ironies of the whole field of drug abuse. We continue to insist that they are good drugs when used under medical supervision, but their greatest use turns out to be frivolous, illegal and highly destructive to the user. People who are working in the field of drug abuse are finding it most difficult to control the problem, partly because they have the reputation of being legal and good drugs."**

**The thrust of Pepper's presentation was not obvious from the questioning that followed, because the subcommittee discussions** skirted the issue. Pepper's impact could be **felt in the subsequent testimony of the executive director of the National Association of Boards of Pharmacy. The NABP objected to the use of the word "dangerous" in the bill's title because it "does little to enhance the legal acts of the physician and pharmacist in diagnosing and dispensing this type of medication." (The Controlled Dangerous Substances Act would later become the Comprehensive Drug Abuse Prevention and Control Act of 1970.)**

As in the Senate hearings, Ingersoll of the BNDD returned for a second appearance and this time, he was the last witness. Ingersoll stated that he wished "to place . . . in their proper perspective" some "of the apparent controversies" which arose in the course of testimony. A substantial controversy had arisen over amphetamines, but there was not a single word on that subject in Ingersoll's prepared statement. Later, he did admit that there was an "overproduction" of amphetamines and estimated that 75 percent to 90 percent of the amphetamines found in illicit traffic came from the American drug companies.

Several drug companies chose to append written statements rather than testifying.

Abbott Laboratories stated that it "basically" supported the administration bills and argued that because fat people had higher mortality rates than others, amphetamines were important to the public welfare, ignoring the charge that amphetamines were not useful in controlling weight. Abbott then argued that because their products were in a sustained-release tablet, they were "of little interest to abusers," suggesting that "meth" tablets per se cannot be abused and ignoring the fact that they can be easily diluted.

Eli Lilly & Co. also endorsed "many of the concepts" in the president's proposals. They as well had "participated in a number of conferences sponsored by the (BNDD) and . . . joined in both formal and informal discussions with the Bureau personnel regarding" the bill. Hoffman-LaRoche had surely watched, with alarm, the Senate's inclusion of Librium and Valium in Schedule III. They were now willing to accept all the controls applying to Schedule III drugs, including the requirements of record-keeping, inventory, prescription limits and registration as long as their "minor tranquilizers" were not grouped with amphetamines. Perhaps, the company suggested, a separate schedule between III and IV was the answer. The crucial point was that they did not want the negative association with speed and they quoted a physician to clarify this: "If in the minds of my patients a drug which I prescribe for them has been listed or branded by the government in the same category as 'goofballs' and 'pep pills' it would interfere with my ability to prescribe . . . and could create a mental obstacle to their . . . taking the drug at all."

When the bill was reported out of committee to the House, the amphetamine family was in Schedule III, and Hoffman-LaRoche's "minor tranquilizers" remained free from control.

### DEBATE IN THE HOUSE—ROUND I

On September 23, 1970, the House moved into Committee of the Whole for opening speeches on the administration bill now known as HR 18583. The following day, the anti-amphetamine forces led by Congressman Pepper carried their arguments onto the floor of the House by way of an amendment transferring the amphetamine family from Schedule III into Schedule II. If successful, amphetamines would be subject to stricter import and export controls, higher penalties for illegal sale and possession and the possibility that the attorney general could impose quotas on production and distribution. (In Schedule III, amphetamines were exempt from quotas entirely.) Also, if placed in Schedule II, the prescriptions could be filled only once. Pepper was convinced from previous experience that until quotas were established by law the drug industry would not voluntarily restrict production.

Now the lines were clearly drawn. The House hearings had provided considerable testimony to the effect that massive amphetamine production coupled with illegal diversion posed a major threat to the public health. No congressman would argue that this was not the case. The House would instead divide between those who faithfully served the administration and the drug industry and those who argued that Congress must act or no action could be expected. The industry representatives dodged the merits of the opposition's arguments, contending that a floor amendment was inappropriate for such "far reaching" decisions.

"Legislating on the floor . . . concerning very technical and scientific matters," said subcommittee member Tim Lee Carter of Kentucky, "can cause a great deal of trouble. It can open a Pandora's Box" and the amendment which affected 6,100 drugs "would be disastrous to many companies throughout the land."

Paul G. Rogers of Florida (another subcommittee member) stated that the bill's provisions were based on expert scientific and law enforcement advice, and that the "whole process of manufacture and distribution had been tightened up." Robert McClory of Illinois, though not a member of the subcommittee, revealed the source of his opposition to the amendment:

"Frankly . . . there are large pharmaceutical manufacturing interests centered in my congressional district. . . . I am proud to say that the well-known firms of Abbott Laboratories and Baxter Laboratories have large plants in my (district). It is my expectation that C. D. Searl & Co. may soon establish a large part of its organization (there). Last Saturday, the American Hospital Supply Co. dedicated its new building complex in Lake County . . . where its principle research and related operations will be conducted."

Control of drug abuse, continued McClory, should not be accomplished at the cost of imposing "undue burdens or (by taking) punitive or economically unfair steps adversely affecting the highly successful and extremely valuable pharmaceutical industries which contribute so much to the health and welfare of mankind."

Not everyone was as honest as McClory. A parent committee member, William L. Springer of Illinois, thought the dispute was basically between Pepper's special committee on crime and the subcommittee on health and medicine chaired by John Jarman of Oklahoma. Thus phrased, the later was simply more credible than the former. "There is no problem here of economics having to do with any drug industry."

But economics had everything to do with the issue according to Representative Jerome R. Waldie of California: "(T)he only opposition to this amendment that has come across my desk has come from the manufacturers of amphetamines." He reasoned that since the House was always ready to combat crime in the streets, "crime that involved a corporation and its profits" logically merits equal attention. Waldie concluded that the administration's decision "to favor the profits (of the industry) over the children is a cruel decision, the consequences of which will be suffered by thousands of young people." Pepper and his supporters had compiled and introduced considerable evidence on scientific and medical opinions on the use and abuse of amphetamines. It was now fully apparent that the evidence would be ignored because of purely ecnomic and political considerations. In the closing minutes of debate, Congressman Robert Giaimo of Connecticut, who sat on neither committee, recognized the real issue: "Why should we allow the legitimate drug manufacturers to indirectly supply the (sic) organized crime and pushers by producing more drugs than are necessary? When profits are made while people suffer, what difference does it make where the profits go?"

Pepper's amendment was then defeated by a voice vote. The bill passed by a vote of 341 to 6. The amphetamine industry had won in the House. In two days of debate, Librium and Valium went unmentioned and remained uncontrolled.

### DEBATE IN THE SENATE—ROUND II

Two weeks after the House passed H.R. 18583, the Senate began consideration of the House bill. (The Senate bill, passed eight months before, continued to languish in a House committee.) On October 7, 1970, Senator Thomas Eagleton of Missouri moved to amend H.R. 18583 to place amphetamines in Schedule II. Although he reiterated the arguments used by Pepper in the House, Eagleton stated that his interest in the amendment was not solely motivated by the abuse by speed freaks. If the amendment carried, it would "also cut back on abuse by the weight-conscious housewife, the weary long-haul truck driver and the young student trying to study all night for his exams."

The industry strategy from the beginning was to center congressional outrage on the small minority of persons who injected large doses of diluted amphetamines into their veins. By encouraging this emphasis, the drug companies had to face questioning about illicit diversion to the "speed community," but they were able to successfully avoid any rigorous scrutiny of the much larger problem of lawful abuse. The effort had its success. Senator Thomas J. McIntyre of New Hampshire, while noting the general abuse of the drugs, stated that the real abuse resulted from large doses either being swallowed, snorted or injected.

Senator Roman Hruska of Nebraska was not surprisingly the administration and industry spokesman. He echoed the arguments that had been used successfully in the House: The amendment seeks to transfer between 4,000 and 6,000 products of the amphetamine family; "some of them are very dangerous" but the bill provides a mechanism for administrative reclassification; administration and "HEW experts" support the present classification and oppose the amendment; and, finally, the Senate should defer to the executive where a complete study is promised.

It would take three to five years to move a drug into Schedule II by administrative action, responded Eagleton. Meanwhile amphetamines would continue to be "sold with reckless abandon to the public detriment." Rather than placing the burden on the government, Eagleton argued that amphetamines should be classed in Schedule II and those who "are making money out of the misery of many individuals" should carry the burden to downgrade the classification.

Following Eagleton's statement, an unexpected endorsement came from the man who had steered two drug control bills through the Senate in five years. Senator Dodd stated that Eagleton had made "a good case for the amendment." Senator John Pastore was sufficiently astonished to ask Dodd pointedly whether he favored the amendment. Dodd unequivocally affirmed his support. Dodd's endorsement was clearly a turning point in the Senate debate. Hruska's plea that the Senate should defer to the "superior knowledge" of the attorney general, HEW and BNDD was met with Dodd's response that, if amphetamines were found not to be harmful, the attorney general could easily move them back into Schedule III. In Schedule II, Dodd continued, "only the big powerful manufacturers of these pills may find a reduction in their profits. The people will not be harmed." With that, the debate was over and the amendment carried by a vote of 40 in favor, 16 against and 44 not voting.

Dodd may have been roused by the House's failure, without debate, to subject Librium and Valium to controls which he had supported from the beginning. Prior to Eagleton's amendment, Dodd had moved to place these depressants in Schedule IV. In that dispute, Dodd knew that economics was the source of the opposition: "It is clearly evident . . . that (the industry) objections to the inclusion of Librium and Valium are not so much based on sound medical practice as they are on the slippery surface of unethical profits." Hoffman-LaRoche annually reaped 40 million dollars in profits—"a tidy sum which (they have) done a great deal to protect." Senator Dodd went on to say that Hoffman-LaRoche reportedly paid a Washington law firm three times the annual budget of the Senate subcommittee staff to assure that their drugs would remain uncontrolled. "No wonder," exclaimed Dodd, "that the Senate first, and then the House, was overrun by Hoffman-LaRoche lobbyists," despite convincing evidence that they were connected with suicides and attempted suicides and were diverted in large amounts into illicit channels.

By voice vote Hoffman-LaRoche's "minor tranquilizers" were brought within the control provisions of Schedule IV. Even Senator Hruska stated that he did not oppose this amendment, and that it was "very appropriate" that it be adopted so that a "discussion of it and decision upon it (be) made in the conference."

The fate of the minor tranquilizers and the amphetamine family would now be decided by the conferees of the two houses.

### IN CONFERENCE

The conferees from the Senate were fairly equally divided on the issue of amphetamine classification. Of the eleven Senate managers, at least six were in favor of the transfer to Schedule II. The remaining five supported the administration position. Although Eagleton was not appointed, Dodd and Harold Hughes would represent his position. Hruska and Strom Thurmond, both of whom had spoken against the amendment, would act as administration spokesmen.

On October 8, 1970, before the House appointed its conferees, Pepper rose to remind his colleagues that the Senate had reclassified amphetamines. Although he stated that he favored an instruction to the conferees to support the amendment, he inexplicably declined to so move. Instead, Pepper asked the conferees "to view this matter as sympathetically as they think the facts and the evidence they have before them will permit." Congressman Rogers an outspoken opponent of the Pepper amendment, promised "sympathetic understanding" for the position of the minority.

Indeed, the minority would have to be content with that and little else. All seven House managers were members of the parent committee, and four were members of the originating subcommittee. Of the seven, only one would match support with "sympathetic understanding." The other six were not only against Schedule II classification, but they had led the opposition to it in floor debate: Jarman, Rogers, Carter, Staggers and Nelsen. Congressman Springer, who had declared in debate that economics had nothing to do with this issue, completed the House representation. Not a single member of Pepper's Select Committee on Crime was appointed as a conferee. On the question of reclassification, the pharmaceutical industry would be well represented.

Hoffman-LaRoche, as well, was undoubtedly comforted by the presence of the four House subcommittee conferees: The subcommittee had never made any attempt to include Valium and Librium in the bill. On that question, it is fair to say that the Senate managers were divided. The administration continued to support no controls for these depressants.

At dispute were six substantive Senate amendments to the House bill: Three concerned amphetamines, Librium and Valium; one required an annual report to Congress on advisory councils; the fifth lessened the penalty for persons who gratuitously distributed a small amount of marijuana; and the sixth, introduced by Senator Hughes, altered the thrust of the bill and placed greater emphasis on drug education, research, rehabilitation and training. To support these new programs, the Senate had appropriated $26 million more than the House.

The House, officially, opposed all of the Senate amendments.

From the final compromises, it is apparent that the Senate liberals expended much of their energy on behalf of the Hughes amendment. Although the Senate's proposed educational effort was largely gutted in favor of the original House version, an additional 25 million dollars was appropriated. The bill would also now require the inclusion in state public health plans of "comprehensive programs" to combat drug abuse and the scope of grants for addicts and drug-dependent persons was increased. The House then accepted the amendments on annual reports and the possession charge for gratuitous marijuana distributors.

The administration and industry representative gave but an inch on the amphetamine amendment: Only the liquid injectible methamphetamines, speed, would be transferred to Schedule II. All the pills would remain in Schedule III. In the end, amphetamine abuse was restricted to the mainlining speed freak. The conference report reiterated the notion that further administrative action on amphetamines by the attorney general would be initiated. Finally, Librium and

Valium would not be included in the bill. The report noted that "final administrative action" (begun in 1966) was expected "in a matter of weeks." Congress was contented to await the outcome of those proceedings.

### ADOPTION OF THE CONFERENCE REPORT

Pepper and his supporters were on their feet when the agreement on amphetamines was reported to the House on October 14, 1970. Conferee Springer, faithful to the industry's tactical line, declared that the compromise is a good one because it "singles out the worst of these substances, which are the liquid, injectible methamphetamines and puts them in Schedule II." If amphetamine injection warranted such attention, why, asked Congressman Charles Wiggins, were the easily diluted amphetamine and methamphetamine pills left in Schedule III? Springer responded that there had been "much discussion," yes and "some argument" over that issue, but the conferees felt it was best to leave the rest of the amphetamine family to administrative action.

Few could have been fooled by the conference agreement. The managers claimed to have taken the most dangerous and abused member of the family and subjected it to more rigorous controls. In fact, as the minority pointed out, the compromise affected the least abused amphetamine: Lawfully manufactured "liquid meth" was solid strictly to hospitals, not in the streets, and there was no evidence of any illicit diversion. More importantly, from the perspective of the drug manufacturers, only five of the 6,000 member amphetaminue family fell into this category. Indeed, liquid meth was but an insignificant part of the total methamphetamine, not to mention amphetamine, production. Pepper characterized the new provision as "virtually meaningless." It was an easy pill for the industry to swallow. The Senate accepted the report on the same day as the House.

Only Eagleton, the sponsor of the successful Senate reclassification amendment, would address the amphetamine issue. To him, the new amendment "accomplish(ed) next to nothing." The reason for the timid, limpid compromise was also obvious to Eagleton: "When the chips were down, the power of the drug companies was simply more compelling" than any appeal to the public welfare.

A week before, when Dodd had successfully classified Librium and Valium in the bill, he had remarked (in reference to the House's inaction): "Hoffman-LaRoche, at least for the moment, have reason to celebrate a singular triumph, the triumph of money over conscience. It is a triumph . . . which I hope will be shortlived."

Richard Nixon appropriately chose the Bureau of Narcotics and Dangerous Drugs offices for the signing of the bill on November 2, 1970. Flanked by Mitchell and Ingersoll, the president had before him substantially the same measure that had been introduced 15 months earlier. Nixon declared that America faced a major crisis of drug abuse, reaching even into the junior high schools, which constituted a "major cause of street crime." To combat this alarming rise, the president now had 300 new agents. Also, the federal government's jurisdiction was expanded: "The jurisdiction of the attorney general will go far beyond, for example, heroin. It will cover the new types of drugs, the barbiturates and amphetamines that have become so common *and are even more dangerous because of their use*" (author emphasis).

The president recognized amphetamines were "even more dangerous" than heroin, although he carefully attached the qualifier that this was a result "of their use." The implication is clear: The president viewed only the large dosage user of amphetamines as an abuser. The fact that his full statement refers only to abuse by "young people" (and not physicians, truck drivers, housewives or businessmen) affirms the implication. The president's remarks contained no mention of the pharmaceutical industry, nor did they refer to any future review of amphetamine classification. After a final reference to the destruction that drug abuse was causing, the president signed the bill into law.

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## THREE GREAT NEWSPAPERS EXAMINE OUR PRISONS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I wish to call the attention of the House to three superb newspaper series describing prison conditions and proposals for prison reform which have been published by three of America's most respected newspapers.

Specifically, I refer to the five-part series entitled "The Failure of Prisons" authored by Mr. John Fialka of the Washington Evening Star; a seven-part series written by Mr. Jack Waugh, entitled "Prisons: Changing a System That Doesn't Work," for the Christian Science Monitor; and the articles which began last Sunday written by Mr. Ben H. Bagdikian for the Washington Post entitled "The Shame of the Prisons." I am today placing the articles by these knowledgeable writers into the CONGRESSIONAL RECORD.

Prisons, as the 11 members of this body's Select Committee on Crime has learned, are a part of an interdependent system of justice that is failing society from the time an offender is apprehended to the time he is released.

In our hearings last year, we heard firsthand from prison officials, prison inmates, and those observers of prison conditions of the total lack of any form of rehabilitation within the walls of most of our Nation's prisons.

I reiterate what I said at the conclusion of 5 days of hearings which included the incidents of inmate uprisings at Attica, N.Y., and Raiford, Fla., State Prisons:

The prison system in America is a disgrace.

It fails to either deter crime or to rehabilitate offenders. One conclusion appears irrefutable—punishment and punishment alone will not return an offender to a constructive role in society.

The following articles will not be pleasant reading for those who think that more jails and longer terms for offenders are the answer to this Nation's serious crime problem.

You will not find simple solutions in these articles, but you will find truths.

I commend the articles that have been published in the Star, Monitor, and Post to those interested in prison reform. I strongly commend these newspapers for presenting the facts to their readers and hope that other newspapers as well as television and radio commentators will dedicate their talents to bringing the problem of our prisons to the attention of their audiences.

The series of articles follows:

[From the Washington Star, Jan. 12, 1972]

### THE PUBLIC JUST DOESN'T CARE

(By John Fialka)

RAIFORD, FLA.—Early in March, a pasty-faced young man with the words "Love" and "Hate" tattooed on his knuckles will walk out of his cell in the solitary confinements section of Florida State Prison.

The man, who has a long criminal record, will make his way out of one of the newest, most maximum security prisons in the country.

Brief pulses of strong light will illuminate him to the closed circuit television scanners as he approaches each gate. The gates, controlled by the unseen hand of a guard pushing a button, will slide open.

And George Baker, 25, will walk to freedom in an ill-fitting business suit with $25 in his pocket after completing his latest sentence—10 months for conspiracy to commit a felony.

As he finishes his term, his attitudes have not changed. He rejected all paths that might lead to parole, or to a halfway house, and he is "making out" or serving his full sentence.

He has no plans. He says he expects "trouble" on the outside.

Baker (not his real name) is just another statistic in an era when it takes an Attica to dramatize the failures of America's prison system.

The federal government has noted for years that somewhere between 40 and 60 percent of those released from prison will return eventually.

And Florida, which was forced to release over 1,000 prisoners by the Supreme Court's Gideon decision in 1963, has the best evidence showing that the longer a man stays in prison, the more likely will be his return.

But in Florida and in most states across the nation, the message of statistics has never made much of a dent on the problem.

On a given day, there are about 1.3 million people in U.S. jails and prisons.

Of those, 9,500 are in the custody of Florida's Division of Corrections. It maintains nine institutions and a system of road camps, and is fairly typical of penal systems in this country.

It does not claim to be the best, and it is not the worst.

The people who run it have a complaint that could be heard in almost any state: The legislature, which once ran prisons as a sort of farm subsidy program, is still tight with money and the people of Florida are not concerned.

The hub of the system is here at Raiford, a collection of buildings that constitute the state prison and house 2,900 convicts, about 51 percent of them black.

George Baker lives in the "maxi-maxi" joint, the East Wing, which is surrounded by two high chain link fences topped by rolls of barbed concertina wires and separated by a pack of mean, prowling dogs.

A structure in the style that wardens in some populous Northern states have been clamoring for, it is designed for men who can't adjust to life in a normal maximum security facility.

It was built in 1962 and houses 1,206 in individual cells. Baker's cell is at the rear of the building, where the most obvious homosexuals, the prisoners with mental problems, and most of the disciplinary cases are kept.

Baker is one of the disciplinary cases.

Recently, he came before his classification team, a board composed of a guard in his unit, his prison social worker, and his work supervisor. Such a team decides if a man enters or leaves solitary.

Jim Tompkins, the assistant superintendent of East Wing, was showing a visitor through the institution, became interested, and wound up sitting on the board himself.

Baker, in a soft, cool voice, told the team he had 97 days left to serve and that he intended to serve them out in solitary.

Tompkins reviewed Baker's record—four convictions, including larceny and breaking and entering, and three escapes.

"Look, I just hate to see any guy walk out from the back of this building and out the front gate," he began, pointing out that Baker could begin adjusting to life outside by going back into Raiford's other major building, "The Rock." There, inmates live four to a cell, work and have some leisure time activities.

"I just don't like to be around a lot of people," said Baker.

"You know the holiday season will be coming up. We'll be having some long weekends. There'll be a lot of holiday stuff and professional football on television. You won't want to miss that," Tompkins replied.

Baker replied that he would pass it up.

There was some discussion of what job Baker could do if he wanted to work, which he refuses to do. Previously he had the usual prison jobs—auto body shop, the farm, some electrical work.

Someone suggested he might like maintenance. He turned it down.

After some prodding, he said the real reason he didn't want to go back into the regular cells was because he doesn't like Negroes.

"But there are black people outside," George the guard noted.

Baker thought that over for a moment.

"I know, but I can't get along too well with colored people. They get on my case and I get on theirs."

Tompkins tried again. "You should go out and get some sun on you, you're real pale." Baker shook his head.

Tompkins persisted, telling Baker he should at least be making some plans for his release.

"You know the amount of money we can legally give you don't get you very far . . . when you get out your belt might pinch and you might feel you have to do something that will get you into trouble."

Baker shrugged. "That's what always happens."

Tompkins aagin: "Have you ever taken any thought about what you're doing to your life, Baker?"

"Yes, sir," came the answer, with no expression and no hesitation. "I'm throwing it out the window."

### AN OLD IDEA

The story that includes George Baker began about 200 years ago. That is when a group of Americans, primarily the Quakers, came up with an idea for prison reform that had lasting effect.

They reasoned that prisoners should be kept separate, both to reflect on their past failings, and so that they wouldn't corrupt each other, and they added in the idea of hard work.

Today, despite generations of prison "reformers," the basic idea remains largely unchanged. The layman who tours prisons in the United States sees that the 20th century's major contribution to the pattern of everyday prison life has been the television set.

The cycle of prison life survives the most damning exposures. The case of George Baker, for example, comes in a state that has produced the best proof to date that failure is literally built into the system.

The director of the Florida Division of Corrections, Louis L. Wainwright, became nationally known as of March 18, 1963. He is the Wainwright of the landmark Supreme Court ruling then, in the case of Gideon V. Wainwright, that anyone accused of a serious crime has a right to a free lawyer if he can't afford one himself.

The ruling against Wainwright meant that not only Clarence Earl Gideon, but ultimately 1,251 other Florida convicts, had to be freed.

Newspapers and politicians made grave statements about the impending "crime wave." Wainwright decided to do a statistical followup to see what actually happened.

The study showed that only 13.6 percent of those freed later returned to prison. In a statistically matched group of inmates released at the normal end of their sentences in the same period, almost 12 percent more—a total of 25.4 percent—later returned.

The Gideon group even performed slightly better than a matched group of prisoners selected by the State's Parole Board for early release.

The study nailed down a conclusion that criminologists and some prison officials have argued for years: The longer a man stays in prison, the greater the likelihood that he will return.

But "that study hasn't seemed to pick up much reaction," Wainwright told an interviewer recently.

It didn't even have anything to do with the rise in Florida's parole rate the past couple years, he said.

The Parole Board operates as an independent political entity, and Wainwright described his early battles with it.

For years, the conservative-dominated board allowed paroles for only 38 percent of the prisoners, while other Southern states were paroling 63 percent. The rate finally started going up in 1969—"That's when the former head of the Parole Board died," Wainwright said—and now exceeds 50 percent.

Partly because of the low parole rate, Raiford grew to become one of the nation's largest prisons—3,500 men as of last February.

The growth is also attributable to the fact that since 1913, when it was built, until about 10 years ago, Raiford was under the scrutiny of the Agriculture Committee of the State Senate.

According to several longtime observers, the committee chairman and some former governors saw to it that nearly every dollar earmarked for prisons went into Raiford's senatorial district.

"It was sort of an agricultural subsidy, a way to provide jobs," one source commented.

### HOW CHANGES OCCUR

Wainwright, a former guard and police officer who grew up in the rural area in north central Florida, near Raiford, became head of the newly organized Division of Corrections in 1962.

As he explains it, he has lobbied for reform vigorously, but change never came until after something happened.

He argued for the closing of some of the road camps because they were wooden and dilapidated. The state didn't close them until after one burned down and a number of prisoners were incinerated.

He argued that Raiford's medical facilities were grossly inadequate. Change didn't come until after newspaper columnist Jack Anderson printed an expose.

He argued that Raiford's population should be reduced. That didn't come about—by moving prisoners to other institutions—until after a massive disturbance last February.

The disturbance occurred when 1,350 inmates were massed on the athletic field, in part to protest Florida's policy of paying prisoners nothing for labor in prison industries. It ended with six prisoners wounded, after guards were ordered to fire on the crowd.

Wainwright later blamed the disturbance on columnist Anderson and said the men had to be cleared from the field because it was feared they would "sexually attack" each other.

The incident, in which inmates also were gassed and beaten by guards, produced a storm of public criticism. Wainwright's boss, Dr. James A. Bax, head of the state's Department of Health and Rehabilitative Services, issued a report that was strongly critical of his explanation.

Bax, now with the Department of Health, Education and Welfare in Washington, said of Wainwright:

"I have nothing against him. I guess as far as the heads of corrections departments go, Wainwright's a pretty good one."

However, Wainwright labored for years, he said, to close the prison system to public scrutiny, denying access to newspapers and community groups.

Wainwright had close ties to rural elements in the state legislature and in state agencies and "set himself up as the system's only spokesman," Bax said. "If it didn't get what it needed, then I guess he's not a very good spokesman."

Wainwright stoutly defended his role in the demonstration, and he pointed to the bright spots of his tenure, including constuction of a string of smaller institutions.

Lately he has been pushing for higher salaries for his guards, who begin at $461 a month, and have an unnerving job. There have been 27 escapes at Raiford since February.

Wainwright also noted that the statewide system—9,500 inmates—has just hired its first full-time psychiatrist, a man who can devote four days a week to prisoners.

"Of course that's not enough, but remember, before this we didn't have the money to hire any."

"You have to remember," Wainwright added, "the public just doesn't care about corrections."

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[From the Washington Star, Jan. 13, 1972]

## A Tarnished Model

(By John Fialka)

In California, the prison system is like oranges. You sell it.

"We have the best one in the whole world," the head of the California Department of Corrections, Raymond K. Procunier, told a recent conference of prison experts in Williamsburg, Va.

"If anyone can come up with anything we haven't tried in our system, I'll give them 50 bucks," he added.

There were no takers at the conference. There probably would have been thousands had he made the statement in California.

There, the prison system has been heavily criticized in the two years since January 1970, when a guard at the Correctional Training Facility in Soledad, Cal., killed three black inmates during a fracas in an exercise yard.

A few days later, a white guard was killed. Black revolutionary George Jackson and two other black inmates were charged with the murder. They soon became known as the "Soledad Brothers," and attorneys and a variety of groups, many of them from the far political left, rushed to their defense.

The ferment soon spread through the entire system, which has 13 major institutions, 20,000 inmates, 3,500 guards and an annual budget of $127 million.

Prisoners in the maximum security prisons at Folsom and San Quentin staged work and hunger strikes.

Suggestions, demands and bombast showered down on Procunier, 48, a clever, tough, former guard who worked his way up through the California system and was named director of corrections in 1967 by Gov. Ronald Reagan.

The controversy quickly spread into the national media. According to James W. L. Park, associate warden at San Quentin, Jackson spent eight solid weeks in the visiting room giving press interviews.

If the prison system was not the most publicized social issue in the state, it became so after Jackson was shot down last August as he led an escape attempt that coincided with the killing of three guards and two inmates.

As the criticism grew, the guards in the prison system responded by forming "safety committees" and offering suggestions of their own. Among the items they have recommended are submachine guns and gas grenades for the gun towers and flack suits for the riot squad.

### EXPATRIATION CONSIDERED

Last fall, the California Correctional Officers Association, which claims to represent 90 percent of the guards, issued a straight-faced announcement that it was looking for ways to implement a demand by radicals that political prisoners be allowed to take up residence in a neutral, "non-imperialistic" country.

The general response in the state has shown primarily that, in times of crisis, prison systems are among the institutions most resistant to change.

"Tear Down the Walls" was the slogan most often heard from radical prison critics over the past two years. But other radicals and moderates alike have offered many suggestions that have been both possible and reasonable.

For instance, Fay Stender, the San Francisco lawyer who first defended Jackson, argues that the basic problem of California's prisoners is powerlessness. She suggested one relatively simple way to give them some basic rights. Let them choose ombudsmen to bring their grievances outside the walls.

The idea currently is being considered by prison administration in at least six states as a way to prevent crisis situations.

### FAIR HEARINGS URGED

Another suggestion she has made is to reform the disciplinary process to assure a fair hearing before an inmate is thrown into "the hole," or solitary confinement.

These two ideas were among 75 bills drawn up last year by the California Legislature calling for administrative reforms of the prison system.

Procunier opposed nearly every one of them, arguing that the changes either were unnecessary or would interfere with proper management of his department.

One bill was passed, that to provide ombudsmen. However, it was vetoed by Reagan, supporting Procunier's stand. A much-modified version of that idea later was adopted.

Despite its resistance to demands from the outside for changes, California's prison system often comes out on top in comparison with other state systems.

It has and uses more resources.

It has, generally, a higher education and training level among its staff. There are more psychiatrists working there than in any other system, including the Federal Bureau of Prisons.

It also has pioneered many educational and community programs in corrections.

### ONE OUTSTANDING PROGRAM

There is one program that has overshadowed all others. It is a relatively unpublicized venture, begun in 1966, called probation subsidy. Under it, California pays its counties not to send people to prison.

Currently, 46 of the state's 58 counties are participating in the program. They receive up to $4,000 for each offender they agree to keep on probation under county control.

The state has been pumping as much as $14 million a year into country probation departments and other services designed to rehabilitate people in the community.

The result has been that the California prison population has dropped from 28,000 to 20,000 in two years and is going steadily downward.

For the first time, each inmate has a single cell. Reagan has announced that San Quentin will close in 1975, and portions of Folsom already have been shut down.

Washington recently adopted a similar subsidy system and other states have expressed interest.

Because of the program's size and its impact on the system, Floyd Feeney, director of the University of California's Center on Administration of Criminal Justice, calls it the "largest single correctional experiment ever undertaken."

### JUSTICE DEPARTMENT GRANT

Feeney is working under a grant from the Justice Department to determine how the experiment has worked out. Among the things he hopes to find out are how many people it has kept out of prison and the effectiveness of the subsidized community programs.

The impact on the California Department of Corrections has been, as one official puts it, "unbelievable."

Ten years ago, the department worked up a master plan that resembles the growth patterns and ambitions of most prison systems in the country.

The inmate population would go up rapidly as the population grew and street crimes increased, they reasoned, so new prisons would have to be built at the rate of one every few years. By 1972, they projected, there would be 32,000 inmates in the system—12,000 more than the number now there.

The reversal of the growth trend was an accomplishment that many criminologists long had believed to be impossible.

Probation subsidy is believed to have produced one terrible side effect, however. Corrections officials argue that it is the principal cause of the increase in prison violence, because it has tended to produce concentrations of inmates charged with violent crimes.

### NO COUNTY GUIDELINES

There are no guidelines to the counties under the program as to which criminals they keep on probation, and which go to state institutions. They are keeping the good risks and sending to prison the poor ones.

In 1960, 30 percent of the prison population was there for homicide, robbery and assault. Today the proportion has risen to 45 percent.

The rate of violence against guards has soared. From 1953 to 1970, only four prison employes were killed. In 1971 alone, seven were murdered.

In 1970, 11 convicts were killed, most of them murdered by other convicts. Last year, 15 convicts were killed.

"Ten years ago we had the alcoholics, and checkwriters and small-time burglars. Those were guys that when you got them clean and stabilized, they helped you run things. We haven't got them anymore," said Philip Guthrie, information officer for the Department of Corrections.

The new potential for violence is coupled with mounting evidence that there are some organized revolutionary groups both inside and outside the walls bent on directing violence.

### NO PAT FORMULAS

"It's not like racial disturbances," says San Quentin's assistant warden, Jim Park. "We've got that goddamn near down to a formula. You start having race hassles and you lock everybody up and feed them sack lunches for a couple of days.

"But with the revolutionary ethic, you're faced with a perimeter problem."

Guthrie believes troublemakers are still a relatively small percentage of the prison population. But until ways are found to isolate them, he said, many reform-minded programs will have to wait. "The violence has almost ground us to a standstill."

Some reforms, including a program to allow inmates' wives and family to visit them for up to three days in special apartmentlike areas inside the institutions, are continuing.

According to Guthrie, this conjugal visiting program has been implemented in eight facilities, including San Quentin, and there are plans to install it at Folsom, the state's most secure prison.

"We want to do it in the security areas because some guys who have just blown their top might benefit from a visit with the wife and kids."

But the state's most lenient institutions, the work camps in remote areas, mainly for fighting forest fires, have been crippled by the change in the nature of new inmates.

### TEN CLOSED RECENTLY

Ten of the 35 camps have been closed in the last five years.

"These old alcoholics and check-writers were real good campers," lamented George Winters, the man who designed the work camp system as a basic reform in the 1950s. "They still try to get the nonviolent types in the camps, but that's getting to be tough."

In the turmoil following Jackson's death, people who previously had no contact with prisons went to San Quentin's main gate to offer their help. Several asked to just talk with an inmate. They were turned away.

"We don't accept outside volunteers unless they have some specific skill," Park said. "Do-gooders can't help. They don't know what they're talking about.

"Waves of public concern about prisons are periodic in this country. They come and go every 30 years. With each one, there is some advance. There will be with this one. But afterwards the public will forget and we'll be left again with the problem," he said.

In the wake of this concern, two new programs were announced recently by the department—an "ombudsman" system and a "reform" in the disciplinary process.

### SELECTED BY DEPARTMENT

Unlike most outside suggestions, which contemplated an ombudsman selected for each prison by the inmates, the state's plan provides for the ombudsman at each institution to be an employe selected by the department.

The new disciplinary process will not give the accused inmate a jailhouse attorney, or someone from outside, to help defend him against charges that may send him to the "hole."

Instead, he will be able to choose from a list of "staff assistants," or correctional employes who volunteer to aid prisoners.

"We have top-notch people," said Guthrie. "It may be we are doing the best job possible with this kind of a system."

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[From the Washington Star, Jan. 14, 1972]

## MENTAL LOCKSTEP

(By John Fialka)

*"The only thing the prison system cannot stand would be the free enterprise system."—David Fogel.*

The lockstep was once the hallmark of American prisons. Long lines of prisoners walked single file, their heads cast downward, each man with his hand on the shoulder of the man in front.

Silence was strictly enforced. The only sound was a slow shuffle.

At daybreak, the men shuffled off to breakfast and then to work. After work ended in mid-afternoon, the lines shuffled to dinner, the exercise yard, then back to the cells.

They don't use the lockstep anymore. But in many prisons, the same routine goes on without it, in a mental lockstep of resistance to new ideas and directions.

Those who have broken this routine have often come from outside.

The idea of probation and parole, for example, came from a Boston bootmaker, John Augustus, in 1841. And it was a manufacturer of chemicals, Louis Schweitzer, who came up with bail reform, in the late 1950s.

Now comes a college professor, David Fogel, who hopes to change the nature of the major feature of life inside prison walls, the work day.

He wants to bring in private enterprise. He hopes to pay the "outside" prevailing wage to prisoners making goods to compete in the open market.

If his ideas take hold, it could revolutionize prison industry, a vast wasteland of human endeavor where wages are pennies per hour, and where people are often trained on obsolete machinery to produce goods that cannot be sold.

Unlike most college professors, Fogel is in a position to implement his idea. Last year he took over as head of the Minnesota Department of Corrections, taking leave from his post as a criminologist at the University of California at Berkeley.

Inmates who work under the present system in Minnesota earn 75 cents a day. They make a variety of goods including the "Minnesota line" of farm machinery which is sold within the state on the open market.

Fogel plans to expand the farm machinery line and introduce more manufacturing processes using new technology, including the production of polypropylene rope.

Once the products develop a sufficient market, he will attempt to raise the pay to the wages prevailing outside.

Prisoners would be required to pay for their room and board. They could be in a position to take their families off welfare.

When they left prison, they would be equipped with training in proven, marketable skills such as welding, design, painting and plastic extrusion, skills that could help them stay outside the walls.

And instead of the bare savings some now manage from prison labor, plus the prison "farewell" which around the nation runs up to $50, they might have enough cash to make a new start.

For the prison, the pressure of outside competition should keep the equipment and the processes from becoming obsolete.

"It is a new ballgame," Fogel says. "The only thing the prison system cannot stand would be the free enterprise system."

### SYSTEM IN USE ABROAD

Prison industry is used effectively to teach trades in Sweden and Japan.

In this country, however, the potential for industry as a training device was severely restricted during the depression. Most states—Minnesota being an exception—passed laws requiring that prison industries produce only goods that are needed by state and local government agencies.

Pressed by organized labor, Congress followed suit in 1941, prohibiting shipment of convict-made goods across state lines.

The tangle of restrictive laws and the lack of imagination to overcome them has led to a world of work behind bars where wages begin—as they do in California—at two cents an hour, and men learn noncompetitive skills such as license plate manufacture.

There are some scenes that seem straight from Charles Dickens.

When the whistle blows in the early morning darkness at the Illinois State Penitentiary at Menard, inmates still file into the chewing tobacco factory.

An assistant to the warden, taking a visitor on a tour of the facility, admitted that the inmates, many of whom are young men from the city, do not have much interest in either making or chewing tobacco.

"But you know, we send a lot of it over to the state mental hospitals. Some of the patients over there still like it," he said.

An elderly guard who watches over the process spoke fondly of the past, when long prison terms were more common.

"You don't get inmates you could work with like you used to . . . I remember . . . one of them we called old Dry Bones. Dry Bones would work all the time. He was here for 38 years. No sir, you didn't have to watch over him."

At Menard, the most industrious workers can make up to 45 cents a day.

In some state prisons, that would be an extremely high wage. Florida, for example, pays nothing. Even there, prison industry does not always save state money.

At the Florida Correctional Institution, a facility for women at Lowell, the superintendent of the sewing factory showed a newly made sheet to a visitor.

"That's good stuff, we send them to the state hospitals. They don't always get them from us, though. Sometimes we are underbid by some of the big outside outfits."

At Growlersburg, Calif., a visitor was given a tour of a state forestry camp for prisoners in which there was a completely outfitted shop for cabinet-making. Only persons who had had cabinet-making experience before they were convicted could use the facility, he was told, because there was no money in the budget for a teacher.

### YEAR'S LOSS OF $181,000

A recent study of the prison industries in the California system, which pays between 2 cents and 35 cents an hour, found inmates learning jobs on obsolete machinery in a cotton textile mill that produced a net loss of $181,000 in one year.

The study, prepared by the State Assembly's office of research, found that several other prison industries, despite their cheap labor costs, could not compete with private industry. The "employment provided is little better than idleness," it concluded.

(Compared to some systems, the D.C. Department of Corrections is fat city. Inmates receive 8 to 60 cents an hour for a variety of jobs such as manufacuring license plates, fire hydrants and manhole covers.)

It is not surprising that low or nonexistent wages have been a major issue in recent prison disturbances. One of the first complaints raised at Attica Prison in New York during the revolt there last year was that inmates received only 25 cents to 30 cents a day making metal office furniture.

In fact, controversy over work and wages has helped undermine innovations in other areas of prison life.

One place this happened was Colorado State Penitentiary at Canon City, where Warden Wayne K. Patterson had established what was possibly the nation's largest program of self-help projects.

Patterson, a former state trooper and parole system administrator, did not set out to be an expert on cost-free prison reform.

But over the years, as his prison population dropped from 2,200 to 1,330 due to more enlightened parole procedures, he found that the Republican-dominated state legislature was steadily cutting his budget.

"You can't really cut security very far because the guards get edgy and the danger is still there. So you have to (cut) elsewhere," he explained.

Elsewhere, it developed, was the prison school and vocational training programs, which suffered budget cuts of as much as 35 percent a year.

Patterson looked around for a solution. It began, he believes, with an outside offer of a free Dale Carnegie course.

The Dale Carnegie graduates, full of speech training and positive thinking, had to have something to do, so Patterson began a series of self-help groups that met at night and grew to cover 18 subjects, from black and Chicano culture to behavioral research.

### MOVIE PROCEEDS USED

To finance the self-help groups, Patterson developed what he calls a "benign form of socialism," charging inmates a small fee for weekly movies and turning the gate over to the self-help club treasuries.

Patterson also began bringing in tourists during the daytime, charging them 50 cents a head for tours of the 83-year-old prison. Last year there were 40,000 paying visitors.

The tourists were taken through a cellblock and into the penitentiary's craft shop, past displays of painting, sculpture and other work done by the "Walled-in Art Guild," one of the self-help groups. The money earned by the craft shop, several thousand dollars a year, went into inmates' savings accounts and toward purchase of more art supplies.

Another self-help group was the Behavioral Adjustment Research Society (BARS) which held panel discussions on various intellectual topics. One recent panel discussion included representatives of womens' liberaation groups and three convicted rapists.

### DROPOUTS DROP IN

LADS, the Latin American Development Society, brought in high school dropouts from nearby Pueblo for weekly evening meetings. Tom Cordova, a Pueblo mailman who escorted the teen-agers into the prison, told a visitor that "as far as juvenile delinquency goes, this is the only thing I can think of that will work."

"I mean these guys inside are these kids. There is this thing they have, you know, manliness or machismo. These guys inside can show them how that can get them in the penitentiary."

In the prison, LADS held the state's first Chicano consilio, a meeting of more than 100 representatives from various Spanish-American groups.

During the last week of October, a reporter who was allowed to roam freely inside the penitentiary found general agreement among the 20 inmates he talked to that Patterson's efforts were respected, even admired.

They said homosexuality, once rampant, had become infrequent, and there had been only two fights in recent years.

Perhaps inmate Jerry Nemnich, editor of the prison magazine, the "Interpreter," put it best. Several Chicano youngsters, overflowing from the LADS meeting next door, were playing in his office one evening as he stuffed inserts into his latest issue.

"There is an almost constant presence of people from the outside going in and out. We come to think of it as a normalizing factor, a safety valve. The first time anybody hurts anyone from outside it will be all over, for him I mean. He'll have to deal with us first," Nemnich said.

Patterson brooding over a cup of coffee in the prison's snack shop on Oct. 29, acknowledged he had some problems. Permitted a modicum of freedom for the first time, inmates had begun to demand more.

"Once you get something like this going," he added, "you wonder where it will all end."

Most of it did end soon after. On Nov. 2 more than 1,000 inmates began a seven-day work strike. Although there were a number of issues, including inadequate food preparation, the main one, it developed, was that most inmates received only about 20 cents a day for working in the prison's license plate factory, soap factory and cannery.

The guards, backed up by state police, broke the strike by locking the men in their cells and feeding them sandwiches until tempers cooled. Prison buildings were damaged some, and there was one injury, an inmate who attempted to slash his wrists, according to Patterson.

The major casualty was Patterson's self-help programs. The penitentiary again shuts down at dusk, as it did before the Patterson era. Tourist season is over.

"We'll just have to keep things quiet for a while," he said. "This seems to be a nationwide kind of thing."

Prison systems may be the most difficult social institutions to change, as several wardens and prison administrators agreed in interviews.

Some blamed the "rigid" bureaucracy of prison staffs. Others pointed to the prison system's central position within the larger state bureaucracy as the producer of the license plates, the metal office furniture, the very wares of bureaucracy itself.

One administrator, M. Robert Montilla, who recently resigned as deputy director for administration of the D.C. Department of Corrections, said that because change is difficult, many prison administrators concentrate on the "posture" of change.

"The history of reform so far has been tokenism. A lot of leaders like to have a posture of progressivism. One, because it's satisfying professionally; and two, because it helps in dealing with the inmates.

"If their leader is always advocating change, it is difficult for inmates to organize against the system," Montilla said.

### REMAINING ON THE EDGE

"The successful correctional administrator always tries to remain on the edge of the reform movement. But he does not go so far as to actually do anything."

But change is coming.

Recently a wave of lawsuits, brought by ACLU attorneys, radical groups and sometimes the prisoners themselves, has begun to bowl over prison administrators.

Two have occurred in the Washington area. Judges have rewritten the administrative rulebooks for Maryland's Patuxent Institution and the entire Virginia prison system.

Radicals and other activists, departing from the waning anti-war movement, have begun to focus on the inadequacies of prisons.

They are finding much in the way of ammunition: Disciplinary systems that depend on the whim of a guard, parole boards that do not keep track of prisoners, a lack of effective inmate grievance mechanisms, and a morass of mail censorship rules and visiting restrictions often not directly related to security.

The Supreme Court ruled for the first time that prison inmates have a constitutional right to force prison administrators to publicly justify routine disciplinary measures including solitary confinement.

The unanimous opinion reversed the traditional rule that courts will not inquire into the internal operation of prisons except in "exceptional circumstances."

The lawsuits and the threat of lawsuits to come have begun to weigh heavily on wardens' minds.

Elza Brantley, warden of the Illinois State Penitentiary at Menard, recently ordered his guards to carry little plastic cards with the warnings required by the U.S. Supreme Court in the Miranda decision.

The guards read them to inmates charged with serious infractions of prison rules. The cards, identical to those used by Illinois state police, carry out the court's mandate to tell the accused he is entitled to keep silent, to have an attorney and to have an impartial trial.

Not that inmates at Menard will really have an attorney or even another inmate to support their version of an incident before they are sent to "the hole." That decision is still made by a panel of guards.

"Some day, we might have to do the whole thing," Brantley told a recent visitor. "I'm afraid of it."

Philip J. Hirschkop, the local attorney who successfully attacked the Virginia system, recently told a group of lawyers interested in prison reform that they should never lose a prison suit, because they are so "easy."

"All you have to do is get the warden or the superintendent on the stand, rob them of their veneer and then ask them why. Why? Why? Keep pounding it in. Why do they do it this way? Why?

"I haven't found one yet who could answer," he said.

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[From the Washington Star, Jan. 16, 1972]

## THE MACHINE

(By John Fialka)

Like some giant machine that no one knows how to turn off, America's prison system keeps building large new prisons in rural areas.

A team of experts that is completing what may be the most thorough study of modern prisons yet undertaken has visited 100 prisons in 31 states, all built in the 1960s and nearly all standard products of the machine.

"You know, we heard a lot about community-based programs. This has been the rhetoric lately. We heard a lot about small institutions, too," said William Nagel, a former prison administrator who heads the team for the American foundation, which undertook the project for the Justice Department.

"But what we have seen has been quite large, quite isolated and quite traditional."

A reporter who visited prisons across the country and talked to more than 51 wardens and prison system administrators found no one who would defend the process.

Before beginning their travels early in 1971, Nagel and his colleagues, an architect, a psychologist and a researcher, steeped themselves in the literature of corrections.

It is established dogma, they found, that new prisons should be small, with a capacity of 300 to 500 inmates. The presence of a larger number of prisoners thwarts individualized treatment and brings on an almost constant preoccupation with security.

Furthermore, according to National Crime Commission reports and nearly all other writing done on corrections in the 60s, prisons should be close to major cities, where the prisoners largely come from and where educational, medical and other necessary resources are located.

Yet most of the team's travels have been from remote airports down country roads to places that are difficult to find, even on state maps. The capacity of the facility at the end of the road was almost invariably, between 500 and 2,000 inmates.

"Everywhere we would go we would ask them, 'Why the hell did you put it out here?' They would always tell us it was one of two things," Nagel explained to a visitor in the foundation's Philadelphia office.

### "BETTER EMPLOYES"

"It was either 'The head of the (state senate) judiciary committee lives around here,' or 'You get better employes out here,'" said Nagel. "That's code for white employes."

Nagel is convinced he has discovered who runs the machine.

"Almost universally the heads of corrections are white, rural, middle-class Americans, and they like to work with white, rural, middle-class Americans . . .

"It is a self-perpetuating sort of thing. The rural high school athlete gets a degree and goes into the system. He becomes a lieutenant, captain and then goes into the central office, takes charge of recruiting and the whole thing starts over again."

This cycle, he says, makes it impossible to mount effective programs to recruit guards from urban minority groups, the groups that in many states make up a majority of prison inmates.

The goals of the white, rural, middle class often shape the program and even the architecture of new prisons, Nagel aserts.

"We have seen a lot of make-believe programs. For instance, the college degree programs. That's the kind of window dressing that looks and sounds good.

"But in this world where, God knows, we are terribly short of every kind of artisan and craftsman, they don't begin to address the problem."

### CHAPELS FREQUENTLY PROMINENT

In the many slides the Nagel team has returned with, the most splendid part of a new prison depicted is often the chapel.

"Chapels burn me up. More window-dressing. They should be a multi-purpose area. Everybody seems to have an input into this stuff except the inmate," Nagel said.

According to Romaldo Giurgola, the architect who accompanied Nagel, the great majority of new prisons visited were merely refinements of models of prison buildings devised in the last half of the 19th century.

"Most architects have never built a prison in their lives. So they'll sit down with a correctional official and he'll say, 'Well, we don't want to use a lot of people to guard them.'

"Then they go to the people who know most about that, the iron grillwork people."

Both Giorgola and Nagel feel that the "hardware experts," invariably called in by architects as consultants, often have the major influence on how a new prison looks and feels.

Security, because it is often seen as the sole purpose, dictates long, sterile corridors, much grill work, and cells where even the steel toilet is visible from a distance.

Nagel suspects these "new" prisons create "an almost Kafka-like lack of reference" that tends to inhibit rehabilitation by making the prisoner feel like a number.

### WIRE ADDS TO THE EFFECT

Sometimes he has found wardens who are quite honest about it.

"I found one who had strung concertina wire all over the place and I asked him 'Why do you need this stuff? It makes the place look like a concentration camp.'

"'Well,' he told me, 'that's what it is.'"

There were only a handful of new "correctional institutions," the team found, that looked like they could be places for correction. But even the best of these are in the hinterlands.

New Jersey has just opened one of them, a barless, campus-like facility in Leesburg, N.J., near Delaware Bay, about as far as possible from the state's most populated areas.

Another is the Correctional Center at Vienna, Ill., a minimum security facility for no more than 500 inmates that looks more like a new town than a prison.

Nagel and others who study prison construction say Vienna is one of the best, despite its rural setting. According to Peter B. Bensinger, director of the Illinois Department of Corrections, the facility was built in southern Illinois, near Paducah, Ky., and more than 300 miles from Chicago where most of the prisoners come from, for a familiar reason: "Vienna was Powell's hometown."

### LEGENDARY STATE FIGURE

The reference was to the late Illinois Secretary of State Paul Powell, a legendary figure in state politics who amassed a fortune of $2.8 million while in office and in control of much of the state's patronage.

But Bensinger, a wealthy, 36-year-old, Yale-educated businessman, who recently took over the Illinois prison system, says the days when the Powells commanded the prison planning machinery are over, at least in Illinois.

He plans to develop four more Vienna-like facilities, each to be located near a major city. For now, his showplace is at Vienna (pronounced Vy-enna), a town of 1,325.

When the planners and archeologists of the 21st century set about to trace the peculiar evolution of the U.S. prison system, they will find it all there.

It was planned to be a work farm, in the early 1960s. In the first building constructed, there is a six-sided cement pillbox, complete with bullet-proof windows, gas-proof air vents and rotating gun ports. The pillbox was designed so one can could hold off the prisoners in the building's maximum security cells.

Pictures now hang over the gun ports. The pillbox has never been used because a change in administrations brought a change in plans for Vienna.

It was transformed into a fenceless minimum security facility, where inmates live in single, dormitory-like rooms in structures that look like townhouses.

Walking through Vienna, an outsider finds himself wondering where the real estate salesmen are, or why they haven't put up the signs for the model home.

There are still some signs of the old order. For instance, there is not one but two chapel buildings. These structures helped run the cost for Vienna up to $18 million.

According to Donald E. Hood, the assistant warden, the distinction among inmates, guards, counselors and teachers at Vienna has purposely been blurred to create a community feeling.

The guards wear green blazers and pastel dress shirts that have only a tiny insignia pinned on the collar. They often can be found working with the prisoners, dishing out food in the dining hall serving lines or helping out in the vocational shops and in the farming operations.

### CROSS SECTION OF INMATES

Since the first prisoners arrived in 1965, Vienna has seen a cross section of the system's inmates, some charged with the most violent crimes. The typical inmate is one who has obeyed the rules in one of Illinois' four large, walled prisons and is rewarded with a transfer to Vienna.

Vienna has gone as long as 2½ years without an escape. Recently, however, there have been eight successful "walkaways," and the townspeople have been talking about the need for a fence. The administrators don't want it.

"In an institution like this, your best security is good programming," said Hood, as he showed a visitor through the vocational area, which includes a typewriter repair shop, an automotive shop, and a laboratory where a course is taught in the technology of water pollution control.

Despite its philosophies and its price tag, however, Vienna is still lacking the organization it needs to become the "therapeutic community" that Warden Vernon G. Housewright envisions, with "neighborhood" inmate committees helping to run things.

"So far," he said, "about all I can say is I can't remember the last time we had a fight."

The United States may see more Viennas, not because state prison planners necessarily want to build them, but because new federal aid is likely to have a major influence over design.

In a 1970 amendment to the Safe Streets Act, the new aid was made available for states and local governments who want to remodel or rebuild their jail and prison systems.

The U.S. Senate's main prison buff, Sen. Roman Hruska, R-Neb., and a former aide, Omaha lawyer Robert J. Kutak, who drafted the legislation, earmarked the money for small, community-based facilities.

As a result, the Justice Department's Law Enforcement Assistance Administration has set up a clearinghouse where architects, working with criminologists, must approve plans before they are funded.

They are now reviewing plans for more than 300 institutions, including designs to remodel the entire prison systems of Maryland, Maine and Hawaii.

According to Fred Moyer, the 34-year-old architect who heads the clearing house, located near the campus of the University of Illinois in Urbana, those who want to build a prison or jail with a population larger than 400 or costing more than $8 million can go elsewhere.

### NEW BARGAINING POSITION

For an architect, it is an unusual position. "The architect always had problems dealing with the local sheriff. If the sheriff didn't get what he wanted, he'd go find another architect," said Moyer.

He riffled through a sheaf of plans on his desk, coming up with the design for a new regional detention center.

"Look at that. Here is an example of what we're talking about. What they want is a steel tank. We'll have to press them for some modifications."

Dr. Edith E. Flynn, a criminologist who works with Moyer, agreed: "So often the local jail people have come up through the ranks and all they know is they need security, tool-proof steel.

"What we want to do is have the security, yet remove the 24-hour statement of security that you get with bars. And the design should be based on treatment rather than the least possible heat loss."

Moyer is looking into modular, prefabricated units, used for college dormitory construction, that can be adapted for prison use.

After touring many prisons, including several where he saw evidence that inmates can tear up "destruction-proof" steel plumbing fixtures when they are angry enough, he is convinced there has to be another way.

"When you make it out of steel, you are almost asking some one to try and destroy it. What we have to do is try and make things likable."

### FUSSY ABOUT TRADEOFFS

Moyer is fussy. When tradeoffs are made for increased security, there must also be an effort, he believes, to develop services that will help get people out of the system, such as alcohol and drug treatment programs.

The clearinghouse may be in for a brisk business. Eighty percent of the local jails in this nation are more than 100 years old. Most of its prisons approach that vintage. Local governments are running out of money.

What will happen in the millennium when the machine that keeps building fortresses in the hinterlands finally runs down!

"You know, it might seem odd, but I've thought about that," said Moyer. "A lot of those places have considerable land. They would make excellent wildlife refuges."

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[From the Washington Star, Jan. 17, 1971]

## THE PSYCHIATRIC GAP

(By John Fialka)

A few months ago, a scruffy young man with a hunched back walked back and forth in his tiny cell in the adjustment center of the Correctional Training Facility in Soledad, Calif.

He made strange, animal-like noises, refused to listen to the guards and covered the floor of his cell with garbage and excrement.

A psychiatrist, Dr. Frank Rundle, happened by and discovered that the man had an untreated arthritic condition, causing him to stoop.

The filth and the insane acting out, was "because he felt embarrassed and didn't want people around him," Rundle explained as he described the case to a recent conference on prisoners' rights.

In this age of sophisticated treatment, such a diagnosis should not be considered miraculous. However, the chance that a man locked in the "hole" will even get diagnosed is close to that.

In California the hole has the euphemism "adjustment center"—whatever it's called, it is the end of the line in a prison system. It is the place where men are sent who do not or, often, cannot adjust.

It is usually an isolated row of solitary cells where men may spend all day sitting on a mattress on the floor, counting the spots on the wall and waiting for a few minutes of exercise in a tiny yard or runaway outside.

Some of the men are there just for specified periods as a result of isolated disciplinary infractions. But generally, about 4 percent of inmates in a given prison system spend most of their time there.

Even if all the prison reforms under consideration were suddenly implemented, it is doubtful that these men would be reached.

They are often battered, broken men who have led violent lives both inside and outside the walls.

There is mounting evidence that their behavior is a result not only of mental attitudes, as has long been thought, but also of physical problems—and that these are interrelated.

Prisons across the nation have thousands of psychologists and counselors on their staffs, but their role is restricted. They can deal with mental problems, but not physical problems.

The man who can best deal with both, the psychiatrist, is more than likely not there.

According to the best available statistics, there are fewer than 100 psychiatrists working full-time in prisons—of a total of about 25,000 psychiatrists in the United States, which has about one-third of the psychiatrists in the world.

In California, which has 26 psychiatrists working in its prison system, more than any other state, Rundle was the only one for the 2,400 men at Soledad.

Florida has one psychiatrist for 9,500 prisoners. Virginia has none for 6,500. Maryland has one for the 5,000 people in its prison system. (The Patuxent Institution, which has seven full-time psychiatrists for 550 patients, is not considered part of Maryland's prison system.)

The District of Columbia has none for the 1,800 men in the Lorton correctional complex, although it has recently received a grant that will allow it to contract for psychiatric services.

According to Dr. E. Fuller Torrey, a psychiatrist at the National Institute of Mental Health who keeps track of such things, the great majority of psychiatric service goes to "a small elite at the upper end of the socioeconomic and intellectual population."

Torrey's statistics are jarring. There are more psychiatrists in three office buildings on New York City's Upper East Side than in all of the nation's prisons.

### FEDERAL SYSTEM

There are 21 full-time psychiatrists at a private, 84-bed hospital in Rockville. There are 13 full-time psychiatrists in the federal prison system, which housed 21,117 inmates at the end of December.

Many of the psychiatrists working in prisons are either "there because they were drafted into the federal system by the government, or there because they are foreign-trained and unable to get a job elsewhere," Torrey said.

He cited a study showing that 34 percent of the psychiatrists in Massachusetts would not accept a juvenile delinquent as a patient.

It is not only money that dictates the dispersion pattern of psychiatrists, he believes.

"In this business the typical patient is the Vassar-trained housewife, a moderately depressed middle-aged woman. Part of it is that psychiatrists like to talk to people who are in their own class."

Torrey, who has worked as a physician in the Peace Corps and in an antipoverty program in the Bronx, has put forward a plan to cut the federal education subsidy to students of psychiatry who do not plan to devote at least part of their time to public service. The United States spends $40 million a year on psychiatrists' education.

"It would not seen unreasonable to me that 1,000 psychiatrists should be dealing with the most severe problem in this society," Torrey said.

To say that those psychiatrists working in the system have their hands full would be a gross understatement.

At the California Medical Facility in Vacaville, which is believed to be the best equipped prisoner treatment facility in the nation, there are 9 full-time and 10 part-time psychiatrists.

### CHRONICALLY VIOLENT

They and their staffs must deal with 1,200 broken men, culled from all the California prisons. Among these are the human wreakage of the drug culture, people who have gone on permanent LSD trips and young men who suffer from methadrine (speed) psychosis.

There are schizophrenics, and there are about 100 of the prison system's more aggressive homosexuals.

There are those who want to mutilate themselves, and those who are chronically violent against others.

Medication is often an answer.

One of the chronically violent, a man in his early 40s, sat calmly on a window ledge as a Vacaville guard showed a visitor through a section of vault-like cells where the most dangerous inmates are kept.

"He's on medication," explained the guard. "If they don't take their medication, we put them in solitary. Most of them eventually come around to see it our way."

Medication at Vacaville usually means thorazine, stelazine, mellaril or any one of a large variety of powerful tranquilizers. A relatively new one, prolixin, can keep a patient tranquil for two weeks.

"We use a tremendous amount of medication in this place," said Kenneth Britt, assistant superintendent. "People used to argue that drugs only masked the problem. But look at the epileptic. We know for a fact that a lot of people can make it on the outside with medication."

According to Dr. Arthur G. Nugent, acting assistant superintendent for psychiatric services, who worked with mentally disturbed patients previously at Veterans Administration hospitals, the staff at Vacaville has had to resort to "much larger doses (of tranqualizers) than we ever used in the VA."

"I don't know whether it's because they're sick when they come to prison or what, but when they reach the California Medical Facility, they know they're at the end of the line. Sometimes we have to reach a level that would stone a normal person," he added.

According to Nugent and Britt, the field of "chemotherapy" offers the most promise in treating the disturbed criminal offender. Using volunteer patients, the staff has been experimenting with a variety of new drugs, included lithium carbonate, which Nugent described as a "normalizer."

The drug has had some promising results with prisoners who have histories of violent outbursts.

The most ambitious experiment at Vacaville involves construction of a special unit designed to house 84 inmates selected from adjustment centers in prisons throughout California.

### SYSTEMATIC STUDY

According to Max May, program director of the new unit, it will provide the Nation's first systematic study of the men who live in the "hole."

The unit will have a staff that, for prisons, is incredibly rich: two psychiatrists, a psychologist, two counselors and 31 guards.

They will reject preconceived notions of why men are violent and self-destructive, May said. "We will begin with an open mind."

It is only recently that testing has been begun to try to understand what it is in the body and mind of a prisoner that makes him violent or incorrigible.

According to one psychiatrist who has specialized in treatment of violent patients, the lack of such testing may be one of the main reasons 40 to 60 percent of the men released from prison eventually return on another charge.

He is Dr. Frank R. Ervin, associate clinical professor of psychiatry at Harvard Medical School.

The traditional thinking in corrections has been that people become criminals because they have character disorders brought about by their environment, Ervin said.

"It's not surprising then, that the system is set up to detect character disorders and to provide group therapy, remedial education and halfway houses to correct that," he said.

A substantial number of people being channeled through these programs can never be reached, he suspects, because they have undiagnosed physical disorders, primarly brain disease and sex chromosome abnormality.

His theory is based on tests of 134 people who came off the street into the emergency rooms of Boston hospitals saying that they were about to commit some violent act.

The hospitals turned away the majority. "Most psychiatrists won't take these people, and hosiptals don't like to work with violent patients," Ervin said.

The only institutions that regularly had room for them were the prisons and jails, Ervin found. Sixty percent had criminal records, including eight murders.

### EVIDENCE OF DISEASE

After a series of elaborate tests, Ervin concluded that 25 percent of the group had evidence of disease in the limbic lobe, the most primitive part of the human brain, the part that controls violent behavior.

Another 25 percent appeared normal but complained of a "funny feeling," a warning signal much like that experienced by an epileptic, that an urge toward violence was about to begin.

Ervin now hopes to take his research team, which includes a psychiatrist, a geneticist, an endocrinologist, a neurologist, a research psychologist and a statistician, into a prison to test its entire population. The Justice Department's Law Enforcement Assistance Administration has given tentative approval for funds for the project.

There is no known cure for limbic disorders. Ervin and a neurosurgeon, Dr. Vernon H. Mark, have had some success with brain surgery on patients who had intractable epileptic symptoms along with the limbic disease.

But Ervin believes surgery should be used only as a last resort. Once the disease is more clearly understood, he hopes, a drug may be found to control it.

### SEX CHROMOSOME TEST

Ervin hopes the testing also will reveal whether some prisoners in "the hole" are there because they have an extra male sex chromosome, the abnormality that is believed to cause antisocial behavior.

Based on preliminary studies done at the federal prison at Lewisburg, Pa., Ervin believes 7 to 10 percent of the population of a solitary confinement section may have the chromosome abnormality.

"Look at it this way," he said. "Until 100 years ago, criminals and the insane went into the same institution. Somewhere along the way someone made a distinction between the criminal and the mentally ill.

"Then people came along and further sorted out the mentally ill and made some progress. A lot of the physical causes were sifted out . . . but nobody has ever done that job for the prisoners. They still wind up in one big box."

"If I don't do anything else," Dr. Ervin added, "I'll produce an accurate medical survey of a prison. They don't even have that at the moment."

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[From the Washington Star, Jan. 13, 1971]

## San Quentin Life-Style—Knifings, Not Radicalism, "Normal"

San Quentin, Calif.—Talk about the new, radicalized prisoner who rages against the system infuriates Willie.

"You get a lot of bulls (guards) in here that think every convict is a George Jackson. I'd say that 98 percent of us don't want to get involved," he told a recent visitor.

Willie (the only name he will give you) is a product of what many people believe to be the most progressive prison system in the United States: The California Department of Corrections.

### "FOUR-TIME LOSER"

At age 32, he has come to accept the solid rhythms of life at San Quentin as home.

He has spent 6 years of his life behind bars and introduces himself to outsiders, not without a little pride, as a "four-time loser."

He is a "good convict," an example of the thoroughly institionalized inmates who, most experts agree, still constitute the bulk of the nation's prison population.

Willie lives on the honor block and has a "bonaroo" (soft) job as a clerk for a guard.

Now he talks about the "good old days," when he used to spend his leisure time strutting around the Upper Yard, a partially roofed open area that was, until recently, the center of the prison's social life.

Sometimes as many as 1,900 inmates milled around there. It was where reputations were made and rumors started. It was the place where some of the "tips," the inmate gangs, would square off, usually on racial lines.

### JOINED THE NAZIS

A former prison boxer whose puffy face testifies to many hours spent in fights both in and out of the ring, Willie belonged to the Nazis, one of the major white tips.

The Nazis frequently clashed with the blacks. Some blacks, especially the Muslims, remained aloof from the fights unless one of their number was attacked. Some whites, particularly the "Angels," a group composed of members and sympathizers of the Hell's Angels" motorcycle gang, did the same.

The Chicanos had three or four tips which fought among themselves most of the time, according to Willie.

Score was kept by knifings. "Say two blacks were knifed. Then they'd come back and try to shank (knife) two whites," Willie explained. San Quentin has had as many as 20 knifings in a year.

Often those stabbed were not part of the warring tips. They were "loners" or the elderly or men who simply had "wrong" color skin.

### KNIVES ALWAYS PRESENT

Knives are almost impossible to keep out of the system, according to prison offiicals. Even a steak bone, sharpened on the cement of a cell floor, has been used as a weapon.

The last confrontation in the yard occurred early in the summer when blacks and whites faced each other after two black convicts were knifed. Guards quickly broke it up, but Willie recalls it vividly.

"Yup. There we were. The blacks had us surrounded, five or six to one. The Muslims and the Angels stayed off."

"Social hour" in the big yard has ended. Part of the reason was the violence of Aug. 2, when George Jackson was killed as he led an escape attempt from the maximum security section, the "adjustment center."

Two other inmates and three guards were killed. It was the most violent incident in San Quentin's long, violent history.

### SANDWICHES IN BAGS

Since then, even Willie and other inmates of the honor block, the men who follow all the rules, have spent many days locked in their cells, eating sandwiches out of paper bags.

Things have gradually begun to loosen up. Now inmates cross the big yard in long lines, on their way to work or to the dining hall. There, for the first time, armed guards supervise mealtime.

Willie does not like the lines, the increased scrutiny. He says not to believe rumors that many prisoners are now "politicized," or acting in concert against the system.

"Things have to get back to normal," he concludes.

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[From the Washington Star, Jan. 13, 1972]

## Court Requires Hearings on Prison Abuse Pleas

A unanimous Supreme Court today gave prison inmates the chance to prove in federal court their complaints that they have been abused by guards and other officials.

In a two-page, unsigned opinion, the court gave an Illinois inmate the opportunity to try to convince the federal judge that he was physically injured and was mistreated by being put in solitary confinement for 15 days after a fight with another prisoner.

While insisting that it was not, settling the issue of the power of federal courts to probe how prisons are run, the court did say that complaints like those made by the Illinois man "are sufficient to call for the opportunity to offer supporting evidence."

### FORMALITY NOT CRITERIA

The court said that complaints written out by the prisoner himself are not to be rejected out of hand merely because they are not as formal or as well-argued as they would be if a lawyer had drafted them.

Lower federal courts had dismissed the Illinois inmate's complaint on the ground that prison officials had "wide discretion" to discipline inmates under their control.

The case involved Francis Haines, 69, who is serving a life term in Illinois State Penitentiary for burglary.

He was given solitary confinement in 1968 for striking another inmate on the head with a shovel.

### $500,000 ASKED

Haines later went into federal court seeking $500,000 damages on the basis of his complaint that he suffered physically from the conditions in solitary confinement. At the Illinois prison in Menard, Haines said, a man put in solitary is kept in a dark cell with three blankets to sleep on and no bed, and is given no articles of "personal hygiene." His evening meals are limited to bread and water, the prisoner said.

Besides challenging the conditions of his disciplinary confinement, Haines said that it was unconstitutional for prison officials to send an inmate to solitary without giving him any chance to defend his conduct.

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[From the Washington Star, Jan. 16, 1972]

## Encounter in Prison—Rap Sessions Get Rough

VIENNA, ILL.—Bernard was in what currently may be the best of all possible worlds for a convicted felon.

He was living, with a dozen other convicts, in one of the townhouses at the minimum security Vienna Correctional Center here in Southern Illinois.

Unlike the center's other townhouses, which are simply dormitories, this one has been organized by a Catholic priest into a community, with self-improvement as the members' goal.

Nearly every day they sit down and tear into each other in group encounter sessions designed to isolate and correct character faults.

The men make up a sort of racial cross section of America. There are three blacks, including Bernard, a young street dude from Chicago. There are eight whites, from both urban and rural Illinois. There is one Puerto Rican.

They also represent a cross section of the crimes people fear most. Their records include convictions for murder, sex crimes, robbery, drug selling and burglary. Bernard (not his real name) is serving time for armed robbery.

In the encounter sessions, the men often rage at each other, using gross, multisyllabic profanities, picking at faults that run the gamut of human failings.

One day it was Bernard's turn. According to his housemates, Bernard is lazy and physically dirty. But he is cool, as cool as Victor Green, the 33-year-old white psychologist who conducts the therapy sessions.

"Hey, are you dirty?" Green asked him

"Am I what?"

"Are you dirty?"

"No."

"You're not dirty? Well, then your sense of reality is pretty messed up. I'm talking about your skin and your hair. You can't see how dirty you are?" Green asked.

"These are my working clothes, man," came the answer, drawled slowly, expressionlessly.

It was discouraging to know that Bernard couldn't see "anything as obvious as the crud on your skin," Green snapped back.

The answer was slow, almost menacing. "Yeah, well, you know, all black people, got uh . . ." Bernard was drowned by a chorus of abuse, damning him for bringing up race as a way to avoid the question.

"Are you through rappin'?" he asked, after the shouting subsided. "I took a shower last night."

Again, the room exploded. Bernard was caught in a lie. Three of his housemates denied he had taken a shower.

A slim, intense young man from southern Illinois temporarily lost his head. The veins stood out in his neck as he ripped off a string of epithets at Bernard. His shouting continued long after the others had finished.

"You know, man, you're screwed up," said Bernard, quietly.

"We are all screwed up," came the reply.

"It's a very simple question," said Green, getting back on target. "Are you dirty?"

"Am I dirty? I hadn't noticed."

This was too much for the man sitting next to Bernard. Because he was also black in his early 20s, the rest of the room listened intently.

"Do you sleep in your shirt? Are your fingernails dirty?" he asked Bernard.

In a long, rambling monotone, Bernard shifted the argument, blaming the verbal attacks against him on the attitudes of three of the whites sitting in the room.

This was rejected by the third black, a man in his early 40s who had kept silent.

Again, Bernard tried to change the argument, wondering aloud why the older man rarely criticized him.

"I don't talk to you like that much because I don't like your verbal abuse. When somebody brings you something valid or invalid they gotta take some verbal abuse from you," said the older man.

"You mean you don't like it?" Bernard asked, a hint of mockery in his voice. Another storm of abuse broke over him.

When the silence returned, the older man began talking with an intensity that seemed painful. "Suddenly he's runnin' around like he's extrollin, his black manhood.

"Well I'm a black man and I'll be goddammed if I want to be like you, personally. And if my daughter married anyone like you, I'd disown her."

"Would you explain that more clear?" Bernard asked, the mockery again there. The room erupted once again.

Bernard never lost his cool.

"This is gross, man," said a young graduate student in psychology who had come with Green to observe. "Who taught you how to be so defensive?"

"I wasn't taught to be so defensive. This is how I am, man," replied Richard.

"I mean how can you ever learn to be aware about anything?" continued the student.

"Well, listen, man, have you ever heard the saying that, uh, Rome wasn't built in one day, man?" came the reply in the same drawled monotone, the one voice that did not change throughout the session.

Again the room exploded in profanity, in impotent rage over Richard.

One night last week, Bernard was expelled from the townhouse by its director, Father William Kelly. He explained that the young man "refused to cooperate fully" in the unit's programs.

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[From the Washington Star, Jan. 16, 1972]

## "The Hole" Closed in Oklahoma

MCALESTER, OKLA.—"The Hole," a dungeon-like detention facility for women inmates at the state prison here, will be sealed tomorrow and its occupants moved above ground.

The announcement came Friday from Jim Cook, commissioner of charities and corrections, less than 24 hours after a letter about alleged conditions was smuggled out of the underground cellblock and delivered to newsmen.

Cook took newsmen on a tour of the facility Friday and allowed them to interview the eight women inmates.

He said afterward that the cells, generally used to discipline prisoners, will be closed.

Prison officials denied that conditions in "The Hole" were as bad as portrayed in the anonymous letter. Cook said the underground character of the facility probably caused the women more psychological stress than physical harm.

### RATS AND SNAKES

The letter, typed on prison stationery, said the cells were "dark, dank, overrun with vermin, rats, snakes, cockroaches and unhealthy." It also said the inmates could not get adequate medical care.

Cook said he hopes the entire women's building of the prison can be vacated with the addition of two new wings for the modern Women's Ward No. 2 west of the old building.

He said Gov. David Hall's proposed budget, pending before the legislature, contains $150,000 to $175,000 to build the new wings.

One inmate told the newsmen ,"We get no visits, no newspapers, no radio, no TV, no magazines and one letter a month."

### "AIN'T SEEN DOCTOR"

Another said, "I busted up my finger 14 days ago and I ain't seen a doctor yet."

Only one girl interviewed by newsmen who visited the facility claimed to have seen a snake. She described it as "a long, green one."

One inmate who said she had been there a long time said, "If I hadn't prayed, I would have gone out of my mind."

Reporters saw no rats but many inmates complained of them, as well as frogs, tarantulas and scorpions.

Each cell has one cot and a mattress. All except one had water.

Cook said he believes the disciplinary measures can be carried out sufficiently in a second-floor cell block which is similar in construction but is dry and better lighted.

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[From the Christian Science Monitor, Dec. 13, 1971]

## The Swing of the Prison Pendulum

(By Jack Waugh)

"In Japan we hate crime, but not criminals. They are part of our family and they are treated as such." Atsushi Nagashima, Japanese Ministry of Justice.

"It oughta be bulldozed into the bay." An ex-inmate, pointing toward San Quentin.

NEW YORK.—"The Day I came out of prison," says Clyde Thompson, "17 other men came out with me. My sweetheart was there with a suit of clothes for me to wear. But not another man was met."

Once a murderer, Clyde Thompson is now a minister. Never in his long years in the penitentiary did he think that he would ever walk out from behind those walls.

Now, 13 years later, every morning of every weekday, he stands outside the bus station in Huntsville, Texas, meeting the unmet.

At about 9, the convicts let out of the Texas Penitentiary that day begin to drift down from the Walls Unit. Clyde Thompson's knowing eye spots them instantly in their prison issue, their unpressed grays and tans, their lives as wrinkled as their clothes. If they have no job, he finds them one, if no place to go, takes them into his home.

### FLOTSAM TURNED LOOSE

Every day, like flotsam, the unmet walk out from behind the walls of 200 U.S. prisons, tarnished testimony of the failure of the walls that have held them.

David Rothman, a penal historian from Columbia University has said: "The rebellion and the hesitant, finally bloody, putdown of the inmate uprising at Attica last September was curious. Traditionally no warden would have waited so long to move in. Hostages or not, there would have been no pause, no delay, as there was at Attica.

"Why did the correctional authorities withhold, then? They held back because prisons are losing their legitimacy. There was a feeling that the demands of the inmates were sane—and the authorities were right [prison officials granted all but three of the 30 inmate demands at Attica]; indeed, people thought all those things had been instituted long before."

Attica was violent testimony that they had not. More than a hundred years of prison "reform" has left the United States still with Atticas and San Quentins and Soledads and Rahways.

Criminologists and penologists now are beginning to think the unthinkable; that prisons, in their existing form, indeed have lost their legitimacy, that there is no evidence that reform has worked and that prison systems must be totally transformed.

### RELENTLESS CYCLE

Prisons, like pendulums, make repeated arcs through time. Since their beginnings 200 years ago, they have swung again and again through seven-step cycles: There is always (1) brutality and neglect inside the walls, triggering (2) inmate rebellion, which is (3) quelled, stirring (4) outrage without the walls when the public gets wind of it and demands (5) immediate reform, which is followed by (6) quiet again, in the asylum and (7) lapse back into public forgetfulness.

Today prisons are winging again through Phases 2, 3, and 4, headed for 5, en route to 7 via 6 unless the cycle is broken as it never has been since prisons began.

For nearly all of the two centuries since the Pennsylvania Quakers founded the first penitentiary in the United States, the legitimacy of prisons and their reasons for existing and the manner in which they are run have never basically been questioned. And Phase 1 in the cycle always, inevitably, has ended in Phase 7. What may be new in the cycle that is repeating itself in the 1970's is that prison reformers now are not merely questioning the operation of the present prison system but its basic legitimacy, its reason for being.

Prisons, long viewed as walls of fear and terror and punishment, are potential gateways of promise.

There is a way ultimately to transform prisons, and it calls for the best from the society that is outside the walls. The solutions are implicit in the problems. And avenues of action will surface throughout this series. But here is the heart of the matter, as sifted from scores of interviews across the U.S., inside and outside prison walls:

Problem: Half of the six million people arrested every year, as well as half who languish behind prison bars today are there for so-called "victimless" crimes.

By criminologists' definitions, drunks, gamblers, prostitutes, drug addicts and others who fall into this category commit crimes where there is no immediately visible victim—apart from the offender himself. Thus, in the legal sense, these crimes are said to differ from violent crimes like assault.

Solution: "Decriminalize" the law, and send the committers of "moral crimes" where criminologists now are demanding more and more they be sent—elsewhere but to prison.

Where? Perhaps, as in Massachusetts, to drying-out tanks overnight, or as in Sweden, turned over to specially established temperance boards, or to narcotics rehabilitation centers.

Problem: Offenders are sent to prison to do unequal time for equal crimes. Out of the crazy quilt of criminal justice comes a tapestry of sentencing and parole dictated by the arbitrary whim of judges, juries, and parole boards.

Solution: Make uniform the law that sends people to prison and make just and sensitive the decisions that let them out. If necessary, take sentencing out of the hands of judges and juries and put it in the hands of a special prison admissions board, which could also take into account extenuating circumstances and probation where it seems necessary.

Problem: Prisons are the most shrouded and unopen public institutions. So closed off from society's eye are the walls that prison officials can do anything to anybody inside, and nobody outside will ever know.

Solution: Open up the prison walls to unlimited community and press scrutiny.

Traditionally prison officials and the press have not trusted one another. One solution: a Code of Ethics" to govern both administrators and newsmen. Administrators would grant free access to inmates and guards; in return, newsmen would confront administrators with evidence of oppressive conditions and also write the administrators' side.

This idea is already beginning to take shape in correctional and press circles.

Problem: Men and women still go out of prisons unmet, homeless, penniless, and jobless, foredoomed to return again.

Solution: Programs should be devised to ensure that no convict goes back on the streets without a job to fill and a place to go.

Problem: Prisoners are consigned to forced pariahship, with no contact and no continuity with the community that banished them. They forget how to be part of it because they aren't allowed to be.

Solution: Make prisons a part of society. The community should not only be allowed to see inside the walls, but to reach out, to visit, to encourage, to change, to reaccept, the convict it has banished. Every prison should have its own citizen advisory committee.

These are more than reforms. They are the beginning of the dismantling of the prison itself as it has traditionally been for two centuries. Ultimately only the hardest of criminals need to go to prison—and once there, be grouped into small enclaves and made the subject of intensive campaigns of human rehabilitation and salvage.

This is already beginning to happen. Some U.S. penologists see indications that only the most difficult convicts are coming into their institutions now.

### BIBLE GIVEN TO A KILLER

The man who now meets the unmet at the Huntsville bus station was himself once the most feared and hardened inmate in the Texas Penitentiary. Clyde Thompson killed two men to get there, and at least six others were slain because he tried four times to escape. He was sentenced twice to be executed in the electric chair and finally given three life terms and thrown into isolation with not even a spoon to eat with, so bad a man was he considered to be.

For 13 years he lay in roach-ridden isolation at Huntsville, with only a single hole in the door of his cell and with cockroaches to eat the food off his hands at night.

In isolation he had about five hours of daylight each day with nothing to read until a guard brought him a Bible which at first he angrily tried to refute, couldn't, then started to memorize, and, finally, to live by.

"The time was," he says, "when I would have killed any man who stood in my way to breaking out of that penitentiary, and the time came when those prison walls could have fallen down around me and I would not have left unless I was told I could."

### ONLY JULIA WROTE

After he was released from isolation and cautiously put in with the general inmate population, he began conducting Bible classes behind the walls. A Huntsville minister heard of him and urged the congregation to write him. Only one did, a woman named Julia. She went to visit him. And for seven years she devoted her life to getting Clyde Thompson out of prison. One day, 13 years ago, she succeeded. He was paroled. And the warden came down to help him tie his tie, and put the French cuffs on the shirt Julia had brought him because he didn't know how. He had spent 28 years behind bars, all his adult life.

Once the deadliest killer in the Texas Penitentiary, the Rev. Clyde Thompson is now an ordained minister in the Church of Christ "and married to Sister Julia." He has returned to Huntsville and made the prisoners his ministry.

No amount of prison reform got Clyde Thompson out of prison. He and Julia did it with little help.

Before prisons were invented, society whipped convicts too poor to fine, and fined those too rich to whip. For misdemeanors and minor felonies—the stocks; for more serious felonies—banishment; for capital offenses—the gallows.

Cut and dried. No confusion. No prisons.

### FRIENDS DEMAND PENITENCE

Then one day the Friends decided prisoners ought to be penitent as well as punished. So why not a "penitentiary?"

Make the walls four feet thick. But the walls were not only to keep the convict in, but the community out. The theory was: That's the only way a man can be penitent in perfect peace.

Not so cut and dried.

And people have been confused ever since. They flat-out don't know what prisons ought to be for. To keep society safe from criminals? Or criminals safe from society? For vengeance? For punishment? How do we treat them when we do keep them—bad? Good? Do we love them until they are better? Or hate them forever? Do we try to rehabilitate them? Educate them? Reform them? Just throw away the key and forget it? Or do we do all those things?

We do all those things.

Keeping the convict strictly in and community influence strictly out is still the basic slab of penal philosophy on which modern prisons in the U.S. rest.

Upon it was built the highly regimented, isolated systems that exist today and only now show signs of cracking. Prisons still are built away from the community. Inputs and outputs are still strictly curbed. The two worlds kept as separate as possible. "Inside" and "outside" are still the lines of demarcation of prison life.

### POTENTIAL FOR CHANGE

The potential opportunity is to change these traditional lines of demarcation, and to make prisons unnecessary for all but the most hardened and murderous of felons.

And even they are an opportunity. For to say some men are good only for throwing away is to deny Clyde Thompson.

Some prison reform has spun out from

the repeated cycles of upheaval. Probation and parole measures have been changed, indeterminate sentences adopted, halfway houses started, furloughs instituted, even convict self-government tried.

Some of these, billed as reforms, have come up Frankensteins, the indeterminate sentence, for example. Criminologist Gresham Sykes looks at the rest of them and says, "They may not have made a wit's bit of difference. There is no hard evidence that they have."

These reforms and countless others are still being tried within the nation's prisons. Some of them have bettered conditions within the walls, but all of them together have not slowed the crime rate or made significant inroads in what is still the major problem—how to keep a man out of prison the first time and if he is released, the second, third, and fourth times.

### MOST-TALKED-ABOUT REFORMS

The two rising stars of modern reform, the ones being talked about most in the '70's, are to build more but smaller, more specialized, more manageable prisons; and to bring prisons and—more importantly—inmates closer to the community.

The first of these is as old as reform itself. And it is subject to bursts of "what good will that do?" Counter to this trend, Texas is building a new unit that will house 2,000 prisoners, and George Beto, director of the Texas Department of Corrections, is saying, "It isn't size that matters—it's how the place is run that matters."

Another prison director, Winston Moore of the Cook County Jail, is saying that what is needed is, "not smaller prisons but an end to inept prison administration."

And Carrol Waymon, a psychologist in California, is saying, "We can build a new prison on every street corner. All that means is that we'd then find ways to fill them all, even if it meant devising some new offenses we haven't yet thought of, just because the new prisons are there and need filling. That's the way it works."

The second of the "new" reforms—bringing inmates and prisons closer to the community from which they came isn't new either. But it is the one that departs from the old-as-prisons philosophy of keeping the convicts in and the community out, and both separate.

It is the one that holds promise of breaking the pendulum's basic swing. It is the one that may, if any can make prisons as we know them obsolete. Because men and women who reform in prison are those, like Clyde Thompson, who have felt the touch of something better. Something better almost always means the touch of someone better. And that something and someone is rarely found within prison walls.

Criminologist Norval Morris has said: "Reform is faddy. We always want quick and simple and cheap solutions, and there aren't any. Reform is not short-winded."

It isn't very long-winded either.

Just a century ago, the nation's foremost reformers met in Cincinnati as the first national prison association and adopted a Declaration of Principles. It said nearly everything that has been said since:

Reformation, not vindictive suffering, should be the rule of inmate treatment; prisoner classification must be modernized; reward a prisoner for good conduct; stop making corrections jobs political, since that is the chief obstacle to reform; officers should be trained; disparities and inequities in prison sentences should be removed.

### WORDS FROM THE PAST

It said a prisoner should be disciplined so as to win his goodwill and preserve his self-respect; prisons should make for industrious freemen rather than orderly and obedient prisoners; prisons should be small with like offenders put with like; the law should lock up "higher-ups" in crime as well as lesser operatives; there should be a more judicious exercise of the pardoning power; there should be better prison architecture geared for humanity and inhabitation; prison management should be centralized; prisoners should get social training by proper association; and society-at-large should be made to realize that it is responsible for crime too.

Today criminologist Hans W. Mattick gazes at that list of lofty goals and snorts: "They haven't been realized yet in 90 percent of the institutions."

Gresham Sykes also contemplates that list from a century ago and says: "It makes me think that maybe the old liberal solutions to this prison problem make sense. What is wrong is we haven't been applying them. What if we did just what we always said we would do—make society better?"

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## VOICES FROM BEHIND THE WALLS

(By Jack Waugh)

"Prison? It's like the world has stopped and you've lost contact with life; like you've stopped living—yet you are."

Inmate, Texas Woman's Prison

"There's only one step beyond jail—and that's the graveyard."

Inmate, Cook County Jail

SAN FRANCISCO.—The voices from behind the walls are the voices of felons and sinners mixed together, of murderers and child molesters, burglars and bad-check passers, rapists and robbers, dope pushers and dope takers, draft evaders and parole violators, wife beaters and husband slayers.

They are the voices of the poor (many) and the rich (few), of the reformed and the unreformed, the angry and the apathetic, the guilty and the innocent; of those who should never be there and of those who, some say, should never be let out.

Their common bond is doing time. Their common goal is getting out. Their common condition is that they got caught. Their common jailer is the inconsistent criminal-justice system that sent them there.

They speak with no common tongue. But here is why some of them are there and how they feel and what they say:

He is black, had a wife, and couldn't find a job on the outside, so he took up burglary. He has been in prison 11 years, serving out a 42-year sentence of four counts of robbery:

"We're all here because we have limited backgrounds. I have it broken up into thirds—one-third of the inmates shouldn't be in prison at all. Another third should only be here a very short time. And the last third should die here because they are detrimental to themselves and everybody else.

"Now, in this prison, 80 percent of the problems we have are inmate instituted. Man, I tell you there has been a time when you gave the inmate over you more respect than you gave a guard. The worst part about prison is that when you are all thrown into the same coop this way it contributes to your wrong-headed education. Here you not only learn to burglarize—from experts—but you enlarge your talents. You can learn to become an expert safe cracker if you want and you can learn to shoot dope if you don't know how."

He was 18 when he was first sent up on a narcotics conviction in 1953. He has been out twice for eight months each and back in again for burglary and theft. He was a tough, rebellious inmate, a hard case, so he spent nine years on the "line" in the Texas Penitentiary picking cotton and hoeing the ground. He has passed more days than he cares to remember in solitary. He is a Mexican-American, now 37, and about to be paroled:

"Prison has been a home where I stayed while I was young and growing up. I made a parent out of the penitentiary. It has been a career for me. And when I went out I was unable to adjust to the free world. I had become dependent on this place and I wasn't prepared for the outside. I didn't want to come back, but I couldn't get adjusted outside and I fell right back into my old way of life. I wasn't forced to do it; I just wasn't prepared for anything else.

"The penitentiary has changed. There is still brutality here if a man needs it and they wouldn't hesitate to beat your brains out if you insulted an officer. And it's probably still worse in other pens. But there are methods now to discipline a man without brutality, little things—shelling a gallon of peanuts, strict rules, no talking in the dining hall. To me it's worse than going to solitary."

She is white, 22 years old, pregnant, and in prison, sent up four months ago on a bad-check charge:

"It's lonely here. I get depressed and want a friend I can talk to. But you can't make friends with anybody or the matrons assume its a homosexual relationship and they break it up. You go to the mess hall four times with the same girl and they separate you.

"The women in prison, they play house. One is the daddy, one is the mother. There is a brother, sister, and grandparents. Most of the women have families on the street and they do it just to occupy their minds or to aggravate the matrons.

"What I am afraid of most is being locked in that cell at night by myself, going into labor and not being able to get a matron there on time. But I am luckier than some. My mother will come and get my baby after it is born, and I won't have to put it in a foster home or up for adoption."

He is black and he has been in prison in two states, Texas and California, since 1951, most of his adult life, and each time on a narcotics charge, the last time in Texas:

"I pled guilty as most of us do in Texas. To fight a charge without money is out of the question. And here you work, pardner, you work. You begin to realize how much work a human being can do. But like any other form of prison life, it is left up to you whether you become bitter or not. Eventually you become conditioned to the point you can cope with it.

"I was doin' it out there, man, and I know I had to pay. But you have got to know if a man commits a crime it's not the end of the world for him.

"By getting into this bag so early I didn't know what else to do. I had this fixation the first time I got out of San Quentin—I refused to do time out of the pen and in, too. I couldn't accept the fact that parole was just a change in custody, rather than a release.

"Now it's reached the point if I get out and get in trouble again, I'll get throwed away. The struggle I have is still with myself. Can I get out there and make it? But I believe now I am ready and I have never said that before."

He was an Iowa farmer. He had served time in his home state for burglary in the 1950's. Then traveling through Texas alone in his camper in 1965, he was stopped by two state troopers, got angry, hit one, got in a running shootout with both, and got 17 years. Away from home, the lawyer assigned him by the court was a law partner to the District Attorney who prosecuted him. His children have since grown up back in Iowa, his wife has divorced him, and I was his first visitor in 6½ years in the penitentiary.

"It makes you bitter. I can't see no benefit in keeping a man in so long. It doesn't deter others from committing a crime. They keep you the longest possible time. I came up for parole in 1968, but the parole board wrote me a form letter saying it would review my case in one year and I haven't heard back since."

"She is white and only 28. But she has seven children on the outside and a husband in prison. The family couldn't make ends meet so she passed bad checks twice and this is her second time in. Her mother has two of her children, her mother-in-law has another, three others are in a boys' home and she is fighting the adoption of her 18-month-old daughter.

"I've learned all about homosexuality here. I didn't know anything about it before. I have learned to shoot dope, and with what I have learned since I have been here I could even be a better check buster now."

He is one of 42 men on death row, a condemned multiple murderer. Five years ago he was only 19 and he killed his common-law wife, her brother, her father, and a state patrolman. A Mexican-American, now 24, he faces a capital sentence, four 99-year sentences, and one 25-year sentence. His crime—murder with malice—is the most serious a man can commit.

He is an outcast, considered too bad to live, and he awaits execution. Sitting in the cross breeze of the "death row" day room, he says:

"I can spread my arms and touch both sides of my cell, and that is my whole life.

"We are looked on as the scum of the earth. But 90 percent of the men on death row are no worse than the rest of the prison population. It's hard to get a death sentence. Most of us, if we had money, a proper defense, or friends, or anyone to fight for us, would have never gotten death.

"Most of us have no objection to being punished for our crimes. But justice is unequal. Men who can't fight back are bound to get a more severe punishment than those who can. The 'D.A.' isn't out to see justice done, he wants to get a conviction and build a record. He was white and I was brown. He was well off and I was poor. His social status was high, mine low. He knew the D.A., I didn't. He is going to believe the state, not me. So we—most of us here—went into court without a chance in the world."

Another on death row, white, condemned to the chair for murder, now 44 years old, no longer hopes, is no longer optimistic, and no longer wants to live—if the choice is a commuted sentence:

"I pray every day the Supreme Court doesn't abolish the death sentence like they're talking about doing, because then every man on death row—650 of us in this country—will get a life sentence automatically. I am too old for that now. I would rather sit in 'Sparky' (the electric chair) and get it over with. When they electrocute me they can't do nothing to me then but bury me."

Few people knew who Robert Apablaza, a housepainter, was—or cared. Four years ago he was arrested for selling a matchbox full of marijuana to undercover agents in New Orleans, and a judge sentenced him to 50 years with no provision for parole.

It was not until four years later, after he had escaped once, fled to New York, been recaptured and was under threat of extradition that the case caught the eye of one man, William vanden Heuvel, chairman of New York City's Board of Corrections. And when that happened extradition was dropped and Mr. Apablaza was set free.

The world knew who the sons of TV-personality Johhny Carson, and the late Sen. Robert F. Kennedy, were. They, like Robert Apablaza, were arrested on charges of drug possession. Neither went to prison.

Possession is not the same as selling drugs, of course; observers doubt, however, that children of such prominent citizens would receive a 50-year sentence even for selling.

In Odessa, Texas, last March, a jury found Bentura Flores guilty of selling $10 worth of heroin to an undercover agent and sentenced him to 1,800 years in prison—the penalty District Attorney John Green had asked. Sentences of 60 years, 88 years, 99 years, and 250 years for crimes similarly uncovered have issued recently from Odessa courtrooms. All have been laid on Mexican-Americans. All were arrested selling drugs to the same undercover agent.

A jury in Dallas, Texas, going Odessa 600 years better, last April sentenced Robert Floyd Angel, a black criminal with a past record, to 2,500 years for armed robbery and murder. In Dallas other sentences of 1,001, 1,000, and 1,500 years have been handed down.

An inmate's time in prison continues to be at the whim of judge, jury, and parole board. Reformers call for the unbending force of consistent punishment for like crimes across the United States, even to establishing elected boards of adminission, sentencing, and release above and beyond the courts and parole boards.

The boards would have the same latitude judges now have to consider extenuating circumstances. The aim of the reform would be to end the wide divergence of sentencing now found in the U.S.

This would confine the court's function to saying guilty or not guilty.

The boards should include prominent local citizens along with penitentiary officials. Membership should be regarded as a prestigious as well as a responsible position—rather like local school boards are today. Boards should be set up for each state prison system.

As yet, most talk among specialists deals only with taking sentencing out of the courts. The concept of the new boards is not yet widely discussed, or accepted; it has not been tested; but prison reformers agree that it appears to be at least one logical way to tackle the current patchwork of sentencing procedures, which often turns up bizarre results.

Another approach, already begun, is to work to upgrade the quality of judges; such efforts continue.

Most criminologists, prison officials, and inmates agree that unequal sentencing is among the first orders of business in any prison reform—more pressing than all the internal reform of prison life behind the walls, more critical and urgent than all the rehabilitation and work-release programs and half-way houses put together.

The fact of uneven justice lands hardest of all on the black and minority poor. Blacks and Mexican-Americans alone now make up more than 50 percent of the inmate population of some of the nation's prisons—California for one. And as many as 85 percent of the inmates in some prisons in large urban states are black. These ratios run far in excess of black and Chicano percentages of the total population.

Moreover, most prisons, as they have always been, are cesspools for the poor, their walls and pickets holding men and women without money or influence, who had committed their crimes in the first place for that reason, and who went to court with a poor legal defense or no defense at all.

Eighty percent of all crimes in the country are committed for money. And the poor constitute an overwhelming majority of the inmates now in United States prisons.

John Irving, an ex-inmate turned sociologist, who has been out of prison for 15 years but has made its study his life work ever since, says: "The poor inmate is seeing more sharply than ever before that crime is rampant throughout the system, committed by rich and poor alike. And he is asking why am I the only one going to prison."

Not only are the accused unevenly sentenced for identical crimes but one half of them are sent to prison for crimes that are not crimes against persons or property in the strictly legal sense.

These are crimes which are said to have no immediate, visible "victims." As criminologists see it, no one has had his property or person violated against his will in such crimes, which are not seen as crimes against society as such.

There are 200,000 inmates in U.S. prisons, 15,000 of them women. Six million adults are arrested every year in the United States for nontraffic offenses. More than 3 million of them are for what George Beto, director of the Texas Department of Corrections calls "sins instead of crimes."

Among them according to legal definition: drunkenness (which accounts for one out of every three nontraffic arrests every year), drug addicts, gambling, disorderly conduct, vagarancy, abortion, juvenile delinquency, and a mix of sex offenses—adultery, statutory rape, carnal knowledge, prostitution, pornography, and obscenity.

Washington, D.C., has a sextet called the Washington Six, a half dozen drunks, who have been arrested 1,409 times among them for public drunkenness. Collectively they have spent 125 years in the city's jails and prisons.

Several states are mulling the dectiminalizing of their laws. At least one, Massachusetts, has acted. Governor Francis W. Sargent in November signed a law making public drunkenness without an accompanying felony a medical matter rather than a criminal offense.

Velda Dobbs, for 20 years Warden at Goree, the Texas women's prison, says, "There was a time when the black narcotics case just wasn't in this prison. In the last two years it has become the No. 1 offense of the inmates here. Murder used to be, but now it is only No. 4. Theft and bad-check passing both rank above it as an offense women are committing."

Crime at any given time is what leaders define it to be. Criminologist Gresham Sykes, of the University of Denver says: "Remember, in his time, Jesus Christ was a criminal, too, convicted and sentenced to crucifixion. What would you do with a 'criminal' like him today—put him through psychotherapy and rehabilitate him?"

For blacks, prison is an extension of the life they live in the ghettos. Ninety percent of all black males can expect to go to jail or prison sometime in their life. "And what acts society now calls criminal," says Jose Paris, a black Attica ex-inmate, "are the very acts we call survival."

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## From Lockstep to Clenched Fist

(By Jack Waugh)

"What do you do to rehabilitate a political prisoner—brainwash him?"—Criminologist Gresham Sykes.

Attica, N.Y.—1821. Prisoners moving down the dimlit cell-block row, single file, each looking over the shoulder of the man in front, their faces inclined to the right, their feet sliding and shuffling in demeaning unison. The lockstep. The trademark of the convict that was.

1971. A single inmate's arm upthrust through the bars in defiant anger and outrage. A clenched fist—the trademark of a convict that is.

Most of the 150 years between the lockstep and the clenched fist were the years of the prison warden, guard, and corrections officer. He was unquestioned authority with unquestioned power. Now the inmate is beginning to question that authority and that power—and he has listeners outside the walls.

Behind this turn smolders an active new element in prison life, which, while there before, was slumbering. Modern criminologists and penologists called it the politicizing—also known as the radicalizing—of the prisoner. And it is as active in prisons now as a charged electron.

Nearly every warden and prison director in the United States believes with Russell G. Oswald, the unsmiling, sad figure of Attica, director of the New York Department of Corrections, who said: "It is the most difficult problem we face in prisons today."

### A TWO-SIDED PROBLEM

It can be viewed from two angles: It is straight-out agitation, fomented from the outside, nurtured from the inside, highly-organized, conspiratorial, and destructive of the prison as an institution. That is how most guards and corrections officers see it.

Or it can be seen as a wave of hope. That is how the prisoners themselves and critics of prisons outside the walls see it. Those bivouacked in the latter camp believe with the prison psychologist from California who says: "What politicizing has done is give greater hope and determination to an inmate to resist becoming a vegetable and a robot behind those walls."

There are also two ways to look at whether prisoners are truly political or not. One viewpoint says flatly, "The robber who holds up the service station and shoots and kills the manager—he's a political prisoner? That man is a criminal."

The other point of view: Society made him do it, whatever it was. Poor, he has no job, no money, he faces a wall of discrimination, a world on the outside that to him is cruel and puts him down. The crime that he committed was against a corrupt society that puts him down politically. No matter what he did, he is a political prisoner.

This view sets Winston Moore's teeth on edge. The black director of the Cook County Jail in Chicago says, "You let that philosophy prevail and what you've got is an out for every prisoner, no matter how heinous his crime. It's the system's fault, therefore he doesn't have to do anything for remorse. Now he can go out and kill you again. Rehabilitation is impossible when you tell a man it wasn't his fault."

The rise of the political-prisoner syndrome parallels the development on the outside of black militancy.

Buffalo law professor Herman Schwartz says: "Prison is for blacks just a stopping point through life, a natural extension of his existence on the streets." Or as one ex-Attica inmate puts it: "Our communities are already prisons to us. Jail is just a concentration camp."

All sides agree that some prisoners are truly political, especially now that draft resisters and others who in some way bridle against the system are occupying more cells than ever. And so are such convicted political assassins as Sirhan Sirhan and James Earl Ray.

### RADICAL LEADERSHIP STRONG

And whether all prisoners are political is an academic question because, as criminologist Gresham Sykes says, "Whether they are or not, they believe they are, and that is what matters. You can't arrest a black man in San Francisco today without it being considered a political act."

From the beginning, the political movement in the prison cellblock and yard has had black leadership, dating back to Malcolm X, the slain Black Muslim who served time in Massachusetts prisons in the late '40's and early '50's. He was to become the father-philosopher of the radical movement in American prisons.

Since his time, the Black Muslims, joined by the Black Panthers and the Puerto Rican Young Lords, have grown to make up the nub, nucleus, and leadership of the radical movement behind prison walls. The Panthers are still a force inside prisons, though their importance has declined outside. The arm with the clenched fist is predominantly a black arm.

The focus of the militancy on the streets which shook the nation's cities in the '60's has shifted now behind the walls. Indeed, a case can be made that one of the reasons the streets are now quiet is that much of the black leadership once active in the ghettos is now in prison.

While the political revolt in the cellblock broke out in the '70's, it incubated for a full two decades.

John Irwin's goatee twitches when he tracks back into the roots of the movement. Though white, he was a part of it. Now an associate professor of sociology at San Francisco State College, he was for five years—from 1952 to 1957—an inmate in the California prison system.

### FROM PRIVILEGES TO RIGHTS

He says: "It started with a few books. We read behind those walls, those of us inclined that way. And we got ourselves into little intellectual cliques. We traded books. It was going on in prisons all over, and the reading was remarkably the same from prison to prison—most of it running to literature, the humanities, history. I was reading the same books Malcolm X and later Eldridge Cleaver were reading—among them J. B. Bury's "History of Greece," Will Durant's "History of Civilization," H. G. Wells' "Outline of History," and Gibbon's "Decline and Fall of the Roman Empire."

"That was the foundation. It was what we were all all reading, but we were just the beginning. Now it has gone to the more radicalized Marxist stuff—Mao, Guevara, and the black protest literature. We didn't have that black rage smoldering in us. It was a socialist dream I had. These new convicts have the radical dream."

The lockstep inmate wanted privileges. The clenched-first inmate wants rights. And that's the critical difference between the convict world of then and now. That difference kept prisoners in lockstep then; it is firing the political rebellion now.

John Irwin believes that the only right that should be denied the convict is the right to roam. Besides living under the shadow of punishment—which every inmate considers denial enough—the felon is denied the right to vote in some states even after he has served his time. In many prisons, his mail is censored throughout his prison life. He has none of the rights inherent in the "free world"—free speech, the right to assemble, the right to advocate, in some cases not even the right to worship as he wishes.

California psychologist Carrol Waymon says there is "a deep dichotomy about prisons. We are taught from the time we are born that this is a democracy. We are taught to protest, to take our grievances to the proper authorities. We are schooled to believe we have rights and we are taught we should caucus, apply pressure—anything to protect them.

"But when you go to prison, you are to stop all that at once, cut it off. Yet you are the same person who went in only suddenly everything you were taught was right becomes wrong."

The American Civil Liberties Union and the National Committee for Prisoners' Rights (NCPR) are spearheading a legal war raging now within and without the walls. It aims to restore such rights to inmates in the penitentiary cellblocks.

### LEGAL ATTACK CLARIFYING

The legal action so far centers on what the lawyers in the briefs call "cruel and unusual punishment"—solitary, bread and water, physical abuse, and the myriad of traditional mental hardships convicts are heir to.

The Landman decision, handed down in Virginia on the last day of October this year, has successfully attacked some of these basic breaches of human rights and become a model for the legal push inside the walls.

In it, the court ordered the Virginia State Penitentiary System to halt a host of "cruel and unusual punishments"—bread and water diets; the use of chains, handcuffs, or tear gas unnecessarily; holding inmates nude for extended periods of time.

It forbids prisons to clamp inmates in a solitary cell with any other inmate except when necessary and then only for a short time. The court ordered the penitentiary to hew to minimum due-process standards and it guaranteed convicts sole, unimpeded access to the courts and to counsel.

Other ever-more-sophisticated cases are headed for court dockets in the country, addressing the civil rights of due process, speech, and freedom from censorship. And cases are now mounting to break open the prison walls to greater press and community scrutiny. The ACLU in New York has just initiated a court suit aimed at forcing the federal prisons to permit press interviews with individual inmates, a practice they have never permitted.

### UNIONS A GOAL NOW

This basic drive for fundamental rights for convicts has spawned a natural extension—prisoner's unions. They are working outside the prison walls to become the bargaining agents for inmates within.

The leading prisoner's union in the country was founded in California just last spring by a group of ex-inmates headed by John Irwin. Its program are nearly identical to demands that surfaced in the Attica rebellion last September. The union wants to become the inmates' collective bargaining agent not only for human and civil rights but for such alien ideas to prison life as a liveable wage.

Canada is even now experimenting with higher wage scales for its inmates; Sweden has long paid its prisoners relatively well.

This new, cresting wave of civil-rights demands is viewed by corrections officers with puzzlement. To them, basic inmate's rights are what one warden says they are: "The right to food, lodging, and clothing, and the right to do time without interference from others. But decisions about what is good for him and not good for him—they can't be his to make."

### 1961 STRIKE BECAME POLITICAL

It is the abrupt veering away from the basic philosophy of "do your own number and get out" that shakes prison officers everywhere. The new number is collective action. And that is what politicization and radicalization is. Officers in every penitentiary are resisting it with every device at their command. They believe it represents a serious threat to the stability of the prison and to the well-being of other prisoners.

Some 140 years have passed on American penal history since the shuffling lockstep was the pervading sound of prison life. During those years the struggle behind the walls was for better food, better living conditions, and freedom from brutality.

Then in February, 1961, inmates at California's Folsom prison went on strike. It started as a traditional rebellion against prison conditions, but it mutated into a set of demands that were political in nature. It was the first. And the subsequent Folsom Manifesto has since spread through the penitentiaries of the country.

Elements of the manifesto surfaced in full-blown view in the Attica uprising last September. The political issue was, with that, clearly out in the open.

The demands for amnesty for offenses committed during riots, the call for deportation to a "non-imperialist country" (to which societies before prisons would have said, "Why not?"—banishment was a chief tenet of correction then) are all ideas of the age of the politicized prisoner.

The genesis of the clenched fist was Folsom. But its end is nowhere in sight.

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## TWO VIEWS OF ONE SYSTEM

(By Jack Waugh)

### THE OFFICERS

"There is no good penitentiary. To be confined, to be restricted, to not be able to make any decisions that affect your future—if that's your future life, then being locked up 30 years in the Shamrock Hilton would be bad."—Robert Miers, inmate, Texas State Prison.

HUNTSVILLE, TEX.—They call him "walking George." And it's a name he earns. George Beto is director of the Texas Department of Corrections, the czar of Texas prisons. His domain is $25 million-a-year business. His constituency is 15,600 convicted felons—murderers, sex offenders, rapists, robbers, and dope pushers.

He has brought the Texas prison system about as far into the 20th century as any in the country.

A big-shouldered Texan, he leads a constant round through the system's 14 units. He walks anywhere within the walls without fear, watching, talking, available to any inmate who wants to approach him—and many do. There is no unit in his empire he doesn't visit in his big black Fury III at least once a month—and most of them more often than that.

His philosophy of corrections reaches down to the last cell in the uttermost unit of the system because he literally takes it there himself. And it is a simple one:

The enemy is inmate idleness, so you put him to work. It is also permissiveness, so your discipline is swift and sure. But even in security, the atmosphere is relaxed. They may be the waste of society, but they are still human beings, so listen to what they say and help them if you can. Understand them, know them. There are only two ways—either you run the prison or the inmates run you. And there are only two kinds of prisons—clean or dirty.

Working that philosophy, George Beto has built the Texas prison system into a Beto-run, clean, highly disciplined industrial dynasty. Every inmate who is able bodied works, and gets no salary. Every prison structure in the system has been built by the inmates themselves—many of them are highly skilled.

There are no less than a dozen prison industries within the system. The Texas Department of Corrections runs textile mills and a box factory. It makes brushes and furniture, brooms and mops, soaps, waxes and detergents, garments, mattresses, shoes, belts, and license plates. It retreads tires, cans food, repairs Texas school buses, and makes dentures. From September, 1970, through August, '71, it generated $7,083,077 in industrial sales. Besides this, it maintains machine shops, printshops, and woodworking shops for exclusive in-prison use.

### FARMING JUST AS VAST

A Texas work-use law permits the prison to produce industrial products for other tax-supported activities in the state. And unlike many prisons it gets little static from labor unions. (California law forbids its prisons to build anything worth more than $2,000 with inmate labor.) The machinery and equipment used in the penitentiary shops is modern and up to date. "The secret of good prison industry," George Beto says, "is good equipment. You can't 'poor-boy' it. This is no horse-and-buggy operation."

The agricultural side of the Texas prison system is just as vast. Some 200 inmate cowboys wrangle 20,000 head of cattle on penitentiary ranges. And from its crop rows, tended by inmates on the line (3,000 inmates work as farm labor), comes most of the food that feeds the system's 15,600 inmates.

From the penitentiary's fields and pasturelands, mills, and refineries come 16,000 head of hogs every year, 3,500 head of cattle to slaughter, 80,000 dozen eggs, 100,000 chickens 9 million pounds of milk, 100,000 pounds of cheese, 50,000 gallons of ribbon cane syrup, 120,000 pounds of peanut butter from prison-grown peanuts, 3½ million pounds of Irish potatoes, 2 million pounds of sweet potatoes, 360,000 pounds of milled rice, one-quarter million pounds of corn meal, 400,000 gallons of canned products, and 6 million to 8 million pounds of fresh vegetables.

Of the 60 cents' worth of food each inmate in the system consumes a day, only 13 cents' worth has to be bought. Everything else is produced within the penitentiary's 105,000-acre empire, and all of it by inmate labor.

The first job every inmate gets coming into the Texas system, if he is able bodied, is six months on the line—hard, back-bending labor in the fields, and recalcitrant, rebellious prisoners are often sent back to the line as punishment. On-the-line inmates labor under a gun. Armed bosses on horseback supervise as the inmates stoop in the fields. A boss called the "long arm," with a high-powered rifle over the saddlehorn, watches from a distance for any sign of an attempted break.

"The thing our critics criticize us hardest for," says Byron Frierson, the man who for 25 years has superintended the system's vast agricultural program, is that "George Beto makes inmates work. And to a lot of people work is a dirty word. But permissiveness and idleness are the powderkegs of prison life. We don't admit either one here."

### CELLBLOCKS HAD BEEN CALDRONS

It has taken George Beto 10 years to build the Texas penitentiary into the industrial-agricultural barony it is, picking up where his predecessor, O. B. Ellis, had left off in the early '60's.

In the pre-Ellis days before 1948, the Texas system was a sump tank of deterioration. Prisoners ran the units, and the tanks and cellblocks were caldrons of terror, extortion, and forced rape. Pictures taken during those years line the corridors of virtually every unit in the system, and George Beto smiles as he passes them and says, "I hang them there lest we forget the way it used to be."

The Texas system also reflects George Beto's fixation with education. A classics scholar and former college president who reads Greek and Latin, he maintains an education program that goes up through the junior-college level and is manned by educators from Texas school systems. Many inmates who are illiterate when they come read before they leave—they are forced to go through school up to the eighth grade. Other inmates with deficient educations have gone all the way through the junior-college program. One-half of all Texas inmates are involved in the educational program on some level.

George Beto likes to remind visitors whom he personally—and often—tows along in his wake that because of the education program the average IQ of the Texas inmates has jumped 10 points in 10 years. It was 85. Now it's 95.

The 14 units in the Texas system range from the maximum-security Ellis unit, where the toughest prisoners, the high-escape risks, are incarcerated, to the prerelease center called the Jester unit, a prison without walls where convicts about to be paroled or discharged roam on an institution that looks like a campus, attending lectures geared to helping them make it back in the "free world." There are no high-towered pickets with searchlights at Jester or "long arms" or tracking dogs. The only guns are locked up in a gun case in the warden's office.

But as much as George Beto walks, it is the bosses and officers, men such as C. L. McAdams, who has been a warden in the system for 30 years, who must deal with him day by day. White, rough hewn, with little formal education, authoritarian, with the nickname "Bear Tracks" ("big as a bear and he leaves tracks in every prison where he goes"), he has a legend about him that transcends Texas borders. C. L. McAdams is the most feared warden in the Texas system.

Three inmates I talked with who had served under him considered him the ultimate sadist. But others said that he runs a tight, tight prison and respect him for it. Clyde Thompson, an ex-inmate who served 28 years in the Texas penitentiary, says of him, "If you keep your business straight, you have nothing to fear from McAdams. If you don't he's the last warden you would want over you."

### "TREAT 'EM FIRM, BUT FAIR"

He has spent a career in the corrections system trouble-shooting in the toughest of the Texas units.

He says: "I got one philosophy, you treat 'em firm, but fair. And you treat 'em all alike and you keep 'em working because idleness is the devil's workshop."

Warden McAdams is the perfect example of the strict authoritarian prison boss. His relationship to the inmate is as parent to child. As we walked the corridors of the Wynne unit in Huntsville together, the prisoners who approached him, or whom he called in because they wanted to see him, were treated as errant kids, and they acted that way. If they had had hats, they would have been in hand.

His tactics, though he came by them naturally, are textbook methods in the successful handling of the defiant and undisciplined child.

In 1948 when he was sent to the Retrieve unit in south Texas, it was run by prisoners and out of control. The month before he came, one inmate had beheaded another with a meat cleaver in the dining hall. And only three days after he arrived the inmates "struck" in the mess hall and demanded to negotiate with the warden.

McAdams strode into the hall, didn't say a word, but picked up the nearest inmate by the scruff of the shirt and dragged him out into the corridor alone and demanded what his grievance was. One by one he took the inmates out, not permitting them to negotiate as a group, but isolating them, separating them, until he had found the leaders and thrown them into solitary.

One Texas inmate has said of C. L. McAdams, "The man knows the inmate so well that there is almost no difference between us. He can look down into that cell tank and tell you what you're thinking. Bear Tracks would make a perfect convict."

Of prisoners, Bear Tracks says, "Those that don't like me don't like me because I don't let them do what they want." Moreover, in any confrontation C. L. McAdams, like any parent, one way or the other, always holds the upper hand.

And in Texas, so does the entire prison system.

### THE INMATES

Mike Middleton got out of the Texas penitentiary four months ago. He had been in nearly two years, and the memory of it is still heavy on his mind, the taste of it still bitter on his tongue.

"In dehumanizing men," he says, "Texas has got to rank with the worst.

"They have a system in Texas called 'the big bitch' and it ought to be outlawed. A man can be convicted and go to the pen three times on felony charges. Then he can be out three days, be picked up on the street for the smallest infraction, and with those three convictions behind him be sent back again—and this time for life. There are hundreds of men in Texas prisons on 'the bitch.'

"And in there, you don't know the things the bosses (guards) do to degrade and make you less than a man. Your life is a constant strip-down. Every man that works goes through a strip shakedown twice a day in all weather, when he comes in for lunch and when he comes back in the evening. On construction jobs you can get strip shakedowns four times a day—to keep you from taking anything in and bringing anything out.

"And there is nothing stopping bosses from taking off on convicts. A whole squad of men back from 'the line' could have done something to make a boss mad, and they are put up against the wall and that means you are going to solitary, too."

### "YOU AREN'T WORKIN' FAST ENOUGH"

"One day I was chipping rock with a ball-peen hammer," he says, "and this boss—we had had trouble before, he didn't like me—kept watching me and said, 'You aren't workin' fast enough.' He said, 'Use the sledge in one hand and the chisel in the other.' Well, that meant having to swing a sledge one-handed. That sledge weighed 30 or 40 pounds and I couldn't swing it. And that boss went into a screaming fit, put me on the wall, and called the assistant warden. He charged me with never working and doing some agitating—a bad offense in a Texas prison.

"I went to trial before the assistant warden, the captain, and a sergeant and explained I physically couldn't swing that sledge. I spent 8 hours on that wall and then went into solitary. I was there 7 days. And the warden came in and said, 'You ready to come out?' and I said, 'I'm not going to swing that sledge, warden,' and he said, 'Then you stay in there some more.' And I was in there another 15 days."

In the Texas prisons, the bosses maintain a system of building tenders—inmates put in charge of tanks and cellblocks, and handed a measure of power and authority over the other inmates. It is a hark-back to the old days of giving power to selected inmates.

Every inmate I talked to within the Texas system complained that at one time or another he had been brutalized by building tenders, or knew men who had, while officers turned their backs or gave tacit approval."

"It's the way the bosses get to a man they don't like without having to lay a hand on him themselves," Mike Middleton says. "Man, I know if they get a real bad agitator, they send him to solitary and his chances of getting out of there without being beat up are slim. The building-tender system can lead to real violence and even death for somebody.

"One tender got killed in our unit over a newspaper. This Mexican kid named Frank wanted to read the paper, but the building tender took it and gave it to a white inmate instead. Frank went and got a shank—there were a dozen or more knives stashed away in that tank—and stabbed him 15 times. And instead of taking him into Houston 40 miles away they headed with him to Huntsville 180 miles north. The tender died that night.

"They put Frank in lockup for 60 days, but he never came to trial and he was finally put back into the general population. I guess to this day he literally believes he can get away with murder."

### "KILL-OR-BE-KILLED" IMPRESSION

"To survive in the penitentiary," Mike said, "you have got to radiate the impression that you are willing to kill or be killed, that men can't push you and get away with it. You are being tested all the time. Prison life is full of strong inmates preying on the weaker. And forced rape is the way one man subjects and shows his authority and status by subjecting another to his will. You save yourself from this by instant violence yourself, establishing yourself immediately as a dangerous man to fool with. Or you just radiate an aura of superiority of 'I-don't-care-about-any-of-you'—in effect isolate yourself from the general population. You are there, but you're not there. Either way you have got to let other inmates know that you wouldn't hesitate to creep up on a guy and slit his throat if you are pushed hard enough.

"There is a strict unwritten inmate code in the penitentiary. And it has got to be strictly obeyed. Men are not in a good mood very often in prison, if ever. Asking a man, 'What's the biggest score [robbery] job you ever pulled?' or sitting on his bunk uninvited, or rapping with a man without finding something about him first—those are things you never do. And when you brush against a man, you had better apologize. If you don't then the man is free to do what he wants to you. I have seen a shank put in a man's back for that."

### "MAKE YOURSELF SMALL"

"And the only way to really make it with the bosses is to withdraw into yourself, both mentally and physically—literally make yourself as small as possible. It's another way they dehumanize you. They want you to make no waves in prison and they want you to make no waves when you get out.

"On the surface the Texas prison system seems to run with few attempted breaks—there are about a dozen each year—without sit-downs, without bucks against prison authority, without riot or rebellion."

Mike Middleton says such things happen, but officials have so much strength it never gets out.

"A man," he says, "must realize when he revolts against prison authority that he is putting his life on the line.

"In Texas they have the full power to use any weapon in any way to put down any rebellion. It is a rule—by any means necessary, a wipe-'em-out attitude.

"And convicts have a low threshold of boredom. It's usually a case of 'what are we doing today, rioting today, huh?' The monotony is ever present.

"And if a man stays in that place long enough he becomes as docile as sheep. Eventually they break most men—not all of them, but most of them."

A black inmate who had served time in the Retrieve unit, where Mike Middleton also made time, and who had been in both the California and Texas prisons, says, "The man is right. I see it in the blacks. The difference is they all get domesticated here. Those black brothers become like house cats in this penitentiary."

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## THE JAILER AND THE JAILED

(By Jack Waugh)

"In the big prisons there are still areas where guards won't go."—Criminologist Norval Morris.

"We were set for a guided tour of the prison and the warden asked if he could go along because he was afraid to go by himself."—Winston Moore, executive director, Cook County Jail.

CHICAGO.—Since Attica, every prison officer in the U.S. today pays a price—the price of an uneasy mind.

Guards in particular, on the line with inmates day in and day out, live in a state of tension. It is having two effects:

It is driving them to be tough, but it is also driving many toward advocating reforms inside the walls—for their own safety. A radicalizing of guards has accompanied a radicalizing of inmates.

Some guards in some prisons are very tough indeed. They tolerate not the slightest deviation from rule. The next step beyond that is brutality.

More moderate guards believe that strict discipline is indeed necessary—but that reforms are an equally necessary part of an overall answer to conditions that produce an uprising like Attica. Guards who become liberal in demanding prison reform find themselves aligned with inmates against prison administrators.

Says P. J. Ciampa, director of organization for the Correctional Officers' Union in New York:

"The foot dragging in prison reforms is at the top. You wouldn't believe some of the meetings I've been to with wardens. You could close your eyes and swear you were hearing a cheap Edward G. Robinson movie."

### DEMANDS SPELLED OUT

After Attica, the International Union of American Federal, State, Local, and Municipal Employees, which is the bargaining agent for New York's correctional officers, angrily spelled out a list of demands:

Greater safety; better restitution to the families of guard hostages; improved conditions for inmates; better training for officers; better radio communication within the walls; more decisive firepower with which to put down an inmate uprising. All were granted.

Most prisons that run without visible trouble and rebellion are citadels of authoritarianism. In some cases it is tempered with humanity; in other cases not. The inmate, in any case, is clearly the caged and the guards the keepers.

Wardens who run their prisons that way tend to look on the delay in moving against rebelling inmates at Attica, and on experiments in inmate self-rule, such as is being practiced now at Washington State's maximum security prison in Walla Walla, with horror. The Walla Walla inmates have an elected inmate government and sit in councils of self-determination over their prison life.

### FAILURE FORESEEN

At least three wardens and prison directors of totally divergent backgrounds—Winston Moore, black warden of the Cook County Jail; George Beto, white director of the Texas prisons; and James Park, San Quentin's associate warden and a clinical psychologist—look at the Walla Walla experiment and predict certain disaster.

The prison walls attract certain kinds of men as guards just as they attract certain kinds of men as inmates. Though there are marked exceptions, the prison systems of the U.S. draw heavily on men in their late 30's or early 40's who have retired from the military services.

As we walked down the long, near-empty corridor toward death row in one prison, the correctional officer assigned as my escort, said, "I've only been here a few months. Just got out of the Marines after 20 years. Had to have something to do and this seemed kind of natural."

In the New Mexico state prison, for instance, a veteran gets preference when he applies to be a guard. Five points are added automatically to his test score, whatever it is, and often make the difference between his being hired and not hired. Most of the guards in the prison are ex-servicemen. In San Quentin, also, many of the guards have a military background.

### SERGEANT-PRIVATE RELATIONSHIP

There is a lot of intellectual and emotional comfort in prisons—despite the tentative terror there—that the guard with a military bent can slide into quickly. The relationship of guard to inmate is one of sergeant to private, drill instructor to raw recruit.

Few men live closer—yet farther apart—than the jailer and the jailed.

Some 95 percent of guards are white; half of all inmates in the U.S. are either black or brown, and in some prisons in urban states, the ratio of black inmates reaches as high as 85 percent.

Twenty-six percent of all guards are over 50 years old; the average age of inmates is under 30.

Most guards and officers are middle class; most convicts are lower class. Most inmates in American prisons come from the big cities; most guards still come from the isolated back country where many prisons are situated.

### SALARIES HAVE BEEN LOW

Salaries for guards have been low, though some have risen in the last two or three years. Across the U.S., 21 percent of all guards make more than $8,000 a year. A breakdown shows that 36 percent earn less than $6,000 a year; 43 percent earn between $6,000 and $8,000 a year; 16 percent earn between $8,000 and $10,000; and 5 percent earn more than $10,000.

Albert Curtis earns $10,500 a year as a sergeant in the Cook County Jail. White, he works in a world that is 85 percent black. Most unusually, his prison director is black, his lieutenant is black, and all of the officers under him are black. More typically, 8 out of every 10 inmates are black.

He is a studied, skilled practitioner of the guard-inmate relationship.

We stood in the cellblock together, our backs against the bars as the inmates began to pass through the mess line, their tin plates in their hands. The menu was beans and frankfurters and bread.

Sergeant Curtis always stands inside the cellblock when the men eat, "to make sure the weaker don't get left out."

### BANTER OF THE "PUT DOWN"

His banter is the banter of the "put down":

"Don't push off me again," he growls in mock threat to one inmate, "or I will make you look like those beans." Then to another passing inmate making a remark about the food. "That's all you ate at home. I don't know what you're griping about."

"Come on," he shouted out into the cellblock, "all you black Muslims [who don't eat pork for religious reasons] come up here and get those hot dogs."

As the inmates filed by, he said to me: "I rap to them. I put them down in a way. They are all different. Some I know from the neighborhood on a first-name basis. Some I don't talk to at all or speak respectfully to. Others, if I don't call them dumb and rap on them, they would be hurt."

Breaking off, he said, "OK, you two, in a minute I'm going to slap both of ya. And if that cigarette falls in the food, you're goin' to eat it all."

### GUARD KNOWS PATOIS

Lt. Ned Lenoir comes from a different world than Albert Curtis. A black man, born in Mississippi, raised in the ghetto, he is one of the less than 5 percent of the correctional officers in U.S. prisons who are not white. As a lieutenant, he earns $11,500 a year.

He moves through the tiers and the corridors of the Cook County Jail, a two-way radio crammed into his hip pocket, the clatter of the cellblocks and the steady drone of prison life competing with much of what he says.

From the streets originally himself he instantly catches the near-whispered patois of the black inmate. He believes being black in a largely black inmate world gives him an advantage most white correctional officers don't have. But he also insists that color doesn't basically matter. He says:

"We treat the inmates like human beings. Most of the time we ask them to do something rather than rapping them alongside the head. That's why we have had no riots. No matter what their crime, it isn't your job to judge them, but to keep them safe."

Lt. Lester Sykes, black, only 27—about the same age as the average Cook County inmate—is Ned Lenoir's peer. He also earns $11,500 a year. Together they supervise much of the day-to-day routine in the bleak old prison on Chicago's California Avenue.

### EVEN REVOLUTIONARY HANDSHAKE

If anything, Lt. Sykes is even more attuned to the patois and rhythms of the inmates than Ned Lenoir, down to greeting a stranger with the revolutionary handshake. Easy and smiling, he moves up the catwalks that face off into the cells of his units. He is a stickler for order. By jailhouse rules, inmates may stuff a Bible, a dictionary, law books, and an ashtray between the bars of their cells. But everything else must be kept inside away from the bars. A violation brings on a Sykes dress down:

"You sleep here, man?"

"Yeh."

"You know better than to put your shoes in those bars, man, take 'em down."

It is like a father chastising a wayward son.

As Lt. Sykes moves down the catwalks and out into the corridor again he says, "We make a big thing out of a man keeping his cell clean, because if we don't, he starts to thinking he is finished."

Some black guards can develop a rapport with black inmates, but increasing the number of black guards in the U.S. is no guarantee of instant solutions, experts point out. Many blacks don't want to be guards for a number of reasons, and some prison administrators simply discriminate against any black who might want to become a guard.

### MORE BLACKS MIGHT HELP

More black guards might help, however, in jails where white inmates are in a small minority, reformers say.

Better training is also desirable, they say. Today, most training for guards is on the job. It ranges from about two weeks to six weeks. Sometimes a new guard is simply told where to go—and he goes, on his own.

Conscientious prison officials are looking for better methods, mixing in classroom instruction. In New York, correctional officers themselves have pushed for reforms, and every guard in the New York system now receives some form of training.

On discipline, the correctional philosophy of a black guard who successfully keeps order and a white guard who does is remarkably the same.

In the Cook County Jail the ring "61" on the interprison phone system is a Mayday call. It means trouble in some cellblock. Within 20 seconds Ned Lenoir and Lester Sykes can be in any cellblock in the prison.

When five inmates two years ago took guards hostage and put knives to their throats in an isolation cellblock, Ned Lenoir was beaten to the scene only by Winston Moore, the executive director himself (also black). In a rush of running officers they stormed the cellblock without hesitation and disarmed the inmates.

### NO TALK, NO HESITATION

There was no negotiation, no talk, no hesitating over hostages. It was no different than what a hard-nosed white warden would do in the Texas penitentiary.

A primary reason for increased tension between most guards and most inmates is that the social structure of life behind the walls has been sharply realigned in the decades since the 1940's.

Traditionally, prisons were run in relative quiet within the structure of a guard-inmate trade-off. White guards handed over limited power to selected white inmate leaders in return for keeping prisons calm and riot free.

But now "inmate power" has changed color, from white to black. Blacks are now the leaders in the cell blocks and prison yards, and the guards, still overwhelmingly white, don't want to give power to them.

That fact, criminologist Gresham Sykes says, "is breaking down traditional institutional and social patterns in American prisons." The result is instability in prison yards everywhere and prisons on the edge of riot and rebellion. Dr. Sykes says, "Twenty percent or 30 percent of any inmate body acting as a unit can bring a prison to a standstill." There is scarcely a penitentiary in any major urban state today that hasn't that potential just in its black inmate population alone.

### ANOTHER SHIFT UNDER WAY

Another critical shift is under way behind the walls. And it issues from the same fountainhead—the rise of young black inmates. Largely through their eyes, prisoners are looking at guards differently than ever before.

Tony Newland, a white ex-inmate who has spent nearly half of his life behind bars at Folsom, Soledad, and San Quentin, describes it this way:

"Inmates have redefined the enemy. And he is the correctional officer. He is now considered an oppressor, and that is new in prison life. Before, a guard was no more significant than a prison wall. No inmate knew the names of more than one or two officers and didn't care. But today, to blacks, the prison guard is no different from the cop cruising the ghetto street. Therefore he is an enemy. Prison guards, looked at in that way, no longer have the protection they once had.

### BUT BY DESIGN

"Now you are beginning to see guards being killed behind walls, not by accident, but by design. [Nine correctional officers have been slain in California prisons alone since 1970. In the prior 17 years four had been killed—and three of them in one incident in 1953.] Now many prisons are divided into armed camps—guard and inmate—with both waiting for it to happen. It's raw, naked human fear on both sides and you can't run a prison on that."

Yet the relationship between the keeper and the caged is an interdependent one. "Each," says a close observer of the California prison system, "is playing a part in a game. The men must stay behind the walls, the guards must have the appearance that all is well. It is a symbiotic relationship. The guards have to depend on the inmates to follow the rules—and vice versa. When either one fails there is either brutality or rebellion."

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## THE REFORMED AND THE UNREFORMED

(By Jack Waugh)

### THOSE WHO CHANGE

"I hesitate to use the word 'incorrigible.' Today a man may be incorrigible, but who knows what he will be tomorrow?"—George Beto, director, Texas Department of Corrections.

LOS ANGELES.—Robert Ernest Miers came up to death row in Huntsville. Texas, on Aug. 25, 1952, a condemned killer. The sheriff of Bexar County where he was held for 18 months until convicted, said of him: "In my humble opinion I know that he is the most insincere, vicious, and dangerous prisoner I have ever known."

Dr. Karl Menninger, Topeka, Kans., psychiatrist, made the point previously when he asked at a workshop session, "what institution can do anything for a man who has been through the average local jail?"

Exceptions, of course, abound, and Rep. William J. Keating (R-Cincinnati), member of the House Judiciary Committee, talks gratifyingly of the cut in the prison population that had long glutted the Workhouse—where county prisoners are also kept—with its mixture of teen-age traffic offenders and hardened criminals.

Presumably, too, the Kenton County, Ky., Jail, with its nationally-recognized system of prisoner work release, may be an exception to the general rule of such prisons.

But regardless of physical facilities or the separation some county systems laudably may require for adults and juveniles, the mere incarceration of offenders for many months before they are brought to trial must end if Chief Justice Warren E. Burger and other outstanding legal authorities have their way.

Almost certainly, the report of Ohio Gov. John J. Gilligan's Task Force on Corrections will have something to say on this score when he receives it Wednesday.

One of the most commendable results from the Williamsburg conference could be an "opening up" of the prison system to press and public.

"The problems and deficiencies of today's corrections facilities and procedures should be openly and freely admitted and discussed," Francis L. Dale, president and publisher of The Enquirer and discussion leader for one workshop, declared.

"Secrecy and mystery must be swept away. The institutions and programs belong to the people, they are not the private property of the politicians or the personal domain of the corrections official.

"The public should be invited inside to see for themselves. Newsmen should not have to sneak in as an imposter to get an 'inside' story. There should be no inside story."

Dale was far from alone among conference leaders who appealed for greater "openness" of corrections systems—and prisons, particularly.

"We must end the kind of tours in which a group is taken to the chapel and then has coffee with the warden," O. J. Keller, director of the Florida Division of Youth Services, told the conference in the wind-up session. "Be honest with reporters, and they will be honest with you."

Listening were heads of many of the nation's toughest prison systems—and the former inmates of a few. Exaggerated, perhaps, and blatantly offensive to many prison officials, "The Cage," a daring drama based on life at San Quentin, opened the conference with its focus on the homosexuality, bestiality and wanton murder that occur among prisoners and guards.

"It (The Cage) was pure garbage," said Sanger B. Powers, administrator of the Wisconsin Division of Corrections. "I got up and walked out when it was halfway over. I know of no prison in the country that operates that way."

Conceivably, the ex-convicts of the "Barbed Wire Theater" group overdrew their message. Many prisons, undoubtedly, function a lot differently than the one they portrayed. San Quentin itself may be in better shape. But in their favor, one could say the actors made the inmates appear at least as sorry a lot as the guards who beat them without mercy and treated them as some kind of jungle beasts.

On Jan. 9, 1953, before he could be sent to the electric chair, the then Governor, Allan Shivers, commuted his sentence. But so mean was Bobby Miers then that the Governor said he should never be let out of prison.

One November evening this year, nearly 19 years later, Bobby Miers sat in a small office on the Ramsey unit of the Texas penitentiary and talked.

"When they took me off death row," he said, "they locked me up in isolation. And I made it a point to be a troublemaker. I knew the inmates expected it of me and the warden expected it of me. All the things I was accused of I had done. And if I hadn't, I was going to do them anyway. The inmate population looked on me as a leader, even though I was only 21, a youngster. I had known a lot of them from before. I had spent five years in a federal reformatory before I came to Huntsville. It was their concept of me, and I had to hold my position.

### ISOLATION WAS . . . HORRIBLE

"Isolation was mentally a horrible place. We were physically laid up there on two meals a day. I broke my arm, and cut my heel strings in protest—as much to have something to do as anything.

"Then in the early '60's they turned us all out of isolation and put us to work. But I was so mean the only man who would take me was John Durbin (then chief steward at the Walls unit in Huntsville, now director of food service for the Texas Department of Corrections).

"So I was put to work making the noon and supper meals. Mr. Durbin kind of raised me, put the responsibility on me, and said it was up to me whether I lived up to it or was a failure.

"Well, in the process, a lot of things happened to me. The man made me understand it was more important to be a human being than it was to be a big-time professional convict. He had a different concept of me. And suddenly I wanted to start living up to what he expected of me instead of what others did.

### MY GOALS WERE PRISON GOALS

"Before all this I had done a lot of reading. When I first went into isolation it was about the time of the hearings involving Sen. Joseph McCarthy. And I was fascinated. It proved to me that an accusation carried more weight than a denial. And I read and read.

"But despite all that reading, my mind was still in the penitentiary, my goals were prison goals—winning the esteem of my fellow inmates and the respect and the fear of the warden. And I had both.

"But then I started working for Mr. Durbin like a dog—16, 18 hours a day. I stayed at that job about six years until one day he took a vacation and while he was gone I had a disagreement with one of the officers and I was sent here to the Ramsey unit to a hoe squad. I caught that line and beat on that ground for a year. And while I was on that line I didn't pay much attention to what I was doing except to keep out of trouble.

"Then this major on the Ramsey unit made a remark to me one time and what he said made me understand in no uncertain terms I had to learn how to think—not what to think, but how to think. Do you understand? I suddenly realized few of us do any thinking.

"With it I realized I didn't have enough words at my command even to think with. After you use the 300 words you have, then you have nothing to do but react and when I reacted it was always violent. It had happened to me all my life: I was one big ball of emotion. And when my vocabulary was not such as to allow me to explain to anybody how I felt or what I was up against, the only thing I could do was rap somebody alongside the head or start cussing.

"It had me miserable all my years—just a little thing like that. I wondered why I hadn't come up with that earlier, why somebody hadn't told me."

Bobby Miers, totally hung up behind that word "think," started taking courses in the education program at the prison while officers watched warily. He has worked his way from 10th grade to within only two courses of a junior-college degree.

And something else happened to him: "Somewhere in all this I realized I was a person instead of a convict, that I still had my pride and self-respect. Before, I had always been a professional convict. When I changed, I still had the advantage of knowing how my fellow convicts felt and thought, and it gave me an edge. But if I had used that edge to my own advantage, you see, I would still have been a professional convict. Anybody who realizes that difference will probably never come back to the penitentiary.

### ON THE BRINK OF PAROLE

"I realized that it was not a matter of bad luck with me or that I was a victim. It was a lack of standards, man, of values. I wasn't like the square on the outside. He's not on an emotional elevator. A convict is. When my emotions rose, I went out to satisfy them. A square doesn't."

Bobby Miers has gone now from the meanest man in the Texas penitentiary to the brink of possible parole. He isn't the same man whose sentence was commuted to life in the penitentiary. He isn't the same man who went to death row 20 years ago.

It isn't that the prison changed him. He himself says, "A penitentiary brings out the worst in a man, it just isn't designed to bring out the good. A man has got to reach down inside himself, take hold, and change."

That's what happened to Bobby Miers. Now he is where nobody ever thought they would find him—up for parole. And the same prison officers and wardens who once feared and hated him are hoping he gets it.

### THOSE WHO DON'T

"Punishment doesn't cure a man. Punishment made me worse."—Clyde Thompson, ex-inmate, 28 years in the Texas Penitentiary.

"The penal system made me a better crook."—Robert Davis, ex-inmate, New York prison system.

Not every prisoner finds the self-revelation to save himself that Bobby Miers did.

Every third prisoner who walks outside a prison wall, either free or on parole, will be back. There is a fraternity of inmates. Bobby Miers calls them professional convicts. He was one. "I had friends," he says, "in every prison in the United States. I came into the prison system as a young man and was raised by it."

Tony Newland, an ex-inmate, who spent 15 years in the California prison system and is now studying sociology at San Francisco State College, was another professional convict. "As individuals," he says, "we considered ourselves thieves. Prison was but an occupational hazard with us, like falling might be to a bridge painter. We went to prison to do our own number, get out, and go back to doing what we do."

### SOME EXPECT TO COME BACK

Some inmates in this fraternity of inmates go out expecting to come back. One inmate for instance, stood in a prerelease room at the Walls unit of the Texas penitentiary early on a November morning this year. He had spent 17 years off and on in prisons in Alabama and Texas for robbery and he was about to be released again that morning. He said: "Am I going to stay out? I don't know. I am going to steal again, I know that.

"There's a fellow out there says he is coming to meet me. And I hope he doesn't, because I promised him if he did I would do this robbery job with him. I don't really want to do it, because I don't want to come back. But if it's the only ride I have to Houston and if he's there, I promised him. And I guess I'll go with him."

Some inmates who leave not only know they are coming back, they are relieved when they do. Isaac Easley, who has served 11 years in the Texas penitentiary for robbery, says, "Fifty percent of the men I have seen come back actually seem to be contented. 'Yeh, man,' they say, all jolly and full of thrills, 'I just couldn't make it out there.' And it doesn't seem to matter about the time they bring back with them, whether it's two years or 30 years."

### PRISON SYSTEM CRITICIZED

Criminologists universally indict United States prison systems for doing little to halt this cycle. Prisons, they say, do not reform, deter, or rehabilitate.

Hans W. Mattick, director of the Center for Studies in Criminal Justice at the University of Chicago, says: "Prisons isolate and incapacitate. We have contradictory expectations of them. Simultaneously we expect them to rap a man alongside one ear while whispering reform to him through the other. We call this rehabilitation? You don't train aviators in a submarine. Indeed, in proportion that a man adjusts himself to prison life he unfits himself for any other life on the outside."

Carrol Wayman, a black psychologist who works with prisoners in the California system says: "The most telling point of all about correctional institutions is that they can't correct. They are run on contradictory concepts. When men and women are prodded at the end of a stick or a gun there can be no rehabilitation. The agenda is survival, period."

### SEE YOU IN 90 DAYS

No inmate or exinmate will say a prison ever helped him. "Prisons," says Jeanette Spenser, an exinmate in the Westfield women's prison in New York, "are geared to failure". There is no rehabilitation there, no help for you. If you get help, you do it yourself. Ten years ago 70 percent of the women doing time were in there for drug- and drink-related crimes. There was no narcotics-rehabilitation program then—or today. The percentage now is up 15 percent. All that happens to you is you serve your time, you're given a set of clothes, and the officer says, "Goodbye, I'll see you in 90 days."

"It's that great sense of injustice convicts feel," says Tony Newland. "After you finish your time you are told that wipes the slate clean. But meanwhile they have robbed you of every means to survive in this world. It becomes a vicious circle of in-and-out for the rest of your life. We come out, feeling we have paid our debt, whatever it was. But on the outside it is the same thing in a different form. We are discriminated against in countless ways. We find a rationale out there to commit other crimes. Hardened criminals? Man, prison is where they make them hard. That's the forge up there—in Soledad and in Quentin or wherever."

### YOU EITHER REBEL OR SUBMIT

Michael Middleton, a Texas exinmate, describes the deterioration that sets in on convicts that don't resist it.

"If I had a life sentence in that place I would agitate for the sake of agitating. With time that long you either have to rebel or submit. Years in the penitentiary make a vegetable out of a man. I have seen men 40 years old who started out human, but now can't discuss the weather. They can't even read a pocketbook any more. They look for comic books to read instead.

"And they walk around with vacant looks on their faces. If they were turned out to society now, they really couldn't make it. They have deteriorated so far they can't even be paroled."

Pat Wood, a white ex-inmate in both the Women's House of Detention in New York and Santa Rita women's prison in California, says: "The thing is you are treated like an animal for so long you begin acting that way. And then they tell you when you get out to go and lead a middle-class life. Given that kind of training, it's impossible to do."

### THEY HAVE TAKEN ALL HUMANNESS

A black inmate in Goree, the Texas prison for women, convicted of murdering her husband, says: "The problem is, they keep you so long you become like an animal. The walls make animals out of you. They expect you to go back into society as human beings when they have taken all humanness out of you. They keep you so long it affects you mentally and physically.

"What happens time and again is that you come in angry, and then there comes a point when you decide to live by the law—when you actually are rehabilitated. Then is when you should be let out. But they don't, they keep you until you pass that point and lapse into an animal."

That is the chorus of complaint from the inmate side. There is hardly a dissenting note to be heard from any cellblock in any American prison. In Sweden the longest a criminal, even the most violent of men, is held in prison—with few exceptions—is ten years. Then he is released under a carefully prepared program of community supervision. The penalty for pushing heroin would likely not be prison at all, but probation.

### INNOVATION BECAME NIGHTMARE

An innovation pioneered in the California prisons in 1917 hailed at first as a great liberal reform—was the indeterminate sentence. It has turned into a nightmare. Envisioned as a means to let the deserving out early, it has been used by prison officials instead as a weapon to keep men who bridle at prison ways incarcerated indefinitely. It has maximized the discretionary powers of the California Parole Board. Now even reformers, who once thought it a good idea, are calling for its end. And the California Department of Corrections, pressed by the outcry, is charting changes that will guarantee inmates that they will be told six months after coming to prison when they can expect to get out.

Convict George Jackson, one of California's "Soledad brothers," convicted originally of a $71 robbery, spent 10 years in prison under an indeterminate sentence and was finally shot and killed in the San Quentin prison yard last August.

Clearly it is difficult for prison or parole officers to tell if a convicted murderer or robber or rapist is truly a changed man, that he will go out and not come back.

### CHANGED BY A NEW THOUGHT

Convicts—particularly the most violent—are men who need help, not just to be punished, dumped in the "hole," or locked behind bars for a lifetime. There are others whose experiences parallel that of Bobby Miers, men who were changed in a moment of self-awakening and maturity. It is something that can be sparked by the smallest incident, idea, or particle of help. Bobby Miers was changed from a killer by a new thought about himself. Clyde Thompson, a man considered in his time—the '30's—as the most dangerous convict in all of Texas, was changed in isolation by reading the Bible. And he got out only because one woman, who was later to become his wife, spent seven years trying to get him out.

Howard King was a contemporary of Bobby Miers and perhaps even more of a prison terrorizer. Serving two concurrent sentences of life and 99 years, he once said he was "harder than concrete" and that he would break any warden in the Texas system. He has just been paroled. Before he left he had become a "model" prisoner.

Nobody "broke" these men. Nor did any of them receive systematic help from society or from the prison system.

What they did they did for themselves or with the help of perhaps one lone, interested individual who may have just passed briefly into and out of their prison lives.

How many other violent men, presumably lost forever to society, can find that moment of change—with help—there is no way of knowing.

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## PRISON REFORM OVERSEAS

(NOTE.—This article was compiled by staff writer Florence Mouckley from dispatches written by Monitor correspondents Robert Nelson in London and Harry B. Ellis in Europe and from special reports by Ben Tierney in Ottawa and Thomas Sterling in Rome.)

Hair worn long—not shoulder length but over the ears . . . casual clothes, not drab prison uniforms . . . 10-to-12-man dormitories instead of cells . . . day paroles to take a job outside. . . .

That's prison reform in Canada.

Five hundred and fifty of the nation's 2,000 most hardened prisoners working in regular jobs outside prison walls. . . .

That's prison reform, in Italy.

"Open punishment"—confinement without bars . . . a choice of work or study . . . furloughs for family visits. . . .

That's prison reform, in Sweden.

Working in the community to "pay" for crimes . . . day training centers to help inmates understand their problems. . . .

That's the future of prison reform, in Britain.

In a wide-ranging Monitor survey of how major industrialized nations handle their convicts, all the countries analyzed had one prime target: rehabilitation. Mere incartion, they found, just does not work.

The vast majority of their convicts are repeat offenders, just as in the U.S.

Most prisoners, it is widely believed, can be rehabilitated and returned to a constructive life.

Said one Italian expert: "Most people who do wrong . . . are not one person but two. If you can make them one person again it's all right. If not there isn't much hope."

There are many ways to reach the common goal of rehabilitation.

### CANADA

The government, led by Solicitor-General Jean Pierre Goyer, has launched a broad program of reform that aims to end the "depersonalizing" of prisons and their "total isolation from society."

No longer are large, maximum security prisons being built. (Two were recently completed, but construction on a third was stopped.) They are to be replaced by "mini-prisons" accommodating no more than 150 inmates each.

To create smaller communities within large existing prisons, "living units" of 10-to-12 prisoners are to be formed. Inmates will live in dormitories rather than in cells. To build constructive relationships between supervisors and prisoners, one set of guards will be assigned permanently to one unit of prisoners.

The communities will try to function independently of the rest of the institution.

Prerelease centers will be set up within existing penitentiaries, to allow prisoners nearing the end of their sentences gradually to spend more daytime hours "outside." Just before release, they should be using the institution solely as a dormitory.

More paroles are being granted, to allow prisoners to take a job or attend school "outside."

Military-type furloughs will be granted to inmates on a merit basis.

Other attempts, too, are being made to improve life within Canada's prisons.

Inmate committees, selected by inmates themselves, have been formed in each of the country's 36 federal institutions, with access to the office of the institution's director (the title of "warden" was scrapped recently). They can make complaints and give advice, though final decisions remain with the director.

The committees have also proved useful in pinpointing potential trouble spots. They've complained about the treatment of particular individuals by guards, or by other inmates, and about attitude and performance of prison staff generally.

Another channel for airing frustrations: mail addressed by prisoners to members of Parliament cannot now be opened by prison officials.

Smaller changes, but nonetheless important, have taken place in prison regulations detailing personal appearance. Inmates can, within limits, wear their hair in up-to-date styles. "We won't go along with over the shoulders, but over the ears is okay," one official said.

Prison clothing has been changed to resemble outside casual dress. Inmates can vary it from time to time by adding a sweater or other items that they themselves choose.

Canadian prison reform does not include conjugal visits; but the aim is to give more privacy when family members visit prisoners.

The biggest problem in Canadian prisons, as in others around the world, is how to deal with sexual behavior of prisoners who are cut off from contact with the outside world. Officials want to reduce and end homosexuality; but they see no easy solution yet.

### ITALY

A remarkably successful experiment has been carried out over the past two years with 550 of the country's 2,000 habitual criminals.

The prisoners—in two workhouses where habitual offenders are sent after serving their formal sentences—were split into two groups. Jobs were obtained for them on the "outside." Once they started working they had complete freedom to come and go, subject only to a return to the workhouse by 10 o'clock every night.

They could take up any activity, or study, as well as work. They could keep whatever money they earned, although they had to pay for their quarters at the workhouse and for the food they ate there.

Earning money "outside" made a significant difference. A skilled electrician inside the workhouse made less than a dollar a day, and would have to contribute some of this for his support. Outside he could earn 5-to-10 times as much.

The most important aspect of the program was forming the prisoners into groups. Since there weren't always enough jobs to go around, they had to take turns working "outside." Competition to get outside, and stay there was intense.

It was made clear that if any one prisoner got into trouble the whole group would be in trouble.

Results: astonishing.

In two years not the slightest trouble has come up. No dishonesty has been found, not even over a few cents. Even more surprising: No one has tried to escape.

Said one prisoner: "I went to jail for the first time at 18. Altogether I've done 17 years, mostly for thefts . . . I've never really had a job before, and it's not bad. I make pretty good money. If I'd known about this before, I'd have started when I was a kid."

One criminologist involved in the experiment explained: "Our team has established human relations with the prisoners. . . . We have found a way of individualizing sentences, against the traditional system. That system has shown itself a failure; punishment for its own sake has little effect."

And all this, in a nation where the official attitude toward offenders is harsh.

At best in the past, the objective has been to put habitual criminals behind bars, and when their sentences have been served, to keep them under almost constant surveillance in workhouses, for minimum periods, but no maximum. Judges often extend the periods for many years.

The "working outside" experiment came at a time when a comprehensive prison-reform bill has passed the Senate but has yet gone through the Chamber of Deputies.

### SWEDEN

Of all Western nations, Sweden probably has the most progressive prison system—although it does not have to contend with many of the racial, political, and social upheavals facing a country like the United States.

The Swedish attitude, embodied in law, is that prisons should ease "the offender's adjustment to society." Treatment of the prisoner is aimed at rehabilitation, not punishment.

"Open punishment"—confinement without bars—is preferred in all cases except those involving danger to the public.

'The greater number of drug addicts is a factor which has increased the need for more closed forms of treatment," says a 1971 Swedish Government commission report.

Swedish prison officials try to adapt the treatment of each individual to his particular needs. Relations between guards and prisoners tend to be relaxed and, often, in the nature of instructors to pupils.

For most Swedish convicts, life is what they make it. They may work if they so desire, but are not forced to do so. Instead they may choose a mixture of education, special studies, athletics, and "therapeutic," activities guided by prison social workers. The Swedish convict is allowed "furloughs" to visit his family. If he is transferred from one prison to another, he is allowed to travel by himself. (This does not apply to criminals judged to be still dangerous to society.)

### EDUCATION CONTINUED

Prisoners who "misuse" their furloughs by extending them are few.

A number of prisoners live in barracks near universities where they continue their studies toward a degree or postprison job.

A few prisoners of exemplary behavior are permitted to move with their wives into special houses near the correctional institution.

Inmates who work at prison shops are paid the going market wage, pay taxes, and receive regular benefits as normal workers do. Some Swedish prisoners go out to work in ordinary factories and shops.

According to Swedish prison expert Torsten Eriksson, it becomes harder and harder "to land in jail in Sweden, with the exception of drunken driving, against which Swedish law is applied with merciless severity."

Most categories of offenders pay their debt to society as probationers and not as prisoners within an institution. The one exception is the growing number of Swedish drug addicts, many of whom are locked up to protect society and themselves.

### BRITAIN

Offenders should perform some kind of community service to "pay" for crimes, many British experts believe. The new 1971 criminal-justice bill, now moving through Parliament, introduces a detailed plan.

Courts will be able to require a person aged 17 or over, convicted of an offense punishable by imprisonment, to do between 40 and 240 hours of unpaid work for the community.

The bill also proposes day training centers to try and diagnose an offender's educational, vocational, or social handicaps and to help him tackle them; supervision for some of those who receive suspended sentences; deferring sentences to give offenders a chance to make amends with the prospects of a reduced sentence or even an absolute discharge.

Maximum penalties for some firearms offenses are also increased: Life imprisonment becomes the maximum sentence for possessing a firearm with the intent to endanger life, and for using it to resist arrest.

The effect is to plug the gap left by the abolition of capital punishment.

The bill gives courts power to order a convicted person to pay for personal injury or damage to property. For the first time a wealthy criminal's assets can be tapped to compensate victims.

### CONSTRUCTIVE ATMOSPHERE

Grendon Psychiatric Prison, the first of its kind in Britain, was opened in 1962 to treat personality disorders in a prison setting. Techniques may spread to other prisons. The object, government officials say, is to develop "a constructive community atmosphere, under psychiatric supervision." All the staff are involved in the therapy program, in however small a measure.

Grendon's accomplishments so far are mixed. On the one hand it has run a closed prison with special emphasis on prisoners' psychological disturbances, and building an atmosphere of trust. But recidivism rates of its adults and youths are not spectacularly lower than those of other penal institutions.

"Group counseling," says the Home Office in London, "has been found a useful way of helping some young men in borstals [boys' correctional institutions] to face up to their difficulties and to understand more easily the reasons for behavior which is not acceptable to society."

Disagreements exist between professional staff who encourage prisoners to shout as a means of getting their troubles and aggressions out in the open, and prison administrators who insist that control, not crisis, is fundamental in a big institution.

### BOYS' WINGS DO BEST

Grendon appears to do its best work in the borstal section, two wings of 30 boys each.

At 8 a.m. everybody—staff and residents—try to get things off their chest—complaints, annoyances, anxieties.

In the afternoon, small groups of boys and prison officials get together and talk things over. Good relationships are built up and many have proved durable.

Many boys come back to see their officers after release. They are encouraged to keep in touch, even to telephoning collect to Grendon from anywhere in the country if they need help. Officers and staff psychotherapists are encouraged to visit the boys at home. Even so, a sadly surprising number of Grendon borstal boys return to crime after a year outside.

The trend, however, is toward creating a hopeful atmosphere, pinpointing and dealing with the individual's problems, and returning him to a constructive life.

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## No. 50061, Inside Maximum Security—6 Days in State Prison Through the Eyes of a "Murderer"—II

(By Ben H. Bagdikian)

The aging forger slid over the bench where we were watching television.

"Did you really do it?"

"Do what?"

"You know. The murder."

I looked at him in astonishment. Prisoners don't say things like that to each other. It's the kind of question a clumsy informer asks.

"No," I told him coldly, "I didn't."

It was true. I was in a maximum security penitentiary for murder. But I hadn't killed anyone. No one at the prison—warden, guards, inmates—knew that. All they knew was that one night, two state policemen delivered me in handcuffs as a "transfer" from a distant county jail.

Huntingdon State Correctional Institution is a fortress behind high brick walls and gun towers in the mountains of central Pennsylvania. It was designed to make sure that no man would break out. It had been hard for me to break in. But finally I was here, in crumpled institutional uniform, Prisoner No. 50061, sitting in Cell Block A with my fellow inmates—murderers, rapists, armed robbers, forgers, burglars.

For three months, I had looked at the American prison system as an outsider, observing men behind bars and talking about them the way a tourist visits a zoo. Prison experts agreed that perception of what it means to be imprisoned in America remains dim unless you are on the other side of the bars. They were right. Months of interviewing prisoners, former prisoners, corrections administrators and research scientists, as well as reading dozens of books and reports, had not prepared me for the emotional and intellectual impact of maximum-security incarceration.

On the night of Friday, Dec. 17, two undercover Pennsylvania state policemen delivered me to the state penitentiary.

When they were gone, there was no one inside the prison who knew that I was not really "Benjamin Barsamian," county prisoner awaiting grand jury action for murder.

A trusty, an older prisoner, led me to cell No. 114. The door didn't close behind me with a "clang" as it does on television. It clicked. Firmly.

The cell has no window. It is about seven feet by eight, with a steel cot, small wooden table and chair, a metal shelf on the wall. In one corner near the door there is a porcelain seatless toilet and directly above it a porcelain sink with spring-loaded push-buttons for hot and cold water. Above that a square of shiny metal is riveted to the wall for a mirror.

Two sheets and blankets are on the cot. I make up the bed. The mattress is about an inch thick.

A guard puts a piece of paper on my cell door. "That has your name on it—in case you get lost."

The only light inside the cell is a square fixture above the door, aimed into the cell, casting a pale, yellow light into the eyes.

The corridor lights go dim. A turnkey comes by to double-lock each cell door for the night.

Suddenly I am very tired. I remember that I didn't have dinner. There is nothing to read and nothing in my pockets. It is hard to sleep.

The new sounds fill the mind. Unseen prisoners snore or call out in their sleep. Periodically, someone is heard urinating, followed by the explosive flush. Or there is the percussive bang of the faucet springs in the sinks. The telephone on the guard's desk rang all night. From time to time there is a quick footstep as a guard shines a five-battery flashlight into the cell for bed checks.

Sleepless, I experience the first surprise of imprisonment: it is difficult mentally to create the outside world. The prison is so drained of normal clues that it is hard to connect, even in the imagination, the reality of inside with the strangely remote reality of outside.

It takes a conscious act of will to recreate the events of that same day.

### INFILTRATING A PRISON

The day started with a normal morning at The Washington Post; lunch in a favorite Washington restaurant with a favorite person; driving to Pennsylvania in the late afternoon with the long, yellow light of the setting sun lying gently on the golden stubble of cornfields and the still-green meadows; being stopped by a Pennsylvania state trooper for speeding and being unable to tell him I was late for my imprisonment for murder, and later laughing at myself for driving to the penitentiary in a rented automobile.

In my cell, it is hard to make vivid the memory that only four hours earlier I was in the Pennsylvania State House in Harrisburg, in the office of Attorney General J. Shane Creamer, who made the imprisonment possible and who, with his top assistants, gave me a rapid-fire briefing on my cover story. And the cold two-hour drive from State House to state pen, arguing the pros and cons of capital punishment with the two undercover state policemen.

I worry for a moment if my project has been secret enough. Weeks earlier I was about to enter the Oklahoma State Penitentiary at McAlester when an ex-convict visited me and said, "You'll never get out alive. Too many people know about it and the grapevine down there has picked it up."

A prisoner entering under false pretenses is automatically assumed to be a planted informer, an occupation with high mortality rates.

I also make sure that I remember Creamer's private home phone number, the only thing I might use in a jam to convince a guard that I'm not a real prisoner. A week earlier as we left Creamer's living room he asked Allyn Sielaff, his director of corrections, whether in the event that trouble developed at the prison I couldn't tell a guard I was really a newspaperman and wanted to speak to the attorney general. Sielaff broke into a grin.

"Oh, he could do that, all right. They'd just think he was crazy."

Only when the difficulty of vivid recollection of the outside world recurs day after day do I realize that it is not because of fatigue or tension or a bizarre day. In prison, the outside world quickly becomes unreal.

Around 5:30 in the morning, the turnkey comes by turning the bolts on each door. It does not release the door. Every cell on the tier is automatically locked by a 200-foot-long bar. Only when that moves about four inches, with an almost inaudible rattle, does it release the doors.

"Now men—chow!" I was told last night to ignore that call. The bar moves and after 30 seconds closes the tier again. Five minutes later, at about 7 a.m., there is another shout, "DCCH—chow!" That's it.

Like all entering inmates, I am in DCCH, Diagonstic Classification Center, Huntingdon, the first weeks of prison when there is recording of personal and criminal histories, some testing and assignment to a permanent cell block and permanent prison work in the soap factory, printing plant or clothing mill. The bar moves to the open position and I step out of my cell.

### SOME UNFIERCE COMPANIONS

I see my group for the first time, about 25 men with rumpled hair shuffling to line up along the wall. Mostly in their twenties, mostly with long hair, sideburns and some beards. Three blacks. All looking unfierce.

The guard says, "Let's go," and we walk in loose formation through the Center, the hub of the prison. I fall in next to an older man who nods briefly.

At the dining hall, a large room with about 20 rows of ten tables, each table with four wooden seats attached. All 700 prisoners eat together.

At the entry is a table with a large container of utensils. A uniformed guard wearing transparent plastic gloves picks up one knife, one spoon and one fork and hands them to each prisoner. We shuffle to the cafeteria line, taking metal, welled trays from a rack. Inmate workers hand out the food, sometimes helping it into the tray with hands encased in the surgical looking clear plastic gloves: one fried egg, a cookie, box of dry cereal with milk, grits, coffee.

Each group occupies a single row of tables. The kid next to me asks if I'm new and I asked what it's like here.

"Guards here are pretty good, Used to be a lot of head-knockers here. Real rough. Used to hit you with pipes and clubs. But they got rid of most of them. A few . . . left, though."

### SELF-SEGREGATION OF RACES

The dining hall is strictly segregated, self-segregated I'm told. Blacks all together, whites in their own rows.

At a sign from our guard we return our trays to the cafeteria line, rinsing out our steel coffee cups. We carry our utensils to the door where another guard watches as each man deposits one knife, one spoon and one fork. No retention of weapons material.

We walk back to the cell block and are locked into our cells. There is nothing to do. Nothing to read. Razor and toothbrush and other personal effects were sealed up last night.

At lunch I sit next to Mack, a tall Hell's Angel type, unbuttoned shirt showing masses of tattoos long hair in the neck, chin whiskers, a cross tattooed on the left cheekbone.

He speaks with a curious Southern accent. As a black prisoner walks by he says loudly, "There goes a prince." Another black walks by, "There goes the king." He looks at me and laughs. I don't laugh. He scowls.

He eats a spoonful of ice cream from his paper container and then offers me the rest. I decline. He looks at me steadily and says, "Gettin' pretty ——— bad when a man cain't give away some ——— ice cream just because he took a bite on it." Back at the cell block his cell is directly above mine on the second tier. As we wait in front of our cells for the bar to move, he drops a match on me. I figure I'll have trouble with him. He turns out to be my best friend.

In late afternoon, I am called to the hospital again. Still no pills and no razor. Return to cell block. As Christmas week extra, can watch television.

Mack is on the bench behind me. I remember some last minute advice given me, "Don't turn your back to anyone's cell; they can stab through the bars. And keep your back to the wall." I remain conscious of Mack.

After supper comes the daily exercise in prison democracy: inmates vote on television programs. Between 6:30 and 9 prisoners have a choice of activity. They can watch television at one end of the corridor. They can play pinochle at tables at the other end. They can sit on the concrete floor and talk in the middle. Or they can choose to remain locked in their cells.

If men choose to watch television they can vote as a guard reads out the six choices for each half-hour segment. Men on the other side of the cell block join us, so there was close to 50 per cent black sitting on the benches. Relaxed but separate.

The first vote is on "Hee Haw," an all-white country-and-western program. It's on racial lines, most whites for it, all the blacks against it. Whites win. Overwhelming vote for "All in the Family." On subsequent nights, "Gunsmoke" is another big favorite. Also Dragnet.

### CONVERSATIONS FULL OF DARING

Then begins what was to be repeated day and night, the catechism of prison conversation: daring crimes taking incredible chances, violent fights, big hauls on robberies with the money spent. "So I put the muzzle of that ——— .38 right against the neck of the ——— and said "Jess drop your wallet . . ."

Psychological conquest of prison is an important theme. Long sentences are greeted with respect. If a man faces five years he says, "I can handle it." Someone asks how Huntingdon compares with other joints. "Man, I've seen 'em all, and I don't really see that much difference. I can get along in any of them. You just go in, don't ——— with anyone, pick your own group and stay with them." Or, "The hole? Why in Ohio State I was in the hole for 30 ——— days for fighting. First day I got out I find the same ——— and Phoom! I bust his jaw. Back in the hole for 60 days . . ."

A standard story told by a half dozen men on different occasions in various forms is the inmate's version of a profane and defiant speech to the judge who sentenced him.

" 'Send me up for life if you want, you ———. I don't give a ——— what you do.' And I turned my back on the ——— and walked right out of the ——— courtroom." Like the sex fantasies of barracks life in the Army, it's almost certain most of the speeches were never made.

In personal conversations without an audience there is less bravado, less violence.

"See that guy over there from B block? He's the greatest escape artist ever."

"Yeah? Just escaped from the street into Huntingdon State Penetentiary?"

Toward the end of the evening, Ollie limps over and sits on the floor. He says he might have to be transferred for an operation. One of the group says, "Don't let them send you to Pittsburgh." Ollie asks what was wrong with the state pen at Pittsburgh.

"Niggers control that. This is *our* place." Mack shakes his head.

"Ah'll tell you, wherever the niggers are, they try to take over. Indiana State, the ——— weren't even a majority and they took it over. You got to fight them or they'll do it every time. They ain't taking this joint over, I'll tell you that."

That afternoon during the movie, the villain is shown fullface on the screen during his most despicable moment. From a black group of prisoners comes the shout, "That's a white man for you!" From a white group: "He's probably a Jew."

Although something like half the prison population is black, I see only one black officer on the staff. Most of the guards seem relaxed, able to small-talk their way around tense moments, avoiding harsh confrontations, establishing an atmosphere of easy relations with most of the prisoners.

Two or three of the guards are noticeable by contrast: rigid personalities, barking orders, speaking in contemptuous tones. It is remarkable how easy it is for a single harsh order to put everyone's teeth on edge. Prison is depressing and demoralizing, the walls and bars and guards and gates and steel and concrete remind one every moment that he is not free, that he is not a whole man because his whole physical being is under someone else's control. Easy-going guards keep that from being an intolerable challenge. A few barked orders in a harsh tone raise the level of felt hostility.

It makes you realize that a couple of guards could bring the place to a crisis in a short time. At Huntingdon, the guards do not seem very sophisticated or educated—many of the prisoners are obviously more so than the staff—but this doesn't seem related much to their effectiveness at preventing confrontations. Most are skilled at easy relations and relaxed manner. With whites.

There is little or no visible antagonism to blacks among staff, merely an evident lack of communication.

One day one of the blacks in my section is sweeping the catwalks, singing in a high-pitched voice like Ray Charles.

"What the hell are you doing?" the guard, an older man, yells harshly.

A young white inmate sitting on the floor near the guard says, "Oh, he's just that way, you know," and he twirls his finger around his ear, indicating nuttiness. The guard mutters, "They're all like that."

Up on the catwalk, the black continues his zany singing in a thin voice and only if you listen carefully can you hear him singing phrases that included, "——— honky . . ."

In the exercise yard a few days later the same young black, a Muslim, is not jiving as he argues with a white prisoner:

"Ours is *the* religion. God is in *us*. We have the power of God in us. You never see the guards ——— with any Muslims, do you? You know you haven't. Why you think that is?"

At 9 o'clock, the television set is turned off, its plywood container locked, the floor swept and everyone locked and double-locked in his cell for the night.

### HUSBANDS AND WIVES

The second day, a large homosexual inmate is moved into the cell next to me. He is an outstanding athlete, which may explain why he is treated with some deference.

Homosexualism is evident. In the auditorium the queens are obvious, some primping their hair, others walking in tight trousers with swaying hips. Some arm-in-arm and referred to casually as husband and wife.

My neighbor is referred to as "she" and "her" and plays the role of woman openly. The first night he is on the cell block, he borrows a razor blade from me, saying, "My husband will pay you back tomorrow." At supper one night he says to me, "Does my lipstick show?" Back at the cell block he has a quarrel with another homosexual, shouting at him, "You walk around here like you are God's gift to men."

Later my neighbor turns hostile to me. One night he asks, "Are you a Jew?" and when I said I was not, said, "Then why have you got such a crooked nose."

There are jokes about my neighbor, but in anger they center on his blackness, not his sexual role.

At 2 a.m. one morning, my neighbor begins singing in a falsetto. Curses come from around the cell block as men wake up. "Shut up!" "For Christ's sake, stop it!" The whites refrain from too open anti-black epithets. But my neighbor shouts back, "White ———!" When the other prisoners keep shouting, my neighbor goes to his cell door and rattles it, calling, "Guard! Guard! Come here. Hack! Hack! I need you."

The prison is not on the edge of racial conflict, at least to this eye. But hostility is near the surface.

We take daily showers in a room with two rows of shower heads controlled and observed by a guard behind a plate-glass window. Again there is self-segregation. Blacks shower together at one end, including my neighbor.

### EARNING 25 CENTS A DAY

I still have no reading material on the third day. Mack gets some correspondence forms and lends me a ballpoint pen.

Most of the time I still sit in the cell and stare at the standard view: the steel lattice-work on my cell door, silhouetted against the lighted corridor wall beyond. When you close your eyes you still "see" the scene, but in reverse like a photographic negative, the image burned into your retina.

Almost all the visible lines are straight and rectilinear, all the colors subdued, from the tan walls to the guard's grey uniforms. For some reason, my eye keeps going to a pipe entering my cell through the latticework and later I realize that it is one of the few curved lines in my scenery. Everything soft or tender of complex has been eliminated. Surfaces are all hard: tile, steel, concerete, brick. So sounds echo, harsh but indistinct.

Even the steel mirror on my wall is a shadow and reflects only a blurred gray image. On the third day, still unshaven, I walk by a clear mirror on the cellblock wall that lets guards look around a corner and I see "another prisoner" appropriately crumpled and grim. It is my own image. Shocking.

One morning at 8, I hear the whistle from the prison soap factory. I envy the inmates their work. Shortly afterward a trusty comes to the cell door.

"Hey, want to work?"

As an unsentenced prisoner, I cannot be forced to work.

"You can make 25 cents a day."

I leap at the opportunity.

I mop the concrete floor of the cell block. As we work around the guard's desk, one young inmate says he's going to California when he gets out.

The kid next to him said, "What'll you do if you can't make it and you're on the West Coast?"

"I'll just pull another armed robbery."

An older guard, tipping back in his chair, said:

"That's where you're wrong. You better not do that in California. Ronald Reagan, he don't ——— around. He'll just put you in the gas chamber."

I'm called to the hospital to see the prison doctor. He has seen my shaving kit with the medication in it.

"I don't see any problem with giving him the synthroid," he says to no one in particular. "If he takes them all he can't kill himself."

He turns to some sleeping pills and then to me.

"I don't see why anyone needs medication to go to sleep at night. If he gets off his ——— and does some work he won't have any trouble sleeping."

I decide not to tell him that we're locked in our cells from 17 to 20 hours a day.

### A HINT OF THE OUTSIDE WORLD

Even volunteering for work does not prevent the hours of idleness. But the idleness produces less clearness of thought than I expected. It is hard to think of life on the outside with any immediacy. Important places become blurred in memory in an alarmingly short time.

Prison is total. It strains out clues to normal life and in the void every petty detail on the inside becomes important. Relations with other inmates take on a profound quality. Nothing outside the wall seems real any more. It may be no accident that television news is voted down every night.

Yet what fragments of the outside world do intrude become desperately alive. In the early morning hours, if I go to the door of my cell, I can see a small patch of sky through a window in the upper corridor wall. In the predawn hours there is a strange anxiety because the sky is not visible, an uncertain grasp of time and reality. The first light of dawn becomes exciting, the slight of drifting snowflakes intensely moving, the shadow of a bird in flight miraculous.

The first time we are permitted outdoors is an almost explosive experience, an enormous view of blue sky. The yard is an asphalt surface 50 feet by 200, surrounded by the wall.

Another man and I walk the continuous oblong for two hours in bitter cold, but it seems like five minutes. He had been a woodcutter in Pennsylvania and a hunting guide in Montana and is doing 1-to-6. "I can handle it," he says. "If I do the six I'll only be 30 years old."

The guard on the tower watches us and when we begin taking larger corners into a blind spot, he has to come outside the glassed-in enclosure and stand on the outer parapet huddled into his coat. As we walk we talk about woods, animals in Montana, airplanes, cities, rural life.

When I return to my cell, Mack has deposited, through his genius at mobility and delivery, two eight-month-old Time magazines, one old Argosy, an old TV guide for Pittsburgh. I read them all, cover to cover.

The next day is library call. Practically every prisoner goes and some of them make surprising selections. After meticulous analysis of the October TV listings for Pittsburgh, it is exotic reading Dean Acheson, Simone de Beauvoir and Gore Vidal.

### YOU HERE FOR YOUR HEALTH?

Anxiety about my cover, which means my safety, doesn't develop until the fourth day. It is at lunch. At my table is a man from our section who was friendly at first but then cooled off. He is well educated, likes to whistle Mozart and Bach themes, and has lots of reading material which he promised me but never delivered.

He has been increasingly suspicious of me and I have stayed clear of him, especially after I found out that he worked in the front office and has access to an outside telephone. If he called the county jail I was supposed to have come from they would never have heard of me. If he discovered that, the word would get to my friends who would make an unfriendly assumption.

"You here for your health?" he asks as we eat.

He means was I sent here to protect me from threats of other prisoners. I replied that I wasn't.

"What are you charged with?"

"Murder."

"Where?"

"Adams County."

"This is a long way from Adams."

"They think it will be a long wait before I get to the grand jury."

"They usually transfer men to Camp Hill."

I shrug. But I have a feeling time is running out.

I worry about confidences other prisoners had shared with me; they might be remembered if they heard I was under an assumed name. I begin walking away from crucial conversation.

But conversation is hard to avoid. It has special meaning in prison relations, where men are thrown together almost at random and must make crucial decisions about each other.

Prisoners live in fear of each other and in trust at the same time. They have fear because everyone is under total control of the authorities, who can influence whether a man will serve two years or six, or live in a savage cell block or a civilized one, have a pleasant job or distasteful one, avoid punishment or be sent to maddening isolation. The prisoner is forever navigating this jungle. Some do it with weapons for self-defense or for coercion, weapons usually fashioned from scavenged metal. But the more common weapon is information that can win a recommendation for parole or pleasant assignments. So fear of betrayal is constant.

But inmates need each other and need to trust each other. They are united in common hatred of the criminal justice system. They are united in loneliness. Wives, girl friends, parents, working colleagues, friends, the usual universe by which a man finds his identity and humanness, all are gone. In the void, fellow inmates becomes indispensable.

There is a code of etiquette in prison. You can ask a man what offense he is in for, how long his sentence is, maybe where he comes from and what other prisons he has been in.

After that, it is up to him to volunteer information. The result usually is a great deal of talk, personal history and reactions to people and life. You enjoy the trust of others but at the same time fear it. Everyone is trapped together and each man has the power to harm the others. Trust and betrayal are potential in every relationship.

After I feel the twinge of paranoia, I stay out of the blind spots in the exercise yard, the spots in the corners out of view of the guard in the guntower, two of which I have found in the mental game of "escape" that everyone plays. I stay away from bunched-up lines at the dining hall. All unneeded, no doubt.

### THE VALUES OF PRISONERS

In his own way, Mack is a puritan. "There was that m—ing car, free and clear, not a cent owed on it, and I couldn't drive it. I didn't owe a m—ing nickel on it, not a dime. Took me two armed robberies to get it, but I owned it free of debt."

I wonder why my best friends are men whose social values I abhor. They are mostly racists who in their careers hurt innocent people. They are often liars and braggarts, not only in their dealings with the authorities, which was required, or in bull sessions, which is forgiveable, but also in their personal lives. Their talk is full of killing, shooting, pimping, treachery, treachery avenged and the endurance of suffering.

They exist beyond the bravado and toughness that in prison is necessary for self-defense. They have other feelings but they had no vocabulary for them. I marvel that for some unfathomable reason, after years of being bruised by their parents (Mack's mother laughed at him when he was arrested at age 14; thereafter he had four stepmothers and five stepfathers, by their families, after years of chaos and abandonment, years of imprisonment in various degrees of savagery and subjugation, their spirit, is unbroken. They refuse to be beaten. Some are strange and withdrawn. Most are not.

One day, as I watch the population file out of the auditorium, they suddenly strike me as not so different-looking from the students I had seen a few months before at the University of Wisconsin: same cool shuffle, beards, sideburns, the quick quizzical eyes, clothes worn shaggily—prison clothes don't look so different any more—but very cool.

Most of the men are in their low 20s. If the men at Huntington had four more grades of median school achievement and $3,000 more in parental median income they could be filing out of the auditorium of the state university instead of the state penitentiary. There is much talk about their experience at "Indiana State" and "Ohio State." But they mean state pens. The universities of the poor.

The morning I am supposed to be pulled out of prison I go to work as janitor in the schoolroom. I begin to wonder if they will pull me out today. Maybe there is a big crisis on the outside and everyone will forget.

Just before lunch, I am ordered to the identification office. They are finally going to complete my records, take my mug shot and fingerprints. Time is running out.

I give the man my name, charge, county and hearing judge. He asks my Social Security number. I remember the briefing in the attorney general's office: "You don't remember your Social Security number. Be clear on that. If they have your Social Security number, they can pick up their phone and in 30 seconds know everything they need to know about you."

The fingerprint man is working on me when a clerk walks up. "Hey, one of these guys has to go back to the county today. They're coming for him at 2 o'clock."

Two hours later, after my sixth day, two men in plain clothes issue the prison a "Body Receipt" for prisoner Benjamin Barsamian who, 40 feet beyond and two minutes later, outside the wall in the unlimited air, ceases to exist.

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## Bureaucratic Overload Turns Justice to Misery—III

(By Ben H. Bagdikian)

They look like a Norman Rockwell painting of democratic American life—kindergarten kids, some Orientals, some black, some Caucasian, cheeks rosy in the morning cold, skipping and laughing, paired hand-in-hand, with two good-natured teachers guiding them along the sidewalk of Baxter Street.

A few of the children look curiously at the scene across the street. Fourteen men, all blacks, handcuffed in pairs, shivering in their shirtsleeves, jump out of a police van and disappear into a steel doorway of the Manhattan House of Detention, the Tombs.

The first thought prompted by the sight of innocent eyes watching the gray scene is, "Thank God they don't know what it's like inside." The second thought is, "Perhaps they should. Some of them, some time in their lives, will be held in a jail."

Of all places of restraint, jails are the worst. They are detention centers where men, women and children get their introduction to the criminal justice system, where they are held after their arrest, where they stay awaiting trial unless they have bail money, or where they serve short sentences for minor crimes. Most are designed for only short stay; prisons are for sentenced people.

But for people too poor to make bail: an overloaded and creeping bureaucracy of justice keeps them in compacted misery for weeks, months or years, the majority of them not yet convicted of anything.

The Tombs is famous: 12 floors of cages, the scene of a spectacular series of prisoner rebellions in 1970 against overcrowding, racial abuse, vermin, court delays. It is now more than a year after the rebellions were put down with promises of reform.

I enter the public door.

Minutes later, the chairman of the City's Board of Corrections, William Van Den Heuvel, arrives, an old Kennedy hand in the Kennedy manner, big, shell-rimmed glasses, full of bounce. We are admitted and start taking elevators to various floors.

Each floor has a double tier of cells with adjoining small concrete and steel enclosures where prisoners spend the day playing solitaire or dominoes. As guards let us inside, Van Den Heuvel is surrounded by men, like a feudal lord beseeched by beggars inside the castle wall.

"Mr. Van Den Heuvel, please help me. They've lost my papers and I've been here four months. . . ."

"Mr. Van Den Heuvel, I'm afraid I'm gonna go out of my mind. They transferred me from Rikers a week ago but they didn't bring my medication and these headaches I can't stand. . . ."

"Please help me. I'm an addict. I been on heroin 17 years. I got on a methadone program on the outside and got off heroin. But I got arrested and brought to the Tombs. I'm on methadone now but they tell me that when I get out tomorrow I can't get back on the street program because I missed a treatment and they got a waiting list that takes 30 days. I'm afraid I'll go back on heroin. . . ."

"Please help me"—his hands reached through the bars of his cell—"I'm locked up because I'm a homicide case. But the sink here leaks and there's water on the floor all the time. My feet are wet. Can't you do something. . . ."

One whole floor holds homosexuals. On another floor a dozen young blacks do calisthenics in military formation. Our escort, Capt. Paul Feltman, 17 years a guard, says, "Look at 'em Panthers. Black Panthers. Killers."

An older white man with a painted smile cries out from a locked cell. "Hey, come here. I'm here by mistake. I'm a native New Yorker. I know my way around. I've been to Harvard. I've been to Harvard twice. I know my way around. They made a mistake. Hey, hey, listen . . ."

I ask Van Den Heuvel what they do with psychotic prisoners. "If the psychiatrist says a man is psychotic, the man goes to Bellevue. Bellevue will hold him only while he's acute, meaning physically unmanageable. Then they send him back."

Why isn't he sent to a mental hospital?

"No way. They're full, too."

He guesses that 15 per cent of the prisoners are mentally ill. That would be about 220 men. There is one full-time psychiatrist.

### EPIDEMIC OF SUICIDE ATTEMPTS

There have been 11 suicides and over 100 attempts in the last year. In the last few months, there has been an epidemic of men breaking the toilets in their cells and attempting suicide with the pieces. It takes the city nine months to replace a toilet.

Memory of the riots is still strong among prisoners. One shouts at us, "Hey, newspaperman. Ask them about the roaches and the rats. Ask them!"

Capt. Feltman yells at the prisoner, "Show me a rat! Go ahead, show one to me. Those aren't rats, they're mice. Don't you know the difference between a rat and a mouse?"

The day the riots began, the Tombs with a rated capacity of 902 men, had 1,416 prisoners, 57 per cent overcrowded, the day I visited, 13 months later, the rated capacity was 873 because of damaged cells, and there were 1,463 prisoners, 68 per cent overcrowded.

After the riots, the city somehow found $2 million in emergency funds. It added 24 tons of steel on each floor to increase protection of the staff.

Outside, the school kids were long gone. Over the door of the Tombs-court complex is the inscription:

"Justice Is the Firm and Continuous Desire to Render to Every Man His Due."

And under that a bronze plaque notes that this building was erected on the site of the underground railroad that helped free black men from slavery.

New York City is not alone in the misery of its jails. Last year a group of inmates in Baltimore City Jail petitioned the city court for relief from the following claimed treatment:

Officers in the jail regularly forced some retarded inmates to perform sexual acts on the officers; other retarded inmates were chained to the bars of their cells and beaten with keys; inmates in Sections N and O, while confined and peaceable in their cells, were Maced by guards because inmates had protested their treatment; when an inmate told a guard he was suffering from narcotics withdrawal the guard Maced him; inmates had been warned not to talk or write about conditions in the jail.

Riots over overcrowding and all that means—dirt, disease, homosexual rape, hysteria, exposure to psychotics—bring promises of relief.

In Wayne County Jail in Detroit, conditions did not lead to riots. Instead, there were 33 suicide attempts in two months.

Bad as city jails are, rural jails have their own special morbidity. Forrest County Jail, in Hattiesburg, Miss., isn't the worst but it isn't the best. The building may collapse. The cells are filthy, full of vermin, dirty rags and paper. The brick walls are so porous that some prisoners escaped by scraping away the mortar between bricks with a spoon.

In one year, the jail held 2,657 drunks, 688 people accused of felonies and 52 believed insane and awaiting commitment proceedings. It has held 12-year-old runaways and lost children in the same jail. Trials are held only every three or four months and it is not unusual for a person to wait in jail nine months before anyone decides if he is guilty.

Until this year, the sheriff in charge of Forrest County Jail got no salary. Instead, he got $4 for every arrest he made, 10 cents a mile for transporting the prisoner from place of arrest to the jail, $2 for logging the prisoner into the jail, and $2 for every prisoner held each day in the jail. There was no public money for food and other maintenance of the prisoners, so it came out of the sheriff's fees.

The state of Mississippi, as of this year, ended the fee system for sheriffs. But the practice continues in hundreds of counties across the country, rewarding sheriffs economically for making maximum arrests and jailings, and punishing him economically if he feeds and maintains the prisoners decently.

Forrest County is better than most in one respect. Its grand jury has regularly condemned the jail for years. Typical was their finding in 1968: "The grand jury is of the unanimous opinion that both the city jail of Hattiesburg and the county jails of Forrest County are unfit for human habitation."

Both are still being used.

No one knows how many jails, lockups and county camps there are in the United States. There is no way for inspecting them or imposing civilized standards on them.

The U.S. Law Enforcement Assistance Administration has counted those that are authorized to hold persons two days or more, and there are 4,037 with 161,000 men, women and children in them on a given day (5 percent women and 5 percent children).

LEAA says 86 percent have no exercise or recreation for inmates; 90 percent have no educational facilities; 50 percent have no medical care; and 1.4 percent have no flush toilets.

There are over 100,000 cells in these jails and more than 5,000 of them are over 100 years old. About 25 percent of these cells are over 50 years old.

More people than ever are headed for such places. The President's Crime Commission in 1967 said that 40 percent of all male children now living in the United States would be arrested for a nontraffic offense some time in their lifetime. Most of those will spend some time—hours or days or weeks or months—in a local jail.

### THE PLANNING OF PRISONS

Unlike jails, prisons are built with the knowledge that they will hold inmates under sentence, usually for more than a year and sometimes for life. These institutions, usually for adult males, are not accidental in their design and operations but are elaborately planned and constructed and operated by large bureaucracies of fulltime careerists.

It is depressing to consider what some men will plan and operate. It took a lawsuit in Virginia to expose the following treatment in the State penitentiary:

An inmate who attempted suicide had his neck taped to his cell bars for 14 hours and then was left naked in his cell for 17 days; a black prisoner screamed for help in solitary confinement for one week before dying unattended of sickle cell anemia; one inmate was locked in his cell without being let out for 743 days.

Federal Judge Robert R. Merhige ordered drastic changes in the Virginia prison system to eliminate atrocities by protecting prisoners' rights. The head of the State prison system said these rights are "not practical in the prison situation."

The State of Alabama, proud of refusing all Federal aid, built a new maximum security prison, the Holman unit, in Atmore, Alabama.

Holman was originally planned for 500 men; it now holds 800. There is not one classroom, no gymnasium, no auditorium, no hospital, no teachers, no psychologist, no social workers. There are very few guards—about 18 to a shift—and they are paid $3,900 a year. The prison is heavily monitored by television and watched by a guard at a station with 30 monitor screens.

The prison is organized with some open dormitories, some multiple-occupancy cells and special cells for punitive segregation. Unfortunately, the television monitors show only shadows at night and men in dormitories make tents of blankets that the television can't see through. Homosexuals roam the dormitories freely and there are fights, stabbings, homosexual rapes and homosexual prostitution.

Rather than risk assignment to dormitories or to work details under brutal conditions, men sometimes prefer punitive segregation which is not exactly luxurious: the punitive cells have four men to a 5½-by-7½-foot cell with nothing in it but a single blanket and a five-inch-wide hole in the floor for a toilet. On one day, there were 145 men in segregation.

To avoid assignment to dormitories or segregation or work details with guards who are especially brutal, prisoners often cut their own Achilles tendons, an act that occurs about once a week.

The prison is shoddily built, leaks in the rain and leaks between floors. One official who works there says, "It must have been designed by a psychotic." The present warden was not associated with its design or construction.

Asked how he survived at Holman, one inmate said:

"One, you shoot dope. Two, you find yourself a boy and make out sexually. Three, you burn yourself out reading. Four, you just sleep."

### THE RULE OF SILENCE

The deliberate debasement of human beings is not limited to Alabama state prisons.

The enlightened state of Wisconsin forbids prisoners in its maximum security penitentiary at Waupun to speak in their cells in the evening. In a special cell block, inmates may not speak at all and one inmate said he had spent 11 years without speaking except when spoken to by a guard.

Portsmouth County Jail in Virginia is a handsome, new high-rise structure overlooking the beautiful Elizabeth River and Norfolk harbor. It has a peculiar architectural feature: outside each barred window is a concrete slab held eight inches from the exterior wall. Its purpose is to prevent prisoners from seeing the view.

The most carefully designed prison system in the country is the Federal Bureau of Prisons. It has often been run with enlightened, humane administrators in Washington who recognize the prisoners are human beings who will return to mingle with their fellow citizens.

But Congress is the real boss of the federal prisons. In the past this has resulted, at best, in near neglect. There has been a Senate committee on prisons since 1924. Its annual appropriation of $5,000 was usually turned back minus the cost of a few senatorial trips to a federal penitentiary for what the senators informally called "cockroach counts."

Many politicians, including some of the most fervent rhetoricians against crime in the street, have been shaping prison systems in ways that make it harder to protect society from crime.

A major problem in American prisons is their isolation in rural places, usually without public transportation. Families of prisoners cannot visit; marriages of inmates break up and normal ties are lost. The prison cannot find rural staff members who have rapport with the inmates, who are overwhelmingly urban and after a majority black. The prison has difficulty getting professionals—teachers, psychologists, psychiatrists, vocational trainers, social workers—to move to remote country locations. And if a prison decides to educate its prisoners or teach them marketable skills before their release, there are few local schools or factories where this can be done.

Nevertheless, prisons continue to be built in precisely the wrong places. The usual reason given is that land is cheaper and the isolation is better for security. Land is usually cheaper but that is not always a large factor, prisons are full of expensive hardware and cost as much as $22,000 a bed to construct. And most rural prisons have had periodic escapes, while there has never been an escape from the most urban of all institutions, the Tombs, in the heart of Manhattan.

The real reason prisons are located in the country is that legislatures used to be controlled by rural politicians who placed the prisons there as profitable industries and opportunities for patronage.

Federal prisons have not escaped. Convenience for visitors is a difficult problem for any federal prison, since it holds inmates from all parts of the country, (though location near a big city would simplify travel). But federal prisons, like state and local ones, also suffer from rural locations in obtaining professional staff from the surrounding countryside and providing access to work, study and volunteer contacts for its programs.

The newest penitentiary in the federal system is the maximum security prison at Marion, Ill.

The prison was planned in 1958 and opened as a maximum security unit in 1969. It is eight miles from the town of Marion, which has a population of 11,000. The nearest city of any size is Evansville, Ind., 75 miles away. The nearest metropolis is St. Louis, 100 miles away.

The formal reason for putting it there was the availability of a federal wildlife preserve and security, since it replaced Alcatraz. The real reason is that the late Sen. Everett Dirksen, in addition to being Senate minority leader, was ranking Republican on the Judiciary Committee, which has jurisdiction over federal penitentiaries. And he wished a federal facility in the southern tip of Illinois, where his strength lay and which at that time was suffering from economic depression.

For the first time, the past year has seen interest by some committees and individual members of Congress in the basic problems of prisons, prisoners and criminal justice. A few have gone into prisons for the first time to talk to inmates.

Their nearest stop is Lewisburg federal penitentiary, impossible to reach by public transportation, spacious, improbable Gothic arches and handcarved stone in the dining room, carefully but bureaucratically run (visiting rules: one kiss at the start, one kiss at the end), not without the pathology of most prisons (an officer told one militant prisoner, "Why don't you get yourself a boy and settle down") but better than most.

Not all prisons in America are grim dungeons with iron idleness. Here and there, the system has produced amenities that begin to resemble outside life. At California Men's Colony East, at Los Padres, a medium security prison, one inmate was disciplined for breaking a window when he hit a golf ball too hard on the prison's miniature golf course.

But this does not eliminate the morbidity or the punishment. A survey of 871 inmates showed that most thought that from 30 to 50 per cent of the men would become involved in homosexualism before they left the prison.

At Leesburg, N.J., and Vienna, Ill., state prisons are designed to avoid the concrete-and-steel cage atmosphere.

There are many Americans, including many legislators, who feel that softening the harshness of male prisons will diminish the punishment and therefore encourage crime. A major theme of congressional appropriation hearings for prisons is the fear that inmates will be placed in "country clubs." It overlooks the fundamental punishment of any prison: to be deprived of liberty.

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### A HUMAN WASTELAND IN THE NAME OF JUSTICE

(By Ben H. Bagdikian)

If today is average, 8,000 American men, women and children for the first time in their lives will enter locked cages in the name of justice.

If theirs is an average experience they will, in addition to any genuine justice received, be forced into programs of psychological destruction; if they serve sentences most of them will not be by decision of judges acting under the Constitution but by casual bureaucrats acting under no rules whatever; they will undergo a significant probability of forced homosexualism, and they will emerge from this experience a greater threat to society than when they went in.

"Justice" in the United States today is so bad that conservative reformers talk openly of salvaging law-breakers by "diversion from the criminal justice system wherever possible" (The American Bar Association Commission on Correctional Facilities and Services).

It so efficiently educates children into crime that one official could say, "It would be better if young people who commit crimes got away with them because we just make them worse" (Milton Luger, Director of the New York State Division of Youth).

American convicts serve a majority of their sentences at the mercy of parole boards whose decisions on which prisoners to release are so irrational that it can be statistically proved that society would be better protected if some passerby pulled names of convicts at random out of a hat.

Coerced homosexualism is merely one of the psychological distortions built into the prison system. It appears to be prevalent among 80 per cent of all women prisoners, from 20 to 50 per cent of male prisoners, and an unknown but significant proportion of juveniles.

Ninety-seven per cent of all prisoners are eventually released back into society, where from 40 to 70 per cent of them commit new crimes.

Human prisoners in the United States are more carelessly handled than animals in our zoos, which have more space and get more "humane" care. Eighty per cent of all prison guards in the country are paid less than $8,000; all keepers of animals in the National Zoo in Washington are paid between $8,400 and $9,100.

Almost everyone seems to agree that our prisons are terrible.

President Nixon: "No institution within our society has a record which presents such a conclusive case of failure as does our prison system."

John Mitchell, Attorney General of the United States: "The state of America's prisons comes close to a national shame. No civilized society should allow it to continue."

Norman Carlson, director of the U.S. Bureau of Prisons: "Anyone not a criminal will be when he gets out of jail."

But the change is glacial. In most places there is no change at all.

The system is hardly a true system, but a disjointed collection of buildings and jurisdictions. The smallest is the federal, generally accepted as the more carefully designed, if bureaucratic.

On any given day the prisoner population in federal prisons is about 20,000, or less than 10 per cent of all sentenced prisoners in the country.

The states have 200 facilities, ranging from the big state penitentiaries to an assortment of reformatories, forestry camps and juvenile halls, ranging from some of the most humane in the country to some of the worst. They held over 200,000 prisoners each day.

There are 4,037 jails and uncounted city and town lockups where the range in conditions runs from fairly good to filthy and dangerous. Technically, "jail" is a place where a person is held awaiting trial, "prison" where he serves a sentence.

The county jails hold about 161,000 persons a day, 5 per cent of them juveniles (usually mixed with adults) and 5 per cent women. Including jails, the total incarcerated population is about 1 million. If one includes town "drunk tanks," 3 million Americans pass through cells each year.

Who are the Americans who find themselves behind bars?

They are overwhelmingly the poor, black and the young. A profound sense of being cheated runs through them. They may have been cheated by the environment they grew up in, by chaotic families, poor neighborhoods, ineffective schools, depressing career opportunities. But this is not the usual reason the average prisoner feels cheated. He feels that he has been unfairly rated by the criminal justice system. He is right.

#### A TINY MINORITY OF LAWBREAKERS

The President's Crime Commission in 1967 showed that from 3 to 10 times more crime is committed than is ever reported to police. They cite a survey showing that in a sample of 1,700 persons of all social levels, 91 per cent admitted committing acts for which they might have been imprisoned but were never caught. So most law-breakers are never caught.

If they are, the affluent tend to avoid imprisonment. The concentration in prison of the poor, the black and the young reflects, among other things, a social selection by which we decide whom to put behind bars.

Once found guilty, the fate of a sentenced man is subject to the wildest accidents of fate. Robert Apablaza sold a matchbox of marijuana and happened to find himself in a particular courtroom in New Orleans where he was sentenced to 50 years in prison; hundreds of others have done the same thing elsewhere and not gone to prison.

So every prisoner knows other offenders who received substantially better treatment than he did. He knows, and statistics prove, that justice is not evenhanded.

Once committed to prison, he is still governed by chance. The building he is in may be a 100-year-old fortress with four men in a narrow, dark and damp cell, or he may be in a clean one, one man to a cell. More than a quarter of all prisoners are in prisons 70 years or older.

If he is in Delaware, the state will spend $13.71 a day on his food and custody; if he is in Arkansas, $1.55 a day. If he is in Pennsylvania he will get meat and three vegetables almost every meal; if in South Carolina, meat once a week and other times greens and beans.

In some prisons he will be raped homosexually unless he is strong and has a weapon; in others he will be left alone. In some the guards will abuse him and turn him over to psychopathic or racketeering fellow inmates, and censor his mail to make sure he gets no word of it to the outside. In other prisons he will be treated humanely and can appeal punishments to an impartial board, including inmates, and communicate with the free world.

The people on whom such uncertain justice is visited are men, women and children who already have been unlucky. At least half have been involved in drugs or alcohol. They are generally of normal intelligence (the median for federal prisoners is 104 I.Q.: for a typical Midwest state, 99.78) but they test out between 7th and 8th grade achievement.

In a typical state 25 per cent are in for burglary, 22 per cent for larceny, 12 per cent for assault, 5 per cent for drugs, 5 per cent for auto theft, 4 per cent for homicide, and 2 per cent for some sex offense.

#### THE PROTECTION OF SOCIETY

The President's Crime Commission showed that in 1965 there were 2,780,000 serious crimes reported to police and 727,000 arrests made and of these 63,000 people imprisoned Thus just for reported crime, which is a minority, only 2 per cent of criminals went to prison. If they were all released they would not materially increase the law-breaking population.

If they were released the prisoners conceivably could affect the crime rate in another way: by encouraging otherwise inhibited people to commit crimes because they felt they would not be punished.

But nobody knows this or can even guess intelligently.

For all the public clamor about crime and punishment, this field remains a wasteland of research, the most remarkable void of reliable analysis of any major institution in American prison programs where, in the words of one administrator, "we are sorting marbles in the dark." The American prison system is a monument to mindless procedures in the midst of a society that prides itself on being scientific and measuring everything in sight.

The result is that the lives of millions of prisoners, the billions of dollars spent on them (about $1.5 billion this year), the safety of citizens from crime and the loss of $20 billion to victims of crime, continue to be governed by archaic conventional wisdoms. The only thing we are fairly certain of is that most of these conventional wisdoms are wrong.

It is one of the conventional wisdoms that the current rise in crime is strongly influenced by excessive leniency by prosecutors and courts. Another is that harsh punishment will reduce crime. J. Edgar Hoover told a recent Senate committee, "The difficulty is with district attorneys who make deals and judges who are too soft. Some are bleeding hearts."

According to the FBI, from 1960 to 1965 the crime rate per 100,000 rose 35 per cent. Beginning in 1964, federal courts and most state judges began giving out longer sentences. From 1964 to 1970, federal sentences became 38 per cent longer and time served was even more because the federal parole board began reducing paroles. California's sentences have risen 50 per cent.

But from 1965 to 1970 the national crime rate—during the harsher period—rose 45 per cent.

Robert Martinson studied every report on treatment of prisoners since 1945 and analyzed the 231 studies. He concluded:

". . . There is very little evidence in these studies that any prevailing mode of correctional treatment has a decisive effect in reducing recidivism of convicted offenders." "Recidivism" refers to crimes committed by released prisoners.

James Robison of the National Council on Crime and Delinquency, and Gerald Smith, of the University of Utah, made one of the most rigorous analyses of various treatment of American prisons and concluded:

"It is difficult to escape the conclusion that the act of incarcerating a person at all will impair whatever potential he has for a crime-free future adjustment and that, regardless of which 'treatments' are administered while he is in prison, the longer he is kept there the more he will deteriorate and the more likely is it that he will recidivate."

### A CONFLICT OF MOTIVES

A fundamental reason for confusion is that unlike some countries, the United States has never decided what it wants its prisons to do. There are several motives for criminal punishment:

1. Hurting the prisoner so that he will feel free of guilt, having paid for his act;

2. Using the criminal as a scapegoat for others in society who feel the same criminal impulses within themselves and by punishing the criminal purge themselves;

3. The need of some to feel morally superior by sustaining outcasts in a despised and degraded condition;

4. Keeping the criminal out of circulation;

5. Revenge imposed by the state to prevent the victim or his family from taking private revenge, as in family feuds;

6. Revenge in the name of all society so that the public will not impose its own version of justice, as in lynch mobs;

7. Deterrence of the criminal who, by being hurt, will decide that committing the crime is not worth it;

8. Deterrence of others who, seeing the criminal suffer, will not imitate his crime; and

9. Reforming the criminal so that he will learn to live in peace with society.

Criminal punishment may accomplish a number of these objectives simultaneously. But some are contradictory and cannot be done together. It is not possible to cause a man to respect to those who treat him with deliberate cruelty. Scapegoating does not eliminate the illicit impulse; where punishment of the individual is violent and cruel, it promotes violence and cruelty in society at large.

The confusion in goals for prison has its roots in a curious phenomenon: the most damaging practices in criminal justice were started as humanitarian reforms.

The prison itself is an American invention created out of genuine compassion.

For centuries, people were incarcerated only until the local lord or king could impose punishment. Punishment would then be death by hanging, drowning, stoning, burning at the stake, or beheading, usually with a large crowd observing to deter them from imitation.

### A PLACE FOR PENITENCE

In the 1780s, the Quakers of Philadelphia taking soup to the jails, were appalled by conditions. They organized to pass laws substituting sentences of incarceration in permanent, well-designed prisons as a substitute for death, mutilation or flogging.

They designed the new prisons for solitude and meditation on the prevailing theory that men do wicked things because the devil has invaded them and only through contemplation of their sins could they become penitent and innocent again. The new institutions for penitence were called penitentiaries. The prisoners were forbidden to speak and saw no one, sometimes not even their jailers.

Europeans studying the new country reported on the new institution and adopted it, though some, like DeTocqueville and Dickens, observed that penitentiaries often produced insanity.

In the late 1800s, it was observed that country people on their farms had been law-abiding but after they moved to the impoverished industrial cities they became criminals. It was thought that there might be some connection between environment and crime, that prisons might be a way to counteract bad environment.

The impact of Freud and psychology complicated the view of human behavior, adding to the physical environment the emotional history of the individual. If prison was an opportunity to change the environment, it might also be a place to give the prisoner a more accurate view and control of himself.

But the conflicts have never been resolved between punishment and "treatment," between the purpose of protecting society by keeping the criminal locked up and the goal of protecting society by trying to condition him for peaceful return to the community.

### THE USEFULNESS OF "INDUSTRIES"

Only this continuing confusion could explain the survival of irrationalities like "prison industries" and the decisions of parole boards.

Most work inside federal prisons, for example, is done for an independent corporation called Federal Prison Industries, Inc. It has a board of directors mostly of executives of private corporations who serve without pay. It maintains 52 shops and factories at 22 federal institutions where it employs about 25 per cent of all federal prisoners.

Historically, at the insistence of private business and labor unions (George Meany, head of the AFL–CIO also is on the board of FPI), they do not make goods that will compete with privately made goods, which means that they usually do not develop skills that will let the ex-convict compete in private industry after he gets out.

The chief customer is the federal government. Pay rates are from 19 to 47 cents a day.

FPI in 1970 had earnings of $9.9 million on $58 million in sales, or 17 per cent profit on sales, the highest of any industry in the United States (average for all U.S. industry is 4.5 per cent on sales, the highest being the mining industry at 11 per cent).

FPI has proudly announced that it declared a dividend every year since 1946 and that these dividends total $82 million. To whom was this dividend on captive labor issued? The American taxpayer—the general treasury of the United States.

Federal prison officials agree that a major reason for repeated crime by ex-convicts is their lack of skill in the jobs that are needed in free life—medical and dental technicians and other categories that will hire all the qualified help they can get. They also admit that they lack the money to train significant numbers of convicts in these marketable skills. Yet they have regularly turned back large profits made by prisoner labor.

### THE EFFECTS OF PAROLE

Even prison industries cannot match the performance of parole boards for lack of success and lack of accountability. Parole is another humanitarian reform that was perverted. It was supposed to give the prisoner incentive to improve himself to earn a release earlier than his full term. It was supposed to shorten time spent behind bars. It has lengthened it.

Most prisoners are eligible to apply for parole after one-third of their sentences have been served. Judges and legislatures know that, so they have increased sentences on the assumption that most prisoners will be released in something like one-third their time. The prisoners have not been released at that rate. Consequently, American prisoners serve the longest sentences in the Western world.

But that is not the worst characteristic of American parole boards. Their purpose is to release the prisoner as soon as possible consistent with his own good and protecting society from repetition of crime. The boards are in the position of predicting human behavior, a difficult task for even the most perceptive and wise individuals.

Most parole boards are appointed by governors and include his cronies or former secretaries.

Parole boards regularly release the worst risks, as measured by the best data.

Take the case of Jack Crowell (not his real name, but a real person). He is a stocky, 41-year-old Navy veteran doing 10 years for voluntary manslaughter in a Southern state. He had such a good record in the state penitentiary that toward the end of his sentence he was permitted to join the state's work release program.

Under work release he left prison to live in an unlocked dormitory in a city. He got up each morning, drove his boss's truck to work site where he became a master plumber, supervising an assistant. At the end of the day he returned to the dormitory. He earned $140 a week and had saved $1800. He applied for a parole. The prison system recommended him. He was turned down.

Typically they didn't tell him why except that he wasn't "ready." They did parole some men direct from the state prison who had never had a chance to show that they could hold a good job and handle freedom.

### WHO ARE THE WORST RISKS?

Crowell's is a typical case. One can guess what happened. He was in for manslaughter. Parole boards do not like to parole killers and sex offenders because it makes for bad public relations. They fear the headlines if such men repeat crimes while on parole. But contrary to conventional wisdom, murderers and sex offenders are the most likely not to repeat a crime.

In 1969 parole boards reporting to the Uniform Parole Reports released 25,563 prisoners before they completed their full sentences. Almost one-third of them were burglars who in their first year had their usual rate of repeated crime of 31 per cent. There were 2,870 armed robbers released and in the first year 27 per cent went back to prison. The board released 2,417 forgers, 36 per cent of whom were re-imprisoned, and they released 2,299 larcenists, of whom 30 per cent went back for various violation. Murders and rapists released had failure rates of 11 to 17 per cent.

These are the failure rates for various offenders as compiled by the most authoritative group, the Uniform Parole Reports of the National Probation and Parole Institutes of the National Council on Crime and Delinquency:

| | *Percent* |
|---|---|
| Negligent manslaughter | 11 |
| Willful homicide | 12 |
| Statutory rape | 15 |
| Forcible rape | 17 |
| All other sex offenses | 17 |
| Aggravated assault | 22 |
| Armed robbery | 27 |
| Unarmed robbery | 30 |
| Larceny | 30 |
| Burglary | 31 |
| Forgery | 36 |

(These are failure rates for the first year on parole; the rate increases as the group is out longer but the rank order does not change significantly over the years.)

It appears reasonable for parole boards to be more cautious in releasing violent men. Even if burglars repeat their crimes, theft of property is less harmful to society than killing and raping. But here, too, the data do not support the parole boards: murderers and rapists on their second offense do not commit as many added murders and rapes as do other kinds of criminals. Of 30 cases of willful homicide that sent 1969 parolees back to prison in their first year of freedom, 24 were committed by people not originally in for willful homicide. Six released murderers went back to prison for another killing, but nine burglars went back for murders.

The 511 forcible rapists on parole, to take another example, committed four new forcible rapes; burglars during their paroles committed eight. All men whose original conviction was for property crimes while on parole committed 12 forcible rapes.

The rate of new homicides and rapes by all categories of released prisoners is about the same, approximately one-half of 1 per cent. Since murderers and rapists represent a small proportion of all released prisoners, about 12 per cent for all such categories, their one-half of 1 per cent represents less of a threat to society than do the violent new episodes by other kinds of criminals.

Because they regularly release the worst risks, parole boards would do better picking parolees at random.

Parole boards are not solely to blame. Whatever other notions are in their heads when they make their decisions, they are seriously influenced by public opinion. The police and the general public are outraged at the violent crimes of released prisoners; they don't know that 97 per cent of all prisoners are released anyway and that the longer criminals stay in prison, the more crimes they commit afterwards.

### THE TORTURE OF UNCERTAINTY

In prison after prison, the uncertainty of the sentence was mentioned as the most excruciating part of prison. "Give me a fixed sentence anytime," is common.

Or, "I behaved myself, the warden recommended me, I had a job on the outside, my family said they had a place for me and they turned me down. I ask them why and they say, 'You're not ready.'

"I ask them what that means and they don't say. What am I supposed to do? Give me five, give me ten but let me know how much time I have to do and don't keep me hanging all the time."

Society takes elaborate pains to assure that lawyers and judges are qualified to exercise their power over the freedom of their fellow citizens and that no person is deprived of his liberty without due process of law, including a review of grave decisions. Yet the gravest of decision—a majority of the time a citizen may spend imprisoned—is determined most of the time by untrained persons acting without adequate information in opposition to the best data and without accountability.

During the last few years, the federal parole board has reduced paroles by 20 per cent.

In Louisiana they stopped giving all convicted armed robbers parole, after which armed robberies in the state rose 57 per cent.

It is tragic for the protection of society and the future success of prisoners that carefully selected boards do not use the best available data to decide the issue of liberty or imprisonment. It unnecessarily exposes society to more crime, it stunts the potential for change within convicted criminals and it suffuses American prisons with frustration and bitterness.

### THE LEAST STUDIED INSTITUTION

What remains after the available data on criminality are sifted is the remarkable absence of other good data on American prisons and their effectiveness. Prisons would seem to be ideal laboratories for social scientists—controlled populations in a variety of conditions, available to be measured and compared. But they remain the least scientifically studied of any major American institution.

George Saleeby, associate director of the California Youth Authority, was asked why it is that a society apprehensive about crime, and a country anxious about criminals, did not insist on rigorous study and analysis.

"Wait a minute," Saleeby said. "Wait a minute. Who said society was concerned? Who said they give a damn? They want some people put away and then they want to forget about them."

Why don't prison administrators themselves look carefully at their own results? George Beto, director of Texas prisons, says:

"I know of no institution unless it be organized Christianity which has shown a greater reluctance to measure the effectiveness of its varied programs than has corrections."

The answer seems to be that what happens to prisoners inside American prisons has very little to do with the prisoners themselves or what will happen to them after they are released into the free world. The state of prisons seems mainly determined by the values of the American citizen who considers himself law-abiding.

John Irwin served five years in Soledad Prison for armed robbery. He is now a college professor at San Francisco State College, specializing penal studies. He says:

"The radicals talk of abolishing punishment, but they really want to start punishing a new population of 'capitalist pigs.' The liberals want punishment but call it 'treatment.' The conservatives are the only ones honest about it, but they want such disproportionate amounts that it's crazy."

It is hard to avoid the conclusion that what goes on inside American prisons tells more about the character of people outside the walls than it does about the inmates inside.

## THE WAR, THE PRESIDENT, AND THE DEMOCRATIC PARTY: EDITORIAL FROM DUBOIS, PA.

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, it is my great pleasure to bring to the attention of our colleagues, an editorial from the January 27, issue of the Courier-Express of DuBois, Pa., entitled "Hanoi Prolongs Vietnam War, Not the President."

The editorial was written by Mr. Herb Martin, managing editor of the newspaper and a registered Democrat of the area. His perceptive comments regarding this administration's efforts to bring the war in Southeast Asia to a close are worth close study by those who have been quick to criticize President Nixon's policies with respect thereto. Since I could be accused of gross partisanship were I to say the things about the Democratic Party that Mr. Martin does, I will allow the editor to speak for himself.

The article follows:

### HANOI PROLONGS VIETNAM WAR, NOT THE PRESIDENT

(By Herb Martin)

As a registered voter in the Democratic Party of 25 years standing and as a newsman of 30 years seniority I have two bones to pick with fellow colleagues who have continually sided with Hanoi, North Vietnam and Viet Cong leaders in this nerve-wracking matter of getting a peace settlement in the Vietnam conflict that has been bugging us Americans for a decade.

Soon after the President of these United States revealed to the nation Tuesday night the proposals offered a very stubborn enemy to end U.S. participation, the national Democratic leaders and national news media wasted no time tearing apart the noble effort by our government. This certainly must have delighted Hanoi and NV-VC officials who for too long a time have been riding the coattails of self-styled spokesmen in this country who have completely exonerated the Communists for prolonging the war and place the entire blame on the present administration. This is hogwash.

The latest terms offered by the United States are certainly fair and in keeping with expressed desires of the enemy. The withdrawal date has been set . . . within six months of an agreement between the two sides. That means if Hanoi is sincere in closing out the fighting they will have achieved their objective of withdrawal of all U.S. and Allied forces from South Vietnam as early as this summer. Add to this a cease-fire throughout Indochina, new presidential election in South Vietnam, exchange of prisoners, U.S. aid to help reconstruct North and South Vietnam, international supervision and conferences involving neutral parties.

Hanoi would probably have agreed to some of the past proposals if it had not been for those in this country who insist on stirring up a hornets nest on any kind of settlement. Until this kind of useless talk (especially by senators and news commentators) subsides, Hanoi will remain pat knowing there is diversion in U.S. ranks over peace initiatives.

I, for one, feel President Nixon has done an admirable job in winding down a mess he inherited from Democratic regimes that got us into (Kennedy) and escalated (Johnson) this war. How any Democrat can fault Mr. Nixon about the war takes a lot of gall. If anyone is playing politics with the war it is the Democrats and not Mr. Nixon.

He has not deceived us by conducting secret negotiations. The newsmen use the term loosely because they are pouting over the fact they weren't able to scoop the President in advance.

I'm ashamed of the Democratic Party because they have occupied leadership of this country almost every time we have gone to war. Then, the Republicans have to come along and bail us out.

I fail to understand the reasoning of the young people who are flocking to the Democratic Party as registered voters because they are against war. It doesn't make sense to join a party that has been responsible for most of the wars in which the U.S. has engaged. Make no mistake, of the two major political parties the Democrats have a far poorer war record.

Maybe the young people, by joining the Democratic Party, can change the war stigma image that has plagued us long-time Democrats for years.

Giving credit where it is due, President Nixon gets one solid Democratic vote from this reporter come November because he has kept his promise to the American people to do everything within reason (and even beyond that) to end the war. Hanoi has blocked a settlement, not the President of the United States.

Why don't the critics start hammering at Hanoi, North Vietnam and the VC for their bold refusal to accept the one-sided terms in their favor? How much more do they want?

No longer can this nation bear the brunt of accusations either at home or abroad. We have taken our share, the finger now points directly to the enemy. The full responsibility for continuing the war henceforth lies completely in the laps of those Communistic dictators across the Pacific Ocean.

The numerous Democratic entries in the presidential nomination race ought to soon realize the issue of peace proposals has been thoroughly covered by the President's address, and they would be wise to concentrate their campaigns on other problems.

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## THE SEAT ACROSS THE AISLE: A TRIBUTE TO THE LATE GEORGE WILLIAM ANDREWS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, we all miss our respected colleague, the late Congressman from Alabama, George William Andrews, but my sorrow has deepened these past few days when I no longer see that familiar face in the seat to my left, just across the aisle.

The testimony to the good works of Congressman Andrews has been fully laid before the House by many of our colleagues; there is little I can add to the revelations of that marvelously productive public record unless it is to say that we all hope to leave something of value behind as did George when the Good Lord calls. He left behind a record and a memory that few shall match.

My friendship with George Andrews spanned all of my congressional career. Our responsibilities, our interests, our congressional assignments were different, yet entirely the same. Though we came from differing backgrounds, had different ideas, thoughts, and dreams about our beloved country and its problems, we agreed most of the time about the action to be taken to meet such problems by our commonly loved House of Representatives. We were united in a common understanding about the necessity of this country's continual national strength. We were united in believing that fiscal policies had to be strictly controlled.

The man who occupied that seat just across the aisle from me so many years was my senior, slightly, in both years and in service in the House. A fact he never let me forget. However, we both served in the U.S. Navy during World War II and I never let him forget my exalted rank therein, compared to his, at war's end. We were, George and I, the closest of friendly colleagues.

My day-to-day personal contact with George Andrews was a source of inspiration; not the least of which was his never ending store of good stories. I make it a point to stress this personal relationship inasmuch as many have dealt with George as one of the public's great servants. George was more than a distinguished and respected colleague, more than a dedicated American patriot—George was a close friend and I shall miss him in that seat across the aisle.

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## ATTORNEY CHARLES S. RHYNE, CHIEF PROPONENT OF WORLD PEACE THROUGH LAW, NOMINATED FOR NOBEL PEACE PRIZE

(Mr. PUCINSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, I have today nominated for the Nobel Peace Prize Attorney Charles S. Rhyne of Washington, D.C., who has been one of the principal proponents of world peace through law.

I have made this recommendation at the request of a number of Chicago attorneys who have praised very highly Mr. Rhyne's tireless effort to bring about better understanding among nations through the majesty of law.

I have taken this action today since Members of Congress have the privilege of nominating candidates for Nobel Peace Prize awards.

Mr. Speaker, I am submitting Mr. Rhyne's name because it is my honest belief that the road to peace can be found in a world order predicated upon law.

My letter to the Nobel Peace Prize Committee follows:

### LETTER TO NOBEL PEACE PRIZE COMMITTEE

NOBEL PEACE PRIZE COMMITTEE,
*The Stortinget,*
*Oslo, Norway.*

GENTLEMEN: I am extremely pleased to place in nomination for the Nobel Peace Prize, Charles S. Rhyne, Esq., of Washington, D.C.

Mr. Rhyne helped to organize the International Bar Association and Inter-American Bar Association. He was Chairman of the U.N. Committee, International and Comparative Law Section, of the American Bar Association. As President of the American Bar Association, he announced the World Peace Through Law program as the Association's major effort during this Presidency and visited some 30 nations to urge cooperation by judges and lawyers in such a program. In 1958, he conceived and carried out LAW DAY U.S.A. to focus public attention on law processes as the road to peace.

In 1958, he was the subject of a Time Magazine cover story devoted to his thesis that more law means more peace. From 1954 to 1961, by appointment of President Eisenhower, he served as a member of the Commission on International Rules of Judicial Procedure.

Mr. Rhyne has had a long and distinguished career as a member of the Bar. His activities before the United States Supreme Court, on behalf of local units of government in the United States, have done much to contribute to an orderly, peaceful, uniform and continuing improvement of local government.

His contributions to the development of aeronautical law rank him as one of the legal pioneers in that most important area of international communication and understanding.

Mr. Rhyne early understood that when technological progress made virtually every citizen of the world a commuter among countries, each, of necessity, had to be made aware of his broadened responsibilities toward maintaining a tranquil society. Over the past 20 years, Mr. Rhyne has devoted his energies toward that purpose, and his efforts, through the American Bar Association, the World Peace Through Law Center, and the World Association of Judges have brought him international recognition.

Mr. Rhyne is truly a fitting nominee as the person who shall have most or best promoted the fraternity of nations through law and a world order predicated upon law.

By every standard established by Dr. Nobel, Charles S. Rhyne merits your most serious consideration.

Respectfully Submitted.

ROMAN C. PUCINSKI,
*Member of Congress.*

Mr. Speaker, I am pleased to include with my remarks today a list of Mr. Rhyne's accomplishments and a biography prepared by the National Cyclopaedia.

The documents follow:

### ACCOMPLISHMENTS

1939: Published book: *Civil Aeronautics Act Annotated* (1939) and articles on international law and aviation.

1939–44: Officer and Chairman of Junior Bar Section, American Bar Association (ABA), published special Spanish and French editions of magazine entitled "Young Lawyer". He sought joint efforts of young lawyers world-wide in cooperation with Section of International and Comparative Law of the American Bar Association.

1944–49: Secretary, Vice-Chairman and Chairman of ABA's International and Comparative Law Section where he focused its program upon law, the UN and peace.

1950: Published International Law "A Field American Lawyers Should Know Better," 36 American Bar Association Journal 376, and other articles on the same subject.

1945–46: Helped organize International Bar Association and Inter-American Bar Association as one of ABA's official representatives.

1946–57: Chairman of UN Committee, International and Comparative Law Section, ABA.

1946–1959: Served as member of International Bar Association Council and as Vice-President (1957–58) and attended its conferences 1946–1967.

1946–1957: Led ABA action to remove self-judging (Connally) reservation from U.S. acceptance of World Court jurisdiction.

1957: As President of ABA he announced World Peace Through Law program as Association's major effort during his Presidency and visited some 30 nations to urge cooperation by judges and lawyers in such a program.

1957–58: Conceived and carried out Law Day U.S.A. to focus public attention on law processes as the road to peace.

1958: He was subject of A Time Magazine cover story (May 8) devoted to his thesis that more law means more peace.

1954–1961: By appointment of President Eisenhower he served as a member, Commission on International Rules of Judicial Procedure.

1958–1963: He attended conferences in New Delhi, Lagos and other places sponsored by the International Commission of Jurists.

1945–1971: He served as a member, Vice-President and participant in Inter-American Bar Association's work.

1943–1953: He served as Professor of Law at George Washington University Law School.

1950–1972: A member and attender of meetings of Union International des Avocats.

1950–1972: A member and attender of conferences of the International Law Association.

1957–1972: An Honorary Member of foreign Bar Associations, including Mexico and Canada.

1957–1971: He has received 8 Honorary Degrees from Universities based upon his work to advance peace through law.

1958–1971: He received the Grotius Peace Award, the Gold Medal of the American Bar Association and many other awards for his work on law for peace.

1957–58: He conceived the idea of a world-wide effort to strengthen law processes into a peace process and appointed Governor Thomas E. Dewey of New York as Chairman to head a Committee to determine whether this was a feasible idea and if it were determined to be feasible to outline a program for its accomplishment.

1958: In creating Law Day U.S.A. he persuaded President Eisenhower (for whom he once served as a legal consultant) to proclaim this Day as one all Americans should celebrate.

1959: Dewey Committee reported idea was feasible if lawyers of the world would join in a great mutual effort and he (Mr. Rhyne) was appointed Chairman of an ABA Special Committee to carry out Dewey formulated program.

1957–1972: He contacted and secured support of lawyers of over 100 nations for the proposal of a vast joint world-wide program to build peace out of law.

1959: He secured financing for the program from the Agency for International Development, Ford Foundation and other sources.

1959–1960: He organized and directed 4 USA regional conferences on how to achieve peace through law. These were held in Boston, San Francisco, Dallas and Charlotte.

1960–1962: He organized and directed 4 continental conferences on how to achieve peace through law. These were held in San Jose, Costa Rica for Americas; Rome for Europe; Tokyo for Asia; Lagos for Africa. Out of these conferences attended by 1000 law leaders from 109 nations, came: a proposed work program to achieve these objectives; a consensus on objectives; and a statement of general principles of law which should be adhered to by civilized nations.

1963: He argued and won before the U.S. Supreme Court the famous international law case involving the "law of the flag" principle in *Sociedad Nacional de Marineros de Honduras* (377 U.S. 10).

1963: First World Peace Though Law Conference (Athens), (1250 Delegates from 112 nations).

Objectives and general principles of the World Peace Through Law Program.

Global work program to achieve objectives formulated and adopted.

World Peace Through Law Center created with temporary headquarters in Washington, D.C.

108 Committees created to develop work program.

1965: Second World Conference (Washington), (3,500 Delegates from 120 nations).

First World Law Day celebrated (September 13, 1965).

Work program up-dated and expanded.

Center Secretariat created in Geneva as world clearinghouse of law information.

Proposal for creation of World Association of Judges approved (colorful procession of 300 high court judges in their robes at inaugural session).

Originals of historic law documents of world exhibited, including:

England's Magna Carta; U.S.A. Constitution; U.S.A. Declaration of Independence; France's Declaration of the Rights of Man and of the Citizen; and many others.

Volume "Law and Judicial Systems of Nations" published.

1966: World Association of Judges created.

1967: Third World Conference on World Peace Through Law Center (Geneva), (3,500 Delegates from 121 nations).

Seabed Treaty proposed.

First computer and the law exhibit.

First meeting of World Association of Judges.

Second World Law Day celebrated (July 10, 1967).

1968: Third World Law Day celebrated—devoted to Human Rights.

1969: First World Law Directory published containing computerized listing of names and addresses of judges and lawyers of 130 nations.

1969: Fourth World Conference on World Peace Through Law (Bangkok) (1500 Delegates from 111 nations).

Airplane Hi-jacking Convention proposed.

Exhibit on law for development of developing nations.

Fourth World Law Day celebrated, theme: "Law and Development of Nations" (September 8).

1970–71: Served by appointment of President Nixon on United Nations Commission.

1970: Environment Convention proposed to control air, water and land pollution.

1970: Airplane Hi-jacking Convention drafted and published.

1970: Weather Control Convention drafted and published.

1970: Fifth World Law Day celebrated, theme: "International Education Year" (September 25).

1971: Published Towards A Feasible International Criminal Court.

1971; Fifth World Conference on World Peace Through Law (Belgrade), (4000 Delegates from 114 nations).

First international "Demonstration Trial" (space ship falling on Yugoslavian Parliament).

Environment-Pollution Convention considered and approved.

Seabed Convention revised and approved.

Airplane Hi-jacking Convention revised and approved.

Weather control Convention revised and approved.

Sixth World Law Day celebrated, theme: "Law, Peace, Environment" (July 21).

1971: Authored and published "International Law: The Substance, Process, Procedures and Institutions for World Peace With Justice," chronicling the vast growth in International Law.

1971: Served by appointment of President Nixon as his personal representative (Ambassador rank) to the 20th Anniversary meeting of the Council of the United Nations High Commissioner for Refugees.

1973; Sixth World Conference on World Peace Through Law Sheduled for 1973.

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[From the National Cyclopaedia of American Biography]

### BIOGRAPHY

RHYNE, Charles Sylvanus, lawyer, was born in Charlotte, N.C., June 23, 1912, son of Sydneyham Sylvanus and Mary (Wilson) Rhyne. His father was a farmer. Charles S. Rhyne received his preliminary education at the public schools of Charlotte and attended Duke University during 1928–29 and 1932–35, subsequently receiving his LL.B. at George Washington University in 1937.

After leaving Duke in 1929 he worked on a ranch as a cowboy, at a hotel, and for a building contractor in Denver, Colo., before returning to the university in 1932. After studying law for a year at Duke, in 1935 he moved to Washington, D.C., where he was a clerk with the Agricultural Adjustment Administration until October of that year. During this period he enrolled at George Washington University, and while still attending law school became a law clerk in the Washington firm of Dow, Lohnes & Albertson. Admitted to the Bar of the District of Columbia in 1937, he set up the private law practice in Washington which he has since maintained, practicing under the name of Charles S. Rhyne until 1956, when he became senior partner of the firm of Rhyne, Mullin, Connor & Rhyne.

Mr. Rhyne has specialized in administrative, municipal and aeronautical law. He has appeared as counsel in thirty-four cases in the Supreme Court of the United States, of which the most notable are: Ewing v. Mytinger & Casselberry, Inc. (339 U.S. 594), involving the constitutionality of multiple seizures of food and drug products by the Federal government; Ramspeck v. Federal Trial Examiners Conference (345 U.S. 128), involving validity of regulations allowing federal agencies to control case assignments and salaries of trial examiners; and Phillips Petroleum Co. v. Wisconsin (347 U.S. 672), involving federal jurisdiction over producers of natural gas who sell their product in interstate commerce. The last-named brought on the famous "Gas Bill" which President Eisenhower vetoed after its adoption by the Congress.

From 1948 to 1953 he was professorial

lecturer on aviation law at George Washington University, and he has been general counsel for the National Institute of Municipal Law Officers since 1937. He has also served as general counsel to the Commission on Judicial and Congressional Salaries during 1953–54. His published works include "Civil Aeronautics Act Annotated" (1939), "Airports and the Courts" (1944), "Labor Union and Municipal Employee Law" (1946), "Aviation Accident Law" (1947), "Comic Books—Municipal Control of Sale and Distribution—A Preliminary Study" (1948), "Municipal Control of Noise" (1948), "Airport Lease and Concession Agreements" (1948), "Cases on Aviation Law" (1950), "The Law of Municipal Contracts" (1952), and "Municipal Contracts" (1952), and "Municipal Law" (1957).

He edited the thirteen volumes of Municipalities and Law in Action during 1938–52 and co-edited its successor, the NIMLO Municipal Law Review during 1952–58. He has also edited the Municipal Law Journal since 1940, Municipal Law Court Decisions since 1942, and Municipal Ordinance Review since 1953. Mr. Rhyne has been a member of the advisory board of the Journal of Air Law and Commerce since 1953.

He became a member of the American Bar Association in 1938, and he has served that organization in such capacities as: national chairman, junior bar conference, 1944–45; member of the house of delegates, 1944–57, assembly delegate, 1944–46, and state delegate, 1946–57; chairman, section on international and comparative law, 1948–49; chairman, aeronautical law committee, 1946–48 and 1951–54; general chairman, Blue and Gray Regional Convention, 1953; member of the scope and correlation of work committee, 1952–57; chairman, committee on draft, 1950–54; chairman, rules and calendar committee, 1954–56; and chairman, house of delegates, 1956–57.

In February, 1957, he became the first chairman of the house of delegates to be elevated to the presidency of the American Bar Association during his term of office, and he also has the distinction of being the first president to take office on foreign soil, this event taking place at the association's convention in that year in London, England.

At the time of the London convention he was chairman of a committee which erected a Memorial Monument to Magna Carta at Runnymede, where King John sealed the Great Charter of liberties in 1215. During his presidency (1957–58) of the American Bar Association he developed and sponsored the idea of Law Day—U.S.A. to be celebrated annually, beginning in 1959, on May 1. Thereby, he hoped to recapture America's interest in and respect for the law, to contrast the significance of Law Day with that of May Day in Communist countries, and to further understanding of the importance of a world judiciary in achieving and maintaining peace, as opposed to the recourse to armed force.

Mr. Rhyne was awarded honorary LL.D. degrees by Duke University and Loyola University (Los Angeles) and the honorary D.C.L. by George Washington University, and he is also a recipient of the Grotius Award in international law. Aside from his membership in the American Bar Association, he belongs to the American Judicature Society, American Law Institute, American Society of International Law, International Bar Association, Canadian Bar Association (honorary), Federal Communications Bar Association, Federal Power Bar Association, Federal Bar Association, Bar Association of the District of Columbia (pres. 1955–56), Omicron Delta Kappa, Delta Theta Phi, Order of the Coif, National Aeronautical Association, Duke University Alumni Association, the Scribes, Washington Board of Trade, and the Metropolitan, University, National Press, Barristers, Congressional, and Aero clubs of Washington.

In religion he is a Presbyterian. Mr. Rhyne was married in Denver, Colo., Sept. 16, 1932, to Sue Margaret, daughter of Lewis Cotton of Silver Creek, Neb., a cabinet maker, and has two children, Mary Margaret and William Sylvanus.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mrs. HANSEN of Washington, for February 2 through February 9, 1972, on account of official district business.

Mr. ASPINALL, from 12 noon February 3, 1972, until noon February 8, 1972, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SAYLOR, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. PUCINSKI, for 60 minutes, February 2, 1972, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. THONE), to revise and extend their remarks and to include extraneous matter:)

Mr. ESCH, on February 2, 1972, for 1 hour.

Mr. ASHBROOK, today, for 30 minutes.

Mr. VEYSEY, today, for 15 minutes.

Mr. FRENZEL, today, for 15 minutes.

Mrs. HECKLER of Massachusetts, today, for 15 minutes.

(The following Members (at the request of Mr. DENHOLM), to revise and extend their remarks and to include extraneous matter:)

Mr. FLOOD, today, for 20 minutes.

Mr. RODINO, today, for 15 minutes.

Mr. ASPIN, today, for 5 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mrs. ABZUG, today, for 5 minutes.

Mr. FULTON, today, for 10 minutes.

Mr. BURKE of Massachusetts, today, for 15 minutes.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ARCHER to include pertinent material and tables with his remarks made today in the Committee of the Whole on S. 2010.

(The following Members (at the request of Mr. THONE), and to include extraneous matter:)

Mr. MINSHALL in three instances.
Mr. WIDNALL.
Mr. KEATING in two instances.
Mr. RAILSBACK in two instances.
Mr. MCKINNEY.
Mr. ROBISON of New York.
Mr. HARVEY.
Mr. KING in five instances.
Mr. DUNCAN in two instances.
Mr. WYDLER in two instances.
Mr. WIGGINS.
Mr. ZWACH.
Mr. WYMAN in two instances.
Mr. HASTINGS.
Mr. SEBELIUS.
Mr. ESHLEMAN.
Mr. WHALEN.
Mr. YOUNG of Florida in five instances.
Mr. MIZELL in five instances.
Mr. MILLER of Ohio.
Mr. FREY in four instances.
Mr. BROOMFIELD.
Mr. FRENZEL.
Mr. RIEGLE.
Mr. MCCLORY.
Mr. SCHMITZ in two instances.
Mr. WHITEHURST.
Mr. DERWINSKI in two instances.
Mr. NELSEN.

(The following Members (at the request of Mr. DENHOLM), and to include extraneous matter:)

Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. HAGAN in three instances.
Mr. DE LA GARZA in 10 instances.
Mr. HAMILTON in two instances.
Mr. BIAGGI in five instances.
Mr. HARRINGTON.
Mr. SIKES in five instances.
Mr. WOLFF.
Mr. MOLLOHAN in five instances.
Mrs. HANSEN of Washington in 10 instances.
Mr. CHARLES H. WILSON in 10 instances.
Mr. ROGERS in five instances.
Mr. EVINS of Tennessee in five instance.
Mr. MONTGOMERY.
Mr. CONYERS in 10 instances.
Mr. ANDERSON of California in three instances.
Mr. BROOKS.
Mr. WILLIAM D. FORD.
Mr. MAZZOLI in two instances.
Mr. SCHEUER in two instances.
Mr. KLUCZYNSKI in three instances.
Mr. FOUNTAIN in three instances.
Mr. BEGICH in five instances.
Mr. JAMES V. STANTON in two instances.
Mrs. GRASSO in 10 instances.
Mr. TAYLOR.
Mr. HÉBERT in two instances.
Mr. DANIELSON.
Mr. DORN in three instances.
Mr. FISHER in three instances.
Mr. MONAGAN in two instances.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1794. An act to authorize pilot field-research programs for the suppression of agricultural and forest pests by integrated control methods; to the Committee on Agriculture.

## ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 45 minutes p.m.), the House adjourned until tomorrow Wednesday, February 2, 1972, at 12 o'clock noon.

## COMMITTEE EMPLOYEES

### COMMITTEE ON AGRICULTURE

January 7, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Christine S. Gallagher | Chief clerk | $16,004.82 |
| Lacey C. Sharp | General counsel | 16,004.82 |
| Hyde H. Murray | Associate counsel | 17,985.72 |
| Louis T. Easley | Staff consultant | 12,982.74 |
| Betty M. Prezioso | Secretary to general counsel. | 8,558.16 |
| Lydia Vacin | Staff assistant | 8,558.16 |
| Martha S. Hannah | Subcommittee clerk | 8,558.16 |
| Marjorie B. Johnson | Secretary to associate counsel. | 8,558.16 |
| Peggy L. Pecore | Calendar clerk | 8,558.16 |
| George L. Misslbeck | Printing editor | 9,547.50 |
| Fowler C. West | Staff consultant | 12,499.98 |
| Mildred Baxley | Staff assistant | 8,558.16 |
| Mary Perry Shaw | do | 6,360.36 |
| Doris Lucile Farmarco | do | 6,360.36 |
| Bert Allan Watson | do | 5,256.18 |
| Doris R. Swischer | do | 5,897.70 |
| Bertha W. Maginniss | do | 4,818.17 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $250,000.00 |
| Amount of expenditures previously reported | 45,793.38 |
| Amount expended from July 1 to Dec. 31, 1971 | 45,370.19 |
| Total amount expended from Jan. 1 to Dec. 31, 1971 | 91,163.57 |
| Balance unexpended as of Dec. 31, 1971 | 158,836.43 |

W. R. POAGE, Chairman.

### COMMITTEE ON APPROPRIATIONS

January 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Paul M. Wilson | Clerk and staff director | $17,671.62 |
| Jay B. Howe | Staff assistant | 17,497.74 |
| Robert M. Moyer | do | 17,497.74 |
| G. Homer Skarin | do | 17,497.74 |
| Eugene B. Wilhelm | do | 17,497.74 |
| Samuel R. Preston | do | 17,497.74 |
| Hunter L. Spillan | do | 16,875.44 |
| Henry A. Neil, Jr | do | 16,832.52 |
| Aubrey A. Gunnels | do | 16,457.52 |
| Keith F. Mainland | Staff assistant to chairman. | 15,921.46 |
| George E. Evans | Staff assistant | 15,921.46 |
| Earl C. Silsby | do | 15,921.46 |
| Peter J. Murphy, Jr | do | 15,331.97 |
| William G. Boling | do | 12,831.17 |
| John M. Garrity | do | 12,582.08 |
| Robert B. Foster | do | 12,582.08 |
| Milton B. Meredith | do | 11,812.54 |
| Thomas J. Kingfield | do | 10,352.74 |
| Donald E. Richbourg | do | 10,352.74 |
| Robert C. Nicholas III | do | 10,227.74 |
| George A. Urian | do | 9,894.39 |
| Dempsey B. Mizelle | do | 9,894.39 |
| Charles W. Snodgrass | do | 9,600.00 |
| Thayer A. Wood | do | 8,057.70 |
| John G. Plashal | do | 6,718.20 |
| Gary C. Michalak | do | 6,615.76 |
| Byron S. Nielson | do | 6,194.46 |
| Paul E. Thomson | do | 5,554.18 |
| J. David Willson | do | 2,715.55 |
| Samuel W. Crosby | Special assistant | 8,400.00 |
| Lawrence C. Miller | Editor | 12,831.17 |
| Paul V. Farmer | Assistant editor | 8,854.88 |
| Francis W. Sady | Administrative assistant. | 7,355.21 |
| Austin G. Smith | Clerical assistant | $7,355.21 |
| Gerald J. Chouinard | do | 7,078.05 |
| Dale M. Shulaw | do | 6,173.76 |
| Daniel V. Gun Shows | do | 5,576.83 |
| Randolph Thomas | Messenger | 5,574.39 |
| Gemma M. Hickey | Clerk-typist | 3,589.20 |
| Vriginia M. Keyser | Clerical assistant | 2,129.17 |
| Harold H. Griffin | Minority clerk | 13,500.00 |
| Enid Morrison | Staff assistant to minority. | 9,903.78 |
| Mary H. Smallwood | Cherical assistant (majority.) | 7,000.02 |
| Samuel A. Mabry | do | 7,000.02 |
| George F. Allen | do | 7,000.02 |
| Leta M. Buhrman | do | 6,953.05 |
| Catherine M. Voytko | do | 6,718.20 |
| John F. Walsh | do | 6,718.20 |
| T. Robert Garretson | do | 6,718.20 |
| Forrest O. Tate, Jr | do | 6,718.20 |
| Vincent Rizzutto | do | 6,718.20 |
| Naomi A. Rich | do | 6,396.06 |
| Laura C Lineberry | do | 6,360.36 |
| Robert M. Walker | do | 6,000.00 |
| Karen Lee Sahlin | Clerical assistant (minority). | 7,000.02 |
| Peggy C. Ehringhaus | do | 6,718.20 |
| Katherine D. Coupe | do | 6,718.20 |
| Linda Steele | do | 6,718.20 |
| David H. Kehl | do | 6,600.00 |
| Carolyn J. Johnston | do | 6,000.00 |
| Thomas H. Hardy | do | 6,000.00 |
| James W. Dyer | do | 5,565.00 |
| Mary Ann Bond | do | 5,449.98 |
| Barbara C. Wallace | do | 4,999.98 |
| Patience S. Vaccaro | do | 4,000.00 |
| Russell Hardin, Jr | do | 3,500.01 |
| Norma J. McCay | do | 3,333.32 |
| Ronald A. Rash | do | 2,624.68 |
| Barbara B. Blum | do | 2,239.40 |
| Anna L. Lamendola | do | 1,983.34 |

| | |
|---|---|
| Amount expended from July 1, to Dec. 31, 1971 | $622,453.38 |

GEORGE MAHON, Chairman.

### COMMITTEE ON APPROPRIATIONS

January 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Cornelius R. Anderson | Director, surveys and investigations staff. | $15,900.00 |
| Leroy R. Kirkpatrick | 1st assistant director, surveys and investigations staff. | 14,800.02 |
| Willie C. Law | 2d assistant director, surveys and investigations staff. | 13,549.98 |
| Mary Alice Sauer | Administrative assistant. | 7,320,90 |
| Frances May | Clerk-stenographer | 6,360.36 |
| Janet Lou Dameron | do | 4,831.02 |
| Beatrice T. Dew | do | 1,429.17 |
| Agency for International Development: Peterson, G. D. | Investigator | 1,388.14 |
| Central Intelligence Agency: Hill, D.W. | Clerical assistant | 5,296.14 |
| Defense Contract Audit Agency: Herron, M. A. | Investigator | 4,619.63 |
| Federal Bureau of Investigation: | | |
| Baber, J. R | do | 10,771.20 |
| Bennett, C. L | do | 13,178.88 |
| Bosko, A. P | do | 11,373.12 |
| Brummitt, D. A | do | 11,583.60 |
| Carroll, G. C | do | 12,359.68 |
| Carson, D. W | do | 13,178.88 |
| Cauffman, R. E | do | 5,567.76 |
| Fenstermacher, H. E., Jr. | do | 12,894.40 |
| Franklin, R. M | do | 12,314.88 |
| Funkhouser, P. K | do | 10,553.92 |
| Goedtel, J. G | do | 12,576.96 |
| Groover, L. C., Jr | do | 11,061.20 |
| Ivy, C. M | do | 12,576.96 |
| Jenkins, D. L | do | 5,083.44 |
| Leffler, R. P | Investigator | $10,967.60 |
| McCreight, A. H | do | 4,403.76 |
| McGahey, H. B | do | 12,883.20 |
| Magee, E. H | do | 13,140.80 |
| Maher, M. F | do | 12,883.20 |
| Malyniak, J., Jr | do | 11,975.04 |
| Mansfield, J. P | do | 12,359.68 |
| Michalski, J. E | do | 12,576.96 |
| Morris, E. J | do | 11,975.04 |
| O'Connor, J. J | do | 8,472.00 |
| Schaum, E. V | do | 5,489.36 |
| Schmidt, D. A | do | 14,139.84 |
| Shannon, A. J | do | 12,961.60 |
| Szoka, C. E | do | 12,281.28 |
| Theisen, L. J | do | 5,352.48 |
| Welch, W. H., Jr | do | 13,178.88 |
| Wetzel, R. G | do | 9,412.80 |
| Wood, H. B | do | 13,178.88 |
| Health benefits | | 3,180.35 |
| Life insurance fund | | 1,244.26 |
| Retirement fund | | 21,731.36 |
| General Services Administration: | | |
| Jones, H. H | Investigator | 7,769.04 |
| Kelly, C. A | do | 2,024.33 |
| Health, Education and Welfare, Department of: Haaser, T. C | do | 6,473.83 |
| Interior, Department of: | | |
| Thomson, P. E | Clerical assistant | 1,855.92 |
| National Aeronautics and Space Administration: | | |
| Driver, C | Investigator | 6,861.30 |
| Stepka, F | do | 13,088.50 |
| Naval Audit Service: | | |
| Wyte, D | do | 2,410.56 |
| Treasury, Department of: Miconi, A. S | Clerical assistant | 3,882.34 |
| United States Army Audit Agency: Lyons, F. T | Investigator | 3,240.46 |
| Travel expenses | | 119,271.59 |
| Miscellaneous expenses | | 1,189.24 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $1,219,000.00 |
| Amount expended from July 1 to Dec. 31, 1971 | 622,425.72 |
| Balance unexpended as of Dec. 31, 1971 | 596,574.28 |

GEORGE MAHON, Chairman.

### COMMITTEE ON ARMED SERVICES

January 6, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| John R. Blandford | Chief counsel | $18,000.00 |
| Frank M. Slatinshek | Assistant chief counsel | 18,000.00 |
| Earl J. Morgan | Professional staff member. | 17,950.00 |
| William H. Cook | Counsel | 17,950.00 |
| John J. Ford | Professional staff member. | 16,000.00 |
| Ralph Marshall | do | 14,500.00 |
| George Norris | Counsel | 13,925.00 |
| James F. Shumate | do | 13,925.00 |
| William H. Hogan, Jr | do | 11,500.00 |
| Oneta L. Stockstill | Executive secretary | 12,500.00 |
| Berniece Kalinowski | Secretary | 9,125.00 |
| L. Louise Ellis | do | 9,125.00 |
| Edna E. Johnson | do | 9,125.00 |
| Dorothy R. Britton | do | 9,125.00 |
| Doris S. Svendsen | Secretary (to Dec. 1) | 7,604.15 |
| Innis E. McDonald | Secretary | 6,850.00 |
| Brenda J. Gore | do | 5,700.00 |
| Ann R. Willett | do | 5,700.00 |
| Emma M. Brown | do | 5,700.00 |
| Nancy Sue Jones | do | 4,750.00 |
| James A. Deakins | Clerical staff assistant | 6,900.00 |
| Issiah Hardy | Messenger | 4,950.00 |
| Staff, Armed Services Investigating Subcommittee (pursuant to H. Res. 201 and H. Res. 202, 92d Cong.): | | |
| John T. M. Reddan | Counsel | 17,950.00 |

## COMMITTEE EMPLOYEES—Con.

### COMMITTEE ON ARMED SERVICES—Continued

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Staff, Armed Services Investigating Subcommittee (pursant to H. Res. 201 and H. Res. 202, 92d Cong.)—Continued | | |
| John F. Lally | Assistant counsel | $14,500.00 |
| Richard A. Ransom | Professional staff member. | 13,300.00 |
| H. Hollister Cantus | do | 9,250.00 |
| William B. Short, Jr | Clerical staff assistant | 7,500.00 |
| Sanford T. Saunders | Security officer | 6,900.00 |
| Rose C. Beck | Secretary | 6,850.00 |
| Adeline Tolerton | Clerk | 6,000.00 |
| Joyce C. Bova | Secretary | 4,774.98 |
| Diane C. Bowman | do | 4,662.52 |
| Sally A. Moore | do | 4,750.00 |
| L. Mendel Rivers, Jr | Clerical staff assistant (Sept. 9 through, Nov. 20). | 720.00 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $300,000.00 |
| Amount of expenditures previously reported | 97,335.79 |
| Amount expended from July 1 to Dec. 31, 1971 | 102,419.25 |
| Total amount expended from Jan 3 to Dec. 31, 1971 | 199,755.04 |
| Balance unexpended as of Jan. 1, 1972 | 100,244.96 |

F. EDWARD HÉBERT, Chairman.

### COMMITTEE ON BANKING AND CURRENCY

January 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Standing committee staff: | | |
| Paul Nelson | Clerk and staff director | $18,000.00 |
| Orman S. Fink | Minority professional staff member. | 18,000.00 |
| Curtis A. Prins | Chief investigator | 16,391.04 |
| Charles B. Holstein | Professional staff member. | 17,463.00 |
| Benet D. Gellman | Counsel | 18,000.00 |
| Joseph C. Lewis | Professional staff member. | 18,000.00 |
| Graham T. Northup | Professional staff member, minority. | 18,000.00 |
| Mary W. Layton | Secretary to minority | 10,754.58 |
| Donald G. Vaughn | Administrative assistant. | 9,297.84 |
| Total salaries standing committee. | | 143,906.46 |
| Investigative staff (H. Res. 226, 92d Cong.) full committee: | | |
| Rose Marie Allen | Assistant clerk | 5,597.21 |
| Richard C. Barnes | Professional staff member. | 10,000.02 |
| David O'Connell Couch. | Counsel | 2,833.34 |
| Jane N. D'Arista | Professional staff member. | 3,665.58 |
| Dolores K. Dougherty | Research associate | 8,756.16 |
| Susan E. Driggers | Secretary | 1,547.70 |
| Allen R. Ferguson | Economist | 1,500.00 |
| Carole A. Fowkes | Secretary | 123.79 |
| Helen Hitz | Administrative assistant. | 9,289.20 |
| Linda L. Hoff | Secretary | 5,204.28 |
| Mary Ann Holmes | do | 1,850.01 |
| Joseph J. Jasinski | Professional staff member. | 15,400.02 |
| Mary-Helen Kesecker | Secretary | 4,496.76 |
| Mary E. Kirk | Assistant clerk | 5,204.28 |
| Michael Ross Lemov | Counsel | 2,101.93 |
| Kelsay Ray Meek | Professional staff member. | 13,750.02 |
| Mildred S. Mitchell | Assistant clerk | $9,220.32 |
| Richard H. Neiman | do | 2,925.30 |
| Clifford E. Payne, Jr | do | 4,323.12 |
| Gayle L. Peabody | Secretary | 4,771.08 |
| Margaret L. Rayhawk | Research associate | 8,077.62 |
| Yan Michael Ross | Counsel, minority | 10,722.42 |
| Alicia F. Shoemaker | Minority staff secretary. | 10,722.42 |
| Jeanne Carolyn Smith | Secretary | 5,599.98 |
| Elizabeth Stabler | Professional staff member. | 12,499.98 |
| Gary Tabak | Counsel | 4,557.24 |
| Lester Carl Thurow | Professional staff member. | 15,000.00 |
| Robert E. Torrance | Assistant clerk | 397.43 |
| Catherine L. Warder | Secretary | 1,662.51 |
| Donald F. Winn | Professional staff member. | 1,208.33 |
| Harvey S. Braunstein | do | 4,575.00 |
| Total salaries investigative staff (full committee). | | 187,583.05 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures (H. Res. 226—Full committee) | $585,000.00 |
| Amount of expenditures previously reported | 193,773.83 |
| Amount expended from July 1 to Dec. 31, 1971 | 205,061.72 |
| Total amount expendad from Jan. 3 to Dec. 31, 1971 | 398,835.55 |
| Balance unexpended as of Dec. 31, 1971 | 186,164.45 |

WRIGHT PATMAN, Chairman.

### SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY

January 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Subcommittee investigative staff (H. Res. 226, 92d Cong.): | | |
| Terrence Boyle | Minority counsel | $11,132.52 |
| L. Marie Chaillet | Minority secretary | 5,766.48 |
| W. Jean Clarkson | Secretary | 5,808.06 |
| Patricia Eley | Assistant clerk | 5,065.86 |
| David Glick | Counsel | 18,000.00 |
| George Gross | do | 18,000.00 |
| Emily Hightower | Secretary | 7,500.00 |
| Casey Ireland | Minority staff member | 18,000.00 |
| Margaret Leary | Secretary | 9,220.32 |
| Benjamin B. McKeever | Assistant counsel | 12,499.98 |
| Gerald R. McMurray | Research associate | 16,219.38 |
| Catherine Smith | Minority secretary | 4,771.08 |
| Doris Young | Assistant clerk | 8,522.58 |
| Total salaries, Housing. | Subcommittee | 140,506.26 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures (H. Res. 226–Housing Subcommittee) | $390,000.00 |
| Amount of expenditures previously reported | 148,879.05 |
| Amount expended from July 1, to December 31, 1971 | 166,872.30 |
| Total amount expended from January 3, to December 31, 1971 | 315,751.35 |
| Balance unexpended as of December 31, 1971 | 74,248.65 |

WRIGHT PATMAN, Chairman.

### COMMITTEE ON THE DISTRICT OF COLUMBIA

December 31, 1971.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to January 1, 1972, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Hayden S. Garber | Counsel | $14,115.54 |
| Clayton D. Gasque | Staff director | 12,161.10 |
| Leonard O. Hilder | Investigator | 10,875.24 |
| James T. Clark | Clerk | 14,977.38 |
| Othello Steinkuller | Secretary | 8,756.16 |
| Betty C. Alexander | do | 8,095.44 |
| Peggy L. Thornton | Secretary (retired Aug. 30, 1971). | 2,698.48 |
| John E. Hogan | Minority clerk | 12,718.56 |
| Marcellus C. Garner | Clerk-typist (resigned Oct. 1, 1971). | 1,329.42 |
| Deborah J. Blanton | Clerk-typist (summer intern June 1 to Aug. 10, 1971). | 541.67 |
| Patrick E. Kelly | Assistant counsel | 7,500,00 |
| Whitney Turley | Investigator | 9,065.34 |
| Camille Butler | Secretary (resigned Sept. 30, 1971). | 2,636.73 |
| Terry Hill | Clerk-public relations | 5,500.02 |
| Paul Y. Little | Special consultant | 10,000.02 |
| Margaret G. Hoffman | Legislative assistant | 6,000.00 |
| Rebecca D. Moore | Research assistant | 6,000.00 |
| Irene V. Howard | Legislative assistant | 4,694.42 |
| Peter Lektrich | Analyst (resigned Nov. 30, 1971). | 1,333.34 |
| Lelia Martin | Clerk (from Nov. 11, 1971). | 1,000.00 |
| Wanda M. Worsham | Secretary (Oct. 11, 1971 | 878.91 |
| Browardine R. Broyhill | Clerk assistant | 5,500.02 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $220,000.00 |
| Amount of expenditures previously reported | 27,961.56 |
| Amount expended from ——, to —— | 75,884.69 |
| Total amount expended from —— to —— | 103,806.25 |
| Balance unexpended as of —— | 116,193.75 |

JOHN L. McMILLAN, Chairman.

### COMMITTEE ON EDUCATION AND LABOR—STANDING COMMITTEE

January 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Donald M. Baker | Chief clerk and associate counsel. | $18,000.00 |
| Donald F. Berens | Administrative assistant. | 12,300.00 |
| Louise Maxienne Dargans | Research director | 18,000.00 |
| William F. Gaul | Associate general counsel. | 18,000.00 |
| Hartwell D. Reed, Jr | General counsel | 18,000.00 |
| Benjamin F. Reeves | Assistant to chairman and assistant. clerk. | 18,000.00 |
| Austin P. Sullivan, Jr | Legislative specialist | 16,500.00 |
| Louise M. Wright | Administrative assistant. | 12,373.02 |
| Marian R. Wyman | Special assistant to chairman. | 15,936.00 |
| Minority staff: | | |
| Robert C. Andringa | Minority staff director | 5,166.66 |
| Michael J. Bernstein | Minority counsel for labor. | 18,000.00 |
| Crawford C. Heerlein | Minority clerk | 10,601.32 |
| Charles W. Radcliffe | Minority counsel for education. | 18,000.00 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures (contingent fund) | |
| Amount of expenditures previously reported | $196,467.72 |
| Amount expended from July 1, to Dec. 31, 1971 | 198,877.00 |
| Total amount expended from Jan. 3, to Dec. 31, 1971 | 395,344.72 |
| Balance unexpended as of Dec. 31, 1971 (contingent fund) | |

CARL D. PERKINS, Chairman.

## COMMITTEE EMPLOYEES—Con.

### COMMITTEE ON EDUCATION AND LABOR—FULL COMMITTEE

January 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Investigating staff: | | |
| John J. Absher | Assistant clerk | $380.00 |
| Andrew M. Agree | Assistant clerk (from Aug. 1 to Sept. 30). | 950.00 |
| Louise A. Amidon | Assistant clerk (from Aug. 1 to Aug. 31). | 400.00 |
| Carole J. Ansheles | Assistant clerk (from July 1 to Aug. 31 and Dec. 20 to Dec. 31). | 1,124.17 |
| Goldie A. Baldwin | Legislative assistant (from July 1 to Dec. 31). | 7,800.00 |
| Arthur Baltrym | Assistant clerk (from Aug. 9 to Sept. 22). | 880.00 |
| Dean Gregory Barker | Assistant clerk (from July 1 to July 31 and Oct. 1 to Oct. 4). | 538.33 |
| William H. Cable | Legislative assistant (from July 1 to Sept. 30); counsel (from Oct. 1 to Dec. 31). | 9,150.0 |
| Elizabeth A. Cornett | Administrative assistant (from July 1 to Dec. 31). | 8,755.98 |
| Lelia T. Cornwell | do | 7,800.00 |
| Stephen J. Dryden | Assistant clerk (from July 1 to July 31). | 475.00 |
| Harry M. Feder | Assistant clerk (from July 1 to July 5). | 79.17 |
| Eydie Gaskins | Administrative assistant (from July 1 to Dec. 31). | 7,800.00 |
| Katherine Clark Gibbons | Research assistant (from July 1 to Dec. 31). | 7,200.00 |
| Scott L. Gordon | Assistant clerk (from July 1 to July 31). | 475.00 |
| Ernest B. Hillenmeyer, III. | do | 475.00 |
| Karin Marie Kendrick | Junior researcher (from Sept. 13 to Dec. 31). | 1,950.01 |
| S. G. Lippman | Special counsel (from July 1 to Dec. 31). | 2,671.02 |
| Mattie L. Maynard | Research assistant (from July 1 to Dec. 31). | 600.00 |
| Shirley R. Mills | Secretary (from July 1 to Dec. 31). | 7,800.00 |
| David E. Pinkard | Assistant clerk (from July 1 to Aug. 15). | 712.50 |
| David B. Putnam | Staff assistant (from July 1 to Dec. 31). | 4,857,00 |
| Peter Schott | Assistant clerk (from July 1 to Dec. 31). | 3,522.00 |
| David S. Shaw | Assistant clerk (from July 1 to July 31). | 475.00 |
| Mary L. Shuler | Secretary (from July 1 to Dec. 31). | 6,526.02 |
| William H. Skofield | Assistant clerk (from July 1 to July 31). | 475.00 |
| Brian E. Sullam | Assistant clerk (from July 1 to Aug. 15, and Sept. 14 to Dec. 31). | 2,139.17 |
| Jeanne E. Thomson | Legislative assistant (from July 1 to Dec. 31). | 9,547.50 |
| John E. Warren | Junior researcher (from July 1 to Dec. 31). | 4,860.00 |
| Minority: | | |
| Robert C. Andringa | Minority legislative associate (from July 1 to Oct. 11, and minority staff director from Oct. 12 to Oct. 31). | 8,740.35 |
| Louise W. Finke | Secretary (from July 1 to Oct. 11). | 7,192.98 |
| Anita M. Gerhardt | Minority research assistant (from July 1 to Dec. 31). | 6,115.98 |
| Sophia Jo Jolivette | Secretary (from July 1 to Dec. 31). | 4,000.02 |
| Martin L. LaVor | Minority legislative associate (from July 1 to Dec. 31). | 13,674.00 |
| John C. Miller | Minority associate counsel for labor (from July 1 to Dec. 31). | $14,500.02 |
| Silvia J. Rodriguez | Secretary (from July 1 to Dec. 31). | 4,771.02 |
| Dorothy L. Strunk | do | 6,115.98 |
| Dennis J. Taylor | Minority associate counsel (from July 1 to Dec. 31). | 9,678.88 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $655,000.00 |
| Amount of expenditures previously reported | 179,779.46 |
| Amount expended from July 1, 1971, to Dec. 31, 1971 | 192,639.31 |
| Total amount expended from Jan. 3, 1971, to Dec. 31, 1971 | 372,418.77 |
| Balance unexpended as of Dec. 31, 1971 | 282,581.23 |

CARL D. PERKINS, Chairman.

### SPECIAL SUBCOMMITTEE ON EDUCATION, NO. 1

January 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Nancy J. Davis | Secretary | $4,999.98 |
| Daniel A. Greenbarg | Staff assistant | 2,250.00 |
| Judith Haberek | Stenographer | 762.67 |
| Harry J. Hogan | Counsel | 11,874.98 |
| Sally K. Kirkgasler | Research assistant | 6,000.00 |
| Barney H. Speght | Staff assistant | 1,300.00 |
| Paul S. Vanture | Staff assistant | 7,500.00 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $85,000.00 |
| Amount of expenditures previously reported | 35,433.69 |
| Amount expended from July 1 to Dec. 31, 1971 | 35,159.87 |
| Total amount expended from Jan. 3 to Dec. 31, 1971 | 70,593.56 |
| Balance unexpended as of Dec. 31, 1971 | 14,406.44 |

CARL D PERKINS, Chairman.

### SPECIAL SUBCOMMITTEE ON LABOR, NO. 2

January 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Jeunesse M. Beaumont | Clerk (from July 1, to Dec. 31). | $8,052.48 |
| Mercedes Dannenhauer | Assistant Clerk (from July 1, to Aug. 31. | 1,193.56 |
| Hugh G. Duffy | Counsel (from July 1, to Dec. 31). | 12,623.52 |
| George A. Franklin | Research assistant (from Sept. 1, to Dec. 31). | 1,076.67 |
| Thomas C. Keeney | Research assistant (from July 1, to Sept. 20). | 1,247.77 |
| Christopher J. Kennan | Research assistant (from Dec. 1, to Dec. 31). | 650.00 |
| Thorn P. Lord | do | 625.00 |
| Bruce D. Moir | Research assistant (from July 1, to Aug. 13). | $388.19 |
| Peter E. Newbould | Assistant clerk (from July 1, to July 31, and Sept. 1, to Sept. 15). | 487.50 |
| Bradley Gene Peters | Assistant clerk (from July 1, to July 31). | 375.00 |
| Daniel H. Pollitt | Special counsel (from July 1, to Dec. 31). | 4,666.98 |
| Anne W. Risdon | Assistant clerk (from July 1, to Aug. 31, and Dec. 1, to Dec. 31). | 1,166.66 |
| Carroll Underwood Stephens. | Assistant clerk (from Nov. 1, to Nov. 30). | 200.00 |
| Kathleen M. Sullivan | Assistant clerk (from Sept. 1, to Dec. 31). | 2,333.32 |
| Mark Leslie Tower | Assistant clerk (from July 1, to July 31). | 375.00 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $85,000.00 |
| Amount of expenditures previously reported | 32,944.52 |
| Amount expended from July 1, 1971, to Dec. 31, 1971 | 38,737.51 |
| Total amount expended from Jan. 3, 1971, Dec. 31, 1971 | 71,682.03 |
| Balance unexpended as of Dec. 31, 1971 | 13,317.97 |

CARL D. PERKINS, Chairman.

### GENERAL SUBCOMMITTEE ON LABOR, NO. 3

January 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Jane E. Crudup | Research assistant (from Aug. 1 to Sept. 6) | $720.00 |
| Adrienne Fields | Clerk and administrative assistant (from July 1 to Dec. 31) | 7,882.02 |
| S. G. Lippman | Special counsel (from July 1 to Oct. 31) | 1,474.00 |
| Mary F. McAndrew | Research coordinator (from July 1 to Dec. 31) | 4,562.15 |
| Robert E. Vagley | Director (from July 1 to Dec. 31) | 15,495.00 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $85,000.00 |
| Amount of expenditures previously reported | 34,293.88 |
| Amount expended from July 1, 1971, to Dec. 31, 1971 | 33,401.68 |
| Total amount expended from Jan. 3, 1971, to Dec. 31, 1971 | 67,695.56 |
| Balance unexpended as of Dec. 31, 1971 | 17,304.44 |

CARL D. PERKINS, Chairman.

### GENERAL SUBCOMMITTEE ON LABOR, NO. 3 (TASK FORCE ON WELFARE AND PENSION PLANS)

January 5, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Vance J. Anderson | Counsel (from Nov. 1 to Dec. 31). | $3,333.34 |

## COMMITTEE EMPLOYEES—Con.

### GENERAL SUBCOMMITTEE ON LABOR, NO. 3 (TASK FORCE ON WELFARE AND PENSION PLANS—Continued

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Barbara Gerson | Assistant clerk (from Nov. 1 to Dec. 31). | $500.00 |
| Eric Honick | Staff assistant (from Dec. 1 to Dec. 31). | 750.00 |
| S. G. Lippman | Special counsel (from Nov. 1 to Dec. 31). | 737.00 |
| Julie D. McAteer | Staff assistant (from Nov. 22 to Dec. 31). | 780.00 |
| W. Kenneth Miller | Assistant clerk (from Nov. 1 to Dec. 31). | 600.00 |
| John M. Smokevitch | Minority counsel (from Dec. 15 to Dec. 31). | 888.89 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $100,000.00 |
| Amount of expenditures prevously reported | None |
| Amount expended from July 1, 1971, to Dec. 31, 1971 | 7,987.43 |
| Total amount expended from Jan. 3, 1971, to Dec. 31, 1971 | 7,987.43 |
| Balance unexpended as of Dec. 31, 1971 | 92,012.57 |

CARL D. PERKINS, Chairman.

### GENERAL SUBCOMMITTEE ON EDUCATION, NO. 4

January 15,1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Thomas J. Gerber | Assistant clerk(from July 1 to Dec. 31). | $6,510.50 |
| John F. Jennings | Counsel (from July 1 to Dec. 31). | 12,486.44 |
| Alexandra J. Kisla | Clerk (from July 1 to Dec. 31). | 7,945.19 |
| Carol E. Koterski | Research assistant (from Aug. 1 to Aug. 31). | 500.00 |
| Toni E Painter | Secretary (from July 1 to Dec. 31). | 2,422.00 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $85,000.00 |
| Amount of expenditures previously reported | 28,038.76 |
| Amount expended from July 1, 1971, to Dec. 31, 1971 | 34,056.50 |
| Total amount expended from Jan. 3, 1971, to Dec. 31, 1971 | 62,095.26 |
| Balance unexpended as of Dec. 31, 1971 | 22,904.74 |

CARL D. PERKINS, Chairman.

### SELECT SUBCOMMITTEE ON LABOR, NO. 5

January 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Loretta A. Brown | Clerk (from July 1 to Dec. 31). | $7,281.00 |
| Daniel H. Krivit | Counsel (from July 1 to Dec. 31). | 13,312.98 |
| Catherine Ladnier | Research assistant (from July 1 to Dec. 31). | $3,933.35 |
| Catherine R. Romano | Secretary (from July 1 to Dec. 31). | 4,505.52 |
| Charles R. Zappala | Assistant clerk (from July 1 to Aug. 31). | 1,083.34 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $85,000.00 |
| Amount of expenditures previously reported | 29,511.69 |
| Amount expended from July 1, to Dec. 31, 1971 | 31,276.75 |
| Total amount expended from Jan. 3, to Dec. 31, 1971 | 60,788.44 |
| Balance unexpended as of Dec. 31, 1971 | 24,211.56 |

CARL D. PERKINS, Chairman.

### SELECT SUBCOMMITTEE ON EDUCATION, NO. 6

January, 15 .1972

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Margaret Sue Brown | Special assistant (from Nov. 15 to Dec. 31). | $1,788.89 |
| Jack G. Duncan | Counsel (from July 1 to Dec. 31). | 11,954.67 |
| David A. Lloyd-Jones | Research assistant (from July 1 to Nov. 30). | 5,150.40 |
| Christine Marie Orth | Assistant Clerk (from July 1 to Dec. 31). | 3,791.67 |
| Ann Nicholson Owens | Staff assistant (from Oct. 18 to Dec. 31). | 1,662.77 |
| Gladys Marie Walker | Clerk (from July 1 to Dec. 31). | 4,291.65 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $85,000.00 |
| Amount of expenditures previously reported | 31,075,16 |
| Amount expended from July 1 to Dec. 31, 1971 | 34,224.77 |
| Total amount expended from Jan. 3 to Dec. 31, 1971 | 65,299.93 |
| Balance unexpended as of Dec. 31, 1971 | 19,700.07 |

CARL D. PERKINS, Chairman.

### COMMITTEE ON AGRICULTURAL LABOR, NO. 7

January 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Curtis C. Aller | Associate director (from July 1 to Sept. 22). | $8,200.00 |
| Arthur R. Baltrym | Legislative assistant (from Sept. 23 to Dec. 31). | 1,960.00 |
| Alfred Carl Franklin | Counsel (from Sept. 9 to Dec. 31). | 6,222.24 |
| Gloria Gleichner | Assistant clerk (from Oct. 12 to Oct. 13). | 50.00 |
| James B. Harrison | Staff director (from July 1 to Dec. 31). | 13,150.02 |
| Joan Marie King | Assistant clerk (from Oct. 1 to Dec. 31). | $400.00 |
| Diane Melillo | Assistant clerk (from Oct. 1 to Oct. 31). | 100.00 |
| Colleen Mitchell | Assistant clerk (from Oct. 12 to Oct. 16). | 125.00 |
| Phoebe Ann Pollitt | Assistant clerk (from July 1 to Aug. 8). | 411.67 |
| Barbara Anne Radike | Assistant clerk (from Oct. 1 to Oct. 12). | 40.00 |
| Martha D. Risdon | Assistant clerk (from Dec. 27 to Dec. 31). | 72.22 |
| Elnora H. Teets | Clerk (from July 1 to Dec. 31). | 6,000.00 |
| Margaret F. ter Horst | Assistant clerk (from July 1 to Aug. 20). | 541.67 |
| Susan Weisberg | Assistant clerk (from Oct. 12 to Oct. 18). | 140.00 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $85,000.00 |
| Amount of expenditures previously reported | 15,413.92 |
| Amount expended from July 1 to Dec. 31, 1971 | 39,056.96 |
| Total amount expended from Jan. 3 to Dec. 31, 1971 | 54,470.88 |
| Balance unexpended as of Dec. 31, 1971 | 30,529.12 |

CARL D. PERKINS, Chairman.

### COMMITTEE ON FOREIGN AFFAIRS

January 10, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Roy J. Bullock | Staff administrator | $18,000.00 |
| Albert C. F. Westphal | Staff Consultant | 18,000.00 |
| Franklin J. Schupp | do | 17,932.92 |
| Harry C. Cromer | do | 17,671.62 |
| Marian A. Czarnecki | do | 17,671.62 |
| Melvin O. Benson | do | 14,876.16 |
| Everett E. Bierman | do | 14,157.36 |
| John J. Brady, Jr | do | 13,000.02 |
| John H. Sullivan | do | 13,000.02 |
| John Chapman Chester | do | 13,000.02 |
| Robert K. Boyer | do | 10,000.02 |
| Peter Anthony Abbruzzese. | do | 12,000.00 |
| George R. Berdes | Subcommittee staff consultant (effective Sept. 8). | 7,847.21 |
| Robert B. Boettcher | Subcommittee staff consultant. | 11,250.00 |
| Goler T. Butcher | do | 12,499.98 |
| Robert Michael Finley | do | 10,350.00 |
| Clifford P. Hackett | do | 12,499.98 |
| Charles S. Levy | do | 10,000.02 |
| Henry M. Lloyd | Subcommittee staff consultant (effective Dec. 1). | 2,083.33 |
| Michael H. Van Dusen | Subcommittee staff consultant. | 10,000.02 |
| Charles P. Witter | Subcommittee staff consultant (terminated Nov. 30). | 8,333.35 |
| Clara June Nigh | Senior staff assistant (terminated Sept. 30). | 6,578.07 |
| Helen C. Mattas | Senior staff assistant (succeeded to title Oct. 1). | 11,704.80 |
| Louise O'Brien | Staff assistant | 10,445.28 |
| Dora B. McCracken | do | 8,629.38 |
| Jean S. Brown | do | 6,823.08 |
| Paula L. Peak | do | 8,629.38 |
| Ray Sparks | do | 9,013.68 |
| Thelma H. Shirkey | do | 4,858.00 |
| Arlene M. Atwater | do | 4,833.35 |
| Shirley A. Furnier | do | 6,499.98 |
| Bernadette M. Kuwik | Staff assistant (effective July 28). | 4,462.50 |
| Audray Lee Clement | Staff assistant (effective Sept. 21). | 2,916.67 |
| Catherine Ann Donnel | Staff assistant (effective Oct. 18, terminated Dec. 10). | 1,604.17 |

## COMMITTEE EMPLOYEES—Con.

### COMMITTEE ON FOREIGN AFFAIRS—Continued

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Donna Gail Wynn | Staff assistant (effective Dec. 22). | $212.00 |
| Kenneth W. Cowell | Clerical assistant (terminated Oct. 31). | 3,220.68 |
| Charles W. Snyder | Clerical assistant (effective Nov. 29). | 853.33 |
| Albert Kremposky | Special assistant (terminated Aug. 31). | 933.34 |
| Emma Willis Hill | Special assistant (terminated Aug. 13, 1971). | 668.89 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $425,580.00 |
| Amount of expenditures previously reported | 111,349.73 |
| Amount expended from July 1 to Dec. 31, 1971 | 198,974.44 |
| Total amount expended From Jan. 1 to Dec. 31, | 310,324.17 |
| Balance unexpended as of Dec. 31, 1971 | 115,225.83 |

THOMAS E. MORGAN, Chairman.

### COMMITTEE ON GOVERNMENT OPERATIONS

January 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Expenses—July 1 through Dec. 31, 1971: | | |
| Full committee | | $4,009.23 |
| Special investigative staff | | 29,821.59 |
| Legislation and Military Operations Subcommittee | | 74,694.09 |
| Govarnment Activities Subcommittee | | 47,721.96 |
| Intergovernmental Relations Subcommittee | | 54,483.75 |
| Conservation and Natural Resources Subcommittee | | 65,245.82 |
| Legal and Monetary Affairs Subcommittee | | 44,179.84 |
| Foreign Operations and Government Information Subcommittee | | 57,746.06 |
| Special Studies Subcommittee | | 51,732.26 |
| Total | | 429,634.60 |
| Salaries: Full committee, July 1 through Dec. 31, 1971: | | |
| Herbert Roback | Staff director | 18,000.00 |
| Christine Ray Davis | Staff administrator | 18,000.00 |
| James A. Lanigan | General counsel | 18,000.00 |
| Miles Q. Romney | Associate general counsel. | 16,021.98 |
| Dolores L. Fel'Dotto | Staff member | 8,756.16 |
| Ann E. McLachlan | do | 8,487.00 |
| Catherine S. Cash | do | 6,955.20 |
| Marilyn F. Jarvis | do | 7,527.66 |
| Annie M. Abbott | do | 6,919.92 |
| John Philip Carlson | Minority counsel | 18,000.00 |
| William H. Copenhaver. | Minority professional staff member. | 14,358.12 |
| Clara Katherine Armstrong. | Minority research assistant. | 7,801.62 |
| Expenses, July 1 through Dec. 31, 1971: | | |
| Full Committee, Hon. Chet Holifield, Chairman: Expenses (total) | | 4,099.23 |
| Special investigative staff, Hon. Chet Holifield, Chairman: | | |
| Warren B. Buhler | Minority staff member | 9,000.00 |
| Thomas H. Saunders | do | 8,611.56 |
| Shirley A. Davenport | Minority secretary (to Dec. 12). | 3,824.98 |
| John L. Dodson | Clerical Staff (to Nov. 30). | 4,279.25 |
| Ralph T. Doty | Clerical staff | 3,674.28 |
| Mabel C. Baker | Staff member (to July 15). | 431.52 |
| Total | | 29,821.59 |
| Legislation and Military Operations Subcommittee, Hon. Chet Holifield, Chairman: | | |
| Elmer W. Henderson | Counsel | $16,219.38 |
| Douglas G. Dahlin | Staff attorney | 11,680.38 |
| John Paul Ridgely | Investigator | 10,413.54 |
| Joseph C. Luman | Defense analyst | 11,021.27 |
| Catherine L. Koeberlein. | Research assistant | 8,015.28 |
| Veronica B. Johnson | Clerk | 7,810.62 |
| Mary Etta Haga | Clerk-stenographer | 4,999.98 |
| Gloria Ann Rubin | do | 4,351.08 |
| Expenses | | 182.56 |
| Total | | 74,694.09 |
| Government Activities Subcommittee, Hon. Jack Brooks, Chairman: | | |
| Ernest C. Baynard | Subcommittee staff director. | 15,528.66 |
| C. Don Stephens | Research analyst | 10,397.70 |
| Paul A. Mutino | Counsel | 9,250.02 |
| Lynne Higginbotham | Clerk-stenographer | 6,955.20 |
| Mary G. Jones | Secretary | 4,249.98 |
| Expenses | | 1,340.40 |
| Total | | 47,721.96 |
| Intergovernmental Relations Subcommittee, Hon. L. H. Fountain, Chairman: | | |
| James R. Naughton | Counsel | 15,528.66 |
| Delphis C. Goldberg | Professional staff member. | 15,528.66 |
| Gilbert S. Goldhammer | Consultant | 10,122.66 |
| Pamela R. Horsmon | Clerk-stenographer | 4,999.98 |
| Margaret M. Goldhammer. | Secretary | 4,196.82 |
| Expenses | | 4,106.97 |
| Total | | 54,483.75 |
| Conservation and Natural Resources Subcommittee, Hon. Henry S. Reuss, Chairman: | | |
| Phineas Indritz | Counsel | 15,528.66 |
| David B. Finnegan | Assistant counsel | 12,726.84 |
| Michael B. Gross | Legal assistant (to Dec. 3). | 5,967.15 |
| Clem L. Zinger | Professional staff member (from Aug. 2). | 5,790.54 |
| Josephine Scheiber | Research analyst | 7,997.52 |
| Ruth M. Wallick | Stenographer | 5,875.38 |
| Veronika K. Nicolas | Stenographer (from Sept. 20). | 2,384.88 |
| Jean E. M. Landsberg | Stenographer (from July 19 to Aug. 31). | 991.73 |
| Expenses | | 7,983.12 |
| Total | | 65,245.82 |
| Legal and Monetary Affairs Subcommittee, Hon. John S. Monagan, Chairman: | | |
| Richard L. Still | Subcommittee staff director. | 13,750.02 |
| Charles A. Intriago | Assistant counsel | 10,342.14 |
| Jeremiah S. Buckley | do | 6,250.02 |
| Frances M. Turk | Clerk | 4,999.98 |
| Jane G. Cameron | Secretary | 4,000.02 |
| Expenses | | 4,837.66 |
| Total | | 44,179.84 |
| Foreign Operations and Government Information subcommittee, Hon. William S. Moorhead, Chairman: | | |
| William G. Phillips | Subcommittee staff director. | 15,528.66 |
| Norman G. Cornish | Deputy subcommittee staff director. | 15,528.66 |
| Harold F. Whittington | Professional staff member. | 7,762.41 |
| Martha Myers Doty | Clerk | 4,500.00 |
| Mary Elizabeth Milek | Secretary | 3,750.00 |
| William R. Maloni | Professional staff member (to Aug. 31). | 3,459.42 |
| Expenses | | 7,216.91 |
| Total | | 57,746.06 |
| Special Studies Subcommittee, Hon. Wm. J. Randall, Chairman: | | |
| Erskine Stewart | Acting subcommittee staff director. | 9,895.08 |
| Jacob N. Wasserman | Counsel | $14,282.82 |
| James L. Gyory | Investigator | 6,001.37 |
| Wileen O. Moore | Clerk | 3,962.30 |
| Elynor H. Humber | Secretary (from Nov. 1) | 1,416.66 |
| Jane F. Johnson | Secretary (to Oct. 20) | 2,597.21 |
| Herschel F. Clesner | Counsel (to Sept. 30) | 7,112.13 |
| Expenses | | 6,464.69 |
| Total | | 51,732.26 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures (H. Res. 303, 92d Cong.) | $1,032,600.00 |
| Amount of expenditures previously reported Jan. 3 to June 30, 1971 | 406,158.14 |
| Amount expended from July 1 to Dec. 31, 1971 | 429,634.60 |
| Total amount expended from Jan. 3 to Dec. 31, 1971 | 835,792.74 |
| Balance unexpended as of Dec. 31, 1971 | 196,807.26 |

CHET HOLIFIELD, Chairman.

### COMMITTEE ON HOUSE ADMINISTRATION

January 14, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| John T. Walker | Staff director | $18,000.00 |
| Frank B. Ryan | Director, information systems. | 18,000.00 |
| Louis I. Freed | Assistant clerk | 16,249.98 |
| Robert D. Gray | Chief auditor | 15,901.80 |
| David S. Wolman | Personnel analyst | 15,738.66 |
| Melvin M. Miller | Minority clerk | 15,738.66 |
| John G. Blair | Assistant to the staff director. | 13,000.02 |
| Ralph W. Murphy | Assistant clerk (minority). | 10,000.02 |
| Louis Silverman | Assistant clerk | 9,616.44 |
| Mary Stolle | do | 6,438.90 |
| Evelyn Hange Wilson | do | 6,062.50 |
| Judith Leonard Vargas | do | 3,988.26 |
| Thomas S. Foster, Sr | Election's clerk | 9,007.08 |
| Thomas A. Tangretti | Electrical and mechanical office equipment clerk. | 8,325.00 |
| Thomas W. Latham | Account's clerk | 8,125.02 |
| Curtis Wilkie | Printing clerk | 3,525.00 |
| John L. Boos | Library and memorials' clerk. | 7,666.66 |
| Douglas Lea | Printing clerk | 5,096.67 |
| Gurney S. Jaynes | Assistant clerk | 6,250.02 |
| Judith K. Holes | do | 6,124.98 |
| Robert A. Burck | do | 6,000.00 |
| Barbara D. Lewis | do | 5,500.02 |
| Velma T. Youngblood | do | 5,083.32 |
| Colette K. Bohatch | do | 3,083.33 |
| John Paul Tolson | do | 3,083.33 |
| Corbin Miller, Jr | do | 1,000.00 |
| Marlene F. Whiteko | do | 1,500.00 |
| Thomas J. Hart | do | 2,627.10 |
| Pamela M. Bussen | do | 2,803.17 |
| Steven L. Glauberman | do | 650.00 |
| Charles R. Kaiser | do | 430.00 |
| Dianne Sue Gaujot | do | 304.76 |
| Frank Sullivan, Jr | do | 1,214.14 |
| Charles T. Moffit | do | 4,250.01 |
| Saundra M. Straw | do | 1,625.01 |
| Johanna Lucas | do | 1,600.00 |
| Lynne E. Pattridge | do | 1,500.00 |
| Vincent A. Paka | Printing clerk | 1,066.67 |

### INFORMATION SYSTEMS—HOUSE OF REPRESENTATIVES

(July 1 through October 31, 1971)

| | | |
|---|---|---|
| Charles N. Arrowsmith | Information systems specialist. | 6,333.32 |
| Joseph L. Burns | Facility manager information systems. | 8,023.60 |
| Betty Lamb | Administraitve assistant, information systems. | 4,166.68 |
| Betty J. Sharp | Assistant clerk | 1,333.34 |

## COMMITTEE EMPLOYEES—Con.

### COMMITTEE ON HOUSE ADMINISTRATION—Continued

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $400,000.00 |
| Amount of expenditures previously reported | 78,693.88 |
| Amount expended from July 1 to Dec. 31 | 135,543.95 |
| Total amount expended from Jan. 3 to Dec. 31 | 214,237.83 |
| Balance unexpended as of Dec. 31, 1971 | 185,762.17 |

WAYNE L. HAYS, Chairman.

### COMMITTEE ON HOUSE ADMINISTRATION INFORMATION SYSTEMS (FORMERLY OPERATED BY THE CLERK OF THE HOUSE)

January 14, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from Nov. 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Joseph L. Burns | Facility manager | $4,416.67 |
| Daniel J. Lasser | Manager, application development. | 1,597.23 |
| Stuart M. Robinson | Information systems specialist. | 1,433.34 |
| Phillip B. Ladd | do | 1,628.83 |
| Charles N. Arrowsmith | do | 3,166.66 |
| Earl D. Watterson | do | 2,638.88 |
| William R. Hill | Senior member technical staff. | 1,295.00 |
| Michael Tomanio | Member technical staff. | 1,200.00 |
| David L. Brazeal | do | 1,143.58 |
| Kent Huff | do | 1,143.58 |
| Betty Lamb | Administrative assistant. | 2,083.34 |
| Benjamin R. Candler | Member technical staff. | 1,005.17 |
| Kathryn A. Smith | do | 1,005.17 |
| Noah M. St. Clair | do | 1,005.17 |
| Timothy E. Gunter | do | 858.00 |
| Melvine R. Mallone | do | 858.00 |
| Robert Mumma | do | 700.00 |
| Betty Gill | Member operations staff. | 671.17 |
| Betty J. Sharp | Secretary | 1,333.34 |
| Irene S. Morris | Member operations staff. | 649.67 |
| Antionette P. Gauthier | do | 600.00 |
| Curtis L. Merrick | Senior member technical staff. | 534.72 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $1,500,000.00 |
| Amount of expenditures previously reported | None |
| 1971 amount expended from November 1971, to Dec. 31 | 56,134.53 |
| 1971 total amount expended from November 1971, to Dec. 31 | 56,134.53 |
| Balance unexpended as of Dec. 31, 1971 | 1,444,865.47 |

WAYNE L. HAYS, Chairman.

### COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

January 12, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Sidney L. McFarland | Staff director and chief clerk. | $18,000.00 |
| Lewis A. Sigler | Counsel and consultant on Indian affairs. | 17,500.02 |
| William L. Shafer | Consultant on mines and public lands. | 17,254.32 |
| Charles Leppert, Jr | Minority counsel | $16,000.02 |
| Lee McElvain | Assistant counsel and consultant on national parks and recreation. | 14,500.02 |
| Jim T. Casey | Consultant on irrigation and reclamation. | 15,499.98 |
| Robert M. Gants | Assistant minority counsel. | 10,500.00 |
| Dixie S. Barton | Clerk | 10,000.02 |
| Patricia A. Murray | Clerk (minority) | 10,000.02 |
| Patricia B. Freeman | Clerk | 9,000.00 |
| Susan W. Gardner | do | 7,500.00 |
| Kathleen V. Sandy | do | 7,500.00 |
| Salaries paid pursuant to H. Res. 285–92d Cong.: | | |
| Charles Conklin | Special counsel on public lands and environmental matters. | 16,000.02 |
| William G. Thomas | Consultant on Territorial and insular affairs. | 14,500.02 |
| Miriam Waddell | Clerk | 7,000.02 |
| Inez Jarvis | do | 7,500.00 |
| Nancy Lou Larson | do | 6,750.00 |
| Marsha Lane | do | 6,750.00 |
| Marston L. Becker | Printing clerk | 8,500.02 |
| Edward Gaddis | Messenger | 4,999.98 |
| Bertha Drotos (from Nov. 1). | Clerk (minority) | 1,666.66 |
| Edward L. Weidenfeld (from Dec. 1). | Special counsel on energy matters. | 2,416.67 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $478,000.00 |
| Amount of expenditures previously reported | 80,586.16 |
| Amount expended from July 1, to Dec. 31, 1971 [1] | 107,928.06 |
| Total amount expended from Jan. 1, to Dec. 31, 1971 | 188,514.22 |
| Balance unexpended as of Dec. 31, 1971 | 289,485.78 |

WAYNE N. ASPINALL, Chairman.

[1] Includes payment of $6,000 to Edward L. Weidenfeld, special counsel on energy matters, pursuant to contracts approved October 20, 1971, and November 5, 1971.

January 12, 1972.

### COMMITTEE ON INTERNAL SECURITY

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Standing Committee (majority): | | |
| Donald G. Sanders (P) | Chief counsel | $17,315.15 |
| Richard L. Schultz (P) | Associate chiefcounsel | 13,663.86 |
| William H. Hecht (P) | Executive staff assistant (to standing Dec. 1). | 2,458.33 |
| Alfred M. Nittle (P) | Legislative counsel | 14,842.26 |
| Glenn E. Davis (P) | Editorial director (terminated Nov. 30). | 12,884.05 |
| Rober M. Horner (C) | Chief investigator | 12,336.00 |
| William G. Shaw (C) | Research director | 12,625.80 |
| V. Bernice King (C) | Financial secretary | 8,453.04 |
| MaryM. Valente(C) | Administrative secretary. | 9,134.22 |
| Anniel Cunningham (C). | Chief files and reference section. | 8,567.10 |
| Standing Committee (minority): | | |
| DeWitt White (P) | Legal counsel | 6,019.36 |
| Herbert Romerstein (C). | Chief investigator (to standing Oct. 1). | 7,250.01 |
| Ruth I. Matthews (C) | Clerk | 12,000.00 |
| Investigative Committee (majority): | | |
| Victoria Appell | Clerk-typist (resigned Aug. 1). | 693.33 |
| Barbara B. Bagwell | Information classifier (appointed Sept. 20). | 1,823.62 |
| Martha M. Beck | Information classifier (resigned July 23). | 441.02 |
| Patricia A. Belback | Stenographer | 4,249.98 |
| Margie D. Biggerstaff | Secretary | $5,046.78 |
| Charles Bonneville | Investigator | 7,953.00 |
| Daniel Butler | Assistant documents clerk. | 4,996.68 |
| S. Janice Coil | Secretary | 5,731.86 |
| Ruth Ann Crocitto | Information analyst | 3,813.72 |
| Susan K. Daniels | do | 4,411.08 |
| Florence P. Doyle | Secretary | 4,788.18 |
| Elizabeth Edinger | Editor | 7,748.34 |
| Daniel Ferry | Assistant counsel | 9,280.62 |
| Andrea Foy | Information classifier | 3,250.02 |
| Helen M. Gittings | Research analyst | 8,915.40 |
| Sheila Harrison | Clerk-typist | 3,250.02 |
| William H. Hecht | Executive staff assistant investigator (terminated Nov. 30, 1971). | 12,291.65 |
| Isobel Hurwitz | Information classifier | 3,563.70 |
| L. William Ivory, Jr | Assistant documents clerk. | 3,093.00 |
| Doris R. Jaeck | Information analyst | 5,057.22 |
| Mildred James | Clerk-typist | 3,546.72 |
| Joan Keller | Secretary | 5,146.02 |
| John F. Lewis | Coordinating editor | 13,780.98 |
| Virginia Masino | Receptionist | 4,248.24 |
| Anita Maggio | Clerk | 3,250.02 |
| David E. Muffley, Jr | Documents clerk | 4,882.44 |
| Maureen P. Ontrich | Information analyst | 4,445.34 |
| Alma T. Pfaff | Research analyst | 5,525.77 |
| Peggy Pixley | Editorial clerk | 5,057.22 |
| Robert Poos | Research analyst | 9,280.62 |
| Stuart Pott | Investigator | 6,456.36 |
| David Riggs | Information classifier (resigned Aug. 15). | 600.00 |
| Audrey Rollins | Secretary | 4,513.92 |
| Stephen H. Romines | Assistant Counsel (resigned Sept. 30). | 4,640.31 |
| Karen Sue Russell | Information classifier | 3,563.70 |
| Richard A. Shaw | Investigator | 8,774.22 |
| Albert H. Solomon, Jr | do | 10,000.02 |
| Jeanne L. Spencer | Clerk-stenographer | 4,249.98 |
| John N. Stratton | Investigator | 7,953.00 |
| Barbara C. Sweeny | Clerk-stenographer | 4,376.82 |
| Joseph Thach, Jr | Research analyst | 7,999.98 |
| Francis M. Watson, Jr. | Research specialist (appointment Dec. 15). | 917.33 |
| Investigative Committee (minority): | | |
| George C. Armstrong | Investigator | 7,249.98 |
| James L. Gallagher | Research analyst | 8,220.00 |
| Richard Norusis | Investigator (appointment Oct. 9). | 3,530.57 |
| William T. Poole | Research analyst | 6,883.20 |
| Herbert Romerstein | Chief investigator (terminated investigative Sept. 30). | 4,261.29 |
| Linda Spirt | Secretary | 4,848.41 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $570,000.00 |
| Amount of expenditures previously reported | 244,393.27 |
| Amount expended from July 7 to Dec. 31, 1971 | 297,535.78 |
| Total amount expected from Jan. 1 to Dec. 31, 1971 | 541,929.05 |
| Balance unexpended as of Dec. 31, 1971 | 28,070.95 |

RICHARD ICHORD, Chairman.

### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

January 3, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Clerical staff: | | |
| W. E. Williamson | Clerk | $18,000.00 |
| Kenneth J. Painter | First assistant clerk | 15,037.14 |
| Marcella F. Johnson | Assistant clerk | 9,375.30 |
| Frank Mahon | Printing editor | 9,895.08 |
| Hazel Collie | Staff assistant | 9,332.28 |
| Eleanor A. Dinkins | Clerical assistant | 7,422.00 |
| Mary Ryan | do | 7,422.00 |
| Edwin Earl Thomas | Staff assistant | 6,981.60 |
| Lewis E. Berry, Jr. (minority). | Minority counsel | 18,000.00 |
| Marion M. Burson (minority). | Staff assistant | 15,037.14 |

## COMMITTEE EMPLOYEES—Con.

### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—Continued

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Professional staff: | | |
| James M. Menger | Professional staff member. | $18,000.00 |
| William J. Dixon | do | 18,000.00 |
| Robert F. Guthrie | do | 18,000.00 |
| Kurt Borchardt | do | 18,000.00 |
| Charles B. Curtis | do | 17,500.00 |
| Additional temporary employees under H. Res. 170 and 290: | | |
| A. Bennett Schram | Staff assistant (minority). | 10,000.00 |
| Henry Thomas Greene | do | 10,000.00 |
| Helen M. Dubino | do | 14,598.80 |
| Darlene G. McMullen | Clerical assistant (minority). | 4,033.97 |
| Barbara L. Bullard | do | 6,211.94 |
| Linda (Firkin) Lantz | Clerical assistant (Minority) (from Aug. 8) | 3,676.70 |
| Diane R. Tretter | Clerical assistant (through July 31). | 779.46 |
| Dennis C. Shumaker | Clerical assistant | 3,716.52 |
| Judith (Messer) Wood | do | 4,750.00 |
| Diane G. Kirchenbauer | do | 5,750.00 |
| Violet M. McCarthy | do | 5,888.99 |
| Anne P. Lebbon | do | 4,450.00 |
| Joseph T. Kelley | Messenger (through Aug. 31) | 1,000.00 |
| Randell R. Eley | Intern (through Aug. 31). | 1,000.00 |
| Robert P. Sweeney | Staff assistant (through Aug. 31). | 1,833.34 |
| Walter J. Graham, Jr | Staff assistant | 12,872.50 |
| Stephan E. Lawton | do | 12,872.50 |
| Michael A. Taylor | Staff assistant (through July 31). | 2,145.42 |
| Michael R. Lemov | Staff assistant (from Aug. 1). | 10,833.35 |
| Special Subcommittee on Investigations: | | |
| Michael J. Parker | Attorney | 11,000.00 |
| James R. Connor | Staff assistant | 13,065.32 |
| Daniel J. Manelli | Acting chief counsel | 16,000.00 |
| William T. Druhan | Staff assistant | 14,090.43 |
| Benjamin M. Smethurst. | Special assistant | 14,090.43 |
| James F. Broder | do | 13,427.55 |
| Michael F. Barrett, Jr | Attorney | 12,712.89 |
| Michael J. Duff | Staff assistant (through Oct. 12). | 3,400.00 |
| Albert J. McGrath | Special assistant (from Aug. 9). | 5,601.09 |
| Mark J. Raabe | Attorney | 12,943.48 |
| Russell D. Mosher | Staff assistant | 5,238.84 |
| Elizabeth G. Paola | Clerical assistant | 7,422.00 |
| Elizabeth A. Eastman | do | 6,630.90 |
| Judith B. Fisher | Clerical assistant (from Oct., 18). | 2,230.56 |
| Sylvia Sue Dodge | Clerical assistant (tihrough Sept., 15). | 2,333.33 |
| Special securities study group: | | |
| William Hall Painter | Special counsel | 17,500.00 |
| Robert L. Stern | Special consultant | 11,763.91 |
| Harvey A. Rowen | Staff attorney | 9,375.00 |
| Barboura C. Flues | Clerical assistant | 5,500.00 |
| Judith Ann Quinn | Clerical assistant (from July 19). | 3,824.98 |
| Annette Marie Bouchard. | Clerical assistant (from Dec. 2). | 725.00 |
| William L. Cary | Special counsel (through July 31) | 3,000.00 |
| Christopher Vasillopulos. | Staff assistant (through Aug. 9). | 1,086.11 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $989,000.00 |
| Amount of expenditures previously reported | 288,325.76 |
| Amount expended from July 1, to Dec. 31, 1971 | 362,786.26 |
| Total amount expended from Jan. 3, to Dec. 31, 1971 | 651,002.02 |
| Balance unexpended as of Dec. 31, 1971 | 337,997.98 |

HARLEY O. STAGGERS, Chairman.

### COMMITTEE ON THE JUDICIARY

January 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Bess E. Dick | Staff director | $$18,000.00 |
| Benjamin L. Zelenko | General counsel | 17,750.22 |
| Kenneth L. Harkins | Chief counsel, antitrust (through Sept. 8). | 6,705.64 |
| Herbert Fuchs | Counsel | 17,463.00 |
| Garner J. Cline | do | 15,528.66 |
| William F. Shattuck | do | 15,528.66 |
| Donald G. Benn | Associate counsel | 15,000.00 |
| R. Frederick Jett | Counsel | 14,157.36 |
| Jerome M. Zeifman | do | 15,000.00 |
| Frances Christy | Clerical staff | 9,921.24 |
| Jane C. Caldwell | do | 9,099.78 |
| Gertrude Clara Burak | do | 8,095.44 |
| Carrie Lou Allen | do | 7,659.78 |
| Lorraine W. Beland | do | 7,659.78 |
| Roberta E. Eisenberg | do | 7,659.78 |
| Joanne E. Bell | do | 3,843.46 |
| Pearl L. Chellman | do | 4,999.98 |
| Odia R. Chiles | Summer intern (through Aug. 31). | 600.00 |
| Daniel L. Cohen | Assistant counsel | 6,583.32 |
| George A. Dalley | do | 9,250.02 |
| Howard C. Eglit | Assistant counsel (from Oct. 1). | 5,000.01 |
| Arthur P. Endres, Jr | Assistant counsel | 7,000.02 |
| James B. Farr | Messenger-clerk | 3,275.02 |
| Matthew Frank | Summer intern | 430.00 |
| Mary Shea Gaffney | Clerical staff | 4,675.83 |
| Samuel A. Garrison, III | Associate counsel | 9,499.98 |
| David J. Goldman | Summer intern (through Aug. 31). | 600.00 |
| Alma B. Haardt | Clerical staff | 6,369.06 |
| Alice E. Hamlin | Clerical staff (to Oct. 10). | 2,166.67 |
| Herbert E. Hoffman | Special counsel for Federal criminal law reform). | 17,250.00 |
| Alice M. Jackson | Clerical (from Sept. 27). | 2,219.43 |
| Florence C. Johnson | Clerical staff | 4,770.00 |
| Alfred S. Joseph, III | Assistant counsel | 9,250.02 |
| Judith Kahn | Clerical staff | 3,709.98 |
| Michael Kelemonick | do | 6,718.20 |
| Florence T. McGrady | do | 6,718.20 |
| Thomas E. Mooney | Assistant counsel | 10,500.00 |
| Roger A. Pauley | Associate counsel (through July 31). | 2,500.00 |
| Franklin G. Polk | Associate counsel | 15,000.00 |
| Ruth T. Pratt | Clerical staff | 5,500.02 |
| Mary G. Sourwine | do | 6,600.00 |
| Keith A. Takata | Summer intern (through Aug. 31). | 600.00 |
| Annelie Tischbein | Clerical staff | 4,750.02 |
| Louis S. Vance | Messenger-clerk | 4,179.66 |
| Nancy L. Viener | Clerical (through Aug. 16). | 332.23 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $350,000.00 |
| Amount of expenditures previously reported | 106,978.89 |
| Amount expended July 1, through Dec. 31, 1971 | 193,014.29 |
| Total amount expended from Jan. 3, through Dec 31, 1971 | 299,993.18 |
| Balance unexpended as of Jan. 1, 1972 | 50,006.82 |

### FUNDS FOR PREPARATION OF UNITED STATES CODE, DISTRICT OF COLUMBIA CODE, AND REVISION OF THE LAWS

| | |
|---|---|
| A. Preparation of new edition of United States Code (no year): | |
| Unexpended balance June 30, 1971 | $26,756.14 |
| Legislative Appropriation Act, 1972 | 160,000.00 |
| | 186,756.14 |
| Expended July 1–Dec. 31, 1971 | 53,804.58 |
| Balance December 31, 1971 | 132,951.56 |
| B. Preparation of new edition of District of Columbia Code: | |
| Unexpended balance June 30, 1971 | 92,052.24 |
| Expended July 1–Dec. 31, 1971 | 14,077.72 |
| Balance Dec. 31, 1971 | 77,974.52 |
| C. Revisions of the laws, 1972: | |
| Legislative Appropriation Act, 1972 | 39,980.00 |
| Expended July 1–Dec. 31, 1971 | 17,419.50 |
| Balance Dec. 31, 1971 | 22,560.50 |

EMANUEL CELLER, Chairman.

### COMMITTEE ON MERCHANT MARINE AND FISHERIES

December 31, 1971.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Ralph E. Casey | Chief counsel | $18,000.00 |
| Ned P. Everett | Counsel | 15,088.02 |
| Ernest J. Corrado | do | 13,500.00 |
| Leonard L. Sutter | do | 12,250.00 |
| Robert J. McElroy | Chief clerk | 17,045.61 |
| William B. Winfield | Clerk | 11,867.77 |
| Frances P. Still | do | 9,168.66 |
| Vera A. Barker | Secretary | 8,774.20 |
| Albert J. Dennis | Investigator | 10,127.91 |
| Richard N. Sharood | Minority counsel | 13,015.77 |
| William C. Rountree | do | 9,000.00 |
| Virginia L. Noah | Secretary (minority) | 8,308.98 |
| Francis D. Heyward | Counsel | 13,000.00 |
| Alfred Ronald Santo | do | 8,000.00 |
| Frank M. Potter. Jr | do | 9,000.00 |
| Donald A. Watt | Editor | 9,581.97 |
| Lucye L. Summers | Secretary | 6,159.58 |
| Jane C. Wojcik | do | 7,386.73 |
| Pauline M. Dickerson | do | 7,775.03 |
| Eleanor P. Mohler | do | 5,307.95 |
| Betty Ann Nevitt | do | 5,000.00 |
| Norman M. Barnes | Investigator | 5,065.85 |
| Ronald W. C. Watt | Assistant clerk | 3,375.00 |
| Ruth I. Hoffman | do | 5,000.00 |
| Ellen Sudow | Research assistant | 1,000.00 |
| Mark Gersh | do | 1,000.00 |
| Elizabeth D. Heater | Staff assistant | 3,249.99 |
| James L. Larocca | Clerk, Subcommittee on Panama Canal | 3,000.00 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $291,500.00 |
| Amount of expenditures previously reported | 88,942.76 |
| Amount expended from July 1l to Dec. 31, 1971 | 105,423.84 |
| Total amount expended from Jan. 1, to Dec. 31, 1971 | 194,366.60 |
| Balance unexpended as of Dec. 31, 1971 | 97,133.40 |

EDWARD A. GARMATZ, Chairman.

### COMMITTEE ON POST OFFICE AND CIVIL SERVICE

January 18, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Standing committee staff: | | |
| Martiny, John H | Chief counsel | $18,000.00 |
| Gaughan, Vincent M | Staff director and special counsel. | 17,500.02 |
| Bray, Bun Benton | Associate staff director. | 17,749.98 |
| Smiroldo, Victor C | Counsel | 17,749.98 |
| Irvine, William A | Assistant staff director. | 17,749.98 |
| Kazy, Theodore J | Senior staff assistant | 17,749.98 |
| Fortune, Francis C | Coordinator | 14,299.98 |
| Lockhart, Robert E | Assistant counsel | 13,066.67 |
| Thornton, Elsie E | Chief clerk | 12,250.74 |
| Wells, Barbara M | Secretary | 8,749.98 |
| Simons, Blanche M | do | 8,299.98 |
| Investigative staff, (pursuant to H. Res. 217 and 279 of the 92d Cong., 1st sess.): | | |
| Artz, David J | Intern (Aug. 1–31) | 283.33 |
| Barton, Richard A | Staff assistant | 11,100.00 |
| Bates, Kathryn E | Secretary | 6,255.00 |
| Bethea, Barbara Faye | Secretary (from Oct. 1) | 1,500.00 |
| Bebick, Joan E | Secretary (July 1) | 28.33 |

## COMMITTEE EMPLOYEES—Con.

### COMMITTEE ON POST OFFICE AND CIVIL SERVICE—Con.

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Investigative staff, (pursuant to H. Res. 217 and 279 of the 92d Cong., 1st sess.)—Continued | | |
| Blackmore, Ruby Marina. | Staff assistant (to July 31). | $500.00 |
| Borger, Deanne L | Secretary | 5,875.02 |
| Brown, Lorraine L | do | 4,953.42 |
| Camhi, Stanley A | Intern (November and December). | 500.00 |
| Ciaravella, Jo Ann | Secretary | 5,005.02 |
| Coultrap, Ray H | Staff assistant | 7,099.98 |
| Devlin, Ralph J | do | 14,100.00 |
| Diamond, Elaine L | Secretary (from Nov. 1). | 1,200.00 |
| Eisen, Estelle F | Secretary (July 19 to Nov. 7). | 2,361.67 |
| Fenstermacher, Frederic. | Intern (to Aug. 9) | 422.50 |
| Ferdon, Julie | Intern (to Aug. 31) | 600.00 |
| Findley, Thomas W | Staff assistant | 2,499.99 |
| Fussell, Glenda J | Secretary | 3,600.00 |
| Gabusi, John B | Staff assistant | 12,510.00 |
| Gould, George B | do | 12,512.52 |
| Griffith, Thomas B | Intern (to Aug. 31) | 600.00 |
| Harding, Delois | Secretary | 4,950.00 |
| Hitchcock, John E | Intern (to Aug 9) | 422.50 |
| Howard, Alton M | Printing editor | 9,600.00 |
| Jacovitz, Richard H | Intern (November and December). | 500.00 |
| Kennedy, Thomas R | Staff assistant | 12,220.02 |
| Meyer, Robert J | Intern (to Aug. 22) | 693.33 |
| Miller, Michael D | Intern (to Aug. 29) | 786.67 |
| Moore, Robert M | Intern (to Sept. 6) | 898.33 |
| Myers, Lois G | Secretary | 6,400.02 |
| Napier, Margaret G | do | 5,400.00 |
| Neuman, Robert A | Staff assistant | 7,504.98 |
| Pendleton, Maria R | Document clerk | 8,250.00 |
| Peters, Dorothy L | Secretary | 7,099.98 |
| Raymond, Anthony J | Staff assistant | 11,749.98 |
| Snipes, Justine P | Secretary | 7,131.36 |
| Steeper, Scott Charles | Intern (July 1–31) | 291.67 |
| Spencer, Walter A | Intern (to Aug. 9) | 422.50 |
| Thayer, Ted J | Research assistant (from Sept. 1). | 4,666.68 |
| Ward, Sara L | Secretary | 7,975.02 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $553,000.00 |
| Amount of expenditures previously reported | 203,375.45 |
| Amount expended from July 1, to Dec. 31, 1971 | 212,384.48 |
| Total amount expended from Jan. 3, to Dec. 31, 1971 | 415,759.93 |
| Balance unexpended as of Dec. 31, 1971 | 117,240.07 |

THADDEUS J. DULSKI, Chairman.

### COMMITTEE ON PUBLIC WORKS

December 31, 1971.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Standing committee: | | |
| Richard J. Sullivan | Chief counsel | $18,000.00 |
| Lester Edelman | Counsel | 16,000.02 |
| Clifton W. Enfield | Minority counsel | 18,000.00 |
| Lloyd A. Rivard | Engineer consultant | 16,000.02 |
| Carl H. Schwartz Jr | Consultant—projects and programs. | 7,374.00 |
| James L. Oberstar | Administrator | 16,006.02 |
| Dorothy A. Beam | Executive staff assistant | 11,023.98 |
| Meriam R. Buckley | Staff assistant | 9,194.52 |
| Sterlyn B. Carroll | do | 7,684.98 |
| Erla S. Youmans | Minority executive staff assistant. | 9,250.02 |
| Gordon E. Wood | Minority professional staff. | 10,407.48 |
| Investigating staff: | | |
| Richard C. Peet | Assistant minority counsel. | 15,460.86 |
| Robert F. Spence | Subcommittee clerk | 8,629.38 |
| Joseph A. Italiano Jr | Editorial assistant | 9,349.98 |
| Linda L. Williams | Minority staff assistant | $5,599.98 |
| Nancy B. Vitali | Subcommittee clerk | 5,605.39 |
| Peggy Lynn Clements | Staff assistant | 5,749.98 |
| Emily L. Kausch | Staff assistant (terminated July 11). | 341.30 |
| Cynthia J. Van Sant | Staff assistant | 4,249.98 |
| Rosemari E. Gaughan | do | 2,004.72 |
| Robert C. Marshall | Subcommittee clerk (terminated Aug. 31). | 2,207.40 |
| Ruth Costello | Staff assistant | 7,420.02 |
| Toby Stein | do | 3,745.02 |
| Patricia A. Hill | Minority staff assistant | 4,999.98 |
| Richard C. Barnett | do | 5,235.00 |
| Brenda C. Jones | do | 4,500.00 |
| Robert F. Loftus | Technical staff assistant. | 14,500.02 |
| John P. Carrier | Staff assistant (terminated Aug. 15). | 2,250.00 |
| Peter R. Jutro | Staff assistant (terminated Sept. 18). | 1,664.00 |
| William M. Corcoran | Staff assistant | 2,599.98 |
| Marie M. Lynch | Subcommittee clerk | 6,100.02 |
| Joyce T. Eaby | Staff assistant (July 12, 1971 to Aug. 13). | 711.11 |
| Thomas R. Dougherty | Subcommittee clerk (as of Aug. 2). | 7,500.00 |
| Steven H. Bourke | Staff assistant (as of Aug. 23). | 6,222.21 |
| Carol A. Weber | Staff assistant (Sept. 1 to Sept. 30). | 708.33 |
| Elizabeth H. Kiley | Staff assistant (as of Sept. 3). | 2,786.10 |
| Machele J. Miller | Staff assistant (as of Oct. 2). | 1,977.79 |
| Margaret F. McCarthy | Staff assistant (as of Oct. 13). | 1,733.34 |
| Ruth Constandy | Technical consultant (as of Oct 15) | 4,644.44 |
| Henry G. Edler | Project coordinator (as of Oct. 14). | 7,058.33 |
| Joseph R. Brennan | Consultant | 9,000.00 |
| Sheldon S. Gilbert | do | 6,900.00 |
| Peter Jutro | do | 3,290.00 |
| Max K. Taher | do | 5,500.00 |
| Subcommittee on Investigations and Oversight: | | |
| Walter R. May | Chief counsel | 18,000.00 |
| John P. Constandy | Assistant chief counsel (terminated Aug. 15). | 4,400.00 |
| Salvatore J. D'Amico | Associate counsel | 15,000.00 |
| John P. O'Hara | do | 15,000.00 |
| Carl J. Lorenz, Jr | do | 15,000.00 |
| Robert G. Lawrence | do | 15,586.02 |
| George M. Kopecky | Chief investigator | 16,710.48 |
| Sherman S. Willse | Professional staff member. | 15,000.00 |
| Paul R. S. Yates | Professional minority staff member. | 14,399.94 |
| Kathryn M. Keeney | Chief clerk | 8,850.00 |
| Martha E. Downie | Minority staff assistant | 6,750.00 |
| Betty Hay | Administrative assistant. | 7,500.00 |
| Shirley R. Knighten | Staff assistant | 6,250.02 |
| Carol Dahlstedt | do | 6,250.02 |
| William O. Nolen | Investigator | 10,000.02 |
| George P. Karseboom | Professional staff memmember (as of Nov. 8). | 3,975.00 |
| Agnes M. Ganun | Staff assistant | 6,473.82 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures (H. Res. 351) | $1,072,670.00 |
| Amount of expenditures previously reported | 297,897.99 |
| Amount expended from July 1, to Dec. 31, 1971 | 407,404.23 |
| Total amount expended from Jan. 3, to Dec. 31, 1971 | 705,302.22 |
| Balance unexpended as of Dec. 31, 1971 | 367,367.78 |

JOHN A. BLATNIK, Chairman.

### COMMITTEE ON RULES

January 15, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Laurie C. Battle | Staff director and counsel (P). | $18,000.00 |
| Robert D. Hynes, Jr | Minority counsel (P) | $17,419.50 |
| Mary Spencer Forrest | Assistant counsel and research analyst (P). | 10,830.38 |
| Winifred L. Watts | Administrative assistant (P). | 8,266.10 |
| Jonna Lynne Cullen | Staff assistant (C) | 7,447.52 |
| Margaret Anne Bundick | Secretary (C) | 4,975.00 |
| Total | | 66,938.50 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $5,000.00 |
| Amount of expenditures previously reported | 268.23 |
| Amount expended from July 1 to Dec. 31, 1971 | 456.60 |
| Total amount expended from Jan. 1 to Dec. 31, 1971 | 724.83 |
| Balance unexpended as of Dec. 31, 1971 | 4,275.17 |

WILLIAM M. COLMER, Chairman.

### COMMITTEE ON SCIENCE AND ASTRONAUTICS

January 13, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Chas. F. Ducander | Executive director and chief counsel. | $18,000.00 |
| John A. Carstarphen, Jr | Chief clerk and counsel | 17,906.52 |
| Philip B. Yeager | Counsel | 17,906.52 |
| Frank R. Hammill, Jr | do | 17,193.42 |
| James E. Wilson, Jr | Technical consultant | 16,416.84 |
| Carl Swartz | Minority staff | 11,250.00 |
| Joseph Del Riego | Minority staff (from Oct. 11). | 4,888.88 |
| Mary Ann Robert | Secretary | 7,184.16 |
| Emily Dodson | do | 6,884.70 |
| Carol F. Rodgers | do | 6,718.20 |
| June C. Stafford | do | 6,718.20 |
| Kieran U. Cashman | do | 5,558.88 |
| Theresa M. Gallo | Secretary, minority (from Aug. 2). | 3,725.00 |
| Investigative staff (H. Res. 247): | | |
| Richard P. Hines | Staff consultant | 16,416.84 |
| Harold A. Gould | Technical consultant | 16,416.84 |
| Philip P. Dickinson | do | 14,232.66 |
| W. H. Boone | do | 17,906.52 |
| William G. Wells, Jr | do | 13,663.86 |
| K. Guild Nichols, Jr | Staff consultant | 4,640.31 |
| J. Thomas Ratchford | Science consultant | 14,893.14 |
| John D. Holmfeld | Science policy consultant (from Oct. 9). | 5,466.67 |
| Frank J. Giroux | Printing clerk | 8,756.16 |
| Elizabeth S. Jernan | Scientific research assistant. | 8,077.62 |
| Martha N. Rees | Secretary | 6,430.14 |
| Denis C. Quigley | Publications clerk | 7,104.90 |
| Patricia J. Schwartz | Secretary | 4,953.42 |
| Barbara J. Jackson | do | 4,771.08 |
| A. Patrick Nucciarone | Assistant publications clerk. | 933.00 |
| Colleen P. Dunphy | Clerk-typist (to Sept. 17). | 898.33 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $380,000.00 |
| Amount of expenditures previously reported | 162,304.44 |
| Amount expended from July 1 to Dec. 31, 1971 | 167,281.04 |
| Total amount expended from Jan. 3 to Dec. 31, 1971 | 329,585.48 |
| Balance unexpended as of Dec. 31, 1971 | 50,414.52 |

GEORGE P. MILLER, Chairman.

### COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

January 7, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946,

## COMMITTEE EMPLOYEES—Con.

### COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT—Con.

Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| John M. Swanner | Staff director | $18,000.00 |
| Bennett Wolfe | Assistant staff director | 15,028.58 |
| Robert G. Allett | Senior staff member | 17,002.14 |
| Mariann R. Mackenzie | Secretary | 10,000.02 |
| Tempie W. Whittington | Assistant clerk | 4,999.98 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures (H. Res. 236; Mar. 23, 1971) | $25,000.00 |
| Amount of expenditures previously reported | 380.25 |
| Amount expended from July 1 to Dec. 31, 1971 | 184.40 |
| Total amount expended from Jan. 1 to Dec. 31, 1971 | 564.65 |
| Balance unexpended as of Dec. 31, 1971 | 24,435.35 |

MELVIN PRICE, Chairman.

### COMMITTEE ON VETERANS' AFFAIRS

January 10, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Standing committee: | | |
| Oliver E. Meadows | Staff director | $18,000.00 |
| Donald C. Knapp | Counsel | 18,000.00 |
| John R. Holden | Professional staff (minority). | 15,494.76 |
| Billy E. Kirby | Professional aide | 15,494.76 |
| George W. Fisher | Clerk | 17,463.00 |
| Helen A. Biondi | Assistant clerk | 10,843.02 |
| Alice V. Matthews | Clerk-stenographer | 7,483.62 |
| Morvie Ann Colby | do | 7,272.24 |
| Marjorie J. Kidd | do | 6,955.20 |
| Arthur M. Gottschalk | Professional aide (minority). | 10,500.00 |
| Patricia J. Wilton | Clerk-stenographer (minority). | 5,481.06 |
| Investigative staff: | | |
| Philip E. Howard | Investigator | 15,393.06 |
| Rita W. Schwall | Clerk-stenographer (minority). | 5,224.98 |
| Audrey A. Powelson | Clerk-stenographer | 5,481.06 |
| Candis L. Graves | do | 4,488.24 |
| Helen Lee Fletcher | Clerk-stenographer (to July 31). | 544.36 |
| Vance L. Gilliam | Records clerk | 4,333.92 |
| Michael J. Wootton | Intern (minority) (to Nov. 30). | 2,916.65 |
| Courtenay E. Baskin | Clerk-stenographer (to Aug. 31). | 1,166.66 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $150,000.00 |
| Amount of expenditures previously reported | 52,829.55 |
| Amount expended from July 1, to Dec. 31, 1971 | 56,265.02 |
| Total amount expended from Jan. 3, to Dec. 31, 1971 | 109,094.57 |
| Balance unexpended as of Dec. 31, 1971 | 40,905.43 |

OLIN E. TEAGUE Chairman.

### COMMITTEE ON WAYS AND MEANS

January 6, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| John M. Martin, Jr. | Chief counsel (P) | $18,000.00 |
| Richard C. Wilbur | Minority counsel (P) | 18,000.00 |
| John Patrick Baker | Assistant chief counsel (P). | 17,091.12 |
| Robert B. Hill | Professional staff (P) | 11,805.00 |
| William Kane | do | 15,738.66 |
| James W. Kelley | do | 16,487.46 |
| Harold T. Lamar | do | 16,487.46 |
| A. L. Singleton, Jr. | do | 14,569.74 |
| Florence Burkett | Staff assistant (C) | 7,395.00 |
| Virginia Butler | do | 8,790.00 |
| William C. Byrd | do | 5,962.50 |
| Marie Crane | do | 7,000.00 |
| Mary Clare Fitzgerald | do | 5,244.24 |
| William Fullerton | do | 16,487.46 |
| Maxine Ganger | Staff assistant (C) (Oct. 18 to Oct. 31). | 375.56 |
| Charles Hawkins | Staff assistant (C) | 17,091.12 |
| Mary Jackson | Staff assistant (C) (to Oct. 14). | 2,888.88 |
| Grace Kagan | Staff assistant (C) | 8,790.00 |
| June Kendall | do | 10,242.48 |
| Elizabeth Lieblich | do | 3,650.00 |
| Mary M. Matthews | Staff assistant (C) (to Sept. 6). | 2,109.52 |
| Jean Ratliff | Staff assistant (C) | 5,127.48 |
| Gloria Shaver | do | 8,542.98 |
| Eileen Sonnett | do | 7,395.00 |
| Patricia Carol Stern | Staff assistant (C) (from Oct. 1). | 2,124.99 |
| Danna Thomas | Staff assistant (C) (from Aug. 1). | 3,854.15 |
| Judith VanDerSchaaf | Staff assistant (C) | 5,130.00 |
| Carole Vazis | do | 6,099.12 |
| Kaye Anne Weinstein | Staff assistant (C) (from Nov. 15) | 1,426.99 |
| Hughlon Greene | Document clerk (C) | 7,395.00 |
| Walter B. Little | do | 7,395.00 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $75,000.00 |
| Amount expenditures previously reported | 3,019.37 |
| Amount expended from July 1, to Dec. 31, 1971 | 7,489.37 |
| Total amount expended from Jan. 1, to Dec. 31, 1971 | 10,508.74 |
| Balance unexpended as of Dec. 31, 1971 | 64,491.26 |

WILBUR D. MILLS, Chairman.

### SELECT COMMITTEE ON CRIME

January 6, 1972

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Stephen B. Abrams | Press assistant (to Aug. 31, 1971). | $1,769.36 |
| Stuart R. Allen | Chief investigator (to Nov. 30, 1971). | 11,046.00 |
| Mildred Irene Appleby | Secretary (from Aug. 19, 1971). | 3,050.65 |
| Ronald Barbatoe | Assistant counsel (to Oct. 31, 1971). | 6,187.08 |
| Livio A. Beccaccio | Investigator (from July 26, 1971). | 8,611.13 |
| Leroy C. Bedell, Jr. | Investigator | 8,500.02 |
| Michael William Blommer. | Associate chief counsel. | 13,249.98 |
| Mary R. Lingle Boysen | Secretary to the associate counsel (from Nov. 8). | 1,722.50 |
| Marian Canty | Secretary to the chairman. | 6,104.04 |
| Frederick B. Collison | Investigator | 7,025.64 |
| Martha A. Cook | Secretary (from Sept. 20, 1971). | 2,525.00 |
| Joseph Mark Cribben | Associate chief investigator (to July 12). | 824.86 |
| James P. Donovan | Investigator (from July 1, 1971). | 10,000.00 |
| Elsworth D. Dory | Investigator | 8,500.00 |
| Miriam E. Douglass | Secretary (from Dec. 7, 1971). | 666.66 |
| Mary Faye Downey | Secretary | 4,249.98 |
| Lina Mabel Duran | do | 5,934.75 |
| Hazel K. Edwards | Secretary to the associate chief counsel (to Aug. 16). | $5,619.48 |
| Roberta S. Gerson | Secretary to the chief counsel. | 1,495.54 |
| Evelyn Margaret Savage Grey. | Researcher (from Oct. 6). | 2,715.27 |
| Deborah Hastings | Research assistant (to Sept. 6). | 2,108.33 |
| Patricia C. Hester | Secretary (to Oct. 4) | 2,348.31 |
| Alvin J. Lorman | Investigator (to Aug. 26). | 2,621.77 |
| Raphael J. Madden | Research assistant | 3,716.52 |
| Robert E. McKenna | Investigator (from July 26). | 8,611.13 |
| Mary M. Goulart | Finance officer | 7,500.00 |
| Helen Morse | Secretary (from Dec. 8) | 479.17 |
| H. Christopher Nolde | Associate counsel | 12,660.78 |
| N. Ross Otters | Investigator (from Aug. 1). | 8,333.35 |
| Michael Don Petit | Press officer (from Sept. 15). | 5,888.90 |
| Paul L. Perito | Chief counsel (to Sept. 7). | 6,700.00 |
| Joseph A. Phillips | Chief counsel (from Oct. 8). | 8,300.00 |
| Mary G. Poore | Office manager (to Aug. 31). | 1,950.70 |
| Andrew Radding | Assistant counsel | 8,042.04 |
| Pauline B. Reeping | Secretary to the chief counsel (from Nov. 2). | 2,081.38 |
| Jordan Payman Rose | Administrative assistant counsel (to Oct. 31). | 5,836.84 |
| Theresa A. Sbarra | Secretary (from Oct. 4). | 1,812.50 |
| Margaret M. Schauer | Research assistant | 5,614.20 |
| Thomas K. Sullivan | Investigator (from July 26). | 8,611.13 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $675,000.00 |
| Amount of expenditures previously reported | 188,764.55 |
| Amount expended from July 1 to Dec. 31, 1971 | 259,711.18 |
| Total amount expended from Jan. 1 to Dec. 31, 1971 | 448,475.73 |
| Balance unexpended as of Dec. 31, 1971 | 226,524.27 |

CLAUDE PEPPER, Chairman.

### SELECT COMMITTEE ON HOUSE RESTAURANT

January 3, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Thomas J. Campbell | Staff director | $9,547.50 |
| Judy A. Crowe | Secretary (resigned Sept. 30). | 1,879.50 |
| Patricia S. Putnins | Secretary (hired Oct. 1) | 1,879.50 |
| Total | | 13,306.50 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $43,000.00 |
| Amount of expenditures previously reported | |
| Amount expended from Jan. 1 to June 30, 1971 | 13,215.79 |
| Total amount expended from July 1 to Dec. 31, 1971 | 15,142.23 |
| Balance unexpended as of Dec. 31, 1971 | 14,641.98 |

JOHN C. KLUCZYNSKI, Chairman.

### SELECT COMMITTEE ON SMALL BUSINESS

January 5, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

## COMMITTEE EMPLOYEES—Con.

### SELECT COMMITTEE ON SMALL BUSINESS—Continued

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Emilia E. Parrish | Secretary | $6,019.62 |
| James F. Qualls, Jr | Staff assistant | 900.00 |
| William A. Keel, Jr | Research analyst | 18,000.00 |
| Myrtle Ruth Foutch | Clerk | 9,482.52 |
| Donna M. Watson | Secretary | 4,484.52 |
| Henry A. Robinson | Counsel | 16,118.36 |
| William V. Clark | Staff assistant | 1,333.34 |
| Leslie R. Pennington | Printing editor | 9,394.38 |
| Thomas G. Powers | Counsel | 5,250.02 |
| Ralph W. Emerson | Investigator | 4,000.00 |
| Justinus Gould | Counsel | 15,927.54 |
| Donald B. Roe | do | 9,394.38 |
| Mary Eileen Owens | Secretary | 3,141.68 |
| Howard Greenberg | Staff director | 18,000.00 |
| Linda W. Kinkead | Secretary | 6,133.80 |
| Norma Gilbert | do | 2,125.00 |
| Millard V. Oakley | General counsel | 3,000.00 |
| John Rayburn | Counsel | 10,416.68 |
| T. J. Oden | do | 1,931.07 |
| Christine Santoro | Secretary | 3,929.40 |
| Dorothy M. Jordan | do | 3,666.68 |
| Linda Louise Spakes | do | 4,166.68 |
| Mary Biddle Dick | Secretary, minority | 3,499.98 |
| Margaret L. Carpenter | do | 468.75 |
| Willa C. Rawls | do | 4,104.87 |
| Bernadette O. Romanesk | do | 5,205.19 |
| James R. Phalen | Assistant minority counsel. | 10,500.00 |
| John M. Finn | Minority counsel | 11,500.02 |

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|---|---|
| Funds authorized or appropriated for committee expenditures | $530,000.00 |
| Amount of expenditures previously reported | 206,596.99 |
| Amount expended from July 1 to Dec. 31, 1971 | 211,122.40 |
| Total amount expended from Jan. 3 to Dec. 31, 1971 | 417,719.39 |
| Balance unexpended as of Dec. 31, 1971 | 112,280.61 |

JOE EVINS, Chairman.

### JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

January 7, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Eugene F. Peters | Executive director | $18,000 |
| Raymond L. Gooch | Counsel | 13,673.63 |
| Nicholas A. Masters | Staff director | 8,000.01 |
| Francis J. Butler | Clerk | 3,750.00 |
| Cynthia K. Watkins | Executive secretary | 5,250.00 |
| Donald G. Tacheron | Director of research | 16,000.02 |
| Vilma Berarducci | Clerk | 1,666.67 |
| James J. Hennelly | do | 442.00 |
| George Meader | Counsel | 11,172.00 |
| Mary E. Bernard | Clerk | 3,369.43 |
| James F. McAllister | Administrative officer | 2,483.33 |
| Robert J. Kelley | do | 2,355.55 |
| James S. Machowski | Clerk | 58.33 |
| Lynn Gayle Zeltner | do | 54.17 |
| Gerard C. Snow | do | 166.67 |

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|---|---|
| Funds authorized or appropriated for committee expenditures | $425,000.00 |
| Amount of expenditures previously reported | 0 |
| Amount expended from July to Dec. 1971 | 90,070.13 |
| Total amount expended from July to Dec. 1971 | 90,070.13 |
| Balance unexpended as of Dec. 31, 1971 | 334,929.87 |

JACK BROOKS, Chairman.

January 10, 1972.

### JOINT COMMITTEE ON DEFENSE PRODUCTION

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, public Law 601, 79th Congress, approved August 2, 1946, as amended submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Harold J. Warren | Staff director and counsel. | $15,528.66 |
| Charles S. Brewton | General counsel | 15,257.46 |
| George T. Ault | Professional staff member. | 10,572.24 |
| Cary H. Copeland | Assistant staff director. | 10,462.70 |
| Mattie I. Echols | Secretary | 5,472.42 |
| Helen O. McDaniel | Clerk assistant | 1,500.00 |
| Joel V. Lumer | Staff assistant | 1,250.00 |
| John R. Hall | do | 1,033.33 |

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|---|---|
| Funds authorized or appropriated for committee expenditures | $133,180.00 |
| Amount of expenditures previously reported | 0 |
| Amount expended from July 1 to Dec. 31, 1971 | 61,631.53 |
| Total amount expended from July 1 to Dec. 31, 1971 | 61,631.53 |
| Balance unexpended as of Dec. 31, 1971 | 71,548.47 |

WRIGHT PATMAN, Chairman.

### JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

January 10, 1972.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1 to December 31, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

| Name of employee | Profession | Total gross salary during 6-month period |
|---|---|---|
| Laurence N. Woodworth | Chief of staff | $19,999.98 |
| Lincoln Arnold | Deputy chief of staff | 18,000.00 |
| Dennis P. Bedell | Assistant chief of staff | 16,960.02 |
| Arthur Fefferman | Chief economist | 18,000.00 |
| Nicholas A. Tomasulo | Legislation counsel | 16,819.98 |
| Herbert L. Chabot | Assistant legislation counsel. | 14,050.02 |
| Robert R. Smyers | Refund counsel | 16,811.52 |
| James H. Symons | Statistical analyst | 16,177.02 |
| John Germanis | do | 13,249.98 |
| Meade Emory | Legislation attorney | 14,050.02 |
| Albert Buckberg | Economist | 13,999.98 |
| Michael D. Bird | do | 13,999.98 |
| Harrison B. McCawley | Refund attorney | 12,373.02 |
| Bernard M. Shapiro | Legislation attorney | 11,925.00 |
| Joseph P. Spellman | do | 10,827.00 |
| Harold Dubroff | do | 10,500.00 |
| Donald C. Evans, Jr | do | 10,500.00 |
| Anastasia Connaughton | Statistical clerk | 10,445.52 |
| Joseph E. Fink | do | 10,445.52 |
| James E. Wheeler | Accountant | 10,000.02 |
| Leon W. Klud | Economist | 9,250.02 |
| Carl E. Bates | Refund attorney | 8,638.98 |
| Joanne McDermott | Secretary | 8,050.02 |
| Linda Savage | do | 6,349.98 |
| Blanche Nagro | Secretary (refund) | 6,199.98 |
| Mary W. Gattie | Secretary | 5,906.52 |
| Jamie L. Daley | do | 5,700.00 |
| June Matthews | do | 5,250.00 |
| Amelia Del Carmen | do | 5,149.98 |
| Marcia B. Rowzie | do | 5,149.98 |
| Sharon Malcom | Secretary (refund) | 4,099.98 |
| Wanda D. Fraser | Secretary (through Nov. 13). | 3,509.74 |
| Jacqueline Miller | Secretary (through Sept. 7). | 1,861.10 |
| Jacqueline S. Pfeiffer | Secretary (as of Oct. 11). | 2,376.79 |
| Katherine Keller | Secretary (through Aug. 31). | 816.66 |
| Lorene Heriot | Secretary (as of Nov. 8). | 1,437.49 |

| | |
|---|---|
| Funds authorized or appropriated for committee expenditures | $756,720.00 |
| Amount of expenditures previously reported (Jan. 1, to July 1, 1971) | 348,950.52 |
| Amount expended from July 1, 1971 to Jan. 1, 1972 | 360,316.91 |
| Total amount expended from Jan. 1 to Dec. 31, 1971 | 709,267.43 |
| Balance unexpended as of Jan. 1, 1972 | 396,403.09 |

RUSSELL B. LONG, Chairman.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1526. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that several appropriations to the Department of Defense and other departments and agencies have been apportioned on a basis which indicates a necessity for supplemental estimates of appropriations in order to permit payment of pay increases granted by law, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1527. A letter from the vice president and comptroller, Potomac Electric Power Co., transmitting a copy of a balance sheet of the company as of December 31, 1971, pursuant to 37 Stat. 979; to the Committee on the District of Columbia.

1528. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting the 13th annual report of the Commission, pursuant to Public Law 86-380; to the Committee on Government Operations.

1529. A letter from the Director, Office of Telecommunications Policy, Executive Office of the President, transmitting a draft of proposed legislation to amend section 396 of the Communications Act of 1934 to increase and extend for 1 year the authorization for the Corporation for Public Broadcasting; to the Committee on Interstate and Foreign Commerce.

1530. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a report on the disposition of applications for conditional entry to the United States from Austria, Belgium, France, Germany, Greece, Hong Kong, Italy, and Lebanon, during the 6 months ended December 31, 1971, under the provisions of section 203(a)(7) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1531. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1532. A letter from the Commission, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

1533. A letter from the Chairman, U.S. Civil Service Commission, transmitting a report, on an agency-by-agency basis, of positions in grades GS-16, GS-17, and GS-18 during 1971, together with summaries of actions taken (1) under the numerical limitations of U.S.C. 5108(a), (2) outside such numerical limitations, and (3) regarding hearing examiner positions, pursuant to 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

1534. A letter from the Assistant Secretary of Defense (Manpower and Reserve Affairs), transmitting a report of positions in grades GS-16, GS-17, and GS-18 in the Department of Defense during 1971, pursuant to 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

1535. A letter from the State and Federal Cochairmen, Ozarks Regional Commission, transmitting the annual report of the Commission for 1971; to the Committee on Public Works.

Received From the Comptroller General

1536. A letter from the Comptroller General of the United States, transmitting a report on the examination of the financial statements of the Tennessee Valley Authority for fiscal year 1971, pursuant to 31 U.S.C. 851 (H. Doc. 92–242); to the Committee on Government Operations and ordered to be printed.

1537. A letter from the Comptroller General of the United States, transmitting a report that the Department of the Air Force system for buying spare parts for initial support of new military aircraft needs substantial improvements; to the Committee on Government Operations.

1538. A letter from the Comptroller General of the United States, transmitting a report on management improvements needed in the review and evaluation of applications to construct and operate nuclear powerplants, Atomic Energy Commission; to the Joint Committee on Atomic Energy.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Report on the activity of the Committee on Interstate and Foreign Commerce 92d Congress, first session (Rept. No. 92–803). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolutiton 790. Resolution providing for the consideration of H.R. 7987. A bill to provide for the striking of medals in commemoration of the bicentennial of the American Revolution (Rept. No. 92–804). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 791. Resolution providing for the consideration of H.R. 10243. A bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes (Rept. No. 92–805). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 792. Resolution providing for the consideration of H.R. 12089. A bill to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse (Rept. No. 92–806). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM:

H.R. 12769. A bill to assist local educational agencies to provide quality education programs in elementary and secondary schools; to the Committee on Education and Labor.

By Mr. BROOMFIELD:

H.R. 12770. A bill to provide financial assistance for State and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curriculums, the training of educational personnel, and the funding of research and demonstration projects, to provide financial assistance to encourage the States to adopt special probation services to establish a Federal Corrections Institute; and for other purposes; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 12771. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed, and restore on behalf of certain veterans educational assistance benefits which had previously terminated; to the Committee on Veterans' Affairs.

H.R. 12772. A bill to adjust the basic compensation of the police helicopter pilots of the District of Columbia Metropolitan Police force; to the Committee on the District of Columbia.

By Mr. BUCHANAN:

H.R. 12773. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. DELANEY:

H.R. 12774. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood. to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. FAUNTROY (for himself and Mr. Stuckey):

H.R. 12775. A bill to authorize programs in the District of Columbia to combat and control the disease known as sickle cell anemia; to the Committee on the District of Columbia.

H.R. 12776. A bill to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER:

H.R. 12777. A bill to amend the National Housing Act to authorize the insurance of loans to defray mortgage payments on homes owned by persons who are temporarily unemployed or whose income has been drastically reduced as the result of adverse economic conditions prevailing in an industry or area; to the Committe on Banking and Currency.

By Mr. HELSTOSKI (for himself, Mr. Burton, Mrs. Chisholm, Mr. Duncan, Mr. Gude, Mr. Mayne, Mr. Roe, Mr. Stokes, and Mr. Terry):

H.R. 12778. A bill to amend section 1905 of title 44 of the United States Code relating to depository libraries; to the Committee on House Administration.

By Mr. HILLIS:

H.R. 12779. A bill to amend title II of the Social Security Act to reduce from 72 to 70 the age at which deductions on account of an individual's outside earnings will cease to be made from benefits based on such individual's wage record; to the Committee on Ways and Means.

By Mr. JONES of North Carolina:

H.R. 12780. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 12781. A bill to provide for the Secretary of the Department of Health, Education, and Welfare to assist in the improvement and operation of museums; to the Committee on Education and Labor.

H.R. 12782. A bill to modify the restrictions contained in section 170 (e) of the Internal Revenue Code in the case of certain contributions of literary, musical, or artistic composition, or similar property; to the Committee on Ways and Means.

By Mr. KUYKENDALL:

H.R. 12783. A bill to amend title 10 of the United States Code to allow the counting of time spent in enlisted service as a cadet or midshipman at a service academy toward length of service as an officer; to the Committee on Armed Services.

By Mr. KUYKENDALL (for himself, Mr. Alexander, Mr. Begich, Mr. Bingham, Mr. Brinkley, Mr. Conte, Mr. Eilberg, Mr. Forsythe, Mr. Frenzel, Mrs. Hicks of Massachusetts, Mr. Kemp, Mr. McEwen, Mr. Mazzoli, Mr. Pepper, Mr. Rooney of Pennsylvania, Mr. St Germain, Mr. Stokes, Mr. Tiernan, Mr. Waggonner, and Mr. Jones of Tennessee):

H.R. 12784. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Public Works.

By Mr. MONAGAN:

H.R. 12785. A bill to authorize the Secretary of the Interior to conduct a study with respect to certain islands in the State of Massachusetts to determine whether such islands should be made a part of the Cape Cod National Seashore; to the Committee on Interior and Insular Affairs.

H.R. 12786. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. MOLLOHAN (for himself and Mr. Robison of New York):

H.R. 12787. A bill to establish an Emergency Medical Services Administration within the Department of Health, Education, and Welfare to assist communities in providing professional emergency medical care; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 12788. A bill governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Mr. ROSTENKOWSKI:

H.R. 12789. A bill to provide for the control of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSH:

H.R. 12790. A bill to amend title II of the Social Security Act to provide for voluntary agreements between ministers and their employers to treat ministers as employed persons; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 12791. A bill to provide supplemental appropriations to fully fund bilingual education programs under title VII of the Elementary and Secondary Education Act of 1965 for the fiscal year 1972; to the Committee on Appropriations.

H.R. 12792. A bill to amend title 10 of the United States Code to establish procedures providing members of the Armed Forces redress of grievances arising from acts of brutality or other cruelties, and acts which abridge or deny rights guaranteed to them by the Constitution of the United States, suffered by them while serving in the Armed Forces, and for other purposes, to the Committee on Armed Services.

H.R. 12793. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

H.R. 12794. A bill to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service; to the Committee on Foreign Affairs.

H.R. 12795. A bill to authorize the Federal Communications Commission to investigate the rate base of the American Telephone & Telegraph Co. and its subsidiaries; to the Committee on Interstate and Foreign Commerce.

By Mr. RUPPE:

H.R. 12796. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 12797. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. Stubblefield:

H.R. 12798. A bill to provide for the establishment of feed grain bases for farms acquired from the United States for the production of feed grains; to the Committee on Agriculture.

By Mr. THOMPSON of Georgia:

H.R. 12799. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Florida (for himself and Mr. Gibbons):

H.R. 12800. A bill to require the Secretary of Transportation to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI (for himself, Mr. Matsunaga, Mr. Keith, Mr. Wolff, Mr. Brasco, Mr. Podell, Mr. Badillo, Mr. Fish, Mr. Dellums, Mr. Rees, Mr. Boland, Mr. Pike, Mr. Roybal, Mr. Grover, Mrs. Abzug, Mr. Miller of California, Mr. Bingham, Mr. Ryan, Mr. Price of Texas, Mr. Helstoski, Mr. Brooks, and Mr. McDonald of Michigan):

H.R. 12801. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes; to the Committee on Armed Services.

By Mr. BIAGGI (for himself, Mr. Koch, Mr. Lent, Mr. Halpern, Mr. King, Mr. Kemp, Mr. Tiernan, Mr. Derwinski, Mr. Clark, Mr. McEwen, Mr. Dulski, Mr. Dow, Mr. Addabbo, Mr. Hathaway, Mr. Delaney, Mr. Forsythe, Mr. Esch, Mr. Eilberg, Mr. Collins of Illinois, Mr. Gallagher, Mr. Hosmer, Mr. Scheuer, Mr. Kyros, Mr. Morse, and Mr. Stratton):

H.R. 12802. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes; to the Committee on Armed Services.

By Mr. BIAGGI (for himself, Mr. Matsunaga, Mr. Keith, Mr. Wolff, Mr. Brasco, Mr. Podell, Mr. Badillo, Mr. Fish, Mr. Dellums, Mr. Rees, Mr. Boland, Mr. Pike, Mr. Roybal, Mr. Grover, Mrs. Abzug, Mr. Miller of California, Mr. Bingham, Mr. Ryan, Mr. Price of Texas, Mr. Helstoski, Mr. Brooks, and Mr. McDonald of Michigan):

H.R. 12803. A bill to amend the Military Selective Service Act in order to provide for the deferment thereunder of students appointed to maritime academies and colleges; to the Committee on Armed Services.

By Mr. BIAGGI (for himself, Mr. Koch, Mr. Lent, Mr. Halpern, Mr. King, Mr. Kemp, Mr. Tiernan, Mr. Whitehurst, Mr. Derwinski, Mr. Clark, Mr. McEwen, Mr. Dulski, Mr. Dow, Mr. Addabbo, Mr. Hathaway, Mr. Delaney, Mr. Forsythe, Mr. Esch, Mr. Eilberg, Mr. Collins of Illinois, Mr. Gallagher, Mr. Hosmer, Mr. Scheuer, Mr. Kyros, and Mr. Morse):

H.R. 12804. A bill to amend the Military Selective Service Act in order to provide for the deferment thereunder of students appointed to maritime academies and colleges; to the Committee on Armed Services.

By Mr. BIAGGI:

H.R. 12805. A bill to authorize the Attorney General of the United States to delegate to any common carrier by railroad, or any employee thereof, certain functions relating to the enforcement of certain Federal laws affecting railroads and property moving by railroad in interstate or foreign commerce, and for other purposes; to the Committee on the Judiciary.

H.R. 12806. A bill to amend title 39 of the United States Code to permit Postal Service employees to engage more fully in political activities; to the Committee on Post Office and Civil Service.

By Mr. BROOKS:

H.R. 12807. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government; to the Committee on Government Operations.

By Mr. BROWN of Ohio:

H.R. 12808. A bill to amend the Communications Act of 1934 by authorizing general support grants to defray the ordinary operating costs of noncommercial educational radio and television broadcast stations and by establishing the long-range financing of public broadcast programing through the Corporation for Public Broadcasting in a manner consistent with the original intent of the Public Broadcasting Act of 1967; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts:

H.R. 12809. A bill to retain November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 12810. A bill to amend section 103 of title 23 of the United States Code relating to additional mileage for the Interstate System; to the Committee on Public Works.

By Mr. DANIELS of New Jersey (for himself and Mr. Gaydos):

H.R. 12811. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. DINGELL (by request) (for himself and Mr. Kuykendall):

H.R. 12812. A bill to amend section 208(f) of the Airport and Airway Revenue Act of 1970 to provide that the amounts in the airport and airway trust fund shall be available to meet obligations of the United States incurred in accordance with the priorities established under the Airport and Airway Development Act of 1970; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 12813. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. FULTON:

H.R. 12814. A bill to amend the Youth Conservation Corps Act of 1970 (Public Law 91–378; 85 Stat. 794) to expand the Youth Conservation Corps pilot program, and for other purposes; to the Committee on Education and Labor.

By Mrs. GREEN of Oregon:

H.R. 12815. A bill to provide for the establishment of a U.S. High Court of Settlement which shall have jurisdiction over certain labor disputes in industries and other enterprises affecting interstate commerce and the public interest; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 12816. A bill to provide for improvements in the administration of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HARSHA:

H.R. 12817. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNGATE:

H.R. 12818. A bill to permit American citizens to hold gold, and to accept gold as compensation under the terms of a contract; to the Committee on Banking and Currency.

By Mr. KEATING (for himself, Mr. Kemp, Mr. Kuykendall, Mr. Cleveland, Mr. Eilberg, Mr. Halpern, Mr. Garmatz, and Mr. Thone):

H.R. 12819. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the income of individuals for certain amounts of tuition paid with respect to dependents enrolled in private elementary or secondary schools; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 12820. A bill to amend the Child Nutrition Act of 1966 to permit the waiver of matching requirements in special and unusual circumstances; to the Committee on Education and Labor.

By Mr. KOCH (for himself, Mrs. Chisholm, and Mr. Leggett):

H.R. 12821. A bill to amend title 18, United States Code, to conditionally suspend the application of certain penal provisions of law; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. Dellums, and Mr. Rosenthal):

H.R. 12822. A bill to approve and authorize amnesty or mitigation of punishment for certain persons who have illegally manifested their disapproval of U.S. participation in the Vietnam war; and to provide for restoration of civil and political rights that have been lost or impaired by reason of such illegal acts, and for other purposes; to the Committee on the Judiciary.

By Mr. McMILLAN:

H.R. 12823. A bill to retrocede a portion of the District of Columbia to the State of Maryland; to the Committee on the District of Columbia.

By Mr. MILLER of California:

H.R. 12824. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

By Mr. NIX:

H.R. 12825. A bill to amend the Lead-Based Paint Poisoning Prevention Act; to the Committee on Banking and Currency.

By Mr. PRICE of Illinois (for himself, Mr. Holifield and Mr. Hosmer) (by request):

H.R. 12826. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. SCOTT:

H.R. 12827. A bill to clarify the jurisdiction of certain Federal courts with respect to public schools and to confer such jurisdictions upon certain other courts; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas (for himself, Mr. Baring, Mr. Carney, Mr. Danielson, Mr. Dorn, Mr. Dulski, Mr. Edwards of California, Mrs. Grasso, Mr. Haley, Mr. Hammerschmidt, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Hillis, Mr. Montgomery, Mr. Pucinski, Mr. Roberts, Mr. Satterfield, Mr. Saylor, Mr. Scott, Mr. Teague of California, Mr. Winn, Mr. Wolff, Mr. Wylie, and Mr. Zwach):

H.R. 12828. A bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THONE (for himself, Mr. Cabell, Mr. Crane, Mr. Dickinson, Mr. Downing, Mr. Harvey, Mr. Hogan, Mr. Kuykendall, Mr. McClory, Mr. Thompson of Georgia, Mr. Vander Jagt, and Mr. Wright):

H.R. 12829. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. VANDER JAGT:

H.R. 12830. A bill to amend title IX of the Public Health Service Act to include diabetes among the diseases specifically required to be covered by regional medical programs thereunder; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSEY (for himself, Mrs. Abzug, Mr. Casey of Texas, Mrs. Chisholm, Mr. Collier, Mr. Derwinski, Mr. Fisher, Mr. Forsythe, Mr. Fraser, Mr. Griffin, Mr. Landgrebe, Mr. McFall, Mr. Roe, Mr. Rosenthal, Mr. Ryan, Mr. Tiernan, Mr. Vander Jagt, and Mr. Ware):

H.R. 12831. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. ZION:

H.R. 12832. A bill to provide for a study of the feasibility and desirability of establishing a proposed Ohio River National Parkway in the State of Indiana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ASPIN (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Adams, Mr. Addabbo, Mr. Anderson of Illinois, Mr. Badillo, Mr. Begich, Mr. Brinkley, Mr. Burton, Mr. Byron, Mrs. Chisholm, Mr. Culver, Mr. Daniel of Virginia, Mr. Danielson, Mr. Dent, Mr. Derwinski, Mr. Dingell, Mr. Downing, Mr. Edwards of California, Mr. Esch, Mr. Forsythe, Mr. Frenzel, Mr. Gaydos, and Mrs. Grasso):

H.J. Res. 1040. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. ASPIN (for himself, Mr. Gubser, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Hogan, Mr. Hosmer, Mr. Ichord, Mr. Kemp, Mr. Link, Mr. Lujan, Mr. Mann, Mr. Matsunaga, Mr. Mazzoli, Mr. McCloskey, Mr. McClure, Mr. McCormack, Mr. McDade, Mr. Mikva, Mr. Mitchell, Mr. Morse, and Mr. Mosher):

H.J. Res. 1041. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. ASPIN (for himself, Mr. Moss, Mr. Price of Illinois, Mr. Railsback, Mr. Rangel, Mr. Riegle, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. Scheuer, Mr. Schwengel, Mr. Seiberling, Mr. Slack, Mr. Steele, Mr. Stokes, Mr. Symington, Mr. Thone, Mr. Tiernan, Mr. Veysey, Mr. Ware, Mr. Williams, and Mr. Yates):

H.J. Res. 1042. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. HALL:

H.J. Res. 1043. Joint resolution proposing an amendment to the Constitution of the United States to give to local school authorities the right to determine the extent to which students are provided transportation to their schools; to the Committee on the Judiciary.

By Mrs. HANSEN of Washington:

H.J. Res. 1044. Joint resolution to suspend for 80 days the continuation of any strike or lockout arising out of the labor dispute between the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union; to the Committee on Education and Labor.

By Mr. ROONEY of Pennsylvania:

H.J. Res. 1045. Joint resolution authorizing the President to proclaim the period April 19 through April 22, 1972, as "School Bus Safety Week"; to the Committee on the Judiciary.

By Mr. RUNNELS:

H.J. Res. 1046. Joint resolution proposing an amendment to the Constitution of the United States limiting deficit spending by the Federal Government; to the Committee on the Judiciary.

By Mr. RUPPE:

H.J. Res. 1047. Joint resolution authorizing the President to proclaim the period April 19 through April 22, 1972, as "School Bus Safety Week"; to the Committee on the Judiciary.

By Mr. NIX:

H. Con. Res. 514. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Comimttee on Foreign Affairs.

By Mr. THOMPSON of New Jersey:

H. Con. Res. 515. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. MILLER of California:

H. Res. 793. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 243; to the Committee on House Administration.

By Mr. ROYBAL:

H. Res. 794. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

## PRIVATE BILLS AN RESOLUTIONS

**Under caluse 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:**

By Mr. BROOMFIELD:

H.R. 12833. A bill for the relief of James R. Jones; to the Committee on the Judiciary.

By Mr. BURKE of Florida:

H.R. 12834. A bill for the relief of Marion Davis and Maxine Davis, husband and wife; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 12835. A bill for relief of Arnold J. Follett and his wife, Elsie M. Follett; to the Committee on the Judiciary.

By Mrs. HANSEN of Washington:

H.R. 12836. A bill for the relief of Harold Gilbertson, Raymond Nelson, Lawrence Powell, Marvin Holland, Erling Ellison, Haakon Pederson, Marvel Blix, all of Cathlamet, Wash., and Charles F. Gann, of Westport, Oreg.; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 12837. A bill for the relief of Mr. and Mrs. Mario Petrone; to the Committee on the Judiciary.

## PETITIONS, ETC.

**Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:**

183. By the SPEAKER: Petition of the Interstate Oil Compact Commission, Oklahoma City, Okla., relative to maintenance of a strong domestic oil and gas industry; to the Committee on Interior and Insular Affairs.

184. Also petition of the Puerto Rico Free Federation of Labor, Santurce, P. R., relative to the centennial of the birth of Santiago Iglesias Pantín, founder of the Puerto Rico Free Federation of Labor; to the Committee on the Judiciary.

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# EXTENSIONS OF REMARKS

## SENATOR FRANK E. MOSS DETAILS THE POSITIVE ACTIONS BEING TAKEN AGAINST DRUG USE AND ABUSE

### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Tuesday, February 1, 1972*

Mr. RANDOLPH. Mr. President, on Monday I attended a ceremony marking the 25th anniversary of Listen magazine, a youth-oriented publication devoted to better living. Featured speaker at the luncheon was Senator Frank E. Moss, who gave an excellent presentation of the positive actions being taken against drug use and abuse.

The able legislator from Utah said:

> The need for assistance is great for young people. Far too often they turn toward drugs, cigarettes, or alcohol to provide that something extra in their lives. Listen has shown them the other side of the story.
>
> Listen magazine contains articles on drug usage, told in language that young people can understand and appreciate. But it is not merely a recitation of drug experiences; the authors also produce first-person narratives on why they choose to avoid drugs.
>
> It is this positive approach that is often overlooked by writers. Along with the warnings and preachments, we must tell our young people that there are safer, healthier and much better ways to find self-fulfillment, and show them by example.
>
> The monthly publication, with its emphasis on wholesome living, presents up-to-date facts on drug problems, alcoholism, smoking and health. It has the largest circulation of any magazine of its type, 180,000 copies each issue, according to editor Francis A. Soper. It is the only one of its type officially approved by the commissioner of education

in most States for use in public school curricula.

Senator Moss, long a leader in the battle against drug abuse, has given a scholarly presentation of the dangers and dimensions of the problem. His review of the legislative actions taken in response to growing national concern is a valuable reference and should be of extreme interest to all of us.

Mr. President, I ask unanimous consent that the address by Senator Moss be placed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### DRUG USE—AND ABUSE

It's a great pleasure to be here today to celebrate the 25th anniversary of Listen magazine. I am particularly close to Listen not just because they had my picture on the cover a few months ago, although I must admit I enjoyed that story a little more than most, but because Listen and I have some interests in common. Actually, the vast majority of the American people share this interest.

One of the greatest problems facing our nation today, particularly our youth, is drugs. Now that's not limited to the deadly heroin and the dangerous amphetamines. There are, to my mind, three large classes of drugs. These are what we traditionally label as narcotics, drugs and alcohol and tobacco. Now it is completely conceivable that each of these drugs could be relatively safe for most people when used in small quantities.

There are medicinal reasons for using amphetamines or barbituates. The trouble comes when they are misused.

There are medicinal reasons for using alcohol. The trouble comes when the use is excessive, or someone uses alcohol who cannot tolerate it and who becomes an alcoholic.

And it is possible that tobacco can be used in such a way that it is only minimally harmful (not inhaled, for example) and this may actually calm the nerves or be comforting to certain people.

By and large, however, the vast majority of these drugs are abused. They are not used safely—they are not used for medicinal purposes—they are used to deaden the senses and in that way diminish from the meaning of life.

As a citizen I know the dangers which these drugs can lead to. The addictive qualities which virtually destroy life. As a parent, I am familiar with the terrible pressures upon young people to experiment. And as a legislator, I am faced with the awesome burden of legislating out of existence the very dangers which the drugs produce.

We have learned that banning common products does not work. In the area of cigarettes, many have said, in frustration over the snail's pace decline of smoking that we should legislate absolute prohibition of the use of tobacco—make the product contraband. But human and governmental experience prove such action repugnant and costly beyond results and fortified with other drawbacks and evils to our society—not the least of which is loss of personal freedom of choice.

Free men should choose not to smoke, to drink to excess, or take harmful drugs because of the terrible penalty to themselves personally and the burdens of care and loss thrown upon society. Education and persuasion are alternatives to the most harmful aspects of these addictions, and these are the courses we must pursue.

I have reviewed the legislative commitments made in the area of drugs, alcohol and smoking over the past few years and find our progress quite remarkable, particularly when the congress is often called the world's most deliberative body. We deliberated. Yes, we could have done more and maybe we could have done it earlier. But the exciting fact is that we have done it.

Now with a commitment from the executive branch of the government, with a commitment from the judicial branch, and with the participation of every citizen concerned about these problems, we must succeed.

I would like to give you a rundown of the Federal effort to date.

### DRUGS

Drug abuse is not just a problem anymore. It is the number one crisis in America today. It has gripped millions of responsible parents with an unshakable fear that this terrible thing might capture and destroy their sons and daughters. And family after family is left numbly aware of how suddenly and painfully it strikes. Because this disease once belonged to a side of life that most people never experienced, it was largely ignored. But not anymore. Along with its infecting elements, it has invaded the whole American scene, ripping families apart and leaving them helpless and grief stricken in its wake.

One of the most frightening things about drug abuse is that, because it supports such a lucrative business, it sustains itself and constantly expands. It lures into the system an ever increasing number of unscrupulous but clever operators, who use the pathetic craving of an addict to drain him and his society of colossal sums of money. We all share an annual bill which has soared into the billions for the crime, welfare, treatment and lost productivity which are associated with the existence of this plague in our society.

Heaped upon the crisis in our own nation is the prospect of from 5 to 15% of our servicemen returning home from Vietnam as heroin addicts unless they are successfully treated prior to discharge. I think we can well imagine the ominous implications of this, not only for the men but for our society.

The alarm that the country has expressed is reflected in the national legislative activity of the past two years. In this time, the Congress has enacted an impressive amount of legislation relating to all aspects of drug abuse control. Foremost among the achievements of the 91st Congress was the comprehensive Drug Abuse Prevention and Control Act of 1970. This is a landmark piece of drug legislation, because it overhauls virtually all existing laws related to drug abuse control, and supplements the Federal efforts in the areas of treatment and education.

Title 1 of this act provides increased funding authority for state and community treatment programs, and also authorizes some innovative treatment and education programs. In addition, it expands the scope of rehabilitation programs to include persons with drug dependency problems involving non-narcotic as well as narcotic drugs.

Title II, which is also known as the Controlled Substances Act, replaces with a single statute all previous narcotic and dangerous drug control laws, except for those dealing with import and export. One striking feature of this act is that it revises the previous penalty structure, including provisions making any first-time simple possession offense a misdemeanor and dropping all mandatory minimum sentences except for persons engaged in a continuing criminal enterprise—thus distinguishing between the user and the pusher. The bill also classifies all drugs subject to control in five schedules according to their abuse potential, accept medical value, and physical and psychological efforts.

Title III of the new law has replaced previous narcotic and dangerous drug statutes relating to importation and exportation, aiming particularly for stricter supervision of the traffic in depressant and stimulant drugs.

Another piece of legislation which emerged during the 91st Congress is the Drug Abuse Education Act. Senator Randolph, who is with us today, was a cosponsor and, active supporter of this bill, as he has been for other measures in these fields. This law enables the Federal Government to provide support to states and communities in the development of educational programs and curricula to be used in elementary and secondary schools. It also provides for community education programs designed to promote knowledge and leadership for community action programs in areas where such activities are sorely needed.

The work of the 91st Congress made very real advances in the battle against drug abuse, and it also laid much of the groundwork for the more than 200 proposals which were advanced during the first session of the 92nd Congress. The most significant of these is the Administration Bill which creates a special action office for drug abuse prevention in the executive office of the president. This office would coordinate all major Federal treatment and prevention programs. The Senate bill provides appropriations authorizing in excess of one and one half billion dollars to beef up Federal, state and local efforts.

To me, this bill signifies the urgency felt by the entire nation, and it provides much more effective coordination and greatly increased funding power to the overall effort. The House Committee on Interstate and Foreign Commerce has held extensive hearings on this proposal and as a result introduced a new bill on December 7. By unanimous vote, the Senate has already passed its own version of this proposal, and although the House and Senate versions differ in some respects, they are similar in intent and most major provisions. Final action is anticipated early in the upcoming session.

Another bill which has been passed by the House and is now being considered by the Senate is one which would provide for the development of narcotic treatment programs in correctional institutions for both those incarcerated and those on parole. Because the drug problem feeds the crime problem so generously, there is a special need for correctional systems to develop more and better treatment programs. This bill takes a major step in that direction.

Efforts to curb the international flow of illicit drugs strike at a main root of the drug abuse problem. Among the many proposals which have emerged in this area is a provision of the amendments to foreign assistance act which would suspend foreign assistance to countries not cooperating in attempts to control illegal drug traffic to the United States. It also contains a provision for assistance to those countries participating in international drug control.

The past three years have seen laws enacted which have doubled and redoubled Federal, state, local and individual efforts in drug abuse control. But even with the progress that has been made, no one can be oblivious to the formidable agenda which remains before us. It is evident that legislative efforts must not be relaxed until this menace, which has already raged way too far out of control, is caught and obliterated or significantly reduced.

### ALCOHOL

Now what about alcohol. Some people like to pass this one off as a minor problem, but no one who has ever had much experience with alcoholics could call it minor.

For many years Federal efforts in the field of alcoholism were very sketchy. There was no coordinated program. One of the first things I did when I came to the Senate was to introduce a bill which would give the states and communities the tools to meet the tragic problem of the alcoholic.

I had been a judge in Salt Lake City, and within my jurisdiction was the police court, that is the court before which anyone charged with drunkenness is brought for sentencing.

The same people came before me again and again for sentencing, and I realized that drunkenness is an illness, and that we had to have some sort of machinery to provide treatment for it.

For several years I stood almost alone in the Senate in my fight against alcoholism. Finally, I was joined by Senator Javits of New York, and then by Senator Hughes, who is a recovered alcoholic. Senator Hughes became chairman of a special subcommittee on alcoholism and drugs, and out of that subcommittee of which Senator Randolph is a member, last year came the Hughes-Moss-Javits bill on alcoholism—the most comprehensive alcoholism bill ever considered. It was enacted on December 19, 1970.

The legislation established the administrative structure for an unprecedented, broadly-based, community oriented Federal attack upon the problem of alcoholism. To do this it:

1. Established a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism within the Public Health Service of the Department of Health, Education and Welfare.

2. Established an independent National Advisory Council to insure outside evaluation of Federal efforts in this area.

3. Established programs of prevention and the recognition and encouragement of treatment and rehabilitation of Federal Government employees who are alcoholics.

4. Authorized project grants to state and local organizations, agencies, institutions, and individuals to develop and carry out a comprehensive range of activities in the alcohol abuse and alcoholism prevention, treatment and rehabilitation area.

Even though this bill was passed and signed before the budget requests were sent to Congress by President Nixon, the president did not ask for any money to implement its provisions. So a number of us went before the Senate and House Appropriations Committee to plead for funds to start the various programs. We got $50 million written into the budget, and this money is now being used for grants to fight alcoholism.

CIGARETTES

And now, let's turn to cigarettes. This problem is more pervasive than the others, but because it brings on chronic conditions rather than immediate disabilities, some have been loathe to recognize its significance. I don't think it necessary to explain to you that this is the only drug which has its lobby in the Congress. There is no lobby for heroin, there is no lobby for alcohol, but there is a lobby for cigarettes, and the pernicious habits of this lobby have to be continually fought off just to make a minimum impact.

Additionally, the constant public relations campaigns of the industry make our task even more difficult. Anyone who spoke for heroin or alcohol would be laughed off the face of the earth. But in our topsy turvey world, people who speak up for tobacco seem to get re-elected.

Our nation today is faced with soaring hospital costs, our medical care facilities are coming to the point where they will not be able to care for the growing number of chronically ill people; there are not enough funds to provide intensive care units for emphysema and heart disease patients; millions are being paid from social security funds to aid relatively young and still productive people who are unable to use their skills because they are disabled by chronic respiratory disease and heart conditions.

The best medicine for these diseases is preventative medicine. Prevention cuts down on costs, it cuts down on agony, and it cuts down on disability. Certain diseases are prevented with vaccinations such as german measles, smallpox, and polio and certain diseases have been prevented with environmental treatment, such as malaria, typhus, and yellow fever. Where prevention is not available, early detection and treatment are the best methods of therapy. But treatment is never as sure as prevention.

One of the most significant and demonstrable forms of prevention for lung cancer, oral cancer, heart disease and emphysema is abstinence from smoking. Just think of the hundreds of thousands of lives extended and years of productivity if people did not smoke.

I have long been a foe of cigarettes and the tobacco interests. Over the past ten years I have introduced legislation of various kinds with the hope that I might aid in reducing the toll of death and destruction we know is associated with smoking. Regrettably those early efforts bore little fruit, though they may have paved the way for our later successes. But I am proud to have played a part in shaping the latest legislation—the Public Health Cigarette Smoking Act, which the president signed into law a little over a year ago.

And why he chose to sign this bill in the evening, after newspaper and television news deadlines had passed, we will never know. It was tragic that he did not hold the traditional signing ceremonies. Certainly a bill of this magnitude should have warranted such attention. Clearly it is a piece of landmark legislation.

In this bill the Congress has taken a giant step forward in making it possible for the Federal Government to exert its sovereign power to protect the health and welfare of its citizens. I might even go so far as to call this legislation a triumph over greed and power. We have cut the purse strings on a multi-million dollar expense account, and what is more important, put an end to one of the most subtle and insidous influences we have ever had on the minds of our young people.

**I don't think anyone can question the fact that television commercials have played a very large part in creating the social acceptability of cigarette smoking. For years these commercials have dominated the airways, day and night, especially during the "prime" hours in the evening, these messages have infiltrated our homes.**

**Children of all ages, adults of all persuasions, smokers and non-smokers alike have been exposed to the impression that cigarette smoking and the good and glamorous life go together. In fact, cigarette smoking is the sine quo non of the glamorous living. Youngsters, even before they could read, could readily sing the cigarette jingles and readily learn to equate smoking with an image of sophistication. The advertising copy writers even had the audacity to suggest that delicate, interpersonal problems can be solved merely by sharing a cigarette, though they never indicated who gets the more dangerous half of the smoke, the husband or the wife.**

**Each advertising message, taken singly, may not have left much of an impression, but multiply that impression by the thousands that were beamed out every month and you will see that this was a force to be reckoned with. Indeed, I believe it has been estimated that 13.3 billion messages were being broadcast throughout the nation every month. No other industry used television to this extent.**

**Let's also examine the effect of the ban on broadcast cigarette advertising. Children are no longer exposed to the allure of handsome men and elegant women filling their lungs with death-dealing smoke. Adults who are desperately trying to quit no longer have their resolve shaken by the sight of a manly figure on horseback indulging in self-pollution. All that is left to remind us of smoking are some anti-smoking messages that warn any who continue in this folly.**

**In payment for decades of broadcast advertising, I believe that broadcasters have a moral and legal obligation to air anti-cigarette commercials until the residual harmful effects of more than a billion dollars of commercial advertising has been dissipated.**

Where do we go from here? I firmly believe that the Federal Trade Commission should treat increased non-broadcast cigarette advertising as a violation of the Federal Trade Commission Act. The commission has already announced intentions of pursuing a health warning statement on all cigarette advertisements to remedy these unfair and deceptive ads.

The Food and Drug Administration has never entered into the regulation of cigarettes, swearing off the subject saying that the legislative history did not give them the authority to apply their regulatory powers to cigarettes. But, I find this an uncomfortable assertion of executive privilege. The FDA will come before my consumer subcommittee in February and I will challenge that notion. And if necessary, I foresee a case developing forcing the FDA to apply the regulatory provisions of the Hazardous Substances Act to cigarettes.

I certainly would be willing to be the plaintiff in a well-drawn plea for this kind of legal action.

And I further will push for legislation which I have introduced to require the Federal Trade Commission to establish maximum levels of tar and nicotine in all cigarettes, domestic or foreign, sold in the United States. Those who insist on smoking cigarettes will, at least, have a less lethal product to inflict upon their bodies.

So, on this twenty-fifth anniversary, marking the establishment of Listen, a Journal of Better Living, we all have something to be thankful for. Those of us in the Congress have tried to compliment your efforts with legislative efforts. But no matter how many laws we pass, no matter how many people we incarcerate for violating those laws, addictions will remain a problem without "a vigorous, positive, educational approach to the problems arising out of the use of tobacco, alcohol and narcotics." Thanks to Listen, we will see progress in providing that educational approach.

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## RELIGIOUS CONVICTIONS OF DAN STOLLDORF

## HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. DUNCAN. Mr. Speaker, we hear a great deal today about God being dead, and why worship something that does not exist. A few young people who are constantly espousing the meanest and ugliest things are given great publicity by most of the news media.

I have always said that the majority of young people are the finest this country has ever known.

I was pleased to read an article in the Alexandria, Va., Gazette a few days ago about a young man by the name of Dan Stolldorf. Dan is one of the outstanding high school basketball players in the Nation, and without doubt has a great future as a college basketball player.

In spite of his greatness as an athlete what inspired me most about Dan Stolldorf was his interest in theology. He refers in the article to Young Life, a Christian organization working within the high school.

He said:

> Young Life is responsible to a certain school. We have 200 to 300 at our meetings at Annandale on Monday night. We do a lot of folk singing and the last 15 minutes is devoted to our club leader who talks about Christ.
>
> Church today doesn't normally relate to high school kids. I mean a lot of kids want to turn off Christ without even looking into it. But our group, it's a lot more real to me, than say church, it's much more interesting to us.

Mr. Speaker, I continue to be amazed with the religious convictions of most young people I come in contact with. My own high school daughter is a member of the Young Life group at T. C. Williams High School in Alexandria. This group has frequently met in my home. It is heartwarming to see close to a hundred young people gathered in a home discussing religion.

Also, I often visit the main campus of the University of Tennessee which is located in my hometown of Knoxville. The athletes at the university were among the forerunners in establishing a chapter of the Fellowship of Christian Athletes. This organization is now internationally known. Many of the athletes frequently fill pulpits in area churches. They always seem eager to express their belief in God.

Ray Mears, the head basketball coach, and Bill Battle, the head football coach, are both known for their Christian faith. They are constantly urging their athletes to participate in religious functions.

The Fellowship of Christian Athletes and Young Life are well known and respected in Knoxville. These two groups have certainly benefited Knoxville. Tenn., and our Nation.

Thus, I was impressed with Dan Stolldrof's comments on Young Life and the church today. At this point I would like to share the Alexandria Gazette article with my colleagues by placing it in the RECORD.

The article follows:

### THE VIEW FROM HERE: ANNANDALE'S DAN STOLLDORF—A UNIQUE PERSONALITY

(By Clay Kemp)

*"He who wears his morality but as his best garment were better naked."* From the Prophet by Kahlil Gibran.

Dan Stolldorf of Annandale High School is a unique personality.

He exemplifies what many of us had written off as a thing of the past, a lost segment, something that lived in the earlier pages of the American dream, before hate and prejudice forced its ugly head into the forefront and started to depict the worse in our society. And it's ironic that Stolldorf, although spawned from the seeds of that environment, may someday be one of the men who will have a great deal to do with reversing the present trend.

As I said, Dan is unique, he is an athlete, a scholar, and above all, his morality does not go unshorn, he wears it with dignity. He speaks of his family, and of basketball, which he loves. He talks of school and of his classmates, but he always returns to God, a subject close to his heart.

This column came about originally because Stolldorf is the second leading scorer in the Metropolitan area, at 26.1, which, after talking to him, has become a mere statistic. The inner man has a much higher average.

After doing the usual fencing that a reporter has to go through to find out what type of person he is interviewing, and getting answers to the usual questions of what college are you interested in, like, "William & Mary, maybe Virginia and Penn State has talked to me, but I have to check their credits," one gets the idea, that this young man has both feet on the ground.

Still probing, what are you going to major in? "Well on the application, I chose pre-law," the man who was born in Abe Lincoln country and moved to Annandale at the age of six, replied:

Law? Having done some leg work, I understood that Stolldorf was interested in theology. "Yes I do like theology. Have you ever heard of Young Life?" Well no, what is that? "It's a Christian organization working within the high schools. This past summer they sent me to Australia. They had four basketball camps there, but that was mostly a drawing card to get the kids to come, to get us to relay our ideas of Christ to others. We played a lot of different teams over there, they weren't really very good, I mean, we are more advanced than they are.

You played football, which do you like best?

"Basketball. I lettered as a sophomore in football and when I played as a freshman, I met Jim Phillips," Stolldorf said of Annandale's leading scorer of last year. "As a freshman, I thought I was better than Jim, I mean one-on one, but I played football and I never did catch up to Jim as a sophomore, so I decided that it would be worth my while to spend my time in the gym," said the man who is the first one over to pat Phillips on the back, even in practice.

So the 6-foot-6, 220-pound senior who played at 6-5, 195 last year, dropped football. Stolldorf and Phillips spent two weeks last summer at Red Jenkins' camp at Woodson, where the affable Stolldorf developed a good friendship with the Woodson players he is trying so hard to defeat for the Northern District title. And he learned something there. He talked about the best part of his game.

"I only get two or three assists a game, I have to play inside and I have to put the ball up when I get it. The big thing this season is my rebounding. Last year I had some games with 18 rebounds, but there were some games I had only seven or eight, I wasn't making it as a rebounder," Stolldorf said.

"I had 20 rebounds against Woodson, and that really surprised me. I mean to do that well against a good club, but the additional weight has helped me, and now I always think that I can come down with the ball," Dan added.

"As a sophomore I was not outstanding, last year it was better, now I'm not afraid to take the dumb 15 or 20 feet shot, and when I go inside I have to play position. I'm not that good at jumping but I have learned to use my weight to my advantage. I do my share of pushing, and I'm a little better at holding people on my back to get off the shoot," Stolldorf said, as if to vindicate himself of any wrong doing in a game that is no longer a no contact sport.

Stolldorf isn't thinking about a pro career, "It's not that I lack confidence, I have developed that in high school, but the pros have a heck of a schedule, its hard work and all that travel keeps you away from home so much," which brought to mind two other area greats, Ed and John Hummer, who attended Princeton.

They had the same philosophy about pro ball, and both being outstanding students, it naturally brought forth the question, had Stolldorf ever considered the Ivy League?

"I haven't given it much thought, they only give financial help to the ones who need it," replied the man who is always trying to lessen the burden of someone else, in this case, his parents.

Well then, do you advocate sports as a way of life? Stolldorf doesn't have a closed mind on that.

"It's a good thing if the colleges are able to prepare them for their careers, but these guys still have to pass certain courses, but they really need the big time colleges to get them ready for the pros."

Well Dan, what about playing in the Atlantic Coast Conference?

"I thought about whether I wanted to play in the ACC, there's so much emphasis on basketball at schools like Maryland, you're sort of a machine. At Ohio State, you're a football machine, they help you to make your grades, you have to eat, sleep and drink basketball or football. Right now I have no interest in playing as a pro. I'm not looking to become a machine," Stolldorf offered.

And after speaking of sports, does Stolldorf play the biggest game of all? Does he have a girl? Suddenly, Dan reverts back to the wisdom which has earned him 1,450 on his college boards.

"I date two girls," Dan, who is used to being double-teamed said, "I'm not ready to get serious. I get a kick out of the kids at school, they talk about marriage and two months later, they're in love with someone else. I'm afraid to get that serious about a girl, that's something that is several years ahead of me," Stolldorf added.

And then Stolldorf added an insight that many people should analyze, and become a part of the world which is of what Dan Stolldorf, speaks of. What the intelligent youth is doing about the changing times.

"Young Life is responsible to a certain school. We have 200 to 300 at our meetings at Annandale on Monday night. We do a lot of folk singing and the last 15 minutes is devoted to our club leader who talks about Christ," Stolldorf said of something that he values above all else.

"Church today doesn't normally relate to high school kids, I mean a lot of kids want to turn off Christ without even looking into it. But our group, it's a lot more real to me, than say church, it's much more interesting to us."

I think you get the point which Dan Stolldorf is trying to tell us.

And I don't think that America, nor Stolldorf's parents, have been short-changed when they turn out young men like Dan Stolldorf, for when he gets that law degree, our future won't be decided on basketball courts, or even in courts of law, they will be decided on the garments of morality.

For Stolldorf, who may have never read Gibran, won't dispute, "For in revery you cannot rise above your achievements nor fall lower than your failures." Dan Stolldorf has both feet on the ground.

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## DANIEL W. HANNAN HONORED AS LABOR MAN OF THE YEAR

## HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

*Tuesday, February 1, 1972*

Mr. SCHWEIKER. Mr. President, Daniel W. Hannan, president of the 4,000-member Local 1557 of the United Steelworkers of America in Clairton, Pa., recently was honored as "Labor Man of the Year" by the Pittsburgh Jaycees.

Dan Hannan is one of American labor's foremost spokesmen in the field of occupational safety. He was instrumental in the drafting of the Occupational Safety and Health Act of 1970, and testified before a House Labor Subcommittee to support legislation to protect the health and welfare of all industrial workers. In addition, he worked tirelessly for similar legislation on the state level in Pennsylvania.

When the Senate Labor Subcommittee visited the Clairton works in April 1970, it was Dan Hannan who advised us of the ill effects of coke oven gases on both the workers and the environment. In receiving the Jaycee award, he was cited for contributing significantly "to the welfare of the community through his interest in pollution control and in the quality of life."

I ask unanimous consent that the article describing this important award, and Dan Hannan's many achievements, which appeared in the January 7, 1972, edition of the McKeesport, Pa., Daily News, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JAYCEE AWARD SLATED FOR DANIEL HANNAN

A local union official will be honored for his service to the community by the Pittsburgh Jaycees.

Daniel W. Hannan, president of Local 1557 of the United Steelworkers of America, has been selected as the "Man of the Year—Labor." Mr. Hannan will be among 16 persons in various fields, who will receive special plaques from the Jaycees at the organization's 32nd annual "Man of the Year dinner" at the William Penn Hotel, Jan. 23. The festivities are scheduled to begin at 5:30 p.m.

Mr. Hannan, a resident of 703 East Drive, has been a leader in the fight against pollution in recent years. He was praised for his efforts by Alan Shalette, director of the Pittsburgh Jaycees.

"He has contributed significantly to the welfare of the community through his interest in pollution control and in the quality of life," explained Mr. Shalette. "We feel that the award is a true indication of the feelings of the community towards Mr. Hannan."

Mr. Shalette explained that the awards are given yearly after the candidates are recommended by former award winners and by leaders of the community. He said that the awards have been presented for 32 consecutive years.

Among the other award winners to be honored at the banquet are Robert Peirce, county clerk of courts and a former Jaycee, for government and Louis Mason, Pittsburgh City Councilman, for human relations.

Mr. Hannan has been a resident of Clairton since 1942. He is married to the former Lucille Nayor from Belle Vernon and is the father of three children: Mrs. Dana Krien, 24; Bonnie 19, and James 16.

A veteran of World War II, he began as a laborer at the Clairton Works in 1940. He completed instrument repair apprenticeship in 1955 and is presently a journeyman at that trade.

Mr. Hannan has been president of Local 1557 since 1967 and is now serving his second term. He was a member of the USW Contract Negotiating Committee with US Steel in 1968 and 1971. He is a past commander of Post 803 Veterans of Foreign Wars, and is presently the director of the Clairton Works Federal Credit Union and a member of the Board of Directors of the Group Against Smog and Pollution.

The Pittsburgh Jaycees is a non-profit organization of men between the ages of 21 and 35. The organization is engaged in various forms of community service and is dedicated to developing leadership qualities in its members. According to Mr. Shalette there are approximately 180 members in the Pittsburgh chapter.

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## INCREASED EXCELLENCE TO OUR NATION'S EDUCATIONAL SYSTEM

## HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. KEATING. Mr. Speaker, I have introduced a bill that will go a long way toward bringing increased excellence to our Nation's educational system.

Nonpublic education in elementary and secondary schools is a natural and necessary complement to our public education system. Today, however, nonpublic education in grades 1 through 12 is facing a financial crisis which could force the disappearance of these private schools from the educational scene.

In 1965 there were approximately 6,300,000 students attending nonpublic schools in grades 1 through 12. Five years later that number had dropped to 5,500,000. In the same time the cost per pupil of education has continued to rise. Today it is estimated that the cost is over $850 per pupil to provide the educational needs to our Nation's students on the elementary and secondary levels.

With greatly increased costs, the remaining nonpublic schools have been decreasing. If this trend is allowed to continue in the near future there will be a monopoly in the education field. Whenever there is a monopoly there is usually a lack of creativity, a lack of innovation, and a lack of excellence. We cannot allow this to happen in an area that is so important to the future of our Nation.

Today most school systems are in serious difficulty due to financial problems and overcrowded conditions. If the number of nonpublic school students, who are forced to enter public schools continues to increase we will only experience greater difficulties in our public schools. What we need to do is to reverse the trend and provide diversity and choice in education.

My bill will provide a $100 tax credit per pupil for elementary and secondary school education. This will provide a family a $100 tax credit for each child who attends a nonpublic school where the tuition costs are at least $100 per pupil.

The nonpublic school attended must be accredited by the State, offering education at any grade from 1 through 12 and the school must not discriminate in the admission of students, in the hiring of personnel, or in any other activity, on the basis of race, color, creed, or national origin.

Those who desire an early demise of the nonpublic school system will not view favorably this legislation. They see any assistance to the other systems as a major threat to the public school system. This view greatly limits the role that nonpublic education should have in our society.

However, I am convinced that a $100 per pupil credit will not challenge or destroy the significance of public education. The economic benefit to nonpublic schools far overshadows any potential harm to public school.

At a time when new methods of financing our schools are being sought this legislation is quite necessary and appropriate.

I hope this legislation receives early attention by the Congress.

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## FOREIGN TRADE

## HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. HANNA. Mr. Speaker, I have made the point several times, as have other Members of the House, that a restriction of our foreign trade would damage—not help—our domestic employment picture. Further data have recently emerged to add weight to this argument. The United States-Japan Trade Council has recently published figures of the State-by-State export to Japan and the number of jobs in each State that are directly created by that export activity. The national total is 305,037. My home State leads the Nation with 29,879 jobs related to exports to Japan. I am providing for the RECORD the list of States and their respective job dependence on trade with Japan:

LIST OF STATES

[Rank, State, and jobs]

1. California, 29,879.
2. Washington, 24,747.
3. Illinois, 22,517.
4. New York, 17,767.
5. Ohio, 15,932.
6. Oregon, 15,205.
7. Pennsylvania, 14,905.
8. Texas, 13,790.
9. West Virginia, 12,427.
10. Iowa, 11,894.
11. Indiana, 10,294.
12. Kansas, 7,718.
13. Alaska, 7,352.
14. New Jersey, 7,105.
15. Missouri, 7,025.
16. Virginia, 6,938.
17. Michigan, 6,781.
18. North Carolina, 5,440.
19. Nebraska, 4,310.
20. Massachusetts, 4,303.
21. Colorado, 3,960.
22. Minnesota, 3,600.
23. Kentucky, 3,432.
24. Connecticut, 3,425.
25. Wisconsin, 3,266.
26. Montana, 3,028.
27. Alabama, 3,015.
28. Tennessee, 3,012.
29. Arizona, 3,005.
30. Louisiana, 2,968.
31. Arkansas, 2,731.
32. Florida, 2,473.
33. Maryland, 2,193.
34. South Carolina, 2,189.
35. North Dakota, 1,909.
36. Mississippi, 1,864.
37. Idaho, 1,761.
38. Georgia, 1,546.
39. New Mexico, 1,508.
40. Oklahoma, 1,475.
41. Rhode Island, 1,225.
42. Utah, 1,213.
43. South Dakota, 936.
44. New Hampshire, 653.
45. Hawaii, 584.
46. Delaware, 528.
47. Nevada, 519.
48. Maine, 293.
49. Vermont, 290.

50. Wyoming, 75.
51. District of Columbia, 32.
Total: 305,037.

## HE DOES MORE THAN DELIVER PAPERS

### HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. PICKLE. Mr. Speaker, more than once young Ronnie Boydston of Austin, Tex., has made the news which he delivers to Austin citizens early each morning.

Recently, his alertness and sense of duty averted what may well have been a disastrous gas explosion. His quick action may well have saved the lives of several south Austin residents.

Mr. Speaker, this young man's actions are worthy of our attention, and Ronnie Boydston deserves our hearty praise. Ronnie is 15 and a student in junior high, yet he has shown courage and initiative and a concern for his community which are exemplary to all of us.

Betty MacNabb, staff writer for the Austin American-Statesman, tells the story of this young man, and I would like to share that story with the Congress at this time:

#### CARRIER GIVES ALARM ON GAS—ALERTS FAMILY

(By Betty MacNabb)

Daylight was gradually pushing the dark from the foggy, dreary morning when Ronnie Boydston first caught the unpleasant smell on a South Austin street. He moved slowly towards the source, and finally stopped in front of 902 Bluebonnet.

Here the smell was awful, and he could hear a hissing sound. When he peered closely at the grassy area near the curb, he could see that the ground was puffed up and trembling.

Still clutching his shoulder bag half full of copies of The Austin American, Ronnie sprinted to the front door of the house. B. M. Baxter, the homeowner, was already awake and answered his knock.

"The gas, Mr. Baxter—it's leaking bad!"

The householder telephoned for help, and later his wife telephoned Ronnie's mother, Mrs. Porter G. Boydston, 905 Garner.

"She said Ronnie saved their lives, and maybe even the whole neighborhood," the carrier's proud mother reported. "It took the gas company four and a half hours to repair the break. It was a major gas main."

To Ronnie 15, and a student at Porter Junior High, it was "old hat"—another adventure in his early morning rounds as a carrier for The Austin American.

In December, he was throwing papers down Lund Hill on his South Austin route, and heard a burglar alarm sounding. He raced six blocks back to his own home and called police. Sure enough the burglars were caught in the act.

Ronnie started carrying the news—and on the side, making it—when he was just eight years old. His two older brothers. Darrell and Howard, had newspaper routes and Ronnie couldn't wait to get into the act—he went along to "help" Darrell.

"He was still so small that we had to pin his carrier sack up on his shoulders with safety pins," his mother said.

Two years ago, Ronnie got his own "little route"—50 papers, and when Darrell retired from the news business to get married, Ronnie took over. Ronnie and Howard now have the entire area from Barton Springs to Lamar, Kinney Avenue to Ashby and Robert E. Lee Rd.

And to keep it in the family, kid sister Laurie, now 8, recently started going along to "help" in the summer months.

## NIXON'S BID FOR PEACE

### HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. DUNCAN. Mr. Speaker, I read a most interesting statement in the Knoxville, Tenn., Journal of January 27 concerning the President's efforts for peace in Southeast Asia. I insert it in the RECORD at this time:

#### NIXON'S BID FOR PEACE

Surely no reasonable person could expect a president to do more than Richard Nixon has in his quest for an honorable settlement of the Vietnam War.

His Tuesday night announcement that secret negotiations have been in progress since August of 1969, along with disclosure of the proposals made by the United States, should serve to wipe out all doubt among all sincere individuals about the Vietnam war in a manner fair to all parties.

There also should be no doubt in the minds of those who prefer a military victory that President Nixon is also determined to continue support of South Vietnam if the enemy fails to agree to a settlement. The President clearly now is in a position to continue development of the Vietnamization program at the same time efforts are being made to reach a negotiated settlement. If all attempts at negotiation prove fruitless, Vietnamization will remain as an option, an honorable option.

The overall thrust of Nixon's settlement efforts could be symbolized by the national emblem itself—a powerful eagle which clutches weapons of war in one claw and olive branches of peace in the other.

As was suggested by the President, disclosure of the long series of secret meetings and secret peace offers represents an effort to tell the world and the American public just how far the White House already has gone. It was an attempt to bring unity among this country's leaders so that Hanoi would no longer entertain the hope that a new and weaker American president might be on hand for negotiations after January of 1973.

Just as antiwar demonstrations of the past have served to bolster Hanoi's devious, delaying tactics in the belief that American resolve was crumbling, the current presidential campaign also had the promise of giving the enemy cause to avoid serious negotiations at least until after the November elections.

It is the clear duty of all fair-minded Americans to get behind the President in a unified show of support of his efforts to settle the Vietnam conflict honorably. Politics should be put aside and personal ambitions channeled into other directions. (Democratic presidential contenders will find ample grounds on which to campaign, even if they completely drop their constant harping on the war issue.)

As we see it, the chances for settlement will be very dim as long as Hanoi can cling to the notion that sooner or later Americans will give up and knock the props from under the South Vietnamese government.

Although the prospect of an impartially supervised free election in South Vietnam is no doubt totally alien to Hanoi's philosophy, this specific proposal should find no disagreement by any American who truly believes in the democratic process. President Thieu's agreement to resign one month prior to such an election and thereby surrender his control over the Saigon government further enhances the atmosphere of free choice.

Other elements of the eight-point allied peace plan also contain reasonable and attractive provisions.

It is difficult to see how the President could go much deeper into a compromise solution, apart from his acknowledged flexibility on certain mechanical aspects of the general plan. Thus it appears that this offer, in substance, represents a final offer. Both the United States and South Vietnam seem to have gone the last mile.

From this time on the monkey is on Hanoi's back. The Vietnam war can end at any moment if the enemy will merely agree in principle to this latest compromise offer.

## THE MUNDIALIZATION OR WORLD CITIZENSHIP MOVEMENT

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. RARICK. Mr. Speaker, a new movement known as mundialization or world citizenship in which a city proclaims its world citizenship and declares itself to be a "world city" has begun to take place in the United States. Minneapolis, Minn.; Richland, Ohio; San Anselmo, Calif.; and Kansas City, Mo., have declared their world citizenship. Such acts smack of secession from the Union. Citizenship entails duties and responsibilities as well as rights. How can any citizen in good conscience pledge allegiance to two sovereigns or to one country and an international organization at the same time? Dual citizenship is a legal as well as moral impossibility.

There can be no United Nations and at the same time, a United States. One cannot give dual allegiance to the U.N. and to the United States of America. For the U.N. to advance or grow in effectiveness, the sovereign United States with our constitutional liberties and our traditional living standards and culture must be diminished or destroyed.

In an address to the Fifth Ward Republican Club in Kansas City, Mo., on November 11, 1971, Mrs. Don H. "Stella" Sollars discussed mundialization as well as several other aspects of the United Nations. She pointed to UNESCO as the source of attacks on the concept of the Christian family and the system of American justice. Drawing upon discussions of the Sixth Conference of the United Nations held in Belgrade, she also showed how the United Nations plans to exploit the ecology issue to decentralize industry and population throughout the world and to control population.

Because I deem it important that our colleagues know about this international secessionist movement, I insert in the RECORD at this point the text of Mrs. Sollars' address:

### ADDRESS BY MRS. DON H. (STELLA) SOLLARS

Let me quote to you from a warning that Sir Winston Churchill made to us on the future of the United Nations. And I think we should pay particular heed to his words, because after all, he was the only conservative participant, in the ideological sense, in a world leadership group that included Franklin Roosevelt, Joseph Stalin, de Gaulle, and the now silent nationalist Chiang Kai-shek. I quote, "Let me declare, however, that the progress and freedom of all the peoples in the world, under a reign of law enforced by a world organization, will not come to pass . . . nor will the age of plenty begin, without the persistent, faithful, and above all, *fearless* exertions of the British and American *systems of society*".

Now, I need hardly remind anyone here tonight . . . that that system of society to which Sir Winston referred, as being British and American, has undergone radical change, a change so radical in fact, that one wonders really if the term "free enterprise society" really applies. Now is the time, if ever, while we still do have some of the vestiges of a free society, and one in which private enterprise can still survive, while we still have our freedom of speech . . . now is the time, even in these latter days . . . to examine what the forces are that have endeavored to change our American way of life, that we love so much . . . and what has been *the strategy they have used.*

Since the end of the war . . . the American system has been under a vigorous onslaught. Our very way of life has been attacked. Our very institutions that we believed were invulnerable have come under fire. The Christian family unit is endangered by proponents of commune families, single parent concepts, even homosexual families! And the proponents are not, as once they would have been, considered to be outcasts of our society . . . instead many of them are the so-called intellectuals . . . professors in our state funded universities . . . The University of Missouri in Kansas City, has a "Family Study" Department that is anything but what its name implies. Check into it some time.

Now, the men and women who suggest these perverted alternatives to a Christian way of life go unchallenged in our schools. Partly because of apathy on the part of parents . . . but partly because of complacency on our part about the permanency of our Christian way of life. But I would caution you tonight against such complacency.

One aspect in our rush toward forced social change is most evident to me. It is this. Never, in my scrutiny of all the *popular* media do I hear of an editorial position of criticism being taken. You will hear these strange new ideas propounded in colleges, in governmental agencies, all the way to the President's White House Conference of Youth. Never do you hear anyone in the national media take the position that such philosophies run contrary to the word of God, and are a corruption of the laws of this land that our legislators are bound to uphold. Instead, in a spirit of so-called objectivity, and under the banner of American free speech and fair play . . . profanity and immorality are publicized and pollute the air that our children must breathe.

Now I suppose that you are glancing at your programs, and saying "what has all this got to do with the United Nations"? and to this I will reply that if you follow the trail, the clearly marked trail, that leads to those that would attack the very concept of the Christian family, the very system of American justice and its civil freedoms . . . you will find yourself looking straight at those who form *the strategic goals* of international education under the front name of UNESCO . . . a communist dominated organization.

In 1911, Pope Pius XI, anticipating our survival-crisis, warned us to pray for the survival of the "family", and of the American family. Here are some words on this subject . . . "The Christian family is the backbone of every country. When the forces of Satan successfully attack it, that country becomes another Slave State, and thenceforth the Fourth commandment ceases to be."*

So now I am ready to quote to you out of one of UNESCO's own guide books. The source is the notorious "Toward World Understanding" series published in Paris. It caused such an uproar that UNESCO quickly recalled the copies. However, the philosophy contained therein is implemented in American text books and guides to teachers. Now listen to this . . . "UNESCO proposed that social scientists should take the lead in promoting new attitudes. UNESCO believes that such social scientists should study even such fundamental things as the way we bring up our children." *Interesting, isn't this, in the light of the Child Advocacy Bill S. 2007?* Another quote—

"There are alternative solutions to social problems: Polygamy is one alternative to monogamy, and polyandry (communes) is another. UNESCO states that any one of the three can be a way of life which provides a stable home." Under a chapter entitled Social Obstacles to Education there is a statement that the aim of the seminar is to formulate an educational program leading to world-mindedness . . . and judging by the views of many students in college today it has been accomplished. Elsewhere there is the quote that 'children are *infected* with nationalism in the home' and it is the responsibility of the teacher to undo such harm."

And now I will add that our research shows that American educators have abdicated their responsibility of the moral and patriotic leadership of our young people, and have relinquished the idea of teaching of the superiority of the American system, in favor of these teachings so stated in UNESCO Guidelines.

Further, in our national commitment to the United Nations Treaty Law . . . which is fast becoming the law of this land today because it replaces the law of our American Constitution in many instances . . . our legislators in Washington have themselves forsaken their Christian obligations—in favor of a way of life propounded by an organization dominated by Communist atheist philosophies. So now do you understand the shift of opinion in America today? Many of our young journalists today do not even understand the word "national loyalty" as we know it. And it is because they have been subjected to a national education brainwash program!

Our research into the subversion of American education led us to John Dewey, "Father" of American education. John Dewey fell in love with things Russian while he was there early in this century. He embraced their current program of permissive non-graded education. But let me note, too, that the Russians themselves, when they saw the disastrous effects of this type of education on their youth, returned to a strict and traditional form of education. Not so with John Dewey. When he and a group of American educationalists returned home to America, they proceeded to restructure American education. History and geography became Social Studies, and into these textbooks were written the moral concepts of a strange religion . . . Secular Humanism. For John Dewey, like many of our leading intellectuals was a Secular Humanist. For a Secular Humanist there is no standard of right or wrong. He contends if society were not structured with a place for right or wrong, that man could do no wrong. (One reason for our very liberal rulings of the Supreme Court, because some of them have been Secular Humanists.) Secular Humanists refuse to believe in the existence of God. This is the real reason why prayer was taken out of school.

In 1933, John Dewey was one of many who signed the Secular Humanist Manifesto, which stated, among other things—

Fourteenth Amendment: The humanists are firmly convinced that existing acquisitive and profit-motivated society has shown itself to be inadequate and that a radical change in methods, *controls* and motives must be instituted. A socialized and *cooperative economic order* must be established to the end that equitable distribution of the means of life be possible. Humanists demand a shared life in a shared world."

Along with Mr. John Dewey's signature you will find the signature of Dr. Raymond Bragg, of All Souls Unitarian Church? Right here in Kansas City. And what is Dr. Bragg doing today? Well he is still busy as a beaver furthering cause of humanism . . . and believe it or not, he is working like a beaver supporting a *United Nations totalitarian rule applied to this country* . . . of which an important detail seems to be getting city and state governments and student bodies mundialized!

So here at last is that strange new word. "Mundialized". Note how it rhymes with "Naturalized". . . . Perhaps this is what took me to the Department of Immigration, which,—note this! is under the Department of Justice. Bearing in mind the fact that the whole is greater than the sum of its parts . . . and remembering that when Hawaii became the 49th State . . . that something of the sovereignty of Hawaii was absorbed into the sovereignty of the United States, I thought it pertinent to ask if the sovereignty of the United States would undergo a change, say, if the whole of America, by state and city, became mundialized, or a part of a greater world government. And this ladies and gentlemen, is what would indeed happen. For there is a distinct possibility that the process of one world citizenship will in fact finally rob you and me of the ultimate protection of our American citizenship, and will in the result, make our American Constitution subject in its infallibility to the Revised Charter of the United Nations. If this is allowed to go unchecked, then the decision of our very citizenship will be decided by the body of the Supreme Court of the World, and not the U.S. Supreme Court. Think about it.

This is not a matter for publication but an official in the Department of Immigration said that "probably I had discovered a sinister conspiracy."

Now those people who choose to believe that the United Nations is merely a polite debating society, where nations go for cooperative advice, should take a second look at the United Nations as an autonomous body, guaranteeing diplomatic and national immunity to its employees, and with laws that supersede the laws of the United States.

And if, as the United Federalists, and the One-Worlders, such as Dr. Raymond Bragg . . . Dr. Leslie Koltai of Kansas City's Junior Colleges, and Dr. Normal Royall of UMKC want, will have an international police force capable of enforcing such laws. Here is a copy of the student position stating such aims. And here is a map, drawn up by agents of the UN, of United Nations forces scheduled to be garrisoned in America . . . and note, there are Mongolians, Africans . . . but few Americans!

Having looked at the successful strategy employed by some educators on the philosophy of our youth today, I would like to question at this point, whether the timing of the 18-year vote is coincidental, or if it has come at a time when the balance of opinion could be crucial?

Let me quote from a few documents that are circulated wherever there is a movement toward mundialization, just to illustrate my point. From All Saints Unitarian Church mundialization ceremony comes this statement,

"whereas we wish to make manifest that

we are citizens of the world, *as we are citizens of the United States.*

here are some excerpts from a paper on the student position at UMKC which by some coincidence is *identical* with the position of the World Federalists.

"we postulate that the nations of the world must yield a portion of their sovereignty to form an effective world government in order to become federated." And if you wonder about the brave new world they plan for you to live in . . . here is a description—

1. Consideration of a single monetary system.

2. Equalization of standards of living in the world.

3. Elimination of tariffs.

4. Agreement on universal control of the costs of natural resources. As well as universal price, wage, and production cost controls. Subsidization of nations with negative balance of trade and negative balance of payments (Just watch what President Nixon brings back from Red China by way of solutions!)

Well, friends, for all this, our starry eyed college students propose there should be world law, world court, and a *world police force to enforce the above!*

Now, if you think that the ambition of the one-worlders stops at these modest goals, you are wrong . . . for there is more to come.

This "so-Called debating society", or hall of peaceful arbitration, in June laid claim to 70% of the world's seabed, and surrounding atmosphere. Don't you think that even Napoleon would have been impressed at such a cool acquisition?

And this brings us to another issue that we are being inundated with. The so-called "problems" of ecology. If time permitted I could document for you here, how all the seeds of social unrest in our country today were sown in the United Nations Organization. Women's Lib, the Black Civil Rightist movements, "bussing" . . . and I am sure all of you present tonight know the real origin of the wars in Korea and Vietnam

But how many of you know that it will be through ecology, from the *"humane" seizure of world resources, of the air we breathe, of the seas we sail in, that the United Nations will make its true nature felt?*

One of the necessities, as Americans saw it, in first setting up the United Nations was to put off the possibility of a nuclear war. Well, this sort of nuclear blackmail practiced on a global scale worked for the Communists. Now we have another form of blackmail or coercion. It is in the form of a giant ecological scare that has been whipped up in this country by liberal reporters, liberal professors, and liberal politicians. It enjoys wide publicity in the media, and has fooled even the most intelligent thinking Americans.

The statistics that are being used to postulate population can have no basis in fact because they cannot take into account such unknowns as fertility rates and death rates. But in fact, what we do have on Earth today is 3,000,000,000 people. Most of us get alarmed when we are given a picture of planet Earth careening into space with all these people, ever multiplying on it. But let me give you a concrete idea of what these population figures mean. Dr. Rice, of Notre Dame Law School, proves this out. Now listen carefully . . . if *all* these 3,000,000,000 people were to stand together, each one in the middle of 6 square feet of space, they still would not fill Suffolk County, a small part of New York State's Long Island. Now is there anyone here, tonight, who believes that *this* is cause for alarm?

Yet wild forms of Ogden Nash nonsense rhetoric were recorded in the recent Sixth Conference of the United Nations in Belgrade. Listen to this from U Thant: "the preservation of our planet has become of increasing concern to the United Nations" and—"Mother Earth is a tiny space ship, orbiting the sun, but with no celestial neighbor near at hand. Given the earth as a closed system, the following theorems are inescapable.

1. Pollution above tolerable level

2. Population above tolerable level

3. Diminishing to zero resources."

Ladies and gentlemen, problems of pollution are open to lengthy discussions and all have definite solutions within the technological framework of American industry today . . . let alone tomorrow. But the significant point I want to bring out here tonight is that the United Nations proposes to solve these problems for us . . . backed by World Law, enforced by a World Police Force!

They tell us in the records of the same Sixth Conference, that they intend to bring the world population under control, and to undertake to define a "quality of life." By this they mean who has a fit life to live, and *who is fit to live.* Besides birth control measures the elitist philosophy runs the gamut from abortion to euthanasia. Further on, we are interested to learn, that the United Nations has some definite ideas on how high population density in urban areas has harmful impact on people and on the environment . . . and how international environmental planning should include *reasonable measures* to decentralize industry and *population.* I would remind you that only those people who have witnessed a Communist takeover, as I did in China, can grasp the total significance of this last statement!

I would say that we have just witnessed the greatest pronouncement of imperialism in world history . . . because listen to this. . . .

"The United Nations Environment Role: Because more than 70% of the Earth's surface and atmosphere lie outside the limits of national jurisdiction, the United Nations Organization should give special attention and *protection to this area.*" So perhaps we should call this other 70% of this Earth the United Nation's Protectorate."

And ladies and gentlemen, you may rest assured that our children have been well prepared in the discipline of acceptance of such philosophies, because, referring back to education, they have been studying "ecology", in schools across the nation, out of this "Environmental Handbook" written expressly under the auspices of UNESCO.

For those people who still believe that the United Nations Organization is a debating society, I would say . . . it's *some* debating society!

Here's an interesting fact in the realm of ecology . . . does it now surprise anyone here, after what I have just said, that Earth Day . . . May 1 . . . celebrated by ecological movements, and, I believe, endorsed by President Nixon . . . just happens to be Lenin's Birthday? I understand from reliable sources that Russian newspapers carried pictures of American students celebrating Earth Day . . . and assailing "industry" or capitalism! Another interesting fact mentioned to me by Ray James, whom you probably know as our legislator in Jefferson City, is that the Russian word for Peace is the same as their word for one world. So *now* which way do you read the Peace Symbol?

Back to the students' proposal for the Penn Valley mundialization process . . . "let us give the United Nations a police force to enforce these rules."

Now, ladies and gentlemen . . . this is what the World Federalists say they want . . . this is what mundialization is all about . . . and by some strange coincidence it is also what the Communists want. This above all! Now is the time for us to ask ourselves, Do *we* want it?

On September 25, 1971 the Mayor's United Nations Day Committee voted without dissent to recommend that the City Council of Kansas City, Missouri adopt a declaration of the world citizenship of Kansas City and that institutions be encouraged to declare themselves mundialized. We will give these good people the benefit of the doubt . . . we will say, "Forgive them, they know not what they did."

But I'll wager that somebody at City Hall knew very well what they were doing . . . because on calling City Hall to find out the stage of the declaration I learned that it was in the hands of the Municipal Court Committee. Remember . . . the Department of Naturalization comes under the Department of Justice? So don't let anyone tell you that mundialization of Kansas City is going to be a simple flag-waving, brotherly-love token. And if you dig hard enough you will also learn that our City Fathers in adopting such a declaration will also pledge an offering of 1/100 of 1% of Kansas City's total revenue!

Friends, the pen is mightier than the sword . . . yes, we can preserve our liberties, save our Constitution . . . keep this a God-fearing country by getting busy with our pens . . . and telling our congressmen, our councilmen, our schoolboard members, our ministers, our newspapers, yes our President, that they cannot use our tax money to destroy our American system of government or *to steal our children away from us.*

Now, I think to many Americans the most horrifying part about the last war was the evidence that Hitler made no bones about his plans . . . he published them in Mein Kampf with the arrogance that is typical of totalitarianism . . . and an entire nation was swept into a false dream. There too, the key was an elitist philosophy, with genocide, and euthanasia as prominent symptoms. Well, then, Americans reflect, lest it happen here . . . because the United Nations with the same arrogance of totalitarianism has written the similar blueprint for those who will read it with their eyes open.

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## CREATIVE CALENDAR

## HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mrs. GRASSO. Mr. Speaker, the Sierra Club has traditionally performed a vital and welcome service to all Americans who cherish what is left of the American wilderness.

Exemplary of the Sierra Club's high regard and deep respect for the natural beauty found throughout the Nation is the club's magnificent calendar which is treasured by those fortunate enough to have one in their possession. The 1972 wilderness calendar contains many beautiful photographs, including Canyonlands National Park, blooming cactus in Utah, Saint Mark's National Wildlife Refuge in Florida, fall foliage, and Olmsted Trailway on Staten Island.

It is of particular pride to all of us from Connecticut that the Sierra Club chose to represent the month of January with a lovely photograph of the Connecticut River estuary. Photographer Dennis Stock has captured the splendid simplicity and tranquility of the Connecticut shoreline, an artistic work which will appear in his forthcoming volume of photographs entitled "The Edge of Life."

The Sierra Club should be congratulated for its creative calendar, which include "Connecticut River estuary" among its photographic display.

## HIGH MARKS FOR BNDD IN NATION'S DRUG FIGHT

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## HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. HASTINGS. Mr. Speaker, the most serious aspect of the Nation's struggle against drug addiction is supply. Education, treatment, and rehabilitation will avail us nothing unless we can effectively cut off the heroin reaching us from foreign countries.

Unfortunately, key efforts in this area are being overlooked. The problems of surveillance and seizure are immense when you consider the numerous ports of entry into the United States and the variety of ways to smuggle heroin.

Nevertheless, significant inroads are being made in reducing the illicit flow of drugs into the Nation through the efforts of a seldom heralded, hardworking bureau.

The Bureau of Narcotics and Dangerous Drugs, headed by John E. Ingersoll, has done a superb job in reducing the illicit supply of narcotics and dangerous drugs. Organized in 1968 BNDD's budget has increased from $14.1 million a year to $65.1 million, and its force of special agents strengthened from 600 to 1,323.

How well BNDD is doing its job is indicated by a preliminary report on its activities for 1971. Among other things, it reveals that heroin seized last year amounted to a 138-percent increase over the previous. The increased seizures had a street value sale of $740 million over the $311 million reported for 1970.

Mr. Ingersoll would be the first to admit that, while these figures represent a record confiscation of heroin, the job is far from finished. However, we feel the report offers gratifying evidence that the fight against drug smuggling is being pressed to the fullest extent of its resources, and Mr. Ingersoll and his BNDD staff deserve the highest marks. Mr. Ingersoll's report follows:

### MR. INGERSOLL'S REPORT

Preliminary 1971 reports show that special agents of the Bureau of Narcotics and Dangerous Drugs (BNDD) removed an unprecedented $920 million worth of narcotics and dangerous drugs from the worldwide illicit market, John E. Ingersoll, BNDD Director, announced today.

A record equivalent of 3,784 pounds of heroin was seized in BNDD domestic and foreign investigations. This figure reflects an increase of 138 per cent over the 1970 figure of 1,593 pounds.

(This total figure includes heroin, morphine base and opium. A pound of morphine base will yield one pound of heroin. Ten pounds of opium will yield one pound of heroin.)

The street value in the United States of the 3,784 pounds of heroin is $740 million, compared with $311 million for the 1970 figure.

"These figures of our last year's work are visible proof that BNDD has developed a solid foundation that is bringing positive results," Mr. Ingersoll said.

All other drug categories in the combined domestic and foreign BNDD seizure tally for 1971 showed marked advances.

Arrests by BNDD special agents, both domestically and in conjunction with foreign authorities, rose significantly both in quantity and quality.

A case which involves an alleged international heroin conspiracy resulted in the arrest by BNDD of a major suspect in New York who is accused of importing 1,500 pounds of pure heroin into the United States during the past 17 months. A number of his associates, both here and in France, have also been arrested.

In another case centered in New York, BNDD special agents arrested a major suspect who was identified in 1968 by a Senate Subcommittee as the head of an organized crime group. A number of other major suspects were arrested in the case.

Domestic BNDD arrests totaled 3,512, a 98 per cent jump over 1970. Cooperative BNDD/state/local arrests were up 71 per cent to 2,612. Cooperative BNDD/foreign arrests rose from 188 to 394, an increase of 110 per cent.

A major heroin trafficking organization was broken up in France in early October when 43 suspects were arrested by French police and two other suspects were arrested by Spanish police. These arrests came after a lengthy and detailed investigation by BNDD special agents in Europe and the United States.

In 1971, BNDD also put strong emphasis on expanding its overseas operation to gain strong alliances with key countries in interdicting drugs at their sources.

"We have set milestones in our cooperative effort with foreign governments and the record seizures last year of heroin and morphine base in Europe is indicative of this fact," Mr. Ingersoll said.

A cryptic cablegram from Mexico saying, "Son is ill," caused two Frenchmen to offload a U.S. bound 1971 Citroen at Cadiz, Spain, and head back to France. On June 4 at Valencia, Spain, the car was seized and a then record 249 pounds of heroin was found in traps in the car.

BNDD special agents in France and Spain, cooperating with police of those countries, had the car under continual surveillance.

On September 19, in New York, BNDD and Customs agents seized a 1971 Jaguar which had 200 pounds of heroin secreted in it. Five people were arrested. Again, the traffickers didn't know that BNDD special agents in Europe, cooperating with police of several countries, kept a close eye on the car throughout its long journey.

A record heroin seizure for France of 233 pounds of heroin was effected on October 18 in a case developed and executed jointly by BNDD agents in Paris and the French police.

Mr. Ingersoll said that the Royal Canadian Mounted Police has actively participated in the cooperative effort and is joining in many operations.

Another focal point of BNDD expansion, Mr. Ingersoll said, has been the opening of offices in Germany.

Joint BNDD and German police operations have resulted in large seizures of illicit drugs, particularly hashish and morphine base.

For example, on June 17, BNDD special agents in Frankfurt and Paris developed a case which resulted in the seizure of 198 pounds of morphine base in Frankfurt. Two persons were arrested.

"These seizures and arrests point out our concerted effort to not only neutralize trafficking organizations, but to cut off the source of supplies to the clandestine heroin laboratories whose prime market is the United States," Mr. Ingersoll said.

Mr. Ingersoll said that the Mexican-American cooperative effort is gaining momentum and producing striking results.

The Mexican-American agreement, which began in 1969, has already resulted in the destruction of more than 10,350 illicit opium poppy fields and thousands of acres of marihuana.

The joint enforcement effort with Mexico was highlighted on December 10, when BNDD special agents, working with Baja California State Police, dismantled a major illicit amphetamine laboratory in Tijuana, Mexico. A record of 810 pounds of amphetamine powder was seized. Eight persons were arrested.

Mr. Ingersoll said that BNDD's domestic campaign against the drug traffic, particularly the top echelon, gained added momentum with the growth of the special agent force and several major operations.

—On February 24, BNDD closed out "Operation Flanker." This lengthy investigation brought about the largest Federal crackdown ever on narcotics distribution by the higher elements of organized crime in Hartford, New York, Philadelphia, Baltimore, Detroit, Chicago and New Orleans. In addition to drugs seized, a total of 179 persons were charged in the investigation.

—On June 28, BNDD closed out "Operation Stitch," which was aimed at mid-level traffickers in New York and Chicago. In addition to large quantities of drugs seized, 159 persons were charged in the investigation.

—On June 29, BNDD closed out "Operation Beacon," aimed at the clandestine manufacture of synthetic drugs. During this 10-month nationwide campaign, BNDD immobilized 18 clandestine laboratories and arrested 312 persons. Large quantities of drugs were also seized in this investigation.

BNDD is also increasing its operations and capability of assisting the enforcement units of many other countries, including those in South America and the Far East.

The total estimated street value of all drugs removed from the worldwide market by BNDD special agents amounted to $920,163,250—almost a three-fold increase over the $382,709,993 for 1970.

"I think it is clearly evident that we are making strong inroads into interrupting the illicit heroin traffic. This 3,784 pounds represents almost two tons of heroin that did not reach addicts in the United States and it also represents about half of the seizures made worldwide," Mr. Ingersoll said.

The highest percentage of increases by BNDD during the year was reflected in dangerous drug and hashish categories, with marihuana and cocaine following in that order.

Seizures of dangerous drugs soared 2,164 per cent from 9.1 million dosage units to 207 million dosage units.

Hashish seizures jumped 344 per cent, from 3,445 pounds in 1970 to 15,288 pounds.

Marihuana seizures registered a 200 per cent increase, from 35,513 pounds to 106,490 pounds.

Cocaine seizures were up 82 per cent, from 429 pounds to 782 pounds.

An additional 1,109 pounds of heroin seized at the ports and borders was reported to BNDD by U.S. Customs. About one third of these cases were joint BNDD/Customs investigations. The 1,109 pounds of heroin has an illicit street value of $217 million.

An arm of the U.S. Department of Justice, BNDD is the agency charged with enforcing the Federal narcotics and dangerous drugs statutes both domestically and abroad.

Mr. Ingersoll credited the 1971 performance to the strong backing given the Federal drug enforcement program by President Nixon and the Congress.

"President Nixon has consistently asked for additional money for personnel, training and equipment and the Congress has responded positively," Mr. Ingersoll said.

From its creation in 1968, BNDD's budget has grown from $14.4 million to $65.1 million, and its special agent force has increased from 600 to 1,323.

BNDD, which has offices throughout the United States and the world is doubling its overseas special agent force to 123 and is increasing its foreign offices from 15 to 49.

Although BNDD has no arrest jurisdiction within the foreign countries where it has offices, it actively initiates and pursues investigations in cooperation with the host police units of each country.

TOTAL WORLDWIDE SEIZURES BY BNDD

| | January–December 1970 | January–December 1971 | Increase (percent) |
|---|---|---|---|
| Heroin equivalent of opium (pounds) [1] | 136 | 144 | 6 |
| Morphine base (pounds) [2] | 811 | 2, 271 | 180 |
| Heroin (pounds) | 646 | 1, 369 | 112 |
| Cocaine (pounds) | 429 | 782 | 82 |
| Marihuana (pounds) | 35, 514 | 106, 490 | 200 |
| Hashish (pounds) | 3, 445 | 15, 288 | 344 |
| Dangerous drugs (d.u.) | 9, 141, 744 | 206, 973, 116 | 2, 164 |
| BNDD domestic arrests | 1, 771 | 3, 512 | 98 |
| BNDD State/local cooperative arrests | 1, 531 | 2, 612 | 71 |
| BNDD foreign cooperative arrests | 188 | 394 | 110 |

[1] To get total opium seizures multiply 136 pounds for 1970 and 144 pounds for 1971 by 10, respectively.

[2] Morphine base converts into heroin one-to-one.

STREET VALUES

| | 1970 | 1971 |
|---|---|---|
| Heroin and heroin equivalent | $311, 358, 222 | $739, 597, 936 |
| Cocaine | 46, 800, 039 | 85, 309, 162 |
| Marihuana | 9, 517, 752 | 28, 539, 320 |
| Hashish | 15, 033, 980 | 66, 716, 832 |
| Total | 382, 709, 993 | 920, 163, 250 |

The street value of heroin and/or its equivalent removed by BNDD in 1970 was $311,358,222. In 1971 the street value was $739,597,936, an increase of 138%.

The total street value of the heroin or its equivalent, cocaine, marihuana, and hashish removed in 1970 was $382,709,993. In 1971 the street value was $920,163,250, an increase of 140%.

DRUGS REMOVED BY BNDD

DOMESTIC TRAFFIC

| | 1970 | 1971 | Percent change |
|---|---|---|---|
| Heroin (lbs.) | 345 | 432 | +25 |
| Cocaine (lbs.) | 354 | 436 | +23 |
| Marihuana (lbs.) | 9, 092 | 21, 380 | +135 |
| Hashish (lbs.) | 234 | 882 | +277 |
| Dangerous drugs (d.u.) | 9, 141, 744 | 205, 186, 991 | +2, 145 |

STREET VALUE

| | 1970 | 1971 |
|---|---|---|
| Heroin | $67, 431, 630 | $84, 436, 128 |
| Cocaine | 38, 618, 214 | 47, 563, 676 |
| Marihuana | 2, 436, 656 | 5, 279, 840 |
| Hashish | 1, 021, 176 | 3, 849, 048 |
| Total | 109, 507, 676 | [1] 141, 128, 692 |

[1] An increase of 29 percent.

FEBRUARY 1, 1972, SUPPLEMENTAL INFORMATION

Significant statistics for January 1972:

As you know, there have been several significant heroin seizures since the first of the year. Counting only major seizures, they total 518 pounds, more than ¼ ton. These figures represent BNDD domestic seizures only and do not include routine smaller seizures which have not yet been tabulated for January. Thirty-seven pounds of the above total was seized by Customs Agents based on information provided by BNDD overseas. These seizures far exceed total calendar year seizures for 1968 (382 pounds), 1969 (217 pounds), 1970 (345 pounds) and 1971 (432 pounds).

This success is encouraging, however, a more significant sign that we are having an effect on the heroin situation is the heroin death rate figures for New York. Preliminary figures for 1971 show a total of 1,259 drug related deaths which is only 4% above the total of 1,205 for 1970. The rate of increase from 1969 to 1970 was 19% when deaths increased from 1,013 to 1,205. The 1971 figure represents a significant reduction in the rate of increase for this important measure of the heroin problem.

If the preliminary 1971 figure is accurate, it shows a leveling off of the death rate for the first time in several years.

## PERIOD OF CONGRESSIONAL ADJOURNMENT

## HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mrs. GRASSO. Mr. Speaker, the period of congressional adjournment means different things to each of us. For me it is a treat to be shared with my constituents in the Sixth District of Connecticut—an opportunity to trade ideas, hear concerns, and help solve problems when we can.

In late December and early January, I visited with many of the people in the Sixth District. The account of my travels, which appeared as a column in several Connecticut newspapers, is included for the interest of my colleagues:

ACCOUNT OF MRS. GRASSO'S TRAVELS

At the end of the road the auto gauge registered a plus of 1200 miles. The road was ice and snow, fog and sunshine—all the jumble of Connecticut winter. Yet, at the end of every path were the wonderful faces of the beautiful people—substance and sinew of the Sixth District.

As a new session of Congress begins, my colleagues regale me with anecdotes of exciting excursions to far away places. However, they are not deceived by my casual comment that "I never left home," because they have come to know that for me "home" is 47 towns and cities, and the family is over 500,000 strong. There are times when I am reminded by them that there are a few other districts than mine, comment I accept philosophically.

What did I learn from my travels? First, that concern for the plight of the economy runs deep—with businessmen and management, with workers who have long exhausted their claims. At so many stops there were the engineers, displaced workers of the aerospace industry, finding their search for jobs frustrating and saddening.

Second, I found to my satisfaction that the Emergency Employment Act had helped the situation by adding some 300 jobs and by assisting beleaguered local governments in extending and expanding their operations. With true Yankee ingenuity, 12 small towns in the Litchfield Planning area pooled their resources into a consortium in order to take maximum advantage of grant money and by-pass the tedious task of red-tape entanglement. Believe me they were envied by not so lucky first selectmen who had the unenviable task of moving mountains of papers for very few dollars. I share the concern of those towns where funding just was not adequate to launch a feasible plan, and sincerely hope that their situations can be remedied.

Third, I was so pleased to learn that the Ella-Phone (1–800–382–0590) has been bringing speedy action on personal problems with various agencies. The bouquets for our hard working staff in New Britain and Washington will bring them a new enthusiasm in tackling the job we like best—helping our constituents in their business with the government.

In spite of the vagaries of weather and the persistence of the flu, it was most heartening to visit at every stop with groups of concerned citizens who discussed as well as their views on the war, the expansion of the highway trust fund for mass transit, education grants to local communities, the financial woes of older citizens, the problems of young widows, mail delivery difficulties, and other dialogue that will help me immeasurably in my Congressional duties and in drafting new legislation.

As the long winter descends and the workload in Washington increases, I will cherish many warm memories of my visits with the people, such as the gallant ladies of New Hartford who shared coffee and concern for the extension of Route 44 one icy morning; the sturdy wife of a retired East Hartland Selectman who ventured through the snow to say hello; the exquisite beauty of Winsted-Colebrook-Norfolk-Canaan-North Canaan-Salisbury in the gleam of sun and snow; the lively radio show in Torrington; a visit with Goshen kindergarteners; a trade colloquy with Washington League of Women Voters; the warm greeting beyond the fog that enveloped Roxbury; the questions of an alert eighth grade class in Bridgewater; the report to the people at Sherman; listening in on a Senior Citizen meeting on tax relief for the elderly in New Fairfield; an all too brief telephone visit with the flu-stricken First Selectman at New Milford; lunch with Mayor Pac of New Britain; an earnest colloquy with Bristol Jaycees; Suffield visits at the shops; a foray to Simsbury which now boasts a lady member of the Board of Selectmen; well-attended morning receptions in Cornwall, Avon and Sharon; coffee and donuts served by the charming ladies of Warren; a long conversation with a brand new young voter in Litchfield; ladies wrapping Christmas packages for the needy in Thomaston Town Hall; the spontaneous question-answer session in Harwinton; the efficient work of the Plymouth police department in assisting an elderly woman on Main Street; discussions with town officials about administering the Emergency Employment Act in Morris, Bethlehem, Middlebury, Woodbury, Southbury, Farmington, Canton, Burlington, Barkhamsted and Kent; and, of course, Windsor Locks, where office hours are always 24 long.

There are so many more good memories—all part of the joy of serving a most superior District. See you soon.

## PACKARD, SUCCESSFUL PENTAGON MANAGER

## HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. HÉBERT. Mr. Speaker, David Packard, who recently retired as Deputy Secretary of Defense, left a permanent mark—for good—on the Pentagon. I am sure that our military procurement procedures will be vastly improved in the future and somewhat more bearable to the American taxpayer because of continuing policies that David Packard instituted.

Mr. Packard was recently the subject of the weekly syndicated column of the noted defense commentator, Ira C. Eaker. I am placing the column in the CONGRESSIONAL RECORD at this point because I think all Members should have an opportunity to read it and should be aware of the great personal sacrifice that his service in the Pentagon represented for Mr. Packard:

### Packard, Successful Pentagon Manager

(By Ira C. Eaker)

Since David Packard resigned as Deputy Secretary of Defense last December 13th, there has been speculation as to the reason for his departure and comment on his accomplishments as No. 2 man in the Pentagon for 35 months.

Mr. Packard accepted the post with the understanding that he would serve but two years. He remained an additional year at the urgent request of the President and the Secretary of Defense and because some of his principal projects had not been completed.

He undertook the task at a personal sacrifice. It cost him $18 million. Since he had been head of a company doing business with the government, he put his stock—$300 million worth of the Hewlett-Packard Company—in trust, with any profits accruing during his defense tenure to go to charity. It was announced recently that those profits have been about $18 million. Incidentally that was 2% per annum, the average profit of all defense-related industries for the past three years.

The Laird-Packard team has provided the best leadership in the Pentagon since World War II. One of the reasons for their outstanding accomplishment was the organization they devised and followed.

As Defense Secretary, Laird undertook to represent defense at the White House, Congressional, international and public relations levels, while his deputy managed the vast defense establishment. Each was uniquely qualified for his job. While Laird served in the President's Cabinet, on the National Security Council, testified before Congressional committees, conducted defense matters with NATO and our other allies, and visited our troops world-wide, Packard stayed home and minded the store.

The defense store was in bad shape when Packard arrived. Morale in the Pentagon and in the armed services was at a low level. For eight years a defense secretary had ruled with highly centralized control, whose principal advisers were young whiz kids, long on theory but devoid of practical experience. Packard, as a successful business executive, understood how to delegate authority without losing control.

The Pentagon was under heavy flak from Congress for vast overruns on many weapons systems. Packard understood the reasons for excessive weapons costs because he had been doing business with the Pentagon for many years. Contractors had been permitted to "buy-in"—submit low prices to win contracts—hoping to recoup on additional orders and spare parts. The armed services habitually made many subsequent design changes, delaying deliveries and increasing costs. The government insisted that contractors bid on fixed prices for weapons never before developed and which could not be delivered for five years, wholly unrealistic, especially in view of rampant inflation.

Packard threw out the whiz kids, welcomed the counsel of armed service leaders, but was not over-awed by the military, and instituted a new realistic procurement policy, the "fly before buy" concept.

The most remarkable thing about Packard's years at the Pentagon is that he raised morale without deploying a single new strategic weapon and while cutting military strength by more than a million men.

He has regained the confidence of defense industries while cutting their work force by more than half a million. He told industry the facts. Defense funds will continue to be inadequate because of anti-war sentiment and the amazing apathy of our people about the threat to our security. The Pentagon must provide more defense for less money.

While he did not order any new strategic weapons, he supported the TRIAD security concept (bombers, ICBM's and seapower) and approved research and development programs to insure that each could be modernized if SALT fails.

Secretary Laird may not have been far off the mark when he said of his departing deputy, "In my judgment, he was the best thing that had happened to the Defense Department since it was established."

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## MICHIGAN UNEMPLOYMENT AT 9-YEAR HIGH

### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. WILLIAM D. FORD. Mr. Speaker, despite glowing accounts and optimistic predictions from the administration, there is no way to gloss over the fact that the employment picture in our Nation is very bleak indeed.

In my home State of Michigan, unemployment in 1971 reached a 9-year high of 293,000 persons, or 8.1 percent of the total labor force. Unemployment compensation payments exceeded $350 million, the highest in 13 years.

An article in the Dearborn Heights Leader, published January 20, in my congressional district, gives an excellent analysis of the Michigan unemployment situation, and I insert it in the Record at this point for the benefit of my colleagues:

### Michigan Unemployment At 9-Year High

Despite the recent pick-up in economic activity, unemployment in Michigan moved to a nine-year high in 1971.

The state's unemployment level for the year, at 293,000 or 8.1 percent of the labor force, was substantially above the year-ago figures of 253,000 or 7.0 percent. The number of unemployed reached a monthly peak in July with 374,000 out of work, which was the highest total for a single month since March 1961.

Because of the high level of joblessness and the extended benefits program, the Michigan Employment Security Commission distributed over $350 million in unemployment insurance benefits over the year. The total amount paid out was the largest since 1958, and the average payment of about $60 for a full week of unemployment was a record high.

During periods of high unemployment, unemployed workers who have exhausted their regular benefits and met the eligibility requirements, can receive additional benefits under the joint federal-state extended benefit program.

Although there were good auto production months in the early part of the year as the industry tried to build up inventories after the strike, Michigan's economy remained fairly sluggish. The President's announcement of his New Economic Policies in August signaled the start of a period of renewed economic activity in Michigan.

The good news in the auto industry appeared to carry over to other segments of the economy, with retail sales moving toward substantial gains and construction continuing its recovery cycle.

Usually, Michigan expects to see its employment jump when auto production climbs. But for several reasons this was not the case this year, as total employment fell by over 15,000 to 3,328,900 for 1971. First, much of the domestic sales gains were in sub-compact models, which are all produced outside of Michigan.

Secondly, de-emphasis of styling changes this year caused many independent auto-related firms in the area to severely cut back employment over the past year and a half. Third, the cutbacks in white collar staffs that the auto companies made to improve their profit situation particularly affected the Detroit area.

Finally, because of the short and early changeover period this year, the industry began full scale production earlier and consequently had more cars in inventory when sales began to climb.

These same factors contributed to an upward unemployment trend in the Detroit metropolitan area. Detroit tri-county unemployment jumped to an average of 143,100 or 8.1 percent in 1971 compared to 116,800 or 6.6 percent in 1970. The Detroit area unemployment level for 1971 was the highest since 1961 when the annual average unemployment rate equaled 11.0 percent or 157,300.

The State's employment loss was concentrated in the Detroit area, where the number of workers fell from 1,632,400 in 1970 to below 1,615,000 in 1971. When the Detroit area employment decline is subtracted from the State total, the rest of the State's unemployment level is virtually unchanged from last year. Detroit was more sharply affected because of the heavier concentration of auto-related industries and manufacturing white collar personnel in the area.

For the first time since 1962 Michigan and Detroit did not have any increase in the size of their labor force. Generally it is expected that the labor force growth will keep pace with the change in the population size of those 16 and over.

Normally this amounts to about a two percent gain in the number of people in the State's work force. The decline in the number of persons entering Michigan's labor force this year indicates that as economic activity accelerates a disproportionate number of persons will be seeking jobs. Because of the current unemployment situation, many have probably gone back to school or just abandoned their job search until the opportunities increase.

Because of this potential backlog of workers, coupled with those currently looking for work, it will take a substantial amount of growth for Michigan to significantly lower its unemployment rate.

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## DOMESTIC ACTION PROJECTS OF NATIONAL GUARD

### Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. MONTGOMERY. Mr. Speaker, as I hope all my colleagues know, there is more to being a citizen-soldier or airman in the National Guard than training and combat readiness. I would like to share with the other Members of Congress an article that appeared in the December 1971, issue of the National Guardsman reporting on the domestic action program of the Guard. While it does not report on all the hundreds of community action programs carried on by the Guard, it is a pretty good sampling of the type of actions through which the Guard helps bring a little more light, a bit more job, to the less fortunate and works for a better tomorrow.

The article follows:

### AN INVESTMENT IN TOMORROW

From Alaska to Puerto Rico, from Maine to Hawaii, Army and Air National Guardsmen are helping to make actuality out of the saying: "Today's youths are tomorrow's leaders."

During the 12 months ended in mid-September, more than 1,337,000 youths had been on the receiving end of some form of assistance from more than 40,000 Guardsmen. Combining volunteer and duty time, these Guardsmen contributed more than 120,000 man-days in support of youth programs.

A sampling of some of these programs illustrates their variety and the degree of Guard involvement.

### FLEDGLING ORGANIZATION

Fond recollection of his own days in a New York Guard-sponsored youth group spurred a 21-year-old Regular Army soldier to enlist the aid of the Alaska National Guard to form a similar organization. The Alaska Cadet Corps, organized last Spring as the National Army Cadets, turned a dream into reality for SP4 William F. Lay of Ft. Richardson, Alaska. In his high school days in New York City he had belonged to the Washington Greys Cadet Corps, a semi-military group sponsored by the Guard's 258th Field Arty. It gave military training and adult supervision which many boys lacked in their home life.

When presented to the Guard, his idea was "bought" by Adjt. Gen. William S. Elmore, who also got U.S. Army Alaska to "lend" Specialist Lay to get the project started and gave him space in the Anchorage Armory. Boasting more than 70 boys between the ages of 13 and 18, the organization's parent "Arctic Patrol" Battalion recently had 14 volunteers for a sightseers' trail improvement project.

The boys spent a week in Chugach Mountains, cleaning and smoothing a half-mile section of trail from an Army glacier training camp toward the face of Eklutna Glacier. They cleared rubble, filled potholes and straightened many turns in the trail, but left the last 100 yards for later. Sponsor of the Corps, the 3d Bn (Mech), 297th Inf, was trying to find the best way to haul in heavy timbers needed for two short bridges in that last stretch of trail.

When they are not involved in special projects, the Cadets meet twice a week in the Anchorage Armory, where they have organized a dance band. Plans included a drama group and training programs in automotive and aircraft mechanics, communications and other subjects that would appeal to a number of boys.

### SCOUT SUPPORT WIDESPREAD

Scouting organizations—from Cub Scouts to Explorers—receive a lion's share of the Guard's support.

In the 49th State, Eskimo Scouts of the 1st and 2d Bns, 297th Inf, joined forces with Arctic Rangers of U.S. Army Alaska's Co O, 75th Inf, to provide a 10-day camping experience for 150 Boy Scouts. The Rangers put up two tent frames and a reconstructed quonset hut at the rugged camp, about 50 miles North of Nome, just before the boys arrived. During two encampments for 70 and 80 boys, respectively, Guardsmen and Regulars taught the boys skills in canoeing and swimming. After several abbreviated swimming lessons in the 41° water of Salmon Lake, the training was moved to a small pond nearby where the water was warmer—almost 55°. Camping out with "real soldier stuff" was a big attraction for the boys and they supplemented their camp rations by fishing in nearby streams.

Guardsmen in several States built, rebuilt, or otherwise refurbished camp sites for Boy and Girl Scouts Connecticut's 100-man Co D, 242d Engr Bn, spent a productive two weeks in Annual Training status converting a wilderness into a camping area for the Connecticut Valley Girl Scouts. Armed with payloaders, road graders, bulldozers, trucks and hand tools, the Guardsmen cut a six-mile road through the woods to the camp site, near Sandisfield, Mass. The Guardsmen also constructed a 200-foot riding ring, corral and tack equipment shack and installed safety railings on elevated sleeping quarters at the camp site.

A Michigan Boy Scout camp has a new trailer parking lot, access road, beach areas and footbridge, thanks to members of Co D, 107th Engr Bn. CPT Lloyd M. Pryor, Co Comdr, said the camp work provided "excellent training" for his 134-man unit and "assists the Scouts as well." Guardsmen used dump trucks, bulldozers, a front end loader, a grader, smaller tools and 134 pairs of "willing hands" on the lakeside camp site project, which used-up the majority of their Annual Training. The, 1,100-acre site is used by some 8,000 Scouts each year.

To meet the need of High School youths for more relevant information on careers and for contact with adults who are skilled and succssful in chosen careers, are the goals of a pioneering Explorer Scout Post sponsored by the Oregon Air National Guard. Military Specialty Explorer Scout Post 747, at Portland International Airport, is the first of its kind in the Boy Scouts of America Explorer Post career program, according to LTC William H. Harlow, ANG executive staff support officer. In addition to visits to Ft Lewis and McChord AFB, the Explorers have toured such ANG facilities as the flight simulator, radar, communications, and jet engine shops, and the Naval Reserve's training submarine. Objective of tours is to learn more about military careers.

Guard support of Scout programs takes many forms. Nashville area Explorer Scouts were guests of the Tennessee Air Guard's 118th Tac Alft Group for an orientation ride in one of the unit's aircraft. The 31 Explorers were accompanied by four post advisors who also are Tennessee Army Guardsmen.

In Texas, the Army Guard's 71st Airborne Bde and 371st Spt Bn treat Cub and Boy Scouts, and other Austin area youths, to parachute jumps from a 14-foot junior tower and harness ride down a 150-foot cable. More than 800 boys and girls have been awarded "Junior Jumper" certificates after their performance with the 71st.

The D.C. Air Guard's 113th Tac Ftr Wing and Group played host to a mixed group of Cub, Boy and Explorer Scouts from the National Capital's inner city. Accompanied by several adult leaders, the 30 youths visited shops, hangars, flight line, offices and the Tac Hospital and joined the Guardsmen for lunch in the unit dining hall.

Minnesota's Camp Ripley was invaded by more than 500 Royal Rangers—not a military organization but a group of boys who belong to a church-sponsored organization that closely parallels the Scouts. The Guard supplied camp sites, wood and drinking water during the Rangers' three-day encampment.

### OTHER SCOUT SUPPORT

Guardsmen of North Carolina's Hq & Co A, 105th Med Bn, provided medical support for 1,200 Boy Scouts during a three-day camporee at Camp Durant, near Raleigh. . . . In Iowa, Adjt Gen Joseph May presented an Iowa State flag to a Boy Scout Jamboree Troop bound for the World Jamboree of Scouting in Kyoto, Japan. The Iowa Scouts were to present the flag to the Scout troop of Iowa's sister State in Yamanashi . . . Mississippi's 186th Tac Recon Group entered the Explorer program with the organization of Explorer Post No. 186 at Key Field.

### AID HANDICAPPED YOUTHS

Not all the Guard's support to youth was channeled through Scouting activities.

One of the largest single community relations efforts conducted on a recurring basis by any organization in the Armed Forces was performed by the New York ANG. More than 350 Guardsmen from a half-dozen units devoted a full day to escorting and assisting approximately 4,100 mentally and physically handicapped children at Coney Island's Astroland amusement park. Sponsored by a service organization called the Community Mayors of New York State, the outing was the fourth such annual event.

With almost 1,000 more children participating than ever before, the Guardsmen welcomed reinforcements in the form of New York City Policemen and the bus drivers who had driven the children to the park. Guardsmen provided the bulk of the manpower, and the sponsoring organization provided the rides and refreshments. The medical and administrative staff of the 105th Tac Air Spt Group manned aid stations, but had little more to cope with than a minor dizzy spell or twisted ankle. The day and the outing were considered perfect, by both youngsters and Guardsmen.

The North Carolina Chapter of the NCO Academy Graduates Assn, sponsored a tour of the 145th Mil Alft Group's facilities at Charlotte for 35 children from the N.C. Orthopedic Hospital. The physically handicapped youngsters were treated to hot dogs, hamburgers, sodas and ice cream, and an afternoon of recreation.

In Ohio, 16 youths who suffered from lowered hearing or sight capacity were able to touch, feel, sit in, handle and experience many things Guardsmen encounter every day on their jobs. Visiting the 179th Tac Ftr Group, the youths felt a jet engine running, experienced the heat and rush of the jet exhaust (well downstream of the engine and at the outer edge of the safe region) and rode in an ejection seat trainer. A demonstration of a cutaway .50-cal. machinegun loading and ejecting bullets, and sitting in the cockpit of an F–84F, climaxed the tour. During lunch, the video tape of their activities was played back for the visitors. In addition to the visit of handicapped youths, the 179th played host to more than 1,400 other children who toured the Mansfield Lahm facility.

D.C. Army and Air Guardsmen helped maintain a communications link for a boat ride on the Potomac River for 1,500 handicapped children. The event was sponsored by the Downton Jaycees. . . . Massachusetts Army Guardsmen took 70 retarded children to a picnic and swimming area. . . . North Dakota Army Guardsmen loaned two general purpose tents and 60 cots to a camp for retarded children. . . . Thirteen members of Ohio's Trp E, 2d Sqdn, 107th Armed Cav, volunteered a full day to clean, paint, repair, landscape, and assemble cribs and beds for a home for retarded children. . . . Army Guard Engineer units in Connecticut constructed a ski and sliding slope for handicapped children at the Connecticut Regional Center. They used two bulldozers, two loaders and 12 dump trucks.

### A POTPOURRI OF AID

Three bus loads of children rolled into the Oklahoma Army Guard's Summer Camp site for something many never had experienced: their first physical check-up. The 145th Med Co of Tulsa converted an Army barracks into an examination station while the five- and six-year-old children turned the area into a makeshift playground and picnic area. The 120 children were some of more than 700 youths participating in the Muskogee County Summer Headstart Program. Tugging at Guardsmen's pants legs to "borrow" a fatigue cap or ask what those "things" were on Guardsmen's sleeves, seemed to be their primary objectives, except for the picnic lunch catered by the Guardsmen.

Besides the group checked at the encampment, Guardsmen flew six- to seven-man medical teams to two other Eastern Oklahoma cities where they provided check-ups for an additional 400 children.

A seven-man task force from Connecticut's 118th Med Bn and 141st and 142d Med Cos set up shop in Hartford's Revitalization Headquarters and gave physical exams to 60 camp-bound 4-H boys and girls. . . . Ohio's 684th Med Co gave physicals to 200 Scouts, later examined 175 boys who were prospective members of a Pee Wee Football League.

Demonstrating the practical side of telephonic communications, Maine Army Guardsmen have been host to hundreds of elementary school children who inspected field telephones and switchboards at the Guard Armory. Climax of the tour is a direct link-up with pupils' own schools through the Guard switchboard.

Michigan Army Guardsmen shared their Camp Grayling "tent city" with 88 High School ROTC Cadets from Detroit. Representing 16 high schools, the Cadets were the first ever to visit Camp Grayling to observe the Guard in training. The boys, age 14–16, saw Infantry, Artillery and Armor outfits in training and received smallarms marksmanship orientation. They also fired the 7.62mm rifle, M–60 machine gun and 3.5mm rocket launcher.

Also at Camp Grayling, other Michigan Guardsmen were host to two National Guard Boys' Camp contingents of approximately 100 youths each. From the inner city areas of Detroit, Kalmazoo and Grand Rapids, the boys greeted the welcoming speech with applause and cheering when told that swimming was the first order of business after getting ten assignments. Four officers and 15 men served as tent leaders, counsellors and recreation directors for the fourth annual one-week encampments. In contrast to the Junior ROTC session, the Boys' Camp was non-military, with emphasis on camping and recreational activities.

New Jersey Army and Air Guardsmen assisted in the operation of the Governor's Youth Program at Sea Girt. Running for four weeks, the program accommodated approximately 500 underprivileged boys from every County in the State. Activities included sports, arts and crafts, movies and excursions.

Five Summer weekends, 35 dump trucks, two front-end loaders, a heavy bulldozer and miscellaneous support equipment from two Rhode Island Army Guard Armories were combined to make a lasting impression on Smithfield youngsters. The 135 Guardsmen from the 1118th and 861st Engr Cos were preparing the site for the Smithfield Boys' Club to build a new facility. They moved and graded more than 4,000 cubic yards of fill, making more than 1,000 dump truck runs. The operation was to continue through November, when actual building was to begin.

Across the Country in Oregon, members of the 3670th Heavy Eqpt Maint Co provided man and machine power to reconstruct two baseball diamonds for Little Leagues in the Clackamas area . . . MSG Doyle McKinney of Arkansas ANG's 223d Mob Comm Sq presented a check for $250 on behalf of unit members to aid the Hot Springs Boys' Club's baseball leagues . . . The Texas ANG's 149th Tac Ttr Group sponsored a Patriots' Picnic, proceeds from which aided youth sports activities as well as POW/MIA funds . . .

The D.C. National Guard expended more than 500 man-days to plan and operate a 10-day Youth Leaders Camp for 148 youths at Aberdeen Proving Ground. Md. Field trips included visits to Washington "Redskins" football training camp and to a major league baseball game at the District's RFK Stadium . . . . Utah National Guard operated its Freedom Academy for 51 high school student body Presidents, a five-day educational and recreational program. Since 1957, Utah also has sponsored a Bantam Basketball program, with more than 2,000 youthful participants during 1971 . . . Ohio's 178th Tac Ftr Group provided a field trip to its home base for more than 640 Headstart youngsters. The unit also was host to 188 CAP Cadets and 24 adult leaders during one-week camp with the 178th at Alpena, Mich. . . .

Alaska ANG supports a youth hockey program involving some 1,500 boys. It also collects and distributes clothes, toys and food for remote village youth through its "Operation Santa Claus". . . . Delaware ANG's "Operation Patriotism", originated and coordinated by SMS Joseph J. Pfister, features lectures at school assemblies, bus tours of Washington, D.C., citations for student achievement and airplane flights for top graduates. . . . Kentucky Army Guard sponsored a combined Bean Soup Feast and Armed Forces Day Open House at all 37 Kentucky Armories, proceeds from which covered expense of 180 boys at the KyNG's Boys Summer Camp. Sports dominated the three one-week camps, each manned by 15 volunteer Guardsmen.

A Kentucky Engr Co constructed two athletic fields, access road, beach and other facilities for a 4-H Center . . . . South Dakota ARNG Engineer units graveled miles of roads into Boy Scout and 4-H camps and recreation areas. Others built bridges, playgrounds, ball fields and other facilities . . . Wyoming Army Guardsmen provided transportation and personnel support for a three-day youth rodeo sponsored by a church organization.

Through its extensive and diversified support to many types of youth activities, the National Guard continues to show its involvement in community life. It is this voluntary investment in the leaders of tomorrow that supports the theme that The Guard Belongs.

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## NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

### HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. WHITEHURST. Mr. Speaker, I am inserting into the RECORD the weekly news bulletin of the American Revolution Bicentennial Commission, compiled and written by its communications committee staff:

AMERICAN REVOLUTION BICENTENNIAL COMMISSION, NEWS BULLETIN,

*January 31, 1972.*

President Nixon, state of the Union address, January 20, 1972:

"Four years from now, America will celebrate the 200th anniversary of its founding as a Nation. There are some who say that the old spirit of '76 is dead—that we no longer have the strength of character, the idealism, the faith in our founding purposes, that that spirit represents.

"Those who say this do not know America."

On Tuesday, January 25, H.R. 7987, co-sponsored by Cong. Widnall, Patman and Sullivan, ARBC legislation authorizing bicentennial medals to be struck by the U.S. Mint, was reported out favorably by the Full House Banking Committee. Fast action is anticipated in the Senate. Also on Tuesday, S. 1857 (sponsored by ARBC member, Senator Ed Brooke), the ARBC authorization was reported out favorably by the Full House Judiciary Committee. Action on the House floor is expected by mid-February.

At the ARBC executive committee meeting on January 27, it was decided to schedule consideration of the sickle cell anemia disease project at the next full commission meeting following discussions with the Department of Health, Education, and Welfare.

Also, at the executive committee meeting Federal Maritime Commission Chairman Helen Bentley outlined her commission's proposal for a floating maritime display utilizing mobile maritime pavillions for the bicentennial. Chairman Bentley will make a formal presentation at the full commission meeting next month.

ARBC Director Jack I. Levant announced at the executive committee meeting that plans are well underway for the involvement of 6¼ million Boy Scouts in bicentennial participation. Director Levant stated that a bicentennial committee is being formed by the Boy Scouts of America and that a comparable committee will be set up by the ARBC to work with the Boy Scouts.

Joseph B. Danzansky, former metropolitan Washington, D.C. board of trade chairman and president of Giant Food, Inc., said in Washington last week that a rallying point for an upsurge in community spirit ought to be the national bicentennial celebration. He said the mayor's economic development committee, together with the council of governments, business and the White House could make 1976 a turning point in the city's economic and social history. "If we start now and develop a plan for the bicentennial, it could be a blueprint for our salvation as a city," he concluded.

Virginia Delegate George N. McMath (Accomack) has introduced a bill to make the colors of Virginia license plates red, white and blue "to add a bit of patriotism" for the national bicentennial celebration. The legislation would change the plate colors for 1973.

The Des Moines Register recently reported that the Iowa legislature will probably have to appropriate $6 million over the next four years as the State's share for the proposed world food expo for the bicentennial. Kenneth Fulk, secretary of the Iowa ARBC briefed lawmakers on the proposed estimate. Mr. Fulk said the projected total expenditure for the project is $98.7 million.

The ARBC of Michigan City, Indiana issued its first official report this month by its chairman, Dr. James E. Landing. Its policy recommendations embrace possible community projects ranging from civil city creation of mini-parks at selected historical sites, issuance of special historical publications and materials, to the preparation of special programs with bicentennial themes by local societies, institutions and groups.

W. Anthony Park, the attorney general of Idaho, has invited the Idaho State Commission on Arts and Humanities to sit in an advisory capacity to the Idaho Bicentennial Commission. The official representatives of this group include Arthur L. Troutner, chairman, and Suzanne D. Taylor, executive director.

Community involvement is a key part of the Charlottesville, Va., observance of the national bicentennial, says Michael Gleason, executive director of the Charlottesville-Albemarle Bicentennial Commission. "This is everyone's celebration," said Gleason in a recent interview for the Richmond News Leader, "and I want to establish subcommittees representative of various groups—youth, churches, minority groups, business people, civic groups and other—to make recommendations as to how we should celebrate." At 26, Gleason is believed to be one of the youngest local directors of the bicentennial in the country.

In Virginia Governor Linwood Holton's budget for the year is a recommended $427,660 appropriation for the Virginia Independence Bicentennial Commission, as well as additional appropriations for the preservation of the State's history.

Congressman Fred Schwengel (Iowa), president of the U.S. Capitol Historical Society, with Congressman Henry S. Reuss (Wisc.), has proposed a sound and light show at the capitol building to enchant tourists like simliar shows in some of Europe's exciting cities. Cong. Schwengel said in a recent interview that he believed a production could be prepared for the bicentennial.

On Friday, January 21, ARBC Director Jack I. Levant attended a formal meeting of the Florida Bicentennial Commission in Miami. On the first occasion that the State Bicentennial Commission, the Miami Third Century USA, Inc. and the interama authorities met together, Director Levant briefed those in attendance on the national bicentennial plans and toured with the group the interama site which is a beautiful area in North Miami Beach and a potential center for bicentennial activities.

The Granite State Vacationer, a New Hampshire recreation newspaper serving six recreational regions year-round, has announced a "first" in relation to the bicentennial commemoration. A regular column feature by writer Fred Jay will be carried by the Vacationer publicizing plans, events and activities in all 50 States, in coordination with the ARBC.

Arrangements have been made with the National Catholic News Service to provide bicentennial stories to its various Catholic media. ARBC's office of communication will provide news releases, personality stories and feature articles directly related to American Catholics and their involvement in the bicentennial.

## NATIONAL ENVIRONMENTAL CENTER ACT OF 1972

### HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. FREY. Mr. Speaker, no one today need be reminded of the growing crisis in our environment. Around this Nation and the world there is increased concern for the conservation of our natural resources. Man can no longer continue to use and abuse his environment simultaneously. In the end he can only lose such a race, and scientists tell us that finish line may not be as far away as we thought.

I am sure every Member of this Chamber is aware and concerned over the situation. During the last decade, Congress has enacted a number of important environmental measures designated to control and abate air and water pollution. Although much remains to be done, an important and meaningful beginning has been made.

It has become increasingly apparent, nevertheless, that in the long term, an intelligent relationship between man and his natural environment can only be achieved through a systematic approach. The global ecosystem is precisely that: a system. In this enormously complex network, each subsystem, however subtly, is interconnected with all others. Any action that impacts on one element of the environment can have a discernible effect on seemingly unrelated elements of the same fundamental system. It is not enough to treat air and water pollution as if they were discrete and separate problems. For instance, it has been estimated that as much as 40 percent of the surface pollution of the oceans is derived not from the discharge of pollutants directly into the aquatic environment but from the precipitation of air pollutants.

A number of Federal agencies are presently engaged in important research that relates, in varying degrees, to these environmental considerations. But virtually all efforts of this type are necessarily directed to a limited aspect of the environmental problem. This is to be expected of a mission-oriented or regulatory agency.

During the course of many hearings and investigations here and around the country on environmental matters over the past years notice has been repeatedly taken of the absence of any single public or private unit with the mandate and resources to conduct systematic, interdisciplinary research on matters relating to the entire global environment. In recognition of this critical gap in our environmental technology, I introduced last week a bill which would create a new Federal agency called the National Environmental Center. This new center is not intended to supplant in any way the necessary activities of existing public and private agencies. Rather, it is to complement these agencies and provide a process whereby the entire range of environmental research and analysis can be brought together for assessment in a coherent, systematic fashion.

Policy for the NEC would be established by a seven-man Board of Trustees. The Board would then be empowered to name a General Manager of the NEC and such other personnel as may be necessary to carry out the functions of the Center. The Board would be further authorized to establish as many as six independent National Environmental Laboratories—NEL's—each headed by a Director appointed by the Board. In establishing or designating the location of these National Environmental Laboratories the Board may and, hopefully will choose to establish one or more of the NEL's at a site where a public or private facility is already located and in operation. The Board has, under the provisions of this bill, complete flexibility in this regard, subject only to site approval by the appropriate congressional committee.

Numerous examples can be found of the dual benefits which might be achieved by locating these laboratories at sites where related facilities already exist.

In Florida such a facility could be located near Kennedy Space Center to utilize some of the facilities vacated by NASA and the engineers, scientists, and technicians who have been displaced due to cutbacks in the space program. Already existing in the Cape area is Project Retro which is retaining their displaced professionals to work in other areas of emerging priority such as the environment. Such Federal coordination would not only help further the conservation of our natural environment, but also the conservation of our human resources.

The relationship between the NEC–NEL structure and the other environmental entities should not be characterized by competition but by a sort of symbiotic cooperation and cross-fertilization. It is expected that there will be a substantial and continual interchange of information and personnel among the various institutions carrying out research in the environmental field. However, it is also important to note the significant degree of independence which this bill seeks to provide for the NEC and the NEL's. This measure intends no unfavorable or critical reflection on the competence and dedication of existing agencies or personnel, but it is my feeling and that of many others that by virtue of their very nature, existing mission-oriented agencies cannot and should not be expected to perform the functions invisioned for the NEC–NEL's. In order to achieve its intended potential, the NEC–NEL structure, while responsive to the executive and legislative branches, must have a meaningful measure of independence so that long term, comprehensive needs will not be compromised by the exigencies of the moment.

This measure, has already passed the Senate. I am sure the House will act with equal speed and determination to see that this bill is enacted into law.

As the committee report from the Senate stated:

> Man-made degradation of the natural environment is not ordinarily malicious; it is the unwanted by-product of the full range of man's search for a richer and fuller life. There is every evidence that economic progress and a quality environment can be made compatible. But precisely because the full range of man's economic and social activities is involved, and precisely because the global ecosystem is a system and not a random collection of separate parts, no quest for harmony between man and his environment is likely to be successful unless it proceeds on a systematic and integrated basis.

## PORTUGAL'S WAR FOR PEACE

### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. SCHMITZ. Mr. Speaker, when I visited the Portuguese overseas provinces of Angola and Mozambique in Africa during the summer recess of Congress last year, and was in Luanda, largest city of Angola, I encountered a young publisher, Thomas J. Haas, who was engaged in extensive study and on-the-spot observation of the real situation in these provinces, so often maligned and distorted in our press. We attended a dinner together and it soon became evident that Mr. Haas had already acquired, on his own, a deeper, more thorough, and more objective understanding of conditions in this part of the world than many of our State Department officials whose assigned duty this is—including some of those actually on the scene. Therefore I would like to recommend to your particular attention Mr. Haas' report and conclusions entitled "Portugal's War for Peace," a talk delivered at New York City on December 4, 1971.

The report follows:

### PORTUGAL'S WAR FOR PEACE

(By Thomas J. Haas)

Today, the Republic of Portugal is engaged in war in three of her African provinces, Portuguese Guinea, Angola, and Mozambique, against Communist guerrillas. The stakes are the integrity of Portugal, the lives of her citizens in these provinces, the security of southern Africa, and the control of the South Atlantic. In order to gain a better knowledge of the war and of conditions in Portuguese Africa, I visited Angola and Mozambique this past August. To keep this a firsthand report, I shall discuss only these two provinces, but I am assured that conditions in Portuguese Guinea are similar.

In discussing Angola and Mozambique, two points should be made clear from the outset: the political status of the two areas and the social status of the people living in them. First, Angola and Mozambique are overseas provinces of Portugal. They are *not* colonies; rather they are integal parts of the Republic of Portugal. They have the same relation to Lisbon that Hawaii and Alaska have to Washington. Second, the population of the provinces is white, colored, and black, with a considerable Chinese and Pako-Hindustani representation in Mozambique. All are citizens of Portugal, and all can vote if they meet the requirements applicable both in the provinces and in Metropolitan Portugal, that is literacy, property ownership, or income. There is no racial discrimination in either the positive or the negative sense; that is, there is no forced separation, but neither is there the type of discrimination in reverse that is practiced by our federal government. No differences whatsoever based on color are recognized, and anyone who visits either province for even the shortest time will see that Portugal is truly a multiracial as well as a multi-continental nation. Racial discrimination simply does not exist.

This situation is clearly evidenced by the fact that about half the men under arms in Angola and Mozambique are blacks. These blacks are not auxiliary troops; they are Portuguese citizens, fighting in the army of their country—fighting in defense of their Motherland, Portugal.

Concerning the vital statistics of the two provinces: Angola has an area of 481,352 square miles, almost twice that of the state of Texas, and a population of 5.4 million, or about half that of Texas. Mozambique has an area of 303,073 square miles and a population of 7.2 million.

On March 15, 1961, an outbreak of terrorism swept northern Angola with a sadistic ferocity which has probably never been surpassed. The terrorists slaughtered anyone they could get their hands on, sparing neither women nor children, white or black. The uprising was organized by Holden Roberto and his UPA (Union of the Peoples of Angola). Most of the terrorists were recruited in the former Belgian Congo from the Bacongo people, a tribe which inhabits the area south of Leopoldsville (now Kinshasa) and northern Angola. The recruits were promised lives of idle luxury after independence was won; the leaders were actually promised posts in the United Nations. Before starting his rebellion, Roberto visited the United States, where he received the encouragement and support of the Leftwing Establishment, which he still enjoys, despite the fact that he has admitted and tried to justify his supporters' sawing in half of men, women, and children in the village of Luvo.

Prior to the March 15 uprising, Roberto sent his followers into northern Angola to prepare for the massacre. His men worked mainly with their fellow Bacongo tribesmen, making the most outlandish promises to them to gain support. The terrorists found two allies: first, the witchdoctors, who feared that increasing Portuguese influence and culture would destroy their hold on the villagers; and second, the leftwing missionaries, who apparently believed that the message of the social gospel could best be carried out through the murder of little children. The witchdoctors used various drugs to work the Bacongos into a murderous frenzy, and then rubbed their bodies with palm oil, saying it was a magic lotion to ward off bullets. The missionaries used such techniques as telling one tribe, the Quiocos: "Christ was a Quioco, and the Portuguese crucified Him." Shockingly, all the terrorist leaders captured in the north proved to have been missionary-trained. I am by no means criticizing the majority of missionaries, who have done and are still doing magnificent work. The missionaries involved in the uprising were men, whether Catholic or Protestant, who had deserted Christ for Marx.

The terrorists thought that the assault of March 15 would cause the white settlers to flee, that it would gain them the voluntary or forced support of the blacks throughout the province, and that it would break the will to resist of the government in Lisbon. They were wrong on all three counts.

Unlike the Belgians in the Congo, many of the white settlers had been born in the province, and all considered it their only home. With the outbreak of terrorism, instead of running away, they stayed on their land and fought for what was theirs. The courageous tenacity of these men—and women—is a major reason why Angola is still Portuguese. I talked to a number of these settlers, and they all exuded the same pioneer spirit that built America—and which we are so rapidly losing. These men will never leave the provinces, and if necessary they will die to maintain their Portuguese heritage.

The initial assault of March 15 fractured Portuguese authority, and it was several months before sufficient troops could get to the north to restore order. In the meanwhile, ancient tribal hatreds and petty village squabbles erupted into a rampage of murder and arson. In the end, 15,000 people—13,000 blacks and 2,000 whites—were dead, and virtually every bush village was burned to the ground. The reasons for this mass insanity included almost everything except political motivations. With the arrival of the Portuguese Army and the gradual restoration of order, the blacks came to realize that the military was not going to massacre them—as the terrorists had claimed—and that their only hope for peace and a decent life was under Portuguese authority.

Today, the vast majority of the blacks in the north staunchly support the government. One group of people who had joined UPA in 1961 told me: "The terrorists came here and they lied to us and they cheated us. But we are good now." When I asked what they would do if a terrorist came into their village, one man said: "I'd tie him up and take him to the authorities." Another one offered: "I'd kill him." Such is the attitude of the people of the north. In south and central Angola, there has never been any terrorism at all.

The same situation prevails in Mozambique. The terrorists were able to trick the Makonde tribe into a certain amount of collaboration in the early days of the uprising in Mozambique, which began in 1964. But the Makondes soon learned that their real friends were the Portuguese and their real enemies, the terrorists. They now strongly support the government. Mao Tse-tung, the great hero of terrorists everywhere, has said: "Guerrillas are to the population as a fish to water." Since the terrorists lack any popular support, they are just as doomed as fish out of water.

When the war broke out, the government in Lisbon announced a policy exactly the opposite of the policies pursued by England, France, and Belgium. Lisbon announced that the overseas provinces were integral parts of the Portuguese Republic and that the government would never desert them.

The war in Africa and our war in Vietnam have lasted about the same length of time, ten years. The number of men under arms in proportion to the total population is about the same for Portugal as for the United States, and the fighting conditions—terrain, area, points of infiltration, etc.—are roughly equivalent. In economic resources and technology, Portugal cannot even be compared with the United States. Yet Portugal is winning her war and we are losing ours. The will to win and an anti-Communist government make the difference.

The terrorists in Angola belong to one of three distinct groups. UPA, or as it now calls itself the GRAE (the Revolutionary Government of Angolia in Exile), is not admittedly Communist and is backed by such groups as the Ford Foundation, the American Committee on Africa, the African-American Institute, and, there is reason to believe, the CIA. The MPLA (the Popular Movement for the Liberation of Angola) is Communist and receives aid from Soviet Russia. UNITA (the Union for the Total Independence of Angola) is closely tied to Red China and relies heavily on "Mao thought."

MPLA claims to control one-third of Angola, and UNITA claims to control one-third. UPA claims to control more territory than the other two groups combined. Thus, over four-thirds of Angolia has been "liberated," which makes us wonder where the Portuguese are! But in fact, as we shall see, the terrorists do not control one single village.

The terrorist organization in Mozambique is FRELIMO (the Mozambique Liberation Front), founded by University of Michigan graduate Eduardo Mondlane. A few years back this leader had an unpleasant experience with a parcel containing a bomb, which left his apartment decorated in late Mondlane. FRELIMO is under Red Chinese domination to the point of reading Mao thought at its assemblies.

In Angola there are three areas of fighting: Cabinda, northern Angola, and eastern Angola. In Cabinda the Army, using a large number of ex-terrorists, has been successful in keeping the MPLA based in the Congo Brazzaville in check, and has prevented any serious infiltration. In northern Angola there are three terrorist zones: a small zone near the town of Fronteira, into which UPA terrorists based in the Congo Kinshasa (the former Belgian Congo) make raids across the river; a pocket about fifty miles south of the Congo Kinshasa border, which UPA infiltrators use as a staging area; and south of this pocket and east of the village of Quitexe, the fairly large Dembos zone.

These zones are located in areas which are underpopulated and geographically very favorable to the terrorists. The Dembos zone consists of high, broken, jungle-covered mountains. The long northern border with the Congo Kinshasa lacks any natural barriers, and it is fairly easy for small groups of terrorists to slip across the border and sneak south to the mountains.

In the east of Angola, terrorists based in UPA camps in the Congo and MPLA and UNITA camps in Zambia stage raids north and south of the city of Luso. A zone west of Luso has been eliminated. This whole area consists of unpopulated desert; it is quite easy for the terrorists to move about in bands of ten or less because of Portugal's lack of enough helicopters, which makes it difficult to get to areas where terrorists have been sighted in time to catch them. Even so, while I was in Angola, the Minister of the Overseas Provinces visited this whole area by car in complete safety. The total terrorist strength in all of Angola is only about 2,000.

In Mozambique the terrorist zones are located in the northeast section of the district of Cabo Delgado, in a strip along Lake Malawi, and in the north of the district of Tete. In the first two areas, FRELIMO terrorists infiltrate across the border from camps in Communist Tanzania; in the third area, they cross over from Zambia. All three areas are unpopulated or sparsely populated desert. The terrorist strength in Mozambique varies, according to season, from 1000 to 4000.

The reader will have noticed that the terrorist zones are located in areas that are either contiguous to foreign countries, or easily supplied from Portugal's unfriendly neighbors. This fact alone should be conclusive proof that the war is not an internal rebellion but a fight against foreign aggression. In flagrant violation of all concepts of international law, the governments of the two Congos, Tanzania, and Zambia (and also of Guinea and Senegal) have permitted the terorists to establish base camps inside the territory of those countries, from which they recruit followers and organize attacks against the sovereign nation of Portugal. These countries permit supplies—munitions from the Communist bloc, and from the United States medicines and other items to make life pleasanter for the terrorists—to be shipped to the base camps, later to be carried across the border for use in the war against Portugal.

These countries have given sanctuary in their territory to the terrorists. The terrorists cross the frontier into Portuguese territory for their raids, and run back for shelter. The pursuing Portuguese soldiers have to halt at the frontier, lest they be accused of violating the sovereignty and territorial integrity of independent African nations. This one-sided concern for sovereignty, and indeed for human life, is just one aspect of the inversion of values and perversion of morality which are characteristics of modern international relations in general, and of the United Nations in particular.

A word of explanation about the terrorist zones is in order. These zones do *not* represent areas of terrorist control; they simply indicate areas in which there is some terrorist activity. In areas sufficiently distant from the border, and outside of the terrorist zones, one is 100 per cent safe. (I walked about the streets of the various cities I visited in both provinces, even in the slum sections, after midnight, without the slightest fear or danger—something impossible to do today in any big American city.) Inside the terrorist zones there is some danger and it is advisable to take some precautions. But from personal experience I can testify that it is possible to visit the zones without harm. In Mozambique I was taken on a visit to the village of Chai, roughly in the center of the Cabo Delgado zone. We left Porto Amelia in a private plane and flew the entire distance at an altitude low enough to be within rifle range of the ground; we had no weapons aboard. On the return flight, we flew over the same route at an even lower altitude and at a slower speed. If the terrorists maintained even minimal control, our plane would have been shot down.

In Angola I spent a day in the Dembos terrorist zone. On this trip we were armed, but this was the only occasion on which we had guns in the car, though I spent about a week and a half altogether in areas our press assigns to the terrorists. Accompanied by the two people from the Center of Information in Carmona, Sr. Arnaldo Lopes and Sra. Lourdes Freire; by the Administrator of Quitexe, Sr. O. A. de Pimental Teixeira, and his sons Alvaro Manuel and Octavio Augusto, and by Dr. Manuel Assoreira, I visited a combination plantation and military camp, Santa Isabel, situated within the zone. I was received at Santa Isabel by the officer in command of the garrison, Captain Waldemar Neves, and Lieutenant Hermano Vicente. As was the case throughout Angola and Mozambique, my various questions were given immediate and direct answers. We left Santa Isabel after dark, and were given a precautionary escort part of the way, but we drove the rest of the way back to Quitexe alone.

Earlier in the day we had visited the plantation of Dr. Assoreira, who, like many other farmers in the area, had lived on his coffee farm throughout the terrorist trouble. It is still somewhat dangerous for these settlers to drive through the countryside after midnight, but probably no more so than driving through Harlem at one in the morning. Life for these people is not quite normal, but they still live a more civilized and cultured life than most people in far more tranquil areas. Life for the terrorists, on the other hand, is not only un-normal, it is hell.

At present the Army has the war contained in the areas previously described, and terrorist activity has been reduced to banditry, mine laying and occasional ambushes, and even these attacks have been declining. The military strategy, in addition to what can loosely be called search-and-destroy missions within the zones, consists in keeping the terrorism contained and cutting off the routes of infiltration by bisecting them with hard-surface roads and establishing resettlement villages along the roads, which are protected by military units and/or local militia. Resettlement villages also have been or are being established within the zones, thus greatly limiting the activities of the terrorists.

The Army would probably have ended the war already except for two factors: (1) the countries which permit and aid the terrorists' camps on their territory have the sanction of the so-called community of nations, not excluding the United States; and (2) there is an embargo against selling Portugal any arms and war materiel that can or will be used in Africa. The United States has supported this embargo. Portugal is not a wealthy country, and the war consumes forty per cent of her budget. But she is not allowed to buy even those arms she can afford. She obtains some good equipment from South Africa, and for the rest, she must pay top dollar (or *escudo*, which is much harder than the dollar) for outdated surplus equipment, buy parts of nonmilitary equipment and fit the parts together into war materiel, or manufacture the arms herself, which is a great handicap, since Portugal is not an industrial nation.

As a result, the terrorists, who obtain weapons from Czecho-Slovakia, Russia, and Red China, have much better and more modern materiel. For example, the terrorist rifle weighs only one-third as much as the Portuguese rifle. The terrorists also have a greater stockpile: FRELIMO has armaments for seven times as many men as it has to use them. With napalm and helicopters, the Portuguese could probably end the war in Angola in short order, but they are unable to obtain either. For the United States to prohibt the sale of arms to our NATO ally for use in defense of her own territory would be the height of insanity if it were insanity. It is not. In the past, the United States has given a total of 674 million dollars to the six countries involved in supporting the terrorists, and we have been generous in giving free military assistance to a great variety of nonfriendly nations—even to the extent of helping to train the Yugoslavian air force. Yet we will not sell material to our ally, Portugal. This betrayal of our friend and ally has reached such extremes of pettiness as trying to block the sale of two 747's to Portugal because they could be used in transporting troops from Lisbon to Portuguese Africa.

Although the situation in Portuguese Africa is much better than we have been led to believe, I do not wish to minimize the danger that the terrorists pose for Portugal and the rest of southern Africa. South of the equator, Red China has two firmly controlled satellites, the Congo Brazzaville and Tanzania. With the completion of the Tanzanian railroad, now being built by Red Chinese technicians, from Dar es Salaam to Lusaka, Mao will also have complete control of Zambia, and a supply line into the heart of southern Africa. When the railroad is operational, we can anticipate a renewed attack against Angola, Mozambique, and Rhodesia. The next step is likely to be an attack against Congo Kinshasa, which is at least anti-Red Chinese, through Rwanda and Burundi, and a drive into Botswana. If because of a lack of armaments Portugal could not hold back the assault, we would see a drive into Angola with a sweep down into Southwest Africa and a grab for northern Mozambique. The final step would be the destruction of Rhodesia and South Africa.

Not only would the Communists then control the vast resources of southern Africa; they would also have vitally important harbors of the Indian Ocean and the South Atlantic.

This battle plan is admittedly supposition, but it is based on information given to me by Portuguese intelligence. Portugal has the manpower, organization, and courage to resist such attack, but she cannot do so without armaments. Our State Department is certainly aware of the situation, and the only reasonable explanation of our policy toward Portugal is that the *Insiders* in our government want a Portuguese defeat. Such a policy is not only a betrayal of a friend, it is a betrayal of our own national interests.

Despite the tremendous drain the war has imposed on her manpower and finances, Portugal has been making great strides in bringing the tribesmen into the Twentieth Century and Western Civilization. The overwhelming majority of the indigenous people of Angola and Mozambique are Bantus, whose ancestors arrived in these provinces at roughly the same point in history as the Portuguese. The aboriginal inhabitants of the area were the proud and mysterious Bushmen. The descendants of the few Bushmen who escaped being killed and eaten by the invading Bantus now live in little groups in the southern Angola desert.

Until relatively recently, most Bantus could not count beyond three and had little or no ability to think in abstractions. I myself met tribesmen who had no idea whatever of time or distance. But what the Portuguese have been able to do, especially in the last ten years, to civilize these people is truly amazing. The basic policy is to draw the blacks into Western Civilization step by small step, giving them a sound and solid basis on which to continue upward progress. "Teach a man to fish, don't give him a fish," is an exact expression of the Portuguese philosophy.

I saw this program in action in the village of Chai in the far north of Mozambique. I was accompanied by Dr. Fernando Bastos, who is in charge of Civil Administration for the area. Chai is typical of the resettlement villages the Portuguese have built and are still establishing throughout both provinces. It has a covered well to provide the people with safe water, to save the women the long journey to whatever water source there may be in the area, and to encourage closer contact between the villagers through meeting at the well. Chai has a school, a town hall (to help establish the idea of local government), and a sanitation post, which provides health and medical services, with emphasis on maternity cases. The blacks have a distrust of modern medicine, but through seeing what proper care can do for expectant mothers, they begin to gain more confidence in the doctor.

In order to build up the concept of the family, the Portuguese have encouraged the people to replace the cloth drapery that covers the entrance to the typical village houses with wooden doors. These bush houses have only sleeping rooms, cooking always being done outside. Dr. Bastos has developed a house that combines the bush style with the western style. Basically this house is arranged so there is an extra room that can only be used as a living room. It can be built for $100. The Portuguese will give assistance in the building of the house, but the owner must do the actual construction: "Teach him to fish, don't give him the fish." This may seem a small step indeed, but it is an advance from the stone age to basic civilization.

Because Chai is in the terrorist zone, there is an Army company of white and black soldiers stationed there. The boys in the village love to play in the camp, ride in the jeeps, etc.—in fact they like it much more than going to school. To counter this attraction, Captain Carlos de Campos Andrada, the officer in charge of the garrison, has announced that only boys who attend school may come into the camp. These boys have three or more shirts apiece, but they will wear one shirt until it falls off; so, as another small step toward civilizing them, the captain periodically announces that only boys with clean shirts may enter the camp the next day—and needless to say, on the morrow all the boys appear in clean shirts.

Unfortunately, these people have a great fondness for wine, which they call "the water of Lisbon"—apparently believing that the people of Lisbon cook in wine, wash in wine, and, I suppose, swim in wine. The villagers occasionally ask the captain for various items, such as shoes or shirts, and he will give them these things, but not if they have wasted their money on wine.

As can be seen, the Portuguese do not try to force the blacks into white tie and tails, but rather in innumerable small ways they are slowly drawing them into a civilized state.

I doubt if any country in the world is more education-conscious than Portugal, and she has spread this concern through her overseas provinces. In the course of my travels I came upon a third-grade workbook done by a little girl, Celestina Benedito, aged about eight years, in a small bush village, Quiongua, outside of Carmona in northern Angola. I very much doubt that it would be possible to find a third-grade workbook in any public school in this country today that could even be compared with this book.

A few comments on the workbook and the school where I found it are in order. In the first place, I selected it at random, though it was not necessarily the best one offered. Next, all the exercises are written in Portuguese, and the small number of corrections indicates that little Miss Benedito has a better grasp of that language than many American third-graders have of English. The arithmetic exercises show that Celestina has learned multiplication and long division well. The writing and dictation exercises stress religious concepts and the history of Motherland Portugal. In other words, this is obviously the result of the old, "outdated" McGuffey reader system.

The schoolhouse in which the workbook was produced lacked a swimming pool and all the other "necessary" adjuncts of modern education. In fact, it was a plain, old-fashioned, one-room schoolhouse, furnished with plain, old-fashioned, wooden desks. The only "teaching tools" other than basic schoolbooks were several maps and a hygiene chart.

Because the Portuguese lack the manpower to supply all schools with what we might term regular teachers, they have established the monitor system. The schoolmaster at Quiongua is a monitor. To be accepted for training as a monitor an individual must have had at least four years of schooling, be over eighteen years old, and must pass a basic entrance examination. I had the pleasure of attending a class for the training of monitors. The method used is quite simple: the teacher teaches the monitors exactly what they are to teach, and they learn by going through every step that their pupils will have to go through.

I realize that this sounds rather slipshod and that the very idea of such an approach to education would scandalize the NEA, but the results prove that the system works.

I think the story of Portugal offers great encouragement to Americans fighting to preserve the integrity of their nation. Forty-five years ago Portugal was a wreck; she was in far worse shape than we are in today. A small group of men—centered on Dr. Salazar—reversed her downhill course. Basically this was done through education and self-discipline, for Salazar was always more a teacher than a politician. Today Portugal has one of the world's hardest currencies, and this nation has been able to stand up successfully against the world and say, "We are right, here is where we stand, we shall not yield." Surely America can do as much.

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## HONORABLE WILLIAM McCULLOCH TO RETIRE

### HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. WHALEN. Mr. Speaker, my good friend, BILL McCULLOCH, whose district adjoins mine, recently reaffirmed his intention to retire at the conclusion of this Congress.

BILL's presence will be greatly missed by his colleagues on both sides of the aisle. His absence will leave a particular void in our Ohio delegation. Unfortunately, new Members from our State will enter the House without the benefit of his wise counsel and his deep insight into the operations of Congress. However, the greatest loss will be the qualities which he exemplified—integrity, dedication, and fairness.

Last week, the Dayton Journal Herald and the Dayton Daily News editorialized on the contributions which BILL McCULLOCH has made to his district and to the Nation. I insert these articles at this point in the RECORD:

[From the Journal Herald, Jan. 20, 1972]

McCULLOCH'S MARK—CIVIL RIGHTS CHAMPION RETIRES FROM CONGRESS

The retirement of U.S. Rep. William M. McCulloch comes as no surprise. While he appears to have recovered from the disability that kept him from his duties much of his last term, the 70-year-old statesman is deserving of the rest he now finds so appealing.

He will be missed—by Ohio's Fourth Congressional District and by all Americans, the larger constituency that Rep. McCulloch served in his 26 years in the U.S. House of Representatives.

He will be remembered and honored primarily for his uncompromising advocacy of strong civil rights legislation, most notably the Voting Rights Act of 1965, in which he took special and justifiable pride. And it is characteristic of Rep. McCulloch's career that his achievements on behalf of civil rights were crusaders of conscience, not a political reaction to his largely rural, white, conservative constituency.

But as we noted last June, Rep McCulloch has another quality that confounds the cynics—integrity.

[From the Dayton Daily News, Jan. 22, 1972]

GREAT LEGISLATOR

It is both good news and bad that Rep. William McCulloch (R-Piqua) has decided, after tossing and turning on the matter, not to seek a 14th term in Congress.

Good news because Rep. McCulloch has chosen wisely. He has not been well lately. Another campaign and term would be a severe strain for him. The congressman's many friends and admirers will be relieved that he has decided to spare himself the risky exertion.

But it is bad news, of course, that Rep. McCulloch's retirement is necessary. He has been a fine congressman. No, scratch that. He has been a great one.

Rep. McCulloch has been an honorable, hard-working, thoughtful and perceptive legislator. A conservative as largely befits his district, the representative never has been the kind of narrow, even mean person whose posturings too often are miscast as conservatism.

Certainly the tallest monument of his long career was the enactment of the civil rights laws in the mid-1960s. As the ranking Republican on the key House Judiciary committee, Rep. McCulloch led many of his fellow conservatives, some of them against their prejudices, to the difficult job of helping secure racial justice. No man in Washington is more responsible for that milestone legislation, and none acted with less chance of political gain.

Rep. McCulloch's career has been marked by a deep but never flamboyant appreciation of this country, by devotion to preserving the essence of its heritage viably rather than in fossile form and by hard work to deliver, generously, on the promises of the Declaration and the Constitution.

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## TWENTY-FOUR RECRUITS GRADUATE FROM LOUISVILLE POLICE DEPARTMENT'S TRAINING PROGRAM

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. MAZZOLI. Mr. Speaker, one of my constituents, Mr. Mike Quirk, recently completed the 27-week training program for police recruits which is conducted by the Louisville Police Department.

As an indication of the effectiveness of this program in preparing the recruit for his assignment to police duty, I should like to have printed at this point in the RECORD Mr. Quirk's speech at the recent graduation ceremonies.

The speech follows:

SPEECH OF MIKE QUIRK

Chief Paul, Mr. Dahl, Rev. Stradder, distinguished commanding officers, guests, friends and family members and fellow officers.

Twenty-seven weeks ago, 24 eager young men took their first steps into the Louisville Police Department's recruit training division. Today, 21 of these men stand before all here present, ready to assume the full time responsibility of being a police officer.

Before I continue any further, I want to take this opportunity to thank Sgt. William Johnson, Lt. Philip Matthews, Det. Bernie Burden and the many, many other instructors that we had, both on the street and in the classroom for making this day a reality.

During the past 27 weeks, many hours have been spent talking to police officers, so today, I would like to address these remarks to the guests gathered here to witness this graduation.

In this age and time when violence and disregard for the law is an everyday occurrence, police must be better trained in their investigative skills and in the use of tools available to them.

Through our extensive 27 week training program, we have learned that one of the best tools available to us as police officers is the general public. The average citizen witnesses more illegal acts than one would care to imagine, and the alert policeman knows this. By treating people with respect and understanding, the policeman of today gets his cases solved and leaves a mark of respect with his fellow citizens.

We as policemen in todays generation should treat all human beings, regardless of sex, race, or religion as people and try to provide the necessary compassion in understanding the plights and predicaments of the people we serve.

We as policemen, are employed by you, the citizens of this community, to be your public servants in protecting your families, your property, and your rights but only through your cooperation and trust can we be truly effective in controlling and combating crime.

We are the policemen of today. Gone forever is the sterotyped image of the "Cop on the street corner". As todays policemen, we are back alley public relations men, we are marriage counselors, we are an understanding stranger in times of hardship and trouble. We provide first aid to the sick and injured, we deliver babies and if necessary make the split second decision to handle a felon in the proper manner. We are many things, ladies and gentlemen, but most of all we are human. We have weaknesses as every other human does; but we try to overcome these weaknesses and be the strong dependable public servants this fine community deserves.

We are professionals, and as professionals we are expected to act accordingly. We know our job and do it willingly and without reservation. We know our superiors and listen to their wisdoms for they mold our future, and we know ourselves and pledge, if necessary and God willing, our lives, in making this comunity a better and safer place in which to live.

## NATIONAL PRAYER BREAKFAST DAY

## HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. HANNA. Mr. Speaker, today, as we all know, is National Prayer Breakfast Day—a day when public officials of all rank and jurisdiction acknowledge the Christian heritage of our country. I want to bring to the attention of my colleagues an address by my good friend Lorin Griset, mayor of Santa Ana, Calif. Mayor Griset exemplifies the force of Christian faith in public office:

### THE IMPORTANCE OF FAITH IN CHRIST TO AN ELECTED OFFICIAL

Looking at your agenda, it appears that the cities of Oregon are not escaping the problems that plague us in California. Money, law enforcement, unemployment, growth, housing, taxes, etc., seem to be universal problems. The city of Santa Ana is the county seat of Orange County. Our county is the second largest in California with a population of 1,500,000 people. There are 25 cities in the county and four of them are over 100,000 population. Santa Ana has 170,000 people and is 10th in size for the entire State.

There seems to be a decline of problems in our cities which can be solved exclusively within our own jurisdiction. While working out solutions to problems we must consider neighboring cities, the county, the region, as well as the state and federal governments. We are extremely interdependent in our society. At the same time there is a growing need for a strong sense of responsibility in local government to identify problems and apply the remedies that are available with all the expertise and dedication possible. No other level of government can do it for the cities as well as the city itself. Anytime we can get the responsibility and the "buck" to begin and stop at the same place then we're making progress. The best chance and maybe the only chance for this to happen is with local government. That is why I believe that strong—nonpartisan local government is the best hope America has for maintaining the high ideals on which this country was founded. It is the level of government where the greatest number of people can become involved and active. Of, by and for the people doesn't need to be an outdated, forgotten theory of government. If local government meets the challenge we must continually work to encourage qualified men to be candidates for public office and then see that they are elected.

When I was first elected Mayor the Los Angeles Times asked me to name the most pressing problem in the city of Santa Ana. I was tempted to say "money". We desperately needed about $50,000,000.00 for capital improvements and still do. I restrained myself and said the problem of "human relations" was the most pressing. When anyone mentions human relations we immediately think of the racial minorities. Let me say that human relations problems are not limited to the racial minorities. They extend equally, in one form or another, to all segments of the community regardless of color or economic background. Think of marital problems, teenage problems, crossing guard problems, welfare problems, employment problems, taxing problems, zoning and density problems, housing problems, school problems. Nearly everything city government does has a direct or indirect effect on human relations. In our complex society, lack of communication and misunderstanding are the most natural things in the world and their product is fear and disorder. Many times problems are reduced just by having community functions where people can get acquainted. Knowing each other has a way of developing mutual respect and tolerance. Many of our problems are reduced by involving concerned citizens in the decision making process. The result is a better understanding of government and consequently more confidence in government.

Nearly all of our efforts in the area of human relations deal with symptoms rather than root causes. We can see that the unemployed get jobs, that mothers with needy children receive help, that the elderly with low fixed incomes get help with housing and medical care. This kind of help is an absolute necessity if our nation and its cities are to prosper. But let's understand that all of these expressions of social concern do not eliminate the *real* problem of human relations which is human selfishness along with its partners greed, hate, intolerance, self pity and lack of gratitude.

How do you attack these real problems with real solutions for lasting results? To begin with, government is not equipped to deal with the basic human problem because it must be solved on an individual basis between a man and God—BUT Government is certainly affected by a man's failure to find God's solution for his problem. If the world is to have peace and the American society to know freedom from turmoil and unrest something has to happen to transform human nature. Someone may say all you have to do is live by the "Golden Rule". This sounds real good and it may be what a man, theoretically, would like to do—BUT really who is able to "pamper" the other fellow the same way he wants to be "pampered". If we did this, there wouldn't be any bad marriages—all of society's problems would be solved over night. Mankind's ability to live by the "Golden Rule" is utter failure! There is absolutely no evidence that man's character is improving or that the great strides in education and technological development has changed the basic human need.

As I have seen the failure in the lives of citizens around me in the areas of community concern, I have also been forced to admit that I have these same limitations and failure in my own life. Kidding myself or not admitting to this basic self centeredness and lack of real concern for anyone but those who can be of help to me, does not solve the problem. My need is one that only God can solve and His remedy can't come until I am ready to be honest and face reality. Ladies and Gentlemen, if I'm part of the problem, I'm not going to be very much help with the solution. Speaking platitudes and decrying evil is not going to do the job. This world needs to see men who are convinced and willing to "put their life where their mouth is." The word I want to emphasize is "willing." I didn't say "able." None of us are "able" to "put our life where our mouth is." We need help from God to do that. Someone may say, I'm not a hypocrite, I'm willing to admit that my life doesn't measure up—but I'm doing the best I can—just as good or better than the next guy. Those of us who have to take the public "flack" get the feeling that these years are bound to result in "brownie points" that will help get us into heaven.

The greatest discovery I made out of the Bible was that I found out God doesn't forgive sin that way. I always thought that I was going to have to be good before God would forgive my sin and reserve me a place in Heaven. I learned from the Bible that it was impossible for me to be good. As a matter of fact, the Bible said I was hopelessly bad along with all other members of the human race. I didn't really believe this. My mother and a limited number of others didn't seem to fit in this category but what I didn't realize was that God measured people against Himself while I was measuring people by other people and mainly by their attitude toward me. Furthermore, I learned from the Bible that God doesn't expect me to be good because He knew that was impossible, and He doesn't expect any man to do the impossible. Only God can do what is impossible for man to do.

If God doesn't expect us to be good and we're hopelessly bad in terms of God's standard, what is the solution to this malignancy in man's character? The amazing message of the Bible from beginning to end is that God loves each of us more than we love ourselves. Even though we are selfish and rebellious He still loves us. This love He has for men caused Him to develop a perfect solution to the problem of man's sin and alienation.

One of my problems is that I underestimated God and overestimated myself and something called chance. Do you have that problem? Most of the time I reasoned that God made me the way I am so it's His responsibility to handle all the imponderables of life—I'll just take my chances. What I failed to understand was that God did not leave the solution of my problem to chance. He communicated to me as He does to the entire human race the perfect solution to the human problem. Because He communicates, each of us must respond. There is no neutrality where God is concerned. God communicates in at least five ways—by the Holy Spirit in the spiritual dimension—in history by Jesus Christ—by the written Bible which we have in our hands—by men who believe God's Word and by the physical universe all around us. God's communication system is perfect.

I had a concept that God was a super, unknowable power who existed somewhere in a far away place and that He delighted in punishing me and making my life miserable. That kind of attitude is deadly because it makes God the opposite of what He is—it prevents God from doing what He wants to do for us. God's love is different than human love because He loves His enemies, even a sinner like me. His love is unconditional—my love is always conditional.

At first I figured God would solve all the differences between me and Him by "sweeping them under the rug". The Bible says God doesn't solve problems that way. He provided a perfect solution to the problem of sin based on the incarnation of His only Son, Jesus Christ.

To me the death of Jesus Christ was one of the great tragedies of history until I read in the Bible that the death of Jesus Christ was God's way of unlocking the door which my sin had shut between me and Him. God said that since there were no sinless men to unlock the door, He would send a unique God-man to unlock the door for us. How does the death of Jesus Christ do the job? Jesus Christ took the judgment or the penalty that belonged to me and the entire human race. I deserved Hell, but Jesus Christ went to Hell for me. He made a perfect sacrifice which no other man in history was capable of making. When I understood this dimension of God's love and what He had done for me it was a brand new ball game. I didn't have to play "Russian Roulette" with my life. I didn't have to kid myself about how "good" I was. For the first time the big problem of sin was solved in a responsible way. God didn't expect me to do or be something I couldn't do or be. All He wanted from me was willingness to admit my need and accept His gift of forgiveness and reconciliation by simple faith in His Word.

Faith is the key to God's salvation. All of us are natural doubters, and I think I rank at the top of that class. This doesn't surprise God. He knows this, as a matter of fact, it is because we are natural doubters that He has provided all the evidence of His reality and love so that our doubt can be overcome. My tendency is to reject faith in God, and in His plan for reconciling men, as unscientific and unreasonable. I have a tendency to say, unless I can see it I won't believe it. My pride as a man sees faith in a Savior as an admission of weakness which goes against my role as the head of my home and a leader in my community. Faith in myself is what I need, not faith in God. I can't afford to admit I'm so weak. Then I look around and see that I have to operate on the principle of faith in others just to get along in the normal course of life. Faith in others is the key to all good human relationships—like a good marriage—a friendship—a good client, customer relationship. Even the whole credit system of our country is based on faith. I had to conclude that faith in others, which is an implicit admission of weakness and limitation, was absolutely essential for mere human existence. It wasn't difficult then to see why God's only requirement and the only possible way for me to have a good relationship with Him was to believe—just believe. It is perfectly reasonable and rational. The Bible puts it this way, "But without faith it is impossible to please God for he that cometh to God must believe that He is, and that He is a rewarder of them that diligently seek Him." (Heb. 11:6)

The Bible makes it clear that there is only one way to get in God's "ball game" and that is for each of us, individually, to agree with Him that we are lost and that we willingly accept His offer of complete forgiveness by faith in the sacrifice of Jesus Christ. The only condition is faith—just believe.

God has no other plan for a man's spiritual birth into His family forever than by believing in Jesus Christ. Faith is the only key that unlocks the door into His presence forever. If the key were money, some would be shut out. If it were education, or position, or membership in a certain church, many more would be eliminated.

God says in the Bible—I want to make you a new man with a brand new "insides"—a new nature—which has my Spirit as the power source. I'm offering this to you for the taking through my Son, Jesus Christ.

Some men are quick to say I believe in God, I believe the Bible is the Word of God, but I sure don't know where I stand. I hope that God will give me His approval, but to be honest, I'm not sure about it.

Ladies and Gentlemen, this is the place where faith is necessary. We have to be willing to believe the Word of God. In a sense it is like believing your bank statement. It doesn't occur to you that the bank would fail to honor your check if you have satisfactory balance. When God says I have put all of Jesus Christ's righteousness on deposit to your personal account if you will just believe and accept it, He means it! God doesn't lie. But there is no way for you to have it if you won't take God at His word. It is like—how can you have a marriage without faith and love? It is a contradiction. Don't worry about God doing His part. He'll surprise you with an unmistakable confirmation of His complete forgiveness when you turn over the "Board Chairmanship and Presidency" of your life to Jesus Christ, and tell him that you're going to make the best Vice President He's ever had. You will be surprised how He makes you at peace and confident of the final outcome. He gives a man a sense of fulfillment and satisfaction and purpose and meaning like he's never had before. A man knows beyond anything he has ever experienced that he has sold out to the God of the universe and that the transaction was completed just by his simple commitment of faith alone. He didn't have any assets to pay God, but God was willing to take his liabilities. What a deal that was! What a God of love and mercy and grace! All of a man's liabilities in exchange for all of God's assets. All God wants is to be God. Is that too much for Him to ask? The Bible has our complete job description—all the specifications and guidelines backed up by God's authority. Shouldn't all of us close the gap with God? Doesn't it make sense for us to turn our back on our failure of the past and the inevitable failure of the future and accept God's perfect plan for our lives? God says, "As many as receive Christ, to those men I will give the power to become children in my family just because they believe in Jesus Christ."

Ladies and Gentlemen, this is the starting place with God. Now is the time! If we act then we're a real part of the solution to the problems of individuals and society around us.

Thank you.

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## CLEVELAND'S PATRICK LYNCH DIES IN IRELAND AT 75

## HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. JAMES V. STANTON. Mr. Speaker, in a variety of ways Patrick Lynch rendered great service to the people of his community and so he will be missed not only by those of us who were numbered among his friends, but by the many people who benefited through his selfless work in the public interest. Irish-Americans in Cleveland owe him a special debt of gratitude for the long hours he labored in our behalf. In all his endeavors, including his years of service as president of the West Side Irish-American Club, his almost continuous activity in raising funds for charitable organizations, and his career in public office as a Cuyahoga County Deputy Sheriff and a sidewalk inspector, Patrick Lynch displayed rare dedication and energy. His life was a rich and fulfilling one, one which can serve as an example to all.

I would now like to insert into the RECORD the following article, which describes his many accomplishments:

### CLEVELAND'S RENOWNED PATRICK LYNCH DIES IN IRELAND AT 75

(By Raymond J. Reilly)

Patrick Thomas Lynch, co-founder and long-time president of Cleveland's West Side Irish-American Club, whose name was synonymous with leadership in the city's Irish community for more than half a century, died Saturday, January 22, in Ireland. He had returned last October to live in the land of his birth. A bachelor, he devoted much of his life to the club.

Born in Polranny, Achill, County Mayo, in 1896, he came to the United States in 1915 and settled in Cleveland. During World War I, he served with the American Expeditionary Force in France and was awarded the Purple Heart for being wounded in action.

Returning to civilian life in Cleveland in 1918, he became active in various Irish organizations. In 1930, he starred as a goalie for the Cleveland Shamrocks Soccer Team, and for several years he was president of Cleveland's Gaelic Athletic Association.

In 1931, he helped to found the West Side Irish-American Club and was elected its first president. Thereafter, he served 34 one-year terms in that office. His presidency was interrupted only once—in 1947—when he sponsored a motion that the club president should not succeed himself. The following year, the membership reversed that provision and restored him to office.

From 1932 through 1971, Mr. Lynch personally led his club's Fife & Drum Corps in the annual West Side and downtown St. Patrick's Day Parades—except for 1963, when the United Irish Societies of Greater Cleveland honored him with the grand marshalship of the community's 96th annual Parade along the downtown route.

During his long career in Irish activities, Mr. Lynch became known, not only throughout his own adopted community, but throughout the nation and various parts of the world. He was instrumental in conducting literally thousands of fund-raising efforts for charitable causes, and in particular, for various orders of Roman Catholic missionaries in foreign countries. In 1958, he helped to establish the United Irish Societies of Greater Cleveland to carry on sponsorship of the St. Patrick's Day Parade and related activities.

That same year, he presided over the burning of the mortgage on the West Side Irish-American Club building at 9613 Madison Avenue. Under his leadership, the organization had acquired the structure—formerly the home of the Madison Theater—seven years earlier.

For 17 years, Mr. Lynch was a deputy Cuyahoga County sheriff, and for the 13 years preceding his retirement in 1966, he was a sidewalk inspector for the Cleveland Division of Sidewalks. In 1967, he was feted with a testimonial dinner on the occasion of his retirement from the club presidency he had held for so long.

Funeral services for Mr. Lynch were held on Monday, January 24, in Immaculate Conception Church, Achill Sound, Ireland. He was interred in Achill Sound Cemetery.

His survivors include a brother, Michael, of Ireland, and a sister, Mrs. Margaret Watkins, of England.

## IN DEFERENCE TO POPE GREGORY

## HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. HOGAN. Mr. Speaker, the delicate balance of power has concerned governments for centuries, and the importance of maintaining such a balance has not decreased in recent years despite what advocates of U.S. isolationism would have us believe.

A mere glimpse at the Soviet Union's snowballing expansionism is a convincing enough argument that the United States cannot afford to become an isolationist nation.

In a recent article in Newsweek, George W. Ball stresses how important it is that the United States maintain a strong defense posture around the world. I now insert the article into the RECORD:

### IN DEFERENCE TO POPE GREGORY

(By George W. Ball)

It was Pope Gregory XIII who fixed a date soon after the winter solstice to mark the beginning of the new year, and in recent times omniscient journalists have exploited that date as an excuse to ponder and pontificate.

For the most part, such pontification has followed a stylized pattern. The passing of the old year is hailed as the end of an era; the prognosis for the new year is invariably bright. "There will, of course, be problems, but we are well on the way, etc."

Well, I am not all that sanguine. I do not know what the next twelve months will bring forth, but I am certain we are not at the end of an era. What we should realistically anticipate is more of the same—but with a difference, since history adds its own fresh whimseys. Yet, though all we can confidently expect is the unexpected, I would note at least two particularly unstable areas—two foci of danger—that demand special vigilance. One is Belgrade, and the other the United States Congress.

### MEDITERRANEAN SCENARIO

Belgrade because the past fortnight's uprising in Croatia foreshadow the disintegration of Yugoslavia once the 79-year-old Tito is no longer available to hold it together. With an energetic assist from the KGB and other agents whom Moscow has enlisted in Eastern Europe, ancient hatreds are being stirred to the point where the momentary success of a local insurgency could provide an excuse for separatist leaders to call for help from the Soviet Army. The scenario has, I suspect, already been scripted in Moscow, where the elimination of the schismatic Communist regime in Yugoslavia is a long-cherished ambition. It would complete the consolidation of the Kremlin's Eastern European empire, encircle an obstinately prickly Rumania, and make chaos of the febrile politics of Italy, with its decaying political center and the largest Communist Party in the non-Communist world.

Nor would the impact of such an event be limited to the European mainland. It would be sharply felt in the whole Mediterranean basin where Soviet power is increasingly visible. This is where the vagaries of Congress are relevant, for if Congress finally yields to the Catonian call of certain key senators for the withdrawal of our troops from Europe, the logic and momentum of the legislative process will, sooner or later, remove the Sixth Fleet from the Mediterranean. After all, if we leave it to our allies to look after Western security on the mainland, why should they not take responsibility for what has long been thought of as a European lake?

### MIDDLE EAST STRATEGY

Given the present neurotic state of American opinion, such a nightmare sequence can definitely not be ruled out. Most of our countrymen still regard the Middle East as an affair of Arabs and Israelis, forgetting that the Russians have made it an integral part of the great-power struggle. They ignore the fact that the only operative forces deterring Moscow from a unilateral reopening of the canal and the effective isolation of Israel are the presence of the Sixth Fleet, the continuing availability of effective American military power in Europe, and—most important of all—fear that they would feel the thrust of that power if they tried to turn their Egyptian beachhead into hegemonic dominance of the southern Mediterranean littoral.

In spite of an epidemic of piety—which has led many otherwise sensible Americans to a self-flagellating rejection of great-power responsibilities—the West cannot afford to lose much more strategic ground to a Soviet Union clearly in an expansionist phase. For what is worth prayerful note—at this turn of the year—is that, while we are systematically contracting our power, the Kremlin is pursuing a reverse Nixon doctrine—establishing forward bases, deploying its rapidly expanding fleet of ships and submarines in strange waters, extending its military reach, and expanding its political presence around the world.

To contend—in the face of these flamboyant actions—that we should deliberately reduce our own weight in a power balance that has served the West well for two decades seems curious indeed. But no great nation has been wholly immune from aberrant behavior; we were blind and stupid in the 1920s and, in the words of the late New York City mayor, Fiorello La Guardia, "when we make a mistake, it's a beaut."

So let us see what 1972 brings forth and try to be more sensible than we have sometimes been in the past—which, I suspect, is as much as one should reasonably hope for in this imperfect world.

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## SEPARATE SOCIAL SECURITY FROM WELFARE REFORM

## HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. MIZELL. Mr. Speaker, last week I joined several of my colleagues in introducing legislation to separate some badly-needed social security benefit improvements from the controversial welfare reform package that has been tied up for months in the Congress.

In my recent questionnaire survey among the people of the Fifth District of North Carolina, it was revealed that an overwhelming majority—93 percent—favored efforts to reform the present welfare system, but an equal majority opposed the guaranteed annual income provision included in the welfare reform bill the House passed and which now awaits action in the Senate.

This is a controversy that promises to take a great deal of time for the Congress to resolve, and I do not think it is fair that the social security benefit improvements should be held hostage while we debate welfare reform.

Some of these improvements include:

An across-the-board, 5-percent increase in benefits, effective June 1 of this year:

An automatic cost-of-living increase in benefits provided the consumer Price Index increases by at least 3 percent a year;

An increase from $1,680 to $2,000 the amount a retired person could earn without losing social security benefits;

New financial assistance to needy persons who have reached the age of 65, or are blind or disabled, effective July 1:

And extension of medicare protection to social security disability beneficiaries, including disabled workers, disabled widows and disabled dependent widowers between the ages of 50 and 65; and to people aged 18 and over who receive social security benefits because they became disabled before reaching age 22.

These are good and much-needed provisions, Mr. Speaker, but they are being needlessly delayed by the welfare reform controversy. The increases in benefits may be delayed indefinitely unless steps are taken to separate the social security provisions from the welfare reform measures.

This is the purpose of the legislation we have proposed, and I hope to seek action on this proposal begun in the near future.

Welfare reform that really is reform is an essential and immediate issue, and we owe it to the Nation to work diligently toward making that reform.

But the first order of business is getting social security through to leave time for a rational and intensive debate of welfare reform without penalizing our senior citizens and other beneficiaries.

This is the task we have begun with this legislation, and I urge my colleagues to join with us in this effort.

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## A NEW CRACKDOWN ON TRAFFICKERS IN HARD DRUGS

## HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. ROBISON of New York. Mr. Speaker, over the weekend the President announced, as had been rumored, the creation by Executive order of a new Office of Drug Abuse Law Enforcement within the Justice Department, to press the attack on those who deal in the illicit narcotic traffic at home and abroad, and named Myles J. Ambrose, now Commissioner of Customs, as that new office's head.

It has been my privilege these past 3 years, through my subcommittee assignment as a member of the House Appropriations Committee, to get to know and appreciate Myles Ambrose's special qualities and capabilities. Under his vigorous leadership, we on the subcommittee have seen the Customs Bureau move out into new and necessary directions, not only to meet its steadily expanding normal workload but also to begin, at last, to make a real dent in that most difficult of criminal investigative fields—the illicit drug trade. Commissioner Ambrose has shown, by his actions and attitudes, his full awareness of the fact that the Customs Bureau has stood, and still stands—as our front-line defense against the drug traffickers who, by virtue of the human tragedy they sow behind their nefarious activities, are nothing less than murderers and should be treated as such.

As the President noted, in announcing the new Ambrose appointment:

> I have known ever since law school that there are many terrible crimes. But in my view and as I look at the consequences, the most despicable crime is that of the drug pusher and trafficker because the result of his act is that the life of the individual is destroyed.

Surely, as we have watched the growth of this evil in our midst—as we have seen its effects reach out from city ghetto and into even the most affluent suburb—it long ago became apparent that none but our best must be put into the fight. We have needed—and now I hope we shall get—a more effective Federal effort, and a fully coordinated Federal effort, against those who would deal out this brand of murder and, for profit, engage in this crime against civilization. The selection of Myles Ambrose, to lead such an effort, is the Customs Bureau's loss but, I am confident, will prove to be the Nation's gain. Particularly, do I hope—and believe—that Mr. Ambrose will be especially useful, by virtue of his demonstrated organizational and inspirational qualities, in encouraging not only a better Federal effort against the drug traffickers but, also, in developing a nationwide network of State and local law-enforcement agencies and prosecutors who, by working together, can do far more than on their own, with their limited staff and technical capabilities.

Some measure of Commissioner Ambrose's progress in the Customs Bureau along these lines can be gained from a reading of Miriam Ottenberg's column on this subject, as taken from this Sunday's Washington Star, and some measure of Myles Ambrose, the man, can similarly be gained from a reading of the Saturday New York Times profile on him, both of which articles are now set forth for the benefit of my colleagues:

[From the Washington Star, Jan. 30, 1972]

### CUSTOMS TURNS TO TECHNOLOGY IN WAR ON DRUGS

(By Miriam Ottenberg)

Drug smugglers are considered the most sophisticated and dangerous criminals in the world. Now the Bureau of Customs is using the most sophisticated kind of equipment to defeat them.

No longer does the man on the front line—the customs inspector at the port or border—have to rely on memory or intuition to trap the smuggler. Now he's got machines supplying instant intelligence.

No longer does a customs agent watch ruefully as a plane he knows is carrying a load of heroin disappears over the horizon. Now the word can be flashed from car to car and plane to plane in a continuous surveillance until the smuggling aircraft lands—and the pilot faces a reception committee of customs men.

It's all part of the new look of law enforcement—the technological look. In the past few years, as the Bureau of Customs has been strengthened in its fight to frustrate the drug smugglers, the increased funds have gone into equipment as well as personnel.

As customs has paid off with continually increasing seizures of heroin, cocaine, opium, hashish, marijuana and dangerous drugs, Congress has paid off with bigger budgets. The customs budget has risen steadily from $123 million in fiscal 1969 to $189 million in the current fiscal year.

The outgoing commissioner of customs, Myles J. Ambrose, said much of the additional money will be used for aircraft and boats with "appropriate detection systems." Therein lies the bureau's answer to one of its toughest problems.

More and more over the past few years, private planes have loaded up with heroin, cocaine and marijuana in Latin America and flown to deserted air strips in the United States to unload their cargo. Flying without lights, skimming over the treetops to evade radar, they often have escaped detection. Because they have been successful, they have proliferated, until now the flying smugglers are bringing a "significant" amount of illicit drugs into the United States.

The traditional approaches to narcotics enforcement—undercover men penetrating the mobs, informers telling agents where to look—haven't succeeded in grounding these drug smugglers.

#### 20 FLIGHTS

A clue to how much may be escaping detection came during a test at Brownsville, Tex. Over a month's period, when radar scanned the skies for 47 hours, a total of 20 suspect flights were counted coming into the United States. They were suspect principally because they were flying without lights, or had taken off without filing a flight plan.

To clear the skies of flying smugglers, to draw the line and tell them aircraft can't cross into the United States except through designated corridors, customs sought help from the military.

"We're getting specially configured aircraft with sensors from the military," a customs official explained. "We're going into the military storehouse of knowledge to get the capability we need. The aircraft we borrow from them will be fitted with special equipment to spot and track smuggler aircraft."

The aircraft are being fitted now for their new duties and should be patrolling the skies by spring. They will concentrate on known smuggler routes and move from one to another seeking out the low-flying planes slipping in without lights during the night.

Customs aircraft and high-speed patrol boats are already doing a job of following suspect cars and ships. A lot of smuggled dope is now moving by ship, particularly on the West Coast. Recently, when Customs uncovered information about a huge marijuana shipment coming in by ship, Customs boats and helicopters zeroed in on a barge. The Customs men seized five tons of marijuana, the record for a single seizure of marijuana in the United States.

Pushing Customs' rate of seizures upward to record heights and catching both smugglers and other wanted characters is an intricate intelligence system using modern electronic computers. It's called CADPIN, the acronym for Customs Automatic Data Processing Intelligence Network.

In full service since April 1970, CADPIN now consists of 160 teletype terminals in Customs inspection areas along the 2,200-mile Mexican border, as well as 42 other key points. These include major Canadian crossings, selected international airports and Customs field offices throughout the country. This year, an additional 130 terminals will expand coverage on the Canadian border.

Here's how it works:

As each car moves into the inspection area at a border crossing where passengers and vehicles are first checked, the computer is given the license plate of the car and asked if it's a wanted car. Names, addresses and other information about possible suspects are also fed into the computer. Within one or two seconds, the answer—"Yes," or "No" or "He may be armed and dangerous"—is flashed on the terminal screen.

When a "yes" is given—Customs calls it a "hit"—the computer furnishes additional data on the suspect car or person and the significance of the case. This takes about six to nine seconds and appears on a second terminal in the area, where suspected vehicles have been sent for further examination. That gives the Customs inspector all he needs to take action.

CADPIN is now processing between a third and a half-million primary queries weekly and hopes to have 1,000 terminals at ports throughout the country by the late 1970's.

Since CADPIN started operating, it has scored more than 625 "hits" resulting in more than 315 arrests and seizure of more than 190 vehicles including a number of airplanes.

Drug seizures as a result of CADPIN alerts have been impressive—more than four and a quarter tons of marijuana, 35 pounds of heroin, eight pounds of cocaine, a pound and a half of hashish and about 1.3 million pills of dangerous drugs.

This technological breakthrough works with dizzying speed. Last May, a man and a girl were arrested at San Antonio International Airport trying to smuggle in cocaine. From what they said and papers they carried with them, agents deduced that other cocaine smugglers would be crossing the border. An emergency alert was flashed over the system and entered into CADPIN's data base. At 5:58 p.m. on May 25, exactly two minutes after the lookout was posted, two people were arrested at the Laredo crossing.

CADPIN produces more than smugglers. Last February, it caught a man accused of abducting a little girl from Portland, Ore. It trapped a man wanted for murder at El Paso, Tex., five stolen cars and $4,201 taken in a bank robbery along with the robber who took it. On the humanitarian side, CADPIN made it possible to locate a man to tell him he better see a doctor because he had been exposed to spinal meningitis.

#### NEW NETWORK

In another technological advance, customs has developed a new communications network which its designers say is one of the most advanced and complex in existence. It's something of a hybrid, combining landline-connected base stations, high-powered mobile units and radio repeaters, all linked to sophisticated switching consoles.

What's important to the agents is that no matter how far they are from home base, they're no longer alone. They can communicate from one end of the 2,200 mile Mexican border to the other in seconds and can do it either from a base station or from a radio-equipped car, boat or airplane. That, for instance, is how they can move faster than the suspect airplane they're tracking.

The system is so flexible that mobile units can communicate directly with each other, without going through the central console of that sector while the console monitors all traffic so it can take independent action if that becomes necessary. They can link up with commercial telephone lines as well as with any law enforcement agency in the country anytime of the day or night.

Moving deeper and deeper into technology, customs is going into neutron radiography, X-ray, radar and various sensory devices to try to detect heroin in women's handbags and men's luggage.

They haven't found the device yet to sniff out heroin but they have scored on detecting marijuana and hashish. Their detectives are dogs. In the first 11 months of 1971, the customs detector dog teams made 984 "hits," resulting in the seizure of 13,345 pounds of marijuana, 1,049 pounds of hashish, 2,128 marijuana cigarettes, 33 pounds of opium and small quantities of heroin, dangerous drugs and cocaine.

The dogs and their handlers find the contraband in the mails, in cargo shipments and in concealed compartments of cars, boats and planes. To keep up the interest of the dogs, their handlers sometimes put test parcels of drugs in among the other cargo. The dogs invariably find the parcels.

What keeps the customs agents and inspectors happy—as well as their bosses—are their "hits."

But as Commissioner of Customs Ambrose said shortly before President Nixon nominated him last week to a new drug enforcement job at the Justice Department:

"Machines do not run themselves, men do. So even in this age of advanced technology it is the man on the line, the inspector in uniform, the individual man or woman who has the responsibility and ultimately gets the job done."

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[From the New York Times, Jan. 29, 1972]

### Drug Law Enforcer: Myles Joseph Ambrose

Washington, Jan. 28.—President Nixon's new enforcer of narcotics laws is known as a relentless driver of subordinates who love him for it. One reason is that they know he sets an even tougher pace for himself. Nothing else could explain why 500 customs bureau workers chipped in to hire a movie house and walked there in a steady drizzle before the working hour today just to tell their boss good-by and good luck in his new job.

Myles Joseph Ambrose was 43 years old when he was appointed Commissioner of Customs in 1969 and the youngest man ever to hold the job. In the two-and-a-half years since then he has been working at it 12 hours a day and sometimes longer. His effort shows in the agency's vastly improved operating methods.

"Never ask a co-worker or a Congressman "what have you done for me lately'' says the former New York lawyer, who looks like a blocking back than a bureaucrat. "You'd be surprised at the results you get from asking "What are you going to do for me today?"

Mr. Ambrose's approach to any job he tackles is to bury himself in it. It has paid off handsomely. At Customs it produced a loyalty from staff and rank and file workers that no amount of devotion to duty could equal. Harold F. Smith, the assistant Commissioner for Investigations put it this way:

#### THE GUY IS FANTASTIC

"The guy is fantastic; unbelievable but real. I've been around here for 35 years but never before did I ever see a man call a meeting for a Saturday afternoon and make the staff love him."

Myles Ambrose is a New Yorker of Irish descent and looks it. His height is about 6 feet 2 inches and he weighs just under 200 pounds. His large dark eyes and highly expressive face reflect an easy confidence in himself and what he is doing. He is as much at home in a precinct squad room as a crowded courtroom or a diplomatic conference and has the vocabulary to match any locale.

He bristles with energy. He is a former public prosecutor and defense attorney who talks with a casual friendliness that puts the visitor at ease. He is capable of polished rhetoric, but if called for by the occasion he is equally adept at the monosyllabic vernacular of the New York waterfront.

It was his work as director of the Waterfront Commission for New York harbor and his success in eliminating gangster elements, including loan sharks, narcotics pushers and other known criminals that first attracted national attention.

A flair for innovation that brought results in cleaning up the waterfront gained him a reputation among associates as "a boatrocker who doesn't mind getting wet in getting results."

He invented the "blitz" inspections of piers, including the searching of persons and so-called dead space, such as offices and locker rooms to recover pilfered cargo or contraband. Longshoremen complained but complied rather than lose their licenses.

When he used the same tactics as Commissioner of Customs during Operation Intercept along the Mexican border, highway traffic backed up for five hours at some crossings while his inspectors combed through passenger cars and panel trucks searching for marijuana and heroin.

The Mexican Government complained to the State Department about indignities to which its nationals had to submit and their complaints about "a flamboyant and futile exercise" succeeded in getting it called off after two weeks.

But Mr. Ambrose had made his point and demonstrated what the United States could do when Intercept was succeeded by operation Cooperation, the Mexican authorities began a search and seizure program.

Born in New York City on July 21, 1926, Mr. Ambrose graduated from Manhattan College and holds a J.D. degree from New York Law School.

He served concurrently as an instructor in economics and industrial relations at Manhattan College and, before entering Government service in 1957, was a personnel executive for a New York engineering concern.

As assistant to Secretary of the Treasury Robert B. Anderson, Mr. Ambrose was responsible for enforcement policies of the Secret Service, the Bureau of Customs, the Bureau of Narcotics—since transferred to Justice—the Coast Guard and the Internal Revenue Service.

Mr. Ambrose married the former Elaine Miller in 1948. They have three boys and three girls: Myles Jr., Kathleen, Kevin, Elise. Nora and Christopher.

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## RESTORE PEACE CORPS FUNDS

### HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. FREY. Mr. Speaker, the $5 million reduction in the Peace Corps budget is taking place at the very time when the Corps is experiencing a rebirth of interest and enthusiasm. The Peace Corps is one of the most positive components of American foreign policy. It is a unique expression of Americans' concern for other people in an era when nations abroad are speculating about a new U.S. trend toward isolationism.

The Peace Corps is unique among Government agencies in that it has not only cut administrative costs by $3 million, but also has reduced its administrative personnel by nearly one-third. This means that the proposed cut in funds will have immediate impact on the actual program operation of that agency. Thousands of volunteers, nearly half of those on active duty abroad, may have to terminate their assignments prematurely. Programs in 15 countries may end, and be reduced in 40 others. This cut comes at a time when requests from abroad for volunteers have doubled.

I regard the appropriations cut as a serious blow to a young agency whose efforts have been bent toward the delivery of practical expertise to people in desperate need. Like all new enterprises, the Peace Corps has had growing pains and has learned from mistakes. But under the direction of Director Blatchford, there is renewed enthusiasm for the Corps. By recruiting people from all walks of life, all age groups, and with a variety of skills, the Peace Corps has become a meaningful people-to-people, self-help program. Therefore, I strongly urge Congress to restore the Peace Corps funds so that it can continue its good work.

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## IRAQ EXPELLING THOUSANDS OF IRANIANS

### HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. MOLLOHAN. Mr. Speaker, I wish to draw to the attention of my colleagues the worsening situation between Iraq and Iran in which an estimated 60,000 Iranians have been uprooted and expelled from Iraq. Since the two nations broke off relations over a dispute concerning Persian Gulf holdings, Iraq has retaliated with the indiscriminate expulsion of thousands of Iranians who live in Iraq chiefly to be near their Muslim shrines.

The Iranian Foreign Minister, Abbas Ali Khalatbary, has indicated that the harshness of this intolerable situation could be mitigated if the Iraqis would handle the treatment of these forced refugees in a more orderly and humane manner.

The absence of such procedures is creating a condition in which thousands of Iranians, separated from their families and possessions, are being forced into emergency border camps in subfreezing temperature and deep snow. Many have starved; many have died due to lack of medical care; and many more will continue to suffer needless hardships until Iranian pleas for a more just handling of the refugee problem gains an accord.

I would now like to present several articles which detail the plight of the Iranian exiles:

[From the Indianapolis Star, Jan. 1, 1972]

### Iraq Expels Thousands of Iranians

Teheran, Iran.—Thousands of Iranian men, women, and children were trudging back to Iran yesterday in freezing temperatures after being ordered out of Iraq.

A religious leader, Ayatullah Sheik Mohammed Shahroudi said in Khosrow Shirin, Iran, that another 250,000 Iranians have now been told to leave Iraq within 24 hours. Teheran says Iraq already has expelled 60,000 Iranians.

On his arrival from Iraq, Shahroudi claimed the Iraq, had assaulted and tortured Iranian women and deprived men of their property.

Another religious leader, Ayatulla Sayed Jaffar Khouei, was among a group of 1,000 who arrived in Khorramshahr, south Iran.

Iraq and Iran have been feuding for years. Recently, Iran aroused Iraq's wrath by occupying three small islands at the entrance to the Persian Gulf, through which tankers pass carrying Iraqi oil to world markets.

Describing the expulsion, Khouei called Baghdad security men "more cruel than Bangla Desh revengers." He said he was forced to leave the country in which he had lived all his 65 years. The other Iranian refugees also have long lived in Iraq.

Six pregnant women reportedly gave birth on a two-mile walk from Manzarich in Iraq to the Iranian border post of Khosrovi. Refugees also reported that two men had been tortured and died before reaching the border.

The expelled Iranians said cars equipped with loud speakers have toured the religious towns of Karbala, Najaf, Kazemin and Koufe calling on Iranian Moslems to leave the country within 48 hours or face the consequences.

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[From the Christian Science Monitor, Jan. 13, 1972]

### Iran Chastises Iraq for Ousting Nationals

(By John K. Cooley)

Tehran, Iran.—In a wide-ranging interview with foreign newsmen here, Iranian Foreign Minister Abbas Ali Khalatbary said that:

Iran's Shah, the first head of state to visit Pakistan's new President, did so to "get acquainted" with the President's thinking.

Since Iran opposes "secession of anyone's national territory, in line with the United Nations charter," it could not sympathize with the secession of Bangladesh.

Iran was not bound by its Central Treaty Organization ties with Pakistan to come to its aid militarily against India.

Neither was Iran, however, warned by the Soviet Union to refrain from helping Pakistan against India.

Departure of British forces from the Persian Gulf "does not leave a power vacuum there," but that the British presence would be replaced by "collaboration among the Trucial States."

Iran had no further territorial demands in the Persian Gulf after occupying at the end of November the three islands that were "rightfully our territory." These are Abu Musa, Big Tunb, and Little Tunb.

The islands were occupied for "sentimental and historical reasons" rather than for economic or strategic ones since Iran could easily have blocked the gulf using its older naval and air bases had it wished to do so.

Perhaps the United States Government will officially inform Iran about its recent agreement with Bahrain in the Persian Gulf to use naval facilities there. Mr. Khalatbary recalled that the U.S. has had a naval presence at Bahrain and in the gulf "for many years."

#### RELATIONS BROKEN

"The old U.S. arrangements in Bahrain were with Britain as protecting power," he commented. "Now that Bahrain is independent, the U.S. may have wanted to make new ones with the independent Bahrain Government."

The minister commented at length on Iran's conflict with Iraq and its Persian Gulf policies. Iraq broke diplomatic relations with Iran and Britain because of Iran's island occupation.

Since then, Iran has charged Iraq with expelling 60,000 Iranian residents of Iraq, although the Foreign Minister said that concluding the expulsions were reprisals for the gulf action was "only speculation."

Mr. Khalatbary estimated there were another 250,000 Iranian nationals living in Iraq. They included people living there for religious reasons, especially near the Shia Muslim shrines in Kerbala and Qetef. Others, the minister added, are workers of various kinds including people doing seasonal farm labor in the frontier areas.

The minister acknowledged truth in Iraqi charges that many of the Iranians had no work or residence permits. But he said Iran had no contact with most of them and had never encouraged them to keep Iranian citizenship instead of accepting naturalization as Iraqis.

#### NO JUSTIFICATION

"There was no justification," he said, "for arresting sometimes as many as 11,000 or 30,000 in a single day, not even allowing them to see other members of their families or take any clothes or possessions with them."

He said Iraqi authorities had confiscated identity documents of many, "proving the act was premeditated"—which Iraq has denied.

A nationwide appeal by Iran's Red Lion and Sun Society, equivalent to the Red Cross, for aid in money, food, and clothes had "most gratifying results," he said. But if expulsions continue, Iran will have to appeal for international help.

He said that Iran had asked Switzerland, which protects Iranian interests in Iraq now that diplomatic relations are broken, to intervene with the Baghdad authorities to make expulsions proceed "more humanely."

"If Iraq wants these people out," he explained, "we cannot and do not plan to try to impose their presence. We have only asked that their departure be better spaced out and planned so that we can prepare the effort needed here to give them food, shelter, work, and schooling and thus integrate them into our economy."

At present the refugees are housed in emergency border camps in subfreezing temperature and deep snow.

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[From the Washington Star, Jan. 12, 1972]

### Eighty-Six Reported Dead in Clashes of Kurds, Iraqis

Tehran.—Eighty-six persons died in clashes between Iraqui forces and Kurdish rebels at Niareh in northern Iraq, it was reported here today.

Accounts reaching Tehran said a group of rebels raided the garrison but failed to take it, and 43 persons were killed.

An earlier report indicated that another 43 persons had been killed during a similar encounter in Solaimanieh, northwest Iraq. That clash took place Sunday and Monday following a Kurdish protest against the expulsion of thousands of Kurds among the 60,000 Iranians ordered to leave by the Iraqi government.

The fighting has underscored the erosion of a year-old truce between the autonomy-seeking Kurds and the Socialist Baath party government of President Ahmed Hassan el Bakr.

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[From the Canton (Ohio) Repository, Jan. 8, 1972]

### Dangerous Situations

"Dangerous situations" are becoming so common in the world at large that when they occur they fail to generate the same degree of concern that they did in the past.

Blase observers of the world scene, watching one crisis wind down, are apt to observe, "Well I wonder where the next one will be."

For the moment it appears the next one will involve Iran and Iraq but little notice is being taken of what Iran has described as a "dangerous situation" in a message to United Nations officials.

The Iranian government charges Iraq has created the situation by expelling more than 60,000 Iranians from Iraq in the last 90 days. Members of the U.S. Security Council also have been advised of the mass deportations which must sound a little like the early days of the recent India-Pakistan dispute.

Iraq recently broke diplomatic ties after Iranian troops occupied three small islands in the Persian Gulf in a border-type dispute reminisent of the conflict between the Communist Chinese and the Russians on the border between those two nations.

Although Iran has not yet asked for a meeting of the Security Council on the matter, it is being spoken of as a threat to peace. Stories of ill treatment and even brutality and torture are heard but these, as usual, are denied.

Perhaps the potential crisis will evaporate. On the other hand it might not. If it does not, for awhile, at least, the eyes of the world will focus on Iran and Iraq.

And then, regrettably, there will be another "dangerous situation" somewhere in this troubled world of bumbling men.

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[From the Kayhan International, Jan. 1, 1972]

### Flood of Refugees Continues Across Border From Iraq

Khosravi.—Deportees from Iraq continued to pour into Iran at this tiny border settlement as temperatures remained below freezing. Customs and immigration officials worked round the clock to speed up the intake.

Grim-faced men, weeping women and children, old men and women shivering in the cold and suffering from days without food continued to arrive every hour. They were part of an estimated 40,000 people waiting in nearly 1,000 coaches and Iraqi Army trucks on the other side of the border.

Iranian authorities are doing their best but they have not yet been able to increase the daily intake beyond the 700 mark reached yesterday.

If all 40,000 people waiting for permission to enter Iran are included, the number of people of Iranian origin expelled from Iraq during the past two years would amount to over 100,000.

The mammoth caravan of coaches and trucks bringing in the deportees could be seen stretching for miles into the Iraqi territory.

Officials here said that at least 20 people might have died during the past few days in the border region. Eleven were killed when an Iraqi Army lorry bringing in a group of deportees overturned. Two men died here shortly after arrival into Iran, and officials said the cause of their death was "persistent physical torture" by the Iraqi police. Two other people, one a woman, were feared dead because of starvation on the Iraqi side of the border.

Meanwhile, six women gave birth shortly after being admitted into Iran at a field hospital set up by the Red Lion and Sun Society.

So far 7,500 deportees have been settled at the Masrabad camp near Qasr-e-Shirin while over 4,000 others are being cared for at various mosques in Kermanshah.

The deportees pass through two stages: first, they are admitted into Iran at various border posts, then they are transferred to camps set up in various towns in the west.

Scores of coaches have been brought into service by the local authorities to facilitate the transfer. But a shortage of transport is still being felt.

The emergency organization set up to handle the situation is working round the clock under Premier Amir Abbas Hoveyda's general supervision. Efforts are being made to speed up the intake of the deportees as well as their transfer to various cities.

Local security officials are continuing to screen all the new arrivals in order to identify the saboteurs Iraq is believed to be sending through with the deportees.

Several prominent Shi'ite religious leaders were among the first group to be admitted into Iran this week. They included Ayatollah Haj Mostafa Meshkat, the Imam Jum'a of the holy city of Karbala and one of the leading religious personalities of Iraq. Ayatollah Firuzabad, another Shi'ite leader, also arrived here Thursday and was sent to Kermanshah for medical treatment. He said that he had been subjected to torture by the Iraqi police.

Reliable sources here said that considerable quantities of explosives and small arms have been seized by security officials from a group of Iraqis arriving here recently.

They added that Iranian defences in the border region had been strengthened and emergency measures were being adopted to check every movement made by Iraq in the area.

Kermanshah Governor-General Javad Shahrestani this week toured the city's various mosques were thousands of deportees are being sheltered. He also had a meeting with the religious leaders expelled from Iraq.

Among the deportees there are thousands of people who are suffering from frost-bite, fatigue, malnutrition and injuries received as a result of torture. Almost all the field hospitals as well as hospitals in nearby towns are already full and some people would have to be transferred to cities further inside the country within the next few days.

Some deportees spoke of the "deliberate brutality" shown by the Iraqi authorities. They said that all those put on trucks and coaches to be sent to Iran had first undergone physical torture while some of the women thrown in goals for one or two days had been raped.

In over 80 per cent of the cases the deportees have had their identity documents seized by the Iraqi police before being put on army trucks and coaches and sent to the border region via the town of Khaneqin.

Those still waiting in coaches and trucks between Khaneqin and the Iranian frontier have received no food and water since Wednesday, Dec. 29 and appeals to the Iraqis to distribute supplies among them have been rejected. Hundreds of them, specially children and old people, are threatened with death because of starvation and cold.

Some of the deportees from Baghdad, Karbala, Najaf and Kazemain told reporters here that their houses and shops were looted by the Iraqi police prior to their arrest. One estimated the property looted by the Iraqi police in Karbala alone at a value of 100 million rials.

The loot is usually taken to the central police station in each city where it is divided among men and officers who took part in raids against houses owned by people of Iranian origin or Arab Shi'ites suspected of opposition to General Ahmad Hassan al-Bakr's government in Baghdad.

Before being put on coaches and trucks the deportees have their personal belongings such as watches and women's jewelery removed from them by the Iraqi border guards. In a number of cases Iraqi army officers have even removed the coats of the deportees leaving them stranded in snow and sub-zero temperatures.

"Even a nice pair of shoes could attract the Iraqi army officers," one deportee said. "They are behaving as common thieves and the bazaars of various Iraqi cities are already full of stolen goods marketed by the Iraqi army and police with a cut going to the ruling Ba'ath Party officials.

He added that in some cases Iraqi army officers and men came to blows with each other over "an expensive watch or a piece of jewellery" seized from the deportees.

Authorities here expect the massive influx of deportees to continue for several more days if not weeks. Special groups of the Iraqi police, army and the Ba'ath Party, have been formed to round up other people of Iranian origin still remaining in Iraq. Their number is estimated at 200,000 of which nearly half have already been expelled.

One way of deciding who is Iranian and who is not as far as the Iraqi authorities are concerned, is to see what kind of mosque or shrine an individual visits. Special squads are keeping a watch at all Shi'ite shrine and mosques throughout Iraq arresting anyone who visits them.

"The Iraqi authorities seem to believe that being a Shi'ite is equal to being an Iranian," one deportee said. But over 55 per cent of Iraq's 5.5 million Arab population are Shi'ites.

If the present rate of intake is maintained, and provided that no more people are sent to the border by Iraq the entire convoy of nearly 1,000 trucks and coaches waiting for clearance by the Iranian border authorities could be handled within the next week, sources here said.

Among those expelled from Iraq during the past few days there are over 400 Shi'ite religious leaders, an official spokesman said last week. He said that some of the leaders had Iraqi nationality. All of them would be transferred to Tehran as soon as weather conditions permit.

Kerman Governor-General Mostafa Drakhshesh last week inspected a camp set up near Jiroft for refugees from Iraq. The camp now shelters over 10,000 people but is capable of taking at least twice as much.

A special committee has been set up to coordinate relief work for the refugees. It is headed by Interior Minister Mohammad Sam and includes a number of ministers, technical advisers and planners from various departments. Premier Amir Abbas Hoveyda personally supervises the committee's work.

Nearly 370 suspected Iraqi saboteurs have been arrested by security forces in the border region, reliable sources said Thursday. They were among some 3,800 Iraqi nationals "expelled" from their country during the past few days. The suspects will go before military tribunals on charges of attempted sabotage and espionage. They face the death sentence.

All Iraqi nationals sent to Iran during the past few days, excepting the confirmed saboteurs, will be returned to their country within the next few days. At present they are being sheltered in camps in west Iran.

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[From the Kayhan International, Jan. 22, 1972]

### FRONTIER CLEARED OF DEPORTEES

KHOSRAVI.—The flow of deportees from Iraq into Iran has come to a virtual halt during the past few days, authoritative sources said here last week. Some 40,000 people who had been deported from Iraq late last month have all been cleared and admitted into Iran.

Late last week only 40 people applied to enter Iran from Iraq. They seemed to be the last to arrive and said that they had not witnessed any major concentration of deportees on the Iraqi side of the frontier.

A spokesman for the Red Lion and Sun Society's special "task force" here also said that all the transition camps in the border region have now been cleared and their inhabitants sent to various cities throughout the country.

The Nasrabed camp, near Qasr-e-Shirin, for example, housed several thousand deportees until early last week. By last weekend only a few families were there waiting to leave for Mashad and Kerman.

The spokesman also said that so far over 33,000 deportees have been temporarily resettled in transition camps throughout the country. Some 8,000 others have been resettled on their own or have joined relatives and friends in various towns.

He added that all children of school-age who had been deported from Iraq have already resumed their studies either at special schools set up at transition camps or at ordinary government schools in various towns. Scores of deported university students have also been admitted into various universities and centres of higher education.

The religious teachers and students of theology who had been deported have all been absorbed by Shi'ite teaching centres in the holy cities of Mashad and Qom, the spokesman added.

He said that the programme for finding gainful employment for all able-bodied deportees is being applied successfully. Hundreds of skilled workers have already been found employment while scores of others have found part-time jobs. Many more are employed by the RLSS in various fields connected with the maintenance of the transition camps.

Despite the fact that the period announced by RLSS for accepting cash and material aid for deportees has ended contributions are still being made in many parts of the country.

The spokesman also said that efforts have been made to set up the transition camps in warmer regions in order to avoid hardship for the deportees as a result of cold weather while also reducing the cost of running the camps.

Sources here said that local planners had expected to complete the transfer of all deportees by the end of January but the process was completed two weeks earlier due to greater government help and the availability of more means of transport than originally hoped for.

Despite the fact the flow of deportees has halted the local effective of customs and immigration staffs is being maintained "for the time being."

Sources here say that the main structures created for handling the flood of deportees within the last few weeks would not be dismantled for some time to come.

"Who can be sure of the Ba'athists?" one RLSS worker asked here recently. "We have to be fully prepared all the time because those chaps in Baghdad are so unpredictable."

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[From the Kayhan International, Jan. 22, 1972]

### RLSS DEMANDS FULL RECOMPENSE FOR REFUGEES

Iran has demanded full compensation for material losses suffered by Iranian refugees exiled from Iraq, it was officially announced this week.

The demand came from the Red Lion and Sun Society and has been accepted favourably by the International Red Cross and its affiliated organizations.

A representative group from the International Red Cross, the Union of Red Cross Societies and the Red Crescent, left Tehran for Geneva last week for a meeting called by the RLSS. They are expected to raise the issue in Geneva shortly.

The RLSS has condemned the Iraqi expulsions as inconsistent with the principles of international human rights and the universal declaration of human rights.

It has demanded full compensation from Iraq for material possessions of Iranians who were expelled from that country without a chance to collect their belongings.

The RLSS has explained that many of those expelled have lived in Iraq for several generations and were enjoying happy lives before the Iraq government confiscated their belongings and ousted them from Iraq.

#### ALLOW TIME

Iraq should return the belongings of the expellees so that they can start life in Iran, the RLSS has said, also demanding that in future Iraq should allow time for Iranians to collect their belongings before expelling them.

Future expulsions must also be made in small numbers to help Iranian border officials confirm the nationality and origin of the expellees at border towns.

The RLSS has also demanded the return of Iraqi nationals who have been sent to Iran together with refugees of Iranian origin.

#### IRAQIS

According to documents found on these people, they have served in the Iraqi armed forces and have been proved to be Iraqi nationals, the RLSS has said.

The RLSS has demanded that the International Red Cross assumes the responsibility of returning Iraqi nationals to their country, but it has agreed to provide for their care and accommodation as long as they are on Iranian soil.

Iraq should also put an end to separating family members, as well as stopping the expulsion of pregnant women who have been forced to give birth in trucks and under unhygienic conditions.

The RLSS should be allowed to provide physicians and medicine at border points, the list of demands concluded.

Meanwhile, a committee of five appointed by the Senate to consider the refugee's conditions in Iran announced this week that it would visit a refugee camp set up for 25,000 Iranians in Jiroft in southeast Iran.

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## IT'S "BACK TO STALIN" FOR CZECH CATHOLICS

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. DERWINSKI. Mr. Speaker, we are going through another period where the propaganda machine of the Communist world is grinding out the line of coexistence, moderation, easing of conditions, and all the other false claims that the Communists make for their alleged mellowing process, the purpose being to lull the free world into complacency.

An article in the New World of January 28 tells of the crackdown on the Soviet imposed Red government and religious groups in Czechoslovakia which certainly runs counter to this propaganda line.

The article follows:

IT'S "BACK TO STALIN" FOR CZECH CATHOLICS

(By Gerd Kriwanek)

VIENNA.—The thaw was followed by bitter frost.

This statement applies not only to the political developments in Czechoslovakia after the crushing of the "Prague Spring" in 1968, but also to the situation of the Church.

Experts agree the situation—after the short bright spell of 1968—is similar to that in the Stalinist period. The Church has become the butt of concentrated attacks from two directions—through administrative measures and ideological arguments.

The Communist regime is attempting to curb religious activities slowly but effectively by administrative action. The "truce," which held until talks between the government and the Vatican failed last spring, no longer exists.

More than half of all parishes in Bohemia lack priests, and there is no chance to overcome the shortage. At the moment only 12 students study for the priesthood in the entire Archdiocese of Olomouc. As a result of administrative chicanery, the number of children attending religious instruction in school is sharply declining.

At the same time, the regime has endorsed increased ideological attacks on the Church. Jozef Lenart, first secretary of the Slovak Communist Party, charged the Church with having misused the situation in 1968 "to create a political basis for clericalism and Catholicism."

Lenart claimed religious sentiments were misused by the Church to promote "anti-Sovietism and anti-socialism."

The regime has increased its atheist propaganda. The magazine for teachers, Ucitelske Noviny, urged abolition of any "liberal attitude toward religion and the Church in our society." The journal also pledged increased atheist education of young people by the party, mass media, schools and major organizations.

It also suggested the Academy of Science should devise the best methods to promote atheist education.

Party officials have said repeatedly at recent meetings religion "has a negative influence on the formation of Socialist conscience."

The Bratislava Communist newspaper, Pravda, demanded that religious ceremonies —christenings, weddings and funerals— should be replaced by Socialist ceremonies, because the "Church has misused the most important stages of human life for its own purposes."

Karel Hruza, head of the government state office, has described the regime's plans. "After rightists and counter-revolutionaries are removed from the party and government, we must concentrate in working a platform to cope with the reactionary policy of the Church. Our task is very difficult, but we shall solve the problem."

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## U.N. INQUIRY NEEDED INTO MASSACRE IN NORTHERN IRELAND

### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. BIAGGI. Mr. Speaker, the situation in Northern Ireland has escalated to the point of all-out war. Sunday, British troops massacred 13 unarmed civilians participating in a peaceful demonstration. These marchers were protesting the internment of over 700 citizens without trial under the Special Powers Act.

Mr. Speaker, over the last few months I have been citing examples of the atrocities which have been taking place under this Special Powers Act. Citizens have been snatched up in the middle of the night and physically abused with Gestapo-like tactics.

This rally, therefore, was justified as a peaceful means of bringing international attention to these atrocities and to the internment of innocent citizens in detention camps.

In addition, it was announced in advance by the IRA provisionals, and supported by the regular IRA, that there would be no arms in the march. Clearly, the British forces fabricated the claim that sniper fire was present to justify their attacks on unarmed civilians.

Eyewitness accounts also point to these conclusions. For example, Ivan Cooper, a Londonderry Social Democratic and Labor Party member of the Northern Ireland Provincial Parliament was quoted in the Washington Post as saying:

> I was shot at even though I had raised a white flag as I tried to help a wounded man. I could see innocent people being shot down. I saw the shots coming from the army.

Another party member, William O'Connell, said that after seeing three armored personnel carriers drive up to the crowd—

> Paratroopers jumped out and started to fire at the people, including people lying on the ground. It was completely indiscriminate.

The British troops even arrested a priest as he gave the last rites to a dying man.

The Northern Ireland Civil Rights Association which sponsored the march has repeatedly denounced the use of force or arms. Their efforts have always been in the direction of peaceful demonstration for civil and humanitarian rights in Northern Ireland. Attacks like these destroy the efforts of peaceful groups and encourage the small minority who would use violence to further their own ends.

For the last 2 years I have been attempting to implement measures which would reconcile the differences in Northern Ireland and end the bloodshed there. I have introduced legislation calling for an Irish plebescite to settle differences and reunify Ireland. In addition, I have joined with my colleagues in introducing a resolution calling for the withdrawal of all British forces and the implementation of reforms which would eliminate discrimination in law enforcement, housing, employment, and voting rights. Never has the need for these measures been so clear.

Time is of the essence. Already 232 people have lost their lives in the fighting including many women and children. So far this year 59 people have been killed.

I call upon my colleagues to join with me in these efforts and to call upon the United Nations to begin an immediate inquiry into the tragic incidents which occurred over the weekend. The time for action is long overdue.

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## MARTY A. LOTZ—A LEADER IN COMMUNITY AFFAIRS

### HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. CHARLES H. WILSON. Mr. Speaker, on February 13, 1972, I will join with a group of friends and associates at a dinner to honor Martin A. Lotz. I hope that my colleagues in the House of Representatives will also join in recognizing the distinguished services of this fine American. Marty Lotz has given many years of service to Culver City, both in community activities and as an elected official. I am pleased that we have the opportunity to pay special tribute to this man who truly exemplifies the characteristics that perpetuate this great Nation of ours.

Born in Philadelphia, Marty Lotz moved to Los Angeles in 1928, and finally settled in Culver City in 1956. He has been the owner and president of an aerospace manufacturing firm for over 20 years. During this time he received many citations for his contributions to the research and development of space exploration instruments. Also during these years he has devoted much of his time to various community activities. He has been active in the Boy Scouts since 1957, serving in many different leadership positions. In 1969 he was appointed to the parks and recreation commission, and has been instrumental in setting Culver City's "open-space" policy to provide park facilities in newly developing areas. He also led the campaign to establish a teen center and a senior citizens center in Culver City.

Martin Lotz was elected to the city council in 1968, serving as mayor pro tem in 1968 and 1969. He has served as mayor since April of 1970. During these years he has continued to give unselfishly of himself and his time to improve Culver City.

I hope that all of my colleagues will join with me in thanking Marty Lotz for his years of unselfish service.

## BOYCOTT FRENCH WINES

### HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. HALPERN. Mr. Speaker, the epidemic of drug abuse that has wreaked death and destruction throughout our country has prompted people in all walks of life to ask, "What can we do to stop this plague?"

The first response to this query is, of course, to look to legislative leaders and seek legal reform. In this area, there has been a commendable beginning and a firm indication of the strong stand this body is taking against drug abuse.

Another means by which we, as Americans, can help to put a halt to this scourge is to follow the example of the Long Island Restaurant & Catering Association. This organization has pledged to boycott French wines, liquor, and brandies in order to prod the French Government into dealing more effectively with the heroin processing and transshipment problems in that country.

As reported in the New York Times yesterday, the LIRCA hopes to have this position adopted throughout the country—demonstrating the resourcefulness of local communities in dealing with the serious problem of illicit drug traffic.

Following is the article from the New York Times:

### L.I. Restaurants Boycott French Wines

(By Roy R. Silver)

Woodbury, L.I., Jan. 31.—A boycott of French wines, liquors and brandies in an attempt to have the French Government deal more forcefully with the heroin problems was started today by the owners of many of the top restaurants in Nassau, Suffolk and Queens counties.

The boycott, was voted by the Long Island Restaurant and Catering Association, representing 120 restaurants and caterers.

A proclamation adopted unanimously at a meeting in the Royal Viking Restaurant here said that the main source of supply of heroin was drugs imported from Turkey, processed in Marseilles, France, and then distributed illegally throughout the world.

The restaurant owners said that even if a boycott meant a financial loss to them, it was necessary "to impress the French Government that we will take a strong stand against their apathy in dealing with this problem."

They said that many appeals to the French Government "to seriously crack down on the importers, processors and exporters of heroin for foreign consumption have gone unanswered."

Placards announcing the boycott will be placed in participating restaurants and small cards will be placed on tables to advise customers to refrain from buying French wines and liquors and to order other imported or domestic wines instead.

Warren R. Spellman, owner of the Holiday Manor in Bethpage and president of the local association, said that the Restaurant Association of the State of New York, with 3,000 members, and the National Restaurant Association would be asked to join the boycott.

#### VICTIMS OF ADDICTS

Mr. Spellman, who is also president of the Long Island Committee for Crime Control and vice president of the National Association of Crime Commissions, said that many restaurant owners had been the victims of crimes by drug addicts.

He noted that of the 33 million gallons of wine sold in New York State last year, imported French wines made up "a large share."

"We feel that if each restaurant can sell one less bottle of French wine a day, it will be 3 million bottles a month less nationally," Mr. Spellman said.

He said that many people bought expensive French wines because of their reputation, but added that California and New York State wines were becoming comparable in quality and taste and that customers would switch because "the price is right."

Jean Pierre Gachelin, who is in charge of the division of food and beverages in the commercial attaché's office at the French Embassy, said today the press had reported that "American officials have found that French police and authorities are most cooperative in combating the drug problem."

## THE ECOLOGICAL IMPLICATIONS OF CONTINUED GROWTH

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. HAMILTON. Mr. Speaker, the Club of Rome, an international study group of industrialists, economists, scientists and others, is in the process of completing a report entitled, "The Limits of Growth." The report focuses on the impact of continued economic growth on our environment, and was the topic of two recent columns by Anthony Lewis in the New York Times.

The columns, from January 29 and 31, 1972, offer considerable food for thought and I recommend them to my colleagues. The report itself, to be published in the spring, should be equally provocative.

The material follows:

### To Grow and To Die

(By Anthony Lewis)

London, January 28.—Our diverse worlds—developed, underdeveloped, East, West—have at least one article of faith in common: economic growth. For individuals, for economic enterprises and for nations, growth is happiness, the specific for ills and the foundation of hope. Next year our family will be richer, our company bigger, our country more productive.

Now the ecologists have begun to tell us that growth is self-defeating, that the planet cannot long sustain it, that it will lead inevitably to social and biological collapse. That was the central thesis of the recent Blueprint for Survival" published in Britain, and it is a theme increasingly found in analytical studies of the earthly future.

The proposition is so shocking that the natural reaction is to wish it away. Some economists, the apostles of growth, do just that. There was an especially acute example of wishfulness in a Newsweek column by Henry C. Wallich, Yale professor and former U.S. economic adviser, condemning the opposition to growth as dangerous heresy.

"It is an alarming commentary on the intellectual instability of our times," Professor Wallich said, "that today mileage can be made with the proposal to stop America dead in her tracks. Don't we know which way is forward?"

As long as there is growth, he said, "everybody will be happier." By "allowing everybody to have more" and refusing to "limit resources available for consumption," we shall also have more resources" to clean up the environment.

If Professor Wallich's opinion is representative of the American intellectual community, it is an alarming comment on our awareness of the most important facts of life today. For he is evidently in a state of ecological illiteracy.

There are no such things as endless growth and unlimited resources for everyone and everything. We live in a finite world, and we are approaching the limits. Discussion of growth as an environmental factor has to begin with some understanding of such considerations.

The crucial fact is that growth tends to be exponential. That is, it multiplies. Instead of adding a given amount every so often, say 1,000 tons or dollars a year, the factors double at fixed intervals. That tends to be true of population, of industrial production, of pollution and of demand on natural resources—some of the main strains of planetary life.

The rate of increase determines the doubling time. If something grows 7 per cent a year, it will double in ten years. Right now world population is growing 2.1 per cent a year; at that rate it doubles in 33 years. And with each doubling, the base is of course larger for the next increase. The world had about 3.5 billion people in it in 1970. At the present rate of increase, it will have seven billion in 2003.

Exponential growth is a tricky affair. It gives us the illusion for a long time that things are going slowly. Then suddenly it speeds up. Suppose the demand for some raw material is two tons this year and doubles every year. Over the next fifteen years it will rise to only 32,768 tons, but just five years later it will be 1,048,576 tons.

That phenomenon is what makes it so hard for people to understand how rapidly we may be approaching the limits of growth. For as population and per capita consumption both grow, the curves of demand suddenly zoom upward.

Consider the case of aluminum as a sample of resource demand and supply. The known reserves of aluminum are enough to supply the current demand for 100 years. But the use is increasing exponentially, and at the rate of increase the supply will be enough for only 31 years. Moreover, the multiplying demand is a much larger factor, mathematically, than any likely discovery of new sources of supply. If reserves were multiplied by five, the same growth of demand would still exhaust them in 55 years.

The example of aluminum is not especially chosen to disturb, for there are others that even more dramatically indicate the way exponential growth can run up to projected limits. One is simply arable land. At the present rate of world population growth, the supply of land necessary for food production will run out by the year 2000. If agricultural productivity were doubled, the limit would be pushed back thirty years.

Those estimates are taken from drafts of what is likely to be one of the most important documents of our age. It is a report made for the Club of Rome, an eminent international group of industrialists, economists, scientists and others. Entitled "The Limits of Growth," it was done by scientists using world system models developed at the Massachusetts Institute of Technology. It will be published in March by Potomac Associates of Washington.

The report's authors would never insist on any particular figure. They know that they are dealing with variables, and they have indeed leaned way over backward to make optimistic assumptions in their projections.

But *every model they build assuming continuation of the present world philosophy of growth ends in collapse*. To ignore that tendency, to pretend that growth can go on forever, is like arguing that the earth is flat. Only the consequences are more serious.

### TO GROW AND TO DIE: II

(By Anthony Lewis)

LONDON, January 30.—In the memory of the race, man has always struggled to overcome the limits imposed by nature. His success has been spectacular, especially in this last century of accelerating technology: Today he sees that he has the means to fight pestilence and disease, to unlock even the binding energy of the material world.

When he is told now that the growth of population and production threatens his existence—that growth is approaching its earthly limits—his inevitable reaction is to regard that warning as one more challenge to be overcome. Surely the technology that has enabled human society to grow so rapidly will find a way to break through the limits.

That is one instinct underlying our refusal to believe the scientists who in growing numbers see ecological disaster ahead. Even when they avoid doomsday rhetoric, when they are most calm and reasonable, their message of inescapable limits is difficult to accept. Skeptical listeners argue that man can find or make substitutes for resources that run out. He can multiply the yield of crops, carrying the green revolution further. He can eliminate pollution.

But the skeptics overlook the fact that every piece of technology has a cost. Manufacturing some new plastic instead of using a scarce natural material causes pollution. Suppressing pollution requires capital investment in machinery that in turn has side effects. Our life on earth cannot be separated into convenient compartments. Everything we do affects everything else, and in the end technology cannot escape a finite planet.

Food production is a good example. We know what remarkable gains there have been in agricultural yields. But there are costs, too.

World food production increased by a third between 1951 and 1966. That required increases over those fifteen years of 63 per cent in the money spent annually on tractors, 146 per cent in the spending for nitrate fertilizers, 300 per cent on pesticides. It will be significantly more costly to achieve the next one-third growth in food production. And of course the investment causes pollution and exhaustion of crop land.

Scientists who have been studying growth and ecology for the Club of Rome, an eminent international group, have demonstrated how the problems are inextricably interconnected. The findings are fascinating—and chilling.

The researchers projected the continuation of present growth trends. They discounted major wars or other serious dislocations. They made the optimistic assumption of a 250-year supply of all resources at the current rates of use. (But the point is that the rates will not be steady: They will increase exponentially with population and consumption.)

Their projections showed the world pattern of growth collapsing within 100 years because of natural-resource shortages. It would become increasingly difficult to get at raw materials, requiring more capital. Food supplies would fail as fertilizer requirements could not be met.

Then the scientists assumed that the supply of resources was doubled. On that model, rapidly increasing pollution caused collapse.

The next projection made the further assumption, quite unrealistic, that by 1975 pollution all over the world will be reduced by three-quarters. That would allow industrial growth to carry on longer. But the expansion of cities and industry would use up agricultural land, erosion and land exhaustion would occur, and food would run short.

Finally, on top of their optimistic assumptions about resources and pollution, the scientists assumed a world-wide doubling of agricultural yields. That allowed a huge industrial expansion—and then collapse because of pollution, despite antipollution measures.

Even population control of unimaginable perfection would not avert the collapse. The scientists assumed that world population was absolutely stabilized by 1975. For a while, per capita income and food supplies would grow rapidly. But once again natural resources would run out.

The conclusion of the scientists was that there is only one way to avoid the pattern of boom crashing into the earthly limits. That is to moderate all the interconnected factors: population, pollution, industrial production. The essential is to stop economic growth.

We shall have to await publication of the Club of Rome report—in March—to judge how convincing its scientific arguments and mathematical analyses are. But there is already conviction in the sober method used, and in the fact that this group comes out with the same answer as other reputable studies and books have—the answer of the stable state.

If man wants an extended future, in short, if he wants to avoid the pattern of boom and collapse, he will have to give up the philosophy of growth. Is that socially conceivable? The more one thinks about what is asked, the more staggering are the implications.

## A CLARIFICATION

## HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. ASHBROOK. Mr. Speaker, during consideration of the recent child development legislation I placed in the CONGRESSIONAL RECORD on November 17 extraneous material concerning this legislation. One item was a report by the Emergency Committee for Children which contained this specific quotation, enclosed in the appropriate "quotes":

"Recognizing that communal forms of upbringing have an unquestionable superiority over all others, we are faced with the task in the immediate years ahead of expanding the network of such institutions at such a pace that within 20 years they are available—from cradle to graduation—to the entire population of the country."

The very next paragraph read in part as follows:

"Dr. Urie Bronfenbrenner, a leader at the White House Conference on Children, quotes such statements in his book. 'Two Worlds of Childhood: U.S. and U.S.S.R.,' one of the popular authorities cited in defense of the child development proposals presently in Joint Conference and shortly to go before the President for approval or veto."

Unfortunately, the author of the quote is not clearly identified and could be attributed to Professor Bronfenbrenner. Professor Bronfenbrenner has advised me by letter that he is not the author of the statement in question and that the actual author is S. G. Strumilin, a leading Communist economic planner who was speaking not about the United States but about the U.S.S.R.

To further clarify the record, Professor Bronfenbrenner cited his testimony last year before the Subcommittee on Children and Youth of the Senate's Committee on Labor and Public Welfare concerning his position urging the primacy of the family as the hallmark that should distinguish child development programs in America from the Soviet pattern. He stated in part:

> First, there can be no doubt that day care is coming to America. The question is: What kind? Shall we follow the pattern of certain other nations in which day care programs have served further to separate the child from his family and reduce the family's and the community's feeling of responsibility for their children? Or, shall the American model of day care retain and rededicate our commitment to the family as the primary and proper agent for the process of making human beings human?

## INCREASING THE NATIONAL DEBT

## HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mrs. ABZUG. Mr. Speaker, the Committee on Ways and Means is considering legislation which would authorize an increase in our national debt by $50 billion. I have had the privilege of presenting my views on this subject to the committee and am including the text of my testimony at the conclusion of these remarks.

The essence of my position is that claiming that the debt must be increased so that we can have funds for needed programs is begging the question. There is no doubt that such funds are needed; the difference which I have with the proponents of this legislation is over where we will get this money. Borrowing is not the only answer—in fact, it is less satisfactory and more costly than other alternatives available to us. Appropriate and long overdue changes in our tax structure, coupled with reallocation of some of our overstuffed defense budget, would more than provide the funds which we need for domestic programs.

The statement follows:

### STATEMENT BEFORE THE COMMITTEE ON WAYS AND MEANS ON LEGISLATION TO INCREASE THE CEILING ON THE NATIONAL DEBT

Chairman Mills, Members of the Committee, I am pleased to have the opportunity to present to you my views on the question of increasing the ceiling on our national debt.

There can be no doubt that the federal government requires additional funds to undertake new programs and to expand existing ones. I fully support increased federal spending in such crucial domestic fields as housing, child care, public service employment, mass transit, and pollution abatement. While I believe that much of our federal defense spending is unconscionable, my primary objection to the proposed debt limit increase goes not to federal spending *per se*, but to the sources from which federal revenue comes.

We will spend 6% of our total budget—over $21 billion—for debt service in the coming fiscal year. The debt service on an additional $50 billion indebtedness will cost another $2 or $3 billion annually for years to come. There is ample money to be had, and we can obtain it in ways far less costly than borrowing it.

The most obvious and fruitful area in which we should begin the process of equitable and effective raising of revenue is the federal income tax structure. For example, we might reduce the oil and mineral depletion allowance, and increase the 25% maximum tax on long-term capital gains.

We must, as a matter of policy, look to those best able to contribute financially to the burden of government, rather than to the already overburdened low and middle-income taxpayers. The unending process of increasing the national debt places an ever increasing burden upon these individuals, for it is they who are taxed inequitably to pay the interest on that debt.

I might add that while changes in our tax structure are very much in order, they are not the only possible source of funds for critical programs. Our defense budget will swell to over $80 billion in the coming fiscal year; there can be no doubt that the waste and unnecessary expenditures in the defense area could fund many, many valuable domestic programs.

I regret having to oppose the increase in the national debt ceiling, but I feel strongly about the need to reorder our means of spending and raising revenue. Passage of the debt increase proposal now before you would, in my opinion, constitute an admission that we cannot or will not reorient our revenue structure. This is an admission that we should not have to make.

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## WAGE-PRICE CONTROLS: THE TALE OF TWO STUDENTS

## HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. CRANE. Mr. Speaker, the concept of wage-price controls is certainly not new, although there is admittedly something new in seeing such a policy supported by those who had previously criticized it as fallacious and as one dealing only with the symptoms and not with the causes of inflation.

In 1951, college debaters throughout the United States considered the subject: "Resolved, that the Federal Government should adopt a permanent program of wage and price control." At that time, of course, it was the Democratic Party which supported such a policy, and the Republicans which opposed it.

Two college debaters approached Frank Chodorov, at that time associate editor of Human Events, and asked for some assistance in handling this subject. Chodorov asked them, "What is the purpose of price controls?" Their reply was, "To keep prices down, of course." He asked what made them high, and the reply was, "A shortage of goods and a great demand."

To this, the editor suggested that the problem might be a bit more complex. He said:

> Or an abundance of money. . . . The controls won't bring more goods to market and they are not intended to reduce the amount of money in circulation. They simply aim to compel sellers to accept and buyers to quote, prices lower than those prevailing in the free market . . . price controls had the effect of creating shortages and thus raising the prices they were designed to lower.

Mr. Chodorov was told that the students had to debate the affirmative and not the negative side of the question. He then sought to explain to them the doctrine which underlined the fallacy of controls. He told them:

> In this case, the doctrine is that political power can make the market place jump through a hoop; there are no laws of economics to hamper the strong arm of the state. We had to accept that position, if we were to be of any help to the affirmative side.

After hearing Mr. Chodorov's explanation, the students who were to support the concept of permanent and compulsory control of wages and prices, replied "Hold on, you're preaching socialism." The young man declared:

> You mean to say that to support the affirmative in this debate we have to take the position that the individual has no rights? That the state is supreme?

The response of Frank Chodorov was, of course, that this was indeed the basic premise of the affirmative position.

The young people involved came without prejudice. When they came to understand that the underlying doctrine for controls was that of statism "their sensibilities were aroused."

The arguments for and against compulsory wage-price controls in 1972 are precisely the same ones introduced by Frank Chodorov in 1951. Why some men are coming to different conclusions in 1972 than they did in 1951 is difficult to understand.

The late Mr. Chodorov wrote of his encounter with these college students in Human Events of November 28, 1951. This article has been reprinted in the Freeman for December 1971, and I share it with my colleagues:

### THE TALE OF TWO STUDENTS

They were members of the debating club at a local college, and would we please help them prepare for the debate: *Resolved, that the Federal government should adopt a permanent program of wage and price control.*

They had good reason for coming to us. *Human Events* had made editorial comment on this debate topic in a recent issue, and the students inferred that we were something of an authority. We are not immune to flattery, and the coed debater was pleasant to talk to.

To bring the matter up to date: Before the college season opens, some five hundred colleges submit to a central committee their ideas on what ought to be debated. The committee consists of faculty representatives from four intercollegiate fraternities and a member of the American Society of Speech. These five sift the suggested subjects and draft four resolutions that seem to embrace the major ideas. The four resolutions are submitted to the member colleges; the one receiving the highest vote becomes the debate of the year.

Our editorial comment on the topic for 1951–1952 was that it is "loaded"—the mere statement implies the acceptance of a questionable premise. The premise is that a wage and price control program is not only practical but even desirable; that goes without saying, and the only matter left open for discussion is the desirability of a permanent program. We pointed out, also, that in the current textbooks, with which we are familiar, the idea of controls is favorably treated, so that the debaters on the negative side would be arguing against what they had learned in class. If they debated well, how would they fare in their economics examinations?

The notebooks were made ready. We adopted the Socratic method. What is the purpose of price controls? we asked.

"To keep prices down, of course."

What made them high?

"A shortage of goods and a great demand."

Or an abundance of money, we volunteered. The controls won't bring more goods to market and they are not intended to reduce the amount of money in circulation. They simply aim to compel sellers to accept, and buyers to quote, prices lower than those prevailing in the free market.

"You are implying," said the young lady, "that there is an immutable law of supply and demand. One of my books says there is no such law."

Immutable, we ventured, is a long word leading to a long argument. Would she be good enough to tell me what she would do, were she a dressmaker, if the fixed price of dresses were below her costs?

"I'd quit making dresses."

Unless she reluctantly accepted prices forced upon her by women who disregarded the law, we added. However, if she went out of business, there would be fewer dresses on the market. Would the price of dresses then go up or down? The question, she suggested, Q.E.D.: that price controls had the effect of creating shortages and thus raising the prices they were designed to lower.

She demurred: "The government could go into the business."

And could sell dresses at a loss which would be made by taxing the buyer of dresses.

"Can't enforcement agencies hold prices down?"

We traced the course of a pork chop from litter to the butcher shop, just to pick up the number of points at which prices would have to be fixed and surveillance maintained, not overlooking the hide's trip from slaughterhouse to the glove shop. Would it be wrong to estimate that the number of cops needed to enforce price controls in general would come to at least a tenth of the population? Would not the withdrawal of these men from productive work result in lessening the supply of goods? And, who would watch the cops?

"Well, then, are you in favor of the black market?"

We are in favor of the true market, even if it is labeled "black." The true market never can be suppressed. Even the ruthless Soviet commissars cannot do it. The students were surprised at this remark, so we related how, when the Russians reduced the value of the ruble several years ago, they gave as their reason the large fortunes that had been built up by "profiteers"—which was an admission that an illegal market had been in operation. (Patronized by law-enforcement agents.)

### THE LOOPHOLE ECONOMY

"But, Americans are law-abiding. Didn't the OPA hold down prices during the war?"

They were too young to remember, and their textbooks do not record the shenanigans under OPA: how butchers would be "fresh out" if you asked them to weigh the meat before your eyes; how the tails of men's shirts were cut short to meet the fixed prices; how you had to buy an accessory you didn't want, at an outrageous price, in order to get an automobile at the legal price.

"If wages are held in line, prices would automatically follow."

Under wage controls, we explained, both employer and employee become criminals if one offers and the other accepts an increase in wages. During the war, to avoid putting everybody in jail, the War Labor Board hit on the device of up-grading jobs so as to make increases in pay legal. But applications for permission to increase were too numerous for the Board to handle, and the employers in desperation resorted to under-the-counter wage boosts, in order to hold their employees (so as to fill defense orders).

"You mean that neither prices nor wages can be controlled?"

Yes, they can; in the army or in prison.

### THE ARGUMENT FOR CONTROLS WHEN THERE IS NO CASE

"Wait a minute," the coed interjected, "I've got to take the affirmative side. I need arguments in favor of controls."

That was a chore. How does one support what one holds to be a fallacy? Well, underlying every fallacy is a doctrine, and if you accept the doctrine, the fallacy seems to melt away. In this case, the doctrine is that political power can make the market place jump through a hoop; there are no laws of economics to hamper the strong arm of the state. We had to accept that position, if we were to be of any help to the affirmative side.

Sticking to the Socratic method, we asked: what is the advertised social purpose of controls?

"To distribute equitably whatever is in short supply."

Like the father, we suggested, who sees to it that none of his children gets more than the others. That is what we call "egalitarianism." To argue the affirmative in this debate, we said, you must accept egalitarianism as an ideal and a possibility; you must assume that the state has the right, the capacity, and the duty to allocate production and equalize consumption.

"Hold on; you're preaching socialism."

Maybe statism, we volunteered, is a better word. But, why get disturbed over a name?

"We don't dare mention socialism. The students don't like it, and neither does the faculty adviser."

Then we remembered that in the textbooks this controlled economy business is described as "democratic." Socialism is not mentioned. Putting nomenclature aside, we pointed out that the affirmative in this debate must rest its case on the goal of abolishing inequalities in the distribution of wealth and the state's ability to do so.

"What about the rights of the citizens?"

Pure fiction, we sneered. The only rights the citizens have are the privileges given him, on lend-lease, by the state.

"You mean the worker does not have the right to sell his services to the highest bidder?"

Of course not. We must keep in mind that the good of society, as determined by the state, takes precedence over the good of the individual. After all, if the worker insists on fending for himself, how can the state take care of his interests?

"But, surely, if a farmer has put his back into a bushel of potatoes, those potatoes belong to him and he has a right to sell them for whatever is offered."

### PROPERTY RIGHTS REJECTED

It was the young man who brought up the right of property, and we had to argue that that, too, is fiction. In his textbooks, we said, he would learn that in our highly integrated economy the individual worker produces nothing; society is the only producer. If society produces everything, the state has a first claim on everything, and is entirely within its rights when it confiscates property (by taxation) and distributes it for the general good.

They were perturbed. This was hard to take. "You mean to say that to support the affirmative in this debate we have to take the position that the individual has no rights? That the state is supreme?"

That's your basic premise, we insisted. Once you admit that the individual has rights which the state must respect, the case for controls is lost.

The students had come to us without prejudice. They were interested only in winning a debate, whichever side they took. But, when the argument for controls was related to the underlying doctrine of statism, their sensibilities were aroused. The debate took on a new meaning; it was not an impersonal verbal joust; it was a battle of values, a contest between right and wrong—and neutrality was impossible.

When they left, we felt that freedom is not a lost cause. It is rooted in the human soul; it cannot be eradicated by sophistry, nor obfuscated by erudition. Once it is spelled out, youth will recognize freedom, embrace it, and, if need be, fight for it.

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## THE BURIAL OF A KING

## HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. NELSEN. Mr. Speaker, working in my Washington office, I heard a rumor that I would be named by the President as one of the representatives of the United States that would attend the funeral of King Frederik IX of Denmark. The rumor proved true. Soon the word came through which meant much to me and were my parents living, words would never quite express their pride that I should be chosen to go—along with our sorrow at the death of the Danish leader.

This mission meant that proper dress had to be rented because nowhere in my wardrobe do we have long tails, a top hat, white vest and tie and all that goes with it. The State Department proved most helpful, though, in guiding us properly on all the protocol matters.

Late Saturday afternoon, January 22, I joined Mr. Cornelius Vanderbilt Whitney, and former U.S. Ambassadors Guilford Dudley, and John Eisenhower at Andrews Air Force Base outside Washington. The big Air Force plane was parked waiting for us. It was marked "The United States of America."

On such a mission at such a time, I realized anew that the greatness and opportunity of our country far overshadows its turmoil. In any event, away we went—8 hours to Copenhagen nonstop. During those 8 hours, I did a bit of thinking. My father and mother had crossed the same ocean below in about 8 days, and I will have more to say about them later.

Arriving in Copenhagen, we were met by officials of the Danish Government as well as by the U.S. Ambassador, Fred J. Russell. We were later briefed on all the ceremonies to come.

The burial of a king is a majestic event, particularly in this case because of the great respect the Danish people had for their king. Bells tolled, shops were closed and a genuine sense of sadness prevailed because of the death of this great man who would roam the streets and meet the people of his country regardless of their rank or station in everyday life. He had never needed to fear violence because he reflected compassion and respect for all people who deserved respect. He was much beloved, as evidenced by the tremendous representation of other countries at his funeral.

On the day of burial, the king was borne through the streets on a gun carriage hauled by nearly 50 Danish naval cadets, followed by a procession of dignitaries and commoners that numbered well over 100,000. The king's body was then taken by train under royal escort to an 800-year-old cathedral at Roskilde, about 20 miles outside Copenhagen, and for many centuries the burial place of Danish royalty.

I was deeply impressed by the majesty and beauty of the service, and I experienced a feeling of great closeness with the Danes. I was the only member of the American delegation able to join in singing the Danish hymns, and it seemed as though we were singing for a fellow countryman. Later at an official reception, we joined in expressing the regrets of the American people to the Danish royal family.

The little country of Denmark has survived many trials. It has produced many hard-working, God-fearing people who have become a part of our own country, the United States of America.

And this, of course, brings me back to my parents, God bless their memory. Nels Peter Nielsen and his bride, the former Elisabeth Anderson, looked to the United States as a new home. Both about 24, they booked passage from Denmark on the cheapest line at the lowest rate available. Money was scarce. They arrived in America with little in their pockets but much in their hearts, including pride, determination, and a deeply religious conviction and dedication. At that time, there was no Government program to help them. In subsequent years, they suffered many trials, illness, hard times, but they survived. Their sights were set high and in their moderate way, they achieved success and presented a fine example in their community. Theirs was a responsible tradition that sometimes seems to be lost in the present day.

But theirs was the legacy and tradition that has helped to build America. It was my great honor to bear this legacy with me from this great land of opportunity in returning to their homeland for the burial of a king.

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## WATER POLLUTION LEGISLATION: ITS BENEFITS AND ITS THREATS

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. RARICK. Mr. Speaker, one of the major bills scheduled for early consideration by the House this session is the House version of the Federal Water Pollution Control Act Amendments of 1972, H.R. 11896.

Once again, this House will be called upon to vote on a bill that would sacrifice reason for emotion, a bill that would, like the Pesticide Control Act previously passed, give the Environmental Protection Agency the power to control American economy and force it further and further down the path to total socialism.

Too often this House has acted idealistically, not realizing the true effect of environmental legislation; this water pollution bill will once again present such a problem. The cost of implementing such a proposal as this may be too dear—and it is the consumer who will suffer as American industry forces the public to absorb the cost of complying with unrealistic Federal guidelines.

I urge our colleagues to consider seriously the basic question of this legislation: It is not a question of "Do we need this legislation if we are to clean up our waters?" It is, rather, "If we pass this legislation, will its environmental benefits be more than offset by the social, economic, and technological costs required to implement it?"

There is a strong possibility that the answer to the latter question is "yes" and we may still not have pure water.

I include an article from Barron's of January 31, 1972, that offers an insight into the possible impact of such legislation on American economy in the RECORD at this point:

### EFFLUENT SOCIETY?—PENDING WATER POLLUTION CONTROLS WOULD COST INDUSTRY DEAR

(By Douglas Caddy)

Now that Congress has reconvened for its second session, it will pick up where it left off in processing major legislation. At the top of the list is the Federal Water Pollution Control Act Amendments of 1972, an impressive title for an array of concepts and proposals which may drastically affect the balance sheets of American corporations for at least the next decade.

In the opinion of most Congressional leaders, the new water bill could be the most important legislation enacted by the 92nd Congress. One thing is certain: if the proposed 1972 amendments to the Federal Water Pollution Control Act of 1965 are adopted without substantive modification on the floor of the House, their potential impact upon the economy and upon industry, agriculture, labor and government will be profound. The bi-partisan leaders of the House Public Works Committee, in announcing that the Committee had ordered its bill HR 11896 reported on the day before the first session of Congress ended, described it as "the most significant water improvement legislation ever reported to Congress," meaning the 1972 offspring amendments certainly outshine their parent act passed seven years ago.

#### SENATE VOTE

The Senate passed its own bill S. 2770 on November 3. The vote of 86–0 clearly reflected the absence of controversy and debate, although Senators —— and ——, who serve on the Senate Public Works Committee, voiced concrete reservations about some of the bill's provisions. The Senate Public Works Committee in the past two years devoted 33 days to public hearings on the water legislation, heard 171 witnesses, received 470 statements for the record, compiled 6,400 pages of testimony and held 45 executive sessions. In the end, even the two slightly critical Senators, joining in praise for —— for skillfully guiding the bill toward successful passage, voted "yea" and sent the measure to the House.

——, chairman of the House Public Works Committee, almost immediately indicated he strongly opposed reopening the public hearings on the legislation which his committee, like its counterpart in the Senate, had been conducting for months. The Administration, supported by industry and state governments which felt the Senate bill weakened their pollution control powers, pressed for new hearings. Within a week after having voiced opposition to the hearings, —— succumbed and scheduled final hearings for December 7–10.

The four days of hearings saw a parade of prominent witnesses—from the Republican governor of New York, Nelson Rockefeller, to the then Chairman of the Council of Economic Advisers, Paul McCracken—criticize the Senate and House bills as embracing the wrong goals and establishing dangerous regulatory powers. Nevertheless, on December 16 the House Committee voted to order its own bill, stronger in some aspects than the Senate version, sent to the House floor where it will be voted upon, perhaps as early as February. ——, who is Acting Chairman while —— recovers from a slight heart seizure, and ——, ranking minority member, declared the House bill goes "with the overwhelming bi-partisan support of the Committee's members."

#### COMPLEX PROVISIONS

One reason why little or no opposition is voiced against the legislation in Congress is that few members of Congress admit they understand the amendments' complex provisions and concepts. Indeed, it is worth noting that the Senate Public Works Committee on October 28 voted to report its bill but the actual text and committee report were not available until November 1, the day before the Senate was scheduled to vote. S. 2770 is 190 pages long and its length and complexity undoubtedly deterred many Senators from reading the bill in the 24 hours between the time the bill became available and the debate and vote. Thus, the Senate almost blindly relied upon the collective judgment of its Public Works Committee, which strongly recommended passage.

It was not until after Senate passage that the Administration and other critics awoke and began to clamor for a re-examination by the House Committee. S. 2770 and H.R. 11896 (as introduced on November 19—the text of the final bill will not be ready until February) must be read sentence by sentence to pierce their complex concepts and provisions. After doing so, one veteran Washington lawyer described the bills as "virtually a world's fair of legislative ingenuity and legal intricacy."

TOTAL NATIONAL COSTS OF SUCCESSIVE LEVELS OF POLLUTANT REMOVAL

[Dollars in billions]

| Level of removal | Total cost | Cost per incremental percentage point of removal |
|---|---|---|
| 85 to 90 percent | $61.0 | $0.7 |
| 95 to 99 percent | 119.0 | 6.0 |
| 100 percent | 317.0 | 66.0 |

Source: Estimates of the Council on Environmental Quality and the Environmental Protection Agency. In effect the data are in terms of 1971 dollars, since no price inflation has been built into the data. Total costs include a 10-year program of capital expenditures and 20 to 25 years of operating costs for those facilities.

The controversy that has developed since Senate passage swirls around five concepts embraced by both bills:

First, the legislation sets a series of goals to be achieved and deadlines to be met in order for the country to obtain pollution-free water.

By June 30, 1974, municipal sewage pollution facilities will provide the equivalent of secondary treatment.

By July 1, 1974, construction grants for treatment facilities will be made on a regional, or area-wide basis, rather than on a city or town basis as in the past.

By January 1, 1976, industrial sources of pollution will be required to have the best practicable control technology.

By January 1, 1981, industry will cease water pollution discharges.

By 1985, the discharge of all pollutants from all sources into navigable water will be eliminated.

#### INTERIM GOAL

There is one general interim goal: to make lakes and streams clean enough by 1981 for swimming and for the propagation of fish, shellfish and wildlife.

The Administration and industry representatives argue that the setting of these goals and deadlines is unrealistic and could lead to a new undermining of the confidence of the citizens in their government when expectations are not fulfilled. Environmental Protection Agency Administrator William Ruckelshaus told a National Press Club luncheon on the same day that the House Committee ordered its bill reported that the provision for the elimination of all discharges into waterways by 1985 is not technically feasible.

Earlier, in committee testimony, the chairman of the Council on Environmental Quality, Russell Train, also criticized the goal. After noting that "since wastes will not simply disappear and must be disposed or recycled in some way," Train observed, "a no-discharge requirement presupposes that it is uniformly preferable to dispose of all water-borne waste on the soil or in the air rather than in the water, except where some type of re-use is possible. It is true that the land should be considered and quite possibly used to a much greater extent as an alternative to water for waste disposal, particularly for wastes that are composed of usable nutrients. However, I am aware of no evidence that land can be regarded as the best or even a viable solution for all or most waste disposal requirements. There are practical limits on land availability; there is potential for contamination of soil and ground waters by heavy metals and other materials.

"These and other questions need, and are receiving, further research and investigation. Moreover, surface water has a capacity to absorb a certain amount of wastes without harm. Although we certainly should not abuse or strain this capacity, neither should we ignore it, especially not without weighing the environmental hazards of the alternative disposal choices." Train further noted that incremental costs of abatement increase greatly as higher levels of reductions are required. This is shown in the accompanying table.

#### EFFLUENT LIMITATION STANDARDS

The second major concept is abandonment of water quality standards developed under the 1965 Act and substitution of effluent limitation standards. Premised on a determination of the beneficial uses to be made of a given body of water, water quality standards include a description of the quality necessary for such uses, stated in physical, chemical and biological measures. A schedule of remedial actions to achieve and preserve such quality is included.

The proposed effluent limitation standards would require the progressive restriction on discharges into the water until the point is reached when no pollution effluent is discharged, i.e. 1981 for industry, and 1985 for all other sources.

EPA Administrator Ruckelshaus, in criticizing the substitution of effluent limitation standards for water quality ones, points out that this concept would forbid tertiary chemical treatment of sewage. Such a system is currently being installed at the Blue Plains sewage plant for the District of Columbia and, according to Ruckelshaus, the discharges from this treatment will be just short of drinkable quality. However, under the concept of effluent limitation the treated discharges could not be put into the Potomac River. According to Ruckelshaus the alternative will necessitate the building of huge lagoons for sewage sludge settlement and the use of irrigation or some other system for the return of disinfected sewage effluent to the land. EPA favors the new legislation building upon the existing foundation of water quality standards and employing effluent limitation only as a tool to achieve such standards.

The legislation's third major concept is to achieve the "no discharge" goal and effluent limitation standards through two phases. Phase I would require industry to apply the "best practicable control technology currently available" by January 1, 1976. Phase II would require industry to apply the "best available control technology" by January 1, 1981, if it is unable to eliminate completely the discharge of pollutants. A part of this concept is that all new point sources of discharge for 28 industrial groups (such as textile, steel, paper, chemical, etc.) will be required to use the "best available technology" and, if practicable, to meet a standard of performance which permits no discharge of pollution.

Industry representatives express concern over this concept because the legislation fails to define adequately what constitutes best "practicable" control technology, opening the possibility that the EPA or private parties in citizen's suits allowed under the act, might take the position that any control technology which is "possible" or "capable of being used" (the dictionary definition of practicable) is required. Since the two bills establish a precise standard of "secondary treatment" for publicly owned plants, they argue that precise standards should be applied to industry.

Industry is also disturbed over the logistical problem of meeting the Phase I January 1, 1976, deadline, since EPA regulations defining the treatment facilities will not be available until 1973. The design and installation of sophisticated treating facilities for large or complex manufacturing plants involve a lead time of several years. Moreover, thousands of plant owners will be competing at the same time for the equipment and construction labor. There is already about $7 billion worth of waste treatment facilities for which federal financial assistance has been committed, construction of which is incomplete or not yet under contract. Still another problem is that Phase II will see a separate and more stringent standard for treating facilities. Thus, after massive investment in Phase I facilities, industry may quickly find that they do not satisfy the act's requirement.

### NO SOLACE

The citizen's suits and administrative and judicial procedure set forth in the amendments comprise the fourth major concept. Since the act will permit citizen's suits to enforce compliance, industry may find no solace in the suggestion that EPA will be reasonable in applying the act and in resisting literal compliance.

The amendments would allow any citizen to initiate a civil suit against any party who is alleged to violate an effluent limitation or a federal or state abatement order, or against the EPA Administrator for failure to perform a non-discretionary act. If EPA or the state initiates a civil or criminal action on its own against the alleged violator, no court action may take place on the citizen's suit.

Any party who willfully or negligently violates its discharge permit or who violates several other specific provisions contained in the amendments shall be liable to a fine up to $25,000 per day of violation and/or one year in jail. The penalty for the second conviction is $50,000 per day and/or two years in jail.

The Senate bill requires a petition for review of EPA's promulgation of standards relating to new sources of toxic pollutants and any petition for review of the EPA Administrator's acceptance or rejection of a state's procedure for controlling new sources or issuing permits to be filed within 30 days in the U.S. Court of Appeals for the District of Columbia. A challenge to the Administrator's actions cannot be raised in civil or criminal enforcement proceedings.

### FAIR SHAKE

Industry representatives argue these provisions substantially deprive interested parties, including the states, of access to judicial review. Since the U.S. Court of Appeals in the District of Columbia is characterized by some as a "liberal" court, they believe that they would receive a fairer shake if appeals could be filed in the U.S. Court of Appeals for the appropriate local circuit.

The House bill contains a provision which may prove to be a superior judicial procedure. It requires the President, through the Department of Justice, to study and make recommendations on the advisability of establishing an Environmental Court to resolve disputes over administration of pollution control measures.

The final concept embodied in the amendments is contract authorization. This would eliminate the budget-appropriation process of Congress and would give EPA direct authority to enter into contracts. At stake is the contracting authority to disburse vast sums of public sums. The House bill calls for a total outlay of $27 billion over four years—$7 billion more than the Senate bill. The Administration had originally recommended $8 billion for the same time span.

Of the $27 billion in the House bill, $20 billion would be for sewage-treatment plants, including construction of collection systems. The Senate bill authorizes $14 billion for plant construction. Both bills, in bypassing the normal budget-appropriation process, allow EPA to enter into long-term contracts with regional authorities. The federal share of construction costs under HR 11896 would range from 60% to 75%, depending on the state's contribution. This compares with 60%-70% in S. 2770 and 30%-55% in existing law. Both bills also authorize reimbursement to cities and states for their sewage plant construction work since 1965 ($2.4 billion in S. 2770 and $2.75 billion in HR 11896).

### SIDESTEPS SAFEGUARDS

EPA Administrator Ruckelshaus, who would have the authority to disburse the billions of public funds, is opposed to contract authorization—as are a number of Senators. He says it "side-steps all the safeguards and discipline provided by the budgetary-appropriation process. . . ."

The concept of contract authorization raises perhaps the most fundamental question concerning the potential impact of the water act amendments: will the economy be adversely affected?

Paul McCracken believes it may well be. In testimony before the House Committee last December he observed: "If new programs are taken in without seeing clearly the magnitude and character of future commitments, they may get out of line with our capability in the future to produce, thereby imposing severe strains and distortions on the economy. . . . We are already on an expenditure course such that federal outlays will tend to rise more rapidly than the increment of revenues that ongoing economic growth will yield with any given system of tax rates."

He warned that the impact of the water legislation could "turn out to be proportionately heavy on industries and products that are important to our foreign trade" and could lead to enlarged structural unemployment, the most difficult to control because it is caused primarily by disappearing markets.

In concluding, McCracken indicated his prepared remarks held three implications:

(1) "The commitment involved in H.R. 11896 is large. Required capital outlays for a sustained period would be equal to something like one-tenth of business fixed investment, and another like amount would be spent for operating costs.

(2) " . . . It would appear physically to be very difficult for this country under its system of construction as currently organized to produce the physical plants to achieve the level of effluent removal suggested by 1981 by either the Senate or House bills. Over the last two years the rate of growth of construction of waste disposal facilities has been 25% annually. This compares with a long-term rate of growth of approximately 6%. . . . Higher levels of activity in this sector could lead to more rapidly escalating inflationary pressure. . . ."

(3) The question of the economic feasibility of carrying the removal level to 100% "is not answered by whether even purer water is better but whether after achieving a reasonably high level of removal the large resources involved to achieve small further gains could contribute even more to our material welfare if they were to be used elsewhere. . . ."

### IMPORTANT EFFECT

The economic common sense contained in McCracken's comments had an important effect. Committee members agreed to insert a new provision in their bill to require that within two years after enactment the National Academy of Sciences would complete and report to Congress a study of the social, economic and technological effects that would result from achieving the 1981 clean water goals. The requirement that industries must use the best available pollution control technology would not come into force until the Congress takes action to implement the findings of the National Academy of Sciences study. Practically, this might mean the 1981 requirements would not take effect unless Congress reimposed it.

Of course, even if provision requiring this study is retained in the bill on the floor of the House, it may be struck out when the House and Senate bills are sent to conference committee. Nevertheless, the McCracken testimony and the proposed study do serve to focus the attention of the entire House not on the question most frequently posed up to now: "Do we need this legislation if we are to clean up our waters?" but instead: "If we pass this legislation, will its environmental benefits be more than offset by the social, economic and technological costs required to implement it?"

If Congress enacts the water act amendments, President Nixon is not likely to exercise a veto. To do so, as Ruckelshaus says, would open him to accusations that he favors "dirty water." Accordingly, Ruckelshaus cautioned the House Committee members in enacting legislation: "We must be as careful as surgeons. We must take care not to throw the proverbial cat out with the bathwater."

## ANNUAL GEORGE E. STRINGFELLOW CANCER EDITORIAL CONTEST

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### HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. WIDNALL. Mr. Speaker, these recent months have seen a growing awareness on the part of our Nation's citizens and its legislators of the need to curb the destructive forces of one of this country's great killers—cancer. This widespread concern has culminated in the passage of the Conquest of Cancer Act through which the evils of this dread disease will hopefully be more rapidly eradicated.

In the forefront of this struggle to wipe out cancer for the past 57 years, the American Cancer Society is certainly pleased that the conquest of cancer has become a national priority and it will continue its efforts in the fields of research, public and professional education and service to the cancer patient until the day when these services are no longer needed and cancer ceases to be the killer it is. It is toward this end—a cure for cancer—that the volunteers of the American Cancer Society are working. The New Jersey division of the society, with a solid force of more than 60,000 volunteers, is an active part of this national organization and carries out programs in all areas of the society's work.

Researchers, supported by American Cancer Society grants, are working toward this ultimate goal at five research institutions throughout the State.

Service to cancer patients and their families is readily provided by volunteers in each of the division's 21 units.

Active public and professional education programs are conducted on a year-round basis to keep the layman and the professional informed and aware of cancer's warning signals and the latest information about the disease. An essential phase of this public education effort is the annual George E. Stringfellow cancer editorial contest which has been conducted annually since its inception in 1947. The contest is named after the first president of the division. All daily and weekly papers throughout the State, as well as high school publications, are invited to submit an original editorial on the subject of cancer control. Through this contest, the press brings cancer control into public awareness and performs an invaluable service.

People must be given facts and knowledge to arm themselves in the fight against cancer. The New Jersey division is most grateful to the press for its continued support of the contest and proudly announces the winners of the 1971 George E. Stringfellow editorial contest.

In the daily category the winner is "May It Be the Last," written by Mr. William Caldwell of the Record, Bergen County, N.J.

First place in the weekly category is "Help Stop Cancer," written by Mrs. Carol Suplee of the Burlington County Herald, Burlington County, N.J.

In the high school category the winner is "Where Do We Begin," written by Lucy Zientek of St. Dominic Academy, Hudson County, N.J.

The editorials follow:

[1971 George E. Stringfellow Editorial Contest—Daily Category]

### MAY IT BE THE LAST

(By William Caldwell)

Longfellow, celebrator of wayside inns, would have eaten it up. In the old (10 years) tavern at the crossroads (U.S. Route 80 and the Parkway) a few (450) sentimental old soldiers were met again to talk of ancient campaigns and bright victories. The sense of deja vu was overpowering. At the far end of the dark-paneled dining room sat the elders, the men in formal black, the women brilliantly gowned, along a raised table at whose midpoint presided the presence before which every child of this century trembles—the lectern, its bulb glowing and its microphones glittering in the candlelight. The reverend was pronouncing the invocation. Chairs rattled. The company seated itself, ten by ten, around tables. Waitresses charged forward bearing fruit cup. "When the hell do we eat?" someone inquired. One had been here before.

But not quite exactly there. This was a dinner meeting of the New Jersey Division of the American Cancer Society—that was evident in the table centerpieces, these being crossed red swords having the caduceus as their hilt. This was on the very eve of April, designated by the Congress to be Cancer Control Month. And, to be sure, the faces were familiar and so were the speeches, the long, somewhat narcissistic speeches in those florid tributes to others good men perceive so much of what is best in themselves.

Yet it was not the annual kickoff dinner. We had gathered at the Marriott not to get hopped up for this year's cancer crusade but to celebrate the state division's—and such early county units' as the ones in Bergen and Passaic—25th anniversary. On went the speeches. Awards were being passed to and fro at the head table. Each was accepted with ornate humility. It was inevitably hoped that we should never have to gather for a 50th anniversary, cancer in the meantime having been conquered, and a man found himself conceding that a silver anniversary is an appropriate occasion for thanksgiving but wondering suddenly whether all this hurrah was necessary.

He then found himself restoring to himself that, dammit, necessary is precisely what it was.

April is Cancer Control Month, and it is being celebrated in Washington with an outbreak of bureaucratic infighting for federal money. President Nixon kicked off that campaign when he said in his 1971 state of the Union message: "The time has come when the same kind of concentrated effort that split the atom and took Man to the Moon should be turned toward conquering this dread disease"—and budgeted an extra $100 million for the conquest.

It's big money piled on big federal money. The National Institutes of Health got $182 million for cancer programs in fiscal 1969. The new level of spending, more than a quarter of a billion, is nowhere near the outlay recommended in December by a panel of consultants to the Senate Labor and Public Welfare Committee—they proposed a $6 billion program beginning at $400 million this year—but it has started a scramble that disturbs some scientists.

"[They] fear," writes Robert J. Bazell in the March issue of Science magazine, "that expenditures for applied results would quickly outpace available knowledge and would result in expensive, useless projects that would drain away funds from necessary basic research."

Well, back to the wayside inn and the old campaigners' self-conscious talk about the years we've had together, and the American Cancer Society spends only—only!—$24 million a year on cancer research. Alongside federal billions that's peanuts, right? And what's the use of persisting in trying, right?

Nope; wrong. The purpose, which is in danger of being forgotten, is not to spend money or manipulate grants. It is to save lives. There are a lot of precious lives to be saved. Something like 335,000 of us will die of cancer this year as against 329,000 in 1970. Some 635,000 cases will be diagnosed for the first time. One third of them, 212,000, will be cured. It's not enough. If cancer were detected in time half of them, 317,000 or so, would be cured. The difference between could and will is 105,000 human beings.

Research has done much and will do more. "Progress is being made in many important areas of cancer research," says Dr. Howard E. Skipper of the Southern Research Institute, "although admittedly it can never be fast enough." Thanks to research, 95 per cent of some kinds of cancer are curable and are cured. But no research in the world ever hauled a woman or a man with a cancer teeming inside him to his doctor's office in time for the diagnosis that makes the difference. Only people can do that.

Only people can do that, and people sat in the tavern at the crossroads the other night and talked of the years they've gone, one at a time, from door to door asking other people for money and, get it or not, stopping to tell other people how to suspect cancer and what—but fast—to do about it. There are, you know, seven danger signals. Run, do not walk, to your doctor's office. This year 212,000 of them will make it in time.

It's drudgery, and drudgery is not popular these days. It is work done in defense of persons whom one does not know and who will never say thank you.

Odd, a man would say to himself, looking around at faces the years have lined and strangely softened—odd that so many would come so far to celebrate each other and discover it's been fun.

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[1971 George E. Stringfellow Editorial Contest—Weekly Category]

### HELP STOP CANCER

(By Mrs. Carol Suplee)

Last year the hearts of the world's people went out to the nation of Pakistan which suffered the worst natural disaster of modern times—more than 100,000 of its people perished in quakes, tidal waves and floods during one terrible week.

Resources, money, and aid from all nations were mobilized to aid the stricken people. That many deaths is a shocking and traumatic event.

Yet, the United States has suffered a worse disaster. On one day last year, 900 people were killed, and it didn't stop there. The terrible slaughter continued each day until 300,000 people lay dead.

You didn't notice the headlines, you say? You can't remember reading about that terrible day and the ones that followed that snatched 900 people from their friends and families? What is the awful disaster that took those lives?

It was cancer—a threat more destructive than the "worst natural disaster of modern times" experienced by Pakistan. Yet the destruction of 300,000 American lives did not rouse nearly the concern or compassion than did that one event. And, of course, it's happening again. Yesterday, almost 1,000 lives were snuffed out. Where, now, is the mobilization of aid and resources?

The American Cancer Society is trying this month to marshal those resources of time, money, and talent to make the fight against our own "greatest natural disaster of modern times" a meaningful and effective one.

The Vietnam war which has taken 42,000 American lives in 10 years, is costing the nation more than $450 per person per year.

At the present time, cancer research costs about one dollar per person, per year, which is being used to STOP the killing of 300,000 Americans every year.

Each of us can help put those figures back into better proportion.

Welcome your volunteers when they come to the door.

[1971 George E. Stringfellow Editorial Contest—Secondary School Category]

### Where Do We Begin

(By Lucy Zientek)

A few weeks ago, the Trumpet received a request from the American Cancer Society to devote editorial space to that disease and related research. To help us in this effort, the Society included with this request various tables and charts on the many aspects of cancer and cancer research.

We could, then, overwhelm you with statistics undoubtedly proving that killer cancer must be eradicated and can only be eradicated with your help (most importantly, your financial support). However, we do not think this purely intellectual approach will profit either our readers or the American Cancer Society. So let's go back those few weeks to the day that the letter was being typed and sent out.

Many of us at that time had found ourselves sitting in the theater in tears because Ali McGraw in "Love Story" had just died of leukemia. And the rest of us were probably making plans to see the same. It's amazing how easily we feel for the characters in this fictional tale. Then the lights go on and we walk out telling ourselves to stop crying—it's only a story.

The fact is, it's not. Each year thousands of Jennifer Barretts die from leukemia and other forms of cancer. Some young like Jenny, even more older people, but all with one thing in common: being too young to die with so much potential for doing good. And each year millions of Americans let them die because they think it "only a story".

Man has landed on the moon because one leader committed our nation to that goal. Man can eradicate cancer because one generation can commit our world to its defeat. Let's strive to make it our generation.

We preach love and peace so easily these days. Can't we preach determination as well? Can't we force our leaders to appropriate financial aid to cancer research, can't we make the world realize that 1970's best selling book is more than a tear-jerking, cute, but unreal story?

To paraphrase William Faulkner:

We decline to accept cancer as the end of man. It is easy enough to say that man cannot die simply because he will endure; that when the last ding-dong of doom has clanged and faded from the last worthless rock hanging tideless in the last red and dying evening, that even then there will still be one more sound: that of his puny, inexhaustible voice, still talking. We refuse to accept this. We believe man will not merely endure the destiny that cancer imposes on himself—he will overcome it.

And he will conquer cancer not because he alone among creatures has an inexhaustible voice, but because he has a soul, a spirit capable of compassion and sacrifice and endurance.

Support the American Cancer Society.

### Brief Biographical Sketch

George E. Stringfellow, 1600 South Eads Street, Arlington, Virgina, was born in Reva (Culpeper County), Virginia, son of James and Elizabeth (Bowers) Stringfellow. He spent much of his early life in this area and in Washington, D.C. where the family later moved.

Mr. Stringfellow was appointed Vice President of Thomas A. Edison Industries of West Orange, N.J., by the late Thomas Alva Edison with whom he was associated for the last decade of the inventor's life. After thirty-nine years of service he retired in 1959 as Senior Vice President.

Mr. Stringfellow's civic activities have been varied and many. He was one of the founders and the first president of the New Jersey Division of the American Cancer Society and was the recipient of that Society's award for distinguished service in cancer control. He is an Honorary Life Member of the Board of Directors of the American Cancer Society and a Life Member of the Board of Trustees of the New Jersey Division.

He received the 1958 Citation Award of the Academy of Medicine of New Jersey and was elected an Honorary Life Member of the Academy.

He was Chairman of the New Jersey Republican State Finance Committee. He served for ten years as president of the New Jersey Taxpayers Association; two terms as president of the Chamber of Commerce of the Oranges and Maplewood, and was cited as the outstanding citizen in those five cities. He received a Citation of Merit from the New Jersey Association of Business Schools, and from the New Jersey Society of Professional Engineers he received the Citizen Award for outstanding achievement in industrial statesmanship. He was cited by the Brother of Christians and Jews for bringing about a better understanding among the three religious sects. He served two terms as President of the Kiwanis Club of New York City and was chairman of several international committees. He was awarded the Certificate of Service by the Rotary Club of Orange, N.J. He served eight years as president of the Board of Managers of the Home for Disabled Soldiers in Menlo Park, N.J.

Mr. Stringfellow holds honorary degrees from several colleges. In 1958–59 he served as Imperial Potentate of the Shrine of North America and Chairman of the Board of Directors of the 23 Shrines Hospitals for Crippled Children. He is presently an emeritus member of the Board of Trustees of these hospitals. He is a 33d degree Mason. He is a member of the Duquesne Club of Pittsburgh.

He is a director of Mine Safety Appliances Co., Pittsburgh; a member of the Board of Trustees of the James Monroe Foundation, Fredericksburg, Va.; and an emeritus member of the Board of Trustees, Indiana Institute of Technology.

The first Mrs. Stringfellow, the former Carrie M. Fearnow, died in 1961. In 1966 Mr. Stringfellow married Verna N. Seyfarth.

In September 1968 Mr. Stringfellow moved from East Orange, N.J., where he had resided since 1923, to Arlington, Va., fulfilling a desire of many years to return to the State of his birth where members of his family still reside.

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## SAWTOOTH NATIONAL RECREATION AREA

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 26, 1972*

Mr. ZWACH. Mr. Speaker, I cast one of the few votes against the establishment of the Sawtooth National Recreation Area because I felt the legislation would not do what most people believe should be done in this area.

This is a unique area of high mountain and alpine meadow which should be preserved in its natural state for posterity. That preservation could best be accomplished by establishing the area as a national park.

This legislation, however, would allow the continued operation of some 300 mining claims, including an open pit mine. Roads could be built into the area and additional lands and waterways utilized for ore processing, tailings ponds, and waste disposal dumps.

Many national conservation organizations such as the Sierra Club and the Wilderness Society opposed this legislation for these reasons.

Because of its natural features, I favor establishing this area as a national park so it could be fully protected from exploitation while being made available to the people for controlled recreational purposes.

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## ADDRESS TO ALASKA STATE LEGISLATURE, BY SENATOR MIKE GRAVEL

### HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. BEGICH. Mr. Speaker, each year, the members of Alaska's congressional delegation are invited to return to address a joint assembly of the Alaska State Legislature. Each of us consider this a valuable opportunity to review the events of the past year, and to address the important issues between Alaska and the Federal Government. On Monday, January 31, 1972, Alaska Senator Mike Gravel delivered his address to the legislature, and it is my pleasure to enter that address in the Record today for the interest of the many Members vitally concerned about the State of Alaska.

The address follows:

### Speech by U.S. Senator Mike Gravel, Prepared for Delivery Before the Alaska State Legislature, Juneau, Alaska, Monday, January 31, 1972

Juneau.—As each of us knows, it is regretably the case that those decisions about many Alaska matters that aren't made in the state tend to be made in Washington, D.C. But that's at least better than having them made in New York, Texas, or Seattle, because you are represented there. Today, I want to report on what's happening in Washington that bears directly or indirectly on our state—and I don't refer to the Presidential campaign!

I. Even big issues sometimes get resolved, and we are glad that the Native Claims settlement is behind us, at least legislatively. In my three years as your Senator nothing has commanded as much of my time and energies as that legislation. I estimate fully half of my office resources were devoted to it.

I did so willingly—not because there would be very many "thank yous" in it, for an issue as complex and emotionally charged as this one carries little glory—but because it was the right thing to do. All Alaskans—and certainly the Congress—breathe a collective sigh of relief that this landmark was finally reached.

The task now, of course, is to implement what we did in that legislation. It will require high order skills in public administration and a heavy dose of goodwill on all sides. It is in everyone's interest to move on with it.

In Washington, we will appropriate $12.5 million as the first installment on Native compensation as provided in the law. Just before Christmas I wrote the President requesting that money be temporarily made available from his contingency funds so that Native groups could immediately begin to organize and gear up for their new responsibilities under the act. I was pleased to have your Speaker's support in this approach, however, I also expect to see money for the Bureau of Land Management's additional survey responsibilities under the act as well as money for the Bureau of Indian Affairs for its enrollment responsibilities. Additionally, we should expect new funds for the creation and operation of the federal side of the Joint Land-Use Planning Commission which I sponsored at the state level.

We will be armed with a good law and the money to make it work: we need only to go forward with it.

II. The Pipeline issue will continue as a primary activity for all of us. The acquisition of a pipeline permit, so to speak, free and clear of any injunction or encumbrance, is the goal of us all, at a price that Alaskans feel is fair to themselves and to the future well-being of Alaskans.

I believe that Alaska is headed in the right direction by exploring all the options before it on this issue and by examining the various methods by which it can control its own destiny.

In Washington, the pipeline issue is under the cloud of two investigations. One is potentially serious and the second seems to be an annoyance of secondary importance unless it uncovers something completely unexpected. The serious investigation is that associated with anti-trust laws. Some of the facts involved lend credence to the possible serious implications to the status quo which no responsible elected official can ignore.

The second investigation, whose sponsor is unknown to me, is that by the U.S. General Accounting Office into the costs associated in preparing the environmental impact statement.

There has been an undercurrent of dissatisfaction over the responsibilities of government and of industry related to the costs of determining the environmental impact of the proposed pipeline and its associated alternatives. The most visible dissatisfaction has been in the House of Representatives. But in view of the opposition that has manifested itself in the Senate, it is really impossible at this time to pinpoint the source of the GAO investigation.

At this time it is my best belief that the GAO investigation will not affect Alaska and is directed more toward resolving the mechanical issues of "who" should be paying for "what."

I expect that the final pipeline stipulations will soon be issued. I am not as sure that the final Impact Statement will be issued at the same time, nor has the Administration in Washington admitted that the Final Environmental Statement will be issued soon thereafter. I am sure that you would like to hear positive statements, not qualified by the words "perhaps," "maybe," "possibly," or "probably." The Administration is engaging in "reaction" to events outside of the Alaska Pipeline. It issued new alternatives as the result of the Louisiana Off-Shore Lease injunction. It is now rewriting, again, the final statement because of the U.S. Court of Appeals agreement with the injunction.

I believe that the White House hurt this State when it appealed the Louisiana injunction by dragging the Alaska Pipeline into the argument. This move seemed so blatant as to appear to be deliberate in trying to shelve the pipeline issue until after November, 1972.

There are alternatives that Alaska itself must insist on examining to be sure a pipeline route will be approved, to be sure pipeline stipulations meet our own demands, to be sure that production on the North Slope will correspond to good public policy, to be sure that the fiscal and technical monitoring will meet Alaskan standards and responsibilities. This is being forced on Alaska because the course of the Federal Administration is a precipitate one, leading to continual frustration and to continual disappointment, and to continual setbacks.

So your task is indeed a heavy one, heavy with responsibility and made complex by a great national issue which touches Alaskans everywhere, but I believe that your deliberations offer Alaska the brightest ray of hope, the brightest promise.

Without Alaska taking the leadership on this vital, Alaskan issue, I fear that the Federal Government will not deliver to Alaska what it has promised to deliver for the last two and a half years. If the Federal Government failed in the sixth month, failed in the twelfth month, failed in the twentieth month, failed in the twenty-third month, the twenty-seventh month, and again in the thirtieth month, why should we continue to lean on a crutch made of false promises—and zero fulfillment. Every time the Interior Department has come to bat it has struck out. So why, I ask you, should Alaska keep betting on a group that cannot score.

And if the Federal Administration ever gets a man on first, there are a half dozen lawsuits ready to stop him from even getting to second. The field of play is wrong. The players in the tournament are wrong. If Alaska moves, the field of reference must change. Alaska will have its chance. Otherwise, Alaska has no better chance than it has had for the last thirty months.

III. At my insistence, hearings which have been held in Washington and other cities in the nation by the Senate Interior and Insular Affairs Committee concerning revising the public land laws will be held in Alaska this spring.

These hearings which were originally scheduled for November will be held to consider bills pending before the Committee dealing with management of public lands and revisions of the Mining Law of 1872 and the Mineral Leasing Act of 1920.

With over 90 percent of Alaska's land in the public domain, with many Alaskans earning their livelihood through mineral resource exploration and development and with the critical decisions which must be faced in classifying lands for alternative land uses, I cannot stress too firmly the importance of these hearings and the impending legislation to Alaska.

Aside from expenditures by the Federal Government in Alaska, the economic base of this State rests with the utilization and development of her natural resources.

If these resources are prudently utilized, Alaska can maintain a reasonably high standard of living. Once a reasonable scale of resource development is in progress, economic barriers such as transportation costs will be lowered thus enabling the secondary processing of the remaining depletable and the renewal resources.

The prudent use of Alaska resources involves, among other things, the coexistence of the fisheries industry, the wood products industry, the mining industry, the oil and gas industry and the tourist industry in reasonable harmony.

If logging cannot be conducted without silting salmon streams or spoiling cherished scenic vistas, then it is debatable, whether this activity should be allowed to take place.

If off-shore drilling cannot take place without spills that effect the fisheries, or the rafting of logs or the use and appearance of beaches, then it is questionable that such an undertaking should be permitted.

If wilderness areas can be designated without assessing the subsurface values of all the resources and without comprehensive planning which takes into consideration such elements as long term thoroughfares, then this action, too, may be detrimental.

But the solution is not so much the denial of the various uses, it is rather a thorough knowledge of all resources, the development of reasonable plans, the designation of priorities and the compatibility of various uses.

If we are to prosper as Alaskans, logging and fishing and mining and recreation and wilderness must be made to coexist side by side without having an unduly adverse effect upon each other.

The resources we have are not limitless. There is a limit to the number of truly magnificent glaciers or majestic mountains or miles of placid inland passage. And past experience has shown us that plants and animals cannot be treated with abandon just because they are a renewal resource because they can be lost forever. Of the forests only a relatively small portion is economical to harvest as a resource and, contrary to popular opinion, there is not a bonanza under every rock. The deposits with economic potential are usually widely separated even in highly mineralized regions and compose a very small part of the overall land use.

The development of legislation for the management of public lands must fit the Alaska situation and the legislation must consider a much higher level of mining activity than presently exists.

The geology of Alaska indicates that many of the minerals demanded by industries through the world lie unfound or undeveloped in Alaska.

I am confident that as we have seen the beginning of Alaska as a major oil producer that we will see Alaska as a major hard rock mineral producer within this decade.

IV. As you recall hearings were held in Fairbanks, Anchorage, Bethel, and Nome this past April by the Senate Public Works Subcommittee on Economic Development to consider revising and extending the authorization of the Public Works and Economic Development Act of 1965.

The results of these hearings will be the rewriting of the basic national legislation dealing with economic development to make it more responsive to state and local government. The first draft now in preparation will serve to re-establish strong, active and committed state and local government in the economic development area.

Alaska was well represented in the recorded testimony which is being used as a basis for rewriting this legislation. Out of ten cities throughout the nation in which testimony was received four were in Alaska.

This economic development legislation is extremely important to Alaska in that it is designed to aid regions of substantial and persistent unemployment and underemployment by assisting in the planning and construction of needed public works projects. In fact, at the present time all labor market areas in Alaska, with the exception of Juneau, qualify for this program which has assisted Alaska sewer and water systems, cold storage plants, fisheries cooperatives, hospitals, docks and many other activities in the past.

I am optimistic that my colleagues in Congress will see the wisdom of Alaska being administered as a region unto itself under this program.

I also believe that the Alaska testimony will weight heavily in favor of expanding the authorized activities and the funding so that we may engage in an accelerated program for the construction or upgrading of bush airports, air vehicle routes and comprehensive utility and facility developments.

It will provide us with the opportunity to have Alaska Native villages participate in the Indian programs on the same funding basis as received by Indian Reservations (100% in most cases.)

With the new Environmental Protection Agency standards being applied to all new economic development projects, I believe that now more than ever before that we need Advances for Public Works Planning reinstituted to provide preliminary engineering funds to Economic Development Act areas to assist these areas develop worthwhile projects.

Because of the importance of this legislation to Alaska, I intend to play a major role in shaping this legislation.

I am aware that there is a good bit of support for some sort of preferential hire legislation for Alaskans. As we all know, this is a very touchy area for policy-making. The problem of legislating most kinds of local hire arrangements is that the practice runs into Constitutional and legal questions about the right of any United States citizen to work anywhere in the country. Furthermore, persuasive economic arguments can be made that from the national standpoint we should not erect artificial barriers to labor mobility as economic opportunities shift from region-to-region and state-to-state.

For these reasons I believe the practical realities in Washington are that it is extremely unlikely that any legislation providing generally for resident preferential hire would get out of Committee, to say nothing of passing the Congress and being signed into law.

This does not mean, however, that nothing can be done in this direction. I think there can be. A good avenue I can explore is the extent to which we might write some such provision into the Economic Development Act which we on the Public Works Committee are presently revising. I would think there is a good chance we could make special provision for states and communities having persistent and unusually high unemployment, i.e. to set up the criteria in a way that defines the Alaska case.

V. Last week, the 1973 budget was presented to Congress. Not being regularly consulted by the Administration in its preparation, I have had only a few days to analyze what is proposed for Alaska. In a first glance at proposed federal expenditures, it is important to look at overall totals and in particular the budgets of the Departments of Interior, Transportation, and Defense.

Indications are that total federal expenditures on Alaska are continuing on a rising trend from $760 million in FY 1970 to a proposed $845 million for FY 1973.

While proposed Department of Defense expenditures for FY 1973 are not yet summarized, the total for FY 1970 was $338 million, for FY 1971—$414 million, and for FY 1972 the total was $417 million. The Corps of Engineers had proposed $13.3 million for Snettisham and 22 other Alaska projects. Included in this figure was $13.3 million is money for a new construction start for the Chena River Lakes Project. I might add this project is one of only 13 new starts in the Nation. With the threat each spring of flooding in the Fairbanks area, certainly this is an urgent project.

The Department of Transportation estimate for FY 1973 is $141 million, compared to $139 million for FY 1970. And the Department of the Interior is budgeting $83.7 million for the coming year, up from $71.2 million in FY 1972 and $63.8 million in FY 1970.

The recent capture of the two Russian vessels by the United States Coast Guard points up two fundamental problems that have long worried me regarding the violation of our territorial waters by ships of other nations.

First, the United States has never placed great importance on sitting down with representatives of other nations to mutually work out procedures and guidelines with respect to territorial limits. When international conferences on this subject are convened, the United States typically sends military representatives, not those who represent the commercial and diplomatic interests involved. Such an approach does not further the aims of such a conference, where a give-and-take between the fishermen of the nations involved is necessary if a workable agreement is to be reached.

Secondly, the Coast Guard is inadequately equipped to provide effective surveillance of the territorial waters off Alaska. This is because the budgetary provisions for the Coast Guard are insufficient. I hope that the present incident will make the national administration more aware of this problem and will prompt an increase in the allotment for the Coast Guard in the budget which was just presented to us. I have been urging such an increase for some time.

Who knows how many foreign vessels enter our waters for illegal purposes? We only hear about those that are reported and actually apprehend only some of those. There is not the slightest doubt in my mind that the Coast Guard needs to beef-up its resources in Alaska.

For Mr. Nixon's new budget to slight this crucial protective need at home while spending untold billions overseas would be another example of misplaced priorities.

Yesterday's incident also brings into clear focus the mistake by the Navy in closing the base at Kodiak. Should the Coast Guard have needed assistance during its encounter with the Russian vessels, the nearest Navy warship was some 2,000 miles away. At the same time there were over 60 Russian vessels in the immediate vicinity. The base at Kodiak appears vital, as the experience of the last few days should make abundantly clear.

In this last connection, but in a broader context, I am writing the Secretary of the Navy to ask for a full and open reporting on the strategies and missions of the Navy in the North Pacific Rim area and how Alaska relates to them. It would seem, for example, that if the Nixon Doctrine means a winding back of commitments overseas, then Alaska geopolitical position on the edge of Asia might logically be the recipient of forces redeployed in a forward position but on our own soil.

In a similar vein, I am writing the Secretary of State to try to find out explicitly what the national policy really is toward the prosecuting of foreign fishing captains caught in Alaska waters. We know what the practice is: it is to generally let the offenders off with a light fine. And I believe Alaskans could understand this if the national government would merely say what the rationale for leniency is; what other U.S. interest is being served by so doing; what is the *quid pro quo*? I believe we are at least owed an articulation of just what is going on and what we can expect as the federal stance in these matters.

While in a letter writing mood, there is one more that I am preparing in the hopes of getting action on another front—rural communications. In reviewing with the Deputy Assistant Secretary of the Air Force last week, the status of the RCA expansion and capital improvement program I found that a major current obstacle is the inaction of the Federal Communications Commission. The FCC has yet to act on the license applications made last summer for toll service to 19 Native Villages where RCA has already installed the necessary equipment and all that is required is authority to turn it on. All-in-all, another 120 villages will be provided improved service over the next couple of years. It is unacceptable that the bottleneck to these forward steps be a lethargic regulatory body. In investment terms, this has meant that RCA has spent or contracted only $800,000 out of a company-authorized $2.3 million and a promised $4.5 million for improved service to the bush.

I also intend to keep the pressure on the Federal Communications Commission to come up with the much over-delayed decision on domestic communications satellites. This issue affects Alaska more than any other state including Hawaii. I hope that Alaska's regulatory mechanism to cope with the implications of communications will continue to be strengthened. The State has made several important strides in the last two years and there is still pending in this legislature important legislation on this issue.

The Communications Satellite Corporation intends to transport its small sixteen-foot earth terminal to Alaska, possibly by early March. Because of some litigation before the FCC, COMSAT may be forced to reapply for permission for the Alaska tests in several of our communities as a co-sponsor with RCA. COMSAT has indicated it would like to bring the terminal first to Juneau while you are in session so that you might witness the quality of color television reception directly through the new Pacific INTELSAT IV Satellite. It is this satellite which will transmit television coverage of the Olympics and the Presidential visit to mainland China.

Last year at this time I introduced in the Senate two bills on election campaign reform, S. 1 and S. 9. This month the Congress took final action (and the President signed into law) S. 382, a comprehensive campaign reform bill which will be a great step toward making candidates start out on a more equal footing financially.

Both the financial disclosure provisions and the ceilings on media expenditures contained in the new law are essentially the same as the ones I proposed in S. 1 and I am pleased to have had a role in enacting this important legislation.

The loopholes in the law which have allowed the bizarre ritual of the filing of campaign expenditure reports in which candidates swear to zero-spending even though they have in fact spent hundreds of thousands of dollars are now closed. And the skyrocketing costs of campaigning in this electronic era, which have increasingly made electric politics the special preserve of the wealthy or those who have access to the funds of well-heeled special interests, will hopefully be held at least to current levels by the ceilings in this bill.

There is still plenty of room for reform, however. Campaigns should be financed in a way that will build support for our political institutions and respect for the political process. Government expenditure is the only way to accomplish this important goal, and that is what I proposed in my bill S. 9. The Congress took a step in this direction as well when it enacted the check-off plan for financing Presidential elections, but there are many problems with this law as it now stands, and it needs to be expanded to cover Congressional elections as well. In fact, I hope that eventually state legislatures will adopt this approach to campaign finance in state elections. In sum, this is an area where we have made real headway this past year, but much remains to be done.

We have had some successes this year in the passage of legislation favorable to government employees. Chief among these was the pay raise. One particular inequity that I've worked to rectify (unsuccessfully, so far) is the discrimination in pay between Alaskans serving on military duty in Alaska and those military personnel from outside the state who are on duty here. The second group receives extra pay and our own people don't.

My bill S. 1292 would treat them all equally, and I have several times attempted to tack it onto one or another military bill coming through the Senate. I will keep trying.

Earlier this year, I cosponsored and voted in favor of the Emergency Unemployment Compensation Amendment, which would have provided an additional 26 weeks of unemployment benefits in states where the unemployment rate exceeds 7.5 percent. The Senate approved the measure by a 46 to 31 vote. The House had a different version, and by the time it was signed into law the benefits were cut to an additional 13 weeks and the triggering vote was dropped to 6.5 percent.

The amendment will be of enormous assistance to Alaskans, where we have an unusually high unemployment rate. Specifically, the amendment provides that when unemployment exceeds the level of 6.5 percent in a state, the unemployed are eligible to receive an additional 12 weeks of insurance after the existing benefits run out. This additional coverage will be funded entirely by the Federal Government, placing no further burden on the states.

Two things can be said on highway matters. One is that we will again receive an additional $20 million out of the Highway Trust Fund under the special provision we in the Public Works Committee were able to pass last year making money available for the first time for roads in the villages and the marine highway system.

The second is that talks are now going on between U.S. and Canadian officials on the old issue of the Alaska Highway. The renewal of these talks is a direct result of the provision we wrote into the Federal-Aid Highway Act last time around that the President should arrange such talks. Over time I hope that progress can be made and compromises struck in this perennial sore point.

XI. On the conservation front I can report that hearings have been held on my bill to make the state fish and wildlife and park and recreation agencies eligible to receive federal surplus property—machinery and equipment—along with the defense and education agencies already eligible. Given the extent of our needs and the amount of surplus federal property particularly in the Department of Defense, that can be made available I feel my amendment makes eminent good sense. The State government testified ably toward this end, and I hope to see a favorable outcome.

XII. No one likes to dwell on the subject of airline disasters, yet everyone worries about them when we fly. Our recent bad one is all too vivid a memory. This was a major tragedy which has been attributed—if not explained away—to "pilot error."

It was also an "agency error" and a "public policy error" because the navigational aids at Alaska's capital airport are inadequate, despite air traffic which averages some 90 flights daily (30 airline flights and 60 itinerant flights). Juneau airport has no radar service and no instrument landing system. Only after this sad accident did the FAA move to at least partially rectify these deficiencies at Juneau.

How many more Juneau-type tragedies are waiting to happen, and what kind of way is that to make agency policy? I cite the Alaska case only because it weighs so heavily on me, but I am sure the problem can be generalized for the country as a whole. The problem is that we are not proceeding fast enough in providing navigational aids to commercial airports in order to bring air travel to an acceptable level of safety.

I am told that in the last decade the fatalities from non-precision approach accidents have been about ten times those associated with ILS approaches (not to mention the additional advantages of increased service reliability, minimizing passenger inconvenience, and lessening airline operating costs which derive from the installation of ILS equipment).

The accident rate itself (disregarding whether or not deaths were involved) was almost five times greater at non-ILS protected airports as against those equipped with this particular navigational aid.

I understand further that at the present pace of FAA programming it will take ten years to install ILS facilities to the point of covering half the runways used by the scheduled airlines.

I notice that the Airlines Pilots Association (ALPA) published a very responsible proposal last fall for the accelerated installation of various crucial safety facilities around the country's airports. The proposal is in two phases with the last phase presenting a two-year program and the second phase a five-year program. The proposal makes eminent good sense to me and I call on my colleagues in the Congress to support it in the interest of safety.

The Airline Pilots Association study includes a state-by-state and airport-by-airport inventory of the availability of key navigational facilities. These facilities and devices are the following: towers, radar service, runway and approach lights, instrument landing system (ILS), runway and identifier lights (REIL), visual approach slope indicators (VASI). Let us refer now only to what the actual situation is compared to the needed facilities and their estimated cost in the case of Alaska's airports. My colleagues can find similar summaries for their own individual states.

Of Alaska's 26 commercial airports we find that only 9 have control towers and only 4 are equipped with radar. Of 72 runways needing approach lights only 20 are in place, 6 runway end identifier lights are in service, but 46 more are needed. Alaskan airports have a total of 6 instrument landing systems, but 66 are needed. Visual approach slope indicators can be found at 22 runways, but 50 more such systems are needed.

The total cost of this whole package to make air travel in Alaska significantly more safe is estimated at $80 million, with the first phase installation accounting for about $20 million. Surely this is a reasonable price to pay for air safety in Alaska. No amount of money can make right the Alaska air crash of last September 4. But $80 million is not much if it helps prevent the recurrence of such a disaster in the future.

And it is surely not much when measured against other directions of federal spending—like the Vietnam War. I recently looked up the inventory of navigational aids to be found at 22 airfields in Vietnam where the U.S. presently conducts operations (there may be many more). I found that all 22 have towers, 19 have radar, 9 have runway approach lights, and 6 have VASI. Again it is another example of misplaced priorities to be expending (surely not investing) millions of dollars on the other side of the world in an insane war in which we don't belong while urgent needs at home go begging.

I for one believe it is no longer acceptable for an administration or an agency to say, "we just don't have the money" when called to account for deficiencies in air traffic safety—deficiencies which allowed the tragic Juneau air crash and others like it.

I can't believe that as a government we are neither smart enough nor compassionate enough to have a policy for maximizing air safety and a plan other than to invest navigational aid money wherever an air crash has occurred with great loss of life. This behavior is totally unacceptable, and I urge all my colleagues and citizens everywhere to make a similar finding. When appropriation time comes again we in the U.S. Senate will have a chance to rectify this. I hope we can join together and do so.

I feel compelled to comment on the Alaska Air Service Investigation because of its critical importance to Alaska I will not comment, as I have not in the past, on any individual carrier, but I will comment on the situation as it affects the people of Alaska.

I believe that the frequency and quality of air service are the primary considerations of the Alaska people and those traveling to Alaska. However, it appears that the overriding factor in the CAB decision was simply getting Alaska carriers off the Federal subsidy rolls irrespective of the cost in public service.

Frankly, this approach was not adaptable to the Alaska situation from the beginning and it was the primary reason for my opposition to the earlier Examiner's decisions.

I agree with both the Examiner and the CAB that economic considerations must be taken into account. However, the fact that a key to the economic development of any underdeveloped area is capital investment, especially in the area of transportation, must be a part of this economic consideration.

Alaskans do not choose air transportation as an alternate. Due to Alaska's state of development and geography, air transportation is an absolute necessity.

The Federal subsidy program is fundamentally a program of economic assistance. It was designed to assist people in a circumstance such as exists in Alaska rather than assist airlines. Airlines cannot be permitted to trade subsidy rights and benefits for monopoly rights unless it has been unequivocally proven that better air transportation at more reasonable rates will accrue to the people. Monopoly service may produce a profit for a carrier and alleviate the Federal government from subsidy payments; but, if past practice is an example, there can be no guarantee that the level of service or the frequency of service will be maintained.

In Alaska this subsidy was an investment by the Federal Government in the future of our State. Subsidies will not continue indefinitely. In the long run, Alaska, as with other western states in the past, will not require subsidies.

I especially object to the CAB view of this Federal subsidy promoting duplicative, wasteful, or otherwise inherently uneconomic operations. Alaskans have viewed these subsidies as a means of providing more frequent service and insuring quality service by creating competition.

In its estimates of future traffic growth trends, I believe the Board was unduly pessimistic. They chose to analyze historic growth rates in the context of the current (or clearly unforeseeable) economic climate. This again reflects an almost inconceivably cautious approach. If the Federal Government, the State, and the private business sector forecast and prepared for growth in developing areas such as Alaska on an historic basis in the context of the current economic climate, many generations would pass before development of any scale would be realized.

XIII. The fear of living or working or exploring or producing in the North is finally disappearing. The ignorance which at one time characterized Alaska as a "land of ice and snow" has given way to the reality of Alaska as "the great land."

I speak often about Alaska throughout the Nation. However, even when I speak on Vietnam or energy or a number of other subjects, I am always asked questions on Alaska—unfortunately too often on the pipeline and Amchitka.

People are becoming more interested in Alaska—not just the dream of living here. People are finally concluding that Alaska in terms of development of its resources is no more difficult an operation than Canada or Australia or South America or Central Africa.

The myth of Alaska as the unpenetrable land of ice and snow is dead.

I for one am very optimistic for what lies ahead.

Thank you and good luck.

## FUNDING FOR THE PEACE CORPS

## HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. RAILSBACK. Mr. Speaker, the Peace Corps is one of our most effective foreign aid programs. It has the overwhelming support of the American people and the sincere appreciation of the peoples of many other nations.

The Peace Corps is now 11 years old. Although it has changed with the times and the needs of the host countries, it has maintained its original idealism and altruism. It is a good program, and deserves adequate funding to assure its continuation and expansion.

The Peace Corps was created by an Executive order in March 1961. In September of that year, the Congress passed the Peace Corps Act to promote world peace by making available to interested countries Americans willing to serve overseas. Three goals were established. First, volunteers would help the people of underdeveloped countries meet their needs for trained manpower. Second, the volunteers would help promote a better understanding of the American people on the part of the peoples served. Third, the volunteers would promote a better understanding of other peoples on the part of the American public.

The Peace Corps has never been an intruder. Volunteers have only been sent to countries that requested them. On a few occasions problems have arisen where volunteers were serving in countries when anti-American regimes came to power. However, today 53 countries have requested volunteers. After the volunteers have arrived, in many countries, they have requested more be sent.

Volunteers serve for 2 years without a salary and with only a modest living allowance to enable them to live in a manner comparable to their native coworkers. This combined with the Peace Corps policy of refusing to grant special immunity or hardship payments to volunteers means that Peace Corps volunteers are seen by the people of their host countries as integral parts of their society rather than as outsiders or strangers. In addition, volunteers must speak the language of the host country. This keeps the "Ugly American" label off the volunteers, and enables the volunteers to understand and communicate with their native counterparts.

Over 50,000 Americans have gone overseas with the Peace Corps since 1961. The gain to this country from the experiences of these volunteers is probably as great as the gain to the recipient country. Returned volunteers have provided the United States with a pool of knowledge about the underdeveloped countries of the world which could not have been obtained in any other manner.

As the Peace Corps has matured, the skills requested by the host countries and those possessed by the volunteers have changed. In 1962, the skills of volunteers were distributed among the following categories: 57 percent education, 23 percent in community development, 8 percent in agriculture, and 6 percent in health. These percentages were maintained relatively unchanged until 1969, when President Nixon took office. At that time, the operations of the Peace Corps were modified to take into consideration changed conditions in the less-developed countries. By calendar year 1971, 38 percent of the volunteers were working in education, 3 percent in community development, 26 percent in agriculture, and 9 percent in health. These changed percentages are an indication of the way the Peace Corps has begun to emphasize practical—immediately applicable—programs.

The large increase of volunteers active in agriculture is a direct indication of the pressing need to feed the rapidly increasing populations of many less developed countries. The number of agricultural specialists in the Peace Corps is increasing. In 1969, 82 volunteers had college degrees in agriculture. By 1971, this number had risen to 225. Further, during the same time period, the number of volunteers with agricultural experience increased from 308 to 769.

Accompanying the change in the occupational composition of the Peace Corps has been a change in the overall percentages of "skilled" volunteers. These are the volunteers with experience or training which is immediately usable when they arrive in their field assignments. In 1969, 38 percent of all volunteers were classified as skilled. At the end of this year, the figure is expected to be 76 percent.

Finally, the Peace Corps has implemented new training programs to convert volunteers without a specific skill into paraprofessionals in specific fields—such as agriculture extension, irrigation, well drilling, or one-crop production.

In sum, this program, under the fine leadership of Joe Blatchford, is an effective foreign aid program. I am convinced the Peace Corps should be fully funded so that it may continue to accomplish its goals.

For fiscal year 1972, the administration submitted a request of $82 million for the Peace Corps. Such a request recognized the increased demand for volunteers from recipient countries and the increased number of applications to join the Peace Corps.

Unfortunately, the House and Senate Foreign Affairs Committee cut that figure to $77 million in the authorizations bill. More discouraging, the appropriations bill, as it was reported from the House Appropriations Committee, contained only $60 million.

The House restored $8 million on the floor, but the $68 million in the House-passed appropriations bill is still inadequate.

Last week the Senate Appropriations Committee approved funding for the Peace Corps at $77.2 million. Although this is about $5 million less than the amount requested by President Nixon, I hope that my colleagues at the conference committee—which undoubtedly will meet within the next few weeks—will accept the higher amount.

It is in the interests of the people of the United States and of the less developed nations of the world that the Peace Corps be allowed to make its full contribution to the betterment of mankind. The Peace Corps deserves the full support of Congress in its efforts.

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## ADMINISTRATIVE REFORM IN STATE DEPARTMENT

## HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. BROOMFIELD. Mr. Speaker, as we all know, in recent years the State Department has been undergoing massive internal changes. The architect of this project has been the Honorable William B. Macomber, the Under Secretary of State for Management. I am sure that his recent remarks on the progress of this program will be of interest to every Member of this House.

Secretary Macomber outlines the work which has been going on for the last 2 years to revamp the internal structure of the Department. As you will note, Mr. Speaker, significant steps have already been taken to achieve managerial reform and modernization.

Mr. Speaker, I am sure that Bill Macomber needs little or no introduction to Members of Congress. Many, including myself, have had the opportunity to work with him and know firsthand the extent of his expertise and skill.

Since 1953, he has served in various positions under four Presidents. During his career, including 3 years as U.S. Ambassador to Jordan, he has tackled a variety of assignments which have all benefited from his singular skills as both diplomat and administrator.

For the past 3 years, Bill Macomber has been devoting his energies toward the Office for Management of the State Department. His remarks which describe this effort and the goals for the days ahead follow:

### CHANGE IN FOGGY BOTTOM: AN ANNIVERSARY REPORT

My Colleagues in the Department of State: Two years ago this month this Department launched an unprecedented program of management reform and modernization; and in this same period we have seen it move in a number of very important ways towards a more equitable and effective system of human relations.

On this second anniversary it is appropriate to take stock, to examine what working together we have accomplished in this period of ferment and change, and to focus on what remains to be done.

First let's look at the program of management reform and modernization.

This has been a unique and far-reaching effort. It has been unique in the sense that Secretary Rogers did not, as is traditional in an effort of this kind, turn the job over to a team of experts from outside. Instead, in an unprecedented step, he chose the career professionals themselves to draw the plans.

He was convinced that you could do the job better than anyone else.

You responded to his challenge and produced the most comprehensive and searching critique ever written about this Department. If one wants to really understand our problems (and our strengths), no other document can match it. More importantly, after months of consultation with colleagues in the Department and abroad, with other Government agencies, and with many institutions and experts outside of the Government, you produced an extraordinary blueprint for reform. This blueprint consists of over 500 recommendations, about 400 of which have been, or are now being, implemented.

This effort has not received the attention it deserves, which is perhaps understandable. Major changes in management techniques and philosophy are not the stuff of exciting newspaper copy.

It is a significant story, nonetheless.

For in the past two years, through this unique effort in self-analysis and creativity, important new foundations of a modern American foreign office have been laid.

I

It has been argued that developments over the last twenty-five years—the new involvement of most departments of government in foreign affairs and the development of national security council staffs or their equivalents—have lessened the importance of foreign offices everywhere. Nothing could be further from the truth.

The diplomat's job is more important and more complicated than it ever was. He carries his old responsibilities and needs all his old skills; but because of the vastly increased complexity and diversity of our foreign affairs, we need a broader range of skills and expertise; and because of the participation of so many other elements of our government in foreign affairs, our diplomats must now be managers, coordinators and leaders, to a degree undreamed of by their predecessors of a simpler age.

The collective wisdom, experience, and judgment in the foreign affairs field of the people in the United States Department of State is unmatched elsewhere in our Government or in any other government. The job therefore has been to find ways to unfetter those abilities and to bring them more effectively to bear on the Department's evolving responsibilities.

The significance of what has been happening within the State Department during the past two years is this: The career professionals (aware that all foreign offices tend to have a better understanding of what their job used to be than what it is today) have made a major effort to explore and define the new and expanded dimensions of their role. Further, they have determined that the management of the State Department and of the Foreign Service is not just the concern of the administrators. They also have concluded that to meet their new responsibilities, something more is required than the traditional adherence to a low profile and traditional reliance on native ability, experience, old fashioned intuitive judgment and "trying harder."

As a result, here is how far we have come:

We have for the first time a Policy Analysis and Resource Allocation system (PARA) in operation throughout the Department—a systematic process for the identification of issues, interests and priorities, the allocation of our resources in accordance with those priorities, and the periodic review of our policies.

We have a new concept of team operation among the Seventh Floor principal officers which affords increased control of the Department's planning, decision-making, and allocation of resources. The team concept has permitted a more flexible utilization of the principals' time by breaking the relatively narrow field of specialization that each principal has been assigned. The Seventh Floor team is served by common staffs, operates under the aegis of the Secretary, and is directed by the Under Secretary.

We have a new management evaluation capability in the expanded Inspector General's staff, which will now evaluate our policies as well as our performance.

We have a new balance between competition and job tenure in our Foreign Service officer promotion system which preserves its competitive nature but provides increased stability and security in the middle years of an officer's career.

We have made major changes in our recruiting activities which are already bringing a much wider range of skills into the Foreign Service Officer Corps than ever before.

We have adopted the concept of a new Foreign Affairs Specialist Corps which has been very popular with our career specialists. Over 870 of these have applied for entrance into this new Corps. Legal objections have been raised against this Corps. I am very hopeful these will be overcome shortly so that this important innovation will play a key role in our modernization effort.

We have established a "Mustang" program to identify clerical and staff support employees with unused talent or undeveloped potential and provide opportunities to them for advancement to officer-level positions through special training and assignments.

We have encouraged the flow of information, new ideas, divergent opinion, and creative dissent within the Department and at our posts abroad through the mechanisms of special message channels, new staff functions, and the continued use of the Secretary's Open Forum Panel.

In a quite different area, and in order to improve our service to the ever-increasing numbers of Americans traveling abroad, we have initiated a program in conjunction with the Postal Service to take passport applications in several hundred first-class post offices throughout the country. This will enable us to expand and improve our service dramatically without incurring the costs involved in establishing more federal facilities.

So on the managerial side these have been two very productive years. Much remains to be done, but much has been accomplished.

II

But modernization and reform, if it is to be really effective, requires more than improved management in these areas I have been discussing.

Of critical importance, as well, is the development of an increasingly effective, fair, and enlightened system of human relations within the Department. Here, too, we have had a remarkable two years, with much progress being made—and with much still left to be done.

To begin with, we have been operating on the simple, unassailable assumption that women possess approximately half the brain power in this country. We have therefore sat down with women employees and designed and implemented a program for encouraging rather than deterring career prospects for women officers. They are now assured equal consideration for assignments, training opportunities, and perquisites, without regard to sex or marital status. Indeed one of the more interesting aspects of programs to enhance career possibilities for women is the development of working family teams in which both the wife and husband are career Foreign Service employees. Over 30 such teams are now in the Department's Foreign Service, and more may be expected soon.

The changes we have made in this area have been well publicized. They were made not only in justice to women but in the Department's own self interest, for we can ill afford to ignore this major brainpower pool. I am pleased to report that this fall nearly three times as many women applied to take the Foreign Service exams as applied in 1969—the year before this program began.

Efforts are also underway to accord increased recognition of the professional status and rights of secretaries—still one of the largest and most important groups of women in the Department's Civil and Foreign Services.

We have also addressed the problem of a bill of rights for the spouses and dependents of Foreign Service employees. The voluntary unpaid support that wives have traditionally given to our embassy efforts overseas has constituted one of the great strengths of our service and also, from a family point of view, one of its most rewarding aspects. But there have been occasions when this tradition was abused and when its voluntary basis not properly understood. Working first with wives and later with the Secretary's Open Forum Panel we have now spelled out the rights of Foreign Service spouses and dependents—and I am confident that rather than weakening the traditional teamwork of Foreign Service families, this bill of rights will strengthen it.

In the past two years we have continued to emphasize our minority recruitment program despite our personnel cuts and the resultant reductions in our over-all recruitment.

In addition we recognize that there are many persons, some from minority backgrounds, some not, who have the ability to rise to positions of considerable responsibility but who have been denied their opportunity because of inadequacies in their education. With this in mind we have, as I mentioned earlier, created the "Mustang" program which each year will provide opportunities for specially selected employees to advance to officer rank.

Within this critical area of the Department's human relations, however, I believe the creation of a formal employee-management relations system for the Foreign Service is of overriding importance.

Following changes in Civil Service procedure, this new system has just been promulgated by the President. It is a pioneering effort specially designed for the Foreign Service and is the result of extensive debate and consultation between the management of the Department and representatives of the Foreign Service. For the first time members of the Foreign Service will have an important and formal voice in the development of all personnel policies—policies which play such an important part in their lives and careers.

Under this system members of the Foreign Service can elect an organization to be their exclusive representative, and administrative officials in the Department are required to consult with that organization on personnel policies which either the Department or the employees wish to change. If these consultations do not result in agreement, the employee's representative can appeal over the heads of the Department's administrative officials to the Board of the Foreign Service.

The Board of the Foreign Service will have two subgroups to help it carry out its responsibilities. Both of these groups are independent of the administrative side of the Department. First is the three-member Employee-Management Relations Commission made up of representatives of the Department of Labor, Civil Service Commission, and Office of Management and Budget. This Commission will have the final say with respect to the supervision of elections and the adjudication of unfair labor practice complaints.

The second group, working directly under the Board of the Foreign Service, is known as the Disputes Panel. It is made up of one member from the Department of Labor, one from the Federal Services Impasses Panel, one from the public, and two from the Foreign Service. Thus the majority of this Disputes Panel comes from "outside" the Department of State. In addition, the two Foreign Service representatives cannot be part of the management of the Department. When the administrative authorities of the Department are unable to reach agreement in their consultations with the representatives of the Foreign Service employees, it is the function of this disputes group, acting on behalf of the Board of the Foreign Service, to establish the facts and seek a solution through mediation. If this fails, the Panel must then recommend an appropriate solution to the Board of the Foreign Service.

With the development of this employee-management relations system we have passed an historic milestone in the continuing development of the Foreign Service. But this milestone was not reached easily. There were strong differences of views, and much hard bargaining and public controversy.

But what has emerged in the judgment of both the management of the Department and the leadership of the American Foreign Service Association is "a system well adapted to the Foreign Service, and a system under which the men and women of the Foreign Service can have a real voice in the policies and regulations affecting their careers."

Here again, the past two years have seen an important breakthrough. But the job is just beginning, not ending. If this new system is to fulfill its promise, it is incumbent upon all members of the Foreign Service to pay close attention to the positions taken by the employee organization chosen as their exclusive representative. It is incumbent on that organization and the administrative officials of the Department with whom it will be dealing to make every effort to see that this new system works in a fair, constructive and responsible manner.

However, it is not enough simply to build a system where members of the Foreign Service, in the collective sense, will have a stronger and more effective voice in the development of personnel policies. In addition, there is the need for each individual member to have access to a meaningful grievance procedure independent of the Department's personnel authorities, and in which the individual's rights are clearly defined and understood. Until recently such a system did not exist. There was in its stead a formal system of limited scope and an informal system in which every effort was made to be fair, but which was neither independent of the personnel authorities nor characterized by any specific definition of the rights of an aggrieved employee.

We have now instituted an interim grievance procedure which is a major step forward. The Interim Grievance Board is chaired by William Simkin, who from 1961 to 1969 was Director of the Federal Mediation and Conciliation Service, and is made up of distinguished public members as well as career officials with considerable experience in the Foreign Service. Unlike the earlier arrangements, it is set up and operates independently of the personnel and administrative officials of State, AID and USIA.

It is an "interim" grievance procedure because we believe that the definitive grievance procedure should be bargained out in the employee-management relations system—which is just what such a system is for. Once the definitive grievance procedure has been hammered out, the Department will support legislation which incorporates the basic principles of that procedure as an amendment to the Foreign Service Act.

Another crucial area of the Department's human relations is that of involuntary retirement or "selectionout." I believe that such a system, presently required by law, is an essential ingredient of a strong Foreign Service, and I believe that this view is shared by the great majority of Foreign Service Officers.

But this system has recently come under increasing attack. We now have in the employee-management relations system a particularly appropriate means for the representatives of Foreign Service employees to sit down with the Department's management for a careful and thorough reexamination of the selection-out system. I am confident that out of the re-examination will come a reaffirmation of the need for a continued involuntary retirement system; and I am equally confident that in this re-examination we are going to find ways to make it a fairer and stronger system. Fewer than 10 officers are presently scheduled for involuntary retirement between now and June 30th. In view of this upcoming re-examination, the Department has suspended all final selection-out actions between now and that date.

In summary then, the most critical ingredients in the human relations field are the development of a strong employee-management relations system to deal with the development of personnel policies, and the establishment through the employee-management relations system, and ultimately by an amendment to the Foreign Service Act, of a definitive grievance procedure. Under the employee-management relations system we will also be re-examining involuntary retirement procedures and here, as elsewhere, looking for areas where we can strengthen the role of due process.

Some have said that in taking these actions we are undermining the basic discipline of the Foreign Service. Of course, the exact opposite is true. The way to guarantee the continuation of a disciplined Service is to make certain that its basic safeguards and fairness are apparent to all.

But as we move into this new era of the Department's human relations, let me make it clear that I do not believe the old system was as unfair as has sometimes been alleged In a highly competitive system such as ours, there are bound to be disappointed persons. And while our involuntary retirement system has been run by human beings and is therefore fallible, it is my personal belief that those who manned the system earlier made every effort to make it as fair as possible.

But there is no denying that the system has been a paternalistic one. And even if it was far fairer than its critics give it credit for, it is not—because of its paternalism and its inadequate recognition of both the collective and individual rights of Foreign Service employees—a credible or acceptable system for today.

III

The past two years have been a time of tumult. There has been criticism, disagreement, and public controversy. This is understandable. When a major reform and modernization program is launched, it is predicated on the assumption that things are wrong and need correcting. One should not be surprised, therefore, when there is considerable public focus on what is wrong—and vigorous debate over proposed solutions. This controversy may appear unseemly by earlier standards of State Department decorum. It is, however—except when disfigured by unjust and personal attacks on a dedicated career Foreign Service Officer—a very healthy and useful process.

It would be a mistake to allow the turmoil which has been a part of these last two years or the controversy and clash of views which will accompany the forthcoming employee elections, to obscure what is really going on in this Department. Controversy is an integral part of the progress we are all working for. There have been years in this Department when there has been very little tumult and very little progress. We are in a much better era now.

And now my final point: No effort of this kind starts without antecedents. Much of the credit must go to those career officers among you who in increasing numbers in the years immediately preceding January 1970 pressed for reform and set the stage for what has followed. To you and to the many who joined you in the past two years, we owe a considerable debt.

The question I put to you now is this: Will your commitment to this effort be sustained? Important decisions lie ahead, and modernization is a task which, by definition, is never done. Even in the specific areas I have been reporting on today, the record is one of useful and important beings—not final accomplishments.

Modernization as a process will continue in the Department. That is inevitable. The question is whether you, the career professionals, will continue to lead it. If you do, and for as long as you do, this critically important work will be in the best of hands.

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## CONGRESSMAN WOLFF'S 1972 NEWSLETTER

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. WOLFF. Mr. Speaker, in an effort to keep my constituents informed of my activities as their Representative in Washington, I regularly mail a newsletter to all of my constituents. I include in the RECORD the text of my first newsletter of 1972.

The newsletter follows:

Dear Friend and Constituent: When the 92nd Congress first convened a year ago, the nation's economy was in a state of acute deterioration. The annual gross national product was lagging \$74 billion behind its potential and the industrial plant was operating below 75 percent of its capacity. The cost of living had risen 12 percent in two years; unemployment was at a ten year high; the number of Americans living in poverty, or subsisting on welfare, had increased to record percentages.

Since then, we have seen the devaluation of the dollar, the imposition of an unprecedented wage-price freeze, a 10 percent import surcharge (already abolished), the reinstitution of an investment tax credit program, the creation of thousands of public service jobs for the jobless, and the unfolding of Phase 2.

Despite all of these heralded programs, taxes continue to escalate. Unemployment appears stabilized at an unbearable level, LIRR fares have increased sharply again, bridge and tunnel tolls have doubled, rents are up 13 percent in NYC, and by as much as 30 percent in Nassau—all while wage increases are limited to 5.59 percent. Profits are held down and industry predicts only a 9 percent increase in capital outlays.

In short, the problems continue. The solutions, implemented to date, have aimed only at preventing things from getting worse—without attacking the root causes of our social and economic imbalance.

To call for an increase in the already inflated Defense Department budget while vetoing the education bill, the child care bill, and a bill to improve sewage treatment facilities as "too costly" is wrong. To expand the agricultural subsidy program, the system which pays people not to produce food while millions starve, makes no sense.

This is what I said in South Dakota recently, when I was asked to spend two days speaking before agricultural groups on the needs of our cities. I approached the visit with some trepidation since, in my seven years in the House of Representatives, I have voted against every agricultural subsidy bill to come before us. However, much to my surprise, I was very warmly received.

During the coming months, we will have an especially vivid opportunity to observe whether America's elected officials live up to the high standards of their constituents who want an immediate re-examination of government spending priorities. Unless we settle down to this task soon, it may be too late.

### FIND SUBTERFUGE IN VIET ELECTIONS

To substantiate my findings that a U.S. financed political poll was taken in South Vietnam before the elections and was shown only to President Nguyen Van Thieu for his obvious self-interest, I demanded that the State Dept. declassify letters to House Foreign Affairs Committee Chairman Thomas Morgan from David Abshire, State Dept. Assistant Secretary for Congressional Relations. I then released the contents of these letters to prove that the U.S. is still engaged in the kind of subterfuge that was chronicled in the Pentagon Papers—in this instance, the behind-the scene American involvement in South Vietnam politics.

As the direct result of my investigation, the Subcommittee on Asian and Pacific Affairs, of which I am a member, held hearings to gather more information on the role the U.S. played in the South Vietnamese elections. We sought answers to my Resolutions of Inquiry (H. Res. 632 and 638) which direct the Secretary of State to provide the Foreign Affairs Committee with all communications concerning the election.

However, not until the announcement that I had sworn testimony from persons who had participated in the poll-taking did the State Dept. admit it had conducted these opinion surveys.

The extent and character of this obviously partisan U.S. involvement in the offensive no-contest Vietnam election debases the immense sacrifice of American lives.

### FORCES UNITE TO BATTLE DRUG ABUSE

Recently, I had the opportunity to address a two-day drug seminar sponsored by Hofstra University in conjunction with North Shore Hospital and Cornell University Medical Center.

Today, drug addiction is a national disaster that calls for nothing less than crisis intervention if we are to preserve the structure of social order in our nation. We can no longer delude ourselves with rhetorical blame-fixing. It is time for health and educational institutions to seek constructive and workable solutions to this problem of shattering magnitude.

Our young people are ahead of their elders in recognizing the health hazards of tobacco and cyclamates. They warn drug abusers to steer away from amphetamines with the slogan "speed kills", yet teachers and parents still resort to pious preachings. For example, moralizing about marijuana has been unpersuasive in the absence of firm scientific evidence. More research is needed in this entire area of so-called "soft" drugs to substantiate rational arguments. Our business and industrial leaders must deal with drug abuse in a responsible manner by channelling addicts into rehabilitation programs. The challenge facing us here and throughout the nation is one that must be met by a complete and cooperative response on the part of professionals in the fields of health and education, from the private sector and from all possible community resources.

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### PRESERVATION OF UDALL'S COVE ASSURED AS CITY MAPS ACQUISITION

The preservation of Udalls Cove, fertile salt marsh estuary on Little Neck Bay, as a spawning ground and habitat for native wildlife is now virtually assured. I have been working for some time with conservationist groups and environmental agencies to effect a permanent plan for these valuable wetlands.

I am happy to report that NYC Parks Administrator August Hecksher has informed me the city will acquire the remaining 33 acres of available land on the Queens side of the cove for a wildlife sanctuary (58 acres are in Nassau). The result of this cooperative action is a major milestone towards the perpetuation of our open spaces for future generations of New Yorkers.

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### PRESIDENT'S VETO OF CHILD CARE BILL A BIG DISAPPOINTMENT

A big disappointment to me of the last session was the President's perplexing veto of the Economic Opportunity Act to continue, through fiscal 1973, the nation's essential anti-poverty programs.

The two-year extension package, as approved by Congress, included the innovative Child Development Program to provide $2 billion for comprehensive day care services (education, health, nutrition) for more than one million pre-school youngsters. The President's veto was a devastating blow to the initiative of poor families—and especially working mothers—who had hoped to achieve economic independence and upward mobility.

### OIL DRILLING LEASES STILL A THREAT

I am becoming increasingly concerned that, despite the outcry by Atlantic states representatives and senators and their demand for a moratorium on all leasing plans, Interior Secretary Rogers C. B. Morton is insistently supporting private off-shore drilling rights.

I was dismayed to learn that he had conducted yet another briefing on the Administration's plans to consider such leases while the House and the Senate have before them bills seeking a two-year stay on any such action, subject to the outcome of a complete study by the National Academy of Sciences. As chairman of the bi-partisan ad hoc congressional committee investigating this threat of indiscriminate oil drilling, I intend to ask my colleagues to press for the earliest possible consideration of our bills.

### CONSUMER RECORD WINS TOP MARKS

My voting record on consumer issues during the last session of Congress has been praised by the Consumer Federation of America, prestigious national coalitions of consumer groups. Singled out were by votes to create a federal Consumer Protection Agency; to establish a select House committee to make an in-depth study of the country's energy resources; to continue provisions to extend legal aid services to many more disadvantaged persons.

The entire NY State Delegation, of which I am a member of the Steering Committee, was given high marks by the Federation for strong support of consumer legislation. I am hopeful that in the coming months we, in Congress, will enact these and other important consumer measures as necessary steps toward readjusting our national priorities.

### RENT CONTROL HIKES UNDER SCRUTINY

The New York City Congressional delegation reacted swiftly and efficiently to the Price Commission's recent announcement that rents charged for controlled apartments in NYC would be permitted to increase by 7.5% and stabilized rents would be allowed to rise 13% while increases elsewhere in the nation would be limited to 2.5%.

The immediate response by Congress was to pass an amendment to the Economic Stabilization Act of 1970 which prevents the Price Commission from singling out rent-regulated units for special treatment while wage increases are held to 5.5%.

Despite the new laws, the commission has failed to carry out this new provision. I have called upon the House Banking and Currency Committee to hold oversight hearings and have been assured these will be held.

## AMTRAK

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## HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. ZWACH. Mr. Speaker, for a long time our railroad system has been sick. Service has been deteriorating and trains have been taken out of service.

In an effort to maintain skeleton passenger service between key cities, the Rail Passenger Service Act was enacted and Amtrak was established.

But is Amtrak the answer to our problem? Not so in the opinion of Lem Kaercher, editor of the Ortonville Independent in our Minnesota Sixth Congressional District.

Lem is a railroad enthusiast. He has been one since he "rode the rods" as a young man.

Recently, he took a sentimental journey to Florida with his family.

This is what he had to say about that trip:

MIAMI BEACH, FLA.

DEAR FRIENDS, ONE AND ALL: Amtrak! What is it? It is America's first nationwide passenger rail system.

When President Nixon signed the Rail Passenger Service Act, it gave Amtrak the responsibility of managing the country's intercity rail network, which started May 1, 1971.

With son Jim and his family, we made reservations to ride an Amtrak train from Chicago to Miami Beach, thinking it would be an experience, and something different for a change.

And—it was!

But never, never again!

We boarded the 10-car train at 11 o'clock Monday night and soon learned that there were fewer than 100 persons aboard—notwithstanding the fact that they led you to believe you had to have reservations, well in advance.

"Thinking that the train would be "super" in all respects from the passenger trains of a few years ago, we were so disappointed to find it one of the dirtiest trains we have ever ridden on.

And, if all Amtrak trains are like the one we rode, I predict they are doomed to fail.

Amtrak selected the best 1200 cars in the country out of 3,000 passenger cars formerly in service. All are stainless steel.

But not a window on the train had been washed.

You couldn't see out of a single window, not even the dome car.

And the track, especially from Chicago to Indianapolis, was the roughest I think I've ever ridden over. Jim and family had a compartment while I had a slumber coach in the same car.

Having read the evening Chicago Tribune, I rapped on their door, but got no answer. Was going to give them the paper to read.

I awoke Tuesday morning to discover they were in a compartment to the far end of the car. They had not slept a wink all night. Their first compartment was too hot and the train crew could not shut off the heat, so moved them to another room, and later to still another—three times that night—and—when I finally located them, their door was wide open—again, too hot!

Talk about Amtrak!

I, for one, never want to hear about it again.

What an experience!

The only thing that can be said for it that was good, was the food. It was par excellent.

The train was two hours behind time, but instead of making up time, like trains strove to do years ago, we continued to lose time.

Jim and family got off at Orlando, Wednesday morning, to enjoy Disneyland, while I continued on to Miami, finally arriving at 3 o'clock that afternoon.

As much as I love the rails and would love to see Amtrak succeed, they will soon be finished—UNLESS they comply with many of their promises, some of which include:

Cleaner and better trains than in the past;

Attentive, courteous personnel, more so than in the past;

Running trains on schedule;

Catering to every passenger, as though he owned the train. Etc., etc.

It just may be that the trains running to the coast are better patronized—that they are cleaner—and that the personnel is happy and jovial—not like mourners! I don't know. For the sake of Amtrak, we hope so!

## POLITICAL STRATEGY HELPS SHAPE ADMINISTRATION'S PESTICIDE BILL

### HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. ROSTENKOWSKI. Mr. Speaker, on Saturday, January 22, 1972, there appeared an article in the New York Times which I believe my colleagues will find of considerable interest.

It discussed the extent to which the present administration is willing to compromise its desire for sound long-term legislation to control pesticides, for the sake of short-term political gains.

It is the story of the President's need for "legislative victories" in an election year and the administration's decision to ignore the strong objections of concerned environmentalists because "they will not, for the most part, be voting for the President."

Well, Mr. Speaker, we are all very well aware that this is an election year, and a very important one at that. But, I do not believe that we should turn our backs on an increasingly important problem, the regulation and control of dangerous pesticides, simply because it would be politically expedient to do so.

I sincerely hope that the recent publicity that this issue received in the Times will have an effect—a constructive effect on the final outcome of the pesticide control bill in the Senate.

Because of the importance of this legislation, I insert at this point the article in the RECORD for my colleagues' attention:

#### POLITICAL STRATEGY HELPS SHAPE ADMINISTRATION'S PESTICIDE BILL

(By E. W. Kenworthy)

WASHINGTON, January 21.—Howard A. Cohen, who handles Congressional affairs for the Environmental Protection Agency, has put together political strategy for the administration on some controversial environmental bills.

Mr. Cohen's confidential memorandum has leaked from Capitol Hill and is causing some glee among Democrats because only two days ago at a news conference, William D. Ruckelshaus, the head of the environmental agency, charged Senator Edmund S. Muskie with playing politics with the environment. The Senator is chairman of the Subcommittee on Air and Water Pollution and is the front-runner for the Democratic Presidential nomination.

"We have got to stop this game of political one-upmanship going on regarding the environment," Mr. Ruckelshaus said with some heat. It was impossible, he added, to make rational decisions on what were, after all, technical questions while "this kind of nonsense went on."

##### A DIFFERENT VIEW

It is evident from his strategy statement that Mr. Cohen does not share Mr. Ruckelshaus's desire to make the environment a nonpartisan issue. He circulated the statement, on the stationery of the administrator, at a briefing here Jan. 12 of the agency's 10 regional administrators. He told them, according to one participant, "I will be spending part of my time working for the pre-election of the President."

And he reminded them in the memo that "the President is in an election year and needs some legislative victories." To get action, he said, in one place, the Administration is willing to accept weakening amendments, for example, on the pesticide bill, in order to mollify the bill's opponents and help elect the President and Republican candidates for the House and Senate.

Most instructive and extensive (five pages) is Mr. Cohen's strategy on the pesticide bill. This is a hot issue in the Middle Western and Southern farm states, which are heavily represented in the Senate and House agriculture committees.

##### TOUGH, WITH LOOPHOLES

The Administration sent a draft bill to Congress early last year. It was regarded as tough, even by environmental groups, although they thought it had some loopholes; the House committee weakened it considerably, and its version was passed by the House in November. The Senate committee held brief hearings, and then decided to wait until it got the House bill before going ahead.

In his paper, Mr. Cohen says that the agency must decide whether to seek stiffening amendments in the Senate, and then consult with John Whitaker, the President's environmental aide, "in order for E.P.A. to ascertain the degree, if any, of flexibility which this agency will have in dealing with the Senate committee."

Once the Administration's position is "solidified," Mr. Cohen writes, the agency's spokesman must approach key Republican members of the Senate committee and also those farm state Republicans up for re-election—Jack Miller of Iowa, Carl T. Curtis of Nebraska, Gordon Allott of Colorado, James B. Pearson of Kansas and Clifford P. Hansen of Wyoming—as well as the Republican candidate for the seat of Karl E. Mundt of South Dakota, who is retiring.

##### TWO DEMOCRATS NAMED

Thereupon, Mr. Cohen continues, the agency should approach two Democratic Senators, Herman E. Talmadge of Georgia, chairman of the Agriculture Committee, and James B. Allen of Alabama, chairman of the subcommittee dealing with pesticides, "In an effort to quickly and quietly resolve any differences prior to the bill coming to a vote in the full committee where there sit two announced Democratic challengers to the President—McGovern and Humphrey."

Although the Administration insisted on reopened hearings in the house on Mr. Muskie's water pollution bill last month, Mr. Cohen says, "any further hearings on the [pesticide] bill ought to be avoided, since they would put E.P.A. on the spot in trying to defend the House bill or attacking the House bill as being too weak."

##### "UNDER NO CIRCUMSTANCES"

"Under no circumstances," he continues, "should E.P.A. attack the pesticide bill as being too weak. This would cause serious problems for the President in farm states."

The important thing for officials of the environmental agency to remember, Mr. Cohen says, is that "the White House can live with the House bill."

Mr. Cohen acknowledges that "the environmentalists will strongly object to the lack of further hearings," but this should cause no concern since "they will not, for the most part, be voting for the President." Since the House bill is "an improvement over the present law, we can disregard any objections based on the fact that we did not get all we had asked for, Mr. Cohen writes.

Should Democrats from nonfarm states attack the bill as too weak, Mr. Cohen says, the Administration can counter by charging "they are antifarmer and thus want to put too many unnecessary restrictions on the American farmer," or "they are putting their own political interest ahead of the environment by demanding a stronger bill when they know that the House will not go along with them and therefore they are, in effect, killing the bill."

## ABUSE OF THE PRIVILEGE OF A LICENSE TO PRACTICE LAW

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. WYMAN. Mr. Speaker, practicing law for a fee is not a right. It is a privilege, conditioned upon support of the Constitution, the common law, and the continuing obligation of each lawyer as an officer of the court which every attorney is.

Persons who abuse the privilege should have it suspended. If the abuse continues they should be disbarred. Such a person is Attorney William Kunstler who has disgraced the bar, the law and the profession so blatantly, so contemptuously, so publicly, so repeatedly that the general reaction has developed inferring that the bar is either afraid to deal with the Kunstlers, or indifferent, or apathetic, which is about the same thing.

Recently in Pittsburgh, Pa., Kunstler made it clear all over again. He declaimed:

> I hate the law. The Judicial decree has replaced the assassin, etc.

This man should be disbarred without further delay for he willfully and repeatedly disgraces the honorable profession of the law.

In this connection I recommend the reading of James J. Kilpatrick's column in tonight's Washington Star. How much longer is the organized bar to tolerate this abuse of the lawyer's privilege?

The article follows:

#### FALLACY OF RADICAL LEFT'S TWISTED REASONING

(By James J. Kilpatrick)

PITTSBURGH.—We touch gloves. It is expected of antagonists before they come out fighting—a teaspoon of harmony to cool approaching discord. For a few moments, backstage, we sip on small talk, not speaking of Bill Buckley, not mentioning Judge Hoffman, keeping a careful distance; and so the debate begins.

This is our third match. We met at Vanderbilt, two or three years ago; we tangled later on at Oklahoma. Now it is Pittsburgh, in the university's little jewel of an auditorium. In this corner, William Kunstler—lawyer, defender of the poor, counsel to the Movement. And on your right, the Southern journalist, conservative columnist and self-styled Whig: Me.

"Resolved, that decisions of the Warren Court have tended to protect criminals at the expense of law-abiding citizens and of society in general."

The affirmative goes first in these sawdust affairs, and the rule is to paw twice at the question before seeking a hold. Thus a small tribute to Kunstler: A dedicated lawyer. The adjective is noncommittal. Kunstler knows it. Then a suggestion that lawyer and newspaperman, disagree though they may on particular opinions, share a respect for the law itself. For my own part, I say, before tackling Miranda v. Arizona, "I love the law." Twenty minutes later it is Kunstler's turn.

"I hate the law," he begins, and he tracks his leonine head around the balconies, cold-eyed, a twin battery of five-inch guns. He drops the words as heavily as shells: "I hate the law."

"I know the law," says Kunstler. "It is used to oppress those who threaten the ruling class. The judicial decree has replaced the assassin . . . I remain a lawyer, I stay with the law, only because the law is maneuverable, it can be manipulated. But in the future?"

Kunstler leaves the question hanging. He recalls what Fidel Castro once said in a great speech: "I thought the law could be used in order to change the system. I found it could not be so used in Cuba, and therefore I went into the Sierra Maestra."

The debate, as it turned out, collapsed in misjoinder. In Kunstler's view, the Warren court "did nothing for individual liberties." Whatever it might have built, in any event, was now being dismantled by the court under Burger. Those "two new constitutional subversives," Powell and Rehnquist, would complete the job. The Miranda rule already lay in ruins, the prohibition against self-incrimination had been further abridged, the protections of habeas corpus were being destroyed.

The particular cases and opinions to one side, it was Kunstler's acid view of the law itself that set in motion an uneasy train of thought: "I despise the law; I loathe the law." To judge from a recent article in the Washington Post, it is a view widely shared by Movement lawyers.

"The System must be changed." That is their first premise. "The System cannot be changed successfully by law. That is their second. Therefore, goes the syllogistic conclusion, the System must be changed by other than lawful means.

The monstrous fallacy of the Movement's twisted reasoning ought to be exposed. In the name of restoring liberty, in the name of ending oppression, the Radical Left would have us change from a society based on law—to what? To a society of no law? Or to a society of their law? If the rule of law itself should be despised, why should we then love the law of Mr. Justice Kunstler? Yet a society of no law is no society; it is no more than a jungle, ruled by brutish beasts.

To love the rule of law is not to minimize its imperfections. These abound. But to suppose that human liberty can survive without social order is to suppose the impossible. We debate this night, he and I, because there is law—law that frees, law that restrains. To hate the law is to hate the freedom it secures. Out of the poisoned spring of such hatred, only tyranny can flow.

## THE RIGHT TO OWN GOLD

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## HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. CRANE. Mr. Speaker, the world monetary system of today is not a natural growth, as was the old international gold standard, but is an arbitrary and artificial scheme developed by monetary bureaucrats, the governmental equivalents of those who developed urban renewal, agricultural price supports, and the war on poverty.

These bureaucrats, of course, differed among themselves. Some wanted inconvertible paper currencies free to fluctuate in the foreign exchange markets and "managed" by each country's own bureaucrats, solely in accordance with the "needs of its domestic economy." Others wanted "exchange stability," which meant fixed values for each currency in relation to the others. One of them, however, wanted constant convertibility of his country's currency by any holder into a fixed weight of gold on demand. That had been the essence of the traditional gold standard.

The gold standard demanded a certain responsibility which has long been absent from international economics. If a country overexpanded its money and credit and pushed down interest rates, it immediately began to lose gold. This forced it to raise interest rates again and contract its currency and credit. A deficit in balance of payments was quickly and almost automatically corrected. The debtor country lost what the creditor country gained. Today, this is not the case.

In an important article, economist Henry Hazlitt notes that:

> Despite the fact that no immediate agreement can be found among the world's monetary managers, there is one immediate and indispensable reform that all who believe in a basic individual freedom, regardless of their specific monetary views, should be able to unite on. This is for every country and above all the United States, to remove the prohibition on the right of private citizens to own, buy, sell, or make contracts in gold.

Mr. Hazlitt points out that:

> If the prohibition against private citizens holding gold were removed, the consequences would be immediate, and they would not be trivial. American citizens would have a major way, prohibited to them now, of protecting their savings against the further erosion in value of an irredeemable paper dollar.

Recently, Prof. Milton Friedman declared in an article in Newsweek magazine that:

> The nationalization of gold "was for one purpose and one purpose only: to keep private individuals from profiting by the rise in the dollar price of gold that the government deliberately engineered. Private holders of gold were required to turn their gold over to the U.S. Treasury at $20.67 an ounce when the market price was well above this sum.

Professor Friedman declared that:

> This was an act of expropriation of private property in no way different in principle from Castro's nationalization of U.S. owned factories and other properties without compensation . . . As a nation, we do not have a leg to stand on when we object to these acts of expropriation. We did precisely the same thing to the residents of the U.S.

The gold standard may not be perfect, yet it remains the only alternative to the irrational and unworkable system we have today. Mr. Hazlitt points out that:

> If citizens once again had the right to own gold, gold would become both an international money of account and a de facto international money, whether it was officially "monetized" or not.

I wish to share Henry Hazlitt's article with my colleagues, and insert it into the RECORD at this time:

### THE RIGHT TO OWN GOLD

(By Henry Hazlitt)

The dilemma we face today is not merely that the international monetary system is drifting into more and more disorder, but that no agreement can be found among the world's monetary managers, or even among professional economists, regarding what a sound monetary system ought to be.

There is (1) the dispute between those who advocate some sort of gold standard and those who want gold to play no monetary role whatever; and (2) the dispute between those who want "flexible" or "floating" rates for national currencies and those who want fixed rates. And even among the latter, there is no agreement on precisely what the various fixed rates should be.

But there is one immediate and indispensable reform that all who believe in a basic individual freedom, regardless of their specific monetary views, should be able to unite on. This is for every country, and above all the United States, to remove the prohibition on the right of private citizens to own, buy, sell, or make contracts in gold. (Such prohibitions, in fact, exist mostly in Communist-controlled countries, such as Albania, Bulgaria, Cuba, East Germany, Hungary, Rumania and the USSR. Exceptions are Ceylon, India, Libya, Malaysia, Mali and Rhodesia.)

When President Roosevelt announced on March 6, 1933, that the nation's Federal Reserve notes and gold certificates would no longer be convertible into gold, nor gold-bond obligations paid in gold, he broke the explicit pledge of the United States government, and he abrogated private contracts. He then, with the help of Congress, made it illegal for American residents to hold gold.

The real culprits were declared to be those who had taken the government at its pledged word, and had already redeemed some of their paper money in gold. They were ordered to turn back the gold under criminal penalties for failure.

The initial excuse was that, if conversion continued to be permitted, the government would be drained of its gold stocks. But as Milton Friedman and other economists have pointed out, when these decrees were issued in 1933, the U.S. gold stock was higher relative to the total quantity of money than at any time since the Federal Reserve System was established in 1914.

The price of gold was fixed in early 1934 at $35 an ounce in order to devalue the dollar relative to other currencies and so raise the dollar prices of American farm products and other exports. The rise in the price of gold (plus fears of the intentions of Hitler's Germany) produced a flood of gold into the U.S. From 1934 to 1940, the U.S. gold stock more than tripled.

As Prof. Friedman has put it, this "nationalization" of gold was for one purpose and one purpose only: to keep private individuals from profiting by the rise in the dollar price of gold that the government had deliberately engineered. Private holders of gold were required to turn their gold over to the U.S. Treasury at $20.67 an ounce when the market price was well above that sum. This was a bare-faced expropriation of private property.

Later, when at Bretton Woods the International Monetary Fund was set up foreign central banks were allowed to convert their paper dollars into gold at $35 an ounce; but the prohibition against American citizens' attempting to do so, or even holding gold bullion of any kind, was continued.

The excuse continued to be that if American citizens were allowed this right, they might drain the Treasury of so much gold that it could not fulfill its solemn obligation to convert into gold for foreign central banks. But now that the United States government has repudiated and defaulted on even this pledge, the last excuse for depriving private citizens of the right to own or hold gold has been wiped out.

Congressman Philip Crane (R.-Ill.) has introduced a bill repealing the prohibition on the ownership, purchase, or sale of gold by private individuals. It is not merely the advocates of an eventual return to the gold standard who should support this bill, but everybody, no matter what his monetary theories, who is opposed to an inexcusable restriction on individual freedom.

The disparagers of the gold standard have been saying for years that gold may be all very well for wedding rings and filling teeth, but that there is no reason for giving it a different legal or economic status than any other metal or, for that matter, any other commodity.

But if they really believe this, what possible excuse can they give to justify prohibiting private citizens from owning it and trading in it, as they are free to own and trade in platinum, silver, nickel, copper, iron, wheat, cotton, stocks and bonds? Isn't it about time American law ceased treating gold as if it were a dangerous drug or poison, equivalent to heroin or arsenic?

If the prohibition against private citizens holding gold were removed, the consequences would be immediate, and they would not be trivial. American citizens would have a major way, prohibited to them now, of protecting their savings against the further erosion in value of an irredeemable paper dollar.

This erosion in value, it must be emphasized, is not accidental; it is the result of the deliberate policy of the federal government in recklessly spending far beyond the level to which it dares to tax, financing its chronic deficits by printing more fiat money, making this fiat money the sole legal tender, systematically depreciating the value of this sole legal tender—in brief, systematically swindling its own people.

The real present reason for prohibiting its citizens from owning gold is precisely to prevent them from having this recourse to protect their savings and thereby spoiling the government's game of continuous swindle.

Another consequence of restoring the right to own gold would be the immediate creation of a really free gold market, here and abroad. (I am assuming that the U.S. Treasury itself would neither depress nor support the market; that it would neither buy nor sell gold, but simply hold on to its present $10-billion gold stock, which some day it will need desperately.)

Once free gold markets came into existence, the price of gold would vary from day to day in terms of national paper currencies. It would reflect the extent of their depreciation. But gold would become both an international money of account and a de facto international money, whether it was officially "monetized" anywhere or not.

Exporters and investors would insist on being paid in terms of gold. International and even domestic contracts—especially long-term contracts—would be made increasingly in terms of gold, for the simple reason that this is the only currency that anyone would trust.

And when this practice became widespread, as we can assume it would, individual governments would find it to their advantage to put their currencies back on a gold basis by making their currency unit convertible on demand into a fixed weight of gold. It is in this way that the gold standard is most likely to be restored.

It may be doubted that a true gold standard will ever be restored by an elaborate multilateral international agreement among governments, equivalent to a new IMF. The politicians and their appointees, the central bankers, will want to perpetuate the power to manage, manipulate and debase their own currencies; they will never willingly give it up.

The gold standard may fall short of some imaginable perfection, but its priceless merit is precisely that it is the only alternative to a currency governed by the schemes and caprices of the politicians.

## THE ECONOMIC IMPACT OF A SEVERANCE TAX ON KENTUCKY COAL

## HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. MAZZOLI. Mr. Speaker, Kentucky is emerging as the Nation's leading State in the production of coal. And since this mineral resource is so crucial to the Nation's ever-increasing energy demand, there is nearly universal interest in the health of the coal mining industry.

Accordingly, I am inserting in the RECORD for the benefit of my colleagues, a summation of an important study, published in January, concerning the economic impact of a severance tax on Kentucky's coal mining industry.

This study, prepared at the suggestion of the Kentucky General Assembly's Interim Committee on Appropriations and Revenue, was written by Curtis E. Harvey and Philip J. Karst of the University of Kentucky's Office of Business Development and Government Services. The report was published by the Kentucky Legislative Research Commission.

The significant finding of this extensive and well-documented study is that—

> A levy on coal is feasible and could produce substantial amounts of revenue without undue hardship to the coal industry, to employment, or to the economy of the regions that support it.

The authors report that they "found no evidence to substantiate the frequently heard allegation that a severance tax on coal would spell the demise of the industry or for the regions that support it."

Mr. Speaker, I insert the following summary in the RECORD:

### SUMMARY AND CONCLUSION

This study examines the economic impact of imposing a severance tax on Kentucky mined coal. The need for this study arises from the intention of state legislators and executive officials to propose such a tax for the purpose of raising additional revenues. The authors of this study were not asked to adjudicate the fairness or wisdom of imposing such a tax, but merely to examine its economic impact. They were asked to consider the tax as a given, but variable, factor in their analysis.

The study finds that a levy on coal is feasible and could produce substantial amounts of revenue without undue hardship to the coal industry, to employment, or to the economy of the regions that support it. This prognosis is based on the conclusion that in the short run, the demand for and supply of Kentucky coal are insensitive to moderate tax induced changes in price, and that in the long run, the dynamic growth elements of an expanding demand will offset any minor short run quantity adjustments. And although the demand for a portion of Western Kentucky's coal appears to be price sensitive, the imposition of a tax would probably affect this part of the industry only slightly; as a consequence, total tax revenues would probably remain unaffected.

A severance tax of equal burden on all mine operators in Kentucky would necessarily have to be a tax of unequal dollar amounts per ton of coal mined—higher for Eastern than for Western Kentucky. Since the average price per ton of coal is higher in the former, a uniform ad valorem (value) tax rate would imply a higher per unit tax in Eastern than in Western Kentucky. From an equity standpoint, such a uniform rate is clearly preferable to a single per unit rate which would impose a greater hardship on the Western part of the state. If, however, the principle of an equal tax rate is abandoned in favor of an unequal rate, then the study results suggest that Eastern Kentucky could support a higher ad valorem rate than Western Kentucky. That is, a moderately differentiated ad valorem tax rate could be used.

Because transportation costs enter significantly into the delivered price of coal, a severance tax represents a smaller percentage increase in the final costs to users than its f.o.b. mine price suggests. Thus the fact that the actual tax rate as a percent of the delivered price of coal is less than the assessed rate further supports the conclusion that the demand for Kentucky coal is essentially insensitive to moderate changes in price.

The authors of this study found no evidence to substantiate the frequently heard allegation that a severance tax on coal would spell the demise of the industry or of the regions that support it. On the contrary, the characteristics of the demand for and supply of Kentucky coal are such that practically the entire burden of the tax would eventually fall in the form of higher prices on the users of coal, most of which reside outside the Commonwealth. Since 86 percent of Kentucky's coal is exported, and because the demand for this coal is rapidly expanding and is insensitive to changes in price, the frequently noted argument that the burden of the tax can be exported is essentially correct. This makes a severance tax on coal appear to be a particularly attractive source of revenue.

## MAN'S INHUMANITY TO MAN—HOW LONG?

## HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

## WALL STREET JOURNAL PRAISES HON. WAYNE ASPINALL

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## HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. TAYLOR. Mr. Speaker, on January 21, 1972, the Wall Street Journal featured a front page story about our friend and colleague from the State of Colorado, WAYNE ASPINALL. Since the story relates the many contributions of this dedicated man, I think that it merits the attention of every Member of Congress and it follows my remarks.

More of the Nation's outdoor resources have been protected under WAYNE ASPINALL's leadership than during any other period in our history, with the possible exception of the first decade of the century when huge areas were set aside without any congressional review.

WAYNE ASPINALL's contributions to the cause of conservation have not been limited to protecting the Nation's most scenic areas, but have extended into other fields. He has worked long and hard to conserve and develop the water resources of the West and he has made many contributions to the wise use and development of other natural resource values.

As pointed out in the article which follows, WAYNE ASPINALL is his own man. He thinks for himself. We who have worked closely with him are impressed by his "unquestioned integrity, hard work, and mastery of the legislative process."

WAYNE ASPINALL is one of the outstanding legislators of the House. He loves and understands the legislative process. This body has been his profession and his hobby. No one works harder for the people of the Nation and for his people at home. Of course, he is powerful, as the Wall Street Journal article indicates, but he uses that power in the interest of all of the people of the country.

It has been my pleasure to serve as a member of the House Committee on Interior and Insular Affairs, chaired by WAYNE ASPINALL, since coming to Congress 11½ years ago. For me, this has been a pleasant, educational, and rewarding experience. I, for one, am glad that our Nation has a man of WAYNE ASPINALL's ability, experience, dedication, and character in Congress.

The aforementioned article follows:

[From the Wall Street Journal, Jan. 21, 1972]

### U.S. PRESIDENTS COME AND GO, BUT THE POWER OF REPRESENTATIVE ASPINALL PERSISTS

(By Dennis Farney)

WASHINGTON.—Wayne N. Aspinall was on his high horse.

There on Lyndon Johnson's White House desk was a proposal urging the President to invoke an obscure law called the Antiquities Act of 1906 and add over seven million acres to the national park system by fiat. Seven million acres without going through Congress! *Without going through Congressman Wayne N. Aspinall!* Mr. Aspinall got on the horn.

Set aside those acres, the Democrat from Western Colorado told the mighty LBJ, but he, Mr. Aspinall, would make sure Congress took its sweet time about appropriating the money to administer them.

Mr. Aspinall, a crusty, plain-talking man, is recounting the confrontation from a big blue leather chair in his office. Well, he continues, Mr. Johnson thought things over for several days. Finally the President said, "Wayne, I have to do something. I'm going to add 350,000 acres instead of 7 million." A smile wrinkles Mr. Aspinall's 75-year-old face. "And then he said, 'What's your position on that?' "

"And I (a chuckle from the blue leather chair) said: 'Still you don't get any money.' "

Wayne Aspinall always keeps his word. His House committee is still holding up some of that money. It would be exaggerating to say Mr. Aspinall's opposition was the only reason the President scaled down that ambitious proposal in the waning days of his administration. But it would be hard to exaggerate the power of this proud and prickly congressional elder, an ex-peach-grower and ex-schoolteacher, to put his personal stamp on a broad range of environmental legislation. Presidents come and go: since 1958 Mr. Aspinall has remained chairman of the House Committee on Interior and Insular Affairs.

#### "I'M NOT A NATIONAL FIGURE"

That makes him a key man to see on every national park proposal, every wilderness proposal, every one of the giant reclamation projects that generate power and irrigate the West. When the 37 men and one woman of his committee gather around the sweeping horseshoe-shaped table in their ornate committee room (a gold-framed portrait of Mr. Aspinall hanging over the marble fireplace), they can preserve wilderness or exploit it commercially, dam rivers or let them run wild, settle a picayune Indian claim or give 40 million acres of federal land to the Eskimos and other Alaskan natives.

For all this power, Mr. Aspinall remains little-known outside Colorado and anything but a lion of the Washington cocktail circuit. His life revolves around work and family. He was deeply shaken when Julia, his wife of 49 years died in 1969; he married a grade-school chum, Essie Best, in 1970. Essie, in fact, was his first date back in Palisade, Col., early in the century. A recent social column in The Washington Star reported they often spend evenings playing gin rummy or watching television. "I know" he volunteers, "I'm not a national or an international figure."

No matter. Mr. Aspinall's congressional district in northern and western Colorado, heavily dependent upon mining, logging and ranching, has been sending him to Congress since 1948, although sometimes by narrow margins. And so, in what one critical committee member calls a classic example of "the ability of the seniority system and chairmen to give regions and industry an unwarranted amount of power," Mr. Aspinall has risen to influence—and controversy.

"Rep. Wayne Aspinall has demonstrated time and again the power of his position to influence the timing, character and outcome of almost all environmental legislation," contends the book of case studies, "Congress and the Environment," which is authored by several academicians and published by the University of Washington Press. And "because of his particular philosophy and outlook, as well as his close alignments with various economic interests, that power has been used almost exclusively in a negative way."

#### "DREAM AFTER DREAM DASHED"

Environmentalists blame Mr. Aspinall for "the 1984 clause" in the Wilderness Act. It keeps wilderness areas vulnerable to mining operations until midnight, Dec. 31, 1983. He was for a dam that would have backed water into Grand Canyon National Park. He was against a big redwoods national park. Almost singlehanded, he has kept the Mining Law of 1872 on the books, despite contentions that it is outmoded and environmentally destructive. He's frankly for exploitation of natural resources. He's outspokenly against, as he told a recent convention of big-dam people, "the ecology binge as practiced by the lunatic fringe of the environmental movement."

Says environmental militant David Brower: "We have seen dream after dream dashed on the stony continents of Wayne Aspinall."

But Mr. Aspinall draws strong praise as well. Congressmen and Senators of all stripes cite his unquestioned integrity, hard work and mastery of the legislative process. More surprisingly, perhaps, he draws some praise from arch-conservationists, too.

"You have to give this guy credit," volunteers a generally critical member of Mr. Aspinall's committee. "He's never gotten himself into any position where he couldn't be fiercely independent and totally his own man. At 75, he puts in more work than 90% of the members of the House."

The 1960s saw major additions to the national park system and, of course, every addition was eventually approved and later sponsored in the House by Mr. Aspinall's committee. Further, Mr. Aspinall played a strong role in winning House approval for the Land and Water Conservation Fund Act, a mechanism for financing additions to state and national park systems. All in all, says a battle-scarred conservation lobbyist, "we could have looked a hell of a lot stronger and farther (for a chairman) and done a hell of a lot worse."

Unquestionably, Mr. Aspinall has done a lot for his district and the entire West. For example, he already has steered through Congress a staggering total of more than $5 billion worth of big-dam authorizations—enough dams to make a wilderness-lover shudder, so many it may take 20 years to build them all.

#### NEITHER VILLAIN NOR HERO

Mr. Aspinall is admitting to being neither villain nor hero as he sits talking in his quiet office. Always a punctual man (he used to schedule two-minute appointments at odd times like 3:42 and 10:53 until secretaries dissuaded him), he has set aside 20 minutes for this interview. In about 12 minutes, however, he'll cut things off with a cordial, "Now, my time is up," Right now, though, he's talking political philosophy.

He sees himself as a balancer of conflicting interests. "All people generally are selfish. Some are destructively selfish." Every group can be expected to try to legally advance its self-interest just as far as possible. Somebody has to draw the line. Mr. Aspinall sees himself as that somebody.

"I've just never been able to put myself in the position of people who are selfish . . . even to the point of locking things up for their own selfish interests," he says. "Just as I've never been able to put myself in the position of those who want to do things for the selfish interest of making a dollar. So I find myself out of step with the extremists on all sides of this issue. I'm just not an extremist."

Mr. Aspinall's definition of conservation remains the definition of Theodore Roosevelt: The wise *use* of resources. He believes resources are there to be exploited, though the form that exploitation takes can be anything from a national park to a copper mine. Increasingly, though, the public definition of conservation has shifted toward the *preservation* of resources in the form of wilderness, Mr. Aspinall defines himself as a "conservationist"—but not, emphatically, as a "preservationist."

#### THE GREAT WILDERNESS FIGHT

He sees the latter as big-city types who want to set aside vast areas of beautiful countryside to play upon—somebody else's countryside. "I've just never been able to understand how you could play at somebody else's expense all the time," he says. His palm slaps down. "How you could protect the ecology at somebody else's expense all the time." Slap. "How you could have the good things of life without a *mutual* acceptance of the obligation for payment for those things."

Politically, the new breed of conservationists have drawn their strongest support from the big cities. They've had more support in the White House than in Congress, more support in the Senate than the House. Their staunchest foes have been Eastern Congressmen, acutely sensitive to the economies of their districts. Traditionally, Mr. Aspinall's committee has reflected these Western, commercial interests. And Mr. Aspinall, a Westerner with what a friend calls "a philosophical identification with the committee," has reflected them in concentrated form.

Nowhere was this more evident than in the great wilderness fight. It saw Mr. Aspinall's committee block wilderness bills for years, despite overwhelming support in the Senate and prodding from two Presidents.

After President Kennedy endorsed the concept, a strong wilderness bill rolled through the Senate in 1961 by a vote of 78 to 8. But Mr. Aspinall's committee sat on the bill well into 1962, finally reporting out a version that wilderness advocates considered worse than no bill at all. Chairman Aspinall further infuriated them by attempting to ram this bill through under a parliamentary procedure that permitted no amendments from the House floor, where prowilderness, sentiment was stronger than in the committee. When Speaker McCormack denied this request, apparently moved by a deluge of protesting letters and vitriolic editorials, an angry Mr. Aspinall took the floor.

"Extremists," he said, ". . . have created an atmosphere which makes impossible the enactment of any wilderness legislation during this Congress." Then he went home to Colorado. The bill was dead for another session.

### MAKING A DEAL

In 1963 another strong bill breezed through the Senate and bogged down again in Mr. Aspinall's committee. The preservationists struck a deal. They agreed to support an Aspinall bill to create a commission to review management practices on the nation's public lands. He agreed to report out a wilderness bill and permit amendments from the House floor. In 1964 the preservationists finally got their bill. Put had they compromised too much to get it?

"In hindsight," says former Interior Secretary Stewart Udall, "I think the pro-wilderness people gave up too much, and that he (Mr. Aspinall) really shellacked them on it."

The preservationists had begun in the 1950s by seeking 55 million acres of wilderness; they got 9.1 million, with provisions for possibly getting an additional 5.5 million acres. They accepted "the 1984 clause." They had favored the Senate version of the bill, which empowered the President to designate additional wilderness areas subject to congressional veto; the final version, at Mr. Aspinall's insistence, reverses the process. Any additions will have to run the congressional gauntlet.

Mr. Aspinall, a quintessential man of the Congress, thinks that's only proper. One of his proudest boasts is that he's never lost a committee bill on the House floor. In fact, his only defeat of that kind came long ago in the Colorado legislature. He still remembers the margin: three votes. (He had it won, he muses, then the lobbyists got to somebody.)

"Wayne's an old schoolteacher," says one committee member, "and for years he ran his committee the same way." Even today, for example, Mr. Aspinall's secretaries write it down when a committee member cuts a meeting or shows up tardy. Mr. Aspinall expects members to "do their homework." He doesn't like dumb questions, and he has been known to snap at people who ask them.

So the committee room took on certain aspects of an unruly classroom a few years ago, when younger Democratic committee members began resisting Mr. Aspinall's authoritarian way of running things. The insurgents were members of the liberal House Democratic Study Group, and they had sought seats on the committee because the DSG wanted to dilute the panel's traditional conservation. They quickly rubbed Mr. Aspinall the wrong way.

"Wayne thought he could ride roughshod over them, and he did," says a Republican committee member. "I used to feel sorry for them." Conservatives dubbed the newcomers the Crazies. But before long the Crazies were plotting revolution.

Their ringleader was Rep. Phillip Burton (D. Calif.), who says it all began when he made the mistake of going to the rest room.

Mr. Burton was trying to add an amendment to a bill under consideration by the committee. Mr. Aspinall was presiding when Mr. Burton found it necessary to excuse himself. "My amendment," he says, "was deleted while I was in the can. . . . That was the trigger mechanism."

### A BIPARTISAN REVOLT

Mr. Burton rallied the Democratic liberals, and the liberals then approached Republicans chafing under the tight rein of their minority leader, Rep. John Saylor of Pennsylvania. The Republicans accepted the Democrat's proposition: join forces to curb both Mr. Aspinall and Mr. Saylor and to authorize the Republicans to hire some staff.

The result was a series of changes approved by majority votes when the committee organized itself for the 92nd Congress last January. Subcommittee chairmen got somewhat greater independence of Mr. Aspinall in the scheduling of hearings. The Republicans got their minority staff. And no longer do Mr. Aspinall and Mr. Saylor determine the delegations to House-Senate conference committees; now that's up to the respective party caucuses.

Friends of Mr. Aspinall say the changes caught him by surprise—and hurt him painfully. But committee members say that once he realized he was outvoted he offered little resistance. One story has it that after the votes, an embarrassed insurgent said: "Now Wayne, go ahead and run the committee as you always have." To which Mr. Aspinall reportedly replied: "You wrote the rules. I'll abide by them."

Rules are important to Mr. Aspinall. "I've always believed the majority has a right to rule," he says, discussing the incident in his office. "They had the opportunity to make the changes and inasmuch as this was their will . . . I abided by it."

Then he looks directly at his visitor and continues:

"And the next question you should ask, if you're following through, is, what have been the results? And I would say, a slowdown. A slowdown in the work."

"And the next question you should ask is, what has been the caliber of the work? And I would say, no better than it was before." (And no worse, he later adds.)

"You cannot have a lot of people calling the signals and still have the dispatch."

Other committee members disagree over just what the rule changes did to committee dispatch. Ironically, though, they generally agree that the total effect on committee operations hasn't been very dramatic.

Mr. Burton, a subcommittee chairman, has more leeway now, and Mr. Aspinall seems more responsive to his Democratic committee members. But the liberal reformers have a lot of other irons in the fire, and those careful attendance records, still being compiled by Mr. Aspinall's secretaries, find them among the poorest attenders of committee meetings. The best attender is Mr. Aspinall and, rule changes or not, he seems very much in charge of things.

Still, a friend worries that the uprising disheartened Mr. Aspinall and wonders if he'll run again next November. "It's a different world up there now," the friend says. "It's just not as happy a world as it was."

Mr. Aspinall says he'll make that decision when the time comes, and if he's disheartened he isn't talking about it. But it may be that he's more reflective now. Or so it seems as he sits looking back from the vantage point of that big leather chair. He is talking about mistakes he has made.

"I would say with regard to my operating procedures that I have sometimes been too quick with administrators in government and with some of my colleagues . . . too short with them," he says thoughtfully. The old schoolteacher might be grading himself. "I'm quite short with people who won't do their homework, in other words. This has led to a situation where people haven't quite understood. . . ."

Then, a minute or two later he asks: "Well, is that about it?" And, punctual as always, he sees his visitor to the door.

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## PETER G. PETERSON, NIXON'S "ECONOMIC KISSINGER," NAMED SECRETARY OF COMMERCE

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. RARICK. Mr. Speaker, the Nixon administration continues to move closer and closer to a position openly in favor of one world government.

The latest indication of this growing shift in the administration public posture is the announcement of the President's choice to assume the role of Secretary of Commerce, a position left vacant by the resignation of Maurice Stans to become fundraising chairman for the President's reelection campaign.

Peter G. Peterson, Nixon's choice for the Commerce post, has been called the "economic Kissinger." He has served the President for the past year as Presidential Assistant for International Economic Affairs and Executive Director of the new Council on International Economic Policy.

Peterson also serves on the Board of Directors of the United Nations Association of the U.S.A., an organization that enjoys preferential tax status while actually advancing the interests of a quasi-alien government—the United Nations—Congressional Record, 92d Congress, second session, pages 1697–1699.

Nixon is reported to have said that this "experience—would serve him well at the Commerce Department, the top U.S. agency for trade and other business affairs."

The news article does not indicate exactly how this "experience" in advancing the cause of world economy would benefit a man charged with the responsibility of the commerce of the United States.

I include a related news article in the Record at this point:

[From the Evening Star, Jan. 28, 1972]

### Stans Successor: Peterson Named to Cabinet

Peter G. Peterson, a native of Nebraska who has been making his mark in the business world ever since he got out of college in Chicago, is the new secretary of Commerce.

Peterson, 45, succeeded Maurice Stans, 63, who resigned yesterday to become fundraising chairman for President Nixon's reelection campaign. Stans served in a similar capacity in Nixon's 1968 campaign.

The President thinks so highly of Stans and Peterson that he personally announced the news about the two men yesterday. He also announced that Peter Flanigan, 48, a former Wall Street investment banker and a White House aide since April 1969, would succeed Peterson as his "economic Kissinger."

Peterson, former chairman and chief executive officer of Bell and Howell Co. of Chicago, has been known as the "economic Kissinger" since he came to Washington a year ago to be a presidential assistant for international economic affairs and executive director of the new Council on International Economic Policy.

He was referred to in this manner because his position as White House adviser on trade and other world economic matters paralleled the national security position of presidential adviser Henry A. Kissinger.

Nixon said that Peterson's experience in this field would serve him well at the Commerce Department, the top U.S. agency for trade and other business affairs.

He said that Peterson "will be able as secretary of Commerce to carry on many of the ideas he has worked on" at the White House.

Peterson told reporters he planned to spend much of his time in an attempt to make American business more competitive in world markets. "Ultimately how we fare in the 1970s and 1980s will depend upon our ability to compete," he said.

Nixon described Stans as one of his closest friends and said he had "served splendidly" as a member of the Cabinet.

Peterson, born in Kearney, Neb., on June 5, 1926, was graduated summa cum laude from Northwestern University in 1947. In 1951, he received a masters in business administration with honors from the University of Chicago.

In 1952, he became executive vice president of Market Facts, a Chicago firm specializing in marketing counsel and product research.

The following year, at the age of 27, he became a vice president and then general manager of the Chicago office of the advertising firm of McCann-Erickson.

In 1958, he joined Bell and Howell as executive vice president and director. Three years later, at the age of 34, he was elected president of the company and two years after that, he became the chief executive officer.

For the three years before he came to Washington in 1971, he served as both chief executive officer and chairman of the board.

## CORRECTION OF THE RECORD ON RIEGLE LEGISLATION

## HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. RIEGLE. Mr. Speaker, on January 27, H.R. 12721 was introduced in my name. This bill would provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen.

Mr. Speaker, I want to take this opportunity to state for the public record that I did not introduce this bill nor did any member of my congressional staff authorize its introduction. Somehow there was an administrative mixup outside my office which I have been unable to trace. I am sending a letter to my distinguished colleague, Mr. MILLER of California, chairman of the House Science and Astronautics Committee, disavowing any connection with this piece of legislation.

## BUTZ: BELIEVER IN AMERICA'S FARMER

## HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. SEBELIUS. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues an article written by Mr. Jerry Fetterolf, a widely respected agricultural writer for the Wichita Eagle newspaper.

Jerry Fetterolf is known and respected by farmers throughout Kansas as being able to separate the "grain from the chaff" regarding news concerning agriculture. His keen ability to get the "story behind the story" has become his personal trademark in agricultural journalism.

In the January 16 issue of the Wichita Eagle and Beacon newspaper, Mr. Fetterolf wrote an in-depth article concerning the new Secretary of Agriculture, Dr. Earl L. Butz. Many in Washington have stated that Secretary Butz has the toughest job in Washington.

It is obvious to anyone interested in agriculture and aware of "farm politics," that the farm "verdict" on the Secretary's efforts in behalf of rural and small-town America is still out. However, it is equally obvious that Earl Butz has become a most aggressive and enthusiastic spokesman for agriculture. There may be disagreement on what approaches we should take to improve farm income in our rural areas, but I think we should give credit where credit is due and commend the Secretary on recognizing this need and making a personal commitment to revitalize rural and smalltown America.

At the time of Secretary Butz confirmation hearings, I stated we need a farmer, a fighter, and a salesman for agriculture. In a very short time since assuming his awesome responsibilites, Secretary Butz has proven his ability as a fighter for farm interests by the release of a half billion dollars in agriculture funds and in announcing new innovative programs to deal with depressed farm conditions and overproduction.

As a salesman, Secretary Butz is focusing national attention on the plight of the farmer. His recent appearance in my congressional district before the Salina Chamber of Commerce was testimony to the fact he takes time out of his busy schedule to tell the farmer's story to both urban and rural citizens across our country.

I commend this article to the attention of my colleagues. I think it shows that while many of us interested in agriculture may have differences concerning policy, that our new Secretary of Agriculture is a concerned activist in behalf of the farmer.

The article follows:

[From the Wichita Eagle and the Beacon, Jan. 16, 1972]

BUTZ: BELIEVER IN AMERICA'S FARMER

Eagle Agriculture Writer Jerry Fetterolf last week spent two days with Secretary of Agriculture Earl Butz as Butz met with farmers and stockmen in Denver, Topeka and Salina. Here is his analysis of Butz' philosophies as gleaned from an exclusive interview and an examination of how farmers reacted to the controversial secretary's policies.

Dr. Earl L. Butz has no illusions about either his popularity or the complexities and frustrations of his job.

He admits frankly that although he realizes the difficulties and thankless aspects of the position, "I just didn't feel like I could refuse" the appointment by President Nixon.

I watched and listened to the new secretary through three speeches, three press conferences, numerous meetings with private and public individuals—and spent nearly an hour in private conversation with him—during the 24 hours he spent in Kansas and Colorado Wednesday and Thursday.

The most solid impression is that he takes his job more seriously than he takes himself. He has a fine, quick and highly trained intelligence—but he refrains from overpowering his listeners with either his extensive economic background and training, or his obvious ability to speak in terms that might confuse.

Although he is 62, his staff, some of whom are no more than half his age, confesses the average 16-hour day he has maintained since his confirmation in office is wearying.

He does his own thinking and maintains his own philosophies. And yet an unswerving loyalty to President Nixon and a devotion to bettering the economic and cultural levels of rural America and agriculture sound in most of his speeches and conversations.

"We have the same goal—to better farm income," Butz told the National Association of Wheat Growers in Denver Wednesday.

"If we have differences, it is in the means we should use to bring this about," he added.

"When the President gave me my assignment, he told me he wanted me to do whatever is necessary to bring income of farmers and rural America to a respectable level.

"I asked him how he wanted me to accomplish this, but he said, 'That is your problem.' He only sets policy—I have to carry it out."

Although he has spent a major portion of his life in the classrooms at Purdue University, where he was a professor of agricultural economics, dean of the school of agriculture and dean of continuing education, Butz gives little of the professoral image in public.

His statements in public are likely to be sprinkled generously with colloquial expressions, dropped G's on the ends of words and an almost Lincolnesque humor.

About transportation tieups and dock strikes he said:

"I'm tired of farmers getting bloodied between the eyes in somebody else's scrap."

He referred to the estimated billion dollars in farm income lost to farmers by delays or lack of delivery of farm products into international trade because of the West Coast and Gulf-Eastern Seaboard dock strikes which have hampered international farm trade since last July.

He strongly advocated quick passage of Senate Bill 560, the proposed law backed by the administration and called the Dole-Griffin Bill—or the Emergency Transportation Protection Act.

"Farmers and the wheat growers spent 15 to 20 years developing markets in Japan and other foreign countries—and these were destroyed by the strikes. They'll never get 'em back. How can they when they can't guarantee orderly delivery?" Butz asked.

"The Japanese turned to Australia and Canada to buy wheat. They have to eat every day. The President invoked the Taft-

Hartley Act—and that is kind of a difficult decision for a president. He has to face his share of the labor constituency, too.

"But his legal alternatives have been exhausted. The West Coast docks are working—but for how long? The Gulf Coast court order expires Feb. 14, and if they decide to walk off again, there is no way to get farm products to foreign markets.

"So—I'm tired of the same members of the 'other party' and the same presidential aspirants crying crocodile tears about the plight of the American farmer, while a bill that would help farm exports this much languishes for more than a year in the committee they control," Butz said firmly.

"What are we going to do—let the farmers lose another billion dollars because of a failure to act? I hope you all will send thousands of telegrams to the Congress. They'll listen to something like that."

In Denver among the wheat growers, Butz knew he had a potentially "hostile" audience. Maybe not so hostile personally against Butz—more like, let's wait and see what he does. But the wheatmen admittedly felt that Nixon administration farm plans had not worked to give farmers a more equitable income.

The "wait and see" attitude remained with the wheatmen after Butz left Denver—and so did some of the disagreement about methods for achieving equality for farm incomes.

But the new secretary of agriculture had become a man of flesh and bones. And as much as he could project himself, he came through as a man genuinely interested in welfare of farmers.

The substance of the man they saw and heard as Butz spoke, then moved through the crowd shaking hands, greeting older acquaintances and making new ones, seemed a far cry from the seeming ogre who had decreed "adapt or perish," according to some Senate confirmation hearing reports.

"I grew up on a 160-acre farm in Noble County, Indiana," Butz recalled. "We shucked our corn by hand, and we fed the hogs with a bucket of slop mixed with middlin's. That was a family farm—and my sister and her husband still operate that farm—but it is larger and they've adapted to the changes necessary.

"The way some politicians define a family farm is like the way Lincoln ended the Civil War, telling General Grant to discharge the soldiers and give each of them 40 acres and a mule."

Butz pointed out that Gene Moos, president of NAWG, from Edwall, Wash, had said he was a "family farmer with 700 acres of wheat land" in that state.

"There's quite a change in the size of farms. They are larger and more efficient. In fact, if I can paraphrase Winston Churchill—never have so few done so much for so many—as have the farmers of America in this generation.

"And when you pay $25,000 for a combine, you and I both know you have to drive that machine over a lot of acres to make it pay for itself.

"We do have surprises as a result of many things—but if I have to choose between too much and not enough, I'll take too much.

"Sure food's cheap—too cheap. Right now Mrs. America gets her food for 6½ per cent of disposable income. That's better than any other nation in the world.

"Tonight, two out of every three people in the world will pray for enough food to last the day, but in the United States two out of every three people will pray for strength enough to stay on their diets just one more day.

"The Department of Agriculture has a lot to do with food and welfare programs. We spend between $4 billion and $5 billion a year for food stamps, school lunches and direct welfare food. This is about four times as much as when President Nixon took office.

"I want to say that I will not rest as long as there is one child in the United States who is not getting enough to eat.

"But I would like to add that cheap, subsidized food is not the birthright of Americans who are able to pay for it. The ones who are able should pay for their food just like they do for their televisions, their automobiles and the other things they buy."

Butz called it a tragedy that in the last 20 years so many youthful farmers have moved to the cities where they are "ill-equipped for city life and unhappy."

"They said to me—'There were a million farmers moved off the land during the Benson administration.' Yes true. And another million moved off during the Freeman administration. They are still moving off and the secretary of agriculture is not to blame.

"To blame the secretary of agriculture because of a decreasing farm population is like blaming the director of the Census Bureau for the population explosion. I don't think he had very much to do with it.

"Of course a farm has to be large enough, and it has to have capital enough to support a family. And nowadays it is a lot more than it used to be . . . And today a million of our farmers make more money each year off the farm than they do on their farms."

Butz declared the inflationary period has been more difficult for the farmer than for any other segment of the population. But he declared, too, that the Nixon administration was doing something about farm problems.

Farm income is now about 75 percent of parity with urban income, he said, adding that this is a 6 per cent betterment during the Nixon administration from a like period prior to the tenure of Nixon. And he pledged to make the situation better.

"We have a Herculean task before us," he told Kansans at the state Board of Agriculture convention in Topeka. "We have the job of making people realize that agriculture is a basic industry and that it must be supported."

He praised the efforts of Nixon in opening up trade and policy negotiations with Peking and Moscow. These and other Nixon maneuvers are offering an opportunity for more widespread distribution of farm products from the United States around the world.

He pointed out that since he was confirmed as agriculture secretary in December he has pumped upwards of a quarter of a billion dollars into the farm economy through purchases of corn by the Credit Commodities Corporation (CCC), through release of $55 million more to the Rural Environmental Action Program (REAP) of the Agriculture Stabilization Conservation Service (ASCS), and the funding of $109 million to the Rural Electrification Association (REA) for the remainder of fiscal 1972—with more to come after July 1.

Butz takes the difficult steps along with the easy ones as he follows the Nixon plan. His explanation of the administration's opposition to the Smith-Melcher bill was made directly. (The bill would increase domestic loan supports by 25 per cent—to about $1.57 for wheat—and would create a strategic reserve of grain supplies to be purchased by government funding.)

This bill, he said, would, if passed, ruin the chances for success inherent in the 1970 Farm Act which passed Congress on a bipartisan vote.

The administration belief is that the bill would destroy the competitive position of farm products in the world market, and would cause a glut of farm products on the domestic scene as well.

He pleaded for cooperation with the 1970 Farm Act. "Give it a chance to work," he said. He pointed out that the act was passed after the 1970 crop was in the ground, and that because of the corn blight scare, too much corn was produced in the 1971 crop last fall.

Meanwhile "the President is putting his money where his mouth is" in behalf of the nation's farmers, Butz said.

The new Secretary has ideas for reformation in rural life, noting that Nixon has empathy for farmers and residents of rural areas.

Butz' plan is to initiate a crash program to better the quality of rural life.

"We don't need necessarily to keep them down on the farm. What we need is to provide a way to keep the young folk in rural America."

The crash program will be the naming of several teams of experts to examine the situation with reports due in late spring. These teams are selected from among farmers, educators, health, industrial, natural resources and government experts to determine possibilities.

"We'll do some brainstorming," he said. "Then we'll begin to work for better roads, better schools, better sanitation, better housing, health facilities, cultural opportunities and other ways that will keep people in the rural areas—not necessarily on the farms."

Butz wants a well-coordinated program to develop rural areas in such a way that quality of life will be as good there as among the well-paid urban and suburban citizen of the United States. "We want viable rural communities along with better income for farmers," he said.

Meanwhile, he pointed out, outlook for futures in cattle, soybeans, dairying and cotton is good. Broilers, wheat and feed grains are not good but getting better. He estimated gross farm income will be up $2 billion this year, and net income for farmers will be up at least $1 billion.

He doesn't really sound like a professor, this man who earned his bachelor of science degree in agricultural economics in 1932 at Purdue University. He farmed a year before returning for his masters degree, and later took his doctorate in economics after a stint in the Federal Land Bank at Louisville Ky.

He is proud of his former association with farm youngsters as a 4–H Club member—and he married a 4–H Club girl from North Carolina whom he met in Washington, D.C., after each had won a trip there among groups from each state.

A controversial figure heading up one of the largest departments in government, Butz confesses he still remembers sentimentally the exact stone in the lobby of the Department of Agriculture building where he and his wife met. The stone is but a few feet from the glass-lined office in which he now directs the activities of a world wide empire of employes.

What worries a man with an international reputation for understanding agricultural economics? The danger of over-government—a government too big and too far removed from the people it governs.

Phase II of the current effort to halt inflation is a major concern of Butz. "How do we get out of it?" he asked. "I'm frightened."

"I'm like Confucius, who I think said—he who rides a tiger should first make a plan to get off."

Does he fear the environmental crisis will damage farming.

No.

He believes enivronmental worries are at a peak and that the emotional environmentalist will give way to a more reasonable and realistic group of planners. He doubts that modern methods of farm chemical and drug usage will be banned—"as long as farmers are careful to obey the rules set out for their usage."

## A MESSAGE OF NOTE

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## HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. HARVEY. Mr. Speaker, I wish to bring to the attention of all my colleagues a very thoughtful and stirring address by an outstanding member of the business community in my congressional district, Mr. Ellis M. Ivey, Jr., general manager of the Saginaw Steering Gear Division, General Motors Corp., Saginaw, Mich. Mr. Ivey was honored by being selected to give the Saginaw Club's 60th annual New Year's Day toast to President Richard M. Nixon. His talk was a somber and realistic appraisal of what he called the deteriorating climate for business in our Nation today. Mr. Ivey, I believe, presented a most accurate and, to some degree, startling picture of our present business community and what today's conditions mean to the future of our free enterprise system.

I would urge you to read over Mr. Ivey's complete address as reproduced in the January 2, 1972, edition of the Saginaw News, Saginaw, Mich., which follows:

### TOAST NOTES DETERIORATING BUSINESS CLIMATE

"Business here in America includes almost everyone," Ellis M. Ivey, Jr., general manager of Saginaw Steering Gear Division, General Motors Corp., told members of The Saginaw Club Saturday.

Giving the club's 60th annual New Year's Day toast to President Richard M. Nixon, Ivey spoke of what he called the deteriorating climate for business in the United States today and gave his views on why this condition exists.

The text of his talk follows:

Fellow Saginaw Club members, sons and grandsons:

I am honored and pleased to have this opportunity to deliver the club's 1972 toast to the President of The United States.

As a preamble to the toast, I would like to take just a few minutes in which to discuss a matter of true concern to all Americans—the deteriorating climate for business in the United States today.

What a strange set of circumstances we have come upon. This nation and the American people who developed the free enterprise system and produced the highest standard of living in the history of man, now have become the most severe critics of that system. Meanwhile much of the rest of the world openly most efficient system for producing goods and services, with the greatest capacity for stimulating growth and effecting change.

The implication thus becomes clear. Private enterprise as a means of creating and distributing economic progress now is most favored in other nations, including many that supply this country's toughest competition in international trade.

Most informed observers agree on two premises. One is that American business and industry is in deep trouble today. The other is that sweeping changes will be required of any business or industry that is to survive and prosper through the decade of the 1970s. These are the two points I would like to explore briefly with you today.

Business is in serious trouble because of a strong and growing cult of critics who disparage America's free enterprise system. Many of these critics who question our society are young. Some are sincere and well-intentioned. But there are many who criticize American business and American institutions simply because they desire to destroy free enterprise as we know it. They seek drastic changes in our system of business ownership and control—changes so drastic that they would wreck the American economy.

Among these widely heard and often misinformed critics is Ralph Nader, who has lashed out frequently at a variety of businesses and industries, with little regard to whether his allegations are based on fact. Another is Michigan's own Senator Philip Hart who, on more than one occasion has stated publicly that American business is bilking the American consumer out of some $200 billion per year. Such a figure is ridiculous. It is more than four times greater than the total amount of all corporate profits for 1970. Senator Proxmire of Wisconsin recently issued a statement to the effect that companies with assets of over a billion dollars were prospering at the expense of smaller companies. The truth is that the smaller firms with less than one million dollars in assets have enjoyed a higher average return on equity than have the larger so-called "industrial giants" over the last five years.

Such irresponsible statements by these critics already have tarnished the reputation of America in the eyes of many people, at home and abroad. They already have weakened out free society. The damage they do is greatest among our young people, who are no longer even given the time to judge our system by their own experience. Instead, they often are encouraged to disparage it long before they have had an opportunity to try it out for themselves.

These critics are following tactics of divisiveness—and with considerable success. They endeavor to turn various segments of our society—government, labor, the universities—against business. They try to make America a society at war with itself.

They tell the consumer he is being victimized. New products are being foisted upon him, whether he wants them or not. These products are not as good as they should be—that is, they are less than perfect. They tell the consumer that businessmen are greedy and uncaring, that advertising is false, prices are padded, labels are inaccurate.

Therefore, the consumer—the critics would have us believe—is helpless and unprotected and really not responsible for what he buys.

This delusion—that the consumer cannot trust his own free choice—strikes hard at the free competitive system. That system, of course, is founded on the conviction that in the long run the consumer is the best judge of his own welfare. If the consumer can be convinced that he really does not know what is good for him—and this is what the cynical critics try to do—then freedom is gone from free enterprise. At that point the greatest of our economic freedoms—the freedom to decide our purchase—will be lost.

This cannot happen, many will say. To them we should reply, "look back." Look back at only the past decade to see how rapidly we have expanded the role of government in the marketplace.

To protect the consumer, a new aspect of bureaucracy, "consumer affairs," has been created, not only in Washington but in state capitals and local communities. Since 1900, Congress has passed 39 major consumer laws, but two-thirds of these have been enacted in only the last eight years. Some of the laws are worthwhile, but far too much of this new legislation is unnecessary and does not deliver a value to the consumer commensurate with the potential cost in higher taxes and higher prices. After all, bureaucracy is not noted for exercising judgment.

Make no mistake, the results of irresponsible harassment have added significantly to the cost of doing business. The higher taxes are costly. Adapting products to new regulations is costly. Meeting daily harassments, answering criticism, defending against public attack—all these carry costs, in time and energy as well as dollars.

Every unwise impairment of free enterprise carries some additional costs to 200 million individual American consumers. It likewise reduces the ability of American industry to compete in the markets of the world.

"Corporate responsibility" has become the slogan of the destructive critics who sound off so loudly today. When something is wrong with American society, blame it on business, they say.

You and I know that business did not create racial discrimination in America, but business is expected to eliminate it. Business did not bring about the deterioration of our cities, but business is expected to rebuild them. Business certainly did not create poverty and hunger, but business is expected to eliminate them. There are dozens of equally ridiculous examples that could be cited.

Equally disturbing is the fact that America no longer enjoys the technological edge over other advanced countries that we once had. This is especially true with Japan, Germany, France and Italy. These industrially progressive nations are enjoying substantial annual increases in productivity, while America is not. They are experiencing economic inflation, but, because we start from a much higher base, the dollars-and-cents advantage they hold is widening. For example, the wages paid to automotive workers in America are double that of Germany, three times that of England and quadruple that of Japan.

Obviously this growing competitive disadvantage against America is an important factor to American business. The destructive critic will not admit this. Instead, he continues to demand that business be more and more socially responsible—but gives no consideration to the costs of meeting such social aspirations.

I would like to employ some statistic to highlight the recent sharp decline in the U.S. public's normally favorable attitude toward business. This information was assembled through national public surveys by the Opinion Research Corp. But, first, here is an interesting sidelight. When we look at the results of a public survey, just who are the respondents? What kind of a person is the "average American" whose opinion we receive?

More than eight out of ten U.S. adults have not travelled by air in the last 12 months. Almost as many do not own stock. Three out of four have never traveled outside the U.S. One out of two have not been 200 miles from home in the last year. From this you can see the great disparity between the kind of people you meet in business meetings or at the golf club, and the great mass of the American public. You can be sure your views and those of your colleagues are not typical of public thinking generally.

People are less sure today than they were in 1965 that profits benefit them as consumers. Only 55 per cent now agree that profits are necessary and beneficial. And, there is a widespread misunderstanding of the rate of profit. A recent survey showed that Americans believe corporate profits average 28 per cent. Actually, the average profit was 4 per cent last year.

Here are some other alarming trends in public thinking. Since 1965 more people now believe that one or two companies in many areas of business have too much control; that big business gets cold and impersonal as it grows larger; that too much power is concentrated in a few companies and that many large companies should be broken up. For example, 45 per cent think that companies should be broken up.

There are three main factors that relate to the deterioration of the public's opinion of business in recent years. The first is the inflationary pinch. When prices go up, no matter who is to blame, business draws the brunt of the criticism. The second factor is "consumerism," the pressure for legislation to guarantee consumers fair value and to protect the health and safety of the public. The third factor is pollution and other environmental problems. People are much more alert and aware of these problems today than they were four or five years ago. The criticism has been mounting and manufacturing businesses, particularly, are held to blame for a large part of the problem.

Let's examine factor number one, the inflationary pinch. The proportion who say they are worse off financially is up sharply since 1965, with the biggest jump registering since 1969. This is true regardless of income level. Older people, and those on fixed income in particular, are really being pinched badly.

The percentage who feel they are not hurt at all is down sharply. The group that is hurt seriously has risen to 30 per cent, and that represents about 19 million families. That's a lot of voters putting pressure on the politicians. It also means pressure on union leaders to produce big wage increases for their membership. The results? A push for higher taxes and higher wages, both of which strike hard at business profits.

Now, let's look at "consumerism," the second factor influencing the public's loss of confidence in business.

In recent years more and more consumers are willing to invite federal legislative muscle to correct what they feel are abuses of the consumer's rights. It is interesting that the largest demand for new laws is not among people in the low-income part of the scale, or those with little education. Rather, it is the sophisticated group who have been to college, and who have money to spend, who feel that legislation is needed to protect the public in the marketplace.

When the question involves protecting public health and safety, an even larger majority today sees the need for legislation.

Public ignorance is in part the reason for the sentiment that "something needs to be done." But even the more knowledgeable segments of the public also support "consumerism" proposals; for example, business and financial editors of the major metropolitan newspapers and news magazines. A clear majority of these thought-leaders feel that consumers need new consumer legislation.

With that attitude reflected, it is easy to see why there will be more legislation out of Washington to put restraints on the freedom of business management.

There are "class action" proposals already on the books, and more being considered, to allow customers to band together and sue a business that they felt cheated them. Again notice that it is not the average citizen so much as it is the college-educated person who supports the idea of such legislation.

The third factor influencing the public's opinion of business is pollution and environmental problems. Public concern about air and water pollution sharply over the last few years, especially among big city residents, 93 per cent of whom say air pollution is serious and 89 per cent feel the same about water pollution.

Despite strenuous efforts on the part of business and industry, pollution improvements are not always visible to the public. This data is from a study in a major metropolitan city that has had an antipollution drive going for a number of years prior to the survey. Notice that 72 per cent know little or nothing about any anti-pollution progress having meen made.

With this high level of concern over air pollution there can be little wonder that when a so-called "solution" to the problem is offered, it immediately attracts wide approval.

Thus far we have looked at some of the problems and challenges facing business, including a loss of public confidence. Now let's very briefly explore the probable outlook for the future. This is the point at which you young men, and the generation you represent, step into the spotlight. Marketing experts today emphasize that doing business in the 1970's means marketing to youth.

The recent unprecedented infusion of youthful attitudes into the business world has added a lot of zip to some traditional marketing concepts. And for those businesses that expect to operate successfully in the 1970s, a great deal more of this zip will be required.

Why is it expected that this trend will gather more impetus in the seventies? Consider the following data, which comes from surveys by the National Industrial Conference Board, Ohio State University and other organizations.

College students, for example, will represent one of the fastest-growing markets in this decade. Conservative estimates show that last year alone college students spent more than 12½ billion dollars on goods and services ranging from books and grooming supplies to travel and stereo equipment.

Teen-agers today average nearly $20 a week in spending power—and, again, this figure also will rise significantly in the next 10 years. Teen-age girls will spend the largest share of their money on clothing, while the boys (as might be expected) will invest the biggest percentage of their money on girls—spending it largely in such industries as motion pictures, quick-order foods and recreation. The automobile and petroleum industries will be major beneficiaries of the youth market in the 1970s. Auto manufacturers, in fact, already have oriented their sales programs toward youth.

The significant growth markets of the 1970s will be concentrated among consumers in the 25 to 34 age group. Evidence for this projection lies in the fact that between 1970 and 1980 the number of persons of ages 30 to 34 will increase by 53.2 percent and the number of persons aged 25 to 29 will increase 40.3 percent. By contrast, the total population is expected to increase only 13 or 14 percent during this same period—and for some of the middle-aged groups there will be actual decreases.

The story becomes even more dramatic when you consider spending power. In 1967, for example, families in the 25 to 34 age category possessed only 18.4 percent of income in the United States, but by 1980 this same group will command at least 26 percent of all the income and will be the economy's most important age category in terms of purchasing power. The further significance of youth-oriented marketing efforts can be underscored by analyzing the strategic growth target represented by the 25 to 34 age group. It's important to realize that the members of this group all share a common characteristic today—they are all under 25! Thus, it is celar that business must begin appealing to the youth market of today if they expect to reach the strategic markets of tomorrow.

What factors will motivate the youthful consumers of the 1970s? One factor will be the desire to "enjoy life now" and let the future take care of itself. This partly explains the insistence of young people today upon immediate answers to the social problems that face the Nation. More importantly for businessmen, this phenomenon means that they will demand instant environment, instant fashion, and instant recreation—just as consumers of the 'sixties demanded instant food.

These forecasts and "educated guesses" as to the future course of America's businesses are interesting to all of us. They are vital to businessmen who expect to stay in business in the 1970s. However, they will quickly lose all meaning and significance if American business continues to lose its competive position in the world and the respect and confidence of the American public.

I think you will agree that the survey data we have examined is convincing evidence that the public has, indeed, lost much of its confidence in American business and industry. There is ample evidence also that American business is losing its competitive leadership in the world. Sadly enough, there are many Americans who do not regret the loss of our world leadership. They say this was a role we should not have assumed in the first place and should not now try to continue. They say the cost is too great, the risks too many, and the rewards too few.

I feel otherwise and I am certain you do, too. America is a nation built on man's individual freedom, dignity, and equality of opportunity. As such a nation, we have no alternative but to lead. And the reward we seek for leadership is simply the continuation of our free society and our free enterprise system.

The fact is that business, here in America, includes almost everyone. Government depends on business for taxes. Workers depend on business for jobs. Professional men depend on business for customers, clients and patients. Stockholders get their earnings from business. Everyone who owns insurance or draws a pension has a vital stake in the growth of the economy. Business is not a separate group. Business is all of us.

Thus the challenge is clear and unmistakable. All Americans must look at what is right with America. We must not allow our free enterprise system, the backbone of our entire economy, to be pushed into disrepute by our inaction, indifference, or unwillingness to stand up for what we know is vital to America's place in the world.

President Nixon, with great courage and conviction, and in the face of fanatic opposition, is trying to lead us in that direction. In recent months he has launched us on a new economic course designed to correct some of the problems besetting the nation's economy and to regain the worldwide respect and position of leadership that America has so long enjoyed.

Regardless of our political beliefs, certainly we can all join together in pledging our whole-hearted support to him in the fight to restore our faith in America.

To this end, gentlemen, it is my privilege to propose a toast to the President of the United States of America, Richard Milhous Nixon. May he continue to enjoy good health, clear thinking, and courageous leadership of this nation throughout 1972.

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## RESOLUTION COMMENDING THE COAST GUARD

### HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. BEGICH. Mr. Speaker, in view of the recent incursion of Soviet vessels into our territorial waters in Alaska, I would like to submit into the Record a resolution drafted by the Kodiak Area Chamber of Congress.

I would like to take this time to extend my personal thanks and commendation to the U.S. Coast Guard, for the job they have done, and ask my colleagues to join me in urging the Department of Transportation to expand the Coast Guard's force in the Bering Sea, in order to make their job easier and safer.

The resolution follows:

RESOLUTION

We, of the Kodiak Area Chamber of Commerce, commend the Coast Guard for its sterling performance in guarding our waters and resources, even with very limited equipment and manpower. The current problem of 120 Russian vessels in the Bering Sea with only one Coast Guard ship for enforcement is indicative of the magnitude of the problem in the North Pacific.

We, of the Kodiak Area Chamber of Commerce, unanimously urge the Department of Transportation and the Congress of the United States to increase the capabilities of the Coast Guard to enable it to carry out the mission of protecting our marine resources.

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## EASTER SEAL REHABILITATION CENTER

## HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. McKINNEY. Mr. Speaker, I have taken the opportunity of inserting into the RECORD a letter from Mr. Edmund McLaughlin, the executive director of the Easter Seal Rehabilitation Center of Eastern Fairfield County describing the success which out-patient community health care facilities have had in Fairfield, Conn. This Easter Seal Rehabilitation Center has provided quality health care for the physically handicapped while at the same time reducing the cost of this care. At a time when health costs are skyrocketing, such a program deserves to be applauded for their outstanding accomplishments. I would recommend to those interested in the health care field to view the information contained in the following letter as an example of the virtue which this kind of cooperative, coordinated community planning can achieve in the field of health care:

THE REHABILITATION CENTER,
*Bridgeport, Conn., November 17, 1971.*

Hon. STEWART McKINNEY,
*House of Representatives,*
*Washington, D.C.*

DEAR STU: At this particular time in the history of the United States, there is a great furor and clamor regarding the cost of health care and the delivery of health care in America.

I am writing to you at this time to share with you an experience which I think is indicative of what may be an opportunity to help eliminate or alleviate such a situation, at least in terms of out-patient services.

As the Director of the Rehabilitation Center here in Eastern Fairfield County, it is with great pleasure that I advise you that because the Rehabilitation Center chose some three years ago to open its doors directly across the street from a rather large general hospital—the Bridgeport Hospital, and to construct its facility so that there could be a tunnel which would allow for the flow of in-patients from the Hospital to the Rehabilitation Center for the variety of services in the Center, we have been most successful.

As a matter of fact, I might say this type of program is a forerunner of things to come.

No one imagined some eight years ago when we first talked about the building of the Rehabilitation Center, that the desire and the need for a cooperative and coordinative relationship between in-patient facilities and out-patient services—such as the Rehabilitation Center represents, would have been a move that would be imperative.

The Board of Directors of the Rehabilitation Center chose to make that move.

As a consequence, in this—our third year here, when we are preparing our cost analysis for the Hospital Cost Commission—we find ourselves in the rather enviable position of having to charge less for our several services, because of the facility, utilization of professional skills, and the organization with which we have developed here at the Center.

To be specific, last year the per unit cost for 30 minutes of physical therapy was $10.25—at the present time, our fee—which is going to be established with the Hospital Cost Commission, will be some $2.00 less per unit. In the pulmonary rehabilitation program—which has provided out-patient rehab services for the person with respiratory diseases, and, particularly, the emphysemiac, the cost has gone from $10.00 per half-hour unit down to $5.00.

Incredible as it may seem, this has been done without sacrifice of quality and competence in the organization. It has been done, however, because we have chosen to share our expertise and our competence, and even our facility, with the in-patient program in the Hospital, which is constantly growing and which demands that these services be available to their program and for their patient care.

It is imperative, also, to remember that the Rehabilitation Center has been able to develop within its own bounds certain services that do not necessarily have to be duplicated in the Hospital: (1) a completely organized and equipped physical therapy department, (2) a physiatrist who is a specialist in physical medicine and who provides electromyography, a diagnostic service, (3) an extensive audiometric evaluative program which can in effect review, evaluate and test persons with all kinds of hearing aid, hearing and speech problems—pre and post-operatively, and (4) a pulmonary rehabilitation program which has on a number of occasions continued to provide out-patient services to patients who formerly spent weeks and months in the hospital: this program has kept them from repeated hospital involvement.

I wish to share all of these exciting things with you because I think that the Rehabilitation Center of Eastern Fairfield County, quite frankly, has chosen to move in the direction of the provision of health care services and the delivery of health care without having been told to do so.

I think the attitude on the part of the Board of Directors and the understanding and appreciation of the Board of Directors with respect to "casting their Lot" in terms of where the needs are as opposed to an ivory tower out in the middle of nowhere, has made all this possible.

In addition to this, we have chosen also to establish a satellite facility in the town of Fairfield, and are presently involved in the development of one in Stratford—again extending our services to the community where the community's needs are and extending our services to the physically handicapped who require the medical and treatment facilities of a rehabilitation center at their convenience, and at no additional cost to the patients.

All of this I think is an indication of the value and of the need for the development of community health care facilities.

I like to think, quite frankly, that the Rehabilitation Center in its pursuit of the development of a drug project and underwriting of the preparation of such a project by engaging a consultant and having the project itself approved and funded, is an indication of what a facility such as this can do in a community in response to a community need, and, also, in response to what I consider the Rehabilitation Center's obligation to meeting health needs.

There is one further value to all of this and that is that the Rehabilitation Center has pursued this on a regional basis, and, certainly, I think the fact that we have attempted to reach out to the region—realizing that the health and the needs of the physically handicapped know no boundaries, and extending our influence and our expertise to meeting the needs of these people, has helped meet our responsibility to the community.

Quite frankly, I don't know what this means to you as a Congressman but I do hope that as you are thinking in terms of the kinds of things that are being done in this country, you might find solace in the fact that here in your own State of Connecticut, attempts are being made and have been made to maintain quality care and to be ever conscious of the cost of this care.

We are delighted—though it might present some financial problems, as we grow, to be able to state this, but it is with this in mind that we have maintained such a development and such a relationship with the community, and, certainly, the value and the virtue of organizing our efforts in this behalf are passed on to the consumer—the handicapped.

In your arguments there in Congress for the development of such facilities and services and with the present development of national health care programs, it seems to me that the value and virtue of health centers and out-patient facilities, such as the one we represent, has great import, and, in particular, the fact that facilities can be developed near outstandanding and extensive in-patient facilities indicate the success of the delivery of health care services and the value of the patient care program in those facilities.

As the Director of this facility, it is with pleasure that I advise you of this success and I do hope that if this is of some value in your thinking and in your pursuit of the kinds of things you are doing, we would be more than happy at any given instance to be used as an example of the virtue of this kind of cooperative, coordinative community planning.

Your individual kindness and enthusiasm throughout the years has made this all possible. I might also say that this has all been made possible, quite frankly, without any Federal funds being involved in the process. We have done this simply because the community has responded, and we have done this because of the competence that our staff exudes.

I am pleased to be able to make this information available to you.

Sincerely yours,
EDMUND S. MCLAUGHLIN,
*Executive Director.*

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## HERR BRANDT MEETS AMERICA

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. DERWINSKI. Mr. Speaker, President Nixon has now concluded his series of contacts with Allied heads of state prior to his departure for Peking. One of the most interesting was with Chancellor Willy Brandt who, in addition to visiting President Nixon, had a vacation in this country.

An editorial in the Chicago Daily News of January 20 carefully noted the importance of Chancellor Brandt's feelings, and I wish to insert it into the RECORD as an example of positive diplomacy:

### HERR BRANDT MEETS AMERICA

When chiefs of state visit the United States they usually have a solemn talk with the President, another with the secretary of state, and a brace of proper dinners to wrap it up.

West Germany's Willy Brandt did something more. He and his family took a two-weeks' tour of Florida's West Coast, poking around here and there, doing a little fishing, chatting with people they encountered.

Brandt learned something about America—something important, we think. He learned that Americans are short on formality but long on warmth and hospitality. One neighbor brought over a six-pack of cold beer when he returned from a fishing trip. Another asked him to come by for a visit: "Never mind calling, just drop by when you feel like it." A teacher brought over her star pupil to meet him.

He remembered these things fondly in a later Bonn interview. "I sensed how much inner strength there is in these United States, how much down-to-earth helpfulness and friendliness there is among the Americans themselves and toward strangers." He said it was different from the picture of Americans one gets in Western Europe.

That it is; it's even different from the picture many Americans gain of themselves, reading about all the violence and bitterness that make the grist of the news.

So it's good to be reminded by an eminent visitor that this is still America, a lot of decent, friendly, openhanded people, maybe a little forward, maybe a little naive, but finding time for a smile and a friendly word to each other and to a stranger. Brandt is right—that's the hidden strength of America, and providentially there's a lot of it left.

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## REPORT FROM YOUR CONGRESSMAN ED ESHLEMAN

## HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. ESHLEMAN. Mr. Speaker, I have just recently sent my constituents a newsletter. I am including the contents of that newsletter in the RECORD at this point:

### REPORT FROM YOUR CONGRESSMAN ED ESHLEMAN

#### BIG STEPS

Some of the same people who not very long ago were complaining that President Nixon was not doing enough about world and national problems are now heard complaining that he's doing too much too fast. Policy changes like the trip to China and the new economic program are said to be certain failures because we weren't ready for such big shifts in direction. I would remind these critics of the wise words of David Lloyd George who said, "Don't be afraid to take a big step if one is indicated. You can't cross a chasm in two small jumps."

#### DOG NAMED DYLAN

Nearly everyone who visits my Washington office comments on the dog that is sprawled in front of the door or across the middle of the hall. His name is Dylan, and he does not belong to us but to a girl across the hall in Congressman Obey's office. Dylan has become our good friend, however. Other than sometimes blocking our doorway a bit, he causes no problem. And, he is our constant guardian. There has not been an attempted purse-snatching (a not uncommon occurrence on Capitol Hill ) in our hallway since Dylan took up his vigil.

#### WHERE IT GOES

Many people look at their bill as they leave the grocery store and figure that the farmer really must be making a bundle. Only the farmer knows how wrong these people are. The high cost of grocery shopping doesn't find its way into the farmer's pocket. The magazine *Supermarketing* recently showed where same of the money does go. In the first place 23 cents out of every dollar spent in supermarkets doesn't even go for food. It is spent for paperbacks, household supplies, pet foods, pantyhose and a host of other products at "one-stop shopping" places. Nine cents out of each food dollar goes for packaging. The publication also notes that the food items making the biggest gains in sales are things like expensive meats and cheeses, fancy breads, cake mixes, toaster pastries, snack packs, boil-in-the-pouch foods and "portion packs" of many products. All of this shoves up the grocery bill—not to the benefit of the farmer, but to handlers, packagers and others who are profiting from selling convenience rather than food.

#### DO AS THEY SAY

If you missed the CBS television show "60 Minutes" on which Mike Wallace looked into the question of where Washington's liberals send their children to school, you should be very interested in some of the findings. Almost without exception, according to Wallace, the liberals send their offspring to private or suburban schools rather than to the public schools which are predominantly black. Those who send the children to private schools include: Senators Muskie, Kennedy, Hart, Bayh and Mondale; Delegate Walter Fauntroy, a black who represents the District of Columbia in Congress; New York Times columnist Tom Wicker; Washington Post editor Benjamin Bradlee, Post editorial page editor Philip Geyelin, and Post columnist Nicholas Von Hoffman. Senator McGovern, who has moved into the District from Maryland, still sends his daughter to a Maryland high school approximately three percent black, even though it means a tuition charge of $1,450. You might remember this CBS study the next time you hear these gentlemen expressing their opinions on busing.

#### SHORT-TERM INTERNS

During their January recess from college, two young women worked in my Washington office. Dolores Strickler attends Immaculata College and Melinda Jackson is a student at Western Maryland College. For both girls the experience was one of learning rather than earning, since they volunteered to work for free.

#### NEW ANGLE

"And now, gentlemen," continued the Congressman, "I wish to tax your memories." "Good heaven," muttered a colleague, "Why haven't we thought of that before."

#### POLITICAL NOTE

During this year when political campaigns are in the headlines, and particularly during the season of primary elections, you'll probably read about the campaign of this candidate or that picking up speed. Someone noted the other day that most things pick up speed when they're headed downhill.

#### QUESTIONNAIRE

When I first started to poll my constituents about their opinions on national issues, I used this newsletter as the means of distributing the questions. Then, two years ago, I tried another way and mailed individual questionnaires to every household in the 16th District. This year I'm changing back to the old method of including the poll as a part of the newsletter. The reason is primarily one of cost. The out-of-pocket expenses for polling every household came to about $1000. This was a bill I shared with the Republican Congressional Committee, but was substantial enough to make me weigh the cost against the return. The first year I used the mass mailing technique, the return was excellent. Last year the return tapered off considerably and did not appear to justify the expenses involved. Therefore, I am again going to pose the questions in the newsletter giving all who receive it a chance to respond. I'm also asking newspapers throughout the 16th District to cooperate, as they have done in the past, by publishing the questionnaire so that everyone has an opportunity to participate. My purpose in asking for your opinions is the same as always. I want to have an indication of your thinking so that I may better represent that thinking in the Congress.

#### THE ESHLEMAN POLL

*Instructions*

Please study the questions below and give me your thinking on these important issues facing our country. I will tabulate the returns as soon as possible and let you know the results. In cases where your family has difficulty agreeing on replies, my District Office in the Lancaster Post Office Building (telephone 393-0666) will be glad to furnish extra copies of the questionnaire. For our convenience please tear off this back sheet of the newsletter when you submit your answers. Thank you!

*Nixon Administration*

1. Where do you stand regarding Nixon Administration policies in the following areas? Do you (A) generally agree, (D) generally disagree, or are you (NS) not sure? (Place the proper letter before each category)

Vietnam.
China Trip.
National Defense.
Pollution.
Education.
Economy.
Deficit Budgets.
Housing.
Crime.
Welfare.
Consumer Protection.
Race Relations.
Drug Abuse.
Aid to Cities.
Agriculture.
Health.
Other (specify).

*Foreign affairs*

2. Do you favor President Nixon's efforts to seek a new relationship with the Soviet Union and China?

3. Are you in agreement with the movement underway in Congress to reduce substantially foreign aid spending?

4. Has the U.S. program of troop withdrawal and winding down the war in Vietnam met with your general approval?

5. Should the power of a President to commit American troops to combat without the specific approval of Congress be curbed?

6. Do you agree with the President's call for increased national defense spending during the coming year?

*Economy*

7. Do you think that wage and price controls should be a temporary rather than a permanent factor in national economic policy?

8. Which of the following economic problems do you regard as the most serious? (Choose One)

a. Inflation.
b. Unemployment.
c. Balance of payments deficit.
d. Unbalanced Federal budgets.

*General government*

9. Do you favor revenue sharing as a way of providing State and local governments with more money to meet the problems they face?

10. Would you favor replacing the present draft system with an all-volunteer military?

11. Do you believe that stronger laws are needed to deal with strikes that cause or threaten to cause national emergencies?

12. Should the cost of political campaigns be limited by stiff Federal controls?

13. Do you favor the Administration's Family Assistance Program with its provision for a guaranteed minimum income as the answer to our need for welfare reform?

14. In your opinion are the efforts to reduce crime in your community adequate?

*Health and drugs*

15. Should we place greater emphasis on medical help for drug users than on criminal penalties?

16. Although cost estimates are quite high for a program of free health care for all Americans, do you believe the Federal Government should provide such a program?

*Pollution and population*

17. Would you favor a government program to limit the size of families by eliminating income tax exemptions for more than two children?

18. Do you think 100% pollution control is important enough to justify spending far more than might be required to achieve 80–90% control?

Please return to: Hon. Edwin D. Eshleman, 416 Cannon House Office Building, Washington, D.C. 20515.

## NATO—WRITING ON THE WALL

## HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. WYMAN. Mr. Speaker, many persons in and out of the Congress are calling for a reappraisal of the North Atlantic Treaty Organization and the role the U.S. Government is to play in the future defense of Western Europe. And perhaps a reappraisal is needed, at least in terms of a general mood in this country that we can bring home American troops stationed in Europe; that the Soviet is not up to anything sinister there.

It is probably time to take a close look at the North Atlantic Treaty Organization, but it should be a careful and informed look keeping the competition in true perspective. In this regard, I invite attention to the following article entitled "NATO—The Writing on the Wall" written for the February issue of the U.S. Naval Institute Proceedings by Air Force Gen. T. R. Milton:

### NATO—THE WRITING ON THE WALL

(By Gen. T. R. Milton, U.S. Air Force)

Peace is in the air in Europe, or rather—because there has been a sort of peace for a long time—there is a growing desire to get rid of the tools of war. In fact, a curious new profession has emerged in the shadow of this long period of relative peace—that of the disarmament expert. The term itself is a triumph in dissimulation, but it is, nevertheless, well-accepted in NATO that these experts exist and meet from time to time to pursue jointly their mysterious business. Over the years it has not mattered much whether or not we had disarmament experts. The whole question of disarmament was largely academic. But it is no longer academic. The Leonid Brezhnev statement endorsing the general principle of force reductions in Europe had the immediate effect of giving urgency to the studies on force reductions. And the Mansfield resolution calling for substantial U.S. reductions in NATO, while defeated decisively, was widely regarded in Europe as the writing on the wall.

The French have a nice word for this euphoric air of relaxed tension—"détente"—and the mood in the West these days is marked by a longing for it. The real question is whether this understandable longing for détente, with its presumable easing of military expenditures, will be balanced by logic and caution, or whether there will be simply a one-sided slacking off. There is that danger, and it stems from a very real contempt on the part of many otherwise responsible people for all things military coupled with a growing conviction that the Soviet Union is no longer up to anything very sinister.

Nevertheless, it is probably time to take a hard look at NATO. The fact that it has been singularly successful is not in itself reason for leaving it alone. On the contrary, its long and successful run may carry the seeds of its undoing for, in the absence of any believable recent threat to the peace of Western Europe, the whole subject of preparedness has become an expensive bore. But an informed look at something as complex, even fragile, as the NATO Alliance requires a point of view. This point of view must include, always in focus, the other side—the competition, so to speak.

It is probably a fair assumption that war in Europe is neither imminent nor likely as things stand today. The operative phrase is "as things stand today." It may also be true that the Soviets have no hostile intentions toward the NATO Allies, at least in a military sence; but, in all fairness, we must at least entertain the notion that they might have hostile military intentions. For quite apart from what their diplomats say, the Russians are clearly improving their military capability—not necessarily their intention, but their capability—to subjugate Europe.

Again, this extravagant outlay for conventional forces may simply reflect a die-hard suspicion on the part of the Russians towards the motives of the West.

There is also just the chance, as we have agreed, that the basic motivation of Russia has not changed. The statements of Soviet military leaders stand on the record, and they make uncompromising reading. Marshal V. D. Sokolovsky, editor of *Military Strategy*, an official Soviet military publication which presents not only the views of the Ministry of Defense, but also, and perhaps more important, those of the Central Committee of the Communist Party, said in a discussion of the nature of modern war:

"The Soviet Union and the countries of people's democracy, in order to protect their socialist achievements, will be forced to adopt . . . decisive aims directed towards total defeat of the armed forces of the enemy with simultaneous disorganization of his interior zone, and towards suppression of the enemy's will to resist, and rendering aid to the people to free them from the yoke of imperialism.

"A future world war will require of the Soviet Armed Forces, of the entire socialist camp, the use of the main military forces from the very outset of the war, literally in the very first hours and minutes, in order to achieve the most decisive results in the shortest time possible . . . Therefore, not only is a high degree of combat readiness of the Armed Forces required, but the entire nation must be specially trained for war against the aggressor."

But if we cast around, we can find other Russians who do not sound so fierce and we can read signs that seem to bode well for détente. If the West ignores the Marshal Sokolovskys and chooses to follow the pleasanter sounds, then NATO must look to its future in reduced terms.

Viewed superficially, an alliance formed to defend its members against an attack by the Soviet bloc no longer makes much sense if the Soviet bloc clearly has no intention of attacking. At this point, a reasonable question arises as to the need for the present NATO troop levels or, in fact, for NATO at all. However, we agree to keep the other side in clear focus.

An examination of the Soviet bloc, or Warsaw Pact, over the past ten years shows it to have had an undeviating upward trend in equipment, in modernization, in money, and in total strength. The strategy of flexible response, requiring as it does heavy outlays for conventional equipment, may be a NATO doctrine, but it has been a doctrine more thoughtfully provided for by the Soviets and their Allies. The comparative strengths shown in Figure 1 are revealing.

Even a casual look at the relative conventional strengths of the two alliances makes one thing clear—NATO is a defensive alliance. It simply does not have the numbers and weight of equipment to launch an attack, even were it guided by the most suicidal of strategies. It is clear to a casual observer and it must be equally clear to Russian planners. NATO does not have a serious non-nuclear offensive capability.

And the other side? Anyone, after doing a few easy sums, will arrive at the conclusion that the Warsaw Pact has, in general terms and particularly in significant items such as tanks, the 3:1 ratio of superiority all cautious Soviet generals like to have before attacking.

This gives rise to another simple question. If the Russians have no hostile intentions, and NATO, regardless of any intention it might secretly have, has not the capability to attack, what is the Warsaw Pact doing with such a heavy and costly preponderance of strength?

It is, of course, anybody's guess. Perhaps they need all these forces simply to maintain order in their uneasy alliance with the Western satellites. This seems unlikely now if it were in fact ever true. Undoubtedly some of these forces are there to maintain order and, from time to time, they have been used in just that fashion as we all remember so well. But they do not need the sophistication and the numbers that are presently available to the Warsaw Pact for the purpose of internal order; and, as we have seen, they do not need them purely for the defense of Warsaw Pact territory. China is a rising specter of the Soviets and some of this heavy defense outlay may be traced to this cause. But why do they keep forces needed for China thousands of miles away in Western Europe? What a simple and reassuring prelude to force reduction negotiation it would be if Russia transferred a significant number of their Warsaw Pact forces to the Chinese frontier.

FIGURE 1.—COMPARATIVE STRENGTH OF NATO AND WARSAW PACT

| | Northern and Central Europe | | Southern Europe | |
|---|---|---|---|---|
| Category | NATO | Warsaw Pact | NATO | Warsaw Pact |
| Combat and direct support troops available (in thousands) | 580 | 900 | 525 | 370 |
| Main battle tanks available to commanders (in peacetime) | 5,500 | 14,000 | 2,100 | 5,000 |
| Tactical aircraft in operational service: | | | | |
| Light bombers | 16 | 240 | | 30 |
| Fighter/ground attack | 1,400 | 1,300 | 600 | 200 |
| Interceptors | 350 | 2,000 | 250 | 850 |
| Reconnaissance | 400 | 400 | 100 | 100 |

Nonetheless, it is unlikely at this time that Russia is planning any truly aggressive actions, in the classic sense at any rate, against the West. There are no obvious signs that would indicate this and it seems to be clearly against their interests at the moment to start a war.

If that is so, perhaps these Soviet, and Soviet-equipped, forces serve a simpler purpose; an ever-present and threatening reminder of Soviet strength in Europe. When one couples this military presence with the spectacular accomplishments of Russian science, the effect on some people is ominous and downright discouraging. It need not, and should not, be.

In the early days of the Cold War, and particularly during the tense year of the Berlin Blockade, it would not be an overstatement to say that the appearance of a Soviet platoon, accompanied perhaps by two or three tanks, in any Western town along the German border would have created absolute panic. A panic that probably would have spread rapidly and with disconcerting, if not catastrophic, effects on the shaky political apparatus of Europe during that period. Had it not been for the U.S. nuclear superiority during those years, it is at least arguable that the Soviets would have moved through Western Europe, either in small forays or in strength. There was nothing to stop them. The Allies had essentially demobilized after the war and their forces in Europe were occupation troops, equipped and deployed for that purpose. Only U.S. nuclear bombs, and the capability to deliver them, stood between Russia and the whole of Europe.

Today, any small incursions, for whatever purpose, could be dealt with without question. Regardless of the fact that NATO is at some disadvantage wherever it faces the Warsaw Pact, the Soviets would have to mount a major attack in order to carry out any successful demonstration of force. And, in this case, it would clearly no longer be the use of military force for the support of some limited political maneuver but would, in fact, be war.

Thus, the maintenance of even an inferior force so long as it is big enough to be truly credible becomes an essential counter to the very great Soviet military presence. To go back to the early days of the Cold War, it is easy to forget what a dangerous game we played and on what tenuous threads hung success. It is equally easy to forget that every successful confrontation with the Soviets has had as its basis a clear display of strength and firmness of purpose.

Sometimes we forget how much the Russians respect the direct approach and how little attention they pay to conciliatory behavior. One of the more remarkable incidents during the Berlin airlift, and one which received little publicity then or later—possibly because of diplomatic outrage—took place at Tegel Airport.

The French had not had much of a part to play in the Berlin airlift, although they shared with the United Kingdom and the United States responsibility for the government of West Berlin. Because air traffic control was best served by the least number of aircraft types, it had been agreed to turn the flying job over to the British and the Americans. Nevertheless, the French wanted a part in the operation and so they offered to build a third and much needed airfield, Tegel, in their sector. It was an old German tank ground and well suited for the purpose.

The French commandeered thousands of Berlin citizens and made ingenious use of rubble to supplement the limited building material in Berlin. In remarkably short time the airport was finished and ready except for one serious obstacle: directly in the traffic pattern stood a broadcasting antenna some several hundred feet high. Moreover, it was the transmitting antenna for the principal Russian station in East Berlin. Clearly Tegel could only serve a limited purpose so long as this antenna stood in the way.

The Americans and British set about negotiating with the Russians for its removal, and with, of course little hope. The French considered this solution utterly unrealistic and recommended the destruction of the tower. But it was the view of the British and the American authorities that this would be an extreme provocation and might endanger the airlift itself.

A few days later, without either warning or consultation, the French quietly but firmly locked in their offices the few Americans at Tegel. Then, without further ceremony a platoon of French demolition experts marched out to the tower and, with precision, blew it to the ground. Done with serious work for the day, the other side of their Gallic nature then emerged at a champagne party celebrating the great event.

In spite of the alarm of the Americans and the British, the French were convinced that the Russians would understand that it was the logical thing to do. In fact, the French were right. Russian retaliation was confined to minor harassment, a kidnaping or two.

More than 20 years have passed since those days. Most of the people who planned the airlift and the defense of Europe in the immediate postwar period are no longer on active service. Governments have come and gone. Many of the lessons learned by the West during those hectic and crucial days have been forgotten or have suffered the sea-change of two decades of the ebb and flow of western European politics. Not so with the Soviets, though. The monolithic nature of their government slows changes and retains the past further into the future.

World War II and its stepchild, the Cold War, are receding into history. If the Soviets remain quiet, with no more Hungarys or Czechoslovakias to stir old memories, the Cold War, and its premonitions if a Hot War, will recede even faster. A listing of contemporary problems by the average Western politician probably would not put the danger of war with the Soviets very high on that list. Soviet planners have a somewhat simpler problem with their own work generally uncomplicated by the voice of the people. Long-range international plans, whatever they may be, need not be subordinated to the immediate internal needs of the country. All that is needed is resolve and time to see these policies through

A good example of Soviet resolve can be seen in the tremendous growth of the Soviet Navy. Post-World War II naval policy concentrated on the building of submarines. The submarine, with its ability to disrupt lines of communication, as a natural choice for an inferior seapower. However, disruption is not control and lack of control was perhaps decisive in Soviet decision-making during the Cuban crisis. The merchant fleet could not be escorted. Russia then turned to building a true fleet, a surface, seagoing Navy. Less than ten years later, the Russian flag can be seen in the Indian Ocean, the Caribbean and, most evidently in the Mediterranean.

Where does all this lead? Clearly the increasing budget pressures, if nothing else, probably spell a change in national NATO commitments in the coming years. If these changes are made with only budget considerations in mind, which is to say, mindlessly, then we can predict a process of rapid erosion and the eventual demise of this successful alliance. But if some real thought is given to force improvement, and if we accept the fact that the principal mission of NATO is to maintain the peace rather than to fight the war, then change is possible. It might even be a useful change, but we have to keep clearly in mind the fragile nature of this unlikely structure. And we must also keep in mind the fact that if we begin pulling out support without having done our calculations, the structure will be irrevocably demolished. After that, we can only pray for the future of Europe in its present form. The means to preserve it will be gone.

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## MISS CLAUDIA PETERS AND MISS LAURA DE LA MADRID PARTICIPATE IN CALIFORNIA DRUG-ABUSE CONFERENCE

## HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. WIGGINS. Mr. Speaker, several months ago the Commission of the Californias held a conference in Tijuana, Mexico, to discuss a problem of concerned citizens on both sides of the border. The subject was drug abuse.

The Commission of the Californias is an entity composed of Californians and representatives of the State of baja California and the territory of baja California Sur, the purpose of which is to develop better understanding and to promote the cultural and economic relations between the two nations. The commission has held two drug conferences, bringing together United States and Mexican officials and experts in the fields of education, rehabilitation, law enforcement, prevention, and manufacturing as well. A number of young people were included in the second conference and their contribution was very significant.

The first conference led to the enactment of more stringent drug-abuse laws in the State of baja California.

The second conference has already resulted in the enrollment of 15 Mexican representatives in a forthcoming drug education program operated by the California Department of Education. The second conference also motivated the compilation of the drug laws of the United States and Mexico, which was printed in both Spanish and English.

The chairman of the California delegation to the commission is our respected former colleague, the Honorable Ed Reinecke, the Lieutenant Governor of California. Also participating were Miss Claudia Peters, a student in San Diego, and Miss Laura de la Madrid of Tijuana. Lieutenant Governor Reinecke is justly proud not only of the achievements of the conference, but of the contribution made by these two young ladies. I share his pride for their contribution.

To provide for the recognition that these young ladies deserve, I insert their remarks before the commission in the RECORD:

### REMARKS BEFORE THE COMMISSION OF THE CALIFORNIAS

(By Claudia Peters)

Good morning ladies, gentlemen and honored guests, the theme of the Commission of the Californias Conference is the discussion of various problems related to drug abuse.

This is the first time youth has been asked to participate. We feel that this is an important addition to the drug discussion.

Being young might lend to our bias. It is hoped that through the formal presentation by youth, the observations and comments made by them during the workshop sessions and the meaningful input of other conference participants, we will be able to find acceptable and relevant approaches to solving the drug problem.

The problem of drug abuse in youth is complex and affects all levels of society. Unfortunately, many of our reactions are based more heavily on emotional responses than on facts. This lack of accurate information has created dulling effects on many treatment, educational and legislative programs. Some illustrations of inconsistencies are: smoking a marijuana cigarette is a misdemeanor, while the possession of an unlighted marijuana cigarette is a felony; possession of LSD is a misdemeanor, yet it is proven to be a more dangerous drug than marijuana. Historically, the attack on drug abuse seems to be without complete logic, and thus has added more confusion to an already complex *medical* and *social problem*.

Before delving into more specialized aspects of drug abuse, it is necessary to define the term. The definition of drug abuse most readily accepted by youth is that definition included by Joel Fort, M.D., in his book, *The Pleasure Seekers*. To Dr. Fort . . . drug abuse "refers to the use of a drug, usually the excessive use, or preoccupation that produces definite impairment of social or vocational adjustment on health."

Dr. Fort also defines drugs as "any biologically active substances used in the treatment of illness or for recreation."

This definition of a drug brings up two very important points. First, a drug is any biologically active substance, thereby including aspirin, antihistamines, alcohol, etc., as well as the drugs most commonly associated with youthful drug use. In other words, all drugs, legal or illegal do have the potential for abuse, depending upon how and why a person is using a drug. In addition to health hazards, the user of an illegal drug is violating the law and therefore running the risk of impairing social or vocational adjustment.

The second important point is that drugs are used for recreational purposes. Many individuals enjoy their drug experience. Adults enjoy drinking with friends. Youth enjoy "getting high." Drugs can be a very pleasureable experience, although most individuals will acknowledge that whenever one takes a chemical into his body, he is taking the risk of an unpleasant reaction or experience.

If we mold our discussions around a really humane aspect, giving attention to the value systems of all involved we will obtain the best results. Through experience, education, and factual evidence, youth has gained both knowledge and misinformation. A fear approach is no longer possible or effective. More realistic outlooks must be approached and recognized.

Thus, operational assumptions should be stated in order to set up a common ground for discussion.

The American culture is very much a drug-saturated society. People are often encouraged to take a chemical if they want to alter the way they are feeling. If you doubt this statement, watch the commercials on TV any evening. No one will doubt that most drugs are very beneficial when used properly. A drug in itself is not good or bad, it is what an individual does with it that is either beneficial or harmful. Because of the American drug-oriented society, drug abuse has become very much a problem. It is not entirely a problem of youth either. There is a significant number of housewives who are abusing amphetamines, and one of the last estimates of the number of alcoholics was 8 million (a conservative estimate I might add).

It is common knowledge at this point in time that legal and illegal drugs will continue to be widely available and promoted. Certain restrictions and controls should be considered for curbing the enormous production of un-needed amounts of certain drugs. The present environment may not be a fair setting for youth to make a rational decision about drug use. The impact of effective education on rational decision making should be stressed. Needed are a number of new, creative and innovative approaches for effective drug education.

This brings us to the three aspects to be discussed in this conference: Drug Abuse related to (1) laws and law enforcement, (2) public health and rehabilitation, and (3) education. Formal recommendations of the California youth participants on each of these aspects will be presented in the individual workshops.

Thank you for your attention.

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### MESSAGE TO THE NARCOTICS COMMITTEE OF THE COMMISSION OF THE CALIFORNIAS

(By Laura Martha de la Madrid)

Ladies and gentlemen, it is very comforting for the youth of today to see how the Commission of the Californias has given such importance to the problem of drug abuse; the Commission has given it such a priority that not only has it invited Government Officials and highly specialized professionals from both sides of the border, but it has also invited the youth from both Californias to participate in the study and in the making of recommendations to fight this social plague which is not only reaching epidemic conditions in Mexico and in the United States, but in all of the world.

I would like to expose before this honorable Commission my particular opinion as a youth in a problem that has a social origin and begins in different forms depending on the environment in which the youth of our countries have to live in.

It is evident that the youth from a high economic level has all of the necessary funds available to receive high and costly education from their parents, but in reality all that they receive is an abundance of material things in exchange of what they really want and need, which is love and affection.

The youth of the middle class lives in a disintegrated family atmosphere, for the majority of the husbands and wives have to abandon the home to work, and this absence of both parents has a grave repercussion on them.

The adolescent of the poor class lives in need and despair and that seriously depresses him and on occasions leads him to delinquency.

Before such a perspective, I speak to you as a youth who wishes to dialogue with love and respect.

I say love and respect, because to me, these are the two fundamental things that must exist in every family so that the conglomeration of them may form a country of peace and happiness.

When I refer to love, I refer to love in the highest sense of responsibility and understanding.

When I mention respect, I refer to the respect that is not based on fear, nor the one that is imposed by force, but I refer to the natural respect that the son should have towards his father, based precisely in love and in the direct relation that should exist between father and son. The father is by excellence the symbol of social authority, but it should be understood as an authority that will surely dialogue and accept the faults of his children. It is also indispensable that the father show his respect towards his son by accepting him as an individual with all the rights and responsibilities that this implies.

We, the youth, should understand that our parents are not infallible, and if and when they should commit errors, we should by no means incur to inconformity or to rebellion, but we should recourse to their help with a great sense of love and respect.

Our Governor, Milton Castellanos, not too long ago, expressed the following, at a meeting where family problems were discussed:

It is my understanding that the relation between father and son, and mother and son, should be exactly that of a parent towards a son. The friendship between parents and their children should be motivated by love and respect, because during childhood and in his adolescent years, the youth needs the father and also needs the friend. The tie between experience and the emotional, between the anxiousness and the serenity, should not lose that marvelous characteristic of respected confidence, of authentic love and honour, that are the basis for the success of future citizens".

And here, ladies and gentlemen, in the words spoken by Governor Castellanos, is the formula to develop your works about such important purposes, for it is imperative to destroy the drug plague before it destroys the most valuable harvest in the world—our expendable youth.

Thank you.

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### MESSAGE OF APPRECIATION TO THE COMMISSION OF THE CALIFORNIAS

(By Laura Martha de la Madrid)

Honorable Commission, ladies and gentlemen, in the last two days, through the different workshop meetings, the Commission of the Californias has given us, the youth of California and Baja California, a participation at the same level as that given to many outstanding officials of both of our Countries. This, of course, is a sincere confirmation to the position that is ours by *right*, but also as a demonstration of the Commission that it really is interested in finding practical, legal, but above all, humane solutions to the problem of drug addiction, that if it is true that it is a very grave problem, it is also a problem that *has united the youth and the adults; it has united the Californias* and it has united Mexico and the United States, in an atmosphere of love and respect, in looking and finding solutions to our common problem.

We have seen the true interest shown by the delegates that have taken part in the Education sub-committee under the chairmanship of Assemblyman José María Márquez. We heard the factual concepts presented by Dr. Donald McCune, Doctor Peter Frank and by Mrs. Lita de Romero Aceves.

In the Public Health workshop, under the direction of Doctor Ruy Castañeda, we assimilated the information made known to us by Mrs. Joan Friedenberg.

Under the Chairmanship of the Honorable Judge Arthur Alarcon, we became aware of the legal aspects of our problem but through it all, we also felt that from the law enforcement officer there is a new phase of understanding and consideration to this complicated social epidemic.

The research and translation done by Miss Tamia Hope and Attorney Wilfrido Ruiz did not escape our perception. The presentation by Mr. Evelle Younger, Mr. Joseph Bush, John Kelly and Jeff Day were outstanding. These names are but a few of those of the delegates that participated earnestly in the Law and Law Enforcement sub-Committee:

The presence and the messages by such remarkable persons as Governor Raymond Schaeffer, Mr. Pete Wilson, Mr. Rodolfo Chávez Calvillo, who comes as a personal representative of the Attorney General of Mexico, and Doctor Carlos García Alvarez from the Mexican Public Health Secretariat, clearly indicate to us that on this occasion there is indeed a true desire to help, not only the youth, but also the adults, in overcoming drug addiction.

It is indubitable that many hours of hard work have been employed by prominent people with great knowledge of the problem that affronts us, and it would be very sad, but very sad indeed, if all of this work bore no fruit.

We have come to your call. We have modestly contributed with our grain of sand; now it is up to you, the government officials of both Countries, our parents, our teachers and the Honorable Commission of the Californias to put forth the recommendations, here agreed upon today, to the corresponding authorities and obtain the necessary enactment on them.

May I remind you that there is not a moment to lose; that the work that has been collected here does not end up in an old storage room and becomes dusty and full of cobwebs; no gentlemen, this file should remain on top of the desk of each and everyone of you to remind you that it is a matter of high priority and one that demands an immediate solution.

I wish to express my sincere appreciation to the youth of California; it has been great knowing you, let's keep in touch, as in not a too distant future, we will have the reins of our destiny in our own hands and we'll have to help one another.

To the Commission, my thanks for your interest and help in our search to the answer of one of our problems; there are many more answers, to many things, that we are looking for, but I assure you that today our future seems much brighter than when this meeting began two days ago.

To all of the delegates here today my love and respect; to my colleagues from California Peace.

Thank you.

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## SELECTION OF ARCHITECTS AND ENGINEERS

### HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. BROOKS. Mr. Speaker, I am today introducing a bill to amend the Federal Property and Administrative Services Act of 1949 in order to assure the American people that the highest qualified architects and engineers are selected to design and offer consultant services in connection with the Federal Governments multibillion-dollar construction programs.

In the course of the next few years, thousands of architects and engineers will be required by the Federal Government to develop plans and specifications for the massive public construction projects that will be undertaken. Our task is to do whatever we can to secure the highest quality, the most efficient and effective services at the lowest reasonable cost.

Historically, architectural and engineering services have been recognized as presenting unique considerations insofar as procurement is concerned. A commitment to design a complex building is far different from purchasing the day-to-day supplies of Government. Structures are designed by architects and engineers only after a work contract has been awarded, and not before. Thus, the job of securing the best possible design and specifications for new buildings depends heavily upon the selection of architects and engineers with the highest qualifications who are also willing to undertake contracts at fair and reasonable prices to the Government.

Under the provisions of my bill, architects and engineers would be invited to submit data as to their qualifications and performance by the relevant Government agencies requiring these services. Based on the data submitted, the agency head would rank architectural and engineering firms according to their qualifications to undertake a particular design contract then under consideration.

The next step would be for the agency head to negotiate with the highest qualified individual or firm and, if a fair and reasonable price can be agreed upon, award the contract to him. In the absence of a negotiated agreement on price, the agency head would then turn to the next most qualified architect or engineer for the purpose of negotiating a fair contract. This process would continue until an agreement is reached. The approach embodied here optimizes the possibility of the Federal Government's acquiring the highest qualified services that will be translated into the most efficient buildings and other facilities costing less to construct and maintain.

I introduced a similar bill in 1970 which passed the House, with amendments, in the closing days of the 91st Congress. However, it did not reach the floor of the Senate for full consideration. I believe we should act at once to complete this most important piece of unfinished business. I urge all Members of Congress to again give this bill the greatest possible degree of consideration. The American people expect us to insure that Federal projects receive the most creative and capable architectural and engineering services available. The text of my bill is as follows:

H.R. 12807

A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IX—SELECTION OF ARCHITECTS AND ENGINEERS

"DEFINITIONS

"SEC. 901. As used in this title—

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

"(2) The term 'agency head' means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

"(3) The term 'architectural and engineering services' includes those professional services of an architectural or engineering nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform.

"POLICY

"SEC. 902. The Congress hereby declares it to be the policy of the Federal Government to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

"REQUESTS FOR DATA ON ARCHITECTURAL AND ENGINEERING SERVICES

"SEC. 903. In the procurement of architectural and engineering services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required.

"NEGOTIATION OF CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES

"SEC. 904. (a) The agency head shall negotiate a contract with the highest qualified firm for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the Government. Provided, however, if deemed appropriate the agency head may, before selecting the highest qualified firm, request alternative methods of approach to the solution of the problem and concepts of the scope of services required. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(b) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(c) Should the agency head be unable to negotiate a satisfactory contract with any of the qualified firms, he shall, in his discretion, either select additional firms in order of their competence and qualification, or reissue a new request for proposals."

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## MIDDLETON MARCHING KNIGHT BAND

### HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. BYRON. Mr. Speaker, for 2 years in a row, western Maryland has been honored to represent the State of Maryland in the 1972 Festival of States in St. Petersburg, Fla.

This year the Middletown Marching Knight Band of Middletown, Md., has earned this high honor. The Middletown Band will be in Florida from April 3 to April 9, and I would like to congratulate them on this fine achievement.

The Middletown Marching Knight Band is 17 years old. When first organized, the band had 35 members and has now increased to 140 marching members. The band was selected as Maryland's official band in 1969 and was given its second invitation to represent Maryland in the Festival of States. The Marching Knights, under the direction of Mr. Marrone for 15 years, has won many local honors and prizes throughout the State of Maryland. They have participated in local parades, half time shows at sports events, and carnivals in Frederick County.

I wish them success in their Florida sojourn. I know the band has earned this honor, and I wish them well.

## NO FAULT AUTO INSURANCE

## HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. BEGICH. Mr. Speaker, currently in the State of Alaska, as in many States, there is a growing demand for a no fault automobile insurance, that would allow for more reasonable insurance premiums, and end petty or overly imaginative law suits. Today I am submitting into the RECORD two resolutions from local governments in Alaska calling for action on this issue.

One is a resolution drafted by the Kenai Peninsula Borough, Bruce F. Noah, assembly president, and the other has been drafted by the city council of the city of Seward, R. F. Richardson, mayor.

The resolutions follow:

### RESOLUTION 72-2 R

A RESOLUTION RELATING TO "NO-FAULT" OR "FIRST PARTY" INSURANCE

Whereas, the American insurance industry has been a vital factor in the overall development of the basic concept of automobile liability insurance, and

Whereas, the dramatic growth of the economy of the nation and the expanding use of motor vehicles has created an unprecedented demand for protection from serious financial loss from automobile accidents, and

Whereas, the present system of automobile liability insurance has created dependency on the courts, delay in the prompt settlements of claims and serious hardship for a great many of those involved in automobile accidents, and

Whereas, a new concept of automobile, bodily injury and property damage insurance has been advocated in some states called "no fault" or "first party" insurance, and

Whereas, this no fault insurance holds promise of reducing court calendars, speeding claims settlements and perhaps lowering premiums through more effective handling of claims

Now, therefore, be it resolved by the Assembly of the Kenai Peninsula Borough:

1. That the State and Federal governments be requested to initiate legislation which would promote no fault bodily injury and property damage automobile insurance.

2. That the State and Federal governments are requested to investigate the current programs in effect in other states and to provide an interim report to the citizens of Alaska on the merits or demerits of these programs.

3. That copies of this resolution be sent to Senator Mike Gravel, Senator Ted Stevens, Representative Nick Begich, Governor William A. Egan, Senator Bob Palmer, Representative Keith Specking, Representative Clem Tillion, Kenneth W. Kadow, Commissioner, Department of Commerce; Cloyce A. Drake, Director, Division of Insurance; Hon. Gene Guess, Speaker of the House and Hon. Jay Hammond, Senate President.

Adopted by the Assembly of the Kenai Peninsula Borough this 18 day of January, 1972.

### RESOLUTION No. 843

Whereas, the American insurance industry has been a vital factor in the overall development of the basic concept of automobile liability insurance, and

Whereas, the dramatic rowth of the economy of the nation has created an unprecedented demand for protection from serious financial loss in accidents arising from the expanding use of motor vehicles, and

Whereas, the present system of automobile liability insurance has created a dependency on the courts, a delay in the prompt settlement of claims and a possibility of serious financial hardships for those involved in automobile accidents, and

Whereas, a new concept of insurance has been advocated in some states which is known as "no-fault" or "first party" insurance which holds promise of clearing court calendars, spending claims settlements and perhaps lowering premiums through more effective handling of insurance claims,

Now, therefore, be it resolved by the City Council of the City of Seward, Alaska, that the State and Federal Government be requested to initiate legislation which would promote this new system of automobile insurance, and

Be it further resolved, that the State and Federal Government are also requested to investigate the current programs in effect in other States and to provide an interim report to the citizens of Alaska on the merits or demerits of these existing programs.

Passed and approved by the City Council of the City of Seward, Alaska this 17th day of January, 1972.

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## EDITORIAL—"EXECUTIVE ORDER 11490"

## HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. SCHMITZ. Mr. Speaker, on December 14, 1971, I placed before you a most disturbing and thought-provoking editorial that had appeared in the largest newspaper in my district, the Santa Ana, Calif., Register. Entitled "Tyranny's Timetable," it predicted a dictatorship in the United States in 1984, right on George Orwell's schedule, if present policies continue.

Now I would like to take this opportunity to supplement this editorial with its sequel, in the same newspaper on December 11, 1971, entitled "Executive Order 11490." The editorial follows:

### EXECUTIVE ORDER 11490

Returning to the subject of our editorial, "Tyranny's Timetable," we are advised by a scholar of libertarian thought that we were in error in designating 1984 as the date of the emergence of dictatorship in the U.S.

"The power already is in the hands of the executive branch of the government to provide for complete control," our friend advised.

He explained that politicians use power as ordinary people use money. They don't use it all at once.

It is difficult for us ordinary mortals to keep up with the manipulations by the politicians, so you may not know when all this power was handed over to the President.

It happened on October 30, 1969, through a little matter called Executive Order 11490 "Assigning emergency preparedness functions to federal departments and agencies."

Executive Order 11490 makes fascinating reading. It was issued by President Nixon with the following preface:

"Now, therefore, by virtue of the authority vested in me as President of the United States, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799) the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended, it is hereby ordered as follows:"

The order starts out:

"Whereas our national security is dependent upon our ability to assure continuity of government, at every level, in any national emergency type situation that might conceivably confront the nation . . ."

The language is interesting, especially "emergency type situation." We have learned that an emergency exists when the President says it exists. The executive order continues for 11 pages in the Congressional Record (Sept. 27, 1971) covering every subject imaginable. We will cite a few.

The Attorney General was ordered to (among many other things) "Develop emergency plans for the control of persons attempting to enter or leave the United States."

Among the other emergency programs assigned to the Post Office Department is "censorship of international mails." You'll find that under Part 6, (1)(a).

Thumbing through the executive order, we find "Part 10—Department of Labor, Sec. 1002 Functions. The Secretary of Labor shall: Develop plans and issue guidance designed to utilize to the maximum extent civilian manpower resources . . ."

Under Part 18, the Federal Communications Commission is ordered among other things to "develop plans and policies covering . . . construction, activation or deactivation of broadcasting facilities and services . . ."

Under Part 25, The Securities and Exchange Commission is instructed to collaborate with the Secretary of Treasury in the development of emergency financial control plans including "temporary closure of security exchanges, suspension of redemption rights and freezing of stock and bond prices if required in the interest of maintaining economic controls."

Also under this part is the provision for "The prevention of the flight of capital outside this country. . . ."

It should be clearly understood that these emergency powers do not relate solely to emergencies through military attack by foreign powers. It applies to "any national emergency type situation that might conceivably confront the nation. . . ."

When our friend advised us we were in error in assigning the date 1984, he further surprised us with the information that when George Orwell first wrote his book, the date used was 1948. His publisher advised him that the public would not buy that idea since the date of "Big Brother take over" was too soon. If he could make it read as a science fiction piece, it would be bought and read. So the date 1948 was transposed to become 1984.

Fascinating.

Since an increasing number of people are expressing great concern about this and related Executive orders, and advance some strong arguments to justify their concern, I believe it is time we looked into this subject thoroughly. Consequently I have introduced House Resolution 772 for this purpose. The text follows:

H. Res. 772

Whereas the use of Executive orders by the President of the United States as a means of determining national policy and acting in lieu of legislation appears to be increasing; and

Whereas the existence of Executive orders which were originally intended for use in a wartime or other major emergency situation have given rise to apprehensions that they might be invoked when no major emergency actually exists, thereby drastically threatening personal freedom in the United States for insufficient reason; and

Whereas the need for, and the extent of authority to be exercised under, Executive orders has not yet been clearly defined; and

Whereas a potential appears to exist for bypassing the lawmaking action of Congress as the body of elected representatives of all the people of the United States by means of Executive orders issued by the President: Now, therefore, be it

*Resolved,* That it is the sense of the House of Representatives that the appropriate committee or committees of the House should undertake, at the earliest practicable date, a full-scale investigation of the basis, scope, nature, and exercise of the President's power to issue Executive orders.

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## THE POLITICS OF THE INTERNATIONAL OIL INDUSTRY

## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. HAMILTON. Mr. Speaker, Bernard D. Nossiter's article in the Washington Post of January 29, 1972, highlights the importance of the current negotiations between the world's major oil exporting countries and international oil companies. The oil nations are seeking at least a 20-percent share in the ownership of the companies and a timetable leading to 51 percent effective control. Either could drastically alter the geopolitics of the international oil industry. I recommend Mr. Nossiter's remarks to my colleagues. His article follows:

[From the Washington Post, Jan. 29, 1972]

### New Oil Talks Could Reshape World Economic, Political Map

(By Bernard D. Nossiter)

Geneva, January 28.—In Jeddah, the Saudi Arabian capital, two men are due to begin talks on Tuesday that could drastically reshape the world's economic and political map.

Sheikh Ahmed Zaki Yamani, the Saudi petroleum minister, will meet in his office with Frank Jungers, president of Aramco, the Arabian oil-producing creature of four giant American concerns. They will discuss an innocuous sounding world, "participation." It stands, however, for nothing less than a demand from the oil states of the Middle East to tear up their old concession agreements and deal themselves in for a share of the ownership in the companies exploiting their one great resource.

For a starter, the oil nations are demanding at least a 20 per cent share. But they also insist on a fixed timetable that would ultimately assure them 51 per cent, effective control.

In brief, the oil states—not only in the Middle East but also in Africa, South America and Southeast Asia—have now determined to end their role as more or less passive collectors of royalties on the oil that Western companies extract from their lands and seas. National governments want to become first junior and then senior partners in managing and controlling their most valuable asset.

In Jeddah, the resourceful Yamani, an elegant man who sports a black mustache and goatee, will speak nominally for the Persian Gulf producers alone—Saudi Arabia, Iran, Iraq, Qatar, Kuwait, and Abu Dhabi. In fact, he talks for five other nations as well who are joined together in the Organization of the Petroleum Exporting Countries or OPEC. The other five are Libya, Nigeria, Venezuela, Indonesia and Algeria. Together, the OPEC nations account for about seven of every eight barrels of oil exported to the non-Communist world.

Jungers, in turn, will nominally speak only for Aramco. But behind him stand Aramco's four parents—Standard Oil (New Jersey), Standard of California, Texaco and Mobil. Moreover, alongside this quartet are the other four decisive oil "majors"—Gulf, British Petroleum, Shell (a British and Dutch concern) and the Compagnie Francaise des Petroles (CFP). The big eight, locked together in exploiting consortia all over the globe, extract three of every four barrels shipped to the non-Communist nations.

The eight, plus the independent Atlantic Richfield, have aleady met once with Yamani and representatives of all the other OPEC nations except free-wheeling Libya. That took place here in Geneva on Jan. 21. At this preliminary meeting, Yamani sketched out what participation means. The well-coordinated company men listened, and, by pre-arrangement, each addressed himself to one specific difficulty posed by the demand.

#### CRUCIAL POINT

The crucial point, however, is that the companies did not say "yes," and they did not say "no." In private, some of their key executives in London acknowledge that national share ownership is inevitable; the only questions—enormously difficult to resolve—are how soon and on what terms. Indeed, as these company men point out, the new, and generally less profitable concessions now being granted, typically provide for some ownership stake by the host country.

To appreciate the importance of all this, the decisive role of oil as a source of energy, as the fuel for factories, cars, heat and anything that requires power, must be understood.

No less than 80 per cent of Japan's energy comes from oil; for Western Europe, the figure is 55 per cent and for the United States, 44 per cent. OPEC nations, in turn, supply 80 per cent of Japan's oil and 87 per cent of Western Europe's.

The organization's members provide now only about 17 per cent of the heavily-protected American oil supply, and that is largely from Venezuela. But the demand for energy is rising so rapidly that the industry estimates that by 1980, the United States will be importing about 7 million barrels daily from the Middle East alone, nearly 30 per cent of a predicted 25 million barrel daily consumption.

Who controls oil, then, plays a central role in any modern economy.

#### VERY GRAVE SITUATION

"This is a very grave situation, very worrying," says one important oil company executive who, like his fellows in the industry, agreed to talk with this reporter only on condition that he not be named. The executive, an American, makes this argument against participation:

As the concession arrangements stand now, the companies are a buffer between the producing and consuming nations. The companies have only economic, not political interests, and thus can better assure an uninterrupted supply of oil.

Once the national governments are cut in on the ownership, they will be unable to resist demands from their own people or more radical brethren, like Libya, to use oil as a political weapon, to cut the supply when a Western government offends them by, for example, support for Israel. Participation, in short, means politicizing oil.

Indeed, last November, President Ahmad Hasan Al-Bakr of Iraq spoke in just those terms. "The strategic aim of the revolution," he said, "should be to liberate fully the country's oil resources from foreign exploitation and control . . . to turn them into an effective instrument in the struggle against imperialism and Zionism."

#### NATIONAL CONTROL

Moreover, oil companies say, national control will wreck the industry's price structure, flood the world with oil, thereby reducing profits for both the companies and the host nations. The point here is that the big eight are a cartel, imperfect because they no longer control all the foreign oil, but largely effective. In a variety of ways, they carve up the world's markets among themselves and limit supply to prop up the price.

Although independent firms now extract about one-fourth of the oil that moves in world trade, they too have been impressed into the cartel. The U.S. Justice Department saw to that by providing an immunity from antitrust laws that permits all the companies not only to bargain as one with the equally cartelized OPEC, but also to give each other oil if one is cut off by an angry producer nation.

The companies are now saying, in effect, that national majority share ownership will upset this delicate arrangement, that each producing nation will be under strong pressure from its own citizens to step up the flow of its own oil, thereby breaking down the supply discipline that keeps up the price.

Finally, the great international concerns point to the need for billions of dollars of new capital investment needed to enlarge supplies in an "orderly" way to meet the growing oil demands of the 1970s and 80s. The company men argue that investors will be frightened off if Arab and other states move in on ownership, that the investment will simply not be forthcoming.

#### OPEC UNIMPRESSED

OPEC is singularly unimpressed by the political argument and its leaders even stand it on its head. At the organization's Vienna headquarters, the secretary general, Nadim Pachachi, a gifted Iraqui, replies:

"If we wanted to stop oil to the United States, the lack of participation would not stop us. That is the right of a sovereign state, regardless of whether it owns shares in a company. Look how your government cuts off strategic materials to the Soviet Union without participation in companies. The political weapon is already there. Fifty one per cent participation won't change it."

At his handsomely furnished Lausanne apartment, Oil Minister Yamani took up the theme from a different stance. He observed that Algeria has already taken over its oil; that the Iranian concession runs out in 1979 and that Shah Mohammed Reza Pahlevi has said no new one will be granted; that Venezuela is preparing to take over its oil when its concessions expire in 1983; that Libya has nationalised British Petroleum's assets. "The others," he said, "have to do something politically speaking for their own public opinion. We must start quickly on the participation process to assure the companies any participation in the concessions."

For Yamani, the alternative is plain: either the companies sell the government a share in their concerns or the pressure from within their own countries will force every oil state to nationalize the properties.

Pachachi, the OPEC official, scoffs at the idea that national governments cannot run a cartel. "We are not stupid enough" to break the price of oil by flooding the world with it. We want to utilize this asset. We are as interested (as the companies) in maintaining the price level. It is a wasting asset, not replaceable. So we must make the maximum use of it."

He concedes that heavy investment will be needed to expand supply and satisfy the growing demand. He concedes, too, that only Saudi Arabia, Qatar and Kuwait will have idle resources for this task and that inevitably Western capital will be required. But Pachachi argues that Westerners need not be scared off by a participation arrangement, that the companies will still be shareowners, that both countries and companies have a joint interest in rational and profitable operations.

### COMPANIES DIVIDED

In fact, the companies are far from single-minded about the principle of cutting the governments in. According to insiders, Shell, CFP and Gulf have virtually accepted the notion. Gulf has traditionally been a hard-line company but the Mellon family, its dominant owner, is said to have shaken up the management. Last year, I. G. Davis, Gulf's executive vice president, told the New York Society of Security Analysts: "One can understand the desire of the producing country to have a more effective voice in the planning, producing and disposal of crude oil produced in their country. This is particularly so where petroleum is the principal and sometimes only natural resource and finite and depletable resources at that. One can even foresee a beneficial mutual understanding resulting from joint consultation. . . ."

The big eight's undecided members are said to be Jersey Standard, British Petroleum and Mobil. Only Texaco and California Standard are reported to be insisting that a deal is a deal, a concession is a concession until it expires, and no rewriting shall take place.

### UNITED ON TACTIC

Whatever their differences on the principle, the companies are united on their tactic: let us not hurry any changes. They argue that last year's big bargain at Tehran, where the companies agreed to a stiff increase in the royalties they pay the host nations (in foreign oil, royalties are called taxes so that the American firms can offset them against taxes that they would otherwise pay to Washington) was supposed to assure five years of "stability."

Even the most outgoing concerns insist that participation should not begin until the Tehran deal runs out at the end of 1975.

The companies have just reluctantly agreed to enlarge the Tehran deal, increasing their payments by 8.5 per cent or about another $700 million a year to the Persian Gulf states alone. But that settlement was made to compensate for the devaluation of the dollar, the unit of account in which oil royalty-taxes are figured, and thus is not seen as a violation of the "stability" principle.

### OPEC ARITHMETIC

On the other side, Yamani regards delay over the participation question as politically impossible. He will not spell out the OPEC demands in detail. But he hints that a start on participation, the granting of a minority share, must be made soon and that OPEC expects its 51 per cent share within a decade.

Apart from the time scale, the other great issue in these crucial talks is how much the producer governments will pay for their shares. Yamani says that OPEC has determined to give no more than the net book value of concessionaires' assets above the ground.

Assume, for example, that Aramco has $800 million worth of rigs and the like but, after depreciation, now values these installations at $300 million. Then Saudi Arabia would pay only one-fifth of this total or $60 million for its initial, 20 per cent share.

That kind of arithmetic horrifies the companies. They insist they are entitled to be paid for the loss of their future profits on oil in the ground, profits they expected to reap during the lifetime of their concessions. Since many of the concessions do not run out until the next century—one in Kuwait expires in 2026—the companies are asking a lot of money.

How much is their secret since they do not reveal mestic companies have suction, although this is understood to be the most profitable part of their global operations. In any event, it is likely that the difference between the country proposals and the company position is several billion dollars.

However the lengthy negotiations beginning at Jeddah this week turn out, it is also clear that consumers in the West can only shudder at what is happening. Even if the two cartels—companies and nations—reach an amicable agreement that assures the supply of oil, both have a vested interest in pushing prices higher and the means to do so.

Some help will come from the growing discoveries of oil in the Western-controlled North Sea. Some may come from Alaska if the ecological worries can be laid to rest. Additionally, exploration off Indonesia's shores is likely to yield more oil.

### EXPANDING DEMAND

But all these sources together, it is estimated, can not possibly replace over the next 20 years the Middle East and African oil needed to satisfy the expanding demand.

Moreover, the bulk of these concessions, too, will almost certainly be held by the big eight's cartel. At best, these new sources then will provide some safety margin for supplies but their exploitation will be controlled to prevent any fall in price.

It is clear then, from both the point of view of supply and price, that new energy sources must be tapped as long as wealthy nations demand rising material standards. These sources exist—oil from shale and tar sands, nuclear energy, possibly energy from the sun.

Typically, however, their exploitation has been held back, often at the insistence of oil companies that do not want rival fuels developed. Shale oil is the classic case; there both the major international concerns and domestic companies have successfully prevailed on the U.S. Interior Department to lease the shale lands only recently and then on the smallest scale.

Elsewhere in the world, rich nations like Japan are making a determined effort to free themselves from both OPEC oil and from the big eight companies. By 1980, Japan is expected to cut its dependence on oil as an energy source from 80 per cent to 68 per cent. And a smaller share of that oil will be coming from OPEC members.

For American consumers, the major policy question posed by the new round of cartel-to-cartel talks is this: how to find new sources of energy and how to exploit them outside the existing corporate structure.

## PRESIDENT NIXON IS KEEPING HIS WORD

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 1, 1972*

Mr. McCLORY. Mr. Speaker, last week the President of the United State withdrew an additional 7,200 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today there are 136,500 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

# HOUSE OF REPRESENTATIVES—*Wednesday February 2, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*I beseech you to lead a life worthy of the calling to which you have been called, eager to maintain the unity of spirit in the bond of peace.*—Ephesians 4: 1, 3.

O God, Thou everlasting sustainer of our spirits, we come to Thee seeking peace, strength, and wisdom as we endeavor to lead our Nation through these demanding and difficult days. We are weak, but Thou art mighty; we are impatient, but Thou are so very patient. Do Thou hold us with Thy powerful hand and all our lives through be Thou our strength, our shield, and our support.

For our families and friends, for our colleges and universities, for the city about us, for our Nation, and for the whole human race we pray and our prayer is that all of us may be led from ill will to good will, from fear to faith, and from things seen to things eternal, and to an ever-increasing experience of Thy presence in the hearts of men. In the spirit of Christ we offer our morning prayer. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## VIOLENCE IN NORTHERN IRELAND

(Mr. BADILLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADILLO. Mr. Speaker, the slaughter of 13 civilians by British troops in Northern Ireland Sunday followed the pattern of the mindless slayings of students at Kent State in 1970 and of unarmed prisoners at Attica Prison last September.

When will armies and police and governments learn that violence begets only violence? That the use of arms is more often the catalyst of violence than a deterrent. That an army of occupation serves only to stiffen the resolve of a citizenry.

Time and again we are told that troops had to open fire to protect their own lives. And time and again—at Kent State, at Attica, and last Sunday in Northern Ireland—it turns out that the threat was more imagined than real and that only civilian lives were lost.

It is long past time for British troops to withdraw once and for all, from Northern Ireland. I support Senator KENNEDY's proposal that the United States offer the services of an impartial mediator—such as President Johnson did with Cyrus Vance during the Cyprus dispute—and that a humanitarian aid program for the ravaged country of Northern Ireland be authorized without delay.

At the same time, I would urge President Nixon to ask through the United Nations or any other international mechanism, a worldwide conference aimed at developing humane means and policies for dealing with civil disturbances. This problem is no longer a local issue. It plagues virtually every nation and every community. It must be resolved.

This is the very least we can offer.

## OPERATIONS OF THE GENERAL SERVICES ADMINISTRATION

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, either the General Services Administration expects me to stay in the Congress for a long, long time, or I have just experienced one of the most hilarious, or ridiculous, things I have ever seen happen.

Mr. Speaker, I have set up a small office back in my district and we have been trying for a year now to get furnishings for that office from the General Services Administration. Some furnishings have been supplied; however, I am still waiting for certain furnishings which were ordered months ago.

Yesterday I talked to the district office and Miss Judy said, "Congressman, you will never believe what has happened. First, you should know that we did not get our furniture, however, the freight office informs me that you have there for delivery the following items: 315 pounds of floor sweeping compound, 155 pounds of cleaning compound, 1,625 pounds of paper toilet seat covers and 1,950 pounds of toilet tissue."

Mr. Speaker, I do not need all of these items.

## GROUNDHOG SEES HIS SHADOW ON GOBBLER'S KNOB

Mr. SAYLOR. Mr. Speaker, I am proud to announce that at 7:18 this morning on Gobbler's Knob outside Punxsutawney, Pa., a distinguished group of citizens not only from the Commonwealth of Pennsylvania but from other States and foreign countries as well, traveled to Pennsylvania to look in at the doings of the seers of seers. At 7:18 a.m. that seer came forward, the sun came out, he saw his shadow, and you will have 6 more weeks of winter.

Now, we have a distinguished colleague from Florida (Mr. HALEY) who from time to time has made the capricious statement that the groundhog is a poor prognosticator of spring and that the people should pay more attention to the advertisements of the Ringling Bros. & Barnum & Bailey Circus as to when they are going to appear in Madison Square Garden in the city of New York. The people from Ringling Bros. & Barnum & Bailey Circus have finally decided that they had better pay some attention to the seer of Punxsutawney. From Sarasota, Fla., the winter headquarters of that world-famous circus, two representatives were in Pennsylvania this morning in order to determine when they should open their show in New York City.

## PERMANENT MECHANISMS FOR HANDLING EMERGENCY LABOR DISPUTES IN ENTIRE TRANSPORTATION INDUSTRY

(Mr. HARVEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HARVEY. Mr. Speaker, last Thursday, January 27, I introduced H.R. 12702, a bill to create permanent mechanisms for the handling of emergency labor disputes in the entire transportation industry. Today, with the bipartisan support of 58 colleagues, I am reintroducing H.R. 12702. It is our firm belief that this bill provides the Congress with the best vehicle for action on this very important subject.

The need for permanent strike legislation is growing by the minute. Yesterday, Secretary of Agriculture Earl Butz testified that the dock strike—both on the east and gulf coasts and on the west coast—has reduced farm exports by almost three quarters of a billion dollars below comparable periods in the preceding year. Certainly, the resumption of the west coast strike is, as the Secretary pointed out yesterday, "an emergency for agriculture."

Yet, permanent legislation languishes in the Congress. It has been almost 9 months since my cosponsors and I first introduced our emergency strike legislation. Even with the present dock strike emergency in full force, the Education and Labor Committee continues to postpone decisive action. Mr. Speaker, this Congress cannot let this situation continue any longer. We must end the present dock strike, and we must enact permanent legislation for dealing with emergency transportation labor disputes. Anything short of these goals would be a shirking of our responsibilities to the American people.

## ANNOUNCEMENT OF VOTE

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, on Monday, January 31, 1972, I was necessarily absent from the House Chamber and missed the rollcall No. 12 on the bill H.R. 10086, national park appropriations ceilings and boundaries. Had I been present I would have voted "yea" on the measure, which passed by a vote of 303 yeas, 2 nays.

## TAKE AGRICULTURAL COMMODITIES OUT OF WEST COAST DOCK STRIKE

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, I know that there is a great deal of concern about the west coast strike and the subcommittee of the House Committee on Education and Labor is now holding hearings on legislation to deal with that matter. I hope we will be able to deal with these problems very shortly and perhaps the legislation would not be necessary.

But there is growing evidence that the administration is holding the Nation's farmers as hostages, trying to bring about a package settlement of the west coast dispute.

Yesterday when Secretary Butz testified before our committee and the day before yesterday when Secretary Hodgson testified before the committee, I asked both of them if it was not true that the unions have agreed to move agricultural commodities; to take them out of the work stoppage and move agricultural commodities. Both of them had to agree that this was true—that the unions have agreed and have made that offer. I have been in touch with the unions and have tried to persuade them to take agriculture commodities out of the strike.

But the shippers have not agreed—the Pacific Marine Association has not agreed. When I asked the two Cabinet members whether or not the administration has taken any action to put some pressure on the shippers to accept the union agreement to move agricultural commodities, Mr. Hodgson said they had not, because he feels that would break up the package deal that they are seeking.

So it seems to me, when they talk about the great losses caused to the farmers, and the losses are great, the administration has failed to get the shippers to move these agricultural commodities.

## WEST COAST STRIKE

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I think my friend, the gentleman from Illinois (Mr. PUCINSKI) protesteth too much. He is on the committee that could report out the legislation that would solve this strike, and so far as I can understand the committee has been impotent, with no affirmative action.

We want the strike settled so that the economy as a whole, including agriculture, can get the benefit of our export-import business. The gentleman from Illinois could take the leadership if he wanted to and be helpful to get that legislation out of the committee. I am surprised that he does not take that leadership in this crisis.

### THE WEST COAST DOCK STRIKE

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, and my colleagues, as chairman of the Special Subcommittee on Labor, I should like to report on the efforts being made by us—and by "us" I mean both the majority and the minority sides—to consider the President's urgent request, in the form of legislation, to resolve the west coast dock strike.

We have heard from Secretary Hodgson, and on yesterday from Secretary Volpe, Secretary Butz, and the Under Secretary of Commerce.

Unfortunately, under section 210 of the Taft-Hartley Act, following an 80-day injunction there is a mandatory requirement in that section that the President report to the Congress the full findings of the Board of Inquiry which he appointed, the issues involved, and the results of the National Labor Relations Board election.

Obviously, with the press of other business, the President has not yet been able to prepare and send that report to the Congress. In the interim we have learned much from the respective Secretaries. We have found them not only cooperative but very informative. By their own admission, in specific instances we do not have at hand in the subcommittee some vital information which we need. There was hand-delivered a request for specific information by me to Secretary Hodgson, and he promised me on the phone yesterday that he would respond at the earliest possible time. He has some data which is essential. There are some questions which we have asked of him in writing which he has promised to answer.

The SPEAKER. The time of the gentleman has expired.

### THE WEST COAST DOCK STRIKE

(Mr. BOLLING asked and was given permission to address the House for 1 minute and to review and extend his remarks.)

Mr. BOLLING. Mr. Speaker, I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I thank my colleague.

On Friday, which is the earliest possible date available, the principals in this unhappy strike from the west coast will appear before the Subcommittee on Education and Labor. They will be Mr. Harry Bridges of the longshoremen, the west coast counsel of the Teamster's Union, and the representative of the Pacific Maritime Association. I have been in touch with them virtually constantly during the last several days, even before the legislation was referred to my subcommittee. They are very, very close to a settlement, and I know that all of us hope that there will be a settlement before such time as we would have to enact a piece of legislation.

I think that the minority members of the subcommittee will say that everyone has been treated fairly and that I have acted as expeditiously as possible under the circumstances. I shall continue to do so. I am making every possible effort, as are my colleagues, to resolve this situation and we intend to do it in one way or another at the earliest possible time.

The SPEAKER. The time of the gentleman from Missouri has expired.

### THE ADVERSE EFFECT OF THE WEST COAST DOCK STRIKE ON OUR NATIONAL WELL-BEING

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, it has been my privilege to serve in Congress for many years. I have always been proud to be a Member of Congress. When a critical situation arises endangering our national safety or national welfare the Congress has been responsive to the public needs. The public interest has taken precedence over selfish special interests.

It distresses me, Mr. Speaker, to have to say that this Congress is rapidly becoming known as the "public-be-damned" Congress. I say this because of the failure of this Congress to act expeditiously on the President's recommendation for ending the dock strike which is undermining all our efforts to stabilize our national economy and reduce unemployment.

Several members of the Committee on Education and Labor have publicly indicated that their committee has no intention of reporting the pending bill to quickly halt the west coast strike. And I might add we would not have this critical situation had this Congress, and the previous Congress, taken action to repair the long acknowledged deficiencies in our labor law for the settlement of national emergency strikes.

In a special message we will receive from the President he pleads with us to recognize the plight of the farmers, the exporters and the adverse effect of this strike on our national well-being.

I would simply say to the members of that committee, with all respect, that time is of the essence. We ought to be about our business and report out a bill so we Members of Congress would have the opportunity to vote it up or down as we decide.

### DOCK STRIKES ON EAST AND WEST COASTS

(Mr. DELLENBACK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DELLENBACK. Mr. Speaker, I would make a brief additional comment to that already made by the gentleman from New Jersey (Mr. THOMPSON), the chairman of our subcommittee.

It is true the subcommittee has had hearings. In connection with the allusion or the reference to section 210 of the Taft-Hartley Act, however, the question was expressly put to Mr. Hodgson when he was before us, and he made clear that their interpretation of the section to which allusion was made was that a report could either be made after the west coast's 80-day cooling-off period had expired or after both the west and east coasts' 80-day periods had expired. He made it very clear that it was the interpretation of their Department that they should wait until the second period had expired. They are going to wait until the expiration of the second period and then file their report.

So far as Mr. Hodgson is concerned, I intend to contact him as quickly as possible after this. I was aware of the fact that there had been discussions between him and the chairman of our subcommittee. If we are awaiting a reply from him I will do my best to get that reply immediately.

As far as particular action by our subcommittee is concerned, yesterday when the Secretaries of Transportation and Agriculture and the Under Secretary of Commerce were before us, they made it very clear that there is present damage, that there is extreme or severe damage, and that in their opinion immediate action is called for. I hope that the immediate action will be taken just as quickly as possible.

### AMERICAN REVOLUTION BICENTENNIAL COMMEMORATIVE MEDAL

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 790 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 790

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7987) to provide for the striking of medals in commemoration of the bicentennial of the American Revolution. After general debate which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, I know of no controversy under this rule, and there appeared to be no controversy over the matter it makes in order.

Consequently, Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. MAYNE).

### A STRONGER FEED GRAIN PROGRAM ANNOUNCED TODAY

Mr. MAYNE. I thank the gentleman for yielding.

Mr. Speaker, I want to call the attention of the Members of the House to the terms of the new 1972 feed grain program, which have just been announced this morning, which should greatly increase participation and strengthen the program this year.

When it became clear from the crop-planning intention survey released last week that there were not going to be sufficient acres set aside in response to the payments previously announced, Secretary of Agriculture Butz moved promptly to use the flexible provisions of the 1970 Agriculture Act, to remedy the situation. He has this morning announced that farmers who sign up for the program during the sign-up period which starts tomorrow will have the option of setting aside an additional 10 or 15 percent of their base acres in addition to the mandatory 25 percent. They will receive a direct payment of 80 cents per bushel for this voluntary set aside. To qualify for this payment they must also withhold another 10 or 15 percent of base acres from corn or sorghum production. This new option should go a long way toward reaching the goal of retiring 38 million acres from feed grain production this year.

The combined mandatory and voluntary aspects of the revised program will strengthen farm income while keeping feed grain production within reasonable limits and facilitating the orderly disposition of last year's surplus. By today's action the Nixon administration has demonstrated that it is capable of using the Agriculture Act of 1970 boldly and decisively in the national interest. The act is being given a chance to work in the way that Congress intended.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. GERALD R. FORD).

### EMERGENCY LEGISLATION TO SETTLE THE DOCK STRIKE

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time from the gentleman from Ohio so that I might ask the gentleman from Oregon (Mr. DELLENBACK) a question.

The impression has been created, inadvertently or otherwise, that in order for the Congress to act on the President's emergency legislation to settle the dock strike this report under the Taft-Hartley Act was a prerequisite. Would the gentleman from Oregon answer that question?

Mr. DELLENBACK. Yes; I shall be glad to respond to the question asked by the minority leader.

The report to which the chairman of the subcommittee alluded earlier is called for by the act involved, but not as a preliminary to any such action as we are here contemplating in the subcommittee. We discussed the question of the report itself, but there should be no misunderstanding in the mind of any Member of the House that that is a prerequisite before the subcommittee can act on the legislation before us. There is no such prerequisite.

Mr. GERALD R. FORD. I thank the gentleman from Oregon.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HUNT).

(By unanimous consent Mr. HUNT was allowed to speak out of order.)

### BUREAUCRAT QUESTIONS WISDOM OF VICE PRESIDENT

Mr. HUNT. Mr. Speaker, yesterday a meeting was held at Vice President AGNEW's office in Washington, D.C., at which I was privileged to attend, where officials from the city of Camden, N.J., and members of the Legal Services, OEO, were present.

The Vice President, presiding over the meeting, was trying to act as a mediator between the two adverse groups, so that we might get off the ground with some low-income housing in the city of Camden, N.J., that has been stymied by legal action for 3½ or 4 years.

During the meeting, the Director of the Legal Services, OEO, Mr. Fred Speaker, had the audacity to question the wisdom of the Vice President in attempting to get something done for poor people by getting rid of this ridiculous situation by recommending a meeting between the litigants. No attempt was made by the Vice President to circumvent the courts, and he made it quite clear he was having this meeting so that all parties concerned might meet on common ground.

I am appalled that a bureaucrat like Fred Speaker would have the audacity to question the right of the Vice President of the United States on this matter.

Mr. LATTA. Mr. Speaker, I agree with the statement just made by my colleague and wish to state that I support this bill and the rule. The resolution provides for an open rule with 1 hour's debate.

The purpose of H.R. 7987 is to authorize the American Revolution Bicentennial Commission to utilize the facilities of the Bureau of the Mint on a fully reimbursable basis to strike a series of commemorative national medals.

The medals are to be made widely available to the American people at reasonable prices to insure the broadest public participation in this phase of the bicentennial commemoration.

The medals are to be furnished to the Commission by the Secretary of the Treasury at prices equal to the cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses. Since all production expenses must be paid by the Commission, there will be no cost to the Treasury. The Commission in turn expects to make substantial profit from the public sale of the medals. These profits are to be used in the furtherance of the bicentennial celebration. No medals may be produced under authority of this legislation after December 31, 1983.

This is an administration bill which was introduced by the chairman of the Committee on Banking and Currency, Mr. PATMAN, on behalf of himself, Mrs. SULLIVAN, chairwoman of the Subcommittee on Consumer Affairs, which has jurisdiction over the Bureau of the Mint, and Mr. WIDNALL, ranking minority member of the committee.

The committee report includes one letter from the Department of the Treasury approving the bill.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7987) to provide for the striking of medals in commemoration of the bicentennial of the American Revolution.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7987, with Mr. MADDEN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, H.R. 7987 is a nonpartisan, administration bill proposed by the American Revolution Bicentennial Commission to carry out recommendations of a distinguished panel of Americans in the numismatics field, and was approved unanimously in the Committee on Banking and Currency.

The bill authorizes the American Revolution Bicentennial Commission, which is an independent Federal agency created by Public Law 89–491, to utilize the facilities of the Bureau of the Mint, on a fully reimbursable basis, to strike a series of commemorative national medals as part of the national observance of the 200th anniversary of the founding of the United States of America.

Enactment of the legislation will provide a means by which the general public can begin to participate directly in the observance of the 200th anniversary of the events which culminated in the founding of our Nation—events which changed the course of civilization.

Mr. Chairman, the gentlewoman from Missouri (Mrs. SULLIVAN) is chairwoman of the Consumer Affairs Subcommittee. She conducted the hearings on this bill and did a very fine job in getting all of the material testimony that could be obtained. She is very familiar with the bill, and I would like to yield to her at this time such time as she may use.

Mrs. SULLIVAN. Mr. Chairman, we

have expedited this bill in the Committee on Banking and Currency, at the urgent request of the Director of the Bureau of the Mint, so that the Mint can begin promptly to program its work for the production by July 4, 1972, of the first of a series of commemorative national medals authorized in the legislation. I mention that fact, because otherwise, there might be some question as to why we are asking the House to act today on a measure which presumably deals with an anniversary which is still more than 4 years away.

### CELEBRATION OF OUR NATIONAL HERITAGE

The bicentennial of the American Revolution, will be one of the most significant anniversaries in our history, and in the history of freedom in the world. But it is not just the formal act of national independence in 1776, which we are celebrating; it is the series of events which preceded and led up to the War of Independence, the developments during that war—which did not end, as you know, until 1783—and the establishment of our governmental structure which evolved painfully, and culminated in the drafting and adoption of the Constitution. It is our heritage we are celebrating in the bicentennial, not just the anniversary of 1 day in 1776.

So the Commission, which was established by Congress several years ago to plan, encourage, develop, and coordinate the commemoration of the American Revolution, and which consists of a wide cross section of distinguished Americans, including four of our colleagues in the House and four Senators, appointed an advisory panel of outstanding leaders in the field of numismatics, to recommend appropriate use of coins, currency, commemorative medals or similar means, for dramatizing the birth not only of a nation, but of a new political concept of freedom. In addition to a bicentennial theme medal, commemorating the year 1776, the panel recommended a series of 13 separate medals, marking specific historical events, proposing that they be issued at a rate of one each year on July 4, through 1983, along with a companion commemorative stamp in a philatelic-numismatic combination.

### DISCRETIONARY AUTHORITY TO STRIKE MEDALS

Now, this bill does not require that 13 annual medals be issued; it just authorizes that number as a maximum. If the project meets only limited success, or the public response just is not there, why of course they can then make their own judgment as to how many medals will be struck.

The same thing is true as regards the materials used in the medals. We had some testimony urging that we require the use of silver in certain of the medals. The bill leaves that decision up to the American Revolution Bicentennial Commission and to the Secretary of the Treasury—they can use silver, or not, as they see fit. I do not feel it is the proper role of the Committee on Banking and Currency to force a Government agency to use silver for souvenir purposes, or any other particular alloy, if it wishes to use something else instead.

There was one other area of controversy in the hearing. One of the private manufacturers of commemorative medals felt that the American Revolution Bicentennial Commission should be permitted to issue only one commemorative medal—for the anniversary of the Declaration of Independence. He felt that if the Federal commission issued more than the one medal, it would cut into his business, because he was working out arrangements with a number of the State bicentennial commissions to issue a series of State commemorative medals.

### RELATIONSHIP TO STATE COMMISSIONS

Representatives of several of the State commissions supported this view, because they said they had no funds at all for their work and the issuance of State medals would help them raise some funds. But it is the plan of the Federal commission to make grants to all of the State bicentennial commissions, of at least $90,000 each, and legislation to authorize such grants to the State commissions, S. 1857, has passed the Senate and has been approved and reported by the House Judiciary Committee, and is now on the Union Calendar and would certainly help meet this problem of helping to finance the State commissions. Incidentally, two private manufacturers of medals, who also hope to get business from the State commissions, supported H.R. 7987 and do not consider it improper competition by the Federal Government.

There is nothing in H.R. 7987 to prohibit the States from issuing any medals they want to. I am sure a lot of people will want to buy copies of all of the Federal medals, and also copies of any medals issued by their own States. But, this is a nationwide celebration, and I think the Federal commission's medals, will be of much broader appeal to collectors throughout the country, and to the general public than a series of medals issued by a State other than one's own State.

There is, of course, a money-raising aspect to these Federal medals; the National Commission hopes to take in anywhere from $400,000 to $2 million a year in gross receipts—not profits, because no one knows what the profits would be as yet—in the sale of national medals or medal-and-stamp combinations, and of course any profits they realize would reduce the need for appropriations for the Federal commission. But as we brought out in the hearings, it is not just a case of raising money—these medals are intended to have patriotic significance to the American people, and particularly to children, to bring home to them what we mean by liberty, and justice, and representative democracy, and how we got these unalienable rights Jefferson wrote about, and what those rights entail, and who we are as a people, and what America is supposed to be all about.

### UNANIMOUSLY APPROVED BY COMMITTEE

In summary, then, let me say that—

First. This is permissive legislation; it permits the use of Bureau of the Mint facilities to strike as many as 14 different national medals marking our 200th birthday and the events which surrounded the formation of our Nation;

Second. The medals would be produced without cost to the Treasury and are intended to make a profit for the Federal agency;

Third. The decisions on what the medals will contain and what they will be made of and how they will be distributed and how much they will cost will be made by a distinguished commission to which eight Members of Congress, 12 Cabinet members and heads of agencies, and a group of outstanding private citizens have been appointed under an act of Congress;

Fourth. The numismatics hobby supports this legislation, and all but one of the private manufacturers of medals who testified also supported it and felt this was a proper use for the Bureau of the Mint facilities;

Fifth. The bill was unanimously approved by the Committee on Banking and Currency after a full hearing by a subcommittee.

### MEMBERSHIP OF COMMISSION

The list of members of the American Revolution Bicentennial Commission who would make the necessary determinations about the medals to be issued under this legislation is as follows:

### MEMBERSHIP LIST

### CONGRESSIONAL MEMBERS

Representative Harold D. Donohue of Massachusetts.

Representative Julia Butler Hansen of Washington.

Representative G. William Whitehurst of Virginia.

Representative Lawrence G. Williams of Pennsylvania.

Senator Edward W. Brooke of Massachusetts.

Senator Harry F. Byrd, Jr., of Virginia.

Senator Norris Cotton of New Hampshire.

Senator John O. Pastore of Rhode Island.

### EX OFFICIO MEMBERS

Hon. William P. Rogers, Secretary of State.

Hon. Melvin R. Laird, Secretary of Defense.

Hon. John N. Mitchell, Attorney General of the United States.

Hon. Rogers C. B. Morton, Secretary of the Interior.

Hon. Maurice H. Stans, Secretary of Commerce.

Hon. George W. Romney, Secretary of Housing and Urban Development.

Hon. John A. Volpe, Secretary of Transportation.

Hon. Elliot L. Richardson, Secretary of Health, Education, and Welfare.

Hon. L. Quincy Mumford, Librarian of Congress.

Hon. S. Dillon Ripley, Secretary of the Smithsonian Institution.

Dr. James B. Rhoads, Archivist of the United States.

Dr. William D. McElroy, Chairman Federal Council on the Arts and the Humanities.

### PUBLIC MEMBERS

*Chairman*

Hon. David J. Mahoney of New York, N.Y., chairman of the board, Norton Simon Industries.

*Chairman emeritus*

Dr. J. E. Wallace Sterling, Office of the Chancellor, Stanford University, Stanford, Calif.

*Vice chairman:* Hobart Lewis, president and executive editor, Reader's Digest, Pleasantville, N.Y.

James Biddle, president, National Trust for Historic Preservation, 748 Jackson Place NW., Washington, D.C.

James S. Copley, chairman of the corporation, Copley Newspapers, La Jolla, Calif.

Dr. Luther H. Foster, president, Tuskegee Institute, Tuskegee Institute, Ala.

Mrs. Ann Hawkes Hutton, Bristol, Pa.

George Irwin, Quincy, Ill.

Hon. Erik Jonsson, Dallas, Tex.

George E. Lang, the George Lang Corp., New York, N.Y.

Prof. Richard P. McCormack, Department of History, Rutgers, the State University, New Brunswick, N.J.

Thomas W. Moore, president, Tomorrow Entertainment, Inc., New York, N.Y.

Clarke T. Reed, Greenville, Miss.

Frederick A. Seaton, Hastings, Nebr.

Dr. Paul S. Smith, Whittier, Calif.

Miss Nancy Porter, National Representative of Girl Scouts, U.S.A., Washington, D.C.

Hon. John O. Marsh, Jr., Washington, D.C.

Under terms of S. 1857, a Senate-passed bill which has been approved by the House Committee on the Judiciary, the membership of the Commission would be expanded to include also the Secretary of the Treasury as an ex officio member, four representatives of the judiciary branch, and 25 instead of 17 public members. (S. 1857 also authorizes grants by the ARBC to all of the State bicentennial commissions.)

### ADVISORY PANEL ON COINS AND MEDALS

The proposed series of commemorative medals envisioned by H.R. 7987 was recommended by the following advisory panel established by the Commission:

George E. Lang, ARBC Commisioner, Chairman.

Mrs. Margo Russell, editor, Coin World, Vice Chairman.

Herbert M. Bergen, president, American Numismatic, Association.

Mrs. Elvira Clain-Stefanelli, curator, the National Museum of History and Technology.

Dr. Vladimir Clain-Stefanelli, curator, the National Museum of History and Technology.

Henry Grunthal, curator of European and modern coins, the American Numismatic Society.

Clifford Mishler, editor, Numismatic News.

Don Taxay, Flushing, N.Y., numismatic author.

Ralph J. Menconi, distinguished sculptor and creator of the Nixon Medal.

Eric Newman, distinguished collector.

*From Federal agencies*

Hon. James Conlon, Director of the Bureau of Engraving and Printing.

Hon. Mary Brooks, Director of the Bureau of the Mint.

Hon. Charls Walker, Under of the Treasury.

Douglas MacAgy, National Endowment for the Arts.

(Senator Mark O. Hatfield of Oregon, Representative Fred Schwengel of Iowa, and John J. Pittman of Rochester, N.Y., new president of the American Numismatic Association, have subsequently been added to this panel.)

### COMMITTEE CONSIDERATION

H.R. 7987 was referred to the Subcommittee on Consumer Affairs, which held a hearing on the measure on June 29, 1971. Witnesses favoring the bill included:

From the administration: Hon. Mary T. Brooks, Director of the Bureau of the Mint; Hon. William L. Dickey, Deputy Assistant Secretary of the Treasury; and George E. Lang of New York, a member of the American Revolution Bicentennial Commission and chairman of its advisory panel on coins and medals;

From the numismatic field: Chester L. Krause of Iola, Wis., publisher of Numismatic News; and Mrs. Margo Russell of Sidney, Ohio, editor of Coin World and vice chairman of the ARBC advisory panel on coins and medals; and

From private industry in the medallic field: Michael C. Cerullo, Jr., of Attleboro, Mass., director of commemorative issues for the Robbins Co.; and William T. Louth of New York, president of Medallic Art Co.

Hon. JAMES A. MCCLURE, a Member of Congress from Idaho, testified in favor of the provisions of the bill, but urged its expansion to specify the use of silver in certain of the medals and to authorize issuance of a silver commemorative coin, as proposed in his bill H.R. 9408.

Testimony urging limitation of the bill to a national commemorative medal marking the year 1776, or otherwise reducing the variety of medals authorized in the legislation, was given by Hon. John H. Ware, a Member of Congress from Pennsylvania; Richard F. Gibbs, executive secretary of the North Carolina American Revolution Bicentennial Commission and Chairman of the Bicentennial Council of the Original Thirteen States; Hon. George F. McDonald, a representative in the Rhode Island Legislature, serving also as chairman of the Rhode Island Bicentennial Commission and formerly as Chairman of the Bicentennial Council of the Original Thirteen States; and Joseph M. Segel of Philadelphia, president of Franklin Mint.

The bill was considered in the full committee on Tuesday, January 24, 1972, and approved by voice vote without amendment.

### COST OF THE LEGISLATION

There will be no cost to the Treasury in the production of the medals authorized by this legislation, since all production and related expenses must be paid by the ARBC. The ARBC, in turn, expects to make substantial profits from the sale of the medals to numismatists and other collectors. Annual gross revenues from sale of medals and companion commemorative stamps, in a proposed philatelic-numismatic combination suggested by the advisory panel, are estimated by Commission spokesmen at from $400,000 to $2 million, "based on an increasing yearly acceptance over a 5-year period" (p. 49 of the hearings). The Commission however, as yet has "no valid estimates" as to the potential profits from such sales.

Mr. Chairman, I urge that the bill be approved.

Mr. McCLURE. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I will be happy to yield to the gentleman from Idaho.

Mr. McCLURE. This legislation, which has been the result of the hearings held in your subcommittee, which were extensive and afforded full opportunity for all parties to be heard, does not make any provision for the incorporation of the State series into the national series, does it?

Mrs. SULLIVAN. No. It has nothing to do with the State medals.

Mr. McCLURE. They are free to do what they wish, but there is no requirement that they be coordinated with the national series?

Mrs. SULLIVAN. The gentleman is correct.

Mr. McCLURE. And the legislation authorizes the Treasury Department to use whatever materials they desire to use?

Mrs. SULLIVAN. That is correct. The Treasury and the American Revolution Bicentennial Commission.

Mr. McCLURE. I believe there was testimony that they intend to use bronze, German silver, and platinum in their series. Has there been any change in their thinking so far as the gentlewoman's committee knows?

Mrs. SULLIVAN. At the moment I do not believe the Commission has made up its mind. If any of the Commission members are here—and I believe several of them are—they might answer that question for the gentleman.

Mr. McCLURE. But as far as your committee is concerned, no information different from that which was given in the hearings has been forthcoming?

Mrs. SULLIVAN. That is correct.

Mr. McCLURE. I thank the gentlewoman for yielding.

Mr. GROSS. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. I thank my friend from Missouri for yielding. Will any of these medals or whatever they are contain any of that anachronistic, barbaric gold as the Committee on Banking and Currency labeled it not so long ago when they had some legislation on the floor of the House?

Mrs. SULLIVAN. I do not think I can answer that question of the gentleman. It is going to be up to the Commission and the Treasury as to what materials are used.

Mr. GROSS. I see the chairman of the Committee on Banking and Currency, the gentleman from Texas (Mr. PATMAN) listening intently. I am sure he knows that that anachronistic, barbaric gold went to more than $48 an ounce yesterday on the world market, some $13 an ounce more than that barbaric metal was worth in the United States until last November when the administration saw fit to arbitrarily increase the price by $3 an ounce. I do not know whether the gentleman has any comment to make regarding that barbaric metal, but I will be glad to hear the gentleman if the gentlewoman will yield to him.

Mr. PATMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I will be happy to yield to the gentleman from Texas.

Mr. PATMAN. First, I cannot agree with the definition of gold the gentleman uses. I do not recall our committee ever describing gold with the language the gentleman just used.

I assume from the way the gentleman started out on his question that he meant the cupro-nickel clad metal.

Mr. GROSS. Containing no gold whatsoever. I am sure we would not want to engage in an evil action of that kind. I just want to be sure that none of that barbaric gold is going to be used in any of these metals.

Mr. PATMAN. Gold is generally used now in every country of the world, but not as you know as a medium of exchange.

Mr. GROSS. Not in the United States; is it not being used as a medium of exchange. It is used and highly valued everywhere else in the world as a medium of exchange.

Mr. PATMAN. For rings, jewelry and the like. It is used all the time, for filling of teeth and things like that.

Mr. GROSS. But your committee has labeled it as being so barbaric and so evil and so anachronistic that it must not be used as a medium of exchange in the United States.

Mr. PATMAN. The gentleman, I am sure, is incorrect in that statement. No one used that language.

Mr. GROSS. I will cite you chapter and verse in the CONGRESSIONAL RECORD.

Mr. PATMAN. No one has used that language except the gentleman from Iowa, to my knowledge.

Mr. WILLIAMS. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman.

Mr. WILLIAMS. Mr. Chairman, in further answer to my distinguished colleague, the gentleman from Iowa, I would like to quote the language of the bill.

The bill states:

> The Secretary of the Treasury (hereafter referred to as the "Secretary") is authorized and directed to strike medals of suitable sizes and metals, each with suitable emblems, devices, and inscriptions to be determined by the American Revolution Bicentennial Commission (hereafter referred to as the "Commission") subject to the approval of the Secretary).

At no time has the American Revolution Bicentennial Commission mentioned the use of any gold in any of the medals to be struck.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 7987 provides for the production of a series of commemorative national medals under the auspices of the American Revolution Bicentennial Commission. The commission was set up in 1966 to plan, encourage, develop, and coordinate the commemoration of the second century since the American Revolution. As well as being a member of the Banking and Currency Committee, I also serve as a member of the ARBC.

One of the means of bringing to the American people a tangible symbol of this celebration is the provision of medals for the general public. I have joined in supporting this bill to authorize the commission to make such medals available for all those who will purchase and treasure them. I would like to mention at the outset that these medals will be produced and sold on a fully reimbursable basis—that is, at no cost to the Government.

Specifically, H.R. 7987 authorizes the production of a number of medals commemorative of the American Revolution to be struck at the request of the ARBC, a national medal commemorating the year 1776, and up to 13 additional medals each of a different design to commemorate specific historical events of great significance.

These medals will be made of .925 fine silver, a combination of .925 fine silver and some other metals, and bronze.

The medals themselves will be designed by the American Revolution Bicentennial Commission in consultation with its advisory panel on coins and medals, and subject to the approval of the Secretary of the Treasury. Decisions as to the sizes of medals, their material composition, and the artistic designs will be based on studies and reports of the advisory panel, which has already undertaken to determine the factors, including necessary price to cover costs, which will assure the broadest dispersal of such medals.

Approval by the Secretary of the Treasury is required because the facilities of the Bureau of the Mint will be used to produce the medals, and costs of production and administration should be supervised to protect the Treasury. As printed in the committee's report on the bill, the Acting General Counsel of the Department of the Treasury has stated that there is no objection from that quarter, given the approval power. Additional measures of protection are provided by the minimum number of medals per series being set at 2,000, and a termination date for production of December 31, 1983. With these prerogatives vested in the Secretary, the Department of the Treasury has expressed its approval of the production of medals as provided by the bill.

The costs to the Treasury are to be fully reimbursed, on a basis which includes cost of manufacture, including labor, dies, use of machinery, and overhead expenses. The medals will be priced accordingly, including an allowance for a profit to the ARBC, to be devoted to carrying out its other functions.

The bill was reported out favorably by the committee by a unanimous voice vote and without amendment. Based on the hearings and information available to the committee, this bill has gained wide acceptance as a desirable program for the celebration and commemoration of the 200th anniversary of our Nation. I commend it to your favorable consideration.

Mr. Chairman, I yield to the gentleman from Iowa (Mr. SCHWENGEL) such time as he may consume.

Mr. SCHWENGEL. Mr. Chairman, I rise in support of the bill before the House and to make a few comments in regard to it.

First, I have a great and continuing interest in commemorating significant events in our history. Recently we commemorated the 100th anniversary of the War Between the States. In that commemoration we produced some literature and a better understanding of the history of the time, the problems involved, and the solutions that came from those problems when they were resolved.

A great American addressing this House said at one time—

> Whenever a people forget its early hard beginnings, it is beginning to decay.

I am quoting Carl Sandburg, who is the only private citizen not serving in public office who has addressed a joint session of the Congress.

Mr. Chairman, there are evidences of decay in America today. We need to be reminded of those early struggles and sacrifices.

The Commission's program commemorating the bicentennial of the Revolution is focusing on those struggles and early hard beginnings. Those were not easy times for people. The series of medals proposed will be a fine series calling attention to significant dates that we need to know and remember. We need to ponder them as we prepare today to handle the problems of today and as we look to the future.

I wish to commend the committee for responding to the recommendations of the Medals Subcommittee, of which I am a member, which has spent much time evaluating this program and considering what contribution we can make with and through the medals program. We most surely will help to finance the cost of this commemoration. There is nothing wrong with that. It is something we did during the Civil War centennial celebration and it worked out very well.

I am glad to know also and emphasize and underscore what both the principal sponsors have said here, and that is those in the private business of medals are cooperating and endorsing the committee bill with one exception. That also indicates that this is a proper approach to take full benefit of the potential here.

So I commend the committee and the Congress for responding to this kind of proposal, and hope that as we carry on with the total program we can do justice to this most meritorious project. No nation has ever had the opportunity we now have to commemorate the rich heritage which is ours. We know the sacrifices of our early pioneers that gave us this thing we call America, where we have some of the basic freedoms and take advantage of those freedoms, though we do not have them in the finest sense yet.

We are still struggling with the full implementation of those basic freedoms, but we have them here, and we are embarking on a great program to call attention to this magnificent time, the 200th anniversary of the freedom on this continent.

I commend and thank the committee for this legislation. I am glad they are acting with dispatch in giving the Commission an opportunity to get going.

Mr. Chairman, I would like to comment now briefly on the opportunities that are presented to the Commission. First, I want to say that the Commission has not been unaware of States responsibilities. I think they are keenly aware of the challenge. I only add my comments because I feel the urgency of getting early and effective programs underway so that we can benefit to the fullest from the opportunity that this 200th anniversary of our birth brings to us.

Mr. Chairman, no country, I believe, has in its brief history produced as much good literature on basic philosophies as we have, and no country has produced a finer group of historians than we

Someone has researched this question on historians worldwide and has brought up the interesting conclusion that there are possibly 35,000 recognized and reliable historians in the world and that over 15,000 of them are Americans. So, it behooves us to have a program that will harness all the talents available here and especially the talents of those who have an interest in the Revolutionary period.

We also have great authors of drama and related literature who would be very willing to help. These must be approached and given an opportunity.

We have a communication arrangement in television, in radio, and the press which surpasses anything in the world. These facilities can be, and should be, appealed to and used as we promote this commemoration.

Also, because there are so many first and second generation Americans here, we want to use the potential of their family ties within the foreign countries to encourage them to bring visitors here.

We have great builders and we have great needs for many institutions that can be helpful. Magnificent park systems—city, State, and National—should be coordinated and orchestrated into this total program.

Mr. Chairman, it is necessary to know that members of the Commission are helping. Recently, they have contacted every historical association that has a statewide or national tie and invited them to not only participate, but to make suggestions. From this can come many ideas and I hope and believe that they will be used.

Already, the Commission has called in men of great talent who have and are making a study of what can and should be done. One man in particular who is highly respected in the historical field is Carl Haverlin, former president of Broadcast Music, Inc., and now retired. He is a man who, throughout his life, has been interested in American history, associated with historians, and in various ways made great contributions toward a better understanding of American history. He can, and I am sure will, be very helpful.

Mr. Chairman, this is a great opportunity we have—recalling our history, evaluating it, and using it as we make plans today to resolve problems of tomorrow.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Chairman, I just want to congratulate the gentleman from Iowa for his appointment recently to the Advisory Committee of the Commission. I know he will do a good job on it.

Mr. WILLIAMS. Mr. Chairman, I also would like to say to my distinguished colleague from Iowa that the one exception which opposed this program I believe is no longer opposed.

Mr. Chairman, I yield 5 minutes to the gentleman from Idaho.

Mr. McCLURE. Mr. Chairman, I thank the gentleman for yielding. I take this time only to underscore what I tried to tell the Banking and Currency Committee at the hearing which was held, which was indeed a full and open hearing into the full aspects of this proposed legislation. I do not mean by my disagreement with the results in any way to say that the committee did not deliberate and make a judgment concerning what should be done. However, I will offer some amendments at the appropriate time to do what I think the committee should have done in respect to directing the activities of the Bicentennial Commission and our U.S. Treasury as to what kinds of medals should be issued.

I think it would be a very sad commentary on the commemoration of the forming of this country if we should indeed use medals of less than acceptable quality. We should at least do as well with respect to these medals as the founders of this Nation did in their coinage at the time the Nation came into being. We should also, I believe, follow the example of the private mints which have produced and are selling medals in the private markets that are composed of bronze and of silver.

I offered such legislation to the Congress and testified before the committee in support of that legislation. I am very thankful for the comments made by the gentleman from Pennsylvania (Mr. WILLIAMS) just a few minutes ago with respect to the probable course that will be followed by the Bicentennial Commission in fixing the content of these medals, because I feel very strongly if these are to be an apt commemoration, they should then contain silver in their major series, and the lesser series or duplicate series could be of lesser value, could be struck in bronze for the larger markets where these medals would be less expensive.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I commend the gentleman for the statement he is making and say that I hope these medals are of better material and better put together than an Eisenhower sandwich dollar I saw not too long ago that a gentleman dropped on the floor. Whatever it was made of, it came apart in two pieces. The scrap metal was not bound properly, and he had two pieces of a dollar.

Mr. McCLURE. I know the gentleman is very well aware of the way the dollar is coming apart all around the world.

Mr. GROSS. Of course, that is more of the handiwork of the Banking and Currency Committee as well as its counterpart in the Senate that we have scrap metal money in this country.

Mr. McCLURE. I think the gentlemen is well aware of the efforts I made at the time the Eisenhower dollar was authorized to make certain it was going to be a quality coin. While my original legislation called for a quality silver coin, I do not intend to go into that today, because it is another battle for another time and place.

The proposal I made would allow the Treasury to use gold if they saw fit in the presentation of medals which they have suggested will be made as awards to people who are particularly diligent in their efforts in the bicentennial observance.

I believe these kinds of materials would underscore their dedication to the fundamentals upon which this Nation was founded and which were cherished by the men and women who were the founders of this country and set the course of this great Republic of ours.

I will at the proper time offer a substitute for the committee measure, to substitute the terms of my bill for the committee-passed measure. It will do only two things in addition to what the committee measure will do.

First, it specifies the content of the medals. Second, which I believe is equally important, it will give recognition to the State series of medals so that they can be integrated with the bicentennial observance and not independent expressions of this observance. This would put the State medals in concert with the Bicentennial Commission observance, rather than outside.

I can see no reason to object to this particular form of legislation, and I believe it is something which would also enhance the sale and prestige of the State medal series.

I will also offer as an amendment to the committee measure which is before us today the single purpose of specifying the metalic content of the medals.

Without taking any further time at this time, I wanted to call attention to that.

I also wish it were possible now to confront the issue the gentleman from Iowa (Mr. GROSS) just mentioned; that is, with respect to the position of gold in this country. I believe it would be appropriate if we at this time debated again the right of citizens of this country to own and hold gold of all kinds.

At this point I include the body of the statement I made before the committee, which explain in greater detail what my amendment will do:

### PREPARED STATEMENT OF HON. JAMES A. McCLURE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO

I join you in saluting the American Revolution Bicentennial Commission. Its recommendations for a series of medallions are entirely appropriate and in keeping with the spirit of the occasion. The bill that I have introduced, H.R. 9408, takes the Commission's suggestions, enlarges upon them and carries them, I think, to a more logical end.

Like the other measures before you, my bill provides for a National Medal and it authorizes a maximum of thirteen medals commemorating a significant milestone out of the American past.

The Commission originated the concept of an Awards Medal to be given to those individuals whose contributions to the success of the Bicentennial are considered outstanding. I like that idea very much and have provided for it in my bill.

We know that the States plan to issue medallions of their own, and as an inducement, H.R. 9408 would recognize those medals as part of the official Bicentennial program. I think it is important to remember that collectors prefer to buy a complete series. Indeed, sales of all medallions issued by the Government will be enhanced if we give official recognition to those produced by the States.

There is another consideration which bears upon the desirability of these medals and that is their composition. It is told to me by people at the Treasury Department that some will be minted in bronze, some will be of German silver and some will be platinum. Bronze is a traditional metal for such purposes, and I have no quarrel with its inclusion. German silver on the other hand, is pot metal. If it were salable, private mints would have been using it long ago. And if private mints cannot justify its use, how can we expect the Federal Government to do so?

Platinum is equally ridiculous. It is in short supply, and its cost enormous. So, I made a few inquiries about its use in medals from respected and knowledgeable sources. The Franklin Mint in Philadelphia, for example, has tried using platinum from time to time, and never have they been able to charge less than a thousand dollars for the finished product. Numismatic News figures that a 3-inch platinum bicentennial medallion would cost somewhere between two thousand and two thousand five hundred dollars apiece.

Throughout history silver and gold have been the medals of art. Other metals offered durability; others were merely inexpensive. But only silver and gold could combine the best of all worlds—beauty as well as durability and reasonable cost.

I know of no other way to supply a prestige medal at a price acceptable to the average American than through the use of silver. We know that the Bicentennial Commission originally wanted the medallions to contain silver because the founding fathers placed great value in silver and gold coins at the time of the Nation's founding. Trade publications also have editorialized in behalf of silver bicentennial medallions, and we have proof of the metal's continued acceptance by the average American because of the unprecedented demand for the Eisenhower dollar.

Most Americans want a series of prestige bicentennial medallions, but they want them to be within reach of their pocketbooks. That is why my bill authorizes that each medal, except the Awards Medal, is to be minted in two medals, one silver and one bronze. Each would come in two sizes—a larger, prestigious medal and a smaller, more inexpensive facsimile. The Secretary of the Treasury would have the option of producing a third series in gold, if he deires to do so.

The Awards medal would be struck in .925 fine silver only. It and the state medals would be produced by private mints.

As a matter of fact, I would have no objection to farming out all of these medals to private mints if they can handle it and it meets with the Committee's approval. After all, we are commemorating 200 years in which free enterprise built this country into the most powerful nation in history. The role of private industry should be equally as important as the Government's in celebrating the occasion.

Back in the days when the Eisenhower silver dollar legislation was before the Congress, I was privileged to have as an ally in that struggle the remarkable Senator from Colorado, Mr. Dominick. It was therefore a source of deep personal pride to learn that Mr. Dominick had introduced in the Senate yesterday a bill similar to my own. I'm sure that if he were appearing before this panel today he would join me in urging that the Committee honor America's past through the use of those metals which helped make that past worth remembering. The Founding Fathers, in carving a nation out of a wilderness, did so much with so little. What a shame it would be to find that affluent America would now do so little with so much.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Iowa made the statement he knew of one of these cupro-clad coins falling on the floor and separating. I had never heard that. I certainly do not doubt the word of the gentleman from Iowa. If he saw that happen, of course it happened.

One thing I am sure about. A coin, whether it is a cupro-clad coin, gold or silver or anything else, or paper money, issued by the Federal Government, is good. We could put it on copper or put it on anything, and the law is that any money issued by the U.S. Government—and all money is issued by the U.S. Government, if it is in circulation—is good money. It is the type of money one can pay debts or bills with. It is legal tender.

Regardless of what is presented, if a person tenders this cupro-clad money or paper money or any other type of money in payment of a bill or of a debt or of taxes, and the person who is legally permitted to accept it in payment of the debt refuses it, the debt is automatically paid, because it is legal tender.

So the gentleman has nothing to fear from this type of money, even the cupro-clad coins put out now.

Take the Eisenhower dollars. Some of them are cupro-clad. Some of the half-dollars are cupro-clad.

Take all of the nickels, dimes, quarters, and half dollars that are cupro-clad. They are good money. There is no risk to be run, and certainly no one has perpetrated a wrong on society or individuals who receive the money, by causing it to be put into circulation.

We must have a medium of exchange, and that is the medium of exchange. It is legal tender money, and nobody could question it.

We have in our Nation today domestically about $1.75 trillion in debts, that is, all debts, public and private. We have that much in debts. Now, if our money—and it is ours—is legal tender for the payment of those debts and taxes, it will be a long time before the money should ever be offered for sale at one cent less than a dollar in value. There would be no occasion for it, because it can always be used for the payment of debts and taxes, and we will have enough of each to the point where the money we have and which will be available to us can always be used for 100 cents on the dollar. That is the reason why I am impressed that this devaluation will not be effective for any meaningful purpose in our domestic economy.

Of course, in dealing with foreign countries it may require negotiations to determine the value of the country's money in relation to ours.

But insofar as the material that is used in it, whether it is gold or silver or copper-clad money or anything else, it is still money that is issued by the U.S. Government which is worth 100 cents on the dollar. There is no reason why any person in the United States of America should ever be required to take less.

When we have the devaluation bill up all of these questions will come up and will be material for discussion. Amendments can then be offered. But it is not material, obviously, on this bill.

Mr. GROSS. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. GROSS. That may well be, but I cannot think of a better time to toss this issue around a little bit.

Mr. PATMAN. That is all right.

Mr. GROSS. The gentleman made his contribution to debasing the intrinsic value of the currency of this country, the metal currency of this country, when he brought the bill in to debase it by taking the silver out of the coins that we had in this country. The gentleman is well aware of that. He made his contribution to debasing it, and the inflation that has come upon us has played its part in further debauching it.

Mr. PATMAN. Not by reason of that.

Mr. GROSS. I said that inflation has debauched it.

Mr. PATMAN. Oh, no.

Mr. GROSS. Let me ask the gentleman this question: If anything is acceptable, as currency why were zinc pennies taken out of circulation and I happen to have one of those zinc pennies in my hand. There were millions of them coined in World War II. Why were they ever taken out of circulation? They represented a penny just as much as this scrap metal being used today.

Mr. PATMAN. They do.

Mr. GROSS. They represented your version of currency just as much as the present pennies do. Why were they taken out of circulation and the taxpayers put to the expense of reproducing millions upon millions of pennies? Do you have any idea as to why that happened?

Mr. PATMAN. Yes, I do. During the war, you see, we needed copper. It became scarce. Therefore they accumulated all of the copper scrap from any source that they could to use in the war machinery. It was wartime, and copper was employed in winning the war. After the war was over it was again more plentiful.

Mr. GROSS. But, why go back? to copper after the war? Zinc is durable.

Mr. PATMAN. Now just a moment. I remember in the first World War I was on the Pacific Coast, in San Francisco, Los Angeles, and other places, where gold was mined and they would bring it in and they would have pieces of gold that were not put out by the Government. They had a block there in every store where merchandise was handled or anything was traded, and the person in charge would throw a piece up in the air and let it fall on that block and see if it would ring true. That was the phrase. See if it would ring true. If it rang true, they would take it, although it was not put out by the U.S. Government.

This copper-clad money will not ring true. There is no question about that. But with the seal of the United States on it and with the law saying that it is legal tender money and that everyone must accept it in payment of debts or taxes, you could not have better money than that.

Mr. GROSS. They used to say "When I was single my money would jingle; oh, Lord, how I wish I was single again." We used to have silver money that would jingle and would ring where dropped, as the gentleman just said. The stuff we have now lands with a dull thud.

Yes, the gentleman and his committee have made a contribution to denying the generations to come some of the good things of life that we enjoyed.

Mr. PATMAN. If that is what they like, just for jingling purposes——

Mr. GROSS. What is a better feeling than to have money in your pocket that will jingle? Money that you know has intrinsic value.

Mr. PATMAN. That is all right, if the gentleman wants it but it is not necessary.

Mr. GROSS. Oh, no, it is not necessary neither was it necessary for the committee to bring in legislation debasing our currency by taking all of the silver out when, at the same time, millions of ounces of U.S. silver was being sold to foreign countries.

Mr. PATMAN. Mr. Chairman, we have no further requests for time.

Mr. WILLIAMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly appreciate the discussion which we have had today on monetary policy. However, it does not directly relate to this bill.

What we are trying to do is to get out some medals to commemorate the bicentennial celebration of this country's 200th birthday.

As far as my distinguished colleague, the gentleman from Iowa (Mr. GROSS), is concerned in his comments about the use of gold and silver, I believe since I have been in this Congress I have voted consistently against deficit spending and I regret some of the steps we have been forced to take.

But, let me make several things clear. First, the American Revolution Bicentennial Commission is charged with the responsibility of seeing to it that the 200th birthday of this country is properly celebrated in every State. To that end the ARBC has been making an effort to have every State set up a bicentennial commission for that State. We have been successful to the extent that something like 30-odd State bicentennial commissions have been set up.

Now, there is a very close cooperation between the State bicentennial commissions and the ARBC.

However, one thing we cannot do, if we do not want to alienate the State bicentennial commissions, is to start telling them that they can do nothing without Federal approval, because as State representatives, many of them want to celebrate the bicentennial in their own way, and they have a right to do this.

So, there is a plan and there is some legislation which would provide $90,000 to each State for planning purposes, and then these plans of the State would be presented to the ARBC for comment. So, it is hoped that the Federal Government may help to underwrite some part of the celebration.

For the first time, incidentally, definite progress is being made in the city of Philadelphia toward selecting a proper international exposition site for 1976. They will have their report ready in the very near future.

As far as getting down to actually saying what kind of metal is going to be used in making the medals that will be placed on sale to the general public, we have to keep in mind the one primary consideration has got to be cost. Sure, we can have special awards medals made in gold, but as you know we still have a distressing shortage of gold in this country.

We know that they can be made of .925 fine silver, and it would be rather expensive. On the other hand we could also use silver with the combination of some other metal to make a medal that is cheaper and place it within the price range so that more people can afford them, or we can use bronze. All three types of medals can be minted and sold.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Idaho.

Mr. McCLURE. Mr. Chairman, I think the gentleman from Pennsylvania (Mr. WILLIAMS) is making a very good point when he talks about the cost that is involved. And that is one of the things that was particularly distressing to me when I learned that there was some mention of some thought of making the special award medal out of platinum. If it is made in that way the cost would be extremely high, as the gentleman well knows. And I might point out that a prominent manufacturer of medals has tried to use platinum, and I think the gentleman should know that platinum cannot be utilized.

Mr. WILLIAMS. There has never been any proposal by the ARBC to sponsor medals in which platinum will be used as the metal. There are a series of nine recommendations made by the advisory committee, and none of them include that which you have referred to. Possibly what you are referring to is some medal that a State has arranged to buy from a private manufacturer of medals.

Mr. Chairman, I just wish to conclude by saying that I think this legislation has been thought out. I think it accomplishes that which we want to accomplish and at the same time it provides the ARBC with enough flexibility to provide these medals at a cost that anyone can afford.

Mr. Chairman, I yield back the balance of my time.

Mrs. HANSEN of Washington. Mr. Chairman, during the first session of this Congress—indeed, since its initial organization—the American Bicentennial Commission has frequently been subjected to criticism. Without offering for consideration the problems with which this organization must contend—and there are many—there are those who have complained of the operation of the ARBC, particularly the manner in which it has been using the nominal funding that it has received.

In an effort to offer some reassurances regarding ARBC expenditures, and in order to give credit where credit is due, I would like to offer the following correspondence from David J. Mahoney, chairman of the American Bicentennial Revolution:

Hon. JULIA BUTLER HANSEN,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR MRS. HANSEN: One of the first actions I took after my appointment as Chairman of the American Revolution Bicentennial Commission was to seek a meeting with the Comptroller General of the United States, Mr. Elmer Staats.

Mr. Staats graciously spent several hours with me on September 23, 1970. I emphasized my interest in having the Government Accounting Office assist us in conducting an independent audit of the Commission's activities to date as well as in giving us any suggestions they might have. Mr. Staats brought into the meeting Mr. J. Edward Welch, General Counsel of the Government Accounting Office. Also in attendance was Mr. Mel Spector, Executive Director of the ARBC.

Mr. Staats and Mr. Welch thoroughly endorsed our request but did not seem inclined to believe that an audit was needed at the time. Mr. Staats stated that he agreed with me but that we could not get anyone for this job less than a GS–17 or GS–18. He stated he would seek supergrades from the Civil Service Commission to help us with our problem.

Both these gentlemen were more than cooperative and said that it was one of the first times in their memory that a Chairman had gone before them to ask for such assistance in advance.

We have in every way attempted to comply with the directive of the Government Accounting Office. I am very cognizant of the great responsibilities of this Commission to the people of America in the upcoming Bicentennial. I am constantly aware that, much like Caesar's wife, we must not only be above reproach, but appear to be above it.

There can always be errors of judgment, of course, but it was and is my intention that the accountability of the Commission should be an open matter. This was so indicated by my voluntary visit with Mr. Staats fifteen months ago.

I certainly appreciate your interest in our behalf, and am pleased to supply you with this information.

Sincerely,

DAVID J. MAHONEY.

Mr. Chairman, I might add that it is the good fortune of Congress to have a man of Mr. Mahoney's caliber to be responsible for ARBC expenditures and it is the good fortune of the citizens of the United States to have a man of his dedication serving their interests. Asking nothing more than the opportunity to provide the American people with a celebration commensurate with our pride of 200 years of liberty under democracy, David Mahoney has given to the American Revolutionary Bicentennial Commission imaginative and selfless leadership.

Mr. PATMAN. Mr. Chairman, we have no further requests for time and I ask that the Clerk read the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in commemoration of the bicentennial of the birth of the United States and the historic events preceding and associated with the American Revolution, the Secretary of the Treasury (hereafter referred to as the "Secretary") is authorized and directed to strike medals of suitable sizes and metals, each with suitable emblems, devices, and inscriptions to be determined by the American Revolution Bicentennial Commission (hereafter referred to as the "Commission") subject to the approval of the Secretary.

SEC. 2. A national medal shall be struck commemorating the year 1776 and its significance to American independence. In addition to the national medal, a maximum of thirteen medals each of a different design may be struck to commemorate specific historical events of great importance, recognized nationally as milestones in the continuing progress of the United States of America toward life, liberty, and the pursuit of happiness.

Sec. 3. The Secretary shall strike and furnish to the Commission such quantities of medals as may be necessary, with a minimum order of two thousand medals of each design or size. They shall be made and delivered at such times as may be required by the Commission, but no medals may be made after December 31, 1983.

Sec. 4. The medals authorized under this Act are national medals within the meaning of section 3851 of the Revised Statutes (31 U.S.C. 368).

Sec. 5. The medals shall be furnished by the Secretary at a price equal to the cost of the manufacture, including labor, materials, dies, use of machinery, and overhead expenses.

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

### AMENDMENT OFFERED BY MR. M'CLURE

Mr. McCLURE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McClure: Page 1, strike out lines 3 and all that follows thereafter through page 2, line 21, and insert in lieu thereof the following:

That, in commemoration of the bicentennial of the birth of the United States and the historic events preceding and associated with the American Revolution, there is hereby authorized to be struck medals of suitable sizes, each with suitable emblems, devices, and inscriptions to be determined by the American Revolution Bicentennial Commission (hereafter referred to as the "Commission"), subject to the approval of the Secretary of the Treasury (hereafter referred to as the "Secretary"), which shall be known as the United States Bicentennial medal series (hereafter referred to as the "series").

Sec. 2. (a) A national medal shall be struck commemorating the year 1776 and its significance to American independence.

(b) An awards medal may be struck as a Commission presentation piece in recognition of outstanding service, leadership, or support of bicentennial programs.

(c) A maximum of thirteen medals each of a different design may be struck to commemorate specific historical events of great importance, recognized nationally as milestones in the continuing progress of the United States of America toward life, liberty, and the pursuit of happiness.

(d) Each State may cause to be struck and issued a medal subject to the approval of the Commission and the Secretary.

Sec. 3. Each medal with the exception of the awards medal shall be of four or more varieties: One shall be struck in .925 fine silver, one shall be struck in bronze, and two shall be struck in .925 fine silver and bronze, respectively, and be of such size so as to be an inexpensive facsimile of the more costly medals authorized under this Act. The awards medal shall be struck in .925 fine silver and be of only one size which shall be determined by the Commission. In addition, the Commission, in consultation with the Secretary may direct that any of the medals authorized in section 2 be struck in gold.

Sec. 4. The Secretary is authorized and directed to strike the national medal authorized in section 2(a) and the commemorative medals authorized in section 2(c) of this Act. The awards medal authorized in section 2(b) and the State medals authorized in section 2(d) of this Act shall be struck by private mints.

Sec. 5. The Secretary shall strike and furnish to the Commission such quantities of national medals and commemorative medals as may be necessary, with a minimum order of two thousand medals of each design and size. They shall be made and delivered at such times as may be required by the Commission, but no medals may be made after December 31, 1983. The medals shall be furnished by the Secretary at a price equal to the cost of the manufacture, including labor, materials, dies, use of machinery, and overhead expenses.

Sec. 6. The medals authorized under section 2(a) and (c) of this Act are national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

Sec. 7. Notwithstanding the third sentence of section 3510 of the Revised Statutes (31 U.S.C. 276) and in commemoration of the two hundredth anniversary of the United States, the Secretary shall cause to be minted and issued, in such limited quantity as he determines appropriate, $1 pieces which shall have—

(1) a diameter of 1.500 inches;

(2) a cladding of an alloy of eight hundred parts of silver and two hundred parts of copper; and

(3) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper.

The coins authorized under this section shall be of such design as the Secretary determines to be appropriate after consultation with the Commission.

Mr. McCLURE (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, that it be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

Mr. PATMAN. Mr. Chairman, I have not seen a copy of the amendment.

Mr. McCLURE. It is at the gentleman's desk.

Mr. PATMAN. We have two or three amendments. I think it would be better to have the amendment read in full and I hope the gentleman will not insist on his unanimous-consent request.

Mr. McCLURE. Mr. Chairman, I withdraw by unanimous-consent request for the moment.

The Clerk concluded the reading of the amendment.

### POINT OF ORDER

Mr. PATMAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. PATMAN. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane.

Mr. Chairman, the Commission very carefully considered this, and the proposals that are in this amendment were turned down.

They want to make the medal at the lowest possible price so as to have wide distribution to commemorate this great event of the 200th anniversary. So in doing that, they wanted to keep the materials at a low price. This amendment would require the use of silver and gold—and permit the use of gold, whether it required it or not.

Mr. Chairman, it was not intended in this legislation that either gold or silver be used. The Commission, of course, under the original bill could not go outside and use silver and gold. But if this amendment were adopted, it would permit that to be done. It goes clearly outside the language of the bill and, therefore, the amendment is not germane.

Furthermore, if a State desires to have a Bicentennial Commission of its own, as was the case with the Sesquicentennial Commission of 1936, under the amendment the State would be required to obtain permission. In that case the State then did not have to get the permission of the Federal Government to put out its medals, advertising, and valuable souvenirs. Under this proposal the States would have to come to the Federal Commission to get power to do so. Therefore, the amendment is clearly outside the scope of the original bill that is presented. Not only does Mary Brooks, the very fine Director of the Mint, oppose it, but the Commission opposes it. It has been thoroughly considered at every point. Proposals of this type have been considered, and at no point have they ever been approved.

I do not see why we should pick out a certain section of the country and say that because it produces silver, if we could encourage the use of more silver, it would help that section. The same would be true with respect to the gold. Here is a place where gold is produced. If we could make them put gold in the proposed coins, there would be a better market for gold. It would increase the price of gold and help that area.

I can see where there is a strong appeal that can be made, but considering the fact——

Mr. GROSS. Mr. Chairman, a point of order. I make the point of order that the gentleman is not arguing the germaneness of the amendment. He is bringing in a lot of extraneous matter. It does not make any difference what some bureaucrat or official downtown thinks of putting silver into medals. It is a question of the germaneness of the amendment.

The CHAIRMAN. The gentleman from Texas may continue to discuss his point of order.

Mr. PATMAN. Mr. Chairman, the amendment would affect section 7 of the Coinage Act relative to the distribution, the production and distribution of $1 pieces. It would change the basic law in a number of substantial respects. Therefore, it is clearly subject to a point of order and I insist, Mr. Chairman, that it be declared as not germane and the point of order sustained.

The CHAIRMAN. Does the gentleman from Idaho wish to be heard?

Mr. McCLURE. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. McCLURE. First, I attempted to ask that I be heard on a unanimous-consent request, because the copy which was given to the gentleman from Texas and the copy sent to the desk inadvertently contain section 7, which I had not intended to be in the amendment, and I therefore ask unanimous consent that section 7 be stricken.

Mr. PATMAN. If the gentleman would yield, I think it would be very unusual to change the amendment right now. It was offered to the Chairman of the Committee of the Whole House on the State of the Union. It has been read. If the gentleman desires to withdraw it and there is no objection—and, of course, I would not object—but it would be very unusual to start all over again.

Mr. McCLURE. I can proceed in either of two ways. I can withdraw the amendment and offer another without section 7. Or I can ask unanimous consent that reference to section 7 be deleted from the proffered substitute. I have asked the House for unanimous consent to strike section 7.

Mr. PATMAN. Time is of the essence in relation to this bill. On July 4, we are supposed to have out these souvenirs and coins. They would be produced under a time schedule, and the Director of the Mint is trying to meet that time schedule. It is going to upset the whole Bicentennial Commission.

Mr. McCLURE. If the gentleman is sincere about saving time, then I suggest that he not raise any objection to my unanimous-consent request. We could then consider the point of order, and then consider the amendment on its merits, and we would save a lot of time.

Mr. PATMAN. Mr. Chairman, without waiving the point of order, and reserving the point of order—however, I would like to have this amendment ruled on with section 7 in it first, and then if it is held subject to a point of order, you can offer another amendment. That would be the regular way of doing it. I insist on my point of order.

Mr. McCLURE. Does the gentleman object to the striking of section 7?

Mr. PATMAN. Well, that is not the right way to do it. I made the point of order.

Mr. HALL. Mr. Chairman, a point of order——

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho? Is there objection to the unanimous-consent request to modify the amendment?

Mr. PATMAN. Without jeopardizing the point of order, I would not object to that.

Mr. McCLURE. I thank the gentleman.

Mr. PATMAN. That is with the understanding it would not jeopardize the point of order.

The CHAIRMAN (Mr. MADDEN). The Chair is ready to rule. This bill clearly deals with national medals, and they must be struck by the Secretary of the Treasury. The amendment itself brings in the subject of State medals and provides that they are to be struck by private mints, which is clearly not in the bill and not germane.

Mr. McCLURE. Mr. Chairman, I was not heard on the point of order, and I do not wish to quarrel with the Chair, but may I be heard on the point of order for the RECORD?

The CHAIRMAN. The Chair has ruled, but the Chair will hear the gentleman if he wishes to speak.

Mr. McCLURE. Mr. Chairman, I appreciate the fact that the Chair will permit me even belatedly to make the point I wish to make in regard to this particular amendment, and that is the fact that the bill provides for the striking of medals for the commemoration of the bicentennial, and that is all this amendment does. To say this is not germane to the subject matter of this bill seems to be straining at gnats and avoiding the issue presented by the amendment, which is simply the content and the form and the manner in which the medals will be issued, which is precisely what the major bill does.

I would ask the Chair to rule upon the point of order. I had not understood the Chair had, although he indicated he thought perhaps it was not germane. I will, of course, abide by the ruling of the Chair.

The CHAIRMAN. Without reiterating his reasons, the Chair still holds the amendment is not germane and sustains the point of order.

Mr. McCLURE. I thank the Chair.

The CHAIRMAN. Does the gentleman from Idaho have a further amendment?

### AMENDMENT OFFERED BY MR. M'CLURE

Mr. McCLURE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCLURE: Page 2, immediately after line 21, insert the following new section:

"SEC. 6. Each medal shall be of four or more varieties: One shall be struck in .925 fine silver, one shall be struck in bronze, and two shall be struck in .925 fine silver and bronze respectively and be of such size so as to be an inexpensive facsimile of the more costly medals authorized under this Act. In addition, the Commission, in consultation with the Secretary, may direct that any of the medals authorized in section 2 be struck in gold."

Mr. McCLURE. Mr. Chairman, this amendment does not go as far as the last one which I had offered, which did go into the question of the State medals. This simply addresses itself to the content of the medals, and I think it is a perfectly legitimate, perfectly logical area for the Congress to exercise its discretion and to exercise its direction to the Bicentennial Commission, because I think again, as I said in the general debate, that to strike medals which are not in the same vein as the coinage issued by those who founded this country is certainly no proper recognition of the Bicentennial of the American Revolution.

It is said that the legislation before us gives the Treasury authority, in consultation with the Bicentennial Commission, to define the metal content in these medals.

I think the gentleman from Pennsylvania (Mr. WILLIAMS) indicated it is his understanding that they are tending in this direction and certainly not in the direction some other people have indicated might be taken.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Chairman, in this amendment where the gentleman says that two medals shall be struck in 0.925 fine silver and bronze respectively, does the gentleman mean a combination of those two metals?

Mr. McCLURE. No; I will say to the gentleman I do not. It is intended that there will be two sizes of medals and two materials. There will be a regular size in bronze and one of a silver alloy which is commonly known in the trade as sterling silver.

Then would be a smaller one of similar metal content.

Mr. WILLIAMS. What does the gentleman mean by the words:

Each medal shall be of four or more varieties:

Mr. McCLURE. The bill provides for as many as 14 medals, and the varieties I am speaking of would be a regular-sized bronze medal, a regular-sized silver medal, and a smaller bronze medal, and a smaller silver medal.

Mr. WILLIAMS. For each of these?

Mr. McCLURE. For however many they decide to issue, 13 or 14 authorized under the bill.

Mr. WILLIAMS. Why would the gentleman say, in this amendment:

One shall be struck in 0.925 fine silver, one shall be struck in bronze, and two shall be struck in 0.925 fine silver and bronze respectively.

Why does the gentleman not say, "And two smaller medals shall be struck"?

Mr. McCLURE. It seemed to me this language was clear. Certainly I do not object to what the gentleman is trying to state. I believe the legislative history made by the questions here will make certain that is exactly what is intended by the legislation.

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. I have followed the debate here very closely. As I indicated earlier, I am on the committee which deals with this question.

This matter of having two different sizes has been before us before. For obvious reasons, I believe—and this is a matter of great interest to collectors—we do not do this. At this point I believe it would be inadvisable for us to accept the amendment on that ground.

The point I am interested in now is the cost of the silver medal under the amendment as compared to the cost of the medal under terms of the committee bill.

Mr. McCLURE. I do not believe a comparison can be made, because the committee bill does not say what the substance will be. If indeed the Bicentennial Commission says that these are the substances which will be used there will be no difference in cost. All this is a congressional expression of what metals should be used in the medal.

I would say to the gentleman, with regard to the two different sizes, this is a very usual practice in the medallion field, of having two different sizes at a different cost, one a standard medal and one less expensive, which more of our citizens across the land could own and possibly would buy.

Mr. SCHWENGEL. I have been somewhat interested in this as a collector of medals. I know something about collections. I have seen the display, which is the largest in the world, at the Smithsonian. This is not exactly characteristic of medals. Generally they are of one size. This was specially so for the Civil War Centennial, which had one size medal.

Mr. McCLURE. There is a great market now in the private field, and several private mints have developed a means of merchandizing their own privately produced, privately authorized medals. They are very successful with two sizes and in these materials.

Mrs. SULLIVAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this bill authorizes a national Commission, on which eight Members of Congress serve, along with 12 Cabinet officers or heads of departments, and a group of 37 distinguished Americans appointed by the President, to use the facilities of the Bureau of the Mint to produce a series of commemorative medals for sale to the public.

What those medals will be made of—whether of silver or bronze or brass or other materials—will depend upon the Commission's own judgment. They want to make these medals available as broadly as possible to as many Americans as they can interest in buying them as a reminder of our national origins and national heritage.

In my opinion, and in the opinion of the committee, it would be highly improper for the committee to require the Commission to use any particular material in the production of the medals. This is not a relief bill for the silver industry, and it should not be made into one.

If the silver industry wants to promote the use of silver in these medals, it should go to the American Revolution Bicentennial Commission and try to sell that Commission on the virtues or advantages of using silver.

One of the witnesses who testified before us suggested it would be a good idea to use recycled materials in some or all of the medals. But this, again, is up to the American Revolution Bicentennial Commission.

I oppose any attempt to write into this bill any requirement that one type of mineral be favored over another in the production of these medals. All the bill does, I repeat, is to authorize the use of mint facilities on a fully reimbursable basis. We no longer have vast stores of Government-owned silver available for use in coinage or medals—all of the remaining silver is in the defense stockpile. So if the Commision decides to use any silver in its medals—as it well might—it would have to go out and buy the silver on the open market. There is no Government-owned silver they could use and the medals would become too costly for large quantities to be sold.

Mr. SCHWENGEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as a member of the committee, I want to say this: excepting myself on the committee we have men and women of great ability and experience, and I think this Congress can trust the committee to be a wise counsel and adviser to the Bicentennial Commission. I think it is in good hands. I think it would be unwise for us to take this amendment. I have the feeling why this has not been taken up by the committee, and I feel that almost everyone, although not all, oppose it. Therefore, I oppose it on that ground.

Also, I think this kind of approach has not had sufficient discussion, and for that reason we ought to defeat it.

Mr. WILLIAMS. Mr. Chairman, I rise in opposition to the amendment.

First of all, the last sentence of the amendment says:

> In addition, the Commission, in consultation with the Secretary, may direct that any of the medals authorized in section 2 be struck in gold.

That applies directly to 13 medals the sale of which may run into the hundreds of thousands. We all know the gold situation in this country. We are short of gold right now.

Another thing also is I object to the section which says:

> Each medal shall be of four or more varieties: One shall be struck in .925 fine silver, one shall be struck in bronze—

Obviously this is an attempt to have a fairly expensive medal and then a cheaper medal. Then we go on to say in the amendment—

> and two shall be struck in .925 fine silver and bronze respectively and be of such size so as to be an inexpensive facsimile of the more costly medals authorized under this Act.

Actually, the cost of the bronze in making the full-size medal as compared to the smaller facsimile would amount to a cost of only a few pennies.

Therefore I do not see the need for this amendment and, in fact, I think it would be harmful.

Mr. PATMAN. Mr. Chairman, I wonder if we could vote on the amendment. I do not know if anybody else desires to speak on it, but we have discussed it fully.

I ask unanimous consent that all debate on this amendment close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. SHOUP. Mr. Chairman, reserving the right to object, could we have some indication as to the number that would wish to speak under the suggestion of the chairman?

The CHAIRMAN. The Chair observes two Members on their feet.

Mr. SHOUP. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SHOUP. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Idaho.

Since becoming a Member of this body, Mr. Chairman, I have heard on the floor of the House condemnation of the executive branch and specifically the OMB on not—and I specify on not—complying with the intent of Congress. So I would ask the chairman of this committee and perhaps the entire committee why they have not chosen to be very specific on the type of medals that they wish and also their content.

I think, perhaps, that question has been answered specifically a short time ago. However, it would seem to me that the answer says this in the language of the country from where I come—that we seem to be more concerned with cheapness rather than less expensive medals to be made available to the public.

Mr. Chairman, I fully support the concept of two sizes, and contrary to the statement of my colleague, I am sure he will find that the smaller medals will be considerably less expensive. The price of the medal itself would be considerably less and will be within the means of the younger citizens of this country, as the gentlewoman from Missouri (Mrs. Sullivan) just specified.

Mr. Chairman, I would reject the argument of the chairman of the committee that it is only because of certain sections of the country that we are attempting to include within the medal, within the bill, specific metals.

I think that it has been the work of this Congress over and over again within the scope of welfare itself to enact laws which specifically support or aid different areas of this great country, and I can assure anyone——

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. SHOUP. One moment, sir, and I shall yield to the gentleman.

I can assure the gentleman that if the Congress will recognize the strong forces of supply and demand of silver and gold alone that the State of Montana will reduce its share of welfare requests because it will allow a great industry to get back on its feet.

Now, Mr. Chairman, I yield to the gentleman.

Mr. PATMAN. I assume that the great industry that the gentleman has referred to is the silver industry getting back on its feet. However, I do not think we should use a bill like this which is supposed to be in the public interest—and it is in the public interest—for the purpose of promoting any section of the United States or promoting any product, whether it is gold or silver or bronze or anything else.

This Commission, I am sure the gentleman realizes, was appointed by the President of the United States to do something that would be fair to all citizens in the United States and not to pick out any section to favorably consider or any product to favorably consider, but to treat everyone fairly and equally, at least equitably for the purpose of one thing—not the question of the medal or how it is made, but this is a bicentennial celebration, something of which we are very proud. It is the 200th anniversary of the founding of our country. I think we are all proud of it. Why should we lose sight of that and turn down what this 37-member Commission has selected as the right kind of authority they need in order to put on the right kind of celebration for our 200th anniversary?

In consideration of this, does the gentleman not think we can well afford to leave it up to the Commission?

Mr. SHOUP. I would revert to my original statement on the intent of Congress and leaving this to the Commission's discretion. It is strictly with the pride I have of this country and of the celebration that is coming up that I think this Congress should take the responsibility to insure that there is no cheapness in any of our legal observances.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. McClure).

The question was taken; and on a division (demanded by Mr. Patman) there were—ayes 32, noes, 36.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. Madden, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7987) to provide for the striking of medals in commemoration of the bicentennial of the American Revolution, pursuant to House Resolution 790, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 388, nays 1, not voting 42, as follows:

[Roll No. 18]

YEAS—388

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dow
Dowdy
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—1

Hechler, W. Va.

NOT VOTING—42

Alexander
Baring
Bell
Blackburn
Blatnik
Byrnes, Wis.
Chisholm
Clay
Colmer
Corman
Davis, Ga.
Dorn
Downing
Dwyer
Edwards, La.
Evins, Tenn.
Frey
Galifianakis
Gude
Hansen, Idaho
Hansen, Wash.
Harrington
Hébert
Holifield
Horton
Johnson, Calif.
Karth
Leggett
Lennon
McCormack
Mills, Ark.
Mitchell
Moorhead
O'Konski
Passman
Pryor, Ark.
Riegle
Sarbanes
Smith, Iowa
Stanton, James V.
Steed
Wolff

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Horton.
Mr. Holifield with Mrs. Dwyer.
Mr. Blatnik with Mr. Mills of Arkansas.
Mr. Davis of Georgia with Mr. Smith of Iowa.
Mr. Johnson of California with Mr. Steed.
Mrs. Hansen of Washington with Mr. Gude.
Mr. Alexander with Mr. Byrnes of Wisconsin.
Mr. Dorn with Mr. Frey.
Mr. Evins of Tennessee with Mr. Bell.
Mr. Passman with Mr. Hansen of Idaho.
Mr. Pryor of Arkansas with Mr. Blackburn.
Mr. Moorhead with Mr. Riegle.
Mr. Lennon with Mr. O'Konski.
Mr. Wolff with Mr. Clay.
Mr. Harrington with Mrs. Chisholm.
Mr. Baring with Mr. Mitchell.
Mr. Leggett with Mr. Galifianakis.
Mr. Corman with Mr. Colmer.
Mr. Downing with Mr. McCormack.
Mr. Karth with Mr. Sarbanes.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

## GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## CREATING A NEW JUDICIAL DISTRICT AND PROVIDING FOR ADDITIONAL DISTRICT JUDGESHIPS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 783 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res 783

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11394) to create an additional judicial district in the State of Louisiana, to provide for the appointment of additional district judgeships, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), pending which I yield myself such time as I may consume.

Mr. Speaker, this is a 1-hour open

rule for a bill providing for the appointment of certain additional district judges. The one in Louisiana which is included in this bill, according to my understanding, has already been allowed in other legislation. The bill before us actually will provide for one additional district judge for the Southern District of Florida, one additional district judge for the Northern District of Indiana, one additional judge for the Western District of Missouri, and one additional judge for the Northern District of Texas.

The cost estimate for the four new permanent district judgeships is $1,099,000 for the first year, and $967,000 for subsequent years.

I detail the content of the bill that will be made in order, because the rule does not make clear what the content of the bill made in order is. It refers to the title which deals with the Louisiana judgeship which has already become law in another fashion, and that is my only reason for detailing the content of the bill.

I know of no controversy on the rule. There is some controversy on the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it seems to me that the distinguished gentleman from Missouri (Mr. Bolling) has already given us an adequate description and discussion of the subject matter of the bill which this rule would make in order which, as the gentleman has indicated, despite the title, is really concerned with the creation of four additional U.S. Federal District judgeships rather than a new judicial district.

I just want to take this opportunity, since I have the floor, to express my appreciation publicly at this time to the distinguished Chairman of the Committee, the gentleman from New York (Mr. Celler) for the words that he had for me when the bill was before the Committee on Rules the other day.

I had explained to him that in view of the fact that the bill, at least originally, had provided for the creation of an additional judicial district that I would like very much to propose on the floor of the House legislation creating an additional judicial district in my own State of Illinois which would serve what is now the Western Division of the Northern District, where we are receiving, according to the bar of that area, inadequate judicial service. And the distinguished chairman pressed upon me the temporary expediency or solution of perhaps getting the Chief Justice of the United States to cooperate in assigning a judge otherwise on the retired list to assist in that particular area, because we have been told by the presiding chief judge of northern Illinois, Judge Robson, that he does not have the judicial talent to send out to sit in and service the Western Division of the Northern District of Illinois.

So I take this opportunity to thank the distinguished chairman for that offer which I will certainly discuss with him further, and privately, in an effort to work out some solution for my own section of the country, my own State.

The gentleman from Indiana (Mr. Dennis) has filed some individual views, only a page in length, but there is, I think, a very excellent history of this legislation. Quite some controversy has developed with respect to the additional judge that this bill provides for the northern district of Indiana.

Rather than discuss at this time the amendment which the gentleman from Indiana (Mr. Dennis) has informed me he will offer to the bill when we consider it under the 5-minute rule, I would yield him some time to discuss his own amendment.

Mr. Speaker, I would merely conclude my remarks by saying that this is an open rule with 1 hour of debate. I know of no opposition to the rule as such and join in urging its adoption.

Mr. Speaker, I now yield 5 minutes to the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Speaker, I thank the gentleman from Illinois for yielding.

I take this time, Mr. Speaker, to advise and alert such of my colleagues as are on the floor as to the only point in this bill so far as I know which would be at all controversial. That deals with the matter of Federal judges, or judge, in the State of Indiana.

In order to bring us up to date, a little history is in order on that subject. We had here in the last session, as Members will remember, an omnibus judges' bill which created new and additional Federal judges in a great many States of the Union. That bill in its original form and as recommended by the Judicial Conference of the United States whose business is to make such recommendations, included two judges in the State of Indiana. One in the northern district and one in the southern district—the two districts in my State.

It passed the Senate with the two judges and without any controversy.

Unfortunately, when it got into the Committee on the Judiciary in the House of Representatives, my good friend and colleague, the gentleman from Indiana (Mr. Jacobs) for reasons which are more comprehensible to him than to me, struck out the two judges for his State and mine. At that time, yielding to the advice of senior Members, I did not contest that matter on the floor, hoping something would be worked out in the parliamentary process. But nothing was worked out and Indiana got no judges, in spite of the fact that they had been recommended by the Judicial Conference.

When this bill came along this year, I wanted to be very reasonable. Instead of offering two Indiana judges, which we had been entitled to in the previous bill, and in the hope of compromising and agreeing with my good friend from Indiana (Mr. Jacobs) I provided simply in this bill that we have one roving judge additional in the State of Indiana to serve both districts.

That was designed to meet his argument, with which I did not agree; but to meet his argument that there was not a sufficient case load for two judges—and the Judicial Conference thought that there was—my friend claimed that there was not—I decided to take half a loaf and have one judge to serve the two districts.

I hoped my colleague Mr. Jacobs would agree to that and that there would not be any controversy to take up the time of the House, but unfortunately he could not see it that way. The subcommittee of the Committee on the Judiciary wrote in the one roving judge in the State of Indiana, but on Mr. Jacobs' motion, the full committee, by a margin of three votes, struck out the roving judge and made one judge for the Northern District of Indiana only.

Now my friend had said that we did not need any judge at all 2 years ago, but he now concedes we should have one in the northern district. My district and his is the southern district.

Mr. Speaker, at this point I am not asking to add a judge. All I am trying to do is to see to it that that one judge serves both districts, as provided in the original bill approved by the subcommittee of the Committee on the Judiciary.

Therefore, at the appropriate time, when the Judiciary Committee amendment which strikes out the roving judge and creates a judgeship in the northern district only is read, I will oppose that committee amendment. I will ask for a "no" vote on that committee amendment, the effect of which will be to restore the roving judge and to make this one Indiana judge serve both of the two districts in the State of Indiana.

Mr. BOLLING. Mr. Speaker, I yield to the gentleman from Missouri (Mr. Ichord) for a unanimous consent request.

(Mr. ICHORD asked and was given permission to revise and extend his remarks at this point in the Record.)

Mr. ICHORD. Mr. Speaker, I rise in support of the rule and H.R. 11394, the bill from the Committee on the Judiciary that provides for the appointment of additional permanent judgeships.

I wish to commend members of that committe for their foresight and wisdom in expanding the means by which the administration of justice will be enhanced. Congressional approval of this measure will enable the President to appoint, by and with the consent of the Senate, one additional judgeship for the citizens of the State of Missouri.

The addition of this permanent judgeship will raise to four the number of Federal judges presently sitting and presiding in the western district cities of Kansas City, Jefferson City, Joplin, St. Joseph, and Springfield. The 2,135,315 citizens residing within this district will be provided with the additional means by which their legal rights will have prompt, adequate, and efficient consideration.

It was in September of 1968 when this additional judgeship was originally proposed and recommended to the Congress by the Judicial Conference of the United States as part of its quadrennial survey of the needs of the district courts. While the 1970 omnibus district judgeship bill reported by the Judiciary Committee deleted this additional judgeship, the necessity for expansion of the judgeships in the western district of Missouri was reiterated by the judicial conference at its October 1970 meeting. The conclusions of that conference were that the need for an additional judgeship in the western district of Missouri constituted an emergency situation that could be abated only by congressional authorization at the earliest possible date.

A cursory examination of the statistical case load, including the weighted case load per judgeship, the time interval from issue to trial, the numbers and types of civil and criminal cases commenced in preceding years and the numbers and the types of civil and criminal cases pending in the western district of Missouri clearly resolves any doubt of the necessity of this additional permanent position.

This proposed addition lends assurance of reasonably prompt consideration of the cases filed, helps to relieve the congestion of the crowded dockets and diffuses the frustration of delay.

The previously low number of caseload backlogs in this district, as well as the fact only three civil cases were pending more than 3 years as of June 30, 1971, is a credit to both the bench and the bar of the western district of Missouri. However, the caseload growth from 1969 through 1971, revealing a dramatic filings increase of 60 percent on the civil side and 36 percent on the criminal side is proof that retaining the concerted efforts of this district's bench and bar deserves the expansion offered by H.R. 11394.

In 1970, there was a startling increase of 501 more civil actions than had been filed in the year 1969; three-fourths of this increase was the result of prisoner petitions. Criminal filings also sharply climbed from 162 in 1970, to 435 in 1971.

For many years I have been clearly convinced that the backlog of civil and criminal cases has unnecessarily debilitated the effective and just consideration of private and public controversies. Speedy and public determination of legal rights, one of the touchstones of the American common law tradition, requires the threat of an additional backlog be given our immediate attention.

The effects of this district's case backlog is immediately perceived by the increase of the median time interval from issue to trial of civil cases which rose from 5 months in 1968, to 9 months in 1971.

Not only has the change in the business of the district courts been quantitative, it also has been qualitative. The increased number of cases, accompanied by a proliferation of motions and hearings, raise more complex issues that place heavier demands on the time of each trial judge. Since 1970, the weighted caseload per judgeship in the western district of Missouri has substantially increased the workload per judgeship from a national rank order of 57th to ninth position. In 1971, the weighted caseload per judgeship moved up from 367 to 398.

The creation of an additional permanent judgeship in the western district of Missouri, I believe, will materially contribute the means by which this district can more efficiently and expeditiously handle the business brought before it.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. Jacobs).

Mr. JACOBS. Mr. Speaker, first I wish to echo the sentiments stated by the previous speaker in the well (Mr. Dennis). We are indeed close personal friends, as he is with my father, and our difference, I am sure, is an honest difference of opinion.

Let me simply say now, because this matter will be discussed when the amendment is offered, it is true that the other body provided a more generous expansion of the judiciary than this body provided 2 years ago. I hope that that will not be the first time nor the last that this body has seen fit to be more frugal than the other body.

Second, let me say for the record that the southern district of Indiana in 1971 ranked 35th out of 86 districts in the United States in weighted caseload. The northern district ranked 32d. In my judgment, those figures would justify the expenditure of none of my Hoosier taxpayers' money for additional judgeships in either district.

The reason I see fit at this time to support an additional Federal judgeship for the northern district of Indiana is the malapportionment of the caseload within that district itself, namely, the unusual heavy caseload of the court which sits in the Chicago area of Indiana. I have become convinced in the last 2 years that that is becoming more onerous as a burden.

On the other hand, 2 years ago the southern district of Indiana ranked 17th in weighted caseload, but now it ranks 35th, and I might add that within that caseload are the Allegheny air crash cases, 180 in number—a substantial part of the overall caseload—none of which are expected to be tried in the southern district.

With that I think I should say no more, except that the northern district does need, in my judgment, a new judgeship. It needs the judge to work in the northern district, in the Chicago area, not to rove over the northern district, and certainly not to rove in the southern district, where there is a conspicuous lack of need.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11394), to create an additional judicial district in the State of Louisiana, to provide for the appointment of additional district judgeships, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11394, with Mr. Pucinski in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. Celler) will be recognized for 30 minutes, and the gentleman from Michigan (Mr. Hutchinson) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York (Mr. Celler).

Mr. CELLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to urge support for H.R. 11394.

At the outset, Mr. Chairman, I should point out to the members of the committee that certain provisions of H.R. 11394 have already been enacted into law. These provisions create a new judicial district in the State of Louisiana—sections 1–5 of the bill. They were added by the Senate to a private bill and were enacted into law in the closing days of the first session. The President approved the legislation on December 18, 1971—Public Law 92–208. In the circumstances, Mr. Chairman, I shall propose an amendment to the instant bill the effect of which will be to delete those provisions creating a new district in Louisiana and retain only those provisions of H.R. 11394 that authorize four additional district judgeships.

I shall also offer an amendment to conform the title of H.R. 11394 to the bill, as amended.

### PURPOSE

The purpose of this measure, as amended, is to provide for an additional district judgeship in each of the following Federal districts: Southern district of Florida; northern district of Indiana; western district of Missouri, and the northern district of Texas. These new judgeships were originally recommended to the Congress in September 1968 by the Judicial Conference of the United States as a result of a quadrennial survey in that year of the needs of the district courts. The House Committee on the Judiciary, in its consideration of the omnibus judgeship bill in 1970, endeavored to limit the creation of new positions to those courts whose needs appeared to warrant additional manpower most urgently. The four positions contained in H.R. 11394, along with a number of other proposed permanent positions, were not recommended by the Judiciary Committee.

Subsequent to the enactment of the omnibus district judgeship bill in June 1970—Public Law 91–272—the Judicial Conference of the United States reiterated its recommendations. The Conference stated that the need for an additional judgeship in five districts constituted an emergency situation and urged the Congress to authorize five additional positions at the earliest possible date.

The Department of Justice indicated its support for the creation of these additional positions in the course of the consideration of the 1970 legislation.

Mr. Chairman, the Committee on the Judiciary has painstakingly reviewed the statistical caseload for each of the five districts in question. It has examined the time interval from issue to trial, the numbers and types of civil and criminal filings and the weighted caseload per judgeship. On the basis of its most recent review, the committee recommends the creation of four of the five additional judgeships recommended by the Judicial Conference. I believe the committee has been frugal in expanding the list of Federal judicial positions. At the same time, I believe it has not been deaf to the pleas for increased manpower to deal with the heavier demands now being placed on the Federal courts.

The committee report delineates the statistical caseload profile of the four districts involved. It illustrates, for example, that these districts for which one additional judge is proposed to be authorized rank high in the Nation with respect to the weighted caseload per judgeship.

The committee has concluded that authorization of these four permanent positions will enable prompt consideration of cases filed in the district courts in question and will contribute toward reducing existing backlog.

COST

The Administrative Office of the U.S. Courts advises that the cost of the judiciary of establishing a new district judgeship is $138,000 in the initial year and $123,000 annually thereafter. The General Services Administration budgets approximately $18,000 to supply the office of each district judge with the necessary furniture and furnishings.

The Department of Justice advises that the cost of supporting four new permanent judgeships created by H.R. 11394, as amended, is approximately $475,000.

Based on these data, the estimated total cost for four new permanent district judgeships would be $1,099,000 for the first year and $967,000 in subsequent years.

Over the years, particularly since I have been chairman of the House Committee on the Judiciary, there have been created many Federal judgeships—circuit judges and district judges. I have participated in all the debates over these years on the creation of those judgeships. They have been needed from time to time because of the increased population and the increased numbers of cases developed in those courts because of the vast amount of legislation which has poured forth from this Congress, which legislation touches upon the lives of so many thousands and thousands of people each day, each week, each month, each year.

I do hope, however, that partisanship will not be the criterion for the appointment of these judges.

I do not like to appear as if I were, as chairman of the Judiciary Committee, a Democratic hen that hatches Republican eggs. In other words, I do hope that all these judges will not be merely Republicans. I have made that assertion on other occasions during Democratic administrations, and it has had some effect, because during some of the previous Democratic administrations there were quite a number of Republican judges appointed.

The real test of one who is to be a judge is found in the First Book of Kings, where we read the following:

> Give thy servant an understanding heart to judge thy people, that I may discern between good and bad.

An understanding heart. If judges have understanding hearts they will make, indeed, good judges. They will be able to separate fact from fiction. They will interpret the law and not legislate. They will never divorce themselves from the dedication to their tasks. They will work and not shirk. And they will judge by the dry light of reason.

We must all recognize, indeed, that without just judges the Nation is in jeopardy. No nation can long survive if the judges are not just.

I do hope that those in power will see to it that the judges who are to be appointed will all have what we find in Kings—an understanding heart.

Mr. Chairman, I urge my colleagues to support H.R. 11394 as a practical and effective means of improving the machinery of the Federal courts.

Mr. HUTCHINSON. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, as the chairman of the Committee on the Judiciary has so ably stated, this bill when it is put in form for final passage will provide for the creation of four new Federal district judges, one in Missouri, one in Florida, one in Texas, and one in Indiana.

The history of these judgeships has been explained in detail to the committee both by the chairman of the committee on the Judiciary and during debate under the rule. I do not think it is necessary for me to repeat it.

For the record, I think it would be well to point out that in these particular four districts, all of them by the measures of the judiciary are presently overworked. Against an average weighted caseload per judge countrywide of 307, the caseload in the southern district of Florida is 382, in western Missouri, 398, in northern Texas, 376, in northern Indiana, 336, and in southern Indiana 331.

Mr. Chairman, the volume of the cases flowing through the Federal judicial system has very largely increased in recent years. The Congress has enacted a multitude of new laws and new Federal programs, and out of those programs and those Federal laws Federal questions arise. Whenever you get a Federal question involved in a lawsuit you have the basis for Federal jurisdiction.

The judicial branch of the Federal Government has occasionally in some areas found itself swamped in litigation. I think that this situation has been brought about also by a change in attitude of people toward the courts generally. I believe most of us can recall the day when people did not resort to the courts first. They resorted to them last. They tried to resolve their differences out of court. However, in recent years quite the contrary seems to be in vogue. Courts are forums to which people go first instead of last. Consequently, the volume of the cases has skyrocketed.

Then in these times, also, legal issues have become more complex, and this complexity is apparent on the criminal side as well as on the civil side. These difficult and involved matters of necessity require more time to resolve.

Courts cannot operate without judges, so the Congress has in recent years authorized the creation of a large number of additional district judges. The case made by the Judicial Conference for the critical need of these four additional judges which are to be provided in this present bill has persuaded the Committee on the Judiciary that they should be authorized.

Mr. Chairman, court delay and backlog cloud the public confidence in our judiciary. It is no wonder that the American people are concerned about our system of justice. According to a recent poll, only 23 percent of the American people think that the American justice system is working well today.

Parties to litigation become increasingly frustrated over their inability to secure prompt judicial disposition of their rights and liabilities. It is not enough that our system provides justice eventually. Innocent persons should not have to wait many painful months to clear their names. On the other hand, the general public should not be subject to the risk of repeated criminal offenses committed by guilty persons free on bail simply because the courts are too busy to try them speedily.

We must be increasingly concerned about this time lag in bringing persons accused of crime to trial.

Mr. Chairman, the Bill of Rights specifically guarantees to persons accused the right to a speedy trial. Justice delayed is justice denied. When cases are not brought to trial because of a clogged judicial system, memory fails and witnesses disappear.

While a suitable number of judges is not the whole solution to our problem, it is elemental that there can be no trial without a judge. We have the constitutional obligation to provide the judges requisite to meet the caseload in the Federal courts.

The time for a Federal-criminal proceeding has roughly doubled in the past 10 years. I am fearful that the U.S. Supreme Court will rule one of these days that these delays are inordinate and violative of the sixth amendment. It is our duty to see to it that such a decision is not necessary. In my opinion a partial solution to the problems of court congestion is an adequately staffed judiciary. This will quicken the pace of justice without impairing its quality.

Therefore, because the judicial conference has made an urgent case for these particular judges in those districts, we should enact the bill before us, H.R. 11394.

Mr. Chairman, I reserve the balance of my time.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, none of us will question the accuracy of the old axiom, "Justice delayed is justice denied."

Unfortunately, when court dockets get overloaded, there is often no alternative but to delay justice. In recent years, the caseload in our Federal courts has increased rather steadily and it has been necessary from time to time to create additional judgeships to relieve the situation, and to insure that litigants in Federal district courts are given their "day in court" within a reasonable length of time.

The bill now before the House would create four additional Federal district judgeships, one in the southern district of Florida, one in the northern district of Indiana, one in the western district of Missouri, and one in the northern district of Texas.

As a Representative from the State of Texas, I am particularly concerned about the situation there. In the northern district of Texas, the caseload rose to 376 in 1971. The national weighted caseload average is 307. This makes the northern district of Texas the 15th busiest Federal court in the Nation.

This court presently has six judgeships. This legislation would raise it to seven. This additional judge would greatly improve the service that this court can render the 3,678,996 people residing in that district. The court for the northern district of Texas sits in Dallas, Fort Worth, Abilene, Amarillo, San Angelo, and Wichita Falls.

I strongly urge the House to approve this legislation and I commend the distinguished chairman of the Judiciary Committee (Mr. Celler), for his able and convincing presentation of the need for this legislation.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Chairman and members of the Committee, I would like to join my distinguished chairman of the full Judiciary Committee in his expression of sentiment as to the type of person who should be made a Federal judge. And, I may say that I have spent a lot more time in the courtrooms of the Nation than I have in political activities. I regard myself, basically, as a member of the bar.

If I have anything to do with the man who is appointed—and I think I might have if I succeed in securing a judge who will serve the southern district of Indiana as well as the northern—in that event I have some qualifications in mind. I expect and hope to have something to say about the type of individual who might be appointed to that position to serve those two districts in my State.

Now, of course, I am for the bill, even with the miserable allotment of one judge to the other district only, because there ought to be additional judges in Indiana. The figures and the facts actually support a judge in each district. I do not need to belabor that too much because the judicial conference of the United States, which is appointed for that purpose, so found and so recommended.

But as has already been pointed out, the average weighted caseload per judge in this country is 307 cases. In the southern district of Indiana it is 331 cases. In the northern district of Indiana, which my friend the gentleman from Indiana (Mr. Jacobs) says is so much more busy, it is 336 cases—a five-case difference in the two districts. They are both entitled to extra judicial help; there is no question about it.

In the southern district of Indiana the percentage has increased in civil cases filed, and in 1970 over 1969 the increase was almost 21 percent; cases terminated increased over 23 percent; cases pending increased 22 percent.

When you take the second half of 1970 over the first half the increase in civil cases filed in the southern district was nearly 25 percent and the increase in cases terminated was nearly 30 percent. And when you go to the criminal cases, partly because there was a changeover in district attorneys, the increase is even more impressive, a 99-percent increase in criminal cases commenced in the second half of 1970 over the first half, and a 73½-percent increase in cases terminated.

Anybody can argue figures. My good friend from Indiana who does not want to do anything for the southern district, who does not even want the one judge we are talking about to serve the southern district, will no doubt quote figures. But those I have given you are the figures. That is what the Judicial Conference worked on. If you want to take the figure of an abnormally high year arbitrarily somewhere back and then take an arbitrarily low year somewhere else you can prove anything. But those are the facts. And I cannot believe that my good friend and colleague really feels that the figures do not illustrate that both of these districts need a judge.

As I said a moment ago, at this point I am not advocating that, although I approve of it, because all I am asking is that we go back to the original bill, defeat the committee amendment which assigns a judge only to the northern end of the State, and have this one judge that we are going to have in this bill, assigned to and required to serve both districts of the State. And the figures indicate that that certainly ought to be done.

I am not interested in this thing from a political point of view. I regret that the senior chief judge in the southern district, a member of my friend's party, and my friend are in disagreement about a number of matters. It is not a matter of my party, but I do not think those considerations are relevant here. What we need is adequate help to take care of the caseload. The judges are going to be Republicans sometimes, Democrats sometimes, and always, I hope, good judges.

Just among other things——

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 additional minutes to the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. The Judiciary Committee and the Congress a few years ago did adopt a measure which said that the Indianapolis division of the southern district should sit in my own hometown at Richmond, Ind. Although this was an act of Congress, the court has never implemented it and the judges will not implement it because they have not got the manpower. Now we ought to give them enough judges to go around, enough to take care of these things which the Congress has already enacted. That is a small point, but it is a valid one.

So I say again to the members of this committee that it is a very little thing I am asking, merely that this one judge—and the Judicial Conference gave us one in each district—but at this moment I am just asking that this one judge that we are going to create in any event, be required to service both districts in the State, where the caseloads are practically identical and where there is no good reason why that should not be done.

My good friend's—and he is my good friend—personal problems ought not to prevail over the needs of the bench and bar within the State, and over the needs of the people of the State, and the desires of the judiciary of the State, and in disregard of the caseload which is there to be taken care of.

So when we come to the time when we are voting on this committee amendment which removes the roving judge to serve both districts, I will ask you to vote "no" on the committee amendment; and I will ask you to restore the original bill which provides this judge to serve both districts in my State of Indiana.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. Roush).

Mr. ROUSH. Mr. Chairman, my chief concern, of course, is that we be able to dispose of the cases pending in our Federal courts. My district lies in the northern district of Indiana where a most pressing need exists.

As most of you know, I just recently returned from an involuntary sabbatical, during that time I tried various matters in the Federal court for the northern district of Indiana. This experience made me very aware of that court's needs. During that time and since, I have had several conversations with one of the judges of that court, Judge Jesse E. Eschbach, whose home station is Fort Wayne. He has impressed me not only with the large caseload that is pending in that court, but also with the fact that there is so much time wasted in travel.

As late as last Monday I had a telephone conversation with Judge Eschbach and asked him if he could by chance document this for me. I have received the following letter from Judge Eschbach.

This letter is addressed to me and is as follows:

January 31, 1972.

Hon. J. Edward Roush,
*Member of Congress, Rayburn House Office Building, Washington, D.C.*

Dear Ed: Pursuant to our telephone conversation this morning, I am supplying you with some additional statistics. I am sure that the Committee has all of the district-wide statistics, and these I am able to furnish relate to calendar year 1971 and concern only my own time and the time of my staff.

During calendar year 1971, we spent 318 hours per person in travel. This includes a staff of four plus myself. This means that we traveled well in excess of 10,000 miles and conducted trials in Fort Wayne, Lafayette, and Hammond. To illustrate that we have given Hammond as much time as humanly posisble, let me point out that in addition to pre-trial conferences and hearing on motions, I actually tried one more case in Hammond than I did in Fort Wayne.

The lost time in travel and the expense thereof is a tremendous cost to the taxpayer, and even with this moving around, we are completely unable to reduce the ever-mounting backlog. If we had one additional judge for the Northern District and he was located in Hammond, this in itself would eliminate at least seventy-five per cent of the travel time and cost.

We will sincerely appreciate anything which you can do to provide a judge for the Northern District of Indiana.

Sincerely yours,

JESSE E. ESCHBACH.

Mr. Chairman, I read this letter only to point out what I believe would be the folly of having a judge appointed as a roving judge. A roving judge would greatly detract from the ability to adequately deal with the caseload confronting our northern district judges if it means canceling out the proposed additional judge for northern Indiana. We need another judge for the northern district of Indiana, and I urge my colleagues to support the committee on this matter and to reject the proposal for a roving judge for all of Indiana.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. MCCLORY).

Mr. McCLORY. Mr. Chairman, I sat on the subcommittee that considered this legislation 2 years ago when the controversy arose regarding these judges for the State of Indiana. I recall distinctly that the subcommittee gave special attention to the recommendation of the judicial conference. There was one specific recommendation to provide one additional judge for the northern district of Indiana and one additional judge for the southern district of Indiana. In every instance, except with regard to the additional judges for Indiana, the subcommittee and the full House Judiciary Committee followed the recommendations of the Judicial Conference.

That was the way the bill came to Congress. That was the way the bill came to the subcommittee.

In eliminating these two judgeships from the bill at the last session we departed from the recommendations of the Judicial Conference. I might say that if we had followed those recommendations, we would have no problem insofar as travel or travel expense, because we would have one judge for northern Indiana and one judge for southern Indiana.

It seems to me that what the gentleman from Indiana (Mr. DENNIS) has recommended or acquiesced in is a compromise which would enable Indiana to secure additional judicial service without the additional two judges that the Judicial Conference recommended and which, I am sure, the gentleman from Indiana (Mr. DENNIS) would support if that were in the bill or if it were possible to secure passage of an amendment and put that in the bill at this stage. However, I note that in addition to the statistics which the Judicial Conference has sent to us, Indiana itself is projected to increase in population by 16 percent by 1975. This would seem to mean additional delays in the trial of cases which the records show have occurred in recent years over the period that it took to get a trial prior to that time. I notice, too, that the Indiana State Bar Association—and I do not believe they have reversed their resolution which they delivered to the last Congress—recommends that Indiana should have additional judgeships.

So it seems to me, Mr. Chairman, that we should endeavor to put aside the political controversy which appears to have arisen here and try to reconcile our views and come to a happy meeting ground which can provide the additional judicial service. I do not think there is any other way in which we can get speedier trials for litigants than in that way, and consider the interests of litigants and the lawyers and the public that is being served by this legislation.

So I am hopeful that we can support the bill as it came to the committee without the committee amendment which I understand is going to be offered, which would eliminate the proposed roving judge and provide instead for a single judgeship in the northern district of Indiana. I concur in the position which has been presented here so ably by my colleague (Mr. DENNIS).

I yield back the balance of my time.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, reference has been made to my personal problem in Indiana. Let me just tell you what my personal problem is. My personal problem is that I have found in the House of Representatives that when you stand for economy on some things, it is fine, but when you stand for economy on other things, it is not so good.

When I supported the committee action in the subcommittee of which I was not a member in the other Congress judgeship in the southern district and northern district of Indiana, I did so because I am opposed to unnecessary Federal spending. In case somebody wants to leap up and ask me about my record on that subject, I will be happy to tally my votes on appropriations and amendments to appropriations to substantiate what I have been stating.

I must say for the record that I would be less than human if I did not resent any implication that I have a political axe to grind in my opposition to what I consider unnecessary Federal spending in this case. A comment was made that I do not want to do anything for the southern district of Indiana. But I do. I represent taxpayers in southern Indiana. One of these Federal judgeships runs $2.5 million a copy total to the taxpayers over a 10-year period among the GSA, the Justice Department, and the Federal judiciary. I try to do Federal economy for my district.

My personal problem is that I quite innocently opposed the expenditure which the figures showed me was clearly unnecessary for a new Federal judge in the southern district of Indiana. Now, was that a political decision? I hardly think so, because the Federal judge in Indianapolis who said on the front page of the paper that he had lost all faith in my integrity, and attacked me politically while he was a sitting judge, was a Democrat.

Let me read to the Members what the Republican circuit court judge of Marion County said, and he is the highest State court judge in our jurisdiction. This is from a letter to the editor of the Indianapolis News, Saturday, January 22, 1972. It says:

*To the Editor of the News:*

I see by the papers there may be a new Federal judge requested for Indianapolis and that attorney John Ryan has been selected to fill the place, and that Congress may authorize it. Of course, Congress has not done so yet.

I would respectfully suggest to all concerned, including Congress, that we have plenty of Federal judges now, maybe more than we really need. If they would stick to their Federal cases and let the state courts handle their legitimate business, we would not need so many United States courts.

For instance, in August 1970, the Circuit Court had a half-day hearing in which it was determined by competent evidence the $20 million pension fund of the Barber's Union was being victimized by the president of the union, and the court appointed a receiver, to wit, the Merchants National Bank, which would serve without bond.

The president of the union, Mr. DePaola, by his attorney one Mr. Carmen from Chicago, went over the same day to Federal judge William Steckler and had the case transferred to the United States District Court. Judge Steckler took jurisdiction and after seven months and 10 days of hearings, he finally arrived at the same conclusion that this Circuit Court had made and appointed a receiver. Not being a bank and trust company . . . had to spend $100,000 of the union's assets to provide a bond. The case took up a lot of Judge Steckler's time, many hours which could have been devoted to trying other cases.

Mr. Chairman, at this time I include the letter to which I referred:

OPPOSES NEW FEDERAL COURT

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Likewise, Judge S. Hugh Dillin has spent at least a thousand hours of judicial time fooling around with the Indianapolis school integration case, finally deciding in his infinite wisdom that our schools have been segregated by law, "de jure," which was the only handle by which his court could take hold of the case, as Congress in the 1964 Civil Rights Law has forbidden any Federal Court to draw school lines so as to correct racial imbalance.

On top of which, Judge Dillin on his own motion reached out and took in about nine townships in this county, seven other school corporations outside the city of Indianapolis, and four or five surrounding corporations, all working under Indiana law by and through people elected by voters, and ordered them into the lawsuit—on what theory I do not know. I guess they were guilty of racial segregation by just being there and not doing anything about sending for people of other races to come out and go to schools in their district. Likewise, he ordered the Indiana Legislature into the lawsuit, although it had in 1949 abolished all manner of racial discrimination in the state, including schools.

Then there was the famous case of the long-hair from North Central High School whom the authorities told to shear his locks and look like a human being again, and the meddlesome Civil Liberties Union, at its own expense, took up the time of our local Federal court and the 7th District Court of Appeals to prove to the local school authorities they had no business trying to maintain discipline in schools. As the result of this hair decision, North Central is now a shambles as far as discipline and looks are concerned, according to my best information from parents, with students going dirty and unkept, and wallowing around halls kissing and hugging.

I am going to invite the Senate Judiciary Committee to come out here and hold an investigation as to the needs of another Federal Court and ask to be invited as a witness to the fact that the Federal courts here are taking over a lot of the state courts' business, and furthermore, are accepting cases which under the Federal Constitution they have no right to bother with.

I am sure Congressmen William Bray and Andy Jacobs, both representatives from this city, will agree with me as they have already expressed their sentiments along similar lines.

If the Federal courts will get off our backs, we will get along a lot better around this county and state.

John L. Niblack,
*Judge, Marion Circuit Court.*
Indianapolis.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman an additional minute.

Mr. JACOBS. Mr. Chairman, let me simply reiterate the southern district of Indiana 2 years ago, when this body denied an additional judge, stood 17th in the Nation in the caseloads. In 1971, it stood 35th in the Nation.

The only thing political about my position in this situation is that I have been politically attacked for doing what I try to do always—vote against unnecessary Federal spending.

My dad told me a long time ago that it is not according to whose ox is being gored, it is according to whose hogs are being slopped.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. Burke).

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Florida. Mr. Chairman, I yield briefly.

Mr. FRASER. Mr. Chairman, I support this bill and urge my colleagues to vote to provide additional judgeships in these districts which are so clearly overloaded with criminal and civil cases.

The Judicial Conference of the United States considers this an emergency situation calling for immediate action by Congress. I agree. Strengthening our system of justice in this way is of pressing importance.

Later this year the Judicial Conference of the United States will meet for its quadrennial review of the needs of the Federal district courts. At that time I am sure the Conference will become aware of an equally pressing need for one additional judgeship to be added to the four authorized judgeships in the district of Minnesota. I hope that a year from now—if not before—Congress will act to relieve the severe overloading in the Federal courts of Minnesota.

I am sure the Members of the House will be interested in a brief comparison between the overloading now plaguing the Federal courts of Minnesota with the figures in the committee Report 92–677 accompanying H.R. 11394, the bill now on the floor. Minnesota has a heavier caseload per judgeship than three of the five districts we vote on today.

Here is a list of each of the districts in this bill and the district of Minnesota, comparing "weighted caseload per judgeship" and national ranking of the severity of overloading:

| District | Weighted caseload per judgeship, 1971 | Rank, 1971 |
|---|---|---|
| Louisiana, eastern | 372 | 17 |
| Florida, southern | 382 | 13 |
| Indiana, northern | 336 | 32 |
| Missouri, western | 398 | 10 |
| Texas, northern | 376 | 15 |
| Minnesota | 381 | 14 |

Note: The Minnesota figures are from the Administrative Office of the U.S. Courts, located in the Supreme Court Building.

Thus it is clear, Mr. Chairman, that Minnesota presents precisely the same overloading problem as the States and districts we are voting on today. Early action to relieve the situation in Minnesota is necessary.

Let me present a more detailed comparison of statistics for the Western District of Missouri—which is the only district we are considering today that now has the same number of judgeships as the Minnesota district; namely four. Minnesota and Missouri are seen to have the same problem of heavy overloading of the Federal courts:

*District population—1970*

| | |
|---|---|
| Missouri, western | 2,135,315 |
| Minnesota | 3,805,069 |

*Total civil cases pending—1971*

| | |
|---|---|
| Missouri, western | 672 |
| Minnesota | 865 |

*Total criminal cases pending—1971*

| | |
|---|---|
| Missouri, western | 211 |
| Minnesota | 262 |

*Time interval from issue to trial of civil cases—1971*

Missouri, western, 59 trials, 9 months.

Minnesota, 116 trials, 7 months.

*Age of civil cases—1971*

Missouri, western

| | |
|---|---|
| Over 3 years | 3 |
| 2 to 3 years | 22 |
| 1 to 2 years | 111 |

Minnesota

| | |
|---|---|
| Over 3 years | 24 |
| 2 to 3 years | 32 |
| 1 to 2 years | 138 |

Action is needed, Mr. Chairman, to reduce the backlog of cases clogging the Federal courts in Minnesota. An additional judgeship must be authorized soon.

Mr. BURKE of Florida. Mr. Chairman, I support H.R. 11394 which, if passed, will authorize an additional Federal judge, not only for the Southern District of Florida, but also elsewhere. I am a cosponsor of the legislation, having introduced H.R. 10760 last year. Earlier in the 90th Congress, I introduced a similar bill asking for additional judges for the southern district of Florida.

I would like now to commend the chairman and the members of the House Judiciary Committee for bringing this legislation to the House floor for a vote. In our system of checks and balances where the powers are divided among the three branches of the Government, the legislative and the executive and the judicial, we, as legislators, have a due responsibility to enact laws and to provide the necessary courts to enforce these laws.

Since my time is limited, I shall speak today mainly on the need for the additional Federal judge to serve in the southern district of Florida. but I do, as a lawyer, recognize the need for additional Federal judges in the other parts of the country called for in the bill sent to the House floor by the Judiciary Committee.

Under the provisions of the omnibus bill which was passed by the 91st Congress and which is now law, 58 additional, permanent Federal judgeships were created across the country. At that time two additional Federal judges were given to the State of Florida, even though the bill at that time had requested three.

Actually, the State of Florida, and the area which I represent and wherein the southern district of Florida is located, is probably the fastest growing area in the United States.

When the bill was passed last year, the omnibus bill, the principal arguments made then in support of the need for additional judges were the heavy population growth in many of the areas in the country plus the backlog of court cases existing in some areas of our country.

South Florida is one such area. Twelve of the most rapidly growing counties in the country comprise the southern district of Florida. These include Broward and Dade Counties, parts of which I represent, as well as Collier, Glades, Hendry, Highlands, Indian River, Martin, Monroe, Palm Beach, Okeechobee. and St. Lucie Counties.

According to the 1970 census, these counties have a total combined population just under 2.5 million people, which is an increase of 48.6 percent above the 1960 figure as shown by the census, or an increase of 1,680,000 people.

The population figures, if taken today, would be even greater.

This rapid growth in population has more than absorbed, then, the two additional judges authorized by the 1970 act. Hence there is still a very serious need for additional judges to be appointed to hear cases in the southern district of Florida.

In fact, the Judicial Council, following their conference held in Washington, D.C., in October of 1970 referred to the need for additional judges in each of the districts named in the bill being considered today and reasoned that this constituted an emergency situation, and they therefore voted to recommend authorization of these judges and the creation thereof as soon as possible.

A study of the statistics contained in the report of the House Committee on the Judiciary will bear out the need for these judges.

Furthermore, I believe all of us know that the caseload, because of increased Federal legislation, requires additional judges to hear these cases.

We all know that the sixth amendment to our Constitution guarantees the accused in all criminal cases shall enjoy the right to a speedy and public trial, but many of those accused of crimes have good reason today to deny this statement. An accused person should have a speedy trial to determine guilt or innocence. Unless we increase the speed with which defendants can get trials, dissatisfaction with the present system will continue to be voiced.

Basically, our system of law is sound, but it cannot function if we as a Congress undermine it and fail to give proper judicial representation in areas where it is needed. If we fail we will drive the courts and our judicial system to the point of chaos.

The accused should have a speedy trial to determine guilt or innocence and unless we increase the speed with which defendants can get to trial, dissatisfaction with the present system will continue to be voiced. Basically our system of law is sound, but it cannot function if it is undermanned to the point of chaos.

I would like to commend the judges of our Federal courts on the job they are doing, in view of the vast amount of cases thrust upon them in present undermanned courts. As a lawyer from Florida, I know the problems that the judges of the southern district of Florida have had. I am sure those in the other districts continually face the same problems.

I sincerely hope that you, my colleagues, will give consideration, not only to my request for an additional judgeship in the southern district of Florida, but to all the facets of H.R. 11394, in toto. I support my fellow cosponsors in their requests, under provisions of this bill, for a new Federal judicial district in Louisiana, and additional judgeships in the northern district of Indiana, the western district of Missouri, and the northern district of Texas.

Mr. CELLER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I take this time to inform the Committee of the Whole that at the appropriate time, when the bill is open to amendment, I shall offer an amendment to include an additional judge for the western district of Wisconsin, a judgeship which is most urgently needed. Rather than make the argument and discuss the need at this time, however, and again repeat the same arguments during debate, I shall defer discussion of that until the appropriate time.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, it is with some temerity that, not being a lawyer, I arise and express appreciation for the time yielded in this matter pertaining to the Federal judiciary.

I would presume that it is easily understandable why I was not aware until this bill was available to Members, that the western district of Missouri, in which I live, was included in the additional Federal judgeships at this time and under this proposal. That presumption would be predicated upon my opposition in the past and I presume some of the sparks that I barefootedly knock out of not only the limestone of the Capitol, but the flint of the Ozark hills, from time to time.

I would confess that I am still in a quandary as to whether or not we're addressing the total problem, and if we would correct the balance of the highest tribunal and give it time to work and maybe have some more erstwhile system of appointment, tenure, and termination of all of the highest Federal judges; and if indeed the legislative branch maintained as exact a control over legislative matters as we are required to do by the Constitution rather than let them legislate by fiat and decree, we would indeed no longer need to add continually to personnel and moneys for the judicial branch.

I am not aware of all of the problems and I have not heard a word from my bar associations, but I have studied this Committee's report in detail, and I appreciate the report. I think it is a good one. I think with the least knowledge of the so-called Warren court decisions, it is not hard to determine why almost three-fourths of the increase in the caseload has been prisoner petitions in recent years. I say this as a gentleman who often visits the Federal Hospital for Defective Delinquents located in my hometown for the entire Federal prison system. I say it also as the only member of my party elected to national office in the State of Missouri.

There are many gives and takes in this area, and I am not at all sure of the cure for the problem, but I do know this, Mr. Chairman: Having opposed the increase in the Federal judgeships before, that we have now had time to study the problem and, as nearly as I can tell from this report and from conversations with members on the Committee on the Judiciary and the Judicial Council, a study has been made that Missouri in its western district still has a weighted caseload of 398, greater than any of the others under consideration at this time. I find that there is the problem of the Federal Hospital for Defective Delinquents of the U.S. prison system at Springfield, which brings on additional workload and that there is also the problem of circuit riding. Indeed, one of the judges of the western district—a classmate of mine—is a roving judge and tries cases in the eastern district of Missouri, as well. I also find the U.S. attorney appointed in the western district—with my consent to say the least—has advised me that additional judges are truly needed in order to get the caseload down, and to no longer delay the application of justice, and to properly expedite justice so that we will not have too many people out on bail with felonious intent, to say naught of balancing the courts ideology in part.

I further find that with these studies, and the recommendations of the U.S. marshal who "rides herd" on this as to actual need; and also because of the problems of land condemnation under the Federal right of eminent domain alone—for which I have submitted additional suggested legislation—since within a radius of 75 miles of my hometown in the western district of Missouri there are 17 Federal or private impoundments all of which are involved in land acquisition or disposition.

And inasmuch as all these increase the Federal problems of our country and the judiciary, I believe that, perhaps, now the time has come when after careful analysis, after due time has lapsed, to make a judicious decision on the recommendation that we need this additional judge. Therefore, Mr. Chairman, in spite of my previous questions about this, I shall vote today in favor of this bill.

I thank the Committee on the Judiciary for bringing it forward so this body may exert its will.

Mr. CELLER. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman and members of the committee, I fear the comments that I make at this point may seem anticlimactic. The reason is that our good colleague from southwest Missouri, Dr. HALL, has just completed the most eloquent statement in favor of this bill so far as the new Missouri judgeship is concerned.

Our good friend, who represents the Seventh Missouri District, quite frankly recalled that he had been against an additional judgeship in the past but that present caseloads now justify the additional judge.

As a matter of fact, we have all been up the hill and down the hill more than once during the last two or three Congresses on this point. We have just listened to the need for the judgeship in Florida. We have heard the discussion of the situation in Indiana and also in Texas.

Returning to the judgeship for Missouri, the true facts are that the caseload in the western district has shown a surprising increase in the number of criminal cases—or prisoner petitions as they are called.

One of these days, Mr. Chairman, the Supreme Court across the street over there is going to get around to handing down a decision to the point that the Constitution means exactly what it says, meaning a speedy trial is guaranteed to everyone. They are going to issue an order to dismiss all of those cases that have been denied trial within a reasonable time after the commission of a crime.

Our good colleague from southwest Missouri mentioned a moment ago a discussion with the U.S. district attorney for the western district of Missouri. It was pointed out that those on bail for a long period of time sometimes commit another offense while on bail. This is an additional reason why another judge is needed in this area—to assure a speedy trial of criminal cases.

Well, with all those things considered, the statistics on page 20 of the committee report leave no doubt about the need for another judge in the western district of Missouri.

For the 2 years 1969–71, criminal cases were up 36 percent. In terms of total numbers there was an increase of 360 in 1 year from 1969 to 1970.

My support of H.R. 11394 is not without adequate foundation. The Judicial Conference ranked western Missouri as one of the first to be considered for an additional judge based on the weighted caseload system.

Missouri has waited patiently through three different Congresses for this legislation. Today there is complete unanimity on the part of every member of the delegation from our State, on both sides of the political aisle, unlike the situation may I add in other States included in this bill today.

I am proud to have introduced a bill for relief from the casework overload in two or three of the last few years. Today we have a good, valid, and most substantial reason for the passage of H.R. 11394. Let us do the job now without any further delay.

Mr. Chairman, I yield back the balance of my time.

Mr. HUTCHINSON. Mr. Chairman, I have no further requests for time.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, a judge died. He went to St. Peter's gate and was admitted. St. Peter called him in and said:

> Well, Court opens at 9 a.m. goes to 12:00 with one ten minute recess, then you get an hour for lunch and then run from 1:00 to 5:00 with another ten minute recess. We sit five full days a week and until noon on Saturdays. You will get a two weeks vacation in summer.

Well, after a month of this, this judge asked to be redistricted. They control that you know. He was then allowed to visit hell. He found court opening at 10:30 a.m. running until noon, then 2 hours for lunch, from 2 until 4:30 with a half hour recess in the afternoon. They did not sit at all on Saturday and had 3 months vacation each summer. This judge was irate. He said: "Well, I don't think this makes sense, that in heaven, Judges work all the time. Here in Hell, they hardly work at all. Why is that?

The devil replied: "Ah yes, but we get lots more Judges down here."

Judges face a difficult task.

If they are too conservative, as the poet says:

> They baffle endeavor and halt reform
> In the sacred name of the Law
> And over the droning voice of Hem,
> Comes the quavering voice of Haw.

If they are too liberal, they are like the boy in Brooks Hays' story. There was an earthquake in California. A father and his son were at home together enduring it. The walls were shaking and cracking, and chimes were ringing. The boy's father said, "Son, do you want to pray for God to help us?"

"No," said the boy. "I want him to cut it out."

The Federal courts have ordered redistricting six times in seven elections in Missouri. In private life, this might constitute harassment. We have decrees on school busing, school taxes, school district lines—nearly everything except announcing the school lunch menu for next week. Many in Congress, and out, if they could, would "cut it out."

But as the Irish priest remarked:

> The Courts face a difficult job. They must walk the narrow line between right and wrong.

Recall the admonition that life is for all of us a matter of trial and error. As Bill Macauley, a great Milwaukee district attorney once said:

> We understand trial and error, but let's have more trial and less error.

I support this bill to create four district judges. One judge each in the Western District of Missouri, Northern District of Texas, Southern District of Florida, and one for Indiana.

The U.S. Judicial Conference recommends each of these. In fact, they recommend eight and the Judicial Conference reduced the number to four—each of which four I believe are fully justified for these reasons:

Increase in population.

Increase in crime.

Increase in prisoner petitions.

Increase in caseloads all require more time for disposing of litigation and means we need additional judges to carry out the work.

I first principally address myself to the Western District of the State of Missouri. This district ranks first among the four mentioned in the need for additional judicial personnel according to the weighted caseload system used by the Judicial Conference. In particular, because of the rate of crime nationally, there has been an increase in bank robberies and narcotics cases to be handled in this court and a doubling in 1970 of the number of habeas corpus and prisoner petitions the judges are required to consider. The population growth in the western district of Missouri has been slightly faster than that of the entire State and the district's population is now 2,135,315.

As an example of the volume of work increasing in the western district of Missouri, I might cite the following figures: There has been an increase in motions to vacate sentence from 20 in 1969 to 42 in 1970; and habeaus corpus petitions in 1969, were 196 and in 1970, there were 313: and prisoner petitions in 1969, were 102, while in 1970, there were 304.

I am joined in support of this legislation concerning the western district of Missouri by my colleagues from that area, Mr. BOLLING, Dr. HALL, Mr. HULL, Mr. RANDALL, and Mr. ICHORD. The judges of the western district primarily serve their congressional districts. I believe the entire Missouri delegation supports this bill.

The growth in the volume of work in that area has increased so that recently it was announced in September 1971, that the Eighth Circuit Court of Appeals, in which the western district lies, has established a third panel to hear more than 800 cases during the current fiscal year compared to 717 considered during the preceding year ending June 30. To give an example of the growth of the court's caseload, in 1958 only 215 cases were being heard annually, whereas now the figures are regularly running around 700.

I would urge support of this legislation for all of the four judges contained in the bill and particularly that in the western district of Missouri with which I am more closely acquainted. I stress the bipartisan, and perhaps, the nonpartisan nature of this legislation by pointing out that many of these judges, and the one for the western district of Missouri, were in legislation passed by the Senate in the last Congress. In that Congress, the House Judiciary Committee eliminated those judges from the bill, because the need at that point had not been satisfactorially established. At that time, in the last Congress, the Judicial Conference had not recommended an additional judge for the western district of Missouri. The figures on the current and most recently completed fiscal year of the courts were not available at the time that conference acted. When the conference did not recommend such a judge, I opposed such a judge. The conference now recommends such a judge and I think they have made a case for the need for additional judicial personnel.

I strongly urge passage of this bill.

Mr. FREY. Mr. Chairman, the phenomenal growth of southern Florida in the past decade has placed an intolerable burden on the Federal district court in the southern district of Florida. H.R. 11394, which we consider today, will by creating an additional judgeship substantially alleviate this burden.

The district ranked 13th in 1971 on the weighted caseload comparison of all U.S. districts. The median interval from "issue to trial" for the district has been below the national average for 8 of the last 10 years. Civil filings last year rose 17 percent and exceeded the combined increases of the previous 3 years. The criminal caseload rose 50 percent in the last year.

Most alarming however, is the fact that in 1971 there were 47 civil cases which had been pending 3 years or more.

I strongly urge my colleagues to give their approval to this needed legislation which will result in providing speedier justice to the citizens of the southern district of Florida.

Mr. FASCELL. Mr. Chairman, I rise in support of H.R. 11394, the bill now under consideration to create a new judicial district and to provide additional district judgeships. In reporting this proposal, the Judiciary Committee and its able chairman (Mr. CELLER) have again demonstrated their dedication to the efficient administration of our judicial system.

The pending proposal authorizes an additional judgeship for the southern district of Florida, raising the number of judgeships in that district to eight. This position was originally recommended to the Congress by the Judicial Conference in September of 1968 as part of the Conference's quadrennial survey of the needs of the district courts. The Conference recommended at that time an increase of three judgeships for the southern district, and the House committee, in an attempt to provide those most urgently required, approved two new positions in legislation enacted in 1970.

At its October 1970 meeting, the Judicial Conference reiterated its earlier recommendation, noting that the need constituted an emergency situation, and recommending favorable action by the Congress at the earliest possible date.

Evidence clearly points to the need for the additional judgeship. Florida's southern district ranked 13th in weighted caseload in both 1969 and 1971. Last year the weighted caseload was 382, as compared with a national figure of 307. The number of civil filings rose about 17 percent last year, and the criminal caseload increased nearly 50 percent, from 536 cases in 1970 to 780 cases in fiscal 1971.

In spite of the heavy and increasing caseload, however, the judges of Florida's southern district have done an admirable job of insuring prompt consideration and disposition of cases brought before it. The median time interval from filing to disposition in civil cases in 1970 was 7 months for the southern district, compared with the national figure of 10 months. We cannot, however, rest with this good record; especially with the predicted additional increase in caseload.

Mr. Chairman, I strongly urge approval of H.R. 11394.

The CHAIRMAN. The Clerk will read.

Mr. DENNIS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 19]

Alexander
Ashley
Baring
Bell
Blackburn
Blatnik
Brademas
Byrnes, Wis.
Chisholm
Clausen,
  Don H.
Clay
Colmer
Conyers
Corman
Davis, Ga.
Diggs
Downing
Dwyer
Edwards, La.
Evins, Tenn.
Fish
Fountain
Fraser
Galifianakis
Gude
Hansen, Idaho
Hansen, Wash.
Harrington
Hébert
Heinz
Holifield
Horton
Karth
Keith
Lennon
McCormack
Mills, Ark.
Mitchell
Murphy, N.Y.
O'Konski
Passman
Patman
Pepper
Pike
Pryor, Ark.
Rees
Reid
Riegle
Scheuer
Smith, Iowa
Stanton,
  James V.
Steed
Wolff

Accordingly the Committee rose; the Speaker pro tempore (Mr. Boggs) having assumed the Chair, Mr. Pucinski, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11394, and finding itself without a quorum, he had directed the roll to be called, when 378 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, all time had expired and the Clerk was about to commence reading the bill.

The Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 98 of title 28 of the United States Code is amended to read as follows:

"§ 98. Louisiana

"Louisiana is divided into three judicial districts to be known as the Eastern, Middle, and Western Districts of Louisiana.

"Eastern District

"(a) The Eastern District comprises the parishes of Assumption, Jefferson, Lafourche, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint James, Saint John the Baptist, Saint Tammany, Tangipahoa, Terrebonne, and Washington.

"Court for the Eastern District shall be held at New Orleans.

"Middle District

"(b) The Middle District comprises the parishes of Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, Saint Helena, West Baton Rouge, and West Feliciana.

"Court for the Middle District shall be held at Baton Rouge.

"Western District

"(c) The Western District comprises six divisions.

"(1) The Opelousas Division comprises the parishes of Evangeline and Saint Landry.

"Court for the Opelousas Division shall be held at Opelousas.

"(2) The Alexandria Division comprises the parishes of Avoyelles, Catahoula, Grant, La Salle, Rapides, and Winn.

"Court for the Alexandria Division shall be held at Alexandria.

"(3) The Shreveport Division comprises the parishes of Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster.

"Court for the Shreveport Division shall be held at Shreveport.

"(4) The Monroe Division comprises the parishes of Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll.

"Court for the Monroe District shall be held at Monroe.

"(5) The Lake Charles Division comprises the parishes of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, and Vernon.

"Court for the Lake Charles Division shall be held at Lake Charles.

"(6) The Lafayette Division comprises the parishes of Acadia, Iberia, Lafayette, Saint Martin, Saint Mary, and Vermilion.

"Court for the Lafayette Division shall be held at Lafayette.

Mr. CELLER (during the reading). Mr. Chairman, I ask unanimous consent that further reading of section 1 of the bill be dispensed with, that it be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I offer amendment.

The Clerk read as follows:

Amendment offered by Mr. Celler: On page 1, line 3, after the word "That" through page 3, line 20, strike section 1.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Celler).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 2. The district judge for the Eastern District of Louisiana holding office on the day immediately prior to the effective date of this Act, and whose official station on such date is Baton Rouge, shall, on and after such date, be the district judge for the Middle District of Louisiana. All other district judges for the Eastern District of Louisiana holding office on the day immediately prior to the effective date of this Act shall be district judges for the Eastern District of Louisiana as constituted by this Act.

Mr. CELLER (during the reading). Mr. Chairman, I ask unanimous consent that further reading of section 2 be dispensed with, that it be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SISK. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. Sisk was allowed to speak out of order.)

WEST COAST DOCK STRIKE

Mr. SISK. Mr. Chairman, I will only take just a moment of the Committee's time, and I simply want to use this opportunity to announce to the Members of the House that, along with my colleague, the gentleman from California, Mr. H. Allen Smith, we have just introduced a resolution to discharge the Committee on Education and Labor from further consideration of the dock strike legislation and to bring the matter before the Committee on Rules. We do not expect to ask for a hearing this week before the Committee on Rules because of the time schedule and the times under which we operate, however the seriousness of the situation in our State of California and as we know it to be increasingly so in other areas, simply makes it imperative that we take action moving in the direction of attempting to solve the dock strike. I would hope that within the next 2 or 3 days a settlement is reached. We understand there is some possibility of that. Either that or that the Committee on Education and Labor would see fit to bring out legislation to the floor of the House, otherwise we simply feel that it is necessary for us to do whatever we can to try to bring this legislation to the floor.

Mr. SMITH of California. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to my colleague, the gentleman from California (Mr. Smith).

Mr. SMITH of California. Mr. Chairman, I concur in every statement the distinguished gentleman from California (Mr. Sisk) has made. It seems to me that Congress must provide an immediate solution to this very serious work stoppage on the west coast. I know that this is a procedure that is rarely used and we hesitate to use it, and we hope it will be settled between now and the first part of the week. However, it is the only procedure we can use, and we certainly ask the cooperation of the Members of the

House to get this strike settled on the west coast because it could spread to the east coast once the 80 days have expired.

Mr. SISK. Mr. Chairman, I thank the gentleman for his comments and I yield back the balance of my time.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members of the House, I would like to talk a little bit about the situation that the gentleman from California has brought up.

The Committee on Education and Labor have worked diligently. We have been in direct contact with all parties involved. Many of the things that are taking place in this discussion would be best left untold on this floor. We are in the midst of a very delicate balance at this moment with high hopes of having the whole decision made by the negotiating parties where it properly belongs.

It is not a question of any jurisdictional dispute between two labor groups. That has already been taken care of and an agreement has been reached.

It is not a question of the dollar a ton charged against containerized freight. That has been resolved.

The only thing holding an agreement up is something that this Congress cannot do anything about. It is not a question of economics. It is not a question of work rules. It is not a question of one side or the other being stubborn. It is a question that must be resolved in good faith. It is a matter of faith more than anything else. This Congress cannot legislate on faith.

We are doing more than we have ever done before in a dispute to get the parties together in a peaceful and agreeable solution. Any action by this House or the Committee on Rules in discharging the Committee on Education and Labor from their duties, their obligation and their jurisdiction in this matter will only create a situation much worse than it will be if left in the proper hands.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman.

Mr. ASHBROOK. I thank the gentleman for yielding.

There have been many times over the year when I have been in agreement with my friend the gentleman from Pennsylvania, but I could not agree with the thrust of his argument.

I hope that the gentleman would not leave the impression with the Members of this body that the main interest of the members of the Committee on Education and Labor at this point is negotiating and we are becoming involved in a contract. I think we still recognize that our basic duty is legislation. I think the gentleman has left the impression that as members of the committee we are becoming involved in negotiations. I hope the gentleman will straighten that out because we are having hearings on the bill before us. As part of our oversight function we are also looking into the need for remedial legislation in this field.

Mr. DENT. That is what the fights all about. The committee is interested in remedial legislation, within the jurisdiction of the committee.

Mr. ASHBROOK. I hope the gentleman will straighten that point out.

Mr. DENT. We are getting the facts by having experts, union leaders as well as members who are in daily communication with both sides and business people also.

However, when you suggest that it would be improper for our committee to get into actual negotiations between the two sides on the question of an agreement; is that not exactly what the Committee on Rules intends to do by discharging the committee and taking a piece of legislation which is a direct negotiating instrument and one in which there is no appeal to either side no matter what decision is made by a commission named by the President of the United States? You cannot appeal it on either side and it will last for the duration of time, for 18 to 24 months regardless of the findings on the equity or lack of equity in the settlement. They say they can set aside any consideration of a negotiating team the rights and consideration of negotiating teams of either the union or employer.

Any action taken by the House must give the gentleman from New Jersey, Mr. FRANK THOMPSON, JR., who is chairing the committee with the jurisdiction on this matter, a full opportunity to hear all sides and report the recommendations to the full committee and then follow the rules on the House in proper order.

Mr. CELLER. Mr. Chairman, I demand the regular order.

The CHAIRMAN. Regular order is demanded. The gentleman from Pennsylvania will have to ask permission to speak out of order.

Mr. DENT. Yes, Mr. Chairman.

Mr. CELLER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. DENT. Mr. Chairman, I just want to say to the gentleman that when one side has been heard and no objection was made, it comes with sad grace from the gentleman to object.

### AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 3, line 21, through page 4, line 4, strike section 2.

Mr. CELLER. Mr. Chairman, these provisions were already adopted in the previous bill which was offered by the Senate to another bill and was accepted by this Chamber.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. CELLER).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. (a) Nothing in this Act shall in any manner affect the tenure of office of the United States attorney and the United States marshal for the Eastern District of Louisiana who are in office on the effective date of this Act, and who shall be during the remainder of their present terms of office the United States attorney and marshal for the Eastern District of Louisiana as constituted by this Act.

(b) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and marshal for the Middle District of Louisiana.

SEC. 4. The table contained in section 133 of title 28 of the United States Code is amended to read as follows with respect to the State of Louisiana:

| "Districts | Judges |
|---|---|
| * * * * * | |
| "Louisiana: | |
| "Eastern | 9 |
| "Middle | 1 |
| "Western | 4." |

### AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 4, lines 5 through 14, strike section 3.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. CELLER).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. The table contained in section 133 of title 28 of the United States Code is amended to read as follows with respect to the State of Louisiana:

| "Districts | Judges |
|---|---|
| * * * * * | |
| "Louisiana: | |
| "Eastern | 9 |
| "Middle | 1 |
| "Western | 4." |

Mr. CELLER (during the reading). Mr. Chairman, I ask unanimous consent that further reading of section 4 be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

### AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 4, lines 15 through 17, strike section 4.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. Section 134(c) of title 28 of the United States Code is amended by deleting the first sentence.

### AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 4, lines 18 and 19, strike section 5.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. (a) The President shall appoint, by and with the consent of the Senate, one additional district judge for the southern district of Florida, one additional district judge for the northern and southern districts of Indiana, one additional district judge for the western district of Missouri, and one additional district judge for the northern district of Texas.

(b) In order that the table contained in section 133 of title 28 of the United States Code will reflect the changes made by this subsection in the number of permanent judgeships for certain districts, such table is amended to read as follows with respect to said districts:

| "Districts | Judges |
|---|---|
| * * * * * | |
| Florida: | |
| * * * * * | |
| Southern | 8 |
| * * * * * | |
| Indiana: | |
| * * * * * | |
| Northern and Southern | 1 |
| * * * * * | |
| Missouri: | |
| * * * * * | |
| Western | 4 |
| * * * * * | |
| Texas: | |
| * * * * * | |
| Northern | 7 |
| * * * * * ". | |

Mr. CELLER (during the reading). Mr. Chairman, I ask unanimous consent that further reading of section 6 be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

### COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments:

Committee amendments:

On page 4, line 21, strike "northern and southern districts" and insert in lieu thereof "northern district".

In the table on page 5, strike out the matter relating to Indiana and insert in lieu thereof the following:

| "Indiana: | |
|---|---|
| Northern | 4 |
| * * * * *" | |

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DENNIS. Mr. Chairman, I rise in opposition to the committee amendments which we are considering en bloc.

(By unanimous consent, Mr. DENNIS was allowed to proceed for an additional 5 minutes.)

Mr. DENNIS. Mr. Chairman and Members of the Committee, this is the only part of the bill, I think, which is controversial, and, therefore, I would like the Committee to understand what is before us. The bill as originally proposed, insofar as my State of Indiana is concerned, provided one additional U.S. district judge who should be a roving judge between the two Indiana districts, the northern and southern districts, in order to serve them both. The bill so came out of the subcommittee.

In the full Judiciary Committee, by a vote of 20 to 17, I believe it was—three votes—an amendment was adopted by the committee, on the motion of Mr. JACOBS, of Indiana, which struck out the roving judge to serve the two Indiana districts, and provided that that judge would be for the northern district only.

I am opposing that committee amendment. I ask for a "no" vote on the committee amendments, which must now be adopted or rejected by this body. If the committee amendments are voted down, of course, the effect will be that the original bill will be restored, and the one judge, which judgeship is created in any case by the bill, will be expected to serve both districts of the State.

Now, there is not any logic or reason in the world—none—why this judge should not serve both districts of the State.

The Judicial Conference of the United States recommended an additional judge for each district. The weighted caseloads in the two districts are practically identical—331 in the southern district and 336 in the northern district—and both of them are well above the national average. The civil caseload and the criminal caseload in both districts have been regularly increasing. The increase in the southern district over the two halves of the year 1970 is particularly dramatic, and the business is there.

I do not really know why my friend, the gentleman from Indiana, wants to have this judge work in the northern district only and not in the district he and I both represent, when the caseloads are practically identical, when the bench and the bar of Indiana are unanimous in wanting, actually, a judge in each district, and when there is nothing partisan about the approach, because one of the main proponents of additional judicial help is the chief judge of the southern district who is a distinguished jurist and a distinguished member of the Democratic Party.

I regret that my colleague should have differed with me on this matter. I went along with the idea of half a judge, one might say, one judge to serve both districts rather than trying to insist, in the first instance, on a judge in each district, in the hope that the gentleman would cooperate with me and that we could get this matter established without conflict. That unfortunately has not proved to be the case.

But I say to the Members that when both districts are well in excess of the national average load per judge, and when there is practically no difference between them, and when the civil business in the southern district, on the latest figures, in 6 months, had increased practically 25 percent, and in criminal business about 99 percent, there is absolutely no logical, reasonable, or if I may say so, respectable reason for treating these two districts differently.

Therefore, I ask for a no vote on the committee amendment.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

Mr. Chairman, the relevant statistics to this issue are that the northern district of Indiana in 1970 stood 32d in the whole country in weighted caseload and in 1971 stood 31st—virtually no change. The southern district of Indiana, however, stood 17th in the Nation, and in 1971 stood 35th, and improved its position that much.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, as long as the number of cases which each judge has to consider are going up—and they are—and as long as the percentages of cases to be considered are increasing—and they are—what difference does it make what the relative status is, as between the 30th and 20th, in the country? The judges still have more work, and about the same amount more work in each district.

Mr. JACOBS. My answer to the gentleman is priorities. Other districts are not asking for more judges, districts who stand much higher in caseload than Indiana.

Now if I may point out, the new filings were 1,047 civil cases more and in the 1971 calendar year—not the fiscal year, but the calendar year—the new filings were 987, and they actually went down in raw figures. In criminal cases in 1970, as the gentleman from Indiana has indicated, in fiscal 1970, they went up, because of the change in the political administration of new political cases being filed, but in 1971 the criminal caseload, new cases filed in the southern district went from 536, down in 1971 to 415.

Those figures I secured from the clerk of the southern district this morning.

If it is true that the main supporter of an additional judge is a democratic Federal judge in Indianapolis, it is equally true that the main opponent of an additional judgeship, or of the assignment of any more Federal judges to Indianapolis, is the top-ranking Republican circuit trial judge in Indianapolis, as I said a few minutes ago.

Let me read just about four sentences from his letter to the local newspaper. This is from the Honorable John L. Niblack, Republican judge of the circuit court in that county.

> I see by the papers there may be a new Federal judge requested for Indianapolis and that attorney John Ryan has been selected to fill the place, and that Congress may authorize it. Of course, Congress has not done so yet.
>
> I would respectfully suggest to all concerned, including Congress, that we have plenty of Federal judges now, maybe more than we really need. If they would stick to their Federal cases and let the state courts handle their legitimate business, we would not need so many United States courts.
>
> For instance, in August 1970, the Circuit Court—

That is the State court of which this man is a judge—

> had a half-day hearing in which it was determined by competent evidence the $20 million pension fund of the Barber's Union was being victimized by the president of the union, and the court appointed a receiver, to wit, the Merchants National Bank, which would serve without bond.
>
> The president of the union, Mr. DePaola, by his attorney one Mr. Carmen from Chicago, went over the same day to Federal judge William Steckler—

That is the Democratic judge my colleague was talking about—

> and had the case transferred to the United States District Court—

Now, listen to this—

> Judge Steckler took jurisdiction and after seven months and 10 days of hearings—

This was the same case that the State court took care of in an afternoon—

> he finally arrived at the same conclusion that this Circuit Court had made and appointed a receiver,
>
> Not being a bank and trust company—

I am not mentioning the name of the receiver—

> the receiver had to spend $100,000 of the union's assets to provide a bond. The case took up a lot of Judge Steckler's time, many hours which could have been devoted to trying other cases.

Let me further say that there are now sitting in the southern district of Indiana four Federal judges, and in the northern district there are three Federal judges.

The southern district, as I said, stands 35th in the Nation. The northern district stands 32d. Neither, in my opinion, by those statistics, merits the expenditure of $2.5 million over the next 10 years, which is the cost of Federal judges per copy to the taxpayers.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. JACOBS was allowed to proceed for an additional 30 seconds.)

Mr. JACOBS. But in the northern district there is a malapportionment of the caseload, so that the court which sits in the Chicago region has an unusually heavy caseload, and that is the reason why I do support the addition of that Federal judge in that district.

Mr. BRAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe it is becoming apparent here that there are some political differences in Indiana, and the rather interesting part has just come to light; it is an intraparty political difference in Indiana within the Democratic Party. We understand that in Indiana. We have a lot of political fights.

But this intrapolitical fight should not be allowed to prevent the establishment of the badly needed court in Indiana.

I am well acquainted with the senior judge, to whom the gentleman just referred, Judge Steckler, a great and estimable judge. I certainly would not join in the tirade against Judge Steckler which the Members of this body just heard.

Also, I am well acquainted with the State circuit judge mentioned, in Indianapolis, Judge Niblack, a friend of mine of many years.

There is no question, but that there is some dispute between courts.

However, we cannot do away with Federal courts because we sometimes disagree with them. Indiana badly needs two new Federal courts, one in the north and one in the south. The Judicial Conference of the United States a year ago recommended two Federal judges, one in the northern and one in the southern district. I assure you I had nothing to do with that, and I assure you no Member of the Indiana delegation had anything to do with it. These two courts were recommended because they were necessary. The need of these two courts is greater than it was a year ago. There was one criminal conspiracy case which was very important which was recently tried in the southern district in Indianapolis which consumed 7 weeks.

One of the greatest deterrents to crime is to be able to bring cases quickly and judiciously to court. We cannot do that in Indiana. I deeply regret that an intraparty fight in Indiana is the cause of a great deal of this opposition to an extra court. There is no one here from Indiana who is not well aware of this fact.

I have the highest respect for the judiciary in Indiana, both State and Federal. Since Judge Steckler has been mentioned, I want to say he is the senior judge in Indiana and a man of unquestioned integrity. I have discussed this matter of the needed judge with Judge Steckler, and I want to assure the gentlemen on the Democratic side of the aisle that this is not a political fight between Republicans and Democrats in Indiana. We are well aware in Indiana that this court is badly needed.

Remember that last year the Judicial Conference asked for two Federal judges in Indiana, one in the north and one in the south. It was defeated for the same reason that the effort to defeat an additional court is being made today. I simply do not want the Indiana judicial system to suffer because of a political fight in Indiana. We have had those fights in the past and we will have them in the future, but let us not allow this to damage justice in Indiana.

Mr. McCLORY. Will the gentleman yield?

Mr. BRAY. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

It seems to me that the attempt to retry a case on the floor of the House as an argument against the additional judges for the southern district of Indiana would be most unwise. Yet, this is what the gentleman from Indiana (Mr. JACOBS) has attempted to do.

Mr. BRAY. I certainly agree and I feel it is one thing we should not try to do. We should not try this disagreement in Indiana on the floor of Congress as is being attempted. I have the utmost respect for the circuit judge before whom this litigation was originally filed and I have the same respect for the Federal judge in the State of Indiana before whom the case is now pending. Let us not allow bitter intraparty legal feuding to become a football on the floor of this House.

Mr. CELLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the committee gave long and careful consideration to this controversy that has arisen between two Members from the State of Indiana and came to the conclusion that there should be one additional judge for the northern district of Indiana and not a roving judge. The northern district of Indiana contains a number of industrial areas such as South Bend, Hammond, Fort Wayne, and Lafayette, and the need for an additional judgeship was great in the northern district. There has been a vast increase in population there. Since 1960 there has been almost a 10-percent increase in the population. There is a definite need for an additional judicial position in that northern district. We feel that is sufficient, and the committee amendment provides for the northern district and not for a roving judgeship.

I do hope the committee will accept the committee amendment.

Mr. DENNIS. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

The chairman will agree with me, I am sure, that in either version of this bill as we consider it in regard to the present amendment, we are only creating one judge.

The only issue here is whether that judge should serve both districts or only one. Therefore, only one judge is involved in this particular committee amendment; is that not correct?

Mr. CELLER. That is correct, but the committee by a majority, although it may not have been an overwhelming majority, felt there was no need for a roving judge, but that one judge in the northern district would be sufficient.

Mr. JACOBS. Mr. Chairman, will the gentleman yield in order that I may respond to the gentleman from Illinois (Mr. McCLORY)?

Mr. CELLER. I yield to the gentleman from Indiana.

Mr. JACOBS. I am not suggesting that we should retry the case here. However, I would suggest that a case that was fully tried in a State court in half a day was retried in a Federal court over a period of 7 months and 10 days, and I am talking about the time taken for the trial of that case in the Federal court in order to reach a decision, the same decision, at a cost of $100,000 plus the cost for travel pay and plus the fact that in the north they need a judge and they do not need a roving judge.

Mr. CELLER. I thank the gentleman for his contribution.

Mr. Chairman, an "aye" vote would be a vote for the committee amendment and a "no" vote would be against the committee amendment.

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say this with respect to the case which the gentleman from Indiana (Mr. JACOBS) argued.

I think if we had a $20 million pension fund which was adjudicated in 10 minutes or an hour, we might criticize summary action such as that, and we would suggest that more protracted and deliberative consideration should be given in such a case. But, aside from that point which I do not think is a valid basis for denying judges for Indiana, I want to remind my colleagues that 2 years ago when this bill came to the committee there was a recommendation by the Judicial Conference for two additional judges, one for the northern district of Indiana, and one for the southern district.

What we will be doing here today if we adopt the recommendation of the gentleman from Indiana (Mr. DENNIS) is to acquiesce in the fact that Indiana requires additional judgeships. One additional judge for all of Indiana seems to me to be a valid compromise. With respect to the rest of this bill, we are respecting the recommendations of the Judicial Conference as we have done generally for other judges throughout the country.

Mr. Chairman, it seems to me that we should reject the committee amendment and accept the position of the gentleman from Indiana (Mr. DENNIS).

### PARLIAMENTARY INQUIRY

Mr. DENNIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DENNIS. Am I correct that the vote now is on the committee amendments and, therefore, those who oppose the amendments, as I do, should vote "no?"

The CHAIRMAN. The gentleman has stated the case correctly.

The question is on the committee amendments.

The question was taken; and the Chairman announced that the ayes appeared to have it.

### TELLER VOTE WITH CLERKS

Mr. DENNIS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. DENNIS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. HUTCHINSON, Mr. JACOBS, Mr. MIKVA, and Mr. DENNIS.

The Committee divided, and the tellers reported that there were—ayes 217, noes 168, not voting 47, as follows:

[Roll No. 20]

[Recorded Teller Vote]

AYES—217

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Bingham
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Casey, Tex.
Celler
Chappell
Chisholm
Collins, Ill.
Conyers
Cotter
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton
Fuqua
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Hagan
Haley
Hamilton
Hanley
Hanna
Harrington
Hathaway
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Hull
Hungate
Ichord
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Landrum
Leggett
Link
Long, La.
Long, Md.
McCulloch
McFall
McKay
McMillan
Macdonald, Mass.
Madden
Mahon
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Patten
Perkins
Pickle
Pike
Poage
Preyer, N.C.
Price, Ill.
Pucinski
Randall
Rangel
Rarick
Rees
Reuss
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Satterfield
Scheuer
Seiberling
Shipley
Sikes
Sisk
Staggers
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
White
Whitten
Wilson, Charles H.
Wright
Yates
Yatron
Young, Tex.
Zablocki

NOES—168

Anderson, Ill.
Andrews
Archer
Arends
Ashbrook
Baker
Belcher
Betts
Biester
Blackburn
Bow
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Coughlin
Crane
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Goldwater
Goodling
Gross
Grover
Gubser
Hall
Halpern
Hammerschmidt
Harsha
Hastings
Heckler, Mass.
Hillis
Hogan
Hosmer
Hunt
Hutchinson
Johnson, Pa.
Jonas
Jones, N.C.
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lent
Lloyd
Lujan
McClory
McCloskey
McClure
McCollister
McDade
McEwen
McKevitt
McKinney
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Morse
Mosher
Myers
Nelsen
Pelly
Pettis
Peyser
Pirnie
Poff
Powell
Price, Tex.
Quie
Quillen
Railsback
Reid
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rousselot
Runnels
Ruppe
Sandman
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Talcott
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Wampler
Ware
Whalen
Whalley
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOT VOTING—47

Alexander
Baring
Bell
Blatnik
Byrnes, Wis.
Clark
Clay
Colmer
Corman
Davis, Ga.
Dowdy
Downing
Dwyer
Edwards, La.
Evins, Tenn.
Galifianakis
Gude
Hansen, Idaho
Hansen, Wash.
Harvey
Hawkins
Hébert
Heinz
Horton
Karth
Lennon
McCormack
McDonald, Mich.
Mathis, Ga.
Mills, Ark.
Mitchell
O'Konski
Passman
Patman
Pepper
Podell
Pryor, Ark.
Purcell
Riegle
Ruth
Sarbanes
Smith, Iowa
Stanton, James V.
Steele
Ullman
Whitehurst
Wolff

Mr. BYRNE of Pennsylvania and Mr. BURLESON of Texas changed their votes from "no" to "aye."

So the amendments were agreed to.

### AMENDMENT OFFERED BY MR. DENNIS

Mr. DENNIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DENNIS: Page 5, line 3, after "Indiana," insert "one additional district judge for the southern district of Indiana,"

In the table on page 5, Sec. 6(b) after the matter relating to the northern district of Indiana, insert the following:

"Southern ........................ 5."

Mr. DENNIS. Mr. Chairman, what this amendment does is to go back to the original recommendation of the Judicial Conference of the United States and to amend the bill so as to provide one additional judge in the southern district of Indiana, in addition to the one additional judge provided now by the bill in the northern district of Indiana. In this case there is no question of a roving judge. We are adding, as did the Judicial Conference, an additional judge, making one judge for each district.

I might point out again that the caseload in the two districts is practically identical, that it is increasing in both districts, that this is the recommendation of the Judicial Conference, and inasmuch as the House has adopted the committee amendment and has seen fit to put the judge in the northern district only, I submit it is only fair to add a judge in the southern district also.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, is that also the recommendation of the State bar association?

Mr. DENNIS. It is the recommendation of the Indiana State Bar Association and of the Indiana judges and of everybody in Indiana, so far as I know, except my good friend, the gentleman from Indiana (Mr. JACOBS).

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. He is not alone.

Mr. DENNIS. Mr. Chairman, I did not hear what the gentleman said, but this is a good amendment, and I hope the gentleman will support it. This time I would like an aye vote.

Mr. CELLER. Mr. Chairman, it is with reluctance I oppose the amendment offered by the gentleman from Indiana, but I, of course, must do so. There are three sitting judges in the northern district of Indiana presently, and four in the south of Indiana. The additional judgeship which the committee has authorized for the northern district would create an equality; four in the northern district and four in the southern district. We took note in the Judiciary Committee of this situation and other situations referred to by the gentleman from Indiana (Mr. DENNIS). I do not like the idea of opposing the gentleman, but I want to stand by the Committee on the Judiciary. The committee's view was that it would be sufficient to create one additional judge for the northern district. I do hope, therefore, that the amendment will not prevail, but will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS).

The question was taken; and on a division—demanded by Mr. DENNIS—there were—ayes 72, noes 107.

So the amendment was rejected.

### AMENDMENT OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KASTENMEIER: On page 5, line 4, strike the word "and".

On page 5, line 5, delete the period and insert the following: ", and one additional district judge for the western district of Wisconsin."

In the table on page 5, after the matter relating to the northern district of Texas, insert the following:

"Wisconsin:

* * * * *

Western .......................... 2."

Mr. PRICE of Texas. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. KASTENMEIER. I yield to the gentleman from Texas.

(Mr. PRICE of Texas asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE of Texas. Mr. Chairman, I rise in support of H.R. 11394 because it contains the provisions of H.R. 10568, a bill I introduced during the past session of this Congress, which calls for the addition of one district judgeship in the northern district of Texas, thus raising the number of judges in that district from six to seven.

This is a much-needed addition and one for which I have fought for a long time. It is absolutely imperative, if we are to restore some of the confidence of the people in our judiciary that has been lost and is continuing to be lost because of the great logjam of cases in our court system and the resultant delays involved, that we do everything we can to help the judges with their caseloads. Voting for passage of this bill is the most significant and meaningful thing we can do today to help alleviate that problem.

Justice delayed is justice denied; I urge adoption of this bill in order to speed up justice.

As an indication of the kind of workload I am talking about, I submit the following information:

### THE JUDICIAL BUSINESS OF THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

The Northern District of Texas had three judgeships prior to 1961. Two additional positions were authorized by the 1961 legislation and one in 1970 and the district now has six authorized judgeships.

For most of the 1960 decade there has been no consistent pattern of steadily rising civil caseload in the Northern District of Texas. The volume of new civil cases went from 1,030 to 1,256, between 1962 and 1969. However, from 1970 to 1971 this district's civil filings jumped 23%. There were 1,450 cases in 1970 and 1,790 in fiscal '71. This is over three times the seven percent national growth rate in civil filings for 1971.

The median time interval from issue to trial in civil cases for 1971 is six months, well below the national median of 11 months. There were only 29 three-year old cases pending at the end of 1969.

There was no significant change in the incoming criminal caseload from 1959 to 1965, but filings grew 50 percent between 1965 and 1968—from 400 in 1965 to 603 in 1968. Since 1968 criminal filings have again fluctuated. There were 594 in 1971.

Between 1963 and 1966 the weighted caseload per judgeship in the Northern District of Texas was below the national average. In national standing the district ranged between 37th and 51st in the nation. With an increase in civil cases filed in 1967 the weighted caseload per judgeship climbed to 293, about 18 percent above the national average of 252, and the district ranked 19th in the nation in weighted caseload per judgeship. A further increase in weighted caseload per judgeship to 336 in 1969, brought the district up to 18th in weighted caseload. A further rise to 376 in 1971, against a national weighted caseload average of 307, means the district now ranks 15th in the nation on this score.

### AUTHORIZED JUDGESHIPS, 6

Resident judges: Joe Ewing Estes, chief judge; Sarah T. Hughes, William M. Taylor, Jr., Robert M. Hill, Leo Brewster, and Halbert O. Woodward.

Places of holding court: Dallas, Fort Worth, Lubbock, Abilene, Amarillo, San Angelo, and Wichita Falls.

TABLE 1.—U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

|  | 1960 | 1970 | Percent change |
|---|---|---|---|
| District population | 3, 138, 775 | 3, 678, 996 | 17. 2 |
| State population | 9, 579, 677 | 11, 196, 730 | 16. 9 |

Source: Census of Populati Bureau of theon, Census.

TABLE 2.—U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

CIVIL AND CRIMINAL CASES COMMENCED, TERMINATED AND PENDING

| Fiscal year | Total civil cases[1] |  |  | Total criminal cases |  |  |
|---|---|---|---|---|---|---|
|  | Commenced | Terminated | Pending | Commenced | Terminated | Pending |
| 1959 | 826 | 1, 209 | 631 | 403 | 366 | 85 |
| 1960 | 701 | 764 | 568 | 340 | 362 | 63 |
| 1961 | 760 | 692 | 636 | 462 | 421 | 104 |
| 1962 | 1, 030 | 922 | 744 | 473 | 410 | 167 |
| 1963 | 875 | 983 | 636 | 490 | 519 | 138 |
| 1964 | 981 | 992 | 625 | 443 | 432 | 149 |
| 1965 | 1, 034 | 1, 056 | 603 | 393 | 426 | 116 |
| 1966 | 968 | 1, 011 | 560 | 559 | 470 | 205 |
| 1967 | 1, 213 | 1, 008 | 765 | 481 | 483 | 203 |
| 1968 | 1, 102 | 975 | 892 | 603 | 504 | 302 |
| 1969 | 1, 256 | 1, 240 | 908 | 552 | 615 | 239 |
| 1970 | 1, 450 | 1, 289 | 1, 069 | 622 | 573 | 288 |
| 1971 | 1, 790 | 1, 578 | 1, 281 | 594 | 675 | 207 |

DISTRIBUTION OF CIVIL CASES

| Fiscal year | Private civil |  |  | U.S. civil |  |  |
|---|---|---|---|---|---|---|
|  | Commenced | Terminated | Pending | Commenced | Terminated | Pending |
| 1959 | 430 | 790 | 405 | 396 | 419 | 226 |
| 1960 | 356 | 416 | 345 | 345 | 348 | 223 |
| 1961 | 399 | 365 | 379 | 361 | 327 | 257 |
| 1962 | 605 | 518 | 466 | 425 | 404 | 278 |
| 1963 | 474 | 523 | 417 | 401 | 460 | 219 |
| 1964 | 477 | 527 | 367 | 504 | 465 | 258 |
| 1965 | 462 | 474 | 355 | 572 | 582 | 248 |
| 1966 | 470 | 476 | 349 | 498 | 535 | 211 |
| 1967 | 738 | 556 | 531 | 475 | 452 | 234 |
| 1968 | 739 | 658 | 612 | 363 | 317 | 280 |
| 1969 | 769 | 757 | 624 | 487 | 483 | 284 |
| 1970 | 1, 036 | 876 | 784 | 414 | 413 | 285 |
| 1971 | 1, 284 | 1, 120 | 948 | 506 | 458 | 333 |

[1] Private and U.S. civil cases shown below.

TABLE 3.—U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

CIVIL CASES COMMENCED DURING THE FISCAL YEARS 1959 THROUGH 1969, AND CIVIL CASES PENDING ON JUNE 30, 1958, 1967, 1968, AND 1969, BY NATURE OF SUIT

| Nature of suit | Civil cases pending June 30, 1958 | Civil cases filed, by fiscal year | | | | | | | | | Civil cases pending June 30, 1967 | Civil cases filed 1968 | Civil cases pending June 30 1968 | Civil cases filed 1969 | Civil cases pending June 30, 1969 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1959 | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | | | | | |
| Total | 1,104 | 826 | 701 | 760 | 1,030 | 875 | 981 | 1,034 | 968 | 1,213 | 765 | 1,102 | 892 | 1,256 | 908 |
| U.S. plaintiff, total | 179 | 312 | 255 | 272 | 311 | 284 | 364 | 435 | 355 | 326 | 116 | 228 | 127 | 321 | 136 |
| Land condemnation | 23 | 13 | 11 | 21 | 34 | 20 | 15 | 14 | 8 | 4 | 18 | 1 | 14 | 2 | 10 |
| Note cases and overpayments | 126 | 243 | 163 | 143 | 152 | 128 | 179 | 251 | 217 | 152 | 21 | 59 | 12 | 101 | 32 |
| Antitrust | | | | | 1 | 1 | | 1 | | | | | | | |
| Labor cases | 8 | 17 | 14 | 19 | 20 | 17 | 16 | 17 | 25 | 23 | 21 | 23 | 18 | 31 | 22 |
| Tax | 1 | 3 | 4 | 4 | 3 | 4 | 6 | 6 | 6 | 6 | 7 | | 5 | 4 | 7 |
| Other | 21 | 26 | 63 | 85 | 101 | 114 | 148 | 146 | 99 | 141 | 49 | 145 | 8 | 183 | 65 |
| U.S. defendant, total | 70 | 84 | 90 | 89 | 114 | 117 | 140 | 137 | 143 | 149 | 118 | 135 | 153 | 166 | 148 |
| Tort Claims Act | 20 | 11 | 8 | 12 | 10 | 20 | 20 | 17 | 15 | 14 | 16 | 14 | 15 | 17 | 14 |
| Prisoner petitions | 7 | 6 | 13 | 11 | 15 | 15 | 26 | 18 | 29 | 35 | 12 | 23 | 15 | 26 | 10 |
| Tax refund | 33 | 48 | 49 | 44 | 71 | 56 | 69 | 65 | 55 | 48 | 45 | 51 | 78 | 52 | 4 |
| Social Security | | | | 8 | 5 | 12 | 14 | 17 | 17 | 25 | 14 | 26 | 23 | 28 | 23 |
| Other | 10 | 19 | 20 | 14 | 13 | 14 | 11 | 20 | 27 | 27 | 31 | 21 | 22 | 43 | 27 |
| Federal question, total | 61 | 78 | 82 | 115 | 124 | 141 | 128 | 129 | 132 | 316 | 193 | 343 | 242 | 341 | 257 |
| Marine contracts | | | | | | | | | | 1 | | | | | |
| Jones Act | | | 1 | 2 | 1 | 1 | 2 | | | 4 | | 2 | 1 | 2 | |
| Federal Employer's Liability Act | 12 | 10 | 6 | 5 | 10 | 9 | 6 | 10 | 4 | 6 | 4 | 9 | 6 | 12 | 11 |
| Miller Act | 4 | 6 | 13 | 23 | 11 | 11 | 12 | 9 | 11 | 11 | 5 | 3 | 6 | 4 | 4 |
| State habeas corpus | 1 | | 3 | 2 | 3 | 2 | 9 | 10 | 15 | 169 | 69 | 133 | 72 | 165 | 63 |
| Labor cases | 4 | 9 | 11 | 18 | 19 | 24 | 18 | 24 | 34 | 34 | 36 | 35 | 29 | 33 | 20 |
| Antitrust | 8 | 6 | 4 | 7 | 6 | 3 | 2 | 6 | 6 | 11 | 11 | 37 | 41 | 18 | 46 |
| Patent | 12 | 13 | 10 | 8 | 11 | 8 | 10 | 12 | 6 | 15 | 17 | 14 | 19 | 12 | 22 |
| Copyright and trademark | 3 | 7 | 8 | 8 | 17 | 14 | 11 | 10 | 14 | 14 | 11 | 17 | 13 | 13 | 13 |
| Civil rights | 3 | 5 | 9 | 1 | 6 | 5 | 6 | 9 | 10 | 9 | 8 | 23 | 19 | 32 | 27 |
| Other | 14 | 22 | 17 | 41 | 40 | 64 | 52 | 39 | 32 | 42 | 32 | 70 | 36 | 50 | 51 |
| Diversity of citizenship, total | 704 | 352 | 274 | 284 | 481 | 333 | 349 | 333 | 338 | 422 | 338 | 396 | 370 | 428 | 367 |
| Contract actions | 545 | 197 | 106 | 110 | 230 | 122 | 155 | 125 | 158 | 183 | 166 | 172 | 189 | 165 | 161 |
| Stockholders' suits | | | | 3 | | 2 | | | 2 | | 1 | 4 | 3 | 1 | 4 |
| Real property | 21 | 26 | 27 | 27 | 16 | 19 | 25 | 15 | 20 | 21 | 16 | 12 | 17 | 11 | 6 |
| Personal injury, motor vehicle | 74 | 76 | 52 | 68 | 70 | 72 | 81 | 89 | 64 | 85 | 61 | 81 | 72 | 90 | 70 |
| Other personal injury | 54 | 40 | 56 | 61 | 154 | 112 | 76 | 92 | 86 | 117 | 83 | 116 | 76 | 136 | 105 |
| Other | 10 | 13 | 33 | 15 | 11 | 6 | 12 | 12 | 8 | 16 | 11 | 11 | 13 | 25 | 21 |

TABLE 4.—U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS; CRIMINAL CASES[1] COMMENCED AND PENDING ON JUNE 30, 1967, 1968, AND 1969, BY NATURE OF OFFENSE

| Offense | Criminal cases | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Commenced | | | | Pending June 30, 1967 | Commenced 1968 | Pending June 30, 1968 | Commenced 1969 | Pending June 1969 |
| | 1964 | 1965 | 1966 | 1967 | | | | | |
| Criminal cases, total | 408 | 360 | 522 | 452 | 203 | 567 | 302 | 498 | 239 |
| General offenses: | | | | | | | | | |
| Homicide | | | | | | | | | |
| Robbery | | 5 | 5 | 11 | 2 | 5 | 2 | 4 | |
| Assault | 2 | | 1 | 1 | | 1 | 1 | 8 | 1 |
| Burglary | 5 | 8 | 2 | 1 | 1 | 6 | 4 | 4 | |
| Larceny and theft | 36 | 38 | 60 | 64 | 22 | 103 | 54 | 76 | 29 |
| Embezzlement | 25 | 25 | 25 | 26 | 4 | 34 | 4 | 28 | 10 |
| Fraud | 47 | 47 | 59 | 48 | 45 | 72 | 68 | 57 | 41 |
| Auto theft | 118 | 85 | 114 | 97 | 25 | 112 | 35 | 56 | 31 |
| Forgery and counterfeiting | 88 | 67 | 111 | 90 | 49 | 103 | 58 | 66 | 44 |
| Sex offenses | 1 | 1 | 2 | | | 1 | | 1 | 1 |
| Narcotic laws | 5 | 9 | 8 | 8 | 5 | 6 | 5 | 27 | 11 |
| Miscellaneous general offenses | 19 | 25 | 46 | 42 | 27 | 67 | 43 | 62 | 37 |
| Special offenses: | | | | | | | | | |
| Immigration laws | 7 | 3 | 20 | 10 | | 4 | | 19 | 5 |
| Liquor, Internal Revenue | 2 | 2 | 4 | 3 | 2 | | 1 | | 1 |
| Selective Service Act | 5 | 3 | 9 | 5 | 3 | 16 | 10 | 40 | 23 |
| Other Federal statutes | 48 | 42 | 56 | 46 | 18 | 37 | 17 | 50 | 23 |

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[1] Excludes transfers.

TABLE 5.—U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

TIME INTERVAL FROM ISSUE TO TRIAL OF CIVIL CASES[1] IN WHICH A TRIAL WAS COMPLETED

| Fiscal year | Number of trials | Median time interval (in months) | National median time interval (in months) |
|---|---|---|---|
| 1961 | 67 | 9 | 11 |
| 1962 | 117 | 4 | 10 |
| 1963 | 132 | 4 | 10 |
| 1964 | 71 | 4 | 11 |
| 1965 | 97 | 3 | 11 |
| 1966 | 89 | 4 | 11 |
| 1967 | 94 | 5 | 12 |
| 1968 | 88 | 4 | 12 |
| 1969 | 102 | 5 | 13 |
| 1970 | 137 | 5 | 12 |
| 1971 | 178 | 6 | 11 |

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[1] For both tables 5 and 6 excludes land condemnation cases. For table 5 also excludes habeas corpus cases, deportation reviews, and motions to vacate sentence.

TABLE 6.—U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

AGE OF CIVIL CASES[1] PENDING AT THE END OF FISCAL YEARS

| Fiscal year | Total | Less than 1 year | 1 to 2 years | 2 to 3 years | Over 3 years | |
|---|---|---|---|---|---|---|
| | | | | | Number | Percent |
| 1961 | 593 | 404 | 127 | 33 | 29 | 4.9 |
| 1962 | 680 | 546 | 96 | 25 | 13 | 1.9 |
| 1963 | 594 | 387 | 182 | 18 | 7 | 1.2 |
| 1964 | 625 | 480 | 82 | 52 | 11 | 1.8 |
| 1965 | 573 | 442 | 96 | 16 | 19 | 3.3 |
| 1966 | 538 | 404 | 105 | 17 | 12 | 2.2 |
| 1967 | 746 | 590 | 102 | 36 | 18 | 2.4 |
| 1968 | 876 | 603 | 194 | 47 | 32 | 3.7 |
| 1969 | 891 | 635 | 169 | 58 | 29 | 3.3 |
| 1970 | 1,065 | 810 | 158 | 66 | 31 | 2.9 |
| 1971 | 1,278 | 988 | 178 | 55 | 57 | 4.5 |

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[1] For both tables 5 and 6 excludes land condemnation cases. For table 5 also excludes habeas corpus cases, deportation reviews, and motions to vacate sentence.

TABLE 7.—WEIGHTED CASELOAD PER JUDGESHIP FOR ALL U.S. DISTRICT COURTS AND FOR THE NORTHERN DISTRICT OF TEXAS[1]

| Fiscal year | Number of district courts in the United States | Number of judgeships | | Weighted caseload per judgeship[1] | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Civil | | Criminal | | Total | | |
| | | United States | Texas, northern | United States | Texas, northern | United States | Texas, northern | United States | Texas, northern | |
| | | | | | | | | | Number | Rank[2] |
| 1962 | 87 | 289 | 5 | 185 | 241 | 57 | 51 | 242 | 292 | 17 |
| 1963 | 88 | 289 | 5 | 195 | 185 | 56 | 53 | 251 | 238 | 43 |
| 1964 | 88 | 289 | 5 | 207 | 197 | 57 | 47 | 264 | 244 | 50 |
| 1965 | 88 | 288 | 5 | 214 | 195 | 60 | 42 | 274 | 237 | 51 |
| 1966 | 87 | 318 | 5 | 200 | 186 | 55 | 67 | 255 | 253 | 37 |
| 1967 | 89 | 322 | 5 | 198 | 238 | 54 | 55 | 252 | 293 | 19 |
| 1968 | 89 | 323 | 5 | 207 | 249 | 58 | 76 | 265 | 325 | 14 |
| 1969 | 89 | 322 | 5 | 225 | 260 | 64 | 76 | 289 | 336 | 18 |
| 1970[3] | 89 | 382 | 6 | 196 | 174 | 80 | 88 | 276 | 262 | 54 |
| 1971[3] | 89 | 382 | 6 | 217 | 294 | 90 | 82 | 307 | 376 | 15 |

[1] Based on civil and original criminal cases filed. The weighted caseload reflects the amount of court time used for types of civil or criminal cases divided by the proportions of total terminations In computing the weighted caseload for the United States, the District of Columbia and territories are excluded.

[2] Refers to the rank of the district court compared to all of the district courts for the year indicated. The lower the ranking the higher the average weighted caseload.

[3] Weighted caseload figures for 1970 and 1971 are based on revised weights based on 1971 Federal judicial time study.

Mr. KASTENMEIER. Mr. Chairman, I do not believe this particular amendment is as controversial. In any event, I can say that those of us in Wisconsin are of like mind in terms of the urgent need to create this particular judgeship.

Last year both the gentleman from Wisconsin (Mr. THOMSON) and I offered bills to create this additional judgeship. The gentleman from Wisconsin (Mr. THOMSON) cosponsors this amendment, along with the gentleman from Wisconsin (Mr. OBEY), the gentleman from Wisconsin (Mr. O'KONSKI), and the gentleman from Wisconsin (Mr. ASPIN), in whose district in whole or in part lies the western district of Wisconsin.

I should like to commend the committee as well, because I fully appreciate the caution and careful consideration it has given in reporting out four judgeships today. They did not include this particular judgeship. I believe the membership should wonder why.

In 1968 the single judge in the western district of Wisconsin had literally a normal caseload. Today in the western district of Wisconsin the one judge has the highest weighted caseload of any judge of any district in the country.

Last fall, in October, without a recommendation of the Judicial Conference, our full committee declined to add this judgeship at that time, notwithstanding that it was the busiest district, with the busiest judge in the Nation. It did not have Judicial Conference approval.

The situation has changed in the meantime. On January 19, a constituent part of the Judicial Conference, the Subcommittee on Statistics, reported on the basis of its findings that one judgeship should be created now in the country and not wait for the quadrennial census; that of the western district of Wisconsin. And on Monday the full committee, the Committee on Court Administration of the Judicial Conference, confirmed that recommendation, and will make that recommendation to the Judicial Conference in April. In fact, it says that that additional judgeship should be created now, and it is up to the Congress whether or not it is a regular, a permanent, or a temporary judgeship.

We have called here for a permanent judgeship. Why? The district judge has justified not one additional but two additional judgeships for the western district of Wisconsin. Presently the chief judge related that to the Judicial Conference. We here are asking for but one.

You have heard justification here for four judgeships made today in areas having a weighted caseload of between 300 and 400 cases. This court has 577—the highest in the country—and this judge disposes of well over 400 cases in a year, which is almost 100 more than the national average. In 2 years, by the time the next Federal judgeship omnibus bill will come around, he projects that he will have a weighted caseload of over 900.

Incidentally, this district has 1.65 million people in it—1,650,000.

You in Congress who are interested in congressional redistricting know that we have 435 Members with an average district in the country of between 450,000 and 500,000. We have 382 judges in the country. On an average, then, they would be representing in the courts between 500,000 and 550,000 people. They would be approaching the number then that we have in this Chamber. However, this judge that we have in Wisconsin has to represent the highest number of people in the country—1.65 million—or three times the average.

It is for that reason that I appear here today making the urgent request that this judgeship be approved.

This is a unique case. It is the only one of the constituent parts of the Judicial Conference that action is asked on now by the Congress. I am hopeful that my colleagues both on the subcommittee and in the House will concur in that judgment and approve the additional judgeship for the western district of Wisconsin.

The jurisdictional territory of the U.S. District Court for the Western District of Wisconsin comprises 44 counties lying in the western portion of the State. The statute provides that court shall be held at five locations: Eau Claire, La Crosse, Madison, Superior, and Wausau. The district is authorized one U.S. district judge whose headquarters is at Madison.

The judicial business of this district has increased sharply in the last few years. Civil case filings increased from 206 in 1968 to 432 in 1971 and criminal case filings increased from 67 to 141. During the fiscal year 1971 the weighted caseload per judgeship was 577, almost 90 percent above the national average of 307 weighted cases per judgeship. This was the highest weighted caseload per judgeship of any district in the Federal judicial system.

In the last 3 fiscal years the termination of cases has failed to keep pace with filings. As a result, pending civil actions have increased from 198 on June 30, 1968, to 469 on June 30, 1971, and pending criminal cases have increased from 30 to 130 during the same period. On June 30, 1971, the pending caseload per judgeship in the western district of Wisconsin was the second largest nationally.

As filings have increased, so have case dispositions. In 1968 there were 218 civil cases and 67 criminal cases disposed of by the court. In 1971, termination increased to 301 civil cases and 118 criminal cases. As noted above, terminations have failed to keep pace with filings.

Complete statistical tables showing the judicial business of the U.S. District Court for the Western District of Wisconsin during the last 14 years follow:

TABLE 1.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

Authorized judgeships, 1.
Resident judge: James E. Doyle.
Places of holding court: Madison, Eau Claire, La Crosse, Superior, Wausau.

| Year | District population | Percent change over 1950 |
|---|---|---|
| 1950 | 1,387,545 | |
| 1960 | 1,484,383 | 7.0 |
| 1970 | 1,649,970 | 18.9 |

TABLE 2.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

| | Civil and criminal cases commenced, terminated, and pending | | | | | | Distribution of civil cases | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Total civil cases[1] | | | Total criminal cases | | | Private civil | | | U.S. civil | | |
| | Commenced | Terminated | Pending | Commenced | Terminated | Pending | Commenced | Terminated | Pending | Commenced | Terminated | Pending |
| Fiscal year: | | | | | | | | | | | | |
| 1959 | 205 | 216 | 143 | 87 | 95 | 4 | 123 | 131 | 105 | 82 | 85 | 38 |
| 1960 | 176 | 185 | 134 | 56 | 58 | 2 | 86 | 100 | 91 | 90 | 85 | 43 |
| 1961 | 171 | 187 | 118 | 94 | 75 | 21 | 108 | 109 | 90 | 63 | 78 | 28 |
| 1962 | 160 | 160 | 118 | 47 | 62 | 6 | 93 | 96 | 87 | 67 | 64 | 31 |
| 1963 | 151 | 108 | 161 | 86 | 72 | 20 | 76 | 47 | 116 | 75 | 61 | 45 |
| 1964 | 162 | 155 | 168 | 75 | 79 | 16 | 70 | 74 | 112 | 92 | 81 | 56 |
| 1965 | 197 | 137 | 228 | 98 | 63 | 51 | 93 | 45 | 160 | 104 | 92 | 68 |
| 1966 | 174 | 151 | 251 | 49 | 76 | 24 | 108 | 85 | 183 | 66 | 66 | 68 |
| 1967 | 198 | 239 | 210 | 88 | 82 | 30 | 112 | 137 | 158 | 86 | 102 | 52 |
| 1968 | 206 | 218 | 198 | 67 | 67 | 30 | 140 | 153 | 145 | 66 | 65 | 53 |
| 1969 | 256 | 247 | 207 | 70 | 53 | 47 | 159 | 161 | 143 | 97 | 86 | 64 |
| 1970 | 351 | 220 | 338 | 141 | 81 | 107 | 244 | 129 | 258 | 107 | 91 | 80 |
| 1971 | 432 | 301 | 469 | 141 | 118 | 130 | 326 | 207 | 377 | 106 | 94 | 92 |

[1] Private civil and U.S. civil cases shown below.

TABLE 3.—UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

[Civil cases commenced during the fiscal years 1959 through 1968, and civil cases pending on June 30, 1958, June 30, 1967, and June 30, 1968, by nature of suit]

| Nature of suit | Civil cases pending June 30, 1958 | Civil cases filed, by fiscal year | | | | | | | | | Civil cases pending June 30, 1967 | Civil cases filed 1968 | Civil cases pending June 30, 1968 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1959 | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | | | |
| Total | 154 | 205 | 176 | 171 | 160 | 151 | 162 | 197 | 174 | 198 | 210 | 206 | 198 |
| U.S. plaintiff, total | 27 | 74 | 77 | 44 | 58 | 67 | 80 | 92 | 54 | 66 | 35 | 55 | 34 |
| Land condemnation | 2 | 1 | 1 | 2 | | 2 | | | | | | | |
| Note cases and overpayments | 13 | 33 | 31 | 22 | 22 | 25 | 27 | 47 | 6 | 8 | 6 | 14 | 10 |
| Antitrust | | | | | 1 | | | | | | | | |
| Labor cases | 2 | 7 | 18 | 8 | 4 | 5 | 6 | 10 | 18 | 14 | 7 | 22 | 14 |
| Tax | | 3 | | 1 | | 1 | 2 | | | 1 | 2 | | 1 |
| Other | 10 | 30 | 27 | 11 | 31 | 34 | 45 | 35 | 30 | 43 | 20 | 19 | 9 |
| U.S. defendant, total | 14 | 8 | 13 | 19 | 9 | 8 | 12 | 12 | 12 | 20 | 17 | 11 | 19 |
| Tort Claims Act | 2 | 1 | 3 | 2 | 3 | | 5 | 3 | 3 | 6 | 5 | 2 | 6 |
| Prisoner petitions | 1 | 4 | | 9 | | 1 | 3 | 4 | | | | 1 | |
| Tax refund | 9 | | 3 | 3 | 3 | 4 | | 3 | 5 | 10 | 11 | 7 | 13 |
| Social Security | | | | | 3 | | | | 1 | 1 | 1 | | |
| Other | 2 | 3 | 7 | 5 | | 3 | 4 | 2 | 3 | 3 | | 1 | |
| Federal question, total | 17 | 23 | 12 | 25 | 21 | 19 | 16 | 21 | 39 | 37 | 45 | 67 | 47 |
| Marine contracts | | 1 | 2 | 3 | | | 1 | | | 1 | | | |
| Jones Act | | 1 | | | | | | 1 | | 1 | 1 | 1 | 1 |
| Federal Employer's Liability Act | | | | 4 | 1 | | 3 | | 3 | 1 | 4 | | 2 |
| Miller Act | 2 | 4 | | 1 | | 2 | 1 | | 8 | 2 | 4 | 1 | 2 |
| State habeas corpus | | | | | | | | | | 4 | 1 | 32 | 9 |
| Labor cases | 1 | 3 | 1 | 1 | 3 | 1 | | 3 | 8 | 3 | 3 | 3 | |
| Antitrust | 1 | | 1 | | 1 | 1 | 1 | 1 | 2 | 3 | 3 | 2 | 4 |
| Patent | 8 | 1 | 2 | 5 | 8 | 7 | 4 | 4 | 7 | 8 | 17 | 5 | 11 |
| Copyright and trademark | 2 | 3 | 5 | 9 | 4 | 4 | 5 | 7 | 3 | 8 | 5 | 9 | 6 |
| Civil Rights | | 1 | | | | 1 | | | 2 | 1 | 1 | 7 | 5 |
| Other | 3 | 9 | 1 | 2 | 4 | 3 | 1 | 5 | 6 | 5 | 6 | 7 | 7 |
| Diversity of citizenship, total | 96 | 100 | 74 | 83 | 72 | 57 | 54 | 72 | 69 | 75 | 113 | 73 | 98 |
| Contract actions | 15 | 8 | 12 | 13 | 10 | 6 | 7 | 17 | 13 | 20 | 29 | 20 | 28 |
| Stockholders' suits | | | | 1 | | | | | | | | | |
| Real property | 2 | 1 | 1 | | | 1 | | 1 | 3 | 1 | 2 | | |
| Personal injury, motor vehicle | 60 | 69 | 46 | 53 | 50 | 32 | 35 | 36 | 36 | 36 | 50 | 28 | 44 |
| Other personal injury | 12 | 14 | 14 | 15 | 11 | 15 | 9 | 14 | 16 | 17 | 30 | 24 | 26 |
| Other | 7 | 8 | 1 | 1 | 1 | 3 | 3 | 4 | 1 | 1 | 2 | 1 | |

TABLE 4.—UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN—CRIMINAL CASES[1] COMMENCED AND PENDING ON JUNE 30, 1967 AND JUNE 30, 1968 BY NATURE OF OFFENSE

| Offense | Criminal cases | | | | | | |
|---|---|---|---|---|---|---|---|
| | Commenced | | | | Pending June 30, 1967 | Commenced 1968 | Pending June 30, 1968 |
| | 1964 | 1965 | 1966 | 1967 | | | |
| Total, criminal cases | 54 | 92 | 45 | 83 | 30 | 65 | 30 |
| General offenses: | | | | | | | |
| Homicide | | | | | | | |
| Robbery | | 2 | 6 | 5 | 4 | 7 | 6 |
| Assault | | | | 1 | | | |
| Burglary | 2 | 1 | | 2 | | | |
| Larceny and theft | | | 1 | 2 | | 1 | 1 |
| Embezzlement | 3 | 6 | 4 | 8 | 1 | 6 | |
| Fraud | 11 | 9 | 2 | 3 | 6 | 2 | 3 |
| Auto theft | 16 | 36 | 11 | 16 | 4 | 10 | 2 |
| Forgery and counterfeiting | 2 | 10 | | 11 | 4 | 13 | 5 |
| Sex offenses | | | | | | 2 | |
| Narcotic laws | | | | 1 | 1 | | 1 |
| Miscellaneous general offenses | 4 | 5 | 10 | 3 | | 2 | 1 |
| Special offenses: | | | | | | | |
| Immigration laws | 2 | | | | | | |
| Liquor, Internal Revenue | 2 | | | | | | |
| Selective Service Act | 5 | 7 | 1 | 7 | 4 | 12 | 9 |
| Other Federal statutes | 7 | 16 | 10 | 24 | 6 | 10 | 2 |

[1] Excludes transfers.

TABLE 5.—UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN—TIME INTERVAL FROM ISSUE TO TRIAL OF CIVIL CASES[1] IN WHICH A TRIAL WAS COMPLETED

| Fiscal year | Number of trials | Median[2] time interval (in months) | National median time interval in months |
|---|---|---|---|
| 1961 | 23 | | 11 |
| 1962 | 12 | | 10 |
| 1963 | 3 | | 10 |
| 1964 | 8 | | 11 |
| 1965 | 4 | | 11 |
| 1966 | 18 | | 11 |
| 1967 | 28 | 22 | 12 |
| 1968 | 25 | 12 | 12 |
| 1969 | 22 | | 13 |
| 1970 | 9 | | 12 |
| 1971 | 11 | | 11 |

Footnotes at end of table 6.

TABLE 6.—UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN—AGE OF CIVIL CASES[1] PENDING AT THE END OF FISCAL YEARS

| Fiscal year | Total | Less than 1 year | 1 to 2 years | 2 to 3 years | Over 3 years | |
|---|---|---|---|---|---|---|
| | | | | | Number | Percent |
| 1961 | 116 | 90 | 18 | 6 | 2 | 1.7 |
| 1962 | 118 | 88 | 23 | 6 | 1 | .8 |
| 1963 | 160 | 97 | 44 | 17 | 2 | 1.3 |
| 1964 | 167 | 85 | 52 | 20 | 10 | 6.0 |
| 1965 | 228 | 125 | 52 | 34 | 17 | 7.5 |
| 1966 | 251 | 129 | 68 | 26 | 28 | 11.2 |
| 1967 | 210 | 130 | 54 | 13 | 13 | 6.2 |
| 1968 | 198 | 123 | 53 | 15 | 7 | 3.5 |
| 1969 | 206 | 155 | 36 | 7 | 8 | 3.9 |
| 1970 | 336 | 224 | 88 | 16 | 8 | 2.4 |
| 1971 | 469 | 269 | 142 | 43 | 15 | 3.2 |

[1] For both tables 5 and 6 excludes land condemnation cases. For table 5 also excludes habeas corpus cases, deportation reviews, and motions to vacate sentence.

[2] Not computed where base is 25 or less.

TABLE 7—WEIGHTED CASELOAD PER JUDGESHIP FOR ALL U.S. DISTRICT COURTS AND FOR THE WESTERN DISTRICT OF WISCONSIN

| Fiscal year | Number of district courts in the United States | Number of judgeships | | Weighted caseload per judgeship[1] | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Civil | | Criminal | | Total | | |
| | | United States | Western Wisconsin | United States | Western Wisconsin | United States | Western Wisconsin | United States | Western Wisconsin | |
| | | | | | | | | | Number | Rank[2] |
| 1962 | 87 | 289 | 1 | 185 | 170 | 57 | 20 | 242 | 190 | 58 |
| 1963 | 88 | 289 | 1 | 195 | 145 | 56 | 31 | 251 | 176 | 72 |
| 1964 | 88 | 289 | 1 | 207 | 142 | 57 | 37 | 264 | 179 | 74 |
| 1965 | 88 | 288 | 1 | 214 | 171 | 60 | 50 | 274 | 221 | 59 |
| 1966 | 87 | 318 | 1 | 200 | 198 | 55 | 35 | 255 | 233 | 51 |
| 1967 | 89 | 322 | 1 | 198 | 221 | 54 | 43 | 252 | 264 | 34 |
| 1968 | 89 | 323 | 1 | 207 | 205 | 58 | 40 | 265 | 245 | 51 |
| 1969 | 89 | 322 | 1 | 225 | 275 | 64 | 32 | 289 | 307 | 32 |
| 1970[3] | 89 | 382 | 1 | 196 | 385 | 80 | 127 | 276 | 512 | 2 |
| 1971[3] | | | 1 | 217 | 428 | 90 | 149 | 307 | 577 | 1 |

[1] Based on civil and original criminal cases filed. The weighted caseload reflects the amount of judge time used for types of civil or criminal cases divided by the proportions of total terminations. A description of the method used appears in the Annual Report of the Director of the Administrative Office of the United States Courts, 1971. The weighted caseload per judgeship refers only to the overall average per judgeship for each district as provided by 28 U.S.C. 133. Therefore, the number of judgeships does not include the services of senior judges or services of visiting judges. The weighted caseload for the United States excludes the District of Columbia and territories.

[2] Refers to the rank of the district court compared to all of the districts for the year indicated. The lower the ranking the higher the average weighted caseload.

[3] The weighted caseload figures for 1970 and 1971 are based on revised weights provided by the 1969–70 Federal District Court Time Study, Federal Judicial Center, June 1971.

Mr. THOMSON of Wisconsin. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I concur in everything that has been said by the gentleman from Wisconsin (Mr. KASTENMEIER).

We both submitted bills in the first session of this Congress. The bar of Wisconsin is unanimously in favor of this addition. The chief judge of the Seventh Circuit Court of Appeals has recommended the creation of an additional judgeship.

As has been previously stated, the subcommittee of the Judicial Conference in making the recommendation stated that the recommendations took special notice of the critical condition, the critical condition that presently exists within the district, and urged the creation of this judgeship in advance of the omnibus bill.

We have been talking about Indiana here and the caseload in Indiana of 336 per judge, and the weighted caseload per judge of 376 in the northern district of Texas, and 382 in the southern district of Florida and 398 in the western district of Missouri. However, in the western district of Wisconsin the caseload is 577 with one judge.

I appreciate the careful attention that the committee has given to these matters, but this is an emergency case.

Mr. Chairman, I urge the members of the committee to join the gentleman from Wisconsin and, in fact, the entire Wisconsin delegation, in adding this badly needed judicial position to the western district of Wisconsin.

Mr. CELLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to state that I accept the amendment offered by the gentleman from Wisconsin (Mr. KASTENMEIER) for a number of reasons.

Mr. Chairman, on the basis of weighted caseload, the western district of Wisconsin ranked first in 1971 and second in 1970 among the 89 district courts in the Nation. Today, it has the highest weighted caseload nationally: 577 cases compared to 307 per judgeship nationally.

For that reason and other reasons which I do not care to elaborate upon, I recommend the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. KASTENMEIER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 4, line 20, delete the section reference "SEC. 6."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. The provisions of this Act shall become effective one hundred and twenty days after the date of enactment of this Act, except that section 6 shall take effect immediately upon enactment of this Act.

AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 5, lines 11 through 14, strike section 7.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. CELLER).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PUCINSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11394) to create an additional judicial district in the State of Louisiana, to provide for the appointment of additional district judgeships, and for other purposes, pursuant to House Resolution 783, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

### TITLE AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Speaker, I offer an amendment to the title of H.R. 11394.

The Clerk read as follows:

Title amendment offered by Mr. CELLER: Amend the title to read as follows: "To provide for the appointment of additional district judgeships, and for other purposes."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

## WEST COAST DOCK STRIKE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–244)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

*To the Congress of the United States:*

As the dock strike on the West Coast continues to impose a cruel and intolerable burden upon the American people, I appeal once again to the Congress for emergency action to end these transportation disputes.

There are now two bills before the Congress dealing with transportation stoppages, and immediate action is urgently required on both:

—S.J. Resolution 187, which would quickly halt the West Coast strike and lead to a fair and early settlement under binding arbitration.

—And the Crippling Strikes Prevention Act, S. 560, which would grant the executive branch sufficient authority so that future disruptions in the transportation industry could be averted.

The American public is rightly frustrated today by the inaction of Congress in ending the West Coast strike. Some crops are rotting while others are stalled in their bins, export customers are looking for more dependable trading partners, and jobs and businesses are threatened with extinction. Tens of thousands of people, who share no part of this dispute, are suffering needlessly.

Yet our Government stands idly by, paralyzed because the executive branch has exhausted all available remedies and a majority in the Congress has been unwilling to enact necessary legislation. This failure to act in time of need speaks directly to the question of why some Americans have lost confidence in their government.

We must act now, swiftly and decisively. Twelve days ago I proposed special legislation to end this strike and asked for enactment within a week. That deadline has passed without a response, and I must report to the American people today that I cannot predict when relief will come. To say that I am disappointed is to state the case in its mildest terms.

For those who argue that the Government should not interfere with collective bargaining, the short answer is that the bargaining in this case has thus far failed—and failed badly for 15 months. I share the belief that Government ordinarily should not tamper with the freedom of bargaining, but when the processes have broken down and the Nation's health and safety are at stake we in public office have no right to turn our heads.

I am also aware that some members of Congress believe this strike will soon be settled at the bargaining table. I sincerely hope they are right, and I urge the parties to continue their bargaining, but the 15 months of fruitless bargaining which have already passed convince me that we cannot depend on this solution.

### ISSUES OF GREAT URGENCY

In the absence of an agreement, the critical question is whether all of us in Washington sense the urgency of these issues. I can assure you that the farmer whose grain is wasting away and the exporter who has lost his contract regard this strike as a matter of utmost urgency, and I plead with the Congress to recognize their plight.

For two years I have been trying to impress upon the Congress the need for new legislation in this field. In 1970, during the 91st Congress, and again in 1972 during the 92nd Congress, I proposed the comprehensive crippling strikes prevention program so that future transportation stoppages could be resolved. There has been precious little affirmative response. Yet I am confident that if the Congress had enacted those measures, there might have been no strike on the West Coast and the issues in dispute would have been fairly settled.

Let us resolve that this stoppage on the West Coast will be the last of its kind. The Congress should act immediately to end the West Coast strike and, with utmost dispatch, pass the Crippling Strikes Prevention Act.

### THE CRIPPLING STRIKES PREVENTION ACT

Certainly the more far-reaching of the two proposals on which I am seeking action is the Crippling Strikes Prevention Act. It would give the President additional—and, in my opinion, essential—new authority to deal with emergency disputes in the railroad, airline, maritime, longshore, and trucking industries.

First, it would discontinue the emergency strike provisions of the Railway Labor Act of 1926 and provide that all transportation disputes be settled under the Taft-Hartley Act. Currently, disputes in the railroad and airline industries are subject to the Railway Labor Act while all other emergency transportation disputes are governed by the Taft-Hartley Act. Of the two acts, the railway labor law is clearly the inferior. Under it, the President can delay a strike or lockout for 60 days by appointing an Emergency Board to study the issues and recommend a settlement. Unfortunately, these provisions only seem to discourage hard bargaining because the parties are hesitant to compromise their position before the Board is appointed, and then, recognizing that the Board will probably seek a middle position, the parties tend to adopt a more extreme stance in order to pull the Board in their direction. Thus the gap widens between the disputants and because neither the Board nor the President has any additional authority, strikes often resume at the end of the 60-day period. These resumptions have occurred at the rate of more than one per year since 1947, and four times during this administration alone I have been forced to ask Congress for special legislation. This is a sorry record, best consigned to our history books.

### THREE NEW OPTIONS

Secondly, I propose a major revision of the Taft-Hartley Act to give the President three new options in the case of all emergency disputes in the transportation industry. Under current provisions of this Act, the President may appoint a Board of Inquiry when he believes that a work stoppage imperils the Nation's health or safety. Upon receiving a report from the Board on the status of the strike, the President may direct the Attorney General to petition a Federal District Court to enjoin the strike for an 80-day "cooling-off" period. But there the formal authority of the Federal Government ends: the Board of Inquiry may issue no recommendation on a settlement and the President has no additional options when the 80-day period elapses except to ask for emergency legislation. On nine of 30 occasions when this machinery has been invoked since 1947, a strike or lockout has resumed after the 80-day period, as it has now on the West Coast.

To permit a more flexible Federal response, I propose that the President be granted three options when the "cooling-off" period fails to produce a settlement:

—First, he could extend the period for 30 days, a most useful device if the disputes seems to be near an end.

- —Secondly, he could require partial operation of the troubled industry, so that those segments essential to the national health or safety could be kept in operation for an additional 180 days.
- —Or thirdly, he could invoke a "final offer selection" procedure whereby the final offers of each party would be submitted to a neutral panel. This panel would select, without amendment, the most reasonable of the offers as the final and binding contract between the parties. Unlike bargaining which now occurs under the Railway Labor Act or under arbitration, this approach would encourage the parties to narrow their positions so that they could persuade the panel of their reasonableness. Thus genuine negotiations and settlement would be encouraged automatically.

Among the additional features of this proposal is the establishment of a National Special Industries Commission to conduct a two-year study of labor relations in industries which are especially subject to national emergency disputes.

As I informed the Congress two years ago, the Crippling Strikes Prevention Act creates a balance between two cherished but sometimes inconsistent principles: the protection of the national health and safety against damaging work stoppages, and the protection of collective bargaining from interference by the Government. "Ideally," I said then, "we would provide maximum public protection with minimum Federal interference."

Without doubt, my proposal would tip the present scales back in the direction of greater protection for the public but we must face up to the hard realities that the old way simply has not worked. The scales, in fact, have been heavily weighted against the public. The actions I propose would not only correct the balance but would also preserve and enhance the processes of collective bargaining.

### THE WEST COAST DISPUTE

The present tie-up on the West Coast vividly illustrates why we need the Crippling Strikes Prevention Act. Both the failure of negotiations and the resulting economic losses have been a painful lesson for us all.

Talks and negotiations between the parties have dragged on for 15 months, and I have used every remedy at my command, but to no avail. The Taft-Hartley machinery has been tried, and it has failed. Two extensions in time have been arranged by Government mediators, and twice the mediators' efforts have fallen short. And I have met personally with the parties. Yet this strike has resumed. In my view, it is abundantly clear that we need comprehensive solutions.

Only now are we beginning to realize the full damages of the first 100-day strike which closed down the West Coast ports between July 1 and October 9, 1971. I recounted some of these losses to the Congress in my message 12 days ago, but the facts bear emphasis:

- —It is estimated that American exports would have been $600 million higher during this 100-day period except for the work stoppage.
- —The strike was particularly hard on our farmers, who have been exporting the product of one cropland acre out of four. During the June-September period, farm exports from the West Coast dropped from $288 million in the same period in 1970 to $73 million in 1971.
- —Wheat farmers suffered the worst calamities of all, as their sales to major Far Eastern markets fell off drastically. Japan, for instance, purchases over 50 percent of her wheat from the United States. Since April, we have lost sales to Japan of at least 25 million bushels of wheat valued at $40 million. Ominously, the day after the strike resumed last month, the Japanese purchased 8.7 million bushels of wheat for a spring delivery, but only 1.6 million bushels were bought from the United States.
- —Our merchant fleet also sustained heavy losses, as did exporters of vegetables, rice, cotton, and livestock, and wood products, and numerous related industries.

### APPALLING HUMAN COSTS

Overall, the 100-day strike thrust a spike into our progress toward economic recovery, threatened our balance of payments, and undermined the confidence of foreign buyers who need to rely upon dependable deliveries. But the most appalling costs were in human terms—those tens of thousands who were not parties to the dispute but suffered because of it.

Those same people are suffering needlessly again, as the costs of resuming the strike begin to mount. I met yesterday with the Governors of California and Washington, whose States along with Oregon lost an estimated total of $23.5 million a day during the 100-day strike, and they have reported to me that the cost of this resumption is intolerable to their economies. The State of Hawaii is also beginning to feel the punishment. If the strike persists for several weeks, we can anticipate a significant increase in unemployment on the West Coast and huge financial losses for many people across the country.

We can and must end this dispute. Because the parties have already been bargaining under different ground rules for many months, I do not think it would be fair or wise in this case to impose the "final offer selection" solution which I am proposing in the more comprehensive Crippling Strikes Prevention Act. I also see no merit in another "cooling-off" extension, because it offers little hope of resolution and it only increases the uncertainty in foreign markets. Instead, I urge the adoption of a plan for settlement by arbitration. As I explained to the Congress 12 days ago, I am asking that a three-member arbitration board be appointed by the Secretary of Labor to hear all the issues and then issue a settlement that would be binding for at least 18 months. No strike or lockout would be permitted from the day this legislation is enacted until the expiration of the binding settlement established by the board.

I strongly favor free collective bargaining, but the time has come for decisive action. I call upon the Congress to take such action on both this emergency bill and the Crippling Strikes Prevention Act.

RICHARD NIXON.

THE WHITE HOUSE, *February 2, 1972.*

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## HANOI AND OUR HOMEMADE CRITICS

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, I take this time to call the attention of my colleagues to a very fine editorial from Sunday last in the Birmingham News entitled "Hanoi and Our Homemade Critics." This is accompanied on the editorial page by a cartoon by Birmingham's distinguished political cartoonist, Charles Brooks, which portrays President Nixon rowing a rowboat vigorously toward a shore designated "an honorable peace in Vietnam."

With him in the rowboat is another figure who is entitled "Demo Senate War-Critics" and this man is jumping up and down, and rocking the boat and making waves, and impeding its progress while he is shouting vigorously at the top of his lungs—"Abandon Ship. Abandon Ship. I Demand We Abandon Ship."

I think this is a perfect portrayal of the President's present war critics and I include the editorial in its entirety for the edification of the House:

[From the Birmingham (Ala.) News, Jan. 30, 1972]

### HANOI AND OUR HOMEMADE CRITICS

As the President ended his speech Tuesday night on the U.S. proposal to end the war, he appealed to the people of this country to unite in "our search for peace—a peace that is fair to both sides—a peace that can last."

Critics at home, who have consistently fought the U.S. government through two administrations, who have constantly harped and downgraded our nation's every effort to deal with this perplexing problem, were immediately at it again.

The proposal didn't go far enough, they said. Never mind that the only remaining point for which the North Vietnamese are holding out is the overthrow of the Saigon government.

One critic even went so far as to imply that he believed Hanoi, not the President.

These critics represent a minority viewpoint, to be sure. But they do hold respectable positions in Congress. They are in a position to vocally call attention—and contribute—to a troublesome division in the country over the war.

Had the nation not endured this crippling divisiveness in the last several years of the war, the course of the war could well have run differently.

Constant harping criticism in the U.S. Senate has encouraged the North Vietnamese to cling to a totally one-sided bargaining position at the Paris peace talks.

The constant fault-finding with succeeding U.S. administrations by members of Congress has helped erode in the minds of many young people the confidence they have a right to hold in their government.

The Senate war critics have made an impact, of course, on our nation's policy. It was their demands for deescalation which led to the present Vietnamization program—a program which has removed a half million American soldiers from Vietnam.

But there is no way of telling how many American lives—how many thousands of lives—have been lost because the American critics have continued to hold out the hopes to Hanoi that total victory might reward an unbudging, completely intransigent stance.

Hanoi has a will of its own, of course. And it has demonstrated that it is a very strong will. But the fact that American dissidents have encouraged that persistence of will cannot be denied.

If ever there was a time for unity in this country on any cause, when there was a vital national interest in putting aside differences, the time is now.

The President has presented terms which the enemy can meet if it chooses to do so. These terms are not merely self-serving, warmed-over ideas which have been rejected in advance by the enemy. The terms *are* fair to both sides.

Thus, the President has put a test to both the enemy and the critics at home.

If the enemy values peace above its hopes for a complete military victory, it will accept the terms of his proposals.

If the critics at home are at all mindful of this nation's honor and have an ounce of compassion for the nation we have fought to preserve, they will desist from their querulous criticism and, in unison with the rest of the country, point the finger at Hanoi and say, "Now it is your decision."

We do not believe that this nation must make every concession which must be made.

There are risks for the future of South Vietnam contained in the President's proposals. There are risks our side has decided to take for peace.

If the other side is not prepared to take reciprocating risks for peace, then it must be apparent to all that Hanoi's real interest is conquest: To rule all of Southeast Asia.

How can those who have taken a moral stand on the war find such thirst for conquest more "moral" than the decision of this nation, made a decade ago, to attempt to contain that expansionism?

Peace will not come to Southeast Asia simply by the withdrawal of American forces. The Communists will continue to fight for conquest, if they do not agree to a peaceful settlement before our exit.

And if they continue to fight, nothing will stand between them and their victims; no force will be there, unless the U.S. leaves the non-Communist nations in Southeast Asia strong enough to defend themselves, to prevent bloody reprisals on a massive scale.

No American should want the blame for the spilling of blood, as blood would surely be spilled, to be on his hands.

All Americans should now make an honest effort to put aside whatever differences they may have had about the war and to demand, in concert, that the North Vietnamese demonstrate their good faith at the bargaining table. And if Hanoi acts in good faith, it will accept the generous terms the President has offered.

## CALLOUS DISREGARD FOR THE FAMILY FARMER

(Mr. MATHIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATHIS of Georgia. Mr. Speaker, it appears that the Nixon administration is once again showing callous disregard for the family farmer. He is the victim of a misguided economic policy that is practiced all too frequently by the Office of Management and Budget.

You will recall that the Congress appropriated $350 million for the fiscal year 1972 operating loan program of Farmers Home Administration. This program is, of course, open only to those farmers who cannot secure operating credit from conventional sources.

I am advised that OMB has impounded $75 million of the amount appropriated by Congress. If the funds were not urgently needed I would not be here today asking the administration to turn this money loose.

But there is an urgent need for additional funds to service a backlog of approved loans. At least five States—Georgia, Florida, Mississippi, North Dakota, and South Dakota—have completely exhausted their funds. Several other States—including Iowa, Idaho, South Carolina, Kentucky, Oklahoma, and Virginia—will not be in the farm operating loan business much longer.

The need for an expanded program is evident.

The executive branch has not permitted the loan program to be increased over the past few years. An appropriation of approximately $275 million was requested for the past 5 years and many of the States have been running out of funds earlier and earlier with each passing year.

This year the Congress wisely appropriated $350 million, a needed increase of $75 million. The Office of Management and Budget in all its wisdom, apparently feels that our farmers do not need these additional loan funds.

I say they do.

My district alone needs $452,900 to fund loans approved to date. These loans are needed to produce a 1972 crop.

Mr. Speaker, how long will the family farmer have to get down on bended knee to plead for his survival?

I urge my colleagues to contact the President, the Secretary of Agriculture and the Office of Management and Budget asking that these funds be released at the earliest possible date.

I have sent the following telegram to President Nixon and to Secretary Butz:

> I am advised that Office of Management and Budget has impounded $75 million appropriated by Congress for the operating loan program of Farmers Home Administration.
>
> With five months remaining in the current fiscal year, at least five States, including Georgia, have completely exhausted funds, and programs in several other States will not be in business much longer. I am sure you must know an urgent need exists for additional funds to service backlog of approved loans.
>
> Inasmuch as the program is open only to farmers who cannot secure operating credit from conventional sources, I urge you to intervene with OMB on behalf of America's family farmers.

## USE OF THE INTERSTATE SYSTEM BY OVERSIZE-OVERWEIGHT VEHICLES

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, the use of the Interstate System by oversize-overweight vehicles is a matter of great concern to me, and to many Americans. Highway safety, wear, and repairs, all relate directly to the types of vehicles allowed to operate on the roadways. Congress was well aware of this when it first enacted legislation regulating the size and weight of vehicles on the Federal Highway System. These regulations, however, have been continuously and systematically sidestepped by issuance of special permits pursuant to section 127 of title 23 of the United States Code. The special permits were originally intended to provide an escape from title 23's size-and-weight limitations for the occasional necessity of moving large and heavy loads on a single-trip basis. As Frank Turner, Administrator of the Federal Highway Administration, stated before the Roads Subcommittee of the House Public Works Committee in September of 1969:

> We do not . . . understand those clauses to permit larger vehicles regularly and continually to use the Interstate as a matter of course on a blanket basis. We consider the permit procedure to cover *unusual, infrequent,* and *non-recurring* special circumstances on a *one-trip, individual* permit authority. (Emphasis added.)

Over the past few years, the issuance of special permits has become, contrary to the Federal Highway Administration's understanding, an almost routine matter, with no continuity between States in cost, regulation, and issuance.

The Highway Research Board's Report No. 80 on "Oversize-Overweight Permit Operations on State Highways" dramatically illustrates the problem. In a recent year, over 2 million special permits were issued. Several States, notably Pennsylvania, Texas, and California, have issued permits in astonishingly large numbers. Mr. Turner in his 1969 testimony noted that—

> In many cases special permits are being issued covering all operations of a vehicle or fleet for an entire year, and renewed annually, so that in effect the basic law is being regularly abrogated for some users.

The blanket issuance of special permits is, however, only one-half of the problem. The variance among the several States on fees, schedules, renewals, and operations is astounding. Twelve States do not even charge a fee for the issuance of a special permit. Although some States have provisions for single-trip issuance, most States will issue special permits on an annual basis. The Highway Research Board in Report No. 80 specifically recommends "developing a national policy for uniformity between States on the conditions under which an oversize-overweight permit will be issued." The report refers this "national policy development" to AASHO—American Association of State Highway Officials—however, I feel this must be accomplished at the Federal level. AASHO, in 1963, drafted extensive guidelines for permit issuance procedures. It immediately, however, removed such guidelines and the present situation has developed. Frank Turner, in his 1969 testimony, "strongly urged that you—Congress—include a clear definition of what is intended by 'permit' operations—

preferably in the bill itself in line with the AASHO language. In many respects the statute has become meaningless when permits are issued for recurring operations which should be brought under the limitations."

The legislation I am introducing today would amend section 127 of title 23 to include a national policy on special permit issuance. It would authorize the Secretary of Transportation to formulate such rules and regulations as are necessary to the development of a uniform and workable permit issuance system. The bill will require single-trip issuance and a uniform fee schedule. I feel it is time we put an end to the divergent and distorted practices for special permit issuance that exists now in the several States. Allowing abrogation of the intent of the law cannot be continued. This bill will bring to the attention of the Congress this important issue.

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## ECONOMIC FORECASTS

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RAILSBACK. Mr. Speaker, once again it is the season for economic forecasts. What is encouraging is that virtually all economists expect 1972 to be a very good year. In a recent issue, Business Week magazine listed 26 economic projections for 1972 by private economists and seven economic projections resulting from the use of well-known econometric models. The consensus of this group was that 1972 gross national product would approximate $1,148 billion, an increase of almost $100 billion over 1971. This is an increase of approximately 9 percent over 1971 GNP. Of this 9 percent, approximately 5.7 percent would be real growth and 3.4 percent would constitute price increases. According to Business Week, these forecasters attribute their optimism to several factors, many of which stem from President Nixon's vigorous and far-reaching economic initiatives during 1971. Some factors mentioned include the dollar devaluation, wage and price controls and tax reductions.

This agreement among private economic forecasters and econometric models is shared by the President's Council of Economic Advisers. In this month's report by the Council to the President, the Council predicted that GNP would probably increase in 1972 by about $100 billion, compared with an increase of about $75 billion in 1971. The CEA predicted further that the real increase in output would be about 6 percent and the increase in prices would be about 3¼ percent. This prediction is very close to the consensus of the private forecasters. In support of its prediction, the Council listed several factors, including probable increased business inventory investments and U.S. net exports, and increases in Federal Government purchases during 1972. Mr. Speaker, I think that we should be most encouraged by this optimism and near unanimity of agreement among both public and private economists as to our probable economic performance during 1972.

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## NORTHERN IRELAND SITUATION SHOULD BE TAKEN BEFORE THE UNITED NATIONS

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, the tragic shooting by British paratroopers of 13 persons in Derry, Northern Ireland, last Sunday, January 30, was an event which many of us dreaded, but felt was inevitable. The heightened tension between the Catholic minority and the British troops, the continuation of the abominable internment policy of Prime Minister Faulkner, and the lack of any concrete action by the Government of the United Kingdom in correcting any of the injustices against the Catholic minority surely indicated to all that a tragedy such as "bloody Sunday" was not far off.

The bitterness between the Catholics and the Protestants is now deeper, the IRA is now entrenched in the minds of many as the only protector of the Catholic minority, and the avenues of exploration to bring peace to Northern Ireland have become fewer and fewer.

And still the Government of the United States is silent. As Nicholas von Hoffman stated:

> After our activities in Vietnam—Americans have to be careful about sounding self-righteous, but even so fairness does demand that we do not dismiss the Catholics of Northern Ireland as a pack of maddened criminals.

If only as human beings who greatly value freedom and liberty, we have a right and a duty to strongly express our concern over the atrocities of Northern Ireland.

I am not now and have no intention of asking our Government to intervene directly in this tragic situation.

I do feel strongly that we should bring this matter before the United Nations General Assembly. I am today being joined by Congressman THOMAS P. O'NEILL, of Massachusetts, the distinguished majority whip of the House of Representatives, in introducing a resolution expressing the sense of the Congress that the President, through the U.S. delegation, take this before the United Nations. My resolution urges the United Nations to, first call for the immediate termination of the current internment policy and the simultaneous release of all persons detained thereunder; second, arrange for consultation among all the parties involved, including the Irish Republican Army, to bring about a cessation of the conflict; third, replace the British troops in Northern Ireland with a peacekeeping force of the United Nations; and, fourth, arrange an international inquiry into the tragic events of Sunday, January 30, 1972.

Mr. Speaker, last month I received a letter from a young lady who lives in County Tyrone, Northern Ireland. Let me quote part of this letter:

> British troops Do Not keep law and order here. Granted in 1969 they were welcomed by the minority, but government policy resulted in their role being aggressive rather than defensive to one section of the community.

This entire tragic situation is, in my mind, magnified because it is the British flag, a flag which has so long been regarded as a symbol of freedom and justice, which is perpetuating the blatant injustices. It is the British flag which is continuing to prop up the Faulkner regime in Northern Ireland, a regime so coldblooded and callous as to belie the fact it is a European country.

Let us look at the facts. Prime Minister Faulkner, with the knowledge and consent of the British Government, initiated, and is carrying forth, the internment policy, admittedly treating the prisoners with brutality, but denying that they are being tortured. This distinction is one which I find hard to make.

Prime Minister Faulkner has also taken to stating every other week or so that he has been successful in breaking the back of the IRA. This statement is consistently followed by an increase in the bombings by the IRA. Surely most men who truly desire peace and justice would not continue to make these statements, no matter how true they may believe them to be.

In conclusion, Mr. Speaker, I reiterate my call for our Government to speak up. Our silence has been deafening to the ears of concerned people everywhere. Secret negotiation will not do here. Public action is demanded.

The resolution follows:

CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE CURRENT SITUATION IN NORTHERN IRELAND

Whereas the violence and bloodshed in Northern Ireland have continued to increase at a steady rate; and

Whereas the Governments of the United Kingdom and of Northern Ireland have maintained their internment policy against the minority there and have treated these men and women in violation of the accords of the Geneva Convention; and

Whereas the British troops have not restored order to the area but have actually heightened the tension and violence, as witnessed by the precipitous action of the British troops on Sunday, January 30, 1972, wherein 13 minority citizens of Northern Ireland were killed on the streets of Derry: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the President, acting through the United States delegation to the United Nations, should take immediate steps to bring before the General Assembly of the United Nations the question of the tragic situation in Northern Ireland and call for the following actions:

1. Immediate termination of the current internment policy and the simultaneous release of all persons detained thereunder.

2. Arrangements for consultation among all the parties involved, including the Irish Republican Army, to bring about a cessation of the conflict.

3. The replacement of British troops in Northern Ireland with a peacekeeping force of the United Nations.

4. An international inquiry into the tragic events of Sunday, January 30, 1972.

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## REPRESENTATIVE GERALD R. FORD AWARDED HONORARY DOCTOR OF LAWS DEGREE

(Mr. BROYHILL of North Carolina asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. BROYHILL of North Carolina. Mr. Speaker, on January 21, 1972, I had the honor and the privilege to be present when the distinguished minority leader of the House of Representatives, the gentleman from Michigan, was awarded the honorary degree of Doctor of Laws by Belmont Abbey College in Belmont, N.C.

I would like to share with my colleagues the citation which accompanied the presentation of this degree and the speech delivered by the distinguished minority leader to the academic convocation.

### BELMONT ABBEY COLLEGE, BELMONT, N.C., THE PRESIDENT AND THE FACULTY OF BELMONT ABBEY COLLEGE, TO ALL WHO SHALL BEHOLD THIS DOCUMENT, GREETINGS AND PEACE IN THE LORD

In an age of enforced specializations, of elliptical and lopsided human development as the usual price of excellence, Gerald Ford is a reassuring instance of wholeness and balance. In an age when it seems that the constant concern of politics is with image and rhetoric, Representative Ford is one of the men who consistently get things done—one of these on whom we depend for the accomplishment of the necessary work that sustains the complex systems by which we must live.

The range of his activities throughout both youth and maturity has extended to almost every major area of achievement. His distinctions have been academic, athletic, civic, military, and political. The diversity of organizations which have chosen him for national honors is revealing: they include the Junior Chamber of Commerce, the American Political Science Association and the American Good Government Society, the American Academy of Achievement, the magazine Sports Illustrated, the AMVETS, and eight universities and colleges.

Mr. Ford's work on some of the most vital committees of the House of Representatives and his contribution to the Republican leadership in the Congress brought him in 1965 to his present position as Minority Leader of the House. A 90% attendance record throughout his twenty-two year Congressional tenure is typical of his performance as a "Congressman's Congressman." It reflects his subordination of personal political interests to the achievement of real solutions to national problems. The remarkably large majority by which he has been elected and reelected twelve times since 1948 makes very clear the opinion of his Michigan constituents about his merit as a leader and public servant. He has been for our time a pillar of the political order upon whose effectiveness and stability the common welfare depends.

It is for all these reasons, and in acknowledgement of his achievements as a political leader and statesman that the President of Belmont Abbey College in the presence of the Faculty does now proclaim Gerald R. Ford, Doctor of Laws, *honoris causa.*

And that the rights and privileges of this high Degree be accorded to him for all time, we issue this Decree under our Seal, at Belmont Abbey College, in Belmont, North Carolina, this the twenty-first day of January, in the Year of Our Lord nineteen hundred and seventy-two, and of the Founding of this College, the ninety-sixth.

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### REMARKS BY REPRESENTATIVE GERALD R. FORD, REPUBLICAN LEADER, U.S. HOUSE OF REPRESENTATIVES, AT AN ACADEMIC CONVOCATION OF BELMONT ABBEY COLLEGE, BELMONT, N.C., JANUARY 21, 1972

Thank you most deeply for the great honor you have bestowed upon me. It will make me even more thoroughly aware of all the responsibilities that are mine. It will remind me constantly of the tremendous contribution that small colleges throughout America are making to the academic excellence of our country.

Belmont Abbey College is a most inspiring institution. It is inspiring because it reflects the best qualities of America—the eagerness of young adults to prepare themselves for positions of leadership in communities across the land and the willingness of a dedicated faculty to help them attain that goal.

College students today have reached their present age at a particularly important time, both for them and for America. As you know, 18, 19 and 20-year-olds now have the right to vote in local, state and national elections.

This causes concern among some. But I do not in the least share this concern. I have consistently supported the enfranchisement of 18-year-olds. I believe it is a change which was long overdue. I have long supported it because I believe the great bulk of our young people are ready to take on adult burdens at 18.

It may surprise you, but contrary to popular opinion that view is not an invention of our times. Rather, it is deeply rooted in history.

Why should 21 be the magic age for a person to become an adult? Why not 20 or 19, or indeed 18?

I did a little research into the matter and discovered that the idea of 21 being the age of majority started back in the Middle Ages.

During most of the Middle Ages, in Northern Europe, the age of majority generally was 15, not 21. Only the small knightly class had a higher age, which was eventually fixed at 21. The reason for this was unrelated to experience or maturity. The determining factor was the need to bear heavy arms, to lift a lance or sword while wearing steel armor. Since the strength and skill required for knightly pursuits were not acquired before the age of 21, that became for knights the age of majority.

This practice of the gentry came gradually to apply universally. The age, then, that was for so long regarded as a boundary between maturity and immaturity derived its origin from the physical needs of medieval knights.

I need hardly note that we are no longer in the Middle Ages—and the action of the Congress in giving the vote to 18, 19 and 20-year-olds is testimony to that fact.

Young people today are better educated and mature physically much sooner than they did even 50 years ago. I make that observation as an experienced father of two young men who are college students and a boy and a girl who are in high school.

In my opinion, young people above the ages of 18 or 20 are too old to be classified as youth. They are young adults, and they deserve to be treated as such.

It has been so throughout history. There are numerous examples where public leadership at an early age was fully possible for those who were ready and willing to assume the responsibilities.

When he was only 24, William Pitt was made prime minister of England, at that time the most powerful nation on earth. He proved to be one of the most able leaders in modern history.

At 19, Caesar Augustus inherited the Roman Empire and immediately demonstrated his ability by raising an army and leading it himself against rivals who were challenging his position. His greatness is unquestioned.

At 17, Joan of Arc was leading a victorious army.

At 21, Alexander Hamilton was already an important and recognized figure in the American Revolution.

At 23, Alexander the Great became King of Macedon, and within seven years he had conquered a large portion of the known world.

So we can see that throughout history youthful years have seldom kept the gifted from great accomplishments.

The desire of young people today for recognition by society and for control over their own lives is not something new but something old. While it may appear to some that we are in the vanguard of a great youth revolt, the truth is that we are returning to cultural patterns that have been found over thousands of years to be most suited to developing the natural gifts of men.

Young people today want to be released from the bondage of youth, to be taken seriously as citizens, to compete as full members of the community. And I think they should.

In fact, I hope that our young adults entering community life—whether it be after completion of high school or college—will take an active part in community affairs and not become simply slaves to the business of making a living. Older persons would welcome their participation and their contributions of time and energy.

To you young adults in particular I would say: You are leaders, by virtue of your background and schooling. Think of yourselves as leaders—and not just leaders of youth but leaders of people. You will shortly be in a position to serve a much larger community, a community where your constituency will include many people older than yourselves. It will be on the basis of your ability to appreciate more than the needs of your own age group that you will be recognized as leaders.

As young adults, as leaders, you will be confronted directly with a number of community problems no matter in what area you live.

You will become even more aware than you are now of our many urban ills—crime, poverty, unemployment, inadequate housing and transportation.

These problems must be attacked on a regional basis, rather than in piecemeal fragmented fashion.

Local governments can work together as one in attacking crime, improving transportation and housing, finding jobs for the unemployed through metropolitan area job centers.

At the same time new attitudes are necessary at other levels of government.

State and federal officials must come to realize that the problems of the city go far beyond specific slum areas and social ills. City metropolitan area governments must be given the resources—money and authority—to solve the larger problems of the whole community.

The key to such local problem-solving lies in a proposal which President Nixon laid before the Congress more than a year ago. It is called Federal revenue sharing—the allocating of a percentage slice of income tax revenue to states and local units of government with almost no strings attached.

I hope you agree there must be a cutting of controls from Washington and State capitols if local governments are to have the flexibility to solve urban problems.

I mentioned earlier the business of making a living. It is all very well to talk about community leadership and a role in community affairs but all of us must, after all, make a living.

The greatest challenge facing us as Americans today is to achieve prosperity in peacetime.

Seldom in the history of the United States have we had peace and prosperity at the same time. Prosperity usually has come with a wartime economy, a booming defense industry.

We are now trying to achieve prosperity at the same time that we end our involvement in a costly and tragic war.

What are we dealing with? We are seeking to bring under control an inflation that roared ahead almost unchecked between 1965 and 1969. We are also seeking to stimulate an economy that has been throttled back as we have fought inflation, have partially shut down our defense industries and have cut our fighting forces by a million men.

The challenge that faces us is whether we can make inflation-fighting work while at the same time stimulating the economy to bring about peacetime prosperity.

We are fighting inflation with limited price and wage controls. The effort known as Phase II is working. It has a lot going for it.

Simultaneously, we now have the stimulus of tax cuts voted late last year by the Congress. This should ultimately mean the creation of thousands of new jobs.

What are some of the other challenges that face young adults today?

Certainly one of the key problems is the restoration of the environment.

We have already taken giant steps toward cleaner air through passage of the Clean Air Act Amendments of 1970. Now we must focus on the need to clean up the nation's waterways. We must take every feasible action to make our lakes and streams clean again.

One of our greatest challenges is to build a foundation for future peace. We can do this only by repelling efforts both on the Right and on the Left to shunt America off into a new posture of isolationism. We must maintain our position of leadership in the world if the world is to have any chance to live in peace.

We are turning from an era of confrontation to an era of negotiation. But there is no question in my mind that negotiation will prove fruitful only if we negotiate from a position of strength.

We are achieving success in foreign affairs because we are continuing to show the world that we are determined to discharge America's responsibilities.

The President is preparing for summit meetings in Peking and Moscow in an effort to ease tensions between the United States and those nations.

We have engaged in long talks with the Soviet Union on curbing the deployment of nuclear weapons, and we are on the brink of an agreement.

We did not withdraw troops from Europe in the absence of an agreement for mutual troop withdrawal.

We stood up to Russia in the Syria-Jordan crisis in October of 1970.

During 18 months of a cease-fire, we have maintained the balance of power in the Mideast. Through Secretary Rogers' leadership we are inching slowly toward a negotiated settlement in this troubled area.

We are not going to let Russian expansionism in the Indian Ocean go unanswered.

What we are telling the Soviet Union and the world is that we will not allow the other super-power to gain any advantages and we will continue to lead the world toward peace.

I therefore think young adults in America today can look forward to a generation of peace.

Peace will come because we are building it—slowly, carefully, wisely.

We are not just wishing for peace. We are working for peace.

We are putting America on a new course. We are taking her in new directions that point toward a new age of greatness for the American people.

We are laying the foundation for prosperity without war and we are building a new strategy for peace.

Our goals are clear. Our purpose is strong. With the help of the young adults of America, we cannot fail.

## RECOGNITION OF BANGLADESH

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, today I am introducing a resolution to urge the President of the United States to grant official recognition to the new state of Bangladesh. Senator GEORGE McGOVERN introduced this same resolution last week in the Senate.

The administration's policy with regard to the Bengalis throughout their struggle to achieve self-determination has been a denial of the democratic principles outlined in our Declaration of Independence. Our Government adherence to these principles is now being questioned by other democratic nations as well as many of our own citizens. We must correct this apprehension by granting official recognition to the democratically elected government of Bangladesh.

A further and more urgent reason for granting this recognition is to assure that U.S. relief efforts will begin at once to help the millions of Bengalis who are victims of the tragedy of war. The State Department maintains that regular developmental assistance cannot be granted until formal government-to-government agreements are established. As a humane and freedom-loving people, we cannot sit idly by while the 75 million people of Bangladesh face death, disease and deprivation. We must extend our hand in brotherhood and offer the assistance of which we are capable and which is desperately needed by the people of Bangladesh.

Under unanimous consent I include this resolution be printed at this point in the RECORD.

RESOLUTION EXPRESSING THE SENSE OF THE HOUSE THAT THE UNITED STATES SHOULD RECOGNIZE BANGLADESH

Whereas the people of East Bengal have clearly indicated a firm decision, following a tragic and costly civil war, to become an independent nation called Bangladesh;

Whereas the citizens of that newly formed nation have confirmed Shiekh Mujibur Rahman as their Prime Minister;

Whereas the government of Bangladesh is an effective government in its own country and in a position to meet all of its responsibilities and obligations: Now, therefore be it

Resolved, That it is the sense of the House that the President should recognize Bangladesh as an independent country, should recognize the government of Bangladesh, and should commence negotiations leading to the establishment of diplomatic relations between the United States and Bangladesh, and that the President take appropriate steps toward securing funds to be channeled through multilateral agencies for tthe resettlement of the refugees and the rehabilitation of the country.

## SITUATION IN NORTHERN IRELAND

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, today the people of Northern Ireland once again mourn the victims of yet another confrontation between Catholic citizens and British troops. We in Congress have voiced our continuing concern over the situation in Northern Ireland, and have repeatedly warned that brutal and inhuman policies such as internment without trial and interrogation of innocent people are not going to solve the problems which face the people of Northern Ireland.

Two hundred and thirty people have been killed since the disorders broke out 3 years ago, and already this year 25 more have lost their lives in similarly tragic incidents. It should be abundantly clear that the present British practices and policies with regard to Northern Ireland have not worked, and that if continued, can only lead to more bloodshed and death.

There are deep-seated causes for the problems that have plagued the people of Northern Ireland, and it is imperative that those causes be discovered and dealt with squarely and forthrightly.

However, in the meantime it is incumbent upon us, and all those concerned, to reach an interim solution which will prevent further incidents like those of January 31.

In order to achieve this interim solution I am today joining with the very able and concerned Congressman from Rhode Island, the Honorable ROBERT O. TIERNAN, in introducing a resolution which calls for the following four-point program:

First, the removal of British troops from Northern Ireland and the replacement of those troops with a peace keeping force from the United Nations.

Second, an immediate end to the internment policy.

Third, the arrangement of a consultation among all the parties involved, in an attempt to bring about a cessation of the conflict.

Fourth, arrange an international inquiry into the tragic events of January 30.

The parties embroiled in struggle and strife the proportions of the present one in Northern Ireland, seldom possess the unimpassioned perspective necessary to impartially and fairly resolve their differences. However, an interested party, like the United Nations, once removed from the direct effect and influence of that conflict, may be able to achieve the stability and order which 3 years of British military presence has been unable to provide. It is my firm belief that the plan Congressman TIERNAN and I have introduced is the only road to a permanent and lasting settlement of the problem of the Irish people. While it represents only a beginning, it is a step which must be taken if the killing and bloodshed is to be brought to an end. As Americans, interested in the freedom and security of all people, and in behalf of all humanity, we must impress upon the President of the United States the absolute necessity of bringing this matter before the U.N. through our representatives to that body.

## WEST COAST DOCK STRIKE

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, the Congress is presently being asked to consider temporary legislation to help toward the resolution of the west coast dock strike. This ad hoc effort is made necessary not by the dispute alone, but is a result, as well, of our present law and our present procedures for handling such disputes. As we consider the present circumstances and survey the economic results brought on by this work stoppage, it seems to me imperative that we look at the possibilities of basic changes in our laws governing labor disputes, not only in transportation, but in public services where the public interest can be adversely affected.

As I see it, the Nation simply can no longer ignore the nearly disastrous impact upon our economy of certain widespread work stoppages.

We cannot continue to muddle through at the 11th hour with outdated rescue equipment.

We can no longer ignore the economic havoc inflicted on the general public and on noncombatants near the battle zone.

When in 1937 the U.S. Supreme Court upheld the Wagner Act, they decreed that the National Government could enter into the business of regulating the relationships between labor and management. The act gave sanction to labor and it did so in the face of opposition from industry, from the Liberty Lobby, from the National Lawyers Committee, and from the majority of the American Bar Association. The Congress had established ground rules for labor peace to replace the industrial warfare that had prevailed in so many corners of the country.

Today we are—and have been—at a point where the interests of third parties recommend that we again talk about another basic change in the ground rules. And that we ask both labor and management to participate in a rethinking of our position in this country in cases that may involve work stoppages that can affect millions of individuals in critical ways.

While some labor leaders may speak of the right to strike as thought it were an absolute right, the right to strike exists only within the protections afforded by law. Otherwise there is only the right to quit. The protections given to management, likewise, are the creations of manmade law. Each side has been granted protections and guarantees from each other, including the sanctity of the collective contract.

Yet today widespread strikes in public services and in transportation can do vastly more damage to third parties and the general public than the two warring sides to a dispute can inflict on each other.

Today the public interest demands that labor and management seek, together with elected representatives, new ways of resolving labor disputes in ways that grant protections to the public. We may look on the successes of present labor law, but we ought to look as well at where and when it has failed and what the cost has been to nondisputants. Present machinery has served some well, but it has served others badly, and new law to further extend the long tunnel of negotiation, mediation, arbitration, parley, and counciliation may merely extend the periods of public jeopardy in such disputes without bringing new inducements to serious bargaining into play.

Repeatedly Presidents of the United States—Democratic and Republican—have been forced by circumstances and the law to become, in effect, crisis managers in widespread transportation strikes, and the Congress has been compelled to act as final arbiter of the rules in disputes that might have been settled earlier and other means—if they existed.

As in other fields, it seems only reasonable that we work toward a refinement of rational means for protecting our citizens from the economic chaos and individual loss caused by work stoppages which, in their effect become—strikes against the public, wherein bystanders are the innocent victims of industrial war. Toward that end, I have introduced a bill to establish a U.S. High Court of Settlement. If enacted the Public Interest Economic Judiciary Act of 1972 would help to protect the public interest, free the President and the Congress from the time-consuming roles of referees.

Summary of the main features of the bill to establish a High Court of Settlement for management-labor disputes adversely affecting the public interest:

There would be established a U.S. High Court of Settlement:

First, composed of seven members; second, serving terms of 14 years; third, nominated and appointed by the President; fourth, with the advice and consent of the Senate; fifth, compensated at the same rate as Justices of the U.S. Supreme Court; and

Sixth, appointed solely on the grounds of fitness to assume the duties of the office.

When could they act?

When a work stoppage or threatened work stoppage has adversely affected or may adversely affect interstate commerce and the public interest.

What is the triggering mechanism?

First, the President must request that the court review a particular labor-management dispute.

Second, within not more than 5 days, the court must elect to assume jurisdiction over the dispute.

What are the powers of the court when it has assumed jurisdiction?

First, the court, in the act of assuming jurisdiction, must enjoin the work stoppage for a 90-day mediation period.

Second, the court must order the disputants to utilize the services of the Federal Mediation and Conciliation Service during the 90-day period.

What happens after the 90 days?

First, if the dispute is not resolved during the 90 days, the court must hear oral arguments from all parties to the dispute.

Second, the court may direct the parties to the dispute and the Federal Mediation and Conciliation Service to submit in writing such documentation and summary as the court shall require.

Third, if, at the end of 120 days, the dispute is still not resolved, the court shall direct the disputing parties to submit their final offer, and upon accepting the final offers, shall enjoin any out of court settlement of the dispute.

Fourth, after having thus received the final offers and having thus enjoined any outside settlement, the court shall within 30 days decree one or the other of the final offers, or shall decree any final settlement which they shall determine themselves.

The decision of the High Court of Settlement is final and binding.

The court shall have the power of declaring parties in contempt of its orders and directives.

However, "questions of violation of any right conferred by the Constitution of the United States shall remain the exclusive jurisdiction of the U.S. Supreme Court, upon petition for a writ of certiorari."

My own public record through my years of service in the Congress is abundant evidence of the fact that I have always been a staunch advocate of the promotion of the well-being of working men and women through maintenance of the basic and essential threat; namely, the right to strike.

I do not believe we could ever have hoped to achieve the overall standard of living enjoyed by working Americans today if we had not had organized labor—backed in its efforts by the full weight and by the full protection of Federal labor law.

Do any of us honestly believe—as many who are anti-labor still suggest—that some natural, inevitable evolution of human justice would have promoted the rights of laboring America—without the union? Without the picket? Without the threat or the actuality of the walkout? Anyone who believes that working men and women could have reached their present level of well-being without these guarantees reads history much differently than I.

But, as I see it, we have reached a watershed. We face new perils. We must look down the road we are traveling and not back upon the way we have come.

In introducing this legislation, I invite discussion, and I urge not only "Big Labor" and "Big Industry," but working men and women, and labor leaders, and businessmen in smaller enterprises to become involved in serious dialog and earnest examination of the hard facts of life in a technocratic society of intense interdependence, where lengthy and widespread work stoppages bring sharply home the truth of Franklin's saying:

> We must all hang together or we shall all hang separately.

This proposed Public Interest Economic Judiciary Act of 1972 is not offered as a final solution, nor is it thought to be the last word in any sense, but hopefully it might help to generate new discussions, and perhaps to be a vehicle for dialog on what has become a major national concern that requires efforts toward permanent solution, and away from the emergency and temporary remedies we have so long depended upon.

It is time, as I see it, to talk sense.

The bill follows:

H.R. —

A bill to provide for the establishment of a United States High Court of Settlement which shall have jurisdiction over certain labor disputes in industries and other enterprises affecting interstate commerce and the public interest

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE

SECTION 1. This Act may be cited as the "Public Interest Economic Judiciary Act of 1972."

### DECLARATION OF PURPOSE AND POLICY

SEC. 2. The Congress finds, and hereby declares it to be the policy of the United States—

(a) that work stoppages affecting interstate commerce and public services are damaging to the public interest in the highly interdependent economy of the United States;

(b) that sound and stable relations between employers and employees and the best interests of both are best secured by the settlement of issues and disputes through the processes of negotiation, mediation and voluntary arbitration that have characterized the free collective bargaining process in the Nation;

(c) that when such issues and disputes have not been settled and have resulted in work stoppage or may imminently result in work stoppage, which may adversely affect other enterprises and activities of other citizens, then the general welfare of the greater public is in jeopardy and such work stoppage must be enjoined and such issues and disputes must be settled through due process in a duly established court of the United States of America.

### ORGANIZATION OF THE COURT

SEC. 3. (a) The President shall appoint, by and with the advice and consent of the Senate, a chief justice and six associate justices who shall constitute a court to be known as the United States High Court of Settlement, hereafter referred to in this Act as the "court." Such justices shall be appointed solely on the grounds of fitness to perform the duties of the office.

Such Justices shall hold office during good behavior for a term of fourteen years, except that at its establishment, the President shall appoint the Chief Justice to a term of 14 years, and the Associate Justices shall be appointed for terms of 12, 10, 8, 6, 4, and 2 years, respectively.

(b) The Chief Justice of the court shall receive the same compensation as the Chief Justice of the United States Supreme Court and the Associate Justices shall receive the same compensation as is received by the Associate Justices of the United States Supreme Court.

(c) The principal seat of the court shall be in the District of Columbia, and the court shall render all of its final decisions at such place, but the court may meet or exercise any of its other powers at any other place.

(d) The court may appoint and fix the compensation of such officers and employees as the court may need to carry out its functions and incur other expenses as may be necessary.

### JURISDICTION OF THE COURT

SEC. 4. (a) The President of the United States, acting as the guardian of the public interest, may, in the event of any work stoppage or threatened work stoppage in industries and other enterprises which may adversely affect interstate commerce and the public interest, ask the court to immediately examine the issues and disputes involved.

(b) The High Court may elect to take jurisdiction over the dispute and thus invoke its powers to enjoin, adjudicate and settle such dispute. The High Court must make such election to assume or not assume jurisdiction within not more than five days of the President's request as stipulated in Section 4a (a.).

### POWERS AND DUTIES OF THE COURT

SEC. 5. (a) Whenever the court shall invoke jurisdiction, the court must, pending final resolution of such dispute, enjoin a work stoppage. The court must, on the enjoinment of such work stoppage, order the parties to seek the services of the Federal Mediation and Conciliation Service in settling the dispute.

(b) In the event no settlement is reached in the ninety days following the court's assumption of jurisdiction, the court shall direct the parties to appear for oral argument on the dispute, and may direct both parties and the Federal Mediation and Conciliation Service to submit in writing such documentation and summary of the dispute as the court shall deem useful to its considerations.

(c) In the event no settlement is reached in the 120 days following the court's assumption of jurisdiction, the court shall direct the parties to submit to the court on a date certain their final offers for settlement of the dispute.

(d) The court on accepting the final offers shall enjoin any out of court settlement of the dispute and shall within thirty days decree one or the other of the "final offers" in its entirety, or shall decree any final settlement which they shall determine themselves.

(e) The court on announcing the decision on the final offers shall order the parties to conclude a settlement contract in strict accordance with the decision.

(f) The court in discussing the merits of the final offers shall meet in closed session, and shall be free in determining its own requirements as to information and argument, but the court in rendering judgment on any dispute shall vote by secret ballot, and the Chief Justice shall direct an Associate to prepare, or may himself prepare the written opinion of the court for public distribution on the day of public announcement.

(g) No order or decree of the court relating to rates of pay or conditions of employment shall be retroactive to a date prior to the date that such rates of pay or conditions of employment ceased to be governed by a valid contract between the parties and the decree must cover uniformly the period since the lapse of the valid agreement or contract.

(h) The court, in its discretion, may decree the terms of settlement, based upon the final offers, for periods of one, two, or three years from the date that the valid contract or agreement lapsed.

(i) The decisions of the court shall be final, and the court shall have the power of declaring parties in contempt of its orders and directives, but questions of violation of any right conferred by the Constitution of the United States shall remain the exclusive jurisdiction of the United States Supreme Court, upon petition for a writ of certiorari.

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## THE LATE AIME J. FORAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 30 minutes.

Mr. ST GERMAIN. Mr. Speaker, Aime Forand was a man of unusual foresight. The wisdom of his landmark medicare legislation has left a lasting impression on the Congress and the American people. He knew firsthand about the great need for this kind of health care, not only for the elderly, but also for the workingman and those who had achieved success, as he did, by dint of their own perseverance.

From his own experience as one of 16 children, as a millhand at age 14 trying to support his meager family budget, as a pick and shovel laborer, a dump truck driver, a radio repairman, private chauffeur, grocery clerk, lubricating oil salesman, newspaperman, and later as chief of soldiers' relief for the State of Rhode Island, Aime Forand, from rubbing shoulders with the common man, understood, as few Congressmen could, the urgent need for medicare.

I know if he were here today Aime Forand would have been deeply interested in the national health insurance programs now before Congress. His medicare legislation opened the door for the current health insurance legislation. He was outspoken on this issue, because of his deep conviction of its importance and the sting of his words touched the conscience and logic of his colleagues more powerfully than any objections from the American Medical Association. His words in 1961 still ring true in the present battle for better health insurance:

> A lot of Congressmen tell me the doctors are putting on terrific pressure against the bill (medicare). So I tell them there are a lot more old people back home than doctors.
>
> I give the medical profession a lot of credit for extending the span of human life, but I also charge it with the responsibility of helping to make those years worth living.

Aime Forand was a lifelong supporter of the workingman and those who had suffered from the excesses of big business and greedy lobbyists. As their spokesman, Aime Forand showed the workingman the fight for a better life could be won, even against the most powerful of lobbyists: the American Medical Association. Later, as a founder and first president of the National Council of Senior Citizens, he helped the elderly organize to continue the fight on their own.

Effective senior citizen protest began when Aime Forand showed them the name of the game is organization. He relinquished his House seat in 1960 and devoted full time to fighting for passage of medicare. In 1961, he established the National Council as a rallying point in the drive for medicare. When victory finally came in 1965, Aime Forand was there when President Johnson signed the bill into law and declared that it had come into being only because of the persistence of Aime Forand and the 300,000 members of the National Council of Senior Citizens.

He took his job seriously as a representative of the people. His background gave him the experience to represent people from many walks of life.

He left school after the seventh grade to support his 16 brothers and sisters, his mother and blind father. In his endless search for education, he attended night school and took correspondence courses from Columbia University. He was a prodigious reader.

During World War I, he served in France as a motor transport sergeant. After the war he worked as a salesman, a court reporter, and in 1922 was elected to the State legislature. He represented Central Falls until 1927. Two years later, he became secretary to Congressman Jerimiah E. O'Connell. In 1930 when Mr. O'Connell was appointed to the superior court, Aime Forand went to work for his successor, Congressman Francis B. Condon. When Mr. Condon was appointed to the bench in 1935, Mr. Forand became chief of the State division for soldiers' relief.

He told friends:

> It began to look as though I would have to go to Washington as a Congressman myself in order to stay there.

Mr. Forand was first elected to Congress from the First District of Rhode Island in 1936. He served one term, and suffered a temporary setback by losing a bid for reelection in 1938, but he ran again in 1940 and served in the House from 1941 until his retirement in 1961.

Aime Forand was a most able legislator, a skilled parliamentarian, and enjoyed a well-known reputation for faithful attendance in the House. He was a deeply religious man and exceedingly devoted to Gertrude, his dear wife of 40 years. Once he had made up his mind on an issue or a course of action, he held his ground, often against overwhelming odds.

At the time of his retirement, he was the ranking majority member of the House Ways and Means Committee under Chairman WILBUR MILLS. During his 17 years on the committee, he was greatly concerned with legislation to help the workingman, such as social security and unemployment insurance.

He was one of the chief supporters of social security legislation from its inception. In 1961, United Press International called him the "Champion of Social Security" for his many years of support for social security measures during his years on the committee.

He served as chairman of the Subcommittee on Unemployment Insurance and later was chairman of the Subcommittee on Technical and Administrative Problems of Excise Taxes.

During his last 3 years he was regularly a House conferee on Ways and Means legislation.

He knew the complexities of parliamentary procedure by heart, and often chaired the Ways and Means Committee when Chairman MILLS was absent. Speaker Sam Rayburn would frequently ask Mr. Forand to take over the chair when he was absent or when Mr. Rayburn wanted to take part in floor debate himself. His colleagues admired and respected his firm control and ready knowledge of the rules when he occupied the Speaker's chair.

On or off the floor, Mr. Forand was known as a hard worker. He never missed committee meetings. In 20 years in Congress he missed only 111 of 3,489 rollcalls. He often said he had no time for Washington social circles.

He said:

> I'd rather go home and do my work than go to a function any time.

Aime Forand was a very religious man. He was close to his Roman Catholic faith. On very important issues and key votes, such as adopting the draft or the declaration of World War II, he would get up early and go to mass to seek guidance to make the right decision.

He worked closely with his colleagues from Rhode Island. On labor matters he often collaborated with the late Honorable John E. Fogarty. Aime Forand was a strong supporter of the Democratic Party, and never deviated from its principles.

For relaxation, he liked to "putter around my vegetable garden" at his home in Bethesda. He often volunteered to grow plants for the Department of Agriculture's experimental station in Beltsville, Md., and was one of the first to grow the now famous beefsteak tomatoes.

He understood how things grow. It was said that the same perseverance he used to see his bills through Congress also made his vegetable garden thrive. He loved to work in the woods in back of his home in Cumberland, R.I., and with his appreciation of nature, I am sure he would have been in the forefront of those concerned about our environment.

In retirement, he first lived in Maryland, and then Pompano Beach, Fla., for several years before buying a home in Boca Raton in 1966. There he spent his time "just relaxing in the yard, enjoying Florida, taking it easy and receiving friends from Rhode Island and across the country."

His dedication to the well-being of his fellow Americans will be missed. Aime Forand was one of those rare human beings who could repeat the proud boast of the old Romans:

> Si Monumentum Requiris Circumspice. (If you wish to see my monuments, look around you).

Mr. O'NEILL. Mr. Speaker, with the passing of Aime J. Forand, the Nation has lost one of its great social innovators and a statesman and citizen of great distinction. While Aime Forand was best known as the chief architect and early supporter of medicare, we in the Congress knew him as a dedicated representative of the people of Rhode Island, a man of varied and unusual background, and a tireless proponent of the interests of the elderly in the Nation. His rise from a laborer and lubricating oil salesman to Member of Congress, and second ranking member of the Ways and Means Committee, is exemplary of the determination and energy which he displayed all his life.

Aime Forand's contribution to the American way of life is embodied in the plan that we call medicare, as it was his personal commitment to that concept which was largely responsible for its passage. Few Members of Congress leave such an indelible imprint on the Nation's social and economic fabric.

Mrs. O'Neill and the entire O'Neill family join me in expressing deep sorrow over the passing of Aime J. Forand, and we extend our heartfelt condolences to the family and friends of this great American.

Mr. ROONEY of New York. Mr. Speaker, the sudden passing of the Honorable Aime J. Forand came as a profound shock to those of us who knew him so well and admired him so much. For 22 years, Aime Forand ably represented the people of Rhode Island's First Congressional District. But all through that time he was in fact the Congressman of every citizen of this country. One of 16 children, he had to drop out of school in seventh grade to help support the family, because of his father's illness. He knew what adversity meant and he knew what the combination of poverty and sickness could do to an individual and a family.

Early in his congressional career, he launched his fight to bring what is now medicare to the Nation's senior citizens. He had seen the misery of the aged and the ill at first hand, and it became his lifelong goal to do something about it. For almost a decade he pushed his dream and finally, 5 years after he left Congress, in 1960, it became reality. Every man, woman, and child in this country owes much to our late friend from Rhode Island.

He was, too, a master parliamentarian and for 18 years was a member of the House Committee on Ways and Means. He was a quiet and gentle man, an extremely hard worker and a devoted supporter of the ideals which made this country great. The House of Representatives, the people of Rhode Island, and the Nation have lost a true friend. To his dear wife and family, I offer my deepest sympathy in their great loss.

Mr. ZABLOCKI. Mr. Speaker, I wish to join with my colleagues in expressing my profound sorrow at the untimely passing of our late colleague, the Honorable Aime J. Forand.

It was a privilege for me to serve in the House with him and to cosponsor several measures amending the Social Security Act regarding medicare, disability benefits, and increased benefits. He was a man who served his district and country with dedication, particularly as a legislator in matters involving social security. He was recognized as the father of medicare. He gave unstintingly of himself toward the enhancement of the goals and objectives of the House. He has left an indelible imprint on the record of Congress and on all those who came in contact with him.

My wife joins me in expressing deep sympathy to his beloved wife, Gertrude, his brothers and sisters. May they derive some small consolation from the knowledge that their loss is shared by his many friends.

Mr. BROOKS. Mr. Speaker, for more than two decades this House was favored with the presence of the late Aime J. Forand, an able and distinguished legislator from the State of Rhode Island.

Aime Forand was one of the kindest and most gracious men I have ever known. It was a pleasure, as well as an honor, to serve with him here in the House of Representatives.

For 18 years, Aime Forand was a knowledgeable and powerful member of the Ways and Means Committee. He was a most outspoken proponent during those years for legislation to provide adequate health care for older Americans. Millions of Americans over 65 now have access to hospitals and medical services thanks to Aime Forand's untiring efforts. Although Congressman Forand was no longer a Member of Congress when the legislation was finally passed, he is widely recognized as the father of medicare.

Aime Forand voluntarily retired from service in the House of Representatives in 1961. He died rather unexpectedly 12 years later on January 18, 1972. But just as his influence was long felt after his departure from the Congress, so will it continue for many years into the future. He has left a legacy of achievement of which any Member would be proud.

Mr. BYRNE of Pennsylvania. Mr. Speaker, it is common today that when a major superhighway is completed—and already clogged with traffic—for people to ask themselves: "What did we ever do without it?"

I feel the same way about medicare. What did we ever do without it? What did those millions of elderly people—who today have this medical care protection—do before medicare? They did without. They suffered and they died, because they could not afford the tremendous cost of medical attention.

Today we are paying tribute to the man who is indisputably the "Father of Medicare"—my old and dear friend, Congressman Aime J. Forand, who died on January 18.

Those of us who shared Aime's concern know how long and hard he worked over the years for medicare. We know of his tireless and taxing efforts for medicare and other "people" legislation. We know how well he represented his people of the First District of Rhode Island, along with all other Americans who were the "have-nots."

Today, many words will be entered into the RECORD in praise of this great and good man. But I think we owe Aime Forand still a greater tribute—this is to continue the great work he started.

I feel sure if Aime was among us today he would be grossly dissatisfied with the state of our national health delivery system.

Despite the immeasurable benefits that medicare has brought—and I am certainly not belittling them—it is incongruous that in the richest Nation in the world, hundreds of thousands of our citizens—including many children—die each year, because they either cannot afford the high cost of medical care or it is just not available for them where they live.

And anyone who believes that our medical insurance system is adequate just has not experienced illness recently.

Our late colleague Aime Forand started this Nation on the correct direction for adequate medical attention for all. We can best pay tribute to his memory by pledging to continue the fight he started—to pledge to ourselves and each other today that we will not rest until the people of the United States have the medical attention they deserve at prices they can afford to pay.

Mr. CELLER. Mr. Speaker, it is with a deep sense of loss that I look back upon the years when Aime Forand and I served together in the House. I admired him greatly both as a man and a legislator. I respected his skill and his determination, from which no one could divorce him, to bring health care to the needy and to the aged. He had taken on a major goal for the advancement of the welfare of the people of this country and he won.

But this was not his only contribution. His careful workmanship on the Committee on Ways and Means and his role as chairman of its Unemployment Insurance and Excise Tax Subcommittee placed him in the position of doing the greatest good for the greatest number.

For those of us who knew him well, Aime was a gentle soul and the width of his heart equaled the prowess of his brain. The people of the United States were indeed fortunate as were, of course, the people of his district in Rhode Island, to have found the man who could and did best serve their needs.

To his family and to his friends, of whom there were many, I extend my deepest sympathy.

Mr. SIKES. Mr. Speaker, I am honored to join with my colleagues in paying special tribute to my esteemed friend, our distinguished former colleague, Hon. Aime J. Forand, Representative from Rhode Island, a veteran of 22 years service in the Congress, from 1937 to 1939 and 1941 to 1961.

Among his many contributions to the national cause, the outstanding example it is generally agreed, was his early sponsorship of medicare legislation. He was among the first supporters of this legislation beginning in 1957. When the medicare proposal became law in 1965 following his retirement from Congress, Aime Forand was called to Independence, Mo., to witness the signing of the measure by President Johnson in the presence of former President Truman. This was one of the highlights of his political career.

During his service in the House of Representatives, Aime Forand became the second ranking member of the Ways and Means Committee and chairman of its Subcommittee on Unemployment Insurance. He specialized in tax legislation and parliamentary procedure and often was called upon to take the chair in the absence of the Speaker. He was chairman of the Democratic Caucus and at various times was a member of the Democratic Steering Committee and the Joint Congressional Committee on Atomic Energy. He was an ardent supporter of the Roosevelt New Deal and the Truman Fair Deal programs.

Having come up the hard way as the main provider for 15 brothers and sisters from an early age, he had experience as a mill hand, a chauffeur, a grocery clerk, and a newspaper reporter before entering the Army in World War I.

Returning from France following a year in the American Expeditionary Force, he was elected in 1922 to the State House of Representatives in which he served through 1927. Two years later he came to Washington as secretary to Rhode Island Congressman Jeremiah E. O'Connell. When O'Connell was elected to the State supreme court, he was succeeded in Congress by Francis B. Condon, and Aime Forand merely changed employers. When Condon also was appointed to the State Supreme Court, Aime Forand announced for the Democratic nomination, was chosen by the party, and elected to Congress in 1936. Failing reelection in the Republican resurgence of 1938, he returned to office in 1940 and remained for two decades establishing a record as a stanch reformer and a man of the firmest convictions.

Adhering to the Democratic standard from first to last, he supported the national ticket in 1960, the year of his retirement, in the capacity of chairman of the Senior Citizens for Kennedy Committee. And when the medicare bill appeared before the Congress under the Kennedy and Johnson administrations, he once again became active as chairman of the National Council of Senior Citizens, working for enactment of the bill.

I had the pleasure of serving with Aime J. Forand for many years. He was a warm and wonderful friend and one of the best of legislators. I shall always treasure my own memories of service with him. He was an outstanding Congressman in every meaning of the term. His contributions to Congress were many and because of their nature, they were among the most meaningful in our history.

Mrs. Sikes and I extend our most profound sympathy to his bereaved family, and in particular to Gertrude, his beloved wife.

Mr. O'HARA. Mr. Speaker, it is with deep sadness over the passing of our former colleague from Rhode Island, that I join today in this tribute to the late Aime J. Forand.

We have heard references made today to the fact that Aime Forand was the "father" of medicare—and this is true, for no individual Member of this body worked more diligently than he in the long struggle to provide adequate medical care for America's elderly.

In the process of this determined fight for medical care, Aime Forand taught all of us a lesson that we should carry with us always. The lesson is this: That without regard to whether a man has the privilege and honor to serve in the House of Representatives, or whether he is simply a concerned citizen, he does have the opportunity to influence the course our Nation follows.

Aime Forand battled long in this Chamber for the passage of medicare. It was not in the scheme of things that this legislation should be enacted into law while the distinguished gentleman served in the Congress. But this did not deter Aime Forand. Although poor health made it necessary for him to terminate his career in the House, it did not deter him from continuing the battle for medicare as a private citizen.

It was 5 long years after Aime Forand left the Congress before medicare was enacted into law. And during those 5 years, as a private citizen, he prosecuted the battle for this legislation with the same vigor which marked his pursuit of this goal as a legislator. He fought for this legislation despite failing health. And he eventually triumphed.

The real victors, of course, are the American people. The legislation which Aime Forand sponsored as a legislator—and for which he later battled as a private citizen—will live on as a monument to his determination to right an ancient wrong that we had been committing against our elderly.

Future generations may not appreciate Aime Forand as fully as we do—for we knew him personally, we witnessed his untiring labors, and we were party to the eventual enactment of his legislative concept into law. But whether future generations revere Aime Forand's name or not, they will appreciate the great gift he gave to America's elderly: The gift of freedom from the crushing financial burden of illness—and with that freedom, the dignity that rightly belongs to those who have retired after a lifetime of work.

To future generations, Aime Forand may be the "eagle forgotten." To us, he was a dedicated legislator, a dedicated citizen—a man who has left his indelible marking on the fabric of our society. May we all succeed as well.

Mr. ASPINALL. Mr. Speaker, I am very pleased to be able to join in this ceremony of eulogies to our former colleague, the late Aime Joseph Forand of Rhode Island.

Alime, as he was affectionately known to all of us, was a Member of Congress when I began my service in this body. In fact, he had already established himself by that time as one of the hard-working, dedicated, and effective Members of the House of Representatives.

His experiences of life before coming to the Hill were varied. He was born in Massachusetts, educated in the parochial schools, served in World War I in Europe, was a successful reporter in the news media in Rhode Island, and had served as secretary to two different former Members of Congress from Rhode Island.

I think that the words of Benjamin Disraeli can perhaps best illustrate or explain the success of Aime Forand. Disraeli spoke as follows:

> The secret of success is constancy to purpose.

I can remember just as if it were yesterday—and Aime left this body 12 years ago this last month—Aime's plea for the welfare of the common people. He served on the House Ways and Means Committee for many years and, during all of this time, he gave of his many talents, his energies, and his time for the purpose of securing benefits for the handicapped, unfortunate, and aged members of our body politic. He never faltered in his efforts and he was fortunate enough to live until he saw many of his programs come into fruition.

He has been missed greatly and he will be missed more, especially by his friends, as the years come and go. It can truly be said that the United States of America is a better place in which to live, because of the service of Aime Forand.

Mr. KEITH. Mr. Speaker, Aime Forand was many things—among them: able legislator, skilled parliamentarian, champion of social justice, inspiration for our youth, protector of our elderly.

It was because of our mutual interest in assuring health care for the elderly that I knew him even before I came to Congress. He viewed that which became known as medicare as a social-welfare-health measure. I viewed it as a way in which the average American could protect his savings and protect himself against unknown, possibly devastating, medical bills in his retirement.

I am proud to know that, while most of his life was spent as a citizen and a Congressman from the great State of Rhode Island, Aime Forand, by birth, was a native of Massachusetts.

His understanding of the problems of the less fortunate commenced at the age of 14. At that time, as one of 16 children whose father had gone blind, he became a mill laborer to help support his family. This meant that he had to quit school in the seventh grade. It did not mean, however, that his education ceased. He continued it—in night school and, later, through Columbia University correspondence courses.

Aime Forand knew well the meaning of hardship and sacrifice, and working his way up the ladder under the American system of competitive opportunity, and its rewards. He also knew the sting of momentary defeat, and the joy of fighting back to ultimate victory.

In short, his determination was strong; his dedication deep; his service outstanding; his contributions many. He is missed—but he is remembered—for the world is a better place for his having been here.

Mr. MONAGAN. Mr. Speaker, the laurel, "father of medicare" has been bestowed on our friend and colleague, Aime J. Forand, who died last Tuesday night at his home in Boca Raton, Fla.

The people of this Nation have traditionally reserved this title of "father" to those whose contribution to the well-being of mankind has been so great as to command respect, pride, and gratitude. Few, if anyone, could question the propriety of extending this title to Aime Forand, who devoted his life to helping others, and most particularly, the elderly.

Aime Forand was born in Fall River, Mass., on May 23, 1895. A few years later, his family moved to Cumberland, where Aime entered school. He left school in the seventh grade, in order to help his blind father and 15 brothers and sisters. He was 14 when he took on the job as a millhand, and later worked as a private chauffeur, grocery clerk, newspaper reporter, dump-truck driver, radio repairman, and finally secretary to two Rhode Island Congressmen before entering public service himself.

He was self-educated. After leaving school, he once explained, "From that time on, it was home study for me. I took a bookkeeping course sold by Sears Roebuck. I went to night school and took shorthand until I could write 100 words a minute." In 1951, he was awarded an honorary LL.D. by Providence College.

He served 12 months in the Army during World War I, he became secretary to former Congressman Jeremiah E. O'Connell and Francis B. Condon. In 1935 he was appointed chief of the State Division of Soldier's Relief and Commandant of the Rhode Island Soldier's Home. He later said that it was his firsthand experience in these positions, which involved medical needs of the aged, that prompted his introduction of the Forand bill, which paved the way for the enactment of medicare in 1965.

He was elected to Congress in 1936 as a New Deal candidate. After a defeat in 1938 he returned to Congress to stay through 1960. Although his legislative career was distinguished in many fields, his concern for the elderly always commanded his most devout attention.

Congressman Forand first introduced his old-age medical aid bill in 1957 and waged an unsuccessful 4-year fight for its enactment. The measure had strong support from organized labor and other organizations, but was bitterly opposed by the American Medical Association.

In 1960, he said, "I have reached the point where I am exhausted," and announced he would not seek another term in Congress. But his work continued. More than any other single person, he was responsible for the 1961 White House Conference on Aging, although ironically he was not invited. He had headed the senior citizens for Kennedy campaign in 1960 and later became chairman of the National Council on Senior Citizens, an organization that worked for enactment of a medical care program for the aged under social security. The King-Anderson bill later embodied many of the provisions endorsed by the organization.

When he was Commandant of the Rhode Island Soldiers' Home, he made the comment, "The needy will never again be just statistics to anybody who has to deal with their personal problems." He devoted his life toward that end. And thousands, perhaps millions of persons who may now live to enjoy life longer, are thankful to Aime J. Forand, the father of medicare.

Mr. DELANEY. Mr. Speaker, it was with a deep sense of sorrow that I learned of the death of our beloved former colleague, Aime Forand.

It was my privilege to work with Aime throughout the years. He was a dedicated member of the Ways and Means Committee, who worked tirelessly for enactment of legislation that would help those who were unable to help themselves.

Prior to his service as a Member of this House, he distinguished himself with the American Expeditionary Force in France during World War I. Later, he worked ably as a newspaper reporter in Pawtucket and Woonsocket, R.I. From 1923 to 1926 he was a member of the Rhode Island Legislature, and subsequently was Commandant of the Rhode Island Soldiers Home.

When he came to the House in 1937, he was well prepared to render efficient and effective service to his constituents, having previously served a total of 7 years as secretary to two former Rhode Island Members, Congressmen Jeremiah O'Connell and Francis B. Condon.

Aime was one of the leading proponents of medicare, and continued to serve the aged as founder and first president of the National Council of Senior Citizens.

I deem it an honor and great privilege to have known and worked with Aime, and want to take this opportunity to express my deep sympathy to his family.

Mr. RHODES. Mr. Speaker, I was saddened by the death of our former colleague, Aime J. Forand. He was a fine man in every respect, and I valued and enjoyed our friendship and association. Aime served long and honorably in the Congress and on the Ways and Means Committee—he was an excellent parliamentarian and legislator, and the quality of his service to his district and Nation was recognized by all his colleagues. Much of his effort and skill were directed toward improving the welfare of our older Americans; he was known, in fact, as the "Father of Medicaid," for which he worked tirelessly. Even in his retirement, Aime continued this work and founded and was the first president of the National Council for Senior Citizens. Certainly, he will be long remembered for his devotion and dedication to this important cause.

Mrs. Rhodes joins me in sending our heartfelt sympathy to his dear wife, Gertrude, in her bereavement.

## GENERAL LEAVE

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the passing of Aime Forand, a former Member of this House.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

## A RESPONSIBLE FISCAL POLICY

The SPEAKER pro tempore (Mr. HUNGATE). Under a previous order of the House, the gentleman from Florida (Mr. GIBBONS), is recognized for 60 minutes.

(Mr. GIBBONS asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, within a few days we are going to be asked to increase the national debt by a tremendous amount of money. The President has sent a message to the Congress saying that he will require an increase in debt of some $80 billion to take us through the remainder of this fiscal year and the next fiscal year. Of course, accurately speaking, he will not need $80 billion in new dollars. He will only need $50 billion, but the reason for the $30 billion additional is that the national debt limitation is already $430 billion, and we have exceeded that, so by the time we complete fiscal year 1973, we expect to be some $480 billion in the hole. The permanent national debt now stands at $400 billion.

Mr. Speaker, this is a very serious thing. As most of the Members of the House, I have generally supported the Presidential requests for increasing the debt limitation, because I thought since the Congress had incurred the bills, the bills ought to be paid, but I think we are in a different situation now. I think we must recognize we have a responsibility to govern and not just to drift, and that we must do something serious about the situation we are in, and that appeals just to increase the debt as we have in the past cannot be equated to the appeal now. This is the largest peacetime request we have ever received to increase the national debt.

The Ways and Means Committee has been holding 2 days of hearings, 1 day of executive session, and perhaps some time this week we will make some recommendations to this House. I do not intend to support the requests for the increase in the national debt unless it is accompanied by a commitment from the administration that it is going to make suggestions to us as to how we should reasonably and rationally finance this Government. We cannot go on piling up national debt. The figures now show that the rate of increase in the national debt is outstripping the rate of increase in the gross national product. Obviously we have not been following the proper course of action.

Just as this administration finally recognized and announced on August 15, that they were going to follow a new economic policy, the broad outlines of which I subscribe to, I am hopeful that the administration will now revise its past attitude toward the matter of tax reform and the plugging of the loopholes in the income tax, so that we can eventually get around to financing this Government on a sound basis.

Whenever I say "the plugging of loopholes in the income tax," some people will say, "Oh, you just always want to spend more money." No, I just do not want to spend more money. When the President says he wants to send back to the people the spending power, I say it is a good idea, but what people are we sending this spending back to? Will we send it back to the people who just have some kind of vested interest in a tax loophole, or will we make it possible for all people to participate in the economies and efficiencies in government that we ought to have?

It has been estimated by responsible sources that if all the unjustifiable loopholes in the Federal income tax law were plugged, that the average family of four in this United States could save over $300 a year in its personal income tax.

I think any kind of an effort which would allow people to save $300 on their personal income taxes each year would be a very worthwhile effort, one that we cannot lightly shrug off.

Frankly, Mr. Speaker, I am going to oppose the increase in the debt ceiling, hoping I can create some leverage to bring about meaningful tax reform.

Yes, I know that the Congress is responsible for levying taxes and we cannot shirk our responsibility, but all of us know, as practical men, that we are not going to have any meaningful responsibility unless the President, with the great powers that he has, also gets behind a meaningful effort to reform these tax laws.

So for that reason I intend to make my stand here, to dig my heels in and say, "Mr. President, we need tax reform. We look to you for leadership. We expect leadership from you. We are not going to continue to drift in this country as we have in the past. We are going to try to finance this Government on a sound fiscal basis. We are not interested in increasing spending. We are interested in curbing unnecessary spending. Oh, yes, we may argue about what kind of priorities the Nation should be getting, but we are not going along piling up national debt as a rate greater than what the gross national product grows, and this is the time to adopt a new fiscal policy for this country."

This is the time that we must make our stand, and we make it here.

Mr. Speaker, it is obvious to me that the economic tax policy as announced by the President last year has not worked. At that time we were heralded with predictions that if we would only repeal the automobile excise tax we would create 150,000 new jobs in the United States in the automobile industry. The facts and figures on the automobile industry are a little hard to come by, but it is my best information that not a single new job has been created because of the fact that we repealed the automobile excise tax.

Oh, yes, we had a sudden spurt of spending in September and in October, but the companies merely took care of that by using the capacity they already had and by using employees they already had, and no new jobs have been created.

The latest figures I have in my possession actually show that employment in the automobile industry was lower in November than it was in June. And we have lost $2 billion in revenue in this time.

We passed a job development credit tax, widely heralded as producing about 400,000 new jobs in the United States. I must admit that it is too soon to really tell whether this will work. In fact, if I understand the job development credit properly it will probably only work when the inflationary pressures build so high that businessmen try to find ways of expending the profits they are making. Then the job development credit, alias the investment credit as we have known it in the past—the off again, on again investment credit that we have had off and on so many times during the 1960's—will probably then become effective. But there is no evidence to date that the job development credit is working at all. In fact, orders for durable goods and orders for new plant and equipment—the things the job development credit was supposed to spur—have actually decreased. The decreases have not been striking. They are not alarming. But the orders have not gone up.

So I say I think we made the wrong decision in relinquishing that badly needed revenue. It has not produced any new jobs. It is just going to produce a greater deficit and greater pressure for more inflation in this country.

Mr. Speaker, in recent days there has been a lot of loose talk about how the so-called big spenders on my side of the aisle are the ones responsible for the fact that we are facing a fiscal 1972 budget deficit of $38.8 billion according to the unified budget concept. The Federal funds deficit will certainly be much higher than that.

I think it is time that we stopped blaming each other for the fiscal mess we are in and start looking at the facts of the situation.

The facts show that fiscal 1972 appropriations by Congress actually total something like $2.2 billion less than the President's budget request. As far as outlays go, the distinguished chairman of the Appropriations Committee of the House has indicated that it has been pretty much a standoff between the President and Congress.

Why, then, are we in the fiscal mess we are in? I think, basically, because our national policies to reduce employment and restore confidence and economic health have thus far been pretty dismal failures—and our tax structure, because of loopholes, has been castrated to the extent that it simply is unable to provide the Federal revenues we need.

Also, of course, we have been far from responsible in reordering our priorities and eliminating needless Federal spending in some areas.

Because of our depressed economic situation, our national income has been much less than it would have been at a full employment level and thus our tax collections have fallen far from the estimates of last year. If we had been operating at full employment last year, our GNP would have been an estimated $73.4 billion greater than it was.

In addition, because of economic recession, we have had to increase greatly our outlays for social programs such as unemployment compensation, welfare, and medicare and medicaid.

According to a study of the 1970 recession published recently in the Brookings Institution papers on economic activity, the cost of additional Federal payments for these programs was $6.4 billion. This cost was in addition to losses of billions of dollars in potential and needed tax collections and is likely to grow even larger if we don't take effective action on our unemployment and economic stagnation problems.

There is every reason to believe that appropriate fiscal, monetary, and other Federal policies—applied when needed—can indeed play an important role in restoring consumer and investor confidence and promoting a healthy economy. In our present circumstances, it is clear that our failure to authorize or implement appropriate policies as soon as they were needed has been a decisive factor in the length and extent of the recession in our economic activity.

The so-called Revenue Act of 1971 gave the President the tools he had asked for to prime the economic pump. But, as numerous reputable economists and many of us in Congress said when they were requested, these were blunt tools, ill-suited to what the economy really needed.

And, as should have been expected, we are now hard pressed to find a single job in the automotive industry which was created by repeal of the auto excise tax, which, by administration estimates, was supposed to create 150,000 additional jobs.

We are also hard pressed to find a single investment in plant and equipment which was made because of the new so-called job development credit—and if there are any such investments hidden in current statistics, it is most unlikely that any jobs were created by them. Our figures for December show that investment in plant and equipment was down by 1.3 percent.

And not only has the Revenue Act of 1971 failed to stimulate the economy and restore confidence, it has deprived us of tax revenues which could have been used for meaningful public service jobs or other programs and has contributed more than $5 billion to our budget deficit for fiscal 1972.

If the Revenue Act provisions remain in effect, they will cost us a total of something like $125 billion by 1981.

Thus, while we in Congress paid lip-service to the need for tax reforms, we added yet another costly layer of loopholes to our tax laws by enacting the Revenue Act of 1971.

Here we have come to what I think is one of our major problems today—that of creating an equitable tax structure which will provide the revenues we honestly need for social programs to achieve our national goals and priorities while not unduly burdening any group of American taxpayers.

Our depressed economic situation has focused attention on the fact that we have failed shamefully in this area and that the present tax structure serves us very poorly. It has become obvious that both justice and sound economics demand that we give this problem our immediate attention.

Recent hearings on Federal subsidies before the Joint Economic Committee have produced some dramatic evidence relating to the problems of tax reform and more sensible Federal spending policies.

During these hearings the eminent economist Joseph Pechman and his colleague at the Brookings Institution, Benjamin Okner, presented a paper with vivid illustrations based on computerized data of just how ineffective and inequitable our tax structure is.

They noted that, because tax loopholes and special tax exemptions of all kinds erode tax liability, our tax rates in this country are not 14 to 70 percent, but really range from less than 2 percent of income to a maximum of 32 percent of income at levels of $1 million and over.

As we know, 112 persons with incomes of $200,000 and over paid no taxes at all in 1970.

Mr. Pechman and Mr. Okner have suggested on the basis of this analysis that, if most of these loopholes were eliminated, we would have the following choice in 1972: an increase in tax revenues of $77 billion—or a substantial reduction in tax rates for all of us, with the amount of tax revenues remaining the same.

The chance to have such a choice is most appealing at a time when our national debt is already more than $426 billion, our fiscal 1972 deficit may be $38.8 billion—and yet many taxpayers are overburdened at the same time that our tax structure is not producing sufficient Federal revenues to meet our needs.

Any combination of the choices presented by Mr. Pechman and Mr. Okner would of course be possible. And while it may be unrealistic or undesirable to plug $77 billion worth of loopholes in the coming year, I believe that the Pechman-Okner paper has much to recommend its analysis and suggestions. Without objection, I would like to insert the paper in the RECORD at the end of my statement.

There are of course a number of proposals already pending before us in Congress. Some of these are most important and should be considered as soon as possible.

Yet I think perhaps none is as important as a real redoing of our tax structure and a real rethinking of our fiscal and spending policies.

I think we should at least make a beginning in this area before we go before the voters of this Nation in November. We simply cannot continue spending ourselves into increasing national deficits and ignoring the fact that our tax structure is riddled with loopholes which are, in the great majority of cases, economically and socially unjustifiable.

To cite just one example: The oil depletion allowance is a tax loophole which was originally intended to encourage the exploration and development of American oil resources. Yet today more than half of these tax deductions support oil exploration in foreign countries by American firms.

Unfortunately, the justification for such tax loopholes is seldom reviewed and it is even difficult to know each year how much of a tax subsidy we are providing to various sectors of the American economy through our tax loopholes.

If these loopholes had to be justified each year in the same manner that appropriations requests for Federal spending programs have to be justified, it is most doubtful that they would be allowed to continue to exist.

Certainly it is our duty to provide for a better review of the operation of our tax laws and to eliminate unjustifiable loopholes which require the great majority of American taxpayers to pay an additional $300 or $385 a year in Federal taxes.

The Congress has been asked to raise the so-called debt ceiling by $50 billion to a total of $480 billion. The administration has indicated that this ceiling will probably only last through February of next year rather than through fiscal 1973. They have asked that we grant this increase in the debt ceiling because it is needed to continue the operation of the Federal Government and have stated that they are confident that their estimates on GNP and anticipated Federal revenues are more accurate than last year and that the fiscal 1973 deficit will be smaller than this year's.

However, many of us on the Ways and Means Committee remain unconvinced. Last year the administration predicted an $11.6 billion deficit for fiscal 1972. Last fall this estimate was revised to $28 billion, and now we are told that the "real" figure will be about $38.8 billion—a difference of $27 billion from the original estimate.

And it is still 5 months to the end of the fiscal year.

Administration officials have assured us that the economy will expand this year and more GNP will result in higher tax collections. They have asked us to trust in them, grant a $50 billion increase in the debt ceiling, and not question their fiscal or economic policies until next February—but simply adhere to a rigid expenditure ceiling in the amount of the President's budget.

They have not reacted favorably to our suggestion that we grant only part of the requested $50 billion increase and ask them to come back and tell us how the fiscal situation is at that time.

They have not shown us why their estimates are going to be any more accurate this year than they were last year.

They have not shown us what it is in the budget that is going to restore consumer and investor confidence and reduce unemployment.

They have completely rejected our suggestions that we may have to look for new sources of Federal revenue to eliminate growing deficits and finance needed programs such as further aid to education—though they have suggetsed that we "seriously consider" the complex, inflationary and regressive value—added tax for future use.

They have told us that if we simply hold to the President's budget, all will be well—not notwithstanding the fact that we did hold to the President's budget pretty well last year and are now facing a $38.8 billion deficit, which is the highest in our history outside of the World War II years.

They have asked us to believe their predictions that unemployment will drop to 5 percent by the end of the year—but they have not told us what will be done if we are not on the road to economic recovery. They ignore the failures of the so-called Revenue Act of 1971, in which they had placed so much faith.

I think most of us believe that a $50 billion increase in the national debt ceiling is a pretty serious matter—one which should not be simply granted on the basis of administration assurances that we can trust in them for better performance ahead on the part of the economy. Such assurances have proved to be most disappointing in the past.

I think it would be extremely irresponsible of us to grant any increase in the debt ceiling on the basis of the unfounded assertions regarding the economy and our fiscal position which have thus far been made by the administration.

It is my belief that it is our right and our duty to first ask the administration what support or concrete proposals we can expect in return for an increase in the debt ceiling in such long neglected areas as tax reform, meaningful Federal employment programs, and effective stimulation of the economy if needed.

A number of us in the House have indicated that we will vote against the $50 billion requested increase in the debt ceiling unless the administration provides Congress with a plan for meaningful tax reform early this year. We have done so because we think that tax reform is one of our most pressing economic and social issues and that it cannot be accomplished without leadership from the administration.

There are strong indications that the loopholes in our tax laws are an extremely ineffective means—and most costly means—of promoting social goals. If the social goals involved are worth spending scarce tax money on, it appears that we can promote them much more inexpensively and equitably through means other than tax loopholes.

I do not pretend to have any easy answers to our present fiscal mess. However, I think the time has come to act against deficit financing and the tax loopholes which benefit the well-to-do at the expense of the great majority of Americans. These factors have, I believe, brought us far away from a proper perspective on how hard tax revenues are to come by and how carefully they should be used.

Many will say "this is not the time" for moving from rhetoric to action with regard to a firm stand on either the debt ceiling or on meaningful tax reform.

But this has been said all too many times in the past. If something in these areas is not done—or at least begun—now, then when will it ever be done?

As an American taxpayer and voter, I myself would like to know.

The Pechman-Okner article follows:

### WHY ARE INCOME TAX RATES SO HIGH?

(By Joseph A. Pechman and Benjamin A. Okner, The Brookings Institution) *

We are pleased to have this opportunity to participate in the study of the Economics of Federal Subsidy Programs being conducted by the Joint Economic Committee. We are particularly pleased that the Committee is directing its attention to the subsidies on the tax side of the budget, as well as to those on the expenditure side. Tax expenditures are not only large—they account for about 25 percent of total budget outlays as conventionally measured—they are also very inequitably distributed, since the value of tax expenditures depends upon the tax rates at which they would otherwise be taxable, and these rates rise as income rises.

It is particularly appropriate that the Committee should be examining tax expenditures at this time, when federal revenues are clearly inadequate to pay for urgent public needs. Some public officials are already hinting that it may be necessary to turn to another tax source—usually the value-added tax, the burden of which is similar to that of a general sales tax—to finance these needs. But it is unnecessary to go to this extreme. The Committee will find hidden among the tax expenditures a rich mine of revenue that could be used more effectively and more equitably for financing social programs than for subsidizing the particular groups that benefit from them.

Our contribution to the Committee's inquiry will be to estimate the amount of erosion of the federal individual income tax in the aggregate and by income classes, at projected 1972 income levels. The term "erosion" is related to, but is not the same as, the term "tax expenditure." By erosion, we mean the value of those features of the income tax law that are inconsistent with an economic definition of income or that are unnecessary for effective income taxation. The term tax expenditure is more comprehensive than the term erosion, because some tax expenditures—e.g., deductions for medical expenses and for outlays on child care by poor families with both spouses working—are regarded by most people as appropriate provisions in a personal income tax. Of course, there are also tax expenditures and erosion in the corporation income tax, but we confine ourselves to the individual income tax.

The erosion calculations are based on a new file of income data which was prepared at the Brookings Institution for estimating the distribution of federal, state, and local tax burdens by income classes. We call this file the "MERGE File" because it combines information on 30,000 families and single persons from the 1967 Survey of Economic Opportunity (SEO), conducted by the U.S. Census Bureau for the Office of Economic Opportunity, and from a sample of about 90,000 federal individual income tax returns filed for the year 1966. The File contains data for low income SEO families who are not in the tax population, as well as the more complete—and more accurate—income tax information for higher income individuals. The basic economic unit in the MERGE File is the family or single unattached individual, and all of our analyses are presented in terms of families rather than tax returns.

Briefly, the process by which this remarkable file was developed consisted of estimating for each family unit in the SEO File the kind of tax return or returns (if any) that would have been filed by each family member. For those who were expected to be tax filers, the SEO unit was matched with a tax return selected from the Tax File, and the income data in the Tax File were substituted for the corresponding information in the SEO File. For those who were expected to be nonfilers, the only income information available was from the SEO record. As in the case of most field surveys, there was virtually no upper "tail" of the income distribution in the SEO File (i.e., incomes above $30,000). At these levels, the Tax File was substituted in toto for the SEO File without going through the intermediate procedure of matching the two files. Finally, the income information in the MERGE File was corrected for nonreporting and underreporting, so that—with the appropriate weights applied to the sample units—the file accounts for the total income estimated to have been received in the United States in 1966.

The estimates for 1972 are based on projections of individual income sources from the 1966 levels.

#### RATIONALE OF THE EROSION CALCULATIONS

To determine the extent of erosion, we begin with a comprehensive definition of income which provides the "norm" against which the existing personal income tax can be assessed. We use a concept which corresponds as closely as possible to an economic concept of income, i.e., consumption plus tax payments plus (or minus) the net increase (or decrease) in the value of assets during the year. The modifications we make in this definition are dictated largely by practical administrative considerations or by historical precedents which need not (or could not) be broken for this purpose: first, capital gains would be included in income when realized or when transferred to others through gift or bequest; second, gifts and inheritances would be excluded from income; third, a separate corporation tax is retained, with dividends taxed in full at the personal level; and, fourth, employer contributions to private pension plans would not be considered current income to the employee. The first of these modifications is made because it is probably impractical to include capital gains in income until they are realized or transferred. The second and third accept the present practice of separating estate and gift taxation and corporation income taxation from individual income taxation. The fourth is dictated by the fact that taxation of employer contributions to health and pension plans involves difficult practical problems that would require basic revisions in the nation's private pension structure.

A tax base which closely approximates this modified definition of economic income would involve the following revisions of the present federal individual income tax law: taxation as ordinary income of all realized capital gains and of gains transferred by gift or bequest; elimination of the tax exemption for interest from state and local government bonds; limitation of depletion allowances to cost depletion; taxation of interest on the current-year increment in the cash surrender value of life insurance policies; inclusion of net imputed rent in taxable income and elimination of the deductions for real property taxes and mortgage interest; taxation of transfer payments as ordinary income; elimination of most itemized deductions and of the standard deduction (but not the low-income allowance); elimination of the special exemptions for the aged and blind and the retirement income tax credit; and elimination of the dividend exclusion. In addition, we eliminate the rate advantages (but not the mechanics) of in-

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*This statement is a summary of the paper prepared for the Joint Economic Committee Compendium of Papers on the Economics of Federal Subsidy Programs, "Individual Income Tax Erosion by Income Classes." The views presented in this statement are those of the authors and not necessarily those of the officers, trustees, or other staff members of the Brookings Institution.

come splitting for married couples and the maximum tax on earned income.

When the federal tax actually paid is related to adjusted gross income corrected for the items just enumerated, we find that the present-law tax is a relatively low percentage of income at all income levels. It rises from an effective rate of less than 2 percent of income below $5,000 to 9 percent at $10,000 and to a maximum of 32 percent at income levels of $1 million and above (table 1). Moreover, the average effective rate does not exceed 25 percent until income levels of $100,000 and over. This is very different from the impression one gets from examining marginal rate schedules that rise from 14 to 70 percent.

In light of these relatively light tax burdens, it is appropriate to ask two questions: First, how much more money could be raised from the individual income tax if all the eroding features of the tax law were eliminated? Second, if the comprehensive tax base were adopted, how much could the rates be reduced and still yield the same revenue as the present income tax?

### YIELD OF A COMPREHENSIVE INCOME TAX

We estimate that, in 1972, total adjusted gross income (AGI) of all family units in the United States will amount to $776 billion under present law. Adoption of the comprehensive income tax would raise adjusted gross income to $914 billion, an increase of $138 billion or 18 percent. It would increase taxable income by $166 billion and, at 1972 tax rates and exemptions and a flat $1,300 standard deduction, would raise tax liabilities by $77 billion (aTble 2). About 10 percent of the tax increase would come from families with incomes under $10,000, 43 percent from families with incomes between $10,000 and $25,000, and the remaining 47 percent from those with incomes of $25,000 and over (Table 3). Although taxes would increase substantially at all income levels, the relative changes would be greatest for the very poor and the very rich. Largely due to the addition of transfer payments to the tax base, families with incomes under $5,000 would find their tax liabilities increased threefold; and, as a result of the revised treatment of capital gains, families with incomes of $100,000 and over would have tax increases of almost 100 percent.

The changes resulting from the adoption of the comprehensive income tax for families at different income levels can be seen at a glance in Figure 1. (Figure 1 not printed in the Record.) The top-most line on the chart indicates the effective tax rates that would be paid under the comprehensive tax; the lowest line indicates the rates now paid by these families. The intervening lines in the chart show the extent of erosion due to the major structural features enumerated above. The major conclusion one is forced to draw from this chart is that, while income tax erosion reduces taxes at all levels, the group benefitted most are those at the top of the income scale.

### ALTERNATIVE TAX RATE SCHEDULES

All or part of the increased revenue that would be collected under the comprehensive income tax can be viewed as a reserve to be used for general tax rate reductions. In this section, we explore ways in which taxes might be cut and the implications of each for effective rates of tax at various income levels and for the distribution of income after tax.

To illustrate the range of possibilities, we have calculated tax liabilities with five rate schedules that differ fairly substantially in their degree of progressivity (Table 4). However, each schedule will yield approximately the same amount of revenue that would be collected in 1972 under the Revenue Act of 1971.

1. The simplest way to cut taxes and still maintain the same yield as would be derived in 1972 is a straight 43 percent across-the-board cut in all marginal tax rates. This would lower the bottom bracket rate to 8 percent and would drop the top bracket rate to 40 percent. This is rate schedule 1 in Table 4.

2. In schedule 2, the marginal rates begin and end at higher levels than those in schedule 1—10 percent in the lowest bracket and 50 percent in the highest bracket—but the rates between $6,000 and $60,000 of taxable income are lower.

3. Schedule 3 greatly reduces the rate at the bottom and the top of the income scale, but imposes higher rates than schedule 1 for taxable incomes between $2,000 and $10,000 than schedule 2 for taxable income between $2,000 and $14,000, along with equal or lower rates for taxable incomes of $14,000 and over. The marginal rates in schedule 3 range from a minimum of 5 percent to a maximum of 40 percent, which involves a 64 percent cut in the lowest rate as well as a significant cut—43 percent—in the highest rate.

4. Schedule 4 applies a flat 16 percent rate on all taxable income.

5. The final schedule combines a top marginal rate of 44 percent with a generous low-income allowance of $2,000. To keep within the revenues produced by the present-law income tax, the lowest bracket rate in schedule 5 begins at 7 percent.

In Table 5 we show the effective rates of tax under present law and under each of the alternative rate schedules. Schedule 4 is the least progressive of all the alternatives considered by a wide margin. On the average, the effective rates of tax would be substantially higher under this schedule than under present law for all income classes below $25,000, while those at higher income levels would enjoy large tax savings. For example, under present law, the average tax paid by families with incomes of $1 million and over is $743,000; under schedule 4, the average for this income class falls to only $345,000—an average tax reduction of more than 50 percent.

Schedule 5 is the most progressive and, we believe, most attractive of all the possibilities considered. (Under this schedule, all four-person families with incomes below $5,000 would be exempt from tax.) Average tax payments would fall for families with incomes below $25,000. Higher-income families would pay more taxes than they do now, but the increases are not excessive, in our judgment. Again looking at families with incomes of $1 million and over, the average tax under schedule 5 rates is about $938,000 as compared with $743,000 under present law. This would represent a 26 percent increase in tax liability for the most affluent families in the nation.

Of course, the drastic reforms of the tax base, even when coupled with the tremendous rate reductions under schedule 5, will not reduce taxes for all families. In general, under the comprehensive income tax base and schedule 5, the tax burdens of homeowners would increase relative to those of renters; the burdens for capital gain recipients would increase relative to recipients of other income from property; married couples' burdens would rise relative to those of single persons; and the burdens of those who now itemize personal deductions would increase relative to those who use the standard deduction. We believe that such shifts in the distribution of tax burdens are desirable and would improve the equity of the income tax, but others will doubtless have other views.

In closing, we should like to add that our criticism of the present individual income tax should not be interpreted as a call for another tax to replace it or to provide additional revenue when and if it is needed. Table 1 reveals that, despite the enormous amount of erosion, the income tax is, on balance, progressive. We see no valid reason for turning to a mass consumption tax—whether it is a retail sales tax or a value-added tax—to raise more revenue. At 1972 income levels, a rate increase of 1 percentage point across the board would increase the yield of the federal individual income tax by about $4.8 billion a year and the yield of the corporation income tax by about $0.8 billion, or a total of about $5.6 billion a year. After the recent tax-cutting spree—which most people seem to have enjoyed—revenues will fall short of urgently needed expenditures by perhaps $10 or $15 billion a year. Trial balloons have already been launched to see whether the public would accept a value-added tax to raise such revenues if they are earmarked for social programs. But such revenues can also be raised from the income taxes by raising the current rates by 2 or 3 percentage points. In our view, there is no valid justification for introducing a consumption tax in lieu of additional reliance on the income taxes, however imperfect they may be.

TABLE 1.—DISTRIBUTION OF EXPANDED ADJUSTED GROSS INCOME[1] AND FEDERAL INDIVIDUAL INCOME TAX BY INCOME CLASSES, 1972[2]

[Income classes in thousands; dollar amounts in millions]

| Expanded AGI[3] | Expanded AGI amount | Federal individual income tax: Amount | Federal individual income tax: Percent of income |
|---|---|---|---|
| Under $3 | $7,968 | $36 | 0.5 |
| $3 to $5 | 27,610 | 475 | 1.7 |
| $5 to $10 | 145,033 | 7,655 | 5.3 |
| $10 to $15 | 216,483 | 18,843 | 8.7 |
| $15 to $20 | 180,340 | 19,354 | 10.7 |
| $20 to $25 | 109,886 | 13,301 | 12.1 |
| $25 to $50 | 142,941 | 20,707 | 14.5 |
| $50 to $100 | 41,178 | 9,672 | 23.5 |
| $100 to $500 | 31,355 | 9,241 | 29.5 |
| $500 to $1,000 | 4,360 | 1,324 | 30.4 |
| $1,000 and over | 7,109 | 2,279 | 32.1 |
| All incomes | 914,262 | 102,888 | 11.3 |

[1] Expanded adjusted gross income is adjusted gross income as defined in the Internal Revenue Code modified to include the income items listed in the text.

[2] Based on projections of individual income sources from 1966 levels. Assumes personal income of $925,000,000,000 in 1972.

[3] Revenue Act of 1971 applied to 1972 incomes.

Note: Details may not add to totals because of rounding.

TABLE 2.—COMPARISON BETWEEN AGI, TAXABLE INCOME, AND TAX LIABILITY UNDER PRESENT LAW AND UNDER A COMPREHENSIVE INCOME TAX, 1972 INCOME LEVELS

[Amounts in millions]

| Item | AGI | Taxable income | Tax liability |
|---|---|---|---|
| Present law[1] | $776,146 | $478,230 | $102,888 |
| Elimination of rate advantages of income splitting[2] | | | 21,565 |
| Plus: | | | |
| ½ realized capital gains | 17,149 | 16,491 | 9,334 |
| Constructive realization of gain on gifts and bequests | 10,403 | 9,544 | 4,374 |
| Tax-exempt State and local bond interest | 1,916 | 1,892 | 1,193 |
| Other preference income[3] | 1,235 | 1,089 | 560 |
| Dividend exclusion | 2,200 | 1,924 | 673 |
| Interest on life insurance policies | 9,917 | 9,093 | 2,685 |
| Homeowner's preferences[4] | 15,545 | 28,700 | 9,642 |
| Transfer payments | 79,750 | 55,075 | 13,074 |
| Personal exemptions and deductions | | 42,165 | 14,158 |
| Equals: Comprehensive income tax | 914,262 | 644,205 | 180,145 |

[1] Revenue Act of 1971 applied to 1972 income.

[2] Includes $113,000,000 revenue effect of eliminating the 50 percent maximum tax on earned income.

[3] Excess of percentage over cost depletion and accelerated over straight-line depreciation.

[4] Includes effects of adding net imputed rent and disallowing itemized deductions for mortgage interest and real estate taxes.

Note: The increase in taxable income is less than the change in AGI because some income goes to families who are not subject to tax.

TABLE 3.—COMPARISON BETWEEN TAX LIABILITIES UNDER PRESENT LAW AND UNDER A COMPREHENSIVE INCOME TAX, BY INCOME CLASSES, 1972 INCOME LEVELS

[Income classes in thousands; money amounts in millions]

| Expanded AGI [1] | Tax liability: Comprehensive tax (1) | Tax liability: Present law [2] (2) | Increase in tax liabilities (3) | Percentage distribution of tax increase (4) | Percentage increase in tax liabilities (5) |
|---|---|---|---|---|---|
| Under $3 | $128 | $36 | $92 | 0.1 | 255.6 |
| $3 to $5 | 1,489 | 475 | 1,014 | 1.3 | 213.5 |
| $5 to $10 | 14,238 | 7,655 | 6,583 | 8.5 | 86.0 |
| $10 to $15 | 30,263 | 18,843 | 11,420 | 14.8 | 60.6 |
| $15 to $20 | 31,737 | 19,354 | 12,383 | 16.0 | 64.0 |
| $20 to $25 | 22,866 | 13,301 | 9,565 | 12.4 | 71.9 |
| $25 to $50 | 38,099 | 20,707 | 17,392 | 22.5 | 84.0 |
| $50 to $100 | $17,121 | $9,672 | $7,449 | 9 6 | 77.0 |
| $100 to $500 | 17,076 | 9,241 | 7,835 | 10.1 | 84.8 |
| $500 to $1,000 | 2,638 | 1,324 | 1,314 | 1.7 | 99.2 |
| $1,000 and over | 4,489 | 2,279 | 2,210 | 2.9 | 97.0 |
| All incomes | 180,145 | 102,888 | 77,257 | 100.0 | 75.1 |

[1] Expanded adjusted gross income is adjusted gross income as defined in the Internal Revenue Code modified to include the income items listed in table 3.

[2] Revenue Act of 1971 applied to 1972 incomes.

TABLE 4.—ALTERNATIVE MARGINAL TAX RATE SCHEDULES BY TAXABLE INCOME CLASS

[Income classes in thousands]

| Taxable income | Present law [1] | Alternative tax schedules under comprehensive income tax: 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|---|
| Under 0.5 | 0.14 | 0.08 | 0.10 | 0.05 | 0.16 | 0.07 |
| 0.5 to 1.0 | .15 | .09 | .10 | .07 | .16 | .08 |
| 1.0 to 1.5 | .16 | .09 | .11 | .08 | .16 | .10 |
| 1.5 to 2.0 | .17 | .10 | .11 | .10 | .16 | .11 |
| 2.0 to 4.0 | .19 | .12 | .12 | .13 | .16 | .13 |
| 4.0 to 6.0 | .22 | .12 | .13 | .15 | .16 | .14 |
| 6.0 to 8.0 | .25 | .14 | .13 | .16 | .16 | .15 |
| 8.0 to 10.0 | .28 | .16 | .15 | .17 | .16 | .16 |
| 10.0 to 12.0 | .32 | .18 | .16 | .18 | .16 | .20 |
| 12.0 to 14.0 | .36 | .20 | .18 | .19 | .16 | .22 |
| 14.0 to 16.0 | .39 | .22 | .20 | .20 | .16 | .24 |
| 16.0 to 18.0 | .42 | .24 | .22 | .21 | .16 | .26 |
| 18.0 to 20.0 | .45 | .26 | .22 | .22 | .16 | .28 |
| 20.0 to 22.0 | 0.48 | 0.27 | .24 | 0.23 | 0.16 | 0.29 |
| 22.0 to 26.0 | .50 | .28 | .25 | .24 | .16 | .30 |
| 26.0 to 32.0 | .53 | .30 | .26 | .25 | .16 | .32 |
| 32.0 to 38.0 | .55 | .31 | .28 | .27 | .16 | .34 |
| 38.0 to 44.0 | .58 | .33 | .30 | .29 | .16 | .35 |
| 44.0 to 50.0 | .60 | .34 | .32 | .31 | .16 | .36 |
| 50.0 to 60.0 | .62 | .35 | .34 | .33 | .16 | .37 |
| 60.0 to 70.0 | .64 | .36 | .36 | .35 | .16 | .38 |
| 70.0 to 80.0 | .66 | .37 | .38 | .37 | .16 | .40 |
| 80.0 to 90.0 | .68 | .39 | .40 | .38 | .16 | .41 |
| 90.0 to 100.0 | .69 | .39 | .45 | .39 | .16 | .42 |
| 100.0 and over | .70 | .40 | .50 | .40 | .16 | .44 |

[1] Revenue Act of 1971 rate schedule for married couples filing separate returns.

Note: Rate schedules 1 to 4 are applied with a $1,300 low-income allowance; rate schedule 5 assumes a $2,000 low-income allowance.

TABLE 5.—EFFECTIVE TAX RATES UNDER THE COMPREHENSIVE INCOME TAX AND ALTERNATIVE RATE SCHEDULES, BY INCOME CLASSES, 1972 INCOME LEVELS

[Income classes in thousands]

| Expanded AGI [1] | Present law [2] | Schedule 1 | Schedule 2 | Schedule 3 | Schedule 4 | Schedule 5 |
|---|---|---|---|---|---|---|
| Under $3 | 0.5 | 0.9 | 1.1 | 0.6 | 1.8 | 0.1 |
| $3 to $5 | 1.7 | 3.2 | 3.6 | 2.6 | 5.6 | 1.7 |
| $5 to $10 | 5.3 | 5.8 | 6.2 | 5.9 | 8.7 | 5.0 |
| $10 to $15 | 8.7 | 8.1 | 8.3 | 8.7 | 10.7 | 7.8 |
| $15 to $20 | 10.7 | 10.1 | 9.9 | 10.6 | 11.8 | 9.9 |
| $20 to $25 | 12.1 | 11.9 | 11.4 | 11.9 | 12.4 | 11.9 |
| $25 to $50 | 14.5 | 15.1 | 14.1 | 14.3 | 13.1 | 15.6 |
| $50 to $100 | 23.5 | 23.4 | 21.8 | 21.4 | 14.0 | 24.9 |
| $100 to $500 | 29.5 | 30.8 | 33.7 | 29.8 | 14.3 | 33.8 |
| $500 to $1,000 | 30.4 | 34.4 | 41.9 | 34.2 | 14.2 | 37.7 |
| $1,000 and over | 32.1 | 36.0 | 44.7 | 36.0 | 14.6 | 40.0 |
| All incomes | 11.3 | 11.3 | 11.3 | 11.3 | 11.3 | 11.3 |
| Measure of after-tax income inequality | .3691 | .3675 | .3689 | .3691 | .3837 | .3638 |

[1] Expanded AGI is adjusted gross income as defined in the Internal Revenue Code modified to include the income items listed in the text.

[2] Revenue Act of 1971 applied to 1972 incomes.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. I thank the gentleman for yielding.

I say to the distinguished gentleman in the well, the gentleman from Florida (Mr. Gibbons), good for you, sir. You are performing a most valuable public function this evening in pointing out the realities of the deficit and of the budgetary mess in which this country finds itself.

The gentleman has reviewed the sorry history of recent deficits, past, present, and future deficits—$25 billion last year, $39 billion this year, and $25 billion or more in the year to come. All this while the progressivity of our tax system, particularly the income tax, has been steadily diminishing, and most particularly in the last 3 years.

We see, too, the evidence that the shares of the Nation's income by various groups in our society are showing an unfortunate trend, in which those at the top are getting a larger share and those at the bottom are getting a smaller one. The latest figures, by the very prestigious Brookings Institution, for the year 1967 show that the lowest fifth of American families received 3.2 percent of our national income, while the highest fifth of our American families received 45.8 percent, or more than 14 times the amount of the lowest group.

Moreover, the top 1 percent of American families in 1967 received 6.8 percent of the national income. That is more than twice the percentage of national income received by the whole bottom 20 percent.

Indeed, this spread between the rich and the poor may well be getting worse. It is the poor who have borne the brunt of unemployment in the last 2 years. It is the better off, the well to do, the corporations, and the high-bracket individual taxpayers who have gotten the major benefits of individual income tax cuts and corporate income tax cuts and the provision of new loopholes.

Indeed, it came as a surprise to many Members just the other day when it was disclosed by the Treasury that 112 Americans with more than $200,000 apiece in income during the year 1970 paid no Federal income tax whatever. How many scores of thousands lie behind them who may have paid a peppercorn or two of tax, the Treasury does not disclose. This in the year after a law called the Tax Reform Act of 1969 was passed, an act that was supposed to put an end to excessive tax inequities.

So, Mr. Speaker, the gentleman is so right when he says that it should be the first order of business for this body and the other body and for the Executive to close the loopholes and do something about the capital gains gimmick, and about tax-exempt bonds, and about mineral depletion, and about the deferred income tax and tax credits on foreign operations, and indeed about the investment tax credit.

There is a $20 to $30 billion loophole-plugging job to be done. And nothing could be worse than to make this permissive society more permissive by permitting the President to get by with a $50 billion debt increase without requiring him even to come to Congress with a Presidentially backed program for plugging these loopholes.

That is why I join with the gentleman from Florida (Mr. GIBBONS) in announcing my position on the President's $50 billion debt increase request.

Mr. Speaker, during my 19 years in this body, under Republican Presidents and under Democratic Presidents, I have voted in favor of their debt limit increase requests. But I intend to vote against the $50 billion request of Mr. Nixon until and unless he comes before the Congress in good faith with a program for plugging the loopholes in the Federal income, estate, and gift taxes, a program that is comprehensive in scope and meaningful in amount. If he will do that, he will have my vote. If he fails to do it, I shall vote against his debt increase request.

I was very disappointed to read in the New York Times this morning that before the House Ways and Means Committee yesterday, the committee on which the gentleman from Florida so significantly sits, an administration witness had some interesting things to say about closing tax loopholes. This witness was Dr. Ezra Salomon, who is a member of the President's Council of Economic Advisers. He, according to the New York Times report, yesterday said that Congress should not try to reduce next year's budget deficit significantly, not even by closing tax loopholes.

And, he described such an eventuality as tragic.

Well, it might be tragic for those who benefit by the loopholes, but it surely would be a God's blessing for the hard-working American taxpayer who has sweated so long under an inequitable tax system.

Let me say to the President's economic advisers and to the President himself, that the administration is adopting the most vulgarized Keynesianism, the idea that any old kind of a deficit is glorious and should redound to our credit.

The late Lord Keynes would twirl in his grave if he saw what was being done in his name in this country today. Keynes never suggested a sloppy fiscality that peppered the tax system with loopholes, and the roster of expenditures with all sorts of giveaways to people who do not need them. This sloppiness is producing a recordbreaking deficit at a time when we need to deal efficiently with the economic problems of this country.

We had another indication of the recklessness of the administration's tax giveaway policy just the other day when the distinguished Secretary of the Treasury, Mr. Connally, was addressing here in Washington a group of leaders of 1,000 of the largest corporations in this country. He berated them, saying, "Here we are giving you everything, profits unlimited, investment tax credits beyond the dreams of avarice, and what have you done with it? Nothing."

With an economy working at only 72 percent of its capacity, is it any wonder that when they are given a tax credit, they do nothing with it.

In fact, the giving of the $8 billion tax bonanza, the return of the bonanza in part through campaign contributions, makes no jobs.

If you want to make jobs, and the gentleman does—and I want to make jobs—the most efficient way of doing it is by actually making the jobs. I refer here to the bills now suported by more than 60 Members of this body—we would welcome support from our friends and brothers across the aisle.

The aim and essence of that program is to provide 500,000 public service jobs at the State and local levels, federally funded.

I say it is wicked that there are medical corpsmen from Vietnam who are walking the streets looking for work today at a time when our hospitals desperately need orderlies and aides, but lack the money to hire them.

I say it is wicked that we let our State and National forests go to rack and ruin because we lack sufficient junior foresters to do the job of policing them.

I say it is wicked that we let crime on the streets increase when the policeman on the beat could profit so tremendously from having a police aide, in uniform, walking the beat with him.

I say it is wicked that we close our museums in the great cities of this country because the museums of our cities cannot sweat any more taxes out of the hard-pressed homeowners, and so we have to close them down for days because we do not have enough money to pay for guards. Let us take some of the unemployed and put them to work as museum assistants.

Five hundred thousand jobs now would be no problem whatever. Then think of the multiplier effect when those newly employed workers, who were previously unemployed, start spending the money, the prevailing wage which they are going to get. That, according to any multiplier rate I have ever heard of, is going to have a two for one effect, so you will get one million additional jobs because of the 500,000 jobs you have created. That is 1.5 million jobs.

Then you get the accelerator effect, year in and year out, in season and out of season, whether we have an investment tax credit on the books or whether we do not, the American businessman—bless him—tends to spend about 10 percent of the GNP on plant and equipment. He is going to be doing that next year, as he did last year, whether or not we have the 7-percent investment tax credit.

If the businessman has a larger base, by this extra 1.5 million jobs I am talking about, on which he can posit the sums he spends for plant and equipment, that is going to add another couple of hundred thousand jobs. And if you add to that the added confidence which will inhabit the breast of those who are working, who will then start spending a little more of their consumer-spending income, you are going to get close to two to two-and-a-half million more jobs, and you can bring unemployment down below 4 percent.

I will not sit still for the pusillanimous estimate by the administration's economists that we have to settle for 5 percent or 5½ percent unemployment, not on your life, not while the job is the key that Americans use between their work and their living. We must provide jobs, and the efficient way to do this is in the very kind of jobs-now program which the gentleman from Florida is backing.

So I thank the gentleman for permitting this intervention. He is on the right track. He and his fellows are few in number now. But as the message gets out that the only way to tax equity in this country is by a Presidentially backed program of plugging tax loopholes, I predict his tribe will increase.

Again I thank the gentleman.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for his remarks and I want to pay tribute to the gentleman who is a distinguished member of the Joint Economic Committee. I actually believe that the report of his committee had probably more to do with the new economic policy that we now have in this country than anything else. His insight into our international trade problems and international payment problems has perhaps done more to turn around a sorry situation there than any other activities this Congress has ever undertaken. I appreciate the gentleman's remarks.

Mr. DRINAN. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. DRINAN. Mr. Speaker, I commend the gentleman from Florida on taking this special order.

Mr. Speaker, as we consider the implications of the Revenue Act of 1971, which was passed by Congress a few weeks ago and signed into law by President Nixon, and as we study the $246 billion fiscal 1973 Federal budget recently proposed by the President, we are inundated with a mass of statistics.

Statistics tend to have a hypnotic effect, and there is a tendency to assume, without very much supporting evidence at hand, that the magnitudes and priorities which those statistics reflect are more or less appropriate. To determine whether that assumption is justified, we must take a fresh start at answering some of the basic questions upon which our entire economy and tax structure are based:

Do we actually believe in progressive and equitable income taxation?

Is our objective for every American family employment and an adequate income?

Are we opposed to tax favoritism and special advantages?

Is direct economic assistance usually more efficient than indirect subsidies and "trickle downs"?

I believe the answer to each of the foregoing questions is "yes." The President's budget and the recent tax bill, which I opposed, seem to assume that each of these questions should be answered "no."

We must have tax reform, and we must have it very soon. The most recent data on tax returns, covering 1969 returns, indicates that 21,317 individuals earning more than $20,000 paid no Federal taxes whatsoever. Three hundred and one persons earning more than $200,000 paid no tax. Fifty-six individuals with annual incomes exceeding $1 million paid not a penny in Federal tax.

The current tax laws are so riddled with loopholes that almost any wealthy individual who has a competent tax lawyer can, if he works at it, avoid paying thousands of dollars in Federal taxes. Many deductions—including, for example, those which involve interest on State and municipal bonds, investment in railroad cars, and residential rental housing—are, as a practical matter, available only to the rich. One tax expert, Joseph Pechman of the Brookings Institution, has shown persuasively that such tax exemptions as these are not only inefficient subsidies which could be replaced by less expensive direct payments, but that the attractiveness of tax-free bonds to wealthy individuals deprives businesses of socially necessary venture capital.

Other special tax advantages worth millions and even billions of dollars to their beneficiaries are alleged to have a rational basis when in fact they are merely handouts to those who have more influence in the Congress than the poor and middle-class citizens of our country.

The notorious oil depletion allowance is a case in point. Most of the major oil companies pay almost no income tax. In 1970, Standard Oil of California, which had net income before taxes of $589.6 million, paid Federal income tax at the astonishingly low rate of 5 percent. Standard Oil is no exception: in 1970 the 19 largest oil companies in the country had net income before taxes of $8,857,753,000 but paid Federal taxes at the deplorably low average rate of only 8.7 percent. Recent testimony before the Joint Economic Committee of Congress has demonstrated that it would cost the Government less to pay directly for oil exploration than to continue to subsidize exploration with special allowances.

On the whole, however, the oil depletion allowance is probaby no more antisocial than the pervasive discrimination in favor of corporations and against individuals which characterizes our tax laws. In fact, we have witnessed in recent years the gradual erosion of the corporate income tax. This radical change has been effected not by any statement from the Congress of a comprehensive new policy with regard to corporations; rather, it has resulted from the diminution of potential corporate tax revenues caused by reinstatement of the investment tax credit, new and accelerated depreciation allowances, special benefits for foreign subsidiaries, and other esoteric tax developments which are obscure to the average lawyer in origin and effect, and which are totally incomprehensible to most citizens.

The investment tax credit is a very important example of how we are losing billions of dollars in necessary tax revenues. According to President Nixon, the deficit in the fiscal 1972 Federal budget will be $38.8 billion. The President contemplates a $25.5 billion deficit in fiscal 1973. The cumulative deficit for the four Nixon administration budget years will be more than $90 billion. Under such circumstances as these, we must have very persuasive evidence before we abolish sources of revenue. Has such evidence been presented with respect to the recently reinstated investment tax credit? I think not?

The Tax Reform Act of 1969 repealed the investment tax credit presumably because it was bad tax policy and bad economics. On April 21, 1969, President Nixon firmly opposed the use of the investment tax credit. He stated:

> This subsidy to business investment no longer has priority over other pressing national needs.

In February 1970 the President's Council of Economic Advisers declared:

> The national priorities of the 1970's do not require or justify this special incentive.

When President Nixon agreed in 1969 that the investment tax credit was not needed to stimulate industrial investment, business at that time was operating at 85 percent of capacity. If, as Mr. Nixon agreed, the investment tax credit was not necessary in April of 1969 under those conditions, it is difficult to see how a case for more capital spending at this time, when business is operating at approximately 75 percent of capacity, can be made.

When the investment tax credit is added to the benefits obtained by business under the asset depreciation range system—promulgated in 1971 by a Presidential Executive order—ADR—the need for which is challenged by many economists—the result is that business pays lower taxes and obtains billions of dollars in subsidies from the Federal Government for investments which, if economically justified, would probably be made without such subsidies.

Do we really want a full employment economy, or is that phrase merely political rhetoric? The Revenue Act of 1971, which incorporates virtually all of President Nixon's requests, and in which Congress acquiesced, will cost the Treasury of the United States $25.8 billion in lost revenue in the period 1971–73. According to another computation, that bill will cost the Treasury $9 billion each year over the next 10 years. Eight billion dollars of that annual loss is directly attributable to special provisions which benefit only corporations.

Some argue that the investment tax credit and other special advantages for business are desirable because they will create jobs and reduce unemployment. The national unemployment rate is currently running in excess of 6 percent. Approximately 5 million individuals are out of work. Surely, any proposal which would alleviate this suffering would be a good proposal. But the arguments that the special tax advantages which have been given to business will "trickle down" to the benefit of unemployed and other individuals are simply not valid. For example, the Emergency Employment Act of 1971, which provides $2.25 billion over 2 years, is calculated to produce 130,000 jobs. These public service jobs could be quadrupled for only a fraction of the $9 billion a year which the Revenue Act of 1971 will cost the Treasury.

Given the economic circumstances which afflict our country today, it seems to me that any proposed new tax arrangements must have as their basic target the creation of jobs. I have therefore joined with Congressman HENRY REUSS and others in sponsoring legislation to create 500,000 additional federally funded public service jobs.

It is not fair to lay all of the blame for the current discriminatory tax arrangements at the feet of President Nixon. The Congress simply has not come forward with adequate proposals for tax revenues which could be obtained in socially acceptable ways. For example, the absence of a capital gains tax on property transferred at death results in a revenue loss of $3.1 billion annually. Although the House Ways and Means Committee stated in 1969 that it would undertake to study estate and gift taxes "as soon as possible" and that it had "the expectation of reporting out a bill on this subject in this Congress," no such action has been forthcoming.

As in the cases of individual and corporate income tax rates, statutory estate and gift tax rates are high—as high as 77 percent on estates above $70,000. But like income taxation, gift and estate taxation almost invariably bears little if any resemblance to the statutory rates. We should study with the greatest care Senator McGOVERN's proposal that the entire system of estate and gift taxation be replaced with a new system which would establish a lifetime cumulative tax on the recipient. Such a system would be equitable because it would regard the money received as income to the recipient, which it is.

It is incumbent upon Congress to present to the American people specific and comprehensive proposals for closing loopholes which now make the payment of income taxes by the rich a national joke.

Do we really have a graduated tax system as claimed? A very thorough Census Bureau study based on 1968 data and reported in the May 1971 edition of Conference Board Record states:

> Families and individuals with incomes between $6,000 and $25,000 paid almost exactly the same share of their income in taxes—about 30%.

Hopefully, that inequity has been at least partially mitigated by the effects of the 1969 Tax Reform Act. However, gross discrimination along such lines continues.

Social security taxes continue to discriminate against the poor. For 1972, the social security tax rate is 5.2 percent on earnings up to $9,000. The wage earner who earns $9,000 this year will pay $468 in social security taxes. A corporate executive who earns $27,000 this year will also pay $468. The $9,000 wage earner will pay 5.2 percent of his salary; the $27,000 executive will pay only 1.7 percent.

My distinguished colleague from Wisconsin, Congressman REUSS, has today proposed substantial changes in the social security laws, and I completely agree with him.

I voted against the Revenue Act of 1971 because, in my judgment, it would produce very little revenue. It had very substantial defects. One of the defects is that it increased further the discrepancy between what the wealthy earn and what the poor take home. It seems to me that the social security tax is one of the basic reasons why the poor get poorer.

This tax has no ceiling and no floor and is very regressive. It actually penalizes the wage earner with a low or moderate income. This tax, in effect, is a payroll tax which inhibits and, therefore, tends to disrupt and depress the economy.

If the ceiling were removed from this tax and if the floor were raised so that no one under the poverty level would have to pay this payroll tax, a vast amount of spendable wealth would be created.

In my judgment, reform of the social security laws would be a very fruitful avenue of research and action for the committees of this Congress which are concerned with taxes.

I endorse the following statement made in a recent comprehensive study of our tax system by Joseph Ruskey and Richard Osserman, "Halfway to Tax Reform"—Indiana University Press, Bloomington: 1970:

> No tax reform program can be considered adequate unless it deals effectively with the major tax preferences and abuses that still remain, by:
>
> Eliminating percentage depletion in excess of cost of oil, gas and other minerals, as well as the privilege of deducting intangible drilling and development costs from income;
>
> Imposing a capital gains tax on property transferred on death or by gift;
>
> Terminating the capital gains treatment for stock options, for farm income that includes the sale of livestock, for the sale or licensing of inventions, and for royalties and other income derived from the sale of timber, coal, and iron;
>
> Minimizing tax avoidance through family income splitting by raising gift tax rates, and reducing gift tax exemptions and exclusions;
>
> Preventing the avoidance of estate taxes by imposing an inheritance tax when the beneficial ownership of a trust is transferred, by stricter taxation of "special" powers of appointment, and by taxing certain life insurance proceeds and death benefits under pension and profit-sharing plans. (Eventual comprehensive reform will require the elimination or narrowing of the differential between gift and estate taxes, or a single integrated tax covering all transfers from generation to generation with perhaps tax-free transfers between husbands and wives);
>
> Subjecting closely held corporations to the penalty of the Personal Holding Company tax unless at least 60% of their income is of the active rather than passive variety;
>
> Ending accelerated depreciation for all kinds of real estate accompanied by the taxation, at ordinary income tax rates, of all previous depreciation deductions recovered on resale;
>
> Eliminating the exemption from income tax of group life insurance coverage and the exclusion from estate taxation of the proceeds of such insurance;
>
> Strictly limiting private and special tax bills for the relief of individual taxpayers;
>
> Bringing into more equitable balance the separate rate schedules for married couples, heads of households, and single persons;
>
> Reviewing the immunity from taxation of items of imputed income such as the value of owner-occupied homes and the interest or dividends credited to the owners of certain types of life insurance;
>
> Further revising the tax treatment of banking institutions so as to eliminate completely their use of excessive tax liabilities, and ending other special immunities which favor them over other taxpayers;
>
> Revising the rate structure to achieve greater progessivity;
>
> Eliminating the 50% maximum tax on earned income;
>
> Most important of all, the preferred tax treatment of capital gains should be taxed on the same basis as items of ordinary income; and
>
> Not all revisions of the tax law that would result from such a program should be put into effect immediately. Some reform measures would require a transition period during which the effectiveness of substantive changes in the law would either be postponed or be only partially operative. In this way taxpayers who have arranged their affairs on the basis of present law would be given an opportunity to reshape them in the light of the new legislation.

As I have indicated, the Revenue Act of 1971 provides for an annual revenue loss of $9 billion, approximately $8 billion of which is attributable to corporations and only $1 billion of which is attributable to individuals. The Congress must pass tax laws which benefit people, not merely corporations.

May I say also to my distinguished colleagues, the gentleman from Florida and the gentleman from Wisconsin, that I believe that the Joint Economic Committee has made an enormous contribution in the report issued by that committee on January 11, 1972. That study is entitled "The Economics of Federal Subsidy Programs" and catalogs in a very detailed and learned report consisting of 230 pages some $63 billion worth of subsidies in which there is waste and which we should examine very regularly and systematically. Therefore, I submit, gentlemen, that the Congress simply must move in the matter of tax reform: First, by plugging the loopholes that have been referred to; second, by the appropriate redistribution of income and by equalizing social security taxes and by all other means; and third, by the reduction of subsidies.

I concur with what the gentleman from Wisconsin (Mr. REUSS) has said, that we should not vote in favor of the $50 billion increase in the national debt which is being sought by the administration—the same administration which last year sought and received from Congress a $35 billion debt increase—until or unless we have a satisfactory statement from this administration to the effect that substantial and reasonable changes in the tax laws will, in fact, be proposed during this session of the Congress.

The Joint Economic Committee of the Congress has reported that in fiscal 1970 Federal subsidies cost at least $63 billion. The chairman of that committee, Senator PROXMIRE, has stated:

> This mammoth subsidy system represents a mindless means of spending taxpayers' money. There is virtually no analysis of economic benefits and little analysis of the cost of these programs.

In my judgment, when the President seeks, as he has this month, a budget authorization of $246.3 billion, he must make a better showing that these $63 billion in Federal giveaways are justified. He must demonstrate that cash subsidies of $10–$13 billion annually to encourage farmers to plant or not plant, to pay for the construction and operation of ships, to compensate beekeepers for dead bees, and for other such purposes, are in the national interest. He must demonstrate that subsidies of $38 billion which are used to facilitate the development of natural resources, to stimulate the purchase of machinery, and to encourage American companies to do business abroad, and for related purposes, are really needed. He must display for all the American people to see such evidence as exists that Federal credit subsidies at the current annual rate of $4–$5 billion now being used to assist in the purchase of farms and in providing inexpensive rural electricity and telephone service are needed and are being spent intelligently.

As far as I know, no such showing has ever been made in a comprehensive way.

What I seek in the economic sphere from the President of the United States more than anything else is some evidence that the human needs of our citizens are considered on a level of priority higher than the alleged fiscal needs of corporations.

To phrase the problem differently, I know of no recent request from a substantial segment of the business community for tax relief which has been denied. On the other hand, I know of no basic request from the representatives of the poor and unemployed people of this country which has been granted. We can apparently afford an investment tax credit, but not adequate direct job assistance. We can allegedly afford an increase in the Department of Defense budget to $78.3 billion, but we can only afford a federally guaranteed income of $2,400 for a family of four unemployable individuals. We can afford to pay the enormous interest required to finance the $38.8 billion debt incurred by the Federal Government this year, but we cannot afford to pay for child development programs which President Nixon has vetoed. In any equitable tax and budget arrangement, such priorities as these must be reversed.

Mr. DENHOLM. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. DENHOLM. Mr. Speaker, I want to associate myself with the remarks made by the gentleman from Florida.

Mr. Speaker, I am grateful to the gentleman for yielding. I oppose an increase in the national debt without planning and programing for the future in justification thereof.

Our past is glorious—our future is uncertain.

If 20 centuries could be measured on a 20-inch rule—we could then better realize the progress of America in less than the last 2 inches of such a scale of time. In less than 200 years we have surpassed all recorded events in the history of mankind. In peace and in war—in wealth and in wisdom—we now stand in judgment of ourselves, before God and before the eyes of the world.

### COMMUNITIES, COUNTRIES, AND CURRENCIES

The planet earth is a community of nations as this country is a nation of communities. Each in the complexity of modern economic theory is dependent upon the weld of each link. It is known that a chain has no greater strength than the substance that connects each link—a country is no stronger than the economic continuity of a composite of the communities. A world without countries and a country without communities is like a chain without links. It is no more.

Money is the modern measure of economic success or failure. It is the acceptable medium of exchange—for you and for me—for each community and for every country.

No government, large or small, can keep the people—the people must keep the government. There are many reasons why—and particularly so in a democracy. The mayor and council of a city cannot keep the people of the municipality—the Governor and legislature of a State cannot keep the people of the political subdivisions of government—and the Members of Congress together with the President cannot keep the people of the Union. All combined cannot keep the people of the world. But severally and jointly we have the capacity to improve the system of social order or to eventually destroy the government of the governed.

We have paid a great price to see ourselves from afar. Yet, many refuse to see what is here to be seen—to hear what is here to be heard or to do what is here to be done.

This is not a time for gloom and I am hopeful that we may not consider the minds of men to be as concrete—thoroughly mixed and permanently set. Let us open our minds to the mountains before us and let us tackle the tasks to be done.

### BUDGET REQUESTS VERSUS BUDGET REQUIREMENTS

The real problem most simply stated is that policies and programs of the past have resulted in current trends of too many people and too much wealth of this great country in too few places.

The failure of Government economists to recognize and relate the problems of the communities of this country with the economic inequities imposed upon all the people is a gross and serious error. The producers of food and fiber are forced to market the fruits of their labor at two-thirds of value and the wheels of industry turn at slightly more than two-thirds of capacity—5.5 million people are entitled to a minimum wage in an economy of no jobs while the rising cost of living visits every American home.

It is probably error to conclude that it all adds up to an upside down economy—but it cannot be denied that all is up should be down and all that is down should go up—and it cannot be denied that management of this public corporation—national Government—has plunged the stockholders—taxpayers—further in debt in the last 3 years than in the decade before.

The Honorable Secretary of the United States Treasury appeared before the House Committee on Ways and Means with a prepared pleading and appropriate prayer for a record rise of $50 billion in the debt limit of this Nation to meet the terms of the current budget request of the President. The need for that request is present because the requirements of prudent management and future planning are clearly absent. The testimony of the Director of the Office of Management and Budget in the record of those hearings is of no value other than an amen to the pleading and prayer of the Secretary of the Treasury that is well known to all. In substance there exists no planning and no programing beyond 1973. The work plans to support budget requests are inadequate as requirements in support thereof. There are no suggested alternatives—no imagination for the future. There is no real foundation for constructive policies in support of long term programs. The budget requests and the unequaled demand for a record rise in the national debt limit is premised on uncertainty—not certainty. Pursuant to all rules of reason no court of equity could grant relief—the $50 billion increase in the national debt limit must be denied. It must be denied until proper planning and programing is initiated with 20–20 vision beyond 1973 with an insight to the future and unto the year of 2020.

### FUTURE ECONOMIC DEVELOPMENT

The road to economic recovery will require more than rhetoric—more than money—and more than "jawboning." There is some economic precedent that things can be "jawboned" down, but I know of no precedent to suppose an economy can be "jawboned" up. "Puffing" is not economically productive.

I believe the people of this country are ripe for a departure from the traditional past—they are weary of policies and programs that have not worked and are not working now. If we are serious about communities and the quality of life in the gutted hinderlands of rural America and the core areas of the industrialized urban centers of this country than we must pursue policies and programs in the interest of people, performance, and production. We can not prepare for the future on the folly of our time and fables of the past.

The people of America have not lost all self-initiative and millions may still believe in the concept that "this is the house that Jack built"—and that it was a good one.

It is time that the Members of Congress recognize again that old-fashioned concept. I think it is time for a future economic development program that includes basic criteria as follows, to wit:

### FUTURE ECONOMIC DEVELOPMENT

A national fiscal budget not in excess of the average of the last past 5 years unless——

First. The Congress in joint session declares a national emergency, and

Second. All such budget requests are supported by acceptable workplans as approved and authorized by the Congress.

A national planning and land use program for future economic growth in comprehensive planning for conservation and utilization of human and natural resources.

First. Protection of the environment—to provide for pure air, clean water, and productive soils.

Second. Enhancement of the quality of life through national zoning in an overall plan for maximized efficiency of long-term planning for full development of natural resources.

A national board of economic equalization—for a meaningful control of inflation by the people.

First. Patterned on geographical areas such as the Federal Reserve Districts—to equate costs and prices by region.

Second. Power of subpena to ascertain the relationship of the economic crunch to the economic bulge—and to provide a place where a citizen can be heard when the "shoe pinches." To induce self-imposed restraint absent of Government controls.

Third. Patterned after the Board of Equalization for tax-paying citizens with the right of administrative appeals and final resort to the courts of equity by writ of certiorari only.

Reduction of national debt vested in the option of the people.

First. Citizens and taxpayers desire control of our ultimate destiny and national debt—

To provide a means of payment on the national debt by each citizen electing to do so.

To provide payments annually of a sum equal to the percent in income taxes due not in excess of the rate of interest paid on Government securities times the sum total of tax due and payable in any 1 year.

Second. To provide responsibility with the people and the obligation of fiscal prudence with the governed.

I do not suggest these proposals as a panacea—they are alternative options for long-term planning. There are other alternatives beyond the scope of my statement today.

I cannot vote for an increase in the debt ceiling of this Nation without some constructive plan for certainty in the future. Some of you may have done so in the past because it was believed to be the responsible thing to do—the Government must go on.

The recent record of huge deficits of the national budget are unequaled in all history—$23 billion in fiscal year 1971, $38.8 billion in fiscal year 1972, and $25.5 billion in 1973. These are the reasons for the requested increase in the national debt ceiling. Such reasons make as much sense as a bank loan to pay for an old grocery account.

The current policies of control of the economy and elimination of inflation harm the honest and the failure to plug loopholes in the Federal income, gift, and estate tax statutes benefit the economic bulge of a few at the expense of many honest American citizens.

I commend those people that have given much in seeking solutions in the past. Let us now do what must be done for the future.

Mr. Speaker, I have been told that USDA employs more than 83,000 people in Washington, D.C. I have no absolute knowledge of the total employees on the Federal payroll of the executive branch of this Government—but I have every reason to believe the most talented men in the world are available to the executive branch of Government. I am embarrassed that evidence in support of an increase of the national debt is woefully weak with no provision for long-term planning or reduction thereof. Management of the public interest must be improved and if we simply permit an increase in the national debt by and upon the request of the President now—we can expect nothing new in the future.

Mr. Speaker, if no one is to protect the governed—the burden is upon the Members of this House of the people. The time is now.

We must dedicate ourselves to the cause of bringing to the people of this country a sense of economic equity and a fair, honest and reasonable financial return for their labors, investments and some assurance of security in the future.

It is not an effort for some—but for all—not just one community, not communities of one area or one region—it is a national policy and the cause is our country. No other goal is worthy of our best effort.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. RYAN. Mr. Speaker, I should like to commend the gentleman in the well, the gentleman from Florida (Mr. GIBBONS) and our colleague, the gentleman from Wisconsin (Mr. REUSS) for having taken this time this afternoon to highlight the failure of the new economic policy of the President—that policy which came about as a result of the unprecedented combination of inflation and recession at the same time.

The President's vaunted new economic policy has failed to cope with the basic problem of this country—unemployment. The unemployment rate for December of 1971 was 6.1 percent—not perceptibly lower than it had been all throughout that year. The President's own economic report, which would be expected to look at conditions in the most optimistic light, predicts 5-percent unemployment by the end of 1972—a drop of only 1 percent. Five-percent unemployment is unacceptable, but these figures mask the fact that certain strata of our society bear a disproportionate amount of the unemployment burden. The unemployment rate for teenagers is 17.5 percent; for black and other minority adults the rate is 10.3 percent. And in the inner cities, for black teenagers it is astronomical. Such a chronically high rate of people out of work is intolerable.

The administration has several approaches for dealing with the unemployment problem, none of which is adequate. In the international sphere, the administration is relying on the devaluation of the dollar to increase jobs by increasing exports. The administration forecasts that devaluation will create 500,000 to 675,000 jobs in the United States over the course of 2 years. However, during the next 2 years there will be 3 to 4 million new entrants to the labor market. So, the jobs created by the dollar devaluation will not even allow us to hold our own against the problem of unemployment.

Looking at the administration's fiscal policy, the cornerstone is the Revenue Act of 1971. The administration asserts that one of the major purposes of this act is job development—through the 7-percent investment tax credit for industry. However, since industry is operating at less than 75 percent of capacity, the logic of the investment tax credit is flawed. Corporations running at this level of capacity are unlikely to engage in new investment and, therefore, new jobs will not be created by this credit.

The administration seems to think that, as long as it runs a budget deficit, engendered by the investment tax credit and other policies, there will be adequate stimulus to the economy. However, under basic Keynesian doctrine, it is not sufficient to cope with unemployment by simply running a budget deficit. It is necessary to direct government spending in a way best suited to increasing employment.

Instead of asking for tax reform and the closing of loopholes, the administration has asked Congress for an increase in the debt ceiling. Before asking that the debt ceiling be lifted, the administration should ask Congress to enact meaningful tax reform. The Tax Reform Act of 1972, which I have cosponsored, will bring some $11 billion new revenue into the Treasury by 1973, and plug loopholes that favor the wealthy.

The budget for fiscal year 1973 reflects the misplaced priorities of the administration. Approximately one-third of the total budget, $83.3 billion, is devoted to the military. In stark contrast, less than $2 billion is devoted to pollution control and abatement, only $2 billion for low- and moderate-income housing assistance, and about $6 billion for education, and only $1.1 million to provide public service jobs under the Emergency Employment Act. This amount is grossly inadequate.

I have joined in cosponsoring H.R. 12011, legislation introduced by Mr. REUSS, which would create 500,000 federally financed public service jobs by amending and expanding the Emergency Employment Act of 1971. Basically, this legislation authorizes $500 million for the fiscal year 1972, and $1 billion for the fiscal year 1973 to finance public service jobs. At least 80 percent of these funds are to apportioned among the States on the basis of the proportion which the total number of unemployed persons in each State bears to the total number of unemployed in the United States. The rest of the funds shall be allocated to be dispensed by the Federal Government. The funds allocated to each State shall further be apportioned to units of local government in the proportion that their unemployment bears to the unemployment in the State. Thus substantial funds will become available to localities to hire their unemployed to perform needed public service tasks—paramedical jobs, playground supervision, environmental improvement, sanitation.

This is the way to deal with unemployment: by spending money directly to put people to work, rather than by giving money to corporations in the hope they will make capital investments that they do not need.

As Prof. Robert Lekachman pointed out in his testimony to the House Labor Committee on January 26:

> Public service employment is an idea whose time has come. It represents the best available means of coping simultaneously with the persistent unemployment and unfilled public sector needs.

Further in his testimony, Professor Lekachman noted that a survey conducted in 1968 by Dr. Harold Sheppard of the Upjohn Institute showed that 130 cities, each with a population in excess of 100,000, could readily have put 279,415 people to useful work in activities which ranged from antipollution enforcement, through public safety, to sanitation and welfare. But the funds for such employment, unfortunately, were not available. Most of these jobs required little skill or skills that could readily be taught in short training programs. In view of the difficulties states and municipalities have had in supplying basic services since 1968, it seems certain that there is a need by States and municipalities for substantially more public service employees today. It is important to note that these public service jobs can be targeted to reach those unemployed who tend, because of lack of training, to be least likely to get a job during a period of economic recovery. I, therefore, hope that this legislation will be enacted rapidly. We cannot wait to provide aid to our unemployed; the Nixon administration has already waited too long.

In addition to providing no viable answer to the problem of unemployment, the Nixon administration has also rested its heavy hand upon those poor people in this country who do now have jobs. When the Congress enacted the President's economic stabilization legislation, it included a section—Economic Stabilization Act Amendments of 1971, title II, section 203(d)—which provides:

> (W)age increases to an individual whose earnings are substandard or who is amongst the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor.

This provision originated in the House, based on my bill, H.R. 11406.

The legislative history of this provision makes it quite clear that the intent of Congress was to define "substandard earnings" and "working poor," to mean a level of income of $6,960 annually, or approximately $3.35 an hour. Yet the President's Cost of Living Council has frustrated the intent of Congress by defining "substandard earnings" as applying only to workers earning up to $1.90 an hour, $3,968 annually. This decision was reached in the face of the unanimous opinion of the Pay Board that $1.90 an hour was so low as to violate congressional intent.

Dispensing tax boondoggles to corporations, freezing the working poor in poverty, is bad medicine for an ailing economy. It is essential that there be a viable program to cope with the problem of unemployment. Our public service jobs legislation offers a means to create 500,000 jobs. Meaningful tax reform will bring revenues into the Treasury to offset the large deficits which this administration's economic policies have produced. Such actions will generate confidence, thereby hastening the recovery of the economy.

Mr. GIBBONS. I thank the gentleman from New York.

Mr. Speaker, I yield back the remainder of my time.

## THE LYNDON BAINES JOHNSON LIBRARY EDUCATION SYMPOSIUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 60 minutes.

Mr. PUCINSKI. Mr. Speaker, last week it was my high privilege as chairman of the House Subcommittee on General Education to participate in the official opening of the first presidential papers in the Lyndon Baines Johnson Library at the University of Texas, in Austin.

President Lyndon B. Johnson and Mrs. Johnson participated in the ceremony as did hundreds of America's most distinguished educators and scholars.

It was a momentous occasion and one that inspired all of those present, for indeed the opening of the White House papers dealing with education during the administration of President Johnson will give researchers a deeper insight into the most exciting and productive era for American education.

No one can deny that President Johnson earned the title—"The Teacher in the White House" because of his deep personal commitment to upgrade educational opportunities for all Americans during his term in the White House.

The ceremonies in Austin, Tex., last week were full of nostalgia and rededication.

Mr. Johnson himself was the center of attraction, and rightfully so, for no American President has ever earned the love and admiration of the Nation's educators more than has Mr. Johnson.

Mrs. Johnson—Lady Bird—was her ever-charming self; one of the most beautiful and compassionate women of our time. It was heartwarming to see Mrs. Johnson in the beautiful setting of the Johnson Library and one sensed the warm affection and spirit of mutual cooperation that has always existed between President Johnson and the First Lady.

The impressive assembly of educators was living proof of the high regard that academia holds for President and Mrs. Johnson. It was also evidence of the high respect that the Nation's educators hold for the University of Texas at Austin, host to the Lyndon Baines Johnson Library.

I watched with joy the pride that filled our colleague, Congressman J. J. PICKLE, in whose congressional district the Lyndon Baines Johnson Library is located. Congressman PICKLE is one of the most highly respected Members of Congress and it is fitting that he represent the district which houses such a distinguished university and the Johnson Library.

I was also pleased to see Sidney P. Marland, Jr., U.S. Commissioner of Education, honor President Johnson by personally participating in this momentous and historic occasion. Commissioner Marland has brought a new dimension of leadership and dignity to American education and his contribution to the rich program at the Johnson Library inspired those present.

Mr. Speaker, as chairman of the Subcommittee on General Education, I am placing in the RECORD today the entire proceedings of this historic occasion.

I am grateful to Dr. Harry J. Middleson, Director of the Johnson Library, for his cooperation and the outstanding manner in which he arranged the entire proceedings.

I particularly call my colleagues' attention to President Johnson's own remarks at the conclusion of the symposium. President Johnson demonstrates his continuing dedication to the high promise of American education.

I also call attention to the significant contribution made by the speakers and panelists.

The Lyndon Baines Johnson Library Education Symposium constitutes a high water mark in American education and I am proud to have been able to participate in the proceedings.

The transcript follows after the official program which I include in the RECORD at this point:

THE UNIVERSITY OF TEXAS AT AUSTIN, THE LYNDON BAINES JOHNSON LIBRARY—EDUCATION SYMPOSIUM PROGRAM—EDUCATING A NATION: THE CHANGING AMERICAN COMMITMENT

MONDAY, JANUARY 24, 1972—10 A.M.

*Presiding*

Harry J. Middleton, Director, The Lyndon Baines Johnson Library.

*Welcome*

Stephen H. Spurr, president, The University of Texas at Austin.

*Welcome*

Robert L. Kunzig, Administrator, General Services Administration.

*Address*

John W. Gardner, Chairman of Common Cause, Former Secretary, Department of Health, Education, and Welfare. Dr. Gardner will trace America's historic commitment to education.

*Address*

Wilbur J. Cohen, Dean, School of Education, University of Michigan, Former Secretary, Department of Health, Education, and Welfare. Dr. Cohen will report on the Education Task Forces of the Johnson Administration.

RECESS FOR LUNCH

*Introduction*

Donald E. Morrison, president, National Education Association.

*Address*

Sidney P. Marland, Jr., United States Commissioner of Education. Dr. Marland's address will concern itself with problems foreseen and action required in the areas of preschool through high school education.

*Panel Discussion*

Dr. Marland's address will be followed by a panel discussion of the subject. Taking part in the panel discussion, with Dr. Marland, will be:

Harold Howe, II, vice president, Division of Education and Research, Ford Foundation, Former United States Commissioner of Education.

Patrick L. Daly, vice president, American Federation of Teachers.

Walter E. Washington, Mayor-Commissioner, District of Columbia.

Jerome S. Bruner, Professor, Department of Psychology, Harvard University.

Jack L. Davidson, Superintendent, Austin Independent School District.

TUESDAY, JANUARY 25, 1972—9 A.M.

*Introduction*

Elspeth Rostow, Associate Professor, Department of Government, the University of Texas at Austin, Chairman of the Symposium Planning Committee.

*Address*

William J. McGill, President, Columbia University. Dr. McGill's address will concern itself with problems ahead and action required in higher education.

*Panel discussion*

Dr. McGill's address will be followed by a panel discussion of the subject. Taking part in the panel discussion, along with Dr. McGill will be:

Francis Keppel, Chairman of the Board, General Learning Corporation.

Jacqueline Wexler, President, Hunter College of the City University of New York.

Rosemary Park, Professor, Educational Planning and Programs, University of California at Los Angeles.

Frank Newman, Associate Director of University Relations, Stanford University.

Lorrin G. Kennamer, Dean, College of Education, the University of Texas at Austin.

*Remarks*

The Honorable Lyndon Baines Johnson.

*Adjournment*

MORNING, JANUARY 24, 1972

*Educating a nation: The changing American commitment*

(The Symposium convened at 10:10 a.m., and the following proceedings transpired.)

Mr. Harry J. Middleton, director, the Lyndon Baines Johnson Library: Good morning, ladies and gentlemen. I am Harry Middleton, Director of the Lyndon Baines Johnson Library.

The occasion which has given rise to this gathering this morning is the Opening for Research of the Papers on Education in the Library's Collections, the first group of papers to be so opened. Those papers, however informative a body of records they are judged to be, however helpful they prove to be to scholarship, are the documents of a time and a concept of commitment to the cause of full educational opportunity.

That word, commitment, is the link between the openings of the papers and the event which brings us together here. There are in this audience many illustrious men and women and many concerned ones; educators and political leaders, administrators and students, and a President and First Lady who left their mark on American education. (Applause)

That there should be such a gathering to explore the continuing and changing American commitment is a most hopeful and auspicious sign in a day when hopeful signs are not always easy to come by. To express my own pleasure that you are here, let me say that I endorse in advance, most heartily, the sentiments of welcome to be voiced by my co-host for this affair, the distinguished President of the University of Texas at Austin, Dr. Stephen Spurr. (Applause)

*Welcome: Stephen H. Spurr, President, The University of Texas at Austin*

Dr. SPURR. Mr. President, distinguished guests, colleagues. My task is a pleasant one and that is to welcome you to the state of Texas, the city of Austin, the campus of the University of Texas at Austin and the environs of the Lyndon Baines Johnson Library, housing the first collection of the Presidential Papers on the college campus. This I do with all of the warmth and enthusiasm of a new arrival to this community, who himself has experienced the hospitality of the people of Texas and of this great university.

The present Symposium is distinguished not only by the event it records, but also by the caliber of its participants. We on campus will be its greatest beneficiaries and for this I thank you all in the name of The University of Texas. You are most welcome and we trust that you will enjoy your stay with us.

Let me emphasize the fact that this symposium, as is this Library, is a joint venture of The University of Texas and the Archives of the United States Government. The scholarly values of such a partnership are self-evident. Scholars need collection of important papers to reconstruct, to distill and to evaluate what has occurred in the past. We, as American citizens, need this scholarly activity to give us a base from which we can plan the future on the best available basis of experience, principle and common sense.

The LBJ papers are obviously of great value to historians. They provide the raw materials for research, both to established scholars and to aspiring students. Substantial benefits accrue to The University of Texas in having such a collection on our campus, not only for the materials themselves, but also in the fact that they attract people such as you so that we may profit by the interaction. Great symposia such as this will be few and far between, being dependent for their existence upon opportunities that must be seized by the daring. They are augmented, however, by the coming and going of individuals—by scholars, public figures, tourists—who will come to The University of Texas and to the LBJ Library to see, to learn and to teach.

While the Johnson Library is part of the Archives of the United States, we at The University of Texas at the LBJ School of Public Affairs and elsewhere, will continue our role in the partnership by welcoming and by providing facilities to scholars who come to work at the Library and on the campus. Our own faculty and students look forward to enhanced opportunities for scholarship and teaching. We are eager to share these opportunities with our colleagues.

The years covered by the Johnson administration constitute one of the great periods of higher education. The lessons we have learned and shall learn from them will form a bridge to the future when we shall have an even more universal system of education than we have today, when both the variety and quality of opportunities will be further increased, and when the educational process will be woven even to a greater extent than now into the cultural, the sociological and economic pattern of our civilization.

In closing, may I remind you that our nation is 196 years old and that our Bicentennial is only one quadrinium away. I had to look up that word. We on this campus and around this state are planning to make the celebration a major occasion for a reappraisal of where we have been and where we are going. We already have a Bicentennial Committee hard at work and provided with a professional staff. Many of those concerned with the opening of these papers on education will play a continuing role in the Bicentennial program. In a sense, therefore, the opening of the Lyndon Baines Johnson Papers on Education is a curtain raiser for things to come. It will be a hard act to follow but we'll do our best. Thank you. (Applause)

Mr. MIDDLETON. Because of the illustrious nature of the assemblage here, introductions of those in the audience would be most unwise. We would be at it all morning. I believe an exception should be made, however, a happy exception, for the members of Congress that are with us. For although the rest of us have the luxury of talking about education, they are the ones who must deliver. The Education Subcommittee of the House Education and Labor Committee has been the staging area for dramatic breakthroughs in many a tough battle. We are honored to have the Chairman of the subcommittee here this morning. The Honorable Roman Pucinski of Illinois. Would you stand, please, Congressman? (Applause)

We are also privileged and pleased to have our own Congressman from this district, the Honorable J. J. "Jake" Pickle. (Applause)

In addition to being a part of the scene here at The University of Texas, the LBJ Library has another life as well. It is a member of the Presidential Library System which in turn is a component of the National Archives and Records Service. Responsibility for that extensive operation belongs to the Archivist of the United States, Dr. James B. Rhoads, who will extend now a welcome on behalf of the United States Government. (Applause)

### *Welcome: Dr. James B. Rhoads, Archivist, the United States of Amreica*

Dr. RHOADS. Mr. President, distinguished ladies and gentlemen. When this library was dedicated last May, President Nixon said of it, "Through its connection with a great university, it promises both to enrich the university and to be enriched by the university." The event that brings us together here this morning, illustrates the happy accuracy of that prediction. The Lyndon Baines Johnson Library and The University of Texas have joined forces to present a Symposium that will serve and, hopefully, advance the cause of education. Such a joining of forces for such a purpose is, I believe, a splendid example of the mutual enrichment envisioned by the President.

Presidential libraries provide a relatively new dimension in research and in research facilities. They perform a distinct service for scholarship by maintaining and by making available for research, the papers and records in their collections which are among the most valuable source materials of the nation's history. Although the papers of 23 presidents are preserved in the Manuscript Division of the Library of Congress, none of the collections are complete and and many are quite small. Unfortunately, sigificant portions of other presidential papers were lost, accidentally, as in the cases of the William Henry Harrison and John Tyler papers; or intentionally, as occurred with the papers of Millard Fillmore, Franklin Pierce, Abraham Lincoln, Chester Arthur and Warren G. Harding. Other collections were scattered among various public and private repositories or came into the hands of private collectors.

But in 1938, a new tradition was established for the care and preservation of these documents. Franklin D. Roosevelt made the decision to house his papers in a Presidential Library and to turn over the collections to the Government. What President Roosevelt started became the basis for a law passed in 1955; and Presidential Libraries Act, which enables the Federal Government to maintain and make available the papers of any president who chooses to donate them to the people of the United States. There are now six such libraries bearing the names of the 31st through the 36th presidents.

With the construction of the Johnson Library on this campus and the plans for the Kennedy Library to be housed at Harvard, a new precedent for Presidential Libraries has perhaps been established. That of promoting education by locating the library in a university community. Not only is this action an incalculable boost to the university's resources, it is also a massive infusion of research opportunities for students and teachers. I think that it is symbolic that this precedent should be inspired by Lyndon B. Johnson, the education president. His administration was responsible for the passage of 60 major education bills. A record unequaled in the annals of American history. For this reason, it is also fitting that the first papers opened in this library pertain to education. These manuscripts will be consulted for decades to come by those who want to know and want to understand America's effort to provide educational opportunities for its people. They will document what President Johnson has termed the venture of the Federal Government for the first time into a comprehensive attack on illiteracy in this country. This material will assist scholars in the study of the past and will guide policymakers in the determination of the future.

Presidential libraries would be fulfilling their purpose if they did nothing more than preserve and provide access to the papers they contain. This is their basic reason for existence, but their charters are broad and their possibilities for service unlimited. Intellectual centers such as these are inherently dynamic institutions constantly probing as searchlights for new and exciting ways to advance scholarship. The Presidential Libraries have hosted historical associations, sponsored seminars and historical conferences, produced a variety of publications and generally become involved in a wide range of educational activities.

The partnership between The University of Texas and the Lyndon B. Johnson Library represents an even broader enterprise. It embraces a challenge to embark on new academic explorations, utilizing the facilities, the resources, prestige and the goodwill of both partners. Today at this Symposium, we are taking part in the illustrious beginning of this partnership. I am glad to be a part of it and on behalf of the Government of the United States, I take great pleasure in extending a welcome to all of you. (Applause)

Mr. MIDDLETON. In those years of the recent past, when the nation was aroused to the prospect and the challenge of extending the promise of fulfillment through new opportunities, the stage was crowded with giants. Concerned men and women who produced the ferment of change by making the machinery of government work for the betterment of people. One towering figure was John Gardner. To an audience such as this, an introduction of John Gardner is superfluous. It is enough, perhaps, to say that he brought with him into the arena of action, an idea of excellence and a faith in education. And a generation of Americans is better off because he was there and because he served. Mr. Gardner. (Applause)

### *Address: John W. Gardner, chairman of Common Cause, former Secreatry, Department of Health, Education, and Welfare*

Mr. GARDNER. President Johnson, Mrs. Johnson, distinguished guests.

I am exceptionally pleased to be here and proud to play a part in this ceremony, to pay my respects to this great library and honor the President whom I served.

I'm going to talk about federal activities in education during President Johnson's administration and I'll try to relate those activities to the larger context of our national life and aspirations.

Let me begin with a bit of history.

The time is June 1776. The scene—a second floor parlor in the brick house of a young German named Graff, at the southwest corner of Market and Seventh Streets in Philadelphia.

There shortly after the eleventh of June, beginning perhaps on the very evening of the eleventh, the lodger who occupied the second floor bedroom of Graff's home began to draft one of the great documents in our history.

The lodger was, of course, the tall, lean, thirty-three year old Virginian known as Thomas Jefferson.

The document was, of course, the Declaration of Independence.

Jefferson said that he "turned to neither book nor pamphlet while writing" the Declaration. Beyond that, we know very little about the actual conditions of drafting. If I could talk with the shade of Jefferson, I think I'd pass up a good many other interesting topics in order to question him about the drafting. I think I'd question him in particular about the second and most famous sentence in the Declaration. The sentence that, as it stands in the final version, reads: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

In rough draft he said: "We hold these truths to be sacred and undeniable . . ."

Jefferson later emphasized that he was giving expression to widely held views and, indeed, he was. The Declaration, he said, "was intended to be an expression of the American mind. . . ." And we know he had grounds for that assertion. As Julian Boyd put it, "The idea that men were born equal, that they were possessed of certain inherent and unalienable rights, that those rights included life, liberty and the pursuit of happiness, that it was the duty of government to protect and preserve those rights, and that the government which did not do so could be abolished—these were ideas familiar not only to . . . every pamphleteer, every lawyer, every minister of the gospel, but also to almost every American subject of George III in the epochal year 1776."

"We hold these truths to be self-evident . . ."

True to our modern temper, we have dissected the sentence, debated it and impugned it. I myself have questioned it, defended it, argued over it and written about it. But the dignity of the sentence remains. To me nothing can detract from the significance for Americans of the moral strivings reflected in that sentence. It is the most seminal sentence in the history of American values.

But we must not let our admiration blind us to certain facts. After the great words were written, 89 years passed before we abolished slavery in this land of the free. Another half century passed before we enacted effective legislation against child labor. It wasn't until 1954 that the Supreme Court ruled against segregation. And even today, human potentialities are warped and stunted in our slums.

Recognizing all that, what should be our attitude toward the words of the Declaration? I've heard it argued that in the light of attitudes and practices then prevailing, the words were sheer hypocrisy, the kind of lofty sentiment man expresses but never lives by, and that for the sake of honesty, they might better not have been written.

I take a very different view of the matter. I believe the later gains in human dignity would have come even more slowly if the Declaration had not stood as a reminder of what we should be striving for and had not yet achieved.

Before the Constitutional Convention in 1789, George Washington is said to have made the statement: "Let us raise a standard to which the wise and honest can repair. The event is in the hands of God."

When I was a young man, that seemed to me and it still seems to me, a noble proposal. But as a youth, I was also attracted by its seeming simplicity. Life hadn't yet revealed to me how difficult it is to raise any kind of standard, nor for that matter, how hard it is to be wise and how very hard to be honest—hard all the days of our lives.

I believe that Jefferson erected such a standard when he inserted into our first national document, a clear expression of what has proven to be the most enduring of American values.

We have been faithful and faithless by turns, to the ideals that he expressed. We have interpreted and reinterpreted his words. Our understanding of the values underlying them has evolved and deepened. And we're still struggling to do justice to the vision, heartened by our successes, ashamed of many failures and unable to predict what new moral insights of tomorrow will make present practice appear primitive. Perhaps that is a description of the reality surrounding all moral striving.

The story of our failures and partial successes in the 192 years since the Declaration is more than the story of the slow approach to an early goal. Not only is our practice becoming in some respects more compatible with the Declaration, our moral insight concerning the goal itself is in some respects deepening. We understand more now than we did then about the implications of those truths that were thought to be self-evident.

One of the things we know now is that there are other and perhaps more stubborn obstacles to individual fulfillment than the political tyranny and oppression that preoccupied the Founding Fathers; obstacles such as poverty, ignorance, disease, discrimination and mental or physical illness or incapacity. And these cannot be removed merely by assertion of unalienable rights, nor even by legally certified freedoms. The most exciting declaration of our generation is the assertion that we must attack all of those obstacles.

I listed ignorance as one of the obstacles to individual fulfilment and that brings me to the subject of this ceremony, education.

President Lyndon B. Johnson is the only president of the United States who has ever said that education is the first business of this nation. (Applause) And he believed it. And he acted on it. During his administration, expenditures for education more than tripled. I could fill the whole of this speech with no more than the simplest annotated listing of the programs launched. I could talk at length about the Elementary and Secondary Education Act, about the programs to strengthen higher education, about the first national venture into non-commercial television or about the assistance given to libraries and medical schools and vocational programs and rehabilitation.

But the full record is available for all to read. I'm convinced that in the decades to come, historians will look back to the 1960's as a moment of seminal change in American education, a moment of innovation, a time of significant beginnings.

Let me talk about just one or two of those beginnings. Consider the matter of education for disadvantaged children. In the 1960's, we undertook the first large-scale, intensive programs to improve the education of the disadvantaged. The efforts were massive and they involved a great variety of approaches to the problem.

We calculated that there were about 15 million children living in poverty in the United States. And the more closely we studied these children from our urban slums and rural depressed areas, the more clearly we saw the extraordinary difficulties they faced when they entered school. Unprepared socially and psychologically, discouraged almost before they began, they often dropped out as early as they could.

Many, many millions of children benefited from special projects under the Elementary and Secondary Education Act. They benefited from individualized instruction, from enriched summer programs and from improved remedial programs. Many schools gave youngsters from poor homes a chance to learn and earn at the same time. Night classes were set up so that school dropouts could continue their education after work. New books, films and training aids were made available. Counseling services were established and teacher-aides were brought into the classroom so that teachers could devote more time to teaching.

Under the Economic Opportunity Act, an equally significant experimentation was underway, particularly, of course, the immensely important work in pre-school education. There has been endless debate over the effectiveness of the Headstart Program. But it had one undeniably good consequence. One irreversable consequence. We will never again assume, as our schools once officially assumed, that to assemble all children of an age group in school in their sixth year of life is necessarily to give them an equal chance.

As we approached the problem of improving the education of the disadvantaged, most of us were acutely aware of the difficulties involved. Indeed, the task was so difficult and the obstacles so discouraging, that we sometimes felt very little sense of accomplishment, but we learned quite a few things.

First, we came to understand, as I've said, the importance of early childhood education and we will not forget that lesson.

Second, we came to understand the centrality of language handicaps in disadvantaged children.

Third, we learned the importance of remedial education to these youngsters who fall progressively behind because of early handicaps.

Fourth, we discovered the possibilities of individualized instruction. Situations which permit slow learners to work at their own pace at the same time that they enjoy participation in the class that includes more rapid learners.

Fifth, we rediscovered the central importance of motivation and the necessity to alter certain kinds of self-image that lead to self-defeating behavior on the part of many disadvantaged children.

Sixth, we explored many approaches to training for employability and the transition from school to work—better counseling, work-study, on-the-job training and effective teamwork among the schools, the unions and industry.

It appears to be the fashion now—at least in some circles—to be somewhat discouraged about the education of disadvantaged children. Many people have worked very hard on programs that have not fully succeeded. They have seen large sums of money spent without the clear, dramatic results that they had hoped. They're still searching for answers.

But I cannot accept discouragement as a reasonable reaction. As little as fifteen years ago, we weren't even thinking about the problem. Almost everyone in the field of education assumed that somehow our democratic educational system automatically handed an equal opportunity to every school child in the first grade. If you can't remember how complacent we were on that score, you have a very short memory.

The education of the disadvantaged is a task of great complexity. What reason had we to expect easy answers? We've been at it a very short time. I sometimes think that we're long on good intentions and short on stamina.

Along with these efforts and related to them, and very close to my heart, were our efforts to provide equal opportunity to black children and to children of other minority groups. The Civil Rights Act of 1964 set the stage for that effort and we took the first historic steps toward desegregation of the school system. I need not emphasize the enormous difficulties we experienced. One does no favor to the cause of equal opportunity by ignoring or suppressing evidence of real difficulties. But it would be wrong to write off the whole effort in a fit of pessimism as some are now inclined to do. In fact, it cannot be written off, no matter how anyone may feel at the moment. The movement toward justice for blacks and for other minority groups is an immensely powerful current in our national life. It cannot be stopped—not by the anger of its enemies, not by the mistakes of its friends. All who pursue the goal will not be infinitely wise in their strategies. They may have no ready answers for the dilemmas facing the movement at any given moment, they may make mistakes. But the movement will continue.

Let me mention one other field in which we made extraordinary steps forward—the education of handicapped children. We estimated that at least 10 percent of the school population, then roughly five million children, had handicaps severe enough to require special education. Of this number, we estimated that there were a quarter of a million children too ill or crippled to attend regular classes, needing to have schools brought physically within reach; more than two and a half million with sight hearing or speech handicaps requiring special educational services; more than a million and a half of school-age mentally retarded children; and almost a million emotionally disturbed children. The usual teaching methods do not always work with these children, but a very large percentage of them want to learn and can learn.

Nearly 90 percent of all the mentally retarded can learn to do productive work and most can learn school subjects. In a four year period, we approximately doubled the number of mentally retarded children in special education classes—from 393,000 to 677,000. And we provided residential and community services to 400,000 more. At the same time we were learning more about mental retardation, learning how it can be prevented.

We encouraged more young people to enter careers of teaching, training and caring for handicapped children. In a three year period, we almost doubled the number of students in training in that subject at our colleges and universities. We steadily expanded the quality and quantity of these teacher training programs.

Now, there are those who said to me at the time, referring to handicapped children and particularly, perhaps, to mentally retarded children, "Why spend scarce resources of energy, talent and money on human beings who will never probably contribute significantly to the society, who will be marginal at best?" And I always gave two answers, the first a practical answer and the second, it seems to me, a conclusive one.

The practical answer is that the result of the effort is the difference between a self-sufficient human being and one who is dependent, helpless and a burden to himself and society. We can achieve the former and avoid the latter for most of these children.

The conclusive answer is much briefer. Every individual is of value.

At the heart of our conviction as Americans is the belief that every individual should be enabled to grow to his full stature and be what he has it in him to be. Over the years we've become increasingly determined to fulfill that promise and education offers the chief means of doing so.

Most Americans had always believed in the ideal of individual fulfillment. What was new in the efforts of the 1960's was the breadth and penetration of the efforts that we made to make the ideal come to pass. Never before in our history had we worked so hard on so many fronts to open the avenues of opportunity. Never before, to cite one example, had we mounted a penetrating attack on hard-core poverty. Our concurrent attack on racial discrimination, another barrier to individual fulfillment, was incomparably more vigorous than any attempted previously. The same may be said of our efforts to cope with mental retardation, mental illness, physical incapacity and so on. In fact, we launched the broadest possible attack on all the conditions that prevented individual fulfillment or stunted human growth.

I shall always be grateful to President Johnson for giving me the opportunity to serve as Secretary of Health, Education and Welfare during some of those years. The job gave me a very special view of this nation. I saw children being taught, sick people being cared for, the aged being helped, the disabled retrained; I saw health research going on; I saw the schools and colleges expanding; young men and women being prepared for careers in science and the arts and scholarship. I saw the people in and out of government who made that whole part of American society work—teachers, nurses, businessmen who serve on school boards, doctors, ministers, social workers, housewives who do volunteer work, college students who tutor children in the slums and all those who give generously or raise money for good purposes.

Why do they do these things? Why do they do them with such conviction? To answer that is to say something about what I like to think of as the American commitment, which is not to affluence, not to all the marvelously cushioned comforts of a well-fed nation, but to the liberation of the human spirit, the release of human potential, the enhancement of individual dignity. Those are the great themes of our life as a people. Everything else is a means to those ends.

Unfortunately, some of our fellow citizens do not honor those ends, but many others do. Many live by the American commitment and live to further that commitment. It can be honored only by deeds. The Scriptures say "At the day of Judgement, it will be asked not did you believe, but were you doers or talkers only?"

The hard thing about being doers and not talkers is that we can't walk away from the difficult, often painful, tasks involved in achieving the ideals that we profess. If we say one thing and do another, then we're dealers in illusions and not a great people.

I saw people from every part of the nation, in every walk of life, tackling the toughest problems of our national life. I worked with such people day in and day out.

They came from all walks of life. Their occupational labels didn't really matter. They constitute the brotherhood and sisterhood of those who care enough about the American commitment to do something about it. It is an army without banners and its campaigns are not reported on the front page, but it marches.

Every time a teacher strives to give honest, individual attention to some child, she is advancing the cause. Every time an employer seeks to create the working environment in which individual employees can flourish and grow, he is helping. Every time a mother provides the special combination of love and instruction that makes for early intellectual growth, she is doing her bit. Every time a citizen works through a civic organization to create a government more responsive to individuals, he is contributing.

In short, anyone can contribute and I must say, I count the contribution as a measure of the men and women I meet. I don't want to know what their religion is or their political party or what philosophy they profess. I just want to know what they have done lately about the basic American commitment.

The commitment is deeper than political parties. It has to do with a powerful current that runs beneath the surface of American life down through the years and the decades and the generations and we must keep it running strong.

Now let me sum up and conclude.

Some believe that in the interest of humanitarianism we should weave a vast cocoon around everyone in the society so that everyone will be safe and secure and problems will disappear. But that's impossible. We can't make everyone safe and secure. We cannot hope for a world without problems. What we can hope for is a society in which every individual has a chance and no individual is irreparably damaged by circumstances that can be prevented.

Every individual is of value.

That defines the purpose of our effort. That's the purpose of all our trials and errors and seeking and finding. It's to enhance the individual human being. That's easy to lose sight of, especially when we're talking about huge government programs, but their only legitimate purpose is to create the conditions in which individual lives may be lived humanely.

What I'm saying, then, is first, that there is contained in this great library, a record of some of the most exciting years in the history of American education; and second, I'm saying that the story told therein is at the very heart of what this nation is about.

In closing, I want to pay tribute to the important leadership supplied by Francis Keppel and Harold Howe, both of whom are here today, the two men who served as Commissioners of Education during my years as Secretary. And I want again to extend my thanks to President Lyndon B. Johnson, whose powerful convictions made all of this possible. Thank you very much. (Applause)

Mr. MIDDLETON: When Wilbur Cohen was sworn in as Secretary of Health, Education and Welfare, to succeed John Gardner, President Johnson introduced a new term into the language. He called it "Wilbur power." (Laughter) And he defined it as willpower with something added—the power of optimism over pessimism and involvement over indifference. The power, he said, that gets the job done.

As a young man, fresh out of college in the 1930's, Wilbur Cohen earned his credentials as a devoted public servant by laboring to get Social Security on the books of American law. There are few social reforms enacted since that time, that do not bear his imprint to some degree, and sometimes that imprint is practically a personal brand. He, too, needs no real introduction to men and women committed to the cause of education. Wilbur Cohen. (Applause)

*Address: Wilbur J. Cohen, dean, School of Education, University of Michigan, former Secretary, Department of Health, Education, and Welfare*

Dr. COHEN. Mr. President, Mrs. Johnson, distinguished members of Congress and many colleagues and friends in the audience who helped us in this great venture of education legislation.

My life since 1965 has been to follow John Gardner. (Laughter) That, of course, is a very, very difficult assignment.

I'm impressed by the fact that in addition to the President of the United States, who's here, we have so many present Presidents of colleges and universities. I know we have some past ones and I'm certain we have some hopefuls for the future in the audience. And I'm reminded of the story about the President of the university who died and went to Hell and the devil said "I'm going to make you President of Hell University." (Laughter) And he said, "Well, that's not so bad. I've been President of the university for quite a time." And the devil said, "Yes, but in Hell we have two Boards of Trustees of Hell University." (Laughter)

That's President McGill's joke and I pay tribute to him and he has several more that I've learned but since he's going to be on the program later, I'm not going to give his other jokes. (Laughter)

It's obvious that this is a very special occasion. Coming so early in an election year, it may be assumed by many columnists that President Johnson wished to open his 1972 campaign here in Austin. (Applause) This time, however, it can be characterized as a campaign to bring the unfinished agenda of education to the attention of the American people.

The public availability of the education papers in the Johnson Library, represents an unusual opportunity for educators, historians and students of political science, public administration and public policy.

The education reports and papers which become available today may, and I'm certain, will be approached from many different points of view. I'm going to mention five possible areas of exploration for scholars to open this subject for discussion. The papers, in my opinion, may be utilized to throw light on the substantive educational policy and programs of this nation; on the process of presidential policy formation and decision making; on the legislative process and legislative decision making; on the administrative management of education programs; and, finally, on differential role participation in the process such as the role of the White House staff, the Bureau of the Budget, the Secretaries of Health, Education and Welfare, Labor, other Federal officials, and the education community. And this list for today's discussion is only illustrative and can easily be expanded.

In discussing these various aspects, I tried to do so with the specific objective of encouraging students in various fields to study the materials from different points of view and to report their conclusions not only for the benefit of future Presidents and Secretaries of Health, Education and Welfare, but for Congress and the American people as well, in the improvement of educational legislation.

First, a very brief overview of the major reports and documents which will be available to serve as research potentialities in the future.

First, the first Johnson Task Force on Education was under the chairmanship of John Gardner. This report, submitted in 1964, contributed to the development and support for the Elementary and Secondary Education Act of 1965 and also for the Teacher Corps. Among the 14 additional members of that Task Force were Francis Keppel and two future Commissioners of Education, Jim Allen and Sidney Marland. Also, Clark Kerr, Ralph Tyler, David Riesman and Jerrold Zacharias—a very distinguished group.

In 1965, President Johnson appointed two Education Task Forces. The first under the chairmanship of the Secretary of State, Dean Rusk, dealt with international education. This report was primarily developed by Charles Frankel, then Assistant Secretary of State for Educational and Cultural Affairs. But on that Task Force was a new face and a new man, Harold Howe, then Executive Director of the Learning Institute of North Carolina. Out of this Task Force came the recommendations for the International Education Act which, as many of you know, although passed, Congress never did fund.

The third Task Force was a report in 1965 and was of a much different character. Under the chairmanship of Dwight Ink and two other governmental officials, the report was issued on the reorganization of the Office of Education. This report was of key significance in the realignment of the office to assume its expanded administrative role in implementing the vast new legislative responsibilities of the Johnson education program.

In 1966, there were three Education Task Force reports submitted to the President. An interagency Task Force under the direction of Secretary Gardner, proposed eight areas in which new legislation and amendments to existing legislation or increased appropriations were recommended.

At the same time, an outside Task Force under the leadership of Bill Friday, President of the University of North Carolina, was hard at work on an overall review of the educational needs and programs. On this Task Force, Sidney Marland was Vice Chairman, and Lee DuBridge, President of the California Institute of Technology, later to become President Nixon's Science Advisor, were among the twelve other members of the committee. To give you a rough idea, the report was 148 pages.

Sixth, an outside Task Force on early childhood development was at work in 1966, under the chairmanship of Professor Joseph McVicar Hunt of the Department of Psychology at the University of Illinois. This very remarkable Task Force report entitled "A Bill of Rights for Children" covers a wide range of programs and proposals, many of which are still under discussion. Its distinguished membership included Professors Urie Bronfenbrenner, Jerome Bruner, Robert Cooke, George Tarjan, Halbert Robinson, Nicholas Hobbs and several others.

This report, among the others that will become available today, is 157 pages of tightly packed information on child development and child education in one of the most useful Task Force reports that have been made. This report played an important role in President Johnson's message on America's Children and Youth of February 8, 1967. It served as the basis for his recommendations of the "Follow Through" program and the Parent and Child Centers. And interestingly enough, in its recommendations it served as the basis for President Nixon's establishment of the Office of Child Development in the Department of Health, Education and Welfare.

In 1967, President Johnson appointed three more Task Forces in the field of education.

An Inter-Agency Task Force under John Gardner with Commissioner Howe, Doug Cater and ten other governmental officials made some 24 recommendations and raised a number of educational issues for further consideration. Their recommendations included a model school in the District of Columbia, advance funding of education appropriations, a most important recommendation that has partially been implemented, consolidation of vocational education legislation and additional student financial aid.

The eighth Task Force of the Johnson administration was an Inter-Agency Task Force under the chairmanship of Bill Gorham, Assistant Secretary for Planning and Evaluation in H.E.W. which dealt with child development. This Task Force was commissioned by the President to review the ideas in the Hunt Task Force and the steps taken to implement the ideas in that report and to review all Federal Health, Education and Welfare programs for children. The Task Force report included such other items as family planning programs, the handicapped children's programs, public service employment for teenagers and young adults as well as day care and preschool programs for children.

Ninth, a Task Force on the education of gifted persons was appointed in 1967, and it will be of interest to note that the record shows that the Task Force on the gifted was suggested by Harry Ransom, Chancellor of the University of Texas when Joe Califano and his colleagues visited here in Austin in 1967. The chairman of the Task Force, F. Champion Ward, was Vice President of the Division of Education and Research of the Ford Foundation. Among its six distinguished members was David Packard, later to be Deputy Secretary of Defense in the Nixon administration and a subsequent major contributor to educational and charitable enterprises by virtue of the unintended action of the Congress. (Laughter) This report of 43 pages was actually printed when it was submitted to President Johnson. It is entitled "Talent Development: An Investment in the Nation's Future." A recent 1971 public report submitted by Commissioner Marland on the education of the gifted and talented undoubtedly benefited from the prior Ward report in view of the fact that there were some individuals who were consulted on both reports, and it'll be interesting to compare the subjects and recommendations in both these reports.

In the last year of the Johnson administration, the President appointed three Task Forces on education.

A Task Force on urban educational opportunities was under the chairmanship of Paul A. Miller, Assistant Secretary for Education. The file shows that Paul Miller and I recommended that the report be made public since the President had already indicated he was not going to run, and I'm glad that my request is being fulfilled today.

An Inter-Agency Task Force on the administration of academic science under the chairmanship of Charles Schultze and later Ivan Bennett, Deputy Director of the Office of Science and Technology, reported late in 1968. The Task Force recommended the establishment of a Council of Advisers on Science in Education and a new Cabinet Department of Higher Education and Science.

The twelfth and last Task Force established by President Johnson was chaired by the seventh Secretary of Health, Education and Welfare. Commissioner Howe, Sam Halperin and other staff members who are here did most of the work. There are some 140 pages in this report covering 21 recommendations and it'll be interesting for someone to evaluate which of these are currently desirable and, I suppose I can say today, that all presidential candidates of all parties are now welcome to put these very sensible recommendations into effect. (Laughter)

In considering these twelve Task Forces which are being made public today, it should be kept in mind that a number of other informational reports on education were made public during the tenure of the Johnson administration. Virtually all of the major education legislation required the appointment of advisory committees to advise the President, the Secretary and the Congress. Reports from these Councils were made public and represent a useful insight into current problems, viewpoints and recommendations. Whatever may have been the validity of charges concerning secrecy about reports in other programs, there were more reports, recommendations and comments made public on education legislation and programs during 1964 to 1968 than anyone could digest thoroughly.

During the last days of my tenure, I added to the indigestion by making public two special studies which had been requested by the President. The first is entitled "Toward a Long-Range Plan for Federal Financial Support for Higher Education," which still may be of some usefulness to those who are here in the resolution of the differences between the House and Senate in connection with the pending Higher Education Bill. The second, a very important report entitled "Toward a Social Report," was prepared in connection with the President's request for the development of social indicators. Both of these reports remain as sources of ideas still to be mined by explorers and adventurers.

Special note should also be paid today to the Oral History Project at the University of Texas which has taped over 1,000 interviews with persons involved in the Johnson administration. Some 18 to 20 interviews with persons primarily concerned with education will be available over the next few months. Additional interviews with other persons relating to education will be available when the papers dealing with Civil Rights and poverty become available. Some of the persons interviewed have put restrictions on their materials but a substantial amount of observation, comments and critical evaluation will be available shortly to qualified scholars.

In addition, the expression of views of some 200 persons from some 25 academic communities should throw light on educational as well as other issues. These meetings which the President instructed Joe Califano and other members of the White House staff to hold in 1967 and 1968 are worthy of study, both in terms of the impact on White House policy and also to the extent, if any, the impact they had on Departmental policies and programs. Irrespective, they make rather interesting reading at this time.

A study of the impact of academic leaders on the Kennedy, Johnson and Nixon administrations might be of interest and I make one suggestion as an illustration. To start with Pat Moynihan, the Irish tenor, who served in all three administrations, might be a provocative case with which to start in looking at these papers. And other names will, of course, come to mind.

Thomas Cronin and Norman C. Thomas have published an analysis of the membership of 6 advisory bodies who helped guide the Office of Education in the Johnson administration during the period 1966 to 1969. They received replies from 176 educational advisors and conducted 31 interviews with the Office of Education officials. Their analysis, in their words, "highlights the elite, nonrepresentative character of the council members, their benign support for the United States Office of Education, President Johnson and the Great Society, and their symbiotic relationship with that agency." They refer to the "semi-incestuous character of the advisory council process" and conclude: "The critic's role needs both greater cultivation and greater reward. The question remains: How can we design advisory councils that can attract and keep knowledgeable and autonomous members?"

During the Johnson administration, a friend of the program, Elizabeth Drew, wrote a very perceptive and critical article in *The Atlantic*, May 1968, entitled "On Giving Oneself a Hotfoot: Government by Commission." She reported that "a group of highly qualified Washington observers of the stripe that the press frequently turns to for profound insights, formed a Commission on Commission-Watching." (Laughter) And she recorded their findings, humorously, of course, as follows:

There are eight reasons for the President to appoint a commission. There are three guidelines to follow on how to choose the commission. There are five procedures for a commission to conduct its work and five recommendations for future Presidents on how to handle commission reports. And I suggest that all of you read these if you're interested in appointing Task Forces yourself.

Cronin has also published another study White House Departmental relations which opens up many interesting aspects of exploration. The focus of his analysis was especially on the middleman role of the White House staff. He interviewed 43 members of the Kennedy, Johnson and Nixon presidential staffs and more than 25 cabinet and subcabinet members from these three administrations. Cronin makes a number of observations which might be useful to future cabinet members. For instance, "Presidents frequently transmit some of their most unpleasant decisions for cabinet leaders via Bureau of the Budget leadership." In some cases, at least in mine, that honor was shared with Joe Califano and Doug Cater.

Now, with this overview, I'd like to briefly discuss the five areas of exploration to which I referred earlier.

The first is the value of these papers in terms of educational policy and program. The vast volume of the legislation enacted under President Johnson offers an unusual opportunity to evaluate its significance historically, not only in terms of past developments but current needs and future changes in educational programs.

Certainly, many additional changes in Federal education legislation are needed and the suggestions contained in the Task Force reports made public today should be examined for their current and future roles.

Some scholar should be able to cull from these reports some gems of thought which the Nixon administration has obviously neglected. And various presidential candidates, either in 1972 or 1973, could find some suggested educational programs to embrace. In a spirit of nonpartisanship which envelopes us today, we could suggest that some student looks for some of the recommendations in the reports which have been accepted by the Nixon administration. And, of course, there will be evaluations of the various features of the education legislation enacted during the Johnson administration, identifying and discussing the elements which have long-run significance as well as the errors and irritations of policies, personnel and priorities. I might suggest you'll find those in the oral histories and not in the Task Force reports.

There are many avenues to explore in the education legislation proposed by President Johnson. The proposals previously advocated and rejected form the backdrop. What were some of the alternatives which were considered and rejected? In what way did some of the education decisions—were they effected by the antipoverty program and it's administration?

The Task Force on Child Development, as I've indicated, is worthy of special consideration in view of the current interest and controversy over the recently vetoed Child Development Bill. And the efforts which are now taking place to redraft the bill to attain enactment this year.

The second area for exploration, Presidential Policy Formation and Decision-Making, is a very important area from which the Task Force reports and other papers would be very valuable. An evaluation of overall Presidential policy formation on all formulation on all domestic areas would necessarily have to wait on release of all of the Johnson Task Force reports numbering well over 100.

President Johnson has outlined his general philosophy about Task Forces which he commissioned but whose recommendations were not made public while he was in office. You can read his views on pages 326 to 328 of his book, *The Vantage Point*. He has indicated why he did not choose to follow the model utilized by President Kennedy who made some 20 Task Force reports public before his inauguration or shortly thereafter.

But President Johnson does not include in his memoirs how to distinguish between Task Force reports which should be made public and those which should not be made public. There were a number of public reports made during the Johnson administration. A Warren or a Kerner Commission Report is obviously one made public because it was established for just that purpose. I recall the several discussions I had with President Johnson on the membership of the Income Maintenance Commission when I was urging him to establish this commission so that their public report could contribute to the public discussion of the guaranteed income which I assumed would have and require longrange changes in public attitude, which I think is one of the major reasons why a President does appoint commissions that make public reports even though they don't seem to result in immediate legislation in his administration.

A President is subject to criticism when he makes a report public or when he keeps it confidential; either way. If he makes a report public, the pressure is on him immediately to tell when and how he will implement the recommendations and how much they will cost. If he doesn't make the report public, he will be criticized for keeping it secret. I am sure that future Presidents and their staff will welcome some distillation of this experience of these twelve Task Force reports. Personally, after spending a good deal of time reviewing them, I think the nongovernmental members of several of the Task Forces might have had no objection to public release of the reports at the time and I believe they may have aided the President in the pursuit of his objectives. President Johnson obviously felt differently on this matter. But in opening up the reports today, so early after the termination of his administration, he gives the opportunity to review this matter for all of us so that we may become Monday morning quarterbacks on this issue.

The third area, the legislative process, is, of course, a very important one in which the papers will be very useful. President Johnson has given a brief account of the legislative process relating to the Elementary and Secondary Education Act of 1965, but there is a much more complex story in this whole legislation. And although a number of articles and books have been written on the Johnson educational legislation, in my opinion the accounts of practically all of them except, perhaps, the SEA Act are still incomplete. For instance, the Medicare legislative account is far more complete. The book by Richard Harris, *A Sacred Trust*, serving as a model, in my opinion, to what ought to be done for President Johnson's education legislation.

Since the Johnson legislative record is unequaled and probably will remain unequaled, the full story of the legislative process during the Johnson administration still remains to be written and the related story of the legislative process during the time the President was the majority leader of the Senate remains to be written, particularly the development of the National Defense Education Act of 1958, which was one of the most important achievements precedent to the development of the Johnson education legislation.

If you survey the 60 different pieces of legislation in this area, you will find that higher education legislation, vocational education legislation, the Teacher Corps and many other areas in the Johnson education program have not yet received the intensive attention of scholars and educators that is warranted.

On the special aspect of the significance of the Task Force, there is only one report that I am aware of in this area and it is somewhat of a model, and it is a Ph.D. dissertation on Secretary Gardner's Task Force of 1964, in which Mr. Kearney, now the Assistant Superintendent of Public Instruction in Michigan, in writing his doctoral dissertation for the University of Chicago, came to these six conclusions and I mention them only to stir up a little controversy so that scholars will be able to take these papers which are now being available and see what kind of light they throw on the process. Here are Kearney's six conclusions about the Gardner Task Force.

1. There was no relationship between the Task Force and Title II of the bill;
2. The Task Force did not represent a significant or essential ingredient in the development of Titles I and V;
3. It may have influenced the development and content of Titles III and IV;
4. It may have served its paramount significance in serving as a legitimating agent for ideas already in existence;
5. Only indirect relationships seem to have existed between the Task Force and other groups involved;
6. Other factors and events appear to be more important than Task Force efforts in the formative stages of the legislation.

I only mention these so that Mr. Gardner and Mr. Keppel who are quite the central actors in that theme that might feel that they'd like to read that doctoral dissertation. (Laughter)

I think I should say that as Dean of the School of Education, I produced 140 doctoral dissertations in my school last year so I'm very much interested in using these papers for others for the next two years.

A third way to look at the papers being released today is what effect did the Johnson programs, policies and personnel have on the administrative management of educational programs and government. It is one thing to evolve a program through Presidential leadership and the legislative process. This usually takes many risks, involves many compromises and is well publicized. But what we have been finding in education, in health, in poverty, in civil rights and other programs is that the process of administrative implementation of great ideas involves other kinds of people and processes and some other kinds of qualities of mind and motive. I speak from experience, having been sent by President Johnson to Chicago in

1965 to resolve difficulties over a Title I grant to the ESEA—a situation about what much has been written in the newspapers of the time. If those of you would like to read about it, I refer you to Frank Keppel's oral history about the subject and mine, as well, which are being opened today in these papers. But the one that I have not been able to read is to hear what Mayor Daley said about it. (Laughter)

In this connection, I would like to say that there is a model also that has recently been issued under Commissioner Marland's jurisdiction. The report on Title IV of the National Defense Act of 1958 which Mr. Marland just released a few months ago, contains the legislative history of that Title of the NDEA Act and this report, in my opinion, is the kind of model for the history of all the other educational programs in the Johnson administration to be supplemented, of course, by other materials from participants in the program.

Fourth, role participation. There are many actors with different roles in the decision making process in national legislation. Each participant in the process tries to leave his own personal thumbprint on the final document. President Johnson has included some observations on educational legislation in his book but they're necessarily brief. So far as I know, none of the seven Secretaries of Health, Education and Welfare in the Eisenhower, Kenndy and Johnson administrations have published their views on their role in educational legislation or administration. Nor have the three Commissioners of Education in the Kennedy-Johnson administration. This seems to me like a slight oversight which ought to be remedied and I believe that it might well be as these papers are made public.

Doug Cater, for instance, who played a very remarkable role in this, after he left office has written a novel but so far as I know he has not written anything on the development of education or health legislation during his years in the White House and his role was unique. I don't know of any other President of the United States who had a Staff Assistant solely concerned with education and health. Mike Feldman in the Kennedy administration came close but he had many other assignments, too; and Ted Sorenson played a very significant role in designing the Kennedy education legislation but no other President had a man specially devoted to these two areas. It will be interesting to evaluate the unusual and significant contribution made by Doug Cater and the relationships to the Budget Bureau, the Congress, the Commissioners of Education, the Secretaries and the Washington education lobby. There is always a lot of speculation on the role of Presidential Assistants ever since Colonel House worked for President Wilson. Here is an opportunity to study the special role in the White House and to compare it with the roles of other past and present White House Assistants.

The memos from the Bureau of the Budget on each of the Task Force reports are also being opened today and they should open an avenue of exploration which has long been neglected due to lack of available information. Anyone who's been in Washington for any period of time knows of the great program contributions made by the excellent staff of the Bureau of the Budget but also knows of their nuisance value. (Laughter) Someone can now sort out these in relation to specific reports, laws and programs. The contribution of several able persons who came from higher education to be Directors of the Bureau of the Budget, such as Kermit Gordon, Charles Schulze, Charles Zwick and others should be especially analyzed in relation to educational policy, personnel and appropriations.

It is apparent to me that one of the possible unintended spin-offs which President Johnson did not realize when he appointed all these Task Forces was the opportunity to discover new faces for recruitment in administering Federal programs. Undoubtedly, John Gardner's effective contribution to both the 1960 Kennedy Task Force and 1964 Johnson Task Force brought him to the attenton of the President and helped to make his appointment as Secretary of Health, Education and Welfare a very natural one when Secretary Celebrezze was appointed to the Circuit Court of Appeals.

Similarly, Doc Howe's participation on the International Education Task Force in 1965 may have been an element in his selection as Commissioner of Education when Frank Keppel resigned.

It should also be noted, as I said, that Jim Allen, Sid Marland, Lee DuBridge and even George Schultze was the chairman of one of the Johnson Task Forces on manpower and education. Their experience in this Task Force process may be viewed as one of the fringe benefits donated to the Nixon administration. (Laughter)

Educational programs and policies are changing, of course, from what they were in the 60's and still more in the future. The papers being made available here today should contribute, in my opinion, to a better understanding of the dynamics of educational change. The great movement of educational ideas do not evolve in isolation but are related to many other social and economic and intellectual movements. We may be able to see and know about the changes better than ever before, or at least sooner.

I recall once that when I was sent to testify before one of the Committees on Medical Education, I was rather vigorously attacked and criticized by a member of the other political party on the grounds that I was advocating large expenditures of Federal funds for the training of physicians. And I was asked by the Congressman how I could justify Federal funds being used to produce physicians which, at that time, were earning a median income of $25,000, by taxing the American taxpayer whose average income was $5,000. And he said to me, "Secretary Cohen, isn't that a rather curious redistribution of income from the poor to the rich?" And I said, "Well, Congressman, you don't quite understand that what this administration is trying to do is to try to develop excellence in all aspects of education and professional development. What we are looking to do is to get all the bright young men and women and see that they go on to college and see that they can make their contribution for the society in the economy." And I could see that my argument wasn't getting anywhere, especially with the final comment of the Congressman. He said, "What are you doing though for us C plus students who really run the country?" (Laughter)

I think as my friends here from Congress will note that you discover many illuminating ideas in the Congressional discussion in the Committees when you're on the witness stand.

There have been many strong advocates in the education community to establish a separate Department of Education and a separate Department of Health. I have not been among those who have made this appeal. Among the various Task Force reports will be found recurrent recommendations for a separate Cabinet Department of Education, and perhaps, someday there will be a separate Department of Education. But I believe that anyone who looks at the written record and looks at the material that is being made public today, will show not that education prospers or falls in the priorities of the Education Branch or of the Congress, depending on whether education has a separate Cabinet status or not, but whether there is in office a President who believes in education and is willing to support his Secretary and his staff in that objective. (Applause)

The education record of the years 1963 and 1968 cannot yet be viewed in any final sense. A true perspective, in my opinion, probably can only be achieved somewhat by the suggestion that Henry Adams made many years ago of drawing a line through several points in history. And I would suggest, in drawing that line, that we start with the period of 1859, when President Buchanan first vetoed the original Morrill Act, and then, taking a second point in history, 1958 when the National Defense Education Act was enacted. And then third, a date like 1978 when the present process of educational legislation may have been developed much more fully. And then, Mr. President, what I'd like to suggest is that we all come back in 1982 when we could discuss the results of a scholarly review of all of these papers that are being made public today. (Applause)

Mr. MIDDLETON. Some of you have found in your envelopes invitations to lunch in the Thompson Conference Center. For those of you who did not find such invitations, let me explain with a note of apology, that the facilities at the Conference Center are limited and cannot accommodate all of us in this auditorium much as we would like to have it otherwise. So, invitations have had to go to our out-of-town guests who otherwise, not knowing their way around Austin, might go hungry. (Laughter)

Those of you who do have invitations, when you leave the auditorium through those doors to the rear, turn to your right through the glass doors leading outside. There are signs and guides that will lead you to the Conference Center. Those in the front rows who came from the Green Room, if you'll go back to the Green Room with Mr. Hardesty, he'll show you the way. We will reassemble here at 1:00 o'clock. We'll have an hour and a half lunch break and we'll reassemble at 1:00 o'clock for the afternoon session. Thank you very much.

### JANUARY 24, 1972—AFTERNOON SESSION

(The Symposium reconvened at 1:10 p.m., pursuant to the luncheon recess.)

Mr. MIDDLETON. In the 1960's, when the break-throughs and advances in education were made, important roles were played not only by men and women whose names stand out, but also by organizations whose abiding and continuing concern for the cause of education was part of their reason for being and part of their passion.

One such group was the National Education Association whose members have been in the front ranks of many a bout for the cause of better education.

To introduce our speaker this afternoon, I'm going to call on the President of the National Education Association, Mr. Donald Morrison. (Applause)

Mr. MORRISON. President Johnson, Mrs. Johnson, Members of Congress, ladies and gentlemen. It gives me great pleasure indeed to represent the one million members of the National Education Association at this historic opening of the education papers in the Lyndon Baines Johnson Library.

The 36th President of the United States is known throughout the profession as the teacher in the White House. That title was well earned for we recall that in 1928 the future President embarked on a teaching career in the public schools of Texas. During these early years in adult life, Lyndon Johnson developed a deep sensitivity to the needs and aspirations of young people, especially those whose backgrounds inhibited their opportunities for success.

The term "teacher" in the White House has an even deeper meaning for the teaching profession which has worked with the Federal Government for more than a century in efforts to improve the American education system.

Some of our greatest successes were achieved during the presidency of Lyndon Johnson who declared education to be first in the nation's hopes and dreams. His administration was unique in the scope, variety and long-range importance of education legislation.

During the '60's, the nation faced unprecedented domestic crises and difficult problems abroad. From the sole-searching of this troubled period immerged a new national prospective on the social and economic well-being citizen and a new awareness of the critical importance of providing truly equal educational opportunities for all.

We are still far from obtaining the goals that were articulated during that stormy decade, but we can be proud that the laws enacted and applied under President Johnson's leadership increased opportunities for all persons ranging from the least privileged preschool child in the Head Start Program through the elementary and secondary schools to youths and adults seeking vocational training and to graduate students in the professions and the arts.

With the full support of the nation's teachers the Federal Government expanded the manpower development and training program, provided massive programs for improving the education of impoverished children and youth, strengthened Federal support for new and established colleges and universities, especially community colleges, recognized the special problems of the handicapped child and provided financial assistance to schools and institutions working in those problems, and passed significant new programs for college student assistance.

The major break-through for these massive programs came with the enactment of the elementary and secondary education act and the higher education act of 1965 and their subsequent amendments. The record of the education achievements of Lyndon Baines Johnson may now be examined in this magnificent new library. That record reflects vividly the profound concern for education that developed in the mind of that young teacher in Texas and the making of public papers—and making public the papers in this collection which will provide chroniclers of our times a rich treasure.

Our luncheon speaker at today's session is the man who shouldered the responsibility for administering the chief education assistance programs of the Federal Government. His job would be much simpler and less demanding had Congress failed to heed the ambitions of the teacher in the White House.

Sidney P. Marland, Jr., the U.S. Commissioner of Education, oversees the implementation of literally dozens of Federal programs designed to cope with the problems in education, and I am happy to say that he has worked with the profession closely in his difficult assignments.

Dr. Marland obtained nationwide recognition during his years as Superintendent of Schools in Darian, Connecticut, Winnetka, Illinois, and Pittsburgh, Pennsylvania. In Pittsburgh he was responsible for the development of many educational innovations, including team teaching, pre-primary programs, services for the academically talented, compensatory programs and many new developments in vocation technical education.

He asserted aggressive leadership in the sensitive area of racial equality during his years in Pittsburgh. He served on the Gardner Task Force in 1964 which helped shape the innovative provisions of the elementary and secondary education act. He has served on many important public policy committees including the Board of Directors of National Educational Television, the National Merit Scholarship Corporation and the Joint Council on Economic Education.

He also served on the Presidential Advisory Councils on the education of disadvantaged children and the Office of Economic Opportunity. NEA is particularly gratified that Dr. Marland is an advocate of the teaching profession in his proper role of decision making. I am pleased and honored to introduce to you the United States Commissioner of Education, Dr. Sidney P. Marland, Jr. (Applause)

### *Address: Sidney P. Marland, Jr., Commissioner of Education*

Dr. MARLAND. Thank you, Don. Mr. President, Mrs. Johnson, esteemed companions on the stage and fellow teachers and learners. I consider it a great privilege and honor to be in this assembly and to honor the man whose name it bears.

In keeping with the nonpartisan spirit of this occasion, The White House instructed me to dispense with the usual partisan comments about another Administration.

Yet candor as well as loyalty compel me to observe that, in one conspicuous area, President Nixon inherited a serious problem caused by years of inattention to detail, misdirection of resources, and ineffective leadership. It has not been easy for the President to solve this problem in three short years, but he has done so.

I refer, of course, to the Washington Redskins, which—thanks to the President's mastery of third-and-long-yardage situations—have just compiled their best record in 25 years. There are other problems, to be sure—a sluggish economy, racial tensions, and a badly bent budget, just to name a few—but we expect to clear up those in short order. The specific problem that I have been asked to discuss this afternoon is the future of American education, from preschool through secondary. What's wrong with it, and what specific actions are required to correct it?

Let me say first that American education has a much greater capacity to deal with its problems today than it did before Lyndon Johnson became President. In my own viewpoint, President Johnson's achievements in education can be broadly classified under two headings: first, political; second, philosophical.

Politically, President Johnson sensed a great, popular willingness compatible with his personal commitments to move ahead on educational problems and channeled that popular energy into the making of law. His election in 1964 was the most resounding victory in the annals of American politics. Not only did it give him an unquestionable mandate, but it brought in a large number of freshmen Congressmen who owed their elections to him. In political terms, this translates into muscle—and President Johnson used that muscle to advocate, and to have passed, the greatest array of education legislation this country has ever had on its books.

Philosophically, President Johnson directed a subtle but nonetheless significant change in the thrust of *Federal* educational initiative. In 1958, President Eisenhower signed the National Defense Education Act, which was designed to ensure that American students with aptitude in science and technology should have the curriculum, the equipment, and the teachers they needed to translate their aptitude into proven ability. Restricted as it was to the technological areas, NDEA nevertheless represented an important social breakthrough in that it brought the Federal Government to the assistance of State and local educational agencies in a broad curricular area for the first time. Until NDEA was passed, any Federal role in education was highly suspect and limited to specialized, often war-induced needs, such as technical education.

Striking as NDEA was as an index of our political evolution, however, it was largely aimed at our best students. Over the years, from the end of the Eisenhower Administration to the beginning of the Johnson Administration, it was broadened to include virtually every subject in the curriculum—the arts and humanities as well as the sciences. Nevertheless, its initial emphasis on assuring future intellectual leadership in the face of a Russian threat remained. Considering the temper of those times and their well-founded concern for developing excellence, this emphasis was not only understandable but desirable.

By the early 1960's, however, other social concerns had surfaced. The most important of these was the civil rights movement, which sought for black citizens the equality of opportunity which our Nation had so long promised for all. Many Americans continued to maintain that this was the land of opportunity, and that anyone willing to work hard could accomplish as much as he chose—but a growing number of us came to believe that this was a fiction. A growing number of us came to see that providing language laboratories and Bunsen burners, "new" physics and biology and English curricula, and more teacher-institutes directed at developing the abilities of our most able students, was beside the point for millions of our children. Millions of them—white as well as black, Chicano, Puerto Rican, and Indian—never benefited from a host of valuable innovations for the simple reason that they did not survive in school long enough to encounter them. Most of the curricular improvements of the late 50's and early 60's worked from the top down; they began with the senior high school and, as curricular development proceeded, were introduced at lower grade-levels.

In the meantime, however, millions of boys and girls were simply not learning to read or write or count. President Johnson's philosophical achievement was that he perceived the need for improving education from the bottom up while continuing the drive to introduce a new excellence from the top down. More than perceive it, he *acted* on his perception, and gave to American educators such valuable tools as Title I of the Elementary and Secondary Education Act and the Head Start program. These are only two of the best-known acts of an Administration that passed approximately 60 laws for education. President Johnson has often taken satisfaction in the title that some have applied to him—"the Education President"—and he fully deserves it.

After that look at background, it seems time to ask, where are we now in education?

In the midst, I believe, of a somewhat puzzled, self-doubting, and perhaps self-correcting period of education. The clearest symptom of public discontent with the schools is the record of the past few years on local school-bond elections. In 1965, a year in which some of the most important Federal laws for education were passed, popular support of the schools at the national level was matched at the local level. In terms of dollar-value, 79 percent of the bonds submitted to the voters in 1965 were approved.

In 1966, the approval rate declined almost five points to 75.5 percent—and it has dropped every year since. Today it's down to about 43 percent.

It is easy to read this rate of rejection as evidence of a widespread "taxpayer's revolt"—and I think that explanation has some merit. But it is more likely a reflection of the proposition that the ancient local tax base is now super-saturated, and no longer able to sustain the lion's share of education's cost.

It is also tempting to read school-bond failures as proof of a public loss of confidence in education. Again, I think there is some validity to this explanation—but only some. The drop in school-bond approval rates and other indications of a malaise in education have to be seen against the backdrop of the entire 1960's, a period of great trial for the American people. The dominant reality overseas was, of course, the Vietnam war, which not only consumed an enormous part of our substance, but also divided our citizens about the essential rightness of what we are doing more than any other conflict since the Civil War.

The dominant reality at home, by contrast, was an almost unparalleled idealism. Dramatic as our financial investments in various social programs because, I think the more crucial investment was psychological and emotional: We turned our sense of social justice into massive Federal funding and corresponding law. Americans invested an unaccustomed amount of faith in the belief that, by great and concentrated efforts, we could lick some ancient enemies of man: not only ignorance, but also intolerance, injustice, and poverty.

We have not done so, of course, and our apparent failure has induced a kind of social-emotional hangover, a reaction to the excessive enthusiasm of an earlier time. We look back now from the vantage point of a somewhat wounded skepticism and regard our high hopes of the 1960's as naive.

The danger, here, is that in our disappointment, we might overlook some of the genuine social gains we made, repudiate some of the undeniably major educational advances we made, and thus fail to build on the substantial foundation that Lyndon Johnson and the Congress, plus their counterparts in State and local governments, laid for improved schools during the 1960's.

To my mind, this is the crucial task facing educators in the 1970's. The 1960's were a time when the American people, through their political leaders, gave educators the Federal attention they had been seeking for nearly 30 years. It appears now that last season's blind faith in the proposition that the schools could solve most of our growing social problems has now turned from simple trust to a calling to account. And it seems clear that we educators will have to do a more impressive job with our new resources than we have so far.

By a dozen statistical measurements, the state of American education is better than it ever was. In the 1960's, the taxpayers boosted spending for public elementary and secondary schools from $16 billion to $40 billion annually. This increased spending made a big difference. It made new curricula available to schools that could not otherwise have afforded them. It boosted teachers' salaries, brought in paraprofessionals, and in other ways made the teaching profession more attractive. It brought the new technology into the schools, supplementing the traditional textbooks with films, audiovisual cassettes, programmed readers and other materials designed to give children a much wider range of learning options. It greatly increased the span of education from early childhood to graduate school for literally millions of people. In all these ways, the great investments in education of the 1960's have accomplished much.

But these are all quantitative measurements, proving that we did more for education. What remains to be proved is whether, with these new resources at their disposal, educators did better. While I believe that the schools and colleges of this Nation are doing a better job for the vast majority of learners, I think educators would be hardpressed to prove that the very substantial *quantitative* improvements voted by the American people for the disadvantaged have been matched by scientifically provable *qualitative* improvement.

Learning is, of course, a difficult matter to measure, bound up as it is with so many variables that affect the educational experience. The complexity of pairing off unique human beings into control and experimental groups so that valid comparisons can be made and the extreme decentralization of American education complicate the process of data-gathering. Despite the difficulties, however, we have some tentative evaluations that suggest we have not made much progress in basic educational strategies.

The best example is in educating disadvantaged children. To my mind, as I suggested earlier, Title I of the Elementary and Secondary Education Act was a great philosophical achievement for the Federal Government. It looked around for the wisest use it could make of limited funds and decided that fully $1 billion and more a year ought to be earmarked for children from low-income families.

That money has done a lot of good even though it does not add up to measurable scores. Thanks to Title I, a lot of children who never had eye-glasses before have them today. Thanks to Title I, a lot of children who used to come to school in the morning cold and hungry come to school with a breakfast under their belts and a coat on their backs. Thanks to Title I, a lot of children who in another day would have been written off as dull or uneducable, have been diagnosed as having medical problems that are susceptible to treatment. And perhaps most promising of all, the parents of the disadvantaged child are now being drawn into the activities of the schools and the education process. Title I has forced us as educators to face issues that were formerly set aside.

All these are real gains of the last few years. But neither Title I nor any other major program of compensatory education has demonstrated its ability to overcome the learning disadvantages that seem to flow from certain kinds of socioeconomic backgrounds. In 1969, the U.S. Civil Rights Commission concluded that, of the major compensatory education programs it had studied—some dating back as far as 1957—"none . . . appear to have raised significantly the achievement of participating pupils."

This, it seems to me, is the major educational problem facing the 1970's: to put together the legislative authorities, the money, and the ideas—not only Federal, but from State and local as well as private and even individual sources—for qualitative improvement before the popular mandate for improved education loses momentum. And this, I think, is the basic theme behind President Nixon's call for educational reform: to sustain the momentum of a great educational initiative before it is blunted by public disappointment at unfulfilled expectations.

In sum, regardless of political genealogy, the great legislation of the 60's was a product of great bipartisan support orchestrated by my distinguished predecessors here today. Some items of educational policy making news today have been debated back to the Truman Administration and earlier; the problem, often, was not which idea was best, but which was most politically and economically feasible at one moment or another. In talking, therefore, about President Nixon's educational program in comparison with President Johnson's, I am not talking about good *versus* bad, or about Republican *versus* Democratic; I am talking about one President's trying to make sure that the good things another President did will live on and come to fruition. I am not talking about a *competitive* matter; I am talking about a *cumulative* national leadership.

The heart of President Nixon's educational program is one of reform—one of consolidating the gains from President Johnson's Administration, cutting the losses, and of making further progress deliberately and in a spirit of continuing renewal. We proceed in the philosophy, long held in education, and implicit in education revenue sharing, that places decision-making as close as possible to the people.

We do not need more categorical education law at this time. We have a collection of legal authorities that can be used to tackle almost any schooling problem, from education of the handicapped to education of the Spanish-speaking; from education of the brilliant to education of the slow; from the provision of extremely traditional modes of education to provision of radical, adventurous kinds of learning. Drug abuse education, environmental education, services to unwed mothers in school, and certainly career education are examples of current thrusts of educational priority.

But there is also the demonstrated reality that the American willingness to *support* improved education exceeds our knowledge about *how* to improve education, and that money is no substitute for scholarship and imagination. There is also the recognition that unless American educators during this decade prove their right to further trust by the American public, they will jeopardize the high place in the American value system they have historically enjoyed.

We make haste slowly, then, basically by improving what we've been given before asking for more. For openers, that means research—more of it, and more closely focused on such nagging, perennial learning problems as reading. While the U.S. devotes about 5 percent of its health budget to research, and 10 percent of its defense budget, we spend only about one-half of one percent of the education budget on research. Any successful industry in America would view this as very foolhardy.

To guide the needed increase in educational research, the President has proposed the National Institute of Education. Presuming the NIE receives Congressional approval this winter or early spring, the Institute can begin this July to bring top scholars and practitioners together to devise research and development strategies for our most urgent educational needs. We envision NIE as eventually possessing influence and resources comparable to NIH or NIMH.

But research aims at the future, short- or long-range—and tempting as it is to want to have all the answers in hand before gambling scarce funds on chancy programs, we simply cannot wait for all the answers. There are too many young people in the schools who are being ineffectively taught now; they cannot go back and repeat their schooling in a few years when we have the better answers we want. Hence in certain circumstances, we must proceed on the best information we have now, and mount some limited experiments designed to test promising strategies for putting Federal funds to work.

The strategy that we are concentrating on now is what we call a "renewal" strategy. The term is deliberately chosen to balance the research and development connotation of the new NIE. Further it connotes, we hope, a continuing process rather than a short-term burst of innovation. We feel that what American schools need most is to develop the capacity within themselves for *continuing* change and responsiveness. In years of financing hundreds and thousands of experimental projects in the schools, my colleagues and I, past and present, have learned to our sorrow that too often, when the Federal money stops, the experimentation stops. And very often whatever promising practice might have been developed either dissolves or remains a local exercise, failing to generate corresponding impact beyond the district line. We hope that our renewal strategy will help more schools recognize that innovation is not passing educational fashion, a sort of apparel to be changed with each year's changing enthusiasms, but a principle of educational life. Despite the vast and self-evident success of the American elementary and secondary schools, we have still not solved the mystery of the education of the disadvantaged. Renewal will deal head-on with this deficit.

The major components of our renewal strategy are these:

*First*, site concentration. This, too, is one of the lessons we learned in dealing with the great variety of legislative authorities won for education under President Johnson. We found that, in their normal desire to serve as many youngsters as possible as well as to deal with the political realities of their jobs, State superintendents and school superintendents tended to spread Federal funds over *all* the eligible children. The problem is that this dilution of funds, while making a little difference in many classrooms, failed to make a major difference in *any* of them. We come back, in sum, to the old necessity for concentrating enough funds on a small enough clientele to compose a "critical mass" of educational resources.

Yet this tactic is hampered by the fact that most Office of Education funds—approximately 87 percent this year—are "formula" funds, awarded to school districts by strict mathematical criteria such as average daily attendance, percentage of families beneath the poverty level, and so on. The other 13 percent, however, are "discretionary" funds—funds that the Office can dispense for sound projects without regard to formulas.

In an effort to assemble a critical mass of educational resources that will give new ideas a real test, we are selecting a limited number of renewal sites around the Nation—clusters of low-income schools in a variety of rural and urban settings—and plan to focus our discretionary funds on them next year, steadily increasing their number in the next few years. Thus, site concentration has two elements: focusing *funds* and focusing on the *problems* of disadvantaged children as viewed by the local responsible people—parents, teachers, board members—supported by nearby university scholars.

The *second* major component of our renewal strategy is the packaging of several Federal program categories. The local systems will develop their own comprehensive attack on local educational problems without the usual red tape that comes as a result of having to submit numerous and often overlapping applications and reports. The Office of Education will, of course, make certain that funds appropriated for each categorical program will be used according to legislative mandate. The idea here, not unlike Revenue Sharing, is to facilitate the concentration of program authority into one simple paperwork process, and still retain the intent of Congress.

Drawing upon the agriculture classic example, we intend to create the new role of Education Extension Agent, locally named and federally supported, to link the Federal funds and programs to local power and creativity. The telescoping of Federal programs into manageable and efficient packages is a continuing delicate process. The 100-odd legislative categories under which Federal funds are currently dispensed by the Office of Education make it extremely difficult for local educators to put together the pieces they need. Further, these categories encourage an unfortunate and often wasteful "grantsmanship" that costs time and money at all levels of government.

As an experiment in testing the validity of broader forms of aid, as well as in the conviction that greater flexibility will enable local educators to devise more effective solutions to down-home problems, we will ask renewal site planning groups to come up with a single, comprehensive plan tying together all the elements they need: teacher-aides, for example, traveling diagnosticians, new curricular materials in a variety of media, perhaps teacher-training institute focused on the single problem of reading disability. Then, rather than asking them to cite the legislative authority for each piece, fill out a different set of forms for each program-component, compete on each application with all other applicants and so forth, we will appraise the validity of the entire package and make a single program grant. The States will participate in the selection process.

Finally, we will tie together all schools in a renewal site through a mechanism we have tentatively called "teacher centers". The idea is to create an informal union among schools of low-income neighborhoods that will enable them to cooperate in solving their common problems, sharing good experience and bad, so that each of them can borrow from the successes of the others rather than having to re-invent the wheel in each classroom.

Linked to this process will be targeted technical assistance from my office, with access to NIE and to other sources of the most promising validated measures for change. The renewal agent will afford counsel, leadership, easy access to Washington, and quick turn-around time for delivery.

I do not cite our renewal strategy as an answer to all school problems in the 1970's. Most especially, I do not offer it as a repudiation of the concepts underlying the great education legislation of the 1960's.

I outline it, rather, as a kind of parable of what we in this Administration conceive to be our job: to recognize, in all humility, the enormous legislative authorities that the earlier Administrations gave us, and to maximize the impact of those resources in increasingly sophisticated ways.

At this height of his Administration, President Johnson declared that education must be "the first work of these times." We have inherited that work, and we are fortunate that we have such a strong base on which to build. President Nixon struck the proper note, I believe, in his March 1970 message on educational reform. He said:

"This Administration is prepared to commit itself to substantial increases in Federal aid to education . . . as we provide some assurances that those funds contribute toward fundamental reform of American education."

Two years have passed since President Nixon challenged education to find better ways. Renewal and reform are now in motion. Career Education is a swiftly rising system, prompting major changes in elementary, secondary, and postsecondary education. The Right to Read last week established its first 68 sites throughout the United States. Experimental Schools is a reality with major new modes of teaching, learning, and school organization being tested. The Office of Education's new theme of Education Renewal is moving swiftly toward reality with the cooperation of Chief State School Officers and local districts. Teacher Centers, an essential component of the renewal theme, are being identified. The Emergency School Assistance Program, having completed two years of pilot activities with significant success, now awaits major legislation for continued reform in the correction of racial isolation. The National Institute of Education, also awaiting legislation, is being anticipated with intensive planning in the Office of Education so that the new director may move promptly and efficiently into very significant new dimensions upon passage of enabling law.

Consistent with these and other expressions of reform, the President last week took the next step, declaring: "I particularly hope that 1972 will be a year in which we resolve one of the most critical questions we face in education today—how best to finance our schools."

He went on to describe the Renewal activities now started and declared: "I believe the best new approach is Career Education. I will propose an intensified Federal effort [in Career Education]."

Thanks to the man whose efforts for education we honor today, the first work of these times is well advanced. The foundations for change were built. The readiness for change now permeates the teaching community. The process of change and the installation of change now becomes our first work.

I assure you, in sum, that those of us who inherited this bountiful legacy of political and philosophical advancement of education, including President Nixon, are taking our work very, very seriously.

Thank you. (Applause)

Mr. MIDDLETON. To probe further the problems and the solutions of education in the elementary—the preschool through secondary levels—a distinguished panel is assembled on the stage. On the other side of Commissioner Marland, Harold Lowe, former Commissioner of Education, now Vice President, Division of Education and Research for the Ford Foundation. (Applause)

Mr. Patrick Daly, a teacher at Edsel Ford High School in Dearborn, Michigan, and a Vice President of the American Federation of Teachers. (Applause)

Walter E. Washington, Mayor-Commissioner, the District of Columbia. (Applause)

Jerome S. Bruner, Professor, Department of Psychology, Harvard University. (Applause)

And the moderator of the panel, Dr. Jack Davidson, Superintendent of the Austin Independent School District. (Applause)

Dr. Davidson will now explain how this panel works and I'll turn it over to you, Jack.

### *Panel discussion*

Dr. DAVIDSON. Thank you, Harry. Mr. President, Mrs. Johnson, distinguished guests. The mission of this panel this afternoon is to explore the changing commitment to education, changing in many of the ways that Commissioner Marland outlined. This distinguished panel brings a variety of experience and expertise to this topic and I'm going to ask each of them in a moment to make a short presentation dealing with their reactions to the messages they have heard this morning and also Commissioner Marland's address. Following that, I'm sure we will have many reactions from other members of the panel to those that are given first.

We also, this afternoon, want to involve those of you in the audience. We encourage your participation. We would like for you to note any questions you have that you might like to address to the panel at large or to any individual member of the panel. There will be ushers in the aisle with paper and pencil. They will collect your questions and bring them to me and I will address them to the panel. Depending upon the consequence of the answer, I have the authority to determine which one of these gentlemen to address the question to.

The discussion this afternoon, I'm sure, will center in two ways on the changing commitment to education; on the philosophical as well as the practical, on the idealistic approach as well as the day-to-day approach. And there are those on the panel who have had experience in both aspects of this changing commitment to education.

At this point then, I'd like to begin with Mr. Howe, if you please.

Mr. HOWE. President Johnson, Mrs. Johnson, friends of education. It makes me a little nervous to be here with the President this way. I remember once being in his office in the White House when I came on his T.V. tube, and he said, "Well, let's see how you do."

When I was through on his T.V. tube, he said, "You weren't so hot." (Laughter) And I'm afraid I'll get such a comment from him because one of the dangers in dealing with President Johnson, he's honest in telling you how he feels.

But aside from that, we are restricted here on this panel by each of us only having five minutes. So I will hurry up and say simply that I have three points to make about action that I think is necessary to get at the education problems we have.

The problems, I think, are the same old problems. They stem from poverty and they stem from race and they stem from our lack of capacity to deal with those elements as they affect our schools. So there's no sense reviewing the problems, they've been already well reviewed for us.

But if I had to select out, for two or three minutes of discussion, three points, I'd pick the first one up out of Sid Marland's remarks and focus on his teacher renewal center. This is the best suggestion around. If I could redo some of the things that I did in the course of my Commissionership, I would be critical of myself for not bringing enough focus into the kinds of things that were done with Title I Elementary-Secondary Education Act money.

One of the things we neglected to do was to bring enough focus on the possibility of using those funds for assisting teachers in schools who are contending with very difficult problems that they really didn't understand.

It's not to blame the teachers, it's not to blame their principals and superintendents. It's to recognize the fact that thousands of minority group people have migrated to our central cities and created situations there that are unique for teachers to contend with and they need assistance with figuring out how to deal constructively with those youngsters in that environment.

The only suggestion I'd add to your teacher renewal centers, Sid, is that you think further about the role of the university in relationship to those centers. I'm sure it should not be what the traditional role of the university has been to teacher training. It ought to be something entirely different. But I think that I'd select out from your remarks, the point that you are offering technical assistance from Washington and add to it the very great need for technical assistance from university sources to those teacher retraining centers or teacher renewal centers, however you describe them.

My second point has to do with the absolute primacy of early childhood years. John Gardner observed on this this morning. And I simply have to say that I was deeply disappointed in the recent veto of a major piece of legislation that had to do with this. I hope and expect that there will be further action by the Congress and action approved by the President that has to do with early childhood years. (Applause)

Other countries of the world in which I've been spending a good deal of time in the two or three years I've now been away from Washington, have advanced further than we have in the United States by a long shot, in their imagination about the constructive use through various types of institutions of those early childhood years for creating leverage on learning and on good citizenship and on normal development of children. I think we need to learn from those countries and I think we have a big job to do in this country that's only been touched by such operations as Head Start.

Thirdly and finally, we've still got before us the tough job of integrating the schools. That's a fact of life. It's not a popular job. One of the great tributes that I would pay to President Johnson is the support he gave for that unpopular job. I can recall when various Congressmen and Senators were advising him to fire me. I always appreciated his not taking that advice. (Laughter)

I appreciated even more his very considerable patience because the business of trying to enforce the provisions of Title 6 of the Civil Rights Act, as they related to the schools, was a totally new exercise. Nobody knew how to go about this. And the President exhibited great patience in dealing with people who were perplexed about meeting these requirements.

But eventually then, he stood for the Law of the Land. And it seemed to me that this was an admirable combination. I just want to use this occasion to thank him for the kind of support that I don't think anybody ever had more strongly than I did in that exercise. I haven't had the chance to do this before, largely because when I talk to the President, I listen. Thank you very much. (Applause)

Mr. DAVIDSON. Thank you, Mr. Howe. Mr. Daly?

Mr. DALY. President Johnson, Mrs. Johnson. Mr. Howe mentioned that he felt somewhat nervous on this panel. I would echo that for somewhat different reasons. As you might imagine, this is a somewhat unusual role for a classroom teacher to be playing and in such distinguished company. I feel very much like Commissioner Marland's description of the teacher. I am 40, I have my teaching certificate and there are classes of kids back there wondering what the devil I'm doing in Texas. (Laughter)

Before I say anything, I think I would be remiss if I didn't take at least this opportunity—the only one I'll have—to express the gratitude of millions of teachers in this country who today are better teachers because President Johnson was in the White House. As teachers in an urban area that has a library that now has books that we simply could never have afforded, as a teacher who has access to technology, equipment, machines that simply were beyond the means of my district to buy, and as one who twice took advantage of the institutes under the National Defense Education Act to become a better teacher, as one teacher to another, I do thank you, Mr. President. (Applause)

One particular thing that Mr. Marland came back to a number of times in his speech which impressed me was the recurring theme of the financial plight in which our schools find themselves. Frankly, I find it a little hard to fulfill the charge of the panel. We were told to think to some degree in terms of the future, to project. I find it almost impossible to think of any kind of educational utopias when we're faced with the kinds of problems we face financially, particularly in the large urban schools in this country.

It seems almost unbelievable that as we're talking about wonderful plans for the future, in the city in which I live, the school board faces a deficit in Detroit of $30 million. The only thing that concerns teachers in that school district at the moment is whether or not the schools can remain open past April 30th or past May 10th.

Teachers in Chicago who at the count of ten practically were saved from extending Christmas vacation twelve extra days this year. That was their prime concern. The schools in Portland are going to close one month early this year.

In the face of these problems, it's very difficult to think about other things. But I realize we must. I was gratified by Commissioner Marland's reaffirmation of the fact that money alone isn't the answer to educational problems. I don't think anyone ever really thought it was and that the total social environment the student goes to school in are certainly factors that must be considered; the unemployment, the segregation, the sheer deterioration of neighborhoods which I think we all know sapped the spirit and the motivation of human beings.

But at the same time, as that's true, I would hope that we don't replace some of the past cliches about education with the new one; namely, money won't solve the problem. I think if we do look at the percentage of our national budget which even now goes to education in comparison to other industrial nations, one might be led to think that perhaps we haven't really fully tried money. (Applause)

Last night in a few spare moments, I sat down to try and jot down what I would like to see over the next decade in American schools and oddly enough—this was before any knowledge of what Commissioner Marland was going to say—the very first thing I put down for myself was the hope that in the next decade we would somehow find the means to utilize the most untapped resource I think we've got in education in this country and that is the hundreds of thousands of teachers, through the kindergarten through twelfth grade level, whose talents and intellect simply have not been tapped.

Sometimes I get the feeling that everyone has had a crack at improving education except the people who are most closely involved with it, in terms of research and planning curriculum and so forth.

It seems ironic too, that the very time when increasing demands are being made upon classroom teachers to improve, to be better, to be more skilled, that as this accelerates the opportunity to have the time, the facilities to renew are decreasing.

For example, to cite only one or two instances, the elimination of sabbatical leave in many areas because of financial reasons. In New York State, I think, as many of you know, these were cancelled last year for all teachers.

Of course, many school districts—I don't know if many university people are aware—sabbatical leave doesn't even exist in most school districts.

The decline in the number of NDEA, National Defense Education Act institutes, which I mentioned a moment ago, which were really one of the most unheralded and I think successful programs that the Federal Government inaugurated. They were really very simple. They gave the teachers $75 a week, plus $15 for each dependent and to thousands upon thousands of especially younger teachers, it made the difference between driving a beer truck or selling shoes or going back and having the stimulation of a university. (Applause)

Those programs are in a state of decline. They still exist, I realize. They are predominant in science and mathematics now. But for thousands of people, it did one other thing besides renewing those individual teachers. It helped to break down the—I think it was the dam which exists between the K through 12 teachers and the university level. The lack of understanding and rapport between these two bodies is phenomenal. I think K–12 teachers frequently view those in the university as those who fled the K–12 system, and those on the university level view those on K–12 as those who couldn't make it to the university level. (Applause)

And there may be a degree of truth to this. But it's minimal. We need one another. And the institutes I mentioned before, other means such as this anything that will break down that gulf, or bridge that gulf I should say. would effectively, I think, aid in the process of renewing education in this country.

In summary—and I'm sure I've gone beyond my five minutes—I hope that we do what was referred to this morning, return to an atmosphere or a climate in this country, and very soon, where education is the primary business of the United States. Thank you. (Applause)

Mr. DAVIDSON. Thank you, Mr. Daly.

Mayor Washington?

Mr. WASHINGTON. Thank you. President Johnson, Mrs. Johnson, friends of education. I find myself in a five to one handicap, as usual; the one mayor—(Laughter and Applause)—with five educators. I know what you were waiting for. It was like someone asked Adam Powell, they asked him whether he was going to run for President. He said, "I don't think this country is ready for a Baptist preacher." (Laughter).

So I'm just appealing for a little more time because I, frankly, am very much concerned about education and I'm here because the President asked me to come. And those of you that know him, in Austin or in Washington, know what I'm talking about. (Laughter.) I don't feel really nervous about it because he called me and said, "Wait, I'm having something down here. It's a good thing. It's about education and I'd like for you to come down." I'm here. And that was precisely what he did when he asked me to come down from New York to be Mayor. He called about 11:00 o'clock one night and said, "I want you to come down. I want to talk to you about this thing." I said "When?" He said, "Catch the 7:00 o'clock shuttle." That's the first thing going out, you know.

I came because not only my interest in education but of my great love for the President Johnson and Mrs. Johnson as people. (Applause.)

The President has been a great teacher for me, and beyond the fact that he was a great President and a great leader, I came to understand by close proximity to him as a friend and as a leader what I think he was trying to do. I think all that's been said here today is symbolic of his greatness in terms of his dedication to make this nation even greater in his time. I think we all should be proud and happy that he's gone this way.

Moreover, I think beside this great man has lived a great woman, Mrs. Johnson (applause), who I've had the rare opportunity of working with through the streets and alleys of the nation's capital trying to make that better. She, for the most part, was trying to do a thing that bears closely on education, and this is a part of my time I'm seeking beyond the five minutes.

There are many of you who know her as someone who planted trees and flowers. But did you know that what she was talking about is so inherently great and significant in the learning process that she was doing, in fact, in the streets and alleys of our city, something that the President himself was talking about. She was trying to create a situation where a little child could plant a flower or shrub, learn to take care of it and nurture it, learn to see it grow, and out of that process learn something about life, something about respect for others, something about dignity by virtue of the fact that he could put a seed in the ground and see it grow into its ultimate fruition.

Now, if that isn't education and if that isn't the context, in my opinion, of what the President was trying, through the legislation, to do, then I've never heard of it. I just want all of you to know in context what this great First Lady was trying to do, those of you that think, for instance, that she was just beautifying something by planting a flower or a shrub. It seems to me that I come as a rarity in this scene because today in Washington the Executive Committee of the Mayors Groups are meeting and I'm the host. (Laughter) That's why I had to tell you the President had asked me.

What they're talking about there, my friends, is something that's very basic. They're talking about what is happening to the cities. The fact is, the cities are in distress. The fact is, many of the cities are in bankruptcy. My friend was telling you about the great crisis in whether or not a school system can function. The crisis is real and it seems to me that the foundation that was laid by President Johnson has really got to be looked at as something to implement, and we don't have much time to do it.

I mean implementing it with some sense of urgency. I kind of get a little up to my ears with this lip service about what he was talking about. He was talking sense about something that he said was our first priority. That's why he's the education President. The question in my mind as I come here is this. Are we really committed to doing something about what he was talking about or are we coming simply to sit through a symposium and another conference and go home uncommitted to do more than make another speech?

Someone told me that they had a document with us that said everything in education is in three pages. I think, Sid, it's yours; the document. Well, you know, I think that that's the way we've got to get down to this whole problem. If we can understand it in three pages, then we ought to be able to do something about it.

The problem is that we find so many ways to blow this up into many psychological and philosophical and sociological concepts that it's no wonder that we miss the child. I mean, we're trying to sort that out—(Applause)—and as we're sorting that out, the child is grown—he's either grown or he's in jail and we're trying to find some way to rehabilitate him there, not having taken the opportunity to grasp him at a time when we could do something positively with him. We're talking about the great criminal justice system, a system designed to go through the process and ultimately wind up with so many $x$ number in jail and then we're going to heap millions in the corrections area to rehabilitate them there. Now, why don't we really start getting on the ball and listen to what the President was telling us. Listen to what President Johnson said. Listen to what he did to Washington.

For instance, during those days that he labored there in Washington alone, we were able to establish a city college. You can hardly imagine a city without a city college. He was sensitive to this. A new technical institute so that those who had particular needs in the technical area, in the scientific area would have an opportunity. No one thought about that, in what everybody regards as something that ought to be model; a model city, and yet no technical institute.

He saw that we expanded our public school plan and also a time when we had a school board election. Some people are wondering whether that was altogether good, but that's going in the right direction. They had some other problems.

But it seems to me that the recognition at the stage of a city in the urban crisis is important, and I say to you, my friends, that I come from a vantage point where I see the role that the school system must play. The schools are, in my opinion, a source of strength and actually set the hope of fulfillment, and if we're going to be really honest with ourselves, we're going to try to come to grips with this.

I'm not an educator in the professional sense, so the details of whatever dreams I have must be filled by those with special confidence and there are five of them up here. My particular dream, of course, is of schools that serve all the people in the city and provide the stimulation, the cohesive force and the opportunities that inform and give vitality to urban life.

As I sat with President Johnson, I think this is what he was trying to say, from the vantage point that I had to work as a Mayor. I'd like to see the schools open all day and all night, twelve months of every year. I would like to see the schools become the focus for the kind of community activity that strengthen the individual and strengthen the family and build that illusive sense of unity that makes a true community. That's what Mrs. Johnson was trying to prove about President Johnsòn's program; that if these things happen—

Here we build many programs, Federal grant programs, and we set up new things not realizing that the school itself as a vital unit in the community should be open, should be the cutting edge, the real unifying force for that entire community.

Now, I don't know as an educator how you do this. I do know as a Mayor that if it doesn't happen we're not going to really get the thrust that President Johnson has given us to work on and implement, because the school is the undergirding part of a total community and it must come together, it must come together as something that has that vital force of solidifying or pasting, if you will, a community into its component parts.

The problem, as I've seen it, to the educators is they're prone to remain bureaucratic. I see so many types of education now, and I don't understand them—environmental education—and every new thing that comes along you get an educational tab on it. When are we going to start teaching the children? (Applause).

It seems to me that these are all components to something else. They don't really deal with the whole child and with the whole individual to the extent that he becomes integrated enough to understand what he's talking about.

I mean, I look at the educators and, you know, I learned from President Johnson it's not good to criticize educators and so I didn't for a long time. But I've come to now, because I'm now in my fifth year of office and it's a little different. (Laughter).

I only have a year to go and I'm in my fifth, so I feel this strength about it. I feel that when we begin to fragment the life of individuals, children particularly that we can't expect to build upon it in a fruitful, meaningful way as we look at the community, the total community. I would say to you that whatever bureaucratic compartments we have, we must look at the city and we must see the problems as they unfold on employment, health, transportation, sanitation, nutrition, public safety. Do you mean to say I'm going to have an education component for each one?

I mean, sanitation education. I mean, transportation education. Sure, you can put out a phamplet. I'm talking about bureaucratic compartmentalizing so that in order to understand how you get your trash moved you've got to take a course in sanitation education. I can't see that. I think you just tell the people where to put it in the cans and then ask somebody to pick it up. (Applause).

And I've come to understand these things as a Mayor, because I've not only had to deal with them, I've had to pay for them. And my budget is just about the same as every other city; it's in trouble. The revenue has run out, just like every other city. I must begin, as the educators do, tightening our belts to the point that we make our dollar go, those resources go to the fullest extent possible.

If there was anything I would urge you, it is to look at how you can make those resources go further. I would also like to say to all of you, if you came to Austin, Texas, at this point of time, if you came to see the papers unveiled, if you came to join the President, don't leave without giving the President a commitment to do the kinds of things in education that he was talking about when he forged pretty much alone this undergirding of the total national system of education. Don't leave without a commitment. Don't just come here and take the papers and look at them and file them. Read them and then go back with a commitment to do something about them in your community. Thank you. (Applause)

Mr. DAVIDSON. Thank you, Mayor Washington. I think I should point out to you that many others in the country are beginning to follow your lead from the standpoint of it is no longer something to be concerned about in criticizing educators. (Laughter) Professor Bruner?

Dr. BRUNER. President Johnson, Mrs. Johnson, ladies and gentlemen, I'd like to pick up two themes that have run through the discussion today, one of them has to do with the question of what the problem is; is it a problem of schools or is it a problem more broadly defined as the kind of society that a kid grows up in, about which I think we've learned a little bit during those years when President Johnson made it possible for us to explore the full range of these problems. The second one in brief is how early do you start and why do you want to start early?

About the first one, I think we started off in the '60's with the idea that if we reformed the schools, we had the problem licked. And as we moved toward the reform of the schools, we found, low and behold, as Sid Marland has pointed out, that many kids were not reached by the school, that indeed they could not be reached by the school because the hidden curriculum of life as they lived it in their neighborhoods, on their streets, in their families—which I want to come to in a moment—in a sense made them almost incapable of responding to what it is that a school had to offer. It gave no inducement to the use of mind, there was no future; that in a sense the provision of jobs, the provision of some kind of economic opportunity, the provision of a way of life that wasn't as alienating as our cities were becoming, that this type of thing also was part of the problem of education, that the problem of education and the problem of schools are not by any means coterminous.

So now, as we have come into the '70's, we realize that education is not a package unto itself, it exists as part of a far deeper and broader problem. We see it in this odd kind of way, for example, a recent study that's been completed of what happens to mother's view of their children when they move from a rural setting or a slightly urban setting, no matter whether it's outside Antebia into Antebia in East Africa or outside of a city in Texas and move into one of the Texas cities. But mother begins to get the feeling that their child is not as competent. Somehow she begins to lose the sense that he can cope with the situation. Under those circumstances, she doesn't offer as many opportunities for the child to go off on his own.

This type of thing comes from urban life and the real question that we face in dealing with these changes is providing a sense of hope in the future that there is something toward which one is going and using education, recapturing a sense of vocation, that school is for something. However much I love the defense of the liberal arts, the liberal arts are not an end in themselves, they're on route toward equipping people to live effectively and to live with the job and to live with the dignities that the job gives.

Now, I could set forth all the details on this type of thing. The one thing I do want to say is that what we have come to recognize, thanks to that vibrant period of years when President Johnson was in the White House what we've come to learn is to look at schools as just the head of the iceberg. that there is a great deal underneath that needs fixing; the thing that I call the hidden curriculum.

Now, the second thing I'd like to come to, and it's a particularly timely one because we're in the middle of brooding over the question of what constitutes a decent child-development act—and I don't want to get into the partisan politics of vetos and the rest of it—has to do with why one starts early.

We used to think again in those innocent days, even back into the '50's, that the main thing that you did was to transmit knowledge to the child in the process of education. But it turns out on closer inspection that what you're doing too, as this child is growing up and very early on, is giving them the things that come to be called nonspecific forms of learning, some hope that he can deal with events, some feeling somehow that there is a point in striving. These things come very early. They come in the family, they come in the kind of situation in which the child lives.

We know perfectly well that we have got to do things much earlier than we've done them now. And indeed, as John Gardner said this morning, we have made some progress. I can remember when a group of us for the first time went to see Sarge Shrieber and proposed that there ought to be some means whereby kids in their second year be given some sort of a head start if they came from disadvantaged backgrounds. And bless his heart—he was able to change his view on this—he said, "That would be one of the most dangerous things the Federal Government could do is start to play with small children."

We've learned a lot since then. We have made progress so we need not be disappointed, and the psychology of disappointment is a very crippling thing. We are making progress. We're making progress and I think we can go on making progress, because if we start thinking of how to cope with the specific facts that exist, the fact for example that there are four and a half million mothers in the United States with children under six who are in the labor force, who are working outside the home, that those four and a half million mothers—the chances, as you move down the economic scale you'll find a far larger representation of them from amongst the poor and those just above the poverty level. They're working because they have to work.

It doesn't do to talk about the fact that we're going to help the family and then not support, in some fashion, the children of these women who have to work. This is again part of the package of thinking of employment security, the home, a good start for the child and not just the provision of school.

I think that what we have learned—if I can go back, and I hope we take this home with us, Mr. Mayor—I think that what we've learned is that to do something for the young, you've got to do something for society in general. The schools reflect the evils of society and there is a deep injustice in not correcting those things in society that warp our schools, and I hope we can carry that commitment with us when we go. Thank you. (Applause)

Mr. DAVIDSON. Thank you, Professor Bruner. At this point, I would encourage those of you who have questions to please distribute those questions to the ushers so they might bring them to me. I know that members of our panel will be happy to react to them.

In the meantime, I would like to pursue some of the questions that were raised during the initial presentations and ask perhaps Commissioner Marland a question.

In the thrust for innovation and experimentation and looking at the renewal project, renewal centers, in what way do you see any problem in distinguishing this push for innovation and experimentation from the concentration that is needed in many of the urban areas on basic skills of learning, if any conflict at all?

Mr. MARLAND. What obstacles do we see?

Mr. DAVIDSON. Yes, sir.

Mr. MARLAND. I think, Jack, that one of the obstacles we're undoubtedly going to face is that any kind of a new thrust that comes out of Washington, if it has a change in it, it's very likely to require a trade-off. You have to give up something to get something. And here, where we have been scattering our resources, as I say, very thinly in terms of the discretionary resources that provide the initiative for change, many school systems will no longer receive those scattered thin resources because we'll have to gather them to target them.

That's going to be an obstacle. Somebody has to give up something. We hope that we can move swiftly enough so that there will be enough good practices emerging from the very limited discretionary resources that we have so that those good practices will quickly influence decision-makers in nonfunded sites so that they can transform their local resources as well as the formula Federal resources into the new practices. That is certainly one of our objectives.

There would be no point in having the Office of Education in Washington go out and establish renewal sites if all we were effecting were the limited number of young people in those sites. These are demonstrations, they're models, they're initiatives, they are what I call the rubber tip crowbar to gently make a difference so that other people see that difference and pursue it.

Now, other obstacles, I think, will be the shear amount of money we have. It's not enough and never will be, and we're having to take what monies we have and do this. Another obstacle will be some anxiety in Congress that we may be overstepping the authorities that Congress has vested in the Office of Education through these laws. We're having to go on tiptoe in that direction and doing it not in any way to evade the admonitions of Congress, but to deliberate with Congress so that we don't get out of line.

These are things that are standing in our way at the moment. There's a certain amount of regrouping in the Office of Education which causes a little uneasiness and tension as people change their role, change their actions. The big thing that I see happening is that the Office of Education will become, instead of what is now admittedly—and I think Doc would agree with me—an office principally concerned with managing paper and money to an office concerned with reaching out on call with technical assistance and wisdom to help local and State authorities implement change. That would be the major difference in what we are.

Mr. DAVIDSON. Thank you, Commissioner. A question from the audience parallels one that I had wanted to ask Dr. Bruner to respond to. As many of you know, Dr. Bruner has spent considerable time having a great deal of thrust in the area of theories of learning and methods of learning. And I wonder, Dr. Bruner, if you would comment upon the emerging ideas, the emerging feelings about theories of learning as they relate to our educational system in the 70's? (Laughter) In the usual five minutes.

Dr. BRUNER. Jerry, you might start with Skinner. (Laughter)

Mr. DAVIDSON. He now has six minutes.

Dr. BRUNER. Starting with Skinner would make it too easy. (Laughter) Well, let me see. I think probably the way to answer that is to note the relatively small number of ways in which we, in fact, learn or facilitate learning, if you will, by arranging things called classes or instruction or what not.

The first one is to provide a situation where somebody can act on their own to solve the problem, and the main thing that you have to do when you give a person an opportunity to solve a problem is to have knowledge of results. It's a curious kind of thing. It's such a simple-minded notion, but when you take a look at a good deal of learning that takes place in the school setting, there isn't knowledge of results. Kids don't have a sense as to whether they succeeded or failed or that they pleased somebody or didn't. That type of thing—Let me just mention that as number one.

Number two, what we do is to provide situations, I think, in which there's a—we arrange the situation so that the kid can have an opportunity to succeed or fail in a very informed way. He can get into the situation and be saved from being overwhelmed by the noise in the situation. It's a simple enough thing so that he can learn it and say, "Uh-huh, I see it."

The third thing, it seems to me, provides not an opportunity to work directly on a problem, but to provide a model of somebody working on a problem, and this model of somebody doing it or somebody valuing something in a certain way is an extraordinarily subtle kind of thing. So that is important.

The fourth type of thing is very, very new, probably, you know, within the last 2,000 years in the evolution of man. It has to do with the technique of informing somebody by telling them. When you tell somebody something, the odd thing is that you rip the knowledge out of context. You don't see the model doing it, you don't see what it's used for, you have no idea about the knowledge of results because there's no result. You just tell in a hope that somehow the person will find a vocation to which he can apply that knowledge. (Laughter) This troubles me very deeply. I don't propose at this point to provide an answer that needs funding by Sid Marland's office, but we will perhaps.

I do want to say just one last thing about this. Now, all these things having to do with learning, I suspect can be summarized by saying that what an individual does when he learns something is to build a model of the world in his head which he can spin just a little bit faster than the world goes so that he can anticipate, extrapolate and so on, and this takes a thin amount of courage. You put the pieces together. You see, the main thing about learning is that you've got to go beyond the information that's been given you. You've got to put it into a structure and extrapolate. You've got to find rules for going beyond that information.

The reason I bring up courage here, and early confidence is that the big difference you find between a kid who's lost his nerve because he thinks he can't get anywhere, as compared to a kid who thinks he's going somewhere, is the way in which they use information to extrapolate, to go beyond, and that's the early motivational type of thing.

Now, it doesn't do simply to talk about the fact that you—how do I say it—you respond, you peck or you solve an arithmetic problem and then there's a reinforcement and all is well. The reinforcements don't work that way because the main source of reinforcement for human beings are other human beings and they're notoriously unreliable. So it's very difficult to get behavior under control and the great fantasy of the Utopia that we all would like to bring to bear situation because it's so chaotic, turns out not to work very well.

This is a very brief lecture on the major obstacles, but I would like to mention one last thing. One of the things that troubles me more than anything, looking at the impact of poverty and the impact also of urbanization around the world, is something that I come increasingly to think of as condition helplessness. The fact, for example, that people begin to get the feeling that because of the complexity of events, they cannot help themselves. And I rather suspect that what we're going to have to do in breaking away from standard formula of the school is to give people opportunities earlier than when they get into real life, which means after medical school age—early in life—to do things where they get some sense of their own competence, where they avoid that feeling of helplessness. For that, you have to start early. (Applause)

Mr. Davidson. As you can very easily tell, one would enjoy the opportunity to listen to any one of these individuals for a great length of time.

Let me go from that rather broad scale question to a very specific one which I will address to any member of the panel that would care to tackle it, and the question is this. Do women have any leadership role in education? (Laughter) Whichever is the most courageous can begin.

Mr. Howe. It seems to me that since Walter Washington's wife is here that he should answer that question.

Mr. Washington. Well, to be very frank, most of what I know about education I get from my wife. I think this is a fair question. I don't like to really react in a fashion that you just say, "Yeah, that's the case." I think that, as I approach it from the standpoint of Mayor in a city is that women have what I would call a fantastically great opportunity in this area to forge a kind of leadership that is exceedingly meaningful. My concern with it would be that you cut it off at education, because in my opinion, the role of a woman throughout the whole range of municipal affairs as I can identify them, particularly in the human resources area, that deal with health and deal with education and that deal with problems that are related to strengthening the whole person, I think in this area, I wouldn't want to extract it as a woman having a greater opportunity. I think there are fantastic opportunities there and I think they ought to be looked upon as equal to man, not any greater or any less. That's what I come out with.

Mr. Daly. Could I make a comment?

Mr. Davidson. Mr. Daly?

Mr. Daly. I think in a very special context, one could say the answer is unfortunately yes, they do have a role. I'm referring specifically to the domination of the elementary school years and junior high years by female teachers in this country, which I think has led to a tremendous distortion of roles and values of men and women. I think one of the most hopeful aspects of the women's lib movement is possibly the liberation of men so that they feel that teaching a first or second grade is not unmasculine. (Applause)

Mr. Davidson. Very good.

Mr. Howe. Now, just a further comment on that. I do agree that women do tend to dominate elementary schooling, but I don't think they've been very successful at it. By this I mean that, if you look at the typical elementary school materials that present role models for women, you'll find that these are the old traditional nurses, housewives, the kinds of models that show up in the picture books that youngsters see in elementary school about what women do. And therefore, the elementary school tends to perpetuate just the things that the women's lib objects to. So I repeat my point that although women dominate it, they haven't controlled it in the interest of women.

Going beyond this, I think women get short-changed to a high degree, the higher they go in education. Quite a number of people have observed that the colleges and universities in the United States are designed for men and women are allowed to go to them, and that's about right. Particularly when you get to the graduate level, the whole scheme of reform in improving the quality of graduate education has to some degree been against the interest of women. There's been a tendency to feel that high quality graduate education is produced by full time attendance in graduate school, by residence requirements, by lack of flexibility of all kinds, and of course, these work against the life patterns of women who would like to have academic careers and get graduate degrees or whatever other careers may come out of graduate or professional degrees.

So I think there is plenty of room for women both to improve what they do as they dominate the elementary schools and to complain a lot about what goes on in the rest of the establishment. (Applause)

Mr. Marland. Do you want a report from Washington, Jack, or have you had enough of that?

Mr. Davidson. Yes, sir. I think that would be most appropriate.

Mr. Marland. A very quick one. It may be useful to know that in the Office of Education over the past year, more than 50 per cent of our promotions of the upper grades—that means grade 13 and up to 18—have gone to women and that there are over 50 per cent from a much smaller base of women to make the promotions. And further, that fifteen women are now in policy-making positions that weren't there a year ago.

Mr. Howe. You have Edith Green to encourage you. (Laughter)

Mr. Marland. She's a good model.

Mr. Davidson. Mr. Bruner?

Dr. Bruner. I just want to give a report from the laboratory on this one. (Laughter) We used to have a big thing about differences in learning patterns between boys and girls and how, therefore, we should move them in one direction and another. As we become more varied in our educational technique, it turns out that a great many of those so-called differences in learning were situational. They were things that we trap little boys into doing as masculine and little girls into doing as feminine. Possibly, if we take a long view of how it is that you share this enterprise called education, we might conceivably get to the point where the ladies, even if they are dominating at the elementary school level, would do better by virtue of the fact of being given fuller access to our educational resources.

**Mr. Davidson. Thank you. To shift gears—**

Mr. Washington. Well, do any ladies want to complain?

Mr. Davidson. Yes, I have a lot of complaints here.

Mr. Washington. I mean, one of the ladies might want to question further the fact that the answers haven't been adequate.

Mr. Davidson. Well, there's still room for questions, if we can get through this stack of them. Let me move to a little different subject. I think all of us are aware—certainly, those of us in Texas at the moment, are aware of the recent *Surrano vs Priest* case in California, the Rodriguez case in Texas, decisions that have been made in Wyoming and most recently in New Jersey having to do with the property tax and the financial support of education.

The question, of course, is that at the present time there is in Texas a tremendous amount of activity on the part of several committees who are studying this problem and looking at ways to propose some kind of tentative solution.

Undoubtedly, this is going on in other States as well. Even in those States where perhaps decisions have not yet been made. The question and a number of questions relate to this, Mr. Commissioner and others—Is the Office of Education taking any stand at this particular moment in terms of any support or help it might give to states or to State Education Agencies in pursuit of some kind of clarification of these various decisions that are going on across the country?

Mr. Marland. **Number one, we're taking the position that we—I'm not sure whether it's official Administration policy or not. We haven't had a reading on that. But as far as this Office of Education is concerned, we're applauding the action being taken by courts to find that it is no longer equitable to support schools with differences in dollars per child ranging within a given state from $450 to $1300 and call it equal educational** opportunity. (Applause.)

**We know this raises enormous problems for our system, enormous problems for our communities and states who reconcile this. The President is very much aware of this. People like Don Morrison and other leaders in education met with the President in early September to talk about this. In fact, the meeting was arranged well before Surrano occurred. By good fortune, Surrano had occurred by the time these leaders came together with the President and he learned more details of the Surrano conditions from their translations and also from the ugly evidence of the disaster of finances in our big cities. It was these things, I believe, that brought him to the position which he took last week in saying that we must change this.**

**He has set in motion, and my office has been at work now for—well, ever since September on developing alternative systems, and this gets back to the basic question, I believe; are we doing anything to help local communities and states get through this thing?**

We had a number of alternative solutions to offer the Administration in terms of new delivery assistance. Our office has not been engaged in the consideration of alternative revenue systems. This rests with Treasury. The President has now invited the Advisory Council on Intergovernmental Relations, a bipartisan group, to come into this whole problem and help look at alternative revenue systems. This is going forward very fast with a sense of urgency about it. My office at this moment stands ready to help in any way it can in terms of those cities that are now under the gun, not because we have any new money solution, but at least we have a variety of alternative theoretical models for consideration in overcoming the inequities of the local tax base.

We are eager champions of the proposition. The President, I believe, is going to move vigorously on it this year, and I think the signs are all good. Those of you who are already under court order, like California, Texas, Minnesota and New Jersey, all we can give at this time is assistance and council; no money. I hope that the money comes soon to get out of this mess.

Mr. Davidson. Thank you. Mr. Howe?

Mr. Howe. I agree with Sid that the decisions of the California court and of other courts do represent progress even though they leave a completely unresolved situation in some states. In regard to the Federal exploration of alternative revenue systems, the suggestion that has been most widely leaked as a possibility has been the possibility of a value added tax, a Federal value added tax, which would in some fashion I don't think as yet defined, would produce a good deal of money that would then flow into the states and from the states into the local school districts to possibly replace that portion of the property tax that goes to education.

Those mechanisms are complex and will demand the kind of study Sid is talking about. What worries me about that particular suggestion is the nature of the value added tax itself. It's a highly regressive tax. It is in wide use in Europe. It has not been so much in use in this country, and it is, of course, really a sales tax.

To finance or attempt to finance our public schools by a tax which is much more heavily paid by people of modest and poor circumstances seems to me to be poor social policy. (Applause)

I think we need to examine that suggestion as it is refined very carefully.

Mr. Marland. Just a quick word, least that rest as the final analysis. The Administration is very much aware of the regressivity of the value added tax and does not at this point imply that it would be a universal application of every product in its developmental process of value added each step of the way, but products selected so as to have the minimal regressive aspect in terms of effecting low-income people.

And I think you should also know that even though Doc is quite right in saying that it has been noted with some affirmation as one of the possibilities to be considered, it is by no means the only possibility. It's one of a variety of alternatives that has not yet been really developed. But the regressive part of it is well known to the Administration and they would contain it in such a way as to try to minimize that feature, Doc.

Mr. Howe. As long as they put it only on Cadillacs, I'll support it. (Laughter)

Mr. Davidson. Pursuing that question for just a moment. One of the concerns of most local school boards, most local school administrators, has to do with even the possibility of increased Federal funding at a general level without a proportionately increased amount of Federal control and Federal regulation and Federal red tape. And I think those of us who are local administrators would have great concern about this, as we always have had. And I don't know that it calls for an answer. Perhaps it does.

Mr. Marland. All I can say is amen. I've been a local administrator 23 years longer than I've been a Federal administrator.

Mr. Davidson. I don't think I made very many points on that. (Laughter).

Mr. Marland. The President said the same thing on Thursday that absolutely this must not in any way transgress the authorities and the responsibilities and the power of the local board of education.

Mr. Davidson. All right. Let me shift gears one more time and——

Mr. Howe. I'd like to make just a comment on that, if I might after Sid's last comment. I'm strongly in favor of local control and at the same time I'm aware that local control has created the right to have very good schools in some places and for other places to choose to have very bad schools at low cost.

That's a real problem. We should not so deify local control that we allow it to subject children to abuses. So I think there are reasonable roles for state government and indeed for Federal government in making sure that pupils at least get their rights and that most get a real opportunity for education. At the same time, I feel that local citizens need a good shot at control of their schools.

So I don't want to have this subject oversimplified in response to that question.

Mr. Davidson. Any other comments on that item?

Mr. Daly. Briefly on the original question on the property tax suits. I think it's very hard for people who live or teach, as many teachers do, in the so-called fat cat districts; the ones who are going to lose by these various suits. But I think a very genuine concern of many of those people is not that they're reluctant to share the wealth of the better tax base that they have, but does it mean in each state that, let's say, the deprived districts are going to be brought up to the level of the best in that state, or does it mean that you're going to take from the wealthy districts, disburse it and create a general level of mediocrity? I think that is a genuine concern of many teachers in better off districts.

I'm very glad to hear Commissioner Marland's statement regarding the awareness of the Administration of the regressive nature of value added tax. I'm quite sure that my own organization would oppose that particular method of continuing to fund schools, because it would hit squarely at the very people we represent.

Mr. Washington. Since we're on financing, I want to ask the Commissioner if he'd react to what appears to be happening in many of the bond issues. You may have referred to it to a degree in the declining acceptance of bond issues to finance education, all of which is tied into the total financing picture. What do you believe: this is a loss of confidence in education? Do you feel that this is something that local governments themselves ought to take more aggressive posture on, or how do you come out of it?

Mr. Marland. I think that it's all of those things probably, Mayor Washington. I think that I would say that it is not a fundamental American mood that says that education can no longer serve and no longer be trusted and is no longer valued. I do not think it's that.

I think that there are many parts of our society who are sick and tired of taxes and about the only tax they can now control is the one they can vote on which is the board of education tax. And they drain off some of their tensions and anxieties and feelings of helplessness about taxes on the one that they can control; that and the sewer tax, generally.

You know, I just don't think that one can simplify it by saying people are tired of supporting education. They're tired of all taxes, and unfortunately, education is immediately within their influence to effect.

I think the larger issue is the one that we've been talking here about in the last few minutes and the one which the President cited last week. That the local property tax is no longer reliable in terms of supporting the needs of education. It's not there. And it has come to the point of confiscating the cost of education in America and has doubled the proportion of fifteen years ago to the gross national product. It moved from four per cent of the gross national product to eight per cent. It cannot go on forever. As much as I as one school teacher would like it to. The issue has to be that something has to stop in terms of the local tax rate. It appears now that it has to stop. It cannot afford any longer to support that from the housing of people. Therefore, a new and more equitable form and more efficiently collected form must be discovered.

I think that's why the bond issues have been steadily eroding in terms of their success.

Mr. Davidson. Pursuing that question, are there any other comments?

Mr. Howe. I think there's some lack of confidence in schools on the part of the general public that has something to do with this business of bond issues losing. It may not be deserved by the schools, but I believe it's there.

I think it's fashioned of the difficulties we've had in education, partly in colleges and universities, now in high schools, and schools have not conducted what might be called good public relations even though they may have, through these difficulties, learned how to do more for students.

I suspect that the publicity given to the facts of life about our failure with the 20 per cent of students that Sid has been talking about and that John Gardner talked about has not built confidence in the schools on the part of the general public who said, "Why give them more money when they can't teach the kids to read?" So that I guess we have a big job of education of the general public to do about the difficulty of the assignment we've taken on in trying to deal with the disadvantaged, and a confidence rebuilding job that isn't a short-order exercise but that will take some time.

I think we're about it. I think we've hit the bottom in American education and are on the way up.

Mr. Davidson. Perhaps a little response to that. It occurs to me that while we have a great and abiding concern for the deficiencies in American public education, we by that very kind of concern spend a great deal of our time today talking about our own deficiencies, our own ineptitude, our own difficulties. And yet, I maintain at the same time that there is a tremendous amount of good going on in public education and that it probably is not wise strategy for us to constantly talk about our inequities, about our inefficiencies and our problems, that there needs to be a sense of balance between looking at those things we do well and being increasingly concerned about those things we do not do well.

Mr. Washington. I'd just like to introduce a subject. I alluded to it earlier though. It gnaws at me as a Mayor and I'd like to get a little reaction here. That is this one of using the schools in the afternoon and evening hours for community groups and children—this painful thing that you see of groups of children out in the street. Mrs. Johnson remembers how we moved through Washington trying to find some other things for them to do.

It grows out of this question of whether or not people are losing confidence in the schools and the fact that we're not really using them. Of course, it's even more painful when we realize that there are thousands of children who are not in school at all or have dropped out for some reason or the other, which compounds the problem. But I wondered if anybody wanted to react to that.

Now, I know what's happening because in some cases and in some cities they're not even able to keep their schools open for the full terms, so you have a budgetary process. But when you go to a State Legislature or to a Congress to talk about more funds, better budgets and the implementation of certain programs, this inevitably gnaws at you. Why don't you really use the school plant to a greater degree? I don't know, maybe nobody else has a problem with it, but it's distressing to me.

Mr. MARLAND. Both as a school administrator, Mr. Mayor, and as a Commissioner of Education, I would say that there is great promise in the direction that you point, and it has many political aspects as well as educational aspects. While the year round school has been tested for at least 100 years here and there in the United States, it has generally collapsed because of lack of popular feeling or physical support.

I think it is now perhaps, and for different reasons, back in motion with some promise of general adoption. I think that your idea of the schools open throughout the evening, the late evening, the year round and open Saturdays and Sundays for a variety of community activities is sound and valid. The schools belong to the people. The uses are there for many, many things, ranging from auditoriums to shops, to laboratories, to the classrooms to everything else. They ought to be used.

But they should be used in what we would call the context of community schools. That's a situation where people like your office and the office of the Superintendent and various other agencies of government could come together and find ways creatively to find the means, including money, staff and leadership to use those schools but not think of them solely as places for formal education, but for concerts, for political meetings, for old folks to get together and meet and renew themselves in an environment beyond physical education and athletic activities.

All of us in education, I would say, have supported this proposition, but we can't go with it in terms of an education budget. It's a community issue and we would be strong companions to go with you on it.

Mr. WASHINGTON. Would this be a component in your renewal strategy?

Mr. MARLAND. Yes, it definitely could be. It could be a very lively component of renewal.

Mr. DAVIDSON. Very good. One of the essential ingredients of any kind of changing American commitment in education has to focus, I think, on a changing pattern insofar as the urban areas are concerned. Mayor Washington has certainly alluded to problems that exist in the urban areas. In terms of the thrust of either the United States Office of Education, the thrust of various foundations who might be concerned with this, and for that matter, from the standpoint of teacher and professional organizations, what kinds of special emphasis are going to occur in the decade of the '70's to deal with the specific educational problems that exist in the urban areas? Where are we going on that one, what kinds of specific programs are we getting geared up to bring into being that are going to make a difference in the urban areas?

Mr. HOWE. Since no one seems to be starting, I'll start and speak in part about that. I think the first thing that has to be said is that realistically, you can't expect that the public schools of an urban area are going to do the whole job for that urban area. The urban problem is compounded of housing and transportation and schools and job opportunities and a whole mix of interrelated things, so that the solution to our cities, if there is a solution to make them healthier than they are, is a multi-faceted set of programs rather than a school program.

Within that context, I think that in the 1970's I point to two developments that I think ought to be given priority. One is Sid Marland's view about the need for new programs for the teachers in urban schools to help them get on top of their jobs. They've got the most difficult job in the whole education business, dealing with these concentrations of racial minority and poverty youngsters. They are tough to teach, they are tough to understand, they've got combinations of motivational problems, linguistic problems, deprived backgrounds, from families of various kinds which are complex and, as Sid points out, hunger problems. So that a teacher contending with that mix of difficulty built into a single youngster in a classroom has a need to have the chance to reconsider the tools at his command and learn to change his behavior and to experiment with new behaviors. I'd put that on a priority list as far as the school aspect of the urban problem is concerned.

Secondly, I think that particularly at the secondary school level, the high school level, there's a real need for institutional change. Our city high schools in New York where I happen to live, and also in many other cities, are in deep trouble.

The harassment of teachers, the lack of attention of pupils, the irrelevance of programs to the needs of pupils are all too well known to all of you.

I think the nature of the institution in the secondary school in the city is going to have to change radically, that many youngsters in the course of their secondary school years will have to find jobs, part time, going to school part time, that the school will have to learn to give credit for work on the job that the job will have to produce money in the pocket for the fifteen and sixteen year old youngster, that the rigid institution largely academic in nature insisting on young people being from 9:00 until 5:00 in typical rows in typical classrooms is a dead duck in the city as far as secondary school youngsters is concerned or as far as most of them are concerned.

So I see a real need for institutional change there. I know there are many other comments that could be made, but that would start this question off.

Mr. DAVIDSON. A good start. Mr. Daly?

Mr. DALY. I think one thing—I don't think the problems of the urban areas are going to be solved unless the people in the suburban areas want them to be solved. That's where the money is, that's where the power is. I think one thing that's got to be done is secondary schools, particularly, and I think it has to start in the schools of teacher education. I think you must teach teachers the means by which they can teach pupils why the problems of urban areas are their concern.

Most of the teachers we're turning out of schools of ed—or let's say, a large number of them—are going to teach suburban areas. I think one of the problems they face is that we say vaguely, "Well, yes, the problems of the urban areas of the inter-city are our problems." If you pin those teachers down and say, "Be specific. Why are they our problems?" they can't really sometimes give you a coherent answer.

I think we have to make that a matter of intellectual discipline. It has to be part, I think, a parcel of courses. It has to be something we address ourselves to particularly of being able to teach students why those problems are their problems. The problem we have now is a kind of vague sense that they will be told it's their problem by well-meaning teachers, but it all seems to come out as a kind of wish for brotherly love for their benighted brethren in the inter-city. They don't have any real concrete sense of how it affects them politically, socially and most of all, of course, economically. I think that's what we need is to reach the kids who will be the leaders in the suburban areas and their parents to do something about the problems in the inter-city.

Mr. DAVIDSON. Any other comment on that one?

Mr. WASHINGTON. Well, I just wanted to add one thing, since I did kick it off. I was referring to the problem in a different context. But I kind of look at this problem differently perhaps than the educator in a sense that ultimately all of the problems, however deficient or however effective they are, ultimately fall in my lap. So I have to look at the real issue which is not simply alone effective education but effective government, and it seems to me that it's our task to see that the education machinery which we have in a municipality or a state, really undergirds its basic purpose in promoting and developing viable educational patterns for children. That's what I want to leave in terms of the way I come out of it.

For instance, if the educational plant is bad, it doesn't matter whether it's in the suburbs or whether it's in the affluent part of town or the intercity. You're going to catch it down the line in terms of the totality of the urban problem and it's going to come out in many different ways, as it does. It can come out with higher delinquency, greater need for larger jails. It can come out 40 other ways, but until it is knit into the total pattern of effective government, I don't think that it can stand isolated and you make a thrust only in that area, except for purposes of analysis. First, as a functioning, it's got to go together.

Mr. DAVIDSON. Very good. Any other comments on that question? All right. Let's move then to one other aspect of the problem dealing with the urban areas, if you will, and that is that—and I think Doc Howe touched on it briefly—the whole question of how it is we go about the process of training teachers not for the future urban conditions, but to retrain those who are involved in the urban situation at the present time, and what kinds of facilities and what kinds of programs are perhaps going to be available in the early years of the '70's to deal with this problem, or is it strictly a local concern?

Mr. MARLAND. We do have something of a track record on this one that's worth taking quick note of. The Teacher Corps has now been in force as a result of the Administration leadership under President Johnson for about four years. The Teacher Corps, just to recall it quickly to you, is an opportunity for young people who have completed their baccalaureate degree in a traditional liberal arts setting to receive two years of intensive training at the cost of the government with a modest stipend during those years to get a Masters Degree but to get an intensive period of actual experience on the job in classrooms, and mostly to get around some of the traditional and not wholly effective, as we see them, conventions of education courses, but rather the reality of actual teaching under supervision and the background that they will have brought to this task in the first place from a liberal arts institution where they have generally excelled.

They discovered very late in their careers in college that they wanted to teach. Well, the Teacher Corps capitalizes upon that will, upon that social concern and upon the competence of such people who have decided they want to turn their energies to the help of the poor, not just to become a teacher in a more secure and perhaps cleaner situation.

Therefore, you have a breed of teachers selecting themselves in a way, having intensive training in institutions that have now been established and I think we have 21 around the country. One of them is headed by your speaker this morning, Secretary

Cohen. There are a number of such institutions training such teachers.

The interesting part of it, according to the reports I get, is not only how these institutions develop these teachers well for the inter-cities where they're now teaching, but the presence of these young people in colleges of education have changed those institutions because of their expectations for those institutions, which is probably good.

I have one final thought. The retention rate in terms of people in the Teachers Corps working in the inter-city is unbelievably high. I wouldn't attempt to give you quick quotes on the figures, but they're something like 85 or 90 per cent, while the typical turnover rate in the first two or three years of teaching at around 50 per cent.

Mr. Washington. You called on me and my wife for the other question. I want you to know that she inaugurated the first Teacher Corps program in our city at the time, of course that President Johnson was at the White House.

Mr. Howe. Let me make a brief comment on this question. I think Sid's view is very helpful. I agree with it. I think there's something beyond this.

I was in Israel last week and talking with them about the reform of their education system, and one of the practices of teachers that they were criticizing and looking and seeking to change was what they called frontal teaching. This is what we are doing to you. It's essentially boring. It's an arrangement in which the teacher stands in the front of the room, dominates the situation, tries to capture the interest of the entire class, at the same time the class being seated in neat rows. Frontal teaching is entirely too characteristic of too much teaching that goes on in the schools. I think that the teacher retraining processes that we need to think about will have to help teachers figure out how to get out of that didactic lecturing role that we're in, unfortunately, and get into the posture of being associated with students in exploring learning of being diagnosticians of the student's problem over the learning process.

There are some rather hopeful endeavors in regard to this that are being tried experimentally in the United States now, and I suspect they might be expanded. They do require real changes in the teacher's behavior and this isn't easy for all teachers. I won't try to elaborate on that. But I think that that type of change in behavior that I've outlined is important to try to bring about in these new teacher training processes.

Mr. Davidson. Very good. Thank you, Mr. Howe. Gentlemen, at this time, I think it would be appropriate to bring our panel discussion to a close. I apologize to those in the audience for being unable, of course, to get to all of your questions. I think you can see we did get to a number of them.

If I might take a minute or so to very briefly state two or three trends that seem to run through much of the discussion this afternoon.

One would certainly be the need for a coalition of concerns that seem to involve education in schools at almost every turn, and the merging of the resources of a community and the resources of a city to go with education as you try to find ways to meet a real changing commitment.

And I think it would be appropriate also to express, on the part of all of the audience, our appreciation to this panel for its fine presentation this afternoon. (Applause.)

Mr. Middleton. We do, indeed, thank all of you very much. We will assemble again tomorrow morning at 9:00 o'clock in this same auditorium. We hope all of you will be with us then. Thank you very much for being with us today.

### MORNING SESSION—JANUARY 25, 1972

(The Symposium reconvened, pursuant to recess on January 24, 1972.)

Mr. Middleton. Good morning. We have heard some expressions of disappointment that the panel discussion yesterday had to end before all the questions from the audience could be considered and answered. I share that disappointment.

It is our hope that the proceedings of this Symposium, the prepared papers and the panel discussions will be published and given wide dissemination. I think it would be good to include in that published version, if we can, those questions which did not get a hearing and their answers.

Dr. Davidson, the Moderator of yesterday afternoon's session, is going to compile them, and send them off to the panelists for answers. This will probably come as a surprise to the panelists who thought their work was already done. (Laughter)

We will do the same thing for this morning's panel. If the panel does not have time to consider all the questions from the audience, we will get those answers later and include them in the published report of this Symposium.

The program for this Symposium was planned and organized by a most distinguished committee. It was my privilege to work with that committee. We had the benefit of advice from two former Assistants to President Johnson on the White House Staff, Douglas Cater and Larry Levinson.

On the committee was Mr. Robert Hardesty, also a former White House Staff member and now Special Assistant to the former President.

The other members of the committee are from the University and were appointed by Dr. Spurr. They are Dr. Peter Flawn, Professor of Geological Sciences and Vice President for Academic Affairs; Dr. Alexander Clark, Professor of Sociology and Associate Dean of the Lyndon B. Johnson School of Public Affairs; Dr. James B. Roach, Professor of Government, Vice Provost for Arts and Sciences and Dean of Interdisciplinary Study; Dr. Americo Paredes, Professor of English and Anthropology and Director of the Center for Mexican-American Studies; Dr. Lorrin Kennamer, Dean of the College of Education, who will be part of the proceedings this morning.

This committee was chaired and most effectively chaired by Professor Elspeth Rostow. I'm going to call upon Mrs. Rostow now to introduce this morning's program. (Applause)

Mrs. Elspeth Rostow. President and Mrs. Johnson, colleagues and friends. I'm here at the beginning of the session on higher education and it's appropriate, I think, to consider for a moment what has happened to the role of the college president.

In the time that I have been teaching in universities which is over a third of a century, extraordinary things have happened, for example, to the names of college presidents. I grew up in the shadow of a man who rejoiced in the name of Nicholas Murray Butler. Nowadays, college presidents sometimes don't last long enough in office to say Nicholas Murray Butler. (Laughter)

Instead of having such a resumate title, we now have presidents with names like Bach and Spurr and Yitch. (Laughter) This is obviously a movement in the direction of functionalism and I think we can all applaud it. In fact, I would go a bit further and say a word about the functional approach to college presidents.

In the past, we could have ministers and these indeed, in early America, were the prototype college president. We could have philosophers. Nowadays, both Harvard and Yale have lawyers—and they need them. In other areas, we have as we have here an ecologist and we're delighted to have him. But it is inevitable that a psychologist should be named as a president of a college because what other talents are needed but those of the trained, clinical, experimental what-have-you psychologist.

So the change in name, the change in function brings us to our main speaker this morning, who was once a colleague of mine at MIT when we were both junior members of the faculty—he is an old friend—and who has a career which is symptomatic of the upward trend, I would say, in college presidents.

Trained first at Fordham where he received his degree in 1947 and then receiving both the A.M. and the Ph. D at Harvard in psychology, he worked within the Lincoln Lab in Cambridge. He also was at Harvard and at MIT in the Psychology Department there learning the interdisciplinary lessons that a psychologist learns in an institute of technology.

MIT, by the way, in terms of names, chose a while back a president with the name of Howard Johnson. It turned out to be the wrong Johnson. (Laughter) But the change within both these major universities is admirably summarized in the emerging significance of what he has referred to as the "new breed of college administrators," of which President William McGill is so admirable an illustration.

Having served in the Cambridge community down to the period in which he was a full professor, he moved to Columbia where in time he headed the Department of Psychology in that institution.

So then, Professor McGill learned from the point of view of a member of the faculty the problems that a college administrator must know.

Moving to California in 1965, he was just in time for the troubles of the West Coast. And able to cope with the variety of problems and the variety of encounter that the modern university exhibits, he early earned the reputation of not only a man who could listen, which is one of the essentials of a college administrator, who could talk effectively and who could deal with the varieties of colleagues with whom he must associate; the student population, the faculty, the external boards that relate to universities, the general public. And as Chancellor in the campus at La Jolla, he earned a national reputation of a new soft-spoken, tough, competent and highly effective administrator.

It was no accident then, that when Columbia needed the very best direction that it could have, it turned to its own former professor, its own now tested administrator, its own—if you will, its own in-house expert and brought him back from the West Coast to be president of that remarkable institution, Columbia University.

So we are indeed privileged this morning to have with us and to open our discussion of higher education, Professor at one time, now President, earlier Chancellor William McGill of Columbia University. (Applause.)

### *Educating a nation: The changing American commitment*

Mr. William J. McGill. Mr. President, Mrs. Johnson, distinguished colleagues on the panel, fellow academics. This is an interesting experience for me. As you can see, I was once an honest academic. This is my first opportunity to return to Austin in the role of academic statesman. I think it was Mr. Truman who defined the statesman as a "dead politician." (Laughter.)

My friends on the faculty here told me yesterday that an academic statesman is a dead duck in this generation.

The view of American higher education from the ramparts on Morningside Heights in New York City is understandably limited. We find ourselves so totally preoccupied with Columbia's manifold and near-at-hand concerns that our vision of the processes at work in the larger society might be said to be defective.

We are, after all, a large, ancient, eminent, and rather cantankerous private educational institution set down in the midst of a large, ancient, eminent and very cantankerous American city at a difficult time in history. Perhaps our problems reflect too much of the inner life of Columbia University in unique and special ways not applicable elsewhere.

I do not believe it. Our tensions may be more pressing and perhaps more complex than those felt at other American universities, but they appear to me to be no different. We are confronted by an array of powerful concern reflecting, we think, nothing less than the nature of American life in this generation.

As we address ourselves to the realities of our operation and seek to master our difficulties, we are undergoing an experience that is probably prototypical of university life elsewhere in the country.

Whereas critics, viewing us from a safe distance, were prone once to say, "It can't happen here," all such naivete is behind us now. The perils and ordeals of Columbia University are seen increasingly to be rather faithful reflections of profound tensions in American society itself.

I want to talk about these matters this morning, about the problems facing Columbia University, about the challenges posed by American life in the 1970's. It is perhaps strange that I should want to do this. College presidents are notorious oil merchants. Ordinarily they seek to spread a soft, lubricating ooze over every controversial topic they address.

Moreover, in the years before 1968, Columbia considered itself to be a creature apart from the special problems of our city and our society. The University's special vantage point was the world itself.

Parochial accidents of time and geography were not viewed as central to our affairs. If I were to come before you now in that ancient Columbia presidential style, I would observe that while other universities might conceivably be filled with conflict generated by claims that they are racist and sexist, dominated by the military and dabbling in the irrelevant pursuits of an elite privileged class, we at Columbia are quite unaffected by such ferment. I would say that Columbia tries to stand above trivial conflict and that our primary concern must be the future of NATO in relation to the Soviet power block.

It seems to me that the President of Columbia used to talk like that. I shall attempt this morning to spare you such imitations of the grand Butler style. He could do it majestically and I cannot.

Instead I shall dwell on what I take to be the central problems of our times as viewed from Columbia's peculiar academic perspective.

I shall also try to do you the courtesy of a straightforward and realistic analysis of what we seem now to be confronting at Columbia. Out of this analysis will come a set of basic questions about the future of universities. Finally, I shall try to make a number of suggestions as to procedures or mechanisms for dealing with these questions.

I will offer no solutions. Our problems are much too complex to tolerate simplistic answers. What we need most of all in this troublesome time is an adequate formulation of the critical issues facing us so that we can begin to determine what we need to know and what we need to do in order to be able to propose solutions.

There was a time less than 25 years ago when Columbia University did not need to speak about its problems. We had our splendid endowment for cushioning most of our financial needs. We also possessed our location in New York City with all its literary, intellectual and cultural attractions.

This made it easy for us to attract a student body and a faculty of the highest order of excellence simply because they wanted to breathe the bracing air of the big league metropolis.

I do not need to detail the transformations that have occurred in this rosy picture during the last two and a half decades. The rigors of modern American life in the urban setting are now quite familiar, and New York seems to suffer from a concentration of all of the afflictions of urban America.

Students and faculty live around the campus in buildings that are old and run down. Our circumstances are somewhat, I think, reflective of a new form of America's pioneer spirit. And, of course, everywhere around us there is a pervasive fear for physical safety.

Such difficulties have hurt the University, but strangely enough that hurt seems not to be critical. The human spirit adjusts very quickly to the governing requirements of nearly any environment. Moreover, our new life style has proved to be selectively attractive to extremely fine and idealistically motivated young people who want to understand the problems of America and who come to us to learn what it is all about. New York is no longer the golden city it was a quarter century ago, but it is still pulsing with all of the energy of life itself, and it is still the place where the cross currents of America flow together and boil. Students continue to come to Columbia because the Columbia education still stands for something and still opens countless doors.

Our once comfortable endowment is another matter. Two decades of inflation and technological growth have put Columbia in a situation in which for the last six years and for at least another year immediately ahead of us, we have had to face and will face large annual operating deficits.

No institution is sufficiently well endowed to stand up against that kind of strain indefinitely. What concerns us most is the growing body of evidence suggesting that not just Columbia but many large universities, private and public, may now have moved beyond the traditional mechanisms which society has used heretofore to finance them.

It is not yet unambiguously clear that this conclusion follows, but much of the available evidence suggests it. Since 1965 Columbia has been increasing its tuition regularly and has been increasingly effective in raising both private and public funds. Yet during this period we have found ourselves sinking more and more deeply into fiscal trouble.

We are, to put the mater in simple terms, living in austerity and attempting to develop better management. Using the methods currently available to us, we have a very good chance of achieving a short-term recovery in easy stages before 1975.

But the impression grows upon us that we shall soon be confronted again with a renewed drift into operating deficit. As it now appears to us, the problems that we are experiencing pervade all of American higher education and must be solved eventually by discovering new ways to finance universities. Inflation and technological growth seem to have bypassed and outmoded the traditional methods devised for the support of large universities.

Columbia is fortunate enough to have substantial resources and we appear to have enough time to be able to work out solutions. Regretfully, many other private colleges and universities will not have enough time, and a period of intense travail just ahead of us may produce changes of the most serious sort in the private sector of American higher education.

It is perhaps fitting that we begin our analysis of the problems of higher education by stressing financial difficulties. We have also been living through an era of intense world-wide social unrest. In the 1960's a new and powerful indigenous American radicalism began to grow among students on our university campuses. University administrators of my generation might thus be expected to stress the relation between this era of student unrest and our growing financial difficulties. The temporal linkage between unrest and fiscal crisis leads immediately to the speculation that these problems are somehow casually related.

Many of our critics have concluded that support for public and private institutions is diminishing as society at large reacts to political and emotional excesses visible on campus during the last decade. There is no doubt that some kind of public reactivity to campus disorders exists, but it appears to me that our financial difficulties are far more serious and far more deeply rooted.

The root of Columbia's troubles seems to be the large scale and rapid expansion stimulated by Federal policy in the middle 1950's in response to Soviet technological advances. Vast resources were poured into universities for the development of graduate and professional programs and for the physical facilities necessary to support such expansion.

In theory, the expansion was intended to be self-supporting, but new buildings, research centers, computer facilities and a variety of other modes of physical expansion have produced requirements for support and maintenance that have continuously inflated our operating costs.

By 1970, Columbia had expanded in this fashion for more than two decades and we were obliged to do it. Any other course would have quickly relegated us to the status of a second class university because the influx of Federal funds immediately set off competition for top quality faculty and students.

There is a simple economic law governing academic excellence and the operation of the law decrees that the best faculty and students go where the resources are available. The rapid growth in size and prestige of several large public universities during the last fifteen years illustrates this law in operation. Columbia could no more shut itself off from Federally stimulated growth in graduate and professional education than it could consider shutting itself away from the possibility of continuing as a major force in higher education.

Beginning approximately in 1968, the pressure for such Federal growth began to level off and then to decline. In the meantime, inflation of our operating costs had begun to force us into the red. The Federal pullback left us with a variety of programs in science. engineering, medicine, social science and language training which we had started with Federal aid and were now obliged to fund from our own resources.

Accordingly, by 1969, Columbia had slipped heavily into the red and was seeking urgently to devise ways to contract the University while dealing simultaneously with pressures coming from a powerful and widespread academic unrest.

Many of the pressures that our students felt less than five years ago seem now to have been translated successfully into society at large. Ferment and social change are enveloping the entire Western world. Problems first encountered on American university campuses have found their way into such orderly and hierarchical institutions as the United States Army, the Federal bureaucracy and the Catholic Church. As turmoil has grown in these institutions it has appeared to diminish on campus. Students seem once more to be intellectualizing the inadequacies of universities, seeing our problems in less parochial and less personal terms. There is no easy explanation for this phenomenon. Perhaps as society itself has become more troubled, students have seen the campus as less involved in the substance of social change and thus less relevant as a testing ground.

I'm seeking to make the argument that Columbia's current fiscal problems do not derive substantially from student activism or unrest. Instead it seems to me that financial difficulty and student unrest are both consequences of the great expansion of universities with the growth of mass technology in the USA. We have been forced by the nature of our lives to keep pace with the growth of technological societies elsewhere in the world in order to insure our national survival.

The stimulation of academic growth was clear public policy during the decade prior to 1968. Now we are trying to deal with the aftermath of that expansion and it is not clear to us at this time what our public policy is or what it ought to be. There is a feeling among businessmen and legislators that education has been allowed to expand on too broad a basis and that the nation is no longer willing to foot the bill.

In 1970, it was apparent that Columbia was overexpanded and that a combination of new resources and expenditure cut-backs would be necessary to deal with our fiscal woes. Although Columbia had grown for two decades, we were unable to devise a simple strategy for contraction that would bring us back quickly to stability.

Certainly it cannot be achieved by spinning off one or more schools or divisions of the University. Savings generated from such a contemplated spin-off would be largely negated by attendant loss of income and by legal and other complications involved in reaching agreeable settlements with the faculty of schools marked for discontinuance.

What little experience we had had with such problems suggests that they solidify the entire faculty in opposition to proposed moves and they generate a spirit typical of labor-management conflict rather than the cooperative form of governance that we have tried to develop in universities.

Real savings, our analysis showed, could be achieved at Columbia only by shutting down large physical facilities, which in view of the space limitations already imposed by our urban location, would make it virtually impossible for us to operate. Even more important in our analysis was the fact that while several of the university's academic subdivisions were operating in the red, those generating our most serious money problems were absolutely central to the university's intellectual activities. Their plight seemed to reflect the fact that we had made major commitments to student financial aid just as Federal agencies began to withdraw from underwriting such aid.

All signs pointed to the conclusion that the major portion of the University's deficit was concentrated in its central operating costs. In 1965 when Columbia's budget was last in balance, central costs—those are costs of administration, the operation of libraries, student aid, the operation of the computer center, buildings and grounds costs—were approximately $15 million. Our endowment and other income earmarked for such general purposes was very nearly the same and the budget was in balance.

By 1970, Columbia's central costs had climbed to $31 million while the general purpose income available to meet these needs was very close still to $15 million. Thus the origin of our 1970–71 operating deficit of $16 million is really not difficult to identify.

The interesting point in these findings is that they pinpoint the University's central operating costs as critically involved in the deficits we have been experiencing in recent years.

Many observers seem to believe that high faculty salaries form the root of our money problems. It is certainly true that faculty salaries are seriously implicated in our costs. Full time faculty compensation accounts for over 70 percent of our tuition income and rising salary costs have been counterbalanced at Columbia by rising tuition charges.

In 1965, tuition at Columbia College was $1,900. Today it is $2,800 per year. It is apparent that we are now approaching a decisive stage in this sensitive area. It is a stage that will certainly place great stress upon families supporting students at Columbia University and may possibly even lead to serious resistance. It seems clear that our annual tuition charges are now already so high that they cannot be raised much further without making the College inaccessible to all but the very rich and the very poor.

Accordingly, we cannot look forward to the prospect of continuing to finance additional increases in faculty compensation as we have in the past. This opens the possibility that I cited earlier that whatever the potential success of our current efforts at controlling costs, we are likely to drift back into even more serious money problems in the years immediately ahead as inflationary pressures generated by an expanding economy force continued escalation of this salary-tuition cycle.

It is very difficult to see how to extract ourselves from the cycle at Columbia because faculty salaries are given for professional services. Increased wages in segments of the economy that are tied to productivity tend to force up compensation for professional services without attendant increases in productivity. If you don't believe me, just look at your own medical bills.

The same processes seem to be at work in public universities. In the latter, of course, the actual cost of education is borne by state tax revenues rather than by tuition, but the pattern of rising costs described as characteristic of Columbia seems to me to be equally applicable to the University of California, to SUNY, CUNY and other state universities.

Public universities are adjuncts of state educational systems and are required to pass the annual scrutiny of state legislatures; hence, such universities are much better managed than Columbia. Despite their good management, they are nevertheless afflicted with the same pattern of problems that we see.

I am sure that during the next several years you will see widespread efforts among private universities to develop extended payment tuition plans in which students will borrow the money necessary to pay education costs by mortgaging their future income over a 20 to 30 year period.

If fixed loan obligations are involved, such repayment plans would not be difficult to develop in a form attractive to third party lenders. Up to this point, the schemes have not been especially attractive to students, but many signs now indicate that attitudes are changing, at least among students in our professional schools.

We might then look for increases in the dollar value of education as borne by our students. The idea of annual tuition may gradually disappear and be replaced by alumni-taxation schemes in which university alumni repay their alma mater over a 20 to 30 year period for the costs of educational benefits received during a concentrated experience early in life.

There is an evident need for serious and immediate experimentation with such long-term repayment plans. They will have a profound impact on university fund raising and alumni relations. They will also obviously have a very serious impact on the funding of public universities.

We ought to begin to face it and discuss it. Patterns of philanthropy supporting private institutions are clearly changing with changes in society and in the tax laws. It is not at all obvious that young alumni will want to continue to support alma mater in the style established by earlier generations. Even these generations have never been especially successful in establishing voluntary giving as a vehicle for support of private universities. There are some notable exceptions, but national experience indicates that only about 20 per cent of university alumni now participate in such efforts. We need new principles and we need them in a hurry.

Even with the potential development of long-term repayment formulas, it appears to me that sensible long-term solutions for Columbia must also involve new forms of Federal and state subsidy assisting us in defraying our heavy central costs and simultaneously meeting the expensive requirements of technological education serving the public interest.

Some states are now beginning to take over the full cost of medical, dental, nursing and public health education in private institutions. There are increasing signs that we are also moving toward a new era of Federal institutional aid.

Columbia has, of course, been receiving substantial amounts of Federal money for at least the last two decades. Such support has been concentrated primarily on the funding of individual or departmental research programs and on student aid.

These earlier Federal policies have the effect of greatly enhancing the quality of American graduate education and skills of American scientists. There is, in fact, no higher standard of quality anywhere in the world. But seen from the vantage point of the central administration of Columbia University, such public policies have had the effect of systematically expanding our university and increasing the burden of central costs which the administration must bear.

Recent efforts in the Congress have been directed at providing new programs of institutional aid for universities to help us with our central costs. The Higher Education Act is now pending before both the Senate and the House have slightly divergent thrusts, but each envisions a new form of Federal aid to universities carried piggyback on grants to needy or disadvantaged students. It is not pleasant for me to acknowledge that with such prospects Columbia University is no longer, in all respects, an independent private university. Our access to Federal and state resources depends on our willingness to comply with public policy and to provide a level of accountability not practiced or even envisioned heretofore at Columbia.

It will force administrative growth when most of us are seeking administration contraction. We must somehow find the right nature of Columbia's traditional excellence with a new found responsiveness to public need and public service that will qualify us for new forms of Federal aid on which our survival depends.

The foregoing is an effort to provide—it's to provide a simple accounting of the depth and character of the financial problems at Columbia and to relate them to the problems of American society. It seems clear that our problems are far too complex to be consistent with the theory of public disavowal due to student unrest or with the view that Columbia's deficits are due to local and parochial mismanagement. Elements of both theories are obviously applicable to us, but it seems evident that at Columbia as elsewhere, the growing financial dilemma reflects the growing complexity of our American society in an era of mass technology and that it will not go away.

Our burdens have increased as it has become clear that educational status and earned degrees are linked with status in society. During the last 25 years, knowledge has grown and compartmentalized at an almost terrifying rate. Moreover, we are a society unusually taken up with credentials, in many respects less interested in real achievement than in pieces of paper certifying achievement.

American education now offers more than 1500 different degrees. A good many of these are incorporated into state certification programs and as such provide avenues of occupational entry jealously guarded by the professionals.

Students who want to succeed in the complex society we have built feel that they must go to college whether they want to or not. Many of these young people have no particular interest or drive toward learning. It is estimated that perhaps as many as one fifth to one quarter of our undergraduate students are enrolled in college as a grudging concession to expectations of parents and the demands of a system which they resent. Nearly half the students who enroll in colleges drop out before they earn a degree.

It is also apparent that the difficulty of graduate and professional education has gradually lengthened the time necessarily spent in schooling. That time increases remorselessly decade by decade. Our colleges adapt very slowly to the accumulation of knowledge, tending to pyramid requirements rather than to rethink the entire educational process.

Moreover, businesses and professions have themselves solidified the credentialing system by the insisting on degrees as job qualifications. This practice is not necessarily justified by the nature of modern business and modern professional activities. Indeed, it seems plain that much of the required basic skills and knowledge can be acquired more readily through on-the-job training.

Thus what is involved is the acquisition of a credential qualifying a young man for entry into an occupation rather than a skill necessary for performance. Our society has come to expect its colleges and universities to perform such screening.

I'm speaking of the well known rat race for grades and degrees which has shorn away much of the attractiveness that once surrounded the intellectual life. A good deal of the unrest that we have been encountering during the last decade seems to me to be traceable to this unnecessarily complex and overly professionalized educational system. American students have tended to blame their frustrations on racism and war, but the same dissatisfaction exists in Japan where there is no Vietnamese agony and where very little racial tension affects the life of the university. There is, however, the same explosion of knowledge and the same competitive struggle for careers.

It seems to me that these problems, whatever the students might now be saying about them, derive from the sheer weight of higher education in a mass technology. The signs of strain on our student body are clear enough.

During the last decade we have witnessed the growth of a campus-based counter culture whose life style and values are placed in romantic and mystical opposition to the evils of the system. Somehow America's occupational credentialing system and the counter culture must be seen as standing in simple relation to one another.

As knowledge continues to grow at a dizzing pace, it seems clear to me that the next decade will be a critical one. We must find ways to crack tradition-bound undergraduate curricula and to discover new ways of interesting new generations of students in the beauties of reason.

We have not yet found practical ways to formulate a college education that is shorter in duration, more relevant to modern society and at the same time reflective of Columbia's high standards of excellence. Effective new methods are hard to find and short cuts are not easy; hence, as knowledge grows education is bound to become more difficult unless we are willing to sacrifice excellence and we are not.

With these major educational difficulties posed by the relentless expansion of knowledge, it is clear that we are desperately in need of educational reform. What is not clear to us at present is the form and character of the changes we should be introducing. If such problems are serious for typical undergraduates, consider how monumental they are for economically and educationally disadvantaged minorities who come to us with the need to surmount not only our inadequacies but also the effects of extremely weak primary and secondary educations in ghetto schools.

As I have indicated, Columbia is struggling and has been struggling during recent years to preserve its standards of excellence in mounting austerity and budgetary deficits while searching for a solution for such problems. Under these conditions it is difficult to develop either the time or the resources necessary to plan experimental programs or innovative efforts.

At Columbia much of the support in such areas of searching has come from foundations and we have experienced only marginal success. Foundations are typically and understandably mindful of the limitations on their own resources. Funds are given to us as seed money in order to test new ideas and to get new educational projects started, but we are expected to absorb and eventually sustain such programs with our own resources.

The approach served us well during two decades of academic expansion, but as we have begun to contract, seed money is no longer useful to us. The highly competitive style of a large and diverse educational institution like Columbia cannot easily foster educational innovations during times of budgetary stress. There is too much risk of dribbling away the central core of our excellence. So we must make decisions on priorities, what is new, what is innovative, what is experimental tends to be postponed.

It is becoming clear to me that we must begin to look to the Federal Government for new funds supporting undergraduate teaching and curriculum innovation.

In all my recent talks with administrative officials in Washington, I find increasing stress on the need to innovate, to abandon traditional educational programs and ritualistic course requirements. I am told that the educational establishment has become overcomplicated and bogged down in poor management.

Federal money will be going to those who are willing to change. It thus appears to me that we are in danger of slipping into an era in which there is diminishing effective contact between universities and the Federal Government in the development of enlightened educational policy. As a consequence, we face what might be called coercive reform in which policies are imposed upon us under threat of loss of Federal support.

I realize that Washington has its own money problems and its own funding priorities, but in all honesty, I do not know how to achieve effective educational reform at Columbia where every professor is and should be a little principality, unless we can experiment with a variety of ideas and discard what is worthless.

Demands for large scale change in universities without providing the practical means for accomplishing such change can easily degenerate into useless bickering in which achievable reforms are deemed insufficiently radical to merit Federal support. We must not allow this to happen. Our situation is too precarious.

I have been stressing the array of critical financial and academic problems confronting Columbia. In so doing, I am working from the conviction that our difficulties are rather typical of the state of American higher education in this troubled era.

I stress problems rather than achievements because our problems are not especially remarkable, but they help to point the directions of the future. Many of our problems seem to derive from contradictory trends in our national life which now have placed exceptional stress on universities.

Contradictory tendencies are characteristic of any diverse and complex social order whose orientation is pragmatic rather than ideologically rigorous, and we experience such contradictions everywhere in America today. They are part of the vitality and strength of our society.

Thus conflict btween specialization and innovation, between traditional excellence and broadened educational opportunity, between pressures for continued growth and pressures for survival should not be viewed at all as signs of educational decline, but as the problems we have to solve in our generation. One of the most important consequences of our growing fiscal and academic dilemmas is that we are now seeking solutions via new organizational forms.

In one sense Columbia University is too large and in a different sense it is too small. We constitute some sixteen different and partially overlapping schools. Each one of these schools has its own history, its traditions, its problems and its unique relations to the rest of the University.

The task of administering Columbia inevitably produces a severe case of information overload in the President's office. The requirements of modern operation generated by tight budgets and increased demand for management data enforce a much greater degree of centralization in administration than suits the taste of an academic community. An action which seems perfectly reasonable at the level of one of Columbia's schools now needs to be cleared with the central administration and such clearance results in delay and frustration. In this sense, Columbia is too large.

On the other hand, the extraordinary growth of knowledge during the last 25 years has produced powerful pressures for further growth within the University. Academic disciplines such as molecular biology, solid state physics and information science were virtually nonexistent 25 years ago.

Now, no university can call itself competent unless some of these activities are represented in strength. But neither can any university hope to address itself to the full range of human knowledge in the 1970's. In this sense, Columbia University is too small.

What pattern or distribution of department sizes should Columbia seek to achieve in order to maintain its level of excellence within the constraints now posed by our budgetary and physical resources? Shall we follow the model of superscale academic departments as set down by Berkeley, or shall we have small elite departments as at Johns Hopkins, or perhaps something in between?

We need to decide because there is no other way to prevent the University from growing continuously in scale. We need to make such decisions with extraordinary wisdom because it is now clear that our potential for growth has far outstripped our resources. It will force us occasionally to gamble on the future and to rely much more heavily than before on the resources of nearby institutions.

I see such limitations, as I said, of new constraints that will force most of us into regional planning simply because no university can hope or afford to deal simultaneously with the full scope of modern knowledge and equally with all the rigors posed by the financial consequences of modern operation.

Such conflicting constraints are driving both public and private universities in the Greater New York area into regional cooperation. The City University, having undertaken its courageous step toward open admissions, now has many more students and no place to put them. Private universities in the New York area, on the other hand, have seen their student population dropping off with open admissions in the City University, thus they have space and need students. Isn't there some way in which we can all get together?

Columbia, at least for the present, has not experienced the dropoff in its student enrollment. Because of the unique urban pressures having to do with our location on the upper West Side of Manhattan, we are still very overcrowded. Thus, we are unlikely to be able to participate in the prospective benefits of a space-student exchange.

On the other hand, we maintain a large number of major professional schools. Evidently, they operate in the public interest and we are deeply concerned about the plans of city and state universities for construction of schools in the same professional areas in nearby locations. We are thus driven into regional planning by the need to protect Columbia's professional activities from competitive pressure developing in the public sector.

Whatever the reason, regional planning is now going on vigorously in New York under the direction of the State Education Department. I have also approached a number of my colleagues in the Ivy League looking for interest in a cooperative library policy. Why should every library stock every journal if we can develop an interuniversity borrowing system?

I am equally anxious to see whether a group of institutions of comparable quality might be able to help one another in adjusting to new limitations on the size of departments and schools posed by our fiscal and physical constraints. Might it not be possible to construct patterns of professional schools and patterns of graduate specialties so that they compliment one another rather than compete with one another?

It is conceivable that we are moving towards a super university called "Ivy," one or two decades in the future. We at Columbia are attempting to develop and encourage ideas directed toward studying such future forms of organization. We have found our sister institutions both in the New York area and in the Ivy League extremely receptive to such probes. It is a remarkable departure from the climate of cutthroat competition experienced only a little more than a decade ago.

There is no history of prior success in regional planning on which to draw at the present time. We have not yet developed sufficient experience to enable us to identify the incentive that will make such programs work. Large state university systems such as California, Wisconsin and New York offer the most obvious vehicle for regional planning, but to the best of my knowledge they have not done very well either.

Evidently much important work lies ahead of us. Thus we move into the 1970's with great financial and academic problems and with only the rudiments of newly devised organizational efforts to guide us.

Pressures for growth and powerful national currents of social change continuously add to our burdens. How then do we find our way in this decade which promises to be so decisive for determining the future of higher education in this country?

One of the major lessons to be derived from the formidable problems confronting Columbia and indeed all of us is that we must begin to construct new ways to plan our future. We seem now to be operating in a planning vacuum. At Columbia the onslaught of contemporary events and of overpowering fiscal problems have so preoccupied our academic community with fending off disaster day by day that we have had very little time to discuss serious problems at leisure or to plan our future.

It once was the case that the president of the University spent all of his time on planning. Now I deal daily with conflicts between the University and its surrounding community, with disputes over space and next year's budget, with minority students, with powerful pressures from women's groups, with worried and turned off alumni. There is scarcely any time left over to answer my mail, much less to plan the future.

The problem is not just Columbia's. The national Administration has told us all to reform and has set up its own budgetary planning so as to press for change, but there is no current vehicle of intimate contact between the Administration and universities that will enable us to work out commonly accepted plans and guidelines so desperately needed to develop the new modes of Federal support for higher education.

The growing economic competition, even from friendly nations tells us clearly what is in prospect for America if our once eminent technological and scientific educational establishment is allowed to languish for lack of support.

Similarly, my own sober analysis of Columbia's future shows that we have no alternative but to seek increased Federal and state help in sharing the soaring costs of higher education in a technological age.

Ways of insuring our continued autonomy must be devised within the context of such vitally needed cost-sharing. New forms of cooperative planning between private universities and government must be discovered and tested. We have perhaps a decade in which to begin to solve these problems. None of this is simple. We share a great deal of the responsibility for our current communication gap with government.

Legislators and Federal administrators complain to us regularly that universities do not come to Washington with common policies. Our representational associations in Washington frequently work and talk at cross purposes, seeming to be more interested in immediate political advantage than in the long-range governmental planning which, in the long run, is going to save all our necks.

All these problems, all these portents of a dangerous and uncertain future mean that higher education no longer offers a safe haven for gentle souls. We are now engaged in a classic form of struggle to find safe avenues into the future through a web of problems, conflicts and contradictions. None of it offers a pleasant or an easy prospect, but perhaps we may all derive a measure of satisfaction in a recognizing that we are grappling with problems so vital that the future directions of American life depend in large degree on what we are able to do and whether we are able to achieve solutions.

I submit to you that we have many problems, but generations of the unborn are dependent on our ability to solve them. Let us begin to work together in that cause. It is worthy enough to warrant the expenditure of all of our energies and we have today also the thought of a great figure in American life who helped to point the way for us and who has a right to ask us what we're doing in our generation.

Thank you. (Applause)

Mrs. ROSTOW. Dr. McGill, you have heard how much we appreciate the words that you have brought to us. The problems that you have put before us are not easy and the best that we can do to answer your last charge upon us is to proceed to a discussion with an able panel of the points that you have raised.

I did not say ahead of time, and I intentionally omitted it, but shall now mention the fact that President McGill studied psychology at Harvard with Professor Jerome Bruner whom we were privileged to hear yesterday. I think you can understand that not only is Professor Bruner an eloquent member of a panel, but also obviously an extremely good teacher.

I am happy to introduce to you an able and remarkably varied panel to take up the issues raised in President McGill's presentation.

Starting at this end, next to President McGill himself, is Francis Keppel, one time Dean of the School of Higher Education at Harvard, later Commissioner of Education in the 1960's in Washington and now Chairman of the Board of the General Learning Corporation, and a man whose multi-faceted preparation for this panel is obvious in these facts and in others I have not time to tell.

Next to him is Mrs. Paul Wexler, Jacqueline Grinnen Wexler, now President of Hunter College in New York, whose tasks, I'm sure, President McGill would agree at least match the complexities of Columbia, and I think in some ways surpass them.

Next to Mrs. Wexler, Rosemary Park, now Professor of Higher Education, The University of California in Los Angeles and earlier President of Connecticut College and later of Barnard College, component of Columbia University, and a woman whose competence not only span the continent, but again whose range of preparation, as you will see, is outstanding.

Next is Frank Newman whose name has been much in the public eye because of the remarkable Newman Report which he was in charge of, who is also Associate Director of University Relations at Sanford and who courageously flew in this morning to arrive in a cliff-hanging appearance to be on the panel, and we welcome him.

Next, the able and, as you will hear, articulate President of the University of Texas at Austin, Bob Binder, who was telling me earlier that the full time job of being a student government president now makes the casual pursuit of the law or any other field in which the president of such an organization is involved, an extremely difficult task, which he handles ably, but as you will see, it is no mean achievement.

And sharing the panel and your Moderator for the morning, Dean Lorrin Kennamer of the College of Education of the University of Texas at Austin. (Applause)

### *Panel discussion*

Dr. LORRIN G. KENNAMER. President Johnson, Mrs. Johnson, fellow panelists and Symposium participants. Being the Moderator of such a distinguished panel places me exactly in the same situation that the rooster was in when trapped in the stable with a horse. The rooster looked at the horse and stated, "Let's make a deal. I won't step on you if you won't step on me." (Laughter)

Our procedure this morning will be similar to yesterday. We have ushers available to give you pad and pencil to write questions that you would like to direct to the panel and they will pick up the questions as you hold them up. And if we do not have time to consider all the questions, we will seek answers to them and make them part of the proceedings as Mr. Middleton announced.

As you recall, the 1960's were years of unprecedented development and remarkable accomplishment in American higher education. There was vast growth in numbers of students, numbers of faculty, additional new facilities. Access to college widened greatly. Inequality of opportunity among economic classes and ethnic groups was, at last, recognized as a national concern and steps were taken to meet this problem. Greater opportunity was accorded each undergraduate to have more control over his undergraduate program. Graduate education developed at a level of excellence that made it the envy of the world.

The success of American higher education in the 1960's was unparalleled. Yet, we are troubled and we have heard from the presentation this morning, some of the sources of our concern.

Dr. McGill's comments affirm this achievement in higher education and yet, at the same time, he points out that our current problems have their origins within the successes we've had in the 60's.

I, therefore, ask our panel, what do you see to be the main problems in higher education today and what action would you suggest needs to be taken in this decade of the 1970's.

And first, I would start, then, with Mr. Keppel.

Dr. **Francis Keppel**. President and Mrs. Johnson, ladies and gentlemen.

It'll become obvious that I'm prepared. The chairman told me I was the first horse to whinny. (Laughter)

As Mrs. Rostow pointed out, I was once the Dean of a university faculty and that makes me, Mr. President, profoundly suspicious of university presidents. It's a fundamental habit of my life.

I, therefore, followed his manuscript very carefully because I'd read it before and as he spoke, I wanted to be quite sure that he was going to say the following words. He did, I'm glad to say. He didn't cut them out, which I thought he might have, because I want to disagree with them, which is an ancient custom of university deans.

Let me quote him. You said 'em, Bill. "One of the major lessons to be derived is that we must begin to construct new ways to plan our future." I can't disagree. "We seem now to be operating—" "We seem now," the President said, "to be operating in a planning vacuum. There is," I'm going on, "no current vehicle of intimate contact between the administration and universities enabling us to work out commonly accepted plans and guidelines."

And then, as you will recall, President McGill went on to point to the need of Federal and State help. And he said, you may recall, at the end, "We have perhaps a decade in which to begin to solve these problems." I think I've got that right, Bill.

These words, naturally, force me to think back a decade ago to the late 50's, early 60's. And to ask myself whether we might not have said something like that then about both the schools and the colleges and universities. And then to ask myself the question, is the situation really so unchanged between the late 50's and early 60's and today? And here, I think, is where there may be the beginning of a disagreement between President McGill and myself; I'm not sure.

Because I do not think that the situation is comparable to the late 50's and early 60's with regard to the national planning system for schools or colleges. Since then, and I personally view it as very largely as the result of the accomplishment of President Johnson's administration. It seems to me that the part of the Federal Government in all of education, including higher education, has been more clearly defined and that the planning process is, therefore, less difficult, considerably less difficult, than it was a decade ago. Though, heaven knows, it's going to be hard.

Just roughly speaking, in response to your question, I would suggest that there's now a good deal of agreement, a concensus, Mr. President, if I may use the word, that the Federal Government has shown that it both should and can do three things.

Number one, provide funds for the schools and the support of students of research and scholarship and of institutional programs using Federal-State structures and relationships. And that it has shown it can do it without endangering local individuality and management in colleges. Frankly, I think that's an enormous accomplishment in only a decade.

Second, that the Federal Government should and can provide research and development support to make education more effective and, I presume, Frank Newman will speak to that one.

Third, that the Federal Government should and can support programs to solve national programs by categorical grants or policies. To solve nationwide, cross-state programs. We've had lots of examples given to us by Mr. Cohen and others in the course of the last day.

Now, in doing so, I also would submit that the administration has shown that the Federal Government can deal fairly with both public and private institutions. They're a great problem in our national life. In fact, you have only, I believe, to look at the record to see that a substantial part of the more than doubling of higher education in the last decade was done with Federal intervention and support. And note that during that period in the middle 60's, there was hidden, I must say I don't mean hidden, but just not generally noticed, in the President's Higher Education Bills, a provision to establish in each state, advisory groups to set policy on the allocation of expansion funds for both public and private institutions within the state.

This seems to me a very important development. And that we're, in effect, now, which is the point I'm trying to hit hard, is that we are constantly working on the operating agreements between the Federal Government and the state governments with a regard to higher education on the one side, through this machinery.

And second, and sometimes confusingly, the relation between the Federal Government and the individual great university; particularly with a regard to research. There's a cross factor there that we're just going to have to deal with and I think it's a fundamental question.

But I'm not sure that we should say that we're not better off than we were a decade ago. For example, sir. This is something that staggers me.

The next eight or nine years will show in the elementary schools of the United States, according to Office of Education statistics, Mr. President. They must be true, they're Office of Education statistics. (Laughter) That we're going to have a reduction of six per cent in the elementary schools. There'll be a lower rate of growth in higher education. The next decade may then require, it seems to me, to go back to your question, the preparation for a shift not to support more growth, which is what was necessary in the Johnson years of the 60's, but to change the emphasis, as is true in the elementary-secondary schools, from growth in numbers to the emphasis, also in the mid-60's, on equity and quality.

Now the question is, is the machinery here? Bill McGill has understandably, and I don't blame him, said he doubts it. I would tend to argue that the machinery is there and can be flexibly used. Undoubtedly, enormously improved. But it can be built on. Let me see if I can give one example then, boy, I'm over my time. I'm sorry. Give an example of the kind of thing that seems to me so necessary in improving the relation between the Federal machinery and the State machinery on higher education.

I think it's clear that the financial problems for example, of the great state universities are such that they are having the effect of both raising tuition rates for out-of-state students and, in some cases, putting quotas on the numbers of out-of-state students that are permitted to come in and attend state institutions.

In the case of private institutions, just the sheer costs may have the effect, with travel and other things, of restricting the flow. In effect, perhaps, barriers are being erected and perhaps, and this is a frightening thought, only the rich will be able to cross those barriers between states.

Surely, none of us want this. President Johnson will recall that this was a matter of the relations between the young men of each generation so important in President Washington's mind that he left a substantial amount of money in order to bring about a national university. I don't know what happened to the money, sir. I'm delighted to see that this wonderful thing will continue and I hope that we will be sure, as we plan in the future, on the points that Bill was making, that a building like this so properly associated with a man who was, most certainly, the education President but who was, most certainly, also, the President of all the states and the people.

That ire will stand to remind us that education is an instrument of the national policy, not to separate us by putting us into educational protectionism; but to unite us. That's the kind of policy thing, sir, that I believe we're going to have to fight hard on the next decade. Thank you. (Applause)

Dr. **Kennamer**. Mrs. Wexler?

Mrs. **Jacqueline Wexler**. President Johnson. Mrs. Johnson. And I guess I want to say, fellow Trustees of the generations of unborn who are dependent on our ability to solve our problems.

I am a President at a different part of New York City, on the richest land, probably, in the United States, at Park Avenue and 68th Street, at a subway stop; and that is where Hunter College is.

I have been asked by my respected colleague—we have all been asked—isn't there some way that we can get together? And then he tells us that they at Columbia are seriously overcrowded.

I came upon some statistics last week in preparation for the budget battle in New York City. The statistics say the following. Columbia University and the private universities in New York State have approximately 400 square feet per student of academic space for each of their students. And President McGill confirmed that for me in the Dallas Airport. (Laughter)

SUNY, which is President Rockefeller's monument, created predominantly since 1958, has 258 square feet per student for each of its citizens of the human race.

CUNY, a long, old established institution, beginning with CCNY and Hunter both over a hundred years old. SUNY and CUNY last year were down to 71 square feet per student.

I came to Hunter, I came to realize in the last day here in Austin, I suppose for a reason very, very tied to the Johnson administration and particularly to an experience I shared with the First Lady, for whom I have extraordinary respect, on the Steering Committee of Headstart.

I think it was there that I became utterly convinced that equity, equity and quality were the name of the day. And though I was not at that time privileged to be the mother of two children, the adopted mother of two childern whom I now share, I even at that time saw myself as a kind of mother, a trustee of the human race. And I am fascinated in these two years of my experience as President of this high property institution, slum institution in another way, of New York City.

With the task of trying to provide equity and quality for 22,000 citizens of New York City who did not, for the most part, have the headstart that we all have tried to find since the Johnson administration. And at the same time, to respect the dignity of being a very, very specific buck-stops-here parent of two privileged children who have been given headstart after headstart, who were given all kinds of opportunities to get them into good institutions, for the kind of support systems of tutoring, for the kind of support system of another start after another start, and to bring these two into balance as I try to understand my too relevant society.

With that in background, President McGill, I'd like to share some of the sentences that give me pause and give me problem.

"A Columbia education still stands for something and still opens uncounted doors."

"The best faculty and the best students go where the best resources are available."

"We must have ways to formulate a college education that is shorter in duration, more relevant to modern society and at the same time, reflected of Columbia's high standards of excellence."

"Educational status and earned degrees have become linked with status in American society."

"Where the professor is and should be his own principality."

You see, fellow citizens, I'm dogged with the problem of what is the purpose of a university or rather, what are the purposes of a university. And I think this is profoundly caught up with what the funding pattern for a university ought to be.

Obviously, a university, a great university, is a resarch institute and must be. Obviously, a great university is the support of graduate work and of scholarly development and should be.

But obviously, a great university system, that is the provision of higher education in our time, as Frank Keppel said in his concluding remarks, ought to be an emphasis, ought to have an emphasis on equality and quality.

I was subject to one of those great uprisings in the first few weeks at Hunter College. Less than six months after that, a very important anecdote happened in the lower halls of my sardine can college at Park Avenue. What I call the ego trip, white radicals who had reved up the machinery in the Spring of 1970 and had jumped on the bandwagon of their black brothers, or got their black brothers to get in their band wagon.

That same small leadership was down in the halls trying to reve up the same kind of group. They went through the halls with their mimeograph rhetoric and they said, "Strike the English Department! Don't let Whitey superimpose upon you his middle-class values! Don't take the English exams!"

Within one hour, the leadership of the blacks at Hunter College, which we have been trying to strengthen very, very quickly and very substantively, that leadership of professors and students was down in that hall, had quelled those students and said, in language that I am not good enough to replicate and, I suppose, should not. They said to them, "Get the blazes out of here. It is one thing for you, with your fathers there to rescue you time after time, to decide that you want to opt out of this system and not have these values. But don't deprive our men, don't deprive our kids of the chance to get into that buying power, of those doors that a Columbia Institution can open for you, interpolating. Don't deprive our citizens of that opportunity until they get in there and decide what they want to do about it.'"

That's my fundamental problem, ladies and gentlemen. I know. I know, that in one sense, a Columbia education costs more than $2,800. I know that a Penn education, for which my husband and I pay, and a Board on which I am a Trustee, I know that education, in one sense, costs more than $3,000. In another sense, it doesn't and every President would agree so.

Not the education of the undergraduate as a freshman. It is the research costs, it is the professional school costs. It is all of the other things that are there involved. And yet, that is what has become known and characteristic of a prestige institution. How are we to solve this dilemma?

I have a very simple one and I return where I started. We've got to face it as parents and we've got to face it as citizens and we've got to face it as educators and we've got to face it as legislators. Namely, until and unless we are willing to multiply and respect the options, we cannot continue to trap a system for the haves and the have-nots. That is, if there is only one dignity for my son and my daughter, if there's only one dignity for the Johnson daughters. Then there's only one dignity for the poor. And we've got them to say we've got to have the survival of the fittest and we have to keep a hierarchalelitest system and the best people have got to go to the best schools with the best resources.

If our answer is a different one and we say there is a pluralism of opportunity and we really respect in our own families the choice of other options, then we can have an open admissions system in which it is perfectly all right for a Wexler to choose not to go. Or for a Johnson to choose not to go or a Keppel to choose not to go. But we cannot talk about a society that must preserve the plumbers if the plumbers are the other people in the lower stratified section.

And the old kind of hierarchal institution and the cynicism bred by the elitest priesthood of our faculties, I believe, has not done a great deal to provide a multiple kind of dignity. I think that is terribly bound up with the problem that we are facing and the funding pattern must follow it. If, indeed, Columbia is willing and able to take a part of the curve, the distribution curve, which Hunter has now tried to embrace, then I believe we all ought to be at the fount of the same funding formula.

But I'm not at all sure that that is even desirable and I do not want us to get caught in a game of saying that we are really out for the children born and unborn, that we are out for that group but what we are really out for is to keep the priesthood of the old university in which the rich get richer intellectually, economically and socially. (Applause)

Dr. KENNAMER. Thank you. Professor Park?

Professor ROSEMARY PARK. We have been choosing sides here, Mr. and Mrs. Johnson, fellow panel members and Mr. Keppel opted for the horse. (Laughter) That leaves me in a role, as you can see, which I'm not, by nature, qualified to discharge but we'll assume just for the minute that I'm going to play the rooster. (Laughter)

Now, the point about the rooster is that he moves quickly. (Laughter) And my career I think, would demonstrate that. I left the East just when it began to boil. I landed into the West Coast when it was boiling and I had the good sense to leave administrative responsibilities when they were mounting and found a marvelously safe haven in a study called Higher Education.

This study has, in my case, at least, meant that I have tried to bring into consciousness, much of what I experienced in my earlier career and I've tried to formulate this in some sense.

And therefore, as I listened to President McGill's remarks and comments on them, I am concerned about the mood; the mood which they establish. And I think I have reason to be since I'm speaking not out of experience of one institution or of one part of the country but a somewhat wider experience.

President McGill's remarks demonstrated clearly that there are problems which have to be solved if American education is to continue to develop. Likewise, problems which have to be solved if the society is to continue to develop.

And all through his remarks there was clear that remarkable kind of what I shall call symbiosis; the living together of education and society. And from a slightly historical point of view, I should like to suggest that there are times when this symbiosis, this living together of higher education and society, results in expansion, in optimism; built on the conviction that education and society grow in understanding of each other and in service to each other.

And we have the records in this library of such a period. A great historical period in American history; in the history of a nation which has cared more about education than any other country in the world.

Those were great times. But this symbiosis also means that there are occasions when education is cast in the role of the scapegoat and is burdened with all the sins of society and sent off into some kind of underfunded desert. I think we're in such a stage right now.

And I hope that there was a degree of bitterness in President McGill's voice and in our hearing, when he used words like contraction, retrenchment, coercive reform; as if what we had previously offered was somehow faulty, was specious, did not need improvement, which I surely agree it does, but rather fundamental correction.

I ask you, how can we talk about retrenchment and contraction when we know today that knowledge increases exponentially. When we know that increasing numbers of students are coming to these institutions, different kinds of students, possibly; minority groups, mature women and other mature members of the society. I do not see how we can serve them if we are talking about retrenchment.

Some people even act as if the college degree was in the nature of a vicious plot which is imposed by the university upon our young people. And I ask you, would they truly be better off if they learned one job on the job, and if they knew nothing about economics or political science or atomic physics, philosophy, you name it, even literature or art. I doubt very much that they would be better off or that our society, indeed, would be better off.

And, therefore, contrary to what some of the panel members may feel, I am glad that the college controls the entrance to the profession. It enables us to put occasionally, at least, the expert in his place. And this is, surely, one of the tremendous problems which this educational world and this society faces; the problem of the authoritarianism of the elite, the elite developing out of their competence in fields of knowledge. This, I think, we can help to balance if we spread higher education more widely.

So, I should like to suggest that the problems President McGill has outlined are, indeed, there and are, indeed, very real. But the mood which I find communicated to me, at least, of a degree of pessimism, I want to reject. I do not think we can talk in terms of retrenchment. And I would like just for a moment to take a quick look back, even beyond Washington, to whom Mr. Keppel has referred, and remind you, or at least, ask this question. Possibly, the fiscal problems which we are faced with today, these fiscal problems may be unique to a very small piece of American educational history. If you will remember that Harvard was financed by the ferry charges from the ferry over to Charleston and that these were accorded by the General Court of Massachusetts in order to keep Harvard going. Or if you will remember that Yale received 2,500 pounds from the General Court in Connecticut in order to be sure that the kind of divinity teaching instruction which was being given there was the highest quality. And if you will remember that Columbia depended for its start on a lottery granted by the Legislature of the city of New York. You will see that the participation of the Government in the support of higher education is a long tradition in this country and I haven't even mentioned them all after things of that sort.

In others words, I think this idea of complete independence was perhaps a necessary period but not one that has characterized the larger portion of the history of American education.

We have in that little, and I'm going to call it a peculiar time, we have been able to straighten out some pretty important ideas that we had on the subject of academic freedom. But I think and I believe the rest of us, perhaps, would agree that we have pretty well succeeded in doing that. We always have to be alert but we have, I think, developed that concept into some kind of liability.

And, therefore, I would urge upon us that as we attack the problems which President McGill has outlined so well, that we do it with a spirit of confidence and courage and not act as if we were some kind of scapegoat sent out into some kind of desert. (Applause.)

Dr. KENNAMER. Thank you, Professor Park. I would remind you again that if you have written questions, if you will raise your hand, one of the ushers will pick them up. Mr. Newman.

Mr. FRANK NEWMAN. Mr. McGill, as you've probably noted by now, we are all in a conspiracy to attack your speech. And I'm somewhat ambivalent about this because as a graduate of Columbia and being married to a graduate of Columbia, I've always felt that that institution should serve as some sort of an ideal for all the rest of American higher education. I also happen to agree with a number of things you said, so I decided to resolve this ambivalence by continuing our tradition here of attacking your speech while actually agreeing with your ideas. (Laughter.)

There is one point of which, I think, that we must be very careful to distinguish between Columbia and its counterparts and some other parts of American higher education in that Columbia is a very selective university.

The huge growth in American higher education in the 50's and 60's has been in the unselective parts; the newer parts of state colleges and community colleges and less selective parts of the higher education system. These institutions have largely been unaffected by the kind of Federal push of the 50's and 60's that you were describing. And yet, they're in trouble as deep, I believe, as the Columbias and if I may say so, the Stanfords. But they have, in addition, other troubles which, I think, in the longrun are likely to prove even less tractable.

To cite only one. Columbia and the other selective institutions, incidentally, all of us are largely products and representatives of those selective institutions, depend upon a style of teaching and learning; use of the lecture and seminar, modicized classes, heavy use of the library, division into academic disciplines, the use of abstract learning as a basic process, which, by and large, is a good match to the capabilities of the students that we're dealing with, and a modestly good match, not quite as close, but somewhat of a good match to the students' interests.

This is hardly true, though, at selective institutions and yet the same style of learning and the same style of teaching is used. We're now closing in on to two million new entrants to the college system every year. I would argue that substantially over one million of these new entrants every year, first time enrollees, are not academically oriented, do not enjoy and are not well suited to the academic style which we've made so widespread.

And this would argue, as Mrs. Wexler pointed out earlier, that we should have, in my opinion, multiple forms of excellence. I believe in the excellence of Columbia. I believe it is very close to the top in American, among American universities. Naturally, there are a few others. Perhaps one other certainly above it. But for all intents and purposes, it is very close to the top. But there must be other tops.

For all our institutions, public and private, selective and non-selective, ancient and new. There's a problem that I think hangs over all of us and that is the problem that you touched on of credentialism. I raise this because I believe that we are arriving at the point where we're going to seem to default on a terribly important promise inherent in the American dream of increasing egaliterianism that my colleagues have been referring to.

We have a tremendous pressure to credential oneself in American life with a college degree. It is growing. It is going to increase. It is one thing to not go to college when you are in the 95 per cent or 85 per cent or even 80 per cent of the population that does not have a college degree. It's perfectly feasible under such circumstances to work yourself up in the best of American tradition as a self-made man.

But to do this when you're in the 30 per cent and then the 20 per cent that has not gone to college is something else entirely. And in states of this country, New York, California; we have now arrived at in California slightly over 70 per cent of the age group now enters college. For the 30 per cent remaining, the pressure to go to college is indeed increasing and severe. Why should employers look in that 30 per cent for employees for any job?

But this growth of credentialism poses as it's grown and grown and grown, has posed for some very severe new problems. First, there's a growing number of studies that give evidence that, in fact, the credential is not a very valid way of sorting an American life; at least, in terms of careers. If you've been tracking some of these studies, they argue that, in fact, just in terms of performance on the job, which it should not be and I don't propose that it should be, our sole measure of what the college degree is about. In fact, I would argue just the opposite. That having a college education and performance on the job, if anything, may be slightly negatively correlated. And I think we should treat these studies with a great deal of skepticism, but we cannot ignore them. They certainly raise the question, whether, in fact, there is a very strong positive correlation between job performance and a college degree.

They argue, and I think, persuasively, that the main benefit of going to college, is to sort oneself into a place in society.

The second problem that I see in this tremendous credentialism that's growing up is that the drive for upward mobility, despite the discussion earlier about the egalitarian nature of American higher education, and it certainly is. Any experience with any other system of higher education certainly reminds one of the marvelous egalitarianism in this system and certainly that element has been growing in the past 20 years. But it's also to a substantial degree been frustrated by the sense of upward mobility because of greater access to higher education, upward mobility for all parts of the population, by the fact that, as one of my colleagues said earlier, the rich grow richer in the sense that the students from the most intellectual backgrounds and this normally means the most affluent backgrounds, solve their problem of increasing competition from other groups in society who have now gotten a college education as a credential, by going for further credentialing. They simply move up to get another degree. First a Master's Degree, if that's not enough, on to a Ph. D.

And we arrived at the point at Stanford this year, that to our surprise in the applicants for Medical School; as you know, applicants for Medical Schools are going up in sort of a geometric progression. We discovered that we could fill our entering class in the Medical School three times over by selecting only those applicants who already had Ph. D's. Now, if one cannot get an adequate career, incidentally, we did not, of course.

One can see, though, that work—the idea that if you can't insure yourself an adequate role in life and guarantee it by getting a Bachelor's Degree, the obvious answer is to get a Master's Degree and then a Ph.D. and then the combination of the Ph.D. and an M.D. and, I suppose, ultimately a Ph.D. and the Law Degree will take care of—the only other thing left, of course, is to have a rich father. (Laughter)

The third and perhaps most compelling thing that we must be on guard about is that despite the proclamations of people like Mr. Toeffler, the author of *Future Shot*, and a great many other authors who have been talking about the growth of the knowledge economy, where we've been led to assume that all jobs in our society will soon require something on the order of the Ph.D. just for simple functioning. In fact, if one goes back and carefully examines, as several national commissions have now done, carefully examines the shift in the nature of the workforce in this country and I mean by that everybody who has any sort of a career, one finds that, indeed, there is a shift toward a knowledge economy function. Service jobs grow, educated requirement jobs grow, but by and large they're growing at a glacial rate. Whereas, the number of college graduates is growing at an astronomical rate. Not only has college entrance—it was on the order of four per cent in 1900, people that entered college, something on the order of 18 or 19 per cent of the age group entered in 1950—at the present time, nationally, it's slightly over 50 per cent and as I mentioned, in certain states like California, it's over 70 per cent.

Not only that, but the rate of growth among Master's Degrees is faster than the rate of growth among college entrance. Something on the order in 20 years of from 50 to 70, of something in excess of four times the number of Ph.D.'s granted grew something in excess of seven times and so one can see that we are arriving in every field with people who can no longer find jobs of what they consider college level. Particularly when one recognizes that as several commissions have noted, among the fastest growing in the 1970's, the fastest growing job category, out of the five—I've forgotten what the five top are—but three of the top five include clerical workers, skilled craftsmen and other blue collar workers. And it makes us realize that there are going to be a great many skilled craftsmen, clerical workers and other blue collar workers who have college educations.

Now I personally don't see this as a total disadvantage but I do think that we ought to recognize that one of the results of this is to move the requirement for college education to jobs that normally do not have it. I give you one example because it so fascinates me, if you'll pardon my using this particular example. It's from a Chronicle, a San Francisco Chronicle Want Ad. And while I realize that Texas has become the cultural capital of the world, sometimes you miss a great deal by not reading the San Francisco Chronicle. (Laughter).

As part of your education, therefore, I bring you this exact ad as it appeared. "Wanted Topless dancer. Two years of college required." (Laughter)

The fascinating part is the next line. "English or Literature major preferred." (Laughter).

The thing that has always struck me about that is I don't understand those two academic disciplines. I could think of many other disciplines that seem to me far more relevant and I've never understood that. (Laughter).

But one can find many, many pragmatic examples of the same trend taking place. The other day I had an opportunity to meet with a group of forestry students at the University of California; Master's candidates in forestry. And it turned out that all of them are seeking, all of the group that I met, are seeking jobs as Rangers in the Park Service. And I said, "Why are you going to Graduate School?" And they said, "The Park Service now requires a Bachelor's Degree," which is interesting but to get a job because of the competition for them, it's necessary, really, in practical terms, to have a Master's in forestry. Now, I think that it's probably true that a Master's in forestry has a great deal of advantage to many people but we are bound to run into an enormous disillusionment. It's already coming. We see it all over. People who have superb educations or semi-superb educations find themselves unable to get a job that matches that.

There was a period like this in the 16th and 17th Century, many of you may recall, in which the universities had arrived at the point where they enrolled such a significant part of the population, educating them for certain types of jobs which are traditionally held by university graduates, and then the supply began to grossly exceed the demand of those jobs. The net effect of this was a period of disillusionment and retrenchment where the universities moved into the backwater of life at that point.

I, personally, do not believe that will happen. I do not believe it should happen. But I do believe that we must begin to recognize the potent impact that is just directly ahead of us of these factors. In that sense, working at the margin, for example, reducing the time to get a medical degree, will help and it must occur. But I believe, personally, much more sweeping changes are going to be required.

For example. I think since we can no longer guarantee that going to college means that you will be in the elite, I think we must recognize that that isn't how we choose the elite anymore in this country. That instead of remorselessly increasing the lockstep pattern of education, I think it is going to be mandatory that we encourage students to come to college when they're ready to learn, not to sort themselves completely first. That we're going to have to go to what the Swedes call recurrent education. That is to say that one goes to college when one is ready to learn, that education becomes a vehicle for helping one develop oneself, for becoming a citizen, becoming successful in a job, but it is an assist in that. That one succeeds by succeeding. One does not succeed by getting all the credentials including a Ph. D. and an M.D., and then insisting on a place in life that is represented by those credentials.

The second thing is, I think it's going to be absolutely mandatory we have a new view of jobs. I don't believe we can go on saying that jobs will—we'll all get educated and then sort ourselves and we'll be locked into the enlisted men's ranks if we fail to have the right degree and the officer's ranks as long as we have the right degree. That there must be the opportunity for serious upward mobility. That, in fact, one can go and become a practical nurse, then go back and become a registered nurse, then a Bachelor's Degree in nursing and then ultimately, if one has the skills and is successful and succeeds in providing health care, to go on and become an M.D.

Not that one starts out and takes four years of liberal arts, even at such an excellent institution as Columbia or perhaps even, if one is fortunate, at Stanford and goes on into a medical school and says now I'm ready to practice. In other words, one must succeed in order to succeed and education becomes an assist along the way.

Well, I've often thought that these things have an unfortunate ring of old ancient American concepts; that is to say, one succeeds by success and education becomes an assist and there is an opportunity for upward mobility and if I am inadvertently proposing ancient American concepts, I apologize because I believe that we all view life as only going forward and never backward. I do agree, though, with Mr. Keppel, that reform is the issue of the future, not growth, and that reform ought to include the retention of the great values of the American system; but also, a willingness to open our eyes and to debate honestly the disadvantages and the problems that exist in the American system today. Thank you. (Applause)

Dr. KENNAMER. Thank you. Mr. Binder.

Mr. BOB BINDER. Mr. President, Mrs. Johnson. I'd like to take off on a little different tack than the other speakers have.

We've been talking about the fundamental economic problems facing the university from the society's point of view. I'd like to go into a narrow area of that, about the student's relation to the society and how economic problems do work their way down into student problems.

The turmoil has not actually gone away from the campus in the sense that students don't feel as if there are things they're concerned about, they just aren't going out in one large mass to attack one problem at a time. Turmoil is fragmenting, the students are pursuing more constructive means to go about achieving their ends. Students are engaged constantly now in various projects of various kinds, as they always have been, but without the destructive impact and trying to take a more constructive approach to things.

Well, this inherently causes a conflict in the society in which the university sits, because one of the natures of the university is that it is in the forefront of change. Ideas originate, are battered about, go back and forth and then somebody decides we're going to go out and do something. We're going to form a committee or a group to go out and try to put this in effect somewhere. And they do. They go out into the community and try and so forth. The community, on the other hand, where the people are busy all day earning a living in one way or another, may not keep up with what the students are talking about; what the young people and the professors have to discuss in their classes, the new ways of relating to each other, to the society and so forth, and resist these things.

Well, how does this work its way back to the university? Well, depending on what it is, people call up the President, they call up the Chancellor, they call up a Regent, they call up any number of people and say "I'd like to register my complaint," and depending on how political the university is and how influential the person calling is, depends on what action may or may not be taken or none may be taken at all. But I'd like to emphasize to you that this is good. This is a natural state of a university that the students are going out and being involved in society.

There would be a tremendous danger in just apathy. If the students didn't care what happened to the society when they're learning about it and learning things, ways to fit in whether they consciously want to learn a way or not, but learning their own niche. If they don't care about the society, then perhaps in a generation or so, we would have a generation of people that didn't care at all and this could be disastrous for the society as a whole.

The students are now part of the larger society as first class citizens. They've been given the vote. They want to be treated as such. They want to work off-campus, they don't want the rigid formulae of just going to class, taking lectures, taking exams and this is a course. They want to get involved. They want to help in mental hospitals, they want to help in legal aid clinics, they want to help in any way they can. And they'd like to be able to get some credit but this is sometime off for this type of learning because it is just as much, if not more learning than actually goes on in the classroom.

But students are just another—they look at themselves as another cohesive group of citizens. It's not a second class citizenship. As I say, they can vote and they all realize it. They're registering, the politicians are beginning to realize it, the educators are beginning to realize it. This is a group of citizens, not second class in any sense, but perhaps more cohesive than other people in the same age.

So this brings us to the inter-relationship of education and politics. Students will be electing people to public office in the future. In college towns particularly where, in some cases, the students outnumber the local residents, the students can have a controlling effect on the destiny of the town as a community in society. Perhaps in those places there will be less resistance to the change that is being brought about.

But, in any event, the students are going to have their say as well, constructively within the system, and this is good and this is healthy. It's my position that the money has been cut off by legislators as a punishment. It hasn't actually been cut off but it's not coming in the same quantity as it used to be, partially because of economic problems but partially as a punishment to student bodies that didn't act right.

And this is kind of cutting off your nose to spite your face because these people are going to take over society, one way or another. It's going to be handed down to them and with the vote, with the involvement and the interest of students in society, we will see a change in politics, perhaps a healthier attitude toward the student than some state capitals now hold. I think this will all be good.

My basic advice or opinion on it is that society at large should recognize that the university is an agent of change and will consistently cause a little friction with the society in which it sits. It will always be on the limits. If we solved every problem we had today, the colleges would look for what problems were left and would start working on those to solve, and would continually just be delving deeper and deeper on the problems that society has to make it a better society.

Everybody taking potshots at the elite now in trouble. I don't think that that, really, ought to characterize the spirit of these discussions and I don't assert it.

I'd like to make a number of remarks. I tried in my presentation, not to present a mood of pessimism but rather one of analysis, realistic analysis and determination. If we don't begin to face these problems, we're never going to be able to solve them and the problems point the way to the future.

The problem of credentialing is an extraordinarily serious one. Mr. Newman had even better examples than I. I can imagine the cosy intimacy in which experience in English Literature might do well in certain occupations but I won't go into that. (Laughter)

The problem of very rapid technological growth and its effect on our institutions is also a central one. Now, it appears to me that we are well advised not to raise the traditional standards of egalitarianism or eliteism in these times because it is my conviction that we are all in the same kind of problem, that these processes are immense social forces that are at work on us and we're trying to comprehend them at an era which seems to me to be one of profound transition.

The time may be at hand for the construction of new kinds of institutions. That's the central message I got from President Wexler. I think so. I'm very anxious, however, that we proceed to that construction of new institutions in a rational and planned manner and that we do not do it in the fashion in which I see ourselves now drifting into reform. I suspect that we are on the edge of doing very serious damage to our traditional forms of academic life. If you talk to deans of graduate schools today, Mr. Keppel, they will tell you one after another that their graduate schools are being dismantled by the sudden and, I think, unplanned withdrawal of Federal support built up with such care during an earlier and more optimistic era. I don't think that's wise public policy because while it is necessary to construct that great avenue of opportunity for our full society and while it is absolutely necessary to create the new kinds of institutions that will do that, it is also, I think, not a complimentary proposition that we dismantle intellectual excellence that has been built with such struggle and with such care and that means so much to the future of this country.

I think that there is a vacuum of planning. I sit on the firing line daily. I deal with the problems that are confronting our university and the range of consultations and direct involvement in national planning that characterized an earlier era, seems not to be present at this time and I state that frankly and not invidiously. It is a fact of our lives. We, I think, faced with these situations are regressing into a search for apocalyptic solutions. I kept hearing that from the radical students, I'm now hearing it from businessmen and from legislature.

It is going to be extraordinarily difficult to construct new institutions. We can't do it by dismantling the academic disciplines. That's the whole basis of our intellectual excellence. How then do we go about it? That is the problem I tried to pose and I think that we have to face it.

Dr. Kennamer. You know, related to this, we hear about universities without walls, new approaches to ways of the student seeking degrees, never being on campus, a lot of innovative programs being suggested. Then, on the other hand, we see that we have existing institutions, the problem of getting institutions to change. And then I hear various members of the panel saying that yet we suspect new types of institutions are on the horizon and I would like to throw that back to the panel. What types of institutions do you see that may take the place of college as we know it in the 70's and 80's? Mrs. Wexler?

Mrs. Jacqueline Wexler. Well, I can't answer your last question but I want to speak to what you said first.

I think what Mr. Newman was pointing out in his discussion is central to everything that the rest of us were trying to get at. You see, if an admissions system is self-selecting itself, if the admissions system is, and I think all of us read the history that way, that whether you say the memory genes of intellect or the economic class or whatever it is, is what really statistically has determined the entrance in preponderance into our elite institutions, then you're stratifying society by elite institutions.

I think his is the radical in the sense of cutting in at the roots. I support it strongly, that we in our established institutions, Bill, and I think here even in the departmental structure which I respect very strongly, that at the graduate level we must not dismantle them but we've got to begin to shape the programs to do this. Doc Howe said yesterday, that the foundations had been somewhat guilty of regressing the woman's movement by fostering and reinforcing graduate programs that were very condensed and that must be seen through at a paced level. Now the old notion of the university is you stay with us, you don't get contaminated by a job, you get it as quickly as you can, you live within the ivory tower and so on.

I think in some ways that even Mr. Binder kept talking about students electing, not about young people electing. And I've long supported your notion of credit for work but I'm more and more moving to the direction that Mr. Newman pointed out; that we ought to interrupt the system for more and more people. We ought to have them go to work, get involved and go back in a motivated way and that means the university has got to dismantle its lockstep of one kind of planning. You know, you take my sequence and if you haven't had my English 101, you certainly don't take our English 102. (Laughter) (Applause)

Dr. Kennamer. Mr. Newman.

Mr. Newman. I agree completely. I wanted to say that it seems to me that that is a central problem. I'm looking for two things.

First, a basis of distinction between the public and private sector in which that eliteism is present in one and not in the other and I don't think it exists.

And second is, the incentive programs that are going to make that happen. I don't think that the demand for change given as a moral imperative for universities is going to be terribly effective in producing change.

Mr. Newman. If I could come in on the question that both Mrs. Wexler and Mr. McGill raised about the relationship of reform and how it comes about and the goal here.

One thing, if I could ask you, Mrs. Wexler. You mentioned that my view being a radical view, coming from the administration of a university that has in recent days been involved in some discussion of radical relationships with faculty members, if you could sign a note for me to that effect, perhaps I could take it back to the students and offer it as some evidence. (Laughter)

The kind of thing that is going to force us, if I could just take one quick example. The kind of thing that is gong to force on us what I think you and I are talking about in terms of multiple levels of excellence, multiple points of excellence, which is going to mean differing institutions. Take the question of practice of medicine. It's an easy one to see. Who gets into medical schools with very, very intense competition?

Well, the answer, of course, is the most intellectual students. And that is to say that unless you have a 3.8, 3.9, why would you even bother to apply at most medical schools.

Now, ask yourself another question. Particularly if you're in the Federal Government, that ogre that was referred to earlier as a coercive agency. Think about who makes the best practioner of medicine and where your problems are. The problems that we all know, we've discussed this widely, occur that people do not want to practice medicine when they come out of medical school and if they do, they don't want to practice it in the areas where there are few doctors, they want to practice it in Palo Alto and Cambridge and a few other places like that including Park Avenue.

Now, who are the people most likely to practice medicine and practice it well? Well, it turns out there's almost no correlation, in fact, there's a negative, a strong negative correlation to very, very high marks and the practice of medicine and particularly the practice of medicine in those areas.

I was in Sweden last week and they're very worried over this. In Sweden they have an even more absurd system. What you have to do to get into medical school—everybody has to apply. You say, "I want to go to the university," and you apply for your discipline. And they have a 5.0 system. If you have a 4.8, you're likely to get into medical school if that's your first choice but your second choice may very well be if you have a 4.75, you may get into your second choice which might be either veterinary medicine or law. So you could prepare all your life to be a doctor and suddenly find yourself out with the horses or perhaps out in the—practicing criminal law somewhere.

It seems to me when one comes to the question of reform in that kind of circumstance, it seems to me a couple of words—you used the words, Mr. McGill, rational and planned. I would use some other words, prudent. Reform ought to be prudent. That is to say that we ought to recognize and have no compunction about recognizing the value of eliteism. There is a great value in eliteism and we should be careful to preserve it. There is a great value in graduate education and we ought to be careful to preserve it and we ought to be prepared to argue for it. There is a great value in liberal education.

Secondly, I would argue that we should be thoughtful and thoughtful to me means we've got to examine the facts. If we don't examine the fact that we are selecting ever more intellectually sophisticated students into the medical schools and this is damaging what we're trying to do, then I don't believe we ought to be charged with the responsibility of doing any of this planning you referred to.

And third, we ought to recognize that most planning of new institutions is going to have to come from the bottom up. Darn few things, where you really establish new and vibrant institutions, come from the top down. And I would argue that the Federal Government is particularly ill suited to plan new colleges and universities.

What they can do, in my opinion, is create incentives that encourage people who will, in fact, come forward with new institutions. But I think for the Federal Government or any other agency to stand on the sideline and anticipate that these reform pressures will come from within, so to speak, particularly from within the well established institutions, I think is foolhardy.

You know, Mr. Gardner, who was here yesterday, I would like to quote because he is a Stanford Trustee. (Laughter) He once said that the priesthood never reforms itself and I believe he's absolutely right. I think what we need is the right kind of reform but we would be damn fools to sit around and wait for it to happen.

Professor Park. What about the reformation, just to put a footnote in?

Mrs. Wexler. It left. (Laughter)

Professor Park. But go ahead.

Mr. Newman. No, I was going to stop. I feel I've gone too far. (Laughter)

Professor Park. I have one question here. I think we're talking about cooperation and about reform on a horizontal basis as if this is the kind of thing that will happen between universities described as the research-oriented institutions in the system. Possibly some of the problems that Mr. Newman has seen and Mr. McGill is speaking to, will find their solution through a more vertical examination of the higher educational system.

In other words, some of what we're talking about is the definition in preparation of what I'll call power professionals who do not require a full panoply of university research experience, but whose training, it seems to me, ought to be designed in connection with that so that I see a very big role here for what we call the community colleges, the junior colleges in meeting some of these problems of, if I can call it over education.

Now, I'm not willing to accept that because I think I would differ perhaps from Mr. Newman in feeling that a lot of the education that we've been speaking to here is being defined as a job skill, as job oriented, and I think if there's anything that the counter-culture is telling us right now, it is that they are going to move around in the society from one kind of job to another and that the training given them cannot be directed toward one very narrow, possibly obsolescing kind of occupation. So I would urge us to take a look at the vertical possibilities of higher education before we begin to say we've got to cut back on the educational opportunities and retrench.

Mr. Newman. I am not arguing at all that higher education should be solely career-oriented. I think it would be a gross mistake. Nor would I argue that we should view higher education as being so career-oriented that one becomes locked into a career. I would argue the exact opposite; that what is happening, in fact, by encouraging students to go longer and longer periods of time to higher and higher credentials in order to assure themselves of a place in society, we increasingly do lock them in. And when one has to make the choice to be a Ph. D. in English Literature and spends 22 or 23 years of their life finally getting through the system and coming out the other end, it's all well and good for them to talk about changing their career focus at midstream but they've got a tremendous investment in there and they have no idea whether that's a good or a bad thing for them.

A friend of mine has argued that what we should do is continue the expansion of the lockstep pattern of college; whereas, now the average Ph. D. gets out at age 28 or 30, that if we could continue this on for another ten or so years and begin to also move down the retirement age, we'll solve the whole problem. (Laughter)

Professor Park. I think it's very important to make that point clear, that you're not talking against the degree as a degree but the time that is spent in it at a young age. And I think this is one of the points we all have to come to grips with. How do we open up the university to different ages and not concentrate it just on the young where they could possibly be overburdened. This, I think, is a problem we all can see.

Dr. Kennamer. Related to this. We have a question here from the participants in the audience and it's directed specifically at Mrs. Wexler.

"You mention that there are many who are being compelled by parental and social pressure to enter the academic life for which they are not suited and which they're unhappy and unproductive. How do you propose we can achieve a sense of dignity for our tradesmen and craftsmen and make these professions once more attractive and desirable?"

Mrs. Wexler. Well, one has to really believe that there is a dignity in a craftsman and tradesman. I think I start with that conviction and my topsy involvement in the academic world has not robbed me of it. (Applause)

But I think it's very hard to preserve that kind of dignity in the academic world. That respect for that kind of dignity. I think even when we say we have it, there is a kind of paternalistic, almost priestly tone that we establish. I've extraordinary respect for my colleague, Mr. Newman, and what he said. I've said this earlier but even he has to say, I and my wife went to "the best institutions" as he rationally begins to plead for many tops. And I respect him for that kind of honesty. It is very hard, you know. (Laughter) One really has to believe that and I think that's going to take a radical reappraisal.

I say to affluent groups near New York, who are on the warpath against open admissions, I say, every one of you in this audience believes in open admissions. So does Spiro Agnew with respect to the Agnew girls. You know, we go around knocking on doors to get kids in; we use pressure; we armtwist better than the best legislative aide in the room has ever armtwisted; we armtwist to get that school to open; we plead that if the college doesn't have a program for this, my child, with the 3.70 Board score, as well as for this, my child, with the 7.60 Board score, that they ought to create a different program.

The only question we have as citizens in this country about open admissions is whether or not it's named the American citizenry or whether it bears our familial name, you know. And I think we've got to cope with it both ways. We have to develop somehow at the level of our insides, that we really do respect other dignities for our blood children, for our familial children and I think at the time that we can begin to do this, we will begin then to open up the system in which this elitest one of the survival of the fittest and get my kid into that trap and you get her there early and get her there a long time. is destroying us on both sides.

You know, the cynicism bill to which you reported, the counter-culture, is partially, in my estimation, our young, affluent, semi-affluent kids knowing they didn't earn their own way; knowing this bootstraps game is all rot; knowing that their folks gave them elevator shoes while they talk about bootstraps for the other kids. (Laughter) (Applause)

Dr. Kennamer. Did you want to comment to this question?

Mr. Newman. Can I just add one comment to that. I think there is one thing you can do that helps add dignity to a sort of a working job and that's to provide an open route upward. If one can be a nurse and ultimately be a doctor, then to be a nurse is not a limiting thing. If one can be a plumber and ultimately become a professional engineer, that is not a limiting thing. But increasingly in the world of egalitarianism, what we've inadvertently done is to put limits on them.

Professor Park. Of course, I think one could say in answer to your question, that a certain type of taste has developed in this society and we're only beginning to get back to pleasure in really well-made things and this is going to help part of this problem that you're speaking of and I, again, must say I think the counter-culture has done a lot to draw our attention to that.

Dr. Kennamer. Here are two questions directed to either Mr. McGill or Mr. Keppel.

"Is the panel saying that a society can function without an elite? If not, what sort of elite should we strive to promote, if not intellectual?"

And then the second question that somewhat related but not directly.

"To what extent should we seriously consider the British pattern of university grants committee as a pattern for financing higher education; especially in terms of protecting institutional autonomy?"

These are the two that——

Dr. McGill. I'll take the first and let Mr. Keppel take the second. All right? (Laughter)

I think that we have proceeded for perhaps a hundred years in our society with what is a very attractive conception of an elite; namely, emeritocracy. That is, the leadership of those people who are most able, whatever their social background. The difficulty that we have discovered as we have really begun to address our problems is that that beautiful conception is frustrated by events that occur very early in life and very much out of the control of those institutions that seek to develop excellence later.

As we have really been forced to confront the fact that despite our judgment that we judge merit and talent alone, we are also making racial and sexual distinctions. We have been forced to reevaluate the whole process and we have no idea yet where that new evaluation takes us.

Mr. Keppel. I think, if I had the second question right, it was could we foresee the possibility of the United States following a pattern somewhat of the British order with regard to the support of the universities; namely, the University Grants Committee.

That pattern, as many of you know better than I, is one in which national funds flow through a commission which is almost wholly staffed by academic representatives including, I believe now, student representatives. The money goes through that source out to the universities.

We don't have it, of course, in this country and I'll have to confess I see a great many difficulties in doing it. Number one. The British are dealing with a far more limited number of institutions. I think we're dealing with 25, 30 or something of that order of magnitude. We are in this country, obviously, dealing with thousands.

Second, as anyone under Mr. Johnson's leadership, President Johnson's leadership, would know, this is a nation, this is a continent as well as a nation. We're immense. We're not manageable in the same sense as the British. Therefore, in my remarks, you'll notice that I hit as hard as I could for the next decade, the importance of using the state machinery for development of plans and to a degree, the allocation of priorities in higher education because that makes the problem very much more manageable.

I think in the British case, there is one thing we might look at and I realize, Bill, what a dreadful thing this would be to say. But in this country, from the point of view of basic research, I'm speaking now of fundamental research in universities, one might make the case that there's a sufficiently limited number of institutions for basic research. That they might be dealt with with the equivalent of a University Grants Committee based in Washington representing the Science Foundation, the Office of Education and others all in one place.

One of our problems, I fear, has been that unwittingly, by having a lot of government agencies at work dealing with basic research, the universities have been torn from limb to limb and were not able to control their growth. I think that was part of your speech, Bill.

Conceivably in that narrow area of basic research, something comparable to the University Grants Committee could be considered. Not, I think, for the carrying out of the basic program.

Dr. Kennamer. I think we have time for one more question.

"Can educational reform be accomplished without participation of faculties? How can such participation be developed and accomplished?"

It's directed to the panel in general.

Mr. Newman. Can we draw straws? (Laughter.)

Dr. McGill. Could I make a comment on that?

Dr. Kennamer. Please.

Mr. McGill. Our second Task Force has been interested in the question of how educational reform comes about and particularly how differing institutions come about. I mean by that, institutions such as the university without walls, the experiment at Green Bay or Evergreen or Johnston College or Many Farms, the community college for the Navajos or the College for Human Services in New York and so on. And we've had a considerable group of researchers examining these and trying to determine the role of these.

I think I would be prepared to argue, though the evidence is very fragmentary and there's not many good studies on it, that most significantly different institutions are the creatures of strongly felt needs by a relatively narrow group of people and that frequently they find it necessary to create and draw on an entirely new faculty.

That where such institutions occur within traditional frameworks, there are very strong pressures to absorb and modify these back to a standard academic pattern. And that the history of a great many institutions, I once used Santa Cruz as an example of this, the University of California at Santa Cruz.

I was at Harvard giving a talk and I used Santa Cruz as an example because it turns out the University of California itself has examined this question and there is a study and they demonstrate fairly conclusively that, in fact, this happened at Santa Cruz.

I got back to my office at Stanford and the next morning the phone rang and it was a man from the Chancellors Office at Santa Cruz saying, "How come you said our institution is falling back to a conventional thing. How come you're saying those things at Harvard," and I thought, "They may have difficulty in terms of creating difference and keeping difference but their intelligence network is fantastic." (Laughter)

So I would argue in answer to the question that there's probably no one way in which reform will come about. That faculty members are, in fact, very often those interested parties who go out and seek new ways of creating institutions but that to expose a new and tender institution at an early stage to heavy pressure from traditional academic forces, both in budgeting and in faculty controls and in accrediting, particularly, one is very likely to see it erode steadily toward a conventional institution.

Professor Park. Could I comment on that?

I think if you look back at the history of American education, it's relatively clear that the new thrusts have come from people outside the academic profession and I'm thinking here of what the Hollis gift to Harvard meant or the Lawrence one or the Morrill Act itself to which I referred before. But the initial thrust has to be made practical by the faculties and if you take just the Morrill Act, there wasn't a science of agriculture to be taught but Morrill wanted something done about it, so the faculties eventually developed this capability and then it became their thing and they did it better than anybody from the outside could have taught them.

So, if I may go back to my initial word, there is a symbiosis here in higher education between the competence of the educational institution and the needs of society.

Dr. McGill. If there is one certain way to insure the full participation of faculty in the reform that lies ahead of us and that is our serious effort to create a set of incentives that will make it attractive to do so. If you want to stimulate undergraduate teaching, then the way to do it is not to engage in moral preachments about the nature of American higher education. The way to do it is to fund chairs with resources that will make it a reward for faculty to teach undergraduate courses. It isn't hard to do. We are, I'm principally concerned, drifting away from that classical and periennal human concept which is that you achieve what you are seeking to do by making it attractive for people to do it.

Dr. Kennamer. Well, I surely wish to thank the panel for their comments and President McGill for his presentation. We know that we have many, many problems. I think that's been illustrated today. We are in a major state of flux in higher education in this decade as we go beyond the great achievements of the 60's, and all in all, academic ferment is considerable and yet I think it is taking place in some ways in the calmest atmosphere compared to a few years ago. And that many of the aspirations are taking on some of the substance of quality and so I thank you very much as a panel and thank the participants. (Applause)

Mr. Middleton. Thank you, Lorrin.

Ladies and gentlemen, the 36th President of the United States, the Honorable Lyndon Baines Johnson. (Applause)

### CONCLUSION OF SYMPOSIUM—REMARKS BY LYNDON B. JOHNSON

Mr. Johnson. Mr. Middleton, Dr. McGill, disinguished panelists, ladies and gentlemen. All of us connected with this school and this library are greatly honored by the presence this week of so many distinguished educators and public officials.

It is my conclusion that you've made this Symposium most memorable and I think all will agree it's been a most stimulating two days.

To those of you who have taken time out of your very busy lives and your crowded schedules to come to Austin, some of you from far away with great inconveniences to yourself, we say we thank you very much.

As most of you know, this Symposium was occasioned by the opening of the education papers that are stored here in this library. It's the first group of papers from my Administration that we're making available to scholars and researchers.

So far as the papers are concerned, whatever is there for good or for bad—and I hope it's for good—I believe the papers will prove to be of help in not only placing in perspective our problems, but in giving us some of the answers and the solutions.

In every great fight there are winners and losers, there are proponents and opponents. In every great cause there are achievements and errors. And of course, these papers are going to reflect it all. It is not our purpose to unnecessarily provoke anyone, but to try to show how it really was.

The papers are the raw material of history, and as you all know, historians don't always agree. They don't always see things the same way. They're sometimes like the little boy who opened the kitchen door and saw the family dog and said to his mother "Mama, come here. There's a big lion in the yard." And she looked over his shoulder and said, "Son, you're going to have to go upstairs and stay in your room for a while. You must stop that exaggerating. That's not a lion. That's our dog, Rover. And furthermore, you're going to have to get down on your knees and ask the Lord to forgive you for telling stories."

A few minutes later, the mother returned and said, "Did you get down on your knees and say your prayers and ask the Lord for forgiveness?" He said, "Yes, mother, I did." She said, "Well, what did the Lord say? Did he give you forgiveness?" "No, mother. He said he thought it was a lion too." (Laughter)

So sometimes we don't all see everything the same way. We hope these papers will aid in bringing together divergent viewpoints, particularly the viewpoints of our historians. But even though this occasion marks the opening of a group of these papers, that is not really why we're all here.

We're here not to celebrate the breakthroughs of yesterday, but as those of you who have attended all of these provocative meetings know, we are here to try to chart the breakthroughs for tomorrow. And as what some might call an ex-monarch, (Laughter) I want to assure you that it's no new experience to one who has been where I have been and gone through what I've gone through, to hear about the problems, (Laughter) as well as the different approaches to those problems.

I never had half as high an opinion of the past as I have of the future. So it is the future to which we should address ourselves and which I think we have at least approached the last day and a half.

I think it's time that we all take a good dose of introspection. In three years, I have had ample opportunity to do that among my sheep and lowing herds and my cattle. I don't think that there's any problem confronting the great people of this great nation that we don't have the capacity to solve, physical, intellectual or—with apologies, Dr. McGill, who seemed to sum it all up in one big word—financial.

I believe we have enough to find the answer and the solution to all that confronts us. Now, I agree with you that there's a good deal of loss of faith. But we're a pendulum nation. We're a nation that is hell bent on action for a short duration and then a good long sleepy time of inaction.

I have served in public life 40 years. I know we have the best system that man has ever yet devised to govern our people, but I can only recall two great social surges in my 40 years, both of which have been followed—without being uncomplimentary to anyone (Laughter)—by rebirth of such words in our vocabulary as "regressiveness."

A good many of you youngsters cannot recall the days when we had no electricity in this area, before REA was born, when we had no conservation program of any kind, when we had no social security and public housing had not yet been born, when unemployment compensation was just two big words that no one really understood. But following the activities of the '30's and the war that followed, there was a period of inaction on our part because—in the words of Senator Mansfield who told me, he said, "We've come too far too fast during my Administration. The people want just a little letup and a little rest." That was the feeling, I think, that confronted President Truman when he followed the action years of Roosevelt. They wanted to just stop and pull off their shoes and sit and rock for a while. And they did. And as long as the majority will prevails in this country, you're going to see some of that.

So ye of little faith, do not be discouraged because your time will come again. (Laughter) Following the great war and the election of a Republican president, we made some attacks on our problems of education through the National Defense Act, but I don't think anyone here contends they were major attacks on our real problems.

If we did anything during those years when I was a leader in Congress of consequence about the overall cause of education or health or the neglected problems of civil liberties, civil rights, or the poor, I don't remember it. But there came a time when our nation who had suddenly been confronted with a great tragedy started reflecting and engaging in some introspection and decided that we ought to get going again, and we did.

We no longer held up the bugaboos of we don't have the money. This country has the money to do anything it's got the guts to do and the vision to do and the will to do. (Applause)

When we came back before the Congress after Dallas in '63, we took the causes that were the cancers that were eating away at our society and where the poor were getting $12 billion annually, per year, in public appropriations, in five years we moved it to $24 billion; we doubled it for the poor. Now, I didn't do that and the Democrats didn't do that.

The courage and faith and the union of the people did that. They had leadership and yes, they had arm twisting. But all the people did it. We were spending on health $4 billion a year on two billion two hundred million people. We moved that up the ladder to $14 billion.

President Truman had tried to do the same thing at that twilight period following the Roosevelt Administration, but we were tired and we wanted to rest, and we were foot-sore. Most of these recommendations that were executed in middle '60's were formulated by the brain thrusts and spoken by President Truman back in the late '40's.

In the field of older citizens, including our social security, we raised our public appropriations and our private contributions from $17 billion to $29 billion, an advance that has never been equaled in our history.

And in the field of education, the bugaboo of Federal control that had kept the Congress from acting for so many years, except a little during Lincoln's time—a vocational agricultural bill now and then in the interim—we moved the educational expenditures and the educational commitments in this nation up from two billion three to eleven billion in five years.

So I'm not worried about our inability to meet our problems if we know what we want to meet. I might say that New York City, during the period that we were making these appropriations for the poor and doubling the expenditure from $12 to $24, turned back many millions of dollars that Congress had appropriated for the poor and the President had allocated for the poor to the poor in New York City because they didn't have the planning and the organization to carry them out.

Now, I think that—I don't want to give the formula. If I had felt that I was the one to do it and that I had all the answers, I probably wouldn't be where I am today. I reached another conclusion, but I do have an opinion on it. I do think, first of all, that we've got to have the courage to do what we think the national interest requires.

Second, I think we've got to start with the faith and the belief that we can do it. We have the capacity. Third, I think we've got to realize that it's absolutely essential that we do it without regard to political parties, without fear of favor, with equality to all and that there be a union among us. And that means first of all, I'd say, right here is the place to begin as a union between the students and the faculty and a much better understanding to them. Who am I to tell people how to communicate?

But a union between the student and faculty and the governing bodies and a union among those selected to speak with all the people, for all the people in the Legislature and in the Congress.

I got the name of being an arm-twister because Senator Dirkson didn't like the fact that I was getting votes for programs that he opposed. (Laughter) And I never did apologize for that name. I'm rather proud of it, because if it takes just a little twisting to double the investment that we make in health and poor and older people and education in this country, that's a very small price to pay for it.

So I would say that if all of us engage in enough introspection and come up with the answer to this problem, what the Congress wants to know. This country can finance all the higher education that we think we ought to have for all the people that think they ought to have it, and lower education too, and any other kind of education, in my judgment.

We must be equitable to all. We must be pruduent in what we do. But we don't lack the resources. I've never been convinced a moment that because of the Vietnam war or because of any other excuse you want to use, that we've deprived these laudable purposes, health, education and so forth, with the funds they needed. I think there are other causes.

Now, I really think the paymaster, the man who calls the signals on my ranch or the paymaster in our business or the controller in any company or the legislator, the Appropriation Committee in any institution I've ever worked for or served—and I was in the Congress 24 years—has one principal thing in mind: are we getting a dollar's worth of value for a dollar spent? Are we getting value received?

And I submit, sir, there's a dangerous trend in this country among the paymasters and among those who must pay the taxes—and the legislators are just symbols, they just speak for them. They say what they think their people are thinking and won't say. But they do not believe that there's enough union, that the students don't believe in the faculties, some don't believe in themselves, a great many don't believe in the system. I don't believe any of that is true. I think they do. I think there are exceptions to all rules.

They don't think that faculties teach anymore. They write and talk and travel to seminars and symposiums. (Laughter) But I think that we can realign our forces and bring together our students and our faculties and our governing boards and our leaders in the media and meet any financial problem that we've got to meet, just as we do in wars, just as we do in other crises.

Now, we just happen to have made two great surges, social surges, in my lifetime. But I submit that there may be another one on the way and in the wings. I hope it will be preceded by an agreement among ourselves such as discussions like this can help us arrive at that will tell us what we want, why we need it and convince those who pay the bills that we must have it. I believe it can be done or this library wouldn't be here, the school wouldn't be here; the great advancements I saw in the paper yesterday morning.

I had to borrow $75 to get to school and I had to borrow $200 to stay in school from the Masonic Lodge and I tried 24 years to put a student loan bill through the Congress and failed. But as I said one time to the Congress, I never realized, I never thought, I never imagined I'd have this power as President of this great nation, but now that I have it, I assure you I'm going to use it. (Applause)

And we used it to the extent that last year the General Accounting Office showed that more than a million college students borrowed more than a billion dollars guaranteed by the government of this country. Now, we had rocked for 24 years and didn't do anything about it. But we're doing something about it now, and we can on all of these other problems if we only have the vision to know what we want to do and the will and determination to do it.

Now, Mr. Cohen said something about Task Forces yesterday and I think that all of you will find this a valuable research source. I'm so happy that we're now able to make them public. Mr. Cohen always favored making them public. He didn't make the commitment to all the participants that they wouldn't be made public during the Administration. I did. That put us in a little different light. A man who has a promise is in somewhat of a different position than one who hasn't promised. But I'm able to comply with my promise.

Most of the fellows were ready to have them made public the day they turned them in and really wanted them to be made public. But I had to think about the man on the Civil Rights Task Force in Jackson, Mississippi, who joined that Task Force and some pretty far reaching and advance recommendation that day, what the consequence of his act would be when he got home. And I had to think something of my own conscience where I'd made a commitment that they wouldn't be used, would not be made public and embarrass them.

They were, after all, for the benefit of the President to make his recommendations. All that I could find that was good, feasible, had any opportunity to march, I picked out. Now, there's still some back there that haven't been implemented. If you can find them and get a new leader, well, I'm sure we'll have some more laws on the subject. (Laughter)

I have the definite feeling that these deliberations that you have conducted here were undertaken in the same spirit as our Task Forces were undertaken. I believe that their work has borne great proof. Sixty laws are on the books. And I believe that your discussions will bear great fruit too.

I think some day that—this may be an overstatement; I hope not—that each of you, not only panelists, but all of you here will say, "I was glad that I was there." And I want to thank all of you for being here. I want to present only one guest before this group breaks up. Except for him, there wouldn't be any library or any Public Affairs School, or I doubt that I would even be here. He was a source of great strength to me throughout my presidency and still is and is to the cause of education in this nation. But because he's a very shy man, as most effective men are, he's not known to all this group. And I want them to know and love and respect Mr. Arthur Krim as I do. Arthur would you come up here. (Applause)

I called Arthur for two days once when I was in the White House. I called him in California, New York and Israel. I finally got him and I said, "Where in the hell are you?" He said, "I'm here in the White House." I said, "When did you come?" He said, "I've been here three days." (Laughter)

Arthur serves on the Board of Columbia University and many other capacities. The most important board he serves on though is the LBJ Ranch and he comes down there every few weeks and works on this library and works on this Public Affairs School and works for people everywhere.

I want to say thanks to Dr. Spurr and Mrs. Rostow and the others who planned this conference, and Mr. Middleton. I think that on the whole, it's been very good and very productive. I'm deeply indebted to John Gardner and Wilbur Cohen and Dr. McGill for their great speeches as well as the contributions of all the panelists.

Mr. Middleton tells me that we plan to open the civil rights papers here in April and we want to invite all of you to return again. We hope that we'll be able to demonstrate in the years to come that this is a university and this is a library that concerns itself with human beings and their problems and that really has a heart and really cares about people and trying to find the answer to their problems.

We had a cowboy out at Sonora that had a heart problem and went to his doctor, not long ago. The doctor told him he'd have to have a transplant. He said, "Well, where do I get that?" He said, "Well, down in Houston, the university has great medical facilities there as well as others, and you go to Houston, Texas."

He got his wife to take him in the pickup and they drove down to Houston. Dr. DeBakey, after he examined him, agreed he had to have a transplant and he had it. Dr. DeBakey told him before they went in that there's one decision he'd have to make. He'd have to sign a statement that would relieve anyone of any responsibility and he'd have to select the heart.

He said, "You have a choice of three today. We have an international ski champion, a virile vigorous young man from Salt Lake City. His heart is available. We have a beautiful Hollywood actress 22 years of age. Her heart is available. We have a Republican banker, 69 years old. His heart is available. You make your choice."

He said, "Well, I'll take the banker's heart." And the transplant took place very successful. When they wheeled him out in the chair, his wife was under the drive-in to take him home in the pickup. He said, "Doctor, I'm so grateful for the great service you performed for me. I don't know whether I can ever do anything for you, but if you're ever in the cow business and you're out in Sonora, call upon me if I can help you."

Dr. DeBakey said, "Well, that's nice of you. I doubt I'll ever be in Sonora; more improbable that I'll ever be in the cow business. But if you want to help me, my curiosity was aroused when you had the opportunity to get a virile young man's heart or a pretty woman's heart, why did you take the banker's heart? I would like to know your reasoning process."

He said, "Well, Doctor, I'm not sure I did the right thing, but I had to make up my mind quick and the way I approached it was that if I had to have a new heart I wanted to be sure I got one that had never been used." (Laughter.) (Applause.)

Now, I just want to observe this in conclusion (laughter), that if any of you have to have a different heart I hope you won't come here unless you want to find one that has been used because we intend to use ours. (Applause.)

Mr. MIDDLETON. Ladies and gentlemen, that brings this Symposium to a conclusion. We'll see you on the opening of the civil rights papers. Thank you.

(Whereupon the Symposium was concluded at 12:00 o'clock noon.)

## YOUTH FOR UNDERSTANDING HONORED ON 20TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. ESCH) is recognized for 60 minutes.

Mr. ESCH. Mr. Speaker, I have the distinct pleasure in joining my colleagues in speaking in support of the Youth for

Understanding teenage exchange program.

As one who is vitally interested in fostering international cooperation, I am convinced that this program has made a real contribution toward that goal.

The dedicated leadership of YFU's executive director, Mrs. Rachel Andreson, has guided the project from infancy to a dynamic and innovative exchange program. In 1951, when the program started, Mrs. Andreson was asked to lend her assistance. At that time she was executive director of the Ann Arbor Council of Churches. Mrs. Andreson has been instrumental in establishing the local committee structure, which oversees the operation of the program on the local level. Mrs. Andreson has seen her staff grow to 50 full-time office and staff workers. She has been honored for her contribution to international understanding by the Federal Republic of Germany—1958, the Michigan House of Representatives—1963, Finland—1964, the University of Michigan—1967, and for Brazil—1968, 1970, and 1971.

Although the program originated in Michigan, its efforts have gradually expanded so that students and families from every State in the Union are involved. More than 30,000 students from 45 countries have participated in the program since the program was first established with the cooperation of the Detroit Rotary Clubs in 1951.

Youth for Understanding has several types of exchange programs. Their first started in 1951 with the placement of 75 German students in homes in the Detroit area. The program continues to bring students from all over the world to live with American families and attend American high schools for 1 year.

Youth for Understanding also has a program to send American students overseas for 2 months during the summer.

Youth for Understanding conducts more intensive study programs for American students. The 13th year abroad program provides high school graduates with the opportunity of spending a year abroad after high school, studying and living with a family abroad. YFU also offers college students the opportunity to participate in a summer survey course abroad for 6 hours' credit.

Two YFU programs offer the opportunity for musically inclined students to participate in an overseas tour each summer. YFU offers a string and a wind ensemble.

The contributions of YFU have been recognized by the Department of State, as well as several other governments.

Mr. Speaker, I am proud to have the headquarters of Youth for Understanding in the Second District and I wish them continued success in their worthwhile efforts.

I insert several documents explaining the program at the conclusion of my remarks:

A TELEGRAM FROM THE WHITE HOUSE

FEBRUARY 2, 1972.

To: Mrs. Rachel Andreson.
From: President Richard Nixon.

It is a pleasure to join with so many friends on Capitol Hill who pay tribute to you and to the continuing contribution of the Youth for Understanding Program to international peace and goodwill.

As you know, I have long been among those who have most admired your vigorous efforts and I fully share the sentiments that are expressed for you on this occasion.

RICHARD M. NIXON.

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### YOUTH FOR UNDERSTANDING OVERSEAS

#### INTRODUCTION AND PURPOSE

Youth for Understanding is the largest and fastest growing organization in the field of teenage exchange programs. More than 30,000 students from 45 countries have participated in Youth for Understanding programs since its establishment in 1951–52. Youth for Understanding is one of the three teenage exchange programs officially recognized by the United States State Department.

The statement of purpose of Youth for Understanding is contained in Article II of its By-Laws. It shall be the purpose of this corporation to:

A. Promote international understanding by sponsoring, developing and carrying out international student exchange programs, to arrange for international cultural exchanges and for exchange of youths desiring to accomplish needed services in other countries, and to do all things necessary to achieve these purposes, including raising and investing necessary funds, soliciting, receiving and accepting funds, gifts, grants, bequests and devices, in any form, acquiring, holding transportation and facilities, setting up auxiliary committees and organizations for these objectives, and cooperating with existing organizations and interested persons toward these ends.

B. To acquaint teenage students brought to the United States from other countries with American family and community life by having them live with American families for approximately one year and to enable the students to gain an understanding and appreciation of the American way of life through participation in typical high school, family and other aspects of community life.

C. To carry out, finance and implement fully an educational and cultural exchange program contemplating the sending of teenage youths from the United States to other countries for various periods of time, arranging for and administering their activities, and contemplating bringing teenage youths from other countries to the United States for educational and cultural purposes in the interests of international understanding and good will.

D. Recognizing that Youth for Understanding has had definite religious undergirding, both in the broad objectives for which it has stood and in the personnel connected with the program, it is to be understood that this aspect shall be retained in the corporate structure.

E. These purposes are meant to secure an interfaith and interracial approach to international good will by providing qualified young people with broad experience through living with families of other countries.

#### HISTORY OF YOUTH FOR UNDERSTANDING

Youth for Understanding began in 1951 when the Detroit, Michigan area Rotary Clubs agreed to host 75 German teenagers who were selected for an exchange experience by the United States State Department. When it became apparent that the participating Rotary Clubs could not find sufficient homes for these students among their membership, Mrs. Rachel Andresen, the Executive Director of the Ann Arbor Council of Churches, was asked to lend her assistance. Her educational and professional background in the area of social work and her extensive experience with a variety of state and community organizations well suited her to cope with this challenging situation and to find the necessary homes which met with the State Department requirements.

In January, 1952, the Rotarians and the State Department asked her to officially supervise the program for the remainder of the year. A request for more German students for Michigan for the following school year was granted on the condition that Mrs. Andresen would be made the permanent supervisor and that the program function on a statewide basis. The Ann Arbor Council of Churches received permission to act as the official agency from the Michigan Council of Churches and named this area of their activities "Youth for Understanding." Mrs. Andresen, as Executive Director of the Ann Arbor Council of Churches, was responsible for the total operation of the Council, as well as its new exchange project.

During the next five years, the Occupation Budget was utilized for the selection and financing of students brought to Michigan. The role of YFU continued to be that of home placement and supervision. In 1956, the State Department continued to select students, but withdrew its subsidy as a result of the termination of Germany's occupation status and its normal establishment as an independent republic. However, some funds were made available for program development and in this way continuation of the program on a private selection basis was encouraged. Although most of the students at that time were from Germany, it was during this period that other countries were being added to the program.

In 1955, the second phase of operation was added to the exchange program. American teenagers were taken to European countries for ten weeks of their summer vacation. Returned exchange students from previous years found placements for them with the help of their parents. Although only a few students participated in this phase of the program the first few years, they brought favorable accounts of their experiences back to their communities and schools and because of their enthusiasm, Youth for Understanding began to grow.

This growth included the addition of the third phase of the program, a youth chorale. The Youth for Understanding Chorale consisted of a group of Michigan teenage musicians recommended by their school music departments and also meeting the general requirements of all other exchange students. Beginning in 1957, this group met every week for practice in Ann Arbor, Michigan, starting in the fall. During the summer of 1958, the teenage musicians toured Europe, performing before public audiences and in the European schools. During their tour they were housed in the homes of families who were found by the returned exchange students from previous years. The musical group was well received and has continued as an integral part of Youth for Understanding since that year. It alternates its tours, traveling one year to Europe and the next year to South America. It will tour Germany, Austria and Yugoslavia in the summer of 1972.

During these years of expansion into other countries, emphasis was placed on the development of local committees to oversee the program in their respective areas. The development of organized local committees came about through contacts with interested individuals who had either heard of the program through returned students or had deliberately been contacted and asked to help.

Throughout the United States, a system of regions and areas have been set up. There are five general responsibilities for area representatives.

Primarily, the area representative acts as the liaison between local communities and the Youth for Understanding national headquarters. This involves forming community committees by contacting local high schools and members of the community who are interested in publicizing Youth for Understanding, selecting host families and American exchange students, and who can provide supervision and a well-rounded experience for international students in the community. The area representative then works with the community committee, supplying them with information, materials, travel and counseling consultation and problem-solving, coordinating activities with the Ann Arbor office.

Secondly, the area representative finds homes in the local communities for international students, matching interests, home atmospheres and community activities with those of the student. Schools are consulted to insure that they will take these students in and can work with the area representatives and host families in solving problems which may arise.

Thirdly, the area representative selects recommended American students for the summer and year programs abroad, working with the community committee to determine the qualifications of each student.

Fourthly, the area representative sets up a scholarship committee as part of the community committee, which works on fund raising to help worthy students in the area participate in the Youth for Understanding program.

A fifth responsibility is to provide the overall supervision for the Youth for Understanding program in that area, using guidelines set forth by the Supervisor of Area and Field Representatives in Ann Arbor.

The committees are not isolated in their own communities since they are in constant contact with the central office in Ann Arbor and with each other. Committee chairmen are encouraged to offer advice as to the direction the program will take and conferences are held at necessary intervals with committee members for purposes of evaluation and recommending different procedures. These committees are under the supervision of 90 area representatives.

Although it is not regarded as a separate phase of the program, the development of exchange programs with South American countries represents the values gained by Youth for Understanding from person-to-person contact. Some Uruguayan students had taken part in the exchange program in the earlier years, but a large -scale exchange program had not developed previously because of school difficulties. The reversed seasons between South and North America created a school year calendar opposite to ours. Thus, in order to complete a full year of school in the United States, a South American student had to leave his school before the year was finished and return during the next year, which his classmates had already begun. Because of this, South American countries were requiring that any of their students who participated in an exchange program would have to make up two years of school. Thus, not very many South American students applied as exchange students.

The tour of South America by the Youth for Understanding Chorale in the summer of 1960 resulted in the opening of many new contacts in these countries and stimulated renewed interest in exchange programs. A committee was formed in Uruguay which worked out a compromise plan with the Uruguayan Minister of Education. Uruguayan students were permitted to finish their school year in December, take part in the exchange program in the United States for the rest of the American school year and return to their own school and go on with their original class. This plan is now the normal calendar pattern of exchange of Youth for Understanding with all South American countries. Students from the United States, however, visit South American countries on the same basis as they visit those in Europe and Asia.

An important part of the American overseas program is the Thirteenth Year Abroad Program. It started in 1961 when six American students went overseas. It permits American high school graduates to attend a European secondary school and live with a family for a period of fourteen months. A total of 435 American students have participated in this experience.

A new program known as the Community College Program was begun in December, 1967. It permits older foreign exchange students to attend community colleges in the United States. Currently eleven students are attending community colleges in California, Iowa, and Michigan.

Youth for Understanding effectuated a major change in its orientation and evaluation policies for outgoing and incoming students in the summer of 1970 with the introduction of the Saginaw Valley College sessions. Approximately 6,170 exchange students participated in the sessions last summer. They were held on the campus of Saginaw Valley College, a state-supported, four-year college located near Saginaw, Michigan, which Youth for Understanding rented for the summer. There were three basic programs: (1) orientation for outgoing American students, (2) evaluation sessions for returning European and South American students, and (3) orientation for incoming European students. (See Appendix B for more information.)

The planning and development of Youth for Understanding has been industrious and imaginative. The program is flexible, allowing new phases to be introduced when desirable and developing new ideas that are unique to the exchange student programs. The variety of programs offered illustrates this point.

As a result of its increase in size, particularly the addition of the South American program, Youth for Understanding was incorporated as a non-profit organization in 1964. However, it still receives moral support for its activities from the Michigan Council of Churches and the Ann Arbor Council of Churches.

The central office, which was originally housed in Lane Hall in a room donated to the Ann Arbor Council of Churches by the University of Michigan, has made a series of moves, and is now located in a former fraternity house of the University of Michigan known as the "Hoover Mansion." The program is administered by an Executive Director, Mrs. Rachel J. Andreson, governed by a Board of Trustees, employs 50 full-time office and staff workers, and has leaders involved in each of the communities which participate in the program.

In addition to the involvement of 45 countries, exchange students have been placed or selected from communities in 42 different states of the United States. This has been due to a large extent to the movement of persons out of Michigan who have carried with them the knowledge and enthusiasm about the program. Youth for Understanding welcomed its 20,000th exchange student, a girl from Finland, in August, 1969. The latter occasion was attended by the Honorable John Richardson, Jr., Assistant Secretary of State for Educational and Cultural Affairs. As of February 1972, more than 30,000 students had participated.

### THIRTEENTH YEAR ABROAD

This permits American high school graduates to attend a secondary level school and live with a family overseas. Students must have at least a B plus average and demonstrate skill in learning a language. The stay is from June to the following year's July and the fee is $1,350.00. The students receive language instruction, and attend orientation and evaluation sessions to round out the experience.

### SUMMER SURVEY COURSES

The Summer Survey Courses enable American students enrolled in a college or university to tour Europe on one of three special study tour programs. They are being conducted in cooperation with Saginaw Valley College, Saginaw, Michigan, which grants six hours of credit and provides professors who conduct seminars, present lectures and give tests en route. The one week orientation session prepares each student for his particular course work. Fee is $1,050.00.

### YOUTH FOR UNDERSTANDING CHORALE—YOUTH FOR UNDERSTANDING STRING ENSEMBLE

These groups are composed mostly of Michigan high school students, as a chorale and accompanying ensemble, which tours overseas each summer. The participants must be recommended by their high school music department. They practice from November to June, then travel either in Europe, South America, or Asia, giving concerts and living with families during the summer. The fee is $800.00.

### YOUTH FOR UNDERSTANDING WIND ENSEMBLE

The Wind Ensemble, a group of musically inclined students, travels on a concert tour each summer. It is comprised of students who live within driving distance of Ann Arbor, due to rehearsal demands. Students must be recommended by their music departments. Fee is $800.00.

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NORTHVILLE, MICH.,
*April 6, 1952.*

DEAR MRS. ANDRESON: I am sorry that I have not written you sooner but the enclosed oration will show you where much of my time has gone.

I will give this oration this coming Tuesday in the district contest of this school area. In it I have summed up much of what my trip meant to me. Perhaps you would like this copy for your files.

As I was in the process of writing it when I heard your husband speak over in Ann Arbor, I'm afraid he must be given credit for my last paragraph. I hope he doesn't mind too much.

Many thanks for all you folks have done for me.

Sincerely,

DAVID LEE.

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### YOUTH FOR UNDERSTANDING

The history of the world, since man appeared upon it, has been the history of its wars and their disastrous results upon mankind. Some nations have conquered others and made slaves of the beaten people. Hatreds, mistrusts and fears have become widespread and man has not yet learned to love, trust, and appreciate his fellowmen whose color, religion, or culture differs from that of his own. It is only in comparatively recent times, perhaps within the last one hundred years, that the idea of world wide brotherhood of man has begun to capture the imaginations and hearts of peoples of all races.

Since genuine human progress can only be achieved in a world free from the horrors and degrading influences of war, it is only logical that we then should direct our energies in the search and finding of world peace.

It is generally agreed that the basic causes of wars are hatreds, suspicions, and fears among nations. These conditions exist chiefly because the people of the world neither know nor understand each other. Foreign nations know us only through our tourists who have perhaps scrupulously accumulated a so called jack pot for one thrilling fling in Paris, London or Rome, or they know us through the cinema world which depicts Americans as ludicrous cowboys, blood thirsty gangsters, or insipid comedians. I can well remember my reaction to a question addressed to me by one of my foreign friends. In all sincerity he said. "Are there many cowboys in Detroit?" Then I truly realized how little we knew or understood each other. That we neither know nor understand each other was exposed to the world even more adequately through the activities of the United Nations where men of many nations had an opportunity to listen to and speak to one another through the medium of the interpreter. Yet, even then it took three days to satisfactorily explain how we interpreted the small phrase, "All men are created equal." Because of this deficiency in understanding our fellow man, a constructive program is necessary to help bring about better understanding and ultimately lasting peace.

Several programs, with these goals as their objects, are developing in the world. Among them is the "Youth for Understanding" program sponsored by the Rotary clubs of this district. I am proud to say that I have had a share in this program and I am hopeful as I view its results at close range.

The idea of this program is the exchange of students at the high school age level because it is a common belief that students at that age are more open minded, not so prejudiced or not so reticent to accept as older persons. They are more anxious to understand and appreciate the customs, cultures, and beliefs of other peoples.

With this in mind and with the cooperation of the U.S. State Department, 75 high school students from Germany were brought to Michigan to live as normal citizens in the homes of Rotarians in the various communities. These students, by living in the homes and by attending school get a first hand and true picture of Americans as Americans, rather than cowboys, gangsters and comedians.

In return several American students had the privilege of going to Europe, not as tourists but to actually live with the people and to try to understand them and to be understood by them. As I said, it was my good fortune to be one of these students.

I lived in homes in Germany, Denmark, Sweden and Finland. I chummed and formed friendships with boys and girls my own age, attended their schools and learned something of their cultures, habits, and nationalistic spirit. I found them to be fundamentally the same as we are. They have the same general hopes, the same dreams and the same ideals. I found common areas of belief, of pride in achievement, of love of beauty, of love for fellow man.

I attended many church services in Europe and although I did not understand the languages, the exquisite beauty of the cathedrals with their majestic structure impressed me deeply. But more than that I found a common area of belief. I felt we shared in a belief for something more all powerful than man.

Every chance I had, I visited museums, Art Galleries, and places of historical interest. In these places I gained some knowledge of their culture and the heritage that is also partly mine. Their factories and industries impressed me as being very clean and working conditions being good. Again I found an area of interest common to man. I found pride in achievement. As I watched them while they proudly pointed out their achievements, I was reminded of the expression on the faces of fellow Americans touring Greenfield Village or the Ford Motor Company.

No one country has a monopoly on beauty. One morning as I was travelling through Sweden, I witnessed a Scandinavian sunrise. The White birch trees with drooping boughs (abundant everywhere) were coated with a heavy frost. As the sun came up from behind them, it turned the world into a fairyland of sparkling beauty. It is difficult to describe my feelings but I felt a love for this country that I am sure must be in the heart of every Swede. That same love for beauty which permeated my being when I first observed the Grand Canyon, over-powered me as I observed the sunrise, and I thought how my good Swedish friend would be affected in the same manner if he were to share the sight of the Grand Canyon. Yes, another area common to us all, love of beauty.

At Christmas time in Finland, the people did everything possible to make an American boy, a long way from home, have a most enjoyable holiday. They showered me with presents and extra attentions. I entered into their games, sang their songs, and enjoyed their fellowship. Finland will never again seem far away or strange to me, for I feel that these people are my friends and will think of me when they think of America. I hope I left as good an impression with them as they sent home with me. Yes, we found love for fellow man had no boundaries, we found that no nation selfishly possessed this common area of love for fellow man. True their methods and customs vary as do ours but these are only surface appearances. Underneath we are the same. We have the same common belief and the same pride of achievement, the same love of beauty, and the same love of mankind. Many of these boys and girls will continue to be my friends, I am sure. I have a deep respect and genuine good will toward them, because they are not unlike my fellow Americans. No hatreds, no suspicions, no fears exist among my foreign friends and me. The basic causes of war—hatred, suspicion, and fear—have become a nonentity to us. True, we who have been influenced are few in number but the program presents a ray of light in a world that sorely needs it. As the Chinese say, "It is better to light one small candle than to curse the darkness."

Of course the Rotary Club program is only one of few groups that is exchanging students at the present time and the effect of so few may not be immediately felt. My plea is that the program be expanded, and continued not for a year but through the years. Then we shall truly achieve an understanding, worthy of world peace.

The mighty Ambassador Bridge that joins two great countries, Canada and the U.S. began as a single wire cable drawn across the river. More and more of these single strands, each weak in itself, were woven together until the combined strength supports this tremendous structure and binds our two countries together in lasting friendship. Just so will these single strands of friendship, as represented by the exchange students, bind together in friendship, various countries of the world.

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STUDENT LETTER

OCTOBER 26, 1971.

DEAR MRS. ANDRESON: This past summer I was privileged to be an exchange student to Belgium through Youth for Understanding. Those two months were the best in my whole life.

I lived with a wonderful family. They were all *very* similar to my American family, so I had no trouble at all in fitting in and becoming a part of the family. The first few days, of course, I was very homesick and wanted more than anything to go home—but I remembered being told by many people at Saginaw (you included) that everyone gets homesick and if you get busy and start meeting people, it will get better. Sure enough, by the end of the second week I was ready to stay in Belgium permanently! I traveled quite a bit throughout Belgium with my family and got to know the country quite well. Now, just as I have a second family, I feel as though I also have a second country.

I met so many wonderful and kind people during my stay in Belgium. I learned to understand people better. Most certainly, that is the main reason why I feel so good about my experience. I feel that I succeeded in carrying out the purpose of YFU—namely, better understanding among peoples of other nations. I feel like such a better person for having been an "ambassador" through YFU. I have gained much self-confidence and I have sharpened my ability to understand and communicate with other people. I can remember you saying at Saginaw, "When you come home you will be able to do *anything* and go *anywhere* that you want to." I was rather skeptical when I heard you say that, but now I understand why you did say it. I do feel as though I can do anything now!

I can't tell you enough times how happy I am to have been involved in such a tremendous organization. I have been encouraging others in my school to get involved with YFU and am now waiting anxiously for an exchange student of my own. If there is ever anything that I can do for YFU, I would be more than happy to do it since YFU has done so much for me.

Thank you again for giving me an opportunity to promote international understanding through your program. It is truly a worthwhile organization, an organization that I am proud to have been connected with.

Most sincerely,

LINDA LIVINGSTONE.

Mr. McCLORY. Mr. Speaker, the opportunity to participate in this special order commending Youth for Understanding on its 20th anniversary is one which I welcome. In my opinion, the educational exchanges which are made available to young people at the secondary school level are among the most interesting and exciting experiences that can come to young people, and give assurance of long-range international understanding and peace.

The educational exchanges which are made possible under the Youth for Understanding programs affect citizens at an age when they can assimilate the culture, language, and historical background of another nation.

Mr. Speaker, in my opinion the Youth for Understanding programs establish a pattern which, if followed on a greatly expanded scale, could involve tens of thousands of high school students, in the United States and in countries around the world, in educational exchanges which could enrich and inspire. Not only does Youth for Understanding establish solid and enduring friendships between peoples of different countries, it enhances the educational levels of all who participate—with the result that the students themselves serve as emissaries of goodwill as well as teachers of others with whom they come in contact in their native lands.

It seems to me significant that the Youth for Understanding program was born of voluntary action in behalf of useful and exciting experiences of foreign study and of entertaining foreign students in our country. Out of the initiative of Mrs. Rachel Andreson who has become the organization's executive director, Youth for Understanding has grown from its local activities in the Detroit, Mich., area to a worldwide activity which served more than 9,000 students last year—including some 435 Americans who traveled to various countries abroad—and approximately 9,000 foreign students, most of whom enjoyed a school year of study and living in the United States.

Indeed, the organization today is staffed by a distinguished body of professional and highly motivated persons. The growth of Youth for Understanding is evidenced by the fact that some 45 foreign countries as well as communities located in 42 States are today involved in this worldwide program. According to the latest report of Youth for Understanding, this great organization has enabled more than 30,000 young people to participate in student and cultural exchange activities which YFU has undertaken.

Youth for Understanding involves a living experience in a foreign country. The homes and families of the host country are utilized by the visiting students. In general, public secondary schools become the central learning institutions where the visiting students continue their education.

For the most part, private funds are used to defray travel and living expenses. The total budget of Youth for Understanding for 1971 was less than $4 million.

It is encouraging to me to recall that the Youth for Understanding program has had a close association with the spiritual and religious life of our country. Initial support for the program came from various Rotary Clubs as well as from the Ann Arbor Council of Churches where Mrs. Andreson served formerly as executive director.

Mr. Speaker, in commemorating this 20th year for Youth for Understanding and in order to indicate my earnest support of this type of student exchange activity, I have recently been in direct communication with the superintendents of all of the public and private high schools in my congressional district of Illinois. Arthur Collingsworth, Dr. Oliver T. Rose, and Carlos Russo are among those who have accompanied me or have individually visited with educators, and others in Illinois, in behalf of the YFU program. On Monday, February 14, interested students, parents and faculty from these schools will gather at the Libertyville, Ill., high school to discuss the Youth for Understanding program—with the exception of interesting additional students in participating in a year of study in some foreign country.

I am hopeful that a large number of students from the area which I serve in Congress will find it possible to enjoy the experience of learning and living abroad. Indeed, in this and other opportunities provided through the YFU programs, coupled with other similar activities which may reach increased numbers of persons in the years ahead, lies the great hope for establishing a world of peace and freedom.

Mr. Speaker, I commend Mrs. Rachel Andreson and all who have helped to establish and to advance the Youth for Understanding programs throughout these 20 years. I commend Secretary of State Rogers, the Assistant Secretary for Education and Cultural Affairs, Alan Reich, and Miss Harriet Elam, Director of Youth Activities at the State Department, for their support of YFU. In addition, I call this program to the attention of all in the executive branch, and more particularly to my colleagues in the Congress, and urge them to cooperate through legislation, personal efforts, and in other ways, to promote an expanded program of student exchanges through support of Youth for Understanding and other programs of educational and cultural exchange.

Mr. GERALD R. FORD. Mr. Speaker, I would like today to express my strong support or the Youth for Understanding program, which has become such a tremendous success that it now involves more than 6,000 students from 44 countries.

This student exchange program began in 1951, and that very first year the counties of Kent and Ionia in my congressional district in Michigan participated. This year there are 86 overseas students living in Kent and Ionia Counties, enrolled in 30 high schools and representing 13 European countries, Japan, Mexico, the Philippine Islands, South America, and Africa.

An equal number of our Kent and Ionia high school youth travel overseas each summer to take part in a family living experience. Some also participate in a 13-year-abroad study program, a YFU Chorale, a string ensemble, or a band ensemble. Our students who have lived in Finland have also visited Russia. This year our first Kent County student to go to Yugoslavia will initiate a two-way exchange with students from that country.

School administrators and personnel in Kent and Ionia Counties have been most cooperative in integrating YFU students into their high school programs. They feel that the cultural exchange involved enriches the school curriculum. Tuition, books, and many extracurricular opportunities are offered by the schools to integrate the overseas students into the school communities. In return, the foreign students eagerly share knowledge of their own nations.

In addition, the people of the 30 school communities in Kent and Ionia Counties have shown their concern for greater world understanding by volunteering to work on local committees. These committees encourage host families and stimulate interest, as well as financial aid. All of these efforts are aimed at encouraging youth from our area to become exchangees.

For the past 20 years, many service clubs, businesses, and civic, school, and church organizations have been—and are increasingly—represented on these local community committees. In Kent and Ionia Counties, YFU has the support and active participation of many of the Rotary, Kiwanis, and Lions Clubs, the Jaycees, Y's, Mens and American Business Clubs. The Grand Rapids, Mich., Education Association, parent-teacher-student associations, student councils, school international clubs, and parents' advisory groups are active members of these committees.

The Grand Rapids Symphony, Grand Rapids Civic Theater, Grand Rapids Community Concert Association, and Kiwanis Clubs provide complimentary tickets to cultural events in the area.

Active cooperation is given by the Grand Rapids Catholic Diocese, and Protestant and Jewish church groups.

The Grand Rapids Press, suburban Almanac, and other newspapers, WOOD television and radio, and WZZM television and radio, serving Grand Rapids and the surrounding area, cooperate by presenting YFU news and public spot announcements as well as special programs.

YFU has received three local grants, recently awarded to benefit our American YFU students in local areas. The Loutit Foundation of Grand Haven, Mich., in 1970 awarded a 3-year grant of $5,000 to three counties, including Kent—Grand Rapids. The Grand Rapids Foundation has awarded YFU $5,000 to be used in 1972 for students in Kent County alone, and this year, also, the Grand Rapids Rotary Club is providing the four Grand Rapids public, two Catholic and two private Christian schools in the immediate area $2,500 to benefit YFU-Rotary selectees. Qualifications of all these students will involve their potential as young ambassadors from their own localities and the United States, as well as financial need.

The feelings of the overseas students who have participated in the YFU program in Kent and Ionia Counties were superbly expressed by a student from Uruguay as she left the United States and Kent County after a 6-month family-school-and-community living experience. She wrote:

> I have learned a lot about this country, and about myself. I have learned how to understand and love people that suddenly happen to be my parents, my friends, my world. If this is what happens to every exchange student from all the world, good understanding between nations will soon arrive. I hope and I'm sure this program will keep on growing. I think it's great, and what happened to every one of us during this time will never be forgotten.

Mr. ANDERSON of Illinois. Mr. Speaker, this month will see the completion of 30,000 exchanges under the Youth for Understanding program, a landmark for one of the most significant exchange programs for high school level students. It has grown from modest beginnings 20 years ago to an annual level of thousands of participants from five continents.

Youth for Understanding offers a chance for the world's youth—at a most open and questing age—to gain an awareness of the wider world and a sympathetic appreciation of other cultures. A German girl mastering an American poem, an American student singing to awed Mexican youngsters, a Filipino boy viewing the dimensions of U.S. grain fields—these pieces of experience are the cement of international understanding which Youth for Understanding fosters.

This cross-cultural experience is made the more profound and indelible by having the participants, Americans and foreigners, live with host families and enter directly into school life during their foreign sojourn. My own district presently hosts three young men from as many European nations and has seen numerous others in Illinois communities over the program's two decades. I expect our student guests have returned to their homes with something of Illinois' 16th district in their bones and left a similar heritage with their host families.

It is doubly satisfying for a Congressman to praise an international effort which does not need our money. Youth for Understanding is virtually self-financed from student fees. Foundation and individual contributions help make it possible to offer some supplemental scholarships to students of lesser means.

One can be cynical about international exchange program and about the sometimes ephemeral words "understanding" and "good will." Yet the Youth for Understanding program has contributed to both in a real and practical way. Would that more of our young people, here and abroad, were touched by it.

Mr. CEDERBERG. Mr. Speaker, it is with a great deal of pleasure that I rise with my colleagues to praise the work of the Youth for Understanding program which is headquartered in my home State of Michigan.

We are all aware that the final source of the deep divisions which plague the peoples of the world is the lack of genuine understanding of, and appreciation for, the individual and his uniqueness. Throughout the centuries man has worked in many ways to overcome these divisions by getting to know more about and appreciate more fully his fellow man. Today, when we are able to communicate with individuals half-way around the world in the twinkling of an eye, when we can travel thousands of miles in only a few hours, when the statements and actions of world leaders are in the news only moments after they occur, today, more than ever, we need vehicles for understanding and appreciating our fellow man.

Youth for Understanding is just such a vehicle. And it performs its marvelous magic on those who have the least prejudices, the greatest degree of openness, and the most to gain by a genuine appreciation for our fellow man. We frequently hear phrases about youth indicating that they "are the leaders of tomorrow" and pointing out that our young people are our greatest asset. Often we do not recognize that the substance of such a statement is contained in another oft-quoted adage: "As the twig is bent, so grows the tree."

Since 1951, over 30,000 students have had the opportunity to be bent in the direction of a more open and understanding world. Youths from 45 nations have participated in this experience in the appreciation and understanding of the lives and ways of other people through Youth for Understanding.

While the young people who participate in the youth for understanding program receive a part of their education in our country—and young Americans receive the benefit of the educational experience of other nations—the students also live with native families and participate in the life of those families. Certainly this kind of experience exposes youth of all nationalities and backgrounds to the differences which exist between the peoples of the world.

But most significantly it exposes them to the very real truth that, in spite of our differences, we are more alike as human beings than we often allow ourselves to admit. Methods of government may differ, modes of dress and patterns of living may be unique, but under it all family and community life, the respect of man for man, sustain society and make it grow. The recognition of this basic fact, and the learning experience which is provided through coming into contact with new and different education systems certainly contributes significantly to a broader understanding of our own life and our place in a world rapidly growing smaller.

I had the opportunity to participate directly in one fine aspect of the youth for understanding program during the summer of 1970. At Saginaw Valley College, one of the fine educational facilities in my area of Michigan, these young people receive orientation and evaluation sessions as they enter and leave the program. It was my privilege to provide many of the students with some information regarding our American way of government and the democratic system in general. In meeting with these young people, I was impressed by the depth of their interest and their desire to learn and know more about America, its life and its people. Every one of us should have the opportunity for this type of experience. I know that I learned from my short time with the groups which I met and I am sure that the American families with which they lived also gained from the experience of having an exchange student in their home.

Most of all, however, the young person involved became convinced of the necessity of all men getting to know and appreciate one another. And that fact is the best testament we can make to the success of the youth for understanding program.

To hope that it continues to perform this function successfully in an increasingly complex world is our prayer.

Mr. CHAMBERLAIN. Mr. Speaker, I wish to join in saluting the fine work of the Youth for Understanding student exchange program. The purpose of this program, which has its headquarters in Ann Arbor, Mich., is to develop understanding among people of many nations through a family living experience. One of the ways it seeks to accomplish this is by sending American students overseas for 2 months in the summer to live with families in other countries. From a modest beginning in 1951, under the leadership of Dr. Rachel Anderson, the program has grown so that now about 4,000 exchange students on a nationwide basis are involved each year. Overall, some 39 countries have sent us students, and American students have gone abroad from most of the 50 States.

This person-to-person approach is an excellent way of promoting international understanding, and I am pleased to add my voice in paying tribute to this excellent endeavor.

Mr. HILLIS. Mr. Speaker, today I would like to make a few brief remarks on behalf of a program which I consider to be a valuable part of our educational system today—Youth for Understanding.

This international student exchange program is very popular in Indiana. In recent years, approximately 100 teenagers from high schools in Europe, Asia, and South America have attended high schools in Indiana each year. Just last year, some 25 students were welcomed in my own fifth district. Living with local host families, they have made significant contributions to their schools and larger community. Several have come to Indiana from behind the Iron Curtain.

In return, an average of 40 Indiana high school students each year have enjoyed an intercultural experience with families in other countries. Last year six had the opportunity to study for a full year in Sweden, Holland, Germany, and Finland, in the language of the country—think of what an incentive that would be to master those language drills.

Almost every Indiana family which has participated in the program cannot say enough good things about it. They become real YFU fanatics. Many, in fact, continue hosting foreign students year after year.

Recently I received a letter from the David Hartman family in Hartford City, Ind. The Hartmans first participated in the YFU program in 1959, when their daughter was chosen as an exchange student. Since then, this family has hosted nine international students.

Mrs. Hartman writes of her family's experience with YFU:

> Many of these perceptive young students, both from Indiana and other countries, as well as the families involved on both sides of the ocean, have indicated that the relationships and understanding developed in the course of this people-to-people program have been signally important to them, and their communities, in altering attitudes and promoting better international understanding and good will. The young people involved in Youth For Understanding will fill positions of leadership in their respective countries in the future.

Certainly this people-to-people approach is superior to foreign aid programs in promoting understanding and intercultural exchanges. And it does not cost the American taxpayers one cent—it is entirely privately financed, either through the student's family or through a local service organization, church, or other community group.

The Robert Paars of Lebanon, Ind., have hosted five different "sons" from Europe and South America. They write:

> We have always felt that each one of our exchange sons was someone very special, that we must be the luckiest family participating on any such program, and have formed a very close-knit group. We have also discovered with each one of our boys, that the relationship started during the year spent with us has continued to grow and mature through the years after their return home.

In 1960, the Paars took a 5-week trip to Europe and visted every one of their European sons. Mr. Paar writes:

> We met their families, fiances and friends. Each reunion was truly a memorable event, for the boys have all now matured into very wonderful young men of whom we are so very proud.

I personally have been sold on this type of program ever since my parents and Purdue University jointly sponsored four foreign exchange students from Ethiopia several years ago. Of the four, three graduated successfully, and one ranked second in his graduating class.

These three former students now are heading up their country's agriculture development program. Certainly this would have to be valued as a worthwhile investment.

In summation, I commend the youth

for understanding program for its contribution to international understanding on an independently financed, nonprofit basis. We could use more programs like it.

Mr. HANSEN of Idaho. Mr. Speaker, today as we recognize the work of the Youth for Understanding International Teenage Student Exchange program, let us express our particular pride not only in the outstanding young people who are carefully chosen to participate in this program but also in the thousands of families in our Nation and throughout the world who unselfishly open their homes to promote international understanding and good will.

Traveling abroad by students to Oxford, Heidelberg, the Sorbonne and other great universities has been customary for centuries, but the idea of teenage student exchange has only developed and approached its full potential in recent years.

In today's complex world, with national and international tensions continually reaching crisis proportions, what better way could there be to increase human understanding and to teach us to live in harmony by reducing ideological conflicts than for students from abroad to live as members of private families and as members of local civic and church communities.

The value of student exchange and foreign study as a means of learning to communicate with people of different cultural backgrounds cannot be questioned, and it is through communication and mutual appreciation of one another's values and life styles that we can help bind nations together in peace and understanding. And as one who has studied and traveled abroad under the Rotary Foundation program, I can attest personally to the extraordinary values of living, working, study, and traveling among people of different lands.

Youth for Understanding, in cooperation with the State Department, is the largest teenage exchange program in the United States. In Idaho, YFU started in 1969–70 with three students in my Second Congressional District—one student in Buhl and two in Gooding. This year, Idaho is hosting 19 YFU students.

I would particularly like to commend Mr. and Mrs. Don C. Hawks of Gooding, Idaho, who this year are serving as area representatives for Youth for Understanding and who have in the past acted as host family for two South American girls.

Second District families who are hosting YFU students this year are Mr. and Mrs. John P. Hamilton of Buhl—Jose Pinherio of Brazil;

Mr. and Mrs. Ross Corless of Heyburn—Marisa Baer of Brazil;

Mr. and Mrs. Doran Butler of Bliss—Monica Pino of Chile;

Mr. and Mrs. Burrel Williams of Shoshone—Marcio Caliope of Brazil;

Mr. and Mrs. C. W. Kroll of Idaho Falls—Jose Rebello of Brazil;

Mr. and Mrs. Edward C. McKim of Heyburn—Maria De Fatima Ferreira of Brazil;

Mr. and Mrs. W. A. Sandy of Hagerman—Lucia T. Theoduloz of Chile;

Mr. and Mrs. David Boring of Gooding—Nidia E. Velasco of Argentina;

Mr. and Mrs. Gary Major of Gooding—Brogotte Boisseau of France;

Mr. and Mrs. James Evans of Glenns Ferry—Francisco Pereira of Brazil;

Mr. and Mrs. Bob Anderson of Gooding—Matti Leinonen of Finland;

Mr. and Mrs. Morris Lattimer of Murtaugh—Fredrik Wachfmeister of Sweden;

Mr. and Mrs. Leonard Hurst of Bellevue—Bernard Hardick of Holland;

Mr. and Mrs. H. L. Arbaugh of Hailey—Annette Stubenrauch of Germany;

Mr. and Mrs. Harold Jenkins of Jerome—Jeanette Postma cf Holland;

Mr. and Mrs. Matt Smith of Twin Falls—Mehmed Housic of Yugoslavia;

Mr. and Mrs. Vernon L. Gillespie of Mountain Home—Guilherme Ferreria of Brazil;

Mr. and Mrs. Norman B. McIntosh of Kimberly—Wilson Moraes of Brazil.

It is with pleasure and with a deep sense of pride and gratitude that I join with my colleagues in the House in paying tribute today to the students, families and many others whose dedicated efforts have made Youth for Understanding the successful and worthwhile program it is today.

Mr. HARVEY. Mr. Speaker, since its inception in 1951, the Youth for Understanding, world-famous international teenage student exchange program, has enjoyed a special place in the hearts of thousands of residents of Michigan's Eighth Congressional District. Its success, its acceptance has been achieved because the program has proved to be one of our Nation's greatest "ambassadors" in cultivating better understanding and harmony among exceptional representatives of the countries involved.

The Eighth District, with particular emphasis on Saginaw, Mich., has assumed a leadership role in making this program one of the finest.

Only last year, approximately 6,500 YFU exchange students took part in the summer programs at Saginaw Valley College between June 14 and August 28 in Saginaw. There were three basic programs, including orientation for outgoing American students; evaluation sessions for returning European and South American students; and orientation for incoming European students. Stuart D. Gross, director of public affairs at Saginaw Valley College, and a member of the Youth for Understanding Board of Trustees, spearheaded this unique session.

A few years ago, it was my privilege to speak at an informal gathering of students from foreign countries at Saginaw. It was truly a rare and beneficial experience for me. I came away completely convinced that "people-to-people" contact, which the late President Dwight D. Eisenhower so advocated, must certainly be accelerated if this world is to truly reach a lasting peace.

Mrs. Roger Follebout, representative for the Saginaw area of YFU, has informed me that the Eighth District hosted approximately 200 international students last year and sent abroad approximately 100 American students for the summer months. This year about 150 international students are residing in the Eighth District and it is hoped that 125 American students will be sent abroad.

The YFU headquarters, located in Ann Arbor, Mich., recently revealed that since 1951, 30,000 students from more than 40 countries have participated in the program. At present approximately 3,100 students—1,234 from Europe, 1,615 from Latin America, 214 from Asia and 40 from Africa—between the ages of 16 and 18 are living with American families and attending local high schools in 45 States. More than 2,500 American high school students will go overseas through YFU to live with families for either a summer or all of 1972.

Just how meaningful; just how lasting is a program of such a personal nature? I think that an American family in the community of Ubly, Mich., has given the best testimony. I urge you to read the following letter that Mrs. Lynn Spencer wrote a few years ago to Mrs. Rachel Anderson, YFU's founder and executive director. It read:

> Our Mauro Bastos has become a permanent member of the family now and his family receives a weekly letter from us (done with carbon paper, circulation 11) which he will continue to receive when he returns home to Brazil. This allows our scattered family to communicate by sending one letter home. The messages between members contained in this letter allow us to remain closer together than in any other way, and give the English girl and her family, the Colombian boy, and now Mauro and his family an insight into everyday life in these other countries.
>
> This year's experience has changed all of us; our rural son has gained some understanding of the urban thinking; our urban Mauro has found many of the differences in life a contrast of city-country rather than geography; and all of us have gained sympathy and understanding of a new viewpoint.

It is a pleasure for me to extend my congratulations and thanks to the Youth for Understanding program and to all individuals who have contributed to its great success. I wish it the very best in the years ahead.

Mr. GIBBONS. Mr. Speaker, I am happy to join so many of my colleagues today in honoring Dr. Rachel Andreson for her outstanding achievement. I just want to emphasize two things about Youth for Understanding which, in my opinion, make it of particular value among all the fine student exchange programs.

First, Youth for Understanding was the first program to reestablish communications between American young people and those teenagers in Germany and Austria who were just young enough not to have been involved with the Hitler youth movement but were nevertheless tarred with the Nazi brush in world opinion. We all say we believe that the most effective way to international peace is through mutual understanding. In this instance, Dr. Andreson practiced what we preach by implementing this program at a time when contact with the ex-enemy as an equal was not universally supported.

Second, Youth for Understanding is not only the largest of the student exchange programs, but also seems to have an unusually varied geographical distribution. Our experience with the program in Florida has been interesting. We have participated in it for only the last 3 or 4 years, but already enthusiasm has grown enormously. It is not only the large urban areas, traditionally more international in outlook than rural sections, but small towns as well who have been among the most eager to welcome foreign students in their homes. I think it is significant that this program has been able to arouse such support in rural regions.

We want to continue to back these student exchange programs, not only because they are a step towards future world peace but also because they awaken us to a sense of our own American heritage and values. I am glad to have had this occasion to express publicly my support of Youth for Understanding.

Mr. NEDZI. Mr. Speaker, Michiganders who have worked with Youth for Understanding regard it as one of the most worthwhile volunteer organizations operating in the field.

Youth for Understanding was founded in Ann Arbor approximately twenty years ago. In the last two decades it has been responsible for an excellent program involving 30,000 young people and 40 countries. An extended living situation is provided in homes of host families.

Thousands of enduring friendships have been created by this people-to-people program. Understanding and good will have been quietly established with beneficial consequences which cannot be readily measured.

The emphasis is on high school students who are given the opportunity to spend 6 months to a year in the host country. Selection standards for both students and hosts are high.

America is well blessed with bright and adventurous young men and women. We are also the leading nation in the world in terms of volunteer organizations which do good deeds for society, accomplishing meaningful results with minimum fanfare.

I salute Youth for Understanding for its two decades of success, and I urge them to sustain their record of distinction.

Mr. McCLURE. Mr. Speaker, it is a pleasure to join my colleagues today in pointing to the benefits derived from student exchange programs.

In particular Youth for Understanding has made quite an impact on the people of my State. It seems to me that all of us have a role to play in bringing about world peace. And, I can think of no better way to advance it than through the exchanges made through Youth for Understanding. I am indebted to Mr. Don C. Hawkes, of Gooding, who is the area representative of the organization in Idaho, for sending me the names of those people in my State who have taken part in Youth for Understanding. As a means of paying tribute to them for their citizenship, I include their names as a part of my remarks at this time:

Jose Pinherio, Brasila, Brazil; Mr. & Mrs. John Patrick Hamilton, Route 2, Buhl, Ida. 83316.

Marisa Baer, Rio de Janeiro, Brazil; Mr. & Mrs. Ross Corless, 764 West 400 South, Heyburn, Ida. 83336.

Monica Pino, Talca, Chile; Mr. & Mrs. Doran Butler, Star Route, Bliss, Ida. 83314.

Marcio Calliope, Fortaleza, Brazil; Mr. & Mrs. Burrell Williams, Route 1, Shoshone, Ida. 83352.

Jose C. Rebello, Rio de Janeiro; Mr. & Mrs. C. W. Kroll, 797 7th St., Idaho Falls, Ida. 83401.

Maria De Fatima Ferreira, Goiani, Brazil; Mr. & Mrs. Edward C. McKim, Route 1, Heyburn, Ida. 83336.

Lucia T. Theoduloz, Iquique, Chile; Mr. & Mrs. W. A. Sandy, Hagerman, Ida. 83332.

Nidia E. Velasco, Cordoba, Argentina; Mr. & Mrs. David Boring, Route 2, Gooding, Ida. 83330.

Brogotte Boisseau, Trappes, France; Mr. & Mrs. Gary Major, 814 Michigan, Gooding, Idaho 83330.

Teodora Garcia, Chillian, Chile; Mr. & Mrs. Mark Howell, Route 1, Parma, Ida. 83660.

Francisco Pereira, Braganca Paulista, Brazil; Mr. & Mrs. James Evans, Box 636, Glemns Ferry, Ida.

Matti Leinonen, Helsinki, Finland; Mr. & Mrs. Bob Anderson, Box 206, Gooding, Ida. 83330.

Fredrik Wachfmeister, Lund, Sweden; Mr. & Mrs. Morris Lattimer, Box 133, Murtaugh, Idaho 83344.

Benrard Hardick, Enfchede, Holland; Mr. & Mrs. Leonard Hurst, Bellevue, Ida. 83313.

Annette Stubenraucg, Kiel, Germany; Mr. & Mrs. H. L. Arbaugh, 116 3rd Ave. South, Hailey, Ida. 83333.

Jeanette Postma, Groningen, Holland; Mr. & Mrs. Harold Jenkins, 720 North Davis, Jerome, Idaho 83338.

Mehmed Housic, Sara-Jebo, Yugoslavia; Mr. & Mrs. Matt Smith, Highlawn Drive, Twin Falls, Ida. 83301.

Guilherme Ferreria, Fortaleza, Brasil; Mr. & Mrs. Vernon L. Gillespie, 350 West 15 South, Mountain Home, Idaho 83647.

Wilson Moraes, Recife, Brazil; Mr. & Mrs. Norman B. McIntosh, Kimberly, Idaho.

Mr. MAZZOLI. Mr. Speaker, I wish to join my colleagues in commending Youth for Understanding on its outstanding student exchange program. Each year, through the efforts of this fine organization, as many as 4,000 teenagers from 44 nations around the world are given the opportunity to broaden their horizons by living as a guest in an American home or abroad. Youth for Understanding, which is nonprofit and nonsectarian, works with community schools, churches, and civic organizations to raise the scholarship funds which make its programs possible.

In our era of increasing tensions and distrust among nations and peoples, Youth for Understanding is making a vital contribution toward developing friendship and trust between the youth of America and of other countries, an effort which deserves congressional interest and support. Those young people who have participated in the program carry away with them unforgettable memories they will treasure all their lives, but perhaps even more important, they are ambassadors of goodwill from their countries to ours and vice versa.

I can think of no more valuable way for young people of all nations to gain understanding of customs, traditions, and ways of living different from their own than to actually experience them. It is an education that cannot be had by reading books or watching television or hearing a lecture. It teaches young people to reject the stereotypes of race and religion and national origin and to learn the tolerance that comes with recognizing people as individual human beings, united in the common brotherhood of all humankind.

I congratulate Youth for Understanding on its fine programs, and hope they will continue to expand in the future.

Mr. EDWARDS of California. Mr. Speaker, I rise to join my colleagues in honoring the fine work of Youth of Understanding, a nonprofit educational organization, has sought to promote international understanding on a person to person level. Youth for Understanding is the largest teenage exchange program in the United States and in 1972 over 2,500 American high school students will go overseas under the program. Because all exchange students have the opportunity to live with families in a foreign land, the experience is an invaluable one—both personally for the teenagers involved and for the nations of the world. What better ambassador could America have than these enthusiastic and idealistic young students? What better way could we have to share our national cultural life with others than by sharing American homes and families with teenagers from other lands. All of the fine people involved in this program should be commended. In these days of international turmoil, their efforts to promote peace and understanding become increasingly meaningful.

Mr. FORSYTHE. Mr. Speaker, I am pleased today to participate in this special order and to express my personal support of the very important Youth for Understanding teenage exchange program.

One of the problems confronting this world is the lack of understanding between the peoples of nations, generating distrust and suspicion.

By exchanging young people with other countries, the Youth for Understanding program is helping to bridge this chasm between nations through the family living experience.

International students living in America have an opportunity to observe the true fiber of the American people. They learn more than just how our schools function and what kind of cars we drive. They have a real opportunity to discover just what makes America tick.

By the same token, host families in this country learn much the same thing about their guest and his homeland. The process is repeated abroad, with American students discovering another country and the people of that country, through our student ambassador, discovering America.

I certainly want to encourage participation in the Youth for Understanding program, and I hope it can be expanded in the future.

Mr. STOKES. Mr. Speaker, I want to commend the gentleman from Michigan for taking this special order to recognize the accomplishments of Youth for Understanding. I want to associate myself with his remarks about the fine opportunities this program has provided for teenage students.

I am especially proud of a project launched by Youth for Understanding in Cleveland. Project SAY—Sponsor A Youngster—began in November of 1969.

The object was to promote a greater involvement of inner-city youngsters in the summer exchange program. Cleveland was selected for the project, because of its racial makeup which includes a considerable diversity of ethnic groups within the urban area. Dr. Marise T. Hadden, then YFU's director of Intergroup and Community Relations, was in charge of planning. She was assisted by some of Cleveland's community leaders, including Mayor Carl B. Stokes, Superintendent of Schools Dr. Paul W. Briggs, and Job Corps Director Dr. Zelma George. A committee of interested citizens began working to implement the project.

Financing was the prime concern in arranging for participation of inner city students, but the involvement of youngsters without the need for financial assistance was also encouraged.

An "Around the World" luncheon was held to stimulate interest. High school administrators were asked to send two potential exchange students and educators, clergymen, businessmen and women, political leaders, former exchange students, and other people from the community were invited. The guest speaker was His Excellency Ebenezer M. DeBrah, Ambassador from Ghana. Ghana and Liberia were the most recent countries to send students to the United States under the YFU program. His Excellency strongly advocated the program as a way for young people to learn about other cultures before their attitudes hardened into unchangeable patterns.

The luncheon resulted in the formation of a permanent committee to solicit support for the project. Committee members included: Chairman, Mr. Frank Jones; Mrs. Conella Brown, assistant superintendent of Catholic schools; Mrs. Kay Tyler; Mrs. Louise Grier; and Mrs. Grace White Ware. Mr. Jones subsequently became YFU area representative for Cleveland and is now a member of the YFU headquarters staff as coordinator of Ethnic Minorities.

The committee worked diligently both in raising funds and in screening candidates. Forty-three youngsters met the standards of the committee and Youth for Understanding criteria. Despite the efforts of the committee and the community in raising funds, more money was needed. Mrs. Rachel Andreson, YFU's executive director, recognizing the value of program development in inner-city areas, came to the rescue. She asked the board of trustees of YFU to provide the needed additional funds and they agreed.

The youngsters participated in a special orientation program and then YFU's regular orientation program at Saginaw Valley College. Then they left for their unforgettable experiences in Finland, Sweden, Germany, France, the Netherlands, Japan, and the Philippines.

Project SAY succeeded because of the dedication and cooperation of the Greater Cleveland Community and the commitment of YFU to the development of an inner-city program. Hopefully, the lessons learned in Cleveland will be applied to other urban areas for the benefit of many more inner-city students.

Mr. FULTON. Mr. Speaker, for more than 20 years Youth for Understanding has given international students the chance to live and study in the United States, as it has allowed American students to do so abroad. Forty nations, including our own, have participated in this program over the years, and now YFU involves about 4,000 exchange students each year.

Through this program, students can participate in family life in foreign cultures. This is in addition to the enrichment they receive from formal schooling in other lands.

Through these activities, students certainly do gain understanding of other peoples; they carry this understanding back to their homelands and share it with their neighbors. Understanding is a basic step toward mutual trust, cooperation, and peace among nations—goals we all seek. For this reason, I am happy to join this salute to Youth for Understanding.

Mr. PIRNIE. Mr. Speaker, in his recent state of the Union message, President Nixon urged that—

> We must remember that the greatest resource for good in this world is the power of the people themselves—not moving in lockstep to the commands of the few—but providing their own discipline and discovering their own destiny.

Discovering one's destiny is a thrilling experience in any age, but in today's world with its tensions and periodic explosions, civilization calls for more understanding, not only of ourselves, but of people throughout the world.

During the past 21 years, we have experienced crisis after crisis, often accompanied by war and destruction. Yet, during this trying period, a little known, but most effective program, Youth for Understanding, has been directed from an office in Ann Arbor, Mich. This international teenage student exchange program has involved some 30,000 students from 41 countries. During the 1971–72 year alone, over 1,600 foreign students will be visiting our country. These international students come from 29 countries, from such diversified areas as Argentina, Finland, Germany, Northern Ireland, Thailand, Egypt, Korea, and Yugoslavia. Just this year another 1,523 young people from South America arrived on our shores. They represent every country on that continent. These young people will be living, studying, playing, working, and observing in 32 States from New England to California, Minnesota to Louisiana. This student exchange program is designed to help them influence man's destiny on earth.

Communication is important and we can first learn to communicate by becoming better acquainted with people. We should meet with them, study with them, live with them and make friends with them. One really gets acquainted with people of other lands by living in the same home with them, eating at their table, and glimpsing life through their eyes. Our future security demands a vast increase in this kind of experience, a truly "people to people" approach.

We should recall Chancellor Brandt's reaction to the recent Florida visit he and his son enjoyed. After his high level talk with the President at Key Biscayne, Chancellor Brandt had the opportunity to move among a cross section of America, and he reports the experience was indeed refreshing. So impressed was he with the quality of American life, and the attitude of Americans, that he voiced the wish that all Germans could have the same opportunity to see the real America. Some West Germans will, through the Youth for Understanding program.

Chancellor Brandt's comments are indeed a striking testimonial to the value of such a program.

The success of the program is largely attributable to the leadership of Rachel Andreson, the executive director. Her background includes a degree in music from Wayne State and a masters degree in social work from the University of Michigan. In March of 1967, she received a Sesquicentennial Award from the University of Michigan as "one who exemplifies principles found in their theme: Knowledge, wisdom, and the courage to serve." In 1964 she was presented the Order of Merit by President Kekkonen. In 1958, she was awarded the Knights Cross of the Order of Merit by President Heuss of the Federal Republic of West Germany. In 1968, the Ministry of Education of Brazil awarded Dr. Andreson the Grand Cross of the Order of the Albatross and the Gold Medal of Arechal Rondon. She is also the recipient of numerous civic awards from churches and organizations in the Ann Arbor area.

Dr. Andreson is a symbol of dedication to all who are associated with the program. Those of us who have been involved in international affairs have long been frustrated by the lack of interest on the part of some North Americans in foreign policy and international affairs. Too many individuals become so involved in petty problems that things of international importance become too remote. This is far from realistic in this age of advanced science and space technology.

Mr. FRELINGHUYSEN. Mr. Speaker, I would like to take this opportunity to express my support for the Youth for Opportunity program. In my opinion this program, which began in 1951 and involves over 6,000 foreign exchange students, is thoroughly worthwhile. These 6,000 represent more than half of the total number of teenage foreign exchange students currently living in the United States.

Arriving here from 44 foreign countries, these students are invited into typical American homes. The emphasis of this program is on the word "typical." The exposure is not to a dream situation, but rather to the average American family's way of life. Through participation in high school, family and other aspects of community life, these students become familiar with our customs, beliefs, and ideals.

The Youth for Understanding program is not an agency to promote a particular way of life. It tries only to further understanding between cultures and ways of life.

Let me reiterate my conviction that this program, operating on a limited budget, yet wide-ranging in scope and effect, is well deserving of general support.

Mr. FRASER. Mr. Speaker, I am pleased to join today a number of my colleagues in giving recognition to the important work of Youth for Understanding, the largest of the international teenage student exchange programs. Youth for Understanding sends American students abroad and brings foreign students to the United States for study. A large number of Minnesota communities and schools have participated. Two schools in my district, Archbishop Grace High School in Fridley and Columbia Heights High School, welcomed exchange students participating in the Youth for Understanding program in the 1971–72 school year.

Two students from Germany—Mr. Peter Christiansen and Mrs. Angelika Joseph—and two from France—Mr. Pascal Manoukian and Mrs. Sylvie Morazzani—attend Archbishop Grace High School. Sister Mary Mark is the principal at Grace.

Mrs. Magda Belsack of Belgium and Mrs. Eira A. M. Toivonen of Finland attend Columbia Heights High School. Mr. Dewey R. Breisch is the principal.

The families who are acting as the American parents for these students also deserve recognition. The Barnes, Votruba, Meyer, and Harty families are hosting the Grace High School exchange students. At Columbia Heights, the Stanoch and Zook families are acting as hosts.

There are some obvious advantages to exchanges of this nature: Person-to-person contacts between foreign teenagers and Americans of all ages help to foster international understanding. Americans traveling to foreign lands, as well as foreign exchange students coming to the United States, have new social, cultural, and political experiences. To growing and intellectually inquisitive youth, these experiences can be important positive molders of opinions and throught patterns. Obviously, all experiences will not be positive, but exposure to the reality of American life should be a more positive long-range influence than a distorted view of our country.

Youth for Understanding plays an important role also on a personal level. Not only do the participants learn about the people and land they visit, they learn a lot about themselves. While the opportunity to travel permits them to see and participate in another culture, it also gives them an opportunity to see themselves more clearly. The year that each teenager is away from his or her home environment inevitably leads to a growth of personal awareness and sensitivity to his or her individual situation. While this aspect of the program is not often emphasized and is not the raison d'être for Youth for Understanding, to the individual it is important and socially significant.

Mr. Speaker, 2 years ago I noted among our American youth a great stirring. Young people were caught up in some of the most far-reaching controversies ever experienced by our Nation: The horrors of Vietnam, the agonies of starvation at home and abroad, growing racial tension, and the threat of pollution to our earthly environment. These concerns were central to the lives of American youth then and they are today. Failure of our citizens and our institutions to grapple with these matters will lead to youthful commitment being displaced by cynicism. That is why we must do whatever we can to nurture programs such as Youth for Understanding. Through exchange programs such as these and the other youth oriented programs dedicated to building constructive relationships with peoples of other nations, youthful idealism can be converted to mature problem-solving.

Mr. WILLIAM D. FORD. Mr. Speaker, today I would like to join my distinguished colleagues in an expression of support for Youth for Understanding, a most worthwhile and successful teenage foreign exchange program.

I am especially proud to note that this fine program originated partially within my own congressional district in the State of Michigan. Youth for Understanding began in 1951 when the Detroit, Mich., area Rotary Clubs agreed to host 75 German teenagers who were selected for an exchange experience by the U.S. State Department.

Since that time Youth for Understanding has developed into the largest and fastest growing teenage exchange programs. More than 30,000 students from 45 countries have participated in Youth for Understanding programs since the initial endeavor in 1951. This organization is now one of only three exchange programs officially recognized by the U.S. State Department.

The program is active throughout my entire congressional district. Presently there are over 20 students from at least 12 different countries living with families in my constituency.

The participating schools include Allen Park High School in Allen Park, Annapolis and Crestwood High Schools in Dearborn Heights, East High School and Vogel Junior High School in Garden City, and Lincoln Park High School in Lincoln Park.

Huron High School in New Boston, John F. Kennedy and Taylor Center High Schools in Taylor, Wayne Memorial High School in Wayne, and John Glenn High School in Westland are also participating in the program during the current school year.

Mr. Speaker, last year Mrs. Patricia Tallmadge, a member of my district office staff, provided me with a very special insight into the Youth for Understanding activities.

During the 1970–71 school year, the Tallmadge family participated in this program and acted as a host family for 5½ months, during which Miss Irene Maureira of Chile resided with them. After Miss Maureira's warm and happy stay in Wayne, Mich., the Tallmadge's daughter, Miss Mari Tallmadge, traveled to Chile with Miss Maureira and remained there for 3 months. The Tallmadge family has related to me that this has been one of their most pleasant and delightful experiences, and I have heard similar comments from many others who have become involved in this program.

Mr. Speaker, once again I would like to express my appreciation and support for Youth for Understanding. It is certainly one of the most worthwhile youth programs in existence, and I would recommend it to any family interested in participating in youth exchange activities.

Mr. GUBSER. Mr. Speaker, surely, in the effort to keep this world a peaceful one, the contribution made by organizations such as Youth for Understanding is incalculably great, and fully deserves the support and commendation being demonstrated in its behalf today.

In bringing young people from many countries together in an indepth, meaningful fashion, the inevitable result is greater mutual tolerance and understanding.

The "multiplier effect" of this type of exchange student program has been well established. I have had personal knowledge of several situations in which students from abroad have created numerous friendships with Americans of all ages—friendships which have proven lasting and meaningful to all concerned. The goodwill and fond memories endure, I am sure, for a lifetime.

In my own congressional district, the 10th of California, Youth for Understanding has been operating for 7 years. During that time 246 foreign students have lived with families and attended school in the area, and 242 young people from my district have spent similar periods abroad. Twenty-eight different countries have been represented in these exchanges.

Attitudes are formed when we are young, and I shall reiterate again my support for programs which make it possible for young people from all cultures to become familiar with different points of view and ways of life. Youth for Understanding has been remarkably successful in promoting these goals, and I am hopeful that by recognizing these efforts now they can be expanded and strengthened. In so doing we have, literally, everything to gain in terms of understanding among human beings.

Mr. CRANE. Mr. Speaker, from the beginning of man's existence in the world, one of the things which has led to strife between nations, religious fellowships, and racial groups has been suspicion and unfamiliarity with the stranger.

Even a panoramic look at today's world shows us the divisions which exist between men, often based upon ignorance and fear of the unknown.

The most cursory investigation of the U.S.S.R., for example, reveals that the Chechen, Ingush, Karachai, Balkar, Crimean Tartars, and Jews are the victims of far greater racism than any known in the Western world. Indeed, it is government sponsored racism. the most pernicious because it leads to pogroms and concentration camps.

The mystical and unmaterialistic Orient would provide equally fertile ground for the observation of man's inhumanity to man. Here we find feared and despised Chinese minorities in countries such as Thailand and Indonesia. The persecution of Hindus in Pakistan and Moslems in India is well known. In Africa, Nigerians despise Biafrans, because they are short and ambitious. In South Africa, it is not only whites and blacks who fail to live in harmony. Indians and blacks live in mutual suspicion which occasionally explodes into violence. In Latin America, Indians and mestizos regard each other as less than human.

Even Europe, allegedly "advanced" in such matters, shows a similar proclivity toward suspicion of the stranger. Slovaks hate Hungarians, Poles hate Germans and Russians, Finns are at odds with Swedes and Russians. The Serbs, Croats, and Slovenes have long been in conflict. The Irish have been hostile to the English, and the English have reciprocated. In fact, the Irish of County Cork dislike the Irish of County Connaught. Darker Italians from the south are treated as inferiors by northern Italians.

These webs of hatred have led to genocide, committed not only by the Germans in World War II, but by the British in Tasmania, the Dutch in South Africa, the Portuguese in Brazil, and the Russians in Hungary and the Soviet Union.

Our own society has not, of course, been immune from such tensions between racial and ethnic groups. The unfortunate fact is that such divisions have been so much and so unfortunate a part of man's history that Brewton Barry, in his work "Race and Ethnic Relations," states that racial harmony itself is a special exception. In the three cases he cites, unusual factors apparently play a large part in causing it. In the case of the Tungus and the Cossacks of Manchuria, for example, the cause of harmony seems to be their shared hatred for a third race, their Chinese neighbors.

If we have learned anything from history, it is that we pay a high price indeed for such hatred and suspicion. All efforts to bring men closer together, to expose them to their common humanity, to enable them to understand one another as individuals rather than as representatives of groups, whether racial, religious, or economic, is a step toward creating a better world.

It is in this sense that I wish to commend Youth for Understanding for its efforts in this area of breaking down prejudices and bringing young people from throughout the world to our own country as well as providing young Americans with an opportunity to live and study abroad.

Since its creation in 1951, this organization has brought more than 30,000 students from more than 40 countries into its program. At present, approximately 3,100 students between the ages of 16 and 18 are living with American families and attending local high schools in 45 American States. In addition, more than 2,500 American high school students will go overseas through Youth for Understanding to live with families for either a summer or a full year in 1972.

The function of Youth for Understanding, as stated in its bylaws, is to "promote international understanding by sponsoring, developing and carrying out international student exchange programs—to secure an interfaith and interracial approach to international good will by providing qualified young people with broad experience through living with families in other countries.

As we congratulate Youth for Understanding upon its excellent work in this field, we must at the same time wish it many more years of success. The world is in as much need of understanding today as it has been in any time in its history. The civil strife in Northern Ireland, in Pakistan, and in many other sensitive areas is eloquent testimony to that fact. In this troubled world, Youth for Understanding has played an important role. Hopefully, it will continue to play this role for many years.

Mr. BROWN of Michigan. Mr. Speaker, young people bring a special zest to the endless search to understand better the human condition. They seem more ready to trust that the new and unknown is to be accepted and considered, that differences among people are not so much to be feared as appreciated and understood.

The opportunity for large numbers of teenagers to leave their families for a summer or even a year and be welcomed into new families in a distant and foreign land is truly one of the luxuries and marvels of modern times. The resultant experiences enrich the individual lives of all participants, and thus, indirectly the lives of us all.

Cross-cultural experiences teach us something of ourselves as well as others.

People everywhere experience happiness and sadness, but often—because of culture—for quite different reasons. It can in a small way be unsettling for an exchange student to see for the first time new-found foreign friends enjoying a good laugh over something which to him seems pointless, or even worse, cruel.

Furthermore, like a fresh water fish thrown into salt water, an exchange student may initially find that being taken out of his cultural environment and dropped into another can cause him some difficulty. If he is an American with his culturally instilled organizational sense of human relationships and a sense of impersonal responsibility to his community and country, he may at first blush find a culture which places primary importance on one's family and friends and a very personal sense of responsibility to them a difficult environment in which to relate to others. On the one hand he may be frequently and unduly disappointed when others do not keep their promises to meet him at a certain time or provide him with assistance he had counted upon. On the other hand, he may find it emotionally draining, at least initially, to devote most of his time and attention to simply being together with the family and friends, enjoying each other's company.

Time, of course, does not translate well and time zones are only one kind of time barrier. A day in one culture may be a week, a month, or even years in another culture. That is, what one is accustomed to doing and seeing done within a certain calendar period may be recognizable in another culture only over shorter or longer calendar periods. A society's priorities by-in-large are defined not so much in public debate as they are in the collective social and cultural adjustments of a people through the ages.

Further, languages do not equate and are as varied in their capabilities to give voice to feelings and thoughts as the instruments of an orchestra. They reflect the felt historical, social, and moral needs of a particular people seeking to give expression to their own experiences and their own sense of the world around them. Learning a foreign language is really a process of learning to intellectually and emotionally understand the world in a new way, and involves considerable sympathetic imagination, going far beyond the mechanical learning of a language which, of course, can be done by machine.

These and many other similar kinds of experiences, coupled with a reaching out on his own part, enables an exchange student to better appreciate cultural differences. And with such an appreciation comes a deeper understanding of the oneness of man's experience. All men share a certain poverty, a poverty imposed by certain common limitations, some of which are cultural. Appreciated and understood, such limits challenge the human spirit to be surmounted.

Returning to one's own country after having lived abroad is to see your country, your friends, and even your family through new eyes. The occasion can understandably be a cause of some sadness. It is in fact part of the enriching process of the whole experience. While it is unlikely that a great percentage of the teenagers involved today in such exchange programs will go into their respective country's foreign service, their experience is nevertheless invaluable to them and to the world, providing a kind of leaven in their own and the collective experience of mankind. It is difficult to imagine a young person returning home after having lived abroad and not being more awake to the differences among his own people, more willing and more able to reach out and understand, to bridge differences between people and thus strengthen his own society and all mankind.

Mr. Speaker, I believe the cross-cultural experience is truly an enriching one, deepening human understanding. I feel that I am privileged to join my colleagues today to honor what in our own culture's terms is "the largest and fastest growing organization in the field of teenage exchange programs," Youth for Understanding. Of course, the real and lasting tribute to Youth for Understanding is being—and will continue to be—paid through the lives of the more than 30,000 students from more than 45 countries which have been privileged to participate in its programs.

Each year, Youth for Understanding—which was founded in the State of Michigan—conducts orientation sessions for Latin American students at the MEA Conference Center in Battle Creek. Just recently, nearly 1,700 Latin American exchange students completed such an orientation session. Last year, I was privileged to be able to speak to a similar group.

I am proud to note that currently there are attending high schools in the Third District of Michigan which I represent 25 exchange students, who **through the Youth for Understanding** program are living as sons and daughters with Third District families.

Mr. Speaker, I include a list of these students, the high schools that they are attending and the families with which they are living in the RECORD at the conclusion of my remarks, along with a summary statement of the activities of the Youth for Understanding:

### EXCHANGE STUDENTS, THEIR NATIONAL ORIGIN, THE HIGH SCHOOLS THEY ARE ATTENDING AND THEIR SPONSORING FAMILIES IN MICHIGAN'S THIRD CONGRESSIONAL DISTRICT

#### BATTLE CREEK

Central High School, principal, Mr. William Tunnicliff: Mr. Wilhelm Hell, Netherlands, L. Chadderon.

Lakeview High School, principal, Mr. Theodore N. Thomas: Miss Angelika Hartmann, Germany, R. Kinney.

Pennfield High School, principal, Mr. Robert Grimes: Mr. Thomas Wohlfarth, Germany, A. Kurzmann.

#### CHARLOTTE

Charlotte High School, principal, Mr. James H. Champion: Mr. Manuel Schroeter, Germany, L. Lautzenheiser.

#### CLIMAX

Climax-Scotts High School, principal, Mr. Dennis McMahon: Mr. Tony Peetermans, Belgium, W. Pratt. Miss Pirkko Kivinen, Finland, J. Longman.

#### ELSIE

Ovid-Elsie High School, principal, Mr. Blain Lentz: Miss Marie E. Wahlstrom, Sweden, L. Marton.

#### GRAND LEDGE

Grand Ledge High School, principal Mr. Elmer Weaver: Miss Eva Fjeldstad, Norway, L. Pryor. Mr. Soren Jensen, Denmark, G. Powers.

#### HASTINGS

Hastings High School, principal, Mr. Robert Vander Veen: Mr. Janez Resman, Yugoslavia, L. Markley. Miss Margaretha Peters, Netherlands, G. Cove. Miss Raili Taipale, Finland, E. Haywood.

#### KALAMAZOO

Msgr. Hackett High School, principal, Bro. Donald McCoy, S.M.: Mr. Margus Frost, Germany, M. Graf.

Loy Norrix High School, principal, Dr. Joseph Serra: Miss Vladislava Bokan, Yugoslavia, W. W. Kent. Mr. Henri C. Funck, Belgium, A. Parker. Miss Elisabeth Gerdts, Germany, K. Borst. Miss Annette Weigelt, Denmark, R. Arend.

#### MARSHALL

Marshall High School, principal, Mr. William Crumrine: Miss Sandra J. Huber, Netherlands, F. Van Wieren.

#### MIDDLEVILLE

Thornapple W. K. Kellogg High School, principal, Mr. Richard Muessig: Mr. Helmut Kohl, Germany, R. Munn.

#### OLIVET

Olivet High School, principal, Mr. Walter Creason: Mr. Lassi Hietanen, Finland, J. Bowers. Mr. Per-Olof Wiklund, Sweden M. Hunter.

#### PARCHMENT

Parchment High School, principal, Mr. H. Richard Johns: Miss Vera Antic, Yugoslavia, L. Cox.

#### PORTAGE

Portage Northern High School, principal, Mr. Richard Higgs: Miss Annick Wels, France, J. S. Kostin.

#### SCHOOLCRAFT

Schoolcraft High School, principal, Mr. James Migliaccio: Mr. Han M. Kok, Netherlands, F. L. Thomas. Miss Karin Larsen, Sweden, G. McIntyre.

### YOUTH FOR UNDERSTANDING TEENAGE EXCHANGE

Youth for Understanding is one of the several organizations in the United States that provides, in cooperation with the Department of State, for the exchange of students between the United States and other countries. Through these programs students are sent to live in homes abroad and students from abroad come to live with American families. The program is fully interfaith and interracial. In 1970 it received the official endorsement of the Division of Youth Activities of the United States Catholic Conference.

The purpose of YFU is to develop understanding among people through a family living experience.

International students have the opportunity to develop an appreciation of the American way of life through participation in family, school and community activities. As a regular student in a high school he learns first hand the philosophy and conduct of American schools.

The purpose of sending American students overseas for two months in the summer is to introduce them to life in another country. They share in family and community life to develop greater appreciation of the cultural background and historic contributions of other peoples. The 13th year students have the additional opportunity to study abroad.

Sponsors: YFU works with community committees to provide sponsorship through local organizations, such as high schools, churches, PTAs, service clubs, business and professional groups. These YFU committees assist in finding host families for international students. They welcome them to the community and offer many enriching experiences during their stay in the United States.

Local committees also help in the selection of American students who wish to go abroad, and may help raise funds for International and American exchange students.

Host families receive International students as members of their own families and furnish them with room and board. They may also provide some spending money or help find employment so that the student may earn pocket money. Each student is expected to live as a member of the family, doing his share of household chores, which includes taking care of his room and personal effects. While some students feel a bit strange at first they soon come to feel very much at home with the family. This relationship is mutually gratifying.

Families who wish to become hosts to a student from abroad may apply through the YFU community committee, the regional or the Ann Arbor office. An application form is provided and families are interviewed by a representative of YFU.

Families are carefully screened to select the kind of family that will provide a significant and wholesome experience for students from abroad. While extraordinary merit is not required, they are expected to represent the best of typical American family life. Each student and family is assigned to a YFU representative for home calling and counseling.

Programs of the YFU exchange: The YFU has five programs at present:

1. International Students—High School Program. International students are selected by competent YFU national committees of other countries. They come for a stay of 6 or 11 months, which includes study in an American high school. They are well qualified youth, 15 through 17 years of age, in good health, and with a working knowledge of English. Students submit their applications abroad and are screened to obtain the type of highly qualified student who will give and receive the most in this cultural exchange. Once a student has been approved by his National Committee his credentials are sent to the YFU International headquarters in Ann Arbor for final acceptance. Then he is assigned to a host family which has been interviewed and recommended by a local YFU committee.

2. Mexican Program. Mexican students of junior high and high school ages come to the United States to live with families for six weeks. The procedure for the selection of Mexican students and the assignment to families in the United States is the same as for International high school students.

3. American Students—Summer Program. Each year YFU sends hundreds of American High School you to other countries. Most of them live for two months with carefully selected families. Since they go in summer, attendance at school is not intended, although some may visit for a few days before schools close for summer vacation. Special language study and classes in government, art or history may be available in some countries where there is a sufficient concentration of American exchange students. This opporttunity to travel and live with a family in another country has a broadening influence in ones personal development. Host families overseas are carefully chosen by YFU National Committees.

Jr. High School students as well as high school students are included in the summer to Mexico exchange.

4. American Students—13th Year Study Abroad Program. A select group of American students who are high school graduates with high academic ability, and excellent scholastic record with a facility in a foreign language may apply for the 13th year of study abroad. Students live for approximately 14 months with a carefully selected family and attend an approved school.

5. American Students—YFU Music Programs. Each year a Chorale is developed, usually in the vicinity of Ann Arbor, which rehearses for several months and then makes a tour, either of Europe or Latin America. Students interested may inquire about requirements at the Ann Arbor office or the Music Department of their high school. Applications must be submitted very early as students must be accepted as a YFU exchange student and then be auditioned by the Chorale Conductor in October preceding the summer tour. Other musical groups are also formed in a similar manner.

Applicant may apply directly through his high school, the local YFU committee the regional or the Ann Arbor office. Schools are not given quotas, but only qualified students should apply. Selection is on an individual basis, determined by information from the application, references, school records, personal statement and the interview.

Since its beginning in 1951, Dr. Andresen, the Executive Director, has guided the development of the program. From a small group of 75 German students placed in southeastern Michigan, the program has grown to include about 4000 exchange students on a nationwide basis each year. Thirty-nine countries have sent us students and American students have gone abroad from most of the states in the United States.

Regional staff representatives and their committees are now located throughout the United States. They are available to answer all inquiries from students, host families and schools.

To make this exchange possible, YFU has offices in Europe, South America, Philippines, Japan and Africa. YFU chairmen and committees overseas are all residents of each country.

Two sound, 16mm films in color, about YFU students living here and abroad are available for schools, churches or clubs.

For further information about the Youth for Understanding program or for assistance in developing a YFU committee in your area, please write to the International Office in

> Ann Arbor, Michigan. Your inquiry will be referred to the staff representative nearest you or a member of the Ann Arbor staff will contact you directly.

Mr. MORSE. Mr. Speaker, it is with great pleasure that I take this opportunity to salute and commend the Youth for Understanding International Teenage Student Exchange program.

Originally founded in 1951 when German and Austrian youngsters were brought to live with American families, the program has now expanded to encompass more than 40 countries in Europe, Asia, Africa, and the Americas. The program brings youngsters from these countries to the United States and, in addition, sends American teenagers overseas for periods of from 2 months to 1 year. Youth for Understanding, one of three teenage exchange programs recognized by the State Department, is operated on a nonprofit basis from its headquarters in Ann Arbor, Mich., and seeks to foster greater international understanding through a family living experience.

I am particularly impressed and encouraged by the noteworthy development and success of Youth for Understanding's exchange program with South and Central America. YFU overseas currently has extensive exchange programs operating in Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guatemala, Mexico, Paraguay, Peru, and Uruguay. In fact, the program in Brazil is the largest and most rapidly growing YFU program in the world.

I believe that the kind of intercultural program exemplified by YFU is unsurpassed for encouraging true understanding between Americans and people throughout the world. Young people are natural goodwill ambassadors, able to make the necessary adjustments to fully understand, appreciate, and enjoy their experience and contact with unfamiliar cultures and life styles. They retain the memory of their experiences clearly and eagerly share them with their own communities when they return home. It is just an exchange which holds out the greatest hope for the continued growth of true mutual understanding and respect among all the countries of the Americas and all the nations of the world. And it is quality programs such as Youth for Understanding, carefully and thoughtfully conceived and executed, with high standards yet great flexibility, that make the exchange experience so memorable and productive for so many youngsters.

I salute the Youth for Understanding exchange program and wish it many more years of continued success.

Mr. ABOUREZK. Mr. Speaker, yesterday, at the National Prayer Breakfast, President Nixon stated that 1972 is a "year of opportunity for peace such as America has never had." I certainly agree that such an opportunity exists and hope that we will have the wisdom to take advantage of it.

An organization which has been working on behalf of peace for 20 years is the Youth for Understanding program. In a telegram to Dr. Rachel Andreson, who has almost single handedly been the moving force behind this program, the President said:

> The program's student exchanges provide a splendid opportunity for teenagers to learn about other peoples and cultures. The ties of friendship and understanding they promote augur a more peaceful and promising future for mankind.

Again, I share this view and would like to take advantage of the Youth for Understanding program.

The YFU program is dependent on the hard work of countless volunteers and the willingness of thousands of Americans to share their homes with teenagers from abroad. For example, Mrs. Sherman Monroe, of Fort Pierre, S. Dak., is a regional manager for this program. She works with schools, churches, and communities of South Dakota in placing students from other countries in our schools on either a 6-month or 1-year program. She also helps American students who want to go to a foreign country on our program. She coordinates the activities of other volunteers who work locally to call on schools, interview and qualify host families and to keep in touch with these people during the students' stay in the United States.

There are approximately 100 students in South Dakota with YFU this year. Fifty of them are European students of the 1-year program. The other 50 are South American students who come for a 6-month home stay. This kind of interaction and understanding is invaluable in promoting a world of peace.

I would commend my colleagues for arranging this special order to provide recognition for this program. I am glad that I can take part by adding my praise and complements to all the hard-working people who have done so much to promote understanding among the youth of our world.

Mrs. GRIFFITHS. Mr. Speaker, at this time I would like to join my colleagues in honoring the work of Youth for Understanding. The headquarters of this nonprofit educational organization is in my own State of Michigan. Its very name denotes its purpose and its value—to promote world understanding through a living experience for young people. In its 20 years of existence, more than 30,000 teenagers from 48 nations have participated in the Youth for Understanding program. The young Americans who have lived abroad will never forget this experience. And the youths from Europe, Asia, Latin America, and Africa who have seen firsthand how Americans live and learn have returned to their homelands with a better understanding of life in the United States. The strength of the bonds made by these person-to-person cultural exchanges cannot be underestimated, and I recognize this organization's outstanding work in promoting international understanding.

Mr. BROOMFIELD. Mr. Speaker, during the past 21 years, Youth for Understanding has helped forge an important link in strengthened and expanded world understanding.

Originally sponsored by the Michigan and Ann Arbor Councils of Churches, it continues to cooperate with these and other groups, but now as a national independent organization. Since 1951, it has brought over 12,000 foreign high school students to the United States and sent 8,000 American students to live with families abroad. These foreign students have the opportunity not only to live with an American family for a period of 11 months, but also to attend a local high school during that time.

The American students, on the other hand, have two options from which to choose. If they are attending high school at the time of their participation in the program, their summer is spent with a foreign family. But if these students have already graduated, they may go abroad before entering college. Or, if these students choose, they may spend 14 months in a particular country while pursuing further education in an accredited school. No matter which method, each student is introduced to the language, culture, and ideas prevalent in whatever country he or she visits.

Mr. Speaker, selection of foreign students is done by national committees in respective countries. U.S. community organizations give financial support to incoming and outgoing students and YFU works with schools and student councils to make the academic arrangements.

Presently, YFU maintains a student choir that tours both Europe and Latin America. Also, this fine organization annually runs an exchange with our neighbor to the south, Mexico. In December and January, the Mexican students live with an American family, while during the summer, their American counterparts spend time in Mexico.

YFU provides benefits to the families who receive foreign students, as well as the young people who participate directly. I have in my office many letters that express the feelings of the families who in the past have had foreign exchange students living with them. I quote from one of them:

> Time goes so fast. It seems like only yesterday since Hans joined our family. My wife and I have become accustomed to referring to "our three sons" without much difficulty because the three are much closer in many respects than most brothers born into the same family. We are dreading the time of Hans' departure.
>
> Our association with YFU has been one of the most interesting and rewarding experiences of our lives. Communication has been excellent at all levels and a whole new world has opened before us. The problems we anticipated didn't materialize and countless little things we did not expect have brought joy and laughter. I suppose you receive frequent letters from host parents bragging about their son or daughter so I hope you will forgive the following remark—We still think we have the best!!!

Mr. Speaker, I think the letter speaks for itself, but it goes without saying that if this one example is any indication of what the participants of this program feel about their experiences, YFU is a tremendous success. A success, not only in the joy brought to these people, but also in the international understanding it surely has fostered.

I strongly commend this organization and hope that it may continue and expand its fine work.

Mr. ROY. Mr. Speaker, as one whose

family has benefited greatly from Youth for Understanding and as a member of Rotary International, it is a pleasure for me to join with my distinguished colleagues in support of this fine student exchange program. Begun in 1951 as a Rotary project, it has been ably administered by Mrs. Rachel Andersen, executive director, since 1952. Under her leadership it has achieved cooperation with many church and civic groups and has helped to meet the need for greater cultural understanding of more than 30,000 student participants from 45 countries and 42 different States of these United States of America.

From its original inception it has expanded to include not only the 1-year and 6-month exchange of high school teenagers, but exchanges of college-age youth; summer survey courses which include tours and seminars; chorale and concert exchanges; and, more importantly, an exchange of youthful good will and enthusiasm.

Such programs encourage our youth to more fully understand their own cultures and those of other peoples. A recent attitudinal study definitely showed that such exchanges result in improved attitudes toward other people, thus, contributing in achieving the stated objective of YFU, "an interfaith and interracial approach to international good will."

I speak from personal experience as my contact with the program resulted in an exchange which has brought three young people from Mexico to live in our home, and given four of our daughters the pleasure of similar experiences in that country. Today, I express praise for the tremendous job that this fine organization and others like it are doing for youth from many nations and many walks of life. I also wish to express my gratitude and that of my family for the personal benefit we have derived from this truly "living" experience. I heartily commend to others the program's great potential for personal growth.

Mr. RAILSBACK. Mr. Speaker, I am pleased to join my colleagues in paying tribute to the Youth for Understanding program.

For years, students have traveled to other lands in pursuit of knowledge. The great universities of Europe—Cambridge, Heidelberg, Oxford, and the Sorbonne—have been centers of international learning.

In the latter half of this century, teenage student exchange programs have become very popular. The ages of the participants introduce a new dimension to foreign studies.

One such program, Youth for Understanding, was begun in 1951 by Dr. Rachel Andreson. From a small beginning of 75 German students placed in southeastern Michigan schools, the program has now grown to 6,000 exchange students placed annually all over the world.

Briefly stated, the purpose of Youth for Understanding is to develop better relationships among people of different lands through common living experiences. Each participant becomes, for a limited time, a member of a private family. As such, he learns of his host's life at home, in school, and in his community.

Families are carefully screened to assure that they will provide significant learning experiences for the young people.

The teenagers, on the other hand, must have good scholastic records, be active in school, church, and community affairs, and capable of handling responsibility.

Youth for Understanding has five different exchange programs at the present time. These are: First, the International Student High School program; second, the Mexican program; third, the American Students Summer program; fourth, the American Students 13th-Year Study Abroad program; and fifth, the American Students Music program.

Youth for Understanding depends upon high schools, churches, service clubs, and business and professional groups to sponsor qualified students. It works closely with the Department of State to exchange students of the United States with those of other countries.

In Illinois, over 30 schools participate in the Youth for Understanding program, including several in the quad-cities area.

At a time when all of us need to develop a better understanding and appreciation of peoples of other lands, Youth for Understanding helps fill the need.

Mr. FRENZEL. Mr. Speaker, I am pleased and privileged to join in the tribute today to Youth for Understanding. This international teenage student exchange program deserves great commendation and far more public recognition.

Operating principally with private funds, its programs have included more than 30,000 students from more than 40 countries. Last year, 29 students from Minnesota, including 11 from my Third District, participated in the Youth for Understanding program in 19 different countries. In the last 3 years, 320 students from 43 different countries have stayed in Minnesota homes.

The State Department encourages and helps to promote Youth for Understanding programs. In the aggregate, Federal support makes up only a tiny percentage of the Youth for Understanding budget. The result is an excellent partnership of private initiative and modest Government encouragement.

Mr. Speaker, I am proud to add my voice today to the many others in praise of Youth for Understanding.

Mr. DENNIS. Mr. Speaker, the Youth for Understanding exchange student program has a worthy purpose—to promote international understanding and goodwill by providing young people with broad experience through living with families of other countries. Under this program each year my own State has had approximately 100 teenagers from the school systems of Europe, Asia, and South America attending Indiana high schools while living with local host families. These students have made valuable contributions to their schools and communities. Several of these young men and women have come to Indiana from behind the Iron Curtain, a fact which may hold forth the best hope that future leaders of the Iron Curtain countries may prove to be more enlightened than those of the present day. In turn, each year a group of Indiana high school students have studied in foreign countries and have had the enriching experience of family life abroad. The relationships established through this interchange cannot help, but work toward a better understanding between the peoples of the world.

I gladly join in this tribute to Youth for Understanding and congratulate the leaders for their dedication to this worthwhile program.

Mr. CONABLE. Mr. Speaker, I am pleased to join today in the recognition of the merit and success of the Youth for Understanding International Teenage Student Exchange program. As the largest teenage exchange program in the United States, Youth for Understanding has had many participants from my area of western New York and it enjoys broad community support. In the Rochester area, for example, the program is operated by the affiliated Association for Teenage Diplomats.

Currently there are 35 students from throughout the world attending Rochester and Monroe County high schools. In addition, another 17 South American students are due to arrive in our area today for 6 months of study in the local high schools. This summer over 100 high school students from the Rochester area will go abroad under the program and 13 more will study for a full year in foreign schools. These are part of the almost 4,000 students who will participate this year.

As has been explained here today, the purpose of the Youth for Understanding program is to develop greater understanding and friendship through personal contact and family living experience. Many families in my area have taken foreign students into their homes and also sent their own children to a foreign country under this program. They refer to the experience as a great enrichment of our lives. This is the general reaction of the more than 30,000 students and families who have participated in the program since its inception 20 years ago.

Justification for programs of this kind has been that they contribute to the stability of relations between nations and improve the prospects of peaceful conditions and understanding among us. This purpose remains as valid and important today as during the post-war period which fostered this program. For these students who come here it provides an opportunity to obtain a balanced and more complete view of our country than is presented abroad by the information media. For those American youth it expands their understanding of the strengths and needs of our country and gives many foreigners a fresh acquaintance with the best of American youth.

I am pleased to see that Youth for Understanding has so many friends and supporters in Congress, and I hope that its backers will see that the program continues to make its unique contributions to promoting greater understanding on a person-to-person basis. I join in praise of all those who make possible this outstanding program and commend their admirable efforts.

Mr. SISK. Mr. Speaker, for centuries students have traveled to foreign lands in pursuit of learning. In earlier times they left the great universities of Europe to study and travel in other lands. In the latter half of the 20th century, this exchange program has extended to teenage students who travel abroad to learn at a younger age, live with and as members of families in a community and participate in local school and community affairs.

In Fresno, Calif., in 1970, two of our students traveled to other lands and in 1971, three went abroad. In addition, several foreign students came to live with us in central California.

This teenage exchange is proving its value and holding out hope for better human understanding and enlightment. It is well known that youth is more flexible, more adaptable than the older generation and can better absorb and relate their different experiences. This is why student exchange is valuable at an early age.

Student exchange is designed to help youth to live in the kind of a world we have today and to help them shape man's destiny. Communication must be improved but we can learn to communicate only as we become better acquainted with people. This means we must meet them, study with them, live with them, and make friends with them. There is no better way to get to become acquainted with the people of other lands than to live in the same home with them, eat at the same table with them, and learn to see life as it appears to them.

The prospect of the future demands a vast increase in this kind of exchange experience, a truly "people to people" approach. Each of us can have a share in making this sort of exchange possible.

That is why I take this opportunity, Mr. Speaker, to endorse the student exchange program of Youth for Understanding.

Mr. VAN DEERLIN. Mr. Speaker, it is most fitting that so many of our colleagues are taking this opportunity to offer tributes to Youth for Understanding.

Few privately operated programs have done as much to further international understanding, by enabling people at an impressionable age to spend substantial amounts of time getting to know countries other than their own.

YFU has been operating in my own county of San Diego for 8 years. Some 20 high schools in San Diego and adjacent Imperial counties now participate in the program, which brings 30 to 40 students from abroad to our community every year.

I am advised by Mr. Mark Miranda, the YFU area representative for San Diego-Imperial, that the youngsters hosted by the two counties are given every opportunity to examine U.S. life in detail. Generally, these visitors remain in this country for a full year, with the exception of those from Latin America, who stay 6 months. Rather than just tour about the country, the foreign students are encouraged to become more familiar with our ways through sustained contact with local families, schools, and other institutions.

Whenever possible, the visiting students are assigned to a family with a teenager of the same sex and equivalent age.

And the YFU effort, of course, works both ways, although the number of Americans traveling abroad under its auspices is considerably less than the number of foreign students brought to this country. Scholarship help is available for those who need it and can qualify, thus assuring variety in the selection of participants.

All in all, Youth for Understanding is an exemplary effort, which I am pleased to join in honoring.

Mr. MARTIN. Mr. Speaker, it is with great pleasure that I join many of my colleagues today in paying special recognition to Youth for Understanding.

As one of the largest organizations in the United States providing for the exchange of students between the United States and foreign nations, Youth for Understanding has contributed much by the furtherance of international understanding and relations. Through its five programs for high school, junior high school, and high school graduate students, YFU has reached out to every corner of the globe in its short period of existence. This reaching out has done much to enhance the mutual knowledge, understanding and appreciation of different cultural and historic backgrounds among the peoples of the world.

Through its programs, YFU has placed thousands of young Americans in homes of other nations, and has brought thousands of young people from other nations to the United States. These are programs that provide a complete living experience for American students and foreign students, in which they became members of host families.

Since its beginning in 1951, Youth for Understanding has grown to such proportions that it now provides for an international exchange of more than 4,000 students each year. From countries as far away as Greece, Israel, Italy, Japan, Norway, Brazil and Peru, students come to the United States each year to live with American families, attend American schools, and develop an understanding of American culture and history. At the same time, hundreds of our American youth annually travel to Argentina, Belgium, Finland, Yugoslavia, Liberia, Venezuela, and other nations to live and share in and develop greater understanding of the culture and history of those nations.

In my State of Nebraska, YFU has placed more than 250 foreign students and sent more than 100 Nebraskans abroad since the program was begun.

Surely the result of this exchange program is a better understanding and relations with the United States, our heritage, culture and way of life by the nations of the world that participate in the program with us. This is evidenced in the glowing reports our American students bring home with them after such participation in other countries, and their appreciation and greater understanding of those cultures and heritages. Who can say how much programs such as this contribute and will continue to contribute to world understanding for better relations and peace in the world ahead?

On this occasion of the 21st year of Youth for Understanding, it is fitting that we commend the many people who have organized and directed its programs, and the many students who have participated. The wide acceptance of the program itself is becoming more and more evident by the local community projects to sponsor exchange students. I commend YFU for its fine program and wish it continued and expanded success in the future in bringing the nations of the world together through greater understanding.

Mr. ZABLOCKI. Mr. Speaker, I am happy and proud to join my colleagues in calling attention to the outstanding work of the Youth for Understanding international teenage student exchange program.

It is through programs of personal contact in cultural exchange that a greater international understanding is fostered. Youth for Understanding is the largest teenage exchange program in the United States. In cooperation with the State Department more than 30,000 students from more than 40 countries have participated in the program since it was founded in 1951.

Youth for Understanding is a nonprofit educational organization which seeks to foster greater international understanding through a family living experience. Students come from Western European countries, Africa, Japan, and the Philippines for 1 year—August to July—and from Latin America for 6 months—January to June. American students go to Western Europe, South Africa, the Philippines, Mexico, or Japan. They are 16 to 18 years of age and are chosen from applications submitted to the committees in their own community to the Ann Arbor office.

During the school year 1971–72 there were 39 students living with families in Wisconsin and attending high schools there. In my own congressional district there were students from Germany, the Philippines, and Belgium. A total of 46 students attended 31 schools in Wisconsin in 1971 from Latin America.

Eleven students from Wisconsin took part in the program overseas where they lived with selected host families and attended schools.

The program has consistently enjoyed great success and I wish to commend the founder, Mrs. Rachel Andresen, the board, and the program for the valuable contribution Youth for Understanding has made to world understanding.

Mr. BOB WILSON. Mr. Speaker, I am proud to join our colleagues today in this special order honoring the outstanding achievements of the international teenage student exchange program operated by the Youth for Understanding.

Through this program, many young people from foreign lands have come to my district of San Diego, Calif., as exchange students. Their presence has enriched our community by fostering greater international understanding among our citizens. The exchange program is entering its ninth year in San Diego. Twenty high schools have participated, hosting students from countries in Europe and South America, plus Japan and the Philippines.

San Diegans who have served as host families repeatedly praise the program, citing their own warm experiences in opening their homes and family to these visiting young people. I would also like to point out that much of the success of our local program rests with the Youth for Understanding area representatives in San Diego, Mr. Mark Miranda, who has devoted his time to promoting this worthwhile activity.

I hope that this exchange effort will have many more years of success, and know our colleagues will be interested in some of the following comments made by foreign students who have participated in the program:

COMMENTS

"Backyard cookouts are not for me. They are a kind of joke because you get all the meat, and potatoes filled with fuel fumes."—*Jan Sorensen, 19, Denmark.*

"I hope to come back to see my American dad cooking again. Brazilian men never go into the kitchen. This was the funniest thing I ever saw."—*Teresinha Nacli, 17, Brazil.*

"I think Americans are too much afraid of germs. There is nothing wrong with cleanliness. But every other ad on TV is about germs that cause this and that. People talk the same way."—*Angelika Specht, 17, West Germany.*

"TV was something else. We never have a program interrupted for a commerical. But I got so used to it that I am going to miss the time to get up in the middle of the movie to get a drink."—*Christine Weber, 17, West Germany.*

"To me the U.S. is one big kettle of boiling water. There are great big differences from the coasts to the middle area and from the north to the south. One of the things that I didn't quite agree with was people's saying that this is the greatest and most free nation in the world."—*Birgitte Thomsen, 18, Denmark.*

"I learned that other families and communities and countries have troubles too and bad times just like the ones I was used to. Another little thing: I really like the fountains. You can't find them anyplace in Germany."—*Cornelia Scholvin.*

"I will miss hamburgers, drive-in movie houses, salted popcorn, ice cream, the American-style TV."—*Sönke Sönnichen.*

"I'll miss the mountains and the blue skies in Utah and the informal American way of life."—*Dietlinde Schroeder.*

"I went to Tucson, Arizona. I found the change in climate and landscape pretty hard, but already I miss the sun and desert."—*Regina-Maria Schletter.*

"Riding snowmobiles, ice skating and skiing excited me. As an American clerk in the airport in Chicago said to me, 'Happiness is skiing in South Dakota!' "—*Sonia da Silva, 18, Brazil.*

"I'm taking back jeans. They cost twenty dollars at home."—*Ana Vasconcelos, 17, Brazil.*

"When I left my American home yesterday, I was torn apart. I was looking forward to seeing my family and friends in Germany again and didn't want to leave here either."—*Regina-Maria Schletter.*

Mr. LINK. Mr. Speaker, in these times of growing concern and confusion in international relations, there is an organization that has transcended national boundaries and biases in the effort to attain better international understanding. I speak of Youth for Understanding, an international teenage exchange program which seeks to bridge the cultural and social gap among students of all nations through a family-living experience.

This person-to-person approach has enabled individuals, communities, and, consequently nations, to understand themselves and each other better.

I commend this organization for their role in the all-important search for international understanding.

Mr. Speaker, I am proud to say that the people of North Dakota have been in the forefront of using this avenue toward international social and cultural understanding.

I would like to submit for the RECORD the names of the sponsors, schools, and foreign students presently participating in this outstanding program in North Dakota:

LIST OF FOREIGN STUDENTS PARTICIPATING IN PROGRAM

A. C. Bertsch and D. Walery, Bismarck; Bismarck Junior College; Roeland L. Buyze, Netherlands, and Patricia Aparicio, Columbia; D. M. Tracy, Bismarck; St. Mary's High School; Anders Gustafsson, Sweden;

B. Marsaa, Cando; Cando High School; Carin Wahlberg, Sweden;

M. Bauer, Carrington; Carrington High School; Augusto Sy, Jr., Philippines.

C. Volesky, Dickinson; Trinity High School; Alberto R. Magsino, Philippines;

Dr. Marvin Towarnick, Fessenden; Fessenden High School; He Heikki Y. Miettinen, Finland;

R. Nelson, Harvey; Harvey High School; Bienvenido Just II, Philippines;

T. Huber, Hazen; Hazen High School; Philipp Abellaneda, Philippines;

J. M. Kokkeler, Hebron; Hebron High School; Anders I. Henriksson, Sweden;

C. Johnson, Jamestown; Jamestown High School, Basilius Groen, Netherlands;

J. Frey, A. Dohn, and J. S. Homan, LaMoure; LaMoure High School; Emmanuel A. Padilla, Philippines; Harald Scherrer, Germany; and Bunar Ukmata, Yugoslavia;

R. Feickert and V. Mushik, Mandan; Mandan High School; Erling T. Moller, Denmark; and Tuovi Rantala, Finland;

S. Flickinger, Minot; Minot High School; Heide Rieke, Germany; R. Romine and L. Link, Minot; Bishop Ryan High School; Margit B. Starmans, Netherlands; and Ulf Bostrom, Sweden;

J. Ottmar, Mott; Mott Lincoln High School; Tomio Takeshita, Japan;

H. Mickelson, New Rockford; New Rockford High School; Ritta Ojaranta, Finland;

J. Eylands, Rugby; Rugby High School; Jouni E. A. Korri, Finland;

W. Erickson, Stanley; Stanley High School; Rolf Sugland, Germany;

L. Buckman, Stanton, Stanton High School; Guy Ol Vanden Buicke, Belgium;

M. Brumlow, Tioga; Tioga High School; Michele M. J. Marie Kloppers, Netherlands.

Mr. FASCELL. Mr. Speaker, I am glad to have the opportunity to join with so many of my distinguished colleagues in paying tribute today to Youth for Understanding, one of the major components of our Nation's effort to promote peace among nations by fostering understanding between peoples. It has long been my conviction that if we are to break the vicious circle of jealousy, hostility, and conflict between nations, we must create a new spirit of trust and understanding among peoples. One of the surest ways to promote such mutual respect is personal contact and discussion. It is for this reason that I have supported and will continue to support exchange programs and particularly those such as Youth for Understanding which are aimed at our young people.

Since its inception in 1951, Youth for Understanding has compiled a distinguished record of service. From a small initial teenage exchange program with Germany, it has grown to become one of the largest youth exchange groups not only in the United States but in the entire world—and one of only a few programs officially recognized by the Department of State.

As chairman of the Inter-American Affairs Subcommittee and as one who strongly believes in the great value of close and friendly relations with our hemisphere neighbors, it is especially gratifying to note that at present the largest number of foreign students involved in the various programs of Youth for Understanding come from Latin America and this despite the serious difficulties resulting from greatly different school year calendars between North and South America. This year, as an example, in only one of the many programs of Youth for Understanding more than 1,750 Latin American students will spend 6 months in the United States. In addition, several hundred young Americans will be spending their summer this year in South America.

Mr. Speaker, in a hemisphere of almost a half billion people, the benefits derived from the exchange visits since 1956 of more than 9,100 Latin American students to the United States and of more than 1,400 of our own young people to other hemisphere nations, seem small and unimportant. Yet, we must bear in mind that these young people's experiences have touched the lives of tens, if not hundreds of thousands of others. Moreover, we must remember that all of these students represent the very best of their own country's youth. They are chosen on the basis of high standards of selectivity in all participating countries and many of them will undoubtedly become the future leaders of their respective countries.

Compared to the staggering need for international goodwill and understanding, the numbers of young people exchanged by Youth for Understanding and similar programs has been small indeed; but most important of all a good beginning has been made and a sound program worked out.

Thus, hope for a peaceful world rests on a little bit sounder ground today than it might have, had it not been for the foresight and hard work of the hundreds of people all over the world who have worked so hard to make Youth for Understanding the magnificent success it is.

Mr. FREY. Mr. Speaker, I wish to join my colleagues in citing Youth for Understanding for the fine work it is doing in the area of international student exchanges.

Many Americans traveling abroad

have been shocked to find that even people of friendly nations hold distorted ideas about American life. They speak of crime in our streets, riots, unemployment, and general chaos, often quoting our own press reports. Even American self-criticism is often misunderstood abroad. At the same time, the foreigner just doesn't know about the remarkable quality of everyday American life as it exists under our form of government.

This is one reason international exchange programs such as Youth for Understanding are so important. A program like this offers the young person from abroad the chance to see the everyday side of American living. The memory of 6 months in an American family, going to American public schools, may affect the attitudes towards this country of future Presidents, ministers or simply the citizens of those nations with whom we must deal. Just as ignorance breeds distrust, so a short time spent sharing the hopes and fears of a family of Americans can result in sympathy and understanding.

Youth for Understanding has brought over 30,000 young people from Western Europe, Africa, Japan, South America, and the Philippines into American families. Our Florida teenagers have entertained contemporaries from Chile, Finland, and the Philippines. The visitors have accompanied our youngsters to school, and have entered fully into the lives of their American families. These young people from abroad are seeing a new and much more real America than they could possibly see through their media.

This year alone, over 2,500 American teenagers will go overseas through Youth for Understanding. They will come home better equipped to understand and deal effectively with people whose language, culture and attitudes are not ours. In our world of split-second transportation and communications, we already have to cope with much closer and heavier international involvements. In the future, it is going to be the rare American whose life is not touched in some way by an influence from abroad. No program can be more useful in preparing our young for such a role than Youth for Understanding, and programs like it.

Youth for Understanding has done a fine job since 1951 in cooperation with individuals from communities all over the Nation, people who spend their leisure hours working to make this program a success. I want to commend the 78 Florida families who have taken young people from abroad into their homes and into their lives this past year. My sincere best wishes for an experience rich in learning and understanding go to the following Florida teenagers who have gone abroad or are going through Youth for Understanding: Donald Brooks of Bonifay; Bonnie Ann Purvis of Brandon; Martha L. Allred, Lyn Trick, Lee Stewart, Katherine Muncy, and Roma Eyster of Cocoa; Beth Eibling of Ft. Lauderdale; George Bellinger of Melborne; Linda Boedeker and Kyle Strickland of Merrit Island; Paulette Louise Judd and Ruthanne Moss of Orlando; Laura Ann Terry and Lynne Vickery of Pensacola; Mary Alyce Bartosek, Charlotte Maxwell, Alicia Kenaston, Anne Witte, and Colleen Lyons, all from Rickledge; Joel Coryell from Satellite; Frank Roberts from Indian Harbor Beach; Francine Rutigliano from Tampa; and Brette P. Sanford of Seminole.

Mr. O'HARA. Mr. Speaker, I am delighted to join today in saluting the student exchange program known as Youth for Understanding—and to congratulate this very fine organization on the occasion of its 21st birthday.

Eleven years ago, the late President Kennedy formally proposed the establishment of the Peace Corps, and the Congress responded with legislation which has made it possible for a generation of young people to serve as American ambassadors of goodwill in scores of foreign lands.

At the time the Peace Corps was being established, Youth for Understanding was already in operation—a lusty 10-year-old program that was providing a two-way form of communication between young people in this country and abroad.

American high school students were moving, at an ever increasing pace, across the oceans to foreign countries. High school students were moving, also at a growing rate, to this land of ours. Our young people were learning the cultures, the attitudes and the philosophies of the people in the countries which they visited. Young people from abroad were, in turn, learning the cultures, the attitudes and the philosophies of Americans.

Youth for Understanding, then, has enriched the peoples of many nations. It has opened a door to communication between the people of the United States, and the peoples of the other free countries which inhabit this planet, earth, with us.

As a representative from Michigan, I am pleased that Youth for Understanding is headquartered in my great State.

I am particularly pleased that nearly two dozen schools in my congressional district—which covers all of Macomb County—actively participate as host schools. These schools include:

Armada High School.
Carl Brablec High School.
Center Line High School.
Chippewa Valley High School.
Davis Junior High School.
Eisenhower High School.
Fraser High School.
Lake Shore High School.
Lakeview High School.
L'Anse Creuse High School.
Memphis High School.
Mount Clemens High School.
New Haven High School.
Richmond Community High School.
Romeo High School.
Roseville High School.
Adlai Stevenson High School.
Utica Community High School.

In addition, Macomb County Community College plays an active role in this student exchange program.

I congratulate all of these educational institutions for the job they are doing to further the goals of the Youth for Understanding program. I also congratulate the scores of families in Macomb County who have played host to the young people from other countries during their stay in the United States.

Youth for Understanding has helped to underscore the fact that education involves a lot more than merely attending school. The learning process is enhanced, and the horizons of our children are enlarged, because of this student exchange program. The teenagers taking part in this program—our own teenagers and those from other countries—are seeing life from a new perspective. They are learning about people—not people in the abstract, but people in the flesh. And they are learning about each other's problems, each other's hopes, each other's aspirations.

All Americans should take pride in the accomplishments of Youth for Understanding. I hope all Americans will join in paying tribute to this outstanding organization as it reaches its "age of majority"—and will join, too, in wishing Youth for Understanding many more productive years in teaching young people the world over the real meaning of the word "communication."

Mr. ROUSH. Mr. Speaker, I would like to take this opportunity to pay special tribute to the youth for understanding international teenage student exchange program.

It is my firm conviction that only through efforts such as this which involve active participation with people throughout the world can we achieve real understanding of the many kinds of thoughts and ways of all mankind. Understanding breeds tolerance and compromise—intellectual commodities which are extremely valuable, especially in this world where tension quickly rises and far too often results in violent confrontation.

And what better "friendship ambassadors" do we have than our young people who are likely to be flexible in the face of change; who frequently are less hardened by prejudice which age oftentimes reinforces. If we are to achieve the ultimate—a harmonious world community—we must open our minds and our hearts to all nationalities. And as the youth for understanding program provides, we must open our homes so that young people from around the world will learn through personal experience what living in the United States is really like.

In my home State of Indiana, approximately 100 students each year from high schools in Europe, Asia, and South America attend high school while living with local host families. These students have made significant contributions to their schools and communities and in turn, have learned much that they will share in their native communities. This is a meaningful, thoughtful progression of understanding which rests on the strongest of bases—actual experience.

I commend the youth for understanding program for creating this invaluable opportunity for so many young people. In particular, I would like to encourage the young people in this country to become involved in international student exchange whether by actually going to a foreign country or by expressing an active interest in the foreign students in their own communities.

Ours is a rather unique challenge in that we are geographically denied extensive exposure to people from foreign countries. I ask our young people to make that special effort to become involved in international exchange student programs such as the youth for understanding program.

Mr. MINSHALL. Mr. Speaker, I am pleased to join today in this well-deserved tribute to the Youth for Understanding program of the International Student Exchange.

Over the past 20 years more than 30,000 students from 45 countries have participated in this remarkable effort to promote international understanding. It is one of only three teenage exchange programs officially recognized by the Department of State.

A number of young people from the 23d District of Ohio, which I serve, have contributed to and benefited from this program, both as participants living with families abroad and as Ohioans welcoming young exchange visitors from overseas into their homes.

May "Youth for Understanding" enjoy continued success in its outstanding endeavors for international accord through person-to-person programs.

Mr. CARTER. Mr. Speaker, in these days of ideological conflicts, when the world is shrinking in terms of travel time, we find ourselves in the position of being brought closer to our neighbors on this planet, yet often painfully distant in understanding them.

I join my colleagues in speaking for programs such as Youth for Understanding. It is through such exchange programs that the leaders of years to come may have the opportunity to meet and gain a better understanding of each other.

We cannot fail to see the importance of learning from our fellow human beings, and in turn, relating our own experiences with the hope that they may learn from us. Indeed, no reasonable person will dispute the fact that the future of our very existence depends upon the degree to which the people of the world are able to understand each other. The people-to-people approach of such programs as Youth for Understanding affords us a chance to move toward a day when we shall not feel threatened by the fires of global conflict ignited by misunderstanding, and when fear would be replaced by communication.

The future demands that we make every effort to relate to our fellow human beings, both in our own country and in other nations.

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## GENERAL LEAVE

Mr. ESCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today "Youth for Understanding."

The SPEAKER pro tempore (Mr. HUNGATE). Without objection, it is so ordered.

There was no objection.

## ATTITUDE TOWARD THE NEW STATE OF BANGLADESH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 15 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, the principle upon which our own existence as a nation is based and to which we have maintained allegiance at a sometimes considerable price for nearly 200 years is that of a people's right to freely determine their own destiny.

If, Mr. Speaker, this is true, it seems at least coldly logical that we support the same idea in our attitude toward the newborn nation of Bangladesh.

I believe, of course, it is more than logical, I believe it is morally compelling.

If Bangladesh were taken out of context, as it were, we would have no other course in the name of consistency and self-belief but to recognize its existence in the company of nations.

Leaving Bangladesh in context, fraught as it is with overtones of international politics and cold war cross purposes, it makes sense, I think, for us to recognize the fact of Bangladesh, quickly and cleanly, if only to avoid the nonrecognition mistakes of the past, for many of which we have paid dearly.

Bangladesh is a fact. It is a newly formed nation of 73 million people with a government de facto. There seems to me to be no currency in ignoring it.

Beyond that, Bangladesh exists de jure because its people freely chose to exist separate and sovereign in an overwhelming expression of self-determination. And they have paid an enormous price in blood and hunger in their commitment to that destiny.

In recognition of our own belief in government by the consent of the governed and in consistent adherence to our policy of encouraging this same approach whenever and wherever the opportunity presents itself, we ought to recognize Bangladesh de jure.

Until we do that, Mr. Speaker, I do not think we are free to regard Bangladesh in any way except awkwardly and guiltily, nor are we true to the validity of our own national convictions.

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## THE ILLEGAL DRUG TRAFFIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, at the beginning of this year during the congressional recess, I had the opportunity to investigate firsthand the problem our country faces in illegal drug traffic.

Traveling to Turkey and other countries involved in growing, processing, and transporting of narcotics, I spent many hours talking with and discussing the drug problem with public officials.

One of the first results of my investigation was the full realization that this problem is not a national one, but an international one, and that its solution cannot be achieved by any amount of effort by the United States standing alone. Instead, it requires a full, concerted effort by the entire family of nations. This need for international cooperation is amplified by the fact that increased U.S. narcotics and customs personnel, no matter how efficient and sophisticated, will not be able to stem totally the flow of illicit drugs into our country. The State Department has stated that even with the most effective law enforcement program conceivable, only about 10 percent of the illegal drug traffic could be stopped. In fact, figures just released by the U.S. Bureau of Customs indicate that 1971 was a record year for seizures of heroin and other narcotics entering the country. And yet, the 1,309 pounds of heroin seized represents only 10 to 20 percent of the total heroin imported to the United States last year.

A brief look at the problem of detection shows the hopelessness of our ever totally preventing the entry of illicit drugs. An estimated 4 tons of heroin enter the United States each year, hidden in ski poles, diplomatic mail, luxury cars, private jets, canned food, inside apparently perfect fruit such as watermelons, hollowed out books, scuba tanks, dolls, candles, and many other exotic hiding places.

Approximately 220 million people with baggage, half a billion tons of freight, 65 million cars and trucks, 360,000 planes, and 157,000 ships will enter our country in 1 year. Looking closer at only the last item, an estimated 32,000 places can be found on a large vessel where drugs can be hidden. So, while our law enforcement efforts at home must continue, we cannot rely on this alone. We must find a way to cut off the supply before it ever gets to our shorelines.

The harm that drug addiction inflicts on our country is well known to all, but a few statistics to highlight the great need for decisive actions in this area may be in order.

There are estimated to be more than 200,000 narcotic addicts in the United States. This is the largest number of known addicts in the world and the figure is growing daily. Drug abuse is the major cause of death for those in the 15 to 35 age bracket in New York City, where people die at the rate of three per day from heroin addiction. Over 1,000 babies are born in our country each year addicted to heroin as a result of their mother's drug abuse. It costs at least $35 per day to support a heroin habit and with 200,000 addicts, this hits about $7 million daily. The Justice Department estimates that approximately $1.5 billion was stolen in 1969 to pay for hard drugs and it is going up rapidly each year. The cost of crime related to illegal hard drugs exceeds the cost of all forms of Federal law enforcement; the Federal courts and prisons, the FBI, and the Justice Department. Drug addiction is estimated to cause half of the crimes committed in the Nation's Capital.

While these statistics reflect the problem of our own country, drug addiction is an international dilemma. I found that many foreign officials have been slow to realize this. But, I believe they are finally getting the message.

## THE OLDER AMERICANS HOUSING ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 15 minutes.

Mr. BLACKBURN. Mr. Speaker, today I have the privilege of introducing, with my colleague from Georgia (Mr. ROBERT STEPHENS), the Older Americans Housing Act of 1972. Enactment of this bill will implement the most significant recommendations of the 1971 White House Conference on Aging concerning housing and related programs for the low-moderate income elderly.

The 1971 White House Conference on Aging was remarkably successful in identifying and focusing national attention upon the needs, wants, and aspiration of the 20,000,000 older Americans. The recommendations of the White House Conference embody the collective wisdom, experience, and good will of the more than 3,000 delegates from throughout the country. The unifying theme of the White House Conference was the need for action now.

Nowhere was the urgency of effective, prompt action more evident than in the findings and recommendations concerning the housing and related needs of the low-moderate income elderly, the often forgotten elderly. These people during their working careers were provident, pension-earning, taxpaying citizens who constituted the stable, middle-class element of our society; however, inflation has eroded the purchasing power of their fixed retirement income and now that they, unlike younger people, are unable to improve their economic station, they have been deprived of the housing security, independence, and dignity which they earned. These are the people whose incomes, while sometimes too high for residency in low-rent federally subsidized public housing, are not sufficient for suitable housing on the private market.

The Older Americans Housing Act of 1972 will provide an immediate and effective response to the most urgent needs of older Americans for suitable housing and related services. The bill contains four major elements. First, it will allow the Secretary of Housing and Urban Development to make direct 3-percent loans to organizations designed to construct specialized housing facilities for the elderly. When the housing projects so funded become operational and 90-percent occupied, they will be eligible for refinancing by conversion to the interest assistance program, thereby immediately repaying Federal loan moneys to a revolving fund. A revolving fund of approximately $500 million would be initially created by refinancing of Federal housing loans already outstanding using interest assistance funds already appropriated for fiscal year 1972 and new appropriations of less than $20 million for fiscal year 1973. This housing program would provide approximately 35,000 units of specialized elderly housing during its first 2 years of operation.

The second part of the bill provides for direct 100-percent grants to nonprofit organizations and public bodies to build senior citizen centers, including senior centers built in conjunction with housing projects so as to provide outreach and supportive services to residents and nonresidents in the neighborhood and community.

The third program embodied in the bill provides that HUD may make either grants or loans to elderly persons living in their own homes to rehabilitate their homes to keep them in a decent, safe, and sanitary condition. Qualification for the grant or loan would be based upon inability to receive similar funding through private lending organizations. For those able to repay the money, they would be expected to do so and the interest rate would be 3 percent. However, for those whose incomes were insufficient to be able to repay the money, a direct grant would be made for the rehabilitation of their home, and the Secretary of HUD would have the first lien against the property when it was transferred due to death or sale.

Finally, the bill provides for a specialized organizational component within the Department of Housing and Urban Development led by an Administrator for Housing and Related Programs for Older Americans. The Administrator would have responsibility for operating the elderly housing program, the senior citizens center program, and the loan and grant program for rehabilitation of owner-occupied housing. Additionally, the Administrator would have authority and responsibility for initiation and conduct of research programs concerning the health, physical, emotional, and social aspects of all housing and related programs for the elderly; and the development and implementation of programs for training professional and semiprofessional staff personnel to improve the competency, efficiency, and sensitivity of the management of federally assisted housing projects and programs for the elderly would be within his jurisdiction. In short, he will synthesize all elements essential to a comprehensive and effective program.

The Older Americans Housing Act of 1972 captures both the letter and the spirit embodied in the recommendations of the White House Conference on Aging. It gives specialized attention and specialized response to the needs of those of the older Americans who have contributed so much and who without our help cannot now effectively compete in either the private or the subsidized housing market.

We are forever compelled to face our responsibility of balancing all the national needs against the available resources. Unfortunately, we cannot responsibly respond effectively to all needs simultaneously. In my judgment there is no cause more meritorious or more urgently needed for the elderly.

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## SOUTH VIETNAM PERMITTED TO SABOTAGE POW PRISON INSPECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, I am placing in the RECORD today documents that reveal that the United States permitted the South Vietnamese Government to sabotage an inspection of American POW camps in North Vietnam at the same time that Presidential aide Henry Kissinger was engaged in secret negotiations. In January 1971, the South Vietnamese Government requested that Amnesty International, a private international organization dedicated to the freeing of political prisoners of all persuasions, attempt an inspection tour of inspection tour of North Vietnamese prisons. The North Vietnamese agreed to such an inspection on a reciprocal basis. After final arrangements had been made for a trip to North Vietnam in June, the South Vietnamese suddenly and unexpectedly canceled the visas of mission members complaining that their officials were too busy to receive the group.

Apparently the United States missed an excellent opportunity to find out about numbers of prisoners and conditions in the North Vietnamese prison camps. What I am shocked to learn is that the Government of the United States sat by and did nothing while the South Vietnamese Government scuttled the trip. It is inconceivable that we allowed the Government of South Vietnam to veto this inspection trip.

I have also learned that Amnesty International in planning another mission to inspect both North and South Vietnamese prisons. I have called upon Secretary of State William Rogers to persuade the South Vietnamese to cooperate in this new venture. We cannot allow the South Vietnamese to again prevent us from learning about the true condition of Americans who are POW's in North Vietnam. This time the United States must insist that the South Vietnamese cooperate with any new inspection mission. After we have lost tens of thousands of lives and billions of dollars from our Treasury, the least we can expect from the South Vietnamese is their full cooperation in an attempt to win inspection of North Vietnamese prison camps.

I would also like to point out to my colleagues that Amnesty International would be an ideal organization to conduct such an inspection tour. Its leadership covers a wide political spectrum including William F. Buckley, Jr., who is a member of the American Advisory Council. Amnesty International ordinarily adopts prisoners and then works for their release. The organization has won the release of many prisoners in a number of countries.

Mr. Speaker, the American Government must not repeat a tragic error of failing to press the South Vietnamese for reciprocal prison inspections when Amnesty International attempts a second mission.

The documents and the letter to Secretary Rogers follow:

### AMNESTY INTERNATIONAL

("I detest your ideas but I am ready to die for your right to express them.—Voltaire.)

### OBJECTS

The objects of Amnesty International are:

(a) to ensure for every person the right freely to hold and to express his convictions and the obligation on every person to extent a like freedom to others: and in pursuance of that object to secure throughout the world the observance of the provisions of Articles 5, 9, 18 and 19 of the Universal Declaration of Human Rights.

(b) Irrespective of political considerations, to work for the release of and provide assistance to persons who in violation of the aforesaid provisions are imprisoned, detained or restricted or otherwise subjected to physical coercion or restraint by reason of their political, religious or other conscientiously held belief or by reason of their ethnic origin, colour or language provided that they have not used or advocated violence. (Prisoners of Conscience.)

### UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 9: No one shall be subjected to arbitrary arrest, detention or exile.

Article 18: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Amnesty International is a non-political, non-sectarian and non-governmental. It has consultative status with the United Nations, UNESCO and the Council of Europe.

Amnesty International is financed through national sections and local groups and by individual subscriptions from all parts of the world.

Amnesty International is governed by an International Council. This Council meets once a year and is composed of representatives of the National Sections and members of the International Executive Committee. The latter are elected by the Council each year and take responsibility for the day-to-day work of the International Secretariat in London. The Chairman of the Executive Committee is Mr. Sean MacBride S.C.—former Foreign Minister of Ireland and former President of the Council of Ministers at the Council of Europe. The Secretary General is Mr. Martin Ennals.

Amnesty International arranges missions to the countries with which it is concerned and sends representatives to speak to governments. It also sends observers to trials whenever this is worthwhile and possible. It establishes contact with prisoners and their families, to give assistance.

Amnesty International is pledged to oppose the death penalty for political offences and has established a special fund for this.

Amnesty International was founded in 1961 and its work now extends across the world. It has 27 national sections and more than 900 groups. Each group "adopts" three prisoners: one from each of the major political blocs; the third from the developing countries. This system ensures political neutrality.

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## PRESS STATEMENT FROM AMNESTY INTERNATIONAL

(By Martin Ennals)

JUNE 28, 1971.

### MISSION TO VIETNAM

On 22 January 1971, Mr. Do Thieu Liet, a counsellor at the South Vietnamese Embassy in London visited, at his own request, the Secretary General of Amnesty International at the headquarters of the organisation. Mr. Liet brought with him a copy of a new white paper published by the South Vietnamese government reporting, inter alia, on the treatment of "persons kidnapped" by the North Vietnamese authorities. Mr. Liet stated specifically that he had been requested by his ambassador to present the publication to Amnesty International and to seek the assistance of Amnesty in influencing the North Vietnamese authorities with regard to their prisoners.

The Secretary General accepted the publication and explained the mandate of Amnesty International with regard to prisoners of conscience and political prisoners. The ways in which Amnesty could act upon the request from the South Vietnamese government was discussed in terms of a possible visit to both parts of Vietnam. Doubt was expressed as to whether the Northern authorities would agree to a visit.

On 18 February, a representative of Amnesty staff attended a press conference at the South Vietnamese Embassy by special invitation. After the conference the question was again raised privately of the assistance that Amnesty International might give in response to the request made on 22 January.

On 20 March the International Executive of Amnesty International considered the situation and agreed that their chairman Mr. Sean MacBride should undertake a mission provided that he was able to visit both parts of the country. The terms of reference of the mission were drafted after the meeting and circulated to members of the International Executive Committee before receiving approval. These are as follows: "To discuss and examine the treatment of political prisoners in North and South Vietnam; to make representations to the respective governments for the release of prisoners of conscience; and to discuss and examine the conditions, treatment and possible release of civilian and other prisoners detained as a result of the existing armed conflict."

On Friday 2 April the Secretary General at his request, met the Ambassador from South Vietnam in London and together with an Amnesty staff member discussed the proposed mission of Mr. MacBride. There was no question raised of visa difficulties or of any particular date being unsuitable. Forms of application were sent to Mr. MacBride who holds a diplomatic passport issued by the Irish government. Doubt was again expressed as to whether the North Vietnamese authorities would agree to issue a visa.

Prior to the March meeting of the International Executive Committee Mr. MacBride had been in contact with the International Association of Democratic Lawyers who had agreed to refer the possibility of a mission to the North Vietnamese government. An assurance was received through these channels that a visa would be forthcoming for Mr. MacBride's visit. This was communicated direct to Mr. MacBride who then began to make preparations for his travel.

Discussions were held with the representatives of North and South Vietnam in Paris and with Mr. Ambassador Bruce of the U.S. government, charged with the Paris talks. A visit was also made to Stockholm for talks with the Swedish government regarding the possibility of certain exchange arrangements being made for prisoners. A special brief on North and South Vietnamese prisoners was prepared in Amnesty headquarters.

Funds for the mission were approved through four national sections of Amnesty on condition that both parts of Vietnam were to be visited.

There were considerable delay in receiving an answer from South Vietnam and eventually it was decided to try to re-route the mission to visit North Vietnam before South Vietnam although this was considered by Amnesty International to be a regrettable variation in procedure.

The North Vietnamese ambassador in Paris then indicated that unless there was an assurance of a visa from South Vietnam the purpose of the mission for which agreement had originally been given would be considered to have changed and he was not therefore able to issue a visa at that time. At the beginning of June Mr. MacBride received a letter from the South Vietnamese ambassador in London indicating that the time was not considered appropriate for a mission as the officials whom Mr. MacBride would wish to meet were too busy to receive him.

In these circumstances the mission had to be postponed. The next meeting of the International Executive Committee which will consider the situation is on 11 July in London.

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FEBRUARY 1, 1972.

Hon. WILLIAM P. ROGERS,
*Secretary of State,*
*Department of State,*
*Washington, D.C.*

DEAR MR. ROGERS: It has come to my attention that Amnesty International, a private international organization dedicated to the freeing of political prisoners of all persuasions, may undertake a second mission to inspect POW camps in both North and South Vietnam.

As you know, Amnesty attempted a similar mission in June 1971. The South Vietnamese cancelled visas for mission members and as a result the North Vietnamese backed down on what was to be a reciprocal arrangement.

We cannot allow the South Vietnamese to again prevent us from learning about the true conditions of Americans who are POW's in North Vietnam. This time the U.S. must insist that South Vietnamese cooperate with any new inspection mission. The American government at the minimum should receive full cooperation from our ally who we have supported with tens of thousands of lost lives and billions from our treasury.

Amnesty International would be an ideal organization to undertake such a mission. Its leadership covers a wide political spectrum including William F. Buckley, Jr., who is a member of the American Advisory Council. As you may know, Amnesty International has worked for and won the release of many political prisoners around the world.

The American government must not repeat the tragic error of failing to press the South Vietnamese for reciprocal prison inspection when Amnesty International attempts a second mission.

Sincerely,

LES ASPIN,
*Member of Congress.*

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## THE CHILDREN'S DENTAL HEALTH ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, today I am introducing the Children's Dental Health Act, an important piece of legislation because it launches a multipronged attack to solve our dental-care problems in the country. Under provisions of the Children's Dental Health Act, $50 million would be authorized to treat the dental problems of low-income and rural children. Another $9 million is authorized to aid communities which want to fluoridate their water supplies but, because of lack of funds, are unable to do so. The bill also authorizes $57 million in grants to public and nonprofit institutions carrying out programs to train dental auxiliary personnel and another $26 million would be authorized for grants to institutions engaged in studies of the most effective means to utilize this auxiliary personnel. Finally, the bill authorizes the President to appoint a seven-member Dental Advisory Committee which would look into the Nation's dental-care problems and advise the Secretary of Health, Education, and Welfare.

The need for this legislation is plain. By the age of 2 years old, half of America's children have suffered from tooth decay. By the time the average child enters school, he or she has three decayed teeth and by age 15, that child has 11 teeth which have been either decayed, filled or are missing. Over half the Nation's children have never been to a dentist, and among low-income families, that level rises to 70 percent.

The Division of Dental Health in the Bureau of Health Manpower reported that $4 billion is spent annually by Americans for their dental care. But that care is to treat conditions which the report states, need never have developed at all or which could have been arrested earlier at less cost and less professional time.

The $50 million authorization to treat children will provide preventive, corrective, and followup care. The money for fluoridation goes to communities which want the treatment in their water supplies. Studies show that children who live in communities which have fluoridated water have fewer cavities, sometimes by as much as 65 percent.

The provisions dealing with dental hygienists and assistants is particularly important because it is designed to maximize the dentists' productivity. There is currently one hygienist for every six dentists practicing in this country when the minimum desirable ratio is one hygienist for every two dentists, according to professional groups. But if we are to meet that minimum ratio, we must graduate 48,000 new hygienists in this decade. At our current rate, we train only 23,000.

This bill, originally authored by Senator WARREN MAGNUSON, has received widespread support reflected in the vote December 10 of 88 to 1 for its passage. The Senator is to be commended for his work, as is Senator EDWARD KENNEDY who chairs the Subcommittee on Health. The bill has been endorsed by major dental organizations. I will be resubmitting this bill at a later date for cosponsors.

## A VALUE-ADDED TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, some of us in Treasury would know something about it. At least that is what Treasury Secretary Connally told me Monday of this week about the possibility that the administration may be considering new taxes in light of the staggering deficit the administration has and will have run up by the end of the new fiscal year.

The Secretary disavowed any knowledge of the possibility of tax increases when I questioned him during our Ways and Means Committee hearings on the administration's request to increase the debt limit another $50 billion, to bring it to $480 billion.

It must have come as a shock to him when, on the following day, the White House let it be known that the administration is considering placing a so-called value-added tax on the backs of the already overly taxed low- and middle-income Americans.

It is reported in the press lately that Secretary Connally is becoming disenchanted in his current capacity. I do not blame him. I would be upset too if I were Secretary of the Treasury and a bunch of mere White House staffers were selling the President on a whopping tax increase without my knowledge.

Or perhaps this is the fiscal work of the James Bond of the White House, Henry Kissinger, secret agent doer of and dabbler in all things.

Actually Mr. Kissinger should have a good knowledge of the value-added tax. He is an acknowledged expert in foreign affairs and VAT is a form of taxation used extensively in foreign lands.

In France it is 23 percent. In Germany, 11 percent. The Swedish rate is 15 percent.

The VAT has been described as one of the most insidious forms of taxation used today.

Insidious because it is a hidden tax. That is, the merchants who pass it on to consumers simply include it in the price without separate mention. At least this is how it is done in Europe.

Insidious because it is a regressive tax. That is, it bears heavier on low- and middle-income people.

In contrast to VAT, the Federal income tax is a progressive tax, generally based on the ability to pay.

The VAT balloon floated by the White House yesterday carried a revenue-raising figure of about $16 billion. Former Treasury official Stanley Surrey estimates that $3 billion to $4 billion can be raised for each 1 percent of VAT. Thus to raise the $16 billion the administration is talking about would require a national VAT levy of 4 to 5 percent.

For months now I have expressed fear that the administration would be forced to raise taxes and would attempt to do so by putting the load on the small taxpayer. This confirms my fear.

At the same time it is appalling to note that not one hint has come from the administration concerning another revenue-raising avenue open to them. This is to close the remaining loopholes in our Federal income tax laws.

When we wrote and passed the tax reform of 1969 we knew more work was needed. The Nixon administration pledged to help. For 2 years the Ways and Means Committee has waited in vain for its promised recommendations on estate and gift taxes.

It is estimated we could raise an additional $20 billion in Federal revenues if the remaining Federal tax loopholes were closed. But to do this we would need the full support of the President and the administration and to date they have not paid even lipservice to this approach.

Certainly additional Federal revenues are going to be needed if the administration continues to underestimate tax receipts and run up these deficits. But let us have no talk of consideration of a value-added tax for whatever purpose.

The taxpaying public is heavily burdened as it is. It seems it would be far more appropriate to close the loopholes and raise the moneys this way. We can do this with support from the administration. If new moneys are to be raised let us work together to provide equitable taxation and pursue sound fiscal policy.

## THE FINANCING OF PUBLIC BROADCASTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, sometime later in this session of the 92d Congress this House will consider legislation providing for the continued financing of public broadcasting.

This week the Subcommittee on Power and Communications of the House Committee on Interstate and Foreign Commerce conducted hearings on several measures to provide for increased funding to support educational programing. Mr. Sheldon P. Siegel, executive vice president and general manager of WLVT-TV, the Lehigh Valley Educational Television Corp. serving the Allentown-Bethlehem-Easton area of Pennsylvania, was among those who testified.

From his vantage point as manager of an ETV facility, Mr. Siegel was able to offer real insight into the problems which confront public television at the local level. "Many station managers," he explained, "spend most of their time in a relentless search for 'survival funds'," and are thus seriously restricted in allocating time and effort to the creation and development of new and imaginative programing.

He makes an excellent case, I believe, for increased financial support of the local public broadcasting facilities—not for the sake of pouring more money into public broadcasting, but to enable community public broadcasting facilities to play a more meaningful role in the community.

I invite the attention of my colleagues to Mr. Siegel's most pertinent remarks:

### TESTIMONY OF SHELDON P. SIEGEL

It is an honor to have been asked again to testify before this distinguished Committee; my previous appearance having been in April, 1970, when the continued financing of the Corporation for Public Broadcasting was under discussion.

Much has changed in Public Broadcasting in these past 20 months—for the good; but much, unfortunately, has remained the same. The Corporation for Public Broadcasting has been initially funded; the Public Broadcasting Service has found its sealegs and a measure of public acceptance; but the problems, predominantly economic, of the local educational/public television station have not been ameliorated in these past 20 months.

To the contrary, tightening economic pressures on participating school districts everywhere have resulted in a curtailment and, indeed, in some areas, a complete halt in support of instructional television programming activity on local stations. Businesses and industry have tightened their own belts, and what meager funds were flowing into public television stations through underwriting and direct contribution, have seriously diminished. State governmental support of educational television has also been eroded through constantly increasing demands on its treasury.

Yet, with all this, the local non-commercial public television station—born without any visible means of support—has been called upon to serve its local constituency, and despite the adverse economics—practically all ETV stations have responded with new and imaginative programs for its local community.

One often reads in the daily press of the need for economic stabilzation. I think that is exactly what is needed now, if local public television is to exist and, hopefully, thrive. It is to this end that I would like to direct my remarks.

If I may paraphrase from the Bible. In the beginning, there were the stations. The question is—will they be there in the end?

The stations preceded the Corporation for Public Broadcasting, the Public Broadcasting Service, the numerous other entities which serve in our behalf. Yet, there are times when it appears that we shall be survived by those that come after—which may be the law of nature, but ought not to be the guiding principle of the destiny of public broadcasting.

For in my opinion, and I believe that of the great majority of my colleagues, the destiny of public broadcasting, its ultimate acceptance in the grass-roots of America, lies with a strong local public television station, responsive to its local constituency—programming for that constituency—in the interest of that constituency.

But you can't have all this, unless you pay your light bill first. Mandrake the Magician would be hard pressed to produce a significant program without first producing the funds to pay for the production staff, the graphics, the cameras, and the heat. The station must first have the sound economic base upon which to build this structure of community service.

Many station managers spend most of their time in a relentless search for "survival funds." Instead of expending energy in the creation and development of new and imaginative programming efforts (which takes dollars), many ETV managers, particularly in the smaller- and medium-size markets, spend most of their day in designing new and imaginative ways to seek funds to pay the telephone bill.

I do not say that the future of public broadcasting, with its emphasis on support of the local station, need be built at the expense of the Corporation for Public Broadcasting or a strong national program service. I do say, however, that the economic well-being of the local station must become a *prior* concern from which all else must flow. For the local public television station provides an avenue of communication for the local community. A good local public television station registers the pulse of its community.

I am sure that the distinguished members of this Committee are aware that the amount proposed in several bills relating to financing public broadcasting may not be equal to the task ahead. I do not think any useful purpose would be served by dwelling on the adequacy or not of the dollar amounts discussed.

What *is* important, in my view, is the direction and thrust of the expenditure. What *is* important is that the focus should be put where it truly belongs—on the local station to do the local job that must be done.

There is little sense in providing for a first class interconnection of poorhouses which simply exist to funnel a national program service.

As I recently noted in a letter to the Honorable Fred Rooney, a member of this Committee, whatever funding develops, from whatever source, it is imperative that the major designation and thrust for any funding bill keep the local stations as the major priority.

The heart of public broadcasting today, as it has always been in the past, lies with the local station. The funding and direction of public broadcasting must be primarily oriented towards the support of the local station.

This need not necesarily be at the expense of a national program service if sufficient funds are available; but when there must be a choice, the needs of the local communities, through their stations, should be served first.

These funds enable us to produce local programs, for example, such as our station undertakes in the Lehigh Valley of Pennsylvania, to fill a community need.

Two weeks of continuous live local programming every night, featuring all local candidates for political office, including school board, city council, state Senate and Assembly, d.a., judgeships, and United States Congress. Live, local election returns; public hearings, featuring the Governor; State House Committees; Ecology versus the Environment; and Fluoridation.

Monthly live City Council and School Board Reports with telephone questions direct to city and school officials; regular weekly exchange of views by college students and community leaders of seven local universities on our "College Speak In", which recently featured the Honorable Wilbur Mills in a special hour telecast. Programming such as this can only be done at the grassroots level—and supported by funding that puts the money where the program is—locally.

As to a formula of local station percentage in any funding bill, I would suggest an increasing sliding local percentage with concomitant decreasing percent for the national service as the *total* dollars increase.

At the present time, 12% of the funds are going to meet local station support. For example, in a total $45 million new funding bill, 30% could be the initial local factor, which would yield about $15 million local funds and $30 million nationaly. This is a modest step in the right direction.

If the local percent were to increase, for example, 5% for every $5 million, a total appropriation of $65 million, would have a 50% local factor, or about $30 million; with the remaining 50% or $35 million still available for national programs.

You will note such an approach would still guarantee a strong national commitment at a consistent dollar level, yet recognize the need to increase the local station dollars as more federal funds became available to cover increasing demands on the local public television facility.

A local-national ratio could also be worked out for appropriations as needed beyond the figures noted here, but I hope I have illustrated a concept on how a sliding formula might work with the need for increasing local support at the matrix.

Our greatest single need at this point is for unrestricted general station support that may be utilized by the local stations. Candidly, in my opinion, the source of this support becomes secondary. The real issue is the need; not necessarily the mechanism by which this is generated.

I am certain that this Committee is benumbed by those testifying on a variety of bills, who preface their remarks by saying that the appropriation they seek is really inadequate for the task at hand—or if an amount has been proposed, that it is insufficient.

I have tried to spare you this kind of financial analysis—believing that the *real* point at issue is the direction this funding should take—for if the principle upon which the funding is based is sound—if the emphasis is "right on" as they say in the present day vernacular—then the dollars to do the job right will ultimately flow in the needed amounts—for the public will have been served.

They will support and encourage your efforts as responsible Congressmen, and public broadcasting will realize its promise of being a dynamic and motivating force for the benefit of all our citizens.

Thank you.

## THE INCOMPARABLE JERRY WEST—WEST VIRGINIA'S BASKETBALL REPRESENTATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, in these days of turmoil and confusion, the American people instinctively turn to athletics as a cathartic. Every sport has its hero, worshipped by thousands. West Virginia is proud to present its representative in the world of amateur and professional basketball, Jerry West. News media across the Nation are today acclaiming his skill and his character as a good citizen. It is my great pleasure to offer this little tribute to his matchless gifts.

Jerry West is a gifted, graceful, modest young man, admired by millions of basketball fans everywhere.

As one of West Virginia's greatest "natural resources" he has been—and still is—a wondrous "ambassador of good will" not only for his native State, but the entire Nation.

To the National Basketball Association, he is a "special person" because of his many attributes both on and off the court.

West Virginia University never had a better player than the 6-foot 3-inch, 175-pound, two-time All-American superstar, Jerry West, a "complete player" in every respect.

Neither have the Los Angeles Lakers for whom Jerry West is in his 12th season as an all-time, all-pro performer.

Indeed, those of us who have followed his star-studded career closely believe he may be, pound for pound and inch for inch, the greatest basketball player who ever lived.

His amazing achievements are too numerous—and too well known—to list here. Suffice to say that all of the records he established as a "Mountaineer" remain intact as do his numerous marks with the Lakers and the National Basketball Association.

Only three players in pro basketball history have scored more points, only four have made more free throws, and only five have been credited with more assists.

Just last month Jerry West was voted the Most Valuable Player Award in the NBA All-Star Game in Los Angeles, where his last-second field goal gave the West team a 2-point victory over the East. It seemed most fitting inasmuch as he always has been known as "Mr. Clutch" for his exploits on the court.

Two years ago, this gutty guard led the league in scoring and was acclaimed the NBA's Most Valuable Player in the championship playoffs—but he told the world—

> I would gladly trade that singular honor for a team title.

That is the type of person this deeply dedicated athlete is.

Several months ago, Jerry West reluctantly agreed to a "night" in his honor at a game in Los Angeles. In lieu of gifts, however, he requested that all proceeds from the sale of the souvenir book be used to establish a perpetual "Jerry West Scholarship" for the needy at West Virginia University in Morgantown. A deserving youngster, not necessarily an athlete, will be the recipient each year.

Jerry West has given of his time, effort, and money to help young people and old in various ways. Just recently he served as chairman of the Christmas Seal Campaign for his home State.

It is with tremendous pride that we West Virginians—and members of the District of Columbia chapter of the West Virginia University Alumni Association—spearhead a salute to this distinguished alumus and national sports celebrity.

We are constantly reminded that Jerry West has not played on a championship team except in high school at East Bank, W. Va., and with the U.S. representatives in the Olympic and Pan-American Games.

To millions of Americans, however, Jerry West is a true champion in every respect and always will be—long after his career as a player comes to an end.

Thus, it is with the utmost esteem, respect, and admiration that fellow West Virginians and West Virginia University graduates, and thousands of others, join in paying tribute to Jerry West on Sunday afternoon, February 13, 1972, when the Lakers play the Baltimore Bullets at College Park, Md.

May Jerry West, wife Jane, and their three handsome sons, Dave, Mike, and Mark, enjoy this moment of recognition to one so humble and so deserving.

## MORE PLANT AND JOB LOSSES OVERSEAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Burke) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, as evidence of my continuing concern in matters of foreign trade and overseas investment, I feel that the following articles should be brought to the attention of each and every Member of this House. These are the articles of respected journalists and wire services and not something that comes off the top of a Congressman's head in the middle of a floor debate. I think that they go a considerable distance in documenting the increasing concern many of us have felt about recent trends in our economy. The more articles, such as this, one reads, the more convinced one becomes that the time for Congress to begin exhaustive hearings into foreign trade and the multinational corporation is upon us. H.R. 10914 would serve as an effective background for such hearings and has already been filed several times with an impressive list of consponsors. The articles follow:

[From the Boston Globe, Jan. 5, 1972]

### Royal Typewriter Factory To Leave Connecticut for England

Hartford, Conn.—Royal Typewriter Co. yesterday announced it will move all its typewriter production overseas—a step expected to affect 1500 workers.

"Tragic" was the reaction of one union official.

Royal announced in September that it was considering moving all production to its facility in Hull, England.

Royal employes were told in a letter that the decision to move has been made "as a result of years-long and continuing competitive pressure from lower-cost foreign made typewriters."

"After considering all elements of continued operations of the Hartford manufacturing facility, we have concluded that Royal must transfer all typewriter production from Hartford to more economical facilities," the company said.

It added that no decision had been made on when the transfer would be completed.

A union spokesman said no arrangements had been made for transfer of any production workers to England.

Royal said it will maintain marketing and administratve personnel numbering about 700 in Hartford.

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### More U.S. Goods "Made in Japan"

(By Dean C. Miller)

New York.—You may think that the Dodge Colt compact car, Royal's "Apollo" typewriter and Bell & Howell's super-8 movie camera have little in common.

But they do.

They're all made in Japan.

To the long list of "American" products made overseas can be added many models of television sets, some General Electric washing machines, RCA radios and even Spalding baseball gloves.

Each year Americans spend billions for Japanese products bearing American brand names. Many people aren't even aware of it because labels and plates denoting point of manufacture often are under or on the backs of the machines. Hitachi makes some models of the RCA radio and GE washing machines. Mitsubishi Corp. makes the Colt compact.

NCR, Burroughs and Dictaphone place their names on calculators produced in Japan by Sharp, Sanyo and Nippon, respectively. Most Monroe calculators are produced in Japan by Canon. Many Philco-Ford television sets also are produced abroad.

#### CHEAP LABOR SOUGHT

This flight to cheaper labor markets has cost Americans about 275,000 jobs just in the radio-television and electronic area and the fields of leather footwear, steel, apparel and textiles, according to Bureau of Labor Statistics. Imports in these areas in 1970 contributed nearly $4 billion to the balance of payments deficit.

It has been estimated that Americans in 1971 imported 90 percent of their home radios, 51 percent of their black and white television sets, 42 percent of their shoes, 16 percent of their new cars, 96 percent of their motorcycles and 68 percent of their sweaters.

Besides products made overseas and bearing American brand names, a vast quantity of goods are assembled here from components manufactured abroad. IBM, the leading maker of computers, has a component manufacturing plant in Taiwan. That island also turns out television components and other electronic parts for Philco-Ford, Admiral and General Instrument Co.

Little by little, the drive towards cheaper labor, a major factor in productivity which ultimately determines profit margins, is chipping away at American industries. Take the portable typewriter industry for example. Major producers like Royal, Remington, and Underwood, acquired by Olivetti, an Italian company, make their products overseas. Allen Business Machines (formerly R. C. Allen), an American manufacturer of office typewriters, was forced out of business entirely.

#### ONE U.S. PORTABLE

Smith-Corona portables, made by SCM Corp., are the only portables still produced in this country. SCM manages this through automated manufacturing methods at its production complex in the Cortland, N.Y. area. Despite the automation, Smith-Corona still hires 3,500 workers at these plants. But you can bet that these workers worry some as they feel the pressures of foreign labor closing in on them.

Corporations also feel that pressure. They're caught between the desire to make more profits through higher productivity and public resentment when they phase out plants and operations in favor of foreign labor.

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[From Business Week, Aug. 28, 1971]

### Multinationals Take It in Stride

Rohr Corp., a diversified manufacturer based in Chula Vista, Calif., close to the Mexican border, seems just the sort of company that would have to make some quick adjustments to the new U.S. trade program. When it landed a contract to make rapid transit cars it set up a plant south of the border to do its labor-intensive assembly work at Mexican wage scales—and now must pay a 10% import surcharge on all the work done there Yet the company has no intention of making any changes. For Rohr, the 10% penalty does not come close to offsetting the labor cost advantage. "We can hire a welder in Mexico for a week for what it would cost us per day up here," a spokesman says.

Rohr's reaction is shared to a surprising degree by other U.S. multinational companies that make goods abroad for consumption back home and thus stand to be blooded by their own government's protectionist sword. The auto industry, for example, can absorb the impact without pain. Demand for Detroit's imports—GM's Opel, Chrysler's Cricket and Colt, and Ford's Capri—is so great that executives are not lowering their sales targets, especially since cancellation of the auto excise tax offsets the duty surcharge.

#### THE GAP REMAINS

Many multinational companies find that the gap between domestic and foreign manufacturing costs is so wide that the surcharge does little more than dramatize it. Remington Rand Div. of Sperry Rand, for example, makes two-thirds of its manual typewriters in Italy and South America and recently shifted all its calculator manufacturing from the U.S. to Japan. Division president Edward L. Brown thinks the surcharge may help the domestic office-machine industry, but sees no chance that his company might change its production setup. At Bulova Watch Co., which makes most of its jeweled watches abroad, President Harry Henshel says the labor differential of 2 to 1 is "too big for the surcharge to make any difference."

Dozens of U.S. electronics companies have manufacturing affiliates in the Far East, where the cost advantage is "a hell of a lot more than the 10% surcharge," says chairman Moses Shapiro of General Instrument Corp. In any case, Shapiro adds, "we went to Taiwan mainly to compete against the Japanese, so our position really isn't affected."

#### REVEALING

Ironically, judging by complaints received by the Treasury Dept., the import surcharge worries many multinational manufacturers not because it is so big but because it may look so small on invoices they send to customers. The surcharge represents 10% of the "value added" by manufacture abroad, and a retailer may get a pretty clear idea of his suppliers' costs and markups. Manufacturers like to keep such matters secret, especially if their costs are embarrassingly low in relation to prices that are charged.

But most businessmen are postponing

judgments until they see how costs passed along are received in the market and how the monetary confusion settles down. President Henry E. Bowes of Bell & Howell Co. is less concerned with the surcharge than with the possibility that revaluation of the yen will boost the cost of making his company's Canon cameras in Japan.

"We're telling the Japanese that we'd be happy to renegotiate our contracts, but only in dollars," Bowes says. "The surcharge doesn't bother me much, but if the Japanese insist on yen contracts, to hell with it—we'll pull out."

Schwinn Bicycle Co., which imports "a significant portion" of parts from West Germany, Japan, and Britain, has been under pressure to renegotiate contracts in all three countries, says financial vice-president A. E. Selkurt. "The dollar's first wavering created a small panic among our suppliers," Selkurt says. "They wanted to renegotiate on the dollar values prevailing today—today, mind you. We have assured them we would recognize the eventual level of exchange in future contracts."

The combined effect of the surcharge and dollar erosion may boost Ampex Corp.'s costs of manufacturing computer core memories in Hong Kong and Taiwan by more than 20%, according to Eugene E. Prince, manager of the computer products division. Prince has no idea how much of this, if any, can be tacked onto prices, because the market is so competitive; he thinks some of it will have to come out of profits. Yet the cost advantage is still far too great to consider moving back home, he says.

The situation is different for the Singer Co., which makes its middle and low-priced sewing machine lines in Italy and Britain. Foreign labor costs run some 60% less per man hour below costs at the Elizabeth Port, N.J. plant whch makes Singer's top line, according to senior vice president Donald Robbins. But the U.S. plant has such superior productivity through high automation, says Robbins, that a permanent increase in import costs of as little as 10% might justify a pullback of some operations from abroad.

*Hurting*. Not all industries enjoy freedom of choice. This week Washington was being beseiged by businessmen seeking exemptions on grounds ranging from the national interest to special hardship. Hardwood importers, for example, argue that the 10% surcharge on plywood imports from Brazil and the Far East would further inflate housing costs and lead to wasteful depletion of U.S. forest reserves Deltec International, which cans and freezes pre-cooked meat in South America, is protesting that it must pay a surcharge while fresh and fresh-frozen meats are exempt. Since its products go into low-budget foods, it says the impact would fall on consumers least able to afford it.

Importers in a number of industries claim that they are threatened with bankruptcy because their contracts specify a "duty paid" price, so they cannot pass the surcharge along. Businessmen are also flooding government officials with pleas for clarification of the rules. Bell & Howell president Bowes was one of many top executives who trekked to Washington in the last few days. He returned shaking his head. "They have a lot of thinking to do down there," he said. "And they seem to be doing it by the day."

## TRIBUTE TO THOMAS DUYULIA

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous mattter.)

Mr. HANLEY. Mr. Speaker, I would like to take this time to announce my congratulations and also my sorrow concerning the retirement of a personal friend and a dedicated Federal employee. I am sure my fellow Members will join with me in honoring such a faithful public servant. Thomas DeYulia, who is the first career postmaster in the history of the Syracuse Post Office is retiring after 33 years of outstanding postal work. The retirement will become effective February 4, 1972.

Tom was appointed postmaster in February of 1971 not as the result of a political appointment but because of his outstanding service in his field. It is a very worthwhile feeling to know that one can advance to higher positions in such an important field as the Post Office Department. His appointment, one of 4,544 since last November was made possible by the postal reorganization and salary adjustment bill.

Thomas DeYulia began his 33-year career with the Post Office Department as a 65-cent-an-hour substitute carrier. He earned recognition throughout his career for his outstanding work. Hs is a model of a career employee.

It was Thomas DeYulia who initiated the postal clerk's Sunday voluntary overtime program in Syracuse which resulted in a 50-percent increase in productivity. This plan along with many other of his ideas was adapted by many of the neighboring postal areas. Mr. Speaker it is no surprise that last year Tom was praised by the U.S. Civil Service Commission for his outstanding and dynamic approach in the methods of post office management.

It is my honor to tell you that besides being a capable manager of his post office Thomas DeYulia has been a great public servant as well. Because of his deep interest in the well being of the people he services he has created many jobs for young people in Syracuse and he has initiated a postal station easily accessible to senior citizens. Tom DeYulia has also kept alive the interests of children by encouraging them to write to Santa Claus.

Thomas DeYulia is certainly an inspiration to all postal employees and, indeed, to all hard-working men and women. He has shown that through determination, hard work and an interest in others, it is possible to reach success and become a credit to his community. He has made a great contribution to the dignity and morale of the Post Office Department. I know I am among many when I wish my congratulations to Tom for his unparalleled service. It is through a man like him that the justification of such a program of merit is in order. I am sure you all agree that Thomas DeYulia is a national example of a career postal employee. Please join me in offering best wishes to Tom and his lovely wife Frances.

## THE RANGEL AMENDMENT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, Charles Rangel, now in his second year of his first term in the Congress, has through his own initiative, intelligence, and persuasive ability, done what few Members of this House have ever done. He has caused a particular amendment dealing with the control of drugs to be affixed to four bills that have passed this House in the 92d Congress.

In September of 1971 it was his amendment which was added to the foreign aid bill which would have banned aid to Turkey if the Turkish Government refused to end the growing of heroin poppy in that country. As a result of his amendment, the Turkish Government has now banned future crops.

Yesterday in this House he offered his amendment to three separate bills, to wit, S. 748, the Inter-American Development Bank, S. 749, the Asian Development Bank, and S. 2010, the International Development Association, which bills authorized the lending of near $2 billion. His amendments, which were adopted, direct that our representatives on each of the three separate lending institutions cast negative votes against any proposed borrowing country where the President has made a determination that the government of such country has failed to take adequate steps to prevent narcotic drugs from being produced, processed, transported and sold illegally within the United States.

The Rangel amendment, now part of four important bills, is one of the best weapons that this country now has to deal with our narcotics plague. Is it not marvelous that a freshman Congressman is now known by everyone in the House of Representatives for his great work in this area and that there is an amendment known as the Rangel amendment which will undoubtedly be added to every bill where the United States provides monies to other countries, so as to make certain that those countries do their best not to contribute to our heroin plague.

## FORTY-THREE MEMBERS URGE PRESIDENT NIXON TO RELEASE HOUSING AND HOUSING-RELATED APPROPRIATIONS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today 43 Members of the House sent a letter to the President urging that he unfreeze the near $700 million which his administration has frozen and which funds were appropriated by the Congress for various housing related programs.

The letter to the President with the names of the signatories is appended.

Congress of the United States,
House of Representatives,
*Washington, D.C., February 2, 1971.*

Hon. Richard Nixon,
*President*, The White House,
*Washington, D.C.*

Dear Mr. President: We should like to draw your attention to the adverse results occurring because of your Administration's freezing of funds appropriated for various housing and housing-related programs. We need not cite the shocking state of housing in so many urban, suburban, and rural areas of our country. And we find it most difficult to understand your rationale in having ordered the freeze. We urge that you reconsider that action.

Programs whose funds have been appropriated and yet frozen for fiscal year 1972 include the following: water and sewer grant programs—$500 out of $700 million is being withheld. $50 million is frozen for the rehabilitation loan program, and $130 million in contract authority for public housing.

Last week Secretary of Housing and Urban Development George Romney stressed before the 28th Annual Convention of the National Association of Home Builders in Texas the continuing deterioration of inner-city housing. While the Secretary predicted that the industry would start construction of 2.1 to 2.3 million units this year (an estimate far larger than most would make at this moment) even if fulfilled this would be short of this year's quota if we are to meet the 10 year goal of 26 million units set by the 1968 Housing Authorization bill.

We applauded your statement in your State of the Union message to wit: "Our commitment to balanced growth also requires a commitment to our cities—to old cities threatened by decay, to suburbs now sprawling senselessly because of inadequate planning, and to new cities not yet born but clearly needed by our growing population." But we are distressed that your expression of commitment was not accompanied with the immediate release of those frozen funds already appropriated by Congress.

We urge that you issue an order directing that these funds be made immediately available for the housing and housing-related purposes for which they were intended.

Sincerely,

HENRY B. GONZALEZ,
EDWARD I. KOCH,

Members of the Banking and Currency Committee, William Barrett (Chairman, Subcommittee on Housing), Frank Brasco, William Cotter, James Hanley, Parren Mitchell, William Moorhead.

Other Members of Congress: Bella Abzug, William Anderson, Herman Badillo, Nick Begich, Jonathan Bingham, James Burke, Shirley Chisholm, George Collins, James Corman, Ronald Dellums, Charles Diggs.

John Dow, Robert Drinan, O. C. Fisher, Donald Fraser, Cornelius Gallagher, Ella Grasso, Lee Hamilton, Michael Harrington, Ken Hechler, Henry Helstoski, Louise Day Hicks, Ralph Metcalfe.

John Moss, Claude Pepper, Otis Pike, Charles Rangel, Thomas Rees, Robert Roe, Benjamin Rosenthal, Dan Rostenkowski, William Roy, William Ryan, Paul Sarbanes, James Scheuer, Louis Stokes, Lester Wolff.

## EDITORIAL SUPPORT FOR SHORTER CAMPAIGNS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, we have recently passed comprehensive campaign reform legislation which is an historic and essential step in improving our whole electoral process. The spending limitations of this package, particularly for television, will help insure that the airwaves are not completely saturated with political commercials, and that political office is open to citizens of any income bracket. The new reporting requirements will enhance the credibility of elective office.

At the same time, the bill omits one crucial area which is sorely in need of reform—the unbearable length to which we allow our campaigns to run. Long campaigns are expensive, exhausting for the candidates themselves, and simply boring for the electorate.

I have maintained for years that one simple but effective way to cut down on electoral abuses would be to impose a simple limit on campaign length to a proportion which other democratic nations follow. To this end, I have introduced H.R. 8606 to limit the length of presidential campaigns to 60 days. This bill would make illegal the nomination of candidates for President and Vice President more than 60 days prior to election.

Now that the Nation has embarked upon a presidential marathon, this proposal seems more necessary than ever. I am pleased that the Bridgeport Post has agreed with this position and I include here an excellent editorial from the January 24 issue of that newspaper on the campaign reform bill passed by the Congress and the 60-day campaign.

### CAMPAIGN SPENDING

The 92nd Congress started its second session on a high note by passing the campaign spending reform bill designed to protect free elections as a cornerstone of our society.

In one sense, our elections were getting to be anything but free.

Campaign expenditures escalated at a rate which threatened to bar from high public office all who did not belong to one of two categories: those personally wealthy and those willing to place themselves in debt to special interest groups.

TV and radio advertising swallowed an ever increasing slice of the campaign budget pie. In the 1968 general election, the two major parties spent about $38 million for media time. This figure represented an increase of almost two-thirds over 1964.

The bill insures that these inflated figures will be a thing of the past. It limits a presidential candidate's broadcasting budget to $8.4 million, no niggardly figure to be sure, but one calculated to end the saturation of TV and radio by political spots.

All federal office seekers must now abide by an all-media spending ceiling of 10 cents per potential voter with no more than six cents going for broadcasting ads.

The new law limits what a candidate may contribute to his own campaign—$50,000 for the presidency, for example. It also requires regular reporting of contributions of $1,000 or more.

This legislation is welcome, and, in fact, overdue. The growing cynicism about our elective process was reflected in the success of the book, "The Selling of the President."

There was a dreadful plausability to the words of Massachusetts Representative Torbert H. Macdonald: "The cost of broadcast time is the chief reason why the availability of money to a candidate has replaced personal ability as the major criterion in the selection of that candidate."

We admit to some regret that the new bill did not abandon the equal time provision and make debate between major candidates possible, but this is mainly for show business reasons. When a President is involved, moreover, the confrontations are bound to be disappointing because appeals to executive privilege and classified information will inevitably be made to evade sticky questions.

The debates of 1960, in retrospect, were a contest of who could shoot from the hip faster. A candidate's five o'clock shadow proved to be more decisive than his stand on an issue. And what questions of substance were really discussed? Remember those interminable answers on Quemoy, Matsu, and the Pescadores?

While we applaud the new legislation, it marks only a first step in bringing campaigns within reason. Next we would like to see serious consideration given to a proposal of Representative John S. Monagan. The Congressman from Connecticut's 5th District wants to make the nomination of presidential candidates more than 60 days before the election illegal. This would make campaigns shorter and even less expensive.

## NEW FEED GRAIN OPTION

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, this morning's announcement by Secretary Butz of a new diversion option for feed grain farmers giving them larger payments is clearly indicative of the administration's increased efforts to make the feed grain program work in such a way as to afford participants maximum freedom and greater income protection. This new 80-cent payment for additional 10-percent set aside is designed to help make the necessary preplanting adjustments that will greatly improve the market outlook this year. Importantly, this prompt and decisive action should have a significant impact in helping to bolster farm income.

I am sure all of us welcome this announcement. The Secretary should be commended on this flexibility in responding to producer needs and making the program more effective for farmers.

## TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's pioneers of progress and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

Benjamin Franklin invented the bifocal lens in 1780.

## DEVELOPMENT OF STATE DRUG TREATMENT PROGRAMS

(Mr. FREY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FREY. Mr. Speaker, I am reintroducing legislation today with cosponsors which I feel may if enacted, provide the means to induce States to establish drug treatment programs for addicts who reside in the various States and, at the same time, insure that present Federal funding and, hopefully, increased levels in such funding for treatment programs will be spent on more effective programs.

The treatment of narcotic addicts, who either volunteer or are committed for treatment, is primarily a State and local responsibility. Only the State, through local law enforcement and health agencies, have the ability to assess what the narcotic treatment needs of the State are. Moreover, the most successful treatment and rehabilitation programs have been community-based treatment programs. Addicts who have been removed from the communities in which they reside for treatment, have extreme difficulty in adjusting when returned to the community. A great many addicts can be successfully rehabilitated in carefully controlled out-patient programs in the community.

Few States, however, are administratively and financially geared up to effectively treat the narcotic addict population of the State. My own State of Florida, for instance, lacks a coordinated, State regulated and funded treatment program. Funding for those treatment programs which do exist comes entirely from local and/or Federal funds. Many States—at least 15—have no drug program whatsoever.

The means exist to induce the States to organize themselves and appropriate the necessary funds to treat their narcotic addict population, but neither the Congress nor the Federal granting agencies have seized upon it. Since several agencies, primarily LEAA within the Justice Department and NIMH within HEW, presently make grants to treatment programs, conditions or criteria can and should be established which States must adhere to before grants are made to that State.

Presently, however, grants are made by LEAA and NIMH directly to grantees within a State, irrespective of how that treatment program relates to an overall State's needs. Moreover, there is little, if any, coordination between LEAA and NIMH in making such grants. Mr. Dean Crowther, Associate Director of the Civil Division of GAO, which recently made a study of Federal treatment programs concluded that:

> While there is a reasonable amount of money being sent to communities by both the Department of Justice under LEAA and HEW under NIMH, there is not nearly as close a link-up as we would like to see.

In addition, LEAA lacks the competence to make such grants; LEAA is primarily a granting authority for State law enforcement activities.

The legislation I am introducing today will remedy this situation by: First, transferring the authority for making narcotic treatment grants to NIMH, thereby centralizing the bulk of grant authority in an agency competent to administer such programs; and second, inducing the various States to create narcotic treatment programs by making grants to State agencies established for such purposes for distribution to public and private programs which are components of community-based multimodality treatment programs.

Section 6 of the bill amends the Omnibus Crime Control and Safe Streets Act to delete the authority for LEAA to make grants for narcotic treatment and provides that any sum authorized to be appropriated to make such grants are "authorized to be appropriated for the purposes of section 251 of the Community Mental Health Centers Act in addition to any other sums to be appropriated for such section."

Section 5 of the bill amends the Community Mental Health Centers Act to allow States to make application for Federal funding for treatment and rehabilitation programs based upon their assessment of such needs in the State which cannot be met out of private or local and State funding, instead of private or public treatment programs making application directly to NIMH for funding of their individual program. The funds distributed to the State pursuant to such application would then be distributed by the State agency to the various private and public community treatment programs.

No application for a grant can be approved unless such application is made by a State agency—

> (1) which is established, with the assistance of the Secretary, for the purpose of receiving, administering, and distributing such grants to community-based multimodality treatment programs; (2) which has submitted to the Secretary a comprehensive plan, prepared with the assistance of the Secretary, for the development of community-based multi-modality treatment programs based upon a detailed survey by such State agency of the narcotic addict treatment needs of the State; and (3) which has established, with the assistance of the Secretary, such standards as are necessary to provide criteria for the continuation of narcotic addict treatment programs in effect immediately prior to the effective date of this Act, and for the establishment of community-based multi-modality treatment programs; (4) which agrees that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out under the plan, and any modifications in the plan which it considers necessary; and (5) which agrees to fund only those community-based multi-modality treatment programs which agree to treat addicts who have been committed for treatment either under the Narcotic Addict Rehabilitation Act of 1966 or under a state civil commitment program.

The term "community-based, multimodality treatment program" is defined as—

> . . . a program for the treatment of narcotics addicts, and other persons with drug abuse and drug dependence problems, established by a State, or a political subdivision thereof, for the purpose of providing comprehensive treatment, including maintenance, detoxification, social and vocational rehabilitation, and other forms of treatment suited to the individual needs of the person treated such comprehensive treatment. Any such nonprofit private treatment agencies and organizations as subsidiary components of such program as may be necessary to provide such comprehensive treatment. "Any such program shall be organized in conformity with the State plan and standards referred to earlier.

By requiring the States as a precondition to receiving treatment grants directly to establish a State narcotic treatment agency that would scientifically ascertain what the treatment needs of the State are, develop a comprehensive plan for the development of treatment programs, and establish standards with the assistance of NIMH for such programs, we are inducing the States to recognize the role they must play in treating narcotic addicts and, at the same time, insuring that both local, State, and Federal funds for narcotic treatment are spent in an orderly, effective manner.

Such funds would be expended on "community-based, multimodality programs" because such programs offer the best chance of success and by integrating various modalities of treatment, both public and private, into a comprehensive community program the needs of the individual addict can be more effectively and economically met. Effective treatment requires a multidimensional approach in which specific services for the addict are integrated with other related health and human services and such services must be provided in a millieu in which the addict and those close to him live and to which he must return after the initial phase of treatment.

The requirement that the State fund only those programs which agree to accept addicts committed to them by State, local, and Federal courts as well as those who voluntarily seek treatment is an outgrowth of the GAO report referred to earlier.

Oftentimes, under both the Narcotic Addict Rehabilitation Act of 1966 and under State civil commitment laws such as those in New York and California, addicts cannot be committed for treatment because programs at the community level will not accept such addicts. GAO reviewed 22 NIMH grants awarded through April 30, 1970, and none of the grants included a requirement to treat those addicts referred from State and local courts. A few were required to assist the Federal civil commitment program.

States will also be required to offer treatment in lieu of prosecution for an addict charged with both a State and Federal offense who is not prosecuted at the Federal level but would otherwise be eligible for treatment in lieu of prosecution under title I of the Narcotic Addict Rehabilitation Act of 1966. Title I was intended to apply to addicts who committed such Federal crimes as mail theft, check forgery, auto theft, and other nonviolent crimes. Many of these crimes are also violations of State statutes, only under the provisions of NARA when U.S. district courts can invoke title I. Thus, when in many of these cases, addicts are referred to State or local authorities for prosecution, opportunities for pretrial civil commitment in lieu of prosecution are lost if the State does not have a civil commitment program.

## GROUNDHOG DAY: A NOBLE AMERICAN TRADITION

(Mr. SAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, today is Groundhog Day. This morning, just after the break of dawn at Gobbler's Knob near Punxsutawney, Pa., the celebrated weather forecaster will emerge from his underground home to determine what the elements have in store for us in the coming 6 weeks. If he sees his shadow, beware—there is cold, wintry weather ahead. If he sees no shadow—then we can be sure that spring is just around the corner.

Now I know that to many people all over the world, February 2 will be just another Tuesday. But in the United States and particularly in Punxsutawney, Pa., this date has come to have a special meaning.

Some of our distinguished colleagues may need reminding of the ritual that surrounds the 2d of February, Groundhog Day. It is a tradition that has its roots in European folklore. The date, which is also the feast of Candlemas, has been associated with weather prediction since the Middle Ages. Medieval people believed that the day was chosen by hibernating animals to come to the surface to observe the weather. If the German badger came to the outside and was frightened by his shadow on a sunny day, the animal returned to its burrow for more hibernation. This eventually came to mean that 6 more weeks of cold weather was in store. But a cloudy day minus the shadow meant that spring and pleasant weather were on the way and such a sign was to be welcomed by the farmer who saw it as a good omen for the entire year.

The badger gave way to the groundhog as the belief was brought to America by early German settlers. Since that time, Punxsutawney, Pa. has come to be known as the "groundhog capital of the world."

The celebration of Groundhog Day is an important festival throughout our country and many societies and organizations are dedicated to the preservation of this longstanding tradition. The oldest society was founded in 1880 in Punxsutawney, Jefferson County, Pa., an area which I have the honor to represent in the Congress.

America anxiously awaits the news from Punxsutawney. Until I can give you the official word, I take this opportunity to wish for all of us a cloudy Groundhog Day, an early spring, and a bountiful year.

## U.S. TRADE POLICY IN CRISIS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in the past year we have all become aware of the very serious condition of our international trade balance. In 1971, we incurred the biggest trade deficit in our history—over $2 billion, and the first calendar year deficit since 1888.

The deficit in terms of competitive goods was actually $2.5 billion larger because our export statistics include our foreign aid and food-for-peace shipments. Also, we value our imports on their foreign value at point of shipment rather than on what they cost us landed in our ports of entry. As estimated by the U.S. Tariff Commission, this amounts to an undervaluation of at least 10 percent.

Mr. Speaker, the situation is very serious and it is doubtful that the realinement of international currencies will bridge the gap between the foreign cost and our own costs and that imports will continue to unfairly plague many important American industries.

In view of the extreme importance of our weak international competitive position, I wish to offer for the RECORD a paper that goes into the historical background of how our difficulties developed. It was prepared by Mr. O. R. Strackbein who has labored in this field for many years.

Mr. Strackbein's analysis goes beyond the superficial explanations that are current, and I urge all Members to read and contemplate on the lessons to be gained from the paper.

The paper follows:

### U.S. TRADE POLICY IN CRISIS

(By O. R. Strackbein, President, The Nation-Wide Committee on Import-Export Policy)

The basis of our trade with other countries has undergone so radical a change that a drastic change in our thirty-seven year old trade policy is no longer escapable. Indeed a few steps in recognition of this new reality have been taken; but there is little evidence that the depth and scope of the changed conditions that have overtaken us is fully grasped.

Temporary and piecemeal measures are taken in what must be a vain hope that they will suffice. The fact is, however, that we face a competitive defeat that will not yield to temporary and superficial contrivances. We must peer much deeper.

An indescribable variety of products passes outward and inward in our foreign trade. Because of the variety of origins of products that enter into this country from abroad the competitive levels at which they strike their counterparts in this country vary greatly. For that reason the simple tariff system of the past, especially since the rate of duty must be the same toward all countries for the same products (the Communist countries generally excepted), is no longer by itself a suitable instrument of trade regulation.

However, while this observation vitally affects the instruments of control that may be used over imports, it does not uncover the transformed world conditions, including those in this conutry, that make a drastic revision of our trade policy no longer a matter of choice. Unless this fact is recognized and the reason for it, we will flounder in essentially futile but internationally highly irritating and resented efforts to solve our problem.

If we and others would understand what we face today we must go back to the time when our economy began to diverge from that of Europe and the remainder of the world. It needed several generations, two world wars, a deep depression, with the tight economic regulations it brought in its train, to mature the great divergence that separated our economy from its counterparts elsewhere.

First we should go to the roots of the tree we planted before the turn of the century in our fertile soil and upon the lower stem of which we grafted new stock that had not before been seen in the world. Much earlier yet we had wisely provided for free trade among our States.

Among the first roots that we put in the subsoil before 1900 was antimonopoly. It was marked by the Sherman Anti-Trust Act (1890). The importance of this root can hardly be exaggerated. That it was planted meant that economists, political scientists and others, were aware that the nascent mass-production system and the sprouting technology that made that system possible would die aborning unless the reduced costs that were the justification for mass production were passed on to the consumers in the form of lower retail prices. Monopoly, as surely as trade barriers among the States, would have greatly impeded such a result. Therefore we elected to prevent or break up monopolistic practices where they might appear.

The Knights of Labor the newly-born American Federation of Labor and the Populist movement were of the vintage of this era.

The Sherman Act was followed by Theodore Roosevelt's "Square Deal" and then under Woodrow Wilson by the Clayton, the Federal Trade Commission and the Federal Reserves Acts. Yet later came the Robinson-Patman Act by way of reenforcement. These actions reflected our faith in fair competition. They were native to this country.

As mass production became an engineering and technological reality, albeit still in its earlier stages, the connection between wages and the purchasing power of the people also began to be perceived. This perception might, indeed, be regarded as the veritable taproot of the new system. Hitherto wages had been looked upon with a jaundiced eye—indeed, as an evil to be kept at levels as low as possible. Unionization of labor was interpreted legally as a conspiracy, and labor organization was very unpopular. We had the British economists (notably David Ricardo, Mill, and others) to thank for this persistent attitude. It was not easily replaced.

Henry Ford of the promising new automobile industry is usually recognized as the promoter of the vision of a mass market nourished by higher wages as the necessary counterpart of mass production. He introduced the $5 per day wage as evidence of his faith. He not only saw that greater volume of output would reduce unit cost but that vastly increasing production would bring drastic savings. He also saw that this greater volume would only be a mockery if it were not met at the far end by a money-backed army of potential customers. He would simply be swamped with an indigestible inventory.

What Mr. Ford must also have perceived, even though he was not an academic economist, was the function of an elastic demand. Elasticity of demand means simply that desirable goods will be bought in greater volume as the price is lowered. This elastic response is not present in the necessities for which the demand is usually inelastic because it is limited by the size of the population. Only so much food can be consumed, for example, so much milk drunk or water swallowed. Lowering of the price does not open a greater market than the head-count provides.

The principle of elasticity of demand, but particularly its recognition, was therefore another one of the great roots that would nurture our system. It ranked with antimonopoly and free trade among the States as assurance of a massive national market.

Our blossoming technology assured growing productivity in our industry. Higher wages, made possible by higher productivity, supplied the mass purchasing power that awaited the rising stream of goods that was coming off our production lines.

If Ford had gained a monopoly he would have had a choice: he could have produced a few thousand cars and sold them at a high price. He could have charged what the traffic would have borne, as monopolists are in a position to do. He might have made a handsome profit per car and he need not have taken on the very burdensome worries, corrosive uncertainties and anxieties that go hand-in-hand with developing a vast and complex enterprise. He could, on the other hand, have done what he did in fact do.

His was a great risk, but the vision of the jackpot at the far end—the mass market, running into millions rather than thousands of cars, drew him on. Had he in fact gained a monopoly it is doubtful that he would have rested on his oars. Had he sold ten thousand cars at a profit of $1000 per car, he would have realized a gross return of ten million dollars. Had he the option of selling a million cars at a profit of only a hundred dollars per car he would have realized a hundred million dollars, or ten times as much. Which option would he have chosen? In the presence of competition in place of monopoly, the lower-price option would have been the only one open even if it were not necessarily intelligently exploited. In any event Mr. Ford took the long view and without being prodded by imports but impelled by a vision, succeeded at mass production to an astounding degree as a pioneer.

With the success of the automobile the Ford principle became well established and it was extended to a great variety of other products. Any new product or an existing one radically improved that lightened monotonous or time-consuming toil in the household or elsewhere or that catered to comfort, to artistic appreciation or to social prestige, was a candidate for the process that became familiar. The first units made ready for production might be well beyond the reach of the mass market: e.g., the radio and then television. As market tests gave good evidence of wide consumer acceptance venture capital was attracted. Import competition was not a consideration since it was nonexistent. Our patent system in any case provided assurance of a reward if the product was publicly accepted. In time market realities told the remainder of the story.

It is an unwritten history what an endless variety of consumer goods are conceived in inventors' or innovaters' minds only to be lost like the profusion of seeds in nature to devouring adversity. What we see around us in astounding abundance in the form of endless consumer goods is but a selection of the relatively few surviving specimens. Even these will be replaced in time. The failure of inventions in presumably a common experience since some 70 thousand patents per year are issued in this country. Among so many seeds only a small percentage need to germinate, grow and prosper in order to assure abundance. Like the mineral prospector, the inventor is not discouraged if he has the promise of a jackpot.

The great growth of our economy was indeed underwritten by the generation of new products of all kinds of the nonessential variety. Human desires for material abundance are stimulated rather than sated by gratification and expand indefinitely. The mass market may therefore be regarded as virtually limitless if distribution of income is spread throughout the population in keeping with rising productivity—unless, of course, other factors interfere. Some are encroaching imperiously even now.

The American productive system was destined to outstrip all others by far. It gave rise to advertising as a necessary tool to the distaste of many. Per capita consumption of goods in the United States reached multiple proportions compared with other countries in nonessential goods. We produced more of some goods than the rest of the world combined.

We depended on new goods born of new inventions or innovations to employ the oncoming millions of new workers. Even if a new product replaced an existing one, as did the automobile, or electric light, the ensuing mass production, opened a mass market. More jobs were created than had been replaced. In 1970 over 800,000 workers were employed by the automotive industry, and another 316,000 in garages and auto repairs (1967). Many more were employed by the iron and coal mines, by railroads and truck lines beyond the 800,000.

Wholly new products, such as motion pictures, radio and television, were also invented and developed. Jobs that were previously nonexistent soon beckoned and were filled. In 1970 motion picture manufacturing employed 191,000; exhibiting theatres, another 176,000; and radio and television manufacturing yet another 485,000—all virtually net additions to the workforce.

Improvements in established production methods produced similar effects. High speed printing presses, for example, lowered printing costs and led to mass circulation of newspapers and periodicals. The 1970 employment in these media was 448,000.

An endless search for new products and innovations went on. Industrial research and development in 1969 employed 383,200 scientists and engineers.

Advertising as a means of building a national market for new products, employed 109,000 in 1967.

And so it went. The extension of mass production in all possible directions increased employment opportunities. Patent rights provided the necessary period of time needed to reach the popular pocketbook. Then domestic competition prevented stagnation. However, import competition was hardly a factor. It had no part in developing our mass market for automobiles, radios, bath tubs, refrigerators, washers, or any of a long line of other consumer goods. There were few foreign counterparts and in any case there was no foreign mass-production and therefore no threat. The great motivation in this country was the reward of a mass market, not important competition.

After World War II the other non communist countries sought our system for themselves; and we responded generously by extending voluminous financial assistance and productivity guidance.

As a result their productivity soon rivaled us in some instances. However, they did not as readily "buy" our high-wage levels. While wages did rise sharply in other countries in recent years, in 1970 Japanese labor costs (including fringe benefits) were still only a quarter of ours, the British only 37%, the French 39% and the German 54%.

Since their mass purchasing power did not keep pace with their higher productivity and output those countries needed foreign markets for their burgeoning goods. We had lowered our tariffs some 80% since 1934 and therefore stood as a relatively open invitation to other countries for disposal of surplus products in our market.

In response to the outbreak of this new style of competition our firms began a massive trek overseas which in a dozen years resulted in an investment of some $75 billion in foreign enterprise. If we could not compete from our home ground we could serve the foreign markets from within them. We could go to where the low wages are. Also we could even turn around and sell in our home market itself from abroad and to third markets rather than exporting to them from the home base.

Beyond that many of our firms licensed foreign producers to use our patents.

As a result we enjoyed a great boom in machinery exports. This boom went so far that in the first seven months of this year (1971) no less than 45% of our total exports consisted of "machinery and transport equipment" as classified by the U.S. Department of Commerce. These exports were more than twice as high as our total agricultural exports and 2½ times as high as our exports of all other manufactured goods. From 1950 to 1960 we exported $48 billion in machinery alone (exclusive of transport equipment). From 1961 through 1970 we exported another $75.5 billion in machinery other than transport equipment. What might have we expected?

This massive transfer of our technological matrix abroad in so short a time soon confronted our system with its own counterpart under circumstances that could easily be disastrous. Had the foreign mass-production technology grown up over the years with our own system as it did within our States, the wide competitive gap that now threatens its very life would not have developed. Free trade would have been feasible. That is, however, not the history of the foreign development. We advanced far ahead of the rest of the world (Canada aside) and then overnight, so to speak, without time for adjustment, we were confronted with a shocking reality.

We made matters worse by dismantling our tariff during the period when we still enjoyed a long lead in productivity. We persisted in the "Kennedy Round" even after the handwriting was already appearing on the wall in raised letters. Our unwariness and self-deception was phenomenal. Even today there are many who cannot yet read the unmistakable script.

Unless basic corrective measures are taken, beyond temporary tinkering, we will experience the irony of being undone by our very progeny. The gift that we delivered to the world will breach our whole economy—not wilfully, to be sure, but nonetheless certainly because we have no natural defense against it, unless we take preventive measures suited to the deep-seated crisis.

The very gambit by which we rose to productive heights in this country, namely by developing new products or replacing less productive machinery with ever more productive replacements, thus reducing costs and creating a mass market, is now converted into a boomerang. If we seek to pursue the old course we displace workers, as we did so successfully in the coal mines, or if we launch new products with promising credentials, the old magic now fails. The waiting mass market for manufactured goods is no longer there for us. It will be captured by our foreign competitors who today soon become possessed of our patents through license or joint venture with our own capital and in a race can beat us to the jackpot. The new employment to which we looked so confidently in the past takes place surely enough, but abroad rather than at home. We are then left with the burden of displaced workers without the accustomed dividend of expanded factories working feverishly to supply the expanding mass market. Other countries reap the benefit; we shoulder the unemployment and welfare burden.

Are we in a position to stimulate foreign wages? Can we hold our wages at their present levels while foreign wages catch up? Neither avenue offers any early hope of closing the gap.

Or do we suffer from relative inefficiency even though we still out-produce the world in man-hour output?

Foreign productivity during the past two decades has indeed risen much more rapidly than our own. Have we reached our zenith? Economists pelt us with productivity percentages that show us lagging badly behind Japan, West Germany, Italy and other countries.

In a speech delivered by Secretary of Commerce Maurice Stans, he noted our lag in productivity. He said "American productivity is rising far slower than our major competitors' in the world—1.7% per year against 4.5 in Western Europe and 10.6 in Japan. Over the past five years productivity in American industry had the smallest increase of any industrial nation in the free world.

Yet, it stands to reason that so long as those countries are still playing a catch-up game and having not yet modernized all production, their rising productivity possibly reflects the effects of developing high productivity during the past decade from a base much lower than ours. Once they reach our levels across the board, their upward lead may be expected to subside compared with the period of catch-up activity.

The increase in output per man-hour for all manufacturing employees from 1960–70 was 190% in Japan; 74% in West Germany and 181% in Italy. In the United States the corresponding increase was 34%. Employment in manufacturing in Japan during the same decade increased 57.3%; in this country, 15.4%.

The more rapid rise in foreign productivity should not of itself be read as a reflection on our efficiency. With our technology within easy reach these countries could accomplish in a decade or two a development at which we worked since the early years of this century. We handed the technology over to them with our compliments along with seed money. Are we now to be penalized for our liberality?

The race is over unit costs of production. Unit cost is a function of material cost including the incorporated labor cost), the in-plant wage level and output per man-hour or other time interval. If output is high, wages may also be relatively high without suffering a competitive disadvantage vis-a-vis low wages accompanied by low productivity. However, when the low wages are combined with high productivity the high-wage becomes a competitive handicap. Employee compensation computed from the raw material stage through all the steps of processing and manufacture, including wages paid in operations that supply fuel, industrial chemicals, storage space, buildings, machinery, insurance, finance, transportation, etc, is in the magnitude of 80% of final production costs, in the absence of monopoly. It is for this reason that relative wage levels and salaries are of the utmost importance, in conjunction with productivity, in determining relative competitive capacity.

In this respect American producers stand on a high plateau compared with their foreign competitors. For this reason it is not a mark of keen perception to equate import competition with domestic competition. Although we had internal free trade we recognized the destructive effects of wage disparities, and we instituted minimum wages and obligatory collective bargaining in this country to protect the "fair" employer against competitive defeat from the "unfair" employer or sweatshop operators; but, of course, we could not extend such protection seaward. The tariff, which has now been all but dismantled, once served such a purpose to a degree.

We are wedded through the Employment Act of 1946 to full employment as a national policy. When we insist on greater efficiency in our industries we insist in fact on displacement of workers because no great gain in efficiency can be achieved without rather drastic worker displacement. This conclusion follows from the 80% share of employee compensation in production costs. In the past, as we have seen, worker displacement was indeed the royal road to industrial growth in this country, in so far as such displacement led to lower prices, and lower prices on products that enjoyed an elastic demand meant higher sales, assuming always that wages moved upward with higher productivity. This balance was very important.

Now, to repeat by way of emphasis, we no longer have that road open to us; and it is this fact that constitutes our import crisis.

There are those who would measure the impact of imports on our economy by the number of workers displaced industry by industry in this country by imports. By and of its itself this is not a proper measure. In the first place, what is called an "industry" in this country is often little more than the tip of the iceberg. The "steel industry", for example, consists only of the steel mills, while in fact distinctly less than half of the labor actually employed from the ore mines through the finished product is concentrated in the steel mills. Therefore if 100,000 workers are displaced by imports in the steel mills themselves, over 200,000 are displaced altogether. In the "automobile industry" even a lower proportion of those employed in producing all that goes into a finished car is concentrated on the assembly lines. Yet the latter operation is called the "industry" even though it is only about a fifth of it.

In the second place, the number of workers displaced directly by imports might be balanced by those engaged in producing for export.

Direct worker-displacement, however, is not the heart of our problem today. The workers who are not hired because of the competitive realities described above, which is to say, conditions under which we no longer can look to new product development or radical innovations to generate new job openings—there's the rub. Foreign producers can and do now beat us to our own mass market. Electronics provide an example. Capital will not venture into new products today as it did formerly because our market is no longer our own.

If we compare the trend in employment in those of our industries that are beset by imports with the trend in manufacturing employment as a whole, we may appreciate the lag.

Employment in four "industries" that were stricken by heavy imports in recent years lagged by 427,000 from 1960–70 in comparison with manufacturing employment as a whole, which grew 15.4% in that period, including employment in the four industries in question. These were textile and apparel, steel, leather footwear and stone, clay and glass. The total lag was, of course, nearer 1,000,000 workers, if we take into account the employment in the earlier stages of these "industries," such as iron ore and coal mines, cotton growing, tanneries, quarries, sand pits, etc. The workers who were not hired became a burden on the economy as a whole.

The slack fortunately was reduced in severity by rising employment in other industries. The most lively of these was, of course, machinery manufacture, which as we have already noted, was greatly stimulated by our heavy investment in foreign branches.

Machinery installation abroad was unfortunately destined to shrink our exports of a wide variety of other goods. The exports of these many industries other than machinery as we saw were less than half as high in 1971 (Jan.–Aug.) as were our exports of machinery and transportation equipment alone. In fact we suffered a deficit of some $7 billion in our exports of manufactured goods other than machinery and transport equipment in 1970.

While our total manufacturing employment, including machinery and transport equipment grew by 15.4% during the 1960–70 decade employment in machinery manufacturing, including electrical, grew 31.6% or twice as rapidly as the combined total. The gain in employment in this sector was 931,000 during the decade. We may extrapolate this increase backward through the successive stages of manufacture and attribute some 2 million additional jobs to machinery manufacturing.

Two observations are in order. One, to repeat, is that our heavy machinery exports contributed to the foreign productivity gain that in turn shrank our foreign market for other goods and at the same time rendered our industries in general more vulnerable to imports, including machinery itself. The other is that our lead in machinery exports has narrowed greatly since 1960. At that time our exports of machinery were 4.7 times as high in value as our imports. By 1965 this ratio had shrunk to 2.4, and in 1970 the ratio of exports over imports had narrowed to 1.6. In a few years the surplus may disappear and we will be left with the gaping deficit in the export of all the other manufactured products that is now concealed.

In other words, we are steadily losing our lead in the field of sophisticated and "high technology" goods. When this lead disappears our trade deficit will rise to unprecedented proportions. Even as it is, our true trade deficit, as distinguished from the balance of payments deficit, is some $5 billion higher than the official statistics issued by the Department of Commerce make it appear.

This divergence comes from the practice of including foreign aid, food for peace and similar shipments as exports whereas they do not move because we are competitive but because of the governmental assistance.

Also the Department of Commerce tabulates our imports on their foreign value, point of shipment. This practice leaves out freight, insurance and other charges incident to moving such goods to this country. The discrepancy has been estimated by the Tariff Commission at approximately 10%. On an import volume of $45 billion, the undervaluation would be $4.5 billion.

Added to this undervaluation is the overvaluation of our exports, as noted above. This is in the range of $2.5 to $3 billion. The total discrepancy is therefore in the magnitude of $7 billion.

The principal conclusion to be drawn from the above analysis is that United States trade is in a critical position. It came into such straits because the facts have been concealed by years of false officials reporting and by the failure of the press to disseminate to the public the true state of affairs to which it was privy. Our present international competitive defeat represents the accumulation of trends that have long been visible. The highly emotional attachment of this country to the philosophy of free trade, inculcated in our universities and by the press, so thoroughly blinded us to available facts that nothing short of the boiling-over that has now occurred, could penetrate the hypnosis. Even now the wailing of theorists over their broken idol fills the air.

### REMEDY

The sensible remedy lies in the restoration of the conditions under which our productive system was nurtured to its high peak. This proposal does not contemplate deprivation of other countries nor a reversal of their lusty advance in productivity. We need only to preserve our market for the development of new industries and innovations of existing or established products to the point of bringing them to the mass market and then expanding the market through lower costs. Thus will we find new sources of employment not cut off by goods produced abroad which transfer our potential employment abroad. As it is we have all but lost the benefits in terms of employment that patents previously bestowed on our entrepreneurs.

As our economy depends on production of nonessential rather than essential goods it cannot rely on a stationary market. For good or evil we are geared to an expanding market. Like a little kitten that has learned to climb a tree or a post our economy is no more able than the kitten to effect a descent without a crash landing. Yet imports, which we did not need as a stimulant or motivation in building our system, are now poised offshore ready to deny us the fruits of invention, leaving us to sit on a relatively stagnant economy.

Our abject dependence on the production of nonessentials may best be appreciated when we compare our per capita gross national product with that of other countries. Our per capita income in 1968 was $4,379. In India the share was $80, in Indonesia, $96, Brazil, $329, Argentina, $672, in the United Kingdom, $1,861, etc.

In other words, we could live without 95% of our income! It is being done in the world. If we permit unlimited exposure of our system to competition from lower-cost countries, we will find our level far below our present height. There are those who believe that we can descend to lower price levels without rising productivity and still maintain our system. They look to rising imports to point the way. Yet, the impossibility of executing such a descent must be visible from the suffering, discontent, and rebelliousness caused by a mere depression such as the one of 1930–33 in this country.

Permanent economic stagnation, even on a high level, would require a complete reversal of public attitude toward material abundance, comfort, and the yeasty dedication to personal advancement. There are those who visualize just such a regimen but they have not been tested in this country by anything more oppressive than the late Great Depression, and many of them by anything less oppressive than a per capita income of $4,379 per year.

The simplest and most effective remedy lies in limiting both the speed and the extent of market penetration by particular imports while permitting them to grow yearly in proportion to the growth of our domestic consumption of the same products. Our economy could then resume its job generation as it did before imports could rob us of the fruits of our inventive and entrepreneurial genius.

## SUPPLEMENTAL FUNDING FOR BASIC HOUSING PROGRAMS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, I am today reintroducing with 26 cosponsors legislation to provide supplemental funding for five important housing programs for fiscal year 1972. I introduced the original bill, H.R. 12425, on January 18. The five programs are urban renewal, model cities, rent supplements, section 235 home-ownership assistance program, and section 236 rental assistance program.

The purpose of this legislation is to bring the appropriation levels or the authorizations available for contracting up to their fully authorized levels.

For urban renewal this legislation provides an additional $1,337,500,000 to bring the appropriation up to its fully authorized level. For model cities, the bill provides $887,500,000; for rent supplements, $98,000,000; for section 235, an additional $55,000,000; and for section 236, an additional $25,000,000.

These programs are essential to providing a decent home for every American. While the Congress passes well-thought-out legislation and talks of its commitment to decent housing for every American, in fact the Congress has failed to provide sufficient funds for these programs. It is clear that without substantial Federal funds adequate housing within the financial reach of low- and moderate-income families will not be built.

The circumstances of the section 236 program illustrates the need for Federal funding. The section 236 program was enacted as part of the 1968 Housing and Urban Development Act. It provides assistance to moderate-income families for rental or cooperative housing. This assistance is in the form of periodic payments to the mortgagee on behalf of the mortgagor. These payments may be used to reduce interest costs on a project down to that which would have to be paid if the mortgage bore an interest rate of as little as 1 percent. The tenant must pay at least 25 percent of his income per month for rent.

This program is critical to meeting the housing needs of New York City and New York State. State and city Mitchell-Lama programs rely heavily upon this assistance. New York City alone needs over $40 million of section 236 funds for fiscal year 1972. However, thus far in 1972, the New York City area has received $13,954,762.

Even if the full $25 million to be appropriated under the legislation for section 236 were provided, New York City and virtually all other urban areas would still need far more than the amounts they will receive. Thus we must also attempt to increase substantially the authorization level for this program. This same analysis applies to the other housing programs covered by my supplemental funding legislation.

There is no more fundamental responsibility that a government has than to provide adequate housing for all of its people. So far we have not done this. Providing this supplemental funding is a step toward this goal.

The following Members have joined me in cosponsoring this full funding housing supplemental appropriation bill:

Mrs. Abzug, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Bingham, Mr. Burke of Massachusetts, Mr. Burton, Mr. Clay, Mr. Conyers, Mr. Dellums. Mr. Donohue, Mr. Drinan, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Mitchell, Mr. O'Neill, Mr. Pepper, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Scheuer. and Mr. Stokes.

## LEGISLATION TO REFORM SOCIAL SECURITY FINANCE SYSTEM

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, on December 1, 1971, I introduced a bill to reform the social security finance system and provide substantial benefit increases. The bill provides for—

A 20-percent across-the-board increase in social security benefits;

An increase to $100 in the minimum benefit;

Expansion of the taxable wage base to $15,000; and

Assumption of one-third of the total costs of maintaining social security by the Federal Government.

I am reintroducing that bill today on behalf of myself and 20 cosponsors.

When I first introduced this bill 2 months ago, I spoke of the desperate situation facing our senior citizens one-fourth of whom live in poverty. There is no need for me to repeat the litany of ills—economic and physical—which confront America's elderly in 1972. We are all too familiar with them. It is generally recognized, I believe, that social security benefits are inadequate and that the level of benefits must be raised substantially if the program is really to meet its goal of providing financial security for retired persons. Our bill would do this.

But, as most Members also recognize, under the present finance structure a benefits increase is inevitably accompanied by a payroll tax increase. The payroll tax is regressive. It is a tax which falls most heavily on lower- and middle-income workers, and it is a burden that is fast becoming intolerable. In 1972, millions of wage earners will find anticipated gains from reduced income taxes all but eliminated by increases in their payroll taxes. If present trends continue—if the payroll tax increases contemplated under H.R. 1 take effect—future years will find many Americans paying more in social security payroll taxes than they do in income taxes.

Clearly, the present social security finance structure makes it difficult, if not impossible, to increase benefit payments enough to insure a decent standard of living for all senior citizens. We cannot continue to rely on the payroll tax as the sole source of revenues for social security. The finance mechanism must be reformed. Our bill would reform it.

There is another, pressing argument for reform of the system's financial machinery. There is an ominous trend developing in our entire tax structure, away from the principles of progressive taxation—away from the concept that individuals should be taxed according to their respective abilities to pay. State sales and property taxes are increasing. They are levied at flat rates and their burden falls most heavily on those with the least income. Through the so-called Tax Reform Act of 1971, the Federal Government has decreased its reliance on the relatively progressive personal income tax and the administration is considering a national "value added," or sales tax to raise new revenues. Like State property and sales taxes, it would fall most heavily on those who could least afford it.

Increasing the flat-rate social security payroll tax only serves to compound the problem of the growing regressiveness of our overall tax structure. It is time to reverse this trend and return our tax system to principles of equity and fairness. Reform of social security finance methods is a good place to begin.

This bill would begin by making the payroll tax itself more equitable. It would raise the ceiling on taxable wages to $15,000, insuring that nearly all wage earners would contribute the same percentage of their earnings to social security. The burden of social security would be shared more widely, and more evenly. But the bill goes still further by providing general revenue financing for one-third of the system's costs. Not only would the burden of the payroll tax be more widely distributed; for most wage-earners it would actually be reduced—even in the face of substantial benefit increases. The brief table following this speech graphically illustrates this point.

General revenue financing for social security is not a novel concept. It has been around as long as the system itself. It has received the endorsement of noted economists, the AFL–CIO, the National Council of Senior Citizens, and the White House Conference on Aging. The late Walter Reuther called it a "rational, and reasonable, and equitable" way of building and paying for an adequate social security program. It is also, we believe, the only way.

Our proposal for financing part of the

cost of social security from general revenues will mean that significant benefit increases can be achieved with reduced strain on the budgets of lower- and middle-income families. It will also mean that the substantial burden of the benefit increases we have proposed will be shared more widely and more fairly than would be possible through the payroll tax alone. It will build in flexibility for more benefit increases—when needed—in the future.

## GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 11394, U.S. district judgeships, passed by the House today.

The SPEAKER pro tempore (Mr. Hungate). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Thone), to revise and extend their remarks, and to include extraneous matter:)

Mrs. Heckler of Massachusetts, today, for 15 minutes.

Mr. Edwards of Alabama, today, for 5 minutes.

Mr. Blackburn, today, for 15 minutes.

Mr. Hosmer, on Thursday, February 3, for 5 minutes.

(The following Members (at the request of Mr. Mazzoli) and to revise and extend their remarks and include extraneous matter:)

Mr. Aspin, for 5 minutes today.

Mr. Harrington, for 5 minutes, today.

Mr. James V. Stanton, for 15 minutes, today.

Mr. Fulton, for 5 minutes, today.

Mr. Rooney of Pennsylvania, for 5 minutes, today.

Mr. Staggers, for 5 minutes, today.

Mr. Burke of Massachusetts, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Aspinall and to include an article.

Mr. Madden and to include extraneous matter.

(The following Members (at the request of Mr. Thone) and to include extraneous matter:)

Mr. Horton.
Mr. Quillen.
Mr. Frey.
Mr. Conable.
Mr. Hunt in two instances.
Mr. Harvey.
Mr. Schwengel.
Mr. Findley.
Mr. Frelinghuysen.
Mr. Bob Wilson in three instances.
Mr. Chamberlain in three instances.
Mr. Martin.
Mr. Zwach.
Mr. Brotzman.
Mr. Johnson of Pennsylvania.
Mr. Springer.
Mr. Landgrebe.
Mr. Duncan in two instances.
Mr. Whitehurst.
Mr. Wyman in two instances.
Mr. Nelsen.
Mr. Keating.
Mr. Anderson of Illinois.
Mr. Schmitz in two instances.
Mr. Railsback.
Mr. Edwards of Alabama.
Mr. Collier in five instances.
Mr. McClory.
Mr. Morse.
Mr. Frenzel in two instances.
Mr. Hosmer in three instances.
Mr. Crane in five instances.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous matter:)

Mr. Pucinski in 10 instances.
Mr. Roush.
Mr. Dingell.
Mr. Blatnik in two instances.
Mr. Harrington.
Mr. Johnson of California.
Mr. Begich in five instances.
Mr. Kastenmeier.
Mr. Drinan in two instances.
Mr. Rarick in three instances.
Mr. Gonzalez in two instances.
Mr. Waldie in two instances.
Mr. James V. Stanton.
Mr. Metcalfe in two instances.
Mr. Wright in two instances.
Mr. Kee in two instances.
Mr. Mazzoli in two instances.
Mr. Rangel.
Mr. St Germain.
Mr. Burke of Massachusetts.
Mr. Roncalio in six instances.
Mr. Bingham in three instances.
Mr. Preyer of North Carolina in two instances.
Mrs. Griffiths.
Mr. Boggs in three instances.
Mr. Denholm.
Mr. Zablocki in two instances.

## ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Thursday, February 3, 1972, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1539. A letter from the Chief Justice of the United States, transmitting the proceedings of the meeting of the Judicial Conference held in Washington, D.C., on October 28–29, 1971 (H. Doc. No. 92–243); to the Committee on the Judiciary and ordered to be printed.

1540. A letter from the Secretary of the Air Force, transmitting a report of the number of Air Force officers assigned or detailed to permanent duty in the executive part of the Department of the Air Force at the seat of government as of December 31, 1971, pursuant to 10 U.S.C. 8031(c); to the Committee on Armed Services.

1541. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1542. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a) (1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1543. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a) (2) of the Immigration and Nationality Act, as amend; to the Committee on the Judiciary.

### RECEIVED FROM THE COMPTROLLER GENERAL

1544. A letter from the Comptroller General of the United States, transmitting the Annual Report of the General Accounting Office for Fiscal Year 1971, pursuant to section 312(a) of the Budget and Accounting Act of 1921; to the Committee on Government Operations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 8382. A bill to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes; with amendments (Rept. No. 92–807). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. H.R. 213. A bill to repeal the "coolie trade" laws (Rept. No. 92–808). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. H.R. 6420. A bill to amend the Immigration and Naturalization Act; with amendments (Rept. No. 92–809). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 12207. A bill to authorize a program for the development of tuna and other latent fisheries resources in the central and western Pacific Ocean; with amendments (Rept. No. 92–810). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS (for himself, Mr. Foley, Mrs. Hansen of Washington, Mr. Hicks of Washington, Mr. McCormack, and Mr. Pelly):

H.R. 12838. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. Biaggi (for himself and Mr. Koch):

H.R. 12839. A bill for the relief of residents of Northern Ireland; to the Committee on the Judiciary.

By Mr. CAMP (for himself and Mr. Edmondson):

H.R. 12840. A bill to declare that certain land of the United States is held by the United States in trust for the Cheyenne-

Arapaho Tribes of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. FINDLEY (for himself and Mr. Flynt):

H.R. 12841. A bill to provide a fair and effective means for the settlement of certain emergency labor disputes; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY (for himself, Mr. Brown of Michigan, Mr. Buchanan, Mr. Cleveland, Mr. Conable, Mr. Coughlin, Mr. Derwinski, Mr. du Pont, Mr. Edwards of California, Mr. Esch, Mr. Fascell, Mr. Frelinghuysen, Mr. Frenzel, Mr. Gibbons, and Mr. Halpern):

H.R. 12842. A bill to amend the Community Mental Health Centers Act to reorganize certain grant programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY (for himself, Mr. Hosmer, Mr. Johnson of Pennsylvania, Mr. Keating, Mr. Kemp, Mr. McDade, Mr. McKinney, Mr. Quie, Mr. Rangel, Mr. Stuckey, Mr. Terry, Mr. Thomson of Wisconsin, Mr. Ware, and Mr. Winn):

H.R. 12843. A bill to amend the Community Mental Health Centers Act to reorganize certain grant programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER:

H.R. 12844. A bill to amend the Social Security Act to provide that women who are 62 years of age or over and are eligible for cash social security (or railroad retirement) benefits shall also be eligible for hospital insurance benefits (and supplementary medical insurance benefits); to the Committee on Ways and Means.

By Mrs. GREEN of Oregon:

H.R. 12845. A bill to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes; to the Committee on Education and Labor.

By Mr. HAGAN (for himself, Mr. Hicks of Washington, Mr. White, Mr. Nichols, Mr. Hall, Mr. Hunt, and Mr. Young of Florida):

H.R. 12846. A bill to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug-dependent members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. HARRINGTON:

H.R. 12847. A bill to provide for the establishment of projects for the dental health of children to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARVEY (for himself, Mr. Anderson of Illinois, Mr. Brown of Michigan, Mr. Burke of Florida, Mr. Cederberg, Mr. Chamberlain, Mr. Don H. Clausen, Mr. Collier, Mr. Devine, Mr. Duncan, Mr. Frelinghuysen, Mr. Frenzel, Mr. Hamilton, Mr. Hastings, Mr. Hutchinson, Mr. Kuykendall, Mr. McCloskey, Mr. Mosher, Mr. Rees, Mr. Robison of New York, Mr. Schneebeli, Mr. Schwengel, Mr. Sebelius, Mr. Shriver, and Mr. Ware):

H.R. 12848. A bill to amend the Railroad Labor Act and Labor Management Relations Act, 1947, to provide more effective means for protecting the public interest in national emergency disputes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARVEY (for himself, Mr. Andrews, Mr. Arends, Mr. Broomfield, Mr. Broyhill of North Carolina, Mr. Burleson of Texas, Mr. Cleveland, Mr. Collins of Texas, Mr. Conable, Mr. Fisher, Mr. Forsythe, Mr. Frey, Mr. Gettys, Mr. Henderson, Mr. Keating, Mr. Latta, Mr. Lent, Mr. Lloyd, Mr. McClory, Mr. Morse, Mr. Robinson of Virginia, Mr. Scott, Mr. Smith of New York, Mr. Thone, and Mr. Vander Jagt):

H.R. 12849. A bill to amend the Railroad Labor Act and the Labor Management Relations Act, 1947, to provide more effective means for protecting the public interest in national emergency disputes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARVEY (for himself, Mr. Coughlin, Mr. Derwinski, Mr. Grover, Mr. Hunt, Mr. McKevitt, Mr. Michel, Mr. Montgomery, Mr. Nelsen, Mr. J. William Stanton, and Mr. Williams):

H.R. 12850. A bill to amend the Railroad Labor Act and the Labor Management Relations Act, 1947, to provide more effective means protecting the public interest in national emergency disputes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California:

H.R. 12851. A bill to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of Pennsylvania:

H.R. 12852. A bill to promote research and development of drugs or chemical compounds for use in the cure, prevention, or treatment of heroin addiction; to the Committee on Interstate and Foreign Commerce.

H.R. 12853. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residence by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. LINK (for himself, Mr. Denholm, Mr. Bergland, and Mr. Melcher):

H.R. 12854. A bill to amend the Interstate Commerce Act to provide for a definite standard in the establishment of railroad rates, charges, and practices on certain agricultural and horticultural commodities; to the Committee on Interstate and Foreign Commerce.

By Mr. LUJAN:

H.R. 12855. A bill to amend chapter 89 of title 5, United States Code, to permit employees who upon separation from the Federal service are entitled to deferred but not immediate annuities to continue their enrollment in Federal employees group health insurance plans upon payment of the entire cost thereof; to the Committee on Post Office and Civil Service.

H.R. 12856. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McCLORY (for himself, Mr. Hungate, Mrs. Abzug, Mrs. Chisholm, and Mr. Dennis):

H.R. 12857. A bill to establish a Commission on Penal Reform; to the Committee on the Judiciary.

By Mr. MAZZOLI:

H.R. 12858. A bill to control the emission of noise detrimental to the human environment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOLLOHAN (for himself, Mr. Hechler of West Virginia, Mr. Kee, and Mr. Slack):

H.R. 12859. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. ROY:

H.R. 12860. A bill to require the National Railroad Passenger Corp. to provide free or reduced-rate railroad transportation to retired railroad employees and their dependents on the same basis that such transportation was available to such employees and dependents on the date of enactment of the Rail Passenger Service Act of 1970; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 12861. A bill to promote the peaceful resolution of international conflict, and for other purposes; to the Committee on Government Operations.

By Mr. RYAN (for himself, Mrs. Abzug, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Bingham, Mr. Burke of Massachusetts, Mr. Burton, Mr. Clay, Mr. Conyers, Mr. Dellums, Mr. Donohue, Mr. Drinan, Mrs. Grasso, Mr. Halpern, and Mr. Harrington):

H.R. 12862. A bill to provide supplemental appropriations and increased contract authority to fully fund the urban renewal, model cities, and rent supplement programs, and the low-income homeownership and rental housing programs, for the fiscal year 1972; to the Committee on Appropriations.

By Mr. RYAN (for himself, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Mitchell, Mr. O'Neill, Mr. Pepper, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Scheuer, and Mr. Stokes):

H.R. 12863. A bill to provide supplemental appropriations and increased contract authority to fully fund the urban renewal, model cities, and rent supplement programs, and the low-income homeownership and rental housing programs, for the fiscal year 1972; to the Committee on Appropriations.

By Mr. SAYLOR:

H.R. 12864. A bill to amend the Social Security Act by providing for the release of information concerning certain aspects of the medical programs authorized by the act, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHWENGEL:

H.R. 12865. A bill to amend section 127 of title 23 of the United States Code to authorize the Secretary of Transportation to regulate the issuance of permits and other authorities for the use of the Interstate System by vehicles exceeding certain weight and width limitations; to the Committee on Public Works.

By Mr. SEIBERLING:

H.R. 12866. A bill to amend chapter 81 of subpart G of title 5, United States Code, relating to compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 12867. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

H.R. 12868. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12869. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12870. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12871. A bill to increase the contribution of the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

By Mr. SEIBERLING (for himself, Mr. Aspin, Mr. Burton, Mrs. Chisholm, Mr. Danielson, Mr. Dow, Mr. Eilberg, Mr. Gaydos, Mr. Gray, Mr. Halpern, Mr. Hicks of Washington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Howard, Mr. Matsunaga, Mr. Mikva, Mr. Mitchell, Mr. Murphy of New York, Mr. O'Konski, Mr. Pepper, and Mr. Charles H. Wilson):

H.R. 12872. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits (with a $100 minimum primary benefit), to increase the earnings base to $15,000 for both benefit and tax purposes, and to provide that one-third of the revenues required for the social security programs be contributed by the Federal Government (with corresponding reductions in tax rates); to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 12873. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes; to the Committee on Agriculture.

By Mr. SPENCE:

H.R. 12874. A bill to amend title 10 of the United States Code to provide that uncompensated reserve service before August 16, 1945, not bar eligibility for non-Regular retired pay in certain cases; to the Committee on Armed Services.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 12875. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS (for himself and Mr. Blackburn):

H.R. 12876. A bill to provide an immediate and effective response to the needs of older Americans for suitable housing and related services; to the Committee on Banking and Currency.

By Mr. BOB WILSON (for himself and Mr. Van Deerlin):

H.R. 12877. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON:

H.R. 12878. A bill to increase the contribution of the Federal Government to the cost of health benefits, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12879. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12880. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 each year of an individual's civil service retirement annuity (or other Federal retirement annuity) shall be exempt from income tax; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 12881. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of Tennessee (for himself, Mr. Perkins, Mr. O'Neill, Mrs. Abzug, Mr. Abourezk, Mr. Badillo, Mr. Begich, Mr. Bergland, Mr. Bingham, Mr. Burke of Massachusetts, Mr. Burton Mr. Clark, Mr. Danielson, Mr. Dellums, Mr. Dent, Mr. Dorn, Mr. Eilberg, Mr. Flowers, Mr. William D. Ford, and Mr. Fraser):

H.R. 12882. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. ANDERSON of Tennessee (for himself, Mr. Fuqua, Mr. Gallagher, Mr. Gonzalez, Mr. Griffin, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Jones of North Carolina, Mr. Kee, Mr. Koch, Mr. Kyros, Mr. Leggett, Mr. Link, Mr. Macdonald of Massachusetts, Mr. Matsunaga, and Mr. McCloskey):

H.R. 12883. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. ANDERSON of Tennessee (for himself Mr. Metcalfe, Mr. Mikva, Mr. Mitchell, Mr. Montgomery, Mr. Pryor of Arkansas, Mr. Randall, Mr. Rangel, Mr. Roe, Mr. Roncalio, Mr. Sarbanes, Mr. Scheuer, Mr. Schwengel, Mr. Seiberling, Mr. Stokes, Mr. Thompson of New Jersey, Mr. Charles H. Wilson, and Mr. Ullman):

H.R. 12884. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. DINGELL:

H.R. 12885. A bill to provide for the regulation of ground waters within the United States and the subsurface disposal of wastes; to the Committee on Public Works.

By Mr. GARMATZ (for himself and Mr. Pelly):

H.R. 12886. A bill to amend the Merchant Marine Act, 1920, with respect to the Virgin Islands; to the Committee on Merchant Marine and Fisheries.

By Mr. LENT:

H.R. 12887. A bill to amend title 10 of the United States Code to require the presentation of full military honors at the burial of veterans; to the Committee on Armed Services.

By Mr. MILLS of Maryland:

H.R. 12888. A bill to declare the south prong of the Wicomico River, Md., nonnavigable; to the Committee on Interstate and Foreign Commerce.

By Mr. NICHOLS:

H.R. 12889. A bill to amend section 1124 (c) of title 10 United States Code, to remove the restriction that a member of the Armed Forces must be on active duty to be eligible for the payment of a cash award for a suggestion, invention, or scientific achievement; to the Committee on Armed Services.

By Mr. SCHEUER:

H.R. 12890. A bill to amend the Postal Reorganization Act of 1970, title 39, U.S.C., to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SHRIVER:

H.R. 12891. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. STEELE:

H.R. 12892. A bill to provide for the creation of the National Fire Academy, and for other purposes; to the Committee on Science and Astronautics.

H.R. 12893. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

H.R. 12894. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the costs of fire science programs; to the Committee on Science and Astronautics.

H.R. 12895. A bill to provide financial aid to local fire departments in the purchase of advanced firefighting equipment; to the Committee on Science and Astronautics.

H.R. 12896. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and self-contained breathing apparatus; to the Committee on Science and Astronautics.

H.R. 12897. A bill to extend for 3 years the authority of the Secretary of Commerce to carry out fire research and safety programs; to the Committee on Science and Astronautics.

H.R. 12898. A bill to establish a National Fire Data and Information Clearinghouse, and for other purposes; to the Committee on Science and Astronautics.

H.R. 12899. A bill to amend the Flammable Fabrics Act to extend the provisions of that act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; to the Committee on Interstate and Foreign Commerce.

H.R. 12900. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois (for himself and Mr. Myers):

H.J. Res. 1048. Joint resolution to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. ASPIN (for himself, Mr. Collins of Illinois, Mr. Drinan, Mr. Jones of Tennessee, Mr. Kyros, Mr. Pike, Mr. Roe, Mr. Roy, Mr. Charles H. Wilson, and Mr. St Germain):

H.J. Res. 1049. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. HOSMER (for himself, Mr. Baker, Mr. Cleveland, Mr. Córdova, Mr. Frenzel, Mr. Forsythe, Mr. Halpern, Mr. Kuykendall, Mr. Leggett, Mr. Mazzoli, Mr. Robinson of Virginia, Mr. Scott, and Mr. Charles H. Wilson):

H. Con. Res. 516. Concurrent resolution expressing the sense of the Congress with respect to motor vehicle insurance and an accident compensation system; to the Committee on Interstate and Foreign Commerce.

By Mr. LUJAN:

H. Con. Res. 517. Concurrent resolution expressing the sense of Congress respecting Federal expenditures; to the Committee on Government Operations.

By Mrs. MINK:

H. Con. Res. 518. Concurrent resolution

providing for the recognition of Bangladesh; to the Committee on Foreign Affairs.

By Mr. SHOUP:

H. Con. Res. 519. Concurrent resolution expressing the sense of the Congress with respect to motor vehicle insurance and an accident compensation system; to the Committee on Interstate and Foreign Commerce.

By Mr. SLACK:

H. Con. Res. 520. Concurrent resolution expressing the sense of Congress respecting Federal expenditures; to the Committee on Government Operations.

By Mr. TIERNAN (for himself, Mr. O'NEILL, Mr. BYRNE of Pennsylvania, and Mr. BURTON):

H. Con. Res. 521. Concurrent resolution expressing the sense of the Congress with respect to the current situation in Northern Ireland; to the Committee on Foreign Affairs.

By Mr. ASPINALL (for himself and Mr. SAYLOR):

H. Res. 795. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 18; to the Committee on House Administration.

By Mr. SISK (for himself and Mr. SMITH of California):

H. Res. 796. Resolution providing for the consideration of House Joint Resolution 1025, a joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees; to the Committee on Rules.

By Mr. SEIBERLING:

H. Res. 797. Resolution expressing the sense of the House that the United States should recognize Bangladesh; to the Committee on Foreign Affairs.

By Mr. McMILLAN:

H. Res. 798. Resolution providing funds for the Committee on the District of Columbia; to the Committee on House Administration.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred to as follows:

By Mr. ABBITT:

H.R. 12901. A bill for the relief of Raymond W. Whitemore, Jr.; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 12902. A bill for the relief of Lee Shie-Chien Chu; to the Committee on the Judiciary.

By Mr. KEATING:

H.R. 12903. A bill for the relief of Anne M. Sack; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 12904. A bill to provide that Maj. Carvel de Bussy shall be advanced to the grade of lieutenant colonel, and for other purposes; to the Committee on Armed Services.

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# SENATE—*Wednesday, February 2, 1972*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who adorns the earth with beauty, enter our lives and make them resplendent with devotion to beauty, goodness, and truth. May the Creator-Spirit fill life with new meanings and fresh insights. Lead us through the stresses and strains of the day with pure hearts and souls at peace. Keep us steadfast in devotion to the welfare of all the people and the quest for enduring peace. Give us clarity to see Thy will and courage for doing it. In our private lives and in public service help us this day and every day more nearly to live as we pray.

In the name of Him who went about with loving heart. Amen.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 1, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the distinguished Senator from Florida (Mr. CHILES) is now recognized for not to exceed 15 minutes.

## SPESSARD LINDSEY HOLLAND—IN MEMORIAM

Mr. CHILES. Mr. President, Adlai Stevenson once said:

> For a man to love his country truly,
> He must also know how to love mankind. . . .

Spessard Lindsey Holland believed in the promise of America because he believed in its people. He was a humble man, a man of the people, who felt more at home in Bartow than in the social circles of Washington, D.C. He was a scholar and a keen intellect; yet, he liked nothing better than to hunt and fish in his beloved Florida.

Spessard Holland's career in the service of his State and his country spanned half a century, but he never sought fame. Rather, he sought to do lasting good and to make this country and this world a better place for all of us.

Spessard Holland was a gallant soldier in defense of his country. When America entered the First World War, Spessard Holland went to Jacksonville to enlist in the Army. He was commissioned a second lieutenant in the coast artillery in August 1917, and assigned to Key West. From there, he went overseas to France the following January where he volunteered as an aerial observer. In 30 days, he was at the front—flying. Several times, he was almost shot down and for his valor, Spessard Holland was honored with the Distinguished Service Cross.

Spessard Holland emerged from the war as a captain and he came home to marry his faithful and beloved, Mary Groover. She was an inspiration and source of strength to him for the rest of his life. A devoted wife and mother, Mary Holland was the perfect complement to her husband. Spessard Holland was prouder of his family than of any of his many legislative accomplishments.

Spessard Holland respected knowledge and learning and he fought to insure that each child would have a quality education. Both his parents were teachers, and he planned to be one when he enrolled at Emory University. After the war, he returned to his hometown and assumed the chairmanship of the local school district. Later, as Governor, he approved new tax laws which increased teachers' salaries an average of 40 percent.

Spessard Holland served his State and his country nobly and selflessly in all three branches of government—as a State legislator and U.S. Senator, as a prosecuting attorney and county judge, and as Governor. In the Florida Legislature, Spessard Holland assisted in drafting the Florida School Code, backed the Workmen's Compensation Act and old age assistance—all lasting achievements which moved the State forward.

Spessard Holland assumed the Governorship at the beginning of the wartime years when the State of Florida was close to bankruptcy. Within 6 months, Florida was on the road to recovery. Spessard Holland—a man of action—had begun to reform the tax system and soon Floridians would have a gas tax amendment which would reduce interest rates on road bonds. His love of nature and his native land prompted the creation of a strong game and fish commission, removed from political patronage. Moreover, he turned over State lands and money to the Federal Government for the establishment of the Everglades National Park, and as a U.S. Senator, he guided authorization and appropriations bills through the Congress for its continuing expansion and development.

Spessard Holland left the Governor's mansion as well liked and respected as when he entered it—a unique achievement in State politics. He loved the law and wanted to practice in Bartow and he also looked forward to having more time to enjoy his family and friends. However, U.S. Senator Charles Andrews' health was failing and he decided not to seek reelection. Florida and the U.S. Senate needed Spessard Holland and he was persuaded to run for election. He won the primary in May 1946 and was to have taken office in January 1947. Senator Andrews died in September of 1946 and Spessard Holland was appointed to fill the remainder of his term.

Spessard Holland came to Washington

to represent his State—and he served as Florida's finest representative. He was most proud of his agricultural legislation, and he handled the Farm Credit Administration legislation in both committee and on the Senate floor. He believed in individual initiative and he fought to assure that the land banks belonged solely to the people that used them. He helped expand the Farmers Home Administration to assist the smaller, low-income farmers. As he stated in 1965:

> I still strongly believe in our private enterprise system, in sound competition, in individual responsibility, and in keeping the government as close as possible to the people.

Spessard Holland was an effective legislator and an equally effective attorney. He wrote the Tidelands Act which guaranteed to the States ownership of submerged coastal lands along their boundaries. The bill became law but was challenged before the Supreme Court. Spessard Holland was chosen to argue before the Court and he did so brilliantly. He won his case and the Tidelands Act remained the law of the land.

Spessard Holland was a political conservative, but more important he was a libertarian. He fought for equality and justice for every man, and he lived up to these principles. He began his fight to eliminate the poll tax in Federal elections in 1946 by introducing a constitutional amendment and he reintroduced this amendment again and again until its ratification as the 24th amendment to the Constitution in 1962. No man would ever again be denied the right to vote because he could not pay.

Spessard Holland was compassionate and understanding, fairminded, and conscientious. When the issue of statehood for Alaska came before the U.S. Senate, he was the first southerner to support the cause. He had always believed in the right of self-determination in government, and he fought—and won—to secure total representation for the Alaskan people.

Spessard Holland was a man of complete, utter integrity who was revered by even those who disagreed with him. He was one of the ablest men ever to sit in the U.S. Senate and his wisdom and judgment were respected by Senators on both sides of the aisle.

Spessard Holland loved Florida and its rivers and streams and magnificent Everglades. He was an advocate of flood control and conservation before they became fashionable issues because of his esteem for nature and life.

Spessard Holland was a simple man—an unpretentious man—who worked with diligence and dedication to make the American dream a reality. He was my good friend and a wise counsel, and I miss him deeply. However, his legacy will always be with us—and we are a better people and a better Nation because he lived.

> His life was gentle, and the elements so mix'd in him that Nature might stand up and say to all the world, "This was a man!"

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from Florida (Mr. GURNEY) for not to exceed 15 minutes.

Mr. GURNEY. Mr. President, it is a sad honor for me to speak today of the career of our former colleague Spessard Holland—sad in the knowledge that a great American is no longer with us. He leaves behind him a proud legacy of accomplishment and a host of sorrowing friends and admirers. It was my good fortune to have served with him in the Senate for 2 years and in Congress for 8; he was, indeed, a man of great character and integrity, a man for whom everyone had the greatest respect.

Spessard Lindsey Holland was a very special man, one who served his country with honor and distinction, in war and in peace, for over 50 years. Those of us in the Senate remember him well for his service, his leadership, and his inspiration. His wise counsel will be sorely missed. Yet, while he may no longer be physically with us, the memory of his character and spirit will not soon be forgotten.

During the last few years there has been a great deal of soul searching in America, accompanied by expressions of guilt over supposed evils of the past. The past is something many Americans would have us be ashamed of—but when we look at the contributions of a man like Spessard Holland we realize that it is men like these that have helped make America great and it is those who attack them who should be ashamed. Few men in American history have served as long or at as many levels of government as Spessard Holland and even fewer have served as well.

Senator Holland's distinguished career began in one era and ended in another. He was born on July 10, 1892 in Bartow, Fla., some 11 years after his parents had moved to the State. As a youth, he went to school in the town that was to become his lifelong home, graduating from Summerlin Institute—now the Bartow High School—in 1909. From there he went on to Emory College, from which he graduated in 1912 but to which he dedicated much time and effort right up until his death. This was to become typical of this man of service; he always contributed more to anything in which he became involved than he received in return.

College diploma in hand, he entered the University of Florida Law School. While there he not only was an outstanding scholar, but also found time to participate in athletics and to be student body president. In fact, he was such a good athlete that in 1916 the legendary Connie Mack offered him a contract to play pro baseball with the old Philadelphia A's. However, he chose not to sign. Baseball's loss turned out to be Florida's—and the Nation's—gain.

Soon after graduating from law school in 1916 Spessard Holland went off to fight for his country. In 1917 he was commissioned a second lieutenant in the coast artillery and subsequently went to France where he transferred to the Army Air Corps. As a flier he saw action in four of the major battles of 1918, shot down one German plane and was, himself, shot down in combat. As a result, he was awarded the Distinguished Service Cross, the citation of which noted "extraordinary heroism in connection with military operations against an armed enemy." He came home from the war a captain.

After returning home, getting married, and practicing law briefly, he accepted appointment as prosecuting attorney for Polk County. In 1920, he was elected county judge—a position he held until 1929. Then, in 1932, he ran for, and was elected to, the State senate where he served with distinction for 8 years.

While in the State senate, Spessard Holland made some notable contributions. He sponsored measures aimed at reducing taxes, improving public education, introducing workmen's compensation, and providing assistance for the elderly and the unemployed. He wrote and sponsored legislation creating the Florida Citrus Commission and he sponsored the Soil Conservation Districts Act, the Cooperative Market Act, and the Fair Trade Act. And, perhaps most important in terms of his future career, he led the successful fight to abolish the poll tax in Florida because he believed it to be morally wrong. There were many in the country in the 1930's, 1940's, and 1950's who did not agree. These people were to find out that Senator Holland fought long and hard for what he believed in.

In 1940, with war clouds on the horizon, Floridians chose him to be their 28th Governor. He saw his task as one of preparing the State for the struggle ahead and then making sure that it contributed fully to the war effort. But that was not all, for during his term as Governor he signed the deed that conveyed 850,000 acres of land, water, and swamp to the Federal Government to be turned into a Federal park. However, establishment of the park did not come right away; not surprisingly it was a freshman Senator from Florida, Spessard Holland, who introduced the required bill into the Senate.

In 1946, he decided to run for the U.S. Senate and won the Democratic primary in September. Since victory in the primary meant victory in the general election, it was only logical that he should be appointed to the seat when the incumbent Senator Charles Andrews died in September 1946. So began his distinguished Senate career that was to span nearly a quarter century. During that time he made innumerable significant contributions to the course of legislation.

Enumerating all these contributions would fill a volume; so let me just mention a few of the high points.

As a freshman Senator, he followed up on his earlier efforts and introduced the bill that, when passed in 1947, created the Everglades National Park.

In 1949, he first introduced a constitutional amendment to prohibit the poll tax in Federal elections. He kept introducing it until he finally saw it passed in 1962 and ratified by the States in 1964 as the 24th amendment to our Constitution.

He was a prime mover behind the passage of the Tideland Act which restored to the States property rights to submerged coastal belts lying within their boundaries. Later—in 1959—he personally argued the constitutionality of the act before the U.S. Supreme Court.

He took a leadership role in the passage of the central and southern Florida flood control project, and supported many other river and harbor projects that have proven to be most beneficial to the cause of national development.

In 1956, Senator Holland took a leading role in the passage of the Highway Act which initiated our Interstate System which, only now, is nearing completion.

I could go on but the record speaks for itself.

As the senior Senator from Florida for 20 of his 24 years in the Senate, he took a great interest in those things that directly concerned the State, while at the same time, keeping an unrelenting eye on the national interest. His committee assignments reflected his concerns. He became a member of the Agriculture and Forestry Committee early in his Senate career and ultimately became its second ranking member. Later he went on the Appropriations Committee and worked his way up to fifth ranking member. His third committee was Aeronautics and Space, and although he joined it late, his presence on the appropriations committee helped give him leverage.

Over the years, he became known as a strong supporter of agricultural interests due to his committee work. On appropriations, his concern for fiscal responsibility was always a sobering influence and as far as the space program was concerned, he became, over the years, one of its strongest supporters.

In 1970, Senator Holland, still as vigorous as ever at age 78, decided to end his distinguished Senate career. He did not want to stay on too long, he said, and he felt that it was time to give a younger man a chance. And so he retired, with the same grace and dignity that always marked his efforts.

Retirement meant going home to Bartow and to his family. But it did not mean a withdrawal from the world. He continued to take an interest in politics and he was preparing to write a book or two—one on the history of Florida, so much of which he helped make, and the other on his family. Sadly, time ran out and these tasks were never completed. We may only be thankful that the end came peacefully and without prior suffering.

Senator Holland's death is a tragic loss for Florida and for the Nation. He was a truly great gentleman—a man who personified the best elements in American life. He was a man of unwavering integrity; he was dedicated to his work and to doing what he thought best for America; and he was a man of perception—a man able to appreciate the past, understand the present, and perceive the challenges of the future. No narrow-minded man was this Senator; he was guided by principle but he was always tolerant of the views of others. He was an independent thinker who spoke his mind when the occasion warranted but he granted the same right to others. In summary, he was a patriot in every sense of the word—a man who loved and fought for his country and all the good things it stood for. But, perhaps he will best be remembered for his dignity, courtesy, and upright manner with which he always conducted himself. In so doing, he set an example that all America would do well to follow.

Spessard Holland's career will not soon be forgotten. Its scope of achievement was truly amazing and reflects great credit not only on the man but on the State and Nation that produced him. While he will be sorely missed, we may take consolation from the fact that as long as America keeps producing leaders and statesmen like Spessard Holland, its future will be bright indeed.

At this time of sorrow, we offer to his beloved wife of 52 years, Mary, and to their four children, our deepest sympathy. We share with them—and with the rest of the Holland family—the deepest sense of personal loss.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. MANSFIELD. I wish to join the two distinguished Senators from Florida in their statements relative to our late distinguished colleague Spessard Holland.

Spessard Holland had an outstanding record of service. He served in the Armed Forces during the First World War, was awarded a number of decorations, and acquitted himself with distinction.

He served as Governor—and as a fine Governor—of the State of Florida. Following that, he served many years in the Senate of the United States.

Spessard Holland will be remembered not only for his diligence, his integrity, his understanding, his patriotism, and his knowledge, but also he will be remembered as the author of the 24th amendment—the Holland amendment—which abolished the poll tax.

He also will be remembered as being in the forefront of the fight to give to the Territory of Hawaii the status of statehood.

Spessard Holland made many contributions to the welfare and betterment of his State. He was a devoted servant of the United States, a man whom we all respected, whom we all loved, and whom we all miss.

So I should like to join with my distinguished colleagues with these few remarks to express my appreciation, my affection, and my respect for a man who served the Senate well, who served his State and Nation with dignity and understanding, who is missed and will be missed, and who has left his mark on this body. He was a great Senator.

Mr. PASTORE. Mr. President, as this Senate approaches its tremendous responsibilities of this year of 1972, it is well that we pause to revere the memory of men who once were our colleagues—and shared our responsibilities with their rare gifts of mind and heart.

Such a Senator was our departed friend, Spessard L. Holland.

It seems fitting that the passing from this life of Spessard Holland should be as gentle as was the gentle bearing of this great American—scholar-soldier-teacher-statesman.

The people of his beloved Florida bestowed on their native son every honor in their power to give. As Governor and Senator few men have given to their State and country the dedicated service that is the life story of our colleague and friend who served here in this quarter century of America's drama, danger, and destiny.

A flying ace in World War I—a four-letter athlete in college—Phi Beta Kappa in scholarship—we remember him best as a debater on this Senate floor—and his particular audience, his beloved wife listening with rapt attention in the gallery.

For Spessard Holland—in all his labors—had in mind the sanctity and security of the home—his home and the homes of all Americans.

It seems only yesterday that the Hollands—here on "the Hill"—observed their golden anniversary—and a day of genuine celebration for us and his legion of neighbors and friends.

Spessard Holland was a southerner who fought for repeal of the poll tax—and saw his efforts through to success.

A world figure, he fought for the preservation of the Florida Everglades as precious natural wealth for all people.

It was a treasured dividend of service in the Senate to have enjoyed the friendship of this splendid human being who shall be remembered forever by his senatorial title—"the gentleman from Florida."

A nation's gratitude and sympathy go to his beloved wife—the inspiration of his life.

Mr. BIBLE. Mr. President, it is an honor to join my colleagues in paying final tribute to one of the most respected members of this body, Senator Spessard Holland.

When Senator Holland died last November, our majority leader called him a "U.S. Senator in the best meaning of the term." I share that assessment. Senator Holland's fine work in the fields of agriculture, conservation, and taxation left a permanent testimonial in American history to his dedication and ability.

I worked most closely with Senator Holland on the Appropriations Committee, and his keen judgment has been sorely missed there. But it was our common interests in the preservation and development of parks and recreation areas that brought us most closely together. As chairman of the Interior Parks and Recreation Subcommittee, I valued Senator Holland's wisdom and guidance in the development of the Everglades National Park and the many other fine recreation and wildlife programs benefiting not only Florida but every section of our Nation.

He may be best remembered, however, for his courageous work in behalf of the 24th amendment to the Constitution. This landmark amendment struck down the poll tax, an unfair and often discriminatory burden on our citizens.

It is unfair, really, to single out any accomplishment when we honor the memory of Senator Holland. For his interests were broad and his legislative record was one of the most productive.

Senator Holland was in every respect a valiant Senator, a champion of human rights, and a guardian of our Nation's great national heritage. His contributions were legion, and his State and Nation have lost a valued friend and advocate.

Mr. BYRD of West Virginia. Mr. President, it is difficult when one is eulogizing a man of the stature and accomplishments of Spessard Holland to decide what facets of his character and career to emphasize. There were so many that were outstanding.

The late senior Senator from the State of Florida served in this distinguished body for almost a quarter of a century. He had enjoyed the absolute confidence of the people of his State as their representative in Washington and also as their Governor. He left them a legacy of lasting beauty when he championed, against great odds, the establishment of the Everglades National Park. Generations of Floridians to come will have cause to be grateful to this distinguished leader for his courage and foresight.

Senator Holland served with much distinction on the Committees on Appropriations, Agriculture and Forestry, and Aeronautical and Space Sciences, and to each he gave to the fullest extent the benefit of his diligence, perception, mastery of public issues, and a high level of personal integrity. He was a man of true loyalties to his country, his State, and his colleagues. But he also possessed an independence of mind and never shirked the task of speaking his mind if and when the necessity arose.

Spessard Holland was a man of dignity and unfailing courtesy. He was the embodiment of a southern gentleman. There was not a Member of the Senate who did not respect and esteem Senator Holland for his qualities as a legislator, as a human being, and as a friend. I am proud and grateful to have been his colleague in the U.S. Senate.

Mr. ERVIN. Mr. President, I wish to join in the tribute which my friend the distinguished assistant majority leader, Mr. BYRD of West Virginia, has paid to the late Spessard Holland.

Spessard Holland held virtually every office within the gift of the people of Florida. Before he held his first office, however, he served in the American Expeditionary Force in a branch of the service which required men of heroic mold; namely, the Army Air Force. He served as an observer in the Army Air Force. In those days, the Army Air Force was equipped with planes which can be described merely as crates. It required the greatest amount of physical courage even to go up in the air in one of the crates, let alone to subject oneself to the fire of the enemy in one of them.

Spessard Holland was awarded the Distinguished Service Cross by the American Expeditionary Force in France for the extraordinary heroism he displayed as an observer in the Army Air Force, which was the only air force operating on the Western Front in behalf of the American Expeditionary Force.

Spessard Holland had the physical courage that enabled him to brave the dangers of physical combat. After he returned to Florida, he devoted his keen intellect, his great learning, and his magnificent moral and political courage to the service of his people. He was a man gifted by his Creator with a wonderful mind. That was illustrated by the fact that he was selected as a Rhode scholar to attend Oxford University, in England, but was prevented from so doing by the fact that the First World War occurred and that he responded to his country's call by volunteering his services.

Not only was he a great student; he was also an outstanding athlete. He was renowned in the athletic annals of the University of Florida as one of the greatest pitchers of all time on its baseball teams. He was offered a contract by that prince of the diamond, Connie Mack, to pitch baseball for the Philadelphia Athletics.

After serving his country in the First World War, Spessard Holland returned to his home in Florida and was speedily honored by those who knew him best—that is, his neighbors—with election to the Florida State Legislature, where he served with great acceptability and was responsible for much beneficient legislation for his State.

He also served in the capacity of county judge. I think that his judicial experience, although it was not long, gave him a cast of mind which remained with him throughout the remainder of his life.

Spessard Holland was always willing to hear both sides of a question. He always recognized that there was much to be said on both sides of controversial questions. He was willing to listen to those who disagreed with him. After he was convinced of the rectitude of his position in respect to any public issue, he fought for that position valiantly.

After serving the people of his home county in the capacities of State legislator and county judge, Spessard Holland was elevated to the highest office within the gift of the people of Florida; namely, the office of Governor of that great State. Here he served during the trying days of the Second World War in a manner which reflects credit upon a man who was essentially a great public servant.

After a highly distinguished career as Governor of Florida, Spessard Holland was chosen to represent the State of Florida in the U.S. Senate, where he soon distinguished himself as one of the ablest Members of the Senate, and where he earned the respect and the admiration of all persons who knew anything about his public service in the Senate, including those who may have disagreed with him and who may have fought him on many occasions.

If I were asked to epitomize the political philosophy of Spessard Holland, I would say that he believed in clinging to the true and tried landmarks of the past, but that at the same time he was not opposed to giving consideration to new ideas. I have known few, if any, men who had the stature of Spessard Holland.

I was very much distressed when he decided to retire from the Senate, although he explained to me at that time that he was moved to do so, because he was susceptible to angina and that on some occasions this unfortunate ailment made it difficult for him to carry some of the burdens of his office.

I hated to see him leave the Senate, because for years I sat immediately behind him. I am now privileged to occupy the seat which he occupied. During the years when he occupied this seat, and I sat immediately behind him, I often called upon him for advice in respect to the complex and difficult legislative proposals pending before the Senate. I always found his advice extremely helpful, because he made it a practice to study all the issues that came before the Senate and then to accept the side of the issue which his intelligence told him was on the right side for his country and which his commonsense told him was the most practical solution of the proplem under consideration.

I will emphasize what Spessard Holland always acknowledged, that is, that his great achievements as a public servant were due to the devotion and encouragement of a great woman, Mary Holland, who was his constant love and inspiration.

I have always thought, from the time I came to know Spessard Holland and to admire him for the qualities of his head and to love him for the qualities of his heart, that he was fittingly described in a poem written by another man whose surname happened to be Holland, a poem by Gilbert Holland. That poem is as follows:

> God give us men! A time like this demands
> Strong minds, great hearts, true faith, and ready hands;
> Men whom the lust of office does not kill;
> Men whom the spoils of office cannot buy;
> Men who possess opinions and a will;
> Men who have honor; men who will not lie
>
> Men who can stand before the demagogue and hear his treacherous flatteries without blinking
> Tall men, sun-crowned
> Who dwell above the fog in public duty and in private thinking.

Such a man was Spessard Holland. He was one of the most faithful public servants this country has ever known.

I would say that today America is uttering the prayer which Gilbert Holland phrased in the poem which I have just quoted. America is still praying for men of strong minds, great hearts, true faith, and ready hands. And unless America's prayer is answered, it is not likely that the American dream will long endure.

I shall never cease to miss Spessard Holland and his courageous and intelligent example as a legislator, and I shall never cease to praise the good Lord for having given me the privilege of knowing and being closely associated with one of the finest human beings that the good Lord ever created; namely, Spessard Holland.

Mr. YOUNG. Mr. President, I share the very great sense of loss we all feel with the passing of our esteemed colleague, Spessard Holland.

I feel his loss particularly keenly as I was privileged to work very closely with him all during the nearly quarter of a century he served in the U.S. Senate. As a long-time member of the Senate Appropriations Committee and chairman of the Subcommittee on Agricultural Appropriations, he demonstrated time and again his vast knowledge of the complex problems of agriculture. During nearly all of the time he served in the Senate, Spessard and I were also members of the Senate Agriculture Committee.

He was always a powerful advocate for the interests of his State of Florida and always had a keen understanding of and intense loyalty to our national interests.

His thorough study and analysis of any problem before the Congress always commanded the respect of all of us and contributed heavily to whatever debate was in progress.

Senator Holland was a very able lawyer and one of the Senate's most powerful advocates of the interests of Florida and, in fact, every issue he became involved in. He was a tough, hard fighter for the things he believed in, but was always courteous, gentlemanly, and considerate.

He was exceptionally faithful to his duties as a Senator. Even after he announced his retirement, he continued to work just as hard as ever and was very active in his committee work and on the floor of the Senate to the last day of his service.

Spessard Holland served his State and Nation throughout his life. Air Pilot in World War I, State legislator, Governor, U.S. Senator. These were the offices to which he brought his skills. In each instance he established an enviable record that will serve for years as an example.

We are all better for having had an opportunity to work with and know Spessard Holland. He was one of my best friends in the Senate. We will miss him deeply and Patricia and I extend our deepest sympathies to his wonderful wife, Mary, and all of the family.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the period for other eulogies of the life and career of the late distinguished Senator from Florida, Spessard Holland, be extended through the month of February so as to give Senators who are absent from the Chamber at this time, because of other duties, a chance to make their feelings known.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GURNEY. I thank the distinguished majority leader.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President. I ask unanimous consent that when the distinguished Senator from Delaware (Mr. ROTH) is recognized, Mr. Keith Guthrie, a member of his staff, be permitted to remain on the floor of the Senate during the delivery of Senator ROTH's speech.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Under the previous order, the Senator from Delaware (Mr. ROTH) is recognized for not to exceed 15 minutes.

## THE INDIA-PAKISTAN WAR

Mr. ROTH. Mr. President, the tragic events that culminated in war last November between India and Pakistan have kindled a controversy over U.S. policy toward the South Asian subcontinent. We have heard complaints that the administration should have acted more vigorously to oppose repression of the rebellion in East Bengal. At the same time, critics have deplored the strain placed on our relations with India by the administration's forthright condemnation of Indian military intervention and its concern to restrain a possible Indian assault on West Pakistan. Those who are dissatisfied with our actions in the recent crisis charge that the United States has taken the side of a military dictatorship against the world's largest democracy. They express dismay that the United States ended up on what was, given the realities of military power and geography, predictably the losing side. The result, they claim, has been serious damage to American prestige abroad.

I share the widespread concern over the impact the recent crisis has had on our position in South Asia. The United States has many reasons to be interested in what goes on in this region. It contains one-fifth of the world's population. It occupies a strategic location—along the trade routes between Europe and the Far East and separating the two great Communist powers—the Soviet Union and China—from the Indian Ocean. The United States has invested billions of dollars in foreign assistance to support the economic development of India and Pakistan. Both countries have made remarkable progress toward economic modernization; but this progress inevitably suffers from conflicts such as the recent one, and the fruits of U.S. assistance are wasted. Americans have an additional reason to take an interest in the course of India's development, because that country, despite immense obstacles, has maintained a working democracy. It is, therefore, especially saddening that recent events have cast a shadow on our relations with India.

If we have reason to fell concern about the state of our relations with the nations of the subcontinent, we should recognize that the sources of our current difficulties lie deeper than the anti-Indian "tilt" adopted by the administration when hostilities broke our between India and Pakistan. To limit one's view only to the recent crisis is to take a highly superficial approach in analyzing the U.S. relationship with India and Pakistan.

To gain a proper perspective on the recent crisis, we should recall two basic facts about the politics of the subcontinent. The first is that it is a region of deep ethnic, linguistic, and religious cleavages. The second is that it is a region on which the interests of three major powers—the United States, the Soviet Union, and China—converge and, occasionally, conflict.

Let me first speak about the cleavages which divide the subcontinent. The most important is that which separates Hindu from Muslim. Its roots go back many centuries, as far as the year 1000, when Muslim invaders from the west first began to spread their authority across northern India. Hostility between the followers of the two religions has influenced the course of history on the subcontinent ever since. It was responsible for the very creation of two separate nations—India and Pakistan—at the time the British ended their dominion over the region in 1947.

This traditional Hindu-Muslim animosity has permeated relations between India and Pakistan. To the accumulated prejudices of centuries have been added new grievances arising out of the partition which created the two nations. The most important source of friction has been Kashmir, a Moslem area which is claimed in its entirety by Pakistan but is partly administered by India.

It is thus hardly surprising that relations between India and Pakistan have been marked by constant tension and occasional open warfare. Each nation harbors an obsessive fear of the other. India cannot rest easy as long as Pakistan maintains its claim to all of Kashmir. Pakistanis remember the reluctance with which some Hindu leaders in 1947 accepted the creation of a separate Pakistani state. They suspect their more powerful neighbors of desiring to eliminate Pakistan or reduce it to the status of an impotent satellite.

In the recent crisis on the subcontinent we have seen the effects of another important cleavage—between the eastern and western regions of Pakistan. The Bengalis, who make up most of the population of East Pakistan, have almost nothing in common with the people of West Pakistan except the Muslim religion. The Bengalis have their own language and cultural traditions. Their homeland is separated by over 1,000 miles of Indian territory from West Pakistan.

The ties between these two dissimilar regions were steadily eroded by growing Bengali disenchantment with the central government's policies. The Bengalis felt that their interests were neglected. They cited the case of the 1965 Indo-Pakistani war over Kashmir, when the Eastern region was left to fend for itself, exposed to possible Indian attack but without sufficient forces to provide for its defense. The Bengalis, pointing out that they comprised a majority of Pakistan's population, demanded that they be given a greater voice in the national government and more autonomy to manage their own affairs. Last March the simmering dissatisfaction in the East boiled up into rebellion when the Pakistani Government moved to set aside the results of elections in which Bengali representatives obtained a majority of the seats in the national assembly.

Let us turn now from the internal to the external forces at work on the subcontinent. I emphasized earlier that the region is one in which the United States, the Soviet Union, and China have all taken an active interest. The attitudes of these three powers have had one feature in common. Each of them has been sensitive about any increase in either of the other's influence on the subcontinent. The Soviet Union and China keep a wary eye on the region because of its proximity to their southern frontiers. Their concern has sharpened as their relations with each other have deteriorated. China's boundary dispute with India gives Peking an additional reason for watching developments on the subcontinent closely.

The American approach to the region has been strongly influenced by the doctrine of containment, under which we sought, partly by building a chain of interlocking military alliances, to create barriers to the spread of Communist influence throughout the world. Since the subcontinent occupies a strategic position on the southern edge of the Communist world, we have seen the projection of our influence there as a means of deterring Soviet and Chinese expansionism. It was in pursuit of this objective that we successfully sought Pakistani accession to both the Southeast Asia Treaty and the Baghdad Pact, which became the basis for CENTO.

The interplay of external and internal forces on the subcontinent has greatly complicated our efforts to devise a satisfactory policy toward the region. We have not found it easy to reconcile our efforts to guard against Soviet and Chinese expansionism with our desire to maintain friendly ties with both India and Pakistan.

Our treaty relationships with Pakistan are a case in point. At the time of the Southeast Asia Treaty in 1954, we began to provide military equipment to our new ally, Pakistan. This brought protests from New Delhi, which feared that any arms supplied to Pakistan would be used against India and felt compelled to increase its defense budget. Another result was that the Soviet Union and India began to see a greater mutual interest in closer ties.

In 1962 we had a similar experience, except that this time it was our relations with Pakistan that suffered. When Chinese troops advanced against Indians in the disputed boundary region of the Himalayas, we hastened arms to India. Alarmed by this build-up of Indian military strength, Pakistan threatened to leave SEATO and sought support from China, which responded by concluding a boundary treaty and providing arms and economic aid.

These two instances illustrate the intricate pressures which tend to enmesh not only us, but also the Russians and the Chinese, in the continuing bilateral quarrel between India and Pakistan. In fact, if we review the diplomatic history of the region since 1947, we find a steady trend toward great power involvement. The Soviet Union has increasingly supported India, both against China and Pakistan. In addition to providing arms, it has endorsed the Indian position on Kashmir. China, largely because of its boundary dispute with India, has drawn closer to Pakistan. We have already seen how the United States has frequently been caught in the crossfire between India and Pakistan.

The growing involvement of the United States, the Soviet Union, and China carries great risks, for it means that the prestige and resources of these three nations are committed under circumstances which they cannot always control. Individually, they have in the past been signally unsuccessful at restraining India or Pakistan from resorting to force. They have likewise had little success in eliminating the sources of conflict, as witness the long series of futile diplomatic efforts to resolve the status of Kashmir. Collectively, they might be better able to exert a restraining influence, but usually they have not deemed it in their interest to cooperate to this end. Under these conditions, the danger that the great powers may become directly involved in a conflict as a result of events on the subcontinent is greatly magnified.

The complexities with which we must deal were never more evident than in the recent crisis. When we examine the chain of events that began with the Bengali rebellion in March 1971, we find several familiar patterns.

First of all, we see the powerful workings of the internal cleavages that divide the subcontinent. The rebellion in East Bengal and the brutal and bloody attempt by the Pakistani army to suppress it are the dramatic results of one of these cleavages. Similar forces reveal themselves in the Indian military intervention, which enabled India to eliminate its arch-enemy from a position on its eastern frontier.

Secondly, the recent crisis once again shows how little the great powers are able to do to restrain conflict on the subcontinent. Our restriction of arms shipments and economic aid and our pressure for a political accommodation between East and West Pakistan proved insufficient to deter the Pakistani Government from pursuing a policy of brutal repression which seemed sure to end in disaster. Later, when an Indian attack on East Pakistan was imminent, the great powers proved no restraining influence. The Soviet Union supported India by interposing its veto to prevent United Nations action; and the U.S. efforts to dissuade India from invading were, in such circumstances, ineffective.

Finally, we have seen the great powers once again lining up on opposite sides of a regional conflict, with all the risk that that implies for escalation. The United States and China supported Pakistan, while the Soviet Union backed India.

It seems to me that our unhappy experience in the recent crisis underscores the importance of making a hardheaded assessment of our interests in the region. This is an essential first step if we are to avoid repeating the past pattern of involvement in intraregional conflicts over which we have little control but which jeopardize our relations with the peoples of the subcontinent and magnify the risk of confrontation with the Soviet Union or China.

This will require that we have a clear conception of the Soviet and Chinese threat to our interests in the region. In evaluating the danger from that direction, we should take a careful look at the barriers of geography, culture, and national interest that stand in the way of the extension of Chinese and Soviet influence in the region. We should beware of exaggerating the leverage which any external power can exert in the affairs of nations as large and diverse as those in South Asia. Of those nations, India especially has demonstrated a stability and strength of purpose that suggest it will not readily become the pawn of an outside power.

If we are to have a realistic policy on the subcontinent, we must also be mindful of the constellation of power within that region. There can be no doubt that India, by reason of its population, territory, resources, and political stability is the key nation. It follows that our relations with India should be given a high priority when formulating our South Asian policy. It is true that American and Indian interests do not coincide in all respect and that our differing cultural traditions present obstacles to easy understanding between us. But India's primacy on the subcontinent cannot be evaded, and we should not without good reason take actions in that region which undermine our ties to India.

In stressing the importance of India, I do not mean to imply that we should ignore Pakistan. Even with the loss of the eastern region, it will remain a significant force on the subcommittee and one deserving our consideration.

Criticism of Pakistan's political shortcomings has, I believe, too often failed to take into account the handicaps under which it has labored. The 1947 partition affected it more deeply than India; the disruption to the economy and to government administration was much more severe while the resources available to it were more limited. After independence, its economic progress, which we assisted, was noteworthy. This is an achievement in which both the United States and Pakistan can take pride.

The analysis I have made suggests that we should realistically adjust our policies to take into account the changes that have come about on the subcontinent as a result of the recent crisis. This means that we should be willing to go at least halfway with India in seeking to restore a modicum of confidence and cordiality to the relationship between our two countries. We need not, nor should we, condone India's resort to armed force against Pakistan. But we should recognize that there is nothing to be gained for either of our countries in keeping each other at arm's length.

A few days ago, India's able ambassador, Mr. L. K. Jha, offered an encouraging comment about the future of United States-Indian relations. Speaking to the National Press Club, he said:

> Though in the recent past sharp differences developed between India and the United States, I do believe that the two great democracies of the East and West will rediscover the friendship that exists in each for the other.

I am confident that Ambassador Jha's assessment will prove correct. It benefits neither the United States nor India to dwell on the discords of the recent past. Instead we should look for opportunities to increase cooperation between our two nations.

One of the major consequences of the recent crisis is the proclamation of the new state of Bangladesh. This provides a crucial test of our willingness to adopt a realistic approach in dealing with the subcontinent.

There is no compelling reason why we should not desire to have friendly relations with the people of Bangladesh. With 70 million inhabitants, it is the eighth most populous nation in the world. Its leader, Sheikh Mujibur Rahman, has publicly stated his government's hope that amicable ties can be established with the United States. The sheikh appears to enjoy the overwhelming support of his countrymen and has made significant efforts to restore normality in his country by concluding an accord with the guerrilla forces to turn in their weapons to the government. If the regime in Dacca demonstrates its intent and ability to carry out the responsibilities inherent in membership in the community of nations, it seems inevitable that we will wish to establish diplomatic relations with it. Once it has met this test, and its beginning is most promising, I believe we would be unwise to delay recognition. In the meantime, I support the continuance of our programs to relieve the suffering caused to the people of Bangladesh by the conflict there.

Pakistan presents an especially difficult challenge for our foreign policy. That nation has suffered a humiliating military defeat. In the process, it has lost over half of its population, one-sixth of its territory, and a large share of its economic resources. Festering Pakistani resentment could become a poisonous influence on the international politics of the subcontinent.

The answer, it seems to me, is to smooth the way for the Pakistani Government to provide a better way of life for its people. This means encouraging Pakistan to focus its energies on the positive task of economic and social development rather than on a negative drive to recapture what can never be regained.

Happily, there are indications that Pakistan is approaching the problems of readjustment in a positive way. The new government of President Bhutto has acted in statesmanlike fashion in promptly releasing the Bengali leader, Sheikh Mujibur Rahman. It has been conciliatory in its dealings with India and Bangladesh. And it has indicated that it will proceed vigorously in seeking solutions to the country's political and economic ills.

The measures I have just discussed are steps that we can take now. Over the long term, I believe we should remain alert to opportunities to provide a firmer foundation for peace on the subcontinent. Recent events have underlined the lesson taught by a quarter-century of intermittent strife in that region, namely, that competition among the great powers abets instability. Had the United States, the Soviet Union, and China been willing to take concerted action, the chances would certainly have been better that an international crisis over East Bengal could have been averted. Perhaps at some time in the future these three nations will find it possible to join in constructive action to reduce tensions in the region. One such step might be a moratorium on supplying arms to the subcontinent. I am not optimistic that we will soon see any progress along these lines. However, the prospects may improve as we move toward the era of negotiations President Nixon is seeking in our relations with the Soviet Union and China.

In the meantime, I earnestly hope that we will keep in mind the need for a balanced approach to the subcontinent. We have no reason to be the enemy of any of the South Asian countries, and we have important reasons to be friendly with all. If we act promptly to show our interest in good relations with each of the region's three nations, I am convinced we will have made a good start toward overcoming the ill-effects of the recent crisis.

Mr. President, I yield back the remainder of my time.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with a limitation of 3 minutes on each Senator to be recognized.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MAHALIA JACKSON

Mr. BYRD of West Virginia. Mr. President, it was with genuine regret that I read of the death of Mahalia Jackson. By her passing, the world has lost a true artiste and a woman whose musical talent was equalled only by her love of simplicity.

The real measure of her greatness lay in the fact that she achieved world-wide fame as a singer of the gospels despite her own sincere efforts to shun the spotlight. The simple country church on a Sunday morning meant more to this great Negro contralto than the plaudits of thousands in Carnegie Hall.

Mahalia Jackson was born 61 years ago in that cradle of music, the city of New Orleans. From very humble beginnings, she rose to be described as "the world's greatest gospel singer" and to be offered the chance of international fame and substantial wealth by no less a musical celebrity than Louis Armstrong, then at the height of his fame. Gospel songs were the only musical form she countenanced. Once, when she was offered a most lucrative contract to record some of the famous "blues" songs, she declined, saying:

> "Blues" are the songs of despair. Gospel music is the music of hope. I will always sing the songs of hope.

Now that the rich voice of Mahalia Jackson has been stilled, we can perhaps pray that her philosophy of hope over despair may inspire all of us to follow her example and say, as she did:

> The humble churches are my filling stations.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial appearing in today's Washington Post, entitled, "Mahalia Jackson."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 2, 1972]

### MAHALIA JACKSON

Few believers have obeyed with so much heart the command of the Psalms, "make a joyful noise unto the Lord," than Mahalia Jackson. Many in this city who mourn her death remember Miss Jackson's appearances at the Kennedy Inauguration, at Constitution Hall or at the 1963 March on Washington where she sang "I Been 'Buked and I Been Scorned." Although her singing at these scenes was on fire with belief in the Lord, the flames of the gospel truly spread when Miss Jackson sang in the storefront churches or revival tents. There, the listeners were moved to shouting, dancing and the ecstasy of letting go; the audience felt good because Miss Jackson's singing made things look good. "Gospel songs are the songs of hope," she said. "When you sing gospel, you have the feeling there is a cure of what's wrong."

As for some of the things that were wrong, Miss Jackson was painfully aware of racism and poverty. She was a victim of both in her early life, and never forgot that millions of others did not have her luck in escaping them. Among other commitments, she was a board member of the Southern Christian Leadership Conference. Even today, whether in the deep rural South or the Northern inner city, it is common for black parents to tell their children inspirational stories of how Mahalia Jackson, in the words of her famous spiritual, "moved on up a little higher."

Long before soul became a vogue word, Mahalia Jackson embodied it. Soul came through not only because her voice throbbed with rhythms of deep richness but also because of the confidence she expressed that the words of her spirituals made sense. She avoided nightclub dates and other forms of easy commercialization; if you are going to sing about the straight and narrow path, Miss Jackson believed, then you had better keep on it yourself. To the enrichment of millions of people who valued greatness of spirit and beauty of music, Mahalia Jackson did just that.

Mr. JAVITS. Mr. President, I wish to identify myself with the beautiful remarks by the Senator from West Virginia about Mahalia Jackson.

I knew her well and have spoken on many platforms where she sang. A dearer and sweeter soul never existed.

The Senator has said it correctly. Here was one woman who was so worshipful of her responsibility to her people that no consideration of personal advancement, of money, or of any convenience or comfort that would come to her exceeded her deep sense of duty and responsibility to give whatever she had to give—which was her art—to the emancipation and new freedom for her people.

I think it is very touching and very fitting that the Senator has said the beautiful things he has said about Mahalia Jackson.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

## THE IRISH SITUATION

Mr. BUCKLEY. Mr. President, last Sunday's killing of 13 demonstrators in Londonderry underscores the horror of the developments now taking place in Northern Ireland. They bring to 25 the number who have lost their lives in just the past month, and to 230 the number who have died since the disorders first broke out 3 years ago.

The anguish felt by the Catholic minority in Ulster, and the humiliations and discriminations to which they have been subjected for centuries, must command the sympathy and indignation of all free men. We Americans have a legitimate concern over injustices suffered by others elsewhere in the world; and we have the right and the duty to give expression to that concern and to seek thereby to galvanize the moral consciousness of others.

To understand the depths of the frustrations which have led to the present tragedy, it is necessary to know something of the history of the treatment which has been accorded to Catholics in Ireland. In 1700, for example, the infamous penal laws were enacted which stripped Irish Catholics of the most basic rights. They were forbidden to maintain schools, they were excluded from all areas of political life, and they were even prohibited from buying land.

After centuries of abuse and humiliation, the Irish people finally rebelled; and in 1922 they succeeded in achieving an agreement with England which resulted in the creation of a free Irish republic, but only at the expense of the partition of Ireland. Twenty-six out of 32 counties were granted their independence, but the remaining six were retained under British rule as an enclave 60 percent Protestant and 40 percent Catholic, an enclave now known as Northern Ireland.

The political arm of the Protestant majority, the Unionist Party, has been in control of Northern Ireland ever since partition, and the age-old discriminations visited on the Catholic minority in Ulster have been maintained ever since, despite repeated attempts by the Catholics to free themselves of their status as second-class citizens and to achieve the conditions of true social, political, and economic equality. True, certain reforms have recently been enacted promising to do away with job discrimination and to improve housing, but the hardening of attitudes grown apparent in recent months renders the hope of achieving political equality under a unionist government as remote as ever.

If the conditions in Northern Ireland continue to deteriorate, it will be virtually impossible to achieve justice for the Catholic minority or a peaceful solution of their ancient grievances. There are hopeful signs, however, that peace can be restored and justice rendered, and the ultimate reunification of the Irish people achieved, if only the present situation in Ulster can be defused before the polarization of attitudes becomes complete, and the extremists on both sides of the Irish question achieve control. Former British Prime Minister Harold Wilson, for example, has publicly indicated his support of the principle of reunification, and public opinion polls in England show that a majority favor the removal of British troops from Northern Ireland.

I believe that we Americans can express the extent of our concern for the plight of the minority in Ulster and at the same time advance the cause of justice in two ways. In the first place, we can appeal to the conscience of the British people to bring an end to the discrimination which continues to exist in Northern Ireland, and to the bloodshed to which it has given rise. And second, we can as friends of long standing of both the Irish and the British peoples, offer our good offices to help the parties arrange for the orderly withdrawal of British troops, and to negotiate a peaceful resolution of their differences. It is to this end that I introduced last December Senate Resolution 221 calling on the United States to offer the hand of friendship and in this manner to help bring this increasingly bloody conflict to an end. To my mind, this is the most effective means by which the United States can help establish conditions in which the ultimate reunification of the Irish people can take place, and their longstanding grievances finally resolved.

Mr. President, I earnestly hope that my colleagues will see fit to act favorably on my resolution in the very near future.

Mr. JAVITS. Mr. President, will the Senator yield, if necessary on my time?

Mr. BUCKLEY. I yield.

Mr. JAVITS. Mr. President, I would like to join with my colleague from New York in these sentiments. It may interest him to know that years ago, it must have been 18 or 20 years ago, going back to 1950, I introduced resolutions, periodically, in the House of Representatives for the unification of Ireland. The only hearing they ever had was before the House Foreign Affairs Committee.

I think the Senator has outlined from his own deep feelings, which I share thoroughly, a very sensible way to approach this problem. Ireland should be unified, and I welcome the opportunity to work with him. Perhaps I shall introduce another unification resolution. But I think the sentiment expressed and the quality and nature of the proposed remedy are very well adapted to the situation. Without a proper solution to this crisis there could easily be complete anarchy and even worse bloodshed than we have seen, and God knows this tragedy is enough for anyone.

Mr. BUCKLEY. Mr. President, I thank my senior colleague, both for his support and for his understanding of the turmoil now afflicting the Irish people.

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## THE EUROPEAN COMMON MARKET'S OFFER OF TRADE NEGOTIATIONS OPENS WAY FOR IMMEDIATE SUBMISSION OF LEGISLATION TO DEVALUE THE DOLLAR

Mr. JAVITS. Mr. President, I rise this morning to comment on a statement we find in the press relating to the European Common Market's offer for new trade negotiations with the United States commencing in 1973, which will deal, first, with removal, if possible, of the remaining tariff barriers; second, with the removal of nontariff barriers to trade; and third, with international commodity agreements.

Our agricultural products are suffering very seriously at the hands of the Common Market, and may suffer more if the common agricultural policy is not modified and if present trends of preferential arrangements between the Common Market and other countries continue. Already, Latin America is being seriously prejudiced in that regard by agreements between the Common Market and the so-called Associated African Countries.

But, Mr. President, what is alarming and what must be placed against the backdrop of encouraging trade news is the continued fall in the price of the dollar. Gold is now at $48.25. Forty-eight dollars was considered unthinkable, but the price has now exceeded that; and the dollar is under increasing pressure in the world's international money markets.

Mr. President, I believe one reason we have this condition is that the United States announced the tactic that it would not submit to Congress for action the bill to devalue the dollar and to increase the price of gold—which is strictly fictional; we are not going to exchange gold for dollars anyhow—and we attached that to some unspecified trade concessions. There was no need for that, Mr. President; and if this trend continues in light of the progress made on the trade front, it could destroy everything that has been accomplished by the interim monetary agreement. It is fully capable of doing that, particularly now that the Europeans and our other trading partners have gone as far as they are likely to go over the short term. Failure to submit the gold-dollar devaluation bill promptly has created enormous uncertainties which if continued could jeopardize the interim monetary settlement of December 16 to the detriment of the recovery of our domestic economy and to the health of the economy of the entire free world.

So I strongly urge upon the President of the United States that he submit the gold legislation for the consideration of the appropriate committees of Congress now, without any further delay. This morning we have the offer of the Common Market, and short-term trade concessions are being negotiated tomorrow. The Japanese have made an agreement on steel. An agreement on textiles was announced earlier, as have been orderly marketing arrangements for other products such as automobiles. That is more than adequate, in terms of any trade concessions that are immediate and off the cuff, as it were, that need to accompany this bill which would insure an approximate 17-percent revaluation of the yen against the dollar. I believe that if additional trade concessions are needed they will follow; we have plenty of carrots for that purpose.

Second. Mr. President, promptly when the invitation of the Common Market is picked up, and Japan joins in it through the OECD, we should move forward at once in these terms of a "new trade round," as the paper has it.

Finally, Mr. President, the answer for our country to the enormous deficits it faces—more than $70 billion in 2 years—is an increased productivity drive, which would allow our economy to break out to a higher level of economic growth thereby generating increased revenues. Toward this end, Congress wisely put on the books $10 million and gave recognition by statute to a National Commission on Productivity, now established in the executive branch, and that is where it stands. Productivity is the place to move; the place to push. Increased productivity and expanding economic growth are the only answer to our serious deficit problem.

With a $1,050-plus billion economy, it does not take a great percentage improvement to soak up a $30 billion or

$40 billion deficit. That is where we can make it, and in no other place.

For all those reasons, I urge the President to immediately submit the dollar-gold devaluation bill and to make full use of the congressionally enacted productivity initiatives and to build upon these.

Mr. President, I ask unanimous consent to have printed in the Record the news stories to which I have referred.

There being no objection, the articles were ordered to be printed in the Record, as follows:

### Europeans Urge New Trade Round

Brussels, February 1.—The European Economic Community declared tonight that it is prepared to open a new round of worldwide negotiations to liberalize international trade.

The E.E.C.'s foreign ministers, at the end of a two-day meeting here, agreed on a declaration of intent stating that the community would be willing to start the negotiations in 1973.

If this Common Market declaration is accepted by the United States, Canada, Japan and other non-Communist industrialized countries, the stage will be set for the most important series of worldwide trade negotiations since the Kennedy round of trade bargaining ended in 1967. That series of talks yielded a number of substantial reductions of trade barriers.

The idea of a new Kennedy round of negotiations to remove remaining barriers has been discussed in international trade circles for several years. But pressure for the new talks has mounted as a result of last year's world monetary crisis.

#### COMMITMENTS SOUGHT

The United States particularly has been seeking commitments from its key trading partners to agree to the new round of negotiations as an essential step in a major overhaul of the world monetary and trade system.

According to Common Market officials, the declaration agreed on by the foreign ministers calls for the new negotiations to aim at removing barriers to industrial trade, creating international commodity agreements for agricultural products and eliminating nontariff barriers.

The declaration will be formally presented to the United States here on Thursday when American and Common Market negotiators resume talks on short-term trade concessions the Nixon Administration is seeking from the European community. Essentially Washington has been attempting to gain concessions from the Common Market in its policy toward American agricultural exports and a suspension of the Common Market's plans to negotiate preferential trade agreements with nonmember countries in Europe.

#### MODEST CONCESSIONS

During their meeting here, the European foreign ministers agreed on additional but modest concessions to allow more American oranges and grapefruit to be sold in the European community. They also agreed to increase the E.E.C.'s stockpile of wheat to help maintain world wheat prices. The United States has complained that excessive Common Market exports of wheat have depressed world prices for the product.

The foreign ministers refused, however, to make any immediate concessions toward American exports of tobacco and corn—two additional products on which the United States has been seeking a relaxation of Common Market restrictions. They also rejected the idea of altering their plans for special trade arrangements with non-member European countries.

The immediate objective of the current United States-Common Market negotiations on short-term trade issues is to clear the way for Congressional action to approve formally the devaluation of the dollar. The Nixon Administration has stressed that it will not ask Congress to take this action until it has secured "satisfactory" short-term trade agreements with the Common Market, Japan and Canada.

Common Market officials are hoping that, while the E.E.C.'s specific offer on short-term concessions are limited, its agreement to enter into world-wide bargaining on long-range trade questions will encourage favorable action by Congress on the dollar.

These officials stress that all the Common Market's concessions to the United States on trade matters are contingent on a positive Congressional vote to devalue the dollar and solidify the new international monetary agreement worked out in December.

### Gold Prices Set Records: Dollar View Is Confident

#### GAINS ARE $1 AN OUNCE

London, February 1.—The price of gold soared by $1 an ounce in London and Zurich today, and set records on markets across Europe. The rush to buy gold helped send the value of the United States dollar down on foreign-exchange markets.

Gold dealers attributed the sharp rise in the price of gold to the scarcity of sellers in the market.

South Africa, which produces nearly 75 per cent of the West's gold, was believed to have been delaying sales as the market has risen in recent weeks, expecting even higher prices. Also, speculators and industrial users of gold have increased demand.

The biggest price rises came in London and Zurich, the two major markets. In London where the price was $47.25 an ounce Monday, it closed today at $48.25. One dealer said sellers "are really holding off." He called today's price "a bit far fetched," noting that three weeks ago dealers would have scoffed at anyone predicting prices above $48 an ounce.

Demand, according to London dealers, war coming from all over the world, with some European buyers bidding on behalf of clients in the Near and Far East.

The record prices included: Zurich—$48.10–$48.40, up from $47.00–$47.30 Monday; Frankfurt—$48, up from $47.49; Paris—$47.95, up from $47.30.

The new levels were the highest since the free markets were set up under the two-tier system for gold, introduced in March, 1968. Government central banks trade gold on the official market at a fixed price of $38 an ounce. Speculators, jewelers and industrial users deal on the free markets, where the price fluctuates according to supply and demand.

The system works only as long as the markets are kept strictly separate. The bigger the spread between them, the greater the danger that a government might cheat—buy low on the official market, sell at a profit on the free market and bring down the system.

#### STEADY SILVER PRICE SEEN

As soon as gold began climbing today, the dollar weakened. Dollar selling was most active in London, where gold buying was also heaviest. The dollar dropped to within a fraction of its post-devaluation low of 3848 British new pence in late-afternoon trading, then rose slightly.

There will be "no sustained upward trend" in silver prices in 1972, according to Handy & Harman, the New York-based refiner and fabricator of precious metals.

In its annual forecast of the silver market, the company said it did not expect silver prices to return to the low level of 1971, however, when they moved as low as $1.288 an ounce. The high was $1.752 for spot silver.

The restraining factor on prices this year will be the 350 to 400 million ounces in the hands of speculators and investors, which probably will be liquidated over a period of years, the concern predicted.

Last year, United States industrial consumption of silver was 126 million ounces, about 4 per cent below Handy & Harman's revised 1970 figure. It predicted a "moderate improvement" in industrial demand this year.

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### Experts Hopeful on Dollar Future

#### APPRAISALS OF EXPERTS

(By Henry Giniger)

Paris, February 1.—A group of economic experts representing the major trading nations sought today to dispel concern in the world's money markets about the effectiveness of last December's currency reallignments.

The group, which met at the headquarters of the Organization for Economic Cooperation and Development, said the Washington agreements, by which the dollar was devalued and other currencies revalued "has a good chance of leading to the desired result."

But Dr. Otmar Emminger chairman of the Balance of Payments Committee of the organization, said it would take some time. He predicted that there would be no substantial improvement in the United States balance of payments before next year and that it was apt to get worse before it got better.

Dr. Emminger, who is vice chairman of the West German Federal Bank, also took a calm view of the lack of dollar flow back to the United States, a flow that had generally been expected after the monetary meeting.

#### LACK OF CONFIDENCE

When it did not occur, lack of confidence resulted but the German banker insisted there was no basis for it.

The group said that for the first nine months, the realignment was likely to have a "perverse effect." Imports into the United States will be more costly while exports will only gradually pick up.

It was noted that while business conditions in the United States were improving, they were getting worse in other countries, such as Japan, or stagnating, as in Italy and West Germany. This will have a depressant effect on American exports until those economies also recover.

Herbert Stein, chairman of the Council of Economic Advisers, later gave an optimistic report on the expected upturn in the American economy after meeting with the wider economic policy committee of the O.E.C.D.

"There is no cause for alarm that the arrangements that have been made will not lead to international economic equilibrium," he said at a news conference.

#### WARNING ON REVERSAL

Mr. Stein said he had warned last December about expecting a sudden reversal in the dollar flow. But Dr. Emminger noted in his earlier meeting with the press that there had been general disappointment that it had not taken place.

There was a return flow of more than a billion dollars, he said, but it was absorbed in part by the continuing American deficit.

The two major reasons why the flow has not been more visible and marked, according to Dr. Emminger's committee, is first, the leads and lags in trade payments which cannot be quickly reversed but which will be reversed when several billion dollars of export deals mature.

Second, part of the "abnormal" flow out of the United States is sensitive to interest rates and last month these rates fell in the United States to their lowest point in eight years on short-term loans.

Dr. Emminger explained that consequently there was no interest rate inducement for repatriating funds but he expected such an inducement to occur.

Rates in Europe and Japan are dropping. while those in the United States are expected to rise as over-all economic recovery occurs.

Dr. Emminger saw some virtue in only a gradual flowback to the United States since it will help offset, he said, the continuing deficit of American payments through this year.

## QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

### Report on Overobligation of Appropriations

A letter from the Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, on certain overobligation of appropriations (with an acompanying paper); to the Committee on Appropriations.

### Report on Officers on Duty With Headquarters, Department of the Army

A letter from the Secretary of the Army, reports on the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff, as of December 31, 1971 (with accompanying reports); to the Committee on Armed Services.

### Proposed Donation of Certain Surplus Property to National Railway Historical Society

A letter from the Chief of Legislative Affairs, Department of the Navy, reporting, pursuant to law, that the Department of the Navy proposes to donate certain surplus property to the Charleston, South Carolina, Chapter of the National Railway Historical Society; to the Committee on Armed Services.

### Report on Officers on Duty in the Executive Part of the Department of the Army at the Seat of Government

A letter from the Secretary of the Air Force, reporting, pursuant to law, that, as of December 31, 1971, there was an aggregate of two thousand fifty-six officers assigned or detailed to permanent duty in the executive part of the Department of the Air Force at the seat of Government; to the Committee on Armed Services.

### Report on Procurement Receipts for Medical Stockpile of Civil Defense Emergency Supplies and Equipment Purposes

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, for the quarter ended December 31, 1971 (with an accompanying report); to the Committee on Armed Services.

### Report on Progress of Army Reserve Officers' Training Corps Flight Instruction Program

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on progress of the Army Reserve Officers' Training Corps Flight Instruction program, for the year 1971 (with an accompanying report) to the Committee on Armed Services.

### Proposed Amendment of Section 396 of Communications Act of 1934

A letter from the Director, Office of Telecommunications Policy, Executive Office of the President, transmitting a draft of proposed legislation to amend section 396 of the Communications Act of 1934 to increase and extend for 1 year the authorization for the Corporation for Public Broadcasting (with an accompanying paper); to the Committee on Commerce.

### Report of General Accounting Office

A letter from the Comptroller General of the United States, transmitting, pursuant to law, report of the activities of the General Accounting Office, during the fiscal year 1971 (with an accompanying report); to the Committee on Government Operations.

### Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements of the Tennessee Valley Authority for Fiscal Year 1971", dated February 1, 1972 (with an accompanying report); to the Committee on Government Operations.

### Proposed Psychotropic Substances Act of 1971

A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances (with an accompanying paper); to the Committee on the Judiciary.

### Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, copies of orders entered relating to temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

### Reports Relating to Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

### Reports on Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

### Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens (with accompanying papers); to the Committee on the Judiciary.

### Report on Positions in Grades GS-16, GS-17, and GS-18

A letter from the Chairman, Civil Service Commission, a report on positions in grades GS-16, GS-17, and GS-18, for the calendar year 1971 (with an accompanying report); to the Committee on Post Office and Civil Service.

### Report of Veterans' Administration

A letter from the Administrator, Veterans Administration, Washington, D.C., transmitting, pursuant to law, a report of that Administration, for the fiscal year 1971 (with an accompanying report); to the Committee on Veterans' Affairs.

## REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. THURMOND (for Mr. HARTKE) from the Committee on Veterans' Affairs, with an amendment:

S. Res. 236. A resolution to authorize additional clerical assistants for the Committee on Veterans' Affairs (Rept. No. 92-601); referred to the Committee on Rules and Administration.

Mr. THURMOND. Mr. President, as you know, Senate Resolution 100, which was adopted last year, authorized the Committee on Veterans' Affairs to employ three additional clerical assistants. This authorization is due to expire February 29, 1972, and a new resolution as amended asking for an extension to February 28, 1973, is now being favorably reported by unanimous vote.

The committee has found that the three additional clerks did much to alleviate the heavy workload, and an excellent system of staff functioning has been in effect since enactment of Senate Resolution 100.

The amendment to the resolution, Senate Resolution 236, introduced by Senator HARTKE on January 26, 1972, is to insert the words "from March 1, 1972" after the word "authorized" and before the word "through."

The resolution, as amended, reads:

*Resolved,* That the Committee on Veterans' Affairs is authorized from March 1, 1972 through February 28, 1973, to employ three additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended.

Mr. President, the Rules Committee has suggested early action by our committee on the resolution for an extension of 1 year for these three positions so that the Rules Committee will be able to act prior to the expiration date of February 29, 1972.

Mr. President, I request early action on this resolution, and for the above reasons urge the adoption of the amendment to Senator HARTKE's resolution, Senate Resolution 236.

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary:

Ralph E. Erickson, of California, to be an Assistant Attorney General;

Dale Kent Frizzell, of Kansas, to be an Assistant Attorney General; and

Henry E. Petersen, of Maryland, to be an Assistant Attorney General.

By Mrs. SMITH, from the Committee on Armed Services:

Kenneth Rush, of New York, to be Deputy Secretary of Defense; and

Eberhardt Rechtin, of Maryland, to be an Assistant Secretary of Defense.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TALMADGE (by request):

S. 3104. A bill to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports. Referred to the Committee on Agriculture and Forestry.

By Mr. STENNIS:

S. 3105. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. TAFT:

S. 3106. A bill for the relief of Dr. Stanley Gan and his wife, Trees Gan. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 3107. A bill to amend title XVIII of the Social Security Act to authorize the provision of home health services under the insurance program established by part A thereof without a prior stay in a hospital. Referred to the Committee on Finance.

By Mr. STENNIS (for himself and Mrs. SMITH) (by request):

S. 3108. A bill to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes. Referred to the Committee on Armed Services.

By Mr. CRANSTON (for himself, Mr. TAFT and Mr. JAVITS):

S. 3109. The Urban Rehabilitation Act of 1972. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. WEICKER (for himself, Mr. DOMINICK, and Mr. MATHIAS):

S. 3110. A bill to facilitate the movement of persons and goods in interstate commerce, and to aid in eliminating the burdens on interstate commerce which result from the lack of adequately coordinated transportation facilities in many parts of the United States, through a comprehensive program of Federal assistance to States and localities to aid in the provision of such facilities. Referred to the Committee on Finance.

By Mr. BENNETT:

S. 3111. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of certain distributions and sales pursuant to the Bank Holding Company Act Amendments of 1970. Referred to the Committee on Finance.

By Mr. HOLLINGS:

S. 3112. A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes. Referred to the Committee on Commerce.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 3113. A bill to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif. Referred to the Committee on Interior and Insular Affairs.

By Mr. GRIFFIN:

S. 3114. A bill to improve the enforcement of Federal labor laws by establishing a United States Labor Court, and for other purposes. Referred to the Committee on Labor and Public Welfare.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STENNIS:

S. 3105. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes. Referred to the Committee on Agriculture and Forestry.

### A FORESTRY INCENTIVES PROGRAM

Mr. STENNIS. Mr. President, American forests have served the Nation well. They gave settlers food and fuel, provided wood for homes and cities, withstood the pressures of two World Wars and still furnish fiber for the highest per capita consumption of paper in the world.

Past and present demands, however, plus the relentless ravages of fires, insects and diseases, have had severe impacts on the Nation's 4,500,000 private, nonindustrial forests. These woodlands, aggregating 309,000,000 acres, are not now in condition to produce their share of the future requirements of an ever-expanding population. They are only growing wood at one-half their productive capacity. Yet within three short decades the Nation will need twice as much wood as is being produced now.

According to a recent conservation needs inventory by the U.S. Department of Agriculture, about 25 percent of the private, nonindustrial forest land needs to be reforested. In addition, growing conditions in 46 percent of the forests need to be improved by replacement of diseased and defective trees and similar cultural treatments.

Placing these rundown forests in better condition would yield multiple benefits. Land now idle would contribute its proper share to the strength of the Nation. Watersheds would be protected from erosion. The beneficial effects of trees upon the environment would be enhanced.

More importantly, jobs for the unemployed would be created and the entire rural economy strengthened.

I have a plan for the achievement of these goals. It would share the cost of tree planting and other basic forestry work with private, nonindustrial owners. Sharing the cost of activities in the national interest would be an incentive for landowners to make the long-term investments required to bring their properties to full productivity.

My proposal would parallel the successful agricultural program being conducted under the Soil Conservation and Domestic Allotment Act of 1935, but with special attention to the needs of forestry.

My plan would operate through the existing agencies of the U.S. Department of Agriculture and State governments. It would not require any additional administrative organization.

In brief, my proposal would:

First. Authorize the Secretary of Agriculture to carry out a forestry incentive program to encourage the protection, development and management of nonindustrial private and non-Federal public lands. Land owners would be encouraged to plant seedlings where needed and apply such cultural treatments as are necessary to produce timber, expand recreational opportunities, enhance environmental values, protect watersheds and improve fish and wildlife habitat.

Second. Authorize the Secretary to share up to 50 percent of the cost of forest practices on non-Federal public lands; and up to 80 percent of the total cost on nonindustrial private lands.

Third. Share with local associations or groups of nonindustrial forest owners up to 80 percent of the cost of manpower, equipment, planting stock and other materials required to carry out essential forest management practices.

Fourth. Utilize the services of State and local ASCS committees established under the Soil Conservation and Domestic Allotment Act. These committees, now composed primarily of agriculturists, should also include representation of forest owners, forest managers and wildlife or other natural resource interests.

Fifth. Federal funds may be allocated for cost sharing on a bid basis with priority accorded landowners contracting to carry out approved forestry practices for the smallest Federal cost share. This provision will spread Federal funds over a larger acreage.

Sixth. The Secretary of Agriculture is authorized to investigate the effectiveness of loans, loan guarantees and annual payments for periods not exceeding 10 years as methods of achieving the objectives of the forestry incentives program.

Seventh. The Secretary shall consult with the State forester or other appropriate official so that the forest incentives program may be carried out in coordination with other related programs.

A program such as I have outlined here could make a very significant contribution to American forestry in a 10-year period. Within the decade, basic forestry treatments could be applied to 45 million acres. These treatments would add nearly 9 billion board feet of timber annually.

In fact, a forestry incentives program must operate within such a time span if adequate timber supplies are to be available by the year 2000. Such a timetable is mandatory because of the lead-time required to grow a tree from seedling to merchantable size.

It is estimated that the average annual cost of a forestry incentives program of the recommended scope would be about $88,000,000 per year. But it is recognized also that it will take a little time to establish seed orchards of superior trees, collect seeds, and produce seedlings for planting. However, timber stand improvement practices can be applied as rapidly as labor can be employed and trained. Therefore, it is recommended that this program be launched immediately with an initial appropriation of $25,000,000 for the first fiscal year.

Mr. President, in order to carry out the purposes of the program I have outlined, I introduce a bill for appropriate reference and ask unanimous consent that it may be printed at this point in my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 3105

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Forestry Incentives Act of 1972."

SEC. 2. (a) Congress hereby declares that the Nation's growing demands on forests and related land resources cannot be met by intensive management of Federal lands and industrial forests alone; that the 309 million acres of nonindustrial private land and 29 million acres of non-Federal public forest land contain 65 percent of the Nation's total forest resource base available to provide timber, water, fish and wildlife habitat, and outdoor recreation opportunities; that the level of protection and management of such forest lands has historically been low; that such lands can provide substantially increased levels of resources and opportunities if judiciously managed and developed; that improved management and development of such lands will enhance and protect environmental values consistent with the National Environmental Policy Act of 1969 (83 Stat. 852); and that a forestry incentives program is necessary to supplement existing forestry assistance programs to further motivate, encourage, and involve the owners of small non-industrial private forest lands and the owners of non-Federal public forest lands in actions needed to protect, develop, and manage their forest lands at a level adequate to meet emerging national demands.

(b) For the purposes of this Act the term "small nonindustrial private forest lands" means commercial forest lands owned by any person whose total ownership of such lands does not exceed 5000 acres. Such term also includes groups or associations owning a total of 5000 acres or less of commercial forest lands, but does not include private corporations manufacturing products or providing public utility services of any type or the subsidiaries of such corporations.

SEC. 3. The Secretary of Agriculture (hereinafter referred to as the "Secretary") is hereby authorized and directed to develop and carry out a forestry incentive program to encourage the protection, development, and management of small nonindustrial private lands and non-Federal public forest lands. The purposes of such a program shall be to encourage landowners to apply practices which will provide for the afforestation of non-forest lands and reforestation of cutover and other nonstocked and understocked forest lands, and for intensive multiple-purpose management and protection of forest resources to provide for production of timber and other benefits, for protection and enhancement of recreation opportunities and of scenic and other environmental values, and for protection and improvement of watersheds, forage values, and fish and wildlife habitat.

SEC. 4. (a) To effectuate the purposes of the forestry incentives program authorized by this Act, the Secretary shall provide a range of forestry incentives which shall include the following:

(1) Cost sharing with the owners of small nonindustrial private forest lands and the owners of non-Federal public forest lands in providing practices on such lands which carry out the purposes of the forestry incentives program. No cost sharing under this paragraph shall provide for a Federal contribution in excess of 50 percent of the total cost of practices on non-Federal public forest lands or in excess of 80 percent of the total cost of practices on small nonindustrial private forest lands, and no one small nonindustrial private forest landowner shall receive cost sharing under this Act on more than 500 acres in any one fiscal year.

(2) Cost sharing with the owners of small nonindustrial private forest lands for the purposes of providing manpower, equipment, planting stock, and other materials to carry out the practices to be encouraged by the forestry incentives program. No cost sharing under this paragraph shall provide for a Federal contribution in excess of 80 percent of the total cost of materials, equipment, and services.

(b) The Secretary may, for the purpose of this section, utilize the services of State and local committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1150; 16 U.S.C. 590h(b)) and distribute funds available for cost sharing under this Act by giving consideration to pertinent factors in each State and county including, but not limited to, the total areas of small nonindustrial private forest lands and non-Federal public forest land and to the areas in need of planting or additional stocking, the potential productivity of such areas, and to the need for timber stand improvements on such lands. The Secretary may also designate advisors to serve as ex officio members of such committees for purposes of this Act. Such exofficio members shall be selected from (1) owners of small nonindustrial private forest lands, (2) private forest managers or consulting foresters, and (3) wild life and other private or public resource interests.

(c) Federal funds available to a county for small nonindustrial private forest lands each year may be allocated for cost sharing among the owners of such lands on a bid basis, with such owners contracting to carry out the approved forestry practices for the smallest Federal cost share having first priority for available Federal funds, subject to the Federal cost sharing limitations prescribed in subsection (a) of this section.

(d) Buildings, dams, roads, and other structures shall not be eligible for recreation development cost sharing under this Act.

SEC. 5. The Secretary shall investigate and evaluate the effectiveness of loans, loan guarantees, and annual payments for the establishment or maintenance of practices on small nonindustrial private forest lands which meet the purposes and objectives of the forestry incentives program provided for under this Act. In carrying out any such investigation, the Secretary is authorized to conduct a pilot program and make annual or periodic payments under agreements with owners of small nonindustrial private forest lands for periods not to exceed 10 years or guarantee loans to such owners under such terms and conditions as he shall determine to be fair and reasonable. Such loans may include, but not be limited to, low interest rates; deferred payment plans; non-recourse provisions; long term repayment provisions; and a provision under which a portion of the principal and interest of such loans may be waived at maturity under circumstances determined by the Secretary. Not to exceed $5,000,000 may be appropriated for the purposes of this section in any fiscal year.

SEC. 6. The Secretary shall consult with the State Forester or other appropriate official of each State in the conduct of the forestry incentives program provided for in this Act. Federal assistance under this Act shall be extended in accordance with such terms and conditions as the Secretary deems appropriate to accomplish the purposes of this Act. Funds made available under this act may be utilized for providing technical assistance to and encouraging non-Federal public landowners, and the owners of small nonindustrial private forest lands in initiating practices which further the purposes of this Act. The Secretary shall coordinate the administration of this Act with other related programs and shall carry out this Act in such a manner as to encourage the utilization of private agencies, firms, and individuals furnishing services and materials needed in the application of practices, included in the forestry incentives program.

SEC. 7. There are authorized to be appropriated an amount not to exceed $25,000,000 to carry out the provisions of this Act. Such funds shall remain available until expended.

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By Mr. HUMPHREY:

S. 3107. A bill to amend title XVIII of the Social Security Act to authorize the provision of home health services under the insurance program established by part A thereof without a prior stay in a hospital. Referred to the Committee on Finance.

### HOME HEALTH CARE FOR THE ELDERLY

Mr. HUMPHREY. Mr. President, today I am introducing legislation which will redress one of the major inequities of title 18 of the Social Security Act; namely, the medicare program. The proposed amendment will extend all home health care provisions of the medicare program to the elderly on the prescription of a physician, eliminating the requirement of a hospital stay of at least 3 days in order to receive these benefits. This amendment will not only directly benefit the elderly by covering many services which formerly were covered only as post-hospital care, but will ultimately save the Government millions of dollars in medicare hospital fees. We have neglected the needs of our aged for too long and in the process we have created an unnecessarily expensive and inefficient system. My proposed amendment seeks to increase coverage for the elderly, while saving the Federal Government a considerable amount of money. It is eminently logical, fiscally sound, and just.

The largest single factor in the high cost of health care is hospitalization. In 1946, hospital care cost about $9 a day, 4 years ago, for a patient to have hospital care in the State of New York the cost stood at $50 per day. By 1970, the $50 had doubled to $100. With a demand for hospital beds continuing to rise as a result of national health insurance, that cost will go higher. If a national program of health coverage for all age groups is enacted into law, we can expect a sharp increase in hospital costs. We must attempt to stop this trend before this crisis situation becomes catastrophic.

A primary way to keep hospital care costs down will be to find means of substantially reducing the increased pressure for the use of hospital beds. This can be done without impairing necessary health care. The best professional judgment today is that hospital care is not necessarily the best kind of health care for many patients who now receive it or seek it. Hospital and nursing institutional care, I would argue, should be reserved as much as possible for cases of emergency, acute illnesses, and/or surgery. A system which requires the aged to stay in a hospital for 3 full days in order to benefit from home health care, is both inefficient and insensitive to the physical and phychological needs of our senior citizens.

Presently, under title 18 of the Social Security Act, essential health needs are covered only as post-hospital care. Visits by physicians, nurses, physcial therapists, occupational therapists, speech therapists, and home health aides fall into this category. And probably the most glaring omission in medicare non-post-hospital coverage is in the area of prescription drugs. The aged spend a disproportionate part of their budget, often a limited pension that barely covers the essentials of life, on medical prescriptions. Illnesses requiring long-term medicinal treatment prove ruinous. The costs of medicines often constitute a majority of the expenses associated with sickness and can quite easily run into hundred and even thousands of dollars, money which was set aside to guarantee dignified and productive senior years. None of these expenses are presently covered under non-post-hospital medicare benefits. This situation must be remedied.

A study recently published by the Public Health Service concluded that home health services reduced the costs of medical care by decreasing hospital use. The physicians participating in the study reported that they would not have hospitalized some of their patients if home health services were covered under medicare without the requirement of a prior 3-day hospital stay. The Health Insurance Advisory Committee has recommended that hospitalization as an eligibility requirement for home health care medicare benefits should be eliminated. The amendment which I am proposing addresses these problems and implements their most substantive conclusions.

The number of aged continues to rise. It is estimated that there will be more than 25 million men and women over 65 years of age by 1980. For their sake as well as for the sake of all Americans who have a stake in keeping health care costs within control, a program of home health services without prior hospital stay must be implemented. It will make home health care a better and effective part of our medical care system. The result would be a reduction of medicare and medicaid costs, a stabilization of hospital care costs, and a contribution to the health and morale of all who are sick and elderly.

After the contribution our senior citizens have made to all of us as individuals, and to our Nation as a whole, enactment of this amendment is a very small way of saying thank you, of telling them that the dignity of their retirement years does not have to be destroyed by the burden of health costs, or the inequities and redtape of an inefficient system.

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By Mr. STENNIS (for himself and
Mrs. Smith) (by request):

S. 3108. A bill to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty components and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes. Referred to the Committee on Armed Services.

Mr. STENNIS. Mr. President, for myself and the senior Senator from Maine (Mrs. Smith), I introduce, by request a bill to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

I ask unanimous consent that the letter of transmittal requesting introduction of this bill and explaining its purpose as express by the administration be printed in the Record immediately following the listing of the bill.

There being no objection, the letter was ordered to be printed in the Record, as follows:

General Counsel of the
Department of Defense,
*Washington, D.C., January 24, 1972.*

Hon. Spiro T. Agnew,
*President of the Senate,*
*Washington, D.C.*

Dear Mr. President: There is forwarded herewith proposed legislation "To authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes." This proposal is a part of the Department of Defense legislative program for the 92nd Congress, and the Office of Management and Budget has advised that enactment of the proposal would be in accord with the program of the President. This proposal is also being sent to the President of the Senate.

This proposal would provide authorization for appropriations as needed for procurement in each of the categories of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and for other weapons for each of the military departments in an amount equal to the new obligational authority included in the President's budget for fiscal year 1973. In addition, the proposal would provide fund authorization in amounts equal to the new obligational authority included in the President's budget for fiscal year 1973 in total for each of the research, development, test, and evaluation appropriations for the military departments and the defense agencies. Appropriations are also authorized for the Emergency Fund for research, development, test and evaluation or procurement or production for the Department of Defense.

Title III of the proposal prescribes the average annual active duty personnel strength for each component of the Armed Forces as required by subsection (d)(1) of section 412 of Public Law 86–149, as amended, in the number provided for by new obligational authority in appropriations requested for these components in the President's budget for fiscal year 1973, and includes provisions enabling the President to increase the numbers authorized (1) upon determination that the application of this ceiling will seriously jeopardize the national security, and (2) informing the Congress of the basis for such determination.

Title IV of the proposal provides for the average strengths of the Selected Reserve of each Reserve component of the Armed Forces in the number provided for by the new obligational authority in appropriations requested for these components in the President's budget for fiscal year 1973.

This proposal would also include for fiscal year 1973 language authorizing appropriations of the Department of Defense to be made available for the support of the (1) Vietnamese and other Free World Forces in Vietnam, and (2) local forces in Laos, the terms of which are substantially identical to the most recent congressional actions on Department of Defense Authorization and Appropriation Acts for this purpose except for the deletion of authorization for assistance to Thailand.

The reporting requirements of subsection (b) of section 401 of Public Law 89–367, as amended, are considered permanent and would be equally applicable to this provision.

Applicable statements related to environmental impact are also being provided as required by section 102(2)(c) of Public Law 91–190.

Sincerely,

J. Fred Buzhardt.

Enclosure.

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By Mr. CRANSTON (for himself,
Mr. Taft, and Mr. Javits):

S. 3109. The Urban Rehabilitation Act of 1972. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference legislation to upgrade and extend the life of substandard and deteriorating inner city housing.

This bill permits landlords and owner occupants of single and multifamily units to refinance their mortgages over longer term periods at lower rates for the purpose of securing additional funds for basic housing repairs and improvements.

Much of the housing for low and moderate income families in urban areas across the Nation is in intolerable condition: Rat-infested, garbage-strewn buildings with broken stairs and handrails, nonfunctioning furnaces, hazardous wiring, and leaky roofs are commonplace.

These delapidated and unsafe inner-city dwellings are likely to remain the only homes for millions of families in the foreseeable future, according to a report prepared by the University of California at Los Angeles. Considering our present housing shortage, increased housing needs resulting from population growth, and housing production expectations, replacement units will not be available in the short run.

The result of poor housing maintenance is that many buildings which could be repaired and whose useful life could be greatly extended are now being abandoned. "Housing and Poverty" (1970) by William Grigsby et al., concludes:

> The country is fast approaching a housing crisis. For a number of cities, it has already arrived. It is not a production crisis, present emphases federal programs notwithstanding. Rather it is occassioned by the deterioration and partial abandonment of large sectors of the inner city. Were only the worst buildings being abandoned or poorly maintained, the interpretation of this situation would have to be favorable. This is not the case, however. Much fairly good housing is falling

> into disuse and disrepair. Indeed, the numbers are overwhelming even reasonably large production efforts for low income families."

In New York City approximately 180,000 units, both good and bad were abandoned between 1965 and 1970. The rate of abandonment is faster than the rate of construction in New York. In Philadelphia the comparable figure was 35,000. To a lesser degree the same situation has been reported in a number of cities.

Not all substandard housing can be saved, but where buildings are located in transitional or improved neighborhoods, refinancing should be available to restore these homes and apartments to extend their useful lives.

The key to this refinancing program is the provision of FHA guarantees to assure the availability of building improvement loans in low- and moderate-income areas. The guarantee will both assure the availability of such loans and reduce the interest rate charge for such loans.

These loans are either not now available or are only available at high interest rates, because they involve a higher risk than ordinary refinanced loans and are more expensive to administer.

The combination of an FHA guarantee and Federal administrative assistance to assure that the buildings are properly maintained, will enable lenders to charge lower interest rates.

The legislation further provides that if refinanced loans are not available at the FHA established interest rate ceiling, the Government may subsidize the points necessary to bring the interest down to the FHA level. A point is 1 percent of the mortgage principal. By subsidizing points, the effective interest rate is lowered.

The current FHA interest ceiling is 7 percent. The prime interest rate is currently 4¾ percent. At these interest levels, a 1½ point—1½ percent of principal—subsidy should at most be required to make these loans available at the FHA rate. In many cases no subsidy will be required.

The debt service after the loan is refinanced under this program can be no greater than the debt service prior to the loan. If a tenant or landlord now pays $150 per month on a mortgage, he will pay no more under this refinancing program. All of the additional money made available by refinancing must be used to repair the structure. To illustrate, if a current 3-year, $3,000, 10-percent interest loan were refinanced for an additional 5 years at 7½ percent, $4,000 of new money would become available for repairs and improvements.

A primary aim of the bill will be to facilitate modest rehabilitation of single and multiunit dwellings. At present, HUD has limited refinanced rehabilitation loans to rehabilitated structures which will remain in use at least 20 years.

We need a program which will help maintain buildings as habitable structures for shorter periods of time. If modest repairs are made now, many of these buildings can be more fully rehabilitated as additional Federal subsidy funds become available in the future. In addition, we will prevent the waste of thousands of dwelling units which are critically needed and difficult to replace.

The HUD has been unwilling to make modest rehabilitation loans because of the lack of assurance that the property will be properly maintained after the modest rehabilitation is completed. This bill contains several provisions to assure that the rehabilitated structures are properly maintained for the period of the loan.

Landlords who take out rehabilitation loans will be required to spend a stated percentage of their annual rental income for maintenance. Nationally, 15 percent of rental income is spent for apartment house maintenance, but only 5 percent of rental income is spent for apartment maintenance in inner city districts, according to a model cities study. This program will permit landlords to pass along any increased maintenance costs to the tenants in the form of increased rents.

By requiring landlords to spend a stated amount on maintenance each year, we will undercut the incentive to spend the least possible amount for maintenance in order to maximize building income. We will provide the landlord with an incentive to find and make those repairs the building needs to increase its longevity.

The bill further provides that a landlord will not be permitted to make rent increases, if he has failed to spend the funds committed for maintenance.

Another provision of the bill protects the present inhabitants of substandard housing from unwarranted rent increases after the rehabilitation is completed. When landlords voluntarily take out rehabilitation loans, they will be required to limit rent increases for the period of the loan to any increases in costs they incur, plus a return on those added costs consistent with the return they now receive on their investment in the building.

Improvement of living conditions of people now occupying substandard deteriorated buildings is a primary objective of this bill. If rents were increased above added costs as a result of the improvements, many tenants would have to relocate, thus frustrating the program's objective. We must, however, provide the landlord with a consistent and fair return on his investment. This bill guarantees that return.

While the bill places limitations on the landlord, its basic intent and effect, will be to help landlords and tenants equally.

A report written by the National Housing Law Center of the Office of Economic Opportunity, stated:

> Increases in maintenance and operating costs resulting from the general pattern of inflation have produced tension and hostility between landlords and tenants. The landlord caught between rising costs and his tenants incapacity to pay higher rents, will frequently sharply reduce expenditures for operations, maintenance and repairs. The inevitable result of each such reduction is deferral of maintenance leading rapidly to deterioration, squalor and intolerable living conditions.

The Housing Center report goes on to indicate that recent court decisions have imposed on landlords an obligation to maintain his premises in a habitable condition or forego rents. Property owners without the wherewithall to make such repairs, may decide to abandon their buildings, thus intensifying the current housing crisis. This program will permit landlords to meet this obligation.

The proposal contains several additional incentives for the landlord. The interest on his mortgage will be lowered to the FHA insured rate. The repairs and improvements will increase the time which the property will produce income. Supplemental funds will be available to defray any excessive emergency maintenance costs. The improved condition of the property will tend to reduce the future vacancy rate, and thus increase total rent receipts and profits.

The cost of this program will be nominal when compared to the cost of the Federal subsidy program for single and multiunit structures. The present 236 multiunit programs permit a subsidy of up to 9 percent per annum for the life of the mortgage. This program will at most require a payment of 3 percent of principal at the outset of the loan. On a 20-year $100,000 loan at 9 percent, the cost to the Federal government under the 236 program will be $105,600, while the cost under this program would at most be $3,000. At 7½ percent, the cost to Federal Government would be $183,040.

Because of the deep Federal subsidy involved in the 236 program, HUD has been unwilling to permit rehabilitations in neighborhoods which might be saved but where some question exists. Further because 236 rehabilitation subsidies compete with money for new 236 housing, HUD has placed a — percent ceiling on 236 rehabilitation funds. Finally because 236 rehabilitation requires a "gut" rehabilitation of the buildings involved, in most cases the tenants are not able to live in the structure during the lengthy rehabilitation period. This program would not interrupt tenancy.

At present, there is also a limited unsubsidized rehabilitation program to help refinance and rehabilitate apartment houses. The program is, however, limited to blighted areas where substandard housing predominates.

As a result of this limitation, the Department of Housing and Urban Development has only provided a refinancing guarantee where extensive rehabilitation will be undertaken. Very few landlords have been willing to make such extensive improvements in these blighted areas.

Refinancing apartment mortgages under the current law is also only available if the structure serves predominantly family groups. If a building serves predominantly elderly residents or young couples without children, it does not qualify for refinancing.

*There is no Federal program at present* to enable individual homeowners to refinance their homes and make necessary repairs. Individual owner-occupants can take out a second mortgage with a Federal guarantee to make needed repairs, but because they would have to make large monthly mortgage payments, few homeowners have taken advantage of this plan.

Another Federal program provides grants and loans at 3 percent interest to enable homeowners in urban renewal and code enforcement areas to bring their homes up to urban renewal or code standards, but these areas are limited and exclude a vast number of homesites in the central cities where improvements are needed. The deep Federal subsidy—that is, all but 3 percent interest for mortgage life—provided by these programs have also restricted their availability as the result of limited funding.

For the reasons indicated, the law clearly does not provide sufficient assistance to the homeowner and landlord to enable him to make moderate improvements to his property. The bill we are proposing will provide the necessary framework for the needed rehabilitation.

I ask unanimous consent that this bill and the attached fact sheet be printed in the RECORD.

There being no objection, the bill and fact sheet were ordered to be printed in the RECORD, as follows:

### S. 3109

### A bill to help preserve low- and moderate-income housing

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title II of the National Housing Act is amended by adding, at the end thereof, the following new section:

SEC. 244(a). The purpose of this section is to encourage the broadscale preservation and upgrading of existing low- and moderate-income housing through an extensive program of mortgage insurance, designed [to generate private capital for needed housing repairs and renovations and moderate housing rehabilitation] and to help combat the phenomenon of housing abandonment.

(b) The Secretary is authorized to insure any mortgage in accordance with the provisions of this section, upon such terms and conditions as he may prescribe, and to make commitments for such insurance prior to the date of the execution of any mortgage or any disbursement thereon. The Secretary shall establish procedures to expedite, to the greatest extent feasible, the processing and approval of applications for insurance hereunder.

(c) As used in this section:

(1) the term "low- or moderate-income housing" means any building containing one or more dwelling units which is predominantly occupied by families or individuals of low or moderate income, as determined by the Secretary in a manner consistent with the purpose of this Act;

(2) the term "standard housing" means any dwelling which meets the requirements, exclusive of building code requirements, of all applicable State laws and local ordinances and regulations, relating to housing condition, public health or safety except as such requirements are waived in any given case by the responsible State or local authority. In the event such local standards are absent or inadequate, the Secretary may impose alternative appropriate standards;

(3) the term "economic investment" means any investment in property which is reasonably likely to generate rental income, including a reasonable imputed rental contribution by any owner occupant, sufficient to pay all cash outlays associated with providing standard housing, including property taxes, insurance, mortgage debt service requirements, and operating and maintenance outlays;

(4) the term "mortgage" shall have the same meaning as in section 201 of this Act;

(5) the term "mortgagee" means the original lender under a mortgage-secured loan and his successors and assigns and includes any agency of any State or local government that acts as a mortgage lender;

(6) the term "mortgagor" means the original borrower under a mortgage-secured loan and his successors and assigns;

(7) the term "Secretary" refers to the Secretary of the Department of Housing and Urban Development;

(8) the term "underlying property" means any property covered by a mortgage securing a loan financed or refinanced under this section.

(d) A mortgage insured under paragraph (b) shall:

(1) cover predominantly residential property which provides low- or moderate-income housing or housing which is not standard housing, provided such housing is capable of being placed in standard condition by actions taken pursuant to this section.

(2) be located in a neighborhood which is sufficiently stable and contains sufficient public facilities and amenities to support long-term values or in which the community is planning to carry out a program for neighborhood preservation, conservation, or rehabilitation.

(3) be executed by:

(A) an individual mortgagor who intends to permanently occupy one or more residential units in a structure of not more than 6 units, or

(B) a cooperative or condominium organization approved by the Secretary, which consists of or includes occupants of a majority of the residential units on the property, or

(C) a private nonprofit organization or association approved by the Secretary, or

(D) any other ownership entity, including, but not limited to, individual mortgagors who intend to permanently occupy one or more residential units in structures of more than 6 units.

(E) corporations, general or limited partnerships, trusts, associations and single proprietorships;

(4) involve monthly debt service payments not less than the monthly debt service on the outstanding indebtedness immediately prior to participation in this program: *Provided however,* That if the mortgagor is of a type described in subsections (d)(3)(A), (B), or (C) and if, in the judgment of the Secretary, the investment underlying the mortgage is not an economic investment, the Secretary shall waive the requirements of this section (d)(4) to permit reductions in the monthly debt service to the extent he deems appropriate to insure an economic investment.

(5) secure an indebtedness the principal amount of which shall not exceed:

(A) the amount required to refinance existing indebtedness secured by the property; plus,

(B) such initial mortgage service charges, points and appraisal, inspection or other costs and fees as the Secretary shall, by regulation, approve; plus,

(C) the cost of any repairs and improvements required by subsection (e) and of all additional repairs and improvements accomplished with funds provided by any loan insurable hereunder.

(D) Anything in this subsection notwithstanding, the principal amount of any mortgages insured hereunder may not exceed

(i) in the case of any refinancing by any mortgagor described in subsections (d)(3)(A), (B), or (C), 97 per centum of the sum of:

(1) the amount of the fair market value of the property prior to any repairs and improvements (except that the Secretary may exclude any increase in that value which he determines to be caused by governmental actions under this section); plus,

(2) such initial mortgage service charges, points, and appraisal, inspection, or other costs and fees as the Secretary shall, by regulation, approve; plus,

(3) the cost of any repairs and improvements required by subsection (e) and of all additional repairs and improvements provided by any loan insurable hereunder; or

(ii) in the case of any refinancing by any mortgagor described in subsection (d)(3)(D), 90 per centum of said sum.

(6) provide for complete amortization by periodic payments within such maximum term, not exceeding twenty years, as the mortgagor and mortgagee shall agree upon, based upon the projected number of years the property will be lived in;

(7) bear interest (exclusive of premium charges for insurance and service charges, if any) on the amount of the principal obligation outstanding at any time, not in excess of such percent per annum as the Secretary shall by regulation prescribe as necessary to meet the applicable mortgage market.

(e) Prior to insuring any mortgage under this section, the Secretary shall obtain satisfactory and enforceable assurance from the mortgagor that all repairs and improvements necessary to place the underlying property in standard condition have been or will promptly be made.

(f) Prior to insuring any mortgage under this section the Secretary shall obtain satisfactory and enforceable assurances from the mortgagor that the underlying property will be continuously maintained in standard condition. The mortgagor shall annually commit to maintenance expenditures at least any percentage of his annual rental income which the Secretary deems necessary or appropriate to maintain the building in standard condition.

(g) The Secretary shall insure that no portion of the principal amount of any mortgage insured under this section shall be used or expended for any other purpose than a purpose specified in subsection (d)(5)(A).

(h) Prior to insuring any mortgage under this section, the Secretary shall obtain satisfactory and enforceable assurances from the mortgagor that no rental increase shall be made except as may be required to offset actual and reasonable operating expense increases or increases in debt service payments resulting from any loan provided under subsection (k) hereof. No rental increase shall take effect unless the mortgagor has afforded tenants reasonable notice of the proposed increase and a sufficient opportunity to present objections thereto to the Secretary and to be heard thereon. In addition to any other sanctions which he may deem appropriate, the Secretary may deny rent increases in whole or in part, in any case where, in his judgment, the underlying property is not being maintained in standard condition. Any and all rental increases effected not more than one year prior to the date on which such mortgage insured under this section shall have been executed, except to the extent such rental increases do not exceed the average annual rate of rental increase over the previous five years.

(i) Any mortgagee under a mortgage insured under this section shall be entitled to receive the benefits of the insurance authorized hereunder:

(1) in accordance with the provisions of section 204(a), which apply to mortgages insured under section 203, if the mortgage is secured by property containing one to four dwelling units, and the provisions of subsections (b), (c), (d), (g), (j) and (k) of section 204 shall be applicable to such mortgages; or

(2) in accordance with the provision of section 207(g), which apply to mortgages insured under section 207, if the mortgage is secured by property containing five or more dwelling units and the provisions of subsections (d), (e), (h), (i), (j), (k), (l), and (n) of section 207 shall be applicable to such mortgages;

except that all references in sections 204 and 207 to the "Mutual Mortgage Insurance Fund" shall be construed to refer to the "Special Risk Insurance Fund" and all references therein to sections 203 and 207 shall be construed to refer also to section 244: *Provided, however*, That if a loan resulting in default did not meet FHA requirements for this program or if more than 20 per centum of the loans originally executed by the mortgagee are in default, the claim will not be paid unless the mortgagee shows that said default was not due to its negligence.

(j) In order to insure maximum achievement of the purposes of this section and to safeguard against possible abuses:

(1) all mortgages insured under this section shall contain provisions satisfactory to and enforceable by the Secretary, to ensure that in the event of any sale of any property subject thereto, or of any beneficial interest in any such property, within four years of the date upon which the mortgage insurance became effective, by any mortgagor who shall have acquired said property by purchase or gift subsequent to the date of enactment of this section and within four years of the date of said sale, any amount by which the purchase price or other consideration accruing therefor shall exceed the sum of

(A) the consideration paid by said mortgagor for the acquisition of the property; plus

(B) the reasonable and actual cost of repairs and improvements to the property during the period for which the property was held by such mortgagor; plus

(C) an amount, as determined by the Secretary or pursuant to regulations issued by the Secretary and in no event exceeding 0.4% of the amount contained in (A) and (B) hereof times the number of months said mortgagor has owned the property, which reflects reasonable appreciation, if any, in the value of the land and improvements during such holding period,

shall be repayable to the purchaser of said property. Such amount shall be recoverable by said purchaser from such mortgagor by legal action.

(2) all mortgages insured under this section shall contain provisions satisfactory to and enforceable by the Secretary to insure that, in the event any property securing any mortgage insured hereunder shall be sold, or any beneficial interest therein shall be otherwise voluntarily transferred, within five years of the date upon which the mortgage insurance became effective, by any mortgagor described in subsection (d) (2) (A), (B) or (C) to a transferee of the kind described in subsection (d) (2) (D), said transferee shall prepay the then outstanding principal amount of the loan underlying said mortgage to such an extent that the outstanding principal amount following such prepayment shall not exceed the principal amount of that could have been then outstanding, taking into account the requirements of subsection (d) (5), if said transferee had been the mortgagor at the time the mortgage was first insured under this section.

(3) the Secretary shall authorize mortgagees, to the greatest extent feasible, to take action contemplated by this section, including the provision of insured financing or refinancing, without obtaining prior approvals, and shall establish such certification and inspection requirements procedures, and such other safeguards as to sales, charges, and methods of operation as, in his opinion, are necessary or appropriate for the protection of the interests of tenants residing in the mortgaged properties or otherwise to effectuate the purposes of this section. All obligations imposed under subsections (e), (f), (g), (h) and (j) or, by the Secretary under this section, shall be enforceable by the Secretary.

(k) With respect to any mortgage insured under this section and the underlying property and, notwithstanding any other provision of this Act, if, at any time, the taxes, interest on the mortgage debt, mortgage amortization payments, mortgage insurance premiums, hazard insurance premiums, the expense of maintenance and operation of the property covered by the insured mortgage and the cost of any necessary but unanticipated major capital outlays during the term of the mortgage exceed the rental income of the property, including a reasonable imputed rental contribution by any owner occupant, the Secretary may, in his discretion and upon such terms and conditions as he may prescribe, insure under this section a loan by the mortgagee in an amount not exceeding the excess of the foregoing expenses over the rental income or a loan to refinance the existing indebtedness, plus such excess.

(l) The Secretary shall cooperate with the Secretary of Labor and the Secretary of Health, Education and Welfare, to insure that, to the greatest extent feasible, funds appropriated under the Manpower Development and Training Act of 1962, as amended, shall be made available on a priority basis for training and employment support use in connection with improvements financed by mortgages insured under this section. The Secretary shall cooperate with the Director of the Office of Minority Business Enterprises, the Director of the Educational Development Agency, and the Administrator of the Small Business Administration, to insure maximum utilization of minority and small business contractors in connection with improvements financed by mortgages insured under this section.

(m) In administering the program established, the Secretary shall use his best efforts to enlist the support and actual cooperation of state and local governments in establishing and maintaining programs which contribute to the achievement of the purposes of this section, including the provision of adequate municipal services in low- and moderate-income areas, particularly areas threatened by building abandonment, and in insuring to the greatest extent feasible, the administration of laws and ordinances relating to the existing housing stock, including building codes, housing codes, health and safety codes, zoning laws and property tax laws, in such manner as will encourage maximum utilization of this program in accordance with the purposes herein expressed.

(n) The Secretary shall develop and maintain full information and statistics regarding the utilization of and experiences incurred under this program, which shall include, but not be limited to, information and statistics concerning:

(1) financial market conditions, including the interest rates, payback periods and other terms and conditions affecting housing eligible to be financed hereunder;

**(2) the character, extent and actual costs of repairs, renovations and moderate housing rehabilitation undertaken hereunder;**

**(3) factors affecting and statistics showing the extent of actual and potential utilization of this program;**

**(4) factors affecting the processing time of applications submitted hereunder and statistics showing processing times actually experienced;**

**(5) mortgage arrearages and defaults on mortgage loans insured hereunder;**

**(6) Abuses of the program, actual or potential, and remedial and punitive actions taken in connection therewith; and**

**(7) the costs of administering the mortgages insurance program provided by this section;**

**and shall submit to the Congress annual reports summarizing such information, which shall include his analysis of the effectiveness and scope of the program and his recommendations for its improvements and greater utilization.**

**(O) If the Secretary determines that the unavailability of property insurance coverage is hindering the widespread utilization of this program, he shall take all practicable steps to ensure that the protection and benefits of the Urban Property Protection and Reinsurance Act of 1968 are utilized to provide adequate property insurance coverage for mortgagors and mortgagees under this program.**

**(P) If the Secretary determines that widespread utilization of this program is hindered by the charging of points or discounts by mortgagees, he shall take steps to implement the Government National Mortgage Association's authority under section 305(j) and 302(c) of this Act to purchase and make commitments to purchase mortgages insured under this section, at a price equal to the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items, and to sell such mortgages at any time at a price within the range of market prices for the particular class of mortgages involved at the time of sale as determined by the Association.**

**(Q)(1) section 238(b) of this Act is amended by striking out "and 243" each time it appears and inserting in lieu thereof "243 and 244."**

**(2) the second sentence of section 305(g) of the National Housing Act is amended by inserting between "and" and "no such commitment" the following: "if the mortgage is not insured under section 244."**

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## Background Fact Sheet, Urban Rehabilitation Act of 1972, February 2, 1972

Considering our present housing shortage, projected population growth, and realistic expectations of housing production, it seems clear that unsafe, dilapidated inner-city dwelling units will remain the only homes available for millions of people of low and moderate income for the foreseeable future. Moreover, thousands of soundly constructed buildings are being abandoned because of bad plumbing and wiring. Improvement of existing residential property is therefore essential.

### I. PRESENT HOUSING CRISIS

A. Housing production during the past six years has fallen 1.2 million units short of the need. (Through 1970, the latest available date. Unless otherwise noted, all facts are taken from a Study by Schecter & Schlefer for H.R. Banking & Currency Comm., Subcomm. on Housing.)

1. Definition of "housing needs"

"Starting with 1965 each year's housing starts have been significantly below the level required to meet the needs of household growth, mobility and replacements of losses from the supply." (Cumulative total since 1965 is the 1.2 million units)

B. 6 million substandard units are currently in use. 700,000 of these are in California.

1. About 62,400 substandard units were rehabilitated under federal programs in 1971. Projected figure of rehabilitations in 1972 according to HUD is 108,000.

2. More than 4,600,000 units lack complete plumbing facilities. (1970 Census figure)

3. More than 3,000,000 units are without complete kitchen facilities. (1970 Census figure)

C. Abandonment of livable dwellings.

1. Rate in New York City and Newark exceeds rate of housing production.

2. About 180,000 units were abandoned in New York City between 1965–1970. (50,000 annually) (Source: Gribsgy, et al., Study on "Housing and Poverty" June 1970)

3. Nearly 5% of New York City's total housing stock is abandoned. (Source: Testimony of Prof. G. Sternlieb before Hearings of Senate Committee on Banking & Currency on housing in the 70s)

4. In NYC in 1968, 80% of housing losses

were in buildings classified not only three years earlier as sound or deteriorating, but not dilapidated. (Testimony of Neil Hardy, Asst. Administrator, HUD, NY)

5. Annual abandonments in Philadelphia estimated to be 35,000 units.

6. Abandonments in Baltimore about 4,400 annually.

II. PROJECTED NEEDS

A. 26 million new housing units needed in the decade ending 1978, according to HUD's National Housing Goal.

1. Census figures indicate probable increase of 13.5 million households between 1970–1980.

2. An estimated 8.5 million units will be needed to replace existing housing which will be abandoned or otherwise no longer in use by that time. (The 1970 Census estimates that 27 million units currently in use are at least 30 years old.)

3. An additional 4 million units (to reach the total 26 million figure) represent increases in vacancies because of the increasing mobility of our society.

III. PROSPECTS FOR MEETING THE NEEDS

A. Realistic estimates show between 17–21 million new units likely to be completed by 1978, up to 9 million short of the need.

B. By increasing the rehabilitation of existing structures, we will reduce the loss of supply due to deterioration and dilapidation and thus reduce the deficit of needed housing.

Mr. TAFT. Mr. President, I have today cosponsored, with the Senator from California (Mr. CRANSTON) and the Senator from New York (Mr. JAVITS) the Urban Rehabilitation Act of 1972.

Mr. President, 1971 was the best year in our Nation's history for housing construction. Over 2 million units were started last year, a 43-percent improvement over the 1970 figure. The Federal Government played a major role in setting this record—over 40 percent of the new units were started under the auspices of government programs. Both the Department of Housing and Urban Development and the housing-related industries deserve praise for supplying Americans with new housing at a faster rate than ever before.

At the same time that we have been making great strides in providing new housing, however, the existing housing in all too many of our cities is falling apart. The number of substandard units in Baltimore, for example, increased from 43,000 to 65,000 between 1960 and 1969. New York City's inventory of deteriorating housing grew by 37 percent in the early and middle 1960's, while the number of units in standard condition grew by only 2.4 percent. The situation is similar in other cities across the country. As of 1968, more than 2 million urban housing units were "substandard" and were either dilapidated, deteriorating, or lacking in full plumbing facilities. It is not uncommon for the housing of our low and moderate income Americans to be infested with rats and plagued by stench and garbage, treacherous electrical arrangements, leaky roofs, inadequate heating systems, and broken windows, stairs, and handrails.

Over the last few years, a new dimension to this already dismal picture has developed as massive amounts of housing have simply been left to rot. Cleveland is losing 2,400 units per year in this way, and Chicago is losing about 1,800. There are approximately 20,000 abandoned buildings in Philadelphia, 5,000 in Baltimore, 2,000 to 3,000 in Detroit, and around 1,000 in Boston and Washington. In New York City, housing is being abandoned at a faster rate than it is being constructed. Even these figures do not indicate the seriousness of the abandonment problem at the local level, since abandonments tend to snowball in a neighborhood. The abandoned properties attract socially undesirable elements who either vandalize the properties or use them for socially unacceptable and illegal purposes. Residents of nearby structures who can move out of the neighborhood are likely to do so. The resultant high vacancies and reduced rental incomes encourage more abandoment, blight, and social problems in the neighborhood.

We must recognize that high construction rates are no substitute for coming to grips with the problem of deteriorating housing. Considering our present housing shortage and projected population growth, it seems clear that inner city dwelling units which are presently aging and in many cases substandard, will remain the only homes available for millions of low- and moderate-income families. The ability of housing construction to provide relief for this situation is further limited by its predominantly suburban location, which makes it virtually inaccessible to those who are poor or victims of discrimination. While it is essential that we restore and preserve existing residential property, present Government housing programs provide very little assistance along these lines.

The major economic factor involved in the housing deterioration process is that inner city owners just cannot afford to spend money on their property. All elements of housing costs—financing, maintenance, operating, and property taxes—have been rising swiftly and and steadily over the past decade. As a result, the owner-occupant finds that he cannot afford to make needed repairs and improvements. The landlord realizes that adequate rent rises to meet the increasing expenses are precluded by the limited incomes of his tenants, and reacts by skimping on maintenance and repairs. The result in terms of the livability of his dwelling is disastrous. New York judges, recognizing the seriousness of this economic squeeze, often charge such meager fines as 50 cents for violations of housing codes. In areas where militant tenants have brought about strict enforcement of the codes, many landlords have chosen to abandon structurally sound units rather than follow a court order requiring them to carry out moderate rehabilitation.

Faced with this problem, some landlords and owners have only one desire—to get what they can out of their investment, and get out. In neighborhoods where there is already considerable blight and the abandonment process is well under way, this attitude is likely to predominate. Such areas probably need comprehensive and deep subsidy programs such as urban renewal. In so-called transitional neighborhoods, however, where blight is not so widespread and the abandonment process has hardly begun, many people may very much want to stay in the neighborhod and protect their investment. They would like to raise the value of their property by making repairs and improvements, and realize that such improvements may result in reduced future maintenance expenditures and lower vacancy rates. They are also aware that any such investment can be written off for tax purposes in 5 years, under the provisions of the 1969 Tax Reform Act, and that moderate rehabilitation would relieve harassment by tenant groups and code enforcement agencies. Taking out a loan for repairs and improvements is impractical for them, however, if it means increasing their monthly debt service payments. In addition, their neighborhoods have long been "redlined" by conventional lending sources, and financing for mortgages and rehabilitation is therefore exorbitantly expensive if available at all. This situation leads directly to abandonment by some property owners who have a large balloon payment coming due at the end of a short-term mortgage, and find that refinancing at economically feasible terms is just not available. Thousands of owners in New York City alone must face the refinancing problem in the near future.

I believe that the fate of the people who want to protect the value of their homes is crucial to the future of our cities. Their desire to stay is evidence that both their individual housing units and their entire neighborhoods can be saved, at least for awhile, without pouring in vast amounts of taxpayers' money. These neighborhoods could well become devastated in the near future, however, if we completely neglect them now. Because Senator CRANSTON, Senator JAVITS and I feel that the most effective way to fight deterioration of housing and neighborhoods is to arrest it in its early stages, we are today introducing a bill which does not subsidize inner city property owners, but nevertheless provides the means for them to make needed repairs and improvements without increasing their monthly debt service payments. The bill would also directly combat housing abandonment by making it possible to refinance balloon mortgage payments at reasonable terms.

Our proposal is to use the leverage of FHA loan guarantees to acquire private market refinancing of mortgages at the FHA interest rate. These mortgages may cover additional funds for moderate rehabilitation as well as the outstanding mortgage indebtedness. By stretching out the length of present mortgages, money for repair and improvements can be provided without increasing the mortgagor's monthly debt service. For example, if a person originally held a $15,000, 20-year loan at a 5-percent interest rate and has been paying $99 per month for 15 years, his outstanding balance is $3,300. If he refinances at a 7-percent interest rate with a 5-percent discount and lengthens his term of repayment from 5 years to 10, the new principal, which still requires payments of $99 per month, will include $2,844 which can be used for repairs and improvements. If more of the mortgage has been paid off at the time of refinancing, more money will be made available for repairs and improvements. By refinancing at the terms given in this example, $4,794 would be made available if 3 years remain on the term of his original mortgage, and $5,844 if only 2 years remain. In neighborhoods where deterioration has been occurring for some time, most mortgages will have a shorter term than 20 years and a higher interest rate than 5 percent. Refinancing in such cases can often provide proportionately even more money for improvements than is provided in the example which I have given.

Owners of substandard housing or housing occupied predominantly by persons with low or moderate incomes would be eligible for this program. In addition to the outstanding indebtedness on their present loan, the new mortgage must cover enough money to support the rehabilitation necessary to promptly place the housing in standard condition. No funds made available through refinancing can be used for any purpose other than rehabilitation. "Standard condition" will be defined by local codes unless the Secretary of HUD finds that they are absent or inadequate, in which case he may impose alternative standards.

We realize that a one-shot job on deteriorating housing is not going to be enough to assure lasting improvements. This bill, therefore, requires that the housing be continuously maintained in standard condition for the life of the new mortgage, and that the mortgagor must spend whatever percentage of his annual rental income the Secretary of HUD deems necessary or appropriate for maintenance. The Secretary may deny proposed rent increases and impose other sanctions as a penalty for violating these provisions. To help insure that an adequate level of maintenance is feasible, the Secretary may permit a mortgagor's debt service to be reduced through refinancing under this program if, and only if, he finds that such a reduction is necessary to create an economic investment. So that maintenance is not thwarted because a mortgagor's furnace blows shortly after he has spent his improvement money, for example, the Secretary may insure an additional loan or refinancing to take care of emergency capital outlays.

If the mortgagor wishes to rehabilitate more extensively than is required, he may take out a larger loan and do so. Let me emphasize, however, that we are not trying to provide a means for substantial rehabilitation of housing. In accordance with our goal of providing moderate rehabilitation, we have limited the capacity of mortgagors to extend mortgages by setting the maximum new mortgage term at 20 years.

I believe that any housing preservation program should specifically encourage those mortgagors who are most likely to exhibit a real and continuing concern for their neighborhood. Studies have shown that owner-occupants, who have such a large and important stake in their neighborhoods, have the best maintenance record of all mortgagors. Owner-occupancy is also perhaps the only recognizably effective defense against housing abandonment. Our bill, therefore, requires less equity from owner-occupants of less than seven unit dwellings, and tenant cooperatives and condominiums who occupy a majority of the units on the property, than from other groups. Nonprofit organizations are also given preferential treatment. All of these types of mortgagors are exempt from the percentage limitation on debt service reduction, and the requirement that a minimum amount of rehabilitation accompany any such reduction, which we are imposing on other landlords.

Because the importance of the condition of the entire neighborhood for the success of this program cannot be overemphasized, refinancing under the program will only be allowed in neighborhoods which either contain sufficient public facilities and amenities to support long-term values or are carrying out neighborhood preservation programs. There is also a section in the bill which encourages State and local governments to concentrate municipal services in these areas; that section also encourages them to administer other laws such as property tax laws in a manner consistent with the program.

It is unfortunate but true that the experience of past Government housing programs has provided us with glaring examples of what to avoid as we design a new program. With these examples in mind, we have guarded against the displacement of tenants as a result of rehabilitation by allowing rents to rise only with operating costs. We have also designed mechanisms to eliminate exploitation by speculators, to avoid augmenting George Romney's role as the Nation's largest inner city landlord, and to speed up the processing of applications for insurance under the program.

The chances for speculators to benefit from the program are reduced by the fact that there is no transfer of ownership involved. In addition, people who buy a house, refinance with an FHA guarantee, and use the money for a cosmetic rehabilitation job, will not be able to obtain the inflated appraisal which has enabled speculators to sell property at prices far above the fair market value in other programs. This is because the per annum appreciation after refinancing is limited to 4.8 percent for anyone who sells his property within 4 years of the refinancing.

Default problems are also reduced by the nature of the program, because loans under this bill are not likely to be as large as in new construction or substantial rehabilitation programs. As an additional safeguard, the bill contains equity requirements which will be higher in most cases than those that presently exist in many trouble-prone programs—5 percent of the property value for the "preferred" mortgagors enumerated earlier, and 10 percent for other groups such as absentee, profitmaking owners, the program will not include mortgagors who are new and inexperienced property owners. Most importantly, participants will not have to increase the monthly debt service which they have been successfully paying since they took out their existing mortgage.

Many of us have received complaints from constituents that the processing time for the acceptance of loan insurance applications in present FHA programs can drag out to a year or longer. To help insure that such an intolerable situation does not impede the functioning of this program, the processing system is patterned after that used for title I home improvement loans. Banks would be encouraged to decide on their own whether a proposed loan meets FHA criteria, and to extend the loan without prior approval from FHA. Under this bill a bank would advise FHA when it makes the loan, but FHA would play no active role in the process. If the borrower thereafter defaults, the lender would recover its losses from FHA, provided the loan met FHA requirements for the program. To prevent abuse or neglect by the lenders, if more than 20 percent of a lender's loans under this program are in default at the time he makes a claim he has to show to the FHA that the default was not due to his negligence in order to receive reimbursement for it.

The bill also contains a provision to allow the use of the Fannie Mae-Ginnie Mae Tandem plan to support the FHA interest rate if necessary. I hope that this will not be necessary, however, and that the program can at least be initiated without the help of the Tandem plan.

This bill would encourage the utilization of manpower development programs and the use of minority and small business contractors in connection with the contemplated repairs and improvements. It would direct the Secretary of HUD to take all practicable steps to insure that property insurance is made available under the Urban Property Protection and Reinsurance Act of 1968 in any neighborhood where he finds that the lack of available property insurance is hindering the widespread utilization of the program. The bill would prevent a mortgagor in the 10 percent equity group from getting around the equity requirement by buying property from a mortgagor in the 3 percent group after that mortgagor has refinanced with FHA insurance, and it would require HUD to maintain extensive information on all aspects of the programs operation.

The bill which Senator Cranston, Senator Javits, and I are proposing is not designed to eliminate all the problems of all property owners in transitional inner city neighborhoods. Operating and maintenance costs, as well as the need for moderate rehabilitation, may impose such a hardship in some cases that a shallow subsidy is needed in addition to this bill. We are also relying on other legislative proposals, and State and local government actions, to provide the continuing high level of municipal services which is so important to neighborhood preservation. Our bill will not save neighborhoods singlehandedly. I believe, however, that it will prove to be an effective means of enabling owners to preserve their housing and prevent housing deterioration—at very little cost to the Federal Government. It also seems important to me that because there is no direct subsidy to participants except as needed to support the FHA interest rate, those who refinance will do so because they really want to protect their investment and save their neighborhoods. I believe that it is far preferable to help these people save their own neighborhoods now, before those neighborhoods further deteriorate, than to struggle against blight later with bulldozers and massive expenditures.

I ask unanimous consent that there be inserted at this point in the RECORD, a statement relative to the operation of this program in various financial situations, prepared by the Earl Warren Legal Institute at the University of California, Berkeley.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

## THE OPERATION OF THE PROGRAM IN VARIOUS FINANCIAL SITUATIONS

Upon implementation of the proposed new refinancing programs, numerous differing financing situations will be encountered and it is, therefore, useful to consider how the program will operate in each of them. In descending order of program feasibility, they are 1) short term, high interest loans; 2) short term, high effective, but low contract, interest rates; 3) short term but low actual interest rates; 4) long term, reasonable interest rates; 5) balloon mortgages; and 6) mortgages in default upon which only interest payments are being made.

In analyzing these situations, certain general factors must be kept in mind. The basic principle is that refinancing made available on better terms because of the FHA guarantee enables an owner to support a larger principal with the same monthly payments. The difference between the old and new principals must be used for needed repairs and improvements. Beyond this basic principle there are six other refinements. First, as the principal on the existing loans increases, the amount of repair and improvement money that can be made available by refinancing will also increase. Second, the higher the present interest rate on the current debt, the greater will be the amount of repair and improvement money made available on refinancing. Third, as the term of the existing debt increases, the amount of repair and improvement money made available decreases. Fourth, the longer the new term after refinancing, the more repair and improvement money will be made available. Fifth, allowance must be made for points that the lenders may charge. Thus it is assumed in the following discussion that a 5% discount will be charged. Sixth, beyond the benefits secured from the better terms, additional money for repairs and improvements may be obtained, if the refinancing occurs in the latter years of a mortgage and thus a substantial portion of the original principal has been paid off.

### SHORT TERM—HIGH INTEREST RATES

If the old loan was for a short term and at a high interest rate, the greatest benefits from refinancing can be secured. The following tables indicate how refinancing such short term high interest rate loans will operate when the old interest rates, principals and amortization periods and new amortization periods vary.

### *Table A—Various principals*

This table shows the amount of repair and improvement money made available by refinancing five year, fifteen percent interest loans of *varying principals*, if the payments on the new loan are the same, the term of the new loan is fifteen years, the interest rate is 7.0% and 5% discount is charged.

| Principal | Payments | New principal | Repair and improvement money | 5 percent discount |
|---|---|---|---|---|
| $1,000 | $25 | $2,780 | $1,640 | $140 |
| $2,000 | 50 | 5,560 | 3,282 | 278 |
| $3,000 | 75 | 3,340 | 4,923 | 417 |
| $4,000 | 100 | 11,125 | 6,569 | 556 |
| $5,000 | 125 | 13,905 | 8,210 | 695 |

### *Table B—Various interest rates*

This table shows the amounts of repair and improvement money made available by refinancing five year, three thousand dollar loans of *various interest rates* for fifteen years at 7.0% interest with a 5% discount.

| Interest rate | Payments | New principal | Repair and improva-ment money | 5 percent discount |
|---|---|---|---|---|
| Percent: | | | | |
| 10 | $66 | $7,341 | $3,974 | $367 |
| 12 | 69 | 7,615 | 4,235 | 380 |
| 15 | 75 | 8,342 | 4,925 | 417 |
| 18 | 80 | 8,900 | 5,455 | 445 |
| 20 | 84 | 9,345 | 5,828 | 467 |
| 23 | 89 | 9,900 | 6,405 | 495 |

### *Table C—Various old amortization periods*

This table shows the amount of repair and improvement money made available by refinancing fifteen percent, three thousand dollar loans of *various terms* for a fifteen year period at 7.0% interest with a 5% discount.

| Term | Payments | New principal | Repair and improvement money | 5 percent discount |
|---|---|---|---|---|
| Year: | | | | |
| 3 | $109.47 | $12,125 | $8,519 | $606 |
| 4 | 88.00 | 9,790 | 6,301 | 489 |
| 5 | 75.00 | 8,340 | 4,923 | 417 |
| 6 | 66.00 | 7,341 | 3,974 | 367 |
| 7 | 60.00 | 6,774 | 3,341 | 341 |

### *Table D—Various new amortization periods*

This table shows the amount of repair and improvement money made available by refinancing a five year, fifteen percent, three thousand dollar loan for various terms at 7.0% interest with a 5% discount.

| New term | Payment | Principal | Repair and improvement money | 5 percent discount |
|---|---|---|---|---|
| Year: | | | | |
| 8 | $75 | $5,500 | $2,225 | $275 |
| 9 | 75 | 5,995 | 2,695 | 300 |
| 10 | 75 | 6,455 | 3,132 | 322 |
| 11 | 75 | 6,885 | 3,541 | 344 |
| 12 | 75 | 7,290 | 3,925 | 365 |
| 13 | 75 | 7,660 | 4,277 | 383 |
| 14 | 75 | 8,015 | 4,615 | 400 |
| 15 | 75 | 8,340 | 4,923 | 417 |

### *Short term—high effective interest rate*

The existing financing may carry a reasonable interest rate on the face of the loan but the transaction may have involved hidden financing charges in the form of either discounts or inflated purchase prices. It is contemplated that upon refinancing, the mortgagor, in order to recoup part of the hidden finance charges, will attempt to persuade the previous lender to accept, as repayment, an amount less than the face amount of the existing indebtedness. See subsection 244(d)(3) and the discussion of this point in the annotations to that subsection. The following table shows the operation of the refinancing mechanism when five year, seven percent, three thousand dollar loans involving discounts of ten to twenty-five percent are refinanced for fifteen years at seven percent interest, with a discount of 5%, and repayment of the debt is reduced by the amount of the original discount.

TABLE E.—HIDDEN FINANCING CHARGES

| Previous discount | Payments | New principal | Amount of debt repaid | New discount | Repair and improvement money |
|---|---|---|---|---|---|
| Percent: | | | | | |
| 10 | $60 | $8,000 | $2,700 | $400 | $4,900 |
| 15 | 60 | 8,000 | 2,550 | 400 | 5,050 |
| 20 | 60 | 8,000 | 2,400 | 400 | 5,200 |
| 25 | 60 | 8,000 | 2,250 | 400 | 5,350 |

It may not be possible to recoup all of the hidden finance charge. Table F indicates the amount by which the repair and improvement moneys would be reduced in situations identical to those in Table E, with the one exception that either 30% or 60%, of the hidden charge is recouped.

TABLE F

| Previous discount | Amount of discount recouped (percent) | Repair and improvement money |
|---|---|---|
| Percent: | | |
| 10 | 30 | $4,700 (−$200) |
| 10 | 60 | 4,800 (−1,100) |
| 15 | 30 | 4,750 (−300) |
| 15 | 60 | 4,900 (−150) |
| 20 | 30 | 4,800 (−400) |
| 20 | 60 | 5,000 (−200) |
| 25 | 30 | 4,850 (−500) |
| 25 | 60 | 5,100 (−250) |

### *Short term—reasonable actual interest rate*

Even short term loans with reasonable contract interest rates that do not involve hidden finance charges will provide sufficient repair and improvement moneys when refinanced under the proposed program. Thus the following table shows the amounts of repair and improvement money made available by refinancing five year, seven percent loans of varying principals for fifteen years at seven percent interest with a five percent discount.

TABLE G

| Old principal | Payments | New principal | 5 percent discount | Repair and improvement money |
|---|---|---|---|---|
| $1,000 | $20 | $2,225 | $111 | $1,114 |
| $2,000 | 40 | 4,450 | 222 | 2,228 |
| $3,000 | 60 | 6,675 | 334 | 3,341 |
| $4,000 | 80 | 8,900 | 445 | 4,455 |
| $5,000 | 100 | 11,115 | 588 | 5,557 |
| $6,000 | 120 | 13,350 | 668 | 6,682 |

### *Long term—low interest rates*

The loan to be refinanced may have been a long term, low interest rate loan, obtained at a time when the surrounding neighborhood was acceptable to institutional lenders. If the neighborhood has changed sufficiently to make institutional lenders unwilling to offer new financing to a property owner in this situation, without the protection of government mortgage insurance, the proposed program can help property owners secure needed repair and improvement money. Two factors will influence the amount of money which will be made available. The first will be the number of years for which the owner has been paying off the loan. As the end of the term of the original loan nears, more of its principal will have been paid off and thus more money is available for repairs and improvements. The second will be the size of the monthly payments on the existing loan, which, of course, will vary depending upon the original principal of that loan. Tables H and I reflect these two factors.

### TABLE H

This table shows the amount of repair and improvement money made available when a $15,000, twenty year, 5% loan is refinanced at various stages of the amortization process, for ten years, at 7% interest, with a 5% discount.

| Payments | Year of refinancing | Outstanding balance | New principal | 5-percent discount | Repair and improvement money |
|---|---|---|---|---|---|
| $99 | 5th | $13,770 | $8,520 | $426 | [1] —$5,676 |
| $99 | 10th | 9,330 | 8,520 | 426 | [1] —1,236 |
| $99 | 13th | 7,005 | 8,520 | 426 | 1,089 |
| $99 | 15th | 5,250 | 8,520 | 426 | 2,844 |
| $99 | 17th | 3,300 | 8,520 | 426 | 4,794 |
| $99 | 18th | 2,250 | 8,520 | 426 | 5,844 |

[1] Not feasible.

### TABLE I

This table shows the amount of repair and improvement money made available by refinancing in the 17th year of amortization, of twenty year, 5% loans of various principals, for new terms of 10 years, at 7% interest with 5% discount.

| Old principal | Payments | Outstanding balance | New principal | 5 percent discount | Repair and improvement money |
|---|---|---|---|---|---|
| $20,000 | $132 | $4,400 | $11,360 | $568 | $6,392 |
| $17,500 | 115 | 3,850 | 9,895 | 495 | 5,550 |
| $15,000 | 99 | 3,300 | 8,520 | 426 | 4,794 |
| $12,500 | 82 | 2,750 | 7,055 | 353 | 3,952 |
| $10,000 | 66 | 2,200 | 5,680 | 284 | 3,196 |

The above tables assume that the term of the new loan will be ten years. Of course, if sufficient repair and improvement money is not made available with a ten year refinancing, one alternative would be to use a longer term if it appears that the property will be lived in for that longer time period. At the same time, if all of the money for repairs and improvements made available by a ten year term is not needed, then the new term can be shortened.

### *Balloon mortgages*

Mortgage instruments which do not provide for the complete amortization of the principal amount over the mortgage term are known as balloon mortgages, and the amount outstanding, as the balloon payment.

The feasibility of refinancing these mortgages depends largely on the size of the balloon payment relative to the amount of original indebtedness secured. If the size of the balloon payment is less than 50% of this amount then refinancing will almost always be feasible and in the mortgagor's interest, especially if the original term and interest rate are unfavorable as compared with those available under the program. However, if the balloon exceeds 50% of the principal amount and if the term is approximately equal to the term available under the program then refinancing under this program will not be helpful.

### *Default situations*

If the mortgagor is currently in default and only making interest payments on the loan, refinancing under the proposed program is only likely to be helpful if the interest rate on the original loan is very high. In addition, to the extent that mortgagors are able to renegotiate the amount to be repair on existing debts, the program will be feasible in more cases.

### TABLE J

This table shows the operation of the program when $10,000, ten year loans, at varying interest rates, upon which the mortgagor stopped making principal payments in the eighth year are refinanced for 15 years, at 7% interest with a 5% discount. The payments on the new loan equal the interest payments being made on the outstanding balance at the beginning of the eighth year.

| Interest rate | Outstanding balance | Payments | New principal | 5-percent discount | Repair and improvement money |
|---|---|---|---|---|---|
| Percent: | | | | | |
| 6 | $3,640 | $18.00 | $2,000 | $100 | (1) |
| 8.5 | 3,829 | 27.00 | 3,000 | 150 | (1) |
| 10 | 4,047 | 33.75 | 3,755 | 188 | (1) |
| 12 | 4,250 | 42.50 | 4,725 | 236 | $239 |
| 15 | 4,549 | 57.00 | 6,340 | 317 | 1,474 |

[1] Not feasible.

Mr. JAVITS. Mr. President, I have joined with Senators CRANSTON and TAFT in sponsoring a bill to establish a new housing program which would allow for refinancing of existing mortgages on housing for low- and moderate-income families.

The existing housing shortages for low- and middle-income families remains quite severe throughout New York State and the Nation. Heretofore, national housing efforts have focused mainly on the production of new housing while neglecting the existing housing stock. At this time we need new initiatives to preserve and upgrade our existing housing. I believe that this bill will be an important first step in that process.

In New York City, energies, and resources have been poured into new housing for depressed communities—though not really enough—while housing in transitional areas has deteriorated at an alarming rate. Neighborhoods such as Washington Heights in Manhattan, Crown Heights, East Flatbush, and Bushwick in Brooklyn and Tremont in the Bronx can be the devastated Brownsvilles of tomorrow. A far more logical strategy would be to stabilize what we have at modest cost while continuing production efforts. That is why I have joined with Senators CRANSTON and TAFT in this bill.

Hopefully, this bill will help with the problem of neighborhood decay and mass abandonment. I believe that the questions raised about several of the present FHA insurance programs should not deter the Congress from initiating new programs which will help us solve the tremendous housing problem which still exists in many of our major cities.

Shortly, I intend to introduce a bill providing for an interest subsidy where necessary as an adjunct to this bill to provide additional tools in the struggle to save on our existing housing stock. I hope that the Senate Banking Committee will give all these measures thorough consideration at its executive sessions which will be starting soon.

By Mr. WEICKER (for himself, Mr. DOMINICK, and Mr. MATHIAS):

S. 3110. A bill to facilitate the movement of persons and goods in interstate commerce, and to aid in eliminating the burdens on interstate commerce which result from the lack of adequately coordinated transportation facilities in many parts of the United States, through a comprehensive program of Federal assistance to States and localities to aid in the provision of such facilities. Referred to the Committee on Finance.

### FEDERAL TRANSPORTATION ACT

Mr. WEICKER. Mr. President, on June 24, 1969, I introduced in the House the first bill to create an overall transportation trust fund. Today, I am introducing the same bill altered only to conform with changed circumstances.

On that day 2½ years ago I recall talking with members of the press. The general consensus was that such a massive reorienting of our transportation programs, such a frontal assault on the sacred cow of a hundred lobbyists could only be the mental aberration of an inexperienced, idealistic freshman Congressman obsessed with a district full of New Haven Railroad commuters.

Today, the transportation trust fund is an idea whose time has come.

The traffic jams, deteriorating rails, moldering subway cars, nonexistent buses, stagnant air, and mass frustration of our metropolitan areas are everyday life in major cities across the country and tomorrow's life in infant cities across the Nation.

Today nearly 75 percent of all Americans live in urban areas.

Today, over 50 percent of the air pollution in this country comes from transportation—most of it from the automobile.

Today nearly 55,000 people are killed each year on our highways. Automobile riders die at a rate five times higher than air travelers and 30 times above those going by rail.

Today highways and airports in urban areas can cost up to $40 million an acre while within the continental United States, well over 200,000 miles of railroad track lie largely idle—much of it in and around major metropolitan areas.

Today stack time, bad weather, and miserable ground facilities make air travel ever more time consuming and costly.

But worse than all this, the Federal Government and the States are totally unable to solve their transportation problems with anything approaching freedom of choice and flexibility.

The fiscal 1972 budget for the Department of Transportation tells the story only too well:

| | *Percent* |
|---|---|
| Highways | 63 |
| Airports and airways | 21 |
| Water transport | 12.8 |
| Mass transit | 2.8 |
| Railroads | .6 |

Beyond this, the crazy quilt of transportation laws distorts the picture even more with complicated, uncoordinated, and arbitrary Federal funding shares.

For instance, a State can get up to nine times its money for highways, a maximum of twice its investment for mass transit, and must match Federal money dollar for dollar on airports. Railroads suffer the most for, with the exception of absurdly small sums allocated to Amtrak, a State can expect absolutely no help at all.

All this leaves a Governor with only one choice: Build more highways because you can get more bang for the buck. In 1956, when the highway trust fund was created, this was a relatively happy—and often correct—choice to make.

Today, with 80 percent of the Interstate System completed, times have changed. Too many parks, too many houses, too many businesses have been slabbed over with asphalt; too many neighborhoods and cities have been irrevocably split by 100-foot wide barriers of concrete and steel.

But the real irony is that despite the pollution, despite the destruction, despite the noise, despite the billions and billions of dollars spent, traffic jams only get worse. The real interstate traveler—the trucker dependent on highways for his livelihood, the bus company dependent on speed for revenue, the businessman dependent on his car for sales and the housewife dependent on ease of travel for her family's well-being—all these vie constantly for every square inch of highway with the factory worker, the corporate executive, the small businessman, the clerk, the secretary who commute daily to work. The end result is simple: Mass petrification, rather than mass transportation.

Highways are vital to our national economy. They have opened up whole sections of the country previously isolated from the mainstream of American life. But to return these highways to the people who need them, we must now increasingly recognize the need for short-haul mass transit, longer haul rail and water transportation facilities, and air transport spread more rationally beyond urban centers. Most important, we must tie all modes of transportation together under a common plan and give each State the freedom to innovatively solve its problems with the end being mobility, rather than the criteria being how to wangle the most Federal money for each State dollar spent.

The bill I propose today would allow innovation. It would allow freedom of choice. It would necessitate planning and coordination. It would encourage regional cooperation. It will lead to a total, national transportation system that will move people and goods effectively.

Mr. President, I ask unanimous consent that a synopsis of this bill—creating a Federal transportation trust fund—be printed in the RECORD at this point.

There being no objection, the synopsis was ordered to be printed in the RECORD, as follows:

### FEDERAL TRANSPORTATION TRUST FUND—SYNOPSIS

Section 1-3: Title, statement of findings and purpose, and definitions.

Section 4: Establishes a Federal Transportation Trust Fund which includes all funds spent in accordance with any Federal-aid Transportation law (Highway Trust Fund, Airport and Airway Trust Fund, Urban Mass Transit Act, etc.). The Trust Fund takes effect on July 1, 1973 and continues through June 30, 1983. All transportation-related excise taxes and appropriations from general revenues for transportation purposes will be included in the Fund.

The total amount in the Fund in Fiscal Year 1973 will amount to approximately $7.75 billion.

Section 5: Extends all transportation-related excise taxes at their current levels for the life of the Fund.

Section 6: States that no expenditures can be made from the Trust Fund except for projects which are part of overall state transportation plans approved in advance by the Secretary of Transportation. The plans will include all types of facilities for all modes of transportation, and must show coordination with local development and transportation planning.

The Federal government may finance 90% of the cost of formulating these plans.

The Secretary may, in certain cases, approve projects for specific communities which are vital to adjacent states even if the state in which the community is located does not have an approved plan.

Section 7: Establishes the formula under which funds will be allocated to the states. This formula is heavily weighted toward urban areas since approximately 75% of the U.S. population now lives in cities or surrounding suburbs. It combines land area, total population, and the number of cities with over 50,000 people to arrive at a single allocation for each state.

This section also provides that all projects funded from the Trust Fund will be 75% financed by the Federal government with 25% coming from state and local governments.

To encourage regional, multi-state projects, the Secretary may add up to 10% of the cost for projects involving more than one state, and this added contribution will not be charged against a state's allocation under the formula.

Section 8: Reserves 5% of the Fund annually for use at the Secretary's discrimination, in increasing funding for regional projects.

Section 9: Establishes an office of Planning and Coordination in the Office of the Secretary to approve state plans, assure coordination among such plans and give final approval to all projects.

Section 10: Sets the effective date of July 1, 1973.

Mr. President, there are over 200 million Americans and daily each of them is touched by transportation This gives transportation the biggest, most directly concerned constituency in the country.

These constituents do not care where their highway or airport user taxes go, they do not care where the revenues from their subway tokens, bus fares and plane tickets go. They do care about mobility—they want to be able to get from New York to Chicago, Oakland to San Francisco, South Chicago to the Loop, or Washington to National Airport with speed, frequency, and safety.

Federal, State, and local governments do not represent concepts. But Senators, Governors, and mayors do represent travelers—and travelers jams. And we are also supposed to represent answers and change rather than happy silence and status quo. In the case of transportation that means creating a system rather than living with 1,000 happenings.

A lot has happened in the last 2½ years. I, and others who have proposed similar bills are supported by the National Governor's Conference, the National League of Cities, the National Conference of Mayors—and by 200 million plain, ordinary, unorganized people. We have an opportunity to prove that Congress can solve a problem before it becomes a crisis. That would be as significant to American Government as moving would be to the American traveler.

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By Mr. BENNETT:

S. 3111. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of certain distributions and sales pursuant to the Bank Holding Company Act Amendments of 1970. Referred to the Committee on Finance.

Mr. BENNETT. Mr. President, today I am introducing legislation that would amend the Internal Revenue Code of 1954 with respect to tax treatment of certain distributions and sales pursuant to the Bank Holding Company Act Amendents of 1970. It was understood when the Senate passed the 1970 amendments that the hardship caused by divestiture would be ameliorated by appropriate tax relief legislation allowing for the tax-free distribution of divested assets. I would like to point out that similar tax legislation was enacted after the Bank Holding Company Act of 1956 and after its 1966 amendments.

In general the 1970 amendments required a one bank holding company to divest either its bank or its nonbank assets. My legislation would provide some tax relief to the stockholders in those bank holding companies that will be forced to divest themselves of assets. Under this proposal, property which is required to be divested could be distributed to the stockholders without any recognition of gain to the stockholders. Without this legislation, the distribution would work an unfair economic hardship on the stockholders through no fault of their own.

I think it is important to note that this will apply only to the distribution of property under the Bank Holding Company Act which had been acquired prior to July 7, 1970—the date the Senate Banking and Currency Committee ordered the bill reported to the Senate. Prior to any distribution, the bank holding company would be required to obtain the certification of the Federal Reserve Board that the distribution is necessary or appropriate to effectuate the Bank Holding Company Act of 1970.

Mr. President, this is not unusual legislation. There are numerous precedents for it, and I would hope it can be speedily enacted to prevent any undue hardships on those stockholders who may have been forced into an economic position through no fault of their own.

Mr. President, I ask unanimous consent that a summary of my bill be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

### SUMMARY OF PROPOSED TAX RELIEF LEGISLATION RELATING TO DISTRIBUTIONS AND SALES PURSUANT TO THE BANK HOLDING COMPANY ACT AMENDMENTS OF 1970

Treasury recommends legislation to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of certain distributions and sales pursuant to the Bank Holding Company Act Amendments of 1970. The 1970 amendments were passed with the expectation that the hardships caused by divestiture would be ameliorated by appropriate tax relief legislation allowing for the tax-free distribution of divested assets. Similar tax relief legislation was enacted after the Bank Holding Company Act of 1956 and after its 1966 amendments.

### BANK HOLDING COMPANY ACT AMENDMENTS OF 1970

The Bank Holding Company Act Amendments of 1970 (Public Law 91-607) require a one bank holding company either to divest its nonbanking interests if it chooses to remain a bank holding company, or to dispose of its banking interests so that it is no longer classified as a bank holding company. Generally, divestiture of the bank of nonbank assets is required by January 1, 1981. However, section 103 of the Act allows a bank holding company under certain circumstances to continue activities in which it was lawfully engaged on June 30, 1968 and has been continuously engaged in since that date.

### TAX PROPOSAL IN BRIEF

The recommended legislation seeks to (1) update existing sections 1101-1103 of the Internal Revenue Code to permit tax-free distributions to stockholders of property required to be divested under the Bank Holding Company Act Amendments of 1970; (2) provide for nonrecognition of gain to the divesting corporation upon its sale of property pursuant to the Bank Holding Company Act Amendments of 1970; and (3) exempt distributions of appreciated property required to be divested under the Bank Holding Company Act Amendments of 1970 from any tax imposed by section 311(d) of the Internal Revenue Code.

### DISTRIBUTIONS TO STOCKHOLDERS

Section (a) of the bill would add section 1121 to the Internal Revenue Code to provide substantially the same tax relief that was extended by sections 1101-1103 of the Internal Revenue Code to divestitures under the Bank Holding Company Act of 1956 and its 1966 amendments. Section 1121 would be added to the Internal Revenue Code rather than amending sections 1101-1103 because these sections would be repealed under H.R. 25, which was introduced by Chairman Mills on January 22, 1971, to repeal provisions in the Internal Revenue Code which are obsolete or are unimportant and rarely used.

Under proposed section 1121, property which is required to be divested could be distributed by a corporation to its stockholders without the recognition of any gain to the stockholders. In the absence of this special provision, such a distribution might otherwise be taxable to the stockholders as a dividend.

Section 1121 would only apply to a corporation which became a bank holding company under the Bank Holding Company Act Amendments of 1970. Although partnerships were made subject to the Bank Holding Company Act by the 1970 amendments the tax relief provisions do not apply to partnerships. Treasury is not aware of any partnerships required to divest under the 1970 amendments. However, Treasury would not oppose extending these provisions to any partnerships which are subject to the divestiture requirements of the 1970 amendments.

The proposal would only apply to the distribution of property under the Bank Holding Company Act which had been acquired prior to July 7, 1970—the date on which the Senate Banking and Currency Committee announced that it would report out a bill dealing with one bank holding companies. This restriction is considered necessary to prevent the bill from applying to corporations which might have purchased interests in banks or other businesses in order that their shareholders might benefit from the tax-free distribution treatment provided under this bill.

In general, proposed section 1121 of the Code would follow the precedent of existing sections 1101-1103 of the Internal Revenue Code as they applied to distributions under the Bank Holding Company Act of 1956 and its 1966 amendment. Accordingly, property which is required to be divested could be distributed without recognition of gain either directly to the stockholders of the bank holding company or to a wholly owned subsidiary created to receive the divested property. If the property is distributed to a specially-created subsidiary, all the stock in the subsidiary then must be distributed to the stockholders of the bank holding company.

Proposed section 1121(d)—as under the prior law—would deny nonrecognition treatment for any distribution which is part of a plan with a principal purpose of avoiding the dividend tax on the distribution of earnings and profits.

Several provisions in the proposed bill differ from prior law. First, proposed section 1121(b) would simplify the certification required from the Federal Reserve Board as a prerequisite to the special tax treatment. The tax law applicable to distributions under the Bank Holding Company Act of 1956 and its 1966 amendment required the Federal Reserve Board prior to any distribution to certify that the distribution was necessary or appropriate to effectuate the Bank Holding Company Act. The Board was also required to give its final certification that the bank holding company had complied with the divestiture requirements of the Bank Holding Company Act within the specified time periods. Proposed section 1121(b) would only require the Federal Reserve Board to certify prior to a distribution that the distribution is necessary or appropriate to effectuate the Bank Holding Company Act Amendments of 1970.

Final certification would not be required, thus avoiding the necessity for holding the statute of limitation open for an extended period. The 1970 amendments provide for a ten year divestiture as opposed to the two year divestiture (with extensions possible to five years) which was required by the 1956 act and its 1966 amendment. Holding the statute of limitations open for ten years until a final certification is obtained would create numerous administrative problems. It also appears that the final certification is unnecessary since the Federal Reserve Board will monitor compliance with the Bank Holding Company Act in any event, and there are severe penalties under that Act for failure to comply with the divestiture requirements.

Second, proposed section 1121(c) modifies the certification rule where a bank holding company elects to *exchange* its banking or its nonbanking assets for the stock of a specially-created subsidiary which stock the holding company then *distributes* to its stockholders. Prior law required the Federal Reserve Board to certify prior to the exchange that the exchange and distribution were necessary or appropriate to effectuate the Bank Holding Company Act. In the interest of flexibility, proposed section 1121(c) would only require the certification prior to the distribution to the stockholders and not prior to the initial exchange with the subsidiary.

Third, proposed sections 1121(a)(3) and 1121(b)(3) would allow non pro rata distributions to qualify for nonrecognition treatment. Non pro rata distributions were allowed under the Bank Holding Company Act of 1956, but pro rata distributions were required for distributions under the 1966 amendment to the Bank Holding Company Act. Allowing non pro rata distributions under the proposed bill is consistent with the rules of section 355 of the Internal Revenue Code which allows a non pro rata distribution of stock of a controlled subsidiary to be made to the stockholders of the parent corporation without the recognition of gain under certain circumstances.

Fourth, the bill allows a bank holding company to divest its banking assets without the recognition of gain even if it owns less than a controlling interest. This treatment complies with the spirit of the 1970 amendments which is to encourage and enforce the separation of banking and nonbanking interests and alleviates the sometimes difficult problem of attempting to determine precisely what constitutes a controlling interest in a bank.

The bill also would permit a "grandfathered" company—which under section 103 of the Bank Holding Act Amendments of 1970 is allowed to continue to hold bank and nonbank interests—to give up its grandfathered status, divest its bank or nonbank interests, and to be entitled to the tax relief that is available to other holding companies that became bank holding companies under the 1970 amendments, provided that such divestiture is accomplished by January 1, 1981.

However, nonrecognition treatment generally does not apply to the distribution of nonbank property which may be lawfully owned by a bank holding company. For example, section 4(c)(6) of the Bank Holding Company Act permits a bank holding company to retain up to five percent of the voting stock of another company. 12 U.S.C. 1843(c)(6). Consequently, a distribution of all the stock of another company which is wholly owned would result in nonrecognition of gain under this bill as to only 95 percent of such distribution. But nonrecognition of gain may be obtained under section 355 with respect to the five percent not qualifying for nonrecognition under section 1121.

Fifth, proposed section 1121(e) introduces a time limit for nonrecognition treatment which requires a distribution to the stockholder of prohibited property or bank property to be completed within three years after the first distribution of such property is made.

### SALE OF BANK OR NONBANK PROPERTY

Section (b) of the proposed bill would add section 1122 to the Internal Revenue Code dealing with sales pursuant to the Bank Holding Company Act Amendments of 1970. The section would provide for the nonrecognition of gain where a corporation sells its bank or nonbank property to a third party rather than distributing the property to its stockholders. This type of relief was not offered for distributions under the Bank Holding Company Act of 1956 or its 1966 amendment. However, various bank holding companies have indicated that they will be forced for various business reasons to sell their bank or nonbank asset rather than distribute them to their stockholders. Tax relief appears equally warranted where the provisions of the Bank Holding Company Act are met by the sale of assets instead of their distribution to stockholders.

Section 1033 of the Internal Revenue Code presently provides for the nonrecognition of gain from a sale or exchange to effectuate certain policies of the Federal Communications Commission. Section 1081 of the Code provides for the nonrecognition of gain on exchanges or distributions in obedience to certain orders of the Securities and Exchange Commission.

In many respects the required divestiture of bank or nonbank property under the Bank Holding Company Amendments of 1970 is analogous to an involuntary conversion. Accordingly, proposed section 1122 would offer relief patterned after the existing provisions in the Code dealing with involuntary conversions.

Thus, proposed section 1122 would allow a bank holding company to elect to defer the recognition of gain on a divestiture sale if the amount realized from the sale is reinvested in certain qualifying replacement property within a specified period of time.

In order to qualify under this provision, a bank holding company which sells either its bank property or its nonbank property would have to invest the proceeds of sale in the purchase of a controlling (80 percent) stock interest in another corporation or in the purchase of substantially all the assets of another corporation. For this purpose control would be determined without regard to whether or not the acquiring corporation had control of the acquired corporation immediately before the purchase, so that a corporation could reinvest in additional stock or one of its controlled subsidiaries. The required reinvestment could be made in anticipation of the divestiture sale or within three years after the sale with provision for the extension of this period by the Secretary or his delegate for reasonable cause.

The basis of any stock or assets which are acquired under this proposal as replacement property would be reduced by the amount of deferred gain. Where stock of another corporation is acquired, the basis of the underlying assets of the acquired corporation would also be reduced by the amount of the deferred gain, but not below the greater of the basis of the stock which is acquired or the basis of the old assets which were sold pursuant to the Bank Holding Company Act.

The proposal would only apply to the sale of property which was acquired before July 7, 1970 and which the Federal Reserve Board, prior to the sale, certifies is necessary or appropriate to effectuate the Bank Holding Company Act Amendments of 1970.

### AMENDMENT TO SECTION 311(D) OF THE CODE

Section 311(d) of the Internal Revenue Code generally requires a corporation to recognized gain where it distributes appreciated property to its stockholders in redemption of their stock. The proposed legislation would make clear that section 311(d) of the Internal Revenue Code would not apply to a bank holding company which distributes appreciated property under the Bank Holding Company Act Amendments of 1970 to its stockholders in redemption of their stock. The proposed exception for distributions under the Bank Holding Company Act is consistent with the present exception in section 311(d) for certain distributions of stock required under the antitrust laws.

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By Mr. HOLLINGS:

S. 3112. A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes. Referred to the Committee on Commerce.

Mr. HOLLINGS. Mr. President, on February 15 and 16 of this month, the Senate Commerce Committee Subcommittee on Oceans and Atmosphere will conduct public hearings into ocean mammal legislation. As many of us are aware, the impact of man upon marine mammals has ranged from indiscriminate slaughter to careless neglect. There is strong scientific evidence at this time to show that a number of species are now in danger of becoming extinct—simply because of man's voracious appetite to kill for profit. Because of this scientific information, there is now hope that man will temper his treatment of these animals with a view toward the future.

The subcommittee wants to look at the full range of legislation on this subject. Because of this, I am today introducing a bill identical to H.R. 10420, entitled the Marine Mammal Protection Act of 1971. This bill was produced as a unanimous report of the House Subcommittee on Fisheries and Wildlife Conservation, which conducted exhaustive hearings last September prior to drafting this legislation. It was the position of a majority of the House that marine mammals and the marine ecosystems upon which they depend for survival require additional protection from man's activities. These mammals include whales, porpoises, seals, sea otters, polar bears, manatees and other species.

The subject of marine mammal protection is a controversial one and opinions differ significantly. Scientists and experts disagree sharply about the effect or need of this type of legislation. But the increasing level of public attention to this problem has certainly brought home to us in Government the need to act. The subcommittee shall produce legislation on this issue shortly after the completion of our hearings. I cannot at this time project the subcommittee's position, but I feel certain that our legislation will be comprehensive. For that reason, I do not at this time take a position on the bill I introduce today. My purpose is to see that it is considered by the subcommittee along with all of the other bills which have been introduced in the Senate.

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By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 3113. A bill to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I am introducing today for appropriate reference a bill to declare that the United States holds in trust approximately 20 acres of land in Mono County, Calif., for the 60 members of the Bridgeport Indian Colony. I am pleased to be joined by my friend and colleague (Mr. TUNNEY) in sponsoring this legislation. Congressman HAROLD T. JOHNSON of California, whose district includes Mono County, is introducing identical legislation in the House.

The land described in the bill is an unoccupied 20-acre tract of federally owned land adjacent to the town of Bridgeport in Mono County, Calif. It is being set aside for the Bridgeport Indian Colony as a substitute for a tract of land wrongfully taken from them in 1914.

The land on which the Indians are presently living is land they have occupied continuously for a period of time which, at the very least, precedes the coming of the white man. Despite this long and continuous occupancy and despite an explicit regulation promulgated by the General Land Office prohibiting the granting of a land patent for any lands occupied by Indians, a patent was issued under the Desert Land Act in 1914 to a non-Indian. This patent included the tract now occupied by the Bridgeport Indian Colony.

This land is now owned by several non-Indian heirs to the original patentee. The Indians have continued to occupy the site, but early in 1968 one of the owners demanded that they vacate. Legal intervention has kept the eviction proceedings in abeyance since 1968, but it is clear that a permanent solution must be found very soon.

The best solution for all concerned, in my opinion, is to provide the Indians with a new land base. Since their present land base was wrongfully taken from them, it is only fair to provide them with a new one. Furthermore, with a secure trust land base, the Bridgeport Indian Colony will be in a better position to improve their living conditions.

Presently, 12 of the 19 Indian families in the Bridgeport area live in totally substandard housing. Eleven of the families, including all of the families that now reside on the disputed land, have no sanitation facilities and no inside running water. Five of the homes are heated solely by wood-burning stoves, and three have no refrigerator. Only three of the 19 families can claim a member with full-time employment. All the rest are unemployed. A secure trust land base will enable these Indian people to overcome the very severe obstacles of unemployment and chronic poverty and to utilize existing Federal resources to improve their standard of living.

It is my understanding that the Bridgeport townspeople are in full support of this legislative proposal. In addition, the Mono County Board of Supervisors has unanimously approved a resolution in support of the efforts of the Bridgeport Indian Colony to obtain as a homesite the 20-acre tract of federally owned land described in my bill. I am hopeful that Congress will support this attempt to correct just one of many injustices suffered by the Indian people of California.

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## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

### S. 1534

At the request of Mr. HUMPHREY, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1534, a bill to amend title 10, United States Code, to prescribe additional health benefits for certain dependents. When a member of a uniformed service who is on active duty for a period of more than 30 days is released from such duty, and has a wife who is pregnant, she may be provided health benefits for that pregnancy under section 1076 or 1079.

### S. 2728

At the request of Mr. HUMPHREY, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 2728, a bill to establish a Citizens' Committee To Study Congress.

### S. 2956

At the request of Mr. STENNIS, the Senator from North Carolina (Mr. JORDAN) was added as a cosponsor of S. 2956, a bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

### SENATE JOINT RESOLUTION 112

At the request of Mr. BROCK, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of Senate Joint Resolution 112, proposing an amendment to the Constitution of the United States relating to open admissions to public schools.

### SENATE JOINT RESOLUTION 187

At the request of Mr. PACKWOOD, the Senator from Oklahoma (Mr. BELLMON) and the Senator from Arizona (Mr. FANNIN) were added as cosponsors of Senate Joint Resolution 187, providing for a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees.

### SENATE JOINT RESOLUTION 189

At the request of Mr. BROCK, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Kansas (Mr. DOLE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Delaware (Mr. BOGGS), the Senator from Colorado (Mr. ALLOTT), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Georgia (Mr. TALMADGE), the Senator from Georgia (Mr. GAMBRELL), the Senator from Hawaii (Mr. FONG), the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), the Senator from Iowa (Mr. MILLER), the Senator from Vermont (Mr. STAFFORD), the Senator from Minnesota (Mr. MONDALE), the Senator from Nevada (Mr. CANNON), the Senator from North Dakota (Mr. YOUNG), the Senator from Oregon (Mr. PACKWOOD), the Senator from Alaska (Mr. STEVENS), the Senator from Iowa (Mr. HUGHES), and the Senator from Oklahoma (Mr. HARRIS) were added as cosponsors of Senate Joint Resolution 189, to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War, Missing in Action," and to designate Sunday, March 26, 1972, as a national day of prayer for these Americans.

## ADDITIONAL COSPONSORS OF A RESOLUTION

### SENATE RESOLUTION 232

At the request of Mr. CHILES, the Senator from Maine (Mr. MUSKIE), the Senator from Indiana (Mr. HARTKE), and the Senator from Oregon (Mr. PACKWOOD) were added as cosponsors of Senate Resolution 232, expressing the sense of the Senate that the remainder of the amount appropriated for the rural electrification program for fiscal 1972 be immediately released by the Office of Management and Budget.

## SENATE CONCURRENT RESOLUTION 56—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE ABANDONMENT OF RAIL SERVICES

(Referred to the Committee on Commerce.)

### SENATOR HUMPHREY CALLS FOR MORATORIUM ON RAILWAY ABANDONMENTS UNTIL DECEMBER 31, 1972

Mr. HUMPHREY. Mr. President, I am today submitting a concurrent resolution on behalf of myself and my colleague from Minnesota, Senator MONDALE, expressing the sense of the Congress that a moratorium be declared on any further abandonment of rail services or facilities within the rural and nonmetropolitan regions of the United States until at least December 31, 1972, in order to provide time for appropriate investigations to be conducted to determine what might be done to continue such transportation services, where needed.

Mr. President, since 1920 the Interstate Commerce Commission has permitted over 60,000 miles of railway to be abandoned. Almost 14,000 miles of trackage has been abandoned in the last 10 years alone.

Rail transportation for many of our Nation's smaller communities and industries located in rural areas is the only mode of bulk transportation available. Discontinuance of this service to these communities means their certain demise.

If we are serious in our commitment to pursuing a more balanced national growth strategy in this country and in revitalizing our Nation's rural areas and smaller communities as a part of such a strategy, then we must take a closer look at the importance of continued rail transportation to their future growth and development.

This is just another example of how we have ignored, as a Nation, the interrelationships of various happenings and decisions that directly affect our future growth and development as a Nation.

We now have several Federal programs to provide assistance in expanding jobs and industry in rural areas and in our smaller communities. And, many more have been proposed. Yet, in other parts of our Government we not only permit, but encourage abandonment of rail service, which often is vital to the successful operation of the very businesses that we are trying to help with other Federal programs.

Such dicotomies of purpose are to often found within our public and private decisionmaking process and steps should be taken to minimize such conflicts.

Mr. President, abandonment of railway trackage is creating serious economic and social problems for many Minnesota communities. If a moratorium can be declared on these abandonments, ways and means might be found to continue rail service to them. We need time to study these questions including possible subsidies to the railroads themselves in order to continue service where needed.

The concurrent resolution is as follow:

### SENATE CONCURRENT RESOLUTION 56

Expressing the sense of the Congress that a moratorium be declared on any further abandonment of rail services or facilities within the rural and non-metropolitan regions of the United States until such time that appropriate investigations can be conducted to determine what might be done to continue such service where it is determined to be essential to the continued growth and development of communities and industries located within such regions. This moratorium shall not end before December 31, 1972

Whereas, the American people, in the early days of our nation's history, made generous grants of land, including the mineral rights of such land, to American railroad companies in order to stimulate the growth and development of the then unsettled rural parts of our nation; and

Whereas, the pursuit of a more balanced national growth and development pattern in the United States has been declared by the Congress as a matter of the highest priority; and

Whereas, the President and Executive Branch of the Federal Government has indicated concurrence in the pursuit of this goal; and

Whereas, it has been acknowledged by both the Legislative and Executive Branches of Government that revitalization of Rural America and our nation's smaller communities is essential to the successful attainment of this goal; and

Whereas, the continued availability of rail transportation services and facilities within Rural America today are absolutely essential to the continued economic and social viability of those communities and industries located within this part of our nation; and

Whereas, wholesale abandonments of rail service are being permitted within rural areas, which is causing major disruptions in the commerce and movement of goods and services produced and required in such areas; and

Whereas, little is known about the overall impact that these abandonments are having on future growth and development of such areas; Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of the Congress that the Federal Interstate Commerce Commission, in cooperation with the U.S. Department of Transportation and other appropriate departments and agencies of Federal and State governments, declare a moratorium on all further abandonments of rail service or railways until such time as appropriate studies and analysis can be made concerning the adverse impact that such abandonments are having on the areas and communities served by rail transportation. As a part of these studies and analysis, recommendations should be submitted to the Congress, the Executive Branch, and to the Interstate Commerce Commission regarding what actions might be taken to continue such rail service where it is essential to the continued growth and development of the regions and communities largely dependent upon such service.

### RAILROAD LINE ABANDONMENTS MUST STOP

Mr. MONDALE. Mr. President, currently there are several applications for railroad line abandonments pending before the Interstate Commerce Commission. Some of the proposed abandonments will deny rural communities balanced and competitive commercial transportation service. The eventual result will be increased transportation costs to farmers and rural businessmen. Also, there would be sudden and drastic shifts of heavy freight volume to public highways. The trucking industry is indeed a vital part of our transportation complex and it must continue to grow. But a sudden shift away from rail transport could severely overtax maintenance facilities of our highway system and reduce highway safety.

Continuing to force railroads into a position where economics dictate that they reduce service and abandon lines is one of the greatest injustices the Government can deal to rural America. Farmers already face a drastic cost-price squeeze. They certainly should not be burdened with additional problems or added costs in getting their products to the marketplace. As increasingly narrower margins force farmers to tighten up and reduce expenditures, while still others move off their farms, rural businessmen lose sales. Facing that situation, they should not have sudden increases in freight rates visited upon them either.

Mr. President, with the help of the Federal Government, railroads opened up the frontiers of this great Nation. But now, for several years, little has been done to help the railroads remain viable in rural areas. Some railroad beds are several decades old and desperately in need of repair. I am often told that some of them in the State of Minnesota are so bad that trains are only allowed to travel at 20 miles per hour over them and in the spring, when the ground is soft, they must slow down to 7 miles per hour.

This should not be allowed to continue happening when this transportation is so vital to thousands of communities and millions of people.

During recent years, the Senate has considered several proposals to give aid of one type or another to bail out defense industries or for development of aircraft and space vehicles. These projects are always tremendously costly and have very limited down-to-earth value to most citizens. The SST, and more recently, the space shuttle, fit into this category.

As you know, Mr. President, I have strongly opposed these proposals. Why should we spend billions of dollars on a space truck when there are 20 mile-an-hour trains serving some of our most productive farm country? Better rail service is vital right now to millions of people in rural America. Instead of considering the granting of abandonments, we should be studying ways of helping railroads to improve their service to rural America.

The main argument for the SST and now for the Space Shuttle is that these projects will create jobs and boost the economy. Revitalization of the railroads serving America would create jobs too. Additionally, it would directly benefit more people by bringing new life to rural areas. This is of uppermost importance to the national interest. Good rail service, along with better farm prices, is basic to rural development. If the term "rural development" is ever to be more than just words, we need to continually upgrade all transportation services in rural America.

Mr. President, a national moratorium on reductions in rural rail service is needed. Comprehensive investigations are needed to find out what action is needed to stop this trend toward reduction of rail service in rural areas. We need to find methods of continuing and expanding service while treating railroad companies and other transportation industries equitably.

Railroad service is essential to the economy of our Nation. We must take whatever steps are necessary in Congress to make certain that railroads maintain service to rural America. If this means additional subsidies to the railroads, these would be good investments with direct payoffs in the form of revitalization of rural America. Possibly to keep railroad beds in better condition, the Federal Government should nationalize them and maintain them, as is done with public highways.

I am not suggesting any of these as definite answers to the problem, but these and several other possibilities should be studied.

A moratorium on line abandonments is needed until the Senate Subcommittee on Surface Transportation, the Department of Transportation and the Interstate Commerce Commission have thoroughly explored all the alternatives.

## ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

### SENATE CONCURRENT RESOLUTION 55

At the request of Mr. Byrd of West Virginia, for Mr. Hollings, the Senator from Texas (Mr. Bentsen), the Senator from Oklahoma (Mr. Harris), the Senator from Illinois (Mr. Percy), the Senator from Wisconsin (Mr. Nelson), the Senator from Alaska (Mr. Gravel), the Senator from New Jersey (Mr. Williams), and the Senator from Illinois (Mr. Stevenson) were added as cosponsors to Senate Concurrent Resolution 55, expressing the sense of Congress that the President should immeditely recognize Bangladesh as an independent foreign country and recognize the government of that country.

## STRATEGIC STORABLE AGRICULTURAL FOOD COMMODITIES ACT OF 1971—AMENDMENT

### AMENDMENT NO. 853

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

### SENATOR HUMPHREY INTRODUCES A NEW GRAIN RESERVE AND LOAN INCREASE BILL

Mr. HUMPHREY. Mr. President, last week the administration led by Secretary Butz was successful in defeating the House-passed strategic grain reserve bill, H.R. 1163. The administration and Secretary Butz fought against enactment of this legislation from the very day it was first introduced in the House and Senate. And most of their objections and attacks on this legislation were directed against those provisions which gave wheat and feed grain producers an increase in their 1971 and 1972 loan levels. Yet President Nixon former Secretary Hardin and now Secretary Butz all have made repeated statements that they believe prices for these commodities are too low and should be improved. However, if they really wanted to bring this about, they should have, and could have, taken action themselves to increase 1971 and 1972 crop loan levels and reduce plantings this year to levels not to exceed market demands. Secretary Butz has all the statutory authority he requires to make these adjustments but still refuses to employ it.

Last Thursday, USDA released its planting intentions report which indicates that producers are planning to plant more than 70 million acres to feed grains this year. Plantings at this level would produce close to 200 million tons of feed grains this year or about 30 million tons more than we need. Adding this carryover to last year's carryover of 45 million tons, would economically destroy most of our Nation's feed grain producers and eventually create chaos throughout the grain and livestock industries.

Mr. President, I have been exhorting the administration, the Senate Agriculture Committee, and the Senate itself for over 5 months regarding the weaknesses of the administration's set-aside programs; the need to tighten up production controls under these programs; the need for reserve inventory authority and the need to increase the loan levels for these basic commodities. The administration has consistently fought against every proposal that I and others have made in the Congress to achieve these objectives.

The Senate Agriculture Committee voted down the House-passed bill that would have accomplished much of what is needed and tabled my companion proposal to tighten up the 1972 programs.

However, the full Senate has not had an opportunity to vote on these matters. Therefore, I am today introducing for myself, Senator Mondale and others, amendments in the form of a substitute to S. 2729 the strategic grain reserve bill that we introduced during the last session of Congress.

I am reintroducing this bill with the hope that passage of all of its provisions will be unnecessary. If Secretary Butz promptly exercises the authority that he now has to increase 1972 loan levels by at least 25 percent for wheat, feed grains, and cotton, I will withdraw those provisions from the bill. The same applies to those provisions of the new bill which will require him to hold 1972 plantings of feed grains to a production level not to exceed 170 million tons. But if he fails to act soon on these matters, I will leave them in the bill so they can be considered along with the grain reserve features of the bill.

I wrote to Secretary Butz last Thursday following release of the planting intentions report and urged him to exercise his statutory authority to bring about the necessary reductions in plantings. I pointed out that although there was legislation still pending before Congress to require him to take such action, not enough time was available for Congress to act before signup begins.

The new feed grain option announced by Secretary Butz today is another example of administrative actions, "too little and too late," to ease the economic plight of the Nation's feed grain producers.

The January 27 report of the Statistical Reporting Service indicated that farmers, under the 1972 feed grain program, announced in October, planned to reduce their 1972 plantings of corn and grain sorghums by less than half of the amount required to reach the administration's goal of 170 million tons of feed grains produced in 1972.

Under the new option announced today, it is most unlikely that the reduction in 1972 plantings will be sufficient to achieve more than two-thirds to three-fourths of the administration's announced goal.

There is little possibility that farmers will divert an additional 6 million acres of corn and over 2 million additional acres of grain sorghums as a result of the new option. Yet this is what is needed to achieve a 170 million-ton feed grain production goal in 1972.

Feed grain production in 1972 almost surely will be fully adequate to meet next marketing year's needs, providing no opportunity for a price-strengthening reduction in stocks. Only an unfavorable growing season can rescue grain producers under this Nixon-Butz program.

The new option with its higher rate of payment for those who reduce their 1972 plantings of feed grains by 2 acres for each acre increase in set-aside above the basic 25 percent, provides a positive incentive for a reduction in corn and an increase in soybean plantings.

Probably fully two-thirds of the producers, however, will probably take advantage of the other options which permit the planting of feed grains on all cropland not set aside. Two-thirds to three-fourths of the estimated $2 billion in 1972 payments will go to feed grain producers who are not required to reduce their 1972 plantings, as compared to 1971.

I regret to say, the 1972 feed grain program, including this new option, will be the most expensive Government payment program to date, yet will be ineffective in achieving its adjustment goals.

Mr. President, I wish to announce that I intend to call up the bill that I am introducing today in the very near future for consideration by the Senate. Whether I keep those provisions in it pertaining to mandatory increases in 1972 loan increases and reduced feed grain plantings, will depend upon what action, if any, is taken by Secretary Butz and the administration to adopt those provisions administratively.

But, in any event, I intend to ask the Senate to vote on the grain reserve features of this bill. I believe the Senate will endorse the "ever-normal granary" concept embodied in this bill and should be given the opportunity to vote on it.

Mr. President, I request unanimous consent to have my amendment which is in the nature of a substitute to S. 2729 printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 853

Strike out all after the enacting clause and insert the following:

That this Act shall be cited as the "Strategic Storable Agricultural Food Commodities Act of 1972".

SEC. 2. Notwithstanding the provisions of any other law, the Secretary of Agriculture shall establish, maintain, and dispose of a separate reserve of inventories of wheat, and feed grains, as provided in this Act.

Such reserve inventories shall include not more than the following quantities: (1) three hundred million bushels of wheat; and (2) a total of thirty million tons of feed grain.

SEC. 3. (a) The maximum price the Secretary shall pay for any commodity shall be $1.35 per bushel for corn and other feed grains at prices reflecting feed value equivalent to corn; and for wheat $1.55 per bushel.

(b) The minimum price the Secretary shall pay for any commodity shall be 90 per centum of the price specified in section 3(a).

(c) Such maximum and minimum prices and the quantity to be procured during the marketing year and the estimates used in arriving at the same shall be announced during such marketing year on the last Friday of July for wheat, and on the last Friday of October for feed grains: *Provided*, That for the 1972 marketing year such announcements shall be made as soon after the effective date of this Act as is reasonably possible.

(d) The Secretary is authorized to proportion purchases and reserve stocks of the various varieties and grades of each of the above commodities to correspond to usual marketing demands.

SEC. 4. (a) Except when a state of emergency has been proclaimed by the President or by concurrent resolution of Congress declaring that such reserves should not be sold the Secretary shall offer each commodity in the reserve for sale at a price of 105 per centum of the price as provided in section 3(a): *Provided*, That such sales shall in no event be less than the market price for the commodity at the time of sale: *Provided further*, That the sales during any marketing year shall be limited to the net quantities by which estimated domestic consumption and exports exceed estimated domestic production and imports.

(b) The Secretary is also hereby authorized to dispose of commodities in such reserve as follows:

(1) For use in relieving distress (a) in any area of the United States, including the Virgin Islands, Guam, and the Commonwealth of Puerto Rico, declared by the President to be an acute distress area because of unemployment or other economic cause if the President finds that such use will not displace or interfere with normal marketing of agricultural commodities and (b) in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-first Congress, as amended (42 U.S.C. 1855 et seq.).

(2) For use in connection with a state of civil defense emergency as proclaimed by the President or by concurrent resolution of the Congress in accordance with the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. Appl. 2251–2297), or for use in a major disaster as defined in section 102 of the Disaster Relief Act of 1970 (Public Law 91–606).

(3) For sale in assistance in the preservation and maintenance of foundation herds of cattle (including producing dairy cattle), sheep, and goats and their offspring, under section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and to provide feed for livestock in any emergency area under the Act of September 21, 1959, as amended (7 U.S.C. 1427, note).

(4) For use to meet famine or other urgent or extraordinary relief requirements outside the United States as determined by the President.

(c) The Secretary may buy and sell at an equivalent price allowing for the customary location and grade price differentials, substantially equivalent quantities in different locations or warehouses to the extent needed to properly handle, rotate, distribute, and locate such reserve. Such purchases to offset sales shall be made within two market days.

(d) The Secretary may accept warehouse receipts in lieu of taking physical possession of the grain, but in such cases the obligor under the warehouse receipt shall be required at all times to have the grade stated on the warehouse receipt or a better grade available for delivery.

(e) The Secretary shall make a daily list available showing the price, location, and quantity of the transactions entered into hereunder.

SEC. 5. The Secretary shall use the Commodity Credit Corporation to the extent feasible to fulfill the purposes of this Act, and to the maximum extent practicable consistent with the fulfillment of the purposes of this Act and the effective and efficient administration of this Act shall utilize the usual and customary channels, facilities, and arrangements of trade and commerce. The Secretary is authorized to store grain purchased under this section in producer-owned and commercial storage facilities.

SEC. 6. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 7. The purchase authority under sections 2 and 3 of this Act with respect to each of the commodities specified shall expire at the end of the marketing year for the 1975 crop of such commodity.

SEC. 8. (a) Section 107(a) of the Agricultural Act of 1949, as amended, is further amended by striking the period at the end, inserting a colon, and adding: "*Provided further*, That notwithstanding any other provision of this Act, the Secretary shall increase the loan level heretofore announced for wheat of the 1972 crop pursuant to this section, as amended by the Agricultural Act of 1970, by 25 per centum."

(b) Section 105 of the Agricultural Act of 1949, as amended, is further amended by substituting a colon for the period at the end of the sentence in (a)(1) and adding: "*Provided*, That notwithstanding any other provision of this Act, the Secretary shall increase the loan levels heretofore announced for feed grains of the 1972 crop pursuant to this section, as amended by the Agricultural Act of 1970, by 25 per centum."

(c) Section 103(e)(1) of the Agricultural Act of 1949, as amended, is further amended by adding at the end thereof the following: "Notwithstanding any other provision of this Act, the Secretary shall increase the loan level heretofore announced for cotton of the 1972 crop pursuant to this section by 25 per centum."

SEC. 9. The Secretary of Agriculture shall take such additional action under section 105 (c) of the Agricultural Act of 1949 and other law as may be necessary to limit the total production of feed grains in the United States in 1972 to not more than 170 million tons.

Amend the title so as to read: "A bill to authorize the establishment and maintenance of reserve supplies of corn, grain sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; and for other purposes."

Mr. HUMPHREY. Mr. President, I now urge other Members of the Senate to join in the cosponsorship of this legislation which is so vital not only to our Nation's grain and cotton producers, but to all of us as consumers.

The farmers who produce these commodities are entitled to a fair market price for their production. The Federal Government which provides programs and funds to help stabilize agricultural production and market prices, must insist that adequate supplies of these commodities are available at reasonable prices. And, it also must insist that tax dollars spent on these programs are spent prudently.

However, since last summer, what has been happening is that grain producers have suffered plummeting prices for their crops in the marketplace. Huge carryovers of wheat and feed grains have been created with danger of further stocks being added to our carryover supplies again this year. And we also are witnessing sharp increases in Government costs to finance program approaches that offer only minimal hope of bringing production in line with market demands. Such mismanagement of our Nation's farm policy and programs by the Nixon-Butz administration is bankrupting many of our agricultural producers and destroying our Nation's family farm system.

However, much of the risk-taking which is a part of managing these programs can be minimized. Playing Russian roulette with our Nation's grain supply should no longer be permitted. Miscalculations with respect to reaching certain production levels can and usually does prove disastrous either to consumers or to farmers depending upon whether too little or too much is produced. However, armed with an effective reserve inventory authority, the Government can protect the interest of both farmers and consumers from such miscalculations or production variations caused by weather conditions. When production goals are exceeded, excess supplies can be removed from the market to prevent them from depressing prices to farmers and when production falls short of goals, additional supplies needed to meet market demand can be drawn from reserves.

Now that is a fairly simple and yet basic concept which, in my judgment, is essential that we adopt if we are to avoid a continuation of the boom and bust cycles we have been experiencing these many years. Farming has become a very expensive business operation. Planning and market price stability are important determinants regarding the success or failure of a producer. I believe a grain reserve program as contained in the bill I have just introduced will provide that needed stability and planning environment.

A feature I have added to the bill introduced today, which was not included in the earlier bills I introduced, is a provision requiring an increase of 25 percent in the loan rate for cotton this year. Currently, cotton prices are very good. They are not only well above the current loan level, but are above the new loan level that would be established if the 25-percent increase I am proposing were adopted by the Department or enacted into law by Congress. That is to say that the 25-percent increase I am proposing would not affect current prices. However, if cotton producers plant the 7-percent in increased acreage this year that was reflected in last week's planting intentions report, the price of cotton will likely drift downward next year and cotton producers will need the higher loan levels. I have discussed this proposal with many cotton producers from the various cotton belts and all of them voiced immediate and strong support on behalf of it. And, Mr. President, I think it only fair that if a 25-percent increase is provided to our grain producers, the same should be provided to our cotton producers.

Mr. President, I earnestly hope and again urge Secretary Butz to exercise the authority he now has to increase these loan rates and to further tighten up the 1972 programs for feed grains. I also urge my fellow Senators to join in the cosponsorship of the bill just introduced. Maybe if enough Senators were to add their names as cosponsors, Secretary Butz and the administration might be encouraged to move a little sooner than otherwise might be the case.

## FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, 1972—AMENDMENTS

### AMENDMENT NO. 854

(Ordered to be printed.)

Mr. GURNEY (for himself, Mr. Chiles, Mr. Brooke, Mr. Ribicoff, Mr. Buckley, Mr. Cranston, Mr. Tunney, and Mr. Javits) proposed an amendment to the bill (H.R. 12067) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

### AMENDMENT NO. 855

(Ordered to be printed and to lie on the table.)

Mr. CHILES (for himself and Mr. Gurney) submitted an amendment, intended to be proposed by them, jointly, to House bill 12067, supra.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENT

### AMENDMENT NO. 856

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK submitted an amendment intended to be proposed by him to the bill (S. 2515) to further promote equal employment opportunities for American workers.

### AMENDMENT NO. 857

(Ordered to be printed and to lie on the table.)

Mr. SPONG. Mr. President, I submit an amendment to the pending bill for printing.

Mr. President, this amendment to S. 2515 is quite simple. I can explain it in a few words.

The amendment would broaden the exemption given to religious organizations to hire individuals of a particular religion for work connected with all of its activities rather than only its religious activities as the bill now has it. This would permit religious organizations, for instance, to hire only individuals of their own faith to teach in a church-supported school.

This exemption would extend to employment in other activities as well.

Mr. President, there are many activities of church organizations which, while not religious in nature, have religious sensitivity and I do not think the Congress ought to arbitrarily restrict such groups in the conduct of their affairs. I believe it is dangerous ground for us to be treading on anyway and I see no harm whatever in granting exemptions to such organizations provided that only a religious criterion is involved.

## NOTICE OF HEARINGS ON AMPHETAMINES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from Indiana (Mr. Bayh) announcing hearings to be conducted by the Subcommittee to Investigate Delinquency.

There being no objection, the statement by Senator Bayh was ordered to be printed in the Record, as follows:

**Mr. Bayh.** Mr. President, as Chairman of the Subcommittee to Investigate Juvenile Delinquency, I wish to announce investigative hearings on the efficacy of amphetamines for the short-term treatment of obesity and the related issue of production quotas.

The Department of Justice has established production quotas for amphetamines and methamphetamines. However, in view of the high potential for abuse, the actual extent of abuse, and the questionable efficacy of these dangerous substances for the short-term treatment of obesity, I think it appropriate that this matter be aired publicly.

These hearings will be held February 7, 1972, in Room 2228, New Senate Office Biulding.

Witnesses scheduled to appear include Dr. Charles C. Edwards, Commissioner, Food and Drug Administration; Dr. Edward A. Wolfson, Associate Professor and Vice Chairman, Department of Preventive Medicine and Community Health, New Jersey College of Medicine and Dentistry, appearing on behalf of the American Public Health Association; Arthur Goldstein, Chairman, Huntington Narcotics Guidance Council, Huntington, Long Island, New York; and Bruce J. Brennan, Vice-President and General Counsel, Pharmaceutical Manufacturers Association.

Those who wish to file statements for inclusion in the record of the hearings should contact the Subcommittee staff as soon as possible.

## RESCHEDULING OF HEARINGS ON THE EGG INDUSTRY ADJUSTMENT ACT

Mr. JORDAN of North Carolina. Mr. President, I wish to announce a rescheduling of hearings on S. 2895, the Egg Industry Adjustment Act. The Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture and Forestry will hold hearings on this legislation February 15 and the morning of February 17, instead of March 7, 8, and 9 as originally announced. The hearings will be in room 324, Old Senate Office Building, beginning at 10 a.m. Anyone wishing to testify should contact the clerk of the committee as soon as possible.

## NOTICE OF HEARINGS ON BUDGET ESTIMATES FOR THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. BIBLE. Mr. President, I want to announce that hearings on the budget estimates included in the Department of the Interior and related agencies appropriation bill will be held by the subcommittee of the Committee on Appropriations charged with the responsibility for that bill beginning Wednesday, February 23. Secretary Morton will be the first witness.

The hearings will begin at 10 o'clock in the morning and at 2 o'clock in the afternoon, and will be held in room 1114, New Senate Office Building. They are scheduled at least through March 15 for departmental witnesses.

I have set aside Thursday, March 16, to hear Members of Congress, and I will appreciate it if they will advise me or the clerk of the subcommittee as soon as possible if they desire to appear.

The subcommittee will hear from outside witnesses at a later date which will be coordinated with their appearances before the House Committee on Appropriations so as to save them the necessity for a second trip to Washington. It appears now that these hearings will be on April 11 and 12.

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## CHANGE OF TIME OF HEARING

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished Senator from Washington (Mr. JACKSON) I wish to state that the hearing by the Committee on Interior and Insular Affairs and ex officio members pursuant to Senate Resolution 45 on "New Technologies for the Generation of Clean Electricity from Coal," previously scheduled for 10 a.m. on February 8, 1972, will be changed to 9:30 a.m. the same day. The room, 4200 New Senate Office Building, remains the same.

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## NOTICE OF HEARING ON THE TECHNOLOGY ASSESSMENT ACT OF 1972

Mr. JORDAN of North Carolina. Mr. President, I wish to announce that the Subcommittee on Computer Services of the Committee on Rules and Administration has scheduled a public hearing for Thursday, March 2, 1972, at 10 a.m., in room 305, Old Senate Office Building, on S. 2302, a bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts on technological application. The bill to be cited as the "Technology Assessment Act of 1972".

Any Members or other persons desiring to testify should contact the Subcommittee on Computer Services.

This bill, which I introduced on July 19, 1971, is intended to strengthen and expand the information and analytical capabilities of Congress by creating an Office of Technology Assessment in the legislative branch.

The purpose of the bill is well stated in its "Declaration of Purpose" which is worthwhile quoting in full:

### DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares that: (a) Emergent national problems, physical, biological, and social, are of such a nature and are developing at such an unprecedented rate as to constitute a major threat to the security and general welfare of the United States. (b) Such problems are largely the result of and are applied to—(1) the increasing pressures of population; (2) the rapid consumption of natural resources; and (3) the deterioration of the human environment, natural and social, though not necessarily limited to or by these factors. (c) The growth in scale and extent of technological application is a crucial element in such problems and either is or can be a pivotal influence with respect both to their cause and to their solution. (d) The present mechanisms of the Congress do not provide the legislative branch with adequate independent and timely information concerning the potential application or impact of such technology, particularly in those instances where the Federal Government may be called upon to consider support, management, or regulation of technological applications. (e) It is therefore, imperative that the Congress equip itself with new and effective means for securing competent, unbiased information concerning the effects, physical, economic, social, and political, of the applications of technology, and that such information be utilized whenever appropriate as one element in the legislative assessment of matters pending before the Congress.

The basic responsibilities and duties of the Office shall be to provide an early warning of the probable impacts, positive and negative, of the applications of technology and to develop other coordinate information which may assist the Congress in determining the relative priorities of programs before it.

The Act categorizes technology assessment into eight steps: (1) identify existing or probable impacts of technology or technological programs; (2) where possible establish cause-and-effect relationship; (3) determine alternative technological methods of implementing specific programs; (4) determine alternative programs for achieving requisite goals; (5) make estimates and comparisons of the impacts of alternative methods and programs; (6) present findings of completed analyses to the appropriate legislative authorities; (7) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates; and (8) undertake such additional associated tasks as appropriate.

### ORGANIZATION

The Office shall consist of a Technology Assessment Board which shall formulate and promulgate the policies of the Office, and a Director who shall carry out such policies and administer the operations of the Office.

### TECHNOLOGY ASSESSMENT BOARD

The Board shall consist of eleven members as follows: (1) two Members of the Senate who shall not be members of the same political party, to be appointed by the President pro tempore of the Senate; (2) two Members of the House of Representatives who shall not be members of the same political party, to be appointed by the Speaker of the House of Representatives; (3) the Comptroller General of the United States: (4) the Director of the Congressional Research Service of the Library of Congress; (5) four members from the public, appointed by the President, by and with the advice and consent of the Senate, who shall be persons eminent in one or more fields of science or engineering or experienced in the administration of technological activities, or who may be judged qualified on the basis of contributions made to educational or public activities; and the Director.

The Board, by majority vote, shall elect from among its public members, a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Board may prescribe, but for a period of not to exceed four years. The term of office of the public members shall be four years with a maximum of eight years service. They shall be appointed to staggered terms.

The Board shall meet upon the call of the Chairman or upon the petition of five or more of its members, but it shall meet not less than twice each year.

### DIRECTOR AND DEPUTY DIRECTOR

The Director of the Office of Technology Assessment shall be appointed by the Board and shall serve for a term of six years unless sooner removed by the Board. He shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code.

The Director may appoint, with the approval of the Board, a Deputy Director who shall perform such functions as the Director may prescribe and who shall be Acting Director during the absence or incapacity of the Director or in the event of a vacancy in the office of Director. The Deputy Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

### INITIATION OF ACTIVITIES

Activities undertaken by the Office may be initiated by committees of Congress, or the Board of Directors of the Office.

### AUTHORITY OF THE OFFICE

The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited to, the authority to—(1) prescribe such rules and regulations as it deems necessary governing the manner of its operation and its organization and personnel; (2) make such expenditures as may be necessary for administering the provisions of this Act; (3) enter into contracts or other arrangements as may be necessary for the conduct of its work with any agency or instrumentality of the United States, with any foreign country or international agency, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement.

The Director shall, in accordance with such policies as the Board shall prescribe, appoint and fix the compensations of such personnel as may be necessary to carry out the provisions of this Act. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions governing appointments in the competitive service, including classification and General Schedule pay rates; except that the Director may, in accordance with such policies as the Board shall prescribe, employ such technical and professional personnel and fix their compensation without regard to such provisions as he may deem necessary for the discharge of the responsibilities of the Office under this Act.

The Office shall not, itself, operate any laboratories, pilot plants, or test facilities in the pursuit of its mission.

The Office shall hold such hearings, take such testimony, and sit and act at such times and places as the Office deems advisable. For this purpose the Office is authorized to require the attendance of such persons and the production of such books, records, documents, or data, by subpena or otherwise, and to take such testimony and records, as it deems necessary. Subpenas may be issued by the Director or by any person designated by him. If compliance with such a subpena by the person to whom it is issued or upon whom it is served would (in such person's judgment) require the disclosure of trade secrets or other commercial, financial, or proprietary information which is privileged or confidential, or constitute a clearly unwarranted invasion of privacy, such person may petition the United States district court for the district in which he resides or has his principal place of business, or in which the books, records, documents, or data involved are situated, and such court (after inspecting such books, records, documents, or data in camera) may excise and release from the subpena any portion thereof which it determines would require such disclosure or constitute such invasion. Where the subpena or such portion thereof would require such disclosure or constitute such invasion but the books, records, documents, or data involved are shown to be germane to the matters under consideration and necessary for the effective conduct by the Office of its proceedings or deliberations with respect thereto, the court may require that such books, records, documents, or data be produced or made available to the Office in accordance with the subpena but subject to such conditions and limitations of access as will prevent their public disclosure and protect their confidentiality.

Each department, agency, or instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Office, upon request by the Director, such information as the Office deems necessary to carry out its functions under this Act.

### UTILIZATION OF EXISTING AGENCIES

In addition to the Office's general authority to request the services of any executive agency, the Act indicates specific relationships with GAO, the CRS, and the NSF. The GAO shall provide the Office with general housekeeping services including some administrative and clerical support, personnel and financial recordkeeping assistance. The CRS will provide informational, monitoring and staff assistance to the Office as required. Reimbursement of these services will be made on the basis of negotiations between the Chairman of the Board and the Librarian of Congress.

The Office shall maintain a continuing liaison with the National Science Foundation with respect to: (1) grants and contracts formulated or activated by the Foundation which are for purposes of technology assessment, and (2) the promotion of coordination in areas of technology assessment, and the avoidance of unnecessary duplication or overlapping of research activities in the development of technology assessment techniques and programs.

In addition, the Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation, national security, and the effects of scientific applications upon society by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such activities.

The National Science Foundation Act of 1950 would be amended to allow NSF to finance such activities, whenever feasible from funds transferred to the Foundation by the Office and any such activities shall be unclassified and shall be identified by the Foundation as being undertaken at the request of the Office.

### ANNUAL REPORT

The Office shall submit to the Congress and to the President an annual report which shall, among other things, evaluate the existing state of the art with regard to technology assessment techniques and forecast, insofar as may be feasible, technological areas requiring future attention. The report shall be submitted not later than March 15 each year.

### APPROPRIATIONS

To enable the Office to carry out its powers and duties, the bill would authorize the appropriation to the Office an amount not to exceed $5,000,000 for its first year of operation, and thereafter such sums as may be necessary.

## ADDITIONAL STATEMENTS

## PRIVATE PRACTICING GERIATRICIAN LOOKS AT NURSING HOMES

Mr. MOSS. Mr. President, Dr. Victor Kassel—a nationally known geriatrician from my hometown, Salt Lake City—recently addressed a conference on "The Nursing Home: Critical Issues in a National Policy," sponsored by the American Association of Retired Persons, National Association of Retired Persons. and the Duke University Center for the Study of Aging and Human Development.

Dr. Kassel addressed himself to a vital question: Why physicians avoid the nursing home. We have documented the physician's absence in many of our hearings, including our investigation of the Baltimore salmonella epidemic. In that hearing we learned that doctors generally do not view the bodies of patients who have died in nursing homes. Our hearings are replete with the statement that in nursing homes the telephone is a more important medical instrument than the stethoscope and that untrained aides, in the doctor's absence, are dispensing drugs on their own initiative.

Mr. President, the importance of this problem is obvious; therefore, I want to share with my colleagues a doctor's view of why doctors avoid the nursing home. I ask unanimous consent that Dr. Kassel's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

### THE PRIVATE PRACTICING GERIATRICIAN LOOKS AT NURSING HOMES

(Address by Victor Kassel, M.D.)

More correctly stated, "A Private Practicing Geriatrician . . ." I could serve this conference best by making a personal presentation, using the pronoun "I;" and presenting the facts as seen by an *avis rara*, a physician who for over twenty years has limited his private practice to persons sixty years of age and over. Within this context, I will answer the question: "Why don't doctors follow their patients in nursing homes?"

My work with nursing homes began after the activation of the Geriatric Unit in the new Salt Lake Veterans Administration Hospital in 1952. We had developed an ambitious and active treatment program which was highly successful. Very quickly it became apparent that continued hospitalization was not necessary for many of our patients. But we had no place to send the patients after hospital discharge except to nursing homes. In the early fifties, most of the care available in the Salt Lake Area nursing homes was poor. With help of my social worker, we started with five nursing homes and in conjunction with them, we developed an excellent posthospital discharge program. Through the years, the number of cooperative nursing homes increased.

Besides the VA-Nursing Home Program, I have had a variety of patients in most of the nursing homes in the Salt Lake Area. Although my experience with nursing home care is limited to the State of Utah, I have visited a variety of nursing homes throughout the country, and I have spoken before these various groups and have discussed with them their common problems. I find the nursing homes in the State of Utah typical of those throughout the United States. There do exist certain superior homes in the country; none can be found in Utah.

I am highly critical of the various groups involved with the care of the Geriatric patient in nursing homes. Most homes perform on a mediocre level with too many of them seriously inadequate. This becomes obvious when families are questioned about their expectations of good care. Simply, they do not know; they do not know quality care. They accept mediocrity as the norm. In addition, too many physicians vaguely understand the needs of the older patient, and therefore the physicians too have a low expectation of the response of older people to treatment. To this group, I must include many nursing home operators. They too are ignorant of good quality care. Too many of them are convinced that older people upon admission to a nursing home are admitted for terminal care. Even the state bureaus have accumulated ignorant and untrained personnel who do not know what to demand of the nursing home operator in order to have a superior treatment program. Too many people influencing the care of the older person in nursing homes expect very little. In my own training and experience, older people, as in any age group, respond as expected. Low expectation, low response; high expectation, high response!

Care of the Geriatric patient requires periodic but regular visits by the doctor. For years, my patients in nursing homes were seen regularly on regularly scheduled nursing home rounds. During the past year, I realized that I had stopped visiting these patients. Although, I continued to see patients at home, I had abandoned my nursing home practice. What happened?

A few weeks ago when I gave the opening address before the annual meeting of the Utah State Nursing Home Association, I was asked the question: "Why don't doctors see their patients in nursing homes?" My reply was: "The doctors don't go to nursing homes because there are too damn many idiots working there!" In rebuttal, a nursing home operator insisted: "But they're dedicated!" Summed up precisely as: *Dedicated idiots*. Does it make it alright when the worker is incompetent, if the attitude is the right one?

My remark was unkind, but necessary. Too many of the personnel working in nursing homes know nothing about the nursing care of the aged. They know nothing about the aged. Too many incompetent workers are tolerated on the job. In my personal experience, I came to recognize the above when repeatedly I would encounter abysmal stupidity in the nursing homes. They wore me down. The situation became too frustrating. Dealing with nursing home personnel became impossible. The only escape was abandonment.

In August of this year, I was called by an R.N. in a Medicare-approved facility and she told me that one of my patients kept running off. Could she have an order for a straight-jacket. In the twentieth century, a nurse wants to put a patient in a straight-jacket.

In another home, a patient was suffering the toxic effects of overdigitalization. The nurse reacted in an astonished manner when she was told to discontinue the digoxin with: "But it's such a small pill."

There have been too many times that I have visited a nursing home and encountered nurses who could not locate the patient, who were unable to find the chart, who knew nothing about the recent problem presented by the patient.

There are still nurses who feel the brow of the patient in order to determine if there is a fever. Further, there are nurses who take axillary temperatures.

There are too many more examples; all which indicate one thing; untrained people working in nursing homes. Many administrators make a token attempt at training. In my experience, when classes are available, the administrators come; the nursing personnel are left at the home. In the Salt Lake Area, opportunity for classes repeatedly has been offered, and in most instances there are no takers. In-service training must be a continuous process in all nursing homes. Today, ignorance is acceptable.

This accumulated ignorance at work in the nursing home disheartens the physician. He feels no anxiety when hospitalizing his patient, because he has come to expect a high level of care and of responsibility. He is not that comfortable when admitting his patient to a nursing home. His responsibility continues, and he is frustrated.

The Committee on Aging of the American Medical Association has neglected to accept these abandoned patients as a challenge. The Committee still mouths platitudes. See their recent statement in the October 18th American Medical News. Still socially archaic, fighting the bugaboo: compulsory retirement. The fact that in our economy of abundance with advanced technology and cybernetics there are not enough jobs to go around seems to have escaped my colleagues. They piddle while patients burn.

The Committee's great opportunity to effect a solution to this problem could consist of a campaign of peer pressure. There is no other organization in this country which has their status and is able to induce the doctors to follow their patients in nursing homes. The American Medical Association is the only one with this power. Alas, they never have become involved. Which forces me to question the depth of concern existing among the Committee members, particularly when I recall the reaction of a member of the Committee when he learned that I specialized in the care of the Aged. "You're joking. You don't really do that for a living." He seemed surprised to learn that there are people who have committed their lives to the care of the Aged.

In the history of the Committee on Aging of the American Medical Association, there has never been a concentrated effort to help the nursing homes solve this major problem. In reality, the Committee has abandoned the nursing home, as the doctor has abandoned the patient.

The lack of involvement of the American Medical Association is a macroreaction of the microreaction: The practicing physician's lack of interest in the care of the Aged. There is a joke making the rounds in Salt Lake City which states that all the doctors in the community have the responsibility of keeping Victor Kassel alive. His patients cannot be freed to wander into the offices of other physicians.

These same physicians have not learned of the satisfactions from helping older people. The physician is depressed by their chronological age. He is overwhelmed by the number of chronic degenerative diseases which impair them. He is discouraged by the interfering social problems. Older people require so much more time. Too many practicing physicians cannot give them that time. I remember one general practitioner telling me that he saw between forty and sixty patients a day. In my practice, an initial visit is scheduled for two hours in order to accomplish a complete history and a thorough physical examination.

The Geriatrician is a physician who recognizes that he cares for an *individual* who incidentally is impaired by a variety of medical-surgical, psychiatric-psychological, and social problems. The Internist is discouraged because he prefers to take care of a sick heart or a sick liver. The Psychiatrist persists with the Freudian concept that people over the age of forty do not respond to psychiatric treatment. The General Practitioner prefers his superficial quick ways.

It is required that the practicing physician police the care level in the nursing home. But police it only after he has invested enough time to learn Geriatric medicine. Then he should demand that the nursing home organizations police themselves. The nursing homes want to raise themselves to the level of a profession. With this advance comes responsibility. Too many good nursing homes tolerate pest houses. They elect these inferior administrators to office. They close their eyes when adverse disclosures are made. They prefer not to rock the boat. Throw the rascals out! In this way the prestige of the nursing home will rise. Certainly help from Madison Avenue would not hurt with a Marcus Welby-type television show: Nellie of the Nursing Home.

The final lack of cooperation comes from the Medical Schools. Senator Frank E. Moss surveyed a number of the Medical Schools in order to determine whether Geriatric studies was part of their curriculum. He found none. The physician interested in Geriatrics has to learn it on the side. No classes are given. Instead, from the Medical Schools came superspecialists in overabundance who are not only not interested in giving good Geriatric care, but shamefully do not know how to give the simplest care and advice. In addition, they train doctors not for practice but for research. In some instances, I have become aware of Medical School personnel actually discouraging young medical students from the field of Geriatrics.

From my own experience, I must conclude that physicians neglect their patients in nursing homes because they are frustrated by the depth of ignorance encountered in nursing homes. The nursing home administrator is obligated to eliminate this incompetency which is pervasive throughout the industry. The American Medical Association has the obligation to influence its members to carry on the necessary care of the patient in the nursing home. The private practicing physician must come to learn of the many satisfactions derived from the care of the Aged. The Medical Schools must teach Geriatrics as part of the routine curriculum. Finally, there must be a massive educational program to teach the people of this land about the older person. Older people are not disabled by age; they are disabled by disease; disease is treatable.

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## JAYCEE LAURELS TO HERBERT STERN

Mr. CASE. Mr. President, in early January the U.S. Jaycees announced its choice of the 10 Outstanding Young Men for 1971. I am happy to report that among them was New Jersey's U.S. attorney, the Honorable Herbert J. Stern.

Mr. Stern first came to prominence in New Jersey when, as a member of the Organized Crime and Racketeering Section of the Department of Justice, he tried the Colonial Pipeline case. Subsequently he was designated first assistant to U.S. Attorney Frederick B. Lacey. When Mr. Lacey became judge of the U.S. Court for the District of New Jersey, Mr. Stern took over.

Having recommended both men, I am glad to report that under their leadership the U.S. attorney's office has been reinvigorated. An expanded staff has been working hard and effectively to root out corruption, to curb pollution and carry out the other manifold responsibilities of the office.

I ask unanimous consent to insert in the Record an article from the Sunday Star-Ledger of Newark, N.J. reporting the Jaycees award to Mr. Stern.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Jaycee Laurels: Group Chooses Stern for National Honor

(By Charles Q. Finley)

U.S. Attorney for New Jersey Herbert J. Stern has been named one of America's 10 Outstanding Young Men for 1971 by the United States Jaycees.

Stern, 35, who has established a formidable record in the successful prosecution of corrupt public officials and organized crime figures in the state, will receive the coveted award next Saturday at Clowes Memorial Hall Theater for the Arts on the Butler University Campus in Indianapolis.

Earlier award winners include such notables as President Nixon, Howard Hughes, Henry Ford 2d, Gov. Nelson Rockefeller and Joe Louis.

The awards will be made as a part of a two-day U.S. Jaycees Convention starting Friday at the Indianapolis Hilton. On Saturday morning at a leadership breakfast Henry Kearns, president and chairman of the Export-Import Bank of the United States, will address the group.

The breakfast will be followed by a two-hour forum during which Jaycee members will ask questions of the award winners.

U.S. Senator and former Vice President Hubert H. Humphrey will address the delegates at the keynote luncheon in the Hilton ballroom. A gala President's Banquet and Ball is scheduled for Friday night at the hotel.

The criteria established as the basis for selecting the most qualified recipients included: Personal improvement, financial success and economic innovation, social improvement to major contemporary problems, philanthropic contribution or voluntary service, political or government service, scientific or technological contributions, legal reform, cultural achievement, academic leadership, athletic accomplishment, moral and religious leadership and success in the influence of public opinion.

In response to his selection, Stern said that the award represents the "recognition of all the work that is being done by the men and women in the U.S. Attorney's offices throughout the country."

Stern said he was "highly honored and deeply grateful," since the Jaycess represent nearly 350,000 young men in America trying to improve conditions for everyone.

A federal attorney for the past six years, Stern was a 1958 honor graduate of Hobart College. He studied law at the University of Chicago Law School with the aid of a Ford Foundation scholarship, graduating in 1961.

He served as an assistant district attorney for New York County. Among significant cases there he conducted the grand jury investigation into the murder of Malcolm X which resulted in three convictions for first degree murder.

In 1965 he joined the Organized Crime and Racketeering Section of the U.S. Department of Justice and was sent to New Jersey to empanel a grand jury for an investigation of the Colonial Pipeline Project. The probe resulted in several indictments which Stern prosecuted and won.

In 1969 he was appointed chief assistant U.S. attorney for New Jersey. In January of the following year he successfully prosecuted the case of U.S. vs. Angelo (Gyp) DeCarlo, convicting one of the most powerful and influential reputed organized crime leaders in the state.

In July, 1970, Stern prosecuted the case of U.S. vs. Addonizio, in which former Newark Mayor Hugh J. Addonizio, other city officials and several members of organized crime were convicted. A landmark case, it was the first time the government was able to prove that high ranking officials of a major city had conspired to commit extortion in collaboration with organized racketeers.

In February of last year he was appointed U.S. attorney for New Jersey. Last July he won a conviction against Mayor Thomas Whelan of Jersey City, the president of the city council and the city's business administrator and purchasing agent, together with the treasurer and police chief of Hudson County and a commissioner of the Port of New York Authority, for conspiracy and extortion.

Under Stern's administration, the New Jersey District has grown from a staff of 18 assistant U.S. attorneys to 51, making it the fifth largest district in the country.

In 1968 he received the Department of Justice Sustained Superior Performance Award and this year was named one of New Jersey's Five Outstanding Young Men.

The other winners of the U.S. Jaycees award are Gary Hill, 32, president of a Lincoln, Neb., metals firm; Larry Byron Kirk, 32, Aurora, Colo., business manager; Leonard Everett Lyles, 35, tobacco company executive and retired football professional once known as the "fastest man in football"; Dr. Charles E. Perry, 34, Florida educator, and William Mervin Mills, 33, assistant to the commissioner of the Bureau of Indian Affairs.

Also, Frederick Hampton Roy Sr., 34, Arkansas eye surgeon; Dr. Barry David Simmons. 34, Georgia dentist and Robert Hampton Steele, 33, of Connecticut, youngest member of the 91st Congress.

## CARL HAYDEN

Mr. PASTORE. Mr. President, the Senate of the United States—and all America—mourns the death of our former colleague—the beloved Carl Hayden.

A son of Arizona and son of an Arizona pioneer, Carl Hayden was not only the symbol of the Grand Canyon State but—in his half century in the Congress—earned the title of "Mr. America."

Sterling in character, wise in counsel, endearing in friendship it was a privilege to have shared some of his years in this Senate body of his utter devotion.

And now Carl Hayden has passed from life's stage—and the soil of his beloved State receives him into its bosom—restfully—rightfully—forever his home.

Four years have passed—yet it seems only yesterday we spoke our regrets and voiced our feelings on this Senate floor as this grand man of Arizona chose to close his—I shall call it—his reign "on the Hill."

He was truly a prince whose power was not so much in his place as in his person—not alone in his seniority but in his sense of sharing—with no personal ambition but always linked to the wellbeing of America through all the decades of the 20th century in which he deserved and enjoyed the confidence of 10 Presidents.

In the pages of the Record I have been reviewing my thoughts of Carl Hayden spoken that May day of 1968 in this Senate—and I have thrilled anew to the many speeches of his colleagues—their tributes of regret, respect, and reverence.

The passing of time has only sweetened the sentiments expressed for an extraordinary man whose life mirrored the story of America—its expansion from pioneer days to the position of world power that events of history fastened upon America—a responsibility that Carl Hayden helped his country to accept and discharge.

New England always liked to claim kinship through the Connecticut birth of Senator Hayden's father, Charles Trumbull Hayden, later teacher and trader along the Santa Fe Trail—then giving his heart, home, and name to Hayden's Ferry near Phoenix, Ariz.—and there, at Tempe, Ariz., Carl Hayden was born 94 years ago.

Though Carl Hayden belongs to all America and to imperishable history, each of us will cherish our closer, personal relations with this grand man—to know his wisdom and his worth in such arduous tasks as those of the Appropriations Committee—to know the resources of his mind and to experience the wholesomeness of his heart.

Carl Hayden was an ideal and an idol. His influence will endure as we seek to emulate him—just as it will endure in the structure of his Government which owes too much to the vision and decision of this great American.

## FREEDOM RALLY

Mr. DOMINICK. Mr. President, on January 23, before thousands of free Chinese on Taiwan and again the following day before their leaders in a separate meeting, our distinguished colleague, Senator James Buckley, delivered a Freedom Day speech reflecting the views and ideals of what I believe to be the majority of the American people toward the people of the Republic of China. The speech contains a number of highly significant points which accurately represent the opinions of many of us concerning the dramatic progress of the people of the Republic of China over the past quarter century and the hope which they represent for their brothers on the mainland and the oppressed people throughout that part of the world.

I commend this Freedom Day speech to my colleagues and I ask unanimous consent that it be printed in the Record.

Having also served in the China theater in World War II and having visited the Far East in a number of occasions in the past decade, I am convinced that the Chinese nature cannot be long subdued by communism or any other ideology.

There being no objection, the speech was ordered to be printed in the Record, as follows:

### Freedom Day Rally Speech

(By Senator James L. Buckley)

It was just a little over twenty-six years ago that I had my first introduction to the Chinese nation and to the Chinese people. In December of 1945, when I first caught sight of the Chinese Mainland, I was a very junior officer in the United States Navy serving aboard an LST, one of those large, clumsy amphibious ships which had played a principal role in the great amphibious landings of the Pacific War. We had participated in three of those landings, and thus had played our tiny role in the final defeat of the Japanese Empire. Now, however, we were being assigned to the uses of peace; we were to be used to help repatriate those tens of thousands of persons, largely Japanese civilians and military, who had been stranded far from home by the war's end.

During the ensuing five and a half months, I came to have glimpses of your people and of your national character which have stayed with me ever since. It was in Tsingtao, our first port of call, that I first experienced the great friendship of your people for mine; it was in Shanghai that I was first exposed to your marvelous vitality; and it was on a visit to Peking that I first felt the impact of your extraordinary culture and of your ancient traditions.

But in those months which immediately followed upon the formal end of the Pacific War, it soon became apparent that the surrender of the Japanese forces had not brought peace to the Chinese people. It had merely substituted one struggle for freedom for another. China and her wartime allies had been successful in repelling the Japanese attempt to subjugate China's vast manpower and resources. But while her western allies quickly turned their eyes and energies homeward to the challenges of peace, China was soon left to face alone that other tyranny, Communism, which sought to subjugate her soul.

The last trip which I made along the China coast, in early May of 1946, underscored the new realization that the Chinese people were not destined to savor peace, because our mission this time was not to return Japanese evacuees to their homeland; but rather, to transport elements of the Chinese army from guard duty in Haiphong all the way to Hulutao in Manchuria, from whence they would soon be marching into combat; but this time not against foreigners, but against their own countrymen armed with foreign weapons and a foreign ideology.

Today, over a quarter of a century later, that struggle still goes on; and it goes on only because you, the custodians of Chinese civilization and of Chinese freedom, have kept the faith; because you have not grown weary of the protracted conflict; because you continue to understand, even if others in the free world today are in danger of forgetting, that there can be no compromise with the powers of darkness; there can be no peaceful coexistence in the struggle to control men's souls.

The Republic of China has just emerged from a particularly dramatic engagement in that struggle; one that took place not in China nor in the field, but in the velvet atmosphere of diplomatic halls some ten thousand miles away. It was an engagement which has been widely proclaimed as a sharp defeat for your government and mine. I will not attempt to minimize the bitter disappointment which Americans and Chinese alike have felt at the betrayal and at the historic act of injustice which took place at the United Nations last October. But I do most earnestly suggest that when emotions cool, and when time has given us a better perspective of events, it will be seen that it was the U.N. itself which suffered a crushing defeat last year, and that free China's emancipation from the hot-house intrigues of Turtle Bay may well have marked the beginning of her most effective work in the cause of human liberty, in the cause most specifically of the liberty of that one quarter of all humanity now held captive by the Peking regime.

For over twenty-five years, from the moment of its founding until October 25, 1971, the United Nations had been able to hold itself out as a moral force in this turbulent age, as an instrument which in God's good time would be able to edge the nations of the world towards the peaceful resolution of their differences. In reality, of course, the U.N. had long since demonstrated its impotence in any crisis of major significance; but so long as it was able to stand on the principles of her charter, so long as it denied membership to any state which refused to repudiate the resort to force as an instrument of foreign policy, so long as it remained faithful to her own precepts, it could hold itself up as a source of hope.

On the night of October 25th, however, the U.N. stood naked before the world, stripped of these moral pretensions, when the General Assembly adopted the Albanian Resolution and admitted Peking not on the United Nations' terms but on her own. By this single act, the General Assembly on the one hand embraced a regime which stood convicted of genocide in Tibet and of aggression against the U.N. itself in Korea, a regime which still proclaims a policy of support for worldwide terrorism and subversion; and on the other hand, by this act, the General Assembly simultaneously banished a charter member who for over twenty-five years had demonstrated her fidelity to the norms of international law and to the principles on which the United Nations had been founded

Oh, we know the legalisms which were spun out to justify this action, but the world understands that it was in fact an act of cynicism dictated by the brandishing of rockets, by the seductive promises of a lucrative trade, and by the outward appearances of power. And if this were not enough to disillusion those who still clung to their early faith in the United Nations, the coup de grace was most assuredly delivered by the contempt for the world community which was exhibited by Peking's envoy in his first address to the General Assembly, and by the contemptible acquiescience of the U.N. in Peking's vindictive demands even down to the disaccreditation of the Representatives of Free China's press.

This, then, is the institution from which your envoys walked away with a dignity which so deeply impressed all who observed those turbulent events; events which, as I suggested earlier, may mark the birth of a new understanding of your special role in China and in the world arena.

The annual debate on the Albanian Resolution had had the unfortunate effect of focusing the world's attention on such extraneous considerations as the relative sizes of the populations and territories which were subject to the direct control of Peking and Taipei; and as year after year passed by in this prolonged debate, too many people around the globe became seduced by Peking's easy pragmatism, and came to feel that the Republic of China was determined to maintain her U.N. membership and her seat on the Security Council not so much because they were hers as of right, but because she sought in this manner to hold on to credentials which on the basis of current realities she was no longer entitled. Thus, in too many areas around the globe, Free China came to be judged through the eyes of Peking, and solely on the basis of power relationships as if in this world power were the only reality or even the important reality.

But those who last October were prepared to write you off, to see you falter and fall when stripped of your U.N. crutches, now see you standing vigorous and tall, on your own feet and in your own right, sustained by that power of the spirit which in human affairs has always been the ultimate reality. From this time forward, it will be impossible for these myopic men to think of you, as so many would like, as a relic of the grand alliance of the Second World War, a government essentially in exile clinging in the U.N. to the trappings of a status long lost. No, from this time forward, the world must see you for what you are, a vibrant, dedicated force holding high the torch of freedom not just for your own brothers on the mainland but for all who lie in the shadows of the greatest of all tyrannies, Communism.

You provide the world, especially the developing world, with one of the most exciting contemporary examples of what a free and courageous people can accomplish in the face of the greatest adversity. In saying this, I am not unmindful of the extraordinary miracles of recovery which have been achieved by Japan and by the war-ravaged countries of Western Europe. The quality of your achievement, however, is of a different order. While these other countries had their industrial bases destroyed, the diversity of the skill and experience of their populations remained largely intact; and they were able to begin the work of reconstruction without the burden of having at the same time to maintain a massive military establishment. You, on the other hand, had to begin all over again with an indigenous population largely inexperienced in the ways of modern agriculture or commerce or production, and at the same time you had to divert much of your finest manpower to the necessary business of your own security. Yet by utilizing the managerial and technical skills provided by so many who had escaped to Taiwan from the Mainland, and by exhibiting the tenacity and self-discipline and industry so typical of your race, you have been able in just a little more than two decades time to transform this island province into one of the economic wonders of the Orient. You have accomplished all this despite the burdensome demands of a garrison state, and you have accomplished it in freedom. You have achieved ever higher standards of material well-being and have opened up to all your people ever greater opportunities for educational and economic advancement not by suppressing freedom but by rejoicing in it; by affording every one of your citizens the broadest opportunity to achieve for himself the best that is in him. What stronger argument for freedom can be found in the world today than the example of your accomplishments? What greater refutation to all the preachings of Marxism and Maoism can be found than the startling contrast between the two Chinas standing side by side, one slave and the other free?

Now that world attention will no longer be distracted by the legalisms of the perennial United Nations debate, the spotlight will be on you for what you are, and what you have achieved in the twenty-two years since your government retreated to this last outpost. The naked fact for all to see is that fifteen million free Chinese on the Island of Taiwan have, in less than a quarter of a century, developed an economy whose foreign trade now equals and in 1972 seems destined to surpass that of the 750,000,000 Mainland Chinese who are condemned to live under Peking's brutal regimentation. What more striking demonstration, for those still tempted to believe that backward economies can advance only through the most authoritarian controls—what more striking demonstrations of the fact that the greatest material progress is achieved by a people who enjoy the blessings of political, religious and economic freedom?

As the years go by and as you continue to expand and consolidate your economic gains, as you continue to bring all your people an ever higher standard of living, as you continue to demonstrate the enormous vitality of your ancient culture, you will be reminding your brothers on the mainland of the life which can still be theirs; and because no repression can hold its grip forever on a proud and energetic people, sooner or later, by your example, you will instill in them the courage to throw off their shackles and to make a reality of their dreams of a better life in harmony with the ancient traditions of the Chinese people.

But I believe that you may be destined to have an influence on world events which will extend far beyond the boundaries of your beloved country. I believe that in the years immediately ahead you may become for the emerging societies of this century that symbol of the human will to freedom, that dazzling example of what free men can achieve, which will kindle and sustain in them the same thirst for liberty which the United States in her day inspired in the Western world with so profound an impact on the future course of human affairs.

In a world where all that is brought to mind by the word "civilization" is threatened by the new barbarians who fly the banners of Marx and Lenin and Mao, by the ideology which seeks to expunge from the human soul all that gives it grandeur—love, compassion, sacrifice, freedom, faith—there is a need as never before for living examples of men and women who have successfully resisted those who would seek to enslave their minds. This is why I believe that long after the events of last October have been forgotten, what you have accomplished here on Taiwan, what you will continue to accomplish through your courage and steadfastness in the years ahead, will sustain others in their will to protect or regain their own liberties against the most concerted attacks by the common enemy.

But we all recognize that survival in the modern world requires more than courage however great, or a love of freedom however fierce. It requires the power to defend against the awesome weapons which have been unveiled by man's technology. It has therefore been the unstated premise of all that I have said thus far that the United States will continue in the future, as it has in the past, to make available the military means required to preserve and protect this outpost of Chinese freedom. It is a premise in whose validity I firmly believe not because our President and our Secretary of State have reiterated again and again that we will not turn our backs on our alliance, but because of my conviction that the American people will not abandon the Republic of China; a conviction which was most recently reinforced by the outrage felt by an overwhelming majority of Americans at your expulsion from the United Nations.

There has been much talk, I know, both in America and abroad about a new impulse to Isolationism in my country; and I can deeply appreciate that much that has happened within the past year must cause you the profoundest concern about the future. There is, without any doubt, a growing restlessness in my country over our role in the world, a questioning as to the soundness of many of our international programs. The United States, however, cannot withdraw into a new isolationism for the simple reason that great nations are not allowed the luxury of retiring from the world. Nor can she indulge in the selective abandonment of our allies whether in Asia or in Europe, without throwing into jeopardy the entire network of global alliances on which our national security ultimately depends. We Americans have not sought all the responsibilities, but we know that we cannot avoid them except at our own peril.

This does not mean that there is no cause for concern over the debate now in progress in my country as to what ought to be the nature and extent of American Commitments abroad. Because there is. But I feel that the danger inherent in that debate is not that it may lead to a collapse of will on the part of the United States; but rather, that it may be misread by the Communist powers and tempt them to the kind of adventurism which could trigger the horror of a third world war. Because if the history of this century has taught us anything, it is that aggressor nations seem inevitably to overestimate the readiness of free men to retreat.

I therefore urge you, our friends, as I would warn our enemies, to understand that the American people have not grown soft. We know that our commitment to your defense is also a commitment to our own. This is why I believe so deeply that you may be as confident in our fidelity as I know your enslaved brothers are in yours as they wait out the long night until you, the custodians of the sacred flame of Chinese freedom and Chinese hope, can once again return it to the Mainland to rekindle the hearts and the souls of all your countrymen.

## THE WATERSHED PROTECTION AND FLOOD PREVENTION PROGRAM

Mr. TALMADGE. Mr. President, all too often we hear criticism of the Department of Agriculture's watershed protection and flood prevention program. We are told that the small watershed program of the Department of Agriculture is destroying the ecological balance of our environment. We hear very little of the positive environmental impacts of this program. However, a look at the record shows that not only have these projects improved the economy of the area in which they are located, but they also do a great deal to improve recreational opportunities of the area. In many cases they have been used to enhance the growth of fish and wildlife.

Recently, the senior Senator from Vermont, Senator Aiken, introduced for himself and for me a bill which would make several needed changes in the Department of Agriculture's watershed protection and flood prevention program. Among the positive changes that this legislation would make would be the utilization of Federal funds to share the cost of present and future municipal, industrial, and rural community water supply needs.

This legislation, S. 2981, would amend the law authorizing resource conservation and development projects to make additional assistance available in the control of agricultural pollution. Moreover, it would attempt to foster better land use planning by directing the Secretary of Agriculture to monitor soil and water and related resource conditions and to note land-use changes and trends. The Secretary would issue a report at 5-year intervals.

In a recent speech in Atlanta, Ga., Under Secretary of Agriculture J. Phil Campbell provided an excellent description of the positive environmental effects of the Department of Agriculture's watershed protection and flood prevention program. This is an excellent program and I think that it will be made much more effective with the passage of S. 2981.

Mr. President, I ask unanimous consent that Under Secretary Campbell's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

### Wide-Angle View in Environmental Planning Urged by Campbell

Atlanta, Ga., January 24.—"In planning for the environment, we should consider all foreseeable changes and their effects upon people and the natural resources," Under Secretary of Agriculture J. Phil Campbell said here today.

Speaking at the 1972 Water Resources Engineering Meeting of the American Society of Civil Engineers, Mr. Campbell said, "We must look past the one-use-only proponent or the super-emotionalist who sees only the adverse effects of change. We need a broader view, an evaluation of the positive results as well. We must consider how land and water management affects fish and wildlife—but even more importantly, we must consider their many effects on human life.

"It is a *positive* environmental effect," he continued, "when planned water management reduces flooding and the human and environmental problems caused by floods and out-of-control water.

"It is a positive effect when siltation of reservoirs and rivers is retarded by protective vegetation, upstream dams, and other means.

"It is a positive result when a town or city gets a dependable water supply that can translate into more jobs for its citizens and more opportunities for young people to stay in their community.

"It is a positive result when farmers and ranchers have a stable water supply for the crops and livestock to feed America.

"And it is an enriching and desirable result when a man-made lake or reservoir provides the opportunity for new parks and wholesome outdoor recreation for thousands of Americans.

"These are some of the planned benefits of the Department of Agriculture's Watershed Protection and Flood Prevention Program."

The Under Secretary pointed out that development plans for watershed programs must take into account a wide range of questions, the pros and cons, the goals, and the right and wrong ways of achieving the goals.

Further, he said, the watershed plan must go beyond water use to the better use and protection of land; the enhancement of fish, wildlife and recreation possibilities where feasible, and the possible economic gains in terms of both rural nonfarm jobs and improvement of farm income.

"In some instances," Mr. Campbell said, "this wide-angle view requires recognition of the fact that a given project may prove harmful to certain forms of wildlife and vegetation—but recognition also that these adverse effects will be mitigated, at least to some extent, by the total improvement of the watershed area.

"It may also mean," he continued, "facing up to the necessity of modifying part of a choked-up stream channel to reduce flooding. Or to clear bottom land and shift crop production from hillsides to the more level acreage where run-off and erosion can be more easily checked. It means understanding and accepting the fact that a loss in one place, if offset by improvements in many other places, can result in a total net gain for the ecology and people of the watershed.

"This is the integrated approach—and it makes sense."

Under Secretary Campbell pointed out that the small watershed program of the Department's Soil Conservation Service is small in name only. Its benefits to the American people, he said, are substantial. It is estimated that since 1954, projects carried out in upstream rural areas have prevented more than $220 million in flood damage to property. The losses prevented each year are now estimated at more than $40 million.

Sediment kept out of streams by watershed projects in the past 30 years would displace a volume of water equivalent to a 10-year supply for all U.S. households said Mr. Campbell.

"In 1971 alone," he continued, "small watershed projects added more than 4,700 additional acres of surface water; 21 multipurpose dams that will provide a million visitor days of recreation and 10 watershed lakes that will provide dependable water supplies for thousands of people in small towns.

"These accomplishments, however, are no more than a good beginning on the total job that must be done. Annual flood and sediment damage in upstream areas still exceeds a billion dollars. Action is needed and feasible in almost 9,000 small watersheds, comprising 726 million acres. Municipal and industrial water supply storage is needed in about 3,000 project areas, improved water quality is needed in about 4,400 watersheds and recreation, fish and wildlife development is needed and feasible in about 6,500 areas."

Under Secretary Campbell cited two examples of how completed watershed projects help their communities.

"The Bull Creek project in Muscogee and Harris counties, Georgia provides annual flood protection benefits estimated at about $300,000 annually in the city of Columbus and the two counties," he said. "The development of 10 lake sites into county parks is expected to bring benefits of about $250,000 a year from recreational use alone."

"The economic benefits of a dependable water supply to an area are also significant. I know this from personal experience in the Little Tallapooosa River watershed in this state. At least six new industries, employing hundreds of workers, have opened plants in Villa Rica, Georgia, since the project started and the water supply was assured. Researchers from the Georgia Institute of Technology say the Villa Rica area is one of the most attractive locations for new industry in the entire State.

"Much the same is true of Carrollton, Georgia. The Little Tallapoosa project has helped reduce flood damages, provide recreation facilities and improve sanitation. The water supply has led to industrial expansion and plans for future development which will provide jobs for several thousand people."

Mr. Campbell pointed out that the environmental legislation of the past few years has affected the work of the Department of Agriculture, as it has all agencies working in the natural resource field.

"Environmental impact statements for ongoing watershed projects—those approved before impact statements became a requirement—are being prepared, as needed, on a case-by-case basis," he explained, adding "We are preparing impact statements on all projects planned subsequent to passage of the legislation.

"Early in 1971, all small watershed projects now in operation which include channel improvement work not yet installed were thoroughly reviewed again by the Soil Conservation Service and placed into one of three categories.

"Category one included those projects which, if completed as planned, would have little or no adverse environmental impact.

"Category two included watershed projects where there might be some adverse effect, and some modifications might be needed and could readily be made to reduce or remove those adverse effects.

"Category three were those proposed watershed projects where there was the possibility of serious adverse effects and where major modifications might be necessary. A very small percentage of projects reviewed fell into this category. Many of these had been planned over a decade ago."

Some guidelines for both the review and the development of new watershed work plans, said Mr. Campbell, were: channel modifications must provide for minimum losses to fish and wildlife and mitigation of unavoidable losses to the maximum extent possible; channels must be stabilized immediately after construction; and the best possible construction techniques must be used. Review guidelines also included a reminder of the long-time USDA policy that channel improvement work should not be used where its primary purpose would be to bring new land into agricultural production.

"Along with other agencies in the resource development field," the Under Secretary said, "we face some working problems in our compliance with the newer environmental guidelines. The fact that many federal, state and local funds are allotted on an annual basis poses one problem. It takes time to prepare complete impact statements on projects planned earlier. Then there is a minimum 90-day period after the draft statement has been submitted, and further delays may occur through challenges as to the adequacy of the statement."

"Further, local people have always been required to provide land easements and rights-of-way, and often to organize districts which can be legally and financially responsible for the installation, operation and maintenance of watershed works of improvement. This means a substantial investment, by them, of time and money. The returns to local people in terms of benefits may now be seriously delayed. In addition, it may weaken their ability to raise money through bonds or other financial arrangements."

Mr. Campbell pointed out that newer watershed projects include all environmental considerations from the start. Impact statements are completed before the projects are submitted for approval.

During the planning period, he said, project sponsors are asked to consider all practical alternatives, including, when applicable, flood-plain zoning and flood insurance. He added, "We also ask them to carefully consider long-term impacts on the environment, as well as shorter-term benefits. I strongly feel that resource people should work within a time-frame of larger dimensions than 10 or 15 years.

"Of course, we have some critics. A lawsuit is now in progress concerning a North Carolina project. The best general answer to criticism, I feel, lies in a full understanding by all concerned as to what the project is, and is meant to accomplish, along with a continuing effort by sponsors and cooperating agencies to consider the whole spectrum of environmental and 'people' effects in their planning.

"The preamble of the 1969 Environmental Policy Act declares it to be the intent of Congress—and I quote—'to declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and to stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation, and to establish a Council of Environmental Quality.'

"The small watershed program contributes significantly to the 'productive and enjoyable harmony between man and his environment' and to stimulating the 'health and welfare of man.' We are going forward with the program—continuing our careful scrutiny of plans and increasing our communication of information even to confirmed critics. The environmental challenge is of such importance we should all make sustained efforts to understand all viewpoints."

Under Secretary Campbell pointed out that in addition to community watershed work the Department of Agriculture is interested in all other aspects of water management on rural lands. It is deeply involved in cooperative river basin surveys and snow surveys. It works with farmers, foresters and researchers on agriculturally-related water pollution problems; on drainage and irrigation; on recreational use of water, and on water for fish and wildlife.

Watershed management, he added, is a major part of Forest Service programs on the 187 million acres of national forests and grasslands. The Forest Service also works cooperatively with state officials and private citizens and has a large number of research programs. It has, for example, established Barometer Watersheds in 24 strategic locations throughout the country to provide better measurement of the effects of normal resource management activities on water quality and quantity.

"I believe," said Mr. Campbell "that farmers, foresters and ranchers have done more than any other group in society to improve the Nation's natural environment. They have done virtually all of the soil conservation work, have carried out many flood prevention projects and have made the concept of multiple use and sustained yields a reality in our forests.

"In fact, because of the work of farmers, soil conservationists, and foresters, there are more fish for the fishermen, more game for the hunters, and more recreation facilities available than ever existed. There is, in fact, more game than at the beginning of this century—even an oversupply of deer in some places.

"More must be done however. Agricultural conservationists and those of us who help them must continue to work with other groups to solve our national environmental problems. The work must go forward with enthusiasm and conviction. But this does not call for the superemotionalism that buries half of the facts on the environmental situation under a layer of simplistic slogans, misconceptions, unrealistic proposals or prophecies of inevitable doom.

"President Nixon took note of this danger in a recent talk when he said, 'We are committed to cleaning up the air and water. But we are also committed to a strong economy and we are not going to allow the environmental issue to be used, sometimes falsely and sometimes in a demagogic way, basically to destroy the system—the industrial system—that made this the great country that it is."

Under Secretary Campbell told the civil engineers that "In the five days you meet here in Atlanta, more than 50,000 new Americans will be born. Some 4 million other new babies will be born later this same year. As our population grows and people live in greater concentrations, we cannot expect to have enough usable water in the right places for our many needs *without* management, and we certainly cannot expect it with *poor* management. The only alternative is intelligent planning of the Nation's land and water resources by the Nation's citizens."

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## FUSION, NOT FISSION, THE ANSWER

Mr. PROXMIRE. Mr. President, at a time when our priorities are coming under close attention, I am delighted to see that some attention is at last being drawn to the relative merits of fusion version fission energy generation.

Fission generation is the traditional means of generating nuclear energy. Each plant is a potential polluter and, although remote, a potential bomb. Fusion on the other hand has none of these dangers and could run literally on water. Unfortunately, despite all the potential benefits in fusion little has been done to develop the knowledge needed to make it feasible.

Karl Bostrom, who has had a notable career in business, examined this issue recently in the Milwaukee Journal. I think his article merits attention and thus ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### In My Opinion—Fusion Power, Not Nuclear Fission, Is the Answer to Energy Needs

(By Karl Bostrom)

The president, the Atomic Energy Commission and congressional leaders serving the AEC have placed the highest priority on a three to four billion dollar program to develop nuclear "breeder reactors" to supplement our energy needs as coal, oil and gas resources give out. It is a mad priority when compared with research appropriations for the other atomic program—fusion power. Fission through breeder reactors is a man made invention. Fusion is the sun's power source.

Our ancient ancestors were sun worshipers. Over the millennia, men sought a broader vision by substituting direct worship of the sun with abstract myths, giving names to an assortment of gods, and finally to a single God.

Finally, man began to realize that the sun was the creator of all life, including our fossil fuels.

No modern civilization can flourish without fossil fuels, yet, at the rate we are using them, they will be exhausted in less than 500 years. These resources should be saved and used for drugs, chemicals and their products, including plastics, but not for burning.

The United States, with 6% of the population, is using 35% of all the energy produced throughout the world today, mostly with fossil fuels. If the world's population of 3½ billion people were to use energy at the US rate, the available fuels would be used up even faster. Consider then the world's population doubling to seven or eight billion by 2000 A.D., all demanding to use energy at the US rate!

#### POWER PLANTS WOULD USE FISSION

There has been great hope for the building of nuclear power plants using nuclear fission, a man made development and different from that of the sun's atomic transformation.

The sun, instead of breaking up atoms as with fission, combines electrons, changing hydrogen into helium under temperatures of millions of degrees. This is fusion power, the energy of the universe. If humanity is to survive, we will have to learn to duplicate the sun's fusion power. It is the only way.

The search for fusion power has been underway since 1945. For the first 15 years, research was dominated by those scientists who employ only mathematical theory to solve problems. Only in the last 10 years have the experimenters taken over so that today the prospects for fusion appear very good, but not certain.

#### FUSION RESEARCH NEEDS MORE MONEY

It is estimated that only a billion dollars have been spent by all countries since 1946 in peaceful fusion research.

This country this year has asked for an appropriation of $30 million for fusion research. Then in an inspired gesture, President Nixon announced that he would urge an additional $2 million be spent. The Russians are spending three times as much. The Soviet scientists share their results with us.

Currently, it is estimated that all the expenditures in fusion research come to no more than $150 million annually. This despite the fact that the problems of population, the underdeveloped nations and our nation's impoverished millions can only be solved by vast amounts of additional energy distributed equitably throughout the world.

#### EACH FISSION PLANT A POTENTIAL BOMB

We still pursue almost exclusively the "feasible" nuclear fission power developments despite increasing evidence that fission power stations may bring worse calamities on a gradual basis than one all-out nuclear war. Imagine 2,000 nuclear fission plants in the U.S. alone, each one a potential bomb, all spewing deadly wastes by the thousands of tons for burial in old salt mines or the oceans.

Fusion power would have no hazards, negligible pollution and unlimited resources from the oceans and inland seas. Once installed, like water power, fusion power is free, and better still, unlimited.

President Kennedy directed that we land on the moon by 1970. Fifteen to twenty billion dollars has gone into a program not dominated by an overall "scientific feasibility" psychology before the work got underway.

#### TO WIN, WE MUST DARE TO LOSE

In peacetime such projects, unless pushed by a "space race" psychology, have to be "feasible." In other words, one has to prove that one can solve a problem before money is appropriated for a solution. Failure cannot be tolerated.

When feasibility comes first, it is a way of killing creativity. Great advances are made by men and women who dare to fail.

With fusion power, however, it is equally important to know whether it can or cannot be achieved. If it cannot, then we had better decide quickly how far the world's population has to be cut back and how soon, unless we are willing to give up the advances of 5,000 years and turn the world back to our ancient forebears who humbly acknowledged the Sun as the universal giver of life.

## CHILD DEVELOPMENT CENTERS

Mr. STEVENSON. Mr. President, last December 10, President Nixon vetoed the child development bill, S. 2007, a bill which the Senate had passed with 63 Senators, including myself, voting in favor of it. The subsequent effort in the Senate to overturn the President's veto was unsuccessful. As a cosponsor of the original bill, I deplored the President's ill-considered action and voted to override the veto.

The veto and, moreover, the contents of the President's veto message have been contested by many of my colleagues and in newspaper editorials throughout the country.

But one element of the President's veto message, in particular, requires a direct response. This element is his statement that child development centers would be a "long leap into the dark" for both the Government and the American people. With an utter lack of candor, the President threaded his message with the implication that this legislation would be "family weakening." He capitulated to those voices which shrilly denounce child care centers as havens for instruction in communal living. He rejected comprehensive services for physical, educational, and nutritional development in favor of that opinion which resides in fear of change, although that change is the improvement of our children's opportunities to realize their full potential.

One article which effectively and legitimately responded to the President's charge that the provisions of the child development bill represented the "most radical piece of legislation to emerge from the 92d Congress" was an article by Virginia Kerr which was published in the Washington Post on December 26, 1971. The author traced the history of group day care in the United States back to 1838, thus properly eradicating the myth that group child care is a bizarre new phenomenon which owes its birthright to forces in society attempting to drive a wedge through the structure of the American family.

From the group day care centers of Boston in the 1830's, through the Lanham Act of the 1940's, to Headstart of the 1960's, Virginia Kerr developed America's history of group day care. She concluded her article by pointing to the significant fact that the decade of the 1970's began with President Nixon's White House Conference on Children specifying, by a vote of the conferees, that a "nationwide comprehensive program of child care services" must be the chief priority for America's children of the 1970's.

Mr. President, I ask unanimous consent that Virginia Kerr's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### "A LONG LEAP?"—DAY CARE CENTERS OLD U.S. CONCERN

(By Virginia Kerr)

One of the stranger fictions in President Nixon's message Dec. 9 vetoing the comprehensive child development legislation was his suggestion that the program "would be truly a long leap into the dark for the United States government and the American people." In light of this country's experience with group day care, which goes back to 1838 when the first U.S. day nursery opened in Boston, there seems little doubt that the President, for the usual political reasons, has chosen to reinvent the old myth that day care is a "new" animal with a Russian pedigree. For, whatever specific administrative questions one might raise about S. 2007's child care provisions, one cannot accuse the Congress of having taken an unprecedented and leftward turn in contemplating support of day care. It has its own, peculiar—perhaps esoteric—but genuinely American history.

Following a late 19th and early 20th century tradition of private and limited support for day nurseries that cared for, often "Americanized" immigrant children and of popular acceptance of nursery school enrichment programs for the middle classes, full scale federal involvement in the care of America's children began in 1933. Under the Works Progress Administration, nursery schools were set up around the country to create jobs for unemployed nursery teachers and service personnel in programs designed to care for children from unemployed families or underpriviliged homes. By 1937, 40,000 children were enrolled in centers which, according to professionals, provided excellent programs of health and nutritional care and education.

With the U.S. entry into World War II and the corresponding visibility of the woman worker's contribution to the economy, federal support for child care continued under the 1942 Lanham or Community Facilities Act, which covered the "acquisition and equipment of public works made necessary by the defense program." A total of 3,102 child care centers in "war-impacted areas" received Lanham funds through the Federal Work Administration, which usually made direct grants to localities for community-based centers. Forty seven states participated in the program, which served a total of 600,000 children, around 40 per cent of those who needed care. During the war years, the government also numbered among child care's strongest advocates. In one directive to industry, for example, the U.S. War Manpower Commission asked all employers to provide flexible hours, child care services, shifts designed to coordinate with family life, with an added caution to "set up no barriers to employment of women with children."

The Lanham program ended shortly after the war, leaving federal support for day care tied strictly to the welfare system with its prevailing policy of helping children through direct AFDC grants to mothers at home. Mothers who continued to work turned to the proprietary centers or nursery school, made individual arrangements which varied from babysitters, care by a relative or older sibling, or, in extreme cases, the latch-key. Day care quickly became a field for the creative statistician specializing in unmet needs.

Resistance to expanded federal support for day care during the fifties can be traced in part to the notion—as recalled to us by Mr. Nixon last week—that child care is a Soviet idea, therefore un-American, therefore subversive. In the fifties, the fact that American day care predated, the Russian revolution and was part and parcel of World War II patriotism was forgotten or conveniently ignored.

Unfortunately, the need for good child care programs did not go away. In 1959, a survey showed that although five times as many women were working as in 1940 (most for survival, not pin money), day care facilities were available for only 2.4 per cent of their children.

During the sixties, with the rediscovery of early childhood education, frustration with an irrational welfare system, and the beginnings of a national commitment to do something about poverty, there was a serious revival of interest in child care. Head Start and a variety of research and demonstration grants for experimental early childhood programs were signs that the interest might, in fact, develop into a financial commitment to do something for "the first five years of life" of America's children, in the form of programs that would treat child care in a more positive content than that of "welfare" or "workfare."

Consideration of such a program was on the agenda of President Nixon's December 1970 White House Conference on Children (the first was held in 1909). Building on the White House Conference recommendations of the past 4 decades, the conferees voted "a nation-wide comprehensive program of child care services as the top priority item for children in the 1970's.

Now, in 1971, with group child care facilities available for less than 2 per cent of the children of working mothers and single-parent families, day care, so says the President, is still not ready to come of age as an American institution. So it goes.

## UTAH ECONOMISTS SPEAK OUT ON ADMINISTRATION'S NEW ECONOMIC POLICY

Mr. MOSS. Mr. President, these past months have formed a watershed in the history of American economic thought.

At no time in memory—certainly not since the great depression of the 1930's—has the Government's handling of the economy captured such universal public attention or sparked such intense national discussion.

This concern has not been without basis. Each day's headlines have announced economic proposals which were "unheard of" 6 noisy months ago. Since August 15, the air waves have been congested with new phrases. The 90-day "freeze," the decision to "float" the dollar, the 10-percent "import surcharge," the "job development" credit, "phase II" and eventually, "devaluation" have all come to us in rapid succession. They have added to—and unfortunately not replaced—other terms with which we have become all too familiar, such as "inflation," "joblessness," "recession," and "layoffs."

Despite its unfamiliarity, what has come to be known as the "New Economic Policy" gained a great deal of early public support simply because it "just had to be better" than the "nonpolicy" it succeeded. A general dissatisfaction with 2½ years of "stand pat" had, in and of itself, produced a mighty reservoir of enthusiasm for practically any new departure, well-conceived or not.

It was in this climate that Congress deliberated over the administration's August 15 proposals. The Federal Government had to take action, in the face of an apparent breakdown in the conventional theories as to how the economy was "supposed" to work.

When President Nixon took office in January of 1969, the economy enjoyed essentially full employment. Twenty-eight months later poor executive management had brought the Nation to the brink of catastrophe. By August 15, 1971, joblessness stood at its highest level since the Eisenhower recession of 1960. Price inflation during the previous year had burnt up savings at its fastest clip in two decades. Internationally, the position of the dollar had become untenable. The United States faced its greatest payments deficit in history; 1971 loomed as the first time since 1893 that America would export less than it imported. Even to the "truest believers" the Nixon "game plan" had been an almost unbelievable catastrophe.

The bipartisan decision to scrap the old policies therefore did not come hard. The challenge lay in developing new policies, policies which would address, not the realties of the 1930's, nor even of the 1960's, but those of today, which have proven themselves all too unique.

Thus, toward the end of the last session, the Senate considered several parts of the "New Economic Policy" in hopes of fashioning measures which would really get to the heart of our current difficulties. The times required new and hard thinking.

I count myself fortunate to have benefited during these recent months from the expertise of a good number of Utah economists and educators who sent their opinions to me. Their responses to my survey on the "New Economic Policy" were particularly cogent.

I would like, at this time to review some of the comments sent to me by these Utah economists. I believe they demonstrate that much can be gained from exchanges with the academic community.

Perhaps the greatest controversy surrounding the administration's new program involved the tax relief "package" aimed at stimulating the economy and creating more jobs. Many people, including myself, viewed the proposed measures as failing to put the proper emphasis on the consumer, whose reticence to spend and lack of purchasing power were largely responsible for the Nation's economic downturn.

A good number of the Utah economists shared this assessment. They questioned the appropriateness of focusing major tax incentives on businessmen. "Such a policy is unlikely to produce rapid results; moreover, with large overcapacity at present, it is doubtful that industries would want to invest at all."

Prof. George A. Fuller of the University of Utah shared this view. He asked:

> Why provide corporations with added investment funds during a period when existing plant capacity is approximately 25 percent idle. Corporations do not need additional tax-free funds flowing into surplus. They need additional consumer expenditures to secure demand for their products.

Prof. Robert Stocker of Utah State University also doubted the effectiveness of the administration's "trickle down" approach to tax-relief policy—

> One of the problems regarding the investment tax credit and the liberalized depreciation allowances is that money is allowed to stay in the hands of a small segment of the total economy. It is my opinion that we should attempt to achieve full employment by measures that leave additional monies in the hands of a much broader spectrum of our total population.

Prof. J. Whitney Hanks of the University of Utah pointed to the need to stimulate a higher level of consumption through tax relief to individuals. He cited the advantage of relief to lower income taxpayers, affirming that any tax breaks to the poor will result immediately in a higher level of consumption and a boost to overall economic expansion:

> There will be a propensity to spend almost all of the tax savings and this will serve a very useful purpose in our drive toward still better employment opportunities.

B. Michael Pritchett of Brigham Young University went still further:

> Tax-relief is most needed at the lower end of the scale. It would be much preferred to change current exemptions and deductions into credits for tax purposes and then to scrap virtually all income maintenance—welfare—programs in favor of an I.R.S.-administered negative income tax.

The question of automobile excise tax repeal also aroused a good deal of controversy. Professor Hanks emphasized the effects repeal would have on stimulating consumer spending:

> Consumers have been saving an abnormally high percentage of their incomes during the past 2 years—those capable of doing this, of course—and we need to nudge them in the direction of loosening their purse strings in a noninflationary fashion.

Professor Pritchett counters this point, stressing environmental factors as well as considerations of national priorities:

> True, stimulation of the automobile industry would stimulate the economy, but so would stimulation of other industries, infinitely higher on today's list of priorities.

Robert P. Collier of Utah State went still further:

> By no means would I repeal the automobile excise tax, but rather I would increase it substantially.
>
> Obviously this recommendation is not to provide a stimulus to employment, but rather to dampen automobile production and the very adverse effect of automobiles on the environment. Dr. F. S. Gahin of the University of Utah questions the social justice of reducing revenues that could be used for public benefits through a measure which will favor—only—a certain class of auto buyer.

In the survey, I asked each economist to offer suggestions for alternative fiscal measures which might stimulate the creation of jobs more efficiently. Professor Fuller suggested the idea of "a flat reduction of perhaps $50 or $100 in 1972 income tax payments. This would help lower income groups more than proportionally—and expand consumer goods demand to stimulate a sluggish economy. In the final analysis, demand for all types of investment and capital goods is derived from a growing demand for consumer goods.

"Even with the consumer, demand should be directed into goods and services that minimize contributions to pollution, deterioration of the environment, and metropolitan sprawl." He would emphasize "measures that maximize contributions to an improved quality of life, minimize the frightening growth of population, and avoid the parasitical military expenditures which have robbed the civilian sector of our economy since the time of World War II."

Prof. John W. Hardy, of Brigham Young University, suggested that the social security premium increase scheduled to take effect in 1972 be postponed for a year: "It makes little sense to initiate proposals to put money in the hands of consumers and take it back by increasing social security taxes."

Robert Collier would also support a more activist fiscal policy. He would push strongly to establish training programs for returning veterans, better employment services—including a computerized listing of job opportunities—and efforts to increase the skills, productivity, and mobility of American labor, thus helping to attack the supply side of inflation and unemployment.

Regarding the successful implementation of the tax-incentive program, the issue of national confidence was considered crucial. Professor Koller, of Brigham Young University, felt that "the outlook of business is at least as important a determinant of investment as any momentary tax adjustment which may or may not last." Professor Koller questions the effects that phase II price and wage controls might have on consumer and business plans: "I think they are very likely to remain flexible in the face of the Government-created uncertainty, rather than commit themselves to substantial investment programs at this time. I do not expect any great surge in total demand to result from the tax cuts in the context of the rest of the policies undertaken."

Dean Robert E. Rose of Weber State University shared the same opinion of a number of professors regarding the "confidence" factor. "I have never seen such an attitude of 'watch and wait' on the part of the public—both as individuals and as corporate entities. Unless we create a more optimistic attitude, I cannot see where the proposed governmental tax credits and allowances to individual business firms will help to generate full employment."

Many economists responding to the survey saw the 90-day wage price "freeze" as a "last resort" policy that had become necessary. The "freeze was seen as an 'act of desperation' after the administration's earlier 'game plan' had failed to deliver." Its main value consisted of ending the general expectation that prices would go on increasing indefinitely.

Reaction to "phase II" was somewhat more varied. Many questioned whether the controls system could ever hope to be fair or would indeed get to the real inflationary forces in the economy, such as monopolistic controls and other curbs to genuine price competition. One economist went so far as to say that if "phase II" were allowed to continue indefinitely, it would constitute a "step down the road to a corporate state, semi-Fascist type of organization."

Professor Pritchett of Brigham Young pointed out that "most Utah citizens, firms and workers are relatively on the low end of the power list and as 'phase II' drags on will likely find themselves at more and more of a disadvantage as other interest groups in the nation obtain special considerations." University of Utah Professor Allen M. Sievers added:

> It is not so much the mechanism of control as the inherent justice of the system that is in question. Justice should be the central concern of government, but aside from justice

in and of itself, injustice interferes with the moral support any such system must enjoy for success.

Professor Hanks said that:

> Phase II does not hold as much promise as would have been the case if a strong position had been taken at the outset to let the public know specifically just where the cost-push inflationary industrial and labor forces have been most prominent.

William R. Lambert of Brigham Young University referred to the high rate of inflation in the health services industry. "In the long run doctors' and dentists' fees seem to be the most out of line—with nationwide price movements—possibly because of limited supply and small squeeze when so much is covered by insurance. I would like to see the profession taken to task and increasing numbers be sent through more efficient schools. Regulation is ineffective; the problem of supply must be solved."

Many economists questioned the desirability of delaying welfare reform as a means of softening the fiscal impact of this new money. Others also considered the decision to cut foreign aid by 10 percent a rather "petty" response to inflation. J. Kent Pinney from Brigham Young said:

> I do not approve of a 10% across-the-board reduction in foreign aid; however, I do believe certain foreign aid should be carefully reviewed and that much of our foreign aid be recommitted on a piece meal basis. That is to say, each foreign aid project should be reviewed in terms of its merits, which must be regarded both economically and politically.

The international aspects of the "New Economic Policy" elicited a rather startling consensus. While there was a good deal of trepidation concerning the possible diplomatic ramifications, the 10-percent import surcharge was accepted as a necessary bargaining tool in securing more favorable trade terms. Many noted, however, that it should not be considered a long-term solution and should be removed as soon as concessions were gained from our trading partners. The surcharge should not be seen as heralding a new era of American protectionism. The decision to "float" the dollar was viewed with near-unanimous praise. Prof. Larry Wimmer of Brigham Young University in fact called the decision to end convertibility of the dollar into gold as "the only part of the program that I believe will have a favorable result."

Few aspects of President Nixon's program drew such broad support. Taken together the economist's varied reactions to the new measures demonstrated a good deal of reservation. Few Utah professors were firmly convinced that the administration's "N.E.P." holds the key to a stable national prosperity.

## MIKE FROME

Mr. McGEE. Mr. President, a few days ago the Senator from Montana (Mr. METCALF) inserted in the RECORD some very illuminating correspondence between the American Forestry Association, publishers of American Forests magazine, and Mike Frome, who formerly authored a regular column in the magazine.

The disagreement which caused Mr. Frome's departure from the pages of American Forests is unfortunate, for his incisive pen gave the readers a look at a point of view sorely needed in these days.

Tom Bell, the editor of High Country News, an authoritative outdoor and environmental biweekly in Wyoming, took due note of the developments shortly after Mr. Frome's departure from the forestry association's magazine last year.

Mr. President, because it says something about the impact of the interlocking ties between the timber industry, the profession of forestry, and the U.S. Forest Service itself, I ask unanimous consent that Tom Bell's article from the October 15, 1971, issue of High Country News be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### MIKE FROME "EXPURGATED"

(By Tom Bell)

Readers of American Forests, official magazine of the American Forestry Association, will notice something different about the September, 1971, issue. It no longer carries the byline of Mike Frome.

The sure, incisive pen of one of America's foremost conservation writers has been censored from its pages. The credibility of American Forests to "promote an enlightened public appreciation of natural resources and the part they plan in the social, recreational and economic life of the nation" suffers as a consequence. Mike Frome was an asset which the magazine could ill afford to lose, and which can never be replaced.

As the environmental crisis deepens, Frome is sure to take an eminent place as one of those who correctly called the shots. For a man who started as a travel editor, he has broadened his interests and honed his concerns to become one of the most knowledgeable conservation writers of our times. The depth and clarity of his writings have served to alert the public to many of our most glaring environmental problems.

One of his readers was moved to write him (Forest Forum, American Forests, May, 1971) on several issues he had discussed. The letter writer ended by saying, "And from all your pieces I'm assured that you stand firm for the public as against the special interest concern . . ."

Such firmness was what led to Frome's deletion from American Forests. No politician or bureaucrat was safe from his censure if he felt the public interest was not being served. That included the timber industry, the U.S. Forest Service, and the head man at the Forest Service, Chief Edward P. Cliff.

It was his strong and unequivocal criticism of the latter which probably ended his long tenure with American Forests. The association between Cliff and our American Forests should be evident. Frome did not hesitate in saying on numerous and varied occasions what he and other conservationists have thought of Cliff and his relationship to the timber industry.

It should also be evident from the name of the organization that the American Forestry Association has strong ties to the timber industry. A number of the Board of Directors are representatives of timber companies, and retired or active members of the Forest Service.

President Charles A. Connaughton is Northwest Regional Forester for the U.S. Forest Service. Vice President Lloyd E. Partain is Assistant to the Administrator of the Soil Conservation Service. Both serve in the Department of Agriculture. Connaughton succeeded Paul M. Dunn, a former vice president and now a consultant to the St. Regis Paper Co.

Frome candidly says, "I was shut out by the Forest Service and the timber industry which dominate the AFA."

Uneasiness developed about a year ago when Frome led a rising crescendo of protest over Forest Service policies. It was then that he was asked to submit his copy for editorial censorship. When Frome declined to submit his copy, his column was prefaced by a disclaimer. The disclaimer told the reader, "Mr. Frome's views are his own and do not necessarily reflect the policy of The American Forest Association."

When Frome's pen continued to assiduously dissect Forest Service policies in regard to clear cutting, serving the special interests, and the unresponsiveness to public concern, he had sealed his own fate in the magazine. The die was cast even as such damning reports as those by the Bolle Committee and the Wyoming Study Team came in.

His column was originated—"To express the independent voice of the public" and was not to be subject to editorial whim.

Executive Vice President William E. Towell wrote Frome that it appeared he did not want to adhere to AFA policies. When Frome wrote in reply asking for a clarification of AFA policies, he received no answer.

Frome's column appeared in the pages of American Forest for the last time in August, 1971, issue. There was no mention or notice of its demise. Similarly, no mention is made in the September issue.

Letters from many members of the AFA have already asked what happened to the monthly column. They will receive little consolation from the lame excuses of the AFA hierarchy.

## CHILDREN

Mr. MONDALE. Mr. President, on January 31, the New York Times carried an excellent article by two outstanding experts in the field of child development and early childhood education. The article entitled "The President and the Children" by Dr. Urie Bronfenbrenner, of Cornell University, and Dr. Jerome Bruner, of Harvard, is an accurate and distressing account of the vital need for substantive day-care opportunities for the nearly 6 million preschool children whose mothers are working.

Mr. President, for the benefit of my colleagues, I ask unanimous consent that this article be printed in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### THE PRESIDENT AND THE CHILDREN

(By Urie Bronfenbrenner and Jerome Bruner)

Two weeks before Christmas, the President vetoed the Child Development Act of 1971. In doing so, he stated: "Neither the immediate need nor the desirability of a national child development program of this character has been demonstrated." The needs of the nation's children, the President proclaimed, would be adequately met by his own proposed legislation H.R. 1.

As specialists concerned with the care and development of the young, we must take strong issue with the President on both counts. The President asserts that unlike the vetoed legislation his own bill will "bring the family together." But if we examine the provisions of H.R. 1 it becomes clear that it is far more likely to break the family apart. Thus, the President himself speaks of the bill as "my workfare legislation to enable mothers, particularly those at the lowest income levels, to take full-time jobs." In effect, the bill forces mothers, especially single mothers, to register for full-time work or job training or else be stricken from the welfare rolls.

Such provisions can only increase the pressure on poor and near-poor families to deliver their young into compulsory day care. In point of fact, this is a "put-them-to-work-bill," not a child development bill.

Unlike the legislation vetoed by the President, H.R. 1 does not give the mother freedom of choice. Nor is there adequate assurance of standards for quality child care services. Surely, such a prospect raises the spectre conjured up in Secretary Richardson's ill-considered words of condemnation for the vetoed Child Development Act of 1971, when he speaks of "shoddy, second-rate baby bins in which children were stored away, neglected or abused." H.R. 1, moreover, makes no provision at all for children of the millions of working families who are just above poverty line ($4,000 to $7,000 income for a family of four). Finally, with apparently only $360,000,000 in new money allocated in the first year for child care services in the Administration's bill, the number of additional children who can be served is only about 5 percent of those in actual need.

Given these woefully inadequate and destructive features of the Administration's bill, it is painful to recall the hope-giving words of the President less than two years ago, when he proclaimed "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life."

At a time when we should already be seeing fruits of this commitment reflected in the lives of the nation's children and their families, we are told that there is "neither immediate need nor the desirability of a national child development program." Such a statement seems to us incomprehensible in the light of the available facts. Here are some of them:

In 1971, 43 percent of the nation's mothers worked outside the home. In 1948 the figure was only 18 percent. One in every three mothers with children under six is working today. In 1948 the figure was one in eight. There were more than 4.5 million mothers with children under six who were in the labor force last year.

In 1971, of all mothers of children under six, 10 percent—1.3 million of them—were single parents bringing up children without a husband. Half of these mothers also held down a job.

Mothers in poor and near-poor families are much more likely to be gainfully employed, partly because so many of them are heads of families. Among families in poverty, 45 percent of all children under six were living in female-headed households; in non-poverty families the figure was only 3.5 percent. In two-parent families where the husband earned $10,000 or over, only 20 percent of the mothers worked; where the husband earned less than $7,000, 35 percent of the mothers worked. These women work because they have to.

There are nearly six million preschool children whose mothers are in the labor force. Of these, one million live in families below the poverty line (e.g. income below $4,000 for a family of four). An additional one million children of working mothers live in near poverty (income between $4,000 and $7,000 for a family of four). All of these children would have to be on welfare if the mother did not work. Finally, there are about 2.5 million children under six whose mothers do not work, but where family income is below the poverty level without counting the many thousands of children in families above the poverty line who are in need of child care services, this makes a total of about 4.5 million children under six whose families need some help if normal family life is to be sustained.

In closing, we can only repeat the first and principal recommendation of the President's own White House Conference on Children a year ago. By an overwhelming vote, the delegates recommended that "the Federal Government fund comprehensive child care programs, which will be family centered, locally controlled, and universally available, with initial priority to those whose needs are greatest. These programs should have sufficient variety to insure that families can select the options most appropriate to their needs. A major educational program should also be provided to inform the public about the elements essential for quality in child care services, about the inadequacies of custodial care, and the importance of child care services as a supplement, not a substitute, for the family as the primary agent for the child's development as a human being."

If the President will not act to meet this need of the nation's children and their parents, the people and their elected representatives must do so.

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## UKRAINIAN INDEPENDENCE

Mr. HUMPHREY. Mr. President, freedom is an indivisible thing. Where the desire for freedom, individual or national, is threatened, restrained, or curbed, men everywhere suffer a great loss.

Fifty-four years ago, on January 22, 1918, the people of the Ukraine proclaimed their independence, their desire to be free, in Kiev a year later all the Ukrainian territory became an independent sovereign state.

Tragically, this independence, this Ukrainian freedom was shortlived as the Soviet Union, ignoring the desires of the Ukrainian people, stepped in to suppress and continue to suppress every expression of Ukrainian nationalism and culture.

There are more than 45 million Ukrainians whose civil rights—especially freedom of religion and freedom from antireligious propaganda—are under constant and increasing attack. The Ukrainian Orthodox and Catholic Churches in the largest non-Russian nation within the U.S.S.R. have been ruthlessly suppressed. As well, intellectuals and cultural leaders are being hounded at every turn.

On the eve of President Nixon's forthcoming visit to the Soviet Union, I trust he will keep the question of Ukrainian freedom uppermost on his mind. So many of America's most loyal and dedicated citizens have a Ukrainian heritage. We owe them a deep debt of thanks for the strengths which they have added to our Nation. We also share with them great concern for the independence and well-being of the Ukraine.

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## INTERNATIONAL TEENAGE STUDENT EXCHANGE

Mr. HART. Mr. President, as we are too well aware, we are living in an age of widespread conflict. The mass media bring to our consciousness every day new evidence of struggle between human beings all over the earth.

And so we do well today to pause and celebrate those many quieter efforts through which people of different countries come to know one another, appreciate the values of other cultures, and have an opportunity to develop mutual respect and affection.

Such an effort is youth for understanding. Because this program is headquartered in Ann Arbor, I take paritcular pleasure in calling attention to it. The teenagers who participate in this person-to-person exchange will hopefully bring to tomorrow's world a greater degree of understanding among the peoples of our ever-smaller planet.

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## TV CAMPAIGNING

Mr. STEVENSON. Mr. President, with the onset of another national political campaign, the American TV viewer will once again be bombarded with thousands upon thousands of political "spots"—short political advertisements which may or may not be informative, may or may not be accurate, but will certainly be carefully structured by media wizards to change or reinforce voter attitudes in predetermined ways. Although S. 382, which was recently enacted into law, brings about a number of long overdue reforms in campaign financing and spending, efforts by myself and others to include restrictions on TV spots in the legislation proved to be unavailing. For that reason, we may see more slick, misleading spots this year than ever before.

Recently I was made aware of several developments which may help to curtail this costly form of video pollution. Mr. Anthony Martin-Trigona. president of the Illinois Consumer Council, has filed a petition before the Federal Communications Commission asking for an amendment to FCC's rules under which all radio and television political commercials would be required to be at least 5 minutes long. Mr. Martin-Trigona also asks that political advertising be guaranteed access to prime time television audiences. The 5-minute restriction has already been implemented by WGN–TV in Chicago and several other progressive broadcasters.

The 5-minute restriction received additional support in an excellent article by Mr. John E. O'Toole, president of Foote, Cone & Belding Communications. I ask unanimous consent that Mr. O'Toole's article, which appeared in the December 27, 1971, issue of Advertising Age, and Mr. Martin-Trigona's petition be printed at this point in the RECORD.

There being no objection, the article and petition were ordered to be printed in the RECORD, as follows:

### NO POLITICAL TV MESSAGES LESS THAN 5 MINUTES, O'TOOLE URGES

(By John E. O'Toole)

Recently I found myself in Washington, D.C. In an earlier and more innocent era, that might be the last place you'd look for an ad man. But in the balmy autumn of 1971, many of us were there at the cordial invitation of the Federal Trade Commission.

Washington is a city from which has been heard, in recent months, a lot of commentary about our business, which might make the most hardened of us reluctant to tell our kids what we do for a living.

And as I was cabbing it back to National Airport, I thought about all the elected officials in that very city who had used television in their campaigns in ways that would never be tolerated for product advertising. I thought of abuses and misuses, which, were they for a product, would never get past a continuity acceptance department. And I got mad. Not only because of the importance of the electoral process, but because I'm tired of the advertising business taking it in the seat of the pants for these excesses.

We have enough people on our backs now without the thinking electorate of the U.S. accusing us of "packaging candidates" and "selling Presidents."

And we can do something about it. All of us in advertising agencies, and particularly people in broadcasting. We can learn from the mistakes of 1970, and make 1972 the year some maturity enters the whole area of political campaigning on television.

And there is some evidence that mistakes were made in '70. A week after the November elections, Foote, Cone & Belding interviewed more than 1,600 people through our Monthly Information Service and the Gallup Organization. We wanted to know if voters shared our concern with the way tv was used. We found three-quarters of the sample favoring restriction or control of political advertising on television. Most were concerned about the inequity of tv time and funds among the candidates. Of those favoring restriction, 23% felt the content wasn't truthful or honorable enough. That percentage was higher here in the West, interestingly enough.

Well, how did we reach this sorry state?

### IT STARTED WITH IKE, REEVES

It all began back in 1952, which happened to be the first election in which I was qualified to vote. More importantly, it was the first election in which television advertising was employed.

Gen. Eisenhower, with the help of Robert Montgomery and Rosser Reeves, did a series of spots in which he answered questions asked by voters—usually ending with: "Let's clean up the mess in Washington." From there, for 20 years, the political use of television has, for the most part, gone downhill.

There have been some brilliant exceptions. The Kennedy-Nixon debates, for example—a format so candid and revealing it has been skillfully avoided by Presidential hopefuls ever since.

There has been little subsequent use of debates and longer-length expositions. In the 1968 campaign, 70% of the TV advertising was in "spots."

Meanwhile, television was getting a larger and larger proportion of the campaign media expenditure; $58,000,000 in 1968. And television time got more and more expensive.

As a result, the standard campaign today is a big reach/frequency spot effort of 10, 20, 30 and 60-second commercials: The most expensive form of communication this side of Telstar.

And if you can't afford it, you don't play. Even if you're an embryonic Abe Lincoln.

With that much cash going into media, needless to say, a lot of people got their mitts into the creative work. A lot of people who don't share with most of us a certain respect for the powerful tools of mass communication and for the rationality of the individual.

Professional image-builders began to emerge and take over the creation and productions of the messages. In the public mind, these people were lumped into the pejorative designation, "Madison Ave.," although many of them didn't represent any recognized advertising agency.

But they talked like the worst huckster sterotype. And the statements they made about their craft—statements that would get one forcibly ejected from any reputable ad agency—sounded like this:

"Our job is to glamorize them, and hide their weaknesses."

"It's much more important to know the man than to know his stand on an issue."

"If I had only three weeks for a campaign, I'd pick a pretty boy."

"He was a beautiful, beautiful body, and we were selling sex."

"Voting is an emotional response."

Well, friends, in my opinion that's a sad compendium of cynicism.

The people behind those statements are making some mistakes about product advertising, too. But I won't get into that right now. Their fundamental error, if not sin, is in equating the communications program of a candidate for public office with the advertising of a consumer product.

If you say it's just like advertising packaged goods, the simile breaks down immediately. Most packaged goods are minor purchases. Most depend for their survival on establishing a predisposition to repurchase. The consumer's most effective response to a disparity between advertising claim and reality is never to buy it again.

When you "buy" a political candidate as a result of his advertising, you're stuck with the "purchase" for four years—with results that can be far more devastating than not getting your teeth as white as you'd hoped.

If you draw the comparison with a big-ticket purchase, the analogy crumbles just as quickly. An appliance, an automobile, an insurance policy are not sold by advertising. They are sold by a dealer or an agent. Advertising can only establish, in the mind of the prospect, an appropriateness between his need or lifestyle and the product, then direct him to the personal salesman and the actual product.

### NO MONEY-BACK OFFER ON CANDIDATES

Unfortunately, this essential second step is missing if you apply the same techniques to selling a candidate. And the candidate offers you neither a money-back guarantee nor any kind of service warranty.

Furthermore, none of the safeguards imposed upon contemporary television advertising apply to political spots. Even the libel laws are suspended.

The National Assn. of Broadcasters and network continuity acceptance departments wouldn't think of challenging the statements, claims and promises made by a political commercial. Indeed, I wonder if the FTC is going to insist on the same kind of documentation from candidates as it demands from automobile manufacturers in 1972.

So it's not only insulting to the issues and office involved to equate them with claims for a can of soup, it's potentially quite dangerous. But it's been done. Done consistently since 1952. And I'd like to show you some examples.

There have been commercials that didn't mention, much less provide an opinion on, a single issue (Examples: JFK, "It's Up to You"; Nixon, "Nixon's the One"; Taft, "One Man Who Can Win"). There have been commercials that never once showed you the candidate (Buckley, "John Wayne", and Evans, Water ID).

There have been commercials so caught up with image-building you wouldn't know there was a political campaign going on (Agnew, "My Kind of Man"). Some just registered the product name (Mezvinsky, "What's His Name?"). And there were unsubstantiated claims galore (Stokes, "Saturday Night").

Every now and then there's been one that attempts to emulate Candor (Lindsay, "Snow Removal"). But primarily the theme has been disparagement (Johnson, "Hydrogen Bomb"). Disparagement and more disparagement (Smith, "Police Are Pigs," and Humphrey, "Laughing Man").

When communication like that can form an important part of a major political campaign, there's something very wrong. And since the advertising industry is being blamed for it, I think we ought to initiate some remedies.

### SATURATION SPOTS DO NOT DO THE JOB

One possibility is for advertising agencies not to accept a political account. This is the simplest solution. It's our solution at FC&B at the moment. But I'm not sure it's the right solution.

I think the talents that reside in an agency could, under the right conditions, be ideal for creating and placing meaningful messages for a candidate. What are those conditions? Well they certainly aren't a high-level, saturation barrage of spots.

The system adopted in England seems very reasonable to me. Under the Independent Television Act, political commercials are forbidden. However, during general elections the British Broadcasting Corp. and ITA allocate a certain number of free broadcasts to each party, the number based generally on the membership of the party.

In the 1970 elections, the Conservative and Labour parties each received five TV broadcasts of ten minutes duration and seven radio broadcasts of either ten or five-minute length. The liberal party was given three TV broadcasts, and four radio.

After a year-long study headed up by Newton Minow, the Twentieth Century Fund recommended something similar for the U.S.—one of the few nations in the world, incidentally, that allow political candidates to purchase tv time. The Fund suggested that, during the last five weeks of a Presidential campaign, all tv and radio stations simultaneously carry six prime time half-hour programs featuring the candidates and attempting to "illuminate campaign issues and give the audience insight into the abilities and personal qualities of the candidates."

That sounds pretty reasonable, too. As an absolute minimum, I think we should have the restrictions on tv expenditures put forth in the bill approved by the Senate on Aug. 5. This bill—which would also rescind the ridiculous equal time proviso—at least for Presidential candidates—made so much sense to both parties that it passed with an 88–2 vote.

But the House has turned it into a partisan political joke composed, as far as one can perceive through the procedural pandemonium, of a multiplicity of different plans.

Equally important is the *kind* of message to be used. Notice the word "message." The idea and terminology of political tv "spots" should be dumped forever.

The 10-second, 30-second, even 60-second lengths are inadequate and inappropriate for presenting a candidate to the voter. These lengths defy a discussion of issues, and encourage the shallowest kind of imagery, the shoddiest kind of logic, and the most reprehensible kind of mud-slinging.

### FIVE-MINUTE MINIMUM BLOCKS ABUSES

I'm in total agreement wtih Ward Quaal of WGN Continental Broadcasting, who will not allow a political message of less than five minutes on his stations. If, in an uncharacteristic display of responsibility, the broadcasting industry would follow Mr. Quaal's example, and set a five-minute minimum on political messages, many of the abuses would automatically be eliminated.

I don't think any political image-builder would risk the ennui inherent in five minutes of groovy music and upshots of a grinning candidate.

I don't think they could successfully refrain from giving us a glimpse of their man for five minutes or manage to elude every issue.

And I am at least hopeful that they would see the peril in a full five-minute implication that the other guy is a fascist freak.

But just in case, I would suggest a few

simple guidelines that would not unduly restrict the creative construction of the message. And these guidelines would be a code for political broadcast messages that the candidate himself would assent to in writing before he or his supporters would be sold time on any station:

1. The message should be designed to help the voter know and understand the candidate, his character and his ability to communicate.

2. The message should establish what the issues are which the candidate feels are important.

3. The message should clearly state where the candidate stands on these issues.

That's all. It's very simple. So simple that I'm sure many of the professional image-builders would smile at the naivety of such an ingenuous proposal. They'd probably point out that longer lengths would blow their reach and frequency, and render their tv campaign ineffective.

I have a little too much faith in the intelligence of the American voter, having dealt with him as a consumer for some time, to buy that.

### LONGER MESSAGE HITS HARDER: STUDY

And, like a good adman, I also have done some research. There was a study done on political broadcast advertising by the School of Journalism and Mass Communications at the University of Wisconsin. It was done in areas of Wisconsin and Colorado among 512 voters after the 1970 campaigns.

Here's the last paragraph of the introduction: "The results of this study suggest that a moderate number of high-quality, substantively informative advertisements may be more effective than a saturation presentation of superficial image-oriented spots."

And here's the final sentence of the study: "Thus, the most effective advertising stategy would be one that allocates campaign funds away from a high frequency of exposure approach into a more modest number of ads containing substantive informational content that is presented in an interesting and entertaining manner by skilled producers."

"Yeah," reply the image-builders, "but how do you make it interesting and entertaining? Five minutes of a guy talking issues is about as exciting as watching paint dry."

Well, there's only one way to prove that this kind of political message doesn't have to be dull. To make one.

At the time that thought occurred, there were only two announced Presidential candidates—Rep. McCloskey and Sen. McGovern. We placed calls to associates of both candidates. Only Sen. McGovern's group responded, and he agreed to work with us in developing the kind of message I'm talking about under the guidelines I've set forth.

So last month, one of our producers named Burns Patterson and a damn good camera man named Al Taffet went with the McGovern group to New Hampshire.

Out of the footage they shot, every inch of which was concerned with Sen. McGovern's view of the problems and his proposed solutions, comes this model for the five-minute political message. At a cost, I might add, of about one-tenth of some of those orgies of imagery I cited earlier.

### FOR CANDIDATES: TV MESSAGE AT COST

I leave it to [admen] to judge whether that kind of treatment is too dull or too cerebral for the American voter. It's serious, I'll admit. Not a prat-fall or gagline in it. But somehow I continue to regard that job on Pennsylvania Ave. as a rather serious matter.

Ever mindful of the equal time provision, we're offering to do the same kind of message, at cost, for any announced Presidential candidate from either major party.

So that's my platform, fellow Americans. I'm urging the House to stop weaving loopholes into the bill to restrict candidates' tv expenditures.

I'm urging the broadcast industry to set a minimum length of five minutes on all political messages. And to insist that the content concern itself with the candidate, his view of the issues and his proposed solutions.

And I'm urging all of us in the advertising business not to be beguiled into making commercials that confuse a candidate and an office with a deodorant and an armpit.

If these minimum standards of responsibility aren't observed—if we have an encore of those abuses that characterized television campaigning in '70—those fragile stands of public confidence that we're trying so hard to maintain for advertising could be eroded entirely.

And November, 1972, is less than 12 months away.

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### [BEFORE THE FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, D.C.]

### PETITION FOR RULEMAKING

**Anthony R. Martin-Trigona, Petitioner, in the matter of amending the rules of the Commission to prohibit broadcast commercial announcements on behalf of political candidates and parties unless such announcements are at least four minutes and thirty seconds in length.**

**Petitioner respectfully requests and moves the Commission, on the basis of the showing made herein and on the basis of materials of which the Commission can take judicial notice, to amend the rules of the Commission to prohibit broadcast licensees from carrying political announcements on behalf of political candidates and parties unless said announcements are at least four minutes and thirty seconds in length, and in support thereof states to the Commission as follows:**

### THE PARTIES

**Petitioner Anthony R. Martin-Trigona is a citizen of the United States residing in Urbana, Illinois (mailing address: Box 2058 Station A, Champaign, Illinois). Petitioner is well known to the Commission as a consumer advocate and gadfly sponsor of the public interest at the Commission.**

**Petitioner asks that the class of respondent parties in interest be and include all commercial broadcast licensees in the United States who have ever or ever plan to broadcast commercial announcements on behalf of political candidates and political parties.**

There is no question but that the petitioner, as an interested citizen of the United States, has the standing to present and prosecute this petition for rulemaking which brings before the Commission a matter of utmost importance to each and every citizen of the United States.

### THE ISSUES

Campaigns for public office and the commercial trappings which buoy them have become a continuing scandal in American life. Candidates are merchandised like boxes of soap, voters are misled on the issues, and the media have become conduits for useless, irrelevant and often dangerously inaccurate information and innuendoes. Indeed, despite the many negative implications some people assign to advertising and broadcasting in general, it appears that political commercials have become a *sui generis* form of scurrilous communication. As John E. O'Toole observed in a recent speech, ". . . I thought about all the elected officials . . . who had used television in their campaigns in ways that would never be tolerated for product advertising. I thought of the abuses and misuses, which, were they for a product, would never get past a continuity acceptance department. . . ." Petitioner requests that the statement by Mr. O'Toole, printed beginning on page 17 of *Advertising Age,* December 27, 1971, be incorporated by reference *in toto* in this petition.

Petitioner wants to make it abundantly clear that he is not opposed to the commercial broadcast system in the United States, and indeed, in theory is strongly in favor of such a system. In addition, petitioner is not in favor of and does not advocate censorship of any form, nor is petitioner in favor of limiting the use of political advertising *per se* (except as may be legislated by the Congress). This petition is directed at the narrow issue of how long political commercials should be and the factors which influence, affect and control the public interest with respect to the length of political commercials.

### THE PUBLIC INTEREST

I is beyond dispute that the public, and particularly the viewing and voting public, has an overwhelming compelling interest in receiving an accurate stream of information from its broadcast channels. Thus, at the threshold, it is clear (a) the public interest considerations are involved in political commercials; (b) the Commission as the statutory and constitutional representative of the public interest and people of the United States has a mandate, indeed a non-delegable duty, to protect the public interest, to safeguard the integrity of the broadcasting system and to establish reasonable standards and conditions of service to insure that accurate, meaningful information is transmitted over the broadcasting system.

### THE COMMISSION'S POWER

The Commission clearly has the power to act in this instance and to grant affirmative relief to the petitioner. Both the public interest considerations involved and the regulatory mandate of the Commission give the agency the means and power with which to take action concerning commercial announcements for political candidates and parties.

The Commission cannot "censor" a candidate or party, but censorship is not involved in any form. None would be censored as to the content of the communication under this petition; the only restrictions involved would concern the length of the announcements.

It is apparent, moreover, that restrictions on the length of political announcements would not create any discrimination between "rich" and "poor" candidates for the same or other offices since the rates quoted by many stations for five minute programs are roughly equivalent to the rates the same stations charge for sixty second spot announcements. Although the rates are not the same, it is clear that a "poor" candidate would not be disadvantaged by a "five minute limit" on political commercials. Since it also appears likely that some dollar limits will be imposed on political advertising, the "rich" man and "poor" man would be in roughly the same position as to their relative and effective access to the communications media.

### ACCESS

The Commission has the duty and power to also insure that any limitations placed on political programming will also carry with them effective "access" remedies, and that political candidates who wish to purchase broadcasting time will be able to do so at times when it is convenient for them and at times when they will have an opportunity to communicate with "prime time" audiences. Thus, the Commission should act to insure that when the limits are imposed, adequate amounts of "five minute program time" will be made available by all stations at all times and that no restrictions will be placed on access to stations and particularly no restrictions on access to prime time audiences.

### SUGGESTED TEXT

The petitioner suggests the following text for the rule which petitioner seeks:

A. No commercial broadcast licensee shall carry any sponsored announcement on behalf of any candidate for public office, political party or political issue, unless said commercial announcement shall be at least four minutes and thirty seconds in length, or five minutes with opening and closing disclaimers and station credits.

B. Any candidate shall have the right to purchase time over any station over which he proposes to broadcast his message provided he shall give the station seven (7) days advance notice of the time and date which he proposes to use.

C. Licensees must grant adequate access to all audience periods and are specifically directed to insure that all prime time audience periods are open to all candidates and that political announcements receive priority over other regular commercial programming.

### PRAYER FOR RELIEF

There is an urgent need for expedited action by the Commission because 1972 may prove to be the costliest and most confusing election year in the history of broadcast advertising for political candidates. The petitioner urges the Commission to take immediate action on the petition, to present the same for action at an early meeting of the full Commission, publish the petition in the Federal Register, furnish a copy to all broadcast licensees, and in all ways possible to expedite action on the petition. In the event the petition or any part thereof fails to comply with any rule of the Commision, the petitioner asks that the Commission provide immediate notification to the petitioner so he can amend the petition and cure any defect.

Petitioner feels the Commission should have an initial thirty day period to take initial action on the petition. It would appear that the emergency circumstances surrounding the petition and the need for expedited action mandate prompt action and that any delay by the Commission beyond thirty days would create critical and substantial prejudice to the public interest and require further action by the petitioner to secure or enforce a ruling on this compelling matter of public policy.

Wherefore, the petitioner respectfully moves the Commission to set the proposed amended rule for immediate action and after required proceedings, to adopt the rule

Respectfully submitted,

ANTHONY R. MARTIN-TRIGONA.

## SALUTE TO YOUTH FOR UNDERSTANDING

Mr. PROXMIRE. Mr. President, for the past 21 years an organization called Youth for Understanding has been conducting a student exchange program, sending American students to selected countries abroad and bringing foreign students here for study. At the present time about 3,100 foreign students between the ages of 16 and 18 are attending local American high schools and living with American families. In return more than 2,500 American high school students will go overseas this year. Over 30,000 students have participated in the program since its beginning.

Youth for Understanding was started in 1951 by the Detroit, Mich., area Rotary Club to bring 75 German teenagers to the United States. It soon received support from the Ann Arbor Council of Churches. The purpose of YFU, according to its bylaws, is to promote international understanding and to acquaint teenage students with the family and community life of another country. For the 21 years of their existence they have been doing an admirable job. It is an honor for me to commend them on their fine work.

## NEW YORK CITY BAR ASSOCIATION OPPOSES EQUAL RIGHTS FOR WOMEN AMENDMENT

Mr. ERVIN. Mr. President, one significant feature of the dialog on the equal rights amendment has been the number of outstanding legal scholars that have opposed the amendment. The New York City Bar Association is no exception. The association, which is composed of some of the finest legal minds in the Nation, did an exhaustive study on the amendment and concluded in a report to its members that the amendment should not be approved.

In its scholarly report, the association details the complications that could arise from the passage of the equal rights amendment and the recent developments in the law which have made its passage unnecessary, and I hope every Senator will take the time to read this valuable addition to the debate on the equal rights amendment.

In the report, the association states that:

> Our opposition to the proposed amendments arises not from any disagreement with the proposition that women should be free from discrimination, but from the means which have been proposed.

I certainly agree with this statement and I firmly believe that most Americans disagree only with the means proposed by the equal rights amendment advocates. As a better path, the New York City Bar Association feels that:

> A markedly preferable procedure for resolving the issues of discrimination by sex is to rely on careful Federal legislation, drawn as far as possible to deal with specific subject matter, and a continuing pattern of judicial decision under the Equal Protection Clause of the Fourteenth Amendment. Constitutional amendment is probably unnecessary and distinctly undesirable.

Since the New York City Bar Association's report, the U.S. Supreme Court has acted to confirm their prediction of the Court's action under the 14th amendment in the Reed against Reed case. To my mind, the Reed case obviously is a tipoff that the Court will declare unconstitutional any law that unreasonably differentiates between men and women, and I cannot understand why the effort expended in behalf of the equal rights amendment is not directed at the 14th amendment with court cases. In the final analysis, court cases are going to have to be brought even if the equal rights amendment is passed.

Mr. President, I ask unanimous consent that the report by the New York City Bar Association be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Report of the Association of the Bar of the City of New York, Committee on Federal Legislation]

### AMENDING THE CONSTITUTION TO PROHIBIT STATE DISCRIMINATION BASED ON SEX

The burgeoning issue of women's rights has recently become the subject of national attention through the revival of a long pending proposal for constitutional amendment. The House, without hearings or extensive debate, has now passed a proposed constitutional amendment which reads:

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several states shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation."

In the Senate, this Amendment initially had over 40 sponsors. As the matter neared a vote, however, it became apparent that many of the original proponents of the amendment were having serious second thoughts. On the day before the recess, the Senate, by rider, added to the Equal Rights Amendment a provision specifically permitting draft exemptions to continue to be accorded to women and also added the so-called "Dirksen Prayer Amendment" which would overturn the Supreme Court's decision prohibiting prayers in school. This latter provision, having no relevance to the Equal Rights Amendment, would seem to be unacceptable to the House and the passage of this rider appears to be the death knell for the House-passed version of the Equal Rights Amendment.

When the Senate reconvenes on November 16, 1970 the pending business will be a new version of the Equal Rights Amendment. The new proposal was introduced by Senator Birch Bayh just prior to the recess, in what has been described as an "effort to revive the nearly dead Equal Rights Amendment."[1] The Bayh proposal (which we will refer to as the "Equal Protection" Amendment) reads as follows:

"Neither the United States nor any state shall, on account of sex, deny to any person within its jurisdiction the equal protection of the laws."

We have considered both the Equal Rights Amendment in its original version as it passed the House and the Equal Protection Amendment; we urge the Congress not to adopt either amendment. The problems to which the proposed amendments direct themselves are substantially better dealt with by a broad statutory declaration of principle, coupled with specific, carefully drafted legislation directed at specific types of discrimination, and developed by judicial decision. Constitutional amendments afford an unsatisfactory remedy; at the same time, the alteration of the Constitution for this purpose threatens the integrity of the Fourteenth Amendment in other areas.

We have also examined and summarize in the Appendix attached to this report the manner in which the courts have been dealing with alleged sex discrimination, attempting to discover whether a shift in judicial attitude has taken place.

Considering the nature of the existing discriminations and the judicial treatment being accorded to them, we have concluded that:

A. Those discriminations which would be clearly invalidated by both of the proposed amendments could be stricken under the equal protection clause of the Fourteenth Amendment without the need for further constitutional amendment, particularly if the development of the law in this area were encouraged by a statute embodying a Congressional declaration of principle.

Congress has already taken some action with respect to discrimination in employment and recent decisions show that such

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Footnotes at end of article.

legislation has been having a beneficial effect.[2]

B. Some statutes distinguishing on the basis of sex are considered by some to be genuine benefits or privileges accorded to women, yet thought by others to be discrimination masquerading as protection. Here, the impact of either amendment seems at best to be ambiguous. Conflicting statements made by proponents of the Equal Rights Amendment as to its intended impact lead one to conclude that no one can confidently predict what the results of that amendment would be on such statutes. Although we find the equal protection language to be superior to the language of the Equal Rights Amendment in this respect, it too raises more questions than it answers[3]—questions which we believe can be more satisfactorily resolved by statute than by a constitutional amendment.

C. Neither amendment would reach the most serious and widespread discrimination against women—that discrimination which occurs in private employment. There is no question but that discrimination against women in initial employment, in wage scales and in promotion policies exists on an enormous scale. None of these abuses, however, would be touched by the amendments, which reach only non-private discrimination.

## I. THE NATURE OF THE PROBLEM AND JUDICIAL TREATMENT TO DATE

The areas in which discrimination by law based on sex is said to exist include at least the following: (1) labor laws, including minimum wages, maximum hours of work, permissible times of work, working conditions and permissible kinds of work (including statutes prohibiting women from engaging in particular gainful occupations, or prohibiting women from performing certain services, such as lifting more than a specified weight); (2) statutes or ordinances denying women equal access to places of public accommodation or amusement; (3) laws exempting women from the responsibility of jury service; (4) statutes providing for a different time and/or place of imprisonment for persons of different sexes sentenced to jail for the same offense; (5) discrimination in admission to various public educational institutions; (6) laws declaring different ages of majority for the purpose of entering into a contract or making a will, different ages of consent to marriage, different capacity to contract during coverture; (7) laws providing different rights to support or alimony or different rights to an intestate or elective share of the estate of a deceased spouse.[4]

The Appendix, which summarizes judicial decisions on the constitutionality of such laws, demonstrates, we believe, that the proponents of legislation in this area are quite correct in their contention that courts in general—and the United States Supreme Court in particular—have been slow to recognize that any "invidious discrimination may be involved in statutes which discriminate between the sexes. It is still correct to state, as one of the leading articles in this area did in 1965, that ". . . [T]he Supreme Court has in no case found a law distinguishing on the basis of sex to be a violation of the Fourteenth Amendment . . ."[5] Nevertheless, it is also true that laws which discriminate between the sexes are more and more coming under attack, and that these attacks are beginning—in both state and federal courts—to meet with success.

It appears that the majority of courts presented with the issue have considered the validity of sex distinctions to depend upon "reasonableness" or "rationality." As the decisions demonstrate, such a "reasonable" basis has not been difficult to discover in most cases. It has been found in the need to protect public health and safety, the need to protect public morals (and those of women in particular), the policy of protecting the family as an institution, and, in general, the protection of females viewed as a class in need of such protection. There are opinions which apparently assume that sex is *per se* a rational basis for discrimination, with no further burden of justification.

Professor Paul Freund of Harvard Law School testified at hearings on the Equal Rights Amendment: ". . . a few significant decisions of the Supreme Court in well chosen cases under the Fourteenth Amendment would have a highly salutary effect."[6] There are increasing signs that such a trend in judicial thinking is under way. The increasing reluctance to find a rational basis upon which to uphold sex discrimination of various kinds stems, it would seem, primarily from a growing realization on the part of male judges and lawyers that paternalistic conclusions about the need of women for "protection" require close scrutiny to make sure that they are not simply the reflection of unwarranted assumptions of male superiority, similar to the assumptions of white superiority which have so persistently hampered efforts to establish racial equality before the law. Judges are apparently beginning with some frequency to view sex-discriminatory laws as they have for some time viewed racially discriminatory laws. A statute which restricts in some substantial way the liberty of all members of a group, as individuals, because of some assumptions (usually, although not always, unverifiable ones) about the average characteristics of that group bears a heavy burden of justification if that group is one to which individuals belong not by choice but by birth.

The argument thus can be made—and to us appears compelling—that all members of one sex, *as individuals,* should no more be penalized by the law for the characteristics of their sex as a group than should all members of one race, as individuals, be so affected. Despite this, it does not necessarily follow that every law which distinguishes between the sexes should for that reason alone be automatically invalid. Even proponents of the "Equal Rights" Amendment appear to concede that, given the present state of American culture, certain public differentiations between the sexes, such as separate public restrooms, should be permissible. However trivial this point may seem, it is nevertheless indicative of the fact that a distinction based on sex is not, *per se,* quite so presumptively invidious as a distinction based on race (it being obvious that any state action establishing racially segregated restrooms would be entirely impermissible). This is perhaps because such sexual segregation is not an indicium of pejorative inequality in the eyes of either sex, as opposed to racially segregated restrooms, which would quite properly be viewed as evidencing not merely a discrimination, but also an attributed inferiority on the part of one of the races. Thus, sex-distinguishing legislation, even if subject to a more severe judicial scrutiny, should in at least a few cases be able to survive where similar racially-distinguishing legislation could not. Similar distinctions might arguably be sustained if based on such biological differences as child-bearing or physical structure, within the context of our culture.

## II. DISCUSSION OF THE DESIRABILITY OF THE PROPOSED CONSTITUTIONAL AMENDMENTS

### *A. The equal rights amendment versus the equal protection amendment*

Of the two constitutional amendments under consideration here, the House-passed version, or Equal Rights Amendment, should be eliminated at the outset of this discussion as inferior to the "Equal Protection" Amendment. This is in part because "equal rights" suffers from vagueness of definition. The new concept of "equal rights" may, of course, be given substance by a holding that it is coterminous with the more familiar "equal protection of the laws," but in that event it is at best superfluous and at worst confusing. If "equal rights" goes beyond "equal protection of the laws," that is, to a doctrine approaching *per se* invalidity for any law that draws distinctions based on sex, it is also undesirable as being too inflexible, as the foregoing discussion would seem to indicate. It should also be rejected for several other reasons of a technical nature.[7]

### *B. Evaluation of the equal protection amendment*

The Equal Protection Amendment, though better conceptually and in other technical respects, should also be rejected for at least three reasons: (1) the passage of such an amendment would not achieve anything which could not be achieved by Act of Congress, for the States, pursuant to Section 5 of the Fourteenth Amendment, and for the Federal Government, within its powers to enact Federal law; (2) it would fail to direct Congressional attention specifically to the ways in which various types of existing distinctions based on sex should be resolved; and (3) it might have an unfortunate effect on future development of the scope of the Fourteenth Amendment.

#### 1. Availability of Statutory and Judicial Alternatives To Enforce the Equal Protection Clause

We believe that the Equal Protection Clause of the Fourteenth Amendment does prohibit any legislation which makes an unreasonable sex-discrimination, and many courts have so held. It is true that the Supreme Court has never invalidated a law on these grounds; on the other hand, it has on more than one occasion considered whether a given law which does so discriminate has violated that clause, and has never, to our knowledge, said that sex-discrimination cannot give rise to a violation of the Equal Protection Clause. The latest decisions of the Court in this area have been divided ones.[8] The Court may well be influenced in future decisions by the ferment of thought and discovery in this area, so that laws and practices previously deemed innocuous may be seen as pernicious. If it is considered desirable that this process be aided by Congressional action, a statute enacted under § 5 of the Fourteenth Amendment would seem to be sufficient for such a purpose, without the necessity to rewrite the Constitution.[9] A broad and forceful statute, moreover, could well serve a needed symbolic function to express the will of Congress on these issues.

#### 2. The Greater Specificity of a Statute

One of the principal arguments of the opponents of the "Equal Rights" Amendment has been that it would have vast and incalculable effect on such areas as local laws of support, alimony, child custody, labor regulations, etc.—that it would create uncertainty and thereby breed litigation. To the extent that a rigorous application of the Fourteenth Amendment to sex-distinctions in the law becomes widespread, however, similar uncertainty and increase in litigation is likely to follow. One of the virtues of a simple Act of Congress is that it can properly be specific about the precise ways in which a variety of different problems are to be resolved. Such a statute could adequately fill the need for a declaration of national policy in this area, while at the same time avoiding much of the uncertainty that would result from such a declaration of policy unaccompanied by any instructions as to how it should be implemented.[10]

Related to this point, we note that one argument for action by Constitutional amendment is its permanence—once ratified, such action is nearly impossible to reverse. While we recognize the force of this argument, we believe that incorporation of protection against sex-discrimination into the fabric of the Fourteenth Amendment

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Footnote at end of table.

would soon become equally difficult to reverse. (In light of the possible difficulties attendant on ratification of an amendment, it may also be considerably easier to achieve.) We further note that the specific rules for resolving existing sex differentiation initially formulated in a comprehensive statute might, the light of experience, appear to require some modification or supplementation; were they in an amendment rather than a statute, this might be a practical impossibility.

### 3. The Inappropriateness of Constitutional Amendment Here

It is perhaps fundamental that a Constistitution should embody provisions of general application. The Fourteenth Amendment, particularly if supported by appropriate legislation, would seem to be such a generalized provision, which has applicability to the problems of discrimination by sex. An amendment directed to this one problem would seem to be of insufficient generality to warrant inclusion in the Constitution alongside the Fourteenth Amendment.

In addition, at least in some courts, the adoption of such a specific amendment could possibly be used as a means to limit the application of the Fourteenth Amendment in other areas.[11] However remote this prospect may be, there seems to be little justification to create the prospect of its occurrence.

### CONCLUSION

Our opposition to the proposed amendments arises not from any disagreement with the proposition that women should be free from discrimination, but from the means which have been proposed. We have concluded that a markedly preferable procedure for resolving the issues of discrimination by sex is to rely on careful Federal legislation, drawn as far as possible to deal with specific subject matter, and a continuing pattern of judicial decision under the Equal Protection Clause of the Fourteenth Amendment. Constitutional amendment is probably unnecessary and distinctly undesirable. For these reasons, the proposed amendments should not be approved by the Congress.

*November 10, 1970*

THE COMMITTEE ON FEDERAL LEGISLATION

Sheldon H. Elsen, *Chairman*
Mark H. Alcott
Michael F. Armstrong
Donald J. Cohn
Nanette Dembitz (Hon.)
Ambrose Doskow
Michael S. Fawer
John D. Feerick
Peter M. Fishbein
Mahlon Frankhauser
Robert L. Friedman
Robert J. Geniesse
Richard A. Givens
R. Kent Greenawalt (Prof.)
Arthur Handler
Conrad K. Harper*
Thomas V. Heyman
Charles L. Knapp (Prof.)
David M. Levitan
James H. Lundquist
William B. Pennell
Martin F. Richman
Leonard B. Sand
Beatrice Shainswit
Irving Younger (Hon.)

*Mr. Harper dissents, in the belief that a Constitutional amendment should be enacted.

### FOOTNOTES

[1] New York Times, October 15, 1970, p. 31.

[2] See discussion of cases under the Civil Rights Act of 1964, Appendix, *infra*.

[3] Upon introduction of the Bayh proposal, Senator Ervin, who is opposed to the Equal Rights Amendment, expressed his gratitude that Senator Bayh recognized that there were legitimate interests of women which "need protecting". Senator Bayh, however, said that he did not think that there was any substantial difference between his language and that of the Equal Rights Amendment. New York Times, October 15, 1970, p. 31.

[4] Many of these laws are discussed in the opinions cited in the Appendix to this Report. In addition, see the citations to the Hearings before the Subcommittee on Constitutional Amendments of the Judiciary Committee on S.J. Res. 61 (May 5, 6, 7, 1970) (cited in the Appendix as "Hearings") and see also Hearings at pp. 725 (age of legal majority) and 728 (age of consent to marriage). On the general subject of legal discrimination based on sex, see Kanowitz, *Women and the Law* (1969).

[5] Murray & Eastwood, Jane Crow and The Law: Sex Discrimination and Title VII, 34 Geo. Wash. L. Rev. 232, 237 (1965).

[6] Hearings before the Senate Judiciary Committee, September 9, 1970.

[7] The Equal Protection Amendment is preferable to the Equal Rights Amendment in the following other respects:

(i) It contains the usual and desirable provision requiring ratification by the states within 7 years, a provision omitted from the Equal Rights Amendment;

(ii) It provides for a two-year period after adoption before the amendment would be effective, as contrasted to the one-year provision in the Equal Rights Amendment. The longer period of time is desirable, in view of the many changes in state law which may be deemed necessary in the light of the amendment;

(iii) It eliminates the jurisdictional problems and apparent limitation on federal action created by language of the Equal Rights Amendment to the effect that "Congress and the several states shall have power *within their respective jurisdictions,* to enforce this article by appropriate legislation." [emphasis added]

This language might be read to inhibit federal action in a manner probably not intended by the proponents of the measure.

[8] *Goesaert* v. *Cleary,* 335 U.S. 464 (1948) (three Justices dissenting); *Hoyt* v. *Florida,* 368 U.S. 57 (1961) (three Justices concurring in part); see also *U.S.* v. *Yazell,* 382 U.S. 341 (1966) (three Justices dissenting).

[9] Congress has power to act in implementation of Article 14, Section 5, in the area of women's rights. Such action by Congress would be even more clearly justified and appropriate than the recent action taken with respect to lowering of the voting age, elimination of residence requirements and other matters contained in the amendments of the Voting Rights Act of 1965. See our reports on the Extension of the Voting Rights Act and the Administration's Alternative, Volume 9, Bulletin No. 1, July 1, 1970, page 50, and Reports of Committees of the Association of the Bar concerned with Federal Legislation, on Statutory Reduction of the Voting Age, *ibid.,* at page 64.

[10] The statute could contain a preamble similar to that found in the amendments to the Voting Rights Act of 1965 declaring certain presently existing practices which discriminate against women to be in violation of the Equal Protection provision of the 14th Amendment. The statute could then deal specifically with those areas in which the impact of the general principle of equal protection gives rise to ambiguities, i.e., the circumstances in which argument exists as to whether distinctions in the law based on sex are "protections" or "discriminations." Specifically focusing on these problems, Congress could prescribe the precise consequences which it intends.

[11] See discussion of *Minor* v. *Happersett, Appendix, p. i.*

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## APPENDIX

### CONSTITUTIONALITY OF VARIOUS STATE LAWS WHICH DISCRIMINATE ON THE BASIS OF SEX

Although it does not pretend to be exhaustive, the following is an attempt to summarize the principal cases which have questioned the constitutionality of legislation which makes distinctions based on sex. We have particularly attempted to discover any cases in recent years which represent a shift in judicial attitude toward such laws.

I. *Suffrage.* The Fourteenth Amendment was proposed by Congress in 1866, the Fifteenth in 1870. In *Minor* v. *Happersett,* 88 U.S. 162 (1874), the United States Supreme Court was asked to hold that a Missouri law confining the state's elective franchise to males was invalid under the Fourteenth Amendment. The argument was based on the "privileges and immunities of citizenship" clause and on "equal protection"; the Court in upholding the statute discussed primarily the former. Conceding that women were both "persons" and "citizens" within the meaning of the Fourteenth Amendment, the Court held that suffrage was not one of the "privileges" referred to. The Court relied on the existence of the Fifteenth Amendment as demonstrating Congress' belief that suffrage was not covered by the Fourteenth. (This issue was of course rendered moot by the Nineteenth Amendment.)

II. *Working Hours.* Statutes regulating the maximum hours per day a woman may be employed to work, or the time of day when she may work, have been common for many years. See generally, Oldham, Sex Discrimination and State Protection Laws, 44 *Denver L.J.* 344, 354–57 (1967) (hereinafter cited as Oldham). A summary of such laws as of 1969 may be found in Hearings before the Subcommittee on Constitutional Amendments of the Judiciary Committee on S.J. Res. 61 (May 5, 6 and 7, 1970) (hereinafter cited as Hearings), at pp. 737–42. An Oregon statute of this type was approved by the Supreme Court in 1908, in *Muller* v. *Oregon,* 208 U.S. 412. The Court had struck down a N.Y. law fixing maximum hours for both men and women only three years before, in *Lochner* v. *New York,* 198 U.S. 45 (1905), so the Court (supported by a Brandeis brief) was at some pains to make it clear that the law in question was valid because of the state's particular interest in protecting the health of women workers. A series of Supreme Court cases in the following years reached similar results: *Riley* v. *Commonwealth,* 232 U.S. 671 (1914); *Hawley* v. *Walker,* 232 U.S. 718 (1914); *Miller* v. *Wilson,* 236 U.S. 373 (1915); *Bosley* v. *McLaughlin,* 236 U.S. 385 (1915); *Radice* v. *New York,* 264 U.S. 292 (1924); see also, *State* v. *Dominion Hotel, Inc.,* 17 Ariz. 267, 151 Pac. 958 (1915).

With the passage of the Civil Rights Act of 1964, sex discrimination in covered employment was prohibited, and a number of cases were thereafter brought in which it was claimed that refusal of an employer to hire a woman otherwise qualified because she could not under state law work the hours required by the job would constitute a violation of the Act (such a qualification imposed upon women being claimed not to constitute a "bona fide occupational qualification"). In *Mengelkoch* v. *Industrial Welfare Comm'n,* 284 F. Supp. 950, 956 (C.D. Calif. 1968), plaintiff sought to have the state's maximum-hours law enjoined as being in violation of the Constitution or the Civil Rights Act. The three-judge panel, in an opinion by Judge Stephens, held that the Constitutional issue was not "substantial" (citing *Muller*), after which Judge Stephens, now sitting alone, held the Constitutional issue to be a "settled" one, and abstained on the statutory claim. In 393 U.S. 83, *pet. for reh. denied,* 393 U.S. 933 (1968), the Court dismissed an appeal from both decisions, for want of jurisdiction. A similar suit was brought in *Ward* v. *Luttrell,* 292 F. Supp. 162 (E.D. La. 1968), but it was again held that until the Supreme Court should overrule *Muller* and its similar decisions, the Constitutional issue was not "substantial."

In *Rosenfeld* v. *Southern Pac. Co.,* 293 F. Supp. 1219 (C.D. Calif. 1968), however, a different result was reached. Defendant had refused to hire plaintiff as an "agent-telegrapher," a job for which she was otherwise qualified, on the ground that the state's maximum-hour law (and weight-lifting law, see *infra*) forbade it. The District Court responded by holding the state statute to be invalid, under the Supremacy clause, as in violation of the standards set by the Civil Rights Act for non-discriminatory employment practices.

III. *Weight-Lifting.* A number of states have laws limiting the amount of weight which a woman may be permitted to lift or carry on the job. See Hearings, 748. As noted above, such a statute in California has been held invalid under the Civil Rights Act of 1964. *Rosenfeld* v. *Southern Pac. Co., supra.* Accord., *Utility Workers Union Local 246* v. *Southern Calif. Edison Co.,* 61 Lab. Cas. par. 9369 (C.D. Calif. 1969). A number of other cases have held such standards where imposed by employers without the compulsion of state law to constitute violations of the Act. In *Weeks* v. *Southern Bell. Tel. & Tel. Co.,* 408 F.2d 228 (5th Cir. 1969), Georgia had previously had such a statute, since replaced by a non-discriminatory one. The Circuit Court, reversing the District Court below, held that the employer had failed to sustain the burden of demonstrating that it had a "factual basis for believing that all or substantially all women would be unable to perform safely and efficiently the duties of the job involved." *Id.* at 235. In *Bowe* v. *Colgate-Palmolive Co.,* 416 F.2d 711 (7th Cir. 1969), another reversal, it was similarly held with respect to an employer which, although not bound by any such statute in Indiana, claimed to have been following similar restrictions imposed on its operations in other states; the court noted the *Rosenfeld* holding "with approval."

It should be stressed, of course, that these opinions are all applications of the Civil Rights Act, not Constitutional holdings. This was emphasized by the court in *Richards* v. *Griffith Rubber Mills,* 300 F. Supp. 338 (D. Ore. 1969), a similar holding. The test applied in *Weeks, supra,* requiring the employer to show that "all or substantially all women" could not perform the job in question, was applied with similar result in *Cheatwood* v. *Southern Bell Tel. & Tel. Co.,* 303 F. Supp. 754 (M.D. Ala. 1969). In holding that there must be more than just a "rational" basis for the restriction, these opinions perhaps foreshadow the kind of "equal protection" test which can be applied to sex-discrimination statutes of all kinds by a court which considers the sexual classification as an inherently "suspect" one.

IV. *Minimum Wages.* A substantial majority of states have minimum wage laws; a minority of these statutes apply only to women (or to women and minors). See Hearings, 730–36. A statute of the latter type was upheld in *West Coast Hotel Co.* v. *Parrish,* 300 U.S. 379 (1937), overruling *Adkins* v. *Children's Hosp.,* 261 U.S. 525 (1923). Unlike *Muller, supra,* the holding was not limited to a statute applying to women only; the Court made it clear that its approval was for state minimum wage laws in general. Having done so, the Court then upheld the law in question as not being an arbitrary discrimination: "This Court has frequently held that the legislative authority, acting within its proper field, is not bound to extend its regulation to all cases which it might possibly reach." *Id.* at 400.

V. *Occupational Restrictions.* About half the states have statutes prohibiting women from employment in one or more types of work; the most common are mining and the serving of alcoholic beverages. See Hearings, 746–7; see generally *Oldham,* 357–60. A precedent for occupational restriction in general is *Bradwell* v. *State,* 83 U.S. 130 (1872), approving an Illinois law restricting admission to law practice to males only. Citing the *Slaughter-House Cases,* 83 U.S. 36 (1872) to the effect that the Fourteenth Amendment's Equal Protection Clause was designed primarily for the protection of the Negro race, the Court held that the practice of law is not a "privilege" of citizenship, and its regulation is within the state's reserved police power. (Justice Bradley's concurring opinion, joined in by two other justices, is notable for its "male supremacy" language.) In accord is *In re Lockwood,* 154 U.S. 116 (1894) (similar case from Virginia); see also *Quong Wing* v. *Kirkendall,* 223 U.S. 59 (1911) (laundry-tax statute attacked partly on ground that it discriminates between sexes; the Court notes that states discriminate between the sexes in a number of ways, including property rights and inheritance rights, age of majority, etc.).

A series of state decisions has upheld the state's power to prohibit or restrict the employment of women in the liquor trade, especially in bars. These include: *Blair* v. *Kilpatrick,* 41 Ind. 315 (1872) (statute limiting grant of liquor licenses to males only); *Bergman* v. *Cleveland,* 39 Ohio St. 651 (1884) (law forbidding employment, in bar, of women other than licensee's wife); *State* v. *Considine,* 16 Wash. 358, 47 Pac. 775 (1897); *Mayor and Council of Hoboken* v. *Goodman,* 68 N.J.L. 217, 51 Atl. 1092 (1912) (ordinance forbidding employment of women other than licensee's wife as bartender or barmaid, also prohibiting licensee from allowing women to congregate in bar for the purpose of enticing customers); and *Fitzpatrick* v. *Liquor Control Comm'n,* 316 Mich. 83, 25 N.W. 2d 118 (1946) (statute forbidding employment as bartender of any female other than the wife or daughter of a *male* licensee.).

Apparently the first case invalidating such a law is *Brown* v. *Foley,* 158 Fla. 734, 29 So. 2d 870 (1947), in which a Miami ordinance forbidding employment of women as bartenders was struck down as being, simply, unreasonable. In 1948, however, the issue came before the Supreme Court. A three-judge District Court in Michigan had refused to enjoin the operation of the Michigan statute upheld in *Fitzpatrick, supra,* in *Goesaert* v. *Cleary,* 74 F. Supp. 735 (E.D. Mich. 1947) (one judge dissenting on the ground that the statute arbitrarily discriminated between male and female *licensees,* permitting only the former to employ their female children as bartenders). In *Goesaert* v. *Cleary,* 335 U.S. 464 (1948), Justice Frankfurter, speaking for himself and five other Justices, upheld the statute as making a not "irrational" distinction. "The Constitution," Frankfurter suggested, "does not require legislatures to reflect sociological insight, or shifting social standards, any more than it requires them to keep abreast of the *latest* scientific standards." *Id.* at 466. The three dissenting Justices followed the reasoning of the dissenting opinion below, that at least as to female licensees, the statute was an unreasonable one.

As might be expected, the cases since *Goesaert* have tended to approve similar statutes; see, eg., *State* v. *Burke,* 79 Ida. 205, 312 P.2d 806 (1957); *Hargens* v. *Alcoholic Beverage Control Bd.,* 263 Cal. App. 2d 601, 69 Cal. Rptr. 868 (1968); cf. *Coon v. Tingle,* 277 F. Supp. 304 (N.D. Ga. 1967). See also *Vintage Society Wholesalers Corp.* v. *State Liquor Authority,* 311 N.Y.S. 2d 735 (Sup. Ct. 1970).

As noted above, the Civil Rights Act of 1964 has been relied on to attack discriminatory employment rules found in state legislation. In two cases, Federal courts have considered the impact of that Act on the "barmaid" type of law: In *Krauss* v. *Sacramento Inn,* 38 U.S. L. Week 2699 (U.S. D.C. E.D. Calif. June 15, 1970), the California statute was held to be valid despite the Act, relying on the *Goesaert* decision and the Twenty-First Amendment. In *McCrimmon* v. *Daley,* 418 F.2d 366 (7th Cir. 1969), however, the court held that the District Court had erred in dismissing plaintiffs' action to enjoin a Chicago ordinance as presenting no "substantial" federal question. The Circuit Court held that the complaint raised two substantial federal questions—a constitutional issue (not precluded by Goesaert because of a slight difference between the ordinance and the statute there tested), and a Supremacy question, under the Civil Rights Act. See also *Longacre* v. *State,* 488 P.2d 832 (Wyo. 1968), where the state had adopted a statute forbidding sex-discrimination in employment (along with race discrimination, etc.) after the "barmaid" statute was adopted. Although it could probably have harmonized the two, the court chose rather to hold that the later statute impliedly repealed the earlier, adding that were the legislature specifically to exempt bartending from the provisions of the Fair Employment Act, the constitutional question would remain.

Another occupational restriction occasionally challenged is the prohibition against women engaging in professional wrestling. In *Hesseltine* v. *State Athletic Bd.,* 6 Ill. 2d 129, 126 N.E. 2d 631 (1955), defendant was held not to be authorized by its enabling statute to restrict issuing of licenses to males; in so holding, the Court noted that it was not deciding the "serious" and "important" constitutional question that would be presented if the legislature had so acted. Two other opinions have upheld similar exclusion, however: *State* v. *Hunter,* 208 Ore. 282, 300 P.2d 455 (1956); and *Calzadilla* v. *Dooley,* 29 App. Div. 2d 152, 286 N.Y.S. 2d 510 (4th Dep't 1968). The Oregon opinion is particularly notable for the obvious approval with which the judge views a "predominantly masculine" legislature acting to preserve "manly arts and privileges' against "feminine encroachment." (208 Ore. at 287–88).

One other decision should be noted here: In *Shpritzer* v. *Lang,* 17 App. Div. 2d 285, 234 N.Y.S. 2d 285 (1st Dep't 1962), it was held that a policewoman was entitled under the relevant statute to take the examination for promotion to sergeant, the court expressing a view that to hold otherwise would result in the statute's constituting an unconstitutional deprivation of equal protection. The Court of Appeals, in affirming, 13 N.Y. 2d 744, 191 N.E. 2d 919 (1963), expressly did not reach the constitutional issue.

VI. *Public Accommodations.* Laws prohibiting females acting as bartenders may perhaps be open to attack as really designed to protect male bartenders from competition, rather than as merely expressing a desire to protect public morals. (See Kanowitz, *Women and the Law* 33–34 (1969). Less open to a change of "special interest" are statutes restricting the service of liquor to women in bars. Such statutes have been upheld in *Adams* v. *Cronin,* 29 Colo. 488 (1902); *Commonwealth* v. *Price,* 123 Ky. 1963, 94 S.W. 32 (1906); *People* v. *Case,* 153 Mich. 98, 116 N.W. 558 (1908); and *Laughlin* v. *Tillamook County,* 75 Ore. 506, 147 Pac. 547 (1915). (Before the *Price* case was decided, an earlier Kentucky ordinance had forbidden a woman to go into, or even to "stand around" within fifty feet of, any place where liquor was sold; this was held invalid as being an "unreasonable" and "unnecessary invasion of personal liberty," in *Gastenau* v. *Commonwealth,* 108 Ky. 473, 56 S.W. 705 (1900).) In what appears to be the only recent case of this type, however, a different result was reached. In *Gallagher* v. *City of Bayonne,* 106 *N.J. Super.* 401, 256 A.2d 61, *aff'd per curiam,* 55 N.J. 159, 259 A.2d 912 (1969), a city ordinance prohibiting a tavern owner from permitting women to stand at a public bar or to be served unless seated was declared invalid as an unreasonable exercise of the police power. Relying on an earlier decision invalidating the suspension or revocation of the license of a bar where homosexuals gather, the court held that no rational basis had been shown for the statute sufficient to justify its discriminatory treatment.

The Civil Rights Act of 1964 prohibited both sex and race discrimination in covered employment, but failed to specify a prohibition of sex discrimination in its public accommodations provisions. In *DeCrow v. Hotel Syracuse Corp.*, 288 F. Supp. 530 (N.D.N.Y., 1968), plaintiffs' complaint alleging refusal of hotel bar to serve an unescorted woman was dismissed for failure to state a cause of action. The court stated that there was no State action. Thus the Fourteenth Amendment could not apply; the Civil Rights Act of 1964 prohibits sex discrimination in private employment, said the court, but not in public accommodations. In *DeCrow v. Hotel Syracuse Corp.*, 59 Misc. 2d 383, 298 N.Y.S. 2d 859 (S. Ct. Onondaga Co. 1969), plaintiffs tried again, this time claiming under the N.Y. Civil Rights Law. This action was also dismissed, on the ground that some of the statutory provisions invoked apply by their terms only to discrimination on the grounds of "race, creed, color or national origin," and that another cited section did not apply because the plaintiffs had not been refused service completely—they would have been served at a table, it was only *bar* service that was denied. In contrast to these decisions is *Seidenberg* v. *McSorley's Old Ale House*, 398 F. Supp. 1253 (S.D.N.Y. 1969), an action similar to the first *DeCrow* case (except that a complete refusal to serve was alleged). District Judge Tenney, refused to dismiss the complaint, holding that the extreme state regulation of the liquor trade raised at least a possibility of State action in this area (although the court was careful to point out that it was not holding that every person who held a state license to do anything was therefore *per se* engaged in "State action").

VII. *Public Education.* Proponents of sexual equality have charged that public educational institutions frequently discriminate against women in their admissions procedures; also there are a number of public colleges (mainly military schools of various sorts) which admit only one sex. Hearings, 574–75. Two recent Texas cases have upheld the exclusion of women from Texas A & M: *Heaton* v. *Bristol*, 317 S.W. 2d 86 (Tex. Civ. App.) *cert. denied*, 359 U.S. 230 (1958); *Allred* v. *Heaton*, 336 S.W. 2d 251 (Tex. Civ. App.) *cert. denied*, 364 U.S. 517 (1960). These cases appear to hold that the state educational system in general makes ample provision for women, making this particular discrimination permissible even if it were otherwise objectionable (which is not conceded). In the latter Texas opinion the court says, somewhat plaintively, "Surely the Supreme Court of the United States will not attempt to interfere with the public policy of the sovereign states of this nation in the management and control of their respective educational systems so long as such systems do not discriminate against color or race." (366 S.W. 2d at 261). In *Kirstein* v. *Rectors of Univ. of Va.*, 309 F. Supp. 184 (E.D. Va. 1970), however, a federal court agreed with the plaintiffs' contention that the state may not under the Fourteenth Amendment properly deny to women the educational opportunities afforded at the University of Virginia's Charlottesville campus, where such opportunities are not afforded to women elsewhere in the state (thus expressly avoiding the issue of "separate but equal" as a permissible standard).

VIII. *Jury Service.* There now appears to be no state in which women as a class are absolutely excluded from jury service. See Hearings, 726–27 (collecting and classifying laws relating to jury service for women, and exemptions therefrom). Such a statute has never been ruled upon by the Supreme Court, but there are dicta to the effect that such exclusion would be proper. *Strauder* v. *West Virginia*, 100 U.S. 303, 310 (1879) (holding exclusion of Negroes from jury service to be impermissible, but suggesting that various other kinds of distinctions—including exclusion of women—would be valid); *Fay* v. *New York*, 332 U.S. 261, 290 (1947) (very strongly worded dictum to the effect that women may be excluded from all juries, even to the extent of suggesting that the rights of women as a class are protected only by the *Nineteenth* Amendment); see also *Commonwealth* v. *Welosky*, 276 Mass. 398, 177 N.E. 656 (1931), *cert. denied*, 284 U.S. 684 (1932) (holding that the change in Massachusetts' suffrage laws effected by the Nineteenth Amendment does not automatically make women eligible jurors). In 1961, the Court did rule on a Florida statute which permitted women to avoid jury service by failing to declare their willingness to serve, although it did not *exclude* them. In *Hoyt* v. *Florida*, 368 U.S. 57 (1961), the Court, noting that exemption of women from jury service was widespread, ruled that it was not unconstitutional to do so; the Court did expressly avoid stating an opinion as to whether absolute exclusion was permissible. Seizing upon this reservation, a Federal District Court in 1966 invalidated Alabama's statute excluding women from jury service, in *White* v. *Crook*, 251 F.Supp. 401 (M.D. Ala. 1966). The court met the argument that the Fourteenth Amendment was not originally intended to reach sex discrimination by branding it as a "misconception of the Constitution and this Court's obligation in interpreting it"; the Constitution must be applied, stated the court, as a "living document" for "contemporary society." (*Id.* at 409). In Mississippi, which until 1968 had a similar statute, the State Courts held otherwise, *State* v. *Hall*, 187 So. 2d 861 (Miss. 1966) *appeal dismissed*, 385 U.S. 98 (1966). In *Bass* v. *State*, 381 F.2d 692 (5th Cir. 1967), the court assumed (for the purpose of discussion, and seemingly with substantial doubt on the issue) that it would follow *White* v. *Crook*, but still refused to permit removal of petitioner's case from the Mississippi State court, on the ground that the Federal statute in question applied only to cases where *racial* discrimination was involved. To the same effect as *Bass* is *Sinclair* v. *Louisiana*, 384 F.2d 310 (5th Cir. 1967), where it was claimed that Louisiana had followed a practice of systematic exclusion of women from juries.

IX. *Criminal Law—Sentencing.* Two early Kansas raised issues in this area. In *In re Dunkerton*, 104 Kan. 179 Pac. 347 (1919), the court upheld, as constitutional, a state law providing for the sentencing of women convicted of crime to an "industrial farm." In dictum, the court stated: "The legislature may very properly determine that women convicted of crime shall be less severely punished than men convicted of the same crime. The number of women that commit crimes is much smaller than the number of men committing similar crimes . . ." (104 Kan. at 484). At issue in *State* v. *Heitman*, 105 Kan. 139, 181 Pac. 631 (1919), was a statute providing that for a given offense a man was to be sentenced to prison for a definite term (in this case to be fixed at not more than six months or less than thirty days), while for a similar offense a woman should be sentenced to an *indefinite* term, to be confined no longer than the maximum fixed by law (i.e. in this case, six months). Female plaintiff claimed her sentence to be a violation of Equal Protection, but the statute was upheld, in an opinion devoted mainly to praise of modern penology; little was said about the sentence, except to describe the indeterminate sentence as the most progressive development in this field. Two decisions in other states reached the same result where statutes of this type were questioned: *In re Brady*, 116 Ohio St. 512, 157 N.E. 69 (1927) (the court equating sex-discrimination with age-discrimination where time and place of confinement are concerned); and *In re Gosselin*, 141 Me. 412, 44 A.2d 882 (1945).

Statutes of the same general type as that in the *Heitman* case have recently been held invalid in two other states, however, on the ground that they violate the Equal Protection Clause. The leading case in Connecticut is *U.S. ex rel. Robinson* v. *York*, 281 F. Supp. 8 (D. Conn. 1968), Granting a petition for writ of habeas corpus, the district court ruled that no valid legislative purpose was served by a law which in effect provided that women as a class must serve longer sentences than those permitted to be given to men. Paying deference to the Supreme Court decisions which have permitted sex discrimination of various types, the court nevertheless held that the statute must be subjected to strict scrutiny, remarking," . . . it is difficult to find any reason why adult women, as one of the specific groups that compose humanity, should have a lesser measure of protection than a racial group." (281 F. Supp. at 14). Accord, *U.S. ex. rel. Sumrell* v. *York*, 288 F. Supp. 955 (D. Conn. 1968), and *Liberti* v. *York*, 28 Conn. Sup. 9, 246 A.2d 106 (1968). In Pennsylvania, the same principle was applied (reversing a Superior Court decision) in *Commonwealth* v. *Daniel*, 430 Pa. 642, 243 A.2d 400 (1968).

The principle of the *Robinson* and *Daniel cases* has been extended in Pennsylvania to another area as well. In *Commonwealth* v. *Stauffer*, 214 Pa. Super. 113, 251 A.2d 718 (1969), plaintiff had been sentenced to serve her three-year term for involuntary manslaughter in Muncy, a state correctional institution. She claimed that the sentence was improper because a man sentenced to prison for the same offense would be imprisoned in the county jail, while she was being sent to what is in effect a state penitentiary. The court agreed, invoking the Fourteenth Amendment, and interpreting the *Daniel* decision as holding that women are in general entitled to equality with men in this area.

X. *Tort Actions.* The majority rule that a woman has no cause of action for loss of consortium in the case of injury to her husband, although the husband has one in the reverse situation, has been held by two Federal courts to be a denial of Equal Protection. *Owen* v. *Illinois Baking Corp.*, 260 F. Supp. 820 (D. Mich. 1966) (Michigan rule) and *Karczewski* v. *B. & O. RR. Co.*, 274 Supp. 169 (N.D. Ill. 1967) (Indiana rule). The latter has apparently been overruled, however, by the contrary holding in *Miskunas* v. *Union Carbide Corp.*, 399 F.2d 847 (7th Cir. 1968), *cert. denied* (three Justices dissenting), 393 U.S. 1066 (1969). The *Miskunas* opinion was relied on in *Duley* v. *Caterpillar Tractor Co.*, 44 Ill. 2d 15, 253 N.E. 2d 373 (1969), upholding against constitutional challenge a statute providing no Workmen's Compensation recovery (and no Wrongful Death Action either, in a case governed by the Workmen's Compensation law) for the *widower* unless he was completely dependent on his wife for his support, even though a widow is subject to no such requirement.

XI. *Miscellaneous. In re Estate of Legatos*, 1 Cal. App. 3d 657, 81 Cal. Rptr. 910 (1969) (statutory provision imposing state inheritance tax on property devised under certain conditions to a wife by the husband, where no corresponding tax is imposed on property so devised to the husband by the wife, held a violation of Equal Protection); *Reed* v. *Reed*, 93 Idaho 511, 465 P.2d 635 (1970) (state statute providing that the court is to prefer male over female when persons otherwise equally entitled to a selection apply to be named as administrator of a decedent's estate; held valid because it provides a means of avoiding the necessity for a hearing in such cases, and because it represents a reasonable judgment by the legislature that men in general are better equipped to serve as administrators than women are); *State* v. *Bearcub*, 465 P.2d 252 (Ore. 1970) (state statute prohibiting the sharing by a male over 18 of the subsistence or lodging of any female householder on welfare held not unconstitutional, despite the fact that it does not prohibit similar activity by a woman, the court remarking that "the Creator took care of classifying men and women differently, and if the legislature accepts these differences in a matter like this, we are not prepared to say that the classifications thus made were without good reason").

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## CONFERENCE OF AFRICAN-AMERICAN DELEGATES

Mr. HUMPHREY. Mr. President, early this month a group of distinguished American and African elected officials gathered in Lusaka, Zambia, to discuss relations between African states and the United States. They had quite an agenda before them since the sad truth is that these relations are in desperate need of repair. The United States has for too long relegated the African continent to a low priority and never has this fact been more true than at the present moment. Our concern for the deteriorating racial situation in southern Africa somehow does not seem to fit into President Nixon's larger game plan; hence, the new Azores agreement with Portugal or the failure of the President to revoke the renewal of the sugar quota for South Africa.

The Nixon doctrine of self-reliance apparently means that we should fortify Portugal, as a member of NATO, through military assistance programs and be forgetful of the fact that Portugal uses this assistance in her efforts to squelch independence movements and assertions of political justice in the territories of Angola, Mozambique, and Guinea, Bissau.

In South Africa the Nixon doctrine has meant abnegation of an active role in promoting policies to assist in the achievement of basic human rights, particularly in the area of American investments.

In Rhodesia, American policy is like elsewhere in Africa—nondescript. The President failed to work actively for maintaining full economic sanctions against Rhodesia in compliance with the comprehensive and mandatory sanctions established by the United Nations in May 1968. Our Government has remained silent as the grave racial unrest and injustice in Rhodesia becomes more and more apparent.

The record is alarming, and the likelihood that the administration has any intention of reversing this trend is less than assuring. We must place our hopes with outside pressures and initiatives like the Lusaka Conference.

Out of my concern for recent developments in American policies toward Africa and my support of the Lusaka Conference, I sent a telegram to His Excellency Kenneth D. Kaunda, President of the Republic of Zambia. President Kaunda hosted the conference and has been a leader in the assertion of racial justice in southern Africa, as enunciated in the Lusaka Manifesto of 1969. Mr. President, I ask unanimous consent that my cable to President Kaunda and his kind reply be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ZAMBIA, AFRICA.

*His Excellency* KENNETH D. KAUNDA, *President of the Republic of Zambia.*

DEAR MR. KAUNDA: My congratulations and best wishes to you, your distinguished guests from the United States and other members of this first meeting of African American representatives. This conference provides an urgently needed opportunity for frank discussion of relations between African states and the United States. Your leadership is appreciated, Mr. President. You have spoken so articulately and reasonably to the world about racial equality and self-determination.

Most Americans, who, like myself, are devoted to many of the ideals enunciated in the Lusaka Manifesto, strongly disapprove of many aspects of current American policies affecting Africa. I deplore, for example:

1. Withdrawal of U.S. representation from the United Nations Committee on Colonialism.
2. Relaxation of the arms embargo on South Africa.
3. Erosion of our commonality of interests in United Nations votes on key African-endorsed issues.
4. Renewal of the sugar quota.
5. Acceptance of the chrome amendment.
6. The recent Azores agreement with Portugal.

Hopefully, this conference will address these and other problems in African-American relations.

I will be highly interested in your recommendations, and I intend to do all I can to correct these policies.

HUBERT H. HUMPHREY.

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STATE HOUSE,
THE REPUBLIC OF ZAMBIA,
*Lusaka, January 25, 1972.*

Hon. HUBERT H. HUMPHREY,
*U.S. Senate, Washington, D.C.*

DEAR MR. HUMPHREY: I write to thank you very sincerely for your message cabled to me on the occasion of the convening of the Conference of African and American Representatives held in Lusaka, in January, 1972.

I was touched by your kind sentiments of tribute to me on my stand on the twin questions of racial equality and self-determination.

We in Zambia have always deplored the inadequacy of U.S. policies towards African issues in general and the unfolding crisis in Southern Africa in particular. We therefore welcomed the opportunity to host a Conference whose objective it is to promote understanding and mutual confidence between Americans and Africans against the background of the major issues which are bound to shape the relations between the two continents.

On the other hand, we do not for one moment, have any illusions as to the limitations which recommendations passed by such conferences and similar bodies may have on the orientation of U.S. policies towards Africa. We remain consoled however, by the thought that in people like you who are not only leaders of the U.S. but also outstanding and influential world statesmen, we have friends from whom we can draw support and encouragement.

I thank you once again for your thoughtful and considerate message.

Yours sincerely,
[signed] KENNETH D. KAUNDA,
*President of the Republic of Zambia.*

Mr. HUMPHREY. This conference met in the spirit of the Lusaka Manifesto, a spirit which has been noticeably absent in our own Government's policies but one which I would like to see reinstated:

We believe that all the peoples who have made their homes in the countries of southern Africa are Africans, regardless of the colour of their skins; and we would oppose a racialist majority government which adopted a philosophy of deliberate and permanent discrimination between citizens on grounds of racial origin. We are not talking racialism when we reject the colonialism and apartheid policies now operating in those areas; we are demanding an opportunity for all the people of these states, working together as equal individual citizens, to work out for themselves the institutions and the system of government under which they will, by general consent, live together and work together to build a harmonious society.

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## SUPPORT FOR VOTER REGISTRATION BILL

Mr. McGEE. Mr. President, the other day I received a letter from Mr. Hyman Bookbinder, the Washington representative of the American Jewish Committee. His letter indicated the committee's support for the voter registration bill, S. 2574.

Enclosed with the letter was a copy of a program proposal by the American Jewish Committee to President Nixon for his Bicentennial Commission. The proposal asks President Nixon to make one of the central goals of the Bicentennial Commission greater participation in our democratic process. They entitled the proposal "100 Million Voters by '76." Obviously, the goal of the bicentennial proposal and S. 2574, the voter registration bill, are the same, namely to increase our country's democratic participation.

The desire to have 100 million Americans participate in the selection of their Government is in no way an unreasonable desire. One hundred million voters would mean a turnout of 83 percent of the voting age population. This degree of participation would merely put us abreast with most of the other democracies of the world. Even with this 20-percent increase in our voter participation we would still be lagging behind the 89-percent voter turnout in Sweden and Denmark, the 86-percent turnout of New Zealand and Germany, and many other nations. Such an increase would at least remove us from the position of last place among the world's democracies as regards democratic participation.

The program proposal of the American Jewish Committee goes into detail explaining the rationale for their conclusion. The points that it makes are a serious commentary on our Nation's democracy and are well worth reading.

If there is no objection, I ask that the program proposal for the Bicentennial Commission entitled "100 Million Voters by '76" be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### A PROGRAM PROPOSAL FOR THE BICENTENNIAL COMMISSION: 100 MILLION VOTERS BY 1972

The American Jewish Committee agrees with President Nixon that the 200th anniversary of the birth of our nation should be taken as an opportunity to make a dedicated effort to fulfill those national aspirations yet unattained. Recognizing the importance of the electoral process as the cornerstone of American democracy, we urge that one central goal of the Bicentennial be greater participation in the political process, with special emphasis on the fullest possible exercise of the right to vote.

The AJC urges the Bicentennial Commission to initiate at once a program involving both public and private efforts to best realize the objective of full electoral participation. *As a symbol of this goal, we propose that we seek to involve at least 100 million voters in the Presidential election of 1976.*

In 1968, seventy-three million citizens voted their choice for President and Vice President, but there were an additional 47 million Americans old enough to vote who did not vote. This voting participation rate of 61 percent is substantially below that of most democratic nations.

We seek to increase the number of American voters, but we must seek more than an increase in numbers. There must be also an increased involvement in every phase of the political process if we desire an increased confidence in our political system.

One of the great guiding themes of our democracy is that government "derives its just powers from the consent of the governed." There is no greater single manifestation of that consent than the vote. Yet, the tragic fact is that in the 1968 Presidential election only 3 out of 5 eligible Americans registered their consent, or lack thereof, to the programs enunciated by candidates for the highest office in the land. More than one-half of the nonvoters in the 1968 Presidential election, moreover, reported that they were simply not interested in voting. At a time when the decisions of our government vitally affect all our people, the sense of alienation, disaffection or apathy that such non-participation conveys is a tragic commentary on our times. Quite simply, people who vote feel that they have a stake in and a sense of connection to the government. People who don't vote are saying that they as individuals do not count or, what is worse, that the democratic institutions do not count. Much greater efforts must be made, therefore, to persuade these nonparticipants that an individual's vote does count, and, at the same time, that it can be made more effective and meaningful.

The national participation rate of 61 percent is bad enough; the rate for state and local, including Congressional, elections is even worse. In most local elections less than half of the potential votes is cast. Every town, county, and city must be brought into this national effort to increase and deepen water participation.

Not all of the voting gap is due to indifference, of course. Obstacles to voting, whether due to racial discrimination, residency requirements, or other factors, must finally be completely eliminated.

### *The 100 million goal*

As a dramatic symbol of our concerns, and as an ambitious yet realistic undertaking, we recommend that at least 100,000,000 voters in the elections of 1976 be declared as a Bicentennial goal. The goal is clearly attainable:

If the present participation rate of 61 percent continues until 1976, about 8 or 9 million additional voters would participate that year as a result of population growth alone; if the 18-year-old vote is operative that year (a goal which AJC enthusiastically supports), this would add about another 5 or 6 million voters.

These two developments alone would increase the total vote to about 87 or 88 million.

Increasing the participation rate to about 70 percent from the present 61 percent would add another 13 or 14 million voters in 1976—thus reaching the 100 million goal. As the following will indicate, this should be possible if a concerted drive is conducted over the next six years.

Of the 47 million Americans who failed to vote in 1968:

About 8 million were actually registered but failed to vote;

About 8 million more were unable to register under state eligibility requirements, of whom 5 million were eliminated because of state residency rules;

About 31 million either did not even try to register to vote or were prevented from so doing, for one reason or another.

If 11 million of these 47 million had voted in 1968, the participation rate that year would have been 70%. Surely, this should have been possible.

### RECOMMENDATIONS

We recommend that a broad array of programs, involving all the major groups in American society—government at every level, the educational system, the political parties, business, labor, the wide range of civic and social organizations, the media—be developed to:

1. Increase the number of people involved in the electoral process;

2. Encourage participation by a greater number of people in the larger political process, i.e., party primaries, caucuses and conventions; campaigning; voter-registration drives.

3. Enhance the quality of voter participation through a program of education in the essential processes of democracy and the great documents on which they are founded.

### *Closing the minority voting gap*

Due primarily to the 1965 Voting Rights Act—but due also to greater voter consciousness and confidence in the electoral process—the Sixties saw an increase of over 1½ million Negro voters in the South. The significance of this trend is clearly evident in the fact that the number of black elected officials in the 11 Southern states rose from 70 in 1965 to more than 500 in 1968. In turn, this pattern has further increased interest in the electoral process and even higher registrations can be expected in the years ahead.

But the voting participation rate for Negroes, for Puerto Ricans, for Indians, for Spanish-speaking Americans remains substantially below that of the general populace. Renewal of the Voting Rights Act for another five years (and with the addition of a national ban on literacy tests) should provide the basis for continued gains in minority voting patterns. But rigorous enforcement by the Federal government must be pursued if the full effect of the law is to be realized.

Federal law alone, however, will not produce the level of black and other minority voting needed to close the gap. Every ruse to disenfranchise the minority citizen (de jure or de facto) must be eliminated: redistricting, use of at-large elections, obstacles to becoming candidates or delegates, rigged nominating and related procedures, lack of adequate polling facilities—to say nothing of continued use of harassment and intimidation to discourage registration or voting.

### *Youth—A special challenge*

The American Jewish Committee is pleased to note that the likelihood of lowering the voting age to 18 has been greatly increased as a result of the Senate's action in adding this provision to the Voting Rights Act. If the House should refuse to go along—and it is our hope that it will go along—then the Congress should proceed immediately to initiate the Constitutional amendment process toward the same end.

Whatever else might be said about today's youth, it is more informed and more involved in the major issues of our times than any preceding generation. But it is not sufficiently involved politically. It therefore too often looks for and adopts extra-political and extra-legal ways to correct the social ills which it perceives. The very preservation of our democratic way of life may depend on the success we have in bringing our young people into the political process—not only in that final act of voting, but in the full range of political action.

While we work toward a lowering of the voting age, it is important to cite the fact that the youngest group of those now eligible to vote actually have the lowest participation rate. In 1968, the 21–24 age group had only half the participation rate as those in their middle-age. This regrettable fact, instead of being used as an argument against lowering the voting age, reminds us rather that making the vote possible is only one-half the job facing us; we must make the vote seem relevant and significant.

### *Residency obstacles*

In the 1968 Presidential election, about 5 million otherwise eligible voters were barred from voting because of state residency requirements. In this mobile society of ours, over 20 percent of all Americans move every year. It is therefore only right that new state residents be allowed to vote in a Presidential election, regardless of the length of time they have resided in the new state.

Similarly, in state and local elections there should be the least possible restrictions on the right to vote because of residency.

### *Facilitating voter participation*

More important even than elimination of literacy tests is the elimination of illiteracy itself if full and meaningful participation is to be achieved. While there are of course other vital reasons for the total eradication of illiteracy in America—and this might well be a major Bicentennial program itself—greater political sophistication and discrimination requires the ability to read, to understand, to communicate.

Both government and the private sector should develop improved programs to foster better understanding of the rights and duties of citizenship and the significance of voting. Better use should be made of programs of adult education, literacy and community action which are administered, at the Federal level, by HEW, the Departments of Labor and Agriculture, and the Office of Economic Opportunity. At the State and local levels, there are innumerable activities that could appropriately add or extend citizenship education. There is almost no limit to what more could be done by the hundreds of national private organizations—religious, women's, veterans', student and youth, fraternal, etc.

The proposal for a National Election Holiday should be given careful consideration and, if found feasible, enacted in time for the election of 1976. Further study should be encouraged on most appropriate hours for registration and/or voting, location of voting facilities, greater use of absentee ballots, and every other aspect of the electoral process which could affect the level of participation. Both the business and the labor communities should examine what more they could do to increase participation.

### *Challenge to State and local governments*

The Bicentennial Commission should urge every state and local jurisdiction to become part of this program. If the 100,000,000 goal is to succeed, every county in the nation should set a goal for itself—not only one for 1976, but interim goals for every year till then. Governors should charge each state Bicentennial Commission with particular responsibility for this program. As indicated above, political participation rates in many states and localities is shockingly low.

### *And to educational institutions*

The role of education in expanding and improving the electoral process is self-evident. From the grade schools through graduate work, there is an urgent need for improved curricula, for better materials, for easier access to people and information. Efforts should be made to involve the students actively in some aspect of the political process, as well as in the classroom.

### *The political parties have major responsibility*

After all is said and done, of course, the prime responsibility in a free society must be that of the political instrument itself. Government can and should eliminate barriers. But it cannot force participation. We do not seek to achieve the 99% participation rates of totalitarian regimes—at the cost of our freedom. The parties in a democratic society, moreover, must not be authoritarian or totalitarian themselves.

Each of our parties should be encouraged, during this Bicentennial period, to make an active effort to encourage young people, new voters, Blacks and other minorities, and all other groups that have hitherto remained pretty much outside of the political process, to participate in party activities, from the precinct level to the national committee level.

If each poential voter is to take that crucial step of voting on Election Day, he must not be permitted to feel that the final choices available to him were decreed by a handful of individuals, that his views and preferences had not been solicited, that the real issues of the day had not been truly involved in the selection of candidates.

Each party must examine its entire structure and its operations—to make sure that they are fully responsive to the needs and the desires of the citizens who support that party.

### CONCLUSION

As the nation's oldest human relations agency, the American Jewish Committee is deeply committed to the democratic system. We are disturbed by evidences of alarming numbers of people who have abandoned faith in the ability of that system to provide justice and progress and security. Their disaffection, their alienation, their apathy is too frequently reflected in their failure to participate in the political process, especially in exercising their right to vote.

We urge the Bicentennial Commission to set as one of the goals in its general plan "to fulfill those national aspirations yet unattained" the fullest possible participation by all Americans in the political process which our Founding Fathers so carefully designed, including the power to effect changes in that process itself.

As a symbol of that greater participation, we have proposed the goal of 100,000,000 voters in the Presidential elections of 1976. With such increase in numbers, moreover, we hope that at every step in the political process there will be greater and deeper involvement by more Americans. These goals will be achieved only if government at all levels, our private institutions, the media, and our educational institutions all play an active role. We are confident that, in such an effort, all of these institutions will indeed do their part. They should be challenged to do so.

## THE YOUTH FOR UNDERSTANDING PROGRAM

Mr. BIBLE. Mr. President, it is a privilege to join in today's recognition of the Youth for Understanding program. This international student exchange program bringing youngsters here from foreign countries and giving American students a similiar opportunity to live and study abroad is an effective and successful activity, judging reports from my own state of Nevada.

In Reno, Mr. and Mrs. Clint Howard inaugurated the program in Nevada when they accepted a Brazilian student into their home for 6 months last year. They have become so enthusiastic about the program that the wife, Beverely, has accepted the post of area representative.

Mrs. Howard tells me another YFU student from Switzerland is now living in Reno for 1 full year's study at Reno High School. And she has been busy lining up more. By the second school semester she expects to have South American students attending every high school in Reno and in the nearby communities of Fallon, Stateline, and Minden.

In addition, a Reno girl who is graduating from high school in June has been accepted in the Thirteenth Year Study Abroad program.

My commendation to the Howards and other fine Nevadans who are making this program work so well.

The Youth for Understanding program gained public attention last summer when the Reno Evening Gazette interviewed the young Brazilian who stayed with the Howards. To illustrate the goodwill this program is creating I ask unanimous consent that the news story be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Reno Evening Gazette, July 19, 1971]

### TO A BOY FROM BRAZIL, RENO'S SOME CITY!

EDITOR'S NOTE.—Following is a team reporting effort by Teen-age Opportunity Program students Cheryl Martinelli, Steve Martarano and Wayne Melton, all 15, who are spending the summer at the Reno Evening Gazette learning about journalism. All three conducted a press conference with exchange student Alberto Rodrigues. The final story was written by Miss Martinelli.)

What does a foreigner think of the "Biggest Little City in the World?"

To a Brazilian boy, Reno is an exciting and beautiful world in itself.

Alberto Rodrigues, a 16-year-old foreign exchange student, has come to Reno from Florianopolis, Santa Catarina in Brazil on the Youth For Understanding Program. He came here Feb. 7 and will be leaving July 13.

He has been living with the family of Mr. and Mrs. Clint Howard at 1495 Alturas St.

"There is no way I can tell you how nice these people have been to me. It's been unbelievable," he said of his hosts.

Howard said of Rodrigues, "We have certainly enjoyed having him. Alberto has a very even disposition and he was able to adjust to our ways. My three sons got along very well with Alberto. They pretty much went their own ways and never had any fights.

"We have fun comparing things in America to things in Brazil," Howard said.

### STUDENTS HELPFUL

A junior at Reno High School this past semester, said he found the students very nice and helpful. But he said there are a lot of differences between Reno schools and Brazilian schools.

"When I first came here, I thought everyone would be asking me if I needed help in my school work, but I find American students are more independent in their studies and work primarily on their own," he said.

"I prefer my school where you get more help and learn more because everyone works together. When we study we have partners."

The subjects he studied in Reno were art, Spanish, algebra, history, chemistry, English, and physical education.

"At our school, we have 13 subjects, 11 of which we have to take. We also have a rotating schedule so we don't have the same classes everyday," he continued.

The only thing he finds wrong with Reno is the drug problem and racial discrimination, he said.

"We don't have much of either in Brazil," he said.

Rodrigues plans to go to college because, as he says, "You can't get anywhere in Brazil without going to college."

He is like any average American teen-ager, has the same likes and dislikes, and generally does about the same things.

He enjoys today's rock music and his favorite rock group is Creedence Clearwater Revival. He is fascinated by today's fashions.

His favorite food is lasagna, but he likes most American food.

He went to Disneyland and said he had the "time of his life.

"I don't see how anyone who goes there can not have fun. It's a place everyone should go see sometime in his life."

### RECEIVES VISITOR

A friend of his from Brazil who is an exchange student in California came to visit and went to Disneyland with him.

He says Brazil has almost the same sports as this country does. He loves to play baseball, basketball, speedaway which is similar to soccer, and table tennis.

"I am modest, but I'm pretty good at them," he said.

When asked what he does in his spare time he said, "I like to ride my bike around Virginia Lake."

Rodrigues enjoys parties because in Brazil, they start at 11 p.m. and end at 3 a.m. He says American parties aren't as much fun because they start at 7 p.m. and end at 11 p.m.

In Brazil there is no limit to the drinking age.

He also finds the American style of dating to his dislike. He prefers going out at night with a large group of people to a special night club they have in Brazil for persons of their age.

### PLAYS FIELD

"That way you can have 15 girls to talk and dance with if you want, instead of one girl for the whole night," he said.

He also likes the snow around Reno. In Brazil, it only rains.

He enjoyed his trip to Virginia City, but thought the town was a little mixed up because of the real old buildings with modern slot machines inside.

"I wish I was 21 so that I could play the slot machines. Even though I would just throw my money away, I think it would be fun."

During his stay, he has visited San Francisco, Los Angeles, Detroit, Carson City, and many historical places of interest in Nevada. When he leaves he will go through Chicago and New York.

When asked about the exchange program, he said. "If you ever have the opportunity to go to another country on this program, don't miss it. It's the chance of a lifetime and probably the best thing that will ever happen to you.

"You meet so many new people, see so many new places, and learn so many new things that it's just unbelievable."

He said that he can hardly wait to get back home to Brazil, but hopes to someday return to the United States.

## THE EXISTENCE OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, on January 12, 1951, 21 years ago, the International Convention on the Prevention and Punishment of the Crime of Genocide went into effect. At present there are 75 nations party to the Genocide Convention, including almost all of our NATO and SEATO allies. Americans who have traveled abroad to Western Europe, Canada, or Mexico have been in countries where the Genocide Convention was in full force.

There is no need to engage in speculation about the possible effects of the Genocide Convention on the United States. Instead we can look at the countries that have ratified the convention and see how it has actually affected them. Many are democracies; some have federal forms of government. Their experience with the convention should give us the basis for making a realistic assessment of the impact of the convention on the United States.

Has any citizen of any of these 75 nations been tried by an international court on charges of genocide? No. Has any citizen of these countries ever been extradited to a communist country to stand trial for Genocide? No. Has this convention abridged the freedoms of speech and assembly of the citizens of these countries? No. Has this convention disrupted the federal structure of those federated nations which have ratified it? No. Nor will the Genocide Convention do any of these in the United States either.

American ratification of the Genocide Convention will put the United States formally on record as opposed to the crime of mass murder. It is not enough to say that we are opposed to genocide. We should do something about it. Ratification of this treaty is a good, constructive action we can take. Mr. President, I urge the Senate to ratify the Genocide Convention without delay.

## ADVICE TO CONSUMERS ON LAUNDRY DETERGENTS

Mr. HART. Mr. President, last fall the Subcommittee on the Environment held 4 days of hearings on detergents as a part of our consideration of toxic substances legislation now before the Congress. The distinguished Senator from Virginia (Mr. SPONG) who chaired the hearings, has since sifted the evidence compiled at the hearings and prepared a report to the full Committee on Commerce. His report is a clear summary of the safety and environmental issues involved. It attempts, in layman's language, to advise the consumer which laundry product to use and the reasons for so doing.

Because of the widespread interest in this subject and the confusion surrounding it, I ask that an excerpt from Senator SPONG's report "Advice to Consumers on Laundry Detergents," be printed in the RECORD. We have all, I am sure, been asked by our constituents about the detergent-water pollution controversy. Senator SPONG's report gives solid documented facts on which to base some answers.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ADVICE TO CONSUMERS ON LAUNDRY DETERGENTS—A REPORT TO THE SENATE COMMITTEE ON COMMERCE

(Prepared by Senator WILLIAM B. SPONG, Jr.[1])

### ENVIRONMENTAL EFFECTS OF CURRENTLY MARKETED PRODUCTS [2]

Phosphate detergents contribute to eutrophication (the process by which lakes age by becoming choked with vegetation and filled with sediment) in some bodies of water. Accelerated eutrophication can create large masses of floating algae which give off foul odors when they decay. There are differences of opinion as to just how much damage the phosphates from detergents contribute and to just how many bodies of water; but until these differences are resolved, it seems sensible to err on the side of caution in the use of any detergents containing phosphate.

In waters in which phosphorus is the "limiting nutrient" (that element which controls the rate of growth of algae and other aquatic vegetation), the use of phosphate detergents will contribute to eutrophication in the immediate future, even when it is planned eventually to use the best available phosphate control technology in sewage treatment plants. Consumers should therefore avoid the use of phosphate detergents whenever possible in those areas until such treatment facilities are installed. When, because of one of the considerations referred to below, it is not possible to avoid the use of the phospate detergents in certain situations, the consumer should read the labels *carefully* and (1) select that phosphate detergent with the lowest phosphate content which works and (2) use the least amount possible to get a satisfactory wash—which is often far less than the amount recommended on the box.

While the use of phosphate detergents is clearly most worrisome where phosphorus is "limiting", it would be advisable to reduce the use of phosphates in *all* eutrophied areas. Even where it is determined that another nutrient is the critical element, a decrease in phosphate use could serve to reduce the eutrophication problem.[3]

In fact, phosphate detergents could be damaging even where no eutrophication problem is evident. Since many of our receiving waters are potentially eutrophiable, the presence of phosphate in a detergent should generally be regarded as a "minus" from the standpoint of environmental protection.[4]

The use of soap can create environmental problems, but these are generally less worrisome than those associated with phosphates. The problems arise from the demand for oxygen which soap exerts on receiving waters. Because of soap's high "BOD" (biological oxygen demand)[5] excessive soap wastes may rob fish of needed oxygen. To minimize these wastes, consumers should use only so much of the product as is necessary to get the job done. This is generally good advice no matter which laundry product is used.

Whether or not the use of soap will cause environmental problems in any particular area will depend on the quality of the receiving waters and the caliber of treatment facilities. Waters vary significantly in their oxygen content; facilities vary significantly in their capacity to remove BOD loads. It therefore is very difficult to generalize as to when the use of soap will create environmental harm. Consumers interested in avoiding such harm would be well advised to contact their state or local pollution control authorities[6] to determine the particular risks involved.

There is one generalization, however, which in my view is justified. Subject to a single major exception, it appears that a shift from phosphate detergents to soap in both eutrophied and non-eutrophied areas normally will benefit the environment.[7] That exception is the case where (1) the additional use of soap will aggravate a known BOD problem and (2) eutrophication is neither present nor imminent. (Local pollution authorities will generally be aware of when this situation does or does not exist). This general conclusion rests on several basic considerations: (1) that soap does not contribute to eutrophication; (2) that the extent of the damage from eutrophication is potentially greater than that resulting from an excess of BOD;[8] and (3) that the BOD resulting from the use of soap may not be significantly greater than the BOD associated with detergent use.[9]

The environmental effects of currently-marketed non-phosphate detergents, most of which are carbonate based, are unknown at this time. Very little environmental testing has been conducted. Thus far no major problems have emerged. Non-phosphates contribute a BOD load which may not be significantly less than that of soap.[10]

### GENERAL SAFETY OF PRODUCTS

To determine the safety of a detergent, the consumer should read the cautionary label on the box. This can be relied on as a general rule.[11]

The label suggests essentially three categories of safety among laundry products. The safest are those which require no warning label at all. Here the risks involved are no greater than minor irritation to the eyes. Examples[12] of products falling within this category are the major currently marketed soaps (e.g., Ivory, Lux, Duz, Giant Soap, Fels) and many of the major phosphate detergents (e.g., Tide, Cheer, Breeze, Drive, Cold Power). These are the preferred products from the standpoint of safety.

The second category consists of products with "caution" (rather than "warning" or "danger") labels. While most of these can result in minor irritation if used incorrectly, they can still be considered "safe" since the risk of serious illness or permanent injury to the healthy child who eats the detergent or rubs it in his eyes is negligible.[13] Since the risk is not non-existent,[14] however, these products must be considered inferior to those in category one from the standpoint of safety. They should definitely be avoided whenever a child in weakened condition or precarious health could come in contact with them.[15] Examples include the remaining major phosphate detergents (e.g., Fab, Liquid Cold Water All, Liquid Wisk) and many of the non-phosphates (e.g., Sears, Montgomery Ward's Lo-Suds. Amway SA-8, T-Rif, Spring Clean).

The third category, products requiring "warning" or "danger" labels, is more harmful than either of the first two and ought not to be used unless there are no small children around or the detergent is always kept out of their reach. Even in the case of these detergents, the hazard to adults is minimal, because harm results only from flagrant misuse.[16]

In sum, currently marked soap is safe;[17] phosphate detergents are generally safe although the degree of hazard varies among the products; non-phosphates are generally more hazardous, and again there is considerable variation. Whatever is used, the label should be read and the cautionary instructions strictly followed.

### EFFECTIVENESS

(a) *General.*—The evidence here is unsatisfactory. From the best available, it appears that phosphate detergents are effective in both hard and soft water. The evidence regarding the effectiveness of non-phosphate detergents is conflicting. Soap is effective in hot soft water.[18] It may also be effective in hot hard water,[19] but additional evidence on this point is needed. Water, of course, is not just hard or soft—there is a wide spectrum. To the extent that any problems exist with the effectiveness of non-phosphate detergents and soap (for example, the "graying" of clothing), they are likely to vary directly with the hardness of the water. A mechanical water softener, although initially expensive to install, will improve the performance of some laundry products, will avoid problems of the build-up of deposits which may be experienced in hard water with soap and non-phosphate detergents, and will allow the use of lesser amounts of the cleaning agent. Information on the effects of the various laundry products on the durability of fabrics, particularly the newer synthetics, is insufficient to make general recommendations

(b) *Effect on Washing Machines.*—Phosphate detergents apparently have no ill effects on washing machines either through corrosion or build-up. Soap is not corrosive, and it does not create any build up problems in the machine where the water is soft.[20] In hard water, however, there may be build-up problems. The build-up does not appear to damage the actual machine parts, but it may

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Footnotes at end of article.

break away from the washing machine and redeposit on clothing, contributing to "graying."[21] If a significant build-up from the use of soap does occur, an occasional non-precipitating water softener rinse run through the empty machine to remove the accumulated deposit has been suggested,[22] but this should be used judiciously because of the very high phosphate content of Calgon and other water softeners of this sort. The evidence on non-phosphate detergents is conflicting. It has been alleged that they corrode aluminum machine parts, but this is debatable.[23] It appears that in soft water no build-up occurs; but when the water is very hard, there may be a problem.[24] In such cases a non precipitating water softener rinsed through the empty machine may remove the deposits.[25]

### FIRE-RETARDANT FABICS

In general, current flameproofing treatments for children's sleep-wear are not affected if washed with a phosphate detergent. The use of soap and non-phosphate detergents [26] does appear to reduce flame-retardant qualities, and these products should not be used on flame-retardant fabrics unless the washing instructions with the garment say that they will not affect the finish.

One synthetic fabric (Nomex) is now on the market which appears to resist fire after washing under almost all conditions of water hardness using non-phosphate or phosphate detergents.[27] The effect of soap on the flame-retardant characteristics of this fabric has been investigated only in relatively soft water. There was no reduction in flame retardancy in soft water, but until the fabric has been tested with soap in hard water, the consumer would be wise to use a detergent on it. The current availability and cost of the fabric prohibit its widespread use.

Since flame-resistant clothing constitutes only a fraction of the average household's laundry, it would be sensible in many cases to use soap or a non-phosphate detergent for the majority of the wash, reserving the flame-retardant clothing for a separate wash and using phosphate detergent only for those garments.

### ADVICE

Based on this summary of facts, some general advice can be given to consumers regarding which of the currently marketed laundry products to use in different situations. In the chart following, choices are ranked in order of preference in terms of environmental impact and safety in both eutrophied and non-entrophied areas. As can be seen the general thesis is that—subject to the exceptions referred to—soap is the preferred product in terms of safety and environmental considerations. As has been discussed, it is a safer product than all of the major currently-marketed non-phosphates. While it is no safer than many of the phosphate products, it is, with the exceptions noted, superior environmentally.

The chart makes no representations with regard to effectiveness, since the evidence here is admittedly inadequate. Whenever the consumer finds the preferred product unsatisfactory in this regard or excessively costly (as might be the case if a mechanical water softener is needed) then the next choice might be tried.

The "extent of eutrophication" or "the amount of extra BOD" obviously are matters which are beyond the ken of the average consumer. State and local pollution control officers,[28] however, will generally be able to provide the needed information and advice on these questions. These offices can be relied on to give more detailed accounts of specific environmental situations which the chart, for simplicity's sake, depicts in black and white terms. They are thus equipped to offer more finely-honed recommendations than those provided by the chart.

### FOOTNOTES

[1] The Subcommittee on the Environment of the Senate Commerce Committee held four days of hearings on detergents in October and November, 1971, which I was privileged to chair. Large issues were raised in those hearings as to the direction in which the nation should move to prevent environmental and health damage from detergent use. Whereas many differences of opinion surfaced on these questions, all were agreed that the nation's housewives are presently confusd as to which laundry product least threatens health and the environment. This report to the full Committee on Commerce is an effort to provide some guidance on this matter. Recognizing that the solution to the detergent problem may lie in future legislative initiatives, in increased research, in additional facilities for waste treatment or in other advances, the report takes the existing situation with its deficiencies and attempts to advise consumers as to what to do about it now.

[2] When products are referred to, it is assumed that they are formulated as they were at the time the report was written. If formulations change significantly, the references to the products in question may be rendered obsolete.

[3] Although phosphorus is not in these cases the limiting nutrient, it may sometimes be possible to reduce it sufficiently to make it the limiting nutrient. That element which is limiting is that one which is in the least supply relative to the amount needed for the growth of algae. For example, nitrogen may be the element controlling eutrophication in one area, but if phosphorus is reduced sufficiently, it may then become limiting. Once this point is reached, any further reduction can serve to reduce the eutrophication problem.

[4] Bartsch, Dr. A. F., Director, National Environmental Research Center, Environmental Protection Agency, Corvallis, Oregon. Letter to Senator Spong, December 23, 1971.

Commoner, Dr. Barry, Washington University, St. Louis, Missouri. Telegram to Len Bickwit, December 22, 1971.

[5] Bunch, Dr. Bobert L., Chief, Biological Treatment Research Program, Environmental Protection Agency, National Environmental Research Center, Cincinnati, Ohio. Memorandum, "Soap and Waste Treatment," December 10, 1971. Dr. Bunch calculates the potential increase in BOD from the use of soap rather than detergents in waters of average hardness.

[6] For the best available information, consumers should contact the state agency with primary responsibility for water pollution control. (See list in Appendix A) These agencies will have all necessary information on the quality of the receiving waters and most probably also will know the caliber of the local waste treatment facilities in question. If they are not familiar with these facilities, they will be able to advise on where this information is available. To simplify matters, it is hoped that state and local authorities will publicly announce information of this sort so that individuals will not need to inquire.

[7] Bartsch, Dr. A. F., Director, National Environmental Research Center, Environmental Protection Agency, Corvallis, Oregon. Letter to Senator Spong, December 23, 1971.

Jaworski, Dr. Norbert, Director, Grosse Ile Laboratory, Environmental Protection Agency, Office of Research and Monitoring, Gross Ile, Michigan. Telegram to Senator Spong, December 27, 1971.

Commoner, Dr. Barry, Washington University, St. Louis, Missouri. Telegram to Len Bickwit, December 22, 1971.

Dr. Commoner states that a shift to soap would be of benefit in both eutrophied and non-eutrophied areas. Dr. Bartsch reaches the same conclusion with regard to lakes. Dr. Jaworski's view is that a shift in eutrophied areas would be beneficial; he takes no position on the advisability of a shift in non-eutrophied areas.

[8] Jaworski, Dr. Norbert, Director, Grosse Ile Laboratory, Environmental Protection Agency, Office of Research and Monitoring, Grosse Ile, Michigan. Telegram to Senator Spong, December 27, 1971.

Katz, Dr. Max, Research Professor, College of Fisheries, University of Washington, Seattle, Washington. Letter to Lee R. Tyner, December 21, 1971.

In his letter Dr. Jaworski states that while oxygen depletion and resulting fish kills and odor problems can be caused either by eutrophication or by the excessive BOD of organic wastes, only eutrophication produces large unsightly masses of floating algae. Dr. Katz notes that the organic matter from soap breaks down to carbon dioxide and water, after which it will no longer have an effect on the system. Phosphates can perpetuate a eutrophication problem by triggering recurring cycles of algae growth, since when algae decays, the phosphorus is released and made available for a new crop of algae.

[9] Commoner, Dr. Barry, Washington University, St. Louis, Missouri. Telegram to Len Bickwit, December 22, 1971. Dr. Commoner states that in most cases primary sewage treatment will remove that portion of the soap which has reacted with the hardness ions in the water to form curd. What is left will be the dissolved soap, which is assumed to be approximately equal in amount to the LAS surfactant in detergent (see reference 5). He estimates that the BOD from detergents and that part of the soap which has passed through primary treatment would differ by roughly 10%, and that there is thus little reason to expect an appreciable change in effective BOD if detergents were replaced by soap.

It could be argued, however, that there are occasions when more of the organic material will pass through the treatment plant. Not all sewage treatment plants provide primary treatment. Moreover, skimming the soap curd from the surface may not be 100% effective. In soft water areas excessive soap may be used by the consumers and not removed by primary treatment because of a shortage of hardness ions to form soap curd.

[10] Since the surfactants used in phosphate and non-phosphate detergents are similar, the arguments in footnote 9 apply.

[11] Jensen, M. W., Director, Bureau of Product Safety, Food and Drug Administration. Letter to Senator Spong, December 8, 1971.

[12] It should be emphasized that in this and the following paragraph, the examples are just that: there has been no attempt to make the lists exhaustive.

[13] Jensen, M. W., Director, Bureau of Product Safety, Food and Drug Administration. Letter to Senator Spong, December 22, 1971.

[14] Jensen, M. W., Director, Bureau of Product Safety, Food and Drug Administration. Letter to Senator Spong, December 22, 1971.

[15] Jensen, M. W., Director Bureau of Product Safety, Food and Drug Administration, Letter to Senator Spong, December 22, 1971.

[16] Jensen, M. W., Director, Bureau of Product Safety, Food and Drug Administration. Letter to Senator Spong, December 8, 1971.

[17] Steinfeld, Dr. Jesse, Surgeon General, Department of Health, Education and Welfare. Statement before the Subcommittee on the Environment, October 1, 1971.

[18] Fiedelman, Howard W., "The Role of Soft Water in Laundering: Report of a Study Involving Soil Removal. Dollar Savings and Fabric Life." *Commercial Water/ Wastewater Catalog*, September 1970.

Klumb, George H., "Soap and Soft Water

Called Answer to Pollution Caused by Detergents," Culligan Press Release.

[19] Fury, Margaret S., Verda I. McLendon and Mary E. Aler. "An Evaluation of Soaps and Synthetic Detergents," *American Dyestuff Reporter*, November 15, 1948.

McClain, Charles P., Purex Corporation, Ltd. Letter to Marvin Burdwise, Giant Food, Inc., December 6, 1971.

[20] Fuller, Max E., "Some Suggested Solutions to Pollution," *Proceedings Fifth International Water Quality Symposium—August* 19–20, 1971.

[21] Phillips, Herbert, Technical Director, Association of Home Appliance Manufacturers, Chicago, Illinois, Letter to Mrs. C. J. Glaister, December 17, 1971.

[22] Phillips, Herbet, Technical Director, Association of Home Appliance Manufacturers, Chicago, Illinois. Letter to Mrs. C. J. Glaister, December 17, 1971.

[23] Bloom, Lee, Lever Brothers Company. Letter to Senator Spong, November 23, 1971.

Koschak, Joseph, General Manager, DeSoto, Inc. Testimony before the Subcommittee on the Environment, October 15, 1971.

Mr. Koschak, cites studies showing no more corrosion from the Sears non-phosphate detergent than from a phosphate detergent. Mr. Bloom refers to the recommendation of the Speed Queen washing machine makers against the use of precipitating water softeners, such as sodium carbonate, a major ingredient of many non-phosphate detergents.

[24] Whirlpool Corporation pamphlet, "Ecology, Your New Washer and You."

[25] O'Connell, Dorothy, Consumer Service Representative, Calgon Corp. Letter to Lee Tyner, December 22, 1971.

[26] Smith, Dr. Leonard, Manager, Textiles Flammability Research, Cotton, Incorporated, Raleigh, North Carolina. Letter to Lee Tyner, December 6, 1971.

Koschak, Joseph, General Manager, DeSoto, Inc. Testimony before the Subcommittee on the Environment, October 15, 1971.

Rogers, William D. Arnold and Porter. Letters to Michael B. Brownlee, November 8, 1971 and November 20, 1971.

Dr. Smith cites work on the loss of flame retardancy in fabrics washed with nonphosphate detergents and with soap. Mr. Rogers submitted samples of flame retardant fabrics which failed flammability tests after being washed in soap and in carbonate detergents. Mr. Koschak discussed the loss in fire retardancy of fabrics washed with the Sears nonphosphate detergent.

[27] Kranz, James P., Jr., E.I. duPont de Nemours Company, Wilmington, Delaware. Letter to Michael Brownlee, December 1, 1971.

[28] See footnote 6.

## RECOMMENDATIONS FOR LAUNDRY PRODUCTS (IN ORDER OF PREFERENCE)

### EUTROPHIED AREAS

(1) soap[1, 4]

(2) "safe" non-phosphate detergent[2, 4]

(3) "safe" phosphate detergent[2]

### NON-EUTROPHIED AREAS

(1) soap[1, 4]

(2) "safe" phosphate or non-phosphate detergent[2, 3, 4]

## APPENDIX A

### STATE WATER QUALITY ADMINISTRATORS

Alabama: Arthur N. Beck, technical secretary, Water Improvement Commission, State Office Building, Montgomery, Ala. 36104; 205–269–7632.

Alaska: James A. Anderegg, assistant to commissioner, Department of Environmental Conservation, Pouch O, Juneau, Alaska 99801; 907–586–5371.

Arizona: Edmund C. Garthe, assistant commissioner, Environmental Health Services, Department of Health, 1624 West Adams Street, Phoenix, Ariz. 85007; 602–271–5457.

Arkansas: S. L. Davies, director, Arkansas Pollution Control Commission, 1100 Harrington Avenue, Little Rock, Ark. 72202; 501–371–1701.

California: Jerome B. Gilbert, executive secretary, State Water Resources Control Board, 1416 Ninth Street, Room 1140, Sacramento, Calif. 95814; 916–445–3085.

Colorado: Frank J. Rozich, director, Water Pollution Control Division, Colorado Department of Public Health, 4210 East 11th Avenue, Denver, Colo. 80220; 303–388–6111 X231.

Connecticut: John J. Curry, director, State Water Resources Commission, State Office Building, Room 225, Hartford, Conn. 06155; 203–566–2793.

Delaware: John C. Bryson, executive director, Division of Environmental Control, Department of Natural Resources and Environment Control, Post Office Box 916, Dover, Del. 19901; 302–734–5711 X470 or 471.

District of Columbia: Malcolm Hope, Associate Director for Environmental Health, Health Services Administration, Department of Human Resources, 1875 Connecticut Avenue NW., Washington, D.C. 20009; 202–629–3105.

Florida: Vincent D. Patton, executive director, Department of Air and Water Pollution Control, Tallahassee Bank Building, Suite 300, Tallahassee, Fla. 32301; 904–224–9151.

Georgia: R. S. Howard, Jr., executive secretary, State Water Quality Control Board, 47 Trinity Avenue SW., Room 609, Atlanta, Ga. 30334; 404–688–4033.

Guam: O. V. Natarajan, Ph.D., Administrator, Water Pollution Control Commission, Public Health and Social Services, Government of Guam, Post Office Box 2999, Agana, Guam 96910; 425–143.

Hawaii: Shinji Soneda, Executive Officer, Environmental Health Division, Hawaii Department of Health, Post Office Box 3378, Honolulu, HI, 96801; 808–548–2811.

Idaho: Vaughn Anderson, Director, Environmental Improvement Division, Idaho Department of Health, State House, Boise, Idaho 83707; 208–384–2390.

Illinois: William L. Blaser, Director, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Ill. 62706; 217–525–3397.

Indiana: Perry Miller, Technical Secretary, Stream Pollution Control Board, 1330 West Michigan Street, Indianapolis, Ind. 46206; 317–633–4420.

Iowa: R. J. Schliekelman, Director, Water Pollution Control Division, Iowa State Department of Health, Des Moines, Iowa 50319; 515–281–5345.

Kansas: Meleville W. Gray, Chief Engineer and Director, Division of Environmental Health, Kansas State Department of Health, Topeka, Kan. 66612; 913–296–3821.

Kentucky: Ralph C. Pickard, Executive Director, Kentucky Water Pollution Control Commission, 275 East Maine Street, Frankfort, Ky. 40601; 502–564–3972.

Louisiana: Robert A. Lafleur, Executive Secretary, Louisiana Stream Control Commission, Post Office Drawer FC, University Station, Baton Rouge, La. 70803; 504–389–5309.

Maine: William R. Adams, Director, Environmental Improvement Commission, State House, Augusta, Me. 04330; 207–289–2591.

Maryland: Howard E. Chaney, Acting Director, Environmental Health Services, State Department of Health and Mental Hygiene, 2305 North Charles Street, Baltimore, Md. 21218; 301–383–2940.

Massachusetts: Thomas C. McMahon, Director, Division of Water Pollution Control, Department of Natural Resources, Leverett Saltonstall Building, Government Center, Boston, Mass. 02202; 617–727–3855.

Michigan: Ralph W. Purdy, Executive Secretary, Michigan Water Resources Commission, Stevens T. Mason Building Station A, Lansing, Mich. 48926; 517–373–3560.

Minnesota: Grant J. Merritt, Executive Director, Minnesota Pollution Control Agency, 717 Delaware Street, S.E., Minneapolis, Minn. 55440; 612–378–1320.

Mississippi: Glen Good, Jr., Executive Secretary, Mississippi Air and Water Pollution Control Commission, Post Office Box 827, Jackson, Miss. 39205; 601–354–6783.

Missouri: Jack K. Smith, Executive Secretary, Missouri Water Pollution Board, Post Office Box 154, Jefferson City, Mo. 65101; 314–635–9117.

Montana: Claiborne W. Brinck, Secretary, Montana Water Pollution Control Council, Division of Environmental Sanitation, Montana Department of Health, Helena, Mont. 59601; 406–449–2406.

Nebraska: T. A. Filipi, Executive Secretary, Nebraska Water Pollution Control Council, State Department of Health, State House Station, Box 94757, Lincoln, Neb. 68509; 402–473–1484.

Nevada: John H. Carr, MD. State Health Officer, Department of Health, Welfare, and Rehabilitation, 201 S. Fall Street, Nye Building, Carson City, Nev. 89701; 702–882–7458.

New Hampshire: William A. Healy, Executive Secretary, Water Supply and Pollution Control Commission, 105 Loudon Road, Prescott Park, Concord, N.H. 03301; 603–271–3502.

New Jersey: Richard J. Sullivan, Commissioner, Department of Environmental Protection, Post Office Box 1390, Trenton, N.J. 08625; 609–292–5383.

New Mexico: Larry Gordon, Director, Environmental Improvement Agency, Post Office Box 2348, Santa Fe, N. Mex. 87501: 505–827–2371.

New York: Henry L. Diamond, Commissioner, Department of Environmental Conservation, Albany, N.Y. 12201; 518–457–3446.

North Carolina: Earle C. Hubbard, Assistant Director, Department of Water and Air Resources, Post Office Box 9392, Raleigh, N.C. 27603; 919–829–3006.

North Dakota: W. Van Heuvelen, Chief, Environmental Health and Engineering Service, North Dakota State Department of Health, Bismarck, ND 58501; 701–224–2371.

Ohio: Doctor Gardner, Acting Chairman, Water Pollution Control Board, State Department of Health, Post Office Box 118, Columbus, Ohio 43216; 614–469–4364.

Oklahoma: Lloyd E. Pummill, Department of Commerce for Environmental Services, State Department of Health, 3400 North Eastern, Oklahoma City, OK 73105; 405–787–6561.

Oregon: Kenneth H. Spies, Director, Department of Environmental Quality, Post Office Box 231, Portland, OR 97201; 503–229–5696.

Pennsylvania: Walter A. Lyon, Director, Bureau of Sanitary Engineering, Department of Environmental Resources, Post Office Box 2351, Harrisburg, PA 17120; 717–787–2666.

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[1] If the extra BOD (biological oxygen demand) from soap will degrade the receiving water excessively, another product should be considered.

[2] "Safe" means without a cautionary label (best) or with just a "caution" (OK unless children in precarious health may be exposed). No "warning" or "danger". If small children never have access to the laundry detergent, a more dangerous product can be used.

[3] The choice between a phosphate or non-phosphate detergent in this case is essentially a balancing between the small but sometimes distinct risks of environmental and health damage from the various products. No general preference.

[4] If you have flame retardant clothing, use a phosphate detergent on it, unless washing instructions accompanying the garments indicate another product can be used.

Puerto Rico: Cruz A. Matos, Executive Director, Environmental Quality Board, c/o Department of Public Works, Post Office Box 8218, San Juan, PR 00910; 809–767–2014.

Rhode Island: Doctor Joseph E. Cannon, Director of Health, Rhode Island Department of Health, 335 State Office Building, Providence, RI 02903; 401–521–7100, X 100.

South Carolina: H. J. Webb, Executive Director, South Carolina Pollution Control Authority, 1321 Lady Street, Owen Building, Columbia, SC 29201; 803–758–2915.

South Dakota: Charles E. Carl, Director, Division of Sanitary Engineering, South Dakota State Department of Health, Pierre, SD 57501; 605–224–3351.

Tennessee: S. Leary Jones, Director, Tennessee Stream Pollution Control Board, Cordell Hull Building, Room 621, 6th Avenue North, Nashville, TN 37219; 615–741–2275.

Texas: Hugh C. Yantis, Jr., Executive Director, Texas Water Quality Board, 1108 Lavaca Street, Austin, Texas 78701; 512–475–2651.

Utah: Calvin K. Sudweeks, Executive Secretary, Utah Water Pollution Committee, Department of Social Services, 44 Medical Drive, Salt Lake City, UT 84113; 801–328–6121.

Vermont: A. William Albert, Director, Water Supply and Pollution Control Agency of Environmental Conservation, 5 Court Street, Montpelier, VT 05602; 802–223–2311, X 237.

Virginia: A. H. Paessler, Executive Secretary, State Water Control Board, Post Office Box 11143, Richmond, VA 23230; 703–770–2241.

Virgin Islands: Dr. Eric L. O'Neal, Commissioner of Health, Virgin Islands Department of Health, Charlotte Amalie, St. Thomas, VI 00802; 809–774–1321.

Washington: James Behlke, Executive Assistant Director, Washington Department of Ecology, Post Office Box 829, Olympia, WA 98501; 206–753–2817.

West Virginia: Edgar Henry, Chief, Division of Water Resources, Department of Natural Resources, 1201 Greenbrier Street, Charleston, WV 25311; 304–348–2107.

Wisconsin: Thomas Frangos, Administrator, Division of Environmental Protection, Wisconsin Department of Natural Resources, Post Office Box 450, Madison, WI 53701; 608–226–2747.

Wyoming: Arthur E. Williamson, Director, Sanitary Engineering Services, Wyoming Department of Health and Social Services, Division of Health and Medical Services, State Office Building, Cheyenne, WY 82001; 307–777–7513.

## CARL HAYDEN

Mr. FANNIN. Mr. President, the funeral of former Senator Carl Hayden brought together a great number of people from all walks of life. Ben Cole, the chief of the Arizona Republic's Washington Bureau, wrote an eloquent account of this, and I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Jan. 30, 1972]

### BY THE HUNDREDS, THEY SAID "FAREWELL"

(By Ben Cole)

They came by the hundreds to say a last farewell to Carl Hayden—and each one bore with him a cherished memory of the famous senator from Arizona.

There were leaders whose names are known around the world. And there were men and women from the quiet, humble stations of life.

For one hour they shared a reverent tribute to a life that was nobly lived.

Former President Lyndon B. Johnson swept up to Grady Gammage Auditorium on the Arizona State University campus in a white limousine led by red-lighted motorcycles.

Others came on foot or by private car or in buses. There were white-haired men, beautifully coiffeured women, students in sweat shirts, persons with dark skin and light.

And for every one of them Sen. Carl Hayden was somebody special—somebody with whom some trouble, joy or lofty goal was shared.

A planeload of men and women arrived from Washington—members of the United States Senate, secretaries, clerks, technicians, political functionaries. And each of them had shared a part of Carl Hayden's long service in the Congress of the United States.

Paul Eaton, for many years Hayden's brusk, abrupt and efficient administrative assistant, arrived with his wife, Mona. Quietly on the edge of the crowd was Roy L. Elson, the senator's last administrative assistant, and his wife Minor.

Mrs. Doralynn Lyons, for many years one of Hayden's secretaries and now a member of Vice President Agnew's staff, helped arrange the special plane from Washington.

Sen. Paul J. Fannin, R-Ariz., attended with Mrs. Fannin. He had personally notified every member of the Senate who might wish to be present for the funeral service. With the Fannins came Sen. and Mrs. Milton Young, R-N.D. Sen. Young, a senior member of the Senate, was a longtime friend and frequent Senate ally of the famous Arizonian.

From Washington came Sen. Frank Moss, D-Utah, and Sen. Howard Cannon, D-Nev., to say farewell to the colleague with whom they had worked many years on problems common to the dry Southwest.

And there was silver-haired Judge Homer Ferguson of the United States Court of Military Appeals, formerly a senator from Michigan. In the days when Hayden already had become powerfully senior, young Sen. Ferguson was earning a reputation as a sleuth in the Truman Committee investigating the preparedness for World War I.

Among those who came from the U.S. capital were Mr. and Mrs. Joseph Gonzales.

Gonzales, from Tuscon, discarded his ambition to be a foreign diplomat in order to work on the Senate Appropriations Committee for Carl Hayden.

And there was Tom Scott, taciturn like the senator under whom he became the respected chief clerk of the Appropriations Committee and a man who intimately knows every decimal point in the federal budget.

Mr. and Mrs. Manuel Velasquez were there—now solidly established in northern Virginia where Valesquez has a thriving law practice. He worked under Sen. Hayden's patronage as a Capitol policeman while he studied law at Georgetown University as a young war veteran from Phoenix.

Although he was a democrat through and through, Sen. Hayden had friends in both political parties as was shown by the presence well as that of Herbert L. Ely, chairman of the Arizona Republican State Committee, as well as that of Herbert L. Ely, chairman of the Arizona Democratic State Committee.

Walking slowly to the auditorium came Mrs. Gwen Gilbert of 810 E. Jefferson. She had worked as a domestic for Sen. and Mrs. Hayden before they moved to Washington years ago. With Mrs. Gilbert, walking with the help of a cane, was Mrs. Irene Rosser, 519 E. Jefferson, who had worked many years for long-time friends of the Haydens.

Then swooping down on the ASU campus in a helicopter came Sen. Barry Goldwater, R-Arizona, who succeeded to the Senate seat surrendered in 1969 by his lifelong friend, Sen. Hayden. The deep affection he felt for the departed statesman revealed itself when a sob cut off the end of his eulogy.

President Nixon was represented by Deputy Atty. Gen. Richard G. Kleindienst, who arrived from Washington with the official party and was escorted to the service by Gov. and Mrs. Williams.

Among the close personal friends of Sen. Hayden who were present were Eugene C. Pulliam, publisher of The Arizona Republic and The Phoenix Gazette, and his wife, Mrs. Nina Pullam.

Mr. and Mrs. Tom Chauncy of KOOL, also longtime friends of the late senator, were present for the rites.

Rep. Morris K. Udall, D-Ariz., a youthful symbol of Arizona's pioneer tradition and his wife were there. His family was represented also by former Arizona Supreme Court Justice Jesse A. Udall, an uncle of the lawmaker.

Rep. John J. Rhodes, R-Ariz., dean of the Arizona congressional delegation, was present. He has taken up the task left by Hayden of pushing Congress for money to complete the Central Arizona Project. Also attending was Rep. Sam Steiger, R-Ariz., the state's junior congressman.

Judges of the federal courts of Arizona, leaders of the state legislature, Secretary of State Wesley Bolin and Atty. Gen. Gary Nelson came as friends as well as representatives of Arizona officialdom.

In the auditorium also were Mr. and Mrs. Larry Judge, of Washington, Mrs. Edna Judge was long Sen. Hayden's personal secretary and marked each one of his birthdays by baking a cake. Another of those who came to say goodby were Ephram Harris, white-haired and stately. He was a driver for the powerful president pro tempore of the Senate. Another of Sen. Hayden's drivers, John Wardlaw, attended the rites.

Justice Lorna Lockwood of the Arizona Supreme Court—once recommended by Hayden to be a member of the U.S. Supreme Court—attended with her sister and brother-in-law, Mr. and Mrs. Z. Simpson Cox, of Phoenix.

Ernest McFarland, former senator, governor and chief justice of the Arizona Supreme Court, paid last respects to his old colleague on behalf of himself and of Stanford University, the senator's alma mater. Twice he and Hayden had pushed the vital Central Arizona Project bill through the Senate together only to see it defeated in the House.

After farewells were said, McFarland stood beneath a date palm tree in the garden of Larry Hayden's home at Tempe and swapped reminiscences with former President Johnson.

Also among official guests was tall, solemn former Gov. Sam Goddard of Arizona, the most recent of Sen. Hayden's party to occupy the governor's office in the State Capitol.

And there were hundreds and hundreds more—men with prominent names and persons from the obscure places, quietly listening as the funeral eulogies sought to bespeak their affection for Arizona's grand old man—"Mr. Integrity," was the name President Johnson gave him.

Yes, and there were some there who were unseen—spirits, no doubt, called back from another age to listen approvingly to the tributes paid an old colleague.

These would be the late Sen. Richard B. Russell of Georgia, Speaker Sam Rayburn of Texas, Champ Clark of Missouri, crusty old Sen. Kenneth McKellar of Tennessee, stately Sen. Walter George of Georgia, scholarly Sen. Robert A. Taft of Ohio and brilliant Sen. Eugene Millikin of Colorado.

Sen. Hayden remained long after they had gone, the enduring symbol of a golden age. And now he has joined them.

## STUDENT EXCHANGES

Mr. FULBRIGHT. Mr. President, six high school students from Bolivia are currently in Arkansas as participants in the International Youth for Understanding program, which arranges high school student exchanges between the United States and other countries.

I am pleased that these students will be spending 6 months in Arkansas, and I hope they will have an enriching experience. I am always happy to see exchanges of this nature, and I have encouraged and supported opportunities for young people from this country and others to get to know other peoples and other cultures. I continue to believe in the value of this kind of program, and in this respect I commend the Youth for Understanding student exchange.

Mr. President, I ask unanimous consent that an article from the Arkansas Gazette of January 18 concerning the Bolivian students in Arkansas be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Four Bolivians Begin Stay in Arkansas

Four Bolivian high school students arrived Monday at Little Rock to start a six-month stay as guests of Arkansas families.

They are participants in the International Youth for Understanding program, which schedules student exchanges between the United States and other countries. The students were met at Adams Field by the families they will be staying with. They will attend school and live as members of the host families.

Two other Bolivian students will arrive later this month to live with Paragould families.

The students who arrived Monday, and their host families are:

Vernoica Estenssoro, who will stay with Dr. and Mrs. John Kagy of 8609 West Markham Street; Bertha Gosalvez, who will stay with Mr. and Mrs. Jim Dooley of 37 Valley Club Circle; Carlos Pereira, who will stay with Mr. and Mrs. Don Clough of 3500 Loch Lane, North Little Rock, and Ricardo Calla, who will stay with Mr. and Mrs. John Johnson of Forrest City.

Arrangements for the students were made by Mr. and Mrs. Steve Stephens, co-chairmen of the Youth for Understanding program in Arkansas.

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## THE TOCKS ISLAND PROJECT

Mr. CASE. Mr. President, recently I made public the text of a letter that I wrote to Russell E. Train, Chairman of the President's Council on Environmental Quality, with regard to the proposed Tocks Island Dam and Reservoir project.

I ask unanimous consent that this letter, along with the text of letters from two Federal agencies relative to the project, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

January 14, 1972.

Hon. Russell E. Train,
*Chairman, Council on Environmental Quality, Washington, D.C.*

Dear Mr. Train: Following our recent conversation, I should like to summarize my own position and my understanding of the position of the Environmental Quality Council and the Environmental Protection Agency in regard to the proposed Tocks Island Dam and Reservoir project.

I do not oppose the project as such, and I understand that the Council and the Agency do not oppose it either. But the Council and the Agency and I are opposed to the project unless serious environmental questions which have been raised in regard to it are satisfactorily resolved.

In the Agency's December 17th letter to the Army Corps of Engineers, the Agency points out that full provision must be made for protection of the environment of the area before any construction is begun. This is especially important since there have been reports that the Corps of Engineers would like to move ahead with the advertising for bids as soon as possible.

Among the environmental dangers perhaps the most serious is that, if the waters are impounded in a reservoir, as presently planned, "eutrophic conditions would develop rather rapidly." The oxygen would be virtually exhausted and the reservoir would be dead. Relevant here is the fact brought out by the Agency that pressures from developmental and recreational activities "could accelerate eutrophication."

Eutrophication of the reservoir would rule out its use for recreational purposes. Fish would not live in its and its stench would be intolerable.

To some degree, perhaps seriously, the quality of the water would be impaired. Moreover, releasing water from the reservoir could cause eutrophication problems downstream, including fish kill, as these waters would lack sufficient oxygen for fish survival.

It is my understanding that it is the position of the Council and the Agency, with which I fully agree, that the protection of the environment requires:

1. the development of a specific program, with all essential technology, to correct the conditions which otherwise will lead to eutrophication of the water when it is impounded;

2. that legally binding and practically enforceable commitments be undertaken for actually carrying out each of the steps necessary to prevent eutrophication; in this connection, the Agency and the Corps of Engineers point out that "cooperation will be necessary between local, state, inter-state, and Federal governing bodies and their agencies."

3. the assured availability of adequate financial resources to meet the enormous cost of construction and operation of the necessary anti-eutrophication facilities.

As the Agency said in its letter, "Without such firm commitments, the environmental impact of this project may well be a liability rather than the planned asset for this region."

The Council and the Agency are agreed that the steps necessary for the protection of the environment of the area, as outlined above, should be taken before construction begins. I agree. And the Council and the Agency have, and will continue to have, my complete support in this position.

Would you please advise me whether my understanding of the positions of the Council and the Agency, as I have outlined them, is correct.

Sincerely,

Clifford P. Case,
*U.S. Senator.*

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Environmental Protection Agency,
*Washington, D.C.*

Brig. Gen. Kenneth B. Cooper,
*Deputy Director of Civil Works, Office of the Chief of Engineers, Department of the Army, Washington, D.C.*

Dear General Cooper: The Environmental Protection Agency has reviewed the documents submitted to us by your office on October 1, 1971, for the Tocks Island Lake Project. These documents were as follows:

"Tocks Island Lake, Environmental Impact Statement"

"Tocks Island Lake: A Comprehensive Evaluation of Environmental Quality"

"An Appraisal of the Potential for Cultural Eutrophication of Tocks Island Lake"

The purpose of this letter is to provide EPA's comments on the documents, particularly as they relate to water quality. We have also had the opportunity to study the October 20, 1971, letter from Chairman Russell E. Train to Secretary Robert F. Froehlke concerning the Tocks Island Lake project. We apologize for the delay in responding to your letter.

Our comments on the draft environmental impact statement, submitted to the Corps of Engineers on September 10, 1971, focused on water quality in the proposed reservoir and particularly on the risk of eutrophication. Our concern stemmed from the importance of the recreational aspects of this project and the need for water of sufficient quality to support this recreational activity. At the present time, there seems to be little land use planning in this area; land speculation and rapid development around this proposed project are progressing without proper sewage treatment facilities. EPA expressed concern that the water quality of the reservoir, without well designed liquid and solid waste disposal plans, would be degraded and the reservoir's suitability for recreation and fishing would be substantially reduced. We suggested that the final environmental impact statement should include the current status of planning to deal with waste treatment problems and the extent to which the timetable for implementation of waste management plans would coincide with the completion schedule for the reservoir.

A regional sewage treatment plan is mentioned in the final environmental impact statement (page 3–18) as a means of handling waste from the communities in watersheds tributary to the lake, as well as large areas draining into the Delaware River below the proposed dam. The final statement (page 3–19) indicates, however, that there is some possibility that the plan may not materialize, and the statement does not include information on the extent to which the timetable for implementation of such a plan will coincide with the schedule for completion of the reservoir. The final statement indicates that the implementation timetable is under the control of the Delaware River Basin Commission.

Our comments on the draft impact statement requested an opportunity to review the Corps' sponsored eutrophication study. The review of this study by our National Eutrophication Research Program Office clarifies our position concerning the need for waste treatment facilities to preserve water quality in the reservoir. From the data available, nutrient concentrations in the river are already high, apparently due to liquid waste discharges from municipalities and from poultry farm wastes (1.2 million pounds of phosphorus per year). On the basis of those data, it appears that if the Delaware River were impounded as planned, eutrophic conditions would develop rather rapidly. The reservoir would be relatively shallow, and this would further enhance its susceptibility to eutrophication problems. The Cannonsville Reservoir, upstream from the proposed dam, already experiences massive growths of blue-green algae which give additional credence to the potential euthrophication problems at Tocks Island Lake. In addition, the pressures from developmental and recreational activities after completion of the reservoir, both in the reservoir area itself and in adjacent areas, could accelerate eutrophication.

Nutrient input to the river above the dam could be reduced by providing advanced waste treatment to all wastewater and farm effluents. This should be done, however, prior to impoundment. Once accelerated eutrophication has begun, it becomes more difficult to reverse the process. In shallow areas, there would be a natural recycling of the nutrients within the reservoir. In the deeper areas, the reservoir probably would stratify, and the hypolimnion would serve as a nutrient sink, Release of hypolimnetic water could very well cause eutrophication problems downstream. Also, hypolimnetic water is often low in dissolved oxygen, and large releases may result in a fish kill.

EPA's conclusion is that a eutrophication hazard exists for the proposed Tocks Island Lake under existing waste treatment conditions in the Upper Delaware Basin. We should point out that the eutrophication problem is a result of the impoundment. Therefore, we concur with the recommendations relating to the control of eutrophication expressed in the October 20 letter from Chairman Train to Secretary Froehlke. The recommendations called for a study of the possibility and cost of controlling cultural eutrophication in the proposed Tocks Island Lake through the development of a waste treatment plan to achieve a high level of phosphorus removal for the relevant portion of the Delaware River Basin and through the development of a plan for restricting the inflow of nutrients from non-point sources. The recommendations further called for a recalculation of the benefit-cost ratio to reflect the loss of estimated benefits if eutrophication and drawdown are not controlled, as well as the cost of controlling eutrophication through building of water treatment facilities. Finally, the recommendations requested a realistic plan of implementation considering time schedules, availability of funds, and technological capabilities.

We understand that the development and implementation of a water quality program for the region is primarily the responsibility of the Delaware River Basin Commission and the affected states. However, the Environmental Protection Agency believes that such a plan is essential in protecting the Federal investment in the Tocks Island Project, and the Corps of Engineers must also assume a major share of the responsibility. We must underscore the need for such a water quality program with definite goals, implementation schedules, and committed funds before construction is undertaken. Without such firm commitments, the environmental impact of this project may well be a liability rather than the planned asset for this region.

We appreciate the opportunity to review the eutrophication study and the other documents relating to the Tocks Island Lake Project. Please contact us if we can be of any further assistance.

Sincerely,

ROBERT W. FRI,
*Deputy Administrator.*

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COUNCIL ON
ENVIRONMENTAL QUALITY,
*Washington, D.C., October 21, 1971.*

Hon. ROBERT F. FROEHLKE,
*Secretary of the Army,*
*Washington, D.C.*

DEAR MR. SECRETARY: The Tocks Island Dam Project proposal has been discussed a number of times by the Council on Environmental Quality and the Corps of Engineers. A basic understanding was reached by then-Under Secretary of the Army Thaddeus R. Beal and myself regarding the procedures for handling environmental considerations relating to the project. In my letter to Mr. Beal on June 18, 1971 and his reply of July 2, 1971, accord was reached whereby a multidisciplinary overview environmental impact analysis would be drafted encompassing not only the dam project itself but also the National Park Service proposal for a Delaware Water Gap National Recreational Area and the Delaware River Basin Commission submission relating to the Kittatinny Mountain Pumped-Storage Project. In addition, we agreed to two further points. First, if after review of the overview analysis, the Council on Environmental Quality found any major points that needed further study, the Corps of Engineers would agree to such a study. Secondly, construction would not begin upon the Tocks Island Dam until such further study of a major problem was completed and evaluated.

Having now reviewed the overview analysis entitled *"Tocks Island Lake Development: A Comprehensive Evaluation of Environmental Quality"* and the consultants report on eutrophication, *"An Appraisal of the Potential for Cultural Eutrophication of Tocks Island Lake"* we feel that two significant environmental issues are not clarified and need to be given further analysis before final decision on the project.

The first issue relates to eutrophication of the Tocks Island Lake. I brought out a concern of possible eutrophication of the Lake in my letter to Mr. Robert Jordan on April 7, 1971. The issue has also been brought forth by several conservation groups and most recently by the Environmental Protection Agency in a letter of September 10, 1971 to Brigadier General Kenneth B. Cooper, Deputy Director of Civil Works commenting on the final environmental impact statement for the Tocks Island Dam:

"Our principal concern is the still unresolved issue of water quality in the reservoir, particularly the risk of rapid eutrophication. . . . The possibility of substantial eutrophication of Tocks Island Lake cannot be ruled out without additional data and analysis. We do not believe construction of the project should proceed until this question has been settled."

The eutrophication problem stems from nutrient enrichment of waters with the usual result of excessive algae and aquatic plant growth. Side effects of this process may create a deterioration of water quality, fisheries habitat, and recreational potential through clogging of the Lake surface with plant growth, objectionable odors, and altered chemical composition of the water. Eutrophication is apparently a serious possibility at Tocks Island Lake and is confirmed by the Corps of Engineers' consultants study (Jack McCormick and Associates; page 107):

"The conclusion of this report is that accelerated cultural eutrophication is likely to occur after creation of the Proposed Tocks Island Lake."

The McCormick Report further indicates that physical characteristics of the Lake may do little to help diminish the eutrophication potential. Experience at two existing reservoirs in the Delaware River Basin, according to the McCormick Report, indicates that both have algal blooms in summer and one, the Cannonsville Reservoir, ". . . demonstrates the ability of an impoundment to serve as a trap, potentially as a sink, for phosphorous." The Report further suggests advanced waste treatment as one means of possible rectification of the potential problem, but the necessary administrative procedures and technical developments are not addressed.

In order to satisfy the question of whether and at what cost this eutrophication hazard can be controlled and in accord with my agreement with Mr. Beal, I am asking the Department of the Army to address itself to the 12 recommendations contained in their consultant report (pages 108–113) and more specifically to undertake a study to provide the following:

1. A waste treatment plan for the relevant portion of the Delaware River Basin to incorporate the technical developments necessary to achieve the high level (98%) of phosphorous removal to prevent eutrophication of the Tocks Island Lake. Included should be a detailed statement of estimated expenses and loss of proposed benefits if eutrophication was not controlled. Sources of funds should be identified.

2. A plan for restricting inflow of nutrients from non-point sources such as animal wastes. (The consultant's report (page 48) indicated "Nutrient laden runoff during spring storms will contribute a large nutrient load to Tocks Island Lake.") Again, it will be imperative to assess the expected cost of control and the probable loss of benefits if eutrophication control is not forthcoming.

3. A recalculation of the benefit/cost ratio to reflect:

a. loss of benefits as now estimated if eutrophication and reservoir drawdown (discussed at a later point in this letter) are not controlled. Such an analysis should include the estimated impact of the various levels of waste treatment and drawdown on benefits occurring to recreational development, quality of water supply, fish and wildlife, stream flow regulation, and other uses. The analysis should further examine possible differences in the recreational use of the Delaware Water Gap National Recreation Area and quantitatively assess the qualitative decline in the quality of the recreation experience; and

b. the added costs necessary to eliminate the eutrophication potential. This should include an analysis of costs of providing 90, 95, and 98% waste treatment, plus the costs of controlling land runoff effects. There should be an analysis of the benefits achieved by such treatment.

4. A realistic plan of implementation considering time schedules, availability of funds, and technological capabilities. Necessary assurances need to be obtained from the financing sources to assure that implementation of the plan will be forthcoming within a reasonable time period. Commitments from the designated funding sources should be documented.

The second unresolved environmental issue relates to the drawdown of the reservoir both annually and during the recreation season. The final environmental impact statement on the Tocks Island Dam and the overview analysis have discussed the question of drawdown, but it is apparent that there are unresolved questions. The drawdown caused by a severe drought will drain the conservation pool, greatly curtailing recreational use of the Tocks Island Lake. It is not clear to what extent lesser drawdowns would occur, also creating detrimental impacts on recreation, water supply, the fisheries resource, pumping for the pumped-storage project, and the downstream water quality. We believe it is necessary that the Department of the Army initiate a study to address the drawdown problem in a more comprehensive manner. Specific points to be covered should include:

1. Land exposure (area and location) to be occasioned during drought years of varying frequency. The analysis should center on intervals of one foot change in elevation of the pool level and should indicate the expected drawdown by month for droughts of five-year, ten-year, 15-year, 20-year, 25-year, 50-year, 75-year, and 100-year frequency.

2. Impact of each interval on recreation, water supply, water quality, the pumped-storage plant, and the fisheries resource. The loss of these benefits as the reservoir is drawn down should be calculated and included in the recalculated benefit/cost ratio. Of particular interest will be the geographical location of planned recreation facilities and how they can be adapted as drawdown occurs. Consideration of the aesthetics of drawdown should be included.

3. The determining factors creating the drawdown, i.e., use for water supply both inside and outside of the Delaware River Basin, use for low-flow augmentation, use for the pumped-storage plant, and any other expected use.

A discussion of the various drought frequencies and integration with environmental impacts will bring the drawdown problem into proper perspective.

In accord with the agreement between Mr. Beal and myself, we believe it is essential that the Corps of Engineers not advertise for bids or in any way initiate construction of the Tocks Island Dam until an Executive Office decision has been made relating to the eutrophication and drawdown problems.

As a related point, I believe both the overview environmental analysis and the consultants report on euthrophication should be made available for review and comment by relevant agencies and the public at this time. I would suggest a 30-day review period will be adequate to receive comments.

I believe that a joint public statement by the Corps of Engineers and the Council on Environmental Quality regarding these arrangements would be highly desirable.

Please feel free to contact me if you wish to discuss the Tocks Island situation further.

Sincerely,

Russell E. Train, *Chairman.*

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## HEARINGS ON THE COMPREHENSIVE INDIAN EDUCATION ACT OF 1972

Mr. FANNIN. Mr. President, on February 9 the Senate Interior and Insular Affairs Committee will begin 3 days of hearings in consideration of S. 2724, the Comprehensive Indian Education Act of 1972. This legislation is vital to our Indian citizens and could mark an important step toward realizing Indian determination in the field of education.

President Nixon, in his July 1970, statement spoke eloquently of Indian self-determination; and in advance of the hearings on Indian education, it would be well for us to review the President's commitment to self-determination, not only in education, but in the whole range of Indian affairs.

Mr. President, I ask unanimous consent to have printed in the Record the President's message on Indian affairs.

I also ask permission to print the President's statement regarding Indian self-determination which was contained in his state of the Union message on January 20, 1972.

There being no objection, the message and statement were ordered to be printed in the Record, as follows:

### President's Message on Indian Affairs

The first Americans—the Indians—are the most deprived and most isolated minority group in our nation. On virtually every scale of measurement—employment, income, education, health—the condition of the Indian people ranks at the bottom.

This condition is the heritage of centuries of injustice. From the time of their first contact with European settlers, the American Indians have been oppressed and brutalized, deprived of their ancestral lands and denied the opportunity to control their own destiny. Even the Federal programs which are intended to meet their needs have frequently proven to be ineffective and demeaning.

But the story of the Indian in America is something more than the record of the white man's frequent aggression, broken agreements, intermittent remorse and prolonged failure. It is a record also of endurance, of survival, of adaption and creativity in the face of overwhelming obstacles. It is a record of enormous contributions to this country—to its art and culture, to its strength and spirit, to its sense of history and its sense of purpose.

It is long past time that the Indian policies of the Federal government began to recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.

### SELF-DETERMINATION WITHOUT TERMINATION

The first and most basic question that must be answered with respect to Indian policy concerns the historic and legal relationship between the Federal government and Indian communities. In the past, this relationship has oscillated between two equally harsh and unacceptable extremes.

On the one hand, it has—at various times during previous Administrations—be the stated policy objective of both the Executive and Legislative branches of the Federal government eventually to terminate the trusteeship between the Federal government and the Indian people. As recently as August of 1953, in House Concurrent Resolution 108, the Congress declared that termination was the long-range goal of its Indian policies. This would mean that Indian tribes would eventually lose any special standing they had under Federal law: the tax exempt status of their lands would be discontinued; Federal responsibility for their economic and social well-being would be repudiated; and the tribes themselves would be effectively dismantled. Tribal property would be divided among individual members who would then be assimilated into the society at large.

This policy of forced termination is wrong, in my judgment, for a number of reasons. First, the premises on which it rests are wrong. Termination implies that the Federal government has taken on a trusteeship responsibility for Indian communities as an act of generosity toward a disadvantaged people and that it can therefore discontinue this responsibility on a unilateral basis whenever it sees fit. But the unique status of Indian tribes does not rest on any premise such as this. The special relationship between Indians and the Federal government is the result instead of solemn obligations which have been entered into by the United States Government. Down through the years, through written treaties and through formal and informal agreements, our government has made specific commitments to the Indian people. For their part, the Indians have often surrendered claims to vast tracts of land and have accepted life on government reservations. In exchange, the government has agreed to provide community services such as health, education and public safety, services which would presumably allow Indian communities to enjoy a standard of living comparable to that of other Americans.

This goal, of course, has never been achieved. But the special relationship between the Indian tribes and the Federal government which arises from these agreements continues to carry immense moral and legal force. To terminate this relationship would be no more appropriate than to terminate the citizenship rights of any other American.

The second reason for rejecting forced termination is that the practical results have been clearly harmful in the few instances in which termination actually has been tried. The removal of Federal trusteeship responsibility has produced considerable disorientation among the affected Indians and has left them unable to relate to a myriad of Federal, State and local assistance efforts. Their economic and social condition has often been worse after termination than it was before.

The third argument I would make against forced termination concerns the effect it has had upon the overwhelming majority of tribes which still enjoy a special relationship with the Federal government. The very threat that this relationship may someday be ended has created a great deal of apprehension among Indian groups and this apprehension, in turn, had had a blighting effect on tribal progress. Any step that might result in greater social, economic or political autonomy is regarded with suspicion by many Indians who fear that it will only bring them closer to the day when the Federal government will disavow its responsibility and cut them adrift.

In short, the fear of one extreme policy, forced termination, has often worked to produce the opposite extreme: excessive dependence on the Federal government. In many cases this dependence is so great that the Indian community is almost entirely run by outsiders who are responsible and responsive to Federal officials in Washington, D.C., rather than to the communities they are supposed to be serving. This is the second of the two harsh approaches which have long plagued our Indian policies. Of the Department of the Interior's programs directly serving Indians, for example, only 1.5 percent are presently under Indian control. Only 2.4 percent of HEW's Indian health programs are run by Indians. The result is a burgeoning Federal bureaucracy, programs which are far less effective than they ought to be, and an erosion of Indian initiative and morale.

I believe that both of these policy extremes are wrong. Federal termination errs in one direction, Federal paternalism errs in the other. Only by clearly rejecting both of these extremes can we achieve a policy which truly serves the best interests of the Indian people. Self-determination among the Indian people can and must be encouraged without the threat of eventual termination. In my view, in fact, that is the only way that self-determination can effectively be fostered.

This, then, must be the goal of any new national policy toward the Indian people: to strengthen the Indian's sense of autonomy without threatening his sense of community. We must assure the Indian that he can assume control of his own life without being separated involuntarily from the tribal group. And we must make it clear that Indians can become independent of Federal control without being cut off from Federal concern and Federal support. My specific recommendations to the Congress are designed to carry out this policy.

#### *1. Rejecting termination*

Because termination is morally and legally unacceptable, because it produces bad practical results, and because the mere threat of termination tends to discourage greater self-sufficiency among Indian groups, I am asking the Congress to pass a new Concurrent Resolution which would expressly renounce, repudiate and repeal the termination policy as expressed in House Concurrent Resolution 108 of the 83rd Congress. This resolution would explicitly affirm the integrity and right to continued existence of all Indian tribes and Alaska native governments, recognizing that cultural pluralism is a source of national strength. It would assure these groups that the United States Government would continue to carry out its treaty and trusteeship obligations to them as long as the groups themselves believed that such a policy was necessary or desirable. It would guarantee that whenever Indian groups decided to assume control or responsibility for government service programs, they could do so and still receive adequate Federal financial support. In short, such a resolution would reaffirm for the Legislative branch—as I hereby affirm for the Executive branch—that the historic relationship between the Federal government and the Indian communities cannot be abridged without the consent of the Indians.

#### *2. The right to control and operate Federal programs*

Even as we reject the goal of forced termination, so must we reject the suffocating pattern of paternalism. But how can we best do this? In the past, we have often assumed that because the government is obliged to provide certain services for Indians, it therefore must administer those same services. And to get rid of Federal administration, by the same token, often meant getting rid of the whole Federal program. But there is no necessary reason for this assumption. Federal support programs for non-Indian communities—hospitals and schools are two ready examples—are ordinarily administered by local authorities. There is no reason why Indian communities should be deprived of the privilege of self-determination merely because they receive monetary support from the Federal government. Nor should they lose Federal money because they reject Federal control.

For years we have talked about encouraging Indians to exercise greater self-determination, but our progress has never been commensurate with our promises. Part of the reason for this situation has been the threat of termination. But another reason is the fact that when a decision is made as to whether a Federal program will be turned over to Indian administration, it is the Federal authorities and not the Indian people who finally make that decision.

This situation should be reversed. In my judgment, it should be up to the Indian tribe to determine whether it is willing and able to assume administrative responsibility for a service program which is presently administered by a Federal agency. To this end, I am proposing legislation which would empower a tribe or a group of tribes or any other Indian community to take over the control or operation of Federally-funded and administered programs in the Department of the Interior and the Department of Health, Education and Welfare whenever the tribal council or comparable community governing group voted to do so.

Under this legislation, it would not be necessary for the Federal agency administering the program to approve the transfer of responsibility. It is my hope and expectation that most such transfers of power would still take place consensually as a result of negotiations between the local community and the Federal government. But in those cases in which an impasse arises between the two parties, the final determination should rest with the Indian community.

Under the proposed legislation, Indian control of Indian programs would always be a wholly voluntary matter. It would be possible for an Indian group to select that program or that specified portion of a program that it wants to run without assuming responsibility for other components. The "right of retrocession" would also be guaranteed; this means that if the local community elected to administer a program and then later decided to give it back to the Federal government, it would always be able to do so.

Appropirate technical assistance to help local organizations successfully operate these programs would be provided by the Federal government. No tribe would risk economic disadvantage from managing its own programs; under the proposed legislation, locally-administered programs would be funded on equal terms with similar services still administered by Federal authorities. The legislation I propose would include appropriate protections against any action which endangered the rights, the health, the safety or the welfare of individuals. It would also contain accountability procedures to guard against gross negligence or mismanagement of Federal funds.

This legislation would apply only to services which go directly from the Federal government to the Indian community; those services which are channeled through State or local governments could still be turned over to Indian control by mutual consent. To run the activities for which they have assumed control, the Indian groups could employ local people or outside experts. If they chose to hire Federal employees who had formerly administered these projects, those employees would still enjoy the privileges of Federal employee benefit programs—under special legislation which will also be submitted to the Congress.

Legislation which guarantees the right of Indians to contract for the control or operation of Federal programs would directly channel more money into Indian communities, since Indians themselves would be administering programs and drawing salaries which now often go to non-Indian administrators. The potential for Indian control is significant, for we are talking about programs which annually spend over $400 million in Federal funds. A policy which encourages Indian administration of these programs will help build greater pride and resourcefulness within the Indian community. At the same time, programs which are managed and operated by Indians are likely to be more effective in meeting Indian needs.

I speak with added confidence about these anticipated results because of the favorable experience of programs which have already been turned over to Indian control. Under the auspices of the Office of Economic Opportunity, Indian communities now run more than 60 community action agencies which are located on Federal reservations. OEO is planning to spend some $57 million in Fiscal Year 1971 through Indian-controlled grantees. For over four years, many OEO-funded programs have operated under the control of local Indian organizations and the results have been most heartening.

Two Indian tribes—the Salt River Tribe and the Zuni Tribe—have recently extended this principle of local control to virtually all of the programs which the Bureau of Indian Affairs has traditionally administered for them. Many Federal officials, including the Agency Superintendent, have been replaced by elected tribal officers or tribal employees. The time has now come to build on these experiences and to extend local Indian control—at a rate and to the degree that the Indians themselves establish.

### *3. Restoring the sacred lands near Blue Lake*

No government policy toward Indians can be fully effective unless there is a relationship of trust and confidence between the Federal government and the Indian people. Such a relationship cannot be completed overnight; it is inevitably the product of a long series of words and actions. But we can contribute significantly to such a relationship by responding to just grievances which are especially important to the Indian people.

One such grievance concerns the sacred Indian lands at and near Blue Lake in New Mexico. From the fourteenth century, the Taos Pueblo Indians used these areas for religious and tribal purposes. In 1906, however, the United States Government appropriated these lands for the creation of a national forest. According to a recent determination of the Indian Claims Commission, the government "took said lands from petitioner without compensation."

For 64 years, the Taos Pueblo has been trying to regain possession of this sacred lake and watershed area in order to preserve it in its natural condition and limit its non-Indian use. The Taos Indians consider such action essential to the protection and expression of their religious faith.

The restoration of the Blue Lake lands to the Taos Pueblo Indians is an issue of unique and critical importance to Indians throughout the country. I therefore take this opportunity wholeheartedly to endorse legislation which would restore 48,000 acres of sacred land to the Taos Pueblo people, with the statutory promise that they would be able to use these lands for traditional purposes and that except for such uses the lands would remain forever wild.

With the addition of some perfecting amendments, legislation now pending in the Congress would properly achieve this goal. That legislation (H.R. 471) should promptly be amended and enacted. Such action would stand as an important symbol of this government's responsiveness to the just grievances of the American Indians.

### *4. Indian education*

One of the saddest aspects of Indian life in the United States is the low quality of Indian education. Drop-out rates for Indians are twice the national average and the average educational level for all Indians under Federal supervision is less than six school years. Again, at least a part of the problem stems from the fact that the Federal government is trying to do for Indians what many Indians could do better for themselves.

The Federal government now has responsibility for some 221,000 Indian children of school age. While over 50,000 of these children attend schools which are operated directly by the Bureau of Indian Affairs, only 750 Indian children are enrolled in schools where the responsibility for education has been contracted by the BIA to Indian school boards. Fortunately, this condition is beginning to change. The Ramah Navajo Community of New Mexico and the Rough Rock and Black Water Schools in Arizona are notable examples of schools which have recently been brought under local Indian control. Several other communities are now negotiating for similar arrangements.

Consistent with our policy that the Indian community should have the right to take over the control and operation of federally funded programs, we believe every Indian community wishing to do so should be able to control its own Indian schools. This control would be exercised by school boards selected by Indians and functioning much like other school boards throughout the nation. To assure that this goal is achieved, I am asking the Vice President, acting in his role as Chairman of the National Council on Indian Opportunity, to establish a Special Education Subcommittee of that Council. The members of that Subcommittee should be Indian educators who are selected by the Council's Indian members. The Subcommittee will provide technical assistance to Indian communities wishing to establish school boards, will conduct a nationwide review of the educational status of all Indian school children in whatever schools they may be attending, and will evaluate and report annually on the status of Indian education, including the extent of local control. This Subcommittee will act as a transitional mechanism; its objective should not be self-perpetuation but the actual transfer of Indian education to Indian communities.

We must also take specific action to benefit Indian children in public schools. Some 141,000 Indian children presently attend general public schools near their homes. Fifty-two thousand of these are absorbed by local school districts without special Federal aid. But 89,000 Indian children attend public schools in such high concentrations that the State or local school districts involved are eligible for special Federal assistance under the Johnson-O'Malley Act. In Fiscal Year 1971, the Johnson-O'Malley program will be funded at a level of some $20 million.

This Johnson-O'Malley money is designed to help Indian students, but since funds go directly to the school districts, the Indians have little if any influence over the way in which the money is spent. I therefore propose that the Congress amend the Johnson-O'Malley Act so as to authorize the Secretary of the Interior to channel funds under this act directly to Indian tribes and communities. Such a provision would give Indians the ability to help shape the schools which their children attend and, in some instances, to set up new school systems of their own. At the same time, I am directing the Secretary of the Interior to make every effort to ensure that Johnson-O'Malley funds which are presently directed to public school districts are actually spent to improve the education of Indian children in these districts.

### 5. Economic development legislation

Economic deprivation is among the most serious of Indian problems. Unemployment among Indians is ten times the national average; the unemployment rate runs as high at 80 percent on some of the poorest reservations. Eighty percent of reservation Indians have an income which falls below the poverty line; the average annual income for such families is only $1,500. As I said in September of 1968, it is critically important that the Federal government support and encourage efforts which help Indians develop their own economic infrastructure. To that end, I am proposing the "Indian Financing Act of 1970."

This act would do two things:

1. It would broaden the existing Revolving Loan Fund, which loans money for Indian economic development projects. I am asking that the authorization for this fund be increased from approximately $25 million to $75 million.

2. It would provide additional incentives in the form of loan guarantees, loan insurance and interest subsidies to encourage *private* lenders to loan more money for Indian economic projects. An aggregate amount of $200 million would be authorized for loan guarantee and loan insurance purposes.

I also urge that legislation be enacted which would permit any tribe which chooses to do so to enter into leases of its land for up to 99 years. Indian people now own over 50 million acres of land that is held in trust by the Federal government. In order to compete in attracting investment capital for commercial, industrial and recreational development of these lands, it is essential that the tribes be able to offer long-term leases. Long-term leasing is preferable to selling such property since it enables tribes to preserve the trust ownership of their reservation homelands. But existing law limits the length of time for which many tribes can enter into such leases. Moreover, when long-term leasing is allowed, it has been granted by Congress on a case-by-case basis, a policy which again reflects a deep-rooted pattern of paternalism. The twenty reservations which have already been given authority for long-term leasing have realized important benefits from that privilege and this opportunity should now be extended to all Indian tribes.

Economic planning is another area where our efforts can be significantly improved. The comprehensive economic development plans that have been created by both the Pima-Maricopa and the Zuni Tribes provide outstanding examples of interagency cooperation in fostering Indian economic growth. The Zuni Plan, for example, extends for at least five years and involves a total of $55 million from the Departments of Interior, Housing and Urban Development, and Health, Education and Welfare and from the Office of Economic Opportunity and the Economic Development Administration. I am directing the Secretary of the Interior to play an active role in coordinating additional projects of this kind.

### 6. More money for Indian health

Despite significant improvements in the past decade and a half, the health of Indian people still lags 20 to 25 years behind that of the general population. The average age at death among Indians is 44 years, about one-third less than the national average. Infant mortality is nearly 50% higher for Indians and Alaska natives than for the population at large; the tuberculosis rate is eight times as high and the suicide rate is twice that of the general population. Many infectious diseases such as trachoma and dysentery that have all but disappeared among other Americans continue to afflict the Indian people.

This Administration is determined that the health status of the first Americans will be improved. In order to initiate expanded efforts in this area, I will request the allocation of an additional $10 million for Indian health programs for the current fiscal year. This strengthened Federal effort will enable us to address ourselves more effectively to those health problems which are particularly important to the Indian community. We understand, for example, that areas of greatest concern to Indians include the prevention and control of alcoholism, the promotion of mental health and the control of middle-ear disease. We hope that the ravages of middle-ear disease—a particularly acute disease among Indians—can be brought under control within five years.

These and other Indian health programs will be most effective if more Indians are involved in running them. Yet—almost unbelievably—we are presently able to identify in this country only 30 physicians and fewer than 400 nurses of Indian descent. To meet this situation, we will expand our efforts to train Indians for health careers.

### 7. Helping urban Indians

Our new census will probably show that a larger proportion of America's Indians are living off the reservation than ever before in our history. Some authorities even estimate that more Indians are living in cities and towns than are remaining in the reservation. Of those American Indians who are now dwelling in urban areas, approximately three-fourths are living in poverty.

The Bureau of Indian Affairs is organized to serve the 462,000 reservation Indians. The BIA's responsibility does not extend to Indians who have left the reservation, but this point is not always clearly understood. As a result of this misconception, Indians living in urban areas have often lost out on the opportunity to participate in other programs designed for disadvantaged groups. As a first step toward helping the urban Indians, I am instructing appropriate officials to do all they can to ensure that this misunderstanding is corrected.

But misunderstandings are not the most important problem confronting urban Indians. The biggest barrier faced by those Federal, State and local programs which are trying to serve urban Indians is the difficulty of locating and identifying them. Lost in the anonymity of the city, often cut off from family and friends, many urban Indians are slow to establish new community ties. Many drift from neighborhood to neighborhood; many shuttle back and forth between reservations and urban areas. Language and cultural differences compound these problems. As a result, Federal, State and local programs which are designed to help such persons often miss this most deprived and least understood segment of the urban poverty population.

This Administration is already taking steps which will help remedy this situation. In a joint effort, the Office of Economic Opportunity and the Department of Health, Education and Welfare will expand support to a total of seven urban Indian centers in major cities which will act as links between existing Federal, State and local service programs and the urban Indians. The Departments of Labor, Housing and Urban Development and Commerce have pledged to cooperate with such experimental urban centers and the Bureau of Indian Affairs has expressed its willingness to contract with these centers for the performance of relocation services which assist reservation Indians in their transition to urban employment.

These efforts represent an important beginning in recognizing and alleviating the severe problems faced by urban Indians. We hope to learn a great deal from these projects and to expand our efforts as rapidly as possible. I am directing the Office of Economic Opportunity to lead these efforts.

### 8. Indian trust counsel authority

The United States Government acts as a legal trustee for the land and water rights of American Indians. These rights are often of critical economic importance to the Indian people; frequently they are also the subject of extensive legal dispute. In many of these legal confrontations, the Federal government is faced with an inherent conflict of interest. The Secretary of the Interior and the Attorney General must at the same time advance both the national interest in the use of land and water rights and the private interests of Indians in land which the government holds as trustee.

Every trustee has a legal obligation to advance the interests of the beneficiaries of the trust without reservation and with the highest degree of diligence and skill. Under present conditions, it is often difficult for the Department of the Interior and the Department of Justice to fulfill this obligation. No self respecting law firm would ever allow itself to represent two opposing clients in one dispute; yet the Federal government has frequently found itself in precisely that position. There is considerable evidence that the Indians are the losers when such situations arise. More than that, the credibility of the Federal government is damaged whenever it appears that such a conflict of interest exists.

In order to correct this situation, I am calling on the Congress to establish an Indian Trust Counsel Authority to assure independent legal representation for the Indians' natural resource rights. This Authority would be governed by a three-man board of directors, appointed by the President with the advice and consent of the Senate. At least two of the board members would be Indian. The chief legal officer of the Authority would be designated as the Indian Trust Counsel.

The Indian Trust Counsel Authority would be independent of the Departments of the Interior and Justice and would be expressly empowered to bring suit in the name of the United States in its trustee capacity. The United States would waive its sovereign immunity from suit in connection with litigation involving the Authority.

### 9. Assistant Secretary for Indian and Territorial Affairs

To help guide the implementation of a new national policy concerning American Indians, I am recommending to the Congress the establishment of a new position in the Department of the Interior—Assistant Secretary for Indian and Territorial Affairs. At present, the Commissioner of Indian Affairs reports to the Secretary of the Interior through the Assistant Secretary for Public Land Management—an officer who has many responsibilities in the natural resources area which compete with his concern for Indians. A new Assistant Secretary for Indian and Territorial Affairs would have only one concern—the Indian and territorial peoples, their land, and their progress and well-being. Secretary Hickel and I both believe this new position represents an elevation of Indian affairs to their proper role within the Department of the Interior and we urge Congress to act favorably on this proposal.

### Continuing programs

Many of the new programs which are outlined in this message have grown out of this Administration's experience with other Indian projects that have been initiated or expanded during the last 17 months.

The Office of Economic Opportunity has been particularly active in the development of new and experimental efforts. OEO's Fiscal Year 1971 budget request for Indian-related activities is up 18 percent from 1969 spending. In the last year alone—to mention just two examples—OEO doubled its funds for Indian economic development and tripled its expenditures for alcoholism and recovery programs. In areas such as housing and home improvement, health care, emergency food, legal services and education, OEO programs have been significantly expanded. As I said in my recent speech on the economy, I hope that the Congress will support this valuable work by appropriating the full amount requested for the Economic Opportunity Act.

The Bureau of Indian Affairs has already begun to implement our policy of contracting with local Indians for the operation of government programs. As I have noted, the Salt River Tribe and the Zuni Tribe have taken over the bulk of Federal services; other projects ranging from job training centers to high school counseling programs have been contracted out to Indian groups on an individual basis in many areas of the country.

Economic development has also been stepped up. Of 195 commercial and industrial enterprises which have been established in Indian areas with BIA assistance, 71 have come into operation within the last two years. These enterprises provide jobs for more than 6,000 Indians and are expected to employ substantially more when full capacity is reached. A number of these businesses are now owned by Indians and many others are managed by them. To further increase individual Indian ownership, the BIA has this month initiated the Indian Business Development Fund which provides equity capital to Indians who go into business in reservation areas.

Since late 1967, the Economic Development Administration has approved approximately $80 million in projects on Indian reservations, including nearly $60 million in public works projects. The impact of such activities can be tremendous; on the Gila River Reservation in Arizona, for example, economic development projects over the last three years have helped to lower the unemployment rate from 56 to 18 percent, increase the median family income by 150 percent and cut the welfare rate by 50 percent.

There has been additional progress on many other fronts since January of 1969. New "Indian Desks" have been created in each of the human resource departments of the Federal government to help coordinate and accelerate Indian programs. We have supported an increase in funding of $4 million for the Navajo Irrigation Project. Housing efforts have picked up substantially; a new Indian Police Academy has been set up; Indian education efforts have been expanded—including an increase of $848,000 in scholarships for Indian college students and the establishment of the Navajo Community College, the first college in America planned, developed and operated by and for Indians. Altogether, obligational authority for Indian programs run by the Federal Government has increased from a little over $598 million in Fiscal Year 1970 to almost $626 million in Fiscal Year 1971.

Finally, I would mention the impact on the Indian population of the series of welfare reform proposals I have sent to the Congress. Because of the high rate of unemployment and underemployment among Indians, there is probably no other group in the country that would be helped as directly and as substantially by programs such as the new Family Assistance Plan and the proposed Family Health Insurance Plan. It is estimated, for example, that more than half of all Indian families would be eligible for Family Assistance benefits and the enactment of this legislation is therefore of critical importance to the American Indian.

This Administration has broken a good deal of new ground with respect to Indian problems in the last 17 months. We have learned many things and as a result we have been able to formulate a new approach to Indian affairs. Throughout this entire process, we have regularly consulted the opinions of the Indian people and their views have played a major role in the formulation of Federal policy.

As we move ahead in this important work, it is essential that the Indian people continue to lead the way by participating in policy development to the greatest possible degree. In order to facilitate such participation, I am asking the Indian members of the National Council on Indian Opportunity to sponsor field hearings throughout the nation in order to establish continuing dialogue between the Executive branch of government and the Indian population of our country. I have asked the Vice President to see that the first round of field hearings are completed before October.

The recommendations of this Administration represent an historic step forward in Indian policy. We are proposing to break sharply with past approaches to Indian problems. In place of a long series of piecemeal reforms, we suggest a new and coherent strategy. In place of policies which simply call for more spending, we suggest policies which call for wiser spending. In place of policies which oscillate between the deadly extremes of forced termination and constant paternalism, we suggest a policy in which the Federal government and the Indian community play complementary roles.

But most importantly, we have turned from the question of *whether* the Federal government has a responsibility to Indians to the question of *how* that responsibility can best be fulfilled. We have concluded that the Indians will get better programs and that public monies will be more effectively expended if the people who are most affected by these programs are responsible for operating them.

The Indians of America need Federal assistance—this much has long been clear. What has not always been clear, however, is that the Federal government needs Indian energies and Indian leadership if its assistance is to be effective in improving the conditions of Indian life. It is a new and balanced relationship between the United States government and the first Americans that is at the heart of our approach to Indian problems. And that is why we now approach these problems with new confidence that they will successfully be overcome.

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### PRESIDENT'S STATE OF THE UNION MESSAGE

#### SELF-DETERMINATION FOR INDIANS

One of the major initiatives in the second year of my Presidency was designed to bring a new era in which the future for American Indians is determined by Indian acts and Indian decisions. The comprehensive program I put forward sought to avoid the twin dangers of paternalism on the one hand and the termination of trust responsibility on the other. Some parts of this program have now become effective, including a generous settlement of the Alaska Native Claims and the return to the Taos Pueblo Indians of the sacred lands around Blue Lake. Construction grants have been authorized to assist the Navajo Community College, the first Indian-managed institution of higher education.

We are also making progress toward Indian self-determination on the administrative front. A newly reorganized Bureau of Indian Affairs, with almost all-Indian leadership, will from now on be concentrating its resources on a program of reservation-by-reservation development, including redirection of employment assistance to strengthen reservation economies, creating local Indian Action Teams for manpower training, and increased contracting of education and other functions to Indian communities.

I again urge the Congress to join in helping Indians help themselves in fields such as health, education, the protection of land and water rights, and economic development. We have talked about injustice to the first Americans long enough. As Indian leaders themselves have put it, the time has come for more rain and less thunder.

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## DOCK STRIKE STILL HURTING AGRICULTURE

Mr. PACKWOOD. Mr. President, as the dock tie-up on the west coast continues into its 17th week, I think it is vitally important to keep Senators apprised of the damage that is being inflicted nationwide on innocent parties who play no part in the dispute, but are nevertheless helpless to "get out of harm's way." Among those most desperately affected are our farmers, who have worked all year to produce their crops, only to find themselves prevented from moving their goods to the markets that are waiting.

The Senate Agriculture Committee's Subcommittee on Agricultural Exports is fully aware of the serious impact of the dock tie-up and shares my concern that something be done immediately to allow agricultural products to be moved to market. On November 5, the subcommittee held a hearing to examine the effect of the dock dispute on agriculture and received numerous excellent statements.

Following that hearing, the full Agriculture Committee recommended that both the Commerce Committee and the Labor and Public Welfare Committee take action to remedy the situation. Since that recommendation, however, only one further hearing has been held by the Labor Committee, in spite of resumption of the dock strike on January 17.

The testimony received by the Agricultural Exports Subcommittee is most informative, and I believe would be of interest to all Senators. I therefore ask unanimous consent that several of the statements be printed at this point in the RECORD.

There being no objection, the excerpts from the report were ordered to be printed in the RECORD, as follows:

### STATEMENT OF DONALD A. WOODWARD, NATIONAL ASSOCIATION OF WHEAT GROWERS, PENDLETON, OREG., ALSO REPRESENTING THE WHEAT GROWERS ASSOCIATIONS OF OREGON, WASHINGTON, AND IDAHO

Mr. WOODWARD. Mr. Chairman and members of the subcommittee, one of the great natural resources in the Pacific Northwest is the land that does produce the bountiful supplies of wheat. We must preserve this ability of the farmers of this area to economically and successfully exist or these vast resources of ours would go to naught.

Recently I was appointed by the wheat organizations of the States of Oregon, Washington, and Idaho to testify before this subcommittee in order to gain your backing to help settle the present west coast dock strike and prevent further calamities of this nature. We have tried to attack this problem from all sides. Today's testimony is one of many ways we have tried to proceed because experience in the past tells us what we need is the backing of many people to do this sort of job. In numbers there is tremendous strength. We feel that one of our strongest approaches is through our national Government and the legislative procedure. Your Senators and our Congressman can really be a help in this situation.

In order for you to more fully understand

and appreciate our predicament, I would like to review the problem.

On July 1st of this year the International Longshoremen and Warehousemen Union for the Pacific coast went on strike. This was a terrible blow to the wheat industry of the Pacific Northwest. It was just at the start of harvest. Traditionally, much of our wheat moves to the coast during harvest, as there is not sufficient storage in the interior to take care of the supplies of wheat as they come from the field.

Since it was impossible, due to the strike, to move this grain, it was piled on the ground where it was open to the elements of the weather. We had an unusually wet late summer which led to some of this wheat becoming weather damaged. This caused us a multitude of problems to keep this wheat separate from our export wheat so as to insure our Oriental customers they would receive, when exports commence again, first-class wheat.

As the strike continued for more than 90 days and until the invoking of the Taft-Hartley injunction, there was tremendous damage to our export markets. The Pacific Northwest exports to the Asiatic countries more than 85 percent of their total wheat production. During these 90 days there was practically no wheat exported out of this area.

In order to give you a comparison of what I am talking about, I would like to quote the following figures: During July and part of September of 1970 there were 25 million bushels of Pacific Northwest white wheat inspected for export from the Pacific Northwest ports. This year during the same period, there were 93,000 bushels inspected for export and all of this was shipped from Canadian ports. This amount is little more than one average farmer raises by himself. As close as we can figure it, we were losing $1 million per day at the time of the Taft-Hartley injunction and a total loss for the strike period of approximately $85 million. This represents some 55.7 million bushels of wheat lost to export, of which 24 million were Pacific Northwest white wheat, besides $12.5 million lost in rain-damaged wheat and depressed prices.

I would like your subcommittee to take note of the fact that the price of wheat in Pendleton, Oreg., just before harvest was about $1.50 per bushel, but shortly after the dock strike commenced, it dropped to about $1.33. Of course, part of this was due to the normal decline during the harvest season, but a good deal of the drop was caused by the immediate closing down of the docks.

This $1 million a day loss, of course, will continue after the 24th of December when the 80-day cooling off period is over and the longshoremen go back on strike again, as they have given every indication that is what they expect to do.

Some of these lost markets may be recovered if the strike is settled. But in those countries such as Korea, Taiwan, and the Philippines where we have enjoyed nearly 100 percent of their market, this export wheat will never be recovered.

It is a shame that the wheat-producer organizations of the Pacific Northwest, after instigating WWA to take care of the export marketing problems and then Western Wheat Associates so successfully solving these problems by building up a tremendous new wheat business in the Orient over the last dozen years, have to see much of these hard fought for successes smashed in just a few weeks time. The wheat producer and the wheat industry have suffered losses amounting to millions of dollars due to the interunion fight between the longshoremen and the teamsters. And we know it isn't over yet and probably won't be over for some time unless we get some type of legislative action in the near future.

The Pacific Northwest started this year, as of July 1, before harvest, with practically no carryover—a goal that wheat people had sought for many years and hoped to maintain. As of now it may take years to eliminate the surpluses we have today due almost entirely to the dock strike.

We realize that the recent injunction under the Taft-Hartley law wasn't the whole answer to the problem but something had to be done and this was the only approach at this time available to our Government. This put the union people back to work but only in a half-hearted manner. At least for the present time it has stopped the $1 million a day loss to the wheat industry in our area. But what is gained unless settlement and new contracts are signed during this injunction period?

Recently several of us had the opportunity to meet with some of the Pacific Coast International Longshoremen and Warehouse Union officials in Portland, Oreg. This was a high-level meeting and proved to be very interesting and informative.

The purpose was to develop lines of communication and understanding of the serious export losses encountered by Pacific Northwest wheat industry to date and further losses if strike is continued after the 80-day cooling off period. This meeting was surprisingly successful with frank and open position and opinions presented by both sides. We definitely gained a mutual understanding of each other's problems. They are fighting for their livelihood just like we are. The 100 cargoes that they have not filled during their strike has been just as hard on them as on us. But the one thing that came out of this meeting is that they will go back on strike at the end of the present cooling off period.

Now let us take a more in-depth look at our Asian buyer. He is just like all buyers of raw products. They want a continuous supply of a quality product at a free market price. When the strike went into effect in July the United States was removed from this category because of continuity of supply.

Our Asian buyers in the main have small storage facilities. Japan, the largest cash buyer of wheat from the United States, can store less than 2 months' supply of wheat, so she needs to be continually buying. Japan also uses the many oceangoing vessels that are filled with wheat in transit as another source of storage to maintain her continuity to her millers.

So when the strike went into effect she was forced immediately into buying elsewhere, mainly from our competitors Australia and Canada, who were ready and willing to supply her with her needs in spite of the fact that in many cases Japan prefers the quality of our U.S. wheats. This was also true of the other countries we sell to in the Oriental area. Now when the Taft-Hartley injunction went into effect there was some buying done by those countries as long as the delivery could be made before the end of this cooling off period. But Japan has asked us what assurance we can give for the delivery of grain during the period of December through February. This grain they might buy during the latter part of the 80 days.

Of course, there is no way we can give them that assurance with the resumption of the strike, a very good possibility in late December or the first part of January. So, again, they will be buying from our competitors. One of the assets of the ports of Portland and Seattle has been in the development of its reliability and continuity as an export service to the Asian market. Now this asset has been shattered and undermined by the recent strike and the formidable future possibility of resumption of that strike.

At a recent meeting of the Oregon Wheat Growers League, and because of all these problems, the wheat people decided to see if there isn't something that can be done from a legislative standpoint. We realize that we are not legislative lawyers and would be unable to write a bill, but we do have ideas about what legislation should be about.

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### Statement of Matt Triggs, Assistant Legislative Director, and Dale Sherwin, Assistant Legislative Director, American Farm Bureau Federation

Mr. Triggs. Thank you, Mr. Senator.

We are happy to follow your suggestion that we file our statement and summarize it verbally. Perhaps it is already apparent that most of us have about the same things to say anyway.

The welfare of millions of people, literally, is being directly affected by this strike. Although they have no direct involvement in the dispute, or any voice in the dispute, they are being adversely affected. It is our view that their interests ought to be better recognized in national legislation covering this area than is currently the case.

Farmers, of course, are hurt more than most because the farm production is already there, it is ready to ship. Farmers cannot shut down their plant and stop production.

When we recall that one of four acres of farm production are for export, we don't need to belabor the fact that the impact on net farm incomes and farm prices will be pretty adverse. Unfortunately, this often means permanent or indefinite loss of markets as well.

But the public, too, is being hurt. And this may be less apparent. Farmers could make a much larger contribution to improvement of our national balance of payments if they were permitted to do so; they could ship much more than they have shipped in recent years if they were permitted to do so.

The reduction in net farm income resulting from the dock strike is certainly adversely affecting the general economy, economic growth, and the increased employment that obviously and unanimously is agreed as being imperative and necessary.

We recognize that this committee has no jurisdiction with respect to the legislative matter. We do appreciate, however, that the hearings are being held. This is a far more serious problem than has been understood generally and hopefully the hearings may point this up.

But there is not a whole lot of purpose in hearings unless something grows out of those hearings. The administration has proposed legislation to deal with the problem of transportation strikes, including transportation strikes in international commerce.

This has been introduced in the Senate by Senator Griffin as S. 560. Hearings have been held by the Senate Committee on Labor and Public Welfare.

We are supporting this legislation or comparable legislation. If this legislation had been available 6 months ago, or a year ago, we would have a better opportunity to deal with the very serious problem than we do have now.

So we would like to read the last paragraph of our statement because that points up what seems to us to be the real purpose of this hearing:

We believe that two actions are critically needed:

First, that the Senate Labor and Public Welfare Committee should take favorable and early action with respect to the approval of S. 560, or comparable legislation, and, second, that since no adequate settlement procedure is available as of now, the President should use as a temporary stopgap measure—it will do some good; it won't wholly solve the problem—the emergency provisions and secondary boycotts provisions of the Taft-Hartley Act.

And so we recommend that this subcommittee in its findings and conclusions that it may make as a result of these hearings, urge that these two actions be taken.

Thank you, sir.

(The prepared statement of Mr. Triggs is as follows:)

Mr. TRIGGS. Dock strikes have adverse impacts upon various segments of the economy and upon many persons and groups who are not represented and who have no opportunity to participate in resolving such disputes. The general public interest and the interest of the unrepresented persons and groups should be given more effective attention.

Farmers are among the groups most affected by the dock strikes because the farm products which would normally be exported in the absence of a strike have already been produced and are ready for shipment. Production cannot be shut off or reduced because of the disruption of farm product shipments. Some commodities are deteriorating in quality, due to a high degree of perishability or to a lack of adequate storage space as supplies accumulate in an abnormal way.

Export sales of farm products are vital to the welfare of farmers. The production of nearly 1 of 4 acres of crops grown by U.S. farmers is exported. Increased exports of farm products can make a major contribution to improving the income situation in agriculture. An objective of much of the farm legislation of recent decades has been increases in farm exports.

Export sales of farm products are also important to the general public and to our international balance of trade. In fiscal year 1971, farm exports reached a record level of $7.8 billion. Farmers can make an even greater contribution to the improvement of our balance of payments if they are permitted to do so. The reduction in farm purchasing power resulting from the current dock strikes is adversely affecting the growth in economic activity and employment needed in the national interest.

The disruptive impact of transportation strikes and particularly dock and maritime strikes on the marketing of farm products is obvious. This disruptive effect reaches much further than the loss of current sales. Foreign buyers, who find the United States to be an undependable source of supplies because delivery is uncertain, are provided an incentive to look to suppliers in other countries to meet their needs on a permanent and dependable basis.

The impact of the loss of exports on farm prices is equally obvious. Inability to maintain export markets clogs domestic channels and reduces domestic farm prices.

The present dock strikes come at a time when U.S. crops, particularly grains, are at record levels and farmers urgently need export sales. The current disruption is one of a series of dock and maritime strikes in recent decades which have had drastic adverse impacts on farmers and others.

We recognize and appreciate the action taken by the President to open the west coast ports, and the action by NLRB to enjoin the New Orleans sympathy strike. But the remedies now available are inadequate and temporary in nature. They do not touch the situation on the east coast and at some gulf ports.

There clearly is a need for more effective legislation not only to supplement the temporary remedies that have been applied in the current situation, but also to provide more adequate remedies for dealing with any similar problems that may arise in the future.

The responsibility for the enactment of legislation adequate to deal effectively with the problems of trade disruption can only be exercised by the Congress.

The administration has submitted proposals for legislation to settle transportation disputes in the rail, truck, air, longshore, and maritime industries. These proposals have been introduced in both Houses. The Senate bill is S. 560 by Senator Griffin.

The American Farm Bureau Federation endorses the principles of S. 560 as introduced and recommends the enactment of such legislation.

Had this bill or comparable legislation been enacted 6 months ago a procedure would be available now to settle the dock strike. The welfare of millions of persons would be enhanced if such a procedure were now available.

We believe that two actions are critically needed:

1. The Senate Labor and Public Welfare Committee should take favorable and early action with respect to the approval of S. 560.

2. Since no adequate settlement procedure is available as of now, the President should use the emergency provisions of the Taft-Hartley Act with respect to the east coast ports and such gulf ports as are idle. This should be recognized as a temporary stopgap measure pending the enactment of legislation providing for final settlement of such disputes.

We recommend that this subcommittee urge that these actions be taken.

U.S. AGRICULTURAL EXPORTS FOR FISCAL 1971

[Dollars in millions]

| Commodity | July–June 1969–70 | July–June 1970–71[1] | Change (percent) |
|---|---|---|---|
| Animals and animal products: | | | |
| Dairy products | $109 | $131 | +20 |
| Fats, oils, and greases | 208 | 273 | +31 |
| Hides and skins[2] | 203 | 186 | −8 |
| Meats and meat products | 140 | 143 | +2 |
| Poultry products | 55 | 55 | 0 |
| Other | 96 | 127 | +32 |
| Total | 811 | 915 | +13 |
| Feeds and fodders, except oilcake and meal | 123 | 142 | +15 |
| Grains and preparations: | | | |
| Feed grains, excluding products | 986 | 1,090 | +11 |
| Rice | 322 | 281 | −13 |
| Wheat and products | 965 | 1,226 | +27 |
| Other | 66 | 96 | +45 |
| Total | 2,339 | 2,693 | +15 |
| Oilseeds and products: | | | |
| Cottonseed and soybean oil | 193 | 290 | +50 |
| Soybeans | 1,069 | 1,264 | +18 |
| Protein meal | 323 | 398 | +23 |
| Other | 91 | 108 | +19 |
| Total | 1,676 | 2,060 | +23 |
| Other products and preparations: | | | |
| Cotton, excluding linters | 346 | 492 | +42 |
| Tobacco, unmanufactured[3] | 562 | 570 | +1 |
| Fruits and preparations | 341 | 341 | 0 |
| Vegetables and preparations | 205 | 208 | +1 |
| Nuts and preparations | 60 | 68 | +13 |
| Other | 258 | 263 | +2 |
| Total | 1,772 | 1,942 | +10 |
| Total exports | 6,721 | 7,752 | +15 |

[1] Preliminary

[2] Includes fur skins

[3] Includes bulk smoking tobacco

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[From the Wall Street Journal, Nov. 3, 1971]

## COMMODITIES

### PRICE TRENDS OF TOMORROW'S MEALS AND MANUFACTURES

The price trend was mixed in commodity futures markets yesterday.

The trading pace was limited in a number of markets as traders became increasingly cautious pending announcement of Phase 2 details of the Nixon administration's economic control program. Traders wonder what impact it will have on futures dealings. Phase 2 will succeed the 90-day Nixon wage-price freeze, which expires at midnight Nov. 13.

Liquidation along with trade selling discouraged early rallying tendencies in grains and soybean futures on the Chicago Board of Trade.

Soybean futures closed one cent a bushel lower. Declines in corn ran to ½ cent and wheat ended off ½ to up ½ cent a bushel.

### EARLY BUYING OF CORN FUTURES

Unfavorable wet conditions in parts of the corn belt accounted for some early buying of corn futures. However, dealers observed that the harvest is now well advanced in the key producing states. The crop in Ohio is 70% harvested; in Indiana, 50%; in Illinois, 75%. In Minnesota, however, only 46% of the corn had been gathered as of last week.

The soybean harvest is in its final stages—nearly complete in Illinois with both quality and yield there reported good to excellent.

In Indiana 75% of the soybeans have been harvested and in Iowa it amounts to 90%.

New export business was a steadying influence in futures. Portugal will be in the market later this week to buy 1.8 million bushels of U.S. corn for December-January delivery. Israel purchased 910,000 bushels of U.S. hard wheat for December export.

### JAPAN TO BUY WHEAT

Japan will be in the world market this week to buy nearly 13 million bushels of various grades of wheat. U.S. exporters expect to participate in this order. Morocco next week will be in the U.S. market to buy 10,000 tons of soybean oil for late November-early December export.

U.S. exports of grain and soybeans were lower last week, but dealers considered the shipments creditable in view of the dock strike that has reduced the flow of grain to foreign consumers.

U.S. wheat and flour exports last week reached 7.9 million bushels, down from 9.1 million the previous week. Soybean exports dipped to 7.2 million bushels against 7.4 million a week earlier. Corn shipments were 4.5 million bushels last week, down from 4.9 million a week earlier.

*Cumulative exports of wheat and flour since the start of the season July 1 were 182.8 million bushels, down from 238 million a year earlier. Soybean shipments since the start of the season Sept. 1 totaled 54.4 million bushels, against 67.5 million a year ago.*

### U.S. CORN EXPORTS

*U.S. corn exports so far for the season started Oct. 1 totaled 18.7 million bushels, compared with 47 million last season.* (Italic added.)

### COMMODITY IDEXES

Dow Jones Futures—140.88 off 0.19; last year, holiday.

Dow Jones Spot—138.82, off 0.03; last year, holiday.

Reuter United Kingdom—505.4, off 1.7; last year, 558.0.

Shell egg futures were again under pressure of liquidation reflecting lagging consumer demand, lower prices for cash eggs and ample supplies. Futures closed ¼ cent a dozen lower to ¼ cent higher.

The November 1971 delivery declined for the 10th consecutive session and at its low yesterday of 27⅛ cents a dozen was down slightly more than 10 cents in about three weeks.

Reflecting liberal supplies, there were 37 cars of eggs delivered against the November 1971 futures yesterday. Traders had looked for only about 12 cars. Each car represents 700 cases of eggs.

Top quality eggs in the New York wholesale market are currently quoted as much as 8½ cents a dozen below a year ago.

The New York Cocoa Exchange, New York Coffee and Sugar Exchange, and Commodity Exchange Inc. of New York were closed yesterday for Election Day.

Platinum futures dropped as much as $3.10 an ounce before rallying partially to close $2.50 an ounce lower. All deliveries except January 1972 made season lows. Trading reached 2,022 contracts of 50 troy ounces each. Observers attributed the selling to a lack of confidence among traders in the present price levels for this precious metal. The market is at the lowest level since April 27, 1971.

Cotton futures advanced as much as $1.20 a bale. Washington officials said U.S. commodity exports under the so-called Public Law 480 grants to foreign consumers weren't affected by the foreign aid bill defeated by the Senate last Friday. This attracted buying by traders who had sold contracts on Monday.

### HOG PRICES UP

Hog prices rose as much as 50 cents a 100 pounds as packers' demand perked up for reduced supplies. Farmers delivered 50,900 hogs to the 11 major markets, down more than 20% from a week ago.

Firm prices for several wholesale fresh pork products also created demand for live hogs. Chicago wholesale hams were unchanged to one cent a pound higher; pork bellies were unchanged to ½ cent higher.

Live cattle prices and wholesale beef quotations were steady.

Orange juice futures rose almost one cent a pound with the November 1971 contracts the strongest. The buying reflected firm prices being paid for initial deliveries of oranges by growers from the 1971–72 Florida orange crop. Buyers, believed to be processors of chilled orange juice, were paying about 55 cents a pound for orange solids, traders heard, up five cents from recent levels.

Processors of orange concentrate aren't expected to start new season operations for two to three weeks, or until enough oranges have been delivered, to assure maintenance of operations, traders heard.

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### Statement of Kenneth D. Naden, Executive Vice President, National Council of Farmer Cooperatives

Mr. **Naden**. Mr. Chairman, in view of the shortness of time, I will request, if I may, that you enter our short statement in the record. And I will take the liberty of just reading the last two paragraphs, because they are the two which I feel reflect our major concern and that we would like to leave with you.

This statement is intended to reflect our concern not only with the current farm income problems which are accelerated by these shipping strikes, but with the entire principle of need for arbitration in strikes which go so far that they become intolerable. One of our most urgent social needs is to develop more efficient institutions, laws, and procedures which will permit workers to have a fair hearing of their grievances and their demands, but will also have limitations placed on the extent to which they can damage innocent farm, business, or public groups.

Mr. Chairman, we compliment you for your leadership in this matter of vital importance to farmers, to their cooperatives and other agricultural shippers that are concerned with this matter. We appreciate this opportunity to express our views on behalf of U.S. farmer cooperatives.

We recognize the statement you made earlier concerning the lack of jurisdiction of this committee over labor-management disputes. But we feel it is invaluable that such a hearing was held so that the major outcome and result will be that you and other committee members will convey to the proper congressional and senatorial committees the great harm that is being done, and the damage which you are documenting today.

Thank you very much.

Mr. **Naden**. I am Kenneth D. Naden, execuvice president of the National Council of Farmer Cooperatives. The national council is a nationwide federation of farmer-owner business engaged in the marketing of agricultural commodities or the purchasing of farm production supplies, and of 32 State cooperative councils. The cooperatives making up the council are owned and controlled by farmers as their off-farm business operations.

The widespread dockwork stoppages throughout the U.S. shipping areas have caused commodity damage, reduced farm income, greatly restricted exports and hurt long term export markets of many farmer cooperatives in the country. This action has not only contributed to already depressed farm income but has impaired the ability of the United States to recover from the foreign trade and international monetary crisis which it is now suffering. We appreciate the interest evidenced by your committee in providing this forum for discussion of the extent and unfairness of such damages, and to launch a more serious debate on the need and procedure for fair, corrective action.

In spite of tremendous increases in productivity on the part of U.S. farmers in recent decades and of the farm-to-city movement of millions, farmers still suffer from serious weakness in the markets in which they sell their products. This very productivity, coupled with limited nature of demand for their products and often fragmented marketing efforts, has contributed to depressed farm prices which have posed a continuing national policy dilemma for many years.

Obviously, one more pressure such as restriction of exports resulting from longshoreman strikes is of crucial importance to a group already suffering from overproduction and with few, if any, market alternatives. In the case of heavy surplus crops this year, such as corn, the damage to farm income can be especially severe, as is being documented before this committee today. The cost to government is also substantial for commodities which have programs to establish floors or otherwise support farm prices.

In addition, the dockwork stoppages are causing grave harm to the broad economic interests of the United States by obstructing exports and destroying long-run market opportunities. Export markets form such a valuable and expandable outlet for our farm production and have such a critical role in the current balance of payments situation that they take on more public interest than would otherwise be true. This situation becomes critical at a time when foreign sales are more vital than ever before.

The United States is now facing severe import competition and, in addition, is facing the most severe foreign trade and international monetary crisis in its history. Work stoppages of the length and severity we have have caused irreparable harm to our ability to maintain a reputation as a dependable supplier. One of the most important attributes which the United States has as an advantage over other suppliers of grain and raw materials is that we have a backlog and a reservoir of supplies and land and technical ability to be the most dependable supplier of these products in the world. Anything that interferes seriously with that ability to sell in such a highly competitive market obviously causes great harm to farmers' interests and to the national economic policy.

In summary, Mr. Chairman, the harm done by these extensive work stoppages goes far beyond reduction in farm income, which might be called the farmer's private interest, and goes to the ability of the United States to recover from a severe international monetary and trade crisis and to play its proper role in international economic and political affairs.

In view of the severe inequities which current and other work stoppages in shipping areas are causing farmers, and because of the harm done to the public interest, the national council urges that firm administrative and legislative action be taken to relieve this situation. Efforts for relief under Taft-Hartley injunction and mediation procedures should be more aggressively pursued. In addition, we believe that further legislative authority should be provided to recognize that shipping activities for export have just as much claim to be viewed as crucial to the public interest as does rail transport. Congress has recognized that at certain times voluntary or compulsory arbitration is necessary to stop a shutdown of rail service.

For wheat, corn or other major farm commodities in heavy international trade, strikes are disruptive for domestic as well as world markets. Particularly for strikes which are essential jurisdictional, as is true with the west coast longshoremen action, there should be more prompt action to save innocent victims from unnecessary harm.

This statement is intended to reflect our concern not only with the current farm income problems which are accelerated by these shipping strikes, but with the entire principle of need for arbitration in strikes which go so far that they become intolerable. One of our most urgent social needs is to develop more efficient institutions, laws and procedures which will permit workers to have a fair hearing of their grievances and their demands, but will also have limitations placed on the extent to which they can damage innocent farm, business or public groups.

Mr. Chairman, we compliment you for your leadership in this matter of vital importance to farmers, to their cooperatives and other agricultural shippers that are concerned with this matter. We appreciate this opportunity to express our views on behalf of U.S. farmer cooperatives.

Senator **Chiles**. Thank you very much. We appreciate your statement.

Senator Bellmon, do you have any questions?

Senator **Bellmon**. Mr. Chairman, in the interest of time, I won't ask any questions.

Senator **Chiles**. Thank you very much.

Mr. Hofer is going to file his statement.

(The statement is as follows:)

### Statement of Glen Hofer, Executive Vice President, National Federation of Grain Cooperatives

Mr. Chairman and members of the subcommittee: My name is Glen Hofer and I am Executive Vice President of the National Federation of Grain Cooperatives. We appreciate the opportunity to express our observations on the impact of dock strikes and other transportation tieups on agriculture.

The membership of NFGC consists of 18 regional farmer owned grain cooperatives which, through their affiliated local cooperatives, serve well over a million grain producers. Their primary activities involve the storage, conditioning, processing and marketing, both in the domestic and foreign markets, of all grains. In the 1969–70 crop year, our network of local and regional facilities handled 2.3 billion bushels of grain or approximately 34% of the total U.S. grain crop.

U.S. grain production, like all agriculture everywhere, annually is faced with drought, disease and insect pests. In addition, artificial curbs are placed on production by the application of farm program regulation. Despite the inroads of these agents, however, once triggered by seasonal planting, the combination of U.S. geography and technology is invariably going to put in the neighborhood of seven billion bushels of grain in the bin at the end of harvest. *Seven billion* bushels which must disappear in the 12 month period before another crop rolls from the field. Seven billion bushels to be stored, milled, crushed, merchandised, eaten or exported; a very demanding exercise in logistics and one that depends entirely on an orderly flow of grain through the marketing channels which have evolved over the years. Linking each component of the system are the trucks and trains, and barges and freighters which must conduct the grain each step of the way from the field to the ultimate consumer.

Needless to say—whenever one of the transportation modes fails to provide orderly movement for any reason, back pressure develops on one side of the blockage and a vacuum develops on the other side. Both of those conditions place stress on the entire system and, if prolonged, the effects become chaotic, costing the producers countless millions of dollars in terms of lost export markets and depressed prices. In addition, and perhaps equally significant for the purposes of these public hearings, the injurious influence soon spreads to the interests of the general taxpayer who has a vital concern in the U.S. balance of payments and the cost and effectiveness of U.S. farm programs.

Disruption or stoppage of transportation service can occur for one of several reasons. The shortage of equipment during peak periods of grain movement has been a chronic ailment and has seemed to intensify during the past decade. The most acute problems, however, have developed from work stoppages on the railroads and at the seaports, due to labor-management disputes. The case in point, of course, being the current difficulties plaguing dock side facilities.

As mentioned beforehand, a block in the grain pipeline causes an intolerable upstream pressure buildup and a damaging downstream vacuum. Looking back toward the producer from the present tie up at terminal export position, the following conditions are soon apparent:

*Equipment Tie-up.*—A severe congestion of transportation equipment is inevitable when the docks are struck. The manager of Farmers Export facility at Ama, Louisiana, reports there were 649 grain barges waiting to be unloaded at Baton Rouge and New Orleans on the day before dock side operations were resumed there under court order. Such immobilization of significant numbers of available barges severely disrupts the dry bulk traffic upriver.

*Overtaxed Storage and Handling Facilities.*—With the work stoppage coming as it bumper grain crop, the facilities for storing did, in the midst of harvest of a more than and conditioning the grain were soon swamped. Our Indiana member reports a million bushels of corn on the ground in Indianapolis. Much of this corn is high moisture content and severe losses are expected from it going out of conditions. Drying facilities at Indiana Grain's elevators have good sized capacity for conditioning grain, but with the storage completely full and harvest still underway, they simply cannot handle the situation. These conditions are repeated in many areas with another notable example in the Pacific Northwest where as much as six million bushels of soft white wheat are still on the ground from their July/August harvest time.

*Depressed Farm Prices.*—Already under heavy supply pressure from the huge crop being harvested, farm gate prices for grain are suffering a further depressant through the loss of the export outlets. Since several factors are bearing on the price, it is difficult to quantify the influence of the strike; but many responsible observers are projecting a drop of from 8 to 10 cents per bushel. Our Illinois member has calculated that, at that rate, the Illinois farmers alone have lost $34 Million directly out of net income from harvest time sales.

*Disruption of Government Program Planning.*—Supply control programs must plan well in advance if production is to be tailored to disappearance. The USDA recently announced the details for the 1972 feed grain program. In view of the huge crop coming off this year and in an attempt to forestall and further burgeoning of carryover stocks, the Department committed an additional $800,000 to the 1972 feed grain program to pay for production cutback. Obviously, if the current export situation is extended much further into the marketing year, the loss in export disappearance will offset some portion of the anticipated cutback and the taxpayers' money will have gone for naught.

Looking downstream or toward the world market from the port bottleneck, these depressing conclusions can be drawn:

*Loss of Export Sales.*—Documentation of the eventual actual losses will be difficult to provide, but expert testimony in the form of comparative statistics and projections has been featured in the presentation of the USDA representative and witnesses from the grain trade. Suffice to say here that very substantial losses have been suffered, even to the point of drastically impairing agriculture's positive contribution to the critical U.S. balance of trade.

*Loss of Export Customer Confidence.*—The most serious aspect of the involuntary absence from the world grain market is the rapid deterioration of customer relations. Few, if any, of the grain importing countries have adequate storage facilities for accommodating a grain stock pile of any volume. They must necessarily depend upon a regular schedule of purchase and delivery to keep their supplies in balance with current food and feed demand. Consequently, the capability of a supplier to provide regular service becomes a high priority factor in the importer's purchasing decision. Conversely, any inability to keep the pipeline full forces an immediate switch to alternative supply. Given the presence in the world grain market of a number of aggressive and well-stocked suppliers, business lost through transportation failure not only detracts from the seasonal total, but very likely is displaced in subsequent marketing years.

I can recite many other individual instances of distress which were expressed by NFGC members as they were surveyed in anticipation of the presentation. Regionals in Arkansas and Oklahoma tell of their consternation in attempting to cope with the on again-off again nature of their export houses on the Gulf with the attendant unpredictability of ocean freighters whose routings have been completely scrambled by the checkerboard work stoppages. Texas tells of a number of cargoes of African Kafir corn which has been substituted into a traditional Japanese market for Texas grain sorghum. The toll rises with every report but it serves no purpose to enumerate them all here.

The National Federation of Grain Cooperatives would summarize as follows:

There is indisputable evidence that U.S. agriculture suffers immediate and disasterous results when prolonged work stoppages occur which stem from labor/management disputes in the transportation industry. The negative effects of these agricultural losses spread beyond the agribusiness community and should be of concern to the general U.S. taxpayer. Agriculture's problems are compounded and in some ways unique because there is no recourse to a plugged pipeline. We cannot bank the furnaces, lay off shifts or stop the pumps. When the season calls, agriculture's plant responds and the industry must accommodate to that schedule. Thus, we are terribly susceptible and need shelter from strikes resulting from disagreements in which we have no role in either the cause or the solution. It is our hope that these hearings will focus public attention on the seriousness and inequity in the present situation and the stake the general public holds in finding effective remedial measures.

Thank you.

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STATEMENT OF J. D. URQUHART, MANAGER, UNION ELEVATOR & WAREHOUSE CO., LIND, WASH., AND CHAIRMAN, EXECUTIVE COMMITTEE, NATIONAL GRAIN & FEED ASSOCIATION

Mr. URQUHART. Mr. Chairman, I appreciate the opportunity to appear today. And I will admit parts of my testimony in the interest of time, as you requested this morning. The portions I will admit refer to volumes of grain lost in exports due to the west coast longshoremen's strike.

I am J. D. Urquhart, manager of the Union Elevator & Warehouse Co., Lind, Wash. I am testifying on behalf of the National Grain & Feed Association of which I am chairman of the executive committee.

The National Grain & Feed Association consists of 1,200 member firms, both investor-owned and cooperative, which are engaged in the grain and feed business in all parts of the Nation. The membership includes country elevators, terminal elevators, exporters, and food and feed processors. The present membership includes 50 affiliated State and regional associations representing, in turn, approximately 15,000 grain, feed, and farm supply firms.

My company is a country elevator with 66 years of continuous operation in the handling, storing and merchanising of grain in the State of Washington. We marked approximately 4 million bushels of farmer's grain annually in the domestic and export markets of the Pacific Northwest. In my activities with the National Grain & Feed Association, I have been involved with many different programs in both domestic marketing and international trade.

We are very concerned with the impact of the dock and port strikes on U.S. agriculture and the U.S. economy. Loss of export sales hurts the farmer's market for his crops and reduces his income, it reduces the marketing activity, related to exports and reduces the contribution of agricultural trade to the U.S. balance of payments.

At this point, I will move to the top of page 4, skipping over the magnitude of it.

In 1970, agriculture's gross contribution to the balance of payments (commercial agricultural exports plus the contribution by noncommercial exports) was a record high of $6.4 billion.

Although I am from the Pacific Northwest, the concern of our industry is national in scope. We are concerned with strikes at all ports—lake, east, gulf or west coasts. In this matter, the National Grain & Feed Association sought to intervene in the Government's court case in Chicago in requesting a Taft-Hartley injunction to stop the longshoremen's strike which tied up the shipment of grain out of the port of Chicago.

The west coast strike created a tremendous loss for agriculture in my area—the Pacific Northwest. By the end of October the longshoremen strike had reduced agricultural shipments through west coast ports by well over $200 million. USDA compiled custom data during the first 2 months of the west coast strike showed that exports from Pacific coast ports were reduced by three-fourths below the same period last year. Exports were $50 million compared with $197 million a year ago. Wheat and flour exports dropped from $62.2 million to $1.3 million. Other commodities also had drastic reduction in exports.

Now, I would like to discuss specifically the effects of the west coast longshoremen's strike on the country elevator.

The country elevator is a very important cog in the handling, storing, and merchandising of grain from the farmer to the flour mills and the terminal export markets in our part of the country.

The major destination for our Pacific Northwest wheat is export markets. These markets take approximately 80 to 85 percent of our production. We have a highly efficient marketing system. However, if any part of our marketing system is shut down, whether it be in transportation, receiving, or loading, we and our farm customers are seriously affected. In the case of the west coast longshoremen's strike, the shut down was like putting a cork in the bottle, the contents simply had no place to go. The blockage and receiving and unloading of grain, at the port terminals prevented meeting commitments on previous sales and denied future export sales.

The west coast longshoremen's strike occurred at the worst possible time, during the harvest. The farmers were bringing in one of our largest crops. Indications are that 1971 wheat production in the States of Washington, Oregon, and Idaho will be 19 percent larger than the 1970 crop. The increase will be from 173,681,000 bushels to 206,573,000 bushels. In our area the country elevator provides storage and buys the grain at interior points. Also in our area farmers have chosen to provide storage largely through their cooperatives. There is relatively little capacity of farm storage since country elevators can normally handle the crop. The Pacific Northwest has developed sufficient storage at interior and export points, coupled with export movements, to handle the grain crop. However, when there is no market either domestic or in export movement, the country elevator simply must provide handling and storage facilities for the grain crop.

The effects of the longshoremen's strike for the past several months on the normal marketing of grain has been disastrous for many country elevators. Country elevators in Washington, Oregon, and Idaho piled approximately 30 million bushels of grain on the ground to help farmers complete their harvest. Though my company had sufficient contract sales for export and available terminal space we were compelled to pile on the ground approximately 600,000 bushels. This represents 15 percent of the grain handled by my company during the harvest heason. Our added cost over normal expenses will be approximately $50,000. This increased cost does not allow for any quality losses we may suffer due to adverse weather. The strike has also prevented us from making forward sales. When the country elevator absorbs such losses he risks losing his investment in storage facilities and the ability to serve his farm customers. Handling, storing, and merchandising of the farmers' grain and serving the farmer is the essence of our existence.

We believe in the basic concepts of collective bargaining for management and labor but we cannot tolerate the abuse of that right under the present law. Something must be wrong with the system which allows such economic losses to an innocent third party, in this case U.S. agriculture.

I want to thank you, Mr. Chairman, and your committee for the opportunity to appear before you today. Thank you.

(The prepared statement of Mr. Urquhart is as follows:)

Mr. URQUHART. Mr. Chairman and committee members: I am J. D. Urquhart, manager of the Union Elevator & Warehouse Co., Lind, Wash. I am testifying on behalf of the National Grain and Feed Association of which I am chairman of the executive committee.

The National Grain and Feed Association consists of 1,200 member firms, both investor-owned and cooperative, which are engaged in the grain and feed business in all parts of the Nation. The membership includes country elevators, terminal elevators, exporters, and food and feed processors. The present membership includes 50 affiliated State and regional associations representing, in turn, approximately 15,000 grain, feed, and farm supply firms.

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Secretary of Agriculture Clifford M. Hardin has clearly stated the magnitude of all agricultural exports. He has said:

"U.S. agricultural exports, paced by a gain of more than $1 billion in commercial sales for dollars, reached an all-time high of $7.8 billion in fiscal year 1972. . . . All of the gains—more than $2 billion in 2 years—have been in commercial sales for dollars which is very important to the balance of payments. . . . More than half the production of wheat, soybeans, and rice was shipped to foreign markets . . . and about one-eighth of the feed grains."

Secretary Hardin has cited data to show what the loss of export markets means to farmers and farm prices. On August 16 Secretary Hardin said:

"The West Coast dock strike is doing irreparable damage to U.S. farmers. Farmers are losing valuable cash markets for exports every day. Foreign buyers are turning to other sources, and it will be hard for us to win them back.

"This strike is running rough shod over farmers. It is high time that the principal parties in this strike think about farmers for a change—and worry how farmers are going to keep up their income and meet their mounting costs."

In these statements Hardin was talking about farmers in the Pacific Northwest, about my customers.

Later, on October 22, Secretary Hardin said:

"A prolonged work stoppage at East and Gulf Coast ports could depress farm prices as much as 25 cents per bushel for soybeans and 10 cents per bushel for corn during the months of October through December."

Translated to income Secretary Hardin said:

"That soybean growers could lose $125 million in income and corn growers could lose as much as $120 million."

These statements clearly point out how farmers unnecessarily suffer from such strikes. We concur with the Secretary in these respects.

Agricultural exports contribute greatly to the U.S. balance of payments. President Nixon has expressed concern with deteriorating balance of payments, and he stated in his August 15 message that the United States needs to be more competitive in world trade.

We are acutely aware that a dock or port strike prevents the country from making export sales and ultimately results in permanent loss of export markets. In 1970 agriculture's gross contribution to the balance of payments—commercial agricultural exports plus the contribution by noncommercial exports—was a record high of $6.4 billion.

Although I am from the Pacific Northwest, the concern of our industry is national in scope. We are concerned with strikes at all ports—lake, east, gulf, or west coasts. In this matter, the National Grain and Feed Association sought to intervene in the Government's court case in Chicago in requesting a Taft-Hartley injunction to stop the longshoremen's strike which tied up the shipment of grain out of the Port of Chicago.

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The west coast longshoremen's strike occurred at the worst possible time, during the harvest. The farmers were bringing in one of our largest crops. Indications are that 1971 wheat production in the States of Washington, Oregon, and Idaho will be 19 per cent larger than the 1970 crop. The increase will be from 173,681,000 bushels to 206,573,000 bushels. In our area the country elevator provides storage and buys the grain at interior points. Also in our area farmers have chosen to provide storage largely through their cooperatives. There is relatively little capacity of on farm storage since country elevators can normally handle the crop. The Pacific Northwest has developed sufficient storage at interior and export points, coupled with export movements, to handle the grain crop. However, when there is no market either domestic or in export movement, the country elevator simply must provide handling and storage facilities for the grain crop.

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We believe in the basic concepts of collective bargaining for management and labor but we cannot tolerate the abuse of that right under the present law. Something must be wrong with the system which allows such economic losses to an innocent third party, in this case U.S. agriculture.

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### STATEMENT OF LEONARD GARDNER, SECRETARY, ILLINOIS AGRICULTURAL ASSOCIATION, BLOOMINGTON, ILL.

Mr. GARDNER. Thank you, Mr. Chairman.

I have with me Mr. John Doherty, who is vice president—operations of the Illinois Grain Corp., a regional grain marketing cooperative affiliated with the Illinois Agricultural Association, the statewide Farm Bureau organization in Illinois.

Let me summarize rather quickly some of the points we have attempted to make in our statement. And I think possibly Senator Bellmon wants to get back to some of the questions he raised this morning relative to the farmers' role in exporting.

I think the significance of trade has been pretty well laid out as to its impact on agriculture. Certainly Illinois has as much at stake as any other State, as we are the No. 1 exporting State for agricultural production of this Nation. So we have a very, strong interest in the subject of this hearing.

As we attempted to assess the impact of the dock strike on Illinois agriculture, we have tried to look at three facets: (1) The impact on the amount of current exports, and future exports in terms of volume.

(2) The impact on market prices, which has an effect upon that which is exported and that which is marketed through local channels in Illinois.

And then a very significant thing, we feel, is (3) the impact on the disruption of normal harvesting, handling and marketing.

Based upon our calculations and an appraisal of the expectations for exports compared to exports last year in October, we have calculated that the loss to Illinois farmers in exports alone on corn during the month of October is $4 million.

On soybeans, comparing soybean export inspections of a year ago to October export inspections of this year, we figure the loss in markets to Illinois farmers is $9 million in soybeans.

I think that even of more concern to Illinois farmers, other than just the current losses that have occurred in that one month—and I think they are probably understated—but the biggest concern to us is what happens in the future, the uncertainty that many of the witnesses here have spoken of, the fear that they cannot move their farm products in international trade.

At this time I would like to file for the record, Mr. Chairman, a letter that came to Mr. Doherty from the Farmers Export Co., of which we are a part.

Senator CHILES. Without objection, the letter will be received.

(The letter follows:)

FARMERS EXPORT CO.,
*Kansas City, Mo., November 2, 1971.*

Mr. J. P. DOHERTY.
*Illinois Grain Corp.,*
*Chicago, Ill.*

DEAR JACK: The interruption of the flow of agriculture export products is extremely harmful and costly to the producer and the agricultural community. A work stoppage, particularly as a result of a "strike" is most harmful since the third parties, who usually are the motivating forces of trade, are frustrated by the element of uncertainty in "timing."

Our organization, an export cooperative with its close contact to agricultural production and personnel with years of working and training in cooperatives, puts us in a pretty good position to observe how the farmer and the government are getting hurt when exports are terminated by a "strike"—whether it is in the field of transportation, handling, storage, stowage, etc.

During the month of October our export marketing program came to a halt as a result of a stevedore work stoppage. We were unable to make sales of feed grains and soybeans because we could not assure the buyer that we could load his vessels, or make delivery to our foreign customers because of an actual strike or the threat of a strike, involving the stevedores at the loading port.

We have lost an undeterminable quantity of export sales of U.S. farmers' production. The representative of a large Japanese trading house located in United States told us that his firm had withdrawn their entire fleet of grain cargo carriers operating between Japan and this country. This represents a lot of lost bushels that will never be regained. Some Japanese grain volume has been transferred from the Gulf to the Lakes at higher costs for the buyer but even in this case bushels were reduced and lost as compared to the buyer's normal use of larger vessels and shorter haul.

A week ago a Scandinavian country had a tender for corn. The party having the lowest offering price was advised that the final purchase was going to be delayed until Argentina could be consulted. Nothing further has been heard and one must assume that the buyer made his purchase elsewhere in fear a "strike" would hold up delivery.

Another incident involves a tender in a European country for yellow corn. The results of the tender indicated that most United States firms made their offer subject to "strike clause." Those that did not invoke the strike clause had access to foreign corn to fill the tender if necessary.

We have had several inquiries for corn and soybeans from a good European customer but the shipping dates were in a period that could very well be effected by a possible strike. We could not guarantee delivery. Maybe someone else took a chance and made the sale but there is a limit to the number of chances an exporter can take.

Jack, these are a few of the incidents that we know about which no doubt resulted in a loss of export grain for our farmers.

Yours truly,
GEORGE R. BICKNELL,
*Executive Vice President.*

Mr. GARDNER. Thank you, sir.

This letter gives some indication of some of the concerns that we are running into from foreign buyers as to the reliability of the United States as a source of supply.

Exports of soybeans this year have held up amazingly well to many of us. But many of these have been at an extra cost for transportation to Houston and other ports that were open and thus a lower price to farmers. So this is one area of concern, exports which are lost already in the month of October and future sales.

The second area of concern is the whole area of market prices. We have looked rather carefully at the Chicago Board of Trade future prices and the differences in those prices and the country elevators' bid to Illinois farmers. We have concluded after studying these over the past 6 weeks, that probably 6, 7, or 8 cents per bushel is the net loss because of the impact of the dock strike on the market prices farmers are receiving for all of the products that they are marketing plus the inefficiencies and the increase in cost of their handling and harvesting. Thus we have come to the conclusion that probably the loss in market prices is somewhere in the neighborhood of 10 cents a bushel. When you apply this to the amount of product that is marketed by Illinois farmers in the month of October, it looks to us like the Illinois farmers have lost somewhere in the neighborhood of $29 million. This is very significant, I think our statement will give you the logic of how we arrive at that figure.

The third area of impact of the strike is the impact on harvesting, handling and marketing our products. We have seen the movement of grain down our rivers system slowed rather dramatically. This has clogged the channels of moving our grain to the river houses. Many of our elevators have been forced to stop taking grain. We took a survey early this week of a number of our elevators in the State of Illinois. This is not complete, but just a number of them. We found that 96 of our elevators in the State of Illinois some time in the last 2 weeks have had to quit taking grain. We had 40 elevators in the early part of this week, where we are dumping grain on the ground because of a lack of storage, and the elevators were all full. This is very disruptive to the nomal handling and marketing of our grain in Illinois. It is expensive. Every time you change and use less efficiently the marketing system that you have, you add expense. And, unfortunately, the farmers must pay for this in lower prices.

So these are some of our concerns.

We have corn on the ground in many cases and in many areas of our State we still have about 25 percent of our corn crop to harvest. So it is probably going to get worse before it gets better. We hope that the information that this committee compiles—we recognize your jurisdiction here and the limitations of your jurisdictions, but hopefully the information that you compile today will lend emphasis and give some indication of the tremendous impact that work stoppages have, and that you will begin to build a ground swell for some legislation effort to better resolve the disputes in the dock strike.

Mr. Chairman, if there are questions I would certainly be glad to answer them.

(The prepared statement of Mr. Gardner is as follows:)

Mr. GARDNER. Mr. Chairman, members of the committee, I am Leonard Gardner, secretary of the Illinois Agricultural Association, Bloomington, Ill. I appear before you today on behalf of the Illinois Agricultural Association, the statewide Farm Bureau organization of 194,986 members, and Illinois Grain Corporation, a regional grain cooperative affiliated with the Illinois Agricultural Association, which serves Illinois farmers through 237 local cooperative elevator organizations. These 237 local cooperatives market approximately 35 percent of the total grain marketed in Illinois. I have with me, Mr. John P. Doherty, vice-president of operations for Illinois Grain Corporation, to assist in answering questions which you may have.

We commend this committee for inquiring into the impact of the recent dock strikes on exports. We believe a prerequisite to any sound solution to disruptive labor disputes, regardless of fault, is an appreciation of the tremendous economic consequences of such disputes to farmers and to the economic well-being of the Nation. We hope that we might add to this understanding as we attempt to appraise the effects on Illinois agricultural exports of these recent strikes.

In fiscal 1971, U.S. agriculture established a record level of exports at $7.8 billion. These exports required the output of 1 out of every 4 acres harvested or 72 million acres of U.S. cropland. Soybeans and soybean products, wheat, and feed grains accounted for more than one-half of these exports.

According to the U.S.D.A., Illinois is the leading State with agricultural exports of $655 million in fiscal 1971. Illinois leads all other States with soybean and soybean product exports of some $350 million, about 19 percent of the U.S. total, and feed grain (mainly corn) exports of $175 million, about 16 percent of the U.S. total. Thus, the export market is tremendously important to the economic well being of Illinois farmers. U.S. agricultural exports and each State's share by commodities are shown in table I attached.

*In calendar year 1970, the U.S.D.A.* reports that 68 percent of the U.S. corn exports moved through gulf ports and that an additional 11 percent of the corn exports moved through Chicago. In the same year, 72 percent of the U.S. soybean exports moved through the gulf ports, and 9 percent moved through Chicago. Thus, when the gulf and Chicago ports are closed, the bulk of corn and soybean exports from Illinois is effectively stopped. A complete compilation of export data by port for corn and soybeans is shown in table II.

Using the experience of recent years, the anticipated production of corn and soybeans in 1971, and the actual performance of the corn and soybean markets in the past 6 weeks, we can approximate the impact of the strikes on corn and soybean exports. Specifically, let us look at the impact on:

1. The amount of exports, both current and future.

2. Market prices.

3. Normal harvesting, handling, and marketing patterns.

1. *The Amount of Exports, Both Current and Future.*—The exact impact of the current strikes on agricultural exports, both now and in the future, is impossible to accurately determine at this time. The exact world supply and demand situation is not known for the year ahead. The best estimate of exports from the 1971 corn crop is 500 to 520 million bushels, about the same level as from the 1970 crop. Based on recent years' experience, we could expect about 10 percent of the corn exports to be made in October, or some 50 million bushels. In 1970 in fact, corn inspections for exports during October were 47 million bushels. Inspections of corn for export during October of 1971 were slightly less than 25 million bushels. On this basis, it would appear that corn exports in October 1971 were off from last year's pace by nearly 50 percent or by some 25 million bushels. Comparing weekly export inspections this year with last year may tend to understate the drop in exports inasmuch as the corn harvest is from a week to 10 days ahead of last year and the quality of the corn crop is substantially better this year than last. If in the months ahead this 25 million bushel market is not recaptured, U.S. farmers will be the losers to the tune of about $25 million. Illinois farmers would normally figure on sharing about one-sixth of these sales, so the loss to Illinois farmers would be about $4 million—and this is just for 1 month.

The best available estimate of soybean exports from the 1971 soybean crop is 600 to 620 million bushels (including meal and oil equivalent) or about the same level as from the 1970 crop. In this case, world production of oil seeds, competitive factors, and world demand factors for the year ahead are not completely in focus. U.S. inspections of soybeans for export give us the best available indication of the level of soybean exports for this year compared to a year ago. During the month of September, inspections indicate that soybean exports were about on a par with a year ago. However, during October of 1971, soybean inspections for export were 26 million bushels compared to 39 million bushels for October of 1970. Thus, last year's level was 50 percent higher than this year's rate. Again, because of the earlier harvest, using 1970 as a base may have a tendency to understate what would have occurred had there been no strikes in 1971. In addition, these inspection figures do not take into account soybean oil and meal. Nonetheless, even a 13 million bushel export loss in October 1971, if these markets are not recaptured, would represent a loss of nearly $40 million to U.S. farmers, with Illinois' share being about $9 million.

Using total export inspections as an indication of the level of exports in October of 1971 compared to October of 1970 does not reflect the port from which the export was made. In some cases in October 1971, grain was transported to what might be called secondary ports which were open. But this meant added costs of transportation in many cases which undoubtedly resulted in lower prices to farmers.

While a $9 million loss of soybeans export markets and a $4 million loss in corn export markets, in 1 month, are of tremendous concern to Illinois farmers, even more disturbing is the impact of the still unresolved dock strikes on future sales. Many trade groups, farms organizations, State departments of agriculture and the USDA have spent millions of dollars in time, effort, and promotion to convince foreign buyers that the United States is a reliable and abundant source of high quality agricultural products. The disruptive effects of a dock strike can create uncertainty that the United States is no longer a reliable source of supply for foreign buyers. Farmers can produce a quantity of high quality products at a competitive price but unless foreign buyers can have some certainty that they will be able to load their ships, little else matters.

Once a foreign buyer has this uncertainty, he turns to other sources of supply and changes his processing equipment or his formulation to accommodate different supplies or subsidies. The shift back to U.S. products is neither easy nor automatic.

2. *Market Prices.*—Prices that Midwest farmers receive for their grain are based on a particular Chicago Board of Trade Futures option. The time of year or season will dictate which option or month is used as the reference point. The price paid to farmers generally will be so many cents under the Chicago Futures price. This difference is called basis. Basis is an indication of many factors such as demand, risk, ability to receive or take delivery, ability to make delivery, ability to commit for long-term positions either as a seller or buyer, and availability of transportation equipment.

During harvest time the price paid to farmers is based on the December option for corn and the November option for soybeans. Attached are basis tables for both corn and soybeans for the period of September 15 through November 2, 1971 (tables III and IV). They show what farmers in central Illinois were receiving for their grain before any quality discounts. In the case of corn, there was a 5 cents to 6 cents price increase in the December Chicago Futures option during this period, yet the cash price relationship widened by about 7 cents. Thus, farmers did not realize the improved price position and this was money out of their pockets.

The basis tables show the impact of the various dock strikes. You may note, particularly, the impact during the month of October in relation to September and how the basis widened in early October and dramatically recovered, narrowed, at the end of October. This reflects the return of the dockworkers at New Orleans during the last 2 or 3 days of October.

This basis change and cash price loss, plus many other added costs of not being able to handle and move grain in normal marketing patterns, have, in our opinion, made a 10 cents per bushel reduction in the price farmers could have realized from their marketings.

In 1969 and 1970 Illinois farmers sold at harvest time about 20 percent of their corn production and some 60–65 percent of their soybean production. USDA estimated production in Illinois for 1971 is 1,002 million bushels of corn and 230 million bushels of soybeans. Based on this production, it is estimated that Illinois farmers will sell 200 million bushels of corn and 13.8 million bushels of soybeans, or total harvest time sales of 338 million bushels. A 10 cents per bushel reduction in price would mean that Illinois farmers could be penalized $34 million if the strikes effectively close the ports for October, November, and December.

As of November 1, Commodity News Service reported that nearly all soybeans and 75 percent of the corn had been harvested in Illinois. This would indicate that nearly all of harvest time marketings made by Illinois farmers have been done during the month of October. Thus, it could be estimated that, during the month of October, Illinois farmers experienced a loss of nearly $29 million as a result of the various strikes. This is a loss to net farm income.

3. *Impact on normal harvesting, handling and marketing patterns.*—The dock strikes create uncertainties in the normal harvesting, handling and marketing patterns. While it is impossible to ascribe a direct cost to the marketing and harvesting problems created by the dock strikes, they nevertheless are of deep concern to Illinois farmers. During the time of the recent dock strikes, grain movement down the Illinois and Mississippi Rivers from Illinois grain terminals slowed appreciably. Grain merchandisers were very hesitant to ship grain down the river without knowing whether it could be unloaded once it reached the ports. Local elevators found that their normal supply lines to river terminals were slowed and farmers found that local elevators were plugged. A quick survey of local Illinois elevators earlier this week indicates that 96 of them have been plugged and had to quit taking grain at one time or another during the past 2 weeks. With local elevators plugged, farmers often face the alternatives of shutting off harvesting machinery or storing grain on the ground in hopes that marketing or storage facilities will soon be available. On Tuesday of this week, we knew of nearly 40 Illinois locations where from 3½ to 4 million bushels of corn had been dumped on the ground.

Any set of circumstances which slows down the functioning of the marketing system creates inefficiencies and increases the costs of moving the crop from the farm to the ultimate consumer—nearly always at the expense of the farmer. For example, badly needed transportation facilities are tied up and delayed, uncertainties develop, risks increase, and margins and handling charges go up. Delays in harvesting expose farmers to greater crop losses and quality deterioration. Thus, when farmers are harvesting record crops and when prices are under severe pressure from large supplies, it is extremely difficult for farmers to accept the fact that a small number of people who are unable to resolve their differences can so adversely affect the marketing system upon which farmers are so dependent. In the case of such labor disputes, farmers bear heavily the consequences but are not a direct party to the problem. Even now, when the gulf and west coast ports are open under various forms of injunctions and Taft-Hartley provisions, uncertainties about what will happen when the various injunctions or cooling-off periods expire are the order of the day. The issues in the dispute are not resolved. We are only in a holding pattern.

The experiences of the past 3 months vividly point out the need for new approaches to solving labor disputes which can tie up the trade of this Nation. We are hopeful that the record that this committee compiles will serve as overwhelming evidence that urgent action is needed now to establish new means for resolving major transportation disputes without tying up the trade of our farmers and the Nation.

(The attachments to Mr. Gardner's statement are as follows:)

TABLE I.—LEADING STATES FOR AGRICULTURAL EXPORT SHARES, FISCAL YEAR 1971

[In millions of dollars]

| Commodity | United States | Leading 10 States by rank 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 10 high States | All other |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| All commodities | 7,759.0 | Ill. 655.4. | Iowa 591.9. | Calif. 555.1. | Tex. 553.9. | N.C. 431.6. | Kans. 391.6. | Minn. 356.6. | Ark. 339.0 | Ind. 331.6. | Nebr. 287.5. | 4,494.2 | 3,264.8 |
| Soybeans | 1,264.2 | Ill. 236.9. | Iowa 207.7. | Ind. 116.1. | Ark. 108.0. | Mo. 101.2. | Minn. 92.3. | Ohio 77.3. | Miss. 62.4. | La. 42.3. | Tenn. 31.5. | 1,075.7 | 188.5 |
| Wheat and flour | 1,202.7 | Kans. 240.4. | N. Dak. 181.4. | Mont. 82.9. | Wash. 81.8. | Okla. 79.0. | Nebr. 78.2. | Colo. 55.9. | Tex. 43.7. | S. Dak. 40.0. | Idaho 37.3. | 920.6 | 282.1 |
| Feed grains | 1,101.8 | Ill. 174.6. | Iowa 145.1. | Tex. 133.9. | Nebr. 102.1. | Minn. 80.9. | Ind. 0978.2. | Kans. 61.1. | Ohio 41.7. | Calif. 32.3. | Mo. 29.5. | 879.4 | 222.4 |
| Tobacco, unmanufactured | 570.3 | N.C. 324.8. | S C. 57.4. | Ga. 54.2. | Va. 43.4. | Ky. 36.4. | Tenn. 13.7. | Fla. 11.7. | Md. 8.4. | Pa. 8.3. | Wis. 4.1. | 562.4 | 7.9 |
| Cotton, including linters | 497.7 | Tex. 157.4. | Miss. 79.2. | Calif. 56.5. | Ark. 52.1. | La. 25.7. | Ala. 24.7. | Ariz. 23.7. | Tenn. 18.9. | Ga. 14.1. | Mo. 10.9. | 463.2 | 34.5 |
| Protein meal | 397.7 | Ill. 72.7 | Iowa 63.8 | Ind. 35.6 | Ark. 33.5 | Mo. 31.1 | Minn. 29.3 | Ohio 23.8 | Miss. 19.7 | La. 13.2 | Tenn. 9.8 | 332.5 | 65.2 |
| Fruits and preparations | 342.8 | Calif. 184.4 | Fla. 74.9 | Hawaii 18.7 | Ariz. 11.2 | Tex. 9.3 | Wash. 7.8 | N.Y. 5.6 | Oreg. 4.9 | Mich. 4.5 | S.C. 3.5 | 324.8 | 18.0 |
| Rice | 288.5 | Ark. 73.2 | Tex. 72.4 | La. 71.0 | Calif. 63.4 | Miss. 7.8 | Mo. 0.7 | | | | | 288.5 | 0 |
| Tallow, lard etc | 272.7 | Iowa 29.5 | Tex. 25.9 | Nebr. 17.8 | Mo. 13.7 | Ill. 13.6 | Kans. 13.5 | Calif. 12.2 | S. Dak. 12.0 | Okla. 11.3 | Minn. 11.0 | 160.5 | 112.2 |
| Soybean oil | 242.4 | Ill. 45.4 | Iowa 39.8 | Ind. 22.3 | Ark. 20.7 | Mo. 19.4 | Minn. 17.7 | Ohio 14.8 | Miss. 12.0 | La. 8.1 | Tenn. 6.0 | 206.2 | 36.2 |
| Vegetables and preparations | 195.2 | Calif. 52.4 | Idaho 25.9 | Mich. 23,7 | Wash. 20.8 | Fla. 10.6 | N.Y. 7.2 | Tex. 6.6 | Colo. 6.4 | Ariz. 4.3 | Nebr. 4.1 | 162.0 | 33.2 |
| Hides and skins | 186.0 | Wis. 17.2 | Tex. 16.1 | Iowa 12.4 | Minn. 11.6 | Nebr. 9.1 | Calif. 7.9 | S. Dak. 7.4 | Kans. 7.4 | Okla. 6.7 | Ill. 6.6 | 102.4 | 83.6 |
| Meat and products (excluding poultry). | 155.4 | Iowa 22.7 | Ill. 11.4 | Tex. 11.2 | Nebr. 9.8 | Mo. 9.1 | Minn. 7.1 | Kans. 6.8 | Ind. 6.7 | S. Dak. 6.5 | Calif. 5.1 | 96.4 | 59.0 |
| Dairy produce | 131.2 | Minn. 36.8 | Wis. 19.4 | Iowa 10.5 | Calif. 10.3 | N.Y. 10.2 | Mich. 4.3 | Ohio 4.1 | Pa. 4.1 | Kans. 3.4 | S. Dak. 3.1 | 106.2 | 25.0 |
| Nuts | 63.3 | Calif. 59.8 | Ga. 0.8 | Tex. 0.8 | Oreg. 0.6 | Ala. 0.3 | La. 0.3 | Okla. 0.2 | N. Mex. 0.2 | Ark. 0.1 | Miss. 0.1 | 63.2 | .1 |
| Poultry products | 55.1 | Ark. 5.7 | Ga. 5.6 | N.C. 4.9 | Calif. 4.4 | Ala. 4.0 | Tex. 3.3 | Miss. 2.9 | Minn. 2.3 | Md. 2.0 | Mo. 1.5 | 36.6 | 18.5 |
| Cottonseed oil | 47.4 | Tex. 15.0 | Miss. 7.5 | Calif. 5.5 | Ark. 5.0 | La. 2.4 | Ala. 2.3 | Ariz. 2.3 | Tenn. 1.8 | Ga. 1.3 | Mo. 1.1 | 44.2 | 3.2 |
| Flaxseed | 8.7 | N. Dak. 4.8 | S. Dak. 2.2 | Minn. 1.3 | Tex. 0.3 | Mont. 0.1 | | | | | | 8.7 | 0 |

Source: U.S. Department of Agriculture, Economic Research Service, Foreign Agricultural Trade of the United States, October 1971, p. 8.

TABLE II.—EXPORTS BY PORT,[1] CALENDAR 1970

[Bushels in millions]

| | Corn | | Soybeans | |
|---|---|---|---|---|
| | Bushels | Percent | Bushels | Percen |
| Gulf: | | | | |
| Mississippi River | 354 | 66 | 266 | 62 |
| East gulf | 10 | 2 | 25 | 6 |
| Texas gulf | 4 | 1 | 22 | 5 |
| Total gulf | 368 | 69 | 313 | 73 |
| Lakes: | | | | |
| Chicago | 59 | 11 | 39 | 9 |
| Duluth and Superior | 29 | 5 | 12 | 3 |
| Toledo and other | 17 | 3 | 45 | 10 |
| Total lakes | 105 | 19 | 96 | 22 |
| Atlantic: | | | | |
| North | 24 | 4 | 6 | 1 |
| South | 38 | 7 | 18 | 4 |
| Total Atlantic | 62 | 11 | 24 | 5 |
| Pacific total | 4 | 1 | | |
| U.S. total, 1970 | 539 | 100 | 433 | 10 |

[1] USDA Consumer and Marketing Service—Grain Market News—Chicago.

TABLE III.—CORN BASIS, CENTRAL ILLINOIS

| Date | December futures Chicago Board of Trade | Central Illinois farmer bids | Basis (under) |
|---|---|---|---|
| Sept. 15 | 115¼ | 96½ | 18¾ |
| 16 | 114½ | 96 | 18½ |
| 17 | 113½ | 95 | 18½ |
| 20 | 113½ | 95 | 18½ |
| 21 | 114¼ | 96½ | 17¾ |
| 22 | 114¼ | 96 | 18¼ |
| 23 | 113¼ | 94½ | 18¾ |
| 24 | 113 | 94½ | 18½ |
| 27 | 113½ | 95 | 18½ |
| 28 | 113 | 94 | 19 |
| 29 | 113 | 94 | 19 |
| 30 | 112¾ | 94 | 18¾ |
| Oct. 1 | 113¼ | 94¼ | 18 |
| 4 | 112¾ | 92½ | 20¼ |
| 5 | 113¼ | 93 | 20¼ |
| 6 | 114½ | 92½ | 22 |
| 7 | 114 | 92 | 22 |
| 8 | 114⅛ | 92 | 22⅛ |
| 11 | 114⅝ | 92½ | 22⅛ |
| 12 | 114¾ | 90 | 24¾ |
| 13 | 113¾ | 89¾ | 24 |
| 14 | 114¼ | 90 | 24¼ |
| 15 | 116 | 92 | 24 |
| 18 | 116⅝ | 92½ | 24⅛ |
| 19 | 116½ | 91½ | 25 |
| 20 | 118½ | 94½ | 24 |
| 21 | 119½ | 95½ | 24 |
| 22 | 118¼ | 93 | 25¼ |
| 25 | 117¼ | 92 | 25¼ |
| 26 | 116 | 91 | 25 |
| 27 | 115¾ | 94 | 21¾ |
| 28 | 116¼ | 95 | 21¼ |
| 29 | 115¾ | 95 | 20¾ |
| Nov. 1 | 114¾ | 95½ | 19¼ |
| 2 | 114½ | 97 | 17½ |

TABLE IV.—SOYBEAN BASIS, CENTRAL ILLINOIS

| Date | November futures Chicago Board of Trade | Central Illinois farmer bids | Basis (under) |
|---|---|---|---|
| Sept. 15 | 311¾ | 290 | 21¾ |
| 16 | 309½ | 287½ | 22 |
| 17 | 307⅝ | 286½ | 21⅛ |
| 20 | 307½ | 286½ | 21 |
| 21 | 307⅛ | 286½ | 20⅝ |
| 22 | 309⅛ | 288 | 21⅛ |
| 23 | 306¾ | 286 | 20¾ |
| 24 | 309⅛ | 289 | 20⅛ |
| 27 | 311¾ | 291 | 20¾ |
| 28 | 213¼ | 291¼ | 21 |
| 29 | 310¼ | 289 | 21¼ |
| 30 | 309⅞ | 289 | 20⅞ |
| Oct. 1 | 311 | 288 | 23 |
| 4 | 307½ | 283½ | 24 |
| 5 | 307⅞ | 284 | 23⅞ |
| 6 | 310⅜ | 284½ | 25⅞ |
| 7 | 314½ | 288½ | 26 |
| 8 | 316¼ | 289 | 27¼ |
| 11 | 317⅝ | 290 | 27⅝ |
| 12 | 317 | 290 | 27 |
| 13 | 320¾ | 293 | 27¾ |
| 14 | 322¾ | 295 | 27¾ |
| 15 | 324⅛ | 296 | 28¼ |
| 18 | 320¾ | 293 | 27¾ |
| 19 | 326⅜ | 298 | 28⅜ |
| 20 | 322½ | 296½ | 26 |
| 21 | 325⅜ | 296½ | 28⅞ |
| 22 | 324¼ | 295 | 29¼ |
| 25 | 324 | 296 | 28 |
| 26 | 317¼ | 290½ | 26¾ |
| 27 | 317¼ | 290½ | 26¾ |
| 28 | 320⅛ | 295½ | 24⅝ |
| 29 | 319⅛ | 296 | 23⅛ |
| Nov. 1 | 315 | 292 | 23 |
| 2 | 314⅛ | 292½ | 21⅝ |

STATEMENT OF HARRY J. KRADE, ASSISTANT DIRECTOR, MARKETING SERVICES, CALIFORNIA DEPARTMENT OF AGRICULTURE, SACRAMENTO, CALIF.

California industry was severely injured by the impact of the international longshoremen and warehousemen's strike which closed West Coast ports. The California Office of Emergency Services prepared the attached statement showing the economic losses which were incurred in California resulting from this strike. As you can see, the report is dated August 5 and reveals losses of approximately 628.5 million dollars from the inception of the strike through August 5.

California's agriculture is particularly victimized by its inability to satisfy foreign market demands for its important export production of crops and livestock products. The strike also severely hampers operations in California in that much of agriculture's processing relies upon imports of commodities which are necessary for processing. As an example, we were in difficult straits because the lack of canned bulk pineapple made it impossible for our local canneries to produce fruit cocktail and fruits for salad. Similarity, cane sugar, which was needed for the canning industry, was unavailable for use.

Of great concern to California's specialty crop industries was the loss of markets, particularly during the important preholiday movement of dried fruits, canned fruits, citrus, and nuts. These specialty crop items are principally sold in European markets for the Christmas trade and must be available for distribution in Europe before mid-November. The loss of shipping capabilities during the critical fall months is tantamount to the loss of the total market for the entire year. The loss of these markets, for which many California products are produced, injures California shippers in two ways: (1) it forces additional production on local markets with concomitant price reductions for the total production; and (2) It causes prospective customers to seek other sources of supply, thus displacing U.S. production with production from competing areas. Once markets are lost, they are extremely difficult to regain. If prospective buyers suspect that strikes or other labor problems can recur, they will search for more dependable supplies in competing areas.

It has often been said that once a market for a foodstuff has been lost, it cannot easily be regained, if at all. If customers cannot be serviced regularly, they will refuse to be serviced at all. It is a truism that if a person fails to eat breakfast, he will not eat two breakfasts the following day. With respect to food markets, the day-to-day losses cannot be recovered. We can only hope to restore previous levels of exports, and that with difficulty.

As is evident, the areas of loss in California are significant for food and feed grains, alfalfa and tallow, dried fruits, nuts, citrus, cotton, and canned products.

We have not addressed ourselves to the severe losses or greater costs of transportation which were realized by agriculture when West Coast ports were struck and Gulf and East Coast ports were opened. Many commodities had to resort to multi-modal transportation. This use of rail and ship or truck and ship substantially increased costs and, unfortunately, is available only to relatively high-valued commodities. The important commodities of alfalfa, wood chips, and similar cargo simply could not be moved.

The adverse impact affects not only agricultural producers, it affects the processors and canners and injures the economy of many small towns as well as major centers. The industries which are injured are not involved directly in the disagreement between the shipping interests and the longshoremen and warehousemen. There needs to be some method developed to protect the interests of these third parties from the adverse effects which are suffered by closing down the shipping capabilities of the nation.

We see no evidence that the 80-day cooling-off period provided for in the Taft-Hartley Law will be effective in resolving the differences between the strikers and the shipping concerns. There is substantial evidence that long before the cooling-off period ends the docks will begin to close down again; first, because shippers are unwilling or unable to guarantee departures prior to the resumption of the strike, and second, because many prospective exporters, who were caught with substantial inventories on the dock and realized substantial losses in perishable products, will hesitate to commit shipments if there is danger that they may be held up.

The California Department of Agriculture urges that consideration be given to some legislation or action to avoid the future adverse effect of strikes and stoppages. As injured noncombatants, we are appealing for your help to develop some system of protection.

(The attachments are as follows:)

DOLLAR VALUE OF EXPORTS OF CERTAIN AGRICULTURAL PRODUCTS THROUGH CALIFORNIA CUSTOMS DISTRICTS FOR MONTHS OF AUGUST, SEPTEMBER, AND OCTOBER 1970 WITH AUGUST 1971 FOR COMPARISON

| Commodity | August | | September | | October | |
|---|---|---|---|---|---|---|
| | 1970 | 1971 | 1970 | [1] 1971 | 1970 | [1] 1971 |
| Grapes | 443,772 | 173,171 | 463,389 | -------- | 574,913 | -------- |
| Almonds | 852,673 | 47,608 | 3,562,148 | -------- | 12,249,236 | -------- |
| Walnuts | 325,375 | 1,064 | 157,970 | -------- | 1,256,668 | -------- |
| Nuts, not elsewhere classified | 63,845 | 5,515 | 44,354 | -------- | 102,407 | -------- |
| Dates | 723,649 | 329,538 | 691,319 | -------- | 482,702 | -------- |
| Raisins | 3,579,842 | 62,037 | 1,518,893 | -------- | 2,520,224 | -------- |
| Prunes | 978,495 | 225,289 | 2,173,704 | -------- | 2,184,489 | -------- |
| Figs, dried | 22,446 | 6,800 | 45,755 | -------- | 70,070 | -------- |
| Peaches, canned | 891,825 | -------- | 2,069,995 | -------- | 3,446,570 | -------- |
| Pears, canned | 99,022 | -------- | 199,916 | -------- | 195,030 | -------- |
| Fruit cocktail | 572,831 | 2,390 | 1,150,436 | -------- | 1,176,079 | -------- |
| Nuts, except peanuts not elsewhere classified | 831,746 | -------- | 521,095 | -------- | 1,442,519 | -------- |
| Dried beans | 335,110 | 79,809 | 471,835 | -------- | 516,488 | -------- |
| Tomatoes, canned | 4,871 | -------- | 3,679 | -------- | 20,575 | -------- |
| Tomatoes, puree and concentrated | 70,453 | 580 | 20,903 | -------- | 29,201 | -------- |
| Total above | 9,795,955 | 933,801 | 13,095,391 | -------- | 26,267,171 | -------- |

[1] Not released as of Oct. 29, 1971.

Source: Bureau of the Census, Department of Commerce report EM 522 (U.S. Exports of Domestic Merchandise).

### CITRUS

1. Industry loss that cannot be made up is approximately $3.2 million.

2. Lack of booking space at California ports preventing a catchup on exports during the cooling off period.

3. Reinstatement of strike could cause loss of total California exports amounting to $18.6 million annually. Industry pessimistic about strike settlement and no booking reported beyond cooling off period.

4. Industry turned to ports such as Ensenada and others in Mexico and ports in Canada rather than shipping by air.

5. Costs are higher through foreign ports and to get citrus to foreign ports, but no report of loss due to cost of reconditioning stocks prior to shipment.

6. Probably lost large part of traditional Christmas trade at foreign markets.

### FRESH FRUITS

1. Exports of fresh fruit was sharply curtailed due to the dock strike, with estimates over half export business lost.

2. No possibility of catching up since trade is seasonal. At present, it is difficult to obtain shipping space because of backlog of dry cargo on docks yet to be shipped.

3. Steamship companies are booking fresh fruit for December, with business about as normal. Have bookings through mid January at present.

4. Air shipments of fruits and vegetables increased substantially over 1970. Through mid October air shipment exceeded the full 1970 calendar year by 20 million pounds. Despite this increase the largest share of the export orders were lost rather than paying increased cost to ship by air.

5. Have lost markets of fresh fruit shipments to Brazil, Panama, Trinidad and Venezuela because of strike. Several thousand cartons of honeydews scheduled for Japan were not filled and product not available when strike was settled. Much of July-September export business is to Hawaii and most of this lost. Perishable items were not held at dock, therefore no expense of reconditioning.

### DRIED FRUITS AND NUTS

1. Industry estimate of loss due to strike to this date is unknown.

2. Dried fruit and nut industry cannot catch up on shipments during the 80 day cooling off period. It will be necessary to 110 days business in three weeks. Shippers are fighting for shipping space and containers.

3. If the strike is continued following the cooling off period, most of the export business for 1971 will have been lost.

4. Air shipments limited, although 10,000 tons of prunes shipped to West Germany by air, and much of the Hawaiian trade has been by air. Two of the three months of the strike were prime exporting months for dried fruits. Supplies curtailed for the holidays and for other special occasions where prunes, raisins and other dried fruits are featured. Once lost these sales cannot be regained. One quarter of the 1970-71 export marketing season has been lost as importing countries have gone to Turkey and Greece to secure raisins, etc. for their markets.

5. Some reconditioning of stock and inspection of containers at docks was necessary, including fumigation to keep stocks in good condition. Contacts report loss occasionally by jurisdictional union disputes and slow handling of cargo. One honey packer reported export order of honey delayed so that by the time the strike had ended, the raw product costs had increased sharply causing the shipper to lose money on the contract.

6. Markets lost to other countries such as Israel, Turkey, Greece, etc. This includes raisins, prunes and various dried fruits and nuts. Probably no chance to regain these lost markets since few foreign buyers are now in the market.

### CANNED AND FROZEN FRUITS

1. Industry loss that cannot be made up is approximately $2 million.

2. The export situation remains unchanged from that described in the report by Jed Adams several weeks ago. The industry normally sells about 875,000 cases of canned peaches in July, August and September. The average value is around $5.00—$5.00 per case. At $5.50 per case this amounts to an economic value of $4,800,000.

3. Inclusion of fruit cocktails and other canned fruits would double the above amount, giving a total of nearly $10 million in export sales of canned fruits in the months of July, August and September.

4. The products now are moving. If the industry can continue to ship until the end of the year they will have pretty well caught up on their sales. However, some of these sales will not be recaptured and losses this year could equal 20% of the total sales, or about $2 million.

5. Steamship lines will book all future shipments in a normal manner. This is based upon the assumption that the strike will be settled by mid December. If not the steamship lines will probably re-evaluate booking situations about the first of December.

### CANNED AND FROZEN VEGETABLES

1. Industry loss that cannot be made up is approximately $200,000.

2. Exports of California produced canned or frozen vegetables is comparatively minor. But some of the very heavy production of processed vegetables which is produced in California does enter the export market. Considering the many different commodities, the total could be substantial. As an illustration, $100,000 worth of canned tomatoes, either whole, pureed, or as catsup, were shipped into export markets in the month of August 1970. In August of 1971 the export value of these same commodities totaled only $580.

3. Considering the many commodities such as green beans, corn, broccoli, Brussels sprouts, asparagus, chili peppers and many more vegetable items that are canned or frozen in California, the total exports from California of these products in the months of August, September and October 1971 very well could equal $1 million in value. Because of the dock strike this amount was not shipped. The items are not perishable, but 20% of the sales of these commodities could be considered as lost.

### RICE

1. Industry loss that cannot be made up is approximately $1,500,000.

2. About 125,000 tons of export rice delayed from July 1–October 8. Value about $21 million.

3. Most of the tonnage will be shipped during the 80 day cooling off period as some ships were standing by to load. Some lost

sales to Guam, U.S. Trust Territories and Hawaii lost about one half million.

4. A prolonged strike after cooling off period could jeopardize prospective sales to Korea to the value of at least $35 million. About 80% of California's $90 million rice crop is shipped to off-shore markets.

5. Total of 36,000 tons milled rice shipped by rail for trans-shipment to Puerto Rico at an extra freight cost of $1,100,000. Also, some additional cost to ship to Hawaii from Vancouver. Total extra cost to industry $1½ million for extra freight, storage, etc. Some additional storage costs on new crop rice due to storage facilities tied up by old crop.

6. No reconditioning costs.

7. Markets lost during the strike will probably be retained for future sales unless another prolonged strike occurs.

### DRY BEANS

1. Industry loss that cannot be made up is approximately $320,000.

2. An estimated 80,000 hundredweight, valued at $800,000 lost to export sales from July 1 to October 8, 1971.

3. Most dry bean exports are to Japan and up to 40% of this California export business for 1971 probably will be lost.

4. Importing countries are limiting purchases of dry beans in U.S. since they have many alternative sources for supply. Future buying very limited and about half Baby Lima exports may be lost for this marketing year.

5. Some beans were exported through Vancouver at higher freight rates, but volume not available. Probably over $5,000 extra cost.

6. No reconditioning costs.

7. Part of export markets lost will not be regained until a normal situation is established and prices competitive. U.S. bean exports run about $25–50 million per year, about 10–15% from California.

### COTTON

1. All export shipments of California and Arizona 1970 cotton crop were halted during the West Coast dock strike, with only negligible amount through Gulf ports. Cost $2,500 per day for storage during the strike.

2. Movement of old crop cotton has been slow following the Taft-Hartley injunction because of scarcity of shipping space. It is expected that the share normally exported will continue to go into export. None of the 1971 crop has been sold for export as yet. Foreign outlets are refusing to sign purchase contracts unless delivery date can be guaranteed, and these markets may be lost if strike is resumed at the end of injunction. Entire cotton crop valued at $260 million with about half going into export. No bookings ahead of December 1, since no sales reported on 1971 cotton crop.

4. Exports by other means have been negligible.

5. No markets lost to date. However, if shipments cannot be guaranteed buyers may look to Guatemala, Brazil and other exporting nations rather than taking the U.S. 1971 crop.

### MEAT

1. No tonnage lost on shipments to Hawaii. Practically all shipments to Far East such as Japan and Hong Kong completely lost during July 1–October 8. Shipments by air cost 15¢ per pound, by ship container 3½–5¢ per pound. Approximately $170,000 increased shipping costs each week of strike, or a total of about $2.4 million.

2. Could catch up pretty fast if could be assured space, but still limited loadings out of Los Angeles for Hawaii and slowdown on docks preventing some possible shipments.

3. No estimate on cost to industry if strike is continued. No advance bookings in Los Angeles. In San Francisco, no bookings beyond December 1. Continuation of the strike could mean increased cost to Hawaiian consumer which is normally 16% above San Francisco.

4. All shipments to Hawaii by air. Shipments of cheaper items and shipments to Far East, Hong Kong, etc. not made. Japan trade lost. Much of hamburger trade taken over by Australia and New Zealand.

5. No known costs on reconditioning. Losses limited but at airports meats often held 2–3 hours without refrigeration. Additional storage space needed when shipping by air, also cost of going from storage to airport and from airport to storage.

6. No loss in markets since bulk of meats are going into Hawaii.

### HIDES

1. Overall cost occasioned by strike, including lost payrolls, increased cost of shipments to other ports, deterioration of wet hides, etc. will total $1 million for July 1 to October 8.

2. Will catch up on back orders by second half of November.

3. Disaster would result if strike is continued following the injunction. California highly dependent on Japan. At one time ¾ million hides tied up by strike. No bookings beyond December 15, 1971.

4. No shipments by air, some trans-shipment to Houston.

5. No reconditioning, but some loss due to additional shrink in weights. Some losses by deterioration which may be refused by consignee. Some markets were also lost to Australia and New Zealand. For instance, the Taiwan contract was lost.

6. Hide shipments out of California ports in August 1970, excluding sheep skins, $2,802,000; August 1971 shipments $6,000, all to Mexico.

### TALLOW

1. Industry losses to date that cannot be made up is approximately $2,000,000.

2. Tallow industry will not catch up on shipments during the 80 day cooling off period as 10,000 tons per month are shipped to Japan alone. Value is $185.00 per ton.

3. Industry losses will be tremendous if the longshoremen's strike is reinstated. Only 50% of tallow produced in the United States is used domestically. Tallow is a garbage operation, and without export a health hazard might result as packers will be forced to dump product as waste. Industry is booking cargoes for delivery just as though all will return to normal by December 24. No alternative since tallow bookings are normally 60–90 days ahead. Storage space is very scarce since tallow must be stored in tanks, with coils for steam heating.

4. Tallow valued at about 7½¢ per pound cannot be shipped by air. Some shipments diverted from California cost packer $1.50 per cwt. to ship by rail to Houston against 10¢ per cwt. to the West Coast terminals.

5. It has not been necessary to recondition any stock. Perhaps as much as 10% of Far East markets permanently lost to Canada, Australia and New Zealand.

6. U.S. is the largest producer of tallow with 5.5 billion pounds, 56% of world total, USSR is second at 670 million pounds. In 1970, U.S. exported 2.2 million pounds, two-thirds of world exports. Japan imported one fifth of total world imports.

FRUIT AND VEGETABLE UNLOADS IN HAWAII[1] BY MONTHS

1970

| | 1970, 1,000 pounds | | | 1971, 1,000 pounds | | |
|---|---|---|---|---|---|---|
| Month | Plane | Ship | Total, ship and plane | Plane | Ship | Total, ship and plane |
| July | 248 | 8, 043 | 8, 291 | 1, 692 | 3, 856 | 5, 548 |
| August | 180 | 9, 227 | 9, 407 | | | |
| September | 213 | 7, 210 | 7, 423 | | | |
| October | 160 | 8, 934 | 9, 094 | | | |
| November | 138 | 7, 888 | 8. 026 | | | |
| December | 388 | 7, 887 | 8, 175 | | | |

[1] Unloads are those from U.S. mainland.

Source: Hawaii Market News reports.

### REPORT OF AUGUST 5, 1971—INTERNATIONAL LONGSHOREMEN AND WAREHOUSEMEN'S UNION STRIKE

(Prepared by Office of Emergency Services)

Daily loss to California economy estimated at $17,500,000.

Estimated loss to date, $628,520,000.

Unemployment:

Workers involved in labor dispute, 11,400.

Workers laid off, attributed to strike, 30,000.

Total, 41,400.

Estimated daily wage loss to strikers, $325,208.

While unemployment in industry and agriculture is showing a small daily increase as a result of the strike, it is not expected to result in any additional major lay offs in the next few weeks.

### REPORTS FROM CALIFORNIA PORTS

#### *San Diego*

Estimated loss export-import tonnage—import, 59,400 tons; export, 55,600.

Cargo held on dock for export:

Potatoes, 15,000 Tons.

Cotton, 1,500 Bales.

Hides, 1,000 Tons.

Scrap metal, 20,000 Tons.

General cargo, 2,000 Tons.

Port estimates their revenue loss at $100,000.00 per month. Estimated $2,000,000.00 loss per month to local economy.

#### *Long Beach*

Estimated loss export-import tonnage, 1,200,000 Tons per month—General cargo.

Cargo held on dock for export, 35,000 tons.

Major Items: Coke, cotton, rubber, etc.

Port estimates their revenue loss at $600,000.00 per month.

Port estimates $15,000,000.00 per month loss to City of Long Beach economy.

#### *Port Hueneme*

Estimated loss export-import tonnage—Imports, 101,000 tons; exports, 10,000 tons.

Major Items: Steel pipe, lumber, wood pulp, and fertilizer.

Port estimates their revenue loss at $15,000.00 per month.

Port estimates $500,000.00 loss per month to local economy.

#### *Los Angeles Port Authority*

Estimated loss export-import tonnage, 500,000 tons per month—General cargo.

Cargo held on dock for export—55,000 tons.

Port estimates their revenue loss at $540,000.00 per month.

Port estimates $10,000,000.00 loss per month to local economy.

#### *Oakland*

Estimated loss export-import tonnage, 550,000 tons per month—General cargo.

Cargo tied up in port—Import, 65,105 tons; export, 51,219 tons.

Port estimated their revenue loss at $182,500.00 per month.

Port estimated $11,000,000.00 loss per month to local economy.

#### *San Francisco*

Estimated loss export-import tonnage, 250,000 tons per month—General cargo.

Port estimates their revenue loss at $300,000.00 per month.

Port estimates $6,250,000.00 loss per month to local economy.

#### *Alameda*

Estimated loss export-import tonnage, 50,000 tons per month—General cargo.

Port estimates their revenue loss at $500,000.00 per month.

Port estimates $500,000.00 loss per month to local economy.

#### *Sacramento*

Estimated loss export-import tonnage, 230,000 tons per month—General cargo.

Cargo on dock for export, 220,000 tons—Woodchips, meal pellets and fertilizer 6 million board feet of logs.

Port estimated their revenue loss at $500,000.00 per month.

Port estimated $4,140,000.00 loss per month to local economy.

#### *Stockton*

Estimated loss export-import tonnage, 200,000 tons per month—General cargo.

Port estimated their revenue loss at $460,000.00 per month.

Port estimated $3,600,000.00 loss per month to local economy.

#### *Eureka*

Estimated loss export tonnage 53,550 tons per month.

Thirty day loss in pulp shipments—5,000 tons export with a dollar value of $900,000.00.

Six million board feet of logs and lumber tied up at dock awaiting shipment.

Port estimated $749,700.00 loss per month to local economy.

#### *Redwood City*

Estimated loss export-import tonnage 5,000 tons per month—Bulk cargo.

Port estimated their revenue loss at $10,000.00 per month.

Port estimated $50,000.00 loss per month to local economy.

#### *Benicia*

Estimated loss export-import tonnage 30,000 tons per month—General cargo.

Port estimated their revenue loss at $60,000.00 per month.

Port estimated $540,000.00 loss per month to local economy.

#### *Richmond*

Estimated loss export-import tonnage 5,000 tons per month—General cargo.

Port estimated their revenue loss at $30,000.00 per month.

Port estimated $60,000.00 loss per month to local economy.

### REPORTS FROM AGRICULTURE, INDUSTRY AND BUSINESS

#### *Agriculture*

Feed and grain:

78,000 tons of alfalfa products unable to ship.

82,000 tons of rice unable to ship.

25,000 tons of wheat unable to ship.

10,000 tons of safflower-general feeds unable to ship.

10,000 tons of tallow unable to ship.

Most of the above commodities are an unrecoverable loss to the industry.

There is also the fear that tie up will cause loss of customers.

Situation becoming critical. Driers will be clogged by August 15th. Driers at terminals must be used by practically all grains as they arrive wet. Terminals are almost filled to maximum today.

#### *Prunes*

600 tons of prunes on docks—$250,000.00 value; quality deteriorating.

#### *Raisins*

$500,000.00 value of raisins on docks; quality badly affected by lack of storage.

#### *Almonds*

$1,000,000.00 value of almonds on dock—no cold storage; problem of rancidity; maybe total loss.

#### *Walnuts*

$150,000.00 value—same problem as almonds.

#### *Dried fruits*

No dollar value. Shipments must move within next month for Christmas trade.

#### *Citrus*

Lemon-orange exports are being curtailed approximately 40 to 50 percent.

#### *Cotton*

$14,000,000.00 caught at dockside. Storage costs estimated at $2,600.00 per day.

#### *Cane sugar*

65,000 tons raw sugar tied up.

Estimated loss at end of August to sugar industry 292,000 tons of production—$42,900,000.00.

C. H. Sugar Co.—925 employees laid off—$28,400.00 daily payroll.

Shortages of bailing wire, jute bagging, packing cartons creating additional problems. Lack of canned bulk pineapple creating major problem to canning industry due to need before fruit cocktail can be processed. Canning exports to Europe-Asia completely shut off. This is a major movement thru California ports.

### AUTOMOBILE INDUSTRY (FOREIGN IMPORTS)

*Toyota Imports* average 3500 cars per month at Benicia. Distributor has laid off 40 employees, salary loss $20,000.00 per month. Dealers are starting lay offs.

*Datsun Imports*.—No lay offs to date. Will commence if strike continues.

*British Motor Car Imports*.—Normal imports 2500 cars monthly Bay Area. No reports of lay offs to date. Diverting to Vancouver, B.C. No cars have arrived to date due to port congestion.

*Volkswagen Imports*.—Normal import 3,500 cars per month. Diverted to Mexico and Canada—3 to 4 week delay. Car costs higher due to added transportation costs.

All distributors and dealers facing shortage of parts. Will become critical problem if strike continues.

### DOMESTIC

*Ford Motor Company* reports drastic cut in profits due to air shipment costs to Hawaii to satisfy customer need for parts.

### LUMBER INDUSTRY

Complete halt of wood pulp, chips, lumber and log exports. Loss running into millions of dollars per month. Lay offs in industry will become heavy if strike continues.

Georgia Pacific reports lay offs this week of 100 employees—payroll loss $20,000.00. Estimate 100 more next week.

### MANUFACTURING INDUSTRY

Many plants now feeling impact of strike as supply of imported materials cut off. Some are attempting to divert shipments to Mexico-Canada ports. If stocks not replenished, lay offs will start this month.

### COFFEE IMPORTERS AND PROCESSORS

Unable to move coffee thru Ensenada. Trying Vancouver, but congestion there will delay shipments. No real problems to date.

### VEGETABLE OIL COMPANIES

Will shut down shortly due to lack of imports.

### GENERAL COMMENTS

Daily dollar loss as shown is expected to increase as present available stock is consumed.

Unemployment will rise weekly but rate of increase should not be great. Outcome in part dependent on movements thru Canadian and Mexican ports.

Daily loss in import-export estimated at 131,000 short tons.

Total estimated loss in shipments thru California ports amounts to 4,107,000 short tons as of August 5, 1971.

There is an estimated one-half million tons of products tied up in California ports.

*Projected loss to California economy*

| | |
|---|---|
| Daily | $17, 500, 000 |
| Weekly | 122, 500, 000 |
| Monthly | 525, 000, 000 |

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## INNOVATIONS IN HIGHER EDUCATION

Mr. MONDALE. Mr. President, recently the American Association of State Colleges and Universities convened a task force on innovations in higher education, chaired by Chancellor G. Theodore Mitau, with the Minnesota State college system.

The very thoughtful and interesting position paper they submitted in January strongly supports the creation of the National Foundation of Post-Secondary Education and suggests some revisions or clarifications of the national foundation as passed by the Senate in the higher education amendments.

As a strong supporter of the need for a national foundation, I ask unanimous consent that this very useful and creative position paper be printed in the RECORD. I commend it to the attention of Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### NATIONAL FOUNDATION FOR INNOVATION AND CHANGE IN POST-SECONDARY EDUCATION: SOME REFLECTIONS ON THE PROVISIONS OF A NATIONAL FOUNDATION IN S. 659

This paper address itself to the concept of a national foundation so urgently needed to make the educational changes necessary to translate the rhetoric of the 1960's into behavioral reality for the 1970's and 1980's. It speaks to our colleagues in the educational community and to the men and women in leadership positions throughout the nation who wish to bring a new excellence to higher education. If we succeed in attracting others to this cause we believe the students of this nation will be well served.

Preoccupation with the student assistance program and other facets of the higher education package has to this point absorbed significant energies of the educational community. It is the position of the authors of this paper that the foundation has not yet obtained the kind of intellectual support and attention it deserves. While this paper does not attempt to present a detailed design for the National Foundation, it does seek to address itself to the conceptual nature of such a foundation and the reasons that make its establishment so imperative.

### SOME OBJECTIVES OF A NATIONAL FOUNDATION

Some major objectives for the National Foundation for Post-secondary Education would be:

To stimulate major organizational and curricular innovation and change in post-secondary education through federal funding;

To serve as a link between the research and development functions of the proposed National Institute of Education (NIE) and those institutions which seek to implement the appropriate models or designs;

To collect, evaluate, and disseminate information on major innovations, structural changes, and curricular developments;

To provide a new mechanism of federal support for institution-initiated designs for change, free from burdensome and restrictive restraints, bureaucratic guidelines, and externally imposed directives;

To assist post-secondary institutions to move more rapidly and effectively toward development of Management Information Systems (MIS) and Planning Programming Budgeting Systems (PPBS) that would enhance their decision-making capabilities;

To make it possible for institutions to advance their abilities to delineate their missions, to establish priorities, and to respond more effectively and imaginatively to regional and community needs;

To enable institutions to meet presently unmet educational needs of students for new careers and professions and to accommodate constituencies that do not fit into the conventional campus settings or curricula.

What is envisaged in our perception of the foundation is a new kind of federalism in higher education—a federal funding pattern that acknowledges and respects the creative impulse and competence of the leadership of this country's educational units, and restrains itself primarily to reviewing, auditing, and to holding accountable those who undertake pioneer efforts with foundation support.

This kind of mutual trust and cooperative relationship will maximize the benefits of federally provided "risk capital" urgently necessary if the educational community is to meet its responsibilities in the difficult years ahead.

### CRITICISMS OF HIGHER EDUCATION

To no one's surprise and despite a record of considerable achievements—as measured by traditional standards—American's colleges and universities will continue to be vigorously and often quite properly charged with a multitude of inadequacies, missed opportunities, or outright failures. Such attacks come from the left, the right, and from the moderate middle.

Students charge that educational institutions fail to teach them how to handle ideas and how to deal with rapid change; with separating them from rather than involving them in life; with being overly concerned about facts and degrees rather than with the application of knowledge towards the solution of social problems; and for being bureaucratically impersonal and insensitive to the diversity of individual needs.

Some critics of American colleges and universities indict education for encouraging passivity and compliance rather than freedom and participation, while others condemn what they consider to be excessive campus permissiveness. Educational institutions are accused of being stubbornly insensitive or even hostile to demands for an end to racism, militarism, violence, and poverty, and for subordinating the primary business of scholarly learning to a shallow social activism.

Legislators and other elected officials, viewing education from a different perspective, are often no less critical. They charge our institutions with overly expansive and expensive building programs, with costly salary demands, with excessively small teaching loads, and with producing too many graduates in areas where demand is low.

Desire for change cuts across a wide spectrum of ideology and conviction, of class and race, of age and experience, of the academic and non-academic. While motivations may vary and perspectives differ, the theme is similar: the time is propitious for initiating significant and far-reaching reforms and innovations in post-secondary education.

Notwithstanding the disparity of viewpoints, there is a compelling consensus that major changes must be made. Much that was appropriate for the industrial society and its student generations may not suffice for the post-industrial age or the so-called technotronic age and its educational requirements. Patterns, methods, and materials developed in an earlier era may no longer be relevant for the life-style and problems of contemporary society.

### CHALLENGES FOR CHANGE

Widely discussed reports and findings prepared under the auspices of the Carnegie Commission, the Department of Health, Education, and Welfare, and the AASCU point up some of the challenges to be met and changes to be made.

The traditional concept that college education occurs between the ages of 18 and 22, on a campus, in a classroom, with a lecturer is being rightly questioned. Students can learn in a variety of ways throughout their lifetimes both on and away from a campus.

Rigid lockstep patterns of courses, sequences, and attendance regulations may not be conducive to effective learning.

Educational opportunities for women, returning veterans, the older student, the working student, or the unusual student should be made more accessible.

Much more needs to be done to reach the Blacks, Chicanos, and Indians, the urban and rural poor, both to enhance the quality of their personal lives and to afford them opportunity for a more productive and meaningful life.

Traditional grading practices should be replaced with competency-based evaluations that attest to what a person knows rather than how many credits he has earned as a result of attending fifty minute classes three times per week for four years.

The over-professionalization of learning has resulted in an emphasis of narrow specialties taught by highly credentialed faculty needs to be balanced by interdisciplinary approaches, by a problem-solving orientation, or by the use of "teachers" from business, government, labor, the arts—men and women who have expertise in a field but who do not possess degrees customarily required for college teaching.

The need to enrich our educational options forces our imagination to develop alternatives to vocations presently over-supplied, not only for those now enrolled in our colleges but also for those who failed to complete their education because they found the traditional curricula uninspiring or purposeless. The interest in public service, the dedication to the advancement of knowledge, and the eagerness to improve the quality of life—motivations so widely shared by many young men and women—are enormously valuable resources for the kind of social reconstruction that our nation can ill afford to waste.

In educational programs there should be a renewed emphasis upon the development of the ability to work with people of different backgrounds, social settings, cultural attachments, political interests, and intellectual viewpoints for the purpose of bridging the chasms of class and caste, of races, and of generations as our society attempts to reintegrate the polarized sub-cultures of dissent.

Emerging efforts to measure and quantify educational outcomes and resource expenditures must be further refined and implemented on a much broader basis if priorities are to be realistically established. The vast literature of educational reform has tended to be isolated from the parallel literature relating to increased accountability, systems management, and program budgeting. There is a need to consider thoughtfully the massive task of developing strategies for institutional modernization.

In order to eliminate unnecessary duplication, while providing diverse experiences, there will need to be developed more effective patterns of inter-institutional cooperation through consortia, "common markets," and shared resources and personnel.

The humane approach to the revitalization of the educational community should involve the recognition of the enormous task of redirecting professional energies which may involve the retraining or updating of faculties—many of them middle-aged—who in their careers are now faced with a sudden loss of their own academic identity or future. This will necessarily require the budgeting of resources for re-education in order to reduce the inevitably heavy stress and anxiety induced by the climate and strategies of change.

While much remains to be done—indeed to be started—there is nonetheless some evidence of the academy's willingness to translate the ideas of reform into reality. Thus, the often repeated change that the higher education community is unable or unwilling to change is not quite accurate. A few examples may be cited.

The California State College System, among others, has initiated projects that could lead to extensive use of the external degree.

Three national open universities are being planned—North American Open University, Campus Free College, and the National University.

The University of Wisconsin at Green Bay has developed academic programs around the problems of ecology.

Major experimentation is occurring at the Governor's State University and Sangamon State University in Illinois, within the University Without Walls Consortium, at Evergreen State College in Washington, Empire State College in New York, the University of Northern Colorado, as well as in Hawaii, Florida, New Jersey, and Texas.

In Minnesota, as well as in other states, some colleges are developing new career options. Students entering such careers, whether in health care or human services, business systems, or environmental controls, might be the type of men and women who would be eager to enlist their competencies to battle pollution in the air, in water, and on land; who would want to assist in the rehabilitation of victims of drug addiction; who would wish to help rebuild our cities, towns, and neighborhoods; who would work to improve our law enforcement and criminal justice administration; who would wish to strengthen management systems in business or government; or who would be able to offer constructive guidance to the disillusioned and disheartened victims of social injustice.

Far from pointing towards the stereotyped view of vocationalism these new careers would challenge the idealism of our young men and women by demonstrating to them how they can enlist the discipline of skill and the dignity of work not merely for materialism but in behalf of causes and commitments that transcend personal gain or acquisition. Rather than diverting students from their genuine concern for the fulfillment of the American promise these new careers might offer a bridge between aspiration and action, between the ideal and the possible.

The new Minnesota Metropolitan State College, which opens its pilot program in February, 1972, will implement many of the innovations mentioned above. An example of the positive reaction to the kinds of innovations planned at Minnesota Metropolitan State College is found in a recent public opinion poll conducted by the *Minneapolis Star*. Despite the fact that the metropolitan area includes 31 post-secondary institutions—including numerous programs offered by the University of Minnesota to its 40,000 students in Minneapolis and St. Paul—a significant public demand for new educational options and structures becomes immediately apparent. Of those interviewed 72% thought the new college would fulfill a need not now being met; 90% thought the plan to operate twelve months a year, on week-ends, and at times convenient to working men and women was a good idea; 80% favored the intention to rely heavily upon faculty who are professionals in their fields, but who do not possess the traditional academic credentials.

Although beginning efforts have been made to respond to such eagerness for greater educational diversity and more individualized instruction in post-secondary institutions, the number of students reached represents a very sall fraction, not only of the millions presently enrolled in our institutions but also of the millions yet unreached. If educational opportunity is to be further extended and if those millions are to be involved, some radical reforms at the very core of center of the educational enterprise will have to be introduced. An example of such reform is seen in the following excerpt from the planning document of one of this nation's newest colleges.

We begin with the view that admission to the college, assessment of competency, and advising about educational and career problems, while conceptually distinct, are functionally and operationally interrelated. They are phases of one's total education which may occur simultaneously or in different sequence for different students. A major aspect of one's education is to learn how to assess one's capacities and achievements, determine one's interests, set appropriate goals, establish appropriate means for achieving the goals, and then begin to utilize those means efficiently. We would argue that a truly educated person is one who can undertake these tasks for himself, and that formal institutions of education exist to aid him in learning how to carry on these functions but not to carry on for him. As we stated above, each individual must be the major partner in designing his own education—throughout his lifetime. A college and all its resources—human, programmatic, physical—exist to support the individual student in learning how to design and implement his own education. But a college cannot do the educating.

Administratively the college will place responsibility for admissions, competency assessment, and advising under a coordinator and a staff of professionals, including some full-time and community faculty, and specialists in such areas as student financial aid. This staff will replace the traditional student services staff.

When a student applies for admission to the college our first response will be to determine whether or not he is one for whom the college is intended. We accept responsibility to counsel with those whose educational needs can be better met in other institutions so that they will take full advantage of those institutions. To that end we propose that with the cooperation of other metropolitan area post-secondary institutions we establish an admissions review committee made up of representatives of those institutions. This committee would review applications . . . and counsel with those applicants who should enroll elsewhere. The college pledges itself to cooperate fully with such a committee and hopes that representatives of the private colleges, the junior colleges, the University . . ., and the area vocational-technical schools will be appointed to serve their respective institutions.

Upon admission each student will be assigned a faculty advisor from the full-time professional faculty and an Educational and Career Advising Committee (ECAC) made up of his advisor and such full-time and community faculty members as are appropriate to the student's interests and goals. Immediate responsibility for assisting the student to develop his goals and design his procedures for reaching those goals will lie with the advisor and the ECAC. They will also direct the competency assessment process for the student, making full use of the professional staff.

We believe that the competency assessment process—both initially and throughout a student's affiliation with the college, including the assessment which will culminate in his receiving a degree—should be individually structured to make it possible for the student to have a complete opportunity to demonstrate his real competencies. The function of assessment is not to fail students but to make sure they have the skills, attitudes, and understanding which are appropriate to their educational and career goals.[1]

### OBSTACLES TO REFORM

The fact that innovations of such scope and magnitude are found in so few institutions attests to the complex nature of forces, settings, and obstacles that confront those engaged in the management of fundamenal and responsible change.

Decision-making in the college of the 1970's is—or should be—a shared process involving all segments of the campus. The days are gone when a president could impose institutional policies, priorities, or innovations. While highly desirable, such shared decision-making requires carefully developed processes that are formulated and implemented systematically and at considerable cost in human and fiscal resources.

In the present era of austerity many institutions can no longer rely on rapidly increasing enrollments to provide the ready resources to add faculties and programs with which to innovate. Opportunities for change and for institutional flexibility are further diminished by the rapidly spreading spending limitations in many states as well as by widespread legislative and fiscal practices that stress line-item and incremental budgets aimed at expenditure by objects rather than by programs.

To undertake major change requires that institutions establish priorities, measure probable outcomes, and estimate expenditures. To accomplish these objectives with the desired degree of sophistication and accountability, expensive management information systems are required. Many institutions, while desirous of adopting such informational resources, find it simply impossible to acquire the necessary equipment and personnel.

Traditional methods of rewarding and promoting faculty members do not encourage major institutional change. In recent years, a faculty member has been judged in terms of his contribution and loyalty to the discipline rather than to the institution. His reputation is made, and hence his salary and rank increased, through scholarly publication. Advancement involves moving to a larger, more prestigious department. Trained as a specialist, his interest has often tended to be focused upon his subject matter and profession rather than upon the more general teaching-learning process.

Fiscal austerity, levelling enrollments, the surplus of teachers, and defensive reactions to student power combine to make many faculty members more protective of their authority, their roles, and their courses, thus reinforcing their commitment to the *status quo*. Quite obviously change is threatening at any time, but it is particularly unsettling in periods of exceptional insecurity.

Agencies and institutions external to the campus tend to discourage fundamental restructuring of education through requirements and processes of their own. For example, graduate schools influence undergraduate curricula through their admission requirements and course prerequisites, both generally determined by research-oriented scholars. Coordinating and planning agencies, many of them newly established, may constitute bureaucratic constraints difficult to overcome. Accrediting agencies reflecting "guild and establishment" sometimes tend to employ consultants and examiners not known for their inclination to take risks with the unknown or the experimental.

In view of these and other obstacles to change there is strong inclination to make minor adjustments in course requirements, create special innovative units that reach few students and have limited impact, or to embrace "fads" that give the illusion of reform while having little inherent merit or significance.

Given the resistance that institutions encounter in their efforts to remake themselves, funding constitutes an important facet of the affective impetus.

No longer can educational institutions anticipate the necessary massive infusion of money from private sources. The Council for Financial Aid to Education reported in 1971, for instance, that private gifts to American colleges and universities showed the first average annual decrease in more than a decade. Total contributions from alumni, foundations, corporations, and other private sources were down $20 million from the 1968–69 level. Foundation support declined by 8.2 percent. Alumni and corporate giving remained relatively steady while non-alumni gifts were down by 4.2 percent. Furthermore, private funds tend to be directed toward private institutions:

43.4% of all private support in 1969–70 went to 61 major private universities as did 49.2% of all foundation support of higher education.

72.4% of all private support went to private schools while 19.1% went to state institutions and 1.8% to junior colleges.

69.1% of all foundation support went to private institutions, while 22% went to state institutions and 0.5% went to junior colleges.[2]

Moreover, gifts from the private sector—individuals, foundations, and businesses—have traditionally been used not to restructure institutions but to expand and enrich existing collegiate programs, provide scholarships for students, endow professorial chairs, and construct buildings.

### THE NEED FOR FEDERAL FUNDING

The federal government alone is in the position to undertake the task of funding educational reform to the extent and on the scale necessary to result in fundamental innovative change affecting millions of students. Not only is such a role a natural part of the federal concept, but there is a long record of distinguished precedents. In science, health, and agriculture, Washington has provided, through national foundations, institutes, or other instrumentalities, the kind of support level considered essential. In education, too, the federal government has played a major role. When there existed a national need for expanding facilities, educating returning servicemen, aiding needy students, or funding scientific research, Congress was expected to respond and did.

Once again, as education faces its current crisis, Congress considers an educational funding package of vital and historic importance. The first component of this broad-gauged set of proposals provides for continued federal support for student aid. In recent years, the National Defense Student Loan of 1958, the 1964 College Work-Study Program, and the Higher Education Act of 1965 enabled thousands of students to obtain an education.

These programs, with appropriate revisions, need to be continued and expanded. Innovations designed to serve students—particularly those from disadvantaged backgrounds—have little value if such individuals are unable to meet rising costs of education.

A second part of the proposed package includes support for the on-going programs and operations of post-secondary institutions. While there are differences of opinion about the appropriate formulae for funding, the need for federal assistance to institutions has received strong endorsements. Without such aid some institutions may actually be forced to increase their tuition and fees, further limiting educational options for many students.

A third element in the federal education package is the proposed National Institute of Education (NIE). The fundamental objective of NIE will be the improvement of education through concerted and priority-conscious research and development. In addition to basic research, the NIE would be authorized to employ its resources to address specific problems in education.

There is little question concerning the need for research and development at all levels of education. Between 1950 and 1969 less than one billion dollars were invested in R and D projects. Moreover, according to the Rand Report,[3] when education is compared with major industries it ranks thirteenth in expenditures for research and development.

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[1] "Minnesota Metropolitan State College, Prospectus II" (November, 1971), pp. 33–35.

[2] *The Chronicle of Higher Education* (April 5, 1971), pp. 4–5.

### THE NATIONAL FOUNDATION IN S. 659

What is contended in this paper is that a National Foundation for Innovation and Change in Post-Secondary Education would significantly enhance and balance a comprehensive federal approach to funding education. The kind of foundation proposed here, rather than competing in any way with other federally supported programs or agencies, would fulfill a need not met by existing programs. Such a foundation would provide the catalytic role in major institutional reform—not change for the sake of change nor the mere tinkering that frequently passes for innovation, but the implementation of desired fundamental, conceptual, or structural redirection of an institution's growth and development.

Organizationally the proposed foundation, as presently designed in S. 659, includes the following:

A fifteen member Post-Secondary Education Board is to be appointed by the President with the advice and consent of the Senate, with a chairman designated by the President from among the appointed members.

The term of office of board members will be six years and each board member will be ineligible for reappointment for two years following the expiration of their sixth year.

The board will establish general policies for, and review the conduct of, the foundation, and will meet at least four times a year.

The board will also make annual reports to the President regarding foundation activities and the status of post-secondary education in the United States, including recommendations for reform.

The Foundation Director will be appointed by the President with the advice and consent of the Senate, and will serve at the pleasure of the President.

The Director will make available to the board information and assistance deemed necessary to enable the broad to carry out its functions.

The foundation is also authorized to make grants to, and contracts with, institutions of higher education (and combinations of such institutions) and other public and private educational institutions and agencies to improve post-secondary educational opportunities in several broad areas.

### SUGGESTED REVISIONS TO STRENGTHEN THE NATIONAL FOUNDATION

Leaving aside questions of detail and form, the authors of this paper respectfully suggest that the objectives of the foundation might be better served if the proposed model could be adapted to incorporate the following major additions and considerations.

Composition of the Foundation Board: The foundation should include representatives from the academic community, from business, the professions, the arts, labor, as well as from ethnic and racial minorities. Regional Advisory committees or boards under the National Foundation should reflect the same types of constituencies. This would greatly increase the likelihood that both academic and experiential points of view can be brought into the operations of the foundation. It should be emphasized that the people selected to serve in this capacity would comprise a working board and should not surrender their autonomy and their judgment to the staff created to serve them. Such regional boards could work within the framework of general policies set by the National Foundation, but would have in addition the enormous advantage of local contact and local knowledge:

Institutional Accountability in Place of Federal Guidelines: An agency that sponsors innovation and change must, in its own organization, style, and leadership, reflect the spirit of the programs it supports. There is within the concept of the National Foundation opportunity for a new spirit of federalism. Customary requirements of narrow guidelines, bureaucratic procedures, and externally imposed restraints should be abandoned.

Most colleges and universities have already established their own institutional research and budget offices, committed to detailed reporting. Mechanisms of external consultation and of internal accountability also exist. Without threatening the independence of private sector institutions, certain minimal standards of accountability and consultation are not only defensible but essential.

Funds to the Institution—not to the Department, Program, or Professor: Funds awarded for innovative change should be granted to the president of the institution (and the consultative and decision-making process which he heads) with review by the governing board. In this manner funds allocated can have an impact upon the totality of institutional change. While technically grants have been made to institutions and their presidents, traditionally both federal and private fund sources have expected presidents to delegate responsibility for the grant to individuals or sub-systems within the institution. Frequently these funds have supported individual research projects, responding to "individual entrepreneurship" rather than to "institutional entrepreneurship."

While funding for research is indispensable for the discovery and sharing of new knowledge, such a pattern of support has often not served to meet either the needs for change delineated in this paper or the objectives of the foundation. More importantly, funds of this nature do little to affect the teaching-learning patterns for millions of students enrolled in undergraduate education. While some shifts have probably occurred during the last three years, statistics from the Department of Health, Education, and Welfare indicate that, from the Office of Education, 52 institutions received 91% of the research and development project support distributed between 1963 and 1967. Black colleges received approximately .5% of these funds while junior and community colleges received only .2% of the monies. If institutional change is to be accomplished, both significantly and broadly, funding must go to the president of the institution as the chief corporate officer rather than to individual faculty members or departments.

Review of Innovative Proposals: In an effort to remove the "heavy hand" of federal guidelines and directives and in order to stimulate creative innovations at the level of the institution, it is suggested that the foundation provide block-types of grants in response to applications made by institutions through the office of their president.

In selecting proposals for funding and in making its awards, the foundation should consider the regional committee's comment and weigh the inherent merit of the proposal based upon such considerations as the imaginativeness of the design, evidence of movement through the consultative processes of the institution, and demonstrated awareness of applicable professional literature and research findings.

### CONCLUDING OBSERVATIONS: A NEEDED PERSPECTIVE

However promising the vision, however impressive the design, it would be presumptuous to suggest that the concept of the foundation offers simplistic solutions to the complex problems facing post-secondary education; there are no panaceas in the realm of social engineering.

This paper has not attempted to address itself to the desirable or proper distribution of students within the post-secondary educational spectrum—vocational-technical schools, community colleges, state colleges, and universities, the private institutions or the public. We are confident that—short of Platonic wisdom—a diversity of effective options, more adequate funding, better planning, and good counseling offer the best immediate possibilities for reconciling the interests of those who seek learning for learning's sake with those who wish to apply their learning to the more immediate and practical concerns of career objectives.

Moreover, when this paper refers to accountability, program budgeting, and management information services such references should not be misconstrued as subordinating the values of learning to considerations of efficiency, productivity, and costs in a manner that fails to apprehend the multi-variate configuration of the educational enterprise.

To some, the terms of innovation and change have become code words or symbols for a blatant anti-intellectualism, thinly concealing outright hostility to the life of the mind and the dictates of conscience.

The notion of change and innovation as understood by the authors of this paper acknowledges the evolving quality of knowledge, the interdependence of man, the essential value of human diversity, and man's unending quest for intellectual, artistic, and moral self-realization. That higher education, despite its enormous accomplishments, faces serious problems in meeting such challenges in the next decade or two cannot be doubted.

No foundation support, whether it be public or private, can ever guarantee that America's post-secondary institution will in fact make the adaptations that need to be made. At best, funds for innovation and change can only offer these institutions the possibilities for greater service to man and to the nation.

Indeed, more important than the survival of particular educational institutions or the continued application of particular ways of doing education is the important realization that our colleges and universities are not ends in themselves.

Still, in an era of competing priorities and of sharpened competition for scarce resources, education continues to represent this nation's most promising hope for a better quality of life and for a renewed commitment to human brotherhood at home and abroad.

With the assistance of a national foundation, American post-secondary education can proceed with greater confidence to help rebuild the nation by helping new generations and new types of students discover ever-widening dimensions of skills and of competence, of realities and of abstractions, of beauty and of intellect, of compassion and of courage.

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[3] Rand Corporation, *National Institute of Education: Preliminary Plan for the Proposed Institute* (Rand Corporation: Santa Monica, California, 1971), p. 5.

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## JACK DOLPH'S REVENGE

**Mr. ERVIN.** Mr. President, recent press reports have indicated that Mr. Jack Dolph, commissioner of the American Basketball Association, is going to allow his teams to raid college campuses and sign student athletes to play professional basketball. Mr. Dolph blames his activities on the failure of Congress to comply immediately with his request for an antitrust exemption for professional basketball. Of course, Mr. Dolph's idea is that all college coaches will bring pressure to bear on Congress to allow the leagues to merge. In short, it's blackmail.

The idea that Congress should jump every time an owner of a professional sports team whistles is nothing new. I can remember very vividly the cries which resulted in the spectacle of the football merger bill with its monopoly benefits and undemocratic restrictions on players.

While Mr. Dolph's loud protestations are an obvious attempt to blackmail Congress, I hope the people of this country and their Representatives turn the tables on him. I hope the people of this country will agree with my strongly held belief that as soon as a boy is professionally qualified to play basketball, in college or not, he should be allowed to play professionally for money. Coach McGuire of the Marquette team summed up my convictions on this matter very well when he said, in substance, that he could not recommend to his players that they finish college before playing professional ball. He said he had had a hard look into the "cupboards" of many of his boys and had found those cupboards bare, and he could not deprive them of their chance to make it. I agree with Coach McGuire and I ask you what kind of person would want to deny to a poor kid with a short-lived talent his right to participate in the old American dream where anyone can make it if he is talented.

The Congress did not let Motown Records and all the other record companies combine to prevent Michael Jackson of the Jackson Five from singing for money until he finished college and sang in the college glee club. The Congress did not let the movie studios combine to prevent some latter-day Shirley Temple from acting until she finished college and had acted in the campus theatre group.

So I say "hooray for Jack Dolph." He is on the right track by allowing more personal freedom for players, even if I believe he is doing it to blackmail Congress. God works in mysterious ways his good to perform and the results of Jack Dolph's revenge is certainly evidence of this.

I hope that my efforts will continue to keep the leagues apart to insure the continuation of this type of competition for a youngster's short-lived athletic skills. This is the essence of our American system.

This bickering over something as basic to our country as the right to bargain for the sale of one's professional skills saddens me a great deal but it gives me determination to hope that the day will soon come in all professional sports when a young, talented player will be able to say to the rich owners of professional sports teams: At last, Mister Owners, you are letting me work at my profession when I am professionally qualified. At last, Mister Owners, you are bidding for my services like any other businessman would. At last, Mister Owners, I can move to another team if that team wants to purchase my services. At last, Mister Owners, you are paying me what I am worth to your "bigtime" sports enterprise.

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## VIETNAM

Mr. PELL. Mr. President, considering the long and checkered history of efforts to negotiate a settlement of the war in Southeast Asia, beginning with the Geneva Accords of 1954, it is not surprising that there is now substantial public confusion about the prospects for reaching an agreement. We have seen a succession of public ultimatums, private offers, secret meetings, and seven, eight, or nine-point programs and counter-programs.

It is not easy to cut through this thicket of postures, proposals, and propaganda to find the basic issues at stake. In a recent column in the Providence Sunday Journal, Mr. Hamilton E. Davis, chief of the Washington Bureau of the Providence Journal and Evening Bulletin, has done just that.

I recommend to my colleagues Mr. Davis' perceptive analysis of the difficult choices that now confront the United States in South Vietnam, and ask unanimous consent that his column from the Providence Sunday Journal of January 30, 1972, be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

### NIXON AVOIDS A KEY ISSUE

(By Hamilton E. Davis)

WASHINGTON.—President Nixon's disclosure about secret attempts to negotiate a peace in Vietnam was sad.

One could note that the entire show was aimed at the American public for political effect. One could note in the same context that the set of secret proposals set forth by the President were outlined by him publicly in October of 1970.

Both of these points would be true, but there is no energy left for indignation. Only sadness that after a sudden soaring of hope an unknown number of months of bombing and death remains before an American withdrawal, to say nothing of an end to the war itself.

For what the President's television speech did was to indicate that he has not yet begun to deal with the nub of the issue: the question of support for the government of South Vietnam, after the United States has withdrawn physically.

The first thing the United States has to realize in this context is that the North Vietnamese intend to win. They are not asking the U.S. to "overthrow" the South Vietnamese government, as the President implied; they feel confident of being able to do that themselves. They demand only that we get out of the way, completely out of the way.

#### A FUTILE OFFER

Toward this end the North Vietnamese and the Viet Cong have been fighting for twenty years or more, paying huge material and human costs in the process. To offer them now such items as a ceasefire, elections under international supervision, and an interim government—in other words, the whole scenario they accepted at Geneva in 1950's and then had yanked from under them—is futile.

It is possible that the drain on North Vietnamese resources has become so great that they will now conclude that they have a better chance to win their objective—control of South Vietnam—by accepting the Nixon proposals. But there is no public evidence to that effect; and the record of Defense Department prophecies in this regard is bleak.

Barring this possibility, the United States and the North Vietnamese remain as far apart as ever. The United States has been withdrawing troops steadily, but Mr. Nixon is doing everything he can within that context to make sure the South Vietnamese government does not fall.

The American military position grows inexorably weaker, however, and the domestic political pressures increase apace, in spite of adroit efforts to keep them under control.

Mr. Nixon's political vulnerability was revealed most dramatically in his televised interview with Dan Rather of CBS a few weeks ago. In the football argot the President is so fond of, Rather stuck him in the numbers with a wickedly tough question: Have you ever offered a full withdrawal in exchange for American prisoners?

#### POLITICAL QUESTION

The question translated into political terms, was: Do you care more about propping up the South Vietnamese government than you do about the prisoners? Facing the question head-on, Nixon could reply only that the North Vietnamese had turned down such a proposal, a clear fudge that the White House had to spend the next few days backing away from.

But the political wall contained in this simple question continued to be felt—it was the reason for the disclosure of the secret talks. Mr. Nixon may have turned the pressure aside for a time, but probably not for long.

"If the enemy wants peace," the President said in his television speech, "it will have to recognize the important difference between settlement and surrender." The fact is that the North Vietnamese know very well the difference between settlement and surrender.

"If they accept a "settlement" that does not give them the political arrangement they want in South Vietnam, then they *will* have surrendered, and there is no indication they are willing to do that.

We are the ones who must learn the difference between settlement and surrender. The American public has to decide what interest we have in maintaining the South Vietnamese government, either through support in the ground, air support from the Indochina bases, or post-withdrawal financial support.

It is hard to tell now when this question will become acute. By May U.S. troop strength will be down to 69,000, and given the ratio in the American army of combat to noncombat troops, that force probably will not have much military significance.

It will then be up to the South Vietnamese to contain the North Vietnamese and the Viet Cong. The U.S. can continue to bomb the Ho Chi Minh trail in Laos, but that will not force a halt to enemy operations.

The threat to the survival of the South Vietnamese regime will then be great, and at home, President Nixon will once again be faced with the political question: Do you care more about propping up the South Vietnamese than you do about getting the prisoners back?

#### ONLY A PIPE DREAM

To think that we can get a ceasefire, interim governments, elections and so forth in South Vietnam is probably a pipe dream now. There is just one chance that we can escape without a clear defeat, and that is the slim possibility that the Thieu regime can hold its own without our help.

To get the prisoners back, we are going to have to pull out our forces, stop all bombing, and end military assistance to the south. If that amounts to surrender, that is the price we are going to have to pay.

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## SENATOR MARK HATFIELD'S DECISION TO SEEK REELECTION

Mr. FONG. Mr. President, the news that our colleague, the senior Senator from Oregon, MARK HATFIELD, has decided to stand for reelection to the U.S. Senate is good news, indeed.

It is good news not only for the people of Oregon, whom he has served so diligently and so well for more than 20 years, but also for the people of my State of Hawaii.

For in MARK HATFIELD we have an ally in our efforts to end the crippling west coast dock strike, which has caused unemployment, millions of dollars in lost business, and a jarring setback in the economy of our States and our Nation.

In his quiet, persistent way, MARK HATFIELD has been working behind the scenes to try to find a way out of the impasse between labor and management, so that the rights of the parties can be preserved and so that, at the same time, the public interest and well-being can be served.

We in Hawaii are glad MARK HATFIELD shares our concern that the lengthy west coast dock paralysis be ended at the earliest possible moment.

The people of Oregon can be glad, too,

for they know that Mark Hatfield has their best interests at heart.

His decision to seek another term in the U.S. Senate is good news for the people of Oregon in yet another way. For Mark Hatfield represents them on very strategic committees: Commerce, Interior and Insular Affairs, the Select Committee on Equal Educational Opportunity, and the Select Committee on Small Business.

Committees are the workhorses of Congress. Here is where hearings are held. Here is where investigations and inquiries are undertaken. Here is where legislation is considered, forged, and worked out for consideration of the entire Senate membership.

Through Mark Hatfield, Oregon has a voice and a vote on these committees so vital to the people of the State.

Just a listing of the subcommittees of the Committee on Commerce indicates the breadth and scope of the jurisdiction of this very important and active committee: Aviation; Communications; Consumer; Environment; Merchant Marine; Oceans and Atmosphere; Surface Transportation; Foreign Commerce and Tourism; and Special Subcommittee on Freight Car Shortage.

Fortunately for Oregon, Mark Hatfield is the highest ranking Republican on the Subcommittee on Environment, a subject in which he was an early pioneer long before it became a popular national cause.

Through Mark Hatfield, Oregonians also have a voice and a vote on the important Interior and Insular Affairs Committee. Again, the subcommittee titles show the scope of the committee's jurisdiction: Indian Affairs; Minerals, Materials and Fuels; Parks and Recreation; Public Lands; Territories and Insular Affairs; Water and Power Resources; and Special Subcommittee on Legislative Oversight. Mark Hatfield is the top ranking Republican on the Public Lands Subcommittee.

In addition, he serves on the Select Committee on Equal Educational Opportunity, a natural post for him as a champion of better schools and better education and of equal rights for all Americans.

Mark Hatfield serves on yet another committee, the Select Committee on Small Business, which acts as a focal point for congressional attention to problems of small businesses in America.

What many citizens may not realize is that the people of Oregon can make certain they will continue to be represented on these key committees by reelecting Mark Hatfield.

Otherwise, another Senator from another State could very well be given these choice committee posts. A new Senator from Oregon would have no guarantee whatsoever of obtaining these same committee assignments.

We who come from Hawaii, a small State in terms of population, well know the critical need to have our Senators on key committees of special importance to our State. So we feel a kinship with the people of Oregon, also a relatively small State, in their imperative need to make sure their Senators occupy strategic posts in their behalf.

We feel a kinship with our neighbors in Oregon on other grounds, for we share similar problems and concerns. We are both Pacific Ocean States. We are keenly aware how vital our marine highways are to trade and commerce and how essential uninterrupted seaborne transportation is. We both realize the imperative need for wise management of our ocean resources. We both have marvelous natural resources, fine recreation areas, and unsurpassed scenic attractions which we are endeavoring to protect and enhance.

To work on these and other problems, the people of Oregon have been most fortunate to have the leadership of Mark Hatfield in public office for more than 20 years. His background and his experience—and his record of accomplishment in the fields near and dear to the people of Oregon and the Nation—especially qualify Mark Hatfield to represent Oregon for another 6 years in the U.S. Senate.

Having served with Mark Hatfield during all of his first term, I can attest to his effectiveness, integrity, and leadership. I congratulate the people of Oregon on the opportunity they have to select him once more to serve them.

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## TEENAGE EXCHANGE PROGRAM

Mr. McGEE. Mr. President, this year marks the 21st anniversary of the Youth for Understanding International Teenage Exchange program, and I wish to take this opportunity to commend that organization for the outstanding work it has performed since its inception.

Youth for Understanding began in 1951 when the Detroit, Mich., area Rotary Club agreed to host 75 German teenagers who were selected for an exchange program by the U.S. State Department. When it became apparent that the participating Rotary Clubs could not find sufficient homes for these students among their membership, the executive director of the Ann Arbor Council of Churches, Mrs. Rachel Andresen, was asked to lend her assistance. Mrs. Andresen has done a most commendable job of supervising this program since its beginning and now serves as its executive director.

Since 1951, the program has grown to be the largest organization in the field of teenage exchange programs. The planning and development of Youth for Understanding has been industrious and imaginative. More than 19,300 students from 47 countries in Europe, Asia, Latin America, and Africa have come to the United States through Youth for Understanding. Since 1956, more than 11,300 American high school students have gone overseas to live with families through the aegis of the program. As a result of its increase in size, Youth for Understanding was incorporated as a nonprofit organization in 1964.

The Youth for Understanding Exchange program brings students from Western European countries, Africa, Japan, and the Philippines to the United States for 1 year and students from Latin America for 6 months. These students live with American families and attend American high schools. They are 15 to 17 years of age. The credit they receive from American schools upon returning home depends upon evaluation by their own school authorities. A special community college program enables the older—18- and 19-year-old—exchange students from overseas to attend a community college in this country.

The American students overseas summer program includes American students, 16 to 18 years of age, chosen from applications submitted to the Youth for Understanding committees in their own community or by direct application to the Ann Arbor office. These students must be recommended by their high school, their church, and by personal references. In addition, American students are screened by a Youth for Understanding committee. These American students spend 2 months in Western Europe, South America, the Philippines, Mexico, or Japan. They live with a selected host family where they gain an appreciation of the land, its people, and their culture.

This teenage exchange program has proven its value in a world which is constantly shrinking and in which global war can end civilization. The world today demands better human understanding.

It is in this era that youth have the greatest stake. They live in a world where every great issue becomes a world issue. A population explosion can mean 9 billion persons living on this planet by the year 2000, three times the present population. Rapid depletion of natural resources demands conservation on a global scale. Ideological conflicts are not limited to students on campus, but even involve the peasants on the edge of Outer Mongolia as well. A tiny flame of conflict anywhere on earth can ignite the fires of world war III.

Student exchange aids our youth in living in this kind of world and helps them to play a role in shaping man's destiny on earth. Communication must be improved, but we can only learn to communicate as we become better acquainted with people of varying backgrounds and varying cultures.

Those of us who have been involved in international affairs have long been frustrated by the reluctance on the part of most North Americans to become interested in foreign policy and international affairs.

Most individuals are so involved in personal, family, local, and national problems that they tend to ignore events international in scope. Yet, in light of man's venture into space and our own view of earth as seen from the moon, it becomes quite evident that we are one world and the problems of this world are the problems of us all.

Teenage student exchange is one method through which we can assist individuals and families to become aware of foreign policy and international affairs on a very personal level—either by encouraging them to open their own homes to foreign students or by encouraging them to send their own teenage sons and daughters abroad. Youth for Understanding is one way to bring international relations to the personal, family, school, and local community level. It is something individual families can do for world peace and understanding from the very sanctuary of their own homes.

## THE YOUTH FOR UNDERSTANDING PROGRAM

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record a statement and insertion prepared by the distinguished Senator from California (Mr. Tunney).

There being no objection, the statement and list were ordered to be printed in the Record, as follows:

### The Youth Understanding Program

Mr. Tunney. Mr. President, I would like at this time to express my admiration for an organization which has endeavored to increase the understanding among young people in this world.

The Youth for Understanding Program was created by the Detroit, Michigan, area Rotary Clubs in 1951 to promote the exchange of ideas among young people. The program originated with 75 young German students. The direction of this program was given to Dr. Rachel Andresen when the Rotary Clubs were unable to find sufficient housing for these students. Dr. Andresen, as the Executive Director of the Ann Arbor Council of Churches, has greatly assisted the program through use of her educational and professional skills. Since the time of Dr. Andresen's initial involvement, the program has grown in size from the original 75 students to a total of 6,000 students, annually.

The state of California can be proud of the role that it has played in this program. There are presently 650 students living and attending school in our state. This total places California second in the United States in number of students participating each year in the program.

The Youth for Understanding Program, which encompasses 45 nations, provides an opportunity for young people to gain an understanding and appreciation of the ways of life of other people. In this manner, the program can promote international goodwill which is essential if we are to live in harmony with each other.

I call upon my colleagues to join with me in applauding the efforts of the Youth for Understanding Program and for wishing it many more years of success.

### California

#### AGOURA

Agoura High School: Principal, Mr. Albert Action.

Miss Vesna Marn, Yugoslavia, W. Majors.

#### ALAMEDA

Encinal High School: Principal, Mr. Grant Brandes.

Mr. Bertil Lindblad, Sweden, E. Wade.

Mr. Rosler Mason, Liberia, E. Rivard.

#### ALAMO

Miss Berit Johansson, Sweden, see Danville, San Ramon High School.

#### ALTA LOMA

Alta Loma High School: Principal, Mr. S. L. Butters.

Miss Ellen De Vries, Netherlands, S. M. Carr.

#### ANAHEIM

Miss Marlene Lampenschulte, Germany, see Fulleron Rosary High School.

Anaheim Union High School: Principal, Mr. Avon Carlson.

Mr. Mats Bolander, Sweden, R. Rasmussen.

Mr. Burkhard Henke, Germany, L. Lee.

Mr. Staffan Nyman, Sweden, N. Williams.

Loara High School: Principal, Mr. O. G. Thomason.

Miss Vibeke Bojesen, Denmark, D. Neilsen.

Magnolia High School: Principal, Mr. McKim.

Miss Leena Rytila, Finland, A. Robertson.

Savanna High School: Principal, Mr. Robert Rose.

Miss Snezana Lakic, Yugoslavia, H. White.

Mr. Heikki Palmen, Finland, E. Williams.

#### ANTIOCH

Antioch High School: Principal, Mr. Don Richardson.

Mr. Johan Dalen, Sweden, K. F. Kretschmer.

#### APPLE VALLEY

Apple Valley High School: Principal, Mr. Tony Balsamo.

Miss Bodil Ehn, Sweden, R. E. Klofanda.

#### APTOS

Aptos High School: Principal, Mr. Richard Cunnison.

Miss Daniela Speck, Germany, T. Woods.

#### ARCATA

Arcata Union High School: Principle, Mr. Edwin Oliveira.

Mr. Zivko Icev, Yugoslavia, E. Mervich.

#### ARTESIA

Miss Antoinette Mathay, Philippines, see Cerritos, Richard Gahr High School.

#### BAKERSFIELD

Bakersfield High School: Principal, Mr. Ken Robesky.

Miss Ritva Henriksson, Finland, W. Biggar.

Foothill High School: Principal, Mr. Arthur Johnson.

Mr. Arie Bleijenberg, Netherlands, G. Finzel.

Highland High School: Principal, Mr. Wesley Anderson.

Miss Sirpa Haikonen, Finland, C. Bunton.

North High School: Principal, Mr. Harold Corey.

Miss Birgit Andersen, Denmark, E. Golden.

Mr. Johan Lovrup, Sweden, J. Thompson.

West High School: Principal, Mr. Edwin DeMello.

Mr. Dieter Horn, Germany, G. Lovelace.

#### BEN LOMOND

Miss Agnes Brun, Denmark, see Felton, San Lorenzo Valley High School.

#### BERKELEY

Berkeley High School: Principal, Mr. C. Wong.

Mr. Eric Theo Vos, Netherlands, B. McFarlane.

#### BIG BEAR LAKE

Big Bear High School: Principal, Dr. Russell Reynold.

Mr. Mikael Ruben, Sweden, J. Henderson.

#### BONITA

Miss Christine Buenz, Germany, see Chula Vista, Bonita Vista High School.

#### BREA

Brea-Olinda High School: Principal, Mr. Gary Goff.

Miss Dominique Lanternier, France, S. Cianteo.

#### BUENA PARK

Buena Park High School: Principal, Mr. Richard H. Spaulding.

Mr. Gilbert Chamblay, France, J. Czaykowski.

Miss Charlotte Rotermund, Germany, C. Rak.

Mr. Jan Skaarud, Norway, F. L. Hughes.

#### BURBANK

Burbank High School: Principal, Dr. Robert Leland.

Miss Visnja Kukoc, Yugoslavia, M. Kenter.

Mr. Manfred Kunk, Germany, R. Pierce.

Miss Teresita Legaspi, Philippines, H. Phinney.

Mr. Alfredo S. Roque, Jr., Philippines, R. Westfall.

Mr. Holger Schacht, Germany, R. Segall.

John Burroughs High School: Principal, Mr. Sherman Chavoor.

Mr. Beat De Roche, Switzerland, I. Schroder.

Miss Eva-Maria Steffenhagen, Germany, W. T. Mount, Jr.

#### CALABASAS

Miss Vesna Marn, Yugoslavia, see Agoura.

#### CAMARILO

Adolfo Camarillo High School: Principal, Mr. Donald C. Jansen.

Miss Anne Clemetsen, Norway, T. Campbell.

#### CAMPBELL

Campbell High School: Principal, Mr. Robert Peck.

Miss Sabine Enckels, Belgium, S. W. Milledge.

Mr. Joseph Ackah-Yensu, Ghana, D. Palmby.

Westmont High School: Principal, Mr. Robert Culp.

Miss Arlette C. Benitez, Colombia, R. Leyva.

Mr. Arne Lund-Jensen, Sweden, I. Martin.

#### CARMICHAEL

Jesuit Prep School: Principal, Fr. Ed. Callanan.

Mr. Ramiro Bustamante G., Bolivia, J. Depiazza.

#### CASTRO VALLEY

Miss Eeva Lonnblad, Finland, see Hayward.

Canyon Valley High School: Principal, Dr. Robert Forbes.

Mr. Mats Ahlback, Sweden, R. Forbes.

Miss Mabel Dagbe, Liberia, G. Homolka.

Miss Desiree Larsson, Sweden, J. Taugney.

Miss Eija Orpana, Finland, D. Akers.

Castro Valley High School: Principal, Mr. Richard Tubbs.

Miss Anna S. M. Boelstra, Netherlands, L. Goldsmith.

Mr. Alexander S. Alson, Philippines, L. Giannotti.

#### CERRITOS

Richard Gahr High School: Principal, Dr. Hanford Rants.

Miss Antoinette Mathay, Philippines, F. Mitchel.

#### CHULA VISTA

Miss Merete Dyhr, Denmark, see Coronado.

Bonita Vista High School: Principal, Mr. Robert Geyer.

Miss Christine Buenz, Germany, A. J. Dingman.

Hilltop High School: Principal, Mr. Fred Mahoney.

Miss Eva Schotte, Sweden, M. Miranda.

#### CONCORD

Carondelet High School: Principal, Sister Kathleen.

Miss Maria Ollesch, Germany, S. Calone.

Miss Ma. Sophie Wetterhoff, Finland, J. Hughes.

Clayton Valley High School: Principal, Mr. R. Belluomini.

Mr. Osvaldo A. Estrago, Paraguay, S. S. Gallinger.

Miss Elizabeta Lazarevska, Yugoslavia, J. Greig.

Miss Ellen Risoe, Norway, J. Durham.

Miss Anna-Leena Sairanen, Finland, G. J. Olbur.

Concord High School: Principal, Mr. Willis C. Goins.

Miss Ingrid Pedersen, Denmark, L. L. Lyons.

Mount Diablo High School: Principal, Dr. Ferdinand Diel.

Miss Bernardita Limjap, Philippines, J. Petersen.

Ygnacio Valley High School: Principal, Dr. Ernest Wutzke.

Miss Margit Elsner, Germany, B. Rooker.

Miss Maribel Valenton, Philippines, H. Guillen.

### CORONA

Corona High School: Principal, Mr. James Pfeiffer.

Mr. Thomas Ratajczak, Germany, M. James.

### CORONADO

Coronado High School: Principal, Mr. Robert J. Oliver.

Miss Merete Dyhr, Denmark, G. Cech.

### CUCAMONGA

Miss Ellen De Vries, Netherlands, See Alta Loma.

### CUPERTINO

Cupertino High School: Principal, Mr. George Fernandez.

Miss Elizabeth Altesor, Mexico, E. Blackham.

Miss Anneli Kallio, Finland, C. Miller.

Mr. Renato Maliwat, Philippines, J. Calhoun.

Homestead High School: Principal, Mr. Warren Bryld.

Mr. Kurt Keller, Switzerland, J. Ackley.

Mr. Paulus Klinkhamer, Netherlands, W. P. Craine.

Mr. Ola Svensson, Sweden, J. Haynes.

Monte Vista High School: Principal, Mr. Dale Deselms.

Miss Margrethe M. Gade, Denmark, M. Stanton.

Miss Merja Ikkela, Finland, D. Paulsen.

Mr. Frank Volders, Belgium, C. Armstrong.

### DALY CITY

Serramonte High School; Principal, Mr. Louis Martin.

Miss Dorthe Jacobsen, Denmark, R. Nagle.

### DANVILLE

Monte Vista High School: Principal, Mr. Swasey.

Mr. Philippe Laudrin, France, J. Rogan.

Mr. Bo Leth-Espensen, Denmark, P. Spalding.

Miss Agneta Persson, Sweden, R. MacDougall.

San Ramon Valley High School: Principal, Mr. James Cozens.

Mr. Bernard Houdmont, Belgium, R. Stipe.

Miss Berit Johansson, Sweden, T. Parnell.

Miss Maylis Karjalainen, Finland, B. McCoy.

### DAVIS

Davis High School: Principal, Dr. Mansfield.

Mr. Christophe Duplay, France, D. L. Proett.

### DIAMOND BAR

Miss Vera Steschulat, Germany, see Pomona.

### DUBLIN

Dublin High School: Principal, Mr. Landers.

Mr. Hendrik Binnendyk, Netherlands, J. Clifton.

Mr. Benjamin P. Natividad, Philippines, A. A. Herrero.

### FAIRFIELD

Fairfield High School: Principal, Mr. Sam Tracas.

Mr. Anders Ruter, Sweden, W. Hancock.

### FELTON

San Lorenzo Valley High School: Principal, Mr. Kenneth Bailey.

Miss Agnes Brun, Denmark, W. Weaver.

### FREMONT

Irvington High School: Principal, Mr. J. Tranchini.

Miss Ma. D. A. F. Hoffmans, Netherlands, D. Enos.

Miss Maria Helena Urrea, Colombia, J. Calderia.

Mission San Jose High School: Principal, Dr. Vance Nelson.

Miss Sabine Hake, Germany. C. Sugden.

Mr. Srdan Jerkunica, Yugoslavia, N. Coit.

Miss Susanne Mathys, Switzerland, L. Campbell.

Ohlone College: President, Dr. Steven Epler.

Miss Benita Doktar, Finland, E. Vargas.

Miss Marianne Jacobi, Switzerland, G. Legg.

### FRESNO

Bullard High School: Principal, Mr. Vernon Walker.

Miss Ylva Sahlestrom, Sweden, K. Meyer.

Fresno City College: Principal, Dr. Clyde McNully.

Miss Christine Demierre, Switzerland, G. F. Finch.

Herbert Hoover High School: Principal, Mr. Richard Neal.

Miss Eeva Torkkola, Finland, N. Walden.

McLane High School: Principal, Mr. Harold Sanderson.

Miss Catharina Von Moeller, Germany, G. Sjostrand.

Roosevelt High School: Principal, Mr. Douglas Bray.

Mr. Markus Billerbeck, Germany, A. Grote.

### FULLERTON

Miss Charlotte Rotermund, Germany, See Buena Park.

Mr. Jan Skaarud, Norway, See Buena Park.

Fullerton Union High School: Principal, Dr. Robert French.

Mr. Olle Markstedt, Sweden, L. Peck.

Rosary High School: Principal, Sr. Ma. Jeanne, C.S.J.

Miss Marlene Lampenschulte, Germany, L. Corey.

Sunny Hills High School: Principal, Mr. Robert H. Brown.

Miss Leena Santasalo, Finland, C. Eckman.

Troy High School: Principal, H. L. Looney.

Mr. Christian Besson, France, D. Foulds.

Miss Barbara Duerr, Switzerland, L. Barter.

Miss Agneta Isacsson, Sweden, H. W. Kirby.

Miss Marjan Smits, Netherlands, J. Knister.

### GARDEN GROVE

Bolsa Grande High School: Principal, Mr. Joseph Riedel.

Mr. Mario Deng, Germany, J. Erratt.

Garden Grove High School: Principal, Mr. Reed.

Miss Solange Duclaud, France, Dr. W. Ralston.

Miss Ximena A. Lopez, Bolivia, J. Montgomery.

Pacifica High School: Principal, Mr. Albert Guenafe.

Miss Sylvia Fricke-Custodis, Germany, N. McCrary.

### GLENN ELLEN

Mr. Horst Gill, Germany. See Sonoma.

### GRANADA HILLS

Granada Hills High School: Principal, Mr. Bryce Schurr.

Mr. Juha Leskinen, Finland, D. Sims.

### GRASS VALLEY

Nevada Union High School: Principal, Mr. Edward Frantz.

Miss Danielle Bernard, France, F. Forsman.

### HACIENDA HEIGHTS

Los Altos High School: Principal, Mr. Pat Mauch.

Miss Joelle Miara, France, J. Hokett.

Miss Ulla-Gunilla Svensson, Sweden, D. Woodburn.

### HANFORD

Hanford High School: Principal, Mr. Max Nichols.

Mr. Johan C. Bongers, Netherlands, C. Gardner.

### HAYWARD

Miss Paivi R. Svensk, Finland, see San Lorenzo.

Chabot College: Principal, Dr. Reed Fullington.

Miss Elisabeth Stalder, Switzerland, R. Enos.

Hayward High School: Principal, Mr. Joseph W. Fabel.

Miss Eeva Lonnblad, Finland, R. Hammer.

Mount Eden High School: Principal, Mr. Howard Moffitt.

Mr. Hans-Peter Stein, Germany, L. Heinrich.

Tennyson High School: Principal, Mr. Cooper.

Mr. Laurits Larsen, Denmark, R. Adams.

Miss Leija K. Ylalahti, Finland, T. Shoemaker.

### HUGHSON

Hughson Union High School: Principal, Mr. Tom Gaspar.

Miss Gunda Knappe, Germany, Dr. L. Thompson.

### HUNTINGTON BEACH

Edison High School: Principal, Mr. Ernest Pascoe.

Miss Eeva Hakkanen, Finland, D. Sowers.

### IMPERIAL BEACH

Mar Vista High School: Principal, Mr. Dale Newell.

Miss Hanne Airaksinen, Finland, A. Josselin.

Miss Ann Rundstedt, Sweden, H. Smythe.

Montgomery High School: Principal, Mr. J. Torres.

Miss Elnis M. Briones, Philippines, R. R. Hurley.

### LA CRESCENTA

La Crescenta Valley High School: Principal, Dr. William Thomas.

Miss Tuuli Leino, Finland, C. J. Grove.

### LAFAYETTE

Acalanes High School: Principal, Mr. Stanley Walgren.

Miss Mirjana Veljanovska, Yugoslavia, R. Divine.

### LAGUANA NIGUEL

Miss Marianne Westermark, Sweden, see San Clemente.

### LA HABRA

La Habra High School: Principal, Mr. Bert Hathaway.

Mr. Per Lindstrom, Sweden, R. Ivory.

Miss Jennifer Williams, Liberia, A. Aroian.

### LA MIRANDA

La Miranda High School: Principal, Mr. David Stine.

Miss Ann-Louis Roldin, Sweden, R. Evans.

Mr. Morten Ydalus, Norway, R. Grandt.

### LARKSPUR

Redwood High School: Principal, Mr. Donald Kreps.

Mr. Erik Rohden, Denmark, R. Havel.

### LIVERMORE

Granada High School: Principal, Mr. Jack Lee.

Miss Angelika Schoen, Germany, W. Lobosco.

Livermore High School: Principal, Mr. Paul N. Reginato.

Miss Trine Melvaer, Norway, W. Ross.

### LEMON GROVE

Miss Outi Helenius, Finland, see Spring Valley, Mt. Miguel High School.

Miss Eva Schotte, Sweden, same as above.

### LOMA LINDA

Miss Gabriele Kolletzki, Germany, see Redlands.

### LOS ALTOS

Mr. Kurt Keller, Switzerland, see Cupertino (Homestead High school).

### LOS GATOS

Mr. Arne Lund-Jensen, Sweden, see Campbell, Westmont High School.

Miss Raija I. Taskinen, Finland, see San Jose Leigh High School.

Los Gatos High School: Principal, Dr. Allen Coryell.

Mr. Carlos Maria Garcia, Uruguay, L. Mehrten.

### MALIBU

Miss Cecille Bautista, Philippines, see Santa Monica.

### MILL VALLEY

Tamalpais High School: Principal, Mr. Raymond Bell.

Miss Anna Sohlberg, Sweden, A. Hanamoto.

Mr. Volker Weber, Germany, N. Martin.

### MILPITAS

Samuel Ayer High School: Principal, Mr. Don Campagna.

Mr. Melecio G. Arrana III, Philippines, R. Remington.

Mr. Zehko Ivanjek, Yugoslavia, M. Bowman.

Mr. Michael Karoff, Germany, C. Woodring.

Mr. Masashi Yamamoto, Japan, L. Hulligan.

Milpitas High School: Principal, Mr. Ronald Sigley.

Miss Tomoe Fujimoto, Japan, J. Alford.

### MISSION VIEJO

Mission Miejo High School: Principal, Mr. Bosanko.

Mr. Rolf Bublitz, Germany, R. Crawford.

### MODESTO

Thomas Downey High School: Principal, Mr. Milford Olson.

Miss Maria A. C. Van Der Grest, Netherlands, L. Steenwyk.

Modesto Jr. College: Principal, Dr. Roy Mikalson.

Miss Nelly Damen, Netherlands, F. Monschein.

### MT. VIEW

Awalt High School: Principal, Dr. Gordon Arlett.

Mr. Ake Pettersson, Sweden, B. Carpenter.

### NEVADA CITY

Miss Danielle Bernard, France, see Grass Valley, Nevada Union High School.

### NEWHALL

William S. Hart High School: Principal, Mr. Edgar Finchensher.

Miss Olga Gombac, Yugoslavia, R. Lucas.

### NORTHRIDGE

Mr. Juha P. Leskinen, Finland, see Granada Hills.

### NORWALK

Norwalk High School: Principal, Dr. Marvin Marshall.

Miss Eeva R. Hytonen, Finland, R. Norton.

### NOVATO

San Marin High School: Principal, Mr. Henry Moroski.

Miss Corine Diguet, France, A. Rueger.

Mr. Hannu Heinaro, Finland, G. Leathers.

Novato High School: Principal, Mr. Stanley Onderdonk.

Miss Catja Fenck, Germany, W. Sisk.

Miss Ljubica Zafirovic, Yugoslavia, E. Halliday.

### OAKLAND

Oakland High School: Principal, Mr. Frank Schultz.

Miss Helja Antola, Finland, J. Soo.

Skyline High School: Principal, Mr. David Swanson.

Miss Magda Buinin, Netherlands, L. Poczik.

Mr. Nils Saverstam, Sweden, G. Horn.

### OJAI

Nordoff High School: Principal, Mr. Dwayne Owens.

Mr. Claude Moreau, France, J. F. Miller.

Villanova High School: Principal, Rev. Anthony J. Wasko.

Mr. Patrick Chanut, France, E. T. Martin.

### ONTARIO

Ontario High School: Principal, Mr. Lyle Fry.

Miss Dagmar Kresse, Germany, C. Sanchez.

### ORANGE

El Modena High School: Principal, Mr. Richard Cook.

Miss Sabrina Estrella, Philippines, J. Araujo.

### ORINDA

Miramonte High School: Principal, Mr. Harry Sutton.

Miss Anita Konrad, Sweden, R. Copenhagen.

### OXNARD

Channel Island High School: Principal, Mr. Steve Stocks.

Miss Doris Schreiber, Germany, H. F. Rosenmund.

Hueneme High School: Principal, Mr. Donald Siedler.

Miss Anne Andersen, Norway, F. Driscoll.

Miss Anjaleena Arasto, Finland, S. Brown.

Oxnard Union High School: Principal, Mr. Clifford Powell.

Miss Suvi S. K. Koivunen, Finland, R. Garrison.

Mr. Vojislav Todorovic, Yugoslavia, D. Banyai.

### PALO ALTO

Cubberley High School: Principal, Dr. Ohme.

Miss Gunilla Corp, Sweden, F. Kovic.

Mr. Bernhard Kramer, Germany, J. Getreu.

Gunn High School: Principal, Mr. George Millar.

Miss Outi E. I. Kourula, Finland, B. Schaefer.

Palo Alto High School: Principal, Mr. Lawrence Lynch.

Mr. Jorma Laine, Finland, H. R. Johnson.

### PALOS VERDES PENINSULA

Chadwick School: Principal, Mr. Boocock.

Mr. Juha Forsman, Finland, P. Mehan.

### PATTON

Miss Outi Mantyla, Finland, see San Bernardino, San Gorgonio High School.

### PITTSBURG

Miss Maria Ollesch, Germany, see Concord, Carondelet High School.

### PLACENTIA

El Dorado High School: Principal, Mr. Melvin Stewart.

Miss Mariannaa Falkenberg, Finland, A. V. Lewis, Jr.

Yalencia High School: Principal, Mr. Tynse.

Miss Hanna Koli, Finland, D. Kissinger.

### PLEASANTON

Mrs. Hendrik Binnendyk, Netherlands, see Dublin.

Mador Valley Joint Union Continuation High School: Principal, Mr. Neil Sweeney.

Mr. Hakan Dalvag, Sweden, E. F. Fowler.

Mr. Gabriel Gallati, Switzerland, G. Anderson, Jr.

Miss Georgie Gascard, Germany, D. Oakley.

Miss Haggai Nyekan, Liberia, R. Hampton.

Miss Blandine C. M. Pouleng, France, W. H. Scott.

### PAMONA

Pamona Catholic Girls High School: Principal, Sr. Mary Doloria.

Miss Vera Steschulat, Germany, R. Gius.

### RANCHO CORDOVA

Cordova High School: Principal, Mr. Harold Mathews.

Pierie Thouzeller, France, Lt. R. Shade.

### REDLANDS

Redlands High School: Principal, Mr. Martin Munz.

Miss Gabriele Kolletzki, Germany, W. H. Waugh.

Miss Lena Naslund, Sweden, C. Dibble.

Mr. Gazmend Pula, Yugoslavia, C. Gold.

### REDWOOD CITY

Mr. Roland B. Bacani, Philippines, see San Carlos.

Mr. Jose Luis Palting, Philippines, same as above.

### RIALTO

Eisenhower High School: Principal, Mr. A. Keegan.

Miss Melba Morales, Philippines, C. A. Smith.

### ROSEVILLE

Oakmont High School: Principal, Mr. Kenneth G. Sahl.

Miss Lucia S. Pardo, Colombia, L. Farmer.

### ROSS

Mr. Erik Rohden, Denmark, see Larkspur Redwood High School.

### ROWLAND HEIGHTS

John A. Rowland High School: Principal, Mr. Thomas Aney.

Mr. Hector Debitta, Uruguay, L. Johnson.

### SACRAMENTO

Mr. Pierie Thouzellier, France, see Rancho Cordova, Cordova High School.

J. F. Kennedy High School: Principal, Mr. Frank J. Schimandle.

Miss Coral A. Amarteifio, Ghana, E. Covington.

Miss Babette Blanquart, France, J. Beskeen.

Miss Birgit Hermann, Germany, D. Lane.

Miss Vibeke Larson, Norway, R. Gist.

Bishop Monogue High School: Principal, Sr. Mary Monica.

Miss Colletta A. Richards, Liberia, G. McCann.

C. K. McClatchy High School: Principal, Mr. William Morgan.

Miss Pamela Van Holthe Tot Echten, Netherlands, D. Campbell.

### SAN ANSELMA

Sir Francis Drake High School: Principal, Dr. Thomas Lorch.

Mr. Yann Couvidat, France, R. Carey.

### SAN BERNARDINO

Cajon High School: Principal, Mr. Richard Bristow.

Miss Catherine Scharer, Switzerland, L. Hornibrook.

Miss Jessina Scott, Liberia, R. Shelton.

Pacific High School: Principal, Mr. James Brickley.

Mr. Michael Friedrich, Germany, R. Swedeen.

San Bernardino High School: Principal, Mr. Ivan B. Bratton.

Miss Inger Bellstrand, Sweden, J. Farthing.

San Gorgonio High School: Principal, Mr. Bargman.

Miss Ulla Kotkavuo, Finland, E. Gordon.

Miss Outi Mantyla, Finland, O. Cobb.

Miss Birgit Ottmueller, Germany, W. Jenks.

### SAN CARLOS

San Carlos High School: Principal, Mr. William Walti.

Mr. Ronald B. Bacani, Philippines, S. Moncrieff.

Mr. Jose Luis Palting, Philippines, B. Cox.

### SAN CLEMENTE

San Clemente High School: Principal, Mr. Darrel Taylor.

Miss Marianne Westermark, Sweden, K. Wolf.

### SAN FRANCISCO

Lincoln High School: Principal, Mr. Harvey Christiansen.

Miss Dorit Moenig, Germany, J. Sullivan.

### SAN JOSE

Mr. Joseph Ackah-Yensu, Ghana, see Campbell.

Miss Elizabeth Altesor, Mexico, see Cupertino.

Miss Anneli Kallio, Finland, same as above.

Mr. Renato Maliwat, Philippines, same as above.

Miss Sylvie Simonet, France, see Saratoga, Prospect High School.

Mr. Frank Volders, Belgium, see Cupertino, Monte Vista High School.

Blackford High School: Principal, Mr. Harold Sontag.

Miss Ma. Eugenia Corvalan, Paraguay, L. L. James.

Miss Marian Ebels, Netherlands, D. Marti.

Mr. Klaus Wogawa, Germany, L. Warthan.

Branham High School: Principal, Mr. Wagon.

Miss Wilhelmina Dubach, Netherlands, R. D. Shelton.

Mr. Hideki Furukawa, Japan, R. F. Newhouse.

Camden High School: Principal, Mr. James Crawford.

Mr. Theodor Ritz, Switzerland, L. Spitze.

Del Mar High School: Principal, Mr. George Miskulin.

Mr. Erik Hellem, Norway, C. Karlson.

Leigh High School: Principal, Mr. Stewart Fowler.

Mr. Frank-Peter Hartmann, Germany, D. MacIntyre.

Miss Raija I. Taskinen, Finland, G. C. Grubb, Jr.

Leland High School: Principal, Mr. Aaron Seandel.

Mr. Ingemar Gidenstam, Sweden, L. R. Grossi, Jr.

Miss Elisabeth Ma. Koehler, Germany, W. H. Koch.

Miss Leena A. Lindstrom, Finland, H. Olsen.

James Lick High School: Principal, Mr. George House.

Miss Roza Mirceska, Yugoslavia, F. Padilla.

Lynbrook High School: Principal, Mr. Kendall Stanger.

Miss Marie Jarry, Liberia, R. Barnes.

Miss Elsa Kantola, Finland, T. Arthur.

Miss Petronella Tangerman, Netherlands, M. Kelly.

Mt. Pleasant High School: Principal, Mr. Wilbur Concklin.

Mr. Leif Herno, Denmark, G. Brooks.

Miss Mildred Jimmeh, Liberia, H. Gage.

Oak Grove High School: Principal, Mr. A. Clark.

Mr. Uwe Falkenberg, Germany, J. Younker.

Miss Johanna Kullberg, Finland, D. Johnson.

Mr. Toshihiro Tabuse, Japan, F. Knox.

Overfelt High School: Principal, Mr. Donald Taylor.

Miss Elisabeth Lasche, Germany, J. Arbuckle.

Mr. Boris B. Trbojevic, Yugoslavia, F. W. Jameson.

Piedmont Hills High School: Principal, Mr. G. Bocciardo.

Miss Marie Ehring, Sweden, C. Bonham, Jr.

Pioneer High School: Principal, Mr. Ralph Sleight.

Mr. Einar Saunes, Norway, R. Dowling.

Silver Creek High School: Principal, Mr. Guy G. Khlitgaard.

Mr. Christian Cadot, France, L. Walker.

Mr. Daniel G. Campagnoli, Paraguay, J. Eichorn.

Mr. Magnus Niklasson, Sweden, R. Peterson.

Miss Olli-Elise Soinila, Finland, R. Cameron.

Willow Glen High School: Principal, Mr. Gene Long.

Mr. Erling Tvedten, Norway, J. Hansen.

### SAN LEANDRO

Mr. Niels L. Uni, Netherlands, see San Lorenzo.

Miss Jutta Behrendt, Germany, see San Lorenzo.

Marina High School: Principal, Mr. Forrest Lindsay.

Miss Margaret L. Hansen, Ghana, D. Robertson.

Miss Kirsi Posti, Finland, A. Peterson.

Pacific High School: Principal, Mr. A. Winston Richards.

Mr. Per Bressendorff, Denmark, D. Wenkheimer.

### SAN LORENZO

Miss Elisabeth Stalder, Switzerland, see Hayward, Chabot College.

Arroyo High School: Principal, Mr. J. Franklin O'Rear.

Miss Dorothy Canfor-Dumas, Ghana, C. Wold.

Miss Eloisa De Leon, Philippines, C. Silveria.

Miss Kornelia Schoenberner, Germany, D. Donnelly.

San Lorenzo High School: Principal, Mr. David Snyder.

Miss Jutta Behrendt, Germany, V. Graban.

Miss Paivi R. Svensk, Finland, P. Ehret.

Mr. Niels L. Uni, Netherlands, Mrs. Canine.

### SAN RAFAEL

Terra Linda High School: Principal, Mr. Frank Stocking.

Miss Birgitte Sonderborg, Denmark, L. Dixon.

### SAN RAMON

Mr. Bernard Houdmont, Belgium, see Danville, San Ramon Valley High School.

Miss Maylis A. Karjalainen, Finland, same as above.

### SANTA ANA

Mr. Ruediger Dzewas, Germany, see Westminster, LaQuinta High School.

Mr. Staffen Nyman, Sweden, see Anaheim.

Foothill High School: Principal, Mr. Wm. Frick.

Miss Daniela Krivokapic, Yugoslavia, G. Abrams.

### SANTA CLARA

Mr. Klaus Wogawa, Germany, see San Jose, Blackford High School.

Emil R. Buchser School: Principal, Mr. Donald Callejon.

Miss Vilgun Lowzow, Norway, E. Whiting.

Santa Clara High School: Principal, Mr. Philip Dougherty.

Miss Krista Vonck, Netherlands, J. Arnoldy.

Adrian Wilcox High School: Principal, Mr. Buchser.

Miss Terttu I. Hamalainen, Finland, P. Larson.

### SANTA FE SPRINGS

Saint Paul High School: Principal, Rev. Fr. Ryan.

Miss Zarina Liwag, Philippines, J. Degnan, Sr.

### SANTA MONICA

Santa Monica High School: Principal, Mr. Terry Pearson.

Miss Cecille Bautista, Philippines, P. Visher.

### SANTA PAULA

Mr. Walter Barrios, Philippines, see Ventura, St. Bonaventure High School.

Santa Paula High School: Principal, William Sciutto.

Mr. Petri Kaipiainen, Finland, W. Walker, Jr.

### SANTA ROSA

Abner High School: Principal, Mr. Biella.

Miss Bernardina H. F. M. Voest, Netherlands, R. Ketzer.

### SARATOGA

Miss Marie Jarry, Liberia, see San Jose Lynbrook High School.

Prospect High School: Principal, Mr. Verdun Romer.

Miss Sylvie M. Simonet, France, G. Creswell.

Saratoga High School: Principal, Mr. Donald Brand.

Mr. Jouko Leskinen, Finland, R. Poor.

Mr. Jorge E. Piedrasanta, Guatemala, M. Quickert.

### SAUGUS

Miss Olga Gombac, Yugoslavia, see Newhall Wm. S. Hart High School.

Canyon High School: Principal, Mr. Donald Jerry.

Mr. Sergio Asbun, Bolivia, J. Rissler.

### SOMIS

Miss Anne Clemetsen, Norway, see Camarillo

### SONOMA

Sonoma Valley High School: Principal, Mr. Harold Gray.

Mr. Horst Gill, Germany, P. Pfau.

### SOUTH LAKE TAHOE

South Lake Tahoe High School: Principal, Dr. Fred Adams.

Mr. Pascal Coste, France, A. Silva.

Miss Ingrid Hanke, Germany, D. Fawcett.

### SPRING VALLEY

Mount Miguel High School: Principal, Mr. Melvin Grant.

Miss Outi Helenius, Finland, R. Ross.

### STOCKTON

Lincoln High School: Principal, Mr. Jonathan Pearce.

Mr. Tomas Persson, Sweden, R. Jones.

Miss Cathrin Tilsner, Germany, F. Meyer.

Stagg High School: Principal, Mr. Haan.

Miss Linette Bergeret, Mexico, D. Asher.

### SUNNYVALE

Mr. Paulus J. J. M. Klinkhamer, Netherlands, See Cupertino, Homestead High School.

Mr. Ola Svensson, Sweden, See Cupertino, Homestead High School.

Fremont High School: Principal, Mr. Ralph Kling.

Mr. Auri Hakomaa, Finland, F. Kvamme.

Mr. Erwin Meeuwes, Belgium, A. Henry.

Miss Una Svensson, Sweden, H. Shellum.

Marion A. Peterson High School: Principal, Mr. Louis Martini.

Miss Beate Richardt, Germany, C. Hess.

Patrick Henry Jr. High School: Principal, Mrs. Edson.

Mr. Ronnie Gana, Philippines, W. L. Hartwig.

### TAHOE PARADISE

Miss Ingrid Hanke, Germany, See South Lake Tahoe.

### TORRANCE

South High School: Principal, Mr. Rotcher.

Mr. Peter Cohen, Netherlands, H. Frankenberg.

Miss Birgit Neuburger, Germany, S. Kosidlak.

### TORRANCE

West High School: Principal, Dr. Robert Ford.

Miss Karin Johansson, Sweden, T. J. Pendergrass.

### TURLOCK

Miss Gunda Knappe, Germany, see Hughson.

### TUSTIN

Tustin High School: Principal, Mr. Otto S. Guli.

Miss Kikue Tomoi, Japan, G. Janssen.

### TWENTYNINE PALMS

Twentynine Palms High School: Principal, not supplied.

Mr. Bernhard Semrau, Germany, W. Hoffman.

### UPLAND

Upland High School: Principal, Mr. Robert Spencer.

Mr. Kaj Heyman, Sweden, M. Phipps.

### VACAVILLE

Vacaville High School: Principal, Mr. Welch.

Miss Hannele Valtonen, Finland, M. Bergener.

### VAN NUYS

Van Nuys High School: Principal, Mr. Robert Caveney.

Miss Gunda Wolter, Germany, R. Marelius.

### VENTURA

Buena High School: Principal, Mr. Arleigh McConnell.

Miss Ina H. Falck, Denmark, W. Cooley.

St. Bonaventure High School: Principal, Father Thomas Meskill.

Mr. Walter Barrios, Philippines, R. Malone.

Ventura High School: Principal, Mr. Edward Menson.

Mr. Ilkka T. Toivikoski, Finland, C. Kirschhoff.

### VICTORVILLE

Victor Valley High School: Principal, Mr. Don Conde.

Mr. Heikki Multanen, Finland, F. Russell.

### VISALIA

Mt. Whitney High School: Principal, Mr. Jolley.

Miss Karin Laurent, Belgium, L. Trout.

Redwood High School: Principal, Mr. Peterson.

Mr. Clemens Becker, Germany, R. Lubeck.

### WALNUT CREEK

Miss Margrit Elsner, Germany, see Concord, Ygnacio Valley High School.

Miss Maribel N. Valenton, Philippines, same as above.

Las Lomas High School: Principal, Mr. Joseph Anthony.

Miss Jone Bryn, Norway, H. Klaver.

Mr. Jyrki Rautakoski, Finland, W. Barry.

Mr. Johan Sevelius, Finland, W. Barry.

Mr. Kjell Sevon, Finland, A. Hershey.

### WASCO

Wasco Union High School: Principal, Mr. Jack Cutner.

Miss Iben Rasmussen, Denmark, W. Hagen.

### WESTMINSTER

La Quinta High School: Principal, Mr. A. L. Wells.

Miss Ingela Runefors, Sweden, W. A. Reynolds.

Mr. Ruediger Dzewas, Germany, B. Jones.

### WHITTIER

Miss Zarina S. Liwag, Philippines, see Santa Fe Springs.

California High School: Principal, Dr. Ronald Parks.

Mr. Joerg Geller, Germany, S. Ricklef.

Miss Mirjam Jaanivald, Sweden, H. Adden.

Mr. Kozo Takahashi, Japan, C. Coulter.

Miss Bettina Tucci, Uruguay, R. Mutchler.

Mr. Kari J. Vallila, Finland, F. Earl.

Mr. Iscaac L. Vanderpuije, Ghana, W. Morrill.

La Serna High School: Principal, Mr. Melvin E. Locke.

Mr. Hans T. Gyllenhammar, Sweden, P. Higgins.

Miss Christina Korhonen, Finland, E. Ryan.

Miss Antje Klein, Germany, H. Harmon.

Mr. Michael Reyes, Philippines, M. G. Franco.

Mr. Vladan Starcevic, Yugoslavia, P. Higgins.

Whittier Union High School: Principal, Mr. Jack A. Mele.

Miss Riitta Vaino, Finland, D. Payne.

### WOODLAND HILLS

William H. Taft High School: Principal, Dr. Olmstead.

Miss Yumiko Ota, Japan, J. Harvey.

### YORBA LINDA

Mr. Christian Besson, France, see Fullerton, Troy High School.

Miss Agneta Isacsson, Sweden, same as above.

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## OPPOSITION TO FURTHER MILITARY INVOLVEMENT IN SOUTHEAST ASIA

Mr. FULBRIGHT. Mr. President, on December 11, 1971, I inserted into the RECORD a copy of a petition expressing opposition to further U.S. military involvement in Southeast Asia. The petition read as follows:

> We, the undersigned American Servicemen on duty in Vietnam, wish to express our opposition to further United States military involvement by air, sea or land forces in Vietnam, Laos, Cambodia or other countries in South East Asia. We petition the United States Congress to take whatever action necessary to assure an immediate cessation of all hostilities in South East Asia; to set a near date for final and complete military withdrawal; to insure a rapid and peaceful return of American Prisoners of War; and to assume and assert its responsibility for determination of future American Foreign policy.

On January 11, 1972, the Senate received through official Navy channels an identical petition signed by an additional 101 members of the U.S. armed services on duty in Southeast Asia. At the present time, over 1,000 American military men on active duty in that area of the world have signed this petition. These men have undertaken to express their opposition to the war without regard to the effect of this action on their military careers.

Despite the President's announcement concerning the secret negotiations, I believe that the action of these men emphasizes the failures of our military and diplomatic policies with respect to Southeast Asia and should encourage those Members who supported the Mansfield amendment to continue in their efforts to bring an end to that tragic war. I, again, commend the initiative and courage of these military men to the Members of the Senate. The petitions are on file with the Committee on Foreign Relations for Members who may wish to see them.

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## GEN. THADDEUS KOSCIUSZKO, A SIGNIFICANT AMERICAN

Mr. BYRD of West Virginia. Mr. President, it is always well for a country to look to its past and honor those who have played a major part in its history. In a statement before the Senate Subcommittee on Parks and Recreation last Friday, my distinguished colleague, the senior Senator from Indiana (Mr. HARTKE) called attention to the significant role that Gen. Thaddeus Kosciuszko, a Polish American, played in the American Revolution. At the request of Mr. HARTKE, I ask unanimous consent that the text of that statement be inserted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT OF SENATOR VANCE HARTKE

Mr. Chairman, it is always gratifying to honor those peerless individuals who have faithfully dedicated their lives to the cause of American freedom and independence. The legislation which I had the high privilege of introducing last June and which is being considered by this committee today would serve to properly distinguish such a man. It would do so by designating the Thaddeus Kosciuszko Home in Philadelphia as a national historic site.

General Thaddeus Kosciuszko, a Polish American who fought in the American Revolution, made many significant contributions which helped to insure the success of that long struggle. His expertise as a military engineer was first demonstrated at the battle of Saratoga and later at West Point, where he successfully completed an assignment to construct fortifications. Perhaps more important, however, was his knowledge of military strategy which resulted in the historic and decisive victory at Yorktown.

As most of us are aware, Kosciuszko's involvement in American history did not end at Yorktown. Following the revolution, his good friend Thomas Jefferson, then Secretary of State, secured the services of the General as a secret diplomatic emissary to France. It was on this mission that Kosciuszko helped to insure peace and harmony between our two young nations.

Finally the legacy of Kosciuszko would be incomplete without mention of his return to his native land where he was instrumental in securing for his own people many of the same freedoms for which he had fought so courageously in America. Returning to Poland after our revolution, he raised a citizen army to end Russian oppression in that country. Though he suffered betrayal, defeat and even imprisonment, the cause for which he struggled did not die and his efforts were ultimately vindicated.

Even this cursory biographical sketch reveals that Thaddeus Kosciuszko was a true American patriot. Throughout the course of his life he exhibited those qualities of unselfish dedication and persevering courage which have remained as the bedrock of human freedom.

Now, in this legislation being considered today, we have the opportunity to accord proper, tangible, and lasting recognition to this man who offered his military genius and burning spirit to fight for the freedom of all Americans.

The house at 301 Pine Street, Philadelphia, where Kosciuszko lived during 1797–98 has already become, in the hearts and minds of every American of Polish ancestry both a monument to the man and a symbol of ethnic pride and participation in the struggle of this country for independence. As such, the home represents a most logical and fitting site for the creation of a national shrine.

In view of these considerations, many of us were deeply distressed and even shocked when, late last year, the national park service's advisory board on national parks, historic sites, buildings, and monuments recommended against designating the Kosciuszko home in Philadelphia as a national historic site. In rendering its decision, the advisory board stated that the home did not meet the criteria by which, historic sites are evaluated.

Specifically, three reasons were cited as to why the house could not be accepted. First, the home has been greatly altered since General Kosciuszko lived there. Second, he lived there after his military career. Third, he lived in the house only six months. While this reasoning may be correct in the most narrowly defined technical sense, it nevertheless overlooks several extenuating factors and circumstances, which taken together, both challenge the validity and wisdom of the board's findings and views.

To begin with, no one disputes the fact that the house has been greatly altered since Kosciuszko lived there. More important however, is the fact that the resources and capabilities now exist with which to restore the house to its former condition. Not only is the current owner of the house willing to donate it to the National Park Service: Representatives of the Polish American Congress have indicated their willingness to finance restoration at no cost whatsoever to the Government.

Secondly, no one will argue the point that Kosciuszko lived in the home on Pine Street after his American military career was concluded. This is not to say, however, that preservation of the house has nothing to do with his accomplishments. It will be remembered that the General's involvement with American history continued well beyond the Revolution. His good friend Thomas Jefferson visited Kosciuszko at the house on Pine Street many times and it was from there that the General was sent on the peace mission to France, to which I referred earlier.

Finally, it is argued that the house is unworthy of status as a national historic site because Kosciuszko did not reside there longer than six months. This argument probably deserves no more than the simple retort, "So what." The point is that he did live there. And because he did live there, the home has become a monument and symbol to more than 12 million Americans of Polish descent.

In a very real sense, this whole issue has developed into an expression of legitimate ethnic pride. Something which has been submerged for too long among Polish Americans. At a time when the forces of disunity, divisiveness and destruction tear at the social fabric of our Nation, it would appear to be misdirected and ill-advised to jeopardize, either by our actions or inactions, the patriotism of a major American ethnic group. Let us remember, that at times, patriotism can be a most fragile thing—it needs the feeling of belonging to grow and recognition to bloom.

Perhaps there were no ethnic overtones, as some have suggested, in the decision of the National Park Service's advisory board. To be sure, the board was highly complimentary in speaking of the General and his illustrious career. Unfortunately these were only words. What all of us expected was a more tangible form of recognition—more tangible, I might add than a commemorative rock garden at West Point and a statuesque pigeon roost in Lafayette Park here in Washington.

Mr. Chairman, I believe the legislation being considered here today, would accord proper recognition and status to a great American patriot—a man, who, quite aside from his talents as the foremost military engineer of his time, was also a noted political philosopher, painter, and architect of outstanding ability. It is my judgment that in designating the Thaddeus Kosciuszko House as a national historic site we will have preserved a symbol which will remain a source of inspiration for all Americans, for as long as the republic lasts.

Mr. Chairman, it should finally be noted that in a very real sense, this is emergency legislation: for unless the Thaddeus Kosciuszko House is declared a national historic site now, it will surely fall victim to the advance of the modern metropolis. It is for this reason, along with the others I have enumerated, that I urge my colleagues on this committee to grant this legislation swift and favorable consideration.

## YOUTH FOR UNDERSTANDING

Mr. GRIFFIN. Mr. President, it is a pleasure today to focus attention upon an important and fast-growing exchange program known as Youth for Understanding and to salute its dynamic leader, Mrs. Rachel Andresen of Michigan.

In 1951, the Detroit area Rotary Clubs agreed to host 75 visiting youths from Germany selected by the U.S. Department of State. Mrs. Andresen was asked to give a hand, and very soon she found herself supervising the entire program.

After 4 years of such visits, an important new element was added to the program—summer visits to Europe by American teenagers.

Still later, a youth chorale was added, with talented Michigan teenage musicians touring Europe and South America.

Mr. President, this is not just a program of bringing teenagers from abroad and sending American youth to foreign countries. The core of the program is in placing the students in homes here and abroad where they, in fact, live together and acquire understanding and mutual respect.

I am proud, of course, that this program began in my home State, although it is no longer confined there. It has grown to involve nearly 50 foreign countries and practically every State in the Union.

The program has brought more than 30,000 foreign students to America. This year alone there are 3,500 foreign students living with American families, and next summer 2,500 American teenagers will go abroad to live with families in other countries as quiet ambassadors of friendship and goodwill.

An indication of what the program means was expressed in a letter from Tania Mattos, a Brazilian exchange student, who stayed with Mr. and Mrs. Walter Zola in Detroit:

> This program is developing a wonderful friendship between the American youth and foreign youth. United States won't be any more a gift only for Americans. It will be an international country and our countries won't be our any more, but they will be American countries also. . . .
>
> Mrs. Andresen, keep on with your marvelous work of teaching everybody to love America.

## FEMALE SECRET SERVICE AGENTS

Mr. JAVITS. Mr. President, last month the Assistant Secretary of the Treasury Eugene Rossides, announced the appointment of five women as Secret Service agents, to perform "the same duties required of male special agents."

This is another breakthrough for women in the Federal service. In this instance the appointments are the first for women in the 106-year history of the Secret Service, and so I am particularly pleased that Gene Rossides, a New Yorker and old friend and colleague, was the one to take this step.

The announcement comes at a particularly appropriate time for me, because I have just nominated the first girl to the U.S. Naval Academy, and am awaiting a response to that nomination from the Secretary of the Navy, who has the appointive power. I hope very much that he will follow Mr. Rossides' very fine example.

Mr. President, I ask unanimous consent that the Treasury Department's press release of December 15, 1971, concerning these appointments be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

THE DEPARTMENT OF THE TREASURY NEWS

Supporting the President's program to appoint more women to higher government positions, Eugene T. Rossides, Assistant Secretary of the Department of the Treasury, today administered the oath of office to five women appointed as Special Agents of the United States Secret Service. This marked the first appointment of a woman to the position of Special Agent in the 106-year history of the Secret Service.

Assistant Secretary Rossides said the women will be assigned to perform the same duties required of male Special Agents.

Special Agents of the Secret Service are charged with protection of: the President and his immediate family; the Vice President; the President-elect; the Vice-President-elect; a former President and his wife during his lifetime; the widow of a former President until her death or remarriage; minor children of a former President until they reach 16 years of age; major Presidential and Vice Presidential candidates; visiting heads of foreign states or foreign governments; and, at the direction of the President, official representatives of the United States performing special missions abroad.

Special Agents are also charged with the suppression of counterfeiting of currency, and the forging and cashing of Government checks and bonds.

The women are: Laurie B. Anderson, 24; Sue A. Baker, 25; Kathryn I. Clark, 24; Holly A. Hufschmidt, 28; and Phyllis F. Shantz, 25.

They are former officers of the Executive Protective Service (EPS), a uniformed security force supervised by the Secret Service. They have assisted with the mission of the EPS, whch is protective security at the White House, and foreign diplomatic missions in the Washington, D.C., area.

The women will be temporarily assigned to the Washington area before they enter the Treasury Law Enforcement Officers Training School in January. Subsequently, they will attend a Secret Service Training School for Special Agents.

Their training will include courses in protective techniques, criminal law, criminal investigative procedures, use of scientific investigative devices, document and handwriting examination and analysis, first aid, the use of firearms, and arrest techniques. They will also study subjects such as rules of evidence, surveillance techniques, undercover operations and courtroom demeanor. Classroom training will be supplemented by on-the-job training.

Some of the women were appointed to the EPS with prior police experience and have received in-service training. Those with no prior experience have participated in the EPS Recruit Training Course.

Entrance requirements for women are basically the same as those for men. Special Agents are selected for appointment from Civil Service registers consisting of candidates who have passed the Treasury Enforcement Agent Examination.

Starting salaries will range from $7,000 to $9,000.

## LEGISLATIVE END TO DOCK STRIKE URGENTLY NEEDED

Mr. PERCY. Mr. President, 12 days ago, on January 21, the President sent emergency legislation to the Congress to end the crippling dock strike on the west coast. He is sending another message to Congress today urging the passage of this legislation, as well as legislation that would provide a permanent solution to the problems posed by strikes in national transportation industries. In spite of the urgency of the situation created by the dock strike, there has been no action taken by the House or the Senate on either the emergency legislation or the bill providing a long-term solution. Both pieces of legislation are buried in the Labor Committees of the House and Senate.

Indeed, the emergency legislation would not even have been necessary if the Congress had acted promptly on the comprehensive transportation strike legislation the President submitted over 2 years ago.

I am not in favor of the Government arbitrarily or capriciously involving itself in the collective bargaining process. But in this case, when the damage to the economy is so great and the national interest is so clearly involved, I feel the Congress must act, and with dispatch. I would urge the Congress to give first priority to it over all business and work on this emergency without let up until legislation is passed and the strike settled. Other items can wait; this situation cannot.

Although the current dock strike has had repercussions on all parts of the American economy, its impact on American farmers has been particularly great. Secretary of Agriculture Butz has testified that the dock strike cost American farmers $750 million in lost export sales in 1971, compared to the same period in 1970. These lost sales are continuing at the present time. Every day that the strike continues, the American farmer will be hurt. This is especially crucial to the State of Illinois, which is the largest agricultural exporting State in the country.

The dock strike results not only in lost export sales, but also in reduced farm prices, increased marketing costs and spoiled crops. The dependability of the United States as a supplier of agricultural commodities is being severely damaged. Countries which formerly bought American agricultural commodities are now turning to other countries, such as Canada and Australia, for their food requirements. Markets lost now by American farmers may never be regained.

Mr. President, the Congress must act. We must pass the President's special legislation to end the current dock strike and then move on to pass legislation to establish procedures to deal with all such disputes in the future. We must insure that we prevent such crippling strikes in the future.

## SYRIAN JEWS

Mr. BOGGS. Mr. President, there has been a good deal of discussion in recent months, both by the media and public officials, of the unjust policies of the Soviet Union toward its Jewish community. While I certainly share this concern for what is a very real and disturbing situation, I believe we should not overlook the similar plight of Jews elsewhere.

Particularly distressing have been the recent reports of discrimination and mistreatment of the small Jewish community of Syria. The 4,000 Jews of Syria have come under a variety of restrictive acts and policies which do not affect non-Jewish Syrians. For example, Jews are not permited to emigrate or travel abroad. Movement even within the country is restricted. In addition, Jews are required to carry identity cards distinguishing them as Jewish, whereas no such distinction is made for Moslem or Christian Syrians.

Syrian Jews are also denied government jobs, and government employees are encouraged to boycott Jewish-owned businesses. When they attempt to flee, Syrian Jews are imprisoned, their property confiscated and their relatives harassed.

Mr. President, this is a very difficult situation. It involves fundamental human rights which I know are of concern to all the Members of this body, and I believe we must not fail to express that concern.

## ALLIED HEALTH MANPOWER PROGRAM PROVES SUCCESS IN METROPOLITAN CHICAGO

Mr. PERCY. Mr. President, so often, my personal experiences and investigations compel me to report to this Chamber on the plethora of agency and program failures that prevail at all levels of government. Today, I am privileged to report on a program being carried on in Metropolitan Chicago which has met with immeasurable success.

The Interim Organization for Chicago Area Allied Health Manpower provides a vehicle through which concerned organizations are cooperating to promote the recruitment, training and optimum utilization of allied health manpower in the Chicago metropolitan area.

The alliance was formed because no machinery was available for communication and linkage among the various regional organizations engaged in recruitment, planning, training, funding, and placement functions in the allied health manpower field. Establishment of such an organization was essential to assuring maximum use of available fiscal and human resources. Through integrated efforts of ongoing planning and operational programs, the opportunities for poor and minority persons in health careers will be substantially improved.

Certain needs, problems, and barriers presently exist which cannot be effectively handled by individual agencies. In an organization of this kind, channels are being created for maintaining interagency communication, providing mutual assistance and support, developing and testing new models, creating a more rational division of labor among the member organizations, and undertaking joint action to remove unjust restrictions.

This organization regards itself as an interim group functioning to meet present and projected needs. During this period, discussions will continue with both the comprehensive health planning agency and the cooperative area manpower planning system to determine whether either or both of these agencies have the capability and the interest to assume permanent responsibility for such coordinative efforts.

The excellent objectives to which the Interim Organization for Chicago Area Allied Health Manpower is firmly committed are:

To identify allied health manpower needs and recommend priorities for the development and funding of manpower programs.

To communicate these needs and priorities to appropriate authorities responsible for implementing health care services and manpower development programs.

To assist employing agencies to reevaluate staffing plans to make optimum use of scarce professional personnel.

To examine present job structures with a view toward introducing opportunities for new manpower to be brought into the health occupations and improving the salaries and working conditions for allied health workers presently employed in the system.

To design a career lattice and ladders which will give every worker an opportunity for upward and horizontal mobility and which will reduce wasteful turnover of manpower.

To help design core curriculums aimed at giving workers a wider choice of possible occupational pathways in the health field.

To recommend steps toward removal of restrictive legal and licensing barriers that prevent effective recruitment and utilization of needed manpower.

To provide a vehicle for the examination of developmental proposals for allied health manpower and to use the expertise of this organization for consultation, review, and recommendations consonant with agreed upon priorities, quality standards, and optimum utilization of available resources of the community.

To support expansion of the training capability of the community so that needed health workers may be recruited and prepared for work in this field.

Mr. President, in order that my colleagues and others concerned about the health manpower crisis in this country be apprised of some of the outstanding features of this program, a program that could be introduced in many other areas of the country, I ask unanimous consent that a document entitled "Twenty-five Barriers" and prepared by the Interim Organization for Chicago Area Allied Health Manpower be printed in the RECORD. I would also like to express my gratitude to Mrs. Sally Holloway, director of the department of education and training, University of Chicago hospitals and clinics, whose deep commitment to this program led to my being apprised of its successes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### TWENTY-FIVE BARRIERS THAT RESTRICT THE EFFECTIVE RECRUITMENT, TRAINING, AND UTILIZATION OF ALLIED HEALTH MANPOWER IN THE STATE OF ILLINOIS

#### INTRODUCTION

In June of 1970 the Illinois State Employment Service, the Human Services Manpower Career Center, the Chicago Area Comprehensive Health Planning Agency, representatives of its sub-regional health planning organizations and the Chicago Department of Human Resources sponsored a conference to consider their mutual interest in developing an inter-agency consortium for program planning and manpower development in the allied health field. From this conference has evolved a partnership of thirty-nine agencies committed to working together to strengthen the planning, recruitment, training and utilization of allied health manpower in the Chicago Metropolitan Area.

From its inception the Interim Organization for Chicago Area Allied Health Manpower has recognized that certain education, administrative, economic and legal barriers exist which seriously inhibit the City of Chicago and other Illinois communities from dealing effectively with the allied health man power crisis. At the first official meeting of the interim Organization on November 2, 1970 the membership body created a task force to consider and recommend steps toward the removal of these barriers. Lou House, Executive Director for the Council for Bio-Medical Careers, agreed to serve as Chairman of this study group and was joined in this effort by Theresa White, Director of the Volunteer Bureau, Welfare Council of

Metropolitan Chicago; Helen Dulick, Administrative Assistant of the North Suburban Association for Health Resources, Terry Donnelly, Associate Planner, Comprehensive Health Planning, Inc., and Thomas Marsh, a member of the staff of the Human Services Manpower Career Center.

Contributions to this study came from the following sources: (1) eighteen persons selected by the task force on the basis of their comprehensive knowledge, experience and leadership in the Illinois health manpower field. Nine of these persons were personally interviewed; nine submitted written documents containing their views and recommendations. The names of these individuals are listed in Appendix II: (2) A study of the extensive literature dealing with this subject matter, selected references from which are contained in Appendix IV.

During the five-month period in which this study was being completed, a consortium of State agencies and voluntary organizations concerned with health manpower came together to form the Illinois Inter-Agency Task Force on Health Manpower. This group, of which the Chicago Interim Organization is a member, undertook to identify its tasks and priorities. The product of this effort was a comprehensive inventory of the specific actions we need to take if we are to solve the most critical problems facing the State in the recruitment, training and utilization of health manpower. In completing this document, we have drawn upon the work of the Illinois Inter-Agency Task Force which is still in process. In virtually each case, we have been able to match the various barriers identified in our own study with the tasks set forth by the Illinois Inter-Agency Task Force. Both pieces of work, it has turned out, are highly congruent and reinforce one another.

On April 1, 1971, Governor Richard B. Ogilvie, in his health message to the General Assembly, called for

> ". . . a moratorium on creating additional licensing and certification categories for health professions this year . . . I urge this Legislature to establish a commission with adequate appropriations to perform the valuation and planning that is needed. This will include review of the existing laws, regulations and administrative procedures for licensure and certification. It will examine and recommend the relaxation of administrative regulations to remove existing barriers to competent individuals . . ."

On Appril 20th, the Illinois Inter-Agency Task Force on Health Manpower accepted the invitation of the Governor's Office of Comprehensive State Health Planning to collaborate in identifying specific ways in which the recruitment, training and effective utilization of health manpower can be strengthened now within present statutory requirements. This investigation can proceed at once while the General Assembly considers appropriate legislative action to bring about needed statutory changes.

In view of these recent developments and the continuing urgency of the health manpower crisis, we believe this is a timely document and one which can contribute to the removal of these restrictive barriers.

### DATA FOR PLANNING

#### *The barrier*

Planning for the allied health occupations is severely inhibited by the lack of information available for assessing current, intermediate and long range manpower needs within the State. Current labor market information, including occupational studies and forecasts, is incomplete and too general to assist the State, local governments and health-related agencies in developing sound plans.

#### *The result*

Since no effective overall planning is presently taking place, health service institutions, educators and manpower authorities are presently operating independently and without reference to any mutually understood set of goals or priorities for the State.

#### *We need*

A centralized health manpower data bank for planning purposes. Such a data bank will involve comprehensive studies of present and projected needs for health manpower within the State. It will be necessary to obtain information on current and projected numbers and kinds of personnel employed in all health settings, including the new emerging community health care facilities.

### TODAY'S VACANCIES

#### *The barrier*

No effective machinery has been developed for identifying current job vacancies in the health service institutions in specific labor market areas or for matching these available jobs with applicants. The Job Bank, operated by the Illinois State Employment Service in the Chicago area, is not fully utilized by the health care institutions and the jobs which are listed are generally those in lower-pay entry level positions.

#### *The result*

Independent recruitment efforts by each employer are costly and inefficient. Qualified applicants, even those with scarce skills, are often compelled to shop around needlessly looking for work.

#### *We need*

A consolidated system of health industry recruitment and job referral in communities which have large numbers of health care institutions.

### MACHINERY FOR HEALTH MANPOWER PLANNING

#### *The barrier*

While the State and the Chicago Metropolitan Area have established machinery for comprehensive health planning, models for effective health manpower planning within the framework of overall health care planning are still undeveloped.

#### *The result*

The lack of machinery for State and local health manpower planning contributes to ineffective recruitment, inadequate training capability, job development and placement services. At the local level the necessary linkages between the community organizations who can help in recruitment, the schools who can provide the training and the service institutions who provide the jobs are not developed. These factors discourage potential workers from entering the health field, leave many students to drop out of training and cause others who have completed training to withdraw from the health labor market.

#### *We need*

Sound models for effective health manpower planning at the State and local levels to guide health planning authorities in evaluating their needs and marshalling their resources to meet them. Such models should provide operational links between community, professional and labor organizations, schools, hospitals, manpower programs, employers and others. In large metropolitan areas this machinery needs to be established on a sub-regional basis in order that it may remain closely related to local education resources and potential trainees and employers.

### A MANPOWER PLAN TO ACCOMPANY ALL PROGRAM PROPOSALS

#### *The barrier*

State and local authorities who are responsible for approving program proposals and/or granting funds to support health care programs do not always insist on the inclusion of a realistic and well designed manpower and staffing plan.

#### *The result*

Many programs which are approved and funded fall short of their objectives as the result of an inadequate or inappropriate manpower development and utilization plan.

#### *We need*

To require that a set of manpower and staffing plans be included as an integral part of any proposal submitted by a health facility in which approval of local planning bodies and/or State funding are required.

### TRAINING AVAILABILITY

#### *The barrier*

Persons seeking training in the health occupations have no central resource available to them for obtaining information on existing training programs. The lack of such comprehensive information is a handicap to school counselors, employment counselors, educators planning new training programs and employers seeking continuing education opportunities for their employees.

#### *The result*

Some training resources are under-utilized because they are relatively unknown. Others are not developed to their full capabilities because the demand has never been fully expressed by applicants.

#### *We need*

To establish and maintain a complete inventory of health occupations training opportunities throughout the State and a centralized information clearinghouse on available student slots.

To develop an information distribution network which will channel this information to all potential users of training resources.

### LOCATION OF TRAINING AND TESTING SITES

#### *The barrier*

Decisions made concerning the location of training programs do not appear to be based on considerations of need for specific kinds of trained manpower or the accessibility of the training program to the trainee population. Despite the acute need for dental technologists, for example, we have only three programs in the entire State, two in Chicago and one in Carbondale. Examinations for licensure for several health occupations are also inconveniently located.

#### *The result*

Costly and time-consuming transportation discourages persons from enrolling in training programs, particularly those who must continue working and cannot afford the loss of time away from their jobs. Similarly, the trip into Chicago which every person taking the Licensed Practical Nurse exam must make is an unnecessary burden on downstate persons, especially those with low incomes, work or household responsibilities.

#### *We need*

To locate training programs in areas where 1) the highest priority of need for trained personnel exists; 2) facilities are easily accessible by available mass transit; and 3) a pool of potential manpower supply presently exists, can be developed or deployed.

To offer examinations in many locations throughout the State on the basis of their convenience and accessibility to the persons attempting to take these examinations.

### POTENTIAL TRAINEE

#### *The barrier*

We lack information about the potential manpower pools; that is, which kinds of youths and adults are motivated to enter the health occupations and why. We are equally uninformed about the effectiveness of various recruitment strategies and their effect on student retention.

*The result*

Recruitment efforts in the health occupations are not effective in obtaining the numbers and kinds of students needed.

*We need*

A comprehensive study of student interest in the health occupations; an examination of current recruitment mechanisms and strategies as they relate to student retention and an evaluation of the cost effectiveness of these methods.

### PEOPLE EXCLUDED

*The barrier*

Partial or obsolute blocks restrict the entry into certain health occupations of 1) disadvantaged persons and minority group members who cannot afford to pay for training or whose sub-standard basic education presently disqualifies them; 2) health workers who are performing competently on the job but do not have the prescribed academic degrees; and 3) women, older persons seeking second careers, ex-prisoners, ex-patients and others whose potential contribution is overlooked or underdeveloped.

*The result*

We pay the price for these discriminatory practices in an enormous waste of human resources. We also intensify the maldistribution of health manpower in inner city and under-serviced areas by neglecting to recruit from the economically and socially deprived populations.

*We need*

To express and implement our full commitment at State and local levels as well as in the educational and health care systems to open opportunities for these groups by designing and mounting programs of intensive recruitment to bring these individuals into the health occupations.

To provide funds which will support the in-training, upgrading and maintenance of these workers in training through scholarships, loans, living allowances and work-study arrangements.

To make supportive services available including counseling, tutoring, day care and health services to help trainees remain in and complete their training programs.

### TRAINING DESIGN

*The barrier*

The design of training in the health occupations continues to place an undue emphasis on traditional liberal arts contents, primarily to insure the transferability of the student's credits to institutions of higher learning. For the majority of students, however, completion of high school or associate of arts degrees constitutes terminal education. In view of this fact, the issue of transferability of credit to senior institutions should not be the major focus of curriculum design.

*The result*

The student who does not wish or cannot afford to continue with bachelor's level or graduate work loses valuable training time that could be used more appropriately in preparing him for the world of work and the earning of a livelihood.

*We need*

The schools, in collaboration with their advisory boards and the accrediting authorities, to redevelop and revise undergraduate education in the allied health occupations to provide a more judicious mix of general and technical education, one which conforms more closely to the actual labor market demands which will be made upon the individual after his graduation.

### OVER-TRAINING AND UNDER-UTILIZATION

*The barrier*

Training programs are designed by educational institutions to meet the standards set by professional groups and accrediting associations whose general tendency has been to raise requirements for entry and upgrading in the health occupations.

*The result*

Workers are over-trained for the actual jobs to be performed, resulting both in a wastage of scarce skills and training resources as well as the failure to fully utilize new workers who can perform lesser skilled jobs competently.

*We need*

To perform a functional analysis of the work skills actually required at each level and to gear the content and duration of training programs to actual job requirements.

### OBSOLETE TRAINING TECHNIQUES

*The barrier*

We continue to use archaic training techniques preparing workers for the allied health occupations. Programs are often unnecessarily lengthy, expensive to administer and overly-wedded to use of lecture methods and mere acquisition of information. We continue to adhere to fixed semester periods irrespective of the ability of many students to learn more rapidly or the needs of employers to enroll workers at times more convenient to the needs of the health service institution.

*The result*

We are wasting teaching and fiscal resources as well as the time of instructors and students, thus reducing the potential output of existing training programs. Furthermore, while didactic teaching methods may produce graduates who have extensive factual information, it is equally important that workers acquire a repertoire of flexible skills and positive attitudes towards service to people.

*We need*

To introduce modern technological tools, such as closed circuit television, programed instruction and other audio-visual equipment for classroom work, tutorial programs and individual home study.

To give greater emphasis to skill practice and development within the context of client and community needs.

To gear the length of a training program to the capability of the individual trainee to acquire the necessary knowledge and skills.

To set up programs at times that are responsive to the needs of the health care institutions who are collaborating with the college in a specific training program.

### COMPETENCE TESTING

*The barrier*

Under present Illinois statutes and educational practice, it is not possible for competent workers in certain allied health occupations to enter into training programs or to qualify for licensure or certification without having completed a prescribed academic training program.

*The result*

Large numbers of workers who have acquired knowledge and skill in ways other than academic training are excluded from advancement and/or official status in their occupation. These practices prevent employers from fully utilizing and giving appropriate compensation to competent workers who are capable of performing more responsible tasks. Educators waste scarce training resources by compelling workers to learn all over again what they already know.

*We need*

To develop a battery of proficiency examinations for statewide use such as those developed by the State of New York. These examinations should be 1) available in many geographical locations; 2) acceptable to all educational institutions; and 3) designed to to test performance capabilities rather than mere technical knowledge.

### TEACHER SHORTAGES

*The barrier*

We do not have enough qualified teachers to meet the needs in the allied health occupations for training staff. Under existing statutes, as well as regulations promulgated by State, local and professional agencies, academic requirements for instructors are set so high that competent potential teachers cannot be utilized in training programs.

*The result*

The shortage of accredited teachers makes it impossible for us to significantly expand our present training capacity in the State. The skills of many potential instructors are wasted under present restrictive regulations.

*We need*

To increase and accelerate the training of allied health instructors.

To reduce the academic requirements specified for allied health instructors.

To build preparation for teaching others into training programs at all levels so that knowledge and skills can be shared by competent workers with trainee groups.

### CONTINUING EDUCATION

*The barrier*

Persons presently licensed or certified are assumed to remain competent workers on the basis of having passed a once-in-a-lifetime examination. The health care industry and the health care professions have not invested adequate resources in staff development for existing personnel.

*The result*

In view of the knowledge explosion and the rapidly changing technology in medical care, the failure to provide all health care workers with opportunities for continuing education contributes to the obsolescence of staff skills and consequently a deterioration of health care services.

*We need*

An immediate expansion of continuing education for existing health care practitioners through in-service training programs as well as linkage with outside educational institutions.

A commitment on the part of employers to provide release time and to support the cost of such continuing education and maintenance of student and employee.

The development and implementation of standards which will require the demonstration of the continuing competence of a health worker as a criterion for renewing his licensure or certification.

### ATTITUDES OF ADMINISTRATORS

*The barrier*

While health is one of the prime growth industries in this country and therefore one of the fields which should carry high priority within the educational system, educational administrators are generally unfamiliar with the existing and emerging allied health occupations. This lack of knowledge and awareness is combined with the general tendency of educators at all levels to downgrade vocational programs as second-class education for second-class students.

*The result*

If we were earnestly to attempt to recruit and train the numbers and kinds of allied health workers we need now, the lack of available training resources in most communities would constitute a critical bottleneck. Even today, with recruitment and available funds far below the level of need, a serious shortage of training programs exists.

*We need*

To encourage, through the State Board of Vocational Education, the Higher Education Board and the various educational associations, educational administrators 1) to become familiar with the rapidly expanding allied health field; 2) to increase the number of vocational counselors within the secondary system; and 3) to give health education programs high priority as well as full and equal treatment as first-class careers for first-class students.

### VOCATIONAL EDUCATION UNNECESSARILY DELAYED

#### *The barrier*

Vocational and technical education in the health occupations starts too late. We do not expose the high school student to career opportunities in the health field early enough nor do we provide training which will give him upon graduation the opportunity to work in the health care field at an attractive entry level salary.

#### *The result*

A serious loss of manpower potential, a waste of education, human and fiscal resources and a high dropout rate because education is regarded as irrelevant by the student or because he cannot afford to continue going to school.

#### *We need*

To expand vocational education programs in health at the high school level to equip students with marketable skills upon graduation.

To articulate high school programs with community college programs so that training received in the high school provides opportunity for advanced placement in a two-year program.

To enlarge the health occupations consultant staff of the State Board of Vocational Education and Rehabilitation so that more communities may receive help in planning and implementing secondary school programs in health education.

### PERSONNEL STRUCTURES AND STANDARDS

#### *The barrier*

The health service institutions, particularly the hospitals, have not exercised their responsibilities as employers to develop industry-wide job classifications, personnel policies and standards which can best achieve their service objectives.

#### *The result*

Serious inequities in wages, working conditions, employer expectations and training requirements persist among health manpower users in the same community. Since training programs provided in one institution may not be acceptable in another, workers are often required to re-enter entry level training programs when they move into the same job in a new institution. This results in a waste of valuable staff time and the acceleration of training costs for which the consumer must ultimately pay.

#### *We need*

The health service institutions to begin applying the techniques of systems analysis and functional job analysis in an industry-wide effort in each labor market area. This will require each institution to make a careful analysis of its functions and the levels of skill and training required to perform these functions. The goal is to identify the commonalities which exist and to encourage local inter-institutional compacts with respect to job descriptions, training requirements and basic conditions of work.

### VERTICAL MOBILITY

#### *The barrier*

Health educators in Illinois have not developed the inter-institutional agreements which will enable persons who have successfully completed training for one rung of the education ladder to proceed from that rung directly up to the next level of training in that occupation. In most communities in Illinois, for example, a Licensed Practical Nurse entering into an associate degree nursing program in the community college does not receive any credit or reduction in the time requirement. The same lack of articulation between training programs inhibits Dental Hygienists from moving up to becoming Dentists, Physical Therapy Assistants from becoming Physical Therapists and Medical Laboratory Technicians from becoming Medical Technologists.

#### *The result*

Forcing persons to repeat the same training they have already assimilated reduces motivation for entering advanced training programs and represents an unsupportable waste of scarce manpower, training resources and funds.

#### *We need*

The community colleges, the four-year colleges and the universities to proceed immediately to implement genuine education ladders which will enable workers who have completed one level of training to move directly into the next, receiving full credit for their prior education. Since most students will have already successfully mastered portions of the advanced training program, such agreements should result in a considerable shortening of the length of time required to complete the advanced training.

### HORIZONTAL MOBILITY

#### *The barrier*

Health educators and professional groups have failed to identify the basic background of knowledge and skill which is common to all health workers. Each specialty has developed its own set of requirements independently of the others. Health workers attempting to move from one specialty into another, therefore, find that they must start from the bottom again.

#### *The result*

Practices which tend to freeze a worker into a single specialty limit his career options and his ability to adapt to changes in medical technology which may make his specialized skills obsolete. The educational costs involved in providing unique training programs for each specialty are excessive.

#### *We need*

The educational institutions in Illinois to agree upon and establish basic health core curricula for the training of health workers at each academic level irrespective of specialty. Training to provide highly specific knowledge and skills should be conducted primarily in clinical training settings and on the job training sites.

The professional groups to begin developing inter-disciplinary agreements which can then be implemented by the educational institutions to enable workers to move from one health occupation into another with maximum transferability of credits for prior academic work and experience.

### HIGH TURNOVER AND ATTRITION RATES

#### *The barrier*

The health industry and the quality of health care suffer from an excessive turnover of hospital workers and a high attrition rate of trained personnel in certain occupations. Among the contributing factors are low entry level wages, poor working conditions, lack of opportunity for upward mobility and the insufficient motivation of many newly trained persons to remain in the health occupations.

#### *The result*

The costs, both monetary and social, to keep recruiting and training a continuing in-flow of new workers cannot be justified. In the interim the potential of presently employed and dedicated workers is grossly neglected.

#### *We need*

To examine present attrition and turnover rates in the health fields and develop programs which will improve the retention and the morale of workers through changes in the reward and opportunity system as well as the conditions of work.

To open and accelerate programs to train and upgrade persons already employed, persons who are more mature, geographically stable and already committed to employment in the health care field.

### HEALTH TEAM

#### *The barrier*

Although health practitioners are aware that the effective delivery of services to clients requires the interaction and collaboration of many disciplines and skilled workers in the "health care team," the health industry remains one of the most hierarchic in contemporary society. Each level of worker is preoccupied in defending his status vis-a-vis those below and each specialty organizes separately to enhance its own interests.

#### *The result*

This climate does not support a rational division of labor or effective interdisciplinary teamwork based on the needs of the client. It is highly questionable whether we are in fact making best use of the manpower now employed or the scarce skills of highly trained specialists in present patterns of manpower utilization.

#### *We need*

To design and demonstrate new models of staff utilization based upon the needs of clients and full commitment to the health care team concept.

### PROGRAM FUNDING

#### *The barrier*

Health agencies and community organizations who are eager and committed to the development of innovative service and training programs lack information about available funding resources. They are severely hampered in their efforts to secure multiple funding support by the incredible complexities of the procedures which are most frequently involved.

#### *The result*

Too many casualties of excellent program proposals occur as a result of the battle fatigue induced by efforts to obtain funding information or to put a package together involving more than one funding source.

#### *We need*

To develop and make available to agencies an inventory of major funding sources, their policies and procedures. Such an inventory should lead to specific recommendations for greater simplification and clarity in approaching the funding agencies best equipped to handle specific program proposals.

### PROFESSIONAL VERSUS PUBLIC INTEREST

#### *The barrier*

Many professional groups continue to exert strong pressures to raise the educational requirements for entry into and mobility within the health occupations. Their primary concern seems to focus on "quality of care" as perceived and rendered by the particular professional group rather than by the relevancy of what is received by the community.

#### *The result*

Since the quality of service received by the Community is not guaranteed by the standards set for itself by a particular professional group, professional control of the education and utilization of health manpower has restricted 1) the delegation of tasks which can be competently performed by lesser trained individuals; and 2) the optimum use of the human, fiscal and training resources available to achieve higher levels of health care for all persons in the community.

#### *We need*

To document the activities of professional organizations and to suggest appropriate changes in procedures and policies that affect the production and utilization of health manpower.

To implement changes which will provide legitimate representation and utilization of professional groups, while at the same time protecting the community from the control of public policy by specialized interest groups.

### LIMITATIONS ON THE NUMBER AND KINDS OF TRAINING PROGRAMS

#### *The barrier*

There is a common perception that the Department of Registration and Education restricts the number and kinds of training programs which can be offered in a specific location. It appears to individuals and agencies that many of these decisions are made arbitrarily, without reference to local needs or capabilities and sometimes in opposition to the expressed wishes and priorities of local communities.

#### *The result*

It has been extremely difficult to obtain clarification as to the precise scope of the authority of the Department of Registration and Education in these matters, particularly in view of the conflicting interpretations which emanate from various representatives of the Department with respect to which actions require its official sanction. The effect has been to make trainers extremely apprehensive about effecting even the most minor changes in programs already approved, such as expanding or modifying programs to meet the needs of specific trainee groups and employers. This results in a failure to make full use of the training capabilities which are presently available in many communities throughout the State.

#### *We need*

To proceed at once to obtain a clear statement from the Board of Registration and Education indicating who has final authority to determine the size and kind of training programs to be offered in a specific community. Such a statement should be widely distributed so that every training institution can proceed to exercise its legitimate decision-making authority within the framework of State law. As a general rule, programs should be authorized wherever local education authorities in consultation with employers and other community groups demonstrate their commitment, their training capability and the availability of jobs for graduates.

### STATE LICENSURE AND CERTIFICATION

#### *The barrier*

Licensure and certification procedures have been allowed to circumscribe the route a worker must take into the health occupations if he is to achieve any status in the system. Since the administration of these licensure and certification procedures is dominated by professional groups with specialized interests, the health occupations have become fragmented and over-specialized. Consumer participation is conspicuously absent in the shaping of public policy.

#### *The result*

Competent workers are prevented from moving vertically or horizontally in the health occupations because they lack the specific credentials specified by the Department of Registration and Education. Employers are inhibited from flexible use of the work force. While mandatory licensing measures are theoretically designed to protect the public, there is little evidence to show that they have actually contributed substantially to the quality of care and the public safety. Because present licensure proceedings contribute to the fragmentation of the health occupations, they have discouraged experimentation with new and more generic types of health workers.

#### *We need*

A comprehensive inquiry into our present licensure and certification system to be followed by implementation of needed changes. In such an inquiry high priority should be given to 1) the restructuring of the State Department of Registration and Education to secure broad consumer participation in the development of public policy relating to the licensure and certification of the health occupations; and 2) an intensive investigation of the relevance of mandatory licensure and certification to health manpower production and the quality of health care.

### BARRIER REMOVAL: A STATEMENT OF PROGRESS

What progress has been made in Illinois in removing the twenty-five barriers that restrict the effective recruitment, training and utilization of allied manpower?

The following summary is a response to this question. Its purpose is to cite, illustratively not exclusively, specific examples of progress Illinois is making in relation to each barrier.

The examples of progress cited reflect some change in attitude, intent and commitment to more effective allied health manpower planning, training, and utilization. The majority of these efforts, however, represent potentialities rather than actualities. The hope of actualizing these potentialities lies in the careful examination of each of these barriers and in the prompt and appropriate action to remove them.

#### *Data and machinery for planning**

In its January 1971 progress report, the Illinois Hospital Association listed the existence of forty (40) local comprehensive health planning organizations, associations, or agencies. The potential machinery for health planning is beginning to emerge.

On the state level, the Comprehensive State Health Planning Agency (CHPA) is federally mandated to function as the permanent machinery for such comprehensive health manpower planning. It is presently working in close conjunction with the Illinois Department of Public Health in developing a Total Health Information System (THIS) whose unique feature will be area profiles. The profiles will include essential data for manpower planning and development. As of September, 1971 the Physician and Nurse Manpower Registrar will be implemented.

The State Comprehensive Health Planning Agency was also one of the originators of the Illinois Inter-Agency Task Force on Health Manpower and Education. The four other originating agencies include the Chicago Comprehensive Health Planning Organization, the Health Education Commission, the Illinois Regional Medical Program and the Health Careers Council of Illinois. These five agencies and the other agencies represented among task force members constitute a potentially innovative framework for manpower planning in Illinois. One of the Task Force's major objectives is to initiate and/or assist efforts to coordinate the collection and maintenance of data relevant to health manpower and education needs, production and utilization.

Also on the state level, the Health Education Commission (HEC) of the Illinois Board of Higher Education, in conjunction with the Rand Corporation and with the cooperation and prior efforts of professional and allied health associations has made progress in surveying present and projected manpower needs within discrete health fields. It is also developing a model for future health manpower need and utilization in Illinois (refer also to Training Availability 5).

On the local levels, federally empowered Comprehensive Health Planning Agencies (CHP Agencies) are the machinery for manpower planning. In the Chicago area, for example, the Metropolitan Comprehensive Health Planning Agency and its sub-area planning bodies are involved in the Interim Organization for Chicago Area Allied Health Manpower. This organization is a successful effort to form a viable transitional machinery for health manpower planning until the permanent machinrey is established.

CHP (b) in conjunction with Argonne Laboratories and the CONSAD Corporation is applying for federal and foundation monies to establish a comprehensive health data system for the Metropolitan Chicago area. If granted, this data reorganization. The future capability will depend to a large extent on federal manpower legislation now under consideration.

In February 1971, the Human Services Manpower Career Center conducted a feasibility study into the formation of such a job vacancy data gathering system. The initial focus of the system would be human service jobs including health within the public sector. The Interim Organization is presently working on plans to establish such a reporting system for job vacancies in health for the Chicago area. A sample questionnaire has already been constructed to determine budgeted vacancies and training programs in health care facilities, including nursing homes, group practices, solo practitioners, public health agencies, laboratories, clinics and hospitals.

#### *Manpower plan to accompany all program proposals*

Pending Illinois Health Facilities and Services Planning Act (HB2653) makes it mandatory for any new health facility proposal to include a manpower staffing plan.

### B. Training

Upon the recommendations of the Master Plan for Higher Education for a state survey of health manpower education, the Board of Education published in 1968 *Education in the Health Fields for the State of Illinois*, more commonly referred to as the Campbell Report. As a result, the Health Education Commission (HEC) was formed to "mobilize and coordinate" educational resources in order to increase the production of health care manpower. The Rand Corporation was consequently contracted to assist HEC in developing analytical tools to better insure effective health education planning.

Rand is currently doing research in health manpower requirements, education, and information system design. The emphasis is on the analysis of health manpower supply.

#### *Training availability*

In April, 1971, Rand issued a working draft of a Health Education File for the state. The file contains approximately 2,000 cards, each representing one program per school. About 1,400 distinct programs are classified, covering a variety of educational levels, the majority baccalaureate and occupation-oriented.

The Health Careers Council of Illinois (HCCI) maintains a comprehensive current inventory on all present and proposed training programs in the health fields. Its records formed the substance of the State Health Education File. The American Medical Association also publishes a Directory of Accredited Allied Medical Education Programs in the United States.

Although significant progress has been made in maintaining a central information system of existing training programs, more thought has to be given to putting this information in more usable form and making it more known to all interested parties. Little progress has been made in centralizing an information clearinghouse on available student slots. The Health Careers Council of Illinois, however, has announced in its April 1971 newsletter that it will conduct a study to develop a coordinated system of student recruitment and referral in the Metropolitan Chicago area among its allied health institutions.

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* Numbers cited here and on the following pages refer to the numbers assigned to specific Barriers in Part 1.

### *Location of training and testing sites*

Present and projected allied health programs that are in the community college system offer an added degree of accessibility to the trainee population. This accessibility has been coupled with some efforts to recruit from minority groups who have previously been severely restricted from entry into certain health fields.

However, little or no progress has been achieved in improving the accessibility of testing sites. The Illinois Nurses Association is trying to increase the frequency of the Licensed Practical Nurse examinations as a first step toward expanding the number and location of testing sites. This present effort is particularly timely because the National Testing Board is unfortunately contemplating a reduction in the number of tests given annually from four to two.

### *Potential trainee, people excluded*

The Board of Education, the Division of Health Occupation Careers, is active in recruiting among the minority groups. It also provides pre-vocational training as an integral component of the overall program.

### *Training design, overtraining and underutilization, obsolete training techniques, competence testing*

In the area of competency testing the progress is also slow and marginal. No statewide development of proficiency examinations in the health fields is in sight. There are signs of progress. Seven out of ten collegiate nursing programs in Illinois provide challenging examinations which allow students to place out of certain courses. Policies, however, vary from school to school. Olive-Harvey campus of the Chicago City Colleges in collaboration with the University of Chicago Hospitals and Clinics will introduce proficiency examinations for a group of LPN's employed by the U. of C. This effort is an attempt to reduce the length of the standard two-year program. The directors of all the Chicago City College nursing programs have recently met to discuss this same type of examination.

### *Teacher shortages*

Significantly, teacher shortage has been made the top priority issue by manpower experts in Illinois. This awareness is in itself a sign of progress. The Illinois Nurses Association is seeking additional state and federal funds for accelerated training in nursing to increase the number of nurses for teaching and leadership positions. This allocation would be used primarily to raise the diploma R.N. and the baccalaureate R.N. to the baccalaureate and M.A. levels respectively.

The University of Illinois Center for Medical Education and Training under a Kellogg Grant developing a teacher training program for practicing physical-therapists. The training program will increase the number of part-time teachers on the junior college level.

### *Continuing education*

The continuing education of health care workers will contribute to increasing teacher supply, decreasing high turnover rates, and securing the continued high quality of health care. The wider adoption in Illinois of the American Medical Association's policy on Peer Review and the membership of Illinois in the Midwest Continuing Professional Education for Nurses are examples of the growing commitment to continuing education in the health fields.

The Illinois Regional Medical Program (IRMP) has continuing education and training as its primary educational intent. Its purpose is to maintain and update knowledge and skill in order to improve the level of already qualified health professionals. It provides some funding to the Center for Educational Development's Division of Continuing Education at the University of Illinois Medical Center. The Division has been involved in consulting professional and allied health educators and organizations since 1969. As a necessary step toward making concrete the need for continuing education in health, they are in the process of developing and subscribing Illinois physicians to self-assessment procedures. At the Illinois State Medical Society's May 1971 meeting, they conducted a volunteer program of assimilated self-testing and evaluation for the attending physicians.

## ADMINISTRATION-UTILIZATION

### *Attitudes of administrators*

On the state level there is evidence of some improvement in attitudes toward allied health education. The establishment of HEC in 1969 and its work is one example. The State Board of Vocational Education and Rehabilitation has officially declared health occupations education to be the top priority item for 1971–1972. The State Board of Vocational Education has required, since 1969, evidence of a local plan for Vocational Information. It is encouraging that this requirement applies to the elementary as well as the secondary grades.

### *Vocational education unnecessarily delayed, personnel structures and standards, vertical mobility*

Since the health industry has failed to develop industry-wide job classifications and personnel policies and standards, horizontal mobility into a new health profession is severely impeded. More efforts are being exerted to develop mobility within a single discipline. The University of Chicago Hospitals and Clinics has a pending proposal for upgrading Nurse Aides to LPNs and LPNs to RNs as well as entry level to Basic Hospital Science to Certified Laboratory Assistant to Medical Laboratory Technician and entry level to clerical jobs. This might initiate a significant breakthrough for vertical career mobility in Illinois (refer to Competence Testing (12)).

The Chicago Medical Schools Physical Therapy and Medical Technology Programs also intend to employ a closely inter-related training design that ensures the maximum credit in moving from the aide to assistant and assistant to therapist levels.

### *Horizontal mobility*

The proposed Dermatological Assistant Program, a cooperative effort of the University of Chicago Hospitals and Clinics, and the Central YMCA College, might provide an opportunity for horizontal mobility. The trainee would first complete the Medical Laboratory Technician (MLT) program and then take more specialized courses that would qualify him as a dermatological assistant.

HB2157—This bill allows medical schools to admit with advanced standing students who have had accredited training in health related fields. Under this legislation, it will be possible for such students with prior training to complete their M.D. in less than 36 months.

### *High turnover and attrition rates, health team, program funding*

The Health Careers Council of Illinois, and more recently the Interim Organization for Allied Health Manpower, sponsor seminars on funding sources and procedures. In view of the past and projected demand for their important service, a more sustained effort is needed to provide this type of assistance.

## D. LICENSURE

### *Limitations on the number and kinds of training programs*

### *Professional vs. public interest/State licensure and certification*

The Illinois Inter-Agency Task Force on Health Manpower in concord with other health associations supported Governor Ogilvie's request for a moratorium on additional licensing and certification categories for health professions.

This declared moratorium is a concrete illustration of commitment to health manpower redefinition within Illinois. The Interagency Task Force has also accepted the invitation of the Governor's Office of Comprehensive State Health Planning to collaborate in a short-term investigation of more creative and effective interpretations of the existing statutes affecting the recruitment, training, and utilization of health manpower.

The Illinois Hospital Association's May 1971 Document and Recommendations on Licensure in Illinois and House Bill 854 A (the Katz Bill) asking for a three-year commission to investigate licensure are also significant beginning stages of progress in overcoming barriers to a more rational health manpower development.

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## APPENDIX I

The Interim Organization for Chicago Allied Health Manpower is a voluntary coalition of the following member agencies and consultants. It was established in November 1970 in order to provide the machinery for inter-agency planning and action to improve the recruitment, training and utilization of allied health manpower.

Chicago Board of Education, Bureau of Health Occupations, Health Occupations Careers.

Chicago Board of Health.

Chicago Committee on Urban Opportunity.

Chicago-Cook County Council #19 American Federation of State, County & Municipal Employees, AFL–CIO.

Chicago Medical School.

Chicago Hospital Training Directors Assn.

City Colleges of Chicago.

Comprehensive Research & Development (COMPRAND).

Cook County Dept. of Public Health.

Cook County Hospital School of Nursing.

Council for Bio-Medical Careers.

Developmental Program for Comprehensive Health Planning.

Health and Hospital Governing Commission of Cook County.

Health Careers Council of Illinois.

Illinois Bureau of Employment Security. Illinois State Employment Service. Human Services Manpower Career Cent.

Illinois Nurses Assoc.—Chicago District.

Institute of Medicine of Chicago.

Mid-Southside Health Planning Org.

Moraine Valley Community College.

New Careers Council of Metropolitan Chicago, Inc.

No. Suburban Assn. for Health Resources.

Office of the Mayor, Model Cities Program, Special Assistant for Manpower.

Prairie State College.

Rehabilitation Institute of Chicago.

Southern Christian Leadership Conference, Operation Breadbasket.

The Woodlawn Organization.

Thornton Community College.

Welfare Council of Metropolitan Chicago.

Westside Health Planning Organization.

YMCA Community College.

Staff of the following serve as consultants:

American Hospital Association.

Illinois Regional Medical Program.

Presbyterian St. Luke's Hospital.

U of C Hospitals & Clinics.

U of C, Pritzker School of Medicine.

U of I, Medical Center.

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## APPENDIX II—INDIVIDUAL CONTRIBUTORS

**Lucille Broadwell, Director of Bureau of Health Occupations, Chicago Board of Education.**

**Peter J. Carruthers, Director of Allied Health Programs, Malcolm X College.**

**Louise M. Dailey, Head Consultant of Vocational & Tech. Education Div., Illinois De-**

partment of Voc. Education & Rehabilitation.

Vernice D. Ferguson, R.N., Chief of Nursing Service (West Side Hospital) Veterans Administration.

Joe Foley, Assistant Director, Health Careers Council of Illinois.

Don Frey, Executive Director, Health Careers Council of Illinois.

David Greeley, M.D., Deputy Exec. Dir. for Professional Affairs, Health & Hospitals Governing Commission of Cook County.

Betty W. Gross, R.N., Director of Nurses, Provident Hospital.

Sally Holloway, Director of Education and Training, University of Chicago Hospitals and Clinics.

Sandra Johnson, Coordinator, LPN Program, Chicago Board of Education.

Stanford I. Lamberg, M.D., Department of Dermatology, University of Chicago Hospitals & Clinics.

Annie Lawrence, Manpower Coordinator, Chicago District Illinois Nurses Association.

Israel Light, Ed. D., Dean of University of Health Sciences, Chicago Medical School.

Myrtle Merritt, Chief Nutritionist, Cook County Department of Public Health.

Thomas Mitchell, Director of Allied Health Programs, Chicago City Colleges.

Harvey Morowitz, Personnel Director, Illinois Masonic Hospital.

Marie Saunders, Ph. D., Health Science Programs Director, Morraine Valley Community College.

Elizabeth W. Seigel, R.N., Associate Director of Nursing Education, Ravenswood Hospital.

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### APPENDIX III.—SELECTED ILLINOIS GOVERNING STATUTES THAT NEED TO BE REEXAMINED

1. *The Illinois Chiropody or Podiatry Law,* III. Rev. Stat. 1969, Ch. 91, Sec. 73–89.
2. *The Illinois Dental Practice Act,* III. Rev. Stat. 1967, Ch. 91, Sec. 56a–72h.
3. *The Illinois Medical Practice Act,* III. Rev. Stat. 1967, Ch. 91, Sec. 1–39.
4. *The Illinois Nursing Act,* III. Rev. Stat. 1967, Ch. 91 35.32 to 35.56.
5. *The Illinois Optometric Practice Act,* III. Rev. Stat. 1969, Ch. 91 Sec. 105.1.
6. *The Illinois Pharmacy Practice Act,* III, Rev. Stat. 1967, Ch. 91, Sec. 55.1 to 55.63.
7. *The Illinois Physical Therapy Registration Act,* III, Rev. Stat. Ch. 91, Sec. 22.1–22.29.
8. *The Illinois Psychologist Registration Act,* III. Rev. Stat. 1967 Ch. 91½, Sec. 401–427.
9. *The Illinois Veterinary Medicine and Surgery Practice Act,* III. Rev. Stat. 1967, Ch. 16¾ Sec. 124.1 to 124.12.
10. *The U.S. Vocational Education Act,* 1963, as amended 1968.

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American Hospital Association. Statement on licensure of health care personnel. Chicago, 1970.

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William, Grier. Needed: a new strategy for health promotion. New England Journal of Medicine, Vol. 279, Nov. 7, 1968. p. 1031–1035.

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## REFORMING OUR PROPERTY TAXES

Mr. MATHIAS. Mr. President, one of the serious problems confronting this Nation today is the continuing rise in State and local property taxes on homes, small businesses, and other real estate. The property tax is one of the issues I hear the most about as I travel around Maryland. Since I share the difficult task of meeting yearly property tax increases on my home, too, it is an issue with which I readily identify.

In an effort to find a solution to this problem, I took advantage of the recent congressional recess to hold hearings on property tax as a revenue source for State and local governments, and as an influence on the way we use our land.

As a result of the hearings, I am convinced that new sources of revenue are needed to finance local government and I am committed to trying to find them in the second session of the 92d Congress.

I wish today to report to my colleagues the findings and conclusions of these hearings, and I ask unanimous consent that the prepared testimony of the witnesses who so generously gave their time and their judgment on this matter be printed in the RECORD following my remarks.

The tax on land and buildings is the oldest major tax in America—and one of the most important. Nationally these taxes provide some $38 billion a year to American governments. As a revenue producer the property tax is exceeded only by the Federal income tax and the social security tax. It is used by over 70,000 local governments and by 23 State governments. The property tax produces 40 percent of the revenues raised by these governments and two-thirds of the revenues raised by local governments. Throughout America property taxes finance 54 percent of local government costs for education, 41 percent of their costs for health care, and 30 percent of their costs for welfare. In the last 15 years property taxes have doubled.

Perhaps the worst evidence produced at the hearings was confirmation of the fact that property taxes will continue to rise.

Yet, in spite of annual increases, the property tax appear to be inequitable to the taxpayer, inadequate as a provider of revenue to local governments, and destructive of any planned, rational approach to metropolitan growth. These points were made repeatedly at the hearings.

One witness, a developer in the Baltimore area, testified:

> The real property tax discriminates against the childless family, doesn't effectively tax personal service industries, is self-defeating, is not uniformly applied and has a major role in attracting or discouraging industry.

Another witness, a State senator, complained that while property tax rates go up, county services do not. He complained that residents in his county—

> Now have sewer backups, they have flooding, they now have air pollution problems. A citizen should be required to pay for services, but not to subsidize urban sprawl.

A number of alternatives to the property tax have been suggested, including reform of property tax administration, repeal of the current exemptions from the tax or the granting of new exemptions, a uniform statewide property tax, replacement of the property tax by other State taxes, or by a Federal tax. It has also been suggested that President Nixon ask Congress to enact a Federal value-added tax to replace the local property tax. Revenues from the Federal tax would be given to local governments on the condition that they reduce their property tax.

I was very pleased that President Nixon promised in his state of the Union message to seek an alternative to the property tax as a source of revenue for State and local governments. The President stated that the property tax is

> . . . one of the most inequitable and regressive of all public levies. Property taxes in the United States represent a higher proportion of public income than in almost any other nation. They have more than doubled in the last decade and have been particularly burdensome for our lower and middle income families and for older Americans.

What the President terms "intolerable pressures" on the property tax led him to establish a Commission on School Finance in March of 1970. The Commission's final report will be submitted to the President in March of this year. In addition, the President announced in his state of the Union message that he has also requested the advice of the Advisory

Commission on Intergovernmental Relations on this issue.

Mr. President, I look forward to the reports of these Commissions and of the President. I shall, of course, continue my own search for a better revenue source.

At this time, Mr. President, I want to thank the witnesses who testified at the hearings which I chaired. They are:

Mr. Fred Dewberry, Federal aid coordinator for Baltimore County.

Mr. Albert Gault, director of finance for Prince Georges County.

The Honorable William J. Goodman, Maryland State Senator.

Mrs. David Booth of Lutherville.

Mr. G. Willard Oakley, president of the Maryland Farm Bureau.

Mr. Dale Maisel of the Maryland Farm Bureau.

Mr. William Matuszeski, staff representative of the President's Council on Environmental Quality.

Mr. George Wills, chairman of Maryland Environmental Trust.

Mr. William Boucher of the Greater Baltimore Committee, Inc.

Mr. Robert Young, executive director of the Baltimore Regional Planning Council.

Dr. John Mills executive director of the Tri-County Council.

Mr. Harvey Meyerhoff of Monumental Properties, Inc., of Baltimore.

Mr. Parker Matthai, architect and president of the Valleys Planning Council.

Mrs. William Balfour, first vice president of the Baltimore League of Women Voters.

I also want to thank Mrs. Leonard Crewe, Mr. William Boucher, Mr. George Wills, Mr. E. Rankin Lusby, Mr. and Mrs. Frederick Babcock, and Mr. and Mrs. William S. Gossard for their help in preparing for the hearings.

I also wish to express my appreciation to Dr. James Fisher, president of Towson State College, and his assistant, Mr. John Wighton, for their generosity in making the facilities of Towson State College available for the hearings.

Mr. Anthony Abar and Commissioner of Housing Robert Embrey joined me in conducting the hearings. Their insights and interest were very valuable and rewarding.

I ask unanimous consent that the testimony submitted at the hearings be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

### OPENING STATEMENT OF SENATOR MATHIAS

I have called these hearings to solicit the advice and counsel of Maryland citizens and public officials on a subject which is justly receiving increased attention throughout our country: the very high rate of local property taxes and the effect of these taxes on American citizens and on the use of America's land.

The tax on land and buildings is the oldest major tax in America—and one of the most important. Nationally, these taxes provide some $38 billion a year to American governments. As a revenue producer, the property tax is exceeded only by Federal income and social security taxes. It is used by over 70,000 local government units and by 23 state governments. It produces 40 per cent of the revenues raised by these governments and two-thirds of the revenues raised by local governments.

Throughout America, property taxes finance 54 per cent of local government costs for education, 41 per cent of their costs for health care, and 30 per cent of their costs for welfare.

In the last 15 years, property taxes have doubled.

Two hundred years ago in an agrarian society in which an individual's income and wealth was usually directly related to the amount of land he owned, real property seemed an appropriate basis for taxation. A farmer with a large amount of land could afford to pay more tax than a farmer with a small amount of land.

Today, of course, only a small percentage of Americans derive their income and wealth directly from land or other real property. And so it should not surprise us that to many citizens the philosophical legitimacy of a very heavy tax on real property seems obscure, while its inequities and inadequacies seem very clear.

The great Chief Justice of the U.S. Supreme Court, John Marshall, stated in a leading decision 152 years ago, "The power to tax is the power to destroy". Today, for millions of our citizens, soaring property taxes are destroying the American dream of owning one's home.

Two letters which I have recently received underscore the urgency of this problem. One is from Mr. Frederick P. Babcock of 10771 Kinlock Road, Silver Spring, Maryland. He writes:

"Mrs. Babcock and I heartily agree with the position taken by President Nixon with regard to the necessity of tax relief for the elderly. . . . There is no argument about the fact that *real estate taxes* are so high that they are a great burden upon all taxpayers and especially on the elderly. A major reason for this is the tremendous increase in school taxes in recent years. . . . We agree that in the interest of keeping America strong, a good school system must be maintained, and therefore everyone should help to pay the cost. However, we also feel that some serious consideration should be given to relieving the elderly of at least a part of the school tax. . . ."

Another letter comes from Mr. and Mrs. William S. Gossard of 953 View Street, Hagerstown, Maryland. They write:

"At present our family is involved in a very serious financial crisis in the form of an increase of $3,800 property tax assessment that will result in a $15.00 per month increase in our house payment. This 30 year old house was purchased in December 1970. . . . At the time of purchase we didn't even take the optional mortgage insurance because we felt we couldn't afford the additional expense to our payment.

"We are a family of seven with one wage earner and a net income in the neighborhood of $11,000 per year. We purchased this home one year ago because the price seemed right for our income and the house seemed sufficient for our family. In the twelve months we have occupied this residence we have faced a constant increase in all utilities in this area. Needless to say, along with increased rates at local hospital and medical facilities, clothing expenses, food expenses and the like, it has been a constant struggle and an increasing strain on our budget!"

The experiences of these homeowners are shared by thousands of other Marylanders.

The Governor's Study Commission on Tax Structure (the Mills Commission) stated in its report of January, 1971,

"Property taxes impair citizens' ability to provide housing, and further increases would worsen the problem, especially in Baltimore City where the property taxes are highest and housing conditions are among the worst in the state."

The burden of the property tax is felt by the tenant as well as the homeowners—and by the owners of real property other than homes.

The public dissatisfaction with the property tax stems not only from the amount of the tax but also from several other factors. First, the amount of the tax varies according to who owns the property, where it is located, and what it is used for. Property owned by any agency of government, churches or certain educational or philanthropic foundations is not taxed. In some cities these exemptions mean that 50 per cent of the property within the core area of the city is tax-free, which means, in effect, that the tax rate on the remaining property must be doubled.

In some states, the law provides special relief if the property is owned by senior citizens or veterans or new industries.

In Maryland, we provide that land used for farming should be taxed at a rate different from land used for other purposes. The justification for this provision is that it prevents the farmer from being taxed out of business, that it preserves open green spaces, and accordingly, that it improves the environment of the general community. But now some Marylanders allege that this provision must be rewritten to prevent abuse by persons who are not bona fide farmers. Others feel it should be repealed entirely. Others feel its provisions should be liberalized to encourage the preservation of open space by persons who are not farmers.

The amount of tax varies also between local jurisdiction, according to the revenue needs and the resources of the jurisdiction, the frequency, skill, and fairness of value assessment, and the diligence of tax collectors.

A number of other criticisms have been levelled at the property tax. Economists tell us that the tax is regressive, that the poor pay a higher percentage of their income in property taxes than the affluent. A study by the Brookings Institution in Washington showed that taxpayers who earn less than $4,000 carry twice the burden, in terms of their available resources, as taxpayers who earn more than $15,000. The regressive nature of the property tax should be of special concern since property taxes have doubled since the late 1950's.

The soaring rates of the property tax evidences another of its shortcomings. Revenues from the property tax, unlike revenues from the income tax, do not increase significantly as our economy grows. As a result, governments which depend on revenues produced by the property tax must ask for frequent increases in the rate of the tax to meet their higher costs of education, welfare, transportation, parks, and other services.

Recently some Americans have also alleged that our current system of local property taxes does violence to land itself. The local property tax, coupled with local zoning authority, is said to frustrate county, state, and regional land use planning, to encourage the wrong type of development in the wrong place at the wrong time.

One report based on research conducted for a Senate subcommittee recently stated "Property taxation has a major effect on patterns of land use and this effect is of great significance in any effort to revive and improve the metropolitan environment". The property tax, the report states, helps to encourage a pattern of development in which "expansion is irregular and disordered, with subdivisions, shopping centers, and factories springing up far from the perimeter of the urbanized area. . . . Leapfrogging of development . . . requires that public improvements and services be extended to islands of settlement far from the city, resulting in increased costs to both the individuals personally involved and the entire metropolitan community".

In summary, the local property tax in

America appears to be inequitable to the taxpayer, inadequate as a provider of revenue to local governments, and destructive of any rational planned approach to metropolitan growth.

Accordingly, a number of alternatives have been suggested, including reform of property tax administration, repeal of the current exemptions from the tax or the granting of new exemptions, a uniform state-wide property tax, replacement of the property tax by other state taxes or by a federal tax.

It has been suggested to President Nixon that he should ask Congress to enact a federal value-added tax to replace the local property tax. Revenues from the federal tax would be given to state and local governments on the condition that they reduce the amount of their property tax. Other persons in Washington have suggested that revenues from an increase in federal income tax should be used to offset local property taxes.

There are also a number of bills designed to foster a better pattern of metropolitan growth and overcome the adverse effects on land use of factors such as America's current system of local and state property taxes. Last year, I introduced the National Land Use Policy Act, S. 2554. This bill would establish a systematic and comprehensive national land use policy which would coordinate the efforts of local, state, and federal agencies. The bill recognizes that the primary responsibility for land use planning must continue to rest with state and local governments, but it responds to the increasingly evident need for coordinated, long-term planning. The bill would provide the Secretary of the Interior, Rogers Morton, the power to provide grants to states to aid them in developing acceptable land use plans and the means and manpower to implement these plans. Hearings on this bill have been held by the Senate Interior Committee and I am hopeful that its proposals will be enacted by the Congress during the coming session. I would be happy to provide any interested person with a copy of this bill.

Ladies and gentlemen, I appreciate very much your attendance here this morning and your willingness to give me the benefit of your experience in this important area. I know that some of you would like to be able to reflect longer on this complex subject and gather more information on which to form your final judgment. But I appreciate your sharing your current thoughts with me and I hope that you will continue to keep me informed in the future.

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### THE FISCAL CRISIS ON THE LOCAL LEVEL

(Testimony submitted by Mr. William W. Gullett, Prince George's County Executive)

In my opinion, the real property tax is a legitimate revenue source of local government and I hesitate to recommend the complete elimination of this tax from the local financing picture. However, the degree that local governments depend on the real property tax to provide the revenues to furnish governmental services is one of the questions that must be resolved. In my opinion, this tax should not exceed 40 percent of the revenue requirements to finance local governmental services.

The problems associated with an increasing burdensome property tax are not imaginary and contribute substantially to the current fiscal crisis of local governments. In this regard, I speak with some authority when it is considered that Prince George's County has the highest real property tax rate in the Washington Metropolitan Area. I have, with only moderate success, persuaded the State Government to grant additional taxing powers to Prince George's County. Revenue proposals which I have presented to the Prince George's County Delegation in 1971 were designed to reduce the importance of the property tax and provide a more equitable revenue balance or revenue mix to fund County services. Most modern county governments, particularly in the population range of Prince George's County, require a variety of fiscal tools to insure a fair and equitable distribution of the burden of government. A local government must be in a position to identify those areas in the local tax structure that do not fairly distribute the cost of government and levy taxes that are designed to eliminate inequities in the system.

Returning to the property tax, I wish to identify a number of disadvantages associated with this taxing measure that should be brought to the attention of interested parties.

1. There is no relationship between governmental services and the value of the property.

2. Property owners who wish to improve their property are penalized by higher taxes. (This is contrary to the social objectives of the Nation.)

3. Property values are no longer an indication of the ability to pay.

4. There is an inherent dislike and distrust on the part of the property owner with respect to real estate taxes.

5. Even the most efficient assessment system has built-in inequities.

6. The property tax imposes an unusually heavy burden on fixed incomes.

In view of the many inequities and regressive tendencies associated with an excessive property tax, in addition to the poor acceptance of this revenue source on the part of the taxpayer, more equitable tax measures must be devised if a worsening fiscal crisis is to be avoided at the local urban level. I believe that the state and local jurisdictions in Maryland are addressing themselves to the fiscal problems of local governments and as a consequence, major changes in the state-wide tax structure have been implemented in recent years. In my opinion, however, further revision of State and local tax structures, coupled with the realignment of functional responsibilities, are required if local governments in Maryland are to meet their public service responsibilities. In Maryland, there are several functional areas, such as social services, health, and education that should be studied to determine which level of government (state or local) is best suited to administer the program. In general, state and lower levels of government cannot solve all of the fiscal problems by the simple expediency of reallocating presently available local resources. The Federal Government, with pre-emptive taxing power, must provide financial assistance to local governments if we are to revitalize the nation's urban centers.

To better understand what changes must be undertaken in funding local government in the future, it may well be worth the time to briefly examine the changes that have occurred and are occurring in most of our municipal governments. Much has been said and written with respect to the financial difficulties that many of our counties and cities have experienced during the 1960's. In my almost ten years in the service of municipal government, I have never experienced the deep concern and complete animosity that today's citizenry displays when the property tax must be increased. I would further add that the last three to four years have been the most difficult in terms of funding local government services. In an attempt to isolate some of the elements that are responsible for the financial crisis at the local and state levels of government, I submit the following observations: Generally, there are three major factors that have contributed to the fiscal plight of our cities. They are: (1) inflation, (2) expanding municipal services and programs, and (3) the war in Southeast Asia, along with the National Defense Budget. In this regard, it is interesting to note that the war and the Defense Budget are largely responsible for the inflation that we are experiencing. If I may, I would like to touch briefly on each of the foregoing factors, and their impact on Prince George's County which, for purposes of this statement, can be considered typical of urban areas in the United States.

#### INFLATION

I am sure that everyone is acutely aware of the serious impact inflation has had on the nation's economy. Inflation has for the last several years exceeded 6% annually. It has only been in recent months that the rate of inflation has been subjected to some measure of control. It goes without saying that the inflationary spiral that has gripped the nation has added enormously to the cost of local government. On the other hand, the tax sources available to local government have also been subject to the same economic forces that led to galloping inflation. Property values have been increasing dramatically and personal income rose at a corresponding rate to inflation. In other words, inflation also influences municipal revenues in a similar matter, if not to the same degree, as it affects expenditures. It may, however, be true that the inflationary effect on revenues may lag somewhat behind expenditures. From this very brief analysis, it may be concluded that inflation, while an important element in the municipal financial picture, is not by any means the dominant factor that explains the so-called local financial crisis.

#### EXPANDING SERVICES AND NEW PROGRAMS

In the last five to ten years, there have been important changes in the character and cost of providing certain municipal services. Because of our changing society, greater demands are being placed on local government by the populace. The same populace, incidentally, that are unhappy with the prospects of an increase in the property tax rate. If I may, I would like to convey my impression with respect to the increased cost of a few governmental functions.

The most dramatic increase in cost, and I might add not too surprisingly, occurs in the area of education. In my own county, the per pupil cost has increased by 50% since Fiscal Year 1965–66. In the same period of time, the total education operating budget doubled to an aggregate cost of $151 Million. To add to this substantial burden on our own residents, the State's contribution to the education effort in Prince George's County has decreased from 40% in 1960 to 25% in Fiscal Year 1969–70. A cursory review of the education budget reveals that in the 10-year period between 1960 and 1970, there was a significant reduction in the number of students in the classrooms; the number of professionals per 1000 increased substantially; counselors and guidance expertise have been added to the staff; special programs for the physically and mentally handicapped have been developed, along with a multitude of new programs designed to meet problems that have recently surfaced in our County. Obviously, Prince George's County is not alone in meeting the demands for better education. All of this effort and its accompanying increased cost is designed to improve the quality of education in Prince George's County. Whether these noble goals and objectives are actually reached is a subject which I am not prepared to discuss at this time.

The single most important increase in expenditures with respect to the education function is attributable to the improved salary structure of the teaching profession. Teachers no longer accept what the local government allegedly can afford to pay. Through the proven mechanism of collective bargaining, the teachers have improved their financial situation, while at the same time, placing a significant burden on local government. Gone are the days when teachers worked for salaries that were less than those received by many non-professionals. I think it can be safely said that the teaching profession subsidized local government in past years. Local government is finally being presented with the actual bill associated with the cost of funding education. This is not to say that economies cannot be injected into the school system without diminishing or impairing the level or quality of education.

### SOCIAL SERVICES

Another segment of our governmental service that has experienced a dramatic increase in cost, at least for many urban centers, is in the area of social services, or, in less sophisticated terms, welfare. The increase in welfare cost is largely attributable to the following: (1) increased cost in actual welfare payments, (2) eligible recipients are made aware of the program, (3) there is less stigma associated with receiving welfare payments, and (4) and, most recently, the high unemployment brought about by the nation's economic problems. In a number of the country's largest cities, welfare expense approaches the cost of education. I am sure that all of you are aware of the one million people that are on welfare in New York City. In my own County, the cost of social services has increased by over 40% in the last two years. However, this impact on local finance in Maryland is minimized, since approximately 80% of the cost of the program is funded by the State and Federal governments. Of course, the total cost of government on all levels has been influenced substantially by the increased cost of welfare.

### POLICE PROTECTION

Directly associated with social unrest, spiraling crime and drug abuse, is the need for greater police protection. As a small example, the riots at the University of Maryland have resulted in additional costs to Prince George's County. The County has also found it necessary to intensify its police effort when mass demonstrations are staged in the nation's capital. Furthermore, as another illustration of local police problems in the Washington Metropolitan Area, the increase in the police complement of the District of Columbia (some 5000 sworn officers) has been responsible for moving crime into the surrounding suburban areas in Maryland and Virginia and most particularly, Prince George's County. I am sure that other urban areas are experiencing similar problems in providing police protection and the attendant increased expense.

The foregoing examples are only illustrative as there are many other functions that have been subject to escalating cost.

### NEW PROGRAMS

Many new programs have been added to the municipal service inventory in recent years. Urban Renewal, Model Cities, Human Relations, Fair Housing, LEAA, Anti-pollution, Code Enforcement, and Beautification are to name only a few. While these activities are funded primarily by higher levels of government, the local jurisdiction must contribute to the programs. Prince Georges County is presently involved in over 35 Federal and State programs, totalling $10 million annually at a yearly cost of $1.6 million to the County. The prospects for expanding the foregoing programs and instituting new ones appear excellent at this time.

The point I am attempting to make is that there is a legitimate increase in the cost of local governments, beyond the normal growth and inflationary factors, that have contributed to the much publicized financial crisis.

### VIETNAM WAR

The third major factor that I indicated had a significant impact on local government finances is the Vietnam War specifically, and the National Defense Department Budget in general. Most taxpayers do not associate the Asian War with the problem of financing local government. It is, however, interesting to note that the increasing cost of financing the war parallels the problems of financing municipal services. Both escalating in cost and becoming serious problems beginning in 1965. As a simple illustration to demonstrate the full significance of the financial impact of the War on the nation's economy, I offer the following hypothetical and somewhat arithmetical example: At one point in the Vietnam War the annualized cost approached $30 billion. If $30 billion were distributed back to the municipal governments on the basis of population, Prince Georges County would not be required to levy a general property tax rate. At the present time, the County General Property Tax Rate generates $108 million. $30 billion prorated back to local governments on the basis of population would amount to $97.5 Million for Prince Georges County. Of course, this, as indicated earlier, is a theoretical situation, but it does demonstrate the tremendous impact the War has had and will continue to have on the nation's economy. To put it another way, the Federal government has preempted all other levels of government in the allocation of a large measure of the nation's resources. This determination by the Federal government has had a profound impact on the fiscal problems confronting many of our counties and cities. I wish to make it emphatically clear that this is not in any way a criticism of the war, but rather a recognition of the need in these turbulent times of expensive wars and costly defense budgets, to look to other means of financing local governments. In addition, there is also the need to understand and recognize that the fiscal crisis on the local level is largely a product of the allocation of the nation's resources by the Federal Government. Again, there is no argument with the prerogatives of the Federal Government in utilizing and distributing the nation's resources. Hopefully, my rationale of the local fiscal crisis has prepared the way for discussion and review of remedies that have been proposed by the Federal Government and our State's role in assisting the cities and counties in solving their fiscal plight.

### STATE ASSISTANCE TO MARYLAND COUNTIES

As I indicated earlier, our State government is responding to the problems of the Counties in Maryland. In February, 1970, Governor Mandel appointed a Commission to study the State's role in financing Public Education. After over a year of intensive study by the Commission, the following recommendations were proposed to the Governor and the General Assembly.

*Recommendation No. 1:* The present equalization formula, under which State aid is provided for the operating costs (Basic Current Expenses) of public elementary and secondary schools should be replaced by a single formula which fully equalizes, without adjustment, the program of education to be supported by the State. The program to be supported in each subdivision should be the prior year's per pupil expenditure level in that subdivision for such operating costs. The state overall share of the cost of this program should be 55%. The State should continue to fully fund the cost of retirement and social security, and the approved costs of transportation and special education.

*Recommendation No. 2:* The State should reimburse the subdivisions for full approved cost of all construction of public elementary and secondary schools for which contracts are let on or after July 1, 1971. It should also assume the full cost of any school construction debt service requirements of the subdivisions for obligations outstanding as of June 30, 1967. Further, it should reimburse subdivisions for the full cost of debt service for obligations incurred for contracts signed between February 1, 1971, and June 30, 1971, and for any approved direct payments made for construction projects contracted during the same period.

The latter recommendation became law in the last session of the legislature and will have a substantial impact on local finances in the State. In my own County, the Capital Improvement Program calls for $232 Million in school construction during the next six years. At a most conservative estimate (in terms of policy and procedures developed and recommended to the State Board of Public Works) the State will fund $161,000,000 of the program. In addition, the State will absorb $14.2 Million of Debt Service for schools in Prince Georges County; this represents a $10 Million increase over the previous program. I might add that this new revenue was primarily responsible for holding the property tax level in my County in FY 1971–72. In terms of the total program the State will fund an additional $45 Million in local School Debt Service of the 24 major political subdivisions in Maryland in Fiscal 1971–72. Of course, this is $45 Million less revenue that the Counties and Baltimore City had to raise in the current fiscal year. Initially, the State will finance the school construction program from existing funds and the issuance of bonds. I believe that $150 Million in bonds have been authorized for this program in the last session of the legislature.

It is my understanding that the debt service requirements associated with the program will be funded from tax sources other than the State property tax. I mention this only because there was a strong concern expressed by many people that the school construction program had little to offer if the property tax was envisioned as its principal source of funding. State officials have assured my County that the school construction program will be financed from broad based taxes other than the property tax. With respect to the first recommendation, the 55% State share of the basic current education cost would have increased total aid to the local jurisdictions by $164,271,000. Under this formula Prince George's County's share of State aid would have increased from $28 Million to $63 Million or a net gain of $35 Million. This increase in revenue is equivalent to $1.17 on the County's estimated assessable base for Fiscal 1972. I am confident that the State government will increase its aid to the support of public education in the immediate years ahead. These two programs: (1) State School Construction and (2) increased financial assistance to the education current expense budgets will aid immeasurably in solving the fiscal problems of the counties in Maryland. These revenue programs also provide the counties with the necessary funds to strongly consider the concept of tax differential advocated by many cities and towns in Maryland. In my opinion, State governments should follow the example of Maryland and assume a more active role in providing financial assistance to local subdivisions.

### FEDERAL GOVERNMENT FINANCIAL ASSISTANCE TO LOCAL GOVERNMENTS

Another concept that is presently under consideration is the much heralded Federal Revenue Sharing. The Nixon Administration has proposed a far-reaching program designed to assist State and local governments in funding municipal services. The Administration proposal initially calls for a revenue package that would be based on .96 percent of the total taxable income reported on federal individual income tax returns for the latest year for which data is available. (1970). In 1973, the allocation would be increased to 1.3% or expressed in dollars to $6.7 Billion. It is estimated that the funds available for distribution in FY 1972 would constitute a permanent appropriation not subject to annual Congressional approval. 90% of the funds available under this program would be distributed to the States pursuant to a formula predicated on population and revenue effort. Revenue effort is determined by dividing the total revenue of all units of government within the State by the total personal income in the State. The resultant figure is multiplied by the State's population. (relates effort with ability) The remaining 10% would be allocated to those states that have developed an intra-state formula for the distribution of the state's share of the revenue.

This provision is designed to encourage states to formulate a more equitable method of distributing the funds to the counties and cities than offered under the Administration's general proposal. If a state fails to develop its own formula, the Administration's proposal mandates that the intra-state distribution must be made on the basis of the respective jurisdictions' revenue as it relates to the total revenue in the state. States utilizing the Federal government's distribution formula lose the 10% mentioned earlier.

For my part, I believe there is an important need for each State to develop a pass-through formula that fits its particular requirements. As an example to demonstrate the inadequacy of the general plan offered by the Administration, Prince George's County would receive less funds under the program than Montgomery County. This is in spite of the fact that Prince George's County has a population that exceeds Montgomery County by 130,000 people. Under the $5 Billion revenue sharing proposal outlined in a circular published by the Treasury Department, the State of Maryland would receive $87 Million. Of this amount $5.7 Million would be returned to Montgomery as opposed to $4.4 to Prince George's. The cities in the State would receive collectively $14.9 Million with approximately $13 Million of this amount going to Baltimore City.

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| Annapolis | $100,251 |
| Cumberland | 449,069 |
| Frederick | 127,357 |
| Hagerstown | 189,376 |
| Rockville | 183,414 |
| All other | 860,277 |
| State share | 47,671,917 |
| Counties and cities | 39,306,846 |

As some tax experts have feared the more affluent counties and cities in the State would receive greater assistance under the pass-through formula contained in the President's Program. The problem with the Administration's intra-State distribution of funds is that it does not relate effort with ability. Again the Nixon revenue program recognizes this inequity and provides the States the opportunity to develop their own method of distribution. Aside from the obvious inequities in the intra-state revenue proposal, there is also the additional 10% revenue allocation that is only distributed to those States that promulgate their own pass-through formula. In addition to the revenue sharing program previously described, the Administration's proposal would also consolidate existing categorical aid into six block grants representing such areas as education, transportation, law enforcement, etc. At the present time $10 Billion is allocated to categorical programs; to this amount the government will add an additional $1 Billion. As expected there has been certain criticism of the proposal; two points are generally raised.

1. The revenue will not get to where it is needed.

2. State and local governments will be spending money that they are not required to raise. (It is an accepted axiom in government that expenditures should not be divorced from taxation.)

One alternative to revenue sharing that has been advanced by some members of Congress calls for the Federal Government to assume the full cost of welfare. If my memory serves me correctly this program would release over $100 Million in Maryland. Funds of this magnitude, would, of course, provide a major transfusion to hard pressed counties and cities in our State. Representative Wilbur Mills is advocating a revenue sharing program that provides for direct payments to cities that can demonstrate a need for financial assistance as measured by urbanization and poverty levels. Criteria such as low-income families and the incidence of poverty would be used to determine benefits. This program also provides an incentive to state governments to utilize the individual income tax as a revenue source. In addition, the Mills' legislation will establish a voluntary system of Federal collection of state income taxes. The Mills' proposal is expected to cost $5.3 Billion. Many states that would receive assistance under the Nixon program would not receive aid under the Mills' proposal. In my judgment, Representative Mills' proposal provides for a more realistic and equitable distribution of Federal Revenue. The criteria established in the Mills' legislation for the allocation of Federal Aid would guarantee that funds would be provided to those local jurisdictions demonstrating the greatest need for financial assistance. This legislation also places a greater emphasis on the fiscal problems of the counties and cities as opposed to state governments. The most recent Mills' bill calls for a distribution of $3.5 Billion to counties and cities and $1.8 Billion to state governments.

In conclusion, with local expenditures increasing at an annual rate of 11% to 12%, and revenues at 6% to 8% (Prince George's experience), there is a distinct need for financial assistance to the counties and cities. My personal belief is that this much needed aid must come from both the Federal and State Governments.

By redistributing state and local resources and responsibilities, together with Federal financial assistance supported by major revenue sources such as a value added tax, the fiscal ills of our urban areas can be remedied.

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## Statement of Mr. William Matuszeski, Staff Representative of the President's Council on Environmental Quality

It is a pleasure for me to appear before you this afternoon to discuss with you some of the important concepts surrounding the interrelationships of land use and property tax policies. The Council on Environmental Quality is chief policy advisor to the President on environmental matters and we have from our inception nearly two years ago considered land use problems to be among the highest environmental priorities. Indeed, Council Chairman Russell E. Train has stated that land use is perhaps our most crucial environmental problem because we have yet to develop the institutions to effectively deal with it.

Of course, the primary emphasis on public land use policies is directed toward effective planning and rational regulatory activities. Additionally, the Council believes that consideration of tax policy issues, including the role of the property tax, is important to a full understanding of patterns of urban development and to the implementation of policies which order and direct growth rather than respond too late to forces which do not reflect in all cases the public interest.

In this regard, there are three points which are important from the point of view of the Council.

*First is understanding how, in fact, land use patterns are affected by property tax policies.* A common phenomena with which we are all familiar is that of suburban sprawl, which is in part due to property tax policies which force farmers to sell land to developers. Because the economic situation of each farmer differs, and because property tax is an important part of this economic picture, the property tax contributes to a scattering of decisions to sell and decisions to develop. This scattering or sprawl is costly in terms of public services, makes difficult the provision of adequate access to facilities without an automobile, and provides for residents what is oftentimes only a temporary relief from more crowded conditions until all of the land is converted and all of the roads are widened and re-zoned for commercial use.

It is important to understand that assessment decisions relating to areas under pressure for urban growth often contribute unknowingly to the pressures for development. Recognition by assessors that present zoning and regulatory restrictions will probably be changed when pressures become intense are reflected in high assessments on real property. These high assessments in turn increase the pressure on rural landholders and bring about the very results that the assessor has predicted would occur. In part then, assessment policies can become self-fulfilling prophecies of shifting land uses.

Another important effect of property tax policies is felt in areas already urbanized, where assessment policies have taken a different form. In nearly all jurisdictions the property tax assessment is apportioned between land and improvements. However, reassessment is often carried out only when changes are made in the improvements. As a result over time improvements tend to be overvalued and land undervalued proportionately. This has an important series of effects, some good, some bad, on land use patterns. One that should be mentioned is that it tends in our downtown areas to make viable from an economic point of view the low and high density ranges of property use and tends to discourage medium densities. Thus, the unfortunate pattern in many of our downtown areas of alterating office buildings and parking lots with resultant loss of the older, smaller buildings, which contribute so much to the character of the city.

Second, it is important to assure that our property tax policies are not deterring the use of innovative land use concepts. One of these is the development in recent years of cluster development and planned unit development. This is where the design of the subdivision places the houses on relatively small lots and the savings in land are combined into common open space for the use of all the residents. In many jurisdictions inability under law or unwillingness in administration of the property tax has made difficult or impossible the use of this design concept, because of difficulties in treating the common land for tax purposes.

Another area of creative land use activity which requires flexibility in our property tax policies relates to the donation or sale of limited property rights in land. These include such devices as scenic easements, severing of development rights to placing them in the hands of government bodies or conservation organizations, and a whole series of other legal mechanisms which allow the landowner to preserve his acreage as open space and resist the pressures of urban development. Often times, there are public benefits to be derived from preserving scenic farmlands or buffers of woods along streams or important wildlife areas. While the Federal tax system takes account of transfer of such less than fee simple interests, sometimes the local property tax assessor does not cooperate and continues to assess the land as if it were unrestricted and available for development.

*Finally, there may be opportunities to use the property tax as a positive land use tool to help direct growth.* The use of preferential assessments on farmlands near cities is something with which the State of Maryland has had considerable experience. Many other

States have undertaken programs of preferential assessment. Some have found them successful; others see serious problems. Rather than detail the variety of these programs and the full range of experiences under them, it might be best to discuss them in the question and answer period. This concludes my prepared statement. I would be happy to answer any questions you might have.

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### Statement of Mr. George S. Wills, Chairman of Maryland Environmental Trust

Senator Mathias and members of your staff that are examining the relationships between the property tax and land use: You are to be commended for bringing attention to two of the most critical problems facing local and State governments today. In fact, these two issues—and their interrelationship—are so critical today that ultimately the Federal Government may be affected.

Initially, Senator, I would say the most similar characteristic shared by land and the property tax today is that they are both *finite;* they are both limited resources, and they have both been subjected to serious abuses in the public and private sectors.

#### I. THE LAND USE "REVOLUTION"

This country is in the midst of a revolution in the way we regulate the use of our land, including the taxation of that land. This revolution is generally peaceful, conducted within existing legal process. However, these orderly processes have sometimes been seriously stretched—by confrontation between citizens and local government zoning boards—witness the bitter land use zoning controversies that erupted a year ago here in Baltimore County and are currently underway in Anne Arundel and Prince George's counties.

The land use-property tax revolution has two other unique characteristics: (1) the advocates for reform include both conservatives and liberals. (2) we are moving away from the "Industrial Revolution" concept that the sole function of land is to reap profit for its owner. Land, even privately owned land, is more and more assuming a need for stewardship, for some sort of conservation from one generation to the next.

#### II. "CRITICAL" LAND AREAS AND THE ENVIRONMENT

Two classic examples of certain land areas becoming a "public trust", no longer right for exploitation, exist right here in Maryland: (1) *wetlands,* once considered useless, are now considered an important part of the ecological chain—tied in closely to the environmental future of the Chesapeake Bay. (2) *Maryland's diminishing Atlantic coastline*—for years, and even today, abused by some of the worst possible exploitation and profiteering—is finally getting a last-ditch second look by Government. Assateague represents largely successful efforts at constructive conservation for public benefit. Ocean City represents exploitation beyond belief.

For these 2 critical land areas, two recommendations are appropriate for action by the Maryland Legislature this session and, wherever possible, support by our State's Congressional delegation. First, is the need for clarification, by amendment, of our existing regulations on what constitutes public wetlands. To exempt wetlands non-tidal areas from proper conservation practices will seriously undercut existing legislation. Nor, should the research on land originally granted to private owners by patent be a delaying tactic for proper management of these areas.

Second, Maryland has reached the time when we must enact coastal control legislation regulating industrial-heavy density development along our coastlines, including those along the Chesapeake Bay.

Wetlands and coastal shoreline are the obvious "critical" areas that require environmental management from the traditional pressures that dominate local zoning decisions. But, what about land as a commodity which must constantly be adjusted to meet an increasing population as well as the demands of urbanization?

There are still "critical" land areas that should be held for conservation-open space purposes: flood plains, stream valleys, for example. There is the need for attention to land conservation through zoning-taxing decisions. This specifically includes zoning decisions, accompanied by tax benefits (if necessary), requiring developers to preserve open space and trees as an integral part of residential or industrial construction. Miles and miles of today's sterile suburbia are testimony to past failures in this area.

#### III. ZONING, LAND VALUES, AND TAXES

States and local governments are being pressed harder each year to meet rising costs and increasing expenditures—and, at the same time, maintain sound taxing policies. Zoning was never intended as an instrument for providing adequate tax revenue. *It is, however, a tool in framing the pattern of land uses which is the ultimate basis for property taxes.*

Zoning an area for industry does not necessarily assure that industrial development will be of the desirable kind, *unless the area set aside in zoning has been carefully related to a comprehensive plan and a general consideration for the community's entire tax structure.* Conversely, it is not reasonable to stop zoning for orderly growth solely on the fear that the cost of local services will exceed revenue. Land zoning has as much effect on a community's overall tax structure as any local government action.

Regardless of any possible future shifts of some local government functions (such as education, welfare) to the State level, a large portion of local services will still be borne by real estate levies. The tax base will be largely dependent upon the quality of development that occurs upon the land. The tax base of the community 20 years from now will be no more or no less than that which is permitted or promoted today. Improperly drawn zoning provisions, lax enforcement, a misplaced zoning variance or flagrant "spot" zoning can create a land use pattern that will erode the character of development needed to maintain a continuing stable tax base. Upon that stable tax base will depend a local government's ability to develop at least a reasonably large portion of its revenue to pay for essential services.

#### IV. THE PROPERTY TAX AND A BETTER ENVIRONMENT

Let us examine *how our property tax system functions and whether it can be administered in behalf of a land use policy more supportive of environmental needs.* I have already spoken of the designation by Federal, regional, or State legislation of certain "critical environmental areas" which should be exempt from further development.

A basic weakness of the property tax system is its haphazard administration, with widely varying assessments—a tax system that actually encourages poor land use and development.

The sale of property for conservation purposes should be stimulated through property tax rebates or lower rates in order to interest the owner in financial benefits other than high profits acquired by selling for commercial development. At the same time, holding undeveloped land, without any meaningful environmental features, as a "tax shelter" in an existing developed area, should not be permitted. The property tax rate should be adjusted to permit reasonable growth.

The Maryland Environmental Trust is developing a conservation-open space easement program designed to encourage the transfer of critical land areas to the Trust, as an easement holder. Appropriate tax inducements are being reviewed as an integral part of that program.

States and counties have, for years, sweated out the more visible symptoms of subdivision fever. Courts have ruled that developers must be allowed to build if counties cannot buy their lands. What local government can pay for open space when unplanned development eats up its capital? The time has come for developers to participate more fully in the costs of providing the services of water, sewage, and schools to new subdivisions as one condition for acquiring zoning approval to build those subdivisions. Similar conditions should be considered for the landowners who—when considering a sale—may make a request for high density zoning, primarily on the anticipation of windfall profits. Through these obligations on landowner and purchaser, the individual property taxpayer may find some relief from ever-increasing assessments brought upon him by the high-profit transactions of others.

One means of controlling development, with its attendant profits for few, and the corresponding tax burden on many individual homeowners, may be through the assignment of "development rights" to *all* landowners. A bill introduced by Prince George's County Senator William Goodman, embodies this approach whereby a developer will have to purchase development rights from landholders outside the development zone. By selling their rights, these landholders would forfeit opportunities for their own future developments. This constraint would, according to the Goodman Bill, encourage more orderly development and lessen the ruinous speculation in land that has sent property taxes and the cost of public services skyrocketing through the United States. While the Goodman bill needs refinement and has some problems in practical implementation, its approach is a step forward in developing a more positive relationship between land use planning and property taxes.

#### SUMMARY

There is no one-dimensional solution to land use problems. The role of the Federal Government can best be supportive of the States and regional areas in developing land use patterns that will stick and not be subject to the latest pressure on a local zoning board. In addition to protection of the so-called "critical areas" (such as coastal zones and estuaries; shorelands and flood plains of major rivers and lakes), Maryland's inland subdivision sprawl and commercial strip development have become more than a private matter between developer and seller. I recognize that it is a delicate business to balance the individual's relationship to his property with public concern for the land. Even more delicate is the adjustment of government relationships, determining which level of government should regulate what land uses.

A national land use policy must safeguard diminishing natural and scenic areas; likewise, it must address the adverse consequences of major growth and related tax dislocations. States should have methods for assuring that local regulations do not restrict or exclude development and land use of regional benefit. The time is ripe to expect more from the States as the central pivot in land use management where local zoning property taxes have become an inhibiting force for environmental quality and conservation of land—a rapidly diminishing resource.

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### Testimony Submitted by Mr. Robert N. Young, Executive Director of the Baltimore Regional Planning Council

I am Robert N. Young, Executive Director of the Baltimore Regional Planning Council (RPC). Thank you for giving me this opportunity to discuss problems of real property taxation and ways it affects the comprehensive regional planning process. These opinions and recommendations are mine and should not be construed as the policy of the RPC.

The *ad valorem* real property tax is a major influence on the location, density and timing of land development. As property taxes increase, the likelihood of development or construction on the property increases. Higher property taxes also often mean higher densities of development. The timing of the decision to increase property taxes may speed development of that property. In the event property tax increases and resulting development do not occur at the same location and time as extensions of urban services, these services will not be available to newly developed property. Thus the connection between the real property tax and planning for orderly and timely regional development is close and continuous.

The real property tax problems I would like to address are (1) sharing escalating land values in the form of taxes (2) needed improvements in the administration of the tax, and (3) better coordination of tax policies and the comprehensive regional planning process. At one time landed property was a pretty good index of wealth and, therefore, a good thing to base tax on. Today, however, other kinds of wealth, much of which is intangible, are the bases for income and should pay their fair share of taxes. For example, income from land values which increases as a result of community growth or discovery of unexpected resources is taxed at half value. Income from land and land resource sales should be taxed at its full value rather than as capital gains at 50% of its value. It would have the following advantages:

1. Land speculation would be reduced because twice as much of the profits would be fully taxed as is presently the case.

2. The increases in land values due to public improvements such as transit, highways, sewerage, and water service would be taxed; and this would help pay for the public improvements.

3. Resources under the land, which the land seller had no role in, would be taxed so a portion of their value would accrue to the general public; and

4. This revenue could reduce the likelihood that the real property tax of the nonspeculative landowner would increase rapidly.

Greater emphasis should be placed on taxing the value of land rather than improvements on it. In Maryland in 1970 about one-fourth of real property tax assessments was on land and about three-fourths on improvements to the land. I recommend reversing these ratios so that about three-fourths of assessments is on the site. Among the advantages of this approach are:

1. Owners of vacant land served with urban services (highest value land) would be encouraged to make use of their land. The costs of providing urban services would thus be much more efficient.

2. Building owners would not be penalized for improving their buildings. They would be upgraded in quality and more economically productive.

3. Land speculation would be reduced by discouraging landowners for holding vacant and other relatively low assessed value land from use.

Under my recommended approach, income from cropland and other farm uses would be assessed as income rather than as real property.

Studies of real property administrative practices across the country have often found favoritism in assessments. Because inequitable assessments is a clandestine practice which depends on secrecy for success, I advocate publication of all assessments annually in newspapers of general circulation. By being open and aboveboard with assessment levels, assessors would be forced to justify the accuracy of their evaluation, timeliness of their information, and comparative value set by them throughout their jurisdiction. A more equitable real property tax burden could result.

Two of the likely spin-offs from publicizing assessments are an increased number of appeals and the need for more staff. Chagrined property owners who disagree with their assessment relative to that of nearby properties require an appeals mechanism to redress their grievances. Perhaps the individual hearing examiner approach used for zoning changes in Montgomery County could be adapted to hear assessment cases. Few assessment offices in counties are adequately staffed. A prerequisite to better assessment practices is better staff resources. In-service and pre-service training should be available to assessing office staffs.

Real property tax policies can play a strategic role in implementing comprehensive regional development plans. Increasing taxes and extending urban services in the direction and at the time plans recommend development should occur could be the stimuli which would cause it to take place. Property tax policies can also be used to retard development in such areas as proposed open spaces, unique geologic areas, flood plains, and historic areas. Stabilization of reduction of taxes in these areas, if they are not developed, could go a long way toward guarding urban development to areas best suited for it.

Sharing of information between planning and assessment staffs can assist both of them to harness the development and taxation processes. Montgomery County and Prince Georges County provide information from their assessors offices to the Metropolitan Washington Council of Governments. This information assists the Council in its land use and transportation planning and capital improvements programming work. It also benefited the assessors offices by permitting them to update their information base regularly, establish a uniform system for recording and retrieving information, and analyze assessment trends. County and regional planning offices should establish this type of cooperative relationship with county and regional assessing offices.

The states can play an important role in real property taxation practices. Some of the things I recommend establishing or strengthening are:

1. Taxing land transfers and income from land resources at full value
2. Requiring local coordination of capital improvements programming and real property assessments
3. Requiring annual publishing, in newspapers of general circulation, all assessments.
4. Establishing training programs for assessing office personnel
5. Providing technical assistance to assessing offices on matters such as:
   A. Administrative organization
   B. Uniform record keeping
   C. Application of automatic data processing techniques
   D. Methods of assessing unique or unusual buildings, and
   E. Coordination with comprehensive planning offices
6. Setting performance standards for the assessing function, and
7. Encouraging the exchange of information among assessing offices.

These practices can bring property tax policy into greater harmony with the planning and development process and encourage greater equity in its impact on the taxpayer.

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## TESTIMONY SUBMITTED BY DR. JOHN MILLS, EXECUTIVE DIRECTOR OF THE TRI-COUNTY COUNCIL

Mr. Chairman, distinguished members of your committee, ladies and gentlemen—I am John H. Mills, Executive Director of the Tri-County Council for Southern Maryland. The Council is an economic development and planning agency for the three county area of Calvert, Charles, and St. Mary's counties. I emphasize here the purpose of the Council and more particularly economic development in its broadest context, the total system; rather than the more limited definition generally used to mean industrial development.

I speak to you from my knowledge of our situation in the tri-county area of Southern Maryland—jobs—revenue—environment and public services. The four are closely related—they are parts of a whole. It is difficult to discern the beginning or the end in such a chain of parts, much less what is fair or equitable.

I shall speak briefly to two parts of this issue—revenue and public service, but respectively request that we be allowed to enter a further statement into the record because my notice was short and Council members do have strong feelings on these fiscal matters, and public service.

As you are well aware property taxes are the primary source of locally generated revenue, and at the same time education is the most significant user of all revenues at the local level.

And now at least two court cases question the equitability of educational opportunity when education is tied to property taxes.

Both the Federal, and State Governments contribute to local government services. Both have far broader taxing authority. Both seem to have a greater authority to tax than responsibility to provide service, and the gap is widening—except, of course, where the Federal and State Governments have recently assumed some of these fiscal responsibilities—not necessarily are these assumptions singularly to reduce fiscal burdens *per se* but rather to attain some desirable social goal, to right an economic inequity, or to put a minimum floor or standard under certain government services. They are, if you will, of ten times a fiscal lever. Please understand, I recognize and acknowledge many problems of equitability or fairness but do not wish to struggle in that quagmire today, except to say that the administration of some fiscal support programs bring up additional questions with interesting ramifications.

Education and property taxes are the case in point; most of us subscribe to the establishment of minimum educational standards; fiscally prudent and universal goals are yet another thing. How high should we reach? The per student expenditure in the State of Maryland ranged from $563 to $1,009 for FY 1970. This winter a committee on education reported to the Governor, and if my memory serves me, projected Montgomery County's expenditure per student for even more, as a desirable goal for the state standard. It is true that those districts which are more affluent, do spend more, and generally also tend to have more effective systems—but how much more effective? How effective in light of other needs for all citizens for all services at all levels of government. Education is necessary for you and me as citizens, workers, mothers or fathers, but I could not consider education in and unto itself without considering the other services provided by government. Advances have been made in education—I applaud them. And while there are extremes in expenditures and correlated differences in quality of services, it does not always follow that the more we spend, the better the service—nor does it follow that we are effective if we pinch pennies—to quote Kermit Gordon, past director of the Bureau of the Budget, "parsimony and profligacy are both false guides to budgeting for neither resorts to reason."—It is necessary to reflect upon revenue from property taxes vis-a-vis education (1) in the context of the whole: hospitals, nursing homes, jails, transportation systems, housing, etc., etc., and (2) as an effective and efficient institution in its own right.

Now I would like to turn my attention to property taxes as an incentive (disincentive) to growth.

Because local jurisdictions depend so heavily on property taxes and they are levied locally, there is always a lot of jawboning, depending upon where one stands, about special exceptions: differential rates, confiscatory taxes, removal from the tax roles and, of course, the omnipresent necessity to add to the tax base to contain the rate.

Taxes have through time served as a source of revenue. They have also served other purposes too. Some more pronounced than others, some by design, perhaps, by omission. Of course, this has changed through time as the situations have changed. Effectiveness of these various taxes has likewise changed as a source of revenue and as an incentive or disincentive. Revenue from property taxes are a link of the chain. As demand for services increase—revenue must be increased—tax rate and/or base are increased so that effectively the total taxes per property are increased—there is a pressure to overcome such a tax—a pressure toward a higher land use. Land development occurs.

More services are required, etc. etc., the cycle continues, an uptrend is established. Additionally, and these are rarely addressed—alternative land uses—open spaces have an aesthetic value and, therefore, are a valuable asset to all.

When parks are developed the property leaves the tax roles as a revenue generator—it is true there are costs, and benefits, for such an improvement. Query: What other development might have occurred, what would its net benefit have been to the community?

Property taxes are crucial at the local and State level. They are the basis for bonding—they cannot be removed without: (1) an alternative source of revenue with at least as much local discretion; or (2) divestment of responsibility for which taxes are used; or (3) a combination of the two.

In any case, and as heinous as property taxes may seem, there is a privilege—responsibility, responsiveness to the electorate at the State and local level which cannot be entirely overlooked, and property taxes taken in the context of sales taxes, excise, income, etc. as a contribution to the total source of revenue does not make them oppressive. Property taxes or any other taxes are not levied in a tax vacuum.

### TESTIMONY OF MR. HARVEY M. MEYERHOFF OF MONUMENTAL PROPERTIES, INC.

**In examining the extent to which local governments depend upon the property tax for a substantial portion of their tax revenue, it is clear that the great majority of local government is over-dependent upon the property tax for fiscal support of its programs. There are 32 states (64% of the country) in which the local sub-divisions derive between 60–80% of their revenue from real property taxes. There are, in addition, 15 states in which the local sub-divisions obtain 40–60% of their income from this source and but 3 states in the nation which derive less than 40% of their revenue from this source.**

**Mr. Chairman, may I make some general observations on the property tax:**

**1. The real property tax discriminates against the childless family or the family with fewer children, as well as the family on low or fixed income.**

**2. It usually discriminates against the new property owner because of the lag in updating assessments on older property.**

**3. It does not, effectively, tax personal service industries since their gross volumes are not related, generally, to the physical plant required to produce it and, hence, the property tax, since it is based on assessment of real property, does not obtain its fair share support from this type of industry.**

**4. It is, to a large degree, self-defeating—the higher it is, the less likely it is that people can afford it, the lower the revenue the higher the assessment, etc.**

**5. It usually discriminates against the occupants of less than 3-bedroom dwelling units.**

**6. It is not uniformly applied in each of the political sub-divisions.**

**7. It has a major effect on attracting or discouraging industry in a particular subdivision.**

**8. Because tax exempt property is just that but requires services, in general, to the same level of support that non-tax exempt property would require, it is clear that the rest of the real property taxpayers are supporting the tax exempt institutions.**

**9. Payments in lieu of taxes are not equivalent.**

**10. Center cities provide the services but don't share in suburb affluence.**

**11. Effect upon Urban Renewal.**

**A lead story in the Baltimore Sunday Sun of yesterday highlighted much of this problem and I am certain that someone will introduce it in the record but, if not, I would like to do so.**

**In conclusion, Mr. Chairman, it is clear that the property tax, despite its long history, is no longer the responsive and adequate tool which the local, and perhaps even State, taxing authorities may utilize in order to produce the revenues which are required to run the services demanded of them by their citizens. I submit that other alternatives, generally of a broad based category, although distasteful (any tax is), will be much more equitable and evenly spread over the bulk of the population and will result in much more effective utilization of the financial resources of this country to produce the desired results.**

### NAHB RESOLUTION

#### REAL ESTATE PROPERTY TAXES

**Whereas, experience has clearly demonstrated that the prevailing fiscal basis of the local real estate property tax is outmoded and inequitable as a means of financing the education and welfare needs of the local community, and**

**Whereas, reliance on such severely limited resources often frustrates local authorities to the point of adopting self-defeating regulatory measures which artificially restrict necessary growth in their respective areas,**

**Now, therefore, be it resolved, that real estate property taxes, other than those for real estate related services, be replaced on an orderly schedule with broader based revenues where the source is more reflective of the general wealth and consequently more respondent to the benefit or ability to pay concepts as recommended by various state and Federal tax study commissions.**

*Percent of city tax revenue provided by property taxes, selected cities, 1970*

| City: | *Percent* |
|---|---|
| Atlanta, Ga | 58.5 |
| Baltimore, Md | 73.4 |
| Billings, Mont | 93.5 |
| Birmingham, Ala | 32.8 |
| Boston, Mass | 98.6 |
| Bridgeport, Conn | 99.2 |
| Buffalo, N.Y | 91.9 |
| Chicago, Ill | 59.0 |
| Columbus, Ohio | 21.0 |
| Denver, Colo | 46.9 |
| Eugene, Oreg | 92.2 |
| Fort Wayne, Ind | 98.6 |
| Gary, Ind | 98.3 |
| Honolulu, Hawaii | 76.8 |
| Huntington, W. Va | 35.0 |
| Indianapolis, Ind | 99.2 |
| Kansas City, Kans | 93.3 |
| Los Angeles, Calif | 53.8 |
| Manchester, N.H | 99.1 |
| Miami, Fla | 63.7 |
| Milwaukee, Wis | 96.3 |
| New Orleans, La | 38.7 |
| New York, N.Y | 61.1 |
| Pawtucket, R.I | 98.9 |
| Philadelphia, Pa | 31.5 |
| Portland, Maine | 99.1 |
| Raleigh, N.C | 93.8 |
| San Diego, Calif | 54.0 |
| San Francisco, Calif | 81.7 |
| Seattle, Wash | 52.1 |
| Springfield, Mass | 99.3 |
| St. Louis, Mo | 36.2 |
| Toledo, Ohio | 19.0 |
| Washington, D.C | 32.7 |
| Winston-Salem, N.C | 65.4 |

Source: U.S. Department of Commerce, Bureau of Census, GF 70, No. 4.

PERCENT OF ALL TAX REVENUE OF LOCAL GOVERNMENTS PROVIDED BY PROPERTY TAXES, 1970

| State | Percent | Category |
|---|---|---|
| Alabama | 23.3 | 20–40 |
| Alaska | 43.8 | 40–60 |
| Arizona | 58.7 | 60–80 |
| Arkansas | 50.9 | 60–80 |
| California | 66.7 | 60–80 |
| Colorado | 66.8 | 60–80 |
| Connecticut | 86.1 | [1] 80 |
| Delaware | 51.9 | 40–60 |
| District of Columbia | 28.4 | 20–40 |
| Florida | 51.2 | 40–60 |
| Georgia | 50.5 | 40–60 |
| Hawaii | 58.2 | 40–60 |
| Idaho | 65.9 | 60–80 |
| Illinois | 71.7 | 60–80 |
| Indiana | 75.9 | 60–80 |
| Iowa | 76.2 | 60–80 |
| Kansas | 73.1 | 60–80 |
| Kentucky | 45.3 | 40–60 |
| Louisiana | 37.8 | 20–40 |
| Maine | 88.8 | [1] 80 |
| Maryland | 55.3 | 40–60 |
| Massachusetts | 85.4 | [1] 80 |
| Michigan | 66.4 | 60–80 |
| Minnesota | 68.4 | 60–80 |
| Mississippi | 50.8 | 40–60 |
| Missouri | 60.5 | 60–80 |
| Montana | 77.0 | 60–80 |
| Nebraska | 68.6 | 60–80 |
| Nevada | 49.0 | 40–60 |
| New Hampshire | 86.1 | [1] 80 |
| New Jersey | 77.2 | 60–80 |
| New Mexico | 47.1 | 40–60 |
| New York | 60.8 | 60–80 |
| North Carolina | 62.4 | 60–80 |
| North Dakota | 73.0 | 60–80 |
| Ohio | 63.7 | 60–80 |
| Oklahoma | 57.3 | 40–60 |
| Oregon | 71.5 | 60–80 |
| Pennsylvania | 54.8 | 40–60 |
| Rhode Island | 87.8 | [1] 8 |
| South Carolina | 58.6 | 40–60 |
| South Dakota | 80.1 | [1] 80 |
| Tennessee | 47.6 | 40–60 |
| Texas | 61.5 | 60–80 |
| Utah | 67.6 | 60–80 |
| Vermont | 87.9 | [1] 80 |
| Virginia | 54.2 | 40–60 |
| Washington | 53.0 | 40–60 |
| West Virginia | 60.0 | 60–80 |
| Wisconsin | 78.8 | 60-80 |
| Wyoming | 61.2 | 60–80 |

[1] Over.

Source: U.S. Department of Commerce, Bureau of Census, GF 70, No. 5; NAHB Economics Department.

### TESTIMONY OF MR. PARKER MATTHAI, PRESIDENT OF THE VALLEY PLANNING COUNCIL

Gentlemen: My name is Parker Matthai. I am a life long resident of Baltimore County, a tax-payer, Architect and President of The Valleys Planning Council.

As an Architect, I am concerned with physical environment and with what I anticipate to be problems in that connection in the future. I will come back to this subject later.

The Valleys Planning Council is a citizens' organization concerned with sensible and sensitive development of a unique 70 square mile area in northwest Baltimore County which is now subject to pressure for development in the traditional wasteful and rapacious manner evident in other parts of this County, this State, and in many areas of this entire country.

I do not feel qualified to comment at length on fiscal matters but recognize that proper and adequate land use control must also be closely connected with real estate and property tax strategies.

As a tax-payer, I am also aware of the inequities which exist in this area and the need for tax reform. This need has been covered in some detail in an editorial by Art Pine in yesterday's Sunday Sun. I have also sensed the desolate feeling of frustration of the average Baltimore City homeowner, who is confronted with increasing property taxes which appear to be the most used and abused source of funds for satisfying the City's fiscal needs. In the matter of land use, Americans in general are dissatisfied with our deteriorating cities and mushrooming growth in the suburbs, with ever-increasing prejudice and ever-decreasing opportunities for freedom of choice, I am dissatisfied with the impersonal faceless expanse of housing which is constructed hurriedly and without thought to either the community or the individuals who will occupy them. It is not the numbers we should be concerned with, but the quality of life and choice of life style available to Americans whoever they may be. They are entitled to communities that are more livable, neighborhoods that are safe, that are within reach of jobs and which provide a richer mix of community life and services. Neighborhoods small enough to have some identity of their own where no one need be anonymous while attaining the privacy Americans always have yearned for.

The American Institute of Architects has recently received a preliminary report submitted by a Task Force on National Policy which is aimed directly at the question at hand. It identifies those concerns which I have mentioned and others and proceeds in calling for a national growth strategy in which private freedom and public competence work together since they must be compatible; one needs the other.

The American Institute of Architects report, which is just now being released to the membership, will be the theme for the forthcoming convention this spring. It calls for the use of a "Growth Unit" for planning purposes which is a neighborhood community with a population range of 500 to 3,000 dwelling units. The Growth Unit is identified not as individual buildings or projects, but as a human community with a full range of physical facilities and human services that insure an urban life of quality.

Even today, it is not possible for a low income family, much less a moderate income family, to choose a housing unit which provides a healthy environment for family life. With rising cost of construction, this will surely become even more difficult as the months go by and will require a joint effort as mentioned before of private enterprise and government participation. The potential quick profit for the shrewd real estate developer is such that thoughtless and blind consumption of available open space without regard to its natural amenities or its influence on surrounding values must be combated with broad based control measures. This also says something is wrong with a system that provides an exorbitant profit for a limited few at the expense of the homeowner.

The need for comprehensive planning must take into account all aspects of human life today and in the future, it must address itself to the delicate ecological balance and it must be concerned in the way in which we develop the housing which will be needed in the foreseeable future.

The new Communities Act is directed at this effort and only with participation at the Federal, State and local level, as well as an adequate profit motive for private participation, can we hope to cope with our future needs.

Senator Mathias I commend your Bill No. 2554 and will certainly do all I can to support it.

Along with all other facets of planning with which we are familiar, I believe that there must be broad citizen participation. Not only as a consideration of individual needs, but even more important is the potential input of local citizen groups, either community improvement organizations or those who have made a real effort to control the destiny of their neighborhood, i.e., V.P.C.

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### TESTIMONY OF MR. JAMES GLEASON, MONTGOMERY COUNTY EXECUTIVE

I would like to offer some general observations regarding local property taxation as well as the national land use policy legislation pending before Congress. The property tax has attracted increasing attention over the years and more recently has been the subject of legal challenges with respect to financing public education. It can be demonstrated that property taxes and related assessment policies do effect land use particularly with respect to the holding of land for future development. The real problem, however, is that local governments have been forced to rely on the property tax as a major source of revenue to finance local services. Throughout the country local officials have pleaded with state legislatures for additional taxing authority. These appeals have generally gone unanswered.

Of course, local property taxes represent only one element in the total tax package affecting land use. A full understanding of the problem must include a study of related Federal and State tax policies.

The national land use policy legislation pending before Congress should be considered in connection with any inquiry regarding property taxes. Local governments throughout the nation are being seriously challenged by a continuing trend of Federal and State takeovers of programs which have been traditionally local in nature. This trend is working to the disadvantage of the people in that it has produced a mammoth bureaucracy which is more costly, less efficient, and less responsive to the needs of the people. Local government, which is closest to the people, should not have taken away from it the powers and authority which are necessary to respond to the needs of local residents. In this context I must express serious concern with the various bills pending before Congress which would establish a national land use policy. These bills effectively remove local governments from the decision making processes in land use planning. The people and the government of Montgomery County have been and continue to be committed to land use policies which will protect the environment while providing desirable communities and neighborhoods in which people can live. The proposed legislation (S 632, S 992, S 2554, etc.) transfers to the State and Federal government the ultimate decision of how Montgomery County and other local governments will develop in the future.

No two local jurisdictions are identical in their problems, needs, or aspirations. Yet these bills would have Federal and State agencies substitute their views for what has always been the prerogative of representative government in which the people have a direct and effective voice. The result will be more bureaucracy, less responsiveness and a continuation of the trend which is placing the individual further and further away from the decision making processes of government.

People tend to hold their local governments accountable for all failures in public services. This is as it should be. Local governments readily accept this responsibility which has expanded as the problems of urbanization continue to grow. However, our ability to deal with these problems is greatly diminished by the continuing trend of Federal and State takeovers. A national land use policy may well be necessary to assure that our environment and natural resources are protected for future generations. I do not believe that such a policy requires the dilution of local authority which will be destructive of representative government.

We will be happy to provide any information which may be helpful when Congress begins active consideration of land use policy legislation.

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[Testimony submitted by Dr. Thomas Muller of the Urban Institute]

### IMPACT OF PROPERTY TAXES ON LAND USE—PRESENT AND POTENTIAL

#### INTRODUCTORY REMARKS

The impact of property taxes on land use has been the subject of discussion among economists and others for decades—probably since the property tax became a major source of revenue to pay for public services. In recent years, however, property taxes as a major source of revenue to meet the cost of local public services, particularly schools, have been under strong attack by various groups. In the past few months, courts in three states have, in fact, challenged the use of the property tax, as presently utilized, to pay for public education. The major arguments in opposition to the property tax include the following:

It is regressive—that is, lower income families spend a larger share of their income for property taxes compared to higher income families.

Property wealth is unevenly distributed, resulting in sharp differences in fiscal ability between communities and school districts.

The administration of the property tax is unfair, as it results in differences between and within types of property.

Property tax differences between jurisdictions and types of property distort land use to the detriment of the community.

This discussion will concentrate on the opposition to the present structure of the property tax in relation to detrimental land use. In subsequent sections, the impact of the property tax on agricultural land, problems associated with preferential assessment of farm property and the effect of property taxes on urban residents are examined. Finally, the likely impact of reducing property taxes nationwide on the demand for land is briefly discussed.

#### *I. Taxation of agricultural land*

During 1966, 7.0 percent of all assessed property in Maryland was agricultural—somewhat below the national average of 11 percent. In some counties of the state, such as Carroll and Frederick, about 25 percent of the property base is comprised of agricultural land. By contrast, only 2.6 percent of the base in Montgomery County is agricultural. Property tax rates on agricultural and other land have been curtailed, but not reduced, by the introduction of the county income tax surtax. This local income tax provided $41.9 million in revenues to Montgomery County in 1971, compared to $90.6 million derived from property tax. Without the surtax, to raise an equivalent amount of revenue, the county would have to increase its property tax rates by 46 percent.

For the small farmer, taxation of his land via the property tax has always been a problem. During 1963, 9.4 percent of the net farm income before the payment of property taxes was absorbed by the property tax, compared to less than 2 percent for industrial and commercial enterprises. In general, property tax on land have increased at a much faster rate than farm income, resulting in greater tax burdens on farmers. But what places farmers at a disadvantage relative to most commercial and industrial enterprises is that the small farmer cannot "shift" the tax (that is, pass on the tax) to the consumer in the form of higher prices for his product. This is because the small farmer operates in a competitive market, where his influence on the price of the product is minimal. In addition, to compete with other farmers, he has to increase his investment in land, equipment and buildings, resulting in higher property tax payments. To the farmer the property tax is the least desirable among the three major forms of taxation used by state and local governments: (1) personal and corporate income, (2) sales and excise, and (3) real and personal property. Income taxes, since they allow various exemptions, tend to benefit the farmer whose money income is generally low. Sales taxes, particularly if food products are also taxed, have a lower tax burden for the farmer compared to the urban resident.

In general, and particularly in a rapidly growing state like Maryland, the trend has been to shift large portions of land from its use for farming to other purposes, generally more intensive land uses than agriculture. Near growing metropolitan areas, residential housing, highways, and industrial/commercial enterprises have been absorbing agricultural land at a rapid rate. Although growth in the Washington and Baltimore areas during the 1970's will probably be less than in the 1960's, primarily because of demographic changes resulting in decreased population growth, thousands of acres of family farm land will change into housing developments. The building of additional highways has a particular effect in the use of agricultural land, since highways allow developments to "leap frog"—that is, to pass by existing farm land to a new area, which remains within commuting distance to employment centers as a result of the new roads. This leap-frog effect is encouraged by public utilities, particularly those providing water and sewage services. Without adequate water and sewage facilities, expansion beyond established urban perimeters is difficult. A good example of the leap-frog effect is the Levitt's development at Bel Air in Prince George's County. The effect of new developments on the farmer in the area can be and frequently is negative from a fiscal viewpoint. Increased residential development brings about sharply increased costs of public services, particularly for such functions as schools, roads, as well as fire and police protection. For example, for Fairfax County, Virginia, to "break even" on new residential construction, the average value of the house has to be over $40,000, assuming the average household living in detached housing has 1.3 children attending public school. That is, it requires property taxes from a $40,000 to $45,000 home to produce sufficient revenue to meet the average cost of public services resulting from the new construction, including the necessary capital investment.

In effect, older residents in growing communities tend to subsidize the newer resident, unless he purchases an expensive home or has no children in public schools. Garden apartment residents in both Prince George and Fairfax County have higher local public costs than local revenues that they generate. High rise apartment residents, as they tend to have few children in public school, are a net fiscal asset to each county. Rural residents near new developments, as those in Prince Georges County, find sharply rising taxes on their homes and farms to pay for the new growth. This can be demonstrated by increases in the county property tax rate from $1.98 in 1957, to $3.53 in 1969. Population growth was the most rapid in Prince Georges County within the Washington area while concurrently taxes were rising faster than in other metropolitan jurisdictions. The small farmer may be forced off the land as a result of having to pay for massive in-migration into suburban counties. Concurrently, however, the farmer, particularly if his farm is close to a highway, is also gaining financially, as the value of the land he is using for agriculture becomes more valuable. Thus, the incentive to sell out to the land developer or land speculator. Reduced property taxes in general are likely to deter but not prevent the change in land use from farming to other uses. Preferential assessment on agricultural property is one of the issues relating to the land use problem, to be discussed in the subsequent section.

One means of avoiding the rapid change of land from agricultural to other uses without modifying property tax rates is strong local zoning combined with a national land use policy, that is, legal constraints. Many Western European countries, including Great Britain, maintain tight controls to keep land rural until the area is ready for development. In theory, the Washington area has long range planning, such as the Year 2000 plan by the Maryland National Park and Planning Commission. In practice, such plans do not aid either the agricultural sector or urban residents, primarily because they are almost never implemented. A combination of factors work against the implementation of master plans—political pressure by developers, poor initial planning which is usually obsolete by the time the plans are completed, the lack of sufficient public awareness of the planning process and the absence of any national guidelines.

### *II. Preferential assessment of land and land use*

The issue of preferential tax treatment is one of the most controversial in the property tax area. At present, a number of "special interest" groups receive preferential tax treatment, either full or partial exemptions from the property tax, which have an effect on land use. Full exemption is, of course, provided on federal, state and local government property, as well as religious and selected nonprofit private property. The value of totally tax-exempt property (land and improvement) in the State of Maryland in 1966 has been estimated at $2.5 billion, or 20 percent of the total assessed value of all property. In Prince Georges County, 27.8 percent of all assessed property in 1969 was tax-exempt, in Montgomery County 18 percent in the same year. In theory, fully exempting certain types of privately owned property encourages their building relative to structures which are taxable. However, the over-all impact on land use is probably not very significant, although the size of a church or private school building and thus the amount of land utilized may be effected by its tax-exempt status. The primary objection to this category of exemptions is that the taxable property base is reduced.

A controversial issue is partially-exempt property. For example, the exemption on real property for older citizens is permitted by the Maryland legislature as a county option. A number of Maryland counties have provisions for tax exemptions for older citizens meeting specified criteria, such as income. However, this exemption, while slightly reducing the tax base, has no impact on land use. The primary purpose of this legislation is to reduce the tax burden of citizens whose income has been reduced due to age.

Preferential treatment of agricultural land is a more complex subject, subject to conflicting interests at the state level. It is favored by farm groups and developers, but opposed by urban counties, as it represents the greatest real estate tax loss from the private sector in Prince Georges and Montgomery Counties. A major justification for preferential assessment legislation has been that it would reduce urban sprawl and encourage the maintenance of farmland, thus preserving open space near urban areas. However, this justification has been challenged. Based on an analysis of preferential assessment in Maryland, Peter House states that "the effectiveness of tax measures in preserving open land depends on area wide planning and control over land use." [1] This view is shared by Frederick Stocker, who points to the "opportunities for developers and speculators to hold tracts of undeveloped land, while hiring a nearby farmer to cut hay or pasture a cow." [2] An examination of the growth pattern in the bi-county area lends little credence to the argument that urban sprawl has been reduced by the preferential tax. In fact, there is limited evidence to indicate that owners of such property occasionally chose to wait to sell or build on the property, while development "skips" their land into previously rural areas.

The subsequent section of this report estimates the loss in tax revenues as a result of preferential tax assessment in Montgomery and Prince Georges Counties. It is followed by a section suggesting alternatives to the present method of preferential assessment which would have an impact on land use.

### *III. Revenue losses from preferential agricultural land assessment*

Maryland was the first state to modify its property tax laws to preferentially treat land used for farming, a practice which has spread to six other states by 1969. The original Maryland legislation, approved in 1960 (but modified in 1969) did not restrict preferential assessment to owner-operated farms, or to what would be considered "bona fide" farms. Nor were there provisions in the legislation to recapture any tax loss at the time of rezoning, which would indicate its use for more intensive development, or at the time of sale to land developers.

The difference between market value and preferentially assessed value for agricultural property in both Montgomery and Prince George's County for 1966 was estimated in a previous study.[3] A 1968 analysis by a member of the Montgomery County staff established the market value of preferentially assessed land at $205 million or about eight percent of the total tax base.

The approach utilized by this writer to determine the tax loss associated with preferential farm land assessment is shown in a recent publication.[4]

The total assessable value of land not taxed is estimated by this writer to be $114 million in 1968, resulting in a revenue loss to Montgomery County of $3.0 million. In 1971, in view of rising land prices, the revenue loss is probably close to $4 million, based on the methodology described. While this is less than the $10 million the county claims as its tax loss in 1971, it remains a substantial amount.

In Prince George's County, 90,450 acres of land, comprising 28 percent of the total county area, were preferentially assessed in 1969. The assessed value of agricultural land not taxed is estimated to be $65 million, representing a tax loss in 1969 of $2.3 million, and probably close to $3 million in 1972. Despite the substantial tax losses to these two counties, the abandonment of preferentially assessed farmland would add less than 5 percent to the property base of the two counties. This may not be an unreasonable cost if, in fact, a land use policy which would result in the objectives set out in the preferential assessment legislation could be implemented.

### *IV. Alternatives to preferential agricultural land assessment*

In view of the problems associated with preferential assessment as previously discussed, it is useful to consider alternatives to the existing system in Maryland, and perhaps other states. The aim of these alternatives is not to assess farm property at its value if it were used for more intensive purposes, as this places small farmers at a disadvantage, and can result in unfavorable land use practices. Rather, the objectives would be to reduce abuses.

(1) Tax deferment on agricultural land, but for an extended time period without tax payment liability limit. Oregon requires pay-

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ment for the differential between taxes paid under preferential treatment and the amount that would have been paid without the preferential tax law for a period of up to five years with accumulated interest charged at a rate of 6 percent. Since 1969, Maryland counties can "recapture" part of the tax loss when the use of land previously under preferential assessment, is changed. However, at present, the tax payment is limited to 5 percent of full market value. With prevailing tax rates, holding land for two or more years results in a benefit to the owner despite the "recapture" clause.

(2) Allow continuation of tax deferral and preferential tax treatment until land use is changed. At the time of the change, tax the increment in land value, on the basis of such criteria as years of preferential treatment offered or the new use of land. For example, a particular land use may have a negative fiscal or environmental impact. That is, the cost of public services provided may exceed derived revenues, or the pollution created may have a high social cost. Thus, the tax percentage could be based on the likely fiscal and environmental impact resulting from new land use. The tax could therefore be a tool developed to encourage or discourage a particular land use. This concept was recommended in a report to Prince Georges County.[5] A modified version of this approach was subsequently proposed by the County Executive and the County Council in 1971, but not approved by the State General Assembly.[6]

It should be noted that in some cases land presently in agricultural use should be developed for more intensive use. In these cases, preferential tax treatment would not aid effective planning. However, the determination as to when a particular parcel of land should be developed requires a comprehensive plan which can be enforced which few areas now have or can implement.

(3) Provide preferential assessment on bona fide agricultural land only. The last alternative is implicitly practiced in most states of the nation, without formal legislation.

In most states, farm property is under-assessed relative to other types of property, regardless of preferential farm assessment being part of state law. In Maryland, assessed-to-market value rates in 1966 were 19.5 percent for farms, 43.6 percent for all property; for the same year in Pennsylvania, the values were 4.7 percent for farmland, 31.4 percent for all types of property. In 1966 nationally, the assessed-to-market value ratio for farmland was 17.8 percent compared to 32.6 percent of all property. Thus, this writer maintains, states without preferential assessment under-assess agricultural land at about the same level (based on the 1967 Census of Government data) than the State of Maryland. One factor causing under-assessment of agricultural land relative to land with structures is that local officials realize the fiscal situation of the farmer, and thus prefer to tax industrial and commercial property, where the tax burden can be shifted out of the area, at a higher rate. An additional factor is that a considerable share of agricultural land sales are to purchasers who plan to utilize the land for more intensive purposes. This causes the buyer to be willing to pay a price considerably above what the local assessor estimates as the fair value of the land.

One of the difficulties in equitable administration of the property tax is to estimate the value of land in fringe urban areas before it is improved. Many cities, including New York City, deliberately tax business property more heavily compared to residential property. This practice may be contributing to the migration of corporate headquarters from central cities to suburbs, increasing the demand for industrial and commercial land in suburban areas. Whether suburban areas benefit from this migration depends on the characteristics of the specific enterprise which relocates. The relocation, in almost all cases, causes economic dislocation in the central cities. While these assessment practices may not be legal, they are nevertheless practiced widely.

### *V. Property taxes, land use and the urban resident*

Property taxes and land use in urban areas can be examined from a number of viewpoints—that of local government, the investor and developer, or the home owner and renter. Clearly, actions taken by the investor and local government influence the availability of housing, tax rates, and the use of land by residents.

Local government, as it controls zoning, determines the amount of land available for a specific function. Expanding the amount of land available for intensive use tends to reduce the price of land zoned for that purpose. An element contributing to current opposition to the property tax is that tax rates vary between contiguous jurisdictions and counties. For example, the property tax in Montgomery County is lower than adjacent Prince Georges County, although its public services are considered equivalent, and probably superior to its neighbor. Property tax rates by themselves are not the critical element in the level and intensity of land use.

The decision of what type of construction takes place is made by the investors, reflecting in part availability of zoned land, the demand for various types of residential and non-residential construction, and in part the return from the property investment relative to other investments. However, property taxes do have some impact on the location of new construction. For example, property taxes may affect the specific location of industry within a given general area. Again, since property taxes generally amount to less than two percent of the value of industry output, factors other than the level of the property tax tend to be dominant in the location of enterprises. In terms of residential housing, mortgage interest rates are probably more crucial than the level of the property tax in determining housing construction activity. However, less intensive land use (more single family housing) is no doubt encouraged, compared to the demand for apartments, as a result of the ability of homeowners to deduct interest and property tax payments from their federal and state personal income taxes. Thus, particularly for higher income families, there is an economic incentive to purchase single family homes compared to renting apartments. Since unit density per acre between the two types of housing varies sharply, it may be argued that the present income tax laws encourage lower density land use, reducing the amount of open space.

The location of housing within a metropolitan area can also be influenced by tax rates, as these reflect the short and long term cost of housing. In the Washington, D.C. Metropolitan Area, Prince Georges County has the highest tax rate, Arlington and Fairfax Counties of Virginia the lowest rates. One factor contributing to the rapid growth of Fairfax County, Virginia, in the past few years may have been lower property and income taxes compared to Maryland counties. A parallel result has been the growth in the value of existing housing relative to other parts of the metropolitan area, increasing demand by anticipation of fast appreciation in the value of residential property. Concurrently, high property taxes in areas close to the employment center of a metropolitan area can also indirectly stimulate demand for housing. A major reason lower and middle income families purchased homes and rented apartments in Prince Georges County of Maryland relative to other counties in the area, is that housing tended to be somewhat cheaper, partially because the builder was able to purchase comparable land at a lower cost than in Montgomery and Fairfax counties. In part this was a case of higher property taxes being capitalized, resulting in lower land cost. An additional factor was the availability of land zoned for higher density residential construction. Other factors, such as the quality of public services and the desirability of neighborhoods also influence the cost of undeveloped land independent of property tax levels within similar distance to the central city.

The above discussion indicates that differences in tax rates within a metropolitan area can have opposing effects on the supply of housing by income group. The absence of sound land use policies, resulting in uncoordinated zoning practices, can offset or reinforce the effect of property tax differentials.

This discussion has excluded the effects of property taxes on housing in central cities, which differ from the impact of changes in the property tax in suburban areas. Central cities have the advantage of large per pupil property bases compared to the suburbs because of the concentration of commercial enterprises, and the out-migration of families with children to the suburbs. Concurrently, because of their lower income levels and higher proportion of households with very low income, most central cities have difficulty in raising revenues. Improvement to slum housing in cities, but not necessarily middle and upper income suburban housing, may be curtailed as a result of taxing additions to or remodeling of buildings.

To owners of property, particularly apartment buildings, a more important consideration than the property tax, most of which is passed on, in the form of higher rents, are the tax policies of the federal government. Federal income tax depreciation, capital gains and tax shelter policies influence the demand for land and buildings as investments.

### *VI. Impact of a nationwide reduction in property taxes on the demand for land*

The previous discussion has shown that property tax rate variations, particularly if they conflict with differences in zoning practice, can influence the demand for land within the same metropolitan area.

It is likely that in response to both legal and taxpayer pressure, legislation will be introduced by both the President and Congress to reduce the impact of the property tax, specifically local property taxes for school districts. Since these proposals would likely have an impact on property taxes across the nation, it is of interest to estimate the likely impact of such reductions on the demand for land. It is obvious that unless there are reductions in expenditures for services, new national revenue sources must be levied on the taxpayer to pay for the reduced property tax. The federal income tax rates, recently modified by Congress, will not be increased. It is more likely that a national sales or value-added tax is to be introduced. Both of these taxes are regressive. As such, the average income family, earning $8,000 to $10,000, will not have greater purchasing power, although there may be a slight redistribution of income between income classes and redistribution of income spatially—from states such as Maryland and Connecticut to Mississippi and Arkansas. Excise taxes—such as gasoline taxes—are also regressive, except for the lowest income group.

Since much of the opposition to the property tax appears to come from the suburban homeowner, it may be reasonable to ask, if in fact, his opposition is, from a fiscal viewpoint, sensible. In general, a middle or higher income suburban resident living in his own home is fiscally better off paying the property tax compared to the alternative of the same revenues being obtained by the school district from an income tax. In most states,

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the major burden of the personal income tax falls on households earning over $8,000.

The reduction in the property tax will result, other things being equal, in higher prices for land, causing somewhat higher initial costs of new residential and non-residential structures. At the local and state level, the substitution of sales or income taxes for the property tax would also reduce the stability of the tax base. One advantage of the property tax to local and state governments is that fluctuations in the economy have less impact on revenues than other tax sources. If the average family does not have increased purchasing power, the short-term higher cost of housing will not be offset. Thus, although a family planning to purchase a home may save over the years, as a result of decreased property taxes, the short term effect may be higher initial outlays. If this occurs, the demand for residential land will not increase However, those who own land and structures do benefit fiscally from a reduction in the property tax, since the value of their property will be increased and the cost of maintaining the property decreased. Small reductions in the local property tax will have no appreciable impact on the demand for land if the tax decrease is national in scope.

### CONCLUDING REMARKS

The previous discussion indicates that the relationship between property taxes and land use is complex, with changes in tax rates having differing impacts on various groups. A few generalizations based on the preceding comments can be summarized:

(1) In relation to other sections of the economy, farmers are at a disadvantage by the use of the property tax. Farmers near growing urban areas can suffer because of rising costs of public services which result in higher property tax rates. Concurrently, they can benefit by selling their land to developers near growing areas.

(2) There is little evidence to indicate that present preferential assessment practices have resulted in either aiding farmers or reducing urban sprawl in Maryland. Beneficiaries seem to be those who either develop or speculate in land.

(3) There are alternatives which can help to relieve the tax burden of the farmer without concurrently hurting the general public. Particularly effective is a high tax on the incremental value of land resulting from more intensive land use.

(4) The property tax can be a useful tool in controlling land use only if it is combined with comprehensive regional planning. The level of taxes on the incremental value of land resulting from rezoning could be adjusted to reflect conformity to such places. At present, land use is influenced more by federal income tax policies than property tax differentials.

(5) While differences in property tax rates have little influence on land use nationally, they have an effect on the demand for land within the same metropolitan area.

(6) Decreases in the property tax nationally would not aid those seeking new housing but would increase the value of real property, benefiting those who now own property. The agricultural sector would also benefit from general reductions in property tax rates. Whether the average household will have a reduced tax burden depends on the form of taxation utilized as a substitute for the property tax. A national tax would, however, redistribute revenues from higher income to lower income states.

The property tax, including preferential assessment of selected types of property, is a potentially useful method of aiding in the implementation of national land use policy at the local and state level. To accomplish this objective, legislation establishing such a policy has to be enacted, and land use planning at all levels of government closely coordinated with property tax legislation and administration. Without this linkage, changes in the property tax structure may be detrimental to effective land use.

### FOOTNOTES

[1] Peter House, *State Action Relating to the Taxation of Farmland in the Rural Urban Fringe*, United States Department of Agriculture, ERS 13, August, 1961. This paper estimates value of land by election district in both Montgomery and Prince George's Counties in 1960.

[2] Frederick D. Stocker, "Taxing Farmland in the Urban Fringe," *Journal of Farm Economics*.

[3] Peter House, "Partial Tax Exemptions for Farmland Properties in the Rural Urban Fringe," *Appraisal Journal*, July, 1968. The aggregate loss in the Montgomery County tax base in 1965 is estimated at $83 million, while the loss to Prince George's County totals $59 million.

[4] Thomas Muller, "Implicit Grants to Property Owners at the Local Level—A Case Study," in Kenneth E. Boulding and Martin Pfaff *Distribution to the Rich and Poor*, Wadsworth Press, 1972.

[5] Thomas Muller, "Fiscal and Land Use Analysis of Prince George's County," Volume I, Doxiadis—Systems Development Corporation, December, 1969.

[6] *Washington Post*, March 7, 1971, William Gullet asked for a 10 percent tax on the value of rezoned land, the County Council, a twenty percent tax regardless of the type of zoning granted.

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### Statement Submitted by Mrs. William L. Balfour, First Vice President of the Baltimore League of Women Voters

The League of Women Voters of Baltimore City is not at this time prepared to make a statement in support of the property tax; however, we have serious reservations about some of the alternative revenue sources being proposed. We agree that the property tax as presently administered is burdensome to the poor and to those with fixed incomes, and that it too often tends to discourage maintenance of and improvement to property, but we urge that you consider methods of making the property tax more equitable before abandoning it as a major source of local revenues. The League favors reforms which would provide for

1. more uniform assessments; 2. simplification of assessment procedures; 3. making the process more self-enforcing.

We also feel that a properly administered property tax can be a useful tool in encouraging optimum land use, and in enforcement of progressive planning and zoning.

In reality, the property tax is two taxes, one on land and one on improvements. In 1966, the Baltimore League urged that the city investigate a method of real estate taxation in which land value is emphasized over improvements. Tax symposia in recent years have examined the property tax as a source of revenue and have suggested that at present this source of revenue is poorly utilised by most governments. They often suggest that land and improvements ought to be taxed at different rates. The land, an asset that cannot leave its locality, should be taxed at a higher rate than improvements: the more centrally located and valuable the land, the higher the tax. Improvements, on the other hand should be taxed at a rate sufficiently low to encourage builders and utilizers of the land. This is primarily recommended for use in urban areas to insure highest and best use of city land. In outer areas, where green space or other use is preferred, tax rates could be adjusted to encourage the desired usage, such as the present low rate enjoyed by farmers.

Under this system, unimproved lots or obsolescent buildings on high value land would be too expensive to hold for slums or for speculative purposes. The economically-minded utilizer would be rewarded with tax rates on his improvements low enough to make the improvements profitable, rather than the object of a punitive assessment, as is too often the case at present. The city of Pittsburgh has been using this system for fifty years and finds its effective. Southfield, Michigan, outside of Detroit, has also employed a similar plan with great success.

*The League recognizes the vital importance of a Master Zoning Plan to this type of tax assessment.*

The League of Women Voters of Maryland has a position in opposition to increases in the sales tax which would make it more regressive, and favors increased use of a graduated income tax as a revenue source at the state level. We have not seen President Nixon's proposed legislation on a value-added tax, but we question whether this *type* of taxation will bear any less heavily on the poor and those with fixed incomes than the property tax now does. We also wonder how this will affect the ability of U.S.-manufactured products to compete with imports—will it further complicate our already difficult tariff situation?

Another question we must ask is how revenues collected at the federal level will be distributed. Will areas which carry more than their share of the burden of population—the poor, the old, the ill, the very young—with resulting higher need for services, receive a proportionately higher share of revenues?

The League is presently considering the question of whether the state should assume the total fiscal burden of education, and if so, how they should pay for it. One suggested source of revenue is state assumption of the industrial property tax. Because of competition among subdivisions for industry, much industrial land is apparently grossly under-assessed. Statewide taxation of industrial real estate would provide an equalizer and enable higher assessments. The amount of local revenue lost would evidently not be significant at least in the city of Baltimore, and certainly not when weighed against the cost of education.

The major problem of redistribution of our fiscal resources seems to be that, no matter which tax method is applied, those areas least able to raise revenues often have the highest need to provide services. Nobody likes to pay higher taxes, and the property tax, partly because it is highly *visible* (as opposed to a value-added tax which would be hidden in the purchase price of an item) is much under fire. But because it is based on land values, it *can* be applied progressively, thereby redistributing the burden more fairly on those better able to pay. It also provides an urban area such as Baltimore, which has a high assessable base and a fairly low per capita income with a steady and predictable source of income which is not dependent on the whims of state legislatures or Congress, and which can be used as a basis on which to finance capital projects. Finally, the property tax may have unrealized potential as a tool for encouragement of sound land use, when coupled with wise and comprehensive planning and zoning.

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### Remarks of Mr. George C. Freeman, Director of the Washington Bureau of the Boy Scouts of America, in a Letter to Senator Mathias

I have reviewed S. 2554, S. 992, and S. 632 all designed to bring about more intelligent planning of land use especially as it relates to the environment.

Mankind can well be at the fork in the road to his environmental future. One road leads to a better environment for living through man's mastery of his own technology; the other just could lead to gradual extinction of life on earth.

Even though Boy Scouts have traditionally fostered conservation, our present concern is such that in 1971 we launched a national good turn called Project SOAR (Save Our American Resources). The program was so successful that we are continuing it in 1972, and the Girl Scouts are joining us.

While the B.S.A. does not attempt to influence legislation, certainly we would applaud in principle any intelligent effort to deal more kindly with our environment and with our dwindling land resources.

One long-time scout leader once said if we, as a nation, do not make wiser use of our land "the day will come when a boy can't find a gully to spit in.

We wish you well and appreciate your interest.

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COMMENTS OF MR. VLADIMIR A. WAHBE, SECRETARY OF STATE PLANNING FOR MARYLAND, IN A LETTER TO SENATOR MATHIAS

I am encouraged by your concern for the need of comprehensive state land use planning, for I feel that the states should play an important role in determining the ultimate development, utilization, or conservation of its land resources. Although local and regional jurisdictions have a traditional and legitimate interest in land use planning, Maryland has become more deeply involved, lending a perspective to planning not otherwise considered. There are many important justifications for an increased state role. Included among these are the increased contributions or total assumption of responsibilities once considered local functions, and the magnitude of costs required to provide public services and facilities and the need to optimize their use, while simultaneously discouraging waste and reducing duplications. I would suggest that federal land use legislation require the state's planning department or its counterpart, where they exist, be charged with the responsibilities of the act. This would assure an interdisciplinary and integrated planning effort.

As you are probably aware, the Maryland Department of State Planning functions as the Governor's staff agency in planning matters and is charged with preparing a balanced, integrated program for the development and effective employment of the natural and other resources of the State. I would like to take this opportunity to outline some of the ongoing land use planning activities of this department.

At the request of the Governor, we have drafted an Executive Order, directing the Department of State Planning to prepare a Generalized State Land Use Plan and associated policies by December, 1973, to be followed by regulations, incentives and procedures to implement the plan. The suggested Order directs all departments, agencies, commissions and other organizations to assist to their fullest ability and requests the cooperation of all other public and private agencies, jurisdictions and individuals. The Department is to include among other items—

(1) an analysis of the consequences of existing State, regional and local plans and policies which influence land use.

(2) those natural features and processes which establish land use suitability, capability and environmental sensitivity for various uses.

(3) consideration and protection of historical, cultural, ecological, recreational and aesthetic resources.

(4) an analysis of the land use influences posed by supplying utilities, transportation networks, and other public services and facilities and the development of techniques to employ these elements in guiding land use.

(5) development of standards for public services and facilities and methods of assuring their implementation.

(6) existing and projected population levels, characteristics, densities, and distributions, including alternative arrangements; the amount and distribution of various types of dominant land uses, projection of future land use requirements, alternative allocations of future land use.

The Department of State Planning had previously identified the Lower Eastern Shore of Maryland as a pilot area in testing certain techniques to be used in developing the State Generalized Land Use Plan. A comprehensive inventory of natural and physical elements was compiled and the information has been graphically illustrated on transparent acetate which is overlayed on a geographic base map. By manipulating the overlays specific areas with development constraints or potentials (natural, environmental, or socio-economic) can be identified and appropriate policies formulated for their proper utilization or preservation. A few of the elements that we have mapped in this manner include soil suitabilities for sewage filter fields, agriculture suitability, groundwater aquifer recharge zones, transportation networks, and local water, sewerage, and general plans. Even this preliminary analysis has identified numerous inconsistencies between plans, development, and land use suitabilities.

As you are aware, the Department has requested funds from NASA for participation in the Earth Resource Technology Satellite Program. The information and techniques developed from this demonstration project will be applied to the development of the Generalized State Land Use Plan. We anticipate realizing many benefits from using the latest technology, including increased cost effectiveness while providing detailed information in a timely manner.

Additionally, the Department has prepared the Maryland Outdoor Recreation and Open Space Plan, the Maryland Historical Preservation Plan, the State's Housing Element, technical reports on the management of Maryland's wetlands, the Chesapeake Bay, and inventories of natural areas, groundwater aquifers and mineral commodities which relate to the State's land resources. These plans, reports, and inventories are elements of the State Land Use Plan.

If the Department of State Planning can be of assistance to you, please contact me.

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## NEW HAMPSHIRE CIVIL AIR PATROL ONE OF THE COUNTRY'S BEST

Mr. McINTYRE. Mr. President, I have always been proud of the New Hampshire Civil Air Patrol and the role they play in national defense. Particularly in these times when it is not unusual for people to detach themselves from national involvement, it is gratifying to see the people of New Hampshire support a national organization to the extent of making their State's CAP the third best in the country. I know it is moving towards first in the Nation.

I ask unanimous consent to insert in the RECORD at this point a memorandum to the citizens of New Hampshire from Col. Donald R. DeFoe, commander of the New Hampshire Wing, Civil Air Patrol, concerning activities of the New Hampshire Civil Air Patrol for most of 1971.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CIVIL AIR PATROL ACTIVITIES, JANUARY-OCTOBER 1971

The Civil Air Patrol in New Hampshire was rated third best in the country by the CAP National Commander in 1970. We are striving to be the *best* in the country in 1971 and our mid year evaluation suggests that we are on the way. In the area of communications capability, New Hampshire was best in the country in 1970 and continues to hold that position.

During 1971, thus far, New Hampshire Civil Air Patrol has engaged in five U.S. Air Force directed Search and Rescue missions. These missions represent 385 aircraft sorties; 573 aircraft flying hours and 829 man days by trained personnel. A conservative estimate of the dollar value of this participation is in excess of $50,000.00.

The Civil Air Patrol in New Hampshire is made up of 672 adults and young people who devote much of their time and treasure to improving their ability to contribute to the safety and security of their society. Of the 432 senior members of the Civil Air Patrol, 181 are pilots—nearly one third of all the registered pilots in the state. Our 240 cadets—between the ages of 13 and 18—learn and practice the values of self discipline, social responsibility and moral leadership. In 1971, forty six of our cadets attended a ten day encampment at Grenier Field; one went to South America, four have learned to fly, two have attended an Officers Training School, four have lived for a week in a hospital doing the jobs that need to be done in the emergency room, the laboratory and the operating room. A hundred are learning and practicing the field skills that save lives in the rugged New Hampshire mountains.

The number one mission of New Hampshire Civil Air Patrol is to voluntarily use its resources to meet emergencies. That it performs this mission is indicated by its action in the search and rescue missions and by such things as its response to the Keene Police Department request for aid in the search for a missing child; its response to the request from a Nashua trucking company to look for a stolen truck trailer; its aid to the Hillsboro, Francestown, Bennington Police and Fire Departments in the search for a mentally retarded man in the woods; when the Hooksett Police sought help in protecting the site of an aircraft accident in Auburn on October 8th, CAP responded with seventy-five man hours of organized, trained assistance.

What are the resources of Civil Air Patrol in New Hampshire? People of course. Four hundred and thirty-two seniors and two hundred and forty cadets. But these are not ordinary people, these are people who train and prepare to serve. In the past year they have devoted their own time and money to fly over eleven hundred hours learning how to search. They attend unit, state and national training schools, they conduct training with Civil Defense Agencies and they submit themselves to *Federal* evaluations of their training progress and their capabilities. On October 9, the U.S. Air Force awarded New Hampshire Civil Air Patrol its highest rating for Civil Defense capability. On October 16, New Hampshire received the highest national recognition for its search and rescue capability. This last recognition was particularly meaningful because it was managed by some of the thirteen Civil Air Patrol members who graduated on October 2 from a regional Mission Coordinator's School.

Other resources include the forty-seven vehicles, mostly special purpose and all in excellent condition. Two injured people rode down from Sharps Mountain on a CAP Weasel on September 21; no other vehicle could have helped them.

We rarely need to use our seventeen mobile generators but when we need them they are ready—with trained operators—to provide power for communications, or to save a million gallons of milk.

Communications is the key to the effective use of resources. In all the Civil Air Patrol in all of the United States—including Alaska, Hawaii and Puerto Rico—New Hampshire communications are the best. New Hampshire has forty-three new, single side band land stations; twenty new, single side band mobile units; seventy-five VHF stations in aircraft, vehicles and fixed locations, and the trained personnel to operate the equipment. On every Civil Air Patrol activity, the CAP Mission Coordinator is in constant contact with all of his people, his vehicles, and his aircraft.

The Civil Air Patrol in New Hampshire owns ten aircraft. Members of the Civil Air Patrol own sixty-eight additional aircraft. These aircraft are not only valuable in searching, they are capable of priceless courier service as well.

No reference to CAP resources would be complete without noting the support of the US Air Force. New Hampshire has a regular Air Force Liaison Officer and his staff; nine US Air Force reservists and the outstanding support of the commander of Grenier Air Force Station. These people provide professional assistance and aid CAP in securing and maintaining much of its equipment.

New Hampshire Civil Air Patrol consists of thirteen squadrons with two more in the process of activation. The membership is a cross section of New Hampshire society, but leans substantially toward the more accomplished and more capable.

The mission of Civil Air Patrol according to the Congress of the United States (36US201–208) is to voluntarily use its resources to meet emergencies, to encourage aerospace education of the general public and to motivate young men and women to ideals of leadership and service through aerospace education and training.

## PRESIDENT NIXON'S RURAL DEVELOPMENT MESSAGE

Mr. BENNETT. Mr. President, yesterday President Nixon again emphasized his concern and his commitment to rural America. He has called for increased congressional attention to the problems of the countryside as well as those of the cities. The President's call for action on his proposals of government reorganization and rural revenue sharing are, again, a direct invitation to Congress to act to assist rural Americans in their goal to preserve and improve the quality of life in the countryside.

I am especially pleased with the President's proposal to provide a substantial rural development credit program. This proposal not only involves the Federal Government in a lending capacity, but encourages local private lending institutions to become increasingly involved in the life and responsibility of their own communities. This proposal will provide badly needed funds to rural Americans for farm and community improvements which are badly needed but far too expensive for consideration without new and expanded developmental assistance programs.

The President has also emphasized the need for additional funds for improvement of the rural environment. Preventive action in rural areas, such as the President has called for, will go a long way toward eliminating future problems of the magnitude of those we face today. Conservation is a task which directly involves rural Americans and it is a problem which they are very willing to deal with if they have the means. The President's proposal will give rural Americans and their communities the help they need to work for the improvement of their environment.

Finally, the President has expressed his conviction, one which I share, that the responsibility for rural programs has long been in the wrong hands. The responsibility for local and community programs and problems belongs to those who have to deal with them. Farmers and other citizens of our rural areas who deal with the land and its people and products know their problems and the possible solutions better than Washington ever will. The President's goal is to give the people of rural America the opportunity and responsibility to make their own decisions and set their own plans for the projects which will affect them. There is much room for local leaders and citizens to work together for their common benefit. I am confident of their ability to plan effectively for their own future.

Mr. President, I represent an essentially rural State. Utah has its cities and its urban problems too and we are working with these, but in terms of land area the vast reaches of our State are open and lonely, and sparsely inhabited.

Our small towns are experiencing the problems of small communities all over America, their population is declining, money is not available for community facilities, sewer and water treatment, schools and other necessities. Approximately one-third of our rural counties have been designated as "economically depressed" and eligible for assistance through the Economic Development Administration. These areas, and many like them need the kind of attention and assistance the President has proposed. An attractive and economically active rural America has much to offer all of us, as we attempt to find once again the serene and peaceful life many of us once knew.

I am extremely pleased with the President's new objectives in rural development and I am disappointed that his previous proposals are still awaiting action from Congress. At this point a revitalized rural America is a congressional responsibility. I strongly hope we have the opportunity to deal with these proposals during this session.

## IN PRAISE OF FRANCES KNIGHT

Mr. THURMOND. Mr. President, Miss Frances Knight, the U.S. Director of the Passport Office, is unquestionably one of the Nation's most outstanding servants.

As a longtime admirer of this efficient and distinguished lady, I was pleased to read an article about her in the February 1, 1972, issue of the Daily News, Washington, D.C., by Scripps-Howard staff writer Wauhillau La Hay.

Miss Knight, who is Mrs. Wayne Parrish in private life, has greatly improved the U.S. passport system and her office is generally considered one of the best run operations in Washington.

Mr. President, I ask unanimous consent that this article entitled "She Has Passport No. 1 and Runs a Tight Ship" be printed the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SHE HAS PASSPORT NO. 1 AND RUNS A TIGHT SHIP

(By Wauhillau La Hay)

Frances Knight holds U.S. Passport No. 1. On it is a flattering picture.

Nobody else can make the first claim and few can make the second.

Miss Knight, director of the Office of Passport Service, is well acquainted with that old gag: "If you look like your passport picture, you really need a trip." So she had her pictures specially made.

"Sure, I've got No. 1," she says with an impish grin. "Otherwise, can't you just picture all the big shots in Washington who would be tearing their hair for that number?"

Controversial Frances Gladys Knight, who is Mrs. Wayne Parrish in private life, has been a thorn in the State Department's side ever since she was put in her present position in 1955. She calls a spade a dirty shovel, says "creeps are out to get me," doesn't hesitate to name names, hates bueaucracy with a purple passion—and keeps her job.

#### A SUPERB JOB

The truth is she does the job superbly and doesn't want any interference from what she calls "passport-expert-management-type characters."

Since 1955 she has cut down waiting time for passports from approximately six weeks to three days—less for special cases. She has simplified applications from three legal-size pages to one letter-size page.

Passports no longer bleed green on hot tourists' hands. They are now made of washable plastic.

They've been slimmed down from 48 pages to only 20. Many technical changes, most resulting in time and money savings, have been made.

The size of Miss Knight's department is indicated by the fact that more than 8 million valid passports are outstanding. Last year 2.4 million brand new ones, not renewals, were issued.

In 1955, she took over her new domain, then located in the Winder building across the street from the executive office building. Just 520,000 passports had been issued that year. In the basement, used as a prison during the Civil War, she found a million unified documents. Many of them were requests for passports.

Miss Knight started to clean house. She went to Capitol Hill to plead for funds to run a more efficient office. She cultivated the House and Senate. Today she has a special telephone line to take incoming calls from legislators.

"I'm on first-name terms with most of them," said Miss Knight. "They ask me questions and I say to them, 'Boys, these are the facts. If you don't like 'em, look into 'em. If you like 'em, give us a pat on the back.' "

The "boys" on the Hill usually respond by giving the slender, strawberry blond woman in her mid-60s, a pat on the back.

At the State Department, a discreet silence is maintained. She has tangled with almost everybody, from secretaries of state on down. At one point in her tenure, she was criticized for not giving passports to avowed Communists. Then a Supreme Court ruling came along which said she should.

The next thing she knew, a congressman was blasting her for going out of her way to give passports to Communists.

"I just do what I'm ordered to do," was Miss Knight's response. "They make the laws and I follow them to a letter."

#### PASSPORT TO THE MOON

Passports come in blue (regular) black (diplomatic) and maroon (official), and the only person in the United States who doesn't need one is the President. Everybody else does and that surprisingly includes Astronauts.

"To the moon? Sure!" She laughed. "Who knows where they're going to land? The Astronauts have official passports. Maybe someday a little Martian will come up to one and ask for identification!"

There's a "lookout file"—a list of names of persons who can't get passports. These fall into three categories:

1. Persons who have lost their citizenship for one reason or another. This would include

expatriates and persons wanted by the government.

2. Custody cases. Sometimes a husband or wife will want to spirit a child out of the country. The passport office steps in if a court order forbids the transport of the child.

3. What Miss Knight calls "welfare cases." These are U.S. citizens who have been stranded in another country and go to the consulate for payment of incurred bills and transportation back to the United States, then fail to repay their debt.

The job is taxing. "I'd be completely neurotic if I didn't have an out," she said. Her "out" is her ultramodern, windowless house on diplomatic row in Washington. It is filled with an amazing collection of art—paintings, sculpture, carvings, glass, papier mache, idols, masks, mobiles, Limoges, 16th Century triptychs.

Wayne Parrish a multimillionaire aviation expert, collects most of it, and Miss Knight cleans and repairs and restores art works in her own studio workshop.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 748. An act to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank;

S. 749. An act to authorize U.S. contributions to the Special Funds of the Asian Development Bank; and

S. 2010. An act to provide for increased participation by the United States in the International Development Association.

The message also announced that the House had passed a bill (H.R. 5586) for the relief of Vito Serra, in which it requested the concurrence of the Senate.

## HOUSE BILL REFERRED

The bill (H.R. 5586) for the relief of Vito Serra, was read twice by its title and referred to the Committee on the Judiciary.

## EQUAL EMPLOYMENT OPPORTUNITY ENFORCEMENT ACT OF 1971

The ACTING PRESIDENT pro tempore. Under the previous order the Chair now lays before the Senate the unfinished business, S. 2515, which the clerk will state.

The legislative clerk read as follows:

S. 2515, a bill to further promote equal employment opportunities for American workers.

The Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. ALLEN. Mr. President, the bill before us seeks to enlarge greatly the power of the Equal Employment Opportunity Commission in its field of operations. It does not change the law in any particular whatsoever with regard to unfair employment practices, practices which constitute discrimination. It does not change the law with respect to the basic, fundamental, and substantive rights of all our people to have a fair and equal opportunity to obtain employment, where employment opportunities are available.

These basic laws and rights remain the same, and I am sure that there is no quarrel whatsoever by a single Member of this body as to the right of every person in this country to have an equal and fair opportunity, without discrimination against him or against her, to obtain employment if employment opportunities are available. But, Mr. President, this bill does not create one single job in business or industry. All it would create would be the need for hundreds more of bureaucrats harassing business, industry, and employers throughout the country. It does not open up jobs. For every job that is obtained by a person against whom discrimination has been alleged, it would result in somebody else losing a job. So no jobs are going to be created, and every person concedes the right of each person in this country to have the right to go in life just as far as his ability and his ambition and his efforts will take him.

What is involved here, Mr. President, therefore, is not changing basic and fundamental rights. It changes the field of operation, the scope of the work of the EEOC, bringing under its jurisdiction tens of millions of additional employees, bringing for the first time under the scope of its operation employees of States, counties, cities, and agencies of States, counties, and cities, bringing under its operation for the first time every educational institution in the entire country. That would include colleges, universities, private schools, public schools, church-supported schools. Every type of educational institution would be covered.

It would also, Mr. President, for the first time give to the EEOC enforcement powers for its orders, edicts or decrees. When the EEOC was set up some 7 years ago, in 1964, it was contemplated that this bureau, would perform conciliation type services, advisory services, investigatory services, settlement of disputes between aggrieved employees and their employers. And I am sure that many constructive results have ensued from the operations of the EEOC. But this bill would extend to the EEOC not only the power to receive complaints, to investigate complaints, to seek to settle those complaints as between the employer and employee, but it would give the Commission, through its general counsel, the authority to file complaints or charges back with the Commission itself, so that the Commission is not only the recipient of the complaint; it is a jury, it is a prosecutor; it is the judge. What sort of due process is that, Mr. President?

Here is a mammoth Federal agency reaching out to become bigger. That is the type of ailment or condition that seems to be built into all Federal agencies and bureaus—the desire to be more important, the desire to have more employees, the desire to have more power. That is what the EEOC wants to do. It is reaching out for greater power. It wants to become more important. The work it has been doing for the last 7 years is not important enough to satisfy the EEOC. Why, it has built up a backlog of cases that they say will take 18 to 24 months to get to, and they say they anticipate that they are going to have 32,000 complaints filed this fiscal year ending June 30, and they anticipate 45,000 cases in the next fiscal year. That is even without amending the law and bringing in the tens of millions of additional employees. So they have plenty of work to do, Mr. President, without taking on more work.

Mr. President, it is rare that individual Members of the Senate have the opportunity that they have with respect to this bill—to strike a blow against mushrooming Federal bureaucracy, to strike a blow against the great increase in size of the Federal establishment, to strike a blow against the Federal Government's becoming an all-powerful government, to strike a blow against harassment of our citizens, our businesses, our industries.

How often have you had the complaint, I ask my colleagues in the Senate, from your constituents, "Well, the Government is getting too big. It is spending too much money"? Here is an opportunity to require the EEOC to stay within the bounds that Congress has given it and under which and within which it has operated for the last 7 years.

I assume, Mr. President, that the members of the EEOC, when they have gone to the Appropriations Committees of the House and the Senate to make their case for appropriations—I am not a member of the Senate Appropriations Committee, but I know without having been there that when the representatives of the EEOC have come in to request an appropriation—and I am sure the request gets bigger each time—they have not told the members of that committee, "Gentlemen, we are not performing a worthwhile work over there. We are not accomplishing anything. We do not need any money to carry on this Department, because it is not doing any good."

They have over 1,000 employees, and it has been brought out on the floor here that they have more than 300 volunteer employees, who are so interested in this crusade, if it can be called that, that they volunteer their services to work for this Commission. I dare say the EEOC is claiming before the Appropriations Committee that it is doing a good job and has done a good job during the 7 years of its existence.

Mr. President, I submit that the proponents of this legislation are reaching out for more power. They are reaching out for more enlargement of their functions. They are reaching out for a greater increase in the Commission's role than can be justified. They are not content to ask, in the bill before the Senate, that the powers of the EEOC be extended to States, counties, and cities and agencies of the States, counties, and cities, and to all educational institutions. They are not satisfied to ask that the required number of employees to put an employer under the jurisdiction of the EEOC be reduced from 25 down to eight. They are not satisfied with that. They are not satisfied to have transferred from the Justice Department, as they seek to do in this bill, the pattern and practice suits which the Justice Department now has the authority to file against an employer who is not guilty of just isolated instances of discrimination, but who has followed a pattern and practice of discrimination. In those cases, the Attorney General or the Justice Department can bring proceedings against employers and the court will require that the employer change its pattern and practice with regard to its employment practices. They are not satisfied to have that power transferred to the EEOC.

They are seeking the power after having received complaints, investigated complaints, and filed charges on complaints to judge those complaints reach a decision with regard to the complaint and enforce that decision. Therein, Mr. President I submit that the proponents of this measure have asked for more than they should have asked for and more I believe than the U.S. Senate is willing to confer upon the agency.

Mr. President, without disturbing any of these provisions to which I have alluded other than the decision and enforcement power, not disturbing the extension of power over educational institutions and over local governments, and increasing the Commission's jurisdiction by cutting the required number of employees from 25 to 8, but simply on the issue of requiring the EEOC, after receiving complaints and investigating complaints, to file charges, not with itself as having predetermined the case, but with a Federal district court. Mr. President, I daresay that if that amendment had failed by the narrow vote of 48 to 46—this bill would have passed the Senate last week.

But we have a case here where a bureau or agency of the Federal Government is seeking too much; and having sought too much, and shown no willingness to compromise on this basic and fundamental issue of not depriving a person of his rights without due process of law, it may well follow that there will be no bill at all.

Mr. President, I could discuss this matter further at great length, but I see my distinguished colleague the Senator from Mississippi (Mr. STENNIS) in the Chamber, and I know that he wants at this time to speak on this amendment and on the bill.

For that reason, Mr. President, I am going to yield the floor and continue with my remarks at a later date. I am delighted to yield the floor at this time so that the distinguished Senator from Mississippi may address the Senate.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 813) of the Senator from North Carolina.

Mr. STENNIS. As I understand, there is no agreement as to the control of time, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. I thank the Chair.

Mr. President, I am not going to attack the agency of the Government that will administer this bill if it passes, and that is administering the subject matter under the present law. I attribute to them the good intentions that I think go with almost all officials in their position, or in any public position. Certainly they do not intend evil. But I am going to address myself to the proposition of just where we are going now with reference to this matter of extending the power of the Goverment, of this agency or any other agency, and just how this process affects the so-called little fellow, the man who is out there scrambling for a living.

I mean every word of this. I am thinking of people I personally know, and people that I find in other areas of the country.

I am looking at this bill from his viewpoint. I am talking about the little fellow who has a small plumbing shop, a small radio shop, a small used auto parts business that he has built up himself from scratch, so to speak, or anyone else who has to work and scramble for a living and plan from day to day and year to year, who tries to accumulate a little something beyond a mere living in order to be able to take care of the growing needs of his growing family, who is looking forward to the day when they will be in high educational levels, depending on them for support.

I am thinking of this little fellow, who has to scramble around and pay taxes and share with the Government, percentagewise, far too much of his earnings, as I see it—not only the Federal Government but also the State government, the town government, the city government, and all the other levels of taxation under which he works, to which he is subjected. I am thinking of the little fellow who has to produce in order to meet his obligations, to meet his rent, if he does not own a little shop building, and meet all his other obligations.

I am ashamed to admit it, but I know that times have already created conditions in which a great many of the workers—I am not referring to any particular group or class—now do not have a sense of pride of achievement that people had when I was a boy and a young man and in my early adulthood. That sense of pride is not there—the sense of pride in getting a job and holding a job and getting some promotions.

A man who was operating a very creditable small factory said to me 3 or 4 years ago:

> People used to say to me, "I need a job. I'll be a good man for you. I want you to give me a chance. I'll give you the very best I have, and I'll try to earn promotion."

But times have changed so that they come by now and say, "How much do I get?" They do not ask the details about what their duties are going to be; just, "How much do I get?"

I am not demeaning the people, and I am not bemoaning the times. I have not lost faith in humanity or in our system of government, or anything like that. But I think we ought to talk more about conditions as we find them in the affairs of life.

I think some of this indifference is caused by the affluent times—not only the affluence of the times generally but also the affluence of jobs. Except in certain areas of the country, it is very easy to get a job. A person walks off one job and walks right into another.

I think part of the problem also is due to the fact that many people have this attitude: "Well, the man who employed me is afraid to fire me. He is afraid to punish me in any way. He is afraid to demand more. He is afraid I will leave, and he is afraid that I can retaliate or the organization I belong to can retaliate." But, even worse than that—there is some truth in it—he thinks he can get an agency of the Government to pounce on his employer, who has given him a chance, and have him rigged up and brought up before a court or even, under this bill, before a commission, to give an accountability as to charges that may be spurious.

I have never had any business experience. I am not a businessman. I have never been an employer. But I have done a great deal of work. As a young man, I had positions of responsibility and operated everything from a service station to a drug store, if I may be that personal; and I know something about the responsibilities of meeting bills at the end of the month, and I know something about the problems of people who are working for you.

When I was a young man, people had great pride in their work. They gave a real day's work for a day's pay. I would be totally lost in undertaking a job of that kind now. But I merely refer to that. I am the very opposite of an expert, but I know something about human nature, because I have lived a good while and have come in contact with many, many people, and have been in public office a long time. If I do not feel responsibility to the people who elected me, I am not going to be a good officer; and if I am working for someone to whom I do not feel responsibility, I am not going to be a good employee.

So, putting together what we are doing and what we have done, the State governments, the city governments, and now the Federal Government, are making too many people feel virtually independent of their employer, as I see it, and are killing within them the fine, individual characteristics of pride, responsibility, and obligation that used to be—and still are—in the minds of many people. But it used to be, across the board, one of the great strengths of our truly great American system.

I am concerned about this trend. I could enlarge on my feelings about the taxation that is eating into the very vitals of the little fellow I have been talking about. I use the word "little" not to refer to his mind or his dignity or his sense of honor or anything like that. He is big in those respects. But he is a small operator.

In spite of the good faith of the present Congress and the present administration and everyone else, I think we are getting to a field of deficits in our Government that is becoming unmanageable. That is relevant to the little businessman or the little shopkeeper with respect to the problems he is facing. I think we ought to be centering more on the big things that are going to affect his future.

But, to return to the amendment: This amendment merely provides that—if adopted—it would leave the law, with reference to the extent of the coverage of the present law we have on the subject, at 25 employees; whereas, the bill would reduce it to eight or more.

I have no doubt that when this bill was originally passed, 25 was put in as the bottom, and they were not going to reduce it beyond that. The proposal now is to reduce it to eight or more, and there will be another proposal to reduce that. But whatever the level is now, the little man I have been talking about has his neck in the halter.

It may not apply to him today, but it is creating an atmosphere, a precedent, a bureaucracy, and a control of everything that these people are trying to do. The business that they are trying to run will be controlled by laws of this kind. We know, too, that bills are passed here, with every one of them to be considered on its merits. That is theoretically possible, but as a practical matter it is observed more in the breach than it is in the fact. I have always thought and said that the people I represent could live with and perhaps put up with any law that applied uniformly throughout the Nation, but here we are in a category where we can hardly apply it uniformly throughout the Nation. We cannot even put it into effect uniformly as to these little businessmen and little shop keepers.

The big man with all his resources, the corporate enterprises, the large companies, with their capital, with adequate funds with which to employ talent in the legal profession, for instance, and in management, and so forth, have a much better chance to meet obligations which might be imposed on them by a law like this. It is so obvious that we do not even have to argue it but just mention it to be convincing in that field. We have illustrations all over the country of little businesses and little shops closing up and going out of business due to harassment, because of requirements and demands made on them which they cannot meet. They cannot put up with a running battle with the Federal Government all the time. What can a little fellow employing eight persons do? How can he cope with the Department of Justice? How can he cope with the people in the community who are, in effect, his own employees who are suing him? What resources does he have to carry on these battles? He does not have them, of course.

There is no public defender that will take care of him, no government attorney going around over the counties or into the towns or through the countryside that will help him out that I know of or have ever heard of, for that matter. It is just the "easy one" that has to carry the load, endure the threats and, the harassment, and be brought into court. I will have to correct that term, because they will not be brought into court because the bill, as presently written, will not let them be brought into court but to the commission, as has been fully argued here already. The commission will have the power to make its own investigation and its own determination, in advance, as to whether charges should be filed, or this or that man should be brought to accountability. Then they have the power, after they have investigated, to hear the evidence and to decide it, to reach a conclusion and to make a judgment—so to speak, to make a legal order. Think of that, to make a legal order.

That order and that enforcement represent a cease and desist order that we have argued about. That means, "If you do not do what we say to you, we will lock up your shop and we will put you out of business."

People who have never been up against the hardships of life, and do not know this problem from a practical standpoint, may just take this as a matter of course and think nothing about it. I hate to refer to myself, but I have had some experience in that field. I was a district prosecuting attorney for 5 years in a district that kept me busy day and night in courts of unlimited jurisdiction, all the way from murders and rape and other associated grave crimes on down.

At that time, I would not have thought of holding that position if I had to be the one to pass on my own work, to decide the question of guilt or innocence of persons charged with crimes when I was prosecuting them, or that I was going to have to pass sentence on them if they were found guilty. That would have been unthinkable to me. It is contrary to all the precepts of our common-law system. It is contrary to common sense and logic. It is contrary to almost every legal system, much less the juris-prudence of our American system of justice.

I suppose they would justify it under the law of necessity, but in an industrial age there is no necessity to get down to the little shopkeeper who employs only eight or nine persons. It is ridiculous to talk about it being a necessity, and I say that with all deference to everyone. But the idea has been adopted here that it is necessary to bring this little group of businessmen in under the Commission rules.

When I think back over a lot of cases, large and small, that I had to handle and represent the State in, during those 5 years as a district prosecuting attorney, I realize how far that would have been from my idea of what was just and right—much less passing on my own work.

If I may make one more reference to that experience which is related, I later became a judge and had to pass on legal and punishment matters if they were criminal cases. I tell you right now, Mr. President, it is a serious matter, in a civil suit, to have to sign a decree that would take a man's homestead away from him and turn him and his family out in the cold; or for a judge to have to sign a decree when he has heard testimony on the admissibility of evidence in that same case, and there may have been some close questions, and he had to make rulings very quickly sometimes; every few minutes, and whether to admit or reject certain testimony, when maybe the decision I made determined the way the jury decided the case.

I tell you, Mr. President, it is no fun to have to sign a decree that would take away a man's property, much less his homestead—and much less to pass on matters that would send a man to prison for 20 years or for life.

But that is what this Commission will be doing. It will be passing on these cases. It will be the judge, the jury, and the executioner. It will have virtual power of life and death over these little shopkeepers—that is what it is.

The large companies, the big ones, they will have the money to employ the talent at least to defend them and meet the situation, but those with less resources cannot afford it. They are going out of business everywhere because of frustration or discouragement or the necessity to pay unwarranted expenses or through lack of efficient workmen.

The workmen seem to think they have the advantage. One does not have to imagine these things. He can go down here in these shops and stores and stand around awhile and see the kind of treatment the customers get compared to the treatment they received 15 or 20 years ago. I am not referring only to Washington. One can go almost anywhere in the country and observe this. Just my idea of human nature makes me believe that bills such as the pending bill and the other conditions I have alluded to create those conditions.

We hear talk about the times and the the youth and the fact that the youth are no worse than any other youth group has been. We hear it said that they are the victims of what we adults in a large way have let happen or have caused to happen and thus create these conditions. We do not call for the discipline, for the responsibility, and for the pride that we had in years past. We can build that up, but we are going in the opposite direction when we just keep passing one bill on top of another and putting, as a Government remedy in the bill, the things that the Government cannot do.

The Government cannot furnish the answer for most of the things about life, much less the hard things. I believe the most harassed person in America today is the small businessman, the small shopkeeper, the small storekeeper, or the small garage owner or operator. We are calling on those great hordes of people to pay these enormous taxes. We even tax charwomen that make their living down on their knees scrubbing floors. We reach in and—the States do, too, most of them—and take out a part of their earnings and put it into the great Federal Treasury to pay off these enormous appropriations that we make here. It is all right for them to have some responsibilities of Government. However, when they have to dig into their pockets and get their money to pay for it when they are making a bare living, it is going a long ways to bear down on them in that way.

The small operator, as I have said,

cannot afford to have enough staff people to keep him informed of everything that all the governments expect of him. There are not enough hours in a day for him to be able to figure out all of this for himself.

I am not just thinking up anything here. This comes to me through the mail. Anyone can walk down the streets of the city and stop and talk to people who want to tell him about these things. He will find out that these are the facts of life.

In recent years there has been a steady infringement by these regulations and Federal requirements on the affairs of these average people, the average businessmen, the men who are responsible in every way. They tell me that they are reaching the point where it is becoming impossible. They are reaching a stage where even the most well-informed individual cannot be conversant with every one of the Federal regulations that he is expected to obey.

I know people who are not under this law. However, they still get a lot of this literature and all the mail that comes in. They do not know what to think. Any Member of the Senate can judge from the volume and the nature of the mail he gets from his constituents just how many citizens are already bewildered by the maze of bureaucratic processes that enter their lives.

They are not sure what is expected of them. They are thwarted in their effort to accomplish legitimate objectives. They receive conflicting instructions from different agencies and sometimes from the same agency. They suffer inequities that sometimes take Members of the Congress weeks to get straightened out for them. And that is only done after volumes and volumes of letters and exchanges of memoranda have passed back and forth through our own busy staffs.

Mr. President, I know that from experience. After all, we do not begin to touch more than a fraction of 1 percent of the people, our constituents, that are the victims of these same errors and these same practices.

These agencies come before the Appropriations Committee, and I have the privilege of being on that committee and of serving on several of the subcommittees. I know how from time to time an effort is made to get into these matters and to get them worked out.

I find that the men who come up to Capitol Hill—and they are competent people—do not know and do not realize all that is going on in their own departments.

Somewhere these matters are going to become really intolerable, and it will be one of the weights that will help to break the back of our system of government.

The loads they have to carry contribute to the frustration, the hopelessness, and the downright fear of so many of our people who, as I say, have to think every morning when they wake up—and it is the first thought in their minds—about making a living for their families.

We will affect so many of these people that it will undermine part of the main structures of our system of government.

This bill would not only vest cease and desist powers in the Commission, but, as I have said, it would make them applicable to a business with as few as eight employees. This is talking about a small business which is without assets or capability to cope with the legal and administrative tangle that can be thrust upon them arbitrarily by the Commission and its employees.

With all respect to everyone, I cannot believe that the committee gave the fullest consideration to these people that live out in the villages, the little towns, and the communities. How in the world are they going to cope with the rules and regulations of such an agency?

There are counties in this country now that do not even have a doctor, much less a competent lawyer that would be available to represent these people. And if they do have such a man, he would have to charge a fee that most of them could not pay.

The pending bill just closes its eyes to the facts of life. They may have plenty of such men in Los Angeles or New York or elsewhere, but in the great vast, open spaces of this country and the rural areas and the rural States and the agricultural communities—and I am talking about towns on up far beyond what are purely rural areas—the people are just not able to comply with all the requirements of this law.

I mean the little operators. To say that employers of down to a level of eight would have to comply and be subjected to all these restrictions and could not even take the case to court, with all deference to everyone, that is just downright ridiculous. It is a requirement that those people cannot live with.

I wonder how the number eight got into the bill anyway. Who suggested eight? I am not dealing in personalities. Who suggested eight? Did that number come from the commission? Where did it come from? What kind of survey was made to see what were the capabilities of a little firm in a little town, even though it employed only eight persons? What resources does such a firm have? What are its capabilities? How can it cope with the Department of Justice? Of course, it cannot cope with it. I just think that this is a lick in the back. A lick in the back is what it will be to those small business people.

Once such a law is on the books, it will never come off. It will never be possible to get it changed. Those people do not have political strength at the polls. They are not organized. They will never have the political strength to get a law like this repealed.

So let us meet the problem head on if we want to reach down and get all the little people. We will just be running a lot of them out of business—that is, if the law is to be enforced—and will deny them a chance to have their case considered in court. It seems to me that we are depriving them of a tribunal for what is called American justice.

When we get down to a firm that employs only eight, that is truly a very small business, one, as I have said, without the assets and capabilities to cope with the legal and administrative technicalities thrust upon them arbitrarily by a commission and its employees.

What Senator has had time to read and analyze all the terms of the bill, even only the ones that might be applicable to the small employers? I know I have not had the time. I doubt that many of us have had a chance to go through this bill, and not only this bill but other bills that we will have to consider. None of us has the time to go through all the bills that will pile up on us before the time when this legislative year will be over. There is just not a chance in the world for Senators as a whole to consider them. I am sure that the manager of the bill and some other Senators understand it; but many of us who will have to vote on it just do not know what it all means. I have had the privilege of bringing before the Senate bills that the average Senator just does not have a chance to study in the limited time we have in the course of a year to pass on such matters.

My main point is: What about the little businessman who does not have legal talent, does not have a lawyer, does not have special training, does not understand legal terms or the administration of a commission, and does not know what "cease and desist" means. He may find out by experience, but he does not understand it in the beginning. He does not have a chance in the world to know about or understand the fine points. For that reason, small businessmen ought to be exempt.

Take the case of a small businessman who wants to make a start in his business. He may have only a wrench and a few other tools to work on automobiles. He may be able to work himself up to where he can have a little garage and do a good job, so that people will come from miles around to get his services. Why does he have to be put under the provisions of a law that I think was originally designed to apply to situations and problems that are created in cities, where the activities are more impersonal, and employees perhaps have never seen the people they are working for. There is a lot of difference between such a business and the so-called little shops at the lower level.

I simply say that the commonsense of this matter demands justice. Justice cries out. I am not a man given to emotion, but I believe it will be dangerous if we vote to jack the little fellows up and put them in a sack and put them in reach of any commission, not only this commission, but any other commission of this kind.

The small businessman will not have much choice about what he can do. He can go to court and seek justice, or he can submit. If he goes to court, he is going to take with him his money and his personal attention, both of which are more needed in his business. Logically, his inclination will be toward prudence instead of valor, and he will submit and, in effect, surrender. He will be placed in a position where, in fact, he will not have a choice. In other words, the proposed legislation would put him in the hands of the Federal Government, where he will be outweighed. The chances are that he is not going to answer to the court.

That is not justice; it is not equity; it is simply a case of a Federal official, in the name of the commission, issuing arbitrary orders to a citizen. That is what it amounts to.

I go back to the small businessman in the small town. If he and his employees do not get along before there is intervention of this kind, they are not going to get along afterward. It is a personal thing. It is a personal matter. No law that we can pass will give them compatibility or happiness or satisfaction. There never has been any law that would do that in any kind of system or in any kind of country. I simply think we are fooling ourselves when we try to make ourselves believe that at that level, anyway, we are going to help anybody by trying to run his business in this fashion.

The little men in these businesses are not getting rich. They are not getting blood out of a man and filling up their bank accounts with a lot of money. They are barely making a living. I know, because I move among them and I have seen them, and I have seen a lot of life along those lines. He will be put out of business, in one way or another, if he has so much of that to put up with. It will destroy what relationship there is between employers and employees and others who are involved, and so disrupt that business that they will be getting out. That is not with reference to race, color, creed, or anything else—it is just commonsense.

The present criterion of 25 or more employees is not suitable to me, but taking that as a starting point—it is worse in view of the fact that if this bill becomes law apparently the cease and desist orders will still be used—to reduce the criterion now to eight employees is to strike directly at these very small fellows and bring EEOC activities into every village and hamlet across the Nation.

I want to make clear that I am not trying to get them out of doing anything that they should be doing. I know enough about life at that level to know that what they are doing is best for themselves and their employees and is the best for all. I come from a State that has as large a percentage of black people as any in the United States. I state on my own responsibility that I know, in the little place where I live, and other areas of my State, that the black man and the white man and the red man, and the rest, who deliver the goods and work, can get a job, to the extent that the economy will carry. In almost every case, he gets good treatment. In almost every case he will have a chance to get a promotion. There is no question about that. I know, because I have seen it happen since I was a boy and it is still happening that way. There is a desire to get those kinds of people—as I say, to the extent the economy operates in the area.

Passing a law here now is not going to create any jobs and make a stronger economy than we already have. I know people in that area are begging people to do some day work, putting up pine ceilings, for example. They cannot get the people to do that work. They are on welfare. I am not talking about just blacks. There are a lot of whites on welfare. It is so ridiculous to say it is necessary to jump on some fellow because he has as many as 8 employees, because the commission thinks he is not treating all of them right, when they are begging people to come in and take these jobs, to the extent that the economy as it is operating in those areas permits.

So let us not fool ourselves. The law is not going to bring a lot of relief to employees in those businesses where there are eight or more. What part of the country caused this number eight to be selected, and what benefits do they expect it to give? I ask that in the form of an honest question.

I can give names, dates, and places where people who are willing to work, and who have applied themselves, are mechanics, and good ones, in little garages and firms of that kind, to my personal knowledge. Some of them have been there for years. Some of them have branched out and have shops of their own. Some of them are white and some of them are black.

Somebody is trying to act as a doctor who has not been sent for, when nobody is sick, in these little places having eight or more employees. I question seriously the applicability of a provision carrying this number in the law. I do not agree to even the number of 25, but there may be some places in the country where there is some kind of need, or at least facts that would justify some people in believing that there was a need.

As I said the other day, the average little fellow, apart from this bill, is afraid of his own Government. There are so many demands and so many agencies that are advising him of what he has got to do and what he must do that he does not know where to turn. People are frustrated and they are harassed, and I think perhaps it will have to get worse before it can get better, but I have no doubt about what the trend is in large areas of the country.

I know how relieved I was at home at the time—and this was true in other areas of the country—when last August the President came out with the idea of putting a lid on things. I know there was rejoicing in the minds of little shopkeepers and garage keepers and small business men at the position the President was taking, because they felt things were running away with the big fringe benefits, guaranteed income, and all the other things going with the large operator and more affluent people. These people saw that they were left with less and less, and what little money they had would buy less and less food and less and less clothing at the clothing store and less gasoline for their cars, trucks, and pickups at the service station. You are going to destroy the little man you are trying to save, and you will turn all his employees out along with him.

I repeat, the average middle man in this country is downright afraid of the Federal Government, and often the State government. He is afraid of what it can do to him in any given set of circumstances. He cannot, as an individual, cope with the size and power and complexity of the Government, and he is afraid of what it is going to do next without asking him anything about it.

If this bill should become law, then I think it will be a further demonstration that this little man's fears are well justified.

Mr. President, those are my remarks and my feeings on the points that are primarily involved in this amendment. I do not particularly care to hold the floor any longer at this time, if there is someone else who wishes to speak.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I made a few remarks the other day on this bill, and what I have to say is in a sense repetitious, but will go into somewhat more detail as to the reasons why, as a Senator from New Hampshire, I am so determinedly opposed to this particular measure.

Mr. President, I do not think it can be said that I am in any sense an opponent of civil rights, an opponent of integration, or an opponent of fair and equal opportunity. The State that I represent has no racial problems whatsoever. It was not until I was out of college and came to Washington, as a matter of fact, to work on the staff of a former Senator and go to law school here, that I had any personal contact with some of the problems that then existed and that still, of course, do exist in a measure.

As a young man, when I was in Washington, I rode the streetcars when those of one color had to sit in a certain part of the car and those of another color in another part. I have very vivid recollections of how shocked I was, as a New Hampshire Yankee, at some of the practices. I was here in Washington, incidentally, when a certain Congressman who felt that a black man had been disrespectful or flippant to him on the streetcar drew his revolver and shot him. He did not kill him, but he shot him. The matter was taken care of, I think, by some kind of compromise in police court, and the State from which that Representative came promptly elected him to the U.S. Senate, where he served for a good many years.

I remember later—20 years later—when I came back to Washington in 1947 as a Member of the House of Representatives, being in a sense rebuked or sneered at by a colleague. We were staying in the same hotel, and when we got into the elevator to go to the ground floor, that was being opearted by a black girl, I took my hat off. That was the custom in those days; we do not take off our hats to anyone nowadays, I guess, in an elevator. But I remember the rather caustic comment that was made.

Mr. President, I also recall, as a Member of this body, the early fights over the successive civil rights bills.

I supported them. Indeed, I well remember one of the civil rights measures—Senators will remember that there were three or four in succession, covering different aspects of the problem—when it was decided by the leadership of both parties that the time had come to break the filibuster, and we were assigned to stay in the Capitol all night. Cots were set up in the old Supreme Court room, and enough Senators to make a quorum were kept on the floor so that the filibuster had to be continued around the clock, day after day, until it was broken. I was one of those who stood by and helped break that filibuster and pass the bill.

But, Mr. President, there is a reaction that takes place when any cause, no matter how just, is carried to an extreme. We have only to read the pages of history to know what happens. It so happens that my ancestors in New England were of Puritan stock. I read with interest how the Puritans rose up and beheaded their king, Charles I. Then came the years of the iron hand of Cromwell during which morals, behavior, and the way of life were absolutely dictated at the point of the sword. When he died, what happened? The reaction took place, Charles II came back, and dissipation to a degree perhaps unequaled in English history took place.

The Puritans came to the New World and settled up in New England. Then they began to make the same rigid enforcement of what they happened to believe to be the proper moral and ethical code. Then came the witch-burnings in Salem. Fortunately, the infant country here outgrew that sort of governmental dominion.

Mr. President, there were other reactions. The excesses that took place in the days of Reconstruction after the War Between the States may well have sown the seed for much of the bigotry and prejudice that followed.

I remember, as a small schoolboy, when my grandfather, who was a veteran of the Union Army in his teens and later became a preacher, used to talk to me about those days in our history. I am sure it will not be offensive to anyone in the Senate if I repeat what he used to say to me. He said:

> The blame for the bloodiest war we ever had in our history can be laid on the shoulders of the southern fire-eaters. But, remember the shame and the stigma of Reconstruction must always be laid on the shoulders of the North.

Those days, when the sword and force were used to take one race and place it over another, resulted in the same thing that happened in the Puritan era. It resulted in a reaction—a reaction in which the inevitable occurred. The white race in the South reasserted its dominion, and I am sure reasserted it in a much more affirmative manner than it would have if the measures that preceded had been less obnoxious.

Mr. President, I supported all the civil rights measures until the omnibus civil rights bill of 1964. The reason why I feel so strongly about the pending bill is that the point I could not accept in the so-called omnibus civil rights bill of 1964 was title VII. I was perfectly willing that we should enforce equal opportunity in employment in all those industries and all those vocations and all the business and commercial activities of this Nation in which the employment was fairly large. Whether it be a corporation or a labor union or a hiring hall, I was perfectly willing to support a measure that would enforce equal opportunity, with enough teeth in the law so that it could be enforced in those situations. But it will be recalled that the Civil Rights Act of 1964 provided that this equal opportunity unemployment should first be administered and enforced against all employers employing 100 or more employees. Then, after a year, it would decrease to those who employed 75 or more; then, after another year, it would be decreased to those who employed 50 or more; and, finally, in the fourth year to those who employed 25.

The very fact that this particular provision was placed upon the people of this country in installments—in homeopathic doses, one might say—showed that the proponents of that measure must have realized that they were traveling on thin ice and that they were approaching a problem of enforcement that was bound in the future, or could in the future, be fraught with injustice and with violence and, if you please, with renewed prejudice, defeating the purpose of the act, because it would be bound to arouse antagonism.

I felt so strongly about it that I resolved that if title VII could not be remedied, I could not vote for the measure. I well remember going to the distinguished Senator from Minnesota, who was a Senator then and now is a Senator again, our good friend Senator HUMPHREY, who was managing the bill. I asked him whether he could see his way clear to leave that at 100, because if he could, I could support the bill—both vote for cloture and for the bill—with a clear conscience. He was very nice to me and said he could not go quite that far, and asked what I had to say about 50. It showed that he had some Yankee blood in him, too.

Finally, I thought it over, and I said that if the minimum number could be held to 50 in title VII, I would vote for the bill. Unfortunately, however, I was not given that opportunity—not because the Senator from Minnesota did not sincerely follow through on his agreement; but we had already voted cloture, and my amendment at the desk was to fix this measure of employment at 100. When I asked unanimous consent to amend it to 50, the majority leader—as he had to, I suppose—objected. So the vote came on the 100, and I was voted down, and the provisions going down to 25 remained in the bill.

I voted against the bill—one of only five Senators north of the Mason-Dixon line to vote against that omnibus bill of 1964, which had so many very meritorious provisions.

Mr. President, I am not trying to be a martyr or to plead for credit, but I want to say that I suffered from that vote. Many of the people of my home State could not understand why I had been one—conspicuously one—of five northern Senators to vote against probably the most far-reaching and most important civil rights measure perhaps in the history of the country. Fortunately, it did not cost me my seat, or it has not yet. But that is why I feel so strongly about it.

At that time, when I spoke for my amendment, I remember saying to the Senate that it was all right in an industrial plant to make sure that black and white, foreign and native born, the Jew, the gentile, and everyone else should receive equal opportunities for employment, but not when we get into a small firm that has 25 employees. Why, there are many country banks with more than 25 employees. In fact, most country banks in the smallest hamlets and villages of our land today, and in many insurance agencies, in that highly competitive business of selling insurance, have more than 25 employees. We have for years wept crocodile tears and wrung our hands in sympathy about small business, and Senators serve with pride on the Small Business Committee, and justly so, and they go home and tell their people how they fought to keep the little businessmen going. In the firms employing 25 persons, or even 30, in a highly competitive business field and when they select an employee, it is very much like selecting a partner.

I have felt and I still feel that that measure is far too low.

What have we here now?

Mr. President, this measure puts it down to eight employees.

I am sure that some of the proponents of the bill at this point, if they were listening to me—and not many are—would probably respond that this measure will be enforced with reason. They likely would say that probably in a small family business with 10 or 11 participants, it would be very unlikely—where the human relationship is so vital—for the Commission to be drastic in its enforcement.

When we write a Federal statute on the books, knowing—and I cannot believe but what a majority of the Senate knows—that it cannot completely, equally, and impartially enforce it, but when we write that into law, we are doing a very dangerous thing. It is a dangerous thing to enact laws that depend on the judgment, the restraint, and the wisdom of those who enforce it. It could be enforced by an arbitrary person to the detriment of some of the most precious rights an American has to make a living.

I do not care where the number is placed in the labor laws. I do not care where it is placed anywhere else, but in this particular measure I assert without fear of intelligent contradiction that it just cannot be enforced impartially.

Mr. President, can you imagine an ambitious black man who has worked, sweated, toiled, and built up for himself a business, a little plant, a little agency, some little business, and because he has done so under the handicap—if it is a handicap, and it still is in some measure—I hope it will not so continue—but under the handicap of his race, do you not expect, Mr. President, that when he has grown prosperous enough to employ some more people, that he will give that chance to people of his own race?

Of course, he is. Of course, he has a right to do so.

I cannot imagine that whoever enforces this statute, if we pass it, going in and saying to that black man, "You have got to employ two white people." I just cannot imagine it.

Well, if we are in a situation where fair enforcement in the eyes of the Government only works one way, even though there may be an element of justice in that attitude, we are passing an act that cannot and would not be enforced impartially between black and white or between men and women. It could not be.

Mr. WILLIAMS. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. WILLIAMS. I hesitate to interrupt the Senator because the presentation of his views is so forceful. Although it is not persuasive to me, it is respected by this Senator. But he did say that the small entrepreneur black man, starting a business and growing, might be ordered to hire two white employees. I cannot understand the point of his saying, "two." Is the Senator suggesting that there might be a quota system——

Mr. COTTON. No.

Mr. WILLIAMS. Built within this legislation?

Mr. COTTON. No, I am not suggesting any quota system. I do not say that it would be two. It could be two or even one. I am saying that it would rest in the discretion of the Commission whether the black man, who had grown to the point where he had a fair number of employees and turned away a white man, could have the law technically enforced against him. I do not suggest it would be. I know that it would not.

Mr. WILLIAMS. I agree, certainly that is the law. The law does contemplate that now for those who are covered. But when the Senator said "two," it suggested to me that he might be thinking in terms of a demand that there be a quota of people here. That, of course, is not within the bill——

Mr. COTTON. I thank the Senator for his correction. It was not my purpose to say that this law would provide for a quota, but under the law there is nothing to prevent members of the Commission deciding, in their own minds and consciences, as to what would be a fair number. Would the Senator agree with that either way, whoever the employer is.

Mr. WILLIAMS. Mr. President, I do not believe that is quite accurate either. Really it has to be found that individuals have been kept from employment, because they are of a race, religion, sex, or national origin that dictates to the employer that he not hire them. It is discrimination and is not evaluated on the basis of quotas.

Mr. COTTON. What the Senator is saying is perfectly correct. But the point does not reach the basis of the issue here. The Senator is perfectly correct, however. It would not be until someone turned someone else away. It would not be until someone elevated or gave a promotion to a member of one sex or one with seniority. In other words, we might have the seniority system involved, a system that so many Senators protest so strongly against. It would apply in an industry.

I am not suggesting that it is a matter of a quota. I am suggesting that the latitude allowed this Commission over these very small enterprises is one that could easily be abused. I am not suggesting that it will be abused. However, when we are passing statutes, as I have said before, we have to guard against the possibility of abuse. It could be exercised tyrannically.

I do not want to detain the Senate too long. However, I did want to get into the RECORD my own very strong feelings about this particular issue.

Mr. President, I suppose it is natural enough that legislators with the best of intentions and the most worthy aims fall into the habit of thinking that everything can be governed by law. I do not want to appear sentimental.

However, one of the stories that has always been brought home to me and has always reached my emotions, I think, more than almost any other story, is the story of the artist, Holman Hunt, who painted that great painting of Jesus in the garden with a lantern in his hand and knocking at the door. The story is that a critic said to Holman Hunt, "There is a flaw in that picture. You inadvertently left out something. There is on that door no knob or latch or any other means of opening that door."

Holman Hunt's reply was, "The door to the human heart can only be opened from within."

Mr. President, we can and we have and we should and we shall, as far as is fair and practicable in this law, apply it in favor of every American, and afford equal opportunity, equal social recognition and equal citizenship. However, when we go too far, the act becomes not a help but an irritant. And for my part, unless this bill were amended to permit a proper appeal of the edicts of these decisions and unless it were amended to maintain the minimum of 25 which, as I have stated in my opinion, is too few—I could not bring myself possibly to vote for this particular bill.

It would either be meaningless and only be enforced in certain sections of the country and certain places or where certain conditions exist, or it will become a precedent.

We have gotten to the point here that every governmental act that takes place is beginning to make the relations between the groups, nationalities, and races in this country more hostile rather than to ameliorate them.

I feel that this particular measure, going so far and creating almost a commissar or commissars to enforce the regulations, is fundamentally wrong and a mistake of the application of our power under the law. I feel strongly that this is a vicious step.

The appeal has been made by leadership to do the business of this session so that we can accomplish the work we have here assigned. Even the President beseeches us to act on his recommendations—and I am a strong supporter of the President and his desire to want us to act. Of course, I want to get on with the work of the Senate, but I do not want to do it at the expense of writing into the books an unwise and perhaps a tyrannical provision and I am not ready at this time to vote for cloture on this motion.

Mr. President, that is the reason that I wanted to state my reasons on the RECORD. I thank the Senators for their patience.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. COTTON. I yield to the Senator from Mississippi.

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I want to say to the Senator that as usual his remarks were filled with logic, commonsense, and a practical application to the problems of life.

I might say further that the Senator is from New England and I am from the Deep South. We have taken the same position on this amendment for almost identical reasons even though the economy of our respective areas is vastly different.

I commend the Senator from New Hampshire very highly for his logic and the reasons he has given. They are down to earth. The Senator from New Hampshire always has speeches of substance whenever he speaks and is a highly valuable Member of this body.

I thank the Senator from New Hampshire.

Mr. COTTON. I thank the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, will the Senator yield for an observation?

Mr. COTTON. I yield.

Mr. WILLIAMS. Certainly it is fully appreciated not only by me but by the entire Senate that when the Senator from New Hampshire speaks—and it is not every day, although some of us wish he would speak more frequently—he speaks with reason and with a depth of conviction that, for another Member of the Senate, it is great to be in the presence of.

Of course, I disagree with the Senator from New Hampshire on the limited issue to which he has addressed himself today; that is, the level of employment or of membership in unions at which the enforcement of the law would take place. If the Senator does not mind standing for a few moments, I should like to recall that notwithstanding a difference with the Senator from Minnesota, back in 1964—the Senator from Minnesota sat in this place as the manager of the civil rights bill that year—the Senator from New Hampshire did vote for an opportunity to let the Senate as a whole come to its collective judgment and vote on the matter, and he did vote for cloture. His whole appreciation of the dignity of the individual, expressed in his legal rights, and civil rights, was involved in the cloture votes in 1965 and 1968, and the Senator's voting on substantive measures is fully understood. But from where I stand, we are dealing with the equality of life as it is reflected in the day-to-day opportunity for a man or a woman to make his or her living to take care of a family.

We have decided as a matter of national policy that a man should be able to go to work for his family, notwithstanding the fact that he is black or white, or Protestant or Catholic; that that should not be the determining factor; that his ability, his industry, his integrity, and all of the other criteria should be the employer's judgment on the man or the woman who is seeking the job. Therefore, I personally feel that the Senator from New Hampshire is making a differentiation in terms of a personal relationship between an employer and an employee, and suggests more of an impersonal relationship in the larger establishment. There is a logic, as when you stand in the shoes of the man who wants a job. It does not matter whether it is with General Motors or the general store. He wants a job in order to take care of his family. When he comes in, if he is black, whether he goes to General Motors or goes to a smaller place, a job is all he wants. It is our feeling that it should not matter, really, how big or how small the establishment is. He should not be kept from his livelihood, because he happened to be born black or was raised Catholic or Protestant.

Finally, we have recognized the difference between big business and small business in many ways. We understand the hardship of running a small business in an increasingly complex society, where "big business" is the chief business. That is why Congress has been sensitive of small businessmen and has provided low interest loans and tax benefits. It has provided other programs to help small businessmen and promote their economic destiny. We have included special provisions to help small business.

Certainly I think we are not imposing too much at all to say that businessmen should recognize that discrimination in the selection of their employees is not in the spirit of the Constitution and is not according to the law that we enact here. So I respectfully disagree with the conclusion as to employment, although I will say that we recognize the practical application of the new law. That is why it was stepped down from applying to 100 to 25, and that is why we feel, with time having passed, that we are now at the point where the Commission can take on the responsibility of seeing that this kind of equality requires the reduction to eight members or eight employees.

Finally, the Senator from New Hampshire said that if the proper appeal procedure were available to the employer and the number remained at 25, he might vote for the bill. I simply wondered whether the Senator could tell me what he would consider the appropriate appeal from a judgment of the Commission should be. Should the appeal be to the circuit court of appeals? Is there any other specific method of appeal that the Senator has in mind?

Mr. COTTON. No. First, I may say to my friend from New Jersey that he is always very fair and is always very kind in his comments. I appreciate them. That is characteristic of him.

In answer to his last question, I have felt, in voting on some of the amendments offered by the Senator from Colorado. (Mr. DOMINICK), as well as amendments offered by other Senators, that it may make resort to an appeal more expensive. But frankly, I will say to the Senator that I am not—this individual Senator is not—nearly so much disturbed about the alleged inadequacy of provisions for appeal as I am in the number of operatives that would bring the employer under the act.

I should like also to say to the Senator from New Jersey that it is always a wonder to me that in view of these last steps for enforcing conduct and rights of individuals by law, no one seems to take any notice of the fact that they may be completely counterproductive.

Suppose I am employer of 10, 12, 14, or even 20 employees. Suppose that a man of the black race should appeal to me for a job. I am sure that I would give it to him. I am sure that I would like, and many other employers would be happy, to give to those who are not of their particular color or race an opportunity. But there is something I know as an employer from the act we passed in 1964, which will be true in this act if we pass it. I know if I employ a white man and he turns out to be lazy or inefficient or unsatisfactory, I can call him right into my office and fire him and, in all likelihood, nobody is going to question my right to discharge him, because of his incompetency. But if, in my earnest desire to help a member of a race that has had all these difficulties through the years in getting a fair break—and members of that race have had their difficulties, and I am one who sympathizes with them in it, and realizes that the unemployment among Negroes at the present time is much greater than among white people—I also know that if I employ him and give him a chance and he turns out not to be a good employee and not to be efficient—because inefficiency and laziness are not the monopoly of any particular race—and I fire him, the first thing I know I will be under the scrutiny of the agents of this Commission.

I will have to go through the long ordeal and expense of trying to prove that I did not discharge that man, because of his color; I discharged him, because he was not an efficient employee. I may have to go to the Court of Appeals. I do not know.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. COTTON. Just one moment.

I am not saying that the statute requires this; I am talking about the practical situation. So, in a sense, when one tries to go so far in this perfectly laudable attempt to enforce equal rights—and nobody can gainsay that what we want is equal opportunity—as a practical matter, we may be making things more difficult, and I might say to someone seeking employment, "Sorry, I do not have an opening right now. I am not putting on employees. Business is not so good. Sorry, young man," and perhaps sometime later employ somebody of my own race. That could be one of the byproducts of this particular act.

May I say, before I yield again to my friend, the reason I brought up Holman Hunt and that famous utterance of his that the door to the human heart can only be opened from within, is that we have reached the point now in this country when that is the only way we can achieve what I am sure every one of us hopes and prays for, and that is the kind of society where no race, no creed, no nationality suffers discrimination. We cannot go the whole way, we cannot go the last mile, by a statute. We cannot enforce it with a bayonet. It has to be by the example of good and earnest people of both races seeking a society in which we can live together.

Now I yield to the Senator.

Mr. WILLIAMS. Mr. President, I just wanted to say that, recognizing there might be an economic hardship on a small business or a small union in defending a situation similar to the one described by the Senator from New Hampshire, it might come to that, and if so, in all justice there should be a ruling in favor of the small businessman who was firing for justifiable reasons that had nothing to do with the race of the employee. In those situations, we have now included in the bill a provision for mandatory legal fees to be assessed and to be paid to the prevailing party.

Mr. COTTON. If he prevails.

Mr. WILLIAMS. Yes.

Mr. COTTON. I did not intend to take another minute, but let me say this from practical experience. Long before I ever expected to come to Congress, I was practicing law in my own city of Lebanon, N.H. At that time the labor legislation became law. I guess it was the Wagner Act, but, at any rate, it was the legislation that was to protect workers from being discriminated against, because they were members of a union or seeking to form a union. That became a Federal law. People were appointed in various sections of the country to enforce it or to try complaints. In almost every instance, those who were appointed to try those complaints were former union organizers or executives.

So one day a young man was discharged from a small plant in my city. I do not know how many Senators ever worked in a brickyard. I did once when I was in school. Senators know, if they ever worked in a brickyard, that the clay, as it is soaked and is being passed into the place where it is imprinted into bricks, is extremely heavy and can be a lethal weapon. This rather rough young man persisted in taking up a handful of clay—I do not know whether playfully or spitefully—and throwing it at fellow workers, until one day he struck a man on the side of his neck and that man was in bed, in a cast, for more than 6 months. But before that happened, because of his unruliness, his employer fired him. He immediately took his appeal to the National Labor Relations Board. In my innocence as a country lawyer, I thought I had plenty of evidence and right on my side. We went down to Boston after the case was ruled against us by the State authorities. I want to tell Senators that that situation has changed. I think we now have enforcement of the labor laws in a much more impartial way.

I did not have any more chance of

convincing that tribunal in the city of Boston that the employer who fired this man—the man happened to be the secretary of the union—was justified than I have today of becoming Vice President of the United States, and I purposely choose a very extreme illustration.

Immediately the order was issued that he had to restore this man to his employment and he had to pay him wages for all the time that he was out of employment. Of course, we could have taken an appeal to the courts, but it was not worthwhile. Later this same habit of that young man—who I think is more thoughtless, perhaps, than vicious—caused the injury that I mentioned, and he was then discharged and nobody objected.

This is just an example of what happens when you have a statute administered by people who are fanatically in favor of the purpose of the statute. I am not reproaching those who are. I have every admiration for the Senator from New Jersey, the Senator from New York, and other Members of this body who are earnestly seeking a society in which every member, as the Senator from New Jersey has so eloquently stated, has a chance to earn a living for himself and his family. I am simply saying we have reached the point where we have to try to do it by other means than with a club.

Mr. President, I yield the floor.

Mr. STEVENSON. Mr. President, equal employment opportunity has been enshrined in the Constitution for over 100 years as part of the concept of equal protection of the laws under the 14th amendment.

That great amendment gave Congress the power "to enforce, by appropriation legislation" equal protection of the laws. Yet it was not until the enactment of title VII of the Civil Rights Act of 1964 that Congress acted forcefully to combat employment discrimination.

Now that we have had nearly 8 years of experience under the 1964 act, it is appropriate to take stock of what has been done and what has not. It is clear that despite much progress, we cannot expect EEOC effectively to combat the subtle yet vicious forms of employment discrimination we can expect to encounter in the 1970's. It would only be repetitive of me to belabor the unhappy statistics of the EEOC's conciliation record over the last 7 years. My distinguished colleague from New Jersey and other Senators have placed these statistics on the record, and they reveal the inadequacy all too clearly.

These same statistics, however, also reveal that discrimination in employment continues to exist—perhaps in greater and in more insidious ways than any of us had imagined—and that therefore the fight for improved legislation continues on. Discrimination against women, discrimination against blacks, discrimination against Spanish-speaking people, discrimination against American Indians, discrimination against Orientals—the list grows in size and diversity with each passing year.

That mere conciliation powers might be inadequate was recognized early, and so in each of the last four Congresses there has been legislation to give EEOC something more. In the 89th Congress the House acted upon a measure to give the EEOC the power to issue cease-and-desist orders, but the Senate failed to act. In the 90th Congress, the Labor and Public Welfare Committee of the Senate reported out a similar bill, but the full Senate failed to act. The Senate did act in the 91st Congress, passing a cease-and-desist bill 47 to 24, but the House did not act.

In the meantime the evidence of employment discrimination mounted. After three abortive efforts, there is simply no justification for further delay—a bill giving the EEOC new and more meaningful powers must be passed this year to put the full force of Government behind the effort to end employment discrimination. As the U.S. Civil Rights Commission concluded in its report of last December, "The Federal Civil Rights Enforcement Effort: One Year Later"—

> One problem which permeates all EEOC activities is its lack of enforcement powers. Until this crucial legislative deficiency is corrected, EEOC's ability to effectively deal with the enormous issue of employment discrimination will remain limited.
>
> As EEOC's workload mounts and its staff increases, all of these unresolved problems will loom even larger as factors affecting its potential effectiveness. For the continuing viability of the agency these impediments to EEOC success must be addressed promptly and vigorously.

The Senate has been considering in these last weeks whether to give the EEOC the power to issue cease-and-desist orders or only the power to ask a court to issue such an order if the EEOC finds discrimination. Last week the Senate had the opportunity to make this choice very clearly and very directly on three separate occasions, and on each occasion it opted for the former alternative, just as it did in the 91st Congress.

At this point, Mr. President, I ask unanimous consent that at the conclusion of my remarks there be printed a report of the Civil Rights Committee of the Chicago Bar Association relating to the proposed amendments to title VII of the Civil Rights Act of 1964. This report was forwarded to me by Mr. Jacques G. Fuller, executive director of the Chicago Bar Association. The report cogently and logically states the case for expanded powers for the EEOC, and concludes that—

> The pervasiveness of discrimination in employment throughout the United States and the complexity of this problem requires the expertise of an administrative agency equipped with judicially enforceable cease-and-desist powers to attain a maximum of enforcement effectiveness under the provisions of title VII.

There are, of course, many other elements of this bill besides granting cease-and-desist to the EEOC: The expansion of the jurisdiction of the EEOC to State and local governments and to employers with as few as eight employees; the transfer of the antidiscrimination functions of other agencies—the OFCC, the Justice Department, the Civil Service; the removal of the exemption for educational institutions except for religious institutions in pursuit of their religious activities. Nearly every one of these various provisions has been the subject of a floor amendment, and each Senator has had a chance to study the merits of those provisions and cast his vote according to his respective conclusions. And in some instances—the transfer of the functions of the Office of Federal Contract Compliance, for example—an individual provision of the bill has been found not to be in accord with the wishes of a majority of the Senators voting.

But now the will of the majority of the Senate has been made clear on virtually all of the major provisions of the bill, and the time has come to get on with the business of the Senate. I have already expressed my belief that the Senate should get on with its business of enforcing the 14th amendment, the raison d'etre of this Government, by voting to invoke cloture.

So let us be about the business of our Government. Let us act, in the words of the Commission on Civil Rights, "promptly and vigorously," to give all women and all men something very simple: The opportunity to be able to pursue the employment of their choice with the knowledge that their color, their sex, their nationality, or their religion will not be held against them.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

### REPORT OF THE CIVIL RIGHTS COMMITTEE OF THE CHICAGO BAR ASSOCIATION ON PROPOSED AMENDMENTS TO TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

On September 16, 1971, the House of Representatives rejected H.R. 1746, legislation that would give the Equal Employment Opportunity Commission (EEOC) power to issue cease and desist orders comparable to those powers now exercised by most federal regulatory agencies. CONGRESSIONAL RECORD, volume 117, part 24, page 32114. In its place, the House passed a substitute bill, H.R. 9247, proposed by the Nixon Administration, giving the EEOC the right to sue in the federal courts to enforce the provisions of Title VII of the Civil Rights Act of 1964, §§ 701–16, 42 U.S.C. §§ 2000 e to 2000 e-15 (1964), prohibiting discriminatory employment practices.

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination by employers, labor organizations, employment agencies, and joint labor-management training programs on the grounds of race, color, sex, religion or national origin. Sec. 703(a), (b), (c), (d). Under Section 706(a) of Title VII, the EEOC was created to deal with the charges of employment discrimination under the title. Although the Commission is empowered to investigate charges of discriminatory employment practices, its function in the attempt to resolve such grievances, after making a finding of reasonable cause, is limited to "informal methods of conference, conciliation, and persuasion." Sec. 706(a). If these methods fail, Title VII provides that a civil action may be brought by the aggrieved party in a federal district court. Sec. 706(e). If the court finds an unlawful employment practice, it may enjoin the practice and order any affirmative action considered appropriate including particularly reinstatement or hiring with or without backpay. Sec. 706(g).

Ever since Title VII was first enacted, dissatisfaction with the Commission's limited function of conference, conciliation, and persuasion has been reflected in strong efforts to pass legislation giving the Commission cease and desist powers. The Johnson Administration, for example, asked Congress repeatedly to give the Commission such powers. *H. Report*, No. 82–238, p. 2. Finally, in 1970, in the 91st Congress the Senate passed S. 2453 giving the EEOC cease and desist powers, although the Nixon Administration opposed the measure with its own bill authorizing the EEOC to go to the federal courts for enforcement orders. *Id.*, p. 2. H.R. 17555, a bill similar to S. 2453, was reported in the House but died in the Rules Committee. *Id.* Thus, neither S. 2453 nor H.R. 17555 reached the House floor.

In the present Congress, Mr. Byrd of West Virginia and others introduced in the Senate on September 14, 1971, S. 2515, a bill which included the provisions approved by the Senate in 1970 providing cease and desist powers for the EEOC. S. 2515 also consolidates federal equal employment programs under the EEOC by transferring to the Commission the authority of the Office of Federal Contract Compliance (OFCC) in the Department of Labor to require companies receiving government contracts to be equal opportunity employers and of the Civil Service Commission to require equal opportunity in federal employment. Although the House Committee on Education and Labor voted to report H.R. 1746, a bill identical to S. 2515, on June 2, 1971, the House passed instead the Administration substitute, H.R. 9247. See *H. Report*, No. 92–238; Congressional Record, volume 117, part 24, page 32114. S. 2515 is, however, still pending in the Senate and awaiting both a Committee Report and final action by the Senate. *See Hearings on Equal Employment Opportunities Enforcement Act of 1971*, 92nd Cong. 1st Sess. (1971).

Because of the pervasive nature of employment discrimination in our society, the strongest possible enforcement powers are needed to eliminate such discrimination. It is the recommendation of this Report that by giving the EEOC judicially enforceable cease and desist powers the EEOC would become more effective in overseeing the enforcement of equal job opportunities than it would if it had only the power to seek court enforcement on its own. Accordingly, we express our support for the grant of cease and desist powers to the EEOC as found in S. 2515 and oppose the enactment of court enforcement powers as recently passed by the House in the substituted bill, H.R. 9247.

### THE INEFFECTIVENESS OF CONFERENCE, CONCILIATION AND PERSUASION UNDER THE PRESENT STATUTE

Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment by four major groups: (1) employers of 25 or more persons (Sec 701(b)); (2) labor organizations with 25 or more members, or which operate a hiring hall or hiring office (Sec. 701 (e)); (3) employment agencies (Sec. 703 (b)); and (4) joint labor-management committees controlling apprenticeship or other training or retraining programs (Sec. 703 (d)). To enforce Title VII, the Act established a five-member commission whose members are appointed by the President and approved by the Senate, "as a national counterpart to State and local fair employment practice commissions. . . ." *See Federal Civil Rights Enforcement Effort, A Report of the United States Commission on Civil Rights 1970*, p. 263. It is estimated that the coverage of Title VII includes approximately 75 percent of the Nation's labor force. *Id.*, p. 264. Exemptions from coverage include: employees of federal, state, or local governments, (Sec. 701 (b) (1)), *bona fide* private membership clubs, (Sec. 701 (b) (2)), Indian tribes, (Sec. 701 (b) (1)), employees of religious organizations who perform work related to religious activities, (Sec. 702), and employees of educational institutions who are engaged in educational activities. *Id.*

Despite the wide jurisdiction of the EEOC and the prevalence of discriminatory employment practices, the function of the Commission is limited to seeking the elimination of job discrimination through the "informal methods of conference, conciliation, and persuasion." Sec. 706 (a). The commission process begins when a complainant files a sworn, written charge that he is aggrieved by one or more of the unlawful employment practices listed in Sections 703 and 704 of the Act or when a Commission member charges that a violation of the Act has occurred. An investigation follows, and if probable cause is shown, the Commission must seek the offender's voluntary compliance with the Act. If such conciliation efforts prove unsuccessful, the EEOC, not later than sixty days after the filing of the complaint, must notify the complainant who may then file suit in federal district court. Sec. 706(e). If there is applicable state or local law prohibiting employment discrimination, the complainant must first seek redress under those applicable laws before filing with the EEOC. Sec. 706 (b). In addition to this conciliatory function, the EEOC can refer cases to the Department of Justice for action where it is alleged that a "pattern of discrimination" exists and it can file *amicus* or supporting briefs when individuals file cases. Sec. 706, 707(a).

Although the conciliation process does have some theoretical merits to commend it, the failure of the EEOC's concilatory function to even dent the abundance of discriminatory employment practices throughout the country is not seriously questioned by anyone. William H. Brown III, Chairman of the EEOC, in testimony before the Subcommittee on Labor of the Committee on Labor and Public Welfare of the Senate, stated that since its beginning in 1965, the Commission has received 81,004 charges and that in less than half of this number was the Commission able to achieve a totally or even partially satisfactory conciliation.* *See Hearings on the Equal Employment Opportunities Enforcement Act of 1971*, 92d Cong., 1st Sess. (1971), p. 53. It is clear that significantly large numbers of aggrieved individuals have not been able to achieve any settlement at all through the EEOC and, consequently, are forced either to give up their claims or to seek redress through the federal courts. *Id.*, p. 53. The current estimate is that during the present fiscal year, more than 32,000 charges will be filed with the Commission. *Id.*, p. 55. Because of this rapidly increasing work-load, charges are not resolved on a timely basis and, as of June 30, 1971, the EEOC had a backlog of almost 32,000 cases. *Id.*

The Commission's inability to deal with the ever-increasing number of complaints with the limited authority currently available to it is especially disturbing in the light of the relevant statistics regarding the employment and income of minority groups and women. Chairman Brown's testimony, mentioned above, is especially revealing:

"In a special report released this year by the Bureau of the Census, 'The Social and Economic Status of Negroes in the United States,' it is clear from the statistics presented that while Negroes have made strides toward bettering their position, the goal of social equality is not yet to be seen . . .

"For example, the reports show that the median family income for Negroes in 1970 was $6,279 while the median income for whites for the same period was $10,236. This earnings gap between the races is obviously largely attributable to disparate employment policies. This conclusion is supported by statistics which show that Negroes are concentrated in the lower-paying less prestigious positions in industry, and are largely precluded from the higher-paid more prestigious positions. . . .

"While the statistics on Spanish-speaking Americans are not nearly as current or as complete, available data indicates that this, the second-largest ethnic minority group in the Nation with approximately 7.5 million members, faces a similar plight. In 1969, the median family income for Spanish-speaking American families was $5,641. About 17% of these families had incomes of less than $3,000. . . .

"The other major group which is subject to blatant discrimination in employment are the approximately 30 million employed women in the Nation. [These] women constitute approximately 38% of the total work force. . . .

"[I]n 1968, 60% of women but only 20% of men earned less than $5,000 per year, while only 3% of women but 28% of men earned $10,000 per year or more." *Id.*, pp. 50–53.

These figures show what critics of the EEOC's lack of enforcement authority have been saying all along: the EEOC must be given the strongest possible enforcement powers to carry out its objective of eliminating discrimination in employment. When the weak conciliatory function of the Commission is considered together with the small proportion of cases resolved by private litigation and the total of only sixty-nine pattern and practice cases that the Department of Justice has brought, the inadequacy of the present means of enforcing our alleged goal of equal employment opportunity becomes glaring. Federal Civil Rights Enforcement Effort (1970), pp. 336, 341. During fiscal year 1970, for example, the Commission itself participated in 167 private suits and recommended only 78 pattern cases to the Attorney General. *See Fifth Annual Report, E.E.O.C.*, p. 17.

### THE NEED FOR CEASE-AND-DESIST POWERS

Contrasting the EEOC's settlement record with that of the NLRB and state fair employment practices commissions (FEPC's) helps to expose the primary reason for the EEOC's comparative failure. The NLRB, for example, has settled 90% of the discriminatory employment charges it has retained through settlement agreements, voluntary withdrawal of the charges or dismissal. *See* A. Cox & D. Bok, Labor Law: *Cases and Materials* at 138 (7th ed. 1969). FEPC's with cease and desist powers have achieved a 95% successful conciliation rate where probable cause is found. *See* Note, "Employment Discrimination: State FEP Laws and the Impact of Title VII of the Civil Rights Act of 1964," 16 W. Res. L. Rev. 608, at 622 (1965).

Without effective enforcement power the EEOC will not be any more successful in resolving its increasing volume of complaints than it has been in the past. Such power, it is generally conceded, could take two forms: either the Commission could have the power to bring suits in the federal courts on behalf of complainants, or the Commission could have administrative cease and desist powers comparable to those powers presently exercised by most federal regulatory agencies. The basic issue, then, is which of these alternatives will insure the most effective enforcement of Title VII.

One of the main arguments of the proponents of the judicial approach is that the court remedy will provide relief more quickly. Surely quick relief is essential to effective enforcement. But the experiences which appear to be most relevant as possible indicators in respect to the relative comparison of delays do not support the judicial approach. The delay experienced in the administrative proceedings before the NLRB, for example, from the filing of a charge in an unfair labor practice case until the trial examiner's decision is issued, averages only 7½ months. *House Report No. 92–238,* p. 11. Moreover, approximately 95% of the unfair labor practice cases do not go beyond this stage! *Id.* The experience of the state fair employment practices commissions may be even more to the point. In 1965 there were twenty-five states that had some form of prohibition against discrimination in employment. *See* Note, 16 W. Res. L. Rev. at 614, *supra*. Only five of these states did not have statutes providing cease and desist power for their fair employment practices commissions or their counterparts. *Id.* In all of the twenty-five states where probable cause was found, in about half of the cases filed ninety-five percent of these cases were disposed of by conciliation without even the need of a hearing. *Id. See also* a 1963 study of the Senate Labor Committee, 110 *Cong. Rec.* 7207 (April 8, 1964). The more recent experience in New York as related by Congressman Reid, the former chairman of the New York State Commission Against Discrimination (now the division of human rights), is especially significant:

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* "A successful agreement is one in which EEOC, the respondent and the charging party are all signatories. In a partially successful conciliation, the respondent does not sign an agreement but does agree to eliminate the discrimination identified in the decision. If no relief is secured the conciliation is considered a failure." *Federal Civil Rights Enforcement Effort*, n. 715 at 327.

"The figures in New York's experience clearly emphasize my point. Between 1945 and 1967, 16,129 complaints were received by the New York commission; 98 percent of them—all but 326—were settled before they were ordered for hearing and more than two-thirds of those ordered for hearing were settled before the hearing was completed.

"That means that in New York in 22 years only 110 cases out of 16,000 needed further action, and that is largely because the State commission possessed cease-and-desist powers." CONGRESSIONAL RECORD, volume 117, part 24, page 32093.

Giving the EEOC cease and desist powers, as the experience of state fair employment practice commissions amply demonstrates, would work to reduce both the delays and the backlog by effective action and by encouraging settlement of complaints *before* enforcement becomes necessary. If the cease and desist approach did not work or if there were advantages to the court enforcement approach, then why has the administrative alternative been chosen by, at latest count, 32 states? *See* remarks of Congressman Reid, CONGRESSIONAL RECORD, volume 117, part 24, page 32093.

In addition, the problem of court congestion should not be overlooked. The EEOC has estimated that, should the court enforcement alternative be chosen, an additional 20,000 cases would be introduced into the federal judicial system. *Id.*, at H 8528. Chief Justice Burger has opposed any increased burdens for the federal courts without first providing for the reorganization of the federal judicial system. Addressing the American Bar Association last year, he stated:

"The difficulty lies in our tendency to meet new and legitimate demands with new laws which are passed without adequate consideration of the consequences in the terms of case load." Burger, "State of the Judiciary—1970," ABA Journal, Oct. 1970, p. 932.

Even though delays vary considerably from district to district, the courts are more congested than ever before. In the major population center of the Southern District of New York, for example, the wait from the time a case was ready for trial until the nonjury trial in fiscal 1970 was 38 months. *See House Report, supra*, p. 11. The delay in the Eastern District of Louisiana was 24 months. *Id.*

A second argument advanced in favor of the judicial approach is that questions of employment discrimination arouse strong emotions and such matters, it is said, are more appropriately resolved in a court where federal judges command the respect of the public. *House Report, supra,* p. 62, Minority Views. Public respect for the forum of resolution in such matters is unquestionably important, but the administrative cease and desist machinery would not lack public esteem. To the contrary, the administrative process appropriate to resolving the complex problems in the employment discrimination area requires the expertise that an administrative tribunal is better suited to supply. Remedies fashioned by experts in the subject matter will more likely command the public respect than not. Problems of respect, moreover, have not arisen in regard to the state fair employment practice commissions and there is no apparent reason why such problems need occur in the federal context.

In connection with the above point on the greater prestige of federal judges, a third argument for the judicial approach is that the courts are better able to secure needed evidence for an appropriate disposition of the cases because of their discovery and subpoena powers. But there is little, if any, support for the proposition that the federal agencies, like the NLRB and the FTC, armed with the customary administrative investigatory powers, have been substantially handicapped in the development of adequate evidence for the proper disposition of cases. There is also genuine positive value in the circumstance that administrative tribunals are less subject to technical rules governing evidence, pleadings and motion practice. *House Report, supra,* p. 11.

The opponents of cease and desist power for the EEOC also argue that the administrative process would be inherently unjust if administered by the EEOC and that principles of justice require employment discrimination cases be heard only in federal courts. In support of this position, two claims are made: first, they claim that the EEOC has "attained an image as an advocate of civil rights" and as such "cannot be an impartial arbiter" of Title VII cases, *House Report, supra,* p. 59, Minority Views; second, they also claim that by giving the EEOC cease and desist powers, a party would be presumed guilty before he would have been properly heard, or in short, the agency making the initial finding cannot also adjudicate the final order. *Id.*

As for the first claim, it is true that the EEOC has been an advocate of civil rights, but then this role has come about only because of its lack of enforcement powers. The filing of *amicus* and supporting briefs is certainly compatible with the Commission's proper concerns, and considering that this has been its only participation in the enforcement process, this is hardly a basis for condemnation. Moreover, the EEOC experience thus far does not indicate a lack of objectivity in the disposition of the charges filed with it.

The claim that the EEOC is too biased to objectively adjudicate Title VII issues merges with the claim that the Commission should not make both the initial findings and the final orders. Both these claims ignore the procedural safeguards provided by the Administrative Procedure Act. Hearing examiners, for example, would be employed by the Civil Service Commission and not by the EEOC. If any party feels that bias has occurred during any proceedings, records are kept to insure adequate judicial review.

The sixth argument advanced for the judicial approach is that lack of sufficient funding causes more delay in the administrative process than in the courts and, it is claimed, this has been the real reason for the two-year backlog of cases presently before the Commission. *See* Comment, "Developments in the Law—Employment Discrimination and Title VII of the Civil Rights Act of 1964," 84 Harv. L. Rev. p. 1271. First, as mentioned earlier, the major cause for the current backlog before the Commission is its lack of enforcement power. Without effective enforcement provisions, recalcitrant employers have little motivation to attempt the conciliation process, and they are well aware of the fact that the final burden for attaining compliance would involve a time-consuming and costly court suit that most employees can ill afford. As for the funding problem under Title VII, the best question appears to be: Where would the small amount of funding the Commission would be likely to get do the most good? Would it be better spent in processing cases before the Commission or in bringing suits in courts? Experience seems to point towards administrative processing rather than court enforcement as the better choice.

### CONCLUSION

Besides granting the EEOC the authority to issue judicially enforceable cease and desist orders in the Courts of Appeals, there are other provisions of S. 2515 which would serve to augment its administrative effectiveness. This bill would extend the coverage of Title VII to employers of eight or more workers and to unions with eight or more members, instead of the twenty-five figure limit now imposed. Also, federal, state, and local government employees as well as employees of educational institutions would be covered. We believe that the pervasiveness of discriminatory employment practices justifies such broadened coverage.

S. 2515 would retain the right of private suits under the existing law. It would also transfer the right to bring "pattern of practices" suits in employment cases from the Department of Justice to the EEOC, and it would transfer the functions of the Office of Federal Contract Compliance to the EEOC. These administrative transfers are based on the eminently sensible concept of concentrating all related enforcement responsibilities in a single agency. Overlap would thereby be reduced and coordination of a concerted effort to eliminate discrimination in employment might be better achieved. All of these provisions perhaps should be justified at some length, but that would miss the central focus of S. 2515 and the major contention of this Report. The pervasiveness of discrimination in employment throughout the United States and the complexity of this problem requires the expertise of an administrative agency equipped with judicially enforceable cease and desist powers to attain a maximum of enforcement effectiveness under the provisions of Title VII.

## THE GERMANENESS RULE

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Under the Pastore rule, is it in order to introduce a bill now?

The PRESIDING OFFICER. The period of 3 hours under the rule of germaneness does not expire until 2:04 p.m. However, even then it would require unanimous consent to introduce a bill, since the period for the transaction of routine morning business has passed.

Mr. STENNIS. Very well. I do not seek the floor, Mr. President.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

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## EMERGENCY ACTION TO END TRANSPORTATION DISPUTES—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. GAMBRELL) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public welfare:

*To the Congress of the United States:*

As the dock strike on the West Coast continues to impose a cruel and intolerable burden upon the American people, I appeal once again to the Congress for emergency action to end these transportation disputes.

There are now two bills before the Congress dealing with transportation stoppages, and immediate action is urgently required on both:

—S.J. Resolution 187, which would quickly halt the West Coast strike and lead to a fair and early settlement under binding arbitration.

—And the Crippling Strikes Prevention Act, S. 560, which would grant the executive branch sufficient authority so that future disruptions in the transportation industry could be averted.

The American public is rightly frustrated today by the inaction of Congress in ending the West Coast strike. Some crops are rotting while others are stalled in their bins, export customers are looking for more dependable trading partners, and jobs and businesses are threatened with extinction. Tens of thousands of people, who share no part of this dispute, are suffering needlessly.

Yet our Government stands idly by, paralyzed because the executive branch has exhausted all available remedies and a majority in the Congress has been unwilling to enact necessary legislation. This failure to act in time of need speaks directly to the question of why some Americans have lost confidence in their government.

We must act now, swiftly and decisively. Twelve days ago I proposed special legislation to end this strike and asked for enactment within a week. That deadline has passed without a response, and I must report to the American people today that I cannot predict when relief will come. To say that I am disappointed is to state the case in its mildest terms.

For those who argue that the Government should not interfere with collective bargaining, the short answer is that the bargaining in this case has thus far failed—and failed badly for 15 months. I share the belief that Government ordinarily should not tamper with the freedom of bargaining, but when the processes have broken down and the Nation's health and safety are at stake we in public office have no right to turn our heads.

I am also aware that some members of Congress believe this strike will soon be settled at the bargaining table. I sincerely hope they are right, and I urge the parties to continue their bargaining, but the 15 months of fruitless bargaining which have already passed convince me that we cannot depend on this solution.

### ISSUES OF GREAT URGENCY

In the absence of an agreement, the critical question is whether all of us in Washington sense the urgency of these issues. I can assure you that the farmer whose grain is wasting away and the exporter who has lost his contract regard this strike as a matter of utmost urgency, and I plead with the Congress to recognize their plight.

For two years I have been trying to impress upon the Congress the need for new legislation in this field. In 1970, during the 91st Congress, and again in 1972 during the 92nd Congress, I proposed the comprehensive crippling strikes prevention program so that future transportation stoppages could be resolved. There has been precious little affirmative response. Yet I am confident that if the Congress had enacted those measures, there might have been no strike on the West Coast and the issues in dispute would have been fairly settled.

Let us resolve that this stoppage on the west coast will be the last of its kind. The Congress should act immediately to end he west coast strike and, with utmost dispatch, pass the Crippling Strikes Prevention Act.

### THE CRIPPLING STRIKES PREVENTION ACT

Certainly the more far-reaching of the two proposals on which I am seeking action is the Crippling Strikes Prevention Act. It would give the President additional—and, in my opinion, essential—new authority to deal with emergency disputes in the railroad, airline, maritime, longshore, and trucking industries.

First, it would discontinue the emergency strike provisions of the Railway Labor Act of 1926 and provide that all transportation disputes be settled under the Taft-Hartley Act. Currently, disputes in the railroad and airline industries are subject to the Railway Labor Act while all other emergency transportation disputes are governed by the Taft-Hartley Act. Of the two acts, the railway labor law is clearly the inferior. Under it, the President can delay a strike or lockout for 60 days by appointing an Emergency Board to study the issues and recommend a settlement. Unfortunately, these provisions only seem to discourage hard bargaining because the parties are hesitant to compromise their position before the Board is appointed, and then, recognizing that the Board will probably seek a middle position, the parties tend to adopt a more extreme stance in order to pull the Board in their direction. Thus the gap widens between the disputants and because neither the Board nor the President has any additional authority, strikes often resume at the end of the 60-day period. These resumptions have occurred at the rate of more than one per year since 1947, and four times during this administration alone I have been forced to ask Congress for special legislation. This is a sorry record, best consigned to our history books.

### THREE NEW OPTIONS

Secondly, I propose a major revision of the Taft-Hartley Act to give the President three new options in the case of all emergency disputes in the transportation industry. Under current provisions of this Act, the President may appoint a Board of Inquiry when he believes that a work stoppage imperils the Nation's health or safety. Upon receiving a report from the Board on the status of the strike, the President may direct the Attorney General to petition a Federal District Court to enjoin the strike for an 80-day "cooling-off" period. But there the formal authority of the Federal Government ends: the Board of Inquiry may issue no recommendations on a settlement and the President has no additional options when the 80-day period elapses except to ask for emergency legislation. On nine of 30 occasions when this machinery has been invoked since 1947, a strike or lockout has resumed after the 80-day period, as it has now on the West Coast.

To permit a more flexible Federal response, I propose that the President be granted three options when the "cooling-off" period fails to produce a settlement:

—First, he could extend the period for 30 days, a most useful device if the dispute seems to be near an end.

—Secondly, he could require partial operation of the troubled industry, so that those segments essential to the national health or safety could be kept in operation for an additional 180 days.

—Or thirdly, he could invoke a "final offer selection" procedure whereby the final offers of each party would be submitted to a neutral panel. This panel would select, without amendment, the most reasonable of the offers as the final and binding contract between the parties. Unlike bargaining which now occurs under the Railway Labor Act or under arbitration, this approach would encourage the parties to narrow their positions so that they could persuade the panel of their reasonableness. Thus genuine negotiations and settlement would be encouraged automatically.

Among the additional features of this proposal is the establishment of a National Special Industries Commission to conduct a two-year study of labor relations in industries which are especially subject to national emergency disputes.

As I informed the Congress 2 years ago, the Crippling Strikes Prevention Act creates a balance between two cherished but sometimes inconsistent principles: the protection of the national health and safety against damaging work stoppages, and the protection of collective bargaining from interference by the Government, "Ideally," I said then, "we would provide maximum public protection with minimum Federal interference."

Without doubt, my proposal would tip the present scales back in the direction of greater protection for the public, but we must face up to the hard realities that the old way simply has not worked. The scales, in fact, have been heavily weighted against the public. The actions I propose would not only correct the balance but would also preserve and enhance the processes of collective bargaining.

### THE WEST COAST DISPUTE

The present tie-up on the West Coast vividly illustrates why we need the Crippling Strikes Prevention Act. Both the failure of negotiations and the resulting economic losses have been a painful lesson for us all.

Talks and negotiations between the parties have dragged on for 15 months, and I have used every remedy at my command, but to no avail. The Taft-Hartley machinery has been tried, and it has failed. Two extensions in time have been arranged by Government mediators, and twice the mediators' efforts have fallen short. And I have met personally with the parties. Yet this strike has resumed. In my view, it is abundantly clear that present legislation is inadequate and that we need comprehensive solutions.

Only now are we beginning to realize the full damages of the first 100-day strike which closed down the West Coast ports between July 1 and October 9, 1971. I recounted some of these losses to the Congress in my message 12 days ago, but the facts bear emphasis:

—It is estimated that American exports would have been $600 million higher during this 100-day period except for the work stoppage.

—The strike was particularly hard on our farmers, who have been exporting the product of one cropland acre out of four. During the June–September period, farm exports from the West Coast dropped from $288 million in the same period in 1970 to $73 million in 1971.

—Wheat farmers suffered the worst calamities of all, as their sales to major Far Eastern markets fell off drastically. Japan, for instance, purchases over 50 percent of her wheat from the United States. Since April, we have lost sales to Japan of at least 25 million bushels of wheat valued at $40 million. Ominously, the day after the strike resumed last month, the Japanese purchased 8.7 million bushels of wheat for a spring delivery, but only 1.6 million bushels were bought from the United States.

—Our merchant fleet also sustained heavy losses, as did exporters of vegetables, rice, cotton, and livestock, and wood products, and numerous related industries.

### APPALLING HUMAN COSTS

Overall, the 100-day strike thrust a spike into our progress toward economic recovery, threatened our balance of payments, and undermined the confidence of foreign buyers who need to rely upon dependable deliveries. But the most appalling costs were in human terms—those tens of thousands who were not parties to the dispute but suffered because of it.

Those same people are suffering needlessly again, as the costs of resuming the strike begin to mount. I met yesterday with the Governors of California and Washington, whose States along with Oregon lost an estimated total of $23.5 million a day during the 100-day strike, and they have reported to me that the cost of this resumption is intolerable to their economies. The State of Hawaii is also beginning to feel the punishment. If the strike persists for several weeks, we can anticipate a significant increase in unemployment on the West Coast and huge financial losses for many people across the country.

We can and must end this dispute. Because the parties have already been bargaining under different ground rules for many months, I do not think it would be fair or wise in this case to impose the "final offer selection" solution which I am proposing in the more comprehensive Crippling Strikes Prevention Act. I also see no merit in another "cooling-off" extension because it offers little hope of resolution and it only increases the uncertainty in foreign markets. Instead, I urge the adoption of a plan for settlement by arbitration. As I explained to the Congress 12 days ago I am asking that a three-member arbitration board be appointed by the Secretary of Labor to hear all the issues and then issue a settlement that would be binding for at least 18 months. No strike or lockout would be permitted from the day this legislation is enacted until the expiration of the binding settlement established by the board.

I strongly favor free collective bargaining, but the time has come for decisive action. I call upon the Congress to take such action on both this emergency bill and the Crippling Strikes Prevention Act.

RICHARD NIXON.

THE WHITE HOUSE, *February 2, 1972.*

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## WEST COAST DOCK STRIKE

(The following discussion, which took place later in the day, is printed at this point in the RECORD by unanimous consent.)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there now be a period for not to exceed 15 minutes, under the control of the distinguished Senator from New York (Mr. JAVITS), for a discussion which he wants to undertake at this time on the west coast dock strike.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I thank my colleague from Montana.

Mr. President, I wish to discuss the problem of the west coast dock strike, as I am the ranking member both of the Committee on Labor and Public Welfare, and of the Subcommittee on Labor.

I shall yield pieces of the time to other Senators who are in the Chamber—my colleague from Oregon (Mr. PACKWOOD) who is, with me, a sponsor of the bill which is here pending sent up by the administration and, hopefully, if he can be relieved of his duties in the Chair, my colleague from Ohio (Mr. TAFT), and other interested Senators.

Mr. President, I take this action now, as it is in between two bills, and it is clear that we will not vote on the pending amendment to the EEOC bill and, therefore, nothing is being interrupted and we will not be helping extension of debate on that matter—which I would not wish to do.

The President has appealed to us today in a special message—which is very unusual—to act with respect to the west coast dock strike. He calls our attention to two bills. One is the administration's bill dealing with this strike on an ad hoc basis, Senate Joint Resolution 187, and the second is the administration's bill, of a generic character, S. 560, to deal with disruptions in the transportation industry.

This is a longstanding situation to which I have addressed myself now for something like 7 or 8 years. I have recognized that there is no labor measure more important than that which will permit the country to operate in the face of a crisis situation which would stop its operations.

Mr. President, I wish to emphasize that the only reason we have been able to deal with the situations—and we have dealt with them in this ad hoc manner since 1963 when we first passed the bill dealing with the 1963 firemen's dispute—is that American workers were dedicated and patriotic enough so that they obeyed the law which we passed on this subject dealing with their most dearly won rights.

I wish to make that very clear. Without this patriotic feeling on the part of the American worker, our country could be in anarchy, even if legislation were passed. But we do have the deep feeling of faith and confidence in our Nation that when there is a law, it will be obeyed by Americans and all workingmen no matter how strongly they may feel about a given issue. And this imposes a tremendous responsibility on us to be fair, equitable, and intelligent in respect of such a law and not make it oppressive or endeavor to suppress any legitimate working right of any workingman or, for that matter, any employer.

We have a history in which we have acted in an ad hoc manner in these disputes. I ask unanimous consent that there be printed in the RECORD a history of the previous bills, beginning with 1963 and again in 1967, on the shop craft wage dispute in 1970, the shop craft dispute again in 1971, and the signalman's dispute in 1971, all of which were dealt with and effectively disposed of by ad hoc legislation.

There being no objection, the history was ordered to be printed in the RECORD, as follows:

### CONGRESSIONAL ACTION TO SETTLE EMERGENCY LABOR DISPUTES

Five railroad disputes have resulted in enactments of legislation by the Congress. These disputes are as follows.

#### I. 1963 OPERATING EMPLOYEES DISPUTE

P.L. 88–108 (August 28, 1963)—Established a seven member arbitration board to render a binding award on both parties (Class I railroads and five operating brotherhoods) with respect to use of firemen on diesel locomotives and the size of road and yard crews; directed parties to resume collective bargaining on all other issues.

#### II. 1967 SHOPCRAFT WAGE DISPUTE

P.L. 90–10 (April 12, 1967)—Provided for a 20-day extension of period of statutory restraint. Strike scheduled for April 13 by six shopcraft unions over wages.

P.L. 90–13 (May 2, 1967)—Provided for an additional 47-day extension of period of statutory restraint, until June 19, 1967, with the understanding that President Johnson would offer a plan to settle controversy "within a few days".

P.L. 90–54 (July 17, 1967)—Authorized President to establish special mediation board and, failing settlement through mediation (within 90 days), to impose settlement (on basis of Emergency Board recommendations).

(In one additional labor dispute under the Railway Labor Act but involving the airlines, Congress was in the process of passing legislation when the parties reached a negotiated settlement.)

### III. 1970 SHOPCRAFT WAGE DISPUTE

P.L. 91–203 (March 4, 1970)—Provided for a 37-day period of statutory restraint prohibiting a strike or lockout in dispute by National Railway Labor Conference and four shop-craft unions (machinists, electricians, boilermakers and sheet metal workers).

P.L. 91–226 (April 9, 1970)—Provided settlement of the above dispute by establishing as the contract, the terms of the memorandum of understanding dated December 4, 1969, agreed to by all negotiators for disputing parties, although subsequently ratified by general membership of only 3 of the 4 unions involved.

### IV. 1971 WAGE-WORK RULES DISPUTE

P.L. 91–541 (December 10, 1970)—Provided for 81 day extension of period of statutory restraint in dispute between Class I railroads and four rail unions (operating employees except engineers, railway clerks, dining car employees and maintenance of way employees). Also implemented the first year wage increases recommended by the Emergency Board by providing a 13½ percent pay increase; five percent of which was retroactive to January 1, 1970 and remainder effective November 1, 1970.

### V. 1971 SIGNALMEN DISPUTE

P.L. 92–17 (May 17, 1971)—Provided for extension of period of statutory restraint to October 1, 1971. Also implemented first year wage increases recommended by Emergency Board—5% for all employees effective Jan. 1, 1970; 30 cents per hour for leaders, effective Nov. 1, 1970 and 18 cents per hour for regular employees.

Mr. JAVITS. The President wishes us in essence to pass legislation for this particular situation—Senate Joint Resolution 187—which calls for a conclusive finding by a board of arbitrators as to what would be the terms and conditions under which the workers return to employment.

One aspect of this bill which is rather unique is a provision for a referee, a special official, to deal with the problem of disputes during the period this matter is before the panel of arbitrators. That is a very unique and a very interesting provision especially tailor made for this situation. Otherwise it is pretty much a straight-down-the-line arbitration authority.

When the bill was introduced, I introduced it by request because I feel that what we should do is to give, even in this ad hoc measure, at least the same flexibility which the President seeks in his proposed generic bill. I myself have a generic bill, S. 594, which provides for even more flexibility than the President's bill—for example, my bill would permit seizure. I have had a generic bill now for some 8 years.

It has been one of the things I have fought most consistently for. And I dislike so much to say it, but it must be said. This is it. I have had this bill in and I have fought for it because I have seen the country frustrated and chagrinned time and time again in such situations. Indeed, it is not just the country that is hurt by the strike, but the workers also. They have to earn a living. They are not anxious to sit and dangle their feet off the curb all day, all month, or all year.

This is in addition to the country's urgent need for critically essential public facilities.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, would that legislation deal with all transportation, or is the Senator focusing attention on the dock strike only?

Mr. JAVITS. The administration has two bills. The first bill focuses attention on the dock strike only. The second bill is the generic bill. It covers all transportation industries.

My own bill, to which I have referred, covers all national emergency work stoppages. And that is what we have to get to. There is no way out of it.

My answer to the Senator in this case is that, much as I appreciate the President's initiatives, we cannot operate under a generic bill at this time to deal with this emergency. We are up against it. And we should move to do something or the whole country will hold us accountable. We will have to pass an ad hoc bill for this situation.

Mr. CURTIS. I hope that something can be done. The junior Senator from Nebraska is of the opinion that perhaps we need both types of action. I hope that something can be enacted quickly to meet all conditions. At the same time it would be my hope that legislation could be advanced to take care of the situation generally, so that we would not get into this predicament so often.

Mr. JAVITS. There is no question about that. I can assure the Senator that I have worked hard for this objective for years. This is a signal opportunity to work for it again. It may be that we can find a way to do both, even in this bill.

We tried it once before. The Senator from Ohio (Mr. TAFT) offered an amendment, generic legislation, to the Economic Stabilization Act. Unfortunately, we found we simply blocked ourselves out of the Senate. So we had to forego the generic bill. The Senator from Ohio got a pretty good vote on that amendment.

This is the time to apply pressure for a generic bill. The Senator is absolutely right in calling the matter so strongly to our attention.

Mr. CURTIS. Mr. President, if the Senator would yield further, I would like to point out that our transportation systems are in a little different category than industry generally. I agree that strikes are costly. They are costly for the workers and for the company. Transportation is the lifeblood of our economy. When there is a stoppage of the transportation, the amount of injury that occurs is very great.

When we have a dock strike, it has a sort of domino effect on our national economy. Whenever ships cannot be loaded, these agricultural commodities pile up. And pretty soon the storage facilities and the dock facilities are filled. It backs up clear to the point where the crops are produced. As a result the price is forced down.

It is estimated that the dock strike this past year cost Nebraska grain producers 10 or 12 cents a bushel, which is a sizable item because it takes it off the top, we might say, where it is needed to provide earnings for the farm operator.

I again commend all those—the distinguished Senator from New York (Mr. JAVITS) and others—who are working on this legislation. I also would like to express the hope that we get some action very soon.

Mr. JAVITS. Mr. President, I thank the Senator from Nebraska. I wish to yield to the Senator from Oregon (Mr. PACKWOOD), who is a cosponsor of this legislation with me.

I point out what the President said, and I think it is pretty extraordinary for a President to say:

> The American public is rightfully frustrated today by the inaction of the Congress in ending the West Coast strike.

He says that he does not know what he can do in the absence of action by Congress. I do not think that any of us, whether majority members or minority members, on our committee wants to vote contrary to the desires of the President.

I say this only to buttress the determination of our committee with regard to this matter. I hope very much and have every reason to believe that the Labor and Public Welfare Committee is going to have—and it has already had one hearing—hearings and will give most urgent and high priority attention to this matter.

I feel in good faith that it will do its utmost to report a bill. We all hope and pray that the parties will settle. However, we are told that they will not settle the matter unless we act. We have been absolutely told that in so many words by the Secretary of Labor. We have yet to call the employers and the union. We will do that. There is no problem about their testifying.

I rise today not in any sense of complaint or remonstrance, but to point out what the absence of generic legislation has done to us. It has put a great section of the country in a dreadful position. The losses are estimated to be billions of dollars in terms of commerce and trade and employment occasioned by this dispute.

I had a delegation here from Hawaii the other day and they told me vividly of the privation which they are undergoing. They told me that it is simply intolerable for our country.

So I speak today only to emphasize, in the public domain, the urgent need for the highest priority for action on the proposed legislation.

I now yield 5 minutes to the distinguished junior Senator from Oregon.

Mr. WILLIAMS. Mr. President, before the Senator yields, will he yield briefly to me?

Mr. JAVITS. Yes. May I ask the distinguished majority leader if we may have an additional few minutes?

Mr. MANSFIELD. Yes. Mr. President. I ask unanimous consent that the time for discussion on this subject be extended 15 minutes. Within that time, I hope that we may finish this discussion, because we are behind in our schedule. Perhaps more time may be needed for hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, first of all, the Committee on Labor and Public Welfare has had hearings on the bill. Secretary Hodgson came before us. We have now scheduled hearings for tomorrow with the Secretary of Agriculture and the Secretary of Transportation, and on Friday with the parties to the dispute themselves. So we are proceeding this week as rapidly as the other part of the Senate schedule will permit on this very urgent matter.

I would say that it was made very clear—crystal clear—to the committee by the Secretary of Labor that the generic bill that was sent to us sometime ago by the administration would not, if it had been enacted, been available in the settlement of the particular dispute that is now under discussion, that is before the country, and is a great emergency today. Because of the uniqueness of the situation, the final offer or selection would not have been a remedy that would have been available in this dispute. This simply emphasizes the complexity of the problem and also suggests to me, as chairman of the committee, that the Senator from New York, with his broader, more comprehensive proposal, with provisions that give greater flexibility in obtaining a remedy, has to be still a matter of concern to the people.

Mr. JAVITS. We can amend the bill, even the administration's bill. I am sure we could put it in shape. We have my own bill to draw on. The chairman has excellent ideas on this subject. Other Senators also have bills in.

I deeply believe that the important point I am making is that we should act. I think the Senator from New Jersey agrees with me. We should act because, obviously, it seems clear now that in the absence of congressional action the parties are not going to settle. The economic situation and, probably ensuing this, the social situation in the area affected are simply unacceptable. So I accept the chairman's statement and my only exhortation is that we should not let the United States find itself frustrated because we did not act.

Mr. WILLIAMS. I would finally say that there is one difference of approach—the possibility that this particular dispute will be settled without governmental fiat. I do not quite share the view of an impossibility of settlement, the feeling that there is an impossibility of settlement, that the Senator from New York has. The parties are meeting right now. As I understand, the offers of today were different from the offers of yesterday.

Mr. JAVITS. The Senator from New York is advancing no opinion on that, because he does not know. But he says that the President of the United States and the Secretary of Labor say that there will be no settlement unless there is legislation. So are we going to take the responsibility of deferring legislation? Then he can properly say that all the losses are on our heads in Congress. I doubt very much that we want to accept that responsibility.

Mr. WILLIAMS. We certainly ought to give the parties an opportunity to work out their differences.

Mr. JAVITS. They have had 15 months. They have now been negotiating 15 months. That is a long opportunity. I cannot stand up and fight for more than that.

Mr. WILLIAMS. I hope they are listening to the Senator, because they are meeting today. Our hearings are scheduled through the remainder of this week. They certainly have today, tomorrow, and Friday.

Mr. JAVITS. To that I say, Amen. Nothing would make me happier than for them to settle.

Mr. President, I yield 5 minutes to the distinguished junior Senator from Oregon.

Mr. PACKWOOD. Not only have we been waiting 15 months. It is going on 17 months since the west coast negotiations began and we are in our 17th week of the strike. The Senator from New York has indicated that the President has literally thrown up his hands and said there is nothing else he can do. The Senator from New York is right. There is nothing else that the President can do under existing law. He has invoked the Taft-Hartley Act emergency procedures, and that is the end of the power he has.

If this west coast crisis is to be resolved now, and also in the transportation industry generally, it will be achieved only if Congress is willing to enact new legislation, emergency legislation to deal with the current crisis and permanent legislation to obviate the need for similar crisis legislation in the future.

The issue is clear and simple. A handful of industrial leaders and union leaders have no right to strangle this Nation's economy just because they cannot get together and settle their dispute.

The right to strike did not come down with the Bill of Rights in this country. It did not come down with Moses. The right to strike has been guaranteed by Congress, except under extraordinary circumstances, because we felt it a separate and important economic remedy in the economic equation.

The President is saying to Congress, correctly that at some stage there are limits on the right to strike, and one of the fundamental limits is the power to shut the country down.

When the men went back to work on the docks of the Pacific coast under the Taft-Hartley injunction, the productivity on the docks was so low that, for all practical purposes, we can assume there were deliberate slowdown tactics. If we did nothing but give the parties another 6 months, 3 months, or 2 months to negotiate, and told the dockworkers to go back to work, we will be faced with the same low productivity and the same high costs that we found before.

Those who are affected by strikes have a right to a remedy. Congress has to face up to the situation. In this case, we should look at ourselves in the mirror and see where our obligations lie. I hope we will see that they lie with the people of the country, who have been devastated over the past 6 months by the crippling unresolved disputes in the transportation industry.

Mr. HATFIELD. Mr. President, I would like to join my colleague from the State of Oregon (Mr. PACKWOOD) and the Senator from New York (Mr. JAVITS) in drawing the attention of our colleagues to the tremendous impact that this strike has had not only on the economy of the West but on the general economy of the Nation.

The Senator from Nebraska (Mr. CURTIS) while on the floor a few moments ago—he is now presiding in the chair—indicated that this strike had a special impact on the agricultural economy. I would like to point out that in the past year our country had an imbalance of payments of $31 billion, the highest in our history. One of the reasons why we had this imbalance is the loss of exports as a result of the dock strike.

Oregon supplies 71 percent of the wheat shipped abroad. In 1970 the United States had 60 percent of the grain market in Japan. Now we have less than 40 percent of that market in Japan because of the fact that we have not been able to deliver. At the same time, we have to look at the fact that Australia and Canada had a bumper year in its wheat crop, and they have picked up the markets in Japan and the Far East because of our failure to supply them from the west coast ports.

Once a market in agricultural commodities is lost, one does not regain that market easily, because the market in that area wants a dependable supplier. If they feel they are going to be beset by breakdowns in the transportation system, they are not going to come back to that same seller again.

I would like to emphasize not only that the dock strike has cost us, in the 100 days, $100 million in wheat exports alone, but that this is a problem for the entire Nation, because we export the farm production of one harvested acre for every 25. Last year the production of 80 million acres of commodities moved into overseas markets.

I would also like to point out that, with the President of the United States undertaking a trip to China, the expectation of many people in this country is that economic relations will develop as a result of that trip, or perhaps it will lay the foundation for future economic relations. Most of the commodities, for example, that would be shipped to the mainland China market would be agricultural commodities, which are, again, highly dependent upon our transportation system over water.

I would also like to point out for the record, because many times we hear we are just about ready to settle the strike—and even this week we have seen the parties go back to the table to begin negotiations again—that on September 25, 1971, the President of the United States visited Portland on his way to Alaska to welcome and meet the Emperor of Japan.

While the President was in Portland, Mr. Harry Bridges, of the ILWU, and Mr. Flynn, of the Maritime Association, met with the President of the United States.

Following that interview and discussion a public statement was issued which gave the clear implication that there could be a settlement, and hopefully a settlement could take place within the next week.

I do not believe that statement is a reason for inaction in this particular strike or that we can afford inaction on the part of the Senate to move ahead with some kind of fair ad hoc legislation, because we have seen too many indications in the past for hopeful settlement that ended with no settlement.

I would like to add the observation that, in our great dilemma today, with its economic impact on the west coast, the general tendency of people, when we get into a crisis of these proportions, is to take the first proposition that is offered. We seek any straw that is offered. I would like to indicate that a very important element of the free enterprise system is collective bargaining, and I would like to make sure that, whatever action is taken, it is not punitive action inequitable to anyone or tending to handcuff either side to the dispute. Let us not, because of the serious situation we face, rush into precipitate action or enact legislation that is punitive in nature. I think we must remember that, as our No. 1 objective, we must protect the public interest, and, by the same token, take no action that would inject government into the dispute in such a way that would destroy collective bargaining, thereby destroying the heart and soul of the free enterprise system.

I would like to recall the words of a very great American, who was an expert in labor-management affairs, having been the troubleshooter for two Presidents of the United States, President Harding and President Coolidge. I refer to the Secretary of Commerce during their administrations, Mr. Herbert Hoover, who said that, in terms of the real free enterprise system, we must jealously protect the free collective-bargaining process.

So I want to join in that caution at this time, not to diminish the responsibility we have for action, but to recognize that we have to protect the free collective bargaining process of our free enterprise system.

Mr. President, I need not stress again the importance of this issue in my State, nor my continued efforts to bring this dispute to an end. In late July, I sent a telegram to the President, urging that he meet with Mr. Harry Bridges and Mr. Ed Flynn to discuss the need to settle this strike quickly.

I ask unanimous consent that my letter to the President, plus the acknowledgement from Bill Timmons, of the President's staff, appear at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

JULY 22, 1971.

The PRESIDENT,
*The White House,*
*Washington, D.C.*

MY DEAR MR. PRESIDENT: I am writing to express my deep concern over the economic consequences of the longshoremen's strike on the West Coast. I need not repeat the statistics of what the strike is doing to the economy of California, Oregon, and Washington. The rail strike compounds the problem, particularly in the lumber industry.

While I recognize the factors which would weigh against your intervention, I would ask that you consider some action which, if nothing else, would focus public attention on the two parties. Perhaps a meeting with Mr. Edward Flynn, of PMA, and Mr. Harry Bridges, of the ILWU, would give impetus to the parties to work toward a solution.

Public pressures for government intervention in stronger terms than this will increase the longer the strike continues. A meeting with the two parties might provide the spark that is needed to move toward a just settlement.

The effects of this strike are of great concern to me. I have talked with both Mr. Flynn and Mr. Bridges. I want to offer you any assistance I can.

Sincerely,

MARK O. HATFIELD,
*U.S. Senator.*

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THE WHITE HOUSE,
*Washington, July 24, 1971.*

Hon. MARK O. HATFIELD,
*U.S. Senate,*
*Washington, D.C.*

DEAR MARK: This will acknowledge and thank you for your July 22 letter to the President concerning the West Coast dockworkers' strike. You may be assured your letter will be brought to the President's early attention.

At the present time the Federal Mediation Service has offered its assistance at the regional level to encourage the parties to come together and start talking. The Administration is aware of the problems presented by this strike and is keeping the matter under active review.

With cordial regards,

Sincerely,

WILLIAM E. TIMMONS,
*Assistant to the President.*

Mr. HATFIELD. Mr. President, President Nixon finally did meet with the two gentlemen in Portland on September 25 to urge a settlement. I do wish he had taken this step earlier, for this long, protracted delay in settling this dispute could have been speeded up.

On August 5, 1971, a group of 24 western Senators sent a joint letter to the two parties, urging an end to the strike, and stressing the impact on our foreign agriculture sales that had occurred, and would occur, if the strike were not settled.

I ask unanimous consent that the press statement announcing the joint letter, along with a copy of the letter, appear at this point in the Record.

There being no objection, the press statement and letter are ordered to be printed in the Record, as follows:

NEWS FROM SENATOR MARK O. HATFIELD, AUGUST 5, 1971

A bipartisan group of 24 Western Senators, headed by Oregon Republican Mark Hatfield, urged resumption of talks in the West Coast dock strike in letters to negotiators Harry Bridges, of the I.L.W.U. and Edward Flynn, of the P.M.A.

Hatfield said all the Senators are "deeply concerned" over the impact of the strike on agriculture exports. He said foreign shippers already are turning to Canada and Australia for wheat and feed grain purchases.

"Over five million dollars worth of agriculture exports move through West Coast ports daily," said Hatfield. "Our farmers face financial ruin unless a settlement is reached soon."

Hatfield said the Senators also fear the long-term effects of the strike on our whole foreign trade position in the agriculture area.

"We fear foreign buyers will not continue to put as great a reliance on U.S. agricultural goods in the future because of the problems caused by the strike," he said. "Other foreign producers also are enjoying success because of the strike, and may compete more vigorously with the U.S. in the future for Far East markets."

"The erosion of the healthy fiscal boost to our balance of payments from agriculture exports comes at a time when the country can ill afford it."

Hatfield said he also personally fears long term loss of export markets for agriculture products, which "could damage the stance on trade legislation of some Congressmen from agricultural areas."

The 24 Senators, (15 Republicans and 9 Democrats) include Senators Hatfield, Jackson, Jordan of Idaho, Cranston, Packwood, Tunney, Church, Young, Fannin, Dole, Fong, Inouye, McGovern, Burdick, Pearson, Bellmon, Hansen, Curtis, Bennett, Moss, McGee, Dominick, Hruska, and Allott.

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U.S. SENATE,
*Washington, D.C.*

Mr. HARRY BRIDGES,
*President, International Longshoremen's and Warehousemen's Union, San Francisco, Calif.*

Mr. EDWARD FLYNN,
*President, Pacific Maritime Association, San Francisco, Calif.*

DEAR SIRS: We wish to express our deep concern over the impact of the West Coast dock strike on the export of agricultural products. This segment of our agriculture industry contributes significantly to our nation's economy. Approximately $5 million in agricultural exports move through West Coast ports daily.

We are disturbed that the strike is causing foreign purchasers of these products to shift to Australia and Canada. It is reported by the Department of Agriculture that the known loss of U.S. agricultural export business with Japan for the first two weeks of July totalled an estimated $7.7 million. Because agricultural exports lack a "market permanency," these sales will be lost forever to our growers and shippers. We fear these purchasers may be reluctant to rely as heavily in the future on our products. The longer this strike continues, the more this fear grows. If future U.S. purchases are curtailed, both your groups will be affected adversely.

Throughout the past decade agricultural exports to Pacific Basin countries have been a vital ingredient in assisting our balance of payments. Continuation of the strike hurts our balance of payments at a time we can ill afford it.

In view of the importance of agricultural exports to the economy of our states—and the entire nation—we ask that good faith bargaining talks be held so the strike can be resolved.

Sincerely,

MARK HATFIELD.

Mr. HATFIELD. Mr. President, 1 week later, I provided the two parties with copies of letters I exchanged with the Ambassador from Japan, Mr. Ushiba, on the potential effects of the strike on trade between our two countries.

I ask unanimous consent that a statement announcing this, along with copies of our two letters, appear at this point in the Record.

There being no objection, the statement and letters were ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR HATFIELD, AUGUST 13, 1971

Senator Mark Hatfield said today that he had supplied both Harry Bridges of the I.L.W.U. and Edward Flynn of the Pacific

Maritime Association with copies of letters he had exchanged with Japanese Ambassador to the U.S. Nobuhiko Ushiba which he said "points up the serious long-range implications of the current dock strike."

Hatfield said he had asked Ushiba for his evaluation of the problem as it relates to Oregon and that "his answers were certainly worthy of consideration by both sides in this current controversy."

Ushiba told Hatfield that in 1970 "Portland shipped $296.1 million worth of goods to Japan and imported $149.1 million worth of goods from us.

"Since the storage capacity for wheat in Japan is limited to about one month's consumption, Japanese purchasers of West Coast wheat have been obliged to shift their source of supply to Gulf ports as well as Canada, Australia, etc.," Ushiba said.

"If the dock strike continues, it is possible that such a shift to other supply sources will take place on a much larger scale," he said.

Hatfield said that the Ambassador told him that "If the strike continues for a long period, the stock of American logs in Japan, presently available in two months' supply, will be depleted, and it is expected that the Japanese importers of this commodity will also be obliged to look to other supply sources."

Hatfield said that he agreed with Ushiba that agricultural products are most vulnerable to a shift in supply sources.

Hatfield said that he had written to Ambassador Ushiba in early August and that he has sent copies of his letter and the answer to Bridges and Flynn "in the hope that it will provide additional evidence of the need for a very early settlement of the strike."

"If we lose these markets this summer we may have lost them forever," Hatfield said.

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U.S. SENATE,
*Washington, D.C., August 2, 1971.*
His Excellency NOBUHIKO USHIBA,
*Ambassador of Japan, Embassy of Japan, Washington, D.C.*

DEAR MR. AMBASSADOR: As you are aware, my state of Oregon has a vital interest in insuring the continuance of good economic relations with your country. One of the greatest contributions of Oregon to our mutual trade is in the area of agriculture exports.

I am writing to ascertain your views on the current West Coast dock strike—and the rail strike as well—and its effects on the commerce between our countries.

While I personally am well aware of the current impact of the strikes on the export of wheat and feed grains, I would like to know your thinking on its effect thus far, as well as what will happen if the strike continues for a long duration.

Have these strikes had an impact on your country's economy? How will it increase as the strike continues?

Can you comment on the effect of the strike on the export of logs and other forest products from our West Coast?

While I believe we face an immediate crisis as far as this summer's crops are concerned, I also am troubled by potential long term effects of these strikes. I would be very interested in your thoughts on the future impact—and the potential—to our agriculture exports that these strikes are having.

Naturally, I also would welcome any further comments you have that I have not raised?

If you have no objections, I would like to make public your response. In view of the critical time factor, I look forward to hearing from you at your earliest convenience.

Thank you for your attention to these points.

Sincerely,

MARK O. HATFIELD,
*U.S. Senator.*

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EMBASSY OF JAPAN,
*Washington, August 5, 1971.*
Hon. MARK HATFIELD,
*U.S. Senate.*

DEAR SENATOR HATFIELD: Thank you for your letter of August 2. I am very aware of the fact that your state of Oregon and my country have long benefitted from our mutual trade. In 1970, Portland shipped $296.1 million worth of goods to Japan and imported $149.1 million worth of goods from us. I believe that the continuation of these good economic relations is most desirable for both of us.

In your letter, you asked my views on the current West Coast dock strike and its effects on the commerce between our countries. I am happy to inform you of the following facts:

(1) Since the storage capacity for wheat in Japan is limited to about one month's consumption, Japanese purchasers of West Coast wheat have been obliged to shift their source of supply to Gulf ports as well as to Canada, Australia, etc. Already about 100,000 tons of wheat have thus been purchased from other countries. If the dock strike continues, it is possible that such a shift to other supply sources will take place on a much larger scale.

(2) Other American exports to Japan are likewise adversely affected. For example, the exports of fresh grapefruit, whose import into the Japanese market was liberalized on June 30 of this year by my Government have been adversely affected, much to the disappointment of the Japanese consumers, who had looked forward to price reductions because of the liberalization. It is reported that Japanese importers are now considering imports of fresh grapefruit from South Africa as alternative sources of supply. Likewise, if the strike continues for a long period, the stock of American logs in Japan, presently available in two months' supply, will be depleted, and it is expected that the Japanese importers of this commodity will also be obliged to look to other supply sources.

(3) Generally speaking, experience tells us that once a market has been lost because of a shift in supply sources, it is difficult for the exporter to regain them. This is particularly true with respect to agricultural products. I am afraid that such development may harm the long-term interest of the United States.

I hope that the above information answers your questions.

Yours sincerely,

NOBUHIKO USHIBA,
*Ambassador of Japan.*

Mr. HATFIELD. Mr. President, soon after Labor Day, I again contacted the White House to urge that the Taft-Hartley provisions be invoked, so that the crippling effects of the strike could be alleviated.

I ask unanimous consent that the acknowledgment from Bill Timmons of Mr. Nixon's staff to my letter appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
*Washington, D.C., September 10, 1971.*
Hon. MARK O. HATFIELD,
*U.S. Senate,*
*Washington, D.C.*

DEAR MARK: This will acknowledge your letter to the President regarding the West Coast dock strike and urging that he invoke provisions of the Taft-Hartley Act. You may be assured your views will be brought to the President's attention.

With cordial regards,

Sincerely,

WILLIAM E. TIMMONS,
*Assistant to the President.*

Mr. HATFIELD. Mr. President, in December, I contacted both parties again to urge a settlement before the expiration of the Taft-Hartley provisions. I ask unanimous consent that my telegram to Mr. Flynn and Mr. Bridges appear at this point in the RECORD, along with the response from Mr. Flynn.

There being no objection, the letter and reply were ordered to be printed in the RECORD, as follows:

TELEGRAM

Mr. HARRY BRIDGES,
*President, ILWU,*
*San Francisco, Calif.*
Mr. EDWARD FLYNN,
*President, PMA,*
*San Francisco, Calif.:*

I urge you to take all possible steps to settle the West Coast dock strike before Christmas. The consequences flowing from a resumption of the shipping tie-up are incalcuable.

Please advise me how you assess the prospects for settlement. Please advise me on any action I can take to assist. Please respond by wire at your earliest opportunity. I will make public or keep private your response as you so indicate.

I repeat that the future economic growth of the entire Northwest is in jeopardy if the strike resumes.

Thank you for your consideration of my request. I look forward to hearing from you.

Sincerely,

MARK O. HATFIELD,
*U.S. Senate.*

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TELEGRAM

Senator MARK HATFIELD,
*U.S. Senate Building,*
*Washington, D.C.:*

Pacific Maritime Association has requested resumption of negotiations with ILWU on December 20 in attempt to reach agreement before Taft-Hartley injunction expires on December 25. Agreement possible by that date as parties are not too far apart.

ED J. FLYNN.

Mr. HATFIELD. Mr. President, as my colleagues here today are aware, I have spoken with you in private, as well as addressing remarks here on the Senate floor about the need to settle this strike. I hope that it can be brought to a close judiciously and quickly, and our region of the country can begin to repair the damage done by the crippling effects of the strike.

Mr. PACKWOOD. Mr. President, I yield 3 minutes to the Senator from Hawaii.

Mr. FONG. Mr. President, I would like to join my colleagues in discussing the west coast dock strike, which has strangled my State and crippled the national economy for 117 days. As my colleagues know, beginning last July 1, the strike dragged on for 100 days. Then the President invoked the Taft-Hartley Act, and the longshoremen went back to work. But the Taft-Hartley Act cooling-off period was ineffective in bringing the parties together in spite of two informal extensions beyond the 80-day injunction period. We are now in the third week of the renewed west coast dock strike.

My colleagues have told us how damaging the west coast dock strike has been to the national economy. I want to tell my colleagues that this dock strike has been particularly damaging to my State, because Hawaii is an island State.

We depend almost entirely upon sea transportation for most of our food, medicine, heavy equipment, household appliances, automobiles, parcel post, cattle feed, industrial products, clothing—almost every item essential to modern living and our economy. Maritime commerce is without a doubt Hawaii lifeline. Without seaborne cargo, Hawaii would be unable to survive. More than 80 percent of all commodities processed or consumed in Hawaii are imported. And, of course, we must export our agricultural and industrial exports to mainland markets or die.

The PRESIDING OFFICER. All time alloted for this discussion has expired.

Mr. FONG. Mr. President, may I ask for 2 minutes?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be 5 more minutes allotted to this discussion, 1 minute to be allotted to the Senator from Hawaii and 4 minutes to the Senator from Ohio (Mr. Taft).

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FONG. Mr. President, in the remaining 1 minute, let me say that my State has been a sitting duck for a dockworkers' dispute which is not in the State of Hawaii, but is on the west coast. We in Hawaii are hostages to the dock strike.

We know what happened in the first 100 days of this strike when the ships no longer sailed between Hawaii and west coast ports. Thousands of people were put on reduced work weeks. Businesses were forced to close or severely cut their payrolls. Unemployment in November reached the highest level since Hawaii became a State in 1959. Shortages developed in essential consumer goods as well as in supplies for local industry, such as construction materials.

The adverse impact of this strike on Hawaii's economic growth and development will be felt for years to come.

We need remedial legislation to relieve the drastic situation now confronting Hawaii, and we need it right now.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, I shall not go into great detail today on the need for legislation in accordance with the President's message. I think that is obvious. I think it has been obvious for a long time.

On November 30, when we considered the price stabilization bill, I offered an amendment which, for all practical purposes, would have amended the bill to just about the same bill the President has asked for, on a comprehensive basis, not on a compulsory arbitration basis. We acted on it, but, unfortunately, failed to get a majority. I predicted that we might well have to come back during the Christmas holidays to consider that. Fortunately, there were delays in the strike breaking out again, and that did not occur.

The evidence is overwhelming that there is a national emergency involved here, and a regional emergency as well, and Congress must act, and act with dispatch, and I trust that will happen.

I must say I am not as optimistic as the chairman of the committee in his outlook that the strike is about to be settled.

As a matter of fact, the latest information that I have received today from the Labor Department with regard to the strike is as follows: That as of 3 p.m. this afternoon, the parties are nowhere near a settlement. In fact, the parties are just as far apart as they were a few weeks ago. Mr. Bridges, Mr. Flynn, and others are coming to Washington this Friday to testify on the House side. Secretaries Volpe and Butz and the Assistant Secretary of Commerce will appear tomorrow to testify on this subject.

It is said that legislation, particularly with regard to the last offer selection process, would not have met this need. My recollection, with all due respect to the distinguished Senator from New Jersey, the chairman of the committee, was that what the Secretary of Labor said in testifying before the committee was that at this time, in this State, the matter had already gone down the plank so far that the last offer selection process would not work in these circumstances; and that statement or that general position is repeated by the President in the message he sent up to Congress today.

I do not believe I necessarily agree with that position, but it certainly was not the position taken by the Secretary of Labor that the last offer selection process would not have worked had that been in the law at the outset of this dispute. In fact, quite the contrary. In an article in the New York Times of February 1, Secretary Hodgson himself indicates very clearly that the last offer selection process is desirable, and far more desirable than involuntary arbitration.

I firmly believe that, given a cooling-off period, the last offer selection process, if given a chance to work in this circumstance, would work better than compulsory arbitration.

Whatever we have to do, we have got to move in some direction in this regard.

The PRESIDING OFFICER (Mr. Curtis). The Senator's time has expired.

Mr. TAFT. I ask unanimous consent to have printed in the Record the article entitled "Updating the Law," written by Secretary Hodgson, to which I have referred.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 1, 1972]

### Updating the Law

(By J. D. Hodgson)

Washington.—Congress does not want for work or problems but more of both are headed that way unless Congress recognizes transportation disputes is rickety stuff that no longer works.

The methods we rely on today when a railroad or airline strike threatens a national disruption of commerce is the Railway Labor Act, a product of 1926, in the days when transportation unions led a cliff-hanging existence.

That law served some purpose then, though never as much as some claimed for it. Strikes for new contracts aside, the procedures in that law for dealing with conflicting interpretations of existing contracts have long been unsatisfactory. Umpires handling operating rail-union cases are burdened today with a backlog of 3,000 cases.

That grievance component of the Railway Labor Act seldom attracts public attention, and the irony is that the United States taxpayer, not the parties to the complaints, pays for the umpiring and the record-keeping. This is true in no other industrial sector.

We are now in the seventies, a half-century removed from the organization and recognition struggles that led to the Railway Labor Act. The acceptance of these unions is no longer a national question, yet we are stuck with a law so structured, and so interpreted in practice, that bargaining seldom begins in earnest until the Government declares a state of emergency and calls in a board of neutrals.

The report of the neutrals purports to be appropriate settlement terms, but, instead, their report becomes the take-off point for bargaining.

If the parties refuse to submit to binding arbitration there is nothing left for the executive branch but to try mediation, which it has been working at all along anyhow.

Mediation in skilled hands often is a marvelous healer. The Government has a pool of skilled mediators who have struggled at times to the point of damaging their own health in day-after-night sessions unto exhaustion.

When the parties to a dispute are hurting only themselves, that's their own business. When such disputes cause inconvenience to others there is a cause for more concern. When the effects go beyond inconvenience and cause such disruption to commerce that millions suffer financially, or worse, the Government has to act in the name of public health and safety.

Congress has recognized this obligation to act, but its recognition has been limited to single-shot actions. Four times since 1970 it has felt impelled to pass special laws to prevent a breakdown in train services, which still move the bulk of the nation's cargo.

This kind of piecemeal lawmaking damages the institution of free collective bargaining by tempting the bargainer holding temporary political advantage to let his dispute go to the legislative branch.

Congress is not structure to use the aptitudes possessed by some of its individual members to deal with these complex situations. Nor has Congress the time to deal with emergency disputes on a case-by-case basis, though that is the prospect it now faces in the dock dispute.

Emergencies by definition demand fast action, and it is a truism that hastily passed laws are usually inadequate laws.

The task of resolving emergency disputes belongs, after the parties themselves, to the executive branch. But executives need tools, and Congress is the toolmaker.

The raw materials for these tools have for two years begged for Congressional action, but nothing has been legislated in this area. President Nixon's 1970 proposal would cover all major transportation, such as dock strikes. With such a law on the books we would not now be pleading for ad hoc legislation.

President Nixon, for the long run, proposes to give the executive a choice of options appropriate to the circumstances of each dispute. As a final, if necessary, step, there is an element of compulsion that differs from orthodox compulsory arbitration. In a sense it is compulsory bargaining. One trouble with compulsory arbitration as an end-of-the line procedure is that if the parties think the arbitrator is going to split the difference, they will tactically keep their differences as far apart as possible. That setting is hostile to effective bargaining.

In compulsory bargaining, on the other hand, there is an incentive to reasonableness. The proposed final offer selection method requires both sides to submit their most reasonable offers for a binding contract. A panel of neutrals would select, without alteration, one of these offers as the final contract. The parties, knowing the selector board aims for reasonableness, will seek that reward, and good sense will tell them to submit reasonable offers.

Here is an ingenious, last-resort action for private parties who sometimes need, in the public interest, a nudge to use mind instead of muscle.

What is needed first is the authority of Congress.

Mr. FONG. Mr. President, I ask unanimous consent that I be permitted to have printed in the RECORD certain data with regard to the damages the dock strike has caused to Hawaii.

There being no objection, the data were ordered to be printed in the RECORD, as follows:

TESTIMONY OF DR. THOMAS K. HITCH, CHAIRMAN OF THE BOARD (1971–1972), CHAMBER OF COMMERCE OF HAWAII, BEFORE THE MERCHANT MARINE SUBCOMMITTEE OF THE U.S. SENATE COMMERCE COMMITTEE, JANUARY 18, 1972, HONOLULU, HAWAII

The worst spell of unemployment in Hawaii's modern history followed the longest dock strike in Hawaii's history. The 177-day strike of the ILWU longshoremen in Hawaii in 1949 was followed by unemployment that was estimated at over 32,000 workers which at that time accounted for nearly 17 percent of the labor force in the Territory.

The second worst spell of unemployment in Hawaii's modern history followed the second longest dock strike. The 99-day West Coast dock strike from July 1 through the first week in October 1971 was followed in November with estimated unemployment of over 23,00 workers, which represented 6.4 percent of the State's labor force. With the national unemployment rate in November at 6.0 percent, our rate of 6.4 percent is higher than the national average—the first time that that has been the case since 1957.

The 1949 dock strike was not only longer than the 1971 strike, but it was more complete. The 1971 strike only stopped ships from coming from the West Coast for the 99 days; foreign ships were not involved and the East and Gulf Coast ports were not closed until a week before Taft-Hartley action sent the West Coast longshoremen back to work. By contrast, the 1949 strike of Hawaii's longshoremen affected all ships destined for Hawaii's ports. The proper nomenclature then should perhaps be that the 1949 strike was devastating, while the 1971 strike was seriously damaging.

The devastating 1949 strike resulted in a 3 percent rise in prices from May to October as many vital commodities were in short supply or actually disappeared from the shelves and a 12 percent decline in retail sales. Total construction activity declined by one-third, the number of visitors declined by 5.5 percent, total wages and salaries declined by 9 percent, and employment declines by industry from the fourth quarter of 1948 to the fourth quarter of 1949 were as follows:

| | *Percent* |
|---|---|
| Construction | −23.3 |
| Manufacturing | −1.0 |
| Services | −3.0 |
| Wholesale and retail trades | −3.6 |
| Sugar (field) | −3.3 |
| Pineapple (field) | −9.7 |

As a result of lost employment opportunities, some 23,000 persons (net) migrated from Hawaii between mid-1949 and mid-1950.

The 1949 strike was particularly devastating because of two factors: first, 1949 was a recession year on the Mainland and some of the impact of that recession would have been felt in Hawaii in any case and second, Hawaii entered the strike in anything but a prosperous condition. Unemployment at the beginning of 1949 was in excess of 7 percent and would have been higher except for sizable net outmigration in the preceding two years.

By contrast, when the West Coast dock strike started on the first of July 1971, Hawaii was still in an overall prosperous economic condition—not growing as fast in the first half of 1971 as in the earlier years, but still considerably more prosperous than the country as a whole and vastly better off than the West Coast. This is indicated by the fact that the average unemployment rate for Hawaii in the first half of 1971 was only 4.6 percent while for the country as a whole the rate was 5.9 percent. The impact of the 99-day 1971 West Coast dock strike, then, was to slow Hawaii's growth very appreciably overall, rather than to turn the hole economy down—although some sectors did in fact register an absolute decline.

This is shown dramatically by comparing the growth in total State civilian employment from November to November for the last eight years:

| | *Percent* |
|---|---|
| 1963–64 | 5.0 |
| 1964–65 | 5.6 |
| 1965–66 | 3.5 |
| 1966–67 | 5.0 |
| 1967–68 | 5.2 |
| 1968–69 | 6.8 |
| 1969–70 | 4.1 |
| 1970–71 | 0.5 |

From November 1970 to November 1971 employment in the following sectors of the Hawaii economy declined:

| | *Percent* |
|---|---|
| Sugar (mill and field) | −2.1 |
| Pineapple (cannery and field) | −13.3 |
| Diversified manufacturing | −5.0 |
| Durable goods | −13.6 |
| Non-durable goods | −1.3 |
| Construction | −13.9 |
| Transportation | −4.4 |
| Wholesale trade | −1.2 |
| Hotel services, Maui | −1.6 |
| Hotel services, Kauai | −8.7 |

The only areas in which employment increased by more than a couple of percentage points were hotel services on Oahu and Hawaii, finance, insurance and real estate, and State and County government.

The impact of the 1971 strike on prices is clouded by the price freeze of August 15 which took place midway in the strike. However, the freeze did not apply to unprocessed agricultural commodities, and the "fresh fruits and vegetables" component of the Honolulu Consumer Price Index rose by 10 percent from June to October, whereas in prior years there was normally a seasonal decline during the late summer and early fall.

The following categories of tax revenue statistics from the State Department of Taxation show the possible impact of the 1971 strike.

General fund revenues.—For fiscal 1971, revenues increased 9 percent, with June 1971 growing at 9.9 percent over June 1970. For the first five months of fiscal 1972, the growth declined to 2.8 percent as compared with the same period a year ago.

Contracting.—The tax base grew 40.5 percent in fiscal 1970, but slowed to a growth of 2.1 percent in fiscal 1971, very close to the estimate made by the Tax Department. For the first five months of fiscal 1972, the tax base total was 12.4 percent below the prior year figure, approximately four times more than the rate of decline that had been estimated. This leads to a conclusion that the dock strike accelerated the decline.

Retailing.—Increase in gross sales for fiscal 1971 was 12.2 percent, with June 1971 recording a 22 percent increase. For the first five months of fiscal 1972, increase in gross sales was 4.4 percent, most of which was inflation in the form of higher prices to pay for expensive air freight shipment of goods.

Hotel rents.—For May 1971, the increase was 18.1 percent over May 1970. For June 1971, the increase was 24.3 percent over the previous June. For the first five months of fiscal 1972, rents were down 3.3 percent from the same period a year earlier.

Salaries.—For fiscal 1971, salaries paid increased by 11.8 percent over fiscal 1970, with June 1971 growing by the same percentage. For the first five months of fiscal 1972, the growth rate shrank to 3.3 percent from the same period a year ago.

Aviation fuel consumption.—For fiscal 1971, consumption was down 1.5 percent from fiscal 1970. For June 1971, it was up 6.7 percent. But for the first five months of fiscal 1972, consumption was up 16.2 percent, largely due to the substantial increase in air freight movement between the West Coast and Hawaii.

Pineapple.—The tax base for the first four months of fiscal 1972 was $42 milion vs. $63.2 million for the same period fiscal 1971. For November 1971, the tax base was $8.7 million vs. $3.9 million for November 1970, showing the pickup in shipments since Taft-Hartley.

The Chamber of Commerce of Hawaii conducted a survey in the closing days of December among its business members to get a clearer picture of the impact of the 99-day dock strike. I would like to present to this Subcommittee some of the results of this survey, divided by industries, and certain quotations that illustrate the vulnerability of business and the uncertainty and utter helplessness that result when the lifeline to the only insular state of our nation is cut. Over 250 member firms responded to the questionnaire.

We have divided the responses into the different sectors of business as follows: retailing, wholesaling and distribution, transportation, construction, diversified manufacturing, hotel and restaurants, finance, and miscellaneous services.

Retailing.—Of the firms that reported the strike's impact on sales, declines form normal levels ranged from 3 to 17 percent. In profits before taxes, the decrease from normal levels was much more pronounced. Here are some random figures: A domestic car dealer—down 200 percent, meaning a loss; a foreign car dealer—down 50 percent; an appliance furniture dealer, down 52.9 percent; a paper products dealer—down 138.81 percent, which apparently means a loss; a housewares retailer, down 25 percent; a large department store, down 5 percent; a drug store, down 18.7 percent. Employment was cut by some retailers—the severest being about 15 percent—but most retained their staff during the strike—some by cutting average weekly hours and others by taking a trimming in profits.

Here is a comment by a dry goods store manager: "Because of the air of uncertainty during the strike, orders for holiday goods were not placed until October after the (Taft-Hartley) injunction was issued. Some of these goods arrived in early December in time for the holiday season. The bulk arrived too late, the week of Christmas and later.

"Several December promotions were canceled because merchandise purchased specifically for them did not arrive.

"The prospect of the strike being resumed has caused more problems. We have had to stock up again and have brought in more merchandise than usual for this time of year.

"We have been fortunate in that many of our suppliers extended longer terms during this period. However, what of the many other firms that were not as fortunate?"

A florist (Pua Lani Florist) said: "We were unable to receive Christmas merchandise for resale, we were unable to receive supplies necessary to maintain our quality standards, we were unable to receive normal supply of materials needed for flower arrangements. Our fresh cut flower shipments via air cargo were delayed due to excessive air shipments normally shipped by sea freight . . . we lost two shipments completely, reducing two weeks income by 90 percent."

Hawaiian Motors Ltd., normally a very successful Dodge agency, reported that its profits before taxes between August 1 and December 31 dropped 200 percent from what it considers normal into a loss position.

"The strike prevented arrival of 350 1971 model cars and delayed introduction of 1972 models by 60 days which we estimate to have cost us another 200 sales for a total loss of 550 new car sales.

"Due to the lack of cars, we had to close down five branch operations," the company said.

Another automobile dealer said: "The worst effect has been the terrible uncertainty as to job security which adversely affects decisions by consumers on major purchases."

A furniture dealer said: "The inability to receive regular shipments has resulted in our firm having to either purchase excessive inventories or run out of stock, with substantial losses from operations. The expense of increased inventories, storage, etc., has taken away a substantial portion of our normal profits for the year."

A paper products dealer, commenting on the impact of the strike, said his firm lost markets, lost key personnel from lay-offs, morale suffered during the strike, and cash flow suffered as smaller customers had difficulty meeting payments.

An exporter and importer of agricultural products said a $7,200 shipment of ginger root to the West Coast was a total loss due to the strike. "Our Christmas sales orders were not delivered until the holiday season was over. When they started to arrive, they came after truck after truck until all storage space was gone. But because of a threat of a resumption of the strike, we placed extra heavy orders for which we were forced to borrow money. We have never experienced such damaging effects in our operations in the past."

A gift and card shop owner: "If somebody built a fence around the State of Iowa making inter-state commerce impossible, troops would be called out. Many of our friends, and we ourselves, are making plans to move back to the Mainland. This is a ridiculous situation."

Transportation.—An automotive leasing firm said it has been forced to stiffen terms because of delinquency in payments. This has damaged relations even with good customers, and "it will take several years to regain their good will."

A tour company said parts for its tour buses had to be flown in and it had to bear the higher costs. Some of the parts are extremely heavy and higher costs will undoubtedly be passed on to customers.

Hotels and restaurants.—A linen supply firm said its sales were down 6.8 percent from normal, and profits before taxes were down 60 percent in August.

The Napili Kai Beach Club on Maui said food costs for its restaurant increased by $12,000 during the strike. "Delay of construction materials from the Mainland forced delay in the opening of a new wing from December 1, 1971, to April 1, 1972, which will result in lost sales of $120,000."

Hana Ranch Inc. built up its inventories in anticipation of a long strike, tieing up valuable capital. "It seems the more remote you are, the greater the effect of a strike," the company said.

Construction.—Reporting declines in sales and profit before taxes (from what they consider normal) were:

A construction materials supplier—sales down 25 percent, profits down 225 percent, which is a substantial loss.

Lillie-Continental Mechanical Corp.—sales down 25 to 30 percent; profits down 20 percent.

A painting contractor—sales down 5 percent; profit down 10 percent.

A concrete accessories firm—sales down 35 percent; profit down 28 percent.

A general contracting firm—sales down 20 percent; profit down 20 percent.

A large firm with a large construction division reported that the strike caused lost revenues of $18 million and lost profits of $1.5 million, plus $10 million in lost wages and $3.8 million in lost taxes.

Wimberly, Whisenand, Allison & Tong, architectural and engineering design firm, said a strike like the one on the West Coast docks last summer "delays construction of buildings in progress and increases cost; it also makes developers hesitant about placing new projects out for bids."

A prefab home manufacturer said his output was reduced about 50 percent from July to October, with payroll which normally runs around $600,000 annually cut 25 percent during that period, and losses amounting to more than $100,000. "Materials ordered in late April for delivery before June 30 arrived in late December. If another strike is called," he said, "we will close down at the first sign of a production slow-down due to lack of materials."

Sika Chemical Corp. said increasing inventories before the strike increased its warehouse costs by 35 percent. Then when the East Coast docks were struck, it had to move freight from its New Jersey factory by rail to the West Coast for shipment to Hawaii, which increased transportation cost 115 percent. Now with the threat of a resumption of the West Coast strike, it is increasing its inventories again at substantially higher cost than normal, to protect its customers.

An electrical contractor said the strike delayed new construction projects, forced it to stockpile materials, hurt its cash flow, increased its interest expense, increased costs of warehousing and handling, decreased sales, and increased transportation costs because air freight was required.

Mililani Town Inc., major land developer, said interrupted flow of materials caused layoffs, decreased efficiency of operation and cut into profits. "A major expense is interest that must be paid by the company and by purchasers of partially completed homes where construction has been delayed."

Diversified manufacturing.—Many small manufacturers suffered heavy losses in sales and profit during and after the strike.

A snack food manufacturer reported sales dropped 25 percent during the final month of the strike due to increased costs in alternate means of transportation of materials from the Mainland.

A canner whose supplies are almost all shipped in and the finished product shipped out found it difficult to get supplies from East Coast sources even at much higher cost. The company said, "Shipping strikes which occur with regularity in Hawaii will have to be considered as an additional cost of doing business. Management will think twice before expanding operations in areas where strikes can tie up business for three to six months at a time."

Crossroads Press Inc., a publishing firm, reported what numerous small businesses experienced during the strike—slowing down in collection of receivables. "In the five months since the strike started, we sent five times the amount in receivables to a collection agency than in the previous three years combined." Employment was cut by 5 percent, sales dropped 18 percent from normal and profit before taxes was down 35 percent. "December business, reflecting the strike, is estimated to be 15 percent below normal, and advance orders for January are discouraging," the company said.

Hilo Meat Co. Ltd., a meat packing firm based in Hilo, Hawaii, said "the meat industry averages less than a penny profit per dollar of sales and we are no exception.

"Consequently the added cost of obtaining raw materials from the East Coast, by air, and from Vancouver, British Columbia, turned a profitable operation into a loss. (Profits before taxes for November and December were 105 percent below normal or in the red.)

"The price freeze prevented raising prices. But even without the freeze, unless the entire industry raises prices, a small segment such as ours can rapidly become non-competitive if we alone do so."

A large manufacturer of gases and other industrial supplies increased inventories before the strike to keep its operations going normally. But competition was so keen for shipping space after the strike that it could get only enough raw material to operate its largest plant at one-third capacity.

Finance.—Banks, like other businesses, experienced an increaes in delinquent loans due to the strike. Coins were a problem as their inventory declined, and one bank received a supply from the East at additional cost, but it would be prohibitive to fly them in.

Jerry Hay Inc., an insurance agency, said "premium payments began to lag in the second month of the strike. We had to advance premiums in those cases. A resumption of the strike will force us to borrow money because we have used up our surplus."

Avco Financial Services reported that the major impact of the strike on its business "was the inability of many customers to make payments. We had to grant an abnormal number of requests for extensions. Our delinquency rate rose substantially—in loans in July and August and sales contracts in October. Volume of business dropped in August, September, and October.

"Potential customers are hesitant to obligate themselves on time payment debts, afraid their income may be affected," it said.

Wholesaling and distribution.—Wholesalers, distributors, food brokers, and manufacturer's representatives appear to have suffered large loss of sales and in profits because the nature of their business requires shipment of goods from the Mainland.

A distributor of electrical equipment reported that in the three months since August 1 sales were down 15.6 percent from normal, profit before taxes was down 57.4 percent, employment was down 25 percent and average weekly hours worked down 20 percent.

Another electrical supplier reported sales down 12 percent and profit before taxes down 30 percent because manufacturers absorbed air freight expense to help keep projects going. "But they will not absorb such costs in the future and they are just going to forget the Hawaii market."

Hawaiian Magazine Distributors, largest such distributor in Hawaii, reported it chartered thirteen 707-jets at a cost of $108,000 to bring over its perishable magazines that have to be delivered on a current basis. It is an 82-employee firm and suffered a $12,246 loss in profit before taxes between August 1 and November 20. If the strike resumes, the firm will consider discontinuing all distribution for the duration.

J. A. MacCosham & Co. Ltd., a meat wholesaler, said it invested an extra quarter million dollars in inventory for the strike, but by September, it had to fly in new supplies, and sustained losses for September and October. "Air freighting of food becomes a necessity in a strike, and every family in Hawaii is hurt by the higher costs."

A wholesale distributor of petroleum products tripled its inventory above normal levels in anticipation of the strike but by mid-September its stock was so low that it had difficulty supplying its customers. As a result, it has lost a number of accounts, including a large one. Between August 15 and November 15, its sales dropped 30 percent and profit before taxes showed a loss, 132 percent below its normal profit level.

Thom Equipment Co. Inc., an industrial distributor, reported that sales in the three months of the strike were down 33 percent from normal levels, and profit before taxes disappeared—down 200 percent from normal profit levels. Because it cannot quote firm delivery schedules due to the uncertainty of the labor situation, military and government agencies are sending their requisitions directly to Mainland supply depots, and local purchases are down by 50 percent.

South Seas Record Distributors Inc. reported that due to poor retail sales in records in the five months since the strike started, its sales to retailers dropped 15 percent and losses were substantial—262 percent below normal profit before tax levels.

Athletic Supply of Hawaii Ltd. reported that stockpiling in anticipation of the strike reduced the impact on its business, but only for a month. "Then we began to feel the impact and it is continuing to this day as we have been unable to rebuild our stocks. There has not been sufficient shipping space available.

"During the latter part of the strike we were using air freight and our cost increased greatly. The worst effect, however, was the fact that much of our merchandise cannot be airfreighted as the differential between ocean and air freight is too great. This applies to toys because of their bulk as against their cost, and it applies to sporting goods such as barbell sets, pool tables, table tennis, playground equipment, and gymnasium equipment.

"Until the shipping situation can be cleared up by Federal law, we see nothing but continued losses for business in the State of Hawaii and a continual increase in cost for the consumer."

Eastman Kodak Co. said it had supplied its dealers by air even at substantially higher cost and that it has absorbed that cost.

"Some products, such as X-ray supplies, are required for health and safety," the company said. "Many of the chemicals needed in radiography are considered hazardous and cannot be shipped via air. They must come by water transportation.

"Although we have tried to build sufficient stocks to satisfy local needs, we lack warehouse space and any extended shutdown of shipping could jeopardize the health and safety of our people in Hawaii."

Quality Wiping Rag Co. Inc. reported that lack of shipments forced it to cut employment by 40 percent for four months beginning in late July, and average weekly hours were down also by 40 percent and as high as 73 percent in the worst three weeks beginning in late October.

"We depend on raw materials from the Mainland for production of industrial rags for our local customers and to fulfill the General Services Administration contracts, which we have not been able to fill completely.

"As a business which supplies military agencies, we must be able to asure deliveries or local suppliers would be bypassed by the military which would purchase their supplies from Mainland sources and have them shipped in military vessels," it said. The company reported substantial losses during the four months through November 15, with profits before taxes down 137 percent.

Services: Western Girl Inc., temporary office help agency, reported that a few customers went out of business. Most, however, just tightened their belts and didn't hire except where absolutely necessary. During the three months beginning September 1, its sales were down 35 percent from normal levels and the business showed a loss.

Pacific Broadcasting Co. Inc. lost much of its fall business and had only 25 percent of its anticipated business under contract for January due to the uncertainty of the labor situation. During September and October, sales were down 18 percent from normal, profits before taxes down 52 percent, and employment down 40 percent.

Hospital Association of Hawaii reported that heavy reliance on disposable items within recent years presents a potential crisis in health care without adequate and steady shipments of supplies from the Mainland. During November, many hospitals found themselves very short of all kinds of plastic containers and disposable paper products such as patient drapes, bed pads for the chronically ill, and towels.

An advertising agency reported its billing for September, October, and November was down 28 percent from 1970. The October billing was less than half its October 1970 billing. "Accounts with no merchandise to sell don't advertise," it said.

A firm providing professional service to business said the biggest impact of the strike on its business was the serious delinquency problems on receivables as well as dramatic increase in credit losses. "We are certain the full impact of the strike has not yet been fully demonstrated. We believe it will continue for at least four months even in the absence of a resumption of the strike."

Wally Ruckert & Co., an advertising agency, reported the impact from the strike was worst between October 1 and December 31, when sales dropped 53 percent from normal, profit before taxes dropped 85 percent, employment was decreased 33 percent.

Now let me turn to the long-range, indirect effect of shipping strikes on Hawaii. Here I can speak from many years of experience as vice chairman of the Territorial Economic and Planning Coordination Authority from 1959 to 1960, as vice chairman of the State Board of Economic Development from 1960 to 1962, as chairman of the Governor's Advisory Committee on Financing from 1958 to 1962, as chairman of the Mayor's Advisory Committee on Financing from 1960 to 1969, and as senior vice president and chairman of the Research Division of the First Hawaiian Bank for the last twelve years. I have also participated in many trips around the Mainland trying to sell investors on Hawaii, speaking to groups and talking with investors on many occasions in New York, Boston, Hartford, Chicago, Dallas, Los Angeles, Houston, San Francisco, Seattle, and Portland.

The primary long-range impact of strikes that interrupt shipping to Hawaii is to make it more difficult to attract investment capital to Hawaii.

For the last 20 or more years, the economic growth of Hawaii has been financed in large measure by capital attracted from outside of Hawaii. This is necessarily true for three reasons. The first is that even if most savings of Hawaii residents were kept in liquid form and invested locally, our rate of economic growth has been such that the funds would be inadequate. The second reason is that more and more savings of residents of Hawaii are channeled into institutions located on the Mainland—such as insurance companies, mutual funds, the stock and bond market, etc. The third reason is that more and more of business enterprise in Hawaii is owned by non-Hawaiian parent corporations, so that profits made locally are not left here for local investment but are channeled to head offices in New York, Boston, Chicago, San Francisco, etc. There are some 2,000 foreign (non-Hawaii) firms registered to do business in Hawaii. They include the Kaiser cement plant and property development on Oahu; Standard Oil Co. of California's oil refinery; Weyerhaeuser's and Fibreboard's cardboard container manufacturing; hotel chains such as Hilton, Sheraton, Western International, Holiday Inn, and Cinerama; and Boise Cascade in retailing and land development. Now engaged in business in Hawaii are all the major oil companies (Shell, Phillips, Union, Texaco, and Standard); all the major insurance companies; airlines such as Pan American, United, Northwest, Western, Continental, Braniff, American, TWA, and a host of supplemental air carriers; major van lines (Bekins, Martin, Dean, Smyth); major milk and milk-products distributors (Foremost and Beatrice Foods); leading retailers (Sears, Penney, Kress, Woolworth, Hartfield, Roos-Atkins, Parkview-Gem, Longs Drug); the major U-drives (Hertz, Avis, National); two major bakery chains (Continental and Ward Foods); a brewery (Schlitz); and a supermarket chain (Safeway). In addition to such major foreign firms, a large number of traditionally local firms are now owned outside of Hawaii (Hawaiian Telephone Co., C. Brewer, Honiron, HC&D, First Insurance Co., etc., etc.)

The result is that personal savings and business profits tend to flow out of the State, and that economic development hinges in large measure upon our ability to attract outside investment funds into the State. Our ability to attract such funds is always given a serious setback by any strike that interrupts shipping. In 1960 I wrote a 24-page pamphlet entitled "A Brief Review of Hawaii for the Businessman" and toward the end of it, I dealt with four subjects which I had found caused the Mainland investor the greatest concern—taxes, land tenure, cost of living, and strikes. In the pages devoted to these four subjects, I felt it necessary to devote half the entire space to the last subject—because I knew from experience that that subject was of most critical concern—even though we had not had a significant interruption to shipping since 1952.

My bank alone services more than $125 million of mortgages that it has sold to Mainland investors, and the greatest concern of my colleagues arising from last year's strike is that it will be vastly more difficult to sell mortgages to Mainland investors in the future than it has been in the past. Would you invest money in Hawaii (or Florida, or any other part of the country) if that area were subject to being cut off from the rest of the world by all means of transportation—including ships, cars, buses, trucks, railroads and airlines? Hawaii, unlike any other part of the country, is served only by ships and airlines, and while we have never had a simultaneous shutdown of both, even that is a possibility. Even a strike of one of our two methods of physical contact with the rest of the world is enough to scare most investors out of their wits—and that is precisely what a strike does. I would suggest that a recurrence of the dock strike for three or four months or more in 1972 would set Hawaii back economically for a decade. I make this statement advisedly after much thought and experience.

Another long-range impact of a strike interrupting shipping is that it weakens the entire fabric of the Hawaii business community. Many firms that were strong become weak, many that were weak become marginal, many that were marginal become submarginal, many that were submarginal become defunct. Those that survive such a strike emerge in a weaker condition than before and are therefore more subject to any adverse condition that might develop in the future.

A final long-range impact of such strikes is the permanent loss of markets by our export industries. Other witnesses will document this fact, but we know from long experience that when Hawaiian products are not available, purchasers shift to other sources of supply and such shifting is very difficult if not impossible to reverse.

The conclusion to be drawn from these last comments is that Hawaii will suffer from the 99-day 1971 dock strike for years to come, just as she suffered from the 177-day 1949 dock strike for many years. In fact, it was not until about 1955 that Hawaii's economy began to turn upward after the 1949 strike. The final conclusion of all my testimony can be summed up by reminding you that shipping is still Hawaii's life line, and that a severed artery bleeds profusely.

I think it is obvious from what I have said that the Chamber of Commerce of Hawaii will support strongly any legislation that will make a major contribution to protecting Hawaii from shipping interruptions. We believe that with certain modifications, S. 2836 would make a significant contribution to achieving this objective.

There are two modifications that we would recommend. First, we think the option given to the Governor of Hawaii to trigger the mechanics of S. 2836 should start immediately with the beginning of the strike instead of waiting 30 days, because (1) the governor should know by then whether or not there is a likelihood of a settlement in the near future and (2) at best no ships would be serving Hawaii for at least a month or perhaps two months or more after the mechanics are put in motion. Should he wait until the strike was already 30 days or more old, Hawaii might not see any ships under steam until the strike had lasted two-and-one-half or three months or even longer.

Second, we seriously doubt that there would be anything like an adequate supply of available American ships not involved in the dispute to do any good. The solution to this is twofold. One solution would be to write into the bill a temporary suspension of the Jones Act for the duration of the strike so that foreign ships could be used in the Hawaii-Mainland trade. The second solution would be to use ships of companies involved in the dispute but to use them under some terms that did not in fact remove the economic pressure on them to settle the strike. We are not enough of marine accounting specialists to suggest how this could be done, but we feel sure that it could.

Aside from the merits of S. 2836, let me strongly urge this Subcommittee to do everything it can to put the U.S. Senate on record as recognizing that interruptions to shipping constitute a dire emergency to the State of Hawaii. Certainly any legislation designed to protect this island community must move from the base of a recognized problem that must be solved. As far as Hawaii is concerned, we *must* make a break with the thinking that says that no part of the nation is in jeopardy until the entire nation is in jeopardy and that therefore the only emergency that merits action is a national emergency.

I feel that I have demonstrated today that a shipping or dock strike that severs Hawaii's life line is in fact a threat to the life of one of the 50 states of the nation. The only remaining question is: Will the Congress tolerate a situation that can effectively destroy one of the states of the Union? I sincerely hope that the answer is "No," and that this Subcommittee will make a major contribution to persuading the entire Congress to say "No."

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### Retail Board, Chamber of Commerce of Hawaii, Statement Before Subcommittee on Merchant Marine and Fisheries, Senate Committee on Commerce, January 18, 1972

My name is Wellington Chu. I am President of the Retail Board and General Manager of the Ala Moana Center. The Retail Board represents all the major retailers as well as a large segment of the smaller retail outlets on Oahu.

I welcome this opportunity to express the retail viewpoint and the impact that shipping interruptions have on our retail industry. This hearing is heartening to our island people, because it reflects the United States Government's concern for the well-being of Hawaii.

The West Coast dock strike, which started July 1 and was temporarily halted by the Taft-Hartley injunction on October 7, dramatically illustrated Hawaii's dependence upon uninterrupted shipping. The strike was particularly serious for many retailers and for those who depend upon them to secure the necessities of daily living.

The retail industry is the largest employer, other than government. It creates more new jobs than any other industry and it is the largest gross income tax producer for the State, generating 44% of the total State gross income tax revenues. Annual retail sales for the State exceed two billion dollars.

When we talk about retailing, we mean only those businesses that sell commodities direct to the consumer. We are not including the activities of restaurants, hotels and other service industries, although in some respects they come under the classification of retailing.

Hawaii's geographical position requires merchandising methods that are of an unique nature. As an island state, completely separated by 2400 miles of ocean from the rest of the U.S.A., its dependency on waterborne shipping is enormous. Other states have alternate transportation systems—rail or truck—and many have the additional choices of river or ocean shipping. But when normal ocean shipping is disrupted, Hawaii's only alternative is air freight, which places an added economic burden on Hawaii's people.

No other state in the Union is confronted with the cost of carrying such large inventories. In Hawaii, a normal procedure for a merchant is to anticipate his stock requirements 60 to 120 days in advance on each of the thousands of items in inventory. From the time the order is placed with a supplier on the mainland to the date the merchandise is received in the merchant's warehouse, the average time lapse is 60 to 90 days. In retailing, a high rate of turnover of inventory is a major factor in making a profit. Any interruption of shipping, whether it be a "slow down" or a complete shut down, reduces the rate of turnover and has an immediate effect on Hawaii business. Interference of shipping for the duration of over one month has serious effects on retail sales, operating costs, unemployment and profits. Business begins to feel the full impact of a strike after 90 to 100 days, and at that stage it becomes more serious by the day, with casualties among business firms and employment rapidly increasing.

A comparison of Hawaii with other states on this issue is quite revealing. Mainland stores can receive merchandise in two to seven days by truck or rail from their suppliers, which enables them to carry a smaller inventory and have greater flexibility in stock control. This results in a much smaller warehouse requirement, a decrease in the cost of money that is invested in inventory, and a lower cost of handling inventory. The geographical and transportation advantages enable mainland stores to replace fast moving items in a few days

Keeping in mind these introductory remarks, it is easily understood why a shipping strike, which may be only an inconvenience to some states, has a serious effect on Hawaii's retailers. We estimate a loss of retail sales on Oahu as a result of the 1971 shipping strike to be in the area of 40 million dollars.

The first six months of 1971, retail sales increased 10.04% over the same period of 1970. We had projected a smaller increase of 8.7% for the last six months of 1971 because of the economic conditions of the nation. 75% of our projected increase was lost during the period of July 1 through November 30 of 1971 as a result of the shipping strike. (See "Exhibit A")

Harmful side effects within the retail industry include unemployed personnel, reduction in seasonal work in retail stores for students and others, financial failure of firms, reduced profits and higher consumer prices.

The effects go far beyond the shores of Hawaii. Mainland manufacturers produced merchandise in anticipation of orders from Hawaii which did not materialize, so they were over-stocked and their profits for 1971 were reduced. Some mainland producers experienced a complete loss of perishables that were ready for surface shipment to Hawaii during the period of the strike.

The large retail stores shipped approximately 35% of their inventory by air during July, August and September. The air freight cost on the "all kind rate" cargo is approximately 44% higher than surface freight, and the additional cost had to be absorbed by the retailer after the enactment of the wage-price-rent-freeze on Aug. 15th.

The impression of many on the mainland was that the west coast shipping strike was not seriously affecting Hawaii because adequate food was available and there was no starvation. Although food is of prime importance, the State's economy cannot survive on necessities alone. It must be recognized that the strike had deteriorating effects on the economy of Hawaii to a degree where it impeded the progress of government, business and individuals. It even extended into reduced Federal Government tax revenues and increased Federal unemployment costs. Every person and business in Hawaii has been affected, either directly or indirectly by the strike. Numerous industries across the mainland have also suffered losses as a result of the strike.

Recovery from a shipping strike is long, tedious and costly to the merchant. The regular flow of incoming merchandise has ceased. Stocks are out of balance or depleted, which reduces sales and profits; cargo is backlogged from the coast to consolidation points in the midwest, etc.

Some merchandise consigned to Hawaii's retailers has been on the West Coast docks since September, due to lack of shipping space. Retailers did not receive some of their Christmas merchandise in time for sale in 1971, so their inventories, obsolescence, and warehouse costs are excessive.

Normally, the merchandise is paid for by the retailer when it leaves the supplier. When merchandise is delayed by a strike, the money invested by the merchant has been lying idle.

Merchandise arrives in such large quantities after a strike that the merchants' physical plant and facilities are incapable of processing the shipments without delays and substantial increased costs.

For a healthy economy, Hawaii needs to attract new business, but the past history of recurring shipping and dock strikes is a major factor which is considered by companies contemplating opening a business in Hawaii. The control by one union of the west coast docks, the local docks, and the sugar and pineapple industries, cannot be overlooked by prudent businessmen. Also, there is the threat of a strike by the members of any of the five unions who operate the ships that supply Hawaii.

The retail industry has invested hundreds of millions of dollars in Hawaii and is continuing to invest in new shopping centers, new stores and expansion of existing stores; but when one segment, whether it be employer, labor unions, or government, can arbitrarily take action that strangles the economy and growth of a State of the United States of America, it is time that our elected Congressmen in Washington balance the scale by adopting legislation that is fair alike to business, the consumer and labor. The people of the 50th State should not be forced to live under the constant threat of economic disruption from surface shipping strikes.

The salient points of our testimony can be summarized as follows:

1. Hawaii is particularly vulnerable to

shipping interruptions due to its separation from the rest of the United States by 2400 miles of ocean.

2. The recent west coast shipping strike seriously impaired the retail industry, causing a decrease in profits due to less frequent turnover of inventory and increased expenses.

3. The strike increased unemployment, when unemployment was near a record high.

4. It increased prices to the consumer—adding to the inflationary spiral. (80% of the goods consumed in Hawaii is shipped in.)

5. The strike increased the expenses of the State and caused a substantial loss of tax revenue.

6. Recurring shipping interruptions discourage investments and new businesses from opening in Hawaii.

7. Costs to the Federal Government were increased with a corresponding decrease in Federal Government tax revenues.

8. Mainland suppliers suffered decreases in business due to loss of sales to firms in Hawaii—further resulting in losses to State and Federal tax revenues.

For these reasons we endorse the adoption of legislation that will protect Hawaii against repeated interruption of shipping, and respectfully request Congress for prompt action.

EXHIBIT A

RETAIL SALES COMPARISONS OF 1970 AND 1971, 1ST DISTRICT (OAHU)

| | Actual retail sales January through June | Actual retail sales July through November | Projected retail sales July through November[1] | Actual retail sales July[2] |
|---|---|---|---|---|
| 971 | $867,428,084 | $716,035,983 | $756,086,954 | $130,617,020 |
| 1970 | 788,268,649 | 695,572,175 | 695,572,175 | 155,258,942 |
| Gain or loss | 79,159,435 | 20,463,808 | 60,514,779 | (−24,641,922) |
| Percent gain or loss | +10 | +2 | +8.7 | −18 |

[1] Estimated figures on the basis of uninterrupted shipping.

[2] West coast shipping strike started July 1, 1971.

Source: General excise and use-tax base (current), State of Hawaii, director of taxation.

(This marks the end of the discussion which was ordered to be printed at this point in the Record.)

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Gambrell) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING ILLICIT IMPORT, EXPORT, AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property—Executive B, 92d Congress, second session—transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to accession, I transmit herewith the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

The illicit movement of national art treasures has become a matter of serious concern in the world community. Many countries have lost important cultural property through illegal exportation. The theft of art objects from museums, churches and collections is increasing. Rising prices for antiquities stimulate looting of archaeological sites, causing the destruction of irreplaceable resources for scientific and cultural studies. In addition, the appearance in the United States of important art treasures of suspicious origin gives rise to problems in our relations with other countries.

The Convention, adopted on November 14, 1970, by a vote of 77 to 1 with 8 absentions at the Sixteenth General Conference of the United Nations Educational, Scientific and Cultural Organization, is a significant effort at multilateral cooperation to help preserve the cultural resources of mankind. Under the Convention, each state undertakes to protect its own cultural heritage and agrees to cooperate in a number of important but limited respects to help protect the cultural heritage of other states. Perhaps the heart of the Convention from the standpoint of the United States is Article 9, which establishes an important new framework for international cooperation.

Under this Article, the states parties undertake to participate in a concerted international effort to determine and to carry out the necessary corrective measures in cases in which a state's cultural patrimony is in jeopardy from pillage of archaeological or ethnological materials.

The convention also requires states parties to prohibit the import of cultural property stolen from museums, public monuments or similar institutions and to take appropriate steps, upon request, to recover and return such cultural property. In addition, they pledge to take what measures they can, consistent with existing national legislation, to prevent museums and similar institutions within their territory from acquiring cultural property originating in another state party which has been illegally exported after entry into force of the Convention.

I am enclosing the report of the Secretary of State, which more fully explains the Convention and the reservation and understandings we recommend. Certain provisions of the Convention will require implementing legislation, which the Executive Branch will be prepared to discuss during the Senate's consideration of the Convention.

I believe international cooperation is required in order to preserve the priceless heritage of humanity, and I urge the Senate to give prompt advice and consent to United States accession to this Convention, subject to the reservation and understandings recommended in the report of the Secretary of State.

Richard Nixon.

The White House, *February 2, 1972.*

## SENATOR COTTON COMPLETES 25 YEARS IN CONGRESS

Mr. GRIFFIN. Mr. President, when this session of Congress convened, one of our most distinguished and beloved colleagues reached a milestone in his career.

At that point, the senior Senator from New Hampshire (Mr. Cotton) completed 25 years of service to his State and the Nation as a Member of Congress—first in the House and since 1954 in the Senate.

If it were the choice of Norris Cotton alone, no attention whatever would have been focused upon this achievement. But he has so many friends and admirers in and out Congress that such an anniversary could not—and, happily, did not—go unnoticed.

In the best of all tributes, hundreds of Senator Cotton's friends and neighbors gathered together in his hometown of Lebanon, N.H., last Monday night to observe the anniversary and indicate their high esteem and warm affection for Norris Cotton.

From all reports, it was quite an event. There were messages from the President, the Vice President, Cabinet officers and from many of his Senate colleagues. The principal speaker for the occasion was our distinguished minority leader (Mr. Scott) who said very eloquently what many of us feel about the great American who serves New Hampshire as its senior Senator.

Mr. President, I ask unanimous consent that the text of the remarks delivered by Senator Scott be printed in the Record.

There being no objection, the text of the remarks was ordered to be printed in the Record, as follows:

Senator Hugh Scott of Pennsylvania, Republican Leader, at Testimonial Dinner, for Senator Norris Cotton, Lebanon, N.H., January 31, 1972

Somewhere out there in America there may be a happier, more relaxed testimonial dinner than this—but I doubt it very much.

I know there's nothing like it going on elsewhere in New Hampshire tonight. Instead your ski slopes are littered with Democratic presidential hopefuls—all going downhill.

And there must be half a hundred of their campaign offices with doors wide open and workers trying to hustle people inside. About the only ones willing to go in are bill collectors from the telephone, utility and air line companies—they got burned in 1968 and 1970 with Democratic promises to pay—which appear to be as empty as their campaign promises.

But there I go being political, in a gathering which is really just plain friendly.

Is there anything nicer than a hometown bash just to honor one of your own who has really made good? Not to raise funds, not because he is running for anything, but just to break bread, and raise a toast or two or three to the Lebanon lawyer who practiced here so long and so amiably, became a state legislator in the best and most professional sense of the word——

And topped it off by making his mark in Congress, first the House, then the Senate.

And I really mean Norris Cotton has made his mark.

I feel just a mite ill at ease speaking to Lebanon people about Senator Norris Cotton. After all, I am being called upon to deliver an oration about one of America's greatest orators.

You people who have heard Norris—and I am sure every living person in New Hampshire had heard him at least once—have developed high standards in speech making. I am told even those now in their graves rest more easily because they heard Norris at least once in their lifetime. And even old Dan Webster smiles down upon him benignly, as he sits at Dan's old desk in the Senate.

He's known throughout the country as the Granite State Orator. You have no idea what happens in the Senate when Norris decides it is time to let loose an oratorical blast—I might say he is best when he does it straight off the cuff.

When some of my colleagues rise to orate, there is a rush for the doors. When Norris gets going, they pour back in to hear him.

And does he get results! One afternoon a young Democratic Senator was making a batch of charges against some official in the Nixon Administration. Norris came into the Chamber, realized that much of this was just plain hearsay, rose up and let loose a few choice paragraphs,—so choice in fact, that the other Senator in embarrassment, apologized on the floor of the Senate, right then and there—and literally fled the Chamber. Interestingly enough, he was defeated in his try for reelection.

But Norris doesn't play favorites; he is not one of these 100% My Party Right or Wrong types. He is a loyal Republican, and generally a solid supporter of the Nixon Administration.

But in the best New Hampshire sense, he belongs to no man. He relies on his own judgment; he makes up his mind using his own highly developed, independent good New Hampshire common sense.

And when he decides to differ with his Administration, there is very little doubt about where he stands. One afternoon he stood up and in a few short, magnificent paragraphs made it clear he wasn't buying an Administration proposal—topping it off referring to the bureaucrats carrying out the programs as a "bunch of boy scouts"—

This was on the floor of the Senate. Evidently the word ricocheted down Pennsylvania Avenue to the White House in a very few minutes. Before Norris got back to his office, his staff was getting rather frantic phone calls from Administration officials wanting to know what they could do to change Senator Cotton's opinion of them.

I am told he let them stew in their juice for a while, and then, repeated to them his analysis of their actions. After which, they changed their tune.

Norris Cotton is in fact a real leader. A real spokesman for New Hampshire, New England, and the Nation.

He occupies positions of leadership in the Senate; highest ranking Republican member of the Commerce Committee; highest ranking Republican member of the Appropriations Subcommittee on Health, Education and Welfare; Secretary of the Senate Republican Conference, Member of the Senate Republican Policy Committee.

In our Party deliberations in the Senate, Norris is one of the most thoughtful, witty and delightful speakers.

And he is also part of the Senate Leadership group which confers with President Nixon nearly every Tuesday morning at the White House.

But I don't want to say too many fine things about Norris tonight, even though they are true. I don't want to run the risk here of having a repeat of what happened to a certain Republican Senator—whose name shall be forever buried—who was the guest of honor at a testimonial dinner not too long ago.

Man after man stood up and praised him to the skies. His colleagues started out by calling him a great American. By the time the tenth or twelfth of them had spoken he had become the Greatest Living American. And by the time it was all over, he had begun to believe it himself.

After the dinner he got in his car and turned to his wife and inquired, "After all, Honey, how many Great Americans do you know?"

She looked at him calmly and answered, "One less than *you* think I know."

I have been honored by being elected Senate Republican Floor Leader. I cannot let this opportunity pass without telling you—Norris Cotton's friends and neighbors—how much this friend means to me personally in helping me meet the burdens of my post.

Without his help, his stout support, his candid and honest comments—and he has no hesitation in telling me when he thinks I am wrong—my job would be impossible.

I have dwelt at length on Norris Cotton's oratorical abilities. But you in Lebanon, and all the people of New Hampshire know him also for his talents as a writer.

You know this through the News Letter he sends out to you from time to time when the Senate is in session. Let me tell you about his News Letter: there is simply no other Senatorial letter that can compare with Norris Cotton's for simple, clear style and eloquence.

One such letter in particular will always stay in my mind. Because it not only stands as a model of eloquence, but it also glows with Norris Cotton's reverent love for his country.

He wrote it about six years ago on Veteran's Day and it was a description of Arlington Cemetery, across the river from Washington, where lie buried so many of our heroes, some famous, some known only to friends or relatives—but all heroes.

One of my staff got hold of a copy, and he was so moved by it that he passed it on to me. As I read it, I felt that prickling of the scalp, that shiver, that smarting of the eyes which we only know when the deep mystic chord of "Duty, Honor, and Country" has been touched.

How right it was for a New Hampshire man to speak so reverently of those who fought and died for their country. Your state may be small in size, but it has given tough-grained men to all our mortal combats, from the colonial wars to those of the 20th Century.

Norris, I will always think of that News Letter as one of the finest essays on patriotism I have ever read. And I will also think of how fortunate you are to come from such a great state, and how fortunate that great state is to have you as its preeminent spokesman in the Congress of our United States.

Mr. ERVIN. Mr. President, I wish to join in the tribute the distinguished assistant minority leader (Mr. GRIFFIN) has paid to Senator NORRIS COTTON.

I think it need be said of NORRIS COTTON that he unites in himself, in unique fashion, commonsense, a high order of intelligence, a high degree of intellectual integrity, and an unsurpassed amount of political courage.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) to further promote equal employment opportunities for American workers.

Mr. FANNIN. Mr. President, I rise in support of amendment 813 to S. 2515.

First of all, I want to state that I am opposed to this bill without the Dominick amendment, which was narrowly defeated in two earlier votes. If we are to have this legislation, however, we must try to reduce the detrimental effects and correct some of the other obvious shortcomings of the bill.

The amendment before us is a very reasonable one, and I think goes a long way in helping in this direction.

It would maintain the present law which exempts employers with fewer than 25 workers from coverage. S. 2515 would reduce the number of employees to eight.

In other words, the new, arbitrary power we are granting to the Equal Employment Opportunities Commission could be and would be used not only against small businesses and small factories, but against what are essentially family businesses.

Now I am not arguing that family businesses nor any businesses should discriminate in employment. I fully believe that people should be hired for jobs on the basis of their ability and their compatibility with the tasks that are to be performed. Twenty-five is not any magic number, nor is the number eight. We might make it 50, or 20, or three, or perhaps total coverage of all businesses clear down to the number one, though I think this would be very inequitable. But to arrive at the figure of eight is just as inequitable.

But there is an element of practicality that must be taken into consideration.

It is estimated that the change in the coverage from businesses employing 25 down to businesses employing eight would bring another 6½ million persons under the equal employment opportunities provisions.

This is, of course, very misleading because it makes it sound like 6½ million persons really are gaining some new benefit. Actually, in my estimation, this legislation will cause more harm than good and will hurt more employees, as well as employers, than it will help.

Mr. President, in Arizona we have many small businesses which are run by families. They have several family members as employees, they have other workers that are as much close friends of the owners as they are employees of the firm.

We have more Indians in our State than there are in any other. We have vast reservations on which Indians are living. We are trying to bring industry to those reservations. We have many towns adjoining those reservations and we are attempting to bring industry into those areas. Many of them would be operated by families and would have as few as 8 or 10 employees. I am wondering whether this bill would operate to their detriment. I would say that if it were enforced the way some Senators are discussing, it would be very detrimental to those Indian citizens. On some of those Indian reservations we have unemployment of 50 to 70 percent and as I stated previously, we are trying to correct this situation.

We have many firms elsewhere that are, in essence, ethnically oriented.

The National Economic Development Association office in Phoenix has been doing an excellent job of providing loans for minority-operated businesses. The NEDA is described as a catalyst in both the Federal and private sectors to develop and coordinate opportunities for Spanish-surnamed individuals and corporations to engage in profitable business enterprizes.

This week I received in the mail a booklet from the National Economic Development Association. This 22-page booklet is entitled, "Directory of Mexican-American Businesses in the Greater Phoenix-Metro Area."

The National Economic Development Association determines whether or not these businesses are operated by Mexican Americans by the identification of these individuals by their racial parentage.

Mr. President, approximately one out of every six Arizonans is of Spanish or Mexican-American descent. Phoenix and Tucson are filled with businesses—firms that have operated for many years even back into territorial times—that have been established by persons with Spanish surnames. We are proud of this heritage, and we are proud of the industry and progress of Mexican Americans. They are a proud people who work hard, who are honest and law abiding. They take just pride in their own heritage, and their language.

Spanish surnames are carried on many small businesses in the Phoenix area. In many cases, of course, these businesses employ people of not only Mexican-American descent, but of other races—white, black, Chinese, Indian or whatever.

It also is true, that many of these small businesses employ Mexican Americans almost exclusively. These are small businesses, perhaps of 10 or 12 employees at the most, operating quite successfully in those areas of Arizona.

In some cases, the businesses are in effect an extension and an intensification of the heritage of these people. They have a common culture and heritage which they live 24 hours a day, on the job and off.

Mr. President, there are other cases in which small businesses are operated in a very like fashion.

I know this certainly is true all over the United States, but it is especially true in the southwestern United States, and in many cases the firm is in itself an element of the culture of a people—Mexican American, Jewish, black, or whatever.

Are we to tell these small businesses that they can no longer operate in this manner, that—if they have an all Mexican American, or all Jewish, or all-whatever, staff of workers—they must integrate?

We talk about our welfare rolls, and the tremendous increase in them that has come about in the last few years. What would they do with these people who would be displaced if we insisted and the EEOC made it mandatory that they integrate such establishments?

Mr. President, it seems to me that we still have room in our country for these small businesses which do no harm, and indeed, fill a great need for certain people who like to work in a friendly, personal, culturally comfortable atmosphere.

I also am concerned about what happens to part-time workers. Is it possible that this legislation may cause some firms to eliminate the services of semi-retired employees?

We have many retirement areas in Arizona. These people need, especially since we have had inflation in the past few years, some employment to make it possible for them to support themselves. I feel that it is vital that they have a chance to work part time.

If a firm has, say, seven employees, would it add the eighth, the ninth, or the 10th, if this legislation goes into effect? In fact, even now, would they add more than 24? Would reducing the number to eight not be a disincentive from giving employment to additional workers? Is it not possible that a small company which simply does not want to be under the provisions of this law might cut back its work force and thus cost the jobs of people who are desperately in need of the income? I believe this is entirely possible and even likely.

There are some businesses that are established in retirement areas, and I think that we all realize that there are no doubt a great number of certain ethnic groups in those retirement areas. Consider the hardship that would be placed upon the employer if he had to bring people in from miles away, and also the problems the employee would have, in many instances, where he is just working part-time and certainly could not afford the cost of transportation to a distant place of business to obtain employment.

Some may say that my concerns in the area are not realistic. But I say there is reason for concern. With the extremes that we are seeing in America today, anything is possible.

Zealots who have the best of intentions could bring about eradication of cultures and heritages which we have built upon. I do not want to see this happen; not to my own heritage, not to the Mexican-American; not to any one of the many ethnic groups or races which have helped build the foundations of America.

I do not want to see one great mass of faceless Americans who speak, think, dress, and act identically. Yet that seems to be the ultimate in the direction our Federal bureaucracy is trying to take us.

Mr. President, I also would like to make a few additional comments about bureaucracy—and this is just another huge layer of bureaucracy we are adding here. I want to talk about what we are doing to the small businessman, the entrepreneur. Again I say we are throwing up one roadblock after another to private enterprise. We are building regulation-after-regulation that means only one thing—the little man does not have a chance.

A magazine I was reading this week carried a very good example of what I am saying.

This is what a would-be businessman was saying:

> All my life, I've wanted to be in business for myself. I wanted to be an entrepreneur. I thought a small operation could be swifter, could run rings around the big outfits by accentuating personal service, and provide the boss—me—with greater personal satisfaction.
>
> Three years ago, I left a pretty good job to start my own show. It was a two-men-and-a-girl establishment. We had a good product—a service. We had some darned good customers. Everything looked dandy.
>
> "Then came the forms. There were forms to be filled and reports to be made to the federal government, to the state, to the city, like you wouldn't believe. The majority of my time was spent struggling with forms and there wasn't enough time or energy left to do the primary job.
>
> So I gave it up and went back to work for a larger organization.

Mr. President, this is happening all over America, unfortunately. We see the small entrepreneur going out of business. We see very few corner groceries or other small business operations now, whereas just a few years ago, before we had all the redtape and the problems that they have to solve, they were doing quite well.

Mr. President, I have heard that lament time after time, that they have given up their places of business because they just could not do the work that was involved as far as Government restrictions were concerned. Now we are going to add another Government restriction.

Men and women who are very able and eager to run small businesses find that they are overwhelmed by paperwork and regulations and redtape. I realize that it is not only the Federal Government, but they also have the same problems with cities, counties, States, and other jurisdictions.

Still, at every level of government we are encouraging people to go into business, to try to do something for themselves.

Operating businesses should be relatively simple if everyone is to enjoy fully the opportunities we like to believe we have in America. Every day something seems to be done in Congress or in the maze of Federal agencies that works to defeat this part of the American dream. On one hand we are telling our people that we are going to be of assistance to them, and on the other hand we are passing legislation that will be very detrimental to them in many areas.

The Mexican-American citizens are in various businesses—air-conditioning service, appliances, architecture, automobile body repairing and painting, bakeries, ballrooms, a large number of barber shops, beauty shops, bicycle shops—an array of talent that is being utilized now by these people in small businesses. Some are in the contracting business and are producing, in most cases, low-cost homes.

They are having great difficulty in construction work because of the regulations with which they have to contend. I do not think we should give them further concern.

As I have said, operating businesses should be relatively simple if everyone is to enjoy fully the opportunities we like to believe we have in America. But we are putting up a barrier to these opportunities.

Mr. President, any type of small firm may find itself with eight employees. They start out small; they are successful; we want them to be successful. In many instances, they desire to employ their neighbors, their friends, their relatives. Should we block that operation? It does not take a very large operation to utilize eight employees. It could be a family-run restaurant that stays open, say, for 12 hours a day or 14 hours a day and has two shifts. It could be a small department store, a garage, or even a lawn mowing service.

I know of one illustration in which a witness testified before one of our committees about a tamale factory that employed quite a number of people. They would like to branch out and have smaller factories in some of the other communities. If they were employing as many as eight people in these smaller factories, they probably would stay where they are and just deliver out of the central factory. But I think it would be very beneficial to the communities if they could operate in those communities; and they say that they could do so successfully if they did not have too many restrictions.

It really does not take too much of a business to have 25 employees, but there is quite a difference between eight and 25. It seems much more likely that a firm with 25 employees no longer can be considered a family business per se. Many family businesses employ more than eight. A business of 25 employees, if it stays in business very long, will have the manpower and experience to cope with the bureaucratic redtape that has been growing in this country. The business with 25 employees also probably will be recruiting employees from the population in general, rather than relying on family and long-time acquaintances for a work force.

Mr. President, I do not believe that reducing the coverage of the equal employment law from businesses with 25 employees to businesses with eight employees—family businesses—will significantly help minority employment in America.

I recall that when we were talking about passing this legislation, the issue arose as to whether or not small businesses would be brought under these regulations. Of course, at that time that was one of the arguments in favor of passing it—that this would not affect small businesses which had fewer than 25 employees. Now we are bringing it down to eight employees.

As I have suggested, if carried to the ultimate, as bureaucratic zealots are prone to do, it could actually hurt minority employment. It could provide new impediments to the creation of small businesses, especially by minority groups.

It is time for us to start making life a little simpler for our people, for our businessmen. We keep passing law after law here, and, more often than not, we compound the problems we already have in America.

Unless we adopt this amendment, we will have added another complication and will have done nothing to help the people we seek to help through this bill.

I firmly support the amendment. I feel that the adoption of this amendment will at least be of some benefit with respect to this legislation.

Mr. President, I yield the floor.

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## QUORUM CALL

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I have nothing further now, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered.

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## FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily, until tomorrow morning, that is, and that the Senate proceed now to the consideration of Calendar No. 567, H.R. 12067.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> H.R. 12067, making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield so that I may propound a unanimous-consent request, without losing his right to the floor?

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Hawaii (Mr. FONG) has an amendment at the desk on which he intends to ask for the yeas and nays. In view of the fact that we have a sufficient number of Senators on the floor, I ask unanimous consent that it be in order for the Senator from Hawaii to ask for the yeas and nays at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, at long last I am glad to be able to report the foreign assistance and related programs appropriation bill for fiscal year 1972 (H.R. 12067). While the committee reported this bill Tuesday, January 25—the very same day on which Foreign Assistance Act appropriations were authorized—I cannot help but feel a sense of frustration because in this case—and others—the combined legislative process has not worked and the end result is that Congress has failed to provide appropriations in a timely manner. Seven-twelfths of the fiscal year is now past and those whose task it is to administer these resources—no matter how gifted—cannot possibly plan and execute an orderly, effective, cost-conscious program not knowing how much or how little money would ultimately be available.

I am pleased to note what the distinguished chairman of the Appropriations Committee and the combined leadership have already done this year to place the legislative committees on notice that appropriations will not be included in annual bills unless they were authorized prior to June 1, 1972. This action, coupled with the fact that most fiscal year 1973 economic foreign assistance programs were authorized in last year's bill, should enable us to move forward without undue delay.

Because of my long-time and continuing concern over these delays, I announced last June that I would begin foreign operations hearings on February 15 and complete them by April 1. Unfortunately, the unavoidable delay which we have experienced in the passage of this bill will make that goal unattainable. We will, however, begin on February 29 hearings for all agencies receiving their appropriations through this bill other than the Department of Defense and the Agency for International Development. These two agencies which receive by far the larger part of the funds appropriated through this bill will be delayed at least 60 days after passage. This will permit us to consider their illustrative fiscal year 1968 presentation by country as compared to their reconstituted 1972 country program. This new and highly laudable procedure is required by last year's amendments to the Foreign Assistance Act.

The total amount recommended by the Senate Appropriations Committee for fiscal 1972 is $2,888,635,000 which is $1,454,000,000 less than the budget estimate and $114,826,000 below the amount passed by the House.

Mr. President, I ask unanimous consent that at the close of my remarks there be printed a composite table showing recommended committee action on the levels of the several different appropriations contained in this bill and a comparison to: First, funds appropriated in fiscal year 1971, second, the President's amended budget estimate, and, third, the appropriations bill passed by the House of Representatives.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. I would now like to briefly comment on those items in which there has been an indication of interest and which might be considered to be of significant importance.

### TECHNICAL ASSISTANCE

The committee finds itself in general support of technical assistance and recommends an increase over the House, although slightly less than the authorization, for both worldwide and Alliance for Progress technical assistance.

### POPULATION GROWTH

In previous years this important program was funded from moneys appropriated for technical assistance and development loans. The committee's recommendation would break these funds out into a new appropriation which should provide for improved management and planning.

### AMERICAN SCHOOLS AND HOSPITALS ABROAD

The committee recommends $20 million, which is an increase of over 50 percent above last year's program. Included is bill language restricting unbudgeted projects to $2 million and eliminating earmarking for specific institutions as proposed by the House.

### REFUGEE RELIEF ASSISTANCE—EAST PAKISTAN REFUGEES

In view of the uncertainties surrounding the return of refugees from India to Bangladesh and widespread confusion over total numbers involved, the committee recommends $175 million for this new item. If the overall situation firms up, the committee will consider additional funds for this compelling, humanitarian endeavor. It does believe, however, that other nations—including the Soviet Union—should be expected to provide at least two-thirds of the cost, with one-third of the worldwide effort being borne by the United States.

### DEVELOPMENT LOANS

The committee recommends a sharp reduction in development loans as follows:

First. In its action on the Foreign Assistance Authorization Act, the Senate called for elimination of development loans by June 30, 1975, and the bill, as it finally emerged from conference, called for these bilateral loans to be reduced to $100 million by that date. In this regard, it should be noted that the committee recommendation of $200 million in new obligational authority, when added to reappropriated balances in the amount of $358 million, would provide a total new availability for fiscal year 1972 of $458 million.

Second. The committee shares the view of the administration and the legislative committees that the need for development loans is better addressed by multinational banks than on a bilateral basis. In this regard, it should be noted that well over $1.5 billion is requested for fiscal years 1972 and 1973 as the U.S. contribution to international financial institutions.

Third. While the bill and report speak only to new obligational authority, it should be borne clearly in mind that repayments from prior loans and other availabilities are reappropriated in this bill to $558 million rather than the $200 million indicated as new obligational authority.

Fourth. Over $1.7 billion in development loans from previous years is now in the pipeline and as yet this has not been reflected in delivered assistance.

Fifth. The Agency for International Development has within the past several days—since the committee reported the bill—stated that it does not propose new lending in fiscal year 1972 to Brazil—proposed $70 million—and, of course, new lending for India—proposed $230 million—has now been suspended.

If the Senate desires to increase bilateral lending, then obviously the high level of support provided multinational banks by the committee should be reduced.

### MILITARY AND SUPPORTING ASSISTANCE

The committee recommends substantial reductions in the level of military and supporting assistance. In this regard, it should be noted that only a relatively small portion—very few Members of the Senate and almost no members of the public appreciate this—of our total foreign military and related assistance is provided in this bill.

As a matter of fact, about a year ago, the Joint Economic Committee held hearings, and we found that even the State Department did not know how much our military assistance was. Nor did the Defense Department. Indeed, the GAO made an investigation and found that nobody knew how much we were providing in military assistance. They have since made a study and I think have a better idea of how large this is now.

In the opinion of the committee, these amounts, as proposed, were excessive and distributed to far too many countries.

There are those who say we should not cut the military aid in this bill. But look at the totality of our aid or support for our friends and allies abroad.

First, Vietnam cost $8 billion a year for U.S. forces. Of course, it is down a great deal from what it was a few years ago, but it is still very big.

Second, we spend about $14 billion a year in NATO. But in addition to these, there are other huge costs—military assistance service funded is about $2.5 billion. This item appears in the defense appropriation bill. The portion pertaining to military assistance, however, is very rarely discussed because of the size and complexity of the bill. There are so many other things in it.

Grant aid is $350 million in the committee's recommendation.

Another $250 million goes for military headquarters, military missions, and NATO infrastructure.

Cash sales, Export-Import Bank loans, and credits were almost $2 billion last year.

The budget request for supporting assistance was $764 million.

Food for peace has used from $100 to $150 million in recent years for military support.

The U.S. military purchase of Vietnam piasters. In the 6 years from 1965–70 the subsidy was $680 million—or about $110 million a year.

There is another $1 billion at least—in fact, there may be "untold billions" which represent "surplus and nonsurplus" property given by us to nations such as Korea or those getting "service funded aid." This is not all accounted for, but from information that has been supplied we know that it is at least a billion.

These funds go to some 46 different countries in the world. There are also ship loans, and other surplus programs.

We propose to cut but a relatively small portion of $6 to $7 billion of the grand total of grants, loans, sales, and gifts from all sources and through all channels. Certainly this should be possible.

### MILITARY SALES

For military sales the committee recommends the entire amount authorized of which $300 million is earmarked for Israel in the authorization bill.

### OVERSEAS PRIVATE INVESTMENT CORPORATION

The committee has elected to delay appropriation of the $25 million for the Overseas Private Investment Corporation's reserves until the legislative committees can review the very serious plight of this relatively new organization.

Mr. FULBRIGHT. Mr. President, will the Senator from Wisconsin yield for a question?

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. Did the committee have an opportunity to study the probable consequences of the expropriation of American-owned property in Chile?

Mr. PROXMIRE. The committee did not in any great detail.

Mr. FULBRIGHT. The Senator has no idea, in other words, even an estimate, of what it might be?

Mr. PROXMIRE. Information at hand indicates that about $200 million of the $250 million total relates to Cuban expropriation but I do not have a firm figure.

We thought, under the circumstances, that the committee chaired by the Senator from Arkansas would want to look into the rate structure and find out if they could do something to prevent this enormous burden falling on the general taxpayers.

Mr. FULBRIGHT. I congratulate the Senator. I think he is eminently correct. I think it should be looked into.

Mr. PROXMIRE. Mr. President, to continue with my opening remarks:

### CUBAN REFUGEE PROGRAM

The committee recommends substantially more than is included in the House bill but calls for elimination of this special Federal program restricted only to Cuban refugees by June 30, 1973, with welfare and medical assistance to be terminated by February 22, 1972, for those Cuban refugees who have been in the United States more than 3 years.

### INTERNATIONAL FINANCIAL INSTITUTIONS

In allowing the entire amount requested for the International Bank for Reconstruction and Development—IBRD or the World Bank—$246,100,000—and the Inter-American Development Bank—IDB—$261,760,000—the committee recommends a grand total of $507,760,000—over half billion in this bill alone as the U.S. contribution to development loans through multinational banks. This is the approach the administration says is much preferable to bilateral loans—it is also the redirection strongly supported by the Foreign Relations Committee, the Appropriations Committee, and myself. My understanding is that the Committee on Foreign Relations shares that view also.

It would also be fair to say that in approving these substantial amounts and knowing that in 3 weeks the administration would be back before us requesting over $1¼ billion more for this purpose as a starter for 1973, I felt that the time had come to substantially reduce our bilateral loan program which, on the whole, I believe most critics regard as pretty much of a dismal failure.

### EXPORT-IMPORT BANK

The committee report calls for closer coordination of over-all economic policy in spending this huge sum of over $7 billion.

In addition, the Senate bill strikes a House amendment barring assistance to Ecuador; it provides a limitation of $800,000 in funds used by the Inspector General of Foreign Assistance; and includes language and an indefinite appropriation for unemployment assistance included at the request of Senator MAGNUSON, chairman of the Senate Appropriations Subcommittee for Labor; Health, Education, and Welfare.

This bill, as reported by the committee, has been developed from several hundred hours of hearings, briefings and discussions with departmental officials. In many instances, it also reflects concerns evidenced by many Members of the Senate in connection with deliberations on the Foreign Assistance Authorization Act. It also reflects substantial reduction of U.S. development loans from a bilateral to a multinational basis through international banks. I believe the amounts are prudent, and under the circumstances, adequate for the needs of agencies concerned; and I believe that any Senator who will study the committee hearings and committee report can support the bill as recommended by the committee without amendment.

EXHIBIT 1

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972

Title I—Foreign Assistance Act Activities

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

| Item | New budget (obligational) authority, fiscal year 1971 (includes supplements) | Budget estimates of new (obligational) authority, fiscal year 1972 | New budget (obligational) authority allowed in House bill | New budget (obligational) authority recommended by the Senate committee | Senate committee recommendations compared with— | | |
|---|---|---|---|---|---|---|---|
| | | | | | New budget (obligational) authority, fiscal year 1971 | Budget estimates of new authority, fiscal year 1972 | House allowance |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
| FUNDS APPROPRIATED TO THE PRESIDENT | | | | | | | |
| Economic Assistance | | | | | | | |
| Worldwide, technical assistance | $166,750,000 | [1] $232,929,000 | $150,000,000 | $165,000,000 | −$1,750,000 | −$67,929,000 | +$15,000,000 |
| Alliance for Progress, technical assistance | 82,875,000 | [2] 129,745,000 | 75,000,000 | 80,000,000 | −2,875,000 | −49,745,000 | +5,000,000 |
| International organizations and programs | 103,810,000 | [3] 141,000,000 | 41,000,000 | 138,000,000 | +34,190,000 | −3,000,000 | +97,000,000 |
| Programs relating to population growth | (4) | (5) | 50,000,000 | 125,000,000 | +125,000,000 | +125,000,000 | +75,000,000 |
| American schools and hospitals abroad | 12,895,000 | 10,175,000 | 17,200,000 | 20,000,000 | +7,105,000 | +9,825,000 | +2,800,000 |
| Indus Basin Development Fund, grants | 4,925,000 | 15,000,000 | 7,500,000 | 15,000,000 | +10,075,000 | | +7,500,000 |
| Indus Basin Development Fund, loans | 6,980,000 | 12,000,000 | 6,000,000 | 12,000,000 | +5,020,000 | | +6,000,000 |
| United Nations Relief and Works Agency (Arab refugees) | 1,000,000 | | | | −1,000,000 | | |
| Contingency fund | 22,500,000 | 100,000,000 | 30,000,000 | 30,000,000 | +7,500,000 | −70,000,000 | |
| Refugee relief assistance (East Pakistan) | | [6] 250,000,000 | 175,000,000 | 175,000,000 | +175,000,000 | −75,000,000 | |
| Alliance for Progress, development loans | 287,500,000 | 235,000,000 | 150,000,000 | 50,000,000 | −237,500,000 | −185,000,000 | −100,000,000 |
| Development loans | 420,000,000 | 400,000,000 | 250,000,000 | 150,000,000 | −270,000,000 | −250,000,000 | −100,000,000 |
| Administrative expenses: | | | | | | | |
| A.I.D | 51,000,000 | [7] 60,200,000 | 54,600,000 | 50,000,000 | −1,000,000 | −10,200,000 | −4,600,000 |
| State | 4,100,000 | [8] 4,555,000 | 4,255,000 | 4,221,000 | +121,000 | −334,000 | −34,000 |
| Subtotal, economic assistance | 1,164,335,000 | 1,590,604,000 | 1,010,555,000 | 1,014,221,000 | −150,114,000 | −576,383,000 | +3,666,000 |
| Military Assistance | | | | | | | |
| Military assistance | 690,000,000 | 705,000,000 | 552,000,000 | 350,000,000 | −340,000,000 | −355,000,000 | −202,000,000 |
| Security Supporting Assistance | | | | | | | |
| Security supporting assistance | 569,600,000 | [9] 764,614,000 | 575,000,000 | 400,000,000 | −169,600,000 | −364,614,000 | −175,000,000 |
| Subtotal | 2,423,935,000 | 3,060,218,000 | 2,137,555,000 | 1,764,221,000 | −659,714,000 | −1,295,997,000 | −373,334,000 |
| Overseas Private Investment Corporation | | | | | | | |
| Overseas Private Investment Corporation, reserves | 18,750,000 | 25,000,000 | 25,000,000 | | −18,750,000 | −25,000,000 | −25,000,000 |
| Inter-American Social Development Institute | | | | | | | |
| Inter-American Social Development Institute (limitation on obligations) | (10,000,000) | (11,000,000) | ( ) | (11,000,000) | (−10,000,000) | (−11,000,000) | (+11,000,000) |
| Total, title I, new budget (obligational) authority, Foreign Assistance Act Activities | [10] 2,442,685,000 | [11] 3,085,218,000 | [12] 2,162,555,000 | 1,764,221,000 | −678,464,000 | −1,320,997,000 | −398,334,000 |
| Title II—Foreign Military Credit Sales | | | | | | | |
| Foreign military credit sales | 200,000,000 | 500,000,000 | 510,000,000 | 400,000,000 | +200,000,000 | −110,000,000 | −110,000,000 |
| Military credit sales to Israel | 500,000,000 | | | | −500,000,000 | | |
| Total, title II, new budget (obligational) authority, Foreign military credit sales | 700,000,000 | 510,000,000 | 510,000,000 | 400,000,000 | −300,000,000 | −110,000,000 | −110,000,000 |
| Title III—Foreign Assistance (other) | | | | | | | |
| FUNDS APPROPRIATED TO THE PRESIDENT | | | | | | | |
| Peace Corps | 90,000,000 | [13] 82,200,000 | 68,000,000 | 77,200,000 | −12,800,000 | −5,000,000 | −9,200,000 |
| Limitation on administrative expenses | (31,400,000) | (28,400,000) | (24,000,000) | (24,500,000) | (−6,900,000) | (−3,900,000) | (+500,000) |
| DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS | | | | | | | |
| Ryukyu Islands, Army, Administration | 6,736,000 | [14] 4,564,000 | 4,216,000 | 4,564,000 | −2,172,000 | | +348,000 |
| DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE | | | | | | | |
| Assistance to refugees in the United States (Cuban program) | 112,130,000 | [15] 144,103,000 | 100,000,000 | 129,000,000 | +16,870,000 | −15,103,000 | +29,000,000 |

Footnotes at end of table.

EXHIBIT 1

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972—Continued

Title I—Foreign Assistance Act Activities—Continued

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

| Item (1) | New budget (obligational) authority, fiscal year 1971 (includes supplements) (2) | Budget estimates of new (obligational) authority, fiscal year 1972 (3) | New budget (obligational) authority allowed in House bill (4) | New budget (obligational) authority recommended by the Senate committee (5) | Senate committee recommendations compared with— New budget (obligational) authority, fiscal year 1971 (6) | Senate committee recommendations compared with— Budget estimates of new authority, fiscal year 1972 (7) | Senate committee recommendations compared with— House allowance (8) |
|---|---|---|---|---|---|---|---|
| DEPARTMENT OF STATE | | | | | | | |
| Migration and refugee assistance | $5,706,000 | [16] $8,690,000 | $8,690,000 | $5,790,000 | +$84,000 | −$2,900,000 | −$2,900,000 |
| FUNDS APPROPRIATED TO THE PRESIDENT | | | | | | | |
| International Financial Institutions | | | | | | | |
| Asian Development Bank (paid-in capital) | 20,000,000 | | | | −20,000,000 | | |
| Inter-American Development Bank: | | | | | | | |
| Paid-in capital | 25,000,000 | 75,000,000 | 13,240,000 | 75,000,000 | +50,000,000 | | +61,760,000 |
| Callable capital | 200,000,000 | 136,760,000 | 136,760,000 | 136,760,000 | −63,240,000 | | |
| Fund for special operations | 50,000,000 | 50,000,000 | | 50,000,000 | | | +50,000,000 |
| Subtotal, IDB | 275,000,000 | 261,760,000 | 150,000,000 | 261,760,000 | −13,240,000 | | +111,760,000 |
| International Bank for Reconstruction and Development: | | | | | | | |
| Paid-in capital | | 24,610,000 | | 24,610,000 | +24,610,000 | | +24,610,000 |
| Callable capital | | 221,490,000 | | 221,490,000 | +221,490,000 | | +221,490,000 |
| Subtotal, IBRD | | [18] 246,100,000 | | 246,100,000 | +246,100,000 | | +246,100,000 |
| International Development Association | 160,000,000 | | | | −160,000,000 | | |
| International Monetary Fund (Quota increase) | (1,540,000,000) | (..........) | (..........) | (..........) | (−1,540,000,000) | (..........) | (..........) |
| Total, title III, new budget (obligational) authority, foreign assistance (other) | 669,572,000 | 747,417,000 | 330,906,000 | 724,414,000 | +54,842,000 | −23,003,000 | +393,508,000 |
| TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES | | | | | | | |
| Limitation on program activity | (4,075,483,000) | [19] (7,323,675,000) | (7,323,675,000) | (7,323,675,000) | (+3,248,192,000) | (..........) | (..........) |
| Limitation on administrative expense | (7,048,000) | [20] (8,072,000) | (8,072,000) | (8,072,000) | (+1,024,000) | (..........) | (..........) |
| Total, title IV, Export-Import Bank of the United States, limitations on use of corporate funds | (4,082,531,000) | (7,331,747,000) | (7,331,747,000) | (7,331,747,000) | (+3,249,216,000) | (..........) | (..........) |
| Title V—Department of Labor Unemployment Trust Fund | | | | | | | |
| Department of Labor Unemployment Trust Fund | | | (21) | | | | |
| Grand total, new budget (obligational) authority, titles I, II, III, IV, and V | 3,812,257,000 | 4,342,635,000 | 3,003,461,000 | 2,888,635,000 | −923,622,000 | −1,454,000,000 | −114,826,000 |
| Reappropriation of unobligated balances: | | | | | | | |
| (a) Economic assistance | (26,503,000) | (25,149,000) | (25,149,000) | (25,149,000) | (−1,354,000) | (..........) | (..........) |
| (b) Military assistance | (6,300,000) | (4,000,000) | (4,000,000) | (4,000,000) | (−2,300,000) | (..........) | (..........) |
| (c) Security supporting assistance | (768,000) | (2,721,000) | (2,721,000) | (2,721,000) | (+1,953,000) | (..........) | (..........) |

[1] Includes an increase of $1,654,000 contained in H. Doc. 92-93.

[2] Includes an increase of $745,000 contained in H. Doc. 92-93.

[3] Includes $13,300,000 for UNRWA which was funded in fiscal year 1971 from "Supporting assistance."

[4] In fiscal year 1971, this program was funded at a level of $100,000,000 mostly from the "Development loan" accounts.

[5] In the fiscal year 1972 budget, this program was proposed to be funded at a level of $100,000,000 mostly from the "Technical assistance" accounts.

[6] Submitted as a budget amendment in H. Doc. 92-166.

[7] Includes an increase of $2,600,000 contained in H. Doc. 92-93.

[8] Includes an increase of $155,000 contained in H. Doc. 92-93.

[9] Includes an increase of $2,064,000 contained in H. Doc. 92-93.

[10] Unobligated balances as of June 30, 1970, reappropriated.

[11] Unobligated balances as of June 30, 1971, requested to be reappropriated.

[12] Unobligated balances reappropriated.

[13] Includes an increase of $11,000,000 contained in H. Docs. 92-03 ($1,100,000) and 92-122 ($9,900,000).

[14] Includes an increase of $144,000 contained in H. Doc. 92-93.

[15] Includes an increase of $103,000 contained in H. Doc. 92-93.

[16] Includes an increase of $40,000 contained in H. Doc. 92-93.

[17] Includes an increase of $211,760,000 contained in H.Doc. 92-149.

[18] Submitted as a budget amendment in H. Doc. 92-149.

[19] Includes an increase in limitation of $3,690,735,000 contained in H. Doc. 92-175.

[20] Includes an increase in limitation of $373,000 contained in H. Doc. 92-93.

[21] Indefinite.

(The following discussion, which occurred earlier in connection with the debate on the pending bill, is printed at this point in the Record by unanimous consent.)

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. PASTORE. If the Senator will permit, out of order I invite attention to a matter in which I am very interested.

Mr. PROXMIRE. I am aware of it, and I think the Senator has taken a very constructive position. I am happy to approve.

Mr. PASTORE. First, I want to say that the manager of the bill was courteous enough to address himself to me on this matter before he did take action, and he did take action.

I agree with him that something needs to be done to bring America's contribution to these international agencies into an area of fair proportion by comparison with other governments—governments that sometimes even have not met their commitments. That is true about the United Nations, and that could be true about the International Agency for the Peaceful Uses of Atomic Energy.

That does not take away, however, from the importance of this agency; because if there is any future in the atom at all, that future will not be found in bigger and better bombs that are built to destroy, but will be found in the peaceful pursuits and uses of atomic energy.

I have attended, as a designate of the Senate, a number of these conferences in Vienna; and I have always found them to be very enlightening and very constructive. I want to say at this juncture, for the purpose of the Record, that this is no debating society. Some technical papers, of quite some importance, are read there, by some of the best minds in the world, on atomic energy and on science. That meeting, from time to time, has been addressed by our own Glenn Seaborg, who is a Nobel prize winner. I have met many of these scientists from all over the world.

This agency has two very significant characteristics: First, it has a great political-psychological effect upon our relations with other countries of the world, no matter what countries they are; and, second, it gives us an opportunity to formulate international agreements with reference to safeguards.

The Senator will recall that when we enacted the Nonproliferation Treaty, we spelled out in that treaty that we would share the largesse of the peaceful atom with all the nations of the world, on the condition that none of this material would be used for military purposes. In order to avoid that, we have to have international inspection, and that, of course, has been achieved by this agency.

One of the big concerns of atomic energy is, "What do you do about the disposal of waste?" And you have to have international agreements, because this is an international problem. Of course, they are very interested in the environment, and that was much of the discussion on the agenda at the last meeting we had—so much so, that Senator SYMINGTON, a member of our committee, visited Vienna; and he came back very much impressed, as did the Senator from Colorado (Mr. DOMINICK).

I realize that something needs to be done about reducing this. The only thing I object to is the strong language that has been used. I am afraid it is a little too abrupt. I wonder whether we could convey the idea that it is the sense of the Senate—I have drawn an amendment, because there is nothing we can do now about the committee report—that the total U.S. contribution to the International Atomic Energy Agency be negotiated by the State Department with members of IAEA, in order to bring our contribution down to a percent not to exceed 31.5; and that progress made on these negotiations shall be reported to the Foreign Relations and Appropriations Committees of the Senate by September 30, 1972.

I wonder whether the Senator could accept this amendment in substitution of the language in the bill.

Mr. PROXMIRE. I say to the Senator from Rhode Island that, as we all know, he is more expert in this matter than almost any other Member of the Senate, and certainly far more than the Senator from Wisconsin.

I recognize that the difference would be that rather than direct that this be done and order it done, we simply ask that it be negotiated.

Mr. PASTORE. Negotiated.

Mr. PROXMIRE. The Senator from Rhode Island and the Senator from Wisconsin agree that, proportionately, it is too high now.

Mr. PASTORE. That is right.

Mr. PROXMIRE. That we ought to reduce our contribution to 31.5 percent.

Mr. PASTORE. We make outside contributions beyond our commitment. We have always been very generous. But things have changed. Other nations are much better off now than they were when this was established. I think it is a fine agency. I would not want to do anything abruptly, because this would throw everything into a dilemma. This is a direct order that they cannot pay one nickel more than 31.5 percent.

Mr. PROXMIRE. I point out to the Senator that that fits in well with the views expressed in another part of the committee report. It relates to all other international agencies. I will read it:

> As a general rule it is the sense of the committee that a "fair share" for the United States should not exceed 20 to 30 percent of true multinational programs, and it is within this range that it shall endeavor to allocate United States contributions to international organizations and financial institutions beginning with fiscal 1973.

So the amendment of the Senator from Rhode Island is in keeping with that part of the report.

Mr. PASTORE. That is right—with the spirit of that.

Mr. PROXMIRE. I ask the Senator from Hawaii how he feels about this.

Mr. FONG. I think the word "negotiate" is much better than the word "direct." We welcome that.

Mr. PASTORE. If the Senator will permit, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The bill is not open to amendment as yet. The committee amendments have not been agreed to.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that this amendment be taken up out of order. The Senator from Rhode Island has other business, and it would be very helpful if that could be done.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 2, line 21, insert the following:
>
> "It is the sense of the Senate that the total United States contribution to the International Atomic Energy Agency be negotiated by the State Department with the members of the IAEA in order to bring our contribution down to a percentum not to exceed 31.5. Progress made on these negotiations shall be reported to the Foreign Relations and Appropriations Committees of the Senate by September 30, 1972."

Mr. PROXMIRE. Mr. President, I hope the Senate will support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. FULBRIGHT. Mr. President, reserving the right to object, I did not hear this. What percentage do we actually pay now?

Mr. PASTORE. The point is not so much the percentage but the fullness of what we pay. We make additional contributions in one form or another.

Mr. PROXMIRE. To the best of my knowledge, I think it is 40 percent.

Mr. FULBRIGHT. The Senator does not wish to change that?

Mr. PROXMIRE. No, the Senator from Rhode Island wants to change it. He wants it to go down to 31.5 percent. We are suggesting that they negotiate.

Mr. FULBRIGHT. In other words the Senator wants to be polite. I agree with that. I thought it was the amount.

Mr. PASTORE. The Senator must always be polite and be in full decorum.

Mr. PROXMIRE. This is committee language anyway.

The PRESIDING OFFICER (Mr. TAFT). The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. PASTORE. I thank the Senator from Wisconsin very much.

(This marks the end of the discussion of the amendment. By unanimous consent it was ordered to be printed in the RECORD at this point.)

Mr. PROXMIRE. Mr. President, I ask unanimous consent that all committee amendments be agreed to en bloc—except the amendment on page 11, lines 6 to 8—and that the amendments as agreed to, be considered as original text for purpose of further amendment; and, further, that the amendment on page 11, lines 6 to 8, be withdrawn.

Mr. FULBRIGHT. Mr. President, reserving the right to object, I want to make a brief statement before we get into possible amendments——

Mr. PROXMIRE. The Senator from Hawaii (Mr. FONG) is the ranking Republican Member and he was going to make a statement and then offer an amendment.

Mr. FULBRIGHT. I wanted to comment only generally upon the work of the committee before we got into argument on the Senator's amendment. That is the only point I make now.

Mr. FONG. How long does the Senator wish to speak?

Mr. FULBRIGHT. Three or 4 minutes.

The PRESIDING OFFICER (Mr. TAFT). The Chair would inquire as to whether points of order desire to be reserved in the unanimous-consent request of the Senator from Wisconsin.

Mr. PROXMIRE. Yes, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

Mr. BYRD of Virginia. Would the distinguished Senator from Wisconsin state his unanimous consent again?

Mr. PROXMIRE. Yes. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc except the particular amendment on page 11, lines 6 to 8, which I am asking to be withdrawn. I want the amendments to be considered as original text for purposes of further amendment. I am also asking unanimous consent that the following technical amendment be adopted, on page 10, line 15, to strike out 205 and insert in lieu thereof 209(d).

That is the usual request asked for by bill managers when they manage appropriation bills. In addition, I am asking that points of order be reserved.

Mr. BYRD of Virginia. Mr. President, reserving the right to object, it is possible that I may have an amendment on page 15 dealing with international financial institutions. If the request of the Senator from Wisconsin is agreed to, what then would be the situation in regard to amendments?

Mr. PROXMIRE. So far as page 15 is concerned, it would be treated as original text and the Senator from Virginia would be free to offer an amendment. He would not be prevented from doing that, as I understand it.

The PRESIDING OFFICER. The Chair advises the Senator from Wisconsin that he is correct.

Mr. BYRD of Virginia. Further reserving the right to object, if it were not done in that fashion, there would automatically be a vote on each of the amendments, then, on the bill reported by the committee; is that not correct?

Mr. PROXMIRE. That is correct.

Mr. BYRD of Virginia. The Senator has reserved page 11, he says?

Mr. PROXMIRE. On page 11 we are simply withdrawing an amendment. This was the language put in by the House in the absence of passage of the Foreign Assistance Act and we are deleting it.

The other is a change of section. As it passed the House, the bill before us contained language that would not make this effective until after the authorization bill had been passed. As the Senator remembers, the authorization bill was delayed.

Mr. BYRD of Virginia. Mr. President, would it seriously inconvenience the Senator from Wisconsin if he were to eliminate from his unanimous-consent request the item on page 15 dealing with international financial institutions?

Mr. PROXMIRE. Mr. President, I will defer my response to the Senator from Virginia until the Senator from Arkansas can speak. It will only take 3 or 4 minutes.

Mr. President, I withdraw my unanimous-consent request.

The PRESIDING OFFICER (Mr. TAFT). The unanimous-consent request is withdrawn.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, may I say with respect to section 11 that it is my understanding that the President has not yet signed the authorization. So, technically, section 11 would still be valid. Suppose he does not sign the bill or vetoes it—I do not think he will—since I am informed that he has not yet signed the authorization. So it really is of some value, isn't it?

Mr. PROXMIRE. I would be willing to have it stay in.

Mr. FULBRIGHT. If he does, it is surplus.

Mr. PROXMIRE. The Senator is correct.

Mr. FULBRIGHT. I say that merely for the record.

Mr. PROXMIRE. What we could do is delete it here, and if the President has not signed it, it would go to conference and we could take the House language.

Mr. FULBRIGHT. Mr. President, I wish to congratulate the Senator from Wisconsin for his work on the bill. He and the members of the Appropriations Committee are to be commended for reducing the House amounts for the foreign aid and military sales program by $508 million. But the amounts for the regular foreign and military sales programs are still much too high in my view because of our Government's financial state and our needs here at home.

I wish to point out that the total is still $279 million more than Congress appropriated for these programs in the 1970 fiscal year, in spite of the valiant work of the Senator from Wisconsin and his colleagues.

In view of the vast and dramatic deterioration of this country's financial position, I think this fact is a sufficient commentary on the bill. I know that the Senator from Wisconsin and his colleagues did the best they could, because I know the amount of pressure and influence that has been brought to bear on the other side by the administration and their allies. I think the Senator has done a great job in reducing it as much as he has. However, it is still more than I think it ought to be.

I do not think the Senator from Wisconsin, no matter what he did, could have done anything more. So, although I believe the amounts should have been reduced even further, the bill is a tremendous improvement over the House version.

I was particularly pleased to note these actions by the committee and I wish to call attention to the basic ones:

Substantial reductions in the appropriations for supporting assistance and the military grant aid program;

Reduction of the bilateral loan programs to begin the phaseout as recommended by the Foreign Relations Committee;

Restoration of funds for U.S. contributions to the U.N. development program and the Inter-American Development Bank;

Deletion of funds for the Overseas Private Investment Corporation, whose programs are questionable both as to public policy and financial soundness;

Deletion of the House language waiving the requirement that the appropriation can be used only pursuant to an authorization; and

Inclusion of language to make the appropriation contingent upon passage of the authorization bill, S. 2819, further protecting the integrity of the normal legislative process.

I wish to add, also, that the committee's report is most thorough and informative. It gives the Senate much useful and detailed information about the programs to be financed by this bill and why the committee took the action it did.

Mr. President, I might say that the report is a dramatic contrast to those on many bills involving more money. In many respects, many of the reports on bills that involve very large amounts of money are so cryptic that no one knows what they are all about.

So, I think that informing the Senate about the programs to be financed by this bill is a great step forward. The Senator from Wisconsin has done his homework in the first year that he has served as chairman of the subcommittee. He has rendered great public service to the country.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article appearing in the Washington Star of January 20, 1972, relating to the Japanese foreign aid program to the State of Washington. It brings up to date how the Japanese churches and Christian organizations are rendering some aid to the unfortunate people of Spokane, Wash.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SPOKANE GETS "FOREIGN AID" FROM JAPANESE CHURCHES

SPOKANE, WASHINGTON.—Japan has made its second "welfare" delivery to the State of Washington, which has one of the highest unemployment rates in the United States.

Five tons of rice were distributed today in the Spokane area. It was donated by Japanese Christian Churches, without government involvement, and was delivered by the Rev. Sadao Ozawa.

Last month, Seattle's sister city of Kobe, Japan, delivered foodstuffs for distribution to poor and unemployed families in the Seattle-Takoma area.

"Japanese churches and Christian organizations have received a lot of support from the American churches and Christians in the past 100 years," Ozawa said.

Mr. FULBRIGHT. Mr. President, it is a great commentary that we are continuing our programs of assistance to foreign countries when so many people in our own country are in dire need of assistance from our own Government.

Mr. President, I realize that we cannot reverse these programs that have such tremendous momentum. I recognize that a program such as the Peace Corps is quite a different program from what it was when it was originated by President Kennedy during the campaign of 1961. However, I think that it is very difficult suddenly to reverse a program that has been under way so long and to trim it back in relation to our own needs.

Again I say that the Senator from Wisconsin has done a magnificent job with what he had to work with in sending the bill back in an amount below what the House had recommended.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Arkansas.

Mr. President, I apologize to the Senator from Hawaii (Mr. FONG), who has been very patient. I wish to renew my request. I hope that the Senator from Virginia (Mr. BYRD) will let us have the committee amendments adopted. He is then, of course, perfectly free to offer an amendment at any time. It would be completely in order. I hope the Senator from Virginia will permit us to do that.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. BYRD of Virginia. Mr. President, as I understand it, the committee has recommended that funds for the Inter-American Development Bank be increased from $150 million, as approved by the House, to $261 million.

Mr. PROXMIRE. Mr. President, the committee followed the recommendations of the authorization committee and the administration and the generally expressed view that may not be shared by the Senator from Virginia, that we should shift from a unilateral aid to a multilateral aid basis. That is the most effective way in which to do it.

Based on this reasoning, we cut very sharply the development loans that are unilateral.

Mr. BYRD of Virginia. Mr. President, may I say that merely shifting it from unilateral loans to multilateral loans does not help the taxpayer any.

Mr. PROXMIRE. It helps the taxpayer a very great deal. When we shift to multilateral loans, the American taxpayer only pays part of the loan. In the case of the World Bank, it is far less than half.

Mr. FULBRIGHT. IDA is 40 percent, and the World Bank is less than 30 percent.

Mr. PROXMIRE. The Senator is correct. It is less than 30 percent. This seems to be a real savings to the taxpayer. It does go further than the House went.

Mr. BYRD of Virginia. It is not any savings when the House of Representatives reported $150 million and the Senate comes in with $261 million. That is no saving to the taxpayer.

Mr. PROXMIRE. We are below the House $508 million in the foreign assistance activities, and $114 million overall. That is a savings to the taxpayer.

Mr. BYRD of Virginia. If we stick to the Inter-American Bank, as I understand it on page 15, the House recommended $150 million and the bill is reported to the Senate with a recommendation of $261 million, which is an increase of $111 million.

Mr. PROXMIRE. The Senator is correct. That is correct if he sticks with that item only. That does not give a fair picture of what we have done. However, if he sticks to that one appropriation, he is absolutely correct.

Mr. BYRD of Virginia. I am not talking about the total bill, but altogether for this particular item.

Mr. PROXMIRE. The Senator is correct.

Mr. BYRD of Virginia. There has been a substantial increase compared with what the House did.

Mr. PROXMIRE. The Senator is correct.

Mr. BYRD of Virginia. On line 12, the language reads:

> . . . and $50,000,000 shall be available for the Fund for Special Operations.

Is that included in the $261 million, or is it in addition to the $261 million?

Mr. PROXMIRE. Will the Senator please state the page and line numbers?

Mr. BYRD of Virginia. Page 15, line 12.

Mr. PROXMIRE. Let me read the language. I think the language makes that very clear:

> Investment in Inter-American Development Bank: $261,760,000 to remain available until expended, of which—
>
> $75,000,000 shall be available for paid in capital; $136,760,000 shall be available for callable ordinary capital; and $50 million shall be available for the Fund for Special Operations.

Unless my arithmetic is wrong, that ought to add up to $261,760,000. So the $50 million is a part of the $261,760,000.

Mr. BYRD of Virginia. The $50 million is a part of the $261,760,000?

Mr. PROXMIRE. That is my understanding; that is correct.

Mr. BYRD of Virginia. Beginning with line 16, for the World Bank, the committee, as I understand it, added that section, line 16 through line 20, a section which the House did not have; and the committee recommends that $246,100,000 be appropriated for the World Bank. The House did not have that item. Is that correct?

Mr. PROXMIRE. The Senator is correct, and I would like to ask unanimous consent to insert at this point in the RECORD a table reflecting these amounts and future projections which I believe will prove helpful.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. CONTRIBUTIONS TO INTERNATIONAL FINANCIAL INSTITUTIONS (ACTUAL) THROUGH FISCAL YEAR 1971, PROJECTED THROUGH FISCAL YEAR 1976

[In thousands of dollars]

| | Through fiscal year 1970 (actual) U.S. contribution compared to total | | | Fiscal year 1971 (actual) | | | Projected estimates fiscal year 1972–76 [1] | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | 1972 | | 1973 | |
| Institution | Total | United States | United States as percent of total | Authorized | Budget estimates | Appropriated | Authorization | Budget estimates | Authorization | Budget estimates |
| International Bank for Reconstruction and Development: | | | | | | | | | | |
| (1) Paid-in capital | 2,313,012 | 635,000 | 27.5 | 24,610 | 24,610 | | | 24,610 | | |
| (2) Callable capital | 20,842,920 | 5,715,000 | 27.4 | 221,490 | 221,490 | | | 221,490 | | |
| IBRD total | 23,155,932 | 6,350,000 | 27.4 | 246,100 | 246,100 | | | 246,100 | | |
| International Finance Corporation: (1) Paid-in capital | 106,954 | 35,168 | 32.9 | | | | | | | |
| International Development Association: (1) Paid-in capital (subscriptions) | [2] 2,375,595 | 952,291 | [2] 40.1 | 160,000 | 160,000 | 160,000 | 960,000 | 322,000 | | 320,000 |
| Inter-American Development Bank: [3] | | | | | | | | | | |
| (1) Paid-in capital | 388,500 | 150,000 | 38.6 | 150,000 | 50,000 | 25,000 | | 75,000 | | 50,000 |
| (2) Callable capital | 2,374,500 | 1,023,520 | 43.1 | 673,520 | 336,760 | 200,000 | | 136,760 | | 336,760 |
| (3) Fund for Special Operations | 2,328,000 | 1,800,000 | 77.3 | 100,000 | 100,000 | 50,000 | 900,000 | 50,000 | | 450,000 |
| IDB total | 5,091,000 | 2,973,520 | 58.4 | 923,520 | 486,760 | 275,000 | 900,000 | 261,760 | | 836,760 |
| Asian Development Bank: | | | | | | | | | | |
| (1) Paid-in capital | 490,300 | 100,000 | 20.4 | 20,000 | 20,000 | 20,000 | | | 60,000 | 20,000 |
| (2) Callable capital | 502,000 | 100,000 | 19.9 | | | | | | 240,000 | 80,000 |
| (3) Consolidated special funds | 175,000 | | | | | | 100,000 | 60,000 | | 40,000 |
| ADB total | 1,167,300 | 200,000 | 17.1 | 20,000 | 20,000 | 20,000 | 100,000 | 60,000 | 300,000 | 140,000 |
| African Development Bank: | | | | | | | | | | |
| (1) Paid-in capital | 80,000 | | | | | | | | | |
| (2) Callable capital | 107,000 | | | | | | | | | |
| (3) Special fund | (4) | (4) | | | | | | | | |
| AFDB total | 187,000 | | | | | | | | | |
| Total | 32,083,781 | 10,510,979 | 32.8 | 1,349,620 | 912,860 | 455,000 | 1,960,000 | 887,860 | 300,000 | 1,296,760 |

[1] The projections for certain international financial institutions are made in the absence of either; (a) international discussions or negotiations on the future level of multilateral funding for such institutions, or (b) budgetary decisions by the executive branch. Accordingly, the figures shown represent only a continuation forward of present levels and timing of U.S. inputs to the respective institutions.

[2] Includes pt. I countries plus convertible contributions of pt. II countries.

[3] Does not include adjustments to be made as a result of Canada joining the Bank.

[4] Fund not established through this period.

Source: International financial institutions and Treasury Department, Jan. 18, 1972.

| | Projected estimates fiscal years 1972–76 [1]—Continued | | | | | | Cumulative through fiscal year 1976 [1] | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1974 | | 1975 | | 1976 | | | | |
| Institution | Authorization | Budget estimates | Authorization | Budget estimates | Authorization | Budget estimates | Total | United States | United States as percent of tota |
| International Bank for Reconstruction and Development: | | | | | | | | | |
| (1) Paid-in capital | | | | | | | 2,535,212 | 659,610 | 26.0 |
| (2) Callable capital | | | | | | | 22,842,720 | 5,936,490 | 26.0 |
| IBRD tota | | | | | | | 25,377,932 | 6,596,100 | 26.0 |
| International Finance Corporation: (1) Paid-in capital | | | | | | | 106,954 | 35,168 | 32.9 |

U.S. CONTRIBUTIONS TO INTERNATIONAL FINANCIAL INSTITUTIONS (ACTUAL) THROUGH FISCAL YEAR 1971, PROJECTED THROUGH FISCAL YEAR 1976—Continued

[In thousands of dollars]

| Institution | Projected estimates fiscal years 1972–76 [1]—Continued | | | | | | Cumulative through fiscal year 1976 [1] | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1974 | | 1975 | | 1976 | | | | |
| | Authorization | Budget estimates | Authorization | Budget estimates | Authorization | Budget estimates | Total | United States | United States as percent of total |
| International Development Administration (1) Paid-in capital (subscriptions) | | 320,000 | 960,000 | 320,000 | | 320,000 | [2] 6,797,722 | 2,712,291 | [2] 39.9 |
| Inter-American Development Bank: | | | | | | | | | |
| (1) Paid-in capital | | | | | | | 774,900 | 300,000 | 38.7 |
| (2) Callable capital | | | 673,520 | 336,760 | | | 4,703,400 | 2,033,860 | 43.2 |
| (3) Fund for Special Operations | | 450,000 | 1,350,000 | 450,000 | | 450,000 | 5,178,000 | 3,700,000 | 71.5 |
| IDB total | | 450,000 | 2,023,520 | 786,760 | | 450,000 | 10,656,300 | 6,033,800 | 56.6 |
| Asian Development Bank: | | | | | | | | | |
| (1) Paid-in capital | | 20,000 | | 20,000 | 60,000 | 20,000 | 905,000 | 200,000 | 22.1 |
| (2) Callable capital | | 80,000 | | 80,000 | 240,000 | 80,000 | 2,110,553 | 429,000 | 19.9 |
| (3) Consolidated special funds | 150,000 | 50,000 | | 50,000 | | 50,000 | 681,199 | 250,000 | 38.7 |
| ADB total | 150,000 | 150,000 | | 150,000 | 300,000 | 150,000 | 3,696,752 | 870,000 | 23.5 |
| African Development Bank: | | | | | | | | | |
| (1) Paid-in capital | | | | | | | 80,000 | | |
| (2) Callable capital | | | | | | | 107,000 | | |
| (3) Special fund | 15,000 | 15,000 | | | | | 160,000 | 15,000 | 9.4 |
| AFTB total | 15,000 | 15,000 | | | | | 347,000 | 15,000 | 4.3 |
| Total | 165,000 | 935,000 | 2,983,520 | 1,256,760 | 300,000 | 920,000 | 46,962,660 | 16,262,359 | 34.6 |

**Mr. BYRD of Virginia.** So insofar as the World Bank and the Inter-American, all that the committee has done has been to increase the amount by making available a total amount of $507 million, and that represents an increase of $357 million over what the House recommended for those two items. Is that correct?

**Mr. PROXMIRE.** The Senator is correct.

**Mr. BYRD of Virginia.** If the Senate agrees to the unanimous-consent request by the Senator from Wisconsin, and some Senator desires to offer an amendment, what would be the time limitation on the amendment?

**Mr. PROXMIRE.** Limitations on amendments are 1 hour, as I recall, and there are 6 hours on the bill. The Senator from Wisconsin will do his best to assist the Senator from Virginia, if the Senator from Virginia wishes to offer an amendment.

**Mr. BYRD of Virginia.** If the Senator's unanimous-consent is not approved, then what is the limitation insofar as discussion is concerned?

**Mr. PROXMIRE.** There is no difference; it would still be an hour.

**Mr. BYRD of Virginia.** Not on each committee amendment?

**Mr. PROXMIRE.** It does not matter. We could yield time from the bill, and I will do that if the Senator offers an amendment.

**Mr. BYRD of Virginia.** I do not want to inconvenience the Senator from Wisconsin.

**Mr. PROXMIRE.** I would greatly prefer that. I will be delighted to offer the Senator time, and I will do my best, in talking with the minority side, to have them offer additional time, if the Senator requires it.

**Mr. BYRD of Virginia.** I thank the Senator from Wisconsin and the Senator from Hawaii. The time will be adequate, as I see it. If the Senator from Virginia offers an amendment to the committee bill, he will have to bear the burden of that argument. If it goes in the form in which it now is, the Senator from Wisconsin will have to bear the burden of the argument as to why the amount has been increased. I do not object.

**Mr. PROXMIRE.** I appreciate that.

Mr. President, I now renew my unanimous-consent request. I ask unanimous consent that the committee amendments be agreed to en bloc—except the amendment specified before, on page 11, lines 6 through 8—and that the amendments as thus agreed to en bloc be considered as original text for the purpose of further amendment; that the amendment on page 11, lines 6 through 8, be withdrawn; and that all points of order be reserved.

I also ask unanimous consent that the following technical amendment on page 10, line 15, be adopted: On page 10, line 15, strike out "205" and insert in lieu thereof "209(d)".

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 5, after "section 211", strike out "$150,000,000" and insert "$165,000,000".

On page 2, at the beginning of line 12, strike out "$75,000,000" and insert "$80,000,000".

On page 2, line 16, after "section 301", strike out "$41,000,000" and insert "$138,000,000, of which $15,000,000 shall be available only for the United Nations' Children's Fund".

On page 2, line 24, strike out "$50,000,000" and insert "$125,000,000".

On page 3, line 1, after "section 214", strike out "$17,200,000" and insert "$20,000,000"; in line 2, after the amendment just above stated, insert a colon and "*Provided*, That only such projects enumerated in the respective reports of the Foreign Affairs Committee of the House of Representatives and the Foreign Relations Committee of the Senate covering authorizing legislation for programs funded hereunder shall be financed out of the funds made available under this head: *Provided further*, That the maximum amount of funds allocated to any nonbudgeted project shall not exceed $2,000,000."; and, in line 9, after the amendment just above stated, strike out "to be available for obligation or expenditure solely in accordance with the following allocations:

| | |
|---|---|
| American University of Beirut, Lebanon | $6,000,000 |
| Feinberg Graduate School of Weizmann Institute, Israel | 1,500,000 |
| University of the Americas, Mexico | 1,500,000 |
| Robert College, Turkey | 1,000,000 |
| Project HOPE | 1,500,000 |
| American Hospital in Rome, Italy | 300,000 |
| Program support | 200,000 |
| Unallocated funds | 5,200,000". |

On page 3, line 13, after the word "section", strike out "301" and insert "302(b)(2)"; and, in line 15, strike out "$7,500,000" and insert $15,000,000".

On page 3, line 17, after "section 302(b)(1)", strike out "$6,000,000" and insert "$12,000,000".

On page 4, at the beginning of line 7, strike out "$150,000,000" and insert "$50,000,000".

On page 4, line 11, after "section 201", strike out "$250,000,000" and insert "$150,000,000".

On page 4, at the beginning of line 16, strike out "$54,600,000" and insert "$50,000,000".

On page 4, line 22, strike out "$4,255,000" and insert "$4,221,000".

On page 5, line 22, after "United States", strike out "$552,000,000" and insert "$350,000,000".

On page 6, line 3, after the word "section", strike out "401" and insert "531"; in line 4, after the word "amended", strike out "$575,000,000" and insert "$400,000,000"; and, in line 7, after the word "Congress", insert a colon and "*Provided further*, That of the funds appropriated under this paragraph, not less than $50,000,000 shall be available for obligation for security supporting assistance for Israel only."

On page 6, after line 20, strike out:

Overseas Private Investment Corporation, reserves: For expenses authorized by section 235(f), $25,000,000, to remain available until expended.

On page 6, after line 23, insert:

### INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

The Inter-American Social Development Institute is authorized to make such expenditures within the limits of funds available to it and in accordance with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out its authorized programs during the current fiscal year: *Provided*, That not to exceed $11,000,000 shall be available to carry out the authorized programs during the current fiscal year.

On page 10, after line 16, strike out:

SEC. 112. The funds appropriated or made available pursuant to this Act shall be available notwithstanding the provisions of section 10 of Public Law 91–672.

On page 10, at the beginning of line 20, change the section number from "113" to "112".

On page 11, after line 3, strike out:

SEC. 114. No part of any appropriations contained in this Act may be used to provide assistance to Ecuador.

On page 11, line 13, after the word "Act", strike out "$510,000,000" and insert "$400,000,000".

On page 11, at the beginning of line 22, strike out "$68,000,000" and insert "$77,200,000"; and, in the same line, after the word "exceed", strike out "$24,000,000" and insert "$24,500,000".

On page 12, line 13, after the word "appurtenances", strike out "$4,216,000" and insert "$24,500,000".

On page 14, line 1, after the word "Code", strike out "$100,000,000" and insert "$129,000,000"; and, in line 5, after "United States", insert a colon and "*Provided further*, That none of the funds made available herein shall be available after February 22, 1972, to furnish medical and welfare payments to refugees who have resided in the United States for three years or more."

On page 14, line 22, after "5 U.S.C. 3109", strike out "$8,690,000" and insert "$5,790,000"; and, in line 23, after the word "exceed", strike out "$7,650,000" and insert "$4,750,000".

On page 15, at the beginning of line 9, strike out "$150,000,000" and insert "$261,760,000"; in line 10, after the word "which", strike out "$13,240,000" and insert "$75,000,000"; in line 11, after the word "available", strike out "solely"; in line 12, after the word "available", strike out "solely"; and, in the same line, after the word "capital", insert a semicolon and "and $50,000,000 shall be available for the Fund for Special Operations."

On page 15, after line 13, insert:

### INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

To pay for the increase in the United States subscription to the International Bank for Reconstruction and Development, as authorized by the Act of December 30, 1970 (Public Law 91–599), $246,100,000, to remain available until expended.

On page 18, after line 11, insert a new section, as follows:

SEC. 504. Not to exceed $800,000 of the funds appropriated under title I of this Act and for the Peace Corps under this Act may be used to reimburse the expenses of the Inspector General, Foreign Assistance, of which amount not to exceed $650,000 may be expended for compensation for personnel.

On page 18, after line 17, insert a new section, as follows:

SEC. 505. The Secretary of the Treasury is hereby given the authority to advance from the general fund of the Treasury, without fiscal year limitation and without prior appropriations, to the extended unemployment compensation account, as repayable advances (without interest) such sums as may be necessary to make such payments. Such repayable advances shall be repaid, without interest, by transfers from the extended unemployment compensation account to the general fund of the Treasury, at such times as the amount in the extended unemployment compensation account is determined by the Secretary of the Treasury, in consultation with the Secretary of Labor, to be adequate for such purpose. Any amount transferred as a repayment under this paragraph shall be credited against, and shall operate to reduce, any balance of advances repayable under this paragraph.

On page 19, after line 7, insert a new section, as follows:

SEC. 506. For making the repayable advances authorized to be appropriated to the extended unemployment compensation account in the Unemployment Trust Fund by section 905(d) of title IX of the Social Security Act, such sums as may be necessary to enable the Secretary of the Treasury to make such advances until June 30, 1972. The Secretary of the Treasury shall make such repayable advances without prior specific appropriation other than as is herein provided at such times as he determines, until June 30, 1972, in consultation with the Secretary of Labor, that the amount in the extended unemployment compensation account is insufficient for the payments to States out of that account which are provided for by law.

Mr. FONG. Mr. President, for the foreign assistance and related programs for fiscal year 1972 the administration requested $4,342,635,000. We received from the House a bill passed on December 8, 1971, H.R. 12067, which totals $3,003,461,000. We have for consideration today this bill as reported out by the Appropriations Committee with a total of $2,888,635,000, a reduction of $1,454,000,000 from the administration's request. It provides funds for the foreign economic and military assistance programs, several international financial institutions, the Export-Import Bank, the Peace Corps and other smaller appropriations for administration of the Ryukyu Islands, assistance to Cuban refugees in the United States and assistance for migration and refugees administered by the State Department.

The largest portion of appropriations in this bill relates to foreign economic and military assistance which is financed under titles I and II of the bill. I firmly believe that we have cut these requests far too much, that we have been penny wise and pound foolish in our action. Let us look at what has happened during the long process of congressional action on these requests.

The administration requested $3,595,218,000 for these programs. The authorization committees of the Senate and the House recently ironed out their differences and have now passed a bill which authorizes, along with some previously permanently authorized programs, $2,793,555,000 for these same programs, a reduction of $801,663,000.

On December 8, the House passed an appropriation bill which provides $2,672,555,000, a further reduction of $121,000,000 or a total of $922,663,000 below the administration's request.

Now the Senate Appropriations Committee has reported a bill which provides only $2,164,221,000 for these two titles—a reduction of $1,431,000,000 below the administration's request. This means a 40 percent cut—a real meat cleaver approach to this Nation's international interests.

The $2,164,221,000 in the committee's report for foreign economic and military assistance is $978,464,000—almost $1 billion—below the $3,142,685,000 appropriated in fiscal year 1971 for the same programs—a one-third reduction from last year. At the same time, the agencies responsible for these programs were authorized until last November 15 under the joint resolution for continuing appropriations to operate at the fiscal year 1971 level, and for the last 2½ months they have been authorized to operate at a substantially higher level than now proposed in the committee's report.

I submit that such action makes it impossible to run these programs on a reasonable and sensible basis. Not all of us may agree on the priorities or the levels of funds contained in this bill, but we should promote sound management, not destroy whole programs or tear up carefully constructed international policies.

On April 21, 1971, over 9 months ago, President Nixon submitted his message to the Congress on the foreign assistance program and requested $764,614,000 for supporting assistance programs, $705,000,000 for grant military assistance, and $510,000,000 for military credit sales. At the same time he proposed a far-reaching reorganization of the security assistance program to meet more effectively the objectives of the Nixon doctrine. He said:

> This new Security Assistance Program would, I am confident, serve our national interest in the 1970's in a number of important ways. It would:
>
> Enable us to meet U.S. commitments more effectively and at lower costs;
>
> Strengthen the self-defense capabilities of nations to whose security the U.S. is committed by treaty, by special political ties, or by essential U.S. interests;
>
> Help to reduce the need for, and likelihood of U.S. military involvement overseas;
>
> Foster increased local initiative and self-sufficiency;
>
> Support U.N. peacekeeping operations; and
>
> Reduce potential frictions by lowering the U.S. profile abroad.

Nine months have gone by since the President's request. In that time he has made great efforts and progress in accomplishing the objectives he outlines to serve our national interests more adequately. By May 1, American forces in Vietnam will be down to 69,000. Overseas troop strengths are being reduced in other countries and areas. The Vietnamization program is making steady progress. Last week the President made public the secret efforts he has been making to break the deadlock in the Paris negotiations and bring an end to the war in Vietnam.

The funds in this bill for the security assistance program play a major role in accomplishing the objectives of the President outlined last April. They are directly related to the results he has achieved to date.

Sixty percent of the funds that he requested for security assistance are programed for East Asia and the Pacific.

Twenty-seven percent are for the Near East and South Asia.

The authorization bill which this body passed on December 17 earmarked $50 million in supporting assistance and $300 million in foreign military credit sales for Israel alone.

How badly does the Appropriations Committee bill now before us affect the President's objective?

The $764.6 million for supporting assistance has been reduced to $400 million, including $50 million for Israel, which is $218 million below the amount authorized. The administration already has obligated $332 million during the first 6 months of fiscal year 1972. If only $400 million are appropriated now, the remaining balance of $68 million, along with the estimated recoveries and unobligated balances of $50 million, will leave only $118 million available for the last 6 months of fiscal year 1972.

The request for $510 million for foreign military credit sales has been reduced to $400 million, which is the full amount provided in the authorization bill. The authorization bill provides that $300 million of the aggregate ceiling on foreign military credit sales shall be made available for Israel only.

Looking at these severe reductions in the security assistance programs—$827.5 million below the request—and the great effort that President Nixon is making to seek improvement in this area, I believe it is time that this body recognize the importance of these programs in meeting our national objectives. There should be no further reductions in the committee amounts for these programs.

Mr. President, at this time I offer two amendments to H.R. 12067. The first amendment will increase funds for the Alliance for Progress development loan programs from $50 million to $150 million.

The second amendment will restore to the Inspector General's office its full budget of $1,200,000, of which not more than $1,028,000 may be expended for compensation for personnel. This second amendment will not increase the foreign aid request at all since the funds will be coming from money in the bill for AID, for military assistance programs, and for the Peace Corps.

Mr. President, in order to save some time and shorten the period needed to consider the bill before us, I ask unanimous consent that a statement relating to the activities of the Export-Import Bank, which I had planned to deliver, be inserted into the Record at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

### STATEMENT BY SENATOR FONG

I would like to comment briefly on Title IV of the pending bill which relates to the activities proposed for the Export-Import Bank for fiscal year 1972.

I think we are all acutely aware of the recent reports which show that the United States last year suffered a deficit in its international trade account for the first time since 1893. Mr. President, this trend must be reversed not only because of its importance to the overall U.S. balance of payments position, but, of equal importance, because of the effect which our competitive trading position has on the total U.S. economy. Let's not forget that what exports really mean are jobs here at home, income to businesses and individuals, profits to our industry which can be used for further development and expansion, and revenues to our governments at all levels. Exports come from, and thereby affect, all segments of U.S. production—from agriculture, manufacturing, mining, from small and medium size businesses as well as large businesses. In fact, frequently many businesses and workers may not even realize that the product they are producing will eventually end up for export.

One of the key elements in exports sales today is financing. In international business, like we see every day in domestic business, buyers worldwide are seeking credit for their purchases. This, of course, is especially true of the large, technology-intensive products where the United States has held a commanding edge until recently. But now it is also true of the smaller, less costly items, even down to food products and small consumer goods.

Mr. President, all of the major industrial countries of the world today provide some type of government support to their exporters. For most of these countries, international trade has been a matter of national survival. It is becoming so today in the United States.

The Export-Import Bank is the one U.S. Government agency which provides assistance to U.S. producers of goods and services in financing their normal commercial export sales. Eximbank presently has a wide range of programs designed to meet the many varying needs of the U.S. exporter in the international market place. I certainly think that we must recognize that the role of this agency is more critical today than ever before in its 37-year history. And we must be sure that it has all the tools it needs to do the job.

Mr. President, Eximbank's job is to assist in the financing of all types of U.S. export sales where that financing cannot be handled by the private sector. Although Congress, wisely I believe, has provided the Bank with broad authority in the formulation and operation of its programs so that it can adjust readily and quickly to the ever-changing needs of the marketplace, we have required by statute that the Bank must supplement and not compete with resources available from the private financial community.

This means that whenever Eximbank enters a transaction, they do so only because the sale of the U.S. product could not be made without this type of governmental assistance. The reasons, of course, are many and varied—either the amount of financing required is too great to be handled by the private community alone, the risks inherent in international transactions cannot be handled by private sources, or terms necessary to meet foreign government-supported competition can only be provided by a combination of private and government financing.

I believe that Eximbank programs and operations as currently structured represent what is required for support of the U.S. exporting community and are not being provided simply because the authority is there.

Eximbank, although an independent agency, is of course a part of the U.S. Government. As such, it is governed and regulated by various statutes and administrative regulations and procedures. It must comply with the provisions of the Government Corporation Control Act; it must submit an annual budget for review and approval first by the President and then by the Congress; its Board of Directors serves at the pleasure of the President, with the consent of the Congress; its borrowings to fund its operations must be approved on all counts by the Secretary of the Treasury; and its policies and operations are subject to review and recommendation within the Administration at the highest levels.

Chief among the latter is Eximbank's membership in the National Advisory Council on International Monetary and Financial Policies, which is chaired by the Secretary of the Treasury and is composed of the Chairman of the Federal Reserve Board, the Secretaries of State and Commerce, and the Chairman of Eximbank. All major Eximbank policies and programs are reviewed by the NAC, as well as all transactions where the Eximbank obligation is over $10 million. In addition, all of these agencies are represented at formal meetings of Eximbank's Board of Directors where action is taken by that Board on applications submitted to the Bank and on decisions to go to the market for funds.

Mr. President, I think two points are very clear here. The first is that Eximbank is playing a critical role in our nation's efforts to expand its export trade, which certainly must be a major national goal. The second is that far from operating in a vacuum isolated from other national goals and policies, Eximbank activities are now closely and more than adequately coordinated within the Federal Government to ensure that its policies and programs conform with overall U.S. economic and monetary policy.

The PRESIDING OFFICER. Does the Senator call up his first amendment?

Mr. FONG. Mr. President, I call up my first amendment, to increase the Alliance for Progress Development Loan. I offer the amendment for myself and in behalf of Mr. Allott, Mr. Brooke, Mr. Javits, Mr. Kennedy, Mr. Percy, Mr. Cooper, and Mr. Tunney.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 4, line 7, strike out "$50,000,000" and insert in lieu thereof "$150,000,000".

Mr. FONG. Mr. President, like all appropriation bills, the one before us now represents a compromise. There are those, including myself on the Appropriations Committee who feel we should spend more on foreign aid, and there are those who feel equally strongly that the funds should be used instead for America's domestic needs or for defense.

Although I would have liked to see most of the economic assistance categories in this bill increased. I feel that on the whole the amounts recommended will permit AID to continue its programs in most parts of the world at an adequate, although reduced, level. There is, however, one item—Alliance for Progress Development Loans—which is so inordinately low that I feel compelled to seek the support of my fellow Members to restore the cuts made by the committee.

The administration's request for $235 million was the lowest since the inception of the Alliance for Progress. The House appropriations bill included $150 million for Alliance loans, which is the amount originally authorized by this body and $56 million less than the final authorization level.

In contrast, the $50 million recommended in our appropriations bill is so small that it would effectively gut the program. It may interest Senators to know that the committee's recommendation of $50 million is $237 million less than the sum appropriated in fiscal 1971; $185 million less than the budget estimate for fiscal 1972; $156,500,000 less than what Congress authorized in its foreign aid bill last week; $100 million less than the sum appropriated by the House of Representatives; and $100 million less than the amount authorized by the Senate prior to its conference with the House. While I would strongly prefer that we appropriate the full $206.5 million authorized, I believe it is imperative that we provide at least the $150 million passed by the House.

Mr. President, much has been said about the special relationship between the United States and Latin America. The United States has built up over the years important patterns of trade, cultural and educational exchange, and political cooperation with our southern neighbors which have benefited us as much as the Latin Americans. Latin American countries already import more from us than they export to us. AID development loans help to expose Latin Americans to U.S. products and guarantee that these rapidly growing economies will continue to look to the U.S. for much of their import needs. But perhaps most important of all, should Latin Americans' aspirations for a better life be frustrated, our own well-being and security will inevitably suffer.

Cuts of this magnitude will be inexplicable to our Latin American friends. There is already a considerable uneasiness and skepticism in Latin America about our Alliance for Progress commitments. Indeed, some Latin Americans believe that the United States has concluded that Los Angeles is unimportant. Consider, for example, the effect on the major recipients, Colombia and Central America, who together are scheduled to receive some 55 percent of these loans. Not only will their development programs falter; they cannot help but seek some unintended political explanation for the action.

It is not just the political leaders of these countries who will wonder what the United States is trying to say. AID loans lay special emphasis upon improving the lives of the people, especially those in rural and slum areas who have often been passed over during the recent years of rapid economic progress. AID loans in Latin America are closely linked to our technical assistance programs in agriculture, education, housing, health, and urban development. For the most part these loans do not finance one large physical superstructure, such as a road or an airport. Rather, AID loans for the most part constitute a line of credit which makes it possible for the borrower country to import from the United States vital goods and management services which they must have to proceed with their development programs. Our failure to follow through on our commitments at this time—more than halfway through the fiscal year—will disrupt plans in these countries at all levels, from the agriculture ministry to the individual school or clinic.

I have heard it said that the development loan needs of Latin America will be amply met by the multilateral lending organizations such as the Inter-American Development Bank or the World Bank. I welcome the shift of our resources to these organizations and am encouraged by their progress. However, testimony this year before the subcommittee confirms that these organizations are not ready to carry the entire burden. We will be deceiving ourselves if we assume that appropriations for AID can be cut to the level recommended by the committee without serious disruptions to specific programs and to the overall development effort.

Our loans have been designed in the context of multilateral planning. If we back out now, many multilateral loans will themselves be jeopardized because of the lack of a critical U.S. bilateral input.

These risks are too great to take. I therefore have offered an amendment to raise Alliance for Progress development loans to the level in the House bill of $150 million.

Mr. President, I want to make it very clear that this amendment deals with loans and not grants. Every loan that is made by AID in Latin America is repayable in U.S. dollars. The only aspect of our development loan program that can be considered as a "grant" is the concessional interest rate that is extended to the recipient countries.

Development loans are currently being made to our Latin American neighbors at a rate of 2 percent during the first 10 years of the grace period and 3 percent for the balance of the loan period which usually runs for 30 years.

The fiscal year 1972 budget request submitted to the Congress last January—which requested $235 million in new appropriations for Latin American loans—would have funded a loan program of $310 million for 15 Latin American countries and regional programs. The latest requirements proposed by AID have reduced this amount to $284.5 million for 14 countries and regional programs. Clearly this reduced program will have to be reevaluated even if the appropriation for new funds is increased to $150 million. But it would be impossible to meet even the most urgent needs if only $50 milion in new funds were appropriated.

When we consider the fact that: First, at this late date in the current fiscal year, preparations and discussions on loans to a number of countries are well under way; second, the majority of our Latin American neighbors are scheduled to participate in our development loan program for fiscal 1972; third, we should be doing everything that is reasonably possible to improve our relations with our neighbors to the south; fourth, a drastic reduction from $287,500,000 for fiscal 1971 to $50 million for fiscal 1972 is not only an insult to our allies in Latin America, but a breach of our moral and political commitment to work more closely with our friends to the south, we can fully appreciate the negative repercussions that can follow if the funding level recommended by the Appropriations Committee is not increased to a more reasonable and realistic amount.

I therefore urge my colleagues to support this amendment.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. FONG. I am happy to yield to the Senator from Virginia.

Mr. BYRD of Virginia. Has the Senator submitted his amendment?

Mr. FONG. It has been submitted, and the yeas and nays have been ordered.

Mr. BYRD of Virginia. I thank the Senator. That was the purpose of my inquiry.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. FONG. I am happy to yield to the Senator from New York.

Mr. JAVITS. Mr. President, I support the Senator's amendment, and I appreciate his willingness to add me as a cosponsor of it. I ask unanimous consent for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, my reason for supporting the amendment is this: The cut which has been made, as the Senator from Hawaii has pointed out, is unusually drastic. The reason that I think it is ill-advised under present conditions is that in the present state of the world, with the problems which affect us worldwide, it is our duty to look forward rather than backward. I, therefore, see a new urgency for a continuing close relationship with Latin America. I think it would be idle to say that we are buying such a relationship with the amount of money here or with any amount of money involved. The amount of money and the number of projects involved are not really that telling. But this is really not the issue.

Mr. President, the issue is the fact that we have conducted the Alliance for Progress on a given level, and now indicate, as it were, a disapproval or a reversal of policy in such a material cut, especially as it is not justified by the fact that worthwhile and provident projects are not available. This signal would, I think, be very harmful to us rather than help us. When one considers the order of magnitude in which amounts are appropriated for defense, in the billions, not in the millions, I believe that for any appreciable improvement in terms of the morale factor in Latin America—they do not have to love us, but at least they can feel that we have genuine solicitude for their own economic and social future—it is unwise to forego the advantage of that, after it has been built up with so much effort and treasure over the decades.

For those reasons, Mr. President, I believe we would be well advised not to curtail the program to the drastic extent to which it has been curtailed, and I consider it a privilege—and this is an area of the world I know a little about, having concerned myself with the area for at least 25 years—to support the amendment of the Senator from Hawaii.

Mr. FONG. I thank the Senator from New York for his support of the amendment.

Mr. JAVITS. Let me say one other

thing which I think makes vivid the point I am making.

There is an association of the developing countries called UNCTAD, in which about 77 countries are involved. UNCTAD is having its third international meeting in Santiago, Chile, in April. UNCTAD concerns itself with trade and development and if our commitments in the AID area are reduced at the same time we are not meeting our negotiated commitments in the trade area in the form of generalized preferences—and Europe and Japan have—the United States could reap an increasingly ill wind from the whole of the developing world.

I repeat, if one could justify it on the ground that there were no worthwhile projects available, the funds might be cut strongly; but in the presence of worthwhile projects, considering what we have invested in the security of this hemisphere, I believe we would be wise to appropriate this additional amount.

Mr. PROXMIRE. Mr. President, from the time in opposition to the amendment, I yield myself 5 minutes.

The committee believes that the $50 million which it recommended for Alliance for Progress loans is adequate and the amendment proposing a higher amount should be defeated for these reasons:

First, there is an additional $77 million in other availabilities reappropriated in this bill making the total of new funds for the Alliance for Progress to $127 million rather than the $50 million which is new obligational authority only.

Second, over $905 million in Alliance for Progress development loans is now in the pipeline and the impact of this tremendous balance is yet to come.

Third, here, really, is the heart of my opposition to the Fong amendment: An additional $900 million in Inter-American Development Bank soft loans was authorized just yesterday by the House; this is in addition to the $50 million made available last year and $50 million in this bill for the same purpose. An additional $400 million is anticipated as the U.S. contribution to IDB capital—a grand total of U.S. development loans in Latin America of almost $1.5 billion over the next 12 months alone.

Let me repeat that: The grand total of funds requested for U.S. development loans in Latin America in the next 12 months will be $1.5 billion.

Fourth, the committee has appropriated $125 million for the population program under a separate appropriation. This program amounting to $100 million last year came largely from funds appropriated for worldwide and alliance loans—$61 million in 1971. This is one of the reasons for the smaller appropriation recommended this year.

Fifth, of the original request for bilateral loan funds, over $70 million was requested for Brazil, and since the committee report, the Agency for International Development advises that it does not contemplate any new lending in Brazil this year.

Mr. President, if Congress is ever going to shift to the use of multinational loans, it seems to me that this is the kind of step we have to take.

As I said before, if this amendment is adopted, I will do my best to reduce the amount that is available for the Inter-American Bank. It does not make any sense for us to do it both ways. I would agree with the Senator from Virginia that under those circumstances we ought to cut back the Inter-American Bank. We should do it one way or the other—at least, shift one way or the other.

In conclusion, there is no real basis on which an increase over the committee recommendation can be justified, and I strongly urge the defeat of the amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield 5 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I oppose the amendment offered by the Senator from Hawaii.

The Appropriations Committee has followed the basic policy recommended by the Foreign Relations Committee and approved earlier by the Senate. It reduced the bilateral loan program for Latin America and emphasized the multilateral program carried out by the Inter-American Development Bank. The Foreign Relations Committee included a provision in the fiscal year 1972 authorization bill which required phasing out of the bilateral loan program by June 30, 1975. The Senate adopted this provision and it was approved in slightly revised form in conference.

The President has said that he wants to increase emphasis on the multilateral aid. Congress has gone one step further and has legislated a phased reduction in bilateral loans. The Appropriations Committee's action in reducing appropriations for the Alliance for Progress loan and increasing those for the Inter-American Bank implements the policy Congress has already adopted.

I might point out that only last year the Senate approved, by a vote of 49–13, a bill to authorize a U.S. contribution of $900 million to the soft loan window of the Bank. A total of $837 million is included in the 1973 budget for U.S. contributions for the Bank's operations. Latin America is not being neglected; it is only that the channel for giving aid is being changed from a bilateral to a multilateral basis.

The $50 million to be appropriated here is not all that will be available for bilateral loans to Latin America, however. In addition, there will be $76.7 million available from repayments on old loans and from carryovers, for a total of $127 million—a sizable sum, indeed, out of a budget that is more than $40 billion in the red.

The Appropriations Committee's action on this issue should be commended by the Senate, and I hope that this amendment will be rejected.

I think that the urgency which the Senator from New York mentioned is the urgency, really, to change our aid policy toward Latin America from a bilateral to a multilateral basis because of the conditions which have resulted from the program we have now. Our relations, as everybody knows, are not in the best of shape. I do not believe that to continue the bilateral program would be the right policy to accomplish the purpose stated by the Senator from New York, which is to improve our relations with Latin America. I believe that the proper way to do it is the way recommended by the Committee on Appropriations—a shift of our aid to a multilateral basis.

The PRESIDING OFFICER. Who yields time?

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield 3 minutes to the Senator from Missouri.

Mr. SYMINGTON. I would ask a question of the able Senator from Wisconsin.

Before that, I would also say, with sincerity, that if the Senate had listened more to the warnings the able senior Senator from Wisconsin has been giving the Senate over a period of years about the growing danger incident to our growing expenditures, the actual deficit this year might be much closer to the estimate made this time last year. As I understand it, the estimated deficit for this year was $11.6 billion, but the actual deficit is already admitted to be $38.8 billion. Is that correct?

Mr. PROXMIRE. That is my understanding. The deficit for next year is estimated to be $23.5 billion.

Mr. SYMINGTON. I thought it was over $25 billion.

Mr. PROXMIRE. Perhaps so.

Mr. SYMINGTON. If the deficit as against the estimate is about the same next year we will be approaching a $90 billion deficit, will we not?

Mr. PROXMIRE. The Senator is correct.

Mr. SYMINGTON. And this request is made despite the fact we have also added some $246 million for the Inter-American Development Bank?

Mr. PROXMIRE. That is correct. That is my understanding.

Mr. SYMINGTON. What justification can we have today, facing this gigantic deficit, and with the serious problems we have, both fiscal and monetary standpoint, to add in this way to those problems?

How do we justify to our constituents adding to this problem, this debt, in this way?

Mr. PROXMIRE. It is very difficult to justify, when it is recognized, as we indicated, that $1.5 billion of loan money is going to be available in the next 12 months, under the provisions of this bill as it now stands. Even if the Fong amendment is rejected, $1.5 billion will be available.

As the Senator from Arkansas has pointed out—and he has had far more experience than I will ever have in this area—we seem to have made a policy decision to move in the direction of multilateral lending, and that seems to be the position taken by the administration. That seems to make sense, because we get cooperation from other countries, and it is far better in terms of relationship with the borrowing country. If we are going to do it that way, we should not have the enormous amounts that are proposed for unilateral lending, too.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. PROXMIRE. I yield an additional 3 minutes to the Senator.

Mr. SYMINGTON. On page 5 of the report of the distinguished chairman of the subcommittee, it states that the fund for special operations, that is for soft loans, of the Inter-American Development Bank—that is money for Central and South America, is it not?

Mr. PROXMIRE. That is my understanding.

Mr. SYMINGTON. It states the U.S. contribution to this multilateral fund is 66.7 percent of the total. That is the percentage this country puts up as against what all other countries put up. Is that correct.

Mr. PROXMIRE. That is right.

Mr. SYMINGTON. The highest percentage of bilateral contribution made by any country?

Mr. PROXMIRE. That is right.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. FULBRIGHT. But it is less than 100 percent; and the Senator from Hawaii in his proposal wants to pay 100 percent. Assuming that these are good projects, is it not better to pay 66 percent than to pay 100 percent?

Mr. SYMINGTON. Mr. President, I regret the statement just made by the able Senator from Arkansas, because he has now made the point I was going to make. But it is very well taken. Despite the now admitted deficit of almost $40 billion—and some economists tell me it is going to be a great deal more when all the figures are in—we nevertheless, some of us, still want to give another $100 million of the American taxpayers' money to foreign countries in this latest proposal.

Mr. PROXMIRE. The Senator has made an excellent point, and I am glad that he and the Senator from Arkansas made it together. As the Senator from Arkansas points out, that is better than putting it at 100 percent.

Mr. FULBRIGHT. Yes.

Mr. SYMINGTON. Except for drug abuse control, it is the largest percentage this country currently puts up in any multilateral arrangement or agreement that we have. Nevertheless we now want to make it, as the Senator from Arkansas points out, 100 percent, far beyond the already agreed upon 66.7 percent.

Mr. PROXMIRE. I thank the Senator.

Mr. SYMINGTON. Mr. President, I shall oppose this amendment. This Nation faces serious fiscal and monetary problems—possibly more than any other of the developed countries in the world today.

I oppose the amendment because I believe we are being asked on this floor today to do far more than our share.

Mr. FONG. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. STEVENSON). The Senator from Hawaii is recognized for 5 minutes.

Mr. FONG. Mr. President, I was very much amused at the comments of the distinguished Senator from Arkansas (Mr. FULBRIGHT), and the very senior member of the committee the Senator from Missouri (Mr. SYMINGTON), relative to the amounts of money we authorized for the Inter-American Bank. We know that we have gone through a lot of discussion on the floor of the Senate relative to the amounts of money that we should appropriate and authorize for this institution. The Committee on Foreign Relations, working with the House Foreign Affairs Committee, authorized for the Inter-American Bank the sum of $261,760,000. That is what was requested by the administration. This sum of money was authorized by the joint conference between House and Senate, and now the chairman of the committee, who was also the chairman of the conference committee, comes in and tells us that we should not have done that.

His committee came forth with a bill and presented it to Members of the Senate and we adopted it. That is all we are doing here with the Inter-American Bank, appropriating the amounts of money that they asked us to authorize. Now both Senators come in here and say that we are authorizing too much.

Again, on the development alliance loan fund, the amount which was arrived at by the authorizing committee, of which the distinguished Senator from Arkansas (Mr. FULBRIGHT) is the chairman, and on which the distinguished Senator from Missouri (Mr. SYMINGTON) is a very senior member, that committee authorized $206,500,000. Now they come in and tell us, because of the great deficit we are facing, and because of the plight of the American budget, that this sum of money which I have asked to be raised from $50 million to $150 million be not passed, when my amendment asks for only $100 million more, to raise it from $50 million to $150 million—not even up to the $206,500,000 which they had approved as a result of their work in the Committee on Foreign Relations and in the conference, and asked the Senate to approve.

So the argument presented here by these two distinguished Senators who are members of the Committee on Foreign Relations, I think, is really not substantial because they were parties to the agreement which came before Congress, which came before the Senate, and which we know the President will sign.

Now the distinguished Senator, the Chairman of the Committee on Foreign Relations, states that there is now $905 million in the pipeline.

Mr. President, when we talk about the pipeline, let us see what that means.

In nontechnical language, the word "pipeline" refers to money already made available to AID by Congress, but not yet spent.

After receiving its funds from Congress, AID enters into a variety of agreements with recipient governments or directly with suppliers of goods and services, somewhat in the manner of a purchase order and commits specified amounts of money to specific purposes. Until these purposes are accomplished and the bills have been received, the funds are not paid out but are set aside for payment purposes. Thus a pipeline is created by reserving moneys to fulfill contract agreements.

This $905 million that the distinguished Senator speaks about is in the pipeline. They are moneys which have been committed when we appropriated the money in previous appropriation bills.

The AID people went on and committed themselves to the suppliers and they say, "You may have this money but you must complete the project."

In many instances these projects are not completed. So, therefore, the money is in the pipeline but the money is not available for reuse, because that money is committed and is committed to be paid when the project is completed and when the supplier has provided the goods and services.

When we talk about money in the pipeline, therefore, we are really talking about money that has been committed and earmarked—money that will be spent unless the contract is for less than the amount which was contracted for.

There may be a little saving in that. In that respect, I will show that there has been some saving.

Such funds cannot be diverted to other uses without breaking agreements with other governments, and without leaving unfinished development projects already in progress and/or without breaking contracts for U.S. suppliers of goods and services.

We make a contract with a supplier to supply cement, for example, or to supply technical assistance or to supply equipment, like a bulldozer, for a job to be done in South America, say in Ecuador, and we commit ourselves that when we deliver the equipment we will pay the amount of money.

The PRESIDING OFFICER. The time of the Senator from Hawaii has expired.

Mr. FONG. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 3 minutes.

Mr. FONG. Mr. President, now this money is committed, although not spent. If we were to say, "Let us take that money away from this commitment and give it to someone else," we would be breaking our contract and telling the supplier that we have contracted with them but we will have no more contract with them and the contract is abrogated and there is no more contract. So we would be going back on our agreement.

From time to time there are savings as a result of a decreased project cost or project revisions. These savings, however, are available for other purposes only if reviewed and authorized by Congress.

Pipelines build up in many U.S. Government agencies when the agencies undertake projects which are not completed within a single fiscal year. For example, it takes a number of years to complete a complex hydroelectric project. When AID lends a country $10 million to buy American equipment or to pay for American engineers for a similar project, some part of the $10 million will not be paid out until the last generator or transformer has been delivered and installed, and the last contract employee has gone home.

Suspension of a development loan not only endangers progress already realized under the loan but also disrupts the development process in the recipient country.

For example, if we lend $2 million for a certain project and then we find that only $500,000 has been expended, we still have $1.5 million in the pipeline. If we take away that $1.5 million and put it into another project, that project will be held up and held in abeyance and all efforts made by the recipient country to go ahead with the project, the money they have spent up to the time when we take away the money, will have been lost.

When AID signs a loan agreement, providing for financing the import of breeding stock, for example, to improve the cattle industry in a developing nation, the recipient government may invest large sums in ancillary services—slaughterhouses, freezing plants, transport, feedmill facilities—as part of the development program. The construction of a hydroelectric dam involves economic commitments within the borrowing nation including the employment of thousands of laborers and technicians and the purchase of quantities of goods from local industries.

In other words, when we commit ourselves to loan a certain amount of money for a project, the project involves much more than the amount of the loan we commit ourselves to.

For example, we may say, "We will lend you $10 million. However, the project may cost $25 million." Because we have made a commitment to these countries, they will commit themselves to the spending of $15 million of their own money because the project will cost $25 million. We have committed ourselves to lending them $10 million. And we can see that they have done certain things and that they have expended a certain amount of money. We cannot say, "You complete the project yourselves, because we will not lend you any more money."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for an additional 3 minutes.

Mr. FONG. Without the delivery of the U.S. machinery, a wheat mill constructed on the strength of a loan agreement will never benefit the hungry children it was designed to help and will waste the financial resources already invested in the project.

Participant training agreements that bring foreign students to the United States for specialized training that will promote economic development would be voided, and both sponsoring institutions and trainees keenly disappointed if study programs were abruptly cancelled in the middle of the training period for lack of funds. The purposes of long term technical assistance contracts undertaken by a U.S. university to improve an agricultural extension system or a teacher training program of a developing nation would be damaged if the contract were terminated early, and contract cancellation costs would be an unproductive and additional expense.

Loan suspensions would also have costly repercussions for U.S. industry. When AID lets a contract to a U.S. manufacturer, the manufacturer gears up his production to fulfill the contract. A year or more may pass before production is completed and delivery takes place. Without payment, and without another market for the equipment, he would suffer a grievous and undeserved loss.

What I am saying is that because we commit ourselves to appropriate funds for loans to certain countries, we tell them that the funds are available and that we are committing ourselves to the loan. Therefore they proceed on the basis of our commitment to spend their own money. Once they do this, we cannot abrogate our commitment. The contracts and the $905 million to which the Senator from Wisconsin alluded is that type of money.

There is a little overflow from that type of money from costs which do not come up to the amount which we think the project will cost, although sometimes the project is cancelled. So, from that standpoint, may I say that the only amounts available for the Alliance for Progress for next year is $19 million for Latin America and $45 million on repayment of interest and loan payments. In other words, only $65.2 million is available.

Mr. President, this sum of $65.2 million has been calculated in the budget. It has already been calculated by those who have worked upon the authorization program. It has already been taken into consideration by those who have discussed this matter. It has been calculated in the administration's budget. So, when they say that we have $905 million in the pipeline, they are not telling us the full story, because there is not that amount available for loans to these countries.

Mr. President, may I say that I am very astonished that the Chairman of the Foreign Relations Committee and the very senior member of the Foreign Relations Committee, the distinguished Senator from Missouri (Mr. SYMINGTON), now come in and say that my amendment to increase the amount—$150,000,000 is wrong.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator has not yielded himself additional time.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Mr. President, is there only 5 minutes remaining to the Senator?

Mr. FULBRIGHT. The Senator has time on the bill if he wishes to yield. I was going to ask the Senator a question because he mentioned my name two or three times.

Mr. FONG. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the Senator called attention to the authorization bill. First of all, I wish to say that I voted against the conference report on the authorization bill. I believed the total was too much. For the Senator to say that it was in the budget and should not be touched is not the point. If the Senator looks at the misjudgments behind the budget, he will see that the President estimated the deficit would be some $11 billion or $12 billion. It turns out now to be more than $40 billion. For the Senator to say that we should not touch an item because it was included in the budget is not very persuasive.

Mr. FONG. I am not saying that. I am saying that after the passage of the amendment in the amount of $150 million, the matter went to conference and the House raised it from $150 million to $206.5 million.

Mr. FULBRIGHT. That was not with my approval.

Mr. FONG. I am not saying that it was.

Mr. FULBRIGHT. But the implication was that that was with my approval. I think that the bill is much too large. We have gone on to proceed with a policy of shifting to multilateral aid.

The President has expressed himself and indicated that he favored it and that it should go in that direction.

The Senator now wants to reinstitute the bilateral aid, although the committee has already increased the multilateral aid for Latin America.

Mr. FONG. The bilateral and the multilateral passed the Senate with this figure. The conference committee agreed to a different figure. The sum we have put into the multilateral is the same authorized by the conference committee.

Mr. FULBRIGHT. There are many reasons for that. The Appropriations Committee often has differing views. Conditions are different. We have discovered, for example, that the budget is in much worse condition than we knew a month ago or that the President knew a year ago when the President said there would only be a deficit of $11 billion or $12 billion.

Mr. FONG. The authorization bill was only agreed to last week.

Mr. FULBRIGHT. I did not agree to it. It is all right to say that the Senate did. However, the Senator from Arkansas was not in favor of the amounts in that bill.

Mr. FONG. Mr. President, I realize that the Senator from Arkansas was not in favor of the bill. However, the bill went through his committee and he was chairman of the committee.

Mr. FULBRIGHT. I have only one vote.

Mr. FONG. And the child that came from his committee was the bill.

Mr. FULBRIGHT. In addition, they have changed the bill; $125 million, I believe, has been broken out into a separate appropriation for population work, which used to be funded out of other items. That is another item which the Senator ignores as its influence on this issue. That change makes the money available for bilateral loans much larger than he would lead us to believe. That money will not be taken out of other items now.

Mr. FONG. Mr. President, I yield 3 minutes to the Senator from Vermont.

and I will then yield 2 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 3 minutes.

Mr. AIKEN. Mr. President, I believe we could well devote more of our aid programs to multilateral programs. However, I think it would be a grievous mistake to go as far as some would go in this direction. We must retain the right to make bilateral agreements in the aid program, particularly with the countries to the south of us—South America. So, I am very much opposed to letting the countries of Western and Eastern Europe or the countries of Asia or other members of the International Banks determine our relationship with those countries to the south of us which traditionally support the United States. Of course, about half a dozen, such as Cuba, Chile, and three or four other small countries, voted against us in the United Nations.

I do not want to let those countries on other continents determine our relationship with Latin America. I think it would be an extremely shortsighted operation on our part.

I agree that we have made too many promises in the past. We should not make so many promises in the future. However, above all else, I think that we should keep the promises we have made.

The PRESIDING OFFICER (Mr. Stevenson). The Senator's time on the amendment has expired.

Mr. KENNEDY. Mr. President, will the Senator from Hawaii yield me 5 minutes on the bill?

Mr. FONG. I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as a cosponsor, I fully support the amendment of the Senator from Hawaii. I support it for the reasons that have been touched on by the Senator from Vermont (Mr. Aiken), about the United States effectively hedging on some of the fundamental and basic commitments we have made to our friends to the south.

Mr. President, I believe that the level we are requesting—$150 million, an increase of $100 million over the committee recommendation—clearly is justified by the existing need.

The authorization for this program is at more than $200 million and the level of requests from the governments of Latin America is at more than $285 million.

It is important to note that the loan program has shifted in recent years towards the development of human resources.

Thus, even the committee report recognizes this shift, noting that the aid programs are "geared to strengthening the human rather than physical infrastructure—people, institutions, and knowledge."

The increasing focus on agriculture, education, housing and urban development represents the areas I believe our bilateral aid program should continue to assist until the multilateral agencies fill this critical gap.

And I want to emphasize that I believe our increased participation in multilateral development lending institutions is the correct direction for us to be moving.

However, the $50 million level for the alliance represents too abrupt a reduction in the bilateral program, particularly since it comes so late into the year.

Essentially, we would be cutting back fairly substantially at this date while tentative negotiations are underway with requesting nations for loans at a much higher level.

Also I think that at this point in time, we should be endeavoring to alleviate the concern of Latin America that the United States is turning its back on the pressing needs of development in the alliance countries.

As they glance back at the events of this year, there is much regret.

We imposed a 10-percent surcharge on Latin American nations although those nations had nothing whatsoever to do with our balance-of-payments problems.

We have had an announcement of an expropriation policy, which in effect puts our policy toward our Latin American friends in the hands of the corporate giants of the Nation. If they do not feel they are going to get full compensation, we are going to cut off aid. This new policy also endangered the future of the multilateral concept by suggesting that the U.S. representative in the IDB and World Bank veto any nation's loan request if that nation had expropriated an American company.

That is a mistaken, misguided policy by those recent statements.

The denial of a loan to Chile, when Chile was attempting to get an export loan for airplanes, and the heavy-handed policy of the United States toward that country, have been criticized throughout Latin America.

We invited the President of Brazil to this Nation and warmly embraced him despite his government's very slow crackdown on political torture.

We have witnessed a series of actions and a lack of actions which must be interpreted by our friends to the south as a callous disregard of our relations with the Latin American countries.

All of these incidents have raised legitimate questions in Latin America about the nature of our relationship.

I believe it would be unwise for us to carry out the deep cut in the Alliance Development Loan Fund at this time.

I have been critical of the Alliance in the past and I have felt that it has failed to achieve many of its goals. But I do not believe that the way to define a new policy is to cut appropriations 7 months into the fiscal year.

It also is important to recognize that the discussions involving project and program planning do not merely involve this Nation and the recipient Latin American government.

To a degree, we have been able to coordinate this planning with the IDB, with the Latin American Committee on the Alliance for Progress—CIAP—and with United Nations and World Bank representatives.

I believe it would be disruptive to this level of coordinated development planning for the United States to pull back at this time and I believe it would set back our long-range effort to unify development planning.

Thus, in 1965, where AID lending represented some 65 percent of total Inter-American Development Bank, World Bank and AID loan commitments to the hemisphere, the AID program at the $150 million level will represent less than 15 percent of the anticipated level of funding.

We have begun a process which I believe must be carried even further in the future, with an assurance of multilateral assistance in education, health, agriculture and housing at the level required, I believe the bilateral program can be reduced accordingly. But that time has not yet arrived.

Therefore, I would urge that we demonstrate our continued concern and dedication to Latin American development by raising the current level of Latin American development loan funding to $150 million, the same level as the House approved.

I hope the amendment will carry.

Mr. JAVITS. Mr. President, will the Senator yield 2 minutes to me? I should like to speak in favor of the amendment.

Mr. FONG. I yield 2 minutes to the Senator from New York.

Mr. JAVITS. I think the real problem is the precipitous decline in the amount of bilateral aid. We all agree on phasing toward the multilateral concept of AID, but what we are phasing and how we phase is critically important. I submit for the Record, a table which shows that the percentage beginning with 1964, when it was 56 percent, has gone down to 15 percent in fiscal 1971. It would be a slightly lesser percentage still even if $200 million were authorized for fiscal 1972.

There being no objection, the table was ordered to be printed in the Record, as follows:

LOAN LEVELS, LATIN AMERICA

[In millions of U.S. dollars]

| | Commitments (fiscal year) | | | | | |
|---|---|---|---|---|---|---|
| | 1964 | 1967 | 1968 | 1969 | 1970 | 1971 |
| AID | 477 | 439 | 421 | 236 | 319 | 232 |
| IDB | 123 | 445 | 391 | 508 | 681 | 659 |
| IBRD | 253 | 271 | 372 | 458 | 703 | 671 |
| Total | 853 | 1,155 | 1,184 | 1,202 | 1,703 | 1,562 |
| AID as percent of total | 56 | 38 | 35 | 20 | 19 | 15 |

Mr. JAVITS. By cutting it down to $50 million, we really cut them down. I think that will cost us far more heavily than the amount is worth in our relations with those countries.

When we recognize how these countries have been disadvantaged by the European Common Market in these special trade deals, and when we consider the potentiality of our own security, it is a modest price to pay.

For all these reasons, and the reasons advanced in the arguments by my colleagues, I hope the amendment will be agreed to.

Mr. FONG. Mr. President, I yield 3 minutes to the able Senator from Illinois.

Mr. PERCY. Mr. President, the $50 million to be appropriated for Alliance for Progress development loans in the bill before us is not adequate. The issue before us is whether this body wants to be responsible for virtually ending our assistance to our Latin neighbors, since at this level the bilateral lending program in Latin America will effectively be put out of business.

I do not believe that we as a people can be indifferent to the very real needs of the people of developing countries in this hemisphere, and I do not believe that we are. It would not be sensible for us to vote out an appropriation which even suggests such indifference.

Some have argued that the slack created by the abrupt disappearance of the bilateral program can be picked up by the multilateral agencies. This, however, is not the case. The multilateral agencies cannot provide the full measure of the development resources needed in the region. The AID program—particularly at its reduced levels of recent years—engages in important lending activities which cannot be undertaken entirely by the other agencies. By and large, its activities concentrate on educational and agricultural priorities, through programs meshing U.S. know-how, research, and training with the needed capital. The bilateral program has been worked out in close cooperation with other hemisphere nations, the International Development Bank, and the World Bank. It is consistent with their priorities and is an essential part of their plans and objectives.

It is clear that abruptly cutting out the bilateral program, therefore, will not only leave unfillable gaps, but, further, that its virtual elimination can also badly undercut ongoing and proposed country and multilateral efforts. In short, the proposed action will simply pull the rug out from under the plans and expectations of the recipient countries and the other lenders.

I see no sense in appropriating a symbolic Alliance for Progress lending level of $50 million which would be a symbol of indifference to the aspirations of the people of Latin America. The $206.5 million for Alliance lending authorized by both Houses is itself a historically low level, given the needs of the hemisphere and our country's capacity to be helpful. It is simply inadequate.

I strongly recommend that we approve the amendment to increase the Alliance for Progress lending level to $150 million.

Mr. COOPER. Mr. President, I support the amendment to restore to the Alliance for Progress the amount of $150 million authorized in the Senate conference report upon foreign aid.

The United States is providing assistance to countries in Latin America in various multi-lateral forms, but I prefer to keep alive some bilateral decisions between the United States and the countries of Latin America.

I support the amendment also because I believe it imperative that the United States continue to express its friendship for our neighbors in Latin America and our willingness to join with them in developments desired by them. Our closest relationships should be with Canada and the countries of Latin America.

Mr. BROOKE. Mr. President, I am pleased to join as a cosponsor of the amendment offered by the distinguished senior Senator from Hawaii (Mr. FONG) to increase the appropriation for development loans for the Alliance for Progress.

Strategically, economically, and politically, the United States has an abiding interest in the peaceful and progressive development of the Latin American nations. We share a common hemisphere, a common history, and common values of individual freedom and social development. It is right that over the last decade, our development assistance program should have reflected our special relationship with the many nations of South and Central America.

Mr. President, testimony before the Foreign Operations Subcommittee in recent years has made it very clear that the central socioeconomic problem facing all the governments of Latin America is uneven development of human and natural resources. Latin American countries, like most developing areas, have "pockets" of development: central cities, mining areas, and short transportation routes. But the rest of the country, often including the bulk of the population, remains essentially untouched by modern education, sanitation, housing, and especially employment opportunities.

Employment is truly the key to economic, social, and political development. It is, therefore, particularly disturbing to me that AID officials testifying before the subcommittee in recent years have referred to an unemployment rate throughout Latin America which is estimated to be as high as 40 percent. No nation can long preserve order and promote peaceful development when 40 percent of its populace is unemployed or underemployed. Such a situation clearly invites radicalism and revolution.

It is for this reason that the U.S. AID program in recent years has focused its attention in Latin America on "sector development." Under this program, a government will designate a particular region of a country or a particular national program for comprehensive change. The focus may be on constructing a network of roads which will bring out raw materials, permit agricultural development, and provide employment. Or the program may concentrate on increasing enrollment in primary or secondary schools throughout the country by a given percentage. One program of this nature in Colombia has sought to expand primary schools in rural areas, while another program in the same country focuses on buying land and distributing it to small farmers who, in turn, are given technical assistance, education, and credit.

Sector loans, as they are being pioneered by AID, have another advantage in that they make hard currency—American dollars—available to developing nations so that they may purchase needed goods abroad. In exchange, the recipient country makes a comparable amount of its own currency available to the development project agreed upon between its government and the United States. And the United States provides training, education, and advisory aid. The developing nation thereby obtains a double advantage from its loan and vastly increases its rate of progress as a result.

Given all of the advantages of our development loan program to Latin America, I was deeply concerned when the Appropriations Committee, on which I serve, voted a drastic reduction in funds for this program so late in the year.

Congress appropriated $287 million for development assistance to Latin America in 1971. The fiscal 1972 request was for $235 million, and only last week Congress authorized $206.5 million for this vital program. The House has approved $150 million. Yet the committee approved only $50 million for this bill.

Mr. President, 7 months into the fiscal year is far too late to cut any budget by 75 percent! Loans have been, or are being, negotiated. Commitments have been made to 14 friendly nations in Latin America. Programs have been planned or initiated on the basis of a continuing resolution authorizing spending at last fiscal year's level. We cannot and must not force our Government into the embarrassing and unnecessary position of reneging on its commitments to the countries and peoples of Latin America.

Mr. President, I strongly believe that we should increase the appropriation for development loans to Latin America to a level of $150 million. Even this amount will force some cutbacks in AID programs. But the vast majority of vital programs can be continued and other programs can perhaps be postponed into future fiscal years. Let us, therefore, appropriate the additional $100 million for development loans—not taking the amount from other programs, but appropriating it outright for a program whose worth and accomplishments can clearly be measured.

Mr. President, I urge the adoption of the pending amendment.

Mr. PROXMIRE. Mr. President, I am ready to yield back my time on the amendment.

Mr. FONG. Mr. President, I have no more time.

Mr. PROXMIRE. Mr. President, I yield back my time on the amendment and ask for the vote.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Hawaii. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON), is absent on official business.

I also announce that the Senator from Mississippi (Mr. EASTLAND), is absent because of illness.

On this vote, the Senator from Minnesota (Mr. HUMPHREY) is paired with the Senator from North Dakota (Mr. BURDICK).

If present and voting, the Senator from Minnesota would vote "yea" and the Senator from North Dakota would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), and the Senator from California (Mr. TUNNEY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. JORDAN) and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting the Senator from Pennsylvania (Mr. SCOTT) would vote "yea".

The result was announced—yeas 41. nays 37, as follows:

[No. 27 Leg.]

YEAS—41

Aiken
Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Brooke
Buckley
Case
Chiles
Cooper
Dole
Fannin
Fong
Goldwater
Griffin
Hart
Javits
Kennedy
Mathias
McIntyre
Metcalf
Miller
Montoya
Moss
Packwood
Pearson
Percy
Ribicoff
Roth
Saxbe
Schweiker
Stafford
Stevens
Stevenson
Tower
Weicker
Williams
Young

NAYS—37

Allen
Bentsen
Bible
Byrd, Va.
Byrd, W. Va.
Church
Cook
Cotton
Cranston
Curtis
Dominick
Ellender
Ervin
Fulbright
Gambrell
Gurney
Hansen
Hatfield
Hollings
Hruska
Hughes
Jordan, N.C.
Long
Mansfield
McClellan
Nelson
Pastore
Pell
Proxmire
Randolph
Smith
Spong
Stennis
Symington
Taft
Talmadge
Thurmond

NOT VOTING—22

Anderson
Bayh
Burdick
Cannon
Eagleton
Eastland
Gravel
Harris
Hartke
Humphrey
Inouye
Jackson
Jordan, Idaho
Magnuson
McGee
McGovern
Mondale
Mundt
Muskie
Scott
Sparkman
Tunney

So Mr. FONG's amendment, offered for himself and other Senators, was agreed to.

Mr. FONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I ask unanimous consent, and I believe it has been cleared all around——

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. I ask unanimous consent that there be a 20-minute time limitation on the amendment of the Senator from Massachusetts, the time to be equally divided between the Senator from Massachusetts (Mr. KENNEDY), the sponsor of the amendment, and the manager of the bill, the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 832

Mr. KENNEDY. Mr. President, I call up my amendment No. 832.

The PRESIDING OFFICER. The amendment will be stated

The legislative clerk proceeded to read the amendment.

Mr. KENNEDY. I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY's amendment (No. 832) is as follows:

On page 14, lines 22 and 23, strike out "$5,790,000" and insert in lieu thereof "$8,690,000".

On page 14, line 23, strike out "$4,750,000" and insert in lieu thereof "$7,650,000".

Mr. KENNEDY. For the benefit of Senators, though we have a 20-minute time limitation, I do not think we will need all of the time.

Mr. STENNIS. Mr. President, I insist on order. We must be able to hear.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, this is a simple amendment. It provides for the restoration of some $2.9 million to the refugee migration section of the pending appropriation bill. This $2.9 million, Mr. President, is an item which has been in that section of the bill for a period of some 25 years. It is used for the care and housing of refugees, primarily Jewish refugees who come from the Soviet Union, during their transportation and voyage to the State of Israel.

During recent years, this has been an extremely important part of the financing and the funding of this travel by thousands of Jewish refugees who have left the Soviet Union. I would say, Mr. President, that it is particularly important this year, because we have seen an enormous increase in the number of Jewish refugees leaving the Soviet Union and going to Israel. For example, in January, there were some 2,000 refugees, compared to a year ago, when the figure was only 200. It appears there is now much greater willingness by the Soviet Union to let members of the Jewish faith leave the Soviet Union and travel to the State of Israel. Therefore, I believe this kind of program is extremely important for humanitarian reasons. I very much hope that it will achieve the support of the Senate.

Finally, Mr. President, this program would affect approximately 70,000 refugees, of which 40,000 would be Jews coming either from the Soviet Union or from other eastern European countries and traveling to the State of Israel. It is not a great deal of money.

I know there is the argument—and the argument will be made—that the European countries ought to pick up this program. I think it is highly unrealistic that we could expect them to do so. I, of course, feel strongly that this is a humanitarian effort. It is a very key responsibility at this time.

For those reasons, Mr. President, I hope the amendment will be agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 1 minute to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes remaining.

Mr. PELL. Mr. President, I strongly support the amendment of the Senator from Massachusetts.

I worked 1 year of my life with refugees in Europe. I remember what the USEP program did. I know how efficiently it is being administered. I believe it is a program that has performed far better than many of our other aid programs and is one that should be continued.

Mr. PROXMIRE. Mr. President, I yield myself 5 minutes.

The committee strongly believes that there is an urgent need to consolidate U.S. refugee assistance efforts into a single office rather than have these programs fragmented between such diverse agencies as the Department of Health, Education, and Welfare, the Department of State, the Department of the Army, and the Agency for International Development.

Once this is done and responsibility for administration and coordination is fixed, the U.S. effort should be geared to operate through international organizations. This would permit the United States to shoulder a "fair share" of what is clearly an international responsibility.

It is evident that almost a quarter of a century after the dislocations of World War II the priorities and resources of the Department of State's Office of Migration and Refugee Assistance are almost exclusively directed toward European refugees. This discriminates against crying and almost overwhelming needs in the Near East, Nigeria, Vietnam, and particularly Pakistan.

Just as the United States has underwritten the entire costs of the Cuban refugee program, the committee feels that the European countries of original asylum—principally Austria, West Germany, Italy, Turkey, Lebanon, and Greece—are fully capable of meeting the need for care and maintenance of those seeking temporary refuge within their borders. Therefore, the committee recommends elimination of the U.S. refugee program—USRP—under which supplementary assistance has heretofore been provided for European refugees.

Actual fiscal year 1972 expenses incurred to date under continuing resolution authority should be underwritten first from administrative expenses for which the full amount has been allowed and which can now be sharply curtailed and, if necessary, from other programs such as the U.S. contribution to ICEM's administrative budget.

Mr. President, the Senator from Massachusetts has raised a very appealing issue, one which I support, recognizing the enormous burden on the State of Israel from the refugees who have come to Israel. I have studied this for many years, and I am sympathetic to any appeal of this kind. I do not know of any country that has borne such an enormous burden—and borne it as well as has Israel, because it is a country of refugees.

I would approve any reasonable amount for the purpose of aiding these refugees to Israel, but let us know what we are doing. How much of this money is to go for those Soviet refugees who are going to Israel? We ought to know that. There ought to be some kind of understanding with Israel. They ought to tell us what they want, what they need. It ought to be negotiated and worked out.

This is a back door kind of way, it seems to me, of continuing a program for one purpose, with a notion that somehow it is going to help in the area where all of us have the greatest sympathy.

I would be enthusiastically in favor of—I would like to sponsor, if I could—a bill that would assist Israel to the extent that they feel they need assistance and which would be constructive to them in taking care of the refugees they have to handle. I do not think this is the way to do it.

Mr. FONG. I yield myself 3 minutes.

Mr. President, the main thrust of the U.S. refugee effort in Europe is to assist in the resettlement of refugees who first arrive in countries contiguous to the Communist countries of Eastern Europe. It is in U.S. foreign policy interests that the countries of first asylum maintain a liberal asylum policy. The countries of first asylum cannot maintain a liberal asylum policy in the face of the economic and political burdens of an ever-increasing refugee population if there is no assurance that the refugees have the opportunity to move onward to resettlement countries of the free world. Our main effort, entirely through international and American voluntary agencies, is to provide expert counseling as to emigration possibilities, visa documentation services, medical examination, language training, and some supplementary care and maintenance.

The countries where the principal refugee camps are located—Austria, Germany, and Italy—pay 100 percent of the cost of maintaining these camps, including food for the refugees, maintenance and upkeep of buildings, all utilities—everything.

It is estimated that non-Communist European countries spend about $40 million a year to support East European refugees, while West Germany alone spends about $2 billion a year on refugees and expellees from Eastern Europe of German extraction. These countries also assist substantially—as does the United States—in alleviating refugee problems in Africa and Asia. Furthermore, refugee-receiving countries such as Australia—$92 million in 1970—spend substantial sums on refugees and migrants resettling in their own countries.

Abolishment of the U.S. refugee program would have the following unfortunate effects:

First. It might move countries of first asylum to curtail their lenient policy of refugee acceptance. If this happened, it could inhibit movement to asylum countries for those who wish to flee from political or religious persecution.

Second. Disruption of these voluntary agency operations through abrupt termination of USRP, as would be necessary under the Senate Appropriations Committee provision, would seriously damage the highly efficient and indispensable international resettlement mechanism which involves the joint participation of USRP, the voluntary agencies, the Intergovernmental Committee for European Migration, the United Nations High Commissioner for Refugees, and the countries of asylum.

This resettlement mechanism has been perfected through 20 years of experience in dealing with the continuing flow of refugees and in meeting large emergencies such as the Hungarian exodus of 1956, the exodus of Czechoslovaks and other Eastern European refugees after the Soviet invasion of Czechoslovakia in 1968, and the current large flow of Jews from the Soviet Union. To terminate or cripple USRP would place serious obstacles in the path of current resettlement efforts and inevitably drastically reduce the rate at which the refugees escaping from Eastern Europe could be effectively handled and received by free countries.

The list of voluntary agencies with which we have contracts follows:

The American Fund for Czechoslovak Refugees.

The Polish American Immigration and Relief Committee.

The International Catholic Migration Committee.

The World Council of Churches.

The Tolstoy Foundation.

The International Rescue Committee.

The American Jewish Joint Distribution Committee.

The United HIAS Service.

Third. The USRP program is the instrument through which the United States can assist the greatly increasing numbers of Jewish refugees from the Soviet Union expected to be about 40,000 in 1972. The assistance presently being given would cease just at a time when the plight of these refugees is in the forefront of national attention.

Fourth. There are 19,000 refugees in the pipeline right now who are in various stages of processing for resettlement. United States assistance through the voluntary agencies would cease immediately, and it is doubtful that necessary assistance would be forthcoming from the private sector, which is already heavily burdened financially. The image of the United States as a country with humanitarian interests would no doubt be sullied if these refugees who have been registered with the program were suddenly dropped.

Fifth. While the numbers of non-Jewish refugees from Eastern Europe has declined since the Soviet invasion of Czechoslovakia in 1968, there are still expected to be over 12,000 such escapees from Eastern Europe in 1972. They will need resettlement counselling and documentation assistance.

Sixth. Abolishment of this program would mean that United States is assisting seventh preference and other refugees from Communist China, but not from the Communist countries of Eastern Europe. This would be discriminatory and eventually could lead to the abolishment of such assistance now provided under the Far East refugee program.

Seventh. Curtailment or abolishment of the USRP program would probably result in a reordering of priorities and a consequent reduction of funds now going to other programs such as the Intergovernmental Committee for European Migration—which assists in loans and transportation to European and Chinese refugees—for language training, and so forth. Contracts with voluntary agencies have already been signed for the period covered by the continuing resolution. With European legal requirements to give employees notice of dismissal and pay termination costs, abrupt termination of the contracts would place the voluntary agencies in an extremely difficult financial position.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FONG. I yield myself 1 additional minute.

Mr. President, the amendment only asks that $2,900,000 be restored. In view of the fact that these host countries are spending millions of dollars, in view of the fact that Germany is spending $2 billion and the non-Communist countries $40 million a year, I think we can ill afford not to spend $2,900,000.

Mr. KENNEDY. Mr. President, one final point.

I agree with the Senator from Wisconsin that what we really need is a Bureau of Humanitarian and Refugees Affairs within the State Department. Our committee recommended this in 1966. It would concern itself not only with the problems of refugees but also with the victims of natural disasters, and it would coordinate all the humanitarian programs.

I agree with the Senator. But we do not have that program, and I think it is unfortunate that we have not been able to develop that legislatively.

I regret that the Senator from Wisconsin does not feel that they have adequate information, because I believe that the figures are quite clear on the number of refugees—70,000 of them, of which 40,000 are Jewish. I think this program is completely justifiable. I hope the Senate will adopt the amendment.

Mr. PROXMIRE. Mr. President, if the Senator from Massachusetts will yield back the remainder of his time, I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. EASTLAND) is absent because of illness.

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from Louisiana (Mr. ELLENDER). If present and voting, the Senator from Washington would vote "yea" and the Senator from Louisiana would vote "nay."

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from California (Mr. TUNNEY), and the Senator from South Dakota (Mr. McGOVERN), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator for Idaho (Mr. JORDAN), and the Senator from Pennsylvania (Mr. SCOTT), are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) would vote "yea."

The result was announced—yeas 62, nays 15, as follows:

[No. 28 Leg.]

YEAS—62

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Boggs
Brock
Brooke
Burdick
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Fong
Gambrell
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Hughes
Javits
Jordan, N.C.
Kennedy
Mansfield
Mathias
McIntyre
Metcalf
Miller
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Ribicoff
Roth
Saxbe
Schweiker
Smith
Spong
Stafford
Stevens
Stevenson
Taft
Tower
Weicker
Williams
Young

NAYS—15

Bible
Buckley
Byrd, Va.
Byrd, W. Va
Ervin
Fannin
Fulbright
Long
McClellan
Proxmire
Randolph
Stennis
Symington
Talmadge
Thurmond

NOT VOTING—23

Anderson
Bayh
Cannon
Eagleton
Eastland
Ellender
Goldwater
Gravel
Harris
Hartke
Humphrey
Inouye
Jackson
Jordan, Idaho
Magnuson
McGee
McGovern
Mondale
Mundt
Muskie
Scott
Sparkman
Tunney

So Mr. KENNEDY's amendment (No. 832) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I would like to direct the attention of the manager of the bill to page 11, under title III, under Foreign Military Credit Sales, to the provision confined to the Foreign Military Credit Sales. As I read those three lines, it says:

> For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, $400 million.

I understand that a similar amount was authorized.

The PRESIDING OFFICER. No time has been yielded to the Senator.

Mr. PROXMIRE. Mr. President, I yield 7 minutes on the bill to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 7 minutes.

Mr. KENNEDY. Mr. President, as I understand the Military Authorization Act, the authorization was more specific in terms of how that money would be allocated. And as I understand the Authorization Act, it actually wrote into law that $300 million would be used for credit for the State of Israel for the purchase of certain planes. I was just interested in getting the opinion of the manager of the bill as to his view and the view of the committee on this particular matter.

Should we infer, from the fact that no indication is prescribed for in terms of the three lines I have referred to as to how the money was to be expended, that there is any kind of retreat from the intention of the committee to use the $300 million for military sales for Israel.

I would note that this body has undertaken in the past a firm expression of its determination to assure Israel the means necessary to defend itself. Through letters to the President signed by 76 Senators, through a resolution to that effect and through authorization in the Defense Procurement Act as well as the foreign aid bill, we have written this assurance into law.

Now I believe that we do not want to leave even the faintest possibility that our determination could be vitiated by administrative action. Thus, I believe we should reenunciate our decision to earmark $300 million of the Foreign Military Credit Sales appropriation in this bill for Israel only.

I would hope that the Senator from Wisconsin would share my view and would make this clear.

I would be interested in hearing if the Senator from Wisconsin could establish some kind of information on that.

Mr. PROXMIRE. Yes. The Senator from New York wants to have the same information. I yield to the Senator from New York.

Mr. SYMINGTON. Mr. President, I am interested in this matter also.

Mr. JAVITS. Mr. President, this matter went through our committee. And my authority on the matter has just broken up, the Senator from Missouri (Mr. SYMINGTON), who had so much to do with working out what we did work out.

We felt that a very strong case was made, especially in terms of aircraft to justify the earmarking. So, it becomes a matter of grave concern as to whether the substantive purpose which is already in the authorization and earmarked will be actually served by the authorization.

I would like to add to what the Senator from Massachusetts has said with reference to the background of the committee that the Senator from Missouri led the fight there and is an excellent authority on what we desire to do.

Mr. SYMINGTON. Mr. President, if I may add to the remarks of the distinguished Senator from New York, I fully support the suggestion of the distinguished Senator from Massachusetts, because there is no question as to what we did mean in the committee.

It was my privilege last month to be on the Suez Canal. I am convinced that these planes are needed for the defense of Israel.

Mr. PROXMIRE. Mr. President, may I say to the distinguished Senator from New York, the distinguished Senator from Massachusetts, and the distinguished Senator from Missouri that when the bill came to the subcommittee and the full committee, I deliberately, as chairman, in drafting the proposal to the committee, had exactly the same language the authorization bill has, that not less than $300 million shall be made available to Israel.

I wanted to keep it that way, however, the committee decided it was redundant. When we get to an authorization bill it is a clear requirement that $300 million is available only for Israel out of a total of $400 million for military credit sales.

It is my understanding that the subcommittee and the full committee have covered this proposal in that way. I am sure that Senators who have spoken on this subject reflect the sentiment of the committee that this item should be only for Israel.

Mr. FONG. I join the distinguished chairman in his interpretation of that provision.

Mr. JAVITS. That would be the legislative history on that provision.

Mr. PROXMIRE. Yes, indeed.

Mr. JAVITS. I thank the Senator from Massachusetts and the Senator from Missouri.

Mr. FONG. Mr. President, I yield myself 5 minutes. I call up my amendment dealing with the Office of Foreign Assistance.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 18, line 12, strike out "$800,000" and insert in lieu thereof "$1,200,000".

On page 18, line 16, strike out "$650,000" and insert in lieu thereof "$1,028,000".

Mr. FONG. Mr. President, I understand that the distinguished chairman is willing to accept the amendment.

Mr. PROXMIRE. Yes. At the time of our hearings, and since that time, the Inspector General of the Foreign Assistance has not been as cooperative in supplying timely information as I believe he might have been. However, within the past several days, material requested last summer has been forthcoming, and the Inspector General has assured me that he is now in a position to respond fully, completely, and in a timely manner to committee needs.

This understanding is formalized in an exchange of correspondence between myself and the Inspector General. I ask unanimous consent that the letters be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
*January 28, 1972.*

Hon. WILLIAM PROXMIRE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR PROXMIRE: I had a pleasant and helpful visit with Howard Shuman. He listened attentively and sympathetically to my story, and by now has, no doubt, communicated it to you.

First point that I wish to make is that, should the limitation imposed by Sec. 504 of H.R. 12067 stand, this office will be reduced to a caretaker status immediately, and totally out of business within two months. A quick glance at the figures will show why this is so.

| | |
|---|---|
| Legislative Limitation | $800,000 |
| Expended to date | 655,000 |
| Balance for the remaining 5 months | 145,000 |

Since our salaries alone run $75,000 a month, it is obvious that we will run out of money in less than two months.

As I also pointed out to Mr. Shuman, the results of the proposed limit on our budget have been effective. We have now been able to have removed the restrictions imposed upon us which prevented our sending our reports to you on a timely basis. All of the reports made by this office to date have now been sent to Mr. William Jordan. It is our firm intention to continue to send these reports as they are issued.

I also had an opportunity to give a brief report on our work. I was proud to be able to point out that the number of our reports has almost doubled on an annualized basis in FY 1972 as compared with FY 1971. The financial benefits to the United States Government resulting from the work of this office have risen from $16,372,000 in CY 1970 to $38,547,000 in CY 1971. Furthermore, in the military assistance area, which I know is of particular interest to you, we have had only one less report in the first 6 months of FY 1972 than we had in all of FY 1971. I intend to maintain this increased interest in military assistance.

In addition to financial benefits measurable in specific dollars, we have also done work which, although harder to measure in absolute terms, may well be of far greater worth in improving the efficiency and the results of our foreign assistance programs. I mentioned two examples to Mr. Shuman: our review of the medical school at the University of Saigon and our ongoing review of AID's contracts with American universities.

I sincerely hope that something can be worked out to eliminate 504 of H.R. 12067. In accordance with Mr. Shuman's instructions, I will be calling him Monday morning for further word—needless to say I stand ready to do anything in my power that can be helpful.

Sincerely yours,
ANTHONY FAUNCE,
*Acting.*

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JANUARY 31, 1972.

Mr. ANTHONY FAUNCE,
*Acting Inspector General of Foreign Assistance, Department of State, Washington, D.C.*

DEAR MR. FAUNCE: I have your letter of January 28 which I assume is in response to my letter of last June 24.

I regret your earlier inability to supply copies of the Inspector General's reports at the time they were issued to the agencies concerned. However, I am glad to know that any problems that may have existed have been resolved. The Committee is now engaged in a review of the reports which your office delivered to the Committee last Friday, and I have noted your "firm intention to continue to send the reports as issued." If any new impediment is raised to complying with my request in the future, please advise me immediately by letter.

I should think that the over-all reductions in foreign assistance would permit a concomitant reduction in the Inspector General's budget, but as Mr. Shuman told you I will give further consideration to the limitation recommended in the bill after the Commitee staff has completed its review of your reports.

I have also taken special note of your increased interest in the area of military assistance.

Best wishes,
Sincerely,
WILLIAM PROXMIRE,
*Chairman, Subcommittee on Foreign Operations.*

Mr. PROXMIRE. Mr. President, in view of this new responsiveness on the part of the Inspector General, I am willing to accept the amendment, which will limit funds for the Inspector General, but the limitation will be at the budget level and, therefore, will not curtail the amount requested for fiscal year 1972.

The PRESIDING OFFICER. Is all time yielded back on the amendment?

Mr. PROXMIRE. I yield back the remainder of my time.

Mr. FONG. I yield back the rest of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, will the Senator yield me 1 minute?

Mr. FONG. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, earlier today, when I was not in the Chamber, some discussion took place about the Overseas Private Investment Corporation and why we seemed to be resting content to have $25 million. However, $25 million, within reservations for it, which is in the bill in the other body, has not been inserted, and we were not moving with respect to it. I believe that the committee is and has been dealing with the situation and is contemplating a consideration of the matter after testimony. Specifically, I believe that the Senator from Wisconsin (Mr. PROXMIRE), the manager of the bill, has very adequately given full accommodation to the consideration which such item will receive in the regular appropriation bill.

But I gather that various statements have been made respecting the operation of the Overseas Private Investment Corporation. I was the author of that amendment, and the Senate very generously went along with me, and it finally became law, so I feel a very special sense of responsibility for the operation of the agency for that reason.

Every insurance company, before it finally becomes mature and is a real moneymaker, has to demonstrate it by paying its liabilities. If it is hit with an important casualty and really pays, then it is a real insurance company. I have every reason to believe that the Overseas Private Investment Corporation will successfully surmount the Chilean problem. So the reverse backing of the United States is very necessary to enable a private, productive enterprise to function, and such a program will typify what such an agency can do with its capital resources.

I shall discuss this subject further, but I wanted to go on record today before we adjourned, since this question has been raised. I wish to thank the manager of the bill (Mr. PROXMIRE), and also the ranking minority member of the subcommittee (Mr. FONG), for the sympathy and understanding which have been manifested by them.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes on the bill.

There is no question that the Overseas Private Investment Corporation, which was authored by the Senator from New York, serves a very useful and valuable purpose. We recognize that it is essential, if we are going to get private investment to replace far more efficiently and more imaginatively the public investment which Congress and the President provide. I am for this program, as everyone who is thoughtful, I think, must be for it.

OPIC's proven losses are guaranteed by the full faith and credit of the United States. Its claims were something like $4 million at the time, the subcommittee held its hearings last June—they are now over $250 million.

It was our feeling, and the reason why we withheld appropriation of the $25 million requested was in order to take some action to make it as impressive as possible that there should be full hearings to determine OPIC's financial situation and the adequacy of the premiums charged with respect to it's operation. It should be, as the Senator from New York intended to be, something that would be operated at the expense of those who benefited, particularly a private investment corporation, not as a burden on the taxpayers.

Mr. JAVITS. I thoroughly agree. I think the operation is being handled in an admirable way. I am confident that OPIC will stand up in accordance with the insurance principle and pay every year's premium and that every year they will be able to pay off the losses and to make money.

Mr. FONG. Mr. President, I am very much impressed with the Overseas Private Investment Corporation. The corporation has made $152 million as of this date from the fees they had collected.

Mr. JAVITS. Which is $1 million.

Mr. FONG. Which is $1 million.

The entire program, as I understand, was about $20 million or $30 million. So the program is working out very well. I understand that the directors have now increased the premium rates, so that they are getting larger fees; and also that they have reinsured some of the loans. For example, the Overseas Private Investment Corporation has reinsured $250 million of their risk with Lloyds of London, and are now reinsuring, or are about to reinsure, another $250 million with private investment bankers.

So they are doing a good job. I was told by the Ambassador of Chile that the fact that private investment corporations are in back of some of the businesses that are now being expropriated in Chile is one of the reasons why we are now negotiating on a very fine basis. So we can look forward to the fact that some of the businesses will be repaid—that is, the cost of these businesses will be repaid to those companies, and the Overseas Private Investment Corporation will not be called to pay the expropriation costs.

I feel that the Overseas Private Investment Corporation is a very good agency and that we should give it all the help possible. We have withheld this amount at present, because we want to look deeper into the situation. I know that after looking deeper into the situation we will come out with some plan.

Mr. JAVITS. I am very grateful to the Senator from Ohio. His comments are very gratifying.

### ASSISTANCE TO ECUADOR

Mr. McGEE. Mr. President, a conference of nations is scheduled to take place during 1973 to consider a convention or conventions dealing comprehensively with the law and uses of the oceans.

Among the topics to be included are jurisdiction over the mineral resources of the ocean floor, fisheries, breadth of the territorial sea and access through straits for navigation.

The United States has many interests involved in this complex subject and will need the support of many friendly countries to secure those interests.

In view of this forthcoming conference of nations and continuing negotiations between our Government and governments of Latin American countries claiming 200-mile territorial seas and asserting jurisdiction within that territorial sea against foreign fishing vessels, it would be particularly untimely for the appropriation for foreign assistance for fiscal year 1972 to include a prohibition on assistance to Ecuador. Such a prohibition could well be counter-productive to out Nation's overall interest in the law of the seas.

Thus I strongly urge that in the conference with the House of Representatives on the 1972 appropriation for foreign assistance, the conferees from the Senate stand fast on the Senate bill which contains no such prohibition.

### THE PEACE CORPS

Mr. MILLER. Mr. President, I would like to comment specifically on one item in the pending foreign assistance appropriation bill; namely, the amount for the Peace Corps. I commend the Senate Appropriations Committee for recommending the full amount of the authorization for fiscal year 1972, which is $77.2 million. I support that figure and I urge my colleagues to do likewise. I particularly urge the chairman and those senior members of the committee who will be on the conference committee to stand by this figure and impress on our friends in the House of the necessity to maintain that amount.

The budget request of $82.2 million was the lowest in 4 years. The Congress saw fit to lower the amount to $77.2 million, but the continuing resolution authorized spending at a level of only $72 million. The House allowance in this bill is only $68 million.

Because of my concern, I asked Director Blatchford for the implications of these reductions. He indicated that the Peace Corps could get by at the Senate committee level, but that is the rock bottom. At a level of $72 million, the Peace Corps would be forced to bring home large numbers of volunteers—perhaps up to 50 percent—and cancel its programs in over a dozen countries. Mr. President, this should not be allowed to happen. Our foreign aid program has received considerable criticism, but the Peace Corps is one of the best investments this country can make.

Coming from a great agricultural State, I am particularly pleased with the emphasis the Peace Corps is placing on agricultural projects—something I have long advocated. The Tenth Annual Report indicates that, in 1969, 82 farming specialists were in service with the Peace Corps, and 308 additional volunteers had some background in agriculture. By 1971 there were 225 specialists and 769 experienced farmers—about 2½ times as many in both cases.

It is projected that, during the current year, about 25 percent of all volunteers will be working in agriculture-related projects. These range from helping establish agricultural cooperatives to building vocational agriculture schools, and the projects utilize the special talents of vocational agriculture teachers, nutritionists, agricultural mechanics, foresters, agronomists, livestock specialists, and fisheries experts.

As we all know, increased food production and better agricultural production and marketing methods are the urgent needs of many countries of the world. The Peace Corps is helping to meet these needs by providing skilled agricultural specialists who are helping these countries help themselves. Let us provide the Peace Corps with the resources to continue this vital effort.

### FUNDS FOR CUBAN REFUGEES

Mr. HUMPHREY. Mr. President, I want today to join with Senator Chiles and Senator Gurney in support of their amendment to the foreign aid appropriations bill. This amendment would, as I understand it, delete the language in the Senate bill which calls for the cutting off of funds after February 22, 1972, for furnishing medical and welfare payments to refugees who have resided in the United States for 3 years.

If funds for these programs are actually cut off after February 22, it would mean a withdrawal of Federal refugee reimbursements to the States totaling $68,000,000. This is an enormous burden to bear, particulary considering the fact that it comes without warning. Florida is one example of a State which has been forward-looking enough to plan for the eventual phasing out of the Cuban refugee assistance program. But now is certainly not the time. Florida has educational and welfare programs which simply cannot go forward without Federal funding. These programs are not built in a day, even though they could be swiftly destroyed if Senators Chiles' and Gurney's amendment is not accepted.

Mr. President, I ask unanimous consent that a letter from the Secretary of Health, Education, and Welfare, Elliot Richardson, be printed at this point in the Record. It points out in detail the impact that a February 1972 cutoff date would have on those States which receive Federal assistance for their Cuban refugee population.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Secretary of Health,
Education, and Welfare,
*Washington, D.C., January 28, 1972.*

Hon. Hugh Scott,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Scott: The action taken by the Senate Committee on Appropriations, in the 1972 Foreign Assistance Appropriation Bill (H.R. 12067), reducing the amount for the Cuban Refugee Program to $129,000,000 and placing an abrupt and severe restriction on Federal reimbursements to the States for refugee welfare and medical assistance, has serious implications for the States and communities which have so generously accepted substantial numbers of refugees during recent years.

We refer specifically to page 14, lines 5–9 of the Bill as reported by the Committee: "Provided further, That none of the funds made available herein shall be available after *February 22, 1972*, to furnish medical and welfare payments to refugees who have resided in the United States for three years or more." (Emphasis added.)

Enactment of this provision would mean a withdrawal, during the remainder of fiscal year 1972 and fiscal year 1973, of Federal refugee reimbursements to the States totaling $68,000,000. Of this amount, an estimated $28,000,000 would be made up by Federal reimbursements under the regular public assistance and medical assistance programs, and $40,000,000 would have to be provided from State funds.

Recent court decisions have made clear that aliens cannot be excluded from our regular public assistance and medical assistance programs, and that this applies both to those programs which are federally aided (old-age assistance, aid to the permanently and totally disabled, aid to the blind, aid to families with dependent children, and Medicaid) and to those programs which are financed entirely from State or local funds (general assistance, home relief, etc.).

Under these circumstances, the effect of the provision proposed by the Committee would be simply to shift to the States, without warning and with little advance notice, a large portion of the financing of refugee assistance. The difficult fiscal situations of the States are well known. Last year, at least nineteen States found it necessary to reduce their assistance payments to American citizens. We anticipate that a sudden shifting from Federal to State financing of a substantial portion of the refugee assistance funding will necessitate further reductions by the States in their welfare payments to our citizens.

This is precisely the type of situation which we believe should be avoided.

While we concur with the concept of a time-limited Federal responsibility for refugee welfare and medical assistance, we believe that a transition from the present situation should be made in a carefully planned and orderly fashion that will result in minimum hardship for both the States and the people involved. This is why this Department has committed itself to effecting substantial reductions in the refugee program upon the anticipated effective date of Welfare Reform legislation. Such legislation will enable most of the refugee assistance cases to be transferred to the regular programs *without* a severe financial impact on the States.

The anticipated effective date of Welfare Reform legislation is July 1, 1973. Therefore we can assure the Committee and the Congress that a substantial reduction will occur in the refugee program request for fiscal year 1974.

In addition, we have been advised that the airlift of refugees from Cuba to Miami will terminate prior to the end of the present fiscal year. The President's budget request for fiscal year 1973 does not include any funds for the airlift. Therefore we can also assure the Committee and the Congress that the entire refugee program will be phased out as rapidly as this can be accomplished without hardship to States and communities which have received the impact of substantial numbers of refugees. In fact, a phasing down of the program has already begun with a reduction of 30 percent in the Federal refugee program staff in Miami as a result of the diminished airlift flow experienced during the past few months.

It is our firm conviction that approval of the reduced amount indicated as needed for fiscal year 1972 ($139,000,000 rather than the original request of $144,103,000), together with the plan we have outlined above, provides the best possible means for an orderly transition from the present Federal refugee efforts to a complete phaseout of the program without placing a burden on many of our States and communities.

We urge that the Senate give careful consideration to this matter and act favorably upon the full amount indicated as needed for the present fiscal year.

With kindest regards,

Sincerely,

ELLIOT RICHARDSON,
*Secretary.*

*Cuban Refugee Programs.*—Estimated Effect During Next 16 Months of Cut-off in Federal Refugee Program Reimbursements to States proposed by Senate Committee on Appropriations for Welfare and Medical Assistance to Refugees Who Have Been in U.S. Over 3 Years. (Effective Date of Cut-off Proposed by Committee: February 22, 1972.)

The Cuban Refugee Program appropriation requests for fiscal years 1972 and 1973 include funds to continue the present policy of reimbursing the States 100% for financial and medical assistance to needy refugees so that such refugees do not become a burden on State or local resources.

A provision proposed by the Senate Committee on Appropriations for inclusion in the Foreign Assistance Appropriation Bill (H.R. 12067) would prohibit such reimbursements after *February 22, 1972,* for medical and welfare payments to refugees who have resided in the United States for three years or more.

The estimated effect on States of this limitation during the remainder of fiscal year 1972 and fiscal year 1973 would be as follows:

*Estimated loss to States in Federal refugee program reimbursements under Senate committee restriction on reimbursements to States*

| | |
|---|---|
| Florida | $31, 700, 000 |
| California | 12, 179, 000 |
| New York | 10, 230, 000 |
| New Jersey | 7, 601, 000 |
| Massachusetts | 1, 211, 000 |
| Illinois | 1, 000, 000 |
| Connecticut | 1, 000, 000 |
| Louisiana | 762, 000 |
| Michigan | 368, 000 |
| Texas | 238, 000 |
| Oregon | 238, 000 |
| Maryland | 211, 000 |
| Other States | 1, 262, 000 |
| Total | 68, 000, 000 |

*Note.*—Of the total of $68,000,000, an estimated $28,000,000 would be made up by Federal reimbursements under the regular public assistance and medical assistance programs, and $40,000,000 would have to be provided from State and/or local funds. Under the regular programs, the Federal percentage varies from State to State. No Federal funds would be available for general assistance type cases.

Mr. HUMPHREY. Mr. President, there are additional objections which should be made concerning the Appropriations Subcommittee's action on the Cuban refugee assistance program. I would first of all recommend that there be full funding for this program in line with the original budget request of $144,108,000. Secondly, I would urge the subcommittee to reconsider the recommendation in its report that the entire program be terminated by June 30, 1973. There are ways to save money, but this is not one of them, not when there is a question of assistance for educational, medical, welfare, and housing needs.

I think it is a mistaken assumption to make that because the number of Cuban refugees arriving in the United States is dwindling, that the problem of helping these refugees no longer exists. It most certainly does and many States are doing all they can to assume their responsibility in helping these people. It, nevertheless, is up to the Federal Government to work with the States in this regard.

Mr. President, I ask unanimous consent that my telegram to Governor Askew concerning the Cuban refugee assistance program be printed in the RECORD. In addition, I ask my colleagues to join in supporting every effort to secure the continuation of Federal funding for this program.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

[TELEGRAM]

GOV. REUBIN ASKEW,
*State House,*
*Tallahassee, Fla.:*

I want you to know that I will oppose the Committee provision in the Foreign Assistance Appropriations bill which would eliminate or reduce funds for Cuban Refugee Assistance. I have told Senator Chiles' office I will support his amendment to the Appropriations bill.

It is most unfortunate that the Appropriations Committee did not take sufficient recognition of the enormous financial and social burden that the phasing out of this program would have on the State of Florida and the Cuban refugees who live in Florida. Dade County is reputed to have one of the best school systems in the country with an excellent program for Cuban school children. Were the funds for this program cut off by June 30, 1973, not only would the Cuban school children suffer the consequences but so would the entire school system.

In addition, there is a large elderly Cuban population in Florida who are not American citizens and as such do not qualify for Federal Welfare programs. Their housing, medical expenses, and resettlement costs are funded through the Appropriation bill. In two years they will not qualify for Federal Welfare, and, therefore, they are very much dependent on the funds in this bill.

Florida has over 100,000 Cuban refugees and has done an outstanding job in helping these people find jobs, homes, and receive a decent education. The state programs are prepared to become self-sufficient over time, but this bill would impose an enormous economic burden on the state without sufficient notice.

I therefore, will do whatever I can to make sure the Cuban refugee program remains fully funded beyond June 30, 1973. I salute you and the people of Florida for doing such an excellent job in welcoming and providing for these refugees.

HUBERT H. HUMPHREY.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call be taken out of neither side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 854

Mr. BYRD of West Virginia. Mr. President, I have been asked by the distinguished Senators from Florida (Mr. GURNEY and Mr. CHILES) to call up amendment No. 854, by Mr. GURNEY, that it may be made the pending question.

The PRESIDING OFFICER. The clerk will please state the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 14, line 5, beginning with the proviso strike all the language down through line 9 on page 14.

## PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, I yield myself 1 minute on the amendment, on behalf of the Senator from Florida (Mr. GURNEY).

There will be no action on this amendment tonight. It will be the pending question tomorrow when the Senate returns to the consideration of the foreign aid appropriations bill. I think it is quite likely that there will be a rollcall vote on the amendment at that time.

The majority leader has asked me to state that, in the event cloture is invoked tomorrow, the Senate will continue with the unfinished business, but if the motion to invoke cloture fails of adoption on tomorrow, it is the plan of the leadership to set aside temporarily the unfinished business immediately and to resume the consideration of the foreign aid appropriation bill.

The distinguished majority leader has also asked me to state that it is the plan of the leadership to adjourn the Senate by 5 o'clock tomorrow afternoon.

Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

I ask unanimous consent that no time on the pending amendment be charged by virtue of the quorum call and that no time be charged against the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is the amendment offered by the distinguished Senator from Florida (Mr. GURNEY).

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

## ORDER FOR ADJOURNMENT UNTIL 10:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the foreign aid appropriation bill now be laid aside and that the unfinished business again be laid before the Senate.

The PRESIDING OFFICER. The clerk will please state the bill by title.

The assistant legislative clerk read the bill by title as follows:

A bill (S. 2515) to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment offered by the distinguished Senator from North Carolina (Mr. ERVIN), amendment No. 813.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

## PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10:30 a.m. After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Senator BYRD of Virginia, Senator SPONG, and Senator HARRIS.

At the conclusion of the unanimous consent orders recognizing Senators, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, the pending question being at that time amendment No. 813, offered by the Senator from North Carolina (Mr. ERVIN). No time limit has been agreed to with reference to that amendment. However, the yeas and nays are ordered thereon.

Tomorrow, at 12:45 p.m., the 1 hour under rule XXII will begin running, and the mandatory quorum call will occur at 1:45 p.m., at the conclusion of which the automatic rollcall vote on the motion to invoke cloture will occur. In other words, the vote on the motion to invoke cloture will occur at about 2 p.m. tomorrow.

As I stated a few minutes ago, the distinguished majority leader wanted it clearly understood that if the motion to invoke cloture carries, the Senate, of course, will continue with the consideration of the unfinished business throughout the afternoon tomorrow. However, if the vote on the motion to invoke cloture fails, it is the intention of the majority leader to again set aside the unfinished business during the remainder of tomorrow and ask the Chair to lay before the Senate the foreign aid appropriations bill, on which there is a time agreement. Rollcall votes will occur tomorrow.

Finally, I repeat, the majority leader intends to adjourn the Senate by 5 o'clock tomorrow afternoon.

## ADJOURNMENT UNTIL 10:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and (at 6:39 p.m.) the Senate adjourned until tomorrow, Thursday, February 3, 1972, at 10:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate February 2, 1972:

### OVERSEAS PRIVATE INVESTMENT CORPORATION

The following-named persons to be Members of the Board of Directors of the Overseas Private Investment Corporation for terms expiring December 17, 1974:

Dan W. Lufkin, of Connecticut, vice Robert F. Buck, term expired.

J. D. Stetson Coleman, of Virginia, vice Clifford H. N. Yee, term expired.

### U.S. NAVY

Adm. Horacio Rivero, Jr., U.S. Navy, for appointment to the grade of admiral on the retired list pursuant to title 10, United States Code, section 5233.

Vice Adm. Richard G. Colbert, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

Rear Adm. Julien J. Le Bourgeois, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

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# EXTENSIONS OF REMARKS

## PAN AM FARES TO HELP MILITARY PERSONNEL AND THEIR DEPENDENTS

### HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

*Wednesday, February 2, 1972*

Mr. THURMOND. Mr. President, it is a pleasure to bring to the attention of the Senate what I consider to be an important development toward the improvement of conditions of military service. I refer to the recent announcement by Mr. N. E. Halaby, chairman and chief executive officer of Pan American World Airways, of new Pan Am fares for military personnel in overseas areas, and their dependents.

This action by Pan Am is of direct benefit to the military personnel overseas and their families. One of the heaviest burdens of military service is family separation caused by the serviceman being stationed far from home.

Mr. President, under these new fares for an example, a serviceman on leave, or his dependents, whether they live with him or in the United States, can travel via Pan Am's regularly scheduled flights from Frankfurt, Germany, to any one of four east coast U.S. cities serviced by Pan Am—Boston, New York, Baltimore, and Washington, D.C.

Pan Am deserves a commendation for showing this interest in the welfare of the U.S. serviceman and his dependents.

Mr. President, for the benefit of my colleagues who receive inquiries from servicemen regarding costs of travel, I ask unanimous consent for the Pan American announcement of December 22, 1971, regarding the proposed new fares from certain European cities, and their announcement of January 11, 1972, regarding the proposed new low fares for servicemen and their dependents in the Pacific area be printed in the Extensions of Remarks.

There being no objection, the information was ordered to be printed in the Record, as follows:

### PAN AM TO OFFER SERVICEMEN NEW LOW TRANSATLANTIC FARES

WASHINGTON, D.C., December 22.—Pan American World Airways will offer servicemen and their dependents stationed in Germany and the United Kingdom the lowest fares ever for confirmed seats on all scheduled flights to the United States and back.

"We hope this announcement will come as a happy Christmas present for these Americans serving in uniform abroad," Pan Am Chairman Najeeb E. Halaby said.

The new fares will take effect next February 1, subject to Civil Aeronautics Board approval.

From London, the basic fare will be the same—$76.90—to Boston, New York, Philadelphia, Baltimore, or Washington. The fare to any of these northeastern cities from Germany will range from $84.90 from Frankfurt to $97.90 from Munich.

Fares via the Polar route will also be the same to Pan Am's four West Coast destinations: Seattle, Portland, San Francisco, and Los Angeles. From London to any of these cities will cost $152.90, from Frankfurt, $160.90, and from Munich, $173.90.

During the six-week peak summer season, the fares will be $26 higher from Britain and $29 higher from Germany. Peak season westbound is August 1 to September 15, and eastbound is June 1 to July 15.

"These fares will enable passengers whom national security requires to live far from home to enjoy the far superior benefits of scheduled air service at fares that in many cases will be lower than those offered by the less convenient nonscheduled charters," Mr. Halaby said.

Passengers may leave from London, Glasgow, Frankfurt, Berlin, Hamburg, Munich, Nuremburg or Stuttgart, and may go to Boston, New York, Philadelphia, Baltimore, Washington, Detroit, Seattle, Portland, San Francisco or Los Angeles.

They may fly on any of 134 transatlantic flights a week in winter, and even more when the number of flights is increased for the summer season.

Spouses and dependent children will be eligible to travel, either with the eligible passenger or separately, and whether they live with the serviceman in the U.K. or Germany, or live in the United States.

"Thus a youngster going to school in the States can visit his Dad in Germany at a lower fare, or a serviceman whose wife doesn't qualify for government transportation can better afford to have her join him overseas," Mr. Halaby said.

"In addition the new Pan Am fares to places like Detroit and San Francisco will be considerably lower than the combined charter fare to New York and military discount fare for confirmed space to the further destination. This will be an even greater reduction for dependents, who now have to pay full fare to the further destination," Mr. Halaby said.

"These substantial fare reductions reflect Pan Am's long-standing special concern for America's servicemen," Mr. Halaby said, "a concern reflected in our starting in 1966 the Rest and Recuperation airlift for Vietnam servicemen, and our more recent role in flying them in scheduled 747s under government contract to Hawaii."

"These Americans are making severe personal sacrifices for us," Mr. Halaby said. "We want to show our appreciation and respect for them, making these sacrifices a little easier, and enabling them to reach back to home and family."

Passengers taking advantage of the new fare must purchase their tickets when they make their reservations, and if they cancel within 48 hours of scheduled departure time, they get only a 75 percent refund. No stopovers enroute are allowed at these fares.

Other basic fares to the far northeastern cities will be $96.90 from Berlin, $93.90 from Nuremburg, $92.90 from Stuttgart. Fares to Detroit will be $20.40 additional. and to the four West Coast destinations $76 higher than these basic fares.

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### PAN AM TO CUT TRANSPACIFIC MILITARY FARES

WASHINGTON, D.C., January 11.—American servicemen stationed across the Pacific will be able to travel to and from the United States at new low fares on all Pan American World Airways scheduled flights, Pan Am Chairman Najeeb E. Halaby announced.

The new fares will also be good for spouses and dependent children either to accompany the servicemen, or to fly from the United States to visit him at his overseas base, or to travel one way to join him.

The new fares will take effect February 15, subject to Civil Aeronautics Board approval.

Except for special fares that Pan Am offers to servicemen based in Vietnam, these will be lower than most of the present lowest military fares for scheduled flights across the Pacific, and in every case they will reduce substantially the cost of dependents travel.

The new Pan Am military fares will be good on flights to west coast cities, Honolulu, and New York.

To west coast cities, the round-trip from Tokyo will cost $297, compared with the lowest present fare of $518. The Hong Kong fare drops to $385 from $668; Manila to $395 from $657; Singapore to $499 from $760; Okinawa to $476 from $624, and Guam to $370 from $444.

From Bangkok, the fare remains $450, but it now also applies to dependents, who previously had to pay $752. Taipei fare drops to $464, down only from $469 for the serviceman, but down from $657 for his dependents. The Seoul fare is $350, the same for servicemen, but down from $608 for dependents.

To New York, round-trip fare from Tokyo is $449, from Hong Kong $537, Manila $547, Singapore $651, Bangkok $602, Okinawa $628, Seoul $502, Taipei $616, and Guam $522.

To Honolulu, round-trip fares will be: from Bangkok $415, Guam $304, Hong Kong $385, Manila $356, Okinawa $476, Seoul $295, Singapore $499, Taipei $389, and Tokyo $297.

The one way fare for dependents joining the servicemen overseas will be half the round-trip fare.

"When Pan Am introduced the new low fare for Vietnam servicemen to the West Coast and New York," Mr. Halaby said, "the domestic airlines promptly lowered their fares correspondingly so the serviceman could fly to other inland destinations at similar low fare levels."

"We expect the domestic carriers will do the same for these servicemen stationed at other bases across the Pacific, as well as for their dependents."

The fares will be good for confirmed seats on all Pan Am's 56 scheduled flights a week across the Pacific.

It will bring the advantages of scheduled services into the price range of charter flights, which operate with undependable frequency and to limited destinations.

The new fares are good for a round-trip lasting up to 45 days. Tickets must be bought when reservations are made, and reservations canceled within 48 hours of scheduled departure will bring only a 75 per cent refund.

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## OEO-CHILD DEVELOPMENT ACT

## HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 2, 1972*

Mr. DRINAN. Mr. Speaker, many of us were shocked by President Nixon's recent veto of the OEO-Child Development Act. I believe that the veto was one of the greatest mistakes of judgment ever made by a President of the United States.

The following article by Professors Urie Bronfenbrenner of Cornell and Jerome Bruner of Harvard as printed in the January 31 New York Times eloquently describes the magnitude and consequences of this mistaken judgment:

### THE PRESIDENT AND THE CHILDREN

(By Urie Bronfenbrenner and Jerome Bruner)

Two weeks before Christmas, the President vetoed the Child Development Act of 1971. In doing so, he stated: "Neither the immediate need nor the desirability of a national child development program of this character has been demonstrated." The needs of the nation's children, the President proclaimed, would be adequately met by his own proposed legislation H.R. 1.

As specialists concerned with the care and development of the young, we must take strong issue with the President on both counts. the President asserts that unlike the vetoed legislation his own bill will "bring the family together." But if we examine the provisions of H.R. 1 it becomes clear that it is far more likely to break the family apart. Thus, the President himself speaks of the bill as "my workfare legislation to enable mothers, particularly those at the lowest income levels, to take full-time jobs." In effect, the bill forces mothers, especially single mothers, to register for full-time work or job training, or else be stricken from the welfare rolls.

Such provisions can only increase the pressure on poor and near-poor families to deliver their young into compulsory day care. In point of fact, this is a "put-them-to-work-bill," not a child development bill.

Unlike the legislation vetoed by the President, H.R. 1 does not give the mother freedom of choice. Nor is there adequate assurance of standards for quality child care services. Surely, such a prospect raises the spectre conjured up in Secretary Richardson's ill-considered words of condemnation for the vetoed Child Development Act of 1971, when he speaks of "shoddy, second-rate baby bins in which children were stored away, neglected or abused." H.R. 1, moreover, makes no provision at all for children of the millions of working families who are just above poverty line ($4,000 to $7,000 income for a family of four). Finally, with apparently only $360,000,000 in new money allocated in the first year for child care services in the Administration's bill, the number of additional children who can be served is only about 5 per cent of those in actual need.

Given these woefully inadequate and destructive features of the Administration's bill, it is painful to recall the hope-giving words of the President less than two years ago, when he proclaimed "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life."

At a time when we should already be seeing fruits of this commitment reflected in the lives of the nation's children and their families, we are told that there is "neither immediate need nor the desirability of a national child development program." Such a statement seems to us incomprehensible in the light of the available facts. Here are some of them:

In 1971, 43 per cent of the nation's mothers worked outside the home. In 1948 the figure was only 18 per cent. One in every three mothers with children under six is working today. In 1948 the figure was one in eight. There were more than 4.5 million mothers with children under six who were in the labor force last year.

In 1971, of all mothers of children under six, 10 per cent—1.3 million of them—were single parents bringing up children without a husband. Half of these mothers also held down a job.

Mothers in poor and near-poor families are much more likely to be gainfully employed, partly because so many of them are heads of families. Among families in poverty, 45 per cent of all children under six were living in female-headed households; in nonpoverty families the figure was only 3.5 percent. In two-parent families where the husband earned $10,000 or over, only 20 percent of the mothers worked; where the husband earned less than $7,000, 35 percent of the mothers worked. These women work because they have to.

There are nearly six million preschool children whose mothers are in the labor force. Of these, one million live in families below the poverty line (e.g. income below $4,000 for a family of four). An additional one million children of working mothers live in near poverty (income between $4,000 and $7,000 for a family of four). All of these children would have to be on welfare if the mother did not work. Finally, there are about 2.5 million children under six whose mothers do not work, but where family income is below the poverty level without counting the many thousands of children in families above the poverty line who are in need of child care services, this makes a total of about 4.5 million children under six whose families need some help if normal family life is to be sustained.

In closing, we can only repeat the first and principal recommendation of the President's own White House Conference on Children a year ago. By an overwhelming vote, the delegates recommended that "the Federal Government fund comprehensive child care programs, which will be family centered, locally controlled, and universally available, with initial priority to those whose needs are greatest. These programs should have sufficient variety to insure that families can select the options most appropriate to their needs. A major educational program should also be provided to inform the public about the elements essential for quality in child care services, about the inadequacies of custodial care, and the importance of child care services as a supplement, not a substitute, for the family as the primary agent for the child's development as a human being."

If the President will not act to meet this need of the nation's children and their parents, the people and their elected representatives must do so.

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## REPORT OUTLINES DOD EFFORTS FOR POW/MIA

## HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 2, 1972*

Mr. ZABLOCKI. Mr. Speaker, the Members of this Congress and all Americans everywhere share an anxious concern over the plight of American prisoners of war and those missing in action in Southeast Asia. In every way possible, that concern includes the families and loved ones of our POW/MIA's—those wives, parents, and relatives who have most directly borne the heavy burden of separation and frustration over the years.

Despite numerous and varied efforts by the United States our servicemen remain imprisoned or unaccounted for. No degree of human concern or negotiation has changed the obstinate refusal of the North Vietnamese and Vietcong to either consider the matter or adhere to the terms of the Geneva Convention on treatment of prisoners of war to which North Vietnam acceded.

In the face of such tragic circumstances it is sometimes difficult to keep in mind that our Government has made urgent and repeated attempts to free our POW's or, at the very least, obtain humane treatment for them.

It was, therefore, particularly helpful and enlightening to obtain a resume of Department of Defense efforts on behalf of Americans missing or captured in Southeast Asia. This report details the scope and breadth of the many and varied attempts by DOD to help solve this tragic problem.

In order to share it with our colleagues in the Congress I am pleased to place the report in the RECORD at this point and thereby call attention to the Department of Defense efforts for POW/MIA's to our colleagues.

The report follows:

PW/MIA—DOD EFFORTS SINCE JANUARY 1969

| A. Statistical comparison | January 1969 | January 1972 |
|---|---|---|
| Total missing/captured: | | |
| NVN | 789 | 793 |
| SVN | 342 | 559 |
| Laos | 112 | 265 |
| Total | 1,243 | 1,617 |
| PW's (per U.S.): | | |
| NVN | 271 | 381 |
| SVN | 53 | 90 |
| Laos | 2 | 5 |
| Total | 326 | 476 |

*PW changes January 1969 to January 1972*

| | |
|---|---|
| Captured and identified as of January 1969 | 326 |
| Released since January 1969 | 10 |
| Escaped since January 1969 | 2 |
| Total | 314 |
| Captured prior to January 1969, identified since then | 133 |
| Captured and identified since January 1969 | 31 |
| | 162 |
| Total captured and identified as of January 1972 | 476 |

| | January 1969 | January 1972 |
|---|---|---|
| Total letters received | 620 | [1] 4,685 |
| Total number of writers | 103 | [2] 354 |

[1] Includes 1,001 letters distributed by peace group on Dec. 21, 1971.

[2] Includes 18 letterwriters captured in South Vietnam.

B. DOD EFFORTS

Prior to January 1969, US Government approach on PW/MIA problem was one of "quiet diplomacy," involving principally efforts by the US Chief Negotiator in Paris, and by State through US Embassies with foreign countries. State was designated as "spokesman" on PW/MIA matters. Public comments were held to a minimum.

In January–February 1969, DOD began considering a program to publicize the PW/MIA problem. The program was initiated in March 1969. It involved:

Public statements by Government officials.

Press conferences/speaking engagements by returnees.

Enlisting assistance of news media.

Encouraging private organizations, individuals and family members to participate in publicity generating activities.

Following are milestones in DOD's public affairs program:

March 3, 1969—Press release of Secretary Laird's March 1, 1969 memorandum to DOD Departments ordering inquiry to ensure that all possible help is given both PW/MIAs and their families, and initiating action to focus more public attention on prisoner problem.

May 19, 1969—Press statement by Secretary Laird.

Pointed out enemy mistreatment of PWs.

Asked adherence to Geneva Convention.

May 19, 1969—Press briefing on US Prisoners of War and Missing in Action Personnel.

Hard hitting, illustrated and documented briefing on mistreatment of US PWs.

September 2, 1969—Press conference by Lieutenant Frishman and Seaman Hegdahl, reporting on mistreatment of PWs.

September 2, 1969—Press release by Secretary Laird, accusing Hanoi of mistreatment of PWs.

September 17, 1969—Press comments by Secretary Laird at the Capitol, on occasion of the Special Order Session in House of Representatives.

September 17, 1969 through present:

Numerous public comments and addresses by DOD officials.

OSD personnel such as General James and Mr. Friedheim have been very active in publicizing the issue.

The Services have, through their Information Offices, scheduled public addresses by their Secretaries, Chiefs of Staff, and other officials, and appearances by returnees.

The Air Force Thunderbirds have adopted a Missing Man formation honoring the PW/MIAs.

Air Force produced and distributed widely a 4½ minute film clip publicizing problems.

DOD has responded to requests from private organizations and individuals and PW/MIA families who have asked for material and information to publicize the issue.

The PW/MIA problem was given recognition at many major sports events with national TV coverage.

DOD Armed Forces Information Office is pursuing a continuing information program on PW/MIAs.

November 29, 1970—Son Tay PW rescue attempt.

May 1971—OSD and JCS provided representation to a Geneva Conference of Government Experts in international humanitarian law. Our major objective was to achieve better enforcement of the existing law for protection of war victims, including PWs.

March 26, 1971—DOD PW/MIA Task Force organized.

C. CONGRESSIONAL EFFORTS

September 1969—House Special Order devoted to condemning enemy policy towards and treatment of PWs. Members of both Houses have made almost daily speeches and protests on and off the floor since that date.

November 1969—Hearings by House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments (Chairman Zablocki) to explore thoroughly PW/MIA problem and to consider several Concurrent Resolutions. Testimony was heard from State, Defense, and American Red Cross. HFAC later reported House Concurrent Resolution 454, which unanimously passed 91st Congress.

February 21, 1970—Public Law 91-200 signed, removing $10,000 ceiling on Uniform Services Savings Deposits for PW/MIA.

March 1970—Hearings by House Armed Services Committee (Chairman Rivers) on problems of PWs and their families. Testimony heard from Defense and from five PW/MIA views concerning the wives' trip around the world, looking for help and information on husbands.

April/May 1970—Hearings by Zablocki Subcommittee to consider resolutions introduced since November 1969, and to help bring attention to May 1 rally. Testimony heard from members of both Houses, PW/MIA wives, State, Defense, American Red Cross, and H. Ross Perot. HFAC reported House Concurrent Resolution 582, which passed both Houses.

June 24, 1970—Public Law 91-289 passed, authorizing $5.00 per diem for period spent in PW status without humane treatment or adequate food.

August 1970 to present—A continuing series of Congressmen and Senators have visited Paris and many have met with representatives of the PRG and DRV.

December 1970—Release to Senators Kennedy and Fulbright by the North Vietnamese of a list of 368 US servicemen captured in North Vietnam (339 PWs, 20 died after capture, and 9 released).

March/April 1971—Hearings by Zablocki Subcommittee to explore the entire spectrum of opinions and issues involved in PW/MIA question. Testimony was taken from returned prisoners, wives and mothers of PW/MIA, peace group representatives, Americans who have spoken to enemy representatives in Paris, representatives of the American Red Cross, Administration spokesmen, and members of Congress.

August 1971—Hearings by Zablocki Subcommittee to document experiences of U.S. servicemen released by or escaped from the Viet Cong in South Vietnam.

September 1971—Hearings by House Armed Services Committee to determine what further might be done to assist the prisoners and missing or their families.

### D. DIPLOMATIC AND THIRD COUNTRY EFFORTS

#### *General*

The President and Secretary of State have raised the prisoner of war issue with a large number of Foreign Ministers and Heads of State, including those of Finland, Sweden, France, Germany, Canada, the United Kingdom, Japan, Indonesia, India, Laos, Rumania, the Soviet Union and Yugoslavia, and with the Pope. Lower level approaches have been made to these and many other countries.

#### *Neutral internment*

The U.S. and GVN proposed the neutral internment of sick and wounded and long-held prisoners of war in neutral countries. The other side rejected the proposal but several foreign countries, both publicly and privately, offered their territory and facilities for internment.

#### *Borman-Kegley trip, August 1970*

Visited 14 countries: Moscow, Warsaw, Stockholm, Paris, Geneva, Belgrade, Algiers, Tehran, Delhi, Bangkok, Vientiane, Saigon, Hong Kong, and Tokyo. Found vast amount of sympathy, some general proffers of assistance. Probably warmest (and most surprising) reception was in Algiers, where Borman had long discussion with Boumedienne and Foreign Ministers Bouteflika.

#### *United Nations*

November 1969—Rita Hauser gave speech in Third Committee.

November 1970—Senator Pell gave speech in Third Committee.

November 1970—US introduced General Assembly Resolution, calling for inspection of all PW camps, as required by Geneva PW Convention, and urging compliance of all states with Article 109 of the Convention, which requires prompt repatriation of sick and wounded and suggests repatriation or internment in a neutral country of long term prisoners.

December 1970—General Assembly Resolution passed 60-16.

November 1971—Third Committee representative Admiral Alan Shepard reminded General Assembly of prior resolution and called for action to enforce.

### E. EFFORTS IN PARIS TALKS

1969—Ambassador Lodge touched on the PW issue in his remarks at his first session and returned frequently to the subject during his tenure as US Delegation Chief.

December 31, 1969—Ambassador Habib, as Head of our Delegation, devoted his entire opening statement to the PW/MIA issue. To highlight US demands for an accounting, he passed to the other side a list of all US servicemen missing and captured in Southeast Asia.

March 5, 1970—The President directed that Ambassador Habib give the highest priority to the prisoner problem, an instruction which continues in effect today.

August 1970—Ambassador Bruce reiterated the US position on the PW/MIA issue in his first session and frequently returned to the subject.

September 17, 1970—PRG "clarification" of its ten point proposal tied prisoner talks directly to agreement on US troop withdrawal by June 30, 1971.

October 7, 1970—President Nixon called for immediate release of PW's on both sides as a part of his 5 point plan. The other side's response has been negative so far.

December 17, 1970—DRV Chief Delegate stated that if June 30, 1971, date for US withdrawal not satisfactory, the US could propose another date for consideration.

July 1, 1971—PRG seven point "elaboration" of its previous proposals but advancing the date for US withdrawal to any date in 1971. Although the DRV/PRG has implied in private unofficial discussions that the prisoner question can be resolved separately from issues, the other side has maintained that all issues must be resolved together in official contacts.

November/December 1971—Major emphasis by US Delegation on DRV failure to perform on PW question, refusal to discuss its own proposals, and apparent inability to enter genuine discussions.

### F. EFFORTS IN AND WITH GOVERNMENT OF VIETNAM

#### *Unilateral releases to North Vietnam*

November 1969—GVN offered to release 62 sick and wounded North Vietnamese prisoners to North Vietnam. Offer not accepted.

March 1970—GVN offered in Paris to release 343 sick and wounded.

June 1970—GVN announced intention return 62 sick and wounded and 24 civilian seamen to North Vietnam if latter did not object.

July 1970—GVN carried out return of 62 sick and wounded and 24 civilian seamen to North Vietnam, by three one-way boats.

January 1971—GVN succeeded in returning 35 sick and wounded NVA to North Vietnam across the DMZ.

June 1971—GVN attempted to return 570 NVA PW to North Vietnam. Although 660 PW were interviewed by a neutral party, only 13 would agree to go and NVN cancelled the arrangements while the return operation was underway.

Total NVA repatriated to North Vietnam as of January 1972: 188.

#### *Chieu Hoi*

Prior to January 1970, 19 VC PWs were processed for release through the Chieu Hoi program. Between January 1970 and October 1971, an additional 764 VC PWs were "Chieu-Hoied." On the occasion of President Thieu's inauguration on October 31, 1971, he announced the release to Chieu Hoi status of an additional 2299 VC PW.

Total PW released to Chieu Hoi: 3082.

#### *Other releases in South Vietnam*

Prior to January 1970—427 PWs.
January 1970–September 1971—181 PWs.
October 31, 1971—623 PWs.
Total VC PW released: 1231.

#### *Administration of GVN PW camps*

The GVN holds more than 35,000 enemy prisoners of war in six camps, with the bulk held at the central PW camp on Phu Quoc Island. All prisoners captured by US and other allied forces are transferred to GVN custody under Article 12 of the Third Geneva Convention. These camps are regularly visited by the ICRC, serving in lieu of a protecting power for the PW, and which is permitted to interview PW in private. The PW camps are administered completely separate from the civil prison system (including Con Son) although 106 PW, who have been convicted of crimes after capture, are confined in civil prisons, or are awaiting transfer to PW camps.

ICRC inspection reports have reflected general satisfaction with GVN administration of the PW camps. Some critical reports in 1970, primarily concerning medical care, resulted in prompt corrective action by the GVN which was satisfactory to the ICRC.

### G. ACTIVITIES OF NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

Informal organization started in late 1966.

Incorporated in June 1970. Formal opening of office in Washington, 30 June 1970.

Membership includes a majority of PW/MIA families, but not all.

Other smaller family organizations are: Reunite our Families, Rescue Line, Families for Immediate Release.

Activities involve petition and letter writing programs, extensive speaking engagements, appearances on radio and TV, press conferences, trips abroad and securing support and assistance of Government officials and private organizations/individuals.

Sponsor of National Advertising Council campaign which primarily emphasizes the necessity for impartial inspections and visits to PWs at their places of detention.

Organized trip by a large group of family members to Geneva during May 1971 ICRC conference on humanitarian international law to draw delegates' attention to need for more effective enforcement of existing law and custom particularly regarding prisoners of war.

Presented petition to UN Secretary General on behalf of all families in November 1971 in conjunction with Shepard speech in Third Committee and solicited assistance with a number of foreign UN missions.

League originally chartered as organization to pursue humanitarian aims regarding prisoners. As time has gone on, more and more League members have expressed interest in entering political arena and opposing the Administration's general objectives in Southeast Asia. A resolution urging greater political involvement by the League was defeated at its Convention in September 1971, but the sentiment of many of the members seems to be changing in favor of entering the political field in the election year.

*Trips abroad*

Commencing in 1969, many PW/MIA families have traveled abroad, seeking information and support and generating publicity.

September 16, 1969—First group of wives visited Paris and North Vietnamese Delegation.

Since that time, family members have made numerous trips to many countries. They have met with NVN, PRG and Pathet Lao representatives in Paris and Vientiane.

H. OTHER NOTEWORTHY NONGOVERNMENTAL ACTIVITY

*Scholarships for PW/MIA next of kin*

Kevin Murphy, (President, American Courier Corporation) and Paul Wagner (Wagner & Boroody, Washington, D.C.) have been working for some months with State legislative leaders to provide PW/MIA children with the same tuition exemption or reduction in State universities extended to children of servicemen killed in action. Most State legislatures will take action in next Spring's (1972) sessions.

*ABA young lawyer's section*

YLS has organized a Committee to provide legal assistance to PW/MIA next of kin and to work for modification of State laws which are unduly restrictive on PW/MIA families in acquisition and disposal of real and personal property of relatively small monetary value. Initial efforts in Florida and Texas have been successful and the committees are now being expanded into other states.

*Cities and civic groups*

During 1970 a growing number have sponsored programs in support of PW/MIAs.

Organized publicity programs and petition/letter writing campaigns.

Financed trips abroad for PW/MIA families.

Major programs adopted in Spokane, Washington; Fort Walton Beach, Florida; Fort Worth, Texas; Norfolk, Virginia; and Colorado; among others.

*Opportunists and rumors*

Widespread publicity given the PW/MIA issue has brought out the predictable group of opportunists and outright crooks. A continued series of rumors and reports of bizarre schemes to free the prisoners have been circulated over the past two-three years. Family members, particularly those active in publicity efforts, have had to be constantly on their guard to avoid being taken advantage of. State/Defense agencies have been most thorough in following up each report to insure that no possible benefit to the men is overlooked.

I. DOD EFFORTS FOR NEXT OF KIN

*General*

The primary responsibility for assisting next of kin of missing and captured servicemen rests with the military Services, which inform and help the families through frequent local base contacts and regular newsletters from the Service Headquarters.

Some efforts have been specifically fostered or assisted by OSD:

Summer 1969—Special briefings for NOK at 17 locations around the country, involving OSD/PA, ISA and State Department representatives, based on May 19 news conference.

September 1969—Navy-sponsored tour of country to allow families to meet and hear returnees. The presentation was largely based on the September 2 news conference.

December 1969—Air Force-sponsored tour of country to present three returnees in a briefing for families about the conditions of captivity in North Vietnam.

December 12, 1969—DOD-proposed meeting at the White House between President and 26 wives and mothers of PW/MIA.

May 1, 1970—OSD provided space-available airlift for families to attend Congressionally-sponsored Appeal for International Justice in Washington, and also assisted the organizers.

May 1970—Army-sponsored tour of country, on which released and escaped prisoners of war briefed families on conditions of captivity in South Vietnam.

October 3/4, 1970—OSD provided space-available airlift, advice, assistance, and presentations for Annual Meeting of National League of Families in Washington.

June 1971—OSD sponsored tour of the country on which representatives of State and Defense Departments discussed matters of interest to the PW/MIA family members. Service representatives were present to discuss individual problems with family members.

September 27/28, 1971—OSD provided space-available airlift, advice, assistance, and presentation for the Second Annual Meeting of the National League of Families.

J. RED CROSS EFFORTS

The American Red Cross has attempted throughout the Vietnam War to be helpful in any way possible. The ARC has attempted to communicate directly with the NVN Red Cross on 11 occasions since 1966, and has received two replies.

September 1969—The International Committee of the Red Cross (ICRC), at its Istanbul Conference, passed a resolution calling on all parties to provide to prisoners of war the full protections of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War.

September 1969—The ARC brought the ICRC resolution to attention of all Red Cross Societies of the World and requested that they communicate with Hanoi in behalf of U.S. servicemen held by the other side in Southeast Asia. Helpful responses were forthcoming in many cases.

October 1969—ARC wrote to almost 10,000 newspapers about the ICRC resolution and encouraged editorial based on the resolution in an effort to promote public understanding of the PW/MIA problem.

November 1969—ARC "Write Hanoi" campaign.

January 1970—ARC offered to send packages to PW/MIA when next of kin unable or unwilling to do so.

May 8, 1970—ARC conducted second "Write Hanoi" campaign in conjunction with World Red Cross Day.

October 1970—Provided administrative support for National League of Families first annual meeting.

March 1971—ARC participated in an International conference of Red Cross societies, one objective of which was to find more effective means of enforcing the existing Geneva Conventions.

April 1971—Cooperated with Reader's Digest in a third "Write Hanoi" campaign.

September 1971—Provided administrative support for National League of Families second annual meeting.

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## STATE OF U.S. ECONOMY

## HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

*Wednesday, February 2, 1972*

Mr. THURMOND. Mr. President, an informative article on the new national budget and how it relates to the U.S. economy appeared in the January 29, 1972, issue of the Augusta Chronicle newspaper, Augusta, Ga.

This article, authored by columnist David Lawrence, stresses the importance of a pickup in business activity if the economic picture is to brighten. Mr. Lawrence also comments on the high budget deficits the country is now experiencing and the need for more expenditures in the area of national defense.

Mr. President, I ask unanimous consent that this article be printed in the Extension of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### DEPENDENT ON BUSINESS

(By David Lawrence)

President Nixon cannot cure the deficit in his budget merely by cutting expenses. His only hope is that business recovery will someday exceed current estimates so that revenue will be larger than now is expected.

The official forecast of a deficit of $38.8 billion for fiscal year 1972, which ends on June 30, is to be followed by a $25.5 billion deficit for the year ending June 30, 1973. But the Administration doesn't know the extent to which employment will rise and what the increase in production will be in the country. There is no accurate way of forecasting profits. The truth is the revenue which the government gets is 18.4 per cent of the national output.

But meanwhile Mr. Nixon finds it necessary to budget big sums for certain requirements. Less will be spent on defense than on human resources, and every effort will be made to stimulate the economy to "full employment." For this would mean a considerable rise also in income to the U.S. Treasury.

Even though Mr. Nixon has reduced expenses in some categories and is allocating a larger part of the budget to human resources, it has become important to increase the dollar amount for defense. This decision was based upon an intimate knowledge of the dangers that are arising in the international situation as the Soviet Union spreads its power, particularly its naval strength, around the globe. Although the national debt will grow and deficits will be unpopular in the next few years, they are an essential counterpart of what might be called protection for the Nation.

The President has drawn up his budget with a substantial proportion—45 per cent—designated for human resources, while spending for defense is 31.8 per cent. But the President is up against an economic problem which he cannot remedy unless the business operations of the country are stimulated and thus given a chance to increase the revenues collected by the Treasury.

One of the unfortunate facts of the last two years is the decline in tax receipts from corporations and from individuals. The Treasury needs greater business activity in order to get more revenues. The President cannot ignore the conditions existing in a recession period and must help stimulate employment wherever possible and thus assist indirectly to increase profits.

But notwithstanding the economic dilemma within the United States, the President is faced with a serious problem in international affairs. The Soviet Union is unquestionably spreading its influence in Asia and Europe and is at the present time concentrating on the building-up of its navy. This has led the Administration to recognize that Polaris submarines of an advanced type must be built and that missiles must be deployed throughout the world so they may be used by our Navy and act as a deterrent to whatever the Soviet Union may be planning.

In Congress, all this is regarded as merely an increase in defense spending similar to that which has been recommended in other years. But Mr. Nixon would never have proposed the items he now is favoring for an improved Navy if he had not been convinced that these were absolutely required for the security of the United States. The President knows that his plan to strengthen the Navy will have a significant effect on the Soviets and perhaps make possible an agreement on the limitation of strategic arms, which has long been talked about without any concrete results.

Uneasiness over the naval situation started with the Soviet acquisition of bases and the expansion of its fleet in the Mediterranean. It has become more acute since Moscow's treaty last year with India opened up the Indian Ocean to the Soviet navy.

The President probably isn't happy about his budget because it has a big deficit, for actually a deficit in a time of recession is inevitable. As soon as economic recovery is achieved deficits can be expected to be materially reduced, if not eliminated. Mr. Nixon is hoping to show the country that his distribution of appropriations will be very helpful on the domestic side. But the real worry is over what might happen internationally if the United States doesn't continue its spending programs to supply the latest kinds of weapons.

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## ANOTHER STEP IN THE CONTROL OF INTERNATIONAL NARCOTICS TRAFFIC

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 2, 1972*

Mr. RANGEL. Mr. Speaker, yesterday the House of Representatives adopted three amendments which I offered to use American economic power to stop the flow of dangerous drugs to this country.

On January 25 the House of Representatives took an historic step forward by passing the Foreign Assistance Act of 1971. That legislation, now awaiting the President's signature, contains a provision pledging the United States to cut off foreign economic and military aid to those nations which fail to take adequate steps to prevent narcotic drugs produced or processed in, or transported through, those nations from illegally reaching American Government personnel abroad or from being smuggled into our country. That action was a moral commitment that we will use our economic power to fight the mushrooming international trafficking in dangerous drugs.

My amendments extend that solemn pledge. At the same time, they do not enable our Government to dictate policy to the Inter-American Development Bank, the Asian Development Bank, and the International Development Association. John R. Petty, Assistant Secretary of the Treasury for International Affairs, testified before the House Appropriations Subcommittee on Foreign Operations and Related Agencies on March 31, 1971. At that time he said:

> The United States does not and should not seek to dominate policy making in a multilateral institution in which it is only one of many members and to which it provides only a portion of the capital. It is legitimate, nevertheless, for the United States to be concerned that its important policy interests and policy initiatives be reasonably taken into account in the institution's policy formulation.

I agree with Mr. Petty. As a partner in these multilateral ventures, dedicated to joint decisionmaking, we should not arrogantly impose our mandate on these organizations. But it is equally important that we do not neglect our policy goals, one of which is the control of international narcotics traffic.

For this reason, my amendments did not attempt to dictate the Banks' decisions on applications for loans from member countries. Rather, they stated that the Secretary of the Treasury, as the American Governor of the Banks, shall instruct the U.S. executive directors to vote against any loans or utilization of Bank funds for those nations which the President of the United States has determined to be failing in their moral obligation to assist us in our battle against drugs. The Foreign Assistance Act of 1971 directs the President to cut off our bilateral aid. This determination would end, like that provided for in my amendments, when the noncooperating nation turns around and assists us in our efforts.

PANAMA

The Bureau of Narcotics and Dangerous Drugs told a House subcommittee this past November:

> The significance of Panama is evidenced by the fact that during the past 12 months, 641 pounds of heroin were seized in the United States which had transited through Panama.

That report from BNDD went on to detail how the chief of air traffic control at Panama's Tocumen Airport misused his official position to facilitate the trafficking of dangerous drugs.

Between 1961 and 1970 Panama received $35.7 million in loans from the Inter-American Development Bank.

ASIA

With the promise by the Turkish Government to end production of opium poppies by the middle of 1972, it is evident that increased trafficking of opium, morphine, and processed heroin will result in Asia. Already, several nations which are members of the Asian Development Bank are prime potential suppliers of dangerous drugs for the American marketplace.

AFGHANISTAN

Afghanistan has received $5.15 million in Asian Development Bank loans as of December 31, 1970. Yet we have seen no progress in attempts to convince the government in Kabul to crack down on opium poppy cultivation there.

Naomi Barry, writing in the International Herald Tribune on November 29, 1971, described the heroin situation there:

> More than a month ago, the UN invited Afghanistan to join its Special Committee on Narcotic Drugs. So far, no response.

This is in sharp contrast with a statement made by Foreign Ministry spokesman Amanulah Hasrat who was reported as saying in 1970:

> We don't have the equipment for detection and control. We need help, and we've appealed to the United Nations.

The Barry article continues:

> Interpol, from its Paris headquarters, has indicated a desire to provide all its facilities in return for cooperation. Again, no response. To get a bead on the source, the U.S. Justice Department last year established a Bureau of Narcotics and Dangerous Drugs in Kabul.
>
> The concerned are becoming feverishly anxious. The hash traffic is benign compared to the next move on the horizon. Turkey, one of the great supply centers of opium, recently outlawed the cultivation of the poppy. It's only a matter of time before the requirements of the power kings, who may be sitting in Marseilles or Chicago, will stimulate increased poppy cultivation in Afghanistan.
>
> Although its growth is supposedly against the law, it is definitely being raised "probably in the tribal areas near the Pakistan border. Who's going to survey that area? They don't go for inquiring strangers."
>
> However, in spring anybody driving near Kandahar can easily see from the road the beautiful purple and gold fields of the opium poppy.

SOUTH VIETNAM

Reports, substantiated by the investigations by Members of Congress, have revealed that South Vietnamese military officers and high government officials are reaping huge profits in the heroin trade. One U.S. Customs advisor, Joseph P. Kvoriak, reported last February that smuggling at Tan Son Nhut Airport in Saigon has mushroomed to such a level that, despite years of American assistance to South Vietnamese customs officials, the sole function of customs at the airport seems to be to assist these smugglers to bring in their contraband without hindrance.

Our GI's are risking their lives in a senseless, costly, and immoral war defending dictatorships in Southeast Asia. Billions of our dollars have been dumped into a quagmire of death and violence in Indochina. Yet we have tolerated the lack of cooperation by South Vietnamese officials in the war against drugs that has permitted to substantial number of servicemen to return home as addicts.

As of December 31, 1970, South Vietnam had received $2.5 million in loan funds from the Asian Development Bank.

THAILAND

Thailand forms part of the fertile triangle—with Burma and Laos—which is a major source of opium poppies for world consumption. The Department of State told Senator GEORGE MCGOVERN on April 29, 1971, that, based on available evidence, approximately 60 percent or the world's illicit production of opium centers in the fertile triangle, Congressman ROBERT H. STEELE told the House Subcommittee on Europe of the Foreign Affairs Committee on July 7 of last year that this area is the source of "an estimated 10 percent of the heroin reaching the United States and all of the heroin being sold to U.S. troops in South Vietnam."

It was reported last May in "The New Opium War" that Thailand border patrol police act as middlemen in the opium trade between the Kuomingtang—KMT—in the remote areas of Thailand and the Chinese merchants of Bangkok. Congressmen MURPHY and STEELE reported that a former diplomat and member of one of the most respected. That families is one of the key figures in heroin operations there.

The Bureau of Narcotics and Dangerous Drugs has estimated Thailand's illicit opium production at 200 metric tons annually.

As of the end of 1970, Thailand had received three Asian Development Bank loans totaling $34 million.

### SOUTH AMERICA

Congressman Seymour Halpern, who has done a comprehensive job of investigating world drug trafficking, told the House of Representatives on December 1:

> The main significance of South America in the world heroin trade is as a transshipment point between Europe and the United States, rather than as a location for the production or processing of opium. Over the past 5 years, there has been evidence of such trafficking in various South American cities, including Buenos Aires, Santiago, and Rio de Janeiro.

### DIPLOMATIC INVOLVEMENT

In the summer of 1970, the Christian Science Monitor reported on several cases of involvement by Latin American diplomatic officials in the smuggling of dangerous drugs:

> The diplomatic bag, immune from customs scrutiny, is an ideal vehicle for narcotics traffic. A number of Latin American diplomats have been caught moving narcotics, including ambassadors from Mexico, Guatemala, and Uruguay . . .
>
> In Lebanon, a traveler in trouble with the law who needs new documents can visit the ambassador of one Central American country. No questions are asked. The fee for a brand-new passport of that country is $1,000 in cash. One recent purchaser was an LSD chemist on the run from British police. He used his new passport to travel to North America.

### PAST COOPERATION

Mr. Speaker, I am not saying that we have not gotten a great deal of cooperation from certain countries which receive these loans. Mexico, for example, which had received $495.8 million in Inter-American Development Bank loans between 1961 and 1970, reported that between October 1969 and October 1971 11,245 poppy fields were destroyed, and that 11 kilos of morphine, 87 kilos of raw opium, and over 54 kilos of heroin and 163 kilos of cocaine were seized.

In a promising development, Turkey has promised to ban all opium cultivation by the middle of this year. Turkey, I might point out, received $94.5 million in World Bank loans and International Development Association credits in fiscal year 1971.

### THE MULTILATERAL APPROACH

It is crucial, however, that our partners in the Banks understand how much this war against narcotics means. We must assure the American people that we are doing all in our power to halt this deadly torrent of drugs which is destroying our young people and our servicemen.

That is the intent of these amendments. It is not to browbeat the Inter-American Development Bank into following American foreign policy. We control only a minority of the weighted voting power in the Bank. Our 42 percent of the vote on the Bank's board of directors will not in itself decide whether a loan is approved or rejected. The United States holds only approximately 16 percent of the voting power in the Asian Development Bank's board of directors and, thus, we would not be railroading the Bank into following our lead if a majority of the member countries of the board do not agree. Since the United States controls only a minority of the voting power on the International Development Association's board of directors, approximately 23 percent, this would not be a case of our country dictating policy on loan applications against the will of over a hundred other participants. It would simply be an effective policy statement—effective in that it involves more than rhetoric and more than words—that we are unwilling to continue placing the lives of tens of thousands of our youth and our GI's on the line when we find only sneers greeting our requests for aid in this struggle.

Our participation in these international organizations is a sign to fellow peoples of the world that we are willing to help them develop a better life. But we, in turn, are now asking for their assistance in helping us to develop a better life for our own people.

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## THE BARRIERS KEEP FALLING

## HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 2, 1972*

Mr. MAZZOLI. Mr. Speaker, I would like to call the attention of my colleagues to the following story about the activities of a courageous young man in my home district who has become an active participant in community affairs despite the fact he is bound to a wheelchair because of muscular dystrophy.

I am speaking of Mr. Bill Leitsch, a 16-year-old high school sophomore, whose extracurricular activities include acting as the head coach of the eighth grade basketball team at St. Francis of Assisi School.

This young man, who cannot use his own legs, is making a valuable contribution as a coach and teacher in the field of athletics. His ambition is to continue in this area and to take up coaching as a career.

I think that Bill Leitsch's positive outlook and record of achievement in the face of handicap provide a lesson for all of us. I might add, in closing, that Leitsch's young charges are profiting from his tutelage. The St. Francis team captured second place in a holiday tournament and, at last report, were tied for third place in their league.

Mr. Speaker, I include the following article from Louisville's archdiocesan newspaper, the Record, in the Congressional Record. It is entitled "The Barriers Keep Falling, and was written by reporter Cass Harris.

The article follows:

### THE BARRIERS KEEP FALLING—ST. FRANCIS COACH DIRECTS TEAM FROM A WHEELCHAIR

(By Cass Harris)

Not being able to get up and scream at the referees when he gets mad is what 16-year-old Bill Leitsch considers his hardest problem as the coach of St. Francis of Assisi's No. 2 eighth grade basketball team.

Like most grade school coaches, Bill has the typical problems such as having to explain basketball basics and techniques from scratch, maintaining discipline, and so on. But unlike other coaches, the St. Xavier sophomore directs his team from a wheelchair, which he has been in "since the beginning" due to muscular dystrophy.

Coaching from a wheelchair instead of from the bench adds a few twists, but Bill doesn't see them as major barriers. Besides the referees—"they're every coach's problem"—another initial stumbling block was having to "explain in words instead of getting up and showing the kids what I meant. That gets kind of complicated some time." But, he adds, "it's getting easier all the time."

"Another problem I had a long time ago was making people believe I was capable of doing it. I'm glad the men's club (which offered him the coaching spot this season) gave me a chance to do something.

"I'd like to prove to people that just because you have a handicap doesn't mean you can't do anything. If I could do this it would prove it beyond a doubt."

Of his players, Bill remarked, "At the beginning I think they didn't have too much confidence, but now they're okay. They know what'll happen if they don't do what I say." (The threatened "what'll happen" usually means extra laps around the gym for the young transgressor.)

"And when I'm talking they'd best be quiet. That has to be, because if they're talking they don't know what they're supposed to do."

Coaching the youngsters, for Bill, is "almost having to be like a mother hen. Eighteen boys three days a week—sometimes that's pretty hard." (He does, however, get some help from his dad, William Leitsch, who is his assistant coach.)

Aside from the Sunday games, Bill conducts twice-weekly practice sessions, which consist of shooting, rebounding, free throw, passing and dribbling drills.

He considers coaching grade school more of a challenge than high school or college because "you're starting from scratch. Sometimes you have to go so far as to teach a kid how to dribble—they're so young."

Asked if he feels his team has progressed much since the beginning, Bill exclaimed, "Oh, wow, I couldn't say how much!" Presently the team has a 2–3 record and is tied for third place in the St. Francis of Assisi League. Bill's club also captured second place in the SS. Simon and Jude holiday Christmas tournament.

Explaining why he took up coaching this fall, Bill noted that "it's something I always wanted to do, and want to do when I get older. I figured I might as well start now. I don't really want to wait."

But before he takes up coaching professionally, he plans to obtain a degree from the University of Kentucky, where he hopes to be able to be "a student manager or a student something" for the UK basketball team. If he becomes a high school coach, he would like to coach basketball, football and baseball. But if he becomes a college coach, it would be "basketball, of course! It's my favorite."

His highest goal would be to coach the UK Wildcats, his all-time favorite team, who are now coached by his all-time favorite coach, Adolph Rupp.

As a matter of fact, it was broadcasts of UK ballgames and one particular UK player, Louie Dampier, which stirred up Bill's interest in basketball. The story dates back to about 1962, when Dampier, who now plays professionally for the Kentucky Colonels, was a freshman at UK.

"When I was young, there wasn't a whole lot to do but study and watch and listen to ballgames. One night I was twiddling with the radio dial and I heard the name Dampier. That name sounded kind of funny, so I listened, and at the end of the game they announced the date of the next broadcast and I made a note to listen. And I've kept on listening ever since."

His interest in UK basketball is so strong that when he started coaching, he chuckled, "I was worried in the beginning that I'd have to have practice on the same night as UK games. But I've got it worked out now."

Besides following UK, Bill also has followed the career of Dampier. Dampier's present team, the Kentucky Colonels, has his professional team preference. "The main reason is because they have a pretty fair quantity of UK graduates," he laughed.

Speaking again of his ambition, Bill added, "I guess when I get big I'd like to be a unique coach—other than the uniqueness that's already there. I don't want to do the same thing that Mr. So-and-so did way back when. I want to do new things."

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## TWO KINDS OF PEACE

## HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

*Wednesday, February 2, 1972*

Mr. THURMOND. Mr. President, an interesting editorial entitled "Two Kinds of Peace" appeared in the January 29, 1972, issue of the Augusta Chronicle newspaper, Augusta, Ga.

This editorial pointed to the need to accomplish domestic peace through fair treatment and good facilities for all our citizens as well as achieving peace from a military standpoint.

Mr. President, I ask unanimous consent that this editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### TWO KINDS OF PEACE

The dual requirements of domestic and foreign policies, if the United States is to have peace, were graphically pointed out in separate talks to Augusta service clubs this week.

It is a striking tribute to military leadership that the breadth of vision encompassed by these addresses came from military men—both retired generals of Fort Gordon, and now—in retirement—living in Augusta. One was Maj. Gen. Eugene A. Salet, and the other Maj. Gen. John C. F. Tillson III.

A realistic maintenance of military parity for the United States, in relation to the Soviet Union, is essential, according to General Salet. This is so because, in his words, "the strong dominate the weak." No one who is even superficially aware of the record of the Soviet Union can have any doubt that it will take advantage of weakness. Mute witnesses to that fact are the people of Latvia, Lithuania, Estonia, Czechoslovakia, Poland and Hungary.

Certainly disarmament is desirable, but General Salet, who for two and one-half years was military advisor to the U.S. ambassador to the North Atlantic Treaty Organization, presents a truth which we ignore at our peril when he says, "Until the Soviet Union shows a sincere desire to reduce their nuclear arms, we must keep a parity."

A corollary of this necessity for defensive strength is the need for public support of our defense forces. One of the greatest dangers to our survival as a nation, it seems to us, arises because, as General Salet said, "public hostility toward the national defense, as epitomized by our armed forces, is at an unprecedented level." This is a mistake which without doubt will be exploited to the fullest by enemies of freedom.

Matching this timely reminder of the need to keep international peace by a strong defense was a speech by General Tillson on the necessity of keeping internal peace.

This can be achieved, he reminded his hearers, only by providing for all the facilities and opportunities which every American should have. He recalled civil disturbances here in May 1970, and urged that the breeding ground for such violence be eliminated by a spirit of compassion.

Specifically mentioned were adequate public recreation facilities for every part of the city and the insurance of opportunities for black residents—and he cited specific examples to show the lack of just those things.

Both speeches are challenges to good sense, conscientious response and patriotism.

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## STUDY DOUBTS THAT SMOKING CAUSES SMALLER BABIES

## HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 2, 1972*

Mr. PREYER of North Carolina. Mr. Speaker, it has taken a year, but an eminent professor has finally thrown a dash of cold water on the Surgeon General's charge that smoking is a danger to pregnant women.

The pattern of propaganda hit-and-run attack is becoming typical, and it is a disservice to this Nation. Last year, the Surgeon General was saying flatly that "We are losing babies" because of mothers' smoking. He was supported by an HEW psychologist, described by the press as "the anti-smoking expert of the Nixon administration," who called for a "nationwide crusade" to stop mothers from smoking.

But now an objective scientific view has emerged which disputes this zealous prohibitionist approach. Now we learn from Dr. Jacob Yerushalmy of the University of California that a mother's basic personality type, rather than her smoking, may be responsible for her having a smaller baby. Said Dr. Yerushalmy:

> These findings raise doubt, that cigarette smoking acts as an outside factor that interferes with the intrauterine development of the fetus.

The question must be raised as to whether the Surgeon General who has assumed to himself the role of prosecutor of cigarette smoking can also in all fairness be given the responsibility of reporting to the Congress each year on the state of scientific knowledge about smoking and health.

Mr. Speaker, I insert in the RECORD at this point a report on Dr. Yerushalmy's research from the New York Times of January 15, 1972:

### STUDY DOUBTS THAT SMOKING CAUSES SMALLER BABIES

(By Sandra Blakeslee)

BERKELEY, Jan. 14.—A mother's basic personality type, rather than the fact that she smokes cigarettes, may be responsible for the excessively high incidence of low-birth-weight babies born to mothers who smoke, a professor of biostatistics at the University of California has found.

The professor, Dr. Jacob Yerushalmy of the child health and development studies unit of the university's School of Public Health at Berkeley, reported his findings in the Jan. 15 issue of The American Journal of Obstetrics and Gynecology.

In his report, states that the tendency for women who smoke to produce low-birth-weight babies (those weighing 5½ pounds or less) is probably not caused by smoking but by biological and behavioral factors within the women.

The findings are in conflict with those of several other large studies both here and abroad that have shown that the effects of smoking upon birth weight are independent of such factors as the mother's social class, educational level and attitudes toward her pregnancy.

Dr. Yerushalmy drew his conclusions from a study of all the births among more than 5,000 women at Oakland's Kaiser Hospital between 1960 and 1967.

The study reconfirmed the fact that infants of women who smoke weigh 6 per cent less at birth on the average than infants of nonsmokers, Dr. Yerushalmy said today in an interview.

"The implications of this fact are important and frightening," he said, "because the mortality rate around the time of birth of low-birth-weight infants is generally 20 to 25 times greater than the mortality rate of heavier babies.

"When we looked at the women in our study, we found that the women who smoked did have low-birth-weight babies, but that the mortality rate for the smaller babies was not, as we might have expected, greater than the mortality rate of larger infants."

Furthermore, the study found that the low-birth-weight babies of mothers who smoked tended to be significantly healthier than the low-birth-weight babies born to nonsmoking mothers.

"We decided to look even further into this phenomenon," Dr. Yerushalmy said, "and we came up with something quite inexplicable."

A subgroup of women was identified who had not smoked when pregnant but who became smokers later.

This group, called "future smokers" in the study, produced as a rule low-birth-weight babies even before they picked up the smoking habit.

Conversely, another subgroup of women was studied who were nonsmokers but who had smoked while they were pregnant. Oddly, Dr. Yerushalmy said, the "past smokers" tended to produce high-birth-weight babies despite their smoking habit during pregnancy.

These findings are very perplexing, Dr. Yerushalmy said, but they may point to the hypothesis that there are two inherent types of women—those who produce low birth-weight babies and those who produce high birth-weight babies.

### MORE RELAXED

The two types, he continued, seem to have different personalities that can be divided and observed along behavioral lines. Mothers of low-birth-weight babies, for example, tend to smoke, and are less likely to use contraceptive methods and to plan the pregnancy.

Smokers are more likely to drink coffee, beer and whiskey, often in excessive amounts. Smokers also seem to be more neurotic than nonsmokers and to change jobs and spouses more often than do nonsmokers.

Mothers of high-birth-weight babies, on the other hand, tend not to smoke and to be more relaxed, Dr. Yerushalmy said.

Of the women involved in the study, 3,422 were white and 1,655 black. The women reported on a total of 8,671 pregnancies. No first-time mothers were included.

"These findings raise doubt that cigarette smoking acts as an outside factor that interferes with the intrauterine development of the fetus," Dr. Yerushalmy said.

"The findings give equal support to the hypothesis that smokers represent a group of people whose reproductive experience would have duplicated the observed patterns whether or not they smoke.

"In other words, the observed difference in incidence of low birth-weight infants may be due to the smoker, not the smoking."

Naturally, many more studies need to be done, he added, before any final conclusions can be drawn.

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## ATTACHMENT OF MILITARY RETIREMENT PAY—A CASE

## HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 2, 1972*

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert in the RECORD a letter I received from the wife of a former military man, who after 18 years of marriage and three children has found herself abandoned by her husband. She refers in her letter to legislation which would provide for the attachment of up to 50 percent of a military man's retirement annuity. This was included in H.R. 10670 passed by the House on October 21 and which is now pending before the Senate Armed Services Committee. It is a provision that I strongly urged and supported. It assures for the first time a wife's right to her share of her husband's military retirement annuity, to which she contributed, just as her husband, during the years of marriage. It is aimed at situations where a wife and children are left destitute and often destined for welfare while the husband, refusing to honor the responsibility of care for his family, thwarts the jurisdiction of the courts by pulling up stakes in a State in which he is being sued or flees to or remains in a foreign country. In my judgment, it is foolish to establish these pensions so that they will care for a wife and children, and then permit a husband to abandon his family, taking with him the full pension and leaving the taxpayer to support his dependents.

Senator MUSKIE has introduced similar legislation in the Senate, S. 2654, and I am taking the liberty of including a copy of the woman's letter addressed to the Senator. These letters describe most accurately the problems and fears of an abandoned wife and mother and the need for this legislation.

The letter follows:

Re Abandoning Husbands.
Representative MARTHA GRIFFITHS,
*House of Representatives,*
*Washington, D.C.*

DEAR REPRESENTATIVE GRIFFITHS: You will find attached a letter I have written to Senator Muskie regarding military retirees abandoning their families. This is causing terrible family situations and completely unfair to wives and young children because most men are retiring before the age of 40.

Mrs. Griffiths, it is not fair that after being with my husband over 18 years, he has the right to run with everything we own and there is nothing I can do about it. There should be some punishment of attaching retirement pay; also I should be entitled to a military identification card entitling me to medical, legal, commissary, and other benefits. In my case, my husband said he was going to marry a German girl—then all benefits would go to her and I would be left with nothing, if a divorce becomes effective.

There is now legislation pending in the Senate Armed Services Committee to attach half of the retiree's pay, but this is hardly fair as it is not a living wage for a family. Then too, if I ever have to resort to a divorce, half of the retirement check won't suffice for the loss of my medical, legal, and other benefits.

If it were only for myself, I would call it quits just to get away from this drunken immoral husband, but I have to support two teenaged girls and a handicapped deaf boy who also fell off his bike and knocked his front teeth out. Wherever we happen to go after leaving here, the state will have one big welfare case because of my son's numerous problems.

It is not right for the American people to have to pay for our support and medical just because my husband wants to run off and have a good time the remainder of his life.

Sincerely,

— —.

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SENATOR EDMUND S. MUSKIE,
*U.S. Senator (Maine),*
*Washington, D.C.*

DEAR SENATOR MUSKIE: Since you are a sponsor in the senate regarding the above mentioned bill, I hope you will help to pass this bill and make it possible for the courts to attach a retiree's retirement check, plus give the retiree's wife a permanent identification card entitling her to benefits earned after being married throughout her husband's military career.

My husband retired in September and just left the children and myself here in Germany. He was sending me only $200 a month for support, but now the checks are getting later and later each month. I have two teenaged girls and a handicapped deaf boy to raise. My only consolation is that I did find a job, but the money is just disappearing faster than it is coming in.

Six months before my husband retired and it was evident that he would not be eligible for promotion, he took my name off the checking account, took our savings, bonds, cars and left me with almost nothing to live on. The judge Advocate finally had to force him to support us. I requested the Secretary of the Air Force to return my husband to the states so that I could get possession of our property, but my request was refused because it was a civil case and "not in the interest of the United States Government"—yet within 60 days, my husband retired and they paid him for two months of unused leave time!

If I get a divorce in order to claim our property, if he returned to our home state, then my medical benefits as a service wife are taken away along with all the other privileges I consider I have earned after being married for over 18 years. A court order for support would mean nothing because my husband never intends to return to the states.

I hope you and your committee will make some changes in the forthcoming bill regarding the attachment of a retiree's check for his family's support and giving the wife a permanent identification card when she remained married throughout his military career.

With legislation the way it is now, any retired service man can travel space available anywhere in the world and be free of arrest as the military does not act as an arresting agency for deserting husbands. With such little controls they can shop, eat at our overseas bases, obtain medical treatment and even get identification cards for their "common-law" wives with no questions asked.

Military men become professional con-men after 10 years of service, so I hope you will not let them influence you when they start telling of the impossibilities of these actions to consider. Wives and children need some consideration as the service men are abandoning their families just at a time when they really need their fathers. It is absolutely sickening to see these abandoning fathers living a glamorous life at clubs overseas completely free until the need arises for them to return to the states, and then they MIGHT get a sentence of six months jail—this has not helped support the family and is hardly sufficient punishment. Passports can be revalidated overseas now too, so this adds to the problem.

My only recourse is to return to the states and go on welfare, and this is not fair to the people of my husband's "home of record". This causes excess taxation on Americans, plus contributes to the gold flow.

Unless you enforce some of these rules, only the BUMS will stay in service—this is the problem now with the military in that the well-qualified people get out after four years because of the unqualified drunken leadership.

Senator Muskie, may I plead with you to get support for my children and myself as soon as possible. I have weathered this situation and didn't run back to the states to be placed on welfare as long as I could manage until school is out in June. My husband can also ship our furniture anywhere in the world, so the children and I will most likely have to camp on our governor's front lawn!

Sincerely,

— —.

## HANOI PROLONGS VIETNAM WAR, NOT THE PRESIDENT

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### HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 2, 1972*

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I would like to include in the RECORD the editorial by Herb Martin, managing editor of the Courier-Express, DuBois, Pa., which appeared in the paper on January 27, 1972. The editorial follows:

HANOI PROLONGS VIETNAM WAR, NOT THE PRESIDENT

(By Herb Martin)

As a registered voter in the Democratic Party of 25 years standing and as a newsman of 30 years seniority I have two bones to pick with fellow colleagues who have continually sided with Hanoi, North Vietnam and Viet Cong leaders in this nerve-wracking matter of getting a peace settlement in the Vietnam conflict that has been bugging us Americans for a decade.

Soon after the President of these United States revealed to the nation Tuesday night the proposals offered a very stubborn enemy to end U.S. participation, the national Democratic leaders and national news media wasted no time tearing apart the noble effort by our government. This certainly must have delighted Hanoi and NV-VC officials who for too long a time have been riding the coattails of self-styled spokesmen in this country who have completely exonerated the Communists for prolonging the war and place the entire blame on the present administration. This is hogwash.

The latest terms offered by the United States are certainly fair and in keeping with expressed desires of the enemy. The withdrawal date has been set . . . within six months or an agreement between the two sides. That means if Hanoi is sincere in closing out the fighting they will have achieved their objective of withdrawal of all U.S. and Allied forces from South Vietnam as early as this summer. Add to this a cease-fire throughout Indochina, new presidential election in South Vietnam, exchange of prisoners, U.S. aid to help reconstruct North and South Vietnam, international supervision and conferences involving neutral parties.

Hanoi would probably have agreed to some of the past proposals if it had not been for those in this country who insist on stirring up a hornets nest on any kind of a settlement. Until this kind of useless talk (especially by senators and news commentators) subsides, Hanoi will remain pat knowing there is diversion in U.S. ranks over peace initiatives.

I, for one, feel President Nixon has done an admirable job in winding down a mess he inherited from Democratic regimes that got us into (Kennedy) and escalated (Johnson) this war. How any Democrat can fault Mr. Nixon about the war takes a lot of gall. If anyone is playing politics with the war it is the Democrats and not Mr. Nixon.

He has not deceived us by conducting secret negotiations. The newsmen use the term loosely because they are pouting over the fact they weren't able to scoop the President in advance.

I'm ashamed of the Democratic Party because they have occupied leadership of this country almost every time we have gone to war. Then, the Republicans have to come along and bail us out.

I fail to understand the reasoning of the young people who are flocking to the Democratic Party as registered voters because they are against war. It doesn't make sense to join a party that has been responsible for most of the wars in which the U.S. has engaged. Make no mistake, of the two major political parties the Democrats have a far poorer war record.

Maybe the young people, by joining the Democratic Party, can change the war stigma image that has plagued us long-time Democrats for years.

Giving credit where it is due, President Nixon gets one solid Democratic vote from this reporter come November because he has kept his promise to the American people to do everything within reason (and even beyond that) to end the war. Hanoi has blocked a settlement, not the President of the United States.

Why don't the critics start hammering at Hanoi, North Vietnam and the VC for their bold refusal to accept the one-sided terms in their favor? How much more do they want?

No longer can this nation bear the brunt of accusations either at home or abroad. We have taken our share, the finger now points directly to the enemy. The full responsibility for continuing the war henceforth lies completely in the laps of those Communistic dictators across the Pacific Ocean.

The numerous Democratic entries in the presidential nomination race ought to soon realize the issue of peace proposals has been thoroughly covered by the President's address and they would be wise to concentrate their campaigns on other problems.

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## THE IMPACT OF MONDAY HOLIDAYS

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### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 2, 1972*

Mr. McCLORY. Mr. Speaker, as the sponsor of the Monday holiday bill which became Public Law 90-363 on June 28, 1968, I have viewed with keen interest our first year's experience with that law.

To fully assess its impact on American life, I have undertaken a thorough study of the effects of this legislation. Other independent studies are also being conducted, notably by the Department of Commerce and by Discover America Travel Organizations—DATO.

Mr. Speaker, DATO's Development Planning Council has just issued its preliminary report on the effect of the new Monday holidays on the travel industry. The report demonstrates that Americans are using these four new long weekends to visit tourist areas including famed historical sites, and it further points out that these specified holidays were more widely celebrated during 1971 than in previous years.

Mr. Speaker, I am inserting at this point in the RECORD a condensation of the preliminary report which was prepared by Mr. Somerset R. Waters, chairman of DATO's Development Planning Council:

THE IMPACT OF MONDAY HOLIDAYS

(By Somerset R. Waters)

America has just completed its first year in which there were four officially designated Monday holidays, as the result of federal legislation passed under the sponsorship of Rep. Robert McClory, of Illinois. There is no question that the results have been highly favorable for the travel industry.

To appraise the impact of the law requiring federal agencies to observe holidays on the Mondays following Washington's Birthday, Memorial Day, Columbus Day and Veterans Day, there are really two questions to be answered: (1) how widely are these particular days observed as holidays and (2) what indications are there of increased or decreased economic activity resulting from their observance?

To understand the full implications of the Monday holiday legislation it should be realized that this works to augment a general trend in America toward more paid holidays. The U.S. Department of Labor reports that over the last decade there has been an average increase of about half a day a year for paid holidays, bringing total paid holidays to eight for the average worker covered by their surveys.

There is considerable evidence that the Monday holiday legislation has been a major influence in causing companies in the private sector to grant holidays on the four specified weekends. In the New York area, for instance, Washington's Birthday in 1970 was a paid holiday in 67.3% of companies; in 1971, it was a holiday for 91.1%. Memorial Day in 1970 was a paid holiday for 58.6%; in 1971, it was celebrated by 95.4%.

There are wide variations among various regions of America in the celebration of holidays. Memorial Day is the most widely observed among the four designated holidays, with Washington's Birthday the next most popular, followed by Veterans Day and Columbus Day.

For example, in New England almost all companies provide a holiday on Veterans Day. However, a national survey of labor agreements covering 7.8 million workers, conducted in 1967 by the Department of Labor, showed that nationally only 16.5% of the workers received a holiday on Veterans Day.

Columbus Day receives popular support in cities such as New York where there are large Italian populations, but in many areas, prior to the Monday holiday law, Columbus Day was often ignored.

In trying to appraise the effect of the Monday holiday legislation it is important to realize that the travel industry views this development as part of a trend toward long weekends which include many more than the four specified holidays. Labor Day always is celebrated on a Monday. In addition the Friday after Thanksgiving, Good Friday, and both the Christmas and New Year holidays often produce long weekends.

**There is also a growing trend in industry, according to the Department of Labor, to give an employee a holiday on his or her birthday. Some industries are giving seven specified holidays and then allowing the employee to select four or five other days for any purpose he wishes to celebrate—religious days, anniversaries, birthdays, etc. The employee usually takes days adjoining the weekend.**

**If we do not consider the three weekends which are part of a two-week annual vaca-**

tion, or the four weekends which are part of the increasingly prevalent three-week vacation, of the remaining weekends we are reaching a point where a large segment of the work force is taking one long weekend out of every four available weekends. Thus the four-day work week is actually in operation in about 25% of the work weeks in many companies throughout the United States.

At the present time there does not exist any established procedure for objectively measuring the effect of the Monday holidays on the travel industry or on the general economy of various tourist destination areas. A procedure could be established to provide this type of information as part of DATO's present plan to improve its monthly travel barometer within the concept of DATO's new National Travel Data Center.

Talks with a number of travel executives representing various segments of the travel industry have produced some interesting observations concerning the impact of the Monday holidays during their first year of observance.

In general those sectors of the industry which rely mainly on catering to business travelers get no benefit, and may in fact suffer decreased business, as the result of the trend toward three-day weekends. Of the total tourism industry, however, the business travel sector represents only a small segment of the whole, the proportion depending on the type of the business.

### LITTLE NOTICEABLE EFFECT

Most of the major airlines, with passengers about equally divided between business and non-business travelers, report little noticeable effect caused by the Monday holidays. The loss in business travel is approximately equaled by an increase in pleasure travel. Those airlines, however, with a larger share of traffic falling in the pleasure-travel category, report an upward trend in traffic on the three-day weekends.

Most airlines, however, are making a strong effort to expand the pleasure-travel segment of their market and as the celebration of the official Monday holidays, as well as other three-day weekends, continues to have greater acceptance throughout the nation, the airlines should benefit substantially.

Much greater benefit, however, is accruing to the largest segment of the travel market, which is based on catering to tourists arriving in the family car. Most resort areas and other tourist destinations which have reported on results of the Monday holidays have experienced heavy increases over normal weekends or over the same weekends during the previous year.

In Pennsylvania, not only have these holidays brought record-breaking business to resort areas in out-of-season months, but leaders in Pennsylvania's tourist industry used the Monday holiday legislation as the major device to persuade the legislators to change the state's Sunday liquor law. Now, for the first time since Prohibition days, liquor can be purchased on Sundays in hotels and restaurants.

In New England the four holidays have been a decided boon to the tourism industry and the two fall holidays were particularly helpful in extending the length of the tourist season.

In Virginia, Colonial Williamsburg and Luray Caverns reported very definite improvements in visitor traffic caused by the Monday holidays. The extra day in the weekend is bringing the large metropolitan markets of New York and Philadelphia in easy driving range of Virginia's resorts and travel attractions.

In Western New York, according to the Corning Glass Center, the two Monday holidays in the fall were described as "two islands in an otherwise mediocre fall season." In the Midwest, the Henry Ford Museum and Greenfield Village reported sizeable gains in visitors as a result of the Monday holidays. Farther west, in Las Vegas, substantial increases in tourist traffic on these 3-day weekends was also reported.

### BENEFITS UNEVEN

Not all regions of the country, however, were benefitting equally in the first year following the introduction of Monday holidays. Reports from the South, the region where these specified holidays are least observed, showed little improvement which could be attributed to these three-day weekends. Reports from San Diego, usually considered a popular weekend city, were also disappointing.

Reports from the hotel industry give mixed reactions. For hotels catering primarily to business traffic and conventions the new Monday holidays seemed to be of little particular benefit. Any improvement which might have been attributed to the new holidays has, for many big-city hotels been overshadowed by the impact of the general business recession.

The rental car field, recognizing the decrease in business travel, has developed new promotional programs and special rates aimed at the weekend nonbusiness traveler. These efforts have been quite successful.

In conclusion, there can be no question that in the fiscal year following the passage of legislation designating four official Monday holidays these specified holidays were being more widely celebrated and were making a significant favorable economic impact on the United States travel industry.

Reaping maximum benefits from the rapid changes taking place in the holiday market, however, requires the travel industry to adjust its marketing efforts, and consider new research, new resort activities, new promotion and new advertising strategy.

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## AMBASSADOR KENNEDY BRINGS PRESTIGE TO NATO POST

## HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 2, 1972*

Mr. FINDLEY. Mr. Speaker, President Nixon's nomination of former Treasury Secretary David Kennedy to be U.S. Ambassador to NATO is very significant for the North Atlantic Alliance and for American-European relations in general.

Ambassador Kennedy is one of the most prestigious public figures ever named to the NATO post. As former Secretary of the Treasury, Kennedy as one of the four topmost administrators in American Government. The fact that Kennedy left the Treasury post in December 1970, to become Ambassador-at-large for economic and trade matters did not reduce his stature in Washington; he has continued to sit as a member of President Nixon's Cabinet and close to the centers of power. When President Nixon arrived in the Azores to meet President Pompidou, he was accompanied by Secretary of State Rogers, the new Treasury Secretary John Connally, Henry Kissinger, and Ambassador David Kennedy.

Thus it is obvious that the new Ambassador will bring two essentials to the Brussels post—a close working relationship with the highest levels in Washington and an intimate knowledge of the policies of the Nixon administration. The presence of a man of his stature here will also enhance the respect for NATO in the eyes of the American public and undoubtedly in European eyes as well.

President Nixon stressed that Ambassador Kennedy will be the President's "personal representative" at alliance headquarters and will emphasize "the priority which the administration attaches to materially strengthening United States-European economic, political, and military relations."

Significantly, Kennedy will retain his position as Ambassador-at-large and "will continue to hold major responsibilities for U.S. international economic policies especially as they apply to Europe."

Hopefully, Ambassador Kennedy will be able to increase the focus in NATO on the relationship of the military and political problems of the alliance and the economic ills besetting the Western world. The major economic upset which began in August has heightened concern.

Ambassador Kennedy, by virtue of his economic background and personal stature, should be able to raise economic problems in the NATO context and thereby force alliance consideration of them. Perhaps he will bring with him some new proposals for structural changes at NATO headquarters—changes that would permit new economic considerations there.

The appointment comes at the start of a year in which the United States and Europe will be entering difficult trade negotiations and moving toward long-term reform of the world monetary structure, as well as advancing further along the road toward détente with Eastern Europe. After the long vacancy at the NATO post, I, for one, am optimistic about the future of the North Atlantic Alliance in the decade of the 1970's.

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## AGNEW STILL FORMIDABLE

## HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

*Wednesday, February 2, 1972*

Mr. THURMOND. Mr. President, the high respect and esteem in which Vice President SPIRO AGNEW is held was acknowledged in an article which appeared in the February 1, 1972, issue of the Washington Post.

Columnist Joseph Kraft, the author of the article, stated in his column:

> But to most of the country, Vice President SPIRO AGNEW is a high official worthy of deep respect.

Mr. President, I heartily concur in these kind words about the Vice President and I ask unanimous consent that this article be printed in the Extension of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Agnew Still Formidable

(By Joseph Kraft)

Daytona Beach, Fla.—Sophisticates may find him chiefly interesting as a man with a head shaped like an eggplant. But to most of the country, Vice President Spiro Agnew is a high official worthy of deep respect.

Judged by his performance and reception at the Florida Junior Chamber of Commerce dinner here in Daytona Beach the other night, Mr. Agnew will be very hard to displace as No. 2 on the Republican ticket next fall. He certainly seems to be proof against the most obvious alternates—Secretary Connally and Gov. Nelson Rockefeller.

The Daytona speech over the weekend was a tough assignment. At lunch the Jaycees had heard George Wallace, and Wallace really turned it on.

When he finished after more than an hour, the crowd was on its feet yelling, "More, more, we want more." Driving to the airport, Wallace confessed himself surprised by the warmth of the reception. His wife Cornelia said he hadn't been in that good form in months.

The Vice President didn't try to compete with Wallace. At a reception before his speech, he was stiff and formal. One Jaycee leader from Coral Gables said: "He gave you the impression you were lucky to be in the same room with him. And, of course, I did feel pleased to be in the same room."

Mr. Agnew's speech—serious, even solemn in tone—was a defense of President Nixon's defense and space policies against the budget-cutting thrust of the Democrats. The Vice President enumerated in lengthy and fine detail some of the medical benefits which derived from the space program. Among other complicated dividends he cited: "An electric wheelchair with a sight switch operated by quadraplegics solely by moving their eyes."

Given that kind of material, the Vice President, not altogether surprisingly, stuck to his prepared text almost word for word. But he is a good reader, easy and relaxed. Only those of us who had a text could see that he was not exactly working impromptu.

Before the speech, the vice president delivered in the best Bop Hope fashion a string of mildly funny pokes at Democratic presidential candidates. For example, he said that Mayor John Lindsay of New York had already picked his Secretary of Defense—"the night watchman at the Pierre Hotel."

At the windup, the Vice President took an avuncular stance. "If you can't believe in your country, you're going to have an awful lot of trouble when you take charge," he said. The young, about-to-be executives gave him a stirring round of cheers. "I'll tell you a ticket that could sweep the country," a Jaycee from Daytona said. "Agnew and Wallace."

One of the Vice President's gags made fun of a figure widely discussed as his possible replacement on the Republican ticket—Secretary of the Treasury Connally. And it is easy to see why the Vice President takes the subject so lightly.

Mr. Connally, judging by a chat in Washington last week, likes the action at the highest levels of government. He is not unaware of the historic things he has done in his short term of service as Secretary of the Treasury. He rightly believes that he can do more in the same vein—perhaps, someday, as Secretary of State.

But he does not expect to hold elective office again. Indeed, he wants to take himself out of the partisan zone—the better to continue distinguished service in the foremost appointive posts. If he did leave his Treasury job before the election, it would be at least partly for that reason. Certainly it is very hard to see Mr. Connally comfortably handling the second-banana assignments that are necessarily visited upon a Vice President in a campaign year—and thereafter.

Gov. Nelson Rockefeller of New York is no better able to take second billing. Despite his conservative drift in New York, he remains anathema to the right wing of the Republican Party which has such strong sentiment for Mr. Agnew. To name Rockefeller would only compound the conservative disaffection which, at present anyhow, is Mr. Nixon's big political problem.

In the end, of course, the President will make his decision sometime in summer on a close reading of the election polls and other indicators. If he is in serious trouble—particularly on unemployment—he might feel obliged to strengthen the ticket with a Rockefeller or a Connally. But given the outlook now, which is fairly good for the Republicans, Mr. Agnew can feel safely in place. He has learned the vice presidential act, and nobody can easily push him offstage.

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## ALASKA BROTHERHOOD PASSES FIVE RESOLUTIONS

## HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 2, 1972*

Mr. BEGICH. Mr. Speaker, I have received copies of resolutions passed at the 59th Annual Grand Camp Convention of the Alaska Native Brotherhood and Alaska Native Sisterhood in Sitka. This organization has expressed its interest in issues which have been of continuous concern to Alaskans. The problems of inadequate postal service to many areas of Alaska, improvement of living conditions in Alaskan cities and villages, concern about the change of the 3-mile-offshore marine boundaries of Alaska and the establishment of national parks are exemplified by the five resolutions passed by the brotherhood convention.

These documents express the concern felt by all Alaskans and I insert them in the Congressional Record at this point for the benefit of my fellow Members of Congress:

### Resolution No. 59–89–71

Entitled: Sitka Village Revitalization, Inc.

Submitted by: Grand Camp, Alaska Native Brotherhood

Introduced by: Sitka ANB Camp No. 1

Whereas: The Sitka Village Revitalization, Inc., promulaged by the Village Planning Council sitting as its board of directors was completely conceptualized, organized and sponsored by the Alaska Native Brotherhood, Sitka Camp No. 1 in and through the village and not at the suggestion imposition or regulation of any outside entity, and

Whereas: The Village Planning Council will continue to serve in the future and has succeeded in accomplishing in the past the wishes of the native people who call Sitka Village their home regardless where they may reside and further

Whereas: The Village Planning Council has adopted and is carrying out policies and planning for village revitalization that truly and in fact represents the wishes of the Indian people and no other outside body and in this regard

Whereas: The Village Planning Council has enjoyed a large measure of tangible success having received $12,000 in funds for village planning from the borough, also having completed the first phase of the planning project through funds awarded by the BIA further being allocated from the State of Alaska $12,000 of HUD 701 Planning Funds also hiring a professional planned setting up a permanent completely refurbished office, and having not completed a funding proposal for the entire project with the way now cleared and the momentum now gathered for successful completion of the purpose and goals of Sitka Village Revitalization, Inc.,

Whereas: This substantial and tangible measurable success in Sitka Village participatory planning and representation has established hopeful and realistic precedents for other villages needing revitalization projects along with a working viable model which could be successfully duplicated and

Whereas: The Village Planning Council is seeking meaningful and constructive dialogue to upgrade its own program wherever possible and further it wishes to offer cooperation experience and any other help to other villages with a council which might be working toward similar objectives and aims, therefore: Be it

*Resolved*, that the Alaska Native Brotherhood Grand Camp heartily endorses and otherwise commends the Sitka Village Revitalization, Inc., and its Village Planning Council for its efforts to participatory comprehensive planning by a strong autonomous Indian village to revitalize and improve their living conditions thereby helping to proudly manifest a destiny that is of their own taking and through their own individual efforts and furthermore urging that the BIA congressional delegation other governmental offices and agencies and especially other Alaskan Indian organizations likewise support and help to further these efforts.

Adopted by the 59th Grand Camp Convention, Alaska Native Brotherhood and Alaska Native Sisterhood this 13th day of November, 1971, Sitka, Alaska.

Steven V. Hotch, *Grand President.*

### Resolution No. 59–53–71

Entitled: 3 miles limit

Submitted by: Grand Camp, Alaska Native Brotherhood

Whereas: The State Department of the United States of America has advanced changes in the marine boundaries of Alaska that allows for a 3 miles limit to follow the coastal outline of the islands and shores of Alaska, and

Whereas: "International pockets of water" are created far into the channels, bays and straits of S.E. Alaska and Bristol Bay, and

Whereas: These changes allow for a threat to the economic livelihood of the fisherman of Alaska by the invasion of traditional American fishing areas by foreign fishing fleets and incursion by foreign military vessels, and

Whereas: the Governor of the State of Alaska has protested the change in the 3 mile off-shore marine boundaries of Alaska, therefore, be it

*Resolved,* That the grand camp joins the Governor of Alaska in protesting the change of Alaska's 3 mile off-shore boundaries by the United States Government.

Adopted by the 59th Grand Camp Convention, Alaska native brotherhood and Alaska native sisterhood this 13th day of November, 1971, Sitka, Alaska.

Steven V. Hotch,
*Grand President.*

Resolution No. 59–102–71

Entitled: Additional post office space, Angoon, Alaska

Submitted by: Grand Camp, Alaska, Native Brotherhood

Whereas: The existing post office in Angoon is not large enough or structured so as to accommodate the mail which passes through it, resulting in parcels being stacked on floors behind the postmistress counter, catalogs stacked in the outer area in front of the counter. And insufficient work space for the postmistress when handling mail, and

Whereas: Most of the people of Angoon would prefer having mail boxes so they may get their mail without having to stand in a long line on mail days, and at their own convenience; therefore: be it

*Resolved,* That the Grand Camp hereby requests the U.S. Post Office Department, to program additional postal facilities for the city of Angoon, to include storage space, work space for personnel and individual rental mail boxes in addition to the regular delivery window. Therefore: be it further

*Resolved,* That copies of this be sent to the Postmaster General, Congressmen Stevens, Gravel and Begich, office of the Governor, local affairs agency, State Senator Meland, Postmistress Ramona Kookesh, Central Council Tlingit and Haidas, Town Council and Seacap.

Adopted by the 59th Grand Camp Convention Alaska Native Brotherhood and Alaska Native Sisterhood this 13th day of November, 1971, Sitka, Alaska.

Steven V. Hotch,
*Grand President.*

Resolution No. 59–37–71

Entitled: National Park

Submitted by: Grand Camp, Alaska Native Brotherhood

Introduced by: Yakutat Camp No. 13

Whereas: The ocean beach in the Yakutat area is one of the most scenic and beautiful spots in Alaska, and

Whereas: The residents of Yakutat believe this should be put aside for the public, and

Whereas: The logging industry is already established in the Yakutat area, and

Whereas: The oil companies are interested also in this area, and

Whereas: In order to preserve the head waters of rivers and streams and natural beauty of this strip of land, now therefore: Be it

*Resolved,* That the National Park Service extends its boundaries from Ocean Cape to Cape Fairweather in-land one mile from mean low water. Therefore: Be it further

*Resolved,* That copies of this resolution be sent to the President of the United States, Secretary of the Interior, Governor Egan, Senators, and Congressmen of Alaska.

Adopted by the 59th Grand Camp Convention, Alaska Native Brotherhood and Alaska Native Sisterhood, dated this 13th day of November, 1971, Sitka, Alaska.

Steven V. Hotch,
*Grand President.*

Resolution No. 59–101–71

Entitled: Increased mail and passenger plane service to Angoon

Submitted By: Grand Camp, Alaska Native Brotherhood

Whereas: Angoon, a 4th class city of 500-plus population, one elementary school, housing 126 pupils, three churches, two active native organizations, and one existing store with another in the construction stage, receives mail service three times weekly, and

Whereas: It takes from one to two weeks to receive an answer to a business letter, making the village unduly dependent on mail service in the ordinary conduct of its business, and

Whereas: It is necessary for villagers to pay more than twice the cost of air fare in times of emergency when they need to charter into Sitka or Juneau for medical or other reasons, placing a burden on those persons least able to pay, and

Whereas: Angoon does not have easy, reasonable access to radio, TV and newspaper communications which, coupled with limited mail plane service, virtually cuts the village off from state and national affairs, and

Whereas: The mail plane makes extra runs on mail days to carry extra mail and passengers: Therefore: Be it.

*Resolved,* That the Grand Camp hereby requests the U.S. Post Office to immediately investigate the postal service to Angoon and to increase mail service if an increase may be justified now or in the near future. Therefore: Be it further

*Resolved,* That copies of this be sent to the Postmaster General, Congressmen Stevens, Gravel and Begich, Office of the Governor, local affairs agency, State Senator Meland, Postmistress Ramona Kookesh, Central Council Tlingit and Haida, town council and Seacap.

Adopted by the 59th Grand Camp Convention Alaska Native Brotherhood and Alaska Native Sisterhood this 13th day of November, 1971, Sitka, Alaska.

Steven V. Hotch,
*Grand President.*

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## NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

## HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 2, 1972*

Mr. ANDERSON of Illinois. Mr. Speaker in the last session of Congress, I introduced a bill to designate the week of March 21, 1971 as "National Week of Concern for Prisoners of War/Missing in Action." Over 150 of my colleagues, from both sides of the aisle, joined me in introducing this measure which was subsequently signed into law by the President.

This week was chosen for a historically significant reason—it was on March 26, 1964, that an American Army adviser, Capt. Floyd J. Thompson, was captured in South Vietnam, thus becoming the first American POW in that conflict. That was 8 years ago and today, Captain Thompson is listed along with over 1,500 other Americans as prisoners of war/missing in action.

In calling for this week of concern, our intent was to focus American and world attention on the plight of American POW/MIA's. Moreover, we hoped to call attention to Hanoi's flagrant violations of the 1949 Geneva Convention on the treatment of prisoners, which they signed in 1957. The North Vietnamese, however, are guilty of inhuman treatment not only against American POW's but against their families for refusing to release a complete list of those being held captive and for refusing to allow a free exchange of mail between the prisoners and their families. In addition, they have also refused to release the sick and wounded and have not permitted impartial inspections of POW facilities.

Almost a year has pased since our last week of concern and the release of our POW's has still not been secured. Therefore, today Mr. Myers and I are introducing a bill to designate the week of March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action" to once again show our continued concern for the fate of these men and to bring to bear the pressure of world opinion on the North Vietnamese to abide by the Geneva Convention and the laws of human decency and to begin to negotiate the question of prisoner repatriation.

The joint resolution follows:

Joint Resolution To Authorize the President to Designate the Period Beginning March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That to demonstrate our support and concern for the more than one thousand five hundred Americans listed as prisoners of war or missing in action in Southeast Asia, and to forcefully register our protest over the inhumane treatment these men are receiving at the hands of the North Vietnamese, in violation of the Geneva Convention, the President is hereby authorized and requested to issue a proclamation designating the period beginning March 26, 1972, and ending April 1, 1972 as "National Week of Concern for Prisoners of War/Missing in Action," calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

## HARRY SHANNON

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## HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 2, 1972*

Mr. JAMES V. STANTON. Mr. Speaker, it was with deep regret that I learned recently of the death of Harry Shannon, a distinguished citizen of Cleveland, Ohio. Over our years of friendship, I had come to know Mr. Shannon both as a dedicated public servant, and as a leader in Cleveland Irish-American affairs. For 42 years, he served as a baliff in the Cuyahoga County Common Pleas Court. He showed a great interest in community activities, as evidenced by his three decades as chairman of the Irish Good Fellowship Club. He was instrumental in organizing many of Cleveland's annual St. Patrick's Day parades.

Because of his great efforts to promote brotherhood among his fellow men, and his selfless work in behalf of the community, we Clevelanders and Mr. Shannon's friends elsewhere shall long remember and miss him.